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PROCEEDINGS AND DEBATES OF THE 92^d CONGRESS, SECOND SESSION

SENATE—*Wednesday, September 27, 1972*

The Senate met at 9 a.m. and was called to order by Hon. JOHN SPARKMAN, a Senator from the State of Alabama.

PRAYER

The Reverend A. Emile Joffrion, rector, the Church of the Nativity, Episcopal, Huntsville, Ala., offered the following prayer:

Dear God, we thank You that another day has been added to our lives. Let it be a day in which we seek the higher guidance in our thoughts, our words, and our actions, so that we may thereby harness the power You have entrusted to us with the sense of responsibility with which You have blessed us.

We are mindful, Lord, of the awesome and humbling challenge confronting us daily as we struggle with issues involving human lives and the future of nations. So we ask You to bless our work on this good earth. Help us to remember who we are and what we represent. Let us never lose sight of the humanity invisibly enmeshed in the endless presentation of bills, budgets, and measures. You know as well as we, Lord, that the system is sometimes tedious, and colleagues are sometimes longwinded, and bills and measures are sometimes very boring. So give us patience and understanding, Lord, and a compassion for statistics. Comfort us when we are discouraged, cool us when we are frustrated, and console us when we fail.

Give us faith and trust in Your being, and confidence and hope in our own being. The good that we would do, and the love that we would love, let it be now; for it is not certain that we shall pass this way again.

We pray also for the President of the United States and for all to whom the authority of government is entrusted, beseeching You that all men may be led into a world of lasting peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 27, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JOHN SPARKMAN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. SPARKMAN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, September 26, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Interior and Insular Affairs Subcommittee on Parks and Recreation; the Judiciary Committee; the Labor and Public Welfare Committee; the Post Office and Civil Service Committee; and the Armed Services Committee be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER (Mr. GAMBRELL). Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. GAMBRELL). Under the previous order, the distinguished Senator from Oklahoma (Mr. BELLMON) is now recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Oklahoma yield to me without the time being taken out of his time?

Mr. BELLMON. I am happy to yield to the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may proceed for 1 minute without the time being charged against the Senator from Oklahoma (Mr. BELLMON).

The PRESIDING OFFICER. Without objection, it is so ordered.

RIVERS AND HARBORS BILL—UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I cleared on yesterday, with the distinguished Republican leader and with the distinguished senior Senator from West Virginia (Mr. RANDOLPH), chairman of the Committee on Public Works, and through him with the distinguished Senator from Kentucky (Mr. COOPER) and the distinguished Senator from Delaware (Mr. BOGGS), the following unanimous-consent requests:

I ask unanimous consent that the following requests in the usual form be granted; That at such time as the rivers and harbors bill, S. 4018, is called up and made the pending business before the Senate, there be a time limitation on the bill of 2 hours, that there be a time limitation of one-half hour on any amendment in the first degree and 20 minutes on any amendment in the second degree, debatable motion, or appeal, with the time to be equally divided and controlled in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

The Senator from Oklahoma is recognized under a previous order.

(The remarks Mr. BELLMON made at this point when he submitted Senate Resolution 370 are printed in the routine morning business section of the RECORD under Submission of a Resolution.)

Mr. BELLMON. Mr. President, I yield back the remainder of my time.

Mr. ROBERT C. BYRD. Mr. President, would the distinguished Senator reserve the remainder of his time?

Mr. BELLMON. Mr. President, at the request of the distinguished assistant majority leader, I reserve the remainder of my time.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Idaho (Mr. CHURCH) is recognized for not to exceed 15 minutes.

A LITTLE LESS TALK, A LITTLE MORE ACTION, PLEASE

Mr. CHURCH. Mr. President, last week President Nixon announced that he was prepared to cut off economic and military aid to all countries that willfully contribute to this Nation's narcotics problem.

I wonder what moved President Nixon to threaten to invoke this law, passed by the Congress over his objections, at this late date. Was it the growth in identified heroin addicts in the United States from 200,000 to 500,000 in the last 2 years? Was it the fact that the increasing number of narcotic seizures have not even made a dent in the amount of heroin coming into this country? Or was it the imminence of the elections?

The fact is, that despite action by the 92d Congress in placing a requirement in Public Law 92–226 that President Nixon end aid to those countries that fail to take adequate steps to stop the flow of heroin and other illegal drugs into the United States, he has not invoked this sanction. Despite the widespread evidence that heroin and other hard narcotics continue to flow from countries in the Middle East and Southeast Asia through refineries in Europe and in Hong Kong, President Nixon has not deemed the threat of heroin in our neighborhoods, on our streets, and in our school corridors sufficient to call for a suspension of aid to any of the offending countries. The law, enacted by Congress on January 25, 1972, reads:

> The President shall suspend economic and military assistance furnished under this or any other Act . . ., with respect to any country when the President determines that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances from entering the United States unlawfully.

At the time when Congress was considering this provision, President Nixon's representative opposed it, saying:

> On the other hand, an explicit threat to terminate assistance would not promote our objective of controlling the illegal international traffic in narcotics. Such action might well create internal political pressures in foreign countries which would make it difficult for those governments to take the actions we desire.

Fortunately, Congress did not accept the administration's position and did place the prohibition in the law. I was one of the sponsors of the prohibition.

Now, 7 months later, and on the eve of the election, President Nixon threatens to invoke the law that Congress passed. I ask, why the delay? We read almost daily of foreign government officials in Southeast Asia being involved in the drug traffic. We know that that area and the Middle East remain major sources of heroin. We know that Latin America is a growing source of cocaine. Yet President Nixon keeps on sending American aid—billions of dollars worth—to the very countries that indulge the narcotics trade.

The chicanery carried out by the Nixon administration goes further. Not only has the President failed to cut off aid to drug-trafficking nations, he has chosen instead to give additional aid to Turkey to pay the farmers to switch to other crops. So the American taxpayer is drawn into the business of paying farmers throughout the world not to grow opium. We might as well start trying to bottle smoke.

If President Nixon is serious about wanting to combat the drug menace, let him apply the sanctions contained in the Foreign Assistance Act against those of our so-called allies who consider the export of illegal heroin as a profitable business enterprise. Let him end the tribute to other nations to pay their farmers for not growing opium. Let him make it clear that the United States means business about stopping the illegal drug trade by his actions, not by preelection press releases, taking credit for a law he opposed in the first place and has yet to invoke.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order the Senator from Utah (Mr. Moss) is recognized for not to exceed 15 minutes.

ADVERTISING AND THE DRUG CULTURE

Mr. MOSS. Mr. President, this morning we are discussing the drug problem in the United States. Were any person to step forward and state that he could solve the drug problem overnight, he would be guilty of perpetrating still another fraud on the American people. For the war against drugs will be longer and even more difficult to win than the war in Vietnam. And any candidate for elective office who promises to have a secret plan to end the war against drugs, is just as inaccurate as the official for an elective office who has a "secret plan to end the war in Vietnam", still secret, after 4 years in office.

My colleague has discussed other aspects of the drug problem, but I would like to comment on the relationship between drug abuse and advertising. Drug abuse by the young has become a social cancer of hideous proportions. There are today 100 million young Americans under 25. At least 12 million have experimented with marihuana and the stench of hard drugs permeates the culture of our youth. As the curtain of our ignorance is drawn back, we see, meshed in this trap, first our tragic ghetto youth and then the criminal psychopath and now, unmistakably, our children of middle America. Why? Let us look at just one suspect source of the drug culture—advertising—not only the direct advertising of drugs, but the whole troublesome spectrum of questionable advertising forms, themes, and techniques.

Since I have discussed the subject on a number of occasions, I have received considerable public support for efforts to study the relationship between drugs and advertising—support ranging from young mothers terrified at the absorption by their young children of the attitudes of the drug culture; to medical professionals urging me to continue.

One woman writes:

> My four-year old grandchild said, "Grandma, why don't you take Compoze or Nytol if you can't sleep?"

Another told of her experience:

> Last August I chanced to see a commercial for a stimulant called Vivarin on television. My children saw it also. The next day at rest time, my then, three-year old daughter said if I gave her a Vivarin, she would not have to stay in bed.

And another:

> As a parent, I have become increasingly concerned about this problem. It was brought acutely to my attention a few months ago when my seven-year old daughter, unable to fall asleep in a strange room, asked to be given a sleeping pill—"like they show on T.V." Since we never have such things in the house, I was shocked that such a young child could have been conditioned by T.V. that the solution to sleeplessness was a pill.

A husband-wife team of pediatricians wrote:

> As Pediatricians and potential parents, we are angered by the constant tips to swallow a pill and achieve instant relief—whether from a painful back or painful interpersonal relationship.
>
> Children now chant jingles for Cope or Vivarin as casually as they once sang nursery rhymes. These and scores of similar messages falsely promise effects which are incompatible with reality. The public is lured into a "drugs can do anything" attitude while taking preparations that are a waste of money and have a potential for damage to certain persons.

And a psychiatrist at Harvard University wrote:

> Our various media flood us with ads of proprietary medication offering instant relief from tension and distress. Yet with all this we keep asking, "Why? Why has our youth turned to drugs—why can't they gratify themselves without chemicals?" I have seen and talked wtih hundreds of students (both individualy and in large groups) and with their parents about these problems. Eradication of the "drug problem" is very complex.

The message, in sum, is clear and shocking: certain kinds of advertising stand accused of seducing the young to drug dependency and creating vulnerability to drug abuse.

But what does the White House do about it? It calls in broadcasters for secret meetings and apologizes for any attempts at vigorous law enforcement by the independent regulatory agencies.

The dangers inherent in the uninhibited promotion of stimulants, tranquilizers, headache remedies, and sleeping pills should be clear enough. But the promotion of these nonprescription drugs may yet prove to be the tip of the iceberg. For years we have recognized—and fought—the dangers of the cigarette and alcohol advertising as promoters of deadly habits. What we did not see was the massive advertising can have secondary, and equally harmful effect.

It teaches, graphically, and powerfully that success and happiness lie, not in the internal mastery of oneself, based on discipline and strength of character, but in a variety of external stimulants.

But the drug culture finds its flowering in the portrait of American society which can be pieced together out of hundreds of thousands of advertisements and commercials. It is advertising which mounts so graphically the message that turns rain to sunshine, gloom to joy, depression to euphoria; solves problems, dispels doubt.

Does advertising merely reflect the growth of a drug culture initiated and stimualted by other economic and social forces? Or is advertising itself a cause, or a promoter of the drug culture?

To the J. Walter Thompson alumni currently employed in the West Wing of the White House, any questioning of the impact of drug advertising smacks of subversion. It is estimated that $300 million are being spent annually on television advertising of medicines. But the serious question being raised: Is the flood of advertising for such medicines so pervasive that it is convincing viewers that there is a medical answer for any and all their problems, medical or otherwise? Are we so consistently bombarded with pills for this and pills for that and pills for the other things that we have developed the sort of instinctive reaction which makes us reach for a pill every time we are faced with an anxious moment, be it of physical or psychic origin?

Mr. President, the analgesic manufacturers' fog machine may have brought down upon their heads the trading of a headache for a pain elsewhere. Let's look closely at analgesic advertising. Using the principle of self-diagnosis which this advertising invariable promotes, I have invented a little game called prime time self diagnosis. Anyone can play it, but it is cheating if you had a physical examination within the past year. Of course, it is gambling game played with dice somewhat similar to monopoly.

The Board has spaces as follows:

First. You have simple arthritic pain—buy one of many aspirin compounds;

Second. You have minor muscular pains—buy a different aspirin compound;

Third. You have a simple tension problem—buy a third aspirin compound;

Fourth. You have consumed too much aspirin, you have ulcers, you have had them all the time anyway, but now they are bleeding;

Fifth. Go directly to the hospital;

Sixth. You do not know you have ulcers so you buy an antacid;

Seventh. The antacid does not work—it stops up your system so you buy a laxative;

Eighth. The laxative disturbs your kidney function, so you buy a diuretic;

Ninth. The diuretic gives you a backache, so you buy a simple pain reliever—go back to aspirin compounds.

Tenth. Go back to beginning and start over.

The winner is the player who goes to the doctor's office in the center of the game board first.

Who knows what impact this passion for pill popping has upon our young people or on society as a whole.

Mr. President, when the one Federal agency that could perhaps remedy this advertising ambush by the drug culture preferred a modest proposal to provide for a brief segment of broadcast time during which broadcasters would provide access for paid as well as unpaid, responsible counteradvertising, in lieu of pursuing a course of regulatory censorship of advertising, the White House reacted instinctively. It proceeded to jump down the Commission's throat. The Director of the White House Office of Telecommunications Policy readily attacked the Federal Trade Commission proposal as irresponsible and unworkable, and an effort by the FTC to pass the buck of regulatory action to the FCC.

He further told the Colorado Broadcasters Association that the job of regulating abuses and excesses in broadcast advertising should be left to self-regulation by broadcasters and advertisers. Commendable, indeed, but what about the drug problem?

Yes, we must prevent the importation of drugs from foreign lands. Yes, we must combat the efforts of organized crime to control the use of drugs in our country. But we must work at a far greater problem: That is the effect upon our young people brought on by the unwarranted invasion of the home with messages designed to glorify pill popping. Can we not listen to an 11-year-old who testifies before the Senate Commerce Committee, "I have found ads to be dangerous." Bugs Bunny vitamin ads say their vitamins "taste yummy" and taste good. Chocolate Zestabs say their product is delicious and compares taking it with eating a chocolate cookie.

What kind of insanity is this that teaches young children how to grow strong by popping pills rather than eating wholesome foods.

Mr President, broadcast commercials show a definite pattern which, through constant repetition, may well be a part of our drug problem. For instance, the first stage of these commercials is a statement of the problem or pain. The second stage exhibits the pill, the pill appears glorious in these commercials, it is photographed with such elegance and perfection that it appears like a knight in shining armor. Third, the taking of the pill—almost an uplifting ecstasy, and the pill is consumed. And fourth, everyone lives happily ever after. Constantly again and again, we have the same formula—the problem, the pill, the taking of the pill, and salvation.

Mr. President, these are part and parcel of the drug problem. And these are the kind of things that an administration must get to if it is ever going to solve the drug problem. Even if the administration were to take action against the Vietnamese generals who profit by the drug taking dependency of American youth, the problem will not be solved until that stimulant, that repetitive urging every day, every hour, every minute on the television screen is regulated properly.

But we know, Mr. President, that this administration, whose motto has been "We try to serve our private constituency as best we can," will never take action on the drug problem, as long as any part of the drug problem can be traced to the large drug companies and their advertising agencies. For these are the people who are bank rolling the Nixon administration.

Big business gladly foots the bill for regulatory immunity.

I yield the floor.

Mr. CHURCH. Mr. President, I suggest the absence of a quorum, and suggest that the time be taken from the balance of the time still due to me.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Indiana (Mr. BAYH) is recognized for not to exceed 15 minutes.

A LIMITED "WAR" AGAINST ABUSE OF DOMESTIC DRUGS

Mr. BAYH. Mr. President, President Nixon has been in office since January 1969. We are reminded of the fact that 4 years have passed every time we leave this Chamber and walk down the steps which are now in the process of being made ready for the next inaugural ceremonies. We are told that one of the major successes of the administration has been the manner in which they have conducted a total, all-out war against drug abuse. Various spokesmen with high sounding titles and high salaries tell us that the "war" is being won.

As the chairman of the Subcommittee on Juvenile Delinquency, charged with some significant responsibility to examine and, hopefully, to be able to make progress in the solution of problems confronting our young people, I have followed with a great deal of interest what has been said relative to the impact of various programs on drug traffic and abuse. I have been alarmed when I have compared what has been said with what actually has been done. We are not going to win this battle with a war of words, but only with a major commitment of our resources will we turn the corner in this dangerous battle.

Let us look at some of the statements that have been made recently about this all-out "war" against narcotics and dangerous drugs.

Mr. John Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs recently said:

> I can state unequivocally that President Nixon's unprecedented commitment to eradicate the scourge of drug abuse has turned the corner.

Mr. Miles Ambrose, Special Assistant Attorney General in charge of Drug Abuse Law Enforcement Office, a newly created office in Justice whose purpose is to chase street addict-pushers, claims "there is increasing evidence that we are succeeding."

Administration officials are always quick to claim success in dealing with the illicit drug traffic, but the facts show that those claims are nothing more than empty rhetoric.

There is no success when the number of heroin addicts in the United States increased in the first 3 years of the Nixon administration from 315,000 to 560,000. Those are the facts. Those are the facts taken from the administration's own records.

There is no success when the amount of heroin smuggled into the country this year will be one and a half times as much as was smuggled in last year. Those are the facts, Mr. President. Those are the facts taken from the administration's own records.

There is no success in the alarming fact that approximately 6 percent of all American teenagers have used heroin.

There is no success when one realizes that 14 million Americans have abused methamphetamines, amphetamines, barbiturates and other prescription drugs.

There is only failure; failure which makes a mockery of the election year pronouncements from administration officials. Actually the Nixon administration performance in dealing with the problem of drug abuse has left us farther from solutions now than we were 3½ years ago.

Before proceeding further, I want to suggest that I am sure the President is as alarmed about this inability to solve the problem as anyone. He does not want young Americans to be addicted to drugs. He is alarmed about this. What concerns me even more than the tragedy of the fact that we are not winning the war against drug abuse is that we do not have a prayer of winning it as long as we have people in high places who try to make us think we are winning it. When the number of addicts has increased a hundred percent in the 3-year period and we are told the war is being won, instead of demanding additional action, instead of demanding additional commitment, instead of demanding additional resources to fight this problem, the people are being lulled into a sense of complacency. It is the effort to try to solve with rhetoric the problems of heroin addicts, "speed" abusers, abusers of barbiturates, and other dangerous drugs, instead of with programs, that concerns me more than anything.

The truth is that the administration has been no more successful with its limited war on heroin than it has been with its war in Vietnam. But even if the war on heroin should result in total victory, the epidemic of drug abuse which plagues American society would not be vanquished; for the source of supply for growing legions of addicts is a domestic one.

There was colloquy here earlier this morning dealing with the problems of international drug traffic. Additional commitment in that area is critical. But, as the chairman of this Senate subcommittee, having taken the committee into the field and investigated the problem, let me suggest that the abuse of domestically produced drugs, will, within 5 years, be even worse than the problem of heroin abuse today if we do not take quick action. I realize that that such a prospect is alarming, but those are the facts that have been brought before our committee by experts in the field who see the tragic consequences of the abuse of amphetamines and barbiturates. Both of these classes of drugs are produced for legitimate medical uses; but growing evidence of their abuse is found throughout the country.

While everyone deplores the misuse of illegal drugs by young people, each year, the legal drug industry produces billions of psychotropic drugs—including barbiturates, amphetamines, and tranquilizers. While most of these pills have medically indicated uses, in almost every class they have been grossly overproduced—beyond any conceivable legitimate medical needs.

As remarkable as it sounds, much of the drug abuse problem in this country begins here at home with the overproduction and easy diversion to illicit channels of these amphetamines, barbiturates, and other dangerous substances. The Nixon administration, however, has been lagging behind Congress, the public, and even some of the drug companies in its willingness to do anything about this problem.

We are experiencing a pandemic of psychotropic drug abuse among young and old alike:

Some 3.7 million Americans have abused methamphetamine;

Some 5.8 million Americans have abused other prescription stimulants; and

Some 4.5 million Americans have abused barbiturates.

This administration claims it is conducting a total war against drug abuse.

But what type of leadership have they shown with respect to dealing with the gross over-production of dangerous drugs which are diverted to nonmedical uses—these multibillions of pills that are crippling our citizens, our young and our old, particularly our youth?

What have they done about the feared and despised "pusher" who is quite often the family's own medicine cabinet?

It is well documented that over-production of amphetamines and barbiturates leads to diversion from legitimate channels to illicit markets or to nonmedical use, and thus to abuse.

The 1965 Drug Abuse Control amendments were introduced in response to some of the recommendations of the Prettyman Commission, established by President Kennedy in 1963, in an effort to control the diversion to illicit channels of legitimately produced amphetamines and barbiturates.

It has been readily apparent that despite gross differences, almost all amphetamine abusers whether on the street, in the office, or in the home, share one important thing in common—the initial source of supply.

It was an awareness of this common source and a realization that the 1965 amendments had failed to stem the tide of rising diversion and rising levels of drug abuse that provided a principal impetus in the 91st Congress for enactment of stricter drug control legislation.

The stage was set for the amphetamine "battle," which because of administration opposition to stricter controls was to continue for the next 3½ years.

The heart of the amphetamine controversy was whether the class of drugs should be subjected to stricter distribution and production controls, including the imposition of production quotas.

In 1967, estimates of diversion range from 50 percent, according to Dr. Stanley Yolles, Director of NIMH, to the more conservative Justice Department estimate of 20 percent. In any case, multimillions and probably billions of these dangerous drugs are being diverted.

Yet in President Nixon's July 14, 1969, message on his drug abuse program, not a single reference was made to the control of domestic manufacture of dangerous drugs.

Some speculated that the real Nixon policy was one which declares an all-out war on drugs which are not a source of corporate income. There was no doubt that substantial income was at stake. Let us face it, it was subject to some controversy. In 1967, 178 million prescriptions for psychoactive drugs were filled at a retail cost of $962 million.

In October 1970, this body considered an amendment placing amphetamines and amphetamine-like substances in schedule II, which required production quotas be established to meet current medical, scientific, research, and industrial requirements.

Senator EAGLETON argued that amphetamines should be classed in schedule II and those who "are making money out of the misery of many individuals" should carry whatever, if any, burden was involved.

This amendment, passed 40 to 16, with the strong support of Senator McGOVERN, myself, and 26 other Democrats.

Senator Democrats voted 28 to 0 to impose quotas and tighter controls on amphetamines.

Apparently the White House had successfully lobbied the Republican Members who voted 16–12 against the additional controls on speed.

This Democratic victory was short-lived. Following intensive lobbying by representatives of the drug industry and bolstered by White House opposition to controls on the production of amphetamines, it was deleted in the conference.

Senator EAGLETON aptly commented, when the chips were down, the power of the drug companies was simply more compelling than any threat to the public welfare.

On November 2, 1970, President Nixon flanked by Mitchell and Ingersoll, spoke at the signing of the 1970 drug bill. He spoke of the major crisis of drug abuse in the schools, but his remarks contained no mention of the pharmaceutical industry, no reference to over-production, nor did he refer to any future review of amphetamine or barbiturate controls.

Not to be deterred by Republican inaction and strategy, in February 1971, an identical measure, S. 674, was introduced by Senator EAGLETON, Senator McGOVERN, myself and 34 predominately Democratic Senators. Chairman CLAUDE PEPPER who after extensive hearings on amphetamine abuse had fought the amphetamine abuse had fought the amphetamine battle in the House introduced a similar measure in the House.

Reports of widespread speed abuse were prolific in early 1971.

Citizens groups, including numerous medical associations, mounted a considerable lobby for strict controls on the production of amphetamines.

In June 1971, after several years of congressional pressure and outraged citizens whose communities were being ravaged by an incredible over-abundance of amphetamines, the administration belatedly placed amphetamines in schedule II.

Once again, however, it was clear that this administration was involved in anything but a total war against abuse of domestically produced drugs.

The Attorney General's order did not cover ritalin and preludin, two amphetamine-like substances despite our efforts to try to get them included. The Senate amendment had included these drugs whose abuse potential was no mystery to students of stimulants abuse.

They had become the abusers' drugs of second choice after amphetamines were strictly controlled in Sweden.

If we shut off the amphetamine supply, abusers were going to turn to ritalin or preludin; yet the administration would not act.

Certain administration officials have appeared, at times, to be more concerned with the profits of stimulant producers than with the health and well-being of the American people.

To permit these two drugs to remain in schedule III with lesser controls, with no production quotas, lower accountability, seemed folly—a patent invitation to further stimulant abuse and more ruined lives.

At hearings I chaired in July 1971, as chairman of the Juvenile Delinquency Subcommittee, I was amazed at the insensitivity or naivete of the administration witnesses who testified on the failure to include these drugs.

They admitted that they were unaware of the numerous ritalin deaths that witnesses had reported to the subcommittee.

I found it incredible that BNDD and other Federal agencies responsible for enforcing drug abuse laws enacted by Congress and responsible for monitoring trends in drug abuse could be so grossly underinformed.

Administration spokesmen stated that if they found that abusers had actually switched to these stimulants after amphetamine production was limited then they would be prepared to move toward stricter controls.

Rather than cut profits, however slight, by placing these stimulants under stricter controls, this administration chose to overlook the lessons learned abroad, studies indicating a probable shift of abuse to these stimulants, as well as the mounting evidence of actual abuse and deaths by abuse in this country.

I took strong exception to this wait and see approach.

Shortly after these July hearings the administration reversed its position and announced, almost a year after they had defeated a similar control measure in conference, that they agreed with the view of a majority of the Members of this body that unrestricted production of all amphetamines and amphetamine-like stimulants were a threat to public safety and welfare and should be placed in schedule II.

Then Attorney General Mitchell characterized this belated action as part of the Nixon administration's continuing program to strengthen controls on drugs with a high potential for abuse.

Thus after 3½ years of fighting and badgering this administration, proponents of stricter controls on the production and distribution of amphetamines could claim a victory of sorts, at least for the many youngsters and others who because of the production cuts will perhaps not be exposed to an overabundance of speed in the family medicine chest, at school, or on the street.

But what of the many victims of an administration that chose to put the burden—the risk of abuse—on the public rather than on the manufacturers of these dangerous drugs?

The 1972 quota, more than adequate to meet legitimate medical, scientific, and industrial needs, limits production to 253,000,000 units. Some claim that this is still too much, but in contrast to 4,619,000,000 units of amphetamine and methamphetamine produced in 1969, it is clear that production has been reduced considerably.

What this means is that in 1969 production was probably in excess of legitimate needs by an incredible 4,000,000,000 amphetamines.

Thus in the past few years, while some of us were urging the establishment by the administration of production quotas, the administration fought our efforts and more than 10 billion amphetamine doses were produced in excess of legitimate needs.

What happened to those billions of pills? Mr. President, I can tell you what happend to some of them. I have seen those whose minds and lives were relieved by chronic dependence on these pills. I have seen arms, legs, and necks of some of the victims who diluted these pills in liquids to be shot into their veins with tragic results—mutilations, amputations, disabilities for a lifetime and deaths.

The number of individuals introduced to these dangerous substances and often to the long road of addiction because of this gross overproduction is immeasurable, but it is clear that the impact on our society, particularly its youth has been devastating, if not catastrophic.

This is a war against drug abuse?

During the course of this so-called war against drug abuse my subcommittee has pursued its investigation of the abuse of psychotropic drugs. We have found, as with the amphetamines, barbiturates are abused in every strata of society; that like amphetamines they too are widely available; easily obtained and in the words of John Ingersoll:

> Barbiturates are supplied exclusively from what begins as legitimate production.

Barbiturate withdrawal is more dangerous than heroin withdrawal.

Barbiturate addiction is often more difficult to cure than narcotic addiction.

Law enforcement officers, doctors, lawyers, drug program staffers, former users who testified cited overproduction as an integral part of the spreading barbiturate menace, labeled by many as critical or epidemic.

To bring a clearer focus on the issues of barbiturate diversion and abuse, I introduced several measures sponsored by 26 Senators including Senator McGOVERN.

First, S. 3539 to place barbiturates with a high potential for abuse in schedule II where they would be subject to production quotas and stricter distribution controls;

Second, S. 3538 to require that drugs with a high potential for abuse carry identification marks. Law enforcement officials say that this measure will facilitate efforts to determine sources of diversion; and

Third, S. 3819 to place tracer materials in all dangerous drugs to assist in the identification of diverted drugs, whether seized in bulk form or dosage units and to provide assistance to State and local law enforcement efforts to prevent diversion of legitimate drugs to illicit channels.

Tighter controls over barbiturates could be imposed administratively if this administration's commitment to the war on drug abuse equaled its press release rhetoric. And I find it particularly difficult to understand its failure to act considering the fact that the largest manufacturers of barbiturates have indicated a willingness to accept tighter controls.

None of these measures would be necessary if this administration had taken a true leadership role in a war against diversion and abuse of legitimately produced drugs.

Not drugs illicitly grown in Turkey and refined in France.

Not drugs grown and refined in Asia's Golden Triangle.

But dangerous drugs produced legitimately within our own borders.

Detection of the diversion of these millions of pills is not a top priority with this administration.

A recent GAO report cites example after example indicating that State and local law enforcement agencies were unaware of Federal interest in this area; it reports that in one metropolitan area, 1,358,000 pills were seized in 1970, but no attempt was made to determine the origin of these drugs nor had BNDD obtained samples for this purpose.

Frankly, though this record on control of domestic drug traffic and abuse is woefully inadequate, it seems consistent with administration efforts in related areas which as chairman of the Juvenile Delinquency Subcommittee I am all too familiar.

We are all painfully aware of the intimate relationship between crime and drug addiction, particularly heroin addiction.

What kind of effort is LEAA conducting in this area?

What assistance has LEAA given State and local law enforcement agencies in the drug area?

This assistance has beer. minuscule. Of the $529,000,000 spent in fiscal year 1971 and the $698,919,000 spent in fiscal year 1972 LEAA spent respectively $6,806,000 or 1.3% and $16,609,000 or 2.3% to assist State and local law enforcement in their drug control efforts.

This is a war?

We all know that a true commitment of resources in the juvenile delinquency area, particularly the prevention programs can assist any effort to curb drug abuse.

The FBI reports that of 400,606 arrested for drug violations in 1971, 88,051 or 22 percent were under 18; 209,169 or 52.2 percent were under 21; and, 313,240 or 78.2 percent were under 25.

Yet since 1969, HEW's juvenile delinquency program has been marked by delay and inefficiency.

Juvenile delinquency prevention is also a low priority for this administration:

HEW requested only $49.7 million of the $150 million Congress appropriated for juvenile delinquency for fiscal year 1969–1972.

HEW spent only half of the funds appropriated for juvenile delinquency.

An equally poor showing was made by LEAA. Until 1971 there was no juvenile delinquency unit in LEAA nor any mechanism to monitor the juvenile delinquency funding. And although juveniles commit a majority of the crime, LEAA spent only 19 percent for juvenile delinquency in 1971. In fact this was a high mark. In other years they spent 12–14 percent.

When one looks beyond the facade of press releases the only responsible conclusion is that this administration is far more concerned with creating the impression that it is dealing with the drug problem, than it is in really solving this national menace of growing proportions. Unfortunately for the American families whose lives are destroyed by drug addiction the press releases are little solace.

The PRESIDING OFFICER (Mr. TUNNEY). The time of the Senator from Indiana has expired.

Mr. BAYH. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

Mr. ROBERT C. BYRD. Mr. President, this kind of request has been objected to over the past 2 years. Would the Chair therefore recognize me for my time at this point?

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I yield to the Senator from Indiana—how much time would he like?

Mr. BAYH. Two minutes would be fine.

Mr. ROBERT C. BYRD. As much time as he desires, on my time, Mr. President.

The PRESIDING OFFICER The Senator from Indiana is recognized.

Mr. BAYH. I appreciate the courtesy of the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD).

Mr. President, let me close by saying that I have tried to document the record with regard to the excessive production of amphetamines, and the administration's inaction and delay. The same is true in the area of barbiturates. I have personally introduced three separate bills dealing with barbiturates and similar types of drugs. I must say, to the credit of some leaders in the pharmaceutical industry, like Eli Lilly of Indianapolis, which produces a considerable amount of barbiturates—that they have said that—

> If it takes rescheduling or if it takes tighter controls on barbiturates, that is all right with us. Let us get to it.

But the administration, in a consistent effort to avoid stepping on any corporate toes, has provided absolutely no leadership in this area whatsoever.

When one visits areas like the Haight-Ashbury district in the home State of the distinguished Presiding Officer, the Senator from California (Mr. TUNNEY), and witnesses what may be the ingredients of a national drug abuse culture three of 5 years from now, the basis for our call for action is clear. Unless we take action and stop talking and start conducting an all-out war, not just in Turkey, or France, or in the Asian Golden Triangle, but deal with the dangerous drugs produced legitimately right here within our own borders, we will never get on top of the problem of drug abuse. We will never be able to deal with the problems that confront our young people, unless this administration, this Congress, and this country, recognize the need to dedicate more of our resources not just against diversion and abuse of legitimately produced drugs but in the whole area of juvenile delinquency, particularly prevention.

I will not go further except to say that a separate speech could be made about the lack of willingness on the part of the administration to commit resources in the area of juvenile delinquency. Although 50 percent of serious crimes are committed by young people in their teens. it should be emphasized that LEAA has allocated less than 20 percent of its fund to the entire area of juvenile delinquency.

Those in the administration directly charged with juvenile delinquency problems, do not even request half the money that Congress has appropriated.

How we will ever get some results and reduce drug abuse with this kind of effort is beyond my comprehension.

Again, Mr. President, I appreciate the courtesy of the Senator from West Virginia in yielding me this additional time.

THE NIXON RECORD ON DRUGS

Mr. RIBICOFF. Mr. President, drug abuse is one of the major problems facing the Nation. It infests every corner of the Nation and every strata of society. There is no escape from it, at home or abroad.

Drugs are not a new problem in our country. But the Nixon administration was late in discovering it. So long as hard drug abuse was confined to the inner city, the Nixon administration remained indifferent to it. But when it spread like wildfire from city to suburb and into military bases, overseas, the Nixon administration panicked. It quickly submitted in 1971 a poorly drafted, skimpy bill which focused on form, not substance, by proposing a White House office to coordinate education and treatment programs, while neglecting the role of law enforcement. The administration's bill also failed to provide additional funds to States and local governments for treatment and rehabilitation programs.

The Senator from Maine (Mr. MUSKIE) and I promptly began joint hearings by our Government Operations Subcommittees on Executive Reorganization and Intergovernmental Relations on the bill. Its weaknesses soon became apparent. The scope of the bill was too narrow, and the powers proposed for the White House office were too broad. They would have infringed upon the legitimate prerogatives of Congress to control appropriated funds.

On one critical point, administration testimony was contradictory. In response to questioning by Senator MUSKIE concerning the involvement of officials of Southeast Asian countries in narcotics trafficking, Attorney General Mitchell told the committee that—

> The fact of the matter is that there has been involvement by government officials in some of these countries . . .

And he added that our Government had "identified some of them." He further stated that "programs and initiatives" had been taken to remedy these situations. The Attorney General offered to provide the facts supporting these statements at an executive session of the committee.

Later, Deputy Attorney General Kleindienst refuted the Attorney General's earlier comments by writing to Senator MUSKIE and me:

> We do not have any specific evidence which links any high official in the Southeast Asian countries with the narcotic traffic there.

This contradiction remains unresolved today as the flow of narcotics from Southeast Asia continues unabated.

After the hearings, Senator MUSKIE and I proposed amendments to expand the scope of the bill to include law enforcement activities and to reduce the powers of the White House office to a level appropriate for the executive branch. These amendments were accepted by the committee, and we reported the bill. It was then referred to the Committee on Labor and Public Welfare, where the Senator from Iowa (Mr. HUGHES) amended it to include additional funds for treatment and rehabilitation programs. The bill passed the Senate unanimously and became Public Law 92–255.

The Democratic Congress has provided the administration with the basic ingredients of a good program to fight drug abuse. But they have not been blended well. As seven reports by the Government Accounting Office found, the administration efforts are a failure. For example, GAO concluded that despite spending millions of dollars—

> The availability of narcotics and dangerous drugs does not appear to have been substantially reduced.

In fact, in 1969 John Ingersol, Director of the Bureau of Narcotics and Dangerous Drugs, testified that there were 315,000 narcotic addicts in this country. This past spring, Dr. Jerome Jaffe, the President's Special Assistant on Drug Abuse, stated there were at least 650,000 addicts, a 20-percent increase during this administration.

GAO also found that the Department of Defense lacked "a good definition of the nature and extent of the drug abuse problem," and had no "valid means of measuring the benefits occurring from the wide variety of education activities it conducted."

These seven reports are too lengthy to reprint in the Record, but I ask unanimous consent that a brief summary of them, prepared by the GAO, be printed in the Record at the conclusion of my remarks.

The past 4 years have seen an unparalleled increase in hard drug abuse. The entire Nation should be dissatisfied with the record of this administration in combating drug abuse.

There being no objection, the summary was ordered to be printed in the Record, as follows:

[Comptroller General's Report to the Congress, Aug. 11, 1972]

Federal Efforts To Combat Drug Abuse—Digest

WHY THE SURVEY WAS MADE

Drug abuse in the United States is a national emergency. Recent statistics—although estimates at best—show that there are 559,000 heroin addicts in the United States. A study in New York, N.Y., found that, of the 285,161 high school students surveyed, 100,000 had used or experimented with drugs. Another survey, conducted in Monterey, Calif., revealed that about 75 percent of the students surveyed had used LSD. Theft and enforcement costs relating to crimes committed by addicts to support their habits are estimated as high as $18 billion annually.

Numerous Federal agencies, through increased appropriations from the Congress, have developed and expanded programs in the functional areas of drug abuse—treatment and rehabilitation, education and training, law enforcement and control, and research.

This is a Government-wide survey to identify and determine the extent of Federal agencies' involvement in drug abuse programs. The information presented was supplied by the President's Special Action Office for Drug Abuse Prevention and by the various Federal agencies involved, but the funding information is incomplete because, in some instances, data was not readily available.

The General Accounting Office (GAO) did not evaluate individual programs but did make observations about some of the major problems and overall efforts. GAO believes that this report will give insight on the total Federal involvement in combating drug abuse. GAO has issued and is in the process of issuing reports which do provide evaluations of some of the individual programs.

FINDINGS AND CONCLUSIONS

Federal spending that GAO could identify as devoted to drug abuse control from fiscal year 1969 has been about $842 million—$366 million for treatment and rehabilitation, $266 million for law enforcement and control, $108 million for education and training, and $102 million for research. This spending has not curbed drug abuse.

In his 1972 state of the Union message, the President emphasized a need for a national strategy that coordinates the impact of various solutions (treatment and rehabilitation, law enforcement and control, education and training, and research). The strategy's ultimate objective is to eliminate drug abuse.

It has been recognized that the potential impact of each solution on the various causes and consequences of drug abuse should be evaluated so that the appropriation combination of solutions can be selected. For example, a high level of enforcement may reduce the availability of drugs but thereby increase their cost. Crime may then increase because addicts would need to supply their habits. On the other hand, if free drugs are dispensed, crime may decrease but drug abuse—and accidents caused by it—may increase.

TREATMENT AND REHABILITATION

The Congress recognized the need for treatment and rehabilitation of drug addicts in 1929. However, efforts in this area have only recently received much attention. Spending for these programs increased from $28 million in fiscal year 1969 to an estimated $210 million in fiscal year 1972.

Federal treatment and rehabilitation programs are conducted by using various methods—detoxification, confrontation and group therapy, methadone maintenance, and social and vocational rehabilitation. Some Federal agencies are involved in funding State and local programs which deal with the treatment and rehabilitation of addicts.

The chances for treatment and rehabilitation to be fully successful appear remote without a medical breakthrough, such as a vaccine to make addicts immune to narcotics.

LAW ENFORCEMENT CONTROL

The Federal Government has been involved in law enforcement and control in the area of drug abuse since 1909 when the Congress prohibited the importation and use of opium for other than medicinal purposes.

Until 1968 primary responsibility for law enforcement and control was vested in the Department of the Treasury and the Department of Health, Education, and Welfare (HEW). In that year, Treasury's Bureau of Narcotics and HEW's Bureau of Drug Abuse Control were consolidated to form the Bureau of Narcotics and Dangerous Drugs (BNDD) within the Department of Justice. BNDD was given primary responsibility for the enforcement of drug abuse laws.

Federal spending for law enforcement and control has increased from $20 million in fiscal year 1969 to an estimated $139 million in fiscal year 1972. The Office of Drug Abuse Law Enforcement was established in the Department of Justice by Executive order in January 1972 to more effectively use these resources. The Office is charged with making a concentrated assault on the street-level heroin pusher.

Although the effort devoted to law enforcement and control has greatly increased during the past few years, the availability of narcotics and dangerous drugs does not appear to have been substantially reduced. Ways must be found to eliminate the sources and to make trafficking unprofitable.

EDUCATION AND TRAINING

Only recently have significant Federal resources been devoted to the education and training aspects of drug abuse prevention. The Drug Abuse Education Act of 1970 made it possible to fund community, school, and university drug education programs. Also a program of grants to States for training educational personnel to help combat drug abuse was begun during 1970.

Education and training efforts by Federal agencies have two major objectives; to provide the American public with maximum exposure to the problem and to provide specialized training for education, law enforcement, and medical personnel. The money devoted to meet these objectives has increased from $2 million in fiscal year 1969 to an estimated $58 million in fiscal year 1972.

Although these two objectives are meant to discourage the abuse of, and to develop a respect for, drugs, they could have some adverse effect. Increased exposure to the subject could influence certain people to try drugs.

RESEARCH

Federal agencies have expanded their research efforts as evidenced by the increase in funding from about $15 milion in fiscal year 1969 to an estimated $47 million in fiscal year 1972.

Although aimed at many aspects of the drug problem, most Federal research is directed at obtaining a more thorough knowledge and understanding of the types of drugs and the causes and the medical implications of drug abuse. This research is conducted in-house and under contracts and grants to private organizations.

Research offers a good possibility for minimizing drug abuse. For example, a drug to prevent drug addiction may be discovered and/or better insight may be gained into attitudes which cause drug abuse.

Drug Abuse Control Activities Affecting Military Personnel in the Department of Defense—Digest

WHY THE REVIEW WAS MADE

The General Accouning Office (GAO) has compiled information for the Congress on what the Department of Defense (DOD) has done to control and reduce drug abuse by military personnel. GAO visited overseas installations during the period July through November 1971 and military bases in the United States through February 1972.

FINDINGS AND CONCLUSIONS

Law enforcement and drug suppression

DOD has actively cooperated with other Federal agencies having primary responsibility for enforcing laws against illegal trafficking and use of drugs, as well as with local government agencies similarly involved, both in the United States and abroad.

Intensification of enforcement activities may have contributed significantly to the replacement of marihuana—which is bulky, easily detectable by smell, and not physically addictive—by more dangerous drugs such as heroin. Given legal sanctions against marihuana, possession or use by military personnel cannot be condoned. There can be little alternative to mounting aggressive drug suppression and law enforcement activities, but doing so may create a more serious problem.

On the other hand, unannounced urinalysis tests at randomly selected military units would be a more significant deterrent to drug users.

Education and training

Drug education programs in the military services were in various stages of development. These programs included drug abuse councils, lecture teams, workshops, formal and informal briefings, as well as prominent displays and distribution of printed material to individuals.

In addition, there were articles on drug abuse published in unit newspapers and in the Stars and Stripes (the most widely read service newspaper overseas) and frequent references to drug abuse in overseas areas on the Armed Forces radio and television stations.

In discussions with key personnel, GAO noted:

Formal classes and briefings to lower enlisted ranks have more disadvantages than advantages. Their overall effect as a deterrent to illicit drug use appears to be limited.

There were not enough experts to mount an adequate education program. Such personnel cannot be trained on short notice. However, priority attention has been given to training these personnel.

Few, if any, additional funds had been made available overseas to support educational programs. Available money was being used by local commanders for this purpose.

Information sources considered most effective by the troops included former addicts, physicians, and chaplains.

Personnel contacted by GAO in visits to military installations believed that educational activities would act as an effective weapon to combat drug abuse. They also conceded that no means existed at that time to measure the effectiveness of the various techniques being tried.

Without a good definition of the nature and extent of the drug abuse problem and without any valid means of measuring the benefits accruing from the wide variety of education activities being conducted, the Department of Defense has no assurance that the drug educational programs are effective.

Identifying drug abusers

Many military personnel voluntarily identified themselves as drug users when they asked for the assistance offered them through the exemption programs operated by each of the military services. Additional personnel were being identified, involuntarily, by law enforcement activities and by the urinalysis-testing program started in mid-1971.

Urinalysis testing has been a highly successful technique in identifying users of heroin, barbiturates, and amphetamines. However, because of technological limitations of tests being used, the incidence rates being reported are not an accurate indicator of the overall extent of drug use.

As the urinalysis-testing program is expanded and is administered without prior notice to units selected on a statistically valid random basis, the results will more closely indicate the use of hard narcotics.

Exemption programs having credibility problems

Implementation of DOD programs offering assistance to servicemen who volunteer for treatment of their drug problems was relatively complex and confusing to personnel at most levels. Frequent changes made by the services to cope with inadequacies in the programs contributed to this confusion, engendered considerable distrust, and adversely affected the program's credibility.

Many servicemen felt that the exemption program was more punitive than they believed it should be or had believed it would be. Although not subject to judicial prosecution under the Uniform Code of Military Justice (i.e., "exemption"), the abuser did view as punitive certain administrative actions frequently taken.

The consensus of conferees attending a drug abuse conference was that sincere concern necessary to help the drug abuser was lacking in the Army. A view frequently expressed to GAO by officers in all services was that large numbers of enlisted personnel were subverting the objectives of the exemption program by attempting to use it as a vehicle for obtaining early termination of their military service obligations.

If the servicemen's distrust of DOD's exemption program and the services' distrust of the drug abuser can be eliminated, greater acceptance and success of the exemption program can be achieved.

Detoxifying, treating, and rehabilitating drug abusers

There were indications that DOD has experienced greater success in medical detoxification and treatment of drug abusers than in rehabilitation. Rehabilitation programs had very limited success, if the number of servicemen returned to normal duty is used as a criterion.

The nature and quality of rehabilitation available to servicemen varied considerably among the services, within a service, and even between different units located on a single installation. In addition, many servicemen who might have benefited from rehabilitation programs either had left the service before such programs were established or chose not to volunteer because their terms of service were expiring.

Problems being experienced in rehabilitation are attributed to a lack of

- desire by some drug users to remain in the service for rehabilitation,
- medical and psychiatric personnel,
- trained rehabilitation personnel, and
- adequate facilities.

Disposition of drug abusers

Large numbers of military personnel were administratively discharged during calendar year 1971. Although relatively few received undesirable discharges (which would make them ineligible for Veterans Administration (VA) medical treatment), their Report of Transfer or Discharge (DD Form 214), given at the time of separation, bore a code meaning that drug abuse was the reason for separation. This identification entered on an individual's DD Form 214 is a matter of concern to agency officials and congressional committees because it may have long-term, stigmatizing effects on such individuals, even after they have been fully rehabilitated after leaving the service.

The recent increase of drug abusers being separated from the services had a large and immediate impact on VA which treated over 5,000 veterans during the last half of calendar year 1971. However, many personnel leaving the military service have chosen not to accept VA assistance and others are not eligible because of their undesirable discharges.

Drug problems and overseas dependents schools

The Overseas Dependents School System has long been aware of a drug problem among school-age dependents. Several educational programs have been developed and introduced to prevent its spread.

Drug education programs in the Overseas Dependents Schools were well coordinated with the local military commanders. However, unlike the service member himself, the dependents were not under the jurisdiction of the military commander unless they required treatment at a military hospital or dispensary.

RECOMMENDATIONS OR SUGGESTIONS

GAO is recommending that DOD develop a system to provide a basis for evaluating its education, treatment, and rehabilitation activities relating to the drug abuse control program.

AGENCY ACTIONS AND UNRESOLVED ISSUES

GAO discussed drug abuse problems with commanders and their staffs at all local installations visited. At subsequent meetings in Washington, D.C., with each of the military services and the Office of the Secretary of Defense, GAO summarized the substance of its observations and preliminary views and obtained oral comments from drug abuse control program principals of those organizations.

GAO was favorably impressed by the receptiveness, at all levels, to its views on areas which might warrant immediate or special DOD concern. Service representatives were very knowledgeable in the matters raised for discussion and generally in agreement with GAO observations and recommendations.

MATTERS FOR CONSIDERATION BY THE CONGRESS

Five separate enclosures to this report have been prepared—four deal with overseas geographic locations visited and one with continental United States bases visited by GAO. They are available to interested members and committees.

GAO believes that the substantive information included in this report will be useful to the Congress in its deliberations on the drug abuse program.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. TUNNEY). Under the previous order, the distinguished Senator from New York (Mr. JAVITS) is now recognized for 15 minutes. Is he here?

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time for the quorum come out of the time allotted to the Senator from New York (Mr. JAVITS).

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, without further prejudice to the rights of the distinguished senior Senator from New York under the order of recognition, I ask that I again be recognized on my own time.

The PRESIDING OFFICER. The Senator from West Virginia is recognized on his own time.

CALENDAR CALL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed with the consideration of the following calendar orders: 1162, 1164, 1166, 1167, 1170, and 1172.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRISONERS OF WAR AND MISSING IN ACTION

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 97) in behalf of prisoners of war and missing in action.

Mr. THURMOND. Mr. President, on September 19, 1972, I submitted Senate Concurent Resolution 97 in behalf of the prisoners of war and missing in action. The Committee on Foreign Relations has now reported this important resolution to the Senate favorably by a unanimous vote. I am also pleased to announce that 57 of my distinguished colleauges are cosponsors of this resolution.

Mr. President, this resolution declares the sense of the Congress in urging 129 nations to take positive action in behalf of our courageous men. These nations and the Government of North Vietnam signed the Geneva Convention, along with the United States, to commit our governments to guarantee humane treatment of prisoners of war.

The United States has honored this commitment and our country will continue to keep its word. Many of these nations are our allies. In my judgment, they should renew their effort with the United States in exercising every possible political, diplomatic, economic, and psychological action, public and private, necessary to convince the Government of North Vietnam to abide by the provisions of the Geneva Convention. These nations should press all possible courses of action to arrange for the rapid exchange of all prisoners of war and accountability of those missing in action.

This resolution requests the President of the United States to transmit the concurrent resolution to 129 heads of governments of these nations and to the Secretary General of the United Nations. The prisoner-of-war issue is a government-to-government issue. The President's transmittal of this concurrent resolution, which should be approved unanimously by the Congress, keeps this vital issue on a government-to-government basis.

Mr. President, the record of North Vietnam's violations of the Geneva Convention has been repeatedly set forth for all nations. I cited these violations in detail, as a reminder for my distinguished colleagues, when I first introduced a similar resolution on July 27, 1972. I am confident my colleagues and the 129 signatory nations of the Geneva Convention are well aware of these flagrant violations. It is time for these nations, and especially our allies, to bring about greater pressure on North Vietnam to comply with the Geneva Convention. I believe this resolution will help achieve this objective.

North Vietnam continues to defy the nations of the world in refusing to comply with the Geneva Convention. The International Conference of the Red Cross adopted without dissent and with the support of 114 nations, a resolution calling upon the parties of the Vietnam conflict to abide by the Geneva Convention with respect to the humane treatment of prisoners of war. The Government of North Vietnam has not responded. It has not even responded to the Secretary General of the United Nations for an inspection of POW camps by the International Red Cross.

This Congress and the administration must vigorously pursue every possible action in behalf of our brave men. No aspect of the war in Indochina causes more tragic anguish than the plight of our prisoners held by the enemy, the missing in action and their families.

Mr. President, I strongly urge my distinguished colleagues to approve Concurrent Resolution 97 unanimously.

The concurrent resolution (S. Con. Res. 97) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

Whereas the purpose of the Geneva Convention of August 12, 1949, was to prescribe rules for the humane treatment of prisoners of war;

Whereas the Government of North Vietnam, having adhered to that convention on June 28, 1957, is one of the one hundred and thirty-one parties of that convention;

Whereas the Government of North Vietnam has failed to honor its commitment as a signatory nation of the Geneva Convention;

Whereas the Geneva Convention states, contrary to the view of the Government of North Vietnam, that the convention applies to "any other armed conflict which may arise between two or more of the high contracting parties, even if the state of war is not recognized by one of them";

Whereas the International Conference of the Red Cross adopted without dissent and with the support of one hundred and fourteen nations, a resolution calling upon the parties of the Vietnam conflict to abide by the Geneva Convention with respect to the humane treatment of prisoners of war;

Whereas prisoners taken by the United States in Vietnam are identified and accorded humane treatment, including adequate shelter, clothing, food, exercise, and medical care, and released if sick or wounded, all of which actions have been verified by international inspections;

Whereas the Geneva Convention requires the Government of North Vietnam to:

(1) identify all prisoners of war;

(2) exercise humanitarian treatment;

(3) release sick and wounded prisoners;

(4) protect prisoners from public abuse;

(5) permit inspection of prisoners and quarters by a neutral party;

(6) allow the flow of letters and packages;

Whereas the United States is complying with the above provisions of the Geneva Convention: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is hereby declared to be the sense of the Congress that all parties to the Geneva Convention should join with the United States in exercising every appropriate action to cause the Government of North Vietnam to abide by the provisions of the Geneva Convention, and to agree to an arrangement for the rapid exchange of all prisoners of war.

SEC. 2. The Congress requests and urges the President to transmit a copy of this resolution to the heads of governments of all signatory nations of the Geneva Convention and to the Secretary General of the United Nations.

EQUALITY OF TREATMENT FOR MILITARY PERSONNEL IN APPLICATION OF DEPENDENCY CRITERIA

The bill (S. 2738) to amend titles 10 and 37, United States Code, to provide for equality of treatment for military personnel in the application of dependency criteria was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 10, United States Code, is amended as follows:

(1) Clauses (C) and (D) of section 1072 (2) are amended to read as follows:

"(C) the husband;

"(D) the unremarried widower;".

(2) Section 101(36) is repealed.

SEC. 2. Section 401 of title 37, United States Code is amended by striking out the second sentence.

SEC. 3. The text of section 420 of title 37, United States Code, is amended to read as follows:

"A member of a uniformed service may not be paid an increased allowance under this chapter, on account of a dependent, for any period (1) during which that dependent is entitled to basic pay under section 204 of this title, or (2) the spouse of such member is being paid an increased allowance under this chapter on account of that dependent."

CONVEYANCE OF CERTAIN LANDS TO THE STATE OF TENNESSEE

The Senate proceeded to consider the bill (H.R. 9676) to authorize the conveyance of certain lands of the United States to the State of Tennessee for the use of the University of Tennessee which had been reported from the Committee on Government Operations with amendments on page 3, line 2, after the word "the", where it appears the first time, insert "educational"; and, in line 7, after the word "Tennessee", insert a comma and "and if such property ceases to be used for such purposes, as determined by the Administrator of General Services, title thereto shall revert to and become the property of the United States which shall have the right of immediate entry thereon."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

NATIONAL GUARD FOR THE VIRGIN ISLANDS

The Senate proceeded to consider the bill (H.R. 3817) to amend titles 10, 32, and 37, United States Code, to authorize the establishment of a National Guard for the Virgin Islands which had been reported from the Committee on Armed Services with amendments on page 1, line 9, after "Sec. 2.", insert "(a)"; on page 2, after line 4, insert:

(b) Section 307 of title 32, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(g) Federal recognition may not be extended in the case of any member of the National Guard of the Virgin Islands in any grade above colonel."

And, in line 13, after the word "after", strike out the words "the Canal Zone" and insert " 'the Canal Zone' ".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

IMPORTATION OF CERTAIN ARCHITECTURAL SCULPTURE

The Senate proceeded to consider the bill (H.R. 9463) to prohibit the importation into the United States of certain pre-Columbian monumental or architectural sculpture of murals exported contrary to the laws of the countries of origin, and for other purposes, which had been reported from the Committee on Finance with amendments on page 1, after the enacting clause, insert:

TITLE I—REGULATION OF IMPORTATION OF PRE-COLUMBIAN MONUMENTAL OR ARCHITECTURAL SCULPTURE OR MURALS

At the beginning of line 8, strike out "That, the" and insert "Sec. 101."; on page 2, line 3, after the word "section", strike out "5 of this Act" and insert

"105"; at the beginning of line 6, change the section number from "2" to "102"; in line 10, after the word "to", strike out "the first section of this Act" and insert "section 101"; on page 3, line 1, after the word "to", strike out "the first section of this Act" and insert "section 101"; in line 4, after the word "under", strike out "the first section of this Act" and insert "section 101"; in line 15, after the word "this", strike out "Act" and insert "title"; at the beginning of line 16, change the section number from "3" to "103"; in line 18, after the word "this", strike out "Act" and insert "title"; on page 4, at the beginning of line 6, change the section number from "4" to "104"; in line 8, after the word "this", strike out "Act" and insert "title"; at the beginning of line 9, change the section number from "5" to "105"; in the same line, after the word "this", strike out "Act" and insert "title"; on page 5, after line 7, insert a new title, as follows:

TITLE II—CUSTOMS PORT SECURITY

Sec. 201. Short Title.

This title may be cited as the "Customs Port Security Act of 1972".

Sec. 202. Findings of Fact and Declaration of Purpose.

(a) The Congress finds that theft and pilferage of international cargo at our Nation's seaports and airports of entry results in a significant loss to the economy in terms of lost markets, lost jobs, increased prices and insurance rates, and lost duties and taxes, and is detrimental to international trade and commerce. The Congress finds that there is an urgent need to deter this criminal activity by requiring carriers and terminal operators at ports of entry to provide security measures for such cargo under their control.

(b) It is the purpose of this title to establish an international cargo security program which takes into consideration differences in port topography, terminal configuration, size, and location, and the type and volume of cargo handled.

Sec. 203. Definitions.

As used in this title—

(1) The term "Secretary" means the Secretary of the Treasury.

(2) The term "United States", when used in a geographical sense, includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands of the United States.

(3) The term "person" means only an individual.

(4) The term "terminal" means a place within a port of entry at which imported merchandise is unladen from, or merchandise for export is laden on, a carrier engaged in foreign commerce, and any place adjacent thereto which is used for the receiving, storage, or other handling of or dealing with respect to such merchandise.

(5) The term "terminal operator" means any individual, association, partnership, corporation, public body or agency who operates or otherwise manages a terminal.

Sec. 204. Cargo Security Measures and Procedures.

(a) If the Secretary determines that the theft or pilferage of imported cargo or cargo for export has become detrimental to the international trade and commerce of a port of entry he shall, after taking into account:

(1) the value and quantity of cargo imported and exported;

(2) the value and quantity of cargo lost;

(3) the type of cargo handled;

(4) the incidence of theft or pilferage;

(5) existing cargo security measures and procedures; and

(6) any other factor relevant to the security of cargo at the port;

and, after consultation with the Department of Transportation, the Department of Commerce, the Interstate Commerce Commission, the Federal Maritime Commission, the Civil Aeronautics Board, and such other Federal, State, and local agencies as he may deem appropriate, publish in the Federal Register notice of his intention to establish such cargo security measures as he may require to protect and safeguard such cargo at terminals. Such notice shall state the basis for his determination and the cargo security measures and procedures he intends to apply. It shall invite the submission from terminal operators and other interested parties, within such time as is set forth in the notice, of written data, views, or comments with respect to the application of any or all of such measures or procedures and in the event that such comments submitted request a public hearing, such hearing shall be promptly held. After considering such data, views, or comments, or after public hearing, if one is held, the Secretary shall publish in the Federal Register notice of any cargo security measures or procedures which will be required at terminals.

(b)(1) Any cargo security measures or procedures which are required at terminals shall become effective 6 months after the date of publication in the Federal Register. The Secretary may grant additional time to comply with the measures and procedures in accordance with such regulations as he may prescribe.

(2) The Secretary may at any time upon his own initiative, or upon petition filed by a terminal operator or other affected party in accordance with regulations prescribed by the Secretary, withdraw any or all cargo security measures or procedures required pursuant to subsection (a) of this section at terminals.

(3) If the Secretary denies a petition for withdrawal of cargo security measures or procedures, he shall, upon request of the aggrieved party, promptly hold a hearing to review his denial.

(4) The Secretary shall within a reasonable time after the close of the hearing notify the applicant in writing of his decision.

Sec. 205. Identification Cards.

(a) Any person having reason to require access to a terminal area in which imported cargo or cargo for export is handled shall carry and display an identification card issued to such person by—

(1) a union of which he is a member in good standing;

(2) his employer;

(3) an agency of the Federal, State, or local government; or

(4) a recognized carrier security association or organization.

(b) The Secretary is authorized to issue rules and regulations with respect to the form and contents of the identification cards to be issued pursuant to this section.

(c) Any person not having an identification card who has reason to require access to a terminal in any port may apply to the terminal operator for a temporary identification card.

Sec. 206. Civil Penalties.

(a) Any carrier or terminal operator who fails to comply with any regulation issued pursuant to section 204 of this title shall be assessed a civil penalty by the Secretary not to exceed $1,000 for each such violation. Each day on which failure of compliance persists shall constitute a new and distinct violation of this section, but no penalty shall be assessed more than two years after the alleged violation of such regulation. The maximum civil penalty shall not exceed $5,000 for any related series of violations.

(b) The Secretary is authorized to remit or mitigate any penalty imposed pursuant to subsection (a) upon such terms and conditions as he deems reasonable and just.

(c) The amount of the penalty, when finally determined, may be recovered in a civil action in a United States district court.

Sec. 207. Lading or Unlading Prohibited.

If the Secretary determines that, because of repetitive violations or otherwise, the imposition of civil penalties or other sanctions against a terminal operator are unavailing to secure its compliance with cargo security measures and procedures made applicable to such terminal pursuant to this title, he may prohibit the unlading of imported merchandise or the lading of merchandise for export at such terminal, except that, in the case of merchandise transiting the United States destined for another country, cargo may be unladed and laded at such terminal for purposes of immediate transfer from one carrier to another carrier.

Sec. 208. Judicial Review.

Judicial review of any final decision of the Secretary rendered under section 204 of this title may be obtained in accordance with chapter 7 of title 5, United States Code. Such review may be initiated by filing a petition for review in the United States district court for the district wherein the aggrieved party resides, or has his principal place of business, or in the United States District Court for the District of Columbia, within 60 days after the date on which the decision is rendered or published in the Federal Register, as the case may be.

Sec. 209. Consequential Amendment.

Section 549 of title 18, United States Code, is amended to read as follows:

"§ 549. Unlawful removal of goods; breaking seals

"(a) Whoever, without authority, affixes or attaches a customs seal, fastening, or mark, or any seal, fastening, or mark purporting to be a customs seal, fastening, or mark to any vessel, vehicle, warehouse, or package or

"Whoever, without authority, willfully removes, breaks, injures, or defaces any customs seal or other fastening or mark placed upon any vessel, vehicle, warehouse, or package containing merchandise or baggage in bond or in customs custody; or

"Whoever maliciously enters any bonded warehouse or any vessel or vehicle laden with or containing bonded merchandise or baggage with intent unlawfully to remove therefrom any merchandise or baggage therein—

"Shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(b) Whoever unlawfully removes any merchandise or baggage from any vehicle or bonded warehouse laden with or containing bonded merchandise or baggage, or removes any merchandise or baggage otherwise in customs custody or control, or receives or transports such merchandise or baggage, knowing the same to have been unlawfully removed, shall be fined not more than $5,000 or imprisoned not more than ten years, or both, if the amount or value of the merchandise or baggage unlawfully removed, received or transported exceeds $250; or shall be fined not more than $1,000 or imprisoned not more than one year, or both, if the amount or value of the merchandise or baggage unlawfully removed, received or transported does not exceed $250."

Sec. 210. General Regulations.

The Secretary shall prescribe such rules and regulations as he may deem necessary to carry out the provisions of this title.

Sec. 211. Savings and Severability Clause.

If any part or provision of this title or the application thereof to any person, or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment is rendered and shall not affect or impair the validity of the remainder of this title or the application thereof to other persons or circumstances.

Sec. 212. Authorization of Appropriations.

There are hereby authorized to be appropriated such sums as may be necessary to effect the purposes of this title.

And, on page 13, after line 6, insert a new title, as follows:

Sec. 301. Section 516 of the Tariff Act of 1930 (19 U.S.C. 1516) is amended to read as follows:

TITLE III—JUDICIAL REVIEW IN COUNTERVAILING DUTY CASES

"Sec. 516. Petitions by American Manufactures, Producers, or Wholesalers.

"(a) The Secretary shall, upon written request by an American manufacturer, producer, or wholesalers, furnish the classification, the rate of duty and the additional duty described in section 303 of this Act (hereinafter) referred to as 'countervailing duties'), if any imposed upon designated imported merchandise or a class or kind manufactured, produced, or sold at wholesale by him. If such manufacturer, producer, or wholesaler believes that the appraised value is too low, that the classification is not correct, that the proper rate of duty is not being assessed, or that countervailing duty should be assesed, he may file a petition with the Secretary setting forth (1) a description of the merchandise, (2) the appraised value, the classification, or the rate or rates of duty that he believes proper, and (3) the reasons for his belief that countervailing duties should be assessed.

"(b) If, after receipt and consideration of a petition filed by an American manufacturer, producer, or wholesaler, the Secretary decides that the appraised value of the merchandise is too low, that the classification of the article or rate of duty assessed thereon is not correct, or that countervailing duties should be assessed, he shall determine the proper appraised value or classification or rate of duty or the countervailing duties in accordance with section 303 of this Act, and notify the petitioner of his determination. All such merchandise entered for consumption or withdrawn from warehouse for consumption more than thirty days after the date such notice to the petitioner is published in the weekly Customs Bulletin, or, in the case of countervailing duties after the date such notice to the petitioner is published in the Federal Register shall be appraised or classified or assessed as to rate of duty or countervailing duties in accordance with the Secretary's determination.

"(c) If the Secretary decides that the appraised value or classification of the articles or the rate of duty with respect to which a petition was filed pursuant to subsection (a) is correct or that countervailing duties shall not be assessed, he shall so inform the petitioner. If dissatisfied with the decision of the Secretary, the petitioner may file with the Secretary, not later than thirty days after the date of the decision, notice that he desires to contest the appraised value or classification of, or rate of duty assessed upon or the failure to assess countervailing duties upon, the merchandise. Upon receipt of notice from the petitioner, the Secretary shall cause publication to be made of his decision as to the proper appraised value or classification or rate of duty or that countervailing duties shall not be assessed and of the petitioner's desire to contest, and shall thereafter furnish the petitioner with such information as to the entries and consignees of such merchandise, entered after the publication of the decision of the Secretary at such ports of entry designated by the petitioner in his notice of desire to contest, as will enable the petitioner to contest the appraised value or classification of, or rate of duty imposed upon or failure to assess countervailing duties upon, such merchandise in the liquidation of one such entry at such port. The Secretary shall direct the appropriate customs officer at such ports to notify the petitioner by mail immediately when the first of such entries is liquidated.

"(d) Notwithstanding the filing of an action pursuant to section 2632 of title 28, United States Code, merchandise of the character covered by the published decision of the Secretary (when entered for consumption or withdrawn from warehouse for consumption on or before the date of publication of a decision of the United States Customs Court or of the United States Court of Customs and Patent Appeals, not in harmony with the published decision of the Secretary) shall be appraised or classified, or both, and the entries liquidated, in accordance with the decision of the Secretary and, except as otherwise provided in this chapter, the final liquidations of these entries shall be conclusive upon all parties.

"(e) The consignee or his agent shall have the right to appear and to be heard as a party in interest before the United States Customs Court.

"(f) If the cause of action is sustained in whole or in part by a decision of the United States Customs Court or of the United States Court of Customs and Patent Appeals, merchandise of the character covered by the published decision of the Secretary, which is entered for consumption or withdrawn from warehouse for consumption after the date of publication of the court decision, or, in the case of countervailing duties, after the date of publication of the Secretary's decision, shall be subject to appraisement, classification, and assessment of duty in accordance with the final judicial decision in the action, and the liquidation of entries covering the merchandise so entered or withdrawn shall be suspended until final disposition is made of the action, whereupon the entries shall be liquidated, or if necessary, reliquidated in accordance with the final decision.

"(g) Regulations shall be prescribed by the Secretary to implement the procedures required under this section."

Mr. BIBLE. Mr. President, as someone who has been actively engaged for 3½ years now in pushing both the carrier industry and government on all levels to deal more effectively with the bandit of the 1970's, the cargo thief, I regard today's consideration of the Customs port security amendments to H.R. 9463 as a major milestone in turning the tide against this growing criminal activity.

The amendment proposed by the Senate Finance Committee, and so ably pursued by its distinguished chairman and distinguished ranking minority member (Mr. Long and Mr. Bennett), will provide the hard-nosed tools in a Federal arsenal to reach those who prey on cargo moving by all transport modes in international commerce. For the last several years direct losses have been $1½ billion.

For the benefit of other Senators, I would like to provide some background to this problem. In 1969 when the Senate Small Business Committee began its continuing hearings into cargo thefts in all transport modes, no governmental, private carrier, or trade organization had any kind of a realistic handle on just how big the problem really was in dollars. We believe our committee can take modest credit for helping to focus the attention of carriers, government, shippers and most importantly, the public, who always pays whatever bill there is in the final analysis anyway.

One fact is clearer today than it was 3½ years ago: The challenge posed by broad-scale attacks against this country's transportation system may be the single biggest test for law enforcement and security capability in the 1970's and probably beyond. That test will be sharpened by an estimated record tonnage to be transported in the next decade in a society where security from crime and prevention of crime are becoming the goals of a carrier industry's efforts to deal with the biggest billion-dollar racket nationally today—the theft, pilferage, loss and hijacking of truck, air, rail and ship cargo.

The world's greatest air cargo terminal, New York City's John F. Kennedy International Airport, has been the favorite American target for cargo thieves because the pickings were richer and easier. The prestigious English insurance underwriters, Lloyd's of London, has just revealed that world air cargo thefts last year totaled $1 billion, with 50 percent associated with U.S. domestic air commerce.

Even the U.S. Postal Service, since instituting its "con-con" security service last year, reports gains against the criminal. Postal Service officials advised our committee that its guards are "riding shotgun" on ground vehicles hauling mail pouches between airplanes and airport mail-handling facilities at major terminals today, like JFK. This security practice was begun to stop mail losses that brought fines against 15 of the 16 U.S. domestic air carriers in 1969 and 1970 operating under mail contracts out of Kennedy Airport because of lax mail-handling practices or losses, those fines totaling $450,000 in 1969, $400,000 in 1970, and $550,000 for the first 9 months of 1971.

And to prove American air cargo carriers have company in their misery, our committee was informed by the Italian Ministry of Information that Italy's air theft losses for 1970 were estimated at $320 million, far exceeding American air cargo loss estimates.

In the maritime area, the capable and energetic Chairman of the Federal Maritime Commission, Mrs. Helen Delich Bentley, in testimony before our committee, quoted statistics that only 25 percent of the cargo thefts at the New York City waterfront are reported. Losses there from 1960 to 1969 were quoted at almost $12 million and this amount can be multiplied by four or more, as Mrs. Bentley said, "The result is staggering." She further stated that most cargo shortages are reported as "not landed" and the theft stigma does not attach nor does duty have to be paid on nonlanded cargo.

Our committee's conclusions in December 1970, found the maritime shipping industry "probably less security-conscious than either the air or truck carriers."

I cite the above as examples of the cargo theft problem in the seaport areas which the Customs port security proposal is designed to attack head on.

The Senate during this Congress has passed two major pieces of legislation coming out of our committee hearings which I introduced that would aid in the war against the modern cargo criminal. The first bill, S. 942, still pending in the House would establish a presidential commission which would evaluate and formulate positive solutions to control thievery and pilferage in a highly complex area with an industry second to none in its importance to the American economy involved. The other bill, originally passed by the Senate as S. 16 and later as an amendment to H.R. 8389, would give private sector carriers the capability to proceed in civil treble damage actions against the purchaser and/or seller of stolen goods. This bill has been returned to the other body for its consideration.

The port security proposal before the Senate this morning is a direct outgrowth of the committee's hearings in the "Problems of Cargo Theft in the Maritime Industry" which were held June 24, 1970. As I noted in May 1971, this bill was the first affirmative move by the administration to face squarely into the cargo crime problem for which we congratulate the Treasury Department. An excellent statement as to the role of the Customs Bureau in the protection of cargo was succinctly provided by Assistant Secretary Eugene T. Rossides at our 1971 hearings, and I would like at this point to provide it for the RECORD:

> Cargo in international trade is exposed to theft and pilferage at many points from the time it leaves the foreign producer until it reaches the consumer in the United States. Some losses, of course, occur in transit in the foreign country and while awaiting loading either at docks or airports abroad prior to transoceanic shipment. The shipment arrives in the United States, is held by the carrier for a brief period until it has been cleared by Customs, and is then transported inland either by freight forwarders or by the importers via their own transport.
>
> From the time that the merchandise physically touches the territory of the United States, either being unladen from an airplane at an airport of entry or from a vessel onto a dock, it is under "Customs custody" until released by Customs for entry into the commerce of the United States. After this release, delivery may be made by the carrier either directly to the importer or to a designated agent, such as a customhouse broker or freight forwarder.
>
> It is this period, Mr. Chairman, of "Customs custody," including the point of delivery by the carrier, with which Customs is and should be concerned. During this period the carrier is responsible for insuring the physical security of the merchandise. Customs, however, does exercise control over movement of the cargo by the carrier until a suitable arrangement for payment of duty has been made and until Customs is satisfied that contraband, such as heroin and cocaine, is not being smuggled into the United States.
>
> Clearly, any theft or pilferage of merchandise, once it has landed and until its release from Customs custody, threatens the proper collection of duty and the prevention of smuggling, with which Customs is charged.

Mr. President, without waiting for additional authority from the Congress, Mr. Rossides has initiated action programs at a number of ports and airports including the Port of San Francisco and John F. Kennedy International Airport, using his existing authority to control the access of the criminal element to cargoes moving in international commerce. Mr. Rossides has worked closely with our committee as he developed these programs. He has also shown his leadership in working with the Interagency Committee on Transportation Security. His office prepared the shipper-carrier handbook entitled "Guidelines for the Physical Security of Cargo" which was released by the Department of Transportation in May of 1972. He has spearheaded the Federal cargo security program at all major ports and airports of entry. I am confident that with the new tools which we in Congress will provide to this capable and aggressive Assistant Secretary of the Treasury, we will be amply rewarded with further reductions in thefts from international cargoes.

I am certain that Mr. Rossides will promulgate security regulations for our ports of entry that are both fair to carriers and shippers yet will be firm enough to control the ease with which the criminal element has been plying its trade.

I urge the Senate to support the pending bill as overwhelmingly as it has previous cargo security legislation coming before us in this Congress.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

COMMENDATION OF THE U.S. OLYMPIC TEAM AND MARK SPITZ IN PARTICULAR

The concurrent resolution (H. Con. Res. 701) commending the 1972 U.S. Olympic team for their athletic performance and Mark Andrew Spitz, in particular, for his unparalleled achievement in the 1972 Olympic games in Munich, Germany, was considered and agreed to.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, how much time do I have remaining under the order?

The PRESIDING OFFICER. The Senator from West Virginia has 3 minutes remaining.

Mr. ROBERT C. BYRD. Mr. President, I reserve the remainder of my time. I suggest the absence of a quorum and ask unanimous consent that the time for the quorum be charged against the time of the distinguished Senator from New York (Mr. JAVITS).

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New York has 10 minutes remaining.

Mr. JAVITS. Mr. President, I thank the Presiding Officer. I would like, Mr. President, to apologize to the leadership for being late. I had problems with the airplane schedule which made it very difficult for me to be on time.

Mr. ROBERT C. BYRD. Mr. President, I have 3 minutes remaining. If the distinguished Senator from New York would like to have them, I would be glad to yield them to him.

Mr. JAVITS. I thank the distinguished assistant majority leader. However, I do not think I will need them.

Mr. ROBERT C. BYRD. Mr. President, I will reserve my time, and if the Senator needs the time, I will be glad to yield it to him

PENSION REFORM—THE RESPONSIBILITY OF THE SENATE TO ACT ON THE RETIREMENT INCOME SECURITY FOR EMPLOYEES ACT OF 1972

Mr. JAVITS. Mr. President, I would like to speak today on a situation which has developed with respect to the so-called pension reform bill in the Senate. I think this situation is worthy of note by the people of the country, and unless the people of the country do note it, very grave injustices could be perpetrated upon them.

Mr. President, I ask unanimous consent that a series of newspaper articles and editorials on this subject be included in the RECORD following my remarks, as appendix I.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. President, the Senate Committee on Labor and Public Welfare conducted 2½ years of study and investigation involving, if my memory serves me correctly, an enormous expenditure of money, perhaps a sum as much as $1 million. Hearings were held in Washington and throughout the country. A vast flood of mail was received by Members of both Houses protesting the inequities and the injustices which are inherent in the present private pension system.

The Labor and Public Welfare Committee reported out a bill that is comprehensive and very thoroughly studied and researched. With the advice and guidance of workers, trade unions, employers, actuaries, and other experts in the field, and after discussions, meetings, and conferences pro and con by those who opposed and those who approved the legislation, the committee finally reported out a bill unanimously.

The bill comes to the floor as a labor bill. That is, a bill designed to protect the retirement security interests of over 30 million American workers. It does not involve taxation except in the sense that thousands of other bills considered here in the Senate involve taxation, because business expenses flowing from the subject matter regulated are deductible.

Then, in the 59th minute of the 11th hour, along comes the Committee on Finance, allegedly, according to the newspapers, at the request of the U.S. Chamber of Commerce, and asks that the bill be referred to it for a week. I was here at the time the application was made. I had known about it and was in a position to object. Upon learning that the Senator from New Jersey (Mr. WILLIAMS), my coauthor on the bill, and the chairman of the committee in a spirit of comity, agreed to let it go to the Committee on Finance, I agreed, in the same spirit of comity, and I am not sorry that I agreed.

It has been a very healthy development to flush this out. After 1 week, in a closed-door session, on a voice vote, and without any hearings, the Committee on Finance sent the bill back to the floor with the recommendation that every key provision in it be stricken.

It will take a magician to demonstrate how the action of the Finance Committee is a service to our country and the American workingman. Vesting, the heart of the proposal, funding, the very critical plan termination insurance which guarantees that the company cannot go out of business and leave the workers holding the bag—all these things are stricken. And that was accomplished in 1 week, in a closed-door session, on a voice vote, and without any hearings.

I wish to say immediately that it is tremendously gratifying to me, notwithstanding the reputation of the Committee on Finance of being generally conservative, that five members of that committee demurred strongly and wrote separate views. One of those five members is sitting here, our own deputy minority leader, the Senator from Michigan (Mr. GRIFFIN). I am delighted that he is here to hear this statement. Those five dissenting Senators are Senators HARTKE, RIBICOFF, HARRIS, NELSON, and GRIFFIN. I am grateful to them. They will be proven to be the ones who were right. They have a feeling in their hearts for working people and for what we are trying to accomplish.

What has happened is not unusual. It has happened before in American history, where a rather myopic point of view on what is best for this country has dictated some reactionary opposition to a given measure, and it has been overcome generally by the good sense of the legislative body concerned. I deeply believe it will be overcome by the good sense of this legislative body because of the widespread, enormous complaints about the injustices in the private pension system.

Mr. President, there is a serious problem in our country with respect to the erosion of worker morale. It is not without reason that it is said, if you buy a car made on Monday or Friday, forget it. This is an exaggeration; I am sure it is not true. But it reflects the feeling that the American worker lacks feeling for his job. When one is on the hustings, he certainly detects that feeling.

What is the way to correct this demoralization of the worker's incentive? Is it by turning our backs on the needs of the workers in connection with pension funds? Is that the way to encourage the American worker to do the job the American people want done? Is that the way to restore the worker's feeling of identity with our economic system?

Mr. President, the fact is we have over $150 billion in pension funds, and they are increasing at the rate of $10 billion a year, making them the largest aggregation virtually unregulated capital that any country has ever known. It gets turned over and over and over, and it grows and grows, but it is not doing many people any good.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. ROBERT C. BYRD. Mr. President, I yield my remaining time to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. At the most, we estimate that something under one-fourth of the people who are allegedly covered by the pension plans get any material benefit from them.

Again, I deeply thank and express my greatest appreciation, and I am sure I express the commendation of American working people, to these five Senators, Senators GRIFFIN, HARTKE, RIBICOFF, HARRIS, and NELSON, who stood out against the insensitive tide which swept away this bill.

The Senator from New Jersey (Mr. WILLIAMS) and I have asked the leadership to put the bill on the calendar immediately. The way to act in a matter like this is to act when it is hot and people are thinking about it, and to repudiate what has been done. That is the only way to get effective action. I hope that the leadership will see fit to put this bill on the calendar and let the Committee on Finance make its case against a bill which has such enormous and widespread support.

I am delighted to see the chairman of the Committee on Finance in the Chamber, and I would be pleased if he would do me the favor of replying.

Let the Committee on Finance make its case. Let the Committee on Labor and Public Welfare make its case. Let the Senate decide while the matter is hot, while the American people are thinking about it, and have it clearly in view, and understand who is for it and who is against it. The fact that this will come before the election will be a good and salutary thing.

Mr. LONG. Mr. President, will the Senator yield?

Mr. JAVITS. If I may, I have 1 minute remaining.

I cast no stones; I have no criticism, and never have of honest conservatives if they are opposed to my point of view. That is fine. But let us have it out now. That is my plea to the leadership.

EXHIBIT 1

[From the New York Times, Sept. 26, 1972]

SPIKING PENSION REFORM

A wrecker's ball wielded by the Senate Finance Committee threatens to smash the most thoughtful measure ever devised on Capitol Hill for correcting defects in the private pension plans that cover more than thirty million workers.

Responding to an end run by the United States Chamber of Commerce, the finance group elbowed aside the Senate Labor and Public Welfare Committee and in whirlwind fashion killed all the principal provisions of a bill its sister committee had spent nearly three years putting together.

Consigned to the Finance Committee's waste basket were proposals—all approved by unanimous, bipartisan vote in the Labor Committee—for assuring the financial soundness of pension systems and for protecting workers against loss of protection if their employers moved or defaulted or if the employe shifted jobs after long service.

The need for these provisions has been so abundantly demonstrated by the careful studies on which the original bill was based and by testimony at the hearings held in Washington and other cities that it is inconceivable that the full Senate will bow to the tyranny of its Finance Committee.

The $150 billion currently in the reserves of private retirement programs represents a form of deferred wages on which roughly half of the American labor force depends for a major part of its old-age security. It is ironic that, at the very moment the Finance Committee was striking down safeguards to shield this nest egg, it was itself putting the final touches on a costly package of supplements to governmental programs of old-age protection, both under Social Security and welfare grants to the needy aged.

Even in a year when Congress already has voted a general 20 per cent boost in Social Security payments, some elements in the Finance Committee proposal—notably the granting of full primary benefits to widows and the further lifting of the limit on outside earnings—deserve adoption. But the same factors that warrant such additional liberalization of Social Security speak even more insistently for the strengthening of private pension funds along the lines recommended by the Labor Committee.

The Senate will be recognizing its responsibility to all workers, young as well as old, if it rejects the emasculated reform plan scheduled for formal report by the Finance Committee today and gives its endorsement instead to the admirable measure drafted by the Labor Committee.

[From Daily Labor Report, Sept. 20, 1972]

WILLIAMS-JAVITS PENSION BILL IS SENT TO FINANCE COMMITTEE AFTER U.S. CHAMBER OF COMMERCE REQUEST

The Senate has transferred the Williams-Javits pension bill (S. 3598) to the Finance Committee for a week at the request of Chairman Russell Long (Dem., La.), made after the U.S. Chamber of Commerce wrote a letter to all members of the Committee requesting them to assert jurisdiction over the legislation.

The action was taken September 19 and a week later, on September 26, the bill will be deemed referred back to the Senate and put on the calendar. Senator Jacob K. Javits (Rep., N.Y.) made the request for the one-week time limit.

The Chamber declared that "We fear for the future of private pension plans" because of the Williams-Javits bill. It said the bill would set up a private pension administration in the Labor Department that would "duplicate and conflict with the present administration so ably exercised by the Internal Revenue Service of the U.S. Treasury Department."

Similarly, the Labor Committees would "usurp the jurisdiction over these issues from the Senate Finance Committee." While the Welfare and Pension Plans Disclosure Act is in the Senate Labor Committee's jurisdiction, it should not be allowed "to piggyback onto such legislation additional pension controls over vesting, funding, reinsurance, and portabilitly," the Chamber said.

The Administration has a pension bill before the Finance Committee. It would encourage individual employees to set up their own pension plans by giving them a tax concession for the money so invested, within certain limits. A companion bill went through hearings before the House Ways and Means

Committee some time ago but the Senate Finance Committee has not had hearings.

A Committee aide said the Finance Committee could not seek to add the Administration bill to the Labor Committee bill without hearings, and there is no time for them. He thought the Finance Committee would hold an executive session on the Labor Committee bill before the September 26 deadline. Long made the request to have the bill referred because of "the dual regulation of qualified pension plans" that would result, the aide said. The Labor Committee bill applies only to plans qualifying under IRS regulations, and IRS has been the only agency regulating such plans in the past, he noted.

Staff members of the Labor Committee's pension staff say that the Williams-Javits bill has no tax provisions nor tax implications.

The report on the Williams-Javits bill includes an actuarial study which shows that its vesting provisions would add 0.2 to 1.2 percent to payroll costs for plans that now have no vesting. But it would increase the costs of the present unvested plans by 5 to 44 percent. The vesting formula in the bill is 30 percent vesting after 8 years service, with 10 percent more for each year until there is full vesting after 15 years service. It also would vest past service for employees who were age 45 when legally-required vesting went into effect.

Cost estimates also are given for other vesting formulas, including the "rule of 50" in the Administration bill. A plan with no vesting would cost an additional 3 to 28 percent if it were required to conform to the "rule of 50" and this would add 0.2 to 0.7 to payroll costs. The "rule 50" would require vesting when an employee acquires a combination of 50 years of age and service with one employer.

Similar cost estimates are given for plans whose present vesting is moderate or liberal and for all plans.

The report also includes a final summary to the answers to the Form P–1 questionnaire that has been the basis for the Labor Subcommittee's statistical studies. The Subcommittee sent out 1,493 P–1 questionnaires. By the March 31 deadline for putting them on a computer, it had received 1,302 responses, an 87 percent return. Of the 191 not responding, 48 plans had been terminated, and it was determined that the remaining 143 were not concentrated in any one industry or in any of the four size categories represented.

The 1,302 responses included 1,026 pension plans with 13,649,353 participants and 209 profit-sharing plans covering 530,278 participants. No analysis was made of the 67 savings plans responding.

The statistics and information gleaned from the responses to the questionnaire cover participation requirements, type of retirement provisions (normal, early, disability, and death benefits), vesting, funding, disclosure and fiduciary standards, characteristics of private pension plans, and a summary of major findings.

Among the findings are these: About one-third of the plans had both a minimum age and service requirement for participation; almost 90 percent of the plans had a normal retirement age of 65 and more than half of these had a service as well as age retirement; about 13 percent of plans studied provided no vesting; in those plans with an age and service requirement, the most frequent combinations were in the range of 40 to 44 years of age and 15 to 19 years service; more than 30 percent had a "deferred graded" form of vesting, like that in the bill; a majority of pension plans "are generally well funded," but a significant minority are underfunded; less than 35 percent of plans had formal restrictions on pension plan investments; less than 50 percent required annual audits by an independent licensed or certified public accountant.

Following is the Chamber of Commerce letter to members of the Senate Finance Committee: (Official text)

Re: Private pension legislation.

Honorable ———
U.S. Senate,
Washington, D.C.

Dear Senator ———: As a matter of public interest in sound private pension legislation and on behalf of its entire membership, the Chamber of Commerce of the United States requests the Senate Finance Committee to assert its jurisdiction over the various legislative proposals on the vesting, funding, reinsurance and portability of private pension plans. We are constrained to make this urgent request because of reports that the Senate Committee on Labor and Public Welfare will seek, in the near future, Senate passage of its omnibus-type bill, S. 3598, the "Retirement Income Security for Employees Act."

The Senate Finance Committee and the House Ways and Means Committee have historically had jurisdiction over private pension legislation. It is estimated that over six million retired employees are receiving over $8 billion a year from private pension plans, and a number of pensioners and the total amount of benefits grow annually. The phenomenal growth of private pension retirement income is a tribute to the wisdom with which the taxwriting committees of Congress have formulated sound statutes on private pension, profit-sharing stock-bonus and annuity plans.

Our Nation's basic private pension laws are contained in Section 401 of the Internal Revenue Code of 1954, as amended by Public Laws 91–691, 89–809, 89–97, 88–272, 87–863 and 87–792. The enclosures gives a detailed historical summary of federal tax legislation in this area. We believe it is clear, from this half-a-century review, that jurisdiction over private retirement plans has always resided in the Senate with the Finance Committee. We believe strongly that jurisdiction should continue to remain with your Committee.

There is only one important area where the Senate Labor and Public Welfare Committee has had jurisdiction over legislation affecting private pension plans. The Welfare and Pension Plans Disclosure Act of 1958, Public Law 85–836 as amended by Public Law 87–420, is within the jurisdiction of the Senate Labor Committee since the administration of this act is by the U.S. Department of Labor. This act needs to be strengthened and should include a federal fiduciary responsibility act for private pension and other employee benefit plan administrators and trustees. The National Chamber has testified in support of strengthening this act before the House General Subcommittee on Labor in the 90th and 91st Congress and before Senate Subcommittee on Labor in June of this year.

We do not believe, however, that delays by the Labor Committees in amending and strengthening the Disclosure Act—new legislation which has the support of the business community, organized labor, banks, insurance companies and other interested parties—should be used as an excuse to piggyback onto such legislation additional pension controls over vesting, funding, reinsurance and portability. Apparently, the aim is to establish a private pension administration in the Department of Labor which would duplicate and conflict with present administration so ably exercised by the Internal Revenue Service of the U.S. Treasury Department. In the process, of course, the Labor Committees would usurp jurisdiction over these issues from the Senate Finance Committee.

We fear for the future of private pension plans. We have already expressed our deep concern to all Senators in the Senate Labor Committee. We advised them in part:

"We know that no member of the Senate Labor and Public Welfare Committee wants to destroy or inhibit the growth of more and better private pension benefits for more employees. Yet, the results could be disastrous if you urge immediate passage of a pension reform bill, the implications and costs of which are not known, before the business community has even had an opportunity to assess what the 20 per cent Social Security increase will do to overall retirement costs and benefits."

We hope to have an opportunity early in the 93rd Congress to appear before the Finance Committee to testify on pension issues. We have already appeared before the House Ways and Means Committee in May of this year on the Administration pension bill, H.R. 12272. We hope your committee will consider all significant pension bills, such as S. 3012 by Senator Curtis, S. 2485 by Senator Griffin, S. 1993 by Senator Hartke, S. 3598 from the Labor Committee, and other relevant bills.

The Chamber does support needed pension legislation, but we are concerned about the crippling effects unnecessary or unwise legislation would have on private pension growth.

We support the highest standards of honesty in the administration of employee benefit funds. Therefore, we support suitable amendments to the Welfare and Pension Plan Disclosure Act, including some form of federal fiduciary responsibility act for pension and welfare plan administrators and trustees.

In general, we support proposals such as are contained in Sections 3 and 4 of S. 3012, the "Individual Retirement Benefits Act of 1971", that would provide income tax deferral for employees who defer income for their retirement, and that would increase the present tax deferral available to the self-employed who have or establish pension plans.

We support reasonable minimum federal standards or regulations governing the vesting of private pensions. Such legislation should be accomplished through amendment of the Internal Revenue Code, as a condition for qualifying a plan.

However, we oppose provisions of bills, such as S. 3598, that would create a new federal agency or office to regulate private pension plans and their assets, and that would impose new federal funding, insurance or portability requirements on private pension plans and their assets. We consider it essential that attempts to determine what federal policy should be on these questions should not be made until we have basic data that is not now available. The President has directed the Treasury and Labor Departments to gather this basic information, employers are now filling out the numerous complicated forms which are being used to amass this data, and the results should be available in a few months.

Finally, any pension legislation, rather than imposing restrictive regulation, should encourage private pension growth so our citizens will have adequate retirement income.

In summary, we urge the Chairman and every member of the Senate Finance Committee to take jurisdiction over private pension legislation so that all employers and all employees and their beneficiaries will be assured of sound, reasonable and equitable legislation.

Cordially,

Hilton Davis,
General Manager Legislative Action.

[From the Washington Post, Sept. 25, 1972]

Pension Plan Reform Bill Appears Dead

(By Morton Mintz)

The only bill ever reported by a congressional committee for extensive reform of the nation's estimated 45,000 private pension plans—which incite more constituent complaints to some senators and congressmen than any other issue—appears to be dead for this year.

Although the Senate Finance Committee

gutted the bill Friday with an unrecorded voice vote in a closed-door session, bipartisan supporters were embittered at the White House for having played what they termed a stage-setting role.

Joining with the Chamber of Commerce of the United States, the White House took the position that key pension reforms fundamentally affect the Internal Revenue Code.

The IRS approach, the supporters protested, gave the generally hostile Senate Finance and House Ways and Means committees jurisdiction over proposals intended to protect the retirement security of the approximately 30 million workers now enrolled in the pension plans.

A unanimous Senate Labor and Public Welfare Committee had reported the bill on Sept. 15. After Chamber of Commerce lobbyists had pressed for referral of the bill to Senate Finance, its chairman. Sen. Russell B. Long (D-La.), won Senate endorsement of the move.

Senate Finance deleted major provisions of the measure although it was formally before the committee for only one week. Some supporters said privately that they regarded this as an implicit act of disdain for the Labor Committee, which had formulated the measure after a $1 million, 2½-year subcommittee study.

The principal sponsors are Sen. Harrison A. Williams Jr. (D–N.J.), chairman of Senate Labor, and Sen. Jacob K. Javits (N.Y.), the senior Republican member. The co-sponsors are all but two of the remaining 15 members of the Labor Committee.

Today or Tuesday, Senate Finance will report the bill that it has stripped of these principal provisions:

For vesting. This would assure that after eight years of work a person would have a right to at least 30 per cent of his pension benefits: it would increase at an annual rate of 10 per cent, reaching 100 per cent after 15 years. A person now enrolled in a pension plan who would be 45 or older on the effective date of the law would be credited for employment prior to the effective date.

For funding. Pension plan managers would be required to accumulate assets at a rate enabling them to meet their liabilities in full after 30 years.

For federal re-insurance. If a plan fails for any reason an employee wouldn't be left holding the bag.

For voluntary portability. This would permit an employee moving from one job to another to take credits toward a pension with him, under a central fund to be administered by the Labor Department.

The only important provisions remaining would protect against corruption and misrepresentation by setting uniform fiduciary standards and providing fuller disclosure than at present to prospective pensioners of their rights and obligations.

Four members of Senate Finance, Fred Harris (D-Okla.), Vance Hartke (D-Ind.), Gaylord Nelson (D-Wis.) and Abraham A. Ribicoff (D-Conn.), may join Williams and Javits in seeking to overturn the committee action on the Senate floor.

With similar legislation languishing in the House Ways and Means and House Labor committee, however, even a Senate repudiation of the Finance Committee would hold out only a dim hope for enactment of any bill at all, particularly because Congress is expected to adjourn in October. But supporters think such a repudiation of Senate Finance could lay invaluable ground work for a new try in the next Congress.

The Chamber of Commerce in a letter signed by Hilton Davis, general manager for legislative action, had urged each member of the committee to seek jurisdiction "so that all employers and employees and their beneficiaries will be assured of sound, reasonable and equitable legislation." Chamber lobbyists worked hard to sell their position to committee members.

But Williams and Javits, in a joint statement, said their study and hearings showed their bill to be "desperately" needed.

The White House has proposed legislation that, in addition to anti-corruption and disclosure provisions, would amend the Internal Revenue Code to require all plans qualified for tax privileges to provide 50 per cent partial vesting for an employee whose age and length of service add up to 50.

Analyzing this "rule of 50" in a Senate speech last Dec 14, Javits said it could do older workers "more harm than good"

One practical effect could be to "exacerbate age discrimination in hiring," because all other things being equal an employer would choose a younger job applicant "to avoid the additional costs that stem from vesting the older man so quickly," Javits warned

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[From the New York Times, Sept. 25, 1972]

Pension Reform Called Stymied

(By Michael C. Jensen)

The possibility of major reform of the nation's private pension systems this year has been virtually eliminated, according to Senator Abraham Ribicoff.

The Connecticut Democrat cited recent changes made in a bill by the Senate Finance Committee.

"It [the bill] was really gutted," he said in a telephone interview over the weekend. "The great things that were in it were left out, and it looks like the clock could very well run out on this."

Senator Ribicoff said that although more than 30 million Americans are enrolled in private pension plans, millions of them never receive their pensions because of flaws in the system.

The reform bill, sponsored by Senator Harsion A. Williams Jr. of New Jersey and Senator Jacob K. Javits of New York was designed to correct some of these problems.

SENATE UNIT ACTS

However, the bill was stripped of most of its key reforms last Friday in an executive session of the Senate Finance Committee. Senator Ribicoff said he was the only committee member present who had dissented from the action.

The committee voted to eliminate from the Williams-Javits bill a requirement that companies provide pension benefits to employes after a specified period of service, as well as a provision requiring companies to have adequate funds to cover future payments.

Also eliminated was a provision for pension insurance, similar to savings account protection provided by the Federal Deposit Insurance Corporation.

The committee also discarded a plan for voluntary pension portability that would have allowed a worker to transfer his benefits from one job to another.

The Financial Committee action came after the reform bill had been approved by the Senate Committee on Labor and Public Welfare. However, it also followed a request by the United States Chamber of Commerce that the conservative Finance Committee assert jurisdiction over the bill.

BUSINESS FIGHTS

The business community, for the most part, has fought the stiff and sometimes expensive provisions of the pension reform bill.

The Williams-Javits bill was drafted following a series of public hearings across the country in which workers, many of them in their seventies and eighties, complained that they were receiving no pensions from their companies, although they had expected the concerns to supplement their Social Security retirement benefits.

Among the major causes of missing benefits were companies going out of business and small concerns being acquired by conglomerates.

The Nixon Administration has proposed its own private pension legislation, which is designed largely to allow individuals to set aside money toward their retirement. It also would provide employes with irrevocable pension rights after their combined age and length of service with a company 50 years.

Critics of the Administration plan have pointed out that it would discourage employers hiring older workers and does not contain any provision for mandatory funding or insurance of pension plans.

[From the Christian Science Monitor, Sept. 22, 1972]

Pensions: "Social Tragedy"

(By Richard L. Strout)

Washington.—The federal government imposes strict supervision on life insurance companies. The government insures investors in savings banks. Private pension plans, however, are virtually unsupervised. Because it is almost a new subject many people do not realize the extent of the problem. The fact is private pension plans have been growing enormously. Presently 30 million people are under some form of private pension plan. The assets of these plans are huge, around $130 billion. It is the largest aggregate of unregulated money in the United States. And it is growing: $10 billion a year.

This concentration of funds provides a pension system that is often imperfect, sometimes tragic, and almost wholly uncoordinated. It is extraordinarily wasteful of human hopes and capital.

American workers are mobile and ambitious and before retirement normally have held three or four jobs in different companies; mostly the person rights of one company are not transferable to another company. The technical phrase is "portability. The situation is different in Canada where a national system exists insuring 93 percent of all workers. In the U.S. the idea that workers after a lifetime of work have an ethical right to a modest pension, even if their labor has been divided between a number of employers (each with its own private pension plan), is a novel one to many.

An hour-long documentary last week related by Edwin Newman over NBC under the title "Pensions: The Broken Promise" presented the situation vividly. The need for reform is not a new idea. President Kennedy 10 years ago set up a commission which presented a report. Nothing followed. Today a vigorous bipartisan reform drive is under way in the unions and in Congress, and centered in the Senate Labor Committee led by chairman Harrison A. Willams Jr. (D) of New Jersey and Jacob J. Javits (R) of New York, supported among others by Tom Eagleton of Missouri, and Bob Taft of Ohio.

Trade unions began pressing aggressively for pension rights as fringe benefits in World War II when wage controls limited cash increases. Workers accepted noncontributory pensions in lieu of higher wages. Now the situation is back again—more controls, and a renewed drive for fringe benefits in the form of pensions. Employers hope pensions will enlist worker loyalty and reduce turnover; they have no particular desire to provide "portability" if the workers move to another company in another state. These unregulated private pensions are often uncertain, occasionally financially unsound, and sometimes even dishonest. Sen. Hubert Humphrey last week noted that 500 pension plans are discontinued each year. When a conglomerate gobbles up a lesser company it frequently discontinues the pension plan under which a worker has built his quiet hopes of a protected old age for a lifetime. It is a tragic business.

The statistics on forfeiture of pension rights are almost unbelievable. Staff studies for Senator Williams' subcommittee cover all the workers since 1950, in two sample groups of private pension plans. Those who worked 10 years or less (2.9 million workers) in the first group show only 8 percent received any benefits; of those who served longer in the second group—11 years or more (6.9 million)—"only 4 percent received any kind of early or deferred vested retirement."

"The reason I am writing you is if I get a cut in my pension fund I don't know what I will do," wrote a 68-year-old retired Minneapolis-Moline worker to Leonard Woodcock, head of UAW, who testified last June. The worker had an ailing wife.

"How does one answer such a letter?" asked Woodcock. The pension in question was $129.76 a month. Not much, but with social security enough to keep the old man off relief. The company simply announced it would discontinue the plan, Mr. Woodcock testified. There is no federal reinsurance for lapsed pension plans, no regulation to require payment, and no federal supervision to see that this huge overall store of pension money is administered reasonably and honestly.

It is hard to characterize this situation as anything less than a scandal. Private pension plans serve a tremendous need in America's society and in its economy, but as Senator Humphrey told the Senate last week this is a situation of "potential social tragedy" in which "strong federal regulation" is indicated.

[From the Washington Evening Star and Daily News, Sept. 25, 1972]

CONGRESS GRAPPLING WITH PENSIONS

(By David Lawrence)

While the headlines are focused on presidential nominees and campaign developments, there is a tremendous amount of work being done at Washington by various departments and by congressional committees to deal with huge financial problems which will confront a growing population in the next four years.

Some emphasis has been given to revenue sharing by the federal government with the states and cities, which will start getting big sums from Washington in the next few weeks. Projects are under way to bring about constructive changes in the tax laws. Steps are being taken to make a number of other improvements, too. Thus, for instance, Social Security recipients will soon start to get larger checks monthly from the government.

There are, of course, reforms needed in different categories, such as regulation of private-pension plans. One measure which has been approved by a Senate committee would tighten the rules on pensions with three objectives:

First, to make sure that more people hereafter do receive the pension benefits to which they are entitled.

Section, to improve various provisions in many pension plans by reducing the period during which an employe must work before being eligible for benefits.

Third, to set up new ways to protect the cash in pension-fund reserves, with insurance to cover benefits if a plan is ended before full funding has been reached.

This is a bipartisan bill which probably will be debated in the Senate shortly, though it is doubtful whether it will be ready for passage until next year.

More than $150 billion in assets are held by pension plans, and these are designed to benefit 30 million individuals. The big question always is how the funds shall be invested—whether in corporate bonds or in common stocks. The recent trend has been toward the latter. In 1971, the assets of noninsured pensions were 68 percent in common stock, up from 43 percent in 1960. Corporate and other bonds made up 39 percent of the pension reserves in 1960 but now are down to 21 percent. Government-bond holdings have dropped from 7 percent to 2 percent.

Heavy investment in stocks has raised questions as to whether the huge pension funds may not influence stock-market prices and also as to whether pension reserves might be wiped out in a market crash.

In the case of pension funds, there are other difficulties, too. Many workers forfeit their rights under a plan if they leave their jobs or are discharged, while others lose out when mergers occur or employers shut down operations. Obviously, there is need for regulation in order to protect employes against inadequate provisions in some pension plans.

Improvements in the pension plans themselves would be made by the proposed bill. A worker who remains in a job for eight years would obtain a 30 percent "vested" right to pension benefits. After 15 years of service, his "vesting" would be complete. There would be provisions to aid anyone who was 45 years old when the bill became effective so that he or she would be given credit for service prior to that date. Other changes have been suggested so that a worker who goes from one job to another would carry certain rights with him or her if the new job also is covered by a pension plan.

A federal official speaks of the private pension-plan funds as constituting "the largest sum of unregulated capital in the United States."

The proposed legislation will certainly be of far-reaching importance to put into effect a set of provisions to safeguard the billions of dollars which are now in retirement funds and to protect the workers' rights to them.

Various other measures related to the finances of the government will come before Congress after the election. The effort to reduce expenses which is going on is expected to make it possible to cut the present deficit and to avoid having to increase taxes. The administration is determined to do everything it can to make any raise in taxes unnecessary, and it can do so only if nonessential expenditures are eliminated and tax revenues are stimulated by better economic conditions.

[WNBC-TV Editorial]

PENSION PLANS II

A 49-year-old engineer in the aerospace industry testified about pension plans last year. He had worked for 15 years with one company—but with a break of two years in the middle. He had no pension rights in the company plan because whenever he changed jobs, he lost his pension time. And he's not alone. In fact, the Senate Labor Subcommittee found that 9 out of 10 workers who change jobs before retirement discover the one thing they can't take with them is pension rights—the rights are not "portable."

The Javits/Williams pension act would establish a voluntary portability program for vested pension rights—so workers could take it with them when they change jobs. But a voluntary program, in our opinion, will likely be no program at all. We think *that* part of the bill should be stronger—the portability provisions should be mandatory. In this mobile society, it is shameful to tie a person down with pension rights he has sweated for, or to deny him those rights when he is forced to move or change jobs.

The bill—the Retirement Income Security for Employees Act of 1972—has been shuffled into the Senate Finance Committee for a week. It should be reported out with a strong portability provision—and passed this year.

[From U.S. News & World Report, Sept. 25, 1972]

TIGHTER RULES FOR PRIVATE PENSIONS—THE OUTLOOK NOW

Soon to come to a vote in the Senate: a bill for broad new guarantees to the more than 30 million Americans covered by private pension programs.

Now getting a big push in Congress are plans for pension reform that will mean important changes for all of the country's private retirement programs.

Chief thrust of a measure just approved by the Senate Labor Committee is toward tightening pension rules in three basic areas. These new rules, if enacted, would:

Make sure that more people, in the future, actually get pension benefits to which they are entitled.

Improve "vesting" provisions in most pension plans, by shortening the period over which an employe has to work before he is entitled to benefits.

Provide new safeguards for the cash piled up in pension-fund reserves, with insurance to cover benefits if a plan is ended before full funding is achieved.

The bill soon to reach the Senate floor is known as the Retirement Income Security for Employees Act, or RISE, for short.

The measure is a bipartisan one, sponsored by Republican Senator Jacob Javits, of New York, and Democratic Senator Harrison A. Williams, of New Jersey.

DEFERRED ACTION

Supporters see no prospect that the bill will get final enactment this year. The full Senate still must debate it, and a Labor subcommittee in the House must wind up research and hearings on a similar bill.

However, legislative experts see a good chance of passage next year, particularly since 15 of the 17 members of the Senate Labor Committee are solidly behind the Javits-Williams proposals.

Over the past decade or so, Congress has seen a flood of bills introduced to regulate the thousands of private pension plans in force in the U.S., but none of the bills has managed to reach the floor of either chamber. Now, says one pension expert, "There are enough forces converging on the whole issue of pension reform to assure a legislative showdown next year."

An indication of the stakes involved in pension-plan revisions is given in the accompanying charts.

Private pension plans now hold close to 153 billion dollars in assets, and cover more than 30 million individuals. Last year, private plans of all types paid out nearly 8.6 billion dollars to about 5.1 million beneficiaries.

One aspect of the current pension-fund situation that has come in for increased scrutiny lately is the high percentage of assets invested in common stocks.

Until recent years, actuaries tended to advise that pension reserves be kept in traditionally conservative investments such as high-grade corporate bonds or U.S. Government securities. The theory was that a heavy concentration in common stocks was too risky, and that money put into equities might evaporate in a severe market shake-out.

In the past decade, however, a growing share of the assets of noninsured pension plans—those not managed by insurance companies—have been invested in the stock market.

In 1960, 43 per cent of the assets of noninsured plans were in common stocks. By 1965, that figure had risen to 55 per cent. In 1971, it had gone up to 68 per cent.

OTHER INVESTMENTS

Corporate and other bonds made up 39 per cent of pension-plan reserves in 1960. Now that sum is down to 21 per cent. In 1960, 7 per cent of pension assets were in U.S. Government bonds. Now they are down to 2 per cent.

The heavy emphasis on stocks has raised questions in two directions. One is whether pension funds, with their huge concentration of buying power, may not have undue influence on stock-market prices. Fund managers have the ability to buy or sell thousands of shares in one transaction. The other question is whether some of the billions in pension reserves might not be wiped out in a stock-market crash.

There is no indication that the pending pension-plan legislation would specify any top limits on pension-plan assets that could be invested in common stocks.

The Javits-Williams measure does provide for enforcement of carefully engineered standards aimed at correcting what the bill's supporters see as serious shortcomings in existing regulations.

One study, for example, indicates that 9 out of 10 workers in certain job categories may never get their expected retirement income. Most workers forfeit their pension rights because they leave their jobs or are discharged before qualifying for benefits under the plans' provisions. Also, some lose out when their employers shut down operations or merge with other companies without setting aside enough money to cover workers' pension claims.

A recent report by the Senate Labor Subcommittee took a detailed look at 11 terminated pension plans in various industries and geographic regions in which 22,580 people were affected. In addition, more than 115 other recent pension-plan terminations affecting 200,000 individuals were studied.

The Subcommitte's conclusions:

In nearly all cases, the employer shut down operations following a merger or acquisition, leaving many workers without jobs.

The average age of pension-plan participants when the plans were ended was high, limiting employment opportunities elsewhere and diminishing the workers' ability to qualify for pensions with subsequent employers.

Most participants in these plans had thought their benefits were guaranteed and had no inkling that benefits might be reduced or eliminated.

When their pension plans were suddenly ended, most participants could not get information about what pension rights, if any, remained for them.

INSUFFICIENT FUNDS

Hearings by the Labor Subcommittee uncovered the fact that, when the pension plans it studied were terminated, assets in those plans invariably were insufficient to pay all promised benefits.

Sometimes, the hearings indicated, employees who had been drawing benefits were cut off from any future benefits when a plan was terminated.

Although reasons for the underfunded condition of the terminated plans varied, the committee staff cited as one reason the effect of the recent stockmarket decline on pension funds with large holdings of common stock.

What are some of the key provisions of the Javits-Williams bill?

Under one major provision, a worker who stays on the job for eight years would build up a 30 per cent vested right to his pension benefits. Only three of the eight years would need to be continuous. For each year beyond eight, an additional 10 per cent would be vested. After 15 years of service, vesting would be complete.

The U.S. Secretary of Labor is given authority to decide whether to waive the vesting requirements, however, if he finds that a pension plan has provisions equally favorable. Officials pointed out that this means the Labor Secretary will be able to let the auto companies and many other large industrial firms continue their agreements with workers for full vesting after 10 years of service.

For workers now covered under private pension plans, there would be limited recognition of past service. Anyone in a plan who was 45 years old when the bill became effective would be credited for his service prior to the effective date.

An important section of the new measure is intended to bolster the financial stability of all private pension plans.

The bill would require full funding of every pension program over a 30-year period, and insurance to cover vested benefits if a plan were forced to terminate before full funding was achieved.

TRANSFER OF RIGHTS

Also provided is a voluntary system of "portability." This means that a worker who stays at one job long enough to acquire pension rights could carry those rights with him if he moved to another job also covered by a pension plan.

More stringent "fiduciary standards" under the plan would broaden reporting and disclosure requirements for trustees and administrators, and require that persons handling employee-benefit money deal with it exclusively in the interest of the beneficiaries.

Employers also would be required to give workers more details about the exact provisions of a pension plan and how the plan applies to each employe covered by it.

Present federal law is described by many authorities as "lax" so far as pension-plan regulation is concerned. The chief requirements now are that administrators report annually on the structure and operation of their funds.

Existing plans are not required to be either audited or insured against loss. By contrast, other big pools of money—notably banks and insurance companies are closely regulated.

One federal official has pointed out that "private pension-plan funds constitute the largest sum of unregulated capital in the United States."

The measure now pending in Congress will go some distance toward bringing the billions in retirement funds under a new set of safeguards.

Mr. GRIFFIN. Mr. President, 15 minutes has been reserved for the minority leader. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that that time may be used by me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. LONG. Mr. President, will the Senator yield to me for 1 minute of that time?

Mr. GRIFFIN. If the distinguished chairman of the Committee on Finance would allow me, I should like to proceed briefly, and then I shall be glad to yield a portion of the remaining time to the chairman.

Mr. President, along with the Senator from New York (Mr. Javits), who has been providing such outstanding leadership in this field, I have been very concerned for a long time about the urgent need for pension reform legislation.

As the Senator from New York knows, I have a bill, S. 2485, which was introduced over a year ago and which has been pending before the Committee on Finance. In general, my bill follows the lines of the legislation that was reported by the Committee on Labor and Public Welfare in that it, too, would provide Federal vesting standards and it would establish a Federal insurance program to guarantee payment of pensions.

A few years ago the need for such legislation became very clear when the Studebaker Corp. went under financially. Thousands of workers in the automobile industry suddenly found that they were holding an empty pension bag.

The Studebaker case attracted considerable attention because it involved a large number of employees. But I know of many, many other situations where smaller numbers of employees with smaller companies have met the same fate after working hard for many years, looking forward to a pension, only to find, as a result of circumstances over which they had no control whatsoever, that the company goes bankrupt, or is taken over by a conglomerate which does not assume to take over prior pension obligations.

Being a member of the committee, I particularly regret the action that was taken by the Finance Committee. It is true that the committee had a very short period of time to consider this legislation. But it held no hearings on it at all and the consideration given was cursory at best.

As I have indicated in the individual views which I have already filed as part of the committee report, I strongly disagree with the action taken by the Senate Finance Committee. I want to assure this body that when this bill comes to the floor, amendments that will be offered by this Senator and the Senator from New York (Mr. Javits), and possibly others will restore the meaning and teeth to this very important legislation.

Once again I want to commend the Senator from New York for the leadership he has provided throughout on this very important subject.

Mr. JAVITS. Mr. President, before the Senator yields to the Senator from Louisiana, if he will yield to me briefly, I want to take this opportunity to say I cannot tell him how heartened I and the Senator from New Jersey (Mr. Williams) were by the fact that there was such support for this view in the Finance Committee.

Mr. GRIFFIN. Mr. President, I ask unanimous consent to have printed at this point in the Record the individual views which I filed as part of the report by the Committee on Finance.

There being no objection, the views were ordered to be printed in the Record, as follows:

Additional Views of Senator Griffin to S. 5398

It is very regrettable that the Committee has acted to delete the vesting, funding and insurance provisions of S. 3598 after only cursory consideration.

Unfortunately, the Committee chose this course of action without the benefit of any hearing on S. 3598 or other pension reform bills previously referred to the Committee.

For over a year, the Committee has had before it a bill (S. 2485) which I introduced to establish minimum vesting standards and a Federal insurance program.

In many respects, my bill would provide greater vesting and insurance protection than the bill reported by the Labor and Public Welfare Commtitee. For instance, my bill would require—

All plans with 15 or more employees to meet Federal Standards;

100% vesting after only 10 years of service;

That both a worker's service and benefits accrued before the date of enactment be covered by the Federal vesting standard;

That all service under a pension plan be counted whether it is continuous or not;

A Federal insurance program covering all losses of vested benefits.

The need for Federal vesting and insurance requirements is underscored by the fact that only one out of five social security recipients actually receives private pension benefits. Even where benefits are being paid, the Labor Subcommittee study found that in 1969 and 1970 median benefits being received by beneficiaries from pension plans were less than $100 per month.

Widespread support for effective pension reform legislation is reflected in the Labor Subcommittee hearings and from several Presidential task forces including a 1965 Cabinet Committee, the President's 1970 Task Force on the Aging, and the 1971 White House Conference on Aging.

In view of this, it is extremely disappointing to have the Committee place a barrier in the way of this critically needed legislation. Furthermore, it is ironic that on the same day the Committee acted on S. 3598, it also approved a welfare bill emphasizing work over welfare.

Most Americans believe in the work ethic, and they would rather work than be on welfare. However, the Committee dealt the work ethic a severe blow by gutting the key provisions of S. 3598.

The passage of a strong pension reform bill is as important to rank-and-file workers as was the passage of the 1959 Landrum-Griffin Act, which serves as a "bill or rights" for American workers in terms of their relationship with their unions.

It is my hope that strong pension reform legislation will still be enacted during this session of Congress.

ROBERT P. GRIFFIN.

Mr. GRIFFIN. Mr. President, I yield now to the chairman of the Finance Committee.

Mr. LONG. Mr. President, those of us on the Finance Committee feel that this is a matter that should be the subject of legislation. In the case of pension plans coverage, vesting, funding, portability of vested rights, and insurance of unfunded liabilities, all are areas which are usually dealt with by not allowing tax deductions where plans do not qualify. Therefore, jurisdiction with regard to these matters traditionally have been matters considered by the tax committees. On the other hand, public disclosure of the financial status of private pension funds, which also is dealt with in this bill, is an area not traditionally dealt with by the tax writing committees. The tax-related subjects which the Finance Committee would delete from this bill recently have been considered by the House Ways and Means Committee and we can expect action on these subjects next year. We expect to act on this subject next year and we will be glad to consider the proposals of the Senate Labor and Public Welfare Committee at that time. We are not passing on the merits of their basic proposals by taking the action we did in the Finance Committee.

The House takes the view—and we must respect it because it is in a position to insist on it—that revenue measures must originate in the House. While the Senate may amend it, the House is not going to consider any legislation initiated in the Senate on a subject like this, which the House has studied, on which it has conducted hearings, and on which it insists on its right to act further. That also is generally how the President of the United States believes we should proceed on this subject.

I would point out that there are more people interested in these matters than just labor groups. The Committee on Labor and Public Welfare is a fair and fine committee. Generally speaking—and I speak as a Democrat—it is oriented toward organized labor. It is difficult to find on that committee any Democratic Senator who is not oriented toward the point of view of organized labor. If such a Senator were serving on it, he would move out of it at the first opportunity, because it is not a happy experience for a Democrat to serve on that committee if he does not have a point of view, on the overwhelming majority of matters that comes before that committee, sympathetic to the position that organized labor would support.

This is not the kind of matter that ought to be considered by a committee that is more strongly oriented toward labor than any other committee in the Senate. I do not say there is anything wrong in that. As a matter of fact, it is well that the Labor and Public Welfare Committee is strongly oriented toward labor, as it is that the Committee on Agriculture and Forestry is strongly oriented toward agriculture, and that the Committee on Banking, Housing and Urban Affairs is strongly oriented toward banking. I see no particular objection to that.

The Finance Committee has strong responsibilities in social security, public welfare, and all revenue matters, and that committee does have on it a very good portion of Members who are very sympathetic to the position of labor as well as those who are sympathetic to the position of management, the consumer, and others. That is indicated by the fact that on this very bill we see minority views by five Senators who would like to see us proceed expeditiously in just the manner recommended by the Committee on Labor and Public Welfare. That is fine. But there are those of us who feel this matter should be handled as a revenue measure, which includes the President of the United States, his administration, all the business oriented groups, the chamber of commerce groups, the manufacturing groups, and, I would think, even the consumer groups, if one analyzed it, because, in the last analysis, the taxpayers and the consumers are the ones who are going to have to pay the costs of these additional pension rights, because those costs will be added on to the products they purchase.

These people feel it should be acted on by the tax-writing committees, just as they have for 30 years. We are not trying to muscle in on anybody else's jurisdiction; we only think our jurisdiction should be respected, and that if we are going to handle this matter in the tax-writing committees, it ought to originate in the House of Representatives.

I point out that, in all probability, if this measure should be sent to the House, it would not be agreed to on that side, because the Ways and Means Committee would insist on opposing it. I would not be surprised, should it reach the President's desk in the fashion being recommended, if the President vetoed it.

So if the Senate wants to engage in an exercise in futility, it can do so, but those of us on the Finance Committee feel we should recommend changes in the tax laws, and do as we have done for 30 years, handle it as amendments in the tax law. We do not feel the new incursion of the Labor and Public Welfare Committee on such subjects as vesting, funding, and portability of pension rights ought to be taken by the Committee on Labor and Public Welfare, because we feel the interests therein are broad and diverse and that they far transcend the interests of labor, even though they are important to labor. Labor has an enormous interest in this matter, but so does the consumer, and so does the taxpayer, and so does the manager, who, after all, must put up a great portion of the funds himself.

It was the view of those of us on the Finance Committee that this matter should be handled, as it has been for the last 30 years, as a revenue measure. When the House sends us this measure, we will undertake to go to work on it just as promptly as we can.

The PRESIDING OFFICER. Who yields time?

Mr. SCOTT. Mr. President, may I inquire as to whether there is any time left on the special order previously allowed me?

The PRESIDING OFFICER. The Senator from Michigan has 4 minutes.

Mr. LONG. Mr. President, will the Senator yield me 30 seconds?

Mr. SCOTT. I yield.

Mr. LONG. Mr. President, I ask unanimous consent to have printed in the RECORD a portion of the report of the Committee on Finance on this measure since the assistant minority leader has already requested that the minority views be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

RETIREMENT INCOME SECURITY FOR EMPLOYEES ACT

I. SUMMARY

S. 3598 as reported by the Committee on Labor and Public Welfare has been amended by the Committee on Finance to delete the tax-related provisions; namely, the provisions relating to coverage, vesting, and funding of pension and profit-sharing plans (and the related provisions concerned with insurance and portability). No substantive change, however, has been made in the amendments in this bill to the Welfare and Pension Plans Disclosure Act providing more comprehensive and simpler reporting of information regarding pension plans.

As is indicated further in the next section of this report, the Finance Committee notes that the provisions deleted by the Finance

Committee amendments have historically been handled through the tax laws. Moreover, the bill is able to provide for these provisions only through numerous specific references in the bill to provisions in the tax laws.

The Administration has made a series of recommendations in the areas of the tax-related provisions which have been referred to the tax-writing committees and on which the House Committee on Ways and Means has already held hearings. Both the Department of Labor and the Treasury Department, as indicated in the section of the Labor and Public Welfare Committee's report on agency comments, objected quite strongly to the provisions in S. 3598, and, instead, recommended the enactment of the bill containing the tax-related provisions referred to the tax-writing committees.

Substantial problems would occur in the separate administration of part of the provisions relating to pension and profit-sharing plans by the Internal Revenue Service (as at present) and another part of the requirements by an agency in the Department of Labor. In addition, the provisions in the bill as reported by the Committee on Labor and Public Welfare for enforcement depend upon petitioning the Federal courts to compel compliance. This is a less effective and more difficult remedy than that available in the case of pension and profit-sharing provisions associated with the tax laws where tax deduction may be denied for noncompliance, which provides a significant measure of self-enforcement for the provisions.

The Finance Committee, in deleting the tax provisions, is not attempting to pass on the desirability of the changes proposed. The House Committee on Ways and Means has held hearings on this subject and can be expected to report legislation next year. The Finance Committee will consider, at that time, both the House action and the recommendations of the Senate Committee on Labor and Public Welfare.

II. GENERAL STATEMENT

S. 3598, as reported out by the Committee on Labor and Public Welfare, deals with the following aspects of pension and profit-sharing plans:

(1) The employees who must be covered by any such plan;

(2) The period after which, and the extent to which, an employee covered by the plan must be given a vested, nonforfeitable right to the benefits he will receive upon retirement;

(3) The extent to which anticipated costs of a plan must be funded;

(4) Provision for insurance designed to cover unfunded liabilities where benefit losses arise at the time of plan terminations;

(5) A voluntary program for the portability of vested rights to pension benefits; and

(6) Amendments to the Welfare and Pension Plans Disclosure Act to provide more comprehensive and simpler reporting of information regarding pension plans.

A brief comparison of the pension and profit-sharing provisions of this bill with present tax law is shown in the next section of this report.

The coverage, vesting, and funding of pension and profit-sharing plans and related provisions, all but one of the topics listed above with which S. 3598 deals, have been dealt with almost exclusively by the tax laws since 1942—a period of 30 years. The bill as reported by the Senate Labor and Public Welfare Committee would establish new and generally more rigorous requirements in the case of coverage, vesting, and funding (and also add completely new provisions dealing with insurance and portability) outside of the tax laws, the traditional way of providing standards in the case of pension and profit-sharing plans.

While not directly amending the Internal Revenue laws, the bill, as reported by the Senate Labor and Public Welfare Committee, achieves much the same effect by some eight references in the bill to various provisions in the tax laws. The coverage provisions indicate that the standards set are generally to apply to pension and profit-sharing plans of employers engaged in interstate commerce or employers engaged in commerce affecting interstate commerce. However, various exceptions are provided, including an exception for religious organizations "described under section 501(c) of the Internal Revenue Code of 1954" and unfunded plans established to provide deferred compensation for management employees and declared by the employer as "not intended to meet the requirements of section 401(a) of the Internal Revenue Code." By exceptions such as these, which make reference to the Internal Revenue Code, the coverage apparently is designed to cover essentially the same plans as the tax provisions of the Internal Revenue Code (except that S. 3598 would not apply to plans covering no more than 25 participants).

In the case of funding requirements the bill specifies that generally an experience deficiency must be made up in a 5-year period except where this exceeds "the allowable limits for a tax deduction under the Internal Revenue Code of 1954." Again, in the case of the funding provisions where there is a surplus, the bill indicates that future payments may be reduced or benefits increased by the amount of the surplus "subject to the provisions of the Internal Revenue Code of 1954 and regulations promulgated thereunder." The bill also provides rules in the case of the discontinuance of plans again "subject to the provisions of the Internal Revenue Code and regulations promulgated thereunder." Still another reference made in the discontinuance-of-a-plan provision provides a specific priority in the case of payments to beneficiaries under the plan "pursuant to the requirements of section 401(a)(7) of the Internal Revenue Code of 1954." Two other specific references to the Internal Revenue Code also are made in the bill.

The frequent references to the Internal Revenue Code in the bill indicate the impossibility of developing a bill without reference to the tax laws. The difficulty, of course, arises from the fact that these provisions have over a long period of time been developed through the use of the tax provisions. It is for reasons such as these that the committee believes that the coverage, vesting, funding, and related provisions should continue to be dealt with by the tax committees of Congress.

It should be noted that the Administration has reported to Congress on coverage and vesting requirements of pension and profit-sharing plans and has also promised, within the year, to supply its recommendations with respect to the funding of pension plans. A bill prepared by the Administration relating to coverage and vesting and also the indication that a report on funding is to be delivered in the future were included in the Administration's report referred to the House Committee on Ways and Means and the Senate Committee on Finance. On the other hand, the Administration's suggested improvements in reporting requirements were referred to the House and Senate Committees on Labor and Public Welfare.

The Department of Labor and the Treasury Department, as is indicated in the section on agency comments in the report of the Labor and Public Welfare Committee, both object quite strongly to the tax-related provisions in the bill, S. 3598, and instead, recommended the enactment of the bill containing the tax-related provisions referred to the tax-writing committees.

The committee believes that an important reason for not splitting the requirements for pension and profit-sharing plans into two parts is the difficulty in the enforcement where part of the enforcement is under the jurisdiction of the Internal Revenue Service in the Treasury Department and the enforcement of an additional layer of requirements is administered by an agency in the Department of Labor. This division would create difficulties not only because of the dual administration and the problems which would arise as a result of conflicting interpretations of various provisions but also, and perhaps more importantly, because of the substantially different enforcement techniques which would be used. Use of the tax laws as a means of achieving conformity with a set of pension and profit-sharing requirements can be achieved with a limited number of enforcement personnel. In large part, the provisions under the tax laws are self-policing since no employer desires to lose tax deductions for amounts set aside under pension or profit-sharing plans. Moreover, in practice, most changes in pension and profit-sharing plans are cleared quite carefully through the Internal Revenue Service before they are made.

On the other hand, the additional vesting, funding, and similar requirements added by this bill as reported by the Senate Labor and Public Welfare Committee are to be enforced by empowering the Secretary of Labor to petition the Federal courts to compel a pension or profit-sharing plan to comply with the provisions of the Act or to effect recoveries of funds due under the Act. As a result, under this enforcement technique, the Department of Labor must constantly examine and seek out changes in the plans or methods of operation to determine when violations of the new provisions occur and then to seek remedies in the courts. These enforcement techniques are less effective than associating compliance with the Internal Revenue Code relating to tax deductible status. The new enforcement provisions would be both far more costly to enforce and far less effective in obtaining compliance generally.

The Finance Committee, in amending S. 3598 to delete the tax-law-related provisions, is not attempting to pass on the desirability of the changes proposed. It certainly agrees that the pension and profit-sharing requirements of existing law deserve changing and strengthening. The House Committee on Ways and Means recently has completed hearings on the Administration proposals with respect to the tax-related provisions for pension and profit-sharing plans. It appears likely that the House proposals for changes in this regard will be before the Finance Committee in the next session of Congress. At that time, the Committee on Finance will not only consider the proposals sent to it from the House but will also consider the tax-related provisions in S. 3598 which by its amendments are deleted from this bill.

It is also important to recognize that as desirable as strengthening requirements for pension and profit-sharing plans may be, these plans are essentially voluntary insofar as employers are concerned with the result that stronger requirements tend to discourage the widening of the use of private pension and profit-sharing plans. Therefore, a careful balancing of these two conflicting considerations is needed in considering recommendations to strengthen provisions relating to private pension and profit-sharing plans. The proposals made in this bill make substantial changes in these provisions over a relatively short period of time. The committee does not see any significant evidence of this balancing of considerations in the bill as reported by the Committee on Labor and Public Welfare.

For the reasons set forth above, the committee has reported back to the Senate the bill as reported by the Senate Labor and

Public Welfare Committee deleting the provisions relating to coverage, vesting, and funding of pension and profit-sharing plans together with the two related provisions dealing with insurance and portability of vested rights. Other conforming changes are also made. In the bill reported by the committee, however, no substantive change is made in the provisions of the bill amending the Welfare and Pension Plans Disclosure Act to provide more comprehensive and simpler reporting of information regarding pension plans.

III. COMPARISON OF PENSION PROVISIONS OF S. 3598 WITH PRESENT TAX LAW

The principal changes made in the treatment of pension and profit-sharing plans under S. 3598 which presently are dealt with by the tax laws are described below and are compared with the present tax provisions.

1. Age and service requirements

S. 3598.—A pension or profit-sharing retirement plan could not require as a condition of eligibility to participate a period of service longer than one year or an age greater than 25, whichever occurs later. However, any plan which provides 100 percent immediate vesting upon entry into the plan could restrict participation to those who have attained age 30, or 3 years of service, whichever occurs later.

Present law.—In general, pension and profit-sharing plans are not now required to comply with any specific eligibility conditions relating to age or service in order to qualify under the Internal Revenue Code. Current law allows plans to be limited to employees who have (1) attained a designated age, or (2) have been employed for a designated number of years (three years maximum in the case of self-employed plans), so long as the effect is not discriminatory in favor of officers, shareholders, executives, and highly-compensated employees. Also, under administrative practice, a plan may exclude employees who are within a certain number of years of retirement (for example, five or less) when they would otherwise become eligible, provided the effect is not discriminatory.

2. Vesting

S. 3598.—Pension plans would generally be required to give covered employees vested rights to 30 percent of their pension benefits after 8 years of service. Thereafter, each year the covered employees would be given vested rights to an additional 10 percent of their accrued pension benefits so that at the end of 15 years of service, they would be entitled to 100 percent vested rights to benefits. However, vesting of accrued benefits for service rendered prior to the Act would be required only for plan participants who have attained age 45 on the effective date of the vesting provision, which would be 3 years after the date of enactment of the bill. In addition, the Secretary of Labor would be given the authority to postpone the applicability of the vesting requirements for a period not to exceed 5 years from the effective date of such requirements where there is a showing that the vesting requirements would increase the employer's costs or contributions under a plan to an extent that "substantial economic injury" would result to the employer and to the interests of the participants.

Present law.—A qualified pension or profit-sharing plan must now provide that an employee's rights are to become nonforfeitable if it terminates or the employer discontinues his contributions. With this exception, there is no requirement that an employee under an employer plan must be given nonforfeitable rights to his accrued benefits before retirement, although the absence of such preretirement vesting is taken into account in determining whether the plan meets the nondiscrimination tests of the Internal Revenue Code. Under a self-employed plan, the rights of employee-participants must vest immediately.

3. Funding

S. 3598.—Employers would have to fund all current service costs annually and to fund initial unfunded liabilities at least ratably within 30 years. Any amendment which results in a substantial increase in the plan's unfunded liabilities would be funded separately as if it were a new plan. Experience deficiencies would generally be funded within 5 years. Plans would be required to be reviewed every 5 years by certified actuaries who would report the funding obligations which must be met and any surplus or experience deficiencies. The funding requirements become effective 3 years after the date of enactment of the bill. However, where an employer can make a showing that he cannot make the required annual contribution, the Secretary of Labor may waive contributions otherwise required and authorize that the deficiency be funded over a period of not more than 5 years. Before granting such a waiver, the Secretary of Labor must be satisfied that it will not have an adverse effect on the interests of employees.

Present law.—The present minimum funding rules require an employer to make contributions to a qualified pension plan equal to the pension liabilities being created currently plus the interest due on unfunded accrued liabilities. In addition, section 404 of the Internal Revenue Code sets forth limitations on deductions for contributions to qualified pension plans. In general, an employer may deduct contributions to a qualified pension plan for amounts required to meet the actuarial costs of pension benefits. However, to prevent abuse, there are certain restrictions as to how quickly these deductions can be taken.

4. Plan termination insurance

S. 3598.—Pension plans would be required to participate in an insurance program administered by the Secretary of Labor which is designed to protect participants against the loss of vested benefits arising from plan terminations. The amount of benefits payable under such insurance is limited to the lesser of 50 percent of the highest monthly wage earned over a 5-year period of $500 a month. This insurance program would be financed by premiums ranging from 0.2 percent to 0.4 percent of the plan's unfunded vested liabilities. In addition, where a plan is terminated, the employer may be liable for reimbursement of a portion of the insurance benefits paid under the new program, based on the ratio of the plan's unfunded vested liabilities to his net worth.

Present law.—There is no comparable provision for insuring pension benefits under present law.

5. Enforcement

S. 3598.—An office of pension and welfare administration would be established within the Department of Labor to implement the specified standards of vesting, funding, reinsurance as well as disclosure and fiduciary standards. The Secretary of Labor would be empowered to petition the Federal courts to compel a pension or profit-sharing retirement plan to comply with the provisions of the Act or to affect recoveries of sums of money due under the Act. When the Secretary has reason to believe that a plan is violating the act, he would also be given the right to seek relief in the Federal courts, to compel the return of assets to the fund, to require payments to be made, to require the removal of a fiduciary, and to obtain other appropriate relief.

Present law.—Plans which qualify under the Internal Revenue Code as nondiscriminatory in regard to coverage or benefits receive special tax treatment to foster their growth. The earnings on the assets, for example, are exempt from tax. In addition, employers receive deductions for contributions to such plans within certain limits and employees are permitted to defer payment of tax on employer contributions until they receive them in the form of benefits. The Internal Revenue Service administers the tax provisions of the Internal Revenue Code relating to the qualification of pension and profit-sharing plans. If a plan does not comply with the requirements of the Internal Revenue Code, these special benefits are lost. Thus, to a considerable extent, the provisions of the Code in this area are self-enforcing.

In addition, the Department of Labor administers the Welfare and Pension Plans Disclosure Act of 1958 (Public Law 85-836 as amended by Public Law 87-420).

FINANCE COMMITTEE'S TREATMENT OF THE PENSION BILL

Mr. JAVITS. Mr. President, I should like to reply to the statement made by the Senator from Louisiana, the chairman of the Committee on Finance, as to Finance Committee jurisdiction.

As the report by the Finance Committee itself concedes, the pension bill reported by the Committee on Labor and Public Welfare does not in any manner, shape or form amend any provision of the Internal Revenue Code. As in the case of the Welfare and Pension Plans Disclosure Act, which originated in the Senate Labor Committee and was enacted by the Congress in 1958, the pension reform bill reported by the Labor Committee is fully compatible with the administration of the tax laws because it seeks to regulate what the Internal Revenue Code does not regulate.

The Finance Committee's report suggests that because the bill includes reference to the Internal Revenue Code at several points, that this indicates the necessity of incorporating further pension regulations into the Internal Revenue Code. However, the Welfare and Pension Plan Disclosure Act makes reference to the Internal Revenue Code at least four times and yet this fact was not considered sufficient reason to incorporate that legislation as part of the tax provisions. And I suggest that if every bill that referred to the Internal Revenue Code or other laws was to be handled according to its references, the Senate would find it impossible to deal effectively with any social legislation.

The Finance Committee report asserts that with the exception of the Welfare and Pension Plans Disclosure Act, pension plans have been historically regulated under the provisions of the Internal Revenue Code, and, therefore, matters such as vesting, funding, insurance and portability, should also be regulated under the Internal Revenue Code. Insofar as history is concerned, it is true enough that pension plans have been regulated under the Internal Revenue Code, but what the report fails to state is that this regulation is designed primarily to produce revenue and to prevent evasion of tax obligations under the guise of exceptions. The historic mission of the Internal Revenue Service with respect to pension plans has been to encourage their development through tax incentives but to assure that the deduction is justified. Now, the same is true about expenditures for cleaning up waters, cleaning up the air, or taking safety precautions. But that does not mean that the Committee on Finance has exclusive jurisdiction.

The Finance Committee report asserts that removing deductions from pension plan contributions is the most effective way of enforcing minimum standards for workers. I seriously question this assertion. What if the employer or plan is willing to forego tax benefits in order to avoid compliance with minimum standards? How does the employee recover his "rights" to benefits he is entitled to by reason of such standards? Would the Department of the Treasury sue to make the employer pay benefits owed to participants if the only mechanism for enforcement is the removal of the tax deduction? Could the employee sue under the Internal Revenue Code to recover what rightfully belongs to him? I doubt it since no private rights are created by the Internal Revenue Code.

Moreover, what would be the position of the Internal Revenue Service if no deduction was claimed by the employer for a particular year? In St. Louis, the Senate Labor Subcommittee investigated a particular plant shutdown and the termination of a pension plan in which 150 vested employees lost all their benefits because a plan was underfunded. The hearing record disclosed that, during the last few years of the plans, the employer neglected even to contribute current service costs to the plan, much less to amortize the unfunded liabilities. Was the plan disqualified by the Internal Revenue Service? Hardly, the Internal Revenue Service did not notice the funding deficiency because no deductions were claimed in the absence of contributions.

My point here, Mr. President, is that the historic Internal Revenue Service system of pension regulation has a single "handle"—the tax deduction claimed in a tax return. If there are insufficient contributions and no deductions, is the Internal Revenue Service—which after all is essentially a tax collection agency—likely to complain? I hardly think so and experience bears this out. And would workers complain to the Internal Revenue Service? Even this is unlikely, because if the complaint were sustained, the only remedy the Internal Revenue Service has to disqualify the plan which results in even less money in the fund.

I certainly do not mean to suggest that the tax qualification provisions in the Internal Revenue Code are unwise or unnecessary or that the Finance Committee is out of line in maintaining its vigilance with respect to these provisions. On the contrary, the tax qualification standards are an essential component of the tax incentive which has been central to the development of the entire pension plan system. But tax qualifications alone are not enough. If we are prepared to legislate minimum standards in the interest of protecting 30 million American men and women—and making those standards real and enforceable—we cannot leave out affirmative regulations directly enforceable at law.

I have no objection to the Finance Committee considering the matter, and I welcome their opinion even if I violently disagree with it. All that I argue is, "OK, that is fine, you have seen it." I do not want to see it stripped of everything meaningful. Now, while it is a hot issue, let us get to work at it and let the Senate decide whether it wants a meaningful pension reform bill or wants to throw it into the ashcan. Let us not drag it over until next year, next June or July or August. We have already had extensive hearings; the Senate has authorized a large sum of money; and it is a mature bill of enormous interest to infinitely more millions of Americans than most of the bills which go through this body even now. All I am saying, together with the Senator from New Jersey (Mr. Williams), is let us get the Senate at it and let it decide whether it is going to go with this bill or whether it is going in the ashcan.

I hope very much the Senate will do that.

Mr. LONG. Mr. President, I have prepared a statement with regard to this measure, pointing out a problem that occurs to the Committee on Finance, with particular respect to the unfair presentation of this matter, primarily because the press did not understand the position of the Finance Committee.

I ask unanimous consent that the statement be printed in the Record at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Statement by Senator Long

In the last few days, there have appeared in the press highly unfavorable articles on the Senate Finance Committee action on the pension bill recently referred by the Senate to the Finance Committee after being reported to the Senate by the Senate Labor and Public Welfare Committee. A Washington Post article, not waiting for the Finance Committee report to be filed, referred to the Finance Committee action as "gutting" the bill and implied that this was a raid on the other committee's jurisdiction. An editorial in the New York Times probably also written before the committee report was out, attacks the Senate Finance Committee action in similar vein.

The fact that these articles started from a fixed point of view is indicated by the fact that they did not wait to see what the reasons were for the Senate Finance action before making their attacks. To say the least, these articles do not measure up to the standards of objective reporting usually claimed by these papers.

The provisions in the retirement income security for employees bill which the Finance Committee deleted were those changing coverage requirements for pension plans, those changing the period over which pension rights must become vested, those dealing with the funding of a pension plan, those dealing with insurance in lieu of funding for such a plan, and those relating to the so-called portability of vested rights to pension benefits.

Contrary to the impression which is given to the public in the recent newspaper articles, the coverage, vesting and funding of pension plans have been dealt with almost exclusively by the tax laws since 1942, a period of 30 years. Actually, the committee which was stepping out of the traditional role in handling these matters was the Labor and Public Welfare Committee, not the Senate Finance Committee. It was the bill as reported by the Labor and Public Welfare Committee which would have established new requirements in all of these areas, in addition to the tax-law requirements, but outside of the tax laws, the traditional way of providing standards for pension and profit-sharing plans.

How closely these provisions are tied into the Internal Revenue laws is indicated by the fact that in its bill the Senate Labor and Public Welfare Committee found it necessary to make some eight specific references to various provisions in the Internal Revenue Code. How closely these are tied into the tax requirements for pension plans is set forth in the Finance Committee report. These frequent references to the code indicate the impossibility of developing a bill without references to the tax laws. The fact that the requirements of present law, on which the Labor and Public Welfare Committee would build, have been developed over a long period of time through the use of tax provisions is why the Finance Committee believes that these pension provisions should appropriately be dealt with by the tax committees of Congress.

The impression left by the recent newspaper articles that the bill developed by the other committee is a widely accepted bill, is easily refuted by looking at the agency comments in the report of the Labor and Public Welfare Committee. In those comments, I found no indication of any agency specifically endorsing the tax-related provisions of the bill as reported. More important, the Departments of Labor and Treasury specifically and strongly object to the tax-related provisions in the bill. Instead, both of those agencies recommended the enactment of a bill containing quite different tax-related provisions, and which was referred to the tax-writing committees.

Wholly apart from the new standards that the Labor and Public Welfare Committee bill sought to establish, a major difficulty with the bill was in the enforcement techniques used to assure compliance with the new provisions. Recognizing the problem of jurisdiction, the Labor and Public Welfare Committee sought to find a new way of enforcing the additional requirements it added for pension plans which were outside of the tax laws.

The traditional way of enforcement in the past has been to deny a tax deduction for a plan which was not qualified in some respect. This was avoided in the Labor and Public Welfare Committee bill, however, because this would have made even clearer the fact that the committee was dealing with a subject matter properly belonging to another committee.

Instead, the additional vesting, funding and other requirements added by the bill as reported by the Senate Labor and Public Welfare Committee would be enforced by empowering the Secretary of Labor to petition federal courts to compel a pension plan to comply with the provisions of the act, or to affect recoveries of funds due under the act. As a result, under this enforcement technique, the Department of Labor must constantly examine and seek out any changes in plans, or methods of operation, to determine whether violations of the new provisions have occurred and then seek remedies in the courts.

The enactment of the bill in the form reported by the Labor and Public Welfare Committee could only result in great confusion. First, there is the double layer of requirements which must be understood by all employers setting up and operating plans. Secondly, there is the enforcement of part of these requirements by the denial of tax deductions and enforcement of remaining provisions by the Department of Labor going into court whenever a violation occurs. The Finance Committee concluded that this was a serious problem and that the bill should not be left in this chaotic status. However, the recent newspaper articles say not one word about these problems.

Again the newspaper articles imply that the Finance Committee is seeking to kill the new requirements proposed. Nothing could be further from the truth. The committee report specifically states that the Finance Committee in deleting the tax related provisions from this bill "is not attempting to pass on the desirability of the changes proposed." It goes on to agree that pension and profit sharing requirements of existing law need to be changed and strengthened. It also points out that the House tax committee has recently completed hearings on the Administration's proposals concerning the tax-related pension provisions. The Finance Committee report also notes that since the House committee has already held hearings on this subject it is likely that a bill will be acted on by the House next year, and be before the Finance Committee later in the next session of Congress. At that time, the report goes on to state, the Finance Committee will consider not only the proposals sent to it from the House but will also consider the tax-related provisions in the bill reported by the Senate Labor and Public Welfare Committee.

There also is another problem which was not brought out in either the Washington Post article or the New York Times editorial. It is important to recognize that there are two sides to this question of strengthening requirements for pension plans. These plans are voluntary as far as employers are concerned, which means that the stronger the requirements are, the less likely employers are to adopt new pension plans or to broaden existing plans. By saying this I, of course, do not mean that the requirements of existing plans should not be strengthened, but rather point out that there needs to be a balanced consideration of pensions. This was a side to the issue which was entirely ignored in the newspaper articles. This need for a balanced consideration will be given, however, in the study of pension plan legislation by the tax committees in the next Congress.

THE PENSION REFORM BILL

Mr. COOK. Mr. President, I stand today to decry what I believe is irresponsible action by the Senate Finance Committee which in the period of one short week completely gutted the pension reform bill reported unanimously by the Senate Labor and Public Welfare Committee on September 15.

S. 3598, the Retirement Income Security for Employees Act of 1972 was studied by the Labor and Public Welfare Special Pension Study Subcommittee which involved 3 years and $1 million. Those provisions deleted by the Finance Committee affect vesting, funding, Federal reinsurance, and portability. I would like to add that not only do I find the actions of the Finance Committee in this regard irresponsible, but entirely incredible. In the midst of revenue sharing and H.R. 1, somehow the Finance Committee found the time to completely destroy the work of 3 years and the hopes of 30 million Americans. This bill, as reported by the Senate Labor and Public Welfare Committee, would have provided security and relief for thousands of people in the future. It is sad that so many older Americans who have worked for years must finish out their lives in poverty or near poverty because of changes in employment, inability to save, companies going out of business, moving, being fired, and other causes out of their control. Social security and medicare are not enough and it is time that we in the Congress take positive action to correct the failures and abuses of the private pension system.

I regret that it appears highly unlikely that any final action on pension reform will be taken by the 92d Congress since the House has allowed pension legislation there to linger in committee and the Senate Finance Committee has dealt a crushing blow to 3 years of research.

DRUG TRAFFIC

Mr. GRIFFIN. Mr. President, I yield whatever time remains to me under the order back to the original Senator to whom it was granted.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I thank the distinguished Senator from Michigan for cancellation of the I O U, or whatever just happened here.

Much is being said about the drug traffic these days, Mr. President, and I think we ought to look at the initiatives for which the President has been responsible during his administration.

First. He has added over 2,000 agents to our drug enforcement forces and has increased the funding for law enforcement efforts against the drug problem by 800 percent.

Second. Spending on drug research has risen 300 percent.

Third. Funding for international narcotics control has jumped from $5 million to $50 million.

Fourth. At the President's initiative, America's worldwide antidrug offensive is beginning to pay off. Turkey, as of July 1, 1972, is banning the cultivation of opium poppies. France has seized five heroin laboratories this year. Cocaine labs have been destroyed in Bolivia and Ecuador. The United Nations has been spurred into an international drug control program. The President's Cabinet Committee on International Narcotics Control has overseen the preparation of 59 narcotics control action plans in major hard drug transit and producing countries. And the activity is starting to pay off in a shortage of heroin—a shortage which is indicated by the rapidly increasing cost of heroin in the street.

Fifth. Funding for drug treatment and rehabilitation programs has jumped from $25.2 million to $230.2 million—an increase of over 800 percent. As more personnel are trained, as is being done under the President's direction, more funding can be absorbed in the area of treatment and rehabilitation.

Sixth. President Nixon opposes, without reservation, the legalization of marihuana.

Mr. President, on the 5th of September last, I had a television interview program with Mr. John E. Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, who has been in charge of this program. That interview was of considerable interest, I believe, since it was given purely for informative purposes for my constituents in Pennsylvania.

I ask unanimous consent that the transcript of the interview be printed in the Record, and yield back the remainder of my time.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

Your Senator's Report

Scott. International cooperation is the key to stopping narcotics traffic.

Announcer. From Washington we present, "Your Senator's Report," a report to Pennsylvania from the U.S. Senate by Senators Hugh Scott and Richard Schweiker. Now here is Senator Scott.

Scott. Well, ladies and gentlemen, my guest today can tell us about the narcotics traffic and what is being done nationally and internationally to combat it. He is John E. Ingersoll, the Director of the Bureau of Narcotics and Dangerous Drugs. He was appointed to this position in 1968, having previously served as Assistant Director of the Office of Law Enforcement Assistance. He is also former Chief of Police of Charlotte, North Carolina. John, I'm glad you could join me today.

Ingersoll. Thank you, Senator. It's a pleasure to be with you.

Scott. Always good to have you here because we're talking to an expert. One example I think we are familiar with is the international cooperation gradually being achieved in Turkey where Turkish farmers are being paid NOT to grow opium. What other programs have been established in other countries in this continuing battle to stop narcotics shipment?

Ingersoll. Well, Senator, we're working with over 50 countries now in a bilateral manner, reaching agreements on programs in which they'll participate with us in stopping the narcotics traffic, either if it originates in their territories or passes through them. Specifically for some years now we've been working very closely with Mexico, I'm sure you know, in a cooperative program that has been headed by the Attorney General for our side and the Attorney General of Mexico and more recently the Presidents of the two countries of the United States and Mexico talked extensively on this subject. Throughout Latin America the same kinds of cooperative programs are developing. In Southeast Asia, of course, was passage of the first law to restrict the production of opium in very intensive efforts on the part of the Laotian government, on a very high level, very successful ones. In Thailand we have joint operations with the Thai National Police up in the northern part, particularly during which time over the last few months over five tons of opium and its derivatives have been seized. This is more than anyplace else in the world. And then of course in France we've been working for a good number of years in an effort to get France to mobilize. It's better to eliminate illicit factories in southern France and this year alone they have seized five such operations in addition to confiscating around the neighborhood of a ton of heroin that was destined for the United States.

Scott. Southern France, of course, is also the site of the perfume industry. They have people who are pretty skilled at distilling all sorts of flowers and essences. Unfortunately, heroin is one of them. That brings up the question of port security. I know that Marseilles, for a long time was one of the principal ports of exports of illicit drugs. What are you doing in the port security areas, generally?

Ingersoll. Well, the President has increased the size of the U.S. Customs Services both here in our own ports and also assigning the Customs Officers overseas to assist foreign customs services and to participate in the gathering of information about the means of transportation, places of concealment and people who are involved. I think that tightening up customs facilities and improving their activities abroad is going to be a long-range kind of a job.

SCOTT. What kind of progress have you made with Marseilles as compared with, say, several years ago? Can you put any figure on it as to how much you may have helped to stifle this traffic?

INGERSOLL. Well, I think that certainly we're disrupting the ability of the traffickers to operate with impunity and in response to your last question, the Customs Service has tightened up considerably in and around the port of Marseilles. For example, one of the seizures involved a thousand pounds of heroin on a fishing vessel that was seized by the French customs service and that was destined for the West Indies and from there into the U.S. So I think that's an example of the improvement.

SCOTT. There have been charges that there have been illicit shipments of drugs from Mainland China. And I was in China, I was in no position to know whether Mainland China was involved in illicit drug traffic or not, but could you comment on this?

INGERSOLL. Well, I think since you've been there and I haven't that you probably could make a more credible comment than I can. The problem that I have with that subject is trying to prove the negative. We have no evidence at all to indicate that there is any heroin or opium coming out of Mainland China at least with the complicity of the government.

SCOTT. I don't know much about flowers or how opium is extracted. My interest is in archeology and if you'll excuse a very bad pun. the only thing I'm able to distinguish is being able to tell a poppy from a mummy. Well, I take it you have no solid evidence such as illegal shipments into this country from Mainland China.

INGERSOLL. No, to the contrary. The major seizures of heroin or morphine or opium that have been made coming from the Far East we can trace back to sources other than Mainland China.

SCOTT. President Nixon has intensified drug control through executive order and through legislation and his programs have been broadened in the area of enforcement. Now as an enforcement officer, would you tell our Pennsylvania listeners some of these moves and whether in your opinion the plan is working?

INGERSOLL. Well, to answer your last two questions, I can certainly say that the plan is working and that's evidenced by the increasing shortage of heroin that presently exists in the Eastern U.S. I think the citizens of Pennsylvania are one of the beneficiaries of that shortage. The plan, as far as domestic law enforcement is concerned, contemplates hitting the traffic at all levels. At the level of the importer, and the wholesale and interstate wholesaler, the distributor, and also to hit them at the street level through the use of teams of personnel from different agencies, Bureau of Narcotics and Dangerous Drugs, the Internal Revenue Service, Customs, Post Office and so on. And we are attempting to use any device available to whatever means of making a tax case against a trafficker, if a substantive narcotics case cannot be made or whether it's evaluation of postal laws or even an evaluation of labor laws as the local police and prosecutors are involved in these programs.

SCOTT. Some of my constituents write and say they have difficulty understanding how you aren't able to cut off the flow of illicit drugs altogether. Now, as an enforcement officer and with that experience, how do you answer people like that regarding the difficulties of enforcement?

INGERSOLL. Well, first of all I think it relates to the people who are involved in the traffic, subterranean people who operate clandestinely. There rarely, if ever, is a crime of narcotics trafficking reported to the police or to a law enforcement agency. The agency has to develop the case from scratch, though undercover investigations and the use of informants and other sources of information as well as development of intelligence makes the case on its own initiative for the most part. In addition to that, these drugs are small in size, very valuable in quantity. They are easy to conceal. Traffickers and smugglers are very innovative people. They've been able to develop all kinds of ways of getting them in the U.S. and moving them throughout the country. It's a very difficult kind of criminal investigative effort. It's far different from my experience in investigating a murder or a bank robbery or an auto theft or something of this nature.

SCOTT. How many ways are used to smuggle drugs into this country? I've heard about putting them into various parts of automobiles. What other methods do they use?

INGERSOLL. Well, just about every kind. We discovered them in hollowed-out ski poles. In one instance, a coffin was opened that had been shipped from Europe and there laying with the corpse were bags of heroin, much to the surprise of the inspector.

SCOTT. I should think that's an unusually odd, sort of a happy journey for the corpse.

INGERSOLL. It was a funny trip. I don't know if he was enjoying it too much.

SCOTT. Can you think of any others?

INGERSOLL. Well, back in the panels of aircraft. In cans of food that had been placed in boxes and shipped in with freight. The Mexican police just seized a ton of marijuana the other day. It was hidden in a freight car of a railroad train that had been coming across the border. I think that you might find it even in the back of somebody's camera.

SCOTT. But not these, I'm sure. We haven't caught anything like that so far. Now the Veterans' Administration has allocated nearly $17 million for drug rehabilitation. In Philadelphia and Pittsburgh alone the amount is nearly three-quarters of a million dollars. They fould that enough money is going into drug rehabilitation for veterans. Do you think the veterans have a special problem as to which we must show even greater concern than some of the youngsters in the ghetto or the affluent suburban young people?

INGERSOLL. Well, of course, we're always concerned very much about veterans, particularly today's veterans. And I think that they deserve this concern because in many cases they are unwilling victims of addiction. In many instances they didn't even know what they were taking the time the heroin was offered to them. And they didn't realize that they would become addicted. The Veterans' Administration has expanded into this $17 million program just in the last year or so and I think that it's really too early for me to say that part of this effort, whether or not this has been sufficient. I think the Veterans' Administration intends to continue expansion and make available more treatment, although there are some veterans groups who claim that not enough is being done and I suppose that until we are able to treat each and every one, we could say that not enough is being done and I think that this applies to the general population as well. We do have to accelerate treatment programs.

SCOTT. I've heard somewhere a figure—4% addiction—of American soldiers in Asia. Is that approximate?

INGERSOLL. That was correct about a year and a half ago. It's not accurate now. The figure has been reduced to something less than 1½% now of the present population.

SCOTT. Well, there are two schools of thought on penalties for users of various drugs. How do you view our enforcement and then the judicial system as it applies the penalties?

INGERSOLL. Well, I think that a distinction has to be made between the user and the dealer. Sometimes the users are dealers but there are special situations that require special attention. And you may recall two years ago the Congress passed an Administration-sponsored bill which made just that very distinction and provided for growing penalties depending on—between users and traffickers. Now the first offense, for example, an individual can get his record expunged if he's a user, or in possession of substances for his own use. On the other hand, a trafficker can get up to life imprisonment and I think that this is exactly how it should be.

SCOTT. In other words, for first users and for so-called milder drugs, very mild penalties, even to the removal of any record of the arrest of the first offender, but increasing harsh penalties for those who make it possible for people to become addicts.

INGERSOLL. Yes, I think we have to look, and I think that society generally is looking at the user increasingly as a victim of the trafficker. And I think that we should be treatment-oriented as far as the user of the victim is concerned.

SCOTT. On treatment, what is your reaction to methadone treatment as a substitute for addiction? There have been whole documentaries done on that and I'd like your reaction.

INGERSOLL. Well, methadone has the qualities of being a very good thing and also has the qualities of being a very bad thing. It's like playing with fire. It's very useful and very damaging, depending on how it's used.

SCOTT. It's addictive, too, isn't it?

INGERSOLL. Yes, sir. Our concern is that methadone is increasingly being seen in the illicit traffic, being abused, and particularly during this heroin shortage. It is being used to replace heroin in some cases without the benefits of the treatment that should go with the methadone administration. There have been methadone programs which also feature job training, educational counseling, family counseling, etc., I think serving a worthwhile purpose. A few programs which are really programs in name only. They are in many cases an excuse for the illicit distribution of methadone. Methadone is just as addictive as heroin is but when its administered within a properly controlled framework, then we feel it's a very good thing to do.

SCOTT. Are there any plants in America, aside from marijuana, which are the sources of drugs, illicit drugs that is? Are they in any substantial quantity?

INGERSOLL. No, not in large quantities. In the Southwest, some of the cactus plants are the source of hallucinogenic substances but marijuana in this country grows wild in various parts of the country left over from the days when it was cultivated for hemp uses.

SCOTT. Can you describe the new narcotics program called the Narcotics Antagonists Program? Will that work?

INGERSOLL. Well, I think that this is another permanent kind of a solution and very briefly it's intended to develop a drug that will, in effect, offset the effects of narcotics, of opiates, so that if an individual does inject an opiate—either heroin or something of this nature—he won't receive the euphoria and the other effects that he would. Hopefully this antagonists program incidentally is being developed through coordinated and cooperative activities on the part of the pharmaceutical industry will lead into yet another step which perhaps will make it possible to immunize addiction-prone people, sometime in the future, so that the same effects will result. That is, the drug does not produce a desired psychological and physical effect.

SCOTT. What if you are approached by the parents of a son or daughter who say, "Our child is an addict and has become seriously addicted to one of the dangerous drugs." What would be your advice to those parents?

Ingersoll. Well, that happens frequently, Senator, and my advice consistently is to attempt to get the child or the youngster in a treatment program, a good treatment program. And sometimes they'll ask, "Should we turn them into the police," or something of this nature. Again, I agree the abuser is the victim, an ill person. He ought to be steered into the therapeutic climate so that his problem can be treated. I think that this is the best and the only advice that I can give to the parents, aside from my own concerns. Obviously many parents will start going through the roof if they find out this is happening to their child. I can say to your constituency that the drug problem is an insidious kind of problem. It can sneak into anybody's home and into anybody's neighborhood.

Scott. Yes, no matter what their condition of life is like, it can occur and can be cured. But that requires discipline and it requires understanding of those who surround the addict. And it requires a long period, doesn't it?

Ingersoll. Yes, sir.

Scott. And there is always a danger of throw-back or collapse if the user, or former user attempts it again. Have there been stories about drugs coming in from Afghanistan and Pakistan? What do you think of that?

Ingersoll. Well, Afghanistan is a principal source of cannabis, I mean hashish, which is the resins of cannabis which is the same plant from which marijuana is obtained. And we recently broke up a large ring of people out in Southern California who were followers of Timothy Leary who had been importing hashish into the U.S. for some time and very cleverly in many cases. In Afghanistan, also which is a country which is very much like some of the Southeast Asian countries, that is tribal populations inhabit vast areas and do not recognize the central government as having authority over them. Opium is cultivated in some quantities in these areas. The same is true in Pakistan. India is for many years the largest producer of opium for legitimate purposes—the world's largest exporter. And it has probably as good, if not the best, controls of any legitimate producer in the world. But even with these controls it's apparent to anyone who has observed the area that there is opportunity for diversion. We have not in the U.S. felt the impact of that diversion as yet. But the possibility is there and we are working with the Indian government. It is quite anxious to see that it doesn't happen.

Scott. What's your comment on the relationship of organized crime and syndicates to the illicit drug traffic?

Ingersoll. That certainly is a difficult question to answer because all—most of the current narcotics traffic—is organized. The traditional organized crime families are involved in narcotics traffic. Usually only in the heroin traffic. And we've made significant arrests of members of organized crime families up to and including the heads of such families in the last several years. But they're not the only ones involved. The traffic is not specific as far as ethnic background is concerned. So we find an increase in the numbers of Latins, for example, involved in the traffic. In fact, 50% of our major seizures in the past couple of years involve either Latin Americans living in the U.S. or traffic through Latin America. So you find around the world that all ethnic groups are involved and they have one common objective and that's the profit motive.

Scott. Of course, that doesn't have any waste attached to it. It's greed, pure and simple or impure and unsimple. Are Latin American countries cooperating with us generally—the governments?

Ingersoll. They are to an increasing degree. For example, last week in Venezuela some 24 kilos of heroin were seized on their way to the United States and a couple of days later about 50 kilograms—over a hundred pounds—were seized coming into the United States. There is some effort in Latin America to create regional cooperation among the various countries with the U.S. and we've provided training. Their drug control people have the opportunity to exchange information and there's an illustration . . . we're seeing improved cooperation.

Scott. And the increase in funding . . . the amounts needed to stop the illicit drug traffic—to enforce the narcotics laws in the last few years—has it doubled or tripled or what is the relationship?

Ingersoll. It has increased more than that. Since 1969 it has increased about 10 times. I think you know in your own meetings in the White House that the President has placed very high priority on this issue and he has been very responsive to the requests that deal intelligently and deliberately as well as rapidly in facing up to the issue and bringing it to our attention.

Scott. Well, I understand you have a pilot program to stop the illicit drug traffic that originates in retail outlets. What states are they in and what kind of pilot program are you using?

Ingersoll. Well, we presently have operational in Texas and Michigan and we had a third state that had laws that wouldn't permit it to participate, so we'll have to find another third state which will prove out along the line. But basically we've had agreements with about 45 states where the state agencies would concentrate on a retail outlet leaving the federal government to concentrate on monitor the wholesale and manufacturing companies. We feel that we have interstate authority and range and they have intra-state authority.

Scott. Then the laws are not equipped in this area for the control of the retail drug outlets. . . .

Ingersoll. The 35 states that have passed the uniform control substances act have adequate laws and also laws which interact with the federal law that was passed a couple of years ago. There, both the state agency and the federal agency work hand in hand together.

Scott. Is the number of addicts increasing or decreasing in the last few years?

Ingersoll. Well, we figure it's increasing primarily because it is getting into new populations. The addicts statistics have been very, very inadequate in the past. There's been a program for a number of years, in which about 40 different cities reported the number of addicts that had come to the attention of their police and their hospitals, but obviously this didn't encompass the entire population. So we've developed a system of estimating the number of addicts while we increase. They have increased in the last two or three years. We have reason to believe the increase is leveling off.

Scott. What do you think of the argument of a number of young people who are smoking, that pot is no more serious than cigarettes or a martini?

Ingersoll. I don't think that's a valid argument. Except maybe in the case of one or two marijuana cigarettes and then dropping. That obviously is not going to hurt anybody. But the problem with marijuana is that it has a—it's called a loading effect—it takes some time for a smoker to get the effects and then as he continues more and more, why he loads up his system with active products of marijuana.

Scott. Then he may move on to more dangerous drugs?

Ingersoll. Well, yes. That's called the stepping stone theory. And not many people want to acknowledge it exists. But you won't find many people who are into more dangerous drugs who haven't used marijuana one time in their drug career.

Scott. I wish there were time for more but this is Mr. John E. Ingersoll, ladies and gentlemen, of the Bureau of Narcotics and Dangerous Drugs, and we are extremely interested in passing on this kind of information to our people in Pennsylvania. Thank you very much.

Ingersoll. Well, thank you Senator.

Announcer. This has been, "Your Senator's Report." A public service report to Pennsylvania by U.S. Senator Hugh Scott.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

EAST-WEST TRADE AND FUNDAMENTAL HUMAN RIGHTS

Mr. JACKSON. Mr. President, I will be offering on behalf of a bipartisan group of my colleagues an amendment to the East-West Trade Relations Act of 1971, S. 2620. It is a simple amendment. It arises out of and is rooted in our traditional commitment to the cause of individual liberty. It is a simple plea for simple justice. But unlike other such pleadings, it has some teeth in it.

Our amendment would add a new section 10 to the bill, consisting of nine parts, that would extend most-favored-nation treatment to Communist countries. It would establish a direct legislative link between that status and other trade and credit concessions, on the one hand, and the freedom to emigrate without the payment of prohibitive taxes amounting to ransom, on the other. Under this amendment no country would be eligible to receive most-favored-nation treatment or to participate in U.S. credit and credit and investment guarantee programs unless that country permits its citizens the opportunity to emigrate to the country of their choice. Moreover, the amendment would require the President to judge and report in detail upon the compliance with this condition of any country wishing to obtain most-favored-nation status or U.S. credits. Such a report, updated at regular intervals, would make available our best information as to the nature, content, application, implementation and effects of the emigration laws and conditions in the countries concerned.

Mr. President, the Nobel lecture of the great Russian writer, Alexander Solzhenitsyn, was recently published in the West. It is more than an eloquent defense of truth and justice. It is more than a sharp condemnation of tyranny. It contains the profound message that—

> Mankind's sole salvation lies in everyone making everything his business, in the people in the East being vitally concerned with what is thought in the West, the people of the West vitally concerned with what goes on in the East.

Mr. President, the "thought in the West" is contained in our amendment. I propose that this great Senate concern itself with what goes on in the East.

We have received numerous reports of

late about the intensification of state repression in the Soviet Union. Intellectuals and other dissidents have been arrested and sent to labor camps, hospitals, and mental institutions. In Lithuania demonstrations by Roman Catholics demanding religious and cultural freedom have been brutally put down. And the Soviet regime has stepped up its campaign against Jews seeking to emigrate to Israel.

The most dramatic violation of basic human rights is the recent decision of the Politburo to demand a ransom from Jews wishing to leave the Soviet Union. The reaction to this decision in the West has been one of outrage and revulsion. It violates our most deeply held convictions about human freedom and dignity. It recalls to us a dark age when human beings were enslaved and traded as chattel. In our own land it took a civil war to blot out that disgrace and vindicate the principles of our Constitution.

Mr. President, those of us who lived during the time of the Third Reich remember when Himmler sold exit permits for Jews. As the great British Historian Robert Conquest has pointed out, the Soviet leaders may be unaware of this unflattering parallel since none of the Western literature on the Holocaust has been published in Russia. But we are aware of the Holocaust. We see the parallel. And that is why we must do whatever we can to prevent a repetition of that horrible catastrophe.

I will not here catalog the continuing record of oppression suffered by the Soviet Jews and by other minorities and dissidents in the Soviet Union. But I must express my fear that the current ransom program, wicked in itself, carries with it the potential to exacerbate anti-Semitism in the Soviet Union to an extent and a depth that we hoped had perished for all time with the collapse of the Third Reich. For in the effort to justify this barbaric trade in human beings the Soviets have appealed to the basest instincts. The reports reaching us affirming the popularity of the ransom policy are the most painful of all. They portend the unleashing of bitter forces that even a totalitarian regime as adept at regimenting its people as the Soviet state cannot always control. Nor is it certain that control is what the leaders in the Kremlin desire.

Now, the Soviet leaders have explained that the exorbitant emigration taxes, amounting to thousands of dollars, are in reality a tax on education incurred by the student as a consequence of his state-supported studies. The more audacious Soviet spokesmen have gone so far as to compare these taxes to the obligation incurred by the graduates of our military academies who undertake to spend a specified period of time following graduation in the armed services. In principle there is nothing wrong with the making of an agreement between student and institution of learning—or, for that matter, between the student and the state—in which the student undertakes certain obligations in return for his tuition. But that is not what is involved in the Soviet case and it is a lie to suggest otherwise. For one thing the emigration taxes have been retroactively imposed on all citizens. They do not arise out of any agreement or understanding or voluntary obligation. For another, the Soviet student is denied recourse to private educational institutions so that even if the obligations were placed on a voluntary basis, which they are not, there would be no way to avoid them. One would be forced either to accept the state's terms or go without any education. Moreover, the taxes imposed on emigration, unlike agreements sometimes made in Western countries to serve after graduation in a prearranged capacity, are prohibitive and intended to be so. Soviet citizens are simply not permitted to earn or amass the sums necessary to purchase their freedom. To attempt to borrow the huge amounts involved opens one to persecution for economic crimes, and no one earns the sort of income that would enable him to pay the visa tax for an advanced education without borrowing. So the funds cannot be generated internally.

The fact is, Mr. President, that a decision to pay the ransom demand would be to submit to blackmail of the most ominous sort. Where would it stop? Would it spread to other countries as aerial hijacking did when first attempted and then emulated? Would the remnant of scattered minorities, Jews and others, become the new medium of international exchange? Would we organize the agencies, arrange for the planes and ships, transfer the foreign exchange, negotiate the prices—in short, would we institutionalize the sale of a whole people? I say no—and I ask the Senate to join with me in saying, "no."

There will be those who will say, even as Mr. Brezhnev must surely have said to the President in Moscow, that the action we are proposing is an intrusion in the internal affairs of the Soviet Union. To this I would quote Solzhenitzyn:

> There are no internal affairs left on our crowded Earth.

The fact is, of course, that the ransom—were it to be paid—would be paid out of funds raised primarily in the United States. That surely gives us the right as a government, quite apart from the dedication to our own high principles, to be "vitally concerned with what goes on in the East."

Mr. President, we Americans are fortunate to have at our service the greatest economy the world has ever known. It can do more than enrich our lives. It can be pressed into service as an instrument of our commitment to individual liberty. We can deny our vast markets to the Soviet Union. We can reserve participation in our credit and investment programs—our "internal" matters—to those countries who accord their citizens the fundamental human right to emigrate. We can, and we must, keep the faith of our own highest traditions.

We must not now, as we did once, acquiesce to tyranny while there are those, at greater risk than ourselves, who dare to resist.

Mr. President, I ask unanimous consent that the text of the proposed amendment be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JACKSON. I shall later offer a formal amendment, with various Senators as cosponsors.

EXHIBIT 1

PROPOSED AMENDMENT TO S. 2620

(A bill, consisting of 9 parts, that would extend most favored nation treatment to the Soviet Union and other countries)

The following amendment will be proposed by Senator Henry M. Jackson and a bipartisan group of Senators.

At the end of the bill, add the following new section:

EAST-WEST TRADE AND FUNDAMENTAL HUMAN RIGHTS

SEC. 10. (a) To assure the continued dedication of the United States to fundamental human rights, and notwithstanding any other provision of this Act or any other law, no nonmarket economy country shall be eligible to receive most-favored-nation treatment or to participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, directly or indirectly, during the period beginning with the date on which the President of the United States determines that such country—

(1) denies its citizens the right or opportunity to emigrate to the country of their choice;

(2) imposes more than a nominal tax on emigration or on the visas or other documents required for emigration, for any purpose or cause whatsoever; or

(3) imposes more than nominal tax, levy, fine, fee, or other charge on any citizen as a consequence of the desire of such citizen to emigrate to the country of his choice,

and ending on the date on which the President determines that such country is no longer in violation of paragraph (1), (2), or (3).

(b) The authority conferred by sections 3 and 6 (a) of this Act shall not be exercised with respect to any country unless the President of the United States has submitted to the Congress a report indicating that such country is not in violation of paragraph (1), (2), or (3) of subsection (a). Such report with respect to such country shall include, but not be limited to—

(1) the best available information as to the nature, content, application, and implementation of emigration laws and policies;

(2) the best available information as to restrictions applied to persons wishing to emigrate, the national and religious background of such persons, the destination of such persons' choice, and the nature and extent of discrimination against such persons arising from the desire to emigrate or the initiation of emigration procedures; and

(3) the best available information as to the number of citizens of that country who have applied for permission to emigrate but have been denied such permission, and the number whose applications are pending.

The report required by this subsection shall be submitted prior to any exercise of the authority conferred by sections 3 and 6(a) with respect to any country, and semiannually thereafter so long as any agreement entered into pursuant to the exercise of such authority is in effect.

LIMITATION OF FEDERAL EXPENDITURES

Mr. PACKWOOD. Mr. President, if media reports are accurate, we are about to consider a proposal to limit Federal expenditures during this fiscal year to $250 billion, and delegate to the President the sole decision and sole discretion as to where to cut appropriations if they exceed $250 billion.

I have not yet decided which way I will vote on this proposition, but I hope the Senate, as it goes into the matter, is fully aware of the ramifications of delegating this crucial power to the President.

The background of our constitutional law is really the British parliamentary law. And if there was any single struggle that dominated the English Parliament from the time of Simon deMontfort—in the mid-13th century—until the advent of the Bill of Rights in England in 1689, it was the perpetual power struggle between the King and Parliament for the control of two things: The power to tax and the power to spend. Only after 400 years of bloodshed and after a number of members of Parliament were sent to the Tower and sometimes beheaded, did Parliament finally gain the ultimate power over the King to decide not only what taxes would be raised, but to scrutinize the expenditure of public funds. We will soon be considering delegating to the President one-half of that power. It is said we are only going to do it for the rest of this fiscal year. That may or may not be true. But, if we do it, I would hate to see Congress get into the habit of doing it year by year, because if we do, we are going to erode one of the fundamental protections that Congress and, in a larger sense, the people of this country have.

I ask unanimous consent to have printed in the RECORD an editorial published in the Washington Post this morning entitled, "The Spending Limit Shell Game," because I think it dramatically illustrates the dilemma and the possible clash of interest that we may be placing ourselves in if we are willing, as Congress, to give away to the President this very precious power which for 700 years, in England and the United States, Parliament, and Congress have fought to obtain and maintain.

There being no objection, the editorial ordered to be printed in the RECORD, as follows:

THE SPENDING LIMIT SHELLGAME

Congress is now taking the first slippery step in a historic retreat from legislative responsibility. The House Ways and Means Committee has reported a bill giving President Nixon the authority to cut spending this year to $250 billion, with unlimited license in the way he goes about it. The standing of the Ways and Means Committee is sufficient that it support, unfortunately, makes passage of the bill entirely likely. Under its Democratic leadership, Congress is now colluding with Mr. Nixon to conceal from the American people, until after the election, the full meaning of this bill. The Democratic leadership is apparently fearful of being attacked as spendthrift. But voters are entitled to know—before they vote—the scale and character of the damage that this measure promises.

Federal spending for the current fiscal year can be held to about $256 billion with conventional vetoes. The effect of the spending limit is to give Mr. Nixon prior congressional approval to cut about $6 billion out of the money already provided by law. It is worth working out a bit of arithmetic to see exactly what that means.

The bill covers the year ending next June and, after the election, Mr. Nixon would have about seven months in which to save $6 billion. To do it, he would have to cut programs that spend money at the rate of $11 billion a year. The next step is to see where that $11 billion might lie.

The Nixon administration does not intend to take the military budget much below $75 billion. The income support programs, with the supporting Medicare and Medicaid, are very nearly untouchable. The administration has promised not to reduce Social Security, and for practical reasons the welfare payments are hard to reach. These categories come to well over $100 billion a year. Interest on the federal debt is also untouchable, and comes to some $14 billion a year. Farm price supports and subsidies account for another $5 billion, and Mr. Nixon is not likely to cut these, and still less likely to touch his own $5 billion general revenue sharing program. These items alone add up to some $200 billion.

The $11 billion will thus have to come out of the $55 billion that remains once the largest and most obvious untouchables and impossibles are set aside. But even the $55 billion remainder is full of invulnerable items, from the FBI appropriation to Congressmen's salaries. The big construction programs, like highways and reclamation, can be diminished slowly. From this it is perfectly plain that the weight of the cuts will fall on the social and educational end of the budget.

The effect of this $6 billion cut, taken over seven months, would be a reduction of about one-third in federal spending in the fields ranging from pollution abatement and environmental protection to child care, school aid, help to higher education, manpower training, housing and urban improvement generally. The impact would be cumulative, growing increasingly severe next spring.

These cuts would fall disproportionately on the programs funded by grants to state and local governments. Ironically, a reduction on the scale of this $6 billion could well leave state and local governments right back where they were before Mr. Nixon introduced his much-advertised revenue sharing bills.

Mr. Nixon gives first priority, in domestic affairs, to low tax rates. He has presided over two large tax cuts in the past three years, and he has promised to preserve them even though the economic recovery is now building up strong inflationary pressures. He gives second priority to a low rate of inflation, and everything else is ranked behind that. The Democratic leadership of Congress has allowed itself to be persuaded to accept the Nixon order of priorities, and to join him in obfuscating, for the crucial next six weeks, the consequences of these massive budget reductions. But before voters make up their minds on this central question, they would be well advised to take stock of the federal government's social and educational responsibilities in their own communities. They can then decide for themselves whether those responsibilities now ought to be cut by one-third. Only after these calculations have been made can the American voter reach a valid judgment on the merits of the budgetary shellgame that a Republican President and a Democratic Congress, each for its own political purposes, are conspiring to set under the guise of simple frugality.

IMPORTATION OF PRECOLUMBIAN SCULPTURE—MOTION TO RECONSIDER ENTERED

Mr. JAVITS. Mr. President, I invite the attention of the chairman of the Senate Committee on Finance. This morning, H.R. 9463, Calendar No. 1170, was passed on the call of the Calendar. I wish to enter a motion, and I hereby enter a motion, to reconsider that measure.

I would like to explain to the chairman of the Finance Committee that I am only doing that to safeguard our rights, because we really have not had an opportunity to even look at the bill; although, we now find on examination that it deals with cargo security measures in air terminals.

I might explain to the Senator from Louisiana (Mr. LONG), that we have a compact pending between New York and New Jersey on that subject. It has been the subject of extensive hearings by the Finance Committee.

In addition, other types of legislation are pending on the subject. It is a very big problem of crime, especially in our area, and perhaps in other areas. All that I would like, if the Senator would indulge us, is to leave the matter pending for a day. I will look into this and then come to him privately, or however, he prefers, and explain our situation to him. If we have any objection to the bill, I will explain to him and why.

Mr. LONG. Mr. President, I believe that, under the rules of the Senate, the Senator can just give notice of his intention to move to reconsider, and that will keep the matter in abeyance until he satisfies himself with respect to this matter. I believe that if he studies it, he will find that there is no reason why he would want to object.

One reason I say this is that we were notified of some opposition to this matter by people who do business in this area, particularly by people who seek to enforce the law in this area. We think we have modified the bill in a way that meets their objections, so that they now have no objection and are in favor of the bill.

I would certainly be happy to have the matter held in abeyance. I think it would be satisfactory if the Senator just gave notice of his intention to move to reconsider; and if he is then satisfied, he can withdraw the motion.

Mr. JAVITS. I thank the Senator.

I give such notice, Mr. President.

The PRESIDING OFFICER (Mr. TUNNEY). The Senator has entered a motion to reconsider, which will be noted on the Calendar.

Mr. JAVITS. The Senator from Louisiana prefers that I give notice of that intention.

A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. As I understand it, a motion to reconsider could be made tomorrow.

The PRESIDING OFFICER. Will the Senator please repeat his parliamentary inquiry?

Mr. JAVITS. Can a motion to reconsider be made tomorrow as well as today?

The PRESIDING OFFICER. It can be made today and the next 2 days of actual session.

Mr. JAVITS. Mr. President, I ask unanimous consent to withdraw my motion at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I thank the Senator.

Mr. LONG. Mr. President, I would suggest that the papers be kept at the desk; and if the Senator wishes to enter his motion, he can do it at an appropriate time.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that, notwithstanding the fact that the able senior Senator from New York entered a motion to reconsider the vote by which H.R. 9463 was passed, which was withdrawn, it be in order, during the period allowed by the rule, to enter another such motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. SPARKMAN) laid before the Senate the following letters, which were referred as indicated:

REPORTS ON PROPOSED TRANSFER OF FUNDS APPROPRIATED TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Administrator, National Aeronautics and Space Administration, reporting, pursuant to law, on the proposed transfer of $740,000 of "Research and development" funds to the fiscal year 1972 "Construction of facilities" appropriation; to the Committee on Aeronautical and Space Sciences.

A letter from the Administrator, National Aeronautics and Space Administration, reporting, pursuant to law, on the proposed transfer of $660,000 of "Research and development" funds to the fiscal year 1972 "Construction of facilities" appropriation; to the Committee on Aeronautical and Space Sciences.

A letter from the Administrator, National Aeronautics and Space Administration, reporting, pursuant to law, on the proposed use of $375,000 of "Construction of facilities" funds for the modification of a building at the Manned Spacecraft Center, Houston, Texas; to the Committee on Aeronautical and Space Sciences.

REPORT ON FACILITIES PROJECTS PROPOSED TO BE UNDERTAKEN FOR THE ARMY NATIONAL GUARD

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, on certain facilities projects proposed to be undertaken for the Army National Guard; to the Committee on Armed Services.

PROPOSED SMALL BUSINESS TECHNOLOGY INVESTMENT ACT OF 1972

A letter from the Administrator, Small Business Administration, transmitting a draft of proposed legislation to amend the Small Business Investment Act of 1958, and for other purposes (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

REPORT OF AMERICAN REVOLUTION BICENTENNIAL COMMISSION

A letter from the chairman, American Revolution Bicentennial Commission, reporting, pursuant to law, on activities of that Commission; to the Committee on the Judiciary.

REPORT UNDER DRUG ABUSE OFFICE AND TREATMENT ACT OF 1972

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report under the Drug Abuse Office and Treatment Act of 1972 (with an accompanying report); to the Commitee on Labor and Public Welfare.

PROSPECTUS RELATING TO PROPOSED CONSTRUCTION OF FEDERAL OFFICE BUILDING IN COLUMBUS, OHIO

A letter from the Acting Administrator, General Service Administration, transmitting, pursuant to law, a prospectus relating to the proposed construction of a Federal office building and parking facility in Columbus, Ohio (with accompanying papers); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. SPARKMAN):

A resolution adopted by the Legislative Council of the State of Arkansas, praying for the enactment of legislation relating to wages of certain employees; to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLELLAN, from the Committee on Appropriations, without amendment:

H.J. Res. 1306. Joint resolution making further continuing appropriations for the fiscal year 1973 and for other purposes.

By Mr. INOUYE, from the Committee on Appropriations, with amendments:

H.R. 16705. An act making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92–1231).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. McGEE, from the Committee on Post Office and Civil Service:

Frederick Russell Kappel, of New York, to be a Governor of the U.S. Postal Service; and

Robert Earl Holding, of Wyoming, to be a Governor of the U.S. Postal Service.

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore (Mr. ALLEN), on September 26, 1972, signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H.R. 14015. An act to amend section 8c(2), section 8c(6), section 8c(7)(C), and section 8c(19) of the Agricultural Marketing Agreement Act of 1937, as amended; and

H.R. 16251. An act to release the conditions in a deed with respect to certain property heretofore conveyed by the United States to the Columbia Military Academy and its successors.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. GRAVEL (for himself, Mr. THURMOND, and Mr. RANDOLPH):

S. 4038. A bill to establish a National Amateur Sports Foundation. Referred to the Committee on the Judiciary.

By Mr. FULBRIGHT:

S. 4039. A bill to amend Public Law 90–553 concerning an International Center for Sites for Chanceries for Foreign Embassies. Referred to the Committee on Foreign Relations.

By Mr. BELLMON (for himself, Mr. ALLOTT, Mr. CURTIS, Mr. PEARSON, and Mr. TOWER):

S.J. Res. 271. A joint resolution to authorize the Secretary of Agriculture to correct certain inequities in the wheat certification program. Referred to the Committee on Agriculture and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAVEL (for himself, Mr. THURMOND, and Mr. RANDOLPH):

S. 4038. A bill to establish a National Amateur Sports Foundation. Referred to the Committee on the Judiciary.

NATIONAL AMATEUR SPORTS FOUNDATION

Mr. GRAVEL. Mr. President, sport is an integral part of American society. Our citizens are known the world over for their enthusiastic pursuit of sports, and the United States enjoys a long history of athletic accomplishments in such international competition as the Olympic and Pan American Games. Since 1900 American educators have recognized sports experiences as a fruitful environment for modification of behavior and the socialization of the individual, and physical education consequently has been made a basic ingredient in the curricular structure of our schools.

Yet, unlike most other nations, the United States does not have a national sports program. There exists no organization, either in the public or the private sector of our society, responsible for or concerned with the policy, planning, conduct, and development of all kinds of sports for individuals of all ages and socioeconomic status.

The administration of amateur sports in the United States is the responsibility of a multiplicity of independent, private, and largely voluntary associations known as the sports-governing bodies. There is no national federation of sports-governing bodies to concern itself with the broader interests of our amateur sports as a whole.

The U.S. Olympic Committee has responsibility for developing more than a score of Olympic sports, of course, but its concern does not extend much beyond administering our participation in the quadrennial Olympic and Pan American Games.

Each independent sports organization seems to be doing its job quite well, given the resources with which it must work, but none is concerned with the broader aspects of planning, coordination, promotion, and support of amateur sports in general. There is no focus for leadership that looks beyond partisan interests to serve the broader needs of the whole nation in amateur sports. The predictable result is the complete absence of any comprehensive policy.

The laissez-faire attitude toward amateur sports has failed to create equal opportunities for participation by all our citizens. It has resulted in disproportionate emphasis being placed on some sports to the detriment of others, and it has weakened the efforts of the United States in international athletic competition.

To correct these problems by strengthening and expanding the development of amateur sports in the United States, I today join with my colleagues from South Carolina and West Virginia, Senator THURMOND and Senator RANDOLPH, to introduce legislation to establish a National Amateur Sports Foundation.

The National Amateur Sports Foundation we propose will study national needs relating to amateur sports in order that a comprehensive national policy may be developed. It will broaden the opportunities for participation in a wide variety of amateur sports, it will provide a forum for the voluntary settlement of conflicts within the amateur sporting world, and it will arrange for the provision of much-needed sports facilities, especially in the financially neglected minor sports.

The administration of grants-in-aid to the existing sports-governing bodies and the stimulation of research and development through project funding also will be major functions of the sports foundation.

Most importantly, by strengthening our country's amateur athletic program, the National Amateur Sports Foundation will contribute to the health and physical well-being of our people and provide an alternative to the goallessness which has condemned too many of our young people to the cycle of drugs and delinquency.

Structurally, the sports foundation will be an operating institution, not merely a channeler of funds to already existing bodies. But it will preserve policy control over the conduct of amateur sports in the private sector. The foundation will be a private body corporate under congressional charter, with its initial board of trustees appointed by the President of the United States. Thereafter the board shall be self-perpetuating, except that one of the four vacancies occurring each year after the fourth year shall be filled by the President. The sports foundation will have no authority over existing sports associations, but will command their respect through its knowledge and prestige.

For purposes of organization the foundation will be appropriated $1 million for its first year of operation. These resources will be used to develop a staff and initiate a program of fund-raising in the private sector to seek an endowment which will then be invested to secure an annual operating income for future years. For each dollar raised from non-government sources the Congress will then appropriate $1 in matching funds, up to a total of $50 million. This will provide an endowment fund of $100 million, which conservatively invested can be expected to earn at least $5 million annually for the operation of the foundation.

Given the direction and support a National Amateur Sports Foundation will provide, amateur sports in America can continue to perform an invaluable role in developing the individual and enriching the variety of his experience, contributing to fitness physical well-being, and alleviating some of the pressing social problems facing the Nation.

Mr. President, in 1965, Arthur D. Little, Inc., under the direction of Gen. James M. Gavin, prepared a report of the amateur sporting needs of the United States, in which the idea of a National Amateur Sports Foundation was first proposed. We are deeply indebted to Arthur D. Little, Inc., as the ideas central to the legislation we introduce today were first formulated in that study. I therefore ask unanimous consent that their report, entitled "A Proposal for a National Amateur Sports Foundaton," be printed in the RECORD the text of the National Amateur Sports Foundation Act of 1972.

There being no objection, the bill and proposal were ordered to be printed in the RECORD, as follows:

S. 4038

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Amateur Sports Foundation Act of 1972".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds and declares that, given the proper direction and support, amateur sports have the effect of performing a useful role in developing the individual and enriching the variety of his experience, contributing to fitness and physical well-being, alleviating some of the pressing social problems facing the nation, and encouraging moral behavior and the pursuit of personal excellence. The Congress further finds and declares that, despite a history of important athletic accomplishments, the United States still does not have a comprehensive national amateur sports program; that, because of the multiplicity of private and largely voluntary organizations responsible for the administration of amateur sports activities, there is an immense variety of individual sports programs, in which imbalances, lack of coordination, and neglected functions are too often apparent.

(b) The Congress declares that in order—

(1) to encourage the achievement of individual excellence in the field of physical endeavor;

(2) to reduce inequalities among social, economic, and geographic groups in opportunities to participate in amateur sports;

(3) to coordinate by voluntary means the interests and activities of national sports associations with one another and with related educational and recreational programs of local, State, and Federal Government;

(4) to strengthen and expand development of amateur sports in the United States by—

(A) providing managerial, financial, technical, legal, informational, instructional, and promotional assistance to sports-governing bodies and related organizations responsible for development of individual sports; and

(B) sponsoring and stimulating the establishment of advanced or improved coaching, physical training, and physical education programs;

(5) to strengthen the position of United States competitors in significant international amateur athletic events;

(6) to extend knowledge and facilitate the practice of amateur sports by—

(A) sponsoring or soliciting useful research in such areas as sports medicine, athletic facility and equipment design, and performance analysis;

(B) identifying specific sports facility requirements and arranging for provision of facilities by appropriate public or private groups; and

(C) establishing and maintaining a data bank for the compilation, analysis, and dissemination of information pertaining to all significant aspects of amateur sports;

(7) to promote broadened cultural exchanges with foreign nations in the field of amateur sports; and

(8) to study national needs relating to amateur sports; it is the policy of the United States to establish a National Amateur Sports Foundation to plan, coordinate, promote, and support the conduct and development of amateur sports throughout the United States.

ESTABLISHMENT OF NATIONAL AMATEUR SPORTS FOUNDATION

SEC. 3. There is hereby established in the District of Columbia a body corporate by the name of the National Amateur Sports Foundation (hereinafter referred to as the "Foundation"), which shall not be an agency or establishment of the United States Government. The Foundation shall be directed in accordance with the provisions of this Act by a board to be known as the Trustees of the National Amateur Sports Foundation (hereinafter referred to as the "Board"), whose duty it shall be to maintain and administer the Foundation and to execute such other functions as are vested in the Board by this Act.

PROCESS OF ORGANIZATION

SEC. 4. The President of the United States shall appoint, in accordance with the provisions of section 5 of this Act, incorporators, by and with the advice and consent of the Senate, who shall serve as the initial board of trustees of the Foundation, of whom the President shall designate four to serve for one year, four to serve for two years, four to serve for three years, and four to serve for four years. Such incorporators shall take whatever actions as may be necessary to establish the Foundation, including the filing of articles of incorporation.

BOARD OF TRUSTEES

SEC. 5. (a) The Board shall be composed of sixteen voting members, and the President of the Foundation ex officio. Except for trustees first appointed (as provided in section 4 of this Act), the term of office of each voting member of the Board shall be four years, and replacements shall be selected by a majority vote of the Board, except that one of the four vacancies occurring each year after the fourth year shall be filled by the President of the United States, by and with the advice and consent of the Senate. A successor selected to fill a vacancy occurring on the Board prior to the expiration of a term shall serve only for the remainder of such term. No person shall serve as a member of the Board for more than two terms.

(b) One member of the Board (other than the President) shall be elected annually by the Board to serve as Chairman.

(c) Members of the Board shall be selected from the private sector of American society from among persons distinguished for their dedication to the highest ideals of amateur sports, for their knowledge and experience in sports, and for their freedom from partisan or vocational bias in sports. In considering nominations of persons for selection as members of the Board, due consideration shall be given to equal representation of the diverse interests represented in amateur sports, including differences in race, age, and sex.

(d) The Board shall meet annually at such place and at such time as shall be determined by the Chairman, but he shall also call a meeting whenever one-third of the members so request in writing. Each member shall be given notice, by registered mail mailed to his last-known address of record not less than fifteen days prior to any meeting, of the call of such meeting. A majority of the voting members of the Board shall constitute a quorum.

POWERS OF THE BOARD

SEC. 6. (a) The Board is authorized to solicit, accept, hold, and administer gifts, bequests, or devises of money, securities, or other property of whatever character for the benefit of the Foundation. Unless otherwise restricted by the terms of the gift, bequest, or devise, the Board is authorized to sell or exchange and to invest or reinvest in such investments as it may determine from time to time the monies, securities, or other property composing trust funds given, bequeathed, or devised to or for the benefit of the Foundation. The income as and when collected shall be placed in such depositories as the Board shall determine and shall be subject to expenditure by the Board.

(b) The Board shall appoint a President of the Foundation, who shall serve at the pleasure of the Board, and who shall serve as the chief executive officer of the Foundation. The President shall, subject to the supervision of the Board, manage and carry on the business of the Foundation, including the appointment of such other officers and employees as he may deem necessary for the operation of the Foundation. The Board shall fix rates of compensation for officers and employees of the Foundation.

(c) The actions of the Board, including any payment made or directed to be made by it from any trust funds, shall not be subject to review by any officer or agency other than a court of law.

GENERAL AUTHORITY OF FOUNDATION

SEC. 7. The Foundation shall have the authority to do all things necessary to carry out the provisions of this Act, including but without being limited thereto, the authority—

(1) to make such bylaws, rules, and regulations as may be necessary for the administration of its functions under this Act;

(2) to adopt an official seal which shall be judicially noticed;

(3) to sue and be sued, complain and defend in any court of competent jurisdiction;

(4) to contract and be contracted with; and

(5) to acquire, control, hold, lease, and dispose of such real, personal, or mixed property as may be necessary to carry out the purposes of the Foundation.

OFFICES

SEC. 8. (a) The principal office of the Foundation shall be in Washington, District of Columbia, or in such other place as may later be determined by the Foundation, but the activities of the Foundation shall not be confined to that place, but may be conducted throughout the United States and all other locations as may be necessary to carry out the purposes of the Foundation.

(b) The Foundation shall maintain at all times in the District of Columbia a designated agent authorized to accept services of the process for the Foundation. Service upon, or notice mailed to the business address of, such agent shall be deemed notice to or service upon the Foundation.

USE OF FOUNDATION ASSETS OR INCOME

SEC. 9. (a) No part of the assets or income of the Foundation shall inure to any officer or trustee or be distributable to any such person during the life of the Foundation or upon its dissolution or final liquidation. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to officers of the Foundation or reimbursements for actual necessary expenses in amounts approved by the Board.

(b) The Foundation shall not make loans to its officers, trustees, or employees.

PROHIBITION AGAINST THE ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 10. The Foundation shall have no power to issue any shares of stock nor to declare or pay any dividends.

DISSOLUTION OR LIQUIDATION

SEC. 11. Upon dissolution or final liquidation of the Foundation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the Foundation may be distributed in accordance with the determination of the Board and in compliance with this Act and all other Federal and State laws applicable thereto.

RESERVATION OF THE RIGHT TO AMEND OR REPEAL CHARTER

SEC. 12. The right to alter, amend, or repeal this Act is expressly reserved.

REPORTS

SEC. 13. The Board shall submit to the President of the United States for transmittal to the Congress in January of each year a report which shall include a comprehensive description of the activities and accomplishments of the Foundation during the preceding calendar year, together with an evaluation of such activities and accomplishments in terms of the attainment of the objectives of this Act and any recommendations for additional legislative or other action which the Board may consider necessary or desirable for attaining such objectives.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 14. (a) The accounts of the Foundation shall be audited annually, in accordance with generally accepted auditing standards, by independent certified public accountants or independent licensed public accountants, certified or licensed by the Government of the District of Columbia. The audit shall be conducted at the place or places where the accounts of the Foundation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Foundation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be submitted to the Congress not later than six months following the close of the fiscal year for which the audit was made. The report shall set forth the scope of the audit and shall include such statements as are necessary to present fairly the assets and liabilities of the Foundation; its surplus or deficit, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the income and expenses of the Foundation during the year; and the independent auditor's opinion of those statements. The report shall not be printed as a public document.

APPROPRIATIONS

SEC. 15. (a) For the fiscal year ending June 30, 1973, there is authorized to be appropriated to the Board the sum of $1,000,000 for use by it in carrying out the provisions of this Act.

(b) For each fiscal year following the fiscal year ending June 30, 1973, there is authorized to be appropriated to the Board for use by it in carrying out the provisions of this Act an amount equal to the amount of donations, bequests, and devises of money, securities, and other property received by the Board during the fiscal year preceding the fiscal year for which such appropriation is made, except that the total aggregate amount appropriated pursuant to this subsection shall not exceed $50,000,000.

A PROPOSAL FOR A NATIONAL AMATEUR SPORTS FOUNDATION, JANUARY 1965

SUMMARY

In July, 1964, President Lyndon B. Johnson requested James M. Gavin to investigate the possibility of establishing a new national institution for the purpose of providing American youth with a better opportunity for achieving excellence in amateur sports.

The resulting study was financed and carried out as a public service by Arthur D. Little, Inc., with the assistance of a grant from The Fuller Foundation, Inc., of Boston. Our approach was:

(1) To evaluate the present status and future plans of competitive amateur sports in the United States and in selected foreign countries;

(2) To analyze data and opinion on scale of need for additional or improved administration, facilities, equipment, training, finance and research;

(3) To determine the organization, staff, program, budget, and financial plan for a new national institution designed to meet identified needs.

Findings

Amateur sports perform a useful role in developing the individual and strengthening the fabric of society. Given the proper direction and support, sports are a powerful force for enriching the variety of experience, contributing to fitness and physical well-being, alleviating some of the pressing social problems of the underprivileged, and encouraging ethical behavior and the pursuit of personal excellence in an important dimension of human endeavor.

Other nations recognize physical fitness and amateur sports as public responsibilities, and in recent years have expanded their national sports programs, supporting them with public funds. The evidence also points toward growing emphasis upon achievement at international athletic competitions, notably by the quadrennial Olympic Games.

Despite an unparalleled history of athletic accomplishments, the United States does not yet have a comprehensive national amateur sports program to meet changing conditions both abroad and at home. Because of the multiplicity of private, and largely voluntary, organizations responsible for the administration of sports activities, the dominant characteristic is immense variety with corresponding imbalances and neglected functions.

The most critical problems still unresolved are the following:

(1) There is no focus for leadership that looks beyond partisan sports interests to serve the broader need of the entire nation.

(2) There is no comprehensive amateur-sports policy or program for the nation as a whole, and no private or public body concerned with the formulation of such a policy and program.

(3) There is no center for coordination of existing sports programs with each other or with related activities such as education and medicine.

(4) There is need of additional financial and managerial assistance for underdeveloped sports, which lack backing and guidance beyond that provided by scattered voluntary enthusiasts.

(5) There is no source of technical support for amateur athletics such as sports medicine and facility and equipment design, and no sponsor for broadened programs of training and support to education in athletics.

None of these problems is likely to be resolved satisfactorily in the absence of a new organization of appropriate scale and quality; and, as a consequence, the United States in the long run risks falling behind other nations of the world in the quality of its performance in competitive amateur sports.

Our study thus confirms the widely held view that steps should be taken in the public interest:

(1) To reduce inequalities among social, economic, and geographic groups in oppor-

tunities to participate in amateur athletics at all levels;

(2) To assist in the solution of social problems of underprivileged younger people in both urban and rural areas;

(3) To strengthen the position of the United States in significant international athletic events;

(4) To promote broadened cultural exchanges of athletics and coaches with foreign nations;

(5) To exert a harmonizing influence on presently partisan athletic groups;

(6) To enrich and complement educational programs at all levels, and generally

(7) To encourage the achievement of excellence in the field of physical endeavor commensurate with national achievement in economic, scientific and other cultural fields.

Recommendations

We recommend the creation of a new institution, to be called the National Amateur Sports Foundation, to plan, coordinate, promote, and support the conduct and development of amateur sports throughout the United States.

Within these broad objectives, the Foundation should perform the following principal functions:

(1) Study and advise on national needs relating to competitive amateur sports, leading to the formulation and maintenance of a national policy to guide both Government and the private sector in their respective fields of activity;

(2) Coordinate by voluntary means the interests and activities of national sports associations with one another and with related educational and recreational programs of local, state, and Federal Government;

(3) Strengthen and expand the development of competitive amateur sports in the United States by:

(a) Providing managerial, financial, technical, legal, informational, instructional, and promotional assistance to sports-governing bodies and related organizations responsible for development of individual sports; and

(b) Sponsoring and stimulating the establishment of advanced or improved coaching, physical training, and physical education programs;

(4) Carry out activities that extend knowledge or facilitate the practice of amateur sports by:

(a) Sponsoring or soliciting useful research in sports, medicine, athletic facility and equipment design, performance analysis and the like;

(b) Identifying specific sports facility requirements and arranging for provision of facilities by appropriate public or private groups; and

(c) Establishing and maintaining a data bank for the compilation, analysis and dissemination of information pertaining to all significant aspects of amateur sports.

As illustrated in Figure 1 (not reproduced), the Foundation should be an operating organization in addition to serving as a source of financial assistance through grants-in-aid to sports programs of other bodies. It should have a permanent staff with diverse skills and be many different things, including impartial spokesman, planner, coordinator, catalyst, energizer, technical consultant, financial conduit, and fund-raiser. Thus it will perform most, if not all, of the essential functions that are not currently being carried out by existing organizations, and serve to mobilize existing financial, technical, and human resources in support of a comprehensive national amateur sports program.

The Foundation should be organized as a private body corporate under Congressional charter with the President of the United States bestowing upon it the prestige of his office by appointing the initial board of trustees and a minority of successor trustees as vacancies occur. It will thus represent a unique fusion of the public interest and private initiative in an area of activity traditionally free from Government control.

The board of trustees of the Foundation should be constituted of 16 distinguished citizens, selected in the first instance by the President of the United States from the private sector of American society for their dedication to the highest ideals of amateur sports, for their prominence in diverse fields of endeavor, for their ability to lead and guide, and for their freedom from partisan or vocational bias in sports. The normal tenure in office of trustees should be four years, with replacements being selected by a majority vote of the board itself, except that one of the four vacancies occurring each year after the fourth year should be filled by the President.

The Foundation's staff should consist of at least twenty-five highly qualified professionals together with clerical and secretarial help organized by function at three levels: management, technical staff to provide expert skills in specialized areas; and "line" staff to work directly with the sports organizations in an advisory capacity. Each individual on the staff must have outstanding competence in his specialty since he will be occupying a preeminent position in his professional field as well as filling a role of national importance.

The Foundation's management should consist of a president, a managing vice-president, and a manager of the Washington office, who are assisted by a treasurer-controller, outside legal counsel, and public relations skills of the attached technical staff. The technical staff should be composed of six highly qualified specialists (assisted by nine other working personnel in the following technical areas: statistical research; communications services; sports medicine; training and education; facility planning; and financial services. The two technical areas requiring the greatest amount of in-house capability in terms of personnel and operating budget are those in which it is expected the Foundation will perform original work—namely, statistical research and communications services. A staff of six sports advisers would provide assistance to governing bodies and related organizations by drawing on the technical and financial resources of the Foundation with the aim of strengthening those organizations to carry out more effectively their own independent sport-development programs.

To provide a point of contact for the Foundation on matters relating to Government programs, as well as to facilitate integration of federal activities affecting athletes, the internal organization of the Federal Government related to sports should be centralized and strengthened.

Organizing the Foundation during the first year will require an estimated $500,000. Once full-scale operations are reached, the minimum financial requirement for maintenance of a nationally significant sports program is estimated at $3 million per year, including $800,000 for the Foundation's internal operations and the balance for grants and research projects. Tremendous progress can be made with this nominal input of effort and money, which is modest compared with the effort other nations have mounted.

The Foundation should be financed from endowment which it should seek to raise within a three-year period in a manner that will not be competitive with its prospective beneficiaries. A secure income of $3 million from conservatively invested endowment for a tax-exempt organization will require assets on the order of $70 million. At least half can be expected from a well-organized appeal to the public at large, provided the Foundation has the enthusiastic backing of the President, the strong support of a distinguished board of trustees, professional fund-raising counsel and planning, and wide acceptance by leaders of amateur sports and public opinion, communications media, and the public.

We recommend one further measure, which would set the Foundation apart as a very nearly unique instrumentality in American life. The fact that the National Amateur Sports Foundation will be a truly *national* institution discharging, through private means, a function that serves the public interest should be recognized by the Government's participation in the financing of the new institution. We therefore recommend that the President request the Congress to authorize the appropriation of a matching grant to the trustees of the Foundation, for its endowment, one dollar for each dollar of funds contributed from private sources for a limited period of three years, up to a maximum of $50 million in matching funds. Thus, without risk of Federal control of basic policy in amateur sports, the Government can express its endorsement of the national goals to be served by the Foundation and, at the same time, stimulate the flow of private funds. Such legislation would ensure the success of the Foundation's drive for financial support from the private sector of the nation and establish its place in the world as a private institution entrusted with a public interest.

INTRODUCTION

There have been recurrent proposals in recent years for the establishment of a new national institution to plan, coordinate, and stimulate the further development of amateur sports in the United States. The common objective of these proposals has been to adapt existing U.S. sports programs to changing social and political conditions in this country and abroad by undertaking more comprehensive physical fitness and sports development on a national scale. Underlying all proposals is the belief that such a new institution could significantly contribute to the quality of our society by encouraging broadened athletic participation and the achievement of excellence in the field of physical endeavor at a level commensurate with national achievement in economic, cultural and scientific fields. Implicit in this belief is a recognition that the United States, unlike most other nations of the world, now lacks any public agency or private institution having broad responsibility to see that amateur sports of all kinds fulfill their potential in promoting the general welfare of the nation.

A first step toward more effective programs in this field was taken in August, 1963, when President John F. Kennedy under Executive Order 11117 established the Interagency Committee on International Athletics within the Executive Branch of the Federal Government "to collect, exchange, and review information concerning amateur athletics that might tend to affect the foreign relations or general welfare of the United States." This Committee subsequently recommended the creation of an independent, privately financed sports development foundation to supplement the work of existing sports bodies.

In July, 1964, President Johnson wrote to James M. Gavin, former U.S. Ambassador to France and now Chairman of the Board of Arthur D. Little, Inc., asking him to initiate a study which might lead to the establishment of a foundation that would "promote and underwrite action to improve the physical education of American youth, as a basis for improved national proficiency in amateur sports competition." (See Appendix.) His letter went on to say that "the improvement of the physical education of our young men and women thereby providing the opportunity for achieving high standards of excellence in amateur sports is a matter of great importance." Following James M. Gavin's acceptance of this assignment, The Fuller

Foundation, Inc., of Boston, offered to support the effort by jointly sponsoring a special study with Arthur D. Little, Inc. This report presents the results of that study.

At the outset it became apparent that astonishingly little comprehensive information of national scope is available on the status, problems, and developmental needs of amateur sports in the United States. Information that does exist is often fragmentary in nature, pertaining to only one sport, one class of participants, or one region of the country. There is, for example, no national inventory of indoor and outdoor sports facilities; there are few reliable estimates of the number of participants in various types of sports; no listing of technical research and development projects relating to sports medicine, equipment or facilities; and very little financial data on either public or private support of amateur sports activities.

We were therefore fortunate that, concurrent with the present study, Arthur D. Little, Inc., was retained by the United States Olympic Committee to undertake an independent analysis of the country's Olympic effort. The report of this more comprehensive study, extending over a longer period of time, will include profiles of individual Olympic sports as well as evaluation of a number of topics relevant to all amateur sports, including administration, training, equipment, facilities, medicine, data collection and retrieval, selection of athletes, and finance. Through the cooperation of the U.S. Olympic Committee, it has been possible for us to coordinate these two investigations to the extent permitted by their different schedules, and, as a basis for many of the judgments and conclusions reached in this report, to draw on the extensive field-interviiew and data-collection program being conducted for the U.S. Olympic Committee.

The study presented here, however, required additional data collection and analyses, with a separate interview program designed to meet its specific needs. Accordingly, a series of interviews on topics uniquely relevant to the proposed foundation has been conducted among selected sports leaders and key representatives of amateur sports associations and sports-governing bodies, educational institutions and allied physical education associations, philanthropic foundations and fund-raising organizations, and various departments, agencies and committees of the Federal Government concerned with problems of public recreation and amateur sports.

Our approach has thus been to gather and examine a wide range of evidence and opinion submitted by organizations or individuals who are, in one way or another, concerned with furthering the aims of amateur sports within the American way of life. In addition, for purposes of comparison as well as contrast, we have investigated to a limited extent that which is being done in sports in other countries. Besides attending the 1964 Olympic Games—which is the quadrennial culmination of national achievement in the field of amateur sports—for the purpose of discussing foreign sports programs with knowledeable persons from many countries assembled in Tokyo, members of our staff met with sports officials in Canada and Great Britain, which have needs and activities similiar to those of the United States, to explore the nature of national programs under way in these countries for developing physical fitness and amateur sports.

THE STATUS OF AMATEUR SPORTS IN THE WORLD TODAY

Before turning to a discussion of factors that tend to inhibit sports participation and development in this country as a framework for evaluating the need for a new national institution, it seems worthwhile to consider the role of amateur sports in modern society, and to compare the level of support provided in this country against the standards being set by other nations. The fundamental question to be answered by this line of inquiry is whether the American society, either on its own terms or in comparision with other societies, provides adequate opportunity for all its people to engage in amateur sports and attain personal excellence in athletic performance. Underlying this question is an even more basic issue—whether amateur sports constitute a sufficiently significant element of our national life to merit additional public support.

The role of athletics in American society

Individual and Social Values

A very substantial body of literature has been devoted to the physical and social values of sports in the United States and abroad. So far as the physical aspects of sports are concerned, the general reasoning seems to be that athletic participation, by exercising and training the muscles of the body, will over time contribute to physical fitness and the enjoyment of good health. Although very little substantive evidence exists correlating exercise with health, the reason may be more the inadequacy of objective measures by which fitness and health can be judged than the absence of any causal relationship. Certainly most doctors support the claim that exercise influences control of body weight, development of greater physical efficiency and reserve capacity, and the acquisition of muscular strength and coordination necessary to handle normal physical work loads. It seems very likely that, barring conditions of illness, injury, or advanced age, participation in physical activity, whether it be for work or for play, has a beneficial influence upon the muscular development and physical well-being of the individual.

The assumption that exercise and play are especially valuable to children and youths in the developmental stage of their life is one of several reasons why physical training is now widely accepted as an essential element of the total educational process. Implicit in this acceptance is a recognition that the individual, if he is to realize his full potential, must develop the body as well as the mind, and become proficient in physical as well as intellectual skills. This was a principle which the civilization of ancient Greece exalted and revered, and which survived many centuries of change to become an inspiration for the modern Olympic Games.

Perhaps even more important than the physical are the emotional, ethical, and social values seen in sports. As the most inexperienced instructor of any children's physical-education course well knows, the pursuit of fitness through exercise for its own sake can often be a tedious process when it lacks the incentive or excitement of the game. It is not without reason that the dictionary defines sport first as "that which diverts and makes mirth," and second as an "athletic game." Few people will deny that recreation and games, even if only witnessed before the television set, are an integral part of our way of life. Competitive games are a source of interest and enjoyment for most individuals. Sports also provide a means of asserting individuality and achieving self-expression, particularly in an industrialized society, where the individual is often relegated to performing specialized roles involving repetitive, rather than creative activity. Sociologists suggest that participation in competitive games can lead to the development of qualities that are useful to society as well as to the individual—by sparking the motivation or drive for success; by teaching youth to strive either individually or in cooperation with his teammates for goals within a system of formal rules governed by a concept of "fair play," and by instilling the code of "sportsmanship," which, though difficult to define in the abstract, is a trait which people around the world understand and respect.

Another probable social value attributed to sports is that they constitute what is generally held to be a proper and constructive use of leisure time, a particularly important factor in the United States where leisure is becoming increasingly more available. Defined as a "time free from occupation or work," leisure is a period for play, one very obvious form of which is organized amateur sports. Assuming that the availability of leisure will grow as the work week diminishes and the standard of living rises, there will be increasing demand for play opportunities, one consequence of which will be a continually expanding need for amateur athletic programs and facilities to serve all age levels of our society.

Of prime importance, however, are the play needs of the nation's youth. There are indications that denial of those needs can give rise to serious social problems, particularly among underprivileged classes in both urban and rural areas. It is widely believed, for example, that juvenile delinquency in our large cities can be attributed in part to the lack of opportunity for underprivileged youths to engage in constructive forms of physical activity, such as organized games. Some of the more successful efforts by church and welfare organizations to combat juvenile delinquency in urban areas have involved instituting active neighborhood athletic programs as a means of channeling the physical energy of children and youths into socially acceptable forms of play. On the other hand, it appears that relatively less effort has been directed at helping youths who live in remote rural areas. This is not to say that similar social problems do not exist among low-income rural families, but merely that public attention is not repeatedly directed to the conditions in rural areas by dramatic incidents, such as race riots, gang warfare, and other forms of group violence.

Besides striving to correct social inequities and to improve the general living conditions of the underprivileged, however, we appear as a society to have accepted a broader responsibility, perhaps most appropriately classified as a cultural objective, to cultivate the ideal of the whole man having highly developed physical as well as intellectual, cultural, moral, and ethical attributes, sometimes referred to as "the pursuit of excellence." It thus seems to be widely accepted that one of our national goals is to furnish the individual and the public with adequate opportunities for organized play, while at the same time encouraging the attainment of excellence on the athletic field. The notion of providing opportunity for the unusually talented athlete to rise to the limits set by his ability does not appear to be out of line with democratic traditions and principles. In considering this matter, we have been much impressed with the reasoning presented in a recent report appraising the position of sports in Great Britain: [1]

"We also want to see such of these young people as are exceptionally gifted given opportunities for participation at a high level. We are thinking not of professional sport but of the possibility, for the outstanding boy or girl, of really high-level performance. Obviously there must be safeguards against exploitation, and obviously these particular boys and girls will be a tiny minority. But our evidence has convinced us that these outstanding individuals make a valuable contribution to the sport or pursuit in which they excel. The ordinary performer regards these exceptional persons as ideals; standards are set by them; and they represent to the ordinary performer a standard of achievement which is beneficial to all. There is, of course, a danger that the outstanding will be 'spoilt,' physically, emotionally or in character. But again, our evidence has convinced us that in the vast majority of cases, where they have sensible parents and understanding coaches, these young 'stars' grow in maturity and responsibility by reason of their successes. So it is to the benefit of everybody concerned that the fullest opportunities should be available to them."

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[1] *Sport & The Community*, Report of the Wolfenden Committee on Sport, published by The Central Council of Physical Recreation, London, 1960.

There is thus believed to be an interrelationship between the wholesome participation of the many and the excellence of the few; and large-scale participation increases the probability of the emergence of outstanding performers, whose great achievements in turn inspire the participation of others. The Wolfenden Report on Sport further comments upon the importance of offering breadth as well as depth of experience:

"We want to see young people, particularly at the stage of adolescence, given the opportunity for tasting a wide range of physical activities. To make this possible there is need for a correspondingly wide range of facilities, so that they may, by trying their hand at different activities, discover which among the possibilities is the one for them. There is need also for sympathetic teaching or coaching, not primarily in order to turn them all into experts but in order that they may have the chance of making the best of their abilities in this line as in others; playing a game better is almost the same as enjoying it more, and there are not many young people who do not want to play better."

In short, the evidence indicates that amateur sports can perform a useful role in developing the individual and strengthening the ethical fabric of society. Given the proper direction and support, sports can become a powerful force for enriching the variety of our experience, for contributing to our general fitness and physical well-being, for alleviating some of the social problems of the underprivileged, and for encouraging the pursuit of excellence in still another dimension of endeavor.

International Implications

We find sharply divided opinions regarding the importance of amateur sports competition in the foreign relations of the United States. To illustrate the extreme viewpoints: There are those who claim that international competitions, such as the quadrennial Olympic Games, constitute a form of political arena in which national teams compete as seriously for success as do armies on the field of battle. Since national prestige is at stake, the argument runs, it is just as vital to field a consistently "winning" team, however unofficial its victory may be, as it is to demonstrate continued supremacy in scientific, technological, and economic achievements. On the other hand, there are those who claim that international amateur sports have no political dimensions or significance and that international competitions are in fact, and should be regarded as, individual and personal, rather than national, performances.

Whatever one's private convictions on this subject may be, it seems clear that international amateur sports competitions, such as the Olympics, are enormously popular and widely publicized events in which people of all nationalities and races can meet and compete equally on a friendly basis, achieve meaningful self-expression, and oftentimes demonstrate superb achievement, regardless of the size or economic power of the country producing or sponsoring the athletes. It is also a fact that nations are deeply concerned with the image they project before the world, and they understandably take great pride in the accomplishment of their athletes at international games. In the minds of many, to perform well in a variety of different sports is to convey an image of vigor, strength, and accomplishment on behalf of the nation or society which fields a successful team.

While we agree that excessive emphasis upon the political or propaganda aspects of international competitions is unfortunate and can injure the spirit in which such games as the Olympics were conceived and are conducted, we nevertheless are impressed by the evidence of keen concern over Olympic performance displayed in communications media around the world, and in the substantial financial and political support given to fielding strong competitors by most countries of the modern world. We thus conclude that it is in the national interest for this country, as a part of its total international relations program, to create and maintain the kind of environment which produces athletes of the highest caliber. The critical question thus becomes not whether we should desire to excel in whatever we undertake, but rather selection of the means through which we can best encourage excellence. As background for discussion of means as well as evidence of foreign country determination in this field, we next review briefly the status of amateur sports abroad.

Foreign sports programs

Since our investigation here was aimed at gaining further perspective on the role of amateur sports in modern societies as well as developing a standard of comparison for the sports effort of this country, we considered the nature of sports programs in selected foreign countries. In view of the complexity of the subject and the number and diversity of countries to be covered, our investigation was limited in scope and detail to basic information available in printed form or else readily obtainable through interviews with key sports personnel. For this purpose, we met with a considerable number of officials attending the Olympic Games in Tokyo, visited both Canada and Great Britain for discussions with private and government sports figures there, and reviewed the results of a recent survey of foreign sports programs undertaken by the U.S. State Department covering some 200 diplomatic posts in 120 different countries.

The basic questions to be answered were:

1) How important a role do amateur sports play in the affairs of other nations?

2) To what extent do other countries have a national sports policy and programs for the conduct and development of sports?

3) What is the scale of sports programs currently under way, and how successful have they been?

4) How are such programs administered and financed, particularly with regard to the respective roles of public and private sectors?

It was found, with few exceptions, that foreign nations officially recognize and admit the importance of physical training or fitness and proficiency in amateur sports. A surprisingly large number of European, Asian, African, and South American countries have created ministries, departments, directorates, or agencies within the central government for the specific purpose of planning, coordinating, promoting, and providing financial assistance to national sports programs. For the most part, foreign countries tend to view the physical fitness of the population and the amateur sports achievements of athletes as a public responsibility within the broader definition of education and health. Besides expanding opportunities for youth to engage in recreational and competitive sports by provision of public facilities, coaching staffs, and equipment both within and outside of the educational system, they frequently establish and support at public expense special facilities or training centers for grooming an elite corps of athletes. Such programs give implicit recognition to the fact that athletic achievement is an instrument of foreign, as well as domestic, policy.

Although it is difficult to generalize upon the extremely diverse patterns of foreign sports programs, one useful approach is to characterize these programs by the degree to which the central government is directly involved in administering or supporting sports activities. Here we see four broad categories of government participation:

1) In a very few countries, such as the United States, Australia, and New Zealand, there is little or no direct governmental responsibility for or support of sports activities. All amateur sports events and development activities are sponsored and financed by independent sports-governing bodies or associations with the aid of private contributions. The government generally provides indirect assistance, however, in the form of public recreational lands and facilities, aid to education, and military participation in amateur sports competitions.

2) Most countries of Western Europe have adopted a compromise approach wherein the central government provides financial assistance to sports, either through financial grants or the allocation of a percentage of the proceeds of national sports lotteries, while control over sports activities remains in the hands of privately administered associations. The majority of these countries, however, maintain a staff of officials within a ministry or department of the Government such as Education, Health, and Welfare, or Interior, with responsibility for evaluating programs and recommending policy on physical fitness and amateur sports.

3) New nations in Africa and Asia tend to view sports as an opportunity within their means to achieve national recognition and standing among established world powers. For this reason, these governments tend to promote sports as a matter of national pride not only by furnishing direct financial assistance to organizations and athletes, but sometimes by directly administering the conduct of important national sports programs. A similar position has been taken by France, which has also appointed an official at Cabinet level who supervises and provides financial assistance to the national sports federations, the national Olympic committee, and other bodies.

(4) Almost total state or party domination of sports is found in the USSR, which appears to be the prototype for other Communist Bloc countries. Until 1959, the USSR administered its national sports program through the All-Union Committee of Physical Culture and Sport (AUC), which was attached to the USSR Council of Ministers and was responsible for the overall direction, planning, and financing of sports. In 1959, the AUC was dissolved and its functions assumed by the Union of Sport Societies and Organizations (USSO), ostensibly having a democratically elected leadership. Sports thus have been the first state function in the Soviet Union to be replaced by a pseudo-private organization.

To the extent that trends are discernible, the evidence indicates: (a) increasing recognition by central governments of a responsibility to promote both physical fitness and amateur sports programs, usually in combination with, and as an adjunct of, youth education; (b) growing emphasis upon participation and achievement in international sports competitions, notably the quadrennial Olympic Games; and (c) a greater tendency to allocate public monies in support of amateur sports programs. This gradually intensifying national interest in sports seems to have evolved from a combination of factors, in particular the emergence of new nations, which seem to view sports as a means of attaining recognition more difficult to achieve in other spheres of influence; the apparent decision of Communist nations in the early 1950's to project a positive image of physical vigor and athletic excellence by aggressive sports development and participation in international competitions—a move which is now being countered to some extent by the

Western countries; and heightened interest in physical well-being by people throughout the world.

Some insight may be gained into the importance with which other nations view their sports programs by inspection of supporting expenditures of central governments. Information on the financing of sports programs is incomplete and frequently misleading because of the difficulty in segregating expenditures for amateur sports from those for broader applications, such as health, education, and recreation. Futhermore, since foreign government systems tend to be more centralized, the figures are not necessarily comparabale with those of the United States, where extensive local and state funding supplements that of the Federal Government. Even so, such statistics as have been published indicate an impressive level of support of athletics by national governments.

It is a common practice among European countries to allocate to sports a portion of the national football (soccer) lotteries.[2] During the most recent year for which figures are reported, for example, Italy channeled over $10 million of its national lottery into sports through its national Olympic committee, Comitato Olympico Nazionale Italiano (CONI); West Germany spent over $10 million, most of which was allocated for construction of new facilities; and Holland spent almost $3 million, consisting of both direct Government grants and proceeds of a national sports lottery administered by the Netherlands Sports Federation. An equivalent level of *per capita* expenditure in the United States, where the population is much greater, would range between $30 million and $40 million per year.

Although information on Communist nations is more limited, their expenditures for sports programs appear to be even greater both in absolute and relative terms. In 1960, the *New York Times* reported that the Czech Government announced that during the preceding four years the sports pool earned profits of $250 million, all of which went to the support of sports, including subsidization of teams, coaches' salaries, travel expenses, and facilities. Meaningful data are not available on the financing of the USSR's elaborate sports program. Until issuance of *The National Economy for 1959*, published budgets in the USSR always combined sports with public health expenditures. Issues of *The National Economy* have now, however, listed the following appropriations for sports:

[In millions]

	New rubles	U.S. dollars
1950	28	32
1955	58	66
1958	49	56
1959	58	66
1960	64	73

Although Soviet sports officials have refused to clarify the figures, these statistics are believed to be incomplete. It is known, for example, that sports societies received other income from membership dues, gate receipts, rental of facilities to other societies, and, in some cases, production of athletic equipment. Trade union sports societies typically receive 20% of the total trade union budget. Rural sports societies and facilities are financed principally by collective and state farms; and presumably the Soviet Army and security police also contribute to the upkeep of their sport societies, which are the largest and most powerful in the USSR.

Of particular interest to us is the recent history of sports in Great Britain and Canada, which are the countries to which the United States is most closely tied in terms of heritage, traditions, interests, and politics. Late in 1957, The Central Council of Physical Recreation, which is a voluntary association of all national sports bodies in England, Wales, and Northern Ireland concerned with the development of post-school physical recreation, appointed an independent committee under the chairmanship of Sir John Wolfenden for the purpose of examining the status of sports in Great Britain and recommending "what action should be taken by statutory and voluntary bodies if games, sports and outdoor activities were to play their full part in promoting the general welfare of the community."

The report of the Wolfenden Committee, *Sport & the Community*, published in 1960, recommended among other things that, while no significant changes should be made in the present system of administering amateur sports through independent, privately operated sports-governing bodies, the Government should provide greater financial assistance to recreation and sports, amounting to about $28 million per year, through a new agency entitled the Sports Development Council. The primary function of this council would be to supervise expenditure of Government funds for recreation and sports, but it was felt that to accomplish this task properly would require a substantial amount of preliminary information-gathering and research on such questions as the need for additional facilities, improved design of facilities, the relationship between exercise and health, etc. Although the Conservative Government did not officially enact the Committee's recommendations, we understand that many of its proposals were quietly implemented. Financial grants to amateur sports by other departments of the Government have been increased in recent years. During its preelection campaign, the present Labor Government announced its intention to enact the Wolfenden Committee's recommendations.

Canada's experience is perhaps even more immediately relevant than that of the United Kingdom. In 1961, Canada passed a Fitness and Amateur Sport Act, which provided an annual appropriation of $5 million in support of athletics and, at the same time, established a National Advisory Council on Fitness and Amateur Sport, composed of 30 prominent individuals appointed by the Government to advise on sport policies and programs. The responsibility for administering the annual appropriation of funds was given to the Department of National Health and Welfare, which created a Fitness and Amateur Sport Directorate for this purpose. Since its establishment, the Directorate has actually spent only between $2 million and $3 million per year of the appropriated funds. In 1963, approximately one-third of this money was allocated to the provinces on a cost-sharing basis; another third to sports-governing bodies and to agencies or organizations operating national recreational programs; and one-third to federal projects. These projects included establishment of a documentation center and three research centers at Canadian universities, production of instructional-promotional kits for selected sports such as figure skating and skiing, support of provincial efforts to attract international games to Canadian cities, and subsidy of a scholarship-fellowship-research program at the undergraduate and graduate university level. Although this appropriation can be used to support construction of facilities, no money has yet been allocated for that purpose.

Thus, both the British and Canadian Governments have found it expedient to assist development of amateur sports on a nationwide scale. In the case of Great Britain, it was reported that $2.25 million was actually expended during fiscal 1964, exclusive of grants for capital facilities. All of this money is accounted for by grants to The Central Council of Physical Recreation, The British Olympic Association, nationally recognized sports-governing bodies, and individual sports clubs. It was the conclusion of the Wolfenden Committee on Sport that about $14 million per year should be authorized for this purpose, plus another $14 million for capital facilities. In the case of Canada, $5 million has been appropriated, primarily for uses other than construction of fixed facilities.

If the U.S. Government were to provide the same level of assistance to fitness and sports *on a per capita basis* as has been recommended for Great Britain and appropriated in Canada, an amount approximating $50–56 million per year would be required, exclusive of any grants for facilities. While we view a figure of tihs magnitude to be out of scale for the United States in terms either of practicability or national needs, we believe it provides significant commentary on the seriousness with which our sister democracies view their sports programs, as well as the degree to which they interpret sports development to be a public, as well as a private, responsibility.

U.S. sports programs

The Organization of Amateur Sports in the United States

At the outset, it seems necessary to recognize that the United States, whose citizens are known around the world for their enthusiastic pursuit of sports and which enjoys an unparalleled history of athletic accomplishments at the international Olympic and Pan American Games, does not have what can be called by any stretch of the imagination, a truly *national* sports program. There exists today no single individual or organization, either in the private or the public sector of our society, responsible for or concerned with the policy, planning, conduct, and development of all kinds of sports for individuals of all ages and socio-economic status.

The administration of amateur sports in the United States is the responsibility of a multiplicity of independent, private, and largely voluntary associations known as the sports-governing bodies, a number of which are listed in an Appendix. Unlike most nations of the world, we have no national federation of sports-governing bodies that might presumably concern itself with the broader interests of amateur sports *per se*. A number of composite organizations do exist, however, which, though limited in scope, embrace a wider interest. The United States Olympic Committee (USOC), for example, concerns itself with each of some 27 Olympic sports, but primarily for the purpose of administering our participation in the quadrennial Olympic and Pan American Games. The Amateur Athletic Union of the United States (AAU), which is the governing body for some 15 different amateur sports, is generally responsible for the conduct and development of out-of-school athletic programs. Within the educational system there are many different athletic federations, including the National Collegiate Athletic Association (NCAA), which is the largest college athletic association with a membership of 536 colleges and universities; the National Association of Intercollegiate Athletics (NAIA), representing 475 smaller colleges and universities; the National Junior College Athletic Association (NJCAA), with a membership of more than 420 junior colleges; the American Association of Health, Physical Education, and Recreation (AAHPER), which is a department of the National Education Association; the National Federation of State

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[2] *The Bulletin du Comité International Olympique* reports that some 24 nations now permit their national Olympic committees to raise funds through sports lotteries. The list includes Andorra, Austria, Belgium, Bulgaria, Czechoslovakia, Denmark, East Germany, Finland, Great Britain, Greece, Holland, Hungary, Iceland, Italy, Luxembourg, Monaco, Norway, Poland, Rumania, Spain, Sweden, Switzerland, Turkey and West Germany.

High School Athletic Associations: and a variety of smaller educational associations and their affiliates. While the work of these and other organizations to promote and develop amateur sports in the United States has been exemplary in many respects, the resulting proliferation of responsibility has created a number of serious problems at the national level.

Despite the extremely complex and fragmented way in which sports are organized and administered, however, the system as a whole works surprisingly well in terms of creating opportunities for youth to participate in athletic activities and to become outstanding athletes, especially in the major sports. Children are exposed to physical fitness and athletic programs at an early age when they enter elementary schools, most of which have compulsory physical education courses covering several hours each week. This program is continued in the secondary schools, which typically expose students to a variety of different competitive sports. About one half of the high school graduates continue their education at the junior college or college level, where the athletic programs offered students generally cover an even wider assortment of sports. As a result of our educational system's sponsorship of competitive sports programs, this country produces an impressive corps of outstanding athletes, as well as a vast number of sports enthusiasts who acquire skills in various games and continue to engage in physical activities for recreational purposes only.

When students leave the educational system, however, the transition into post-school competitive programs is not always easily accomplished. This is particularly true for those who engage in team sports, which involve organized games, and those who prefer less popular sports, such as handball, fencing, speed skating, or rowing, as well as for superior athletes who require top-caliber competition to improve their skills. First, because of the almost total separation between school and post-school athletic programs, the aspiring athlete may be unacquainted with what limited opportunities are available to him outside of the educational system. Second, suitable sports facilities may not be generally available for public use outside of the school system. And third, the problems of creating time to practice and of financing participation now become the responsibility of the individual, who may find it difficult to sustain his or her interest in amateur sports in the face of other pressing demands of adult life. If some means could be found for bridging this "gap" between school and post-school athletic programs, amateur sports activity among older age groups would be materially facilitated, and the quality of our performance at international competitions improved, since in most sports top proficiency is typically attained by post-school athletes.

The Position of "Minor" Sports

The fact that responsibility for development of amateur sports resides with a large number of independent organizations both within and outside of the educational system necessarily means there are wide variations in the emphasis, quality, and success of the programs they undertake. No reasonable person is likely to dispute the claim that the most popular sports probably receive more than adequate attention in terms of the values and overall position of sports in our society. In fact, there are some in educational circles who maintain that too much emphasis is being placed upon certain collegiate sports programs at many of the larger universities. This seems to be characteristic of those sports in which professional athletic contests also command widespread public interest, as in the case of football, baseball, and basketball. Yet the existence of very active professional programs does not always result in inordinate emphasis, excessive activity or development at the amateur level, as illustrated by other popular professional sports such as ice hockey, boxing, wrestling, and tennis.

For the most part, the amateur sports in which we as a nation seem to do best are those which are currently stressed in the secondary schools and colleges, such as football, baseball, basketball, track and field events and swimming. In such events, our accomplishments have been well demonstrated at international games, where we understandably excel in certain areas but perform poorly in others. The resulting imbalance was clearly illustrated by our recent performance at the 1964 Olympic Games in Tokyo, where no fewer than 30 of the total 36 gold medals won by the U. S. team were gained in only two sport categories (swimming and track and field events). On the other hand, the United States was unable to field a qualifying team in soccer, which is the most popular national sport in the world. This is not to say that we should necessarily promote soccer in the United States simply because other nations enjoy the sport, but at least it raises a question of national sports policy. There are obvious advantages to achieving a somewhat better balance in our national amateur sports program, not the least of which is to create a wider range of opportunities for young people to participate in and excel at different kinds of sports.

Inequality of Opportunity

Our essentially *laissez-faire* attitude toward amateur sports in the country has also failed to create equal opportunities for participation by all classes and types of individuals. We have not yet, for example, satisfactorily defined the role of women in competitive sports. This has long been a controversial issue involving popular folklore and social mores more than medical fact or opinion. Evidence seems to indicate, however, that women can and do benefit as much as men from involvement in competitive sports. For this reason we see an increasing number of women's athletic events being added to international competitions. Without attempting here to resolve the differences between medical fact and social opinion relating to this subject, we are nonetheless compelled to take note of the fact that women in the United States are to a large extent excluded from athletic competitions and that even the educational environment affords very limited opportunities for women athletes to participate in the events at which their foreign counterparts often excel.

The question has also been raised whether amateur, as opposed to professional, sports may not be structured for the greater benefit of higher income groups, who can best afford to pursue their pleasure because they have the leisure and money to do so. There is no doubt that physical training in our public school system, activities of various youth service organizations such as the YMCA and YWCA, and provision of public recreational facilities and programs at the local, state, and national levels have, over the years, steadily increased the number and range of opportunities for underprivileged and lower-income groups to participate in recreational athletic programs. Yet it appears to be true in a great many different sports that the nonprofessional athlete who lacks financial resources of his own typically finds it difficult to maintain a high level of proficiency without sacrificing his amateur status. Because of the inadequate financing of so many minor sports, competitors are oftentimes required to pay most, if not all, of their own expenses when they enter the important regional, national, or international competitions. Even the U.S. Olympic Committee, whose activities in recent years have been well financed through voluntary contributions amounting to several million dollars each four-year period, does not defray any expenses of participating athletes until after final selection of the team. During the Olympic trials at the New York World's Fair grounds this past summer, for example, we encountered instances where hopeful contenders of Olympic caliber had hitchhiked across the country and were existing on what little pocket money they had been able to save in order to enter the qualifying trials. In other instances, individual participation was supported by contributions from sports associations or private individuals, but the fact remains that aspiring amateurs from lower economic classes are often seriously handicapped by the inadequate financing of competitive sports activities.

The Role of the Federal Government

It has been noted that the administration of amateur sports in the United States lies almost wholly within the private sector of our society. Unlike most major countries of the world, the United States Government does not ordinarily provide *direct* financial assistance to national sports associations or to the U.S. Olympic Committee, which traditionally raise their funds from private financial contributions, membership dues, gate receipts to Olympic events, and other private sources. *Indirect* assistance, however, is provided in the form of public recreation programs, aid to education, and special services performed by departments within the Executive Branch of the Government. Modest appropriations are allocated for this purpose to the Department of Defense which conducts an athletic program at the military academies and in various branches of the Armed Services, and which supplies a significant number of athletes to the U.S. Olympic teams and participates in international CISM (Conseil International du Sport Militaire) games; and to the State Department, which has instituted small programs for exchanging coaches and athletes with foreign nations. In recent years, the total annual expenditures by the Federal Government for military and diplomatic athletic programs (exclusive of the academies) has probably averaged less than $750,000, which is very small compared with the expenditures of other central governments.

It was not possible within the scope of this study to determine, even roughly, the total of public expenditures for provision of recreational sport facilities at the local, state, and federal levels. Some idea of the magnitude of public expenditures for recreational land and facilities can be gained from the study of the Outdoor Recreation Resources Review Commission, which reported a total outlay by local, state, and federal agencies of $8.6 billion during the 1951–60 period for the general purpose of "outdoor recreation," including conservation, land, parks, waterway systems, etc. According to the Bureau of Outdoor Recreation, only a fraction of this money has been spent on competitive sports facilities, such as the bobsled run operated by New York State, the state owned and operated ski areas of New Hampshire, municipal and county outdoor swimming pools, and the like. No similar estimate has yet been developed of public expenditures on indoor recreation facilities.

Facilities for Amateur Sports

This country has produced through public and private construction an enormous reservoir of indoor and outdoor athletic facilities of all types, a large proportion of which are maintained and operated for public or semipublic use. In the absence of any comprehensive inventory of sports facilities, by type and by location, however, it is difficult to reach fully meaningful conclusions regarding the adequacy of facilities.

When adequacy is understood to include type, distribution and quality as well as number of installations throughout the country, it is generally known, for instance, that certain specialized sports facilities are either missing or in short supply; examples of these are luge and bobsled runs, speed-skating tracks, velodromes, water-polo pools, shooting ranges, ski-jumps and rowing courses meeting international specifications, and the like. To illustrate the difficulty of maintaining such specialized facilities under private ownership, our attention was called to the excellent 400-meter artificially refrigerated speed-skating track that was constructed at a cost of approximately $600,000 at Squaw Valley, California, for the 1960 Winter Olympic Games. This was a very successful prototype installation, so well conceived that its design has subsequently been copied at 12 other locations in five nations (Japan, Sweden, USSR, Austria, and Holland). Four additional installations are now being built in Norway and Holland.

Yet, because it was believed the Squaw Valley facility could not be operated at a profit, it has been torn down to make way for a new parking lot, so today we have no artificially refrigerated 400-meter track on which to train our speed skaters for future international competitions. Likewise, the United States lacks any luge runs for training Olympic teams, although the luge event will be continued in future Winter Games. We currently have one bobsled run located at Lake Placid, New York; and this facility, which is the only one in North America, is now operated by the state at a deficit of approximately $50,000 per year.

Regarding the distribution of various kinds of facilities throughout the country, we find signs of imbalance in the specific needs of given regions, of metropolitan areas, and of low-income rural areas—examples of which are too numerous to mention. Little is known at present about the adequacy of design and quality of facilities, although in this connection it can be noted, first, that in certain sports such as shooting, rowing, and cycling, we lack facilities of proper international specification, which inhibits our participation in international events; and, second, that the United States, unlike many European nations, does not now possess any large public sports complexes, such as London's Crystal Palace (National Recreation Center) or the giant Soviet sport complexes, which could be used to stage multiple-event games along the lines of the Olympics.

Hence, our investigation of the adequacy of facilities leaves many important questions unanswered, chiefly because of the lack of data. One of the first steps of a new national institution should be to undertake or sponsor a facilities inventory, since too little is now known about the adequacy of our multiple overlapping local, state, and national programs to meet the specialized needs of amateur sports.

The Technical Aspects of Sports

So far as we have been able to determine, the United States remains for the most part surprisingly indifferent to certain technical aspects of sports, particularly those relative to minor sports and to general sports functions, such as medicine, information gathering, equipment design, and training methods. Sports medicine, for example, does not appear to be well regarded or actively pursued as a field of inquiry for the medical profession in this country. Since no particular group or agency is attempting to stimulate work in this field, very little sports medicine research has been undertaken, except by individual doctors who personally happen to be interested in sports. Much, if not all, of the significant progress in this field is being made in Europe and Japan, which, for example, founded the Keishi Memorial Laboratory devoted to study of Olympic athletics. We note that on this continent Canada has just recently established three small centers for conducting research in sports medicine at the universities of Alberta, Montreal, and Toronto.

Whereas a wealth of statistical data exists on popular sports in the United States, our investigation revealed a dispiriting lack of information concerning the minor sports and the general position of amateur sports in this country. In this connection, we have already cited the absence of any comprehensive inventory of the nation's athletic facilities and the general absence of information on sports medicine research projects completed or under way. In the course of surveying certain minor sports, we were unable to obtain such basic data as reliable estimates of participation, records of achievement, listing of coaches and outstanding performers, or a detailing of developmental requirements. We were also surprised to find that, despite widespread recognition of the important role of athletics in international relations, no agency of the Government could furnish a comprehensive list of international championship events at which U. S. athletes are invited to participate.

In short, the present position of amateur sports in this country almost defies description because of the wide range of conditions existing with respect to different sports. Because of the multiplicity of private organizations responsible for administration of different sports activities, the dominant characteristic seems to be one of immense variety with corresponding imbalance and neglected functions. To the extent that one can generalize, it would appear that our national sports posture suffers most from two factors: (a) the lack of any formal body concerned with broader issues of national importance having to do with amateur sports, and (b) insufficient development of the less popular, but not necessarily less significant, minor sports.

THE NATIONAL AMATEUR SPORTS FOUNDATION

The need for a new institution

Our examination of the status of amateur sports in this country reveals persistent problems and unrealized opportunities for improving the quality of our society through a more effective national amateur sports program. The more important problems have been discussed in the previous section. The opportunities for improvement within grasp include:

Reducing inequaliites among social, economic, and geographic groups in opportunities to compete in amateur athletics;

Assisting in the solution of the social problems of underprivileged young people in both urban and rural areas;

Strengthening the position of the United States in significant international athletic events;

Broadening opportunities for cultural exchange of athletes and coaches with foreign nations;

Exerting a harmonizing influence on presently partisan athletic groups;

Enriching and complementing educational programs at all levels; and, generally,

Encouraging the achievement of excellence in the field of physical endeavor at a level commensurate with national achievement in economic, cultural, and scientific fields.

Solutions to most of the shortcomings which we identify in the present situation are unlikely to be found, we believe, within existing patterns of organization and administration. Indeed, the more pressing problems seem to arise in large part from the way in which sports are organized and administered by a multitude of independent, voluntary organizations, each of which may be doing its own job quite well, but none of which is concerned with the broader aspects of planning, coordination, promotion and support of amateur sports in general. The situation resembles that which would face a very complex corporation having a large number of separate operating divisions but no corporate staff to coordinate divisional efforts. By citing this analogy, we do not mean to imply a need for a supreme decision-making or management authority in sports, but only to suggest that certain top-level functions are not now being performed. The most important of these functions are the formulation of over-all goals and the coordination of effort at various levels of activity to facilitate achievement of these goals.

As a result, there is need and opportunity at the national level for a new institution concerned with the over-all conduct and development of amateur sports. The rationale behind this conclusion may be summarized as follows:

First, there is no focus for leadership that looks beyond partisan interests to serve the broader needs of the whole nation in amateur sports.

Second, there is no comprehensive policy or program regarding amateur sports for the nation as a whole, and no private or public body concerned with the formation of such a policy and program.

Third, there is no center for coordination of existing sports programs or related activities.

Fourth, there is need of adidtional financial and managerial assistance for underdeveloped sports, which lack backing and guidance beyond that provided by scattered voluntary enthusiasts.

Fifth, there is no institution capable of providing technical support for amateur sports development or for devising and executing broadened programs of training and support to education in athletics.

None of these needs is likely to be met satisfactorily in the absence of a new organization of appropriate scale and quality. We next examine each requirement briefly.

The Need To Provide a Focus for Leadership

The United States is almost the only nation without a national organization representing the broadest interests of amateur sports. The most obvious explanation seems to be that, whereas most other countries have willingly brought their sports programs into the public domain, this country has traditionally insisted that the government be excluded from having any policy control whatsoever over the conduct of amateur sports. Yet, it is interesting to observe that other nations in which sports continue to be administered by the private sector typically have strong composite sports bodies at the national level. In Great Britain, for example, there is The Central Council of Physical Recreation (CCPR), composed of representatives of 199 national bodies, including the British Olympic Association, the National Playing Fields Association, 41 sport-governing bodies, 16 national outdoor activity associations, 34 voluntary youth organizations, Community center organizations, physical and health education organizations, local government authorities, and the armed services. Moreover, it has been recommended that a national Sports Development Council be created to channel public finances into sports development. Canada, which has a reportedly weak national federation of sports associations, recently established a National Advisory Council on Fitness and Aamateur Sport, consisting of 30 prominent private individuals serving in an advisory capacity, and also created a Fitness and Amateur Sport Directorate within the Government to administer its national sports program.

The United States, on the other hand, not only shuns Government intervention in the sphere of amateur sports, but also lacks any composite national sports organizations comparable in scope to the CCPR in Great Britain. CONI in Italy, the National Sports Institute in Belgium, and the Netherlands Sports Federation. The organization having the broadest concern for amateur sports in this country is probably the U.S. Olympic Committee, but the scope of its activity is primarily confined to administering our participation in the Olympic and Pan American Games, which together include fewer than half of the more common competitive sports. The AAU has circumscribed interests, since it is directly concerned with the development of only some 15 sports for which it is the governing body, and tends to concentrate its activity among post-school age groups. The interests of various educational athletic associations, such as the NCAA and NAIA, are even narrower, since they are confined to athletic programs for member institutions at a given level of the educational process.

As a result, none of the existing U.S. sports organizations is chartered to provide the breadth and depth of leadership necessary to give direction to our national sports effort. Goals have not been established, planning is not being carried out, coordination is minimal, and insufficient attention is being directed to such fundamental questions as the desired role athletics should play in our society, particularly as it concerns women; the relationship between sports and physical fitness; the need for new or different facilities; and many other issues.

THE NEED TO FORMULATE POLICY

The absence of a policy-formulator means the absence of policy—or at least the existence of conflicting policies. This is as true of amateur sports as of any other human endeavor. At what level should the nation financially support participants in amateur sports? How should inequalities in opportunity among economic, social, or geographic groupings of citizens be dealt with? Is the national interest in strong international competition in sports adequately expressed in present methods for identifying potentially outstanding athletes at an early stage of development? If not, what means are available for improvement? What should they cost? The list of questions of policy could be endlessly extended. The point, however, is simply that there is today no organization responsible and competent for answering them or even for assembling the data out of which answers can be developed.

The need for informed policy can be illustrated in one particularly important area where fundamental questions of national policy await resolution: the adequacy of facilities for competitive amateur sports. Anyone who attempts to evaluate adequacy in this field is met at the outset by the lack of assembled, reliable information on either the quantity or quality of facilities for sports. We elsewhere noted the absence or scarcity of certain specialized facilities needed to train Olympic competitors in sports such as shooting, ski jumping, rowing, luge, bobsled, and speed skating. These needs are relatively easy to identify, but virtually nothing is known about the adequacy of facilities in crowded urban areas for more participation of youths in competitive sports. Outdoors there is a magnificent opportunity for planing new facilities for competitive amateur sports as a part of the new outdoor recreation program entrusted to the Department of the Interior and the states by the Land and Water Conservation Fund Act passed by the last Congress. Yet there is no authoritative voice representing the interests of amateur sports in the evolution of this multimillion dollar program of resource development. It seems likely that one of the most useful early tasks of a new institution would be to define the nation's needs for sports facilities of all kinds and make these needs known to the units of national, state, and local government who, along with private organizations, can do something about meeting them.

In short, there is no home today for continuing study, data collection, analysis and dissemination of knowledge about the key issues of a national policy for amateur sports. These issues are important, and a new institution, if properly staffed and financed, could do much to help the nation deal with them.

The Need To Coordinate Existing Programs

Whether or not our recommendations for expanded and reorganized intra-government activities in support of amateur sports are accepted, there are a number of ways in which both Federal and state government programs affect sports activities.

Through establishment of the President's Council on Physical Fitness, a public commitment has been made to support a national physical fitness program, which embraces competitive as well as recreational athletic activities. Moreover, creation of the Interagency Committee on International Athletics is recognition of the fact that U.S. participation in international athletic competitions and in athletic exchange programs carries important foreign-policy implications affecting our national stature and our relations with other countries. The support rendered by the Department of Defense to certain Olympic sports has been mentioned elsewhere. Through these and other activities, decisions of the Federal Government increasingly affect sports. State programs in education and recreation also concern amateur sports and will grow in importance. Because of the multiplicity of separate sports bodies, each with limited interests and responsibilities, the agencies of the Government charged with responsibilities touching sports today have nowhere to turn for balanced, objective judgments on issues of national importance relating to amateur sports. As impartial spokesman for non-Governmental interests in amateur sports, a new institution could serve as a useful coordinating instrumentality linking the public and the private policy-makers.

A second area of need for coordination arises from the co-existence of amateur sports activities conducted within and by educational institutions—from school through university—with amateur sports activities outside the educational system. As we have observed elsewhere in this report, the great majority of American sportsmen receive their principal training in athletic activity through school programs. On the other hand, many remain active after finishing school, and a larger number participate in competitive sports even during their school years through organizations not affiliated with the schools or universities. Athletic clubs and associations, the YMCA and YWCA, open meets of many kinds, the Pan American and Olympic Games, all represent the latter class of important, non-school-sponsored amateur sports activities.

This diverse, rich, and loosely integrated pattern reflects a desirable quality of American culture. Unfortunately it has also led to conflicts among sponsoring groups for control of the administration of some sports. While the complexity of the long-standing struggle for control of accreditation of amateur contests in which students and non-students compete places it beyond the scope of this report, its threat to the international repute of the American sports system, and the potential limitations it could impose on opportunities for American athletes to profit from competing freely with the best amateur contestants regardless of their status as students or as non-students, make the problem a national concern.

We believe that the new institution, once established as a non-partisan, non-competitive, authoritative voice for the best in American amateurism, could provide on a continuing basis the forum, the occasions, and the mediating capability for resolving long-standing conflicts and for avoiding future difficulties.

It is important to emphasize that we do *not* see a new institution as exercising authority in any form over any organization in the field of amateur sports, but rather as holding itself and its resources available, in the spirit of *amicus curiae*, as an informed and interested counselor and, on request, mediator, with a fresh, uninvolved, but profoundly friendly interest in resolving problems that organizations active in closely related and necessarily overlapping programs will always encounter.

The Need to Strengthen Underdeveloped Sports

As noted previously in this report, disproportionate emphasis is being placed upon some sports, particularly those attractive to large groups of spectators, to the detriment of other so-called minor sports, many of which enjoy international stature and all of which serve to enhance the range as well as the variety of opportunities for athletic participation by young men and women. This condition is likely to continue so long as individual sports are dependent upon popular appeal to meet their financial requirements. By definition, minor sports presently lack the widespread participation necessary for financing and carrying out an effective development program. Yet without large-scale development effort they cannot be expected to broaden their appeal. Assuming that direct Government assistance to minor sports is neither acceptable nor desirable, the new institution of which we speak might serve to identify and underwrite the development effort necessary to achieve a more balanced national sports program.

In 1958, the U.S. Olympic Committee, realizing the need for further strengthening certain Olympic sports in this country, created a special committee for the purpose of distributing excess funds remaining after Games to the sports-governing bodies for short-range sports-development projects, the results of which might be expected to immediately benefit our future Olympic effort. While we certainly endorse the aims of this program and feel that it is a step in the right direction, we do not believe it represents a permanent solution to the problem of sports development in this country for the following reasons: (1) the inadequacy of available funds (a total of $432,265 was spent between November 1958 and April 1963); (2) the temporary nature of the program (its continued existence depends upon the ability of the USOC to raise contributions in excess of those needed to support our participation in the Pan American and Olympic Games); and (3) the fact that it consists only of financial aid, the application of which is significantly confined to short-range development projects of immediate interest only to Olympic sports.

Our analysis of the development needs of some 30 different sports convinced us that tremendous developmental progress can be made with very little additional input of effort and money. Given managerial assistance and modest financial support, the sports-governing bodies can accomplish a great deal, and very probably become self-sustaining through increased participation within a few years.

The Need to Expand Technical Support and Training Programs

For a nation which has stressed the creative value of research and the indispensability of advanced training in most fields of endeavor, the United States is surprisingly deficient in the technical support of sports and in programs for advanced training in physical education and recreation.

It has already been observed that the United States is falling behind other major nations of the world in the field of sports medicine, which includes not only injury prevention and treatment, but also ways of improving human performance under stress conditions, of extending the endurance required for prolonged physical exertion, and of developing better training methods that permit athletes to obtain peak performance at the time of an important competition.[3] We have also learned that other nations are experimenting successfully with advanced techniques such as high-speed photography as a means of analyzing and improving athletic performance. And we are told that U.S. achievement in international competitions is being hampered by our failure to provide adequate athletic facilities meeting international specifications or the kinds of ingeniously designed equipment necessary to win in some types of competition with foreign teams. These examples only illustrate the complex technical support that top-level amateur athletic performance requires and is receiving elsewhere today.

Our investigation shows that technical support of this nature is not readily available to amateur sports in this country. Voluntary sports organizations usually lack the money to undertake basic or advanced research. The medical profession generally does not tend to hold sports medicine in high regard. Insufficient attention is being given to the design of new or specialized athletic facilities. And manufacturers at times cannot justify costly development of new specialized athletic equipment because its limited sales potential offers no assurance of an economic return on the required investment in research and development. What is missing is an adequately funded organization dedicated to the advancement of amateur sports in general that will evaluate such technical needs, and either sponsor or arrange for the undertaking of worthwhile research and development projects.

Also missing is a central source of information and statistics pertaining to amateur sports in this country which could serve as a data bank and statistical research center, a national repository of sports data. The accumulation and analysis of now widely scattered information relating to athletics is prerequisite to understanding the status and specific needs of sports in the United States, and to formulating a comprehenseive plan for sports development.

In addition to requiring reinforcement of our technical support of sports activities, implementation of an effective sports-development program will require increasing the existing pool of instructors, coaches, and psysical educators, and, to some degree, raising the level of their proficiency. There is a pervasive misconception among some educational administrators that individuals who have done well at one or another sport at some stage in life necessarily qualify as coaches without much additional training. The fact is, however, that playing sports and teaching sports are different activities often involving different qualities and skills. If the instructor or coach is to do an outstanding job of training other athletes, he should have a sympathetic understanding of the needs, attitudes, and abilities of individual students, as well as proficiency in the sports which he teaches, he must have experience in setting up an effective training program and schedule of competitive events; he must be capable of inspiring his students to perform well; and, if he is to produce the very best athletes, he must be able to apply existing scientific and technical knowledge to helping the exceptionally gifted realize their full potential.

Furthermore, development of "minor" sports such as fencing, soccer, judo, water polo, speed skating, and ski jumping—if development of such sports is indicated after formulation of a national sports policy and program—will necessarily involve enlarging our current reservoir of qualified instructors by recruiting new personnel and broadening the skills of present coaches. This can be accomplished partly through voluntary organizations outside the educatonal system, but large-scale development necessarily involves diversifying school athletic programs. The purpose would be to expose students to a wider range of athletic experience, create additional opportunities for individual achievement, and thereby arrive at a well-balanced athletic program which meets the over-all educational objectives of the school or institution. If this is ever to come about, it seems necessary that physical educators and athletic directors be provided opportunities to better understand the less popular sports and the role that each can fill in the developement of individuals. Thus, after the values of underdeveloped sports have been identified and where emphasis should be placed is determined, a program must be worked out to promote those sports both within and outside the educational system. Concurrently, a program must be worked out to ensure availability of the coaching skills required.

Although we have gained only limited knowledge of the broad field of physical education in the United States, our investigation indicates that there are opportunities to improve the number and quality of programs now being offered, particularly at the graduate level. Our educational system should turn out more highly qualified specialists in the field of physical education just as it does in the sciences, the arts, engineering, business, and law. Talented graduates with a bachelor's degree in physical education or recreation should be encouraged to continue their education by proceeding for advanced degrees in this field; and they should be offered a wide range of stimulating graduate programs. Likewise, adequate funds should be available to support educational research into important questions of recreation, physical fitness, and competitive athletics.

Some of these activities in technical support of sports and in the expansion of training can be directly undertaken by an adequately funded new institution. Others are so large or so complex that it will be best to encourage and support existing institutions in carrying them on. In both instances, however, there is a role of leadership for analyzing, planning, and stimulating that a new national institution can fill, to the end that both technical support and broadened training programs become available to reinforce the national amateur sports effort.

Nature of the proposed foundation

Our study confirms the widely held view that the best way to strengthen amateur sports in America today is through the organization of a new national institution, the National Amateur Sports Foundation, to plan, coordinate, promote, and support the conduct and development of amateur sports throughout the United States. Within these broad objectives it should perform the following principal functions:

1. Study and advise on national needs relating to competitive amateur sports, leading to the formulation and maintenance of a national policy for amateur sports to guide both government and the private sector in their respective fields of activity.

2. Coordinate by voluntary means the interests and activities of national sports associations with one another and with related educational and recreational programs of local, state, and Federal Government.

3. Strengthen and extend the development of competitive amateur sports in the United States by:

a. Providing managerial, financial, technical, legal, informational, instructional, and promotional assistance to sports-governing bodies and related organizations.

b. Sponsoring and stimulating the establishment of advanced or improved coaching, physical training, and physical education programs.

4. Carry out activities that extend our knowledge, or facilitate the practice, of amateur sports by:

a. Sponsoring or soliciting useful research in such diverse areas as sports medicine, athletic facility and equipment design, performance analysis and evaluation, and the like.

b. Identifying specific sports facility requirements, and arranging for provision of needed facilities by appropriate public or private groups.

c. Establishing and maintaining a data bank for the compilation, analysis, and dissemination of information pertaining to all significant aspects of amateur sports.

The consensus of both public officials and private citizens concerned with the development of amateur sports in this country is that the Foundation should be a private institution supported in whole or in part by private contributions and directed by private individuals who are not associated with any vested interests of the amateur or professional sports world. A major source of strength and influence of the Foundation would be the organization's ability to provide financial assistance to worthy projects (in the traditional role of grant-making foundations) and for strengthening sports-governing bodies and associations. The financial requirements do not appear to be great in relation to the importance of the assignments the Foundation must undertake or to the results it seems likely to achieve.

We envision, however, something more than a philanthropic benefactor of amateur sports. Our concept is one of an *operating* foundation, which, in addition to serving as a source of financial assistance, would have a substantial permanent staff to carry out studies and advise both public agencies and private groups; act as liaison between public and private policy-makers in sports, coordinating the vast array of national sports programs on a voluntary basis; provide managerial and technical assistance to sports bodies; produce new instructional and promotional materials; sponsor and stimulate useful research on sports problems; and maintain an information center on amateur athletics. The institution we have in mind would therefore perform most, if not all, of the essential functions that are not currently being carried out by existing organizations, and mobilize existing financial, technical, and human resources in support of a comprehensive national amateur sports effort.

To accomplish these objectives, the Foundation must be more than an organization of working specialists. To achieve a position of leadership at the national level, it must be directed by trustees who not only are knowledgeable and enthusiastic about sports, but who also have prominence and personal stature in such diverse fields as education, industry, science, and the arts.

Because the Foundation should represent a unique fusion of the public interest and private initiative in an activity traditionally free from Government control, we recommend its organization as a private body corporate under Congressional charter, and that the President of the United States bestow upon it the prestige of his office by appointing the initial board of trustees and a minority of successor trustees as vacancies occur.

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[3] Sports medicine is technically defined as the scientific study of the body's responses and adaptations to exercise and environmental, psychological, and physical stress; the application of physiological and medical findings to the training and care of athletes; and the prevention and treatment of injuries related to sports.

Finance for the Foundation should be sought primarily from the private sector but in view of its public purpose we propose that it should receive an initial capital grant from the Federal Government, matching the private funds which will make up its initial endowment. We have estimated that about $3 million per year will be adequate for at least the first three years of operation. In order to reduce the need for annual fundraising and avoid competing with the periodic solicitations, on which almost all amateur sports organizations, including the U.S. Olympic Committee, principally rely, we recommend that the Foundation should operate principally on the income from an endowment fund, which ultimately should be on the order of $70 million.

We believe a key to the long-term success of the Foundation is that it usurp none of the existing rights, powers, and responsibilities of the sports-governing bodies, but rather seek to work cooperatively through those bodies to achieve mutually desired goals. This can be accomplished only if the long-range aim of the Foundation is to strengthen each independent association so as to make it a self-sustaining entity that ultimately requires no subsidy or financial support. For this reason, in structuring the Foundation we have created a group of sports advisers, whose sole responsibility is to work closely with a designated group of the sports bodies and in their support. Supplementing the work of these "line" advisers will be a staff of technical experts, who will provide the specialized skills necessary to assist the governing bodies and to carry out independent projects for the Foundation itself.

Searching for a useful analog to the Foundation as we have conceived it, we find certain similarities to the National Science Foundation, the American National Red Cross, the National Academy of Sciences, the Smithsonian Institution, and a number of grant-making private foundations, such as the Carnegie Corporation of New York. In the fusion of private and public initial financing it shares elements of similarity with the Communications Satellite Corporation, the International Executive Service Corps., and the John F. Kennedy Center for the Performing Arts in Washington. It is clear that the National Amateur Sports Foundation, as we conceive it, will differ importantly from exclusively grant-making foundations in that it will be required to perform in-house functions of a technical nature and to carry out independent projects by use of outside consulting staff. It will also be very nearly unique in its sources of finance and in the manner in which the public interest is expressed through continuing Presidential participation in the selection of a portion of the board of trustees.

As we see it, the National Amateur Sports Foundation must be many different things, including impartial spokesman, planner, coordinator, catalyst, energizer, technical consultant, financial conduit, and fund-raiser. Lacking any inherent authority or policy-making power of its own, the Foundation must command respect through its knowledge and prestige, and accomplish its aims through persuasion and influence. It must be capable of communicating directly with leading sports officials and top echelons of Government, and also reach down to the grass roots level where the games are actually played and new athletes are being developed. Above all, it must embody and exalt all of the essential principles and values upon which amateur sports are based.

Projected scale of activity

Although the Foundation is proposed to be national in scope, we do not forsee the need for a singularly large organization or a prodigious operating budget. The demand is for quality rather than quantity. Our investigation shows that the desired level of results can readily be achieved with a surprisingly small input of personnel and money at the proper points. The organization we propose would have a professional staff of 25 people, excluding clerical, stenographic, and secretarial help. It will require an annual operating budget of approximately $3 million per year, of which $800,000 will be used for staffing and operating the Foundation, $1.2 million for project funding, and $1 million for grants to sports bodies. A more detailed description of the organization is presented later in this report.

As noted previously, a major function of the Foundation, in addition to making grants to sports bodies, will be to provide financial and technical assistance to sports associations through a group of six sports advisers, reinforced by a staff of some 15 technical specialists; and to undertake independent projects of its own through use of those same specialists. This technical staff will include experts in the following fields:

a) Sports medicine;
b) Facility planning;
c) Statistical research;
d) Communications services; and
e) Education and training

The two specialist areas requiring the greatest amount of in-house capability in terms of personnel and operating budget are those in which it is expected the Foundation will perform original work and provide the highest level of service—namely, in statistical research and communications services. With regard to the first, we anticipate that the Foundation will want to establish a data-processing center for the accumulation and analysis of statistics and other reference material pertaining to amateur sports. With regard to the second, we foresee the organization actually preparing public information projects, producing instructional films and training manuals, and developing mass communications programs on behalf of various sports. In the remaining specialist areas, however, it is felt that present agencies can and should handle the majority of the work and that activity within the Foundation will be limited primarily to study, planning, coordination, advising, and negotiation in order to mobilize existing resources.

Key working relationships

If the National Amateur Sports Foundation is to achieve its stated objectives, it must necessarily establish well-coordinated relationships with the national sports bodies, with education, with Government, and wtih the private sector. Ultimately, it may also come to serve as the logical instrument for coordinating amateur sports activities in the United States wtih the sports programs of foreign nations, although it will not supplant or diminish the importance of the AAU or the USOC in the conduct of sports competitions. Because of the critical nature of the Foundation's working relationships, it seems necessary to discuss each briefly in relation to the underlying concept and modus operandi being proposed for the Foundation.

Relations With National Sports Bodies and Educational groups

We envisage the Foundation as working closely wtih the various national sports bodies and educational groups that now administer amateur athletics. By working cooperatively through these bodies to achieve common goals, the new institution will not in any way infringe upon the existing rights, powers, and responsibilities of the independent organizations, but rather will serve to reinforce their current development efforts. For this reason, a group of sports advisers are proposed for the Foundation's staff to facilitate day-to-day liaison with the sports bodies, and to provide whatever technical or management assistance those bodies may request. Likewise, a very substantial portion of the projected annual operating budget of the Foundation is being allocated to programs to be carried out by other organizations, many of which are desperately underfinanced today. Thus grants may be used to underwrite the expense of sending top teams to important competitions; to defray the costs of conducting sports clinics, producing new or better instructional material, and designing effective promotional programs; or to subsidize age-group programs, which stimulate participation by younger children and, as has been demonstrated by the remarkably successful swimming program, often lead to developemnt of an outstanding corps of young athletes. It is conceivable that the Foundation might also serve as a recipient of gifts designated for specific sports.

Besides providing direct financial assistance, the Foundation will itself be able to carry out several of the vital functions just described. Its statistical research center, for example, can act on behalf of the associations as a central clearing house for all types of information relating to sports. And through its publications services, the Foundation can actually prepare the training manuals, films, and other promotional materials for distribution by the sports bodies. Most important of all, we believe, will be the role the Foundation can play in strengthening the internal organization of the sports bodies by making available needed consulting services in such areas as management, administration, financial control, fund-raising, data-processing, etc. With few exceptions, the national sports bodies, especially those of a voluntary nature, lack the administrative manpower and experience necessary to function efficiently and to capitalize fully upon the resources presently available. It will be the aim of the Foundation through its staff of sports advisers and specialists to provide whatever management or technical assistance is required to strengthen the sports bodies so that each will be capable of meeting the long-range development needs of its sport without outside subsidy. This does not seem to be an unrealistic goal for a nation as populous and well endowed as the United States.

It is expected that the Foundation will maintain a close working relationship with the USOC, which it is hoped will view the Foundation as a logical instrument for developing Olympic sports, particularly those which require appreciable broadening of the participating base as a means of evolving excellence at the top. Observing that the United States historically excels at only a small proportion of Olympic sports, notably swimming and track and field events, we find good reason for reinforcing the past or current development programs of a great many other sports having international stature, including soccer, fencing, volleyball, cycling, canoeing, gymnastics, wrestling, weight-lifting, hockey, skiing, luge, bobsledding, and speed skating. As a result of its recent study of the present status of all the Olympic sports, the USOC will be in an unusually favorable position to guide the Foundation regarding specific sports-development programs to improve the performance of the U.S. team and strengthen our national image of excellence in international athletics.

Once under way, the Foundation can further assist the USOC by making available research and data-processing services that will facilitate selection of the most highly qualified athletes, as well as coaches and other training personnel, to represent this country in the Olympic and Pan American Games. It may ultimately be possible for the Foundation to gather and analyze information relating to foreign athletic performance, which might provide a useful measure of the level of competition to be anticipated at the all-important Games and might also serve to identify significant new trends taking place in international athletics. In fact, every project that the Foundation undertakes in support of amateur sports, whether it pertain to development programs, facility design and construction, medicine, training methods and coaching, or statistical research, will directly or indirectly benefit the U.S. Olympic effort; and for this reason coordination between the USOC and the Foundation must be harmonious at all times.

Because its major effort will focus upon sports development, which is being carried out in this country to a considerable degree by the schools and colleges, the Foundation will itself be required to perform an educational role and to work extremely closely with existing national educational athletic organizations, such as the National Collegiate Athletic Association; the National Association of Intercollegiate Athletics; the National Junior College Athletic Association; the National Education Association and its American Association of Health, Physical Education, and Recreation; the National Federation of State High School Athletic Associations; and a number of other independent or affiliated educational organizations. In cooperation with these groups, the Foundation can, in addition to providing the research and technical services previously described: (a) design and help implement a soundly based, balanced sports program to meet existing and projected national needs; (b) stimulate, and in some cases underwrite, the establishment of specific sports-development programs at secondary-school and college levels; and (c) by offering informed advice, as well as direct financial assistance, reinforce our physical education programs at both the undergraduate and graduate levels. Specific projects to be undertaken by the Foundation might include sponsoring of nationwide sports clinics; producing instructional "kits" (e.g., manuals, films, and equipment) that can be used by athletic departments to initiate new sports programs; and establishing scholarship and fellowship grants to encourage better physical-education programs, to improve training methods, to diversify coaching skills currently available within institutional athletic departments, and to stimulate needed research on problems relating to competitive sports.

The success of the Foundation in stimulating development of amateur sports in the United States will depend heavily on how well it is able to coordinate its programs with those of the national educational groups. Much of the potential leverage in the situation derives from the fact that, by virtue of our having a system of compulsory education, the nation's youth is presently organized and accessible at a critical stage in life when they can profitably be exposed to a wide range of physical, as well as intellectual, experiences. It would appear that any development program aimed at substantially expanding the participating base of any given sport would meet with only qualified success if it were, by necessity, restricted to extracurricular programs requiring the support of a large number of unrelated local volunteer organizations scattered throughout the county. Some idea of the degree of leverage inherent in the present situation is gained if one reflects: (1) upon the valuable contribution that an outstanding full-time coach can make to the level of participation and to the achievement of excellence in amateur athletics; (2) upon the sizable number of potential athletes who can be influenced by a relatively small number of first-rate coaches teaching at larger schools throughout the country; and (3) upon the very substantial number of member institutions that can readily be reached through the national athletic associations previously cited.

Because of the critical nature of these relationships with the various sports bodies and educational groups, the Foundation may eventually find it necessary or desirable to create a special advisory council composed of high-level representatives of key athletic organizations to counsel the Foundation on matters relating to amateur sports development. It is our opinion that such a council should not be established until the Foundation has been in operation for one or more years, after which time it will be possible to define more precisely the nature of its developing relationships with other sports and educational organizations and the kind of mechanism required to further facilitate these relationships. If, at that time, it appears desirable to create an advisory council for effecting closer liaison with the sports policy-making groups, special care should be taken (a) to preserve the independence of the Foundation from factions of the sports world and (b) to avoid excessive representation of all types of sports interests that would result in an assembly of unwieldy size and composition.

Relations With Government

Through independent but well-coordinated relationships with national, state, and local government in the United States, the Foundation can have profound impact on the quality of competitive amateur sports. Its primary role in these relationships should be that of catalyst, stimulating Government at all levels to exercise its powers in support of sound development of amateur sports. The Foundation's catalytic functions can be performed in many ways. It can provide the reservoir of fact about amateur sports from which Government can draw background data for policy-making or legislation. It can prepare and publish studies of policy questions facing government in the field of sports. Its trustees and officers can be called to testify in formal hearings and to provide informed opinions for staff work of legislative and executive agencies whose decisions affect amateur sports. Through its public statements and public activities, it can continuously contribute to a climate of opinion and interest in amateur activities from which support will grow for Government programs that serve to strengthen amateur sports.

A secondary but still important role for the Foundation in its relationships with Government can be that of contractor or recipient of financial grants for research and publication. As the competence of its staff and the scope of its facilities, such as the sports data center, grow, the Foundation can offer research capabilities which should be of interest to national and state government research programs in medicine, recreation facility development, welfare, and education. Government research contracts or grants would complement contracts and grants from the private sector. If the Foundation is successful in attracting private funds to support expanded scholarship, fellowship, or training programs, it may also be in a position to receive and administer government funds for such programs, should these ultimately become available as suggested below.

At the outset, the principal points of contact within the Federal Government will be The President's Council on Physical Fitness; the Interagency Committee on International Athletics; the Department of the Interior's newly created activities concerned with expanding outdoor recreation facilities; the Department of Defense's programs in support of military athletic activities and facilities; the Department of Health, Education and Welfare; and the State Department.

In looking ahead, it seems important that the internal organization of the Federal Government be strengthened to provide a single point of contact for the Foundation in its relationships with national programs, better integration of Federal activities affecting athletics, and a new source of Federal financial support for facilities, research, and training. While the issues are sufficiently complex to justify more thorough study, our analysis suggests that two steps are indicated: (1) the establishment of a small but permanent full-time staff in the Executive Office of the President under high-level leadership to coordinate and guide the broad and varied interests of all Federal departments and agencies whose activities touch amateur athletic affairs, both nationally and internationally, and (2) initiation of studies which we would expect to lead to legislation to establish programs of Federal financial support for athletic facility construction and maintenance in addition to those possible under the new Department of Interior outdoor recreation facilities program, as well as Federal financial support of research, development, and training activities through grants, scholarships, and fellowships. The logical agency within which to locate the latter programs would be the Department of Health, Education and Welfare.

Of particular importance to the Foundation will be the personal attitude of the President toward its program. Much of the impetus which has heightened the prestige of amateur athletics and physical fitness in recent years in the United States can be attributed to the strong interest of President Dwight D. Eisenhower, the late President John F. Kennedy, and President Lyndon B. Johnson in sports and in the relationship of sports both to U.S. international prestige and to the well-being of American youth at home. It is fortunate that the new Vice President, Hubert H. Humphrey, has also exhibited enthusiasm for the development of strong national programs in amateur athletics.

State and local governments can also be important sources of strength for amateur athletics, particularly with respect to construction and operation of sports facilities, the conduct of recreation and sports programs, and in their traditional role in education from kindergarten through university levels. The Foundation will thus have to develop means for reaching and cooperating with a vast range of organizations and officials who make up the highly decentralized U.S. state and local government apparatus. One means to be considered would be the organization of a council of Governors' representatives advisory to the Foundation. If a Federal program of grants and contracts in support of sports facilities and training can be developed under the aegis of the Department of Health, Education and Welfare, it might well take the form of matching grants to the states along the lines of the program of Federal grants in support of educational facility construction embodied in the National Defense Education Act. A council of Governors' representatives interested in such a program could also then function in an advisory role to the Department of Health, Education and Welfare, as well as to the Foundation, thus providing a further integration of activities and channels of communication.

Relations With the Private Sector

In order to fulfill its role as catalytic agent and coordinating body, the Foundation must also establish firm relationships with various elements of the private sector of society by serving as an institutional image of a national sports effort, as independent adviser to both public and private policy-makers, as public educator with respect to competitive sports, and as general fund-raiser in support of amateur sports activities. If the Foundation is to have national significance, it must necessarily have widespread public appeal, must be regarded as a force representing all types of sports at the amateur level, and must become identified by the public as an embodiment of all the values of a vigorous sports program. If it is to mobilize existing resources of the private sector to strengthen competitive sports on a national scale, it must be able to communicate effectively with key individuals in labor and industry, particularly equipment manufacturers, with the medical profession, and with philanthropic foundations. Most important of all it must have the prestige and broad public appeal that will attract the funds necessary to carry out its initial program, as well as provide any additional financial support that might be sought in subsequent fund-raising campaigns.

Relations With Foreign Sports Programs

By virtue of its being a national institution concerned with the overall development of amateur sports, the Foundations can serve as an important link with the sports programs of other nations. Working through national sports bodies and governmental agencies of foreign countries, the Foundation can facilitate a free exchange of knowledge pertaining to technical aspects of sports, including medicine, training methods, facilities constructon, and equipment design, so that our athletes can benefit from research and development in other countries. It can arrange for the exchange of statistics on athletic performance and records. In cooperation with our own State Department and various independent sports bodies, it can materially assist in the implementation of special programs for exchanging coaches and teams. Such programs tend to create international goodwill and to promote the development of sports on a worldwide basis. And it can stimulate needed additional U.S. participation in international competitions other than the Olympic, Pan American, and CISM Games through provision of financial aid either to U.S. teams for travel and subsistence or to domestic organizations that might thereby be encouraged to act as hosts of world championship matches and other important international tournaments.

Geographical location

In evaluating alternative locations for the Foundation, our major consideration was practical convenience in carrying out day-to-day working relationships. The Foundation, as presently envisaged, will have to maintain closest and most frequent contact with the sports-governing bodies. Analysis of the location of national sports associations listed in the *Directory of National Organizations of Recreation* reveals that almost three-fourths of 53 different competitive amateur sports are headquarted on the East Coast, and over half of these are situated in the New York City area.[4] Likewise, New York is the headquarters of two of the major composite sport bodies, the USOC and the AAU, and the larger philanthropic foundations. As a practical means of facilitating day-to-day coordination with these organizations, we therefore recommend that the National Amateur Sports Foundation establish its permanent headquarters in the New York City area.

In view of the legal requirements of its proposed Congressional charter, as well as the need to maintain close liaison with agencies of the Federal Government, it will also be necessary for the Foundation to maintain an office in the District of Columbia. We do not advise headquartering the organization there, however, for the more important reason cited above, and to avoid too close an identification with the Federal Government.

ORGANIZATIONAL STRUCTURE OF THE FOUNDATION

Our analysis of the sports-development needs of the nation reveals that the most compelling demands are for leadership, planning, coordination, and technical support of amateur sports. For this reason, we strongly propose the establishment of an operating, as opposed to a mere grant-making, foundation with a skilled permanent technical staff. We also recommend a grant-in-aid program, but we consider this to be less critical than the operating functions described in this section.

The organization we have in mind will consist of two distinct parts—a board of trustees and an operating staff. It is essential that the board be comprised of distinguished figures from both the private and public sectors of society; it is equally essential that highly qualified personnel be recruited for the staff. We treat our recommendations on board and staff separately in the following pages.

Board of trustees

The keystone of the Foundation's structure will be the board of trustees. The caliber and competence of the trustees will determine the Foundation's success, particularly in the early years. We recommend a board constituted of sixteen distinguished citizens selected in the first instance by the President of the United States from the private sector of American society for their dedication to the highest ideals of amateur sports, for their prominence, for their ability to lead and guide, and for their freedom from partisan or vocational bias in sports. A chairman of the board, who should be one of the trustees, should also be named by the President of the United States for an initial term of four years, the chairmanship to be subject thereafter to the pleasure of the board. If practicable, this first board should be formed into a body corporate by being personally named in the Congressional statute establishing the Foundation, symbolizing the national interest thus entrusted to a private institution.

The terms of four of the initial trustees should be four years; four should be five years; four should be six years; and four should be seven years. Length of terms of the initial trustees should be allocated by lot. Consistent with the private character of the institution, when a group of four trustees reaches the end of its term of office, replacements should be selected by majority vote of the board itself, except that one of each four vacancies should be filled by the President. Thus the board will ultimately have a membership of which three quarters are selected by the board itself and one quarter by the President, further emphasizing the private character of the institution while acknowledging the degree to which it is entrusted with a public interest. We recommend that trustees hold office for four years so that each will have an opportunity to serve through the cycle of at least one Olympics.

We recommend that trustees serve with only nominal compensation but be reimbursed for expenses. A majority vote of a quorum of the board should govern all questions except removal of a trustee, which should require thirteen votes. We suggest a quorum of eight for regular business. No trustee should be eligible to serve after reaching his seventy-first birthday. Organization of an executive committee and other standing and special committees should be left to the discretion of the board.

Professional staff

The ability, objectivity, and imagination with which the professional staff carries out its work will be a key factor in the success of the Foundation, particularly during the initial years of operation when it will be seeking to establish a leading position in the sports world. We therefore recommend a level of staff compensation required to attract personnel of unusually high qualifications.

As shown in the organization chart (Figure 1), the structure of the Foundation below the board level broadly divides into three major parts: management; the technical staff, who provide expertise in various specialized areas; and the "line" staff, who work directly with the sports bodies. As presently envisioned, the organization, exclusive of the board of trustees, will total 25 people, which we view as the minimum for an effective organization to meet the diverse needs previously described. It is expected that each individual will be required to have outstanding competence in his own specialty, since he will be occupying a pre-eminent position in his professonal field as well as filling a role of national importance. The principal professional employee will be the president, who will be responsible directly to the board of trustees.

President

The key appointment will be that of the president, who will set the tone of the internal organization. His professional reputation in whatever field in which he may have been trained should be such as to give him access to the highest levels of education, industry, Government, recreational organizations, and foundations. He must himself be a prominent figure who is knowledgeable about amateur sports but not closely identified with any partisan athletic group. He should be energetic, imaginative, and worthy of public trust. His background should include experience in the public environment, and demonstrate his capability for dealing with sensitive or controversial issues in full public view. His position will demand his full-time participation, but must be viewed as partly honorary because the remuneration of his office, while liberal compared with that of most public officials, will be less than a person of this level of capacity could probably earn as the head of an important private enterprise in trade, commerce, or manufacturing.

At the outset, the duties of the president will include the following:

(1) Working with the board of trustees to establish detailed objectives and organizational policies.

(2) Articulating an initial work program.

(3) Hiring top administrative and professional staff.

(4) Designing and carrying out a fund-raising campaign aimed at creating an endowment fund to cover operating expenses.

(5) Establishing liaison with existing sports bodies; educational groups; officials of relevant agencies of Federal, state, and local Government; other foundations; and representatives of foreign sports programs.

(6) Creating the image of the Foundation through public appearances to explain the goals of the organization and to enlist the support of a wide range of private individuals and groups.

Once the Foundation has been placed on a sound financial and operating basis, the president's role will be largely that of implementing the policies created by the board of trustees, of establishing a continuing work program and managing the organization, of maintaining effective high-level liaison with public and private groups whose activities relate to sports or recreation, and of raising whatever additional funds may be required to carry out useful research or assistance programs in support of amateur sports.

We recommend the president be given a salary on the order of $50,000 per year. He should be appointed by the trustees for a term of office lasting one fiscal year, subject to annual renewal for an indefinite period up to a compulsory retirement age of sixty-eight.

Managing Vice President

Because so much of the president's time is likely to be spent away from the organization, owing to extensive travel for meetings and speaking engagements, we suggest that he be assisted by a managing vice president, who can be delegated responsibility for day-to-day supervision and administration of the Foundation's staff. The man who occupies this position should be reasonably young, energetic, and capable of building up an entirely new organization under the direction of the president, but still sufficiently experienced in management to gain the cooperation and respect of senior staff members. His training and background should primarily be in business or foundation administration, but should include an understanding of and appreciation for amateur sports. Ideally, he should have prior exposure to supervision of major areas of activities in which the Foundation will be engaged; namely, the administration of technical research, the design of public communications programs, and the institution of management and controls.

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[4] These percentages are, of course, skewed by the fact that one organization (the AAU) serves as the governing body for multiple sports. If the AAU were counted as a single body, however, it is found that about one-third of the national sports bodies are situated in the New York City area—a far higher proportion than occurs in any other city or region of the country.

Initial duties of the managing vice president will include assisting the president in developing a detailed work program for the Foundation and hiring of second-level staff to carry out this program. After the organization has been staffed, he will:

(1) Assist in implementing the policies and programs established by the trustees and president.

(2) Direct and coordinate the day-to-day operations of the staff.

(3) Maintain close liaison with sports organizations and other agencies whose activities relate to those of the Foundation, and act as official representative of the president in his absence.

(4) Perform whatever other duties the president may delegate.

Because of his close working relationship with the principal officer of the Foundation, the managing vice president should be appointed by, and serve at the discretion of, the president. For purposes of projecting the Foundation's operating budget, we have estimated his salary at $30,000 per year.

Manager—Washington Office

If the Foundation operating under a Federal charter is to be headquartered in New York City, it will be necessary to establish at the outset a separate branch office within the District of Columbia. More than fulfilling a legal requirement, the Washington office can perform a useful service to the Foundation by facilitating necessary liaison with officials and agencies of the Federal Government. For this reason, we recommend that the Washington office be staffed with a senior individual serving the dual function of office manager and Government coordinator. This person should be familiar with the structure, operations, and programs of the Federal Government, and should have the ability and reputation that will gain him access to top administrators of Government programs being carried out by The President's Council on Physical Fitness, the Interagency Committee on International Athletics, and the Departments of Interior, State, Defense, and Health, Education and Welfare and others. Since he will have no "official" standing in Government circles, he must be able to win the respect, confidence, and cooperation of elected or appointed public officials, although clearly he cannot be, or even imply that he is, a lobbyist for sports interests.

As described under "Working Relationships," the duties of the Washington manager will be to supply objective facts and information required by the Government for policymaking or legislation, and to help coordinate private and public programs relating to amateur sports. This means that in the course of his work he must acquire and maintain intimate knowledge of the capabilities and current work programs of the Foundation, as well as be familiar with the needs of various national amateur sports organizations, so he can readily identify opportunities for mutual reinforcement of public and private efforts on behalf of physical recreation and competitive sports.

To attract the caliber of man who is capable of effectively carrying out this difficult coordinating job, we believe it will be necessary to offer a salary ranging between $16,000 and $20,000 per year.

Management Staff

The Foundation's management will also require its own financial, legal, and public relations services. Most important will be the financial control of the Foundation's assets and operating budget. For this purpose, we recommend appointment of a full-time treasurer-controller to (a) work with the finance committee of the board of trustees in managing the Foundation's own investment portfolio, (b) institute and supervise an accounting control system for the organization, and (c) provide senior advice, where required, to the financial services staff group, consisting of one individual working largely on outside consulting projects undertaken on behalf of the sports bodies. It is believed, however, that the financial services staff will be able to apportion some of its time to assisting the treasurer-controller on internal projects and administration of the accounting system.

We recognize that the president, because of the sensitive nature of his position as head of a national institution, will require staff assistance in public relations, although we doubt that he could effectively use a full-time man for this purpose. Ordinarily under such circumstances the president would retain the services of an outside public relations firm; however, in the case of the proposed Foundation, such assistance can be obtained as required from within the communications services staff group, whose primary duty will be to promote development of amateur sports on behalf of the sports bodies. Thus, as subsequently explained under our discussion of the technical staff, it will be the responsibility of the director of communications services to handle all public relations matters of the president and of the Foundation.

It is believed that, during the early years of operation at least, any legal problems of the Foundation can be adequately handled by outside legal counsel. At some later date, the scale of activities of the Foundation may increase and make it necessary to acquire legal counsel on the permanent staff.

Technical Staff

If we are to strengthen the U.S. sports effort substantially and assure continued achievement of excellence in amateur athletic competitions, it is essential that our athletes and our national athletic programs be bolstered with more and better technical support. In order to satisfy this critical need, which is not being met today, we propose recruitment of a staff of 15 technical specialists in the following areas:

Statistical research
Communications services
Sports medicine
Education and training
Facility planning
Financial services

In certain of these areas, such as medicine, education, and facility planning, current resources and capabilities are adequate but need to be mobilized and brought to bear upon sports problems. In such areas, we propose that the Foundation be staffed with only one or two qualified individuals, whose main function will be to identify specific problems and to stimulate the application of existing resources to these problems. In certain other areas, we find the mechanism for providing technical support generally unavailable today, and we therefore recommend that responsibility for carrying out such vital tasks be accepted by the Foundation. The two major functions to be performed in-house will be compilation and analysis of sports data and production of sports promotional and training materials. Following is a discussion of each technical area in which it is believed the Foundation can perform a useful role.

Statistical Research

It is proposed that the Foundation establish a statistical research center for the purpose of gathering, storing, analyzing, and publishing both domestic and foreign sports data. Examples of the kinds of information that might be dealt with at the center are:

(1) Athlete records (including participants, proficency by age group, and possibly achievements of foreign competitors).

(2) Listing of athletic organizations (including membership, officers, by-laws, rules and regulations).

(3) Sports publications and reports.

(4) Abstracts of important sports documents.

(5) Rosters of physical education and training personnel, and records of coaching skills.

(6) Inventory of sports facilities by type and by location.

(7) Listing of sports and physical fitness research projects (including abstracts of reports covering completed projects and descriptions of new projects under way).

(8) Recording of conditions surrounding outstanding athletic performances (location, equipment used, athlete characteristics, coaching method, training period, etc.).

(9) Copies of instructional and promotional materials used for various sports and fitness programs.

The center would furnish data, as requested, to sports organizations, educational groups, and government agencies. Its value would consist in its acting not only as a reservoir of information, but also in carrying out sophisticated analyses of sports data for the purpose of detecting trends, learning how to capitalize upon past experience, and improving techniques and training methods.

Because of the pioneering nature of much of its work, and the need to develop and apply advanced techniques of data analysis, this activity must be staffed with highly qualified personnel. The most critical position to fill will be that of the director of the center who should possess analytical ability and experience and be thoroughly familiar with data-processing techniques. A man of these qualifications can ordinarily command an annual salary of about $20,000. At full-scale operation, he would be assisted by a staff of five, including a librarian, two statistical analysts, machine programmer, and machine operator. It is expected that the Foundation will ultimately have to lease or own a high-capacity computer to handle the volume of data that must be stored and analyzed.

The cost of operating a full-scale statistical research center at the Foundation is estimated at $64,000 for direct salary expense, and $300,000 for computer rental and research projects.

Communcations Services

A second major area of in-house activity for the Foundation would be the operation of a public information and communications services group. The responsibilities of this group would be to provide public relations support for the Foundation's management and board of trustees, and to carry out public information projects on behalf of the sports associations. Typical projects would include the planning, design, and actual production of promotional and instructional films and training manuals; issuance of technical handbooks on such subjects as rules and regulations governing sports competitions, facility design specifications, and the like; and working up mass-communications programs to promote amateur sports of all kinds. Since the basic function of the communications services staff would be to disseminate information furnished by other elements of the technical staff, it would have to coordinate its work closely with other staff departments, such as statistical research, facilities planning, education and training, and sports medicine.

The director of this department should be a seasoned communications specialist with extensive experience in public relations and in effective use of mass media, such as publications, films, radio, and television. He should be sufficiently familiar with and interested in athletics to be willing to devote his time almost entirely to promotion of amateur sports. It is felt that a minimum supporting staff for the senior director would consist of a production supervisor and two assistants including an editor. Initially, the communications services group would be able to undertake major promotional programs for only two or three sports a year, requiring an annual project budget of about $250,000 (for outside production of films, manuals, brochures, and other informational material). Salary requirements have been estimated at $51,000 per year ($20,000 for the director and $31,000 for the remaining staff).

Education and Training

The Foundation's technical staff should include at least one senior person who is concerned with the advancement of physical education and of improved athletic training methods. Because so little is currently known about the problems of physical education and athletic training, an early step in this program would be to gain sponsorship of a series of studies aimed at identifying specific educational, as well as training, needs relating to amateur sports. Following study of the status of physical education at both graduate and undergraduate levels and a survey of current training practices, the director of education and training will be in a sounder position to:

(1) Work with existing educational groups and sports bodies to develop approved training methods for underdeveloped sports, and, by dissemination of such methods, promote participation in these sports.

(2) Sponsor sports clinics that will raise training, coaching, and judging standards, and promote sports participation among various age groups.

(3) Prepare effective instructional and training materials, including manuals, films, and "kits," and, by working through the communications services group, arrange for the production and distribution of these materials.

(4) Stimulate and sponsor research and development on superior training methods and improved athletic equipment.

(5) Work for the creation of additional scholarship and fellowship programs for carrying out research and training of personnel.

(6) Encourage the establishment of new graduate physical-education centers to create a larger reservoir of qualified judges, instructors, coaches, athletic directors, and physical educators.

Since the role of the director of education and training is conceived of as being largely that of catalyst and coordinator, it is believed that one properly qualified individual can adequately carry out these duties during the Foundation's early years. He may be described as a senior physical educator having advanced degrees and substantial experience in supervising a widely diversified sports program, possibly as athletic director of a large university. In carrying out his work at the Foundation, he may be assisted by a junior training specialist, who can logically share his time and effort with the sports medicine department. With this arrangement in mind, we have estimated the salary requirements of the education and training group at $23,000 per year, including allocation of $5,000 for an assistant to be shared with another department. In addition, approximately $200,000 has been allocated for funding selected projects, the nature of which will be determined by the Foundation's management in its initial work program but which might include such undertakings as a survey of present training methods, establishment of standards for judging athletic competition, or special fellowship grants. It is believed that manufacturers will continue to support limited development of new or improved athletic equipment, although the Foundation may wish to carry out development projects offering no promise of economic return. The financing of coaching and sports clinics, on the other hand, has been included in a separate budget for association grants, since it is felt that such programs should be administered by governing bodies or educational athletic groups.

Sports Medicine

Sports medicine, a relatively new field, is growing in importance throughout the world. Our study indicates that in recent years the United States has become more active in this field, but is still seriously lagging behind many other nations. The major deficiencies seem to be the absence of any centralized source of information and knowledge about sports medicine, insufficient collaboration between different groups or individuals working in the field, and a shortage of experimental laboratories, research programs, and scientific coursework at medical schools. In short, what seems to be missing is a stimulating and coordinating force to promote the development of sports medicine in this country.

We propose that the Foundation include on its technical staff a director of sports medicine to serve this largely catalytic function. His duties would be to:

(1) Accumulate and disseminate existing knowledge pertaining to sports medicine.

(2) Encourage closer collaboration between educational, medical, and other scientific groups concerned with human performance.

(3) Identify the research needs of sports medicine and stimulate sponsorship of such research and creation of adequate laboratory facilities to carry out the work.

(4) Generally promote the advancement of medical knowledge pertaining to fitness and sports.

The nature of the role is such that it can probably be performed adequately by one very capable senior individual, who would be assisted part-time by a junior member of the technical staff, working jointly for the sports medicine and education and training departments, which have interrelated interests. Eventually, the director of sports medicine may want to work for the establishment of a national committee composed of representatives of key public agencies and private organizations concerned with development of knowledge pertaining to physical performance.

The director of sports medicine should himself be a medical doctor who is research-oriented, but who also has extensive administrative experience, since he will be required to coordinate his activities with those of a large number of scientific and educational groups and research agencies of the Federal Government. It is important that he command the respect of his profession if he is to become an effective coordinator of established organizations and programs, and, through his affiliation with the Foundation, to enhance the prestige of sports medicine as a professional field of endeavor. We believe that, in order to attract a professional man of such stature, it may be necessary for the Foundation to permit the person selected for this position to continue in private practice or to serve in other official capacities related to his professional career; however, he must be willing to devote a major portion of his time to Foundation activities.

Although our study indicates that money is generally available for funding medical research, we foresee a need for the Foundation itself to sponsor certain projects, particularly at the outset. Following its establishment, for example, the Foundation's staff may wish to undertake a broad survey of the present status of sports medicine in order to formulate the basis for a practical long-range work program in this area. We have therefore allocated a nominal amount of money in the Foundation's operating budget for the purpose of funding medical research projects.

Facility Planning

While our investigation shows that several minor sports, such as luge, bobsledding, and water polo, face very severe facilities problems, we have concluded that a privately sponsored institution cannot possibly undertake the costly construction and operation of specialized sports facilities. The most the Foundation can hope to accomplish in this regard is to identify specific facility needs throughout the nation, and to stimulate the commitment of public and private funds for this purpose. One possible source of Government financial support for sports facilities, for example, is the Land and Water Conservation Fund recently created by the Federal Government in support of outdoor recreation. Others are the very substantial expenditures for athletic facilities regularly being made by state and local governments and by educational institutions.

Hence, the major duties of a director of facilities planning on the Foundation's technical staff would be to:

(1) Identify sports facility needs and potential sources of funds with which to construct and operate such facilities.

(2) Stimulate and coordinate public and private construction programs to meet national and regional needs for new facilities.

(3) Provide technical assistance in the form of design specifications, improved layouts, etc.

It is believed that this function can be adequately handled by one senior management analyst with proven skills in evaluating technical material and in promoting facility-development programs among communities, educational institutions, and Government agencies. Eventually, he may wish to add specialized engineering skills to his permanent staff; however, initially we recommend the use of outside consulting services to deal with specific design problems or development of specification manuals and other technical brochures. Besides allowing for consultant fees, the facility planning staff budget includes a nominal allowance for sponsoring special studies, possibly including a nationwide inventory of sports facilities to identify critical needs and lay the basis for enlightened planning of new construction.

On this basis, we have projected for facility planning an annual budget of $168,000 ($18,000 for direct salary and $150,000 for research and development projects).

Financial Services

Our examination of the status and problems of a great many different sports bodies indicates that their financial needs can be met at least in part by introducing sounder techniques of financial management and control. Because so many of the organizations are voluntary in nature, they lack the staff and experience necessary to raise and administer the funds required to develop the sports which they govern. For this reason, we have included on the Foundation's technical staff a director of financial services, whose responsibility it will be to:

(1) Work with the sports bodies at local and national levels in maximizing revenue from all possible sources including membership fees, gate receipts, media rights, donations, and general fund-raising campaigns.

(2) Advise and counsel sports bodies in installing and using modern accounting sys-

tems designed to make the most effective use of available funds.

(3) Administer the grant-in-aid program of the Foundation.

(4) Assist the treasurer-controller, as required, in administering the Foundation's own accounting system.

We view this position as only slightly junior to that of the treasurer-controller, and requiring somewhat different qualifications and experience. The director of financial services should be a certified public accountant, rather than an investment manager, and should have graduate training in business administration. He should be thoroughly familiar with the construction of operating statements and balance sheets and with financial audits. He should further be capable of taking an imaginative approach to identifying novel means of raising additional revenues for small organizations. It would be extremely useful if he had prior experience with fund-raising for charitable or voluntary groups.

It is expected this position could be filled with a man who is five to eight years out of graduate business school for a salary of $15,000 per year.

Sports Advisers

We are convinced that the Foundation cannot be successful over the long term unless it coordinates closely with, and works through, the existing sports bodies. The long-range objective of the Foundation should be to strengthen these bodies so that they can ultimately become self-sustaining and require minimum assistance and financial support from the Foundation to carry out their own sports-development programs. With this principle in mind, we propose to include on the Foundation's staff a group of sports advisers, whose purpose will be to provide individual sports bodies and athletic associations with professional management assistance, and to act as liaison with the Foundation's technical specialists.

Our concept is to group a number of different sports by related characteristics (e.g., aquatic, racket, combative, winter, etc.), and to assign one sports adviser to each group. This adviser will then be responsible for working very closely with each sports body within his assigned category to provide the management, technical, and financial assistance required to strengthen that sports body and to implement an effective long-range development program for that sport. To perform his job well, the adviser must necessarily become intimately familiar with each of the sports for which he is responsible, as well as the technical capabilities of the Foundation, so that he can bring all available resources to bear on problems which he encounters. He must be able to analyze the development needs for his assigned sports, conceive of a practical and yet effective program to meet those needs, and secure the cooperation of officers and personnel of the independent sports bodies and any related organizations in adopting and implementing the program. In addition, it will be necessary for him to recognize and evaluate special projects deserving financial aid, and to assist the sports bodies in making applications for grants from the Foundation and in carrying out approved projects efficiently and successfully.

Since the ultimate success of the Foundation will be dependent to a large extent upon the effectiveness of its staff of sports advisers, we recommend that special care be taken to select only the best qualified individuals for this work. These positions will be difficult to fill because they require unusual qualities, such as creative imagination combined with practicality, enthusiasm, salesmanship, tact, and diverse business skills. The most likely source of talent will be fairly young business generalists, having graduate schooling and several years of practical experience (possibly in management consulting or as administrative assistant to the top management of a small organization) who might view the job as a challenging and worthwhile experience in their business careers. It is felt that in order to attract qualified individuals into this kind of work it will be necessary to offer a competitive salary of $15,000 per year.

Annual operating budget

Table 1 summarizes our estimate of the projected annual operating budget of the Foundation for the first full year of operation. Assuming a professional staff of 25 people having the qualifications previously discussed, direct salary expense will total approximately $400,000 per year. On the basis of the experience of comparable operations, overhead can be assumed at 100% of direct salary, or $400,000 per year. Overhead expense includes such items as clerical and secretarial help, taxes and insurance, rent and office expenses, staff travel, office equipment, and the like.

The projected budget also include $1.2 million per year for project funding, based on foreseeable requirements for research and development. Certain of the research and development projects would be undertaken by the Foundation's own technical staff; others might be contracted out to other organizations which specialize in the type of work to be done.

The third major item on the operating budget is $1 million for grants to sports associations, representing the minimum level of financial assistance that should be given to sports bodies and other athletic groups responsible for the conduct and development of amateur sports in this country. The estimate is based upon a careful analysis of the specific financial needs of the national organizations representing approximately half the competitive amateur sports being played in this country today, although we fully recognize that the amount allocated for this purpose is arbitrary and will vary considerably from sport to sport.

We thus foresee a need for obtaining $3 million per year to support the initial program outlined for the National Amateur Sports Foundation. In the following section we discuss potential sources of funds and outline alternative programs for financing the Foundation.

TABLE 1.—*National Amateur Sports Foundation: Projected operating budget at full-scale operations*

Salaries of professional staff	$400,000
President	
Managing vice president	
Controller	
Manager—Washington office	
Technical staff:	
Statistical research:	
Director	
Assistant	
Statistical analyst	
Librarian-analyst	
Programmer	
Machine Operator	
Information services:	
Director	
Communications specialist	
Production man	
Editor	
Sports Medicine:	
Director	
Assistant (part-time)	
Education and Training:	
Director	
Assistant (part-time)	
Facility Planning: Director	
Financial Services: Director	
6 sports advisers	
Overhead and administration (100% of salaries)	400,000
Project funding (including data-processing center)	1,200,000
Grants to associations	1,000,000
Total	3,000,000

FINANCING THE FOUNDATION

Financial planning for the Foundation can be considered in two phases: (1) the period of initial organization, which we estimate will require a minimum of a year following assumption of office of the initial board of trustees; and (2) the subsequent years of full-scale operation. For practical reasons, we have not attempted to estimate requirements beyond the first three years.

Earlier we suggested that operating costs at full-scale, apart from grants in support of the activities of other organizations and the financing of research projects directed by the Foundation's own staff, will approximate a rate of $800,000 per year. It thus seems reasonable to estimate that total expenditures during the year of organization will be about $500,000. We take this figure as the requirement for Year I.

Assuming that the Foundation can be in full operation by the beginning of Year II, we project annual requirements at $3 million per year, including $800,000 for internal operations and the balance for grants and research support. We take this figure as the basis for financial planning for Years II, III, and forward. It is hoped that the Foundation's programs for building the income-producing capabilities of sports-governing bodies and others of its beneficiaries will be successful and thus that this requirement will fall off somewhat in later years; however, we believe that by then other needs will have been perceived that will demand at least the funds made available during the earlier years before the Foundation's program of strengthening existing sports groups has had its effect. Accordingly, we consider $3 million per year the minimum requirement for maintenance of a nationally significant program for an indefinite period.

How should the Foundation be financed? The major alternatives are these:

1. If it were to be organized as a new agency of the Federal Government, such as the National Science Foundation, it could seek an annual appropriation from the Congress.

2. If it is to be a private body corporate, it must obtain income from voluntary private contributions or from some sort of revenue-producing activity compatible with its purposes, such as the sponsorship of regional or national sports competitions, or from endowment.

From the point of view of financial security, the first alternative has much to commend it. The requirement of $3 million per year for a program of national significance is small in comparison with those of even the lesser Federal agencies. The expenditure for support of research by the National Science Foundation, in its fourteenth year, for example, was $341 million, having risen steadily from $3 million during its second year of operation (1952). In the perspective of foreign sports programs financed directly by central governments, $3 million per year is even more modest, compared, for example, with Canada's annual appropriation of $5 million, Great Britain's proposed program of $28 million, and West Germany's allocation of national lottery funds at a rate over $10 million. We observed earlier that if these sums were adjusted in ratio to the much greater population of the United States, a comparable U.S. annual figure would exceed $50 million per year.

But, as we elsewhere explain, the inevitable Federal policy control which would accompany annual Federal appropriations through a Federal agency runs counter to a deeply felt American concept of amateur sports in a free society, and is almost universally rejected, for sports as for direct support of education, by those whom we have interviewed, both within and outside of Government and whose support for the Foundation concept we deem essential.

We thus conclude that the Foundation must be financed in some other way as a private body corporate. The obvious and widely practiced method is to resort to periodic fund-raising campaigns, sometimes combined, in the case of sports which have spectator appeal, with reliance on admission receipts and radio or television rights. This kind of a program would pose serious problems, however, in that it would make the Foundation competitive with the same sports-governing bodies, associations, and educational institutions it is designed to help, including, most significantly, the U.S. Olympic Committee, which raised on the order of $3 million by direct public appeal, admissions and TV rights to finance U.S. participation in the 1964 Games.

A second fundamental problem with periodic fund-raising is the hand-to-mouth existence it would impose on the Foundation wtih consequent grave difficulty in attracting and retaining a career professional staff of the magnitude and quality we elsewhere recommend. While this obstacle has been successfully overcome by a few organizations with smaller professional staffs, even some in the field of sports, it became formidable indeed for a large, new organization when combined with the competitive aspect just described.

The principal remaining alternative is for the Foundation to seek endowment in a period of time and in a manner in which it would not be seriously competitive with any of its prospective beneficiaries. A secure income of $3 million from conservatively invested endowment for a tax-exempt organization will require assets on the order of $70 million. With this figure in mind, we have investigated recent experience of other endowment campaigns we deemed relevant and discussed with experienced advisers the feasibility of undertaking such a campaign for the Foundation. The consensus is that the goal is a reasonable one, and that it can safely be accomplished in two to three years of concentrated effort if certain conditions obtain. The crucial conditions are:

(1) The enthusiastic backing of the President of the United States.

(2) The strong support of a distinguished board of trustees.

(3) Professional fund-raising counsel and planning.

(4) Wide acceptance by leaders of amateur sports and public opinion, communication media, and the public.

We believe that a major contribution to the Foundation's endowment can be expected from a well organized appeal to the public at large, particularly if the backing of the President of the United States is obtained. We also have been advised that the obvious importance of the Foundation's program to welfare, education, and the national culture will make it eligible for substantial assistance from other private foundations. The objectives sought by the Foundation are also consistent with those of corporate giving, particularly from manufacturers of products which are related in one way or another to sports and fitness.

An eminently desirable by-product of a nationwide fund-raising campaign conducted with high-level backing would be to stimulate public interest, enlist widespread support, and generally encourage grass roots participation by the American public in the act of creating an important new national institution.

We recommend one further measure, which would set the Foundation apart as a very nearly unique instrumentality in American life. Our recommendation arises not only from the realities of endowment fund-raising, but from a more profound consideration. As conceived in this report, the National Amateur Sports Foundation is a truly *national* institution discharging, through private means, a function which serves the public interest in a number of ways. We have provided recognition of that interest, for example, in recommending that all of the original board of trustees and one out of each four successor trustees when vacancies occur should be appointed by the President of the United States. We further expect that the Foundation will be regularly called upon by the President, agencies of the Executive Branch, and the Congress to develop and present, in an advisory capacity, views on a wide range of public policy questions which vitally affect the national interest in amateur sports. This necessarily close working relationship with Government and the wide range of tasks in which the Foundation will be working in the national interest should be recognized by the Government's participation in the financing of this new institution in a manner consistent with its essentially private character.

We therefore recommend that the President request the Congress to authorize the appropriation of a matching grant to the trustees of the Foundation for its endowment, one dollar for each dollar of funds contributed from nongovernment sources during a limited period of three years, up to a maximum of $50 million in matching funds. Thus, without risk of Federal Government control of basic policy in amateur sports, the Government can express its endorsement of the national goals to be served by the Foundation and, at the same time, stimulate the flow of private funds.

While the Congress has, over the years, made a number of capital grants to supplement privately contributed funds for the creation or expansion of national private institutions serving a public purpose—the Smithsonian Institution and the National Academy of Sciences being perhaps the most venerable examples, and real estate the principal asset granted—the most nearly direct analogy is the $15 million dollar-for-dollar grant authorized in 1964 to the trustees of the John F. Kennedy Center for the Performing Arts in Washington, under Public Law 88–260, 78 Stat. 4. The extension of this technique to stimulate and expand the national pursuit of excellence in amateur sports, a theme as close to the personal interests of the late President as that of excellence in the arts, seems a fitting companion piece to the earlier legislative decision and well within the precedent then established.

There is no question that such legislation would ensure the success of the Foundation's drive for financial support from the private sector of the nation and establish its place in the world as a private institution entrusted with a public interest.

APPENDICES

President Johnson's letter

THE WHITE HOUSE,
Washington, D.C., July 15, 1964.

Gen. JAMES M. GAVIN,
Chairman of the Board,
Arthur D. Little, Inc.,
Cambridge, Mass.

DEAR GENERAL GAVIN: I believe the discussions held in my office on Friday afternoon, June 12, with the Attorney General and you on the problem of achieving excellence in sports in this country were most helpful. Improving the opportunity for our young men and women to attain this excellence has been a matter of continuing concern to this Administration. As you know, President Kennedy thought it necessary to take steps to resolve the differences between the AAU and the NCAA last year.

Further, an Interagency Committee on International Athletics has been keeping abreast of amateur sports development in the United States. The Committee has recommended the establishment of an independent, privately financed sports development foundation to supplement the work of existing sports bodies, and the U.S. Olympic Committee is on record favoring the principle of creating such a foundation. The foundation should promote and underwrite action to improve the physical education of American youth, as a basis for improved national proficiency in amateur sports competition.

I believe a study leading to the establishment of such a foundation should be undertaken without delay. Based upon our discussions of last month, I would appreciate your initiating such a study, which will require the support of public-spirited ciitzens. It seems to me your efforts could lead to a variety of recommendations, and that the program could be financed by contributions or appropriated funds, or possibly a combination. In any event, I am pleased by your willingness to undertake this study and look forward to hearing from you upon its completion which, I assume, will be in several months.

The improvement of the physical education of our young men and women thereby providing the opportunity for achieving high standards of excellence in amateur sports is a matter of great importance, and I wish you well in this undertaking.

Sincerely,

LYNDON B. JOHNSON.

Selected national associations for competitive amateur sports

Amateur Athletic Union of the United States.[5]
Amateur Badminton Association.
Amateur Bicycle League of America.
Amateur Fencers League of America.
Amateur Hockey Association of the United States.
Amateur Skating Union of the United States.
Amateur Softball Association of America.
American Bowling Congress.
Women's International Bowling Congress.
American Canoe Association.
American Horse Shows Association.
American Lawn Bowling Association.
American Trapshooting Association.
American Water Ski Association.
Field Hockey Association of America.
National Amateur Baseball Federation.
National Archery Association.
National Association of Amateur Oarsmen.
National Duckpin Congress.
National Horseshoe Pitchers of America.
National Parachute Jumpers-Riggers.
National Rifle Association of America.
National Shuffleboard Association.
North American Yacht Racing Union.
Skate-Sailing Association of America.
U.S. Amateur Roller Skating Association.
U.S. Figure Skating Association.
U.S. Lawn Tennis Association.
U.S. Golf Association.
U.S. Modern Pentathlon Association.
U.S. Polo Association and Indoor Polo Association of America.
U.S. Revolver Association.
U.S. Ski Association.
U.S. Soccer Football Association.
U.S. Squash Racquets Association.
U.S. Table Tennis Association.
U.S. Volleyball Association.
U.S. Women's Lacrosse Association.

Arthur D. Little, Inc., staff credits

This project to evaluate the need for a National Amateur Sports Foundation was carried out under the direction of William A. W. Krebs, in close association with Peter J. Fernald. Substantial contributions were made by Howard P. Colhoun, Dr. Charles Halbower, John F. Magee, Richard T. Murphy, Dr. Bruce S. Old, Peter L. Oliver, Phyllis Rutter, Paul Sanderson, Peter Stern, and Raymond J. Waldmann, all of the ADL professional staff, and Tenley Albright, MD, Dr. Raymond A. Bauer, Warren S. Berg, and William Gulliver, consultants. Many other members of the ADL staff, who were concurrently carrying out the company's study of Olympic sports for the U.S. Olympic Committee under the direction of Dr. Old, also contributed. Throughout the project, James M. Gavin, Chairman of the Board, provided critical review and guidance.

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[5] Governing body for the following sports: basketball, baton twirling, bobsledding, boxing, gymnastics, handball, horseshoe pitching, luge, judo, swimming and diving, track and field, volleyball, waterpolo, weight-lifting, and wrestling.

Mr. THURMOND. Mr. President, today, I join with the Senator from Alaska (Mr. GRAVEL) in sponsoring a bill to establish a National Amateur Sports Foundation. This foundation will be governed by a board of trustees, and the President will initially appoint the 16 members. The term of office will expire for four trustees each year with the board appointing three new members and the President the remaining one.

This foundation will be empowered to solicit gifts from the general public which will be met by matching grants from Federal appropriations. I would like to carefully point out that the total appropriation for the whole life of the foundation will not exceed $50 million. The board will submit a report to the President to be transmitted to Congress each year. The accounts of the foundation shall be audited each year by independent accountants and a report sent to Congress.

Mr. President, the National Amateur Sports Foundation is to be an overseeing organization to give the proper support and direction to our national sports program. This foundation will provide the necessary coordination between the various existing organizations who so often in the past have worked at cross purposes. With the development of amateur sports comes physical fitness and personal achievement which encourages moral behavior and provides a goal for our Nation's youth. This foundation will work with the present amateur athletic organizations but is in no way an attempt to surplant or assume control over these organizations. This foundation will be completely independent and is not an effort to involve the Federal Government in amateur sports.

Mr. President, I urge favorable consideration of this legislation.

By Mr. FULBRIGHT:

S. 4039. A bill to amend Public Law 90–553 concerning an International Center for Sites for Chanceries for Foreign Embassies. Referred to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, I introduce for appropriate reference a bill to amend Public Law 90–553, which was enacted in October 1968 to create an International Center to make sites available for chanceries of foreign embassies in Washington and for a new headquarters for the Organization of American States.

The bill has been requested by the Assistant Secretary of State for Congressional Relations and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I have long been concerned with the problem of finding and preparing suitable sites in the District of Columbia for foreign chanceries and this measure will help to alleviate this problem. I expect the Committee on Foreign Relations to hold hearings on this measure in the near future.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Assistant Secretary of State to the Vice President dated September 22, 1972.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 4039

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 6 of Public Law 90–553 (82 Stat. 958), is hereby amended to read as follows:

"There is hereby authorized to be appropriated, without fiscal year limitation, not to exceed $2,200,000 to carry out the purposes of section 5 of this act: *Provided,* That such sums as may be appropriated hereunder shall be reimbursed to the Treasury from proceeds of the sale or lease of property to foreign governments and international organizations as provided for in the first section of this Act."

DEPARTMENT OF STATE,
Washington, D.C., September 22, 1972.
Hon. SPIRO T. AGNEW,
President of the Senate.

DEAR MR. PRESIDENT: There is transmitted herewith a proposed bill to amend Public Law 90–553, which was enacted in October 1968 to create an International Center to make sites available for chanceries of foreign embassies in Washington and for a new headquarters for the Organization of American States.

The purpose of the proposed amendment is to revise Section 6 of the existing law so as to authorize an appropriation for the capitalization of the account established by this Section of the Act, not to exceed $2,200,000. Such an appropriation is required to create the fund needed to finance the authorized site improvements which under the Act the Secretary of State is responsible for carrying out.

The legislation as enacted contemplated that the site development work incident to preparing property in the chancery section of the Center for delivery to foreign government purchasers should be funded from the proceeds of sale or lease of such property. The Department of State agreed with the cognizant committees of Congress at the time that the project would be self-liquidating and would require no appropriations. In recent months, however, it has become evident to both the Department and the General Services Administration, its agent for all site development work associated with the International Center, that the purpose of the Act cannot be implemented without an initial appropriation for capitalization of the special account established by PL 90–553. The basic reasons are as follows:

(1) Our experience from negotiations makes it clear that the foreign governments will not enter into final sales contracts and advance the purchase price of lots until the United States has shown its firm commitment to the Center by commencing the site improvements and demonstrating that it has funds available to complete first-phase site development.

(2) No purchaser can be assured by the United States that the improvements will be made by any reasonably determinable date, since in the absence of assured funding the timing is contingent on future sales. This has a severely inhibiting effect on all prospective buyers, in that no government is willing to commit time and money to architectural design and planning, as well as to budget funds for construction, without knowing when it can take delivery of its cleared site.

(3) Sales of most lots in the first phase of development would have to take place before the General Services Administration could finance improvements related to that phase, which cannot be done economically on a piecemeal basis. Under the circumstances it is unrealistic to assume that a sufficient number of such commitments by foreign governments would be forthcoming to allow GSA to contract for site development.

For these reasons both GSA and the Department of State have concluded that Government funds adequate to finance first-phase site development are required to bring the International Center to reality. We wish to emphasize that the change we request will entail no departure from the requirement that the project must be self-liquidating, in that all outlays from the funds appropriated are to be reimbursed through receipts from sales to foreign governments.

In the interest of clarification we should like further to point out that site development embraces the demolition of existing buildings of the old National Bureau of Standards; grading; construction of planned public streets and sidewalks; installation of necessary utilities; and related landscaping—all in accordance with the master plan for the project which was developed through the General Services Administration and which the National Capital Planning Commission approved after detailed consideration and hearings.

We should like to add in conclusion that enactment of the proposed legislation at this time derives added urgency from the circumstance that it would enable the Department of State to complete the sales to the Governments of Finland and Israel which are now pending. A further advantage of action in this session of Congress is that it could be expected to give impetus to additional sales in time to make possible a substantial degree of realization of the International Center project by the Bicentennial Year.

Last December the Congress, in enacting fiscal year 1972 appropriations for the District of Columbia, made funds available for the first stage of construction of a new campus for the Washington Technical Institute (WTI) on the north half of the Van Ness site. That action made possible this spring the preliminary planning of the phased removal of the Institute from the area reserved for chancery development. Resolution of the difficult WTI relocation problem, which has taken two years, has overcome one of the two major obstacles to progress on the International Center. Action by the Congress to authorize an appropriation for a special fund for the Center's first-phase site development would remove the sole remaining obstacle to fulfillment of this much needed and overdue project. It is the Administration's hope and expectation that both WTI and the International Center would thus be enabled to attain sizable stages of fruition by the year 1976.

The Office of Management and Budget has advised that enactment of this proposal would be consistent with the Administration's objectives.

It would be appreciated if you would lay the proposed bill before the Senate. An identical bill has been transmitted to the Speaker of the House.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

By Mr. BELLMON (for himself, Mr. ALLOTT, Mr. CURTIS, Mr. PEARSON, and Mr. TOWER):

S.J. Res. 271. A joint resolution to authorize the Secretary of Agriculture to correct certain inequities in the wheat certification program. Referred to the Committee on Agriculture and Forestry.

Mr. BELLMON. Mr. President, as a representative of one of our great wheat producing States, no one could be more pleased than I about the recent wheat sales to Russia and China. In addition to improving farm income currently, the sales provide a healthier U.S. agriculture for many years to come. This unprecedented demand for American wheat will increase the average market price during the first 5 months of the marketing year, and hopefully for the remainder of the year.

Mr. President, therein lies a problem, for under the farm bill of 1969 the first 5 months average price is of extreme importance to wheat farmers. It is this average price upon which the Government payment to all producers is based. This will mean a reduction in the wheat certificate payment, which makes up the difference between market price and support levels on wheat grown for domestic consumption.

Since the amount of the wheat certificate payment is calculated by subtracting the national average market price during the first 5 months of the marketing year from the parity price—presently $3.02 per bushel—some farmers will automatically receive more than parity and others will automatically receive less. Therefore, the purpose of the resolution I introduce today is not to guarantee parity to every farmer who received less than the national average market price but is simply to give the Secretary of Agriculture the authority to make adjustments to aid those thousands of farmers in the wheat-producing areas who harvested and sold their crops before the spectacular increase in prices began.

The unforeseen circumstances which have driven up the price of wheat after thousands of farmers in the southern wheat belt had already harvested and sold their 1972 crop are of such an extenuating type as to require corrective action.

For example, many of these farmers sold their wheat at $1.32 per bushel while others are now selling theirs in excess of $2 per bushel. If the national average market price turns out to be $1.60 per bushel each participating farmer will receive a certificate payment of $1.42. Thus, the farmer who sold his wheat at $1.32 will be receiving a total of $2.74, while the farmer who sells at $2.15 will receive a total of $3.57. In a normal year this spread would be much narrower.

Mr. President, I do not believe that Congress foresaw such a disparity between the price different farmers would receive under the farm program. Because of the unforeseeable and unprecedented foreign demand for wheat during the late portion of the 1972 marketing year, in contrast to the regular and usually predictable wheat price pattern, I believe it only equitable that the Secretary of Agriculture be given authority to make appropriate adjustments in wheat certificate payments for those farmers who were not able to share in this unanticipated market development.

The resolution I am introducing today for myself, Mr. ALLOTT, Mr. CURTIS, Mr. PEARSON, and Mr. TOWER would give the Secretary of Agriculture such authority.

Mr. President, the resolution is brief, and I ask unanimous consent that it be printed in full in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 271

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That

Whereas, under normal circumstances wheat prices during the first five months of the marketing year follow a regular and predictable pattern,

Whereas, during the 1972 marketing year the market price has been unduly affected by an abnormal demand which could not generally be foreseen because of its foreign origin,

Whereas, this unprecedented increase in demand will result in losses of wheat certificate payments to many farmers because of its occurrence subsequent to harvesting their crop but prior to completion of harvest by many others,

Whereas, it was the intent of Congress in enacting the Agricultural Act of 1970 to assure wheat farmers an average of 100 percent of parity for that portion of their crop grown for domestic consumption; Now, therefore, be it

Resolved, notwithstanding any other provision of law, the Secretary of Agriculture may during the 1972 marketing year adjust the face value of individual farm domestic wheat marketing certificates issued as provided in the Agricultural Act of 1970 (P.L. 91–524) in such a manner as he deems appropriate in order to correct inequities that have been brought about as a result of this unprecedented increase in market prices after many farm sales had been consummated.

Mr. PEARSON. Mr. President, the legislative history of the Agricultural Act of 1970, Public Law 91–524, is clear: Congress intended to guarantee wheat producers who participate in the wheat program 100 percent of parity on production destined for domestic consumption. In House Report 91–1329, submitted by the House Committee on Agriculture on July 23, 1970, the following statement is made:

> Section 402 amends section 379b and 379c of the Agricultural Adjustment Act of 1938, as amended, to provide for the issuance of domestic certificates to producers and for a voluntary set-aside program for wheat. Domestic certificates would be issued on the farm domestic allotment. The face value per bushel of the domestic certificates would be in such amount as, together with the national average market price received by farmers during the first five months of the marketing year for the crop, the Secretary determines will be equal to the parity price for wheat as of the beginning of the marketing year for the crop.

In order to achieve this objective, the Congress approved legislation which directed the Secretary of Agriculture to issue to participating wheat farmers domestic wheat marketing certificates whose face value is equal to the difference between 100 percent of parity and the average market price between July 1 to December 1 of the marketing year.

The cash wheat price varies from day to day, of course, but certificate payments to participating farmers for the 1971 crop year, on the average, accomplished the congressional intent.

Mr. President, a significant number of wheat producers in Kansas, Colorado, Oklahoma, and Texas sold their winter wheat shortly after harvest this year. The price which these farmers received averaged less than $1.40 per bushel. Those farmers in the northern States with a later harvest, and those farmers from the middle and southwestern States who held their crop in storage, have had the opportunity to receive a cash price for their production in excess of $2 per bushel. The increase in the cash price, of course, is due to extraordinary purchases of U.S. wheat by the Soviet Union and mainland China.

Mr. President, those farmers who sold low—without the remotest idea that major purchases would be made by the Soviets and Chinese—will suffer an inequity this year that Congress never anticipated or intended. The value of the certificate payments this year will be based on the difference between the July 1 to December 1 market price and 100 percent of parity—currently $3.03 per bushel. Thus, those farmers whose harvest season was completed before the major August and September cash price advances have not only suffered a low cash price for their wheat, but also will suffer a dramatically reduced marketing certificate payment.

Those farmers who sold low, in short, will receive substantially less than 100 percent of parity for the wheat which they produced for the domestic market—about 42 percent of their total wheat production.

Mr. President, I am cosponsoring today a resolution offered by the distinguished Senator from Oklahoma (Mr. BELLMON), authorizing the Secretary of Agriculture to make adjustment in wheat certificate payment for those farmers who sold their wheat at a level substantially below the probable July 1 to December 1, 1972, national average market price. This resolution does not in any way jeopardize the integrity of the Agricultural Act of 1970. Indeed without enactment of this resolution, the Secretary lacks authority to carry out the intent of Congress in approving the 1970 act.

I would make this observation regarding the cost of this resolution: Had the Soviets purchased American wheat in the modest amounts anticipated by knowledgeable observers as late as July, the national average market price of wheat in the United States would not have advanced so dramatically. The modest estimates of Soviet wheat purchases being made as late as July would have stimulated the market price, but the increases would not have approximated those triggered by the massive commitments for overseas shipment that have been obtained.

Thus, those Texas, Oklahoma, Colorado, and Kansas wheat producers who sold early had every reason to anticipate greater certificate payment than is possible now. The lower July 1 to December 1 national average market price which was anticipated would have required the issuance of higher certificate payments.

Therefore, the enactment of this resolution would permit the Secretary to issue wheat marketing certificates to all participating farmers with an overall value roughly equal to the liability of the Government in the absence of extraordinary price increases. This resolution anticipates no Federal expenditures in excess of those which the Government expected to pay for wheat certificates prior to the dramatic price increase. This is true, of course, because certificate payments to farmers who sold high, under the law, will be reduced to reflect the higher national average market price during the July 1 to December 1 marketing period.

Mr. President, I would urge the Committee on Agriculture and Forestry to consider this resolution promptly. If the resolution is enacted into law, I would urge the Secretary to adjust certificate payments to farmers who sold low in order to carry out the intent of the Congress.

The cost to the Treasury of the United States in no event will be greater than the anticipated cost of the 1972 wheat program at the beginning of the marketing year.

There is no other way, in my judgment, that justice can be done. Wheat farmers should receive the compensation which Congress gave them reason to rely upon.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 3758

At the request of Mr. NELSON, the Senator from Illinois (Mr. PERCY) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 3758, a bill to encourage and support the dissemination of news, opinion, scientific, cultural, and educational matter through the mails.

S. 4010

At the request of Mr. PASTORE, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 4010, a bill to amend the act providing an exemption from the antitrust laws with respect to agreements between persons engaging in certain professional sports for the purpose of certain television contracts in order to terminate such exemption when a home game is sold out.

SENATE RESOLUTION 370—SUBMISSION OF A RESOLUTION TO ESTABLISH A SENATE OVERSIGHT COMMITTEE ON THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE AND THE CONFERENCE ON MUTUAL AND BALANCED FORCE REDUCTION

(Referred to the Committee on Foreign Relations.)

Mr. BELLMON. Mr. President, we are on the threshold of perhaps the most significant diplomatic event of this decade, an event that could immeasurably change our present pattern of international relations, an event that could bring forth a new era of détente in the world; but an event that also holds the dangerous prospect of compromising our national security.

This November, diplomats from some 30 European nations, plus the United States and Canada, are slated to meet in Helsinki, Finland, in a plenary session as a prelude to an all-encompassing Conference on Security and Cooperation in Europe and possibly a parallel Conference on Mutual and Balanced Force Reduction.

This Conference is a direct result of the Soviet Union's determined efforts since 1954 to reach an agreement with the West to hold such a conference. It was finally agreed upon during the Moscow summit.

It can be rightfully said that the realization of this Conference is a direct result of the spirit of détente that exists in the world today, a spirit exemplified by the Peking summit, the Moscow summit, the ratification of Russo-German and Polish-German Treaties, the signing of the Berlin Accord and the ratification of the ABM Defensive Treaty and the Interim Agreement on Offensive Weapons. All of these very significant events have created an atmosphere in the world of renewed hope for a reduction of tension; for negotiations in place of confrontation and for a mood of normalization that could bring about a lasting era of peace in the world.

Mr. President, these treaties and agreements will have a profound impact upon the world in the years to come. They may become the cornerstone for building a new era of peace in the world. They could become the foundation upon which to build an age of monumental change, an age of transition that will undoubtedly alter dramatically the structure of international relations as we know them today.

Mr. President, these major changes call upon the Congress and the American people to achieve a higher degree of international understanding and awareness than ever before. Both the Congress and the American public must seek ways to become more informed of these important developments to be better able to evaluate the changes that are taking place around us, and make the decisions we will be called upon to make.

Mr. President, the upcoming Conference on Security and Cooperation in Europe and the parallel Conference on Mutual and Balanced Force Reduction by their very nature demand a high degree of awareness. These negotiations will encompass a range of questions from commerce to foreign policy and military preparedness affecting our relationships with each of more than 30 nations. It will be a conference that can be partially likened to the Congress of Vienna held in 1814, which restructured Europe and brought about relative European stability for eight decades. These conferences will be on a far grander scale because the subject matter is not just Europe alone, but the western alliance as well.

These proceedings, which will be arduous and lengthy, deserve the continuing attention of the Members of Congress. Unfortunately, Mr. President, I strongly feel the strategic arms limitation treaties and agreements did not receive the degree of attention and scrutiny required to produce full understadning of the issues involved.

Mr. President, my purpose is not to criticize what has happened in the past; I wish only to bring to the attention of the Senate the dramatic changes taking place in the world today; changes requiring a new sense of awareness and the full understanding by the Congress.

For this reason, Mr. President, I submit, for myself and on behalf of Senator ALLOTT, Senator BROOKE, Senator BUCKLEY, Senator CURTIS, and Senator SCHWEIKER, a resolution that calls for the establishment of a Senate oversight committee for the Conference on Security and Cooperation in Europe and the Conference on Mutual and Balanced Force Reduction. This oversight committee can become an important vehicle to assist Members in maintaining a continuous awareness of these very important proceedings.

This resolution is brief. I ask unanimous consent that it be printed in full in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 370

Whereas in the past important international diplomatic discussions have occurred without direct Congressional oversight of the substance of these discussions, and

Whereas economic and security discussions vitally concern the well-being of the United States and its Allies, and

Whereas the Congress will utlimately be presented with the results of these discussions and asked to act in an expeditious manner, and

Whereas past negotiations have resulted in a need for Congressional consideration, such consideration would have been greatly facilitated by a continuing oversight, and

Whereas the upcoming Conference on Security and Cooperation in Europe and the Conference on Mutual and Balanced Force Reduction are most important international diplomatic events, perhaps the most significant of this decade, encompassing issues of foreign trade, foreign policy and military preparedness, and

Whereas a continuous indepth oversight by the Congress of these proceedings would facilitate legislative action: Now, therefore, be it

Resolved, That a sixteen member Ad Hoc Senate Oversight Committee for the Conference on Security and Co-operation in Europe and the Conference on Mutual and Balanced Force Reduction be established, with two members, including the Chairman, to be selected by the Majority Leader of the Senate, two members to be selected by the Minority Leader of the Senate, and four members each appointed by the Chairmen of the Committees on Armed Services, Commerce, and Foreign Relations.

There is hereby authorized to be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the Committee a sum not to exceed $250,000.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 97

At the request of Mr. THURMOND, the Senator from Massachusetts (Mr.

Brooke), the Senator from Maine (Mr. Muskie), and the Senator from Oklahoma (Mr. Bellmon) were added as cosponsors of Senate Concurrent Resolution 97, on behalf of the prisoners of war and missing in action.

CONSUMER PROTECTION ACT—AMENDMENT

AMENDMENT NO. 1608

(Ordered to be printed and to lie on the table.)

Mr. COOK submitted an amendment intended to be proposed by him to the bill (S. 3970) to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes.

AMENDMENT NO. 1611

(Ordered to be printed and to lie on the table.)

Mr. COTTON submitted an amendment intended to be proposed by him to the bill (S. 3970), supra.

SOCIAL SECURITY AMENDMENTS OF 1972—AMENDMENTS

AMENDMENTS NOS. 1609 AND 1610

(Ordered to be printed and to lie on the table.)

Mr. NELSON. Mr. President, the Senate Finance Committee has reported to the Senate floor H.R. 1, a bill making substantial and necessary improvements in the social security law.

Among the major improvements approved by the Senate Finance Committee, H.R. 1 would:

Raise minimum benefits to $200 a month for low-income workers who have been employed at least 30 years;

Make disabled workers under 65 eligible for medicare;

Extend medicare coverage to certain prescriptions, the so-called "life prescription"—drugs—used by chronicaly ill older persons who are not hospitalized;

Increase widow's cash benefits from the present 82½ percent of husband's benefit to a full 100 percent; and

Increase from $1,680 to $2,400 the amount an elderly person on social security can earn without loss of any social security benefits.

These are all necessary and justifiable improvements. Unfortunately, to pay for these improvements, substantial increases in the payroll tax are proposed.

The estimated $6 billion tax increase approved by the committee would be on top of increases approved by Congress in June to finance the 20 percent benefit rise.

The earlier approved tax increase scheduled to go into effect in January 1973, would raise the payroll tax rate from 5.2 to 5.5 percent, and the wage base on which the tax is paid will rise from $9,000 to $10,800 with still another wage base increase to $12,000 a year later. The additional taxes most recently approved by the committee would come entirely from a rise in the tax rate from 5.5 to 6 percent effective in January. Taken together, the two increases would raise the maximum social security payroll tax on some employees from the present $468 a year to $648—an increase of $180 or 38 percent in 1973.

Congress must face up to what is being proposed. Congress can no longer mindlessly approve more and more increases in the payroll tax.

The effective social security tax rate has been raised nine times in the preceding 12 years, not including the increase approved by Congress in June.

Social security taxes are now the second largest source of Federal revenue, having passed corporate taxes in fiscal 1969.

The payroll tax achieved its present importance in a very short time. It is the most rapidly growing Federal tax. In 1950, it produced only 5 percent of Federal revenue. Today it produces 23 percent of Federal revenue.

Social security tax levied on wages without exemptions or deductions, and with a ceiling on the amount of individual wage subject is highly regressive. It violates the fundamental principle of sound tax policy that the tax be based on ability to pay.

Because the burden of the payroll tax is focused on the low- and middle-income worker, increases in the payroll tax in recent years have largely eliminated the tax relief Congress attempted in 1964 and 1969 to extend to these Americans. At rates proposed by H.R. 1, the payroll tax burden will be larger in 1973 than the income tax burden for the average family of four with an income of $13,900 or less.

It is now proposed that we increase this highly regressive tax even more. Additional increases in the payroll tax would be financially crippling to the middle- and low-income wage earner. Increasing the tax rate from 5.5 to 6 percent would mean for a family of four with one wage earner in the $3,000 or $4,000 tax bracket a 9.1-percent increase in Federal taxes. The following table shows that the proposed increases place a disproportionate tax burden on the low- and middle-income wage earner. I ask unanimous consent that the table be inserted in the Congressional Record at this time.

There being no objection, the table was ordered to be printed in the Record, as follows:

Table I.—*Percentage increase in total Federal taxes paid from increasing the social security tax from 5.5 to 6 percent*

Tax bracket:	
$3,000	9.1
$4,000	9.1
$5,000	6.7
$7,500	4.1
$9,000	3.6
$10,000	3.4
$10,800	3.3
$12,500	2.8
$15,000	2.2
$20,000	1.5
$50,000	.4
$100,000	.1

Mr. NELSON. Mr. President, the proposed new tax rates would result in a really dramatic increase in the tax burdens of the middle-income Americans. For example, for a wage earner with a $12,000 income in wages, his social security taxes would increase in the 1 year from 1972 to 1973 by $180, a 38-percent increase. In 1974, his social security tax would have increased by $252—a 54-percent increase. This wage earner will have undergone a 75-percent increase in social security taxes in the 4-year period from 1971 to 1974.

Mr. President, I ask unanimous consent that a table showing the amount of increase in social security taxes from 1972 to 1974 for various levels of wage earners be inserted in the Record at this time.

There being no objection, the table was ordered to be printed in the Record, as follows:

TABLE II.—1972-74 SOCIAL SECURITY TAXES, EMPLOYER AND EMPLOYEE (EACH), LAW PRIOR TO CHURCH AMENDMENT, LAW AFTER CHURCH AMENDMENT, AND UNREPORTED COMMITTEE ON FINANCE BILL

Wages	Prior to Church amendment			After Church amendment			Finance Committee bill		
	[1] 1972	[2] 1973	[3] 1974	[1] 1972	[2] 1973	[3] 1974	[1] 1972	[2] 1973	[3] 1974
$5,000	$260	$282.50	$282.50	$260	$275	$275	$260	$300	$300
$7,000	364	395.50	395.50	364	385	385	364	420	420
$9,000	468	508.50	508.50	468	495	495	468	540	540
$10,000	468	508.50	508.50	468	550	550	468	600	600
$12,000	468	508.50	508.50	468	594	660	468	648	720

[1] Tax rates apply to annual earnings up to $9,000.

[2] Tax rates apply to annual earnings up to $10,000.

[3] Tax rates apply to annual earnings up to $12,000.

Mr. NELSON. Mr. President, Congress should thoroughly examine and exhaust all other possible sources of Federal revenue before it imposes such an onerous tax on the average American worker.

I believe that another source of Federal revenue does exist. I believe that it is not necessary to levy an unjust tax on the American worker to provide for a just retirement for the elderly American. I propose that we raise the necessary revenue by the enactment of tax reform measures. I propose that Congress pass two tax reform measures—repeal of the assets depreciation range and strengthening the minimum tax provision—which would raise almost $42 billion between now and 1980. I ask unanimous consent that two brief explanations of my tax reform amendments be inserted in the Record at the conclusion of my remarks. In this way, Congress can improve the lives of elderly Americans, restore some equity to our tax system, and save the American worker from an additional tax burden.

There being no objection, the explanations were ordered to be printed in the Record, as follows:

Nelson Amendment To Strengthen the Minimum Tax

A. MINIMUM TAX

Congress enacted the minimum tax in an attempt to obtain some tax contribution from wealthy individuals who had previously escaped income taxation on all or most of their income.

B. MINIMUM TAX FAILS

Under the present minimum income tax, it is very easy for a taxpayer to avoid paying any minimum tax or to pay a very small amount of minimum tax. For example, a taxpayer filing a joint return with a regular income of $100,000 and preference capital gain income of $50,000, who happens to have itemized deductions of 15 percent and two exemptions, would pay no tax on his preference income. If his preference income were $100,000 he would pay a tax of $3,463 on that $100,000 of income. To take another example, a financial institution with taxable income of $500,000 and preference income of $250,000 of excess bad debt deductions would pay no tax on that preference income.

C. THE EXTENT OF THE FAILURE

In 1970 106 individuals with adjusted gross income exceeding $200,000 pay no federal income tax. Three individuals with incomes in excess of $1 million pay no federal income tax. When the minimum tax was enacted, it was estimated that it would raise $590 million in federal revenue. In fact, it raised only $117 million in 1970. The effective rate of the minimum tax is 4% instead of the statutory rate of 10%.

D. PROPOSED AMENDMENT

The proposed amendment would make three major changes in the tax treatment of the four major tax preference items—stock options, bad debts, depletion, and capital gain—of the minimum tax. First, it would repeal the provision of existing law that allows regular income taxes to be deducted from these tax preference items. Second, it would lower the present $30,000 exemption to $12,000. Finally, it would increase the minimum tax rate from 10 percent to 50 percent of the regular income tax rate that would otherwise apply. The tax treatment of the other items of tax preference in the minimum tax provision would not be changed.

This amendment would save the Federal Treasury $1.9 billion in 1972 and $25.9 billion between now and 1980. The savings to the Treasury for the rest of the decade would be:

Savings to Treasury

Year:	*Billion*
1972	$1.9
1973	2.1
1974	2.3
1975	2.5
1976	2.8
1977	3.1
1978	3.4
1979	3.7
1980	4.1

Nelson Amendment To Repeal ADR

This amendment would repeal the Asset Depreciation Range (ADR) approved by Congress as part of the Revenue Act of 1971.

The major change brought about by the ADR system was a 20 percent shortening of guideline lives. Thus, an asset which had previously had a guideline life of 10 years could now be depreciated over 8 years.

This amendment would repeal the 20 percent speed-up in guideline lives. It would save Federal Treasury $1.8 billion in 1973 and $26.0 billion between now and 1980. The savings to the Treasury in each of the next 8 years would be as follows:

Savings to Treasury

Year:	*Billion*
1973	$1.8
1974	2.5
1975	3.0
1976	3.7
1977	4.0
1978	3.8
1979	3.6
1980	3.6

ARGUMENT

There is now substantial evidence that the ADR has had little or no impact on investment. According to the Commerce Department's Survey of Current Business (June 1972):

"There is some evidence that capital spending this year is stimulated by the liberalized depreciation rules and the new investment tax credit enacted last December. According to a survey of spending plans taken by McGraw Hill Publications Company in March and April, businessmen reported that their expected 1972 outlays are $¾ billion higher than they would have been in the absence of these two stimulants. Roughly $500 million of that amount was attributed to the investment tax credit and $250 million to liberalized depreciation."

The ADR is costing the Treasury $1.8 billion in 1972, $2.4 billion in 1973 and increasing amounts thereafter. So the McGraw-Hill survey in effect tells us that ADR is increasing investment by 10–15 percent to its cost to the Treasury.

ADDITIONAL STATEMENTS

THE ACHIEVEMENTS AND CHALLENGES OF SPACE

Mr. ALLEN. Mr. President, modern society has been moving at such an accelerating pace that it seems almost inconceivable that only 15 years have gone by since man's first successful entry into the space age. It was on October 4, 1957, that the Soviet Union startled the entire world by launching its Sputnik I, man's first space satellite. Since that time, of course, the United States has taken supremacy in man's exploration of space and the awesome technological advances which have brought so many changes to the way man lives on earth.

On Monday, September 25, 1972, the estimable Christian Science Monitor published the first article of a five-part series in which it examines the achievements and the challenges of space. The series has been written by Robert C. Cowen, the knowledgeable staff correspondent for the Monitor, who points out that after 15 years in space, man has barely begun to probe the universe. While our successes have been many, including the outstanding manned Apollo flights, future plans are clouded with uncertainties.

I believe that it would be time well spent for everyone of us to read this series of articles, and I ask unanimous consent that the first article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Space: The Challenge Ahead

(By Robert C. Cowen)

Friday evening, Oct. 4, 1957. A fire crackling on my Concord, Mass., hearth illumines books placed beside me for review. They foretell a someday world in which machines rocket through space.

The telephone interrupts reading. It's the Massachusetts Institute of Technology. A Russian-made "moon" is cutting the sky and MIT's computation center is gearing up to compute the orbit as data come in from the Smithsonian Astrophysical Observatory up the street. I rush to the only such center outside Russia capable of this.

Fire and books are forgotten. Reality has made the prophesies obsolete. The old familiar world of vast continents and trackless seas will never be the same. It has become in fact what we long knew it to be in theory—a fairly small planet, isolated in space, soon to be girdled by the machine of men.

Fifteen years later, the United States has yet to face up fully to this challenge.

PURPOSE STILL UNCLEAR

Catapulted reluctantly into the new age by Soviet achievement, it has made a prodigious effort to catch up and excel. Yet, with its astronauts' footprints on the moon and its communications satellites relaying their exploits to the world, America still lacks a clear sense of what it wants to achieve in space. Its forward planning reflects the equivocal outlook of an uncertain vision.

Meanwhile, its own planning hidden in secrecy, Russia continues to give an impression of purposeful space progress.

This epoch should bring new cooperation between America and Russia. Practical space uses will expand as earth-observing satellites help us better to cope with environmental management. Both American astronauts and Soviet cosmonauts will get down to the less glamorous, but badly needed, business of learning in detail how men can function in space through extended experiments in orbiting laboratories.

FORECAST VERSUS ACHIEVEMENTS

One way to gain a quick impression of what the past 15 years have accomplished is to compare early forecasts with subsequent achievements. As I write, I have some of those forecasts in front of me.

Pioneer space prophet Arthur C. Clark described how communications satellites would someday help integrate mankind. According to the Communications Satellite Corporation, 70 antennas at 57 ground stations in 43 countries now share the Intelsat system. For some of these countries, it's their only communications link with the outside world.

Meteorologists in the 1930's speculated about looking down upon the weather rather than only probing it from below. Today, satellite observations are part of their routine data. You regularly see the cloud patterns they observe from orbit during the evening's televised forecast.

TOUCHING MANY BASES

Many scientists in the 1950's talked eagerly of probing the solar system. Well, Russia's second Venus lander touched down last July 22. America's Mariner 9 has provided a striking close-up chart of much of Mars's surface. The Pioneer 10 Jupiter probe is heading for that giant planet right now. And astronauts and instruments have explored the moon with a thoroughness and on a time scale the '50's didn't even anticipate.

These researches, plus data from hundreds of other satellites and space probes launched by, or for, a number of countries, have given scientists a wholly new picture of the solar system. They have also given mankind a new view of Earth itself which many space experts think to be their most significant contribution to human thought.

Before the sputniks, we all looked up from Earth, as from a vast two-dimensional plane, at a distant moon set in an unreachable sky. Now, through the marvel of television and photography, we virtually stand on that moon with the astronauts and see Earth for what it is—a beautiful blue planet, unique in the solar system. We know it's the only home we've got. And that has made all the difference.

As Dr. James C. Fletcher, administrator of the U.S. National Aeronautics and Space Administration (NASA), observes, We "begin to see how isolated Earth is. * * * We appreciate it more. I don't think we would have had quite so much concern for Earth's environment without the Apollo pictures showing our world isolated in space."

MANNED FLIGHT CAME

Here's an especially intriguing 1957 forecast. George S. Trimble Jr., vice-president of the Martin Company, expected some kind of manned spaceflight within four or five years. He also expected the first moon rocket to blast off within a decade. Not bad foresight at all. Yuri A. Gagarin inaugurated manned orbital flight on April 12, 1961. The first unmanned test flight of the Saturn 5 moon rocket successfully blasted off Nov. 9, 1967, although Neil Armstrong didn't take his "giant leap for mankind" until July 20, 1969.

And what of that glamorous project to put Americans on the moon? As rocket pioneer Wernher Von Braun has pointed out, it "has never been considered so much an end in itself as a most effective focus for developing a broad U.S.-manned spaceflight capability."

DISSIPATION SEEN

In this, the Apollo-Saturn program succeeded brilliantly. But America has come close to throwing away that capability because it can't make up its national mind what to do with it. Dr. Fletcher says America has dissipated the industrial base of the Apollo-Saturn program. NASA now pins hope for salvaging spaceflight know-how on development of a reusable shuttle craft to ferry men and equipment cheaply into orbit.

"We hope and expect that many of the people who worked on Apollo will be in that program so we won't lose all the basic spaceflight know-how," Dr. Fletcher says. "Hopefully, we won't have to go through the entire long process in developing shuttle know-how that we did with Apollo. But if we wait too long with the shuttle, we may lose so much basic know-how that we will have to do this. That would be a dangerous loss."

PROJECT IS NO CERTAINTY

Last July, after much opposition in and out of the Congress, NASA gave North American Rockwell a six-year contract to develop a version of the shuttle. The overall cost of the program, including boosters, should be about $5.15 billion. That's just under NASA's annual budgets in the peak years of 1965 and 1966. Criticism continues, however, and there's no certainty congressional support will carry NASA through this project.

If it does succeed, the shuttle should give America far cheaper, more reliable access to Earth orbit than have the one-shot rockets. It would consolidate hard-won spaceflight know-how into a transport system that would give the United States an open-ended option on the future of spaceflight.

Dr. Fletcher explains that, if America dropped the shuttle, it still could do many things in space within NASA's present budget level of about $3 billion. But the country would enter the next decade with no shuttle and no real route to the space future.

"IT GIVES US THE OPTION . . .

"Without the shuttle, the budget level we're talking about is dead-ended," Dr. Fletcher says. He adds, "Having the shuttle does not require us to spend extra money. It only gives us the option of doing many things. We could have the same budget level in the 1980's which we have now and we could do many more things with it than we will be able to do if we don't develop the shuttle.

". . . We could do virtually all those things we have talked about doing in this century. We could go back to the moon and establish crude bases. These would be storage igloos that would help explorers live and work up there for some time. We could establish a permanent space station. We just might be able to send men to Mars and get them safely home."

NO RELUCTANCE WITH RUSSIANS

America doesn't know whether it wants to have such options. Beyond the last Apollo moon mission next December, its only authorized manned flight projects are three extended experimental missions in the crude Skylab space station next summer and a rendezvous and docking experiment with Soviet cosmonauts, probably in 1975.

The Russians seem to have no such reluctance for space. While secrecy makes their program hard to fathom, two recent analyses give as good a picture of it as you can get. One is a book—"The Kremlin and the Cosmos," by Nicholas Daniloff (New York: Alfred A. Knopf, 1972). The other is a report by Library of Congress staff for the Senate Committee on Aeronautical and Space Sciences entitled "Soviet Space Programs 1966–70." A postscript carries it through June, 1971.

STORMING THE COSMOS

Both studies describe the Soviet program as determined, balanced, and well funded. It seems to be a long-term effort to gain whatever national strength is to be had from "storming" the cosmos. Military and civilian aspects are blended without the self-conscious separation of American programs.

The Soviets appear to have adopted this attitude toward space long before their sputniks startled the world. The congressional study calls the Soviet program today "a strong and growing enterprise." It adds that the "total level of Soviet space activity and total level of hardware commitment is running higher than did the U.S. program at its peak in 1966."

Although the Soviets dropped out of the moon race in the 1960's, the congressional analysts find no hint they have abandoned manned lunar exploration. The study's senior author, Charles S. Sheldon II, thinks that, in their own way and their own time, the Soviets could well head for the moon. He suggests they might do so later in this decade. They may be waiting, among other things, to perfect a giant rocket whose teething troubles helped cut them out of the moon race.

Dr. Sheldon expects stepped-up activity in such practical fields as use of weather and communications satellites. And in general space research, he says, "the level of activity currently runs ahead of the corresponding level of work in NASA." Although America has taken pride in making the larger number of scientifically important space contributions, he warns that Russia "seems likely" to take over such leadership.

CONTENTION FOR PAY DIRT

In contrast to Russia's apparent fascination with the cosmos, America entered the space age with its face set firmly against its challenge. Most Americans couldn't have cared less for what lay beyond the atmosphere before the first sputnik.

Their subsequent space program unfolded as a reaction to Russian accomplishment rather than as a response to their own vision of space destiny. When the moon landing killed the sense of competition, the poverty of such a policy left their space program spiritually bankrupt. That is why, discerning no clear national purpose, so many Americans consider space a costly boondoggle. That is why America's biggest space need remains one of vision.

NONCOMMISSIONED OFFICERS ASSOCIATION'S HONORARY MEMBERSHIP FOR SENATORS VANCE HARTKE AND J. GLENN BEALL

Mr. THURMOND. Mr. President, recently the Noncommissioned Officers Association of the United States of America—NCOA—bestowed one of its highest awards, an honorary membership in the association, upon two distinguished Senators, the Honorable VANCE HARTKE, of Indiana, and the Honorable J. GLENN BEALL, of Maryland.

As a recipient of this honor and subsequently the association's first annual L. Mendel Rivers Legislative Award, I can attest to the importance the 88,000-member organization places on an honorary membership. It is an expression of sincere gratitude and recognition to those who have furthered the principles of the noncommissioned and petty officers' corps of the Army, Marine Corps, Navy, Air Force, and Coast Guard.

Mr. President, this award recognizes Senators HARTKE and BEALL as outstanding supporters of our military community.

Senator VANCE HARTKE was one of the first in this body to recognize the injustice to our military retirees. He offered an amendment to the Military Procurement Authorization Act of 1973, proposing a one-time recomputation of retired military pay. Although it was defeated without prejudice by a joint committee of the Senate and House, its passage by the Senate, 82 to 4, awakened Congress to the inequities in the military retirement system. As a matter of concern, the House Committee on Armed Services will soon conduct hearings on retired pay revisions.

Senator J. GLENN BEALL led the military survivors benefit bill to a successful conclusion in the Senate. His determination and concern for career-military dependents will be successful in eliminating another injustice to our Armed Forces personnel.

I was privileged to join both of my distinguished colleagues in moving these proposals through the Senate.

Mr. President, I take this opportunity to extend the appreciation of the entire career-military community, active, and retired, and their dependents, for the devotion, dedication, loyalty, and support Senator HARTKE and Senator BEALL have tendered to our country's military professionals.

Again, as one of the association's first honorary members, I welcome the two distinguished Senators aboard.

THE 100TH ANNIVERSARY OF MAIL ORDER BUSINESS

Mr. PERCY. Mr. President, today is the 100th anniversary of the mail order business and selling by mail. The mail order business was begun 100 years ago in Chicago by Aaron Montgomery Ward. From that beginning, selling by mail has become the largest industry headquartered in Chicago.

The business begun by Aaron Montgomery Ward is being honored today by the issuance of a commemorative postage stamp and the unveiling of a bust of Aaron Montgomery Ward in Chicago.

Mr. President, I commend this great business that has so efficiently, effectively and well served the American consumer for a century and I ask unanimous consent that an editorial from today's Chicago Daily News describing this event be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RECOGNITION FOR A PIONEER

Aaron Montgomery Ward could scarcely have foreseen the impact of his decision when he began his mail-order business in Chicago just a century ago. Today selling by mail is the largest industry headquartered in the city, and Ward's pioneering is being suitably recognized by Wednesday's sale of a commemorative stamp issue—"100th Anniversary of Mail Order"—and the unveiling of a bust of Aaron Montgomery Ward in the Merchandise Mart Hall of Fame.

Ward's pioneering took other directions as well. With his slogan "Satisfaction guaranteed or your money back," he was among the first to sponsor a trend that has lately bloomed into the massive concern called "consumerism." And perhaps most of all he put Chicagoans in his debt for all time by leading a drive to preserve the city's lakefront for the use of the people. His suit against the City of Chicago in 1890 eventually led to the creation of Grant Park and open space where before all had been clutter.

In his time, Ward made enemies by his rigid insistence that the lakefront be preserved. It's fitting that his forward-looking ideas are finally getting deserved recognition.

NEED TO RATIFY GENOCIDE CONVENTION NOW

Mr. PROXMIRE. Mr. President, genocide is, tragically, as old as history. The history of western civilization began with the deliberate mass exterminations of Christians by the imperial government of Rome. But even these massacres did not approach the horrifying dimensions of Hitler's acts of genocide against the Jews. The organized butchery of 6 million Jewish men, women, and children outraged and revolted decent men and women throughout the world. These events so shocked the conscience of civilized men everywhere that after World War II it had come to be accepted that such conduct could no longer be tolerated in civilized society, and that it should be prohibited by the international community.

This was the climate within which the United Nations began to evolve as a permanent international organization. The next step was quite logically the adoption of a resolution condemning genocide as a crime under international law by the General Assembly of the United Nations, at its first session in December 1946. Delegations from Cuba, India, and Panama proposed that the General Assembly consider the problem of the prevention and punishment of the crime of genocide. The matter was considered at length by the Legal Committee of the General Assembly, a committee composed of lawyers representing each of the more than 50 States' members of the United Nations. That committee submitted a resolution which was adopted without a single dissenting vote and without change by the plenary session of the General Assembly on December 11, 1946.

This resolution declared that genocide, the "denial of the right of existence of entire human groups," "shocks the conscience of mankind, results in great losses to humanity in the form of cultural and other contributions represented by these human groups, and is contrary to moral law and to the spirit and aims of the United Nations."

President Truman in a letter transmitting this convention to the Senate of the United States June 16, 1949, emphasized:

> That America has long been a symbol of freedom and democratic progress to peoples less favored than we have been and that we must maintain their belief in us by our policies and our acts.

For 24 years this convention has languished in the Senate without ratification. We must not continue to delay acting on this most important document. Mr. President, I urge that the Genocide Treaty be placed upon the agenda and ratified swiftly before the end of this session of Congress.

AWARD TO DR. WILLEM J. KOLFF

Mr. BENNETT. Mr. President, the University of Utah, in Salt Lake City, has one of the finest medical centers in the United States, and Utah is proud of it and its personnel. On October 22, a scientist from that center will be awarded one of the first two Harvey prizes for his outstanding work in the field of artificial organs. Dr. Willem J. Kolff, head of the Division of Artificial Organs and director of the Institute of Biomedical Engineering, has been given the prize for his "far-reaching achievements in the advancement of medicine."

Much of the pioneering effort and accomplishment in the development of kidney machines, heart-lung machines, cardiac assist devices, and artificial hearts must be credited to his work. Therefore, I take great pride in sharing with Senators an article published in the Deseret News of September 9, 1972, which discusses the achievements of Dr. Kolff—a man who deserves our praise and congratulations.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SCIENTIST AWARDED $35,000

(By Hal Knight)

A University of Utah scientist has been awarded a $35,000 international prize for his "pioneering work in the development of artificial organs."

Dr. Willem J. Kolff, 61, head of the Division of Artificial Organs and director of the Institute of Biomedical Engineering, was one of two winners of the first annual Harvey Prize.

The awards were made by the American Society for Technion-Israel Institute of Technology. The Technion is Israel's oldest institution of higher learning.

Presentation of the prizes will be made Oct. 22 at the home of Zalman Shazar, president of Israel.

Kolff was named for the Harvey Prize in recognition of his "far-reaching achievements in the advancement of medicine," mainly his pioneering work with kidney machines, heart-lung machines, cardiac assist devices and an artificial heart.

He joined the U. of U. faculty in 1967 after 17 years with the Cleveland Clinic Foundation. A native of the Netherlands, he had begun to achieve renown with his artificial kidney work before coming to the U.S. in 1950.

Kolff received his medical degree in 1938 and was an internist in a Netherlands hospital in 1941 when he started his landmark work in the development of artificial kidneys.

His first patient was treated in 1943 and after World War II he began sending his kidney machines to some of the major medical centers in the world.

Kolff's twin coil artificial kidney in 1956 was the first disposable device in the field and made kidney dialysis possible all over the world.

A heart-lung machine on which he had started in 1949 in the Netherlands was brought to clinical use in 1956. It was the first clinically-used membrane oxygenator and led to the first consistently successful use of elective cardiac arrest in open heart surgery.

In 1961 Kolff's laboratory developed an intra-aortic balloon pump, the present most popular cardiac assist device.

Work to develop an artificial heart is still in the experimental stage at the U. of U., but the longest surviving animal (260 hours) with an artificial heart established the record in Kolff's lab in 1971.

Artificial hearts are being implanted in sheep and calves at the university and problems of blood clotting and blood breakdown apparently are on the way to be controlled.

Kolff won the Landsteiner Medal in 1942, the Cameron Prize in 1944, the Frances Amory Award of the American Academy of Arts and Sciences in 1948, the Addingham Medal in 1962, the "K" Award of the National Kidney Disease Foundation in 1963 and the Sharpey Prize of the Royal College of Physicians the same year and the Achievement Award of Modern Medicine in 1965.

Recommendations for the Harvey Prize winners were made by an international committee meeting at the Technion in Haifa, Israel and headed by Evelyn de Rothschild of London. Final selections were made by the American Technion Society.

The society was founded in New York in 1940 and is dedicated to the advancement of technological education in all countries, particularly through the Technion in Israel.

The institution will observe its 50th anniversary next year and currently has an enrollment of nearly 9,000 students. It produces most of Israel's engineers, technologists and industrial managers.

HONORING GALE SAYERS

Mr. PERCY. Mr. President, too frequently in our contemporary society, we are vividly reminded of man's failures and the subsequent tragedy and disappointment that ensue. Man's inhumanity, insensitivity, and inconsistency toward his fellow man scores the pages of the newspaper daily.

So it becomes an especially gratifying task when one is called upon to recognize and acclaim the positive accomplishments of his fellow man. And, when we consider that Gale Sayers is an achiever outside of the world of pads and cleats, first downs and touchdowns, and bowls and superbowls, it even makes the task more rewarding.

That Gale was a "superstar" on the gridiron is unquestionable. Any team or player confronted with the near impossible task of devising a defense to "contain" this brilliant ball carrier would confirm this statement. Statistics only further solidify this assertion. Football fans across America know when they see a great player, and in the performances of Gale Sayers this was excitingly evident—all too evident on many occasions his opponents would contend.

But the measure of Gale Sayer's great greatness transcended the sports pages. No one can ever forget the side of this fine man that manifested itself during the tragedy of Brian Piccolo. The mettle which accomplished men possess and which Gale demonstrated at this time inspired all of us. His willingness to "carry the ball" both on and off the field only further established his reputation as a winner in "key situations." From amidst the violence of pro football had emerged yet another determined, compassionate, and courageous warrior, a credit to all mankind.

So despite the fact that an unfortunate series of injuries has robbed the American sports scene of one of its greatest and most admired participants, we can still take solace in knowing that our loss is only partial. For the end of every career marks the beginning of another and with a man of Gale's ability and conviction, that can only spell further accomplishment in the years that lie ahead for this fine man and his family. I am certain I echo the sentiments of many, including the best athlete and sports fan in our own family, my 17-year-old son Mark, in extending to Gale Sayers our fervent wish that his life away from football be just as productive and personally fulfilling as were his days on the gridiron.

DECLINE OF U.S. TECHNOLOGY LEAD

Mr. ALLEN. Mr. President, the United States has reached its position as world leader in industry, business, agriculture, the arts, and almost every other field of human endeavor as the result, in large part, of individual initiative, effort, and drive, sparked by a willingness to always look ahead.

For years the United States has led the world in research and development projects financed both by government and by private enterprise.

Today, however, the United States faces the disconcerting and dangerous prospect of being a second-place runner in world trade because of a continuing drop in our search for new technology.

While we spend more dollars today for research and development, the fact is that, because of inflationary erosion, these dollars are worth less, consequently, we are getting less in return for our investment.

This is a serious problem which must be faced squarely if we are to maintain our position as frontrunner in the world technology race. For this reason, I call attention to an article, entitled "What Happened to Our Technology Lead?", written by John H. Sheridan, and published in the September 25 issue of Industry Week magazine. I ask unanimous consent that this thought-provoking article be printed in the Record so that it may be more easily available for reading by all Senators.

There being no objection, the article was ordered to be printed in the Record, as follows:

What Happened to Our Technology Lead?

(By John H. Sheridan)

Not so long ago, the United States was a clearcut front-runner in the world technology race. For years, technical superiority has been the economic buffer which kept U.S. goods competitive in international markets—offsetting our higher labor costs.

Today, however, that buffer shows signs of eroding. The tortoises of the world are suddenly within snapping distance of the hare's tail. This development has been viewed with alarm by government officials as well as businessmen. As a result, the Nixon Administration has begun to reexamine government's role in fostering the advancement of science and technology.

In some manufacturing areas, the U.S. faces the disconcerting prospect of staring at its world competitors from the wrong side of "the gap."

The anemometer which perhaps best measures the winds of change is the import-export balance sheet for technology-intensive products—chemicals, machinery, transportation equipment, and scientific and professional instruments and controls.

Traditionally, these high-technology goods have yielded balance of trade surpluses which offset U.S. deficits in other commodity groups. But, in 1971, that surplus showed a sharp $1.3 billion decline—from $9.6 billion to $8.3 billion. Oddly enough, the only product group in which the U.S. improved its trade balance last year was agriculture.

Analyzing the trade picture, U.S. Secretary of Commerce Peter G. Peterson recently told the House Subcommittee on Science, Research & Development: "The most disturbing [trend] to me is the softening in the so-called technology-intensive products. . . . By now, U.S. imports of these commodities have reached the level of about two-thirds of U.S. exports [compared with 26% in 1960] . . . and their growth continues to exceed the growth of our exports by more than 100%."

THE FLOW OF FUNDS

Why the turnabout? Many attribute it to a leveling off in the support for research and development in the U.S. As other industrialized countries capitalize on technology developed here—and enhance it with intensive R&D programs of their own—the U.S. must quicken its efforts to develop more sophisticated products. But, observers point out, that hasn't been happening—at least not in sufficient measure.

The facts, gleaned from data supplied by the National Science Foundation (NSF), are these:

Investment in research and development activities in the U.S. grew from $5 billion in 1953 to $26.8 billion last year—and will reach an estimated $28 billion this year. But, handicapped by inflation, the curve of "real" input is heading downward.

Whereas the U.S. spent slightly in excess of 3% of its gross national product (GNP) on R&D programs in 1964, it will spend only 2.5% this year.

The U.S. ranks poorly in growth rate of R&D spending when compared with its leading competitors. In the years 1967–69, Japan increased its support for new technology at an annual rate of 33%, and West Germany showed a 16% boost. The U.S. input climbed only 5%.

For the five-year period, 1967–72, U.S. funding for R&D grew at an average annual rate of 3.4% in "current" dollars—but showed an average *decline* of 1% yearly in "real" dollar terms.

The federal government, which stepped up R&D funding at an average annual rate of 16.3% during the boom years of 1953–61, has been increasing its support by a skimpy 1% average rate for the last five years. Again, that's ignoring inflation. Measured in real dollars, government investment in new technology has been dropping at a 3% rate since 1967.

Although the government still foots the bill for more than half (54%) of the total R&D effort in this country, industry has increasingly been shouldering a larger share of the burden—from 31% in 1964 to an estimated 40% in 1972.

Industry now finances 58% of the research and development work it performs—$11.1 billion of a $19.2 billion total. Yet, eight years ago, the government financed 57% of the industrial R&D programs.

The list of figures could be continued almost indefinitely.

WHAT'S OURS IS THEIRS

Lincoln R. Hayes, director of business planning, E-Systems Inc., Dallas, believes one reason that countries such as Japan and West Germany have made such great strides is that "we publish everything we do." He points out that Massachusetts Institute of Technology published a collection of books (available at $400) representing 40 years' work which "put Russia right up with us in the development of electronics. . . . But this is normal. We learned about printing from Europe."

It is a fact of life, he believes, which should spur the U.S. to maintain its trend-setting pace in technology. The logic is simple: "If we can't sell our fountain pens, we'd better do something about making a better one."

Contributing to the current economic problem is the direction R&D has taken in this country: defense systems and aerospace programs have cornered the major share of available government funds.

Commerce Secretary Peterson points out that the U.S. performance in the "generation of new technology, which in the past frequently yielded whole new industries," has lagged that of other countries. "In the 1960s, our economy's expenditures on R&D relevant for economic development, plus R&D equivalent purchases of advanced foreign technology averaged only 1.1% of GNP—versus a 2.2% average for France, West Germany, the United Kingdom, Italy, and Japan.

And, due to the time lag (estimated at six to ten years) between R&D expenditures and the emergence of commercially useful technology, the U.S. may now be only at the "threshold of its competitive difficulties, Mr. Peterson adds.

NSF estimates that $12.6 billion—or 78%—of the federal outlays for research and development in the U.S. this year will be plowed into defense and space research programs. With cutbacks in the space budget, priorities have shifted somewhat since 1966 when defense and space research accounted for 90% of the total federal investment in R&D.

Still, the imbalance contrasts sharply with the thrust of efforts in Japan where approximately 70% of the government's support is geared to economic growth.

In current federal R&D funding, commerce and transportation has been dropped from fourth to fifth on the priority list with $566 million—$73 million less than it received in 1971. Top priority item is defense ($9.4 billion), followed by space ($3.2 billion) and health ($1.3 billion).

And while the federal budget has more than doubled in the last ten years, the outlays for new technology have grown only 47%.

SLICING THE BUDGET

Daniel Creamer, economist, Conference Board Inc., New York, explains the reluctance of Congress to appropriate greater amounts this way: "Reduction in research expenditures is a politically painless act and therefore . . . among the first to be curtailed and among the last to be expanded." He predicts that the scientific knowledge industry "will not operate with as much vigor during the decade of the seventies as it did during the fifties and sixties."

Industry, which in 1971 employed almost 70% of the 519,000 R&D scientists and engineers in the U.S., has also been somewhat budget-conscious.

"It has been my observation," says Charles A. Anderson, president, Stanford Research Institute (SRI), Menlo Park, Calif., "that severe pressures on earnings have forced broad scale reductions in development programs throughout industry. Programs with high risk—but also high potential payoff—have been cut. When the squeeze is on, the natural thing is to protect today and hope you can play catch-up ball in time to protect tomorrow. But, unfortunately, a great deal is lost in the process."

MORE THAN MONEY

Barriers to more effective technology development in the U.S. extend beyond money problems. Commonly mentioned are:

Government antitrust policies which discourage collaborative efforts by competing companies. As a result, the argument goes, money is wasted by duplication of effort.

Certain patent policies which hinder the commercial application of government-generated technology. ("Past policy has offered royalty-free, nonexclusive rights to all who ask," states James H. Wakelin Jr., assistant secretary of commerce for science and technology. "The results? Just what one would expect—most patents were not asked for.")

A growing negative opinion toward technology, especially among the young who link it with the "war machine" which produces defoliants and napalm, among other things.

Environmental restrictions which delay projects—while impact studies are prepared—or reduce potential profitability by requiring costly control measures.

ENCOURAGING SIGNS

There are signs of an awakening in Washington. The Commerce Dept. is formulating a program which would permit broad, joint research efforts by companies with common goals—generally projects which involve highly sophisticated technology and prohibitive costs. Secretary Peterson suggests: "Research projects carried on under this program should not carry antitrust risk. . . . General government oversight would guard against restrictive practices. Any patents resulting from such efforts would be privately owned but broadly shared."

One approach to joint research which sidesteps antitrust problems has been initiated by two computer firms—National Cash Register Co. (NCR), Dayton, Ohio, and Control Data Corp. (CDC), Minneapolis. They formed a jointly owned, but independent and self-sustaining company, Computer Peripherals Inc., which will conduct certain kinds of R&D and sell computer equipment to its parent firms.

The venture will not mean a reduction in NCR's research efforts, nor will it restrain competition, says Richard Kleinfeldt, manager of R&D finance and administration at NCR. "We will still fiercely compete with CDC . . . and we will essentially be investing as much money—or more—in our own research and development. . . . The whole thing is to enable us to get more for the same dollar, in order to be able to compete—primarily with IBM. It's strictly an effort to broaden our base of technology within limited resources."

Aided by government subsidies, foreign firms have been "catching up faster than we're growing," Mr. Kleinfeldt believes. "The U. S. should encourage joint programs—as long as they don't restrict trade in any way. With rapidly increasing pressure from other nations, I can't see how we can afford to just sit back and rest on our laurels. Our history of free trade forces us to try to stay a step ahead."

INCENTIVES IN STORE?

To encourage commercial applications of government technology, the Administration has proposed a change in patent policy which would make some government patents available to private firms through exclusive licenses.

"Some of America's best commercial companies, which have demonstrated their innovative ability to build industries, patents, and jobs . . . either do not get involved at all in government R&D or, if they do, usually not with their best people," observes Secretary Peterson. "In the risky entrepreneurial world of innovation, many of these companies have apparently concluded that what belongs to everybody, in fact, really belongs to nobody."

As a result, he believes, the level of industrial fallout from government-supported R&D is "simply inadequate in relation to the enormity of the investment." He suggests factoring "commercial possibilities into government technology strategy" and taking "a whole new look at incentives."

Mr. Peterson isn't, however, about to endorse the suggestion of a 25% tax credit for R&D expenditures. "Such a plan would cost the government $2 billion to $3 billion annually and this is judged too expensive at this time," he says, adding that the Commerce Dept. is considering a "broader cost-sharing program for encouraging high-risk R&D—innovative technical research where success could mean whole new industries." The program envisions granting proprietary rights to the contractor in return for his investment and commercialization efforts.

In the White House Office of Science & Technology, a six-man staff has been screening hundreds of nominations for the Presidential Prize for Innovation—a new program to recognize inventor-innovators who play key roles in translating important new technology into commercial success. "The intent is to give sizable cash prizes—perhaps as much as $50,000," notes Dr. Carl Muelhause, who heads the program.

The Commerce Dept. has received final Congressional approval on funding for a $40 million experimental technology and incentives program to be implemented by the National Bureau of Standards and NSF. The program will seek to identify barriers to innovation and find methods to bring new ideas to the marketplace. "The rationale," says a department spokesman, "is to develop products for export and to bolster our sagging industries. There is a pretty good consensus that we are not doing all we could to foster new technology."

WHAT ABOUT PRIORITIES?

There is little argument that the federal government must continue to be the major contributor to the national R&D effort—especially for long-term, basic research. The debate centers on the setting of priorities: should more be allocated for nondefense programs?

One manager for a defense contracting firm sees some justification for "people programs"—transportation, housing, pollution control, and efforts to avert an energy crisis. But, he argues, the current priorities should not be altered in light of the available funds.

"R&D money into aerospace and defense research has commercial spinoff," argues a spokesman for Honeywell. "Several years ago, Honeywell discovered magnetic sensing—which is used to spot intruders at military installations. But the company also found a commercial market for this in burglar alarms."

"You've got to put the whole thing into context and find out where the high technology is," says Mr. Hayes at E-Systems. "You wouldn't have a pocket computer today if it hadn't been for the defense business. The little man building a new spin top for the kids probably pays for every nickel of the R&D cost—because the government isn't too anxious to underwrite that."

Dr. Roger Sebenik, director of process development, Applied Aluminum Research Co., New Orleans, sees a need for increased federal support—at least in the form of loans—to small companies which are "striking out on . . . novel ways to make old products and materials." His firm is working on a process to substitute clay for bauxite in producing aluminum. It would lower costs and reduce reliance on foreign supplies by taking advantage of a raw material which exists in abundance in the U.S., he notes.

And a spokesman for a computer manufacturer suggests that new R&D emphasis is needed in systems analysis. "Problem-solving solutions are needed, not just more hardware," he says. "We may well discover that the equipment is already there, and we've just never asked it to do a certain task before. . . . In pollution control, for example, the technology may be running ahead of the marketplace. Somebody is just going to have to say, 'We will have clean water,' just as they said, 'We will go to the moon' . . . and put up the money for it."

INDUSTRY'S ROLE

Despite a commonly held view that the federal government should be doing more, there is a school of thought which says certain kinds of programs should be declared out-of-bounds.

Dr. Arthur M. Bueche, vice president-research and development, General Electric Co., Schenectady, N.Y., believes that government support and performance of R&D "needs to be limited to what the private sector cannot adequately do for itself."

In seeking answers to future sources of energy, electric power in particular, the research should be funded through the rate-setting process rather than general taxation, he says. "Such rates can and should be set, as accurately as possible, to assure that each customer benefits in proportion to what he pays. . . . The argument that large project size—and large size alone—should automatically require government support does not seem necessarily valid.

"Today's great challenge for government is to devise new and more effective institutional arrangements—to achieve some kind of order out of the jurisdictional hodgepodge that smothers some of our best technical efforts."

Many problems are too massive or too long-range for industry to solve, contends SRI's Mr. Anderson. "But a larger share of our applied efforts—those programs that will produce for the next 20 years what in the last 20 years was our TV industry, the computer industry, the jet aircraft industry—these can, and should, come from industry.

"Incentives, within the government's power to provide, would be desirable to give added energy to what is demonstrably the most efficient and effective industrial R&D system in the world."

Mr. Anderson also suggests that industry reexamine some of its attitudes. He cites the reluctance of many companies to take advantage of "certain advanced automation concepts developed in the course of [SRI] work for the U.S. government." The reluctance, he notes, stems from the fact that the firms "would not necessarily achieve a secret or proprietary advantage over their competitors . . . [yet] we know that Japanese industry has joined together in rather massive support for a similar type of program in that country."

GE's Dr. Bueche believes an industrial research director must look to outside sources of new technology—including other companies as well as foreign companies. "No company today, regardless of its size or technical reputation, can afford the false pride of avoiding opportunities to obtain access to external technology through licenses and technical exchange agreements with other companies, large or small."

General Electric, he notes, maintains scientific "observation posts" in other parts of the world, with offices in Zurich and Tokyo and a representative in London.

On the other hand, Dr. Bueche sees a tendency on the part of U.S. businessmen to "give too much away too cheaply" in licensing arrangements with strong foreign competitors. "Now that many of them are able to challenge—and put out of business—major American industries," he says, "I think the time has come to be a little more realistic and businesslike about patent licensing."

NATIONAL HUNTING AND FISHING DAY

Mr. BUCKLEY. Mr. President, at a time in our national life when the pressures of technological civilization are increasingly evident, it is good to know that tens of millions of Americans enjoy the outdoor pleasures of fishing and hunting. Those who fish and hunt not only benefit from the closeness to natural surroundings, but also contribute to the growing respect for our environment by their safe and prudent use of natural resources.

The fourth Saturday of September has been declared by the President to be National Hunting and Fishing Day, in line with a joint resolution of Congress of which I was proud to be a cosponsor. This day should remind all of us of our need to live in harmony with our nautral surroundings and our duty to use those surroundings in a way that will enable them to be enjoyed by future generations. American hunters and fishers have made great contributions to such a goal, and it is my hope that national recognition of their public spirit will enable others all across the land to emulate their fine example.

U.S. ASSESSMENT FOR UNITED NATIONS

Mr. McGEE. Mr. President, as a member of the U.S. delegation to the United Nations, I should like to say one of the issues to come before the 27th session of the General Assembly will be the question of the U.S. assessments.

The Denver Post of Thursday, August 31, contains an editorial which discusses the issue of what a fair U.S share of U.N. expenses is.

The Post editorial stated that while the United States should not attempt to reduce its obligation out of pique at U.N. practices or policies, or because of any other unworthy motives—

> The more each member nation becomes committed to the organization, the more effective it will be in international affairs, and few ties are more binding than purse strings.

In looking at the issue of U.S. assessments to the U.N., and our desire to have a more equitable distribution of the financial burden of the U.N. fall on the shoulders of the richer nations of the world, we should do so on the basis of that reason—and that reason only—not because we have become disenchanted with the U.N.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

What's Fair U.S. Share of U.N. Expenses?

What share of the United Nations' budget should the United States be expected to pay?

That's a question the U.N. General Assembly will be debating shortly.

The government has renewed a campaign to have the U.S. assessment reduced to no more than 25 per cent of the U.N.'s regular budget.

America currently is obligated to pay 31.52 per cent of the budget. None of the other 131 member nations pay as much. The U.S. share this year is $64 million, and unless the United Nations grants the request for a percentage reduction, the figure probably will be higher for 1973.

In addition to its share of the general budget, the United States has always contributed generously to U.N. special organizations and projects.

Last year, for example, the total U.S. outlay for U.N. activities came to nearly $500 million dollars.

This newspaper always has supported the United Nations, and on occasion has been critical of official U.S. attitudes toward the international organization.

We have, in particular, expressed the view that the United States should not be niggardly in providing financial backing for the United Nations.

However, in view of a rapidly changing international situation, and expanding domestic needs which are taking bigger and bigger bites out of the federal government's revenues, it is time to reevaluate the U.S. commitment to the United Nations.

Since the U.S. share was last assessed, the relative economic status of a number of other countries has changed, and they may now be in a position to shoulder more of the U.N. financial burden.

This is not to argue that the United States—still the richest nation in the world—should try to reduce its obligation out of pique at U.N. practices or policies, or because of any other unworthy motives.

It is to argue, rather, that U.S. policy, as expressed in a current memorandum to U.N. member nations, should be thoughtfully evaluated by everyone concerned, both at home and abroad.

The memo states that "the position maintained by the United States and a number of other member states in 1946, that it is unhealthy for a worldwide organization to be excessively dependent upon the financial contribution of any one member state," subscribed to strongly by American public opinion.

That probably is an accurate statement, and it ought to be considered both at home and abroad as an attitude that could help strengthen the United Nations.

The more each member nation becomes committed to the organization, the more effective it will be in international affairs, and few ties are more binding than purse-strings.

OUR TROUBLED HEALTH CARE DELIVERY

Mr. FANNIN. Mr. President, during the recent debate on S. 3327, the Health Maintenance Organization and Resources Development Act of 1972, I made the observation that to help our troubled health care delivery system, a new strategy is needed to minimize Federal intervention and regulation and to maximize the opportunity for self-regulation. If we are to serve the basic interests of the health care consumer and our institutions of health, we need a strategy which promotes efficiency and cost control by insuring the opportunity for regulations through economic choice.

Dr. Paul Ellwood has coauthored an excellent article entitled "Health Maintenance Strategy." The article emphasizes the case for a health maintenance industry that is self-regulating. It is an eloqunt statement, which I urge the Senate to review.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Health Maintenance Strategy

The Nixon administration must make a major decision on its strategy for dealing with the much proclaimed health crisis in America. It can either—

Rely on continued or increased Federal intervention through regulation, investment, and planning, or

Promote a health maintenance industry that is largely self-regulatory and makes its own investment decisions regarding resources such as facilities and manpower.

Presently, the Federal government is following the first strategy with these results:

The Federal government is the dominant voice in deciding how much money will be invested in medical schools (it pays 60% of the bill), the mix of dollars expended for training different types of health manpower, and how many new hospitals will be built.

The Federal government is fostering a planning structure at regional, state, and local levels through which panels of citizens can decide where facilities will be located and who will do what in medical care.

An inflation-prone health industry is pushing the Federal government toward increasing regulation of hospital costs and physicians' fees (and perhaps beyond that to wage regulation generally).

Faced with rising demand created by Medicare, Medicaid, and the growth of private insurance coverage, the Federal government is trying to decide how many dollars it can and should inevst in expanding the capacity to deliver health care. If the demand for medical care is escalated by inauguration of national health insurance, existing resources for delivery would be severely taxed, leading to additional Federal regulation, and perhaps ultimately to a nationaliaztion of health care delivery, at least to the poor, the aged, and rural residents.

We propose a shift from the present Federal regulatory, investment-planning strategy to a strategy that would promote a health maintenance industry.

The health maintenance strategy envisions a series of government and private actions designed to promote a highly diversified, pluralistic, and competitive health industry in which:

Many different types of Health Maintenance Organizations would provide comprehensive services needed to keep people healthy, offering consumers—both public and private—a choice between such service and traditional forms of care.

Services would be purchased annually from such organizations through Health Maintenance Contracts (capitation), at rates agreed upon before illness is incurred, with the provider sharing the economic risk of ill health.

A series of steps is contemplated over a period of five to ten years, in which the Federal government would:

1. Adopt the health maintenance strategy and call upon both private enterprise and public agencies to join the health industry in implementing the national objective of health maintenance.

2. Provide incentives for creation of health maintenance organizations.

3. Foster the elimination of any legal barriers which may block creation of such organizations.

4. Begin purchasing services under Medicare, Medicaid, and other Federal reimbursement programs by health maintenance contracts rather than by the present method of paying for individual medical services.

5. Build into these contracts a sufficient return to support necessary investments in manpower, facilities, and health services research by the contracting health maintenance organizations.

6. Review its activities in the health field to determine how they currently contribute to, or frustrate, the health maintenance strategy, and initiate necessary modifications to support it.

WHAT NEEDS CHANGING?

Medical care is presently provided by doctors, hospitals, clinics, visiting nurses, laboratories, and drug stores. The care is generally good, but no matter how hard each provider works, services are not available to everyone who needs them. It is the way health services are organized, paid for, and governed that prevents this, and it is this that needs changing.

Health services are delivered by units that are both too small and too specialized. Frequently, only informal mechanisms exist for referring the patient from one specialist to another, for helping him get preventive care, for guiding his use of the clinic or hospital, and for keeping his medical history. When there were fewer people and fewer services, the family doctor performed this function. Now it is necessary to find other methods to bring together all the services needed to keep a consumer healthy and to assure him that services will be available to him when needed. At present, medical organizations that take responsibility for defined populations on an enrolled or geographic basis are rare.

The way that health care is financed today works against the consumer's interest. Since payment is based upon the number of physician contacts and hospital days used, the greater the number of contacts and days, the greater the reward to the provider. The consumer, unable to judge his own treatment needs, pays for whatever he is told he needs.

Market mechanisms, such as competition and informed consumer demand, which might provide a check on the provision of unnecessary services, inflation, and inequitable distribution, do not exist in the health industry.

Existing mechanisms for consumer protection, such as licensure procedures and planning agencies, are often weakened by conflicts of interest, disinterest, and inadequate powers.

The health system is performing poorly because its structure and incentives do not encourage self-regulation. Regulation of the health industry, in its present form, at the very least will require control of the price of professional services; the quantity of professional services provided; the price of hospital services; the use of hospital services, the distribution and type of hospital facilities, including costly, high-capacity components such as cobalt therapy or heart surgery units; the types, numbers, and locations of professional personnel in at least 10 critical health professions and 20 medical specialties; the quality of services provided by more than 300,000 physicians.

Regulation of such scope and complexity would be difficult even in industries which produce easily identifiable goods. It is virtually impossible to do so in a service industry in which professional judgment is required on the level of individual nurses or doctors dealing with individual patients.

INADEQUACIES OF THE CURRENT STRATEGY: CONTINUED FEDERAL REGULATION, INVESTMENT, AND PLANNING

Current solutions being proposed for Federal health policy tend to deal with only some of the problems in the delivery of health care. While they include workable remedies, they fall short of the fundamental reform which is needed. In the long run, the only feasible solution is one which will make the industry self-regulating, so that constant intervention and tinkering will not be necessary. Whatever the benefits of gradualism and incrementalism, they do not justify the gradual incremental and haphazard expansion of Federal programs. The health maintenance strategy does not preclude the implementation of other proposals, but it advocates a longer-range strategy, as the following comparison of specific features will show.

REGULATING PRICES

There is no doubt that the taxpayer must be protected against excessive charges. Presently, the Administration is seeking to control Medicare and Medicaid expenses and is using these programs to develop incentives that foster economy. New methods of reimbursement must be tested to evaluate their effects on cost and quality. However, the wartime OPA and the more recent Kennedy-Johnson wage-price guidelines clearly demonstrated tnat price controls are very costly and cumbersome to administer, if done on an effective scale, and that if done on a lesser scale, "the good guys are penalized and the bad guys clean up."

The probable long-run results of using direct price controls on Medicare and Medicaid can be summarized as follows: a. controls would add a significant extra-market cost; b. the burden of the demand-pull inflation would shift to the non-Medicare/Medicaid population; c. physicians would be less interested in giving care to the less remunerative and administratively cumbersome Medicare/Medicaid population; d. controls would not provide an incentive for practicing preventive medicine, for reducing costs, or for installing more efficient organizational arrangements. However, the prospect of increased external regulation might have a beneficial effect, given the availability of a preferred alternative, in encouraging physicians to play a more positive role in regulating their own professional activities.

It is the indispensability of the physician's judgment that makes it unlikely that a price-regulation approach can succeed. Only the physician can determine what care is necessary, and, therefore, only he can eliminate unneeded expense. The physician cannot be policed to do so but must be motivated by professional ethics and by organizational arrangements which align his economic incentives with those of the consumer.

INCREASING THE SUPPLY OF HEALTH MANPOWER

Another proposed strategy is to increase the availability of health manpower, primarily physicians. If this strategy could be implemented, it would undoubtedly be beneficial. An increase in health manpower would facilitate delivery of care to those presently in need and would foster improvements in the overall quality of care—objectives which are clearly compatible with the health maintenance strategy.

One of the problems with this approach is the uncertainty of projecting manpower needs independently of the structure of the health industry. For example, projections based on physician-population ratios alone can be very misleading, since many other variables—socioeconomic factors related to demand, technologic advances, and organization arrangements affecting productivity, and so forth—should also be considered. Presently, the United States physician-to-population ratio is one of the highest in the world (153 M.D.'s/100,000 persons), exceeding the ratios in nations where infant mortality and other health indicators are superior to our own.

Another problem is the ultimate cost of more manpower. Since it is the physician, not the patient, who purchases health services for his patient, increasing the supply of physicians without changing the structure and organization of the health industry would further increase demand and escalate costs. This approach encourages the existing emphasis on labor rather than on capital investment, which could reduce costs by increasing productivity with technology.

Training costs involved in increasing the supply of manpower would also be high, and additional doctors would not be available for practice for at least 10 years. Since the United States already spends a greater proportion of its GNP on health services than any other country (6.7 percent in FY 1969), an additional investment of this magnitude is difficult to justify.

Further, it is doubtful that more physicians would solve the problem of availability of medical care anyway, unless unacceptable steps were taken to control the specialties they choose and the locations where they establish practice. For example, 53 counties in the United States have no available physicians, while some urban areas have more doctors than can be efficiently utilized. Optimal utilization of available health personnel is presently restricted by rigid licensing procedures, the constraints of malpractice, and other legal barriers. Thus, maldistribution and suboptimal utilization of health manpower result from conditions which cannot be treated by simply increasing the supply, and, in fact, the problem may be aggravated by this approach.

A preferred approach is to foster effective use of licensed personnel and to permit the use of new types of paramedical personnel. To do so will require structural changes in the health delivery system and appropriate increases in the supply of health manpower—goals advocated by the health maintenance strategy.

PLANNING AND DEVELOPMENT

Through programs like those conducted under Comprehensive Health Planning, the Regional Medical Program, and the National Center for Health Services Research and Development, the Federal government is encouraging experimentation to improve the organization, financing, and governance of health services. The goal is to promote innovation through local ingenuity by encouraging communities to devote appropriate attention to the problems of health delivery in their locales.

These programs have not yet demonstrated that local planners can solve fundamental problems. Most health planning groups are dominated by providers who have been reluctant thus far to subordinate their individual professional interests to those of the larger community. Moreover, community planning groups have neither the insight nor the authority to assume Federal responsibilities for solving national problems. Thus to rely solely on this strategy could lead to more and more public intervention and community frustration without producing basic improvements. If community planning groups become advocates of the status quo, as many of them appear to be, they might actually impede the introduction of basic reforms in health delivery systems. On the other hand, local planning and development programs could provide valuable assistance in implementing new strategies for health care delivery.

NATIONALIZED HEALTH INSURANCE

Two far-reaching proposals for reform are currently being discussed: nationalized health insurance and public ownership and management of health care organizations. National health insurance is compatible with the health maintenance strategy but, while it would remove financial barriers to receiving care, it would not solve problems of cost, availability, and quality. Experience with Medicare and Medicaid has shown that a major increase in demand does not stimulate reorganization of the industry (although it does raise costs). Moreover, the experience of other nations suggests that national health insurance may even reduce the likelihood that basic improvements can be introduced.

Even if public ownership of the health system were politically or philosophically tenable, there is good reason to believe that public ownership would further complicate existing problems of cost and quality. Although public ownership might facilitate a more equitable distribution of services, the industry would still require basic reorganization, and in all likelihood a publicly-owned system would produce impersonal and immovable bureaucratic control.

THE NEW STRATEGY: A HEALTH MAINTENANCE INDUSTRY

The alternative proposed here—the health maintenance strategy—is based on the promotion of a highly diversified and competitive health maintenance industry. Internal self-regulation would be encouraged by providing economic and professional incentives directed toward maintaining health rather than merely providing services when illness occurs. It is essentially a market-oriented approach in which medical care is delivered by organizations.

The health maintenance policy is expected to substantially lessen the Federal government's role in the planning and management of health programs, and therefore, should not be regarded as "just another Federal health program." Federal health programs are often based on the premise that it is essential to increase the government's responsibility for making decisions that would otherwise be made in the private sector. The health maintenance policy reverses this process of government intervention by encouraging the evolution of organizations that manage themselves in accord with clear and precise Federal policies. If experience should indicate that regulating certain aspects of the industry is desirable, appropriate measures can be initiated. However, undue initial regulation of the health maintenance industry would frustrate its growth without providing definitive proof of its potential advantages.

HEALTH MAINTENANCE CONTRACTS

The operation of health maintenance organizations is contingent upon the health maintenance contract—the key feature which assures that these organizations will deliver health services more efficiently and effectively than conventional providers. By this contract, the health maintenance organization (HMO) agrees to provide comprehensive health maintenance services to its enrollees in exchange for a fixed annual fee. The consequences of this contract to both the consumer and the provider are vital to this strategy. The economic incentives of both the provider and the consumer are aligned by means of their contractual agreement, which assures that the provider will share the financial risk of ill health with the consumer. Since the economic incentives of the contracting parties are identical, both would have an interest in maintaining health. Moreover, the health maintenance organization guarantees that services will be made available to the consumer, unlike conventional insurance plans which merely guarantee reimbursement for services, if the consumer can find them.

Thus, the health maintenance approach is distinguishable from both the traditional means of providing care and the traditional means of financing its purchase. Consumers would have the opportunity to choose between conventional health insurance and the health maintenance contract. Payments would be set at a level which would permit the HMO to make necessary investments in manpower training, capital facilities, and research in health care delivery consistent with the needs of its consumers. Overbuilding and wasteful use of manpower would be discouraged without resorting to excessive public intervention. In short, profitability would be a condition of survival, and efficient health organizations that manage and invest well would thrive.

HEALTH MAINTENANCE ORGANIZATIONS (HMO'S)

Under the health maintenance strategy, the consumer would be able to purchase health maintenance services from a variety of competing organizations. These organizations would bring together in effective working arrangements whatever professional personnel, facilities, and equipment may be necessary to maintain the health of their clients. Federal concern would focus on the performance of the HMO, not on its organizational structure. No health maintenance organization would be granted an exclusive territory.

The benefits of health maintenance organizations have been successfully tested by more than two dozen existing organizations serving more than eight million consumers. Such organizations provide all of the services needed for restoring and maintaining the health of a specified client group. They have demonstrated the benefits of modern management techniques, team practice, advanced information technology, professional surveillance of quality, and effective integration of capital and labor—attributes characteristic of organized health care systems.

Since existing HMOs are marginal forms of care, outcome and performance data must be interpreted with caution. Nevertheless, comparisons of the performance of health maintenance organizations with that of the more traditional modes of health care delivery substantiate the high quality care provided by HMOs, as indicated by fewer premature births and newborn deaths, and by lengthened life spans for matched populations of elderly patients. Rates of hospital utilization and surgery are also conspicuously lower for health maintenance organizations, and HMO subscribers require fewer physicians per capita and fewer hospital beds than is true for the United States as a whole.

The establishment of health maintenance organizations is a movement already underway in the health industry. Organizations are being established by county medical societies, urban tax-supported general hospitals, medical schools, consumer groups, and private enterprise. Especially promising are the new consortiums of industrial, medical, and educational institutions. Corporations have shown more than casual interest in forming such organizations to maintain health. These include insurance companies such as Connecticut General, Metropolitan, Equitable, Prudential, and the Blues. Other major corporations such as Westinghouse, General Electric, Upjohn, DuPont, and Texas Instruments have expressed interest in the idea and some have specific planning efforts underway. Outstanding medical schools, such as those at George Washington, Harvard, Yale, and Johns Hopkins, have already started HMO programs. Medical schools at the University of California, University of Rochester, Georgetown, the University of Minnesota, Washington University (St. Louis), and the University of Indiana are either planning or actively developing HMOs. Community or union-sponsored programs are in the active planning stage in Providence, Pittsburgh, Philadelphia, Nashville, and a number of other cities. The Kaiser Foundation Health Plan has experienced a recent surge in growth, and is actively establishing new programs in Cleveland and Denver. In line with this extension of its activities beyond its formerly exclusive West Coast market area, Kaiser is evaluating the possibility of establishing HMOs in other eastern cities. Finally, health maintenance organizations sponsored by county medical societies are under consideration in virtually every state.

This broad array of organizations only hints at the variety of organizational patterns through which health maintenance services can be delivered under the terms of the health maintenance strategy, since most existing organizations must still make significant concessions to conventional methods and organizational structures to gain professional and consumer acceptance. Theoretically, however, solo practitioners could underwrite hospital and clinic care in order to contract for health maintenance. Physicians might wish to participate in health maintenance organizations for a fraction of their time and pursue other professional activities in addition. The increased involvement of private corporations, experienced in more sophisticated applications of management and the ability to generate and effectively use capital resources, can be expected to add further diversity and competition to the health industry.

The health maintenance policy advocates minimal interference in the internal arrangements of health maintenance organizations, relying instead on performance-reporting for consumer protection and on competition to control costs and to improve distribution.

CONSUMER PROTECTION

The health maintenance strategy would reorient the health industry so that its natural forces are compatible with the public interest. Since health maintenance organizations now comprise a relatively small segment of the industry, accurate forecasts of performance for a greatly expanded and competitive health maintenance industry are not possible.

Many are wary of a market approach to health care delivery. The assumptions behind their skepticism, which are often used to justify the monopolistic approach of the health industry, include the following:

The consumer of health services is often poorly advised about the nature and quality of health care, and is not capable of making an informed choice between competing scources of care. Under these conditions, poor scources of care are just as likely to attract consumers as good ones.

Disparities in the distribution of income gives consumers an unequal command over health care resources that are in short supply.

Inequitable health levels among consumers of health services will discriminate against high-risk populations in the competition for health care services.

Such skepticism appears unwarranted, however, when it is noted that the health maintenance strategy would improve the health care market, if the following requirements were met:

Health maintenance contracts would be awarded only to responsible organizations whose structure, resources, and performance demonstrate the capacity to provide quality health services.

A performance reporting system of proven reliability would be developed and installed to provide both individual consumers and quantity buyers (e.g., HEW) with accurate information on the comparative performance of alternate sources of health care. (HMOs would be required to make such information available.)

To prevent discrimination against low income consumers, HMOs would be required to provide mandatory Medicare and Medicaid benefits at prices comparable to the traditional sources of health services. HMOs that wish to provide additional benefits could only do so on an optional basis to Medicare and Medicaid subscribers.

To avoid the possibility of creating a separate medical care system for the old and the poor, health maintenance organizations would be required to also accept individuals who are not entitled to Medicare and Medicaid.

To protect against adverse selection, HMOs would be required to accept prospective consumers on a first-come, first-served basis. Surveillance of the characteristics of populations served and services provided by HMOs would be maintained, and if discrimination is evident, appropriate acton would be taken. This could include refusal to negotiate with offending HMOs.

CONCLUSIONS

The health maintenance strategy would apply the economic leverage of the Federal government's purchasing power and its suasive influence to create a competitive health industry in which health services increasingly would be provided by HMOs. The strategy assumes that HMOs are capable of producing services more economically and effectively than conventional providers by integrating and coordinating the many elements of health care, through the incentive of sharing the economic risk of illness with their subscribers.

The emergence of a free-market economy could stimulate a course of change in the health industry that would have some of the classical aspects of the industrial revolution—conversion to larger units of production, technological innovation, division of labor, substitution of capital for labor, vigorous competition, and profitability as the mandatory condition of survival. Under such conditions, HMOs would have a vested interest in regulating output, performance, and costs in the public interest, with minimal intervention by the Federal government.

Most important, the health maintenance strategy offers a common cause for the collaboration of the professional, public, and private enterprise sectors of the health industry in alleviating the medical care crisis in a rational and timely manner, as a feasible alternative to a nationalized health system.

WIND RIVER, WYO., NATIVE CRAFTS CORP.

Mr. McGEE. Mr. President, it was nearly a year ago when a unique business venture was launched on the Wind River Indian Reservation in Wyoming. The venture became the Wind River Native Crafts Corp., a completely Indian-owned cooperative enterprise.

Through the assistance of a Chicago businessman, Mr. Albert Cook, who now makes his home on the reservation in Burris, Wyo., a business corporation was formed that has revolutionized the crafts industry at Wind River. Mr. Cook provided the business expertise in setting up the corporation and worked diligently with the Indian community to line up the support of the Small Business Administration and acquire local contributions as seed money for the venture. He also provided money out of his own pocket in the form of a loan to the corporation. The total amount of seed money provided the project from all sources was $25,000; and yet, from this small beginning, some $500,000 in sales is expected to be reached by the end of the first year of operation.

This project has held special interest for me, since I worked with the SBA in attempting to line up the initial funding for the enterprise.

The Denver Post of Sunday, September 17, contains an article concerning what happened on the Wind River Indian Reservation. I know Wyomingites in general, and the Indian community in particular, take great pride in what has been accomplished with the Wind River Native Crafts Corp.

I ask unanimous consent that the Denver Post article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE WIND RIVER INDIANS GO INTO BUSINESS

THEY HAD LITTLE PROSPECTS FOR ESCAPING THEIR POVERTY UNTIL LAST WINTER WHEN A COUPLE FROM CHICAGO POINTED OUT A SOLUTION

(By Zeke Scher)

Auditors in the Small Business Administration offices in Washington, D.C., alertly discovered last February that something unusual was afoot on the Wind River Indian Reservation of west-central Wyoming.

It was so unusual, in fact, that SBA thought its computers were on the blink. So they checked, and came up with the same results—more than 300 SBA loans on the reservation within three months. And each of them for exactly 250.

Indeed, something very unusual was going on. Shoshones and Arapahos, historical enemies who live at separate ends of the 2.2 million-acre reservation, had joined to form a business corporation that was revolutionizing their crafts industry. And the SBA loans were financing it.

A paleface couple from Chicago, who live on an old allotment within the reservation, hatched the idea. A remarkable 40-year-old Arapaho woman is making it work.

The Chicagoan is Albert Charles Cook, a white-haired, 50-year-old furniture merchandiser who ran out of breath two years ago during the business ratrace. It wasn't the competition; it was the lungs. Emphysema was the problem. Wyoming was the answer.

In February 1970 he and his pretty wife, Elizabeth, moved out of their 61st floor Lake Point Tower apartment and headed for their summer home in the foothills of the Wind Rivers near Burris, Wyo. You know where that is—west of Crowheart, between Fort Washakie and Dubois, just off U.S. 26 and 287. The census lists the population of Burris at 10, but that may be high.

Cook got his first look at western Wyoming in 1965 while buying wood parts at a Riverton furniture plant. He visited a dude ranch at nearby Dubois, and by that fall was owner of a quarter section of Wyoming.

Cook gave a local contractor, Phil Spencer, a free hand in building a summer home on the land. In six months he'd finished a handsome log structure on the upper edge of a bowl-like pasture commanded by a resident bull elk.

For the next four summers the Cooks and their four children—Carolyn, now 18, Frederick, 22, Stephen, 23, and Charles, 25—came west to enjoy Wyoming.

The Cooks are sociable people. Soon they were inviting neighbors to dinner. Among them were two Shoshone couples, Herman and Wallace St. Clair and their wives.

Conversation got around to reservation-made crafts—or rather, the lack of them. Cook was surprised he couldn't find any to buy. The St. Clairs mentioned that Bobbie Hathaway, the Wyoming governor's wife, was encouraging the creation of a guild to promote crafts work.

The guild made slow progress. A recent reservation economic report said the guild over a three-year period purchased $6,000 worth of craft goods from members.

After the Cooks became year-round residents in 1970, they got to know more of their neighbors and the neighbors got to know the Cooks. Both Al and Elizabeth had been very active in Illinois civic affairs—PTA, symphony, Scouts, hospitals, politics—and it wasn't natural for them to be sit-at-homes. However, as johnny-come latelies on an Indian reservation, they weren't about to try and take over.

But in May last year, a question from a group of Indians fell on sympathetic ears: "Can you help us?"

The Cooks felt a properly organized and efficiently run cooperative enterprise—with knowledgeable merchandising—could succeed in promoting the crafts that many of the 4,435 Indians on the reservation were capable of producing in volume. It certainly was needed, what with a 47 per cent unemployment figure.

The Cooks spend many hours talking with tribal leaders and anyone else showing an interest—Congressmen, Bureau of Indian Affairs (BIA), Agriculture Department and a myriad of federal economic development agencies. All offered encouragement but little else. The SBA said it couldn't loan money to a cooperative. That last rebuff rang a bell.

Last July the Cooks checked with the Wyoming Secretary of State's office and drew up articles of incorporation for an enterprise to be known as Wind River Native Crafts Inc. Stanford St. Clair, a Shoshone and rancher at Crowheart, and his Arapaho wife, Leona, helped recruit a board of directors—three Shoshones, three Arapahos, a Bannock and two ex-Chicagoans.

A year ago the document was filed in Cheyenne. Purpose of the new corporation: To do everything necessary to promote, manufacture and sell authentic Indian crafts, such as beaded moccasins, elk hoof bags, war bonnets, claw necklaces, beaded buckskin belts, braid wraps, bolo ties, headbands, dolls and various ceremonial apparel.

Stock in the corporation could be purchased only by craft producers and then only one share each.

With corporate papers in hand, Cook returned to the SBA and asked for a loan of $25,000, if you please. The SBA said no, then maybe. Finally, the federal agency agreed to provide $15,000 if others put up $10,000.

The Wyoming Industrial Development Commission kicked in $2,500. Two Riverton men—publisher Roy Peck and banker Harmon Watt—also loaned $2,500 each as a civic gesture. And so did Albert Cook.

On Oct. 27, with the $25,000 banked, the corporation made its first purchase, a Chevrolet van to reach "stockholders" around the big reservation. The corporation also signed a one-year lease on the former M&R Grocery store building at Crowherat for headquarters.

The Cooks and the St. Clairs got into the new van Nov. 1 and made their first recruiting visits. In two-hour visits to Fort Washakie, Arapahoe, and Ethete (pronounced E-th-tee), they got 25 signatures. The word began to spread.

Al Cook was well aware that if the Indians were to be encouraged to produce quality craftwork in volume, they would have to receive compensation promptly. But between production and retail sale would be a lag. The $25,000 would soon be used up before money began to come in. So where could additional funds come from to pay the Indian workers as soon as they brought in their goods?

Between approval of the initial SBA loan and the first sign-ups, Cook and federal officials figured out an ingenious way to finance the operation.

Each crafts producer who agreed to become a stockholder also filed out an SBA application for a $250 loan, to be co-signed by the corporation.

Without the corporate backing, the loans probably would have been rejected as bad risks because most of the Indians had neither assets nor business experience.

As each loan was approved, the money went into the corporation treasury for purchasing crafts from the Indians, promoting their sale and obtaining raw materials for resale to the tribesmen. The corporation agreed to pay off each loan at a rate of $5 a month.

Success of the sign-up campaign amazed the Cooks, the same way Washington SBA officials were surprised by the deluge of $250 loan applications. By Jan. 1, there were 200; by Feb. 15, 300; on July 1, 500.

No one promised to make the Indian craft producers rich. They were to be paid reasonable wholesale prices, which was a lot better than the bottle of whisky or other barter many had been getting. A sure market and instant cash payment were the major incentives.

But there was the capitalistic profit angle too, perhaps a little obscure for the average reservation Indian to grasp. At the end of the fiscal year—next Sept. 30—the board of directors will study the profit and loss sheet. If there is a profit, this will be distributed among the stockholders as in most corporations. However, the dividend to each stockholder will be based on the amount of crafts he's sold to the corporation during the year.

All this sounded fine, but the entire operation depended on some very practical business considerations:

How would craft prices be fixed for the Indian producers?

How would quality standards be set, maintained or raised so the products would be in demand?

How would the crafts be marketed, if and when an inventory was compiled?

Anyone undertaking to appraise the artistry of Arapaho and Shoshone craftwork faced the prospect of an Indian war. Could one Indian tell another Indian that his work was "wrong"? (Indian crafts must not only show good workmanship; they must be right—the way they're supposed to be.) Could an Indian avoid criticism if he happened to set one price for a fellow tribesman and a lower one for a member of another tribe?

(In addition to Shoshone and Arapaho, there are Sioux, Comanche, Bannock, Ute, Navajo, Mescalero Apache and Taos Pueblo Indians who are stockholder-producers.)

The "impossible" job of appraiser was accepted by Leona St. Clair. A 40-year-old enrolled Arapaho, she is married to a Shoshone and is the mother of six. Her paternal grandmother was a Gros Ventre, her mother Arapaho.

Leona took the title of manager and bookkeeper. She circulated a news letter announcing she would buy on a regular schedule: Mondays and Fridays at the shop set up in the Crowheart headquarters; and on successive Wednesdays at the Great Plains Hall in Arapaho, the Community Hall in Ethete and the Rocky Mountain Hall at Fort Washakie.

She met with older women of the tribes and drew up a tentative price list as a guide. She studied the "right" crafts so she could explain the reasons for her prices—or for rejecting items.

"I knew many needed a lot of encouragement," she says. "Some of their work was very poor. At first it took me all day to handle 30 people and explain what was needed to improve.

"Members of the Joint Tribal Council came to me and asked why I was turning people away. I told them I wanted better work and that I would turn down poor work even from the president of the United States."

The job took its toll, emotionally and physically. While Leona appears businesslike, she is highly sensitive to the needs and feelings of the Indians.

"At first I didn't think I could take the pressure," she says. "People would demand a price, I'd explain what I could pay and we would argue. I worried about what would sell, what should I stop buying, what was the right price.

"I had terrible headaches and the doctor gave me some pain killers. I determined that I would not let people upset me and I don't argue any more. Now I set a price and it's take it or leave it."

On a recent buying day at the Ethete Community Hall, the line of waiting producers extended some 50 feet, from the end of a long table where Leona sat, to the front door. They came with their products in paper bags or held under shirts, jackets or shawls to protect them from a gentle rain. They ran the gamut in age and appearance from a few teen-age long hairs to wrinkled and gray senior citizens who usually are the best craftsmen.

As the Indians moved down the table they could select a wide variety of raw materials. These could be deducted from their payments when they reached Leona. She, meanwhile, was pricing, buying, explaining and writing checks. Leona started at 10 a.m. and didn't get up from the table until 5:30 p.m.

The producers also showed great patience. Many waited in line for as much as two hours. Some chatted quietly; most stood silently. Waiting children were less patient, running about the hall or even crawling about Leona's feet beneath the table. At noon, Ethete women provided for $1 a meal of boiled dried elk, chokecherry gravy, fried bread and coffee.

By day's end 96 craft producers had received checks totaling $3,769.65.

Each week, Leona's purchases have surpassed the entire three-year total reported by the old guild. At the present rate, the corporation business will total $250,000 in direct payments to the Indians this year. Hopefully, the merchandise can be resold for $500,000, making the corporation the largest local private enterprise other than a few ranch operations.

"I've seen great improvement in workmanship in a very short time," Leona says. "They take more pride in their work. I know they don't like to be rejected in front of the crowd. That's one of the big reasons they're improving."

During *Empire's* visit, only a few bickered with Mrs. St. Clair. "You gave me $5 last time," a woman objected.

"I will give you $4," Leona repeated, ending the debate. Later, Leona rejected a fan made of dyed turkey feathers.

She calmly explained that a good fan must be symmetrical—feathers from the left wing should be on the left, from the right wing on the right and the tail feathers in the center. Eagle feathers are best. It is illegal to deal in them but when a dead eagle is found, the feathers may be used. Often these show signs of scorching where a bird has struck power lines.

No plastic is permitted. Real bone (from Italy!) is used in various ceremonial pieces. Beads must be glass. Indian tanned buckskin, rawhide, porcupine quills, elk hoofs, woods, stone arrow points, shells, hair, skins—these are the raw materials. While sinew is preferred in bindings, invisible threads are acceptable.

The finished products are of such increasing quality and beauty that Cook has had little trouble in lining up prestigious outlets, including the Denver Art Museum, Field Museum of Natural History in Chicago, Wyoming State Museum in Cheyenne, Whitney Gallery of Art in Cody, the Indian Arts Museum at Grand Teton National Park, and gift stores in Laramie, Casper, Jackson, Estes Park and Dodge City.

An old friend in Chicago, Bruce Beck, provided Cook and the corporation with a colorful insignia—a red rose next to a blue morning star—which with a fact tag is attached to each item. Photographer Allen Snook has taken a series of vivid transparencies for an upcoming brochure.

For all his efforts and expertise—the United Nations had Cook advise Taiwan on marketing their wood products—he receives no pay. In fact, he can't even get a discount at the Crowheart shop—although Mrs. Cook is one of their best customers. (Stockholders are given 10 per cent off retail when they buy another artist's work, but the Cooks can't become stockholders unless they learn to make items good enough to pass Leona.)

The economic transfusion has had noticeable effects on the reservation. School teachers have commented on the newer and cleaner clothing worn by the children. Families that doubled up in crowded quarters are moving into separate homes. Car payments and other bills are being paid. Among individual Indians the interest rate on savings accounts has become a matter for discussion.

When George Quiver, Old Man of the Arapaho Tribe, told Leona, "What you are doing is good," that meant something. And so did graying Winnie Shot Gun's comment: "You're feeding me."

"If a dividend is paid after September," says Leona, "we will really boom. Most of the Indians don't understand the future dividend prospects."

Good-neighbor Cook feels many of the federal programs flop because they try to build from the top down.

"If Indians are going to run a company they have to know how it's done," he says. "You have to start by building up and establishing a dependable source of goods. They have to understand how society operates.

"We've proposed to the Bureau of Indian Affairs that they survey all the reservations and see what is being produced, find the key people and start the building process—from the bottom up. I can envision corporations like ours in Montana, Utah, Idaho, South Dakota—and we could centralize merchandising for them right here in Crowheart."

Al Cook is breathing easier these days. He's scaling new heights—including those Wind Rivers—and the old emphysema doesn't seem to bother anymore. Good work is heap good medicine.

FULL EMPLOYMENT AND JOB DEVELOPMENT ACT OF 1972

Mr. JAVITS. Mr. President, on August 17, 1972, joined by 14 cosponsors, I introduced S. 3927, the Full Employment and Job Development Act of 1972. The cosponsors are: Senators MONDALE, BROOKE, CASE, HARRIS, HART, HARTKE, HUGHES, HUMPHREY, MATHIAS, MOSS, MUSKIE, PELL, RANDOLPH, and WILLIAMS.

The bill would establish a Federal Full Employment Board as an independent agency in the executive branch of the Federal Government, and would create a

Full Employment Assistance Fund to be used at the discretion of the Board by the Secretary of Labor for the provision of financial assistance for job development and related training in public service fields—$1 billion is authorized for the fund for fiscal year 1973.

It is designed to provide for the first time the mechanism to put teeth into the concept of full employment.

The Manpower Information Service, a biweekly review of the manpower developments by the Bureau of National Affairs, Inc., with wide circulation among manpower experts, has undertaken an extensive analysis of the bill in its September 13, 1972, issue, noting both its strengths and possible weaknesses.

It concludes that the proposal is a "thought provoking addition to the manpower legislation hopper" and "deserves the most serious consideration."

It is my hope that there will be an opportunity to conduct hearings on the bill in the Subcommittee on Employment, Manpower, and Poverty during this Congress so that we may have the benefit of the views of experts in preparation for reintroduction and consideration in the next Congress.

So that Senators may become aware of some of the considerations involved in the proposal, I ask unanimous consent that there be printed in the Record the Manpower Information Service article, which I mentioned, and a section-by-section analysis of the bill.

There being no objection, the items were ordered to be printed in the Record, as follows:

Javits' Full Employment Proposal Redesigns, Expands Manpower Effort

The Full Employment and Job Development Act of 1972, introduced on August 17 by Senator Jacob Javits (R.-N.Y.) and cosponsored by 14 other senators, represents the second major part of the New York senator's deliberately conceived design for comprehensive manpower legislation. This bill is a companion piece to Javits' earlier entry in the manpower field, the Community Manpower and Employment Act, which he characterized as a substitute for the Administration's Manpower Revenue Sharing proposal. A third Javits manpower bill dealing with the specific problems of providing training and employment for individuals who have been caught up in our correctional system, i.e. prison inmates, parolees, and adjudicated youth—will probably follow later in the year.

While the Javits Community Manpower and Employment Act deals only with those facets of manpower reform which are normally considered under the rubric of comprehensive manpower legislation, namely the problems of decentralization of control, and consolidation and decategorization of programs, the new Full Employment bill is in many respects much more comprehensive. If enacted, it could have far reaching consequences for the development and implementation of national manpower policy and programs.

Taking as its premise the obligation to achieve full employment—the unfilled promise implicit in the 1946 Full Employment Act—the Javits bill moves toward a guarantee of work. The bill states that "it is necessary to assure an opportunity for a gainful, productive job to every American who seeks work and to furnish employment opportunity, training, and related assistance needed by any person to qualify for employment consistent with his or her highest potential and capability." The bill proposes to meet this obligation in two ways: first, by the establishment of a new independent government agency, the Federal Full Employment Board; and second, through the establishment of a substantial fund of money, the Full Employment Assistance Fund, which would be used as needed for job development in the private or public sector—and so put meat on the bones of the Full Employment Board's recommendations. By separating the administrative problems of the delivery of manpower programs from the policy concerns of full employment, Senator Javits has made an important distinction which should help to sharpen the continuing debate on manpower reform.

THE FULL EMPLOYMENT BOARD

As proposed under the Javits bill, the Federal Full Employment Board is intended to be the federal government's advocate for full employment. It is to consist of five members, appointed by the President by and with the advice and consent of the Senate. Its composition would include one member each from management and the general public as well as a "distinguished economist" and a "distinguished manpower expert." There would be a chairman appointed by the President, but not more than three of the five members could be from the same political party. The members would serve full time for staggered terms of three years. The board would have a staff headed by an executive director, who would also be appointed by the President and subject to Senate confirmation.

The primary responsibility of the board would be to recommend to the Congress and to the President a program to achieve full employment, in terms of monetary, fiscal, income, manpower, training, and other relevant policies. As explained by Senator Javits, "We have no way to coordinate or to get an overview of the (existing) uncoordinated initiatives and to insure the maximum utilization of resources and to chart a course toward full employment. Today the government has a whole range of powerful tools available to it to help control the economy and to ensure that employment goals are reached. It is about time we started pulling all those levers in a planned way so as to achieve and maintain full employment as well as price stability."

The recommendations of the board would be contained in an annual report to the Congress and to the President. To assure that the work of the board and the problems of employment received the considered attention of the public and the press, as well as of lawmakers and federal executives, the bill also provides that the report should be the subject of annual hearings held by the Senate and House committees concerned with manpower and employment. This is similiar to the procedures now in effect under which the Congressional Joint Economic Committee conducts hearings on the Council of Economic Advisers' economic report to the President.

As part of its overview responsibilities, the Full Employment Board would also undertake manpower planning, as well as short and long range surveys to estimate employment and manpower needs. These surveys of supply and demand need not be cast only in terms of broad national trends, but could be given a more limited scope focusing on particular geographic areas, industries, or occupations, or sectors of the labor force. Such an approach would go far toward overcoming one of the most persistent roadblocks to intelligent and effective development of national manpower policy; that is, the difficulty in designing national programs which will also serve specific local situations.

To accomplish its objectives the board would be given authority to evaluate existing programs, to call on other agencies for assistance, to review decisions affecting employment made by employers both in the private and public sectors, to hold regional and national conferences, and to employ expert assistance as necessary. The bill also provides for standardized reporting on the progress and effectiveness of existing manpower programs, including data on the characteristics of those involved in federally assisted manpower programs, follow-up information for a year after completion or participation in manpower programs, as well as pertinent information on wages, salaries, and occupations.

It should be noted, however, that the bill does not contemplate the replacement of the present Manpower Administration within the Department of Labor by the Full Employment Board. On the contrary, the limited funding provided in the bill for the board's operations—$3 billion per year—clearly indicates that the administration of manpower programs will remain with the Labor Department. As Senator Javits stated, the board is to be the government's advocate for full employment—a role that he feels is not now being filled by any other agency, including the Council of Economic Advisers. As an advocate, however, the board would be in a position to get at one of the most difficult problems that has faced federal manpower planners in recent years. "Manpower" has evolved in just a few years from a program to train or retrain individuals who could not compete in the labor market to a multifaceted social program concerned with all aspects of employment and unemployment. But there has been no systematic way for the administrators of narrowly defined manpower programs to link their plans with the efforts of other policy planners who come at the problems of employment from a different focus; defense procurement, for example, or foreign trade policy, or particularly, the broader aspects of economic policy, e.g. price stability or inflation control.

POTENTIAL CONFLICTS

Establishment of the proposed Full Employment Board would go far toward filling this void, however, there are still some problems posed by the creation of a new independent agency. The most obvious, of course, is the potential conflict with the Department of Labor. Despite the fact that the bill limits the board to an advocacy role, it is always possible that an aggressive board, or more likely an aggressive chairman, could easily find himself in conflict with a Secretary of Labor over the proper policy and program mix at any particular time. This might be especially difficult since the board is given responsibility for setting forth the general standards and guidelines for the utilization of the proposed Federal Assistance Fund—a billion dollar money bag which the board could use to implement its recommendations.

Another potential trouble spot is the provision in the bill that the members serve for three-year terms. As with so many of our federal boards and commissions, such a system means that there would be at least one year, and possibly two, when the board would be dominated by members of the opposite political party than that of a first term President. A situation of this sort, when applied to such an important area of national policy as employment, might well frustrate the whole domestic program of the incoming President.

It is also quite possible that a new Full Employment Board could find itself in conflict with the Council of Economic Advisers, which, as part of its responsibility to provide the President and the Congress with an overview of the economic health of the nation, must certainly consider and report on national problems of employment and unemployment. Senator Walter Mondale (D.-Minn.), one of the bill's cosponsors, has replied to this criticism, arguing that the Council of Economic Advisers has not given and cannot give enough attention to the problems of employment.

FULL EMPLOYMENT ASSISTANCE FUND

Perhaps the greatest potential for the Full Employment Board to make an impact on national manpower policy is found in the provisions of the Javits bill which provide for a so-called Full Employment Assistance Fund. This fund, authorized for the first year at $1 billion, would be under the direct control of the board and would be used to create public service jobs. It is intended to serve as a substitute for the present Emergency Employment Act, which is due to expire at the end of this fiscal year on June 30, 1973. Although the Secretary of Labor is given responsibility for the administration of the fund, he must follow the "specific directions" of the board.

As proposed under the bill, the Full Employment Assistance Fund follows the general pattern of the present Public Employment Program, but there are some important differences. First, the bill provides that funds may be given by the Secretary directly to private nonprofit agencies, as well as to public agencies. This would appear to eliminate the present concept of administering the program through a limited number of designated program agents, presently restricted to states and cities or counties of at least 75,000. It also opens the door to sponsorship of public employment programs to community action agencies and to community development corporations.

Second, like the Emergency Employment Act, the bill tackles the problem of assuring that the program is a transitional one for its participants and not a permanent kind of make-work program. The bill includes many of the same provisions as EEA regarding upward mobility, requiring that participants be given every opportunity including training and supportive services so that they may move on to other jobs in either the public or private sector. *However, unlike EEA, it would appear that the Javits bill envisages a greater use of the fund for training than in the present PEP program.* The bill also includes a provision requiring the agencies and institutions to whom financial assistance is given to make an effort to eliminate artificial barriers to employment.

The public job program proposed under the Javits bill is clearly meant to be a permanent part of the manpower framework. It is not meant to be a one-shot emergency program, nor is it meant to be a permanent subsidy to help hard-pressed state and local governments meet public service needs. Under the Javits bill, public service employment is seen as essentially a *manpower* program—tailored to meet specific localized or general unemployment problems. In explaining the program Javits has said, "This is not the old doctrine of the federal government as the employer of last resort. . . . Public service employment is a tool, but not the only one, and I consider it wise to let the Board determine first the best ways to develop more jobs in the private sector through other means and then decide where and to what extent to apply money for public service employment."

Almost all of the proposals for comprehensive manpower legislation that have been made in the past three or four years have recognized the utility of public service employment as one of many manpower tools. The chief argument has been over whether public employment should be a permanent or an emergency program; whether it should be given special attention—and therefore guaranteed a degree of permanence—as a separate title in a comprehensive bill, or whether it should merely be one of a long laundry list of the kinds of manpower activities permitted to a local prime sponsor.

In separating public service employment entirely from other manpower tools, the Javits bill goes farther than any of the previous proposals. By taking this tool out of the laundry list, and even giving control over its use to a separate independent agency, the Javits bill upgrades the significance and increases the potential impact of public service employment. But it also creates some difficult problems. At the federal government level, divided control over manpower policy might well inhibit effective utilization of the new tool. But perhaps more important, at the local level, where CAMPS has just begun to develop and manage coordinated manpower programs, cities and states might find that divided control of public service job funds could prove to be a roadblock to rational planning and coordinated local efforts.

In any case, the Javits proposal is a welcome and thought provoking addition to the manpower legislative hopper. It deserves the most serious consideration. Despite the recently reported disenchantment with manpower programs of some of the Administration's top economic officials, it seems quite likely not only that the manpower debate will continue, but also that new manpower legislation will be enacted within the next fiscal year.

SECTION-BY-SECTION ANALYSIS OF FULL EMPLOYMENT AND JOB DEVELOPMENT ACT OF 1972

Sec. 2. *Congressional Statement of Policy and Findings.* This section states that in order to attain the national objective of full employment it is necessary to assure an opportunity for a job to each American, that the United States has the capacity to do so and that the Federal Government lacks any comprehensive means to reach that objective.

The purposes of the Act is to provide for the implementation of a full employment policy through the establishment of a "Federal Full Employment Board" and the provision of assistance for job development in the public and non-profit private sectors and related training and assistance.

Sec. 3. *Federal Full Employment Board.* This section establishes as an independent agency in the executive branch a "Federal Full Employment Board", to consist of five members appointed by the President by and with the advice and consent of the Senate as follows: one representative of labor, one of management, one distinguished economist, one distinguished manpower expert; and one member of the general public. Not more than three members may be of the same political party. Members shall serve full time.

Sec. 4. *Functions of the Board.* This Section authorizes and directs the Board to (i) recommend to the President and to the Congress a program to achieve full employment; (ii) undertake manpower planning and long-range and short-term surveys in terms of demand, supply and by sector; (iii) review decisions made by public and private employers affecting full employment; (iv) develop guidelines and standards for use of public funds in job development programs; (v) review the implementation of manpower training and employment programs in terms of the extent to which they contribute to full employment; (vi) direct the Secretary of Labor to obligate funds made available under the Full Employment Assistance Fund established under Section 7, (vii) hold nationwide and regional conferences; (viii) analyze the extent to which the Federal budget may assist in reaching full employment; (ix) evaluate programs and (x) carry out such other functions as the President may direct.

In carrying out these functions, the Board shall use the services and facilities of the other agencies (to the extent directed by the President), supply technical assistance, establish regional offices, make grants and enter into contracts, accept gifts, consult with the Council of Economic Advisors and with the Commission on Productivity and with representatives of industry, labor and other groups.

Sec. 5. *Authorization of Appropriations.* This section authorizes $3 million for fiscal year 1973 and for each fiscal year thereafter, for the activities of the Board (other than under Section 7).

Sec. 6. *Reports.* This section provides for an annual "Full Employment Report" setting forth the Board's recommendations with respect to implementation of a full employment policy for each fiscal year and for succeeding fiscal years. The report is to be referred to appropriate committees in each House.

Sec. 7. *Full Employment Assistance Fund.* This section establishes a fund and authorizes therefor $1 billion for fiscal 1973 (the start-up year), and such funds as necessary for each year thereafter. The Secretary of Labor is to provide assistance from the fund pursuant to specific directions of the Board, to public agencies and non-profit private organizations (including prime sponsors of manpower training and employment programs) for public service job development programs and related training and assistance.

Sec. 8. *Applications.* This section provides that assistance is to be provided under Section 7 only by application submitted to the Secretary and approved by him. Each application must set forth a program to provide employment and related training and assistance for unemployed persons, to enable them to obtain employment not supported under the Act and meet other special requirements.

Sec. 9. *Related Training.* This section authorizes the Secretary of Labor to use such sums as may be necessary from those appropriated under Section 7 of the Act, for training and other services related to employment.

Sec. 10. *Special Responsibilities of the Secretary.* This section contains conditions designed to ensure that jobs are transitional, that is, will lead to public or private employment opportunities not supported under the Act.

Sec. 11. *Full Employment Intergovernmental Advisory Council.* This section establishes a Council consisting of state and local prime sponsors responsible for conducting manpower training and employment programs, to advise the Board on intergovernmental aspects of attaining full employment.

Sec. 12. *Special Provisions.* This section contains important requirements as to reporting, discrimination, political activities, and wages, and other benefits. It provides that all persons employed under programs shall be paid wages which shall be equal to whichever is the highest of the federal minimum wage, the state or local minimum wage, or the prevailing rates of pay.

Sec. 13. *Definitions.* This section defines Board, Secretary, State public service job development program, and Unemployed person.

Sec. 14. *Effective Date.* This section provides that the Act shall take effect upon enactment.

SUPPORT BY NORTH VIETNAM FOR MURDERS OF ISRAELI OLYMPIC TEAM

Mr. DOMINICK. Mr. President, the strong support by the Government of North Vietnam for the despicable murders of the Israel Olympic team members is discussed in some detail in an Evans and Novak column published in the Washington Post on September 21. The columnists observe that this action gives us a specific example of the inflexible position of the Hanoi regime in its approach to solving ideological differences.

This account by respected journalists of the endorsement of the murderous tactics of the Arab terrorists by the leaders in Hanoi is long overdue. I would point out to the Senate that these leaders in Hanoi are the same inhuman, desperate group to whom Senator McGovern has indicated he would be willing to crawl on his knees in order to bring an end to the war in Indochina. This article clearly illustrates the character of the Hanoi government and the total intransigence of the leaders there to end the war on any terms but their own.

I ask unanimous consent that the article entitled "North Vietnam's Arab Line" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

North Vietnam's Arab Line

(By Rowland Evans and Robert Novak)

Even Hanoi-watchers accustomed to rigid militancy by the North Vietnamese Politburo were stunned last week by its fervent support of Arab terrorism in Munich—ominously revealing the mentality of the men in charge at Hanoi.

One week after Munich, North Vietnam fired a propaganda barrage endorsing the guerrillas' attack on the Olympic Village not equalled outside the Arab world—certainly not in Moscow and Peking. Referring to the Arab assassins as "Palestinian patriots," Hanoi accused Israel and the United States of plotting the Munich massacre to justify retaliation against Arab guerrilla camps.

What makes this so surprising is the possible threat it poses to Hanoi's campaign to influence liberal opinion in the United States and Western Europe against present U.S. policy on Vietnam. Those same liberals incensed by the terrorist invasion of Olympic Village, could be alienated by North Vietnam's embrace of the Arabs.

In fact, this embrace until now has received no attention in the West. But Hanoi could scarcely have counted on that. Some Hanoi-watchers doubt the North Vietnamese Politburo even contemplated an adverse Western reaction to its pro-Arab propaganda.

Rather, careful students of Hanoi believe its revolutionary ideology is so inflexible that it felt impelled to applaud Arab terrorism no matter what the cost. Such dogmatism supports those pessimists in official Washington who doubt Hanoi will ever settle the war on anything less than its own terms.

The North Vietnamese reaction to the Sept. 5 Munich massacre came Sept. 12 when Israel and West Germany were accused of choosing the "path of hatred and betrayal" by Nhan Dan, the Hanoi party daily. "The recent bloody incident in Munich is eloquent proof of the cruelty and perfidy of the U.S. and Israeli aggressors and the dark design of the Nixon administration and company to wreck peace under the extremely hypocritical label of humanity and peace," the newspaper continued.

Charging that the U.S. and Israel "deliberately allowed" the murder of Israeli Olympians as a pretext for reprisals, Nhan Dan added: "They planned to whip up a chauvinistic hysteria in Israel and create a false protest movement within the so-called 'civilized world' to vilify the just struggle of the Palestinian people and to threaten and split the Arab countries."

The line was echoed Sept. 13 by the North Vietnamese army newspaper: "Those schemes and act of the aggressors can stamp out the Palestinian resistance movement or break the Arab peoples' will to fight for their fundamental rights."

This unequivocal support for Arab terrorism contrasts sharply with the public disavowal by Moscow and Peking of the Olympic Village raid. "We have never been in favor of such adventurous acts of terrorism," Chinese Ambassador Huang Hua told the United Nations.

But to be in the vanguard of world revolution, the Hanoi Politburo is rigidly allied with the Palestinian guerrillas—an alliance that began in early 1970 when Palestinian guerrilla leader Al Fatah was lionized on a visit to Hanoi.

Since then, Hanoi has been insistently anti-Israeli, denouncing Mideast peacemaking efforts and cease-fire proposals. Adamantly against any internationally supervised Vietnam ceasefire, North Vietnam wants no such precedent in the Middle East.

The long love affair between North Vietnamese and Arab revolutionaries has been ignored by Hanoi's apologists in the West many of whom support Israel. But Hanoi's embrace of the Munich terrorists make this position increasingly less tenable.

Thus, addressing Jewish rabbis Sept. 6 in Los Angeles, Sen. George McGovern compared Arab terrorists in Munich to U.S. bombing of North Vietnam. Visibly aroused, one indignant rabbi asked McGovern how he could possibly compare American air officers with Arab fanatics. McGovern immediately temporized, but the conflict was obvious. Hanoi's newest embrace of Arab terrorism does not make it easier.

ONE HUNDREDTH ANNIVERSARY OF ANCIENT ARABIC ORDER OF NOBLES OF THE MYSTIC SHRINE

Mr. SAXBE. Mr. President, this year marks the 100th Anniversary of the Ancient Arabic Order of the Nobles of the Mystic Shrine and the 50th Anniversary of the founding of the first Shriners Crippled Children Hospital. There are 19 Orthopedic Hospitals and three Burns Institutes. Countless children have been treated in these hospitals without cost due to the fine work and dedication of the thousands of Shriners across the country. The Shriners were in New York on September 25 and 26 to attend seminars in observance of their joint jubilee anniversaries, One thousand and five hundred officers of the Shrine from all of North America were in attendance. These men are not only officers of the Shrine, but are also men of substance and leaders in their communities. I would like to pay tribute to the fine men of the Ancient Arabic Order of the Nobles of the Mystic Shrine for their outstanding endeavors and good work.

DAVID KENNEDY, U.S. AMBASSADOR TO NATO

Mr. PERCY. Mr. President, some of the most crucial decisions ever facing the NATO alliance will be coming up in the months ahead. The whole issue of East-West detente and mutual force reductions face NATO with its greatest challenges since its formation. These new challenges come at the same time that many old problems continue such as the need to find ways to realine the costs of NATO so that the unacceptable balance-of-payments burden the United States bears for NATO can be relieved.

With all this happening, I am most pleased that the U.S. Ambassador to NATO is David Kennedy. I can think of no better man to have in this delicate position than David Kennedy. He has held top posts in the Government after a successful business career and has established himself as a skillful and successful negotiator of international problems.

I am sure that successes in the future on the many challenges facing NATO will be in large part due to the role played by Ambassador Kennedy.

Mr. President, I ask unanimous consent that an article published in the Christian Science Monitor of August 29, concerning David Kennedy and NATO, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Christian Science Monitor, Aug. 29, 1972]

How David Kennedy Sees New NATO Talks

(By Takashi Oka)

Brussels.—East-West detente and the coming European security conference face the North Atlantic Treaty Organization with some of its most important decisions since coming into being 23 years ago. American Ambassador David M. Kennedy believes.

Wherever he has traveled in the 15-nation alliance since taking up his post in April, the white-haired, former Treasury Secretary said he found two apparently conflicting emotions: Official concern about the Soviet Union's military strength and a kind of public euphoria that cold war had given way to detente.

The official concern is intensified by the knowledge that the United States, which for so long bore the major share of the task of protecting the Western world against communism's military threat, wants what Mr. Kennedy calls a "realignment of costs."

"Europe and Japan must look to their size," the Ambassador said bluntly, referring to the spectacular economic growth these areas had achieved and to the responsibilities this growth entailed. He was interviewed recently in his office in NATO's stark white headquarters, sprawling like a miniature Pentagon on pleasant lawns overlooking the highway to Brussels' airport.

NO QUICK ANSWER

But most of NATO's European members are democracies, dependent on public support for their annual budgets. Euphoria about detente and a host of competing domestic requirements limit the proportion of national budgets available for defense. There was "no quick or easy answer," Mr. Kennedy said, wither on realignment of costs or on how to offset the foreign exchange burden the United States bears through keeping a powerful military presence in Europe.

"We're after total strength," Mr. Kennedy said, meaning that the alliance's relative strength vis-a-vis the Soviet Union would stay the same so long as any reductions in the American contribution were made up by greater European inputs. The difficulty was, however, that "each nation has a budget problem."

Mr. Kennedy thought it was remarkable that, in spite of these problems, the European alliance members had pledged to increase their defense budgets this year by over a billion dollars.

Mr. Kennedy wears three hats. He keeps his seat in President Nixon's Cabinet and the roving ambassadorships to which he was named after resigning as Treasury Secretary early in 1971.

He makes a point of attending the weekly Tuesday NATO Council meetings in Brussels. But on other days of the week he is as likely to be negotiating a trade agreement in Madrid as reporting back to the White House in Washington.

INNOCENT AIR DECEPTIVE

Mr. Kennedy looks like a small town banker who knows all his clients by their first names. Here in Europe he affects the air of an innocent American abroad—an air, those who have dealt with him say, is thoroughly deceptive.

Today, one of Mr. Kennedy's chief concerns is the European Security Conference, or to give it its full title, the Conference on Security and Cooperation in Europe. The full conference, including the United States and Canada, is scheduled to be held some time next year, with a preparatory meeting at ambassador level to be convened in Helsinki probably this November.

While the West is prepared to concede this, the allies feel they must obtain in exchange some alleviation of the massive Soviet military threat and greater freedom of movement for people and for ideas across what used to be called the Iron Curtain.

What the Soviets want from the conference is clear—a final recognition of Soviet territorial gains made in World War II and of the existence of two separate Germanys.

So, by agreement between Moscow and Washington, parallel to the security conference will be talks about mutual and balanced force reductions between NATO and Warsaw Pact forces—first of all in central Europe.

COORDINATION DELICATE

Coordinating what goes on in the two separate forums will be a delicate and sensitive business. Mr. Kennedy said he was encouraged to find during his travels that, while various NATO capitals disagreed over many details, there were "no differences in basic philosophy."

EROSION OF JUSTICE BY PRESENT ADMINISTRATION

Mr. BAYH. Mr. President, as a member of the Judiciary Committee, as a lawyer, and as a citizen convinced that an impartial system of justice is essential to the success of our democratic form of government, I have been repeatedly distressed by the manner in which the present administration has subverted justice in favor of political gain and special interests:

The nomination of clearly unqualified persons to serve on the Supreme Court;

The questionable settlement on antitrust actions involving major Republican financial supporters;

The selection of an Attorney General who testified under oath that he could not recognize a bribe;

The wheeling and dealing in milk price supports and grain deals; and

These and other examples of a short-sighted vision of justice have shaken the confidence of the American people in their Government and caused a major setback in the standards of fairness and responsibility which we have a right to expect from the Justice Department.

I regard the erosion of justice as a crucial issue in this election year; few issues go so deeply to the heart of the nature of our Government. Whether or not justice is to prevail in the United States, Mr. President, may well be the acid test of whether our 200-year-old experiment in democracy is to succeed.

For this reason, I was pleased to learn that Sargent Shriver, my party's candidate for Vice President, has singled this subject out as a major compaign theme and that he is addressing the quality of justice in a major address today in Des Moines, Iowa.

I have had an opportunity to see Mr. Shriver's prepared remarks and must say that he has detailed very effectively the disturbing record of the present administration in the area of justice. Mr. Shriver rightly observes:

> A democratic nation's duty must be to secure justice for all its citizens. And when an Administration fails in this obligation, it does not deserve to govern.

Then Mr. Shriver goes on to conclude, with a substantial record and unquestioned facts to substantiate his position, that "the quality of justice in this Nation under Richard Nixon is lower than at any time in modern history." This sad conclusion is not some political charge. It is the only possible conclusion one can draw from the conduct of this administration, in its mishandling of the Justice Department, in its open door policy for special interests, in its willingness to do away with justice for political ends.

Mr. Shriver has a much clearer vision of what justice can be. He observes:

> A cardinal axiom of any system of justice is that it must be even handed . . . In a just society the rights secured by justice are not subject to the calculus of political bargaining.

In his remarks, Mr. Shriver rejects the perpetuation of injustice and instead proposes that the Department of Justice become the constructive vehicle for expanding justice by enhancing and protecting the rights of all our citizens.

In his vision Mr. Shriver sees justice as "an exciting idea and a fruitful reality." He believes "a whole new spirit of justice can infuse the work of our Government."

I concur with Mr. Shriver's assessment of the situation and share his hope that justice can be restored to its proper place at the pinnacle of our Government. Unfortunately, I despair of that happening while the incumbents are in the White House and Justice Department.

THE HONORABLE ALF M. LANDON ADDRESSES THE MERCURY CLUB

Mr. DOLE. Mr. President, Kansas' senior statesman and former Republican presidential nominee, Alf M. Landon, is in great demand as a speaker for community and civic groups around the country. His years of experience in public affairs and careful observation of national and world events have given him a unique insight into current trends and happenings which he generously shares with people from all walks of life.

Governor Landon takes special pleasure in analyzing politics, for he has been involved in it for most of his life. Recently, at a meeting of the Mercury Club of Kansas City, Mo., he reviewed the 1972 campaign and two issues, the economy and world peace, which he feels are predominant in the minds of the voters. As usual Governor Landon's views were stimulating and thought-provoking, and I am sure other Senators would find them of interest. Therefore, I ask unanimous consent that the text of his remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

National Issues—1972

If this discussion before a cross-section of business and labor leadership is worthwhile, it has to be factual—not just talk.

Obviously, in this crucial changing era, the record of Richard Nixon as President of all the great American people, and the unusual performance of Senator McGovern in his few short weeks as the head of his party, are both subject to valid questioning and discussion, as to both their commissions and their omissions. Their statements will be carefully scrutinized—for what a major party presidential nominee says counts far more than what his party's platform says.

The two major issues are: the national economy and, vastly more important, war or peace in the world.

Senator George McGovern's convention presentation of "reform" policies relating to our national economic and social problems were aimed generally at the Nixon administration. Ironically, though, the Senator's chief target should have been the long-term Democrat record in Congress. Starting with the congressional session in 1931, the Democrats have had complete control of the legislative side of our government for 41 years, except for the sessions of 1947–1949 and 1953–1955. Notwithstanding Congress' lack of cooperation with President Nixon's firm and flexible policies, inflation is being slowed and our economy is responding with steady improvement.

As far as who is to blame for America's present disastrous inflationary whirlpool, it is not business and it is not labor. It is our national government—not only in its own operations, but in the example it has set for the states, the cities and the people. It began with President Franklin D. Roosevelt in 1933. He assured the American people that it did not make any difference how much the national government was in debt, for "We owe it to ourselves." The present Congress has far exceeded the appropriations requested by President Nixon and thus—if Senator McGovern is right—the Democrat Congress has failed to exercise its responsibilities under our tripartite system of government for a sound fiscal policy and a stable economy.

Because of Senator McGovern's confused and contradictory statements, it is difficult to pin down just what his solution of this pressing problem is. The key to the Senator's economic policies is to stop the arms race by a drastic slashing of funds for our armed services to the point where America would be a weakling among nations.

In sharp contrast, President Nixon, Chairman Brezhnev and Premier Chou En-lai are working together—determined to curb the arms race, despite ideological and jingoistic opposition at home and abroad—whether it comes from dogmatic communists or advocates of America First.

When Senator McGovern finally gets around to discussing his positive alternatives to President Nixon's successful economic policies, I doubt if we will hear any renewal of his pledge for a thousand dollars a year subsidy for every man, woman and child in America—or his 32 billion dollar cut in Pentagon appropriations over the next three years originally proposed.

Our national security is of transcendent importance. The Senator is making our military spending a major issue. I quote from the Kansas City Star editorial of Tuesday a week ago:

"Defense now accounts for a smaller part of the nation's manpower—including military personnel, civilian defense employes and industrial workers—than at any time since 1952.

"Defense absorbs 20% of all government spending—federal, state and local—and about 30% of the federal total. Critics who say that the federal figure is 60% have plucked a sum out of the air, which apparently takes in such costs as the veterans' programs, pay for the retired military personnel and interest on the national debt—that item being largely related to past wars. But these categories of spending do not contribute to the continuing needs of defense. In fiscal 1973, defense expenditures will represent about 6% of the gross national product—the *lowest share in more than 20 years*."

Another major issue thus far overlooked has been the great bipartisan failure to come to grips with the task of working out equitable labor-management legislation that promotes genuine collective bargaining. That is of high interest to every person in this great country of ours, regardless of his position in life. Nothing has more impact on our economic and social problems than the continued strikes and threats of strikes except war and threats of war.

With that in mind, I renew in a brief summary my suggestions of some years for consideration:

First, a federal statute providing that, six months or so before the expiration of an industry-wide union contract, where no agreement on extension has been reached, a voluntary arbitration board of three be named, with the National Director of the Federal Mediation and Conciliation Service as chairman.

The mechanics of decision-making would be:

Certification of a dispute to the National Director, who then forms a trident board consisting of himself or his top-level delegate and representatives from management and labor.

When the board reaches its decision, it is not a "decision in finality." It can be appealed by either labor or management directly to a three-judge special district court and then, if necessary, to the Supreme Court of the United States.

In order to eliminate costly delay, the case would be placed immediately at the top of the court's calendar.

Any moneys or fringe benefits due the employes or their heirs under the board's decision would be put in escrow and be payable with 6 percent interest added.

Finally, I come to a very critical question. If there is no acceptance or no appeal of the board's findings within 30 days, the trident board would have authority to enforce its decisions by the same provision now existing in our civil rights statutes.

If either party does not choose to accept this method of settlement, it would not be forced to do so. If a party fails to accept this procedure, it would be deprived of the use, benefit and services of existing labor laws and the right to receive contracts from the government. Moreover, they inevitably will face the growing public pressure for compulsory arbitration with "decisions in finality."

I first suggested starting six months ahead of the expiration of an unrenewed contract with the thought that this would be helpful before feelings and emotions were aroused; that it would give all parties—including the public—the opportunity to become familiar with the problems of that particular industry, and that either labor or management could participate in this proposed voluntary arbitration board's hearings with the right to withdraw at the end of 30 days.

I submit that nothing is more needed than workable voluntary arbitration legislation by the United States Congress. The recent labor-management crises of England show what can happen here if we do not establish fair and reasonable approaches to economic stabilization.

So far, the basic issue of President Nixon's record has received only passing attention from the opposition spokesmen—which is evidence of the difficulty they find in presenting an alternative to our president's design for an era of peace in his momentous successful foreign policies, with their corollary boost to our domestic economy.

The Democrat attacks on the President's foreign policy have been confined to getting out of the Vietnam War on a fixed date—while pledging once again to jump from the frying pan into the fire by interfering in Greece's internal political policies, a potential parallel to what plunged us into the Indo-China War. Moreover, it is literally amazing for the presidential nominee of a major political party to endorse the re-election of the head of the German government. Chancellor Willie Brandt responded by disagreeing with Senator McGovern on his announced policy of withdrawing America's troops from Germany.

I agree with the Senator on that—but disagree with his meddling in foreign people's affairs the way he is. The last and most astounding in his sending Pierre Salinger to Paris as his personal representative with a message to the North Vietnam junta conveying his Vietnam policies, if elected, then denying it in the morning—and admitting it that afternoon—after a telephone conversation with Salinger. Most serious of everything else that the American voter should ponder is that this reveals the same impulsive unsettled characteristics evidenced in his handling of the Senator Eagleton affair.

We are living in a completely different world today, because of our American president's long-range and carefully planned foreign policies, than we were four years ago at this stage during the 1968 national elections.

Wars—and the threats of war—with wholesale destruction of lives—destruction of civil rights—with military logistics absorbing however legitimately great quantities of a nation's resources—are major causes of inflation and lasting disruption of the world economy. A bomber—or nuclear defensive or offensive weapons—contribute nothing to reproduction, like a highway.

Bush wars and armed conflicts—in a volatile atmosphere—can detonate a catastrophic third world war, but—in a stable atmosphere—they can be contained. Such minor conflicts, though of great significance to the people directly involved, are less of a menace if isolated from the affairs of the vast majority of the earth's people.

Now I come to a detailed record of our President's accomplishments in the three and one-half years of world leadership.

I am impressed with Senator McGovern's—and other Democrat spokesmen's failure to refer to one of the cost crucial periods of relations among nations that has ever existed, thanks to President Nixon's strategy for enduring world peace. So far, the Senator's only specific reference to foreign policy is his pledge to take America completely out of Vietnam by April 1973. Foreign policy—war or peace—rightfully means more to youth, and to all other Americans, than any other issue. Yet Senator McGovern views Vietnam as an isolated question.

President Nixon, however, is treating the Vietnam settlement as part of the overall, intricate pattern of international relations that it is.

According to the Stockholm International Peace Research Institute Yearbook of World Armaments and Disarmament, between 1945 and 1968, there were more than one hundred wars and other international and national conflicts going on in the world.

Today, the only major conflict on the globe is the Indo-China War that is drawing to a close. All over the world, a tremendous change is taking place in international relations. While suspicion and distrust between nations still exists to some degree, the cold war atmosphere has practically evaporated.

The Russian-Chinese border—the Near East—Asia—and, of course, this western hemisphere—are relatively quiet, as far as war is concerned. The United Nations has been given a shot in the arm by President Nixon's withdrawing opposition to the admission of the Peoples Republic of China, with its one-fourth of the world's population.

The corollary of the President's amazingly successful foreign policy is a shot in the arm to the overall American economy, with actual sales of grant, tractors, trucks, etc., amounting already to about a billion dollars a year to Russia, with more to come. Likewise, China will be in our market for the food and industrial products it needs.

Americans have not had a generation of peace since the conclusion of the Spanish-American War in 1898. The way wars have been settled since then has only left them as seedbeds for the next war for the next generation.

President Nixon's carefully planned "Design for World Peace" is based on a pragmatic view of world affairs and on realistically building internatioal relationships founded on mutual interests. This settled approach has been accepted thus far by China and Russia. It has initiated new trade relations with these two great powers, stimulated similar moves between West Germany and Poland, and led a step in the direction of breaking down the monstrous cinderblock wall between the two Germanys. For the first time since the end of World War II, an American president has recognized Japan as a great power, instead of as a protectorate. Moreover, Japan is now seeking to normalize its relations with China and with Russia. So are all other governments.

President Nixon foresaw clearly and early—even before his election—that the time was right to adjust our foreign policies. This master of statecraft has been abandoning our impractical and foolish foreign policy of trying to reform the entire world in our image. Consequently, he has substituted containment of Communism by economic competition for the policy of containment by force, thus lifting mankind's well-founded fear of a third, catastrophic global war.

The imprint of President Nixon's realistic steady foreign policy is showing among all governments. They are opening the world's markets to the vital growth of trade and to exchange of technological knowledge, thereby generating a better understanding of each other's problems and potentials. The cold war climate existing when Mr. Nixon became president is passing. A more temperate atmosphere is yeasting. Here, in truth, is the new mainstream of life unfolding for all the world's peoples.

President Nixon's bold and creative design for a peace that will last more than one generation is working. It is successful because it is based on the mutual recognition among governments of the legitimate needs and interests of other nations—a principle that historically, and tragically, has seldom been recognized.

This means that the most significant issue facing the American voter next November is the overarching value of the acquaintanceships and understandings existing between Mr. Nixon and the heads of other governments. They have reached momentous decisions involving genuine peace and a better life for all people. They know whom they are dealing with and for what purposes.

As far as I am concerned, there is only one issue in this campaign. That is peace, so that my grandchildren and great grandchildren will not have to go to war. As far as the economy is concerned, they will learn to solve their own problems.

Peace is the most wonderful inheritance any child can have, including the youngest babe born this minute.

NOMINATION OF SIDNEY P. MARLAND, JR., TO BE ASSISTANT SECRETARY OF HEALTH, EDUCATION, AND WELFARE—TESTIMONY OF HON. JOHN BRADEMAS

Mr. PELL. Mr. President, today the Committee on Labor and Public Welfare of the U.S. Senate held a hearing on the nomination of Sidney P. Marland, Jr., to the post of Assistant Secretary of Health, Education, and Welfare for Education.

This nomination, while not controversial in and of itself, has led to an indepth discussion of the post of the Assistant Secretary for Education, and most importantly, of the ongoing relationships between Congress and executive agencies.

Today's witness, the Honorable JOHN BRADEMAS, Congressman from the Third District of Indiana, very succinctly brought many of these points to the attention of the committee. His discussion of the refusal of the executive agencies to recognize congressional intent is most cogent, and I ask unanimous consent that his testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF CONGRESSMAN JOHN BRADEMAS OF INDIANA AT CONFIRMATION HEARINGS OF ASSISTANT SECRETARY FOR EDUCATION, SEPTEMBER 27, 1972

Mr. Chairman, members of the Committee, let me begin by expressing my appreciation for this opportunity to appear before you on the matter of the position of Assistant Secretary for Education.

Although I realize that it is somewhat unusual for a Member of the House to testify before this Committee on a Presidential nomination, I requested this opportunity because I believe it is important that Congress reaffirm at this time the prerogatives and the authority residing in the position of Assistant Secretary of Education as head of the Education Division that was created by S. 659, the Education Amendments of 1972.

I come before you today, Mr. Chairman, not as a Democrat or a Republican but rather as a Member of Congress.

As you know, Mr. Chairman, I applauded President Nixon's initiative in proposing the National Institute of Education, was principal House sponsor of the legislation authorizing it, conducted lengthy hearings on it in the education subcommittee I have the honor to chair, and defended the proposal through conference and through final passage in the House.

Moreover, together with my distinguished colleagues, Chairman Perkins of Kentucky, Congressman Thompson of New Jersey and Congressman Quie of Minnesota, the ranking Republican on the House Committee on Education and Labor, I worked for a number of the provisions in the legislation in the higher education title of the new law that were supported strongly by the Administration, particularly the institutional aid feature.

So I reiterate that I appear before you not as a partisan but as a legislator concerned with education, and still more to the point, as a Member of Congress concerned with the role of Congress in making public policy in our constitutional system.

What is at issue, therefore—the matter of the confirmation of the new Association Sectary of Education—goes beyond Federal policy for education.

The issue is rather one of the basic constitutional process in our country, a process which allocates authority to Congress to pass legislation and to the Executive Branch the authority to administer legislation, in compliance with the intent of Congress.

So I am not here to oppose the confirmation of Commissioner Marland, who is a friend of mine and a man for whom I have high regard, but rather to speak to an issue which must be of grave concern to members of this great Committee and of my own Committee and, indeed, to all of us elected to either body of Congress.

For unless there is adequate attention in Congress and unless adequate precautions are taken, I fear the Senate may confirm as Assistant Secretary of Health, Education, and Welfare for Education a nominee who shows little evidence of understanding the clear intent of Congress with respect to the position which he is seeking and who, if he does understand the intent of Congress, plans to ignore it.

Let me then review the matter of the intent of Congress with respect to the new position of Assistant Secretary for Education.

In doing so, I shall make a few initial observations.

First, the position of the Assistant Secretary for Education and the Education Division of the Department of Health, Education, and Welfare were created by an agreement in the conference on S. 659. The Administration made no proposal whatsoever with respect to an Assistant Secretary of Education nor did the Administration express any opinion whatsoever on the functions of the new position. The Assistant Secretary's position and its authority were the creation of the conference—a compromise between substantially different House and Senate provisions with respect to the hierachy of the Department of Health, Education, and Welfare in education.

Second, the conference intended that as head of the Education Division, the Assistant Secretary be a spokesman-advocate for education within the Executive Branch but did not intend that the Assistant Secretary have authority to formulate policy for education.

My third observation must be that the nominee for the position of Assistant Secretary does not agree with the conference agreement on S. 659, now Public Law 92–318. From written documents available to both our committees and from conversations I have myself had with the present Commissioner, I now realize that he does not intend to carry out the provision of the Public Law but intends rather to implement language specifically rejected by the conferees and therefore by Congress.

Fourth, Mr. Chairman, I must observe that this particular nominee is no stranger to us. We have had an opportunity to observe his stewardship as Commissioner of Education. The record of the Office of Education during this time surely ought to be most carefully considered.

Now, Mr. Chairman, let me address myself more specifically to the points I have enumerated.

First, with respect to the intent of the conferees on the Division of Education and the position of Assistant Secretary for Education, I think it is essential that we recall the differences in the House and Senate provisions creating the Division and the position as well as the actual agreement, which, of course, is what is now law.

The conference records as well as the language of the Conference Report itself show that the Senate version of S. 659 provided for an Education Division within the Department of Health, Education, and Welfare to be headed by a Commissioner of Education, whose functions would be expanded beyond those held by the present Commissioner. In the Senate version, both the present Office of Education and the new National Institute of Education would have been contained within the Education Division.

The House version of S. 659, on the other hand, provided only for a new, independent National Institute of Education but not for a new Division of Education headed by a Commissioner with expanded functions.

In resolving these differences on organization, the House adamantly refused to recede to the Senate version, for two primary reasons:

First, the proposed new and expanded Office of the Commissioner would have controlled the National Institute of Education and thereby would have impaired the independence of the Institute; and

Second, the House conferees were opposed to the creation of a new layer of government bureaucracy in education.

The Senate conferees, however, made clear that, even in their version of the bill, they, too, had no intent to allow their new and expanded Commissioner to have policy control over the National Institute of Education. The Senate conferees pointed out that their version of the National Institute of Education provided rather for a National Council on Educational Research which would have policy-making authority for the Institute and that in this fashion its independence from control by the proposed new Commissioner would be assured.

The Senate conferees made clear that in vesting policy authority in the National Council, they intended to insure that no other officer of the Department of Health, Education, and Welfare should have policy control of the Institute.

Mr. Chairman, these differences between the Senate and House conferees were resolved by the following compromise, which is now the law of the land.

First, they agreed that there would be created an Education Division headed not by a Commissioner with expanded powers but rather by an Assistant Secretary for Education, who would act only as a spokesman-advocate for education but *not* as a policymaker for the Office of Education and the National Institute of Education.

This agreement, I must stress, was chiefly taken as a result of the conferees' insistence that (a) there not be a new layer of bureaucracy within the Federal effort in education; (b) that the independence of the Institute not be diluted; and (c) that the policy-making authority of the Office of Education not be diminished.

In this last respect, the conference agreed that although the new Assistant Secretary was the chief spokesman for education at the Federal level, the present policy-making authority of the Commissioner under existing law would remain unchanged. In this connection, I must point out that *the Senate bill contained a provision transferring policy-making authority from the Office of Education to the new Division. The conference explicitly rejected this provision.*

I believe, Mr. Chairman, that in understanding the intent of the conferees with respect to the role of the Assistant Secretary, it is particularly significant that this transfer provision in the Senate bill was rejected.

Mr. Chairman, in a letter to you of September 19, 1972, the distinguished Chairman of the House Committee on Education and Labor, Mr. Perkins, declared:

"I have reviewed very carefully all of the legislative history relating to the establishment of the Office of the Assistant Secretary, including the detailed minutes of our conference proceedings. Based on this review, in my judgment it is clear that in creating the Office of the Assistant Secretary, the conferees did not intend nor did they anticipate the establishment of another layer of bureaucracy in the Federal education structure. It is clear as well that we intended that the National Institute of Education have a high degree of independence and that policy formulation for the Institute be vested in a non-political council.

"It is also clear that we did not intend to decrease the status or powers of the Office of Education."

More specifically still, I must refer to Section 405(d)(1) of the General Education Provisions Act, which states:

"The Director shall be responsible to the Assistant Secretary and shall report to the Secretary through the Assistant Secretary and not to or through any other officer of the Department of Health, Education, and Welfare."

Said Chairman Perkins:

"In approving this provision, however, at no time did the conferees instead to place the Institute under the control of the Assistant Secretary. *The provision simply describes the administrative line of authority to be followed within the Department and does not relate to policy formulation. To interpret the provision more broadly would thus be in direct conflict with the clear intent of the conferees that general policy for the Institute be determined by the Council.*"

Mr. Chairman, the history of the conference compromise which I have outlined is not something which we in the House have made up out of whole cloth, for the Senate conferees clearly agreed with the interpretation which I have given to you. I must here quote the distinguished Senator from Rhode Island, Senator Pell, Chairman of the Senate Education Subcommittee and Floor Manager of S. 659, whose patience and leadership enabled the conferees to settle their differences with dispatch and without acrimony. Senator Pell made the following explanatory statement on the floor during Senate consideration of the Conference Report on S. 659:

"Within the Education Division there are two agencies: the Office of Education headed by the Commissioner of Education, and the National Institute of Education headed by the Director of the Institute. The National Institute of Education is also under the governance of the National Council on Education Research, which is charged with the responsibility for setting general policy for the Institute. That National Council also has an advisory function for the Department of Health, Education, and Welfare with respect to education.

"It is not intended that the newly established Assistant Secretary have any administrative responsibilities except for those related to the emergency school assistance program. The primary responsibility for education programs continues to be vested in the Commissioner of Education. Nor is there any intention on the part of the conferees to elevate any responsibilities now carried on in the Office of Education to the Assistant Secretary."

Clearly Senator Pell and Mr. Perkins, who chaired the Senate and House conferees, respectively, and who managed the legislation on the Floor in their respective bodies, are in agreement on this matter.

Mr. Chairman, let me now turn to my next observation—the contrast between the intent of the conferees with respect to the position of Assistant Secretary and the intent of the nominee for this position. In stating his views before this Committee last week, the nominee said:

"The Assistant Secretary will now be the chief officer responsible for the overall direction of both the Office of Education and the National Institute of Education."

And he continued:

"The Assistant Secretary is responsible for developing and providing overall policy direction for both education agencies."

I think it is clear, Mr. Chairman, that the views of the nominee, the present Commissioner of Education, on the authority Congress vested in the position of Assistant Secretary of Education are at odds with the views of the conferees and the intent of Congress.

I would be derelict, Mr. Chairman, if I did not also point out that the nominee has already announced plans to staff the Office of the Assistant Secretary with 100 assistants, a plan in clear violation of the conferees' opposition to adding another bureaucratic layer to the Federal effort in education.

Given the limited functions delineated for the Assistant Secretary in S. 659—facilitating communications between the Secretary and the Office of Education and the Institute and administering the Emergency School Aid program—one may be forgiven for wondering why the new office requires so many employees.

The answer, of course, is that the nominee has no intention of restricting his functions to those authorized in the enacting legislation.

Surely, we in Congress must ask this crucial question: who is to formulate Federal policy for education? The agency vested with that responsibility by the Congress of the United States? Or an office given no statutory authority, with one exception—The Emergency School Aid Program—to make policy by the authorizing legislation?

It must be obvious then that the nominee for Assistant Secretary of Education disagrees with the law and the intent of Congress on the authority of his position.

In this situation, I say to the distinguished members of this Committee, the law controls, and the intent of Congress is quite clear to those of us who wrote the conference agreement.

Mr. Chairman, I said earlier that the record of the nominee for the position of Assistant Secretary should be taken into consideration in these confirmation hearings.

I wish to reiterate that my concern here is in no way motivated by any personal prejudice against the nominee or any political bias.

My concern is rather with the place of Congress in the writing of the nation's laws. For it is Congress that is charged with the responsibility of considering and acting on legislation and the Executive Branch of government that is charged with the responsibility of administering the laws in conformity with Congressional intent, even when, as is sometimes the case, especially with a separation of powers Constitution like ours, the Executive Branch may not agree with the laws Congress passed.

One way to understand the attitude of the nominee toward carrying out the laws in accordance with the intent of Congress is to look to his stewardship as Commissioner of Education.

I could cite a litany of complaints but let me give you only a few examples.

In 1970 Congress passed the Environmental Education Act with overwhelming bipartisan support in both bodies. Although the law mandated the establishment of an Office of Environmental Education within the Office of Education and the appointment of an Advisory Council with significant powers, one year after the President had signed the bill into law the Commissioner had failed to comply with this statutory mandate. The will of Congress was simply ignored.

Even now after two oversight hearings of the House subcommittee, the Office of Education is failing to comply with Congressional intent in assuring that the Advisory Committee is carrying out functions required of it by law.

Second, as you recall, when Mr. Marland appeared before this Committee as the nominee for Commissioner of Education, he promised that he would follow the letter of the law and maintain the Teacher Corps as a program reporting directly to the Commissioner.

Almost immediately the Commissioner broke his own promise by dropping the Teacher Corps three layers down in the bureaucracy. Congress was compelled to correct this situation with an amendment in S. 659 prohibiting the Commissioner from continuing that organizational pattern.

Members of this Committee will also remember something called the renewal strategy which the Commissioner attempted to implement without adequate authorizing legislation and, indeed, in the face of vigorous opposition to his attempt in both the House and the Senate.

Let me cite the most recent instance of this apparently continuing pattern of the Commissioner's hostility to the intent of the elected members of the Senate and House of the United States Congress.

As the Committee will recall, in writing S. 659, we intended that students with adjusted family incomes below $15,000 continue to enjoy a presumption of eligibility for participation in the program, while students with adjusted family incomes in excess of that amount would have first to show "need" in order to be considered for a loan.

In order to underline this distinction, we even wrote two separate eligibility sections in the law, one for students with adjusted family incomes below $15,000, and another for students with adjusted family incomes above $15,000.

The Office of Education, however, announced that it was unable to perceive any difference between the requirements applicable to these two classes of students, and proceeded to issue regulations making all applicants for Federal interest benefits subject to the same eligibility standards, regardless of adjusted family income.

This development, of course, caused great concern among the Members of both this Committee and the Committee on Education and Labor of the House, and several of us subsequently sent the Commissioner a joint letter explaining our intent in considerable detail.

Yet lawyers for the Office of Education remained either unable or unwilling to apprehend the obvious meaning of the statute, and finally, Congress had to suspend the effective date of the new provisions, in order to avert a nationwide collapse of the Subsidized Loan Program.

So it seems to me clear, Mr. Chairman, if I may state the matter bluntly, that it appears to me that unless the Commissioner is told explicitly what he can and cannot do, he will do whatever he pleases without regard to or respect for the intent of the Congress of the United States.

For unless told explicitly what he is authorized to do, he has made clear that he intends to go his own way as though he, and not we here in the Congress of the United States, were authorized to pass the laws of the land.

Mr. Chairman, we cannot continue to accept this cavalier disregard for the intent of Congress, for following Congressional mandates is not a question of doing Congress a favor; it is a matter of obeying the law.

And let me stress once again to the members of this great Committee that my complaint does not arise from personal pique or wounded pride, but from a deep concern with the fundamental processes of government in this country and with the proper place of Congress in our constitutional system, whether a Democrat or a Republican is in the White House.

Our Constitution vested Congress with the authority to make the laws and the Executive Branch with the authority to carry them out.

We in Congress must not ignore our responsibility, for to do so makes a mockery of our constitutional processes, and only further erodes our own authority to meet our responsibility.

Mr. Chairman, the outlook and the actions of the first Assistant Secretary for Education will give important shape to the future of that position in our government. Let us make sure that the die is cast in accord with Congressional intent.

Let me say once more that I do not speak here in opposition to the confirmation of Mr. Marland.

I have no quarrel with his confirmation to the position of Assistant Secretary—as Congress intended and designed that position. I would, however, be disappointed if he were to be confirmed with a blank check to turn the position into whatever he—and not Congress—decides it should be.

It is for this reason that I hope this great Committee, if it decides to recommend confirmation of the nominee, will make clear the duties and the authority of the Assistant Secretary as well as the limits on those duties and authority.

DETERIORATING INTERNATIONAL TRADE POSITION

Mr. INOUYE. Mr. President, as chairman of the Subcommittee on Foreign Commerce and Tourism, I have been acutely conscious of our deteriorating international trade position. Although the latest August trade figures show that our merchandise balance has improved somewhat, the United States is still running a massive trade deficit at an annual rate in excess of $5.5 billion. The most recent figures offer a glimmer of encouragement, but absolutely no cause for rejoicing.

Our loss of competitiveness in international commerce has been a matter of serious concern to every segment of American society, particularly organized labor. This concern has focused on Japan, which this year will compile a surplus of between $3.5 to $3.8 billion in its trade with the United States.

It has often been alleged by those calling for restrictions on our foreign commerce that the reasons for our poor trade position lie in unfair and anticompetitive practices engaged in by other nations. While there is some truth to these charges, they tend to obscure the complex set of causes for our declining competitiveness. We have for all too long also suffered from an overvalued dollar, minimal productivity gains, inflation, unaggressive international marketing, and inadequate capital investment in plants and research and development.

If we continue to blame others for troubles to which we have contributed, we shall never be able to comprehend or resolve these difficulties. Even more dangerous, however, would be the natural human tendency to strike out at easy, stereotyped targets while neglecting to tackle the harder problems presented by foreign competition.

The Wall Street Journal recently published an interesting editorial in its September 20 issue which discusses this issue dispassionately and objectively. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REVIVING THE "YELLOW PERIL"

For a long time in America's past, Orientals were widely depicted as subhuman. And Americans of Chinese and Japanese extraction were frequently subjected to personal abuse and political indignities. Almost immediately after the attack on Pearl Harbor, those attitudes culminated in the uprooting of more than 100,000 Japanese-Americans from their West Coast homes, and incarcerating them in scattered relocation camps.

Today, American attitudes are much more enlightened. Throughout the Korean and Vietnam wars, and despite America's long-time post-war differences with Communist China, there were gratifyingly few attempts to revive the familiar anti-Oriental shibboleths. Indeed, Americans of Oriental extraction recently have been largely accepted and admired by the wider society, and this has been a hopeful portent for the even more difficult problem of prejudice against blacks.

But what the Korean and Vietnamese wars were unable to revive, an economic threat very well may. As a recent Journal article on Japanese-Americans noted, because of Japan's trade success there have been isolated but increasing examples of anti-Japanese slogans, advertisements, and even a song ("The Import Blues") whose lyrics are crudely anti-Japanese. Like opportunistic prewar politicians who ran on openly "Yellow peril" platforms, today some politicians from districts that are losing out to competition from Japan are hammering thinly-disguised anti-Japanese planks and sentiments into their platforms.

More recently, the word "Jap"—a racial slur every bit as deplorable as the much more familiar slurs known to every Archie Bunker viewer—increasingly crops up in newspaper headlines. And recent ads of the International Ladies Garment Workers Union are seemingly designed to arouse fears of American jobs exported to Japan. Indeed, it is hard to disagree with the charges of spokesmen for Asian-Americans for Action that the ads encourage "the frustrations and anger of workers toward an ethnic minority," and are not the way to deal with such problems.

The word racism has been bandied about far too carelessly of late, frequently as a convenient tag to pin on those holding different political and ideological beliefs. And because racism thrives on ignorance, superstitution and fear, its ugly virus is never completely isolated.

That's why the sudden sprouting of anti-Japan messages and slogans, unfortunate in themselves but worse because they threaten to revive sentiments that have been dormant for decades, is of much greater concern than the dollars and cents argument over trade and jobs.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

SOCIAL SECURITY AMENDMENTS OF 1972

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consider H.R. 1, which will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 1) to amend the Social Security Act, to make improvements in the Medicare and Medicaid programs, to replace the existing Federal-State Public Assistance programs, and for other purposes.

Mr. LONG. Mr. President, H.R. 1, as reported by the Committee on Finance, represents the most massive revision of the social security laws that the Congress has ever undertaken. The bill as reported would increase Federal expenditures by more than $14 billion. This is in addition to the $8 billion across-the-board social security benefit increase enacted into law July 1 of this year. The size of the bill, some 1,000 pages and the size of the report, about 1,300 pages, give an indication of the amount of work that has gone into this bill. I believe that the committee's efforts on this bill are the equal of the legislative efforts of any committee at any time in U.S. history. During this Congress, the committee has held 20 days of public hearings on all aspects of social security and welfare, hearings which fill 3,700 pages of seven volumes. The committee has met in executive session almost continually since February of this year, with 69 executive sessions devoted to H.R. 1.

At this point, Mr. President, I might note that a copy of the committee report and a copy of the bill have not yet been placed on each Senator's desk. A copy of each will be placed on the desk of each Senator as soon as they are available from the printer. The delay has been caused by the large volume of work involved.

The bill is monumental in terms of legislative effort, and it is monumental in terms of cost. In addition to the $8 billion of social security benefits enacted earlier this year, H.R. 1 as reported by the Committee on Finance would raise social security cash benefits another $3½ billion. It is estimated that at least 10 million social security beneficiaries will be affected by these provisions of the committee bill, and another 900,000 persons will become entitiled to benefits thanks to the bill.

Medicare benefits would rise $3 billion by 1974, due principally to extension of medicare coverage to the disabled and to the inclusion of payment for lifesaving drugs among the benefits provided under the program, 22 million medicare beneficiaries, including 2 million disabled persons, would benefit by the improved protection.

It is estimated that more than 5 million aged, blind, and disabled persons would receive supplementary security income under the bill, which would set a Federal minimum guaranteed income at an added cost of $3 billion in 1974.

But perhaps the most significant features of the bill are those seeking to reform the program of aid to families with dependent children. The committee bill offers a bold new approach to the problem of increasing dependency under this program. Under the committee bill, if the family is headed by a father or if it is headed by a mother whose youngest child has reached school age, the family would not be eligible to receive its basic income from welfare but instead would be given an opportunity to become independent through employment, including a guaranteed job and substantial economic incentives to move into regular jobs. The cost of this new guaranteed job program would be borne entirely by the Federal Government, and its cost together with the substantial increase in Federal funds for the remaining AFDC program would amount to an estimated increase of more than $4 billion, in Federal expenditures in 1974, with more than half of this amount—over $2 billion—representing increased income to low-income working families.

AIMS OF COMMITTEE BILL

When a bill is as complicated as H.R. 1 and deals with so many complicated issues affecting as many programs as H.R. 1 does, it is difficult to characterize its aims in just a few categories. But most of the committee's actions on the bill do fit within these few broad purposes:

First. To reward work effort for those who can be expected to work;

Second. To improve the lives of children;

Third. To assist those who cannot work because of age, blindness, or disability;

Fourth. To assure program integrity through administrative control where this has been shown to be needed; and

Fifth. To provide fiscal relief to the States and to give them more latitude to run their own programs.

REWARDING WORK EFFORT FOR THOSE WHO CAN WORK

When people look at the rapid growth in welfare in recent years, their concern is primarily with the program of aid to families with dependent children. The number of recipients under this program has more than doubled since January 1968, and the need to pay for AFDC has forced States to shift funds into welfare that would otherwise go for education, health, and housing and other pressing social needs.

The rising AFDC rolls show that there are many children who are needy in this country. But more importantly from the standpoint of social policy, the rising rolls show an alarming increase in dependency on the taxpayer. The proportion of children in this country who are receiving AFDC has risen sharply, from 3 percent in the midfifties to 9 percent today. This means that an increasing number of families are becoming dependent on welfare and staying dependent on welfare.

A major cause of the growth of AFDC is increasing family breakup and increasing failure to form families in the first place. Births out of wedlock, particularly to teenage mothers, have increased sharply in the past decade.

Several generations ago, before there was any AFDC program, poor families improved their economic conditions by taking advantage of this country's opportunities through a commitment to work, and through the strengthening and maintenance of family ties. The social compassion that gave rise to the AFDC program—particularly in those States in which benefit levels are highest—appears to have had the effect of undermining these routes to economic betterment, with dismal consequences, particularly for the poor on welfare themselves. The House bill, with the major expansion of welfare it contemplates, would move a giant step further along a road that has proven so unsuccessful up to now.

But another approach is possible to improving the lives of low-income families. As President Nixon has stated:

> In the final analysis, we cannot talk our way out of poverty; we cannot legislate our way out of poverty; but this Nation can work its way out of poverty. What America needs now is not more welfare, but more "workfare" a new work-rewarding program.

The committee agrees with the President that work should be rewarded and its value to the worker increased. Under the committee bill, over $2 billion in additional income would be paid to low-income working persons in 1974. A number of other provisions are included in the committee bill which reflect the committee's aim of increasing the benefits of working.

TEN PERCENT WORK BONUS

Low-income workers in regular employment who head families would be eligible for a work bonus equal to 10 percent of their wages taxed under the social security—or railroad retirement—program if the annual income of the husband and wife is $4,000 or less. For families where the husband's and wife's annual income exceeds $4,000, the work bonus would be equal to $400 minus one-fourth of the amount by which their income exceeds $4,000. The work bonus, administered by the Internal Revenue Service, would cost about $1 billion in 1974, and would provide work bonus payments to about 5 million families.

WAGE SUPPLEMENT

Persons in jobs not covered by the Federal minimum wage law, in which the employer paid less than $2 per hour but at least $1.50 per hour, would be eligible for a wage supplement. Any employee who is the head of a household with children and who is working in one of these jobs would be eligible for a wage supplement equal to three-quarters of the difference between what the employer pays him and $2 per hour—for up to 40 hours a week. Thus if an employer pays a wage of $1.50 an hour, the Federal subsidy would amount to 38 cents an hour, three-quarters of the 50-cent difference between $1.50 and $2. In addition, the 15-cent work bonus the employee receives would bring the value of working 1 hour from the $1.50 presently paid by the employer up to $2.03. No supplement would be paid if the employer reduced the pay for the job; no jobs presently paying the minimum wage would be downgraded under the committee bill, and the minimum wage law itself would not be affected.

GUARANTEED JOB OPPORTUNITY

Since welfare programs are based on need as measured by income, decreased work effort results in a higher welfare benefit. This is not the case under the work bonus or the wage supplement under the committee bill, which are directly related to work effort. Similarly, the third basic feature of the committee's employment program rewards work efforts directly. This third element is the provision of a guaranteed job opportunity for persons not able to find employment in a regular job. Persons considered to be employable—able-bodied male heads of families, as well as mothers with school-age children only—would no longer be eligible to receive their basic income under the welfare system that has failed both them and society, but instead would be guaranteed an opportunity to earn $2,400 a year. An individual could work up to 32 hours a week at $1.50 per hour and would be paid on the basis of hours worked. A woman with school-age children would not be required to be away from home during hours that the children are not in school, unless child care is provided. She may be asked, however, in order to earn her wage, to provide afterschool care to children other than her own during the hours she is at home.

Unlike the present welfare program and the House-passed bill, the committee bill would not penalize participants for outside employment. An individual who is able to find part-time employment in addition to hours worked in the guaranteed job will be able to keep 100 percent of his or her earnings with no reduction in the wages earned in the guaranteed job.

STATE SUPPLEMENTATION

To assure that the work incentives proposed under the committee bill are not undermined by State welfare programs, the committee bill would require States with welfare benefits of more than $200 monthly to supplement wages earned by families headed by women participating in the employment program. Furthermore, in determining the amount of the supplementary payment, the State would not be permitted to reduce the payment on account of any earnings between $200 a month and $375 a month—the amount an employee would earn, including the work bonus, working 40 hours a week at $2 an hour—to insure that the incentive system of the committee bill is preserved.

FOOD STAMPS

Individuals participating in the employment program would not be eligible to participate in the food stamp program. However, States would be reimbursed the full cost of adjusting any supplementary benefits they might decide to give to participants so as to make up for the loss of food stamp eligibility. In order to avoid having States provide assistance to an entirely new category of recipient not now eligible for federally shared aid to families with dependent children, the committee provided that the Work Administration, which administers the guaranteed job program, would pay families headed by an able-bodied father the amount equal to the value of food stamps, but only to the extent that the State provides cash instead of food stamps for families which are now in the aid to families with dependent children category.

CHILD CARE

Lack of availability of adequate child care represents perhaps the greatest single obstacle in the efforts of poor families, especially those headed by a mother, to work their way out of poverty. It also represents a hindrance to other mothers in families above the poverty line who wish to seek employment for their own self-fulfillment or for the improvement of their family's economic status. The committee bill incorporates a new approach to the problem of expanding the supply of child care services and improving the quality of these services through the establishment of a Bureau of Child Care within the Work Administration. In addition to arranging to make child care available, the committee bill would authorize appropriations to subsidize the cost of child care for low-income working mothers.

OTHER SUPPORTIVE SERVICES

Services needed to continue in employment, including family planning services, would be provided participants in the employment program by the Work Administration.

MEDICAL CARE

Under the committee bill, families participating in the employment program who would be eligible for medicaid except for their earnings from employment would remain eligible for medicaid for 1 year. At that time they could choose to continue their medicaid coverage by paying a premium equal to 20 percent of their income—excluding work bonus payments—in excess of $2,400 annually. Families participating in the employment program who would be ineligible in any case for medicaid could also voluntarily elect to receive medicaid benefits by paying a premium equal to 20 percent of their income—including work bonus payments—above $2,400. The committee bill includes an estimated $200 million in additional Federal payments representing the difference between the value of health care received by these working persons and the cost of the premiums they would actually pay.

TRANSPORTATION ASSISTANCE

The committee recognizes that a major reason for jobs going unfilled in metropolitan areas is the difficulty individuals face in getting to the job. The committee bill would authorize the Work Administration to arrange for transportation assistance where this is necessary to place its employees in regular jobs.

DEVELOPING JOBS

In order to develop job opportunities in the private sector, the committee bill would extend—in a modified form—the present tax credit, for employers who hire participants in the work incentive program, to employers who hire persons in guaranteed employment. In order to create additional employment opportunities, the committee bill would extend the credit to private persons hiring participants.

SPECIAL MINIMUM BENEFIT FOR LONG-TERM WORKERS UNDER SOCIAL SECURITY

For longtime low-income workers, the committee bill contains a provision guaranteeing a minimum social security benefit equal to $10 per year for each year in covered employment in excess of 10 years. Thus, a worker with 30 years of covered employment would be assured of a social security benefit of at least $200 a month; the minimum payment to a couple would be $300 a month. A worker retiring in 1972 who has worked all his life at the Federal minimum wage applicable during his employment would be eligible for a monthly benefit of about $160 today. Under the committee bill, his benefit would be increased 25 percent to $200, well above the poverty level. Thus, the committee bill would achieve the original aim of the Social Security Act of 1935, to provide regular long-term workers with an income that would free them from dependency on welfare. Under this provision of the committee bill, an estimated 700,000 persons would get increased benefits beginning next January, and $152 million in additional benefits would be paid in the first full year.

INCREASE IN THE EARNINGS LIMIT

Under the committee bill, the amount that a social security beneficiary under age 72 may earn in a year and still be paid full social security benefits for the year would be increased from the present $1,680 to $2,400. For each $2 of earnings above $2,400, benefits would be reduced by $1. An estimated 1.2 million beneficiaries would receive higher benefit payments under this provision, and 550,000 persons would become entitled to benefits for the first time. About $1.1 billion in additional benefits would be paid in 1974.

INCREASED BENEFITS FOR DELAYED RETIREMENT

The House bill provides for an increase in social security benefits of 1 percent for each year after age 65 that an individual fails to receive social security benefits because he continues to work instead of retiring. The House bill would apply only to persons beginning to receive social security after the enactment of H.R. 1. The committee felt that the principle of increasing benefits for delayed retirement should apply as well to persons already receiving social security. Under the committee bill, 5 million persons would get increased benefits totaling about $200 million in the first year.

INCOME DISREGARD FOR LOW-INCOME AGED, BLIND, AND DISABLED PERSONS

Under present law, each dollar of social security benefits received generally reduces welfare payments by $1. The committee felt that persons receiving social security should receive an economic benefit for the taxes that they paid when they worked to earn entitlement to social security benefits. Accordingly, under the new supplemental security income program in the committee bill, aged, blind, and disabled persons who receive social security would be assured a minimum monthly income of at least $180 for an individual and $245 for a couple as compared with $130 and $195 for individuals and couples with no income other than supplemental security income. In addition to providing a monthly disregard of $50 of social security or other income, the committee approved an additional disregard for aged, blind, or disabled persons of $85 of earned income plus one-half of any earnings above $85. This will enable those persons who are able to do some work to do so without suffering a totally offsetting reduction in their supplemental security income.

IMPROVING THE LIVES OF CHILDREN

The program of aid to families with dependent children began and remains a program to help needy children; the basis of eligibility for AFDC payments was and remains the presence of a child. The committee bill seeks to improve the lives of children in a number of areas: by providing a higher income for low-income working families with children; by providing for improved health care; by arranging for better child care; by increasing support for child welfare services designed to strengthen family life and to keep the family together; by supporting foster care for children when the child's home is not suitable; by arranging for protective payments to insure that funds are used in the best interests of the child; by providing a mechanism to insure the child's right to have the paternity of his father established and to obtain support payments; and by making special provision for emergency assistance to children in families of migrant workers.

HIGHER INCOME FOR WORKING FAMILIES

The provisions of the committee bill outlined in the preceding section show how the committee bill would provide more than $2 billion, in additional income to low-income working families. In addition, ending the cycle of dependency that now links generation to generation is a major goal of the committee bill, and one which should have a profound effect on the lives of children.

HEALTH CARE FOR CHILDREN

Under the committee bill several million low-income working persons now eligible for Government health benefits would be eligible to buy subsidized health care protection for their families. Their premium, equal to 20 percent of their income—excluding work bonus payments—in excess of $2,400 annually, would pay part of the cost of this protection, with the Federal Government paying the remaining $200 million in estimated cost. Some million children not now covered under the medicaid program could receive health protection under this provision if their parents elect coverage.

Another provision of the committee bill extends for 2 years the program of special project grants for maternal and child health. The project grant program has been utilized primarily to bring comprehensive health care to children of low-income families in urban areas.

In 1967 the Congress required that States begin screening all children under age 21 for handicapping conditions. States have failed to meet this requirement, and HEW regulations require States to provide health care screening only to children under age 6. The committee added a provision to the bill reiterating that screening services must be provided to all eligible children between ages of 7 and 21 by July 1, 1973. To insure that children receive the screening the Congress intends, the committee provision would reduce Federal grants for AFDC by 2 percent beginning July 1, 1974, if a State fails to inform parents receiving AFDC or participating in the employment program of the availability of child health screening services; to actually provide or arrange for such services; or to arrange for or refer for appropriate corrective treatment, the children disclosed by such screening as suffering illness or impairment.

MEDICAID COVERAGE OF MENTALLY ILL CHILDREN

Under present law, Federal matching for the treatment of mentally ill persons under the medicaid program is limited to persons 65 years of age or older. The committee bill would for the first time extend Federal financial participation to inpatient care in mental institutions for children eligible for medicaid. Federal matching would only apply if the care consisted of a program of active treatment, was provided in an accredited medical institution, and provided that the State maintains the level of expenditures it is now making for mentally ill children.

CHILD CARE

The committee bill will significantly improve the care that thousands of children receive while their parents work. Care provided under the committee bill will have to meet Federal standards designed to assure that adequate space, staffing, and health requirements are made. In addition, facilities used will have to meet the life safety code of the National Fire Protection Association.

PROTECTION OF CHILDREN

The committee bill would require, rather than merely permit, States to assure that welfare payments are being used in the best interests of the children for whom they are intended. When a welfare agency has reason to believe that the aid to families with dependent children payments are not being used in the best interests of the child, it must provide counseling and guidance services so that the mother will use the payments in the best interests of the child. This failing, the agency must make protective payments to a third party who will use the funds for the best interests of the child.

Failure to pay rent leads to eviction and disruption of a child's life. The committee therefore provided that if the parent of a child receiving AFDC has failed to make rent payments for 2 consecutive months, the welfare agency may, depending on the circumstances of the case, make a rent payment directly to the landlord if he agrees to accept the amount actually allowed for shelter by the State as total payment for the rent.

Under the employment program, mothers in families with no children under age 6 would generally be ineligible to receive their basic income from the aid to families with dependent children program. It is possible that a few mothers will ignore the welfare of their children and refuse to take advantage of the employment opportunity. To prevent the children from suffering because of such neglect, the Work Administration would be authorized to make payment to the family for up to 1 month if the mother is provided counseling and other services aimed at persuading her to participate in the employment program. Following this, the mother would either have to be found to be incapacitated under the Federal definition—that is, unable to engage in substantial gainful employment—with mandatory referral to vocational rehabilitation agency; or, if she is not found to be incapacitated, the State would arrange for protective payments to a third party to insure that the needs of the children are provided for.

CHILD WELFARE SERVICES

The committee bill would increase the annual authorization for Federal grants to the States for child welfare services to $200 million in fiscal year 1973, rising to $270 million in 1977 and thereafter. These figures compare with a $46-million appropriation in 1972. While it is expected that a substantial part of any increased appropriation under this higher authorization will go toward meeting the cost of providing foster care, the committee carefully avoided earmarking amounts specifically for foster care so that wherever possible States and counties can use the additional funds to expand preventive child welfare services with the aim of helping families stay together, thus avoiding the need for foster care. The additional funds can also be used for adoption services, including action to increase adoption of hard-to-place children.

The committee bill also provides for establishing a national adoption information exchange system designed to assist in the placement of children awaiting adoption and to make it easier for parents wishing to adopt children to do so.

CHILD SUPPORT

Family breakup and failure to form families in the first place are major factors in the very rapid growth in the AFDC rolls in recent years. New provisions were written into the law in 1967 which unfortunately have proven ineffective in stemming the trend. The committee believes that an effective mechanism for assuring that fathers meet their obligation to support their children, in addition to the immediate effect of reducing welfare costs, will provide a strong deterrent to fathers who might otherwise desert—a deterrent that will keep families intact and will thus have a significant impact on improving the lives of children in the families.

Under this mechanism a mother, as a condition of eligibility for welfare, would assign her right-of-support payments to the Government. Under the leadership of the Attorney General, States would establish programs of obtaining child support—including the determination of paternity where this is necessary. State expenses for the collection unit established under the committee bill would be provided 75 percent Federal matching instead of 50 percent as under present law. Any information held by the Internal Revenue Service, the Social Security Administration, or other Federal agency would be available to help locate the absent father. This location service could be used by any mother seeking support from a deserting father, even if the family does not receive welfare.

The State collection unit would generally find it desirable to encourage the father to reach a voluntary agreement for making regular support payments. Where the voluntary approach is not successful, the committee bill provides for stronger legal remedies including the collection mechanisms available to the Federal Government such as the use of the Internal Revenue Service to garnishee the wages of the absent parent. The welfare payments to the family would serve as the basis of a continuing monetary obligation of the deserting parent to the United States.

If the civil action to obtain support payments is unsuccessful, the committee bill provides for Federal criminal penalties for an absent parent who has not fulfilled his obligation to support his family when the family receives welfare payments in which the Federal Government participates.

CHILD'S RIGHT TO HAVE PATERNITY ESTABLISHED

The committee believes that a child born out of wedlock has a right to have his paternity ascertained in a fair and efficient manner ,and that society should act on the child's behalf to establish paternity even where this conflicts with the mother's short-term interests. As part of its comprehensive approach to obtain child support, the committee bill includes several provisions designed to lead to a more effective system of establishing paternity.

First, a father not married to the mother of his child would be required to sign an affidavit of paternity if he agreed to make support payments voluntarily in order to avoid court action. Most States do not permit initiation of paternity actions more than 2 or 3 years after the child's birth; the affidavit would serve as legal evidence of paternity in the event that court action for support should later become necessary.

Second, there is evidence that blood-typing techniques have developed to such an extent that they may be used to establish evidence of paternity at a level of probability acceptable for legal determinations. Moreover, if blood grouping is conducted expertly, the possibility of error can all but be eliminated. Therefore, the committee adopted a provision to authorize and direct the Department of Health, Education, and Welfare to establish or arrange for regional laboratories that can do blood typing for purposes of establishing paternity, so that the State agencies and the courts would have this expert evidence available to them in paternity suits. No requirement would be made in Federal law that blood tests be made mandatory. The services of the laboratories would be available with respect to any paternity proceeding, not just a proceeding brought by, or for, a welfare recipient.

EMERGENCY ASSISTANCE TO MIGRANT FAMILIES WITH CHILDREN

Under existing law, emergency assistance may, at the option of the States, be provided to needy families in crisis situations, and it may be provided either statewide or in part of the State. Emergency assistance programs have been adopted in about half of the States, and they receive 50 percent Federal matching. Under the law, assistance may be furnished for a period not in excess of 30 days in any 12-month period in cases in which a child is without available resources and the payments, care, or services involved are necessary to avoid destitution of the child or to provide living arrangements for the child. The committee bill requires that all States have a program of emergency assistance to migrant families with children; requires that the program be statewide in application; and provides 75 percent Federal matching for emergency assistance to migrant families.

SOCIAL SECURITY PROVISIONS RELATED TO BENEFITS FOR CHILDREN

The committee bill contains several provisions related specifically to children's benefits, which would extend social security coverage to certain grandchildren not adopted by their grandparents; provide childhood disability benefits if the disability began before age 22 rather than before age 18 as under present law; and liberalize the eligibility requirements for children adopted by social security beneficiaries.

AIDING AGED, BLIND, AND DISABLED PERSONS

The committee continues to place primary reliance on the social security system to provide income to aged, blind, and disabled persons, and as in the past considers it appropriate for workers to contribute during their productive working years as they build up entitlement to retirement, disability, and survivor benefits. The social security program has succeeded remarkably well in its original intention of replacing old-age assistance. The proportion of aged persons receiving social security has mounted steadily since 1940 until the program is now nearly universal, while at the same time the proportion of the aged population receiving welfare has declined from 23 percent of the elderly 30 years ago to 10 percent today. Building on the 20-percent benefit increase already enacted into law, the committee bill would create a new supplemental security income program, administered by the Social Security Administration, which would set a Federal guaranteed minimum income level for aged, blind, and disabled persons, with higher incomes guaranteed for those entitled to social security benefits.

BENEFITS FOR WIDOWS

The committee bill would provide benefits for a widow equal to the benefit her deceased husband would have received if he were still living. Under the bill, a widow who begins receiving benefits at age 65 or after would receive 100 percent rather than 82½ percent of the amount her deceased husband was receiving at his death, or the amount he would have received if he had begun getting benefits at age 65. Under this provision, $1 billion in additional benefits would be paid to 3,800,000 persons in 1974.

EXTENSION OF MEDICARE TO THE DISABLED

The major provision in the committee bill affecting blind and disabled social security beneficiaries would extend medicare coverage to 1,700,000 disabled social security beneficiaries at a cost of $1 billion in the first full year for hospital insurance and $350 million for supplementary medical insurance.

REDUCTION IN WAITING PERIOD FOR DISABILITY BENEFITS

Under present law, an individual must be disabled throughout a full 6-month period before he may be paid disability insurance benefits. Under the committee bill, the waiting period would be reduced 2 months to a 4-month period. An estimated 950,000 beneficiaries would become entitled to $274 million in additional benefits under this provision in 1974.

DISABILITY BENEFITS FOR THE BLIND

The committee bill substantially liberalizes the provisions of present law relating to blind persons. In particular, the committee bill would make blind persons with at least six quarters of coverage eligible for disability benefits, and permit blind persons to qualify for benefits regardless of their capacity to work and whether they are working.

COVERAGE OF DRUGS UNDER MEDICARE

The cost of outpatient prescription drugs represents a major item of medical expense for many older people, especially those suffering from chronic conditions. The cost of such drugs are not presently covered under the medicare program. The committee bill would cover under the medicare program the cost of certain specified drugs purchased on an outpatient basis which are necessary in the treatment of the most common crippling or life-threatening chronic disease conditions of the aged. Beneficiaries would pay $1 toward the cost of each prescribed drug included in the reasonable cost range for the drug involved.

LIMITING THE PREMIUM FOR SUPPLEMENTARY MEDICAL INSURANCE

During the first 5 years of the supplementary medical insurance program it has been necessary to increase the monthly premium almost 100 percent—from $3 per person in July 1966, to a $5.80 rate in July 1972. The Government pays an equal amount from general revenues. This increase and projected future increases represent an increasingly significant financial burden to the aged living on incomes which are not increasing at a similar rate.

The committee bill would limit the premium increase to not more than the percentage by which the social security cash benefits had been generally increased since the last premium adjustment. Costs above those met by such premium payments would be paid out of general revenues in addition to the regular general revenue matching.

MEDICARE COVERAGE FOR SPOUSES AND SECURITY BENEFICIARIES UNDER AGE 65

Under present law, medicare coverage is restricted to person age 65 and over, but persons age 60 through 64—including retired workers, their spouses, widows, or parents—find it difficult to obtain adequate private health insurance at a rate which they can afford. The committee bill would make medicare protection available at cost to spouses age 60 to 64 of medicare beneficiaries and to other persons age 60 to 64 entitled to benefits under the Social Security Act.

EXTENDED CARE FACILITIES AND SKILLED NURSING FACILITIES

Serious problems have arisen with respect to defining and providing the skilled nursing home benefit under medicaid and the extended care benefit under medicare. To remedy these problems, the committee bill would establish a single definition and set of standards for extended care facilities under medicare and skilled nursing homes under medicaid. The bill also redefines the medicare extended care benefit to make it more equitable and suitable to the posthospital needs of older citizens, as well as to avoid the problem of retroactive denials of coverage. Additionally, by July 1, 1974, States would be required to have proper cost for finding systems whereby skilled nursing and intermediate care facilities would be reimbursed under medicaid on a reasonable cost-related basis. To assure compliance with statutory requirements as to conditions of safety and quality of care, the Secretary of Health, Education, and Welfare would have final authority to certify facilities for participation in both medicare and medicaid.

WAIVER OF BENEFICIARY LIABILITY FOR CERTAIN DISALLOWED MEDICARE CLAIMS

Under present law, whenever a medicare claim is disallowed, the ultimate liability for services rendered falls upon the beneficiary. Under the committee bill, a beneficiary could be "held harmless" in certain situations where claims were disallowed, but where the beneficiary was without fault. In such situations, the liability would shift either to the Government or to the provider of services, dependent upon whether, for example, the provider exercised due care in applying medicare policy.

PAYMENTS TO HEALTH MAINTENANCE ORGANIZATIONS

Certain large medical care organizations seem to make the delivery of medical care more efficient and economical at times than the medical care community at large.

Medicare does not currently pay these comprehensive programs on an incentive capitation basis, and consequently any financial incentives to economical operation in such programs have not been incorporated in medicare.

The committee bill provides the potential for greater usage of these organizations, with qualified organizations being eligible for incentive reimbursement. The committee bill includes provisions designed to assure that only health maintenance organizations with a capacity to provide care of proper quality would be eligible to participate under the incentive reimbursement approach. These provisions are designed primarily to protect medicare beneficiaries and to avoid indiscriminate expenditure of public trust funds.

PROTECTING AGED, BLIND, AND DISABLED WELFARE RECIPIENTS FROM LOSS OF MEDICAID ELIGIBILITY

The committee bill includes a provision to assure that aged, blind, and disabled welfare recipients who are currently eligible for medicaid will not lose their eligibility for medicaid benefits solely because of the recent 20-percent social security benefit increase. The amendment will protect about 180,000 aged, blind, and disabled welfare recipients against loss of this valuable protection.

SUPPLEMENTARY SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Under present law, aged, blind, and disabled persons are eligible for welfare benefits under the various State assistance programs, with the State setting the payment levels. The committee bill would substitute instead a new federally administered program of supplemental security income for aged, blind, and disabled persons. Under this program, aged, blind, and disabled individuals would be assured a monthly income of at least $130 for an individual or $195 for a couple. In addition the committee bill would provide that the first $50 of social security or other income would not cause any reduction in amount of the supplementary security income payment.

As a result, aged, blind, and disabled persons who also have monthly income from social security or other sources—which are not need related—of at least $50 would, under the committee bill, be assured total monthly income of at least $180 for an individual or $245 for a couple.

USE OF TRUST FUNDS FOR REHABILITATION

Under present law, up to 1 percent of the amount of social security trust funds paid to disabled beneficiaries in the prior year may be used to pay for the costs of rehabilitating disabled beneficiaries. In order to provide additional funds for rehabilitating these disabled persons, the committee bill would increase by 50 percent the percentage of the trust funds which could be used for rehabilitation.

REHABILITATION OF ALCOHOLICS AND ADDICTS

The committee is particularly concerned that persons who are disabled because of alcoholism or drug addiction be provided rehabilitative services under a program of active treatment rather than simply being provided income with which to support their addiction or alcoholism. Accordingly, alcoholics and drug addicts under the committee bill would be able to receive maintenance payments only as part of a program of active treatment.

IMPROVING PROGRAM INTEGRITY AND ENHANCING QUALITY OF CARE

The committee bill includes a number of provisions designed to improve administrative control and quality of care assurance in the medicare and medicaid programs and to restore the integrity of the welfare programs.

ESTABLISHMENT OF PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

The committee has found substantial indications that a significant amount of health services paid for under the medicare and medicaid programs would not be found medically necessary under appropriate professional standards. In some instances, the services provided are of unsatisfactory professional quality.

The committee bill would establish professional standards review organizations, sponsored by organizations representing substantial numbers of practicing physicians in local areas, to assume responsibility for comprehensive and ongoing review of services covered under the medicare and medicaid programs. The purpose of the amendment would be to assure proper utilization of care and services provided in medicare and medicaid utilizing a formal professional mechanism representing the broadest possible cross section of practicing physicians in an area. Appropriate safeguards are included so as to adequately provide for protection of the public interest and to prevent pro forma assumption in carrying out of the important review activities in the two highly expensive programs. The amendment provides discretion for recognition of and use by the PSRO of effective utilization review committees in hospitals and medical organizations.

Mr. President, at this point I particularly wish to pay tribute to the statesmanship, the diligence, and the patience of the Senator from Utah (Mr. BENNETT), and for the many constructive suggestions he made in every phase of the bill, including its work-fare aspects, which bear his mark as much as that of any member of the committee, as does almost everything in the bill.

This particular provision on peer review, however, is one which he had the courage to sponsor and to educate the public on, as well as the doctors and officials, to the point that today this proposal has general acceptance, whereas in the beginning there was strong opposition to it, and great fears, which in my judgment have been largely resolved. It is my judgment that any fears remaining on the part of doctors or others will prove to be groundless, as most of those in the past have been.

INSPECTOR GENERAL FOR MEDICARE AND MEDICAID

There is at present no independent reviewing mechanism charged with specific responsibility for ongoing and continuing review of medicare and medicaid in terms of the efficiency and effectiveness of program operations and compliance with congressional intent. While HEW's Audit Agency and the General Accounting Office have done helpful work, there is a need for day-to-day monitoring conducted at a level which can promptly call the attention of the Secretary and the Congress to important problems and which has authority to remedy some of these problems in timely, effective, and responsible fashion.

The committee bill would create the Office of Inspector General for Health Administration in the Department of Health, Education, and Welfare. The Inspector General would be appointed by the President, would report to the Secretary, and would be responsible for reviewing and auditing the social security health programs on a continuing and comprehensive basis to determine their efficiency, economy, and consonance with the statute and congressional intent.

LIMITATIONS ON COVERAGE OF COSTS UNDER MEDICARE

The committee bill authorizes the Secretary to establish limits on overall direct or indirect costs which will be recognized as reasonable for comparable services in comparable facilities in an area. He may also establish maximum acceptable costs in such facilities with respect to items or groups of services—for example, food costs, or standby costs.

The beneficiary is liable for any amounts determined as excessive, except that he may not be charged for excessive amounts in a facility in which his admitting physician has a direct or indirect ownership interest. The Secretary is required to give public notice as to those facilities where beneficiaries may be liable for payment of costs determined as not necessary to efficient patient care.

LIMITATION ON PREVAILING CHARGE LEVELS

Under the present reasonable charge policy, medicare pays in full any physician's charge that falls within the 75th percentile of customary charges in an area. However, there is no limit on how much physicians, in general, can increase their customary charges from year to year and thereby increase medicare payments and costs.

The committee bill recognizes as reasonable, for medicare reimbursement purpose only, those charges which fall within the 75th percentile. Starting in 1973, increases in physician's fees allowable for medicare purposes would be limited by a factor which takes into account increased costs of practice and the increase in earnings levels in an area.

With respect to reasonable charges for medical supplies and equipment, the amendment would provide for recognizing only the lower charges at which supplies of similar quality are widely available.

PUBLIC DISCLOSURE OF INFORMATION REGARDING DEFICIENCIES

Physicians and the public are currently unaware as to which hospitals, extended care facilities, skilled nursing homes, and intermediate care facilities have deficiencies and which facilities fully meet the statutory and regulatory requirements. This operates to discourage the direction of physician, patient, and public concern toward deficient facilities, which might encourage them to upgrade the quality of care they provide to proper levels.

Under the bill the Secretary of Health, Education, and Welfare would be required to make reports of an institution's significant deficiencies or the absence thereof—such as deficiencies in the areas of staffing, fire safety, and sanitation—a matter of public record readily and generally available at social security district offices. Following the completion of a survey of a health care facility or organization, those portions of the survey relating to statutory requirements as well as those additional significant survey aspects required by regulations relating to the capacity of the facility to provide proper care in a safe setting would be matters of public record.

LIMITATION ON FEDERAL PAYMENTS UNDER MEDICARE AND MEDICAID FOR DISAPPROVED CAPITAL EXPENDITURES

A hospital or nursing home can, under present law, make large capital expenditures which may have been disapproved by the State or local health care facilities planning council and still be reimbursed by medicare and medicaid for capital costs—depreciation, insert on debt, return on net equity—associated with that expenditure.

The committee bill would prohibit reimbursement to providers under the medicare and medicaid programs for captial costs associated with expenditures of $100,000 or more which are specifically determined to be inconsistent with State or local health facility plans.

DETERMINING ELIGIBILITY FOR WELFARE

Generally speaking, the usual method of determining eligibility for public assistance has involved the verification of information provided by the applicant for assistance through a visit to the applicant's home and from other sources. For persons found eligible for assistance, redetermination of eligibility is required at least annually, and similar procedures are followed.

The Department of Health, Education, and Welfare has required States to use a simplified or declaration method for aid to aged, blind, and disabled, and has strongly urged that this method be used in the program of aid to families with dependent children. The simplified or declaration method provides for eligibility determinations to be based to the maximum extent possible on the information furnished by the applicant and without routine interviewing of the applicant and without routine verification and investigation by the caseworker. The committee bill precludes the use of the declaration method by law. It also explicitly authorizes the States in the statute to examine the application or current circumstances and promptly make any verification from independent or collateral sources necessary to insure that eligibility exists. The Secretary could not, by regulation, limit the State's authority to verify income or other eligibility factors.

RECOUPING OVERPAYMENTS

In 1970, the Supreme Court ruled that welfare payments could not be terminated before a recipient is afforded an evidentiary hearing. The Health, Education, and Welfare regulations based on the Court's decision permit the recipient to delay the hearing in order to continue to receive welfare payments long after he has become ineligible. Other regulations virtually preclude recovering overpayments.

The committee bill deals with this situation by requiring State welfare agencies to reach a final decision on the appeal of an AFDC recipient within thirty days following the day the recipient was notified of the agency's intention to reduce or terminate assistance. The bill would also require the repayment to the agency of amounts which a recipient received during the period of the appeal if it was determined that the recipient was not entitled to the money which he had already received.

Any other result, Mr. President, would seem to the committee to encourage fraud and improper applications for welfare benefits.

QUALITY OF WORK PERFORMED BY WELFARE PERSONNEL

In an effort to try to upgrade the quality of work performed by welfare personnel, the committee bill directs the Secretary of the Department of Health, Education, and Welfare to study and report to the Congress by January 1, 1974, on ways of enhancing the quality of welfare work, whether by fixing standards of performance or otherwise. In making this study, the Secretary could draw on the knowledge and expertise of persons talented in the field of welfare administration, including those having direct contact with recipients. He should also benefit from suggestions made by recipients themselves as to how the level of performance in the administration of the welfare system might be improved, with a view toward ending the wide variations in employee conduct which characterize today's system, and moderating the extremes to which some social workers go in performing their duties.

OFFENSES BY WELFARE EMPLOYEES

Under a present Federal law there is no provision particularly directed to the question of employee conduct in the administration of the welfare program. Under the committee bill, rules similar to those applicable to Internal Revenue Service employees would apply under the welfare laws. The committee is hopeful that this provision could lead to an upgrading of the quality of performance by welfare workers in general.

FISCAL RELIEF FOR STATES AND ADDITIONAL ADMINISTRATIVE LATITUDE

The committee is well aware that the growth of the welfare rolls since 1967 has been one of the significant factors in bringing about the fiscal crisis currently facing State and local governments. Much of this growth has been due to increased Federal intervention in the control of the AFDC program by the States. The committee feels that having the Federal Government take over the control of this program is not the step that should be taken. It believes that the correct approach is in the opposite direction. Accordingly, the committee carefully designed many parts of this bill so that the State's control of the AFDC program would be strengthened rather than weakened. The committee recognizes, however, that this represents a long-range solution and that many States feel an acute need for immediate relief from the pressures of swollen welfare budgets. Under the committee bill, therefore, the fiscal burden on the States will be substantially decreased through creation of the new Federal supplemental security insurance program in lieu of the present program of aid to the aged, blind, and disabled, through increases in the Federal funding of assistance payments to families, and through indirect fiscal relief resulting from improvements which the committee bill makes in the general structure of the AFDC program. These amounts are in addition to funds under the revenue-sharing bill.

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

The committee bill establishes a new program of supplemental security income for the aged, blind, and disabled, with Federal administration and, with the Federal Government paying the full cost of the program as replacement of the present Federal-State programs of aid to the aged, blind, and disabled, this new program will save States about $800 million annually.

AID TO FAMILIES WITH DEPENDENT CHILDREN

In the aid to families, with dependent children program, the committee bill changes the funding mechanism from the present formula matching to a block grant approach. The new method of providing Federal funds for AFDC results in substantial immediate fiscal relief and is also consistent with the committee's desire to return to the States a greater measure of control over their welfare programs. For the last six months of calendar year 1972 and for 1973, the block grant would be based on the funding for calendar year 1972 under current law. Starting in 1974, the grant would be adjusted to take into account the effects of the work program. State savings are estimated at $400 million in 1972, $800 million in 1973, and $1.4 billion in 1974.

CHILD WELFARE SERVICES

Federal appropriations for child welfare services have remained at $46,000,000 for the past 7 years, representing about one-seventh of total State and local expenditures for child welfare services programs. The committee bill would increase the authorizations for child welfare services to $200,000,000 in fiscal year 1973, rising to $270,000,000 in fiscal year 1977 and thereafter.

STATE MEDICAID SAVINGS

The provisions of the committee bill extending medicare coverage to disabled social security beneficiaries, including prescription drugs under the medicare program and providing Federal medicaid matching for the first time for mentally ill children will save State substantial amounts under their medicaid programs.

LIMITING REGULATORY AUTHORITY OF THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

The Social Security Act permits the Secretary of Health, Education, and Welfare to "make and publish such rules and regulations, not inconsistent with this act, as may be necessary to the efficient administration of the functions" with which he is charged under the act. Similar authority is provided under each of the welfare programs. Particularly since January 1969, regulations have been issued under this general authority with little basis in law and which sometimes have run directly counter to legislative history. Many States have attributed at least a part of the growth of the welfare caseload in recent years to these regulations of the Department of Health, Education, and Welfare.

A number of committee decisions deal with problems raised by specific HEW regulations. In addition, the committee agreed to modify the statutory language quoted above by limiting the Secretary's regulatory authority under the welfare programs so that he may issue regulations only with respect to specific provisions of the act and even in these cases the regulations may not be inconsistent with the provisions of the act.

PERMITTING STATES MORE LATITUDE UNDER MEDICAID

The medicaid program has been a significant burden on State finances. Two requirements of present law would be deleted by the committee bill. These requirements prevent a State from ever reducing medicaid expenditures and require that a State medicaid program ever expand until the program is comprehensive.

CONCLUSION

Mr. President, this concludes my prepared statement on the committee bill. It is a comprehensive bill, and I think it is the best piece of legislation the Finance Committee has recommended to the Senate during the 24 years I have been a Member of this body. I urge that it be approved.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be considered as original text for purpose of further amendment.

The **PRESIDING OFFICER**. Is there objection? The Chair hears none, and it is so ordered.

Mr. **BENNETT**. Mr. President, as the ranking minority member on the Senate's committee, I should like to join the chairman in presenting opening statements with respect to this monumental and historic piece of legislation. Just within the last few minutes, a copy of the bill has been laid on the desk of each Senator. It disappoints me. It is only 989 pages long. I thought it might actually have reached and crossed the mark of 1,000 pages. By all odds, it is the longest bill that has ever been considered by either House of Congress. Its length is a factor of the extent to which it attempts to attack and solve the many, many problems that have grown up in the social security and welfare fields over the years.

It has been a number of years since these programs were instituted, and as time has passed and conditions have changed, we have either left the problems there to grow or we have attempted to solve them on a patchwork basis. This time the committee, working since last January, has undertaken a comprehensive review of both these areas. This bill represents the committee's recommendations to the Senate.

Mr. President, the chairman has just completed his comprehensive statement, in which he has reviewed and outlined the major provisions in H.R. 1 and has indicated to the Senate how these provisions relate in a manner touching, in one way or another, on almost every critical problem in the areas of social security, medicare, medicaid, and welfare.

Senator Long has done a superb job of summarizing the bill. I should like, therefore, at this point to reemphasize the importance of a few of the key committee decisions in which I have been most closely involved on a personal basis.

The chairman has mentioned two of these, in the matter of the review of the quality and necessity for health care and an attempt to work out a provision which would encourage work, rather than welfare, for the family heads in families with dependent children. I am going to talk a little more in detail about these two features.

The bill deals extensively with medicare, medicaid, and welfare. In each of these areas, there have been key problems which need to be solved. In the welfare area, the principal problem involves the question of whether we should merely guarantee a welfare family, headed by a person who is capable of employment, a minimal income, or whether we should, instead, guarantee employable adults a job opportunity. I will discuss these welfare issues later in my statement.

In medicare and medicaid, the critical problem the committee has had to solve relates to the urgent need for effective utilization of medical facilities and the need for a peer review of the way these facilities are used.

The committee, after extensive hearings and deliberations, going all the way back to 1970, has again approved the professional standards review organization amendment, which I offered and which would establish a responsible and publicly accountable professional structure for carrying out peer review at local levels throughout the country.

Senators will recall that the PSRO amendment was strongly endorsed by the Senate in a rollcall vote during the debate on the Social Security amendments of 1970.

Let me take a few moments to again set the whole issue of utilization and peer review in context for the Senate. Until recently in our history, the Federal Government was not involved to any substantial extent as a third-party payer of medical and hospital bills.

With the advent of medicare and medicaid in 1965, the Federal Government almost overnight became the largest health insurer or third-party payer in the United States. The Government was now paying hospital and medical bills for millions of aged and poor citizens.

Medicare and medicaid have been good programs, which have enabled millions of citizens to meet their health needs. However, as most Senators are aware, the cost of the medicare and medicaid programs have skyrocketed far beyond the early estimates. In this fiscal year, alone, medicare and medicaid will cost the Federal and State Governments some $19 billion. Projected costs of the medicare hospital insurance program will exceed estimates made in 1967 by some $240 billion over a 25-year period. The total monthly premium cost for part B of medicare—doctors' bills—rose from $6 monthly per person in July of 1966 to $11.60 per person in July of 1972. Medicaid costs are also rising at precipitous rates.

Obviously, the costs of these programs represented a problem which must be dealt with. In addition, hearings revealed that a significant proportion of the health services provided under medicare and medicaid were not medically necessary and that some of the necessary services provided would not meet proper quality standards.

These were the problems—cost and quality—which the Finance Committee had to face in discussing medicare and medicaid. Part of the answer was relatively easy. The Ways and Means Committee and the Finance Committee both developed a number of provisions to control allowable unit charges for physicians' services and hospital per diem costs. These controls will not halt cost increases, but should moderate them substantially.

However, controlling the unit cost of services under medicare and medicaid solved only part of the problem. The committee still had to deal with the very difficult questions of whether the services were actually necessary and met proper quality standards. This is where utilization and peer review enters the picture. As I said, it is relatively easy to control the unit price of services, but without effective professional controls on utilization the costs of the programs will continue to soar.

An effective comprehensive professional review mechanism can materially ease problems of utilization and quality control. This is the area where a bridge was needed between medicine and Government. It was all too clear to those of us on the Finance Committee that an army of Government and insurance company employees checking on each medical service was not the answer. Past experience and commonsense indicated clearly that clerical personnel could not and should not make decisions as to the quality and necessity of medical services.

The bridge we needed between Government and medicine was a structure through which practicing physicians could, in an organized and publicly accountable fashion, professionally evaluate the quality and necessity of medical services in an area.

In 1970 I introduced an amendment to establish professional service review organizations throughout the United States. Under this provision, professional standards review organizations—PSRO's—would be established throughout the United States and would have the responsibility of reviewing—on a comprehensive and ongoing basis—whether the services provided under medicare and medicaid were necessary and met accepted professional standards. The Secretary of Health, Education, and Welfare would, after consultation with national and local health professions and agencies, designate appropriate areas through the Nation for which professional standards review organizations would be established. Areas may cover an entire State or parts of a State, but generally a minimum of 300 practicing doctors would be included within one area. As a practical matter, the average PSRO would average 700 or 800 physicians. This size should be sufficient to assure objective review and yet be essentially local in nature and timely in response.

Organizations representing substantial numbers of physicians in area, such as medical foundations and societies, would be invited to sponsor review organizations. It should be clearly understood—and this has been one of the debates over the past 2 years, one that has been most difficult to explain—that a medical society, per se, could not qualify as a PSRO because of the requirement that membership in the PSRO be open to all licensed doctors of medicine and osteopathy in an area without any society membership or dues requirement whatsoever. Where the Secretary finds that such organizations are not willing or cannot reasonably be expected to develop capabilities to carry out professional standards review organization functions in an effective, economical, timely and objective manner, he would enter into agreements with such other agencies or organizations with professional medical competence as he finds are willing and capable of carrying out such functions.

In other words, the job would be done one way or the other but it is the intention of the amendment to give a first priority, a first opportunity to qualified organizations already existing who would be capable of sponsoring a PSRO to include all the practicing physicians in the given area.

The initial agreement would be made on a conditional basis, not to exceed 2 years, with the PSRO operating concurrently with the present review system. During the transitional period, medicare carriers and intermediaries are expected to abide by the decision of the professional standards review organization where the professional standards review organization has acted. This reliance will permit a more complete appraisal of the effectiveness of the conditionally approved professional standards review organization. Where performance of an organization is unsatisfactory, and the Secretary's efforts to bring about prompt necessary improvement fail, he could terminate its participation.

Provider, physician, and patient profiles and other relevant data would be collected and reviewed on an ongoing basis to identify persons and institutions which provide services requiring more extensive review. Regional norms of care and treatment would be used in the review process as routine checkpoints in evaluating when excessive services may have been provided. The norms would be particularly useful in determining the point at which physician certification of need for continued institutional care would be made and reviewed. Initial priority in assembling and using data and profiles would be assigned to those areas most productive in pinpointing problems—such as hospitalization—so as to conserve physician time and maximize the productivity of physician review. The PSRO would progressively assume more and more review responsibility as its capacity expanded.

The professional standards review organization would be permitted to employ the services of qualified personnel, such as registered nurses, who could, under the direction and control of physicians, aid in assuring effective and timely review. A PSRO, in performing its tasks, would also be required to accept the review findings of review committees in hospitals and medical organizations to the extent these in-house review activities are effective.

Where advance approval by the review organizations for institutional admission is required, such approval would provide the basis for a presumption of medical necessity for purposes of medicare and medicaid benefit payments. Failure of a physician, institution, or other health care supplier to seek advance approval, where required, could be considered cause for disallowance of affected claims.

In addition to acting on their own initiative, the review organizations would report on matters referred to them by the Secretary. They would also recommend appropriate action against persons responsible for gross or continued overuse of services, use of services in an unnecessarily costly manner, or for inadequate quality of services and would act to the extent of their authority or influence to correct improper activities.

I cannot emphasize too strongly, however, that the thrust of PSRO activities is educational and not punitive.

Mr. President, we have had some experience in this field. There are some PSRO organizations now operating. We have had ample demonstration of the educational value of the activity.

A National Professional Standards Review Council would be established by the Secretary to assist in developing, improving, and evaluating norms of care as well as to review the operations of the local area review organizations, advise the Secretary on their effectiveness, and make recommendations for their improvement. The Council would be composed of physicians, a majority of whom would be selected from nominees of national organizations representing practicing physicians. Other physicians on the Council would be recommended by consumers and other health care interests.

As I have noted, the amendment was approved by the Committee on Finance and the full Senate in 1970 and was again approved by the Finance Committee in its consideration of H.R. 1. The amendment has been carefully studied by and has the endorsement of the Department of Health, Education, and Welfare, subject to an understanding that there may be technical problems involved on which the Department of HEW might suggest different approaches. However, the basic principle has been completely and thoroughly endorsed by the Department. Most of these areas of disagreement on the limited technical features have been resolved, and I am sure that we can resolve all of them before we get through. In addition, the amendment is supported by many concerned organizations, including a substantial number of State and county medical societies.

I believe today, as I said when I introduced the PSRO amendment in this Congress early this year that:

> The relationship between the patient, the physician and the Government is at a crossroads in America today. The pressures for increased governmental involvement in the day-to-day practice of medicine are increasing continually as we move toward expanded Government financing of health care. Economics, commonsense and morally each demand that the Government take an increasingly active role in dealing with the cost and quality of medical care.
>
> The PSRO amendment represents the best, and perhaps the last, opportunity to fully safeguard the public concern with respect to the cost and quality of medical care while, at the same time, leaving the actual control of medical practice in the hands of those best qualified—America's physicians.

Without an appropriate peer review mechanism to serve as a bridge between Government and medicine, I am afraid that the consequence will be increasing isolation between Government and medicine, working to the disadvantage of both, and, more importantly, to the disadvantage of the patient.

Mr. President, I would like to address my remarks to the second major area covered by this bill—the welfare area.

Mr. President, as the chairman has so adequately and splendidly demonstrated in his statement, one of the major concerns of the Nation today is the rapid increase in the aid to families with dependent children rolls in recent years. In 1955, there were 2 million recipients in the AFDC program. By the end of 1967, this had increased to 5.3 million recipients. Faced with this increase, the Congress in 1967 created the work incentive program. It was the hope of the Committee on Finance that this program would help employable welfare recipients to prepare for employment and get jobs.

The WIN program represented an attempt to cope with the problem of the rapidly growing dependency on welfare, by dealing with the major barriers which prevented many of the women who head AFDC families from becoming financially independent through their own work effort.

However, during its first 3 years of operation, the WIN program earned a reputation of being a horrendous failure.

The requirement for on-the-job training, highly desirable because of its virtual guarantee of employment upon successful completion of training, was largely ignored under the WIN program as it was administered. Public service employment, also aimed at providing actual employment for welfare recipients, was not provided; only one State had implemented this WIN provision in a substantial way by 1969, although all States were required to establish such programs. Insufficient day care created an inhibiting effect on welfare mothers participating in the program. Lack of coordination between welfare agencies and employment agencies also created problems.

Even though the WIN program in its first 3 years was ineffective, it did show that many more welfare recipients volunteered to participate in the program than could be accommodated. The welfare recipients wanted jobs, but were not being helped by the program.

In 1971, amendments initiated by Senator TALMADGE—also a member of the Finance Committee—were enacted, amendments designed to strengthen the WIN provisions to make the program work. But based on hearings the Finance Committee held in June of 1972, it appears that the Labor Department may not be trying as hard as we would like it to try to make the program effective.

Thus, the problem of the soaring AFDC rolls continued as a major problem that cried out for a workable solution. The President has recognized the magnitude of this problem, and has urged the Congress to move in the direction of "workfare," rather than welfare.

President Nixon has stated:

> In the final analysis, we cannot talk our way out of poverty; we cannot legislate our way out of poverty; but this Nation can work its way out of poverty. What America needs now is not more welfare, but more "workfare" . . . This would be the effect of the transformation of welfare into "workfare," a new work-rewarding program.

The committee agrees that the only way to meet the economic needs of poor persons while at the same time decreasing rather than increasing their dependency is to reward work directly by increasing its value. The committee bill seeks to put the President's words into practice by:

First. Guaranteeing employable family heads a job opportunity rather than a welfare income; and by

Second. Increasing the value of work by relating Federal benefits directly to work effort.

All of us are aware today that many important tasks in our society remain undone, such as jobs necessary to improve our environment, improve the quality of life in our cities, improve the quality of education in our schools, improve the delivery of health services, and increase public safety in urban areas. The heads of welfare families are qualified to perform many of these tasks. Yet welfare pays persons not to work and penalizes them if they do work. Does it make sense to pay millions of persons not to work at a time when so many vital jobs go undone? Can this Nation treat mothers of school-age children on welfare as though they were unemployable and pay them to remain at home when more than half of mothers with school-age children in the general population are already working?

This is information I think the American people generally may not be aware of. More than one-half of the women with school-age children are now working.

It is the committee's conclusion that paying an employable person a benefit based on need, the essence of the welfare approach, has not worked. It has not decreased dependency—it has increased it. It has not encouraged work—it has discouraged it. It has not added to the dignity of the lives of recipients, but it has aroused the indignation of the taxpayers who must pay for it.

The committee bill will substantially increase Federal expenditures to low-income working persons, but the increased funds that go to them—about $2 billion—will be paid in the form of wages and wage supplements, not in the form of welfare, since the payments will be related to work effort rather than to need. Under the present welfare system and under the House-passed bill, an employed person who cuts his or her working hours in half receives a much higher welfare payment; under the committee bill, a person reducing his or her work effort by half would find the Federal benefits also reduced by half.

DESCRIPTION OF GUARANTEED EMPLOYMENT PROGRAM

Under the guaranteed employment program recommended in the committee bill, persons considered employable would not be eligible to receive their basic income from aid to families with dependent children, but would be eligible on a voluntary basis to participate in a wholly federally financed employment program. Thus, employable family heads would not be eligible for a guaranteed welfare income, but would be guaranteed an opportunity to work.

The description I will give on the guaranteed employment plan is based on the assumption of a minimum wage of $2 an hour since that is the same assumption used in the committee amendments to H.R. 1.

Employable family heads are families headed by an able-bodied father or an able-bodied mother with no children under 6.

The committee bill provides three basic types of benefits to heads of families:

First. A work bonus equal to 10 percent of wages covered under social security up to a maximum bonus of $400 annually with reductions in the bonus as the husband's and wife's wages rise above $4,000.

Second. A wage supplement for persons employed at less than $2 per hour—but at least at $1.50 per hour—equal to three-quarters of the difference between the actual wage paid and $2 per hour.

Third. A guaranteed job opportunity with a newly established work administration paying $1.50 per hour for 32 hours and with maximum weekly earnings of $48.

WORK INCENTIVES UNDER THE PROGRAM

The program would guarantee each family head an opportunity to earn $2,400 a year, the same amount as the basic guarantee under the House bill for a family of four. It also strengthens work incentives rather than undermining them.

These major points about the committee plan are—

Since the participant is paid for working, his wages do not vary with family size. Thus a family with one child would have no economic incentive to have another child. This feature also preserves the principle of equal pay for equal work.

As the employee's rate of pay increases, his total income increases.

The less the employee works, the less he gets. No matter what the type of employment, the employee who works half-time gets half of what he would get if he works full-time; he gets no Federal benefit if he fails to work at all.

The value of working is increased rather than decreased. Working 32 hours for the Government is worth $1.50 per hour; when a private employer pays $1.50, the value of working to the employee is $2.02 per hour; and working at $2 per hour is worth $2.20 per hour to the employee.

Earnings from other employment do not decrease the wages received for hours worked. Thus, an individual able to work in private employment part of the time increases his income and saves the Government money. Virtually no policing mechanism is necessary to check up on his income from work.

WORK DISINCENTIVES UNDER PRESENT LAW AND ADMINISTRATION PROPOSAL

By way of contrast, under present law, a mother who is eligible for welfare is guaranteed a certain monthly income—at a level set by the State—if she has no other source of income; if she begins to work, her welfare payment is reduced. Specifically, though an allowance is made for work expenses, her welfare payment is reduced $2 for each $3 earned in excess of $30 a month. Generally, then, for each dollar earned and reported to the welfare agency, the family's income is increased by only 33 cents.

The House bill uses the same basic approach as present law, but substitutes a flat $60 exemption plus one-third of additional earnings for the present $30 plus work expenses plus one-third of additional earnings. The disincentive effects of this are as follows:

The less the individual works, the more the Government pays.

An individual cutting back on his work effort decreases his income by a relatively smaller amount, or, said another way, the value of work is substantially lower under the House bill than under the committee bill.

The value of working is decreased rather than increased.

Earnings from any employment—as well as child support payments—if reported reduce the benefits received by the family.

ADMINISTRATION OF THE EMPLOYMENT PROGRAM

A new Work Administration would be created with the responsibility of administering the employment program and paying the wage supplement. The Work Administration's goals would be, first, to improve the quality of life of the children of participating families; second, to place participants in regular employment; and, third, until this is possible, to serve as transitional employer of participants with the objective of preparing participants for and placing them in regular employment at the earliest possible time.

On the national level, the Work Administration would be headed by a three-member board appointed by the President with the advice and consent of the Senate. A 15-member national advisory committee—with representatives from industry, organized labor, State and local governments, nonprofit employers, social service organizations, minority groups, and so forth—would make policy recommendations to the board.

The actual operations of the Work Administration would be locally based, with the bulk of the local employees being persons who are currently participating or who were former participants in the guaranteed employment program. On the local level, the Work Administration would be organized along the same lines as the national office. Coordination with other local service agencies, local government, and local employers, labor organizations, and so forth, and their cooperation would be critical to the success of local operations.

The local Work Administration office would hire individuals applying to participate, would develop employability plans for participants, engage in job development and job preparation activities, arrange for supportive services needed for persons to participate—utilizing the Work Administration's Bureau of Child Care to arrange for child care services—and operate programs utilizing participants in the employment program.

The Work Administration would place the program participants in three kinds of employment:

First. Regular employment in the private sector or in jobs in public or nonprofit private agencies. Participants who are ready for employment with little or no preparation would fall into this category. These jobs would pay $2 an hour or more.

Second. Private or public employment with the employee's wage supplemented. These jobs would be jobs not covered by the Federal minimum wage law in which the employer paid less than $2 per hour, but at least $1.50 per hour. No wage supplement would be paid if the employer reduced pay for the job because of the supplement. Thus, no jobs presently paying the minimum wage would be downgraded under the committee bill, and the minimum wage itself would not be affected.

Third. Newly developed jobs with the Federal Government paying the full cost of the salary, including jobs developed for services to local communities in areas that the chairman has mentioned.

For persons who could not be placed in either regular, public or private employment—with or without a wage supplement—the Work Administration would provide employment which would pay at the rate of $1.50 per hour. An individual could work up to 32 hours a week—an annual rate of about $2,400—and would be paid on the basis of hours worked just as in any other job. There would be no pay for hours not worked.

However, a woman with school-age children would not be required to be away from home during hours that the children are not in school—unless child care is provided—although she may be asked, in order to earn her wage, to provide after-school care to children other than her own during these hours.

I am sure it is obvious that employees of the Work Administration could be used to provide child care services to make it possible for other employees to go out and accept jobs.

For these individuals who cannot be placed immediately in regular employment at a rate of pay at least equal to the minimum wage, or in employment with a wage supplement, the major emphasis would be on having them perform useful work which can contribute to the betterment of the community. A large number of such activities are currently going undone, because of the lack of individuals or funds to do them. With a large body of participants for whom useful work will have to be arranged, many of these community improvement activities could now be done. At the same time, safeguards are provided so that the program meets the goal of opening up new job opportunities and does not simply replace existing employees, whether in the public or private sector. To this end, the committee bill requires that the Work Administration observe the following criteria in making arrangements with State and local governments and with nonprofit agencies for work projects to be performed by participants in the guaranteed employment program: such work is performed on projects which serve a useful public purpose and do not result either in displacement of regular workers or in the performance of work that would otherwise be performed by employees of public or private agencies, institutions, or organizations.

For mothers with younger children particularly, the Work Administration would provide training and other activities designed to improve the quality of life for the children of participants through improvement of home, neighborhood, and other environmental conditions in which the children live. For example, mothers can be trained in skills to improve their homemaking and upgrade the physical conditions in which the children live. This would include cleaning up and beautifying their apartments or homes, perhaps in groups with other participant mothers, as well as training in consumer skills and providing a pleasing home atmosphere with child-centered activities in the home in which the child can join and have fun. Many of these activities could occur in the home and in the neighborhood with other participant mothers to provide a social life for participants as well. A major goal of this type of activity would be to impress upon participants that they have the ability to improve the living conditions of their children and to increase and reward their desire to do so. Participants engaged in this type of activity as part of their employment during the week would be required to report for work to a participant or regular Work Administration employee serving as a supervisor. Since expansion of child care will be an immediate need, a number of mothers will be trained initially in providing good child care.

Temporary employment could be arranged with private employers. During such temporary employment participants would continue to be transitional employees of the Work Administration; that is, they would continue to be paid by the Work Administration. The employee would be paid the prevailing wage for the job, however, and the Work Administration would bill the private employer for the employee's wages and other costs associated with making those services available. Unlike other forms of transitional employment by the Work Administration, such temporary employment with private employers would be covered under social security if the employment would be covered by social security when performed directly for the employer.

The Work Administration would attempt to the greatest possible extent to place participants in the transitional Government employment program into regular employment as rapidly as possible, which would include full-time employment as staff for the Work Administration.

It seems to me that if we are going to have local Work Administration offices operating to carry out these functions, they should look first to the participants as a source of their own employees, and, if necessary, upgrade the skills of these employees.

Employment in any of these categories would pay more than the $48 paid transitional employees for working a 32-hour week. In fact, it is my feeling that they should be paid at the same rate a person would be paid if he were brought in from the outside.

Though a number of the Work Administration's employees would have to be recruited from other sources, it is contemplated that a substantial majority would be drawn from participants in the guaranteed employment program itself.

TRANSPORTATION ASSISTANCE

In recognition of the fact that a major reason for low-skilled jobs going unfilled in metropolitan areas is the difficulty an individual faces getting to the potential job, the Work Administration would be authorized to arrange for transportation assistance where this is necessary to place its employees in regular jobs.

INSTITUTIONAL TRAINING

Participants in the guaranteed employment program would be eligible to volunteer for training to improve their skills under the training program administered by the Work Administration. The individual would be accepted for enrollment to the extent funds are available and only if the Work Administration is satisfied that the individual is:

First. Capable of completing training; and

Second. Able to become independent through employment at the end of the training and as a result of the training.

SUPPORTIVE SERVICES

Since the purpose of the proposal is to improve the quality of life for children and their families, any member of a family whose head participates in the guaranteed employment program would be provided services to strengthen family life or reduce dependency, to the extent funds are available to pay for the services. The agency administering the employment program would refer family members to other agencies in arranging for the provision of social and other services which they do not provide directly. Other services needed to continue in employment, including minor medical needs, could be provided by the Work Administration.

STATE SUPPLEMENTATION

In order to prevent the State welfare program from undermining the objectives of the employment program, the State would have to assume for the purposes of their AFDC program that families which include an employable parent—including a mother with no child under age 6—are actually participating full time in the employment program and thus receiving $200 per month.

Furthermore, the State would be required to disregard any earnings between $200 a month and $375 a month—the amount an employee would earn working 40 hours a week at $2 per hour—to insure that the incentive system of the employment program is preserved. The effect of this requirement would be to give a participant in the work program a strong incentive to work full time—since earnings of $200 will be attributed to him in any case—and it would not interfere with the strong incentives he would have to seek regular employment rather than working for the Government at $1.50 per hour.

JOB PLACEMENT STANDARDS

The committee bill is designed to stimulate job opportunities in the private sector; it also contains penalties for refusing to accept these jobs. The Work Administration would prepare an employability plan for each transitional employee. Based on the transitional employee's skills, qualifications, experience, and desires, the Work Administration would attempt to direct the employability plan toward employment in an area of interest to the transitional employee, and employment which offers the greatest possibility of self-support. However, participants in the employment program would not be allowed to continue in guaranteed employment if an opportunity for regular employment is available. The penalty for failure to take available regular employment would be suspension of the right to participate in the guaranteed employment program, for 1 day for the first time, 1 week for the second—including a second rejection of the same opportunity—and 1 month for the third and succeeding times.

CHILDREN OF MOTHERS REFUSING TO PARTICIPATE IN THE EMPLOYMENT PROGRAM

Under the employment program, mothers in families with no children under age 6 would generally be ineligible to receive their basic income from the aid to families with dependent children program.

It is, of course, possible that in some few instances the mother will ignore the welfare of her children and refuse to take advantage of the employment opportunity. To prevent the children from suffering, because of such neglect on the part of their mother, the Work Administration would make payment to the family for up to 1 month during which time the mother would be provided counseling and other services aimed at persuading her to participate in the employment program.

Following this, the mother would either have to be found to be incapacitated under the Federal definition—that is, unable to engage in substantial gainful employment—with mandatory referral to a vocational rehabilitation agency; or, if she is not found to be incapacitated, the State would arrange for protective payments to a third party to insure that the needs of the children are provided for.

TAX CREDIT TO DEVELOP JOBS IN THE PRIVATE SECTOR

The provision of the present tax law under which an employer hiring a participant in the work incentive program is eligible for a tax credit equal to 20 percent of the employee's wages during the first 12 months of employment, with a recapture of the credit if the employer does not retain the employee for at least 1 additional year—unless the employee voluntarily leaves or is terminated for good cause—will be continued under the new guaranteed employment program.

Because the guaranteed job opportunity program, unlike the work incentive program, would be open to the head of any family with children, several limitations would be added to the provisions of the tax credit to insure that the credit meets the primary aim of expanding employment opportunities for participants in the committee's work program.

In order to create additional employment opportunities for participants in the guaranteed job program, the committee bill would extend the credit to private employers hiring participants in nonbusiness employment. Such a private employer taking the credit would not be eligible at the same time for the income tax child care or household expense deduction.

STARTING DATES FOR PROGRAMS

The effective date for the basic job opportunity program is January 1974. As of that date, families which include an employable adult—including a mother with no child under age 6—will no longer be eligible for welfare as their basic income. If unable to find a regular job, however, the family head will be assured of Government employment paying $1.50 an hour for 32 hours weekly, producing $2,400 of income annually, the same amount which would have been payable to a family of four under the House-passed family assistance plan.

The 10-percent work bonus and the wage supplement payment would become payable even before the full guaranteed employment program is operative. Specifically, the work bonus which will be paid quarterly to low-income workers will become effective starting in January 1973. The wage supplement for family heads in regular jobs not covered under the minimum wage law and paying less than $2 per hour will be effective July 1973, utilizing the services of the local employment service offices to make the payments until the Work Administration mechanism is functioning.

Mr. President, I have not dwelt at length on either of these highly significant programs which we bring before you. The professional standards review organization and the guaranteed job opportunity program are both highly innovative proposals designed to solve some of the most vexing problems we face in health and welfare. These provisions represent months of intensive work by the Committee on Finance and are worthy of the Senate's most understanding consideration.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BENNETT. I am happy to yield to the chairman of the committee.

Mr. LONG. Mr. President, I wish to congratulate the distinguished Senator from Utah for the magnificent statement he has made in opening this debate, and also to pay tribute to him for the tremendous contribution that he has made to this bill. On some occasions the committee workfare amendment has been referred to as the Long amendment because the Senator from Louisiana is chairman of the Committee on Finance, but the Senator from Utah (Mr. BENNETT) has contributed more detailed suggestions for this bill, and also more basic provisions, I should think, than anyone else on the committee, and at a minimum I would say that the committee amendment ought to be known as the Long-Bennett amendment.

I thank the distinguished Senator for his long hours of hard work on this bill and for his major contributions, as well as his statesmanship, although in some instances the measure might not have been popular with some people, and although in some instances what he was suggesting might have been a little ahead of public understanding of what he sought to achieve. As I mentioned earlier, he is especially deserving of credit for the amendment relating to professional standards review organizations.

I do not think the workfare provisions of the measure could have been put together without the many suggestions and the many answers that the Senator from Utah has provided. All of us on the committee are grateful to him for his contribution, and I believe the country will be grateful when it sees how well some of these provisions work out, because the Senator, time and again, has come up with the answers to specific problems that have arisen in connection with first one provision of the bill and then another.

Mr. BENNETT. Mr. President, I am very grateful and humbly appreciative of what the chairman has said. I am very honored to have it known as the Long-Bennett bill when it is being attacked, but when it is being praised I am perfectly willing to have it known as the Long bill, because the chairman cannot escape from the responsibility and the credit for the leadership that he has given to the members of the committee.

Those of us who work under him have come greatly to appreciate that quality of leadership, of understanding, and of support that he has given all of us, and I am delighted to work with him, to work at his side, and to work behind him as his supporter. I am happy if I have been able to make some contribution in ideas. Of course, none of us can claim that this particular section or that is our part of the bill, because we have the kind of committee that works as a unit, works cooperatively, and works hard on problems, and every member of the committee has made a contribution to the composite pattern which has emerged as H.R. 1.

I hope that the Senate will stand with us and approve it, thus justifying the many months of work we have put into it. I think it would be tragic if all of these efforts should now go down the drain, and I can assure the chairman that I am here to do everything I can to bring about its speedy passage.

Mr. LONG. Mr. President, if the Senator will yield for one further statement, I am satisfied that the Senate will agree with 90 percent of the language that the committee has proposed, and that the Senate will agree that, of the $14 billion of expenditures in this bill, everything we are trying to do for people is something worth doing.

The only question that will be in the minds of some people is whether we should, at some point, insist that able-bodied people who need help get that assistance through their own work efforts, and thus provide some benefit to society for the support they are drawing from society. In doing so, they will better themselves and will set a fine example for their children. That will make better human beings, better citizens, and will provide a better example for their children.

I have no doubt that in due course the

Nation will adopt the recommendation we have here for rewarding work effort.

The people of this Nation are not yet really aware of how liberal the committee provisions are with regard to the aged. Those provisions go far beyond anything that the House suggested, both in cost and the overall good it would do for people.

We feel that the aged have earned the right to retire and that right is fully guaranteed and protected, and to retire with an income that will permit them from living in poverty, when they decide they want to leave the labor force; but we do think that they should earn some right to retire through their work efforts prior to the time they reach age 65. I have no doubt that the majority of the people in the country agree with that philosophy and that when they have a chance to vote on it, they are going to make clear that this is what the majority of the people think.

There are many jobs that are asking for takers unsuccessfully today. We are not requiring someone to take one of those jobs. In addition, the committee bill provides for the creation of jobs so that every family head will be guaranteed a job. It may not be a high-paying job, but it will be one they are capable of doing and it will not be one that is too demanding upon them.

I have no doubt that the people of this Nation will approve the work ethic that is implicit in this bill.

I particularly appreciate the great contribution of the Senator, because he has been both a religious leader, as well as a business leader, and a leader in the public affairs in his State and in this Nation, and the work ethic has always been a part of him. He could not reflect any other philosophy if he tried, because it has been so much a part of his background and the philosophy of those who partake of his religion, as well as those who participate with him in his civic life in his own State. So the contribution he has made is in keeping with what his philosophy is and the philosophy of the people who have built this great Nation.

I applaud the Senator for the fine speech he has made today, and more so for the enormous contribution he has made in the last several years to the thinking that has gone into the making of this program.

Mr. BENNETT. I am still overcome and overwhelmed by the kind of things my chairman has had to say about me. Certainly, I believe with all my heart in the therapy and value of work. I believe that self-respect is probably as important, or more important, than self-maintenance. This is one of the things that comes to people who are able to support themselves.

As I made my speech, I stopped to emphasize—and I will just reemphasize again—that if, in our program, we were singling out heads of families with children of school age and expecting them to do what no other women in the United States were doing, I would be very much concerned. But when we realize again that one-half of the mothers whose children are of school age are today working, we are not asking these people who are now on welfare to do anything strange or unusual or asking them to suffer an unusual penalty. We are just asking them to do what 1 out of 2 of their sisters in the same situation have done voluntarily.

I will take a minute to remind the chairman and our friends in the Senate of an experience I have discussed in the committee.

A number of years ago, in my home city of Salt Lake, a woman who had been on welfare for a number of years, a mother with children in school, was offered a government job. She took it. Afterward, when talking to her, I got a new insight into the problem.

She said, "That was the most difficult decision I ever made in my life. On welfare, I had security. It's true I couldn't decide when my children would have milk, because the social worker decided that. She decided how much milk I could buy. She decided how my money was to be spent. I decided and made the choice and took the job. Now I am in control of my family, and I can make my own decisions."

Then she said that one day, as she was sitting in her home, working on some reports, in the summertime, by an open window, she heard her children and the neighbors' children arguing in the yard outside the window. One of the neighbors' children said:

> I don't like to come over to your house anymore. Your mother is too strict.

She suddenly realized that since she had been employed and responsible, her concern for the well-being of her children has greatly increased and that she had been more strict. Prior to that time, she had sat around home and had let them go their own way, but now she was responsible and she was tightening up in the upbringing of her children.

She said she looked around her home and realized that it was better kept and that this experience of moving from the apathy of welfare to the responsibility of work had changed her whole attitude on life and had changed the atmosphere in which she was bringing up her children.

I think that would be the experience of practically all the women who might be worked into this new program. I think that the sense of satisfaction, the sense of accomplishment, the sense of achievement, as well as the sense of responsibility that come when people undertake to provide for themselves and their families, gradually erode and disappear under the constant dependence that exists when people live too long on someone else's bounty.

Mr. GOLDWATER. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER (Mrs. EDWARDS). The Senator will state it.

Mr. GOLDWATER. Is this bill now open to amendment?

The PRESIDING OFFICER. The bill is open to amendment.

Mr. GOLDWATER. Madam President, I send an amendment to the desk and ask that it be read and made the pending order of business.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

> Amend section 105(a) relating to liberalization and automatic adjustment of the earnings test, by adding the following new paragraph at the end thereof:
>
> (4) Paragraphs (c)(1), (d)(1) and (f)(1)(B), and (h)(1)(A), and subsection (j), of section 203 of the Social Security Act are each amended by striking out "seventy-two" and "72" and inserting in lieu thereof "sixty-five".
>
> Amend the section heading of section 106, relating to exclusion of certain earnings, by striking out "72" and inserting in lieu thereof "65".
>
> Amend section 106 by striking out "72" and inserting in lieu thereof "65".

Mr. GOLDWATER. Madam President, I have been asked by the distinguished Senator from Wyoming (Mr. McGEE) to yield briefly to him, which I am happy to do at this time.

Mr. McGEE. Madam President, I want to thank my colleague from Arizona for yielding to me.

EXECUTIVE SESSION

Mr. McGEE. Madam President, I ask unanimous consent that the Senate go into executive session to consider two nominations which were reported earlier today.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER (Mrs. EDWARDS). The nominations will be stated.

U.S. POSTAL SERVICE

The legislative clerk proceeded to read the nomination of Frederick Russell Kappel, of New York, to be a Governor of the U.S. Postal Service for the remainder of the term expiring December 8, 1974.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The legislative clerk read the nomination of Robert Earl Holding, of Wyoming, to be a Governor of the U.S. Postal Service for the remainder of the term expiring December 8, 1973.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. McGEE. Madam President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. McGEE. Madam President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

SOCIAL SECURITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (H.R. 1) to amend the Social Security Act, to make improvements in the medicare and medicaid programs, to replace the existing Federal-State public assistance programs, and for other purposes.

Mr. GOLDWATER. Madam President, before making a few remarks on my amendment I want to compliment both the chairman and the senior Republican member for what I think is a great improvement in the legislation they originally had before them. I like very much what I heard in their comments. I am not certain whether I will support the bill as it is finally ready to be acted on but I believe it is a fine improvement over what we had been expecting.

Now, Madam President, in keeping with the notice I gave during testimony before the Senate Finance Committee on January 31, I send to the desk an amendment to completely repeal the earnings limitation for all social security beneficiaries who are 65 and over, and their dependents. As the law now stands, this limitation takes away from each social security receipient $1 in benefits for every $2 he earns in excess of $1,680 per year. If his earnings go above $2,880, his benefits are cut off completely. The only exception is for persons 72 and older.

Madam President, this is wrong. It is wrong logically, and I particularly feel that it is wrong morally. It is an outrage against millions of citizens who have made years of contributions out of their hard-earned salaries. It is an affront to the working man who has lived faithfully by the best rules of the American system. These citizens have not been a burden on the welfare rolls. They have not been tearing up the flag, blocking traffic, or shouting obscenities in the streets. If there are any individuals in our society who deserve our top priority attention, it is these law-abiding, working persons.

Madam President, the earnings test is wrong morally because social security should not be a contract to quit work. It is wrong logically because the person who is penalized is most often the one with the greatest need for more income than his benefits can provide. Income from investments is not counted in determining whether benefits shall be reduced. It is only the individual who continues to work who is penalized. This means we have the utterly illogical situation where a really wealthy person might draw tens of thousands of dollars a year from his investments and still receive his full social security check. At the same time, the man who has worked for a salary all of his life and who might need to continue working as a matter of economic survival cannot do so without a penalty.

Madam President, I think, more and more, as we travel to our homes and listen to people who are in their sixties or seventies, we realize that the social security benefits most Americans receive are not really sufficient to meet their cost of living. More and more of these people feel that they have to turn to some other employment, or continue employment in order to live.

To show how these things can happen, I remember when I went to work back in 1929, I saw a beautiful ad on the back of a magazine, long since defunct, that pictured a couple sitting under palm trees, or orange trees, in Florida—of course, today that would be in Arizona, but then it was in Florida—selling an insurance policy that would allow you to do all those things on $100 a month. I bought one and I do not believe that that $100 a month will keep my wife in hairdo's. But I am stuck with it. I feel very strongly about the fact, for example, that when I retire, I can, if I wish, draw my full social security benefits, yet I will have a rather substantial income when I retire because I have been working on it all my life. But I do not want to be penalized one bit and neither do I think it is right to go the other route and penalize a man who has set aside money so that he can retire by taking away his social security, because social security is actually an insurance policy that has been handled by the Federal Government and the money is owed to us. I do not believe there is any reason why it should be restrictive.

Madam President, I should add that a person who loses his social security benefits on account of working suffers a reduction in his disposable income larger than the sum of his benefits. This happens because for each dollar in tax-free, social security benefits which the person loses, he earns a dollar which is reduced by Federal, State, and local taxes and by all the expenses incidental to his work, including continued payroll contributions for social security which he is not receiving.

Madam President, there are 10 million Americans, roughly, eligible for social security benefits who are aged 65 to 72 or are the dependents of such persons. At least 2.5 million of them are directly affected by the earnings ceiling. Nearly a million earn enough so that they receive no benefits at all. Another million earn enough so that their benefits are reduced. About a half million more earn amounts which are only $100 or $200 below the ceiling. They are getting their full social security benefits, but nearly everyone of them is intentionally holding his earnings down because of the earnings limitation. Government studies prove that the greatest deterrent to work occurs at just below the ceiling level. In all, I repeat, 2.5 million Americans aged 65 to 72 now suffer because of the earnings limitation.

Madam President, it is time, in my opinion, that this statutory shackle was removed—completely. In my opinion, workers who have contributed from their earnings over a lifetime of work are entitled, as a matter of right, to receive benefits when they reach the annuity age.

Madam President, I emphasize, social security beneficiaries are not wards of the Government. They are not on relief. They are not objects of charity. They are self-respecting Americans who, in substantial part, have paid for the benefits which they will receive in old age.

Social security payments are not gratuities from a benevolent central government. They are essentially a repayment of our own earnings, which we have deposited in trust as a regular contribution and which has been deducted from our salaries and from our employers. This method was designed from the start as a guarantee that benefits would be paid as a matter of right, not of charity. In fact, as the program was first reported by the Committee on Ways and Means in 1935, there was no earnings test at all. Thus, a total repeal of the test today would restore the program to its original form.

Madam President, the cost to eliminate the retirement test completely for workers aged 65 and over is estimated to be no more than $2.2 billion in the first year, just $1 billion more than if the ceiling were simply raised to $3,000. These figures were given to me by the Social Security Administration after I asked it in February to consider these two alternatives.

Madam President, I ask unanimous consent that my exchange of letters with the Social Security Administration be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GOLDWATER. Madam President, in 1958, the Advisory Council on Social Security Financing concluded that—

> The fact that the worker pays a substantial share of the cost of the benefit provided, in a way visible to all, is his assurance that he and his dependents will receive the scheduled benefits and that they will be paid as a matter of right without the necessity of establishing need.

I propose that we make this promise a truth by repealing the earnings test entirely for all of our older Americans.

I might add that if this amendment is approved it would still be entirely in order for the Senate to consider an additional amendment, such as the Mansfield amendment which I endorse, to lift the earnings ceiling to $3,000 for the 11.6 million social security beneficiaries who are under 65.

Madam President, the committee very graciously heard me on this matter earlier this year. I know that they are not kindly disposed toward this, although I have yet to hear a member of the committee say that I was wrong on the moral rightness of my approach. I think the objections stem more from the cost. I do not agree entirely that the cost would approach $2.2 billion, because conceivably income tax could get into the act and the people who would be gainfully employed would be paying taxes instead of not paying taxes, as most of them are doing today.

I do not intend to ask for a yea-and-nay vote on the amendment. Nor do I intend that this will be the last time that this subject will be touched on by me.

I come from a State that has the second highest number of retirees percentagewise in the Nation. And I have watched people lose their purchasing power year by year by year. I have watched people, who felt they could get along on social security, start out doing it and then find slowly that they cannot hack it, as we say.

Madam President, this is not just for those who are retired and live in my

State. It is also for those people all over this Nation who cannot live on social security or cannot live well on social security or as well as they have been used to living with their earnings.

I would hope, of course, that the chairman of the committee would in his gracious wisdom and kindness agree with the junior Senator from Arizona and accept the amendment. However, I would like to hear what comments the Senator from Utah might care to make on the subject.

EXHIBIT 1

FEBRUARY 1, 1972.

Hon. ROBERT M. BALL,
Commissioner, Social Security Administration, Baltimore, Md.

DEAR COMMISSIONER BALL: On October 26, you were good enough to give me a very detailed answer relative to some questions of mine on repealing the earnings test. Since then, I have had some further thoughts on the issue and would appreciate it very much if you could provide me with answers to some new questions I have.

First, what is the total number of persons aged 65 and over but not yet 72 who were eligible for Social Security cash benefits on January 1, 1972? Second, what would the combined additional contributions have to be to support the program for the next 75 years if the retirement test were removed for everyone aged 65 and over? Third, what would such combined contributions have to be in order to support a lifting of the earnings ceiling to $3,000 instead of $1,680? Fourth, what would the combined additional contribution be if the earnings test were repealed for everyone aged 65 and over but the increased benefits for persons now age 65 or over were financed out of general appropriations?

This information is very important to me, and I would appreciate it if you would try to put together the data as soon as possible.

Sincerely,

BARRY GOLDWATER.

SOCIAL SECURITY ADMINISTRATION,
Baltimore, Md., April 7, 1972.

Hon. BARRY GOLDWATER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GOLDWATER: This is in further reply to your letter of February 1, requesting additional information about the cost of modifying the retirement test. Each estimate shown below is numbered in the same order that the corresponding question was presented in your letter. All estimates of cost represent costs over present law.

1. On January 1, 1972, there were an estimated 10.0 million persons eligible for social security cash benefits who either were (i) aged 65–71 on that date—some 9.1 million—or (ii) not aged 65–71, but were dependents of a worker aged 65–71 whose earnings would affect the receipt of benefits by the dependent—about 0.9 million.

2. The cost to eliminate the retirement test for workers aged 65 and over is estimated to be 0.66% of covered taxable earnings, over the next 57 years. Additional benefit payments in the first full year, assumed to be the 12-month period beginning July 1973, are estimated at $2.2 billion.

3. If the retirement test were modified, for all persons eligible for benefits regardless of age, as follows:

(i) increase the annual exempt amount of earnings from $1,680 to $3,000, and

(ii) withhold $1 for every $2 of earnings above the annual exempt amount (as provided in H.R. 1 as passed by the House of Representatives),

the cost over the next 75 years is estimated at 0.34% of taxable payroll. Additional benefit payments in the first full year are estimated at $1.2 billion.

If the changes were limited to workers aged 65 and over, the 75-year cost would be an estimated 0.32% of taxable payroll; and the first-year cost is estimated at $700 million.

4. If the retirement test were eliminated for workers aged 65 and over, and if the resulting additional benefit payments to those workers who are aged 65 and over on the effective date of the proposed change (and to their dependents) were to be financed from general revenues, the 75-year cost of the additional benefits payable to workers reaching age 65 after the effective date (and to their dependents) is estimated to be 0.63% of taxable payroll.

Sincerely yours,

ROBERT M. BALL,
Commissioner of Social Security.

Mr. BENNETT. Madam President, this is a problem that the Finance Committee has looked at every time we have had a social security bill. There is a lot of appeal to the proposal to eliminate the social security earnings limit. But there are some considerations here that I think the Senate should realize before it votes.

The amendment would eliminate the social security retirement test. If this amendment were to go into effect, every insured person, when he reaches the age of 65, would automatically qualify for social security, even though he goes on working.

Madam President, I have not checked the figure lately, but the last time that I checked it, the average age of retirement of social security recipients was around 68, rather than 65. So, this would eliminate the concept that social security is designed to take care of people after they retire. It would open instead the idea that whenever a person reaches the age of 65, he automatically qualifies for an annuity whether he retires or not.

I was a member of the Finance Committee when we changed the law to allow people to draw social security automatically when they reach the age of 72 on the theory that by that time not only would there be very few of them who were actually working and drawing salaries or wages, but also that the opportunity for people above the age of 72 to do temporarily part-time work was comparatively small.

The Senator from Arizona says that the main objection to this may be the cost. I think we should look at that. It will cost about $2½ billion. That is equivalent to 5 percent of the present cost of social security cash benefits.

We on the Finance Committee have always prided ourselves on the fact that whenever we have recommended increases in social security benefits, we have recommended increases in the tax to cover the cost.

When Congress increased social security benefits 20 percent just a few months ago, we increased the tax. However, in order to lighten the burden of the increase, we said that it would no longer be expected that the social security trust fund would be equivalent to 12 months' payments. We said that we would be satisfied if it were only 9 months' payments. So, we took advantage of this one-time shift in an attempt to save ourselves from having to increase the tax quite as much to cover the future cost of the 20-percent increase. But this was a one-time affair. It is not available to us now.

We have studied the measure before us, and with the additional benefits that the committee has written into the bill, beginning in January 1973, the social security tax will have to rise for each employee and his employer from 5.5 percent of the payroll under present law to 6 percent of the payroll.

If we adopt the amendment of the Senator from Arizona and fund it, we would have to push that up to 6.3 percent of the payroll. And this is part of the problem that people can face. Are the present employees who are paying into the social security trust fund willing to see their social security taxes increased by 5 percent so that people who do not quit working at the age of 65 can automatically add the social security payments to their earned income?

And I am one, Madam President, of a very limited group. I am still paying social security taxes because I am still drawing a salary. And I have passed the age of 72. So it comes both ways for me. I am getting a benefit that comes automatically. However, I am still paying a social security tax.

Under the proposal of the Senator from Arizona, not only would I continue to receive benefits, but all of my friends between the ages of 65 and 72 who have not retired would suddenly become social security recipients.

If we are going to talk about distributing the $2½ billion to social security recipients, is there a better way? This proposal would mean that approximately 800,000 people who have not retired at all would get most of this $2½ billion. There are 700,000 people who have retired partly who would get a little of the money. However, most of this would go to 800,000 people. That would be a real windfall for them since they are all still working.

If we can persuade ourselves that social security taxpayers are willing to increase their tax burden by 5 percent, do we think it is best to give it to 800,000 people or do we want to spread it across the board to all 28 million beneficiaries?

As the Senator from Arizona has already indicated, there is a bill before the Senate with 78 cosponsors that would increase the amount that a person can earn and still maintain his right to claim social security from the present $1,680 to $3,000. The committee recommended $2,400.

The additional $600, the difference between the committee bill and the Mansfield amendment, would cost $600 million, which is approximately one-fourth of what the amendment of the Senator from Arizona would cost. So we are talking now about alternatives.

I think if we were to adopt the amendment of the Senator from Arizona it is hard for me to believe that the Senate would then move back and take a $3,000 limit. I think we are talking about the ultimate and I would have hoped, although this is the privilege of the Senator from Arizona, that we could have voted on the lower one first and then face this one.

I would like to ask the Senator from Arizona whether he is willing to amend his amendment to increase the tax by 5 percent to cover this cost.

Mr. GOLDWATER. No, because, as I said in my statement, I am not convinced the figures supplied me and the figures the Senator from Utah used are correct. I think the income tax levied against income earnings in the wages we are talking about would offset this. I would not approve at this time of an amendment to my amendment. I do not think it would even be in order to raise the social security 5 percent. I recognize as well as the Senator from Utah that if we go beyond a certain point the entire social security system is going to fail. We did not think about these things when it started. Had we thought about these things when the program started maybe we would have made the program voluntary.

Let me point out that while we may say the age of 65 is a retirement age, the Senator from Utah knows full well, having been a businessman as I have been a businessman, that is a rather old age today in American business and it is very difficult to get a job in this country today when you are past the age of 40. So we are not talking about, in my opinion, something we know all about. It is very easy to say it is going to cost $2.2 billion on one approach or $1.6 billion on another approach, but the fact remains this is not a Government benefit. That is, we do not think it is. Maybe the social security funds are all out on I O U's. I do not know. I would like to think that the money I have put into social security is in a trust fund and is not being used for other purposes, but the fact that I and other Americans paid in an amount of money to provide ourselves with income after retirement, I do not think there should be any test that says, "You cannot have it."

This is the moral argument I am using. It involves two mistakes: One, we should not necessarily say when a man should retire. We assume 65 is the age, but I can remember when men were employed at 65, but that is not the rule today, and the rule is being changed very rapidly.

I get back to my basic argument. I think it is an illogical test, an immoral and unmoral test.

Mr. BENNETT. With respect to the Senator's statement that we should have thought about these things when the program was started, I remember that my father used to say, "We are faced with a condition, not a theory."

This is a retirement program. He cannot retire until he is age 65 and get the full benefit of social security. Under other provisions in the law he can retire at age 62 and get an actuarially reduced amount. This is his choice. But the Senator's proposal would turn this from a retirement benefit into a plain annuity.

I am interested in the Senator's use of the word "moral." I am not sure there is any moral content in the decision made 35 years ago to make this a retirement program rather than an annuity program. Of course, the Senator knows the money that he and I have paid into social security all these years is not sitting somewhere in the fund. As I explained earlier, as the result of changes we made in the social security law when we put in the 20-percent increase a few months ago, we reduced the amount that the Social Security System is required to keep on hand: the equivalent of three-fourths of a year's payout; it is a revolving fund. That is all it is.

We are paying out now approximately as much as we take in, but we are holding three-fourths of the year's dollars in there as a kind of contingency fund. So that is the way it is.

As much as I realize the emotional appeal of this amendment, I think there are some practical problems that lead the Senate not to adopt the proposal.

I realize when we get to the Mansfield amendment, with 78 cosponsors, that is going to be adopted. There is no question about that unless 29 of them have deserted and changed their minds.

I appreciate the fact that the Senator from Arizona is not asking for a record vote, and unless there is some further discussion I would be perfectly willing to go to a vote on it.

Mr. GOLDWATER. I have no further arguments to offer. It is a little amazing to me, though, to hear that the Senator does not feel there is a responsibility for each American to receive the money he has paid into what we like to think of as an actuarily sound annuity program. If I had the program with a private company and paid in every month, I would certainly expect to be paid back by that company in full when I reached the age of contract or the age of retirement. I realize the position of the committee, I realize the position of the House. I am a cosponsor of the Mansfield amendment. I joined that knowing that my approach, even though in my opinion it is needed and demanded by social security recipients across the country, might not pass.

So Madam President, if there are no further arguments, as far as I am concerned we can vote.

Mr. BENNETT. Madam President, I cannot resist the temptation to make one further comment. Just after the social security law was passed in late 1930's the Supreme Court had before it the question of whether or not under the social security law every person who paid into it had a specific claim on the money he paid, as one does when he pays into a privately financed annuity program. The Supreme Court decided there was no relationship between the amount of money one pays into social security and the amount one receives. One is a tax, the other is a benefit. On that basis there are single people who can pay into social security until they reach the age of 64, die, and get nothing back.

There are some people who can begin paying when they are 63½ pay the minimum number of quarters, and get benefits, while those of us like the Senator from Arizona and I, who have paid in ever since the first social security tax payment, may get more or less, because of the amount of time we have paid in.

This bill has the provision in another section which says that any person who has paid in for 30 years, regardless of the amount paid in, would be assured of an income of $200 a month, even though, under the present law, he might draw only the minimum benefit. So we have tried to recognize the equities of the person who has paid in for all his working life.

But the Social Security System is judged by the Supreme Court as a two-part system. It is a tax collection program and it is a program to pay out benefits, and the two are not necessarily dependent on each other.

Madam President, the Senator from Arizona has moved his amendment, and I think we are ready to vote on it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona (putting the question).

The amendment was rejected.

Mr. GOLDWATER. Madam President, I might say that is the way I like to lose—2-to-1. I am getting used to it.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BENNETT. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Madam President, I ask unanimous consent that the name of the distinguished Senator from Louisiana (Mrs. EDWARDS) be added as a cosponsor—which makes the total number of sponsors, I believe, 79—of the amendment I am about to call up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Madam President, I call up the amendment I originally introduced in the form of a bill (S. 4001) on behalf of the distinguished Senator from Louisiana now presiding (Mrs. EDWARDS), the senior Senator from Vermont (Mr. AIKEN), and the 76 others who have joined as cosponsors.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 89, lines 13, 17, and 24, delete "$200" and insert in lieu thereof "$250".

Mr. MANSFIELD. Madam President, there is little to say as to this amendment except that it is a long overdue amendment which would tie in with the proposal now before the Senate for consideration. There is in the bill a proviso raising the annual amount which can be earned as outside income by social security retirees, people who have earned their retirement, from $1,680 up to $2,400. My amendment would raise the amount of income which could be earned without penalty to the sum of $3,000 per year.

This amendment would provide greater

equity for older Americans whose existence is tied primarily to social security. It does so in two major ways. First, it increases from $1,680 to $3,000 the outside income a social security pensioner is entitled to receive without penalty. The second main feature is that it would reduce the amount by which the petitioner would be penalized should his outside earnings exceed the exemption.

The total effect of the amendment, Madam President, would be to bring greater relief to senior citizens, or at least those of them who happen to be subject to the social security laws. It is in line with past efforts of Congress to grant more equitable treatment to older Americans; and no one in this body has been more diligent in that respect than the distinguished Senator from Louisiana (Mr. Long), the chairman of the Committee on Finance and the manager of the bill now pending.

In this regard, the Senate would do well to recall that it was Congress on its own—and I repeat that, it was Congress on its own, and especially the Senate—that granted a full 20-percent increase in benefits to social security pensioners this year. Those of us who have cosponsored this legislation believe that this amendment is in keeping with that outstanding record, and I would hope that the Senate would see fit to give its consent to this amendment, so that this glaring inequity which has existed for all too many years—I might and will say too many decades—could be corrected and be brought more in accord with the economic situation, as it affects our older citizens, which exists at this time.

Mr. LONG. Madam President, I think it might come as a surprise to Senators to find that of our 20 million citizens over 65 years of age, there would at most be about 1.9 million, or fewer than 2 million of those citizens, who would be favorably affected by the amendment. The rest of our aged citizens would not be benefited by it.

The reason for that is that after age 72, of course, there is no retirement test, and of those between age 65 and age 72 who are working, most of them receive little earnings. There are 6.5 million who have no earnings at all, and therefore would get no benefit from this provision.

The committee has placed the earnings test at $2,400; and therefore, of those who have earnings, since the number with earnings who would receive no earnings would be increased, the number who would benefit by the amendment is even less than that.

It can be argued, and is generally the view of the committee and of the administration, that the $600 million cost of this amendment could better be spent on other social security benefits that would benefit the entire 28 million persons drawing social security pensions, such as an increase in across-the-board payments, or providing drugs over and above the amounts provided in the bill, or providing more health benefits, or in reducing the price that aged people must pay under part B of medicare for the benefits they are enjoying. In other words, while this amendment has a great deal of appeal to recommend it, other provisions can be found where we could take the same amount of money, $600 million, and benefit a great number of other people who have greater need for it.

I am aware of the fact that a majority of the Senate has joined as cosponsors of the amendment. Therefore, I recognize the Senate would probably be disposed to agree to the amendment; but those of us on the committee have been persuaded by the Department that we could probably find a better way to spend the money, one that is more meaningful and more beneficial to a greater number of people.

Madam President, I ask unanimous consent that during the consideration of this bill, Dr. Laurence Woodworth and two other members of the staff of the Joint Committee on Internal Revenue Taxation be permitted on the floor in order to help us with the technical aspects of this bill under consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. I ask unanimous consent that Mr. Goeffrey Peterson and Mr. John Koskinen, who are assistants on the staff of Senator Ribicoff, be permitted on the floor during consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MILLER. Madam President, I believe that the chairman of the Finance Committee, the distinguished Senator from Louisiana (Mr. Long), has pointed out one of the reasons for the determination of the Finance Committee to increase the earnings limitation to $2,400 a year, rather than to $3,000.

Another aspect of this matter that should be brought to the attention of the Senate is that there is an inequity in the pending amendment, because it treats all social security recipients alike, and they are not all alike at all. Some of them receive the maximum social security and some receive the minimum. When it comes to earnings that are necessary to provide a minimal standard of living, let alone what we might call a decent standard of living, those who are receiving the minimum social security ought to be allowed to earn more without penalty than those who receive the maximum social security.

I believe that those who have cosponsored this amendment perhaps have not thought of this aspect of the matter, because I am quite sure that they want to recognize the differences among the social security recipients. They want to encourage them to work, and have meaningful income, in order to supplement their social security; but particularly they want to do this for those who need it.

I suggest that a social security individual with $1,000 a year in social security benefits is going to have to earn a great deal more in order to have a decent standard of living than someone who is receiving $2,400 a year.

What really ought to be done—and I regret that I did not realize this amendment was coming up at this time—is to increase this earnings limit to $3,000, but to do it in the case of the low-income social security recipient and then scale it down according to the degree of the increase in the social security benefits received by the individual. If $3,000 is our target, and one is receiving $1,000 in social security benefits, that is fine. If one is receiving $2,400 a year in social security benefits, then let them earn up to $1,680, as they can now, without penalty.

This amendment, I am afraid, has not been thought through and there is an inequity that is going to result from it. I think this should be pointed out to the Senate.

If this were modified to treat the differences in social security receipts in a way that would enable the earnings to be increased according to the amount of social security benefits, I would suggest that a very substantial savings would be made in the $600 million price tag on this amendment. This saving could well be put to some other areas of need, such as the drug costs to which the Senator from Louisiana has referred. I thought that I should bring this matter to the attention of my colleague.

Mr. PERCY. Madam President, I wish to indicate my support of the amendment to increase the amount of money a social security recipient can earn from $1,680 to $3,000.

The committee version of H.R. 1 raises the amount of money a social security recipient can earn without suffering a loss of benefits from $1,680 to $2,400. Beyond $2,400, a person suffers a $1 for $2 reduction in benefits.

This amendment raises the social security earnings limitation from $1,680 to $3,000 upon enactment of H.R. 1. This is the figure I recommended to the Senate Finance Committee in formal testimony on January 27 of this year.

Madam President, mail I have received indicates that there is no single aspect of social security which surpasses the earnings limitation in its unpopularity. Elderly Americans think it ludicrous—and so do I—that wealthy older citizens can receive $100,000 in dividends from stocks and bonds, and still retain their full social security benefits. Yet if they work, their payments are reduced if they earn more than $1,680 a year. If one is receiving an outside unearned income, he retains full benefits. If he is receiving earned income from working, he suffers a loss in benefits.

Now, if a recipient earns between $1,680 and $2,880 in 1 year, he suffers a $1 for $2 reduction in benefits. As proposed in the committee bill, this reduction would begin after $2,400. Under the pending amendment, there would be no $1 for $1 reduction. The reduction would remain $1 for $2 even beyond $3,000.

A full quarter of the 20 million elderly Americans live at or near the poverty level. Many of these people are poor for the first time in their lives and for reasons beyond their control. For instance, some have lost private pension rights due to plant shutdowns, even though they may have served a company for as long as 15 or 20 years. Others have worked throughout their lives, but because their incomes were never more than marginal, they never could accumulate large savings or invest sufficiently in stocks and bonds to provide an adequate retirement income. Still others may have saved for their retirement years, but found their savings completely wiped out because of serious and prolonged illness.

The present system offers these people two choices: They can attempt to supplement their social security incomes by working, or they can try to do so by going on welfare. Those who are able and willing to work can retain only a modest portion of their earnings over $1,680.

In addition to economic need, we should also consider the need of all elderly people—indeed, of all people—to contribute to society through working, and to feel that one's contribution has a value. In this connection, I would like to cite some responses to a questionnaire I gave to the Illinois delegates to the White House Conference on Aging. The specific question I asked was this: Do you feel inadequate income is the most serious problem facing the aged? If not, what do you feel is the most serious problem? Some of the answers were:

> Inadequate income is one of the most serious problems, but we might give almost equal weight to the problem of loss of one's role in society.
>
> Insufficient income is a significant problem . . . but equally important are social interaction and work.
>
> I agree that inadequate income is the most serious problem confronting many senior citizens today, but for many others, in almost equal numbers, lack of a satisfying role in their later years is most serious, and for them, finding a place in society will compensate for a lack of income or meet their needs more adequately than money can.
>
> Among the less visible problems are loneliness, a feeling of purposelessness, a feeling of rejection, and other causes that contribute to mental deterioration.

The earnings limitation not only runs counter to the high value our society places on independence and the willingness of individuals to support themselves, but it also actively discourages many elderly persons from finding meaningful jobs.

I would like to see the earnings limitation abolished completely, but to be practical, I support the move to raise it immediately to $3,000.

Madam President, I am pleased that the Senate adopted this amendment that I have cosponsored by the overwelming vote of 76 to 5. I only regret that business in Chicago in connection with my official Senate business this morning prevented my return to Washington until shortly after the vote.

Mr. SPONG. Madam President, I am pleased to cosponsor the amendment offered by the distinguished majority leader to increase the earnings limitation under social security from $1,680 to $3,000 per year.

In a land with as many resources as ours, our retired citizens should be able to spend their retirement years in dignity. Retirement should not mean a reduction in their standards of living. It should not mean difficulties in meeting ordinary financial obligations. Yet, in all too many instances, this is exactly what it does mean.

One way of countering the financial difficulties faced by many of our retirees is to raise the existing earnings limitation—a limitation which is clearly inadequate for these times. I am pleased that the Senate is addressing itself to this today.

There are, however, other actions which should also be taken. In a recent speech prepared for delivery to a retired Federal employees meeting in Portsmouth, Va. I outlined some of these other actions which I believe should be taken to assist our senior citizens and I ask unanimous consent that a copy of that speech be placed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR WILLIAM B. SPONG, JR.

During the last five and a half years, I have had the privilege of meeting with many senior citizens. Members of both the retired Federal employees and the association of retired persons have been helpful to me in formulating ideas and in understanding your needs.

I believe I do understand your needs and your problems. Your correspondence has been helpful also.

As a result of these conversations, I decided to concentrate my efforts on legislation affecting senior citizens in four general areas.

1. Tax relief
2. Cost-of-living increases
3. Health insurance costs
4. Realistic annuities

Retirement is a time when most people should be giving more of their time and efforts to community affairs. You have a right to maintain a standard of living comparable to that which you had achieved at the time of your retirement.

Instead, you have watched the cost of living go up and up while your standard of living has gone down and down.

I have concluded that property tax relief for senior citizens should be a first priority in tax reform.

It is unconscionable that our retired citizens—those who have worked long and hard for many years—should be forced to give up their homes or spend an excessive amount of their funds on property taxes. For many of our senior citizens, however, this is exactly what has happened. Faced with limited incomes, usually substantially reduced from what they were during working years, unable or incapable of continuing to work, and often plagued by increasing medical bills, many of our retired people find the property tax particularly burdensome—and continuously growing.

Property taxes have doubled in the past fifteen years. Partially as a result, it is now estimated that close to one million elderly homeowners with annual incomes below $3,000 are forced to turn over 10 percent or more of their total money income for property taxes. Others must restrict spending for needed items in order to meet the tax bills. It is also estimated that many elderly renters pay 25 percent of their rent for property taxes.

I have therefore cosponsored legislation to provide a tax credit against the Federal income tax for property taxes paid by elderly homeowners on owner-occupied dwellings and for that portion of rent resulting from property taxes.

I hope that all levels of government will work together to devise a workable and adequate system of property tax relief for the elderly, and I pledge my support to those efforts. In a nation as wealthy as ours, we should certainly take those actions necessary to see that our retired citizens live in dignity, that they are able to acquire those items they need, that they are able to have some of the pleasantries of life which will make their retirement years enjoyable ones.

In early 1971, I also cosponsored legislation to provide some relief from Federal income taxation for retired Federal employees.

Neither income from social security nor railroad retirement is taxable and equity demands that Federal employees be treated similarly.

As you well know, inflation and continuing increases in the cost of living fall hardest on those living on social security, pensions and other fixed incomes.

More than 532,000 Virginians should benefit from the social security increases recently enacted by Congress. The increases became effective September 1 and will be reflected in the checks which beneficiaries receive early in October.

The recent increase in social security benefits was a step in the right direction, but we must also take other actions. There is no reason why a man or woman—simply because he or she retires—should be forced to reduce substantially his standard of living. Among the other actions we should take is an increase in the earnings limitation under social security. Those who are able to work and want to work in their later years should not be unduly penalized for doing so. The existing earnings limitation of $1,680 is clearly out-dated and should be revised upward in light of increases in the cost of living. This is proposed in H.R. 1 and I urge final action on such an increase before this Congress adjourns.

Many of you are probably not covered by social security and may never be. For those of you who may have had some social security coverage and lost it, you will be interested in knowing that legislation is pending in the House Committee which is designed to correct this. It would provide for an interchange of social security and civil service credits to enable individuals who have some coverage under both systems to obtain maximum benefits based on combined service.

You are all familiar with the cost-of-living increases built into the retirement system. These cost of living increases are triggered by the consumer price index.

I have become increasingly concerned with respect to the application of the index. At worst, it may be the product of manipulation to convince the public that inflation is under control. At least it may be a misapplication of the statistics to accomplish the same purpose or to keep the costs down of those programs which are dependent upon the index. These include civil service as well as military retirement pay.

Early in May I recommended to the chairman of the Joint Economic Committee that an investigation be made of the consumer price index. I offered to introduce the resolution to authorize the study if legislation was needed.

It does not necessarily reflect the cost of living for a retired couple. Many types of costs are peculiar to senior citizens. The committee has assured me that it will take this into consideration during the statistical review.

One of those major costs relate to health care. At the same time I cosponsored a bill to provide tax relief, I cosponsored legislation to increase the Government's share of the premiums for Federal Health Insurance.

Until a few days ago, Federal employees and annuitants were optimistic about the prospects of the Government paying a bigger share of their health insurance costs than it is paying today. They had every reason to be optimistic. A bill had passed both the House and the Senate.

Unfortunately, the bill is stymied over an issue unrelated to the 575,000 annuitants under the health insurance program. I hope that this stalemate may be broken before the Congress adjourns.

I know that you are interested in the legislation to increase annuities to a realistic figure. This is particularly important to those who retired prior to 1969 when annuities were based on the average of the high five years of employment. There are a number of bills pending in both the Senate and House which vary considerably. Some would provide graduated increases just for those who retired prior to 1969. This is on the assumption that the change to the high three year average along with the cost of living increases would take care of the rest of them. There are other bills which would provide higher increases for all those who retire between January 73 and 74 with reduced increases for those who retire after that time. This is on the assumption that the salaries will have picked up the slack in the meantime. There have been hearings held and I wish I could tell you that legislation would be enacted. You have probably heard me say that I thought one of the problems with people running for public office was over-promise; I do not want to be guilty of that. I am not optimistic about annuity increases being enacted during this session.

I hope the prospects improve with respect to legislation which I know is important to you.

Thank you again for giving me the opportunity to meet with you.

Mr. MANSFIELD. Madam President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. MANSFIELD. Madam President, I ask unanimous consent that all those who cosponsored the bill S. 4001 be listed in the Record as cosponsors of the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list of the cosponsors is as follows:

Mr. Aiken, Mr. Anderson, Mr. Baker, Mr. Bayh, Mr. Beall, Mr. Bentsen, Mr. Bible, Mr. Boggs, Mr. Brooke, Mr. Burdick, Mr. Robert C. Byrd, Mr. Cannon, Mr. Case, Mr. Chiles, Mr. Church, Mr. Cook, Mr. Cooper, Mr. Cranston, Mr. Dole, Mr. Eagleton, Mr. Eastland, Mr. Gambrell, Mr. Gravel, Mr. Griffin, Mr. Gurney, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hatfield, Mr. Hollings, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. Kennedy, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Magnuson, Mr. Mathias, Mr. Metcalf, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Packwood, Mr. Pastore, Mr. Pearson, Mr. Pell, Mr. Percy, Mr. Proxmire, Mr. Randolph, Mr. Ribicoff, Mr. Roth, Mr. Saxbe, Mr. Schweicker, Mr. Scott, Mr. Spong, Mr. Stafford, Mr. Stevens, Mr. Stevenson, Mr. Symington, Mr. Thurmond, Mr. Tower, Mr. Tunney, Mr. Weicker, Mr. Williams, Mr. Young, Mr. Fulbright, Mr. Allott, Mr. Cotton, Mr. Dominick, Mrs. Smith, Mr. Allen, Mr. Goldwater, Mrs. Edwards, and Mr. McClellan.

Mr. MANSFIELD. Madam President, I also ask unanimous consent that the Senator from Mississippi (Mr. Stennis), be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Arkansas (Mr. Fulbright), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. Humphrey), the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), and the Senator from Rhode Island (Mr. Pell) are necessarily absent.

I further announce that the Senator from North Carolina (Mr. Jordan) is absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. Cannon), the Senator from Arkansas (Mr. Fulbright), the Senator from Minnesota (Mr. Humphrey), the Senator from New Hampshire (Mr. McIntyre), the Senator from South Dakota (Mr. McGovern), the Senator from Oklahoma (Mr. Harris), the Senator from Massachusetts (Mr. Kennedy), and the Senator from Montana (Mr. Metcalf) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senators from Tennessee (Mr. Baker and Mr. Brock), the Senator from Wyoming (Mr. Hansen), the Senator from Illinois (Mr. Percy) and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Vermont (Mr. Stafford) and the Senator from Ohio (Mr. Taft) are absent on official business to attend the Interparliamentary Union meetings.

If present and voting, the Senator from Illinois (Mr. Percy), the Senator from Ohio (Mr. Taft), and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 76, nays 5, as follows:

[No. 478 Leg.]

YEAS—76

Aiken
Allen
Anderson
Bayh
Beall
Bellmon
Bentsen
Bible
Boggs
Brooke
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Edwards
Ervin
Fong
Gambrell
Goldwater
Gravel
Griffin
Gurney
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Magnuson
Mansfield
Mathias
McClellan
McGee
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

NAYS—5

Bennett
Fannin
Jordan, Idaho
Long
Miller

NOT VOTING—19

Allott
Baker
Brock
Cannon
Fulbright
Hansen
Harris
Humphrey
Jordan, N.C.
Kennedy
McGovern
McIntyre
Metcalf
Mundt
Pell
Percy
Stafford
Taft
Tower

So Mr. Mansfield's amendment was agreed to.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I ask unanimous consent that John Napier, a member of my staff, be granted the privilege of the floor during discussion on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I ask unanimous consent that a member of my staff, Gordon Alexander, be granted the privilege of the floor during the consideration of H.R. 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 1852) to provide for the establishment of the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 15376) to amend the Service Contract Act of 1965 to revise the method of computing wage rates under such act, and for other purposes.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 16029) to amend the Foreign Assistance Act of 1961, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Morgan, Mr. Zablocki, Mr. Hays, Mr. Fascell, Mr. Mailliard, Mr. Frelinghuysen, and Mr. Broomfield were appointed managers on the part of the House and the conference.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 99) authorizing the printing of additional copies of the Senate report to accompany H.R. 1, the Social Security Amendments of 1972.

The message further announced that the House had passed a bill (H.R. 9128) to confer exclusive jurisdiction on the Federal Maritime Commission over certain movements of merchandise by barge in foreign commerce, in which it requested the concurrence of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution:

H.R. 12903. An act for the relief of Anne M. Sack; and

H.J. Res. 1304. Joint resolution authorizing the President to proclaim October 1, 1972, as "National Heritage Day."

The PRESIDENT pro tempore subsequently signed the enrolled bill and joint resolution.

HOUSE BILL REFERRED

The bill (H.R. 9128) to confer exclusive jurisdiction on the Federal Maritime Commission over certain movements of merchandise by barge in foreign commerce, was read twice by its title and referred to the Committee on Commerce.

CONSUMER PRODUCT SAFETY ACT

Mr. MAGNUSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3419.

The PRESIDING OFFICER (Mr. FANNIN) laid before the Senate the amendment of the House of Representatives to the bill (S. 3419) to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes, which was to strike out all after the enacting clause, and insert:

SHORT TITLE; TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "Consumer Product Safety Act".

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Consumer Product Safety Commission.
Sec. 5. Product safety information and research.
Sec. 6. Public disclosure of information.
Sec. 7. Consumer product safety standards.
Sec. 8. Banned hazardous products.
Sec. 9. Administrative procedure applicable to promulgation of consumer product safety rules.
Sec. 10. Petition by interested party for consumer product safety rule.
Sec. 11. Judicial review of consumer product safety rules.
Sec. 12. Imminent hazards.
Sec. 13. New products.
Sec. 14. Product certification and labeling.
Sec. 15. Notification and repair, replacement, or refund.
Sec. 16. Inspection and recordkeeping.
Sec. 17. Imported products.
Sec. 18. Exports.
Sec. 19. Prohibited acts.
Sec. 20. Civil penalties.
Sec. 21. Criminal penalties.
Sec. 22. Injunctive enforcement and seizure.
Sec. 23. Suits for damages by persons injured.
Sec. 24. Private enforcement of product safety rules and of section 15 orders.
Sec. 25. Effect on private remedies.
Sec. 26. Effect on State standards.
Sec. 27. Additional functions of Commission.
Sec. 28. Product Safety Advisory Council.
Sec. 29. Cooperation with States and with other Federal agencies.
Sec. 30. Transfers of functions.
Sec. 31. Limitation on jurisdiction.
Sec. 32. Authorization of appropriations.
Sec. 33. Effective date.

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) an unacceptable number of consumer products which contain unreasonable hazards are distributed in commerce;

(2) complexities of consumer products and the diverse nature and abilities of consumers using them frequently result in an inability of users to anticipate hazards and to safeguard themselves adequately;

(3) the public should be protected against unreasonable hazards associated with consumer products;

(4) control by State and local governments of unreasonable hazards associated with consumer products is inadequate and may be burdensome to manufacturers; and

(5) regulation of consumer products the distribution or use of which affects interstate or foreign commerce is necessary to carry out this Act.

(b) The purposes of this Act are—

(1) to protect the public against unreasonable hazards associated with consumer products;

(2) to assist consumers in evaluating the comparative safety of consumer products;

(3) to develop uniform safety standards for consumer products and to minimize conflicting State and local regulations; and

(4) to promote research and investigation into the causes and prevention of product-related deaths, illnesses, and injuries.

DEFINITIONS

SEC. 3. (a) For purposes of this Act:

(1) The term "consumer product" means any article, or component part thereof, produced or distributed (i) for sale to a consumer for use in or around a household or residence, a school, in recreation, or otherwise, or (ii) for the personal use, consumption or enjoyment of a consumer in or around a household or residence, a school, in recreation, or otherwise; but such terms does not include (A) any article which is not customarily produced or distributed for sale to or use, consumption, or enjoyment of a consumer; (B) tobacco and tobacco products, (C) motor vehicles or motor vehicle equipment (as defined by sections 102 (3) and (4) of the National Traffic and Motor Vehicle Safety Act of 1966), (D) economic poisons (as defined by the Federal Insecticide, Fungicide, and Rodenticide Act), (E) any article which, if sold by the manufacturer, producer, or importer, would be subject to the tax imposed by section 4181 of the Internal Revenue Code of 1954 (determined without regard to any exemptions from such tax provided by section 4182 or 4221, or any other provision of such Code), or any component of any such article, (F) drugs, devices, or cosmetics (as such terms are defined in sections 201(g), (h), and (i) of the Federal Food, Drug, and Cosmetic Act), or (G) food. The term "food", as used in this paragraph, means all "food", as defined in section 201(f) of the Federal Food, Drug, and Cosmetic Act, including poultry and poultry products (as defined in sections 4 (e) and (f) of the Poultry Products Inspection Act), meat, meat food products (as defined in section 1(j) of the Federal Meat Inspection Act), and eggs and egg products (as defined in section 4 of the Egg Products Inspection Act).

(2) The term "consumer product safety rule" means a consumer product safety standard described in section 7(a), or a rule under this Act declaring a consumer product a banned hazardous product.

(3) The term "hazard" means a risk of death, personal injury, or serious or frequent illness.

(4) The term "manufacturer" means any person who manufactures or imports a consumer product.

(5) The term "distributor" means a person to whom a consumer product is delivered or sold for purposes of distribution in commerce, except that such term does not include a manufacturer or retailer of such product.

(6) The term "retailer" means a person to whom a consumer product is delivered or sold for purposes of sale or distribution by such person to a consumer.

(7) (A) The term "private labeler" means an owner of a brand or trademark on the label of a consumer product which bears a private label.

(B) A consumer product bears a private label if (i) the product (or its container) is labeled with the brand or trademark of a person other than a manufacturer of the product, (ii) the person with whose brand or trademark the product (or container) is labeled has authorized or caused the product to be so labeled, and (iii) the brand or trademark of a manufacturer of such product does not appear on such label.

(8) The term "manufacture" means to manufucture, produce, or assemble.

(9) The term "Commission" means the Consumer Product Safety Commission, established by section 4.

(10) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Canal Zone, American Samoa, or the Trust Territory of the Pacific Islands.

(11) The terms "to distribute in commerce" and "distribution in commerce" mean to sell in commerce, to introduce or deliver for introduction into commerce, or to hold for sale or distribution after introduction into commerce.

(12) The term "commerce" means trade, traffic, commerce, or transportation—

(A) between a place in a State and any place outside thereof, or

(B) which affects trade, traffic, commerce, or transportation described in subparagraph (A).

(13) The terms "import" and "importation" include reimporting a consumer product manufactured or processed, in whole or in part, in the United States.

(14) The term "United States", when used in the geographic sense, means all of the States (as defined in paragraph (10)).

(b) A common carrier, contract carrier, or freight forwarder shall not, for purposes of this Act, be deemed to be a manufacturer, distributor, or retailer of a consumer product solely by reason of receiving or transporting a consumer product in the ordinary course of its business as such a carrier or forwarder.

CONSUMER PRODUCT SAFETY COMMISSION

SEC. 4. (a) An independent regulatory commission is hereby established, to be known as the Consumer Product Safety Commission, consisting of five Commissioners who shall be appointed by the President, by and with the advice and consent of the Senate, one of whom shall be designated by the President as Chairman. The Chairman, when so designated, shall act as Chairman until the expiration of his term of office as Commissioner. Any member of the Commission may be removed by the President for neglect of duty or malfeasance in office but for no other cause.

(b) (1) Except as provided in paragraph (2), (A) the Commissioners first appointed under this section shall be appointed for terms ending three, four, five, six, and seven years, respectively, after the date of the enactment of this Act, the term of each to be designated by the President at the time of nomination; and (B) each of their successors shall be appointed for a term of seven years from the date of the expiration of the term for which his predecessor was appointed.

(2) Any Commissioner appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A Commissioner may continue to serve after the expiration of his term until his successor has taken office, except that he may not so continue to serve more than one year after the date on which his term would otherwise expire under this subsection.

(c) Not more than three of the Commissioners shall be appointed from the same political party. No individual in the employ of, or holding any official relation to, any person, engaged in selling or manufacturing consumer products or owning stock or bonds of substantial value in a person so engaged or who is in any other manner pecuniarily interested in such a person, or in a substantial supplier of such a person, shall hold the office of Commissioner. A Commissioner may not engage in any other business, vocation, or employment.

(d) No vacancy in the Commission shall impair the right of the remaining Commissioners to exercise all the powers of the Commission, but three members of the Commission shall constitute a quorum for the transaction of business. The Commission shall have an official seal of which judicial notice shall be taken. The Commission shall annually elect a Vice Chairman to act in the absence or disability of the Chairman or in case of a vacancy in the office of the Chairman.

(e) The Commission shall maintain a principal office and such field offices as it deems necessary and may meet and exercise any of its powers at any other place.

(f) (1) The Chairman of the Commission shall be the principal executive officer of the Commission, and he shall exercise all of the executive and administrative functions of the Commission, including functions of the Commission with respect to (A) the appointment and supervision of personnel employed under the Commission (other than personnel employed regularly and full time in the immediate offices of commissioners other than the Chairman), (B) the distribution of business among personnel appointed and supervised by the Chairman and among administrative units of the Commission, and (C) the use and expenditure of funds.

(2) In carrying out any of his functions under the provisions of this subsection the Chairman shall be governed by general policies of the Commission and by such regulatory decisions, findings, and determinations as the Commission may by law be authorized to make.

(g) (1) The Chairman, subject to the approval of the Commission, shall appoint an Executive Director, a General Counsel, a Director of Engineering Sciences, a Director of Epidemiology, and a Director of Information. No individual so appointed may receive pay in excess of the annual rate of basic pay in effect for grade GS–18 of the General Schedule.

(2) The Chairman, subject to subsection (f) (2), may employ such other officers and employees (including attorneys) as are necessary in the execution of the Commission's functions. No full-time officer or employee of the Commission who was at any time during the 12 months preceding the termination of his employment with the Commission compensated at a rate in excess of the annual rate of basic pay in effect for grade GS–14 of the General Schedule, shall accept employment or compensation from any manufacturer subject to this Act, for a period of 12 months after terminating employment with the Commission.

(h) (1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(59) Chairman, Consumer Product Safety Commission."

(2) Section 5315 of such title is amended by adding at the end thereof the following new paragraph:

"(96) Members, Consumer Product Safety Commission (4)."

PRODUCT SAFETY INFORMATION AND RESEARCH

SEC. 5. (a) The Commission shall—

(1) maintain an Injury Information Clearinghouse to collect, investigate, analyze, and disseminate information relating to the causes and prevention of death, injury, and illness associated with consumer products; and

(2) conduct such continuing studies and investigations of deaths, injuries, diseases, other health impairments, and economic losses resulting from accidents involving consumer products as it deems necessary.

(b) The Commission may—

(1) conduct research, studies, and investigations on the safety of consumer products and on improving the safety of such products;

(2) test consumer products and develop product safety test methods and testing devices; and

(3) offer training in product safety investigation and test methods, and assist public and private organizations, administratively and technically, in the development of safety standards and test methods.

(c) In carrying out its functions under this section, the Commission may make grants or enter into contracts for the conduct of such functions with any person (including a governmental entity).

(d) Whenever the Federal contribution for any information, research, or development activity authorized by this Act is more than minimal, the Commission shall include in any contract, grant, or other arrangement for such activity, provisions effective to insure that the rights to all information, uses, processes, patents, and other developments resulting from that activity will be made available to the public without charge on a nonexclusive basis. Nothing in this subsection shall be construed to deprive any person of any right which he may have had, prior to entering into any arrangement referred to in this subsection, to any patent, patent application, or invention.

PUBLIC DISCLOSURE OF INFORMATION

SEC. 6. (a) (1) Nothing contained in this Act shall be deemed to require the release of any information described by subsection (b) of section 552, title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

(2) All information reported to or otherwise obtained by the Commission or its representative under this Act which information contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, shall be considered confidential and shall not be disclosed, except that such information may be disclosed to other officers or employees concerned with carrying out this Act or when relevant in any proceeding under this Act. Nothing in this Act shall authorize the withholding of information by the Commission or any officer or employee under its control from the duly authorized committees of the Congress.

(b) (1) Except as provided by paragraph (2) of this subsection, not less than 30 days prior to its public disclosure of any information obtained under this Act, or to be disclosed to the public in connection therewith (unless the Commission finds that the public health and safety requires a lesser period of notice), the Commission shall provide such information, to the extent practicable, to each manufacturer or private labeler of any consumer product to which such information pertains, if the manner in which such consumer product is to be designated or described in such information will permit the public to ascertain readily the identity of such manufacturer or private labeler, and shall provide such manufacturer or private labeler with a reasonable opportunity to submit comments to the Commission in regard to such information. The Commission shall take reasonable steps to assure, prior to its public disclosure thereof, that information from which the identity of such manufacturer or private labeler may be readily ascertained is accurate, and that such disclosure is fair in the circumstances and reasonably related to effectuating the purposes of this Act. If the Commission finds that, in the administration of this Act, it has made public disclosure of inaccurate or misleading information which reflects adversely upon the safety of any consumer product, or the practices of any manufacturer, private labeler, distributor, or retailer of consumer products, it shall, in a manner similar to that in which such disclosure was made, publish a retraction of such inaccurate or misleading information.

(2) Paragraph (1) (except for the last sentence thereof) shall not apply to the public disclosure of (A) information about any consumer product with respect to which product the Commission has filed an action under section 12 (relating to imminently hazardous products), or which the Commission has reasonable cause to believe is in violation of section 19 (relating to prohibited acts), or (B) information in the course of or concerning any administrative or judicial proceeding under this Act.

(c) The Commission shall communicate to each manufacturer of a consumer product, insofar as may be practicable, information as to any significant hazard associated with such product.

CONSUMER PRODUCT SAFETY STANDARDS

SEC. 7. (a) The Commission may by rule, in accordance with this section and section 9, promulgate consumer product safety standards. A consumer product safety standard shall consist of one or more of any of the following types of requirements:

(1) Requirements as to performance, composition, contents, design, construction, finish, or packaging of a consumer product.

(2) Requirements that a consumer product be marked with or accompanied by clear and adequate warnings or instructions, or requirements respecting the form of warnings or instructions.

Any requirement of such a standard shall be reasonably necessary to prevent or reduce an unreasonable hazard to the public associated with such product. The requirements of such a standard (other than requirements relating to labeling, warnings, or instructions) shall, whenever feasible, be expressed in terms of performance requirements.

(b) A proceeding for the development of a consumer product safety standard under this Act shall be commenced by the publication in the Federal Register of a notice which shall—

(1) identify the product and the nature of the hazard associated with the product;

(2) state the Commission's determination that a consumer product safety standard is necessary to prevent or reduce the hazard;

(3) include information with respect to any existing standard known to the Commission which may be relevant to the proceeding; and

(4) include an invitation for any person, including any State or Federal agency (other than the Commission), within 30 days after the date of publication of the notice (A) to submit to the Commission an existing standard as the proposed consumer product safety standard or (B) to offer to develop the proposed consumer product safety standard.

An invitation under paragraph (4) (B) shall specify a period of time, during which the standard is to be developed, which shall be a period ending 150 days after the publication of the notice, unless the Commission for good cause finds (and includes such finding in the notice) that a different period is appropriate.

(c) If the Commission determines that (1) there exists a standard which has been issued or adopted by any Federal agency or by any other qualified agency, organization, or institution, and (2) such standard if promulgated under this Act would prevent or reduce the unreasonable hazard associated with the product, then it may, in lieu of accepting an offer pursuant to subsection (d) of this section, publish such standard as a proposed consumer product safety rule.

(d)(1) Except as provided by subsection (c), the Commission shall accept one, and may accept more than one, offer to develop a proposed consumer product safety standard pursuant to the invitation prescribed by subsection (b)(4)(B), if it determines that the offeror is technically competent, is likely to develop an appropriate standard within the period specified in the invitation under subsection (b), and will comply with regulations of the Commission under paragraph (3). The Commission shall publish in the Federal Register the name and address of each person whose offer it accepts, and a summary of the terms of such offer as accepted.

(2) If an offer is accepted under this subsection, the Commission may agree to contribute to the offeror's cost in developing a proposed consumer product safety standard, in any case in which the Commission determines that such contribution is likely to result in a more satisfactory standard than would be developed without such contribution, and that the offeror is financially responsible. Regulations of the Commission shall set forth the items of cost in which it may participate, and shall exclude any contribution to the acquisition of land or buildings.

(3) The Commission shall prescribe regulations governing the development of proposed consumer product safety standards by persons whose offers are accepted under paragraph (1). Such regulations shall include requirements—

(A) that standards recommended for promulgation be suitable for promulgation under this Act, be supported by test data or such other documents or materials as the Commission may reasonably require to be developed, and (where appropriate) contain suitable test methods for measurement of compliance with such standards;

(B) for notice and opportunity by interested persons (including representatives of consumers and consumer organizations) to participate in the development of such standards;

(C) for the maintenance of records, which shall be available to the public, to disclose the course of the development of standards recommended for promulgation, the, comments and other information submitted by any person in connection with such development (including dissenting views and comments and information with respect to the need for such recommended standards), and such other matters as may be relevant to the evaluation of such recommended standards; and

(D) that the Commission and the Comptroller General of the United States, or any of their duly authorized representatives, have access for the purpose of audit and examination to any books, documents, papers, and records relevant to the development of such recommended standards or to the expenditure of any contribution of the Commission for the development of such standards.

(e)(1) If the Commission has published a notice of proceeding as provided by subsection (b) and has not, within 30 days after the date of publication of such notice, accepted an offer to develop a proposed consumer product safety standard, the Commission may develop a proposed consumer product safety rule and publish such proposed rule.

(2) If the Commission accepts an offer to develop a proposed consumer product safety standard, the Commission may not, during the development period (specified in paragraph (3)) for such standard—

(A) publish a proposed rule applicable to the same hazard associated with such product, or

(B) develop proposals for such standard or contract with third parties for such development, unless the Commission determines that no offeror whose offer was accepted is making satisfactory progress in the development of such standard.

(3) For purposes of paragraph (2), the development period for any standard is a period (A) beginning on the date on which the Commisison first accepts an offer under subsection (d)(1) for the development of a proposed standard, and (B) ending on the earlier of—

(i) the end of the period specified in the notice of proceeding (except that the period specified in the notice may be extended if good cause is shown and the reasons for such extension are published in the Federal Register), or

(ii) the date on which it determines (in accordance with such procedures as it may by rule prescribe) that no offeror whose offer was accepted is able and willing to continue satisfactorily the development of the proposed standard which was the subject of the offer, or

(iii) the date on which an offeror whose offer was accepted submits such a recommended standard to the Commission.

(f) Not more than 210 days after its publication of a notice of proceeding pursuant to subsection (b) (which time may be extended by the Commission by a notice published in the Federal Register stating good cause therefor), the Commission shall publish in the Federal Register a notice withdrawing such notice of proceeding or publish a proposed rule which either proposes a product safety standard applicable to any consumer product subject to such notice, or proposes to declare any such subject product a banned hazardous consumer product.

BANNED HAZARDOUS PRODUCTS

SEC. 8. Whenever the Commission finds that—

(1) a consumer product is being, or will be, distributed in commerce and such consumer product presents an unreasonable hazard to the public; and

(2) no feasible consumer product safety standard under this Act would adequately protect the public from the unreasonable hazard associated with such product,

the Commission may propose and, in accordance with section 9, promulgate a rule declaring such product a banned hazardous product.

ADMINISTRATIVE PROCEDURE APPLICABLE TO PROMULGATION OF CONSUMER PRODUCT SAFETY RULES

SEC. 9. (a)(1) Within sixty days after the publication under section 7(c), (e)(1), or (f) or section 8 of a proposed consumer product safety rule respecting a hazard associated with a consumer product, the Commission shall—

(A) promulgate a consumer product safety rule respecting the hazard associated with such product if it makes the findings required under subsection (c), or

(B) withdraw by rule the applicable notice of proceeding if it determines that such rule is not (i) reasonably necessary to prevent or reduce an unreasonable hazard to the public associated with the product, or (ii) in the public interest;

except that the Commission may extend such sixty-day period for good cause shown (if it publishes its reasons therefor in the Federal Register).

(2) Consumer product safety rules which have been proposed under section 7(c), (e)(1), or (f) or section 8 shall be promulgated pursuant to section 553 of title 5, United States Code, except that the Commission shall give interested persons an opportunity for the oral presentation of data, views, or arguments, in addition to an opportunity to make written submissions. A transcript shall be kept of any oral presentation.

(b) A consumer product safety rule shall express in the rule itself the hazard which the standard is designed to prevent or reduce. In promulgating such a rule the Commission shall consider relevant available product data including the results of research, development, testing, and investigation activities conducted generally and pursuant to this Act.

(c)(1) Prior to promulgating a consumer product safety rule, the Commission shall consider, and shall make appropriate findings for inclusion in such rule with respect to—

(A) the degree and nature of the hazard the rule is designed to prevent or reduce, and

(B) the approximate number of consumer products, or types or classes thereof, subject to such rule; and

(C) the need of the public for the consumer products subject to such rule, and the probable effect of such rule upon the utility, cost, or availability of such products to meet such need.

(2) The Commission shall not promulgate a consumer product safety rule unless it finds (and includes such finding in the rule)—

(A) that the rule (including its effective date) is reasonably necessary to prevent or reduce an unreasonable hazard to the public associated with such product;

(B) that the promulgation of the rule is in the public interest; and

(C) in the case of a rule declaring the product a banned hazardous product, that no feasible consumer product safety standard under this Act would adequately protect the public from the unreasonable hazard associated with such product.

(d) Each consumer product safety rule shall specify the date such rule is to take effect not exceeding 180 days from the date promulgated, unless the Commission finds, for good cause shown, that a later effective date is in the public interest and publishes its reasons for such finding. The effective date of a consumer product safety standard under this Act shall be set at a date at least 30 days after the date of promulgation unless the Commission for good cause shown determines that an earlier effective date is in the public interest. In no case may the effective date be set at a date which is earlier than the date of promulgation. A consumer product safety standard shall be applicable only to consumer products manufactured after the effective date.

(e) The Commission may by rule amend or revoke any consumer product safety rule. Such amendment or revocation shall specify the date on which it is to take effect which shall not exceed 180 days from the date the amendment or revocation is published unless the Commission finds for good cause shown that a later effective date is in the public interest and publishes its reasons for such finding. Where an amendment involves a material change in a consumer product safety rule, sections 7 and 8, and subsections (a) through (d) of this section shall apply. In order to revoke a consumer product safety rule, the Commission shall publish a proposal to revoke such rule in the Federal Register, and allow oral and written presentations in accordance with subsection (a)(2) of this section. It may revoke such rule only if it determines that the rule is not reasonably necessary to prevent or reduce an unreasonable hazard to the public associated with the product. Section 11 shall apply to any amendment of a consumer product safety rule which involves a material change and to any revocation of a consumer product safety rule, in the same manner and to the same extent as such section applies to the Commission's action in promulgating such a rule.

PETITION BY INTERESTED PARTY FOR CONSUMER PRODUCT SAFETY RULE

SEC. 10. (a) Any interested person, including a consumer or consumer organization, may petition the Commission to commence a proceeding for the issuance, amendment, or revocation of a consumer product safety rule.

(b) Such petition shall be filed in the principal office of the Commission and shall set forth—

(1) facts which it is claimed establish that a consumer product safety rule or an amendment or revocation thereof is necessary; and

(2) a brief description of the substance of the consumer product safety rule or amendment thereof which it is claimed should be issued by the Commission.

(c) The Commission may hold a public hearing or may conduct such investigation or proceeding as it deems appropriate in order to determine whether or not such petition should be granted.

(d) If the Commission grants such petition, it shall promptly commence an appropriate proceeding to prescribe a consumer product safety rule, or take such other action as it deems appropriate. If the Commission denies such petition it shall publish in the Federal Register its reasons for such denial, if such petition and reasons for such denial materially differ from any previous petition and subsequent denial.

JUDICIAL REVIEW OF CONSUMER PRODUCT SAFETY RULES

SEC. 11. (a) Not later than 60 days after a consumer product safety rule is promulgated by the Commission, any person adversely affected by such rule, or any consumer or consumer organization, may file a petition with the United States court of appeals for the District of Columbia or for the circuit in which such person, consumer, or organization resides or has his principal place of business for judicial review of such rule. Copies of the petition shall be forthwith transmitted by the clerk of the court to the Commission or other officer designated by him for that purpose and to the Attorney General. The Commission shall transmit to the Attorney General, who shall file in the court, the record of the proceedings on which the Commission based its rule, as provided in section 2112 of title 28 of the United States Code. For purposes of this section, the term "record" means such consumer product safety rule; any notice or proposal published pursuant to section 7, 8, or 9; the transcript required by section 9(a)(2) of any oral presentation any written submission of interested parties; and any other information, which the Commission considers relevant to such rule.

(b) If the petitioner applies to the court for leave to adduce additional data, views, or arguments and shows to the satisfaction of the court that such additional data, views, or arguments are material and that there were reasonable grounds for the petitioner's failure to adduce such data, views, or arguments in the proceeding before the Commission, the court may order the Commission to provide additional opportunity for the oral presentation of data, views, or arguments and for written submissions. The Commission may modify its findings, or make new findings by reason of the additional data, views, or arguments so taken and shall file such modified or new findings, and its recommendation, if any, for the modification or setting aside of its original rule, with the return of such additional data, views, or arguments.

(c) Upon the filing of the petition under subsection (a) of this section the court shall have jurisdiction to review the consumer product safety rule in accordance with chapter 7 of title 5 of the United States Code and to grant appropriate relief, including interim relief, as provided in such chapter. The consumer product safety rule shall not be affirmed unless the Commission's findings under section 9(c) are supported by substantial evidence on the record taken as a whole.

(d) The judgment of the court affirming or setting aside, in whole or in part, any consumer product safety rule shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28 of the United States Code.

(e) The remedies provided for in this section shall be in addition to and not in lieu of any other remedies provided by law.

IMMINENT HAZARDS

SEC. 12.(a) The Commission may file in a United States district court an action (1) against an imminently hazardous consumer product for seizure of such product under subsection (b)(2), or (2) against any person who is a manufacturer, distributor, or retailer of such product, or (3) against both. Such an action may be filed notwithstanding the existence of a consumer product safety rule applicable to such product, or the pendency of any administrative or judicial proceedings under any other provision of this Act. As used in this section, and hereinafter in this Act, the term "imminently hazardous consumer product" means a consumer product which presents imminent and unreasonable risk of death, serious illness, or severe personal injury.

(b)(1) The district court in which such action is filed shall have jurisdiction to declare such product an imminently hazardous consumer product, and (in the case of an action under subsection (a)(2)) to grant (as ancillary to such declaration or in lieu thereof) such temporary or permanent relief as may be necessary to protect the public from such risk. Such relief may include a mandatory order requiring the notification of such risk to purchasers of such product known to the defendant, public notice, the recall, the repair or the replacement of, or refund for, such product.

(2) In the case of an action under subsection (a)(1), the consumer product may be proceeded against by process of libel for the seizure and condemnation of such product in any United States district court within the jurisdiction of which such consumer product is found. Proceedings and cases instituted under the authority of the preceding sentence shall conform as nearly as possible to proceedings in rem in admiralty.

(c) Where appropriate, concurrently with the filing of such action or as soon thereafter as may be practicable, the Commission shall initiate a proceeding to promulgate a consumer product safety rule applicable to the consumer product with respect to which such action is filed.

(d)(1) Prior to commencing an action under subsection (a), the Commission may consult the Product Safety Advisory Council (established under section 28) with respect to its determination to commence such action, and request the Council's recommendations as to the type of temporary or permanent relief which may be necessary to protect the public.

(2) The Council shall submit its recommendations to the Commission within one week of such request.

(3) Subject to paragraph (2), the Council may conduct such hearing or offer such opportunity for the presentation of views as it may consider necessary or appropriate.

(e)(1) An action under subsection (a)(2) of this section may be brought in the United States district court for the District of Columbia or in any judicial district in which any of the defendants is found, is an inhabitant or transacts business; and process in such an action may be served on a defendant in any other district in which such defendant resides or may be found. Subpenas requiring attendance of witnesses in such an action may run into any other district. In determining the judicial district in which an action may be brought under this section in instances in which such action may be brought in more than one judicial district, the Commission shall take into account the convenience of the parties.

(2) Whenever proceedings under this section involving identical consumer products are pending in courts in two or more judicial districts, they shall be consolidated for trial by order of any such court upon application reasonably made by any party in interest, upon notice to all other parties in interest.

(f) Notwithstanding any other provision of law, in any action under this section, the Commission may direct attorneys employed by it to appear and represent it.

NEW PRODUCTS

SEC. 13. (a) The Commission may, by rule, prescribe procedures for the purpose of insuring that the manufacturer of any new consumer product furnish notice and a description of such product to the Commission before its distribution in commerce.

(b) For purposes of this section, the term "new consumer product" means a consumer product which incorporates a design, material, or form of energy exchange which (1) has not previously been used substantially in consumer products and (2) as to which there exists a lack of information adequate to determine the safety of such product in use by consumers.

PRODUCT CERTIFICATION AND LABELING

SEC. 14. (a)(1) Every manufacturer of a product which is subject to a consumer product safety standard under this Act and which is distributed in commerce (and the private labeler of such product if it bears a private label) shall issue a certificate which shall certify that such product conforms to all applicable consumer product safety standards, and shall specify any standard which is applicable. Such certificate shall accompany the product or shall otherwise be furnished to any distributor or retailer to whom the product is delivered. Any certificate under this subsection shall be based on a test of each product or upon a reasonable testing program; shall state the name of the manufacturer or private labeler issuing the certificate; and shall include the date and place of manufacture.

(2) In the case of a consumer product for which there is more than one manufacturer or more than one private labeler, the Commission may by rule designate one or more of such manufacturers or one or more of such private labelers (as the case may be) as the persons who shall issue the certificate required by paragraph (1) of this subsection, and may exempt all other manufacturers of such product or all other private labelers of the product (as the case may be) from the requirement under paragraph (1) to issue a certificate with respect to such product.

(b) The Commission may by rule prescribe reasonable testing programs for consumer products which are subject to consumer product safety standards under this Act and for which a certificate is required under subsection (a). Any test or testing program on the basis of which a certificate is issued under subsection (a) may, at the option of the person required to certify the product, be conducted by an independent third party qualified to perform such tests or testing programs.

(c) The Commission may by rule require the use and prescribe the form and content of labels which contain the following information (or that portion of it specified in the rule)—

(1) The date and place of manufacture of any consumer product.

(2) A suitable identification of the manufacturer of the consumer product, unless the product bears a private label in which case it shall identify the private labeler and shall also contain a code mark which would permit the seller of such product to identify the manufacturer thereof to the purchaser upon his request.

(3) In the case of a consumer product subject to a consumer product safety rule, a certification that the product meets all applicable consumer product safety standards and a specification of the standards which are applicable.

Such labels, where practicable, may be required by the Commission to be permanently marked on or affixed to any such consumer product. The Commission may, in appropriate cases, permit information required under paragraphs (1) and (2) of this subsection to be coded.

NOTIFICATION AND REPAIR, REPLACEMENT, OR REFUNDS

SEC. 15. (a) For purposes of this section, the term "substantial product hazard" means—

(1) a failure to comply with an applicable consumer product safety rule which creates a substantial hazard to the public, or

(2) a product defect which (because of the pattern of defect, the number of defective products distributed in commerce, the severity of the risk, or otherwise) creates a substantial hazard to the public.

(b) Every manufacturer of a consumer product distributed in commerce, and every distributor and retailer of such product, who obtains information which reasonably supports the conclusion that such product—

(1) fails to comply with an applicable consumer product safety rule; or

(2) contains a defect which could create a substantial product hazard described in subsection (a)(2), shall immediately inform the Commission of such failure to comply or of such defect, unless such manufacturer, distributor, or retailer has actual knowledge that the Commission has been adequately informed of such defect or failure to comply.

(c) If the Commission determines (after affording interested persons, including consumers and consumer organizations, an opportunity for a hearing in accordance with subsection (f) of this section) that a product distributed in commerce presents a substantial product hazard and that notification is required in order to adequately protect the public from such substantial product hazard, the Commission may order the manufacturer or any distributor or retailer of the product to take any one or more of the following actions:

(1) to give public notice of the defect or failure to comply;

(2) to mail notice to each person who is a manufacturer, distributor, or retailer of such product; or

(3) to mail notice to every person to whom the person required to give notice knows such product was delivered or sold.

Any such order shall specify the form and content of any notice required to be given under such order.

(d) If the Commission determines (after affording interested parties, including consumers and consumer organizations, an opportunity for a hearing in accordance with subsection (f)) that a product distributed in commerce presents a substantial product hazard and that action under this subsection is in the public interest, it may order the manufacturer or any distributor or retailer of such product to take whichever of the following actions the person to whom the order is directed elects—

(1) to bring such product into conformity with the requirements of the applicable consumer product safety rule or to repair the defect in such product;

(2) to replace such product with a like or equivalent product which complies with the applicable consumer product safety rule or which does not contain the defect; or

(3) to refund the purchase price of such product (less a reasonable allowance for use, if such product has been in the possession of a consumer for one year or more (A) at the time of public notice under subsection (c), or (B) at the time the consumer receives actual notice of the defect or noncompliance, whichever first occurs).

An order under this subsection may also require the person to whom it applies to submit a plan, satisfactory to the Commission, for taking action under whichever of the preceding paragraphs of this subsection under which such person has elected to act. The Commission shall specify in the order the persons to whom refunds must be made if the person to whom the order is directed elects to take the action described in paragraph (3). If an order under this subsection is directed to more than one person, the Commission shall specify which person has the election under this subsection.

(e)(1) No charge shall be made to any person (other than a manufacturer, distributor, or retailer) who avails himself of any remedy provided under an order issued under subsection (d), and the person subject to the order shall reimburse each person (other than a manufacturer, distributor, or retailer) who is entitled to such a remedy for any reasonable and foreseeable expenses incurred by such person in availing himself of such remedy.

(2) An order issued under subsection (c) or (d) with respect to a product may require any person who is a manufacturer, distributor, or retailer of the product to reimburse any other person who is a manufacturer, distributor, or retailer of such product for such other person's expenses in connection with carrying out the order, if the Commission determines such reimbursement to be in the public interest.

(f) An order under subsection (c) or (d) may be issued only after an opportunity for a hearing in accordance with section 554 of title 5, United States Code, except that, if the Commission determines that any person who wishes to participate in such hearing is a part of a class of participants who share an identity of interest, the Commission may limit such person's participation in such hearing to participation through a single representative designated by such class (or by the Commission if such class fails to designate such a representative).

INSPECTION AND RECORDKEEPING

SEC. 16. (a) For purposes of implementing this Act, or rules or orders prescribed under this Act, officers or employees duly designated by the Commission, upon presenting appropriate credentials and a written notice from the Commission to the owner, operator, or agent in charge, are authorized—

(1) to enter, at reasonable times, (A) any factory, warehouse, or establishment in which consumer products are manufactured or held, in connection with distribution in commerce, or (B) any conveyance being used to transport consumer products in connection with distribution in commerce; and

(2) to inspect, at reasonable times and in a reasonable manner such conveyance or those areas of such factory, warehouse, or establishment where such products are manufactured, held, or transported and which may relate to the safety of such products. Each such inspection shall be commenced and completed with reasonable promptness.

(b) Every person who is a manufacturer, private labeler, or distributor of a consumer product shall establish and maintain such records, make such reports, and provide such information as the Commission may, by rule, reasonably require for the purposes of implementing this Act, or to determine compliance with rules or orders prescribed under this Act. Upon request of an officer or employee duly designated by the Commission, every such manufacturer, private labeler, or distributor shall permit the inspection of appropriate books, records, and papers relevant to determining whether such manufacturer, private labeler, or distributor has acted or is acting in compliance with this Act and rules under this Act.

IMPORTED PRODUCTS

SEC. 17. (a) Any consumer product offered for importation into the customs territory of the United States (as defined in general headnote 2 to the Tariff Schedules of the United States) shall be refused admission into such customs territory if such product—

(1) fails to comply with an applicable consumer product safety rule;

(2) is not accompanied by a certificate required by section 14, or is not labeled in accordance with regulations under section 14(c);

(3) is or has been determined to be an imminently hazardous consumer product in a proceeding brought under section 12;

(4) has a product defect which constitutes a substantial product hazard (within the meaning of section 15(a)(2)); or

(5) is a product which was manufactured by a person who the Commission has informed the Secretary of the Treasury is in violation of subsection (g).

(b) The Secretary of the Treasury shall obtain without charge and deliver to the Commission, upon the latter's request, a reasonable number of samples of consumer products being offered for import. Except for those owners or consignees who are or have been afforded an opportunity for a hearing in a proceeding under section 12 with respect to an imminently hazardous product, the owner or consignee of the product shall be afforded an opportunity by the Commission for a hearing in accordance with section 554 of title 5 of the United States Code with respect to the importation of such products into the customs territory of the United States. If it appears from examination of such samples or otherwise that a product must be refused admission under the terms of subsection (a), such product shall be refused admission, unless subsection (c) of this section applies and is complied with.

(c) If it appears to the Commission that any consumer product which may be refused admission pursuant to subsection (a) of this section can be so modified that it need not (under the terms of paragraphs (1) through (4) of subsection (a)) be refused admission, the Commission may defer final determination as to the admission of such product and, in accordance with such regulations as the Commission and the Secretary of the Treasury shall jointly agree to, permit such product to be delivered from customs custody under bond for the purpose of permitting the owner or consignee an opportunity to so modify such product.

(d) All actions taken by an owner or consignee to modify such product under subsection (c) shall be subject to the supervision of an officer or employee of the Commission and of the Department of the Treasury. If it appears to the Commission that the product cannot be so modified or that the owner or consignee is not proceeding satisfactorily to modify such product it shall be refused admission into the customs territory of the United States, and the Commission may direct the Secretary to demand redelivery of the product into customs custody, and to seize the product in accordance with section 22(b) if it is not so redelivered.

(e) Products refused admission into the customs territory of the United States under this section must be exported, except that upon application, the Secretary of the Treasury may permit the destruction of the product in lieu of exportation. If the owner or consignee does not export the product within a reasonable time, the Department of the Treasury may destroy the product.

(f) All expenses (including travel, per diem or subsistence, and salaries of officers or employees of the United States) in connection with the destruction provided for in this section (the amount of such expenses to be determined in accordance with regulations of the Secretary of the Treasury) and all expenses in connection with the storage, cartage, or labor with respect to any consumer product refused admission under this section, shall be paid by the owner or consignee and, in default of such payment, shall constitute a lien against any future importations made by such owner or consignee.

(g) The Commission may, by rule, condition the importation of a consumer product on the manufacturer's compliance with the inspection and recordkeeping requirements of this Act and the Commission's rules with respect to such requirements.

EXPORTS

SEC. 18. This Act shall not apply to any consumer product if (1) it can be shown that such product is manufactured, sold, or held for sale for export from the United States (or that such product was imported for export), unless such consumer product is in fact distributed in commerce for use in the United States, and (2) such consumer product when distributed in commerce, or any container in which it is enclosed when so distributed, bears a stamp or label stating that such consumer product is intended for export; except that this Act shall apply to any consumer product manufactured for sale, offered for sale, or sold for shipment to any installation of the United States located outside of the United States.

PROHIBITED ACTS

SEC. 19. (a) It shall be unlawful for any person to—

(1) manufacture for sale, offer for sale, distribute in commerce, or import into the United States any consumer product which is not in conformity with an applicable consumer product safety standard under this Act;

(2) manufacture for sale, offer for sale, distribute in commerce, or import into the United States any consumer product which has been declared a banned hazardous product by a rule under this Act;

(3) fail or refuse to permit access to or copying of records, or fail or refuse to make reports or provide information, or fail or refuse to permit entry or inspection, as required under this Act or rule thereunder;

(4) fail to furnish information respecting a substantial product defect, as required by section 15(b);

(5) fail to comply with an order issued under section 15 (c) or (d) (relating to notification, and to repair, replacement, and refund);

(6) fail to furnish a certificate required by section 14 or issue a false certificate if such person in the exercise of due care has reason to know that such certificate is false or misleading in any material respect; or to fail to comply with any rule under section 14(c) (relating to labeling).

(b) Paragraphs (1) and (2) of section (a) shall not apply to any person (1) who holds a certificate issued in accordance with section 14(a) to the effect that such consumer product conforms to all applicable consumer product safety rules, unless such person knows that such consumer product does not conform, or (2) who relies in good faith on the representation of the manufacturer or a distributor of such product that the product is not subject to an applicable product safety rule.

CIVIL PENALTIES

SEC. 20. (a) (1) Any person who knowingly violates section 19 of this Act shall be subject to a civil penalty not to exceed $2,000 for each such violation. Subject to paragraph (2), a violation of section 19(a) (1), (2), (4), (5), or (6) shall constitute a separate violation with respect to each consumer product, involved, except that the maximum civil penalty shall not exceed $500,000 for any related series of violations. A violation of section 19(a) (3) shall constitute a separate violation with respect to each failure or refusal to allow or perform an act required thereby; and, such violation is a continuing one, each day of such violation shall constitute a separate offense, except that the maximum civil penalty shall not exceed $500,000 for any related series of violations.

(2) The second sentence of paragraph (1) of this subsection shall not apply to violations of paragraph (1) or (2) of section 19(a)—

(A) if the person who violated such paragraphs is not the manufacturer or private labeler or a distributor of the product involved, and

(B) if such person did not have either (i) actual knowledge that his distribution or sale of the product violated such paragraphs or (ii) notice from the Commission that such distribution or sale would be a violation of such paragraphs.

(b) Any civil penalty under this section may be compromised by the Commission. In determining the amount of such penalty or whether it should be remitted or mitigated and in what amount, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty when finally determined or the amount agreed on compromise, may be deducted from any sums owing by the United States to the person charged.

(c) As used in the first sentence of subsection (a)(1) of this section, the term "knowingly" means (1) the having of actual knowledge, or (2) the presumed having of knowledge deemed to be possessed by a reasonable man who acts in the circumstances, including knowledge obtainable upon the exercise of due care to ascertain the truth of representations.

CRIMINAL PENALTIES

SEC. 21. (a) Any person who knowingly and willfully violates section 19 of this Act after having received notice of noncompliance from the Commission shall be fined not more than $50,000 or be imprisoned not more than one year, or both.

(b) Whenever any corporation knowingly and willfully violates section 19 of this Act after having received notice of noncompliance from the Commission, any individual director, officer, or agent of such corporation who knowingly and willfully authorized, ordered, or performed any of the acts or practices constituting in whole or in part such violation and who had knowledge of such notice from the Commission shall be subject to penalties under this section in addition to the corporation.

INJUNCTIVE ENFORCEMENT AND SEIZURE

SEC. 22. (a) The United States district courts shall have jurisdiction to restrain any violation of section 19, or to restrain any person from distributing in commerce a product which does not comply with a consumer product safety rule, or both. Such actions may be brought by the Attorney General, on request of the Commission, in any United States district court for a district wherein any act, omission, or transaction constituting the violation occurred, or in such court for the district wherein the defendant is found or transacts business. In any action under this section process may be served on a defendant in any other district in which the defendant resides or may be found.

(b) Any consumer product which fails to conform to an applicable consumer product safety rule when introduced into or while in commerce or while held for sale after shipment in commerce shall be liable to be proceeded against on libel of information and condemned in any United States district court within the jurisdiction of which such consumer product is found. Proceedings in cases instituted under the authority of this subsection shall conform as nearly as possible to proceedings in rem in admiralty. Whenever such proceedings involving identical consumer products are pending in courts of two or more judicial districts they shall be consolidated for trial by order of any such court upon application reasonably made by any party in interest upon notice to all other parties in interest.

SUITS FOR DAMAGES BY PERSONS INJURED

SEC. 23. (a) (1) Any person who shall sustain injury by reason of any knowing (including willful) violation of a consumer product safety standard, regulation, or order issued by the Commissioner may sue therefor in any district court of the United States in the district in which the defendant resides or is found or has an agent, subject to the provisions of section 1331 of title 28, United States Code, as to the amount in controversy, and shall recover damages sustained, and the cost of suit, including a reasonable attorney's fee, if considered appropriate in the discretion of the court.

(c) The remedies provided for in this section shall be in addition to and not in lieu of any other remedies provided by common law or under Federal or State law.

PRIVATE ENFORCEMENT OF PRODUCT SAFETY RULES AND OF SECTION 15 ORDERS

SEC. 24. Any interested person may bring an action in any United States district court for the district in which the defendant is found or transacts business to enforce a consumer product safety rule or an order under section 15, and to obtain appropriate injunctive relief. Not less than thirty days prior to the commencement of such action, such interested person shall give notice by registered mail to the Commission, to the Attorney General, and to the person against whom such action is directed. Such notice shall state the nature of the alleged violation of any such standard or order, the relief to be requested, and the court in which the action will be brought. No separate suit shall be brought under this section if at the time the suit is brought the same alleged violation is the subject of a pending civil or criminal action by the United States under this Act. In any action under this section, such interested person may elect, by a demand for such relief in his complaint, to recover reasonable attorney's fees, in which case the court shall award the costs of suit, including a reasonable attorney's fee, to the prevailing party.

EFFECT ON PRIVATE REMEDIES

SEC. 25. (a) Compliance with consumer product safety rules or other rules or orders under this Act shall not relieve any person from liability at common law or under State statutory law to any other person.

(b) The failure of the Commission to take any action or commence a proceeding with respect to the safety of a consumer product shall not be admissible in evidence in litigation at common law or under State statutory law relating to such consumer product.

(c) (1) Subject to section 6(a) (2) but notwithstanding section 6(a) (1), (A) accident and investigation reports made under this Act by any officer, employee, or agent of the

Commission shall be available for use in any civil, criminal, or other judicial proceeding arising out of such accident, and (B) any such officer, employee, or agent may be required to testify in such proceedings as to the facts developed in such investigations.

(2) Subject to sections 6(a)(2) and 6(b) but notwithstanding section 6(a)(1), (A) any accident or investigation report made under this Act by an officer or employee of the Commission shall be made available to the public in a manner which will not identify any injured person or any person treating him, without the consent of the person so identified, and (B) all reports on research projects, demonstration projects, and other related activities shall be public information.

EFFECT ON STATE STANDARDS

SEC. 26. (a) Whenever a consumer product safety standard under this Act is in effect and applies to a hazard associated with a consumer product, no State or political subdivision of a State shall have any authority either to establish or to continue in effect any provision of a safety standard or regulation which prescribes any requirements as to the performance, composition, contents, design, finish, construction, packaging, or labeling of such product which are designed to deal with the same hazard associated with such consumer product; unless such requirements are identical to the requirements of the Federal standard.

(b) Nothing in this section shall be construed to prevent the Federal Government or the government of any State or political subdivision thereof from establishing a safety requirement applicable to a consumer product for its own use if such requirement imposes a higher standard of performance than that required to comply with the otherwise applicable Federal standard.

(c) Upon application of a State or political subdivision thereof, the Commission may by rule, after notice and opportunity for oral presentation of views, exempt from the provisions of subsection (a) (under such conditions as it may impose) a proposed safety standard or regulation described in such application, where the proposed standard or regulation (1) imposes a higher level of performance than the Federal standard, (2) is required by compelling local conditions, and (3) does not unduly burden interstate commerce.

ADDITIONAL FUNCTIONS OF COMMISSION

SEC. 27. (a) The Commission may, by one or more of its members or by such agents or agency as it may designate, conduct any hearing or other inquiry necessary or appropriate to its functions anywhere in the United States. A Commissioner who participates in such a hearing or other inquiry shall not be disqualified solely by reason of such participation from subsequently participating in a decision of the Commission in the same matter. The Commission shall publish notice of any proposed hearing in the Federal Register and shall afford a reasonable opportunity for interested persons to present relevant testimony and data.

(b) The Commission shall also have the power—

(1) to require, by special or general orders, any person to submit in writing such reports and answers to questions as the Commission may prescribe; and such submission shall be made within such reasonable period and under oath or otherwise as the Commission may determine;

(2) to administer oaths;

(3) to require by subpena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

(4) in any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized under paragraph (3) of this subsection; and

(5) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States.

(c) Any United States district court within the jurisdiction of which any inquiry is carried on may, upon petition by the Attorney General, in case of refusal to obey a subpena or order of the Commission issued under subsection (b) of this section, issue an order requiring compliance therewith; and any failure to obey the order of the court may be punished by the court as a contempt thereof.

(d) No person shall be subject to civil liability to any person (other than the Commission or the United States) for disclosing information at the request of the Commission.

(e) The Commission may by rule require any manufacturer of consumer products to provide to the Commission such performance and technical data related to performance and safety as may be required to carry out the purposes of the Act, and to give such notification of such performance and technical data at the time of original purchase to prospective purchasers and to the first purchaser of such product for purposes other than resale, as it determines necessary to carry out the purposes of this Act.

(f) For purposes of carrying and this Act, the Commission may purchase any consumer product and it may require any manufacturer, distributor, or retailer of a consumer product to sell the product to the Commission at manufacturer's, distributor's, or retailer's cost.

(g) The Commission is authorized to enter into contracts with governmental entities, private organizations, or individuals for the conduct of activities authorized by this Act.

(h) The Commission may plan, construct, and operate a facility or facilities suitable for research, development, and testing of consumer products in order to carry out this Act.

(i) The Commission shall prepare and submit to the President and the Congress on or before October 1 of each year a comprehensive report on the administration of this Act for the preceding fiscal year. Such report shall include—

(1) a thorough appraisal, including statistical analyses, estimates, and long-term projections, of the incidence of injury and effects to the population resulting from consumer products, with a breakdown, insofar as practicable, among the various sources of such injury;

(2) a list of consumer product safety rules prescribed or in effect during such year;

(3) an evaluation of the degree of observance of consumer product safety rules, including a list of enforcement actions, court decisions, and compromises of alleged violations, by location and company name;

(4) a summary of outstanding problems confronting the administration of this Act in order of priority;

(5) an analysis and evaluation of public and private consumer product safety research activities;

(6) a list, with a brief statement of the issues, of completed or pending judicial actions under this Act;

(7) the extent to which technical information was disseminated to the scientific and commercial communities and consumer information was made available to the public;

(8) the extent of cooperation between Commission officials and representatives of industry and other interested parties in the implementation of this Act, including a log or summary of meetings held between Commission officials and representatives of industry and other interested parties;

(9) an appraisal of significant actions of State and local governments relating to the responsibilities of the Commission; and

(10) such recommendations for additional legislation as the Commission deems necessary to carry out the purposes of this Act.

PRODUCT SAFETY ADVISORY COUNCIL

SEC. 28. (a) The Commission shall establish a Product Safety Advisory Council which it may consult before prescribing a consumer product safety rule or taking other action under this Act. The Council shall be appointed by the Commission and shall be composed of fifteen members, each of whom shall be qualified by training and experience in one or more of the fields applicable to the safety of products within the jurisdiction of the Commission. The Council shall be constituted as follows:

(1) five members shall be selected from governmental agencies including Federal, State, and local governments;

(2) five members shall be selected from consumer product industries including at least one representative of small business; and

(3) five members shall be selected from among consumer organizations, community organizations, and recognized consumer leaders.

(b) The Council shall meet at the call of the Commission, but not less often than four times during each calendar year.

(c) The Council may propose consumer product safety rules to the Commission for its consideration and may function through subcommittees of its members. All proceedings of the Council shall be public, and a record of each proceeding shall be available for public inspection.

(d) Members of the Council who are not officers or employees of the United States shall, while attending meetings or conferences of the Council or while otherwise engaged in the business of the Council, be entitled to receive compensation at a rate fixed by the Commission, not exceeding the daily equivalent of the amount rate of basic pay in effect for grade GS–18 of the General Schedule, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. Payments under this subsection shall not render members of the Council officers or employees of the United States for any purpose.

COOPERATION WITH STATES AND WITH OTHER FEDERAL AGENCIES

SEC. 29. (a) The Commission shall establish a program to promote Federal-State cooperation for the purposes of carrying out this Act. In implementing such program the Commission may—

(1) accept from any State or local authorities engaged in activities relating to health, safety, or consumer protection assistance in such functions as injury data collection, investigation, and educational programs, as well as other assistance in the administration and enforcement of this Act which such States or localities may be able and willing to provide and, if so agreed, may pay in advance or otherwise for the reasonable cost of such assistance, and

(2) commission any qualified officer or employee of any State or local agency as an officer of the Commission for the purpose of conducting examinations, investigations, and inspections.

(b) In determining whether such proposed State and local programs are appropriate in implementing the purposes of this Act the

Commission shall give favorable consideration to programs which establish separate State and local agencies to consolidate functions relating to product safety and other consumer protection activities.

(c) The Commission may obtain from any Federal department or agency such statistics, data, program reports, and other materials as it may deem necessary to carry out its functions under this Act. Each such department or agency may cooperate with the Commission and, to the extent permitted by law, furnish such materials to it. The Commission and the heads of other departments and agencies engaged in administering programs related to product safety shall, to the maximum extent practicable, cooperate and consult in order to insure fully coordinated efforts.

(d) The Commission shall, to the maximum extent practicable, utilize the resources and facilities of the National Bureau of Standards, on a reimbursable basis, to perform research and analyses related to consumer product hazards (including fire and flammability hazards), to develop test methods, to conduct studies and investigations, and provide technical advice and assistance in connection with the functions of the Commission.

TRANSFERS OF FUNCTIONS

SEC. 30. (a) The functions of the Secretary of Health, Education, and Welfare under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) and the Poison Prevention Packaging Act of 1970 are transferred to the Commission. The functions of the Administrator of the Environmental Protection Agency and of the Secretary of Health, Education, and Welfare under the Acts amended by subsections (b) through (f) of section 7 of the Poison Prevention Packaging Act of 1970, to the extent such functions relate to the administration and enforcement of the Poison Prevention Packaging Act of 1970, are transferred to the Commission.

(b) The functions of the Secretary of Health, Education, and Welfare, the Secretary of Commerce, and the Federal Trade Commission under the Flammable Fabrics Act (15 U.S.C. 1191 et seq.) are transferred to the Commission. The functions of the Federal Trade Commission under the Federal Trade Commission Act, to the extent such functions relate to the administration and enforcement of the Flammable Fabrics Act, are transferred to the Commission.

(c) A hazard which is associated with consumer products and which could be prevented or reduced to a sufficient extent by action taken under the Federal Hazardous Substances Act, the Poison Prevention Packaging Act of 1970, or the Flammable Fabrics Act may be regulated by the Commission only in accordance with the provisions of those Acts.

(d)(1) All personnel, property, records, obligations, and commitments, which are used primarily with respect to any function transferred under the provisions of subsections (a) and (b) of this section shall be transferred to the Commission. The transfer of personnel pursuant to this paragraph shall be without reduction in classification or compensation for one year after such transfer, except that the Chairman of the Commission shall have full authority to assign personnel during such one-year period in order to efficiently carry out functions transferred to the Commission under this section.

(2) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges (A) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this section by any department or agency, any functions of which are transferred by this section, and (B) which are in effect at the time this section takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Commission, by any court of competent jurisdiction, or by operation of law.

(3) The provisions of this section shall not affect any proceedings pending at the time this section takes effect before any department or agency, functions of which are transferred by this section; except that such proceedings, to the extent that they relate to functions transferred, shall be continued before the Commission. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this section had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Commission, by a court of competent jurisdiction, or by operation of law.

(4) The provisions of this section shall not affect suits commenced prior to the date this section takes effect and in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this section had not been enacted; except that if before the date in which this section takes effect, any department or agency (or officer thereof in his official capacity) is a party to a suit involving functions transferred to the Commission, then such suit shall be continued by the Commission. No cause of action, and no suit, action, or other proceeding, by or against any department or agency (or officer thereof in his official capacity) functions of which are transferred by this section, shall abate by reason of the enactment of this section. Causes of actions, suits, actions, or other proceedings may be asserted by or against the United States or the Commission as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this paragraph.

(e) For purposes of this section, (1) the term "function" includes power and duty, and (2) the transfer of a function, under any provisions of law, of an agency or the head of a department shall also be a transfer of all functions under such law which are exercised by any office or officer of such agency or department.

LIMITATION ON JURISDICTION

SEC. 31. The Commission shall have no authority under this Act to regulate hazards associated with consumer products which could be prevented or reduced to a sufficient extent by actions taken under the Occupational Safety and Health Act of 1970; the Act of August 2, 1956 (70 Stat. 953); the Atomic Energy Act of 1954; or the Clean Air Act. The Commission shall have no authority under this Act to regulate any hazard associated with electronic product radiation emitted from an electronic product (as such terms are defined by sections 355(1) and (2) of the Public Health Service Act) if such hazard of such product may be subjected to regulation under subpart 3 of part F of title III of the Public Health Service Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 32. (a) There are hereby authorized to be appropriated for the purpose of carrying out the provisions of this Act (other than the provisions of section 27(h) which authorize the planning and construction of research, development, and testing facilities) and for the purpose of carrying out the functions, powers, and duties transferred to the Commission under section 30—

(1) $55,000,000 for the fiscal year ending June 30, 1973;

(2) $59,000,000 for the fiscal year ending June 30, 1974; and

(3) $64,000,000 for the fiscal year ending June 30, 1975.

(b)(1) There are authorized to be appropriated such sums as may be necessary for the planning and construction of research, development and testing facilities described in section 27(h); except that no appropriation shall be made for any such planning or construction involving an expenditure in excess of $100,000 if such planning or construction has not been approved by resolutions adopted in substantially the same form by the Committee on Interstate and Foreign Commerce of the House of Representatives, and by the Committee on Commerce of the Senate. For the purpose of securing consideration of such approval the Commission shall transmit to Congress a prospectus of the proposed facility including (but not limited to)—

(A) a brief description of the facility to be planned or constructed;

(B) the location of the facility, and an estimate of the maximum cost of the facility;

(C) a statement of those agencies, private and public, which will use such facility, together with the contribution to be made by each such agency toward the cost of such facility; and

(D) a statement of justification of the need for such facility.

(2) The estimated maximum cost of any facility approved under this subsection as set forth in the prospectus may be increased by the amount equal to the percentage increase, if any, as determined by the Commission, in construction costs, from the date of the transmittal of such prospectus to Congress, but in no event shall the increase authorized by this paragraph exceed 10 per centum of such estimated maximum cost.

EFFECTIVE DATE

SEC. 33. This Act shall take effect on the sixtieth day following the date of its enactment, except—

(1) sections 4 and 32 shall take effect on the date of enactment of this Act, and

(2) section 30 shall take effect on the later of (A) 150 days after the date of enactment of this Act, or (B) the date on which at least three members of the Commission first take office.

Mr. MAGNUSON. Mr. President, the recent debate in connection with the passage of S. 3419, the Food, Drug, and Consumer Product Safety Act of 1972, did not note the intended relationship of that bill to the proposed National Institute of Building Sciences.

Both the Senate-passed version of the Housing Act of 1972 and the version pending in the House of Representatives would establish a National Institute of Building Sciences. The purpose of this Institute would be to act as an authoritative source of technological information and advice to housing and building codemaking authorities.

Under subsection 301(e) of S. 3419, the Commissioner of Product Safety, whenever he found that an aspect of the household environment other than a consumer product posed an unreasonable risk, would be authorized to make recommendations to appropriate codemaking authorities where that feature of the household environment was covered by a building, electrical, or other code. It is intended that the Commissioner, in exercising this authority to make recommendations to code authorities, would consult with the National

Institute of Building Sciences when, and if, it is established.

The close consultation intended should provide for a coordinated Federal approach to housing-related codes at the State and local level. This consultation will also be valuable to the Commissioner of Product Safety by making available a more specialized expertise in construction technology than is likely to characterize the Food, Drug, and Consumer Product Agency which will have its principal expertise in other areas.

Mr. President, I move that the Senate disagree to the amendment of the House on S. 3419 and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. FANNIN) appointed Mr. MAGNUSON, Mr. PASTORE, Mr. MOSS, Mr. RIBICOFF, Mr. KENNEDY, Mr. ERVIN, Mr. COTTON, Mr. COOK, Mr. PERCY, and Mr. JAVITS conferees on the part of the Senate.

SOCIAL SECURITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (H.R. 1) to amend the Social Security Act, to make improvements in the medicare and medicaid programs, to replace the existing Federal-State public assistance programs, and for other purposes.

Mr. LONG. Mr. President, those of us who serve on the Committee on Finance are ready to vote on further amendments. There may be an amendment offered by the Senator from Connecticut (Mr. RIBICOFF). I understand that it has not yet been drafted. I believe the Senator intends to explain his views tomorrow to the Senate on this issue. I am not aware of other amendments that Senators may wish to offer at this time. I can understand why they are not prepared to offer amendments. They could not gear their amendments to specific language in the bill, and the bill was not available in print until noon today.

If there are no amendments that Senators wish to offer at this time, I think the Senate would be well advised to turn to another measure. If Senators wish to offer amendments to H.R. 1 now and vote on them, I am ready to go forward.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. RIBICOFF. Mr. President, I agree with the chairman of the committee that probably one of the most controversial parts of this huge bill, with its overwhelming number of pages, sections, and provisions, will be title IV, the question of welfare reform.

I will have my speech and explanation ready tomorrow morning when the Chair recognizes me. I will be on the floor to explain it. The amendment, which combines the conversations I have had over the last few months with the administration to see if we could work out an agreement, will be the amendment I will put in, the substitute amendment No. 559.

As I explained to the chairman of the committee and the leader, there is no reason whatever to drag this debate on. Under no circumstances would I have this amendment stand in the way of the passage or adoption of the many fine parts of the bill which the Committee on Finance worked on so long and so hard over many, many months in order to achieve.

I have in mind probably calling up the amendment Tuesday morning, and when I get recognition and make it the pending business I am sure that with an agreement between the chairman of the committee and the ranking minority member we could arrive at an expeditious understanding as to when we would vote on my substitute for title IV. There will be ample time to discuss it. But I say to the majority whip, who is here, that we could work expeditiously on this important measure.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. ROBERT C. BYRD. Would the Senator, in view of the fact that there will undoubtedly be a sizable number of amendments offered to the substitute, be prepared to offer his amendment on Monday rather than on Tuesday?

Mr. RIBICOFF. I do not know at the present time if there will be a sizable number of amendments.

Mr. ROBERT C. BYRD. There may be.

Mr. RIBICOFF. There may be. My feeling is if this is going to develop it will end up as a basic choice between my proposal and the committee proposal. To my knowledge, unless the ranking minority member is aware that someone will offer the original welfare proposal of H.R. 1, to date no one is prepared to do this.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. BENNETT. I understand that the original H.R. 1 will be offered.

Mr. RIBICOFF. Very well.

Mr. BENNETT. I am not completely sure who will offer it, but it will be offered. Whether it will come as a substitute for the Senator's or ahead of the Senator's, I do not know, but at least a time pattern could be worked out.

Mr. RIBICOFF. My objective is to bring this issue to a vote in the Senate. I am more than willing to work with the leadership, the chairman, and the distinguished Senator from Utah to see if we can expeditiously dispose of this issue that has been around for 3 years.

Mr. BENNETT. It is my understanding that other alternatives will be offered, so there will be three alternatives to look at.

Mr. RIBICOFF. The Senate should have an opportunity to make up its mind which proposal it wishes to adopt. I know the distinguished Senator from Delaware (Mr. ROTH) has worked hard on a proposal that is similar to what we discussed in the Committee on Finance in 1969. I know he will want an opportunity to present his point of view.

My point of view is that if we debate this with thought and concern and the objective, "Let us decide this issue this session," I am positive we can do it expeditiously.

Mr. ROBERT C. BYRD. Would the Senator be ready and willing to lay down his amendment on, say, Monday, rather than on Tuesday?

Mr. RIBICOFF. Monday night. I think I might be able to work that out so that it would be laid before the Senate on Monday night and made the pending business and start to work on it Tuesday morning. I think this could be worked out. I will be in touch with the minority leader, the ranking minority leader, and the Senator from West Virginia to see if we can come to an understanding.

Mr. ROBERT C. BYRD. Mr. President, as to further amendments to be called up at this time, does the ranking member of the committee know of any?

Mr. BENNETT. We know of none.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed a joint resolution (H.J. Res. 1306) making further continuing appropriations for the fiscal year 1973, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 1306) making further continuing appropriations for the fiscal year 1973, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

CONSUMER PROTECTION ORGANIZATION ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask, in accordance with the order of yesterday, that the Senate resume the consideration of the unfinished business, S. 3970.

The PRESIDING OFFICER. The bill will be stated by title.

The bill was stated by title as follows:

A bill (S. 3970) to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes

The Senate proceeded to consider the bill.

Mr. ERVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NO. 1541

Mr. ERVIN. Mr. President, I call up my amendments numbered 1541 and ask that they be stated.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk read the amendments, as follows:

On page 47, between lines 4 and 5, insert the following new section:

"CIVIL ACTIONS AUTHORIZED

"SEC. 408. If the Administrator or anyone acting for him violates or threatens to violate any provision of this Act or any provision of any other law, the person aggrieved by the violation or threatened violation may bring a civil action against the Administrator in the United States district court, and the court shall have jurisdiction to issue any restraining order or injunction necessary or appropriate to protect the person aggrieved against the violation or threatened violation. The United States shall be liable for the costs of the action in the event the ruling of the court is adverse to the Administrator."

On page 47, line 6, strike out "SEC. 408" and insert in lieu thereof "SEC. 409."

On page 47, line 13, strike out "SEC. 409" and insert in lieu thereof "SEC. 410."

Mr. ERVIN. Mr. President, I consider the so-called Consumer Agency bill as drastic a piece of legislation as has been presented to the Senate since I had the honor to become a Member of this body 18 years ago. If this bill should be enacted into law, it will shake the free enterprise system and the economic system of the United States to its foundations.

The Congress, during recent years, has adopted a number of laws to protect the consumer. There are probably more laws on the statute books of the Nation and the States designed to protect the interests of the consumers than there are laws on any other subject.

It has always been contrary to law for those who sell goods or services to resort to deception or fraud to cheat the consumers. As a matter of fact, we have had, since common law days, a criminal offense known as false pretense, and there is not a single spot in the United States where it is not contrary to both the civil and the criminal law for any producer of goods or services to defraud any consumer.

In addition to that, we have a number of laws on the Federal level which have been passed in recent years and which were aptly designed to protect the consumer. Let me enumerate a few of the laws passed in the last few years, since the country became so agitated on the subject of consumerism: Amendments to the Food, Drug, and Cosmetic Act of 1960, and further amendments in 1962. The Hazardous Substances Labeling Act of 1960. The National Traffic and Motor Vehicle Act of 1966. The Radiation Control for Health and Safety Act of 1968. The National Gas Pipeline Safety Act of 1968. The Wholesale Poultry Act of 1968. The Wholesale Meat Act of 1969. The Child Protection and Safety Toy Act of 1969.

In addition to those, we have had the Fair Packaging and Labeling Act of 1966 and the Truth-in-Lending Act of 1969.

In addition, we have had upon the statute books of the Nation for many years laws establishing regulatory agencies. These laws direct the regulatory agencies to regulate the matters committed to their respective jurisdictions in the public interest. In view of the fact that every consumer is a member of the public and, in view of the fact that the public is composed of all consumers, the Senator from North Carolina must confess his inability to see any distinction between an act which is in the public interest and an act which is in the consumer interest.

We have been told in the course of this debate that the consumer agency proposal is an idea whose time has come. I have always been intrigued by the use of Victor Hugo's words about an idea whose time has come, because many ideas come and the time for many ideas comes, but, unfortunately for humanity, there are as many bad ideas whose time has come as there are good ideas whose time has come.

I have been intrigued by many of the arguments which I have heard and read about the necessity of establishing this agency for the protection of the consumer.

The distinguished Senator from Illinois (Mr. PERCY) made a very eloquent plea a few days ago for the enactment of this proposed legislation, and I listened to his argument with much interest.

He told us, for example, that the inspectors of the Department of Agriculture, in the performance of the duties which Congress had imposed upon them by one of the acts to which I have alluded, found some diseased pork and removed it from the market. The inference I drew from the argument of the distinguished Senator from Illinois was that if we had established a consumer agency, there would be no necessity for any of these inspectors from the Department of Agriculture to inspect the pork or meat products on the market, because the consumer agency would keep events of that character from ever happening.

The insinuation was also made that after we have established a consumer agency, no longer will this country witness the sad spectacle of so many elderly people falling and breaking their hips. How in the world the Consumer Agency is going to be able to prevent that I do not know, but that is, in effect, the assurance we are given by the distinguished Senator from Illinois.

We are told that, if we just establish a consumer agency, nevermore in this fair land of ours will any little child drink any dangerous medicine which his parents negligently leave exposed in the home in which he dwells. I do not know how the consumer agency is going to bring about that kind of miracle, but we were assured that the number of babies who die from the effects of poison were not without remedy.

Mr. President, I would say that for each case enumerated by the distinguished Senator from Illinois in his very eloquent speech there is now a law upon the books, either Federal, State, or both, which would undertake to redress those tragedies as far as they can be redressed by human justice, and to prevent their future occurrence insofar as their future occurrence can be prevented by human law or human ingenuity.

This is not the first time that great praises have been sung in the interests of those concerned about the consumer. Some years ago, many of those who are so much concerned about the interests of the consumer wanted to make it certain that the consumer would not injure himself by drinking alcoholic beverages. That was essentially the purpose of the prohibition amendment and the Volstead Act. They were essentially enactments for the benefit of the consumer. They said to all consumers, "Alcoholic beverages are evil, and therefore we are going to put alcoholic beverages beyond your reach." And some of those who were advocating the interests of the consumers in those days were fairly eloquent.

Dr. Billy Sunday, the great evangelist of that day, made this prediction about that law that was passed and that constitutional amendment which was ratified to protect the consumer. He said:

> The slums will soon be only a memory. We will turn our prisons into factories and our jails into storehouses and corn cribs. Men will walk upright now. Women will smile, and the children will laugh. Hell will be forever for rent.

That was the bright and rosy picture which was painted by Dr. Billy Sunday in respect to the heaven on earth which would be brought about by the passage of a law to protect the consumer against alcoholic beverages. I shall have occasion at some later date to comment at more length concerning what happened to our country as a result of the enactment of a constitutional amendment, the 18th amendment, and the passage of the Volstead law to protect the consumers.

The first fundamental defect in this bill which I would like to point out is this: If a doctor prescribes medicine for his patient and his patient becomes none the better, but rather the worse, the doctor has intelligence enough and commonsense enough to change his prescription and to prescribe other medicine, different in character and quality from the medicine which he had administered to his patient in times past. This bill, on the contrary, undertakes to prescribe some of the same old medicine which they say has brought the consumer to his present tragic plight. I wish to read to the Senate the statement which appears in section 2 of this bill, which is given as the basis for favorable action on the bill. It reads as follows:

SEC. 2. The Congress hereby finds that—

(1) Federal agencies administer many laws, programs, and activities which substantially affect the health, safety, welfare, and other interests of consumers of the United States;

(2) Federal agencies too often fail to give adequate consideration to the interests of consumers due to the fact that consumers lack effective representation before these agencies;

(3) each year, as a result of a lack of effective representation before Federal agencies and courts, millions of consumers suffer physical and economic injury and other adverse effects in acquiring and using goods and services available in the marketplace;

(4) a governmental organization to represent the interests of consumers before Federal agencies and courts will assist them in exercising their statutory responsibilities in a manner consistent with the public interest and with effective, efficient, fair and responsive government; and

(5) a new independent Federal agency should therefore be established for the purpose of representing the interests of con-

sumers before Federal agencies and courts and for related purposes.

What I have read makes it clear that the proponents of this bill feel that Federal agencies which are charged with the duty of protecting the public interests, must act absolutely in harmony with the consumer interests, or they are not doing their duty; or if they are doing their duty, the laws under which they operate are inadequate to accomplish the purpose of protecting the public interests or the consumer interests.

I would say that if a bureaucracy is not functioning in the public interests, as it is ordered to do, and is not acting in the public interests, as it is ordered to do, the remedy is not piling another bureaucracy on top of it.

In other words, when the medicine does the patient no good, do not compel the patient to take more of the same old medicine. Yet, that is fundamentally the proposal of the consumer agency bill. The agencies now in existence, they say, are not functioning properly. Therefore, pile another agency on top of them and give this other agency the power to throw legal monkey wrenches into the machinery by which the other agencies operate.

I am just a little country lawyer from down in North Carolina, but it would occur to me, according to what we consider to be commonsense in that area of the country, that in the case of regulatory agencies which have been created by act of Congress to make decisions under definite laws which will promote the public interests—that is, the consumer interests—we, first ought to inquire whether these charges that the agencies are not protecting the consumer's interest and are failing to fulfill their functions are true. That is the first question we ought to ask, and we ought to get the answer to that before we act at all.

The next question is this, and it is hypothetical in nature: If these agencies are not properly protecting the public interests—which, as I say, are tantamount to the interests of the consumer—we ought to consider what commonsense and forthright action demand that Congress should do.

I would submit that the first thing we should do is to inquire whether the laws which these Federal agencies are required to enforce are sufficient in their phraseology and their scope to enable them to promote the public interest. That is the kind of thing that ought to be done in a land whose proud boast it is that it is a government of laws and not a government of men.

If our inquiry would lead us to conclude that these regulatory agencies are not able to promote the public interest because of defects in the laws under which they operate, then the intelligent thing for the Senate and Congress to do would be to amend the laws and specify in those laws what these agencies ought to do. It certainly does not seem to be consonant with hard commonsense to say that, instead of doing that, Congress should create another agency and pile it on top of the existing agencies.

The consumers are the only taxpayers we have, and all the extra expense which the creation of another Federal agency is going to impose upon the tax payers of the United States is going to be borne by the consumers, because they are all the taxpayers, we have in the ultimate analysis.

If Congress should make the inquiry as to the sufficiency of the laws under which these regulatory agencies act and should find that the laws are sufficient to enable those who exercise the regulatory powers to promote the public interest, which I reiterate is tantamount to the consumer interests, then the regulators ought to be fired and somebody should be assigned to perform the statutory duties which these sufficient laws impose upon them. That would seem to me to be the commonsense and the forthright thing to do.

But this proposal says, "Oh, no, we are not going to rewrite the laws. We are not going to amend the laws. We are not going to fire the regulators who have proved themselves incompetent to regulate. We are just going to impose another Federal agency, whose cost is to be borne by the consumers, on top of the existing regulatory agencies."

The laws under which these regulatory agencies operate are set forth in the United States Code, and the consumer laws I mentioned before that have been passed by Congress in recent years are in the United States Code.

If any citizen can get a half dozen Philadelphia lawyers who possess the capacity to unscrew the inscrutable, he can ascertain what the laws are. Now laws are nothing in the world but rules of conduct. They prescribe the things which American citizens can do and the things which they are forbidden to do. Those laws can be found in the lawbooks.

I am reminded of the story about the Roman Emperor Caligula. Caligula appointed his horse to high public office. He has been severely criticized in history for so doing, but let it be said to the credit of Caligula that that horse must have had some horse sense, a characteristic which is sadly lacking in some public officials.

Caligula has also been criticized on another score. History informs us that Caligula wanted to get the Romans into trouble for violating the laws, so he wrote his laws out in small letters and had them suspended high up on the walls so that his subjects would violate the laws unconsciously, subjecting themselves to punishment.

That sounds like a foolish way to legislate but, Mr. President, compared with the proposal in this consumer bill, Caligula was a pretty good legislator, because any Roman who could get a ladder that would reach up to where the laws were suspended on the high walls and who could climb up the ladder with a magnifying glass large enough, could determine what the laws were, what he was permitted to do, and what he was not permitted to do.

Not so with this consumer bill. The only laws the producers will have will be the notions on the inside of the Administrator's head—and I will come to that in just a minute.

When this bill came into existence and was originally considered by the committee, it gave all the powers—that is, all the real powers of the Consumer Agency to the Administrator. The committee amended it by adopting an amendment offered by the Senator from Arkansas (Mr. McCLELLAN) which set up a commission composed of three members. One of them would be the chairman and he would be the Administrator, and the other two would be commissioners and, so far as I know from this bill, would have no power whatever. Of course they would be able to prescribe some policies, it says, but every other provision of the bill would give the power expressly to the Administrator. The other two commissioners would have no function whatever to perform.

The general provisions of the law which undertake to give them some general powers would have to be construed in the light of specific provisions of the law which give all the powers to the administrator.

So the addition of these two members of the commission would do absolutely nothing for the bill except to put two more people's salaries on the backs of the taxpayers.

It is about like the same procedure which a railroad followed when it was adjudged it would have to have more firemen on diesel engines when there was absolutely no need for a fireman on a diesel engine. But they were bound by the contracts which compelled them to do so. So one railroad got around the proposition by putting a seat on each diesel engine for his fireman to sit on and put the old fireman on the diesel engine and let them ride back and forth and draw their salaries for sitting on the chairs gazing out at the scenery as they passed by.

That is about all these two additional members of the Commission can perform and about the only function they will have. It is a little bit of featherbedding for them.

So the Administrator of the Consumer Agency would have the right to interject himself into every proceeding before a regulatory agency. He would have the right to appeal any decision he did not like. He would have the right to participate in every activity of every Federal agency where they do anything which he says could affect the consumers.

For example, if the Smithsonian Institution wanted to buy some pencils, and this bill was law, the Administrator could go down to the Smithsonian and participate in the transaction to determine what kind of pencils they should buy and how much they should pay for them. Of course the Administrator could not make the Smithsonian comply with his directions but he can give them advice and they would have to listen to it whether they think it was wise or foolish.

I am like Justice Frankfurter. I think the people should have freedom not to listen to some individuals and to some Federal employees.

Under the bill, if those in charge of the Food and Drug Administration undertake to do anything to insure that the people of the United States shall have pure food and effective drugs without dangerous side effects, the Consumer Administrator can come down there and participate as a matter of right in all of their activities which have that end in view.

If the Department of Defense or the Department of the Army or the Department of the Air Force or the Department of the Navy desire to buy some cans of pork and beans for the use of the Armed Forces of this Nation, under this bill, if it should become law, the Administrator could come down there and participate in all of the activities of these different Departments with respect to buying the cans of pork and beans.

The truth is, Mr. President, this bill would give such vast powers to the Administrator of the Consumer Agency that there is only one Being in this entire universe who can exercise those powers with wisdom, and that is the Lord God Almighty.

The human being who could exercise the wisdom and the arbitrary powers which this bill undertakes to give to the administrator has not yet been born, and he will not be born until the morning stars once again sing and all the sons of God shout for joy.

Mr. President, I want to call to the attention of the Senate the definition of interest of consumers. This appears on pages 41 and 42 of the bill.

It says:

(10) "individual" means a natural person;

(11) "interest(s) of consumers" means the substantial concerns of consumers, related to any business, trade, commercial, or marketplace transaction, but not including Government sales to foreign governments, regarding—

(A) the safety, quality, purity, potency, healthfulness, durability, performance, repairability, effectiveness, dependability, availability, or cost of real or personal property, tangible or intangible goods, services, or credit;

(B) the preservation of consumer choice and a competitive market;

(C) the prevention of unfair or deceptive trade practices;

(D) the maintenance of truthfulness and fairness in the advertising, promotion, and sale by a producer, distributor, lender, retailer, or supplier of such property, goods, services, and credit;

(E) the availability of full, accurate, and clear information and warnings by a producer, distributor, lender, retailer, or supplier concerning such property, goods, services, and credit; and

(F) the protection of the legal rights and remedies of consumers;

Mr. President, stated broadly, under this provision of the bill the administrator can interject himself into every regulatory proceeding, can interject himself into every activity of any Federal agency, and can interject himself into the private affairs of every businessman in the United States by demanding of him information if he in his uncontrollable, unreviewable, and arbitrary discretion thinks that any of these matters affect a consumer's interest as defined in the provisions of the Act which I have just read. And that provision is without concern for every trade, every commercial enterprise, all of the goods, all of the land, and all of the services that are offered to all of the people of the United States.

I think this is contrary to the interests of the people. I think it would establish, if the provision is left in the bill, an uncontrollable administrator and would establish a government of one man over the economic freedoms of this country. It would abolish government of law. It would leave the matter in such a confused state that one could not even get a ladder high enough or a magnifying glass big enough or acute enough to measure the unrecorded notions in the head of whatever human being may be selected to be the consumer administrator.

Mr. President, I hope to speak further on this subject at a later date. At the present time I yield the floor to the distinguished Senator from Arkansas (Mr. McClellan), who wishes to present a continuing resolution.

HOUSE JOINT RESOLUTION 1306—CONTINUING APPROPRIATIONS, 1973

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the continuing joint resolution (H.J. Res. 1306), and that the unfinished business be temporily laid aside.

The PRESIDING OFFICER. The clerk will report the joint resolution.

The legislative clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of July 1, 1972 (Public Law 92–334), as amended, is hereby further amended by striking out "September 30, 1972" and inserting in lieu thereof "October 14, 1972".

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and the Senate will proceed to the consideration of the joint resolution.

Mr. McCLELLAN. Mr. President, the Committee on Appropriations, at its meeting today, directed me, as chairman of the committee, to report to the Senate the continuing resolution upon its receipt from the House. House Joint Resolution 1306 passed the House of Representatives today. I report the resolution without amendment.

Senators are aware that the present continuing resolution expires at the close of business Saturday, September 30, 1972. The resolution, as it passed the House of Representatives, extends this date to October 14, 1972. Should the Congress adjourn prior to October 14, 1972, the continuing resolution would expire on the date of the sine die adjournment of the second session of the 92d Congress by reason of an earlier amendment to the continuing resolution. However, I do not anticipate that adjournment sine die will occur in the interim between now and October 14.

Mr. President, there are 13 regular annual appropriation bills, and 10 of these bills have passed both the House of Representatives and the Senate. Eight of these bills have been signed into law, and a conference with the House on the State-Justice-Commerce appropriation bill will be held in the near future. The remaining three appropriation bills—the Department of Defense appropriation bill, the foreign operations appropriation bill, and the military construction appropriation bill—have passed the House of Representatives. The foreign operations appropriation bill was ordered reported to the Senate from the Committee on Appropriations today. It is expected that the Department of Defense appropriation bill will be reported to the Senate Friday of this week, and the military construction appropriation bill will be reported to the Senate next week.

There is one bill which was vetoed by the President—the Labor-HEW appropriation bill, H.R. 15417. The new Labor-HEW appropriation bill, H.R. 16654, has passed the House of Representatives and should be reported to the Senate next week.

That leaves one remaining appropriation bill for this session, the supplemental appropriation bill, fiscal year 1973. Some of the budget estimates for this bill were submitted by the President to the House of Representatives today, and, upon receipt of this bill from the House, it will be processed promptly by the Committee on Appropriations.

It is clear that this business which I have described cannot be handled prior to September 30 and, consequently, the continuing resolution should be extended.

I respectfully urge its adoption.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 1306) was ordered to a third reading, was read the third time, and passed.

CONSUMER PROTECTION ORGANIZATION ACT OF 1972

The Senate continued with the consideration of the bill (S. 3970) to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes.

Mr. TALMADGE. Mr. President, the debate on S. 3970, the Consumer Protection Organization Act of 1972, has been very interesting, not to mention educational.

It has underscored the fact that one thing is certain: Consumer interests must be represented and that representation should be more visible. Of course, the question is whether this legislation addresses itself to these needs and whether the solutions it offers are appropriate. While the debate has been interesting and educational, it has, in many ways, raised more questions than it has answered. As we learn more of this bill and the problems it seeks to solve and the wrongs which it seeks to rectify, the issues are not as cut and dried and the answers are not as obvious as they once seemed to be.

I have supported, and expect to support in the future, legislation which will effectively protect consumers from fradulent practices in the marketplace, impure foods and drugs, defective machines, and other dangers with which we may be threatened. The Congress has enacted a great variety of laws and regulations limiting the ability of one man to prosper at the expense of another through unlawful means. The regulatory agencies—SEC, ICC, FTC, FPC, FCC, CAB, FDA, a whole alphabet of institutions—have come into being. The executive departments have likewise been given power to control private activities which might result in public harm. Furthermore, as we all know, consumers have become better educated and more sophisticated. As a result, today's businessman has at least four governors limiting what he can do in selling his product: His own conscience, his competition, his customers preferences, and his Government's rules and regulations. "Caveat emptor"—let the buyer beware—is no longer the rule of the market, has not been for decades, and will never be again, and rightly so I hasten to add. In this body, we are considering legislation to establish an independent Federal organization to represent and protect the interests of consumers. This is a noble purpose. No one can argue with its objective, but we have heard divergent opinions as to how that objective can best be accomplished.

On the one hand, the majority of the Committee on Government Operations, in its report, states as follows:

> The bill reported by the committee is well balanced. It will advance the consumer interest without infringing on the legitimate interests of American business. It is aimed not only at providing effective consumer representation in government, but also at improving coordination and policy development in existing programs and strengthening state and local consumer protection efforts.
>
> The jurisdiction of the CAP is necessarily broad, but its powers have been limited and confined to enable it to carry out the purposes for which it was established. The bill has been drafted to assure that the CPA will fit smoothly into the Federal administrative process. The funds authorized provide for a successful launching of the agency but allows no room for wasted manpower or effort.

Mr. President, no one could vote against a bill fitting that description. However, on the other hand, the distinguished chairman of the Committee on Government Operations, the Senator from North Carolina, describes the bill as follows:

> I firmly believe that (S. 3970) and the mood it represents presents the basic issue to the United States Senate of how far we want to travel down the road to a totally federally compartmentalized and regulated society. To my mind, (S. 3970) is another major vehicle to allow over-zealous bureaucrats to slow down and impede action within our economic system. With new governmental delays and burdens on the production and development of products within our free enterprise system, I believe we are approaching a real danger point where our economic system, like a burned-out star, could cave in on itself.
>
> This measure puts the Federal government directly into every transaction relating to goods or services consummated or contracted for anywhere in the United States of America. It proceeds on the idea that we must let the government do for the people what the people ought to do for themselves. It is premised on the idea that the people of the United States cannot manage their own affairs without government supervision. It proceeds on the idea that the people of the United States shall no longer be required to recognize their responsibility for the activities of their lives as one of the attributes of liberty.
>
> In short, the bill is based on the theory that every businessman in the United States sits up all night scheming about how he can cheat his customers and that all consumers are a bunch of idiotic nitwits who ought to be put under bureaucratic guard because they can't manage their own affairs.
>
> This bill is being pushed in the name of the consumer, but I can never forget that when the guillotine was about to behead a famous French lady during the French Revolution, she exclaimed, "O Liberty, how many crimes are committed in thy name." I want to say, "O Consumers, what crimes we are about to commit in your name."

Mr. President, no one could vote for a bill fitting that description.

Furthermore, there is some doubt in my mind as to whether the most basic authority of the Consumer Protection Agency is defined as clearly as one would desire. Apparently, it was intended that CPA be a nonregulatory agency since the committee report states as follows:

> The committee distinguished two important kinds of consumer protection activities that a Federal agency could perform—regulatory and nonregulatory. Regulatory activities consist of setting and enforcing standards for the conduct of individuals and business entities. This involves, *inter alia*, premarket clearance of products (such as drugs by the FDA); the setting of rates or prices (such as ICC rate regulation), or case-by-case adjudication such as standards for deceptive trade practices before the FTC. Representation, on the other hand, is not a regulatory activity. It consists of presenting legal, economic, scientific, and other types of evidence to a decisionmaker, not of making the ultimate decision.
>
> The committee believes that it would be a major mistake to combine in one consumer agency the functions of regulator and advocate. Accordingly, this legislation gives to the CPA no authority to make decisions concerning the relations between buyer and seller in the marketplace. The CPA has no authority to overrule the decisions of any other agency. It has no authority to alter any other agency's regulatory authority. It has no authority to initiate a judicial proceeding for the enforcement of any other agency's authority. The CPA is primarily an advocate.
>
> The committee strongly believes that the CPA should be entirely nonregulatory. A regulatory agency must consider the entire public interest. It must make judgments by balancing one interest and one argument against another.
>
> The committee does not intend to give the CPA the authority or the responsibility to weigh the interests of business against those of consumers or to decide what solutions are in the best interests of the public at large. Those decisions are regulatory decisions, and are properly made by regulatory agencies.
>
> A consumer advocate, on the other hand, is not designed to be an impartial arbiter. In the same manner as a lawyer retained to represent the interests of a business before a regulatory agency, the CPA will represent the interests of consumers. The CPA is counsel for consumers, not a judge deciding cases. To give regulatory authority to such an agency would be clearly inappropriate.

Mr. President, I completely agree that the Consumer Protection Agency should not be a regulatory agency.

However, judging from the following statement of the distinguished chairman of the Committee on Government Operations, the Senator from North Carolina, the bill reported by his committee vests CPA with regulatory authority:

> Section 203(a) of the bill authorizes the Agency to intervene in the more traditional structured proceedings conducted by Federal agencies. Under this section, in the more formalized "proceedings" of such "Federal agencies," consumer agents would enter as a matter of unchallengeable right and assign themselves whatever available participatory status they feel necessary to win the case—anything from submitting a written comment to full party status with the right to cross-examine other parties. See Sec. 203(a).
>
> At present, the forum agency determines whom Congress intended to participate in their proceedings, and what status in those proceedings is warranted under the appropriate law.
>
> The danger, of course, is that the proposed CPA "procedural" discretionary power is, in fact, substantive regulatory power in practice.
>
> It is silly to say that the CPA will have no regulatory function if it is given the power to ask a court to revoke a broadcast license or ban a new drug contrary to the decision of the regulatory agency with primary jurisdiction. Consider how this will work in formal agency adjudications which, by present law, have to be decided upon the record developed during the administrative proceeding. For example, there is no doubt, under this bill, that the CPA could enter any unfair labor practice proceeding of the National Labor Relations Board merely by making the unchallengeable finding that such a proceeding "may" result in a substantial effect upon the interests of consumers in buying fairly priced goods or services. See Sec. 203(a).
>
> Now protection of the interests of consumers may warrant intrusion by the CPA in such a case, but does it warrant full party status (if chosen by the CPA) equal to the labor union involved? That is not for us to determine under this bill, only the CPA.
>
> The point is, the NLRB is required to make its decision on the record. If the Board must allow the CPA into a proceeding as a full party in situations where it would not do so under present law, the hearing record could be "stacked" by the CPA's tax-funded lawyers. And it is that very same hearing record upon which the tax-refunded courts would rely if the tax-funded CPA appeals the tax-funded NLRB decision.
>
> It is for this reason and others that the Federal Trade Commission, no longer a slouch when it comes to consumer protection, opposes this bill's giving the CPA such rights to intrude in FTC adjudications. See letter from Chairman Miles Kirkpatrick on file with Committee on Government Operations.
>
> I believe that the CPA's "procedural" discretion is, in fact, substantive regulatory power and it violates our wise governmental rule of having enforcement proceedings conducted by a single prosecutor. In part, this belief stems from the precept that one accused of wrongdoing be given a fair chance to defend. But it is grounded as well in sound theories of government; The law enforcement agency formulates its policies within broad objectives and brings its enforcement actions to implement specific goals. Its discretion in this regard and the control of its own proceedings should not be disturbed without good reason. There is no

need to sacrifice the teachings of our own experience where the Agency may appear without party status and make its presence felt.

Mr. President, I reiterate that I agree that CPA should not be a regulatory agency, and I hope that S. 3970 will be perfected in such a way as to carry out the intended denial of regulatory authority.

Mr. President, I am also very interested in those provisions of S. 3790 which will permit the Consumer Protection Agency to take other Federal agencies to court. As I understand this legislation, the CPA may appear in Federal courts to secure judicial review or to intervene as of right in civil proceedings involving the review or enforcement of a Federal agency action which may substantially affect the interests of consumers. The majority report of the Committee on Government Operations justifies this grant of authority as follows:

> This subsection grants standing to the Administrator to obtain judicial review of any Federal agency action reviewable under law if he participated or intervened in the Federal agency proceeding or activity out of which such action arose. Where the Administrator intervened as a party, he would have such standing under existing law. The bill grants him standing where he participated as well.
>
> This grant of standing is consistent with the committee's concept of the Administrator's exercise of authority under the subsection requiring the Administrator to refrain from intervening unless such intervention is necessary in order to protect the interests of consumers. That subsection encourages the Administrator, wherever feasible, to participate in a manner short of intervention. The committee believes that it would compromise this principle if the Administrator were to be given standing only where he had intervened. If such were the case, the Administrator would be encouraged to intervene, rather than merely to participate, in order to preserve his right to judicial review.
>
> The committee has therefore given the Administrator standing to obtain judicial review both where he intervened at the agency level and where he only participated. This subsection makes similar provisions for the Administrator's authority to intervene as of right in any civil proceeding involving the review or enforcement of a Federal agency action.
>
> The Administrator will have the right to intervene in Federal court cases involving the enforcement, as well as the review, of Federal agency actions. Many Federal agencies have the authority to issue orders such as cease and desist orders, seizures of adulterated foods, or fines—but must go to court to obtain enforcement of these orders. Such cases often involve the interpretation of basic agency statutory authority or rules and challenges to the validity of agency action. They are an important form of administration lawmaking. Accordingly, the bill grants the Administrator authority to intervene and participate in them.
>
> This bill permits the Administrator to intervene in these enforcement proceedings. It does not permit him to initiate enforcement actions. The committee does not contemplate the Administrator's intervention where his proofs and arguments merely duplicate those of the agency. The committee recognized, however, that in some cases the Administrator might wish to argue for a different interpretation of a statute or agency rule which has an important effect on the interests of consumers.

The language in the committee report is somewhat reassuring, but I am troubled with the possibility that the Consumer Protection Agency's power to challenge other Federal agencies in court will result in judicial distortion and overthrow of the laws passed by Congress, a point made by the distinguished chairman of the Government Operations Committee, the Senator from North Carolina:

> Under this bill, Congress will be conferring upon the CPA legislative "standing" to take other Federal agencies to court. Standing to sue or appeal, heretofore, was a judicial conclusion based upon the facts and the law in each case.
>
> Our overburdened Federal courts, if this bill is enacted, will now be faced with a docket full of U.S. v. U.S. cases where a Federal agency endowed by Congress with the automatic right to sue to protect the "interests of consumers" is challenging another Federal agency endowed by Congress to take action in the "public interest."
>
> This will mean, of course, that the courts will not be able to trust in Congressional judgment and give great weight to agency expertise. The courts will have to become, in a great many cases, administrative agencies themselves to decide de novo the issues when the "Government" comes to them speaking with two voices.

The distinguished chairman then proceeds to illustrate this important point:

> For example, in a recent case of considerable concern in consumer circles, the Food and Drug Administration decided after extensive hearings that peanut butter should contain at least 90 percent peanuts, otherwise it must be labeled imitation peanut butter.
>
> Some consumer groups were satisfied, others wanted a higher percentage. Manufacturers, most of whom produced peanut butter with less than 90 percent peanuts, wanted less, pointing to the fact that consumers liked the taste of their products and considered them peanut butter.
>
> Now suppose the CPA were involved in this case and it challenged in court, as a congressionally mandated expert, the expertise of FDA. Which expert should the court give weight to?
>
> The answer is that the court must go into the record itself to find out which side is right. In effect, the court must hold judicial peanut butter hearings, thus the court could become enmeshed in the type of judicial situation which was supposed to be avoided by Congressional creation of an administrative process.
>
> Some may point to this example and say, quite rightly, that the consumer groups and manufacturers involved could have appealed.
>
> In point of fact, this FDA peanut butter decision was appealed by the manufacturing interests. The courts denied their pleas.
>
> Some may ask, therefore, why not give the CPA the same rights as the manufacturer? The answer is fundamental to our form of government, but a point that has been too often overlooked in considering this bill.
>
> It is one thing to point at the actions of private special interest representatives, be they manufacturers, consumers or environmentalists, in challenging their government in court. That is their right, a right to be cherished.
>
> It is an entirely different thing to confuse that private right with the congressionally mandated duty of Federal agencies to protect the rights of the public.
>
> In cases of special interests challenging governmental actions which affect them, the government often, if not usually, prevails. In cases of government versus government—as proposed in this bill—the government, by definition, always loses. And that loss, if it could have been prevented, means a failing of Congress.
>
> Such internecine warfare indicates not a perfecting furtherance of the governmental process, as in the case of a special interest standing up for its rights, but a breakdown in the government, a house divided which must rely upon the Judicial branch to administer the laws.
>
> This distinction between private rights and public duties is sometimes hard to perceive. Perhaps an analogy to the Judicial branch might make clear this distortion of lawyer-client relationship.
>
> Suppose I were to introduce a bill allowing the judges of any Federal Court of Appeals—not the parties before the court—to intervene in the proceedings of any other Federal Court of Appeals to protect consumer interests, and where the intervening judge disagreed with the decision of the forum judge, to appeal that decision to the Supreme Court as any adversely affected party could.
>
> To assure passage of this bill, I would call it the "Consumer Interest Protection Organization Act," fill it chock full of legal rights that only a handful of lawyers would understand, have Ralph Nader demand the resignation of Chief Justice Warren Burger, and delay progress of the bill until an election year.
>
> To be sure, a small handful of reactionaries might try to argue that intervention by one Federal judge into the responsibilities that we pay another Federal judge to perform is a waste of taxpayers' money, dangerous to our government, and would produce coercion and chaos in our court system.
>
> These arguments easily could be overcome by pointing out that the bill would only provide for procedural not substantive or regulatory rights, that it only would be allowing governmental officials to do better what private citizens could do, and, most important, the arguments of these reactionaries could be totally discounted because they represent special interest groups with less voting power than the larger consumer special interest group.

Because I was concerned with the ramifications of granting a newly created, untried Federal agency with the sweeping power to challenge other Federal agencies in court for practically any reason that the mind of man can conceive, I supported the so-called amicus amendment. This amendment would allow the Consumer Protection Agency to participate in any of the deliberations subject to advocacy under the bill reported by the Committee on Government Operations, those of administrative agencies and courts at Federal, State, and local levels.

However, the amendment would provide the Consumer Protection Agency with a status consistent with that of a Federal agency, not that of a party opponent, in such deliberations.

The Consumer Protection Agency, under the amicus amendment, would act as a congressional delegate to forcefully assist—not oppose—current agencies in giving the interests of consumers appropriate consideration and to identify areas in need of restructuring or additional consumer advocacy power.

The Consumer Protection Agency, under this amendment, would first be allowed to comment in writing or orally in any Federal proceeding or activity of its choice. It would do this, however, in much the same manner as an amicus curiate, instructing the agency or court on the appropriate law and advocating a position favorable to the interests of consumers.

Second, administrative forums, prior to taking action resulting from a deliberation in which the Consumer Protection Agency appeared, would have been required to give the consumer agents an opportunity to review and comment upon all submitted data, views and arguments upon which the forum agency would make a decision.

Third, if the forum agency still proposed to take final action that in the opinion of the consumer agents was inconsistent with the interests of consumers, the Consumer Protection Agency would have an unchallengeable right to invoke that forum's provisions providing for an administrative rehearing or reconsideration.

The amicus amendment, therefore, attempted to perfect the administrative process, rather than subvert it in the Judicial Branch, forcing Federal judges to make public policy.

I also voted for the amicus approach with the view that this would be a trial period approach. Had the amendment been adopted, it was expected that the Consumer Protection Agency would shortly return to Congress and ask for more power if needed to deal with specific problems. At such time, the Consumer Protection Agency not only would be able to describe these areas of need, but also to suggest appropriate procedures for implementing the new powers.

Mr. President, I regret that the Senate rejected the so-called amicus amendment. I hope that this body will have the opportunity to vote on other amendments incorporating that approach. I believe that if this bill were so amended, it would pass the Senate by an overwhelming margin, and such a measure would, indeed, be landmark legislation in the area of consumer protection.

However, this bill by no means would be the first effort on the part of Congress to prevent consumers from being exposed to unsafe products and fraudulent business practices. For example, on July 21, 1972, the Senate considered at great length S. 3419, a bill to protect consumers against unreasonable risks of injury from hazardous products, and for other purposes.

In his opening statement, the distinguished Senator from Washington, the chairman of the Committee on Commerce, stated that that bill "would usher in a new era in product safety—an era in which Government, industry, and the consumers would work together to assure the safety and efficacy of our foods, drugs, and other products. The bill grants the Federal Government the authority to move decisively against any unsafe product in the marketplace. It also grants the consumer the right to cause such Government movement when the Government fails to act."

Mr. President, I supported that bill and voted for its passage; and, I might add, I yield to no man in my efforts to provide consumers with the representation and the protection they need in the marketplace.

In 1957, my first year in the Senate, the Senate Committee on Agriculture, of which I am now chairman, approved legislation for the continuous Federal inspection of poultry and poultry products in interstate commerce. The distinguished Senator from Minnesota (Mr. HUMPHREY) introduced a similar bill. The distinguished Senator from Vermont (Mr. AIKEN) introduced a similar bill. The late, distinguished chairman of the Committee on Agriculture and Forestry, Senator Allen Ellender, appointed an ad hoc subcommittee consisting of Senator AIKEN, Senator HUMPHREY, and myself, and we wrote the mandatory inspection law that is the law today. This law succeeded a voluntary program that had been put into operation by the Department of Agriculture some 28 years before.

In 1967, the Committee on Agriculture and Forestry approved the Wholesome Meat Act which updated meat inspection laws to provide additionally that all meat and meat products moving in intrastate commerce must be subjected to Federal inspection or State inspection at least equal to the Federal.

In 1968, the Committee on Agriculture and Forestry approved the Wholesome Poultry Products Act which updated those laws, and in 1970 the Committee on Agriculture and Forestry approved the Eggs Products Inspection Act, which assured consumers that eggs and egg products distributed to them and used in products consumed by them would be wholesome, not otherwise adulterated, and properly labeled and packaged.

The 1946 Marketing Act, among other things, provided for national uniform standards of quality for agricultural products to be applied to specific lots of products to promote confidence, reduce hazards in marketing, encourage better preparation for uniform quality products for market, and furnish consumers with more definite information on the quality of products they buy. These standards are applied by or under the supervision of Federal employees of the Department of Agriculture.

Just yesterday, this body by a vote of 71 to 0 passed the pesticide bill which originated in the Committee on Agriculture and Forestry and which will protect those who utilize these hazardous materials and protect consumers from any hazards that the products may create.

We will hold a conference with the other body tomorrow morning at 10 a.m. on that legislation to resolve our differences and, hopefully, we will pass the conference report in the next few days.

Since 1935, the Committee on Agriculture and Forestry has been involved in furthering the interests of farmers, consumers, and the Nation in programs designed to assure an abundance of food and fiber at fair and reasonable prices. Through this encouragement, farmers and the food industry have combined to make it possible for consumers to enjoy the widest variety and the most wholesome and healthful food in the world. Today, farmers feed over 50 million more persons in this country than they did just 20 years ago. Despite this, consumers are now required to devote less of their income for a wider variety and higher quality food than ever before. The Committee on Agriculture and Forestry has long been involved in efforts to provide for and protect all of the people of this Nation, long before the present general interest in preservation of our environment, the conservation of our resources, and the protection of consumers became popular issues.

In this regard, Mr. President, let me hasten to add that our continuing efforts to protect the consumer public must not trample the farmer, the producer of our Nation's food and fiber. In helping the consumer, we must not add credence to the myth that the American farmer's interest and the American consumer's interest are incompatible.

A farmer has to plant, tend, and harvest his crops before he markets them; and before he plants, tends, and harvests, in many cases, he must make decisions critical to him and his family as to what will be selling for what prices and what credit is needed. Delays and court appeals in agricultural marketing orders could bring financial ruin to the doorstep of every farmhouse in a marketing order area. Unless appropriate safeguards are written into S. 3970, overzealous consumer protection agents could exercise coercive power which could result in economic chaos for the farmer. The CPA may not ever have to appeal a decision to the courts; the mere threat of such action would appear sufficient to coerce a USDA decision that is satisfactory to the CPA's discretionary judgment but certainly not satisfactory to the farmer or his interests.

Obviously, Mr. President, I am particularly worried about one area of high visibility and high misunderstanding among consumers and those who profess to represent them. That has to do with the theory held in many quarters that the farmer is the enemy of the consumer and that the Department of Agriculture is the cause of the high prices which housewives have to pay for their food and fiber. Let us not forget that last year the average American family spent only 16.7 percent of its income to buy the best food available in the world, compared to 25 percent in Europe and 50 percent in the Soviet Union for considerably less. Also, let us not forget that the farmers' average income is 24 percent below the median of all other segments of the Nation's productive force.

Mr. President, my point is that neither the American consumer nor the family farmer can afford a broadside attack on our Nation's agricultural programs. I hope that this point will not be lost on the sponsors of this legislation and those who will be charged with carrying out Congress' mandate.

I shall continue to follow debate on S. 3970 with much interest. Much hard work has gone into the preparation of this bill and proposed amendments. It is worthy of in-depth consideration by this body.

Mr. ERVIN. Mr. President, will the

distinguished Senator yield for a question?

Mr. TALMADGE. I gladly yield to my distinguished friend from North Carolina.

Mr. ERVIN. Does not the Senator from Georgia construe this bill to provide that the determination of the administrator that a consumer interest is involved in a case that has gone into a Federal court from a regulatory agency is an unreviewable decision?

Mr. TALMADGE. I do.

Mr. ERVIN. In other words, the administrator, if this bill were enacted, would be given the statutory authority to interject himself into an action in the Federal court reviewing a Federal regulatory agency decision, and the court would be powerless to prevent him from offering evidence or arguing the case, even though the court might say that the basis which he gives for his opinion that a consumer interest is involved is totally without foundation?

Mr. TALMADGE. I agree fully with the Senator. What we would have under this bill, as I construe it, would be, on the one hand, a Federal agency set up by Congress to perform a certain function which serves the national interest. In its area of jurisdiction, it would make decisions which would serve the national interest. On the other hand, the Consumer Protection Agency could come in, meddle at its discretion with the proceedings of that agency, and say, "Oh, no, your decision is wrong; I am going to take you into court." The CPA could then drag that agency into a court which would ultimately make the decision in the matter instead of the agency which Congress set up in the first place for the purpose of making such decisions.

Mr. ERVIN. And that is true notwithstanding the fact that after the decision by the regulatory agency, the regulatory agency and the individuals who are parties to the proceeding may be satisfied that the decision of the regulatory agency was correct?

Mr. TALMADGE. That is correct.

Mr. ERVIN. I thank the Senator.

Mr. TALMADGE. It is very unusual that this bill, as I understand it, operates under the premise that every agency and all the individuals in the Government are corrupt in performing their duties. Under the bill's rationale, we need a super Federal agency that will be incorruptible, one that will attend to the interests of the consumers of this country in an incorruptible manner, and one that will supersede all other agencies that are corrupt and negligent in their duties.

Mr. ERVIN. And does it not proceed on the theory that this consumer agency is going to have the power to persuade the other agencies that they are corrupt and ought to listen to its advice, instead of taking their own knowledge and experience?

Mr. TALMADGE. That is correct. Furthermore, if the Administrator fails to convince them, he can drag them into court. The result could be one agency of the U.S. Government litigating with another agency of the U.S. Government.

Mr. ERVIN. And the poor consumer will be paying lawyer fees and court costs on both sides.

Mr. TALMADGE. In every instance. He will be paying the fees of the lawyers and the salaries of all the Federal agents involved, not to mention those of the court that would be the final umpire in the controversy.

Mr. President, I yield the floor.

Mr. RIBICOFF. Mr. President, we are being told, at exhaustive length, that S. 3970 is a terribly controversial bill that will do all kinds of harm to business and government alike; and because of this that the Senate should be prevented from even voting on the measure.

I would like to point out, however, that this is not the first time this bill has been before the Senate. In 1970, a bill that was virtually the same as S. 3970 was passed by the Senate 74 to 4. There are, of course, some differences. This year's bill for example, is more carefully drafted; it incorporates many more safeguards that will protect business and administrative agencies than did the 1970 bill; and it has already received the endorsement of one of the largest businesses in America, Montgomery Ward's, which has never been known to endorse irresponsible consumer legislation.

The Senate should have a chance to vote on S. 3970. We have other legislation to consider, and it is late in the session. The longer we spend talking about this bill, the less time we will have to consider other important legislation. The sooner we vote, the more time we will have to consider that legislation.

A large majority of the Senate favors enactment of S. 3970. But both those in favor and those opposed should have a chance to vote.

I believe it will be instructive to the entire Senate to place in the RECORD a copy of the vote on final passage of the 1970 bill to establish a consumer protection agency.

The Senators who supported the measure at that time at least have the responsibility of doing what they can to assure that the Senate will once again have the opportunity to express its will on this measure.

I ask unanimous consent that the result of the vote on S. 4459 that took place on December 1, 1970, be inserted in the RECORD at this point.

There being no objection the tally was ordered to be printed in the RECORD, as follows:

[No. 407 Leg.]

YEAS—74

Aiken, Allott, Anderson, Baker, Bible, Boggs, Brooke, Burdick, Byrd, Va., Byrd, W. Va., Cannon, Case, Cook, Cooper, Cotton, Cranston, Curtis, Dole, Fannin, Fong, Fulbright, Goodell, Gore, Griffin, Gurney.

Hansen, Harris, Hart, Hollings, Hhruska, Hughes, Inouye, Jackson, Javits, Jordan, N.C., Jordan, Idaho, Kennedy, Long, Magnuson, Mansfield, Mathias, McGee, McGovern, McIntyre, Metcalf, Miller, Mondale, Moss, Murphy, Muskie.

Nelson, Packwood, Pastore, Pearson, Percy, Prouty, Proxmire, Randolph, Ribicoff, Saxbe, Schweiker, Scott, Smith, Sparkman, Spong, Stevenson, Symington, Talmadge, Tydings, Williams, N.J., Williams, Del., Yarborough, Young, N. Dak., Young, Ohio.

NAYS—4

Allen, Ellender, Ervin, Holland.

NOT VOTING—22

Bayh, Bellmon, Bennett, Church, Dodd, Dominick, Eagleton, Eastland, Goldwater, Gravel, Hartke, Hatfield, McCarthy, McClellan, Montoya, Mundt, Pell, Russell, Stennis, Stevens, Thurmond, Tower.

QUORUM CALL

Mr. HRUSKA. Mr. President, because of commitments to other Members of this body, I suggest the absence of a quorum and ask unanimous consent that it be called without my losing the right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, I yield briefly to the deputy majority leader for an announcement or two with reference to the program for this afternoon.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from Nebraska.

ORDER FOR CONSIDERATION OF RIVER AND HARBORS BILL—S. 4018

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at no later than 5 p.m. today, the unfinished business be temporarily laid aside and that the Senate proceed at that time to the consideration of S. 4018, with the unfinished business to remain in a temporarily laid aside status until the close of business today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF SOCIAL SECURITY AMENDMENTS OF 1972 TOMORROW MORNING

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, at the conclusion of the routine morning business, the Senate resume the consideration of H.R. 1 and that the unfinished business be then temporarily laid aside and remain in a temporarily laid-aside status until an hour tomorrow to be determined by the distinguished majority leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, there is a time limitation agreement on the Rivers and Harbors bill. Therefore, there is a good possibility that there will be at least one rollcall vote today on that bill and possibly rollcall votes on amendments thereto.

Mr. President, I thank the Senator from Nebraska for yielding.

CONSUMER PROTECTION ORGANIZATION ACT OF 1972

The Senate continued with the consideration of the bill (S. 3970) to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes.

Mr. HRUSKA. Mr. President, I rise in support of the amendment which has been proposed by the Senator from North Carolina. I also rise in opposition to the bill before us in its present form.

The purpose of the pending amendment was well outlined by the Senator from North Carolina, and it would not be my purpose to expand upon it until a little later in my remarks.

The bill before us, however, does vest in the administrator of the Consumer Protection Agency vast powers. They are powers of great discretion and they are powers of wide scope and variety. Most of the area in which he is empowered and delegated to act in this bill is covered by other agencies of the Government—some of them regulatory bodies, some of them being departments of various Cabinet level and Cabinet nature.

It is thought, however, by the authors and the proponents of the bill before us that the administrator should be possessed of these powers, because apparently they are not taking care of their delegated duties sufficiently well. Hence, we have the creation of the commission and also of the powers vested in it and in the administrator.

The thrust of the amendment before us, as I understand amendment No. 1541, is to create in some person aggrieved by a violation or threatened violation of the law the power to bring a civil action against the administrator.

Mr. President, without an attempt at facetiousness, I suppose the situation could be somewhat described by the title of an old song which was current many years ago, and perhaps in terms of decades:

> Who will take care of the caretaker's daughter when the caretaker is busy taking care?

We have the caretaker in the form of many regulatory bodies and we have the caretaker in the form of many departments in the Cabinet, and the administrator is appointed as a caretaker for the caretaker.

The Senator from North Carolina seeks to get an amendment into the bill which will have a caretaker over the caretaker of the caretaker, and I suppose we could go on ad infinitum. However, I will leave the arguments in greater detail on this amendment to the Senator from North Carolina beyond what I have just engaged in at the present time.

At the very outset, Mr. President, let me express my great concern and interest in the well being of the consumer.

The title of the pending bill, S. 3970, reads:

> A bill to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants in order to protect and serve the interests of consumers, and for other purposes.

This Senator's record in connection with the best interests of the consumer, I submit, has been a long one and one that has been pursued with a great deal of diligence and high interest in a number of areas. Certainly, the membership of this Senator upon the Subcommittee on Antitrust and Monopoly of the Senate Committee on the Judiciary is such an activity, a membership on that committee which this Senator has enjoyed now for some 15 years. In a series of substantive measures having in mind the advancement and the progress and the well being of the consumer, this Senator has not been found wanting.

In the area of the National Committee on Food Marketing, the better part of 3 years was taken in pursuing a monumental investigation having to do with the well-being of the consumer in the world of food. The report of that national commission is a long one. It is very comprehensive and I am certain that in it the members of that commission—including this Senator, who was a member of it—demonstrated every consideration for the consumer. But just because a particular measure is designated as one designed to protect and serve the interests of consumers is no warranty, nor any guarantee, that it will so serve the interests of the consumers. The label of a measure is not determinative of what it will do and how well it will serve or effectuate its declared purposes.

For that reason it is necessary to engage in an analysis and an examination of its provisions so that we can find out just where it proposes to go, what it proposes to do, and how it will get to its destination.

Mr. President, one of the important issues that is raised by our consideration of S. 3970, the Consumer Protection Organization Act of 1972, and one which is not receiving much attention in the debate is the question of how the proposed Consumer Protection Agency—CPA—would fit into our system of independent regulatory agencies. I propose at this juncture to discuss that subject.

In the last 75 or 85 years there has been a growing up in this country of a very comprehensive system of law based upon the creation and the functioning of regulatory bodies. These regulatory bodies have a definite purpose. There was a definite reason they were created and certainly that was true in the original instance when the Interstate Commerce Commission was established and created back in 1880.

Congress was confronted, it felt, by the necessity of taking some steps to regulate the rates of common carriers and, more particularly of the railroads. Congress felt it was called upon to regulate in greater or lesser degree in regard to some of the services rendered by the railroads, and in particular some of the services not rendered by them.

This Congress, as an institution, did set out some guidelines. But realizing the impossibility of an intelligent, well informed basis for its decisions in the myriad of cases which would arise in these fields, a commission was set up, the Interstate Commerce Commission, and to it was given a mandate, a mandate for the public interest and convenience, and as an extension substantially of the legislative powers possessed by Congress, a delegation of power. The Commission was authorized to hold hearings, to take evidence and formulate rules of procedure and regulations for the common carriers engaged in hauling goods and passengers, and for the purpose of making decisions, handling and prosecuting appeals, if necessary, through the court and a variety of other means.

As a result of the functioning of the Interstate Commerce Commission and other regulatory bodies which were formed and established by law in later years, a vast body of law has developed in the respective areas in which these respective commissions have functioned, a vast body of substantive law and also a vast body of adjective law. There have been many statutes enacted and many rules formulated and put into operation, having the full effect of law. Many regulations have been formulated and adopted and have been applied to common carriers and all the other industries to which these commissions address themselves.

There have been decisions by these regulatory bodies, and also by the courts, which were petitioned in an appellate role to act upon the many decisions that would emanate from the regulatory bodies, and a vast body of law has grown up in the field of the separation of powers and constitutional law.

The bill we are discussing here, S. 3970, goes far beyond regulatory agencies as we know them. With minor exceptions, all entities covered by the word "agency" in the bill are those which are defined in the Administrative Procedures Act, plus a few specific express exemptions which we find in the confines of the present bill.

The purpose of my remarks will be directed chiefly to the impact of S. 3970 on the regulatory bodies, like the ICC, the Food and Drug Administration, the Federal Communications Commission, the Federal Power Commission, the Securities and Exchange Commission, the Civil Aeronautics Board, the Federal Aeronautics Administration, the Packers and Stockyards Act, and others, including, of course, the Federal Trade Commission. My discussion will be along the lines of the impact of the pending bill upon the mission of these regulatory bodies and their procedures and functions, and their role in protecting consumer interests and other interests, including the public interest, and the over-all interest of this Nation which, of course, is much larger in scope than merely the interest of the consumer because however important the consumer is, and he is important—there being 210 million consumers in this country—but however important he is, the fact is that there are additional and even higher interests than that because certainly the general public interest does surpass it.

Those thoughts are uttered without in any way seeking to derogate from the importance and vital need of taking care of many of the things which are bothering and troubling consumers today. We find ourselves at this juncture in connection with the role of these regulatory agencies. The pending bill constitutes a potential and highly likely source and cause of disruption in this vast and complicated system of law, procedure, and jurisprudence which has grown up as a result of the creation of these regulatory bodies.

A new Consumer Protection Agency which this measure would create would be entitled as a matter of right, to intervene with respect to any issue affecting the—nondefined—interests of consumers in any Agency proceeding as a party to represent the interests of consumers and subsequently to bring a proceeding in an appropriate court of the United States for review of the Agency action in order to represent the interests of consumers in the United States generally or of any group or class of consumers.

Clearly, then, the bill involves both judicial and semijudicial proceedings and should be properly referred to the Senate Committee on the Judiciary for hearings or such other action as the committee deems proper, because this bill that pends in this body had been referred to the Committee on Government Operations, but it has many aspects involving judicial proceedings as well as substantive law, adjective law, as well in the field of courts. To illustrate let me outline the following provisions of the bill:

First. Those provisions would create substantial confusion in the entire field of administrative law;

Second. These provisions would overthrow well established case law, including U.S. Supreme Court decisions;

Third. These provisions would saddle already overcrowded Federal courts with the burden of having to make findings they may either not be equipped or reluctant to make;

Fourth. These provisions would give unprecedented authority to a newly created Consumer Protection Agency.

Fifth. These provisions would have courts second-guess what is in the interest of the consuming public while, under well-established principles of administrative law, the courts would be compelled to refrain from second-guessing Agency determinations of what is in the public interest.

Sixth. The sixth point is that the provisions will destroy the entire concept of special expertise of Federal agencies which need, and have developed, special expertise, including the protection of consumer interests, in various specialized fields such as aviation, communications, unfair trade practices, ratemaking, transportation, the market for securities and atomic energy, food, agricultural products, and a host of other fields.

Seventh. These provisions in the pending bill presume that the Consumer Protection Agency could develop the abovementioned expertise in a large number of highly technical and specialized fields which would be a virtual impossibility.

Eighth. Amount to an unconstitutional delegation of legislative authority because Congress cannot abdicate its legislative function and confer carte blanche authority on the Consumer Protection Agency without circumscribing that power in some intelligible manner.

Well established case law amply supports a number of fundamental conclusions with which we should be concerned in regard to the debate in which we are engaged:

First. If the factual findings of an administrative agency "have the support of substantial evidence, then the courts must accept them and consider their legal effect with the benefit of the Administrative Agency's administrative experience."

That is the nub of the case of *Montgomery Ward & Co.* v. *Federal Trade Commission,* decided in 1967, in 379 Fed. 2d.

Second. The second fundamental proposition and conclusion is that the specialized administrative agencies, within the fields of their particular expertise, are the ones that speak in the "public interest" which includes, of course, the "consumer's interest." As stated by the U.S. Supreme Court in *American Airlines* v. *North American Airlines,* 351 U.S. 79, 85 (1956), "we the courts do not sit to determine independently what is the public interest in matters of this kind, committed as they are to the judgment of Administrative Agencies," in this case, the Civil Aeronautics Board.

Third. A third fundamental conclusion is that there is no doubt that administrative agencies charged with the responsibility of considering the "public interest," when making determinations to this effect, must view their determination in the light of the interests of consumers. The U.S. Supreme Court, in *Securities and Exchange Commission* v. *Chenery Corporation,* 332 U.S. 194, 208 (1946), held that—

> The "fair and equitable" rule of § 11(e) of the Public Utility Holding Company Act and the standard of what is "detrimental to the public interest or the interest of investors or consumers" under § 7(d)(6) and § 7(e) were inserted by the framers of the Act in order that the Commission might have broad powers to protect the interests at stake.

Fourth. A fourth conclusion is that it is not necessary for a court, to sustain the order of an administrative agency, that there be a showing of actual deception of the public; the likelihood of the public's being misled suffices. *Pep Boys-Manny, Moe & Jack, Inc.,* v. *F.T.C.,* 122 F. 2d 158, 161 (3rd Cir. 1941). Such likelihood may properly be determined by the Administrative Agency without testimony from consumers themselves.

Certainly, this conclusion is one which is far reaching in the very field and goes in the very direction which the pending bill declares within its language.

A fifth conclusion is that an "aggrieved party" or a representative of an aggrieved class of persons or any organization financed to represent such persons, is under existing law not precluded from intervening and participating in proceedings before any particular administrative agency. In fact, most of the enabling statutes of administrative agencies specifically provide that an "interested party" can intervene in any agency proceeding. This is particularly true where the determination of a particular administrative agency may have a substantial effect on matters of public interest.

A sixth conclusion is that there is—in the words of the Supreme Court of the United States—a simple but fundamental rule of administrative law.

> That rule is to the effect that a reviewing court, in dealing with a determination or judgment which an administrative agency alone is authorized to make, must judge the propriety of such action solely by the grounds invoked by the agency. If those grounds are inadequate or improper, the court is powerless to affirm the administrative action by substituting what it considers to be a more adequate or proper basis. To do so would propel the court into the domain which Congress has set aside exclusively for the administrative agency.

The citation for that is the case of Securities and Exchange Commission against Chenery Corp., decided in 1946. In that case, as I remember it, it was Justice Murphy who wrote the opinion and Justice Jackson who wrote the dissenting opinion.

A seventh conclusion is that, as far as administrative agency determinations of what is in the "public interest" are concerned, which interest includes that of consumers, the courts "have no authority to determine what is in the public interest, except negatively in the sense of insuring that the administrative agency does not attempt to use its powers to vindicate private rights."

That is a quotation from Montgomery Ward & Co. against Federal Trade Commission.

The courts, according to the American Airlines against North American Airlines:

> Decide only whether, in determining what is in the public interest, the [Administrative Agency] has stayed within its jurisdiction and applied criteria appropriate to that determination.

In that same case, the U.S. Supreme Court held with respect to the Civil Aeronautics Board:

> Considerations of the high standards required of common carriers in dealing with the public, convenience of the traveling public, speed and efficiency in air transport, and protection of reliance on a carrier's equipment, are all criteria which the Board in its judgment may properly employ to determine whether the public interest justified use of its powers. *Ibid.*

Thus, the courts will not interfere "except where the remedy selected by an Administrative Agency has no reasonable relation to the unlawful practices found to exist." *F.T.C.* v. *Colgate-Palmolive Company,* 380 U.S. 374, 395 (1965).

Mr. President, in a little while I shall refer again to some of the every far-reaching provisions of the bill pending before us now, which will upset this entire concept of the law as it applies to regulatory agencies and, on the basis of the product of a single committee of the Senate, without reference of that very important measure to the Committee on the Judiciary of this body, these provisions have been adopted, without consideration, in my judgment, of many of the far-reaching implications and the disruptive influences which will be set loose if we do enact into law S. 3970.

The eighth fundamental conclusion is this: The courts have traditionally deferred to the expertise of administrative agencies in a specialized field and refuse to upset administrative agency determination of what is in the public, including the consumer public's interest. In the words of the U.S. Court of Appeals for the 7th Circuit in *Niresk Industries, Inc.* v. *F.T.C.*, 278 F. 2nd 337, 341:

> The Commission, as other administrative agencies, occupies a unique position which was unknown to common law jurisprudence. The Commission wears all of the hats involved in proceedings instituted under its authority. It is, at once, the accuser, the prosecutor, the judge and the jury. The wide scope of its discretion in the resolution of questions within its realm is founded and sustained by the courts upon the fact that its jurisdiction exists in a specialized field, wherein expertise is felt to be a necessity.

This major premise, Mr. President, would be upset, and badly upset and disturbed, by the vesting in the Commission under S. 3970, or in its Administrator, the vast powers of intervention and of action in litigation in the courts, within the regulatory bodies, and within almost any department of the U.S. Government, set out in the text of the bill.

A final point is this: Finally, it must be emphasized that if S. 3970 is passed it would be vulnerable to an attack of being unconstitutional.

This is an argument commonly made, Mr. President, in the case of many bills considered by this body, as well as by the other body. Normally it is reserved for measures which are of far-reaching, innovative, and fundamental nature. S. 3970 is such a measure, and it does get into an area where considerations of constitutionality are very valid and very vital. It is vulnerable to attack as being unconstitutional because it would be based upon an unconstitutional delegation of legislative power to the Director of the Consumer Protective Agency. The declared purpose of the bill is "to protect and serve the interests of the consumers of goods and services." It authorizes the Director to intervene in any Federal administrative proceeding whenever "he finds" that the Agency's determination "is likely to affect substantially the interests of consumers." Although the bill defines the term "consumer" as meaning "any person who is offered or supplied goods or services for personal, family, or household purposes," it has failed to state what conditions must exist before the Director can intervene in a Federal administrative proceeding. In other words, the term "interests of the consumers" has to be more clearly defined in order that the courts and the public can determine whether the Director has acted within the framework of his authority. This conclusion is supported by many cases, and has been applied in many situations. One, which I now refer to and read from, it is the opinion in the case of *Star-Kist Foods, Inc.* v. *United States*, 275 F. 2d 472 (C.C.P.A., 1959), wherein the court states:

> A constitutional delegation of powers requires that Congress enunciate a policy or objective or give reasons for seeking the aid of the [Executive Branch]. In addition, the act must specify when the powers conferred may be utilized by establishing a standard or "intelligible principle" which is sufficient to make it clear when action is proper. And because Congress cannot abdicate its legislative function and confer carte blanche authority on the [Executive Branch], it must circumscribe that power in some manner. 275 F. 2d at 480.

Therefore, before the Director of the Consumer Protection Agency can constitutionally exercise his authority pursuant to the act, there must be a sufficient standard "which confines his discretion and which will guarantee that any authorized action he takes will tend to promote rather than flout the legislative purpose." Id. 275 F. 2d at 480.

Mr. President, another example of that which occurs to the memory of this Senator was the decision of the Supreme Court on the constitutionality of a measure giving virtually unlimited, undefined, and undescribed rights to the Secretary of State and the State Department to issue or deny passports. The Supreme Court held there that in the absence of something to go by as a basis for their actions, that was an unconstitutional delegation of power. In other words, that statute failed to establish a standard or intelligible principle which would be sufficient to make it clear when their action was proper and when it was not. In almost every instance in which a Federal statute has been under attack on constitutional grounds, the courts have carefully examined the statute to determine whether there has been a proper delegation of legislative authority by Congress. On this point, Chief Justice Hughes, in *Panama Refining Co.* v. *Ryan*, 293 U.S. 388, 79 L. Ed. 446, 456, a leading case in this field, decided in 1934, stated among other things:

> We look to the statute to see whether the Congress has declared a policy with respect to that subject; whether the Congress has set up a standard for [Executive Branch] action; whether the Congress has required any finding by the [Executive Branch] in the exercise of the authority to enact the prohibition.

Thus, in applying that principle to the Consumer Protection Organization Act of 1972, one can only conclude that the act is an unconstitutional delegation of legislative powers to the Director. As stated previously, before the Director could intervene in a particular administrative proceeding involving the interests of consumers, he would have to find that the Agency's determination would have a substantial effect on the interests of consumers. Yet, after reviewing the bill for the standards which the Director is to employ in determining when an Agency's action would substantially affect the interests of consumers, the provisions of S. 3970 yield entirely and solely to the discretion of the Director. This is highly improper. On this point it was stated by the Supreme Court in the case of *Hampton, Jr. & Co.* v. *United States*, 276 U.S. 394, 48 S. Ct. 348, 72 L. Ed. 624, 629 (1927), that—

> The true distinction, therefore, is between the delegation of power to make the law, which necessarily involves a discretion as what it shall be, and conferring an authority or discretion as to its execution, to be exercised under and pursuance of the law. The first cannot be done; to the latter no valid objection can be made.

Therefore, unless the bill specifically states what conditions must exist before the Director can intervene in an administrative proceeding, then it is clearly an unconstitutional delegation of legislative authority.

CONCLUSIONS

Application to S. 3970 of the aforementioned fundamental principles of administrative and constitutional law—which are rooted in the basic concepts of government by separation of powers, proper delegation of legislative powers and judicial self-restraint—clearly compels the following conclusions:

First. The bill, if enacted, would confer on inadequately defined "consumer interests" a right to judicial review. The "public interest," a well-defined, broader and superior "interest," does not now, and will not under S. 1177, enjoy such a right.

Second. The interests of consumers are presently adequately protected by the enabling statutes of existing administrative agencies, not only because those agencies are required by law to consider consumer interests but also because consumers and consumer organizations can, under appropriate circumstances, intervene in Agency proceedings as "interested" or "aggrieved" parties.

Third. Administrative agencies can presently act on behalf of consumers without testimony by consumers themselves, if there is a likelihood that the "public interest" will be adversely affected because the consuming public may be misled.

Fourth. The already-cluttered Federal courts, which have traditionally exercised judicial self-restraint in reviewing Agency determinations of the "public interest," will now be required to second-guess Agency determinations but only insofar as inadequately defined "consumer interests" are concerned. The courts are ill-equipped and reluctant to become the final arbitrators of every issue in this country that may affect the consuming public.

Fifth. Since the courts have traditionally deferred to the expertise of administrative agencies in specialized and highly technical fields, it is more than unlikely that either the Consumer Protection Agency or the courts will ever have the necessary expertise better to protect consumer interests in fields where existing Federal agencies, charged with that responsibility, have developed that expertise.

Sixth. The bill contains no intelligible and well-defined framework within which the Consumer Protection Agency could exercise its ingenuity to protect the consuming public. Rather, it leaves the development of that framework to the unfettered discretion of the Agency. This constitutes an abdication of legislative responsibility and an improper delegation of legislative authority. The bill is thus more than vulnerable to attack on constitutional grounds.

Mr. President, I refer once again to the suggestions made earlier in my statement and in the opening portions thereof, that a vast body of law, of procedures, and of precedents, both substantive and adjective, has developed in the last 75 years in this broader field of public interest which includes what is greater than merely consumer interest. That body of law has been statute law which has been in the formation and the application of rules having force and effect of law and of regulations by each of the many regulatory bodies in its respective and particular field, in case law, in decisions—many of them emanating from the Supreme Court—and in the development and the application of principles of administrative law. Involved are the delegation of legislative powers, the separation of powers, and principles of constitutional law.

Along comes S. 3970, and, speaking from the vantage point and on behalf, allegedly, of the well-being of the consumer, says that all this body of law, all these things that have developed over the last 75 years or more in this field of regulatory body, will be subordinated to the powers and the discretions and many of the actions of the Administrator of the Consumer Protection Agency.

It is for this reason that a very good case could be made for reference of this bill to the Committee on the Judiciary. I shall not make such a motion at this time, but a good case could be made for the reference of legislation of this character to the Committee on the Judiciary, so that the items to which I have called the attention of the Senate could be studied properly and a report could be made thereon.

Mr. President, because of the unanimous-consent agreement entered into a little earlier, to lay aside the pending measure temporarily in order to take up other proposed legislation, I yield the floor at this time.

PUBLIC WORKS ON RIVERS AND HARBORS

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair lay before the Senate the rivers and harbors bill, in accordance with the order previously entered.

The PRESIDING OFFICER. The Senate will proceed to the consideration of S. 4018, which will be stated by title.

The legislative clerk read as follows:

> A bill (S. 4018) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

Mr. ROBERT C. BYRD. I yield myself 1 minute from the time allotted to the able senior Senator from West Virginia (Mr. Randolph) on the bill.

Mr. President, at the request of the distinguished senior Senator from West Virginia, the manager of the bill, I ask unanimous consent that the following members of the staff of the Committee on Public Works be permitted in the Chamber during the debate on S. 4018: John Purinton, Barry Meyer, John Yago, Bailey Guard, Richard Herrod, and Miss Ann Brown.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that Mr. Calloway and Mr. Ellis, of my staff, have the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a quorum call, the time to be equally charged against both sides on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Allen). Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield myself 1 minute from the time allotted to the senior Senator from West Virginia (Mr. Randolph) on the bill.

ORDER FOR ADJOURNMENT TO 8:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 8:30 a.m. tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS FANNIN, HART, MAGNUSON, CRANSTON, MOSS, WILLIAMS, SYMINGTON, AND TUNNEY TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the recognition of the two leaders under the standing order tomorrow, the following Senators be recognized, each for not to exceed 15 minutes, and in the order stated:

Senators Fannin, Hart, Magnuson, Cranston, Moss, Williams, Symington, and Tunney.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ROBERT C. BYRD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at the conclusion of the aforementioned orders tomorrow, the junior Senator from West Virginia (Mr. Robert C. Byrd) be recognized for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR SCOTT TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the remarks of the junior Senator from West Virginia (Mr. Robert C. Byrd) tomorrow, the distinguished Republican leader, the Senator from Pennsylvania (Mr. Scott), be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the orders for the recognition of Senators tomorrow, there be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC WORKS ON RIVERS AND HARBORS

The Senate continued with the consideration of the bill (S. 4018) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged against both sides on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Bentsen). Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, what is the business pending before the Senate?

The PRESIDING OFFICER. The business pending is S. 4018.

Mr. RANDOLPH. I inquire, simply for the purposes of the record, what is the time limitation?

The PRESIDING OFFICER. Time on the bill is 2 hours with 30 minutes on amendments.

Mr. RANDOLPH. I thank the Presiding Officer.

Mr. President, I yield to myself such time as I may desire.

The PRESIDING OFFICER. How much time does the Senator yield to himself?

Mr. RANDOLPH. If I have to put a time limitation on it, I will say 15 minutes.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 15 minutes.

Mr. RANDOLPH. Mr. President, I am

gratified to join my able colleague from Kentucky (Mr. Cooper) who is the ranking minority member of the Committee on Public Works, as well as other members of the committee, in bringing to the Senate S. 4018, a measure which has received the most careful consideration in the Subcommittee on Rivers and Harbors and Flood Control, through extensive hearings, and full consideration by the membership of the full committee.

Mr. President, prominent among America's major natural assets are our abundant supplies of water to be utilized not for a few of our citizens, but for people generally throughout the United States.

I want to emphasize that, in a modest way, the Federal Government in 1824 took its first steps forward to develop water resources and to use them for the benefit of the people; for commerce, yes; and for business, yes—thinking in terms of the waterways as important sinews of the strength of the economy of the United States.

In many ways since that date, we, in diverse programs, have developed our water resources. We have a network today, as the distinguished Senator from Arkansas (Mr. McClellan) well understands. He has known and participated in this program. The Senator from Louisiana (Mrs. Edwards) is a member of the Public Works Committee and cognizant of the waterways in that State. All of us understand the strength of our waterways system. We have, of course, hydroelectric projects providing power for our people.

I emphasize this point, Mr. President, because West Virginia is a State dependent for so much of its economy on coal. I recall when I voted for a project for hydroelectric power in the Northwest, that famous Hanford project. And I hope that it can be said today in truth that I attempt to look at the country as a whole and the value of the projects, regardless of the areas of the country and the types of projects involved.

In this legislation we have attempted to think in terms of the projects that benefit the community, as we develop the water supply projects sponsored by the Federal Government.

Our people are intensely interested in and dependent on protection from the ravages of floods. As the result, we have made increasing efforts to control waters that very often run wild. But we are thinking today in several levels—about the strength of our waters, the supply of our waters, not only of clean waters, but also of water today that must be clean for use in the plants and factories of our country.

I hope that in a very few days we will complete action on the amendments to the Clean Water Act. So we have a complexity today that we did not have 15, 20, or 30 years ago. This is one phase of our water resources development program that we address ourselves to this afternoon. It is an effort to direct our water resources for the benefit of most of the people in the United States of America. This Rivers and Harbors Flood-Control Act of 1972 has the endorsement of our committee, and I hope, the support of the Senate, as we authorize a wide variety of projects.

We make several changes, to be true, in the basic law that governs the planning, and the execution of water resources development activities. We conducted 12 days of hearings in the subcommittee, chaired by the Senator from North Carolina (Mr. Jordan), who is unavoidably absent today, but is representing the Senate in another assignment. Testimony was heard from many interests. The public was heard. Members of Congress, speaking for their constituencies, were heard. Witnesses included, of course, Federal Government representatives and the official spokesmen of the States. Then at the local level we were most interested in hearing from people, from individual citizens and, of course, from responsible organizations.

We have had monetary considerations, as the Senator from Kentucky and I know, in connection with this legislation. In S. 4018 the total this year in new money that would be authorized is $546,022,300. This sum is comparable with the cost of other recent legislation of this type that has been presented to the Senate. There are two parts to the bill. Title I includes navigation projects, and these are very important to the country, costing $17,525,900.

Then we have another category addressing a problem which increasingly must be met as we consider beach erosion damage in this country. So for beach erosion control projects, we have in this legislation included $3 million of authorization.

For flood control and multiple-purpose projects, we believe an authorization in title II of $525,469,000 will adequately meet the needs at the present time.

There are five projects related to something we do not hear much about in the consideration of such a bill. I refer to navigational improvements. The bill authorizes a project in North Carolina and South Carolina, for example, on the Little River Inlet, at a cost of $6,271,000, which will improve access and eliminate hazardous navigation conditions.

I think it is appropriate, with the Senator from Texas (Mr. Bentsen) in the Presiding Officer's chair at this time, to mention that project at Galveston Bay, which would be modified at at cost of $2,302,000. We call it the Texas City Channel project. This was a matter that was discussed thoroughly within the subcommittee.

The channel of the Kansas River in Kansas City, Kans., would be lengthened to make it adequate for present and expected barge traffic. The Federal share is estimated at $3,082,900.

We move then from the Texas project to a project in the heartland of America. Then we move into Alaska and tell Members of the Senate of the Hoonah Harbor program, consisting of improvements to reduce the impact on the harbor of deep water waves and winter ice. This project of necessity costs money, and we have programed it for an authorization of $3,710,000.

Another project would authorize the improvement of another Alaskan facility at Metlakatla Harbor. It would expand the present inadequate harbor so as to accommodate more shipping, a greater number of vessels.

I mention now, because the able Senator from New York (Mr. Javits) is on the floor, that within a bill of this kind it is important, as I indicated earlier, that we think in terms of beach erosion control. We have a project authorized on the northern shore of Long Island, in Suffolk County, N.Y. We propose Federal expenditures of $3 million there to alleviate erosion conditions in the area of Sunken Meadow State Park and Callahan's Beach.

So there are many facets of this legislation. Title II authorizes 23 flood control and multiple-purpose projects. These projects, together with the Federal expenditures are shown in the table which I now ask unanimous consent to have printed in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

Flood control projects

Project:	*Federal cost of new work*
Potomac River Basin, Md. & Va.	$65,050,000
Santee River Basin, N.C.-S.C.	58,565,000
Middle Atlantic Coastal Area, Va.	17,010,000
James River Basin, Bueno Vista, Va.	11,539,000
Roaring River, North Carolina	10,758,000
Pocatalico River, W. Va.	7,545,400
Salt River Basin, Campground, Ky.	50,800,000
Licking River, Falmouth, Ky.	6,300,000
West Tennessee Tributaries, Tenn.	6,600,000
Perry County Drainage Districts No. 1, 2, & 3, Mo.	2,698,000
Cache River Basin, Ark.	5,232,000
Pascaqoula River, Miss.	32,410,000
Pearl River, Miss.	38,146,000
Mississippi River at Praire du Chien, Wis.	2,300,000
Des Moines River	76,000
Spring River, Mo.	14,600,000
Grand River Basin, Mo.	28,620,000
Great Lakes, Point Place, Ohio	960,000
Beals Creek, Tex.	2,526,000
Peyton Creek, Tex.	8,490,000
Blanco River, Tex.	42,271,000
South Umpqua River, Oreg.	113,000,000

Mr. RANDOLPH. Mr. President, we have important projects in Virginia and Maryland, and we are thinking in terms of the problems of the Potomac River and its tributaries, which are largely uncontrolled. There are great fluctuations in the flow of the river that are critically important to the National Capital area.

Mr. President, do I have time remaining on my 15 minutes?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. RANDOLPH. I thank the Presiding Officer.

One of the major authorizations of this title involves the construction of two dams in the Potomac River Basin. These projects were authorized by the Senate in the 1970 act, but were not included in the conference report on flood control—rivers and harbors that year. The projects involved are the Verona Dam on the Middle River in Virginia and the Sixes Bridge Dam on the Monocacy River in Maryland.

The Potomac River and its tributaries are largely uncontrolled. As a result there are great fluctuations in the flow of the river that are of particularly critical importance to the Washington, D.C. metropolitan area, much of which depends on the Potomac for its public water supply.

The Washington area is the fastest growing metropolitan region in the United States. It, therefore, must have a source of water supply that is not totally dependent upon the capriciousness of nature. There have been occasions in recent years when the flow in the Potomac River was dangerously low. Studies by the Corps of Engineers indicate that these conditions are likely to recur with increasing severity as the demand for water grows. The possibility of water shortages and curtailment of water use in our National Capital can be avoided only if we act to provide the facilities for storage and regulation of streamflow.

In addition to the water supply needs of the Washington area, a number of communities upstream on the Potomac and its tributaries are troubled by flood conditions. The Verona and Sixes Bridges projects authorized in this bill would help to alleviate flooding in Virginia, Maryland, and West Virginia.

The Federal cost of the Sixes Bridge project is estimated at $30,700,000, and of the Verona project at $34,350,000.

Both of these projects are consistent with extensive studies that have been made throughout the Potomac Basin. Their impact would be felt throughout a significant portion of the basin, not only through assurance of water supplies, but because of their flood control and recreational benefits.

Mr. President, I believe it is extremely important that these two projects be authorized this year so we may begin without further delay to provide the kind of stabilized stream-flow conditions that are necessary on the Potomac River.

The bill also authorizes a major project on the Broad River in North Carolina and South Carolina in the construction of the Clinchfield Dam and Lake. This project, estimated to cost $58.5 million would provide flood control, water supply, water quality and recreational benefits throughout a wide area, as well as enhance the economic development potential of the region.

Two major projects are authorized by this bill in the State of Kentucky. First is the Camp Ground Lake on Beech Fork in the Salt River Basin. Once again a major concern in this area is flooding with damaging and threatening floods occurring about once a year. The area is intensively farmed and there are a number of small communities for which flooding is a constant danger. The project is very desirable to reduce this threat of flooding and to help facilitate the further economic improvement of the region.

The ranking minority member of the committee (Mr. COOPER) addressed himself to these matters before the committee. The Senator from Kentucky may discuss this matter further.

This legislation also authorizes the establishment of the Big South Fork National River and Recreational Area. This major facility would stretch from the Cumberland Plateau in Tennessee to Lake Cumberland in Kentucky. The establishment of the Big South Fork area has been a matter of particular concern to the ranking minority member of the Committee on Public Works (Mr. COOPER) and the Senator from Tennessee (Mr. BAKER). Both have studied its potential thoroughly and strongly supported it during committee development of this bill. The area would comprise approximately 125,000 acres and would be a major stimulus to increased employment and economic growth in the two-State region.

S. 4018 also authorizes two important projects for Missouri. The largest of these is the Pattonsburg Lake project on the Grand River near Gallatin, Mo. The bill modifies the existing authorization to permit the inclusion of hydroelectric generating facilities.

Also authorized for Missouri is the construction of a multipurpose lake on Center Creek near Joplin, at a Federal cost of $14.6 million. This is an urgently needed facility to help control flooding along the Spring River which causes damage to eight urban centers, as well as to farms and public facilities. In addition, it would help provide local water supplies and recreational opportunities.

The largest single authorization in the bill is that for the construction of the Days Creek Dam and Lake on the South Umpqua River near Days Creek, Oreg. This installation, estimated to cost $113 million, is intended to serve a number of purposes, principally flood control during the winter and water supply during the low flow season in the summer.

Mr. President, I call attention to portions of S. 4018 that directly concern my State, but also relate to similar situations throughout the country. I refer to the serious erosion along the banks of the Ohio River, one of the major waterways of the United States and an important commercial artery for a heavily industrialized area covering several States.

On July 7, 1972, I visited New Martinsville, W. Va., to inspect the severe damage caused by the rapidly wearing away of the Ohio River's shores. I was accompanied on this trip by Lt. Gen. Frederick J. Clarke, Chief of the Army Corps of Engineers, which is carrying out an extensive program of modernizing navigational facilities along the Ohio River. Erosion conditions are serious not only at New Martinsville, but throughout the length of the Ohio River. Similar situations, I am told, exist on streams throughout the United States.

Arresting streambank erosion is a difficult and expensive task. It is one that requires additional study and research if we are to find an effective means of protecting many river bank communities from incursions by rivers. To facilitate and improve our knowledge about this problem, I sponsored provisions in this bill, S. 4018, which authorizes an intensive study of streambank erosion along the Ohio River, between Chester and Kenova, W. Va. Included in this project is authority for demonstration projects to help develop new techniques for erosion control.

It is my intention that out of this study will grow new and improved techniques that can be applied elsewhere where streambank erosion poses a constant threat to the homes and jobs of millions of people.

Related to this section is another provision of the bill which increases the general authority of the Corps of Engineers to initiate and carry out streambank erosion control projects. The Corps of Engineers would be authorized to carry out projects with the Federal cost of up to $250,000 each, on its own initiative, with a total annual expenditure limitation of $5 million. Both of these figures are increases with the present single project limitation being $50,000, and the annual ceiling $1 million.

A serious water supply problem in West Virginia would be greatly alleviated by the Pocatalico River Basin project authorized in this bill. Streams in the Pocatalico River Basin are utilized as sources of water supply for a number of communities and the present quantity of water is inadequate for this purpose. There is also periodic flooding as well as erosion. Some of the communities which rely on the Pocatalico water supply are in the suburban area of the city of Charleston, and are growing residential communities. Water problems in these communities have caused great concern to residents for a number of years.

The project authorized in this bill would cost $3.7 million and includes the construction of two multipurpose dams and extensive land-treatment activities in the basin.

In another area of southern West Virginia, flooding conditions occur far too frequently along the Guyandotte River. Part of this problem in this mountainous region is the inability of the river to accommodate increased flows. Consequently, this bill authorizes $2 million to be used for cleaning and dredging of the Guyandotte. This is an interim measure intended to provide relief until completion in 1974 of the R. D. Bailey Lake project upstream of the affected area. This major facility should prevent the recurrence of downstream flooding conditions such as those that now exist. The R. D. Bailey project is of particular interest to my West Virginia colleague (Mr. ROBERT C. BYRD), its early advocate and principal sponsor.

The Tug Fork Valley of West Virginia is another area that has suffered from chronic and frequent flooding. Flood protection facilities are urgently needed and such work was authorized by the 1970 Flood Control Act. This work was authorized subject to the approval of the Appalachian Regional Commission and the President. This approval, however, has not been forthcoming and the residents of the valley, particularly in the communities of Williamson and Matewan, continue to suffer. The principal problem in this project is one of cost-benefit justification. The urgent need for these facilities authorized by the 1970 act, however, is so great that the committee decided that they should be provided regardless of the economics involved. This bill, therefore, removes the requirement for approval of the Appalachian Regional Commission and the President. This action should permit the Tug Fork Valley projects to proceed to remove the continuous danger of flooding.

In the same general area, communities in both Kentucky and West Virginia rely on a dam on the Big Sandy River, located near Fort Gay, W. Va., for local water supplies. In 1965 this dam was authorized to be turned over to the local authorities. S. 4018 authorizes the Corps of Engineers to do necessary repair work on this dam to place it in good condition and preventing its collapse.

Throughout the development of these West Virginia projects, I have been in frequent contact with Senator ROBERT C. BYRD. He knows well the importance of water resource improvements and has contributed significantly to this legislation to better our State.

In addition to individual projects, this bill makes several changes in the basic law under which the Corps of Engineers conducts flood control and river and harbor projects.

Principal among these is an increase from $1 million to $2 million in the size of small flood control projects that the Corps of Engineers can undertake without specific congressional authorization. The total for all of these type projects is also increased from $25 million to $50 million annually. The increase is needed because of higher construction costs since the establishment of the existing limits. While the Corps may undertake these small projects without congressional authority, the committee has asked that it be formally notified of each such project and be kept informed as to the small projects program.

There is a situation not addressed in this bill that continues to cause great concern to the committee and remains unresolved. We are disturbed by proposals made last year by the Water Resources Council that would greatly impair our ability to develop water resource projects. This situation is ironically the result of a series of events intended to improve the procedures whereby proposed projects are judged. Unfortunately, however, the results intended by the Congress have not come to pass. The River and Harbor Act of 1970 provides a four-account system for evaluating projects. These include the effect of projects on: first, national income; second, regional development; third, environmental quality; and fourth, social well-being of the people. The Council's proposal published in the Federal Register on December 21, 1971, gives full consideration to the first and third of these items but weakens the second—regional development—and totally ignores the fourth—social well-being of the people.

The Council's proposed new evaluation standards also include a change in the discount rate of interest which is used to measure the economic feasibility of projects. The result would be a higher interest rate based on the cost of borrowing money on the open market. In simple terms, this procedure would deny funds for water resource projects if those funds could earn more money invested in private enterprises.

This is an irrational approach that treats water resources as simply another commodity on the marketplace. It fails to recognize that there is no alternative to a national program for water resource development, and ignores the water needs of the country.

The new principles and standards have not been finally promulgated by the Water Resources Council. I hope that the Council is conducting a thorough review of these proposals in light of their shortcomings that I have just discussed. With water becoming an increasingly precious commodity in many sections of our rapidly urbanizing country, it is essential that we do not put roadblocks in the path of efforts to effective utilize our water supplies.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. BAYH. Mr. President, I wish to add my congratulations and I wish particularly to commend the Senator for the Shoreline Erosion Control Demonstration Act of 1972, which is part of the pending legislation. I fully support this effort to develop means to combat shoreline erosion. I am glad to see that under section 103(c)(3) at least one of the demonstration projects must be located at a site on the Great Lakes.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. RANDOLPH. I yield myself 3 additional minutes.

Mr. BAYH. I am sure the Senator is familiar with the situation we have in Indiana where we have the famous Dunes National Lakeshore Park. Most of it is situated between a harbor in Michigan City and the Burns Harbor at Portage, Ind. Because of the breakwater in Michigan City there has been a tremendous shoreline erosion problem. The problem is so serious that I fear irreparable damage is being done to the shoreline and the dunes in the park. This park provides a much-needed recreation area of great ecological value to millions of citizens.

I want to ask the chairman if this is the kind of situation where a shoreline erosion demonstration project would deserve the most serious study and would be undertaken under the erosion demonstration project provisions of the bill.

Mr. RANDOLPH. Yes, under the demonstration projects we would have that situation studied. It has peculiar strength because it is on public property, and I think it is a type program in which a demonstration or pilot project can prove important, not only to that area but to helping solve problems in other areas of the country later.

I commend the Senator for his interest in the subject.

Mr. BAYH. I thank the distinguished chairman and I express my hope and anticipation that a shoreline erosion control demonstration project will be undertaken at the Indiana Dunes National Lakeshore. There is rather conclusive evidence that the erosion is directly related to the construction of the breakwater adjacent to the port facility at Michigan City in which the Federal Government was involved. Thus, we have not only erosion, but also it ties into Federal construction, which to my mind is an additional reason for selection of this site.

Mr. RANDOLPH. Yes. The Senator's point is valid. I appreciate his comment in reference to this area.

Mr. BAYH. I appreciate the thoughtfulness of the Senator from West Virginia.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield to my friend from Georgia.

Mr. TALMADGE. Mr. President, the distinguished chairman of the committee will recall that I, with the cosponsorship of both Senators from South Carolina and my colleague from Georgia, have offered a bill, S. 2347, to name the Trotters Shoals Dam and Reservoir that lies between Georgia and South Carolina after our late colleague, Senator Richard Brevard Russell. I discussed that matter with the able chairman several months ago. He indicated his strong interest in commemorating Senator Russell in a similar manner.

Would the chairman advise me of the status of that project at the present time?

Mr. RANDOLPH. The chairman wants to be very candid and speak always as the record indicates he should. I do remember what the able Senator from Georgia said. We gave the name of our former distinguished colleague from Georgia, Mr. Russell, to a very important building. That would not mitigate against another project, of course, carrying his name.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. RANDOLPH. I yield myself an additional 3 minutes.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. RANDOLPH. We would, of course, be receptive to a project of this kind and I would have no objection if the Senator wishes to offer a proposal.

Mr. TALMADGE. I appreciate that very much. If the Senator will permit me, I will offer such an amendment shortly.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. JAVITS. I was very grateful for what the Senator said about beach erosion projects. I especially wish to thank the committee members, the Senator from Kentucky (Mr. COOPER), and the Senator from West Virginia (Mr. RANDOLPH) for their consideration of the project in New York.

It will be recalled that the law passed in 1970 provided for Federal participation in the cost of projects providing hurricane protection, in the discretion of the Secretary of the Army, and so on, for not more than 70 percent of the total cost exclusive of the land costs.

We had a very bad experience with respect to hurricane protection and beach erosion and the effort of the corps to place a quantum of each in the mixed projects, which caused us, for all practical purposes, to have no benefit of the 70-percent provision at all. We complained about it bitterly, and it blocked many projects which were otherwise desirable. The committee now has absolutely clarified the matter, so that it now becomes "significant hurricane protection."

As we understand, if a project has "significant hurricane protection," whatever else it may have, and it is publicly owned property, then the Federal participation is 70 percent, and there is no longer any question about allocation or anything else. The one-shot test is "significant hurricane protection."

If my understanding of that is correct, I think it simplifies matters and will tremendously encourage, in the interest of the United States as well as my own State, projects of this character.

Mr. RANDOLPH. Mr. President, do I have additional time?

The PRESIDING OFFICER. The Senator from West Virginia has 31 minutes remaining.

Mr. RANDOLPH. I yield myself 2 additional minutes.

In response to the very helpful observation of the Senator from New York, I do recall his intense interest in this subject. As he has noted, in section 226(b) we do use the language that he has indicated, "providing significant hurricane protection shall be, for publicly owned property, 70 per centum of the total cost exclusive of land costs."

We think that this is a fair percentage, and we appreciate the Senator's interest in bringing it to our attention in the past and his support of the provision in the bill today.

Mr. JAVITS. And does the chairman accept what I understand it to mean, which means that it is a one shot test? The test is that the whole project, whatever else may be in it, gives "significant hurricane protection"?

Mr. RANDOLPH. That is correct.

Mr. JAVITS. I thank my colleague very much. He is most helpful.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. COOPER. Mr. President, I promised to yield 2 minutes to the Senator from Oregon (Mr. HATFIELD), but before I do so, I wish to make a brief statement.

The chairman of the Public Works Committee, the distinguished Senator from West Virginia (Mr. RANDOLPH), who has served so long and so capably in this position, has outlined very clearly and succinctly the work of the committee.

Before I make a short statement on the bill before us, I would like to say that I have now served for 14 years as the ranking Republican member of the subcommittee, as well as the full committee, under the leadership of Senator RANDOLPH, and I do not recall a happier time in my service here than to be in the company of the Senator, who has been always so fair—to the minority as well as to the majority, equally toward all of us—and who has listened to each of our pleas and every one of our requests with courtesy and with justice.

I may say also for the committee as a whole, those who served in the past and those who serve with us now, whether it was in the field of rivers and harbors, highways, economic and regional development, or the very serious questions, air and water pollution, we have enjoyed remarkable cooperation with each other, sharp debate, full attendance at our meetings, and remarkable work by the staffs on both sides. The work of Senator BOGGS, who will be the ranking member next year, of Senators BAKER and DOLE, each ranking on their subcommittees, and the contributions of Senators BUCKLEY and STAFFORD as newer but active Members, has been outstanding.

I wanted to make this statement because this may be the last bill—perhaps there will be one other—that I shall have a part in managing on the floor of the Senate.

I would like also to recall the work of others on the Appropriations Committee on these projects—the great Senator from Louisiana, the late Allen Ellender, who was patient as chairman of the Appropriations Subcommittee on Public Works, hearing literally thousands of witnesses. He gave them all the satisfaction that they had had their day in court, and had been heard.

That tradition, of course, has been followed and that task taken up by the distinguished Senator from Mississippi (Mr. STENNIS) and his colleague, the distinguished Senator from North Dakota (Mr. YOUNG).

We often hear criticisms of the programs of the Corps of Engineers. I would like to say, for the benefit of the Senate and the people we represent, that the civil works program, while it is executed by the Corps of Engineers, is primarily under the jurisdiction of the Congress of the United States. The Corps of Engineers faithfully carries out the directions and orders of the Committees on Public Works and the Congress itself—and always, in my judgment, faithfully, with great competence, and with great technical skill. Coming from the Army of the United States at West Point, as do many of the corps officers, they show their great devotion to duty and to their country. We should recall that the jurisdiction of the Corps of Engineers embraces the works for improving rivers, lakes, coastal areas, and harbors of the United States in the interest of navigation, flood control, hydroelectric power development, water supply, pollution abatement, recreation, beach erosion control, and other allied water purposes. Much of this work has been carried on for over 145 years since the first appropriation by Congress in 1824. In the river and harbor and flood control legislation since that time Congress has delineated the policies, prescribed the procedures and authorized the water resources developments which constitute the present civil works program, and has delegated to the Corps of Engineers the duty of planning, providing, and administering the works involved therein.

Just a personal comment, to give my own experience: I look back to 1947, when I entered the Senate for the first time. My State of Kentucky is blessed with rivers and waterways. It always surprises many to know that, with the exception of Alaska, it is the best watered State in the Union. It has more miles of navigable rivers than any other State in the Union with the exception of Alaska. That is primarily because in the 1820's and 1830's the legislature of Kentucky furnished money to build locks and dams which made not only the Ohio but the Big Sandy, the Kentucky, and the Green River navigable.

I can remember when the steamboats came up the Cumberland River to Burnside, Ky., 6 miles below where I lived. But when I came to the Senate there was only one reservoir in Kentucky, and it was built by the Tennessee Valley Authority. Every year when the rivers and waters from the surrounding hills flowed down, they inundated the valleys below them and destroyed land, natural resources, and human life, year after year.

I am happy to say that today every one of the major rivers in Kentucky have been harnessed. There is still work to be done, but who would say that it was not a proper work, and a humanitarian work, for the Corps of Engineers to perform? And work of that character has occurred all over this land.

We hear today a great deal about the environment, and we are all very much much interested in it. Our Committee on Public Works, with the present occupant of the chair, Mr. BENTSEN, and our new Member, the Senator from Louisiana (Mrs. EDWARDS) actively participating so well with the Senator from Maine (Mr. MUSKIE), the Senators from Delaware and Tennessee (Mr. BOGGS and Mr. BAKER), the Senator from West Virginia (Mr. RANDOLPH), and all the Members, have given great attention to environmental protection measures and have developed major legislation in this field which will have lasting effect.

But do not forget, it was only a few years ago that recurrent floods threatened this Nation of ours—and they still do—and we faced the question of whether there would be enough water to provide for this country's needs. There would not be enough water, except for the work of the Corps of Engineers and the foresight of Congress.

Mr. President, I wanted to say that, from deep feeling and from my experience. Now, if I may continue a few moments, I will address myself briefly, as I have always done, to the Kentucky projects which are included in the committee bill:

First, I am glad that the proposed Camp Ground Lake, a part of the Salt River Basin, Ky., project has been included in the bill reported by the committee. Damaging or threatening floods occur in the Salt River Basin about once a year. A number of small communities are subject to at least partial inundation. The proposed dam, with an estimated Federal cost of $50.8 million, will provide flood control benefits for hundreds of homes and thousands of acres of fertile farm land. There is also a need for water quality control storage, water-oriented recreational opportunities, and future water supply in the basin. The average annual flood damages to the region are estimated at $775,000 under existing conditions is estimated that annual recreation visitation to the area will average 1,728,000 initially and that it will ultimately reach 3,496,000.

Second, on March 14, 1972, Senators BAKER and BROCK of Tennessee, Senator COOK of Kentucky, and I introduced S. 3349, a bill to authorize the establishment of the Big South Fork National River and Recreation Area in the States of Kentucky and Tennessee.

Hearings were held on this bill, both in Washington and Whitley City, Ky., at which testimony was received from the Corps of Engineers, the Forest Service of the Department of Agriculture and the Bureau of Outdoor Recreation of the Department of the Interior, and also other interested local citizens and conservation groups.

The plan encompasses about 30,000 acres in McCreary County, Ky.—of which nearly half is already national forest land—and approximately 90,000 acres to be located in Tennessee. It was delineated to include the areas of greatest beauty and natural value, and at the same time affecting as few families as possible. We are very happy that S. 3349, as modified after our hearings, has been included as a provision of this bill.

Third, section 209 of the committee bill would change the effective date of section 221 of the Flood Control Act of 1970 from January 1, 1972, to January 1, 1974. This section requires that, prior to commencement of construction, the non-Federal interests enter into an enforceable contract with the Secretary of the Army to perform the required items of local cooperation. Recently, four recreation development contracts were returned to the State of Kentucky as not meeting the requirements of section 221, because the obligation to repay was made conditional on the future appropriation of funds by the State. An opinion of the attorney general of Kentucky states that this section may be in violation of the Kentucky constitution, as they cannot authorize the creation of obligations against future revenues. Other States are also affected by this provision. This change in the effective date will permit construction to go forward on projects that might otherwise be stopped.

Finally, I am happy that the committee included an authorization for the Falmouth local protection project which is an alternative to the Falmouth Dam and Reservoir authorized by the Flood Control Act approved June 28, 1938. That project was inactive until 1964 following the serious flood at Falmouth, the county seat of Pendleton County, Ky., when it was reactivated. Planning funds for the large multipurpose reservoir have been appropriated beginning in 1970, but the project has been controversial and the subject of opposition as well as strong support. It has been questioned before the Appropriations Committee each year, because of the large proportion of recreation benefits, among other reasons, and concern has been expressed in testimony and in reports of the Senate Committee on Appropriations about the amount of land that would be taken—35,000 to 40,000 acres in an area that includes some of the best Kentucky farmland east of the Bluegrass. Although displaced farm families would receive relocation payments, it appears doubtful they would be able to compete for high-priced land in central Kentucky. The reservoir originally had an estimated cost of $61 million—now $73 million—and a benefit-cost ratio of 1.4 to 1 using an interest rate of 3¼ percent.

In December 1969, the Appropriations Committees included in the conference report for fiscal 1970 public works appropriations, funds, and direction to the corps for a study of alternatives "including local protection for the cities of Falmouth, Covington, and Newport, which shall be conducted concurrently with the resumption of preconstruction planning." The results of that study were submitted as a special report of the Corps of Engineers dated August 1971, entitled "Alternatives to Falmouth Lake, Licking River Basin, Ky." and published earlier this year by the Senate Committee on Public Works.

The study shows that there is a feasible alternative to the large Falmouth reservoir; one having a benefit-cost ratio equivalent to the high dam, and providing local flood protection—the principal purpose sought from the beginning—at far lower cost. That alternative consists of two local floodwalls. The first, an extension of the floodwall system protecting Kentucky communities across the river from Cincinnati is the Newport-Wilders floodwall, estimated cost $6,760,000, benefit/cost ratio 1.4. It is already authorized. The second, and most necessary part of the alternative, is a floodwall at Falmouth. It has an estimated cost of $6.3 million and a benefit-cost ratio of 1.3 to 1 when calculated at the same interest rate used in justifying the proposed Falmouth Reservoir, for which it is the feasible alternative.

Earlier this year, the Senate Committee on Appropriations and the Senate itself approved $50,000 in fiscal 1973 funds for planning the Falmouth floodwall, but the item was dropped in conference to await authorization. The provision in the committee bill would provide that authorization.

It is the intention of the provision to permit advanced engineering and design of the local protection alternative to Falmouth reservoir. Planning for the floodwall should proceed concurrently with continued planning of the reservoir, which appears at least 3 years from a final decision point on initiation of construction. While the reservoir would of course provide a wider variety of benefits—at far greater cost and environmental impact—the floodwalls could well provide the necessary local flood protection more economically, and perhaps much more quickly. The purpose of this authorization is to avoid delay in finally securing flood protection for the city of Falmouth, by making this local protection alternative realistically and promptly available when the time for decision arrives as to whether or not to build the proposed Falmouth dam and reservoir.

Mr. President, the committee bill also contains in section 224 authorization to the Corps to repair and convert to a fixed-type structure dam No. 3 on the Big Sandy River at Fort Gay, W. Va., Louisa, Ky. And I know my colleague, Senator COOK, will offer an amendment to include the Midlands, Ky., proposal below Care Run reservoir.

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. I yield 2 minutes to my distinguished colleague from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 2 minutes.

Mr. MANSFIELD. Mr. President, will the Senator yield, without losing his right to the floor?

Mr. HATFIELD. I yield.

Mr. MANSFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I withdraw the request.

The PRESIDING OFFICER. Does the Senator request unanimous consent to vacate the order for the yeas and nays?

Mr. MANSFIELD. I ask unanimous consent that the order be vacated.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HATFIELD. Mr. President, before turning to a particular project of special interest to me, I want to call the attention of my colleagues to the wise stewardship exercised over this bill by the distinguished chairman, Mr. RANDOLPH, and the distinguished ranking Republican, Mr. COOPER. These two gentlemen have a tremendous task in overseeing the broad range of proposals before their committee. It is to their credit that they are able to send such proposals to the Senate floor with the needed background and justification.

We will miss the leadership given on this side of the aisle by Mr. COOPER when he retires at the end of this Congress, but I think I speak for the membership on this side of the aisle when I recognize the degree of nonpartisanship that is exercised by the chairman (Mr. RANDOLPH).

Mr. President, I want to call special attention to a project included in the omnibus rivers and harbors bill now before us, bill S. 4018. I refer to the flood control section, and a project covered on pages 23 and 24 of the bill—the South Umpqua project, or the Days Creek project, as it is known to many Oregonians.

The people of the South Umpqua River Basin are plagued with extremes of streamflows. Devastating floods occur with oppressive frequency—there have been five in the past 12 years. Each summer, on the other hand, streamflows become lower than in almost any other major stream in western Oregon. The proposed Days Creek Dam and Reservoir would meet the problems associated with these extremes, to the great benefit of the people of Douglas County.

Floodflows of the South Umpqua River and its tributaries cause damages throughout almost the entire drainage area. They also contribute to the damages caused by the Umpqua River, into which the South Umpqua flows. The problem along the South Umpqua is especially severe because most of the available level land in the basin lies adjacent to the streams of this drainage area. Most developments and transportation routes have been located in the flood plain. During major floods, water covers entire flatland expanses, inundating towns and interrupting transportation. Often the South Umpqua rises to flood stage before emergency action can be taken, due to the impervious soils of the drainage area which do not readily absorb storm runoff. Floods on the South Umpqua are thus more severe and rise faster than on most other streams of western Oregon. Damages from the 1964 and 1971 floods downstream from the Days Creek site have totaled $20 million; but at the projected 1985 development of the region floods of the 1964 and 1971 varieties would cause more than $43 million total damages—at 1971 prices.

This region of Oregon has hot, dry summers—very little rain falls and extended droughts occur. Less than 5 percent of the annual precipitation occurs from July through September, during the last part of the growing season. The area needs a reliable source of irrigation water, but under present conditions the natural flows in the South Umpqua are insufficient, in most water-short years, to satisfy existing water rights. Holders of these rights have been forced to abstain from exercising them when stream depletion has been threatened in recent summers.

Most of the municipal and industrial water supply in the basin is obtained from surface water sources, and future development must expand these sources since there is a general lack of underground water. In addition to this problem of water supply, the South Umpqua River receives the major portion of the basin's waterborne waste load. During low summer flows, the river has not been able to assimilate that load, causing a serious water quality problem. In several areas the stream becomes unsafe for water-contact usage because of profuse algal growth, bacterial contamination, and floating solids. These same areas are the vicinity of major municipal and industrial water supply systems.

The depleted summer flows, the poor water quality, and high water temperature have wreaked havoc with the fishery resource of the South Umpqua River. At present there remains only a small fraction of the fish population that local residents state to have existed in earlier days. Augmentation of summer flow, as would be provided by a storage reservoir at Days Creek, would alleviate the three conditions I have just outlined. Present-day summer flows of the South Umpqua at Brockway have been observed to drop as low at 36 cubic feet per second—bankfull is 45,000 cubic feet per second—with a water temperature of 87 degrees. Consider what Days Creek will do in this regard: It will decrease the average August temperature of the river below the dam by 15 degrees—from 70 to 55 degrees—by increasing the average flow from 70 to 950 cubic feet per second.

The movement to save the South Umpqua River from collapse of its resource capabilities and to spare the people of this basin from the frequent destructive floods began with a public meeting in Roseburg, Oreg., in 1956. Since that time, the development of this proposal has been a model of cooperation between the Federal Government and the local people. Local desire has never been in doubt, from 1956 when 100 people showed up at the Roseburg meeting to state the need for control of this resource, to last year when 1,200 people demanded an immediate solution to the problems of the South Umpqua River at the final public meetings on the project.

I have been impressed with the depth and breadth of the Corps of Engineers' consideration of the problems and possible solutions related to the water resource of the South Umpqua. Their treatment of the environmental aspects of Days Creek and its alternatives has likewise been admirably complete. The result of 15 years of diligent effort is this excellent proposal for a project that is badly needed.

I thank the committee for including this proposal in the pending bill.

Mr. BOGGS. Mr. President, I wish to express my support for S. 4018, the omnibus navigation, beach erosion, and flood control legislation. In particular, I would like to bring to the attention of my colleagues section 103 of the bill, which creates a national demonstration project for beach erosion control. Specifically, section 103(c)(3) states:

> Demonstration projects established pursuant to this section shall emphasize the development of low-cost shoreline erosion control devices located on sheltered on inland waters. Such projects shall be undertaken at no less than two sites on the shoreline of the Atlantic, gulf, and Pacific coasts, at not less than one site on the Great Lakes, and at locations of serious erosion along the shores of Delaware Bay, particularly at those reaches known as Pickering Beach, Kitts Hummock, Bowers, Slaughter Beach, Broadkill Beach, and Lewes in the State of Delaware. Sites selected should, to the extent possible, reflect a variety of geographical and climatic conditions.

This language is quite similar to language contained in S. 3603, which I introduced earlier this year. This bill was introduced because of the critical erosion danger that exists along Delaware Bay.

The U.S. Army Corps of Engineers recently completed a national shoreline study, undertaken at the direction of Congress. In the regional inventory report that covered Delaware, the corps made this statement:

> Along the beaches between Pickering Beach and Lewes, erosion of the shoreline, with few exceptions, has been continuous since earliest surveys dating to 1843. During the 10-year period from 1954 to 1964, the loss of beach above mean low water between Kitts Hummock and Lewes totaled 532,000 cubic yards annually.

The study then added this discouraging point:

> The reach of shore between Pickering Beach and Lewes experienced a net landward recession of the shoreline since 1843, averaging from 3 to 9 feet per year between 1843 and 1964.

I should point out that many sites along the bay—at Lewes, Broadkill, and Bowers, among others—have lost as much as 30 feet to erosion in the past year alone.

Quite obviously, the current erosion damage is no temporary problem. Nature is not repairing itself. This continuing threat must be met with new innovative methods to reverse this damage, and it must be met now.

I believe that new solutions are needed because conventional beach nourishment tactics have a short life expectancy and high annual maintenance costs. And they simply do not last. It is urgent that we find and demonstrate new methods and devices to reverse beach erosion, new methods and devices that will be of value in Delaware Bay as well as in numerous other coastal areas in our great Nation.

Section 103 is intended to provide such a permanent solution with new techniques, benefiting Delaware and our Nation.

Mr. President, the Committee on Public Works devoted considerable time during hearings on the erosion problems in Delaware. We heard testimony—valuable testimony—from officials of the State as well as residents of the coastal area. My colleagues will find a fuller evaluation than I can give of this danger beginning on page 595 of the hearing record.

In conclusion, Mr. President, I urge my colleagues to adopt this important provision.

Mr. TALMADGE. Mr. President, on behalf of myself and my colleague from Georgia (Mr. GAMBRELL), the distinguished senior Senator from South Carolina (Mr. THURMOND), the distinguished junior Senator from South Carolina (Mr. HOLLINGS), the distinguished Chairman of the Committee on Public Works, the Senator from West Virginia (Mr. RANDOLPH), the Senator from Texas (Mr. BENTSEN), and the Senator from Kentucky (Mr. COOK), I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. THURMOND. Mr. President, I ask unanimous consent that further reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

Mr. TALMADGE's amendment is as follows:

> On page 50, at the end of the bill, add a new section, as follows:
>
> In honor of the late Richard B. Russell, and in recognition of his long and outstanding service as a member of the United States Senate, the Trotters Shoals Dam and Lake, Savannah River, Georgia and South Carolina, shall hereafter be known and designated as the Richard B. Russell Dam and Lake, and shall be dedicated as a monument to his distinguished public service. Any law, regulation, map, document, or record of the United States in which such project is referred to shall be held and considered to refer to such project by the name of the Richard B. Russell Dam and Lake.

Mr. TALMADGE. I ask unanimous consent that the names of the Senator from Nebraska (Mr. CURTIS), the Senator from New Hampshire (Mr. COTTON), the Senator from Kentucky (Mr. COOPER), the Senator from Delaware

(Mr. Boggs), and the Senator from Arkansas (Mr. McClellan) be added as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, the purpose of this amendment is to designate the Trotters Shoals Dam and Lake, a project on the Savannah River between the States of Georgia and South Carolina, as the Richard B. Russell Dam and Lake in honor of my late distinguished colleague, Senator Richard Brevard Russell, who served in this body for 36 years as one of the most capable and respected Senators in the history of our Republic.

I have discussed my amendment with the distinguished chairman and the ranking minority member of the committee, and I understand that they agree with the proposal. Therefore, I shall not discuss it further. I hope my fellow Senators will agree to the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. Mr. President, may we have a vote on the amendment?

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. RANDOLPH. I yield back my time.

Mr. TALMADGE. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Georgia (Mr. Talmadge).

The amendment was agreed to.

Mr. McCLELLAN. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McClellan's amendment is as follows:

On page 19, beginning with line 21, strike out all through line 10 on page 20 and insert in lieu thereof the following: "expanded to provide for acquisition by fee or by environmental easement of not less than 70,000 acres for mitigation lands for fish and wildlife management purposes at an estimated cost of $5,232,000. Local interests shall contribute 50 per centum of any costs incurred in excess of $4,740,000 in acquiring such property rights. An environmental easement shall prevent clearing of the subject land for commercial agricultural purposes or any other purpose inconsistent with wildlife habitat and shall allow any landowner to manage the subject lands to provide a perpetual regularly harvested hardwood forest, which may be harvested in such a manner as to provide food and habitat for a variety of wildlife. No action may be initiated for any other taking of prospective mitigation lands until an offer has been made to the land owner thereof to take an environmental easement, provided that no less than 30,000 acres shall be open for public access. If any".

Mr. McCLELLAN. Mr. President, before I discuss the amendment, I want to add my expressions of deep appreciation to the distinguished Senator from West Virginia (Mr. Randolph), the chairman of the committee, the distinguished Senator from Kentucky (Mr. Cooper), and all the members of the Committee on Public Works, not only for the bill that is before us this afternoon, but for the very splendid work of that committee throughout the years.

I noted that the Senator from West Virginia, in making his opening statement, spoke of his efforts, in the discharge of his duties on this committee and particularly as chairman of it throughout the years, to look at projects that were submitted, not particularly in consideration of what they might do for or how they might benefit the State of West Virginia, but that he has always looked at these matters as a whole, as to how the Nation might benefit from them, and I can bear testimony to that from my experience over the years with this committee, because that has been the case; and I want to express my thanks and gratitude to the committee at this hour for the many fair considerations and often possibly generous considerations it has given to my own State for projects that were of great importance to Arkansas' progress and are essential to the protection of our valleys for flood control and for the conservation of the great water resources of my State.

Mr. President, the amendment I have presented is calculated to do two things. It would add no money to the bill. If it will accomplish anything in that respect, it will lessen the cost. It is also calculated to expedite the acquisition of property that is essential to the construction of the project.

The bill provides for the Federal Government to acquire some 30,000 acres of land in fee and possibly up to 40,000 acres additional in easements in order to provide wildlife mitigation lands and preserve certain timber areas that would be essential to wildlife habitat in the Cache River Valley.

This amendment simply provides that before the Government takes any land in fee, it must offer to the landowner the opportunity to give an easement, and thus we may avoid having to purchase a great deal of land that the bill otherwise provides for, as it is now written.

This would also enable them to expedite the matter if they had to go into court to condemn. That might involve proceedings that would last a year or two in court. This way, it gives the landowner an opportunity to negotiate an easement, and he can retain control of his land for all purposes, except that he cannot clear it for agricultural purposes. He can harvest his timber on it and manage it otherwise. It would simply be protected as an area for wildlife habitat, and thus it would protect a large timber area that otherwise would soon be cleared up and would be lost to this generation and generations to come; whereas, this amendment is designed to preserve the land.

This amendment strikes out certain provisions of the bill and substitutes the language of the amendment.

The amendment has been presented to the distinguished Senator from West Virginia, the chairman, and other members of the committee, and they are familiar with it. I believe they agree with the views I have expressed about the amendment, and I trust that they are willing to accept it.

Mr. RANDOLPH. Mr. President, the Senator from Arkansas is very knowledgeable in this area, and he counseled with us. We believe that the language of his amendment is really a clarification of what we in the committee desire.

I accept the amendment, and I speak in this instance for the ranking minority member, the Senator from Kentucky (Mr. Cooper).

Mr. McCLELLAN. I think that was our intent all the way through, and the amendment simply clarifies the language in the bill. The amendment clearly sets forth the purpose and intent of the proposed legislation.

Mr. RANDOLPH. The Senator is correct.

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

Mr. RANDOLPH. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment was agreed to.

Mr. COTTON. Mr. President, are we acting under a time limitation on the bill?

The PRESIDING OFFICER. There is a 2-hour limitation on the bill, with 30 minutes on an amendment in the first degree and 20 minutes on an amendment in the second degree.

Mr. RANDOLPH. Mr. President, I yield 5 minutes to the distinguished Senator from New Hampshire.

Mr. COTTON. I thank the distinguished Senator.

Mr. President, I join the distinguished Senator from Arkansas in his words of commendation for the work of this committee through the years. I also have profound admiration and affection for the Senators from Kentucky, Tennessee, and West Virginia.

Do I correctly understand that the report on the bill is not yet available?

Mr. RANDOLPH. The Printing Office has not yet returned the report. Ordinarily, the chairman of a committee would want to come to the floor with the report available. The leadership—both Republican and Democratic, in this instance—believing that the measure by and large would be acceptable to the Senate after reasonable debate and understanding, thought the report would not be necessary. So, in a sense, at their request, Senator Cooper and I agreed to proceed.

Mr. COTTON. I understand that, and I am not questioning it. We have need of haste, and we have need of legislating.

Mr. RANDOLPH. The Senator is correct—the report is not available.

Mr. COTTON. Can the distinguished chairman—perhaps he has already done so when I was not present—give us the total money cost of this bill?

Mr. RANDOLPH. Yes. The Senator has done that in his opening statement. I want to be correct. It is difficult to recall the exact figures. The total cost of new money is $546,022,300. That is the approximate cost of most of the proposed legislation.

Mr. COTTON. Is that the immediate cost of acquisition, or does it cover the total cost of the projects contained in the bill?

Mr. RANDOLPH. I say to the Senator from New Hampshire that these are projects that would be authorized in the pending legislation.

Mr. COTTON. In other words, it would cover the total cost of the projects and would not call for further authorizations in succeeding years?

Mr. RANDOLPH. I do not hesitate on this, but I only say that that is the testimony of the Corps of Engineers. I have every reason to believe that they are not going to vary over the lifetime of the project, the completion of the work. That is the only way we could bring a bill here.

Mr. COTTON. In the past, I have observed some cases in which the authorization was for a portion of the project and that there would have to be additional authorizations later. I understand from the chairman that in his best judgment and from the evidence concerning all these projects——

Mr. RANDOLPH. Our best judgment would be that these authorizations will not be increased.

Mr. COTTON. A little more than a half billion dollars would cover the cost of all the projects?

Mr. RANDOLPH. That is correct.

Mr. COOPER. Mr. President, will the Senator yield at that point?

Mr. RANDOLPH. I yield.

Mr. COOPER. I think we would have to say this: As we have experienced in the last few years, if construction costs increase in the ratio they have been increasing, it is probable that there could be some increase; but the Corps of Engineers submits these projects to the committee based on the estimated cost.

Mr. COTTON. The Senator from Kentucky, like the Senator from West Virginia, is always very frank and candid, and I appreciate his statement.

I only want to say—and may I have maybe 5 minutes extra?

Mr. RANDOLPH. Mr. President, I yield an additional 5 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 5 additional minutes.

Mr. COTTON. I only want to say, Mr. President, that through the years, back in the days when I was serving on the Public Works Committee, and now as they come before the Appropriations Subcommittee on Public Works, I have had a good deal of experience with the Corps of Engineers. I can scarcely remember an instance when the Corps of Engineers came in and did not have a compulsive desire to buy something, build something, or dam something—that is spelled d-a-m. I seem unable to remember a single instance of an important project that did not far exceed, before its completion, the first authorization.

We are, of course, legislating at a time when we are running into terrific deficits. This half a billion dollars in itself worries me.

Another point, and it may be minor, but I note on pages 48 and 49 of the bill this paragraph:

> For the purpose of financially assisting the States of Tennessee and Kentucky, McCreary County, Kentucky, and Scott, Morgan, Pickett, and Fentress Counties in Tennessee, because of losses which they may sustain by reason of the fact that certain lands and other property within them may be included within the national river and recreation area established by this Act and shall thereafter no longer be subject to real and personal property taxes levied or imposed by them, payments shall be made to them on an annual basis and in an amount equal to that which they would have received from such taxes but for the establishment of the national river and recreation area.

Now, Mr. President, I have been informed by the Senator from Kentucky that, in his opinion, this would be a negligible amount, but I think we are setting a precedent here.

If my State of New Hampshire had payments in lieu of taxes for the White Mountain National Forest which occupies 25 percent of the area of the State of New Hampshire, I guess it would be the biggest moneymaker for the State of New Hampshire. All over this country, in State after State after State, large areas of States are owned by the Federal Government. In some of the Western States—I do not know, but nine-tenths of their area belongs to Uncle Sam. This would establish a new precedent.

While this particular payment in lieu of taxes might be comparatively small, if this is to be the course pursued in the future, I do not know how much the Federal Government would find itself eventually paying to the States, and their subdivisions in lieu of taxes.

I also note in this language—and I thank the Senator from Vermont (Mr. AIKEN) for calling it to my attention—that the amount is to be paid "in an amount equal to that which they would have received from such taxes but for the establishment of the national river and recreation area."

However, it does not say the amount they would now receive.

Mr. AIKEN. Mr. President, the reason I called this to the attention of the Senator from New Hampshire is that when they took land for similar purposes in our area, the reimbursement would be on what was then being paid in taxes. Had that land not been taken by the Federal Government, it might have been 100 times that now, and the taxes coming in would be 100 times as much. So I think there should be some goal there, otherwise the sky is the limit on future payments to the communities from whom the land is taken.

Mr. COTTON. Mr. President, I am reluctant in any way to oppose this, because I greatly admire the Senators from Kentucky and Tennessee and their fidelity to their States. I feel rather strongly that this matter of reimbursement for national parks or recreation areas is unfair to the States that already have vast areas taken from them for which they are getting nothing in lieu of taxes.

The PRESIDING OFFICER. The time of the Senator from New Hampshire has expired.

Mr. COTTON. May I have 2 more minutes?

Mr. RANDOLPH. Mr. President, I yield 2 additional minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 2 minutes.

Mr. COTTON. This sets a precedent. The taxes now paid are very minimum in lieu of taxes, but it does set a precedent for the future. My good friends, whom I admire so much, remind me a little bit of the Scot who not only killed two birds with one stone, but wanted the stone back.

It seems to me that this provision on pages 48 and 49 of the bill is a dangerous provision. I do not know that I can even vote for this bill because of the amount involved with that loophole.

I thank the Senator from West Virginia very much for yielding me this time.

Mr. COOPER. Mr. President, I understand the question the Senator from New Hampshire raises. If the Senator will give me a few minutes I will explain why the language is in there, as I can appreciate that it could raise concern about creating a precedent for the future.

However, the example just referred to in the Senator's own State, is similar to the situation in Kentucky. It will take me 2 or 3 minutes to explain what this project is all about.

For years, the Corps of Engineers proposed that a large hydroelectric dam be built in McCreary County in Kentucky, on the Big South Fork. That river is a tributary of the Cumberland River that extends into Scott County, Tenn., across the Kentucky-Tennessee line. It is the same river and the very same area as the site of a proposed dam, which the Senator may recall—the Devil's Jump Dam. That was a $152 million proposal, which due to increased costs became more than $200 million.

I remember that on five occasions that I was able to secure passage in the Senate of the Devil's Jump Dam project—and on five occasions the House refused it, although it had the approval of three administrations, and every agency that had an interest in it, including the Federal Power Commission. But because of the opposition of the private utilities from all over the Nation who zeroed in on it, and the opposition of the large coal companies and, finally, the conservationists, we finally decided, Senator Morton and I, Senator BAKER whose father Congressman Howard H. Baker worked for it for years, and Senator Gore, that we could not proceed with the power dam.

Four years ago, we asked the Department of Agriculture, because the Forest Service concerned with the national forest was in that department, the Corps of Engineers, who had planned the dam, and the Department of the Interior, which includes the Bureau of Outdoor Recreation and the Park Service, to propose an alternative for the recreational, conservation and preservation uses of this spectacular and unique area. In 1970, they presented six alternatives for the Big South Fork River—a very beautiful river, 90 miles long, which is a very clean river with great palisades and having rippling rough waters—white waters as they are called. This national recreational area would cost about $30 million to establish—about one-fifth of the originally estimated cost of the hydroelectric high dam, which would have resulted in flooding of the gorge behind the dam.

In McCreary County, the recreation area would require perhaps 30,000 acres of land. In Tennessee, as I recall, it requires about 90,000 acres of land. McCreary County, Ky., is a county which I know very well. The U.S. Government already owns some 150,000 acres of land in McCreary County, in the Daniel Boone National Forest. It is a very poor county indeed.

The county receives no payments in lieu of taxes from the Forest Service, except meager amounts from such timber that is sold from the national forest. So looking ahead to a condition where, if this measure should be approved, it would take nearly 30,000 acres of land into the national recreation area—about half of it from the Forest Service, and the remainder from private land—the county would have little left. The national forest is not a national park. It has few recreational facilities. The county would have very little income left. This land, I would assume—knowing it pretty well—is assessed at $30 or $40 an acre. It is estimated that this provision would cost the Federal Government, I think in McCreary County, perhaps $15,000 or $20,000, in an area where they have practically no incomes at all. For the whole project it would be about $100,000 a year.

McCreary County used to be a part of the county in which I live. It is the county south of mine. Unfortunately, it bears the reputation of being about the poorest county in the United States. To be frank, that is the reason we put it in. It is for a 5-year authorization. If it did not work out in 5 years, the committee and the Apporpriations Committee could make such changes as they desire. I wanted to give the Senators the full facts.

Mr. COTTON. Will the Senator yield for another question?

Mr. COOPER. Yes; I will. I may have overstated the figure on the amount of taxes that might be lost. It is my own recollection that it would be much smaller than that. My recollection would be $9,000 per year in McCreary County, if it makes a difference.

Mr. COTTON. I would like to make it very plain and clear to both my friend, the distinguished senior Senator from Kentucky, and my friend, the distinguished junior Senator from Kentucky, that I am not questioning the need in this matter. But I have a recollection in the past half-century of land taken in my section of the country that was purchased for a dollar or $2 or $3 an acre, but its present value would be many, many dollars more an acre.

In my case, as a member of the New Hampshire Legislature, because of the fact that we had some townships and school districts that were almost completely encompassed in the national forest area with a subsequent loss of taxes. I introduced a bill, and the bill passed, by which the State would reimburse these township school districts for the equivalent of one-half of what the taxes would have been at the time of the passage of the bill.

Under this provision, if I read it correctly, if the land taken in this instance should increase its value so that its value would be greatly enhanced, we authorize the payment of an amount equivalent to taxes that not only would be received at its present value, but would increase as its value increases.

Mr. COOPER. Will the Senator yield?

Mr. COTTON. I yield.

Mr. COOPER. I want to make it clear, for interpretation, that is not intended at all.

Mr. AIKEN. That is not intended. That was my problem.

Mr. COOPER. I think that is clear.

Mr. COTTON. Is there anything in the report to indicate that interpretation—in the report that is not before us?

Mr. COOPER. I would be glad to amend the provision immediately, here on the floor, in line with the suggestion, if it is not clear.

Mr. COTTON. I do not think it needs to be amended if the intent is in the report.

Mr. COOPER. I do not recall, but I can tell the Senator that was the intention of the Senator from Tennessee (Mr. Baker) and myself, who wrote this legislation, and of our cosponsor, the junior Senator from Kentucky (Mr. Cook). I am sure he would agree with me on this.

Mr. COOK. Will the Senator yield?

Mr. COTTON. I do not have any time, but I would be glad to yield.

Mr. COOK. May I say that the basic intention was that the value be established at the time of taking, and once it belonged to the Federal Government, the total project, the value would be established and it could never be revalued.

Mr. COTTON. I think the legislative history made on the floor by both the Senators from Kentucky and the Senator from Vermont would be sufficient protection on that point, and I thank the Senators.

Mr. AIKEN. I was concerned, because the land was taken by the Federal Government from the State of Vermont that was valued at $5 an acre. It was not taxed very much at the time. Some of that land is valued at $5,000 an acre. If there is any stream or any water or any view, the value of the land there is whatever one asks for it. But if a fair value is to be fixed on it, that would be sufficient for tax purposes.

Mr. COTTON. May I say, I am perfectly satisfied on this point by the assurance of the two Senators. I do, however, still have some reservations about setting a precedent for reimbursement of lost taxes on these projects. I am afraid it might rise in the Congress to haunt us sometime in the future and may open the gate for large sums.

Mr. COOPER. Mr. President, I will be glad to suggest this change to make it absolutely clear.

The PRESIDING OFFICER. The Senator may offer his amendment.

Mr. COOPER. I propose an amendment: on page 49, line 5, after the word "taxes", add a comma and insert "at the time of the acquisition of such property".

The PRESIDING OFFICER. Is the Senator offering this as the amendment?

Mr. COOPER. I am.

The PRESIDING OFFICER. Will the Senator please send the amendment to the desk?

Mr. COOPER. I send the amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 49, line 5, after the word "taxes" add a comma and insert "at the time of the acquisition of such property".

The PRESIDING OFFICER. Who yields time on the amendment?

Mr. COTTON. Mr. President, I appreciate the amendment and I thank the Senator. It certainly is complete assurance, but I want to make it plain that I was already willing to accept the legislative history made on the floor by these three Senators. This amendment makes it entirely clear.

The PRESIDING OFFICER. Who yields time? Do the Senators yield back their time on the amendment?

Mr. COOPER. I yield back the remainder of my time.

Mr. COTTON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Kentucky. (Putting the question.)

The amendment was agreed to.

Mr. COOK. Mr. President, I have an amendment at the desk and ask that it be reported.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk proceeded to state the amendment.

Mr. COOK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

On page 50, at the end of line 9, add a new section 228 to read as follows:

The Cave Run Lake Project authorized by the Flood Control Act approved June 22, 1936 and June 28, 1938, is modified to provide that the construction of any proposed road to the Zilpo Recreation Area located in Bath and Menifee Counties, Ky., shall not be undertaken until there is full opportunity for public review and comment on the environmental impact statement pertaining to such proposed road.

Mr. COOK. Mr. President, the amendment consists of only one paragraph and I wish to read it. It reads as follows:

The Cave Run Lake Project authorized by the Flood Control Act approved June 22, 1936 and June 28, 1938, is modified to provide that the construction of any proposed road to the Zilpo Recreation Area located in Bath and Menifee Counties, Ky.—shall not be undertaken until there is full opportunity for public review and comment on the environmental impact statement pertaining to such proposed road.

Mr. COOK. Mr. President, in eastern Kentucky on the Cave Run Lake Reservoir there is an area known as the Pioneer Weapons Area. It may be the only one of its kind in the United States. It was established in the early 1960's by reason of an agreement between the Kentucky Department of Fish and Game and the U.S. Department of Forestry, in the Daniel Boone National Forest.

The only type hunting that can occur here in this area is with bow and arrow or with muskets. No other type weapon can be utilized. There is a proposed road that would almost dissect this particular area. This may sound a little like a rather mundane issue to Members of the Senate, but the only place they wish to place the road is in the last major wild turkey nesting area in that part of the State.

Therefore, I propose this as an amendment to the bill, purely and simply to give the great advocates of the Pioneer Weapons Area, the Kentucky Sportsmen, the League of Sportsmen, some 40,000 strong, an opportunity to express their views of the environmental study and find out if there may be another means by which a road may go in this area that does not dissect the area in two.

I have discussed this matter with my colleague from Kentucky and the chairman of the committee (Mr. RANDOLPH). It is my understanding they are willing to accept the amendment. If that is the case, I yield back the remainder of my time. I would like to say I have one other amendment that will not take more than 2 minutes.

Mr. RANDOLPH. Mr. President, both the Senator from Kentucky (Mr. COOPER) and the Senator from West Virginia accept the amendment.

Mr. COOK. This language is comparable to language that will appear in the House bill. It was placed in there by my colleague, Representative SNYDER from Kentucky who is the ranking member of the Subcommittee on Rivers and Harbors of the Public Works Committee in the House. This is language he placed in the bill which was accepted.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. COOK. I yield back the remainder of my time.

Mr. RANDOLPH. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. COOK. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. COOK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 18, line 24, insert the following:

That the Midland Local Protection Project, in Kentucky, for flood protection and other purposes, is hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in his report on the Development of Water Resources in Appalachia, dated April 1971, at an estimated cost of $8,230,000, except that no funds shall be appropriated to carry out this section until the project is approved by the Appalachian Regional Commission and the President. Planning and construction shall also be coordinated and compatible with the Midland New Community plans recognized in preapplication approval by the Office of New Communities, Department of Housing and Urban Development.

Mr. COOK. Mr. President, this amendment that I send to the desk is going to cost some money, I say to the Senator from Arkansas, but it is referred to as a 201 project and the only way this money can be spent is by approval of the Appalachian Regional Council and the President.

Mr. President, this amendment would establish the Midland local protection project at an estimated cost of $8,230,000 to provide flood protection and to supplement the control by Cave Run Reservoir.

No funds would be appropriated to carry out this project, however, until approval is received from the Appalachian Regional Commission and the President.

The affected area consists of nine eastern Kentucky counties centered around the site of the potential urban service center located on the Licking River immediately below Cave Run Dam.

The principal elements of the LPP are six levee sections totaling 59,650 feet, a 250-foot concrete wall section and 1,500 feet of channel realinement. This project construction would be phased to match the master planned urban development. This LPP, with the reservoir system in operation, would protect the core of the area of development against the standard project flood.

Mr. President, chronic unemployment and underemployment in this economically depressed area leaves the residents far below the national level of income and economic well-being. Residual flooding, principally from Triplett and Salt Lick Creeks, would impede development within the flood plain and hinder realization of the full potential of this proposed regional employment and urban service center. Consequently, it is imperative that mechanisms be available for ready improvement.

In considering the cost-benefit ratio it is necessary to view the compatability of the project with the entire new community plans for the area of which it is a part. These plans have been recognized in preapplication approval by the Office of New Communities of Housing and Urban Development.

This project is a direct outgrowth of the new evaluation procedures used by the Corps of Engineers in developing its recommendations to the Commission in the water resources report. The justification for the Midlands project is not based on the limited purpose of flood control for existing needs only. It is based on the fact that this project is the critical and essential first step to the development of the entire new service center community. Other aspects of this program are well underway and the overall program has an overriding beneficial impact on the economy of the region.

The importance of this project to this area of the commonwealth cannot be stressed enough.

Mr. President, I ask that the amendment be approved.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. COOK. I yield back the remainder of my time.

Mr. RANDOLPH. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. COOPER. Mr. President, I send to the desk an amendment asd ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 49 in lines 12 and 13 strike the words "such sums as may be necessary" and insert in lieu thereof "$32,850,000".

Mr. COOPER. Mr. President, I will explain the amendment briefly. Just a few moments ago the Senator from New Hampshire (Mr. COTTON) and I and others were discussing this national river and recreation area on the Big South Fork River in Kentucky and Tennessee. I said the cost was about $30 million. Looking at the records submitted to us by the Corps of Engineers and the other participating agencies—the Department of Agriculture, the Department of the Interior, the Bureau of Outdoor Recreation—the exact sum estimated for the project would be $32,850,000.

The language in the bill is that it shall be authorized for "such sums as may be necessary" to carry out the provisions of this section.

I believe it is the judgment of the Senate and the Congress that they prefer to see the estimated sum stated correctly, rather than just to leave it open-ended and say, "Such sums as may be necessary."

Also, we would be able to tell our people what we have been told is the cost. I want to make that very clear.

I yield back my time.

Mr. RANDOLPH. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SCHWEIKER. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

On page two between lines 25 and 26, insert the following:

That the authorization for the beach erosion control project for Presque Isle Peninsula, Erie, Pennsylvania, as provided in section 101 of the River and Harbor Act of 1960 (74 Stat. 480) is reinstated and extended, under the terms existing immediately prior to the termination of such authorization, for a period of five years from the date of enactment of this Act, or if the review study of such project being carried out by the Secretary of the Army is not completed prior to the end of such period until such study is completed and a report thereon submitted to the Congress.

Sec. 2. There is authorized to be appropriated not to exceed $3,500,000 to carry out this provision.

Mr. SCHWEIKER. Mr. President, briefly, this is an amendment to authorize the reinstatement and extension of the authorization for the beach erosion control project for Presque Isle Peninsula, Erie, Pa.

The purpose of this amendment is to extend the authority for Federal participation in the Presque Isle cooperative beach erosion control project for a period of 5 years. My amendment also authorizes $3,500,000 to support the work necessary on this important project.

Federal participation in the Presque Isle Beach erosion control project was originally authorized by the 1960 River and Harbor Act (Public Law 66–645) for a period of 10 years. That authority existed from 1961 to May 1971, when it expired.

Presque Isle State Park and its beaches are considered a statewide resource in Pennsylvania, and truly are a national resource as well. About 4 million people from all over the Nation enjoy the area annually. For many years, attempts have been made to control erosion at these beaches. Such attempts, however, have been ineffective and temporary in nature. Severe winter storms, particularly last winter, have taken a heavy toll. It is essential that immediate steps be taken to restore the beach areas of the peninsula. My amendment would permit the Corps of Engineers to repair the storm damage and erosion of the beaches.

I have asked the Army Corps of Engineers how the Federal Government can be of assistance to the residents of Erie and the many tourists who use Presque Isle State Park and its recreation facilities. I am advised that in order for the Corps of Engineers to actively work on the area, it is necessary to obtain an extension of Federal participation in the project beyond the expiration date which occurred in May 1971.

The extension will permit Federal participation in emergency restoration of beach areas that may be required to protect park facilities from severe damage. It will also provide useful and attractive bathing areas until more permanent modifications can be authorized and constructed. This is exactly what my amendment will do. This legislation would authorize Federal participation to a maximum of 70 percent of the cost of improving public park areas.

Presque Isle State Park meets all the criteria for 70-percent participation and the cost of work done on the cooperative project for the 10 years prior to 1971 has been shared on that basis, with 30-percent State participation.

I was fortunate to have the opportunity to tour the Presque Isle area on June 2d and to see firsthand the unfortunate damage done to this valuable area during the severe storms late last year and in January of this year. My tour impressed upon me more than ever before the necessity of taking early, positive action to repair the damage done and to prevent future similar devastation.

During my June 2d tour, I was struck by the difference of these beaches from that of my last visit to Presque Isle several years ago. Once-beautiful beaches were devastated by the winter storms, and sandbags have been placed at the water's edge in a desperate effort to temporarily control the continuing erosion. It quickly became apparent to me that unless emergency action is taken, additional serious erosion of the beach front area, along with a deterioration of the groins which were completed in 1956 and 1966 will occur.

The Corps of Engineers held public hearings on June 2 in Erie. At that time, I testified on the need for early action. In addition, many community organizations and individual citizens emphasized the importance of Presque Isle State Park as a recreation area for northwestern Pennsylvania. These people have shown their sincere concern to both State and Federal representatives about the need to undertake an emergency restoration of the beach area.

Mr. President, I believe that a two-step program to eliminate beach erosion at Presque Isle State Park is needed. First, we need an emergency restoration of the beach areas. This is what my amendment will provide. Second, we will need permanent protection for the peninsula. After the Corps of Engineers has had a chance to complete their studies, we can determine specifically what must be done to provide permanent protection. Additional legislation will certainly be needed at a later date for this purpose.

I am advised by the corps, however, that the earliest possible date under their schedule for the beginning of construction is 1978. Unless beach erosion control measures are taken now, it will clearly be much more expensive to provide permanent protection 6 years from now. Thus, it is vitally important that the emergency restoration measures be authorized immediately so that the continuing erosion can be minimized and so that our citizens can enjoy the reaction area.

Presque Isle State Park is simply too valuable to Pennsylvania and to the Nation to permit continued erosion and storm damage to take place. I emphasize that, although Presque Isle is a State park, it is a national resource. May I add, too, that because of its location and other unique circumstances, this is one of only a few areas of Lake Erie where people can swim and fish without being concerned about pollution. Presque Isle is a sanctuary untroubled by the pollution of the Great Lakes.

The legislation I have introduced is an essential first step in the process of providing permanent protection for Presque Isle. There is an increasing demand for recreation by our citizens, and we must take all necessary steps to preserve this beautiful area. We must save it, and I strongly urge the Senate to adopt this important amendment.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. SCHWEIKER. I am glad to yield.

Mr. RANDOLPH. I would not ordinarily interject at this point. In our conversations with the Corps of Engineers, we have found that this is one of the most devastated areas of erosion of all of our waterways that we have ever known in this country. I appreciate the attention the able Senator from Pennsylvania has given to this matter in bringing it to our attention and causing the Corps of Engineers and those of us on the committee to realize the urgency of this project.

Mr. SCHWEIKER. I thank the Senator from West Virginia, as well as the Senator from Kentucky, for their help and leadership in this matter.

Mr. President, I ask unanimous consent that my senior colleague (Mr. Scott) may be listed as a cosponsor of the amendment.

The PRESIDING OFFICER (Mr. Robert C. Byrd). Without objection, it is so ordered.

Mr. SCHWEIKER. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on the adoption of the amendment. [Putting the question.]

The amendment was agreed to.

Mr. SCHWEIKER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent to dispense with the reading of the amendment.

The PRESIDING OFFICER. Without objection, further reading of the amendment will be dispensed with.

The amendment is as follows:

In Title II, page 17, line 12 insert the following:

DELAWARE RIVER BASIN

The project for Tamaqua Local Protection Project on Wabash Creek, Pennsylvania, Delaware River Basin, for flood protection, and other purposes, is hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in his report on the Development of Water Resources in Appalachia, dated April 1971, at an estimated cost of $2,355,000, except that no funds shall be appropriated for this project until it is approved by the Appalachian Regional Commission and the President.

Mr. SCHWEIKER. Mr. President, this amendment has also been cleared with the majority and minority.

Mr. President, the Borough of Tamaqua in Pennsylvania has suffered recurring floods and extensive damage as a result of the fact that the Wabash Creek runs through a culvert under the borough.

The solution is simple. The Corps of Engineers has proposed construction of a bypass tunnel to divert the Wabash

Creek into the Little Schuylkill River near the southern edge of town.

The final report of the Secretary of the Army on this proposal has been submitted as has the environmental impact statement. Both have received favorable consideration by all Federal and State agencies involved. The Subcommittee on Flood Control has taken testimony on this proposal, and the committee staff is familiar with the problem. I would hope, therefore, that the distinguished chairman of the Public Works Committee would consider it appropriate to accept this amendment.

I ask unanimous consent that the distinguished senior Senator from Pennsylvania (Mr. SCOTT) be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHWEIKER. Mr. President, I yield back the remainder of my time.

Mr. RANDOLPH. Mr. President, the destructiveness of Hurricane Agnes brought this project to our attention. What the Senator from Pennsylvania has said is valid.

We accept the amendment, and I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on adoption of the amendment. [Putting the question.]

The amendment was agreed to.

The PRESIDING OFFICER. Are there further amendments to be offered to the bill? If there be no further amendment to be offered, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading.

The bill was read the third time.

Mr. DOLE. Mr. President, wise water resource development is highly important to our Nation. Forward-looking utilization and augmentation of America's natural water endowments provides benefits to millions of our citizens in terms of water and wildlife conservation, flood control, electrical power generation, irrigation, recreation, and general economic improvement.

The Committee on Public Works, which has unique responsibilities for both environmental legislation and the authorization of water resource projects, has reported the 1972 omnibus rivers and harbors bill. As a member of this committee and ranking member of the Subcommittee on Flood Control, Rivers, and Harbors, I know that detailed consideration has been given to these projects through the course of extensive hearings at which the studies conducted by the Army Corps of Engineers as well as the views of many interested citizens were examined. The committee has devoted considerable attention to each of these projects and to the many needs and technical requirements associated with each.

KANSAS RIVER NAVIGATION

One of the projects, authorized by the committee, subject to final approval of the Department of the Army and the Office of Management and Budget, will provide harbor navigation improvements for the lower 9.33 miles of the Kansas River. The project would involve dredging a channel 9 feet deep and 150 feet wide, with accompanying bank training and stabilization structures. The estimated cost would be $3,095,900 exclusive of $4,100 for navigation aids. The benefit-cost ratio is 2.5.

Kansas River navigation has been a subject of great interest in east central Kansas, particularly in those counties which adjoin the river—and most especially in Wyandotte County, which contains a rapidly growing industrial area along the path of the Kansas River as it flows into the Missouri River at Kansas City. With the expanded development of navigation of the Missouri over the past years which is projected to continue into the future, it is only natural that expansion into the larger tributaries would come. The Lower Kansas River is a particularly well-suited stream for this purpose, since it has good water flow; a wide, well-protected flood plain; and the potential for significant utilization. The Corps of Engineers' investigation has borne out this assessment.

It was noted that the Corps of Engineers' study covered the entire 52-mile portion of the river from Lawrence to the mouth, but it was determined that the combined factors of cost, environmental impact and potential for utilization dictated that at this time the lower 9.33 miles was the most feasible and justifiable portion to undertake. Hopefully, the improvements and increased use growing out of this portion of the project may eventually lead to the full development of the river upstream.

The Corps of Engineers' study also identifies other advantages of this development. Because no dams or locks are required, the cost will be low. Environmental effects will be minimized by careful construction methods, and continuing pollution abatement programs will further improve water quality. The Corps of Engineers will be able to maintain strict control on development of loading and unloading facilities through its construction permit program. Recreational uses also have been identified. Thus, from all objective criteria this appears to be a highly worthwhile and well-conceived project.

I would also point out that the project has strong support from local interests; and when the solid cost-benefit ratio of 2.5 is taken into account, the Kansas River navigation project stands as a highly valuable, economical, and popular addition to the water resource picture in the State of Kansas.

Kansas has an outstanding record of cooperation with the Federal Government in preserving its water resources and making them more valuable, more attractive and of greater benefit to its citizens. I believe the Kansas River navigation project contained in this year's rivers and harbors bill represents a sound and well-designed continuation of this record. And I urge the Senate to give this bill its approval.

Mr. HOLLINGS. Mr. President, I rise to support S. 4018 and in particular to express my appreciation to the chairman and members of the committee for including in this bill the substance of S. 1053, which I introduced earlier in this Congress to establish a program to develop and demonstrate low-cost means of preventing shoreline erosion. I was cosponsor of S. 4591, the original legislation which was introduced during the last few days of the 91st Congress by Senators Tydings and MATHIAS. Because of the press of time, the legislation was not acted upon by that Congress. Along with Senator MATHIAS, I reintroduced the bill in this Congress, and I am pleased that we have a total of 27 cosponsors.

Legislation of this type is desperately needed and logically follows the results of the national shoreline study which was included by this committee in the Rivers and Harbors Act of 1968 (Public Law 90–483). This study was completed and submitted to Congress in August 1971. It clearly establishes the fact that the erosion of our shoreline areas has become a serious national problem. There is great interest in combating this problem—an interest that is shared by private landowners, conservation groups, the Federal Government as well as the States. Unfortunately, the capabilities and the technology to properly preserve our coastal shoreline and to effectively prevent erosion have not kept pace with the rapidly increasing use and development of this shoreline.

As in many other shore areas, my State of South Carolina has experienced many costly instances of erosion and in many cases, irreparable harm has resulted. Marine life has been altered or destroyed, navigable channels have been blocked, and land literally has been lost forever. Many of these problems are caused by natural events such as waves, tides, currents, land-water drainage, and wind. Man also has caused many problems through development of navigational facilities, housing sites, industrial projects, and other programs which have not taken into account the byproduct of shoreline erosion. Pollution caused from ocean dumping and other sources has presented other problems.

S. 1053, now section 103 of S. 4018, the Shoreline Erosion Control Demonstration Act of 1972 contemplates a 5-year program to develop and demonstrate low cost means to prevent the eradication of our shoreline. The bill directs the Secretary of the Army to establish a 15-member shoreline erosion advisory panel which would recommend criteria for the selection of demonstration sites, make periodic reviews of the program, and, most importantly, suggest methods to disseminate the information learned about shoreline erosion control devices that are developed by the program. Six million dollars would be authorized to fund this program.

The fight against shoreline erosion is an ancient one and the list of attempts to combat the forces which cause erosion range from seawalls and dikes to the planting of artificial seaweed. Certainly, there is technology available to combat the problem of erosion. Unfortunately, most of this technology is too costly for an individual landowner or for instances of erosion which are short of being severe.

After identifying approximately 15,400 miles of our national shoreline that was undergoing significant erosion, the corps study then proceeded to identify an area in this total of 2,700 miles where the erosion was considered critical. The cost of remedial measures to halt erosion of this 2,700 mile area was $1.8 billion plus an average annual beach nourishment cost of about $73 million. This high estimate is particularly startling when one considers that there would yet remain almost 13,000 miles of shoreline that would not be touched by any type of solution.

What is lacking and what we need is the technical expertise for low cost methods of shoreline erosion prevention and low cost projects to implement this expertise, the Shoreline Erosion Control Demonstration Act would establish the program which can develop this technology.

As I indicated earlier, this act is a logical sequence to the Corps of Engineers study. This 3-year study dealt with the overall problems of beach erosion and evaluated the nature and severity of our national shoreline erosion problem.

The study indicated that, outside of Alaska, 43 percent of this Nation's shoreline is experiencing significant erosion. Of a total 36,940 miles of shoreline, the corps determined that 15,400 miles are experiencing significant erosion. Precise figures for the monetary values of the national losses due to erosion are not available. Yet between $30 and $50 million a year has been a reliable estimate.

As the corps indicated in their June 15 testimony before the Rivers and Harbors Subcommittee of the Public Works Committee, much of this eroding shoreline is in private hands. Further, they acknowledge that the shoreline protection programs are not keeping pace with the need for erosion control, and they indicated that this is particularly evident where private owners are involved and public funds are not available. By developing low cost means of preventing shoreline erosion, the Erosion Control Act, would create a program that will address the problem at its most severe point—namely, that erosion taking place on private land where public funds are not available and where the private owner is incapable of bearing the excessive costs involved in implementing the known methods of erosion prevention. The corps substantiated this need when they stated in their testimony that the shoreline erosion study indicated a need for the development of improved methods and techniques for controlling erosion.

With the high level of technology which this country has been able to achieve, it would seem unconscionable for us to permit irrevocable harm to be done to our shorelines merely because we do not possess and do not attempt to obtain the low cost technology to prevent erosion. The Erosion Control Act is a significant step toward the development of this technology.

Clearly, the matter of our coastal area goes beyond the question of erosion. As chairman of the Subcommittee on Oceans and Atmosphere, I introduced earlier this session a bill to develop a management plan and program for our coastal and estuarine zone areas. This legislation is now in conference. In addition, I introduced a measure to regulate the dumping of materials into the ocean, and we are currently in conference with the House on this bill as well. Coastal zone management, regulation of ocean dumping and prevention of shoreline erosion are three steps in an overall approach to the management of our coastal areas. The returns from such an approach are clearly substantial. They present a wise investment in preserving, restoring, and developing our shores.

The Erosion Control Act will provide us with needed technical expertise to minimize and combat the erosion that is eating at these shores. Consequently, I urge the Senate to consider this legislation favorably.

The PRESIDING OFFICER. Who yields time on the bill?

Mr. RANDOLPH. Mr. President, I yield back my time.

Mr. COOPER. Mr. President, I yield back my time on the bill.

The PRESIDING OFFICER. All time is yielded back on the bill.

The question is on the adoption of the bill—putting the question.

Mr. COTTON. Mr. President, were not the yeas and nays ordered?

The PRESIDING OFFICER. The order for the yeas and nays was vacated.

Mr. COTTON. Mr. President, I will not ask for the yeas and nays, but I call attention to the fact that there were certain Members on the floor when the yeas and nays were called for, and I regret that the order for the yeas and nays was withdrawn. Because of the hour and the fact that this is a bill which will go to the Appropriations Committee in due time, I am not going to ask for the yeas and nays. In fact, I could not get them if I asked for them, because there are not enough Senators here to get them. I do, however, express my regret that the order for the yeas and nays was withdrawn.

Mr. RANDOLPH. Mr. President, I think I should say that there is no disposition on the part of the chairman of the committee not to have the yeas and nays. In fact, I think it is important always to indicate that. Insofar as I am concerned, the yeas and nays on any important legislation are in order.

There was a discussion with the Senator from Kentucky, the Senator from West Virginia, and many Senators came to us and frankly requested that, because of appointments and other assignments, there not be a rollcall on final passage, if there was no strong feeling against the bill that would call perhaps for a division. It was under that arrangement that the Senator from Kentucky and the Senator from West Virginia agreed.

I must say—and the leadership can entertain this thought—that insofar as I am concerned, we could go over and have a rollcall vote tomorrow morning. I want always the expression of the membership.

Mr. COTTON. Mr. President, will the Senator yield to me?

Mr. RANDOLPH. Surely.

Mr. COTTON. Mr. President, I hope that what I said was not misunderstood. In the first place, there is no Member of the Senate in whom I have greater confidence than the distinguished chairman of this committee. I have served with him many years. He would not be party to any kind of parliamentary procedure that was not perfectly open and perfectly fair to every Member of the Senate, and if anything I said about the yeas and nays could possibly be interpreted as criticism, I most humbly apologize for it, and it was not so intended.

I know that in the closing days of any session legislation has to be jammed through and handled as expeditiously as possible, and I know, after 18 years in this body, that there has never been a time in the closing days and hours, and maybe weeks now—I do not know what the story is on that—when there has not been rather speedy legislation, sometimes not as carefully handled as we would hope.

This bill carries over half a billion dollars for projects. The report has not been in the hands of a Member of the Senate. That is not the fault of the chairman. It is not the fault of the committee, but is due to the situation involved in printing. So that in these times when vast deficits are being accumulated, we pass this authorization without reading the report, without seeing the evidence, and without any final vote of record.

This is only an authorization, and I know that if any Senator would take exception to what I have just said, he would inform me that this is only an authorization; it does not appropriate a dollar; any appropriation will have to be scrutinized and go through the process of the Appropriations Committee, of which I have the honor to be a member. That is true.

Mr. President, I am not going to ask for the yeas and nays and inconvenience Senators, but Mr. President, we all know what happens every time we pass an authorization bill. It goes out to the country and goes out to the States in which there will be benefits and projects, and they think that Congress has already voted them *x* number of dollars.

The public does not know the difference between an authorization and an appropriation. So when we pass a measure that authorizes over half a billion dollars, then the next step is that everyone calls for the appropriations, and Senators across the States call for them. If I have heard it once, I have heard it a hundred times: "Why, Congress has authorized this. How can you postpone this for 1 year or 2 years or 3 years?"

That is the reason that this Senator has become rather chary about just voting for every authorization that comes along.

Mr. President, I certainly commend the committee for their hard work on this bill, and I will not impose any further delay or objection.

The PRESIDING OFFICER. Do Senators yield back their remaining time?

Mr. RANDOLPH. I yield back the remainder of my time.

Mr. COOPER. Mr. President, let me say just one thing. I have great respect for what the Senator from New Hampshire has said. I might say that extensive hearings were held on this bill under the leadership of the Senator from North Carolina (Mr. JORDAN), and, in executive sessions, we did go over the bill very carefully. If there were any questions about the readiness of a project for action by the Senate, we attached to it the condition that no project could be funded in any way until every step had been taken through the regular procedures of the Corps of Engineers, and the project had received approval of the President which, of course, is the Office of Management and Budget.

The bill was reported on September 21, 1972. It appears on page 10 of the calendar as order No. 1145. I note that on this copy of the calendar there is an inscription to notify me.

I did hear, from time to time, suggestions by the majority whip that this bill would be called up some time this week. This afternoon I received a telephone call stating that as there was not very much on the calendar to be considered, and that the leadership would like very much to bring up this bill around 5 o'clock.

I did call every member of the minority on the Public Works Committee, to see if there was any objection. I also called several Senators who, I had been informed, had amendments. I was also assured that, over the public address system to every office, there would be a call notifying Senators that the bill would be considered.

The question arose about a rollcall. As the Senator from West Virginia has stated, several Senators could not be present for a rollcall, and had to be leaving. So when a request for a rollcall was heard, Senator RANDOLPH and I told the majority leader (Mr. MANSFIELD) that we had had these inquiries, and I suppose it was on our request that he said all right, he would call it off.

I am sorry about it if the Senator feels he received insufficient notice. I would agree with Senator RANDOLPH that if the Senator from New Hampshire feels it would be better, I would be perfectly ready to let the matter go over and have a rollcall on it in the morning.

Mr. RANDOLPH. I fully understand the concerns expressed by the Senator from New Hampshire and his desire to have an expression by Senators through a rollcall vote. I firmly believe that each Member should have the right to express himself, by his words in debate and by his vote. This is the essence of the democratic system under which we live. Therefore, I repeat my willingness to wait until tomorrow for a final vote on this measure.

Mr. COTTON. Mr. President, I do not suggest that. I am sure that, with the confidence the entire Senate has in this committee, a rollcall would result in the passage of the bill, and as a matter of fact the Senator from New Hampshire does not even want to suggest it.

I certainly am not going to delay this action any longer. If there were a rollcall I would be compelled—because of this unprecedented payment of taxes lost because of the land being taken—to vote against the bill.

The PRESIDING OFFICER (Mr. HOLLINGS). Does the Senator from Kentucky yield back the remainder of his time?

Mr. COOPER. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is: Shall the bill pass?

The bill (S. 4018) was passed, as follows:

S. 4018

An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—RIVERS AND HARBORS

SEC. 101. That the following works of improvement of rivers and harbors and other waterways for navigation, flood control, and other purposes are hereby adopted and authorized to be prosecuted under the direction of the Secretary of the Army and supervision of the Chief of Engineers, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated: *Provided*, That the provisions of section 1 of the River and Harbor Act approved March 2, 1945 (Public Law Numbered 14, Seventy-ninth Congress, first session), shall govern with respect to projects authorized in this title; and the procedures therein set forth with respect to plans, proposals, or reports for works of improvement for navigation or flood control and for irrigation and purposes incidental thereto, shall apply as if herein set forth in full:

NAVIGATION

Little River Inlet, North Carolina and South Carolina: House Document Numbered 92-362, at an estimated cost of $6,271,000;

Texas City Channel, Texas: House Document Numbered 92-199, at an estimated cost of $2,302,000;

Kansas River Channel, Kansas City, Kansas: report of the Board of Engineers for Rivers and Harbors dated March 29, 1972, at an estimated cost of $3,028,900, except that no funds shall be appropriated for this project until approved by the Secretary of the Army and the President;

Hoonah Harbor, Alaska: House Document Numbered 92-200, at an estimated cost of $3,710,000;

Metlakatla Harbor, Alaska: Senate Document Numbered 92-64, at an estimated cost of $2,160,000.

BEACH EROSION

North Shore of Long Island, New York: House Document Numbered 92-199, at an estimated cost of $3,000,000;

That the authorization for the beach erosion control project for Presque Isle Peninsula, Erie, Pennsylvania, as provided in section 101 of the River and Harbor Act of 1960 (74 Stat. 480) is reinstated and extended, under the terms existing immediately prior to the termination of such authorization, for a period of five years from the date of enactment of this Act, or if the review study of such project being carried out by the Secretary of the Army is not completed prior to the end of such period until such study is completed and a report thereon submitted to the Congress. There is authorized to be appropriated not to exceed $3,500,000 to carry out this provision.

SEC. 102. At any water resources development project under ths jurisdiction of the Secretary of the Army, where non-Federal interests are required to hold and save the United States free from damages due to the construction, operation, and maintenance of the project, such requirement shall not include damages due to the fault or negligence of the United States or its contractors.

SEC. 103. (a) This section may be cited as the "Shoreline Erosion Control Demonstration Act of 1972."

FINDINGS AND PURPOSE

(b) The Congress finds that because of the importance and increasing interest in the coastal and estuarine zone of the United States, the deterioration of the shoreline line within this zone due to erosion, the harm to water quality and marine life from shoreline erosion, the loss of recreational potential due to such erosion, the financial loss to private and public landowners resulting from shoreline erosion, and the inability of such landowners to obtain satisfactory financial and technical assistance to combat such erosion, it is essential to develop, demonstrate, and disseminate information about low-cost means to prevent and control shoreline erosion. It is therefore the purpose of this Act to authorize a program to develop and demonstrate such means to combat shoreline erosion.

SHORELINE EROSION PROGRAM

(c) (1) The Secretary of the Army shall establish and conduct for a period of five fiscal years a national shoreline erosion control development and demonstration program. The program shall consist of planning, constructing, operating, evaluating, and demonstrating, prototype shoreline erosion control devices, both engineered and vegetative.

(2) The program shall be carried out in cooperation with the Secretary of Agriculture particularly with respect to vegetative means of preventing and controlling shoreline erosion, and in cooperation with Federal, State, and local agencies, private organizations, and the Shoreline Erosion Advisory Panel established pursuant to subsection (d).

(3) Demonstration projects established pursuant to this section shall emphasize the development of low-cost shoreline erosion control devices located on sheltered or inland waters. Such projects shall be undertaken at no less than two sites on the shoreline of the Atlantic, gulf, and Pacific coast, at not less than one site on the Great Lakes, and at locations of serious erosion along the shores of Delaware Bay, particularly at those reaches known as Pickering Beach, Kitts Hummock, Bowers, Slaughter Beach, Broadkill Beach, and Lowes in the State of Delaware. Sites selected should, to the extent possible, reflect a variety of geographical and climatic conditions.

(4) Such demonstration projects may be carried out on private or public lands except that no funds appropriated for the purpose of this Act may be expended for the acquisition of privately owned lands. In the case of sites located on private or non-Federal public lands, the demonstration projects shall be undertaken in cooperation with a non-Federal sponsor or sponsors who shall pay at least 25 per centum of construction costs at each site and assume operation and maintenance costs upon completion of the project.

SHORELINE EROSION ADVISORY PANEL

(d) (1) No later than one hundred and twenty days after the date of enactment of this Act the Secretary of the Army shall establish a Shoreline Erosion Advisory Panel. The Secretary shall appoint fifteen members to such Panel from among individuals who are knowledgeable with respect to various aspects of shoreline erosion, with representatives from various geographical areas, institutions of higher education, professional organizations, State and local agencies, and private organizations: *Provided*, That such individuals shall not be regular full-time employees of the United States. The Panel shall meet and organize within ninety days from the date of its establishment, and shall select a Chairman from among its members. The Panel shall then meet at least once each six months thereafter and shall expire ninety days after termination of the five-year program established pursuant to section 3.

(2) The Panel shall—

(a) advise the Secretary of the Army generally in carrying out provisions of this Act;

(b) recommend criteria for the selection of development and demonstration sites;

(c) recommend alternative institutional, legal, and financial arrangements necessary to effect agreements with non-Federal sponsors of project sites;

(d) make periodic reviews of the progress of the program pursuant to this Act;

(e) recommend means by which the knowledge obtained from the project may be made readily available to the public; and

(f) perform such functions as the Secretary of the Army may designate.

(3) Members of the Panel shall, while serving on business of the Panel be entitled to receive compensation at rates fixed by the Secretary of the Army, but not in excess of $100 per day, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in Government service employed intermittently.

(4) The Panel is authorized, without regard to the civil service laws, to engage such technical and other assistance as may be required to carry out its functions.

PROGRAM AND PROGRESS REPORT

(e) The Secretary of the Army shall prepare and submit annually a program progress report, including therein contributions of the Shoreline Erosion Advisory Panel, to the chairman of the Senate and House of Representatives Committees on Public Works. The fifth and final report shall be submitted sixty days after the fifth fiscal year of funding and shall include a comprehensive evaluation of the national shoreline erosion control development and demonstration program.

APPROPRIATIONS

(f) There is authorized to be appropriated for the fiscal year ending June 30, 1973, and the succeeding four fiscal years, a total of not to exceed $6,000,000 to carry out the provisions of this Act. Sums appropriated pursuant to this section shall remain available until expended.

Sec. 104. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to investigate, plan, and construct projects for the control of streambank erosion in the United States, its possessions, and the Commonwealth of Puerto Rico, in the interests of reducing damages from erosion, the deposition of sediment in lakes and waterways, the destruction of channels and adjacent lands, and other adverse effects of streambank erosion, when in the opinion of the Chief of Engineers such projects are consistent with the objectives of sound flood plain management and will result in substantial public benefits through the provision of needed protection to public, residential, and commercial properties.

(b) No such project shall be constructed under this section if the estimated Federal first cost exceeds $250,000. Any such project shall be complete in itself and not commit the United States to any additional improvement to insure its successful operation, except as may result from the normal procedure applying to projects authorized after submission of survey reports.

(c) For all projects undertaken pursuant to this Act, appropriate non-Federal interests shall furnish assurances satisfactory to the Secretary of the Army that they will—

(1) provide without costs to the United States all lands, easements, and rights-of-way necessary for the construction of the project;

(2) hold and save the United States free from damages due to construction;

(3) operate and maintain all the works after completion in accordance with regulations prescribed by the Secretary of the Army; and

(4) contribute 25 per centum of the first cost of the project.

(d) The authority contained in this section is supplemental to, and not in lieu of, the authority contained in section 14 and of the Act approved July 24, 1946 (60 Stat. 653), as amended

(e) There is authorized to be appropriated not to exceed $10,000,000 per annum for the construction of the projects authorized by this section.

Sec. 105. (a) The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized and directed to (1) make an intensive evaluation of streambank erosion along the Ohio River with particular emphasis on the reach from Chester to Kenova, West Virginia, with a view to determining whether bank protection works should be provided at this time; (2) develop and evaluate new methods and techniques for bank protection, conduct research on soil stability, identify the causes of erosion, and recommend means for prevention and correction of the problems; and (3) report to Congress the results of the studies together with his recommendations in connection therewith.

(b) In view of the serious bank erosion problems along the Ohio River, the Secretary of the Army is authorized to undertake measures to construct and evaluate demonstration projects as determined by the Chief of Engineers: *Provided*, That, prior to construction, local interests furnish assurances satisfactory to the Secretary of the Army that they will provide without cost to the United States lands, easements, and rights-of-way necessary for construction and subsequent operation of the projects; hold and save the United States free from damages due to construction, operation, and maintenance of the projects, and operate and maintain the projects upon completion.

Sec. 106. (a) The project for navigation in the Atchafalaya River and Bayous Chene, Boeuf, and Black, Louisiana, authorized by the River and Harbor Act of 1968 (82 Stat. 731) is hereby modified to provide that the local interests shall contribute 25 per centum of the costs of areas required for initial and subsequent disposal of spoil, and of necessary retaining dikes, bulkheads, and embankments therefor.

(b) the requirements for appropriate non-Federal interest or interests to furnish an agreement to contribute 25 per centum of the construction costs as set forth in subsection (a) shall be waived by the Secretary of the Army upon a finding by the Administrator of the Environmental Protection Agency that for the area to which such construction applies, the State or States involved, interstate agency, municipality, and other appropriate political subdivisions of the State and industrial concerns are participating in and in compliance with an approved plan for the general geographical area of the dredging activity for construction, modification, expansion, or rehabilitation of waste treatment facilities and the Administrator has found that applicable water quality standards are not being violated.

Sec. 107. That portion of the Hudson River in New York County, State of New York, bounded and described as follows is hereby declared to be not a navigable water of the United States within the meaning of the laws of the United States, and the consent of Congress is hereby given to the filling in of all or any part thereof or the erection of permanent pile-supported structures thereon:

Beginning at a point on the United States bulkhead line lying southerly one hundred forty feet from the intersection of said bulkhead line and the northerly line of West Forty-seventh Street extended westerly;

thence westerly along a line perpendicular to said bulkhead line to a point one hundred feet easterly of the United States pierhead line;

thence southerly along a line parallel to said bulkhead line eight hundred eighty-six feet three inches;

thence easterly along a line perpendicular to said bulkhead line to the point of beginning.

This declaration shall apply only to portions of the above-described area which are bulkheaded and filled or occupied by permanent pile-supported structures. Plans for bulkheading and filling and/or permanent pile-supported structures shall be approved by the Secretary of the Army, acting through the Chief of Engineers, on the basis of engineering studies to determine the location and structural stability of the bulkheading and filling and/or permanent pile-supported structures in order to preserve and maintain the remaining navigable waterway. Local interests shall reimburse the Federal Government for any engineering costs incurred under this section.

Sec. 108. Section 113 of the Rivers and Harbors Act of 1968 is hereby amended to read as follows:

"Sec. 113. Those portions of the East and Hudson Rivers in New York County, State of New York, lying shoreward of a line within the United States pierhead line as it exists on the date of enactment of this Act, and bounded on the north by the north side of Spring Street extended westerly and the south side of Rutgers Slip extended eastwardly, are hereby declared to be nonnavigable waters of the United States within the meaning of the laws of the United States. This declaration shall apply only to portions of the above-described area which are bulkheaded and filled or are occupied by permanent pile-supported structures. Plans for bulkheading and filling and permanent pile-supported structures shall be approved by the Secretary of the Army, acting through the Chief of Engineers, on the basis of engineering studies to determine the location and structural stability of the bulkheading and filling and permanent pile-supported structures in order to preserve and maintain the remaining navigable waterway. Local interests shall reimburse the Federal Government for any engineering costs incurred under this section.

Sec. 109. Notwithstanding section 105 of the Rivers and Harbor Act of 1966 (80 Stat. 1406) or any other provision of the law, the States of Illinois and Missouri, which are connected by the bridge constructed by the city of Chester, Illinois, pursuant to Public Law 76–751 and Public Law 82–512, are authorized to contract individually or jointly with the city of Chester, Illinois, on or before June 1, 1974, to assume responsibility for the operation, maintenance, and repair of the Chester Bridge and the approaches thereto and lawful expenses incurred in connection therewith (exclusive of principal, interest, and financing charges on the outstanding indebtedness on such bridge and approaches). When either or both States enter into such an agreement, all tolls thereafter charged for transit over such bridge shall, except as provided in the last two sentences of this section, be used exclusively (a) to retire outstanding indebtedness (including reasonable interest and financing charges) on the bridge and approaches thereto and (b) credited into a sinking fund established for such bridge. No tolls shall be charged for transit over such bridge after the outstanding indebtedness on the bridge and approaches (including reasonable interest and financing charges) has been retired, or sufficient funds are available through the sinking fund to pay off all outstanding indebtedness (including reasonable interest and financing charges) on such bridge and approaches. If a State declines or is unable to participate in the agreement authorized by this section, the other State may assume the responsibilities such State would have assumed under such an agreement. In that event, the assuming State shall be entitled to receive from toll revenues, after provision is made for principal and interest payments on any indebtedness then outstanding on the bridge and its approaches, as reimbursement, an amount of money (no less often than annually) which is equal to the nonparticipating State's fair share of the operating, maintenance, repair, and other lawful costs incurred in connection with the bridge and its approaches.

SEC. 110. Notwithstanding any other provision of law, the States of Illinois and Iowa, which are connected at Keokuk, Iowa, by the bridge constructed by the Keokuk and Hamilton Bridge Company pursuant to Public Law 63–342 and at Burlington, Iowa, by the bridge constructed by the Citizens' Bridge Company, pursuant to Public Law 64–1, are authorized to contract individually or jointly with either or both of the cities of Keokuk, Iowa, and Burlington, Iowa, on or before June 1, 1974, to assume responsibility for the operation, maintenance, and repair of the bridges at Keokuk and Burlington and the approaches thereto and lawful expenses incurred in connection herewith. When either or both States have entered into such an agreement any outstanding principal and interest indebtedness on account of a bridge shall be paid from reserve funds accumulated for that purpose and the balance of said funds, if any, shall be used to defray costs of operating and maintaining the bridge. After such an agreement is entered into with respect to a bridge, that bridge shall thereafter be free of tolls.

SEC. 111. Title I of this Act may be cited as the "River and Harbor Act of 1972".

TITLE II—FLOOD CONTROL

SEC. 201. Sections 201 and 202 and the last three sentences in section 203 of the Flood Control Act of 1968 shall apply to all projects authorized in this title. The following works of improvement for the benefit of navigation and the control of destructive floodwaters and other purposes are hereby adopted and authorized to be prosecuted by the Secretary of the Army, acting through the Chief of Engineers, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated.

POTOMAC RIVER BASIN

The project for Verona Dam and Lake, Virginia, for flood protection and other purposes is hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in House Document Numbered 91–343, at an estimated cost of $34,350,000.

The project for Sixes Bridge Dam and Lake, Maryland, is hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in House Document Numbered 91–343, at an estimated cost of $30,700,000.

SANTEE RIVER BASIN

The project for Clinchfield Dam and Lake on Broad River, North Carolina and South Carolina, Santee River Basin, for flood protection, and other purposes, is hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in his report on the Development of Water Resources in Appalachia, dated April 1971, at an estimated cost of $58,565,000, except that no funds shall be appropriated for this project until it is approved by the Appalachian Regional Commission and the President.

MIDDLE ATLANTIC COASTAL AREA

The project for hurricane-flood protection at Norfolk, Virginia, authorized by the River and Harbor Acts approved September 3, 1954, and October 23, 1962, as amended and modified, is hereby further modified and expanded to provide for beach erosion control and hurricane-flood protection between Rudee Inlet and Eighty-ninth Street of Virginia Beach substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–365, at an estimated cost of $17,010,000.

JAMES RIVER BASIN

The project for flood protection for the city of Buena Vista on the Maury River, Virginia, is hereby authorized substantially in accordance with the recommendations of the Board of Engineers for Rivers and Harbors in its report dated August 30, 1972, at an estimated cost of $11,539,000, except that no funds shall be appropriated for this project until it is approved by the Secretary of the Army and the President.

DELAWARE RIVER BASIN

The project for Tamaqua Local Protection Project on Wabash Creek, Pennsylvania, Delaware River Basin, for flood protection, and other purposes, is hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in his report on the Development of Water Resources in Appalachia, dated April 1971, at an estimated cost of $2,355,000, except that no funds shall be appropriated for this project until it is approved by the Appalachian Regional Commission and the President.

YADKIN RIVER BASIN

The project for flood protection and other purposes on the Roaring River, Yadkin River Basin, in the area of Winston-Salem, North Carolina, is hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in his report on the Development of Water Resources in Appalachia, dated April 1971, at an estimated cost of $10,758,000, except that no funds shall be appropriated for this project until it is approved by the Appalachian Regional Commission and the President.

POCATALICO RIVER BASIN

The project for flood control, water supply, and related purposes, in the Pocatalico River Basin, West Virginia, is hereby authorized substantially in accordance with the recommendations contained in the Pocatalico River Basin Joint Study Interim Report prepared by the Corps of Engineers and the Soil Conservation Service, at an estimated cost of $7,545,400, except that no funds shall be appropriated for this project until it is approved by the President.

SALT RIVER BASIN

The project for Camp Ground Lake on Beech Fork in the Salt River Basin, Kentucky, for flood protection and other purposes, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated September 25, 1972, at an estimated cost of $50,800,000, except that no funds shall be appropriated for this project until it is approved by the Secretary of the Army and the President.

LICKING RIVER BASIN

The project for flood protection on the Licking River, Falmouth, Kentucky, is hereby authorized substantially in accordance with the levee plan considered during the 1971 studies (directed by House of Representatives Report Numbered 91–697) as contained in the Special Report of the Corps of Engineers (Senate Committee on Public Works print numbered 92–26).

That the Midland Local Protection Project, in Kentucky, for flood protection and other purposes, is hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in his report on the Development of Water Resources in Appalachia, dated April 1971, at an estimated cost of $8,230,000, except that no funds shall be appropriated to carry out this section until the project is approved by the Appalachian Regional Commission and the President. Planning and construction shall also be coordinated and compatible with the Midland New Community plans recognized in preapplication approval by the Office of New Communities, Department of Housing and Urban Development.

LOWER MISSISSIPPI RIVER

The West Tennessee Tributaries Feature, Mississippi River and Tributaries project (Obion and Forked Deer Rivers), Tennessee, authorized by the Flood Control Acts approved June 30, 1948 and November 7, 1966, as amended and modified, is hereby further modified and expanded to provide for the acquisition and development of approximately fourteen thousand and four hundred acres of land for fish and wildlife management purposes, development of the Gooch and Tigrett Wildlife Management Areas, and minor channel modifications substantially in accordance with the recommendations of the Chief of Engineers in his report dated March 28, 1972, at an estimated cost of $6,600,000.

The project for flood control for Perry County Drainage and Levee Districts Numbered 1, 2, and 3, Missouri, authorized by the Flood Control Act approved July 24, 1946, is hereby modified and expanded to provide for interior flood control substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–360, at an estimated cost of $2,698,000.

The Cache River Basin Feature, Mississippi River and Tributaries project, Arkansas, authorized by the Flood Control Act approved October 27, 1965, is hereby modified and expanded to provide for acquisition by fee or by environmental easement of not less than 70,000 acres for mitigation lands for fish and wildlife management purposes at an estimated cost of $5,232,000. Local interests shall contribute 50 per centum of any costs incurred in excess of $4,740,000 in acquiring such property rights. An environmental easement shall prevent clearing of the subject land for commercial agricultural purposes or any other purpose inconsistent with wildlife habitat and shall allow any landowner to manage the subject lands to provide a perpetual, regularly harvested hardwood forest, which may be harvested in such a manner as to provide food and habitat for a variety of wildlife. No action may be initiated for any other taking of prospective mitigation lands until an offer has been made to the land owner thereof to take an environmental easement, provided that no less than 30,000 acres shall be open for public access. If any landowner commences the clearing of prospective mitigation land, condemnation proceedings may be commenced at any time after an offer to take an environmental easement has been made but not accepted. No more than $25 per acre shall be paid for environmental easements. Easement-taking offers shall allow the landowner the choice of keeping access subject to private control or allowing public access. The price paid for easements not allowing public access shall take account of the value of hunting and fishing rights not included in the taking and be reduced accordingly.

PASCAGOULA RIVER BASIN

The project for flood protection and other purposes on Bowie Creek, Mississippi, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–359, at an estimated cost of $32,410,000.

PEARL RIVER BASIN

The project for flood control and other purposes on the Pearl River, Mississippi, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–282, at an estimated cost of $38,146,000.

UPPER MISSISSIPPI RIVER BASIN

The project for reducing flood damage at Prairie du Chien, Wisconsin, by floodproofing or evacuation and relocation of structures in the flood plain, and management of the evacuated flood plain in accordance with applicable State laws and adopted city codes is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated February 9, 1972, at an estimated cost of $2,300,000, except that no funds shall be appropriated for this project until it is approved by the Secretary of the Army and the President.

DES MOINES RIVER

The improvements to the local flood control project at Ottumwa, Iowa, on the Des Moines River to increase the discharge efficiency of the city's North Side interceptor serves to reduce flood damage are hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–197, at an estimated cost of $76,000.

SPRING RIVER BASIN

The project for flood control and other purposes on Center Creek near Joplin, Missouri, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–361, at an estimated cost of $14,600,000.

GRAND RIVER BASIN

The project for Pattonsburg Dam and Lake on the Grand River, Missouri, for flood protection and other purposes authorized by the Flood Control Act, approved August 13, 1968, is hereby modified to include hydroelectric power generating facilities during initial construction of the project, substantially in accordance with the recommendations of the Board of Engineers for Rivers and Harbors in their report dated August 30, 1972, at an estimated additional cost of $28,620,000; except that no funds shall be appropriated until the modification is approved by the Secretary of the Army and the President.

GREAT LAKES BASIN

The project for flood protection at Point Place, Toledo, Ohio, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–363, at an estimated cost of $960,000.

COLORADO RIVER BASIN

The project for flood control on Beals Creek, Texas, in the Colorado River Basin is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–115, at an estimated cost of $2,526,000.

PEYTON CREEK

The project for the improvement of Peyton Creek and tributaries, Texas, for flood control and major drainage is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–341, at an estimated cost of $8,490,000.

GUADALUPE RIVER BASIN

The project for flood control and other purposes on the Blanco River in the Edwards underground reservoir area, Guadalupe River Basin, Texas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–364, at an estimated cost of $42,271,000.

UMPQUA RIVER BASIN

The project for Days Creek Dam, on the South Umpqua River, Oregon, for flood protection and other purposes, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated September 15, 1972, at an estimated cost of $113,000,000, except that no funds shall be appropriated to carry out this section until the project is approved by the Secretary of the Army and the President.

SEC. 202. (a) The comprehensive plan for flood control and other purposes in the White River Basin, as authorized by the Act of June 28, 1938 (52 Stat. 1215), and as modified and amended by subsequent Acts, is further modified to provide for a free highway bridge built to modern standards over the Norfolk Lake at an appropriate location in the area where United States Highway 62 and Arkansas State Highway 101 were inundated as a result of the construction of the Norfork Dam and Lake. Such bridge shall be constructed, maintained, and operated by the Chief of Engineers, Department of the Army, in accordance with such plans as are determined to be satisfactory by the Secretary of the Army in order to provide adequate crossing facilities over such lake for highway traffic in the area.

(b) The cost of constructing the bridge authorized in this section shall be borne by the United States except that the State of Arkansas shall be required to pay as its share of the cost of constructing such bridge the sum of $1,342,000 plus interest for the period from May 29, 1943, to the date of the enactment of this Act. Such interest shall be computed at a rate determined by the Secretary of the Treasury to be equal to the average annual rate on all interest-bearing obligations of the United States forming a part of the public debt on May 29, 1943, and adjusted to the nearest one-eighth of 1 per centum. The share to be paid by the State of Arkansas represents the amount paid by the United States to the State of Arkansas as insufficient compensation for the highways inundated as a result of the construction of the Norfork Dam and Lake plus interest from the date of payment.

SEC. 203. (a) The project for flood control below Chatfield Dam on the South Platte River, Colorado, authorized by the Flood Control Act of 1950 (64 Stat. 175), is hereby modified to authorize the Secretary of the Army, in his discretion, to participate with non-Federal interests in the acquisition of lands and interests therein and in the development of recreational facilities immediately downstream of the Chatfield Dam, in lieu of a portion of the authorized channel improvements, for the purpose of flood control and recreation.

(b) Such participation shall (1) consist of the amount of savings realized by the United States, as determined by the Secretary of the Army, in not constructing that portion of the authorized channel improvement below the dam, together with such share of any land acquisition and recreation development costs, over and above that amount, that is comparable to the share available under similar Federal programs providing financial assistance for recreation and open spaces; (2) in the instance of the aforementioned land acquisition, be restricted to those lands deemed necessary by the Secretary of the Army for flood control purposes, and (3) not otherwise reduce the local cooperation required under the project.

(c) Prior to the furnishing of the participation authorized by this Act, non-Federal interests shall agree to prevent any encroachments in needed flood plain detention areas which would reduce their capability for flood detention and recreation.

SEC. 204. (a) Subject to the provisions of subsection (b) of this section, the Secretary of the Army is authorized and directed to convey to the Mountrail County Park Commission of Mountrail County, North Dakota, all rights, title and interest of the United States in and to the following described tracts of land:

TRACT NUMBER 1

All of the land which lies landward of a line, which line is 300 feet above and measured horizontally from contour elevation 1850 mean sea level of old Van Hook Village in the northwest quarter of section 32, township 152, range 91 west of the fifth guide meridian.

TRACT NUMBER 2

All of the land which lies landward of a line, which line is 300 feet above and measured horizontally from contour elevation 1850 mean sea level of Olson's first addition, part of the southwest quarter of section 29, township 152, range 91 west of the fifth guide meridian.

TRACT NUMBER 3

Hodge's first addition, part of the northeast quarter of section 32, township 152, range 91, west of the fifth guide meridian.

(b) (1) The conveyance of such portion of the lands described in subsection (a) as is being used by the North Dakota State Game and Fish Department for wildlife management purposes shall not become effective until the termination of the license granted to such department for such use either in accordance with its original terms on October 31, 1980, or at any time prior thereto.

(2) The lands conveyed pursuant to this section shall be used by the Mountrail County Park Commission, Mountrail County, North Dakota, solely for public park and recreational purposes, and if such lands are ever used for any other purpose, title thereto shall revert to, and become the property of, the United States which shall have the right of immediate entry thereon.

(3) The conveyance authorized by this section shall be subject to such other terms and conditions as the Secretary of the Army deems to be in the public interest.

(c) The Mountrail County Park Commission shall pay the costs of such surveys as may be necessary to determine the exact legal description of the lands to be conveyed and such sums as may be fixed by the Secretary of the Army to compensate the United States for its administrative expenses in connection with the conveyance of such lands, which sum shall be covered into the Treasury into miscellaneous expenses.

SEC. 205. Section 208 of the Flood Control Act of 1954 (68 Stat. 1256, 1266) is hereby amended by striking out "$2,000,000" and inserting in lieu thereof "$5,000,000", and by striking out "$100,000" and inserting in lieu thereof "$250,000".

SEC. 206. Section 14 of the Act approved July 24, 1946 (60 Stat. 653) is hereby amended to read as follows:

"SEC. 14. The Secretary of the Army is authorized to allot from any appropriations heretofore or hereafter made for flood control, not to exceed $5,000,000 per year, for the construction of emergency bank protection works to prevent flood damage to highways, bridge approaches, public works, churches, hospitals, schools, and other nonprofit public services, when in the opinion of the Chief of Engineers such work is advisable: *Provided*, That not more than $250,000 shall be allotted for this purpose at any single locality from the appropriations for any one fiscal year."

SEC. 207. The project for flood protection on the Pequonnock River, Connecticut, authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1405) is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to advance to the town of Trumbull, Connecticut, such sums as may be necessary to provide, prior to construction of the project, municipal sewage disposal service to the Saint Joseph's Manor Nursing Home. Such advance, less the amount determined by the Secretary of the Army as representing increased costs resulting from construction of such service out of the planned sequence, shall be prepaid by the town, with interest, within ten years of the date of enactment of this Act.

SEC. 208. Section 213 of the Flood Control

Act of 1970 (84 Stat. 1824, 1829) is hereby amended to read as follows:

"SEC. 213. The Secretary of the Army, acting through the Chief of Engineers, is authorized to resolve the seepage and drainage problem in the vicinity of the town of Niobrara, Nebraska, that may be related to operation of Gavins Point Dam and Lewis and Clark Lake project, Nebraska and South Dakota, subject to a determination by the Chief of Engineers with the approval of the Secretary of the Army, of the most feasible solution thereto, at an estimated cost of $11,400,000."

SEC. 209. Subsection (f) of section 221 of the Flood Control Act of 1970 is amended by striking out "January 1, 1972" and inserting in lieu thereof "January 1, 1974".

SEC. 210. The portion of the project for flood protection on Chartiers Creek that is within Allegheny County, Pennsylvania, authorized by section 204 of the Flood Control Act of 1965 (Public Law 89-298), shall be designated as the "James G. Fulton Flood Protection Project". Any reference to such project in any law, regulation, map, document, record, or other paper of the United States shall be held to be a reference to the "James G. Fulton Flood Protection Project".

SEC. 211. The Secretary of the Army acting through the Chief of Engineers, is authorized and directed to undertake such emergency bank stabilization measures as are necessary to protect the Sacred Heart Hospital in Yankton, South Dakota, from damages caused by bank erosion downstream of Gavins Point Dam, Missouri River.

SEC. 212. The Beaver Dam in the State of Arkansas shall hereafter be known as the James W. Trimble Dam, and any law, regulation, document, or record of the United States in which such dam is designated or refered to shall be held to refer to such dam under and by the name of "James W. Trimble Dam."

SEC. 213. The Secretary of the Army, acting through the Chief of Engineers, is authorized to amend the contract between the city of Aberdeen, Washington, and the United States for use of storage space in the Wynoochee Dam and Lake on the Wynoochee River, Washington, for municipal and industrial water supply purposes so as to provide that the initial and subsequent payments for the present demand water supply storage under the contract may be deferred for a period of up to ten years.

SEC. 214. The project for Wynoochee Dam and Lake, Wynoochee River, Washington, authorized by the Flood Control Act approved October 23, 1962 (76 Stat. 1193), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to transfer to the State of Washington, as a part of project costs, an amount estimated at $664,000 for construction of fish hatchery facilities for mitigation of losses of natural spawning areas for anadromous trout occasioned by project construction.

SEC. 215. Section 7 of the River Basin Monetary Authorization and Miscellaneous Civil Works Amendment Act of 1970 (84 Stat. 310) is hereby amended to read as follows:

"SEC. 7. That the project for Libby Dam, Kootenai River, Montana, is hereby modified to provide that funds available for such project, in an amount estimated at $4,000,000, may be used in the construction of fish hatchery facilities and the performance of related services, for mitigation of fish losses occasioned by the project, in a manner deemed appropriate by the Secretary of the Army, acting through the Chief of Engineers."

SEC. 216. (a) The project for Libby Dam, Kootenai River, Montana, authorized by the Flood Control Act approved May 17, 1950 (64 Stat. 170) is hereby modified to provide that the Secretary of the Army, hereinafter designated as the "Secretary", in order to conform with the purposes of the Fish and Wildlife Coordination Act of August 12, 1958 (72 Stat. 563) is authorized to acquire not more than twelve thousand acres of land for the mitigation of wildlife grazing losses caused by the project, and to participate with the State of Montana in the maintenance of such lands for wildlife grazing purposes.

(b) The Secretary is further authorized and directed to convey without monetary consideration, to the State of Montana all right, title, and interest of the United States in the land acquired under subsection (a) above, for use of wildlife grazing purposes, and to execute such other documents and perform such other acts as may be necessary or appropriate in connection with the operation and maintenance of the lands by the State of Montana for wildlife grazing purposes. The deed of conveyance shall provide that the land shall revert to the United States in the event it ever ceases to be used for wildlife grazing purposes.

SEC. 217. The project for Libby Dam (Lake Koocanusa), Montana, authorized by the Flood Control Act approved May 17, 1950 (64 Stat. 170), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized to compensate the drainage districts and owners of levied and unlevied tracts, in Kootenai Flats, Boundary County, Idaho, for modification to facilities including gravity drains, structures, pumps, and additional pumping operational costs made necessary by, and crop and other damages resulting from, the duration of higher flows during drawdown operations at Libby Dam.

SEC. 218. The project for Libby Dam (Lake Koocanusa), Montana, authorized by the Flood Control Act approved May 17, 1950 (64 Stat. 170), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized to reimburse Boundary County, Idaho, for the cost incurred to elevate, relocate, or reconstruct the bridge, located at the mouth of Deep Creek as it joins the Kootenai River, made necessary by the duration of higher flows during drawdown operations at Libby Dam.

SEC. 219. The project for hurricane-flood control protection from Cape Fear to the North Carolina-South Carolina State line, North Carolina, authorized by the Flood Control Act of 1966 (80 Stat. 1418, 1419) is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, may enter into an agreement with non-Federal public bodies to provide for reimbursement of installation costs incurred by such bodies, or an equivalent reduction in the contributions they are otherwise required to make, or a combination thereof, in an amount not to exceed $2,000,000, for work to be performed in the project, subject to the provisions of subsections (b) through (e) of section 215 of the Flood Control Act of 1968.

SEC. 220. The bridge to be built as a part of Interstate Route 35 in the State of Missouri over the Grand River shall be constructed at an elevation sufficient to allow for a maximum pool elevation of eight hundred and thirty-six feet above mean sea level in the proposed Pattonsburg Dam and Lake project.

SEC. 221. Section 205 of the Flood Control Act of 1948 (62 Stat. 1182), as amended (33 U.S.C. 701s), is amended by deleting "$25,000,000" and inserting in lieu thereof "$50,000,000", and is further amended by deleting "$1,000,000" and inserting in lieu thereof "$2,000,000".

SEC. 222. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to perform channel clean-out operations and snagging and clearing for selected streams where chronic and persistent flood conditions eixst in the lower Guyandot River Basin, West Virginia, for the purpose of improving channel capacities, visual environment, and human well-being all in the interest of flood control. Such operations shall be performed as an interim measure pending completion of the R. D. Bailey Lake project at a total cost not to exceed $2,000,000. Appropriate non-Federal public interests as determined by the Secretary of the Army, acting through the Chief of Engineers, shall, prior to initiation of remedial operations, furnish assurances satisfactory to the Secretary of the Army that they will furnish the necessary lands, disposal areas, easements and rights-of-way, and hold and save the United States free from damages due to the clean-out operations.

SEC. 223. Section 224 of the Flood Control Act of 1970 (84 Stat. 1824, 1832) is hereby amended by deleting the comma following "$10,000,000", inserting a period in lieu thereof, and deleting the remainder of the section.

SEC. 224. (a) The Secretary of the Army, acting through the Chief of Engineers is authorized to perform such work as may be necessary to provide for the repair and conversion to a fixed-type structure of dam numbered 3 on the Big Sandy River, Kentucky and West Virginia.

(b) The work authorized by this section shall have no effect on the condition that local interests shall own, operate, and maintain the structure and related properties as required by the Act of August 6, 1956 (70 Stat. 1062).

SEC. 225. (a) The Secretary of the Army (hereinafter the "Secretary") through the Chief of the Corps of Engineers and in accordance with the national recreation area concept included in the interagency report prepared pursuant to section 218 of the Flood Control Act of 1968 (Public Law 90-483) by the United States Army Corps of Engineers, the Department of the Interior, and the Department of Agriculture as modified by this Act, is authorized and directed to establish on the Big South Fork of the Cumberland River in Kentucky and Tennessee the Big South Fork National River and Recreation Area for the purposes of conserving and interpreting an area containing unique cultural, historic, geologic, fish and wildlife, archaelogic, scenic, and recreational values, preserving as a natural, free-flowing stream the Big South Fork of the Cumberland River, major portions of its Clear Fork and New River stems, and portions of their various tributaries for the benefit and enjoyment of present and future generations, the preservation of the natural integrity of the scenic gorges and valleys, and the development of the area's potential for healthful outdoor recreation. The boundaries shall be as generally depicted on the drawing entitled "Big South Fork National River and Recreation Area" numbered BSF-1 and dated September 26, 1972, which shall be on file and available for public inspection in the offices of the United States Army Corps of Engineers.

(b) The Secretary shall establish the Big South Fork National River and Recreation Area by publication of notice thereof in the Federal Register when he determines that the United States has acquired an acreage within the boundaries of the national river and recreation area that is efficiently administrable for the purposes of this Act. The Secretary may revise the boundaries from time to time, but the total acreage within such boundaries shall not exceed one hundred and twenty-five thousand.

(c)(1) Within the boundaries of the Big South Fork National River and Recreation Area, the Secretary may acquire lands and waters or interests therein by donation, purchase with donated or appropriated funds, or exchange or otherwise except that lands owned by the States of Kentucky and Tennessee or any political subdivisions thereof may be acquired only by donation and may exercise the power of eminent domain when necessary. When an individual tract of land is only partly within the boundaries of the national river, the Secretary may acquire all of the tract by any of the above methods in order to avoid the payment of severance costs. Land so acquired outside of the boundaries of the national river and recreation area may be exchanged by the Secretary for non-Federal lands within the national river and recreation area boundaries, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U.S.C. 471 et seq.), as amended. Notwithstanding any other provision of law, any Federal property within the boundaries of the national river and recreation area shall be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of this Act.

(2) With the exception of property or any interest in property that the Secretary determines is necessary for purposes of administration, preservation, or public use, any owner or owners (hereinafter in this section referred to as "owner") of improved property used solely for noncommercial residential purposes on the date of its acquisition by the Secretary may retain the right of use and occupancy of such property for such purposes for a term, as the owner may elect, ending either (A) upon the death of the owner or his spouse, whichever occurs later, or (B) not more than twenty-five years from the date of acquisition. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the term retained by the owner. Such right (i) shall be subject to such terms and conditions as the Secretary deems appropriate to assure that the property is used in accordance with the purposes of this Act, (ii) may be transferred or assigned, and (iii) may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential purposes, and upon tender to the holder of the right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

Any person residing upon improved property, subject to the right of acquisition by the Secretary, as a tenant or by the sufferance of the owner or owners of the property may be allowed to continue in said residence for the lifetime of said person or his spouse, whichever occurs later, subject to the same restrictions as applicable to owners residing upon such property, and provided that any obligation or rental incurred as consideration for said tenancy shall accrue during said term to the Department of the Army to be used in the administration of this Act.

(3) As used in this subsection the term "improved property" means a detached year-round one-family dwelling which serves as the owner's permanent place of abode at the time of acquisition, and construction of which was begun before January 1, 1972, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use: *Provided*, That the Secretary may exclude from any improved property any waters or land fronting thereon together with so much of the land adjoining such waters or land as he deems necessary for public access thereto.

(4) In any case where the Secretary determines that underlying minerals are removable consistent with the provisions of subsection (e)(3) of this Act, the owner of the minerals underlying property acquired for the purposes of this Act may retain said interest. The Secretary shall reserve the right to inspect and relegate the extraction of said minerals to insure that the values enumerated in subsection (a) are not reduced and that the purposes declared in subsection (e)(1) are not interfered with.

(d) The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the Big South Fork National River and Recreation Area in accordance with applicable Federal and State laws, except that he may designate zones where and establish periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any rules and regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State agency responsible for hunting, fishing, and trapping activities.

(e)(1) It is the intent of Congress that the establishment and management of the Big South Fork River and Recreation Area shall be for the purposes of preserving and interpreting the scenic, biological, archeological, and historical resources of the river gorge areas and developing the natural recreational potential of the area for the enjoyment of the public and for the benefit of the economy of the region. The area within the boundary of the river and recreation area shall be divided into two categories; namely, the gorge areas and adjacent areas as hereinafter defined.

(2)(A) Within the gorge area, no extraction of or prospecting for minerals, petroleum products, or gas shall be permitted. No timber shall be cut within the gorge area except for limited clearing necessary for establishment of day-use facilities, historical sites, primitive camp-grounds, and access roads. No structures shall be constructed within the gorge, except for reconstruction and improvement of the historical sites specified in subsections (5) and (6) of this subsection and except for necessary day-use facilities along the primary and secondary access routes specified herein and within five hundred feet of such roads, and except for primitive campgrounds accessible only by water or on foot. No motorized transportation shall be allowed in the gorge area except on designated access routes.

(B) Primary access routes into the gorge area may be constructed or improved upon the general route of the following designated roads: Tennessee Highway Numbered 52, FAS 2451 (Leatherwood Ford Road), the road into the Blue Heron Community, and Kentucky Highway Numbered 92.

(C) Secondary access roads in the gorge area may be constructed or improved upon the following routes: the roads from Smith Town, Kentucky to Worley, Kentucky, the road crossing the Clear Fork at Burnt Mill Bridge, the road from Goad, Tennessee to Zenith, Tennessee, the road from Co-Operative, Kentucky to Kentucky Highway Numbered 92, the road entering the gorge across from the mouth of Alum Creek in Kentucky, the road crossing the Clear Fork at Peters Bridge.

(D) All other existing roads in the gorge area shall be maintained for nonvehicular traffic only: *Provided*, That nothing in this subsection shall abrogate the right of ingress and egress of those who remain in occupancy under subsection (c)(1) of this section.

(E) Road improvement or maintenance and any construction of roads or facilities in the gorge area as permitted by this subsection shall be accomplished by the Secretary in a manner that will protect the declared values of this unique natural scenic resource.

(3) In adjacent areas: the removal of timber shall be permitted only where required for the development or maintenance of public use and for administrative sites and shall be accomplished with careful regard for scenic and environmental values; prospecting for minerals and the extraction of minerals from the adjacent areas shall be permitted only where the adit to any such mine can be located outside the boundary of the recreation area; no surface mining or strip mining shall be permitted; prospecting and drilling for petroleum products and natural gas shall be permitted in the adjacent area under such regulations as the Secretary may prescribe to minimize detrimental environmental impact, such regulations shall provide among other things for an area limitation for each such operation, zones where operations will not be permitted, safeguards to prevent air and water pollution; no storage facilities for petroleum products or natural gas shall be located within the boundary of the project; the Secretary is authorized to construct two lodges with recreational facilities within the adjacent areas so as to maximize and enhance public use and enjoyment of the entire area; construction of all roads and facilities in the adjacent areas shall be undertaken with careful regard for the maintenance of the scenic and esthetic values of the gorge area and the adjacent areas.

(4) The gorge area as set out in subsections (1) and (2) of this section shall consist of all lands and waters of the Big South Fork and its primary tributaries that lie within the gorge or valley rim on either side, excepting that no lands or waters north of Kentucky Highway Numbered 92 shall be included. Where the rim is not clearly defined by topography, the gorge boundary shall be established at an elevation no lower than that of the nearest clearly demarked rim on the same side of the valley. The designated adjacent areas shall consist of the balance of the project area.

(5) The Secretary shall consult and cooperate with the Tennessee Historical Commission and the Rugby Restoration Association and with other involved agencies and associations, both public and private, concerning the development and management of the Big South Fork River and Recreation Area in the area adjacent to Rugby, Tennessee. Development within this area shall be designed toward preserving and enhancing the historical integrity of the community and any historical sites within the boundary of the project.

(6) The Secretary shall provide for the restoration of the Blue Heron Mine community in a manner which will preserve and enhance the historical integrity of the area and will contribute to the public's understanding and enjoyment of its historical value. To that end the Secretary may construct and improve structures within and may construct and improve a road into this community notwithstanding any other provision of this Act.

(7) The Secretary shall study the desirability and feasibility of reestablishing rail transpotration on the abandoned O&W railroad or an alternative mode of transportation within the national river and recreation area upon the O&W roadbed, and shall report his recommendation with regard to development of this facility.

(8) The Secretary shall consult with the Bureau of Outdoor Recreation in the development of a recreation plan for the Big South Fork National River and Recreation Area.

(f) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063) as amended (16 U.S.C. 791a et seq.) on or directly affecting the Big South Fork National River and Recreation Area and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary. Nothing contained in the foregoing sentence however, shall preclude licensing of, or assistance to, developments below or above the Big South Fork National River and Recreation Area or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreation, and fish and wildlife values present in the area on the date of approval of this Act. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary, or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the national river and recreation area and the values to be protected by it under this Act.

(g) The Secretary shall study transportation facilities in the region served by the national river and recreation area and shall establish transportation facilities to enhance public access to the national river and recreation area. In this connection the Secretary is authorized and directed to acquire the ownership and custody of all public roads required to serve the public use area other than State highways and to establish, operate, maintain, and control at Federal cost an interior and circulating road system sufficient to meet the purposes of this Act: *Provided, however,* That any existing public road, which at the time of its acquisition continues to be a necessary and essential part of the county highway system at large, may at the discretion of the Secretary, be relocated outside of said area upon mutual arrangements with the owning agency or else said road shall remain in place and shall be maintained at Federal expense and kept open at all times for general travel purposes. *Provided further,* That nothing in this section shall abrogate the right of egress and ingress of those persons who may remain in occupancy under section c of this section, nor preclude, notwithstanding section c, the adjustment, relocation, reconstruction, or abandonment of State highways situated in the area, with the concurrence of the agency having the custody thereof upon such arrangements as the Secretary deems appropriate and in the best interest of the general welfare.

(h) In furtherance of the purposes of this Act the Secretary, in cooperation with the Secretary of Agriculture, the heads of other Federal departments and agencies involved, and the State of Tennessee and its political subdivisions, shall formulate a comprehensive plan for that portion of the New River that lies upstream from United States Highway Numbered 27. Such plan shall include, among other things, programs (1) to enhance the environment and conserve and develop natural resources; and (2) to minimize siltation and acid mine drainage. Said plan, with recommendations, including as to costs and administrative responsibilities, shall be completed and transmitted to the Congress within one year from the date of this Act.

(i) The Secretary shall consult and cooperate with other departments and agencies of the United States and the States of Tennessee and Kentucky in the development of measures and programs to assure the highest water quality within the Big South Fork National River and Recreation Area and to insure that such programs for the protection of water quality do not diminish other values that are to be protected under this Act.

(j) (1) For the purpose of financially assisting the States of Tennessee and Kentucky, McCreary County, Kentucky, and Scott, Morgan, Pickett, and Fentress Counties in Tennessee, because of losses which they may sustain by reason of the fact that certain lands and other property within them may be included within the national river and recreation area established by this Act and shall thereafter no longer be subject to real and personal property taxes levied or imposed by them, payments shall be made to them on an annual basis and in an amount equal to that which they would have received from such taxes, at the time of the acquisition of such property, but for the establishment of the national river and recreation area.

(2) For the purpose of enabling the Secretary to make such payments during the fiscal years ending June 30, 1973, June 30, 1974, June 30, 1975, June 30, 1976, and June 30, 1977, there are authorized to be appropriated such sums as may be necessary.

(k) There are authorized to be appropriated $32,850,000 to carry out the provisions of this Act.

SEC. 226. Subsection (b) of the first section of the act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426e(b)), is amended in paragraph (3) to read as follows: "Federal participation in the cost of a project providing significant hurricane protection shall be, for publicly owned property, 70 per centum of the total cost exclusive of land costs".

SEC. 227. The project for flood protection on the North Branch of the Susquehanna River, New York and Pennsylvania, authorized by the Flood Control Act of 1958 (72 Stat. 305, 306) is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to pay the J. P. Ward Foundries, Incorporated of Blossburg, Pennsylvania, such sum as he determines equitable to compensate said foundry for long-term economic injury through increased costs as the result of the abandonment of cessation of rail transportation to the foundry due to the construction of the Tioga-Hammond Lakes project. There is authorized to be appropriated not to exceed $1,100,000 to carry out the purpose of this section.

SEC. 228. The Cave Run Lake Project authorized by the Flood Control Act approved June 22, 1936 and June 28, 1938, is modified to provide that the construction of any proposed road to the Zilpo Recreation Area located in Bath and Menifee Counties, Kentucky, shall not be undertaken until there is full opportunity for public review and comment on the environmental impact statement pertaining to such proposed road.

SEC. 229. In honor of the late Richard B. Russell, and in recognition of his long and outstanding service as a member of the United States Senate, the Trotters Shoals Dam and Lakes, Savannah River, Georgia and South Carolina, shall hereafter be known and designated as the Richard B. Russell Dam and Lake and shall be dedicated as a monument to his distinguished public service. Any law, regulation, map, document, or record of the United States in which such project is referred to shall be held and considered to refer to such project by the name of the Richard B. Russell Dam and Lake.

Mr. RANDOLPH. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RANDOLPH. The Committee on Public Works has been greatly aided in the development of the bill which has just been passed by the competent support of its staff. Members of the committee staff who were involved in the preparation of this legislation include John Purinton, professional staff member; M. Barry Meyer, chief clerk and chief counsel; Bailey Guard, minority clerk; Philip T. Cummings, assistant counsel; John W. Yago, Paul Chimes, and Richart Herod of the professional staff; and Polly Medlin, Birdie Kyle, Veronica Holland, Ann Brown, and Rose Chandless of the secretarial staff.

CONSUMER PROTECTION ORGANIZATION ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask that the Senate return to the consideration of the unfinished business.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, the Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 3970) to establish a Council of Consumer Advisers in the executive office of the President, to establish an independent consumer protection agency, and to authorize a program of consumer protection grants, in order to protect and serve the interests of consumers, and for other purposes.

CLOTURE MOTION

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished majority leader, I present a motion to invoke cloture on the pending measure, S. 3970.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair, without objection, directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (S. 3970), a bill to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants in order to protect and serve the interest of consumers and for other purposes.

1. Mike Mansfield.
2. Robert C. Byrd.
3. Jennings Randolph.
4. Richard S. Schweiker.
5. Lloyd Bentsen.
6. Clinton P. Anderson.
7. Birch Bayh.
8. Mark Hatfield.
9. Stuart Symington.
10. George D. Aiken.
11. Philip Hart.
12. Walter Mondale.
13. Mike Gravel.
14. Henry Jackson.
15. John V. Tunney.
16. Warren Magnuson.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the 1 hour for debate on the motion to invoke cloture begin running at 10 o'clock a.m. on Friday next, September 29.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

ORDER REVISING THE ORDER OF RECOGNITION OF SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, to revise the sequence of the orders for the recognition of Senators tomorrow, I ask unanimous consent that the sequence be as follows: Mr. FANNIN, Mr. WILLIAMS, Mr. MOSS, Mr. CRANSTON, Mr. MAGNUSON, Mr. HART, Mr. SYMINGTON, Mr. TUNNEY, Mr. ROBERT C. BYRD, and Mr. SCOTT.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. ROBERT C. BYRD. Mr. President, at the request of the distinguished Senator from Missouri (Mr. MONDALE), I ask unanimous consent that Ellen Hoffman of the staff of the Committee on Labor and Public Welfare be granted privileges of the floor during the consideration of H.R. 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. At the request of the distinguished Senator from Wisconsin (Mr. NELSON), I ask unanimous consent that Richard Foley be accorded the privilege of the floor except during votes during the consideration of H.R. 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL COMMISSION ON MULTIPLE SCLEROSIS ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote by which S. 3659 was read the third time and passed yesterday be reconsidered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I ask unanimous consent that the Committee on Labor and Public Welfare be discharged from further consideration of H.R. 15475, that the Senate proceed to its consideration, and that the text of S. 3659, as passed by the Senate, be substituted therefor.

The PRESIDING OFFICER. Is there objection?

There being no objection the Senate proceeded to consider H.R. 15475, to provide for the establishment of a National Advisory Commission to determine the most effective means of finding the cause of and cures and treatments for multiple sclerosis.

The PRESIDING OFFICER. Without objection, all after the enacting clause will be stricken, and the language of S. 3659 as passed yesterday will be inserted in lieu thereof.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 15475) was read the third time and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that S. 3659 lie on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 8:30 a.m.

The following Senators will be recognized, each for not to exceed the time stated and in the order stated: Mr. FANNIN, 15 minutes; Mr. WILLIAMS, 15 minutes; Mr. MOSS, 15 minutes; Mr. CRANSTON, 15 minutes; Mr. MAGNUSON, 15 minutes; Mr. HART, 15 minutes; Mr. SYMINGTON, 15 minutes; Mr. TUNNEY, 15 minutes; Mr. ROBERT C. BYRD, 10 minutes; and Mr. SCOTT, 15 minutes.

At the conclusion of the orders for the recognition of Senators, there will be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the Senate will return to the consideration of H.R. 1, the welfare bill.

At an appropriate time during the afternoon, to be determined by the distinguished majority leader or his designee, the Senate will resume consideration of the unfinished business, S. 3970, the consumer protection bill.

Conference reports may be called up at any time. Amendments may be called up at any time. Yea-and-nay votes may occur thereon. Tabling motions can occur at any time. Hence, yea-and-nay votes may occur during the day tomorrow.

ADJOURNMENT UNTIL 8:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 8:30 a.m. tomorrow.

The motion was agreed to; and at 6:52 p.m. the Senate adjourned until tomorrow, Thursday, September 28, 1972, at 8:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 27, 1972:

U.S. POSTAL SERVICE

Frederick Russell Kappel, of New York, to be a Governor of the U.S. Postal Service for the remainder of the term expiring December 8, 1974.

Robert Earl Holding, of Wyoming, to be a Governor of the U.S. Postal Service for the remainder of the term expiring December 8, 1973.

HOUSE OF REPRESENTATIVES—*Wednesday, September 27, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

I have come that you might have life and have it more abundantly.—John 10: 10.

O God and Father of us all, who art seeking to guide us into the realization of an abundant life, give to us a mind free from prejudice and always open to the light of truth, a heart sensitive to human need and a will ready to work diligently for all that is noble and good. Leave us not standing in the valley of indecision but lead us through high moral choices, ready sympathy, and a dynamic faith to make a genuine contribution to the life of our Nation.

We pray for our country and for our countrymen. During the days ahead may our people be led along wise paths in selecting our leaders for tomorrow's tasks.

God bless America, land that we love, stand beside her and guide her that she may ever be the land of the free and the home of the brave.

In the spirit of Him who humbles us and yet heartens us we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 6467. An act for the relief of Harold J. Seaborg;

H.R. 7946. An act for the relief of Jerry L. Chancellor;

H.R. 10012. An act for the relief of David J. Foster;

H.R. 10363. An act for the relief of Herbert Improte;

H.R. 12099. An act for the relief of Sara B. Garner;

H.R. 12903. An act for the relief of Anne M. Sack; and

H.J. Res. 1304. Joint resolution authorizing the President to proclaim October 1, 1972, as "National Heritage Day".

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 11047. An act for the relief of Donald W. Wotring;

H.R. 11629 An act for the relief of Cpl. Bobby R. Mullins; and

H.R. 16029. An act to amend the Foreign Assistance Act of 1961, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 447. An act to modify the boundaries of the Santa Fe, Gila, Cibola, and Carson National Forests in the State of New Mexico, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12652) entitled "An act to extend the life of the Commission on Civil Rights, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes."

The message also announced that the Senate insists upon its amendments to the bill (H.R. 15883) entitled "An act to amend title 18, United States Code, to provide for expanded protection of foreign officials, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McClellan, Mr. Eastland, Mr. Burdick, Mr. Hruska, and Mr. Cook to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 3008. An act for the relief of August F. Walz;

S. 3055. An act for the relief of Maurice Marchbanks;

S. 3756. An act for the relief of Frank P. Muto, Alphonso A. Muto, Arthur E. Scott, and F. Clyde Wilkinson; and

S. 3973. An act to establish a system of wild areas within the lands of the national forest system.

APPOINTMENT OF CONFEREES ON H.R. 16029, FOREIGN ASSISTANCE ACT OF 1972

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 16029) to amend the Foreign Assistance Act of 1961, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none, and appoints the following conferees: Messrs. Morgan, Zablocki, Hays, Fascell, Mailliard, Frelinghuysen, and Broomfield.

SERVICE CONTRACT ACT AMENDMENTS

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 15376) to amend the Service Contract Act of 1965 to revise the method of computing wage rates under such act, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 8, strike out ", if the Secretary so elects,".

Page 2, line 7, strike out ", if the Secretary so elects,".

Page 2, line 14, strike out "of" where it appears the first time and insert "if".

Page 3, strike out lines 3 to 12, inclusive, and insert "(c) No contractor or subcontractor under a contract, which succeeds a contract subject to this Act and under which substantially the same services are furnished, shall pay any service employee under such contract less than the wages and fringe benefits, including accrued wages and fringe benefits, and any prospective increases in wages and fringe benefits provided for in a collective-bargaining agreement as a result of arm's-length negotiations, to which such service employees would have been entitled if they were employed under the predecessor contract: *Provided*, That in any of the foregoing circumstances such obligations shall not apply if the Secretary finds after a hearing in accordance with regulations adopted by the Secretary that such wages and fringe benefits are substantially at variance with those which prevail for services of a character similar in the locality.

Page 4, line 2, strike out "thirty" and insert "ninety".

Page 5, line 6, after "1977" insert "and for each fiscal year thereafter,".

Page 5, line 8, strike out "employed." and insert "employed." ".

Page 5, strike out lines 9, 10, and 11.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. GROSS. Mr. Speaker, reserving the right to object, will the gentleman provide a brief explanation of the amendments? Is this to concur in the Senate amendments?

Mr. THOMPSON of New Jersey. It is to concur, and I shall be delighted, if the gentleman will yield, to explain the amendments.

Mr. GROSS. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. First may I briefly give the legislative history. This bill was unanimously reported by the Committee on Education and Labor on July 18, it was passed under a suspension of the rules on August 7. On September 15 the Senate committee unanimously reported the bill with amendments. On September 19 the Senate took up the bill and passed it with three amendments which are briefly as follows:

The House bill contains provisions requiring the Secretary to make wage determinations on the basis of existing contracts. The Senate amendment allows the Secretary to suspend those provisions if after hearing he finds that the rates in the contracts were substantially at variance with prevailing wages in the locality. The effect of the Senate amendment is an additional safeguard against "sweetheart" contracts.

In section 5 the House requires the Secretary to place firms violating the act on the black list within 30 days of finding the violation. The Senate amendment extends this period to 90 days to allow the Secretary additional time.

Mr. GROSS. Does that include any appeal or review procedure?

Mr. THOMPSON of New Jersey. Yes; there is an appeal procedure.

In section 10, the House requires complete coverage of all contracts covered by the act by June 30, 1978. The Senate requires coverage of contracts covering five or more employees, in other words it reduces the number, by June of 1977. The purpose is to prevent administrative difficulties which might result by requiring coverage for every single contract. In other words, the amendment gives the Secretary of Labor much more flexibility. They are the three differences.

Mr. GROSS. I assume all amendments are germane.

Mr. THOMPSON of New Jersey. They are, sir.

Mr. GROSS. Mr. Speaker, I thank my friend, the gentleman from New Jersey, for his explanation and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object I would like to ask the distinguished gentleman from New Jersey, have these amendments been concurred in by the gentleman from Minnesota, the ranking minority member?

Mr. THOMPSON of New Jersey. Yes; they have. In addition they have been concurred in by the ranking minority member of the subcommittee, my distinguished friend, the gentleman from Ohio (Mr. Ashbrook).

Mr. GERALD R. FORD. Those are pretty good credentials.

Mr. THOMPSON of New Jersey. I am very proud of my association with that distinguished gentleman.

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

WHEAT PAYMENTS TO FARMERS

(Mr. POAGE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. POAGE. Mr. Speaker, I want to read a letter from a lady from Oklahoma, addressed to me, and written on yellow tablet paper, which says:

405 W. Grand,
Tonkawa, Okla.

Dear Sir: You are right about Oklahoma wheat farmers hurting. We are happy about the new markets but we are broke and in debt and need desperately the last payment on our wheat subsidy.

It makes Christmas a gloomy prospect at our house.

My brother with four youngsters in their teens depended entirely on that last quarter check for their Christmas last year and are concerned that the Government could take it away without thought. We sell wheat at harvest to cut down interest and pay bills.

I was especially glad to read in paper that in Washington there are some who realize the problem.

Sincerely yours,

MRS. EDWARD SCOTT.

Mr. Speaker, I believe this letter reflects the situation in this portion of the Wheat Belt. It is something I feel our people and their Representatives ought to understand.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, does the gentleman know whether this woman was one who sold her wheat early or late?

Mr. POAGE. She said they sold it early to pay off debts. I do not know the lady, but I certainly have no reason to doubt what she says—in fact I can testify to the very situation which she describes. I have never been able to understand why Members are so ready to question the integrity of every unfortunate person who lives outside of the city limits. You do not hear any of those who try to speak for farm people claim that every city person is rich, but there are far more rich people in urban Chicago than in rural Oklahoma and the average income of rural people, the Nation over is only two-thirds that of the average city person and while only one person in five lives in the country, more than one-half of all the substandard housing of our Nation is in rural areas. We know there are people in both city and country who need help, but here we are only protesting against the failure of the Government to concern itself with people who are being hurt by the action of the Government.

IOWA SIXTH DISTRICT COMMUNITY CONFERENCE

(Mr. MAYNE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MAYNE. Mr. Speaker, during the past 2 days, September 25 and 26, 115 conferees from 24 cities and towns in Iowa's Sixth Congressional District have been in Washington participating in the annual Northwest Iowa Communty Conference. Ten mayors and numerous councilmen, city managers, other city officials, county supervisors, and chamber of commerce executives have participated in intensive briefing sessions conducted by Federal officials who administer the many programs available to Iowa communities.

This is the sixth consecutive year I have had the privilege of organizing the conference, working in close cooperation with the Northwest Iowa Mayor's Assocation. In preparing this year's conference I gave great weight to responses received to a questionnaire I sent to constituents asking what subjects they would like included on the conference agenda. Heavily favored topics to which the conference therefore addressed itself included: Protecting our environment from pollution, welfare reform, medical and hospital services, wage and price controls, and programs for older Americans.

On behalf of the conferees and the people of the Sixth District I want to express our appreciation to Donald Rumsfeld, Counselor to the President and Director of the Cost of Living Council; Caspar Weinberger, Director of the Office of Management and Budget; and many other Government officials for the notable contributions they made in addressing the conference. The hard-working conferees are also to be commended for taking advantage of this unique opportunity to equip themselves to better serve their various constituencies at home. They obtained the maximum amount of practical information on Government programs and policies which it was possible to cram into the very busy 2 days of the 1972 conference.

THE LATE HONORABLE ROBERT RAMSPECK

(Mr. MATHIS of Georgia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MATHIS of Georgia. Mr. Speaker, I would like to join my other colleagues in an expression of sorrow at the death of the Honorable Robert Ramspeck.

Although Mr. Ramspeck had completed his tenure in the House long before I came here, I know that he was an outstanding member of this body. He spent 16 years of his life in Washington as a faithful servant of his country as well as to the State of Georgia.

I do not think this House ever had a Member with more love for his country than Mr. Ramspeck and in his passing this Nation has lost a true and faithful servant.

Mrs. Mathis joins me in condolences to the Ramspeck family.

PERMISSION FOR SUBCOMMITTEE OF COMMITTEE ON SCIENCE AND ASTRONAUTICS TO SIT FOR ONE-HALF HOUR TODAY

Mr. HANNA. Mr. Speaker, I have two unanimous-consent requests to make. I ask unanimous consent that the Subcommittee on Science, Research and Development of the Committee on Science and Astronautics be permitted to sit for one-half hour from 1:30 to 2 p.m. for the purpose of hearing further witnesses.

Mr. GROSS. Mr. Speaker, reserving the right to object, what is the nature of the legislation the committee wishes to consider?

Mr. HANNA. We are concluding hearings on S. 34, a bill on conversion of manpower. It is not likely that the legislation will go any place in terms of floor activity, but I think that this will wind up the entire hearings.

If we could conclude it this afternoon, I think that it would put the committee at rest in terms of this piece of legislation. They would like to get their records complete.

Mr. GROSS. On conversion of manpower?

Mr. HANNA. Yes, on manpower conversion, S. 34.

Mr. GROSS. Well, I am not certain what manpower conversion or converting manpower means.

Mr. HANNA. I assure the gentleman that this will give the committee an opportunity to conclude the hearings and wrap up the testimony as a part of finishing the business of the subcommittee. We would like to be able to do that.

Mr. GROSS. The Science and Astronautics Subcommittee?

Mr. HANNA. Yes, it is.

Mr. GROSS. This in no way involves the metric system?

Mr. HANNA. No, it does not.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

CONTINUING APPROPRIATIONS, 1973

Mr. MAHON. Mr. Speaker, pursuant to the order of the House of Monday last, I call up the joint resolution (H.J. Res. 1306), making further continuing appropriations for the fiscal year 1973, and for other purposes; and I ask unanimous consent that the joint resolution be considered in the House as in the Committee of the Whole.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 1306

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of July 1, 1972 (Public Law 92-334), as amended, is hereby further amended by striking out "September 30, 1972" and inserting in lieu thereof "October 14, 1972".

Mr. MAHON. Mr. Speaker, I move to strike the last word.

Mr. Speaker, this is a six-line joint resolution which merely changes the date of the continuing resolution presently in effect from September 30 to October 14. It provides for the continued interim operation of the Government under the continuing resolution process in the usual manner.

We have now passed all of the regular annual appropriation bills through the House. We passed four measures this year relating to appropriations for fiscal year 1972 and we passed all the measures relating to fiscal year 1973 except the customary closing supplemental. Today we received additional estimates which will be considered in connection with this final bill and we are beginning hearings.

Five of the measures for fiscal year 1973 remain to be finalized.

The State, Justice, Commerce, judiciary and related agencies appropriation bill, which passed the House and the Senate some time ago, is in conference.

The new HEW-Labor bill, replacing the version which was vetoed, passed the House September 19 and is in the other body.

The defense appropriation bill passed the House September 14 and is in the other body.

The foreign assistance appropriation bill passed the House September 21 and is in the other body.

The military construction appropriation bill passed the House September 25 and is in the other body.

The other body, in my opinion, will move with dispatch in getting those bills to the floor. We have had excellent cooperation.

The approval of this continuing resolution simply represents a routine chore which must be performed in order that large portions of the Government may continue to operate in those instances where appropriation bills for fiscal year 1973 have not yet been finalized.

(Mr. MAHON asked and was given permission to revise and extend his remarks, and to include tables and extraneous matter.)

THE APPROPRIATION BILLS OF THE SESSION

Mr. MAHON. Mr. Speaker, during the course of the session I have continued the practice of undertaking to provide the House from time to time with information as to congressional action on the budget.

On the four supplemental measures handled at this session, relating to fiscal year 1972 that ended last June 30, Congress was below the budget requests by about $418 million.

In the annual appropriation bills relating to fiscal 1973, the House has done rather well in terms of holding the total below the President's budget requests. Omitting the vetoed Labor–HEW bill, which was about $1.3 billion above the budget requests, but counting the new Labor-HEW appropriation bill, which was $835 million above the budget requests, the House, in the 13 annual appropriation bills plus the special disaster relief supplemental for this year relating to Hurricane Agnes, has cut the requests by about $5.6 billion, recommending a total of $166.7 billion.

I am referring only to the appropriation bills processed through the Committee on Appropriations.

Since the Senate has not yet handled the defense bill, the new Labor-HEW bill, the foreign assistance bill, or the military construction bill, we cannot render any figures on the Senate record in appropriation bills.

But in terms of the eight regular annual bills enacted into law plus the special disaster relief supplemental relating to the current year, the Congress, in those nine bills, exceeded the President's budget by $322 million. But when the work is all done this fall and we complete action on all the appropriation bills for fiscal 1973, it is now clear that in the appropriation bills the Congress will be significantly within the total budget requests of the President considered in those bills.

At the conclusion of the session, we shall, of course, render a more complete accounting in this respect. For the moment, I include under leave to extend a table of the summary situation in terms of new budget spending authority in the appropriation bills for fiscal 1973 as of this morning:

NEW BUDGET (OBLIGATIONAL) AUTHORITY IN THE APPROPRIATION BILLS FOR 1973

[Note.—As to fiscal year 1973 amounts only]

Bill	Budget request considered	Approved	Change, (+) or (−)
In the House:			
1. Legislative	$433, 627, 004	$427, 604, 764	−$6, 022, 240
2. State-Justice-Commerce-Judiciary	4, 687, 988, 600	4, 587, 104, 350	−100, 884, 250
3. HUD-Space-Science-Veterans	20, 173, 185, 000	19, 718, 490, 000	−454, 695, 000
4. Transportation	2, 909, 181, 095	2, 791, 614, 095	−117, 567, 000
Advance 1974 appropriation	(131, 181, 000)	(131, 181, 000)	
5. District of Columbia (Federal funds)	343, 306, 000	332, 306, 000	−11, 000, 000
6. Labor-HEW (H.R. 15417, Vetoed)	(27, 327, 323, 500)	(28, 603, 179, 500)	(+1, 275, 856, 000)
7. Labor-HEW (H.R. 16654, New bill)	28, 767, 633, 500	29, 603, 448, 500	+835, 815, 000
8. Interior	$2, 520, 340, 000	$2, 529, 558, 200	+$9, 218, 200
9. Treasury-Postal Service-General Government	5, 066, 603, 000	5, 057, 145, 000	−9, 458, 000
10. Public Works—AEC	5, 489, 058, 000	5, 437, 727, 000	−51, 331, 000
11. Agriculture—Environmental and Consumer Protection	12, 952, 177, 400	12, 897, 010, 900	−55, 166, 500
12. Disaster Relief Supplemental, 1973	1, 569, 800, 000	1, 587, 300, 000	+17, 500, 000
13. Defense	79, 594, 184, 000	75, 227, 048, 000	−4, 367, 136, 000
14. Foreign Assistance	5, 163, 024, 000	4, 195, 155, 000	−967, 869, 000
15. Military Construction	2, 661, 384, 000	2, 280, 784, 000	−380, 600, 000
16. Supplemental, 1973			
Total, House bills	172, 331, 491, 599	166, 672, 295, 809	−5, 659, 195, 790
In the Senate:			
1. Legislative	$519, 347, 899	$514, 722, 880	−$4, 625, 019
2. HUD-Space-Science-Veterans	20, 258, 183, 000	20, 583, 370, 000	+325, 187, 000
3. District of Columbia (Federal funds)	343, 306, 000	313, 706, 000	−29, 600, 000
4. State-Justice-Commerce-Judiciary	4, 704, 326, 600	4, 820, 717, 769	+116, 391, 169
5. Transportation	2, 909, 181, 095	2, 906, 994, 095	−2, 187, 000
Advance 1974 appropriation	(131, 181, 000)	(131, 181, 000)	
6. Treasury-Postal Service-General Government	5, 066, 603, 000	5, 057, 186, 000	−9, 417, 000
7. Labor-HEW (H.R. 15417, Vetoed)	(28, 767, 633, 500)	(31, 354, 930, 500)	(+2, 587, 297, 000)
8. Labor-HEW (H.R. 16654, New bill)			
9. Interior	2, 527, 154, 000	2, 550, 922, 800	+23, 768, 800
10. Public Works-AEC	5, 489, 058, 000	5, 571, 696, 000	+82, 638, 000
11. Agriculture-Environmental and Consumer Protection	12, 952, 190, 400	13, 561, 055, 800	+608, 865, 400
12. Disaster Relief Supplemental, 1973	1, 569, 800, 000	1, 587, 300, 000	+17, 500, 000
13. Defense			
14. Military Construction			
15. Foreign Assistance			
16. Supplemental, 1973			
Total, Senate bills (as passed)	85, 106, 783, 494	88, 822, 601, 844	+3, 715, 818, 350
Less: Vetoed Labor-HEW bill	28, 767, 633, 500	31, 354, 930, 500	+2, 587, 297, 000
Total, Senate bills (excl. Labor-HEW)	56, 339, 149, 994	57, 467, 671, 344	+1, 128, 521, 350
Enacted:			
1. Legislative	$519, 347, 899	$513, 787, 980	−$5, 559, 919
2. Treasury-Postal Service-General Government	5, 066, 603, 000	5, 057, 827, 000	−8, 776, 000
3. District of Columbia (Federal funds)	343, 306, 000	316, 393, 000	−26, 913, 000
4. Interior	2, 527, 154, 000	2, 548, 935, 300	+21, 781, 300
5. HUD-Space-Science-Veterans	20, 258, 183, 000	20, 125, 951, 000	−132, 232, 000
6. Labor-HEW (H.R. 15417, Vetoed)	(28, 767, 633, 500)	(30, 538, 919, 500)	(+1, 771, 286, 000)
7. Labor-HEW (H.R. 16654, New bill)			
8. Agriculture-Environmental and Consumer Protection	12, 952, 190, 400	13, 434, 032, 700	+481, 842, 300
9. Public Works-AEC	5, 489, 058, 000	5, 504, 914, 000	+15, 856, 000
10. Transportation	2, 909, 181, 095	2, 867, 937, 095	−41, 244, 000
Advance 1974 appropriation	(131, 181, 000)	(131, 181, 000)	
11. Disaster Relief Supplemental, 1973	1, 569, 800, 000	1, 587, 300, 000	+17, 500, 000
12. State-Justice-Commerce-Judiciary			
13. Defense			
14. Military Construction			
15. Foreign Assistance			
16. Supplemental, 1973			
Total, bills enacted (as sent to President)	80, 402, 456, 894	82, 495, 997, 575	+2, 093, 540, 681
Less: Vetoes Labor-HEW bill	28, 767, 633, 500	30, 538, 919, 500	+1, 771, 286, 000
Total, bills enacted (excl. Labor-HEW)	51, 634, 823, 394	51, 957, 078, 075	+322, 254, 681

COMPREHENSIVE BUDGET SCOREKEEPING REPORT

Mr. MAHON. Mr. Speaker, I again add that the table relates only to the annual appropriation bills. And for better understanding, let me say that the figures are on the traditional new appropriation or new budget obligational authority basis; that is, authority to obligate the Government. The figures are not on an expenditure basis; that is, they are not on the same basis as the $250 billion expenditure ceiling urged by the President and now reported by the Committee on Ways and Means. You must keep in mind in considering these matters that there is a world of difference between authority to obligate the Government and the subsequent—often years later—actual expenditure or disbursement in payment of the obligations.

While the annual appropriation bills encompass the bulk of the outgo side of the budget that Congress annually acts upon, there are a number of nonappropriation bills, either enacted or in the works, that have a very significant impact on the budget recommendations. In that connection, I would again call attention to the periodic budget "scorekeeping" reports issued frequently by the staff of the Joint Committee on the Reduction of Federal Expenditures. The latest one was issued on Monday of last week. Those reports render a comprehensive account of what is happening to the budget as it moves through Congress, both appropriationwise, and expenditurewise, and also revenuewise. It is in these nonappropriation bills at this session that the Congress has severely breached the budget totals.

Mr. Speaker, under leave to extend, I am inserting a few excerpts from the most recent scorekeeping report—the one as of September 18. The report contains considerable information—reliable and objective information—for those who wish to examine the details. A copy has been sent to all Members, as usual.

Specifically, from the latest report:

HIGHLIGHTS

FISCAL 1973 SCOREKEEPING TO DATE

The impact of congressional action to date, September 18, 1972, on the President's fiscal year 1973 requests for budget authority, budget outlays and budget receipts, and the projected unified budget deficit, as shown in this report, may be summarized as follows:

[In millions of dollars]

	House	Senate	Enacted
Budget authority increase:			
Appropriation bills	−5, 279	+1, 129	+322
Legislative bills	+16, 146	+10, 377	−552
Total, budget authority increase	+10, 867	+11, 505	−230
Outlay increase:			
Appropriation bills	−2, 119	+956	+328
Legislative bills	+6, 566	+7, 893	+3, 534
Total, outlay increase	+4, 447	+8, 848	+3, 862
Revenue decrease (increases deficit)	−59	−1, 585	−1, 602
Deficit increase	+4, 506	+10, 433	+5, 464

In terms of completed congressional action to date, major scorekeeping actions affecting the President's budget requests include:

Black lung benefits—increase of $969 million in budget authority and outlays;

Social security benefits—increase of $2.1 billion in outlays due to enactment of a 20% benefit increase instead of a 5% increase as requested;

Social security taxes—decrease of $1.6 billion in revenue due to delay in effective date of proposed wage base increase.

Twelve regular 1973 appropriation bills have been considered as of September 18. Action is shown in this report for eight appropriation bills at the completed stage reflecting a net outlay increase of $232 million. House action on the Defense, Labor-HEW, and Foreign Aid appropriation bills indicates a net outlay reduction of $1,865 million.

Also pending are several legislative bills containing "backdoor" or mandatory spending authorizations. One major bill, the multibillion dollar Water Pollution Control Act, is in conference. House and Senate action on revenue sharing legislation reflects the shift of retroactive fiscal 1972 costs into fiscal 1973 due to delay. Other significant pending legislative measures relate to federal employee benefits, veterans benefits, railroad retirement, school food programs and federal-aid highways. These and other actions are shown in scorekeeping table No. 1.

Users of this report must keep clearly in mind that the Congressional action figures in the report are as of September 18, and will fluctuate almost daily until the end of the session as a result of further Congressional action on pending legislative and appropriation measures.

FISCAL 1973 BUDGET DEFICIT

The following is an analysis of the budget deficit for fiscal year 1973, reflecting budget revisions, amendments and congressional action to date, September 18, 1972:

[In millions]	*(Deficit estimate)*
Original deficit estimate, January 1972 (outlays $246,257 million; receipts $220,785 million)	$25, 472
Budget revisions, as of June 5, 1972:	
Net outlay increase due to certain congressional actions, mainly black lung benefits	+895
Shift of fiscal 1972 revenue-sharing request into fiscal 1973, assuming enactment of retroactive provisions of pending legislation	+2, 250
Net outlay changes, including interest	+583
Revenue revisions	−2, 200
Revised deficit estimate, as of June 5 (outlays $250,000 million; receipts $223,000 million)	27, 000
Amendments to the 1973 budget estimates, as transmitted to date:	
Additional outlays for Vietnam war	+$1, 200
Disaster-relief outlays incident to Hurricane Agnes, etc	+1, 500
Additional outlays for drug abuse programs	+100
Additional outlays for other supplemental requests	+28
Deficit estimate, as revised and amended (outlays $252,828 million; receipts $223,000 million)	29, 828
Congressional action to date (in addition to amounts included in the June 5 budget revisions):	
Social security:	
Payments, 20 percent increase	+2, 100
Revenue loss (due to delay in effective date)	+1, 600
All other outlay changes, net	+867
All other revenue changes	+2
Deficit estimate, as revised and amended, and adjusted by Congressional action (outlays $255,797 million; receipts $221,398 million)	34, 397
Revenue revisions, Sept. 18, 1972 (excluding congressional action)	−$3, 600
Deficit estimate, reflecting further revenue revision of Sept. 18, 1972 (outlays $255,797 million; receipts $225,000 million)	30, 797
Estimated outlay reductions necessary to reach $250 billion outlay level under proposed outlay ceiling	*−5, 797
Deficit estimate, as revised Sept. 18, 1972 (outlays $250,000 million; receipts $225,000 million)	25,000

Fiscal 1973 outlays—Proposed ceiling

In testimony before the House Ways and Means Committee on September 18, 1972, the Administration requested an increase in the debt ceiling and the imposition of a $250 billion ceiling on budget outlays. In this testimony the estimate for the fiscal 1973 unified budget deficit was revised to $25 billion, reflecting a $2 billion net increase in budget receipts.

The September 18 testimony estimated outlays at $250 billion, the same total estimated in the June 5 mid-session revisions. This estimate contemplates imposition of a $250 billion unified budget outlay ceiling for fiscal 1973. Current outlay estimates for Administration budget requests transmitted to date, together with Congressional action to September 18, exceed the total under the proposed ceiling by $5.8 billion. This is analyzed in tabular form as follows:

[In millions]	*Outlay estimate*
Original outlay estimate, January 1972	$246, 257
Amendments to the 1973 budget estimates, transmitted to date	+2, 828
Congressional action to date	+3, 862
Shift of pending 1972 revenue sharing request to fiscal 1973	+2, 250
All other revisions and rounding, net	+600
Outlay estimate, as revised and amended and adjusted to include Congressional action to date (September 18, 1972)	*255, 797
Outlay reductions necessary to reach $250 billion outlay level under proposed ceiling	*−5, 797
Estimated outlays (proposed ceiling), as revised September 18, 1972	250, 000

*Current as of September 18; will fluctuate almost daily as a result of further Congressional action on pending legislative and appropriation measures.

TABLE 1.—ESTIMATED EFFECT OF CONGRESSIONAL ACTIONS DURING THE 2D SESS. OF THE 92D CONG. ON INDIVIDUAL BILLS AFFECTING BUDGET AUTHORITY AND OUTLAYS (EXPENDITURES) (AS OF SEPT. 18, 1972)

[In thousands of dollars]

	Congressional actions on budget authority (changes from the budget)			Congressional actions on budget outlays (changes from the budget)		
Items acted upon	House (1)	Senate (2)	Enacted (3)	House (4)	Senate (5)	Enacted (6)
FISCAL YEAR 1973						
Appropriation bills (changes from the 1973 budget):						
1972 Foreign assistance and related agencies (Public Law 92-242)				[1] −105,000	[1] −105,000	−105,000
Legislative branch (Public Law 92-342)	−6,022	−4,625	−5,560	−5,500	−4,300	−5,200
2d supplemental, 1972 (Public Law 92-306)				−100,000	+550,000	+95,000
State, Justice, Commerce, the Judiciary, and related agencies (H.R. 14989)	−100,884	+116,391	(2)	−74,000	+42,000	(2)
Housing and Urban Development, Space, Science, and related agencies (Public Law 92-383)	−454,695	+325,187	−132,232	−3,500	+94,000	+61,000
Transportation and related agencies (Public Law 92-398)	−117,567	−2,187	−41,244	−75,000	−39,000	−48,000
District of Columbia (Public Law 92-344)	−11,000	−29,600	−26,913	−11,000	−29,600	−26,913
Labor, Health, Education, and Welfare, and related agencies (H.R. 16654) [3]	[4] +835,815			[4] +275,000		
Interior and related agencies (Public Law 92-369)	+9,218	+23,769	+21,781	−7,100	+14,800	+10,000
Treasury, Postal Service and General Government (Public Law 92-351)	−9,458	−9,417	−8,776	−37,000	−37,000	−36,500
Public Works and Atomic Energy (Public Law 92-405)	−51,331	+82,638	+15,856	−20,000	+49,000	+27,700
Agriculture and Environmental and Consumer Protection (Public Law 92-399)	−55,179	+608,866	+481,842	[5] +78,000	[5] +315,000	[5] +250,000
Supplemental, 1972, disaster relief (Public Law 92-337)				+100,000	+100,000	+100,000
Supplemental, 1973, disaster relief (Public Law 92-393)	+17,500	+17,500	+17,500	+6,000	+6,000	+6,000
Department of Defense (H.R. 16593)	−4,367,136			−2,000,000		
Foreign assistance and related agencies (H.R. 16705)	[4] −967,869			[4] −140,000		
Subtotal, appropriation bills	−5,278,608	+1,128,522	+322,254	−2,119,100	+955,900	+328,087
Legislative bills with "backdoor" spending authorizations (changes from the 1973 budget):						
Higher education—student loans (borrowing authority) (Public Law 92-318)	Indefinite	Indefinite	Indefinite	(6)	(6)	(6)
Housing Act of 1972 (contract authority) (S. 3248)		+300,000			(6)	
Highway emergency relief (Public Law 92-361)	−50,000	−50,000	−50,000			
Federal-Aid Highway Act of 1972 (S. 3939)		[4] +1,287,920			(4 6)	
Airport and airways development (contract authority) (S. 3755)		+840,000	(2)			(2)
General revenue sharing (H.R. 14370)	[7] +2,800,000	[7] +2,800,000	(2)	[7] +3,100,000	[7] +3,100,000	(2)
State bond subsidy (permanent) (S. 3215)		[4] +29,000			[4] +29,000	
Water pollution control (contract authority) (S. 2770, H.R. 11896)	[8] +11,000,000	+3,000,000	(2)	+550,000	+150,000	(2)
Freight car loan guarantee (borrowing authority) (S. 1729)		+2,000,000			(6)	
Subtotal, "backdoor"	+13,750,000	+10,206,920	−50,000	+3,650,000	+3,279,000	
Legislative bills with mandatory spending authorizations (changes from the 1973 budget):						
Wage board pay (Public Law 92-392)	[1] +30,000	[1] +30,000	+30,000	[1] +30,000	[1] +30,000	+30,000
Full District of Columbia congressional representation (H.J. Res. 253)	[4] +960			[4] +960		
Federal employee health insurance (H.R. 12202)	+267,900	+39,600	(2)	+267,900	+39,600	(2)
Council on International Economic Policy (Public Law 92-412)	−1,341			−1,316		
School lunch (H.R. 14896)			(9)	[1] +200,000	[1] +200,000	[9] +200,000
Equalization of military retired pay (H.R. 15495)		+6,000	(9)		+6,000	(9)
National Guard retirement (S. 855)		+7,900			+7,900	
Additional military travel allowance (H.R. 3542)	+2,414			+2,414		
POW and MIA leave (H.R. 14911)	+13,400			+13,400		
Military survivor annuity (H.R. 10670)		−17,715	[9] −17,715		−17,715	[9] −17,715
National Foundation for Higher Education (Public Law 92-318)	[1] −90,000		−90,000	[1] −27,000		−27,000
Black lung benefits (Public Law 92-303)	[1] +968,712	+968,712	+968,712	[1] +968,712	+968,712	+968,712
Social security tax and benefit amendments (Public Law 92-336)		[10] −1,600,000	[10] −1,600,000		+2,100,000	+2,100,000
Revenue sharing, HUD (S. 3248)		−490,000			−490,000	
Air traffic controller retirement (Public Law 92-297)	[1] +31,500	+31,500	+31,500	[1] +31,500	+31,500	+31,500
Early retirement—customs inspectors (H.R. 440)	+3,200			+3,200		
Handgun control (S. 2507)		+10,000			+10,000	
Veterans advance educational allowance (H.R. 12828, S. 2161)	+128,700	+692,000	(2)	+124,700	+900,900	(2)
Veterans medical care (H.R. 10880)	(+29,658)	+150,850	(2)	(+29,658)	+150,850	(2)
Veterans nursing home care (H.R. 460)	(+6,900)			(+6,900)		
Veterans paraplegic housing (Public Law 92-341)	+3,500	+5,000	+3,500	+3,500	+5,000	+3,500
Veterans national cemeteries (H.R. 12674)	+39,600			+39,600		
Veterans compensation increase (Public Law 92-328)	+114,900	+169,000	+114,900	+114,900	+169,000	+114,900
Civil Service retirement—firemen (Public Law 92-382)	+6,700	+6,330	+6,700	+6,700	+6,330	+6,700
Civil Service—early retirement (H.R. 11255)	[4] +780,600			[4] +780,600		
Disaster relief, SBA (Public Law 92-385)	+94,772	+159,952	+50,000	+94,772	+159,952	+50,000
Minority enterprises (S. 3337)		+883			+883	
Railroad retirement benefit increase (Public Law 92-336)					+73,000	+73,000
Railroad retirement—20-percent increase (H.R. 15927)		(4)		+261,600	[4] +261,600	
Subtotal, "mandatory"	+2,395,517	+170,012	−502,403	+2,916,142	+4,613,512	+3,533,597
Subtotal, legislative bills [11]	+16,145,517	+10,376,932	−552,403	+6,566,142	+7,892,512	+3,533,597
Total, fiscal year 1973	+10,866,909	+11,505,454	−230,149	+4,447,042	+8,848,412	+3,861,684

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[1] Enacted figure used for comparability.

[2] Subject to or in conference.

[3] Earlier action on Labor-HEW appropriations (H.R. 15417) vetoed by President and sustained by House on Aug. 16, 1972.

[4] Committee action.

[5] Excludes estimated outlay increase of $695,000,000 for certain water pollution reimbursements contingent upon enactment of pending water pollution control legislation (S. 2770 and H.R.11896) now in conference.

[6] Not available.

[7] Due to delayed action, includes effect of shift into fiscal 1973 of $2,500,000,000 in authority and $2,250,000,000 in outlays, together with increases of $300,000,000 in authority and $850,000,000 in outlays.

[8] Consists of $5,000,000,000 provided for fiscal 1973 and advance availability of $6,000,000,000 provided for fiscal 1974.

[9] Pending signature.

[10] Decrease in budget authority for social security reflects less than anticipated tax revenues for trust fund.

[11] Excludes actions taken in 1st sess. of 92d Cong., shown in parentheses above.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

I suppose anything that could be said here today would be entirely futile, as to even suggesting that next year, if we are back here safe and sound as a result of the election, that nothing will be changed next year and we will have four or five, or perhaps a half dozen, continuing resolutions in order to keep going far beyond the preordained date of July 31, when we are supposed to have this business wound up.

I suppose it is entirely futile to suggest anything on this occasion, or to expect it to be remembered next year. This is a pretty futile operation we go through here, especially in a presidential election year, or any other election year, for that matter, of coasting along with continuing resolutions, doing everything but knuckling down and getting the business of the House over with.

I thank the gentleman for yielding.

Mr. MAHON. I am glad to yield to the gentleman. I would say there is much in what he says. His philosophical and historical remarks are very much in order.

Of course, the Appropriations Committee and the appropriations function of the House is not in a state of disrepair, except that we are somehow not able to get the necessary authorizing legislation passed in time for us to take more speedy action on the appropriation bills. We still do not have enacted into law an authorization bill for foreign aid, for a large portion of the Department of Defense, for military construction, and for certain other programs that must be funded under a continuing resolution or in a supplemental appropriation bill.

It is regrettable that because of this factor we are not able to move more rapidly and that some way cannot be worked out where the authorizing process can be handled early in the session so we can be in a position to bring the appropriation bills to the House in a timely and orderly manner. In that way we would expedite the work of the Congress by months and also tend to facilitate a smoother operation of agencies of the executive branch.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. MAHON. I am glad to yield further to the gentleman from Iowa.

Mr. GROSS. The gentleman may have stated it before, but would he repeat how many appropriation bills, aside from the supplemental, are still hanging fire in the House?

Mr. MAHON. They have all passed the House except the supplemental. There are five that remain to be finalized, but they have all passed the House.

Mr. GROSS. All except the supplemental.

Mr. MAHON. The new Labor-HEW bill together with the defense and foreign assistance and military construction appropriation bills have passed the House and are pending in the other body. The State-Justice bill is awaiting conference.

The Appropriations Committee of the other body has faced the same problem we have in that we have not had timely action on authorization bills to permit early handling of the appropriation bills. While we talk about the problem and complain about it and philosophize about it, we have as yet found no way to remedy this situation which confronts us.

Mr. GROSS. Of course, they are in the same position as the House is, except the House does not have the presidential candidate and there are not as many out on the campaign trail in the other body; is that not a fact?

The SPEAKER. The time of the gentleman has expired.

Mr. BOW. Mr. Speaker, I move to strike out the requisite number of words.

Mr. Speaker, I am in favor of this resolution; the minority is in favor of it. But there is so much to what the gentleman from Iowa (Mr. GROSS) has said that I should like to comment.

I will not be here next year to participate in trying to change some of these rules and the methods of handling these bills.

My recollection is that perhaps 20 years ago—I am sure the minority leader will remember, because he was a member of the Committee on Appropriations at that time, and I think Mr. Taber was the chairman of that committee—we had all appropriation bills out of committee and out of the House by the end of May except one, and I think that came in June. I am speaking now from recollection.

The Committee on Appropriations is one of the hardest working committees in the House. They came in, did their work, did it thoroughly and brought the bills to the floor and passed them. But over a period of time now we have been having what I consider to be an erosion of authorization bills to the point where we now have to wait for legislative committees to bring in these authorization bills. We will have finished our hearings, and then we sit by and wait and then have to have the authorization bills cleared up to meet the appropriation.

I have advocated for some time, without much support—and I should hope it might be considered next year—that where authorizations are required and have not been passed by the end of the fiscal year, points of order could not be made against appropriation bills brought in and the Committee on Appropriations could go forward. If you did that, we would not find ourselves in this position.

The gentleman will recall, I am sure, the last time we had a joint resolution in here, he and I had a colloquy and I indicated to him that I was not very optimistic that this date of June 30 would be met. I am much more optimistic about the October 14 date, but it would seem to me that the House should consider a more orderly method of bringing appropriation bills to the floor, and I would hope that next year that will be done, either by rule or by some other action, and I think that this may be accomplished.

There is one other thing I would like to suggest, and that is that with appropriations there be some closer idea given at the beginning of the year as to how much we can afford to spend. This is one of the things that has given me concern as a ranking member. We do not know from one day to the next what the deficits are going to be.

Subcommittees go their merry way bringing in bills, and they are passed. It would seem to me that some consideration should be given to the possibility at the beginning of the session of deciding, perhaps with some cooperation with the Committee on Ways and Means, that there may be a determination made as to what the income will be and what we can afford to spend. Then we can turn over to the subcommittees a recommendation as to what they should stay with. Let them work out the priorities in the subcommittees, but let us have some idea at the beginning of a session as to how much Congress is going to spend. Let us get away from this situation of everybody going their own way and not knowing until we reach the end of the year what our deficits will be.

We have seen deficits grow and grow. I would hate to say what the cost of Government was the day I came here. I am a little bit ashamed at the cost of Government the day I am leaving.

With that, Mr. Speaker, I make that suggestion, and I will be glad to yield to the gentleman from Texas.

(By unanimous consent, at the request of Mr. MAHON, Mr. Bow was allowed to proceed for 5 additional minutes.)

Mr. BOW. I will be delighted to yield further to the gentleman.

Mr. MAHON. I think this would be a good moment to review the proposition that spending by this Government is not a matter solely of the action of Congress on the appropriation bills.

It would appear that the Congress, particularly the House of Representatives, has done a reasonably good job on appropriations this year.

We have gone too far in some instances in my judgment, but when the books are closed on the appropriation bills this year I will be surprised if we are not somewhere in excess of $3 billion under the budget request of the executive branch in new obligational authority and perhaps somewhere around $1 billion under the budget in expenditures.

The problem confronting the country is not so much what Congress does in appropriation bills but what it does in other spending bills that do not originate in the Committee on Appropriations.

The eyes of the Congress and the people tend to be focused on appropriations. While the eyes of the people are being diverted, the budget is being exceeded in spending bills which do not go through the appropriations process. This is where the real trouble is. Unless we can do something about this situation the Congress will have completely lost control of the purse strings.

For example, the revenue sharing appropriation bill amounts to some $30 billion. That was entirely outside the purview of the Committee on Appropriations, and it is a 5-year appropriation item. If that had been handled under the appropriations process, it would have been obvious what was happening, but it was separate and apart from appropriations and not even considered by some as an appropriation bill, although we know, of course, it is pure and simple.

Then we had a bill on water pollution control. We authorized $18 billion in contract authority in addition to multitudinous other programs for clean water and this is completely divorced from the normal appropriations process. The Committee on Appropriations had nothing to do with authorizing actions leading to the expenditure of this money. All we will be asked to do is pick up the tab when the money is spent. The total effect, of course, of this is that the House version of the bill authorizes in this year contract authority to the tune of $11 billion, which was not requested in the budget.

So the trouble we are in today is not as a result of what the House and the Senate have done on appropriation bills but what we have done and are doing on nonappropriation bills. Unless we can focus the attention of the Congress and the country and the legislative and executive branches on this issue I see no way to come to grips with the problem.

I think it is a very good thing that my able friend, my cooperative friend, my friend who is so very profound in the art of legislation and government, has raised this issue in order that we might have this colloquy.

Mr. BOW. Mr. Speaker, I quite agree with the gentleman from Texas that these authorization bills, or back-door spending, and things of that kind, have come along since my first days on the committee. I think that this erosion of the authority of the appropriations committee is something that should be considered and studied. This kind of legislation is getting the House into all this trouble. There should be a careful study made and a complete review of the manner in which these deficits come about, and unless they do the deficits are going to grow greatly, and we will be in real trouble.

Mr. MAHON. If the gentleman will yield further, we can have a committee made up of a certain number of the members of the Committees on Appropriations of the House and Senate and a number of members from the Committee on Ways and Means, and the Senate Finance Committee, and certainly they can deliberate and declare whatever they believe to be the facts. But then what is going to keep another committee of Congress from coming out with legislation that may exceed the budget? What is to prevent other committees coming out with such bills mandating spending through contract authorization or otherwise?

How do we do this job then? It should be a unified effort on the part of the leadership and Members of the House.

The SPEAKER. The time of the gentleman from Ohio has again expired.

(By unanimous consent, Mr. Bow was allowed to proceed for 5 additional minutes.)

Mr. BOW. Mr. Speaker, has the gentleman from Texas finished his comments?

Mr. MAHON. Yes, and I thank the gentleman from Ohio for yielding to me.

Mr. JONAS. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman from North Carolina (Mr. JONAS).

Mr. JONAS. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Ohio, and also those of the distinguished chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON). I agree with everything both of them have said.

There is one other point that has not been mentioned, and I want to make it for the record.

Anticipating that I will not be here next year, and that I am winding up my legislative career at the adjournment of this Congress, I asked the Clerk of the Committee on Appropriations to figure up and tabulate year by year the amount of budget cuts that the Committee on Appropriations has recommended to the Congress during the 18 years I served on the committee. I was amazed myself when those figures were added up to find that our Committee on Appropriations during this period of time has cut $90 billion off of the budget requests of five Presidents.

Now, when we brought those recommendations to this floor all of those cuts did not stand up. Some of them were restored in this Chamber, some were restored in the other Chamber, and some in conference. But I think that that was a pretty good record for the House Committee on Appropriations during that period of time. If our recommendations had been followed, in detail and in particular, the position of the Treasury of our Government would be $90 billion better off than it is today, and we would not have the national debt of the size it is today, and we would not be pouring down the drain around $20 billion a year in interest just for the privilege of not paying our debts.

Mr. BOW. I appreciate the comments of the gentleman from North Carolina.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BOW. I will be glad to yield to the gentleman from Massachusets (Mr. BURKE).

Mr. BURKE of Massachusetts. Mr. Speaker, I want to commend the chairman of the Committee on Appropriations and the ranking member of the Committee on Appropriations.

I do not think there are two more dedicated men in this House who have tried to bring the problems of a ceiling on spending together.

I want to point out that this bill, which is coming into the Congress next week, will abdicate all the powers of Congress and all the powers of the Committee on Appropriations and all the power of the Committee on Ways and Means, and it is going to put down in the hands of a little man in that Budget Bureau down there, the right to set the priorities in spending.

I, for the life of me, cannot believe that the Congress cannot accept its full responsibility, as set out in our Constitution, and in our structure of government.

Here the President has a right to veto any expenditure bill that hits his desk. He has been using that power and prerogative whether he has it or not of withholding and freezing funds.

Yet, on top of this, he is asking for further powers, to be able to set a ceiling of $250 billion on the spending ceiling. The testimony of his own administration before the Committee on Ways and Means indicates that a ceiling of $225 billion is all that is needed. In other words, the administration in my opinion is looking for a cushion of over $25 billion in that spending ceiling that is coming before this House. This kind of bothers me.

I think we can get together. I think the Committee on Ways and Means and the Committee on Appropriations and the other chairmen of the various committees of the House can sit down and work out their responsibility.

As the gentleman from Ohio and the gentleman from Texas have pointed out, we have the responsibility here. We have the responsibility and under this bill that is coming in here, they will be—we will be able to put bills through spending as high as $350 billion. Every man in this House can be a good fellow and wear the white hat and be happy and be a good fellow on that $350 billion expenditure and it can go before the President and he can sign the bill and then that little fellow in there, in the Budget Office, will say, "No, you cannot spend it here or there."

I think the Congress should exercise its responsibility of control of the spending ceiling.

The gentleman from Ohio, the gentleman from Texas, and myself might differ as to where those priorities are—but let us set a ceiling on spending. Let the Congress set the priorities of where that money will be spent.

Mr. BOW. I thank the gentleman for his contribution.

Mr. HALL. Mr. Speaker, I move to strike out the requisite number of words.

Mr. Speaker, I have listened very attentively to the colloquy between the chairman of the Committee on Appropriations and the ranking minority member as well as others including those like myself who plan to retire from their legislative duties at the end of this term.

In the long range planning of a system of checks and balances, and in the hastening urgency to check the executive branch by the legislative branch and maintain surveillance, oversight, and review according to the Constitution; let us not hasten in any future year or specific way to separate legislative committees from the operating committees of the House of Representatives.

Let us not hasten to form an ad hoc committee of the vaunted fraternity known as the Committee on Appropriations which, in turn, was a split-off of the original Committee on Ways and Means as the Banking and Currency Committee was a subsequent split-off of both, in the multiple reorganizations of this House; at the sacrifice of line-item review and at the sacrifice of the system of checks and balances within our own body.

We can and will amend the rules, as necessary, to perform properly in accordance with the Constitution, and even according to the Reorganization Act of 1970, which set the terminal date of July as the time for ending up the so-called short or second session of each Congress.

Mr. Speaker, what I am trying to do is to say in simple phrases that there is another side to this question. You have at least two committees of the Congress—one the Committee on House Administration and the other the Joint Committee on Continuing Congressional Operations with a Council for Congress therein, which are working on this very problem, and indeed the distinguished gentleman from Texas, the chairman of the Committee on Appropriations, testified for I believe 3 days about the problem of the balance between the executive and the legislative branches and a system of checks and balances and, indeed, the problem of operating and appropriating committees versus those of the legislative or authorizing committees.

There are ways that it can be handled and some of them have already been suggested. For example, there is nothing wrong with saving the time of the executive branch and, indeed, the committee members of these all important committees by having joint hearings, if it was not for the pride of leadership, chairmanship and of prerogative and of jurisdiction on occasion between the two bodies and the legislative branch—to say nothing between different committees—those of the authorizing authority and those of operating authority in the House.

All of these things are being studied at the present time, so I would hope that at no given time would we set at date for a spastic and too sudden change of the rules or the regulations and the order of procedure of the House that would do away with very basic tried and proved principles and fundamentals such as those of checks and balances and such as the right of surveillance, oversight, and review, gained by all elected Members of Congress rather than a selected few.

Mr. JONAS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Speaker, I agree with the gentleman from Missouri that we should not rush blindly into a change of the rules. But as the fact is that we did not clear the military construction bill in the House until Monday of this week, and we had to get a rule to do that because the authorizing legislation has not even cleared conference. I do not know how we can finish up our work in July if we have to wait on authorizing legislation.

Mr. HALL. The date is July 31, and, of course, the committee has flaunted and obfuscated all of the rules of the Reorganization Act of 1970 on practically every bill, starting as early as March of this year insofar as waiving the 3-day rule and insofar as waiving the points of order of nonauthorization prior to operating or appropriation bills.

Be that as it may, Mr. Speaker, the point of my observation is that maybe we need to speed up the authorizing committees in this case, the Military Construction Subcommittee of the Committee on Armed Services, my own committee. I have no flaw to pick in that observation, but my purpose has been served if I have pointed out to the Speaker and the Members that there are committees presently working on this problem. It is a very difficult problem, but we must solve it without yielding our ground rules on checks and balances, our right to know, and above all our purse string control.

Mr. MAHON. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 353, nays 4, not voting 73, as follows:

[Roll No. 387]

YEAS—353

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashley
Aspin
Aspinall
Badillo
Baker
Barrett
Begich
Belcher
Bennett
Bergland
Biester
Bingham
Blackburn
Boggs
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conover
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Dellums
Dennis
Dickinson
Diggs
Dingell
Donohue
Downing

Drinan
Dulski
Duncan
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Eshleman
Evins, Tenn.
Fascell
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Green, Pa.
Griffin
Grover
Gubser
Gude
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kyl
Kyros
Landgrebe
Landrum
Leggett
Lennon
Lent
Link
Lloyd

Long, La.
Long, Md.
McCloskey
McClure
McCollister
McCormack
McDade
McEwen
McFall
McKevitt
McKinney
Macdonald, Mass.
Madden
Mahon
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Michel
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Mizell
Mollohan
Monagan
Moorhead
Morgan
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Pelly
Pepper
Perkins
Pettis
Pickle
Pike
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reuss
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Scherle
Schneebeli
Schwengel
Sebelius
Seiberling
Shipley
Shoup

Shriver
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield

Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Veysey
Vigorito
Waggonner
Wampler
Ware

Whalen
Whalley
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—4

Ashbrook
Gross

Hall

Rarick

NOT VOTING—73

Annunzio
Baring
Bell
Betts
Bevill
Biaggi
Blanton
Blatnik
Boland
Byrnes, Wis.
Clay
Davis, S.C.
de la Garza
Denholm
Dent
Derwinski
Devine
Dorn
Dow
Dowdy
Dwyer
Erlenborn
Evans, Colo.
Findley
Galifianakis

Gallagher
Garmatz
Gray
Green, Oreg.
Griffiths
Hagan
Halpern
Harvey
Hathaway
Hébert
Hosmer
Jones, Tenn.
Kuykendall
Latta
Lujan
McClory
McCulloch
McDonald, Mich.
McKay
McMillan
Mailliard
Metcalfe
Mikva
Minshall

Mitchell
Montgomery
Murphy, Ill.
Nichols
Patten
Peyser
Pirnie
Price, Tex.
Pucinski
Purcell
Reid
Rhodes
Rooney, N.Y.
Saylor
Scheuer
Schmitz
Scott
Sikes
Smith, Calif.
Vanik
Waldie
Widnall
Wright
Wylie

So the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Derwinski.
Mr. Hébert with Mr. Rhodes.
Mr. Sikes with Mr. Devine.
Mr. Boland with Mr. Latta.
Mr. Blatnik with Mr. Bell.
Mr. Mikva with Mr. Erlenborn.
Mr. Montgomery with Mr. Betts.
Mr. Biaggi with Mr. Pirnie.
Mr. Davis of South Carolina with Mr. Kuykendall.
Mr. Dent with Mr. Saylor.
Mr. Garmatz with Mr. McClory.
Mr. Rooney of New York with Mrs. Dwyer.
Mr. Reid with Mr. McDonald of Michigan.
Mr. Murphy of Illinois with Mr. Minshall.
Mr. Nichols with Mr. Smith of California.
Mr. Patten with Mr. Widnall.
Mr. Evans of Colorado with Mr. Lujan.
Mr. Gray with Mr. Byrnes of Wisconsin.
Mrs. Green of Oregon with Mr. Halpern.
Mr. Waldie with Mr. Mailliard.
Mr. Jones of Tennessee with Mr. Findley.
Mr. Denholm with Mr. Hosmer.
Mr. Purcell with Mr. Price of Texas.
Mrs. Griffiths with Mr. Harvey.
Mr. Dorn with Mr. Scott.
Mr. Hathaway with Mr. Schmitz.
Mr. Wright with Mr. Wylie.
Mr. Dow with Mr. Peyser.
Mr. Pucinski with Mr. McCulloch.
Mr. Blanton with Mr. Baring.
Mr. de la Garza with Mr. Gallagher.
Mr. Mitchell with Mr. Galafianakis.
Mr. Clay with Mr. Scheuer.
Mr. McKay with Mr. McMillan.
Mr. Metcalfe with Mr. Hagan.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL ANNOUNCEMENT

(Mr. DULSKI asked and was given permission to address the House for 1 minute.)

Mr. DULSKI. Mr. Speaker, under leave of the House I was absent on official business and missed five rollcall votes. Had I been present, I would have voted "yea" on rollcalls Nos. 376, 382, 383, and 384. On rollcall No. 380 I would have voted "nay."

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. YOUNG of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

RECLAMATION PROJECTS AUTHORIZATION

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, and on behalf of the chairman of the Committee on Rules, the gentleman from Mississippi (Mr. Colmer), I will call up House Resolution 1137 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1137

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16012) to authorize the Secretary of the Interior to construct, operate, and maintain various Federal reclamation projects, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 16012, the Committee on Interior and Insular Affairs shall be discharged from the further consideration of the bill S. 520, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 16012 as passed by the House.

The SPEAKER. The gentleman from Texas (Mr. Young) is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Nebraska (Mr. Martin), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1137 provides an open rule with 1 hour of general debate for consideration of H.R. 16012 to authorize funds to construct, operate, and maintain various Federal reclamation projects. The bill shall be read for amendment by titles instead of by sections and, after passage of the bill, the Committee on Interior and Insular Affairs shall be discharged from further consideration of S. 520 and it shall be in order to move to strike all after the enacting clause of the Senate bill and amend it with the House-passed language.

The purpose of the bill is to authorize the Secretary of the Interior to construct, operate, and maintain water resource development programs under the general provisions of the Federal reclamation law.

There are five separate projects located in four different States, as follows: the Closed Basin division, San Luis Valley project, Colorado; the Brantley project, New Mexico; the Salmon Falls division, Upper Snake River project, Idaho; the O'Neill unit, Pick-Sloan Missouri Basin program, Nebraska; and the North Loup division, Pick-Sloan Missouri Basin program, Nebraska.

The total amount in the bill which is authorized to be appropriated is $318,909,000.

The bill was ordered reported unanimously by the legislative committee.

Mr. Speaker, I urge the adoption of the resolution in order that the legislation may be considered.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the distinguished gentleman from Texas (Mr. Young) has explained, House Resolution 1137 provides for an open rule with 1 hour of debate on the bill, H.R. 16012.

The legislation authorizes five reclamation projects in the States of Colorado, New Mexico, Idaho, and Nebraska.

Mr. Speaker, I support the rule and support the legislation.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. JOHNSON of California. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16012) to authorize the Secretary of the Interior to construct, operate, and maintain various Federal reclamation projects, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 16012, with Mr. Roberts in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. Johnson) will be recognized for 30 minutes, and the gentleman from Idaho (Mr. McClure) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. Johnson).

Mr. JOHNSON of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. Aspinall), chairman of the full committee.

Mr. ASPINALL. Mr. Chairman, H.R. 16012 is a bill to authorize the Secretary of the Interior to construct, operate, and maintain various Federal reclamation projects, and for other purposes. It is comprised of five titles, each of which authorizes a distinct project, division or unit of a project. I support each and every one of the undertakings and commend them to the favorable view of all Members of the House.

This measure was developed by the Subcommittee on Irrigation and Reclamation under the chairmanship of the gentleman from California (Mr. Johnson). He has worked with the projects and understands the details of them all. It is my intention to defer most of the technical explanation to him and to confine myself to some of the broader policy implications of this bill and the programs contained therein.

Members may note that the Committee on Interior and Insular Affairs has not normally reported omnibus-type legislation when authorizing reclamation projects. It has, indeed, been our custom to consider and pass individual projects in individual bills. We have departed from our normal practice in this instance for two clear reasons. First of all, the committee experienced extreme difficulty in eliciting departmental reports on all of our bills. In fact, some reports were received so late that we were unable to hold hearings until mid-1972 despite having requested them in March of 1971. Accordingly, all of the programs were ready for reporting at approximately the same time. Second, there is the matter of administrative efficiency and the savings in time and paperwork on the part of the committee, the Committee on Rules and the House. It is unarguably more efficient to pass one bill than to go through the legislative procedure five separate times.

The price tag on the five programs authorized by H.R. 16012 is $318,909,000 based on the most recent estimates for each project. Generally, the price levels are as of late 1971 or 1972. I realize, as did the committee during its consideration of the measure, that this represents a large authorization for the Bureau of Reclamation. Putting this in perspective, however, I would like to emphasize that there were no projects authorized during the first session of the 92d Congress and this is the only authorization measure that will be before the House during this, the second session.

H.R. 16012 thus represents a 2-year program which by comparison with the past decade or more is relatively modest. Actually, the amount of money authorized to be appropriated by this legislation is less than one-half the amount which Congress has appropriated for reclamation construction for fiscal years 1972 and 1973; the appropriated amount being on the order of $700 million. This illustrates that we are indeed making inroads on the backlog of unfunded reclamation projects which at one time amounted to more than $5 billion and which was a matter of serious concern to the committee, the House, and the executive branch as well.

The Subcommittee on Irrigation and Reclamation held individual hearings both in the field and in Washington on four of the five projects listed in the bill, and held two Washington hearings on the fifth project. They were subjected to the customary scrutiny given to reclamation projects during the executive review process and in committee deliberations. Each program has demonstrated a benefit-cost ratio of greater than 1 to 1 at up-to-date prices and at discount rates appropriate to their consideration; that is to say, at 5⅜ percent or thereabouts.

Mr. Chairman, in my remaining time I would like to highlight a few policy issues pertaining to some, if not all, of the items in the bill. First of all, I invite the attention of Members to title I which authorizes the Closed Basin division, San Luis Valley project in my State of Colorado. This is not a typical reclamation project even though it is being authorized under reclamation law. Its principal purpose and its justification is to salvage water from a land-locked area of the San Luis Basin for delivery to the Rio Grande for subsequent utilization in the States of Texas and New Mexico. This program will accomplish two things. It will enable the State of Colorado to discharge its obligations under the Rio Grande compact without disruptive influence on existing water uses in Colorado and will enable the United States to meet its treaty commitments to the Republic of Mexico more consistently than has been the practice over the last 30 years.

It is for the latter reason that our committee decided that the cost of salvaging this water should be nonreimbursable under reclamation law—at least so long as the water was being used for these ends. At some future date, if surplus water from the program should become available for application within the State of Colorado, that water would be marketed under the provisions of law requiring reimbursement. I trust and believe that the House of Representatives will see the wisdom and equity of the committee's position on this issue and enact the legislation in the form in which it has been reported.

Also, in connection with the Closed Basin division, there is understandable concern on the part of the State of Texas that high-quality water will be furnished to the river from the Closed Basin. The bill includes language which mandates the Secretary of the Interior to operate the project in such a way that it may never be the cause of the Rio Grande being in violation of water quality standards. This means the Rio Grande in Colorado, the Rio Grande in New Mexico, and the Rio Grande in Texas all the way to Fort Quitman, Tex. In other words, Mr. Chairman, if it can be shown that this program is jeopardizing water quality at any point on the Rio Grande, the Secretary would be obliged to discontinue operation under the law.

One other significant policy issue is contained in this bill which I want the Members to clearly understand. This item concerns the Brantley project on the Pecos River in New Mexico. This project will provide flood control for the city of Carlsbad, N. Mex., facilitate regulation of water supply for irrigation, enhance fish and wildlife, and create an outstanding outdoor recreation resource. In this sense, the program is typical of many other reclamation programs. It will, however, perform a more critical purpose in that it will eliminate the constant threat of disaster to the city of Carlsbad now posed by the possibility of failure of two existing Federal structures on the river. The existing McMillan and Avalon Dams of the Carlsbad Federal reclamation project are structurally unsound and subject to failure under flood stress. Since their functions will be supplanted by the Brantley project, the Committee on Interior and Insular Affairs has determined that an amount equivalent to the cost of rehabilitating these structures to a safe condition should be borne at Federal expense.

Mr. Chairman, the other titles of H.R. 16012 will authorize multiple-purpose reclamation programs having irrigation as their major purpose. They are straightforward programs which have been found to be economically justified, financially feasible, and soundly designed. They are supported by the executive branch and, although they have varying degrees of scattered opposition from special interests on peripheral aspects of their development, they are strongly endorsed by all levels of State and local government and have a broad base of citizen support in their immediate and adjacent areas. They are in the mold of the programs which have made wide areas of the Western United States viable places to live and which have created islands of prosperity, contributing greatly to our national economic strength and well-being.

Mr. Chairman, this is probably the last time I shall stand in this well to speak in behalf of the Federal reclamation program. I would like to take this opportunity to record the fact that since entering the House of Representatives there have been 102 Federal reclamation authorizations enacted by the Congress. I believe that each and every one of them were in the public interest and are making, or will make, lasting contributions to the public good. The programs contained in H.R. 16012 are no less significant and are equally deserving of the overwhelming support which this body has given to the program down through the years.

LEGISLATIVE AUTHORIZATIONS ENACTED BY CONGRESS DURING MR. ASPINALL'S INCUMBENCY

No. and year	Project	State	Public Law	Estimated cost at time of authorization
1—1949	Eden, completion	Wyoming	81-132	$4,667,000
2—1950	Central Valley, American River Division.	California	81-356	54,742,000
3—1950	Fort Sumner	New Mexico	81-192	1,798,000
4—1950	Weber Basin	Utah	81-273	69,500,000
5—1951	Canadian River	Texas	81-898	86,656,000
6—1951	Central Valley, Sacramento Canals.	California	81-839	42,000,000
7—1951	Eklutna	Alaska	81-628	20,635,400
8—1951	Minidoka: American Falls Power Div.	Idaho	81-864	6,600,000
9—1951	North Side Pumping Div	do	81-864	11,395,000
10—1951	Palisades (reauthorized)	do	81-864	76,601,000
11—1951	Vermejo	New Mexico	81-848	2,959,000
12—1953	Collbran	Colorado	82-445	16,086,000
13—1955	Chief Joseph Dam, Foster Creek.	Washington	83-540	4,798,000
14—1955	Deschutes, Haystack Dam	Oregon	83-573	1,600,000
15—1955	Michaud Flats	Idaho	83-741	5,500,000
16—1955	Missouri River Basin: Glendo unit.	Wyoming	83-503	50,859,000
17—1955	Ainsworth unit	Nebraska	83-612	25,736,000
18—1955	Palo Verde	California, Arizona	83-752	7,099,000
19—1955	Rogue River Basin, Talent Div. and Rehab.	Oregon	83-606	22,900,000
20—1955	Santa Maria	California	83-774	16,982,000
21—1956	Central Valley, Trinity River.	do	84-386	225,000,000
22—1956	Colorado River storage and participating.	5 States	84-485	750,000,000
23—1956	Gila, Yuma Mesa	Arizona	84-394	1,350,000
24—1956	Ventura River	California	84-423	27,600,000
25—1956	Wapinitia, Juniper Division	Oregon	84-559	563,000
26—1956	Washita Basin	Oklahoma	84-419	40,600,000
27—1956	Curecanti unit	Colorado	84-485	610,000,000
28—1956	Flaming Gorge unit	Utah, Wyoming	84-485	74,648,000
29—1956	Glen Canyon unit	Arizona, Utah	84-485	379,143,000
30—1956	Navajo unit	New Mexico, Colorado.	84-485	32,933,000
31—1956	Central Utah	Utah	84-485	207,939,600
32—1956	Emery County	do	84-485	8,879,000
33—1956	Florida	Colorado	84-485	6,247,400
34—1956	Hammond	New Mexico	84-485	2,071,800
35—1956	La Barge	Wyoming	84-485	1,506,000
36—1956	Lyman	Wyoming, Utah	84-485	9,507,600
37—1956	Paonia, including Minnesota unit.	Colorado	84-485	4,418,100
38—1956	Pine River extension	Colorado, New Mexico.	84-485	4,524,300
39—1956	Seedskadee	Wyoming	84-485	20,944,800
40—1956	Silt	Colorado	84-485	3,020,400
41—1956	Smith Fork	do	84-485	3,030,300
42—1956	Transmission Div	Various	84-485	
43—1957	Little Wood River	Idaho	84-993	1,880,000
44—1957	Missouri River Basin, Farwell unit, amend.	Nebraska	84-952	(1)
45—1957	Washoe	Nevada, California	84-858	43,700,000
46—1958	Chief Joseph Dam, Greater Wenatchee.	Washington	85-393	10,280,000
47—1958	Colorado River Front wk. and LS, protective wks	Arizona, California	85-389	(1)
48—1958	Lower Rio Grande, Mercedes Div.	Texas	85-370	10,100,000
49—1958	McMillan Delta	New Mexico	85-333	$2,750,000
50—1958	San Angelo	Texas	85-152	32,220,000
51—1959	Glendo, Gray Reef Dam	Wyoming	85-695	700,000
52—1959	Red Willow Dam	Nebraska	85-783	(1)
53—1959	Washoe (Prosser Creek Dam)	California, Nevada	85-706	8,300,000
54—1960	Central Valley, San Luis unit	California	86-488	483,080,000
55—1960	Crooked River, extra capacity	Oregon	86-271	(1)

Footnote at end of table.

LEGISLATIVE AUTHORIZATIONS ENACTED BY CONGRESS DURING MR. ASPINALL'S INCUMBENCY—Continued

No. and year	Project	State	Public Law	Estimated cost at time of authorization
56—1960	Lower Rio Grande, La Feria Div.	Texas	86-357	6, 000, 000
57—1960	Norman	Oklahoma	86-529	19, 042, 000
58—1960	Spokane Valley	Washington, Idaho	86-276	5, 100, 000
59—1960	Vale, Bully Creek Extension	Oregon	86-248	3, 326, 000
60—1961	The Dalles, Western Div	do	86-745	6, 000, 000
61—1961	Wichita, Cheney, Div	Kansas	86-787	18, 274, 000
62—1962	San Juan-Chama participating, initial stage.	Colorado, New Mexico.	87-483	85, 828, 000
63—1963	Arbuckle	Oklahoma	87-594	13, 340, 000
64—1963	Baker, Upper Div	Oregon	87-706	6, 168, 000
65—1963	Chief Joseph Dam, Oroville-Tonasket.	Washington	87-762	3, 210, 000
66—1963	Fryingpan-Arkansas	Colorado	87-590	170, 000, 000
67—1963	Mann Creek	Idaho	87-589	3, 490, 000
68—1963	Rogue River Basin, Agate Dam.	Oregon	87-727	1, 802, 000
69—1963	Snettisham, Crater-Long Lakes Div.	Alaska	87-874	31, 634, 000
70—1965	Chief Joseph Dam, Whitestone Coulee.	Washington	88-599	5, 312, 000
71—1965	Crooked River extension	Oregon	88-598	1, 132, 000
72—1965	Dixie	Utah	88-565	42, 700, 000
73—1965	Pacific NW.-SW. intertie	Arizona, California-Nevada.	88-552	130, 630, 000
74—1965	Bostwick Park	Colorado	88-568	47, 000, 000
75—1965	Fruitland Mesa	do	88-568	
76—1965	Savery-Pot Hook	Colorado, Wyoming		
77—1965	Pecos River water salvage	New Mexico Texas	88-594	2, 500, 000
78—1965	Teton Basin, Lower Teton Div.	Idaho	88-583	52, 000, 000
79—1966	Central Valley Auburn-Folsom South unit.	California	89-161	425, 000, 000
80—1966	Columbia Basin, 3d powerplant.	Washington	89-448	390, 000, 000
81—1966	MRB, Garrison Div. unit	North Dakota, South Dakota.	89-108	207, 000, 000
82—1966	Southern Nevada Water	Nevada	89-292	81, 003, 000
83—1967	Chief Joseph Dam Manson unit.	Washington	89-557	13, 344, 000
84—1967	Tualatin	Oregon	89-596	20, 900, 000
85—1968	Central Valley, San Felipe Div	California	90-72	92, 380, 000
86—1968	Missouri River Basin, increase	10 States	90-89	8, 000, 000
87—1969	Central Arizona	Arizona, New Mexico.	90-537	832, 180, 000
88—1969	Animas-La Plata	Colorado, New Mexico.	90-537	115, 880, 000
89—1969	Dallas Creek	Colorado	90-537	42, 310, 000
90—1969	Dolores	do	90-537	53, 850, 000
91—1969	San Miguel	do	90-537	73, 140, 000
92—1969	West divide	do	90-537	106, 580, 000
93—1969	MRB, Oahe Unit, James Division, initial stages.	South Dakota	90-453	191, 670, 000
94—1969	Mountain Park	Oklahoma	90-503	19, 978, 000
95—1969	Palmetto Bend, 1st stage	Texas	90-562	34, 100, 000
96—1970	Rathdrum Prairie, East Greenacres unit.	Idaho	91-286	$4, 965, 000
97—1970	Rogue River Basin Merlin Div.	Oregon	91-270	28, 470, 000
98—1970	Yakima, Kennewick Div. extension.	Washington	91-66	6, 735, 000
99—1971	MRB, Garrison Diversion, Minot extension.	North Dakota	91-415	$12, 900, 000
100—1971	Narrows unit	Colorado	91-389	68, 050, 000
101—1971	Riverton unit	Wyoming	91-409	12, 116, 000
102—1971	Walla-Walla project Touchet Div.	Oregon, Washington	91-307	22, 774, 000

[1] Not available.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to the gentleman from California.

Mr. JOHNSON of California. I thank the gentleman for yielding. At this time, I just want to say that I think the Congress is losing one of the most capable chairmen it has ever had here today. I have been associated with this committee now for the past 12 years. I have looked into the records that were established in the field of reclamation, and I find that our worthy chairman, who is in the well now, handled all of these pieces of legislation he spoke about in the record here today.

I know of no other chairman that has given more advice and counsel to new members of the committee and to his subcommittee chairmen than the gentleman in the well.

Mr. Chairman, I could never understand why the people of Colorado acted in the manner which they did in the last election, eliminating one of the finest Congressmen and one of the greatest chairmen that this Congress has known for some time.

I do believe that this Subcommittee on Irrigation and Reclamation has worked out its problems. He was former chairman of this subcommittee. Since moving on to the chairmanship of the Committee on Interior and Insular Affairs, he is one of the most respected gentlemen in the House of Representatives at this time.

Mr. ASPINALL. Mr. Chairman, I thank my colleague for his remarks. I want to assure my colleagues in the House that the successful work of the Committee on Interior and Insular Affairs has been due to the actions and efforts of all of the members of that committee since I started on it 24 years ago.

It has been my privilege to serve as chairman for many years. I have appreciated this opportunity and responsibility, and it has been one of the happy periods of my life.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise to associate myself with the remarks of the distinguished gentleman from California (Mr. JOHNSON). I have been privileged to serve on the Interior and Insular Affairs Committee and know full well of the great accomplishments of the gentleman from Colorado (Mr. ASPINALL).

There is not an aspect of conservation in the United States that has not benefited from the legislative skill of WAYNE ASPINALL. In irrigation and reclamation, as in the bill we are discussing here today, as well as every other environmental question, he has been an exceptionally fair and firm leader for enlightened and balanced conservation programs and proposals.

I have always found him to be an honest, dedicated, competent, and honorable man. History will be very kind to WAYNE ASPINALL. America and her people will have many living and lasting conservation monuments that will stand, in perpetuity, as a testimonial to the outstanding work of the gentleman from Colorado, my friend WAYNE ASPINALL.

In addition, as others are describing the technical aspects of the legislation before us, I would like to express briefly my appreciation to the gentleman from Nebraska (Mr. MARTIN) for the cooperative and decisive way he has effectively moved the O'Neill unit and the North Loup division of the Missouri River Basin project through the legislative process.

It is regrettable that it takes so long to achieve these much-needed goals. However, our colleague has demonstrated that a true legislator seeks only the final result he is interested in rather than headlines or flamboyancy. Today we see that approach paying off.

I was privileged to attend the field hearings on these two projects and to be able to enjoy the gracious hospitality of the wonderful people of O'Neill and Ord, Nebr. They, too, have effectively presented the case in favor of these two projects. Development of O'Neill and North Loup is a tribute to an effective team of concerned citizens and their outstanding Representative.

Mr. McCLURE. Mr. Chairman, at the outset, I should like to second the remarks that have been made by the gentleman from California (Mr. JOHNSON), with respect to the gentleman who preceded me in the well, the chairman of the full committee, the Honorable WAYNE ASPINALL of Colorado. As a freshman Member of the House, it was my privilege to be assigned to that committee. While it is often said around this place that freshmen Members are to be seen and not heard, I certainly found one thing very quickly; that there was a degree of fairness in the Committee on Interior and Insular Affairs that extended with very great courtesy to those of us who occupied the freshman seats. Mine was the most freshman of the freshman seats. I sat on the end of the row.

The gentleman was very courteous to me and extended his help and assistance as well as advice to me. I certainly have appreciated it over the years, as well as seconding the words uttered by the gentleman from California about his services to his State and to his Nation.

Mr. Chairman, I shall be very brief. I rise in support of this legislation.

I will confine my remarks primarily to the Salmon Falls project and allow the gentleman from California (Mr. JOHNSON) to give the details in regard to the balance of the projects.

The purpose of H.R. 16012, as reported by the Committee on Interior and Insular Affairs, is to authorize the Secretary of the Interior to construct, operate, and maintain various Federal reclamation projects.

H.R. 16012 is an omnibus bill authorizing five separate and distinct projects, divisions or units of a comprehensive project. The projects or units will be in the States of Idaho, Colorado, New Mexico, and Nebraska.

The chairman of the full committee (Mr. ASPINALL) has explained the reasons for the Committee on Interior and Insular Affairs taking the omnibus approach to the authorization of these five projects or units, and the chairman of the Subcommittee on Irrigation and Reclamation (Mr. JOHNSON) will explain the details of each project or unit and the subcommittee consideration of each project or unit as a separate bill or legislative proposal.

H.R. 16012 authorizes the construction, operation, and maintenance of the Salmon Falls Division of the upper Snake River project in my State of Idaho.

The Salmon Falls Division is located in Twin Falls and Cassia Counties in south-central Idaho. The primary objective of the division is to furnish a supplemental supply of irrigation water to 49,380 acres of land having a long history of short supply, and a full supply to 14,730 acres of land not heretofore irrigated.

The history of the economy and civilization of the Snake River Basin in Idaho is inextricably tied to the utilization of the surface flows of the upper Snake River and its tributaries. The predominant industry of the area is farming and livestock, neither of which would be possible without irrigation. In this environment, the Salmon River Canal Co. has been in operation since the early years of this century when a project for the irrigation of over 100,000 acres from Salmon Falls Creek was undertaken by private enterprise. A dam was constructed on Salmon Falls Creek to provide a water supply for this program. Due to limits on available water, the acreage has been progressively reduced over the years until at the present time there are only about 35,000 acres left in the active service area. In most years, there is not enough water for this much land. In fact, in some years the shareholders of the company have received only 25 percent of a full water supply.

The plan of improvement authorized by H.R. 16012 will furnish an adequate water supply and enable successful farming in this community. Upland game and waterfowl benefits will also be provided through the development of more abundant habitat.

The physical works involved in the Salmon Falls Division consists of pumping plants, canals, laterals, and appurtenant drainage works. No reservoir storage construction is involved.

Surface flows of the Snake River will be pumped from the pool formed by the existing Milner Dam on the Snake River into a major canal traversing the area south of the Snake River for a distance of approximately 47 miles. A series of relief pumps and subcanals will be installed to reach the subareas designated for service. In total, there will be 60 miles of canal construction involved. Five pumping plants, consisting of the main plant at Milner Dam and four relief plants will be required.

The water supply for the project, supplementing the existing Salmon Falls Dam, will come from otherwise unused flows of Snake River, storage from Ririe Reservoir being constructed by the Corps of Engineers, and by pumping from the Snake plain aquifer. The water required to be supplied from ground water pumping will be conveyed to Snake River above Milner Dam and will be rediverted by the Salmon Falls Division facilities.

When fully developed, the Salmon Falls Division will furnish water to a total of 39,940 acres in the Salmon tract and 24,170 acres in the adjacent Milner-Cottonwood area.

The total estimated cost of the Salmon Falls Division is $62,258,000 based on January 1972 price levels.

This estimate is comprised of the following components:

At site construction cost	$57,812,000
Storage assignment from existing reservoirs	292,000
Assigned cost for power supply	4,154,000
Total	62,258,000

These costs are tentatively allocated as follows:

Irrigation	$61,332,400
Fish and wildlife	199,600
Preauthorization costs	726,000
Total division costs	62,258,000

The preauthorization costs represent the cost of previous investigations and are nonreimbursable in accordance with the provisions of Public Law 92-149.

The costs allocated to irrigation are reimbursable without interest in accordance with reclamation law and practice. Of this amount, $12,719,500 will be repaid by the water users of the Salmon Falls Division in the form of water charges and pumping power charges. The remainder, $48,612,900, will be returned from net revenues of the Federal Columbia River Power System. Current studies show that such revenues will be available before the expiration of the term of the irrigation repayment contract. This contract will cover a period of 50 years after an appropriate development period.

Cost-sharing for fish and wildlife will be as provided by the Federal Water Projects Recreation Act, Public Law 89-72. Pursuant to the provisions of that statute, a non-Federal public body will administer, operate, and maintain the separable fish and wildlife facilities and repay at the interest rate prescribed by the legislation, $99,800 plus $4,600 interest during construction. The remaining $99,800, allocated to fish and wildlife, will be nonreimbursable.

The benefit-cost ratio of the division is 1.19 to 1 based on current costs and discount rates.

The Salmon Falls Division is unanimously endorsed by all sectors and levels of State and local government in the State of Idaho. The Salmon Falls Canal Co. is an ongoing entity qualified to contract with the United States to furnish cost-sharing for the irrigation cost. The fish and game department of the State of Idaho has agreed to assume the cost-sharing obligations for fish and wildlife.

No objection has been expressed to the plan of improvement on environmental grounds by any individual or organization.

Two prospective water users expressed a preference to be eliminated from the division service area, and the committee has been assured by the Department of the Interior that their desires can be accommodated without adversely affecting the economic justification of the division.

The committee adopted one amendment to title III. This amendment consisted of adding a section 302. The language of this amendment sets forth the conditions for accomplishing water rights exchanges between the Salmon Falls Canal Co. and other interests in the Snake River Basin if such agreements should prove to be practicable and desirable during the construction and operating life of the Salmon Falls Division. Simply stated, the language requires that the existing rights of present water users must not be adversely affected, and that no additional cost be attached to the present holders of valid water rights.

In its consideration of the Salmon Falls division, the Subcommittee on Irrigation and Reclamation held field hearings in Idaho and two hearings in Washington, D.C., prior to full committee consideration of the project. I am pleased that both the subcommittee and full committee found the Salmon Falls division to be a meritorious irrigation project.

H.R. 1601, as reported by the committee, authorizes the appropriation of approximately $319 million as the estimated cost of these five projects. It is estimated that the first year Federal cost will be $1,620,000; the second year, $6,575,000, the third year; $16,581,000; the fourth year costs $25,535,000; and the fifth year cost at $33,074,000. The estimated costs of the first 5 years total $83,385,000.

Each project or division authorized by H.R. 16012, as reported by the Committee on Interior and Insular Affairs, has a benefit cost ratio greater than 1 to 1 based upon current price levels and prescribed interest rates.

Mr. Chairman, H.R. 16012 has received the careful and deliberate consideration of the Committee on Interior and Insular Affairs and I recommend its passage to my colleagues.

Mr. HANSEN of Idaho. Mr. Chairman, will the gentleman yield?

Mr. McCLURE. I will be happy to yield to the gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN of Idaho. I thank my colleague for yielding.

I would like to commend my colleague for his very clear and thorough explanation of this legislation, and for his diligent and most effective work as a member of the Committee on Interior and Insular Affairs throughout all of the time that this legislation has been developed, and under consideration by that committee. Through his leadership in developing legislation to authorize the Salmon Falls project in Idaho, he has made a very significant and lasting contribution to the revitalization and the strengthening of the economy of one of the key agricultural areas of our country.

Mr. Chairman, I fully support H.R. 16012, along with the recommended committee amendment. Title III of this bill is an authorization for the Department of Interior to construct, operate, and maintain the Salmon Falls Division, Upper Snake River project, Idaho. It was originally proposed in the House as H.R. 2474 by my colleague, JIM MCCLURE, and myself, and is the result of the collective efforts of the entire Idaho delegation, the people who will benefit from the project, and the splendid cooperative effort of the Bureau of Reclamation. The language of title III reflects the preferences expressed by all concerned, and I would like to especially commend the outstanding efforts of members of the Bureau who so patiently drafted and redrafted various alternatives for the project.

The purposes of the project are twofold. First, it will provide a supplemental supply of water for the irrigation of 49,380 acres of land and a full supply to 14,730 acres of land not heretofore irrigated; and second, construction and operation of the division will have a significant beneficial effect on the quality of the human environment, which can be achieved through a fuller utilization of our underemployed natural resources.

For many years the people living on the south side of the Snake River in southern Idaho have attempted to cultivate this fertile but dry land. Though attempts have been made to provide adequate, private facilities for irrigation, these efforts have met with limited success, because of an inadequate and undependable water supply.

The available surface and ground water supplies have been fully utilized, but are just inadequate to serve the 49,380 acres presently developed. The facilities which my bill authorizes, along with the present facilities, will provide a full supply of water for the irrigation of 64,110 acres of land on the south side of the river, including the lands now developed.

Though the flows of this intensively used stream are completely appropriated during normal and dry years, during the years of above-normal runoff from the existing storage facilities the excess waters will be available to supplement the existing works in the Salmon Falls Area.

The authorization provides for the development of an auxiliary well field in the North Side Canal Co.'s irrigated area north of the river to make the water required for the Salmon Falls division available in the Snake River. Ground water would be pumped into the existing distribution system serving that area, thereby permitting an equivalent amount of Snake River water to be used by the Salmon Falls division. The bill, with the recommended committee amendment, provides an absolute guarantee of protection to water users in the exchange pumping area that the exchange will not adversely affect their water rights acquired under State law, nor will it increase their costs.

For years, Mr. Chairman, the landowners in the area have worked diligently to develop their lands. With a little assistance they will meet with success in their efforts to convert these parched lands into valuable productive farms which would generate income sufficient to repay more than one-quarter of the cost of the project. The bulk of balance of the irrigation allocation would be returned from revenues of the Columbia River Federal power system.

Even though resultant economic benefits are sufficient to compel early passage of this bill, this project is doubly beneficial because of prospects for a greater utilization of currently underemployed natural resources. Development of the Salmon Falls division will create conditions that would increase upland game and water fowl populations. To this end, plans are being developed for improving the wildlife habitat in areas of low-game bird population. This will be accomplished by reserving, for wildlife use, certain nonirrigable public lands within or adjacent to the service area. Some of these tracts will be planted in vegetation to produce both food and cover and be fenced to permit the vegetation to grow undisturbed by livestock.

And so, Mr. Chairman, we see that the development of the project will result in an environmental setting providing for a better use of both the natural and human resources of the area. The resultant water supply, which will be both adequate and dependable, will create a more stable economy with additional crop production and farming opportunities.

More goods and services to handle the needs of the farms will provide more jobs, thereby expanding the taxable base of the county, State, and Nation. To secure these benefits, I trust the House will approve H.R. 16012.

Mr. McCLURE. Mr. Chairman, I will just state for the record that my colleague, the gentleman from Idaho (Mr. HANSEN) has been very helpful also in scheduling the meetings and correlating the activities of the people in support of this project that lies in his congressional district. He has been very helpful in all stages in getting this bill to this point, and ready for passage.

The CHAIRMAN. The gentleman from Idaho (Mr. MCCLURE) has consumed 13 minutes.

Mr. McCLURE. Mr. Chairman, I yield 5 minutes to the gentleman from Nebraska (Mr. MARTIN).

Mr. MARTIN. Mr. Chairman, H.R. 16012 authorizes the construction of five reclamation projects in the States of Colorado, New Mexico, Idaho, and Nebraska. I intend to confine my remarks to the two reclamation projects in Nebraska which also are in my congressional district. I will speak first in regard to the O'Neill unit in the Pick-Sloan Missouri Basin program in Nebraska.

The principal features would include Norden Dam and Reservoir and onstream regulatory and storage facilities having a total capacity of 411,000 acre-feet with a surface area of 6,300 acres; the Springview Pumping Plant; a system of 362 miles of canals and laterals to provide irrigation service; and the land and facilities at Norden Dam and Reservoir necessary to achieve the outdoor recreation and fish and wildlife objectives.

Using the flow of the Niobrara River, this project would provide a dependable water supply for 77,000 acres of irrigable land. Part of this land is currently irrigated from wells, but the pumps do not produce sufficient water to adequately irrigate the corn. It is a sad sight to see sprinkler systems rotating slowly around the field with little or no water coming out from the outer half of the sprinkler system because of lack of sufficient water with the corn burning in the field at the same time as the system is in operation. Our land in Nebraska is extremely fertile, but we lack sufficient rainfall to get the most out of our soil.

The University of Nebraska Bureau of Business Research under a contract with the Bureau of Reclamation of the U.S. Department of Interior conducted a thorough study of the economic impact of irrigated agriculture on the economy of Nebraska. This study indicates $6.68 of economic activity occurs within the State for each dollar of increased value attributable to irrigated crop production. Applying the results of this study to the O'Neill unit shows that irrigation development would result in economic activity totaling $67.5 million annually within Nebraska. This important economic impact, both to the farmer and public sector, would provide increased employment and business opportunities for residents of a State that suffers from chronic and severe unemployment.

The total cost of the O'Neill unit is estimated as of January 1972 figures at $113 million. Of this amount $107 million is chargeable to irrigation, all of which would be repaid to the general Treasury of the United States over a period of 50 years.

Now I would like to address myself briefly to the North Loup project, also a division of the Pick-Sloan Missouri River Basin program in Nebraska.

This project will be a multipurpose water resources development project in the basins of Calamus, North Loup, and Loup Rivers in central Nebraska and would provide benefits from irrigation, outdoor recreation, and fish and wildlife enhancement.

The citizens of this district have been working for the past 30 years to make this project a reality. The support that was witnessed in field hearings a year and a half ago is testimony to this. There were no adverse witnesses at that hearing, and there were over 30 different witnesses who appeared.

The project consists of the Calamus Reservoir, which would store 128,200 acre-feet of water, and the off-channel Davis Creek Dam and Reservoir, which would store 32,500 acre-feet. Irrigation water provided by these facilities would be distributed to 52,570 acres. The total estimated project cost based again on January 1972 figures is $81,207,000. Of this amount $78,347,000 is chargeable to irrigation, all of which would be repaid over a period of 50 years either from the landowners themselves or from power revenues from the Missouri River Basin revenues.

I referred earlier to the study which the University of Nebraska Bureau of Business Research made in connection with the Department of Reclamation concerning the values of irrigation in Nebraska.

This study indicates $6.68 of economic activity occurs within the State for every dollar of increased flow attributable to irrigated crop production. Applying the results of this study to the North Loup project indicates that it would result in economic activity worth $36 million annually within the State of Nebraska. This important economic impact, Mr. Chairman, both as to farm and business sectors, would provide increased employment and business opportunity for residents of the State.

Both of these reclamation projects in Nebraska are good projects, are sound projects, and projects which have the approval of the taxpayers in the respective districts.

I also would like to call your attention to the fact that the O'Neill unit recently voted, those within the district, in setting up an irrigation district as required by law and requested by the Department of the Interior. This vote was held 4 weeks ago tomorrow, and the vote was 78 percent in favor of setting up the irrigation district.

Mr. Chairman, I approve these projects and this legislation.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. JOHNSON of California. Mr. Chairman, I yield 10 minutes to the gentleman from New Mexico (Mr. RUNNELS).

Mr. RUNNELS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the legislation we are considering at this time, H.R. 16012, would authorize a project that is extremely important to the future of Carlsbad, N. Mex., a city which I am privileged to represent in this Congress.

H.R. 16012 would authorize the construction and operation of the Brantley project, on the Pecos River.

Presently the community of Carlsbad faces daily the danger of serious flooding that would materially wash away this city, because the present flood control facilities are in such condition that they fail to provide adequate protection. Recent dam failures and floods have awakened the public interest to the potential danger to human life and loss in property damage which can result from flood catastrophes, but the citizens of Carlsbad have been living in fear for several years that a major flood might occur.

In 1966, one such storm resulted in the loss of more than $1 million.

In recent months minor rainfalls have also resulted in flooded Carlsbad streets and considerable damage.

In an editorial, the Carlsbad Current Argus noted that the tragedy at Rapid City had a special significance to the people of Carlsbad. The newspaper stated—and we agree:

> We can not imagine how any U.S. Congressman in good conscience can ignore the danger to the lives and property of Carlsbad citizens.

It was the concern for the safety of these people that resulted in the Bureau of Reclamation recommending over 12 years ago—12 long years the people of this city have waited for this project—present Federal facilities be replaced by the Brantley project.

The Subcommittee on Irrigation and Reclamation conducted hearings on this project, both here in Washington and in Carlsbad. Seeing the need for this project, it was favorably reported.

The full Interior Committee has also seen the urgent need for the Brantley project. I would quote from the committee report:

> The Committee believes that the present situation, in which Federal structures provide a clear and present danger to the lives of thousands of people, is intolerable and must be rectified at the earliest practicable date.

For those Members who have not been to New Mexico, I should like to explain that rainfall in New Mexico is usually of short duration, but it often is torrential in nature which results in flash flooding. During the current rainy season, three of our counties have sustained flood damage which resulted in the President of the United States declaring these areas as major disaster areas.

So it may seem to you that it is strange that in a desert area that you do have flood conditions—but I do not believe the President of the United States would have declared these three counties within this current year as disaster areas, if it was not so. The damage, caused by these flash floods, totaled millions of dollars and even more tragic, there was the loss of lives.

It is ironic that just a few months ago, most of New Mexico was suffering from drought conditions. The Brantley project would also help the citizens of Eddy County to combat this problem. Seventy-five percent of our rainfall occurs from May through October. Brantley Dam would provide storage facilities to hold water for usage by our agricultural community when sufficient rainfall does not occur.

In addition to the storage facilities and flood protection, the lake that would result from the project would provide recreational activities for some 200,000 people in the area and provide for the conservation of fish and wildlife resources.

Our problem, therefore, is twofold. On one hand too much water during periods of flash flooding—and on the other hand, too little water during periods of drought. The Brantley project would be a major step toward correcting both of these very serious problems.

Since the irrigation facilities on the Pecos River are federally owned and operated, only the Federal Government can take the action to remove a very real danger that confronts the city of Carlsbad. Twelve years is a long time to face disaster. On behalf of the concerned citizens of Carlsbad, I ask the Members to join with me in supporting this important legislation.

The Brantley Dam part of this bill passed unanimously in the Senate of the United States.

Using the cost figures of July 1971, this is a $45 million project which is a ratio of 1.1 to 1.

I would say to each Member of this Congress—if this project was in your district and you understood fully the dangers of the people in Carlsbad, N. Mex., you would vote "yes" for this bill.

Mr. McCLURE. Mr. Chairman, I have no further requests for time.

Mr. JOHNSON of California. Mr. Chairman, I rise in support of H.R. 16012, to authorize the Secretary of the Interior to construct, operate and maintain various Federal reclamation projects and for other purposes. When enacted, the legislation will be known as the Reclamation Project Authorization Act of 1972. It is comprised of five titles, each of which authorizes a separate and distinct Federal reclamation project, division, or unit. The bill contains no general provisions applicable elsewhere as each title is complete in itself.

The Subcommittee on Irrigation and Reclamation which I am privileged to chair handled each title as a separate bill through the investigatory and hearing stage—and each program was considered and marked up in the light of its own unique conditions and circumstances.

Title I of the bill authorizes the Secretary of the Interior to construct, operate and maintain the Closed Basin Division, San Luis Valley project, Colo. This undertaking is for the purpose of salvaging water from a landlocked area where it would otherwise evaporate or be nonbeneficially consumed. The water will be used for creating one fish and wildlife refuge, enhancing the usefulness of another, and for delivery to the Rio Grande for the credit of the State of Colorado pursuant to the Rio Grande compact.

Due to a series of circumstances, primarily a sequence of unfavorable hydrologic events, the State of Colorado has incurred a substantial debt to the downstream States of New Mexico and Texas in the amount of water it is committed to deliver. The Closed Basin Division is the only physical program with the capability of eliminating this debt. The only alternative to this program is probably protracted litigation from which there is never any real winner.

The estimated cost of the Closed Basin Division is $18,246,000 based on April 1972 price levels. This sum is allocated predominantly to water salvage with minor amounts allocated to recreation, fish, and wildlife, and to nonreimbursable preauthorization costs. The costs allocated to water salvage will be nonreimbursable for two reasons: First, impracticality of identifying the beneficiaries during the period that Colorado is extinguishing its debt, and second, the initial purpose of the program is to facilitate fulfillment of national treaty commitments to the Republic of Mexico. After Colorado becomes debt free, it is contemplated that surplus water will be marketed in Colorado under reclamation law, at which time costs would be reallocated to reimbursable purposes if appropriate. The division has a favorable benefit-cost ratio of 1.4 at currently prescribed discount rates.

The Brantley project, authorized by

title II of H.R. 16012, consists of a major reservoir on the Pecos River about 20 miles north of Carlsbad, N. Mex., estimated to cost $45,605,000 at current prices. This is a particularly meritorious project; in fact, I would classify it as a "must" operation. The city of Carlsbad, N. Mex., occupies the flood plain of the Pecos River at a point where it is joined by a major tributary. The city has a long history of enduring periodic flooding of its principal business district and some of its finest neighborhoods. Brantley Dam and Reservoir will substantially eliminate the threat of recurrence of such events. The aspect of this project which sets it apart from routine flood control reservoirs, however, is its capability to supplant two existing dams which officially have been determined to be unsafe under foreseeable and predictable flood stress.

Should these dams fail during high water, the damage and loss of life in Carlsbad would be catastrophic. This of course cannot be allowed to happen. The existing facilities are under the jurisdiction of a Federal agency and it thus becomes the clear and unavoidable duty of the Federal Government to rectify this problem and eliminate the threat now posed to the life and property of the citizens of this city.

Under these circumstances, our committee unanimously decided that an amount equal to the cost of floodproofing the existing structures should be designated a public responsibility. The remaining costs of the Brantley project would be allocated to the multiple purposes of flood control, irrigation, fish and wildlife, recreation, and preauthorization investigations. Cost sharing of these amounts would be as provided by general law and the local repayment entities are available for assumption of such responsibilities.

The benefit-cost ratio of the Brantley project at current discount rates is 1.1.

Title III of the bill authorizes the Salmon Falls Division, Upper Snake River project near Twin Falls, Idaho. This is predominantly an irrigation project for furnishing supplemental irrigation service to 49,380 acres of inadequately irrigated land and 14,730 acres of land previously nonirrigated. Some fish and wildlife benefits will also be provided in the form of improved habitat for waterfowl and upland game birds.

The Subcommittee on Irrigation and Reclamation, in its field hearings and in its Washington hearings, found this to be an especially meritorious irrigation program. The Snake plain of Idaho is utterly dependent on irrigation for the growth of crops to support the adjacent livestock industry and for the production of cash crops. Of the latter, there is a wide diversity of specialty items not in surplus supply. The major portion of the land to be irrigated is now farmed precariously as there is insufficient water produced by the privately financed existing system to assure optimum cropping patterns or yields.

The project will consist of a major pumping plant on the shores of the existing Milner pool, and a system of major canals extending along the south flank of the Snake River plain to the lands of the Salmon River Canal Co. Lands will be served in the Milner-Cottonwood area enroute.

This project has an estimated investment cost of $62,258,000—98 percent of which is allocated to irrigation. Operation, maintenance, and replacement expense will be borne by the Salmon River Canal Co. who will also contract to repay approximately $13 million during the statutory repayment period. Remaining irrigation costs will be repaid from the surplus power revenues of the Federal Columbia River power system which are indicated to be readily in prospect by up-to-date studies of the Bonneville Power Administration. Fish and wildlife cost-sharing obligations will be met by the State of Idaho.

There is no evidence of local opposition to this program either on the part of environmental organizations or governmental entities at any level within the State of Idaho.

The benefit-cost ratio for the Salmon Falls Division is 1.2 at up-to-date prices and currently prescribed discount rates.

Title IV of H.R. 16012 authorizes the O'Neill unit, Missouri Pick-Sloan Basin program in Nebraska. As in the case of the Idaho program, this is primarily an irrigation project. It involves the development of a major reservoir on the Niobrara River from which a system of pumping plants, laterals, and canals will distribute a full supply of irrigation water to 77,000 acres of land. Much of this land is dry farmed and a small part of it is irrigated from wells. The history of well irrigation and dryland farming in this part of Nebraska is filled with risk and hardship. Many farms cannot develop wells at all and most of the wells now in service are failing; the ground water simply not being adequate to sustain the irrigation demands.

The bill authorizes the appropriation of $113,000,000 for construction purposes. Most of this amount is attributable to irrigation which is reimbursable. The irrigators, represented by appropriate local irrigation and the reclamation districts will take care of operation and maintenance costs and repay over $20 million of the initial investment. The remaining costs will be defrayed by surplus power revenues of the interconnected Federal power system of the Missouri Basin.

In the course of our subcommittee's visit to the community and during our hearings on the bill in Washington, we encountered some opposition to the program. It is centered almost entirely around the regulation of the Niobrara River. People interested in preserving this stream in its free-flowing state oppose the undertaking. For the most part they represent organizations based in rather distant cities. We found no individual or organized opposition from the counties in which the project is located. Government agencies at the county and State level strongly endorsed the program. The present Democratic Governor supports the program as did his Republican predecessor.

The benefit-cost ratio of the project at up-to-date prices and at the administration's current discount rate is 1.4.

The last program included in the bill is the North Loup Division, Pick-Sloan Missouri River program. It is included in title V of the bill. This, too, is an irrigation project in central Nebraska. It will utilize the flows of the North Loup and Calamus Rivers, which will be stored in a reservoir on the Calamus and reregulated in a small reservoir on Davis Creek, an intermittent tributary of the North Loup. The program will irrigate 52,750 acres of land—some of which now has a declining ground-water supply. The project is estimated to cost $79,500,000, most of which is allocated to irrigation. Operating districts are in existence and will contract to perform operation, maintenance, and replacement and to repay almost $14 million of the initial investment. The remainder will be reimbursed from power revenues which are confidently expected to be available before the expiration of the repayment period.

The environmental opposition to the North Loup Division is on the same order of magnitude and intensity as that encountered on the O'Neill unit. There are some natural values which will be supplanted by construction of the project, but the judgment of the committee during its field inspection of the project was that the benefits to the economic and social well-being of the immediate and adjacent communities offset any adverse effects caused by the project.

The committee also received adverse testimony from a small group of landowners who will be affected by the project. These persons own lands that are subject to irrigation from the project, but which now have ground water service. The owners of these lands simply feel that they do not need the project and this is probably correct. They are large landowners who are satisfied with the present situation and who are apprehensive concerning the constraints that accompany participation in a Federal project. Many, if not all, Members have received communications from this interest group within the last week or two. These communications allege that the program is not needed. Our hearings do not bear out this contention. The overwhelming majority of the affected lands and landowners need the supply of irrigation water that the North Loup Division can provide, and competent technical testimony does not support the premise that the land can and will remain in successful irrigation from ground water. The letters to which I have referred presents no information which was not available to the Committee on Interior and Insular Affairs when it considered and reported H.R. 16012. It, therefore, constitutes an attempt to undetermine the findings of our committee and it should not be allowed to do so.

Mr. Chairman, I would like to call specific attention to section 505 of H.R. 16012. This section establishes operational procedures for the North Loup Division which are unique in the history of the Bureau of Reclamation. This language requires that natural streamflows be allowed to continue undiverted during the months of July, August, and most Septembers in the interest of preserving the downstream river environment. This means that substantial additional carryover storage has been included at project expense. This is truly the first time that project costs of this magnitude have been incurred for purely environmental preservation.

In conclusion, I would like to say that I believe that this bill is carefully drawn and affords an effective balance between utilization and preservation of our natural bounty. My subcommittee has worked on this bill for the better part of 3 years getting it in a condition that we can commend it to the House. I do so commend it and urge that it be enacted without delay.

Mr. JOHNSON of California. I now yield such time as he may consume to the gentleman from Texas (Mr. WHITE).

Mr. WHITE. Mr. Chairman, there are two river compacts that operate generally from my district, and one is the Pecos River compact. Questions have been asked concerning this bill that I would like to address to the chairman of the full committee, if I may. Regarding the Brantley project that appears on page 8 under title II the question I ask is this, to be sure that we have legislative history concerning this: Would this provision in this bill not work any adverse effect on the historic users of the waters of the Pecos River in Texas?

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. WHITE. I yield to the gentleman from Colorado.

Mr. ASPINALL. My answer to the gentleman is that it would not, that the historic uses of the Pecos River will be honored such as they are at the present time.

Mr. WHITE. The gentleman feels that the language is fully protective as it is in the bill?

Mr. ASPINALL. The language is fully protective as to those users.

Mr. WHITE. Mr. Chairman, I should like to quote from two letters, from Mr. Jesse B. Gilmer, commissioner, Rio Grande Compact Commission, of El Paso—and the quotations will be rather extensive to ascertain if the Rio Grande compact's point of view is also protected. He addresses the first letter to me:

> As previously reported to you in Congressman Aspinall's letter of August 15th, we do recognize that H.R. 16012 contains a new subsection dealing with the subject of Water Quality.
>
> The sub-section referred to is Section 101 (c.) of Title I, and is quoted as follows:
>
> "(c) The closed basin division, San Luis Valley project, Colorado, shall be operated in such manner that the delivery of water to the river and return flows of water will not cause the Rio Grande system to be in violation of water quality standards promulgated pursuant to the Water Quality Act of 1965 (79 Stat. 903)."
>
> I cannot recommend the passage of the bill with this section as it is, as it pertains to the Rio Grande System and not specifically to water deliveries from the Closed Basin and, therefore, could materially increase in time the salt loading in the waters of the Rio Grande below Elephant Butte Reservoir.

Going further:

> It is noted that H.R. 16012 does not include the language of Section 8 of S. 520, which has passed the Senate. This section authorizes and directs "—full and complete feasibility investigations for the purpose of developing a general plan for the improvement of the channel of the Rio Grande above the uppermost point of discharge into the river of waters salvaged by the project, the improvement of the channels of the Conejos, San Antonio, La Jara, and Alamosa Rivers, and Rock Creek . . . ".
>
> The language quoted above has always been a part of the "Closed Basin Plan", and should not have been deleted from H.R. 16012. All Section 8 of S. 520 would have authorized would-be studies and investigations. It is difficult for me to understand how one statement, excellent as it was, by the National Audubon Society would knock out this important section of the proposed legislation. The section did not authorize construction, but would authorize investigations only.
>
> The Committee Report on H.R. 16012 states in Title I, the fourth paragraph, "—The practices associated with such administration have caused users of Colorado and have exacerbated the already depressed economy of the San Luis Basin . . .".
>
> I must state to you that the practices associated with the administration of most of the years of the Rio Grande Compact since 1939 have "exacerbated" and depressed dangerously and needlessly the economy of that section of the Rio Grande River between Fort Quitman, Texas and Elephant Butte Reservoir, New Mexico.

In his latest letter to me dated September 21, 1972, he goes on to say:

> On July 20th, I testified in Washington on H.R. 5337, which was a predecessor Bill to H.R. 16012. Actually, H.R. 16012, Title I, is H.R. 5337 rewritten with some changes including deletions and additions. H.R. 16012 deleted a section authorizing and directing complete feasibility investigations for the purpose of developing a general plan for the improvement of the channels of the Rio Grande above the uppermost point of discharge into the river of waters salvaged by the Closed Basin Project and the improvement of the channels of the Conejos, San Antonio, La Jara, and Alamosa Rivers, and Rock Creek. In my July 20th testimony, I told the committee I could not support a Closed Basin Bill without provision for these studies. That is still my position. (In my letter to you of September 11th, I told you on page two that H.R. 16012 does not include the language of Section 8 of S. 520 *"which has passed the Senate."* The Bureau of Reclamation has informed me that the S. 520, which has passed the Senate, had deleted from it, before consideration by the whole Senate, the Section 8 of S. 520, which was introduced by Mr. Allott on February 2, 1971, and pertaining to which I gave testimony in Washington on June 26, 1972.)
>
> I have been quite concerned for years about water quality standards applying to water produced by the proposed Closed Basin Well Fields. My position has been well known by my friends in Colorado and New Mexico.
>
> My position on water quality is still as stated to you in my letter of September 11th, in which I told you I could not recommend passage of the Bill with Section 101 (c) of Title I of H.R. 16012.

Then he recommended, after consultation with the attorney general of Texas, this particular substitution, and I will quote it to the Members, as a substitution for what is in the bill:

> I recommended that Section (c) be replaced as follows:
>
> "p. 3, line 15.
>
> "(c.) The closed basin division, San Luis Valley project, Colorado, shall be operated in such manner that the water delivered to the Rio Grande River from this project will not exceed the water quality standards promulgated pursuant to the Water Quality Act of 1965 (79 Stat. 903) for the reach of the Rio Grande immediately below the New Mexico-Colorado line."

I know the gentleman has had some opportunity to study that language and has been in consultation with the committee counsel. Could the gentleman please tell me if this proposed language would accomplish the purpose, or does the gentleman believe the language presently in the bill would more accurately reflect protection for the Rio Grande compact?

Mr. ASPINALL. Mr. Chairman, if my colleague, the gentleman from Texas, will yield to me I will attempt to explain.

Mr. WHITE. I yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Chairman, I would explain that two matters were brought to our attention. The first has to do with taking from the bill the provision which had to do with channelization of the Rio Grande and its tributaries above the point of delivery of water. That has been taken out so we have not made the position to make any less good quality in the river than there is at the present time as far as this is concerned. It was taken out at the suggestion of certain environmentalists who appeared before us.

On the other hand I do not believe Mr. Gilmer's criticism in this respect is valid because we are not upsetting the quality as far as this particular legislation is concerned.

Now turning to the gentleman's second question which has to do with (c) of section 101, may I say first that the whole matter depends upon the administration of the Water Quality Act of 1965 which allows the States to set their standards or the Secretary of the Interior. In the case the States do not, the Secretary of the Interior has authority to set the standards. In this instance the States have all set their standards, so we are in compliance with either of these provisions, the one suggested by Mr. Gilmer or the one presently in the bill.

The CHAIRMAN. The gentleman from Texas has consumed 7 minutes. The time of the gentleman from California has expired.

Mr. McCLURE. Mr. Chairman, I yield 2 additional minutes to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. The present bill provides that the water quality standard shall be maintained along the whole river basin from the point of delivery of water to the closed basin, clear down to the Gulf of Old Mexico. That is what the bill presently provides.

However, what Mr. Gilmer has suggested is, quality will not exceed national values for quality parameters promulgated, pursuant to the Water Quality Act, for the rest of the Rio Grande immediately below the New Mexico-Colorado line.

That narrows the length of the enforcement of the Water Quality Act as far as the State of Texas is concerned. In my opinion, the language in the bill, as we have it, is far more beneficial to the State of Texas than what was proposed.

Mr. WHITE. Mr. Gilmer goes on to say he was concerned about this one point. I am glad the chairman has clarified that.

I presume that in the event in the future, it is found that adequate protection has not been made, the committee would consider further legislation.

Mr. ASPINALL. The States are in a position to demand that under the contractual agreements which they have.

Mr. WHITE. Thank you very much.

Mr. JOHNSON of California. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will read the bill by title.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the Reclamation Project Authorization Act of 1972.

TITLE I

CLOSED BASIN DIVISION, SAN LUIS VALLEY PROJECT, COLORADO

SEC. 101. The Secretary of the Interior is authorized to construct, operate, and maintain the closed basin division, San Luis Valley project, Colorado, including channel rectification of the Rio Grande between the uppermost point of discharge into the river of waters salvaged by the project, and the Colorado-New Mexico State line, so as to provide for the carriage of water so salvaged without flooding of surrounding lands, to minimize losses of waters through evaporation, transpiration, and seepage, and to provide a conduit for the reception of waters salvaged by drainage projects undertaken in the San Luis Valley below Alamosa, Colorado, in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), and as otherwise provided in this Act, for the principal purposes of salvaging, regulating, and furnishing water from the closed basin area of Colorado; transporting such water into the Rio Grande; making water available for fulfilling the United States obligation to the United States of Mexico in accordance with the treaty dated May 21, 1906 (34 Stat. 2953); furnishing irrigation water, industrial water, and municipal water supplies to water deficient areas of Colorado, New Mexico, and Texas through direct diversion and exchange of water; establishing the Mishak National Wildlife Refuge and furnishing a water supply for the operation of the Mishak National Wildlife Refuge and the Alamosa National Wildlife Refuge and for conservation and development of other fish and wildlife resources; providing outdoor recreational opportunities; augmenting the flow of the Rio Grande; and other useful purposes, in substantial accordance with the engineering plans set out in the report of the Secretary of the Interior on this project: *Provided,* That no wells of the project, other than observation wells, shall be permitted to penetrate the aquiclude, or first confining clay layer.

(b) Construction of the project may be undertaken in such units or stages as in the determination of the Secretary will best serve project requirements and meet water needs: *Provided,* That construction of each of the successive units or stages after stage 1 of said project shall be undertaken only with the consent of the Colorado Water Conservation Board and the Rio Grande Water Conservation District of the State of Colorado.

(c) The closed basin division, San Luis Valley project, Colorado, shall be operated in such manner that the delivery of water to the river and return flows of water will not cause the Rio Grande system to be in violation of water quality standards promulgated pursuant to the Water Quality Act of 1965 (79 Stat. 903).

SEC. 102. (a) Prior to commencement of construction of any part of the project, except channel rectification, there shall be incorporated into the project plans a control system of observation wells, which shall be designed to provide positive identification of any fluctuations in the water table of the area surrounding the project attributable to operation of the project or any part thereof. Such control system, or so much thereof as is necessary to provide such positive identification with respect to any stage of the project, shall be installed concurrently with such stage of the project.

(b) The Secretary shall operate project facilities in a manner that will not cause the water table available for any irrigation or domestic wells in existence prior to the construction of the project to drop more than two feet and in a manner that will not cause reduction of artesian flows in existence prior to the construction of the project.

SEC. 103. There is hereby established an operating committee consisting of one member appointed by the Secretary, one member appointed by the Colorado Water Conservation Board, and one member appointed by the Rio Grande Water Conservation District, which is authorized to determine from time to time whether the requirements of section 102 of this Act are being complied with. The committee shall inform the Secretary if the operation of the project fails to meet the requirements of section 102 or adversely affects the beneficial use of water in the Rio Grande Basin in Colorado as defined in article I(c) of the Rio Grande compact (53 Stat. 785). Upon receipt of such information the Secretary shall modify, curtail, or suspend operation of the project to the extent necessary to comply with such requirements or eliminate such adverse effect.

SEC. 104. (a) Except as hereinafter provided, project costs shall be nonreimbursable.

(b) After the project or any phase thereof has been constructed and is operational, the Secretary shall make water available in the following listed order of priority:

(1) To assist in making the annual delivery of water at the gaging station on the Rio Grande near Lobatos, Colorado, as required by article III of the Rio Grande compact: *Provided,* That the total amount of water delivered for this purpose shall not exceed an aggregate of six hundred thousand acre-feet for any period of ten consecutive years reckoned in continuing progressive series beginning with the first day of January next succeeding the year in which the Secretary determined that the project authorized by this Act is operational.

(2) To maintain the Alamosa National Wildlife Refuge and the Mishak National Wildlife Refuge: *Provided,* That the amount of water delivered to the Alamosa National Wildlife Refuge shall not exceed five thousand three hundred acre-feet annually, and the water delivered to the Mishak National Wildlife Refuge shall not exceed twelve thousand five hundred acre-feet annually.

(3) To apply to the reduction and elimination of any accumulated deficit in deliveries by Colorado as is determined to exist by the Rio Grande Compact Commission under article VI of the Rio Grande compact at the end of the compact water years in which the Secretary first determines the project to be operational.

(4) For irrigation or other beneficial uses in Colorado: *Provided,* That no water shall be delivered until agreements between the United States and water users in Colorado, or the Rio Grande Water Conservation District acting for them, have been executed providing for the repayment of such costs as in the opinion of the Secretary are appropriate and within the ability of the users to pay.

SEC. 105. Construction of the project shall not be started until the State of Colorado agrees that it will, as its participation in the project, convey to the United States easements and rights-of-way over lands owned by the State that are needed for wells, channels, laterals, and wildlife refuge areas, as identified in the project plan. Acquisition of privately owned land shall, where possible and consistent with the development of the project, be restricted to easements and rights-of-way in order to minimize the removal of land from local tax rolls.

SEC. 106. Conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the closed basin division of the San Luis Valley project works authorized by this Act shall be in accordance with the provisions of the Federal Water Project Recreation Act (70 Stat. 213).

SEC. 107. The Secretary is authorized to transfer to the State of Colorado or to any qualified agency or political subdivision of the State, or to a water users' organization, responsibility for the care, operation, and maintenance of the project works, or any part thereof. The agency or organization assuming such obligation shall obligate itself to operate the project works in accordance with regulations prescribed by the Secretary.

SEC. 108. Nothing contained in this Act shall be construed to abrogate, amend, modify, or be in conflict with any provisions of the Rio Grande compact; or to shift any legal burden of delivery from the Rio Grande or the Conejos River to the closed basin.

SEC. 109. There is hereby authorized to be appropriated for construction of the closed basin division of the San Luis Valley project the sum of $18,246,000 (April 1972 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuation in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein, and such additional sums as may be required for operation and maintenance of the project.

TITLE II

BRANTLEY PROJECT, PECOS RIVER BASIN, NEW MEXICO

SEC. 201. The Secretary of the Interior is authorized to construct, operate, and maintain the Brantley project, Pecos River Basin, New Mexico, in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and the provisions of this Act and the plan set out in the report of the Secretary on this project, with such modification of, omissions from, or additions to the works, as the Secretary may find proper and necessary for the purposes of irrigation, flood control, fish and wildlife and recreation, and for the elimination of the hazards of failure of McMilland and Avalon Dams: *Provided,* That the Secretary of the Interior shall operate the existing Alamogordo Dam and Reservoir unit: *And provided further,* That the Secretary of the Interior shall familiarize himself with the water rights of appropriators of water from the Pecos River and shall promulgate criteria for the operation of the Brantley project and other irrigation storage projects on the Pecos River in the State of New Mexico that will preclude any detrimental effect on water rights in the Pecos River so that appropriators of water will not be adversely and unreasonably affected by such operations.

SEC. 202. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Brantley project shall be in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 203. Nothing in this Act shall be construed to alter, amend, repeal, modify, or be in conflict with the provisions of the Pecos River Compact, 1948, consented to by the Congress in the Act of June 9, 1949 (63 Stat. 159).

SEC. 204. The costs allocated to flood control and the safety of dams purposes of the project shall be nonreimbursable and nonreturnable. The repayment of costs allocated to recreation and fish and wildlife enhancement shall be in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 205. The interest rate used for computing interest during construction and interest on the unpaid balance of the reimbursable costs of the Brantley project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction on the project is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from date of issue.

SEC. 206. There is hereby authorized to be appropriated for construction of the Brantley project the sum of $45,605,000 (based on July 1971 prices), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering cost indexes applicable to the types of construction involved and, in addition thereto, sums as may be required for operation and maintenance of the project.

TITLE III

SALMON FALLS DIVISION, UPPER SNAKE RIVER PROJECT, IDAHO

SEC. 301. For the primary purposes of providing irrigation water supplies and the enhancement of fish and wildlife resources, and other purposes, the Secretary of the Interior, acting pursuant to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), is authorized to construct, operate, and maintain the Salmon Falls division, Upper Snake River project, Idaho. The principal works of the divisions shall consist of the Milner pumping plant, the Milner-Salmon Falls Canal, relift pumping stations, water distribution facilities, wells to provide supplemental water, drainage facilities, and related works. The wells to provide supplemental water, authorized by this Act, shall be so located that the irrigation water produced therefrom can be delivered to the lands of the Salmon Falls division without the requirement for water rights exchange agreements between the Salmon River Canal Company and the North Side Canal Company of Jerome, Idaho.

SEC. 302. Irrigation repayment contracts shall provide, with respect to any contract unit, for repayment of the irrigation construction costs assigned to the irrigators for repayment over a period of not more than fifty years, exclusive of any development period authorized by law. Construction costs allocated to irrigation beyond the ability of irrigators to repay shall be charged to and returned to the reclamation fund in accordance with the provisions of section 2 of the Act of June 14, 1966 (80 Stat. 200), as amended by section 6 of the Act of September 7, 1966 (80 Stat. 707).

SEC. 303. The provision of lands, facilities, and project modifications which furnish fish and wildlife benefits in connection with the Salmon Falls division shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 304. Power and energy required for irrigation water pumping for the Salmon Falls division shall be made available by the Secretary from the Federal Columbia River power system at charges determined by him.

SEC. 305. The interest rate used for computing interest during construction and interest on the unpaid balance of the reimbursable costs of the Salmon Falls division shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction on the division is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for fifteen years from date of issue.

SEC. 306. For a period of ten years from the date of enactment of this Act, no water from the project authorized by this Act shall be delivered to any water user for the production of newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949 (63 Stat. 1051; 7 U.S.C. 1421), or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301 (b)(10) of the Agricultural Adjustment Act of 1938 (62 Stat. 1251; 7 U.S.C. 1301), as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

SEC. 307. There is hereby authorized to be appropriated for construction of the works herein authorized and for the acquisition of the necessary land and rights the sum of $62,258,000 (January 1972 prices), plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indexes. There are also authorized to be appropriated such sums as may be required for the operation and maintenance of said division.

TITLE IV

O'NEILL UNIT, PICK-SLOAN MISSOURI BASIN PROGRAM, NEBRASKA

SEC. 401. The O'Neill unit, heretofore authorized as an integral part of the Pick-Sloan Missouri Basin program by the Act of August 21, 1954 (68 Stat. 757), is hereby reauthorized as a unit of that project for the purposes of providing irrigation water for seventy-seven thousand acres of land, flood control, fish and wildlife conservation and development, public outdoor recreation, and for other purposes. The construction, operation, and maintenance of the O'Neill unit shall be subject to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto). The principal features of the unit shall include Norden Dam and Reservoir, related canals, a pumping plant, distribution systems, and other necessary works needed to effect the aforesaid purposes.

SEC. 402. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the O'Neill unit shall be in accordance with provisions of the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 403. The O'Neill unit shall be integrated physically and financially with the other Federal works constructed under the comprehensive plan approved by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented.

SEC. 404. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable to the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

SEC. 405. For a period of ten years from the date of enactment of this Act, no water from the project authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949 (63 Stat. 1051; 7 U.S.C. 1421 note), or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938 (62 Stat. 1251; 7 U.S.C. 1301), as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

SEC. 406. There is hereby authorized to be appropriated for construction of the O'Neill unit as authorized in this Act the sum of $113,300,000 (based upon January 1972 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the unit.

TITLE V

NORTH LOUP DIVISION, PICK-SLOAN MISSOURI BASIN PROGRAM, NEBRASKA

SEC. 501. The North Loup division heretofore authorized as an integral part of the Missouri River Basin project by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented, is hereby reauthorized as a unit of that project for the purposes of providing irrigation water for fifty-three thousand acres of land, enhancement of outdoor recreation opportunities, conservation and development of fish and wildlife resources, and for other purposes. The principal features of the North Loup division shall include Calamus and Davis Creek Dams and Reservoirs, Kent diversion works; irrigation canals; pumping facilities; associated irrigation distribution and drainage works; facilities for public outdoor recreation and fish and wildlife developments; and other necessary works and facilities to effect its purposes.

SEC. 502. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

SEC. 503. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the North Loup division shall be in accordance with provisions of the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 504. The North Loup division shall be integrated, physically and financially, with the other Federal works in the Missouri Basin constructed or authorized to be constructed under the comprehensive plans approved by section 9 of the Act of December 22, 1944 (58 Stat. 891), as amended and supplemented.

SEC. 505. The North Loup division shall be so constructed and operated that no water shall be diverted from either the Calamus or the North Loup Rivers for any use by the division during the months of July and August each year; and no water shall be diverted from said rivers during the month of September each year whenever during said month there is sufficient water available in the division storage reservoirs to deliver the design capacity of the canals receiving water from said reservoirs.

SEC. 506. For a period of ten years from the date of enactment of this Act, no water from the project authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the

Agricultural Act of 1949 (63 Stat. 1051; 7 U.S.C. 1421 note), or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301 (b) (10) of the Agricultural Adjustment Act of 1938 (62 Stat. 1251; 7 U.S.C. 1301), as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

SEC. 507. There is hereby authorized to be appropriated for construction of the North Loup division as authorized in this Act the sum of $79,500,000 (based upon January 1972 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering costs indexes applicable to the type of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the division.

Mr. JOHNSON of California (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California.

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 11, following line 6, insert a new section 302 as follows, and renumber the succeeding sections accordingly:

"SEC. 302. Any exchanges of water which may be required in connection with the operation of the division authorized by this title shall be made in conformity with applicable State law and shall in no way jeopardize, diminish, or otherwise alter contractual rights and obligations now in existence or water rights acquired under State law, and shall be without prejudice to, but in enjoyment of, the rights of the appropriator participating in the exchange as a use under his original appropriation. Existing water users shall bear no additional costs as a consequence of any exchange in their service area."

The committee amendment was agreed to.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I should like to ask someone who is knowledgeable a question or two about this bill, and preface that by saying that I am not opposed to flood control projects, but I know of no requirement for irrigation to provide for increased production of farm products.

I do not find in reading the report any agency of government suggesting there is a necessity for the expenditure of money for the production of agricultural products through irrigation.

Is there anything to be found in this report from the Department of Agriculture or any other source that provides convincing evidence there is a shortage of farm products that ought to be remedied by expending the bulk of $319 million for the purpose of increasing the agricultural surplus which we already have?

Mr. ASPINALL. Mr. Chairman, if the gentleman will yield——

Mr. GROSS. I am glad to yield to the gentleman from Colorado.

Mr. ASPINALL. I will be glad to enter into what is, I hope, a useful dialog.

There is nothing in the report and nothing in the legislation which states at this time that there are shortages of certain farm products. The products that are to be grown on the lands that are involved in this legislation will, when the lands become productive, not be those products that are supported programs. On the other hand, anyone must realize that by the time these projects can become useful projects, the population of the United States will have expanded by many more millions of people. The particular areas concerned are areas where potential residents and farmers may find a home and a useful location entering into activities which would help, not only to feed the areas where they will be living, but also take care of the regional and national picture.

So if my friend is worried about further surpluses from these projects, I would suggest he need not worry further. Usually we do put a provision in the bill that anything which would be in competition or would add to the support programs would not be made possible for a 10-year period, but these projects will not come into being in that time.

Mr. GROSS. Our Midwest farmers buy western range cattle which are, of course, not subsidized. We buy them and feed them out to make quality meat. That consumes much of the feed we produce in surplus in the Midwest.

We are opposed to this moving into feed grain production in irrigated areas where it is not at all necessary today or in the foreseeable future. We can produce far more in the Midwest today than we are producing. We have thousands upon thousands of idle acres we ought to be getting into production, when that opportunity comes, rather than the Federal Government paying subsidies to take land out of production.

So I cannot support reclamation projects that bring in more agricultural production. I am perfectly willing to support bills to impound water where water is scarce and for flood control projects, but I ceased long ago voting for projects that bring more farmland into production.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. I am glad to yield further.

Mr. ASPINALL. I would be the first one to pay honor to the great State of Iowa and to its contribution to our national economy and to our food picture. On the other hand, as I look over the reclamation program of the past 50 years, and I have been close to it for over 50 years, I would be the first one to debate the fact that we have a better Nation, a more integrated Nation, a more useful Nation, a more economically sound Nation because of the fact that the irrigation Bureau of Reclamation programs have come into existence.

Mr. GROSS. The gentleman did not say sound financially, did he?

Mr. ASPINALL. I would say sound financially, because we do pay back the irrigation money. It is true we do have a subsidy of interest.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. ASPINALL. Mr. Chairman, I seek recognition by moving to strike the requisite number of words for the purpose of finishing my colloquy with my good friend—he is a good friend, although he seldom ever supports the reclamation projects I have brought up here, and I understand his position.

I suggest that the reclamation program has given its benefits to the national economy, that we do pay back our money, that there is no difference in the ultimate as to taking water off the land in order to make production and carrying water to the land in order to make production.

We do pay our costs, and flood control does not pay back its cost.

Mr. GROSS. It pays back in many other ways.

Mr. ASPINALL. My friend is correct. I stand on this. I believe there are many ways flood control does pay back. I support flood control. I support the small watershed projects of the Department of Agriculture just as I support these projects.

Mr. GUBSER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I invite the attention of the distinguished chairman of the Committee on Interior and Insular Affairs, the gentleman from Colorado (Mr. Aspinall). I would like to make a very brief statement, and then ask for his opinion as to whether or not I have stated the situation correctly.

Following up the recent colloquy with the gentleman from Iowa (Mr. GROSS), is it not true that if the users of reclamation water are subsidized, it is to the extent of interest-free money for those who irrigate and use the water for agriculture, and at a lesser subsidized interest rate to the users of municipal and industrial water, and does not that account for most of the subsidy?

Mr. ASPINALL. Will the gentleman yield?

Mr. GUBSER. I yield to the gentleman.

Mr. ASPINALL. The gentleman is correct.

Mr. GUBSER. Mr. Chairman, then to pursue the matter a little bit further, if I may, was it not the original purpose of the reclamation law—and I presume part of it dates back to 1902 when the Bureau of Reclamation was created—and was it not the theory or the philosophy behind reclamation that it would bring new lands into production and new wealth, all of which would be taxable, and that the sum total of financial impact to the Nation has been a plus, because of reclamation laws rather than a minus.

Mr. ASPINALL. Will the gentleman yield?

Mr. GUBSER. I yield to the gentleman.

Mr. ASPINALL. The gentleman is correct once more, keeping in mind the real reason back of this was the settlement of the West, and thereby making it a stronger, integral part of the Nation.

Mr. GUBSER. Now, if I may switch to a related subject. In my own congressional district at the present time, there is considerable discussion about the possibility of reclaiming sewage water to replace water which would come from a Bureau of Reclamation project. The statement is being made that if the same subsidy were applied to the reclamation of sewage water as is applied to this reclamation project, the cost to the Nation would be less for the reclamation of sewage water than for bringing in imported water.

Now, is it not correct that the reclamation law as it now exists applies only to the 17 western States?

Mr. ASPINALL. Will the gentleman yield?

Mr. GUBSER. I yield to the gentleman.

Mr. ASPINALL. The gentleman is correct again.

Mr. GUBSER. Mr. Chairman, is it true also, that if we were to apply the principle of subsidy in reclamation law to the reclamation of sewage water, it would have to come under a different body of law, not within the jurisdiction of the gentleman's committee, but probably within the jurisdiction of the Committee on Public Works?

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman.

Mr. ASPINALL. Mr. Chairman, I am of the opinion that as soon as we try to provide for a national project, then we must get away from the reclamation program as such. This would mean that there would have to be added jurisdictional authority to the Department of the Interior in this respect, as a consequence of the committee's handling of Bureau of Reclamation projects, which is what we have at the present time.

As to where this program would go, I do not know. I know at the present time that the Committee on Interior and Insular Affairs does have charge of the desalinization program, which is closely akin to the kind of programs my colleague is referring to at this time.

Mr. GUBSER. I thank the gentleman for his response.

Before I yield the floor, I would like to say that I know this is the last reclamation bill to be handled by the gentleman from Colorado (Mr. Aspinall).

As one who has had dealings with him in the past, I know he is one of the most honorable men I have ever known. It is this Member's opinion that he has done more to make this a good country and to make it a better country in which to live than any other man I know of. I am going to be very sorry to see him go next year.

Mr. GROSS. Would the gentleman yield?

Mr. GUBSER. I yield to the gentleman.

Mr. GROSS. Mr. Chairman, I would just like to be around here 50 years from now to see whether all of this indebtedness is going to be cleared up and paid for, as it is so boldly asserted here today by the various Members, and I assume and believe including the gentleman from California (Mr. Gubser) who is presently in the well of the House.

I do not believe he is going to be around here 50 years from now to answer the question as to whether these 50-year financing programs are going to be paid.

Mr. GUBSER. Well, Mr. Chairman, having had 20 years' experience with the tenacity, the persuasiveness, and the indefatigable nature of the gentleman from Iowa (Mr. Gross), I would not take a bet that he would not be around here 50 years from now.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Roberts, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 16012) to authorize the Secretary of the Interior to construct, operate, and maintain various Federal reclamation projects, and for other purposes, pursuant to House Resolution 1137, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 293, nays 64, not voting 73, as follows:

[Roll No. 388]

YEAS—293

Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Ashley
Aspin
Aspinall
Badillo
Baker
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bow
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Cabell
Caffery
Camp
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collins, Ill.
Colmer
Conover
Conyers
Corman
Cotter
Culver
Curlin
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Dellums
Dent
Diggs
Dingell
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Eshleman
Fascell
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Frey
Fulton
Fuqua
Gaydos
Gettys
Gibbons
Goldwater
Gonzalez
Grasso
Green, Pa.
Griffin
Grover
Gubser
Haley
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Hawkins
Hays
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Howard
Hull
Hungate
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kluczynski
Koch
Kyl
Kyros
Landrum
Leggett
Lennon
Link
Lloyd
Long, La.
Long, Md.
McClure
McCollister
McCormack
McEwen
McFall
McKevitt
McKinney
McMillan
Madden
Mahon
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Michel
Miller, Calif.
Mills, Md.
Minish
Mink
Mitchell
Mollohan
Moorhead
Morgan
Mosher
Moss
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Pelly
Pepper
Perkins
Pettis
Pickle
Pike
Podell
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Rhodes
Roberts
Robison, N.Y.
Rodino
Roe
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
St Germain
Sandman
Sarbanes
Schneebeli
Schwengel
Sebelius
Shipley
Shoup
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Snyder
Spence
Springer
Staggers
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Vander Jagt
Veysey
Vigorito
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wyatt
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—64

Abbitt
Anderson, Ill.
Archer
Ashbrook
Blackburn
Brown, Mich.
Buchanan
Byron
Clancy
Collier
Collins, Tex.
Conable
Conte
Coughlin
Crane
Daniel, Va.
Dennis
Dickinson
Donohue
Esch
Fish
Forsythe
Frenzel
Giaimo
Goodling
Gross
Gude
Hall
Harsha
Hastings
Hechler, W. Va.
Heckler, Mass.
Heinz
Hunt
Hutchinson
Keating
Kemp
Landgrebe
Lent
McCloskey
McDade
Macdonald, Mass.
Mallary
Mayne
Miller, Ohio
Mizell
Monagan
Poage
Reuss
Riegle
Robinson, Va.
Rogers
Satterfield
Scherle
Seiberling
Smith, Iowa
Smith, N.Y.
Stanton, J. William
Steiger, Wis.
Van Deerlin
Whalen
Wolff
Wydler
Yates

NOT VOTING—73

Annunzio
Arends
Baring
Betts
Bevill
Biaggi
Blanton
Brademas
Byrnes, Wis.
Carey, N.Y.
Celler
Clay
Davis, S.C.
de la Garza
Denholm
Derwinski
Devine
Dorn
Dow
Dowdy
Erlenborn
Evans, Colo.
Evins, Tenn.
Findley
Galifianakis
Gallagher
Garmatz
Gray
Green, Oreg.
Griffiths
Hagan
Halpern
Hanna
Harvey
Hathaway
Hébert
Hosmer
Jones, Tenn.
Kuykendall
Latta
Lujan
McClory
McCulloch
McDonald, Mich.
McKay
Mailliard
Metcalfe
Mikva
Mills, Ark.
Minshall
Montgomery
Murphy, Ill.
Murphy, N.Y.
Nichols
Patten
Peyser

Pirnie
Price, Tex.
Pucinski
Purcell
Reid
Rooney, N.Y.
Saylor
Scheuer
Schmitz
Scott
Sikes
Ullman
Vanik
Waldie
Widnall
Wright
Wylie

So the bill was passed.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Derwinski.
Mr. Hébert with Mr. Arends.
Mr. Rooney of New York with Mr. Saylor.
Mr. Sikes with Mr. Devine.
Mr. Celler with Mr. Pirnie.
Mr. Mikva with Mr. McClory.
Mr. Biaggi with Mr. Halpern.
Mr. Davis of South Carolina with Mr. Betts.
Mr. Garmatz with Mr. Price of Texas.
Mr. Reid with Mr. Peyser.
Mr. Murphy of Illinois with Mr. Erlenborn.
Mr. Nichols with Mr. Wylie.
Mr. Bevill with Mr. Scott.
Mr. Patten with Mr. Widnall.
Mr. Evans of Colorado with Mr. Latta.
Mrs. Green of Oregon with Mr. Minshall.
Mr. Waldie with Mr. Hosmer.
Mr. Carey of New York with Mr. Galafianakis.
Mr. Jones of Tennessee with Mr. Kuykendall.
Mr. Denholm with Mr. Lujan.
Mrs. Griffiths with Mr. Harvey.
Mr. Dorn with Mr. Byrnes of Wisconsin.
Mr. Pucinski with Mr. Gallagher.
Mr. Dow with Mr. McDonald of Michigan.
Mr. Blanton with Mr. Schmitz.
Mr. Brademas with Mr. Findley.
Mr. Hanna with Mr. Mailliard.
Mr. Evins of Tennessee with Mr. McCulloch.
Mr. Gray with Mr. Hagan.
Mr. Clay with Mr. Ullman.
Mr. Hathaway with Mr. Scheuer.
Mr. Wright with Mr. Vanik.
Mr. Metcalfe with Mr. McKay.
Mr. Montgomery with Mr. Mills of Arkansas.
Mr. de la Garza with Mr. Baring.
Mr. Purcell with Mr. Murphy of New York.

Messrs. McDADE, CONTE, MIZELL, RIEGLE, GUDE, J. WILLIAM STANTON, MACDONALD of Massachusetts, MONAGAN, and GIAIMO changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 1137, the Committee on Interior and Insular Affairs is discharged from the further consideration of the bill S. 520.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. JOHNSON OF CALIFORNIA

Mr. JOHNSON of California. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. JOHNSON of California moves to strike out all after the enacting clause of the bill S. 520 and to insert in lieu thereof the provisions of H.R. 16012, as passed, as follows:

That this Act shall be known as the Reclamation Project Authorization Act of 1972.

TITLE I

CLOSED BASIN DIVISION, SAN LUIS VALLEY PROJECT, COLORADO

SEC. 101. The Secretary of the Interior is authorized to construct, operate, and maintain the closed basin division, San Luis Valley project, Colorado, including channel rectification of the Rio Grande between the uppermost point of discharge into the river of waters salvaged by the project, and the Colorado-New Mexico State line, so as to provide for the carriage of water so salvaged without flooding of surrounding lands, to minimize losses of waters through evaporation, transpiration, and seepage, and to provide a conduit for the reception of waters salvaged by drainage projects undertaken in the San Luis Valley below Alamosa, Colorado, in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), and as otherwise provided in this Act, for the principal purposes of salvaging, regulating, and furnishing water from the closed basin area of Colorado; transporting such water into the Rio Grande; making water available for fulfilling the United States obligations to the United States of Mexico in accordance with the treaty dated May 21, 1906 (34 Stat. 2953); furnishing irrigation water, industrial water, and municipal water supplies to water deficient areas of Colorado, New Mexico, and Texas through direct diversion and exchange of water; establishing the Mishak National Wildlife Refuge and furnishing a water supply for the operation of Mishak National Wildlife Refuge and the Alamosa National Wildlife Refuge and for conservation and development of other fish and wildlife resources; providing outdoor recreational opportunities; augmenting the flow of the Rio Grande; and other useful purposes, in substantial accordance with the engineering plans set out in the report of the Secretary of the Interior on this project: *Provided*, That no wells of the project, other than observation wells, shall be permitted to penetrate the aquiclude, or first confining clay layer.

(b) Construction of the project may be undertaken in such units or stages as in the determination of the Secretary will best serve project requirements and meet water needs: *Provided*, That construction of each of the successive units or stages after stage 1 of said project shall be undertaken only with the consent of the Colorado Water Conservation Board and the Rio Grande Water Conservation District of the State of Colorado.

(c) The closed basin division, San Luis Valley project, Colorado, shall be operated in such manner that the delivery of water to the river and return flows of water will not cause the Rio Grande system to be in violation of water quality standards promulgated pursuant to the Water Quality Act of 1965 (79 Stat. 903).

SEC. 102. (a) Prior to commencement of construction of any part of the project, except channel rectification, there shall be incorporated into the project plans a control system of observation wells, which shall be designed to provide positive identification of any fluctuations in the water table of the area surrounding the project attributable to operation of the project or any part thereof. Such control system, or so much thereof as is necessary to provide such positive identification with respect to any stage of the project, shall be installed concurrently with such stage of the project.

(b) The Secretary shall operate project facilities in a manner that will not cause the water table available for any irrigation or domestic wells in existence prior to the construction of the project to drop more than two feet and in a manner that will not cause reduction of artesian flows in existence prior to the construction of the project.

SEC. 103. There is hereby established an operating committee consisting of one member appointed by the Secretary, one member appointed by the Colorado Water Conservation Board, and one member appointed by the Rio Grande Water Conservation District, which is atuhorized to determine from time to time whether the requirements of section 102 of this Act are being complied with. The committee shall inform the Secretary if the operation of the project fails to meet the requirements of section 102 or adversely affects the beneficial use of water in the Rio Grande Basin in Colorado as defined in article I(c) of the Rio Grande compact (53 Stat. 785). Upon receipt of such information the Secretary shall modify, curtail, or suspend operation of the project to the extent necessary to comply with such requirements or eliminate such adverse effect.

SEC. 104. (a) Except as hereinafter provided, project costs shall be nonreimbursable.

(b) After the project or any phase thereof has been constructed and is operational, the Secretary shall make water available in the following listed order of priority:

(1) To assist in making the annual delivery of water at the gaging station on the Rio Grande near Lobatos, Colorado, as required by article III of the Rio Grande compact: *Provided*, That the total amount of water delivered for this purpose shall not exceed an aggregate of six hundred thousand acre-feet for any period of ten consecutive years reckoned in continuing progressive series beginning with the first day of January next succeeding the year in which the Secretary determined that the project authorized by this Act is operational.

(2) To maintain the Alamosa National Wildlife Refuge and the Mishak National Wildlife Refuge: *Provided*, That the amount of water delivered to the Alamosa National Wildlife Refuge shall not exceed five thousand three hundred acre-feet annually, and the water delivered to the Mishak National Wildlife Refuge shall not exceed twelve thousand five hundred acre-feet annually.

(3) To apply to the reduction and elimination of any accumulated deficit in deliveries by Colorado as is determined to exist by the Rio Grande Compact Commission under article VI of the Rio Grande compact at the end of the compact water years in which the Secretary first determines the project to be operational.

(4) For irrigation or other beneficial uses in Colorado: *Provided*, That no water shall be delivered until agreements between the United States and water users in Colorado, or the Rio Grande Water Conservation District acting for them, have been executed providing for the repayment of such costs as in the opinion of the Secretary are appropriate and within the ability of the users to pay.

SEC. 105. Construction of the project shall not be started until the State of Colorado agrees that it will, as its participation in the project, convey to the United States easements and rights-of-way over lands owned by the State that are needed for wells, channels, laterals, and wildlife refuge areas, as identified in the project plan. Acquisition of privately owned land shall, where possible and consistent with the development of the project, be restricted to easements and rights-of-way in order to minimize the removal of land from the local tax rolls.

SEC. 106. Conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the closed basin division of the San Luis Valley project works authorized by this Act shall be in accordance with the provisions of the Federal Water Project Recreation Act (70 Stat. 213).

SEC. 107. The Secretary is authorized to transfer to the State of Colorado or to any qualified agency or political subdivision of the State, or to a water users' organization, responsibility for the care, operation, and maintenance of the project works, or any part thereof. The agency or organization assuming such obligation shall obligate itself to operate the project works in accordance with regulations prescribed by the Secretary.

SEC. 108. Nothing contained in this Act shall be construed to abrogate, amend, modify, or be in conflict with any provisions of the Rio Grande compact; or to shift any legal burden of delivery from the Rio Grande or the Conejos River to the closed basin.

SEC. 109. There is hereby authorized to be appropriated for construction of the closed basin division of the San Luis Valley project the sum of $18,246,000 (April 1972 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuation in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein, and such additional sums as may be required for operation and maintenance of the project.

TITLE II

BRANTLEY PROJECT, PECOS RIVER BASIN, NEW MEXICO

SEC. 201. The Secretary of the Interior is authorized to construct, operate, and maintain the Brantley project, Pecos River Basin, New Mexico, in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and the provisions of this Act and the plan set out in the report of the Secretary on this project, with such modification of, omissions from, or additions to the works, as the Secretary may find proper and necessary for the purposes of irrigation, flood control, fish and wildlife and recreation, and for the elimination of the hazards of failure of McMilland and Avalon Dams: *Provided*, That the Secretary of the Interior shall operate the existing Alamogordo Dam and Reservoir unit: *And provided further*, That the Secretary of the Interior shall familiarize himself with the water rights of appropriators of water from the Pecos River and shall promulgate criteria for the operation of the Brantley project and other irrigation storage projects on the Pecos River in the State of New Mexico that will preclude any detrimental effect on water rights in the Pecos River so that appropriators of water will not be adversely and unreasonably affected by such operations.

SEC. 202. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Brantley project shall be in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 203. Nothing in this Act shall be construed to alter, amend, repeal, modify, or be in conflict with the provisions of the Pecos River Compact, 1948, consented to by the Congress in the Act of June 9, 1949 (63 Stat. 159).

SEC. 204. The costs allocated to flood control and the safety of dams purposes of the project shall be nonreimbursable and nonreturnable. The repayment of costs allocated to recreation and fish and wildlife enhancement shall be in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat, 213).

SEC. 205. The interest rate used for computing interest during construction and interest in the unpaid balance of the reimbursable costs of the Brantley project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction on the project is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from date of issue.

SEC. 206. There is hereby authorized to be appropriated for construction of the Brantley project the sum of $45,605,000 (based on July 1971 prices), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering cost indexes applicable to the types of construction involved and, in addition thereto, sums as may be required for operation and maintenance of the project.

TITLE III

SALMON FALLS DIVISION, UPPER SNAKE RIVER PROJECT, IDAHO

SEC. 301. For the primary purposes of providing irrigation water supplies and the enhancement of fish and wildlife resources, and other purposes, the Secretary of the Interior, acting pursuant to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), is authorized to construct, operate, and maintain the Salmon Falls division, Upper Snake River project, Idaho. The principal works of the divisions shall consist of the Milner pumping plant, the Milner-Salmon Falls Canal, relift pumping stations, water distribution facilities, wells to provide supplemental water, drainage facilities, and related works. The wells to provide supplemental water, authorized by this Act, shall be so located that the irrigation water produced therefrom can be delivered to the lands of the Salmon Falls division without the requirement for water rights exchange agreements between the Salmon River Canal Company and the North Side Canal Company of Jerome, Idaho.

SEC. 302. Any exchanges of water which may be required in connection with the operation of the division authorized by this title shall be made in conformity with applicable State law and shall in no way jeopardize, diminish, or otherwise alter contractual rights and obligations now in existence or water rights acquired under State law, and shall be without prejudice to, but in enjoyment of, the rights of the appropriator participating in the exchange as a use under his original appropriation. Existing water users shall bear no additional costs as a consequence of any exchange in their service area.

SEC. 303. Irrigation repayment contracts shall provide, with respect to any contract unit, for repayment of the irrigation construction costs assigned to the irrigators for repayment over a period of not more than fifty years, exclusive of any development period authorized by law. Construction costs allocated to irrigation beyond the ability of irrigators to repay shall be charged to and returned to the reclamation fund in accordance with the provisions of section 2 of the Act of June 14, 1966 (80 Stat. 200), as amended by section 6 of the Act of September 7, 1966 (80 Stat. 707).

SEC. 304. The provision of lands, facilities, and project modifications which furnish fish and wildlife benefits in connection with the Salmon Falls division shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 305. Power and energy required for irrigation water pumping for the Salmon Falls division shall be made available by the Secretary from the Federal Columbia River power system at charges determined by him.

SEC. 306. The interest rate used for computing interest during construction and interest on the unpaid balance of the reimbursable costs of the Salmon Falls division shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction on the division is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for fifteen years from date of issue.

SEC. 307. For a period of ten years from the date of enactment of this Act, no water from the project authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949 (63 Stat. 1051; 7 U.S.C. 1421), or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938 (62 Stat. 1251; 7 U.S.C. 1301), as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

SEC. 308. There is hereby authorized to be appropriated for construction of the works herein authorized and for the acquisition of the necessary land and rights the sum of $62,258,000 (January 1972 prices), plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indexes. There are also authorized to be appropriated such sums as may be required for the operation and maintenance of said division.

TITLE IV

O'NEILL UNIT, PICK-SLOAN MISSOURI BASIN PROGRAM, NEBRASKA

SEC. 401. The O'Neill unit, heretofore authorized as an integral part of the Pick-Sloan Missouri Basin program by the Act of August 21, 1954 (68 Stat. 757), is hereby reauthorized as a unit of that project for the purposes of providing irrigation water for seventy-seven thousand acres of land, flood control, fish and wildlife conservation and development, public outdoor recreation, and for other purposes. The construction, operation, and maintenance of the O'Neill unit shall be subject to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto). The principal features of the unit shall include Norden Dam and Reservoir, related canals, a pumping plant, distribution systems, and other necessary works needed to effect the aforesaid purposes.

SEC. 402. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the O'Neill unit shall be in accordance with provisions of the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 403. The O'Neill unit shall be integrated physically and financially with the other Federal works constructed under the comprehensive plan approved by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented.

SEC. 404. The interest rate used for purposes of computing interest during construction anhd interest on the unpaid balance of the capital costs allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable to the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

SEC. 405. For a period of ten years from the date of enactment of this Act, no water from the project authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949 (63 Stat. 1051; 7 U.S.C. 1421 note), or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938 (62 Stat. 1251; 7 U.S.C. 1301), as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

SEC. 406. There is hereby authorized to be appropriated for construction of the O'Neill unit as authorized in this Act the sum of $113,300,000 (based upon January 1972 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the unit.

TITLE V

NORTH LOUP DIVISION, PICK-SLOAN MISSOURI BASIN PROGRAM, NEBRASKA

SEC. 501. The North Loup division heretofore authorized as an integral part of the Missouri River Basin project by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented, is hereby reauthorized as a unit of that project for the purposes of providing irrigation water for fifty-three thousand acres of land, enhancement of outdoor recreation opportunities, conservation and development of fish and wildlife resources, and for other purposes. The principal features of the North Loup division shall include Calamus and Davis Creek Dams and Reservoirs, Kent diversion works; irrigation canals; pumping facilities; associated irrigation distribution and drainage works; facilities for public outdoor recreation and fish and wildlife developments; and other necessary works and facilities to effect its purposes.

SEC. 502. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

SEC. 503. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the North Loup division shall be in accordance with provisions of the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 504. The North Loup division shall be integrated, physically and financially, with the other Federal works in the Missouri Basin constructed or authorized to be construced under the comprehensive plans approved by section 9 of the Act of December 22, 1944 (58 Stat. 891), as amended and supplemented.

SEC. 505. The North Loup division shall be so constructed and operated that no water shall be diverted from either the Calamus or the North Loup Rivers for any use by the division during the months of July and August each year; and no water shall be diverted from said rivers during the month of September each year whenever during said month there is sufficient water available in the division storage reservoirs to deliver the design capacity of the canals receiving water from said reservoirs.

SEC. 506. For a period of ten years from the date of enactment of this Act, no water from the project authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949 (63 Stat. 1051; 7 U.S.C. 1421 note), or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938 (62 Stat. 1251; 7 U.S.C. 1301), as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

SEC. 507. There is hereby authorized to be appropriated for construction of the North Loup division as authorized in this Act the sum of $79,500,000 (based upon January 1972 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering costs indexes applicable to the types of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the division.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "To authorize the Secretary of the Interior to construct, operate, and maintain various Federal reclamation projects, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ADDITIONAL LEGISLATIVE PROGRAM

(Mr. BOGGS asked and was given permission to address the House for one minute.)

Mr. BOGGS. Mr. Speaker, I take this time to announce to the House that on tomorrow, the House will consider H.R. 13694, the American Revolution Bicentennial Commission and also a number of conference reports.

Mr. GROSS. Would the distinguished majority leader yield?

Mr. BOGGS. Yes, I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. Is that the bill to provide for a convention hall down here?

Mr. BOGGS. No. This is the American Revolution Bicentennial bill we debated but did not vote on sometime ago, and there is no hall provided for in the bill.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. BOGGS. I yield to the gentleman.

Mr. GROSS. Mr. Speaker, we adopted a rule on that bill yesterday. What is the status of that bill?

Mr. BOGGS. Mr. Speaker, you are speaking of the Eisenhower Memorial Bicentennial Civic Center.

Mr. GROSS. What is the status of that bill?

Mr. BOGGS. The status of it is that it is pending. It has not been called up; it may be called up next week.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. BOGGS. I yield to the gentleman.

Mr. GROSS. It may be called up next week?

Mr. BOGGS. That is correct.

Mr. GROSS. Well, if it is never called up, it will be too soon.

I thank the gentleman.

PERMISSION TO FILE REPORT ON H.R. 16832, FLOOD CONTROL ACT OF 1972, UNTIL MIDNIGHT THURSDAY

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that the Committee on Public Works have until midnight, Thursday, September 28, 1972, to file the report on H.R. 16832, the Flood Control Act of 1972.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

DISASTER RELIEF FOR SOUTH DAKOTA VICTIMS

(Mr. ABOUREZK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ABOUREZK. Mr. Speaker, every Member of this body has reason to be proud of what we have done to help the flood-stricken people of Rapid City, S. Dak.

When more than a foot of rain fell, when dams broke, and when a wall of water crushed more than a thousand homes and swept 240 people to their deaths, the House of Representatives was first to respond.

The House of Representatives was quick to recognize that existing disaster programs were simply not adequate when so much destruction was concentrated upon so small a population. The House responded generously.

The House of Representatives has earned the gratitude, and it is deep gratitude, of the people of the Rapid City area.

Mr. Speaker, I rise today to say that the job is not done, to tell the Members of this body that we are now rebuilding, and that we are rebuilding in a spirit of hope which is inspiring to see.

We have broken records in the Rapid City area in putting people in temporary housing and getting them back on their feet. You gentlemen deserve a good deal of the credit.

Much remains to be done, of course. The housing is only temporary and thousands of lives remain disrupted and unsettled. I am here today to report that you could not humanly expect better progress than we have already made.

I do believe that in Rapid City and the area we have made a model example of how much can be done quickly when people work together and have the tools they need.

I hope to offer a floor amendment which in effect asks you to carry that model example forward, to show the rest of the Nation how very much can be done when you have community spirit such as we have, when you have industry, enterprise, hard work and cooperation.

First, a word by way of background. The flood cut a swath several blocks wide through the entire length of Rapid City. It started at one end of town and destroyed everything in its path to the other end. It is miles long.

Houses, cars, trees, anything you can imagine, were strewn along that path. Mobile homes were tossed along that path like so many broken branches: They were twisted, piled, broken, and scattered—and that was the general picture.

Now that has been cleaned up. The earth has been scraped clean and bare. Imagine, if you will, what block after block of homes and businesses would look like with the buildings gone. The curbs and gutters, the streets, driveways, phone poles, trees, and some of the shrubbery are there. But the buildings, for the most part, have been cleared away.

It is an eerie reminder of that night of horror June 9, and it cuts a path right through the middle of town.

The people of Rapid City have decided that they do not want to permit anyone to live in that flood zone. It is a wise decision. The dam is out, and if we have heavy spring flooding from all the snow that accumulates in the Black Hills in a typical South Dakota winter, we could have tragedy all over again.

So we have decided to rebuild where it is safe, and to build a park as a memorial to those who died and suffered where it would not be safe to locate businesses and homes.

As you might expect, we are using the urban renewal program, and it is to that program that my amendments speak today.

We have applied for $87,000,000. We figure that would do the job in a manner in which would make every Member of this body proud to have been a part of the effort. It would serve handsomely to build our national model example of what can be done, of what is possible.

Most importantly, it would make Rapid City one of the most beautiful towns in America. I mean that in all sincerity. It would turn a horrible, nightmarish, murderous disaster around and make it into something beautiful. You can never compensate 100 percent for something like that, but I believe that we should try to make the best of it.

The people of Rapid City are willing to go the extra mile to make their part of the urban renewal deal.

But they are severely hampered by some obvious things. The property tax base has been dealt an absolutely devastating blow. The tourism which we needed did not materialize; people stayed away from the Rapid City area this year, despite our urgings to the contrary.

At this point we have no hard statistics to gage the loss—it will be somewhere between 15 and 33 percent. It is a real blow.

On top of that, unemployment remains high. You must remember that we lost hundreds of businesses in a town of 43,000 people.

You can imagine what demands have been placed on the city and county budgets—this in the face of that diminished tax base.

The floor amendments I hope to offer would enable Rapid City to meet its share of the urban renewal matching funds.

The first would allow Rapid City to count 100 percent of the cost of its proposed new public library and civic center as a local contribution.

Presently the law allows 25 percent. The two projects together will total between $4 and $5 million, and that cost will borne by the people of Rapid City.

If you accept that amendment, it will mean an additional $9 million for Rapid City, and we need it.

The second amendment would change the overall match basis for the project from 75–25 to 90–10.

In all, Rapid City is able to afford about $5 million. If you change the leverage of that $5 million to a 90–10 basis, it means the difference between a patchwork project and one that would make us all proud. It means something on the order of $30 million for Rapid City, and we need it.

There have been precedents for this kind of language in Alaska, after the earthquake, and in Denver and other parts of the country.

We are not asking for the key to the Federal Treasury. What we are asking for amounts to an infinitesimal sliver of the Federal budget—and you could not find a more worthy use for it within the shores of the United States.

There is the further argument that Rapid City is a small city in a rural State. I do not need to belabor the point that rural areas have usually been left toward the bottom of the ladder in the clamor for the Federal dollar. Every one of you from a rural State knows it, and every one of you from an urban area knows what the rural decline has meant to the cities.

Mr. Speaker, on behalf of the already burdened people of Rapid City, I hope the adoption of these amendments will be possible.

LETTERS OF CERTIFICATION OF AIRCRAFT WHICH CRASHED AT SACRAMENTO

(Mr. MOSS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MOSS. Mr. Speaker, I am putting into the Record at this point the pertinent letters of certification of the aircraft which crashed at Sacramento, Calif., on Sunday, September 24, 1972.

Additionally, I am also including the applicable regulations issued by the Federal Aviation Administration and a letter to Administrator John Shaffer.

Mr. Speaker, my reading of this material suggests to me that serious violations of the regulations and/or the limitations occurred and were significant contributing factors to the tragedy which snuffed out the lives of 22 of my fellow Sacramentans.

Mr. Speaker, it is my intention to closely follow the findings of the Air Transportation Safety Board and the actions taken by the FAA to implement those findings. I shall continue reporting to the House the further developments in this case.

The material follows:

House of Representatives,
Washington, D.C., September 26, 1972.

John H. Shaffer,
Administrator, Federal Aviation Administration, Washington, D.C.

Dear Mr. Shaffer: The crash of an F86 plane, Canadair MK–5, N275X, at Sacramento Executive Airport on Sunday, September 24, raises serious questions as to the adequacy of certification of such aircraft for operation over or into populated areas of high air traffic density.

The certification of air worthiness issued May 8, 1972 for a one year period imposed severe limitations upon the aircraft; further limitations are provided under FAA rules and regulations.

I have reviewed the letter of authorization issued to Mr. Robert L. Bingham on June 6, 1972, which imposed further limitations upon the pilot while flying the aircraft for the purposes of "pilot proficiency and exhibition." I read the limitations in paragraphs two, three and four to apply to "all flights." Paragraph one is open to construction as applying only to "pilot proficiency flights," but at best is ambiguous.

I desire a full explanation of the restrictions intended to have applied to the plane and its pilot. I do not request the cause of the crash, because I recognize that such determinations must be made by the Air Transportation Safety Board, and that they will not be prepared to release any findings until their investigation is fully completed. I do, however, request full information as to limitations applied upon military type aircraft similar to the F86. If restrictions imposed could permit operation in a manner similar to that of aircraft N275X, then I strongly urge the cancellation of such letters of authorization or interim certificates of air worthiness until they can be modified to contain the most stringent provisions against flight over populated areas or in areas of high aircraft density.

I suggest the F.A.A. promptly undertake a review of their regulations to clearly divorce certification of aircraft for "experimental purposes" from certifications for "exhibition of the aircraft". The two purposes are not, in my judgment, similar, and the distinctions should be clearly made in any further authorizations.

I ask that you give me the information herein requested and the assurances sought as promptly as possible. I am directing a copy of this letter to the Chairman of the House Committee on the Interstate and Foreign Commerce, the Honorable Harley Staggers, and to the Chairman of the Senate Committee on Commerce, the Honorable Warren Magnuson. If it is your judgment, after review, that the F.A.A. requires further legislative authority, I assure you of my willingness to discuss with you whatever requests seem appropriate.

The kind of needless tragedy which occurred in Sacramento on Sunday, September 24, must not again occur because of the failure of an agency of the government to act promptly.

Sincerely,

John E. Moss,
Member of Congress.

[Letter of Authorization]

June 6, 1972.

Mr. Robert L. Bingham,
Novato, Calif.

Dear Mr. Bingham: This letter authorizes you to serve as pilot in command of Canadair MK–5, N275X, for the purpose of pilot proficiency and exhibition of the aircraft. The following limitations in addition to those outlined in the operating limitations of the aircraft will apply:

1. All pilot proficiency operations will be limited to an area within 100 miles of the

metropolitan Oakland International Airport or the Sonoma County Airport and takeoffs and landings for such operations will be limited to these airports other than for emergency reasons. If an emergency landing is required at another airport, a full written report of the facts and circumstances will be submitted to this office within 48 hours of its occurence.

2. All flights from the metropolitan Oakland Airport and the Sonoma County Airport must be approved by the respective airport manager.

3. All flights shall be conducted to avoid areas having heavy air traffic and when operating in the vicinity of cities, towns, villages and congested areas conducted in a manner that the aircraft will not create a hazard to persons or property on the ground.

4. No persons other than the pilot shall be carried.

This authorization will expire upon written notification but in no case later than December 1, 1972.

Sincerely,

JOHN S. ZENTNOR,
Chief, Oakland GADO.

ACCIDENT, SACRAMENTO, CALIF., SEPTEMBER 24, 1972

(Prepared by K. I. Blythe, Chief, Quality Stds. Branch, AFS–180

Aircraft involved: Registration No. N–275X, Serial No. 1065, Canadian Limited Saber Mark V Ex-Military Aircraft, Model F–86. Total time on aircraft at time of certification—770 hours. Powered by one Model 10 ORENDA Jet Engine, Canadian built. Single shaft turbo-jet 7500 lbs. thrust.

Owned by: Spectrum Air Inc., Navato, California.

Pilot: Richard Lamar Bigham, Novato, California.

Licenses: Airline Transport Pilot, Certificate No. 1670088—Transport Tops Rated AMEL—DC–3 Multi Engine Land—ASEL—Commercial Single Engine. Flight Instructor Airplanes.

Aircraft airworthiness: Certificated May 8, 1972 by Oakland GADO. Inspector: J. W. Henderson.

Certificate of Airworthiness issued May 8, 1972 in accordance with FAR 21.191d, with operation limitations in accordance with FAR 91.42.

Certification Category, Experimental Exhibition issued May 8, 1972. Expires May 8, 1973 (one year).

Operation limitations for this aircraft were issued in accordance with FAA Regulations and policy, as follows.

This aircraft must be operated in compliance with the following limitations.

This listing shall be accessable to the pilot.

1. Flights are authorized only for the purpose of exhibiting the aircraft at bona fide airshows and exhibits, movement of the aircraft to exhibit locations, and proficiency flights by persons so authorized.

2. Each person operating this aircraft shall comply with the operating limitations prescribed in FAR Part 91, Section 91.42 and shall conduct all flights in accordance with applicable FAA Air Traffic and General Operating Rules.

3. All flights shall be conducted in such a manner that the aircraft will not present a hazard to persons or property.

4. Aircraft and aircraft engine operations shall be conducted in compliance with the military and/or manufacturer's limitations issued for the aircraft.

5. All flights shall be conducted during daylight hours.

6. This aircraft may not be operated in weather conditions below the minimum prescribed for V.F.R. flight. Operations in position control areas and route segments shall conform to the equipment and operational requirements of FAR 91.97 and FAR 91.170.

7. Operations of this aircraft may be conducted only by a pilot authorized under a letter of authority issued by the Administrator.

8. Any major changes, alteration, or change of owner of this aircraft, renders this airworthiness certificate invalid.

SUMMARY

This is an ex-military aircraft, many of which were sold to the general public by the military services once they have fulfilled the needs of the military.

This type of aircraft are very limited in their use and can only be certificated for specific purposes, such as research and development, showing compliance with regulations, crew training, exhibition, and air racing.

This airplane was certificated in the exhibition category under the regulation FAR 21.191(d) (Attachment A).

Such aircraft are issued certificates for the purpose of exhibiting the aircraft's flight capabilities, performance or unusual characteristics at airshows, motion pictures, television and surveillance productions and the maintenance of exhibiting flight proficiency included (for persons exhibiting aircraft) flying to and from airshows and productions.

The operation limitations with such aircraft are very restrictive in nature to safeguard the public. Such limitations are issued in accordance with FAR 91–42 (Attachment B).

No person may operate such an aircraft for a purpose other than which it was certificated. They may not carry persons or property for compensation or hire.

Such aircraft are normally confined to a flight test area assigned by the Administrator until the aircraft is shown to be controllable throughout its normal range of speeds and throughout all maneuvers to be executed and also that the aircraft has no hazardous operating characteristics or design features.

FAA RULES

§ 21.191 Experimental certificates.

Experimental certificates are issued for the following purposes:

(a) *Research and development.* Testing new aircraft design concepts, new aircraft equipment, new aircraft installations, new aircraft operating techniques, or new uses for aircraft.

(b) *Showing compliance with regulations.* Conducting flight tests and other operations to show compliance with the airworthiness regulations including flights to show compliance for issuance of type and supplemental type certificates, flights to substantiate major design changes, and flights to show compliance with the function and reliability requirements of the regulations.

(c) *Crew training.* Training of the applicant's flight crews.

(d) *Exhibition.* Exhibiting the aircraft's flight capabilities, performance, or unusual characteristics at air shows, motion picture, television, and similar productions, and the maintenance of exhibition flight proficiency, including (for persons exhibiting aircraft) flying to and from such air shows and productions.

(e) *Air racing.* Participating in air races, including (for such participants) practicing for such air races and flying to and from racing events.

(f) *Market surveys.* Use of aircraft for purposes of conducting market surveys, sales demonstrations, and customer crew training.

(g) *Operating amateur-built aircraft.* Operating an aircraft the major portion of which has been fabricated and assembled by persons who undertook the construction project solely for their own education or recreation.

§ 21.193 Experimental certificates: general.

An applicant for an experimental certificate must submit the following information:

(a) A statement, in a form and manner prescribed by the Administrator setting forth the purpose for which the aircraft is to be used.

(b) Enough data (such as photographs) to identify the aircraft.

(c) Upon inspection of the aircraft, any pertinent information found necessary by the Administrator to safeguard the general public.

(d) In the case of an aircraft to be used for experimental purposes—

(1) The purpose of the experiment;

(2) The estimated time or number of flights required for the experiment;

(3) The areas over which the experiment will be conducted; and

(4) Except for aircraft converted from a previously certificated type without appreciable change in the external configuration, three-view drawings or three-view dimensioned photographs of the aircraft.

§ 91.42 Aircraft having experimental certificates; operating limitations.

(a) No person may operate an aircraft that has an experimental certificate—

(1) For other than the purpose for which the certificate was issued; or

(2) Carrying persons or property for compensation or hire.

(b) No person may operate an aircraft that has an experimental certificate outside of an area assigned by the Administrator until it is shown that—

(1) The aircraft is controllable throughout its normal range of speeds and throughout all the maneuvers to be executed; and

(2) The aircraft has no hazardous operating characteristics or design features.

(c) Except for takeoffs and landings conducted in accordance with the terms and conditions of special operating limitations issued by the Administrator, no person may operate an aircraft that has an experimental certificate over a densely populated area or in a congested airway.

(d) Each person operating an aircraft that has an experimental certificate shall—

(1) Advise each person carried of the experimental nature of the aircraft;

(2) Operate under VFR, day only, unless otherwise specifically authorized by the Administrator; and

(3) Notify the control tower of the experimental nature of the aircraft when operating control towers.

(e) The Administrator may prescribe additional limitations that he considers necessary, including limitations on the persons that may be carried in the aircraft.

FAA POLICY

Handbook 8440.3, and Advisory Circular No. 137.1 are complied with.

(c) The applicable operating time in an assigned flight test area is conducted with the dispensing equipment installed on the aircraft.

(d) All other applicable operating rules in FAR Part 91 are met.

(c) *Purposes Other Than Amateur-Built.* A single experimental certificate may be issued to cover one or more of the following purposes, provided the applicant meets all of the applicable requirements for each purpose. Each purpose should be shown on the certificate and on the operating limitations. Amendment of the certificate to delete or add purposes requires submittal of an Application for Airworthiness Certificate, FAA Form 8130–6, together with other required data if applicable. FAR 21.191 defines the operations authorized under each purpose; therefore, the following paragraphs will be confined to information of a clarifying or procedural nature.

(1) *Research and Development.* Generally any aircraft would be eligible for an experimental certificate under this purpose. Although the operations may eventually lead to type certification, they may be conducted

by the applicant only as a matter of pure research or to determine whether an idea warrants further development.

(2) *Showing Compliance with Regulations.* In addition to the operations specified in FAR 21.191(b), the operation of a chase plane not otherwise eligible for an experimental certificate, but necessary for use in direct connection with a type certification project, is considered to be within the scope of this purpose.

(3) *Crew Training.* Under FAR 21.191(c), this purpose is limited to only the applicant's flight crews, which normally would be the manufacturer's employees necessary to be trained in experimental aircraft for subsequent operation of aircraft being flight tested in type certification programs or for production flight testing. (Crew training of the manufacturer's customers in experimental aircraft is covered under "market surveys.")

(4) *Exhibition.* The operations permissible under this purpose are clearly defined in FAR 21.191(d). Operating an aircraft to demonstrate its flight characteristics or capabilities in connection with sales promotions for the aircraft is not considered to be an eligible operation under exhibition. Prior to issuing an experimental certificate for exhibition, the FAA inspector should make every attempt to ensure that the applicant's request is bona fide. If considered necessary, the inspector may require the applicant to submit an airshow schedule or other evidence to substantiate his intent.

d. *Flight Test Areas.*

(1) *General.* The general requirements governing flight test areas are contained in FAR 91.42(b) and 91.93. Although it is the responsibility of the pilot to conduct flight test operations in accordance with FAR 91.93, flight standards field offices may, nevertheless, be called upon to determine the location of acceptable areas, since the FAA can provide information concerning traffic density in particular areas. FAA inspectors, when requested, should assist applicants in selecting areas which comply with FAR 91.93. The FAA inspector may also assign a flight test area defined by boundaries when required under FAR 91.42(b) or if he considers such action necessary for safe operation under 91.93. All actions pertaining to flight test areas should be coordinated with the nearest office of the Air Traffic Service.

e. *Operating Limitations.* FAR 91.42 prescribes operating limitations which are applicable to all aircraft having experimental certificates and, in addition, under FAR 91.42 (e) the Administrator may prescribe other limitations as may be considered necessary. Since the operator of an experimentally certificated aircraft must comply with FAR 91.42(a) through (d) the limitations specified under 91.42 need not be repeated with other limitations that are normally prescribed with experimental certificates. The amendment of operating limitations, such as to permit operation outside of the defined flight test area, is considered to be an amendment of the experimental certificate, so that an Application for Airworthiness Certificate, FAA Form 8130-6, is required to be submitted by the applicant. A new FAA Form 8130-7 is normally required whenever operating limitations are amended since the date of the old limitations, as shown on the corresponding certificate, would not be in accord with the date of the new limitations, and alteration of the certificate to change the date is not acceptable.

(a) Each person operating this aircraft shall comply with the operating limitations prescribed in Federal Aviation Regulations Part 91, Section 91.42 and shall conduct all flights in accordance with the applicable FAA Air Traffic and General Operating Rules.

(b) All flights shall be conducted within the following boundaries and corridors. (Describe through map coordinates or landmarks the selected flight test area and approach corridors.)

(c) No person may be carried in the aircraft during flight unless that person is essential to the purpose of the flight.

(d) Any major change to this aircraft or change of ownership invalidates this certificate.

(2) *Operation Outside Flight Test Areas.* Aircraft which have satisfied the requirements outlined under paragraph 26e(1) may be operated outside of an assigned flight test area. Prior to authorizing an aircraft to operate outside of an assigned flight test area, the FAA inspector should ensure that the limitations prescribed in FAR 91.31(b)(1) through (9), as applicable, have been determined and are made available in the aircraft. Following are examples of operating limitations which are normally prescribed for operation outside of flight test areas; however, the FAA inspector should also develop and prescribe any others that he considers necessary in view of individual circumstances involved. If any major changes are made to an aircraft after it has been approved for operation outside of an assigned flight test area, the experimental certificate is invalidated. Further operation of the aircraft would require issuance of a new experimental certificate and restriction to flights within an assigned flight test area under the same conditions outlined in paragraph 26e(1). In the case of an amateur-built aircraft, the full 50 or 75 hours of restricted operation may not be necessary, at the discretion of the FAA inspector, depending upon the nature of the major change and any other circumstances which may apply.

(b) *Experimental Operations Other Than Amateur-Built.* The following minimum operating limitations should be prescribed. The FAA inspector may prescribe others as he considers necessary in light of the circumstances and purpose involved.

1. Each person operating this aircraft shall comply with the operating limitations prescribed in Federal Aviation Regulations Part 91, Section 91.42 and shall conduct all flights in accordance with applicable FAA Air Traffic and General Operating Rules.

2. No person may be carried in the aircraft during flight unless that person is essential to the purpose of the flight.

3. Any major changes to this aircraft or change of ownership invalidates this certificate.

There are additional limitations that are issued by the Administrator that relate to the specific aircraft for operation to be performed. This is provided for by FAR 91.42(e). FAA policy regarding these regulations is outlined in the Airworthiness Certification handbook, 8130.2A (Attachments C, D, E, F, and G).

INCENTIVES FOR INVESTMENT IN MINORITY BUSINESS ENTERPRISE

(Mr. MITCHELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MITCHELL. Mr. Speaker, it is hoped that the House will soon give favorable consideration to H.R. 16024. I hope that as we do our home work preparatory to acting on this bill, we will weigh very carefully the following statement:

INCENTIVES FOR INVESTMENT IN MINORITY BUSINESS ENTERPRISE

Racist policies have affected American life pervasively, distorting every aspect of the human environment. As elsewhere, segregation in business has been successful, catastrophically, in keeping minorities down. It has kept good and talented people out of profit-management and business ownership positions, foreclosed from markets, financing resources and access to opportunity, and deprived of the personal and economic growth which unstunted participation in our cherished free enterprise system provides advantaged Americans.

We have progressed, today, to the point where an elaborate justification for minority business programs is not required—their need and value are accepted and endorsed across the board by liberals and conservatives, Republicans and Democrats, and the advantaged and disadvantaged. Pending before the Congress currently are minority enterprise bills jointly sponsored by each.

The common and accepted rhetoric of the day must not be allowed to blind us to the present realities. While we may all agree that minority business assistance is imperative, we must judge our efforts and our commitmen in the context of the need and of the progress we make in meeting the need.

Race problems in America are not the easy ones we encountered in the sixties, where, when a man was excluded from a lunch counter, the vast majority of Americans understood the evil. It was easy then to know where to stand and what actions to take. The problems today involve the melding of people, the nuturing of attitudes, the building of friendships. The great consciousness minorities built to rectify the neglect and oppression of centuries, the pride minorities swelled to assert their dignity, now must mature to allow people to work together toward common objectives—without the distortion of social attitudes, from the extreme of condescending understanding to the militant revolutionary. Philosophies and legal rights have never educated a child, built a community, shared a mutual respect or ran a business. Gritty nuts and bolts achievement is the product of people—people dedicated to creating an environment where a man can reach his potential notwithstanding his lack of family position or wealth, personal accumulation of capital, business opportunity or a network of supporters similarly advantaged.

We must not pause and reflect on past achievement. It took so long to get started, the journey promises to be so arduous, and the urgencies are so well acknowledged that we tend to lose the needed emphasis. The Nation cannot afford to dawdle in this paradoxical position. We must keep striving, asserting the priority daily in effective and successful ways, lest the game be lost without a contest.

To achieve parity for minority in the ownership of business income and productive assets would take an investment in the hundreds of billions of dollars—an investment which, in truth, has not even been started. If the amount of equity of minorities is not increased by investment of capital or reinvestment of earnings for the account of minority managers, then there is no minority business development. If all financings are made in the form of long-term loans, equity gains will be deferred for years until the loans can be repaid. In the meantime, the growth of majority ownership of business daily increases and outstrips the growth of minority ownership. There is, therefore, no present chance for parity. In fact, minorities continue to fall further behind.

Legislation currently pending before the House to provide incentives for private investment in minority enterprise should be enacted this session (H.R. 16024) and Senator Buckley's proposals, Senate bill 3891, to authorize SBA to guarantee equity investments should be carefully considered as soon as it is possible to arrange hearings.

Of prime importance is the passage of H.R. 16024, the Small Business Investment

Amendments Act of 1972. This legislation was introduced jointly by Congressman Robert G. Stephens and Congressman J. William Stanton, the ranking members, respectively, of the Democratic and Republican parties on the Small Business Subcommittee of the House Banking and Currency Committee of which I am a member. H.R. 16024 cures the current defects inherent in a program which was developed administratively under legislative authorities which did not anticipate the special problems minorities and the disadvantaged face when they enter business.

The bill reduces costs and risks of private investors willing to assume the lead in investing in disadvantaged businesses. The bulk of the risks and costs nevertheless falls on private shoulders, with government only playing the role of a silent partner who weighs the odds to allow the game to be played at all. In recognition of the capital that both SBICs and MESBICs have made available to minority enterprises, H.R. 16024 provides increased leverage for both. However, two special incentives are reserved exclusively for MESBICs, namely the authority of SBA to substitute a preferred security for debentures on certain conditions designed to encourage more private capital into the MESBIC, and authority for SBA to reduce for 5 years to a minimum of 3% the rate of interest on all debentures purchased by SBA from MESBICs. These provisions should work quickly to double available MESBIC capital, and attract substantially more investment from the private sector into minority enterprise. The removal of the ceiling in SBIC borrowings from SBA and the authority to provide $3 for $1 leveraging to all SBICs having a minimum private capitalization of $500,000 are intended to make more investment funds available to all small business. As minority small businessmen are increasing the demand for capital, they will share the opportunity to win these funds for their businesses.

These measures are fine, as far as they go. Lack of capital resources is the common denominator of failure in business—it discourages growth and planning; it blunts professionalism; and it inflates the cost of operations. Unless Congress establishes financing alternatives designed to make equity capital available to minorities, no appreciable progress can be expected, all other assistance programs notwithstanding.

Because of the great need, I urge the House to enact forthwith H.R. 16024. Further, I urge the Chairman of the House Banking and Currency Committee to convene hearings on the equity guarantee bill (S. 3891), the proposed National Development Bank and other alternative financing plans to supplement existing programs to promote minority business development.

A LOCAL—NO, A WORLDWIDE PROBLEM

(Mr. STAGGERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. STAGGERS. Mr. Speaker, many of my colleagues in the House try to keep in touch with their constituents by means of questionnaires. We find the questionnaire to be a very useful medium of communication. Through it we can say things to our people back home. In their replies, they can and do give us a clear insight into what they believe and think.

Our correspondents do not consider themselves confined to comments on the questions asked in the questionnaire. Frequently they offer ideas of their own—important ideas. Certainly we are enabled to judge community sentiment from what our constituents have to say to us. It is a light to our path through the legislative jungle.

A rather unusual response to my most recent questionnaire came from a reflective and influential citizen of my district. It was printed in the form of a "Letter to the Editor" by an equally reflective and influential newspaper. I believe many of my colleagues will find it well worth reading.

My correspondent poses what is really the basic question to all the subquestions we print in our questionnaires. If we had the right answer to this question, all the little pieces of the complicated puzzle which is our responsibility here in Washington would fall into place. If we think that what we do makes little difference in the grand scheme of things, or if we feel that we have no guide to the right answer, then we are giving the wrong answer to the big question. My correspondent points out the source of dependable information.

BUCKHANNON, W. VA.,
September 14, 1972.

BUCKHANNON RECORD
To the Editor:

I was grateful for the opportunity to fill out and return the questionnaire sent out recently by Congressman Harley O. Staggers. This may be considered a small thing, but I think as responsible citizens we need to let our opinions be known and stand up for what we believe is right and best for our country, state, and local community.

Under the question: "What do you believe are the most important local problems in the Second Congressional District?" I gave perhaps in unexpected answer, but one I really am convinced is crucial. I answered that our greatest local problem is "an increasing indifference toward true faith in God." I don't mean to especially single out our area over any other part of our country, but I think this is a problem here too.

"Religion" is still popular, and most people still connect themselves with some religious group or organization, but it seems there are fewer and fewer who know what it is to have a real personal relationship with God through receiving the Lord Jesus Christ as their own Lord and Savior.

The Bible predicts that in "the last days," many people will have "a form of godliness, but denying the power of it." Is this what we see today? I'm afraid so.

This presents a great challenge to the leadership of our local community, as well as on other levels of government. Not only church leaders, but leaders of every aspect of society have a responsibility to be a living example of true faith and godliness.

The Bible instructs all of us to pray faithfully for those in authority over us. I would also challenge every person in a responsible position in our community to carefully examine his or her life as it relates to God, in light of the account each of us will someday give to God concerning the use of our influence.

It doesn't hurt any of us to re-examine ourselves carefully, for the Scripture commands: "Examine yourselves, whether ye be in the faith" (II Cor. 13:5). Apparently, it is possible to deceive even ourselves.

I have only been in the community a couple months, but I do also want to say that my wife and I have already fallen in love with the community, and we want to do all we can to make a useful contribution here.

Sincerely yours,
ROGER E. DORIOT, *Pastor*.

WHEN NIXON FAVORED DEBATES

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, an American President asking reelection should be willing to confront his opponent face to face. He should debate the issues.

Do not take it from me—I offer testimony to this from Richard Nixon himself.

The 1972 presidential campaign will soon enter its final month. Apparently the voters once again will be denied an opportunity to see and hear the major candidates in open confrontation.

President Nixon has presided over an essentially closed administration. Even press accessibility to the White House has been the poorest since Herbert Hoover. The Nixon reelection campaign is perhaps the most "controlled" ever. There will be no debates, no joint appearances.

The explanation we get is that Mr. Nixon is too busy "being President" to indulge in normal campaign, let alone debates.

But Mr. Nixon once felt differently. Just 8 years ago, in fact. The Saturday Evening Post of June 27, 1964, carried a lead article, "L. B. J. Should Debate on TV." It was signed by the then private citizen Richard M. Nixon.

The article follows:

L. B. J. SHOULD DEBATE ON TV

(By Richard M. Nixon)

A man who admits that a TV debate cost him the Presidency attacks Lyndon Johnson for refusing to confront the Republican candidate this fall.

A reporter at President Kennedy's second press conference, held on February 1, 1961, called the President's attention to some remarks that his campaign manager, Robert Kennedy, had made just after the 1960 election. Robert Kennedy, said the reporter, had "expressed some doubt that one who was already President would agree to debate with one who wants to be President."

"Could you tell us," the reporter asked, "to clear the air on this, whether, if you are a candidate in 1964, you would agree to debate?"

The President replied, "I would, sir."

On two other occasions before his death, President Kennedy stated unequivocally in press conferences that he would participate in television debates with his Republican opponent.

A recent Gallup poll shows that 71 percent of Americans want to see the 1964 candidates debate on television. The networks have offered free time, and Congress has removed the last legal obstacle by waiving the equal-time requirement. But at this writing it appears that there will be no debate, because President Johnson has repeatedly refused to participate in them.

Mr. Johnson's position is difficult to understand, not only because it is a repudiation of President Kennedy's decision, but also because it is a complete flip-flop from his own position in 1960, when he urged me to debate and even called for more than four debates.

On this issue I believe the great majority of the American people would agree that President Kennedy was right and President Johnson wrong.

I suppose I should be the last person to advocate television debates, in view of what happened in 1960. Most observers agree with Earl Mazo of *The New York Times,* who wrote, "If there had been no debates on television, Nixon would have been elected President." As the late Claude Robinson, who did the polling for our campaign, pointed out in a confidential memorandum to me, "Kennedy started the campaign as the less well-known candidate. By participating in debates with him, Nixon gave him the opportunity to remove that liability and to fight the campaign out on even terms."

President Johnson faces the same problem I did. He is better-known than any one of the potential Republican nominees. He will be urged, as I was, not to give up this advantage by participating in television debates. Or as Julius Duscha of the Washington Post reports, he may feel that "he can do without debates because he believes he does better in other kinds of campaign appearances."

But the issue of debates this year, as in 1960, is much bigger than whether they will help the Democratic or the Republican nominee. Television debates were not designed to serve a candidate for office; they were designed to serve the public. As Roscoe Drummond recently wrote, "President Johnson . . . would, I believe, be doing a great disservice to the cause of bringing the campaign closer to millions of votes if he stands out against the debates."

America's most distinguished political observers have expressed similar views with regard to the public interest in television debates. "The country gained in a unique and promising experiment," wrote columnist James Reston. Walter Lippmann saw the debates as breaking down "the synthetic candidates, the men who communicate with the public only by reading speeches that other men have written." And, to Dr. Malcolm Moos of Johns Hopkins, the debates "presented an opportunity for the voters to make judgments between the half-tints, the semitones, the frequently small, but significant, nuances that make up the difference in American politics."

I believe that television debates contribute significantly to four major objectives which are in the public interest: a bigger vote, better-informed voters, lower campaign costs, and, in the end, a better President.

It has been estimated that over one hundred million people saw at least part of the Kennedy-Nixon debates. Interest in the campaign, according to polls, rose 12 percent from the time of the first debate on September 26 until the last one on October 21, compared to a one percent increase in interest during the same period in the campaign of 1956. Almost seven million more people voted in 1960 than in 1956, whereas less than half a million more voted in 1956 than in 1952. This spectacular increase in the number of voters, according to most observers, was due in large part to the interest created by the television debates.

Moreover, millions of Americans who would never go out to hear a political speech, or even listen to one on television, tuned in to the debates to see a fight and stayed to learn about the issues. As a result, the electorate in 1960 was probably the best-informed in the nation's history.

As one who has been through the rigors of a presidential race, I am convinced that television debates are essential if we are to have less costly and more thoughtful campaigns. In 1860 Abraham Lincoln ran for President without ever leaving Springfield, Ill. One hundred years later John Kennedy, from the time of the convention to the election, traveled 44,000 miles in 43 states. In that same period I traveled 65,000 miles through 50 states. As the nation approaches the 200 million mark in population, only television holds the key to less frantic and more contemplative campaigns.

But television has become almost prohibitively expensive. It now costs $11,000 to buy 10 one-minute spots on a New York City station; the same time sells for $3,150 in Portland, Oreg., and $3,500 in Dallas, Tex. A large part of the almost $20 million that was the reported cost of the 1960 campaigns went for the purchase of television time. Such an addition to the already astronomical expenses of running for office has menacing implications for a society that should be concerned with the potentially corrosive influence of money in politics.

It was this concern that caused President Kennedy to appoint a blue-ribbon panel headed by Chancellor Alexander Heard of Vanderbilt University to find ways to improve the financing of presidential campaigns. The Heard Commission, aware of the $6 million worth of free time given by the television industry for the 1960 debates, recommended that the law again be changed to allow debates in 1964. Congress has voted to change the law, but unless President Johnson changes his position, there will, of course, be no debates.

I believe the strongest argument for debates is that they make candidates put on a better campaign, with the result that the man who wins becomes a better President. As Prof. Harvey Wheeler pointed out: (1) Debates prevent a candidate from waging a campaign on the basis of special-interest appeals—no longer can he say one thing when addressing labor and something else when addressing business. (2) Debates force a candidate to present a systematic program; it becomes increasingly difficult, for example, for a candidate to promise a welfare program that is inconsistent with his tax program. (3) Debates tend to make election issues out of problems for which there is no organized lobby, such as foreign policy.

And, as Professors Elihu Katz and Jacob Feldman concluded, "The debates might make for a greater acceptance of the winning candidate." The reason for this, they say, is that "voters learned something about the candidate they opposed—they learned that he was human!" Voters also have the opportunity to see the real man, not the synthetic product of public-relations experts. For example, in our four, hour-long debtates, President Kennedy and I discussed over 50 major national and international issues without benefit of notes or ghost-writers. The voters could justifiably conclude that they were hearing our own views on each issue, rather than the views of someone else.

Some who oppose debates argue that it would not be in the best interests of the country for the President to participate because, having knowledge of so much secret information, he might be forced into making a statement that would be detrimental to the national interest.

President Kennedy obviously did not share this view and, in 1960, when I was Vice President, a member of the Cabinet and the National Security Council, I also did not share this view, although I, too, knew all the nation's top secrets.

I cannot see how a President's engaging in debate differs significantly in this respect from his weekly encounters at press conferences. When faced by his political opponent or newsmen, he always has the option of turning a question aside and saying, "No comment." And, in view of the fact that President Johnson has offered complete briefings to the Republican nominee on all secret information, his opponent would not try to gain an unfair advantage in case the President was forced to answer a question involving classified information in this manner.

Some object that when two candidates confront each other on television, one may have an unfair advantage—if only because some people look better on television than others do. I certainly can sympathize with this objection. I will never forget my frustration after my first debate with Senator Kennedy, when I learned how arbitrary factors of this sort had affected the result.

I had left the studio confident that I had driven across my arguments and successfully met my opponent's. Polls later indicated that a majority of those who heard us on radio or read the debate in the newspapers felt that Nixon had outscored Kennedy. But of those who saw the debate on television, a solid majority felt Kennedy had won. What irritated me was that while I had put all my emphasis on content, the thing that influenced the television audience was my appearance.

I suppose I should have anticipated that I might look worn and washed-out on camera. Laid up for two weeks with a serious knee infection. I had left the hospital four or five days before my doctor wanted me to and embarked on two weeks of intensive campaigning prop-stopping across the country, making six and eight speeches a day. Two days before the debate I got a bad case of flu and was still running a temperature during the program. I had lost so much weight that my shirt collar hung loosely on my neck, and my suit looked baggy. But although I was physically exhausted, I didn't feel tired. As my doctor explained to me later, when your morale is high, you can go on fighting battle after battle, even though you are physically spent.

I was so intent on the battle that I never stopped to think about how I looked. I have always detested makeup. I don't like the feel of it or the idea of wearing it. All I did before the program was to shave as closely as I could and apply some powder with a "beard stick." If I had had a makeup man—as my opponent quite properly did—he could have predicted the result: The powder failed to hide my beard but made my skin look even paler.

A DIET OF MILKSHAKES

After the program, as the unfavorable reports on my appearance began to come in, I changed my attitude. TV experts explained that makeup for television is not the same as makeup for the stage. Its purpose is not to make a person look better than he really does but to correct for unnatural effects produced by the TV cameras. So for the other debates we got the best TV makeup people we could find. My doctor put me on a diet of milkshakes, and by the next program my weight was up, and I looked a great deal better.

But even if I hadn't been able to correct my televised appearance, I still think it wouldn't have made a crucial difference. It is the man himself and what he says that ultimately affect people.

In this connection, I recall my first impression of Khrushchev. He is decidedly not an attractive-looking man. The first time you see him, you wonder how a man who looks so unprepossessing could run a mighty nation. But, whatever we may think of him, his strength gets across to you. You feel the power of his personality.

Some people object that a meeting of candidates on television puts too much emphasis on debating skill. Perhaps it does. But a President today must be quick on his feet, must be able to respond to questions under pressure, must be articulate. It may not have been necessary in the world of 50 or 100 years ago, but it is today. Voters want to see the way a man handles himself under fire. A confrontation on television is an excellent test of a candidate.

One might wonder who would have won if Eisenhower and Stevenson had debated on television. Some think Stevenson—but I'm not too sure. Stevenson might have won the first debate, but over three or four debates Eisenhower would have worn better. The force of his personality would have come through.

A very clever debater does not necessarily make a good President. On the other hand, he is not likely to be elected, if debating skill is all he has. It's easy enough to debate well, but on television other things come through. The TV camera shows the man, and the people sense his qualities.

As a result of our experience in 1960, I believe there could be some improvements in the format for the television debates in 1964.

1. In 1960 the candidates were questioned by newsmen. I believe that, in addition to this format, the candidates should participate in some debates where they alone appear and are given the opportunity to question each other.

2. Instead of having all the debates cover the waterfront, it would sharpen the discussion to limit the debates toward the end of the campaign to single subjects of greatest interest. One debate might be devoted entirely to the subject of civil rights; another might be devoted to the subject of our policy in Vietnam.

3. To assure that the debates are decided to the greatest extent possible on the basis of what the candidates say, rather than how they look, arrangements could be made to place the candidates in separate studios so that lighting and other technical factors could be adjusted to suit each one's needs. (Such an arrangement might have prevented an awkward situation that arose during my debates with Senator Kennedy. I tend to perspire in a warm room, and I perspired all too freely in the first debate. So before the second debate, my staff arrived at the studio first and got the air-conditioning going strong. When Kennedy's staff discovered this, the two sides almost came to blows. I remember that Bobby Kennedy had a fine row with our TV man, trying to get the room warmer.)

4. There should be at least one debate between the two candidates for Vice President. President Eisenhower's three serious illnesses, together with President Kennedy's assassination, have brought home to the American people with shattering impact the immense importance of the Vice Presidency. This year, more than any other time in American history, the voters will be giving the qualifications of the vice-presidential candidates the same thoughtful study that they give those of the presidential candidates. A television debate between the vice-presidential candidates will assist the voters in making that evaluation.

Four years ago the United States took a bold new step forward in political campaigning. While the Kennedy-Nixon debates were compared to those of Lincoln-Douglas in 1858, the analogy was faulty. Lincoln and Douglas were running for the Senate; 1960 marked the first debate between American presidential candidates. The Japanese even did us the honor of copying our innovation, though with a slight variation—when Prime Minister Ikeda and his opponent debated before TV cameras, they paused to sip green tea between questions! America has given the world a new and exciting technique in democracy, and we should not allow it now to be discarded in our own country.

RICHARD M. NIXON.

CLEVELAND GIVES QUESTIONNAIRE RESULTS—ANSWERS IT HIMSELF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. CLEVELAND) is recognized for 30 minutes.

Mr. CLEVELAND. Mr. Speaker, in each of the 10 years since I was first elected to the House, I have sent questionnaires to all of my constituents. Following my custom, I will now share with my constituents and other readers of the CONGRESSIONAL RECORD the results of the more than 15,000 constituent responses, received and tabulated during the summer, together with my own answers and comments.

I believe it is an important part of the job of a Congressman today to communicate with his constituents—and to insure that this communication is a two-way street. If a U.S. Representative is to expect his constituents to understand today's complex issues, he must continually explain his views on these issues and continually receive constituent input. Representing almost 400,000 people living in 148 cities and towns, I consider my annual poll essential to effective and responsive representation.

An alert, informed constituency, which informs their Congressman of their opinions greatly increases the effectiveness of their representation—and, lest we forget, our title is U.S. Representative.

In view of this, I was pleased by the number of constituents who took the time to return my questionnaire, and also by the number who added comments and opinions beyond the limited scope allowed on the questionnaire card.

I wish time and space permitted me to share these with all of you, since they reaffirm the intense and perceptive interest New Hampshirites have always

HIGH SCHOOL SENIORS POLLED

This year, I again polled high school seniors in my district. Because of the great interest in how the new young voters may affect this fall's election, I think these results of the high school poll are particularly noteworthy. Interestingly, a small plurality believe that President Nixon is generally on the right track with his Southeast Asian policies. It is also encouraging to note how many of them were willing to reserve judgment by casting an "undecided" vote. This is a refreshing contrast to some of my mail which calls for simple, one-phase solutions to our increasingly complex problems.

PRIORITIES: TOUGH DECISIONS

Government, like individuals, must make hard decisions if it is to act responsibly. There just is not enough money to do everything we might like to do. That this elementary truth needs repeating is perhaps a sad commentary on the times.

Past failures to face up squarely to this rather basic fact have surely contributed to inflation which eats up the wage increases of the workingman, undermines family budgets, and drives many retired people into poverty. It is obviously helpful to a Representative, faced daily with a myriad of needs, problems, and votes, to have a reading from his constituents on priorities.

My questionnaire card provided three small blank spaces for each of two priority sections. Approximately one-third of those who returned cards did not use the blank spaces.

PRIORITY RESULTS—PROBLEMS AND NEEDS (1972)

Question: Part 1—List in order of priority the three most important problems or needs facing the United States today.

Answers:

(1) Vietnam and Southeast Asia	5,881
(2) Pollution	4,125
(3) Inflation and the economy	3,830
(4) Crime, law and order	3,402
(5) Tax reform	2,896
(6) Unemployment	2,008
(7) Defense and communism	1,556
(8) Welfare reform	1,493
(9) Drugs	1,461
(10) Poverty	1,285
(11) Education	1,068
(12) Social security, help for the aged	1,002
(13) Civil rights—women's movement	898
(14) Medical care	789
(15) Urban problems, mass transit	756
(16) Government spending	753
(17) Judiciary	647
(18) Government bureaucracy	598
(19) Credibility gap	592
(20) Population	486
(21) Moral decay, religion	436

PRIORITY RESULTS—PROBLEMS AND NEEDS (1971)

Question: Part 1—List in order of priority the three most important problems or needs facing the United States today. Answers:

(1) Vietnam and Southeast Asia	8,863
(2) Pollution	5,788
(3) Inflation and the economy	5,141
(4) Drugs	4,387
(5) Unemployment	3,233
(6) Crime, law and order	3,199
(7) Government spending and taxes	1,941
(8) Poverty	1,880
(9) Welfare reform	1,835
(10) Student unrest	1,392
(11) Civil rights and racial problems	1,356
(12) Government integrity, credibility, and efficiency	1,347
(13) Social security and medical care	1,205
(14) Defense and communism	1,122
(15) Education	850
(16) The courts	806
(17) Urban problems	678
(18) Population	611
(19) Unions and strikes	582
(20) Foreign policy	560
(21) Moral decay, religion	493

It is interesting to note that my constituents' three highest priorities continue to be not only the same as last year, but also the year before that. It may be significant that again this year, the total number expressing concern with these priorities decreased in number.

I agree with my constituents that the major concern is the conflict in Vietnam. Ending this in a meaningful manner as a prelude to establishing a lasting peace is surely a top priority. I will discuss this in more detail in connection with my support for President Nixon's policies in Southeast Asia, our defense policies, and our foreign policy commitments.

I interpret, as I am sure my constituents do the pollution priority to express a concern with the quality of our environment across the whole spectrum of our daily lives.

My constituents have frequently informed me not only through the means of this questionnaire, but also by letters and personal conversations that they are willing to pay a high price to improve the quality of our environment. As is so often the case, the problem is not so much in agreeing on this goal, but in effectively and realistically working toward its achievement.

A good example is the controversy which has accompanied major water pollution legislation written by the Public Works Committee on which I am a ranking member. The issue is enormously complex. The costs are staggering. But the amount of misinformation and the consequent controversy which has been generated by well-meaning partisans is almost unbelievable.

Inflation and the economy is a priority which has significant relationships with other priorities. It is generally conceded that a contributing factor to inflation was financing our Vietnam commitment while at the same time continuing massive spending for domestic needs. It is not fully appreciated how sharply we have shifted in recent years from a wartime economy to a peacetime economy. Unemployment is not at an acceptable level, but perspective is needed. Between 1968 and 1972, our civilian work force increased by more than 5 million persons to a record high of 81,682,000. And it must be remembered that more than 2 million jobs in the armed services, the Department of Defense and defense-related industries have been eliminated during the same period as a result of the administration's winding down of our commitment in Vietnam and implementing the Nixon doctrine. The state of the economy at this writing is uncertain, but most economists are of the opinion that we have definitely turned the corner and the goal of full employment and stable prices during a period of relative peace may be realized.

A personal priority of mine continues to be the need for congressional reform. Although the subject does not seem to be widely recognized—see priority results—it is essential if Congress is to do its job.

PRIORITIES—PROGRAM REDUCTIONS (1972)

Question: Part 2—What three Federal programs would you reduce? Answers:

(1) Defense and military spending	5,023
(2) Foreign aid and overseas spending	4,337
(3) Welfare	3,952
(4) Space	3,129
(5) Farm Subsidies	1,890
(6) Corporate subsidies (e.g. Lockheed)	879
(7) Salaries and junkets of elected officials	866
(8) Highways	791
(9) Tax loopholes	674
(10) Bureaucracy, duplication of programs	638
(11) Antipoverty programs	626
(12) Government spending	503
(13) Education	428
(14) Oil depletion allowance	411
(15) U.N. dues	347
(16) Busing	316
(17) Urban programs	238
(18) Public Works and Corps of Engineers projects	231

PRIORITIES—PROGRAM REDUCTIONS (1971)

Question: Part 2—What three Federal programs would you reduce? Answers:

(1) Foreign aid and overseas spending	3,545
(2) Welfare	2,783
(3) Defense and military spending	2,769
(4) Space	2,303
(5) Farm subsidies	1,971
(6) Government bureaucracy—size and salaries	1,067
(7) Vietnam spending	793
(8) Highways	775
(9) Corporate subsidies (e.g. Lockheed)	568
(10) Public Works and Corps of Engineers projects	522
(11) Antipoverty programs	446
(12) Military manpower and the draft	438
(13) Oil depletion allowance	430
(14) Urban programs	411
(15) Taxes	394
(16) Education	317
(17) SST	229
(18) Social security and medicare	203

This year substantially fewer people answered part 1, which focuses on needs and problems. Substantially more answered part 2, which focuses on which programs to reduce. It may be that more people are facing up to the fact that unless we are to have higher taxes, we are going to have to reduce or defer low priority programs.

The sharp increase in the number of people who feel defense expenditures should be reduced goes to the heart of the priority question.

The House of Representatives this year reduced the Department of Defense budget by over $5 billion. Personnel costs now account for almost 60 percent of the Defense budget. This compares to the Soviet Union, which under its system spends less than 25 percent of its budget on personnel. Thus huge budget cuts can only come from a major reduction in the size of our Armed Forces. While it may be possible to rearrange some of our expenditures to get more for our money, talk of further large cuts is unrealistic.

I agree with my constituents that our present foreign aid program should be reduced, though parts of it are admittedly worth preserving. I have voted against foreign aid bills for the past 6 years. This year the Congress responded with the lowest appropriations for foreign aid in recent history.

I have consistently voted against large farm subsidies which have had the unfortunate result of squeezing out the small farmer who was meant to be helped, while making the rich richer. The fact that the Federal Government subsidizes tobacco at the same time the Surgeon General is warning of its dangers, points up a folly of farm subsidies. Then too, who can defend the $160,000 paid in subsidies to a U.S. Senator's farm last year?

In previous years I have voted to reduce space expenditures and to reduce the oil depletion allowance. I have voted against so-called pork barrel—or public works—bills, the Lockheed loan guarantee, the SST, the Penn Central bailout, and increases in the debt limitations. Although the amounts involved are small, I have also voted against congressional junkets, salary increases, and extra allowances.

On the specific questions my constituents responded as follows:

SOUTHEAST ASIA

1. Is President Nixon generally on the right track with his Southeast Asian policies?

1972—Yes, 61.2%; No, 26.7%; Undecided, 9.0%. High School Seniors: Yes, 39.6%; No, 35.8%; Undecided, 24.0%.

1971—Yes, 54%; No, 32%; Undecided, 10%. High School Seniors: Yes, 39%; No, 36%; undecided, 24%.

I agree with my constituents that President Nixon is generally on the right track with his Southeast Asian policies.

There is no question that the country is sick and tired of this war. I believe it is safe to say that almost everybody is.

But the fact is that President Nixon is ending the war. Most American fighting men have been withdrawn, and draftees will not be called to Southeast Asia. This has been made possible by the President's policy of Vietnamization, under which the South Vietnamese have now taken over primary responsibility for their defense.

Furthermore, the President has made it clear that a complete end to American involvement will come as soon as the North Vietnamese release all American prisoners of war and agree to an internationally supervised cease-fire in Southeast Asia.

A sudden, unilateral abandonment of our commitment, however, could mean a bloodbath for our former allies. It would surely mean that countries around the world would realize that if the going gets tough, they could no longer count on our promises. History suggests this could be the prelude to yet another war.

DEFENSE

2. Do you favor proposals to increase expenditures to improve and modernize our defense capabilities?

Yes, 54.0%; No, 35.7%; Undecided, 7.0%. High School Seniors: Yes, 28.1%; No. 56.1%; Undecided, 15.2%.

I agree with my constituents who favor proposals to increase expenditures to improve and modernize our defense capabilities. As I pointed out last year, there is an obvious need to continually modernize our defenses. This need was largely put aside during the Vietnam conflict. Then, as we began phasing out of Vietnam, we undertook the very expensive task of establishing an all-volunteer army, with the result, as I have mentioned, that now almost 60 percent of our defense budget is for personnel costs. If the Nixon doctrine is to be implemented successfully, the need to modernize our strategic capability should be obvious.

As tensions continue to ease, we must never forget that the appearance of weakness in our Armed Forces and national commitments can mislead foreign powers into the tempting idea that aggression may succeed. History proves this important lesson. The success that we have enjoyed to date in negotiating strategic arms limitations, has been due in part to the fact that we have negotiated from a position of credible strength.

Another danger of drastic reductions in defense and the failure to modernize the military would be to leave us with only nuclear arms as a meaningful response to aggression. To thus increase the possibility of nuclear war is an unacceptable risk. It can be avoided by a policy of constantly modernizing and improving conventional capabilities to protect our national interests and commitments.

INCOME TAXES

3. Do you feel, in general, the Federal income tax laws in our country are fair and equitable?

Yes, 15.8%; No, 75.8%; Undecided, 5.5%. High School Seniors: Yes, 22.4%; No, 60.6%; Undecided, 16.4%.

I have long felt that Federal income tax laws are not fair and equitable. In my 1970 questionnaire, I asked the same question as I did this year. The results were 29 percent yes; 65 percent no. This dramatic change is confirmed by the priority results which show a sharp increase in interest in the subject of tax reform.

My chief reason for feeling our tax laws are not fair and equitable continues to be that they are too complicated. Consequently, there is a bias in favor of those who can afford the advice of tax accountants and lawyers, and whose financial situation permits the use of a whole array of plans to legally avoid taxes and avail themselves of loopholes.

NEWS

4. Do you believe the news you read, see, and hear is generally accurate and fair?

1972—Yes, 34.3%; No, 49.3%; Undecided, 12.4%. High School Seniors: Yes, 42.2%; No, 43.2%; Undecided, 13.9%.

1971—Yes, 36%; No, 48%; Undecided, 11%. High School Seniors: Yes, 38%; No, 49%; Undecided, 11%.

I agree with my constituents that the news I read, see, and hear is not generally accurate and fair. This is especially true of the national news media.

My reason for asking this question was to focus attention on this problem. There is little the Federal Government can or should do about it. Unfortunately, the national news media tend to react to criticism as if it is a censorship plot. Just as politicians and Government officials are kept on their toes by the constant critical attention of news media, I believe the news media could benefit by considering seriously the criticisms leveled at them.

In all fairness to the news media, however, the credibility problem far exceeds the narrow scope of my question. There is a serious communications problem in the country and there are plenty of culprits, to wit: Politicians who make self-serving statements; Government officials who will go to almost any length to avoid admitting a mistake; opinon leaders who have forgotten the ancient truth that there are usually two sides to every story; older people who have forgotten the rebellious days of their own youth; successful people who have become inured to the hardships of the less fortunate; and the list could go on. There is no easy answer to the problem, but to recognize its existence may at least be a beginning.

SOCIAL SECURITY

5. Should Social Security benefits be raised so that all retired people will be above the poverty level, with the benefit increases paid for by higher payroll taxes on all workers?

1972—Yes, 57.6%; No, 27.7%; Undecided, 10.7%. High School Seniors: Yes, 46.7%; No, 30.1%; Undecided, 22.2%.

1971—Yes, 62%; No, 20%; Undecided, 11%. High School Seniors: Yes, 59%; No, 21%; Undecided, 18%.

Earlier this year, I voted for the across-the-board 20-percent increase in social security benefits and for the automatic cost-of-living increases in the future. However, I continue to believe that basic reform of our social security sytem is in order, to assure that all of our retired people will receive a high enough level of benefits to put them above the poverty level.

This could be costly, but I agree with my constituents that the price is not too high to pay. It is a better approach than welfare or some of the proliferating assistance programs for the elderly which deal with the problem in a piecemeal fashion. Many of my constituents planned carefully for their retirement, but the inflation caused by Government policies has spoiled those plans. The minimum level of benefits is in some cases unbelievably low. The time has come to raise these minimums and permit our senior citizens to more securely enjoy their retirement years.

POLLUTION

6. Should a company be shut down if, after substantial expenditures, it is still in violation of anti-pollution standards, but could be in compliance within three years?

1972—Yes, 20.1%; No, 69.7%; Undecided, 7.2%. High School Seniors: Yes, 49.5%; No, 38.2%; Undecided, 11.7%.

At long last, we are beginning to make real progress toward a cleaner environment. But, the cost is going to be great—in taxes, in the cost of the goods we purchase, and in other ways.

One of the serious questions now is whether we will, in appropriate cases, be patient enough so that companies which are making good faith efforts to comply with pollution control laws will not be closed unnecessarily. As much as we want and need to improve our environment, jobs are also important. If we act wisely, we can have both within a reasonable time. There is no surer way to undermine support for our environmental cleanup than to force the closure of companies which are trying to reduce pollution and are spending substantial amounts of money to that end.

The response to this question is heartening evidence that New Hampshire residents recognize the need for commonsense.

TRANSPORTATION STRIKES

7. Would you favor legislation to give the President more power to resolve strikes in the transportation industry?

1972—Yes, 66.1%; No, 23.6%; Undecided, 7.1%. High School Seniors: Yes, 41.6%; No, 38.0%; Undecided, 19.6%.

I am a cosponsor of comprehensive legislation to provide a fair and equitable system of settling strikes in the railroad and airline transportation industries. Transportation, which is essential to all aspects of our economy, has experienced a series of lengthy strikes in recent years. Because these strikes hurt millions of innocent people, a fair mechanism to resolve them is essential. The legislation I have introduced provides the President with a range of alternatives, depending on the particular circumstances, whenever there is a major strike in these industries.

The fact that Congress has enacted emergency legislation to end strikes in the railroad industry several times in recent years points up the urgency of this situation. That Congress must intervene on an ad hoc basis makes a mockery of the collective bargaining process. It would be far better to establish a fair procedure to resolve these problems.

NATIONAL PRIMARY

8. Would you favor a national primary to select presidential candidates?

1972—Yes, 59.5%; No, 23.2%; Undecided, 13.4%. High School Seniors: Yes, 55.3%; No. 33.5%; Undecided, 12.2%.

On this question, I disagree with a majority of my constituents. On first thought, a national primary possesses an apparent simplicity and efficiency which has appeal. But, after serious thought, I believe it would be worse than our present system, for all of its faults.

A national primary would result in the candidates ignoring the small States, as their efforts would be directed to large urban areas which have the most votes. Furthermore, there is a minimum of personal campaigning in the cities, and a great deal of emphasis on TV and slick Madison Avenue advertising.

The present system, in which we have a long series of primaries, means that serious candidates have to go into States long enough to give the people a chance to actually assess them.

Multiple primaries which occur over a period of time enable the people to judge candidates in a variety of circumstances while facing a variety of issues. It is tough and grueling on the candidates, but one of the tests of the Presidency is the ability to respond to tough and grueling circumstances over a period of time.

Last spring, the Concord Monitor wrote an excellent editorial in opposition to a national primary. Among the points made was that for a relatively small amount of money candidates such as Congressmen McCLOSKEY and ASHBROOK could make their views heard in a small State primary. Had they done well, additional contributions would have followed and they could have participated in other primaries. It is doubtful that they could have afforded the money to make a significant presentation for a national primary.

AMNESTY

9. Do you favor granting amnesty at this time to those who evaded or deserted military service, provided they serve in a non-military, public service job?

1972—Yes, 29.0%; No, 63.6%; Undecided, 4.3%. High School Seniors: Yes, 53.1%; No, 33.5%; Undecided, 12.2%.

My answer is "No." So long as any Americans are being held prisoners of war in Southeast Asia, and we are fighting South Vietnam, consideration of amnesty is premature. After these two conditions are met, some degree of conditional pardon should be available following a case-by-case review as we have done following previous wars.

WITHDRAWALS

10. Would you favor a total United States withdrawal of military personnel and commitment in:

(a) Southeast Asia? Yes, 43.3%; No, 45.0%; Undecided, 6.2%, High School Seniors: Yes, 54.5%; No, 30.3%; Undecided, 14.0%.

(b) Middle East? Yes, 30.9%; No, 52.6%; Undecided, 9.9%. High School Seniors Yes, 44.5%; No, 30.1%; Undecided, 22.2%.

(c) Western Europe? Yes, 29.5%; No, 56.2%; Undecided, 9.0%. High School Seniors: Yes, 35.7%; No, 37.6%; Undecided, 24.5%.

My answer to the last three questions is "No." I am heartened that, by varying percentages, my constituents agree with me. The purpose of these questions was to test developing isolationist sentiment which in part, of course, is the result of our national war weariness, and understandably so.

I remain convinced that our commitments in various parts of the world are interdependent. It is not commonly realized that we have treaties with more than 40 countries which would commit us to fight under certain circumstances. I have joined in sponsoring legislation which would pave the way for providing that no treaty committing us to acts of war could be approved without a concurring two-thirds vote of the House of Representatives.

Another aspect of the problem is the growing belief, and there are facts to support it, that our allies are not doing enough. With the tremendous economic growth that some of them now enjoy, the time has come for them to assume their fair share of the burden for their own defense. The Nixon doctrine is predicated on the foregoing. We cannot continue to be the policeman for the world or for that matter provider. However, we are a part of the world, and we do have existing commitments. We just cannot run away from them immediately, nor should we. If we were to unilaterally abandon our commitment in Southeast Asia, surely it would undermine our commitments in the Middle East and Europe no matter how loudly we professed our good intentions. The test of the times is whether we will let war weariness so undermine our national will that we invite another war.

THANK YOU

In conclusion, I wish to thank the more than 15,000 of my constituents who participated in this year's questionnaire, I thank them for taking the time and trouble of returning the cards, and also for the many very interesting and informative letters which they wrote.

It may be of interest that we asked the tabulating machine how many people voted with the majority on each and every one of the 10 separate questions. This year the answer was 3 percent.

This is a rather difficult and complex period. We can take comfort, however, in the fact that our Nation has faced such times before. Through fortitude and faith we have met our challenges. Although there are deep divisions of opinion, we must remember it is from differences of opinion and conflicting ideas that wise decisions are wrought. I am grateful for the opportunity to help make these decisions here in Washington and for your help in doing so.

CONGRESSMAN KEMP PRAISES GENERAL PULASKI, HISTORIC POLISH-AMERICAN FRIENDSHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, on Sunday, October 15, my constituents, the other good citizens in Erie County and Western New York State and I will have the pleasure of honoring one of America's most famous patriots, Gen. Casimir Pulaski, in the Pulaski Day parade in Buffalo.

The great Revolutionary War hero epitomizes the freedom-loving Polish people and their contributions, sacrifices, and friendship for the United States from the earliest beginnings of our country to contemporary times.

Born 224 years ago, General Pulaski already was a veteran freedom fighter against the Russians, Austrians, and Prussians who conspired against his homeland when he volunteered his services to Gen. George Washington and the Continental Army.

In 1777, Benjamin Franklin, writing to General Washington from Paris, recommended General Pulaski as:

> An officer famous throughout Europe for his bravery and conduct in defense of the liberties of his country.

Shortly thereafter, General Pulaski landed in America.

While awaiting congressional acceptance of his military services, he chanced upon a parade of Washington's army marching through the streets of Philadelphia.

Inspired by the sight and impatient to get into action, this man of noble birth, who had seen his brother killed in action against enemies in Poland, who had suffered the capture of his youngest brother and who had fought while his father spent his remaining days in a dungeon, joined Washington's troops as a volunteer private in the ranks.

Soon after, he distinguished himself at the Battle of Brandywine.

There, as Hessian mercenaries played havoc with American forces on an upland plain, Pulaski and his personal bodyguard of some 30 horsemen, launched a furious saber charge against the pursuing enemy. Because of the skill and determination of his attack, the enemy onslaught was checked long enough for American forces to retreat to a narrower vantage point. There, they checked the advance, saving Washington's army.

Two months later, in September, 1777, Congress approved the Polish hero's commission as a brigadier general in charge of the Continental Army's horsemen.

Washington's army was again saved from near destruction by Pulaski's bravery and military genius at Warren Tavern near Philadelphia. And, despite incomplete regiments, General Pulaski fought in the battle of Germantown.

In the spring of 1778, he organized an independent corps, spending a reported $50,000 of his own funds to equip the unit.

Armed with the famous Polish lances, the horsemen contributed greatly to the effectiveness and successes of the Continental Army in both offensive and defensive operations.

At the battle of Charleston, S.C., it was Pulaski who led defenders during a 2-day British siege until the arrival of American reinforcements.

During the siege of Savannah, Ga., when chaos resulted in the ranks of Americans participating in a battle that General Pulaski had unsuccessfully sought to delay, he lead his men in a desperate charge. During the action, he received a grievous wound in his thigh and died 2 days later aboard the American brig, *The Wasp*.

Thus, Mr. Speaker, at the age of only 31, died one of the bravest and greatest patriots of all time.

More fortunate was his fellow countryman, the famous Col. Thaddeus Kosciusko who, after coming to America in 1776, distinguished himself with the Revolutionary Army in New York State and the Carolinas and engineered the fortifications at West Point.

Upon completion of his military service with General Washington, Colonel Kosciusko returned to Poland and fought in the 1792 and 1794 campaigns against Russia before returning to the United States where he left his funds for the freeing and education of American blacks.

Even later, he returned to Poland where he worked for implementation of a free constitution and a government like that of the British.

Mr. Speaker, in memory of these great patriots, who fought tyranny where they found it, I am introducing a resolution which requests our President to issue a proclamation designating May 3 as Polish Constitution Day and to invite all Americans to observe the historic, 1791, national document.

In addition, I wish to express my pleasure at the opportunity I will have to vote for the Interior Department's establishment of the Thaddeus Kosciuszko National Memorial in Philadelphia, a measure which has already been approved by the House Subcommittee on National Parks and Recreation.

Since the unselfish and enthusiastic service and contributions of General Pulaski and Colonel Kosciuszko to the cause of American independence, the stream of their fellow countrymen has continued to the United States. The native Poles and their heirs have mixed their blood with that of other peoples seeking new freedoms, opportunities, and challenges.

In the tradition of such historic personages as Nicholas Copernicus, Paderewski, Maria Skolkowska-Curie, Pulaski, and Kosciuszko, they have distinguished themselves in peaceful pursuits and in the defense of their new homeland, on many battlefields, in the Civil, Spanish-American, World Wars I and II, and other conflicts.

Mr. Speaker, during my trip with other members of my Education and Labor Committee to Poland in the summer of 1971, I was constantly reminded of the close and constant ties we have in America with the citizens of that freedom-loving nation.

Their unrelenting struggle against tyranny, from kings, emperors, and more contemporary dictators, was dramatized as I toured historic and renovated Warsaw and a Polish worker proudly proclaimed "we have rebuilt Warsaw in spite of communism."

The Polish people's determination to maintain their religious freedom, to cast off every vestige of Soviet influence and to more closely cement their friendship and cultural and trade relationships with the United States is in the same tradition and spirit of that displayed by General Pulaski.

Mr. Speaker, the honor bestowed upon the United States by General Pulaski and the Polish people who followed his beacon of freedom is a timeless and cherished treasure. As we prepare to remember him in the Pulaski Day parade in Buffalo, it is fitting that we in the Congress and all Americans honor this great patriot.

PROPOSED CHANGES IN SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, I am introducing today two bills which I believe must be enacted into law, in all fairness to our working people who through misfortune become disabled.

Under present law, social security disability benefits are not available for the person unless that person has worked for 5 out of the last 10 years under social security. And, too, any Federal employee who leaves his Federal employment automatically loses disability coverage.

The effect of these two laws can be disastrous.

It seems only fair that any person who has contributed to the social security fund at least 5 years of their life should be able to rely on Federal assistance in the event they ever become disabled. Presently, boundless examples exist which exhibit the unfairness of present law. For example, an individual who has worked all his life and quits working because of a disability may not be eligible for disability benefits under the present strict requirements. But to make matters worse, when his disability worsens sufficiently to meet the requirements, it may be that he will not meet the 5-year requirement imposed under our laws. He is left without any assistance.

And so it is with the housewife who loses her husband late in life whose "job" at home during the past 20 years has not provided her with any social security benefits. If the laws were changed as I propose, and if she had worked for at least 5 years at one time—20 quarters of coverage—she would be eligible for assistance regardless of whether she was "fully insured" under social security laws. But such is not the case now.

In addition, these laws are in effect locking people up in their jobs—either in the private sector or in Federal jobs, for fear that during the interim of changing from one job to another they will not have coverage for disability. For the first 5 years in private industry, the ex-Federal employee will have no Federal disability coverage. And, likewise, the individual who moves from a social security covered job to the Federal Government, and back into private industry, will get caught in the same web.

Mr. Speaker, my two bills would help resolve the difficulties posed in all the above situations. My first bill, would qualify individuals for the disability insurance benefits if they have 20 quarters of coverage. My second bill, would provide the Federal employee with the option of changing jobs without fear of losing disability coverage for the next 5 years. The proposal would allow for disability retirement benefits to employees separated from the service with entitlement to deferred annuity who incur disabilities within 5 years after separation and before the annuity commencing date. After those 5 years, the social security system would then take over.

I believe it is a matter of urgency to provide our working citizens with better disability protection.

I urge your strong support.

WOLFF ATTACKS "HEROIN HOTLINE" AND CALLS FOR CANCELLATION OF PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 15 minutes.

Mr. WOLFF. Mr. Speaker, the heroin hotline program was put into operation on April 7, 1972, as I understand it, on a trial basis, by the Office of Drug Abuse Law Enforcement known as DALE According to that agency, the goal of the program was "significantly interrupting the street level distribution of heroin in major cities throughout the United States." At the time the program began, Ron Ziegler of the President's staff said only calls on heroin and heroin pushers would be taken by the hotline, because hereoin was the Nation's major addiction problem.

After receiving a number of reports of the project's ineffectiveness, I requested a GAO investigation of the hotline on August 4; the study commenced on August 7. The data in the report reflects statistics compiled through the end of July. Several are worthy of particular note and comment.

There are approximately half a million addicts in the United States who spend an estimated $17 million daily on heroin—$6 billion annually. The average addict spends about $30 a day to support his habit. I mention these figures so that the enormity of the problem and the failure of this program to deal with it becomes evident.

In the 4-month period that this GAO study covers, only 2 grams of heroin, worth about $75, has been seized. Despite the White House's announced intention to concentrate on heroin, about 12 pounds of marihuana and small quantities of other drugs were seized as a result of hotline information. This hardly justifies employing 27 Bureau of Narcotics and Dangerous Drugs agents at the Washington receiving end alone, including, at the start of the program, an Assistant Regional Director of BNDD.

Apparently the mistake of the reassignment of all of these agents was recognized early on. Two weeks after the program began, the Assistant Regional Director, half of the experienced agents, half of the clerks, and all of the trainee agents had been removed from the program. By the end of July, only six BNDD personnel remained with the hotline program, a reduction of more than 75 percent. Office of Emergency Preparedness staffing of the hotline also went down; within the first week a cut of more than 60 percent, from 49 to 17 people. At the end of July only six people were being used as interviewers and clerks.

The number of telephone lines, also an indicator of the volume of the program, was reduced over the 4-month period by 90 percent, from 41 WATS lines in April to only four lines in July.

The program, according to the GAO's admittedly conservative estimate cost more than $250,000 during the period under study. Had the program continued at the anticipated staffing and operation levels assigned at the start, it would have had an annual cost of several millions of dollars.

I have already mentioned the fact that negligible seizures have been made. Arrests have been few as well. Only 14 arrests have been attributed to hotline information. This accounts for less than 1 percent of the total arrests made by DALE alone since the beginning of the year.

Meanwhile, DALE officials were highly touting thousands of "effective" phone calls and spoke of continuing the program beyond the trial stage. I have already indicated the poor results and the cutbacks in operational equipment and personnel. Let me now turn to what Myles Ambrose always talks about, the "effective" and "valuable" calls.

Eighty-four percent of hotline calls are nonserious, in the words of the GAO report:

> Some 28,079 calls were not considered serious because, among other things, the caller did not speak, was obscene, obviously insincere, or did not provide information on drug pushers.

Of the remaining 16 percent, or 5,234 calls that were serious, 1,167 were routinely filed because not enough information was given. Can this be called effective information? Meanwhile, some 3,954 were reported on for followup investigation over a period of time. These reports are mailed out to regional offices for investigation. Yet, in the New York area, where 50 percent of all street crime is drug-related, 793 such reports have not even been assigned for investigation. If this has not been done, can it be called valuable?

The "priority one" calls throughout the 4 months numbered 113. That means about one immediate attention tip per day for the entire country. I have already discussed the seizures that have resulted from these "hot" tips.

Finally, publicity for the hotline program was to have been an important factor in its success. Yet, even though the Justice Department entered into what the GAO termed a "questionable" contract with an advertising firm in New York in order to expedite publicity for the program, it still took about 3 months to get some production going on the project. The result is that a full-scale publicity campaign, using public-service-donated air time, has not yet gotten underway.

Even the most cursory examination of this data reveals a program that has failed. Officials at some of the agencies involved have admitted this to me privately. Yet, instead of reevaluating or even scrapping the program, we continue to read in the press about thousands of valuable calls and the effectiveness of the program.

I do not believe that talking about success insures success. It reminds me of the battle I have fought for almost a year to cut off funds to Thailand, because of heroin traffic. The President threatens to cut off aid in a speech and then orders the State Department to fight my amendment which would do just that. He pledges to increase spending on international narcotics control and then sends the Congress a 33-percent reduction in requested funds for Southeast Asia.

Another window dressing program such as this hotline will not win the all-out war that we must fight against heroin. Two grams of heroin in 4 months does not justify the expense of the hotline. We need more agents in the field to check out the information which filters in from plenty of other sources. I support additional funding for more police and BNDD manpower. I am sure that the really concerned public-spirited individual with hard information on drug dealing will get his information to the proper authorities without a hotline in Washington. And the heavy breathers and pranksters will have one less number to call.

Based on the findings of this report, I am going to request that the hotline cease operation at the end of its 6-month trial period. I am in favor of any program that puts a stop to the drug menace in this country, but I oppose wasting tax money to finance a program that is nothing more than a public-relations gimmick. The "Heroin Hotline" is a failure and should be terminated.

DOT DISREGARDS SAFETY OF SCHOOLCHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, the U.S. Department of Transportation is guilty of callously disregarding the safety of the Nation's schoolchildren.

After carefully studying a report recently issued by the National Transportation Safety Board, I believe that the Transportation Department's record of inaction in schoolbus safety over the past 10 years is one of the most blatant examples of a Government agency knuckling under the special interests at the expense of the public good.

I am convinced that today's schoolbuses are the unsafest vehicles on the road, because of their structural weakness. And I believe the National Transportation Safety Board's report tends to support my position about the inadequate structure of schoolbuses. For example, the NTSB report notes that commercial buses are better constructed than schoolbuses.

The major criticism which I have made of the present structural weaknesses of schoolbuses is that when involved in an accident the interior metal sheets of a schoolbus become detached and in effect cookie cutters which have caused severe facial lacerations and other injuries to schoolchildren.

The NTSB report agrees warning that "this critical weakness of schoolbus bodies must be eliminated as quickly as possible."

Earlier in 1970, the NTSB also criticized the cookie cutter dangers of schoolbuses.

It absolutely boggles the mind that DOT has so callously disregarded the safety of the Nation's schoolchildren. It simply does not take space-age technology or a lot of money to build a reasonably safe schoolbus.

For example, Mr. Speaker, the cookie cutter effect could easily be eliminated by overlapping the metal sheets in the interior of the schoolbus and by using more rivets to secure them. Two schoolbus companies have built markedly safer experimental schoolbuses that would cost only a few hundred dollars more to build.

It is becoming clear, Mr. Speaker, that the Department of Transportation has given schoolbus safety the lowest possible priority. Schoolbus safety is about two notches below the holding of expensive transportation fairs on DOT's priority list. Clearly, Transpo '72 was more important to DOT than proper schoolbus safety regulations.

In the whole vast DOT bureaucracy there is only one individual who works solely on schoolbus safety, Dr. Douglas Toms, the Administrator of the National Highway Safety Administration.

As I am sure many of my colleagues are aware, I have introduced legislation in the House which is cosponsored by 80 other Members which would require DOT to establish specific schoolbus construction standards for the first time. This bill would require the DOT to build a prototype schoolbus, investigate and issue public reports on all schoolbus accidents which involve a death, and require that all schoolbus manufacturers and dealers individually inspect, test drive, and certify each schoolbus before it is sold.

If DOT was doing its job in the area of schoolbus safety, this legislation would not be necessary. But unfortunately it is not.

BLACKOUT AMENDMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL) is recognized for 15 minutes.

Mr. RANDALL. Mr. Speaker, I have just introduced a bill which would amend the act of 1961 that provides for an exemption from the antitrust laws for agreements on certain television contracts. My bill would amend the act approved on September 30, 1961, as it appears at 15 U.S.C. 1292 by adding at the end of that measure the following words:

> But this exception ceases to apply with respect to any game when tickets for admission to such game are no longer available for purchase by the general public 48 hours before the scheduled beginning time of such game.

This amendment will probably become known as the "blackout amendment." As the law now stands, professional football teams can black out the television coverage of its home games in its home territory.

It is not a hard and fast rule as to the distance of the blackout, but in professional football this generally means a blackout within a 75-mile radius of the home team's stadium.

It has come to my attention that within the past 2 years there have been several blackout bills introduced both in the House and in the other body. The provisions of these measures vary. Some provide that the blackout must be lifted if 95 percent of the seats at such game for which admission is charged have been sold 24 hours before the beginning of such game. Other bills simply provide that the exception shall cease to apply when tickets for admission to such games are no longer available to such game without any time reference or limitation prior to the beginning of the game. I have discovered that one bill introduced back in 1971 provided for lifting the exception set out in 15 U.S.C. 1292 even as to certain intercollegiate football contests as well as professional football contests.

Mr. Speaker, it is my privilege to represent an area of 16 counties in west central Missouri including what could be said to be the east suburbs of Kansas City, Mo., the home of the Kansas City Chiefs. Not long ago we dedicated a beautiful new sports complex known as Arrowhead Stadium. It is a magnificent structure; one of the finest sports stadiums in America. At this moment I cannot say with certainty whether all seats for every home game have been sold, but I am reliably advised there is standing room only for the next several home games.

Accordingly when many of our constituents were not able to buy tickets they protested to my office against the blackout of television coverage and raised some pretty valid questions as to the justification of blacking out home games when all seats were sold. It is is my belief that the situation in Kansas City and at Arrowhead is not substantially different from the situation in Minneapolis, Milwaukee, Detroit, Baltimore, or Boston to name a few.

If the information furnished my office is accurate and I believe my source to be accurate, 97 percent of all the seats in all the national football stadiums are sold for every game. While our stadium seats nearly 80,000, the overall average of all the stadiums in America exceed a capacity of 50,000 seats, but let us remember that while this seems like a large figure there are tens of thousands of others that desire to see each of these games that are unable to get in. With all of these thousands of eager fans unable to buy seats, they are given a double disappointment when the television coverage of the regular home games is blacked out by the National Football League.

Now there may have been some justification for this several years ago when the National Football League and the struggling infant American Football League were having difficulty to survive, but that is no longer true and for such reasons the blackout is no longer justified. If it should be a matter of revenue, for the owners of the teams, I understand, that they receive between $45 and $50 million in television revenues each year, and if the blackout were lifted, the television networks could simply increase their charges based upon the increased audiences.

My bill seems to meet all the standards of fairness. Those who wish to purchase tickets to go to the stadium may do so by purchasing season tickets in advance will not have their option or privilege impaired if my bill should pass. Yet those unable to buy tickets either because of the cost of a season ticket or because of the unavailability of tickets for individual games should not be denied to see their home team on their own home television set. There should be no possible detriment or damage to either the league or the ownership of the teams involved.

In trying to determine what portion of all tickets are sold to season ticket holders as distinguished from purchasers of tickets to individual games, I suppose that statistics would vary from area to area, but it has come to my attention from a reliable source that 75 percent of all tickets of all of the big stadiums in America, are sold to season ticket holders before the season even begins. The remainder of all the tickets are almost without exception sold for every game long in advance of the beginning of the game.

And yet when tickets are not available and the blackout is enforced, we come down to a situation where we find that people who are interested in football and are willing to buy a ticket but cannot buy a ticket, nor can they watch the game on their own television or on any television without traveling 40 or 50 or 60 miles.

This would seem to be the worst of all worlds. Surely they should not be denied the privilege of at least seeing live television coverage without having to go to the extreme of complying with this 75-mile rule which just does not make sense at a time when the National Football League is as strong and prosperous as it is in 1972.

Mr. Speaker, it is the foregoing reasons that I believe this arbitrary policy on the part of professional football should be reviewed and the statutory exemption which Congress granted a few years ago should be repealed, certainly insofar as it permits this arbitrary power in the hands of the leagues to blackout completely professional football games, particularly when all tickets have been sold before game time.

At this point, it is difficult to predict who will oppose the lifting of the blackout. I suppose the professionals might argue that even if there is a sellout this year, it would not happen next year if the blackout was eliminated. I think perhaps the best response to this argument is that it should be called non sequitor. In other words the rebuttal doesn't make sense as a valid objection against lifting the blackout. If the seats are not sold within 48 hours before the game, then there will be a blackout. Such a fact would be generally known and those who want to see the game sitting in the stadium will then enjoy the privilege they are now denied.

On the other hand if there is a sellout of a particular game 48 hours before that game then such facts could also be definitely ascertained. If the game is in fact sold out, they will have to open up the screen to the home area.

It is my judgment that most of my constituents would prefer to go to see a professional football game in our new stadium either on a Sunday afternoon or on Monday night. But they cannot buy a ticket. There is no possible way to get in. Someone facetiously said not long ago that it is as bad as it is in some of our college stadiums. The only way you get ticket rights is to inherit them. I hope the time will never come that the rights to buy professional football tickets will become something that will have to be deeded to you. With things as they are, it is hard to see how the owners need any more protection, because the demand for professional football tickets has only one way to go and that way is up.

I read with considerable interest a colloquy which took place on the floor of the Senate 1 week ago, September 20, at the time the Senator from Rhode Island, Mr. PASTORE, introduced the Senate bill 4010. After comments by the Senator from Michigan, Mr. GRIFFIN, and the Senator from Wisconsin, Mr. PROXMIRE, the Senator from Kentucky, Mr. COOK, made reference on the floor of the Senate to the situation in Kansas City. I guess our plight in the Kansas City area is more generally known than we had realized because our good friend MARLOW COOK knew that the citizens of Jackson County had voted about $70 million in bonds and that the best that the sports facilities could do to contribute to the payment of those bonds was about $9 million on that total of $70 million. Even a Senator from Kentucky knew the citizens of Kansas City and Jackson County were paying most of the bill for the stadium but could not see their team play football.

The distinguished Senator from Kentucky hit the nail on the head in my opinion when he said if the taxpayers are going to pay for the stadium then they should at least have a fair chance to buy tickets and as the last resort if they cannot get tickets at least see the game on television.

Kansas City is not alone in a situation where professional football owners seem to demand a great deal and are not willing to give a little in return. I recall that the New York Giants threatened the city of New York that if the city would not spend some $20 odd million dollars to fox up Yankee Stadium they would move to New Jersey. Here again, the gate was totally sold out and yet television coverage was blocked out locally.

Oh, there are so many reasons why tickets are not available. Think how frustrating it is to stand in a line several blocks long and know that even if you get to the head of the line you may not get a ticket. As I mentioned earlier most tickets are sold out even before the season starts. The great bulk of the tickets are bought not only by large corporations but by small businessmen for public relations purposes. Yet the ordinary person, the local taxpayer, if you please cannot buy a ticket even if he has the money.

Mr. Speaker, the reason I have introduced this blackout bill is because I believe most of my constituents in eastern Jackson County want the blackout lifted. They are taxpayers. They are helping to pay for Arrowhead Stadium. They know that only 5,500 tickets have been made for Jackson County taxpayers and none of these tickets are now available.

The National Football League may say that they are opposing this legislation because they think they have some kind of obligation to protect those who buy tickets. They say those who drive to see a game will somehow or other be hurt or offended if they know there are others seeing the game in their home.

For my part and I am sure this is the way most true football fans feel about it, is that they would rather see the game in person than on any television set and this should certainly be true for anyone who had been to Arrowhead Stadium. There should be no doubt about it that there are enough true football fans to keep Arrowhead Stadium sold out both now and in the future.

As far as revenues are concerned, the Kansas City Chiefs should be able to make some sort of contract or arrangement with local television advertisers. The commercials during the telecast of Kansas City Chiefs on television games would be regarded as prime time spots and sell for the very highest prices. Certainly the Chiefs or any other professional football team anywhere in America would be entitled to a fair amount of the profit that such television advertising would generate.

To illustrate the extent to which those in the blackout area will go to see these home games televised, some have built extremely high television antennas in order to try to pick up out-of-town television stations. Others go to the expense to go to out-of-town motels where they can watch them. It just occurred to me here might be one source of objection to this legislation, meaning the out-of-town motel owners. Another objection might come from the radio stations because with the television blacked out radio becomes the only media of keeping up to date on the course of the game in the home team area.

What may be the future of this legislation will depend, of course, upon whether or not enough Members of Congress experience the same pressures that some of us have felt in the Kansas City area. I am told that the networks would welcome the opportunity to televise home games locally. Both CBS and NBC, however, point out that their contract is with the National Football League and that that contract does not expire for 2 more years.

It has been pointed out that a court action has been tried elsewhere to lift this blackout and several lawsuits are now pending. If the lawsuits are won, then that is one answer to the blackout dilemma. Another would be for the National Football League to agree to a change with the television networks.

A spokesman for the National Football League recently explained that the reason the league would oppose a change in the blackout rule is that there would be no tickets sold if it were known that it would appear on television. This particular spokesman said that he thought all the fans understood the situation. Well, I want this gentleman to know that the fans in the Kansas City area do not understand the situation when they will be paying taxes for years and years in the future on Arrowhead Stadium.

Surely the blackout rule should be changed for our taxpayers and for those elsewhere in America who are doing exactly the same thing and yet are being denied the privilege of seeing home teams play, even though they are willing to buy tickets and find none available.

Mr. Speaker, as I introduce this legislation, there is no intention on my part to damage the National Football League, the networks, or the Kansas City Chiefs. For that matter, it is not intended to hurt the radio stations because there will always be those who will be in their cars in the area and tune in on car radios to listen to home games when they could not be home to watch on television.

I repeat, this legislation, if enacted, carries with it all the built-in safeguards that would cover any damage or detriment to anyone, but it could do a lot of good and could satisfy and make happy a lot of taxpayers that just cannot understand at the present time why they have to help pay for a stadium and cannot have the enjoyment of seeing their home team play through a local telecast. I hope the committee to which this bill is referred will see fit to hold some hearings to help pinpoint the complaints that exist not only in my home district but in many of the major cities of America.

SPEECH OF SECRETARY SHULTZ BEFORE IMF-WORLD BANK MEETING

(Mr. HANNA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, on two earlier occasions this month I have called for the United States to adopt a constructive leadership posture in the current IMF–World Bank meeting. I am extremely pleased to say to my colleagues that our representative to that meeting, Secretary of the Treasury George Shultz, has done exactly that.

Secretary Shultz has laid before the members, many of whom are reluctant to change, a proposal which can guide the group toward a greatly improved international monetary system. The statement he made on Tuesday, in my view, struck the appropriate balance of offering a plan of action, but not locking himself and the United States into an inflexible and heavy-handed position. His insight and statesmanship is indeed praiseworthy.

I commend the copy of the Secretary's speech to my colleagues in the House. I suspect that for some the ideas contained therein will sound radical. They are not. They are long overdue reforms from which the United States will benefit in the long run:

NEEDED: A NEW BALANCE IN INTERNATIONAL ECONOMIC AFFAIRS

Mr. Chairman, Mr. Managing Director, Mr. President, Fellow Governors, Distinguished Guests:

The nations gathered here have it in their power to strike a new balance in international economic affairs.

The new balance of which I speak does not confine itself to the concepts of a balance of trade or a balance of payments.

The world needs a new balance between flexibility and stability in its basic approach to doing business.

The world needs a new balance between a unity of purpose and a diversity of execution that will permit nations to cooperate closely without losing their individuality or sovereignty.

We lack that balance today. Success in the negotiations in which we are engaged will be measured in terms of how well we are able to achieve that balance in the future.

I anticipate working closely and intensively with you to that end, shaping and reshaping the best of our thinking as we proceed in full recognition that the legitimate requirements of each nation must be meshed into a harmonious whole.

In that spirit, President Nixon has asked me to put certain ideas before you.

In so doing, I must necessarily concentrate my remarks today on monetary matters. However, I am deeply conscious that, in approaching this great task of monetary reform, we cannot neglect the needs of economic development. I am also conscious that the success of our development efforts will ultimately rest, in large measure, on our ability to achieve and maintain a monetary and trading environment in which all nations can prosper and profit from the flows of goods, services and investment among us.

The formation of the Committee of Twenty, representing the entire membership of the Fund, properly reflects and symbolizes the fact that we are dealing with issues of deep interest to all members, and in particular that the concerns of developing countries will be fully reflected in discussions of the reform of the monetary system.

As we enter into negotiations in that group, we have before us the useful Report of the Executive Directors, identifying and clarifying some of the basic issues which need to be resolved.

We also look forward to participation by other international organizations, with each contributing where it is most qualified to help. The challenge before us calls for substantial modification of the institutions and practices over the entire range of international economic cooperation.

There have already been stimulating contributions to our thinking from a wide variety of other sources—public and private. I have examined with particular care the statements made over the past few months by other Governors individually and the eight points which emerged from the deliberations of the Finance Ministers of the European Community.

Drawing from this interchange of views, and building upon the Smithsonian Agreement, we can now seek a firm consensus for new monetary arrangements that will serve us all in the decades ahead. Indeed, I believe certain principles underlying monetary reform already command widespread support.

First is our mutual interest in encouraging freer trade in goods and services and the flow of capital to the places where it can contribute most to economic growth. We must avoid a breakup of the world into antagonistic blocs. We must not seek a refuge from our problems behind walls of protectionism.

The pursuit of the common welfare through more open trade is threatened by an ancient and recurring fallacy. Surpluses in payments are too often regarded as a symbol of success and of good management rather than as a measure of the goods and services provided from a nation's output without current return.

We must recognize, of course, that freer trade must be reconciled with the need for each country to avoid abrupt change involving serious disruptions of production and employment. We must aim to expand productive employment in all countries—and not at one another's expense.

A second fundamental is the need to develop a common code of conduct to protect and strengthen the fabric of a free and open international economic order.

Such basic rules as "no competitive devaluation" and "most-favored nation treatment" have served us well, but they and others need to be reaffirmed, supplemented and made applicable to today's conditions. Without such rules to guide us, close and fruitful cooperation on a day-to-day basis would not be possible.

Third, in shaping these rules we must recognize the need for clear disciplines and standards of behavior to guide the international adjustment process—a crucial gap in the Bretton Woods system. Amid the debate about the contributing causes of past imbalances and the responsibility for initiative toward correction, sight has too often been lost of the fact that adjustment is inherently a two-sided process—that for the world as a whole, every surplus is matched by a deficit.

Resistance of surplus countries to loss of their surpluses defeats the objective of monetary order as surely as failure of deficit countries to attack the source of their deficits. Any effort to develop a balanced and equitable monetary system must recognize that simple fact; effective and symmetrical incentives for adjustment are essential to a lasting system.

Fourth, while insisting on the need for adjustment, we can and should leave considerable flexibility to national governments in their choice among adjustment instruments. In a diverse world, equal responsibility and equal opportunity need not mean rigid uniformity in particular practices. But they do mean a common commitment to agreed international objectives. The belief is widespread—and we share it—that the exchange rate system must be more flexible. However, important as they are, exchange rates are not the only instrument of adjustment policy available; nor, in specific instances, will they necessarily be the most desirable.

Fifth, our monetary and trading systems are an interrelated complex. As we seek to reform monetary rules, we must at the same time seek to build in incentives for trade liberalization. Certainly, as we look ahead, ways must be found to integrate better the work of the GATT and the IMF. Simultaneously we should insure that there are pressures which move us toward adequate development assistance and away from controls which stifle the free flow of investment.

Finally, and perhaps most fundamental, any stable and well functioning international monetary system must rest upon sound policies to promote domestic growth and price stability in the major countries. These are imperative national goals for my government—and for yours. And no matter how well we design an international system, its prospects for survival will be doubtful without effective discharge of those responsibilities.

* * * * *

Today is not the occasion for presenting a detailed blueprint for monetary reform. However, I do want to supplement these general principles with certain specific and interrelated ideas as to how to embody these principles in a workable international agreement.

These suggestions are designed to provide stability without rigidity. They take as a point of departure that most countries will want to operate within the framework of specified exchange rates. They would encourage these rates to be maintained within specified ranges so long as this is accomplished without distorting the fabric of trade and payments or domestic economic management. We aim to encourage freer flows of trade and capital while minimizing distortions from destabilizing flows of mobile capital. We would strengthen the voice of the international community operating through the IMF.

I shall organize these ideas under six headings, recognizing that much work remains to be done to determine the best techniques in each area:

The Exchange Rate Regime.
The Reserve Mechanism.
The Balance of Payments Adjustment Process.
Capital and Other Balance of Payments Controls.
Related Negotiations.
Institutional Implications.

* * * * *

1. The Exchange Rate Regime:

We recognize that most countries want to maintain a fixed point of reference for their currencies—in other words, a "central" or "par" value. The corollary is a willingness to maintain and support these values by assuring convertibility of their currencies into other international assets.

A margin for fluctuation for market exchange rates around such central values will need to be provided sufficiently wide to dampen incentives for short-term capital movements and, when changes in central values are desirable, to ease the transition. The Smithsonian Agreement took a major step in that direction. Building on that approach in the context of a symmetrical system, the permissible outer limits of these margins of fluctuation for all currencies—including the dollar—might be set in the same range as now permitted for non-dollar currencies trading against each other.

We also visualize, for example, that countries in the process of forming a monetary union—with the higher degree of political and economic integration that that implies—may want to maintain narrower bands among themselves, and should be allowed to do so. In addition an individual nation, particularly in the developing world, may wish to seek the agreement of a principal trading partner to maintain a narrower range of exchange rate fluctuation between them.

Provision needs also to be made for countries which decide to float their currencies. However, a country that refrains from setting a central value, particularly beyond a brief transitional period, should be required to observe more stringent standards of behavior in other respects to assure the consistency of its actions with the basic requirements of a cooperative order.

2. The Reserve Mechanism:

We contemplate that the SDR would increase in importance and become the formal numeraire of the system. To facilitate its role, that instrument should be freed of those encumbrances of reconstitution obligations, designation procedures, and holding limits which would be unnecessary in a reformed system. Changes in the amount of SDR in the system as a whole will be required periodically to meet the aggregate need for reserves.

A "central value system" implies some fluctuation in official reserve holdings of individual countries to meet temporary disturbance in their balance of payments positions. In addition, countries should ordinarily remain free to borrow or lend, bilaterally or multilaterally, through the IMF or otherwise.

At the same time, official foreign currency holdings need be neither generally banned nor encouraged. Some countries may find holdings of foreign currencies provide a useful margin of flexibility in reserve management, and fluctuations in such holdings can provide some elasticity for the system as a whole in meeting sudden flows of volatile capital. However, careful study should be given to proposals for exchanging part of existing reserve currency holdings into a special issue of SDR, at the option of the holder.

The suggested provisions for central values and convertibility do not imply restoration of a gold-based system. The rigidities of such a system, subject to the uncertainties of gold production, speculation, and demand for industrial uses, cannot meet the needs of today.

I do not expect governmental holdings of gold to disappear overnight. I do believe orderly procedures are available to facilitate a diminishing role of gold in international monetary affairs in the future.

3. The balance of payment adjustment process:

In a system of convertibility and central values, an effective balance of payments adjustment process is inextricably linked to appropriate criteria for changes in central values and the appropriate level, trend, and distribution of reserves. Agreement on these matters, and on other elements of an effective and timely adjustment process, is essential to make a system both practical and durable.

There is, of course, usually a very close relationship between imbalances in payments and fluctuations in reserve positions. Countries experiencing large deterioration in their reserve positions generally have had to devalue their currencies or take other measures to strengthen their balance of payments. Surplus countries with disproportionate reserve gains have, however, been under much less pressure to revalue their currencies upward or to take other policy actions with a similar balance of payments effect. If the adjustment process is to be more effective and efficient in a reformed system, this asymmetry will need to be corrected.

I believe the most promising approach would be to ensure that a surfeit of reserves indicates, and produces pressure for, adjustment on the surplus side as losses of reserves already do for the deficit side. Supplementary guides and several technical approaches may be feasible and should be examined. Important transitional difficulties will need to be overcome. But, in essence, I believe disproportionate gains or losses in reserves may be the most equitable and effective single indicator we have to guide the adjustment process.

As I have already indicated, a variety of policy responses to affect the balance of payments can be contemplated. An individual country finding its reserves falling disproportionately would be expected to initiate corrective actions. For example, small devaluations would be freely permitted such a country. Under appropriate international surveillance, at some point a country would have a prima facie case for a larger devaluation.

While we must frankly face up to limitation on the use of domestic monetary, fiscal, or other internal policies in promoting international adjustments in some circumstances, we should also recognize that the country in deficit might well prefer—and be in a position to apply—stricter internal financial disciplines rather than devalue its currency. Only in exceptional circumstances and for a limited period, should a country be permitted direct restraints and these should be general and nondiscriminatory. Persistent refusal to take fundamental adjustment measures could result in withdrawal of borrowing, SDR allocation, or other privileges.

Conversely, a country permitting its reserves to rise disproportionately could lose its right to demand conversion, unless it undertook at least limited revaluation or other acceptable measures of adjustment. If reserves nonetheless continued to rise and were maintained at those higher levels over an extended period, then more forceful adjustment measures would be indicated.

For a surplus as for a deficit country, a change in the exchange rate need not be the only measure contemplated. Increasing the provision of concessionary aid on an united basis, reduction of tariffs and other trade barriers, and elimination of obstacles to outward investment could, in specific circumstances at the option of the nation concerned, provide supplementary or alternative means. But, in the absence of a truly effective combination of corrective measures, other countries should ultimately be free to protect their interests by a surcharge on the imports from the chronic surplus country.

For countries moving toward a monetary union, the guidelines might be applied on a collective basis, provided the countries were willing to speak with one voice and to be treated as a unit for purposes of applying the basic rules of the international monetary and trading system.

4. Capital and Other Balance of Payments Controls:

It is implicit in what I have said that I believe that the adjustment process should be directed toward encouraging freer trade and open capital markets. If trade controls are permitted temporarily in extreme cases on balance of payments grounds, they should be in the form of surcharges or across-the-board taxes. Controls on capital flows should not be allowed to become a means of maintaining a chronically undervalued currency. No country should be forced to use controls in lieu of other, more basic, adjustment measures.

5. Related Negotiations:

We welcome the commitments which major nations have already made to start detailed trade negotiations under the GATT in the coming year. These negotiations, dealing with specific products and specific restraints need not wait on monetary reform, nor need monetary reform await the results of specific trade negotiations.

Those negotiations, and the development of rules of good behavior in the strictly monetary area, need to be supplemented by negotiations to achieve greater equity and uniformity with respect to the use of subsidies, and fiscal or administrative pressures on trade and investment transactions. Improper practices in these areas distort trade and investment relationships as surely as do trade barriers and currency disequilibrium. In some instances, such as the use of tariff surcharges or capital controls for balance of payments purposes, the linkage is so close that the Committee of Twenty must deal with the matter directly. As a supplement to its work, that group can help launch serious efforts in other bodies to harmonize countries' practices with respect to the taxation of international trade and investment, the granting of export credit, and the subsidization of international investment flows.

6. Institutional Implications:

As I look to the future, it seems to me that there are several clear-cut institutional requirements of a sensible reform of the monetary and trading system.

Several times today, I have stressed the need for a comprehensive new set of monetary rules. Those rules will need to be placed under guardianship of the IMF, which must be prepared to assume an even more critical role in the world economy.

Given the interrelationships between trade and payments, that role will not be effectively discharged without harmonizing the rules of the IMF and the GATT and achieving a close working relationship.

Finally, we need to recognize that we are inevitably dealing with matters of essential and sensitive national interest to specific countries. International decision-making will not be credible or effective unless it is carried out by representatives who clearly carry a high stature and influence in the councils of their own governments. Our international institutions will need to reflect that reality, so that in the years ahead national governments will be intensively and continuously involved in their deliberations and processes. Without a commitment by national governments to make a new system work in this way, all our other labors may come to naught.

* * * * *

I am fully aware that the United States as well as other countries cannot leap into new monetary and trading arrangements without a transitional period. I can state, however, that after such transitional period the United States would be prepared to undertake an obligation to convert official foreign dollar holdings into other reserve assets as a part of a satisfactory system such as I have suggested—a system assuring effective and equitable operation of the adjustment process. That decision will, of course, need to rest on our reaching a demonstrated capacity during the transitional period to meet the obligation in terms of our reserve and balance of payments position.

We fully recognize that we have not yet reached the strength we need in our external accounts. In the end, there can be no substitute for such strength in providing the underpinning for a stable dollar and a stable monetary system.

An acceptable monetary system requires a willingness on the part of all of us to contribute to the common goal of full international equilibrium. Lacking such equilibrium no system will work. The equilibrium cannot be achieved by any one country acting alone.

We engage in discussions on trade and financial matters with a full realization of the necessity to continue our own efforts on a broad front to restore our balance of payments. I must add, in all candor, that our efforts to improve our position have, in more than one instance, been thwarted by the reluctance of others to give up an unjustified preferential and highly protected market position. Yet, without success in our endeavor, we cannot maintain our desired share in the provision of aid, and reduce our official debt to foreign monetary authorities.

We take considerable pride in our progress toward price stability, improved productivity and more rapid growth during the past year. Sustained into the future, as it must be, that record will be the best possible medicine not only for our domestic prosperity but for the effective functioning of the international financial system.

My remarks today reflect the large agenda before us. I have raised difficult, complicated, and controversial issues. I did not shrink from so doing for a simple reason: I know that you, as we, want to move ahead on the great task before us.

Let us see if, in Nairobi next year, we can say that a new balance is in prospect and that the main outlines of a new system are agreed. We owe ourselves and each other that effort.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. MONAGAN, for the period September 21 through September 24, on account of official business in attending Inter-Parliamentary Union in Rome.

To Mr. CONTE (at the request of Mr. GERALD R. FORD), for September 28, on account of death in family.

To Mr. DENHOLM (at the request of Mr. BOGGS), for September 27 and 28, on account of official business.

To Mr. PRICE of Texas (at the request of Mr. GERALD R. FORD), through October 2, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. RANDALL, for 15 minutes, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. FRENZEL) to revise and extend their remarks and include extraneous material:)

Mr. CLEVELAND, for 30 minutes, September 27.

Mr. KEMP, for 15 minutes, September 27.

(The following Members (at the request of Mr. MAZZOLI) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 5 minutes, today.

Mr. KOCH, for 5 minutes, today.

Mr. FRASER, for 5 minutes, today.

Mr. WOLFF, for 15 minutes, today.

Mr. ASPIN, for 10 minutes, today.

Mr. WILLIAM D. FORD, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PRICE of Illinois and to include extraneous matter.

Mr. YATES and to include extraneous matter.

Mr. ICHORD in two instances.

Mr. ASPINALL and to include extraneous material in his remarks during general debate in the Committee of the Whole today on H.R. 16012.

(The following Members (at the request of Mr. FRENZEL) and to include extraneous material:)

Mr. SPRINGER.
Mr. HOGAN in 10 instances.
Mr. SCHERLE in 10 instances.
Mr. SCHWENGEL.
Mr. EDWARDS of Alabama.
Mr. DU PONT.
Mr. DEL CLAWSON.
Mr. ESCH.
Mr. WYMAN in two instances.
Mr. HARSHA.
Mr. BRAY in three instances.
Mr. MCDADE.
Mr. SHRIVER in two instances.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous matter:)

Mr. RODINO in two instances.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. HARRINGTON.
Mr. ADDABBO in three instances.
Mr. BEGICH.
Mr. GAYDOS in five instances.
Mr. WAGGONNER.
Mr. DINGELL in three instances.
Mr. STUCKEY.
Mr. HUNGATE.
Mr. WILLIAM D. FORD in two instances.
Mr. BADILLO in two instances.
Mrs. SULLIVAN.
Mr. SYMINGTON.
Mr. ROGERS.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3008. An act for the relief of August F. Walz, to the Committee on the Judiciary.

S. 3055. An act for the relief of Maurice Marchbanks, to the Committee on the Judiciary.

S. 3756. An act for the relief of Frank P. Muto, Alphonso A. Muto, Arthur E. Scott, and F. Clyde Wilkinson; to the Committee on the Judiciary.

S. 3973. An act to establish a system of wild areas within the lands of the national forest system; to the Committee on Agriculture.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 12903. An act for the relief of Anna M. Sack; and

H.J. Res. 1304. Joint resolution authorizing the President to proclaim October 1, 1972, as "National Heritage Day."

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Thursday, September 28, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2372. A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1973 (H. Doc. No. 92–368); to the Committee on Appropriations and ordered to be printed.

2373. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of a facilities project proposed to be undertaken for the Army National Guard, together with adjustments in the estimates in two projects previously submitted for the Army National Guard and Air Force Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

2374. A letter from the Administrator, Small Business Administration, transmitting a draft of proposed legislation to amend the Small Business Investment Act of 1958, and for other purposes; to the Committee on Banking and Currency.

2375. A letter from the Secretary of Health, Education, and Welfare, transmitting a report on the administration and coordination of drug abuse prevention programs of the Department of Health, Education, and Welfare, pursuant to section 405 of Public Law 92–255; to the Committee on Interstate and Foreign Commerce.

2376. A letter from the Secretary of the Treasury, transmitting the annual report for fiscal year 1972 on the operations of the Federal departments and independent establishments under the surety-bond program, pursuant to 6 U.S.C. 14(c); to the Committee on Post Office and Civil Service.

2377. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on the proposed use of available prior years "Construction of facilities" funds appropriated to NASA in fiscal years 1965 and 1967, for the modification of a building at the Manned Spacecraft Center, Houston, Tex., pursuant to section 3 of the NASA Authorization Acts, 1965 (78 Stat. 311) and 1967 (80 Stat. 338); to the Committee on Science and Astronautics.

2378. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on the proposed transfer of "Research and development" funds appropriated to NASA in fiscal year 1972, to the fiscal year 1972 "Construction of facilities" appropriation, for the construction of a telescope at the Goddard Space Flight Center, Greenbelt, Md., pursuant to section 3 of the NASA Authorization Act, 1972 (85 Stat. 174, 176); to the Committee on Science and Astronautics.

2379. A letter from Administration, transmitting a report on the proposed transfer of "Research and development" funds appropriated to NASA in fiscal year 1972, to the fiscal year 1972 "Construction of facilities" appropriation, for the modification of a structure at the Lewis Research Center, Cleveland, Ohio, pursuant to section 3 of the NASA Authorization Act, 1972 (85 Stat. 174, 176); to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California. Committee on Science and Astronautics. Report for the benefit of mankind (Rept. No. 92–1452). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas. Committee on Ways and Means. H.R. 16811. A bill to make permanent the existing temporary provision for disregarding income of social security and railroad retirement recipients in determining their need for public assistance, and to provide that no individual presently eligible for medical assistance under a State plan approved under title XIX of the Social Security Act shall lose such eligibility by reason of the recent 20-percent increase in social security benefits. (Rept. No. 92–1453). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas. Committee on Ways and Means. H.R. 16812. A bill to amend section 707 of the Social Security Act to extend for 1 year the existing authorization of grants for the expansion and development of undergraduate and graduate programs in social work. (Rept. No. 92–1454). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAYS: Committee on House Administration. H.R. 15276. A bill to amend section 591(g) of title 18, United States Code, in order to exclude corporations and labor organizations from the scope of the prohibitions against Government contractors in section 611 of title 18 (Rept. No. 92–1455). Referred to the House Calendar.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 16810. A bill to provide for a temporary increase in the public debt limit and to place a limitation on expenditures and net lending for the fiscal year ending June 30, 1973. (Rept. No. 92–1456). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BADILLO (for himself, Mrs. Abzug, Mr. Bell, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Dellums, Mr. Diggs, Mr. Fraser, Mr. Halpern, Mr. Harrington, Mr. Hawkins, Mr. Helstoski, Mr. Metcalfe, Mr. Mitchell, Mr. Nix, Mr. Rangel, Mr. Rees, Mr. Roybal, Mr. Rosenthal, Mr. Scheuer, and Mr. Stokes):

H.R. 16849. A bill to amend title 18 of the United States Code to provide rules for the treatment of prisoners in Federal correctional institutions; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.R. 16850. A bill to amend section 1072 (2) of title 10 of the United States Code to provide continued medical and dental care for certain divorced spouses of members or former members of the uniformed services if such spouses are incapable of self-support because of chronic illness or disability; to the Committee on Armed Services.

By Mr. FREY:

H.R. 16851. A bill to amend the National Science Foundation Act of 1950 in order to establish a framework of national science policy and to focus the Nation's scientific talent and resources on its priority problems, and for other purposes; to the Committee on Science and Astronautics.

By Mr. FUQUA:

H.R. 16852. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus supplies and equipment to State boards of education; to the Committee on Government Operations.

By Mr. GIAIMO:

H.R. 16853. A bill to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended, to implement the Convention for the Supression of Unlawful Seizure of Aircraft; to amend title XI of such act to authorize the President to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking by acting in a manner inconsistent with the Convention for the Supression of Unlawful Seizure of Aircraft; and to authorize the Secretary of Transportation to suspend the operating authority of foreign air carriers under certain circumstances; to the Committee on Interstate and Foreign Commerce.

By Mr. GONZALEZ:

H.R. 16854. A bill to amend title 5, United States Code, to extend disability retirement benefits to employees separated from the service with entitlement to deferred annuity who incur disabilities within 5 years after separation and before the annuity commencing date; to the Committee on Post Office and Civil Service.

H.R. 16855. A bill to amend title II of the Social Security Act to provide that any individual may qualify for disability insurance benefits and the disability freeze if he has 20 quarters of coverage, regardless of when such quarters were earned (and regardless of whether he is fully insured); to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 16856. A bill to amend the Hazardous Materials Transportation Control Act of 1970 to require the Secretary of Transportation to issue regulations providing for the placarding of certain vehicles transporting hazardous materials in interstate and foreign commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16857. A bill to amend the Flammable Fabrics Act to extend the provisions of that Act to construction materials used in the interiors of homes, offices, and other places of assembly or accommodation, and to authorize the establishment of toxicity standards; to the Committee on Interstate and Foreign Commerce.

H.R. 16858. A bill to provide financial aid for local fire departments in the purchase of firefighting suits and self-contained breathing apparatus; to the Committee on Science and Astronautics.

H.R. 16859. A bill to establish a National Fire Data and Information Clearinghouse, and for other purposes; to the Committee on Science and Astronautics.

H.R. 16860. A bill to extend for 3 years the authority of the Secretary of Commerce to carry out fire research and safety programs; to the Committee on Science and Astronautics.

H.R. 16861. A bill to provide for the creation of the National Fire Academy, and for other purposes; to the Committee on Science and Astronautics.

H.R. 16862. A bill to provide the Secretary of Commerce with the authority to make grants to States, counties, and local communities to pay for up to one-half of the costs of training programs for firemen; to the Committee on Science and Astronautics.

H.R. 16863. A bill to provide financial aid to local fire departments in the purchase of advanced firefighting equipment; to the Committee on Science and Astronautics.

H.R. 16864. A bill to provide the Secretary of Commerce with the authority to make grants to accredited institutions of higher education to pay up to one-half of the costs of fire science programs; to the Committee on Science and Astronautics.

H.R. 16865. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of the U.S. capital, jobs, technology, and production, and for other purposes; to the Committee on Ways and Means.

By Mr. ICHORD (for himself, Mr. King, Mr. Stratton, Mr. Henderson, Mrs. Andrews of Alabama, Mr. Abernethy, Mr. Lennon, Mr. Burleson of Texas, Mr. Rarick, Mr. Bevill, Mr. Mathis of Georgia, Mr. Scherle, Mr. Daniel of Virginia, Mr. Collins of Texas, Mr. Bray, Mr. Clark, Mr. Pepper, Mr. Preyer of North Carolina, Mr. Hall, Mr. Mollohan, Mr. Griffin, Mr. Fisher, Mr. Goodling, Mr. Archer, and Mr. Gross):

H.R. 16866. A bill to amend section 4 of the Internal Security Act of 1950; to the Committee on Internal Security.

By Mr. ICHORD (for himself, Mr. Myers, Mr. Scott, Mr. Clancy, Mr. Gerald R. Ford, Mr. Whitehurst, and Mr. Baker):

H.R. 16867. A bill to amend section 4 of the Internal Security Act of 1950; to the Committee on Internal Security.

By Mr. KOCH (for himself and Mr. Drinan):

H.R. 16868. A bill to amend the Immigration and Nationality Act with respect to the waiver of certain grounds for exclusion and deportation; to the Committee on the Judiciary.

By Mr. METCALFE (for himself, Mr. Scheuer, Mr. Hechler of West Virginia, Mr. Moss, Mr. Mathis of

Georgia, Mr. Nix, Mr. Mitchell, Mr. Dellums, Mr. Conyers, Mrs. Heckler of Massachusetts, Mr. Matsunaga, Mr. Hawkins, Mr. Helstoski, Mrs. Abzug, and Mr. Stokes):

H.R. 16869. A bill to amend the Public Health Service Act to improve the program of medical assistance to areas with health manpower shortages, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PELLY:

H.R. 16870. A bill to amend the Sockeye or Pink Salmon Fishing Act of 1947 to authorize the restoration and extension of the sockeye and pink salmon stocks of the Fraser River system, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. RANDALL:

H.R. 16871. A bill to amend the act providing an exemption from the antitrust laws with respect to agreements between persons engaging in certain professional sports for the purpose of certain television contracts in order to terminate such exemption when a home game is sold out; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 16872. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on all foods to disclose each of their ingredients; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL (for himself, Mr. Begich, Mr. Blatnik, Mr. Mitchell, Mr. O'Konski, Mr. Podell, Mr. Rees, Mr. Rosenthal, Mr. Roush, Mr. Symington, Mr. Thompson of New Jersey, Mr. Widnall, Mr. Charles H. Wilson, Mr. Yates, Mr. Dingell, and Mr. Melcher):

H.R. 16873. A bill to require States to pass along to public assistance recipients who are entitled to social security benefits the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. SCHEUER:

H.R. 16874. A bill to amend the Occupational Safety and Health Act; to the Committee on Education and Labor.

By Mr. SMITH of Iowa:

H.R. 16875. A bill to provide for the establishment of a veterinary biologics facility by the U.S. Department of Agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. STEPHENS (for himself and Mr. Blackburn):

H.R. 16876. A bill to regulate closing costs and settlement procedures in federally related mortgage transactions; to the Committee on Banking and Currency.

By Mr. STRATTON:

H.R. 16877. A bill to provide for the establishment of projects for the dental health of children, to increase the number of dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. THONE:

H.R. 16878. A bill to promote the development within the United States and foreign countries of American arts and handicrafts; to the Committee on Interstate and Foreign Commerce.

By Mr. DENHOLM:

H.J. Res. 1309. Joint resolution to amend the Constitution of the United States providing for a limitation of annual appropriations to achieve national fiscal responsibility; to the Committee on the Judiciary.

By Mr. MATHIS of Georgia:

H.J. Res. 1310. Joint resolution establishing a National Commission to investigate the Olympic games of 1972; to the Committee on the Judiciary.

By Mr. FREY (for himself, Mr. Keating, Mr. Alexander, Mr. Anderson of Illinois, Mr. Archer, Mr. Derwinski, Mr. Fascell, Mr. Forsythe, Mr. Frenzel, Mrs. Heckler of Massachusetts, Mr. Hosmer, Mr. Harrington, Mr. Mailliard, Mr. Pepper, Mr. Robinson of Virginia, Mr. Thone, Mr. Veysey, and Mr. Ware):

H. Con. Res. 712. Concurrent resolution to require a court impact statement in each report of legislation from a committee of either House of Congress to that House; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MELCHER:

H.R. 16879. A bill for the relief of Loretto B. Fitzgerald; to the Committee on the Judiciary.

By Mr. MICHEL:

H.R. 16880. A bill for the relief of Ann E. Shepherd; to the Committee on the Judiciary.

By Mr, STAGGERS:

H.R. 16881. A bill for the relief of Cosimo Pellegrini and his wife, Angela, and their children Giovanna and Felecia; to the Committee on the Judiciary.

By Mr. THOMSON of Wisconsin:

H.R. 16882. A bill for the relief of Dr. and Mrs. Donald J. Alm; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

286. The SPEAKER presented a petition of the Board of Selectmen, Brookline, Mass., relative to the deaths of 11 athletes at the XX Olympiad; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

PLANS FOR SAVING THE CITIES

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. EILBERG. Mr. Speaker, we have heard many statements by so-called experts that our cities are dying and that the people do not care about them anymore.

In my city, Philadelphia, however, there is a group of young men who are answering these charges with action. They are men who care about their city and want to do something for it.

Their organization is called "The Shackamaxon Society" and its officers are: Robert I. Alotta, president; John Corr, vice president; Harold J. Schneider, secretary; and Harry J. Solimeo, treasurer.

One of the group's major projects has been the restoration of Old Fort Mifflin, which guarded the water approaches to Philadelphia during the Revolutionary War.

At this time I enter into the Record a letter from Mr. Alotta concerning the group and its plans for the fort and a summary of the activities which are already underway and those planned for the future.

The letter follows:

The Shackamaxon Society, Inc.,
Old Fort Mifflin, Sept. 4, 1972.

Dear Congressman Eilberg: As we commence the celebration of the two hundred years since the start of Old Fort Mifflin in Southwest Philadelphia, The Shackamaxon Society views the past activities in the city, the state and the nation . . . and we are frightened . . . frightened by the lack of creativeness and aggressiveness. We have long espoused the tenet that "you don't know where you're going 'til you know where you've been." With this philosophy in hand, we have sketched out what we feel is a meaningful program for the commemoration of the Bicentennial of Old Fort Mifflin. Here, in outline, is what The Society plans for the period beginning, September 4, 1972, and continuing until November 16, 1977.

As we will read, our intention is to present Old Fort Mifflin as "the Alamo of the Revolution" with imagination, dignity and a sparse budget. With the loss to Philadelphia of an International Exposition in 1976 and the lethargy of Philadelphia Bicentennial planning, we feel we must go it alone and do the best we can. Perhaps, by our example, we can encourage others to use their native intelligence and skills toward a "Meaningful Bicentennial . . . through Living History."

Sincerely,

Robert I. Alotta, *President.*

The Program

1. "Living History"

(a) Old Fort Mifflin Guard: For the past five years, The Shackamaxon Society has been working with a group of young men, collectively called the Old Fort Mifflin Guard. The Old Fort Mifflin Guard swelled now to almost 35 men and boys, regularly drill and re-create the musters of soldiers two hundred years ago. They do this voluntarily because, as they put it, they're a "living part of history." For the next five years, The Society hopes to increase the membership of the Guard and continue to outfit them as soldiers of the 18th century. Their uniforms will, as they were in 1777, be made by hand—and by the men themselves. They will be divided into the various regiments which were once stationed at Old Fort Mifflin. This will be a unique experience since Old Fort Mifflin had two black regiments serving there during the worst days of the November '77 battle.

The Guard will intensify their study of Revolutionary War history and will, by their enthusiasm and example, educate others.

(b) Revolutionary appreciation program: The Society will inaugurate, with the cooperation of the Philadelphia Board of Education, a Revolutionary Appreciation Program for Junior High School Students. It is our intention to take 25 students each year for a two-week summer period and have them live at Old Fort Mifflin as the soldiers of '77 did. This means they will eat, sleep, work and study at the Old Fort . . . without the interruptions of radio, television and newspapers. The material they will read will be reproductions of pamphlets and newspapers of the period. They will eat the same type of meals which were fed to the soldiers. They will drill and they will learn about history by doing. At the completion of the two-week course, the students will be required to write an essay explaining their experiences as "Revolutionary War soldiers" and what it means to them personally. The combined essays will be published by The Shackamaxon

Society and made available to schools and libraries. The resulting work will also be made available to the public at a nominal cost.

(c) Visitation and public speaking: The Shackamaxon Society will intensify visitations to schools and public speaking engagements, telling the story of Old Fort Mifflin and its meaning to this nation.

2. COLONIAL CRAFT PROGRAM

As part of the operation of Old Fort Mifflin, the Society will increase the visual activities taking place at the Fort itself. As an example, members of the Old Fort Mifflin Guard will produce, as soldiers two centuries ago, cartouche boxes, belts, buttons, bullets, pewter and wooden utensils, uniforms, candles, tinware, and so forth.

3. PUBLICATIONS

With the success of our "pamphleteering," The Shackamaxon Society has plans for the publication of new historical research booklets on a quarterly basis. These publications will supplement our 40 Valiant Days, the Men of Mifflin and a Glossary of Fortification Terms.

It is our hope that through this method of communication, we will be able to disseminate the message of Old Fort Mifflin . . . the message that men must have a very strong reason for risking their lives . . . even for an ideal. This should be the meaning of any bicentennial commemoration because we are recalling to mind how the United States came into being.

4. MUSEUM OF THE AMERICAN SOLDIER

With the limited funds at our disposal, we plan to begin work immediately on the Museum of the American Soldier to be compiled and presented in the Soldiers' Barracks at the Old Fort. In this museum, we will be unique and present the living conditions of the American fighting man from the Revolutionary War to the Korean Conflict (the periods during which Old Fort Mifflin was an active military installation).

As time and money permit, we will enlarge our "living museum" concept to include other areas, such as: the life of the officer, the education of the military, displays of cannon and firearms used during the Old Fort's military life, and others.

5. RESTORATION

We have listed restoration last because we feel it is not the prime reason for a bicentennial commemoration.

Initially, we will seek funds to stabilize the buildings and make them safer. We will attempt to install lighting in those structures which, at present, do not have such service. Our principal aim, however, is in educating and interpreting the history of Old Fort Mifflin.

NEW LIBERAL ARTS COLLEGE

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. CONTE. Mr. Speaker, though Hampshire College in Amherst, Mass., opened its doors to students just 2 years ago, it already has attracted nationwide attention and respect.

I was pleased to have played a part in the founding of this fine institution which, along with 13 other colleges and universities, is located in the First Congressional District of Massachusetts. Hampshire's experiment with a challenging and innovative approach to higher education has been the subject of numerous articles in the news media. I now include in the RECORD, as one example, the story which appeared in the September 17, 1972, edition of the Washington Post. It provides a good insight into the goals and achievements of the administration, students, and faculty at Hampshire.

The article follows:

THE "NEW" LIBERAL ARTS COLLEGE

(By William Trombley)

AMHERST, MASS.—Of all the new colleges that have sprung up around America in recent years, none has been more carefully planned than Hampshire, a coeducational liberal arts institution in the college-rich Pioneer Valley of West Central Massachusetts.

Five years of planning and fund raising took place before the doors were opened in September, 1970.

The reason for all the planning was that Hampshire set out to walk a narrow line between the traditionally strong liberal arts education for which New England is famous (the new college's immediate neighbors are Amherst, Smith and Mt. Holyoke) and reforms that Hampshire's planners thought were needed to keep liberal arts education alive.

On the reform side, Hampshire has banished required courses and majors. Students plan their own programs of study, working closely with faculty advisers.

The college has no academic departments, encouraging specialists from many fields to work together in interdisciplinary studies.

There are no grades. Students move from one level to another by passing a series of competency examinations.

TIME NOT SPECIFIC

While it is expected that most students will complete a program in four years, the opportunity exists to do it in two or three years or in five or six. Students are encouraged to leave the college for a term or longer to engage in field studies or independent study or simply to look around for a while before returning to academic life.

"We really are trying to get people to be responsible for their own lives and their own educations," Vice President Robert C. Birney said in an interview. "If you can generate your own course of study and learn to struggle with the problems that come out of that, then we think you can handle any kind of problems that come up later."

He added with enthusiasm, "When one of these kids discovers he is really responsible for his own education, what a revelation! How he takes off."

Students are encouraged to plan and teach their own courses and some do.

For example, Arthur Samuelson, a 22-year-old student entering his third year at Hampshire, has organized a course about the Nazi extermination of six million European Jews during World War II.

The course will be called thinking about the unthinkable: An encounter with the holocaust.

Samuelson has read deeply in the subject. Next year he hopes to lead a group of 10 or 12 students to Germany and Central Europe to study in historical archives and to interview survivors of the holocaust.

As a result of preparing this course, Samuelson "has become a self-educated historian," said Francis D. Smith, dean of the School of Humanities and Arts. "He has had no formal history training that I know of but he is able to discuss historical ideas with professional historians."

NOT THE EXCEPTION

Most colleges can point to a few unusually talented undergraduates like Samuelson, but Hampshire College likes to think its approach makes this kind of initiative the norm, not the exception.

"I'm wildly prejudiced about the overall success of what we're doing here," said Dean Smith. "It's been exhausting but there are a lot of kids who are really making it as individuals."

The college has high aspirations financially as well as educationally.

"We're trying to show here that a quality liberal arts college can operate on tuition and fee income," said Donald F. Berth, director of development.

Charging a comprehensive annual fee of $4,600 (tuition, room and board), Hampshire had a $215,000 deficit last year, $100,000 less than expected. The plan is to break even by 1975, with a fee of $4,800.

Assisted by extensive publicity and high student word-of-mouth ratings, Hampshire has been deluged by applications and has been able to increase its enrollment from 250 to 1,000 in three years without a noticeable decline in student quality.

In its efforts to break even on tuition-fee income, Hampshire maintains a student-faculty ratio of 15 or 16 to 1, considerably higher than its small-college neighbors.

The college also expects to save money through extensive use of technology, but to date these savings have not been realized.

One of Hampshire's most serious problems is a shortage of financial aid money. Last year only about 15 percent of the students were receiving aid, resulting in a student body made up largely of the well-to-do, with only a sprinkling of poor and middle-income students.

"We are, by and large, a school for the upper-middle class," said Berth. "This presents a dilemma because many of our kids would like a better demographic mix."

There are also academic problems.

The Hampshire approach seems to work well with highly motivated students but it is less successful with students who are intelligent but who lack an intense academic interest or career drive.

Tom Corey, 20, likes to paint and do graphic arts. For him, Hampshire College has been a joy. He has had one-man shows of his paintings and has helped organize a thriving poster-making business in the town of Amherst.

"I wouldn't want to be anyplace else. You can really act on your own initiative here," said Corey, a broadshouldered youth who has been working on a campus construction crew this summer.

"But this place isn't for everybody. A lot of students just seem to get lost and don't do much of anything."

An elaborate faculty advising system is supposed to help such students, but at Hampshire, as at almost every other institution of higher learning, the quality of advising varies widely.

Next year, the college will try in-service training for faculty advisers if this does not help, professional counselors may be hired.

The examinations that enable the students to move from one level to another are a constant source of anxiety.

Faculty members in one academic area tend to question the rigor of examinations in another and most faculty members are appalled by the amount of time the examinations promise to consume when several hundred students are taking them each year.

Any college that attempts to individualize instruction places a heavy burden on its faculty members and Hampshire is no exception. Professors are expected to teach six courses a year, devise and give the competency examinations, advise students and serve on endless faculty committees.

Some faculty members doubt the system of heavy personal counseling and competency exams will survive the coming year, when enrollment will jump from 600 to 1,000.

There also is a question as to how innovative Hampshire College really is.

While the absence of grades, departments, required courses and majors unquestionably makes the college "experimental," the pull of traditional liberal arts education also is strongly felt.

The curriculum seems conventional in many respects. Missing are the courses in bread baking, macrame and sensitivity training featured at some experimental colleges.

THE COST AND FINANCING OF HEALTH CARE

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. ROY. Mr. Speaker, since the rising cost of medical care and the development of national health insurance are pressing issues in our Nation today, the following study may be of interest:

COSTS OF MEDICAL CARE

President Nixon acknowledged the rising cost of medical care when he made medicine almost the only service industry which fell under his price controls. Unfortunately, the American consumer, especially those in the lower and middle classes, had already felt the brunt of rising medical costs. Health care expenditures had consistently led the cost-of-living rises for more than a decade, rising approximately twice as far as the general consumer price index.

In the last twenty years, health care expenditures have increased nearly 400%. Since 1965, total health care expenditures have almost doubled, from 38.9 billion dollars and 5.9% of the gross national product to 75 billion dollars in 1971, and 7.4% of the gross national product.

For the individual, costs have increased more than 150% per capita over the last decade.

Hospital costs, the largest part of the national health budget, have led the price increases. Average per day hospital costs which were $37 in 1965 are over $80 in 1972, and in many areas the cost of a semi-private room has gone over $100 a day. Costs for special care units such as special respiratory units and intensive care wards have soared as high as $400 to $500 a day. In addition, hospitals have been increasingly charging for services which were formerly included in the bill, such as laboratory fees.

Costs of health insurance have been rising at a rate of 14% to 17% a year, with cost increases for policies as high as 20% to 40% in a single year. Costs to industry for health insurance and related expenses have risen 177% over the last decade.

Government programs have been equally hard hit by the increasing costs of medical care. Costs for Medicare more than doubled between 1967 and 1970, while enrollment increased only 8%. Medicaid costs rose 25% in 1971 alone.

Behind the rising costs of medical care are rising physician fees, which have also been increasing at a rate nearly twice as high as the cost of living, with some lags. In 1970, the rate of increase of physicians fees was an astonishing 7.4%. At the same time, the average annual income of physicians of over $40,000 places them in the top 1% of the population in terms of income.

The rising costs of medical care have made it increasingly unavailable to the poor, and the working classes. It is estimated that perhaps 40% of the American people receive substandard care, including 20% receiving no medical care at all.

FINANCING OF MEDICAL CARE

The financing of health care has been dominated by two trends in the recent past—the growth of private health insurance, and increasing government involvement.

Demand for health insurance, which can reduce the out-of-pocket health costs to the consumer, has been rising steadily over the last twenty-five years. As of January, 1971, close to 80% of the population was covered by some form of insurance against hospitalization, 77.7% had some form of surgical insurance, and 70% had coverage against inpatient visits by physicians and laboratory tests in hospitals. The total bill for private insurance in 1970 was 17.2 billion dollars, and accounted for 40.3% of all consumer health expenditures. The 1970 total was an increase of 17% over 1969, and 1969 figures represented an increase of 14% over costs in 1968.

Since 1966, the federal government has assumed an increasing role in the financing of medical care. 38% of the total national health care budget in FY 1971 was borne by federal, state and local governments. The federal government alone accounted for more than a quarter (26%) of all health care expenditures. Federal spending on health for 1972 amounts to 25.5 billion dollars, almost five times the 1965 budget of $5.2 billion. Government now accounts for 36% of all personal health care expenditures, including 50% of all expenses for hospital care and 25% of the total for physicians services.

The major components of the Federal government's spending is the Medicare program, with expenditures of 10.4 billion dollars for FY 1973. Over 95% of the eligible population is now covered under the program.

The Medicaid budget of 6.5 billion dollars is another major component of government spending, financed equally by the states and the Federal government.

But these figures, while they suggest that most Americans are covered by some form of health insurance, fail to show the enormous gaps in coverage. In 1970, private health insurance failed to meet 27% of consumer expenditures for hospital care, met less than half of consumer expenditures for physicians' services, and only 5.5% of the costs of all other forms of health care. The enormous cost of health care, and the frequent failure of health insurance to cover major portions of services has led 28% of the population to buy duplicate coverage.

For Medicare patients, despite the almost universal enrollment, the average out-of-pocket health bill of the elderly is presently $225 a year, only slightly lower than the 1966 bill of $234 a year, due to the coinsurance and deductible provisions of Medicare, and soaring medical costs. Monthly premiums have doubled since 1966, to $5.60 a month. In addition, the Nixon Administration has been forcing Medicare patients to pay a higher portion of the bill through increased coinsurance provisions, and retroactive denials of payments.

In 1971, payments for extended care facilities were cut back from $360 million a year to $180 million a year, largely through retroactive denials of aid. In 1971, 40% of all claims were paid at a reduced amount, resulting in untold hardships for patients, who faced denial of services from growing numbers of physicians and hospitals. The health crisis of the elderly is reflected in the fact that over half of Medicaid payments currently go to the elderly, and 25% of the total health bill of the elderly is currently paid by Medicaid. Further cutbacks in Medicare have been envisioned in Nixon's welfare proposals which would raise coinsurance provisions and increase the deductibles for the first days of service rendered.

Medicaid, which originally promised to provide services for the medically indigent as well as these below the poverty level, has failed to live up to its goals. Twenty-two states have failed to develop programs for the medically indigent, and the current deadline for the extension of medical aid to this major group has been all but abandoned by the Nixon Administration.

Rising costs of medical welfare payments, which presently account for 40% of all welfare payments, and rose 25% in 1971 alone, have led to cutbacks in service in many states, the institution of copayment schemes, and the denial or unavailability of legislated benefits. In addition, hard-pressed state governments have asked the federal government to take over the costs of the whole program, which now cost the states roughly 3.3 billion dollars a year.

Besides failing to provide adequate coverage against precipitous costs of medical care, present methods of financing can be faulted very strongly on other grounds. Private health insurance has created a 2.4 billion dollar a year administrative machine; operating expenses of private health insurance accounted for twenty per cent of all premiums in 1970. At least $1 billion of this can be counted as waste caused by overlapping sales forces, administrative systems, and expenses due to advertising and promotion.

The method of payment of both private health insurance and Federal programs, with open-ended payment for services, and a dependence on reasonable and customary costs, has favored the least economical form of health care delivery, private fee-for-service medicine. Widespread coverage of hospital care has provided incentives to both doctors and patients to use hospitals rather than less expensive forms of care, and has resulted in unwarranted surgical remedies to problems with other medical solutions.

Payment for hospitalization and surgical expenses, without comprehensive insurance, has contributed to the flight of medical resources from primary comprehensive care.

While extending buying power to increasing number of people without providing for commensurate increases in number of personnel or providing efficiency incentives, third-party payments by government and insurance companies have contributed the major part of soaring medical costs. It has been estimated that between 1948 and 1966, the increase in the price of private health insurance was responsible for 30% of the increase in the costs of health care merely because of the increase in physician fees which it generated. Since 1966, the impact of government programs in reducing the financial barriers to medical care for the elderly and the poor has increased the rate of inflation of medical costs, without substantially improving the quality of care or costs. In cases like extended care nursing facilities, the Medicare and Medicaid programs increased the amount and cost of programs, while subsidizing the development of profit-making facilities which provided low quality care.

NATIONAL HEALTH INSURANCE

Present proposals for the restructuring of financing of medical care can be placed into three major classes. First are the proposals endorsed by the special interest groups, AMA's Medicredit, the American Hospital Association's Ameriplan, and the Health Insurance Association of America's plan. All of these programs rely on tax incentives to stimulate the voluntary purchase of private health insurance, with separate programs for the poor to provide for government purchase of health insurance. Except for Medicredit, they provide modest encouragement for HMOs.

The second class, as embodied in the Nixon proposal, goes a step further and mandates the purchase of health insurance by employers for their employees, with the employer paying 65% of the cost of the insurance, going to 75% after 30 months (as compared to 80% under most large group plans). At the same time, Nixon would establish a new Federal Health Insurance Plan to replace Medicaid, which would cover families with dependent children under a complicated set of formulas based on family income and number of children. For those not covered by

Medicare, mandatory insurance, or FHIP, group policies would be made available. HMO options are mandated under the Health Insurance Act, if locally available.

These first two classes of programs are remarkably similar. They rely on the private enterprise approach to medicine, with an indirect approach to the problems of medical care. They preserve the present private health insurance industry, although it is likely that the small fly-by-night health insurers who are guilty of the most flagrant abuses would be eliminated in favor of the Blue Cross/Blue Shield plans and the major commercial insurers.

Looking specifically at the Nixon proposal, we can see that it fails to answer any of the real complaints about the present financing or organization of medicine, but rather rewards the chief beneficiaries of the present system. Financing is not equitable, and would put large burdens on small employers and on employers in low-wage industries (up to 10% of labor costs for some employers). The plan leaves large gaps in coverage for part-time workers, migrant workers, multiple-employer maids, unemployed single people, childless couples, the self-employed, or those between classes. Benefits are not comprehensive, since deductibles and co-payments erode the protection offered. Under Nixon standards, the patient with a total hospital bill of $1,020 (not unreasonable for a six or seven day stay in a typical hospital) would be required to pay $428 out-of-pocket. Substantial benefit limitations for the poor would perpetuate the two class system of care, and the high premiums, deductibles, and co-payments, would require the extension of substantial welfare payments to the poor for medical costs, with the burden shifted from the Federal government back to the states, local governments, and individual providers of care.

Administratively, the Nixon program would probably be almost unworkable. It includes five separate programs which will require constant enforcement to insure that employers comply with the program, the FHIP program establishes five different income classes, each with its own set of deductibles, copayments, and premium rates which are subject to redetermination every six months, and requires stringent means tests. Probably neither administrators nor beneficiaries would ever understand who would receive what benefits.

Nor does the Nixon administration proposal place any controls on the costs of health care. The administration regards the independent development of HMOs as the chief mechanism to achieve economy and control costs, yet there is no evidence that Nixon's proposals will have any substantive effect on the cost increases of medical care.

What the Nixon proposals do accomplish is major cutbacks in services provided for the poor, and a continuation in the gaps in service for the aged. They would provide a windfall to private insurers, and would place no curbs on the rising cost of medical care. The Nixon proposals are no more than a form of protective reaction to the growing demands for comprehensive national health insurance.

In the third class of programs are three major bills to implement national health insurance currently under Congressional consideration—the Kennedy Health Security Act, which is strongly supported by organized labor and has been endorsed by Senator McGovern, the Javits bill, and the Dingell bill. Other plans are currently being drafted and introduced. All of these plans would rely on an expanded Social Security financing mechanism, with employers taking three-fourths of the burden, and direct contributions from government revenues. This form of financing is probably the most equitable, since payroll taxes are proportional to income, while health insurance premiums are not, and fall most heavily on those without group coverage. All would rely on central collection of funds, and disbursement of revenues through a national board.

Among the health bills, the Kennedy plan is conceptually the broadest. It would extend comprehensive health care benefits to all U.S. residents, excluding only such benefits as cosmetic surgery, custodial nursing home care, and adult dental expenditures. No payments would be required at the point of service. It would replace Medicare, Medicaid, and the private health insurers, and vest control of revenues in a central health board with approximately a hundred regional offices.

Funds would be allocated on the basis of population and health needs of a given population to each of its district offices. Central to the disbursement of funds is the capitation method of payment. Physicians would have three options for payment: comprehensive health care corporations could agree to provide services through salaried employees. In the case that fee-for-service bills exceeded the allocated amount for the patients covered, physicians would be paid according to the ratio of total funds available to total bills submitted.

The capitation system, along with the large sums ($200 million the first year, $400 million the second year) for construction of comprehensive health centers, would provide the economic incentives for reorganization of health services on a comprehensive care basis. In addition, the regional distribution of services would be affected since funds would be allocated equally for equal populations, and physicians would have economic security in areas other than the suburbs.

Also present in Health Security is a legislated budgeting system aimed at requiring financial responsibility on the part of the health establishment. Funds would be allocated according to the population covered and the expected volume of services, and only in emergencies would increases be granted. Health expenditures could not exceed the total amount available to the fund.

The Kennedy plan also takes into account the need to expand health facilities with a fixed 5% allocated to a Health Resources Development Fund, which would eventually total upwards of 5 billion dollars a year.

The Javits bill is basically a compromise between the positions taken in the Nixon/industry proposals and the Kennedy bill. Although it uses the Social Security financing mechanism, it fails to take any steps to reorganize the system of medical care, and is open-ended as to cost. It would preserve the major medical insurance carriers, as well as opening the option of a quasi-governmental carriers, as well as opening the option of a quasi-governmental insurance substitute as a thrust to competition. Perhaps the greatest flaw in the Javits plan is its open-ended fee-for-service cost provisions, which would subject it to the same problems which have plagued Medicare and Medicaid: rising costs and lack of control over the quality of care administered.

Like private health insurance and Medicaid, the benefits under the Javits plan might be eroded by deductibles and coinsurance provisions. In addition, the Javits plan allows persons to opt out of the national health insurance system if their health insurance is more adequate than that provided under the national plan. This is a concession to the two-class system of care, and might again allocate the bulk of medical resources to the rich and the upper middle class.

Criticisms of the Kennedy Health Security Act and similar plans for national health insurance are listed below:

(a) Probably the most salient and vocal objection to National Health Insurance, and the one that deserves the most attention, is cost. Advocates of the Kennedy plan claim that the plan would cost 67 billion dollars if enacted this year. Others claim that it would cost 10 billion more than its proponents estimate. Similar arguments exist around the Javits and other proposals. All of these estimates should be viewed in the light of the fact that a National Health Insurance proposal would not represent new spending, but instead would be a major rechannelling of funds through a central authority.

A breakdown of the Social Security estimates for the Kennedy-Griffiths health plan for fiscal year 1974 illustrates this quite dramatically.[1]

[In billions]

	With Kennedy	No insurance	Net change
Private expenditures:			
Health insurance	1.9	26.4	−24.5
Individual payments	11.2	32.0	−20.8
Other	2.8	3.9	−1.1
Total	15.9	62.3	−46.4
Public expenditures:			
Federal Government	91.4	32.0	+58.4
Local and State	6.5	11.1	−4.6
Total	97.9	43.1	+54.8
Total health expenditures	113.8	105.4	+8.4

This estimate assumes an addition of 8.4 billion dollars to the health care budget because of costs of extension of service, but does not project any savings because of better organization of care, cost control, or administrative savings, which would occur.

In essence, the total initial national health expenditures would probably not differ substantially under any of these programs, and the central question to keep in mind is that medical expenses have been predicted to rise substantially without national health insurance, and that health care projections are almost impossible to make due to exactly what National Health Insurance would hope to cure—rapid cost increases and inequitable distribution of resources.

The important considerations in national health insurance are the *long-range* considerations for cost-savings and improved quality.

(b) Manpower and facilities are overtaxed already. The added burden placed on the system by national health insurance will be overwhelming. This argument is an acknowledgement of the need present in the system rather than its capabilities. Demand with the concomitant assurance that health care is a right would encourage the rapid reorganization of services, with the probability of very large savings due to enforced financial responsibility and the moral and legal responsibility of providing the services. Manpower must be attacked as an independent problem, but the visibility of need, especially for primary services, would probably have a substantial effect in prodding health educators to rapidly expand their facilities.

(c) There is a moral hazard in providing free service that will artificially swell demand for service. This is the most persuasive argument used by the health insurance lobbyists who point to the "success" of coinsurance provisions and deductibles, in limiting the expenses of services. Such a conclusion is born out, in their opinion, by comparative studies of populations with different forms of coverage, and different utilization rates of services. These arguments are not substantiated by the experience of such prepaid plans as Kaiser-Permanente, or in other countries where National Health Insurance has been enacted. Although there is a large demand for health care which is unmet by present delivery systems, which will demand new resources, allocation of medical resources is made most frequently by the providers of care, and most estimates conclude that roughly 85% of the costs of care are determined by physicians rather than patients themselves. Mechanisms to limit overuse of facilities such as stringent physician review of hospital admissions would of necessity be built into national health care, and coinsurance or deductible provisions except for relatively small ones for such services as individual visits and house calls probably would have little effect on any national system if it were properly administered.

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[1] Fiscal year '74 was chosen for this projection because it was near enough to project; the estimate was based on no significant change in delivery of care, or governmental involvement.

A corollary to the free care moral hazard is the unwarranted assertion that removal of financial barriers to medical care would be replaced by other barriers, such as long waits for appointments, and artificial barriers created by administrative systems. The standard of comparison here is the British NHS and the long waits that frequently occur under that system. With references to any comparisons to the British system, it is important to remember that Britain spends roughly 5% of its GNP on health care while the U.S. spends 7.5% of a much larger gross national product. It is obvious that there would be waits for physician services, as there are now, and consumers would unable to exercise benefits because of distributional shortages, but these problems would not necessarily be compounded by any national health insurance schemes.

(d) Second-class medicine or substandard clinic care are predicted by opponents of any extension of medical services. This criticism ignores the effect of malpractice as a barrier against substandard medicine, as well as the generally high levels of professional care which the medical profession vaunts so frequently.

HANOI SUPPORTS ARAB TERRORISM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. CRANE. Mr. Speaker, while Ramsey Clark, David Dellinger, and a host of other American antiwar spokesmen repeatedly tell us of the good will of the North Vietnamese regime in Hanoi, the fact is that this regime is one of the most brutal in today's world.

Its brutality has been evidenced in many ways. Ho Chi Minh and his colleagues slaughtered tens of thousands of North Vietnamese peasants in 1956 when they resisted forced collectivization. A steady campaign of terror and assassination has been conducted by the Vietcong in the south, and the Hue massacre of innocent civilians remains one of the most grotesque acts in the annals of modern conflict.

Recently, Hanoi has expressed its continuing belief in violence and terror as valid means for the achievement of political ends by hailing the Palestinian Black September group as heroes for their murder of the 11 members of the Israeli Olympic team in Munich.

While the rest of the civilized world recoiled in horror at the tactics of terror being employed by Palestinian activist groups, the North Vietnamese gave their wholehearted support to such tactics.

Columnists Rowland Evans and Robert Novak report that—

> The North Vietnamese reaction to the September 5 Munich massacre came September 12 when Israel and West Germany were accused of choosing the "path of hatred and betrayal" by *Nhan Dan,* the Hanoi party daily. "The recent bloody incident in Munich is eloquent proof of the cruelty and perfidy of the U.S. and Israeli aggressors and the dark design of the Nixon Administration and company to wreck peace under the extremely hypocritical label of humanity and peace," the newspaper continued.

Nhan Dan declared that the United States and Israel "deliberately allowed" the murder of Israeli Olympians as a pretext for reprisals and added:

> They planned to whip up a chauvinistic hysteria in Israel and create a false protest movement within the so-called "civilized world" to vilify the just struggle of the Palestinian people and to threaten and split the Arab countries.

Columnists Evans and Novak point out that—

> The long love affair between North Vietnamese and Arab revolutionaries has been ignored by Hanoi's apologists in the West. . . . Thus, addressing Jewish rabbis September 6 in Los Angeles, Senator George McGovern compared Arab terrorists in Munich to U.S. bombing of North Vietnam.

It is high time that the true nature of the Hanoi regime be understood by all Americans. The response of that regime to the events in Munich is added evidence of its brutality and its contempt for human life.

I wish to share with my colleagues the column by Rowland Evans and Robert Novak, "North Vietnam's Arab Line," which appeared in the Washington Post of September 21, 1972:

North Vietnam's Arab Line

(By Rowland Evans and Robert Novak)

Even Hanoi-watchers accustomed to rigid militancy by the North Vietnamese Politburo were stunned last week by its fervent support of Arab terrorism in Munich—ominously revealing the mentality of the men in charge at Hanoi.

One week after Munich North Vietnam fired a propaganda barrage endorsing the guerrillas' attack on the Olympic Village not equalled outside the Arab world—certainly not in Moscow and Peking. Referring to the Arab assassins as "Palestinian patriots," Hanoi accused Israel and the United States of plotting the Munich massacre to justify retaliation against Arab guerrilla camps.

What makes this so surprising is the possible threat it poses to Hanoi's campaign to influence liberal opinion in the United States and Western Europe against present U.S. policy on Vietnam. Those same liberals, incensed by the terrorist invasion at Olympic Village, could be alienated by North Vietnam's embrace of the Arabs.

In fact, this embrace until now has received no attention in the West. But Hanoi could scarcely have counted on that. Some Hanoi-watchers doubt the North Vietnamese Politburo even contemplated an adverse Western reaction to its pro-Arab propaganda.

Rather, careful students of Hanoi believe its revolutionary ideology is so inflexible that it felt impelled to applaud Arab terrorism no matter what the cost. Such dogmatism supports those pessimists in official Washington who doubt Hanoi will ever settle the war on anything less than its own terms.

The North Vietnamese reaction to the Sept. 5 Munich massacre came Sept. 12 when Israel and West Germany were accused of choosing the "path of hatred and betrayal" by Nhan Dan, the Hanoi party daily. "The recent bloody incident in Munich is eloquent proof of the curelty and perfidy of the U.S. and Israeli aggressors and the dark design of the Nixon administration and company to wreck peace under the extremely hypocritical label of humanity and peace," the newspaper continued.

Charging that the U.S. and Israel "deliberately allowed" the murder of Israeli Olympians as a pretext for reprisals, Nhan Dan added: "They planned to whip up a chauvinistic hysteria in Israel and create a false protest movement within the so-called 'civilized world' to vilify the just struggle of the Palestinian people and to threaten and split the Arab countries."

The line was echoed Sept. 13 by the North Vietnamese army newspaper: "Those schemes and act of the aggressors can stamp out the Palestinian resistance movement or break the Arab peoples' will to fight for their fundamental rights."

This unequivocal support for Arab terrorism contrasts sharply with the public disavowal by Moscow and Peking of the Olympic Village raid. "We have never been in favor of such adventurous acts of terrorism," Chinese Ambassador Huang Hua told the United Nations.

But to be in the vanguard of world revolution, the Hanoi Politburo is rigidly allied with the Palestinian guerrillas—an alliance that began in early 1970 when Palestinian guerrilla leader of the Al Fatah was lionized on a visit to Hanoi.

Since then, Hanoi has been insistently anti-Israeli, denouncing Mideast peacemaking efforts and cease-fire proposals. Adamantly against any internationally supervised Vietnam cease-fire. North Vietnam wants no such precedent in the Middle East.

The long love affair between North Vietnamese and Arab revolutionaries has been ignored by Hanoi's apologists in the West, many of whom support Israel. But Hanoi's embrace of the Munich terrorists makes this position increasingly less tenable.

Thus, addressing Jewish rabbis Sept. 6 in Los Angeles, Sen. George McGovern compared Arab terrorists in Munich to U.S. bombing of North Vietnam. Visibly aroused, one indignant rabbi asked McGovern how he could possibly compare American air officers with Arab fanatics. McGovern immediately temporized, but the conflict was obvious. Hanoi's newest embrace of Arab terrorism does not make it easier.

LOS ANGELES FREE CLINIC

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. REES. Mr. Speaker, the Los Angeles Free Clinic, a nonprofit corporation, has helped more than 150,000 people free of charge since its founding in 1967. From disadvantaged minorities, to alienated youth, to the sick elderly citizens of Los Angeles, the free clinic turns no one away. The clinic's services include: Free medical care, psychological counseling, legal aid, and health education with an emphasis on the pressing problems of drug abuse and venereal disease.

At this time I would like to personally thank the following devoted volunteers of the clinic for their valuable contributions to the public health, and to follow both the Los Angeles City Council and the Los Angeles Board of Supervisors in wishing these unselfish individuals continued success in the future:

List of Volunteers

Patricia Ariana, Roberta Aronson, Nathan Atkinson, Bobby Baum, Don Bay, Janetha Benson, Kay Carter, Sandy Carter, David Cleveland, and Mark Edelstein.

Sylvia Fields, Ivan and Janice Frankel, Judy Friesen, Richard Gould, William Greenberg, Julio Guerra, Frances Helfman, Bob Hersh, Jum Hue, Jackie Jackson, Bill Kessler, Cal Lav, and Sue Lipson.

Melissa McCarty, Jacqueline Markham, Betsy Mazursky, Joe Moody, Al Muscatel, Joe Ortiz, Irving Osser, Karen Pines, Rodger Samuels, Louis Schneidman, Bruce Schutte, Ed Segal, Jay Stumpf, Mike Talbot, Thomas Waner, Mimi West, and Joanne Willens.

FROM "GO FORTH" TO "COME HOME"

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. KEITH. Mr. Speaker, it has been said that those who ignore history are condemned to repeat it. That warning was never more appropriate than it is today. For there is a sizable body of opinion in the country today that wants America to ignore the hard-learned lessons of the last half-century, and instead to "come home" to concentrate on our own problems and ignore the rest of the world.

To be sure, "there is a little 'go forth' and a little 'come home' in all of us. Even those most zealous to carry out a mission abroad have moments of weariness and disillusionment and despair in which they too, would like more than anything else to 'come home.' The one injunction is not more noble than the other, more patriotic than the other, more peacefully inspired than the other."

A national desire to "come home" certainly is not a new sentiment. We heard it after World War I, from the Republicans, and heeded it—thus assuring the failure of the League of Nations. We heard it after World War II, and heeded it for a time—thus permitting Eastern Europe to fall into the Russian orbit.

Now, in the wake of Vietnam, we are hearing it again, this time from the Democratic presidential candidate. He would have us withdraw from an activist role in the world, ignore our responsibilities abroad and instead come home and nurse our own wounds. We are urged to disown the judgments and actions of Franklin D. Roosevelt, of Harry S. Truman, of Dwight D. Eisenhower, of John F. Kennedy, of Lyndon B. Johnson. We are told that the world is different now, that somehow, if we announce our intentions are honorable and that we will not intervene in international disputes, all other nations will see the light and do likewise.

As one who went to college in the thirties and to war in the forties, I find myself frankly frightened by this viewpoint.

I am idealistic enough to hope that the day will come—but realistic enough to know that that day is not here yet.

Yesterday's Maine Sunday Telegram carried a thoughtful article on this issue by J. Russell Wiggins, former editor of the Washington Post and an Ambassador to the U.N. under President Johnson. His current residence, in Brooklin, Maine, is undoubtedly an isolationist one, but his current thinking is not. I found his views both provocative and profound, and commend them to the readers of the Record:

[From the Maine Sunday Telegram, Sept. 24, 1972]

The Big Change From "Go Forth" to "Come Home"

To grasp the dramatically changed direction of the New Democratic Party from that of the Old Democratic Party, it is only necessary to place two words from the inaugural address of President John F. Kennedy, on January 20, 1961, alongside two words from the acceptance speech of Senator George McGovern on July 14, 1972.

Those two words in the inaugural address of President Kennedy were "go forth"; and the two words in the acceptance address of Senator McGovern were "come home".

No man present in the Inaugural stands at the east front of the Capitol that cold January day will ever forget the impression made by the young President as he said:

"Let the word go forth from this time and place, to friend and foe alike, that the torch has been passed to a new generation of Americans—born in this century, tempered by war, disciplined by a hard and bitter peace, proud of our ancient heritage—and unwilling to witness or permit the slow undoing of those human rights to which this nation has always been committed, and to which we are committed today at home and around the world. Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty".

This was a voice of youth, a voice of vigor, a voice of courage and high resolve, summoning a peaceful people to face even the ardors of military conflict itself, if necessary, to protect and defend "old allies whose cultural and spiritual origins we share".

In the decade that has passed away since then, what a change has been wrought in the people to whom he spoke, in the party he led and in the leadership of that party.

Now, eleven years later, another sincere and earnest man is carrying the banner of the same party. But he is not saying to Americans "go forth" and he is not proclaiming the readiness of this nation to defend the country's principles wherever attacked. What he is saying is "Come home, America." His appeal is rather: "Come home to the affirmation that we have a dream; come home to the conviction that we can move our country forward". Its admonition is, "from wasteful military spending—come home!" His promise is not the risk of war for the sake of freedom, but the risk of freedom for the sake of avoiding war.

If this seems a shocking contradiction, that reaction must be tempered by the knowledge that it is a contradiction that often has existed in the party, in the country and in the hearts of citizens of this country. The nation, from the beginning, has had a missionary zeal to disseminate throughout the world the principles in which it has believed (and the great Kennedy inaugural address appealed to that zeal); and it has had, at the same time, a longing for peaceful isolation from the international quarrels in which its missionary passion for freedom frequently threatened to involve it, and the supplication to "come home" appeals to that impulse and that inclination.

As a people, we sometimes seem to hear such "drums" as President Kennedy sounded when he told veterans at Arlington Cemetery on Nov. 11, 1961:

"There is no way to maintain the frontiers of freedom without cost and commitment and risk. There is no swift and easy path to peace in our generation . . . . We cannot save ourselves by abandoning those who are associated with us, or rejecting our responsibilities".

That there are, at other times and places, ears for a "different drum" has been clear these past many months as the candidate of the New Democratic Party has promised that the war in Vietnam will be ended, the bombing stopped, the soldiers returned, the prisoners brought back.

The situation is not quite as clear as though there were two different decades, two different audiences, two different parties and two different countries. There is a little "go forth" and a little "come home" in all of us. Even those most zealous to carry out a mission abroad have moments of weariness and disillusionment and despair in which they, too, would like more than anything else to "come home". The one injunction is not more noble than the other, more patriotic than the other, more peacefully inspired than the other.

This is not to say that it makes no difference. It makes a great deal of difference whether, at any given moment of history, the "go forth" or the "come home" impulse is uppermost. The vast continent which Americans inhabit never would have been filled up with a numerous people if, over its generations of exhuberant growth, the loudest cry had been from the cautious, the prudent, the careful and the distrustful, petitioning the explorers on distant seas, the adventurers on strange coasts and the settlers in faraway lands to "come home". The weak and almost defenseless little nation of a few million Americans scattered along the Eastern seaboard might never have emerged to full nationhood if it had tried to exert its power before its maturity and had followed an injunction to "go forth" into the quarrels of Europe. Generally, the tides that fluctuate between the confident impulse to "go forth" and the timid temptation to "come home" have favored the national destiny. Perhaps it was in the twenties, in the reaction to World War I, that the ebb and flow of these contradictory national impulses did us major disservice by keeping America out of the effort to make the League of Nations effective. We were then all for coming home, after our disillusionment at the outcome of a "war to end all wars".

These balancing forces in American public life swell into great currents that submerge old party boundaries. Those who have the instinct for a "come home" philosophy are critical, not only of the opposition party, but of their own party (or former party) as Senator McGovern was when he said: "I am here as your candidate tonight in large part because during four administrations of both parties, a terrible war has been chartered behind closed doors".

The appeal is thus to those of "both parties" who believe the era of American internationalism commenced by World War II, and persisting through Republican and Democratic Administrations ever since, ought now to be brought to an end. The election will say much on the question of how the nation now divides between those who would from foreign involvement "come home" and those who would let the word "go forth" that this country still persists in a more enlarged view of its foreign commitments.

It would be a distortion to say that a Nixon administration which has so far withdrawn American power was as internationalist as the administration which commenced on a note of "go forth"; and it would be a distortion to say that a McGovern administration would pursue the America First formula of the Harding administration.

Things are more complicated, differences are more subtle and situations more intricate than this. Nevertheless, the essential appeal of the McGovern acceptance speech (repeated in many addresses since) is an appeal to Americans who wish to "come home" from many of the arduous responsibilities which the country assumed under Presidents Truman, Eisenhower, Kennedy, Johnson and Nixon; a summons to Americans of all parties who are wearied in well-doing abroad, tired of the costs in manpower and money and disillusioned with the role of world leadership. And the appeal of the Nixon campaign is essentially an appeal to those who believe in the post-war policies, adhere to the belief that there was indeed a threat of communist domination of the world and still are convinced that only an active foreign policy, with all its perils and problems, can save this nation and the nations with which it is aligned.

What it really comes down to, for the earnest, serious and sober citizens of this great Republic, is whether they feel that at this hour, the time is upon us to "come home" to domestic issues and problems, or whether they think there still is, in the destiny of America, a summons to "go forth" with its message of freedom, its economic might and its military power, if need be, in the fulfillment of a world role.

This is not only an issue between the conventional parties; it still is an issue within the Democratic Party. The Republican Party resolved this issue essentially at the Willkie Convention of 1940 and since then has been an internationalist party under Eisenhower and Nixon. The Democratic Party, throughout the lifetime of most adult voters, has been the party of an activist foreign policy, framed by Roosevelt, Truman, Kennedy and Johnson. Now the New Democratic Party marches to other music. It has been remarkably successful in completely changing the direction of a great national party. It has, in effect, and to a very large degree, repudiated most of the foreign policies of the great Democratic leaders of recent years.

Now it is attempting to achieve the same success in changing the direction of the whole country. If it succeeds, the United States will have disparaged and apologized for its foreign policy since World War II. It will have embraced the theory that the cold war was indeed a myth. It will have accepted the notion that the communist menace was a figment of frightened imaginations. It will have dismissed the alliance of the free world as a conspiracy against the peace of mankind.

Change achieved at the polls is too frequently referred to metaphorically as a revolution; but such a change in the philosophy of a nation's foreign policy could hardly be described with accuracy by any other term than that of a "revolution". Seldom has any people, without the intervention of military disaster and defeat, travelled so far in so short a time as the distance from the opitmistic and activist foreign policy of John F. Kennedy's "go forth" address to the revisionist and withdrawal philosophy of Senator McGovern's "come home" speech.

DONALD R. LESIAK IS CLEVELAND NAA "OUTSTANDING MEMBER OF THE YEAR"

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. MINSHALL. Mr. Speaker, it has always been a point of particular pride with me that the 23d Congressional District of Ohio, which I represent, has more than its quota of outstanding citizens. Therefore, I am delighted when their abilities are recognized officially.

One of the most recent honors accorded a constituent has been received by Donald R. Lesiak, Parma, Ohio, who has been named "Outstanding Member of the Year" by the Cleveland chapter of the National Association of Accountants. Mr. Lesiak was presented with an engraved plaque on September 21 at an NAA banquet in Cleveland.

Some of the reasons for this tribute by his 800 colleagues in NAA are given in a news release from the organization. I include it to show the tremendous job Mr. Lesiak is doing so successfully in his field:

News Release

Lesiak, a native Clevelander and a resident of Parma for the past six years has been an active associate director and member of NAA since 1969 and has become a self-created leader in northeast Ohio in the area of career guidance on the education committee and initiated with the Cleveland East chapter of NAA the "Accountant for a Day Program" for area high school students.

During the past year Lesiak was also a major contributor and an associate director on the chapter public relations committee that won one of five NAA national awards for public relations for the first time in the 51-year history of the Cleveland chapter.

All of this, plus perfect attendance at chapter meetings and the writing of a 24-page manuscript entitled "The Productivity Solution: Behavior-Oriented Accounting in the Age of the Dwarfed Dollar and Challenged Values," did it. Lesiak claims that the concepts described in his manuscript actually work and are simply based on the principles of "working smarter, not harder" and "two heads are better than one." A million dollars ($1,000,000) savings per year ain't hay, especially when it has been repeated for five consecutive years. Maybe this will be the wave of the future, but according to Lesiak, it has arrived.

PROPOSED AMENDMENTS TO H.R. 16704—HOUSING AND URBAN DEVELOPMENT ACT OF 1972

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. BADILLO. Mr. Speaker, we are experiencing a critical shortage of housing for low- and moderate-income people. Our production of subsidized housing is seriously lagging behind our national needs. New York City has a waiting list of 150,000 families, approximately one-half million individuals, who are in need of such housing. Their need cannot be met. The city will be able to construct only about 1½ percent—or 3,000—of the units actually needed. Simultaneously, New York, as well as about another dozen cities across the Nation, is in such dire need of operating funds for already existing units that unless substantial commitments in this area are immediately made these units cannot remain in operation.

Yet, owners by the thousands are walking away from housing units in Washington, Philadelphia, Detroit, Cleveland, Baltimore, Boston, and Birmingham. New York City is losing between 15,000 and 20,000 units a year. The Department of Housing and Urban Development estimates that annually 200,000–300,000 units are lost to the Nation through abandonment—at a replacement cost of $30,000 per unit.

Moreover, large numbers of these houses are not dilapidated and inhabitable. In New York City an estimated 80 percent of the unrecorded losses in 1968 were in buildings classified only 3 years earlier as either sound or deteriorating, but not dilapidated. Consequently, abandonment in those cases represented a decision "to get out and leave" on the part of the owners.

In both New York City and Baltimore losses through abandonment are estimated to nearly equal or exceed additions through construction of units for low- and moderate-income families. Thus, it is abundantly clear that unless we are prepared to do something about the abandonment crisis it will be impossible, through traditional housing programs, to keep abreast of our housing needs.

A deteriorating building which is abandoned becomes a danger for the entire community. It becomes a haven for addicts and other criminals who can terrorize the entire neighborhood. This leads in turn to increased disinvestment and accelerated out-migration of all who can afford it. Whole areas then move toward the status of the "crisis ghetto" characterized by decreasing median family income, increasing unemployment rates, declining total population, increasing public assistance dependency, increasing rates of crime and vandalism.

Continued owner-occupancy, on the other hand, acts as a stabilizer for the neighborhood. When people occupying a building have a proprietary interest they can and do take an active part in the affairs of the community. In New York City tenants occupying buildings abandoned by the landlords have banded together to maintain, as best as they can, a roof over their heads. They arrange for most immediately needed repairs, they keep the buildings habitable and often set up common funds for common expenses. Their interest and presence help in reducing rates of vandalism, crime, and other social ills which often result in the eventual death of a neighborhood.

Two of the amendments I am going to offer to H.R. 16704 are designed to assist tenants in acquiring ownership of buildings which are abandoned and which they are already occupying in some instances. Title VII of the bill gives the Secretary the power to "assign or sell or otherwise dispose" of property acquired by him under the act. The bulk of such property, in my estimation, will consist of housing which reverted to HUD due to the abuse of section 235 and 236 programs. It will be located in cities such as Denver, Kansas City, St. Paul, San Antonio, Paterson, Washington, Philadelphia, Berkeley, Seattle, Everett, Spokane, St. Louis, Elmwood, Pittsburgh, and New York—in other words, cities where problems of abandonment are being experienced and where tenant groups are trying to cope with housing problems. My first amendment on page 102 of the bill directs the Secretary to give special consideration, when disposing of such property, to applications by tenant groups and cooperatives.

My second amendment, directed toward this problem, is much more extensive. It proposes a new title XI on page 259.

For the information of my colleagues, I am inserting the text of both my amendments in the RECORD at this point:

AMENDMENT NO. 1 TO H.R. 16704

Page 102, after line 4, insert the following new subsection:

(f) In dealing with and disposing of real property acquired and held by him under this Act, the Secretary shall give special consideration and preference to applications made to acquire such property by tenant groups and cooperatives, particularly those whose members are actually occupying the property involved at the time of application.

AMENDMENT NO. 2 TO H.R. 16704

Page 259, after line 15, insert the following new title (and redesignate the succeeding title and sections accordingly):

TITLE XI—ACQUISITION AND REHABILITATION OF LOW AND MODERATE INCOME HOUSING BY TENANT COOPERATIVES

FINDINGS AND PURPOSE

Sec. 1101. (a) The Congress finds that the most effective method of preventing further urban decay, property devaluation, abandonment, and the resultant and concomitant social problems is the promotion of homeownership by low- and moderate-income families. The Congress further finds that many multifamily housing units in core-city areas could be rehabilitated to provide suitable housing for such families, but that the necessary broad-scale rehabilitation can be achieved and maintained in such areas only through the elimination of absentee-ownership and by placing the structures involved directly into the hands of their occupants.

(b) It is the purpose of this title to provide the means whereby low- and moderate-income families and individuals can acquire, rehabilitate, and improve the structures in which they live and to give such families a means to contribute, through homeownership and their resultant interest in the community and its present and future improvement and maintenance, to the general welfare.

AUTHORIZATION OF ASSISTANCE

Sec. 1102. (a) In order to carry out the purpose of this title, the Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary") may make grants to finance the acquisition by a tenant cooperative of multifamily housing which its members occupy and the rehabilitation of such housing, whether such housing is acquired from the owners directly or from the municipality in which it is located after condemnation or other legal proceedings vesting title in such municipality. Except as provided in section 1103, any such grant may be made only to the tenant cooperative which is to acquire and rehabilitate the housing involved.

(b) A grant under this title may be made only if (as determined under regulations of the Secretary)—

(1) priority in the membership of the tenant co-operative will be given, first, to the individuals and families currently occupying units in the housing involved; second, to individuals and families currently occupying units in other housing undergoing rehabilitation with assistance under this title, with a preference to individuals and families occupying such units in the neighborhood where the structure to be assisted is located; and, third, to other individuals and families displaced by Federal or federally assisted programs, with a preference to individuals and families displaced by programs in such neighborhood;

(2) the average income of at least 80 per centum of the occupants of the structure involved, at the time of full initial occupancy following rehabilitation, will not exceed 135 per centum of the maximum income limits which can be established in the area, pursuant to the limitations prescribed in sections 3(2) and 6(c) of the United States Housing Act of 1937 (as amended by section 301 of this Act), for initial occupancy in public housing dwellings; and the average income of the remaining occupants of the structure at such time will not exceed 90 per centum of the limits prescribed by the Secretary for occupants of projects financed with mortgages insured under section 502 of the Revised National Housing Act;

(3) the total of the average monthly payments of the occupants of the structure involved at any time for purposes of membership in the cooperative, taxes, insurance, upkeep, improvements, and contingencies, and the average monthly payment of any individual or family at any time for such purposes, will be within such limits as the Secretary may find necessary to assure that the purpose of this title will be achieved;

(4) the units in the structure after rehabilitation will provide the members of the cooperative with decent, safe, and sanitary housing; and

(5) none of the units in the structure will be rented or otherwise made available on a commercial basis to persons who are not members of the cooperative, except that an individual member of the cooperative may make his unit available on a rental basis to such persons for temporary occupancy.

For purposes of paragraph (1), an individual or family displaced from a dwelling unit by rehabilitation being carried out with assistance under this title shall be considered to be currently occupying such unit.

(c)(1) No grant shall be made under this title to any tenant cooperative unless it is shown that such cooperative would be unable to secure the necessary funds from other sources upon terms and conditions that would preclude the payment of more than 25 per centum of the income of any individual or family for the acquisition, rehabilitation, and upkeep of the structure involved.

(2) No grant shall be made unless it is shown that any rehabilitation will be undertaken in an economical and businesslike manner, and that any structural changes to be made will not involve elaborate or extravagant design or material.

(d) The Secretary shall enter into such arrangements and take such actions as may be necessary to provide insurance covering structures being purchased or rehabilitated by tenant cooperatives with assistance under this section, at premium rates which are within the means of such cooperatives and which are determined without regard to any high-risk characteristics of the area where the structure involved is located, in cases where such insurance is otherwise unavailable or is otherwise available only at excessively high rates.

INTERIM LOANS TO MUNICIPAL AGENCIES PENDING FORMATION OF COOPERATIVE

SEC. 1103. If the Secretary determines that there are substantial organizational or administrative difficulties preventing the formation of a qualified tenant cooperative in time to apply for and receive a grant under this title with respect to any housing, he may make a grant to the local municipal government or the appropriate agency thereof to finance the acquisition and rehabilitation of such housing upon receiving satisfactory assurances that—

(1) a tenant cooperative satisfying the requirements of this title will subsequently be organized, and

(2) all right, title, and interest in and to such housing, together with all outstanding debt obligations and other liabilities related thereto, will be transferred by the local government or agency to such cooperative at the earliest possible date following the completion of the rehabilitation.

A grant made to a local municipal government or agency under this section shall be made subject to all of the terms, conditions, and requirements of this title; and the Secretary shall prescribe such regulations as may be necessary to insure that any such grant will carry out the purpose of this title.

GRANTS TO LOCAL MUNICIPAL GOVERNMENTS FOR CERTAIN LEGAL PROCEEDINGS

SEC. 1104. In order to encourage local municipal governments to enact and enforce laws or ordinances providing for the acquisition by condemnation or otherwise of multifamily residential properties which repeatedly violate local building codes or codes relating to safety and sanitation, with a view to bringing about the conveyance of such properties to tenant cooperatives for rehabilitation with assistance under this title, the Secretary may make grants to any such local government (or the appropriate agency thereof) in amounts up to 50 per centum of the administrative costs incurred by such government (or agency) in acquiring title to any such property under such a law or ordinance, holding and servicing the property to the extent necessary, and conveying the property to a tenant cooperative.

TECHNICAL ASSISTANCE

Sec. 1105. (a) In order to insure that grants under this title will be effective in carrying out the purpose of this title, the Secretary shall establish in the Department of Housing and Urban Development a tenant cooperative technical assistance service, which shall be based in the local field offices of the Department and shall work in cooperation with local housing, human relations, and antipoverty agencies and with such other groups as may be appropriate. The Secretary shall take such action as may be necessary to make available to tenant cooperatives applying for or receiving assistance under this title, to the maximum extent practicable, all types of assistance necessary to the successful operation of the identification and organization of tenants' groups, the provision of assistance in the acquisition of buildings, the contracting of rehabilitation work, the arrangement of grants, instruction in corporation management, and the provision of assistance in the actual management of the tenant cooperative in its initial stages. To the extent he determines it appropriate and consistent with the purposes of this title, the Secretary may delegate certain of these functions to nonprofit organizations which specialize in rendering assistance to cooperatives, and may enter into such contracts and other arrangements as may be necessary and appropriate for this purpose.

(b) In addition to assistance provided under subsection (a) with respect to the rehabilitation of a structure or structures by a tenant cooperative, the Secretary shall undertake to indemnify any surety company with respect to any bond issued by it covering a contract of a small business concern which is located in the same neighborhood as such structure or structures and which is or would be engaged under such contract as a construction contractor or subcontractor in the rehabilitation of such structure or structures with assistance under this title, upon a determination that such indemnification will materially affect the ability of the small business concern to obtain the bond and that there is no reasonable assurance that the conditions for the discharge of all liability on the bond will not be fulfilled.

POWERS OF SECRETARY

Sec. 1106. In the performance of, and with respect to, the functions, powers, and duties vested in him by this title, the Secretary shall (in addition to any authority otherwise vested in him) have the functions, powers, and duties set forth in section 402 (except subsection (c)(2)) of the Housing Act of 1950.

LABOR STANDARDS; EMPLOYMENT OF LOCAL RESIDENTS AND CONTRACTORS

Sec. 1107. (a) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors and subcontractors in the rehabilitation of housing assisted under this title shall be paid wages not less than these prevailing in the locality involved for the corresponding classes of laborers and mechanics employed on work of a similar character, as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (the Davis-Bacon Act); but the Secretary may waive the application of this subsection in cases or classes of cases where laborers and mechanics not otherwise employed in the rehabilitation of such housing voluntarily donate their services for the purpose of lowering the costs of rehabilitation and the Secretary determines that any amounts saved thereby are fully credited to the tenant cooperative.

(b) (1) Under regulations prescribed by the Secretary, to the maximum extent feasible, the laborers, mechanics, and other persons engaged in the rehabilitation of a structure assisted under this title shall be residents of the neighborhood where such structure is located, giving first preference to individuals who are or will be members of the tenant cooperative.

(2) The Secretary may take such steps as may be necessary to provide persons engaged in the rehabilitation of a structure under paragraph (1) with such training as may be required to enable them to perform the work involved.

(c) Under regulations prescribed by the Secretary, to the maximum extent feasible, any contracts for or in connection with the rehabilitation of a structure assisted under this title shall be entered into with contractors and subcontractors located in the neighborhood where such structure is located.

AUTHORIZATION OF APPROPRIATIONS

Sec. 1108. There are authorized to be appropriated from time to time such sums as may be necessary to carry out this title.

DEFINITIONS

Sec. 1109. As used in this title—

(1) the term "multifamily housing" means any residential structure (or group of structures) containing three or more dwelling units;

(2) the term "tenant cooperative" means any group of the tenants of a multifamily housing structure which is organized as a cooperative corporation under the applicable laws of the State and locality in which the structure is located;

(3) the term "rehabilitation" may include such interim emergency repairs as may be necessary to prevent further deterioration of the structure involved before actual rehabilitation is commenced; and

(4) the term "acquisition and development cost" means the total cost of the acquisition of a multifamily housing structure and its rehabilitation, including any necessary onsite or offsite improvements which may be necessary to insure that after it is rehabilitated it will effectively provide decent, safe, and sanitary housing for its occupants.

TRANSPORTATION TRAFFIC SAFETY EDUCATION

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. MURPHY of New York. Mr. Speaker, the largest outdoor transportation traffic safety education exposition ever held in New York City has been announced. The project is designed specifically to demonstrate traffic safety.

Federal, State, and New York City government agencies will participate in the Transportation Traffic Safety Education Exposition. The program is designed specifically to demonstrate traffic safety. It will be staged at the Park Department's Manhattan Beach parking field on Oriental Boulevard, Brooklyn, N.Y., on September 28 from 1 to 5 p.m. Admission is free to the public and there will be no solicitations.

New York City Comptroller Abraham D. Beame is the chairman of the Transportation Traffic Safety Education Exposition Committee. Governor Nelson A. Rockefeller has issued a proclamation designating the month of September as Traffic Safety Month.

The traffic safety project has been created and produced by Alex Novitsky from Brooklyn, N.Y. Novitsky was the chief of public relations and director of traffic safety education for the late New York City Traffic commisioner, Henry A. Barnes. Novitsky has produced over 1,000 radio and television programs including the first live remote television program in Brooklyn on WABC–TV. A 1-hour television program and a 45-minute radio show will be produced on the Joe Franklin WOR–TV show in conjunction with the Transportation Traffic Safety Education Exposition. Novitsky also plans to produce America's Transportation Safety Exposition in 1976 on the 200th anniversary of the birth of our Nation.

CHECKS AIR TRANSPORT TICKETING

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. GUDE. Mr. Speaker, in the August 28, 1972, issue of Aviation Week & Space Technology there appeared a most interesting story on the investigation currently being conducted by the Civil Aeronautics Board, under the leadership of Richard J. O'Melia, Director of the Bureau of Enforcement, into the various illegal ticketing practices of certain airlines. I believe that my colleagues are well aware of some of the problems these improper methods have caused for the traveling public. This includes the sale of tickets by travel agents for charter or group flights to persons who are ineligible.

I am pleased that the CAB is taking such an interest in this problem, and I offer the text of that story for inclusion in the RECORD at this point for the consideration of my colleagues:

AIR TRANSPORT—ILLEGAL TICKETING TO BE SCRUTINIZED

(By Harold D. Watkins)

WASHINGTON.—Major attack by the Civil Aeronautics Board on illegal ticket practices by airlines, tour operators and travel agents in the North Atlantic market will involve surprise checks at airport counters, subpoenas of witnesses and records and the threat of criminal prosecution.

The Board action initiated last week is the latest evidence of the mounting concern among government, industry and airline officials over the proliferation of the fare discounting, rebates and other illegal practices (AW&ST May 8, p. 28).

The practices are considered by some a result of alleged airline efforts to foster sales of seats to agents and tour operators, but the Board also is concerned that those operators and agents may themselves be conducting similar illegal practices as competitive tools against each other.

In instituting the far-reaching action under authority delegated to him by the Board, Richard J. O'Melia, the CAB's director of the Bureau of Enforcement, said the investigation would have twin key targets:

Airlines permitting special rates or concessions to persons purchasing large blocks of seats for resale to the public.

Tour operators and travel agents who may be reselling such seats at amounts less than those set forth in the tariffs on file with the Board or to persons ineligible for the fares provided, either with or without the knowledge of the carriers.

Board action follows information provided it by the International Air Transport Assn. (IATA), the Air Transport Assn. of America (ATA) and individual airlines. But O'Melia told Aviation Week & Space Technology that the immediate trigger for his decision to launch the investigation formally was the profusion of illegal practices uncovered during a recent five-day surprise check of tickets at New York's Kennedy International Airport, which was conducted by 15 IATA investigators and five from the Board's Bureau of Enforcement (AW&ST Aug. 21, p. 23).

The investigation will be conducted under Board procedures intended to provide the basis for later corrective action if that is determined to be called for. The so-called "informal, non-public" investigation gives the Board power to subpoena witnesses to appear before a hearing examiner and to have them provide designated documents.

The hearings are private and the records of the hearings are considered internal Board documents not available to the general public.

O'Melia used the same type of investigation in conducting his earlier investigation of charter flight violations, which has produced action against both airlines and agents.

Some types of alleged charter violations will also come under scrutiny in the current probe, but O'Melia believes the abuses of affinity charter rules have been drastically cut.

"What was a roaring river is now a trickle," he claims.

O'Melia, in the order setting forth the investigation, said the information received by the Board about the alleged offenses was of "grave concern" to it. If true, such widespread practices will result in significant loss of revenue to carriers, will jeopardize the livelihood of numerous ticket agents working within the law, and will serve to "unjustly enrich those ticket agents or other persons receiving unlawful payments or concessions with no commensurate benefit to the traveling public," the order charged.

Such under-the-table practices must be considered to be contributing substantially to a higher fare structure for the traveling public generally, he said. IATA carriers are estimated to lose between 200 million and $500 million a year through the practices being investigated, O'Melia said.

The order for the investigation followed a June 26 letter from CAB Chirman Secor D. Browne to all domestic airlines and foreign ones serving the U.S. alerting them to the information it had received and warning that the Board would not condone such practices. Browne urged carrier managements to take individual measures to put an end to the practices.

This was followed July 17 by a letter to the same carriers from O'Melia in which he referred to the chairman's letter concerning "alleged improper payments by U.S. and foreign air carriers made to agents, tour operators and others as inducements to obtain additional passenger and cargo business."

In this, O'Melia stated it was the Board's understanding that a number of carriers have undertaken these illegal practices as "defensive" measures. As such, O'Melia sought help from them as to how illegal rebates and discounts were disguised in connection with both passenger and cargo business.

Responses to this request are still coming ing, but O'Melia indicated that one of the primary purposes of the new investigation will be to uncover how the illegal practices are conducted. Up to now leads to alleged violations have often "just gone up in smoke," he remarked. The investigation will be aimed at facilitating the establishment of proof of the violations.

The order lectured the industry that the "Board has already exhorted the carriers, as well as IATA and the ATA, to take immediate corrective steps." But despite this, the order continued, "it has become increasingly clear that the Board itself must play an active role in this matter where destructive competitive practices not only pose a grave threat to the carriers themselves but also may constitute violations of federal law."

While the immediate investigation is aimed at passenger traffic, a similar one into cargo practices could come later. O'Melia said: "I am just as suspicious of cargo as passengers, but I do not have the people to go into everything that some think we should."

Already, as a result of the check at Kennedy, O'Melia said his staff is planning some formal action against violators, although he refused to identify them. He said there will be similar checks at other airports with the same absence of advance warning.

Whatever inner fears may exist as to where chips from the investigation may fall, industry spokesmen and those at airlines queried endorsed the CAB's investigation.

An ATA spokesman said the discounting problem was similar to the over-capacity one in that, as some airline executives contend, it is not solvable by action of individual airlines. "The thing grew upon itself, and the quicker it is cleaned up the better," he said.

An IATA spokesman, noting the role that the international group already has played in focusing attention on the problem said: "The international airlines want the market place cleaned and any action to that end is welcomed." He said enforcement of some tariffs—such as youth fares—and some charter operations were beyond the reach of IATA's own enforcement machinery because they are not part of an IATA agreement.

A Trans World Airlines spokesman, emphasizing the problem is an industry one, said: "To the extent that the CAB's involvement will contribute to solving this problem, we welcome it and will cooperate fully in the hope that the investigation would benefit all involved."

In summing up what the Board was attempting to do in this investigation, the order laid out these goals:

Determining the existence and extent of rate-cutting, rebating or similar unlawful practices in the North Atlantic and to identify airlines—U.S. or foreign, scheduled or supplemental—or other parties engaged in them.

Obtaining evidence for use in enforcement proceedings before the Board, including civil penalties, and for possible referral to the appropriate U.S. Attorney for use in civil or criminal action in the federal courts.

Gathering information that might lead to formal proceedings to alter U.S. carrier certificates and foreign air carrier permits.

Emphasizing the zeal with which the investigation will be pursued, O'Melia in an interview referred pointedly to the serious potential penalties outlined in the order and remarked: "That order is my declaration of war."

The order also said the investigation would concentrate on suspected areas of violations such as:

Devices used for circumventing time-period validity provisions on scheduled carrier excursion fares.

Selling either scheduled or charter affinity fares to the general public or persons otherwise ineligible, or permitting individual one-way passage for persons required to travel in a group. (Interviews at Kennedy revealed passengers with affinity group tickets had no idea of what group they were supposed to be traveling with, O'Melia said.)

Devices for circumventing provisions covering sale of air and land accommodations as part of a group inclusive tour, such as failure to collect for or to supply required land components.

Schemes for avoiding provisions of age or status for youth and student fares. (In the Kennedy investigation, an 81-year-old woman was found attempting to travel with a youth ticket, O'Melia said.)

Cash "kickbacks" or discounts by carriers or tour operators to favored customers, including persons purchasing large blocks of seats for resale.

O'Melia said the investigation would not be limited to the U.S. side of the Atlantic but would include alleged violations in Europe as well. He has not sought the active aid of counterpart government agencies in Europe, but has established lines of communications in case their help is desired.

O'Melia is counting on help from the IATA enforcement personnel. The CAB enforcement staff includes only eight investigations, up from six in 1956, and 12 lawyers.

CAB FOCUSES ON TICKET REBATES AS RECORD PENALTIES IMPOSED

Record in civil penalties levied by the Civil Aeronautics Board lies ahead this fiscal year with fines totaling $173,000 handed down in the past two months. Included is a record $87,000 imposed on Trans World Airlines for failure to pay denied boarding compensation.

At least another $300,000 in fines, stemming largely from illegal charter operations, is in the pipeline for the remainder of the fiscal year, according to CAB Bureau of Enforcement Director Richard J. O'Melia.

Continuing Enforcement Bureau investigations into illegal ticket practices could send the total even higher, especially if Congress approves pending legislation raising the ceiling on civil penalties from $1,000 to $25,000 per violation.

The legislation would bring CAB sanctions more in line with those available to the International Air Transport Assn.'s breaches commissioner, who can levy fines up to $50,000 per violation in cases of undercutting legal tariffs and other ticket malpractices.

Citing a significant decline in illegal charters, O'Melia said his staff of eight investigators has now declared "open warfare" in shifting its attention to ticket discounting and rebating. The CAB and IATA recently combined forces in a five-day unannounced spot-check of airline tickets at New York's Kennedy International Airport (AW&ST Aug. 21, p. 23).

The amount of fines resulting from investigations into discounting has not yet been determined, but O'Melia predicted the $87,000 levied on TWA would not remain a record for long.

The TWA compromise civil penalty accepted by the Board on July 13 resulted from the carrier's overbooking of flights. The airline was cited in more than 500 instances for failure to distribute denied boarding compensation notices to passengers who were turned back, and in over 300 instances for failure to pay such compensation.

A TWA spokesman said the violations occurred during the peak season last summer and that the airline now uses a programed airline reservations system (PARS) to prevent reoccurrence.

Other fines levied the past two months:

Total of $27,000 against Saturn Airways and World Airways for operating charter flights for groups not qualified for charter rates.

$50,000 fine against Alitalia for selling 2,400 youth fare tickets last summer at illegal rates.

Total of $9,300 in compromise civil penalties along with cease and desist orders against three carriers as a result of violations of cargo tariff rules. Delta Air Lines paid $3,900; Eastern Airlines, $2,400, and National Airlines $3,000 at the rate of $300 per violation.

Since July 1 of last year, O'Melia said, civil penalties totaling more than $370,000 have been collected, more than half the amount collected by the CAB in civil penalties in the previous eight years. Fines amounting to $203,850 were collected in Fiscal 1972, the bulk of which stemmed from charter violations.

An Enforcement Bureau survey made in July confirmed a "significant decline" in the activities of New York consolidators in selling charter transportation across the North Atlantic. The bureau said flights promoted by these consolidators had previously represented the major area of recent illegal charter operations.

The bureau's shift of emphasis from charter operations to scheduled airline irregularities is partly in pursuit of agents who switched from charters and are now sending their passengers on scheduled airlines at illegal discounts.

TURKEY, DEMOCRACY WITH RULES, UNDER COMMUNIST ATTACK FROM WITHIN: WHICH COUNTRY NEXT?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. RARICK. Mr. Speaker, as our Government continues to mellow toward the Communist power structures of the world, other free nations continue to be besieged by sabotage and subversion to the point of constituting national emergencies in order to preserve their own representative government.

Less than a year ago our neighbors in Canada suspended constitutional liberties in that country in order to stamp out separatist terrorism. The kingdom of Greece continues to be harassed from many leftwing quarters because its people refuse to tolerate terrorism and succumb to communism. In the paper this week we have read of the subversive terrorism in the Philippines and the extraordinary action being taken by President Marcos to prevent communism from overthrowing the democratic institutions of that nation.

The emergency Communist crisis has also struck the Government of Turkey but is being little publicized. Were it not that the Turks' new law censuring the press had resulted in the arrest of 220 newspapermen in that country, it is doubtful that the action invoked by the Government of that country to control subversion would have been reported in the news media.

To the average American, the idea of censoring the free press or arresting some newspaper reporters may seem extreme and frightening but those same Americans should understand that the representatives of those foreign governments know full well the power of irresponsible and distorted free speech as a weapon in provoking strife, instigating subversion, and overthrowing responsible legal governments.

Responsible newsmen would do well to heed the warning from the seeds of the Red tide of terrorism becoming commonplace around the world by policing their own profession—moderating on sensationalism—less crusading on reforms and extremism and with objective reporting of the facts. Unbridled free speech and free press are great privileges from the tolerance of society but their abuses and excesses are rapidly curtailed in any country under attack by terrorism and Communist aggression.

I had recently commented in a report to my people on the role played by our Government in bringing about the tragic and unfortunate situation which now exists in Turkey. As our great Nation abandons its role as the leader of the free world and continues to follow a policy of mellowing toward the Communist world with agreements and trade, I fear more and more leaders of our former allies will be compelled to suspend civil liberties in their countries and invoke harsh laws if they are to prevent Communist overthrow. All that is necessary for evil to triumph is for good men to do nothing.

Thank goodness there are still leaders dedicated to freedom around the world. We should commend them and give them support for the unpopular stands they have had to take to keep their people free rather than to criticize them. All Americans must be made conscious of the role that our leaders have played and are assuming in this international struggle of the free world, splintered and disorganized against the efficiency of a dictatorial world.

Those Americans who would profit from terrorism and misery should consider what will happen when it comes our turn.

Related newsclippings follow:

[From the Panama Star & Herald, Sept. 12, 1972]

Two Hundred and Twenty Turkish Newsmen Jailed Under New Law

Istanbul.—The president of Turkey's syndicate of journalists reported today that 220 Turkish news men have been convicted under this country's tough, new press law.

Sadullah Usumi made the report at the opening meeting of the international federation of journalists. Journalists from 19 noncommunist countries are attending.

Denmark and West Germany are boycotting the meeting in protest against its being held in Istanbul. They claim discussions cannot be totally free because of press controls here.

Eleven Turkish provinces are currently under martial law in a crackdown on terrorist activity and strict press controls are being enforced.

Usumi told the assembly that there were 754 cases against newspapermen in the courts of Turkey their most important press centers—Istanbul, Ankara and Izmir. In 220 of these cases newsmen have been convicted and are awaiting the results on appeals, he said.

Usumi added that a report prepared by his unions listed 18 prominent Journalists as having been jailed. Four are still in jail.

Usumi said a request to the government for a press amnesty had brought no reply.

Minister Ismail Arar, representing the government, said Turkey was the target of destructive subversive separatist activities.

[From the New York Times, Apr. 9, 1972]

The Army Is Getting Itchy

(By Metin Munir)

Ankara.—In the decade of the 1950's, when the cold war was at its height, Americans learned to regard Turkey as perhaps their stanchest NATO ally. Turkey had been fighting the Russians since before the United States was born, and the Turks had no love for Russia's new Communist rulers.

Those days have gone. In a country where one could not speak favorably of Communism without endangering one's career, Communism has become a serious threat. American sailors, once feted at every turn, cannot visit the Istanbul waterfront these days without risking being toppled into the Bosporus by pro-Communist students.

The once-stable outpost of Western rule has been buffeted by violent internal division, often inspired by Marxist revolutionaries. So much so that last week the Turkish President, the former Army Chief of Staff, Gen. Cevdet Sunay, asked the nation's political parties to suspend political debate and give the Government authority to rule by executive decree. To outsiders this might have sounded like the death knell of democracy in Turkey but President Sunay argued otherwise. He said he was merely proposing a solution for stabilizing the country in a hurry—without inter-party squabbling—so that general elections would be held on schedule in the autumn of 1973. "All we want to do is to give Turkish democracy a better future and firmer foundations," explained Premier Nihat Erim.

What had brought Turkey to such a state?

The causes go back a decade to 1960 when the army, angered by the increasingly despotic behavior of the Government of then Premier Adnan Menderes, revolted and seized power. A year later, during which time Mr. Menderes and other former ministers had been executed for crimes against the state, the soldiers returned to their barracks, having given Turkey a surprisingly liberal constitution.

For the first time in Turkish history the constitution allowed advocacy of socialist doctrines. (Communism was still outlawed but the line dividing socialism and communism was so thin that this hardly mattered.)

Writers, columnists, artists, university professors, students and teachers embraced socialist concepts until the extreme left wing, although never scoring more than 4 per cent in the elections, became the most audible voice in the country.

The government at this time, Suleyman Demirel's conservative pro-American Justice party, won in two elections in 1965 and 1969 but could not cope with the left.

To rectify that situation, in the late sixties, Mr. Demirel changed the election law making it impossible for the small Turkish Labor party to win any seats. With no hope of gaining predominance through democratic means, the left launched its theory of "extra-parliamentary democracy."

The moderate Turkish Labor party was replaced by the violent Turkish People's Liberation Army, an underground guerrilla organization, formed mostly of students.

With increasing fervor the students spent more time on politics than their lessons, holding forums, boycotting, seizing control of school buildings and killing. Between 1969 and 1971, 21 people were killed in clashes between extreme left and right-wing students. The exact membership of the Liberation Army is not known but is estimated to be between 400 and 800. Its activities have been concentrated in Ankara, Istanbul and Izmir, three of Turkey's biggest cities.

The Russians, following their perennial dream of penetration of the Middle East, found an amenable Trojan horse in these new Turkish Communists. They supplied money and guidance. The Arab countries, for whom Turkish suzerainty was a not so distant memory, also favored a weak Turkey and made available training facilities already used by Palestinian guerrillas. Then, at the beginning of 1971, came the first kidnapping of a group of American servicemen. The internal war was on in earnest.

The Turkish Army, in the tradition of Ataturk, the founder of modern Turkey, still considered itself the protector of Turkish democracy and stepped in to right the dangerously deteriorating situation.

On March 12, last year, through "a coup by radio"—a short army ultimatum was read over the radio while a general waited outside the studio—they forced the withdrawal of the Demirel Government. In its place Mr. Erim formed a new Government that would be "above party politics" and designed to implement reforms leading to elections as quickly as possible. The army stayed closely in the background.

That was the situation until last week, when in the wake of yet another kidnapping—this time of three NATO technicians who were brutally murdered by guerrillas—matters threatened to get out of hand again. It was for this reason that President Sunay made his request for government by decree. If his proposal is not accepted, it is safe to assume that a complete military takeover will be unavoidable.

[From Time, May 1, 1972]

Democracy With Rules

Turkish Prime Minister Nihat Erim was not terribly surprised last week when a message from President Cevdet Sunay was rushed to him at Ankara airport. Erim had just said goodbye to Soviet President Nikolai V. Podgorny, who flew home after a week of inconclusive negotiations over a proposed Soviet-Turkish friendship treaty. Ceremonies completed, Erim tore open the envelope to learn that he was being relieved as Prime Minister because of his "extreme fatigue."

Actually, Erim had been trying to resign for more than a week; he had agreed to remain on the job only to handle the Podgorny visit. Whatever fatigue he felt was caused by his unsuccessful efforts to deal with the obstructionist Parliament that refused to approve his tax- and land-reform measures and sought to prevent him from using the alternative—ruling by decree.

Erim's resignation and Sunay's search for a successor who would continue the departed Prime Minister's "above party" approach to government produced a new political crisis for Turkey. For 50 years the country has been effectively run from behind the scenes by the military, which last year turned out Prime Minister Süleyman Demirel (for not cracking down hard enough on dissenters) and installed the then virtually unknown Erim, a former law professor. Officially, Turkey is a parliamentary democracy, but the four main parties are so fractiously divided that little in the way of creative change is possible. Because Parliament so strongly opposed his reform programs, Erim had tried to resign twice before receiving last week's letter from the President. Both times the army persuaded him to stay on.

Adding to Turkey's political malaise is the increasing activity of left-wing urban guerrilla groups, many of them composed of students or graduates from the universities. The guerrillas last year carried out a campaign of violence that culminated in the kidnap-murder of Israeli Consul General Ephraim Elrom. Terrorist Leader Mahir Cayan and a cadre of guerrillas from an organization called the Turkish People's Liberation Army were convicted of that crime and were in Istanbul's Maltepe Prison awaiting final sentencing. But they escaped four months ago, kidnaped three NATO radar experts serving at a Black Sea base, and took them to a remote mountain village. As army troops closed in, the hostages were shot all but one of the guerrillas were killed in a subsequent shootout.

The murders of the NATO technicians set off a renewed army crackdown on dissent. Since then, 107 leftists have been arrested. Generals now hold key positions in the police, the state radio and television networks and the government-run airline. Some Turkish intellectuals feel that the military has been somewhat excessive in its zeal to preserve order. The army commander of Ankara, for instance, closed down a display of pictures of President Nixon's China visit, sponsored by the Turkish-American Association. Showings of two U.S. movie classics, *Citizen Kane* and *The Grapes of Wrath,* were halted because their themes were considered too controversial. Reports persist that some antigovernment critics who were jailed in the crackdown have been tortured.

NO TYRANNY

The Turkish generals and their complacent allies among the politicians insist that the situation in their country should not be compared with that of neighboring Greece, where the colonels rule. "There is no tyranny here, no dictatorship," insists ex-Prime Minister Demirel, who remains head of the Justice Party, which holds the largest number of seats in Parliament. "This is a free country." By and large, the 36 million Turks—the vast majority of them conservative, unsophisticated Moslem villagers—still support what one observer calls "democracy within the rules."

A major reason for their willingness to go along with the military's ironhanded but velvet-gloved rule is Turkey's economic prosperity. Exports (primarily tobacco, textiles, hazelnuts and cotton) have reached a record high, and so has the balance of payments surplus. Tourism will set new records this year despite inadequate hotel space, and a massive suspension bridge is being built across the Bosporus at Istanbul. Social life in the cities is gay, albeit a trifle restricted. Ankara hostesses, aware that under martial law no one is allowed on the city's street after the 1:30 a.m. curfew, always make certain that their parties end before that time.

CAPITAL PUNISHMENT AND THE SUPREME COURT

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. DRINAN. Mr. Speaker, I wish to bring to the attention of our colleagues the following analysis of the Supreme Court's recent decision in the capital punishment cases by the distinguished professor of philosophy of Tufts University, Dr. Hugo A. Bedau:

[From the Jewish Advocate, Aug. 10, 1972]

CAPITAL PUNISHMENT AND THE SUPREME COURT

(By Hugo A. Bedau)

EDITOR'S NOTE.—The following is excerpted from remarks recently delivered on the Louis Lyons News and Comment program on WGBH-TV, Channel 2. Dr. Bedau, chairman of the Philosophy Department at Tufts University, is editor of the standard volume, "The Death Penalty in America", and President of the American League to Abolish Capital Punishment. He attended the U.S. Supreme Court oral arguments last Fall at which appeals on the capital cases leading to the decision discussed below were heard.

The United States Supreme Court made headlines in closing out its year's work by declaring the death penalty unconstitutional. Newspaper and other reports have left a confusing impression on the precise impact of this historic decision. For this, the Supreme Court can blame itself. The justices' written opinions total 243 pages of text and footnotes, a glut of legal prose requiring some leisure to absorb. Also, each of the nine justices wrote his own opinion, and the gaps dividing the nine justices provide plenty of room for conjecture and inference. Nevertheless, after the opportunity to study closely the Court's opinions, it is possible to dispel some of the major confusions.

Did the Court, as some have said, split along political lines, with the five survivors from the liberal Warren Court in the majority against the death penalty, and the four new Nixon appointees in conservative defense of capital punishment? Well, all four justices appointed by President Nixon did oppose judicial repeal of capital punishment at this time. But at least two of the four, Justice Blackmun and Chief Justice Warren Burger indicated strong personal opposition to capital punishment, in sharp contrast to President Nixon, who at his press conference showed that he favors the death penalty as a deterrent for kidnappers and airplane hijackers at least.

As for the five justices who voted to abolish the death penalty, two of them, Potter Stewart and Byron White, were never counted among the solid liberal majority on the Warren Court. Only last year, in another important capital punishment case, Stewart and White both voted with the Nixon appointees to keep the death penalty. The other justices—Douglas, Brennan and Marshall—heirs to the humane jurisprudence championed by Earl Warren, each went off in a different direction in his opinion against capital punishment, one of the most striking displays of judicial independence on the Supreme Court in many years.

So, the image of erstwhile Warren Court justices solidly against the death penalty and pitted agains Nixon appointed justices equally solid in favor of it is a considered over-simplification.

Is it true that the majority of five justices (as The New York Times claimed) "did not agree on a single reason for their action"? Not at all. What is true is that no two justices among the five agreed in the entirety with all the reasoning of their colleagues. Their opinions do show, however, that they share many reasons for their common decision.

All agreed that the death penalty imposed as it is, with infrequency and by juries which operate with no discernible standards whatever, is unconstitutionally "cruel and unusual."

All agreed that the purpose of the death penalty, whether it be retribution or deterrence, cannot be achieved when it is so rarely used.

All agreed that one purpose of the Eighth Amendment, which forbids "cruel and unusual punishment," is to prohibit legislatures from imposing punishments like the death penalty which, because of the way they actually function, serve no valid social purpose.

None of the justices wrote these very words in their opinions, of course. But what they did write plainly entails solid agreement on such fundamental reasons as these.

Is it true, as Chief Justice Burger said, that "the actual scope of the Court's ruling . . . is not entirely clear"? Well, a great deal in the ruling is clear. It is clear that all the broadly framed capital statutes in this country, whether state or federal, statutes which punish murder or rape or other felonies with death at the jury's discretion—all these statutes are now invalid. It is also clear that the death penalty as such has not been ruled unconstitutional. Only two of the five member majority—Justices Brennan and Marshall—wrote opinions which would support such a holding. The other three justices in the majority made it clear that the constitutionality of very narrowly drawn capital statutes, or of mandatory death penalties where the jury has no discretion, has not yet been settled. In cases like our own statute in Massachusetts, which provides a mandatory death penalty for anyone convicted of murder in the course of forcible rape, constitutionality will be decided only by further litigation when someone is tried and convicted under such a statute and the conviction appealed.

Some have said that the decision of the Supreme Court to abolish the death penalty is good news for the criminal element, "a license for anarchy, rape and murder" (Lt. Gov. Lester Maddox of Georgia), and that it will "precipitate an avalanche of violent crimes" (Walter McLaughlin, Chief Justice of the Supreme Court in Massachusetts). No one can be certain in such matters one way or the other. But if we can be guided by precedent experience elsewhere we have no cause for alarm. In 1958, Delaware abolished capital punishment, and no upsurge in murder or rape followed. In 1964, Oregon rid herself of all capital statutes, and the rate of violent crime did not increase. More than a century ago, in 1853, Wisconsin became the first jurisdiction in modern times anywhere in the world to do away completely with capital punishment. At no time in all the years since then has any avalanche of murders or other felonies been traceable to abolition. There is no reason to think that what proved true in Wisconsin, Delaware, Oregon and in other states and countries will suddenly prove false for this nation as a whole.

Our experience with the gallows, the electric chair and the gas chamber has been a long one, but for all practical purposes it is now at an end. In this century alone, we have executed over 7,000 criminals in the United States in an effort to increase respect for human life. Last week, at the direction of our highest court, the nation has embarked on a different and more humane route to this end.

CONTINUING SOVIET HARASSMENT OF JEWISH CITIZENS WISHING TO EMIGRATE

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. PODELL. Mr. Speaker, I wish to call to the attention of our colleagues the continuing deterioration of the Soviet Jews' situation, by inserting a news item from yesterday's New York Times which so clearly illustrates this Soviet harassment of Jews which I have repeatedly condemned from the floor of this Chamber.

The item follows:

SEVEN JEWS IN MOSCOW SAID TO BE JAILED

MOSCOW, September 24.—Seven Moscow Jews who staged a sitdown protest at Government offices against the new education taxes on would-be emigrants have been tried secretly and sentenced to 15 days in prison, Jewish sources reported today.

Two other Jews including a prominent activist, Aleksei Tumerman, have been put in mental hospitals. At least two more are being held at undisclosed prisons in Moscow, according to information that Jewish sources say was given them by the police.

The arrests were made Thursday when 40 to 50 Jews took part in or were preparing to take part in protests to the Supreme Soviet or its collective leadership, the Presidium. The taxes were enacted by the Presidium Aug. 3 and were expected to be ratified by the full Supreme Soviet at its two-day session, though the Soviet press did not disclose that any action had been taken.

Jewish sources said about 10 Jews in Vilnius, Kishinev and Tbilsi had paid the education taxes, ranging from $5,000 to over $30,000 and affecting pensioners as well as regent graduates of higher educational institutions. But so far as is known, no one in Moscow has paid the taxes so far.

RODMAN DRAWDOWN SAVES TREES

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. YOUNG of Florida. Mr. Speaker, the lowering of the water level in Rodman Pool in Florida has triggered accusations of serious damage to fish and trees. If anything, this decision is reversing destruction of the area and resulting in the saving of thousands of trees.

To set the record straight on this controversial issue, I submit for the consideration of the Congress the following article from the September 2 issue of the Florida Times-Union:

RODMAN TOUR YIELDS NO STENCH

(By Paul Ferguson)

EUREKA.—The chairman of an interagency task force study team toured the controversial Rodman Pool near here Friday and "found things just about as we had expected."

But George Gardner, special assistant to the assistant secretary of the U.S. Department of the Interior and chairman of the task force that brought Interior, Agriculture and the U.S. Army Corps of Engineers together for an environmental study several months ago, didn't find the massive fish kills, the stench of rotting flesh, fish camps going out of business, fishermen unable to fish or many other things that opponents of the Rodman Pool drawdown have claimed existed.

Gardner, officials of the U.S. Forest Service, staff members of the Florida Game and Fresh Water Fish Commission, Game Commissioner O. L. (Sonny) Peacock Jr. of Ft. Pierce and newsmen made a complete tour of the Rodman Pool, starting at Eureka and running to the Rodman dam.

Highlights of the tour showed:

There has been considerable relief for the trees that had been under stress during the flooding of Rodman. New leaves have sprouted, Cypress knees have begun to "breathe" and in several areas, new shoots have started.

About 25 fishing boats were on Rodman Pool Friday; all reported catching fish when questioned. Some said fishing was "good," others said it was "slow." Boats were able to be launched from within 1,000 feet of the Rodman Dam. The Rodman recreation area boat ramp is not usable.

Boat launchings were observed at Orange Springs in two locations and near Paynes' Landing, but government boat ramps there were not usable since the drawdown has lowered water levels too far.

There were no mosquitos. Those on the trip reported they did not see "one single mosquito."

Eldon Lucas, wildlife staff officer for the U.S. Forest Service and Gardner, however, said there may be some mosquitos when the small fish in the low water areas are gone. Those baby fish, they said, are eating the mosquito larvae as fast as it becomes available.

Perhaps the most surprising thing on the tour was the total lack of any smell in the entire pool with one exception—where the tour stopped for lunch at Orange Springs. There, at the end of what once was one of Florida's most scenic ferry crossings across the Oklawaha River, Asian clams and large river snails, caught on the sandy area that once was the roadway to the ferry itself, had been caught when the water subsided and had died.

They smelled, but Game Commission wildlife officers on the tour said an ordinary swamp smells worse and stronger than the clams and snails.

Lucas, outspoken advocate of the Rodman drawdown, after touring the entire pool and finding no stench of rotting flesh of fish, said: "Those people (in Palatka) have a paper mill over there and then claim this smells bad."

Gardner, somewhat more reserved, said he was surprised there was not more of a smell. He noted that the interagency task force study team had predicted there would be a temporary smell from the decaying vegetation—water weeds—in the area.

"But this is really surprising because there is no smell," he said.

He was also pleased with the control of water weeds. There has been spraying for the growth on the Rodman this year, and the drawdown has put mats of water hyacinths along the shoreline in many areas, has caught the elodea and other water weeds on what is now dry land but the channel itself is not clogged as it was last summer and two years ago.

The interagency task force had recommended that the pool level be flushed—raised and lowered—in an effort to try to control water weeds.

The trip started at a small boat landing erected many years ago at Eureka by the Marion County Commission in the Oklawaha River. Four game commission boats and a game commission air boat were used. Peacock said he wanted to make the trip—he actually requested it—"so that I would know what the real story was" while attending game commission meetings.

He said the commission "has been catching a lot of stuff" since the drawdown from advocates of the Cross Florida Barge Canal.

He said there "is only one word to describe the devastation of some of the areas along the route that was to have been used for the now defunct Cross Florida Barge Canal—Rodman was a part of that system.

"That word," declared Peacock, "is criminal. Somebody ought to be tried for doing this," he said as he looked out from Orange Springs at the Rodman Pool area and the thousands of trees now dead, the uneven terrain that still shows the signs of a giant crawler built to try and crush hundreds of thousands of trees into the soft swampy muck for the Rodman Pool.

With scientists from the University of Florida and forest service experts pointing the way, the tour showed where the stress is being removed as the water drops. Lucas said about 1,000 acres of trees have been uncovered as a result of the drawdown, and Gardner said the interagency task force believes that 25,000 of the trees on those 1,000 acres of Rodman shoreline "can be saved. We think they will live."

That figure, he said, is what "we think we can guarantee." He declined to give an estimate as to those that might live, saying he and members of the scientific study team that produced the first complete environmental study ever performed on the Oklawaha and Rodman preferred to stay within figures "that we are positive about. We don't like to speculate."

Most of the oak trees sighted showed signs that they were dead. Maple trees showed, in the Eureka area, signs of stress relief, as did ash. The stress was quickly evident. Branches were dead, leaves were very slight in color and small, some were wilted.

As the trip progressed to Rodman, the evidence of stress became greater, said Ben Sanders, a game service forester, from the greater depth of water that covered root systems.

Many maple trees had sent out massive root runners above what is now the ground, but below what was the water level. Sanders explained that these enabled the trees to eat the nutrients in the Oklawaha and Rodman—both are very heavy in nutrients.

Peacock pointed out that the Silver River—it flows from Silver Springs—is very heavy in phosphates, and other nutrients, and that excessive amounts of nutrients flow in the Oklawaha from Lake County—Lake Apopka, Harris and Griffin are heavy in them—and that prior to the canal project and Rodman, the Oklawaha was a fast moving river, had a thick canopy of growth extending out over the water, and fed trees along her banks, still keeping down the water weeds.

As the Rodman Pool was filled, the current was slowed, the canopy cut back for the canal and pool maintenance, water weeds began to grow excessively fast, and the trees began to die.

Gardner said reports of heavy fish kills had reached Washington and he wanted to see for himself. A game commission fish biologist, "Smokie" Holocomb, said he and members of his staff have been on the Rodman almost daily, and that some fish were killed. He said the Corps of Engineers estimated the kill at approximately 4,000 fish, and the Game Commission personnel "set the figure at from 4,000 to 5,000 fish" from one to four inches with some larger ones."

One game commission man said he toured the entire area last Thursday, and found one dead mud fish.

The tour Friday found not a single dead fish. After hitting Orange Springs and being unable to maneuver in regular boats loaded with four or five people, the game commission airboat was pressed into service to make sure the bulk of Rodman was covered.

Just north of Orange Springs, the U.S. Army Corps of Engineers channel markers failed to show the channel of the old Oklawaha, and boats that tried to follow the channel markers quickly bogged down in mud. Other small, lightly loaded, boats were able to maneuver through the silt that has accumulated through three years of flooding, and made the entrance into Rodman easily.

The tour, however, put two newsmen, Gardner, Lucas and Peacock aboard the airboat and headed for the area where the crusher tried—and failed—to force those trees into the ground eight years ago.

There were small pockets of water caused by the change in terrain that were landlocked and the airboat did not tour them. The tour did reach the bulk of the pool with the exception of the immediate entrance to the St. Johns River lock north of the Rodman Dam.

Fish—presumedly bass—struck the pool waters frequently. Fishermen pulled up strings of six to ten bass to show off for the passing boats . . . a pickup truck had just launched a boat at the Rodman Dam.

"Where are all of the fish that are dead," a newsman from an Orlando television station asked.

Holcomb said birds—there has been a heavy influx of white ibis into Rodman since the drawdown—ate the dead fish "just as fast as they died." He said he found some slight odor the first few days when the fish died, but that the kill was not massive and the odor was not strong.

"I guess this is all relative," he said, explaining that "massive" might mean more to some than to others.

The Rodman area was a sight that looked like pictures from Vietnam, showing the effects of the crawler tractor vividly. Peacock suggested that perhaps one reason the proponents of the canal fought so hard to prevent the drawdown "was to keep from uncovering their mistakes in construction."

The Corps of Engineers had admitted the use of the crawler tractor crusher was a mistake and has pulled thousands of logs and stumps that have come loose through the years from the muck and piled them along the shoreline in several piles.

The drawdown has uncovered tens of thousands of remaining stumps and logs—and some are just below the surface of the water, making navigation as dangerous now as it was three years ago when the biggest portion of the logs began to surface.

Holcomb, questioned at length about the effect of the drawdown and water weeds on fishing in the area, said studies have shown that the water weeds in the Rodman Pool use up most of the available oxygen at night when they do not produce oxygen. He said studies have shown the oxygen level to be at an absolute zero at 7:30 a.m., but as the water weeds begin to produce oxygen, the level has increased in two hours to 15 parts per million parts of water, which he called "super saturated." By 2 p.m., the level had increased, the study showed, to 22 parts per million.

As a result, Holcomb said, fish have been forced to adapt themselves to going with very low levels of oxygen for periods of time and then being saturated with oxygen a short time later.

Gardner noted the interagency study had predicted a 20 percent drop in sports fishing in the pool, but an increase in fish population there. This results, he said, because the area of the pool has been cut from approximately 9,000 acres to about 4,000 acres and the fish are congregated into the smaller area.

Holcomb noted that the Corps of Engineers estimates on fish kill—about 4,000 fish—would mean one fish dead per acre of remaining pool area.

"That doesn't sound very massive to me," Peacock said.

One of the hardest hit areas of dead trees is an area that was selectively cleared during the construction by the Corps of Engineers—the national office gave the Jacksonville office an award for the selective clearing.

Many of those cypress are dead. The area has a bleak look throughout, yet nearby trees—population areas 5 and 6 in the interagency study—show considerable stress relief, and many trees still alive, although sworn testimony in a federal court case last year produced evidence from canal authority these areas were dead.

Gardner was obviously pleased with the early results of the drawdown. He said he will come back to the area with some of the team of scientists and experts gathered for the study report earlier this year for a followup study after he reports to Washington and the White House on what the drawdown has shown thus far.

He took indignant exception to claims by the canal proponents and opponents of the drawdown efforts was to "try to nail the last nail in the coffin" of the canal, saying the final question will be settled in the courts and in the halls of Congress.

Gardner said the drawdown was pushed in order to preserve the options for future use of the river should the canal be declared dead for good.

TENNESSEE SCOUTS RECEIVE HIGHEST RANK

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. DUNCAN. Mr. Speaker, one of the finest organizations in this country for young men is the Boy Scouts of America. I know much about this organization firsthand since my sons were Scouts and because I maintain an adult membership.

I am always proud of boys from my district who achieve high goals in scouting. In fact, on several occasions I have had the privilege of participating in ceremonies where the rank of Eagle Scout is bestowed on worthy recipients.

Many young men in the Second District of Tennessee have recently become Eagle Scouts. I would like to place their names in the RECORD at this time to honor them in this small way:

EAGLE SCOUTS

Mr. Rex Barton, Athens, Tenn.
Mr. Johnny Campbell, Athens, Tenn.
Mr. Ted Heatter, Athens, Tenn.
Mr. David Brakebill, Athens, Tenn.
Mr. Jim McCall, Athens, Tenn.
Mr. Carey Cox, Athens, Tenn.
Mr. Doug Hutson, Athens, Tenn.
Mr. Larry Hood, Athens, Tenn.
Mr. Skipper Billings, Athens, Tenn.
Mr. Casey Hewgley, Athens, Tenn.
Mr. Wade McKenize, Athens, Tenn.
Mr. Cy Jones, Athens, Tenn.
Mr. Jim Erpenbach, Concord, Tenn.
Mr. Mike Ruppert, Concord, Tenn.
Mr. Charles Salley, Jr., Concord, Tenn.
Mr. Roy Whitehead, Concord, Tenn.
Mr. David Snider, Concord, Tenn.

KEYSTONE INDUSTRIES ADVOCATES ENVIRONMENTAL COOPERATION

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. COLLINS of Texas. Mr. Speaker, industry is establishing a great record in its progressive efforts to solve pollution problems in our environment. According to the U.S. Public Health figures, the manufacturing industry accounts for less than 20 percent of the air pollution problems in our environment. Many ecologists blame industry without realizing the aggressive part that industry is playing in contributing to the technological field and in giving money to reduce the pollution impact.

This past week, I was interested in reading an environmental booklet sent out by Keystone Consolidated Industries in Peoria, Ill. Keystone had received this folder from the American Iron and Steel Institute and is sending it out to students, teachers, and to their stockholders.

One of the most interesting sections was headed up "What can you do." Six points were listed. One that impressed me the most was "Don't travel by car if you can walk or go by public transportation." Have you ever noticed how many people come to work by themselves? Do you remember the old saying that stated, "Is this trip necessary?"

Here is the section from Keystone's Report on what you can do about improving the environment:

Young people care very deeply about improving their environment. Their anxiety was fed not only by what they could see, but by accumulated evidence from all over the country. Anxiety was followed by anger. By now, that has changed to the much more useful reaction of "What can wo do about it?" Answers are beginning to be seen in the daily news with encouraging regularity.

Civic organizations are forming ecology groups to train youth in conservation activities. Citizens are banding together to improve neighborhoods. In short, the do-it-yourself characteristic that first made America great is re-asserting itself. As phrased by President John F. Kennedy, "Ask not what your country can do for you; ask rather what you can do for your country."

Well, what can you do about it all? Here are some suggestions.

1. Don't litter. Pick up other peoples' litter. Join with others in your neighborhood to clean up. Make sure that others know about your activity so that they may be prompted to follow your lead.

2. Don't travel by car if you can walk or go by public transportation.

3. Use electricity sparingly. Its generation creates pollution problems.

4. Avoid open burning of rubbish and leaves.

5. Encourage support of bond issues for improved sewage treatment plants and incinerators when proposed in your community.

6. Find out about ecology from people who really know; not shouters and alarmists. Colleges, universities, and schools can tell you what is being done that is useful, and you may be able to join in the good work. You will find that most industrial firms are engaged in constructive ecological programs with their communities.

NIXON LEADS VOTER PREFERENCE

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. SPRINGER. Mr. Speaker, voter preference for President Nixon grew so much in the last month of the summer that he took the lead over Senator McGOVERN even among registered Democrats.

This survey, conducted by Daniel Yankelovich, Inc., a major survey research company for the New York Times, found that Nixon moved to a 39-point lead, 62 percent to 23 percent for McGOVERN. The previous month, Nixon had only a 28-point margin of 56 percent to 28 percent.

One of the real surprises of the Yankelovich, Inc. poll is that if the poll were taken today, a majority of registered Democrats would vote for President Nixon.

I insert the results of the poll which was carried in the New York Times on Monday, September 25:

NEW SURVEY FINDS NIXON IS LEADING McGOVERN 62–23 PERCENT

(By Jack Rosenthal)

Voter preference for President Nixon grew so much in the last month of the summer that he took the lead over Senator George McGovern even among registered Democrats, according to a new 16-state electoral vote survey.

The survey, conducted through Sept. 12, found that Mr. Nixon had moved to a 39-point margin of 62 to 23 percent. A parallel survey a month earlier found a 28-point Nixon margin of 56 to 28 percent.

The 16 states surveyed are the nation's largest. They account for two-thirds of the total electoral vote. A total of 2,329 registered voters were interviewed by telephone in the new survey.

SURVEYS SUBDIVIDED

The surveys are among a series conducted by Daniel Yankelovich, Inc., a major survey research company, for The New York Times. They differ from other political polls because they are subdivided by state, permitting appraisal of the potential electoral vote as well as the popular vote.

In some states Mr. Nixon widened his popularity even more dramatically than in the entire sample. In Texas, the spread was 53 points—71 per cent of Mr. Nixon, 18 per cent for Senator McGovern, and 11 per cent undecided.

Even in New York, which traditionally votes Democratic in Presidential elections, the new survey found a Nixon lead of 57 to 26. This 31-point margin compared with a 17-point Nixon lead in the first survey. In New Jersey, the Nixon spread increased from 30 points to 34, and in Connecticut from 30 points to 39.

LANDSLIDE FOR NIXON

There was an indication in the survey that Mr. McGovern may have narrowed the Nixon margin during early September, but this shift was so small that it could be explained by sampling error.

The over-all verdict of the new survey was that, if the election had just been held, Mr. Nixon would have won by a landslide among virtually all ages, social classes, income levels, nationalities and regions.

The President led by 34 points among Catholics, 38 points among independents, 43 points among middle-income voters, 47 points among Italian-Americans, 51 points among Protestants and 54 points in the South.

But the most dramatic finding was of a Nixon lead even among Democrats. The August findings indicated significant defections, although Mr. McGovern still led among all Democratic voters, 45 to 37 per cent.

The new survey showed that Democrats for Nixon now total 43 per cent, compared with 40 per cent who said they would remain loyal to their party's nominee.

Further, the Democrats for Nixon appear to be increasingly committed. In the first survey, half said they were sure to cross party lines to vote for Mr. Nixon. In the new survey, 70 per cent said they were sure they would do so.

The seriousness of this shift among Democrats is illustrated by analysis of the survey. If Senator McGovern had the support of all the defectors, the survey would have showed a Nixon lead of only three points—44 per cent to 41.

REASON FOR POPULARITY

A major reason for Mr. Nixon's increasingly strong showing appeared to be high voter confidence in his handling of the Vietnam war and foreign affairs. Another reason appeared to be a pronounced view among many voters that Mr. McGovern was radical and indecisive.

There were few findings in the survey favorable to the Democratic nominee, and even these were touched with ambiguity.

About 40 per cent of the 16-state sample was interviewed after Labor Day, and the findings for this subgroup suggested a slight narrowing of the Nixon lead. The pre-Labor Day segment gave Mr. Nixon a 41-point lead of 63 to 22. The later segment came out 61 to 24, a 37-point lead for the President.

Even this small upturn, however, could be accounted for by sampling error, which is plus or minus 4 percentage points for the 2,329-person sample.

In the total sample, the only category in which Senator McGovern appeared to be gaining was among Jewish voters, who make up about 5 per cent of the electorate. They now prefer him to Mr. Nixon by a 20-point margin of 52 to 32, more than twice the spread found in the first survey.

THE YOUTH VOTE

Mr. McGovern continues to lead among college students, 53 to 40. Among noncollege youths aged 18 to 24, however, the Nixon lead has risen from 10 points to 15—49 to 34 per cent. Since the noncollege group is twice as large as the college group, Mr. Nixon now appears to hold a narrow lead among all young voters.

Mr. McGovern also retained a massive lead among black voters, but it appeared to be a little smaller than the earlier survey and, in any event, was lower than the proportion won by Democratic nominees in recent Presidential elections.

Analysis of the survey data shows that the Democratic voter who favors Mr. Nixon is somewhat more likely to be male, middle-aged, white and Protestant than other Democrats. He is apt to be a white-collar worker and earn more than the national median income of about $10,000. And he is twice as likely to prefer Gov. George C. Wallace of Alabama for the Presidency than are other Democrats.

The new survey, like previous Times/Yankelovich polls, showed that a sizable share of the electorate would vote for Mr. Wallace if he were a third-party candidate again.

WALLACE STRENGTH CITED

Even though he is not campaigning now, Governor Wallace would pull 18 per cent of the vote in the 16 states sampled. Virtually all of this would come from the Nixon column, but it still would nearly equal the McGovern total. The three-way findings were: Nixon 47 per cent, McGovern 21, Wallace 18, and undecided 13.

The 16-state survey involved 250 registered voters from each of seven states—New York, California, Pennsylvania, Texas, Illinois, Michigan and Ohio. Smaller numbers were interviewed in nine other states—New Jersey, Massachusetts, Indiana, Wisconsin, Georgia, Florida, North Carolina, Missouri and Virginia.

The new survey was made between Aug. 25 and Sept. 12. It was conducted by the Yankelovich concern for the Times and Time magazine. A separate but simultaneous survey of the New York-New Jersey-Connecticut region, conducted for the Times, was of 670 registered voters, also interviewed by telephone.

Both survey samples are chosen by random digit dialing and random selection from telephone directories. While the sampling error is four points for the total 16-state survey, it is about eight points in the tristate survey.

THE DEMISE OF UNION TERMINAL

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. KEATING. Mr. Speaker, David B. Bowes, a perceptive journalist from the Cincinnati Post and Times Star, recently has written a series of articles dealing with a problem that is facing many large metropolitan areas; namely, what should a community do with its huge train terminals that are now outmoded.

The Cincinnati Union Terminal, which is owned by the railroad companies, is a landmark in my hometown. What will become of the huge terminal when it becomes obsolete is anybody's guess.

But Mr. Bowes has correctly put the question to each of his readers and the community. It is up to the citizens of the Queen City to determine the fate of the terminal.

I wish to share with my colleagues the two articles written by Mr. Bowes.

The articles follow:

UNION TERMINAL

(By David B. Bowes)

Union terminal: For weeks now they have been coming to view the corpse. Sometimes it is a young man with a camera. Other times it is a family—the children staring up into the soaring rotunda, the father explaining in almost reverent tones how a place like this ever came to be.

"There were a lot of people in here last Sunday," says Mrs. Helen Flanagan, who sells hotdogs at the one remaining lunch stand in the terminal building. "Every day now I see them stopping in because they've heard that the building is going."

William Faulkner, the postman who delivers mail to offices in the terminal, and who collects outgoing letters from a single mailbox, looks back on childhood experiences there. To him the terminal is a link with Cincinnati's past.

"I can't imagine all this being torn down," Faulkner muses. "I played in the penny arcade when I was little. There was a manger out front at Christmas and people sang carols. Isn't anyone going to collect money to save the terminal? I'd like to do something."

What is one to make of sentiments such as this? How does a community appraise what may fairly be called a groundswell of nostalgia and concern, not to mention letters to the editor?

For one thing, it demonstrates how a genuine interest in preserving the best of the past, and on occasion perhaps even a structure of marginal esthetic value, is not restricted to people who have traveled abroad or majored in art history.

In city after city across America, all sorts and conditions of men are saying, in so many words, that may not know who designed a familiar local landmark but they know what they like. This is particularly true when the endangered landmark is the gateway through which, in uniform, they went to give this nation some of the best years of their lives.

Communities have moved to save an old orchestra hall, auditorium or postoffice that has occupied a piece of the skyline since time out of mind. Often public interest is heightened by the earlier loss of other landmarks that somehow just seemed to slip away.

It's a fact of life that nothing prospers in our society, and much does not even survive, if it does not pull its own economic weight. So it is a measure of the public's growing sophistication that most of the appeals to save Union Terminal have been accompanied by suggestions for alternate uses.

People have recommended everything from a great, covered market place to a mausoleum, from an interfaith cathedral to a privately-owned tennis and jogging club with open membership policies.

The rotunda itself—an interior space of dimensions that money couldn't buy today—is an obvious possible site for rallies, meetings and concerts. It's been pointed out that the rotunda and concourse together could be something of an indoor Fountain Square.

One proposed alternate use is a Museum of Railroad and Transportation History. Attorney Louis Nippert has suggested a short-take-off-and-landing (STOL) airport, presumably using the rotunda as a terminal facility. The consolidation of Amtrak railroad passenger and Greyhound and Trailways bus passenger facilities is another idea.

Carl Westmoreland, president of the Mt. Auburn Community Council, contends that there are several good reasons for converting at least part of Union Terminal to a bus terminal. Low-income citizens who ride intercity buses generally live closer to Union Terminal than to the downtown bus stations, he said.

In some other cities, efforts to preserve railroad terminals have been successful chiefly where buildings of moderate size have reached the end of the line.

The station in Lincoln, Neb., was converted into a bank with a distinctive clock tower. The B&O station in Baltimore got a new lease on life when the Maryland Institute College of Art moved in and converted baggage rooms to studios. The Indianapolis city government bought Union Station there until local citizens can raise money to save it and convert it to commercial uses.

St. Louis is studying proposals to convert its union station into a convention center, rapid transit terminal and helicopter port.

The new vitality at the imposing union station in Washington, D.C., must be counted a special case. Situated at the southern end of a busy transit corridor, it's the logical place for a visitors' center explaining the nation's capital to tourists from the populous Northeast.

But the visitors center concept does suggest a line of thinking. I'll share my own thoughts on it in this space tomorrow.

Time for Decision

(By David B. Bowes)

Union Terminal: Suppose Cincinnati decided that this big, beloved railroad station ought to be saved as an important example of Art Deco architecture and a useful community landmark?

As I mentioned yesterday in this space, fiinding new and self-supporting purposes for railroad terminals hasn't been easy. Several cities have converted medium-size terminals into restaurants, art schools and the like. Of the big urban terminals, only the one in Washington, D.C. is certain to survive—as a visitor's center.

Granted that Washington, with its hordes of tourists, is a special case. The visitors' center concept does suggest a line of thinking. It may call for a closer look at how Cincinnati could capitalize on its location. It depends upon the mobilization of Cincinnati's unusually broad community resources.

The operators of the highly successful Auto-Train from Washington to Florida are considering Cincinnati as the northern terminus of their proposed second route to Florida. This is because Cincinnati is a logical "interface" between highways from the bigger cities of the upper Midwest and rail lines to the Sunbelt.

Keeping this fact in mind, and without getting discouraged at the outset by the economics of the problem, it's worth a moment to visualize a preserved Union Terminal that incorporates many of the alternate uses suggested to date, and a few that haven't been:

The Terminal Theater that recently started operating again would be showing a variety of films, perhaps including vintage news reels and "March of Time" documentaries.

A restaurant with a railroad theme, and well-lighted parking, would provide the west side of the basin with a distinctive eating place. People dine in old automobiles in the General Motors Building in New York. Why wouldn't they pay to dine in an opulent railroad car?

The old penny arcade would be started again with a variety of nostalgic coin games and other mechanical diversions.

Local model railroading buffs could be invited to build and operate, in public view, a vast layout of the terminal and its network of tracks during the heyday of steam locomotives.

Small suites of offices in the terminal's administrative section could be rented, as happened in the old Rockwood pottery factory atop Mt. Adams.

STOL aircraft would take off and land from an adjacent airstrip, providing connector service to Greater Cincinnati Airport. Or should it be helicopters?

Choir concerts, rock concerts, dance presentations and ever-changing exhibits of community life would draw participants and spectators to the rotunda. So would mountain craftsmen and market carts.

A museum of railroad and transportation history. The National Museum of Transport in St. Louis (which is "national" by choice but no official designation) has a fine collection of donated locomotives, milk wagons and double-deck buses. At last report, however, it lacked a suitable all-weather display area. Baltimore displays trains in an old roundhouse.

A gallery of light and sound, recreating through enlarged photographs and authentic recordings the mood of the terminal and the nation during World War II. The city of Fall River, Mass., has a haunting gallery of the faces of war aboard the battleship Massachusetts, which is in permanent drydock there.

A museum of science and technology, with perhaps a better chance of success than the first time it was attempted at the terminal. The machine tool, broadcasting and other local industries might contribute working exhibits. See Chicago's Museum of Science and Industry and Philadelphia's Franklin Institute.

Could an Auto-Train to Florida, through special arrangements with the railroads, board its passengers and their cars at the terminal? Visitors from closer points in the three-state area, drawn to the center by distinctive signs and attractive lighting, could begin the Queen City Tour from that end of Lincoln Park Drive. A pamphlet like the Automobile Club's "Triptik," carrying local advertising, would explain historic points of interest.

Every city ought to have a major project underway at all times. It's good for team spirit. It harnesses diverse energies to constructive ends. It helps to sensitize all sorts and conditions of men to the community's future needs.

Many cities have not yet put this policy into practice and they look it. To its obvious benefit, Cincinnati has kept a series of projects foremost in the public mind in recent years. First the Riverfront Stadium. Then the Convention Center. Then the renovation of Music Hall. Should Union Terminal be next?

Back in May, on my first visit to Cincinnati, I happened into Union Terminal one evening, unaware that its destruction was any more imminent than the demise of great railroad stations everywhere.

I wrote in my notebook. "If Cincinnati could find new uses for this incredible building, and preserve it indefinitely, it would be an event of national and international significance."

If, on the other hand, the terminal is pulled down, it will fade from memory all too quickly. Except that someone will publish an album of photographs and put a price on our nostalgia. Or unless, and this would be the ultimate irony, a plaster replica was someday built at Kings Island.

Architecturally and artistically, it's clear what is at stake.

Roger Tory Peterson, the noted ornithologist, once observed that "there is a terrible finality about the extinction of a species." The death of Union Terminal would be no less final. If Cincinnati wishes to weigh its choices, now is the time.

MEL SCHIEFELBEIN: ONE IN A MILLION POSTMAN

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. MINSHALL. Mr. Speaker, as the author of the following excellent article in the September 21 Berea, Ohio, News Sun, points out, it is a remarkable postman, indeed, who is loved by both the people and the dogs along his delivery route.

Such a man is Mel Schiefelbein of Berea, and I am pleased to join in a salute to this outstanding mail carrier, a gentleman who brings more than dedication to his job of serving the public. And, I also wish to join in the many hundreds of get well wishes that have been extended to him.

The article follows:

The Postman's Whistle Has Been Missing Too Long

(By R. David Heileman)

A postman who is loved by people AND dogs must have something going for him.

A 10-foot long get-well letter containing the greetings of some 200 friends, both human and canine, attests to the fact that Mel Schiefelbein of Berea must be that one-in-a-million mailman.

Schiefelbein, who lives at 492 Prospect St. is up and around and as cheerful as ever but still not back to work as a result of back surgery at Southwest General Hospital in mid-July.

The letter he received recently, along with many cards and gifts, is testimony to the fact that he has been heartily missed by the people who live and work along his seven-mile route in the northeast section of Berea where he is affectionately known as "The Whistler."

Mrs. Betty Ono of 365 High St. walked the route which includes Berea, High, Run, Depot, Daisy, Adelbert and Wellington Streets as well as portions of Front Street, Bagley Road and North Rocky River Drive, in order to collect the signatures on the letter.

"I don't see how Mel can whistle and walk all that way!" Mrs. Ono said.

"Everybody will be happy when you're back," the letter says. Schiefelbein says he's eager to get back on the route, too, "probably around the first of October with the doctor's okay."

Mel started with the Post Office Department in Berea 12 years ago as a "swing" man and had five different routes before he got the run he has had for the past 10 years.

To Schiefelbein, being a postman is much more than just delivering the mail. "It includes helping someone rotate a set of tires, or put up storm windows," he says, "which most postmen will do along their routes."

"Everyone on Mel's route," Mrs. Ono said, "talks about Mel's whistle—he whistles winter and summer."

"He always leaves suckers and treats for the children at Easter, Christmas, and on Valentine's Day," said Mrs. Dorothy Motylewski of 362 Berea St. "When it's somebody's anniversary or birthday, he whistles them an appropriate song."

"When a young man joins the service," Mrs. Motylewski continued, "Mr. Schiefelbein whistles an army or navy song and when the children graduate from school he always remembers to send a greeting."

Schiefelbein said he enjoys stopping in at the Lux Beauty Salon, 340 Berea St. to warm himself on cold winter days, and get into a friendly chat with the ladies.

Lux owner, Mrs. Ann Solgos, says Mel is known to the customers at her shop as "the cheerful earful."

"We listen for his cheerful whistle and we know he's on his way."

Mrs. Solgos said that not only is Mel "a good recipe exchange," but, "he answers the phone for me when I'm busy with a 'Pierre speaking'."

"Of course," Mrs. Solgos said, "there is no Pierre here, but the customers always know who he is after a minute. Everybody here misses Mel and we look forward to his return . . . he's so dependable!"

Schiefelbein is no stranger to News-Sun staffers either. According to receptionist Mrs. Ruth Amato, "he checks here every afternoon at the end of his route to see if we have any mail that he can pick up and take back to the post office."

"He doesn't have to do this," Mrs. Amato said. "It isn't even part of his route, but he's here every day to see if he can help us out so that one of the girls doesn't have to run the mail over to the post office."

Mrs. Ono said she recently talked to a lady—a newcomer to Berea, who had the good fortune to move into a house on Schiefelbein's route.

"She said she was so lost until Melvin came along and told her what people to contact about getting utilities and services and things like that . . . she said he was just like a Welcome Wagon!"

And if the dogs could speak, they'd no doubt add their approval of Mel Schiefelbein, who says the dogs all like him and that he "enjoys playing with them along the way."

"All the dogs adore Melvin," said Mrs. Ono, "which is why," she states, "we had to speak for them in the letter by writing in 'Cortky says arf, arf, and all the dogs, including Chico and Gretchen, miss you.'"

The ladies who gather at the Lux Beauty Salon say they'll get up a petition at a moment's notice if they ever hear that Schiefelbein is leaving his route.

"There's not much chance of that," he says with eyes twinkling and a great smile. "I've had chances to get an easier walking route, but these people are just too good to want to leave."

REVIEW OF THE TWO BOOKS ON THE RULING REGIME IN GREECE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. EDWARDS of California. Mr. Speaker, I would like to call to your attention an article that appeared in a somewhat abbreviated form in the Saturday Review, February 12, 1972. A review of two recently published books on the ruling regime in Greece, this article pointedly reminds us of the highly criticized and deservedly questionable role of the United States, both past and present, in Greek affairs. The American Government has actively supported and publically assisted the military junta now in power with both statements of approval and shipments of arms. Such actions blatantly contradict the ideals of democracy and freedom that the United States claims to represent.

George Anastaplo, the reviewer, a lecturer in liberal arts at the University of Chicago and a professor of political science at Rosary College, has been declared persona non grata by the Greek Government because of his articles about American policy in Greece. His knowledge of the country, his political astuteness and his feeling for the Greek people permit him to offer insights that enable one to evaluate more clearly the present political situation in Greece and to judge more accurately U.S. policy toward Greece.

The article follows:

GREECE OF THE JOURNALISTS: A REVIEW OF TWO BOOKS

(By George Anastaplo)

The two books reviewed on this occasion are John A. Katris's *Eyewitness in Greece: The Colonels Come to Power* (St. Louis: E. P. Dutton Co., 1971; 317 pages, $9.95), and Bayard Stockton's *Phoenix With a Bayonet: A Journalist's Interim Report on the Greek Revolution* (Ann Arbor, Mich.: Georgetown Publications, 1971; 306 pages, $7.95).

Both of these excessively partisan books can be useful for the discerning American reader. Bayard Stockton, an American freelance journalist living in Greece, attempts to make a case for the Greek colonels who seized power in Athens in April 1967. John A. Katris, a Greek journalist with a very good reputation (who now lives in Minneapolis), states the case against the United States which will probably be accepted some day by most Greeks, a case which sees the colonels as little more than American agents. Perhaps, indeed, that day has already come.

The Stockton book, despite its effort to say all that can be said for the colonels—and, even more significant, despite its willingness to ignore much of what can be said against them—, has not been received altogether enthusiastically in Athens. Mr. Stockton remains enough of a journalist to reveal here and there (often almost inadvertently) marked deficiencies in the regime he defends. In addition, one can deduce the colonels' shortcomings by noticing the subjects skirted by their apologist. Most revealing may be the manner in which the longstanding torture charges are handled by Mr. Stockton. He will not say outright that there has not been widespread deliberate recourse to torture as official government policy. Rather, he argues that such charges cannot be "totally proved or disproved" and then proceeds to treat them as frivolous, if not even fraudulent. P. 144. The colonels themselves have been obliged to admit, both by the vituperative denials they issue and by the reprehensible deeds they conceal, that neither their program nor their country's plight has justified reliance on the torture which is alleged by their critics.

Had Mr. Stockton been willing, in assessing the torture charges, to apply the standards and accept the kind of evidence he relies upon to condemn the misdeeds of the colonels' predecessors, he would have been obliged to recognize the existence since 1967 of systematic torture unknown in any West European country today and unprecedented in peacetime Greece. Had he been willing to conduct the inquiries which foreign journalists can still make in Greece, he could easily have confirmed dozens (if not hundreds) of cases of savage torture, cases which have been documented in even greater number in James Becket's *Barbarism in Greece* (New York: Walker and Co., 1970) and in the thousand-page report (issued in 1970) of the Commission on Human Rights of the Council of Europe. For anyone to attempt by equivocation and sophistry to dismiss so much available evidence is to raise serious doubts about his reliability. The reader should be reminded of the kind of perverse self-deception, if not even dishonesty, which permitted intelligent men to ignore for so many years Stalin's barbarities.

Recourse has been had to torture and to continued repression because the colonels have not been able, in their five years in acquiescence of the Greek people. The United States has been gulled into its unseemly support of the regime by repeated assurances of a speedy return to constitutional government and free elections. It should be evident that the colonels have neither the intention of ever giving up power voluntarily nor the ability to retain it constitutionally. Certainly, one does not need much personal exposure to these unfaithful army officers to realize they are crude opportunists who are ruthless, self-righteous and dangerous. "We have all learnt, we all know," George Seferis (the Nobel Laureate poet) observed in Athens in March 1969, "that in dictatorial regimes the beginning may seem easy, yet tragedy waits at the end, inescapably. . . . The longer this abnormal situation lasts, the greater the evil."

The colonels were able to seize power in 1967 because of the imprudent and irresponsible feuding among the recognized politicians in Greece during the preceeding decade. This feuding, which was magnified with the aid of an excitable press into a prolonged constitutional crisis in 1965, is exhibited in the Katris book. Mr. Katris's disregard of the practical consequences of what he writes is an instructive sample of the public folly in which Greek politicians and journalists indulged before the colonels struck. His intemperate denunciations of the Greek monarchy can only impede the forging of an effective alliance among the many honorable men, royalists and republicans alike, who now find themselves in oppositon to the colonels. How unrealistic his program is may be seen in the conditions he lays down for the replacement of the colonels by an acceptable regime: there is about such pronouncements considerable fantasy, as if the colonels' opponents are now able to decide who will govern Greece. It does not seem to be realized, that is, that the colonels are likely to remain in power for a generation, barring chance developments or a serious international crisis.

The only prospect for dislodging the colonels, once entrenched, depended upon judicious support by the United States of the Greek people in their desire to rid themselves of their tyrants. But the influence of the United States has been fading, and with this the colonels have dared become more open in their contempt for the free world, its institutions and its concerns. I have, since 1967, seen at close range all the principal Greek political figures who are alive today as well as all the principal members of the colonels' conspiracy. I myself would much prefer to have any one of the former (e.g., King Constantine, P. Kanellopoulos, C. Karamanlis, G. Mavros, C. Mitsotakis, A. Papandreou, G. Rallis, O. Vidalis, H. Vlachou) as my governor than any or all of the colonels. The best known oppponents to the colonels seems to me, as an American, to have much more in common (such as a genuine respect for civilization) than any of them have in common with the colonels now in power.

Who is really responsible for the emergence of these colonels? Mr. Stockton virtually ignores the notorious role of the United States in the making and unmaking of Greek governments since the Second World War. He recognizes that virtually all the leading men in Greek political life between 1965 and 1967 (including the King) refused to do the sensible thing, which would have been to publicly compromise their constitutional differences. Mr. Katris's emphasis, on the other hand, is upon the failings of the Right and upon the decisive interventions of the United States. He does not appreciate the extent to which frequent street demonstrations and public services strikes in 1965 and 1967 (for which the Center and the Left were largely responsible and of which he now writes with nostalgic approval) also helped prepare the way for the colonels. Many apprehensive Greeks, albeit mistakenly, saw these disturbances as harbingers of a breakdown of civil order and of a return to the civil war of a generation before. Mr. Katris virtually ignores that war and its traumatic effect upon contemporary Greece, an effect which may be seen both in the reluctance of the King to permit blood to be shed in resisting the colonels and in the concern of the colonels themselves that their regime not be identified publicly with executions. There would be much more violent resistance to the colonels among disaffected Greeks today but for the tacit agreement on all sides that the ferocious vendettas of the 1940s should not be revived.

Mr. Katris's insistence that the American C.I.A. is really behind the colonels does not recognize that such control need not be posited in order for one to understand what happened in Greece in April 1967. To insist upon the C.I.A. as decisive is to underestimate the shortcomings of Greeks of all parties. It is to be a prisoner of that taste for the conspiratorial and the dramatic (with its depreciation of the role of chance in human affairs) which can make Greeks both so engaging and so exasperating. It ignores, furthermore, the growing realization among Greeks of all persuasions (at least among those who have remained in Greece) that something was seriously wrong with the old way of doing things, that leaders of all parties contributed to the suicidal irresponsibility and posturing which permitted barbarians in khaki to install themselves as the saviours of their troubled country.

The most obvious feature of the Stockton book for Americans should be its display of how barbarians can be prettied up as patient, well-meaning and determined protectors of law and order. It is to the credit of Greek politicians and journalists that no one of stature among them can be recruited by the dictatorship to serve as its apologist. Thus, however, irresponsibly passionate they have been, they do retain the sense of honor often accompanied such passion. Would a similar regime among us remain unable for five years to attract any serious support from established leaders and writers?

The colonels and their associates, usually the most disreputable elements in the army and out, realize they face imprisonment or execution if they should surrender power. That is, they realize that propaganda barrages have not secured for them genuine popular support. It is significant, for instance, that the newspapers which are described by Mr. Stockton as most closely identified with the colonels are found (elsewhere in his book) at the bottom of the list of circulation figures for Athens newspapers. P. 164. Even he recognizes (almost as an aside), "The danger to the future of Greece lies in the fostering of apathy and sterility in a citizenry no longer used to the flexibility of free thought. If the Revolution prevails, its drive for conformity could produce a generation too sheltered to be fully responsible." P. 223. (That which the colonels call a "revolution" is called by their opponents a "military takeover" or a "hijacking.")

The colonels do not, and indeed cannot, solve any of the serious problems of their country. Instead, chronic ailments are concealed; bombast and deception are substituted for much-needed reforms; and the future is casually mortgaged to the desperate efforts of opportunists to do what they can to perpetuate themselves in power. Shameless apologists for the colonels should be reminded of the military regime in Pakistan which was long extolled as a competent government but which was eventually revealed as having merely postponed (and hence made even more difficult) responsible treatment of problems of longstanding seriousness.

One need not assume, in order to anticipate that Americans will be discredited for a long time to come in Greece, that the United States covertly engineered the colonels' coup. Our public conduct since April 1967, in supplying the colonels arms and other testimonials of legitimacy and even of approval, suffices to earn for us a legacy of potentially explosive bitterness of which Mr. Katris's book is but a warning. Greek conservatives and royalists will dispute Mr. Katris's explanation of what happened in Athens before 1967; but they will not want to challenge his denunciations of what the United States has and has not done since the colonels seized power. The most prudent course for the United States in the years ahead, in an area so important to the interests of the free world, may be to encourage Greece to insulate itself against further American bungling by moving into closer political and economic association with Western Europe. Perhaps such an association can help supply that constitutional moderation which a faction-ridden Greece has all too often lacked. *Federalist No. 10* comes to mind.

REPORTS OF ARMY'S "DEATH" ARE GREATLY EXAGGERATED

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. BRAY. Mr. Speaker, some self-appointed undertakers, formerly military men, have garnered quite a bit of publicity lately with their remarks and writings on the "death" of the U.S. Army.

In fact, one book had that very title. The book—and, more importantly, the author—were reviewed recently and the review appeared in the September–October 1972 issue of Armor magazine.

Written by Brig. Gen. Donn A. Starry, Director of Manpower and Forces in the Office of the Assistant Chief of Staff for Force Development, it is a valuable and perceptive counterbalance to some of the current doom shouting that for some strange reason seems to be fashionable. It is a pleasure to include it in the Record. General Starry tells it like it is, which was not what the author of the book came even close to doing.

The review follows:

"THE DEATH OF THE ARMY": A PRE-MORTEM

(Book by Lt. Col. Edward L. King, U.S. Army, (retired))

(Reviewed by Brig. Gen. Donn A. Starry, ACSFOR)

This book will make old soldiers cringe. It is the most comprehensive collection ever published of old wives tales, petty grievances, half truths, falsehoods, innuendoes and allegations—all about the Army, all taken as fact.

It appears that Edward King has been opposed to everything the Army has done the past 20 years: change to green uniforms, change to pentomic organization, efficiency report systems, the size and shape of the Army, chaplains, medics, the UCMJ, NATO strategy, promotion systems and a host of others.

It serves little purpose here to refute Edward King seriatim; so much of what he writes is ungrounded in fact that time and space do not permit tracing the origins of each allegation in order to commence the argument with fact. However, in his closing chapters, Edward King makes 22 recommendations which it might be instructive to examine in a general way. These fall into three distinct categories. Some are patently ridiculous.

"Greater effort should be made to guarantee soldiers their First Amendment rights," says Edward King. However, there is no evidence to show that instructions exist which in fact restrict a soldier's First Amendment rights. Military personnel are free to write; many do so in forums ranging from professional journals to paperback detective stories. Some of what military men write is critical, developing a need for change and postulating a better way to run the railroad. The first requirement, however, is always for a truthful statement of how things really are.

It is impossible to base reform on half truths about what is to be reformed, even though the contemporary media tends to encourage this. What Edward King apparently wants is carte blanche protection for persons with petty grievances to seek a wide audience in which to air their inadequacies, just as Edward King has done since his retirement from active duty.

In a second category, Edward King's recommendations demonstrate his apparent complete lack of knowledge about how the function he criticizes actually works. He is critical of the Army officer efficiency reporting system, claiming that these reports should rely less on numerical accounting and more on narrative description of actual performance. This is precisely the thrust of instructions now in force regarding officer efficiency reports. While numerical ratings play a role, most judgments about promotion and selection for schooling are based on an adjectival indication by the rater/indorser of the rated officer's performance of the duty being rated.

Edward King states that 60 per cent of the Army's manpower is performing noncombat functions, demonstrating his complete ignorance of how the Army is structured. One can prove almost anything about Army manpower by redefining functional categories into which manpower is aggregated for analysis. Using certain assumptions it is possible to prove that about 75 per cent of the Army is noncombat; while still another set of assumptions will prove that over 60 per cent of Army manpower is dedicated to combat functions.

In a third category is a set of recommendations for which Edward King would apparently like to take credit, but which either have been accomplished, are being done now, or are in the process of being done. One such suggestion relates to improved salary levels for junior officers and noncommissioned officers. One striking phenomenon of the last three or four years is the dramatic rise in salary levels in those two groups, to the end that they are now competitive with the civilian labor market, and attractive—for the first time in the nation's history.

In short, Edward King presumes a broad perspective on a range of issues apparently far beyond his competence, for every one of his 22 recommendations falls into one of the three categories set forth above. The question then is, Who is Edward King? What are his authoritative credentials for postulating the Death of the Army? And why does he strike out at an institution for which he claims to have "tremendous affection?"

It is instructive to review Edward King's career and to draw therefrom certain conclusions about the man and his qualifications for conducting this diatribe.

After 18 months of enlisted service, which included duty in Korea, Edward King left the

Army. During the two and one-half years as a civilian, he received a Reserve commission as a second lieutenant, and was recalled to active duty in that grade in September 1950 during the Reserve Component call-up for the Korean War. After serving as assistant public information officer of the Southwest Command in Japan, Edward King served two months and 22 days as a platoon leader in E Company, 34th Infantry, 24th Infantry Division in Korea. This was his only combat experience. For it he received neither an efficiency report, nor any personal award or decoration for valor or merit. He was awarded the Combat Infantry Badge. It was to be his last unaccompanied tour.

From early 1952 to mid-1957, Edward King served wtih units at Forts Riley and Carson, and in US Army, Europe. He had no assignment with troops after May 1957. After 1957, he attended the Advanced Course at the Infantry School, served as an advisor to a US Army Reserve unit, went to school at Omaha, and at Monterey where he studied Spanish. From early 1961 to mid-1962, Edward King, by this time a captain, served in G3 Division, Headquarters, Army Communications Zone, Europe.

Leaving Europe, Edward King spent three and one-half years in Spain, the last 18 months with the Military Assistance Advisory Group, before attending the Associate Course at Leavenworth in 1966. He was subsequently assigned to Fort Dix to give him some troop duty and command experience after ten years away from both of these duties, however, at his own request, he was instead assigned to the organization of the Joint Chiefs of Staff in Washington, where he served for 38 months until his retirement in the grade of Lieutenant Colonel in 1969. His principal duty with the OJCS was as miltiary secretary, US Delegation to the Inter-American Defense Board; concurrently he served as military secretary to the Joint Brazil-US Military Commission, military secretary US Section of the Joint Mexican-US Defense Commission, and liaison officer to the Brazilian Military Commission. His duties were primarily administrative, did not require access to specal intelligence, and there is no indication of his involvement in anything other than Western Hemisphere matters. Although Edward King claims to have been "privy to much of the basic planning behind our military policy during the period, the only specific additional duty he cited in his testimony before the House Armed Services Committee on 27 March 1972, was service as an interpreter during base negotiations with Spain.

In January 1969, orders were issued assigning Edward King to the US Military Assistance Command in Vietnam in February 1969, Edward King's application for retirement was disapproved; he wrote the Adjutant General in March 1969 requesting reconsideration. The Selective Retention Board approved his retirement, effective 31 July 1969.

The picture that emerges is one of a man with a series of unpretentious assignments which, except for Korea, saw him with his family, and many of which placed him in some of those plush overseas living areas he is so quick to criticize. Certainly nothing in his record of service qualifies Edward King as an authoritative spokesman on any of the issues about which he speaks with such apparent authority.

The picture one develops from his record is of a man who neither was assigned to nor sought the challenging hard jobs, and who at one point at least, on his own initiative, avoided an attempt to get him command and troop experience in favor of a job on a high level staff—one of the institutions he attacks so vehemently. One wonders why.

Edward King alleges "tremendous affection" for the Army, but speaks of the Army, back to the beginning of his career, with complete disaffection. Could it be that Edward King is a sunshine patriot—one who, so long as things rolled along easily for him was willing to serve, but who, when asked to pay the piper at last, proved unwilling to serve.

Edward King speaks with authority of Vietnam; he never served a day there. Could it be that he was afraid to face the challenge of this new war. Having avoided command and troop duty once, was it that he now feared someone might ask him again to command—this time in battle?

Man's greatest challenge is fear—fear of the unknown, fear of inadequacy in the face of a challenge whose dimensions are unclear. It is in the conquering of this fear that men become men, or reject manhood forever. Could it just be that 18 years of nagging fear of his own inability to face the challenge of command in battle finally caught up with Edward King, and he at last had to be honest with himself? Could it be that had he leveled with himself after Korea, he would have resigned then, and spared himself and the rest of us the angry and anguished spectacle of his inability to live with himself now?

He reminds me of a young lieutenant who reported to my command in Vietnam for duty. Assigned as a platoon leader he refused to accept the command, stating that he was afraid and couldn't overcome his fear sufficiently to perform his duties. He admitted that all through his ROTC years, and during his initial schooling, he had realized that eventually he might find himself in this predicament, but that he had never been able to muster the moral courage to admit to himself that he was afraid, and try to conquer his own fear. While his contemporaries faced the same realization almost without exception, they were individually men enough to recognize their responsibility, get control of their fear, and acquit themselves in simply splendid fashion.

So Edward King in *The Death of the Army* exposes to public view the soul of a man unable to cope with the ultimate challenge of his profession, and small enough of mind to lash out blindly at the institution that sheltered him for so long, but which he refused to serve when asked to meet the ultimate demand of his officer's oath. It is an account of a personal tragedy, not about the Death of the Army, but about the demise of Edward King—a man ultimately unable to level with himself and conquer his fears.

It is well that Edward King admitted, albeit unknowingly, his own shortcoming as a soldier and a man, and that the Army acceded to his demand for release from active duty. For it would have been the ultimate tragedy had the Army forced him to fulfill the terms of his oath of office by placing him in command in an environment where his own self doubt surely would have lead to the unnecessary death of men for whom he was ultimately responsible.

THE NEW PANAMANIAN REVOLUTIONARY GOVERNMENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. RARICK. Mr. Speaker, because the present administration is still negotiating the surrender of U.S. sovereignty over the Canal Zone to the country of Panama, I feel that recent events in Panama should be of interest to our colleagues.

A study of the new Panamanian Assembly of Community Representatives suggests that it serves as a constituent body of revolutionaries rather than as a legislative body responsible to the people of Panama.

In fact the chairman of this same assembly in confirming General Torrijos as "the leader of the Panamanian revolution" reportedly said:

> The assembly in "exercising its constituent power has vested on you special powers in order to give the Panamanian revolution of which you are the top leader, full dynamism.

General Torrijos as a chief executive of Panama now holds dictatorial powers over that country and its people. He runs the country; his wishes are the law; and the assembly is his rubber stamp. He is truly a Latin American banana country demagog and his power is truly the rule of the mob whose principal adversary is the United States and whose No. 1 objective is the takeover of the Panama Canal by either blackmail, biased propaganda, or military threats.

I insert several related newspaper clippings:

[From the Star & Herald, Panama (R.P.)
Sept. 13, 1972]

ASSEMBLY OK'S MEASURE AT FIRST WORKING SESSION

Brig. Gen. Omar Torrijos yesterday was vested with powers of a chief executive for the next six years by the Assembly of Community Representatives, meeting as a constituent body. He also will retain command of the National Guard, the country's sole armed force.

Torrijos accepted the special powers with a pledge to exercise them with fairness.

The Assembly's action came in its first working session. The 505-member body, elected Aug. 6, was installed Monday to adopt a new Constitution.

By acclamation, the Assembly approved a temporary constitutional provision investing on Gen. Torrijos the principal functions which the proposed new Constitution assigns to the President of the Republic. The 6-year term fixed in the provision coincides with the new presidential term provided in the draft of the new Constitution.

The Assembly's action was not unexpected. In July, Gen. Torrijos had stumped the country asking the then prospective members of the Assembly not to elect him President, but that they decide instead where the "real power" would be vested.

He said then that if he were elected President two thirds of his time would be taken up in ceremonial duties and in signing papers and that he would not be as free to keep up his personal contact with the people as he has been during the past four years.

Torrijos said the general staff of the 6,000-man National Guard had asked him to remain in command.

After the Aug. 6 election for the Assembly of Community Representatives, an overwhelming majority of the elected members committed themselves to give Torrijos powers of a chief executive.

MAIN FUNCTIONS

The provision approved yesterday does not give the General any special title. It recognizes him as "the maximum leader of the Panamanian revolution" and assigns him the principal presidential functions contained in the proposed new Constitution. These functions include coordinating the entire public administration, appointing the key government officials—including ministers of state and the chiefs and officers of the National Guard—and conducting the nation's foreign affairs.

The provision also gives Gen. Torrijos voice and vote in the cabinet council and in the new Legislative Council, which will have law-making functions, and voice in the Assembly of Community Representatives.

Immediately after approving the special provision, the Assembly named a commission to escort the General to the meeting hall. He arrived in field uniform, accompanied by his wife, Mrs. Raquel Torrijos, the deputy chief of the Guard, Col. Rodrigo Garcia, and the assistant chief of staff for intelligence, Lt. Col. Manuel A. Noriega.

BRIEF ACCEPTANCE SPEECH

The Assembly Chairman, Elias Castillo, told Torrijos amid applause that the Assembly, "exercising its constituent power has vested on you special powers in order to give the Panamanian revolution of which you are the top leader, full dynamism."

The General's reply was brief.

"This Panamanian citizen who has been so distinguished will not fail to be fair with you, to love this people deeply, to shed tears at the sight of misery, to love his Fatherland to do the last thing that must be done to raise our Nation and to decolonize our beloved Panama," he said.

"You can rest fully assured with the assurance resulting from our daily contact during four years, the assurance resulting from daily dialogue, the assurance of our own inspiration, the assurance from this geographic mosaic that you see, the assurance of my oath before the remains of my father, before my living mother, before my wife who is present, that I will be fair, that this power will be shared with you, that no important step will be taken without being consulted with you, the 505 men who are the real basis of support for this revolution.

"I accept this also as a tribute to the royal soldiers represented here by Colonel Garcia, by Colonel Noriega, and by those who while not here physically because they are at work are in spiritual frequency with you.

"I accept this also with the assurance that I will be fair with you and that never, never, never will I betray my people."

The Assembly session was adjourned immediately after Gen. Torrijos spoke.

The Assembly still has to elect a President who, after today's action, will have largely ceremonial duties during the 6-year term starting Oct. 11, the 4th anniversary of the revolution.

The text of the provision approved yesterday by the Assembly is as follows:

"Temporary Provision:

"Brigadier General Omar Torrijos Herrera, Commander of the National Guard, is recognized as the top leader of the Panamanian revolution. In consequence and in order to assure the fulfillment of the objectives of the revolutionary process, he is hereby vested for a term of six years with the following functions:

"To coordinate the entire public administration.

"To appoint and dismiss the ministers of state and the members of the Legislative Commission.

"To appoint the Comptroller General and the Deputy Comptroller General of the Republic, the directors of autonomous and semiautonomous agencies and one of the members of the Electoral Tribunal, as provided by the Constitution and the law.

"To appoint the chiefs and officers of the National Guard, as provided by the Constitution, the law and the military seniority system.

"To appoint, subject to the approval of the Cabinet Council, the Justices of the Supreme Court of Justice, the Attorney General and the Deputy Attorney General.

"To approve state contracts and loans.

"To conduct foreign affairs.

"Gen. Omar Torrijos Herrera also will be empowered to attend, with the right to voice and vote, the sessions of the Cabinet Council and the National Legislative Council and to participate, with the right to a voice, in the sessions of the Assembly of Community Representatives, the Provincial Councils and the community boards."

U.S. SILENT ON ASSEMBLY'S CZ RESOLUTION

WASHINGTON.—The State Department said today it has no indication what, if any, action the government of Panama may take in response to the Electoral Assembly resolution on the Panama Canal Zone.

Department press officer Charles W. Bray said that the United States, for its part, "stands ready to honor our payment obligations" in accordance with the 1903 Canal Zone treaty.

Bray commented at a news conference in response to an Assembly resolution recommending that the Panamanian government demonstrate its opposition to U.S. control of the Canal Zone by rejecting the $1.93 million annual rent.

Bray did not comment on the section of the Assembly resolution which condemned the "arbitrary occupation" of the Canal Zone by the United States.

[From Panama (R.P.) Sept. 12, 1972]

EXECUTIVE URGED TO TURN DOWN ANNUAL PAYMENT

The Assembly of Community Representatives convened yesterday and immediately approved a resolution calling for the rejection of the $1,930,000 annuity paid by the United States for the Panama Canal.

The resolution, in the form of a request to the executive branch, said the rejection of the annuity would make "the entire world aware that the strip of Panamanian soil known as the Panama Canal Zone, has not been purchased, nor conquered, nor annexed, nor ceded, nor leased, nor its sovereignty transferred by the Republic of Panama to the United States of America, but has been arbitrarily occupied as a result of the unilateral interpretation and application of the 1903 treaty which is offensive to national dignity."

It was approved by a standing vote applause by the 505-member assembly in the presence of President Demetrio B. Lakas and National Guard Chief Brig. Gen. Omar Torrijos and other high government officials and invited dignitaries, including the Diplomatic Corps. U.S. Ambassador Robert M. Sayre was in the audience.

Panama and the United States are negotiating a new Panama Canal treaty. Gen. Torrijos, who is the top figure in the Revolutionary Government, has made recovery of Panamanian jurisdiction over the 647-square mile U.S. controlled Canal Zone the major Panamanian demand.

The resolution was introduced by Hermelinda Fuentes, one of two representatives elected from the Canal Zone. For the Aug. 6 balloting for the new Assembly, the Canal Zone was divided by Panama's Electoral Tribunal into two "corregimientos" or communities, one the Pacific Side and the other the Atlantic Side.

Panamanian residents in the Zone—all employees of the Panama Canal organization and their dependents—voted in special precincts in the cities of Panama and Colon.

The resolution noted that "the fundamental objective of the Republic of Panama in the negotiations with the United States of America for a new canal treaty is to secure the end of the colonial status of the Canal Zone, so that that portion of our territory reverts to full Panamanian jurisdiction clearly and convincingly."

The Assembly's installation session was held in the Nuevo Panama Gymnasium, which has a seating capacity of about 10,000 persons. There were student delegations, some of which shouted slogans—a number of them anti-U.S.—read by leaders holding sheets of paper. The galleries for the public were nearly empty.

The first order of the business when the Assembly convened at 10 a.m. was the swearing in of the officers. At a preparatory meeting Sunday night, the Assemblymen elected Elias A. Castillo of Panama City's Chorrillo community, as Chairman. Castillo a law student in the University of Panama received 185 votes in secret balloting by the 470 members present. Five others were nominated for the chairmanship. Each provincial delegation elected a vice-chairman, as follows: Arsenio Trotman, Bocas del Toro, Cesar Pardo, Cocle; Anastasia Mitre Delgado, Colon; Juvencio Valdes, Chiriqui; Julio C. Quintana, Darien; Octavio Huertas, Herrera; Iturbide Gonzalez, Los Santos; Norberto Dominguez, Panama; Javier Herrera, Veraguas, and Arcadio Martinez, San Blas.

Castillo was sworn in by the Acting Chairman, Javier Herrera, and in turn took the oath from the vice-chairman.

Castillo then called a recess while an Assembly commission formally notified President Lakas that the Assembly was in session. The Chief Executive, accompanied by his deputy, Arturo Sucro, Gen. Torrijos and his deputy, Col. Rodrigo Garcia, cabinet members and officers of the General Staff of the National Guard.

In a brief address, Chairman Castillo said the installation of the new Assembly meant the "definitive death of the enemies of the revolutionary process." He added:

"This National Assembly of Comunity Representatives recognizes, as all the people have done already, Gen. Omar Torrijos as its top leader. This post the General has earned for his continuous striving with the people, because he knows how to interpret their aspirations, for his patriotic position in the face of the existence of the colonial enclave known as the Canal Zone . . ."

President Lakas responded, stressing Gen. Torrijos' leadership and the unity that has developed between the National Guard and the people.

Noting that the Assembly's immediate task is to consider a proposed new Constitution for the nation, the President urged the members to discharge their duty "with a high sense of responsibility and patriotism."

The Assembly has 30 days in which to consider the new Constitution and on the final day it will elect the new President and Vice-President of the Republic.

President Lakas concluded saying: "I am not well known by you, because my oath of loyalty, work and honesty have limited my field of action to the capital and most of the time inside the Presidential Palace. I have God as witness that I have served my country in its internal and external interests. You will determine my legal destiny, but I decided my personal destiny four years ago when I made up my mind to take up arms with my brothers, these young military officers, for the good of our people."

Immediately after the Chief Executive spoke, Miss Fuentes asked for the floor, announcing she was introducing a resolution—the one urging the rejection of the Panama Canal annuity.

She called for a standing vote of approval, saying no Panamanian would remain seated once the text of the resolution was read.

As soon as the text was read, all the members of the Assembly stood up, applauding.

The session was then adjourned until 8 a.m. today.

The 505 desks for the members of the Assembly were arranged in the court of the gymnasium. Most of the Assemblymen were in shirt-sleeves. Each represents a "corregimiento," the country's smallest political unit. The membership is made up principally of residents of rural areas, including representatives of Indian reservations. Some members are university students. There are 32 women in the Assembly.

TWENTIETH ANNIVERSARY OF LAWRENCE LIVERMORE LABORATORY

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. HANSEN of Idaho. Mr. Speaker, last Thursday, September 21, 1972, it was my privilege to participate in a program marking the 20th anniversary of Lawrence Livermore Laboratory at Livermore, Calif. Principal speaker for the occasion was Dr. James R. Schlesinger, the distinguished Chairman of the U.S. Atomic Energy Commission.

During the past 2 decades, the Lawrence Livermore Laboratory can point to an impressive record of achievement. This story of progress is a continuing one under the leadership of its present able director, Dr. Roger E. Batzel, who I am proud to say is a native of my own State of Idaho.

We live in an era of rapidly advancing technology, an era of great complexity in international affairs. The people of the United States must look to centers where there is considerable talent, such as Livermore, to provide the technology for national defense as well as to advance knowledge for the benefit of man.

The Livermore Laboratory has been outstanding in both areas. We are proud of the contributions it has made to the deterrent strength of the Free World. More specifically, the work on the Polaris and Poseidon submarine systems, on Minuteman, and on the Spartan program has earned for Livermore the gratitude and respect of the people of the United States.

I am confident that the strength represented by these missile systems has been a powerful deterrent to a world war, and has enabled the President to move toward agreements for the control of strategic arms.

With respect to the nonweapons activities, I particularly commend the work in controlled fusion because this clearly is an area of technology which will be beneficial to future generations. It may very well be the best answer to our long-range requirements for electric energy, so vital to our way of life. And the achievements in the field of laser-fusion are well known. Work in the Plowshare programs has shown imagination and creative leadership. We are all intrigued by the possibility of such Plowshare application as a stimulation of natural gas production.

Clearly, the Lawrence Livermore Laboratory is a major national asset, and that fact reflects in large part the tremendous wealth and diversity of human talent which has been assembled there. It reflects strong, innovative leadership, the finest equipment in the world and a real sense of mission, a vigorous *esprit de corps*.

While feeling a sense of pride in the past, we can look forward, with enthusiasm, to a vigorous and productive future.

Mr. Speaker, I include as part of my remarks the text of Dr. Schlesinger's address and a letter from President Nixon addressed to Dr. Roger E. Batzel.

REMARKS BY DR. JAMES R. SCHLESINGER

It is a particular pleasure for me to be here with you today, as you and the entire AEC family celebrate the 20th anniversary of the establishment of the University of California Radiation Laboratory at Livermore. It provides an opportunity to review the accomplishments of those earlier years and to examine the varied possibilities for the future.

In terms of institutional history, a score of years is not a long period, but in this relatively brief span the accomplishments of Livermore have been substantial. Among the most notable have been the development and testing by Livermore personnel of the new warhead concepts that were exploited in the deployment of the Polaris, Poseidon, and Minuteman weapon systems. It has been technical accomplishments of this order, providing the United States with a considerable measure of qualitative superiority, which have permitted the United States to conclude the strategic arms limitation agreements with the Soviet Union. I might also add that it was the same technical achievements that have permitted major overall economies in the deployment of U.S. strategic forces as compared with the Soviet Union. I believe that the moral is clear: a vigorous and effective U.S. R&D establishment will be needed as long as the external threat continues to exist to the security of the United States and its allies. I shall return to this point presently.

A major byproduct of its efforts, as well as a source of its successes, has been Livermore's role in furthering the scientific applications of large computers. Today Livermore has the most advanced computer facilities in this country. The total benefits of computer advances—in terms of national security and technological and economic progress—are indeed impossible to estimate. Moreover, there are such other programs at Livermore as controlled thermonuclear research, biology and environment, and more recently the promising effort on laser-fusion. These are expanding activities, reflecting the diversification and national exploitation of the impressive technological capability represented by the Livermore Laboratory.

Many of you will recall that the historic impulses culminating in the decision to start "a second laboratory," were complex. As an earlier Number 2, Livermore, like some well-advertised recent commercial analogues, was obliged to—try harder. No one can dispute that it has been successful in this effort. There will not be universal agreement in these Western states that Livermore is now Number 1 in nuclear weapon development. I suspect how you may feel in this particular neighborhood, but you will be charitable enough to understand that others in the competition just might feel differently. I would hesitate to offer any judgment on this matter, save to observe that such rivalry is healthy and to urge both you at Livermore and those at your sister laboratory at Los Alamos to continue to—try harder.

Mention of the origins of "the second laboratory" recalls the extended debate over the H-bomb decision and the richness of the advice offered during that period. It was then argued that, if only the United States would refrain from the development of the H-bomb, others would similarly refrain. By setting a noble example, the United States would at some risk encourage others to emulate it. The wellspring for such advice was a deep optimism regarding the degree of benevolency that would be expected from others in matters concerning the military balance. Subsequent developments rather quickly demonstrated that such advice and such expectations were erroneous.

The reason that I allude to these historic events, aside from their critical role in sponsoring the institution whose anniversary we celebrate today, is that precisely the same pattern of advice has—despite the contrariness of facts—persistently and consistently been offered to the government of the United States. Most recently this has occurred in the activities leading up to the SALT negotiations and already it is being heard in anticipation of SALT II.

Such advice also appears to be a perennial element in public discussion of every major military development or deployment decision.

The notion, however illusory, that unilateral, self-imposed restraint will elicit symmetrical restraint in others—rather than providing an invitation to others, seems to have eternal life. Today such a notion tends to be cast in terms of a rather simplistic action-reaction model, and less, than 20 years ago, in terms of fundamental ethical principles. But such advice continues in my judgment to be at best, insufficiently realistic, at worst, downright naive.

Let me return to the indispensable role played by an effective R&D establishment in providing the United States with those force deployment options necessary for the maintenance of the military balance.

In an era of bargaining and negotiations, these activities necessarily have a bargaining chip aspect. That element played a crucial role in the recent negotiations—and also must provide an essential ingredient in future negotiations.

But the bargaining chip aspect may have been overstressed. Our rivals on the international scene vigorously pursue their own weapons development programs. Bargaining away advances in technology and military capability is possible only when there is parallel restraint and reciprocation. Vigorous development and production-base activity on the part of the United States will remain essential to counter external developments over which we have no control.

The furtherance of an enduring era of negotiations—for which the President has called—requires a delicate balance which avoids both actions so sweeping that they understandably provoke Soviet concern and action or inaction that would tempt the Soviets by creating an impression of weakness or stagnation on our part.

The Soviet Union extracted no significant advantages in the Moscow agreements. They could, however, extract significant advantages if those successful efforts were to lead to stagnation of our own defense activities—while the Soviets move steadily ahead with qualitative improvements. The recent agreements were made possible only through U.S. strength; they will continue to be viable only through maintaining U.S. strength.

It is essential to avoid complacency as it is to avoid undue alarm. A false sense of security could cripple the historic promise of the SALT agreements. None of us can tell what the future portends. A most significant aspect of the SALT agreement, for example, is the clear acknowledgement by the Soviets that the Soviet Union cannot be defended against military retaliation. Inevitably for Soviet traditionalists this must have a wrenching effect—and could well have in the years ahead a dramatic and productive impact on Soviet military doctrine.

But whether the future portends—be it diminishing rivalries and an era of international stability or something else—the Livermore Laboratory, we may all be sure, will continue to have a productive role to play. On behalf of the Commission and the entire AEC family, may I express the hope that the next 20 years of the Lawrence Livermore Laboratory will be even more productive and even more useful to the nation than were the first 20 years.

THE WHITE HOUSE,
Washington, D.C., September 16, 1972.
DR. ROGER E. BATZEL,
Director, University of California, Lawrence Livermore Laboratory, Livermore, Calif.

DEAR DR. BATZEL: The Lawrence Livermore Laboratory, born in a time of peril to our national security, has been a powerful instrument of peace during the last two decades.

With great skill and dedication, the Livermore staff has met successfully the difficult challenges of rapidly advancing defense technology. In particular, the Laboratory has made unique contributions to our strategic deterrent, contributions which have helped to secure our common safety and to achieve a significant measure of world stability.

Livermore has been an instrument of peace and hope in other ways as well. Those who work at Livermore have been in the forefront of our efforts to explore the potential generation of abundant, clean electrical energy through controlled thermonuclear fusion. The skills and resources of this great Laboratory have been broadly applied to biomedical, environmental, and other technological problems of our time.

You and your staff have served the nation with distinction and honor. I am pleased to extend the nation's deep appreciation to you and all of your associates as you mark the 20th Anniversary of the Lawrence Livermore Laboratory.

Sincerely,

RICHARD NIXON.

SALMON FISHING THREAT

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. CONTE. Mr. Speaker, I have taken the floor of the House many times in the past to discuss the very serious situation that exists with respect to the Atlantic salmon. This valuable species is in grave danger of becoming extinct unless, through international agreement, commercial fishing is drastically reduced.

A 3-day International Atlantic Salmon symposium was held last week in St. Andrews, New Brunswick, in which scientists, educators, and officials from 12 countries participated. I applaud this manifestation of concern and I once again pledge my support for all meaningful efforts to conserve the Atlantic salmon for present and future generations.

I now include in the RECORD a copy of an article which appeared in yesterday's edition of the Washington Post describing Canada's commitment to this vitally important project:

CANADA WARNS EUROPEANS OF SALMON FISHING THREAT

(By Maxwell Wiesenthal)

ST. ANDREWS, NEW BRUNSWICK.—Jack Davis, Canada's minister of environment and fisheries, has warned that the Atlantic salmon is doomed to extinction if Denmark and other European countries continue their fishing forays off Greenland in the North Altantic.

He said that Canada is "determined to put an end to the high seas fishery" and expressed hope that "we will be able to do this at the next U.N.-sponsored law-of-the-sea conference."

Davis spoke at a three-day International Atlantic Salmon symposium here that ended Friday. About 500 scientists, educators and officials from 12 countries took part.

Canada has banned commercial fishing on such rivers as the Saint John, the Miramichi and the Respigouche to preserve the major salmon runs, Davis said. The ban will continue until the upriver migration of large salmon returns to normal.

"This may take years," he added. 'It will certainly take a long time if the Danes and other European fishermen continue to intercept these fish on high seas."

Canada, which has placed a ban on salmon fishing, has been highly critical of Denmark's fishing in salmon-rich waters off Greenland, which is a part of Denmark. Canadian officials have urged the Danes to reduce their salmon fishing.

"We must stop other countries like Denmark from taking salmon off Greenland," Davis said. "We must convince governments at all levels that an accelerated program of hatchery construction makes good sense in economic as well as environmental terms."

The dearth of the Atlantic salmon has caused Canadian smoke houses, which process the fish into lox and Nova Scotia salmon, to turn to Alaska for their salmon supplies. The scarcity has boosted the price of the popular Sunday breakfast food by 25 per cent this year.

NATIONAL STUDENT GOVERNMENT DAY

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. EDWARDS of Alabama. Mr. Speaker, the President of the United States has proclaimed today, September 26, 1972, as National Student Government Day. I join him in saluting the student governments of our many fine educational institutions.

While serving as president of the Student Government Association at the University of Alabama a few years ago, I learned that student government offers young people an opportunity at an early age to exercise a voice in a representative form of government. Student government teaches the hard lessons of reconciliation of opposing points of view. It instructs participants in the principle that for every right there is a corresponding responsibility. Student government presents students with the choice between involvement and apathy, a choice which will not end with their educational endeavors.

On this National Student Government Day, I urge all educational institutions to maximize their recognition of the fact that students want and deserve an appropriate voice in the decision-making process and that education is improved when there is a contribution by an effective Student Government Association.

I call on all student leaders to exercise their leadership with responsibility and imagination. I urge each of the more than 60 million Americans now enrolled as students at all levels of education to acquaint themselves with every available opportunity for student participation and to get involved in an active way in all student governmental activities.

It is fitting that the Government of the United States is using this day, September 26, 1972, to recognize the student governments throughout our Nation.

PHYSICIAN SHORTAGE IN AMERICA

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. MURPHY of New York. Mr. Speaker, the shortage of physicians in America, both in the inner city and rural areas, is an overriding problem in contemporary society.

At the Federal level, we are most cognizant of the shortage, and are doing our best to correct it. Last November. Congress passed health manpower legislation, awarding American medical schools nearly $375 million.

The bill is designed to increase the number of practicing physicians to about 436,000 by 1977–78. At present, there are 332,000 physicians.

Does it make sense in our country to have 500 American communities without a physician? Or maldistribution patterns such as 160 physicians per 100,000 in California and 63 per 100,000 in Alaska, according to Federal Government statistics.

Of course, it does not.

One group in the private sector is attempting to arrest the maldistribution problem, offering to find physicians for areas where they're desperately needed.

It is the Corson Group of 655 Madison Avenue, New York City, a medical search firm. Its principals, Robert P. Corson, president, and Dr. Ralph Herz, Jr., medical coordinator, are making a concentrated effort to recruit physicians where they're needed.

Their main thrust is to match physicians with compatible positions—and match positions with physicians. To buttress their efforts, their organization is backed by a data bank of the Nation's more than 300,000 physicians.

Efforts by the Corson Group and Mr. Corson and Dr. Herz, both men with years of expertise in medical administration and search work, is certainly a step in the right direction by the private sector.

An added significant service provided by the Corson Group is that its field representatives make an on-site survey of a particular area needing physicians.

The Corson Group defines the social, political, and economic background of a community.

And the Corson Group, sensitive to a community's needs, working closely with hospital administrators, local officials, medical groups and physicians, have the expertise to place the right physician in the right place—and quickly.

In this field, as in many others, it has been proven that the private sector can operate faster than the public or bureaucratic sectors, if for no other reason than they can cut redtape.

Mr. Corson reports that his organization can complete a search in 1 to 3 months—while hospitals often take up to 3 years to fill an opening.

This interaction—and the ongoing dialog between the medical search personnel and person in the medical profession—is helping to arrest the maldistribution problem.

Although I represent an urban area, our needs for additional medical services are of great concern. Just as the rural area needs physicians, we need them, too, in the inner-city.

I commend the Corson Group for their efforts. Their ability to service the Nation in such a sensitive area certainly is in the public interest.

And it clearly demonstrates the need—and merits—of a working partnership between government and the private sector to make America a better country for everyone.

CONSUMER PROTECTIONS NEED STRENGTHENING

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. WALDIE. Mr. Speaker, the House has taken what could be a major step in protecting the consumer from hazardous products. The Consumer Product Safety Act, by creating an independent regulatory commission will help to put an end to the array of perilous products on the market today.

Created by this act is the Consumer Product Safety Commission which has the authority to conduct research and investigation into the safety of consumer products, test consumer products and devices, and offer training in product safety investigation and test methods. The Commission is also directed to maintain an injury information clearinghouse to collect, investigate, analyze, and disseminate information relating to the causes and prevention of product-related injuries, diseases, and economic losses resulting from accidents involving consumer products.

During the past few years, it has been left to consumer watchdog groups to consistently set the example in safeguarding the American public from hazardous products. By creating this independent agency, I am hopeful that the Federal Government has acted to prevent special interests from affecting studies to improve the safety of consumer products.

However, the House bill stops short of being a truely effective consumer protection agency and, as this bill goes to conference, I am hopeful that the conferees will work to accept some of the stronger Senate provisions. By creating a food, drug, and consumer product agency, the other body has included several areas of vital interest to all consumers. I feel that it is a glaring omission that the House bill fails to include protection against the misbranding and illegal distribution of food, drugs, and cosmetics—products that Americans consume by the millions each year. The House bill also does not provide specifically for a consumer information center which can respond to written inquiries from consumers, rather the clearinghouse disseminates information related to the causes and prevention of product-related injuries to consumers.

I feel that the addition of these two provisions would go a long way to insure that the American public has a consumer "watchdog" agency in which it can have confidence and I would, therefore, urge the House conferees to consider the different versions of the Consumer Product Safety Act very carefully.

HATCHING TROUBLE

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. NELSEN. Mr. Speaker, many of us are convinced that the effort underway to scrap the Hatch Act would be a grievious disservice to all Federal workers in the civil service merit system, and would throw them to the mercies of the political wolves.

Perhaps no one in Washington, D.C., is better qualified to write on the subject than Joseph Young, staff writer for the Washington Star and Daily News. For some years, Mr. Young's beat has been covering news of interest to Federal workers and his column, the Federal Spotlight, appears regularly. His long acquaintance with thousands of Federal workers, their work and salary conditions and their problems give to his observations a unique insight shared by few others here in the Nation's Capital.

In a column on August 20, Mr. Young laid it on the line insofar as what Federal employees might expect if all protections they have enjoyed under the Hatch Act were removed.

As he puts it:

> Employees wouldn't have to be openly pressured to make cash contributions and do other political tasks for the administration in power. Employees would soon in not-too-subtle fashion be given to understand that if they wanted to advance in their careers and receive choice assignments, they would have to play ball with the administration holding office.

Mr. Young concludes:

> The merit system as we know it today—with all its faults—will look like Utopia if the Hatch Act is ever scuttled.

Mr. Speaker, I once headed a Republican task force here in the House of Representatives dealing with the civil service merit system. Later, I served on the Hatch Act Commission established by Congress, which conducted hearings and made recommendations to Congress in late 1967. As a result of findings gained in the course of these activities, I fully share in Mr. Young's views and I believe it is imperative that they receive serious consideration by Congress.

I, therefore, insert Mr. Young's column on this subject in its entirety, followed by an editorial, "Hatching Trouble," which appeared in the Star on September 12:

END OF HATCH ACT SEEN PERIL TO WORKERS

(By Joseph Young)

"Spineless political cowards have no place in the United States."

This ominous quote referring to government employes comes from Sen. Gale McGee, D-Wyo., the chairman of the Senate Post Office and Civil Service Committee. It should send chills up the spines of federal and postal employes.

McGee's wrath was directed at postal and federal workers who don't want to get mixed up in any form of politics and want only to pursue their careers as civil servants.

Speaking before the convention of the American Postal Workers Union, McGee returned to a theme which has been a favorite of his over the past few years—that government workers aren't participating as fully in politics as they should, since the Hatch Act does permit political cash contributions, membership in political clubs, etc.

Federal and postal employes have used the Hatch Act "as a cave to hide from full participation in the life of government," McGee said. He then added his bit about "political cowards."

McGee has been a staunch friend of postal and federal workers on pay and other benefits.

But McGee is primarily a politician. And his remarks indicate the terrific pressure that government workers would be under to participate fully in political activities on behalf of their bosses should the Hatch Act be overturned.

Those advocating free political action for government workers argue that only 2 or 3 percent of the employes would opt for this sort of freedom.

But they miss the point entirely. The Hatch Act was originally enacted in 1939 because the government was a beehive of political activity. Federal employees belonged to political clubs—naturally many Democratic clubs at that time—and in many agencies promotions, assignments, hirings and firings were largely dependent on an employe's political affiliation and activities.

Thus, dumping the Hatch Act would bring a return to these conditions.

It would be naive to think that the 98 percent of federal and postal workers who chose to refrain from political activity could do so without danger to their careers.

Oh, it's true that any new law would "protect" employees from being coerced into political activities.

But look at the facts of life. Employes wouldn't have to be openly pressured to make cash contributions and do other political tasks for the administration in power.

Employes would soon in not-too-subtle fashion be given to understand that if they wanted to advance in their careers and receive choice assignments, they would have to play ball with the administration holding office.

If they didn't, promotions would be few and far between. They probably wouldn't be fired—politics have become a wee bit too sophisticated for that unless they make trouble—but they would either languish in their jobs until retirement day or have to look outside of government for a new career.

Of course, they probably would be fired, if they engaged in any form of political activity, when a new administration of a different political party came into power.

The merit system as we know it today—with all its faults—will look like Utopia if the Hatch Act is ever scuttled.

A federal three-judge panel has ruled that the Hatch Act is unconstitutional, but the final decision rests with the Supreme Court. McGee said that regardless of the judicial outcome, his committee will initiate legislation next year to give more freedom of political activities to government workers.

HATCHING TROUBLE

Senator Gale McGee of Wyoming, the chairman of the Senate Post Office and Civil Service Committee, has unwittingly offered the best argument we know for not repealing the Hatch Act limiting the political activities of government employes.

McGee is leading the drive in the Senate to overhaul the law in the event that the Supreme Court strikes down a lower federal court decision that the Hatch Act is unconstitutional.

In recent speeches to government employe union conventions, McGee denounced federal and postal workers who use the Hatch Act as "a cave to hide from full participation in government." He intoned that "spineless political cowards have no place in the life of government."

McGee followed this with the announcement that he hoped to write into law a requirement that government employes take an active interest in political campaigns in order to hold their jobs.

This would strike us as more than a little ridiculous if it weren't for the fact that many politicians in both the Democratic and Republican parties would like to see a federal civil service system subservient to the political dictates of its bosses.

Undoubtedly some revisions in the Hatch Act are needed to clarify and make more positive those political activities that are open to government workers. But as Joseph Young, The Star-News Federal Spotlight columnist, recently wrote: "The merit system as we know it today—with all its faults—will look like Utopia if the Hatch Act is ever scuttled."

REFORMING THE HOUSE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following editorial from the Washington Post:

REFORMING THE HOUSE

Despite the inevitable focus on the presidential race, there's reason to think the important phase of the 1972 election may be the contests for the House of Representatives. The House has been changing more rapidly than any other part of the government in the past four years, and the changes in store this year seem likely to dwarf those of the past.

The House is the point-of-entry for the young men and women coming into national politics, and it reflects generational change more quickly than the Senate or the bureaucracy of the executive branch.

We tend to think of congressmen as pompous, portly middle-aged Babbits of complacency. But those that have been arriving in recent years tend to have that "lean and hungry look" that made Caesar so nervous about Cassius, and the House elders have had their fears amply confirmed.

The "new breed" congressmen share the restlessness of the post-Kennedy generation, the men who believed, whatever their party, that John Kennedy was right 10 years ago when he said "a new generation" was coming to power, and who ask now, a decade later, why it has not yet come to pass.

They've expressed their impatience in positive ways, bringing more reform to the House in the past four years than it had seen in half a century. Among other things, they have made the first serious dent in the automatic seniority system, distributed legislative power by limiting the number of committee and subcommittee leadership spots a single member could monopolize, and made House decision-making far more responsible by providing for recorded teller votes.

In recent weeks, it's become clear that the House is due for a membership change this year that exceeds anything seen since 1964. Already, 56 members have announced their retirement, declared for other offices or been defeated in the primaries. At least three more will leave because redistricting has thrown three pairs of incumbents into the same districts in November.

In short, at least one-seventh of the membership of the next House will be brand-new—even if no other incumbents are defeated in November. With even a "normal" rate of election defeats, close to one-fourth of the membership could be new.

The departing members are the "old bulls," including six committee chairmen and nine ranking Republican members. Their combined service approaches 1,000 years and they have been the mainstays of the "old House."

With their departure, the younger reformers are moving to consolidate the gains they have begun to make in the past four years. Interestingly, in both parties, the thrust of the new proposals under discussion is to strengthen the role of the elected party leaders—the speaker and the majority and minority leaders.

In the past, those elected party leaders have been forced to share power—and often to subordinate themselves—to the powerful committee chairmen and ranking committee members, who exercised independent authority by virtue of the inexorable workings of seniority.

Now, with those committee elders leaving and their successors' power circumscribed by reforms already achieved inside many committees, the younger members see a chance to shift power to the party caucuses and to the leadership elected in those caucuses.

The changes they are discussing sound technical to outsiders: giving the Speaker and minority leader a larger voice in the selection of the Committee on Committees, which assigns other members' legislative duties; specifying that the minority leader, not the ranking minority member of the legislative committee, has the right to offer recommital motions; making Rules Committee members agents of each party's leadership. Those are some of them, and they are not headline grabbers.

But in the House, more than most bodies, procedure determines substance, and the reformers know what they are doing in focusing on these procedural changes.

Their purpose is to strengthen the party caucus, in each party, as a major decision-making body, in which all members are equal; and to strengthen the leadership as an agent of the caucus. To the extent they succeed, the prospects of responsible party government in Washington are greatly enhanced, and the turnover in House-membership this year gives them a splendid opportunity for success.

SHIPMATE WITH CHARLES EVANS HUGHES

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. FLOOD. Mr. Speaker, in August of 1922, the Government of Brazil celebrated the centennial of its independence, one feature of which was an international exposition at Rio de Janeiro. The United States participated in this celebration by sending a mission headed by Secretary of State Charles Evans Hughes and a unit of two battleships, the U.S.S. *Maryland* and the U.S.S. *Nevada*, under the command of Vice Adm. Hilary P. Jones.

Among the newsmen accompanying Secretary Hughes on that special assignment was United Press correspondent Harry W. Frantz, who later became one of our country's leading journalists on Latin America.

Recently, I received from Mr. Frantz a copy of an intensely interesting story that he wrote in 1948 for the Mulberry Reporter, a middle western newspaper. Because Brazil is now celebrating the sesquicentennial of its independence and the indicated story supplies information on a little known chapter in American history of 50 years ago, I quote it as part of my remarks:

[From the Mulberry Reporter, Sept. 3, 1948]

SHIPMATE WITH CHARLES EVANS HUGHES

(By Harry W. Frantz)

WASHINGTON, *August 30, 1948.*

Upon the passing of that great and good public servant, Charles Evans Hughes, I found my thoughts drifting back to two ocean cruises which I had made in his company more than a quarter century ago.

One day in August, 1922, I went to Hoboken Pier in North River to board the steamer Pan-America, which was to take the then Secretary of State and other members of a special mission to the Brazilian Centennial Celebration at Rio de Janeiro. The band was playing the hit of the day, "Three O'Clock in the Morning," and I hurried about to find some incident for use in a departure story from the pier. I learned that a small newsboy had importuned the Secretary of State to bring back some coins for him, and that Mr. Hughes had promised to do so. (Weeks later I checked the item and found that the Secretary had kept his promise.)

In those days the Secretary of State, despite his genial manner, was a somewhat awe-inspiring personality, enjoying tremendous prestige from his part in the recent Washington Armament Limitation Conference. As a reporter from Downtown New York, not very experienced in the protocol and formalities that attend such a mission I was quite perplexed as to how I might best gain his good will.

My problem was solved in a curious way. A few nights out of New York there was to be a masquerade ball, at which Mr. and Mrs. Hughes had been designated among the judges. At first I felt that I had no business in such a party, but at the last moment I decided to try my luck. I borrowed some old clothes from a sailor, smudged my face with carbon paper, stuck the luggage label of "United States Special Mission to Brazil" upon a champagne bottle, and joined the masqueraders. As we paraded the deck, I heard hearty laughter, and was tapped to stand out of the procession as one of the prizewinners, the other being a pirate.

I was amazed at my success, and learned later that Mr. Hughes had presumed my impersonation to represent "the Old Soak," character in a hit show by Don Marquis which he recently had attended in New York.

This little incident brought some prominence among the passengers and I was appointed member of the committee to prepare a skit for the King Neptune ceremony which customarily occurs upon crossing the Equator. Collaborating with Meredith Stiles, an Associated Press reporter, I wrote the series of "indictments" on which neophytes crossing the Line for the first time are hailed before His Majesty's Court for judgment.

Mr. Hughes had never crossed the Line. We were in a quandary as to how to proceed. Some members of the committee felt that he might consider the traditional "rough stuff" beneath his dignity, feel slighted if not included in the festivities.

Secretary Hughes evidently sensed our dilemma, for he issued copy of message addressed by him to Admiral P. Jones, who was aboard the nearby battleship Maryland. In this message the Secretary of State sent greetings to King Neptune in behalf of the United States mission, and pledged "their unqualified observance of His Majesty's laws, and bespoke while within his jurisdiction his benevolent consideration and protection."

With this indication of Mr. Hughes' friendly interest in the royal tomfoolery of the sea, everyone aboard the Pan-America waited breathlessly until the night of August 31 when a "royal messenger" clambered out of the spray at the bow and announced that King Neptune would hold court on the quarter deck next day.

At three on the fateful afternoon, King and Queen Neptune, the Prime Minister, the Royal Physician, the Royal Barber and a royal retinue of policemen, minions and musicians paraded the deck singing "Hail, hail, the Gang's All Here."

The King's Chief of Police summoned the neophytes to court, and the Prime Minister read the calendar to the excited passengers and crew. The first indictment charged Charles Evans Hughes, Secretary of State, with boisterous conduct at motion picture shows, with breaking speed laws on the promenade deck, with telling old and pointless jokes, and, finally, with not having invited the Kingdom of Neptune to participate in the Washington Conference for the Limitation of Armament.

Standing bare-headed before His Majesty, Secretary Hughes very gravely but with obvious good humor entered a plea of guilty. Then, humbly pleading the royal mercy, he defended himself in a humorous speech.

"If," he said, "my jokes have been familiar to Your Majesty during the ten billion years of your reign, it seems that they might pass by reason of the veneration of your court for their extreme age, and that you would indulge them without further comment."

Neophytes and spectators applauded as he defended his conduct of the Washington Conference, which had agreed to scrap certain battleships. "And I desire finally," he said, "so far as concerns the indictment that relates to the warships which are to seek a watery grave, that you will remember that Your Majesty is now forevermore to be King of Peace and no longer King of War."

Old King Neptune arose.

"You are sentenced," he said solemnly, "to serve your country forever."

Secretary Hughes evidently enjoyed this fun-making episode as he mentioned it in a note that he wrote to me 14 years later in response to a letter of greeting that I had written on a subsequent visit to Brazil.

On the morning of September 5, the Pan-America caught up with the battleship Maryland outside Rio harbor, where the official party was to transfer from civil to naval vessel for entrance into the harbor. A naval parade was impending, participated in by war-vessels of nine nations, including the great new battle cruiser Hood of Great Britain.

United States Ambassador to Brazil wirelessed from Rio de Janeiro the names of the party who were aboard the Maryland, and to consternation of the reporters our names were not included. We immediately appealed to Secretary Hughes, who said that all the formal arrangements were made ashore and that he did not feel that he should intervene. We explained the embarrassment which would result if we should not accompany the mission, and the Secretary agreed to think the matter over. In the next half hour we saw him walking about the deck, talking with Mrs. Hughes, a very kind and charming lady. A few minutes later he sent word that Mrs. Hughes had recommended that we accompany the party, and that he would radio our names to the Embassy.

When the Maryland anchored in the Bay of Botafogo, inside Rio harbor, Stiles and I attempted to avoid any personal prominence during the progress of boarding and official greeting by standing behind a gun-turret. There was an unaccountable delay in the disembarkation proceedings, until finally an admiral found us and told us angrily that according to correct procedure we should have left the ship on the first barge, ahead of the high ranking officials.

In Rio de Janeiro, Secretary and Mrs. Hughes lived in the beautiful Guanabara Palace, originally residence of the Emperor of Brazil and later of Presidents. It was situated at the head of royal palm-lined Rua Payzandu, in a valley below the sky-piercing mountain Corcovado. The palace billiard salon was converted for us into a press-room.

After a week of wonderful banquets, state events and sightseeing excursions, Secretary Hughes and his party boarded the battleship Maryland for return cruise to New York. The Secretary considered that his mission had ended and was no longer newsworthy. He approved my return with the party, but as a passenger rather than as a correspondent. Not expecting news, I readily assented.

We were barely out of the harbor when word passed around that the Maryland, flagship of the fleet and equipped with the recently perfected electric-drive propulsion, would attempt to make new records for speed and fuel economy on the cruise to New York. This was a first-class news story, and the progress of the voyage merited twice-daily news bulletins. Also, the press room of the Navy Department asked coverage on daily events of the cruise, and the Captain gave me the assignment.

I made a mistake in not acquainting Secretary Hughes with the reasons for my enforced reportorial activity, and I think that he may have felt that I violated the tacit agreement that the return voyage would be just for the ride. The Maryland cruised at 18 knots to Ambrose Light outside New York harbor. Official time for the journey from Rio de Janeiro was 10 days, 16 hours and 10 minutes, exceeding previous record by nearly four hours.

The Secretary rebuked my excess of activity by declining to give me an exclusive statement upon arrival at New York. But a few weeks later when I moved to Washington and took up routine coverage at Department of State, he welcomed me with great cordiality and gave me much encouragement in my new work.

FOREIGN-FLAG VESSELS CARRYING OUR GRAIN SHPIMENTS TO RUSSIA

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. TIERNAN. Mr. Speaker, the grain deal with Russia and the controversy over whether inside tips resulted in extra profits is beginning to blossom into a major issue. But there is another issue that the grain deals have raised that will not win big headlines, but in the long run, may be infinitely more important to the American economy. The problem is that hundreds of thousands of tons of cargo capacity and many American seamen are sitting idly by while foreign-flag vessels are carrying the grain shipments to Russia. The National Maritime Union has complained that although the Government has promised to divide the shipments into thirds—one-third for U.S. vessels, one-third Russian, and one-third for other foreign flag vessels—there has been over one-third booked for other foreign vessels already.

There is no doubt that U.S. grain dealers and the Government would prefer to ship with U.S. vessels, but the core issue is costs. U.S. merchant seamen earn much more in wages and receive extensive and costly benefits. The result is that it is virtually impossible for American shippers to compete with their foreign counterparts, and if the grain dealers were to absorb the extra costs it would practically wipe out their profits.

Obviously then a crucial decision must be made by the Congress. We must begin a program of requiring substantial percentages of our imports and exports to be shipped on U.S. vessels combined with cost subsidies that will make U.S. shippers competitive. The alternative is to sit idly by and watch our steadily declining merchant marine fleet completely disappear.

Industry subsidies are generally and properly frowned on, but, there are sound business reasons for greater governmental involvement in this case. For instance, the Seafarer's International Union is backing legislation to require one-half of oil imports and one-third of grain exports to be carried by U.S.-flag vessels. The union projects that the burgeoning grain business with Russia and China shipped by the United States will result in a shipbuilding and operating business boom worth as much as 100,000 new jobs.

By 1985, estimates are that U.S. oil imports will reach as high as 60 percent. It will thus be essential to the economy and to our national defense that we can guarantee a steady flow of petroleum into the country. The only way this can be effectively done is to take steps now to ensure a strong merchant fleet for the future.

Our balance-of-payments deficit has also been a major economic problem of recent years. We could go a long way toward righting this deficiency by investing our money in a domestic fleet rather than spending those billions in foreign shipping operations.

In summary, legislation to foster the development of the shipping industry will create jobs, promote our national defense, and aid the balance-of-payments deficit. Certainly these admirable goals deserve our careful attention.

HANOI JANE FONDA AND FRIENDS: LET'S TERMINATE THEIR TREASONOUS TRAVEL

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. PRICE of Texas. Mr. Speaker, today, I am introducing legislation to close the legal loopholes which currently allow American citizens to visit countries whose military forces are engaged in armed conflict with the United States, or to countries with Communist governments when it is in the national interest to restrict such travel.

The need for such a law is clear due to the doubt and lack of clarity that exists now concerning the right of American citizens to travel abroad to so-called restricted areas. This confusion has resulted from the contradictory rulings of the executive branch and the Federal courts. For example, in March 1972 Secretary of State Rogers announced the decision to continue to enforce restrictions against the use of American passports for travel to North Korea, North Vietnam, and Cuba for at least 1 more year. However, the Supreme Court has ruled that the State Department cannot prevent a U.S. citizen from actually traveling to those countries so long as he does not use his passport.

As in many other areas of public policy, we have a situation in which Congress has abrogated its responsibility to the executive and the courts to the detriment of the country. Once again, it is time for Congress to redress the balance and set forth into a law a specific national policy on the travel question, which the executive and the courts will have to follow. We in the Congress, who most directly represent the people, can no longer allow this problem to drift into further confusion. Action is required now.

The need for prompt action has been exemplified by the recent visits of Jane Fonda and Ramsey Clark to North Vietnam. Both of these visits were, in my opinion, detrimental to the interests of the United States and to the chances for a just and honorable peace in Indochina. Fonda and Clark both willingly accepted the role as spokesmen for North Vietnam's position in the war. By openly advocating the Communists' negotiating proposals, they sought to increase public pressure on President Nixon to capitulate to Hanoi's demands and abandon South Vietnam to the Communists. They undoubtedly gave North Vietnam further incentive to interfere in and play upon U.S. domestic politics in the hope that through such means they can achieve their political goals in Indochina without compromise.

I find it difficult to believe that Fonda and Clark failed to realize the effects of their activities. Both willingly went to North Vietnam and issued many statements while there. Their acts were conscious ones and can hardly be attributed to "brainwashing." Both said, in effect, that the United States bore the total guilt and immorality not only for the way the war was conducted, but also for the political goals and objectives of the war.

Take Jane Fonda for example. She long thought of herself as the Joan of Arc of the radical left. While in Hanoi, she became the Tokyo Rose of the Vietnam war. Besides glorifying the Communist government and society of North Vietnam as containing all of the pure virtues mankind seeks, including "freedom" and "democracy," her not too subtle appeals over Radio Hanoi to American servicemen in Southeast Asia to refuse to carry out their assignment constitutes the same kind of activity engaged in by Mrs. Iva Toguri D'Aquino, Japan's Tokyo Rose of World War II. Mrs. D'Aquino, who was an American citizen at the time of her famous broadcasts to American troops in the Pacific theater, was sentenced to 10 years in prison. Jane Fonda remains free to continue her Hollywood career and political activities.

Listen to several of Jane Fonda's more notable pronouncements to U.S. servicemen in Southeast Asia over Radio Hanoi:

Radio Hanoi, July 17:

> The men who are ordering you to use these weapons are war criminals according to international law, and, in the past, in Germany and in Japan, men who were guilty of these kinds of crime were tried and executed.

Radio Hanoi, July 21:

> Tonight when you are alone, ask yourselves: What are you doing? Accept no ready answers fed to you by rote from basic training on up, but as men, as human beings, can you justify what you are doing?
>
> I know that if you saw and if you knew the Vietnamese under peaceful conditions, you would hate the men who are sending you on bombing missions.
>
> Knowing who was doing the lying, should you then allow these same people and same liars to define for you who your enemy is. Shouldn't we then, shouldn't we all examine the reasons that have been given to us to justify the murder that you are being paid to commit?

Radio Hanoi, July 27:

> All American people who consider themselves patriotic must begin to ask themselves some serious questions about what we are doing in Vietnam. We must stop thinking that we have to follow orders like robots. Let us stop being robots.

And finally, Radio Hanoi, August 10:

> Richard Nixon, history will one day report you as the new Hitler, and patriotic Americans will one day have to work long and hard to erase—erase the blight of your years in office.

I do not ask you, my colleagues, to accept on faith my view that Jane Fonda's purpose in making these broadcasts was to aid North Vietnam in its attempts to take over the rest of Indochina, and to help destroy the discipline of the U.S. Armed Forces. Read her broadcasts for yourself. I am confident that the overwhelming majority of you will reach the same conclusion that I have.

Ramsey Clark, it must be said, exercised somewhat more discretion or caution while in North Vietnam, but only a degree more. He did not broadcast the Fonda-type appeals to American servicemen. He did, however, parrot Fonda in glorifying North Vietnam as a model, utopian state and society and did advocate Hanoi's political demands, especially an end to the U.S. bombing of North Vietnam.

Clark's admiration of North Vietnam's government and society showed through his Radio Hanoi broadcasts like the hot sun on an August day in Texas. Consider these statements:

Radio Hanoi, August 16:

> As . . . throughout the country people at all levels, women, children, mayors, high government officials have said: Never doubt that our people can distinguish between the American people and the leadership that wreaks the violence, that causes death here. Our people love the American people, I've been told. We believe the American people love freedom, independence and peace, and that's what we love. I think they tell the truth.

Radio Hanoi, August 16:

> I have to believe that the determination of the people strengthens the people and comes from their conviction that this land and these people are served by their government: that there is justice and equality here.

Radio Hanoi, August 21:

> My experience tells me that, as has been told by Aristotle, that the chief and universal cause of the revolutionary impulse is the desire for equality. You see no internal conflict in this country—I've seen none. You feel a unity in spirit. I doubt very seriously that I could walk in safety in Saigon or the cities or villages in South Vietnam, as I have here, because of the division and the confusion and the lack of a faith and belief there.

Mr. Clark was vocal in his glorification of North Vietnam as the embodiment of Jeffersonian principles while at the same time he refused to see the inner workings of the totalitarian state that has openly stated that it will allow no opposition or criticism of the Government, and that has conscripted and sacrificed an entire generation of its young men—nearly a million perhaps—in this war. Mr. Clark, as his own statements demonstrate, accepted verbatim practically everything he was told by North Vietnamese officials. Yet, he displayed a subtlety that Jane Fonda lacked. He only implied the obvious conclusion to be drawn from his admiration of the North Vietnamese state: that the government and society of North Vietnam is morally superior to that of South Vietnam and perhaps the rest of non-Communist Asia and that, therefore, the United States is morally wrong in attempting to prevent North Vietnam from imposing its system on South Vietnam. His statement over Radio Hanoi of August 6 that "there is absolutely no excuse for bombing of North Vietnam" places a halo over Hanoi's massive Easter offensive and total guilt on the United States for the continuation of the war. In short, the issue of bombing the dikes is really irrelevant to Clark; to him the American immorality lies in the entire bombing and, in effect, the whole U.S. effort to aid South Vietnam.

Mr. Speaker, this legislation would also enable the Secretary to prevent self-proclaimed revolutionaries in the United States from visiting Communist countries where they become propaganda mouthpieces for these countries or obtain training and other forms of assistance to aid them in carrying out their program of violence and anarchy in the United States.

In recent times, such extremist groups as the Black Panthers, Weathermen, and the Venceremos Organization have sent members to Cuba, Communist China, and North Korea. It would be naive for us to assume that these domestic radicals and maoists would not receive more than moral support from Peking, Havana, and Pyongyang or that Chinese Communist, North Korean, and Cuban intelligence would not make use of such excellent friends.

The same can be said of other groups and individuals of the extremist left who visit Communist countries with the obvious aim of collaboration with the propaganda organizations of those countries. Names such as Rennie Davis and David Dellinger come to mind in this respect. And of course, we now have Angela Davis in the Soviet Union where she has been having a field day vilifying the United States over Soviet radio and in the Soviet press.

Mr. Speaker, the beliefs of Ramsey Clark, Jane Fonda, Angela Davis, and the like are their own to hold, and they must live with their consciences. While I believe in free speech, I do not believe in unlimited free speech, and would draw the line when these people willingly become dupes for or an integral part of the propaganda apparatus of a country in a state of armed conflict with the United States or a Communist country which is dedicated to the destruction of our free and open society. The legislation I am introducing today would prevent such activities or punish those responsible when they occur. It would deny no forum in the United States to those who wish to bad-mouth their own country—only aroused public opinion can do that. This bill is certainly not out of line with national policy in earlier times of war. In fact, it is much less severe as any objective reading of history would show. I urge the Congress to consider and act upon this sorely needed legislation in order to meet this urgent need for a national policy on this question.

AN EXERCISE OF A RIGHT

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. SCHWENGEL. Mr. Speaker, I have long and often contended that we should more often speak up for America. For that reason I read with avid interest a speech by George T. Nickolas entitled "An Exercise of a Right." Mr. Nickolas is a distinguished citizen, an excellent lawyer, and a great leader for disabled veterans. He speaks effectively and eloquently but in my opinion he was never better than when he spoke recently on "An Exercise of a Right."

Mr. Speaker, so that every Member may have the opportunity to read this speech I include it in the RECORD.

AN EXERCISE OF A RIGHT

(By George T. Nickolas)

People keep trying to find what is wrong with the United States of America. It is easy to find fault with anything, if you look hard enough. There are few things in this world which are perfect in all respects. What is needed is more people thinking and talking about what is RIGHT with America.

September 17th is the day on which we, as Americans, celebrate Constitution Day. This day commemorates the Constitution which extends to us, as citizens, many rights and privileges. It is a day for American citizens to consider that no other country in the world allows their citizens the rights, privileges, and, yes, the freedoms that exist in the United States of America.

Just think for a moment—you have the right to think as your conscience permits. You can speak or even write as you want as long as you do not interfere with the rights of another individual. You have the right to vote in free public elections and thereby, select public officials who will represent you and your interests in city, county, state, and national affairs. You have the right to select the type of work or profession to which your education, talents, experience and physical ability will permit you to successfully pursue. You have the right to improve your station-in-life by education, type of work and social activities. If you should be accused of a crime, you have the right to legal counsel and a prompt trial by jury. You have the right to seek justice in a court of law, where you have equal rights with other citizens, to recover your property or seek equity when you have been wronged. You have the privilege of sharing in the benefits of the many natural resources of your country. You have the right to educate yourself and your children in free schools. You have the right to worship in any church of your choice or not to worship at all. And, to sum it all up, you have the right to "Life, Liberty, and the Pursuit of your Happiness."

These are a few of the things which are RIGHT with America. I challenge anyone to find another country which permits every citizen equal rights. For the right and privilege of being an American citizen *it is the duty of every citizen to LOVE the United States of America;* to support and adhere to its Constitution and laws; to respect and honor its flag; and if necessary, to defend it against all of its enemies from without and within in order to preserve the benefits of our United States of America for future generations.

AIR FORCE HOPES FOR MORE F-111'S

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. WRIGHT. Mr. Speaker, I insert in the RECORD a newsstory from the September 20, 1972, Chicago Tribune.

The story was written by Mr. Wayne Thomis, aviation editor of that newspaper, and the essence of this important item is contained in the first paragraph, which reads as follows:

The Air Force is worried over the possibility that the production line which has been delivering the world's outstanding all-weather attack airplane to its squadrons since 1968 may be closed down.

This great aircraft is built in my district by the General Dynamics Corp. The concern of the Air Force is a real one, and one that we see reflected in the committee reports of both the House Armed Services Committee and the House Appropriations Committee this year.

Both of these committees have high praise for the F-111, which Air Force Secretary Robert C. Seamans, Jr., has said is the only aircraft in our country's arsenal that can attack the enemy under cover of darkness and in poor weather and have a bombing accuracy comparable to the daylight accuracy of other bombers.

The Appropriations Committee has done its part in granting $30 million for long lead items for next year's production of this aircraft, a clear indication that the concern felt by the Air Force can be satisfied only by providing it with more of this much-needed fighter-bomber in the fiscal year 1974 defense budget. The newsstory follows:

TOP FIGHTER'S SHUTDOWN IS FEARED BY AIR FORCE

(By Wayne Thomis)

NELLIS AIR BASE, NEV., Sept. 19.—The Air Force is worried over the possibility that the production line which has been delivering the world's outstanding all-weather attack airplane to its squadrons since 1968 may be closed down.

This is the swing-wing F-111, of which 470 now have been formally accepted from the contractor, General Dynamics Corp., at its Fort Worth facility. These include 23 test planes which have been subjected to wider performance, stress loading, flight checking, and even combat conditions than any previous new combat plane.

Because of the complexity of the plane, its electronic and mechanical weapons delivery systems, and its remarkable power plants have only this summer reached the formal combat-ready status. Four tactical wings, one here, are at, or closely, approaching this status.

DAMNED FROM INCEPTION

The F-111 was damned from its inception by political squabbling in Senate committees, and simultaneously by an open war between then Defense Secretary Robert McNamara and his military leaders who, hitherto, had controlled Air Force purchases. Nevertheless, it now has been developed into an absolutely outstanding weapon.

It is the only plane in the country's arsenal of which the following could be truthfully said: "To be effective, interdiction must be continuous. The enemy must never be able to find relief from aerial pressure under cover of darkness or poor weather. The F-111 can attack targets with exceptional precision in spite of such weather or darkness; under these conditions its bombing accuracy is comparable to the daylight accuracy of other bombers."

This assertion was made by Robert C. Seamans Jr., then secretary of the Air Force, before the Senate Armed Services Committee, in March, 1969. It is truer today than it was then because much improved electronics in navigation, target identification, and weapons targeting have become available and are operational in two of the three wings now in the United States.

"You can look at the situation in the Viet Nam theater right now," said Col. David D. Young, commanding the 57th Fighter Weapons Wing, here at Nellis. His pilots and engineers study and fly all new and current Air Force fighter and fighter-bombers, including the F-4, the F-105, the A-7 and F-111s, to determine capabilities, establish tactics, and make improvements.

NIGHT BRINGS SANCTUARY

"Nightfall brings sanctuary—or virtually sanctuary—to the north. So does bad weather. The newspapers continuously report that bombing operations are suspended for days at a time by the monsoon weather, and the nights give the North Vietnameses their time for repairing bridges and roads, moving supplies, rebuilding their oil lines, and doing the job that is disrupted by our daylight assaults.

"Good as they are—and our F-4s and A-7s

are great fighters and attack planes—they cannot begin to do the job the F–111s would do routinely. This airplane goes into the combat zone at tree-top levels, below radar, navigates a multiple track to its target, and bombs from a horizontal run without eyeballing the target at all. Its radar, its precision inertial navigational system, make it deadly.

"With the swing wing it can be 'redesigned' to fit its weight at a number of points in any mission, and it can make its final bombing run at supersonic speeds, still right on the deck. Nothing else can do these things."

ACCIDENTS MAGNIFIED

"This is the Cadillac of military planes," he continued. "It's faster, smoother, safer longer-range, and carries more military load than any supersonic vehicle in service."

On safety, he said, "Every F–111 accident was magnified on Capitol Hill in Washington by the airplane's opponents." All new combat planes do have crashes, but those of the F–111 have been "surprisingly few." And the records bear him out.

In its first 15,000 flight hours [where most high performance aircraft have their troubles] the F–111 had nine plane losses, and eight fatalities. By comparison, at the same operational-time stage, 10 of the F–106s had been lost; 14 of the 105 "Thuds"; 18 F–101s; 21 F–104s, and 28 F–100s.

At the 200,000-hour level [reached Sept. 1972 for the F–111s] the official records show 28 accidents, 21 planes destroyed. For the others the marks are: F–106s, 47 accidents, 25 destroyed; F–105s, 85 accidents, 50 destroyed; F–102s, 77 accidents, 37 destroyed; F–101s, 152 accidents, 75 destroyed; A–7s, 55 accidents, 53 destroyed, and F–4s, 72 accidents, 34 destroyed.

What is worrying Air Force commanders is a December, 1974, deadline for the Fort Worth shutdown. Of 550 airplanes ordered by the Air Force [after a dozen deletions and cancellations from the original 1,700 plane purchase] narly 530 have been delivered or are in final assembly and contractor test. Production rate now is only one and a half F–111s a month, cutting to one a month [12] for fiscal '74–75. These orders "barely keep the line alive."

THE XX OLYMPIC GAMES

HON. ROBERT B. (BOB) MATHIAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. MATHIAS of California. Mr. Speaker, from August 26 to September 11 of this year, I had the great pleasure to witness the greatest athletic contest in the world. I am referring to the XX Olympic games held in Munich, Germany.

Since the Munich Olympic games, there have been a lot of hindsight comments on various events that happened there—comments on the questionable officiating against the U.S. basketball team; blame put on a coach for not getting two runners to the stadium on time for their race; and bad judgments against our boxers and divers.

While these things do put a negative feeling on the part of the American participation in the games, the positive things far outnumber the bad ones. Many of our American athletes performed to perfection. Others who were given no chance at all came through with flying colors. The Olympic spectacular is the only one of its kind in the entire world where over 10,000 young people from over 120 nations can get together to meet each other, know each other, swap stories, become friends, and compete with the world's best amateur athletes. And, then the athletes return home knowing a great deal more of their fellow citizens in this world. They know that their new friends from halfway around the world are pretty good guys. They now have a deep-seated spirit of world peace that will never leave them. They now have pride in themselves that they did the best they could for themselves and for their countries.

The murder of the Israeli athletes in Munich was a great tragedy. This must not stop the games from going on. In spite of this tragedy and the bad officiating and the minor squables, overall, in my opinion, the Munich games were the best ever. The good things far outweigh the questionable things. I hope the Olympic games continue for a long time to come.

THREE LONG YEARS IN PURSUIT OF DUE PROCESS AT STATE DEPARTMENT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. ASHBROOK. Mr. Speaker, because of long interest in the affairs of the Department of State I have called attention over the years to various personnel cases and operational aspects of that Department that cry out for corrective action. I was understandably interested in the testimony of Mr. John D. Hemenway, a former State employee, who appeared before the House Subcommittee on State Department Organization and Foreign Operations on September 6. The subcommittee has been holding extensive hearings on legislation designed to provide Foreign Service employees a fair grievance procedure, statutorily based, which would grant some semblance of due process to Foreign Service people, some of whom have been almost arbitrarily kicked out of State after long years of service without immediate recourse to appeal or pension. For example, today marks the beginning of the fourth year of Mr. Hemenway's grievance case as he awaits a decision on his appeal. Legislation before the subcommittee would eliminate such long and costly delays and hopefully will take the final adjudication of a case out of the hands of the State Department entirely.

I insert at this point excerpts from the Hemenway testimony of September 6:

FORMAL GRIEVANCE LEGISLATION ESSENTIAL TO PERSONAL ACCOUNTABILITY IN THE FOREIGN SERVICE AND U.S. DEPARTMENT OF STATE

Mr. Chairman, I want to thank you for inviting me to come here this morning to testify to you and members of your Committee on the subject of grievance legislation for the Foreign Service and other employees of the Department of State. I would be prepared to be examined under oath during the entire testimony or during any part of it, should you wish.

You have my biography before you. For nine years I served in the army, navy and air force. During WW II I was commissioned as an infantry lieutenant at age 18. Following that service, I entered the Naval Academy where I was graduated with distinction from Annapolis and then studied at Oxford as a Rhodes Scholar. I entered the diplomatic service of the United States (the Foreign Service) in 1954 via the competitive four-day exam (now abolished) and served there for 15 years in Germany, the Soviet Union and the Department of State. I was commended and fired after a total of 24 years of government service, without a blemish on my record of any kind, without a pension.

My real qualifications for appearing before you today involve a certain expertise in certain aspects of Hearing procedures at the Department of State—abuses of position and violation of regulations. I know a lot about such matters, perhaps as much as any other person. I am not a personnel expert and I have never sought out this knowledge. It was thrust upon me, so to speak. As I told you, I was fired by the Foreign Service after 24 years of honorable government service—without a pension. Two months before I was fired, John Steeves, Director General of the Foreign Service wrote to Secretary Rusk (on October 25, 1968):

"We have reviewed the file of John D. Hemenway. The record is a very favorable one. . . ."

Yet, with an excellent record I was thrown out. I determined to resist this injustice. I thus became the first career diplomat in the US career service to institute a formal grievance hearing. It is still in progress. On 26 September the proceedings will enter their fourth year.

It is my firm conviction that had the administration of the Department of State been honestly and competently managed, this hearing never would have taken place. Had the grievance procedures been a matter of law—rather than regulation—the arbitrary and capricious actions that have delayed this matter so long might not even have been attempted. Personal accountability is almost totally lacking in our bureaucracy. It should be instituted wherever possible. Faceless bureaucrats hiding behind expressions like "The Department views, . . ." or "The policy of the Department is. . . ." should be replaced by specific officers who can be held accountable for their actions. It has been my experience in my grievance hearing that bureaucrats act as if they were above the law. They must be controlled and regulated. An experienced bureaucrat *knows* he is beyond the reach of regulation, for he himself writes the regulations—which he changes if it displeases his pleasure. Legislation is something else. There is a danger in violating a clear statute.

This leads to an important question raised at these Hearings on grievance legislation, Mr. Chairman: is specific legislation really necessary? Why can't regulations under a general enabling act satisfy the need? Why is specific legislation necessary?

Frankly, legislation is needed because men are dishonest; men are cowards; some men feel a duty that has a higher priority (to them) than providing justice to another citizen. I do not have to describe for this Committee what human nature is like. There is yet another reason; frankly, there has been an almost total lack of personal responsibility in the Department of State for the past decade which has gnawed away the personal integrity of officers. It is inherent in bureaucracies, I think. Nowhere does the United States come closer to the Soviet system of government than in its bureaucracy. As a people we must invent checks on our bureaucracy or it will control us—as an undemocratic bureaucracy already controls the several totalitarian states of the world, including, of course, the USSR.

I will not involve this Committee unnecessarily in my own affairs. I will draw upon my personal experience in an attempt to give you some idea of the line that separates myth from reality in the Foreign Service. At least one of your witnesses so far—I have in mind the Civil Service Commission Representative—has spelled out fanciful theories nearly devoid of practical value if an attempt is made to apply them to the Department of State. It is curious that my own hearing was initiated under Civil Service regulations (adopted by the Department of State). When they were violated, and they were frequently violated, I notified the Civil Service Commission—which did nothing to enforce its own regulations. (3FAM1820 is based on authority provided by Chapter 771 of the Federal Personnel Manual; 771-3 promulgated the model grievance structure on July 21, 1967.)

There is nothing complicated about these matters. Had there been a specific statute, one could turn to the courts and get action. In all probability my case never would have come to a hearing, for officers entrusted with the duty of supervising the administration of the Foreign Service would have seen the risks of not performing their duty. In the absence of legislation, the bureaucrat can get away with twisting, distorting, delaying, ignoring, lying—in short he can get away with murder.

As long as there is no legislation this Committee will continue to hear of abuses; it may share in the responsibility for those abuses if intelligent legislation is not passed. Either Rep. Biester's bill (H.R. 15457) or Rep. Ashbrook's bill (H.R. 8523) will clear away the present chaos. In Mr. Ashbrook's bill (H.R. 8523) the selection of a Board of Appeals and Review is taken out of the hands of anyone directly responsible to the Department of State and given to the designees of the Senate Foreign Relations Committee, the House Foreign Affairs Committee and the Civil Service Commission. I prefer this method of designating the critical element of any grievance system: the Committee or Hearing Board. I think that it is appropriate for the "watchdog" committees of the Congress to become directly involved—if there are Constitutional problems in this (I am not a lawyer) a way should be found to resolve them.

It is appropriate for the "watchdog" committees of the Department of State to remain involved in these matters because, in my opinion, grievances are the fever thermometers of trouble. It make little difference whether the difficulty originates with the employee (who might be a trouble maker) or the supervisor (who could well be incompetent or missassigned) or due to some other problem that needs rectification. The Ashbrook formula guarantees early Congressional concern in any real problem. Your Committee should be cut in on this kind of information, Mr. Chairman.

Some concern has been expressed that legislation would precipate a rash of litigation. I doubt this. This is scare talk to defeat the legislation you are considering, Mr. Chairman. There are no facts to support this view. No one undertakes a formal grievance without fully understanding that his career is at an end. No employee really "wins" a grievance hearing, even if he is awarded the decision, in the main. However, the colleagues of a man who fights a grievance may well come out of the matter real winners. There is truth in the "You can't fight City Hall" slogan. I have seen many men leave the Foreign Service trying to pretend they were not thrown out. Their colleagues who looked on, who witnessed the abuses to which all are subjected—but remained silent, when they too should have protested—are ashamed and turned to moral cowards. But they survive, if they can, and reap the benefits of any reform, if it comes. Again, it is a bureaucratic manifestation not unlike the psychology of the communist system of purges. Specific legislation would help greatly to remove the inherent cowardice of bureaucrats clinging to their jobs—attempting merely to survive.

In my case, thanks to the support of several dedicated Foreign Service Officers, both active and retired, it was possible to secure a hearing under regulations based on the Civil Service model. For more than one year, thereafter, officials of the Department of State delayed by:

(a) withholding security clearances for my lawyer; and,

(b) refusing to release documents necessary for the Hearing, which I had specifically identified by title, date, content and which contained no national security information—although they bore a false indication that the material was, in fact, classified.

Had there been legislation of the sort before you today in the form of the Biester bill (HR 15457) or the Ashbrook bill (HR 8523) bureaucratic stalling of this kind would have been far more difficult.

Since Civil Service regulations were involved, I appealed to the CSC for assistance. The response of the Department of State (taken by Mr. Howard Mace, director of personnel) was to sign a letter dismissing the Hearing Chairman from State Department employment, thus endangering his future to continue on as Hearing Committee Chairman. This direct violation of the regulations appeared to be intended to break up the hearing. My direct written appeal to the CSC met with no success; in fact, a CSC letter to me dated December 21, 1970 signed by General Counsel Anthony Mondello informed me of a decision to abolish the very regulations that provided the basis for my hearing. Thus after one and one-half years of delay, the onus for which is borne by the Department of State, my Hearing Chairman was to be fired and the regulations (3FAM 1820) abolished which permitted me to initiate the first hearing in the history of the diplomatic service.

This was to happen on *April Fools Day*, to boot! Specific grievance legislation would have inhibited all such moves, of course. Thanks to intervention by Senator Buckley and several others, this crassly illegal action was prevented. The regulations specifically forbid any effort to interfer with, or intimidate, or even to appear to intimidate anyone connected with a Hearing—these were ignored.

You have heard my view that grievances (and the procedures connected with them) may be likened to fever thermometers. Everyone knows that a lot is wrong with personnel policies of the Department of State. Even Mr. Macomber is proud of more than 500 self-proclaimed reforms programmed or accomplished under his "Diplomacy for the 70s". (Something really must be wrong with a system that needed 500 reforms!) Frankly, just my own hearing and a few that have followed it have revealed the need for yet another 200 reforms, fully overhauling the promotion, efficiency rating, and selection out machinery. All of these matters are within Mr. Macomber's own area, Administration, which may explain why so few of these reforms have been suggested, much less attempted.

In the course of my own hearing, a number of serious problems have been revealed which have—to my knowledge—been totally ignored by Department authorities. This inaction is, of course, a violation by US Statute, which requires the Secretary of State to report serious violations to the Attorney General. (I refer to 68 Stat. 998; P.L. 725, 83rd Congress.) These problems include:

(1) At least two instances of Department of State Employees under oath *not* telling the truth;

(2) Violation of the Criminal Code of the United States (this felony requires dismissal from office, if convicted); the official was promoted to a desirable post *after* the facts were known and the witnesses identified (they were never contacted);

(3) Several senior officials who have filled the record with signed statements including untruths and falsities;

(4) Several serious security problems not yet acted upon.

Mr. Chairman, you have indicated that you approve of selection out because it gives the Department of State a chance to get rid of marginal officers. Personally I agree and I have been selected out. The procedures must, however, be fair. I doubt that either of us would endorse a selection out mechanism that was arbitrary, unfair, or used as a purging mechanism. In other words, you have to have a woodsman skillful enough to determine the difference between green wood and dead wood, if you wish to prune the trees in a healthy forest. Further, I do not believe that anyone can justify limiting selection out to FSOs alone while, at the same time, job opportunities inside the Department of State are denied to FSOs and reserved for outsiders or lateral entrants. That is, in fact, the state of affairs today. It clearly is in the interests of the nation to have a "tough competitive service"—the theoretical model Mr. Macomber always is talking about. The problem is, we do not have a competitive system, fairly administered. It is arbitrary and only certain areas have selection out applied to them; other areas are insulated from selection out or competition of any kind. That is the origin of most grievances today, in one form or another. If this Committee or its Chairman has been told by Mr. Macomber that selection out has been fairly administered, then it has been misled.

There are other areas in which I know that this Committee and its Chairman have been misled—and these too lead to grievances which, if only provided for in regulation, can be covered up. One of these concerns the quality of the officers being admitted into the Foreign Service.

On 24 July, 1972 I testified against confirmation by the Senate of a list containing at least 63 unqualified persons. One group included officers being reappointed to the foreign service, released initially, evidently, because they feared selection out. After winning a few promotions, they are readmitted at the FSO-3 level (i.e., full colonel). Yet they were, as a group 100% unqualified since:

(1) not a single one was indicated as having a college degree or the equivalent; and

(2) not a single one is indicated as ever having passed a test in a foreign language at a useable level.

It is not by coincidence, I think, that 82% of these persons were in the administrative cone, protected from "tough competition" from the rest of the service. You are seeing the creation of the grievance cases of the future. If you do not now provide legislation, rank injustices will continue to occupy your attention as Congressmen and members of this Committee. If you have been told in correspondence—and I know that you have been told this—that Mr. X is very good, and highly qualified, but just couldn't meet the high standards in a "tough and competitive" Service, ask yourself about the nature of the competition. If you are admitting officers without qualifications—and violating the law and regulations in so doing—at the same time you are expelling officers with admittedly high standards, the question of fairness and legality inevitably crops up.

Mr. Chairman, I attach a copy of my testimony to the Senate of July 24. No one knows better than you the millions the taxpayers have spent on languages and other training at the FSI. Has that money been squandered by the Department of State? The record suggests that it has. Furthermore, not having met the Department's own language testing standards the Department now claims by official *Department Notice* of August 14, 1972 and *Airgram* (A-7758 of August 1, 1972) that they will not enforce language standards because you, Mr. Chairman, and your colleagues in Congress did not give them enough money! In other words, if standards are low, we can't check up on how low they really are, because the Congress did not vote enough money. This provides the Department with the opportunity to claim that the picture is not as bad as a critic like the opportunity to claim that the picture is not as bad as a critic like Hemenway claims.

Now this information is pertinent to the legislation you are considering for two reasons. *It is wrong and it is an injustice* to retain unqualified persons who are not competing with or compared to much better qualified persons who are being discharged from the service. This will lead directly to legitimate grievances. Further, the officer of the US government who can abuse the law and regulations in one area will find it easy to abuse grievance regulations. For these reasons and others, specific grievance legislation is the only solution.

The point is that, if all officers of the government honestly and fairly administered the Foreign Service Act, there would be no need for grievance legislation. In fact they do not and have not, and the personnel system is sick and corrupt.

Mr. Macomber literally created a need for the "interim" grievance procedures, of which we hear so much, by abolishing 3 FAM 1820, the earlier regulations. One has to take the word of the State Department concerning the superiority and success of the "interim" procedures, for transcripts are not available for examination even after conclusion of a hearing. In every case of which I am aware, if an employee had a choice between the two procedures, he chose the earlier, allegedly "inadequate" 3 FAM 1820 procedures. The legislation before you, in effect, protects against the abuses I experienced and therefore codifies the best working procedures developed under 3 FAM 1820. Open hearings are highly desirable when they do not specifically injure any parties to a dispute. Frankly, in the Department of State environment, when hearings must be conducted in secret, personal pressures that can be brought to bear on individuals involved far exceed the capacity of all but the most resolute to withstand them. Visions of the star chamber of the 16th Century are called to mind.

Specific legislation on grievances will obviate most problems, since all parties in the foreign service community will know where they stand. All will know that violation of the norms of conduct by any supervisor (or subordinate, for that matter), will not be tolerated and that due process is available to all employees.

The need for candor and openness in discussing grievances is obvious, I think. Your Committee, Mr. Chairman, has the right to expect full and complete and accurate responses of its witnesses. Such testimony is not known to be a propensity of Department of State witnesses when asked to discuss the Department of State. Let me give you an example of this from recent Senate experience:

Senator HOLLINGS. The Foreign Service Grievance Board, you have eight positions requested there. Who is on the Board and can you give us the current status of the Board?

Mr. MACOMBER. I will be very pleased to. There was, in addition to the management gap I have spoken of, a human relations gap as well. The Department of State was pretty paternalistic on the personnel side. I don't think it has been run as unfairly as some of the critics say, because the people running it tried to be fair, but there were certainly not, in this day and age, acceptable due process forms available to career people. In my opinion, the standing of the foreign service officer from the career point of view was about the same as a student at a university campus. He really had very little in the way of rights. This was going on in a career where people are selected out. It is like the military rule. If you don't get promoted in a certain length of time you have to leave the service. So it was a very competitive system with an informal grievance procedure in the Service, which is still a very small Service—only 3,000 foreign service officers. If somebody thought he was getting a rooking, usually he knew somebody who knew somebody to get the situation looked at, and rectified fairly. But I won't say mistakes weren't made. There was an informal system. . . .

We did not have an effective grievance procedure before. We now have a grievance procedure. . . .

(*Source:* p. 757 of the Senate Appropriations Subcommittee hearings on the Department of State, March 20, 1972.)

At least two misleading statements are contained in Mr. Macomber's statement cited above, although much of it parallels what I have told the Committee. *First:* the analogy with the military is not valid. In the military, after twenty years service, a pension is automatic—in fact, it is guaranteed after 18 years. John Hemenway was never low-rated and, after twenty-four years of service without a blemish was dismissed without a pension. Similarly, Charles Thomas was thrown out in the same year after twenty plus years of service, never having been low rated, because of unconstitutional *ex post facto* changes in the regulations. *Second:* It simply is not true that no effective grievance procedures existed prior to the "interim procedures. There was 3FAM1820, based on the CSC model in chapter 771 of the Federal Personnel Manual. Mr. Macomber abolished 3FAM1820, then restored it, and then abolished it finally to create a need.

The claim is advanced that regulations provide the administrator with "flexibility" (always assumed to be desirable, evidently). Had the grievance procedures been in statute form, Mr. Macomber and his administrators would have been deprived of the "flexibility" necessary to abolish regulations they found inconvenient. Obviously legislation is the only way a government can enforce personal responsibility on bureaucrats whose "track record" indicates that their primary skill lies in dodging personal responsibility. (I note in passing that Mr. Macomber declined to appear as a witness at my Hearing in December 1971 on the grounds that he was not familiar with the details of my complaint and had avoided learning anything about them. Several letters bearing Mr. Macomber's signature were submitted to establish that just the contrary was true.)

I believe the need is simple and clear: a statutory requirement can not be abused without a clear risk on the part of an errant official. Let me demonstrate this once again in the context of two Executive Orders (EO 11636 and EO 11491) which your Committee staff consultant has incorporated into the July 25, 1972 Committee print entitled: "Background Material on Foreign Service Grievance Procedures." (See: p. 29 and p. 59)

Mr. Macomber claims to tie much of his hopes for effective grievance machinery on the outcome of effective employee-management relations machinery. He must know that this is a slender reed upon which to rest his expectation. I think that you and most of the members of this Committee already have perceived that Mr. Macomber prefers to have regulatory grievance machinery, because it is "flexible". Again I shall cite Senate testimony because Mr. Macomber seems to speak more candidly to the Senate Committee than to your Committee, Mr. Chairman. On March 20, 1972, Mr. Macomber told Sen. Hollings:

Mr. MACOMBER. The Secretary in talking to this [interim grievance] Board, when they began, charged them with this: He said, I want you to protect the boat rockers.

Now, we call it our 'interim grievance procedure' because it has been put in unilaterally by management because a much better grievance procedure than we had before was urgently needed. It was unilaterally put in, however, and the definite grievance procedure should clearly be hammered out in the employee management relations system. That is where grievance procedures of this kind are generally worked out.

I have . . . suspended all selections out pending the election of an employee representative so we can sit down and review the whole selection out system. I myself am persuaded they will agree to continue the selection out system. . .

Well, as you know, Mr. Chairman, there are only two possible employee-management groups in contention, i.e., AFSA and AFGE. This Committee has heard testimony from both. AFSA and AFGE might both have their differences, but both support formal grievance legislation as codified by the Biester or Ashbrook bill. It is that simple—what then are we waiting for? I think some correspondence I have had recently may reveal the answer: (TAB III a, b, c)

We are waiting for Mr. Macomber to stack the deck. He anticipates that the American Foreign Service Association (AFSA) will become the exclusive representative of the employees of the Department of State and that through their Board, he will be able to manipulate grievance regulations as in the past.

I am a member of AFSA; I first joined in 1955. I am not a member of AFGE or of any other union. However, I think that all Americans recognize the great and important role played by unions and the necessity of a free and democratic trade-union movement in the development and survival of the American way of life. However, AFSA is not a union; it is a professional organization and always has been. Unfortunately, under the present management it has displayed certain undemocratic tendencies which, I believe, disqualify it under EO 11636 as an employee group. The present AFSA Board, I believe, is attempting to qualify as a "union" which will, in effect do the bidding of management at the Department of State. It will be, in short, a "company union." On five or six occasions during 1972, I have formally protested the undemocratic practices of the present AFSA Board of Directors to the appropriate authorities at the Department of State and the Department of Labor. The result, to date, has been a further lesson—and a remarkable one, at that—in how a bureaucrat evades assigned responsibility. To turn any part of grievance mechanisms offering the promise of due process over to such a "union" as AFSA would be to condemn the grievance machinery to ineffectiveness. I submit for the record the correspondence cited. Again, it suggests that the only answer is specific legislation before the matter gets caught up in other more parochial struggles.

No doubt you, Mr. Chairman, and other members of this Committee have set a few things straight too. You know that there is a great deal of tragedy here in addition to that of Charles Thomas. Thomas was selected out with me. He was, by the way, the only other officer I ever knew about who was not low rated, but nevertheless, thrown out after more than twenty years service without a pension. Thomas was a lawyer and took an interest in the conduct of my Hearing; he had intended to attend the 5th session.

Possibly a limited amount of tragedy in life is unavoidable. Imagine the effect on the foreign service-at-large, when misbehavior not only is not punished, but rewarded. What lessons should a junior foreign service officer draw when he sees ethical norms turned upside down with evident approval from all sides?

The need is clear, it seems to me. The legislation before you is the only possible way to protect due process and individual rights in the Foreign Service. You will not be flooded with actions; you will be spared complaints that individual officers were injured by various chicanery and legerdemain of administrators above and around them.

Thank-you for considering my views today.

CONGRESSMAN ICHORD'S VOTING RECORD

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. ICHORD. Mr. Speaker, when I first came to Congress I adopted the practice of compiling my voting record and sending the same to every household in the Eighth Congressional District of Missouri, which I have the privilege of representing in the Congress. By means of such compilation, numerous press, radio, and TV releases, speeches and newsletters, I have endeavored to keep the people I represent informed of my activities and voting record on the legislative issues considered by Congress.

During the 1971 session of the Congress there were 211 yea-and-nay votes, 151 quorum calls and 108 recorded teller votes, a grand total of 470 rollcalls to which I answered 84.4 percent of the time. During the 1972 session up until August 14—the last day of the 1972 session covered by this compilation—there were 168 yea and nay votes, 93 quorum calls, and 59 recorded teller votes, a grand total of 320 rollcalls to which I answered 86.5 percent of the time. Many of the votes or quorum calls I missed were due to my presence in meetings of the House Committee on Internal Security which I chair and which has authority to meet while the House is in session.

The Eighth Congressional District now consists of 18 counties and part of the county of St. Louis. The diversity of the district and the complexity of interests and pursuits of the people of the district make it impossible for everyone to agree with every vote I have cast, but whether or not one may consider my vote right or wrong the record does show, I believe, that my work and votes have been the product of my own independent thinking as to what is best for my district, State, and Nation.

I have directed my staff to compile my record on all the major and controversial votes in Congress with a brief description of the subject matter and issues involved. Due to the fact that the number of votes have been substantially increased by reason of the new practice of recorded teller votes, the costs of printing and distribution make it prohibitive for me to distribute the compilation this year to every household. Therefore, I am placng the same in the CONGRESSIONAL RECORD with notice to my constituents that the same will be provided upon request. The compilation of my voting record on 140 recorded votes during both sessions of the 92d Congress up to and including August 14, 1972, is as follows:

Bill No.	Description	My vote
H.R. 4690	A bill to increase the national debt ceiling from $395,000,000,000 to $430,000,000,000. (Passed 228 to 162.)	No.
H.J. Res. 465	Resolution appropriating $50,700,000 to cover unemployment compensation payments to ex-GI's. (Passed 355 to 0.)	Yes.
H.J. Res. 468	An amendment to stop further funding of the SST. (Passed 214 to 204.)	No.
S.J. Res. 7	Resolution proposing an amendment to U.S. Constitution to lower the voting age to 18 for all elections, State and local as well as Federal. (Passed 401 to 19.)	Yes.
H.R. 7	Bill to provide additional financing for rural telephone service by setting up a Rural Telephone Bank with initial Government financing, but with the object that it would eventually be privately controlled. (Passed 269 to 127.)	Yes.
H.R. 6531	An amendment to prohibit the use of draftees in any war except for declared wars or in case a declared war is imminent. (Defeated 96 to 278.)	No.
H.R. 6531	Final passage of bill to extend draft for 2 years, and provide for increases in military pay. (Passed 293 to 99.)	Yes.
H.R. 7016	An amendment to add $728,600,000 to the Education appropriations bill. (Defeated 187 to 191.)	Yes.
H.R. 7016	Final passage of bill making appropriations for the Office of Education and related agencies for fiscal year ending June 30, 1972. (Passed 355 to 7.)	Yes.
H.R. 5376	Bill authorizing $5,500,000,000 for public works projects and regional economic development. (Passed 319 to 68.)	Yes.
H.R. 6444	Bill to increase railroad retirement by 10 percent. (Passed 379 to 0.)	Yes.
H. Res. 274	Resolution to appropriate $570,000 for the operation of the House Internal Security Committee. (Passed 300 to 75.)	Yes.
H.R. 4604	Bill authorizing the continuance of various small business programs through 1972 and increase the ceiling on SBA loans from $2,200,000,000 to $3,100,000,000. (Passed 383 to 0.)	Yes.
H. Res. 412	Bill to authorize additional foreign travel for Education and Labor Committee. (Defeated 156 to 172.)	No.
H.R. 7271	Bill to authorize a $600,000 increase to $4,000,000 in the appropriations for the U.S. Commission on Civil Rights. (Passed 262 to 67.)	Yes.
H.R. 5257	Bill to authorize transfer of $150,000,000 to provide more money for free and reduced cost lunch programs for poor children. (Passed 332 to 0.)	Yes.
H.R. 5060	Bill providing criminal penalties for most hunting or harassment of wildlife from or by aircraft. (Passed 307 to 8.)	Yes.
H.J. Res. 642	Resolution agreeing to temporarily end the railway signalmen's strike with temporary prohibition of strikes and lockouts in regard to this dispute and providing for an interim 13.5 percent pay increase for the signalmen. (Passed 265 to 93.)	Yes.
H. Res. 415	A resolution authorizing the committee on Post Office and Civil Service to conduct studies and investigations within its jurisdiction. (Passed 201 to 88.)	Absent.
H.R. 8011	Bill to extend provisions relating to Government procurement of commodities produced by the blind to include commodities produced by other severely handicapped individuals. (Passed 309 to 0.)	Yes.
H.R. 7960	Bill authorizing $622,000,000 for National Science Foundation for fiscal year 1972. (Passed 319 to 8.)	Yes.
H.R. 8694	Bill to provide for payment of cost of certain medical services for District of Columbia policemen, firemen, and other law enforcement officials retired for total disability incurred in line of duty. (Passed 311 to 1.)	Yes.
H.R. 8687	An amendment to strike out $370,200,000 for development of the B-1 manned bomber. (Defeated 97 to 307.)	Yes.
H.R. 8687	Final passage of bill authorizing $21,000,000,000 for weapons research and procurement for fiscal year 1972. (Passed 331 to 58.)	Yes.
H.R. 1	A bill to reform the welfare laws and make changes in social security laws, such as automatic cost of living increases in social security benefits effective June 1, 1972; an increase from $1,680 to $2,000 of the amount a social security beneficiary under age 72 can earn without losing part of his benefits; extension of coverage of medicare protection; a new program of aid to needy aged, blind, and disabled persons; and the family assistance plan intended to keep families together with dependent children and create incentives to get them off the welfare rolls and on payrolls. (Passed 288 to 132.)	Yes.
H.R. 8805	Bill to strengthen the laws restricting the sending of obscene matter through the mails. (Passed 356 to 25.)	Yes.
H.R. 9844	Bill to authorize $2,400,000,000 for military construction for fiscal year 1972. (Passed 359 to 31.)	Yes.
H.R. 9270	Final passage of the $13,300,000,000 appropriations bill for the Agriculture Department and for environmental and consumer protection programs for fiscal year 1972. (Passed 230 to 162.)	Yes.
H.R. 10061	An amendment to add $82,400,000 for vocational rehabilitation programs, in addition to other money already in the bill for this purpose. (Passed 236 to 153.)	Yes.
H.R. 10061	Bill to appropriate $20,500,000,000 for the Labor and Health, Education, and Welfare Departments and related agencies for fiscal year 1972. (Passed 273 to 25.)	Yes.
H.R. 9922	Bill to extend the Public Works and Economic Development Act of 1965 containing an authorization of $4,000,000,000 over several years for public works, econlmic development and Appalachian regional development. (Passed 276 to 27.)	Yes.
H.R. 9382	Final passage of $18,300,000,000 fiscal 1972 appropriations for Department of Housing and Urban Development, NASA, Veterans Administration and various independent offices. (Passed 363 to 30.)	Yes.
H.R. 9667	Final passage of $8,156,000,000 appropriations bill for fiscal year 1972 for the Transportation Department and related agencies. (Passed 393 to 15.)	Yes.
H.R. 10090	Bill to appropriate $4,576,000,000 for fiscal year 1972 for public works, the Atomic Energy Commission and related agencies. (Passed 386 to 4.)	Yes.
H.R. 8432	Bill guaranteeing a $250,000,000 loan to Lockheed Aircraft Co. (Passed 192 to 189.)	No.
H.R. 9272	Final passage of the $4,067,000,000 fiscal 1972 appropriations bill for the Department of State, Justice and Commerce. (Passed 337 to 35.)	Yes.
H. Res. 539	A resolution calling for the HEW Secretary to furnish a list of public school systems which will be receiving Federal funds and will be busing schoolchildren to achieve racial balance. (Passed 351 to 36.)	Yes.
H.R. 3628	Bill to further provide equality of treatment for married women Federal employees. (Passed 377 to 11.)	Yes.
H.R. 9910	Bill authorizing $3,444,000,000 in foreign aid for fiscal year 1972 and $4,494,000,000 for fiscal year 1973. (Passed 202 to 192.)	No.
H.J. Res. 833	Emergency Employment Appropriations bill allotting $1,000,000,000 for the Labor Department to put into effect a plan for federally subsidized public service jobs at the State and local level. (Passed 321 to 76.)	Yes.
H.R. 234	Bill to remove the provisions of title II of the Internal Security Act with regulated the establishment of detention camps in time of national emergency. (Passed 356 to 49.)	No.
H.R. 1746	Equal Employment Enforcement Act which allows the Equal Employment Opportunity Commission to bring suit in Federal courts for enforcement of Federal antijob discrimination laws, instead of allowing EEOC to issue cease and desist orders. (Passed 285 to 106).	Yes.
H.R. 9166	An amendment to cut the appropriations for the Peace Corps for fiscal year 1972 from $77,200,000 to $50,200,000. (Defeated 113 to 232.)	Yes.
H.R. 10351	An amendment to reduce from 100,000 to 10,000 the population for a community to qualify as a prime sponsor for benefits under the proposed comprehensive child development provisions of the economic opportunities program. (Passed 226 to 158.)	Yes.
H.R. 9961	A bill to provide temporary insurance for the members' accounts of certain Federal credit unions, and for other purposes, as amended (⅔ required). (Failed 197 to 122.)	Absent.
H.J. Res. 208	Resolution proposing an amendment to the U.S. Constitution guaranteeing equal rights to both women and men. (Passed 354 to 24.)	Yes.
H.R. 10835	Bill proposing the establishment of a Consumer Protection Agency as an independent agency, plus an Office of Consumer Affairs in the White House, plus a Consumer Advisory Council. (Passed 345 to 44.)	Yes.
H.R. 9844	Final passage of conference report on the $1,986,000,000 military construction authorization bill for fiscal year 1972. (Passed 371 to 26.)	Yes.

Bill No.	Description	My vote
H.R. 10670	Bill to establish a survivor benefit plan so that career military personnel could leave part of their retired pay to their survivors. (Passed 372 to 0.)	Yes.
H.R. 2266	Bill proposing an authorization of $1,500,000,000 in Federal aid to school districts which are desegregating, a portion of which would be used to pay for busing to achieve racial balance. (Defeated 135 to 222.)	No.
H.R. 8389	Bill to provide for treatment programs for drug abusers confined to or released from correctional institutions and facilities. (Passed 350 to 0.)	Yes.
H.R. 9180	Bill to provide for temporary assignment of U.S. magistrates from one judicial district to another. (Passed 344 to 10.)	Yes.
H.R. 11232	Bill to expand lending authority of the farmer-owned cooperative lending system. (Passed 331 to 19.)	Yes.
H.R. 2	Bill proposing the establishment of a Uniformed Services University of the Health Sciences to help alleviate a shortage of military personnel in the health services. (Passed 352 to 31.)	Yes.
H.R. 7248	Amendment to prohibit the use of Federal funds for busing of students or teachers to overcome racial imbalance, or for the purchase of equipment for such transportation and forbade the forcing of States or local governments to spend funds for such busing.	Yes.
H.R. 7248	Passage of the higher education bill to extend Federal programs to aid colleges and general aid to higher education program and authorized $1,500,000,000 in Federal aid to school districts which are desegregating, with specific provisions prohibiting Federal aid for busing. (Passed 332 to 38.)	Yes.
H.J. Res. 191	Resolution submitting to the States a constitutional amendment to allow voluntary prayer in the public schools. (Resolution passed 240 to 163 but failed to receive necessary ⅔ majority.)	Yes.
H.R. 10729	Bill to revise Federal laws regarding pesticide controls. (Passed 288 to 91.)	Yes.
H.R. 9212	Bill to extend benefits to orphans whose fathers died of black lung disease and expand black lung benefit program. (Passed 311 to 79.)	Yes.
H.R. 8687	Bill to require the President to remove embargo on the importation of chrome ore from Rhodesia if chrome ore was being imported from any Communist country. (Passed 251 to 100).	Yes.
H.R. 11302	Passage of the National Cancer Attack Act of 1971 which is intended to strengthen the National Cancer Institute and the National Institutes of Health. (Passed 350 to 5.)	Yes.
H.R. 11652	Bill to liberalize provisions regarding payment of armed services dependency and indemnity compensation. (Passed 350 to 0.)	Yes.
H.R. 11731	Amendment to cut out $802,000,000 for purchase of F-14 aircraft. (Defeated 76 to 311.)	No.
S. 18	Bill authorizing $74,500,000 for Radio Free Europe and Radio Liberty over a 2-year period for fiscal years 1972 and 1973. (Passed 271 to 12.)	Yes.
H.R. 9526	Bill authorizing the loan of U.S. naval vessels to Greece, South Korea, Spain, Italy, and Turkey. (Passed 260 to 116)	Yes.
S.J. Res. 176	Bill extending authority of HUD Secretary to establish maximum interest rates on FHA mortgage insurance program and revising National Flood Insurance Act provisions. (Passed 357 to 4.)	Yes.
H.R. 1163	Passage of strategic grain reserves bill proposing a national grain reserve of 300,000,000 bushels of wheat and 25,000,000 bushels of feed grains with the Government purchasing this grain. (Passed 181 to 170.)	Yes.
H.R. 10947	Tax bill to include such things as repeal of excise tax on automobiles and pickup trucks, reinstatement of 7-percent investment credit for businesses, increase minimum standard deductions on individual income taxes and to liberalize child care deductions and other deductible items. (Passed 321 to 75.)	Yes.
H.R. 11309	Bill to extend Economic Stabilization Act until Apr. 30, 1973, to allow Presidential authority to freeze wages, prices, etc., to control inflation. (Passed 326 to 33.)	Yes.
H.R. 10367	Final passage of bill to award Alaskan Natives $962,500,000 and 40 acres of land to settle land claims. (Passed 307 to 60.)	Yes.
H.R. 11371	Final passage of conference report on Defense Appropriation Bill allotting $70,500,000,000 for national defense for fiscal year 1972. (Passed 293 to 39.)	Yes.
S. 382	Election Reform bill to place specific limits on most media expenditures in campaigns for Federal office, with not more than 60 percent of money to be spent on media to go for TV and radio. The bill also strengthened regulations for collecting, spending and reporting campaign contributions. (Passed 334 to 20.)	Yes.
S. 2819	Adoption of conference report of $2,752,000,000 for foreign aid authorization for fiscal year 1972 and $984,000,000 for foreign economic aid for fiscal year 1973. (Passed 204 to 179.)	No.
S. 1163	Bill authorizing grants to States for the purpose of providing low cost nutritious meals for elderly people. (Passed 350 to 23.)	Yes.
H.R. 12186	Bill to strengthen penalties for violations of the Bald Eagle Protection Act. (Passed 352 to 7.)	Yes.
H.R. 12741	Bill to extend the Water Pollution Control Act through June 30, 1972 with additional funds. (Passed 339 to 7.)	Yes.
H. Res. 164	Bill to establish a Select Committee on Privacy, Human Values and Democratic Institutions. (Defeated 168 to 216.)	Yes.
H.J. Res. 1025	Resolution providing that the west coast dock strike be ended immediately and settled by compulsory arbitration. (Passed 214 to 139.)	Yes.
H. Res. 849	Resolution to appropriate $525,000 for the operation of the House Committee on Internal Security for 1972. (Passed 303 to 102.)	Yes.
H.R. 11384	Bill to authorize $315,500,000 for high speed ground transportation research and development. (Passed 361 to 14.)	Yes.
H.R. 2589	Bill to require questions on race and occupation to be answered on qualification forms for prospective Federal jurors for aid in enforcement of nondiscrimination in selection of Federal juries. (Passed 317 to 27.)	Yes.
H.R. 12828	Bill to increase rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans. (Passed 358-0.)	Yes.
S. 659	Motion to instruct House conferees to insist on House-passed anti-Federal aid to busing provisions in the Higher Education bill. (Passed 272 to 140.)	Yes.
H.R. 10420	Bill to establish a Marine Mammal Commission and place a 5-year moratorium on the killing of most marine mammals such as whales, seals, sea otters, and polar bears. (Passed 361 to 10.)	Yes.
H.J. Res. 1097	Resolution to provide a supplemental appropriation of $957,000,000 for such things as unemployment benefits and student loan insurance funds. (Passed 365 to 16.)	Yes.
H.R. 12910	Bill to authorize a temporary $20,000,000 increase in the national debt limit to $450,000,000,000. (Passed 238 to 150.)	No.
S. 2097	Adoption of conference report to establish a Special Action Office of Drug Abuse for the purpose of coordinating drug abuse prevention programs of the various Federal agencies (excluding the law enforcement agencies) with an authorization of $1,000,000,000. (Passed 366 to 0.)	Yes.
H.R. 8395	Bill to provide for a 3-year extension and expansion of programs to rehabilitate the physically, mentally, or socially disabled. (Passed 327 to 0.)	Yes.
H.R. 4174	Bill to amend Uniform Time Act to give the States the liberty to have daylight savings time within parts of the State without the requirement to have it throughout the State. (Passed 333 to 7.)	Yes.
H.R. 13120	Bill to reduce the par value of the dollar to a theoretical 1/38th of an ounce of gold from the previous theoretical 1/35th of an ounce of gold. (Passed 343 to 43.)	No.
H.R. 13592	Bill to establish a national program to fight sickle cell anemia. (Passed 329 to 0.)	Yes.
H.R. 11896	Amendment to Water Pollution Control bill to require industry in all cases to have the best available waste treatment technology in by 1981 regardless of cost involved or unemployment that might be created. (Defeated 140 to 249.)	No.
H.R. 13324	Bill to authorize $555,800,000 for the fiscal year 1973 Maritime Administration programs. (Passed 365 to 13.)	Yes.
H.R. 13188	Bill to authorize $141,800,000 for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard. (Passed 373 to 1.)	Yes.
H.R. 13336	Bill to provide a 2-year authorization of $22,000,000 for U.S. Arms Control and Disarmament Agency functions. (Passed 349 to 20.)	Yes.
H.R. 14070	Bill to authorize $3,400,000,000 for funds for the national Aeronautics and Space Administration for fiscal year 1973. (Passed 277 to 60.)	No.
H.R. 14108	Bill to authorize $681,000,000 for fiscal year 1973 for funds for the National Science Foundation. (Passed 329 to 16.)	Yes.
H. Res. 918	Motion to table, and thereby kill, a resolution to require the President and Secretary of Defense to provide very detailed information on U.S. military activities in Southeast Asia which might have adversely affected our troops in Southeast Asia. (Passed 270 to 113.)	Yes.
S. 2713	Bill to authorize Attorney General to provide care for narcotic addicts who are released, paroled or placed on probation. (Passed 325 to 0.)	Yes.
H.R. 12652	Bill to extend for 5 years the life of the Commission on Civil Rights and expand its jurisdiction to include discrimination because of sex. (Passed 265 to 66.)	Yes.
H.R. 13591	Bill to change the name of the National Institute of Arthritis and Metabolic Diseases to the National Institute of Arthritis, Metabolism and Digestive Diseases in order to emphasize research in field of digestive diseases. (Passed 358 to 10.)	Yes.
H.R. 13089	Bill to provide for acceleration of tree planting programs on national forest lands in need of reforestation. (Passed 371 to 5.)	Yes.
H.J. Res. 55	Bill to provide for erection of a monument in or near District of Columbia to honor the Seabees of the U.S. Navy. (Passed 366 to 4.)	Yes.
H.R. 7130	Bill to increase the minimum wage to $2 per hour by 1973. (Passed 330 to 78.)	Yes.
H.J. Res. 812	Bill to authorize the Secretary of the Interior to participate in the planning and design of a national memorial to Franklin Delano Roosevelt. (Passed 332 to 8.)	Yes.
H.R. 14989	Amendment to restore $25,100,000 for the U.N. and related agencies and to delete a provision to limit the U.S. payment to the U.N. as not to exceed 25 percent of the total annual assessment. (Defeated 156 to 202.)	No.
H.R. 14989	Amendment which proposed cutting out the entire $450,000 appropriation for the Subversive Activities Control Board. (Defeated 106 to 206.)	No.
H.R. 14989	An amendment to prohibit the payment of salaries of Government employees who refused to testify before congressional committees. (Defeated 132 to 180.)	No.
H.R. 14989	An amendment to prohibit the use of funds appropriated in this bill for wiretaps on conversations of Members of Congress or the Federal Judiciary. (Defeated 71 to 231.)	No.
H.R. 6788	Bill to establish mining and mineral research centers and to promote a more adequate national program of mining and mineral research. (Passed 273 to 33.)	Yes.
H.R. 11627	Bill to require Federal standards for auto bumpers and set up a consumer information program on auto repair costs. (Passed 254 to 38.)	Yes.
H.R. 15093	Bill to appropriate $19,700,000,000 for HUD, Veterans' Administration, NASA, and various independent agencies for fiscal year 1973. (Passed 367 to 10.)	Yes.
H.R. 9669	Bill to grant specific duties to the Subversive Activities Control Board to investigate and compile a list of subversive type organizations whose members would be carefully investigated before receiving any type of Federal employment. (Passed 226 to 105.)	Yes.
H.R. 13918	Bill to authorize $165,000,000 for the Public Broadcasting Corporation for fiscal year 1973 and 1974. (Passed 256 to 69.)	Yes.
H.R. 12674	Bill to set up a National Cemetery System within the Veterans' Administration and authorized a $150 cemetery plot allowance for the burial of veterans not buried in Federal cemeteries. (Passed 312 to 4.)	Yes. Yes.
H.R. 10792	Bill to increase the ceiling on various Small Business Administration loans. (Passed 320 to 0.)	Yes.
H.R. 12846	Bill to facilitate treatment and rehabilitation of Armed Service drug addicts and to authorize keeping persons in the Armed Services for an extra 30 days for drug treatment programs. (Passed 322 to 1.)	Yes.
H.R. 15418	A bill making appropriations for Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes. (Passed 378 to 9.)	Absent.
S. 3342	Bill to increase the maximum amount of grant payable for specially adapted housing for disabled veterans. (Passed 341 to 0.)	Yes.
H.R. 14370	Bill to authorize Federal revenue sharing payments to State and local governments totaling $29,600,000,000 over a 5-year period. (Passed 275 to 122.)	Yes.
H.R. 15507	Bill to provide a Federal guarantee of up to $1,200,000,000 in bonds to be issued for the Washington Metropolitan Area Transit Authority for District of Columbia subway construction. (Passed 282 to 75.)	No.
H.R. 15586	Bill to appropriate $5,400,000,000 for public works for water and power development for such agencies as Federal Power Commission and the Atomic Energy Commission. (Passed 347 to 17.)	Yes.
H.R. 15495	Amendment to cut $300,000,000 from the authorization for SAFEGUARD anti-ballistic missile procurement. (Defeated 116 to 258.)	No.

Bill No.	Description	My vote
H.R. 15495	Amendment to cut out the entire $445,000,000 proposed for future development of the B-1 bomber. (Defeated 94–279.)	No.
H.R. 15495	Amendment to prohibit the building of an ABM site in the Washington, D.C. area. (Defeated 128 to 261.)	No.
H.R. 15495	Amendment to cut off all funds authorized in the bill as of Sept. 1, 1972, for military activity in Indochina, subject to the release of U.S. prisoners and an accounting for U.S. men missing in action. (Defeated 152–244.)	No.
H.R. 15495	Passage of military procurement authorization bill calling for $21,300,000,000 for procurement, research and development of weapons systems, aircraft, naval vessels and missiles. (Passed 334 to 59.)	Yes.
H.R. 15587	Bill to provide for a 6-month extension of the emergency unemployment compensation program with unemployment benefits extended beyond the usual number of weeks in States with high unemployment rates. (Passed 275 to 108.)	Yes.
H.R. 15690	Amendment which sought to prohibit the issuance of food stamps to households which need assistance solely because a member of the household was on strike. (Defeated 180 to 199.)	Yes.
H.R. 15691	Passage of bill to appropriate $12,900,000,000 for the Agriculture Department, the Environmental Protection Agency, consumer protection programs and rural development for fiscal year 1973. (Passed 346 to 33.)	Yes.
H.R. 15692	Bill to reduce the interest rate on Small Business Administration disaster loans. (Passed 325 to 9.)	Yes.
H.J. Res. 1238	Bill to provide a supplemental appropriation of $200,000,000 for emergency flood relief for damage resulting from Hurricane Agnes. (Passed 356 to 1.)	Yes.
H.R. 15390	Bill to extend the temporary national debt limit with amendments adopted by the Senate providing for a 20 percent increase in Social Security benefits. (Passed 302 to 35.)	Yes.
H.R. 14424	Bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Aging. (Passed 380 to 10.)	Yes.
H.R. 13366	A bill to provide for payment of losses incurred by domestic growers, manufacturers, packers, and distributors resulting from barring the use of cyclamates in foods. (Passed 177 to 170.)	No.
H.R. 12931	A bill to provide for improving the economy and living conditions in rural America. (Passed 340 to 36.)	Yes.
H.R. 15474	A bill to amend the Public Health Service Act to provide assistance for programs for the diagnosis, prevention, and treatment of, and research in, Cooley's anemia. (Passed 377 to 11.)	Yes.
H.R. 15989	An amendment to the Export Administration Act of 1968 rescinding export quotas on cattle hides.	Yes.
H.R. 15927	A bill to amend the Railroad Retirement Act to provide a 20-percent increase in annuities. (Passed 399 to 4.)	Yes.
H.R. 16029	Foreign Assistance Act of 1972	No.

THE EMERGENCY EMPLOYMENT ACT: A PROGRESS REPORT

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. STEIGER of Wisconsin. Mr. Speaker, in the September 1972 issue of the Conference Board Record, Dr. Sar A. Levitan published an article evaluating the Emergency Employment Act of 1971. Dr. Levitan is the director of George Washington University's Center for Manpower Policy Studies and also vice chairman of the National Manpower Policy Task Force. His evaluation is indeed constructive and I would like to again share with my fellow Members of Congress the remarks of an esteemed friend.

The article follows:

THE EMERGENCY EMPLOYMENT ACT: A PROGRESS REPORT

(By Sar A. Levitan)

As committed conservatives and fickle liberals join in concerted attacks on government efforts to help the unemployed and disadvantaged, the Emergency Employment Act must be a source of comfort to the remaining believers in the welfare state because it is a case study in efficient government activity. It illustrates the ability of the Federal Government to commit massive resources for needed social goals, and its rapid implementation belies the presumed slow pace of governmental activity.

Cynics may suggest that there are always enough recipients for handouts and that Federal officials hardly deserve credit for giving away a billion dollars. But recent history is filled with instances where Federal funds were not allocated or were improperly diverted. For instance, a few months after the Emergency Employment Act was passed, Congress also enacted legislation to create jobs for welfare recipients. It took the Federal bureaucracy more than six months even to submit a request for the funds needed to carry out the Congressional mandate, and earlier appropriations have gone unspent. Eight months have elapsed since the legislation was enacted; thus far it has not generated a single job, if the paper-pushing that must have occurred in the meantime is discounted. It is not always easy to give away money for useful social purposes.

In contrast, the facts about the Emergency Employment Act are refreshing. Congress passed the enabling legislation in July 1971 and within four weeks had appropriated the necessary funds. Federal officials had checks ready for state and local governments to start hiring within a matter of days, and unemployed workers were on the payroll within a month after the appropriation was made. Within six months, all funds were committed, and more than 140,000 workers were on the payrolls of state and local governments. The EEA guidelines were issued within three days after the funds became available. Spurred by high unemployment and the eagerness of the unemployed to find jobs, "normal" hiring procedures were bent to fill the EEA-funded jobs. According to a General Accounting Office study, some communities had 16 applicants for each vacancy.

There was also concern that special interest groups slighted by the allocation of jobs would block implementation. In a few cases unions or other groups did secure injunctions that prevented the state and local authorities from filling EEA slots. Hassles among conflicting interests also delayed action in a number of instances. For example, six months after funds became available, the University of Illinois, which was the beneficiary of more than $1 million, had not hired a single person, and the funds went begging. But such roadblocks were rare, and the unemployed were hired to perform needed public functions.

Initially, at least, EEA was stymied little by either special interest groups or the frequent propensity to inaction of state and local officialdoms. And where delays did occur, the feds promptly stepped in to stimulate necessary action. Even President Nixon got into the act when a number of jurisdictions were initially slow to fill EEA slots. Though the Administration attempted to portray the EEA as an exercise in revenue sharing, in fact the Federal presence was noted at every step—from the allocation of funds to ascertaining that Federal objectives were being followed in the hiring of unemployed workers.

Federal guidelines and monitoring did not, however, force state and local officials to act in unison or mold their programs into a single pattern. Great diversity and considerable initiative was shown by state and local officials in implementing the legislation within Federal guidelines. Some communities with high unemployment among the unskilled and the disadvantaged used the Emergency Employment Act funds to expand entry jobs requiring little education or training, while other communities placed top priority on pressing public needs and hired unemployed skilled and professional workers.

THE CHOSEN PEOPLE

No claim is made that the Emergency Employment Act is a model piece of legislation. On the contrary, the administrators of the act at the Federal, state and local level achieved efficient implementation only by ignoring the inherent contradictions of the legislation.

The law authorized the expenditure of $1 billion during the first year and $1.25 billion during the second year. At an average annual Federal contribution of $7,000 per job, it was estimated that the legislation would generate 140,000 jobs during the first year and an additional 35,000 jobs during the second year.

Funds were sufficient to hire only a small proportion of the millions throughout the nation who were seeking work. Nonetheless, Congress was not to be denied an opportunity to make political hay and stipulated that preference for the limited number of jobs be given to Vietnam veterans, former participants of manpower programs, young persons entering the labor force, older workers, migrant workers, persons whose native tongue is not English, welfare recipients, and workers displaced by technological change. Obviously, there was not enough money to hire all those who were assigned priority.

Each of the 650 program agents—state, county, city, and Indian reservation officials—had to determine what priorities suited each jurisdiction best, but at the same time could not ignore other legitimate applicants for jobs. As of mid-1972 all these groups were represented among the 145,000 persons on the EEA rolls (Table 1). Inevitably, any group could claim to be represented inadequately. But given the vague criteria spelled out in the legislation, any distribution of the limited number of jobs would be necessarily arbitrary and obviously could not satisfy all claimants.

A billion dollars may be a lot of money, but it was far from enough to establish a tight labor market in an economy where 5 million workers were idle. State and local officials acted as employers naturally do and tried to get the most promising applicants from among the several categories that they were legally required to favor. Two of every three persons hired had been unemployed less than 15 weeks. Some argued that the legislation should have favored the long-term unemployed who average about 1.2 million, or about a quarter of all the unemployed in the country during the first year of EEA. But hiring only the long-term unemployed would have greatly circumscribed the eligible population and might even have been contrary to the law.

Another issue centered about the proportion of disadvantaged persons hired. Federal guidelines define as disadvantaged any jobseeker who is poor and is a member of a minority group, below 22 years or above 44 years of age, or has less than a high school education. According to the official statistics, 37% of all hired by mid-1972 were in this category. But there is considerable room to question these data, and the National Manpower Policy Task Force case studies, as well as General Accounting Office investigations, indicate that some program agents applied the disadvantaged definition loosely in order to meet Federal criteria.

Other characteristics of the EEA hires also suggest that the data about the disadvantaged persons may not have been precise. Less than a quarter of all the hires had less than a high school education. While many people even with a high school diploma may be poor, the majority in this group would not meet the disadvantaged criteria. Very few persons hired with EEA funds had earned less than $1.60 an hour on their prior job, though there was a pool of 3 million people in the United States in this category.

THE NET GAIN

There is no need to belabor the point: the EEA is not antipoverty legislation, but rather an effort to create jobs for those who are forced into idleness during a period of high unemployment. A more crucial question, therefore, may be the number of jobs that the EEA actually created. On this most significant issue, the official statistics are of even less help. We know the number of people that program agents placed on EEA payrolls, but this does not mean that all these jobs would not have been filled in the absence of EEA.

Despite the alleged manpower shortages in local and state governments, their payrolls have been rising year after year, during good times and during recessions. In the decade preceding the passage of EEA, employment of state and local government rose by about two-thirds, and it continued to rise during the recent recession when private employment remained stagnant and even declined for a while (Table 2).

It may therefore be surmised that some growth of state and local employment would have continued after August 1971 when EEA funds became available. But the aggregate growth in state and local employment does not mean, of course, that expansion was shared by all state and local governments. Indeed, during the year preceding the passage of EEA, city employment in urban areas with a population of 300,000 and more actually declined and these areas received a relatively large share of EEA funds.

Based on aggregate changes in state and local employment since September 1971 when EEA hires started, estimates of the number of jobs created by EEA are clearly far from reliable. But data on employment in the individual areas are not available. Given these caveats, data on total state and local employment suggest that EEA did expand public employment, but information is lacking to estimate the precise contribution. During the six months following the first EEA hires, state and local employment increased by 374,000 persons on a seasonally adjusted basis, compared with 291,000 during the preceding year. It might therefore be argued that the additional 83,000 employees are the result of EEA, but the 1971–1972 growth in state and local employment exceeded the growth in 1969–1970 by only 40,000. Given the tight budgets of state and local governments, it might be reasoned that the slower expansion of state and local government employment would have continued during 1971–1972 and that EEA generated more jobs than the 83,000 suggested earlier. Whatever the actual number may have been, it may be safely assumed that some state and local governments would have expanded in the absence of EEA and that part of the planned expansion was charged to EEA payrolls.

This displacement effect of EEA is likely to be accelerated in the future. By the time the EEA was enacted, most state and local governments had already planned their budget for fiscal 1972 and the funds for any planned growth had been already appropriated in most cases. This situation will not prevail during the second year of EEA, when state and local planners may count on not only the continuation of the preceding year's EEA funds, but also some sweeteners due to the anticipated 25% boost in the EEA budget during fiscal 1973. Thus, EEA is likely to become a revenue sharing device rather than a means to generate new jobs for unemployed workers.

JOBS WITH A FUTURE?

Closely related to the number of jobs generated by EEA is the issue of their permanency. The record of program agents is not promising. By the end of April 1972, 31,000 of the original people hired under EEA had terminated their employment, but only 9,000 had been placed in permanent jobs, including probably no more than 5,500 on regular state and local government payrolls. These data create serious doubt whether state and local officials will live up to the promise they made when they applied for funds—to move 50% of EEA hires into permanent jobs. Whether this was a realistic goal is open to question, but it is becoming quite apparent that for too many of the EEA participants the program is going to remain, indeed, a transitory experience.

Little is apparently being done to help EEA hires in qualifying for permanent jobs. If the statistic that 37% of the hires were disadvantaged is correct, then a strong case can be made for providing training and other supportive services to help them secure permanent jobs. Goaded by Congress, however, Federal officials decided to maximize hiring with EEA funds and left little for training or other "frills." As of June 1972 Labor Department officials estimated that fully 96% of Federal funds were allocated for the payment of wages and fringe benefits, leaving less than 4% for training, supportive services, and administration.

WHAT'S AHEAD?

It can be safely predicted that Congress will vote the authorized $1.25 billion for the second year of EEA. The majority may even favor a higher amount since public employment is the "in" manpower program in 1972 and, considering the initial EEA success, some have reached the facile conclusion that it can effectively be expanded severalfold.

Given the general euphoria with EEA, the Federal officialdom has apparently decided to rest on its laurels. Thus far there is little evidence that the vigor of the initial implementation of EEA will be equalled in administering the second year of the program. Federal functionaries are obviously concerned about the substitution effect in communities where EEA funds may be used for payment of salaries to employees who have been or would have been hired in the absence of EEA. Designing criteria to guarantee maintenance of effort by program agents and to assure that the EEA funds are used only for additional hiring is a formidable challenge. Federal officials are hardly in a position to require states and communities to spend predetermined amounts on their employees' salaries and, aside from its questionable legality, such an effort would be difficult to police.

Federal officials could juggle some funds, offering carrots for good performance and cutting allocations to poor performers, but they apparently do not intend to take such strong action. According to advance information, the formula for allocation of funds provided during the initial year of EEA will be continued during the second year and there is no evidence that the Federal officialdom is going to rock the boat in the election year, or for that matter in any other year. Still, a good case might be made for the discontinuation of the $50 million allocated for the demonstration projects to employ welfare recipients. Thirteen communities were allocated these funds, but none has spent a significant portion of the money allotted. The unutilized funds could be recalled to reward good performance elsewhere, but this is not likely to happen.

THE PITFALL OF TOO MANY GOALS

If judged primarily as a countercyclical program providing manpower to fill local public service needs during a short period of high unemployment, EEA's modest performance in achieving other goals is acceptable. In the long-run the public employment strategy must be judged by how well it serves specified target groups, deals with depressed-area problems, provides transition into permanent jobs, restructures jobs, effects civil service reforms, and links in with other manpower efforts.

These diverse aims cannot be achieved with the current resources allocated to the program. One approach would be to concentrate EEA funds in low-paying jobs offering entry opportunities to disadvantaged persons which would still constitute an advancement to the poor and the unskilled. But to offer them opportunities for upward mobility, it will be necessary to provide larger doses of training and other supportive services. This would require greater coordination of EEA with other manpower programs than has existed during the first year of EEA.

Limiting EEA to only the disadvantaged assumes, however, that jobs would be available to the rest of the population. Unless the necessary fiscal and monetary steps are taken to generate an adequate number of jobs for all those who can freely compete in the labor market, we will need an expanded EEA not only for disadvantaged persons but for millions of others who are forced into idleness.

TABLE 1.—*Characteristics of persons hired under the Emergency Employment Act through June 23, 1972*

[In percent]

Age:	
18 or less	1
19 to 21	12
22 to 44	70
45 to 54	11
55 to 64	5
65 and over	1
Sex:	
Male	72
Female	28
Group:	
White	65
Black	21
American Indian	2
Oriental	1
Spanish-American	7
Other	5
Disadvantaged	37
Public Assistance Recipient	11
Military Service Status:	
Special Veteran	12
Vietnam-Era Veteran	15
Veteran	16
Non-Veteran	56
Education:	
8th or less	9
9th to 11th	15
12th	44
13th to 15th	17
16th or more	14
Previously Employed by Agent	10
Weeks Unemployed:	
4 or less	32
5 to 14	27
15 or more	41
Occupational Group:	
Professional	6
Teacher	4
Other	90
Governmental Unit:	
State	15
County	27
City	42
Tribal Council	1
Federal	----
Other	15

Hourly Wage in Program:	
Under $1.60	3
$1.60 to $1.99	13
$2.00 to $2.99	45
$3.00 to $3.99	26
$4.00 to $4.99	8
$5.00 or more	4
Labor Force Status:	
Unemployed	90
Underemployed	10

TABLE 2.—PUBLIC EMPLOYMENT, 1960–71

[In thousands]

Year	Total	City	Other local	State
1960	6,083	1,692	2,855	1,536
1961	6,315	1,734	2,975	1,606
1962	6,550	1,696	3,185	1,669
1963	6,868	1,782	2,339	1,747
1964	7,248	1,817	3,575	1,856
1965	7,696	1,884	3,816	1,996
1966	8,227	1,971	4,109	2,147
1967	8,679	1,993	4,478	2,208
1968	9,109	2,112	4,548	2,449
1969	9,446	2,165	4,742	2,539
1970	10,147	2,244	5,142	2,761
1971	10,444	2,273	5,339	2,832
Increase (percent)	72	34	87	84

Sources: U.S. Department of Labor; Bureau of the Census.

LAKE TAHOE AND FRAGILE ENVIRONMENT

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. JOHNSON of California. Mr. Speaker, in recent years we have heard a great deal about the fragile environment of the Lake Tahoe area basin and there is no question but what the ecosystem of the Tahoe basin is quite fragile and any disturbance of the land can have immediate affects upon the quality of the Lake water.

From some of the discussions about the problems at Lake Tahoe one would gather that little has been done about it. This is not the case. Federal, State, and local agencies with heavy Federal financial involvement have been working on the problem for some years. A summary of the accomplishments is contained in the testimony given recently by Mr. Paul De Falco, Jr., Regional Administrator of the Environmental Protection Agency before a Senate Public Works Subcommittee.

In addition to this fine summary of what has been done Mr. De Falco recognizes as I think we all must, that the task has just begun. This is especially true at Tahoe because of the pressures of development and the fact that any steps in this direction disturbs the land and causes nutrients to flow into the lake which is extremely nutrient sensitive.

In his testimony Mr. De Falco states that the Environmental Protection Agency "believes that the most promising vehicle to control land development is the Tahoe Regional Planning Agency, which was established by an Interstate Compact to prepare, administer, and enforce a regional plan of 'resources conservation and orderly development'."

As author of the legislation through which Congress ratified this compact I am pleased to see this recognition of the excellence of the agency which was created by it.

As we approach some of the general problems of the water, solid waste and air pollution, I thought it appropriate to share with my colleagues in the Congress this summary of what is being accomplished in one specific area.

Accordingly, I insert in the CONGRESSIONAL RECORD at this point the statement of Mr. De Falco given recently at Lake Tahoe before the Subcommittee on Air and Water Pollution of the Senate Committee on Public Works:

STATEMENT OF DE FALCO

Mr. Chairman, I am Paul De Falco, Jr., Regional Administrator of Region IX, Environmental Protection Agency, located in San Francisco, California. I am pleased to appear on behalf of EPA to present a brief summary of our activities in the Lake Tahoe Basin.

I shall first discuss the efforts to protect the quality of the waters of Lake Tahoe by implementation of a system of sewage and solid waste export. I shall discuss the possible effects on water quality due to the cycle of land alteration, erosion, sedimentation, transport of nutrients, and eutrophication. I shall discuss the air pollution control program. And I shall discuss the activities of EPA, other Federal agencies, and the Tahoe Regional Planning Agency in protecting the environmental quality of the Lake Tahoe Basin.

During the late 1950's and throughout the 1960's urban growth accelerated at Lake Tahoe with the opening of year-round gaming casinos, winter sports, and improved transportation access. The fragile environment of the Tahoe Basin was stressed by this development almost immediately. An engineering study in 1959 concluded that nutrients would exceed levels which could cause nuisance algal blooms if projected sewage volumes were permitted to enter the lake.

At the call of the Secretary of the Interior, pursuant to Section 10(c) of the Federal Water Pollution Control Act, the States of California and Nevada and the Federal Water Pollution Control Administration met July 18–20, 1966, in a "Conference in the Matter of Pollution Control of the Interstate Waters of Lake Tahoe." At the conclusion of the conference, the conferees found that, at that time (1966), Lake Tahoe was not polluted or contaminated.

However, there were recognizable threats of pollution to Lake Tahoe due to the nutrients in effluent from municipal sewage treatment plants, residential septic tanks, and in refuse and garbage being transported into the Lake by surface drainage and subsurface seepage. Nutrients in sediment were also being carried to the Lake as a result of increased runoff and erosion due to alterations of the land.

To protect the quality of the waters of Lake Tahoe, the conferees recommended that all wastewater receive at least secondary treatment, followed by export out of the basin. In addition, all garbage was to be exported. These recommendations were to be carried out by 1970. Finally, the conferees recommended the establishment of a basin-wide agency with adequate powers to control land development.

Water quality standards for the interstate waters of Lake Tahoe, developed in 1967 by the States of California and Nevada and approved by the Secretary of the Interior, were formulated to ensure maintenance of the high quality of Lake Tahoe waters, and to implement the recommendations for export of wastewater made at the 1966 Enforcement Conference. The standards for each State required the export of liquid wastewasters by 1970.

To implement the recommendations of the 1966 Enforcement Conference and the water quality standards implementation schedules, each State passed laws or promulgated regulations to effect the export of wastewater. The California State Legislature, in 1968, adopted a 1970 deadline for export, and subsequently in 1969, it extended the deadline to January 1, 1972. On January 27, 1971, Nevada Governor O'Callaghan issued an executive order which required that all liquid wastewaters be exported by December 31, 1972.

The commitment on the part of the State and local governments to protect the pristine clarity of Lake Tahoe is unique. This commitment has involved a very heavy investment in collection, treatment, and export systems. Financial assistance to help underwrite the cost has been provided through loans and grants from the State of California; construction grants and advanced waste treatment demonstration grants from EPA; and supplemental grants from the Department of Commerce, Economic Development Administration. Major interceptors, treatment plants, and export lines are being constructed with grant assistance from EPA; the collection lines are financed by local resources.

The estimated total cost of sewerage facilities to accomplish export of liquid wastewaters is $82 million. The estimated total cost of interceptors, treatment plants, and export outfalls is $32.4 million of which a total of $14.7 million in Federal grant funds have been provided. The estimated total cost of the collection systems is $49.6 million. These cost figures do not include the Tahoe-Truckee Sanitation Agency's proposed regional facility. The configuration and capacity of this project are rather uncertain at this time. A portion of the estimated $40 million project cost will apply towards export of wastewater from the north shore and west side of the Basin.

Appendix A tabulates the Federal grants made under existing authorities to each sanitary district in the Basin. As the table indicates, the advanced waste treatment facilities at South Lake Tahoe have been financed mainly by demonstration grants from EPA and EDA. The present status of the sewering and export program is as follows:

1. South Tahoe Public Utilities District provides tertiary treatment and export to Indian Creek Reservoir in the Carson River Basin, where the treated water is used for recreation. The collection system is complete except for connection of Forest Service campgrounds and Fallen Leaf Lake.

2. Tahoe City Public Utilities District and North Tahoe Public Utilities District provide primary treatment with export to an interim land disposal site situated on an old volcano, Cinder Cone. These districts will participate in the proposed Tahoe-Truckee Regional System which is currently scheduled for completion by 1975. The collection system is complete except for connections from certain areas on the west shore of the Lake.

3. Incline Village General Improvement District provides secondary treatment and export to the Carson River Basin. The collection system is complete. However, several small areas immediately outside the District boundaries remain to be sewered.

4. Douglas County Sanitary District No. 1 provides secondary treatment and export to the Carson River Basin. Round Hill and Elk Point Districts are served by this facility. The collection system is complete.

5. Kingsbury General Improvement District and Tahoe-Douglas District are both presently unsewered. On November 9, 1971, EPA issued a 180-Day Notice of water quality standards violations to these two Districts for continued discharge of liquid waste to subsurface disposal systems and failure to pro-

vide for collection of these wastes for centralized treatment and export.

The 180-day period expired on March 7, 1972. Since a firm schedule for correction had not been established, EPA, on June 21, 1972, forwarded these matters to the U.S. Attorney for appropriate litigation.

The present status of the export of solid waste is as follows:

1. Refuse is collected from the south shore and Douglas County and exported to a sanitary landfill near Gardnerville in the Carson Valley.
2. Refuse is collected from the Incline Village area and exported to a sanitary landfill east of Reno.
3. Refuse is collected from the north shore and west side and exported to a sanitary landfill near Truckee in the Truckee River Basin.

Such an investment in export facilities had to be supported by scientific evidence that the water quality of the Lake would in fact be maintained by the exportation of wastewater and solid wastes. Accordingly, EPA in 1966 granted $296,500 to the Lake Tahoe Area Council to study the "Eutrophication of Surface Waters of Lake Tahoe." This study, recently completed, indicated that the Lake is nitrogen sensitive, and that nutrients from *all* sources, including septic tank seepage, must be controlled in order to prevent accelerated eutrophication. In addition, EPA in 1967 granted $427,000 to the University of California at Davis to study the basic limnology of the Lake, and to measure primary productivity of the aquatic biota.

EPA and the States of California and Nevada have carried out a joint monitoring program of the Lake since 1966. Data collected indicate that the main body of the Lake is still of excellent physical, chemical, bacterial, and biological quality. Visual observations, however, have shown that some near-shore waters have been affected, and there is considerable evidence of quality impairment in tributary streams. The monitoring program and the research studies both reveal that, despite the fact that sewage is being exported, a considerable loading of nutrients is still reaching the Lake through the tributary streams.

The source of nutrients is obvious to anyone who has viewed the rate and type of land development in the Basin over the last decade. The ecosystem of the Tahoe Basin is very fragile; alterations and disturbances of the land can have immediate effects upon the water quality of the Lake. The construction of roads, houses, and ski areas; the alteration of drainage patterns, and the imposition of impervious surface; all could lead to increased erosion and transport of nutrient-laden sediment into the Lake.

EPA recognizes that even the construction of water and sewer lines can cause environmental damage by increasing erosion potential. In addition, construction of piers, breakwaters, and marinas along the shoreline interfere with the littoral currents causing local water quality problems in the near-shore zone.

The control of land development has traditionally been in the domain of local government. However, the fragmented nature of local government and the resulting difficulty in administering and enforcing erosion control requirements throughout a region, have complicated effective control of sedimentation. The State of California has promulgated, and EPA has approved, an addendum to water quality standards which would act to reduce the discharge of sediment into the waters of the Basin. This control method is proving difficult to enforce, however.

The EPA believes that the most promising vehicle to control land development is the Tahoe Regional Planning Agency, which was established by an Interstate Compact to prepare, administer, and enforce a regional plan of "resources conservation and orderly development." A most important action taken by TRPA was the adoption of a Land Use Plan on December 22, 1971. The EPA believes that the Land Use Plan is a milestone in environmental planning. It specifies allowable development in terms of land capabilities and establishes strict performance standards for construction. Through these measures, control of the sedimentation problem may begin to be realized. In addition, the Transportation, Recreation, Conservation, and Public Services elements of the Regional Plan, to be finalized in the near future, will provide additional constraints to development and allow growth to be contained within the environmental carrying capacity of the Basin.

With the adoption of the Regional Plan, the TRPA has shown its commitment to control development. The Agency cannot, however, by itself achieve a full measure of environmental control. The actions of the various agencies of the State and Federal government must be coordinated with the TRPA.

Federal activities in the Tahoe Basin are being coordinated by a Federal Agency Coordinators Committee. This Committee, under the general direction of the Presidential appointee to the TRPA Governing Body, Mr. Jack Deinema of the U.S. Forest Service, has been successful in coordinating data inputs and assistance in preparation of the Land Use Plan. The EPA has fully and actively participated on this Committee. Continuing coordination of Federal programs will be necessary to complete all the elements of the Regional Plan.

Whereas most of the coordination has been at staff level, policy level coordination has also been achieved as indicated by the HUD decision to impose a moratorium of FHA insurance, and the Corps of Engineers moratorium on the issuance of permits for shoreline construction.

The Tahoe Basin air quality is presently better than the level required by the national ambient air quality standards. However, air quality may be significantly degraded if past growth trends in vehicle-miles and population are allowed to continue, particularly since Tahoe is an inversion Basin. On May 31, 1972, the EPA approved Air Implementation Plans for the area including the Tahoe Basin. Although the air knows no political boundaries, the air in the Lake Tahoe basin is affected by two State Air Implementation Plans and four Air Pollution Control Districts. EPA approved local regulations which specify strict controls on particulate pollution, including a limitation of Ringelmann I for visible emissions, banning of open burning, banning of single chamber incinerators, and a requirement for control of fugitive dust during construction. The control of particulates will be significant in preserving Tahoe's air quality. However, the automobile may pose the greatest threat to air quality the TRPA Land Use Plan and Transportation Plan should specifically consider the impact on air quality due to any increased use of the automobile in the Basin.

The fact that "everything is connected to everything else" is nowhere more evident than in the Tahoe Basin. I have discussed, for example, the efforts to control nutrient additions to the Lake by means of a sewage export system and controls on land development. And yet research indicates that significant amounts of nutrients in the form of nitrogen oxides from air pollution are contained in the rain water which falls on Lake Tahoe. The fragile ecological system which is Tahoe demands not just water pollution control or air pollution control, but a true environmental review, and coordinated efforts by State and local jurisdictions, with the cooperation of the Federal government.

SPEAKING OF SERVICE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. DULSKI. Mr. Speaker, there is much being written and voiced about the U.S. Postal Service.

An article with a little different twist was the column by Bill Gold in the Washington Post on Monday, September 25. As part of my remarks, I include the text:

SCORE THIS FOR THE SWIFT COURIERS

(By Bill Gold)

Up to a point, the day's mail on postal service was routine.

First, Lewis W. Shollenberger, vice president of the Advertising Council, said he was pleased to receive a parcel post package from his Los Angeles office in less than 24 hours. Then Jerry D. Ennis, 9634 Harrison Ave., Oxon Hill, said he was displeased to find that his check to Pepco took 14 days to make the journey.

George W. Gates of 701 S. Dogwood St., Sterling, Va., put a letter into a mail box in Sterling at 10 a.m. At 4:30 the same afternoon, the addressee phoned to say he had gotten the letter. Mrs. Lester Brown of 1701 N. Troy St., Arlington, waited six days for a letter mailed to her from the District of Columbia.

Sen. Charles McC. Mathias (R-Md.) was distressed when he noted that a letter delivered to him had been postmarked 13 days earlier, but he was not surprised. His constituents had been complaining to him for some time.

One resident of Baltimore told Sen. Mathias that it takes four or five days for mail to move between Baltimore and New York. Two businessmen, one in Baltimore and one in Cecil County, reported delays of up to 10 days in mail passing between them. Mathias now says the United States Postal Service has failed to meet its mandate to modernize and improve service, and he wants to know why.

To tell you the truth, the bouquets and brickbats were so balanced and routine that I was about to pick another topic for this column when a letter from Murray Comarow turned up. Murray is Senior Assistant Postmaster General. As a Washington Post subscriber since 1939, he feels he has as much right to comment about our service as we have to comment about his. He writes:

"As a general proposition, at least two or three papers a month are either not delivered at all or require special efforts to secure delivery. This is especially true on Sundays.

"On the Sunday before last, we had no Post at 8:40 a.m. I called The Post's number but found it continually busy.

"After eight tries, spaced two or three minutes apart, I reached a recording. The record said that if I hung on, someone would ultimately answer me. It also suggested that I could call another number where my message would be taken electronically.

"In other words, a machine that only talked told me to call a machine that only listened.

"I called the listening machine. The line was busy.

"Back to the main number. After more efforts and more waiting, I finally reached a young lady who took my name and address and assured me that a paper would be delivered to my house.

"No paper was ever delivered.

"I don't know how often this happens, Bill, and it would not make me feel particularly happy to learn that I was a rare exception. We care about what happens to us, not about statistics. Yet, in a larger sense, given the fallibility of human beings, mistakes are bound to occur and The Post must be judged on its overall record, not on a few isolated incidents."

Your points are well taken and reasonably stated, Murray. Your letter is being forwarded to an appropriate executive who will make an earnest effort to correct the deficiences to which you have called attention.

Meanwhile, permit me to provide a little background.

In a sense, our business is like USPS's, in that just about everybody in town uses our service. But the demands on us may be even greater than those on USPS.

First, we must gather, evaluate, write and edit a worldwide news report every day. That's a big order all by itself.

But then we must become a factory, so to speak, and a delivery service. Magazine and book publishers need weeks and months of lead time. We "manufacture" up to 300 million pages in a single night, organize the pages into newspapers, and deliver those newspapers to almost three-quarters of a million homes.

USPS delivers most of its letters promptly and The Washington Post delivers most of its newspapers on time. But there are vast differences.

The postal customer whose letter is being mishandled doesn't know about it yet and can't register a complaint. The newspaper subscriber who didn't get his paper on time knows about it at once, and is irate.

As Murray Comarow pointed out, the customer who has received poor service isn't impressed with statistics that show 99 per cent perfection. He wants somebody to do *something* about the 1 per cent imperfection that caused him inconvenience.

Heaven knows we *have* done something. Over the years we have worked endless hours and put millions of dollars into the most sophisticated equipment we could find—even machines that talk to you and tell you to call other machines that merely listen.

But equipment breaks down, human beings goof, and sophisticated machines turn out to be no smarter than the people who program them. And each time a carrier boy oversleeps or is laid low by illness, everybody on his route tries to telephone us simultaneously. Even talking machines and listening machines can't cope with that kind of sudden upsurge of calls.

Nevertheless, USPS's Comarow makes a valid point: The customer who doesn't get good service has a right to complain, and he has a right to have his complaint taken seriously. Score this round for USPS. We, too, must do better.

DR. JESS HARRISON DAVIS

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. DANIELS of New Jersey. Mr. Speaker, I rise today in tribute to Dr. Jess Harrison Davis, an old friend who died last week after years of service to his community and country as an educator, engineer, and business executive.

Dr. Davis, president emeritus of Stevens Institute of Technology in Hoboken, N.J., began his career as an educator in 1929 when he joined the faculty of Clarkson College of Technology as an instructor in mechanical engineering. In 1948 he became president of Clarkson and in 1951 he was inaugurated as president of Stevens where he served for 21 years until his retirement last June.

During his years at Stevens the undergraduate college doubled in size and changed from a primarily commuting student body to a resident study body. New curricular programs leading to the bachelor of science and doctor of philosophy degrees were also introduced.

Jess Davis has also spent many years as a practical engineer employed with Ohio Bell Telephone Co., the Alabama Power Co., and American Locomotive Co. and the Foster Wheeler Corp. as well as serving as a consulting engineer for numerous firms.

Along with his broad technical experience in industry, he had also been active as a business executive serving as a member of the boards of directors and executive committees of Philip Morris, Inc., the First Jersey National Bank, and the National Biscuit Co. in addition to numerous other business corporations. When this highly qualified and often honored man received one of his honorary doctor of engineering degrees—this one from Stevens Institute of Technology—the citation accompanying the degree stated:

> During the most demanding period in the history of higher education in America, President Davis has provided a generation of Stevens engineers and scientists with an education of unrivaled quality in an atmosphere of enlightment and self determination.
>
> He has accomplished this formidable task always with a personal manner of dignity and ease, displaying grace under pressure, a natural modesty and a deep concern for the rights and opinions of others. The door to his office has always been open for frequent and welcome discussion with students, parents, faculty and alumni.

And, I might add, friends.

Mr. Speaker, I, along with the other members of our community, will miss the magnetism and dynamic personality of this man. One can truly say that the world has been a better place for having had him for these many years. Mrs. Daniels and I offer our deepest sympathy to Jess Davis' family in this hour of bereavement.

REMARKS OF REPRESENTATIVE RICHARDSON PREYER, NATIONAL AMERICANISM COMMISSION, AMERICAN LEGION FEDERAL EMPLOYEE LOYALTY-SECURITY

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. ICHORD. Mr. Speaker, my esteemed colleague RICHARDSON PREYER of North Carolina has ably chaired a Committee on Internal Security Subcommittee which has conducted a searching inquiry into the establishment and maintenance of the Federal employee loyalty-security program within the executive branch. Four volumes of hearings have been published and a report is in preparation. I consider Judge PREYER to be one of the most knowledgeable authorities concerning the weaknesses and problems in the enforcement of the program and concerning the need for the development of reasonable but effective solutions.

In view of his expertise in this field Judge PREYER was asked to address the American Legion Americanism Commission which met in Chicago on August 19, 1972, at the time of the Legion's national convention. I have had an opportunity to read his remarks and I feel that they are so thoughtfully formulated that they should be given a much wider dissemination. I am, therefore, inserting the full text in the CONGRESSIONAL RECORD:

REMARKS OF REPRESENTATIVE RICHARDSON PREYER (D-N.C.), NATIONAL AMERICANISM COMMISSION, AMERICAN LEGION

My Fellow Veterans: Needless to say I am happy to be among you. Many of you, as I, have served in World War II. That recollection evokes many stirring memories. We had all the enthusiasm of youth. As I look back, I do not think that any of us doubted for a moment that victory would be ours in the end. They were days of faith and of confidence. But what of the future? That is a question which must now concern us, and it is a question which concerns this Commission of the American Legion.

Of the factors that contribute to victory, not the least of these is a loyal, dedicated Federal Civil Service. That of course is the subject about which you have asked me to speak. In this context, it is inevitable that I should make some preliminary observations.

Marxist ideologists have created artificial doctrines of "class struggle" and "class" loyalty. Those who adhere to them no longer conceive of the struggle as between Nation-states. We must face the fact that the enemy today is a Movement which knows no national bounds, although its bases of power are in states whose administrative mechanism has been captured by its adherents. This movement is socialist and Marxist and hence non-nationalist. It has exerted a profound influence on the developments and arrangements of the modern world. It exerts an increasingly pervasive influence on the domestic and international affairs of the United States.

When we speak of the Communist movement, we are speaking of an exceedingly complicated phenomenon. Like the Christian movement, there is within it a variety of beliefs and a variety of "churches." Moreover, while most adherents of the faith are "church" members, many are not. This is to say, many Communists hold membership in a communist party, and some do not. In any discussion of employee screening programs, it is important to know that there are Communists who cannot be identified as party members. You will observe that I have said "membership in *a* communist party." It is also important to note that there is not one communist party but that there are several. In the Communist movement you have the conception of an orthodox leadership on the one hand, and divergent sects on the other. The former is headed by the Communist Party of the Soviet Union. It has established satellite parties in 80-odd states of the world. An organization which styles itself the "Communist Party, USA," is a member of this group.

Among the divergent sects is the Communist Party of China with its satellites as well as a number of independent communist parties within non-communist states. Within the United States the Social Workers Party and the Progressive Labor Party are illustrative of parties of this type. Although they do not bear names identifying themselves as such, they are nonetheless communist parties. While they recognize neither the discipline of Moscow nor Peking, they nevertheless adhere to the basic tenets of the faith to which all Communists subscribe and to which they unanimously refer as the principles of Marxism-Leninism, or of "scientific" socialism.

I think that all of you will agree, that to maintain the integrity of the Civil Service and public confidence all communist party members, and all committed Marxists, irrespective of organizational membership, should be excluded from Federal Employment. The struggle then is ideological, but beliefs are the springs of action.

As a starting point, there is the basic question of whether we should even have a loyalty-security program for government employees. I am sure many of you would have no trouble answering this question, but it is nevertheless one that should be asked. In February of this year, we invited several scholars to appear before the subcommittee to discuss some of the philosophical issues which had arisen during our hearings. One of the gentlemen who attended was Professor Thomas Emerson of Yale Law School, a brilliant and respected civil libertarian. Professor Emerson did grudgingly admit the need for an employee screening program where sensitive job positions were involved. However, he argued very strongly that we should have no such program for employees working in nonsensitive, routine jobs. In Professor Emerson s words "All our experience with loyalty-security programs demonstrates the crippling effect they have upon the free and open interchange of ideas that is essential to a democratic society."

Others, however, do not share Mr. Emerson's opinion. Professor Charles Rice of Notre Dame Law School appeared before the subcommittee along with Professor Emerson. Let me paraphrase for you a statement that Professor Rice made. He stated that, instead of trying to salvage the unworkable sensitive-nonsensitive distinction, we simply should recognize that it would be criminal folly to employ in *any* government position any person who seeks to overthrow the government by illegal means or any person who is a member of an organization that advocates the violent overthrow of the government and who shares the aim of the organization.

Obviously, there is a considerable difference of opinion on what should be the nature of a security program. There is quite a bit of merit in the arguments of both Professor Emerson and Professor Rice. Certainly, we don't want to stifle legitimate dissent in this country, nor do we want our civil servants to be a homogeneous corps of unthinking robots. I think this is what worried Professor Emerson, and it is something we want to guard against. On the other hand, Professor Rice would maintain that even a janitor working for the federal government should at least be loyal to our form of government and that some type of check should be made of his background when he applies for a job. After all, who would know better than a janitor where, for example, to place a bomb in an air conditioning duct? So security is one reason why everyone working for the government should receive at least a minimum of security clearance.

Apart from security, however, there is another, and perhaps even stronger reason why we should expect loyalty from all civil servants. That is, we don't want people in the government who are not on our team. And even if a person who would overthrow our government never commits an act of subversion, can we really expect him to be as efficient in his job—whatever that job may be—as the person who believes in our constitution? It is all right for someone to play checkers a different way as long as he doesn't kick over the checkerboard.

There may be a right to not be arbitrarily denied a job or arbitrarily dismissed from a job, but there is no absolute right to hold a government job. Between two equally qualified applicants for employment, shouldn't we hire the man who believes in our form of government rather than the man who believes in the overthrow of our government by force? The interests of the efficiency of the civil service and the interests of the taxpayers can be balanced against individual freedom in this respect. While a person's membership in a subversive organization may not be sufficient reason, in itself, to deny him a government job, it certainly should be one factor to consider in processing his application. And, if it should turn out upon further inquiry that his membership in such an organization is knowing and that he shares the aims of the organization, then it seems clear that the government has a very legitimate interest in refusing to hire him.

On the question of whether we should have a security program, then, I would answer in the affirmative, both for non sensitive as well as sensitive positions. Devising a program that is effective, economical to administer, and constitutional, however, is another problem entirely. This is the problem my subcommittee has been struggling with for so many months.

Let me review a little of the history of the security program. When the Civil Service Act of 1883 initiated the merit system in the Federal Civil Service, the first rule promulgated by the Civil Service Commission—its Rule I—provided that no question in any form of application or any examination was to be so framed as to elicit information concerning the political opinions or affiliations of any applicant, and prohibited inquiry concerning such opinions or affiliations. In 1939 on the enactment of section 9A of the Hatch Act, the Civil Service Commission was impelled for the first time to depart from that policy. Recognizing threats posed by the Fascist, Nazi and Communist movements, Congress by the provisions of the Act prohibited the employment of persons having membership in any "political party or organization" advocating the overthrow of our constitutional form of government. In February, 1940, an application for government employment for the first time embodied the language of the prohibition.

It is generally agreed that the Federal civilian employee loyalty-security program commenced with the enactment of section 9A of the Hatch Act in 1939. However, it was one thing to prohibit Federal employment to members of organizations having a purpose to overthrow the Government and another thing to enforce it. Moreover, the Act was obviously very limited in its coverage of subversive groups and individuals. A number of years were to elapse before the loyalty program was placed upon a workable basis, and it was never wholly free from controversy.

Following the enactment of the Hatch Act, the Civil Service Commission advised the agencies that it would not certify for employment in any agency any person who was a member of the Communist Party, the German Bund, or any other Communist, Nazi, or Fascist organization. In 1942 it issued War Service Regulation No. 2 disqualifying for appointment in the Civil Service any person as to whom there was a reasonable doubt of his loyalty. However, no screening system had been set up to give effect to this objective. True, there was some screening with respect to applicants for what may be regarded as sensitive positions and top echelon employees, but the vast majority of applicants and employees were not investigated. For example, in 1943 hearings before a Subcommittee on Appropriations, Arthur S. Flemming, then Civil Service Commissioner, testified that for the period from July 1, 1940, to November 23, 1943, well over five million placements were made in the Civil Service, but of this number, only 185,909 investigations were made. In contrast, in a recent three-year period, the Civil Service Commission conducted over one million national agency checks and over 80,000 full-field investigations.

With the destruction of the power bases of the Nazi and Fascist movements, an effort which we veterans of that period must proudly recall, their affiliated organizations within the United States quickly died on the vine and disappeared. The Communist threat remains. Indeed, it promises to increase within the United States in proportion to the expansion of its power abroad. The effort to cope with it is the history of the Federal loyalty program since World War II.

In 1947 President Truman promulgated Executive Order 9835. This was in fact the first comprehensive peace-time loyalty program ever initiated by the Federal Government. The history of the period suggests that it was prompted by the disclosures of the Dies Committee and other committees of Congress. The order required loyalty investigations of all persons entering civilian employment in the executive branch. The Civil Service Commission was required to conduct them as to persons entering the competitive service. The employing department or agency was given responsibility as to others. The minimum degree of investigation required of all applicants was a national agency check with inquiries. If this check disclosed derogatory information, then a full-field investigation was required. Full-field investigations were also required for access to positions specially designated by the head of the employing agency when they were thus designated in the "best interests of national security." In addition, the FBI was given the job of conducting a name check of all persons then in Federal employment who had not been previously investigated.

Undoubtedly this was a sincere and genuine effort to set the loyalty program on a firm basis. Such a vastly expanded program obviously required a corresponding expansion and funding of the investigative apparatus. The President asked for a little over $24-million for the purpose, but was allowed less than one-half of that amount. During the time this order was in effect, 1947 to 1953, the investigations resulted in not less than 26,000 persons being referred to appropriate loyalty boards for review of adverse information. About 18,000 persons were cleared by favorable decisions. The balance either resigned or withdrew their applications for employment, and others were removed from or denied Federal employment.

In view of the explosiveness of the subject matter, it was inevitable that the administration of the program should become a political issue. The Bentley-Remington and Chambers-Hiss controversies, you will recall, broke during the campaign of 1948. In the ensuing period, public confidence in the administration's effort was ultimately shaken. Doubtless the administration's ineptness toward allaying public anxiety (the "red herring" response), together with Senator McCarthy's attacks, contributed to that result.

Upon the change of administration E. O. 9835 was revoked April 27, 1953, on the promulgation of E. O. 10450. This order is still in force and is the cornerstone of our present loyalty-security program. In it President Eisenhower abandoned the loyalty standard and established a standard that the employment and retention in employment of an individual must be "clearly consistent with the interests of the national security." By this order President Eisenhower endeavored to combine existing loyalty, security, and suitability programs into one package. To this there could be no serious objection. However, as matters turned out, it was a mistake to combine these diverse programs under a "security standard." It became the source of much of our present trouble. As a result of a construction of the term "national security" in *Cole* v. *Young*, decided in 1956, the program established by the order was limited to sensitive positions only.

Indeed, it should then have been apparent that the concepts of loyalty, security, and suitability, although overlapping in varying degrees, were not synonymous. A disloyal person was undoubtedly a security risk, yet all security risks were not disloyal persons. However, all persons unsuitable for Federal employment were not necessarily security risks or disloyal persons. For example, an individual committed to the destruction of our system of government must be regarded as a disloyal person, and he is also obviously a security risk. He is a security risk because it would be unwise and unsafe to entrust him with the secrets of the Nation. On the other hand, an individual who is patriotic but has some bad habits, such as addiction to alcohol or to loose talk for example, cannot be classified as disloyal, but may fall within the category of a security risk. Disloyalty, of course, is both a question of security and of efficiency, and should disqualify an individual from employment in all positions. On the other hand, a security risk—in the example I have just given—may be employed or transferred to a "non-sensitive" position, that is, a position in which he has no access to classified information.

In *Cole* v. *Young* the Supreme Court expressly found the new order to be both ambiguous and awkward in form. Despite this clear pronouncement and the decision's unfortunate impact on the loyalty program, no action to clarify it has been taken by any administration in the 16 years since it was rendered. This decision and others adversely affecting the administration on the program, have become a matter of concern to the Committee on Internal Security. I have the honor to chair a subcommittee appointed to conduct an inquiry into the operation of laws and procedures underlying the program.

It is not my purpose today to attempt to set forth and elucidate our findings in full. We are in process of preparing a subcommittee report on the subject. I have, of course, personally reached some conclusions. I shall be frank in saying that I have certain apprehensions regarding the operation of the loyalty program. It is evident that there are some procedural deficiencies under which the program has been administered during the past several years. I cannot charge these failures to any particular administration or to any particular person. Moreover, at the outset I want to make clear that it is not my opinion, or my conclusion, that the existing procedures are so defective that the Civil Service has become riddled with subversives. It has not. It is my view that the recruitment program for the Civil Service has operated generally to provide the Federal Government with a body of loyal and effective public servants.

Nevertheless, there are weaknesses in the procedures, and as a consequence, it is apparent that some subversives have passed through the investigative screen, however small their number. We are not able to say precisely how many succeeded in slipping through. It must be understood that our point of focus in the initial aspects of this investigation was directed principally at procedures and regulations. This was a necessary starting point, and the record is embraced in four published volumes. Figures brought to our attention indicate that the efforts of subversives to penetrate our Government has continued and has not abated. Some indication of the magnitude of the effort may be derived from the fact that full-field investigations, prompted by subversive associations of applicants for Federal employment, have numbered about 500 each year. Several agencies have informed us of a very small number of persons now employed who have present or past subversive affiliations. We cannot verify this information. It is an extraordinary fact that neither the Civil Service Commission nor the several departments of the Government maintain any separate indices with respect to persons presently employed as to whom investigation has revealed past or present affiliation with subversive organizations.

Candid disclosures by experienced security officers in the major departments and agencies of Government compel the conclusion that once applicants for employment have passed through the screen of the Civil Service Commission, most of the employing departments and agencies have no program for the dismissal of persons on loyalty grounds from non-sensitive positions. Curiously, this applies even to the Civil Service Commission itself. Its regulations make no provision for removal from non-sensitive positions in that highly sensitive agency on loyalty grounds. It has been a matter of significance, as well as a matter of surprise, that most agencies have told us they have ceased dismissing persons on loyalty and security grounds.

It is also a fact that although most agencies do have regulations implementing dismissals from sensitive positions on national security grounds, yet no agency within the past 5 years has dismissed any employee from any such position on loyalty or security grounds. The agencies tell us that they have been advised to take that course by the Civil Service Commission and the Department of Justice. They say they have been instructed to utilize "suitability" grounds—that is suitability grounds other than loyalty or security. But what happens when other grounds do not exist? In such cases we must presume that the disloyal and the security risks are permitted to retain their employment.

Gentlemen, these conclusions may come somewhat as a surprise to you, and I may have painted a picture unduly grim. I want to say, however, that with some repairs and adjustments I think we can restore a good and workable program. I think that major repairs will require only executive action. It will, however, require determined and informed leadership by the Department of Justice. We expect to point the way in the report of the subcommittee which is now in preparation. It also appears that some legislative action will be helpful. As you know, I have, together with Mr. Ichord, chairman of the full Committee, been particularly concerned about the question of pre-appointment investigations and providing a system for the designation of subversive organizations in aid of the loyalty program. We have introduced legislation for that purpose. I direct your attention to H.R. 11120.

When we talk of legislative action, however, we are in a difficult area. It appears to me that while the House today may be receptive to reasonable proposals and will act upon them, I am not certain that proposals on this subject will receive a friendly reception from all quarters in the other body. Here, and with respect to executive action as well, we must rely upon public sentiment, and this is a matter with which you can deal. I certainly agree with a certain gentleman who had some difficulty on that score not too many years ago. It was Abraham Lincoln who said, "public sentiment is everything. With public sentiment nothing can fail; without it nothing can succeed. Consequently he who moulds public sentiment goes deeper than he who enacts statutes or pronounces decisions. He makes statutes and decisions possible or impossible to be executed."

CHAIRMAN WAGNER OF TVA PLEADS FOR COMMONSENSE APPROACH IN COMBATING POLLUTION

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. EVINS of Tennessee. Mr. Speaker, Chairman Aubrey J. Wagner of the Tennessee Valley Authority, in a recent speech before the National Rural Electric Cooperative Association at Savannah, Ga., called for a commonsense approach to the solution of problems of the environment. Chairman Wagner said in his speech:

> Common sense should tell us that we can't completely correct in a year or two a total situation that has been building for generations.

Because of the interest of my colleagues and the American people in this most important subject, I place in the RECORD herewith Chairman Wagner's address:

GIVE US COMMONSENSE

(Address by Aubrey J. Wagner)

Riding into Knoxville from the airport one night last week I saw a lighted sign with this message: "Oh, Lord, give us commonsense."

Now if we are truly a praying Nation, this is truly an appropriate prayer for today. For while we always need common sense, it seems to me we need it now, in larger doses, more widely applied, than ever before as we try to solve the problems of clean air and clean water—of a livable environment—and at the same time keep the Nation's economy healthy and its people at work.

The words ecology and environment are on the lips of almost every American these days as the Nation and its citizens attempt to come to grips with the problems of pollution. The public has made it very clear that it simply will not tolerate the continuing environmental degradation that has come to mark our urban-industrial society.

Certainly this is an important and praiseworthy public decision. Unfortunately the public has, I believe, made it equally clear that it has no conception of what the cost of a clean environment will be, how it will be achieved or how it will be paid for.

A recent University of Tennessee marketing survey, for example, explored the extent to which Tennesseans are willing to pay the cost of cleaning up the environment. Eighty-five percent of those questioned recognized environmental deterioration as a major problem confronting our Nation. But 34 percent were unwilling to pay anything at all to help correct it, and 60 percent were willing to pay only $2.50 or less per family member per year—an amount of no real significance in relation to the magnitude of the problem.

Another survey, after asking a number of questions in which the respondents similarly expressed their concern about the environment, posed the question: "How would you prefer to pay your share of the cost of environmental clean-up? (a) Through taxes? or (b) In the added cost of goods and services?" The majority of the respondents crossed out both answers and wrote in "Neither."

So this is our dilemma: Everyone wants a clean environment but no one wants to pay for it. Our prayer for common sense will have to be liberally answered if we are going to solve the problem.

Common sense should tell us that we

can't continue to add pollution to our air and water at the accelerating rate of the past few decades.

Common sense should also tell us that our present population of over 200 million people will produce more wastes, more pollution, than the 75 million who lived here at the turn of the century. The 320 million people forecast for the year 2000 will produce even more.

Common sense should tell us that we can't completely correct in a year or two a total situation that has been building for generations. We must assess the problems, set up some priorities, do first things first.

Finally, common sense should tell us that, in the last analysis, all of us must pay for the cost of the clean-up. We will pay for it either through taxes or in the cost of the things we buy and use every day. There is no magic source of funds that can be painlessly tapped to do the job. This being true, I believe all of us need to be concerned about the cost of what we want before we ask for it. We need to know the price before we buy.

The production of electricity has come under specific attack as a polluter of the environment. And it is true that, particularly with the ever-increasing quantities of electricity the public consumes, it does present problems of air and water pollution that must be solved. Today I want to talk about some of those problems and the costs involved in solving them.

Let's look at America for a moment. The reason why this Nation's wealth is spread so widely among its people is, of course, in part political—a consequence of a democracy that works. The Nation has accepted equality as an ideal, even though it may still be far from an achieved practice. It has attempted to provide jobs, education, goods and services for all its people.

But this extension of wealth also comes from the benefits of technology, much of it from the enormous increase in supplies of energy. Energy has been and will continue to be at the root of the productivity that offers most citizens in a modern society an enlarged range of material choices. The use of energy and materials has reduced the crushing burden of physical work, lessened the concentration of human effort to produce food, freed man for other pursuits, and extended to millions of people a standard of living and opportunities that once were enjoyed only by the smallest elite.

If we are to continue to have a decent standard of living in this country, we must have the energy to power our factories, to light, heat, and cool our homes and schools, and to operate our hospitals and other institutions. The demand for energy will increase if only because our population will continue to grow. Even if zero population growth becomes a national policy, the parents of the children born in 1990 are already here and they and their children to come must have jobs, adequate housing, proper diet, education, meaningful employment and enjoyable leisure. A society without energy cannot provide these generations with the opportunity to achieve these goals.

Therefore, it seems obvious that a cutback in consumption of electricity, as some are suggesting, will not solve our environmental problems but will increase them. We know that the Nation's electric systems provide energy and heat that otherwise would have to be produced by each industry individually or by thousands of commercial establishments and households burning coal or oil. But a return to coal furnaces and oil stoves will only aggravate the pollution problem. On the other hand, the generation of power at large central stations concentrates the sources of pollution, localizes the problems of pollution control, and offers opportunities for solutions not possible among a multitude of separate and widesperad producers and users of energy.

We also know that a sufficient and reliable supply of electricity is essential to remedy other environmental problems—to operate sewage treatment plants, to power new electrified systems of transportation, to reduce old auto bodies into scrap metal, and to power electric furnaces to turn the scrap back into steel and to run many other recycling and waste treatment operations.

While we recognize the advantages of electricity, we must at the same time increase our awareness that power generation does have an impact on the environment through the emission of stack gases, discharge of heated water into our waterways, and depletion of resources. Therefore, our collective goal should be to assure an adequate and reliable electric power supply at the lowest possible cost consistent with environmental standards established in the public interest. This is TVA's definition of low-cost power and I feel that it will best serve the economic and environmental requirements of the Tennessee Valley and the Nation.

Implementing this goal poses difficult questions: How do we solve our pollution problems and still provide enough reasonably-priced electricity to maintain and improve living standards? How much money will be required for the preventive measures necessary to protect our human habitat? I do not know of any person or agency who has easy or exact answers to these and other questions. TVA, however, has made some projections on how much it will cost our own power system to protect the environment. These estimates range from a minimum of $75 million a year to $830 million a year.

There is no way to settle on precise figures because there are many unknowns and Federal and state environmental laws are still in the process of development. Let me illustrate. In 1966, standards adopted for Federal installations called for the removal of all except 0.2 to 0.3 of a pound of fly ash per million Btu at coal-fired steam plants. Somewhat before that, TVA had begun a program of upgrading fly ash collection equipment at the 63 units of our coal-burning plants geared to these standards of cleanliness. It has been a lengthy program, spanning eight years by the time it is completed in 1975.

Now, six years later, after these standards were set for Federal installations, the individual states acting under the Federal Clean Air Act are establishing their own criteria. In Kentucky, Tennessee, and Alabama where TVA steam plants are located, these criteria are more strict than the Federal standards of 1966. They require removal of all but 0.1 to 0.15 of a pound of fly ash per million Btu. These state standards can be met by TVA, but at some plants it will require more efficient removal systems than those now being installed which take out 99 percent of the fly ash. For installations not yet manufactured, we can redesign but, of course, at higher cost. But for units already installed, the problem is more complex. In some cases we may be able to meet the higher standards by improving the efficiency of the existing equipment. In other cases, it could be done only by tearing out what is there now—some of it installed only recently—and putting in new redesigned equipment. Thus by moving quickly to meet Federal standard six years ago, TVA has been, in effect, penalized as the result of changing standards.

The cost aspects in this situation are rather surprising. The upgrading program I described a moment ago to give us equipment designed to remove 99 percent of the fly ash at all plants will cost about $120 million. When you try to step up the efficiency of precipitators beyond 99 percent, your costs skyrocket. To design and build equipment of 99.5 percent efficiency would cost an additional 50 percent. To go to 99.8 percent efficiency would double the cost. These figures relate to new equipment for a new plant. To go back and remodel old equipment at existing plants to achieve these only slightly greater efficiencies, the cost would not merely double but would triple and quadruple.

Another air quality problem presented by coal-burning plants in the sulfur dioxide (SO_2) in stack gases, a pollutant which, in sufficient concentrations at ground level, can adversely affect plant life and human health. Here the problem is much more difficult than with fly ash removal because the technology is not yet available for removing SO_2 from stack gases at large power plants. Research is advancing and TVA is deeply involved in it, but no one yet has successfully operated removal equipment in continuous performances on a large coal-fired generating unit.

In connection with SO_2, a word new to most laymen is now creeping into common use. It is the word *ambient*. Ambient air standards refer to the quality of the air at and near the ground where we live and breathe. TVA and others in the electric industry have thus far relied on the use of high stacks to disperse the gases of combustion high into the atmosphere. Concentrations of SO_2 at the ground level can be kept safe by this method, supplemented by the use of low-sulfur coal and other operational controls during critical weather conditions.

In addition to these standards, there are now standards to control the amount of SO_2 that comes out of the stacks, regardless of what happens to it or how it affects ground level concentrations. These are called emission standards as distinct from ambient standards. To meet some currently proposed emission standards at our existing plants would be tremendously expensive. One alternative would be to use low-sulfur coal—we are investigating this possibility—but adequate supplies of low-sulfur coal do not exist in our region. To shift to low-sulfur coal from the West, for example, would add an estimated $300 million to our annual costs.

Another example of a change in standards that TVA has experienced relates to the elimination of waste heat. Our Browns Ferry Nuclear Plant was designed to comply with standards for permissible increases in river temperatures in effect at the time construction was begun. Construction of one generating unit was virtually complete when new, more restrictive standards were adopted. TVA is now installing cooling towers at Browns Ferry at a cost of approximately $36 million, necessary to meet the new standards. It should be noted that these new standards specify maximum water temperatures that are actually lower than the natural temperatures that occur in the river during summer months.

I do not want to leave the impression that costs are TVA's only concern or that we are constant to wait for others to find solutions to environmental problems. We are presently designing and will install a $35 million experimental SO_2 removal device on a 550-mW unit at our Widows Creek Steam Plant in northeastern Alabama in an effort to advance this technology. If it, or research under way by others, is successful, this would appear to be one solution for our system, although a very expensive one.

Problems of fly ash, SO_2 and waste heat are only a few of the considerations TVA is facing in determining environmental costs. Others include strip mine regulation, improved mine safety, and delays for environmental reasons. Not only are we trying to reduce environmental problems relating to present methods of generation, we have committed funds and personnel to find new and better ways to generate electricity and protect the environment. This is why TVA, Commonwealth Edison Company of Chicago, the Nation's public and private utility systems, and the Atomic Energy Commission will build the Nation's first demonstration liquid metal fast breeder reactor near Oak Ridge, Tennessee. TVA's commitment is for $22 million plus nonreimbursable services of approximately $2 million. We will also provide the plant site and transmission facilities.

Up to this point I have placed emphasis on costs of environmental control. Our estimates are necessarily approximate—remember in some instances we are talking about technologies not yet even developed. But they do indicate the scope of cleanup costs that environmental requirements can add to electric bills. For the TVA power plants now in operation and under construction the costs, some of which I have already discussed, are summarized in the following table:

POSSIBLE ANNUAL COSTS

[In millions of dollars]

Environmental problem	Maximum cost	Minimum cost
Strip mine regulation	30-100	10
Improved mine safety	30-45	15
Fly ash removal	35	15
SO_2 control	200-300	30
Sulfur tax	40-235	
Waste heat control	50	5
Delays for environmental reasons	55-65	
Total	440-830	75
Underground transmission	1,000	

As the table indicates, the estimated costs vary in total from about $75 million to a possible maximum of $830 million per year, excluding the cost of transmission line undergrounding.

The $75 million figure includes actions or arrangements that are, for the most part, already included in our operations and immediate plans. Here let me emphasize that this "minimum cost" should not be interpreted as the cost to accomplish a "minimum" job—that is, the cost of just scraping by with superficial environmental control. Rather, it represents our current thinking concerning the minimum cost of doing a responsible job of meeting environmental needs.

The larger total—averaging over $600 million per year—reflects added control measures either already required by state or Federal regulations or those being actively proposed and considered.

To put these figures in perspective, TVA's power revenues last year were about $650 million. In other words, if it should become necessary to meet all of these tests and requirements, TVA would be faced with an approximate doubling of our revenue requirements. The far-reaching consequences for all power users and the national economy are, I believe, self-evident.

I have not included the cost of underground transmission in the above totals but listed it separately. This is partly because I believe it is not yet feasible. But it is also because I do not believe that our consumers would insist on undergrounding at an added cost to them of a billion dollars a year.

The TVA power system is a nonprofit power system. Under the TVA, Act, TVA sets electric rates as low as possible so that electricity can be used widely and effectively throughout the region. But we are also required to charge rates which will produce gross power revenues sufficient to cover operation and maintenance expenses, payments in lieu of taxes, payments to the U.S. Treasury, debt service on bonds, and to maintain a reasonable margin. We simply do not have a cushion of funds to absorb higher costs of this magnitude.

I have given you some detail on the cost factors affecting TVA to provide a general indication of the costs you and other power distributors will face. Many of the cost factors affecting TVA also affect power systems elsewhere in the United States. Rate increases of major proportions have occurred throughout the country and undoubtedly will continue.

A recent report of the President's Council on Environmental Quality gives us another indication of the trend of costs we are likely to face in our total national environmental control efforts. They are nearly three times higher than their estimates of only a year ago. The Council raised its projection from $105 billion for the current decade to $287 billion. These updated estimates envision capital and operating costs for 1971–1980 at nearly $107 billion for air pollution control, about $87 billion for water pollution control, at $86 billion for solid waste problems, plus another $9 billion for other purposes.

The Federal Power Commission has predicted that electric rates in the Nation could double by 1990 as a result of mounting environmental costs, pressure on fossil fuels, and general inflationary costs. For the Nation's average consumer this would boost the cost per kilowatt-hour to 4½ cents. The average residential customer in the Nation in fiscal 1971 used about 7,500 kWh per year at 2.25 cents per kilowatt-hour, paying $168.75 a year. At 4½ cents per kWh, the new bill would be $337.50 per year for the same amount of electricity. These calculations, of course, do not include the increased costs of electricity for commercial and industrial use in 1990 that will also be added to the cost of virtually everything the home owner buys, from bread to automobiles, from shoes to refrigerators.

It is obvious that we are facing a time of tension in the electric utility industry as the Nation selects and defines its environmental priorities and determines the degree of cleanup and prevention needed in each instance. As I have said, it will take money, common sense, and patience to find the answers we can all live with. As we work for the cleaner physical environment that we all want, must have. and must pay for, we need to fully understand what these demands will cost. I think it is important that we see them in total—added up. Only in this way can we make common sense choices and establish a realistic set of priorities.

THREE CAME HOME

HON. JOE D. WAGGONNER, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. WAGGONNER. Mr. Speaker, the Evening Star today editorialized on the return of three of our prisoners of war recently released by North Vietnam. I certainly believe that this is a timely and noteworthy editorial and I would like to read it into the RECORD for the consideration of all concerned Americans.

The article follows:

THREE CAME HOME

No American can be anything but grateful that three U.S. prisoners of war have been released by North Vietnam. No American can be anything but hopeful that ultimately all the prisoners will be reunited with their families and the missing in action accounted for. No American can be anything but disgusted at attempts to use the release of the prisoners for propaganda purposes.

Navy lieutenants Markham Gartley and Norris Charles and Air Force major Edward Elias are neither heroes nor culprits. They did their duty and in the performance of that duty they had the misfortune to be captured. Why they rather than others among the 1,700 POWs and MIAs were selected for release we do not know. The fact is that they are free, and that is enough for now.

A great deal of nonsense has been written about the future "confiscation" of the trio by the American government. The fact is that the three are serving officers, on active duty and in the pay of the taxpayers; they are not civilians. They have been through an ordeal and, in their own interest, they need physical and psychological decompression. In addition, it is essential that they be debriefed as quickly as possible in order to shed any light that they may have on MIAs who may be POWs. This is necessary because the enemy, in contravention of the Geneva convention, has refused to give a full accounting of prisoners in its hands and to allow neutral observers to visit the POW camps.

The trio and the families of two of the men—Elias' family refused to fly to Hanoi for this reason—have been used by the North Vietnamese and the peace group which oversaw their release for propaganda purposes. We do not blame the men involved or their families for this, although we pay homage to the family of Elias for refusing to do so.

As soon as it is medically wise to do so, the three should be reunited with their families, and we have no doubt they will be. Whether the manner in which their release has taken place has been in the interest of those who remain in captivity remains to be seen. Meanwhile, pressure should be maintained on Hanoi to fulfill its obligations under the Geneva Convention to all the prisoners, not to just a selected few.

NATIONAL HIGHWAY WEEK

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. EDWARDS of Alabama. Mr. Speaker, the President of the United States has proclaimed this week as National Highway Week. I join the President in this salute and I urge all Americans to recognize the important part that highway transportation plays in our Nation and to take note of each individual's responsibility to insure the safety of our highways.

Our highways are the threads which hold together the economic and social fabrics of our country. These ribbons of concrete are the conveyor belts for goods, services, people, and ideas.

We have come a long way toward a comprehensive, balanced highway system which provides maximum mobility and convenience for the American people. Certainly one stain on our highway system, however, is the annual carnage resulting from traffic accidents. Last year the death toll was 55,000, the injury list ran to 2 million, and the cost in dollars climbed well into the millions. Perhaps the most tragic aspect of all is the fact that highway mishaps have replaced diseases such as polio and diptheria, all but eradicated by modern medicine, as the leading killer and crippler of children.

The latest figures show that seven out of 10 accidents are driver caused. With this in mind, each American should dedicate himself to defensive, safety-conscious driving habits.

On the occasion of National Highway Week, 1972, it is good to reflect on our successes in providing Americans with an efficient highway system. It is also an appropriate time to give thought to renewed safety considerations and to dedicate ourselves to the goal of a balanced transportation system in our land.

CONFERENCE ON EUROPEAN SECURITY AND COOPERATION

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. PRICE of Illinois. Mr. Speaker, the proposed Conference on European Security and Cooperation looks promising as far as bringing us a little bit closer to that elusive goal of world peace.

One of the major concerns of the United States has been the situation of the European satellite nations, who are restrained from exercising their independence by the Soviet Union.

The Czechoslovak National Council of America, devoted to the preservation of democratic freedom in all nations of the world, has written a letter to President Nixon, suggesting what the position of the American delegation to the Conference should be. If there is no objection, I would like to submit the letter for publication in the RECORD:

CZECHOSLOVAK NATIONAL COUNCIL
OF AMERICA,
Cicero, Ill., September 15, 1972.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We all know and applaud your quest for a generation of peace. The proposed Conference on European Security and Cooperation seems to be a possible path leading in this direction. We consider it the duty of every citizen to assist you in your quest for peace. Thus, the Czechoslovak National Council of America, speaking on behalf of Americans of Czech and Slovak descent, submits the following for your consideration:

We believe that the position taken by the American delegation, and indeed all western delegations at the onset of the Conférence, should be to insist on the:

(1) Withdrawal of all Soviet military and police units and Soviet advisers from all occupied nations west of the Soviet Union proper.

(2) Neutralization of the same area and the establishment of a nuclear free zone, both under international guarantees;

(3) Free elections under international control.

The establishment of such a cordon sanitaire would tend to eliminate the danger of inadvertent confrontation between the armed forces of the two atomic super-powers;

Mitigate the fears of Western Europe concerning further military penetration of the Soviet Union into Western Europe;

Curtail alleged suspicion on the part of the Soviet Union of Western aggressive intentions and German revanchism;

Increase the chances for an agreed balanced reduction of the armed forces of the East and West;

Make possible the organization of a viable, economic community comparable to EEC (Common Market);

Meet the requirement of self-determination, political independence and territorial integrity of the supposedly sovereign nations living between the Soviet Union and non-Communist Western Europe, stipulated by the United Nations Charter;

Satisfy the wish of the people concerned who have manifested on many occasions their desire for neutrality, such as enjoyed by Austria since 1955.

The achievement of these goals would increase the likelihood of lasting stability, peace and security in all of Europe.

The eagerness now manifested by the Soviet Union to conclude a European security pact leads one to believe that the pressure of circumstances, the unreliability of the satellite armies, the discontent of the satellite people, as well as the good will of the United States might produce an unprecedented degree of willingness on the part of the Soviet Union to agree to these demands.

Very respectfully yours,
Prof. VRATISLAV BUSEK,
President.
Prof. FRANCIS SCHWARZENBERG,
Vice-President.
Dr. MIKULAS FERJENCIK,
Acting Vice-President.

SHARING WHAT REVENUE?

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. ROGERS. Mr. Speaker, in the past few years there have been numerous discussions of the ballooning Federal debt. The annual price tag for interest on this debt is now running at over $22 billion. In the wage of all this talk on deficit spending has come a proposal tacked onto the Revenue Sharing Act which was at least partially responsible for the veto of the Labor-HEW appropriations bill on the grounds that it was fiscally indefensible. I recently read an editorial in the Washington Evening Star entitled "Sharing What Revenue" which puts this whole issue into an interesting perspective. I would like to include that editorial in the RECORD at this point. The article referred to follows:

[From the Washington Star and News, Sept. 18, 1972]

SHARING WHAT REVENUE?

The federal budget is running so far in the red that, at present tax rates, it will be along about 1977 before the federal government has some disposable money to start new programs.

For all that, the Congress is well on its way to passing a revenue-sharing bill, one that will pass along more than $30 billion to state and local governments over the next five years. The money obviously will represent deficit spending, and it will increase the pressure for new federal taxes.

We won't belabor the point too much, for it looks as if nothing at this point can stop the revenue-sharing bill. It has the inevitability of a glacier on the move. President Nixon long ago gave it his support, which he is not about to change in the middle of an election year. The House passed the bill in June. The Senate, by a vote of 63–20, passed a similar measure last week. How could they dare not to? With great expectations, governors, mayors and county commissioners have been waiting for the money so long they had begun to count the cash as already theirs. Some of them even had budgeted it for the current fiscal year.

Since the two versions of the bill differed on several important points, the opportunity was there for the House-Senate conference committee to make the legislation more palatable. On balance, the conferees fumbled the opportunity.

The Senate, moving to halt a runaway program for welfare-related social services, had attached the program to revenue sharing and had stipulated a $1 billion ceiling. Something like that was essential, for without it, the federal government would have been obligated to spend on social services alone nearly $5 billion this year. It also promised to ease the task of redrafting the big HEW-Labor appropriations bill, which President Nixon recently vetoed as too expensive, largely because it included the unchecked social-services subsidies. Conferees from the House, which did not address the problem in its own revenue-sharing measure, did go along with the Senate, as they should have. But then the conferees casually raised the subsidy limit from $1 billion to $2.5 billion, more than twice the amount the administration considers fiscally defensible.

On a second point of major difference, the Senate had changed the House-approved formula for distributing revenue-sharing money to favor rural states over large, industrialized states and, within the states, to favor central cities over suburbs. It was a tricky combination but on the whole a backward step. The conferees should have adopted the House formula but instead took a middle course between the two bills.

Revenue sharing is certain to become a fixed part of government operations. But it remains a question as to where Uncle Sam will get the revenues to share with the states and cities.

THE SHRINE CENTENNIAL

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. ADDABBO. Mr. Speaker, this week Shriners from every section and corner of North America are participating in the 100th Anniversary of the Ancient Arabic Order of Nobles of the Mystic Shrine. The festivities in New York City this week mark the birthday of an organization which has always had a big heart and charitable purposes.

I am pleased to join with other Members of this body in extending my personal congratulations and best wishes to the millions of Shriners across America who have perpetuated the goals and purposes of the Order. The 19 orthopedic hospitals and three burn institutes supported by Shriners are examples of the good these men do and their tireless efforts on behalf of children everywhere. The Shriners participate in many other charitable activities, and they receive no Government funds.

It is appropriate that the Shriners meet this week in New York City where this fraternal Masonic Order was founded 100 years ago. The American people have received many benefits from the Shriners during these past 100 years and the Shrine Centennial is an appropriate occasion for each of us to acknowledge those benefits and express our appreciation to these dedicated men.

SCHWENGEL—A SOIL CONSERVATION LEADER

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. HARSHA. Mr. Speaker, the Tuesday Letter of the National Association of Conservation Districts—NACD—on August 22, reports on the Schwengel-Kee nonpoint source water pollution bill.

The NACD strongly endorses the Kee bill. They know how important it is to conservation districts and agriculture as a whole.

Congressman FRED SCHWENGEL has devoted much of his public life fighting for adequate soil conservation programs. He is a leader in this area, one the Congress values greatly.

As one who serves on the Public Works Committee with Congressman SCHWENGEL, I can testify to the fact that he is effective in his work on behalf of soil conservation.

What follows is what the NACD newsletter said about the Schwengel-Kee bill:

TO CONTROL POLLUTION

Sediment, as a major pollutant of the Nation's environment, gets an airing in Congress. New control programs may be in the offing. During three days of hearings last week before the Subcommittee on Conservation and Watershed Development of the House Public Works Committee, Congressional witnesses, spokesmen for the Administration, and representatives of private organizations emphasized the continuing damage of soil erosion and sediment-laden runoff to the quality of America's waters. Under consideration was H.R. 15596, by Rep. James Kee of West Virginia and Rep. Fred Schwengel of Iowa, dealing with "non-point source pollution from agricultural, rural, and developing areas."

The Kee-Schwengel bill would authorize anti-sediment programs long sought by conservation districts and the NACD. Using such familiar tools as technical assistance, cost-sharing, and 10-year agreements (as in the Great Plains Conservation Program), the legislation would provide for a head-on attack against roadside and streambank erosion, the restoration and rehabilitation of non-federal lands damaged by strip mining, and the protection of "rapidly developing rural and urban areas" as well as farms and ranches against excessive erosion and outpourings of sediment. Special attention is given to the sediment arising from poultry and livestock operations.

Leading the witnesses last week in support of the measure were Rep. Bob Poage of Texas, Chairman of the House Committee on Agriculture; Rep. Jamie Whitten of Mississippi, Chairman of the Subcommittee on Agriculture, Environmental and Consumer Protection of the House Committee on Appropriations; Rep. Tom Abernathy of Mississippi, of the House Committee on Agriculture; and Rep. Charles Thone of Nebraska, of the House Committee on Public Works.

Testimony from the executive agencies buttressed the severity of the sediment problem but backed away from recommending enactment because of budgetary considerations, even though current federal outlays for municipal and industrial water quality are already sharply higher than those proposed in the bill for the extensive American countryside.

Speaking on behalf of the NACD, Director Richard Longmire of Oklahoma declared "The abatement of pollution from municipal and industrial sources is clearly important, but even complete success in these two areas would not solve the nation's pollution problem. If we are to have clean air and clean water, it will also be necessary to control the overland flow of water and sharply reduce erosion by wind and water—especially in situations that habitually produce large loads of sediment."

"The bill now being considered by the committee expands and improves upon all the points urged by the NACD," Longmire said. "Considering the enormous environmental values at stake, and their nationwide dimensions, we believe legislation to deal with non-point source pollution from agricultural, rural, and developing areas is both timely and urgent," he concluded.

CONGRESSMAN WYMAN REPORTS RESULTS OF QUESTIONNAIRE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. WYMAN. Mr. Speaker, ever since I have had the honor to serve the residents of New Hampshire's First Congressional District in the U.S. House of Representatives, I have tried to send out to each household an annual questionnaire relating to matters of concern to the Congress and the Nation. This year, I mailed 100,000 questionnaires to residents of my district and over 10,000 individuals took the time to answer them. The tabulation of these responses has been completed and I would like to share the results with other Members who have also polled their constituencies in an effort to determine public opinion on important issues.

In addition to the 15 questions on issues, I asked for identification of the respondents in terms of age and, the results showed but few differences of opinion in responses to questions between those over 30 years of age and those under 30. Of the 10,000 plus respondents, 20 percent were under 30, two-thirds are male and one-third female.

Indicated by the answers was an overwhelming sentiment against new taxes, a desire to close existing tax loopholes and to impose a minimum tax on high incomes. As the figures indicate, 67 percent said they want no new taxes on the part of the Federal Government, while 11 percent said they would go along with additional forms of revenue. When asked whether the Government should raise taxes, 22 percent were undecided but young and old alike agreed, with little variation in the percentages, that unless absolutely necessary, no additional taxes were desired.

The President's foreign policy, as it relates to the Soviet Union, China, the Middle East and Vietnam received a strong favorable endorsement from all age groups with an overall average of 65 percent indicating approval of the administration's handling of America's role in the world today. Of the 18–30 year olds 59 percent expressed themselves as against cutting off funds for the winding down of the Vietnam war, while 57 percent of those over 30, or 2 percentage points less, opposed cutting off the funds. Fifty-eight percent of all respondents want to see the national primary approach used with a breakdown among age groups as follows: those over 30—65 percent; those 18–30, 71 percent.

Ninety-six percent favor changing the present welfare system, with 95 percent of those under 30 wanting to see some type of reform, preferably job training programs, and 97 percent of those over 30 agreeing with the younger voters. The President's family assistance program was felt to be the proper approach to reform by only 18 percent. Many indicated they would like to see the establishment of a means test for welfare and an overwhelming majority favor job training and work requirements for all physically qualified welfare recipients.

Sixty-four percent of the respondents want to see a health insurance program enacted that will either allow income tax credits for the purchase of a private health insurance policy or a program financed by employee and employer contributions. Much fewer want health insurance financed and operated by the Federal Government.

A wide division of opinion appeared regarding penalties for possession of marihuana. Sixty-six percent of those under 30 want to see penalties reduced, while sixty-one percent of those over 30 responded that no reduction of penalties should take place. Few in either age group want to see the penalties eliminated entirely.

Seventy-two percent desire to maintain military parity with the Soviet Union, but the percentage of the 18–30 year-old group drops to 56 percent level when asked whether military parity should be maintained even if it means increased defense spending.

Younger people appear more willing to accept higher taxes to clean up our environment—67 percent—than are those over 30—55 percent, but most respondents indicated they would do so if need be. Overall, 57 percent believe it to be a serious enough problem to warrant paying for with additional taxes.

Striking public service employees were looked on with disfavor by 59 percent of those over 30, while 52 percent of those under 30 were opposed. Most residents of the first district—54 percent—desire some type of protection from strikes in transportation services.

An average of 70 percent of all respondents, with a somewhat stronger showing among the young, would favor a national lottery to raise additional revenue.

Three-fourths of those polled want protection of some form against foreign imports, particularly female respondents with almost 85 percent in favor of a law limiting imports to a base period ceiling. A significant majority—63 percent—do not favor a check-off on tax returns for contributions to political parties.

Young people responded in favor of gun control legislation—60 percent—while those over 30 opposed gun control by a bare majority—52 percent. The percentages for all respondents show 50 percent in support, 49 percent opposed, and 1 percent undecided.

National defense, crime and lawlessness, inflation and jobs, and welfare reform ranked highest among all voters as issues most important to the Nation today. Education ranked a little higher than revenue sharing and space exploration with the young, but overall, the respondents agreed that defense was the Nation's first priority with crime and lawlessness a close second.

The questionnaire sent to residents of the First Congressional District of New Hampshire and the overall responses thereto—rounded by total—was as follows:

CONGRESSMAN LOUIS C. WYMAN WANTS YOUR OPINION

(NOTE:—Where totals do not add to 100 percent, remainder indicated that they did not know or were undecided.)

1. To check inflation and unemployment, the Federal Government should:

(Answers in percent)

a. Enact wage and price controls—yes 56; no 26.

b. Stop spending beyond its revenues—yes 82; no 7.

c. Spend less on domestic programs—yes 31; no 48.

d. Spend less on national defense—yes 30; no 52.

e. Raise taxes—yes 11; no 67.

f. Plug tax loopholes—yes 79; no 4.

g. Pass a minimum tax on higher incomes—yes 66; no 17.

2. Please rank the following national issues in their order of importance to you (use numbers 1 through 10):

6 welfare reform
8 revenue sharing
2 crime and lawlessness
3 inflation and unemployment
5 education
10 space exploration
4 pollution control
7 housing
9 health insurance
1 national defense, Vietnam and the draft.

3. Do you favor cutting off all funds for U.S. military and economic assistance in Southeast Asia on a day certain without the prior return of Americans held prisoner by North Vietnam? Yes 18; no 58.

4. Do you favor a national primary for the selection of Presidential candidates: Yes 58; no 18.

5. Do you favor reform of the present welfare system? Yes 68; no 25.

If yes, which of the following do you favor?

a. A family assistance program for all families with less than a so-called poverty level of income—18.

b. Job training and work requirements for all physically qualified welfare recipients—85.

c. A means test for welfare recipients—32.

d. Other (your suggestion): ———

6. Regarding national health insurance proposals, which do you favor?

a. A program financed and operated by the Federal Government? 23 percent.

b. A Federal program financed by employer and employee contributions? 31 percent.

c. Income tax credits for the cost of purchasing private health insurance? 33 percent.

d. Complete reliance on private health insurance coverage? 17 percent.

(Answers in percent)

7. Do you generally support President Nixon's foreign policy as it relates to:

a. The Soviet Union—Yes 72; No 18.

b. Mainland China—Yes 66; No 22.

c. The Middle East—Yes 67; No. 23.

d. Vietnam—Yes 66; No 27.

8. Should the penalties for possession or use of marijuana be reduced? Yes 39; No 55.

Eliminated entirely? Yes 17; No 67.

9. Should the possession and sale of hand guns be restricted by Federal and State law? Yes 50; No 49.

10. Do you believe the U.S. should try to retain military parity with the Soviet Union even though this may require increased defense spending? Yes 72; No 23.

11. Would you be willing to accept higher taxes to pay for the cost of cleaning up our environment? Yes 57; No 34.

12. Do you favor modification or elimination of a right to strike by employees of

a. airlines? Yes 54; No 35.

b. railroads? Yes 59; No 33.

c. transport? Yes 57; No 34.

d. agencies such as dockworkers? Yes 58; No 32.

13. Would you favor a national lottery as a means of raising additional Federal revenue? Yes 62; No 35.

14. Do you favor the check off on your income tax return for contributions to political parties? Yes 27; No 63.

15. Do you favor legislation to limit the amount and value of foreign imports that are hurting U.S. industry and jobs? Yes 72; No 24.

If you wish to—but it is not necessary to do so—add the following information about yourself:

Sex: M— F—
Age: 18–30— 30 and above—
Occupation:——
Name and address: ____________________

RESPONSES BROKEN DOWN BY AGE GROUPS (APPROXIMATELY ⅙ OF THOSE ANSWERING WERE UNDER 30)

[In percent]

	Those under 30		Those over 30	
	Yes	No	Yes	No
Question 1:				
(a)	65	27	55	26
(b)	68	15	86	5
(c)	17	74	35	42
(d)	49	45	25	54
(e)	10	79	11	64
(f)	91	4	75	4
(g)	69	23	65	16
Question 2	Similar responses in terms of priorities.			
Question 3	29	59	14	57
Question 4	71	26	68	25
Question 5	96	2	95	3
(a)	27	--------	15	--------
(b)	83	--------	88	--------
(c)	24	--------	26	--------
Question 6:				
(a)	30	--------	21	--------
(b)	33	--------	31	--------
(c)	27	--------	35	--------
(d)	13	--------	19	--------
Question 7:				
Soviet	82	14	70	19
China	65	18	66	23
Middle East	61	32	69	21
Vietnam	51	45	70	22
Question 8:				
Reduced	66	32	32	61
Eliminated	36	59	11	70
Question 9	60	38	47	52
Question 10	56	41	77	18
Question 11	67	21	55	37
Question 12:				
(a)	43	52	59	29
(b)	46	48	60	29
(c)	47	48	60	29
(d)	49	46	60	29
Question 13	72	24	60	38
Question 14	26	55	28	65
Question 15	67	29	74	22

I am sincerely appreciative to those who took the time to respond to the questionnaire. I hope more will do this in the future because annual questionnaires are most helpful to Members of Congress in better understanding the position of their constituents on important issues on a broad basis of public response.

From an examination of similar questions asked of residents in other congressional districts it would appear that, generally speaking, the sentiments of first district residents reflect the national will except for those districts in which special interest concerns are dominant. My own personal reaction to the questions asked is substantially in accord with the majority responses with but few exceptions. One of these relates to gun control legislation which I strongly oppose particularly as it relates to compulsory registration of firearms. Another involves the so-called national primary system for selecting presidential candidates. The latter would substantially lessen New Hampshire's present leading role in this process, being the first presidential primary State, but more broadly such a procedure would reduce the influence of the several States and strengthen the influence of those parts of the United States containing heavy population concentrations. I am not persuaded that increasing such voting strength in the choice of a President would be in the national best interests.

I hope other Members of Congress will benefit from the opportunity to review the positions of residents of the First Congressional District of New Hampshire.

WICK FOWLER, INTERNATIONAL JOURNALIST AND CHILI KING

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. PICKLE. Mr. Speaker, I want this time to pay sincere tribute to the late Wick Fowler, a Texas and international journalist, political observer, pundit and esteemed citizen and personality.

Wick Fowler will be greatly missed by his countless friends, whose lives he lightened and brightened with his wit and humor.

Wick Fowler will be greatly missed by his community and his State for the unselfish hours he contributed to civic endeavors. He was my close and dear friend, a legend in his own time.

A journalist whose career spanned four decades, his writings described for Texans events from the battlegrounds of World War II and Vietnam to the cities and countryside.

He was a close friend and associate of the legendary war correspondent Ernie Pyle. Indeed he was the Texas Ernie Pyle.

Wick has been described as a jack-of-all-trades—a merchant marine, a city policeman, a Texas highway patrolman, a lecturer, a special investigator, an aide to a Governor and U.S. Senator, a musician and a philanthropist. Above all, he was a warm friend and lovable individual.

I would like to place in the RECORD a newsstory from today's Austin American on the life and career of Wick Fowler:

WICK FOWLER DIES HERE AT AGE 63

(By Sam Wood and Nat Henderson)

Wick Fowler, a big man with a big laugh and a heart of gold, died at 12:22 a.m. Wednesday at St. David's Hospital at the age of 63.

One of the iron men of journalism was stricken with amyotrophic lateral sclerosis, the lethal muscular disease which claimed the life of the "Iron Man of Baseball," Lou Gehrig.

Wick Fowler was a newsman's journalist whose search for stories took him around the world. He saw Adolf Hitler take over Germany in 1933, and he returned to Europe and North Africa during World War II to follow the famed Texas 36th Division through Italy into France.

Fowler went through the Battle of the Bulge. He almost stayed long enough in Europe for the Fall of the Third Reich, which he saw created, but he came home to Austin for a brief visit before going to the Pacific to witness the final battles in the defeat of Japan.

He was accredited to the Navy corps of war correspondents in the Pacific and covered the Marine Corps campaign in Okinawa. Fowler made a sorrowful visit to the site where Ernie Pyle was killed with the Marines in Okinawa.

He and Pyle were close friends in Italy while both were covering the 36th Division. They were quartered in the same building in Italy when it was struck by artillery fire.

Two decades after Okinawa, Fowler again covered the combat Marines in Vietnam when the fighting was among the toughest of the war.

Fowler was a National Guardsman for six years, joining the old 36th Division of Texas in 1927, the same outfit he later covered in World War II. But all the branches of the Armed Forces claimed him as a soldier, sailor and marine, because he was with them in combat.

He was almost a Jack of all Trades. He was a Merchant Marine, a city policeman, a Texas highway patrolman, a lecturer, special investigator, aide to a governor and a U.S. Senator, a musician and a philanthropist.

Wick Fowler was a humorist. He had to be with the name of Homer Thomas Wilson Fowler. He got the name "Wick" from his young brothers and sisters who could not pronounce "Wilson" as his parents intended for him to be called.

His humor let him to package his own chili mix, at first only for the members of the Chili Appreciation Society International of which he was a founder. But the lark turned to profit, and the 2-Alarm Chili he developed through his Caliente Chili Company in Austin now is distributed across the nation and in several foreign countries.

He was among the organizers of the World Championship Chili Cookoff at Terlingua in the Big Bend. He won the title as the international champion chili chef one year.

Fowler also was a founder of the annual Republic of Texas Chilympiad at San Marcos. He planned to attend the festivities Sept. 29-Oct. 1. He was a colonel in the Confederate Air Force and also had planned to attend an air show by the organization at San Marcos on Oct. 1.

Fowler became ill several weeks ago, but the disease was not diagnosed until two weeks ago. He was admitted to St. David's Hospital last week and remained in the intensive care until his death.

Born at Big Sandy in Upshur County, Fowler was reared at Victoria. He was captain of his high school football team at Victoria. Between halves, he went to the stands to play the French horn in the band instead of going to the dressing room.

He loved music and was a self-taught and accomplished organist and accordianist.

Fowler began his professional newspaper career as a reporter for the Austin Statesman in 1932. He maintained close connections with the American-Statesman through the years, writing columns and feature articles.

He became one of the first three newsmen to enter Hiroshima to view the results of the opening of the atomic era.

After eight months in the Pacific and Far East, Fowler roamed Texas as a columnist for the Dallas News. He then became the capitol correspondent for the News.

Fowler served as executive assistant to Gov. Allan Shivers. Later he became an assistant to U.S. Sen. William Blakley.

In 1965, Fowler went to Vietnam for the Denton Record-Chronicle and became the first Texas newspaperman to cover the war. He returned again in 1969 to cover Vietnam for 15 daily Texas newspapers. He lost 60 pounds following the Marines.

He gained it back when he returned to his chili factory in Austin. In 1970 Fowler went to Vietnam again with H. Ross Perot, the Dallas businessman who was attempting to get the release of American prisoners of war.

Servicemen in Vietnam loved to see Fowler coming. He always seemed to have a load of 2-Alarm chili to distribute. He was known as "Chili Cong" because of the explosive red powder" he carried with him. He sometimes cooked chili for the Marines in the field.

Fowler gained nationwide notoriety as the Chili King of the World. He appeared on national television several times. His humor made him a sought-after lecturer, but often there were serious observations in his jokes.

He gave his time freely to many projects and also his money. His closest friends never knew how much he spent in helping people whom he thought deserved it.

Wick Fowler is survived by his widow, Bess Reed Fowler; a daughter, Ann Fowler Kennedy; and a son, Gordon Fowler, all of Austin. Other survivors include two brothers and three sisters, Marion Fowler, Ike Fowler, Mrs. Brice Draper, Miss Irma Deane Fowler, all of Austin, and Mrs. Ralph Powers of Fort Worth; and four grandchildren.

Funeral for Fowler is pending at Hyltin-Manor Funeral Home.

SENATE MOVES TO PROTECT RIGHTS OF HANDICAPPED

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. VANIK. Mr. Speaker, the Senate should be highly commended for its action in protecting the rights of the handicapped through amendments incorporated last night in the Vocational Rehabilitation Act of 1972.

Fifty Members of the House cosponsored my bills earlier this year—which guaranteed the rights of persons with a mental or physical handicap to participate in programs receiving Federal assistance; and to eliminate discrimination in employment because of these handicaps in the absence of a bona fide occupational qualification.

Senators HUMPHREY and PERCY did an outstanding job on the Senate floor in the passage of these amendments.

It is my hope that the conferees will support these provisions—especially section 603 which protects employment rights of the handicapped—with investigative protection from the Department of Labor.

It is also my hope that the House conferees will support section 603 and section 604 so that the 7 million children now excluded from any schooling or training because of their handicaps will now move one step closer to the American mainstream of life—for too long they have been pushed back into stagnant waters.

I hope to continue my drive for the rights of the handicapped in the House of Representatives during the 93d Congress.

DEMOCRACY IN ACTION AT NEWINGTON HOSPITAL HIGH SCHOOL

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mrs. GRASSO. Mr. Speaker, democracy in action finds vivid demonstration in an extraordinary event this week at the Newington Hospital High School. The young members of the class, most of whom are about to undergo orthopedic surgery or are involved in post surgery rehabilitation programs, have the opportunity to attend a seminar prepared by their distinguised alumna, Miss Helen Cotton of Granby.

For long months, Helen Cotton has been assembling the material for her course entitled "Freedom and Responsibility Are Inseparable." She has secured statements from administrative and legislative leaders and emphasizes the importances of voter registration, party enrollment and full participation in the mechanics of politics.

Helen Cotton practices what she preaches. Confined to a wheel chair and suffering speech impairment from cerebral palsey since childhood, she has proven to herself and an ever widening host of admirers, including the President of the United States, that handicaps are no bar to effective participation in the business of life. During the course the materials she has prepared with painstaking efficiency and scholarly emphasis are distributed to the members of the class. Her personal physician, Dr. Robert Emmil reads the text of the course to the class.

Helen Cotton's belief that freedom and responsibility are inseparable finds constant expression in a wide range of activities. They include a continuing communication with the U.S. Representative from the Sixth District of Connecticut who shares her enthusiasm and commends her work as a model to each of us as a citizen of the Republic. The following article from the Hartford Courant of September 20 describes the remarkable teaching adventure of this talented and committed young woman.

Her message of courage and faith is a model and inspiration to all.

COURSE TO RELATE FREEDOM AND VOTING

GRANBY.—"Freedom and Responsibility Are Inseparable" is the subject of a one-day course in practical politics to be taught by Miss Helen Cotton of Granby Thursday at Newington Hospital High School. She is an alumnus of the school.

Dr. Robert Emmel, her personal physician, will read the full text of the course to the class. Speech impairment and confinement to a wheel chair, resulting from cerebral palsey, were not permitted by Miss Cotton to block her participation in politics.

In 1970 she received an invitation to the White House as a guest of the President.

The course stresses the importance of voter enrollment, party registration and full participation in the mechanics of politics.

Each class member will receive a photograph of the President, his autograph, campaign materials and buttons.

Sage-Allen will donate red, white and blue tote bags, campaign literature and more buttons.

Miss Cotton has given over weeks to the assembling of course material. Emmel has driven to her home to keep up with teaching progress. Thursday he will make his first visit to Newington Hospital. He said told Miss Cotton he was "impressed with the job she had done under the conditions."

Last March, Miss Cotton said, "If these students receive no other message from this class, I hope they will realize their vote is important and take it seriously. There are many people who never vote, not even by absentee. I have voted in every single election at the polls in my wheel chair, often at the expense of my health. The least my students can do is register, and vote. Their votes will determine the fate and future of our country and the world.

WRC-TV 4 EDITORIAL

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. HOGAN. Mr. Speaker, as I have pointed out to my colleagues many times, the Washington, D.C., emergency medical system must be upgraded.

In order to demonstrate how the emergency medical service in our Nation's Capital compares with the capital of another large nation, I would like to request permission to insert a recent WRC-TV editorial into the RECORD.

This editorial presents the shocking contrast between our service and that of Moscow, and it is my hope that the comparison will jolt us into the realization that something must be done soon to provide adequate emergency service to the citizens of this area. The editorial follows:

WRC-TV 4 EDITORIAL

The authoritative Journal of the American Medical Association reported recently on the emergency medical service in the capital of a great nation.

Its essential feature, according to the report, is a focus on getting the doctor to the patient as quickly as possible with everything he needs in the way of equipment and personnel.

In the foreign capital there is a six-month period of special training for physicians who elect to work in this field. The central dispatching station for vehicles and personnel is connected with 22 substations throughout the city.

The emergency service operates in its own 600 bed hospital, which is also a research center. The staff consists of almost 2,000 personnel of whom 300 are physicians and 1,300 middle level medical workers.

In the daytime in this foreign capital 200 vehicles are operated with doctors and paramedic personnel aboard. At night about 100 are in service. Specialized ambulances are deployed to care for such emergencies as heart attacks, strokes and poisoning.

In Washington, D.C., the Capital of the Free World, there are 10 ambulances operated by 96 firemen around the clock. No doctors or highly trained medical personnel are aboard. Nor is there specialized equipment available.

The emergency medical service described in the Journal of the American Medical Association as the largest in the world is in Moscow—the capital of the Soviet Union.

Surely we could do as well in Washington today.

OPPOSITION OF GUN CONTROL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. DINGELL. Mr. Speaker, the Michigan Department of Natural Resources has expressed strong opposition to enactment of S. 2507, which is concerned with gun controls. I direct my colleagues attention to the views expressed by the Department in the following letter:

STATE OF MICHIGAN,
DEPARTMENT OF NATURAL RESOURCES,
Lansing, Mich., September 22, 1972.
Hon. JOHN D. DINGELL,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. DINGELL: The Michigan Department of Natural Resources strongly objects to S. 2507 now under consideration by the Congress. This Department has been deeply concerned with the regulation of firearms and acutely aware of the problems in this field. We are cognizant of the crime rate and the related involvement of firearms. The need for more adequate controls on the use of certain types of firearms is recognized and appropriate action supported. However, the provisions of S. 2507 preclude the use and ownership of many high quality handguns that are used for sporting purposes.

The intent of this bill is to eliminate the use of cheaply made foreign or domestic pistols which are unsuited for sporting purposes and which the record shows are involve in significant numbers of crimes. However, we must object to the arbitrary criteria of size and barrel length in the present bill which reaches far beyond the objective of the legislation. In fact, this meaningless criteria does nothing to differentiate the cheaply made problem firearm, and this shortcoming leaves the bill stripped of any capability of solving the problem.

We feel that the basic approach of this piece of legislation is misdirected. The criminal use of firearms is symptomatic of many deep social problems. Attempts to control the weapons are almost certainly destined to failure since the causes of the basic social ills are not attacked. Many statutes are presently available concerning the misuse of firearms. These do not dissuade the criminal. Further, poorly conceived laws will only harass and restrict the law abiding and society over-all will not be helped.

We urge you to act against passage of S. 2507.

Sincerely,
RALPH A. MACMULLAN, *Director.*

ISRAEL'S SILVER YEAR

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. RODINO. Mr. Speaker, on Tuesday, September 26, at 3:15 p.m., Newark Airport was the scene of a very special celebration. For Israel, described again and again in Biblical Scripture as a "light unto the nations" has entered her 25th year and delegates from Jewish communities throughout New Jersey had come to initiate ceremonies commemorating this joyous silver anniversary. Twelve torches, one for each of the communities represented, stood before the eyes of all who came to participate.

The gathering was addressed by Deputy Consulate General Jacov Aziyad of the Israeli Consulate in New York. Stressing the importance of American participation in the development, life, and future of the State of Israel, Mr. Aziyad presented the first torch to Mr. Martin Fox, president of the Jewish Community Council of Essex County, N.J. He stated:

This beacon Light symbolizes Israel's progress over the past 25 years.

Following Mr. Fox's brief acceptance speech, Msgr. Thomas Fahey, president of Seton Hall University, Rev. Raul Stagg, general secretary of the New Jersey Council of Churches, Prof. Walter Heckel, recent dean of Rutgers University Law School, and Mayor Kenneth Gibson, expressed their thoughts and feelings on the significance of this occasion. Prayers were then offered by Rabbi Sidney of Kearny and Rabbi Zev Segal of South Orange, N.J.

Although I was unable to join in this beautiful ceremony, I sent the following statement to all those in attendance. I would like to share my words with you at this time:

Silver anniversaries are always very special occasions, filled with shared joys, fulfilled hopes, unforgettable experiences, indelible remembrances and deep dreams. This particular 25 year celebration of life is a milestone dear to the hearts of a great many individuals in all parts of the world. Combined with an outlook, and an approach implanted with realism, pragmatism and with the continued fight for survival, as Israel begins her silver year, she is a Nation filled with the excitement, the vigor and the idealism to look forward confidently to building a future of positive goals and very special dreams. And, as she continues to move forward, I join my voice with all those here today to share her dream for peace and progress and to reaffirm my belief in the principles for which she stands.

PETER W. RODINO, Jr.,
Member of Congress.

HOW SAFE IS RALPH NADER? A PROFILE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. HUNGATE. Mr. Speaker, will America's No. 1 crusader race to destruction on the rollbars of his own rhetoric?

Has he suffered irreparable harm through being dubbed the only honest man in America?

Satirically, a car manufacturer says:

> Nader is far from safe, in my opinion. He overheats rapidly; he has a tendency to steer to the left; performance is ruined by flat spots; and there is a continual irritating whine from somewhere near his gearbox.

A profile is not a portrait, but simply an outline. It may be a drawing of the human face as seen from the side, a one-sided portrait, if you will, vividly presenting some of "the most striking characteristics of a personality." While Ralph Nader's collegians profile Congress as a summer school term paper—it may be time to give Ralph Nader his grade card.

In the interest of research, I have collected a number of articles concerning the subject of this profile and the major portion of the following are taken therefrom.

Let us suppose, just to be mischievous, that some public spirited citizen appointed a task force to profile Ralph Nader.

Following Nader's example, he probably would recruit a dozen or so college students, of if Mr. Nader's own ratio is applied—something over 800 collegians to study 535 Congressmen—we would want about 1⅔ college students. They should be very bright and self-confident, and spent their summer poring over what Nader has done for the American consumer. After months of legwork, they call a press conference couched in language which is appropriately inflammatory.

Nobody could be less of a consumer than America's No. 1 consumer advocate. He owns no car, no TV set, his home is a room in a Washington brownstone. He wears a standard dark suit, scuffs his shoes and his socks tend to slump.

Contrary to the belief in the near perfection of this crusader, we see a man all too human and vulnerable to many of the pitfalls confronting every young attorney. With but a modest scholastic record, a brief and frustrating private practice, some reportorial smattering, and the crowning manipulation of "unsafe at any speed," based on others' theses, the meteoric center staging was strictly deus ex machina, dependent on General Motors' cloak and dagger ineptitude and the skillful legislative maneuvering of others who were themselves later to suffer the public wrath of this self-righteous judge of all humanity. The enormity of his energetic inspiration, fact assembling and fundraising, is matched by his gross deficiencies, primarily in the area of desperately needed managerial structuring.

The purity of Ralph Nader's outrage is exceeded only by the ineffectiveness of his solutions—most of which are proving about as reliable as he found the Corvair. Like the auto makers who design cosmetic tailfins, Nader has added more remnant parts for the already cluttered governmental machinery. Thanks to Nader, consumers pay higher taxes; their tax dollars support more bureaucrats. The results are mixed at best and in some cases, have actually resulted in extra protection for the producers, not the consumers whom Nader supposedly represents. After all, Nader has been telling people for years that his triumphs were really failures, but people just did not listen.

As examples of Nader's triumphant failures, we note the following: Since the coal mine safety law was enacted in 1969, deaths in the mines have climbed, so have injuries. The "get tough" enforcement provisions have bogged down in legal controversy, 260 miners were killed in 1970, compared with 203 in 1969.

The same could be said for the Federal regulation of gas pipeline safety, a Nader cause in 1968. Since this regulation act, deaths from gas pipeline explosion have gone up substantially. Several States like New York and Missouri are complaining that the new Federal standards have actually lowered their level of safety enforcement.

A recent study backs General Motors on the Corvair. It stated:

> Light cars like Corvair do turn over more often than heavier cars. But the figures indicate, the Corvair was involved in a lower percentage of rollover accidents than other light domestic cars.

Douglas Toms, the Administrator of the National Highway Traffic Safety Administration, said the tests were then evaluated by a panel of three automotive experts.

The panel concluded that the Government's investigation was adequate in scope and depth and agreed with the conclusion that the Corvair did not have a safety defect and is not more unstable or more likely to roll over than other contemporary automobiles.

Nader submitted letters from three automotive engineers relating to Corvair's stability. The Government called the documents contradictory and unfair, because the engineers were commenting on data obtained in a GM test of an experimental model Corvair which was intentionally turned over.

The Government also studied a Ford Motor Co. film which Nader exhibited publicly earlier this year. The film showed a Corvair spinning out of control behind a Ford Falcon.

But the Government said its review of the films led it to believe that the tests were biased in favor of the Falcon and that the Corvair driver apparently was intentionally trying to get it to spin. It noted all the spins took place right in front of the cameras.

The Nader movement is extremely egocentric. Nader has repeatedly said that he was way ahead of his time even at Harvard Law School. Political adversity is also reflected in the idealistic young men and women around Nader. Robert Fellmeth, who directed the controversial California Land and Water Study, and later the congressional study, was a Goldwater organizer on the Stanford campus in 1964. James Turner, author of "The Chemical Feast," campaigned for Eugene McCarthy in Ohio in 1968.

The Nader organization tends to be extremely manipulative. Speaking at Harvard, he was cleverly seeking rapport with Harvard law students. In Newton College of the Sacred Heart, one of his organization spoke on women's lib.

Nader is advocating the corporate state. Although he speaks of distribution of power, wealth, access, and lawyers, he is clearly not speaking of a redistribution of wealth and equality of all individuals, or of responding to the specific needs of the most oppressed as defined by the most oppressed. His public interest system is to be a base of power for a new elite to combat and eventually control the corporate system.

This analysis is not intended as a personal attack on Nader. He may not be doing and saying these things consciously, but it is clear that this is how his message comes across. It is perhaps too early to call his appeal fascistic, but the fascistic overtones of his movement must not be overlooked.

We cannot criticize those who work for Nader because they feel strongly that change must come. But they must not lose sight of the dangers inherent in that movement or of the thin line between service to the people and service to self. As a humanity trip, Naderism is fine. But as a power trip, it is menace to us all.

The New Republic, in 1971, took a look at the Nader report entitled "The Closed Enterprise System"—a 1,148 page report on antitrust by a Nader study group headed by Mark Green—and said:

> The study is less interesting in itself than as a representative product of the Nader factor. Scholarship it is not, if by scholarship one means an honest and rigorous search for truth rather than a mere parade of learning. It is a highly tendentious work, in which patent self-contradiction is never permitted to blunt a good sally.

Fortune magazine charged that—

> Ralph Nader is not primarily interested in protecting consumers. The passion that rules in him, and he is a passionate man, is aimed at smashing utterly the target of his hatred, which is corporate power. Mr. Nader has a conspiratorial view of the world.

Charles B. McCoy, president and chairman of the board at Dupont, stated that the Nader report on Delaware is completely one-sided and so negative that it defeats its avowed purpose of helping the people of the State.

> I am struck by the lack of balance, and the existence of so many inaccuracies. What this report points up is the impossibility of coming, even with the best of motives, to Delaware or to any other community for three months, trying to understand the complex political structure, and then prescribing cures for real or imaginary ills. I have

lived here most of my life, and I wouldn't presume to offer such all-inclusive prescriptions.

Australian Prime Minister, William McMahon, described Nader as:

> A professional and paid pot stirrer, or troublemaker. He has been in Australia 24 hours and set himself up as Judge of Australia without a proper knowledge of the Country and its people.

The editor of the Daily News-Bulletin and Marceline News of Brookfield, Mo., wrote:

> I haven't had so much reaction to any 23rd hour (Editorial) in some time as to the one regarding Ralph Nader. Nearly everyone who had something to say said, "I don't want Ralph Nader to save me—I'd rather take care of that myself," and nearly everyone who discussed the matter with me feels as I do—that Nader is probably the most dangerous person alive to the U.S. as we know it now . . . he is devious, and because he keeps talking of "saving the consumer," he appears to be a friend of the people. Far from it. And instead of helping the consumer, Nader generally makes things cost more. One question keeps coming up every time the matter is discussed. People keep saying, "Where is he getting his money?" Nader won't tell. He's been asked that question on national TV. He refuses to say who his helpers are.

One possible source has been discussed. On July 27, the American Trial Lawyers Association voted to donate $10,000 to Nader's auto safety work and pledged themselves to raise an additional $10,000 from their membership to finance an index of automobile defects. Two years ago, Nader suggested to the Trial Lawyers that they donate 1 percent of their receipts to public interest law firms.

Why has Nader, the consumer advocate, ducked no-fault? Nader refused to talk to reporters on the subject, would not return phone calls, and has instructed his associates not to speak for him on the issue.

One consumer advocate who has championed no-fault and discussed it with Nader says Nader is ignoring the issue of no-fault insurance because he is "afraid that if lawyers are wiped out they would not be around for other things."

A New Republic article, dated September 2, 1972, suggested that Mr. Nader, in not working for a Federal no-fault automobile insurance law, had been influenced by the previously undisclosed grant by the American Trial Lawyers Association to "Nader's auto safety work."

Mr. Nader angrily declared by telephone on September 2:

> I will guarantee that they will issue a retraction.

In its September 9, 1972, issue, the magazine devotes nearly four pages to the controversy without explicitly retracting anything.

On Capitol Hill, the consensus about Ralph Nader's congressional project questionnaire seems to be, "How can so little be accomplished from so much?"

Of nine congressional staffs queried, all agreed that a 633-question self-critique is too general in scope for specific determinations to be made about the effectiveness of Congress—which is the intent of Nader's study.

Should the questions be answered? What is Mr. Nader's own record on responsiveness?

Ralph Nader refused to submit to an interview with the American Automobile Association publicity staff for an article on the aims and methods of his movement. An AAA spokesman said to Mr. Nader:

> Your refusal to be interviewed by our AAA News staff on an in-depth understanding of your objectives, motives, and goals means to us that you only want a one-way communication—your way.

For months, a Nader fan tried to reach the man without success. Postal officials in Nader's hometown of Winsted, Conn., tried to deliver a letter. Nader, they discovered, was not home and has not been for some time. The post office made three attempts to deliver it. The sender asked a Washington columnist for help, who then pleaded:

> Ralph, please pick up your mail, and let the folks in Winsted hear from you every now and then.

Also, staff aides criticize the questions for being leading, repetitious, and apparently written by people with little or no knowledge of the working legislative process.

With 535 legislators in office, to have all the Nader questionnaires answered would, by simple arithmetic, expend some $935,000 worth of legislative energy.

A study of the questionnaire shows most of the essay-type questions can be self-serving, or self-incriminating, depending on final interpretation.

Said one legislative assistant:

> Everybody who really cares in our District already knows where the Congressman stands on issues. Anyway, I think it's a little presumptive of Nader to consider himself representative of every voter.

The foregoing "profile" is the result of a research project and does not reflect my personal opinions, although it may come to.

In conclusion, I would emphasize this is merely a "profile." Over 80 percent of it merely repeats or restates the comments of others.

An impartial study directed to correction of the numerous faults and flaws of Congress should be welcomed by every member. However, a sketch, hastily drawn by inexperienced hands during the politically charger atmosphere of a Presidential election year deserves skeptical study. He who furnishes faulty mirrors can hardly complain if suddenly he sees himself in one.

This profile contains materials obtained from the following principal sources:

Christian Science Monitor—January 14, 1972.
New York Times—September 3, 1972.
"Citizen Nader"—by Charles McCarry.
Book World—April 9, 1972.
The Daily News Bulletin and Marceline News of Brookfield, Missouri—November, 1971.
Harvard Law Record—March 3, 1972.
Washington Post—November 7, 1971; December 6, 1971; July 20, 21, 26, 1972; August 16, 1972.
Punch—October 27, 1971.
Dupont News Release—December 1, 1971.
New Republic—September 2, 9, 1972.
Moberly, Missouri, Monitor-Index—August 3, 1972.

PROPOSED TRANS-ALASKA PIPELINE STRONGLY OPPOSED

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. DINGELL. Mr. Speaker, under general leave to extend my remarks, I direct my colleagues' attention to the following article which appeared in the September 9, 1972, issue of the Iron Mountain News of Iron Mountain, Mich.:

Pembine Man Rakes Proposed Trans-Alaska Pipeline Plans

Kenneth Quade, resident of the Pembine area, is an active conservationist with a deep interest in Alaska, a land in which he has traveled for 17 years.

Quade spent over 200 hours studying the environmental impact statement on the proposed trans-Alaska oil pipeline and has developed a number of strong opposing views on the project.

Quade's opinions are expressed in the following article submitted for publication in The Iron Mountain News:

"The final environmental impact statement on the proposed trans-Alaska pipeline is a documented report on how to systematically abuse nature and destroy a wilderness. Only in a society such as ours that is shockproof to violence—whether it be against nature or man—could such a report be tolerated.

"Only in a society such as ours, where the tangibles like affluence, gross national product, economic growth and a high standard of living are more important than the intangibles of life, is it welcomed. Only in a nation such as ours which is becoming devoid of ethics, principles, conscience, responsibility, and where its people are consumers instead of citizens, would it be accepted.

"The construction of the trans-Alaska pipeline may be the coup de grace that will finally convince the rest of the world we are no longer a civilized nation.

"It is possible that within 25 years after the construction of the pipeline, 50,000 square miles will be devastated by erosion and oil spills.

"The erosion resulting from the thawing of the permafrost will have a domino effect on the surrounding terrain. But it appears the government is only concerned about the domino effect when it deals with communism, not the environment. We are playing ecological Russian roulette just to appease profits and materialism.

"With sophisticated and insensitive nonchalance the impact statement lists some of the probable ecological damage that could occur: Maximum possible spills of 90,000 barrels north of the Yukon River. A chronic low level average oil spill of 20 barrels per day in the port of Valdez at the loading terminal which would eventually destroy the sport and commercial fishing of the Prince William Sound area. Up to 140,000 barrels per year spilled along the West Coast due to collisions. The unknown effect of what large oil spills will do when they are trapped under the ice of the Arctic Ocean.

"But the real horror of the impact statement was not what was revealed, but what was suppressed. Nothing was revealed as to permafrost damage already documented. When it dealt with unknowns it assured the reader that Alyeska Pipeline—the company that will build and maintain the trans-Alaska pipeline—knew how to deal with them.

"What they meant to say was that it is a case of trial and error and Alaska will be the guinea pig.

"In the nine volumes of the impact statement, only a few pages are devoted to the importance of wilderness areas. Are we to believe then, that the tranquilizing effects of the wilderness can now be substituted for by little white pills or poured from bottles and cans?

"In one volume of the impact statement, the Alyeska Pipeline Co. makes the ridiculous statement that it would save only endangered species in case of an oil spill. Can you imagine 10,000 birds covered with oil and having people checking them over looking only for endangered species?

"In another volume, Alyeska gave its elaborate plans on how it will contain an oil spill and then remove the oil. No mention was made on the adverse weather conditions in that part of North America. Yet in another volume of the impact statement, the Environmental Protection Agency states that even under favorable conditions less than five per cent of an oil spill is ever recovered.

"But the pipeline will be built. The tyranny of oil has become so powerful that the government has become nothing but a puppet in its hands.

"And then there is the economic arrogance of the America people. When they want their goodies they will have their goodies no matter what the consequences may be. What chance is there to save the caribou and clear mountain streams when Americans are willing to send their sons to die and be wounded in wars that never end in order to have prosperity? The hypocrisy is stifling. Is the silent majority really silent out of virtue?

"Much of history is nothing more than recording the follies of the crowd. When will greed result in the folly to end all follies?"

SEXISM LIVES IN THE PRESS BOX

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mrs. ABZUG. Mr. Speaker, everyone saw how many women were delegates and alternates to the Democratic Convention. Everyone who watched TV or read the newspapers heard about the position women held on things like the South Carolina challenge, the reproductive freedom minority plank and the candidacy of Sissy Farenthold of Texas for the vice-presidential nomination. Everyone learned of these things through the media. But what would happen if we turned the cameras around and looked at the media? What would happen if we all became reporters and interviewed those people who had the press badges on. What would happen is that we would see almost no women. To give you some idea about what it was like for women journalists at the convention I am including an article from the Boston Globe. I urge you all to read it:

SEXISM LIVES IN PRESS BOX

(By Ellen Goodman)

MIAMI BEACH.—If you stood on the floor between the VIP Box and the Massachusetts delegation, you could see the issue clearly.

Out there, in the uncomfortable chairs reserved for the President-makers were women, women in numbers, 40 for every hundred delegates, enough certainly to make a difference.

And behind you, in the Press Box tiers that crowded upwards, solid rows of men, sprinkled occasionally with a woman.

Women journalists have had no McGovern reform lines, you see. No one has told the editors they must include a "fair representation" of women in their delegations or face unseating. There was not a single challenge to the Washington Post delegation or the New York Times delegation, or, indeed, The Boston Globe delegation.

Out of the 7500 wearing media tags around their necks, less than 1000 were female, and most of these were go-for girls for the networks or executive editors' secretaries. There were probably no more than 100 from the daily press, the rest being from magazines, especially women's magazines.

For example, there were, to my knowledge, only three women reporters from the Associated Press national staff of more than 50 from New York and Washington. UPI was no better. I saw only one female byline in the New York Times, another on the Knight newspaper wire, two in the Washington Post.

You keep seeing them at the same places, Franc Lewine of AP, Helen Thomas of UPI, Nan Robertson of the New York Times, Myra McPherson of the Washington Post, Vera Glazer of Knight newspapers, Isabelle Shelton of the Washington Star.

You keep seeing them in the same places because of course they were covering the same things. They were covering the women's delegates, women's caucus and women's issues. I met only one woman who was covering the convention as her paper's (St. Paul Dispatch) chief political writer.

As one Washingon wire service reporter said, "They must have thought this was unimportant enough to leave to us. Either that or there is something indelibly marked that says women's issue equals women reporter."

(Because all the reporters were talking as colleagues, rather than interviewees, they will be nameless.)

The "women's issues,"—the very presence of women, their commitments to the sex-bias challenges of South Carolina and Illinois, their fight for the minority plank on abortion, their allegiance vote on sex lines for Texas' Sissy Farenthold for Vice President—turned out to be one of the biggest stories of the week in Miami.

With the exception of the always chauvinistic New York Times, almost all the major papers played the abortion fight or the women's women delegate's story on page one at some time during the week.

At the first women's caucus meeting, Gloria Steinem reminded the women reporters that for the first time they would have something to report on besides parties and candidate's wives.

But, by Wednesday night when the credentials and the platform fights had been settled and the big story was the nominee, what happened to the women journalists?

In an incredible schizophrenic moment, most of the cream of the female crop of newspaperwomen, particularly from the wires, were sent off to take turns interviewing Eleanor McGovern. The wire service women who had expected it were still in revolt, at least among themselves.

"For openers, I've been working all week, while half of the staff hasn't gotten one thing on the wire. Why for once couldn't they send a man? Are they afraid they couldn't tell what color dress she had on?" said one veteran.

"It's too much. All week you listen to women saying, 'equality.' You listen to women talking about how they got to be delegates in their own right, not as wives, not as daughters, but as politicians. You report that. Then, for crissakes they send you out to report on the women who's only claim to fame is a good marriage," said another.

"It's simple. If I write another story about a wife of a president, I'm going to throw up. Do you know I've written Eleanor McGovern three times. I've asked her "How does it feel to be a senator's wife? How does it feel to be a candidate's wife? Now I have to ask her how does it feel to be a nominee's wife?" This from another Washington White House reporter.

The editors? The editors were following tradition, just as the Democrats were in 1968. The editors, logically, were sending their top political reporters to Miami who just happen to be male. Just as the Democrats sent their top political people in 1968.

But in 1968 the Democrats saw that under-represented delegations were a barrier to a democratic system. What's more, they were forced to respond to pressure from below.

It took six months to educate many of the new delegates on how to get to Miami and what to do when they got there.

I think it would take less for the woman journalists.

As the women revolutionized the convention they might revolutionize the coverage of that convention. Or at least have input into that coverage.

Of course, they have been kept apart and tokenized into silence. One woman reporter from Washington was actually conned into believing that she was competing not with the whole staff but with the only other woman from her paper for stories. She woke up to that in Miami Beach which was as much a convention for journalists as for Democrats.

There are no McGovern guidelines for the Republican convention or even for 1972. But the pressure from below is building up. There is something too hypocritical, even for the media, to report glowingly of the New Convention democratized, and feminized, from the solid male rows of the press box.

LOU RANDELL NAMED OUTSTANDING GALLERY DOORMAN OF THE YEAR FOR THE U.S. HOUSE OF REPRESENTATIVES DOORMEN'S SOCIETY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. ADDABBO. Mr. Speaker, it is always a great honor to be selected for an award by your peers. Recently Lou Randell was given the distinction of being the Gallery Doorman of the Year. Lou has had a long and successful career working on Capitol Hill.

Lou first came to the Hill in 1940 as a secretary to a Congressman. He then shifted to the House door, next to the postal office, and then on the door in 1962.

Lou's work at the Capitol has spanned the leadership of Speaker Rayburn, Speaker McCormack, and Speaker ALBERT.

When asked what one important event was treasured in his thoughts from his long tenure on the Hill he replied—

> In 1943 I was co-chairman of the only Easter sunrise Service held on Capitol hill, and it was really beautiful.

I am proud of the recognition that has been bestowed on Lou, and I take this opportunity to call attention of my colleagues to his work as doorman in the U.S. House of Representatives gallery.

CHARITY BEGINS AT HOME

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. GAYDOS. Mr. Speaker, the ultimate travesty of our giveaway policies now comes in the proposal of the International Economic Policy Association, a privately financed research organization, that we scattered abroad in order to meet our urgent domestic needs.

The association, which has made a study of these needs, suggests, according to the Associated Press, the creation of a "U.S. Public Development Corporation" to make long-term borrowings of excess dollars now in the coffers of Europeans and, in turn, to ladle them out to our States and municipalities so that they can undertake such urgent projects as urban development, housing, schools, transportation, sewage treatment, and so forth.

The AP quotes from the association's treatise:

> Interest rates (to be paid the Europeans) would approximate those of tax-exempt bonds. The U.S. government would pay the difference between interest received from local governments and that paid out.

How did the Europeans get those U.S. dollars that we now need so badly at home that a prestigious economic study organization would find itself in a position to make such a recommendation? Millions of them reached the European stockpile in the form of "foreign aid" handouts—the giveways with "no strings attached" of the postwar era. There were millions unused and stored up in European banks and public treasuries, so many of them in fact that they have acquired a name of their own, "Eurodollars."

The other "excess" dollars in the hands of Europeans are the result of the balance of payments which has been allowed to run against us—billions which the Europeans have reaped while the U.S. taxpayer has carried the heavy load of NATO, kept costly American troops stationed in Europe to defend the Europeans if such became necessary, and, in many other ways, played patsy not only to Europe but to the entire free world.

Meanwhile, as we tossed away our billions in excess of any need, as is now proved by the surplus of U.S. dollars overseas, we were compelled to neglect, because of their high costs, the normal requirements of an aging and growing nation. Our cities were left unattended. Our highways were kept inadequate to the demand upon them. Our housing, school, and hospital building programs, to say nothing of needed antipollution measures, were allowed to fall behind because we had not the money to pay for them. What we could have done for our country over the last two decades with only a part of those tax dollars which we showered on others.

And now we have a proposal, made seriously by a highly serious economic research group, that we borrow back some of those gift dollars which have been piled up by Europeans so we can finance solutions to our home front crises. Has history ever recorded a greater irony for any nation? I doubt it. And the irony is even more severe since the House recently passed a $4.2 billion bill for further foreign aid and related spending—a $1 billion increase over the one voted last year, and even at that, almost $1 billion—or $967.9 million to be exact—under what President Nixon requested.

When will this be stopped? I have consistently voted against this massive foreign aid handout and will continue to do so as long as we continue to ignore our unmet pressing domestic needs. Charity still begins at home.

A TRIBUTE TO WILLIAM FITTS RYAN

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. BRADEMAS. Mr. Speaker, yesterday the House of Representatives passed a bill to create the Gateway National Seashore in the States of New York and New Jersey. This park will be named in honor of our late colleague from New York, William Fitts Ryan.

Bill Ryan was one of the original sponsors of this measure, and it was due to his effective leadership and tireless energy that this legislation has now been approved. It is, therefore, most appropriate that this urban recreational center be named in Bill Ryan's honor.

Bill Ryan was loved and respected by both his colleagues here in Congress and by the people of his district.

We are all familiar with his record in Congress and his efforts with respect to legislation to improve the quality of life for all Americans.

His relationship with the people in his district was unique and I would like to share with you impressions of that relationship that appeared recently in the Village Voice. Jack Newfield accompanied Bill Ryan on a walk through his district and the following is Newfield's account of that walk:

> In June I walked the length of his district with him, and watched the love remain constant as the neighborhoods changed. The people coming out of nice homes in Riverdale to wave and say hello, and the Irish in Inwood greeting him with warmth and comradeship, and then the blacks in Harlem remembering everything he did before civil rights became fashionable, and everything he did after blacks became unfashionable. Around Columbia and on the West Side Ryan was mobbed as if he were giving out free bagels from Zabar's. And then into Hell's Kitchen and Chelsea, where the white poor and the Puerto Ricans stopped their street games to cheer Ryan on.
>
> On Monday morning, the bent old people sitting on the benches of Broadway shared their memories of Ryan, and in Congress his colleagues made speeches about how far ahead of his time Ryan was.

Mr. Speaker, Bill Ryan was a rare individual, and I am pleased that the Gateway National Seashore, for which he worked so intensely, will be a lasting memorial in his honor.

Like my colleagues in Congress, I am proud to have known Bill Ryan and to have served with him.

THE FEDERAL-AID HIGHWAY ACT OF 1972

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. GUDE. Mr. Speaker, as our colleagues are well aware, the House Public Works Committee has filed its report on H.R. 16656, the Federal-Aid Highway Act of 1972, and we shall shortly be taking the bill up for consideration.

Section 139 of H.R. 16656 states that no court shall have any power to "in any way impede, delay, or halt" construction of the Three Sisters Bridge, to be built across the Potomac River between the District of Columbia and Virginia. This section further would remove from the courts any jurisdiction over any action—or inaction—on the part of any government, be it the Federal Government, the District of Columbia government, or a local government, relating to this project.

Approval of this section of the bill would, in my opinion and in that of many of our colleagues, totally subvert the purposes of the National Environmental Policy Act of 1969, which provides for complete environmental review of any such project, and would additionally set a very poor precedent for other Federal projects. I and many colleagues are strongly opposed to efforts of this nature to remove this, or any other similar project, from the full review called for by NEPA, and when the measure does come before the House, our colleague, BROCK ADAMS, and I and others plan to offer the appropriate amendment to delete this section.

The question here is not whether this bridge should be built. I have stated my position in favor of this bridge as part of the highway plan for the metropolitan area of Washington adopted by the National Capital Planning Commission.

The question, very clearly put, is whether or not the Congress meant what it did in approving NEPA in 1969—an action which has enjoyed broad public support. As a matter of policy, I am convinced that an exemption—for whatever project, and for whatever reasons—to the requirements of NEPA would constitute a broadside attack on all that careful environmental study and review can and has accompanied.

Our colleague, the Honorable JOHN DINGELL, has already been joined by me and others in writing each Member on a related matter concerning the San Antonio North Expressway. In this instance too, section 113 of the bill attempts to undo all the work that has gone on under NEPA. These are clearly related issues which should be considered within the same context—Do we wish to allow these specific project exemptions to the Environmental Policy Act? I believe that we should not.

In his report to the chairman of the

Public Works Committee, Secretary of Transportation Volpe voiced his Department's opposition to section 139 of the bill. Secretary Volpe stated:

> THREE SISTERS BRIDGE
>
> Section 139 of H.R. 16656 would withdraw the authority of the courts to issue any order or take any action which would in any way impede, delay or halt construction of the Three Sisters Bridge. In addition, any approval, determination or other action, taken by the Secretary of Transportation, or the head of any other agency of the Federal or District of Columbia governments, in constructing the Three Sisters Bridge, would not be reviewable in any court.
>
> As a general rule, we believe that the exemption of Federal-aid projects on a case-by-case basis from the requirements of Federal laws and regulations and the restriction of the authority of the courts are not desirable. Moreover, if the purpose of section 139 is to expedite the processing of the Three Sisters Bridge project, it is our opinion that it does not achieve that purpose. Because the provision is prospective, it would leave the existing court order standing. The Department's General Counsel has advised that processing the Three Sisters Bridge without complying with the existing court order may lead to contempt proceedings against the Secretary of Transportation.
>
> We also would oppose any provision mandating the processing of the project and construction of the Three Sisters Bridge without compliance with Federal statutory provisions. The Department consistently has maintained that the Federal highway statutes, specifically section 103 of title 23, vest the States with the responsibility for initiating, planning and executing highway projects. Any proposal to remove these functions from the District of Columbia and the State of Virginia would supersede local initiative and responsibility and create a precedent for similar action with respect to highway controversies in the several States.

There can be no question as to the intent of section 139. Many of us believe it would be a great error to approve of this precedent-setting language, and shall work for its deletion.

THE UNSAFE SCHOOLBUS

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. ALEXANDER. Mr. Speaker, daily millions of American children are on the road in schoolbuses. Parents trustingly watch their offspring board a bus morning after morning with little thought as to the safety of such a vehicle. However, recently a study of the National Transportation Safety Board has found certain weaknesses in the structure of the schoolbus body involved in a New York crash which killed five. As a recent editorial in the Washington Post pointed out, we do not need new, improved technology to correct these weaknesses. All that's needed, in fact, are more rivets. I was pleased to note that an Arkansas firm, the Ward School Bus Manufacturing Co., has taken the lead in producing these safer buses. Hopefully more companies can be persuaded to follow suit.

I would like to share with you now that Post editorial which gives us all something to think about and to work toward:

> THE UNSAFE SCHOOL BUSES
>
> It has been known for some time that school buses are high risk vehicles—more dangerous than the automobile, if that can be imagined—but public attention mostly comes following a crash, not in the quiet period long after. Plenty of crashes have occurred in recent years, from the Congers, New York, accident last March that killed five to the Gunnison, Colorado, crash where nine died in September 1971. Last week, the National Transportation Safety Board, an advisory group of the Department of Transportation, issued a valuable report on the flawed design of American school buses. Referring to the New York crash, the board said it "tentatively concluded that the gross disintegration of the school bus body was made possible by widespread failure of the school bus body at the joints." In other words, the bus was fastened together by relatively few rivets and easily came apart at impact. The board said that this weakness, and others commonly found in school buses "must be eliminated as quickly as possible."
>
> Calls for action are now almost routine regarding school bus safety; but then the dust settles and the vehicles keep rolling along. What is most alarming is not so much that the hazardous conditions persist but that the technology to correct many of them is available. Ward School Bus Manufacturing, an Arkansas firm, for example, is now producing a body with thousands more rivets than found in standard models. The cost for this safety feature rises $390, but in proportion to the $9,000 or $10,000 regular price of a bus the extra sum is hardly overwhelming.
>
> Unlike private cars and commercial buses in which passengers are paying for the transportation and accept the risks inherent to the ride, children in school buses are at the mercy of what authorities give them. Thirty-one children were killed within school buses in 1971 and potential for even greater tragedy is ever present. The Department of Transportation has made some worthy efforts to protect the 19 million school bus riders, but with low funding for its safety agency it must give priority to decreasing the dangers of automobiles. In Congress, Rep. Les Aspin (D-Wis.) has introduced a school bus safety bill that now has 80 co-sponsors; it is expected to go nowhere this session. Over-all, a strange kind of inertia is present. No one is lobbying against school bus safety, no controversy is involved—go to the other busing issue for that—and the cost is small.
>
> Until the advice of such groups as the National Transportation Safety Board is taken and the legislation of Mr. Aspin is passed, the crashes are likely to continue. Instead of preventive technology—how complex is a rivet job?—authorities apparently prefer to depend on luck to protect the children. Luck and school buses, though, are grimly similar: both easily give out.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

GET THE UNITED STATES OUT OF THE U.N.—I

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. SCHMITZ. Mr. Speaker, Thomas Jefferson said:

> Single acts of tyranny may be ascribed to the accidental opinion of a day; but a series of oppressions, begun at a distinguished period, and pursued unalterably through every change of ministers, too plainly prove a deliberate systematical plan of reducing us to slavery.

People all over America have been wondering for many years now what lies behind the continuing trend toward bigger and bigger government—from local to State, from State to Federal, from Federal to international—combined with the virtual paralysis of our Government in carrying on foreign conflicts which has resulted in two major no-win wars. Since Korea and Vietnam there are over a hundred thousand Americans who can no longer ask those questions, because they made the supreme sacrifice, giving their lives—as they believed—in defense of freedom. But the internationalists who dominated our foreign and military policy during both conflicts are not interested in freedom, but rather in extending the power of government ruled by them, over the entire earth.

I was made more vividly aware than ever of the betrayal of America's finest when a letter written to Life magazine by a Green Beret medic, M. Sgt. John Dryden, came into my hands a few months ago. Life, which like the U.N. and no-win wars, did not see fit to publish it. I do.

Sergeant Dryden said:

> I am planning to marry a very lovely lady from Latvia. Where is Latvia? It doesn't exist any more. Since it was occupied in 1941 by troops of Communist Russia, it has not even the dignity of being a Communist satellite. It is now a very small, insignificant state of Russia proper. Latvia, as an entity, has ceased to exist. But of course in this *enlightened age* such things can no longer happen. My love would like to know why no one is interested that her country was swallowed in one gulp by the most voracious appetite the world has ever known. I would like to know too.

It seems, as Sergeant Dryden suggests, that this "enlightened age" needs a little enlightenment. It is to Sergeant Dryden, the Green Beret who spent more than his share of time in the jungle hells of Southeast Asia seeing Communist horror firsthand, and the thousands like him in all the Armed Forces, that I dedicate this three-part series in my newsletter keyed to the message I am resolved to bring to the American people: Get the United States out of the United Nations.

It was Rockefeller money that in 1945 gave us that monster building in New York that not only pollutes the East River, but everyone in America who still puts trust in it. It is your tax money that sustains it now, paying a minimum of one-third of its annual bill.

Despite what the American people have been told so many times, by our California U.S. Senators for example, the purpose of the United Nations is world government, plain and simple. It is the same world government that Lenin called the United States of the World, that Karl Marx called for when he spoke of the eventual establishment of a single world Socialist state. And this is the idea and the goal which is really meant when President Nixon speaks of a "new world order" and when HUBERT HUMPHREY speaks of the brotherhood of nations.

Let us consider the history of this United Nations where God knocked on the door in 1945 and was rejected forever. It was identified Communist Alger Hiss who was the first Secretary General—temporary—from America and its primary organizer. Every one of the 16 men listed in the State Department volume, "Postwar Foreign Policy Preparation, 1939–45" as principal U.S. Government planners for the United Nations has been identified in sworn testimony as a Communist. So from the very start we have had persons running the United Nations who do not believe in the sovereignty of the United States, spied for Russia, and are aiming at a one-world Socialist government.

To bring this up to date we need only refer to Progress, Co-Existence and Intellectual Freedom by Russian Communist Andrei Sakharov which became a Book-of-the-Month Club selection in America. Our present Commissar of Foreign Affairs, Henry Kissinger, said that this book is one of the most important documents on Communist policy to appear in recent years. Comrade Sakharov states in his book that peace and freedom will come through "the diversion by 1990 of the economics of the converged social systems of the U.S.S.R. into massive aid for the third world and the emergence in 2000 of world government." That means in plain English that the "new world order" which President Nixon and Mr. Kissinger are pursuing can only come based on socialism.

NAVY DAY

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. BEGICH. Mr. Speaker, 1 day in October is set aside each year for the national observance of Navy Day. This year, October 13 has been designated Navy Day and the entire month of October will be proclaimed Navy Recruiting Month.

During this time, the people of this great Nation will have the opportunity to honor and give recognition to the achievements of the heroic men and women—living and dead—all over the world who have served this Nation in the U.S. Navy.

I join with my colleagues in honoring these dedicated men and women.

PENAL REFORM

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 1972

Mr. STUCKEY. Mr. Speaker, in order that the voice of a fellow Georgian may be heard on the subject of penal reform, I submit for the RECORD the following concerning Mr. William E. Laite, Jr., a former Georgia legislator and businessman.

The article follows:

PENAL REFORM

Can it happen to you? By virtue of our government-regulated, complex society, is every man, woman and child who walks the street a potential candidate for the penitentiary? What is the future of our penal system?

Chief Justice Burger pointed out in a speech in Atlanta, Georgia, in April of this year: "When a sheriff or a marshall takes a man from a courthouse in a prison van and transports him to confinement for two or three years, this is our act. We have tolled the bell for him. And whether we like it or not, we have made him our collective responsibility. We are free to do something about him; he is not."

Mr. William E. Laite, Jr., a former Georgia legislator and businessman has authored a book entitled *United States* vs. *William Laite,* published by Acropolis Books, Washington, D.C. which points out that business risks in today's private enterprise system are not restricted to capital risk alone but also to criminal risk. The average businessman or citizen cannot afford a stable of attorneys to advise him or "keep him legal." If he can afford such legal aid, he relies upon the legal advice. If the legal advice is wrong, he goes to jail, not the attorney. The mistakes of medical doctors are in the cemetery and the mistakes of lawyers are in the prison.

Mr. Laite points up some innovations with regard to penal reform and recently suggested the swap of federal and state prisoners in this country for our POW's in Hanoi. He suggests we seek volunteer prisoners and send them to Hanoi and in return gain our POW's. Prisoners in our system who have long-term sentences and have no hope for the future would be ideal prospects. Our prison population has already demonstrated in many medical ways their desire and willingness to offer their help. I am sure there will be many to volunteer.

As Ben H. Bagdikian, assistant managing editor, *Washington Post,* said in his review of Laite's book: "It's all there, as in past, books by convicts, in journalistic accounts, in reports of commissions, in testimony, in private admissions by prison officials . . . the rapes, the bribery and exploitation among inmates, the degradation of prisoners, the lack of interest of prison staffs, the double talk of correctional administrators about "rehabilitation."

Review of *Progress-Bulletin,* Pomona, California, article entitled "America Not Land of Free, Just: Ex-Solon": "What stays with you after reading this account of how the government will get its man is not just the horrors of prison life foisted on the ordinary citizen, nor the length the feds will go in order to prove a point, but that if it can happen to a state legislator, it can surely happen to you. He was exonerated by a grand jury, but a second grand jury returned an indictment. He was given a one year and one day sentence in the federal prison. There is a graphic account of Laite's stay in the Tarrant County jail in Ft. Worth, Texas, in constant fear of his life from other convicts, and his life at Eglin prison until his parole. What is closer to home is the long arm of the government which pervades the life of every resident and of the citizen of influence and means who can bend that arm to do his bidding in secrecy."

Publishers Weekly: "It is Laite's unusual background and personality that makes his impassioned account of his ordeal in prison so forceful an indictment of prison conditions; his eloquent portrayal of his personal shock and even terror in the brutal, venal and degrading prison world that makes his book a moving document."

The Sunday Star & Daily News, Washington, D.C., Marjorie Holmes: "My God, this is for real! Don't read this unless you want to know what really happens in prisons. Do read it if you want to know what can happen, not only to the average citizen, but also a state representative hounded and convicted of a labor law. Bill Laite has now dedicated his life to prison reform. His impassioned story of his experience should be must reading for every concerned American."

United States vs William Laite: Meaningful Reform Concepts: 1. Uniform sentencing with quick and swift justice so that society can immediately have its pound of flesh and so that the offender serves his sentence while he can still remember what the crime was.

2. A complete reversal of the dehumanizing of inmates; this process unfortunately also dehumanizes the prison authorities. It helps no one and is probably one of the prime factors involved in recidivism.

3. Breaking up a man's family only means more people on welfare, more confused and damaged children who are unable to escape the cycle and, indeed, perpetuates the very thing that prisons are designed to correct. The most important link in rehabilitation is the man's family. Provide furlough.

4. In civil cases the loser pays all court costs. This should apply to criminal cases. When defendant is found not guilty, the government should bear the burden of legal cost. Under our present method even when a man wins, he loses, for he is bankrupt.

5. Pre-sentencing reports on each defendant should be furnished to the defendant and his attorney by statute prior to sentencing to clear up distortions or inaccuracies.

6. When a parole is denied there should be a reason for denial.

7. Establishment of a voluntary military assignment similar to the French Foreign Legion for prisoners to serve their time defending our country instead of sending our young law-abiding citizens.

8. Establish tax incentives to encourage business and industry to employ the ex-offender.

9. Greater flexibility in sentencing where an inmate can adopt a hopeful attitude in working his way out of prison by contract in successfully performing certain requirements; then, release.

10. Remove Bureau of Prisons from the Department of Justice. It should be under the Department of Health, Education and Welfare. The judge, prosecutor, prison officials and parole officers are all on the same team. They all have the same concept and that is to lock you up.

11. Mandatory segregation of prisoners by age and type of offense.

12. Outsiders must be pressed into service to visit inside jails and prisons.

13. Every law student should be required to intern in jail and prison just like a doctor interns in a hospital. Lawyers spend their life-times working in the civil and criminal justice system but know little or nothing about jails and prisons. Lawyers become prosecutors and prosecutors become judges.

W. E. (Bill) Laite, Jr. is presently employed with the Georgia Department of Offender Rehabilitation. In addition to his duties with the State of Georgia, he is working on his masters degree at the University of Georgia in Criminal Justice, funded by LEAA.

THE 25TH ANNIVERSARY OF THE U.S. AIR FORCE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. ANDERSON of California. Mr. Speaker, on September 17, I had the privilege and pleasure of being a guest at an exhibition marking the 25th anniversary of the U.S. Air Force conducted at Andrews Air Force Base. During the 2 days of this impressive event, some 70,000 visitors viewed a sampling of our Nation's aerospace skill, and technology—an important part of the world's greatest deterrent force and the best insurance policy we have for world peace.

CALIFORNIA'S CONTRIBUTION

I am especially proud of the role played in the weekend observance—and, indeed, throughout the last quarter century—by my fellow Californians in the creation and maintenance of American airpower.

California has long been the home of many of the country's leading manufacturers of military and commercial aircraft. A number of the 44 planes which participated in the flyover were either built in California or contain equipment, or components produced by Californians who are, indeed, a national asset in the field of advanced technology.

I would like to say a special word in recognition of several participants who came from California for this dramatic silver anniversary observance.

Aircraft from two California installations participated in the flying activities and display. The units and men who helped give us this outstanding airshow, Mr. Speaker, were the following: From the 84th Fighter Interceptor Squadron at Hamilton AFB, near San Francisco, five F–106 aircraft built by General Dynamics in San Diego were flown by Lt. Col. W. J. George, Capt. D. J. Satterfield, Capt. G. D. Shepard, Capt. C. A. Banachonski, and Lt. G. C. Lovaas.

From the 1st Strategic Reconnaissance Wing at Beale AFB near Sacramento, two SR–71 aircraft, built by the Lockheed Aircraft Co. in Los Angeles, were on hand.

The SR–71 in the flyover was flown by Maj. Caroll Gunther and Capt. Thomas Allocca. Its sister aircraft on display throughout the day was flown here by Maj. R. C. Rice and Capt. R. B. Hertzog; the wing's project officer for the occasion from Beale AFB was Lt. Col. Anthony Bevacqua.

THE THUNDERBIRDS

Two of the five pilots who comprise the celebrated Air Force Thunderbirds, the precision aerial demonstration team, hail from California.

A highlight of the program was the marvelous performance by their leader, Lt. Col. Thomas Swalm of San Diego, and Capt. Steve Dwelle of Visalia and their colleagues, flying the team's F–4 Phantom jets.

It was a job well done and sure to be long remembered.

Other dedicated members of the Air Force are also performing their duties during this anniversary, far grimmer duty than the occasion marked here and at other installations.

Combat units of the Air Force received an anniversary message from their commander which also pointed to an underlying significance of this Air Force birthday. Gen. John W. Vogt, commander of the 7th Air Force in Vietnam, said to members of his command in that message:

> I know of none finer than you who serve in Southeast Asia today. I know because I work with you; I see the results of your labors. I share your long hours and deeply felt hope that our efforts will help bring this conflict to a swift and successful end. There are many whose hours seem endless and, God willing, their hopes are still alive. We cannot and must not forget them in our hours of celebration.

Mr. Speaker, those of us from California are proud of our role in aerospace, and especially of those men and women who have brought us to the forefront of this industry. In addition, we are especially proud of the many Californians who serve so ably and so well in our military services. It is a tribute to their skill, dedication to duty, and pride in accomplishment that we signify the 25th anniversary of the U.S. Air Force—a living example of our ability to meet the challenges to freedom of the past and of the future.

INTEREST ON HOMEOWNERS' TAX ESCROW ACCOUNTS

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mrs. SULLIVAN. Mr. Speaker, one of the most frequent complaints by consumers who are making monthly payments on the mortgages on their homes concerns the escrow accounts they are forced to maintain with the lender to assure payment when due of taxes and insurance. Generally, no interest is paid to the homeowner on these accounts, although the lender is usually free to invest the funds in interest-bearing investments for his own benefit.

For a number of years, I have been trying to get from the FHA, the VA, and the Federal Home Loan Bank Board information on the degree to which lenders are dependent upon income from these escrow accounts in order to handle the costs of paying the taxes and insurance when due. In the absence of any definitive word on this issue from the agencies directly involved, we have written into the housing bill recently reported by the Committee on Banking and Currency, H.R. 16704, a provision, section 914, for a study by the Federal Reserve Board of the feasibility of requiring interest to be paid on such accounts. The Federal Reserve Board is to assess, among other things, the cost to lenders of maintaining the accounts; the profits made or losses sustained, if any; estimates of the amounts actually held in escrow and for what purposes in connection with residential mortgages; the extent to which foreclosures occur because of lack of such escrow accounts; the value of these accounts to the State and local taxing authorities, and so forth.

SOME MORTGAGE LENDERS ALREADY PAYING INTEREST ON ESCROW ACCOUNTS

As mentioned in my supplementary views in House Report No. 92–1429 accompanying H.R. 16704, some mortgage lenders now pay interest on their tax and insurance escrow accounts, as do some real estate operators on the security deposits they require from tenants. Examples given in the report included the following:

> The Dade Federal Savings and Loan Association (Dade County, Florida), a large savings and loan with $434 million in deposits, is paying 3 percent on the average daily balance on escrow accounts.
>
> The Security National Bank, Walnut Creek, California, pays an effective annual interest rate of 4 percent on its escrow accounts.
>
> Several Washington, D.C. savings and loan associations, defendants in a class action suit filed to require escrow accounts to be interest bearing, have made an out-of-court settlement, subject to court approval, agreeing to make these accounts interest bearing at half the rate applied to regular passbook savings accounts.
>
> A number of similar suits are pending elsewhere in the Nation and it is likely that many of these will also end in agreements to pay interest on escrow accounts.
>
> Routh Robbins Realtors, one of metropolitan Washington's largest real estate management firms with transactions totaling more than $120 million in 1971, has agreed to pay 3 percent interest on security deposits required of tenants—a situation which is similar to escrow accounts required of mortgage lenders.
>
> The agreement reflects the fact that Routh Robbins recognizes that some of the income earned by these funds, which the firm until now has invested solely for its own benefit, should be paid to the owners of the funds.
>
> New York State landlords with six or more apartments are required by state law to pay interest on security deposits demanded of tenants.

NEW REPUBLIC EDITORIAL REPRINTED IN ST. LOUIS POST-DISPATCH

I made two efforts, Mr. Speaker, to amend H.R. 16704 in committee to require some payment of interest on escrow accounts. One amendment would have set the rate on sliding scale keyed to one-half of 1 percent below the discount rate charged by Federal Reserve banks in their respective areas. When this failed, I offered as an amendment the text of a bill which had been introduced by 25 or more Members of the House to set a specific rate. That, too, was rejected.

Mr. Speaker, while the Federal Reserve

Board study we have called for in H.R. 16704 might well be useful in establishing the facts about mortgage company profits—or losses, if any—in the maintenance of escrow accounts for their mortgage borrowers for taxes and insurance, there is certainly adequate evidence that hundreds of millions of dollars of homeowners' funds are tied up in this system without any financial benefit to them except in the instances where mortgage company voluntarily pays interest on these funds.

Under the heading "Bank Bonanza," the St. Louis Post-Dispatch carried an article discussing this issue in its "Mirror of Public Opinion" column on the editorial page on Friday. The article, consisting of the text of an editorial which recently appeared in the New Republic magazine, will be of interest, I am sure, to the many Members of the House who have sponsored legislation on this issue, and to all Members who have received complaints from home buying constituents about the unfairness of not receiving interest on their escrow accounts.

The article referred to is as follows:

[From the St. Louis Post-Dispatch, Sept. 22, 1972]

BANK BONANZA

If you are a homeowner stuck with a mortgage, chances are you're also saddled with a hidden subsidy to your bank.

Millions of homeowners make monthly payments for local property taxes along with their regular mortgage payments. Banks and savings and loan associations place these tax payments into escrow accounts, and turn them over to local governments once or twice a year, depending on state law. Meantime, they loan out their escrow funds at interest, but pay no interest to the depositor-homeowner. To make matters worse, local governments must often borrow from banks—at interest—while waiting for their bank-held taxes to come in.

A recent study by the Citizens Action Group, a community organization in Chicago, calculated that Cook County banks and savings and loans associations get free use of about $200,000,000 annually from property-tax escrow accounts. At the same time, Cook County in 1970 paid $37,500,000 in interest on short-term loans for working cash, called "tax anticipation warrants."

The crowning irony is that the banks' profits from tax anticipation warrants are tax free, since the warrants are a form of tax-exempt local government bonds.

How much does this cost the average homeowner? The House Banking and Currency Committee staff estimates that if banks invest their property-tax escrow funds at 4 per cent, the average family loses about $800 over the life of a 30-year mortgage (the exact amount depends on local property tax rates and the value of the property involved). Actually, the loss is probably greater, since many banks comingle their property-tax funds with their general lending funds, which can earn 7 per cent or more.

And the homeowner pays again at the other end of the cycle, when his taxes are raised to pay interest on working cash his local government must borrow.

These hidden subsidies may constitute a violation of the federal truth in lending law, which requires financial institutions to state undeceptively the true rate of interest being charged to borrowers. If a bank states it is charging a homeowner 8 percent, but then collects from him an additional interest-free loan every month, the effective rate of interest is higher than 8 percent. Law suits currently pending in several states alleged that the property-tax escrow system is illegal on these and other grounds.

Meanwhile, Representatives Wright Patman (Dem.), Texas, and Leonor K. Sullivan (Dem.), Missouri, are seeking to end the practice through federal legislation, and officials in several states are pushing for monthly tax payments directly to local governments.

CLEARCUTTING AND OVERCUTTING

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. FRASER. Mr. Speaker, much attention has been given to clearcutting on public lands. There seems to be less concern over the larger problem of overcutting national forests.

The following two timber industry advertisements recently appeared in national magazines and have been the subject of analyses in the July 8 and 22 issues of Environmental Action. The July 22 analysis is also printed below:

"I'M CLEARCUTTING TO SAVE THE FOREST"

When I go into an area and cut down all the trees, some people don't understand why. They want to know why I have to cut *all* the trees, why I have to take something so beautiful and leave something so ugly in its place.

What many people don't know is that I'm clearcutting to *save* the forest—the same way Nature does.

These trees are Douglas Fir. Here in western Oregon, their seedlings are only going to grow out in the open, where they can get plenty of sunlight, so if I don't clearcut, Nature will—with winds or disastrous forest fires that burn out thousands of acres. That's been Nature's way for 10,000 years, but I can do the same thing by planned harvesting and regeneration—and the trees I clearcut can be used instead of going up in smoke.

I've logged areas, burned the slash, replanted, and watched beautiful new forests come back, so I *know* what we're doing is right. And I wish more people understood the reasons behind what they saw before they cried "forest raper." Because then I think they'd see the promise of continuing forests for their children and grandchildren in those clearcuts. The way we see it. The way we plan it.—Dave Burwell, Forester, Rosboro Lumber Company, Oregon."

HOW DO YOU RAPE A TREE?

Some people would say with a chain saw in your hand and greed in your heart. But if America's foresters are doing such a bad job, how have we been able to grow 49 *billion* more cubic feet of wood than we've harvested in the last 15 years? Before you decide who's doing what, get the whole story. Get "Forests USA," a full-color, 16-page booklet. For your copy send 25¢ to AFI, 1619 Massachusetts Avenue, N.W., Washington, D.C. 20036."

DEBUNKING MADISON AVENUE

(By Richard Lahn)

"How do you rape a tree?" is the timber industry's sex-in-the-woods approach to get your attention in order to feed you a switcheroo. "We"—the industry as represented by the American Forest Institute—"aren't violating trees, we are simply giving you the paper, containers and houses you want. If this be rape, then make the most of it!"

The issue, however, is not How are trees used? or Should they be cut for consumer goods? It is rather *how* trees are cut, on whose lands and in what quantities. A question the industry could ask instead, and one that it can answer better than anyone else, is: "How do you rape the public's forests?"

For reasons known best to media and public relations people, the forestry issue receiving the public spotlight has been clearcutting and clearcutting alone. The problem, so it goes, is that many areas, such as the Bitterroot National Forest in Montana, have been grossly clearcut to the point that a TV camera from an airplane can visually reveal what were once glorious mountains to be now a sorrowful shaved stubble. Pictures alone can reveal to the public that something is wrong.

Then individuals like Senator Gale McGee (D-Wyo.) chide the Forest Service for "getting caught with their trees down." The industry and the Forest Service react by rationalizing the need for clearcutting [see "Debunking Madison Avenue," July 8, 1972], admitting that there have been mistakes in the past like the Bitterroot but these have been corrected and won't happen again, and asking to be allowed to continue managing the forests unrestrained.

Finally, to deal with the problem of the public's viewing the badly cut areas, a public relations and advertising campaign is launched, aimed at hiding the "eyesore" that is clearcutting. (The Forest Service now even boasts that it has accelerated hiring to the point that it has the largest force of landscape architects in the nation to "help design cutting patterns that are pleasing to the eye.")

Unfortunately, not only isn't aesthetics the main problem with clearcutting, but clearcutting isn't even half the problem of what is wrong with the way the nation's forests are managed. Clearcutting is but a serious symptom of a much graver ill.

The main problem is that U.S. forests are being *overcut*. Whereas clearcutting violates the principles of multiple-use by preempting all other forest uses, overcutting violates the more basic ecological principle (and federal law) of sustained yield. In other words, more wood is being cut than is being grown—with the result that we are depleting our forests. This has already happened on timber industry lands, and now the industry—with the willing help of the Forest Service and the Bureau of Land Management—is managing public lands to this end.

The industry's rapacious ad reprinted on this page states that if America's foresters were doing a bad job, "we" would not have been able to grow billions more cubic feet of wood than "we" harvested. This statement is purposefully confusing. Who is the "we" in the first instance? We know the second "we" is really them, but in the first case Mother Nature must get some credit (even the industry in all its humility would admit this, I am sure) for all her water, sunlight and soil. Rather, the statement should more correctly read, "In spite of the bad job America's foresters have been doing, trees have still been able to grow . . ."

The 49-billion-more figure, which it can be assumed to be true, is merely a ploy to obfuscate the problem. This figure includes every stick of timber growing on every square foot of dirt every place in the United States and, as the industry says, more is growing than is being cut. But, as former Forest Service Chief Edward Cliff admitted, "Much of this growth is on trees of small size. Some of it is on trees of poor form and of species that are not the most desirable for timber cropping."

In short, the bulk of this is made up of growth in trees in places no one is able to cut, in species no one wants to cut, and in sizes no one is interested in cutting. If the impression was left that big diameter trees keep popping up year after year as the industry cuts them, then AFI's advertising money was well spent. But trying to paint such a rosy picture leaves the industry wide open for the big question: Why, considering that 73 percent of U.S. forests are privately owned, and after now being told that the forests are in great shape, growing way more wood each year than is being cut, why does the timber industry want to rip off the public lands, our lands, for federal wood?

Of the 509 million acres classified as commercial forest lands, 113 million acres are federally owned. The major portion, 97 million acres, is part of the 187 million acres of the National Forests. Most of the rest of the commercial timber lands are privately owned by the timber industry, farms and non-industrial private parties. The laws of supply and demand are the primary determinants of which land—public or private—and how much of each type is cut for timber production.

It is not widely recognized (and the American Forest Institute is not eager to point out) that timber consumption in the U.S. has remained essentially constant since 1900. In fact, timber consumption reached a peak back in 1909 when 44.5 billion board feet (bbf) of lumber was produced. Since then the amount consumed has fluctuated in the 25 to 40 bbf neighborhood. In 1950, for instance, we consumed 40.9 bbf and in 1970 that total dropped to 38.8 bbf. In that same time period, per capita consumption dropped from 269 board feet to 189 board feet. For the major part of this century nearly all the lumber came from private lands. Now, however, things have changed.

Starting in the 1940's, when World War II brought the biggest building boom in U.S. history, more and more timber has been coming from National Forests. But the major factor behind the increased consumption of federal wood was that the industry began running out of trees. While consumption held steady in the 1950–1970 period, the number of trees supplied by private lands plummeted and the cut on National Forest lands tripled. In 1950, 3.5 bbf was cut from the National Forests as compared to 11.5 bbf in 1970. Exports increased from 0.5 bbf in 1950 to 4.05 bbf in 1970 (about one-third of the National Forest cut).

Why all the statistics? Merely this: the industry has not managed its own lands properly enough to assure a sustained supply of timber from those lands. As depletion threatened, the industry seduced the Forest Service into adopting forest management practices that increasingly violated the principles of multiple use and sustained yield. Clearcutting, for instance, was adopted as the prime timber harvesting method in the National Forests in 1964 in order to rapidly increase the amount of the cut as economically as possible.

Management decisions over how much to cut and where are being made by foresters sitting at desks in the Agriculture Department in Washington rather than by foresters working out in the woods. Rotations, for instance, have been shortened, shrinking the time between harvests. Even more significant, forest lands have been reclassified.

In 1945, the Forest Service surveyed the National Forests and found 73 million acres of commercial forest land. In 1963, the Service surveyed again and found 91.5 million acres, a switch of 18 million acres or 23 percent from noncommercial to commercial timberable land. In justifying the change, the Forest Service noted, "This is because additional areas became merchantable and operable as increasing demand and technological improvements have occurred over the years." What really happened was that steeply sloping lands not capable of appreciable regeneration (while at the same time easily damaged by logging) were classified as timber production lands, thus upping the allowable cut.

Interestingly, the Forest Service itself admits the validity of this charge. In a research paper entitled "Stratification of Forest Land for Timber Management Planning of the Western National Forests," the Service concludes that 22 percent of the lands currently classified as suitable and available for timber production have been wrongly classified and should not be cut. Notice the similarity between this figure and the percentage increase of the allowable cut between 1945 and 1963.

Most distressing is that these marginal lands which have been misclassified in good part are de facto wilderness areas which conservationists have been trying to protect and save.

The Sierra Club has just recently filed a suit against the Forest Service in an attempt to save some of the 40 million acres of roadless and de facto wilderness areas now up for classification by the Forest Service. The timber industry's knee-jerk reaction was a counter suit against the Sierra Club asking for $20 million in damages for stopping temporarily many contracted and prospective timber sales. This very action, more than almost anything else in the past, shows the timber industry's attitude toward public lands—they think they rightfully own them.

The Nixon Administration has not been of much help in returning public interest management to the public lands. In fact, the present bad situation will probably get worse. After conservationists rose up in early 1970 to swat down the industry's timber supply legislation, the President promulgated an executive order to increase the cutting on the National Forests and thus recoup for the industry what it couldn't get from Congress.

(The timber supply bill would have made timber production the dominant use on 97 million acres of National Forests, repealing the multiple use principles, and also would have created a "forest trust fund" whereby Forest Service appropriations would be tied to the revenues from timber sales—thereby adding to the incentive to increase the cut.)

As yet, the Forest Service has not moved to implement the presidential order to step up cutting, but this may be coming in the near future.

Presently holding up the final decision on where the cut goes is a study by the President's Advisory Panel on Timber and the Environment. Nixon charged the panel last September with making recommendations "on such matters as the desirable level of timber harvest on Federal lands and methods of accomplishing the harvest while ensuring adequate protection for the environment." The study was ordered completed by July 1, 1972, but it isn't ready and it won't come out until December, after the election.

Several administration indicators—the squashing of the executive order on clearcutting after timber executives applied White House pressure, and the party thrown for Secretary of Agriculture Earl Butz by the National Forest Products Association after he won a close Senate confirmation battle—have conservationists worried that a new, extended definition for "rape" may soon be forthcoming.

SOME COMMENTS ON PROBLEMS OF OUR TIME

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. SCHWENGEL. Mr. Speaker, under the title "What Are We Inheriting?" Mrs. John Camp of Iowa has written an interesting, worthwhile, stimulating, and thought-provoking article. In the article she writes about "The Freedom To Be a Christian, a Child of God," "High Standard of Living," "Women's Liberation," "Advanced Medicine," "Television," "Motorcycles and Speeders," and "Pollution and Environment." Mr. Speaker, under these subtitles she has, to quote Carl Sandburg, "gotten to the nub of the thing."

Mr. Speaker, everyone should read this thought-provoking article in order to more fully qualify themselves to deal with the problems of our time and I ask unanimous consent that it be placed in the CONGRESSIONAL RECORD. The article follows:

WHAT ARE WE INHERITING?

(By Mrs. John Camp)

When one is given this type of title to present a program many thoughts come to mind and as I told the women's committee you probably won't agree with my ideas of the things that affect my health and safety but that's not the important thing. The important thing is to make you think.

So—what are we inheriting?

I. THE FREEDOM TO BE A CHRISTIAN, A CHILD OF GOD

I'm sure every government on our earth had very uneasy moments when the tragic thing happened at the Olympics in Germany last week. World wars have started from smaller incidents. It took cool heads to keep things as calm as they did. There could easily be long-time repercussions from this event and the safety of our world could be at stake.

II. HIGH STANDARD OF LIVING

Certainly many of us recall when it wasn't so high but this area of the United States has one of the highest standards in the world and because of this luxurious living we are becoming a "keeping up with the Joneses area." I'm guilty, we're all guilty. Let's not forget the story of the rich man who couldn't give up his riches to take up the cross and follow Jesus.

But what has this high wages and living given to this nation? Well, an ever increasing welfare roll for one thing. Another is an overloaded Supreme Court docket. Chief Justice Burger said the other day, 4,200 cases were filed for presentation to our federal court last year. Figure it out—300 working days a year makes that average out 14 cases per day. Why! Because we used to have cases for the high court only when the individual felt he had been wronged and expected to pay his own lawyer or if council was provided he received the minimum fee.

Now it seems the "In" thing to do to "Beat" the law of the land by challenging it. Consequently, our government lawyers are defending the law and the challengers in many cases, have been provided free counsel because they have no funds. So you, the taxpayer, pay both ways. At the maximum fee, I might add. So the appealing goes on and on.

In the Sunday, Sept. 10, issue of the Davenport Democrat there was a story about the gorkey, Russia area, an intensely industrialized area about twice the size of Belgium located east of Moscow. This is an area permanently closed to foreign visitors where there are people standing in line for bread. Not because of lack of money but shortage of bread, vegetables, potatoes, household goods, even dishes. We are all aware of Russia's short wheat crop this year and the plans to buy millions of bushels from the United States.

We also read the hue and cry that the price of bread will rise because of this sale. We also know if we gave the baker the wheat, the price of a loaf of bread wouldn't drop over 3 cents.

Let's remember these things when we

start to complain living here in the "bread basket of the world." Good food makes good health and good health makes us realize the importance of safety.

III. WOMEN'S LIBERATION

Good things will come of this once the radical ideas wear off and it's here to stay whether we like it or not. There is nothing wrong with good change. Our challenge is to teach our children that they are being a good wife or husband or a good citizen if they decide they will not put their children in the government day nursery and go off to work just for the sake of luxuries or a desire to keep up with the Joneses. A day nursery is a blessing for those who are forced by circumstances, not boredom, to need it. Good health requires love and affection.

IV. ADVANCED MEDICINE

At one of our workshops when I was first coming to Farm Bureau women we talked about things that had come from World War II and one of them was penicillin. Think what we've had since then—uppers, downers, sleepers, awakers to name a few and too many of us are taking too many of them making our children feel "pot" is no worse than mother and dad's sleeping pills. Have you noticed that it's become impossible to convict a teen-ager by jury trial on dope charges lately? Why?

Because the mothers and fathers on that jury are afraid their child might be next. We have a big educational program on medicines to promote. Some of us can say "I didn't inherit this health and safety problem" but I'm afraid too few of us are contributing to the solution of it.

I truly believe the person who says "I've tried everything—nothing helps" has not tried God.

V. TELEVISION

Some of us did not inherit it either but what are we doing to improve the quality of the programs for our children? It's such an easy way to keep Johnnie and Susie quiet when we're busy.

VI. MOTORCYCLES AND SPEEDERS

We inherited them and they have multiplied. They have definitely become traffic hazards because too many feel they are outside the laws of our land made for their protection. Laws are made to protect the weak and yet the weak are the ones who insist on flaunting the law. Actually, too many people do not want strict laws in this field because it affects them personally.

VII. POLLUTION AND ENVIRONMENT

A big thing for the newspaper, the magazines and the airways. Are we inheriting this? Yes and adding to it, too! But there are many things to consider before we decide what's good and what's bad. We'll all admit we've been careless and wasteful with our water, our wood, our trash and our equipment. Possibly that old standard of living and keeping up with the Joneses enters in here.

A nice new shiny piece of equipment is always nicer than a remodeled old one. For some unknown reason people in every new country, and ours is getting ready for its 200th birthday, have to learn the sad fact that there comes an end to the best of things.

We are just becoming aware of the fact that our neighbors are getting closer every day. We've all heard or read how many people will be living in our urban areas in 10 years. A few weeks ago we were at a resort in the Ozarks and I was visiting with a lady who told me of an interesting series of articles in the New York Times telling what a wonderful place Iowa was to live and raise a family. People are looking for a place to keep their sanity and health as well as feel safe.

It's a very great problem that nations have decayed from. Ross E. McKinney, professor of civil engineering at the University of Kansas, said in a speech recently "Mankind will improve the polluted earth rapidly once we get rid of the 'ecological con men'." This is the type of fellow who collects facts and figures and when challenged, shifts to social and moral issues which of course can't be quantified. He loves instant solutions, lots of money to spend and complicated government committees and projects to provide solutions. I'm of the same frame of mind as Mr. McKinney because there are no instant solutions but there are better ways of doing things, starting in your and my kitchens.

In this day of need for lots of generated power for factory, farm and home, they will find a way to make power.

We're having our problems with the use of stilbestrol and we're wondering how much banning of it will affect our pocketbooks. Maybe the inplant is the solution.

It's not going to be easy to have health and safety without cooperation. But if we just remember that these are social problems that cannot be solved unless we as Christian people are willing to meet together as we do in Farm Bureau for discussion, because survival is impossible without assembly.

RIZZO TAKES COUNT

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. SPRINGER. Mr. Speaker, as one national columnist put it some time ago, 1972 is the "year of the conscience." There simply does not seem to be any party line for the voters in 1972. They are crossing lines all over the place.

Mayor Rizzo of Philadelphia is the perfect example. Here is a dyed-in-the-wool Democrat, mayor of one of the largest cities in the world and all out for Nixon. I have not talked with Mayor Rizzo but I understand he has sound reasons this year for his "conscience effort." The columnist, Joseph Alsop has written an in-depth article on Mayor Rizzo, Philadelphia, and the State of Pennsylvania which I am sure all of my colleagues will want to read.

The article follows:

RIZZO TAKES COUNT

(By Joseph Alsop)

"If George McGovern can't get a majority of a quarter million here in Philadelphia, he's dead in Pennsylvania. And if the election could he held today, the man with the majority in Philadelphia would be President Nixon."

The speaker was Mayor Frank Rizzo, who knows his city well, and is supporting President Nixon although he is a Democrat. The Republicans are also circulating a poll showing the President well ahead in the city—which would mean a really staggering Nixon landslide. Yet the mayor added:

"On election day, it probably won't be like that, of course. But you can be damn sure that even if the gap closes a little, McGovern will never do well enough in this city to have a chance in the state."

As of today, moreover, Mayor Rizzo's forecast is fully supported by the available facts and figures. To begin with the figures, the results in 1968 indicate bad trouble for George McGovern today. That year, Hubert H. Humphrey got the votes of 2,280,040 Pennsylvanians; President Nixon had 2,090,017; and Gov. George Wallace had 370,648.

Thus the Nixon vote plus the Wallace vote was more than 200,000 greater than the Humphrey vote. Yet the astute and personable McGovern coordinator for Pennsylvania, Vic French, admits frankly that "as of now, just about all the former Wallace voters are going for Nixon."

What saved Humphrey in Pennsylvania in 1968 was also his huge majority in this city—where Mayor Rizzo thinks the President is actually ahead at this juncture. To be specific Humphrey came out of Philadelphia with a few more than 525,000 votes, against 254,000-plus for Richard M. Nixon—for a net city majority above 270,000.

As noted in the last report in this space, what makes Pennsylvania so vividly interesting is its unique status, as a state where Philadelphia City boss Pete Camiel and the other old line leaders are now working hand-in-glove with the McGovernites. Yet you cannot find an old line Democrat in this city who thinks these joint efforts can produce an adequate payoff in Philadelphia.

In these quarters, a McGovern majority in the city of 125,000—or less than half the Humphrey majority—is the very highest prediction you can get anywhere. Even that prediction has a detectable ingredient of professional optimism. So does the much higher claim of the impressive state coordinator for McGovern, Vic French.

You could tell how badly Vic French was worried, in fact, by his repeated insistence that "we've got to go into the white ethnic wards, and do everything we can to get them back. If we can't get them back, we're in trouble. And that goes for Pittsburgh and other places, besides Philadelphia."

For this purpose, the McGovern workers, who are still a bit thin on the ground anyway, are being instructed almost to forget about their favorite subject in those crucial wards. Instead of the Vietnamese war, French is stressing such points as the preferential treatment allegedly accorded the pro-Nixon Teamsters by the Nixon wage board, as compared with other unions. And he is bearing down hard on other bread-and-butter issues.

For example, he has printed a million shrewdly conceived flyers, showing comparative prices on the Nixon inauguration day and this month, of such workingman's staples as a pound of hamburger, and pint of mayonnaise, and a pound of pork chops. Unfortunately, however, the candidate does not seem to have got the message.

Sen. McGovern came into the city on Friday, for what can only be called a tepid reception. At the party for local Democratic leaders and candidates, the turnout of invited guests was so painfully thin that the McGovern press group had to be asked to share the cocktails, in order to dress the house. And at a dinner of 600 prosperous old line liberals, the senator made a stirring speech on the Vietnam war and nothing but the war, with bread-and-butter conspicuously unmentioned.

It may all be different by the beginning of November because of the Democratic voter-registration effort for instance. But that seems awfully doubtful, unless something truly hair-raising happens to President Nixon. The fact of the matter is that Sen. McGovern and the people who put him over at Miami Beach, appear to give the absolute creeps to just the kind of voters the Democratic Party most needs to have, in order to win in Pennsylvania.

HELPS YOUTH FIND WORK

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. SYMINGTON. Mr. Speaker, I would like to take this opportunity to commend Mr. Abner E. Rosenblatt, publisher and general manager of the St. Louis County Observer, for his effort to assist young people of the St. Louis area in finding summer employment. In 1971 the Observer, a weekly newspaper, offered to provide young people with free classified advertising. The response was overwhelming and prompted Mr. Rosenblatt to repeat the offer this year. By early May, 424 young boys and girls had placed advertisements offering a wide variety of services, ranging from baby sitting to pharmaceutical work.

The tremendous response to the Observer's offer is indicative of the need and desire of high school and college students to secure summer employment. These young people are anxious to earn money to help defray college expenses, to avoid the necessity of asking their parents for spending money, or to assist their families meet basic household expenses. It is often difficult for young people and potential employers to make contact with one another. That is why the work of Mr. Rosenblatt and the St. Louis County Observer deserve our congratulations.

In honor of Mr. Rosenblatt's commendable effort to assist young people in finding jobs and in hope that other local newspaper publishers would adopt the Observer's practice, I wish to insert the following in the Record:

Help Students Who Want Work

The overwhelming response to the Observer's offer of free classified advertisements for young people seeking jobs has conclusively proved that there are many ambitious young people anxious to spend their vacation time in constructive ways.

Jobs being sought by youth include baby sitting, yard work, painting, tutoring, piano lessons, office work and many others. In many instances, two or more teenage members of one family have sent in their classified ads.

Today is the last chance for students 12–18 who want jobs to fill out the ad blank carried on this page of the paper. All ads must be addressed to "Free Jobs-Ad Dept. c/o St. Louis County Observer, 2601 Big Bend, Maplewood, Mo. 63143." Blanks must be mailed today in order to meet the deadline date of Friday, May 5 at 5 p.m. All ads will be printed free of charge in next week's Observer.

We are hopeful that our adult readers—housewives, businessmen, office managers and personnel directors will read these ads next week and Save them. Sometime during the summer months you may have need of some of the services these young people are willing to perform. These boys and girls are available for a great variety of jobs—so read next week's Observer and "hire a youth" for a day, week, a month, or all summer.

Put a Youth to Work

A surprising 424 young people have taken advantage of the Observer's offer of a free classified ad to find a summer job. All of this year's ads appear in today's newspaper on page 8.

Some interesting facts came to light as we received the ads. Far more college students responded this year, possibly reflecting the need for supplemental money to finance the high cost of college. Applications varied from baby sitting, to tutoring, to yard work, to magician, to chauffer to party helper. A pharmacy student wants to assist in a drug store. Another would like to drive people across the country. One imaginative young lady sent in her ad "Happiness is having Pam work for you." A boy wrote "Did you lose anything of value? I have a metal detector."

Some of the youngsters included notes with their ads expressing their appreciation of the chance to run an ad. One girl said she was keeping her fingers crossed that someone would call her.

The door has been opened. And now readers, what are you going to do about it? We hope that you will turn to our classified pages and read the ads of these enterprising youth. This year they have been divided by Zip Code to make it easier for you to locate a young person close to your area. Somewhere on these classified pages there is a young person who can be helpful to you this summer. They aren't looking for charity. They are eager and willing to do a job for you. Call these boys and girls. You'll benefit personally, and in the process you'll give confidence and a feeling of worth to these young people that can only be gained through meaningful work and responsibility. If you don't have need immediately for help this summer, save these classified ads, and when you do have need, "put a youth to work." Our free job offer can only be successful if you follow through. Will you?

Please Give Boys and Girls a Chance To Work

Our offer of free want ads last year, to boys and girls seeking summer work, met with success for many who availed themselves of the choice. We decided to repeat the offer early again this year for two reasons. First of all we feel that the earlier date gives our readers a better chance to acquaint themselves with the available "student job power". And in the second place we felt it would be a gesture of appreciation to do this on our anniversary date.

Because of so much adverse publicity last year about the young people of our nation being lazy and irresponsible, The Observer wanted to prove that the majority of young people are good and deserve the chance to prove it. This we were able to do, thanks to many of our readers who were delighted to get young and industrious boys and girls for so many of these odd jobs.

It was gratifying to us to hear from so many of these youngsters who not only got summer work but some part-time work during the school year. The number of students who responded last year was about four times as many as we had expected. And so far this year they are running true to form. Work is still hard to find—but so is good help.

It is wonderful training for boys and girls to be able to earn their own money instead of having to ask parents for it. And in many cases the money which these children earn is needed at home for necessities. You are doing a good deed when you offer employment to these fine, young people. They are not looking for charity—they are willing to EARN their money if given the chance.

If you are looking for somebody to do yard work, or baby-sitting, or odd jobs or run errands . . . why not give these young people a chance? We suggest you save the ads and if you yourself are unable to furnish employment you may know someone who can. This is Your chance to say that you too, believe as we do, that the percentage of "rabble rousers" is far overshadowed by the responsible youth of today.

We believe that it is time for the news media to soft pedal the acts of publicity-seeking troublemakers. Stop putting their pictures on TV and in newspapers and you will eliminate their actions to a great degree. If their cause isn't publicized it will die.

So we say to them, "R.I.P."

MARTIAL LAW IN THE PHILIPPINES

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. WOLFF. Mr. Speaker, the continuing appropriations resolution which is under consideration today includes funds for a number of programs, including the foreign assistance programs. In light of some recent events of a questionable nature that have occurred in one of the countries that receives funds under the Foreign Assistance Act, it is appropriate that we take particular note at this time of the implications related to our providing funds to the Marcos government in the Philippines.

Just last week, on September 23, President Ferdinand Marcos imposed martial law on the Philippines, supposedly to counter the "violent and subversive insurrectionary activities" being carried out by the Communists in his country, and declared as his objective "completely dismantl[ing] the entire apparatus of the Communist Party." While President Marcos' efforts to rid his country of this Communist threat are to be admired, his use of questionable means to attain his stated goal of maintaining democracy for his people certainly is paradoxical. To impose martial law as a tool to defeat communism, which he notes "fluorishes on injustice and oppression" is clearly a contradiction in terms. Since last Saturday, for example, some 97 persons have been imprisoned, including legislators, two provincial governors, two publishers, and a number of other journalists. Suspension of newspaper publication and other media has occurred and Marcos has said he would now use the Philippine media to further his own programs. He intends to punish newspapers, radio, and television stations which participated in what he called subversion.

While he claims that no military dictatorship has been established, it seems that it does not matter by what name we call these developments. The country is being run on the basis of one man's promises, and the lives and well-being of 39 million people now depend on the whims and fancies of their President. Little recourse is in sight since Marcos has indicated he intends to keep absolute control over the country at least until the end of next year, when his second term as President will end.

In the meantime, however, the 97 people already arrested and the countless others who will undoubtedly be detained in the coming weeks, are being incarcerated in military camps without benefit of trial until such time as President Marcos himself decides to restore some semblance of democracy to his people. Should he decide not to do so for another year, the people of the Philippines may well be denied the opportunity as guaranteed in their Constitution, to elect a new President when Marcos' term expires. Since under Philippine law, the President may not serve more than two terms, Marcos would in effect be insuring himself of continued power as head of the country. Failure to hold free elections would more than likely incite even greater discontent among the people of the Philippines and cause further instability in a nation already beset with acute hardships.

In our consideration of this supplemental appropriations measure, which provides funds for economic assistance to the Philippines, we should also note that U.S. investments in that country's economy are sizable, totaling nearly $2 billion. I believe the protection of our economic interests are of vital importance and would hope that President Marcos' imposition of martial law would in no way jeopardize these holdings. Additionally, our security ties with the Philippines are of vital importance, in light of that country's strategic location in Southeast Asia, and our military investments are considerable.

I think it is significant that some of the observations made over 2 years ago by the Special Study Mission to Asia of the Foreign Affairs Committee, of which I was a part, on the growing threat of communism in the Philippines and the failure of the Marcos government to effectively institute the necessary reforms needed to counteract the Communist movement. To illustrate the similarity of conditions in that country today with the problems my study mission observed, and to point out the inability of the Marcos government to deal with the internal discontent by providing alternatives, I would like to include at this point the findings of the study mission relating to the Philippines:

PHILIPPINES

INTRODUCTION

The Philippines have a long history of being one of America's closest friends and allies. There are close ties between the Filipinos and Americans who fought and died, side by side, in World War II. There continues a genuine feeling of mutual respect and friendship between the Filipino people and the Americans.

DOMESTIC POLITICAL SITUATION

The Philippines is experiencing growing unrest throughout the country, especially from students. It is reported that many of the students are associated with radical elements. The outlawed Communist Party, which has a steady base of operations through the Huks in the central part of the country, is taking advantage of the prevailing unhappiness with the status quo. As the study mission shall explain in more detail below, the Philippines is perched precariously between possible upheaval and reform. The question is whether the government of President Ferdinand E. Marcos will institute necessary reform in time to head off a change of government. Some think he has waited too long already.

1969 Presidential election

President Marcos was elected to an unprecedented second term last November in an election clouded by charges and countercharges of corruption, vote buying and fraud. Marcos defeated Sen. Sergio Osmena, Jr., who subsequently has protested the election.

Osmena's allegations, filed at the time the study mission was in Manila included the fact that Marcos received all the votes in 2,212 precincts giving the incumbent 335,509 votes to Osmena's zero in those precincts.

The study mission also was exposed to charges that Marcos had the Philippine treasury print tens of millions of new pesos during the campaign and reintroduced millions of dollars of "retired" pesos which were then used for political purposes. The study mission also heard rumors that President Marcos used the other powers of his office including command of the military, to insure his reelection. The charges of blatant fraud and the lopsided election result (Marcos won by 2 million votes) has further aggravated a tense domestic situation in the Philippines.

Domestic unrest

The study mission found three basic causes of unrest in the Philippines: a growing nationalistic fervor, widescale unemployment (about 25 percent in some areas) causing great poverty for most Filipinos and the failure of the government to eliminate corruption and to end reported misappropriation of funds.

The nationalistic fervor is an understandable drive in a country that believes it has been exploited by other nations, even after achieving independence. The growing nationalism has been exploited by a small Communist element to stir revolutionary zeal among some of the youth in the Philippines. A successful alliance between the radical, restive young population and outside Communist influences could spell the end of democracy in the Philippines. This nationalism has certain specific implications for the United States which we will discuss below.

Unemployment and underemployment in the Philippines is now reported over 25 percent and is concentrated among young people. The frustration felt by students who are unable to put their skills to work is manifest in repeated anti-Government demonstrations. These demonstrations have taken on an increasingly violent character and there were several mysterious fires in Manila during the period that the study mission was there.

The general sense of frustration is complicated by the fact that 5 percent of the Philippine population controls 50 percent of the country's wealth. This situation is compounded by a regressive tax system that places the tax burden on the poor and relegates millions to hopeless poverty. In a "culture" such as this extreme elements can find many followers.

Moreover the reports of flavrant corruption and fraud in certain areas of government further antagonize the populace and fuel the flames of unrest. The daily newspapers are often filled with reports of corruption and officials who dip into the public treasury. Adroit and able revolutionaries would have little difficulty exploiting these facts in encouraging public restiveness.

The study mission witnessed first hand the rebelliousness of the young people in the Philippines and could not help but wonder if there is still time for the Marcos government to institute the sweeping reforms that will be necessary.

This entire situation is accompanied by the release of several Huk leaders and a recent increase in activity and terrorism by the Huks in those areas in which they have been able to survive.

ATTITUDE TOWARD THE UNITED STATES

The government welcomes its strong ties to the United States but has responded to the nationalism of the populace with legislation that will terminate U.S. citizens' rights to own property in the Philippines on July 3, 1974. The government contends this action is permissible despite the Laurel-Langley agreement of 1946 which entitled "U.S. citizens to acquire and maintain property in the Philippines." This situation is currently in the courts and the study mission is concerned that if the court upholds the right of the government to withhold property rights from Americans and other foreign nationals that foreign investment, crucial to long-term Philippine prosperity, will be totally withdrawn. This would be a grave blow to an already faltering economy.

There is still another area of great concern to the study mission. While the present government appears quite willing to continue the base agreements whereby we maintain troops and military equipment in the Philippines, there are no assurances of continued support for a U.S. military presence in the country. If the government is by any chance overturned, we may well be faced with vehement opposition to an American military presence. As in the case of the possible end to base agreements with Japan, this situation raises important questions about our security position in Asia.

The study mission must report on another matter that causes us great concern. As the U.S. assistance program in the Philippines has declined, we have perpetuated the administrative support operation for the Agency for International Development beyond its needs. There are many American bureaucrats operating out of four floors of plush, air-conditioned offices in a new high-rise building in downtown Manila. Because of the expense of the administrative aspect of our aid program in the Philippines, 25 percent of our aid money for the Philippines is absorbed. This seems an unnecessary cost in the administration of the U.S. aid program in Manila and the study mission considers this matter of utmost concern. Not only do we seem to be wasting great sums of money, but we are setting a terrible example which provides excellent fodder for anti-American agitators. At a time when foreign aid appropriations are decreasing and worthwhile programs are being eliminated, the Agency for International Development would serve a useful purpose to the U.S. taxpayer in the conservation of funds. Several hundred employees are not needed to administer a program of $16 million in the Philippines.

CONCLUSION

The Philippine government is faced with its greatest crisis since independence. Survival of the Marcos government and democracy may well be decided during 1970 and will depend on the government's ability to respond to the just demands of the people.

A weak response to those demands will serve the interests of revolutionaries and open the door to a totalitarian takeover. The danger of a military coup also is present. The study mission would hope that a new level of public consciousness and righteousness will prevail to reverse the current and very real trend that could spell the end of democracy in the Philippines.

Strong ties of friendship toward the United States still exist in the Philippines. We can assume that most Filipino demonstrations against U.S. military presence are being exploited to take the onus off the government to rectify immediately the political, economic and social demands of a large number of the people.

The United States must understand that our base agreements in the Philippines are not immutable and that we are being confronted with a new awareness that will require increased understanding if we are to maintain our close ties to the Philippines.

The Filipinos have long been our friends and it is in our best national interest to continue mutual cooperation that will provide retention of a viable government responsive to the needs of the Filipino and American peoples.

The problems outlined in this report still exist today, and if anything, have been magnified. Yet even prior to this report, I was critical of the Rand Corp. report which portrayed conditions in the Philippines in glowing terms, while in reality, conditions were already beginning to deteriorate.

Compounding the hardships of massive unemployment and poverty have been the severe floods from this summer's unusually heavy monsoons, resulting in famine for the greater part of the population. Bureaucratic red tape and ineptness have prevented distribution of those food surpluses the Government has stored, and food riots have erupted in the face of massive hunger and spreading disease.

We see today the results of inactivity over the past 2 years. Instead of meeting the problems of the Nation head-on over the years, the President has succumbed to the dangers of overreaction.

In his fervor to effectively counter the social problems, Mr. Marcos has instead dismantled democracy in the Philippines. Adopting the Communist philosophy of totalitarianism is hardly the answer to safeguarding the principles of democracy. What better test can there be of the democratic process than using its principles to confront the social, economic, and political problems?

Mr. Speaker, the United States has been a long-time friend of the people of the Philippines and our Government has played an integral role in the establishment of that nation's independence, for when we acquired possession of the territory of the Philippines, it was with the express intention of granting self-determination to the people of those islands. So great is the feeling of brotherhood between our Nation and theirs that there are even reports of a large movement, counted in the millions, in the Philippines to make that country the 51st State of the United States.

While I believe that certain precautionary measures are justified in order to control a threat to a nation's security and to the maintenance of a democratic state, on the other hand, I also deplore the loss of individual liberties in a nation that was founded and nurtured by our country to uphold the principles of democracy. The development of a totalitarian situation in the Philippines would be a tragic turn of events indeed. True democracy is the answer to communism.

LAPORTE HOSPITAL DEDICATION

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. BRADEMAS. Mr. Speaker, on September 24, the town of LaPorte dedicated a new $11 million hospital. This hospital will make available to the people of LaPorte the finest in health facilities and equipment and the very best in medical care.

The hospital was made possible by strong local initiative and leadership and by the unprecedented generosity of the citizens of LaPorte, who contributed almost $4 million to the project—nearly $160 per capita.

Mr. Speaker, I would like to include in the RECORD at this point the dedication address that I delivered during the ceremony and the remarks of Dennis Smith, mayor of LaPorte, who accepted the hospital facilities on behalf of the citizens of LaPorte:

REMARKS OF CONGRESSMAN JOHN BRADEMAS AT LAPORTE HOSPITAL DEDICATION SEPTEMBER 24, 1972

This is a proud day for the town of LaPorte and I am indeed honored to be able to join you in this dedication ceremony.

The hospital we dedicate today will make available to LaPorte the finest in health facilities and equipment and will extend to you the very best in medical care. You have planned and worked many years in preparation for this day, and I sincerely appreciate your invitation to participate in this exciting event.

As I sat here this afternoon and listened to Tom Sallwasser and Charles Shapiro review the history and accomplishments of the hospital, I was greatly impressed, not only with the building, but with the community that built it. I do not wish in any way to diminish the importance of this marvelous building. The effort that has been exerted by all of you, however, is truly remarkable, and it is your effort that should receive the special recognition it justly deserves.

A MONUMENT TO LOCAL INITIATIVE

This hospital we dedicate today will stand as a monument to the strong local initiative and leadership that has been exerted to see this project through and as a monument to the cooperation of many—cooperation on the part of private individuals and groups and cooperation among officials at every level of government—Federal, state, county and municipal.

Take, for example, the financial resources for this building; the hospital cost $11 million. Of that, one-third was provided by the Federal government through the Hill-Burton program.

The State of Indiana and La Porte County have cooperated in the funding of a mental health facility on the seventh floor of the hospital.

The property on which this building has been constructed was graciously donated by Allis-Chalmers.

And, most important, the people of LaPorte have contributed to the project nearly $4 million of their own money.

It is significant that the construction of this new hospital was made possible by the merger of two independent institutions—Holy Family Hospital and Community Hospital.

Special recognition should go to the Sisters of Ancilla Domini for their early decision to turn over Holy Family Hospital to the newly formed LaPorte Hospital, Inc., and, thereby, provide a major impetus for the initiation of this project.

Principal credit for this hospital should go, however, to all of you for, without your firm direction and support and without your unparalleled generosity, this hospital would not now be a reality.

You are a town of 22,000 and you were able to raise over $3.5 million. This is almost $160.00 per man, woman and child in LaPorte, and, I understand, is far above any other per capita contribution in the country for such a project.

So you have many reasons to be proud, and this dedication ceremony should serve to underscore this outstanding record of achievement.

THE HEALTH CRISIS IN AMERICA

I am also pleased to participate in this ceremony because it affords us an opportunity to reflect on one of the most serious problems that faces our nation today—the health care crisis.

Too often, health and other social problems assume a secondary role in our order of priorities. The high degree of local participation in this project speaks eloquently to the importance you here in LaPorte attach to the availability of quality health care.

For adequate health care at prices people can afford is one of the major problems facing the American people today. And we have a long way to go to solve it.

The health care crisis in the United States is of staggering proportions. Let me just cite a few statistics:

There are 35 other countries in the world where ten year old boys can expect to live longer than in America.

The U.S. ranks 21st in infant mortality, down from 6th place some 20 years ago.

In six short years, we have slipped from 13th to 22nd in male life expectancy. Not only do industrialized Western European countries do better than we, but so did Japan, East Germany, Greece and Bulgaria.

Although the burden of our deficiencies falls most heavily on the poor, particularly the non-white poor, the health care crisis is not confined to these groups.

Health care is a crisis that affects everyone. It is as easy to find in the most affluent sections of our country as it is in the urban ghetto.

Thus, although our nation possesses the most advanced and sophisticated medical technology in the world, the best educated and highly skilled doctors and the most modern equipment and facilities, we have not been able to translate these triumphs into realities of better health care for our citizens.

The causes for this failure are complex and interrelated. However, a few factors do stand out as most significant.

Rapidly spiralling health care costs should bear a major responsibility for this situation. Medical care is now the single most inflationary item in the family budget, rising at an annual rate of 12.2%.

The rise in the cost of a hospital bed over the past two years dramatically illustrates this point.

In 1964 the average cost of a hospital bed was $37.50 per day. In 1970, the average cost was $80 and in 1971, just one year later, the average per day cost had skyrocketted to $92. No doubt the average will soon be over $100 per day.

Or, take, for example, doctors' bills, which, over the last 10 years, have risen over 50%.

HEALTH CARE BEING PRICED OUT OF REACH

These figures clearly indicate that dependable medical care is swiftly being priced out of reach for millions upon millions of Americans.

As I said, it is not just the poor who are affected by these rising costs. All Americans are, particularly those persons for whom private health insurance—the mainstay of the current health delivery system—has failed. The breakdown of the health system has caused hardships and ruined lives for many men and women and their families.

Again, a few examples:

Private health insurance pays, on the average, one-third the actual cost of private health care, leaving two-thirds to be paid out of the pocket of the patient either at the time of the illness or as a debt to be repaid following his recovery.

Some 36 million Americans under the age of 65 have no private health insurance at all.

The effect of this situation on patients and health suppliers, such as hospitals, can be devastating. Hospital administrators understandably want to know who will pay the bills when the insurance companies refuse to pay and private individuals are unable to do so.

Rising health costs and overwhelming financial burdens are only part of the problem. This nation suffers as well from the critical shortage of doctors and other trained health personnel.

In 1900 there were 157 physicians per 100,000 persons in this country. In 1967 there were only 139.

In 1900 there were 25,000 medical students. In 1969 there were only 30,000.

In 1950 only 75% of the intern positions in the country were filled. In 1968 76% of the positions were filled and more than half of them by foreign medical graduate students.

Further, the problems relating to doctor shortages are complicated by the poor distribution of medical personnel. Hundreds of counties and thousands of communities across the nation simply have no physicians at all today.

Although the LaPorte Hospital will be adequately staffed with doctors and nurses, I understand that many of you have experienced first hand what the doctor shortage can do to a hospital the size of yours and to a community the size of LaPorte.

For some years ago you experienced a sudden loss of five doctors. Because of this shortage, your hospitals were forced to close down portions of their facilities. This new hospital will undoubtedly help in attracting doctors to LaPorte. However, you must compete with a number of other communities, many of whom also have new facilities. Obviously, an appropriate response to this problem must be to expand the number of health professionals.

In fact, I had a first hand example of this problem today over in Westville, where there is, believe it or not, no physician at all to serve the needs of the community. Fortunately, your two able state representatives, Cliff Arnold and Dick Bell, are assisting the residents of Westville in obtaining a doctor to practice there.

CONGRESSIONAL ACTION

Although LaPorte and other communities have taken positive steps to improve the delivery of health care to their citizens, there are many problems in this field that must be solved at the Federal level.

So, I am pleased that the 92nd Congress has been active in the health care field and has initiated a number of measures to cope with this massive crisis. I would like briefly to review with you today some, but by no means all, of the important health measures written by the Congress so far:

Health Professions Education Assistance Amendments of 1971.

This measure extended for three years the Hill-Burton hospital construction program and provided money for the expansion of medical training facilities. It also provided funds for the training of more family doctors.

Conquest of Cancer Act.

This measure established a cancer research program within the National Cancer Institute of the National Institutes of Health to coordinate intensified research efforts to find a cure for cancer.

This Congress has already also approved four important measures dealing with the treatment, prevention and control of chronic diseases afflicting millions of Americans each year:

The *National Cooley's Anemia Control Act*, establishing a national program for the diagnosis, prevention and treatment of this blood disease which affects some 200,000 persons, mostly little children, in the U.S.;

The *National Advisory Commission on Multiple Sclerosis*, establishing a national advisory commission to determine the most effective means to finding the cause and developing cures for MS;

The *Communicable Disease Control Act*, authorizing grants for states and localities for programs to control the spread of communicable diseases;

The *National Heart, Blood Vessel, Lung and Blood Act*, a major effort to advance the national attack against the diseases that afflict these parts of the human body.

I am also pleased to tell you that the House of Representatives has unanimously passed my own Rehabilitation Act of 1972, which extends the Vocational Rehabilitation Act and provides important new programs for severely disabled people, including those suffering from serious kidney diseases and spinal cord injuries.

Finally, the Senate, in an important action last week, passed two significant health measures.

One of these measures would authorize the spending of $2.8 billion over the next two years for construction grants under the Hill-Burton Act. The other, the Health Maintenance Organization Act, whose chief sponsor is Senator Edward M. Kennedy (D-Mass.), would authorize $5 billion for the establishment of prepaid group medical practices that would provide total health services for a single fee.

So, I am understandably proud of the fine record of the 92nd Congress on legislation crucial to the health of the American people, and I am glad to say that these measures have enjoyed wide support from both Democratic and Republican members.

Although the health care crisis remains severe, we have begun to correct the deficiencies and there is substantial basis to hope that we will achieve the goal.

LA PORTE HOSPITAL AN INSPIRING EXAMPLE

This hospital which we are dedicating today here in La Porte is another inspiring example of the positive actions that are being taken—this one at the local level—to deliver quality health care to all Americans.

Congress has recognized the severity of the problem and has acted on many pieces of innovative health care legislation.

You here in La Porte have recognized your need for more adequate health care facilities in your own community and have acted to provide them. If we are to continue to make progress in insuring quality health care for people all across our country, we can do so only if we follow the example you here in building your new hospital—and that example is cooperation—cooperation on the part of private individuals and groups and among officials at every level of government. I congratulate you all on this proud day in the history of the City of La Porte.

REMARKS BY MAYOR DENNIS SMITH AT LAPORTE HOSPITAL DEDICATION

Today is a day of pride! It is a day of well-earned pride for those men and women who have devoted a great amount of their time, talent and money in seeing to the financing and building of this hospital. Today is a day of well-earned pride for the whole community of La Porte.

A few years ago, there appeared a sign which seemed to come from nowhere—a sign, with large letters sprawled across it, saying, "we are going to build a hospital". This sign appeared a long time before the first cent had been raised to finance this structure. To an outsider, this must have appeared as boldness beyond compare, rashness to the highest degree.

But to the men and women of the La Porte Hospital Board of Directors and the La Porte Hospital Building Fund, it appeared merely as a statement of hope in the future and faith in the present. These men and women knew La Porte! They knew the pride of the citizens of La Porte and the surrounding community. They knew that once the people of La Porte had been presented with a challenge, then all the people—the working man, the merchant, the industrialist, the teacher, the politician, the housewife, the school child—would join together and would get this hospital built. And do you know—these men and women were correct. All of La Porte *did* join *together* and all of La Porte *did* build a hospital. And I must say a beautiful one at that.

SIGNIFICANCE OF HOSPITAL TO FUTURE OF LA PORTE

This hospital is going to play a very significant role in the present and future history of the city of La Porte and its surrounding community. This hospital is going to be a continuous source of confidence to the people of La Porte. They now have the confidence that the pledge of good medical care which they have received in the past will continue in the future. They now have confidence that their children will always be born in a facility which will be able to treat not only normal birth, but also unforeseen difficulties. The people of La Porte now have confidence that any emergency can be handled with proper and adequate medical attention. They now have confidence that their loved ones will always be cared for in comfort and in pleasant surroundings.

This hospital has not only instilled confidence in the people of La Porte concerning medical treatment, but has also raised new hope in the future of the city and has generated a faith in all of the citizens that we can accomplish anything if we put our minds to the task.

This hospital is La Porte's Ile of Delos! It is the cradle of rebirth for the whole city of La Porte.

SPECIAL APPRECIATION TO MEMBERS OF LA PORTE HOSPITAL BOARD OF DIRECTORS

And to you—members of the La Porte hospital board of directors, and to you—members of the La Porte hospital building committee—I say this: You have built not only a hospital, but you have also lit a fire. This fire is going to roar through La Porte and is going to ignite the desires and dreams of all the citizens to improve their home town. You are going to see new homes, where before there was no home. You are going to see new business, where before there was no business. You are going to see new industries where before there was no industry.

This spark which you have ignited will build into such a fire, that I now warn those who wish to stand in its path, that you too will be caught up in it, and you too will work and strive for a better La Porte.

Members of the La Porte hospital board of directors and members of the La Porte hospital building fund, in behalf of all the citizens of La Porte, we accept this hospital as one of the most beautiful facilities in Indiana. We accept this hospital as La Porte's single greatest act of mercy.

And in behalf of all the citizens of La Porte, we also thank you.

MAYOR'S MESSAGE PROGRAM

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. McDADE. Mr. Speaker, the shock and grief at the news of the terrorist slayings of 11 members of the Israeli Olympic Team have been shared by all decent Americans. Of the many expressions of outrage which followed this senseless act none was more eloquent than that of the mayor of my own home city of Scranton, Pa. The words of Mayor Eugene J. Peters are significant not only because they speak for all of us, but because they express the personal anguish and sorrow of a man of Arabic ancestry.

I submit for the RECORD Mayor Peters' remarks, and I commend them to the Members' attention:

MAYOR'S MESSAGE PROGRAM, SEPTEMBER 7, 1972

Good evening.

It is with a sense of sadness and concern that I speak to you tonight, for Tuesday's tragedy in Germany has shrouded the world in shock and sorrow.

In a setting of peaceful competition among nations, a handful of irrational men have snatched the joy and triumph from all the medals, all the victories, and all the honors of the 20th Olympiad. Some may think that the Mayor of the City of Scranton, thousands of miles away, should have no real concern for the murders in Munich. But, I do not agree. Some may think that the problems facing the people of the City of Scranton should be too important to be eclipsed by the deaths of a few young athletes at the Olympic Games. But, I do not agree. And, some may feel that we have too many of our own problems to be worried about what happens in this world. But, I do not agree. For the taking of human lives sounds no less tragic in English, Yiddish or Arabic. For the animal actions of despicable terrorists is no less revolting, be you a citizen of Munich, a citizen of Tel Aviv, or a citizen of Scranton.

I am, therefore, troubled and concerned that we as human beings, may not learn a lesson from this tragedy . . . for even the worst catastrophy can give lessons for our lives. As Aeschylus wrote "In our sleep pain that cannot forget falls drop by drop upon the heart, and in our own despair, against our will, comes wisdom through the awful grace of God."

And, I believe the lesson we should learn from this atrocity is that we all must make an effort to understand each other better. We all must make an effort to meet each others needs. And, we all must make an effort to feel each other's sorrow. For, we can no longer afford the luxury of considering ourselves just citizens of Scranton, or just citizens of the Commonwealth of Pennsylvania, or just citizens of the United States of America. In a very real sense, we must consider ourselves citizens of the world.

For the problems of wars between nations, of wars among people, of dissension among ourselves are man-made problems, fostered by fear, or ignorance, or greed or pride, but since these problems are man-made, they are, by definition, able to be solved by men who have made them.

If the muted lives of these innocent young Israeli martyrs do nothing else than weigh upon the conscience of the world . . . than haunt the hearts and minds of every man to do something to make this world a better place for all of us . . . than do something to make the misery of our fellow man less burdensome . . . than do something to make the lives of our children safe, stable, and sure . . . then the gold medals which these young athletes never achieved in life will pale in value when compared to the worth of the work they shall have done in death.

On behalf of the people of the City of Scranton, I wish to express our disgust, dismay and despair over the savage, senseless murders in Munich. The strength and ability which these young Israelis demonstrated in Olympic competition will now fuel the force of love and peace contesting hate and terror.

I know I speak for all Americans of Arabic ancestry when I deplore this useless killing by assassins who know no nationality, by bigots who know no boundary, and by despicable terrorists who know no decency.

I extend to all of the people of Israel and their relatives here, my sincere sorrow and prayers and that of all of those who share my ethnic ancestry. For what was destroyed was not just the lives of Jews, but the lives of human beings. What was demeaned was not just the reputation of Arabs, but the dignity of man.

So therefore, this irrational act is a crime to which we all must plead some guilt. For it was an attack on all mankind by mortal men.

We must cease political kidnapping and assassination or we will cease as human beings. We must cease mans' inhumanity to his fellow man or we will forfeit the faith of God and sentence ourselves to annihilation.

May God forgive us, for we know not what we do.

And, in the words of a man who was slain by the brutal bullets of an assassin, the late Senator Robert F. Kennedy, "Let us dedicate ourselves to what the Greeks wrote so many years ago: To tame the savageness of men and make gentle the life of the world."

Thank you. Good evening.

COUNCIL ON ENVIRONMENTAL QUALITY SCORES SAN ANTONIO EXPRESSWAY TERMINATION IN HIGHWAY BILL AS ENVIRONMENTAL "RETREAT"

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. DINGELL. Mr. Speaker, as I noted on September 21, 1972—see page 31872 of CONGRESSIONAL RECORD—the highway interests are seeking to subvert and undermine two environmental acts of Congress which have widespread public support; namely, the National Environmental Policy Act of 1969 and section 4(f) of the Department of Transportation Act of 1966.

They succeeded in the Senate and in the House Public Works Committee. Now they want the full House—at a time so close to the end of the 92d Congress and the November elections—to uphold the Senate action.

I am, of course, referring to section 113 of H.R. 16656, which states that: "Notwithstanding any other provisions of Federal law or any court decision", the Federal Government's interest in the San Antonio North Expressway as a Federal-aid urban highway project is "terminated". The effect of this provision is to allow the highway interests to build—in total disregard of the national interest in preserving all public parklands whether Federal, State, or local—a highway through two urban parks in the city of San Antonio.

On September 18, 1972, Secretary Volpe, in a letter to the House Public Works Committee, stated his total opposition to section 139 of H.R. 16656 which also seeks to undermine our environmental laws and court orders by requiring that the Three Sisters Bridge in the District of Columbia be built. Indeed, Secretary Volpe told the committee that section 139, if enacted, would probably result in the Secretary being in contempt of court.

Today, Congressman ECKHARDT and I received a letter from the Acting Chairman of the Council on Environmental Quality, Dr. Gordon J. MacDonald, who said:

> The Council opposes enactment of Sec. 113 of H.R. 16656 and [an identical provision in] Sec. 147 of S. 3939.

In stating the Council's opposition to section 113 of H.R. 16656, Dr. MacDonald said that this provision represents "a bad precedent and an unfortunate retreat from the national commitment to environmental concerns as expressed in such provisions" as NEPA and section 4(f) of the Department of Transportation Act of 1966. He said:

> The attempt to circumvent these basically procedural requirements raises the question whether the decision to continue this particular project would not withstand the kind of analysis presently being conducted daily with respect to other highway projects around the country.
>
> In addition to these implications, the Council is concerned over the long-term, precedent-setting effect of the proposed legislation. We know of no basis for distinguishing the San Antonio project from many similar highway projects which must presently comply with provisions of NEPA and Sec. 4(f) of the Department of Transportation Act. Legislation of this type risks Congressional embroilment in the merits of individual highway projects around the country. In addition, it marks a retreat from the concerns which gave rise to the National Environmental Policy Act of 1969.

Indeed, section 113 of H.R. 16656 is a "retreat" from our national commitment to preserve our parklands and our environment. Certainly, this House should not encourage such a "retreat."

It is interesting to note that the House Committee's report of September 25, 1972 (H. Rept. 92-1443), which explains the purpose of section 113 of H.R. 16656, contains the same errors about this project as the Senate report does—see my September 21 remarks on page 31872 of the CONGRESSIONAL RECORD. Indeed, the House report and the Senate report language is identical.

The House report states—pp. 32–33:

> The State obtained initial route approval from the Federal Highway Administrator and purchased all rights-of-way and completed all relocations using approximately $7 million in State and local funds. It did so prior to certain changes in Federal law which have involved it in extended legal controversy. Furthermore, the Secretary of Transportation approved the letting of construction contracts prior to recent Federal court decisions setting forth new standards for reviewing administrative approvals. The upshot is that the project has twice been caught by changes in Federal law and procedures affecting its completion as a Federal-aid project.

As a matter of fact, the Federal Highway Administrator has never approved the "initial route" of this highway through parklands. In fact, Secretary Volpe, in approving construction of two segments outside the highway, insisted on August 13, 1970—and the State agreed—that the portion of the expressway to be routed through parklands shall be "studied" further.

As a matter of fact, it is misleading to say that these construction contracts were approved prior to the August 5, 1971, Court of Appeals decision. The suit that led to that decision was first filed in 1967. It was reactivated only a few days after interested citizens learned in a newspaper article that Secretary Volpe had entered into an agreement with the State to approve the two highway segments outside the park.

All of the above factual data are set forth in greater detail by our former colleague, Congressman—now Judge—Homer Thornberry in *Conservation Society* v. *Texas*, 446 F. 2d 1013, August 5, 1971, 2 ERC 1872.

Judge Thornberry held that:

First. The Secretary of Transportation failed to carry out the environmental study of this highway as required by NEPA;

Second. The Secretary of Transportation has demonstrated no effort to comply with section 4(f) of the Department of Transportation Act; and

Third. Secretary Volpe acted beyond the scope of his authority in approving two segments of the highway outside the park.

Section 113 of H.R. 16656 would, in effect, overrule Judge Thornberry.

It would carve out an unwise exception to NEPA and section 4(f).

It would allow the highway interests to build this highway through 9 acres of Brackenridge Park and through park acreage in other public parks—Franklin Fields, Koehler Park, and Olmos Basin Park—for a total of 124 acres.

Of course the bill would require the State to repay to the highway trust fund all Federal funds paid out on this expressway, or committed to it. But this is merely a bookkeeping transaction, because the bill provides that the repaid money shall then be "credited to the unprogramed balance of Federal-aid highway funds" of Texas to apply to other highways and enable the State to use the State moneys it replaces to pay for the San Antonio Expressway.

We urge that section 113 of H.R. 16656 be deleted. It is a raid on our environmental laws. It—like a later section of the bill—section 139, concerning the Three Sisters Bridge, which we also oppose—would overturn Federal court decisions aimed at enforcing those laws and upholding the right of citizens to preserve this Nation's fast dwindling Federal, State, and local park areas.

We urge all Members to vote in support of our amendment, as recommended by the Council on Environmental Quality.

Our amendment is as follows:

Amendment to H.R. 16656, to be offered by Mr. DINGELL and Representatives BELLA S. ABZUG, BILL CHAPPELL, Jr., BOB ECKHARDT, GILBERT GUDE, PAUL N. MCCLOSKEY, Jr., JOHN E. MOSS, THOMAS M. PELLY, HENRY S. REUSS, and JOHN P. SAYLOR:

Strike all beginning with line 22 on page 71 through line 23 on page 72.

Mr. Speaker, at this point of the RECORD I insert the full text of the September 27, 1972, letter of the Council on Environmental Quality to Congressman ECKHARDT and myself expressing the Council's opposition to section 113 of H.R. 16656:

EXECUTIVE OFFICE OF THE PRESIDENT, COUNCIL ON ENVIRONMENTAL QUALITY,
Washington, D.C., Sept. 27, 1972.

Hon. JOHN DINGELL,
Hon. BOB ECKHARDT,
House of Representatives,
Washington, D.C.

DEAR MESSRS. DINGELL AND ECKHARDT: In response to your letter of September 22, 1972, I am happy to provide you with the Council's views on Section 113 (the San Antonio North Expressway rider) of H.R. 16656, the Federal-Aid Highway and Highway Safety Act Amendments of 1972, (identical to Section 147 of S. 3939, the Federal-Aid Highway Act of 1972). These sections contain identical provisions which would terminate the long-standing Federal involvement with the San Antonio North Expressway project in order to bypass an unfavorable court decision applying Section 4(f) of the Department of Transportation Act and NEPA (*San Antonio Conservation Society v. Texas* 446 F2d 1013 (5th Cir. 1971).

For reasons similar to those expressed in your letter, the Council is of the view that these provisions represent a bad precedent and an unfortunate retreat from the national commitment to environmental concerns as expressed in such provisions as Sec. 4(f) of the Department of Transportation Act of 1966 and Sec. 102(2)(C) of the National Environmental Policy Act of 1969. In both of these Acts, Congress expressed its concern that actions with a potential for adversely affecting the environment should not be undertaken until a careful evaluation had been made of the potential environmental costs of the proposed project and its alternatives. It should be noted that these provisions of Federal law do not forbid the construction of Federal highways through parkland; rather, they simply express what appears to us to be a basic requirement for rational decision-making in a decade in which environmental values have come to be recognized as at least as important as more traditionally economic and technical concerns.

The attempt to circumvent these basically procedural requirements raises the question whether the decision to continue this particular project would not withstand the kind of analysis presently being conducted daily with respect to other highway projects around the country.

In addition to these implications, the Council is concerned over the long-term, precedent-setting effect of the proposed legislation. We know of no basis for distinguishing the San Antonio project from many similar highway projects which must presently comply with provisions of NEPA and Sec. 4(f) of the Department of Transportation Act. Legislation of this type risks Congressional embroilment in the merits of individual highway projects around the country. In addition, it marks a retreat from the concerns which gave rise to the National Environmental Policy Act of 1969.

The Council opposes enactment of Sec. 113 of H.R. 16656 and Sec. 147 of S. 3939.

Sincerely,

GORDON J. MACDONALD,
Acting Chairman.

CLOSING THE COLLEGE-COMMUNITY GAP

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. DEL CLAWSON. Mr. Speaker, a project undertaken in a college community in southern California appears to have served both the community and the students in exemplary fashion. The project is described in the article which follows—condensed with the permission of the author. The president of Cal State Long Beach, Stephen Horn, the students, and city officials involved in the project have demonstrated how the learning process can be enriched in a very practical and constructive way. It is a pleasure to commend to the attention of my colleagues at the point in the RECORD the article taken from the Long Beach Independent Press-Telegram of June 11, 1972, by Susan Pack entitled "The Long Beach Project: Closing the College-Community Gap":

THE LONG BEACH PROJECT: CLOSING THE COLLEGE-COMMUNITY GAP

(By Susan Pack)

"Long Beach police were expected to come onto campus early this morning to clear the area in front of the bookstore of about 300 camping demonstrators.

"The sleep-in, a protest of the Kent State deaths, was generally peaceful, but two minor trash can fires were reported about midnight.

"Dean of Students Jack Shainline said at 12:30 a.m. that he expected the police to come onto the campus, 'and there's nothing I can do to stop them. . . .' "—The Forty-Niner Newspaper, May 7, 1970.

The police did come to Cal State Long Beach early that morning, and by 3 a.m. the campus had been quietly cleared and closed.

College students were angry that spring over the entrance of American troops into Cambodia and several days later, the killing of four Kent State students. Campuses throughout the nation were turbulent with demonstrations and violence, and it seemed as if the college and the government had never been more polarized.

Yet, out of the demonstrations out of the peace vigils, a new understanding was emerging between one college and one city—Cal State Long Beach and the City of Long Beach.

On May 7, 1970, copies of the CSLB newspaper, The Forty-Niner, were circulated into the community, a page one editorial pleading, "Listen to the student story." And on that same day, the Community Information Committee (CIC) was formed. They renounced confrontation politics, turning instead to knocking on doors and speaking to residents of Long Beach on a one-to-one basis.

Among those active in this group was a sophomore named Larry Sosowsky. He came up with the idea for a convocation, where campus leaders and administrators could make their positions known. Two days later his idea had become reality as a crowd of 5,000 gathered to listen to six speakers at a three-hour convocation.

From his role in organizing the convocation, Sosowsky, a political science major, developed his initial interest in the community. As newly-appointed public relations commissioner for the Associated Students at CSLB, he began to transform his interest into viable programs of communication between the campus and the community.

The first step was the creation of a student speakers bureau, which sent CSLB students to speak at community club meetings. The second step came in September with the organizing of a college-community convocation.

The convocation allowed members of Long Beach to visit in-session classes, talk with students and faculty and meet CSLB's new president, Stephen Horn.

While organizing the convocation, Sosowsky was able to work closely with Mayor Edwin Wade and City Manager John Mansell, thus giving him still another idea for bringing the campus and community closer together.

In December 1970, the Long Beach City Council passed a resolution approving the placement of CSLB students on different city commissions and commitees with all the privileges of a member except the vote. The Long Beach Project had officially been born.

The name of the program is borrowed from the Oakland Project, in which graduate students do research on and participate in the bureaucratic levels of city government. However, the emphasis of The Long Beach Project is on undergraduate participation in policy formulation, believed unprecedented in any American city.

"The Long Beach Project seeks to join the insights and expertise of the academic community (faculty, administration and students) with the experience and knowledge of the community's political, business and civic leadership," said Sosowsky.

"Hopefully, California's fifth largest city and its largest state college can produce a 'model of interaction' for California's citizens."

Not only do students serve on 14 commissions and committees, but they also attend weekly seminars, where they listen to speakers from both the college and the community and discuss their individual experiences. Dr.

Leroy Hardy, professor of political science, and Sosowsky "co-teach" the seminar, which is worth three units of credit.

During the first semester, the seminar series simply attempted to give project participants a traditional overview of city government. A regional approach was taken the second semester to provide an understanding of a complex urban system. This semester the emphasis is on sources of influence and their role in making the community run.

College President Stephen Horn and Mayor Wade are both very pleased with the program and would like to see it expanded.

"I have long believed in this type of approach to the study of political science," said Horn.

"I have met with the students involved. They have learned how the system does work and better understand the various roles and values in the development and implementation of public policy. That insight gained as students, that experience is worth a tremendous amount to them."

He added that as a collective group, participants in the project "better understand the city than almost anyone in Long Beach."

Horn believes that the opportunity to merge theory and practice is what's needed in education and would like to see the project expanded to include other fields, such as business, music, etc., and to reach county, state and national levels. Horn has received numerous inquiries from other Universities.

According to Wade, a number of city governments have also asked about the program.

He believes CSLB students are contributing "a great deal" to city government.

City Manager Mansell, who has emphasized from the outset that the program is not "window dressing," feels the students have made "definite contributions" in "formulating thought" in the commissions, and their ideas and judgment have been used, especially in the recreation and human relations commissions.

Sosowsky graduates this June and will pursue his education at the Graduate School of Public Policy at UC Berkeley next fall. Taking over coordination of the project, which will be tied in with the CSLB Center for Urban Studies next year in an attempt to stimulate student research of local policy issues, will be professor Hardy.

"Many students are incredibly naive about city hall," he said. "Either they don't know what's going on or they assume they're all crooks. After dealing with the people, they get a different idea."

Hardy believes that the project has led to better college-community relations, but the community has received most of the benefit.

"The city has a much better impression of Long Beach student body members, but I'm not sure most college students have a better insight into the community."

He blames this situation on the limited number of students participating in the project.

Student representatives appreciated the opportunity to participate in the project, and most believe it has improved relations between the city and the campus.

THE RUSSIANS CAME

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. RARICK. Mr. Speaker, following passage of the SALT interim agreement, three Russian representatives of Soviet television and radio came to my office, to tape a television interview for use in their country. The filmed interview consisted of two questions: "Why did you vote against the SALT talk agreement?" and "What was your opinion of the Jackson amendment?"

I stated that I had voted against the SALT agreement because I did not think it was fair and just to the American people to give an arms advantage to the Soviets. I said that our people want peace just as we might expect the Russian people do and that I am sure the Russians would not accept any treaty which would not give them at least equal treatment. I said that if the agreement had given the United States an advantage of 564 missiles and 18 missile submarines—which the agreement actually gives to the Russians—then they would have complained and opposed the treaty just as I did. I pointed out that if we are to talk peace, we will get nowhere with agreements which contain the seeds of suspicion and distrust. We cannot have lasting peace when the people on one side feel that the others got an unfair advantage from the treaty agreement.

My comment on Senator Jackson's amendment, which urges the President to work for equal treatment in 5 years, was that the Jackson amendment merely proves that my colleagues realized that the United States did not get a fair shake in the agreement.

Following the interview, the Russians asked permission to photograph the pictures hanging on the walls of my office. I hope the photos of our great patriots Gen. Robert E. Lee and Gov. George C. Wallace came out loud and clear, as well as a picture of Ukranian youth commemorating the death of Bandera, the Ukrainian leader who was reportedly executed by a Soviet agent in Munich.

Who knows how the Soviet representatives of the Communist Party-controlled news media will use the tape and the photographs? But one thing is certain. The Russians came. They are very much here. They are interested in why some of us still insist on standing up for America's best interests.

I ask that my remarks during the debate of September 25, 1972, when the House considered and passed the SALT interim agreement follow:

REMARKS BY CONGRESSMAN RARICK

Mr. Colmer. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana (Mr. Rarick).

(Mr. Rarick asked and was given permission to revise and extend his remarks.)

Mr. Rarick. Mr. Speaker, seeking peace through arms limitation talks may be the noblest of our undertakings. But an interim agreement between the parties—a benchmark of progress in negotiations, is not talks. It is a scorecard, and in this instance the grade shows we are losing the game. The agreement before us, seeking our approval, does not show we are winning or are even tied. It shows that we have lost even an equality of limitation with our adversary. By approval of this resolution we are asked to sanction our country as a second-rate world power. This is but a Gulf of Tonkin resolution in reverse.

Let me ask: "Is the agreement binding?" "Is it enforceable?" "What are the safeguards?" The answer to each is negative. We are asked to accept only the good faith of the party's signatories and the authority by which they act.

What is the record of faithful performance by the Communist Party of the Soviet Union to its commitments?

According to the 1958 report of the American Bar Association's Special Committee on Communist Treaties, of the 52 major treaties and agreements entered into, the Soviet Union has broken 50. Fifty broken promises out of 52. This is a bankrupt record of deceit and undependability.

A more recent report by the Senate Judiciary Committee reports that the Soviets have failed to honor 24 of the 25 summit agreements.

The people we represent are being asked to trust the Communist negotiators or their Secretary, Leonid Brezhnev, who signed the agreement not as an elected leader of the Russian people, but as General Secretary of the Central Committee of the Communist Party of the Soviet Union. Were President Nixon to have signed the agreement as head of the Republican Party of the United States, would all Americans feel bound?

Not one suggestion has been made as to enforcement—possibly because no provision can be negotiated for inspection. The Soviets refuse. Their refusal can only be interpreted as an indication that they intend good faith and compliance only so long as beneficial to their goals. There being no inspection, no enforcement mechanism, and to signature of a representative head of state, what we are asked to agree to is at most a unilateral agreement by which our country pledges not to constitute a threat to Soviet imperialism. The Soviets for 5 years can go about other business.

The Marcos government of the Philippines yesterday announced suspension of constitutional government and proclaimed martial law to protect that country from Communist terror and subversions. Who knows how serious the threat? Which of our allies will next fall victim to Communist aggression?

What power or respect in international politics can a nation maintain which voluntarily assigns its people to a second-rate position? And more importantly, what respect—what pride—can such a nation expect from its own people?

I, too, have heard the talk—that the Senate amendments improve the bill; that this is the best we can get out of a bad situation. I only ask that you do not be misled by the rhetoric. I am sure that Senator Jackson did the best he could under the circumstances, but read the amendments, including Mr. Jackson's. It does nothing—it has no teeth. At most, it is more quotable persuasion to disarm the unsuspecting American people.

Mr. Jackson's amendment is not even applicable until after the end of the 5-year interim arms limitation moratorium, or until 1977. And even then, what does the Jackson amendment provide? It reads:

"Urges and requests the President—"

Whoever he may be in 1977—

"to seek a future treaty that, inter alia, would not limit the U.S. to levels of international strategic forces inferior to the limits provided for the Soviet Union."

The Senate passed the amendment and in so doing admitted that the agreement reduces our country to inferior status with the Soviets. Yet, while admitting the agreement was not fair nor equal to the American people, did not seek equal treatment until after 5 years—if we are still around.

The administration in agreeing to the amendment must have understood that they bought too quickly and got the short end of a one-sided bargain.

I cannot cast my people's vote for any agreement that is unfair and not at least equal to the treatment given their principal adversary—the Soviet Union.

I hope that the action taken by this body is right, because if not, it will be too late to correct it.

I urge defeat of the resolution.

THE THREE SISTERS BRIDGE AND OTHER CONSERVATION ASPECTS OF THE HIGHWAY BILL

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mrs. ABZUG. Mr. Speaker, next week we will be considering H.R. 16656, the Federal-Aid Highway Act of 1972. A number of major amendments will be offered on the floor, most of them relating to either conservation issues or the use of the money in the highway trust fund for certain urban and mass transit purposes. I shall insert a statement on some of the urban and mass transit items in tomorrow's RECORD, discussing today three of the conservation items:

THREE SISTERS

Section 139 of the bill would withdraw the authority of the courts to issue any order or take any action which would in any way impede, delay, or halt construction of the Three Sisters Bridge in the District of Columbia and its approaches in Arlington County, Va.

Although Congress has authorized construction of the Three Sisters Bridge and its approaches in the District of Columbia, Congress has never specifically authorized construction of the bridge's approaches in Virginia or any other interstate highway in any other State. The Federal highway laws, section 103 of title 23, gives the States the responsibility to initiate, plan, and construct interstate highway projects. Any proposal to remove these functions from the District of Columbia and the State of Virginia would supersede local initiative and responsibility and create a precedent for similiar action with respect to interstate highways elsewhere.

Moreover, if the purpose of section 139 is to expedite construction of the Three Sisters Bridge, it does not achieve that purpose. It would leave the existing court order standing. (See D.C. *Fed'n of Civic Ass'ns* v. *Volpe,* 459 F. 2d 1231 (D.C. Cir. 1971), cert. denied, 405 U.S. 1030 (1972)). The General Counsel of the Department of Transportation has advised that constructing the Three Sisters Bridge without complying with the existing court order may lead to contempt proceedings against the Secretary of Transportation.

It appears that the Three Sisters project is not desired by the people of the communities through which it is to run; to prevent these citizens from having their day in court is not only contrary to our democratic traditions, but may be unconstitutional as well.

In order to satisfy the requirements of paragraph 6 of rule XXIII, I include at this point the text of the amendment which I will offer to strike section 139 from the bill:

Strike all of section 139, beginning at page 107, line 12, through page 108, line 5.

DISTRICT OF COLUMBIA HIGHWAY ACT

Section 140 would make the act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities, approved March 2, 1893—27 Stat. 532—as amended, inapplicable to any segment of the Interstate System within the District of Columbia.

The only procedure by which the District of Columbia can initiate, plan, and construct highways is pursuant to the permanent system of highways plan, D.C. Code sections 7–108—7–115. Because section 140 does not contain any substitute provision, its enactment would abolish the authority of the District of Columbia to initiate interstate projects. Since the Federal-aid highway program places the responsibility for initiating, planning, and construction projects in the States—including the District of Columbia—section 140 could prevent the construction of interstate highways in the District of Columbia.

Moreover, the Public Works Committee has neither the jurisdiction nor the expertise to review and revise the District of Columbia's highway laws. That responsibility rests with the Committee on the District of Columbia.

The administration has urged the deletion of sections 139 and 140 from the House bill—letter dated September 18, 1972, from the Honorable John A. Volpe, Secretary of Transportation, to the Honorable JOHN A. BLATNIK, chairman, House Public Works Committee.

Mr. Speaker, I include here for the purposes of rule XXIII, paragraph 6, the text of an amendment to delete section 140 of this legislation:

Strike all of section 140, beginning at page 108, line 6, through page 108, line 12.

I also include at this point the additional views of Mr. RANGEL, Mr. SCHWENGEL, and myself, included in House Report 92–1443 on the bill. I note that section 139 has been altered to clarify an intent that it apply only to the Three Sisters project, but the change in no way renders the provision reasonable or acceptable:

ADDITIONAL VIEWS

We oppose the inclusion in this bill of section 139, which would prohibit judicial review of administrative actions relating to the construction of the Three Sisters Bridge across the Potomac River between the District of Columbia and the State of Virginia, and which might also be interpreted to prohibit judicial review of other projects using Federal highway funds.

We believe that local highway officials and local citizens should have the opportunity to be heard with regard to highway construction projects, and that they should also have the right to a day in court if they believe that such a project is in violation of law. To prevent them from having that say, and that day in court, as section 139 attempts to do, violates basic principles of American democracy and may well be unconstitutional.

There are serious questions as to whether the Three Sisters project is desired by the communities through which it will run and as to whether the project complies with the requirements of the National Environmental Policy Act, and any attempt to circumvent those questions is in our opinion unwarranted.

In addition, we oppose section 140 of the bill, which we feel would wreak havoc with any further Interstate highway planning and construction in the Nation's Capital.

I. SECTION 139 WOULD PERMIT AN INTERSTATE HIGHWAY IN VIRGINIA AND FEDERAL-AID HIGHWAYS THERE AND ELSEWHERE TO BE CONSTRUCTED UNLAWFULLY

Section 139 of H.R. 16656 would remove the power of any court to take action affecting construction of the Three Sisters Bridge and its approaches in the District of Columbia and Virginia. Congress has already authorized construction of the Bridge and it approaches in the District of Columbia, presumably because Congress may have special and unique responsibilities for the District. But Congress has never authorized construction of the Bridge's approaches in the Commonwealth of Virginia. As far as we know, Congress has never before presumed to exercise that power. The citizens of Virginia and the other States, acting through their duly authorized officials, have had authority to decide whether, where and in what manner Interstate highways should be constructed. Section 139, however, would deprive citizens of Virginia of redress to the courts if their state officials should abuse or exceed that authority with respect to the Three Sisters Bridge. This would be a dangerous precedent for the whole federal-aid highway program.

Section 139 of H.R. 16656 would go even further. It would also prohibit judicial review of any determination by any governmental agency "in carrying out the mandate of this [the Federal-Aid Highway] Act." May the construction of a federal-aid highway be deemed "mandated" by the Federal-Aid Highway Act when systems approval is given pursuant to section 103, when the highway is included in a "program of proposed projects" approved pursuant to section 105(a), or when its plans, specifications and estimates are approved pursuant to section 106 (a)? Or does the "mandate of this Act" refer exclusively to such mandatory provisions as those requiring federal-aid highways to be safe (section 109(a)), requiring a public hearing on a proposed highway's social, economic and environmental effects (section 128 (a)), requiring coordinated comprehensive transportation planning in urban areas (section 134), and providing special protection for publicly-owned lands such as National Parks (section 138)? We do not know the answers to these questions, for section 139 does not tell us.

Furthermore, we have serious doubt as to the constitutionality of section 139. Article III of the Constitution gives Congress the power to establish courts inferior to the Supreme Court and to provide exceptions to the jurisdiction of the Supreme Court itself, and it has been suggested that these two provisions empower Congress to wholly prohibit judicial review of an administrative determination. *Ex Parte McCardle,* 74 U.S. 506 (1869). However, the powers of Congress under the original Constitution are circumscribed by the Due Process Clause of the Fifth Amendment, and Congress may not exercise its powers under Article III in a manner which would violate due process of law. *Battaglia v. General Motors Corp.,* 169 F. 2d 254 (2 Cir.), *cert. denied,* 335 U.S. 887 (1948); see, *Yakus v. United States,* 321 U.S. 414 (1944). This provision would deprive citizens of the United States of their day in court, and as such would, in our opinion, violate their right to due process of law.

Section 139 does tell us, however, that any "mandate" of the Federal-Aid Highway Act could be carried out lawlessly. For example, citizens could not obtain judicial review of a government official's determination that public hearings are not required, or that people affected by a highway are not entitled to relocation assistance. Moreover, it would not be clear whether state laws which provide for coordinated highway planning or which place restrictions on highway construction could be enforced in court. If section 139 were enacted, the rule of bureaucracy would surely replace the rule of law. We oppose any provision in the Federal-Aid Highway Act that would have such drastic, far-reaching and thoughtless consequences.

II. SECTION 139 UNWISELY AND UNNECESSARILY INTERFERES IN A LOCAL HIGHWAY CONTROVERSY IN THE DISTRICT OF COLUMBIA AND NORTHERN VIRGINIA

As it would affect the District of Columbia, and northern Virginia, section 139 is an unhealthy appendix to section 23 of the Federal-Aid Highway Act of 1968. No legislation has evoked a more anguished or unanimous cry of protest from the people in the Nation's Capital. That section provides:

"(a) Notwithstanding any other provision of law, or any court decision or administrative action to the contrary, the Secretary of Transportation and the government of the District of Columbia shall * * * construct all routes on the Interstate System within the District of Columbia as set forth in the document entitled "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia" * * *. Such construction shall be undertaken as soon as possible after the date of enactment of this Act, except as otherwise provided in this section, *and shall be carried out in accordance with all applicable provisions of title 23 of the United States Code.*

"(b) Not later than 30 days after the date of enactment of this section the government of the District of Columbia shall commence work on the following projects:

"(1) Three Sisters Bridge, I-266 (Section B1 to B2).

"(2) Potomac River Freeway, I-266 (Section B2 to B4).

"(3) Center Leg of the Inner Loop, I-95 (Section A6 to C4), terminating at New York Avenue.

"(4) East Leg of the Inner Loop, I-295 (Section C1 to C4), terminating at Bladensburg Road.

"(c) The government of the District of Columbia and the Secretary of Transportation shall study those projects on the Interstate System set forth in "The 1968 Interstate System Cost Estimate" . . . which are not specified in subsection (b) and shall report to Congress not later than 18 months after the date of enactment of this section their recommendations with respect to such projects including any recommended alternative routes or plans. * * *

The Interstate highways specified in section 23 of the Federal-Aid Highway Act of 1968 would drastically affect the citizens of the District of Columbia—their homes, their jobs, the air they breathe, the quality of their lives. Section 23 appeared to deny these Americans the fundamental, democratic right to participate in deciding whether these interstate highways should or should not be built. Section 23 appeared to compel construction without the protections afforded by the planning and approval provisions of either the Federal-Aid Highway Act or District law.

Opposition to section 23 of the Federal-Aid Highway Act of 1968 was so intense—both within the District and throughout the country—that President Johnson chose to interpret it as preserving the fundamental rights it appeared to deny District citizens. Upon signing the Act he said:

"By far the most objectionable feature in this bill is the requirement that the District of Columbia Government and the Secretary of Transportation construct all interstate routes passing within the District as soon as possible—with the District required to commence work on four specific projects within 30 days. These provisions are inconsistent with a basic tenet of sound urban development—to permit the local government and the people affected to participate meaningfully in planning their transportation system.

"Under the Constitution, the Congress does possess special and unique responsibilities—different from its powers over fifty states—to legislate for the Nation's Capital. The desire of the Congress to move forward with the construction of a highway system to serve the Washington area is understandable. But it is vitally important that these roads be constructed in accordance with proper planning and engineering concepts and with minimum disruption of the lives of District citizens.

Fortunately, the Congress has called for construction only in accordance with the applicable provisions of the Federal highway law.

If the authority of the Executive Branch were not so preserved, I would have no choice but to veto this bill as in infringement of basic principles of good government and Executive responsibility.

"I am advised that under Federal highway law the Secretary of Transportation is required to approve construction only when:

"Funds are available.

"All rights of way can be obtained.

"These projects are shown to be appropriate links in a comprehensive transportation plan for the District.

"Other requirements of sound highway construction are met."

In April 1970, the United States Court of Appeals for the District of Columbia Circuit upheld President Johnson's interpretation of section 23 in a landmark decision involving the Three Sisters Bridge. The District and federal defendants contended that section 23 rendered the planning and approval requirements of the Federal-Aid Highway Act inapplicable to the Bridge. But the court's opinion pointed out that this interpretation "would result in discrimination between District residents affected by the Bridge and all other residents affected by highway projects in their localities." Referring specifically to the federal law's requirements for public hearings—"the only form of direct citizen participation in decisions about the construction of massive freeways, decisions which may well have more direct impact on the lives of residents than almost any other government action"—the Court warned that the defendants' interpretation of section 23 "would condemn it as unconstitutional." The opinion also pointed out that the planning requirements of District law were not affected by section 23 because they were not "to the contrary." *D.C. Federation of Civic Associations* v. *Volpe*, 434 F.2d 436 (D.C. Cir., 1970).

In 1970, after that decision in the Three Sisters Bridge lawsuit, the House adopted a bill which would have supplemented section 23 of the Federal-Aid Highway Act of 1968. Section 129 of H.R. 19504 (91st Con., 2d Sess.) would have directed the District of Columbia government to commence work, not later than thirty days after enactment, on (1) the north section of the East Leg of the Inner Loop, from Bladensburg Road near the southwest corner of the National Arboretum to 10th and Rhode Island Avenue, N.E., and (2) the North Central-Northeast Freeway, from 10th and Rhode Island Avenue, N.E., to the District line near Silver Spring, Maryland. It would also have directed the District government and the Secretary of Transportation to study the North Leg of the Inner Loop, across the heart of the city, and report their recommendations, including any recommended alternative routes or plans, to the Congress within twelve months after the date of enactment.

Congress wisely did not enact section 29 of H.R. 19504. Instead, the Conference Committee reported a provision which required a twelve-month study and report to Congress on the north section of the East Leg of the Inner Loop, and the North Central-Northeast Freeway as well as the North Leg of the Inner Loop.

As a basis for reporting to Congress under the Federal-Aid Highway Act of 1970, a $650,000 consultant's report was prepared. The D.C. City Council held hearings on it, where responsible witnesses pointed out that construction of the freeways it recommended would result in an annual public subsidy (in tax losses, maintenance, etc.) of $65 million, or approximately twenty cents per vehicle mile to be travelled on them. On December 31, 1971, the District Government reported to Congress. It recommended (1) that the North Central-Northeast Freeway be replaced by an industrial freeway paralleling New York Avenue; (2) that the East Leg of the Inner Loop (north section) be constructed west from Bladensburg Road to a new interchange north of New York Avenue; and (3) that the North Leg of the Inner Loop be constructed along K Street, N.W. The report cited testimony from representatives of neighboring Maryland counties objecting to the District forcing "repugnant" highway alignments on them. Secretary of Transportation Volpe's report contained the same recommendations.

Meanwhile, the Three Sisters Bridge lawsuit was remanded to the U.S. District Court to determine whether District or federal officials violated any of the provisions of the Federal-Aid Highway Act in approving construction of the Bridge. On August 3, 1970, the court ruled that a proper public hearing had not been held on the design of the Bridge and that the safety of the Bridge superstructure had not been properly approved. On August 7, the court issued an injunction stopping construction of the Bridge until a public hearing was held on the Bridge design and the Department of Transportation approved the design as safe. Both the plaintiffs and the defendants filed appeals.

On October 12, 1971, the U.S. Court of Appeals for the District of Columbia Circuit issued its second decision in the Three Sisters Bridge lawsuit. The court affirmed the district court's ruling on the questionable safety of the proposed design. In addition, the court held that the Secretary of Transportation had not complied with the provisions of the Federal-Aid Highway Act that prohibit the use of publicly-owned parks for Interstate highways unless there is no feasible and prudent alternative (section 138), and require the highways to be based on coordinated, comprehensive transportation planning (section 134). The court also held that the Bridge was approved before it was certain that river bed conditions would support it and that no safety hazard would result from increased air pollution. The U.S. Supreme Court denied certiorari. *D.C. Fed'n of Civic Ass'ns v. Airis*, 454 F. 2d 1231 (D.C. Cir. 1971), *cert. denied*, 405 U.S. 1030 (1972).

Some have said that the U.S. Court of Appeals' decision "defied" the will of Congress. That is not correct. The Federal-Aid Highway Act of 1968 directed that construction of the Three Sisters Bridge should proceed "in compliance with all applicable provisions" of the Federal-Aid Highway Act. The evidence in that lawsuit proved that federal and local officials under extreme pressure bypassed procedural requirements and ignored substantive protections which had been imposed by Congress. The court was not "defying" the Congress; it was directing that the will of Congress be obeyed as written.

The Three Sisters Bridge lawsuit dramatically illustrated the wisdom of leaving Interstate highway planning and design decisions to local officials. The lawsuit revealed that the design proposed—the same design referred to in section 139 of H.R. 16656—was potentially unsafe. In December 1967, representatives of the D.C. Department of Highways and Traffic assured this committee that all necessary approvals had been given to the prestressed concrete box girder, three-span design approved by the Fine Arts Commission. Yet the lawsuit revealed that more than two years later Federal Highway Administration officials were gravely concerned about the safety of that design. The following memorandum of March, 1970, from Federal Highway Administrator Francis C. Turner was reproduced in the U.S. District Court's opinion:

"In our memorandum of September 6, 1968, we requested that a comprehensive feasibility study be made for the proposed design which would take into account the effect of the curvature of the end spans and skew of the abutments. We are still concerned that the combination of the adverse geometry of the superstructure, the unconventional design details, the extreme lack of design experience of a structure of this type and the complete absence of this particular construction experience in this country make the undertaking *extremely hazardous and fraught with danger*. To the best of our knowledge, very little has been accomplished to alleviate this concern." 316 F. Supp., at 792.

The district court ruled that construction of the Bridge could not proceed until the question of safety was resolved. Pursuant to the court's order, an 81-foot scale model of the Bridge was later constructed, and on May 20, 1971, a Member of Congress pointed out, "I understand that several days ago the company manufacturing this model broke it." (Cong. Rec., vol. 117, pt. 12, p. 16192.)

Is the design proposed for the Three Sisters Bridge safe? This committee and the Congress cannot be certain, nor should we have to be certain. Decisions about the safety of proposed Interstate Highway designs are not properly our concern, but the concern of highway administrators and, in very few cases, the courts. Surely no one would want to have an Interstate highway which is "extremely hazardous and fraught with danger" constructed in the Nation's Capital. But that is exactly what might have happened if in 1970 the U.S. District Court had no jurisdiction to "take any action which will in any way impede, delay or halt" the construction of the Three Sisters Bridge.

III. THE THREE SISTERS BRIDGE AND OTHER FREEWAYS IN THE DISTRICT OF COLUMBIA ARE OPPOSED BY THE COMMUNITY

This committee has not held hearings on section 139 or section 140 of H.R. 16656. There has been no hearing by any Congressional Committee on the District of Columbia highway program since April 1968. This committee's hearings on 1972 Highway Legislation included only one witness whose remarks addressed this subject. That one witness—the Citizens Association of Georgetown—urged the repeal of section 23 of the Federal-Aid Highway Act of 1968.

The singular and overriding fact that emerged from this committee's hearings in April, 1968 was the unanimity of civic opposition to the present District of Columbia highway program. Never in the history of this committee has there been such an outpouring of civic protest against a highway program. Groups that ordinarily have little in common on other public issues stood shoulder to shoulder. A bill similar to section 23 of the Federal-Aid Highway Act met with unanimous opposition from civic groups, including such District-wide or areawide organizations as the District of Columbia Federation of Citizens Associations, the District of Columbia Federation of Civic Associations, and the Committee of 100 on the Federal City. Other groups opposing the bill included the following: Democratic Central Committee; Emergency Committee on the Transportation Crisis; Black United Front; Neighbors, Inc.; Arlingtonians for Preservation of the Palisades; Assembly of the Faculty of The Catholic University of America; and representatives of numerous churches and individual civic groups such as the Palisades, Georgetown, Brookland, Lamond-Riggs, and North Takoma Park civic or citizens associations. Not a single civic group in the District or Arlington County, Virginia, testified in favor of the District's Interstate highway program.

Initially, this protest against expansion of the District's highway program was evident in Northwest Washington where proposals to destroy Rock Creek Park, Glover-Archbold Park, and Northwest residential neighborhoods evoked unanimous opposition from civic groups in the area. Action by Congress in 1960, later endorsed by the National Planning Commission and the President, postponed these threats.

By November 1959, when a joint subcommittee of the House and Senate District Committees extensively reviewed the findings of the 1959 Mass Transportation Survey, the flame of public protest had spread to the entire city. In recommending approval of the National Capital Transportation Act of 1960, both the House and Senate reports stated:

"At the same time, the November hearings produced relatively little support for the idea of an expanded highway program. Indeed, many witnesses protested that even the highways already planned will damage the beauty and livability of the Nation's Capital, while taking valuable property off the tax rolls."

When the District Government, in the face of these warning signals, continue to expand its major highway program, the protests grew more persistent. In 1962, a special subcommittee of the House District Committee investigated the expansion and acceleration of highway construction and concluded in its report:

"The testimony taken by the subcommittee on the proposed acceleration of the District's highway program reveals that public opposition to the accelerated highway program, which was vigorously expressed during the aforementioned 1958–60 hearings, has increased with the passage of time. Apart from the testimony by the Engineer Commissioner and representatives of the District Highway Department,the acceleration of the highway program received minimal support. On the other hand, the District Democratic and Republican committees and a considerable number of civic organizations, representing the District and the suburbs, opposed acceleration of the highway program.

"These objections hinge on three basic factors: (1) Relocation and other social problems engendered by the highway program; (2) the impact of the highway program on the District's financial problems; and (3) the need for coordination of transportation planning."

The special subcommittee's investigation in 1962 confirmed that the District highway planners were secretly ignoring the mandate of Congress in the National Capital Transportation Act of 1960 and were continuing to plan added highway capacity on the unfounded assumption that all increased metropolitan area travel would be by private automobile. Under this rationale, they increased the scope of District highway proposals by over $250 million in the two years subsequent to enactment of the 1960 legislation. After another year in which the District's highway planners continued to ignore the policy of Congress, President Kennedy, on June 1, 1963, found it necessary to direct the District Commissioners to reappraise their entire highway program, not only to assume a balanced transportation system including rapid transit, but also to obtain "a consensus which can command general support."

As far as can be ascertained from the record of the hearing in April, 1968 and previous hearings before Congress, this reappraisal has never been made. Although the District officials say that the present District of Columbia Interstate highway program assumes the existence of a complete rapid transit system, they have submitted no evidence to support that proposition. On the contrary, the whole history of the expansion of the highway program since the 1962 investigation demonstrates the falsity of their assertion.

Since the hearings before this committee in April, 1968, District citizens have spoken out again and again against accelerated highway construction—for example, before the National Capital Planning Commission and D.C. City Council in November, 1968 and before the D.C. City Council in February, 1970 and December, 1971. This overwhelming civic protest against accelerated highway construction within the District of Columbia is not a device to promote rapid transit by "killing" freeways. The numerous hearings by the House District Committee since 1958 on Washington's knotty transportation problems confirm that public opposition to new highway construction arises from a concern about their neighborhoods, their city, and their taxes. This opposition predated serious consideration of rapid transit plans, and it is destined to continue regardless of decisions on rapid transit development.

In recent years the opposition has centered on construction of the Three Sisters Bridge. In December 1968, the National Capital Planning Commission and D.C. City Council adopted a highway plan for the District of Columbia that specifically rejected the Bridge as "unnecessary and undesirable." On November 4, 1969, in connection with the District School Board election, an informal referendum was held on the question, "Do you favor construction of the Three Sisters Bridge and its connecting freeway system?" 84% of the voters voted "No." Although in August 1969 the D.C. City Council voted 6–2 in favor of constructing the Bridge, the public statements of three Councilmen who voted for the resolution clearly reveal that they did so only because appropriations for the Metro System and revenue for normal operations of the District government depended on their favorable vote.

The Citizens Association of Georgetown's testimony in March 1972 revealed that the D.C. Department of Highways and Traffic's travel forecasts to this committee in December, 1967 were grossly exaggerated. For example, they assumed that we shall be able to afford the luxury of an average vehicle occupancy of 1.7 persons in 1985. That testimony also demonstrated that there has been no increase in the demand for travel in the vicinity of the proposed Three Sisters Bridge. To the contrary, 1971 travel on Chain Bridge had declined 37% from its 1966 peak and travel on Key Bridge declined 29% from 1966. Finally, that testimony demonstrated that by designing the Bridge and its approaches exclusively to bring new Virginia traffic through Georgetown, the Bridge would bar the use of the freeway to D.C. commuters now using the Whitehurst Freeway through Georgetown. The Bridge will force these commuters to use M Street, which is already dangerously congested with local traffic not destined for downtown.

The Interstate highway program embodied in section 23 of the Federal-Aid Highway Act of 1968, and particularly the Three Sisters Bridge, has no community support. Without that community support, the Congress should not further interfere in the highway controversy in the District and northern Virginia by enacting section 139 of H.R. 16656.

IV. SECTION 140 WOULD WREAK HAVOC WITH ANY FURTHER INTERSTATE HIGHWAY PLANNING AND CONSTRUCTION IN THE DISTRICT OF COLUMBIA

Section 140 of H.R. 16656 would repeal the District of Columbia Highway Act of 1893, as amended, as it relates to Interstate highways. The bill does not contain anything to replace these provisions, thereby leaving a total void in District laws relating to planning and construction of Interstate highways.

The District of Columbia Highway Act of 1893, as amended, provides the only general authorization the District government has to build highways. It includes, either originally or by amendment, sections 7-108 through 7-115 and, by implication, section 7-122 of the District of Columbia Code. Section 7-108 directs the District of Columbia Commissioners (under the 1967 Reorganization Plan the D.C. City Council) to prepare "a plan for the extension of a permanent system of highways," and section 7-122 empowers the Commissioners to change this plan "whenever in their judgment the public interests requires it."

The basic procedure for adopting the initial plan and for adopting changes in the plan is set out in D.C. Code section 7-109. The District Commissioners are directed to prepare a map which shows the boundaries, dimensions, and square-footage of all planned streets and highways; to hold a public hearing for the benefit of landowners within the rights of way of the planned highways after giving notice of the hearing for fourteen consecutive days; to submit the plan to the National Capital Planning Commission, which is empowered to "make such alterations * * * as it shall deem advisable"; and to record the plan with the surveyor of the District of Columbia after the plan has received the written approval of the NCPC. Section 7-108 prohibits the highways from being less than 90 or more than 160 feet wide, in order to conform their dimensions to the L'Enfant Plan for the City of Washington.

In addition, section 7-110 authorizes references to be made to the surveyor's permanent highway map in deeds and wills and section 7-111 authorizes the District government's agents to enter private lands to make surveys for proposed highways. Section 7-114 permits property owners affected by proposed highways to use their properties until condemnation proceedings have begun.

Section 140 of H.R. 16656 would sweep away all these provisions with respect to Interstate highways—public hearings for affected property owners; public notice to affected property owners from detailed maps and plans; the right of property owners to use their property until condemnation begins. The effect would be the same as if Congress were to abolish the provisions of the Iowa Code, the New York Laws, or the Oklahoma Statutes as they relate to Interstate highways. It takes little imagination to foresee that the result will be utter chaos in planning, approving and constructing Interstate highways in Washington, D.C.

Some members of Congress have complained publicly about the District government's failure to complete the Interstate highway system within the District. Many of the segments proposed in 1968 and referred to in section 23 of the Federal-Aid Highway Act of 1968, including the Three Sisters Bridge, appear to be misconceived. Some may not be. But whatever one may think about the merits of any proposed segment, section 140 is an open invitation to the District government to plan nothing, approve nothing and construct nothing in the foreseeable future.

By sweeping away all applicable local laws, section 140 raises such elementary questions as these: Who has responsibility for planning highways in the Nation's Capital—the D.C. Department of Highways and Traffic, the Mayor-Commissioner, or the D.C. City Council? Are public hearings of any kind necessary and, if so, who should hold them? Is any public notice of proposed Interstate highway construction necessary and, if so, what kind and who should give the D.C. Department of Highways and Traffic Engineers have a right to trespass on private property to make surveys for a proposed Interstate highway? Or could one disgruntled property owner prevent a survey from being made and thereby hold up construction indefinitely? Even those not intimately familiar with the conduct of District government affairs can confidently predict that several years could be consumed in attempting to find answers to those questions.

This committee is obviously not equipped by jurisdiction or expertise to review and, if necessary, revise the District of Columbia's highway laws. That responsibility rests with the Committee on the District of Columbia. It would be foolhardy and fruitless for Congress to repeal those laws in amendments to the Federal-Aid Highway Act without replacing them and providing the best possible framework for informed local decision-making. Section 140 should be deleted from the bill.

CONCLUSION

Section 139 of H.R. 16656 would deprive the citizens of Virginia and the District of Columbia of the right to judicial review of decisions concerning the Three Sisters Bridge and is probably unconstitutional to the extent that it attempts to do this. It unwisely interferes with a local highway controversy in an awkward attempt to assure construction of a project that is overwhelmingly opposed by the communities on both sides of the Potomac River.

By abolishing the District of Columbia's local highway laws in relation to Interstate highways, section 140 would have chaotic consequences for the Nation's Capital.

Sections 139 and 140 should be deleted from the bill.

Bella S. Abzug
Charles B. Rangel.
Fred Schwengel.

SAN ANTONIO

Section 113 of the highway bill would terminate the San Antonio North Expressway as a Federal-aid highway. The purpose of this innocent-looking provision is to bypass an order of the U.S. Court of Appeals for the Fifth Circuit enjoining the construction of this freeway through the Brackenridge-Olmos Parklands. The court decision, written by Judge Homer Thornberry, described this area as "unique," and noted that it includes sunken gardens, two golf courses, an open-air theater, the San Antonio Zoo, and substantial green area suitable for picnicking or just enjoying the beauties of nature.

The construction was enjoined due to the failure of highway authorities to comply with the requirements of section 4(f) of the Department of Transportation Act and the National Environmental Policy Act. The full factual background of the case is set out at pages 30496-503 of the September 13, 1972, Record and at pages 31872-73 of the September 21, 1972, Record.

As in the case of the Three Sisters project, the purpose of this provision is to excuse the failure to comply with the laws—laws designed to protect our citizens and their environment. When H.R. 16656 is considered by the full House, my colleague John Dingell, the architect of the National Environmental Policy Act, will offer an amendment to delete section 113.

I include at the conclusion of my remarks editorials from the St. Louis Post-Dispatch and the Washington Post, as well as an excellent story by William V. Shannon in the New York Times:

[From the St. Louis Post-Dispatch]

Bypassing the Law

Highway builders—long successful at bulldozing their way over buildings, trees and other unwelcome obstructions—have now apparently found a way to overcome the courts and environmental protection laws. Actually the road builders' legal bulldozer is still in the testing stage in San Antonio, Tex. But if it succeeds there, the device is almost certain to be used wherever there is environmental opposition to the laying of concrete over a route representing the shortest distance between two points.

The test case involves the North Expressway, a road designed to link two interstate highways in San Antonio and which in the process would cut through a section of Brackenridge Park and the adjacent Olmos flood basin. After failing in their efforts begun in 1967, environmentalists in San Antonio succeeded in getting a court injunction against the expressway on the grounds that it was contrary to environmental protection laws and to a Supreme Court decision barring a highway from Overton Park in Memphis.

City and state officials went to Congress, however, and with the help of Texas Senators John G. Tower, Republican and Lloyd M. Bentsen, Democrat, got the Senate Public Works Committee to include a provision in the 1972 federal highway aid act permitting Texas to repay all federal money spent on the San Antonio project, thus exempting it from coverage by federal environmental statutes. A similar provision is expected to win approval in the House Public Works Committee with the aid of friends of the highway lobby among members of the powerful Texas delegation in the House.

If Congress should set a precedent by passing this kind of special legislation allowing highway builders to ignore environmental values, various local campaigns to protect cities, parks and historic monuments from bulldozers would suffer a disastrous setback. This is why it is important now for those who would safeguard scenic and recreational assets against indiscriminate highway intrusion to rally to the support of Senators Eagleton, Muskie, Tunney and Buckley, who voted against the San Antonio expressway provision in committee.

[From the Washington Post, Aug. 8, 1972]

Attainment of Safeguards

On the crucial question of planning procedures, the draft bill is alarming in its ambiguity. One of the greatest victories of the environmental movement has been the attainment of safeguards—requirements for public hearings, environmental impact statements, relocation programs, protection for parkways and historic structures, and the standing of citizens to sue—to keep highway bulldozers from demolishing other public values. The Public Works Committee has generally fostered such safeguards, but the draft bill proposes an entirely new alternative planning procedure which might enable states to wriggle out from under the detailed requirements of federal law. In addition, Senators Bentsen and Tower are pushing an amendment to permit the Texas highway department to proceed with a San Antonio project which has been blocked by federal courts. This move stirs up unhappy memories of the Three Sisters Bridge fights of the past. The committee and the Senate should resist both the moves to undermine the general protections now in force, and efforts to circumvent them by special exceptions.

An interesting bill introduced by Senators Kennedy and Weicker, with over 15 cosponsors, clarifies the choices now before the Senate. Without junking those highway projects already under way, the Kennedy-Weicker bill would permit state, local and regional governments to use future trust fund monies for either highways or mass transit, with the present environmental and relocation safeguards intact. This is a route toward sensible, comprehensive transportation planning which certainly should be explored.

[From the New York Times, Sept. 17, 1972]

THE HIGHWAYMEN

(By William V. Shannon)

WASHINGTON, Sept. 16—If I may paraphrase Alfred Noyes, a favorite poet of my childhood,

The highwaymen came
riding, riding, riding
Up to the courthouse door.

The Senate has begun consideration of the Federal-Aid Highway Act of 1972 and will resume work on the bill on Tuesday. That same day, the House Public Works Committee takes it up.

As in past years, the bill authorizes Federal money for the interstate highway system and other road programs out of the Highway Trust Fund established in 1966. Spending on roads will exceed $6 billion a year.

For the first time, the bill will permit local communities to spend Highway Trust Fund money for purposes other than roadbuilding. Originally, the Senate Public Works Committee voted 8 to 7 to permit localities to spend up to $800 million for either bus or rail transit. But then it reversed itself and restricted this option solely to buses. On Tuesday, Senators Cooper (R-Ky.) and Muskie (D.-Maine) will offer their amendment to permit communities to spend the money for subways or commuter railroads if they choose.

Senator Kennedy (D.-Mass.) and Weicker (R.-Conn.) are also planning to put forward their more sweeping substitute which would authorize money to complete the interstate system but would open most of the rest of the fund—more than $2 billion annually—to any transportation use which communities preferred.

The Cooper-Muskie amendment has a fighting chance. The prospects for the Kennedy-Weicker substitute are less bright.

This scrimmaging over money is a familiar story. What is less familiar is the ruthless determination of the highway lobby to override the Federal courts. Section 4(f) of the 1966 Transportation Act gives special protection to parks and scenic areas against invasion by the highway builders.

The National Environmental Policy Act requires the highway planners—like all other bureaucracies—to file statements showing the "environmental impact" of any project. The highway lobby is determined to undermine both of these laws. Last week, it made ominous headway.

On the House side, the roads subcommittee wrote language into its version of the highway bill specifically tailored to override an injunction issued by the U.S. Court of Appeals for the District of Columbia against the building of the Three Sisters Bridge. Citizen groups had obtained the injunction halting construction of the bridge across the Potomac River between Washington and its Virginia suburbs because highway officials had not held proper hearings and observed environmental impact procedures.

The Senate meanwhile voted last Wednesday, 49 to 24, to permit the Texas Highway Department to put a six-to-eight-lane elevated highway through Brackenridge Park in San Antonio. Conservationists have been fighting this outrageous scheme for years. The U.S. Court of Appeals for the Fifth Circuit had enjoined Texas from going ahead with it.

In an opinion written by Judge Homer Thornberry, the court said, "Our task is simplified greatly to begin with because it is undisputed that the Secretary of Transportation complied with none of the above-quoted statutes. No environmental study has been made and the Secretary has demonstrated no effort by anyone to examine 'feasible and prudent' alternatives as required by Section 4(f)."

The Texas highway officials complained that they had already spent money to build other parts of the highway. It would be left incomplete if they could not build the link through the park. Judge Thornberry knocked this specious argument soundly on the head:

"We would point out to the state that it was neither this court nor the Supreme Court but rather the defendants who made the decision to commit large sums of public money to a highly controversial project, the legality of which was still in question and over which an appeal was still pending."

Senator Buckley (R.-Conservative of New York) led the fight in the Senate against overruling the courts. He argued that exemptions like this would soon have the Environmental Policy Act resembling a piece of Swiss cheese.

"Can one really doubt that if this amendment is passed to allow the Texas Highway Department to proceed with this route, we will not get similar requests from the Atomic Energy Commission for particular power projects or from the Army Corps of Engineers or from either state highway departments?" Mr. Buckley asked.

But most of his fellow conservatives rose above their law-and-order principles and joined the highwaymen in riding roughshod over the courts.

PASSAGE OF GATEWAY BILL

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. WOLFF. Mr. Speaker, the House has just passed a landmark piece of legislation for everyone concerned with the environmental well-being of this country and its people. I refer, of course, to the bill establishing the Gateway National Seashore Area in southern New Jersey and New York Harbor. As an original cosponsor of this legislation, I applaud the wisdom and foresight of the House in passing this measure.

By its action, the House has given real substance to our verbal commitment to provide for the environmental well-being of the American people. How significant it is that the creation of the Gateway Seashore Area will provide recreational enjoyment for more than 10 percent of this country's population—the 20 million people who live in the New York-New Jersey metropolitan area. This legislation, marking the establishment of the first Federal recreation area in the heart of a tightly developed urban center, makes the concept of "bringing parks to the people" a reality. Hopefully, this legislation will open the door to a meaningful expansion of this Nation's recreation areas, the creation of parks and open spaces that are accessible to the majority of Americans.

There is further reason to commend the action of the House on this measure. For too many years now, we have allowed our natural resources, and particularly those which are bounded by our crowded urban areas, to become tragically polluted, laid to waste even as there was a growing, urgent need for the relaxation and recreation which these resources could provide. Passage of the Gateway bill represents affirmative action to meet the environmental crisis head on, providing relief for our cities where the dangers of pollution are most concentrated.

Mr. Speaker, I was particularly pleased when the House adopted the amendment to this bill to rename the Gateway Seashore Area the William Fitts Ryan Gateway National Urban Recreation Area. As the initial sponsor of the bill to establish Gateway, Bill Ryan led the New York delegation's tireless effort to make Gateway a reality. As one who worked with Bill over the years on this and numerous measures, I know of his deep commitment not only to safeguarding the environment but to protecting the welfare of the American people in general. I think it a most fitting tribute that we have moved to name after him an area that will improve the quality of life for millions of Americans, many of whom Bill devotedly served in Congress. I hope the Senate will follow the example set by the House yesterday to enable our people to enjoy the natural gifts which by right belong to them.

SURPLUS OF PH. D. DEGREES INDICATES COLLEGE HAS BECOME A LIFE STYLE RATHER THAN PREPARATION FOR LIFE'S WORK

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. EVINS of Tennessee. Mr. Speaker, the Nashville Banner, in a recent editorial, raised some interesting questions with respect to a sharp increase in the number of students receiving Ph. D. degrees.

The Banner quotes from a report by the Southern Newspaper Publishers Association Foundation, edited by Vanderbilt Provost Nicholas Hobbs, which surmises that more students are viewing college as a permanent life style, rather than preparation for a life's work.

Certainly a high degree of preparation is necessary for those students who plan to devote their life to education as constructive participants in administration and teaching—however, there is a legitimate question raised with respect to any student who may be continuing his education to—in the words of the Nashville Banner—"dodge the draft and the Vietnam War"—and reluctance to "leave the university for a seemingly hostile outside world."

Because of the interest of my colleagues and the American people in this matter, I place the editorial from the Nashville Banner in the RECORD herewith.

The editorial follows:

. . . IF YOU CAN GET IT

The Ph.D., considered for years the pinnacle of educational achievement, is no longer the boost to professional success that it once was.

The tarnished status of Ph.D.'s has placed new graduates on the horns of this dilemma: colleges and universities are turning out more Ph.D.'s than ever before, at a time when the demand for highly-educated graduates is declining.

During the last decade, the number of Ph.D. candidates skyrocketed, swelling graduate schools throughout the nation and in Nashville, too.

At Vanderbilt University, for instance, 38 graduates achieved Ph.D. status in 1961, compared to 126 in 1971.

Nationally, there were 29,000 new Ph.D.'s in 1970, an incredible increase that will soar the Ph.D. ranks to 60,000 a year in a decade if that rate continues.

With a record number of highly educated, highly trained graduates looking for employment, a tight job market has caused many Ph.D.'s to take less demanding jobs.

A major reason for the job decline stems from the huge cutbacks in federal spending for defense-aerospace-research projects. Ironically, the availability of these jobs a decade ago is what prompted many students to pursue Ph.D.'s in the first place.

In addition to the prospect of federal jobs, the Ph.D. corps ballooned when many male students continued their high-level academic pursuits as a way to dodge the draft and the Vietnam war.

A further problem, noted in a Southern Newspaper Publishers Association Foundation report edited by Vanderbilt Provost Nicholas Hobbs, is that more and more students are viewing college as a permanent lifestyle, rather than preparation for a life's work.

"All of this seems to be a part of the avoidance of that fateful moment when one is forced to leave the university for a seemingly hostile outside world," the report says.

Not all doctoral candidates fit in this category, of course. But the problem of bringing the number of Ph.D. recipients in line with the nation's job requirements is one that deserves attention from government leaders and educators alike.

EULOGY TO WILLIAM FITTS RYAN

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. ADDABBO. Mr. Speaker, on September 24, 1972, I attended and participated in ceremonies at Canarsie Park, Brooklyn, N.Y., in recognition of "Jamaica Bay Day" in New York State. The ceremonies were particularly timely in light of action this week by the House of Representatives approving by an overwhelming vote a bill to establish the Williams Fitts Ryan National Park.

This landmark legislation will preserve and protect the natural resources of Jamaica Bay and other land near the entrance to New York Harbor for the benefit of future generations. The House of Representatives changed the proposed name of this recreation area from Gateway Park to the William Fitts Ryan National Park, a most appropriate step in light of the tireless efforts of our late colleague in support of this and many other environmental measures. As a cosponsor of the bill, I am quite pleased that the national park will carry the name of our most distinguished and dedicated former colleague.

At the ceremonies this past weekend, I had the pleasure of introducing Mrs. Ryan and the Ryan family to those in attendance. Following those introductions, we heard an inspiring eulogy to William Fitts Ryan, delivered by his former congressional assistant and friend, Mr. Michael Cohen. At this point, Mr. Speaker, I place in the RECORD the full text of Mr. Cohen's remarks and eulogy to our late colleague, William Fitts Ryan:

> When people talk about Bill Ryan they remember many things. They remember that he was never afraid to stand alone when he knew he was right. Thus, he was often ahead of his time in such issues as civil rights, peace, middle and low income housing, and of course, the protection of the environment.
>
> Some of us see these as separate issues, each righteous and just. Bill Ryan saw them as just one issue. His was a political career with a singular and all-consuming purpose. He was dedicated to the principle that we should all enjoy a life of quality, dignity and beauty.
>
> Gateway was another battle he fought to improve our lives. Here the urban dweller can come and find recreation, natural beauty, and rest.
>
> Bill Ryan saw the Gateway area as offering us a new and rare opportunity—The opportunity of creating a national recreation area open to millions of urban dwellers who have been barred by distance and by economics from access to our national parks system. To him Gateway was more than a vast assemblage of water and sand, more than just a way to preserve and enhance the ecology of the area. His vision was an accessible unspoiled area at which millions of persons who were tied to asphalt pavements could come and enlarge their experience and enrich their lives.
>
> In the New York Metropolitan region there are more than 19 million people. By the year 2000 there will be some 30 million. Bill Ryan saw Gateway as their national park. A park for the millions not fortunate enough to be able to afford summerhomes, long vacations, or expensive trips to our great western preserves. He saw it as a park for the millions of disadvantaged whose summer recreation resources are now limited to an open fire hydrant or a crowded neighborhood pool. He saw it as a park for the middle income families now excessively charged for private recreation facilities. He knew that for the urban child, preserving our wilderness areas in Wyoming or Colorado had little meaning. That child would still be left to the hot summer streets of his neighborhood. And Bill Ryan acted in his uniquely tenacious way to help bring about Gateway for that child.
>
> Bill shared the view of Interior Secretary Walter Hickel that "We have got to bring the natural world back to the people rather than have them live in an environment where everything is paved over by concrete and loaded with frustration and violence."
>
> When Bill Ryan saw an opportunity to correct an injustice or to improve people's lives, he never passed it by. He would organize and act as no one else could. He had the unique quality of getting people to accomplish things they thought impossible. Thus great achievements surrounded his brief but full life. His final achievement was Gateway or, as I hope it will be known, the William Fitts Ryan National Park. We have all been touched by Bill Ryan, we know it, and we are better for it. And we shall remember him.

SENATE—*Thursday, September 28, 1972*

The Senate met at 8:30 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father who watches over Thy people by day and by night, and hast promised that wherever they are gathered in Thy name Thou art in the midst, be with us who now call upon Thee. In this sanctified silence and through the unfolding events of the day be Thou our guide and strength.

Dispel, O Lord, any sense of frustration, ineptitude, or failure. Rally our shared resources for completing the common task of making a better nation.

Be graciously near those whose labor is difficult and obscure, especially those who care for the homeless, the aged, the little children, the sick, and the imprisoned.

May we be joined in heart and in labor with all those who work for peace and justice at home and abroad. Keep us strong and steadfast when we would falter and fail. Reward us at the end with souls at peace with Thee and with one another.

We pray in His name who first loved us. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, September 27, 1972, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SANCTIONS AGAINST NATIONS HARBORING TERRORISTS

Mr. SCOTT. Mr. President, on behalf of the distinguished majority leader and myself, I send a concurrent resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will read the concurrent resolution.

The assistant legislative clerk proceeded to read the concurrent resolution.

Mr. SCOTT. Mr. President, I ask unanimous consent that further reading of the concurrent resolution be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, the entire world is conscious of the terrible events which occurred at Munich on September 5 and 6. In its Senate Resolution 358, adopted by unanimous vote on the 6th, this body expressed its sorrow and alarm and resolved that all means be sought to bring an end to such acts of barbarism as we have recently witnessed. It is our duty as the representatives of an aroused people that we not let the matter rest.

The President has directed and the executive branch has mounted an all-out effort against terrorism both within the United States and in cooperation with foreign governments and international organizations. The President has directed the Secretary of State to take personal charge of efforts around the world to make sure that all possible effective measures are being taken. We must not fail to voice our strongest and most unequivocal support for these actions, so that they may be carried forward with the full knowledge by all parties that the people and the Government of the United States are united on these issues. It is not a partisan question.

In addition, we must continue to express our deep concern at the increase of terrorist violence and to insure that every effort is made to combat the use of terror by those who would undermine world order. We must insure that individual civilians are not exposed to the risk of being taken hostage or being killed for the political ends of small groups of fanatics.

The resolution we are offering today requests the President to consider the imposition of direct sanctions against nations which provide sanctuary for these globe-traveling terrorists.

Mr. President, long prior to the most recent tragedy, our Government was already actively pressing for effective international action to combat aircraft hijacking and sabotage and other forms of terrorism. The 1963 Tokyo Convention on Crimes Aboard Aircraft, the 1970 Hague Convention for the Suppression of Unlawful Seizure of Aircraft, and the 1971 Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation have resulted largely from U.S. initiatives.

Together, these agreements are designed to obtain the prompt return of passengers, crews, and aircraft in cases of hijacking and to facilitate the apprehension and prosecution of international airline hijackers and saboteurs, wherever they may be found. The Secretary of State has personally taken the lead at the direction of the President in calling for the widest possible adherence to these conventions by other governments.

In addition, a special subcommittee of the International Civil Aviation Organization convened in Washington on September 4 of this year to consider provisions of a United States and Canadian sponsored convention which would provide for termination of air services and other boycott activity against a state which does not fulfill its obligations under the Hague and Montreal conventions to extradite or punish offenders. The special subcommittee has now forwarded draft articles of such a convention—sponsored by Canada, the Netherlands, the United Kingdom, and the United States—for early consideration by the full legal committee of the ICAO.

In immediate response to the Munich killings, ambassadors or chargés from more than 50 countries, including a number of Arab nations, were called into the State Department on September 6 and 7 to be informed of our concern with continued acts of political terrorism. As the first step of a continuing consultation process, the foreign representatives were urged to join with the United States to improve international capabilites for countering terrorism. In addition, the Secretary has sent a series of personal messages to foreign ministers throughout the world, urging their cooperation on measures to control terrorism.

At the United Nations, the United States on September 10 exercised its Security Council veto for only the second time ever, to enforce our determination that Israel military action over the cease-fire line be considered in the context of the Munich murders and terrorism elsewhere against the Israeli State and its people. The Secretary General, with our full support, moved to place the problem of terrorism before the General Assembly earlier this month, and during the General Assembly, the United States will press for priority attention to a draft convention developed by the International Law Commission on the Prevention and Punishment of Crimes Against Diplomatic Agents and Other Internationally Protected Persons.

These are some of the things the United States has done and will be doing in the immediate future. These measures must go forward, and they must carry with them the full weight of support from every segment of the United States, and especially from this Congress.

And, in conclusion, individual nations must know that the Congress of the United States is prepared to support the President in further steps to stop these senseless and desperate murders.

Mr. President, I ask unanimous consent that further action on the resolution occur immediately following the special orders and at the beginning of the period for the transaction of routine morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I am pleased to be a cosponsor of the concurrent resolution which was initiated by the distinguished Republican leader. It expresses our feelings about a situation which has been developing and which must be curbed. It is also a means whereby the legislative and executive branches can work in partnership, because, as the distinguished Senator has pointed out, this is not a partisan matter. It is one which affects all of us. I think it is a good move, and I would anticipate that the Senate would approve the resolution overwhelmingly.

Mr. SCOTT. I thank the majority leader.

Mr. President, I yield back my time.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from Arizona (Mr. FANNIN) is recognized for not to exceed 15 minutes.

THE PRESIDENTIAL CAMPAIGN

Mr. FANNIN. Mr. President, we are in the midst of a presidential election campaign, so we can expect to see some hard fighting and political warfare in the next few weeks. What we all hope and pray is that the candidates involved will recognize the rights of the others; and that throughout this land we will have the good sportsmanship and the same type of understanding that has made this Nation great.

Mr. President, I am deeply concerned that facilities belonging to the Democratic presidential candidate are being used to promote demonstrations against President Nixon.

This is an extremely dangerous practice that is contrary to the democratic—with a small letter "d"—traditions of this Nation. It would appear that this tactic is the product of desperation, evidence that the challenger has failed to generate enthusiasm for his own candidacy through positive means and, therefore, some of his supporters are resorting to negative efforts to sabotage the campaign appearances of the President.

Just one article to illustrate what I am saying. This is from Los Angeles, an Associated Press release, and I will just read it:

> Antiwar activists used telephones at the local campaign headquarters of Democratic presidential candidate George McGovern for two nights to promote a planned demonstration against President Nixon, a McGovern spokesman says.
>
> But McGovern campaign officials have told the activists they cannot use their telephones any longer, spokesman Fred Epstein said.
>
> "I don't know who allowed them to use the phones or who told them to stop," Epstein said today. "It probably was some overzealous person in the campaign.
>
> "Once I knew it wasn't going on any longer, I didn't pursue trying to find out who was responsible," Epstein said. "The important thing is that the antiwar activists no longer are using the McGovern phones."
>
> A "handful" of persons had been using the phones to seek support for a demonstration outside the Century Plaza Hotel when Nixon addresses a $1,000 a plate campaign dinner Wednesday, Epstein said.
>
> Protest organizers have said "More than 20,000" persons are expected to take part in the demonstration, but police say their estimates range from 20,000 downward to 1,000.

Senator McGOVERN's campaign headquarters in Los Angeles has admitted that their facilities were used in an attempt to promote a demonstration last night outside the Century Plaza Hotel.

The Democratic candidate was quoted recently as criticizing President Nixon for not making more personal campaign appearances. Yet, when the President does schedule such appearances, the Democratic candidate's campaign machinery is then utilized to promote a demonstration that is likely to disrupt and detract from the real issues to be discussed.

Senator McGOVERN has charged that press coverage of this campaign has concentrated on the organizational problems and on other problems of campaigning rather than on the issues.

Yet, it is Senator McGOVERN's supporters and allies who attempt to organize disruptive demonstrations which prevent the President from focusing clearly on the issues. And I have yet to hear the Democratic candidate repudiate the individuals or groups who think that the way to support McGOVERN is to prevent President Nixon from speaking.

Mr. President, on several occasions in

the past few months Senator McGovern has compared the policies of President Nixon with those of Hitler. This is an outrageous comparison. The Senator is engaging in divisive rhetoric that contributes nothing to the understanding of the issues. He is attempting to enflame without informing.

Since the Democratic candidate raised the subject of Hitler, however, I would like to point out that certain elements opposing the President have taken a page from the Fascist, or Communist, book in their efforts to influence our elections.

Most of us in the Senate are old enough to recall the tactics used by Hitler to gain power in Germany. Other dictatorships have followed the same blueprint.

One of the main tactics used is the deployment of bands of fanatical demonstrators who shout down or intimidate anyone who speaks contrary to the Fascist, or Communist, line.

Mr. President, our political and electoral system depends upon the right of candidates for public office to speak freely and without disruption. Without this guarantee, we will cease to have political freedom. We will sink into anarchy, or a Communist or Fascist dictatorship.

It appeared that we were headed this direction in the 1960's when violent demonstrations, street and campus riots, were the order of the day. There was a brief time when extremists ruled the speakers stand—that is, it was a time when extremist elements infiltrated audiences so that they could drown out any speaker who said anything the radicals disagreed with.

Mr. President, the American people quickly tired of this radical element that provided us with nothing more than disruption, disorder, and destruction.

Those who organize massive demonstrations almost inevitably vow, it seems, that they are nonviolent. After the experience of the past decade, we know that all too often such demonstrations are infiltrated by radicals who seek to cause incidents, who seek to use force to achieve their selfish ends.

It had been my fervent hope that we had learned something by the unreasoning violence of the 1960's.

We have had more than 3 years of relative calm in America. People lowered their voices, and we have been hearing each other much better during the past 3½ years. We do not have to agree with each other, but we certainly should have a right to speak and to hear what others are saying.

With the coming of the current election campaign, we have seen the signs of return of the disruptive, so-called street politics, which repulsed Americans in the past decade.

At Miami Beach this year we saw renewed attempts by small, radical groups who attempted to gain publicity through juvenile behavior, the use of obscenities, the senseless destruction of property, assaults on convention delegates, and interference in the rights of other Americans.

On Tuesday we saw a few disrupters attempt to divert attention from the President and the issues. These disrupters shouted their simplistic slogans as the President spoke at the Statue of Liberty. The President very properly pointed out that out of the many hundreds of persons present, no more than a half dozen took part in the demonstration. Yet, when this tiny demonstration began, television cameras swung in their direction. And, of course, the Washington Post gave them coverage. Bad manners seem to make news these days.

Then, again last night, efforts once more were planned to disrupt the President's campaign by staging a demonstration in Los Angeles.

Mr. President, the right to demonstrate is precious and should be treated with respect. But demonstrators have an obligation to maintain the peace and they must not interfere with the other fundamental rights.

If our political system is to function and to maintain political freedom, then candidates and political organizations must respect the rights of others to conduct a campaign free from disruption or intimidation. Some simple good manners and good sportsmanship also is advisable.

As an American who believes in our democratic system, I want to hear both candidates.

In a New York Times article on April 25, 1972, Senator McGovern wrote:

> I want this Nation we all love to turn away from cursing and hatred and war to the blessings of hope and brotherhood and love.

If he truly believes this, I urge Senator McGovern to repudiate those individuals or groups who are using disruptive tactics in their campaign on his behalf. If it were the other way around I would urge President Nixon to do the same.

Mr. BEALL. Mr. President, will the Senator yield

Mr. FANNIN. I am happy to yield to the distinguished Senator from Maryland.

Mr. BEALL. I congratulate the Senator from Arizona for the observations he has made this morning, and wish to take this opportunity to observe, as he does, that in any political campaign, there is a great deal of talk on both sides, but usually the candidates and those working for them stay within the limitations of propriety and respect without which the democratic process would lose all meaning.

It is not unfair in a campaign to attack your opponent's record.

Nor is it unfair to make this record known to those who may be disturbed by it.

A campaign is, in the simplest context, communication between a candidate and his people and the voters of this country.

All of us, Democrat and Republican alike, are dedicated to letting the candidates on both sides have their say—whether we agree or disagree on what is said.

However, I have noticed a dangerous trend which began in the last election and culminated just this week with conduct that is totally outside of our democratic system.

In 1968, as you will recall, both President Nixon and Senator Humphrey were confronted at times with individuals who refused to let them speak. As a matter of fact, I guess Senator Humphrey—then Vice President—experienced this more than any other candidate as he was constantly heckled and prevented from speaking by so-called antiwar protesters.

I remember thinking at the time of how disagreeable this was in a nation that prides itself on allowing all points of view to be presented. It was censorship—pure and simple—as screaming and yelling demonstrators cut off remarks to those who came to hear what a candidate had to say.

It was a demonstration of intolerance that is not acceptable in a democratic society.

And now I regret to say that I believe we are experiencing conduct even more reprehensible in this political campaign.

And I am referring to the use of telephones, as the Senator from Arizona pointed out, at the headquarters of presidential candidate McGovern in California by antiwar activists to promote a demonstration against President Nixon.

Never before has a presidential candidate allowed his facilities to be used to arrange a demonstration against the President of the United States—a demonstration that could have led to serious violence.

I have heard no comment from Senator McGovern with respect to this escapade. I would hope that he would take this opportunity to condemn these antics which are so demaging in an open and democratic society. I call upon him to disassociate himself from such demonstrations and reaffirm his devotion to the principle that all candidates for office have a right to meet with the public without such interference.

All of us must be concerned about democracy in this country and our tolerance for the viewpoints of our opponents.

We are not just talking about respect and courtesy to a candidate for President. We are talking about respect for the Office of President of the United States.

Mr. FANNIN. Mr. President, I commend the distinguished Senator from Maryland for his remarks. I certainly agree that both the President of the United States and the candidate for the Presidency deserve to be heard.

The PRESIDENT pro tempore. The time of the Senator from Maryland has expired.

Under the previous order, the Senator from New Jersey is recognized.

NIXON ADMINISTRATION A DISASTER FOR WORKING PEOPLE

Mr. WILLIAMS. Mr. President, the nearly 4 years of the Nixon administration have represented a period of disaster for the working people of our Nation.

As we have seen in such episodes as the grain deal and the ITT affair, this is an administration which has been peculiarly responsive to the interests of a special few.

At the same time, and in stark contrast, it has either ignored the vital needs of our working people, or has readily subordinated those needs to other considerations.

Certainly the most havoc-wreaking and visible aspect of the administration's performance, from the point of view of our working people, was the administration's deliberate and heartless contraction of job opportunities, as part of its original program for dealing with inflation.

That effort brought our unemployment rate from 3.4 percent at the start of the Nixon administration to over 6 percent during most of the last year.

In terms of people, this has meant the addition of between 2 and 2½ million people to the lists of the unemployed.

One inevitable byproduct of the skyrocketing unemployment rate has been the addition of millions of people to the Nation's welfare rolls.

Because of the destruction of job opportunities, people have been forced to choose between starvation and welfare.

And now their predicament is mocked by the President, with his pious talk of the "work ethic versus the welfare ethic."

So deliberate was the administration's determination to reduce employment that the President repeatedly vetoed congressional attempts to create jobs.

These include the Employment and Training Act of 1970, which would have created hundreds of thousands of jobs in public service employment; the Accelerated Public Works Act of 1971, authorizing $5.6 billion for job creation in areas of high unemployment; and the Economic Opportunity Act Extension of 1971, which provided for additional jobs for out-of-school teenagers under the Neighborhood Youth Corps.

It was only after long months of opposition and constant threats of a veto that the President, under great pressure from throughout the Nation, finally reversed himself and signed the Emergency Employment Act of 1971.

Under that bill, some 150,000 previously unemployed persons are now working for State and local governments on locally designed public service jobs.

With characteristic hypocrisy, the administration now takes great credit for the success of this program.

While I believe that other Senators will speak this morning in more detail on the administration's record regarding jobs and manpower programs and the alternatives available, I think the fundamental point is that this administration, in determining the policies it will pursue, has deliberately refused to take account of the needs of our working people—including the most basic need of opportunity for a decent job.

For those workers fortunate enough to be employed during this period of vanishing jobs, the administration has been presented with the unparalleled opportunity—as a result of recent congressional enactments—of making great strides toward achieving the goal of safe and healthy workplaces for all Americans.

Here again, the record has been one of neglect and ineptness—or worse.

The Occupational Safety and Health Act of 1970 gave the administration ample statutory authority to begin an effective attack upon the more than 14,000 deaths, the more than 2.2 million disabling injuries, and the hundreds of thousands of disabling occupational diseases that occur in the workplace each year.

Since its enactment, as I am sure that every Member of Congress is fully aware there has been a great outcry from employers concerning its enforcement stemming in large part from the administration's failure to make its regulations meaningful and accessible to the smaller employer.

The administration would have the workingman believe that this outcry attests to its zealousness in enforcing the act on his behalf.

This, of course, is far from the fact.

It should be clear that the administration's failure to recognize the need of the small employer for information and assistance—a need which the large enterprises are able to meet on their own—has endangered the workers employed by those small businessmen.

Moreover, it is clear that the administration has made very little effort to take on in any meaningful way some of the most insidious dangers of the workplace, such as the health hazards caused by the thousands of toxic materials to which workers are subject.

The Department of Labor's widely trumpeted target health hazards program—designed to give special enforcement emphasis to some of the most serious health dangers—has so far been a grave disappointment.

For example, despite the now well-known fact that asbestos threatens more than 200,000 with the risk of cancer and lung disease, and despite the administration's recognition that it is not only in widespread use, but that such use is readily susceptible to swift compliance action, only 48 inspections for dangerous use of this substance were conducted during the first 5 months of the program.

Other health hazards included in the target program—carbon monoxide, silica, lead, and cotton dust—were similarly neglected; in fact, all of the target hazards together accounted for less than 2 percent of the inspections made by the Labor Department during this period.

It is clear that despite the administration's ballyhoo regarding this program, workers who suffer the threat of shortened lives and impaired health because of these substances, have little reason to take comfort from the administration's expressions of concern.

Farmworkers are another group whose safety has been treated with appalling neglect by the administration, even though the President, himself, has publicly recognized that agriculture is one of the most hazardous of occupations, and has pointed out that increasing technology has brought the dollar cost of agricultural accidents to $2 billion annually.

Despite this public pretense of concern, the administration waited till a year and a half after the act's passage before even appointing an advisory committee whose role will be to begin considering what protections should be accorded farmworkers.

No action has been taken to require even temporary protective measures against exposure of farmworkers to pesticides—another hazard whose existence the President has recognized.

Thus, in flagrant disregard of the act's clear mandate that occupational hazards should be dealt with on a "worst first" basis, the administration has given the lowest possible priority to the dangers faced by this largely powerless group of workers.

The administration's lack of interest in achieving the most meaningful objectives of this act has also been demonstrated in its unwillingness to support more than a minimal level of research into the health and safety hazards of the workplace.

Recognizing the tragic lack of attention that had been accorded such research over the years, Congress established a National Institute of Occupational Safety and Health for the express purpose of undertaking a variety of research efforts concerning toxic materials and harmful physical agents, as well as other factors affecting safety in the workplace.

Measured against the scope of the health hazards which exist on the job, and the research needs which must be met, the administration's budget requests for this Institute can only be categorized as irresponsibly meager.

One measure of the gap between recognized need and the administration's program may be found in the number of toxic substances known to be used in industry.

As the administration itself acknowledges, over 12,000 toxic substances are so used, but unfortunately, standards exist for only some 400 of these.

Despite the many thousands of hazardous substances which require research, the administration has subjected the Institute to such strangling budget constraints that it is able to produce medical criteria for only about a dozen of these known 12,000 substances a year.

While Congress, in evident exasperation with the administration's callous indifference toward the essential research responsibilities of the Institute, more than doubled its funding in the fiscal year 1973 appropriations bill, this effort of course fell victim to the veto which signified the President's relentless determination that Congress must conform to his own narrow view of the essential health and education needs of the Nation.

The history of the previously enacted Coal Mine Health and Safety Act of 1969 provides its own dismal record of half-hearted implementation.

Despite the broad authority given the Department of Interior by this act, and despite the ample funding provided to implement that authority, the failure to take effective action has led to a fatality rate in underground coal mining which has shown no improvement since before the act's passage.

And each new major disaster that has occurred since then has provided further demonstration that lack of adequate enforcement action by the administration has been a significant cause of these tragic accidents.

Indeed, when this lack of enforcement resulted in the loss of 125 lives in the Buffalo Creek, W. Va., disaster, the administration went so far as to claim it had no jurisdiction over the unsafe conditions which existed there.

The political motivations and responsiveness to narrow private interests which have led the administration to preside over the almost systematic emasculation of the Coal Mine Health and Safety Act have been repeatedly demonstrated.

Shortly after Congress enacted this legislation, the Labor and Public Welfare Committee learned that the implementing safety regulations were being written in closed-door secret meetings between the Government and the coal industry.

Those meetings ended after Congress complained, but the cozy relationship has continued right down until today.

Administration employees who had been helpful in writing the legislation were fired.

A Government lawyer preparing to fly to a Federal court in Virginia to defend the constitutionality of the act was ordered to stay home and silently watch the Federal court enjoin the enforcement of the act.

A political campaign specialist was hired as the "enforcer" of the act and proceeded to set up a system of reducing penalties in newly styled closed-door meetings with the industry. It should be noted, or maybe I should say underscored, that he is now one of the top officials of the committee to reelect the President.

One cannot recite the entire litany of failure, but let one other example suffice.

One coal company was cited eight times for violation of the same regulation requiring guards over electrified trolley wires.

Each time, this company—owned by one of the major oil producers in the world—was fined only $25, as if nothing more were involved than a parking ticket.

But nine hard-working Americans had to pay with their lives when those unguarded electrical power wires were involved in the Blackville disaster last Memorial Day weekend.

Mr. President, while there are many other areas in which the administration has paid lipservice to the well-being of our working people, but has in actuality undermined efforts to respond to their needs, one further area which is particularly timely is that of private pension plan protection.

A 3-year study by the Senate Labor Committee has made it unmistakably clear that not only do a small portion of the American workers ever earn a vested right to a private pension, despite years of employment with a single firm, but that in a heartbreaking number of cases, employees who do attain a vested right find it to be an empty hope when their plan terminates with insufficient funds to pay its obligations.

Mergers, business failures, and the movement of plants from one part of the country to another have made this an all too frequent occurrence.

It is clear to anyone who looks at this problem with the least bit of concern that there is a need for legislation to provide employees with reasonable vesting rights, and to protect those rights by imposing realistic funding requirements and by providing reinsurance of unfunded liabilities.

The Labor and Public Welfare Committee has reported a bill for this purpose which is unanimously supported by all members of the committee.

However, being responsive to such compelling needs of our working people is not the course which this administration has chosen to pursue.

In league with the chamber of commerce, which believes that meaningful pension reform is too expensive, the administration has pressed for its own version of pension legislation.

While it does provide for vesting of pension rights, such vesting would be based on the administration's so-called rule of 50, which would exclude many workers who could not meet this particular formula.

Even more glaringly, the administration's proposal fails to provide for systematic funding of private pension plans nor any program of insurance against pension plan termination.

In short, the administration's position on pension legislation offers nothing but a vain and empty promise, designed simply to delude American workers that the administration is concerned about protecting their interests.

The administration's posture on this issue is symptomatic of its attitude toward the entire range of issues affecting the working people of this Nation.

This administration is plainly incapable of committing itself to making life better for all our people—not just the stockholders of ITT and the large grain exporting companies.

ORDER OF BUSINESS

The **PRESIDING OFFICER** (Mr. ROBERT C. BYRD). Under the previous order, the distinguished Senator from Utah (Mr. Moss) is now recognized for not to exceed 15 minutes.

THE ECONOMIC ISSUE IN 1972

Mr. MOSS. Mr. President, rarely in the Nation's history has the private interest so dominated over the public good.

This week, as President Nixon attends $1,000-a-plate dinners in his own honor, 5 million Americans remain unemployed. As the Republican administration and its friends in big business celebrate the greatest corporate tax cuts in history, the American consumer must pay the fastest rising prices in 20 years. Today, the Nixon administration is reaping the financial and political rewards of 3½ years of the most arrogant form of favoritism.

It is not hard to understand why the Nixon administration has been so successful in raising funds this year among the Nation's corporation executives. Few Presidents have been so devoted to their interests.

Within a few months of taking office Mr. Nixon had appointed his old law partner to head up a special presidential task force to develop ways of easing the corporate tax burden. In 1 year Richard Nixon had achieved a corporate tax cut of 15 percent. Using a variety of gimmicks, including accelerated depreciation, investment credits, and special tax deferral systems, he made it clear to one and all that big business had a friend in the White House.

The cost of this favoritism continues to plague the American people as a whole. They continue to feel the impact of a "trickle down" policy which gives big tax breaks to business, ignores the needs of the consumer, and vetoes any significant effort by Congress to deal with the jobless situation directly.

The American people continue to feel the burden of high and rising prices which have been spurred on by zooming profits and an administration laxity toward antitrust policy. Never has the monopolist had it better than under Richard Nixon.

The President, quite understandably, has chosen not to campaign on the economic issues in 1972. Instead, he engages in vague generalities such as the "work ethic" and the contribution of immigrant Americans to the "building of America."

It is not surprising that the incumbent President would prefer that the American people ignore the facts and figures: not see the record behind the rhetoric.

JOBS

I have brought with me just three charts which demonstrate quite vividly the direction of the American economy under 3½ years of the Nixon administration. The first of these concerns the question of jobs.

In January of 1969 when Richard Nixon became President, the economy was operating at full employment conditions. One year later, the jobless rate had climbed to 4.9 percent. By last year it had risen to 5.9 percent. Today it remains far above the level of the last 10 years.

These figures are from the Bureau of Labor Statistics. They are not from any source that could be considered political or biased in any respect.

These national figures, however, fail to measure the serious unemployment problem faced by many groups in the country. Vietnam veterans, for example, have an unemployment rate of approximately 8 percent, while American blacks have one around 10 percent. In many rural areas, such as the southern and central counties of Utah, the unemployment rate almost doubles that of the national average.

The administration response to this serious situation has been a failure from the very beginning. For 2½ years the administration pursued its notorious "game plan." What this came down to was that the Government should hold back on production and job opportunities in order to stabilize prices. This "game plan" was responsible for unemployment rising from 3.4 percent in January of 1969 to 6 percent by August of last year.

Even when the unemployment situation had become outrageous to all Americans, the administration refused to take action. In December of 1970 when Congress passed the Manpower Act, the President vetoed it. In July of the following year, when Congress passed the accelerated public works, a bill to create 200,000 jobs in environmental protection work, the President again vetoed the measure. Even when he finally agreed to sign the Emergency Employment Act of 1971, the President destroyed the entire intent of the legislation by firing 150,000 Federal workers. At the same time the President took this action, he proposed billion-dollar tax bonanzas for the American business corporation. In January of 1971, for example, he issued an Executive order cutting corporate taxes by $35 billion over the next decade. In addition to liberalizing depreciation allowances, the President handed big business a $5-billion-a-year tax break in the for mof investment credits. He also created a special tax-deferral system for export firms, another bonanza which had to be paid for out of individual taxes. None of these giveaways were considered inflationary by the same administration which had called direct job programs inflationary.

PRICES

Just as the Nixon administration would prefer to speak of "the work ethic" than to actually do something about the jobless situation, it prefers to speak of "fiscal responsibility" rather than protect the consumer from exorbitant price increases.

As can be seen in this second chart, a chart on prices during the 3½ years of the Nixon administration, the national rate of inflation, as measured by the wholesale price index, has risen at an annual rate of 4.4 percent. This compares to a year-to-year average of only 1.1 percent during the 8 years of the Kennedy and Johnson administrations. There are two major reasons for the failure of the Nixon administration policy. They represent the two stages of Nixon thinking on the price issue. For the first 2½ years, prior to August 15, 1971, the administration policy on prices was "hands off." The Government had no role to play in prices. Government told big business that it had a free hand in raising prices. It abandoned guidelines, jawboning, or any other method of Government persuasion to keep prices in line.

The results of such a "hands off" policy were inevitable. Corporate prices, especially steel, rose at a shocking rate.

On August 15, the President began a 90-day wage-price freeze. He followed this with an indefinite period called phase II of wage and price controls. Few Americans believe this control system has been equitable. While wages have been tied to strict annual guidelines, prices have been allowed to increase according to vague "cost" conditions.

Nixon's "new economic policy" has been a failure with regard to prices. In the last 9 months, prices have risen at an annual rate of 5.9 percent. This compares to a rate of only 5.2 percent in the 8 months prior to the freeze. Wholesale prices are in fact rising today at their fastest rate since 1951.

Overall, the Nixon administration's price policy has been disastrous for the American consumer. Since taking office in January of 1969, consumer prices have risen at an average of 18 percent. The cost of basic consumer items such as home maintenance, food, insurance, and medical services have risen at a considerably faster rate. The Joint Economic Committee, for example, has pointed out that a visit by a physician now costs 23 percent more than it did when Nixon was inaugurated, a hospital room 41 percent more, and surgery 38 percent more.

Just about everything has gotten a lot more expensive under the Nixon administration, and now the Republicans are talking about starting a national sales tax.

INTERNATIONAL ECONOMIC DIFFICULTIES

The third chart I have brought today concerns America's international economic difficulties. This chart is by the U.S. Department of Commerce.

When President Nixon took office the United States balance of trade enjoyed a modest surplus. By 1971, that surplus had become a deficit of $2 billion a year. For the first time since 1893 the United States was importing more goods than it was exporting. This year the situation has become much more extreme. Despite President Nixon's historic devaluation of the dollar, something he promised he would never do, the trade deficit now surpasses $6 billion a year.

This trade deficit has had a disastrous impact on the U.S. employment situation. In 1971, for example, the American Federation of Labor estimated that the United States lost 400,000 jobs as a result of overseas competition. This competition did not come from foreign firms, but from American firms located overseas. These multinational conglomerates, supported by the Nixon administration, sought to take advantage of the low wages and tax benefits of overseas production. Cynically, they have robbed the American worker of his livelihood to enlarge their own profits.

It is difficult to find an area of American economic life where the Nixon administration has not taken the initiative to favor big business as against the average American consumer and working man. These last 3½ years have produced the worst international payments deficits in history, the worst Federal deficits since the Second World War, the first trade deficit in this century, the worst unemployment in 10 years, and the worst inflation in 20. This is the legacy of an administration which sought to put the interests of big business above those of the economy and the people as a whole.

When economic conditions called for Government restraint on corporate prices, the administration gave them a free hand.

When conditions called for incentives to the consumer in the form of tax cuts, the administration chose to divert these tax cuts to the big businessman. When there was a need to create jobs, the administration made excuses. It denied that the Nation faced an unemployment crisis.

Instead it resorted to rhetoric. In 1970, when unemployment rose to 4.9 percent, it blamed it on the need to stabilize prices. In 1971, when unemployment rose to 5.9 percent, the administration blamed it on the number of veterans on the job market. This year, the President, in his economic report, cited the large number of women and young people on the labor market as an excuse for high unemployment.

Forty years ago, Franklin Delano Roosevelt spoke of an incumbent Republican administration "frozen in the ice of its own indifference." Today, the American people have an administration which is not only indifferent to the plight of the unemployed, but seeks to encourage this indifference on the part of the average citizen. It also seeks to encourage indifference regarding its own relationships with big industry. Today, the Nixon administration reaps the political economic benefits of its historic favoritism towards big business, a favoritism which was purchased with the jobs and well-being of the average American. This has been the unjust stewardship of Richard Nixon.

ORDER OF BUSINESS

The **PRESIDING OFFICER.** Under the previous order, the Senator from California is recognized for not to exceed 15 minutes.

UNEMPLOYMENT

Mr. **CRANSTON.** Mr. President, I listened with great interest to the statement by the distinguished Senator from Utah. He has described a very tragic situation in our country which we must remedy.

Symptomatic of the problem we face and of the lack of understanding of what must be done by the present administration is a statement by Charles E. Walker, Deputy Secretary of the Treasury, who recently singled out manpower programs from all Federal programs as his personal favorites for elimination. His ground is that the manpower programs had failed to make a dent in the rate of unemployment.

Such remarks are of a piece with the backward reasoning of a President who eliminates jobs, forces people onto welfare, and then accuses the poor of holding onto an imaginary welfare ethic.

Who reasonably expects that manpower training alone could reduce unemployment? If there were a great backlog of jobs begging to be filled one might begin to make such an argument. But that is not the fact. The Government gathers very little in the way of job vacancy data. But where it does have data they show that job openings tend to run at the level of 1 percent or so and are quickly filled. On the other hand we have very solid statistics that document that 4.9 million men and women were looking for work in August and were unable to find it.

The manpower programs serve perhaps some 500,000 people at any one time. There are now—and have been for over a year—something like 5 million unemployed. How can our relatively small-scale manpower programs do anything for an army of unemployed? And with unemployment so high, how can the manpower training programs reduce the unemployment rolls at all?

Certainly there is something wrong when people who want to work, but cannot find work, proceed to learn in manpower training programs, complete successfully, and then find they still cannot find work. They are dismayed and disillusioned.

There is a sensible way to deal with this problem. We could have a major public service employment program such as I have proposed in S. 3311.

That bill would authorize some $10 billion dollars to create more than 1.25 million jobs. It would create the 1.25 million jobs directly—plus an additional 400,000 to 1,000,000 or more jobs in the private sector as a result of increased spending by local and State governments.

In April a very distinguished panel of economists tsetified before the Subcommittee on Employment, Manpower, and Poverty. They included R. A. Gordon of the University of California at Berkeley; William Fellner of Yale—who is generally recognized as a fairly conservative economist—John Galbraith of Harvard, and Bennett Harrison of the University of Maryland. They asserted that such a public service employment program, if deficit financed, would lead to a additional $20 billion in GNP. At current tax rates, this would produce an additional $4 billion in Federal tax revenues.

Thus a program which would create nearly 2 million additional jobs would cost the Federal Government something like $6 billion in net cost. That cost would be further reduced to the extent that people now on welfare or on unemployment compensation got jobs under the program.

No one who has seen the deterioration of public services in our major cities doubts that ample and legitimate work needs to be done: improved sanitation, more road and building maintenance, new housing, and public facilities, more police, and firefighters, more park attendants and more park and recreation construction.

After a few months experience with the modest Emergency Employment Act that funded only 150,000 jobs, the Nation's mayors asked the subcommittee to support a program of 1 million jobs in public service employment. A recent survey conducted by the Labor and Public Welfare Committee shows that there were five applicants for every one job, and that the cities and States could have created twice as many jobs immediately if additional funding were available.

But major job creation programs are not what this administration is interested in.

In fact its basic policy runs in quite the other direction.

Mr. Nixon assumed office with only 2.4 million unemployed, a rate of 3.4 percent.

In an unsuccessful attempt to fight inflation under which Mr. Nixon finally had to resort to the price and wage controls he earlier had denounced, the present occupant of the White House engineered a depression that threw millions of American men and women out of work.

Unemployment under Mr. Nixon rose quickly and steadily to 5.2 million, fully 6 percent of the work force.

In poverty neighborhoods, whose people are usually last hired and first fired, unemployment rates run twice as high as the national average.

The Nixon administration canceled for this election year the quarterly report on unemployment conditions in poverty neighborhoods, so we lack data for 1972. But the historic pattern undoubtedly persists.

The actual conditions are, in fact, even understated in the poverty area unemployment rates. If you ask yourself not simply "who is unemployed?" but rather the more important question "What percentage of these people can make it in the job market?" the answer is truly terrifying.

The Census Bureau employment surveyed 60 inner city job markets in the Nation's 51 largest population centers, as analyzed by the Subcommittee on Employment, Manpower and Poverty. They found that fully 30 percent of the labor force is in serious trouble.

National unemployment at the time of the survey was about 5 percent. But poverty area unemployment in the cities studied was near 10 percent. But we should add to the unemployed those who are discouraged workers, people who want jobs but have given up looking. And we should add those who are working part-time but seeking full-time work. And we should add those who are working full time but who earn less than $2 an hour which is just enough for the poverty level of $4,000 a year, and then only if the work is steady. If we add all these people, as we should, then the subemployment rate stood at 30.5 percent of the workforce. Remember these study areas were not simply the worst ghettos. On the average they include 33.5 percent of the population of the cities studied.

In California the subemployment rates varied from 34.6 percent in parts of Los Angeles to 27 percent in San Francisco, to 39.9 percent in a small poverty area in San Diego, to 35 percent in Oakland.

With a third of our people unable to make even poverty wages in 1970, our Nation was, and is, in terrible trouble. What has happened? Well, for one thing the AFDC population, and the welfare population, have followed the unemployment rates right through the ceiling. The number of people on AFDC has doubled during the Nixon years, from an original 6 million to the 12 million which is anticipated for this fiscal year.

Many middle-class working men and women resent welfare bitterly. Life is not easy for them either. They face high and still rising prices, high property taxes plus job insecurity. But we who are better off sometimes do not realize that life in poverty neighborhoods is so much worse.

Nixon policies have forced an enormous growth in the welfare rolls. And then to find the same President who engineered the unemployment now standing up and berating the poor for following a so-called welfare ethic rather than his work ethic is a very bitter pill.

And then, a Nixon Treasury official suggests that manpower programs be eliminated because they do not lower the unemployment rate.

For the past 4 years we have been battling with the President, attempting to establish a major public service employment program.

The Employment and Manpower Act of 1970 passed the Senate 68 to 6. But the President vetoed the bill. He does not like public employment jobs. They reminded him, Mr. Nixon says, of the WPA—as if that phrase were enough to condemn a jobs bill while millions are unemployed and public works projects go undone.

Mr. Nixon also vetoed an accelerated Public Works Act, and an Economic Opportunity Act extension that would have authorized an additional $500 million for jobs for unemployed teenagers.

Mr. Nixon did sign the relatively smaller scale Emergency Employment Act of 1971.

Under that bill some 150,000 unemployed Americans now have jobs. The bill provides a priority for hiring Vietnam-era veterans. It is a good program. It demonstrates that public service employment is a workable concept—public service employment that pays prevailing wages, provides some training, and is tied to the civil service system.

While we have been pushing for public service employment, the administration has been devoting its efforts to shifting responsibility for manpower programs from the Federal Government to the States through manpower revenue sharing.

The administration pretends that the problems manpower programs face because of high levels of unemployment and low-wage employment in poverty areas, are really the result of administrative confusion and that the answer is simply for the Federal Government to wash its hands of all responsibility.

What nonsense. The Congress passed responsible manpower reform legislation in 1970—only to have it vetoed. We shall pass such legislation again.

But the focus must be kept on jobs. The Neighborhood Youth Corps out-of-school program is one of the most important of these. Unemployment among youth remains terribly high. For young black men it has been as high as 40 percent during the Nixon administration. How much thought do you think the President has given to the relationship between street crime and a 40-percent unemployment rate? Very little, it seems. The record shows that the New York City out-of-school program has been cut nationwide from 68,000 slots to only 37,000 slots. And the $500 million for New York City was vetoed by the President along with the 1971 EOA extension act including the day care and legal services programs.

Mr. President, it has been this administration's policy to ask the poor to bear the brunt of their fight against inflation—by taking their jobs away and thus their hope for dignity and advancement.

And then the administration has blamed the poor when they find themselves turning to welfare just to eat.

What can be said for such a program? It certainly is not what America is all about. If we do not offer genuine economic opportunity for all our citizens, then we fail in our most basic responsibility as a Government. And that is precisely what we have been doing these last 4 years.

GEORGE MCGOVERN deserves high

praise for recognizing that full employment is the basic requirement for economic justice, social stability and economic growth. In his administration, we can get about the business of establishing full employment.

For too long we have been content to provide welfare and social progress aimed at the symptoms of poverty.

Now is the time to provide programs and do away with poverty. Now is the time to embark on programs that will help us build cities and a Nation we all can be proud of.

The Nixon record is negative. President Nixon is an "agin'er." America can do better by those who desperately want to work.

But America cannot do better while Richard Nixon resides in the White House.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington was to be recognized.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of Mr. MAGNUSON and then Mr. HART be reversed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan (Mr. HART) is recognized for not to exceed 15 minutes.

Mr. HART. Mr. President, I listened with attention to the remarks made by the Senator from California, and hope that many will read the record which he has developed.

With respect to the unemployment figures, there is also a problem for people who have employment. It is a sort of "damned if you do and damned if you don't." It is tragic when a good man seeks work and cannot find it. It is tragic when a good man gets work and then is killed or injured on the job.

FEDERAL JOB SAFETY STANDARDS

Mr. HART. Mr. President, while this country continues to rain destruction on Vietnam, American working people continue to be injured or killed because of unsafe working conditions.

While this administration is willing to pay and pay for more and more bombs to drop on Asians, it continues to underrefund the Occupational Health and Safety Act.

If one were forced to describe the administration's record on job safety, one would have to call it a record of neglect.

In choosing that word, there is no need to consider motives, for to the injured worker or to the family of an employee killed on the job, it does not make much difference if the neglect were by design or oversight.

Let me list the planks in this platform of neglect.

The administrator seeks only 500 compliance officers, which means each inspector will have to visit 10,000 establishments if the act is to be fully implemented.

The administration's delay in adopting a lower asbestos air quality standard could mean the deaths of an additional tens of thousands of workers.

The administration seeks $28 million rather than the $60 million, approved by Congress, to fund the National Institute of Occupational Safety and Health, the agency which is to set on-the-job medical standards.

Under the administration's proposal level of funding it will take 12 years to develop standards for the more than 10,000 toxic substances for which no standards now exist.

The administration delayed 18 months in initiating the standard-making process for agricultural employment despite the fact that such jobs are among the most hazardous in the U.S. economy.

The administration continues to drag its feet on implementing the Coal Mine Health and Safety Act of 1969.

That is the record, and the voters should ask, "Why? Why so much for killing abroad and so little for job safety at home?"

The workers also should ask when the administration plans to come up with an adequate safety program.

Inasmuch as an adequate program will require more money, I would suggest that, based on statements from this administration, the outlook is dim indeed.

There are three principal ways to generate more Federal funds—increase taxes, increase revenues by closing tax loopholes, and increase resources available to apply to job safety and other efforts by cutting the Pentagon spending.

The President's former Treasury Secretary, who comes from an oil State, says there are no tax loopholes to close.

The Pentagon projects that it will increase its budget from $78 billion to more than $100 billion by 1980.

And now, the administration is pressing for a spending limit which would require a significant cut in existing programs.

In short, there may well be no new money for expanding the job safety—or any other important domestic program.

One might well conclude that the cost of each additional bomb dropped on Vietnam is one reason there is so little money available to help protect the health and safety of American workers.

One might also conclude that this administration is perfectly willing to provide rhetoric for workers, but, when it comes to spending, is more interested in collecting campaign contributions from special interests than in funding programs of special interest to the workers of this country.

Unhappily, the administration's reluctance to support job safety programs also stretches to the question of pension reform, another issue of vital concern to working men and women.

Based on its performance on these two issues alone, one can ask if the American worker can afford 4 more years of the present administration.

The voters have a choice between 4 more years of the same, or of an administration dedicated to ending the senseless killing in Vietnam and the senseless neglect of American workers here at home.

They have a choice between an administration tied to special interests which will resist advances in such areas or a candidate, GEORGE MCGOVERN, free of the strings, free to do what is right for the men and women who produce goods and services for this Nation.

Admittedly, I view that choice through partisan eyes; but I suggest that it is a choice that should be an easy one to make. One or the other of the two chances that a new administration would offer should alone be enough—either stopping the killing of people 10,000 miles away, or doing that which is required to protect the men and women in this country who work. But both are available as the difference between the candidacies the choice of which is offered to the people of this country in November.

Mr. President, I suggest that a nation is bound by the same moral restraints in taking life that an individual is bound to observe. An individual is told that he shall not kill, but we are permitted to kill when someone threatens us with such violence as to place us in a reasonable belief that our survival requires the killing of the offending person.

Apply that test to Indochina. Are the peoples of that region so threatening to our very survival as to justify their killing? No one would say that today.

The second exception from the rule of "Thou shalt not kill" is if a person is doing such evil and violence to a third party that one could justify intervening with force against the party inflicting that gross evil on the third party; and this is the business of what the North would do to the South in Vietnam if we stopped our killing.

I cannot conceive that there is the will nor the resources in the North to do such violence to the people of that peninsula as we are doing to them. This Nation does not meet the tests to justify those killings, and there is no excuse, with respect to the second of the two reasons, that would persuade the people of this country not to turn to GEORGE MCGOVERN. There is no justification for a society with such resources as ours to permit men and women who are fortunate enough to get work to work under conditions that are dangerous to their health and their very lives.

Mr. President, may I inquire as to what the order is?

The PRESIDING OFFICER. The Senator has 3 minutes remaining. He can use that up in a quorum call if he wishes.

Mr. HART. I was looking at the clock and thought I had overextended my time.

The PRESIDING OFFICER. The Senator has until 9:51 if he wishes to use it.

Mr. HART. Yes, Mr. President, I do. I think it would be desirable for the RECORD to contain at least some of the specifics on which the broad statements of indictment that I have enumerated are based.

I mentioned the threat of death because of asbestos poisoning. When adopting a new standard for asbestos last June, OSHA granted industry a 4-year delay in reducing the existing five-fibre per cubic centimeter of air standard to a two-fibre standard. Dr. Irving Selikoff, a leading researcher in the field, has predicted that because of this delay, and other inadequacies in the new standard, tens of thousands of workers will die—pointing out that the five-fiber limit could mean that a worker will inhale 20 to 30 million fibers a day. Asbestos is now well recognized as causing disabling and fatal lung disease, as well as cancer of the lung and stomach linings.

In adopting its target health hazards program last January, OSHA announced its intent to vigorously enforce those standards dealing with five of the most severe and widespread occupational health hazards—asbestos, carbon monoxide, lead, silica, and cotton dust—to which over 4 million workers are exposed. Nevertheless, in the first 5 months of this program, only 221 inspections were made for these hazards, and 127 of these had to be prompted by employee complaints. In all, less than 2 percent of OSHA's inspections during this 5-month period were directed toward these target health hazards.

Despite the fact that the act requires OSHA, in setting priorities, to act on a worst-first basis, OSHA has given the lowest possible priority to agricultural employment, by waiting until June 1972—1½ years after the act's passage—before appointing an advisory committee to even begin considering what standards should apply to such employment. All other occupations have now been covered by standards for over a year. This delay is in the face of the President's own public recognition that agricultural employment is among the three most hazardous industries, and that farm accidents cost the Nation $2 billion a year.

These are the specifics.

In addition, each recent major mining disaster—Hyden, Ky.; Buffalo Creek, W. Va.; Sunshine Silver Mine, Kellog, Idaho; Blacksville, W. Va.—has revealed that the Bureau of Mines has failed to take enforcement action against clear violations of the Coal Mine Health and Safety Act of 1969, or the Metallic and Nonmetallic Mine Safety Act of 1966.

Twice the Comptroller General has concluded, in reports to Congress, that enforcement of the Coal Mine Health and Safety Act of 1969 has been ineffective, confusing, and inequitable.

Although the manpower and inspections under the Coal Mine Health and Safety Act of 1969 have doubled in the past year, the number of mine closure orders has been reduced by 50 percent in that period.

Mr. President, it is specifics such as that on which I base the rather broad indictment that I voice—that while we have the capacity to insure a safe working place for men and women in this country, we have not used that capacity; rather, we have diverted our efforts to continue to rain destruction on the people of Indochina.

ORDER OF BUSINESS

The PRESIDING OFFICER. At this time, under the previous order, the Senator from Washington is to be recognized for a period not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged against the time allotted to Mr. MAGNUSON.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield to the able majority whip.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of Mr. MAGNUSON and then Mr. SYMINGTON be reversed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri is recognized for a period not to exceed 15 minutes.

SECRET SOVIET TRADE NEGOTIATIONS—ANOTHER CASE OF IGNORING THE CONGRESS AND THE PEOPLE IN FAVOR OF A CHOSEN FEW

Mr. SYMINGTON. Mr. President, on July 8 it was announced that the Soviet Union and the United States had concluded, in the words of Secretary of Commerce Peterson, "the largest agricultural commercial transaction in history."

This talk does not dwell on the "conflict of interest" questions that have arisen as a result of this transaction, rather on the nature of the transaction itself, and other reported transactions.

Under the agreement in question, the United States provides the Soviet Union with $750 million worth of grain over a 3-year period. These purchases are to be financed by the Commodity Credit Corporation of the U.S. Department of Agriculture at the CCC's present going interest rates, on identical terms and conditions as apply in the extension of credit to our other trading partners.

Said agreement came as news to me as well as to other Members of the Senate, although it has been charged that it did not come as a surprise to certain large companies who will greatly profit thereby; and who may be the only ones who will profit.

In any case, it all came as an unpleasant surprise to many Americans, with severe pressure on bread prices and additional drains on the public budget for the benefit of a few individual grain dealers.

In a recent press article, the unhappiness of farmers who sold grain for $1.21 per bushel and a few hours later learned about the Soviet deal—the current price of wheat is $1.91—is made clear.

Parenthetically, I would add that the same unhappiness extends into feed grains and to those farmers who are interested primarily in feed grains.

I ask unanimous consent that an article published in the New York Times of September 22, entitled "Wheat Belt Farmers Upset Over U.S. Deal," be printed in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SYMINGTON. Mr. President, subsequently we read in the press of the bad harvest in the Soviet Union, of the Soviet need to buy grain abroad, and of their desire to do so without digging too deeply into their gold reserves.

Was this agreement, in effect, a political favor to the Soviet Union? It was no economic favor to our own people, although, as the press has reported, a few insiders did profit handsomely.

We in the Senate do not know of the details of this secret deal. We do not know what political quid pro quo, either explicitly or implicitly, was part of said agreement.

Now we read in the press about the continuing negotiation of a broad, overall trade agreement between the United States and Soviet Governments. We learn from press reports that this week there are three Soviet negotiating teams in Washington. We note from newspaper reports that there has been agreement in principle that the Soviets will discharge their $11 billion lend-lease debt by paying the United States $500 million over the next 30 years.

We are also told by the press that this settlement will permit the Export-Import Bank to provide the necessary financing for the export of U.S. goods to the Soviet Union, and will lead to the administration asking Congress to grant most favored nation trading privileges to the latter country.

We learn in the same way that this trade agreement will include the development of two Siberian natural gas projects requiring a capital input of $10 billion; also, that under the agreement the United States will contract to purchase from the Soviet Union 2 billion cubic feet of natural gas per day from fields in north central Siberia and between 1.5 billion and 2.5 billion cubic feet of gas per day from eastern Siberian fields; this gas to be transported to our west coast by a United States-Japanese consortium.

Again, this is what we read in the press. What we hear from our own Government, however, is little indeed.

In his August report on "U.S.-Soviet Commercial Relationships in a New Era," Secretary of Commerce Peterson referred to two projects in the gas field which he said could require "capital inputs in excess of $5 billion." He said nothing about any $10 billion capital input.

The Secretary did say that the total credit exposure of the Export-Import Bank on all loans was currently about $16.5 billion; also that the largest Export-Import Bank exposure to any single country—up until now, anyway—was about $1.3 billion. He added that the Export-Import Bank "could not undertake financing on the scale of the Soviet projects without substantially changing its historical practices and perhaps even the nature of the institution."

Clearly, the trade agreement with the Soviet Union will produce major economic consequences for just about every American. Equally clear, neither the Congress nor the public has been given any meaningful information about it; in fact in his August report, Secretary Peterson did not mention Congress.

Will this trade agreement be advantageous to the United States? Once again, we in the Senate do not know because we have been told nothing.

We have heard rumors of some agreement on the part of the Soviet Union, in return for these gigantic credit terms, to stop providing the flow of arms and materiel to North Vietnam that has a lot to do with making it possible for this war to continue. Up to this time, before these gigantic credit terms, we have been unable to convince the Soviet Union to take such a step.

Perhaps the advantages which will flow from such a trade agreement will produce this result. Let us hope so. We have tried everything else in Vietnam. Why should we not try buying our way out of this war in this way?

Nevertheless the taxpayers of America—who will pay both the direct and indirect costs for any such credit arrangements and guarantees—and also the Congress, which has the constitutional right to regulate foreign trade and pass any required legislation, have a right to know more about any such possible arrangements, especially what will be the cost.

In passing, we might ask among other pertinent questions whether this administration believes the extension of these credit terms will be of service to the Soviets as they step up their shipments of modern weaponry to Syria.

Secretary Peterson understands well the connection between international political relationships and economic relations. In his news conference at the American Embassy in Moscow on August 1, when asked whether the American position on trade questions was colored by general political and foreign policy considerations, the Secretary replied:

> Well, I think it has been said that war is too important to be left to the generals. I think it might be said that trade is getting too important to be left to commercial ministers. For me to suggest that the progress of trade will not be affected by the larger political environment would be, I think, not to understand that there is relationship between economics and politics. The more favorable the political environment, the more political tensions are reduced, given the kind of system we have in the United States, the more likely, I think, that the American public, the Congress, and others will support the concept of expanded trade.

We agree with that statement; but would add that, given the system of government we have in the United States, neither the Congress nor the American public will support these concepts unless they have more understanding of just what political gains are involved.

In summary, it is time to let the rest of us in on what is going on. As Mr. Peterson said, trade is too important to be left to commercial ministers. We would go further and say that all this is too important to everybody to be left to decisions of secret negotiators who constitute a small group of officials in the executive branch.

EXHIBIT 1

[From the New York Times, Sept. 22, 1972]

WHEAT BELT FARMERS UPSET OVER U.S. DEAL

(By B. Drummond Ayres, Jr.)

KINSLEY, KANS.—There is a saying out here in the wheat country that growing grain is riskier than gambling in Las Vegas. Somebody once figured out that no fewer than 67 key factors ranging from weather to bug spray must mesh to produce a bountiful harvest. One pelting hailstorm sweeping across the flat, golden fields, one spring blitzkrieg by the hated Hassian fly and a man might as well plow everything under and start again.

But being hardly perennials and high rollers, wheat farmers accept such risks, masking their acceptance behind a face-saying bluff of good-natured griping. Come rain or shine, they bellyache.

In recent weeks, however, the complaining has taken on a bitter and cynical tone. Because of the confusion surrounding the huge wheat deal between the United States the Soviet Union, there is now genuine unhappiness among many of the dusty figures in blue-gray denim overhalls who handle the roaring tractors and flailing combines that keep America and much of the rest of the world in bread.

"They really stuck it to us," said Elmer Frick, referring to the charge—denied by the Government—that the Agriculture Department gave the big grain exporting companies a tip that enabled the companies to make windfall profits on the Soviet deal.

Mr. Frick, who farms a half section, or 320 acres, sold his entire 1972 wheat crop of 4,000 bushels on July 8, just a few hours before the 400-million-bushel, $750-million deal was announced. He got $1.27 a bushel. Today, the price was $1.91 a bushel.

THE WHEAT BELT

No one knows precisely how many other wheat farmers lost money by selling early—or how many made small fortunes by selling late. So the full political impact of the current unhappiness is impossible to assess.

Wheat is grown commercially in four of every five states, with the so-called Wheat Belt starting in Texas and stretching northward through Oklahoma, Kansas, Nebraska and the Dakotas.

At the time of the July announcement, the harvest was just ending in Kansas, which grows about a fifth of the 1.5 billion bushels produced annually in the United States. Farther north, the harvest—and thus the buying and selling—had not begun.

In the Dyne-Quik Cafe, Kinsley's favorite gathering spot, the gossip is that at least half of the farmers in this southwest Kansas area sold before learning of the Russian deal.

Hunched over a cup of coffee, a grimy baseball cap perched askew on his head, a jutting white grain elevator filling the plate glass window behind him, Bob Anderson said wearily:

"Seems like just about every other person I talk to sold too soon. It never fails. If only I could have gotten what they're paying today I could have settled all my debts except the land mortgage."

Mr. Anderson, who farms 950 acres, let 11,000 bushels of wheat go for $1.35 each.

A friend, Vernon Van Nahmen, added: "If Washington wants to play politics, I can play too. I've still got my vote."

Mr. Van Nahmen farms 700 acres. He sold 5,000 bushels of wheat for $1.24 a bushel and 5,000 more for $1.38.

Robert Schmitt still has his wheat—all 12,000 bushels. He grinned while his friends complained.

But finally the litany of unhappiness got to him, too. It is as though he found it heretical to sit in the Dyne-Quik, listening to complaints about farming, without finding something to complain about himself. He blurted out:

"Well, maybe I was lucky. Still I don't like it. The U.S. Government will lend money to the Russians to buy our wheat but it won't lend money to my son so he can start farming.

The rule-of-thumb estimate in this part of Kansas is that a man needs a rich father or about $175,000 to start a wheat farming operation. Land goes for $200 to $300 an acre, combines for $25,000 each and tractors for a $1 a pound or $100 a horsepower, buyer's choice.

If the new farmer is successful, he may realize 4 to 5 per cent a year on his investment, about what he could make by salting it away in a bank.

Little wonder then that most of the men who stop by the Dyne-Quik for coffee or the $1.35 hot-lunch special are 50 to 60 years old. At a time when many should be thinking about slowing down and lingering and complaining a while longer over that coffee, they are trying to expand and diversify their operations to hold their own against one of the tightest cost-profit squeezes in the American economy.

TOUGH GOING

"Not many new fellows go into agriculture, and those already in are having a tough go of it," said C. W. Allison, president of the Kinsley Bank. He has not set up a new farmer in almost a year.

At Kinsley High School, the class of '72 had its dream. But farming was not a part of it.

Most graduates headed for "Hutch" or "Dodge" (Hutchinson or Dodge City), leaving an aging and deteriorating Kinsley, population 2,200, to fend for itself, tired blood and all.

Though the American farmer may once have been among the freest of spirits, he now considers himself the slave of bureaucracy and regulations, planting what Washington wants in the amount Washington says.

In return, he is paid a subsidy. This is his reward for becoming so good at his game that, free again, he could produce a surplus that would glut the market—or feed the hungry around the world.

"REASONABLE" RETURN

The wheat subsidy is designed to bring farmers what the Government considers a "reasonable" return, roughly $3 a bushel. It is computed by taking the average price of wheat during the harvest season and adding enough Federal funds to that figure to make $3.

This year, the average sale price may be around $1.75, in which case the subsidy would be about $1.25. So, men like Elmer Frick and Bob Anderson who sold their wheat early for $1.27 and $1.35, stand to make considerably less than the farmers who are now getting $1.91. "1.25 added to 1.35 is not the same as 1.25 added to 1.91," said Mr. Anderson, "It all makes be doubly mad."

He then drained his coffee cup, climbed into his dusty red pickup and headed for his farm.

"Gotta get another quarter section ready," he said, "cause next year is going to be my year."

QUORUM CALL

Mr. SYMINGTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WILLIAMS). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the orders for the recognition of the Senator from Washington (Mr. MAGNUSON) and the Senator from California (Mr. TUNNEY) be reversed.

The PRESIDING OFFICER. Without objection, it is so ordered, and the Senator from California (Mr. TUNNEY) is now recognized for not to exceed 15 minutes.

SOVIET JEWS AND SOVIET TRADE

Mr. TUNNEY. Mr. President, I rise today to discuss the existence and exacerbation of an intolerable situation. Unfortunately, the problem has been overshadowed in the news by the apparent easing of tensions between the United States and the Soviet Union and by the gruesome headlines which followed the Munich massacre. I am speaking of the alarming escalation of repression of Soviet Jews.

Few Americans are sufficiently aware of the reality of terror and intimidation which haunts the daily lives of the Jewish citizens of the Soviet Union. Discrimination by the Soviet Government against its Jewish citizens has long been a tragic fact of life, but in recent months the oppression has dramatically increased in scope and in magnitude.

It has become obvious that the pressure and restrictions directed at Soviet Jews are greater now than at any previous time since the inception of the movement of Soviet Jews to emigrate to Israel.

It is common knowledge that Soviet Jewish citizens who applied for exit visas have in the past been harassed and intimidated, dismissed from their jobs, prosecuted under Soviet law, forced to suffer abuses and indignities, and required to raise a significant sum in economic ransom before they could leave the country.

Recently when I was in Israel I had the opportunity to talk to a number of these emigrants and they related in stark detail the horror of their lives once it became known to Soviet authorities that they wanted to leave the country.

In spite of these sanctions, and in the face of a shameful silence on the part of most of the world, the Jews somehow suffered the indignities, survived the intimidation and harassment, raised the ransom, and, when they were able, left the country.

But in August of this year, the Soviet Government imposed an educational ransom which exponentially increases the price for those Jews who wish to emigrate. This ransom has an overwhelming impact upon the educated Jews who wish to leave Soviet Russia. Its impact is felt especially by scientists. The levy varies with the amount of education the applicant has received. It ranges, I understand, from a minimum of more than $5,000 to well over $30,000 per application.

The total sum necessary in order to ransom these people will reach hundreds of millions of dollars.

Given that the average Soviet citizen earns less than $1800 per year, and that savings of any kind are extremely difficult to accumulate, it is evident that the Soviet Government intends virtually to eliminate emigration of the educated Jewish population—unless American Jews can somehow divert their resources to the Soviet Union.

The Soviet Government has decided to make Jews, in the truest sense of the word, commodities for export.

Aside from the absurd fiscal implications of this policy, the psychological impact of the decision is devastating to Soviet Jews. When a Jewish citizen applies for an exit visa, the Soviet Government directs that he be dismissed from his job, cut off from his associates, excluded from his profession, and often threatened with harassment by the police. He sees the entire apparatus and machinery of the Soviet state operating to make his life as barren and meaningless as possible. His only source of encouragement is that some day he can leave. When the ransom becomes prohibitive, the hope is eliminated.

The resultant desperation can force irrational action. In a vain attempt to obtain the ransom, some will sell everything they own, either on the open market or the black market. If they use the black market, they will be committing an economic crime according to Soviet law and will subject themselves to arrest by the Soviet Government. Young people, fearing that their ransom will be increased if they stay in school, will withdraw from universities or refuse to enroll. But if these young people happen to be men, they will then be subjected to 2 or 3 years of military service. And the Government has claimed the power to detain families of a person in military service from leaving for a period of up to 5 years after the time in which the service is ended.

Throughout the evolution of this travesty the West has been woefully silent. Two years ago, the cost for the Soviet exit visa to capitalist countries was increased by over 2,000 percent. What had initially cost 20 to 40 rubles was increased in price to 900 rubles. And no protest was registered from the West. The money was paid.

This silence becomes particularly significant when one considers the importance apparently attached by the Soviets to the U.S. reaction to the educational ransom. Rumors have circulated for almost 2 years that the Soviet Union might impose the educational levy. But no official action on the matter was taken until after the May summit meeting in Moscow. The logical conclusion which follows from this sequence of events is that the Soviets refrained from acting until they secured the economic objectives they desired.

In order to minimize the chances for any statements by Soviet Jews during the negotiations, the Soviet Government at the time of the summit discontinued phone service to prominent Jewish leaders, jammed all radio communication with western countries, prohibited travel by Jews living outside Moscow and detained prominent Moscow Jews in a location outside the city.

Mr. President, I am not raising this issue at this time because of any partisan objective. In fact, I have strongly supported the accomplishments at the summit. I have long been a strong believer in increased trade and improved relations with Communist countries. I have cosponsored legislation designed to expand trade between the East and the West. I have supported arms control agreements and have uged strongly that they be expanded and strengthened. I strongly favor a policy which make detente possible and real. But I will not be a party to a policy which achieves an apparent easing of tensions at the price of increased repression and suffering. I will not support any agreement which, in the name of improved relations or increased trade, treats human beings as a commodity for export whose freedom is to be bartered for corn and wheat and grain.

I think that it is unfortunate that this problem has become so urgent this close to a presidential election in the United States. We must not allow it to become a partisan issue. Both parties, indeed, all American citizens, should join in demanding that the Soviet Union, if only for her own self-respect and national dignity, observe basic and minimum standards of international justice and common decency—standards to which the Soviet Union pays lip service and to which all civilized men should adhere.

Mr. President, I do not believe that needless sermonizing or moralizing is appropriate or constructive as a means of conducting foreign policy. I believe, for example, that the United States must recognize governments who exercise effective control of their territory even if we strongly disapprove of their domestic or foreign policies. But I also believe that certain basic and minimum standards must be established and maintained if the concept of human dignity is to mean anything in this world. Only if the nations of the world accept and maintain the so-called minimum standards of international justice will international order be consistent with simple concepts of fairness and justice.

That is the reason why I felt compelled earlier this year to urge this body to discontinue military assistance to the Government of Brazil until that Government could demonstrate that prisoners in Brazilian jails were not being subjected to torture.

That is why I voted against the purchase of chrome by this Government from the Government of Rhodesia, in conforming with the U.N. sanction against repressive policies pursued by that government against its own black citizens.

That is why I rise today to urge our Government to make known—through effective action—its alarm, its dismay, and its disapproval of the Soviet repression of Jewish citizens.

I believe that detente between the United States and the Soviet Union is vital. I believe that world peace requires an improvement in relations between these two superpowers. I believe that the mutual suspicion and mistrust which have marked the relations of our two countries have been distorted beyond proper bounds. I have worked ever since

I first served in the Congress to see the suspicion reduced, the tension curbed, and the cooperation between our two nations increased.

But those objectives cannot be achieved by unilateral American action. They cannot be achieved by applauding those Soviet policies which are constructive and ignoring those which contravene American interests and which challenge deeply held convictions.

I think that it is also important and only fair to recognize, Mr. President, that no government enhances the prospects of peace when it represses a part of its own people, the Governments of Rhodesia, South Africa, and, more recently, Uganda, have all practiced their own brand of domestic tyranny. These practices, in varying degrees, have all had international repercussions. The Government of the Soviet Union, merely because it is stronger and mightier than the others, is no less culpable than other governments which practice domestic repression.

While there might be little that the United States can effectively do to convince the Soviet Union to change its odious policy, there is a considerable amount we can do to express strongly and unequivocally our resolve that we will do nothing which will assist the Soviets, even implicitly, in pursuing their cruel program.

As a consistent advocate of increased trade with Communist countries, I think that I must indicate here and now that this brand of Soviet tyranny, this callous attempt to impose an unbearable economic price upon legitimate human aspirations, could severely damage the relations which we all hope to improve.

If the Soviet Government believes that detente with the United States frees it to impose harsh and stringent conditions upon its Jewish citizens, the United States must reevaluate her own policies to be certain that we in no way help expedite that policy.

The Soviet Union is presenting an unpleasant and shocking picture to the world. I am offended by that picture. I believe that every political precept in our history demands that we reject any involvement with it.

I was pleased to read last week that the Supreme Soviet deferred any decision on the educational levy and that the expected decree formalizing the practice was not issued. Perhaps the Soviet Government is recognizing that the export of Jews is not a desirable policy and that the repression of minorities is contrary to her own interest. But until the Soviet Government actually accepts that view, we in the United States must do everything we can to assure that we will reject any policy which enables the Soviet Union to believe that she can pursue this dangerous pattern without strong American opposition.

Because of the urgency of this matter, Mr. President, I have joined with a bipartisan group of my colleagues in the development of an important amendment which will be introduced in the very near future. Our amendment alters Senator MAGNUSON's East-West Trade Relations Act by denying most-favored nation treatment in various U.S. credit programs to certain countries that deny their citizens the right to emigrate or impose prohibitive taxes on such emigration.

Senators MAGNUSON and RIBICOFF, the principal sponsors of the Magnuson bill, are among the principal sponsors of this amendment. I would hope that a majority of the Senate will join with us in supporting this legislation. It is important to tell the Soviet Union that the U.S. Senate will not stand idly by and benignly approve economic agreements without resisting, in the most effective manner possible, the commercial export of Jews by the Soviet Government. I believe in detente, Mr. President, but I also believe in justice.

Mr. President, I cannot help but be reminded that this is the same policy that Nazi Germany followed in the days before Jews were herded into concentration camps and put to death. The Nazi government felt that the exportation of its Jewish citizens, for commercial benefits to Germany, was a good policy because it made money for the Nazi government. We all saw what happened as a result of that policy. We all saw the injustice increase in tempo and degree until finally 6 million Jews lost their lives. The world in 1972 must be willing to act much more quickly than it did in the 1930's and 1940's.

I hope that the Soviet Union, in light of its apparent distaste for policies which can be compared to those of Nazi Germany, will reverse this cruel policy before the Soviets find that their own policies become too reminiscent of those pursued by Hitler's Germany.

Until the Soviets themselves alter their course, I have no choice but to pursue, however reluctantly, a policy which will tell the Soviet leaders that we will resist the path upon which they have embarked. Accordingly, I urge my colleagues to support our amendment and to join us in condemning these oppressive and unfortunate Soviet policies.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, does the Senator wish to relinquish the remainder of his time?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ROBERT C. BYRD. Mr. President, I yield myself 1 minute of my time.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

ORDER FOR RECOGNITION OF SENATOR MAGNUSON VACATED

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of the Senator from Washington (Mr. MAGNUSON) be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR CERTAIN COMMITTEES TO MEET DURING SESSION OF THE SENATE TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Foreign Relations Committee Subcommittee on Oceans and International Environment; the Committee on Labor and Public Welfare Subcommittee on Labor; the Public Works Committee; the Armed Services Committee; and the Interior and Insular Affairs Committee be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum on my time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President I reserve the remainder of my time.

WICKER'S MACEDONIAN CRY

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the New York Times by Mr. Tom Wicker. Mr. Wicker is certainly no admirer of this administration, but I thought his Macedonian cry would be amusing and interesting.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COME HOME, GEORGE MCGOVERN

(By Tom Wicker)

Senator George McGovern is planning some "fireside chats" for the near future, and well he might. He senses, probably correctly, that he is not making much of a personal impact on the voters, although the Democrats have been recently encouraged by the large crowds he is drawing and by daily evidences that the party and its traditional labor support are beginning to rally round the candidate.

Is it contradictory that Mr. McGovern thinks he is not getting across personally but that he also is attracting good crowds and building party unity? Not necessarily; the fact is that one of his foremost personal problems is the long season of compromise and retreat he has gone through in order to persuade his party and the labor unions that he is not a fiery radical.

Apparently he has had some success in that effort, but at considerable cost. Because the fact also is that George McGovern's hard-core support, the people at the heart of his campaign, had thought all along that he was a radical, at least in contrast to the accepted norms of American two-party politics.

That was much of his appeal—that he was a candidate so far above the usual give-and-take of interest group politics, so committed to a stated line of action rather than to the bland and deceitful generalities usually heard in election years, that his election would, at last, make much more than George Wallace's proverbial "dime's worth of difference."

But the process of "moving to the center," which Mr. McGovern has either acquiesced in or proved unable to resist, has all but destroyed his above-politics appeal. Specically:

When rigorous analysis disclosed the defects in the McGovern scheme to replace the welfare mess with a $1,000-per-person guaranteed income plan, he prudently abandoned that specific proposal. But instead of continuing to insist on the principle involved—that of income maintenance, not only for welfare recipients but for the working poor—he retreated all the way to the New Deal, with a tripartite proposal for public service jobs, expanded Social Security coverage, and more cash for those on welfare. That is not welfare reform but more welfarism, and it is not much improved by the bland generality of promising "careful study" of income maintenance for low- and moderate-income persons.

When Mr. McGovern wrote the American Jewish Committee that he opposed—as "detrimental to American society"—the idea of quotas to redress racial and other forms of discrimination in employment, he retreated all the way past the New Deal to President Nixon's position. In fact, the so-called "McGovern reforms" the candidate had done so much to impose on the Democratic party formed a quota system; blacks like the Rev. Walter Fauntroy, the District of Columbia Congressional delegate, thought they had a commitment from him for Federal patronage "in reasonable proportion" to their share of the population; and again the situation was not improved by another bland generality that employment discrimination could be ended "without abandoning the merit system."

Back there in the primary campaigns, Mr. McGovern—relying on one of the best campaign documents of the year, his "alternative defense budget"—was going to reduce annual defense spending to about $55 billion. That figure is not much heard nowadays, and the current McGovern defense advisers—headed by Pentagon veterans Clark Clifford, Paul Warneke and Herbert York—have just put out a report that doesn't mention $55 billion. But it blandly promises to cut "wasteful and dangerous elements" in the defense budget without endangering national security.

Almost incredibly, this Presidential candidate who reached his present eminence through long, honorable and passionate opposition to the war in Vietnam, and its perpetrators, was willing to reward Lyndon Johnson for his lukewarm and dubious support by stating that "he inherited that war. He didn't start it. He gave up his chance for re-election in an effort to end it." Can George McGovern, of all people, really believe that Mr. Johnson had no choice but to send a half million troops to Vietnam? Does he suggest, in the face of the 1968 McCarthy and Kennedy campaigns from which his own derives, that L.B.J. quit from altruism rather than because of political pressure? And if Lyndon Johnson inherited the war and is blameless for it, what about Richard Nixon?

No one can deny the necessity, after Miami Beach, for George McGovern to have sought party unity; no one can deny, either, the constant necessity in a plural society for political compromise. But at some point compromise becomes flight, and if the Senator is wondering why he is making so little personal impact on the voters, it may well be because many people no longer can be sure who he is or where he stands.

It may be that political success in America still requires a candidate to avoid strong positions and play to the prejudices of the voters. But if so, Mr. McGovern has no hope of beating Mr. Nixon at that game; and anyway, there is growing evidence that millions of Americans are sick and tired of politics and politicians as usual, with their promises, their evasions, their pretensions and their failures.

So come home, George McGovern, in those fireside chats you're planning. You were doing better when you seemed to be your own man.

ECONOMIC INDEX RISES

Mr. SCOTT. Mr. President, the Washington Star yesterday published on the front page an article entitled "Economic Index Rises." The article points out:

> The government's index of leading business indicators jumped 2.2 percent last month, the biggest rise in the closely watched economic report since March, the Commerce Department said today.
>
> The August rise in the composite index compared with an average monthly increase of 1.3 percent since the index began moving up about two years ago.

Mr. President, I ask unanimous consent that the article may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ECONOMIC INDEX RISES

> The government's index of leading business indicators jumped 2.2 percent last month, the biggest rise in the closely watched economic report since March, the Commerce Department said today.
>
> The August rise in the composite index compared with an average monthly increase of 1.3 percent since the index began moving up about two years ago.
>
> The index samples movement in 12 diverse areas of the economy and is considered a key guide to later business trends. The August figures "are continuing to signal strong growth for the economy in the future," Asst. Commerce Secretary Harold C. Passer said.
>
> Of the eight indicators available for today's report, only one, contracts and orders for plant and equipment, was down. Those increasing were the length of the average work week, new orders for durable goods, building permits, industrial materials prices, stock prices and the price-labor cost ratio.
>
> Initial claims for unemployment insurance declined in August, considered a favorable sign for the business index.
>
> The department placed the composite index of indicators at 145.5 for August. The index assigns the value of 100 to indicator levels of 1967. The index is now 28 percent above the low point reached in 1970.
>
> At the same time, the department revised downward its earlier assessment for July, reducing the grain in the index from seven tenths of one percent to one-tenth of one percent, the Associated Press reported.

ECONOMIC FACTS

Mr. SCOTT. Mr. President, workers' real weekly spendable earnings have risen over 4 percent in the past year, more than three times the average rate from 1960 to 1968. Total civilian employment has increased by 2.5 million in the past year and 4.5 million since the beginning of the Nixon administration. The unemployment rate has declined from about 6 to 5.5 percent, which is slightly below the average of the Kennedy-Johnson administrations before the Vietnam war buildup.

I may add they did not face the problems of unwinding the war and the inherited inflationary pressures which were faced by this administration.

Our economy is growing at a rate of almost 9 percent a year, the highest since 1965.

The annual rate of real net income per farm in the first half of this year has been higher than in any previous year.

In the 12 months ending in August, the first year of the economic stabilization program, the Consumer Price Index rose 0.9 percent. This compares with a rise of 4.4 percent in the preceding 12-month period, according to the Bureau of Labor Statistics. The BLS report said living costs in August rose two-tenths of 1 percent, half the previous month's rise.

The Bureau also reported that the average paycheck of some 50 million rank-and-file workers rose to $137.23 a week and that, after allowance for inflation, the past year's increase in purchasing power was the largest on record.

I might add that the September figures show an even further increase.

The situation, therefore, is that, first, more people are employed in the United States today than ever before in the history of this Republic—some 83 million people. Second, the rate of inflation is lower than that of any other major nation in the world, the rate of inflation in the United Kingdom and continental countries being from 5.5 percent to about 7 percent, and in some instances higher than that.

The average weekly income of workers in this country in real wages, even after allowing for all inflation, is higher than has ever been received by the workingman in history.

Now, these are facts. They cannot be derogated by deploring the condition of the average American workingman. He has less to suffer from inflation than in any other country. He earns more income, more are employed. The unemployment rate for married men in this country is 2.6 percent. We have a mobile population, with many young, teenage workers coming in and out of the employment market, and that in itself accounts for some of the fluctuation.

But let us see what has been done not only in the area of job creation but in social services. This administration has spent more money for education than any previous administration. It has spent more money for job creation and rehabilitation and for veterans and for the disabled and the handicapped than any other administration.

Now, it is customary to attack these figures by claiming that they are underfunded. What does that mean? It means simply that the speaker who criticizes would have funded them with a greater amount of money. It is undeniably true that the more money you put out, the more somebody gets of it. But, there is a breaking point where the expenditure of more money than is contemplated by any administration's budget is itself inflationary, and then inflation, like a thief in the night, burgeons and swells and increases and takes away from that workingman the very wages which he has just been receiving in greater amounts. So that, in one sense, everything the Government does is underfunded, because someone else would always outbid you and spend more.

But prudent funding has resulted in a better condition for the American workingman in the past 4 years than at any other time, and that is undeniable.

Now let us look at the other side of the shield. Mr. Joseph Young, writing in the Washington Evening Star of the 19th of September, points out in his column on Federal employees:

> Sen. George McGovern's defense cutback proposals would mean the loss of 275,000 Defense Department civilian jobs.
>
> These figures are not estimates made by Nixon administration officials, but by McGovern in his defense proposals that were carried in the Congressional Record Jan. 24 during his successful campaign for the Democratic presidential nomination.
>
> McGovern's plan would eliminate the civilian jobs over a two-year period. By the end of fiscal 1975 the present 1,036,000 civilian jobs would be reduced to 761,000.
>
> Army civilian jobs would drop from 365,000 to 265,000, Navy from 338,000 to 225,000, and Air Force from 277,000 to 225,000. The other 56,000 Defense Agency jobs would be reduced to 46,000.

Now let us compare the Republican record with the McGovern proposal. The Republican platform stands for full employment—a job for everyone willing and able to work in an economy freed of inflation, its vigor not dependent upon war or massive military spending. This year we must choose between an expanding economy in which workers will prosper and a handout economy in which the idle live at ease.

The McGovern platform proposes an expensive Government bureaucracy to provide make-work welfare jobs while cutting back employment in some of our high technology industries.

The Republican platform supports the strong, temporary wage-price controls which have resulted in take-home pay increasing at an annual rate of 4 percent, an 8-year high. We also support the tough actions on prices which have cut inflation in half and better.

The McGovern program is apparently unaware of the administration's achievements, and it would immediately and irresponsibly eliminate wage and price controls.

Again, the Republican platform pledges vigorous efforts to reform the congressional budgeting process. The House of Representatives, to its credit, has provided favorably for a spending ceiling. I hope the Senate will do likewise. The Republican platform states that we believe the Nation needs a rigid spending ceiling on Federal outlays each fiscal year, a ceiling controlling both the executive branch and the Congress. The McGovern proposals would increase the budget by over $144 billion, and that does not include the cost of the various welfare proposals which Senator McGovern has put forward from time to time.

So what we are up against is credibility or believability, and the opponents have made a grand play for the title of "The Most Believable." However, neither the facts nor the opinion of the majority of the American people bear this claim out.

A column, which was published in today's Washington Post, by John P. Roche, a well known liberal columnist, discusses some of these facts. In addition, a just-released Gallup poll, also appearing in today's Washington Post, shows that the American people, by a majority of 59 to 20 percent believe President Nixon to be more sincere than the candidate of the opposition.

Mr. Roche notes that such writers as Dave Broder, of the Washington Post, Max Frankel of the Times, and others would not invent incidents or put words in people's mouths, but we have seen in recent weeks persons on the McGovern staff flatly denying stories by such reporters. Needless to say, the latter do not enjoy being called liars.

During the Gallup poll, as to the question of which man is more believable, it is interesting to note that, among Democratic voters, a majority said they believe President Nixon more than they believe Senator McGovern, although the difference is only 38 to 37 percent, and 25 percent have at this time no opinion.

This is a very high level of believability in Mr. Nixon and in this administration. So these charges which are repeated here ad infinitum, ad nauseam, and ad extendum, are falling on barren ground. They take no seed. One would think that this soil, having been so enriched, would bring forth some sort of plant, or at least some weeds, but all that comes up is the dust which has been stirred up from this barren ground by the scuffling and the kicking of futile heels.

I am not denominating anyone; I am only using an analogy here. I refer only to the heels of the shoes of the kickers.

But after all, where are we getting? As I have said so many times before, I am willing to call all this off if the opposition is. No one is listening. No one is paying any attention. We speak to empty chambers, and every day four or five Senators get up and intone their readings from scriptures prepared, perhaps, by themselves—perhaps, I say.

They fail to endorse the candidate of the opposition—that would be asking too much of them—but they do make their small points. And their small points, having no quality of the diamond but rather the quality of dust, leave no marks upon the surface of public opinion.

So I favor what I have proposed before: A treaty of political nonviolence, that we save the Senate's time and the Senate's ears, because U.S. Senators are not like Roman Senators, sitting here with auris erectis or erect ears to hear the pearls of alleged wisdom which drop unheeded on the silent soil.

So we are really spinning our wheels, and I am sure that the leadership on both sides knows we are spinning our wheels. You are only making me work hard, and being normally a lazy man, I get a great deal done. Lazy men do that, because they feel that in the end someone has to say something to put an end to it, and that is what I am trying to do.

But if you want this conflict to continue, I will be here day in and day out, adding my little bit, and maybe my little auger, to whatever may be said.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. SCOTT. I shall in a moment. But speaking of augers, I will provide for you an augury, and this is, "Gentlemen, you ain't getting nowhere at all."

I now yield. First, I ask unanimous consent to have these articles printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Evening Star and Daily News, Sept. 19, 1972]

Substantial Defense Job Cuts Appear Imminent

(By Joseph Young)

Sen. George McGovern's defense cutback proposals would mean the loss of 275,000 Defense Department civilian jobs.

These figures are not estimates made by Nixon administration officials, but by McGovern in his defense proposals that were carried in the Congressional Record Jan. 24 during his successful campaign for the Democratic presidential nomination.

McGovern's plan would eliminate the civilian jobs over a two-year period. By the end of fiscal 1975 the present 1,036,000 civilian jobs would be reduced to 761,000.

Army civilian jobs would drop from 365,000 to 265,000, Navy from 338,000 to 225,000, and Air Force from 277,000 to 225,000. The other 56,000 Defense agency jobs would be reduced to 46,000.

Though these projections are enough to give civilian defense workers the shakes, a sizable employment cut also might very well occur if President Nixon is re-elected.

The cuts wouldn't be as severe as McGovern advocated in January, but they still could have a heavy impact.

There were strong rumors months ago that many defense installations throughout the country were scheduled to be closed, consolidated or curtailed.

Also, the administration has been under heavy congressional pressures to reduce the size of Defense department's headquarters staffs here.

There is considerable talk that Nixon, if re-elected, will move to make substantial cuts in the Defense department's civilian establishment. It's said the fact that this is an election year has been the only reason for the delay.

When Deputy Defense Secretary David Packard resigned last year, he said more than $1 billion could be saved in manpower reductions.

Nixon's hand also may be forced by the more than $4 billion the House slashed from the fiscal 1973 Defense budget. This by itself could mean the loss of a large number of civilian jobs.

Another factor is the administration's fiscal and budgetary problems and its efforts to get around the $250 billion budgetary ceiling. As one administration official said, "Defense offers us the best chance to trim the budget."

So the outlook next year, no matter who wins, appears to be for considerable turmoil in the Defense establishment.

Bills imperiled—The rush by Congress to adjournment could imperil several major government employe bills.

The combination "80" retirement bill has been approved by the House Civil Service Committee and awaits a rule by the Rules Committee to bring it to the House floor. However, further action this year seems unlikely.

The bill to increase the government's health insurance premiums contributions is deadlocked in House-Senate conference and little hope is held for it.

The measure to raise the annuities of retired federal employes and their survivors, particularly those with minimal annuities, has been the subject of hearings by the House and Senate Civil Service Committees. But unless action is taken soon, such legislation also will wind up in the discard bin.

The House has approved the bill to liberalize government employes' use of annual leave. But the Senate Civil Service Committee has not acted on the bill.

The administration proposed a measure to allow federal employes who retire with as little as five years service to qualify for continued health and life insurance benefits instead of the present 12 years requirement.

The request seemed uncontroversial, but neither the House nor the Senate Civil Service Committee has taken action.

McGovern Lashes at Journalists

(By John P. Roche)

Recently Sen. George McGovern got quite cross at the press, accusing the political reporters who have been covering him of impugning his "credibility." After all, the senator said modestly, credibility was his strong suit.

With specific reference to the deposition of Sen. Thomas Eagleton, McGovern said that, properly understood, his position had been quite consistent. He allowed that his contradictory statements on the Salinger mission were a blunder—but still not a reflection on his credibility. Indeed, he complained to *Newsweek* that "there was a little too much effort to try to find some credibility problem. . . Some of those syndicated columnists are terrible."

Sorry about that, but the fact is that the McGovern campaign has a credibility problem of the first magnitude. As one who puts respect for the truth above partisan loyalty, it seems to me an obligation to point this out. I'll do as much for President Nixon anytime, but when he says he is opposed to quotas, I believe him. To date, the main attack on the President's credibility has been based on a bogus quote, a statement he never made that he had a "secret plan" to end the war.

Take the whole matter of McGovern's record on Vietnam. By now, you might have the impression that he was the Patent Office "dove." But I was there and my political evaluation is based on a man's voting record not on his speeches. True, McGovern was unhappy about Vietnam back in 1963, but how unhappy? He did not join Sens. Wayne Morse and Ernest Gruening in opposing the Tonkin Gulf Resolution in 1964.

But the war was escalated between 1964 and 1968 and every year the Senate was given an opportunity to register its views in a very concrete fashion: the vote on the Suplementary Appropriation to finance the U.S. military effort in Vietnam. In 1966, only Morse and Gruening voted "Nay.' In 1967, a third man joined. George McGovern? No, Sen. Gaylard Nelson of Wisconsin. In that same year, Gruening introduced a measure to forbid the shipment of draftees to Southeast Asia except as volunteers. Only Morse and Gruening voted for it.

In 1968, McGovern again voted for the Vietnam Supplemental (Morse, Nelson, and Gruening opposed it), and for a measure that authorized the use of defense funds in Laos and Thailand for support of local forces (later referred to as "mercenaries" by the anti-war movement). True, McGovern was even more unhappy about events in Southeast Asia than before, and he made a number of anguished speeches. But how do you judge a legislator? By his speeches? Or by his votes?

If the Senator has credibility problems, his staff certainly compounds them. Experienced political reporters specialize in accuracy, and in my judgment it is inconceivable that, say, Dave Broder of The *Washington Post*, Max Frankel of The *Times*, or a number of others at the top of the profession, would invent incidents or put words in people's mouths. But in recent weeks we have seen members of Sen. McGovern's staff flatly denying stories by reputable reporters. Needless to say, the latter do not enjoy being called liars.

Arnaud de Borchgrave of Newsweek is, for example, surely one of the ablest foreign correspondents in the business, noted for his remarkable interviews with such varying characters as Charles de Gaulle, Mrs. Golda Meir, Gamal Abdel Nasser, Mrs. Indira Gandhi. In a recent column I cited his report of a session that McGovern's "ambassador" Abram Chayes, held with newsmen in Paris. Subsequently Chayes flatly denied the attributions—in effect, calling Borchgrave a liar. Then the world fell in on Chayes, who seemed to think nobody was at the meeting but Borchgrave: the New York Daily News obtained a full transcript from French sources and it sustained Borchgrave at every key point.

The point is that there is one way of maintaining one's credibility: by sticking to the truth.

[From the Washington Post, Sept. 28, 1972]

The Gallup Poll—Nixon More Believable, 59 Percent to 20 Percent

Princeton, N.J.—Although McGovern's party strategists have sought to make political capital by ascribing a credibility gap to Mr. Nixon, the President is seen as "more sincere and believable" than McGovern by a 6-to-2 margin with the nation's voters.

Even among McGovern's own party members, many see Mr. Nixon as the more "sincere and believable" of the two candidates.

In the case of young voters, 18–29 years, on whom McGovern has pinned high hopes, Mr. Nixon wins by a sizable margin on this issue.

Following is the question asked and the results:

Which candidate—Mr. Nixon or McGovern—do you think is more sincere, believable?

[In percent]

	Nixon	McGovern	No opinion
National	59	20	21
Whites	62	17	21
Nonwhites	24	52	24
Under 30	57	28	15
30 to 49 years	61	16	23
50 and over	57	19	24
Republicans	85	5	10
Democrats	38	37	25
Nixon backers	85	3	12
McGovern backers	6	65	29

As the above indicates, non-whites are the only major population group which credits McGovern with being more sincere or believable than Mr. Nixon; they give McGovern a 2-to-1 edge over Mr. Nixon on this question.

A total of 1,534 adults, 18 and older, were interviewed in person in this survey, which was conducted in more than 30 scientifically selected localities across the nation during the period of Aug. 24–27.

Findings, up to this point in the 1972 race, indicate that Preisdent Nixon's personal popularity has remained fairly constant in the three presidential races in which he has engaged. In tests to date, McGovern does appreciably better than Barry Goldwater in 1964, but slightly less well than Hubert Humphrey in 1968.

The personal popularity of candidates in elections since 1952 is reported below. The figures represent the percentage of those interviewed who give the candidate the highest positive rating.

1972 Nixon 39.8%—McGovern 23.4%.
1968 Nixon 37.5%—Humphrey 28.5%.
1964 Johnson 48.6%—Goldwater 16.2%.
1960 Kennedy 41.6%—Nixon 39.7%.
1956 Eisenhower 56.7%—Stevenson 33.8%.
1952 Eisenhower 47.2%—Stevenson 37.0%.

Mr. ROBERT C. BYRD. Mr. President, the distinguished minority leader has been quoting a lot of Scriptures this morning. He has referred to himself as a lazy man. Does the distinguished Senator care to recall what happened to the lazy man in the parable of the talents?

Mr. SCOTT. Well, I do remember that some of the men in the parable of the talents used their talents more wisely than others, yes.

I try not to bury mine. I allow them a certain amount of exposure, because if not exposed, they develop a certain amount of patina, and I would not want anyone to say that the Senator from Pennsylvania is green from disuse, nor am I green from jealousy or envy. I shine from exposure, rather, in the reflected pride which I feel in the achievements of the present administration.

Mr. MANSFIELD. Mr. President, if the watchman at the gate has concluded his remarks——

Mr. SCOTT. Let me conclude by saying that I am not so much the watchman as the custodian of the watchman, who is the one who watches the watchman, or the one who will keep the lighthouse when the lighthouse keeper is keeping house.

Mr. MANSFIELD. I must say the Senator is in great form this morning.

Mr. SCOTT. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

SENATE CONCURRENT RESOLUTION 100—SANCTIONS AGAINST NATIONS PROVIDING SANCTUARY TO TERRORISTS

The PRESIDING OFFICER (Mr. Williams). Under the previous order, the Chair lays before the Senate the concurrent resolution (S. Con. Res. 100), which the clerk will state.

The assistant legislative clerk read the concurrent resolution by title.

Mr. SCOTT. I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the concurrent resolution (S. Con. Res. 100) requesting the President to consider sanctions against any nation that provides sanctuary to terrorists.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. Con. Res. 100

Concurrent resolution requesting the President to consider sanctions against any nation that provides sanctuary to terrorists

Whereas the Congress of the United States deplores any act of international terrorism, particularly where innocent third parties are utilized to accomplish such acts,

Whereas, by its Resolution 358, the Senate has condemned the tragic violence which occurred at the Olympic Games in Munich,

Whereas the Congress is convinced that intensification of effective measures to prevent terrorism is of the highest priority and urgency,

Whereas both the Congress and the President are taking measures to increase protection of foreign officials, property and visitors in the United States and of United States officials, property and travelers abroad,

Whereas, at the direction of the President—

the Secretary of State has commenced consultation with Foreign Ministers around the world on actions against international terrorism, and in particular has urged that as many states as possible become parties to international conventions dealing with aircraft hijacking and sabotage, and

the Executive Branch is taking urgent steps in consultation with other governments, the United Nations and other international organizations to bring about cooperative action for dealing with international terrorism, and

consideration is being given to possible means of inducing states to fulfill their obligations under international law to prevent their territory or resources from being used by terrorist groups to organize criminal acts of violence against other states or their nationals, and to apprehend perpetrators of such acts for prosecution or extradition: Be it therefore

Resolved by the Senate (the House of Representatives concurring), That the President be requested to consider the suspension of United States aid to and the imposition of economic and other sanctions against any nation which provides sanctuary for terrorists who have injured or abused citizens or property of one nation in committing illegal or terroristic acts against another nation or the citizens or property thereof.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the Secretary of the Senate, in the engrossment of Senate Concurrent Resolution 100 agreed to earlier today, be authorized to make certain technical changes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of routine morning business.

Mr. PROXMIRE. Mr. President, what I am about to say has nothing to do with the campaign of any candidate. I only say to the Senator from Pennsylvania that I endorse unequivocally, enthusiastically, and without qualification the candidacy of GEORGE MCGOVERN.

Mr. SCOTT. Mr. President, will the Senator yield briefly?

Mr. PROXMIRE. I yield.

Mr. SCOTT. Whenever that happens on this floor, I always commend the courage and gallantry, with head bloody but unbowed, of the Senator involved. The Senator from Montana is hurt and the Senator from Wisconsin is ailing, and I congratulate them.

Mr. PROXMIRE. Well, I try hard. Of course no one tries harder than the Senator from Pennsylvania.

Mr. President, I am going to criticize the administration, however; but what I have to say goes far beyond any campaign.

ADMINISTRATION WEAK-KNEED IN LAVELLE CASE

Mr. PROXMIRE. Mr. President, in failing to assert the historical U.S. Government position of absolute control over the military, the administration has acted feebly in the General Lavelle case.

What kind of a weak-kneed, namby-pamby, panty waist administration have we which not only failed to assert determined civilian control over the military but took an active part in trying to sweep the entire matter under the rug?

PRESIDENT MUST ASSERT CIVILIAN CONTROL

The President of the United States should make for a ringing assertion that in the future he and the civilian authorities will exercise full and complete control of bombing and other military operations.

The President should give absolute assurances that he has issued the orders and provided the mechanism that in the future will insure the receipt of regular, daily accurate, double-checked reports of military activities in the field.

The President and the Secretary of Defense should make clear in forceful public statements that henceforth anyone, whether he be a general or admiral, involved in unauthorized bombing, failure to carry out orders, or the cover-up or falsification of reports will be dealt with summarily by court martial.

WEAKNESS PILED ON WEAKNESS

In the Lavelle case we have a situation where a commander in the field took the war into his own hands. Twenty or more unauthorized raids took place. He bombed targets contrary to the rules of engagement at a time when sensitive negotiations were proceeding. Records and reports were systematically falsified. Yet the chain of command was so weak that the superiors of General Lavelle claim they had no knowledge of the events until a lowly sergeant blew the whistle.

Then weakness was piled on weakness. When the situation was verified, the Secretary of Defense, according to General Ryan's testimony—General Ryan, of course, is the Chief of Staff of the Air Force, and was the man who was superior to General Lavelle—quickly decided that General Lavelle would be quickly discharged without a court martial. He was tapped on the wrist and retired at $27,000 a year, most of it tax free.

Of course, if any enlisted man has refused to obey orders or had violated orders in this way, he would have been court martialed, sentenced to 5 years in the brig, if he was lucky, and then given a dishonorable discharge.

TAP ON THE WRIST

The failure to assert civilian control; the attempted cover-up of the incidents by the announcement that General Lavelle was retired for personal and health reasons; and the failure to bring charges either against General Lavelle or those in the chain of command who took part in the falsification of records, leads me to one fundamental conclusion.

It is time for the President to make it clear beyond a peradventure of a doubt that the civilians, not the military, are running the show.

The time for men to act like men is long past. The only way to prevent unauthorized raids, the falsification of reports, and the military from taking over the war is for the civilians in the Government to assert their authority with no ifs, ands, or buts.

Mr. President, I yield the floor.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following two items on the calendar: Calendar Orders Nos. 1146 and 1163.

The PRESIDING OFFICER. Without objection, it is so ordered.

NORTH PACIFIC FISHERIES ACT

The bill (H.R. 9501) to amend the North Pacific Fisheries Act of 1954, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

PROHIBITING THE USE OF CERTAIN SMALL VESSELS IN U.S. FISHERIES

The Senate proceeded to consider the bill (S. 3358) to prohibit the use of certain small vessels in U.S. fisheries, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That for a period of five years from the date of enactment of this Act, it shall be unlawful for any person on board any prohibited vessel to transfer at sea or cause to be transferred at sea any prohibited fish or to land or cause to be landed any prohibited fish in a port of the United States.

SEC. 2. Any prohibited fish landed in contravention of this Act shall be liable to forfeiture. Any person or persons who knowingly takes, sells, transfers, purchases, or receives any prohibited fish landed in contravention of this Act shall be liable to a penalty of not more than $1,000 for each offense, in addition to any other penalty provided in law.

SEC. 3. Enforcement of this Act shall be the joint responsibility of the Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating.

SEC. 4. The provisions of this Act shall not apply to any vessel acquired prior to the date of enactment by a citizen of the United States or a resident alien.

SEC. 5. The Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating are authorized jointly and severally to issue such regulations as may be necessary to carry out the provisions of this Act.

DEFINITIONS

SEC. 6. (a) As used in this Act the term "prohibited vessel" means any vessel of less than five net tons which (1) was constructed in a foreign country and (2) has been used in a fishery of a foreign country, and (3) has been subsequently prohibited in such country from continuing to engage in such fishery.

(b) As used in this Act the term "prohibited fish" includes mollusks, crustaceans, and all other forms of marine animal or plant life, with respect to which a prohibited vessel's further use was prohibited in a foreign country.

(c) As used in this Act the term "offense" means each separate landing or transfer of fish in contravention of this Act.

Mr. STEVENS. Mr. President, S. 3358 will prohibit the use of certain small vessels in the U.S. fisheries. I have reported this bill on behalf of the Senate Commerce Committee which held hearings on the bill last June 22. The bill was unanimously recommended by the full committee in executive session on September 15.

The bill was redrafted with substantial revisions by the Department of Commerce and the other governmental agencies concerned. It is the product of intense effort by a large number of people.

The bill is designed to prohibit the use of vessels obtained at auction under a repurchase program by the Canadian Government. This program is carried out particularly in British Columbia. Under this program excess boats are repurchased by the Canadian Government at a fair market price, then resold at auction for a fraction of their original purchase price. A large number of them are inundating the Western American fisheries at the present time. Fishermen, however, throughout the Northern States on both coasts are concerned. At least four auctions have been held this year and several hundred boats have been put on the block. More auctions are scheduled and at least 850 boats will be sold eventually. This is a most serious problem requiring immediate attention by Congress.

I particularly appreciate the prompt reporting of this bill favorably by the Senate Commerce Committee and hope that this body will move rapidly to pass this bill.

I am informed that the House Merchant Marine and Fisheries Committee has already held hearings on this bill. I hope that the House of Representatives will act equally rapidly. Many fishermen face economic devastation unless we move swiftly to rectify the situation.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION FOR RECONSIDERATION OF VOTE ON H.R. 9463

Mr. JAVITS. Mr. President, yesterday I served notice that I would reserve the right to make a motion to reconsider an item on the Consent Calendar, H.R. 9463, which was a fairly routine bill, coming over from the House Ways and Means Committee, but had been amended in the Senate to include a provision respecting customs port security.

This customs port security measure was of great interest to us. It dealt strictly with international cargo and the terrible problem of theft and pilferage in respect of international cargo, which we estimate at a billion dollars a year.

Inasmuch as we have had pending—that is, the Senators from New York and New Jersey—an interstate compact to considerably tighten security in this respect by establishing a New York-New Jersey airport commission, we wanted to be absolutely positive that we were not being preempted by this legislation or that, if we were, the security scheme contemplated by the legislation was at least as good as the security scheme contained in our compact.

I have examined the bill, and I have made inquiry of the Treasury Department respecting the interpretation they will give the bill, which they favor; and a letter has been sent to Senator LONG, as chairman of the Committee on Finance, from which I read an excerpt:

> The approach to the problem of cargo theft and pilferage taken in the Compact—control of personnel having access to cargo—is entirely consistent and compatible with the approach taken in the Customs Port Security Act. The licensing provisions of the proposed Compact and the existing Waterfront Compact are not affected or superseded by any provision in the Customs Port Security Act. Furthermore, the Customs Port Security Act only relates to the security of terminals handling international cargo while the Compact applies to all airport terminals in New York and New Jersey.

I point out in that regard that two of our terminals—to wit, La Guardia and Newark—handle only domestic freight and, therefore, would be completely excluded from this bill, and that even at Kennedy Airport a few terminals also handle only domestic freight and, therefore, would be excluded from this bill.

For all those reasons, Mr. President, I should like to ask Senator LONG whether, as the manager of the bill, he accepts the Treasury's explanation, and whether or not his interpretation of the bill is exactly as the Treasury Department states. I again want to express to him my appreciation for bearing with me while I held up his bill, as it were, for a day in order to look into it.

Mr. LONG. Mr. President, I ask unanimous consent to have printed in the RECORD the letter from the general counsel of the Department of the Treasury.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE DEPARTMENT OF THE TREASURY,
Washington, D.C., September 27, 1972.

Hon. RUSSELL B. LONG,
Chairman, Senate Finance Committee,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Senator Javits has requested clarification of the relationship between H.R. 9463, as passed by the Senate and S.J. Res. 54, "Granting the consent of Congress to the States of New Jersey and New York for certain amendments to the Waterfront Commission Compact and for other purposes." S.J. Res. 54 grants the commission provided for therein the authority to control access, egress, and traffic in airports through a licensing and identification card system. It can issue, revoke, or suspend licenses and assess penalties. The commission is also authorized to promulgate such rules and regulations as the commission may deem necessary to provide for the maximum protection of air freight. The commission will be funded through an assessment on businesses operating at the New York-New Jersey airports.

The customs port security title of H.R. 9463, provides that if the Secretary of the Treasury determines that the theft or pilferage of imported cargo or cargo for export has become detrimental to the international trade and commerce of a port of entry, taking into account the pertinent factors relevant to the security of cargo at the port, he shall after consultation with the various federal, state and local agencies having authority over the safety of goods and merchandise moving in commerce, establish such cargo security measures as he may require to protect such cargo at cargo terminals.

The approach to the problem of cargo theft and pilferage taken in the Compact—control of personnel having access to cargo—is entirely consistent and compatible with the approach taken in the Customs Port Security Act. The licensing provisions of the proposed Compact and the existing Waterfront Compact are not affected or superseded by any provision in the Customs Port Security Act. Furthermore, the Customs Port Security Act only relates to the security of terminals handling international cargo while the Compact applies to all airport terminals in New York and New Jersey. Treasury has pledged to work in close cooperation with state and local agencies on eradicating the cargo theft problem at ports of entry, and there will be close consultation with such bodies before the issuance of any regulations relating to the security of cargo terminals which might have the effect of preempting any state or local laws. The mere passage of this legislation will not preempt any such laws.

Sincerely yours,

SAMUEL R. PIERCE, JR.

Mr. LONG. Mr. President, I assure the Senator that this letter states the view that those of us on the committee hold.

This event demonstrates the diligence of the Senator from New York in watching matters which are of great interest and concern to the citizens of his State and, indeed, of the Nation.

We in the committee thought that we had taken care of the matter to which the Senator has addressed his concern. I am happy that he is satisfied that the compact he has referred to has been adequately cared for. If it were not, we certainly would want to hear from the Senator. I thank him for his interest in the matter.

Mr. JAVITS. I thank the Senator.

Mr. President, we have been trying to get this compact approved for several years now. It is a remarkably fine initiative on the part of the States, and certainly our interplay with respect to this bill demonstrates its need. Even this bill, which Senator LONG has brought to us and has given us the opportunity to pass, leaves out an enormous element of the air commerce of the New York metropolitan area, and the situation is the same elsewhere. The problems of cargo theft and organized crime at the airports are colossal.

The Committee on the Judiciary has completed its hearings on our compact resolution; and I ask unanimous consent to have printed in the RECORD, for the information of Senators, the testimony of the attorney general of the State of New Jersey and of the Governor of the State of New York and my statement in support of the compact.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF GEORGE F. KUGLER, JR., ATTORNEY GENERAL, STATE OF NEW JERSEY, BEFORE THE SENATE JUDICIARY COMMITTEE, IN SUPPORT OF SENATE JOINT RESOLUTION 54, SEPTEMBER 19, 1972

As the Attorney General of the State of New Jersey, I wish to thank this Committee for the opportunity to appear once again before the Committee and to emphasize the continuing strong support of the State of New Jersey for the Airport Commission Compact, to seek to impress upon the Committee the vital importance of the Compact to the economic growth of the State of New Jersey, and therefore to urge speedy Congressional approval of the Compact in the waning days of the Congressional session.

In my prior appearance before the Committee, I explained how the various provisions of the Compact would cope with the criminal control by organized crime of the airfreight industry at the New York and New Jersey Metropolitan airports and improve cargo security at such airports. I also gave my opinion that the Compact more than met all the requirements of due process and provided the necessary legal safeguards, including the right to hearing and judicial review. I also briefly reviewed the vast improvements brought about by the Waterfront Commission on the New Jersey-New York waterfront since its creation in 1953.

I would now like to address myself to the objections raised by the airlines before various Congressional Committees in opposition to the Compact.

One of the major arguments made by the airlines is that the Compact conflicts with various federal proposals in the area of cargo protection. Significantly, the airlines are the only persons who make this claim.

No interested federal department or agency has ever stated at any time that there is a conflict of any nature between the Compact and any federal program, either operative or contemplated. On the contrary, every interested federal agency and department which has expressed a view on this question has categorically stated that no conflict exists between the Compact and their federal functions and they do not oppose Congressional approval of the Compact. Let me review with you their most recent expressions of opinion on the Compact:

By letter dated September 21, 1971 to the House Judiciary Committee, the Department of Transportation, upon which the President has devolved the authority to coordinate all federal activities in the area of cargo protection, has specifically stated that the provisions of the Compact "do not conflict with the various federal programs in which we and other Federal agencies are now engaged. In fact, should the Compact legislation be enacted we would hope to work closely with the [Waterfront] Commission and exchange our thoughts and program proposals with them." [House Judiciary Report No. 92–1025, pp. 18–19].

By letter dated September 17, 1971, the Department of Justice stated that it has no objection to the Compact, asserting "[w]e endorse this objective [of the Compact to eliminate crime at he airports] and have no objection to the enactment of this legislation" [*Id*, at pp. 12–13].

The Civil Aeronautics Board by letter dated September 17, 1971 stated that it "continues to be in full accord with the objectives of H.J. Res. 375 [the Compact] and the related measures" [*Id*, at pp. 21–22].

The United States Postal Service by letter dated October 7, 1971 stated that it "would expect no difficulty in establishing a close working relationship with the [Waterfront] Commission, in view of the Commission's and our common objections in these matters" [*Id*, at pp. 14–15].

The Department of Transportation by letter dated April 24, 1972 stated, in connection with the recent passenger protection program of the Federal Aviation Administration against hi-jackings and bomb threats, that, while the FAA's program "will indirectly enhance the security from theft and pilferages of cargo at many airports . . . [w]e do not, however, envision any conflict or difficulty arising between the Federal Aviation Regulations and the proposed Airport Commission Compact". [*Id*. at pp. 19–20].

Thus, the interested federal agencies and departments have unequivocally stated that there is no conflict with the Compact and that in fact they support the Compact. Hence, the fact of the matter is that the airlines alone are trying to create a conflict when in fact none exists. Moreover, if in the future some federal program may be enacted, Congress is free to then decide whether to make the federal program compatible with the Airport Compact or whether to preempt the Compact.

In view of the absence of any conflict between the Compact and federal functions together with the fact that the Airport Compact is an anti-crime measure enacted by the people of New Jersey and New York in the exercise of their police powers to protect themselves from the menacing problem of control of the air freight industry by organized crime and from the concomitant evil of cargo thefts at their airports, the sovereign will of the people of New Jersey and New York, as embodied by the Compact, should not, I submit, be frustrated. Accordingly, since the Compact before you not only involves no impairment or diminution of federal interests or prerogatives but indeed is affirmatively supported by the interested federal agencies and departments, those who seek to block Congressional consent to the Compact have a very heavy burden of proof indeed, which they cannot meet. This very fact was pointed out by the House Judiciary Committee when in reporting out the Compact, it specifically stated that "the action of the two States in fashioning the Airport Commission should be accorded every accommodation short of betrayal of the federal interest. When the subject legislation is given this benefit, the principal objections to enactment lose much of their persuasive weight". [*Id*, at p. 9].

Another important consideration is that no proposed federal program—and rightfully so—provides for licensing the cargo workers since all the airports throughout the nation do not have the same conditions of criminal control by organized crime as unfortunately exist at our airports. Only the Airport Compact, which is specifically tailored to combat the particularly criminal conditions at the metropolitan New York-New Jersey airports, provides for licensing because those provisions are a necessary remedial measure.

Even the airlines themselves acknowledge that an effective screening program for their workers is necessary for airport security and in fact have attempted to institute such a screening program. However, in the absence of authority by the airlines to fingerprint workers and to obtain criminal records, no such screening program can be effective.

Further, and most importantly, it is my opinion—and I am sure that the Committee will agree with me—that where screening of employees is concerned, it is infinitely more desirable that the screening be done under governmental auspices rather than by private business firms. I have in mind not only the inability of private business firms to ascertain the criminal records and criminal activities of workers but, even more importantly, the protection of the rights of the workers themselves. Under the Airport Compact, for example, a person may be denied the right to work at the airports only for stated statutory grounds and only after a hearing at which the worker has the right to be represented by his counsel, to cross-examine witnesses, to subpoena witnesses and evidence on his behalf, and to court review of any adverse determination. This umbrella of rights and protections does not exist at all in any screening of applicants for work by private business firms.

I have made reference in my statement to you today about the sinister control of organized crime at the airports in the metropolitan New York-New Jersey area. Obviously, the airlines are impotent to deal with this problem.

For example, in late 1971, one Harry Davidoff, the head of the dominant truckers' union at the airports and a notorious mobster who started his criminal career as a Member of Murder Inc. and who publicly boasted that he could personally shut down the operations at Kennedy, was federally indicted in the Eastern District of New York on twenty-five counts of extorting from an airline, by threats of labor disputes and work stoppages, airline tickets valued at more than $9500. In July, 1972, three individuals, including one Anthony Di Lorenzo, a Vito Genovese crime family member and the head of National Association of Air Freight, Inc., the dominant air freight trucking association at the airports, were federally indicted in the Eastern District of New York for extorting $190,000 from an air freight forwarder, by threats of labor disputes and work stoppages, for labor consultant services that were unwanted and unneeded. Most importantly, the same National Association for Air Freight, Inc., is under federal indictment together with many individual member trucking firms, for monopolizing the air freight trucking business at the airports with the result, according to the language of the indictment, that "air carriers have been deprived of the benefit of independent decisions by the defendant and co-conspirator truckmen as to whether such truckmen would pick up import air freight at the international air carriers terminals at JFK."

This series of indictments shows not only that the airlines are powerless to deal with organized crime but indeed that the airlines and the air freight industry themselves are the victims of organized crime and it is not realistic to expect that the victims of organized crime can themselves eliminate the criminals who oppress them.

The airlines also argue that, according to Port Authority statistics, the thefts at the airports have been substantially reduced and that there is no longer any need for the Compact. As Waterfront Commissioner Richard J. Vander Plaat has shown in his testimony before this Committee, the theft figures furnished by the airlines are incomplete and inaccurate for a variety of reasons:

The air freight industry only reports those losses which they themselves classified as thefts. In the connection, the airlines have yet to make known to anyone the total amount of losses at the airports from all causes, namely, thefts, non-delivery, and unexplained disappearance.

The losses that occur at the growing number of airport facilities located outside the perimeter of the airport premises operated by Port Authority are not included in the theft figures cited by the airlines.

The airlines have never reported at all the mail losses which the recent McClellan hearings established were substantially in excess of $70 million at Kennedy airport between the period late October 1967 and July 1970.

The theft figures do not include many thefts, especially hijackings, which are planned at the airports with inside knowledge of the cargo being handled but which actually occur elsewhere.

In fact, the Port Authority itself has before Congress that theft figures used by the airlines are inaccurate and cannot be relied upon.

In closing, I wish to call to the attention of this Committee that the people of the States of New Jersey and New York, through the Port Authority, are investing two hundred million dollars in a vast expansion program for Newark airport. This program will greatly increase the cargo handling capacity at Newark. We are vitally concerned that the criminal conditions existing at our metropolitan airports do not stifle this growth at the expense of the economy of the State of New Jersey. Therefore, on behalf of the State of New Jersey, I respectfully request the Congress to give speedy consent to the Airport Compact.

STATEMENT OF THE HONORABLE NELSON A. ROCKEFELLER, GOVERNOR OF THE STATE OF NEW YORK

Chairman Eastland and Members of this Subcommittee, I appreciate the opportunity to reiterate once again my support for the Joint Resolution pending before you granting Congressional consent to a compact designed to combat organized crime and air cargo thefts at the New York City metropolitan airports.

As you know from testimony given earlier in these proceedings, the 1967 investigation of the New York State Commission of Investigation clearly demonstrated that control over the air cargo industry at the New York City metropolitan airports was increasingly exercised by organized crime.

The State Commission of Investigation updated this report in 1970 and found that racketeer elements continued activity at the airports. In response to this finding as you know, the Legislatures of New York and New Jersey passed the Compact now before you with overwhelming bi-partisan support.

A more recent report from the State Commission of Investigation indicates that organized crime's activity at these airports continues to this day. In a letter dated August 10, 1972, Chairman Paul J. Curran of that Commission discussed the continuing incidence of theft and went on to point out:

"However, cargo theft was only one aspect of our investigation. Our main focus was upon the manifestations of racketeer infiltration in the air freight industry, labor union and truckmen's association, with particular relation to operations at Kennedy International Airport. As stated in our report, we found that the dominant air freight union at Kennedy International Airport, Local 295 of the International Brotherhood of Teamsters, was headed by two officers who were associates of convicted labor racketeer John Dioguardi (also known as Johnny Dio).

"We further found that the truckmen's association, which at the time of our public hearing was known as MITA (Metropolitan Import Truckmen's Association) was under the influence of Anthony DiLorenzo, an ex-convict and a known racketeer who has been identified by law enforcement officials as a member of the national crime syndicate. It should be emphasized that the union and the association were working together as a 'hammer and anvil' between which both management and labor were being hammered and squeezed. This insidious arrangement placed the air freight industry at Kennedy International Airport under the virtual control of racketeers who ruled both organizations.

"Since the date of our public hearing in December 1967, the aforementioned Anthony DiLorenzo has been convicted and sentenced to a 10-year prison term for transporting stolen securities. As recently as July 25, 1972, he was also charged in an indictment filed in the United States District Court for the Eastern District of New York with labor racketeering. . . . This points up the fact that the racketeers exposed in our investigation, who seek to gain control over the air freight operations at Kennedy International Airport are, indeed, still active. The activities of these racketeers and other organized crime figures who thrive on thefts and hijacking of air cargo, are a continuous serious threat not only to the security of the air freight industry and the metropolitan airports but to the people of our State."

Let me emphasize a point stressed by Chairman Curran in his letter but which has often been overlooked. The problem at the New York City metropolitan airports is not cargo theft alone; of even greater significance is the influence of *organized crime*. Racketeers have seized virtual control of the air freight industry at these airports by infiltrating of unions and the truckmens' association. Cargo theft is only one manifestation of this organized criminal activity. Of the bills now pending before Congress, only the Compact is addressed to the broad, root problem of organized crime that exists at the New York City metropolitan airports. The Compact gives the bistate commission power to weed out racketeers, as well as to provide cargo protection. None of the other pending bills goes beyond cargo protection.

In summary, serious criminal problems continue to exist at the New York City metropolitan airports. They will not go away by a wish or a prayer. The people of New York and New Jersey have the right to protect themselves against this criminal activity. They have chosen, through their elected representatives, to exercise this right by the Compact now before you.

I reaffirm my support for S.J. Res. 54 and urge your prompt and favorable action on it.

Thank you for the careful attention which I am sure you will give to this vital matter.

TESTIMONY OF SENATOR JAVITS

Mr. Chairman, I am grateful that the Judiciary Committee decided to hold these hearings and I appreciate the opportunity to testify in support of Senate Joint Resolution 54.

After conducting investigations and hearings of their own, the two sovereign states of New York and New Jersey found a compelling need to create an interstate regulatory body to help control cargo theft at the New York City metropolitan area airports. The interstate compact embodied in this Resolution represents the will of those states to create such a body and I believe no reason has been presented to prevent the states from carrying out their own initiative.

This resolution would authorize the Waterfront Commission of New York and New Jersey—to be renamed the Waterfront and Airport Commission—to regulate the air freight industry at those airports. The commission's primary functions would include the promulgation of regulations to provide fiscal security for air freight; the designation and protection of air freight security areas at which access would be granted only to those with commission approval; and the licensing of contract trucking firms, which transport air cargo, and their truck personnel, the operators of air freight terminals, the airport employees handling air freight, and labor relations consultants in the air freight industry.

This resolution was introduced first in the last Congress. In the Senate, after it was referred to the Judiciary Committee for substantive review. The Commerce Committee, after hearing many witnesses, favorably reported it to the Senate and recommended that it pass. Thereafter, it was referred back to the Judiciary Committee which unfortunately did not act on it before the end of the session. It was introduced again this session and referred to the Judiciary Committee.

The Commerce Committee's report (91–1262), recommending that last year's counterpart to this Resolution (S.J. Res. 222) pass, recognized the need for a national intermodal program for cargo security. The report went on to say (p. 4) however:

"Nevertheless, with respect to the present legislation (S.J. Res. 222; now S.J. Res. 54) there is a presumption in favor of State action, unless it can be shown conclusively that the interstate compact is in conflict with existing Federal law; or that it would be detrimental to interstate and foreign commerce; or that there is imminent Federal legislation which would conflict with the interstate compact.

"On the basis of the hearing record, such a showing has not been made."

I have testified before the Commerce Committee last year on this same resolution. The positions I took and the beliefs I expressed then remain the same as now—there is and has been no reason to change them—and I ask that that testimony be placed in the record at the end of my remarks. There are a few points I wish to reiterate, however.

This Compact admittedly grants significant powers to the Commission. It would be given discretion to determine who is and who is not permitted to handle air freight. Let me say at the outset that ordinarily I would be loathe to grant any government agency such life and death power over the jobs of workers. But I feel Congress should give its consent to this agreement for at least two reasons: first, because the problem of cargo theft at the New York area facilities has so far defied the best, existing efforts of government and private business using the ordinary tools afforded by the law—as seen dramatically in the recent hearings held by Senator McClellan's Permanent Subcommittee on Investigations; and second, because this compact represents the will of two sovereign states to exercise their police powers jointly, and, as such, deserves our consent—unless we have something better and immediate to offer in the way of federal law. The Senate passed S. 942, just a few weeks ago, Senator Bible's bill to establish a commission to develop the basis for such a law; but at present, we do not have one. Under the circumstances we cannot in good conscience, repudiate the expressed will of two state legislatures and the requests of Governors Rockefeller and Cahill. When and if a better Federal law comes along it may supersede the compact.

The Waterfront Commission, after which the Airport Commission has been modeled has been substantially successful insofar as it was called upon to put an end to racketeering on the docks. All evidence points to the fact that it has not abused its discretion to license people to work. It has been trustworthy in exercising its discretion properly and there is no reason to believe that extension of its authority to the airports would produce different results. The Waterfront Commission, however, was not designed to guard and protect cargo per se, as is this Airport Commission extension.

This Resolution is not inconsistent with existing nor imminent Federal law. It is entirely consistent with the Bible bill as Senator Bible so stated in testimony before the Commerce Committee last year. Sen. Bill 942 states, "The Congress further finds that States and local governments, through exercise of their regulatory powers, have an equal responsibility in stimulating measures to enhance the safety and security of cargo storage and transport."

That bill, which I have cosponsored, was introduced largely as a result of evidence presented at hearings on cargo theft held by the Senate's Small Business Committee, on which I serve as ranking minority member. Among other things, this bill which embodies the imaginative concept of bringing together the resources of the private sector and the expertise of the Federal Government, establishes a commission to investigate the problem of thefts in all modes of transportation—air, truck, rail and water—and to make legislative recommendations to end cargo theft.

Other federal efforts in this field likewise are entirely consistent with this compact. To my knowledge, as is reinforced by the Department of Transportation's report on this Resolution to this Committee, the compact would be consistent with present regulatory agency regulations and with the ongoing efforts of the Department of Transportation and the Department of the Treasury.

I wish to stress that this Compact does

not violate the prerogative of the Federal Government to act. To the extent subsequent inconsistent Federal legislation were to be enacted, the Federal initiative, of course, would prevail.

The Transportation Department, as you may know, has recently launched a Cargo Security Program under the aegis of General Benjamin O. Davis, Assistant Secretary for Safety and Consumer Affairs. Under his direction are the Office of Cargo Security in the Department of Transportation and an Interagency Committee on Transportation Security which are now investigating all aspects of cargo security in an effort to develop effective security for all modes of transportation. There are twelve objectives to this program which should be commended. I wish to present a brief description of them for the record which the Department has supplied me and ask that it be inserted at the conclusion of my remarks.

There is great hope that this program, in combination with the commission established pursuant to Senator Bible's bill, will give us the information and develop the expertise necessary to insure safety in cargo transportation; but at the moment it is principally investigatory in nature and the results of its efforts will not be transformed into action for quite some time. It seeks a long term solution for the entire cargo theft problem, while this Resolution seeks an immediate remedy to an emergency situation.

The Treasury Department, through its Custom's Division headed by Assistant Secretary Eugene Rossides, has instituted a pilot program at JFK Airport in an attempt to reduce cargo theft. By regulation the Department has required a stricter accountability of the cargo that is unloaded at those airports and is requiring an improved physical security during the unloading and at cargo terminals, and an investigation and indentification of personnel handling cargo in international trade.

Unfortunately, the Treasury Department's jurisdiction is limited to cargo in international trade. It has no jurisdiction over domestic cargo, not even interstate domestic cargo and cannot, therefore, cover the whole problem that exists at the New York-New Jersey facilities. Nor does it have the concommitant licensing and regulatory authority that the Commission authorized by this Compact would have to cover all the cargo at the airports proper and their perimeters.

Cargo loss is extensive. Unfortunately, the question of just how extensive must be left for conjecture, for there exists no uniform, systematic and mandatory loss reporting system which can give us the figures. Witness after witness before the Senate Small Business Committee, the Commerce Committee, and recently the Permanent Subcommittee on Investigations has described the extensiveness of the theft and the pervasive existence of criminals and corrupt practices in the handling of cargo.

Yet no one is quite sure how much it is. I am told, for example, that the total estimated cargo loss for the nation for all modes of transportation in 1969 reportedly reached $1.2 billion. In 1970 it went up to $1.5 billion. Yet it is an estimate. Robert F. Cudak, a convicted mail thief testified in June before the McClellan Subcommittee that he alone stole more than $100 million, principally at the New York airports and their environs. Chief Post Inspector Cotter testified that postal thefts at JFK amounted to more than $70 million from 1965 to July of this year.

The Post Office Department has recently instituted at a cost to the government a new program—the Con-Con (convoy-containerization) program—which is designed to safeguard registered and high-valued mail to and from plane side of domestic airlines.

The Airlines Security Council, set up by the airlines to police their own problem report that the thefts at the New York City metropolitan airports dropped from $3,708,235 in 1969 to $1,540,970 in 1970. These figures must be examined closely, however, for I question their accuracy in measuring the "total loss" at the airports. I am told they only measure thefts on the "terminal grounds"—they do not include unclaimed losses; I do not know if they take into account that liability to the airlines for lost cargo is limited and paid by the "weight" of the loss rather than the "value" of the loss—50 cents per pound for domestic cargo and $7.50 per pound for international cargo—and that the bulk of the air cargo shipments is high value consumer type commodities whose value to weight is far in excess of these liability limitations; nor do they include losses that may occur transporting cargo to warehousing on the perimeter of the airports—which basically is the airlines' responsibility—where many thefts occur and which would be within the jurisdiction of the Commission. Air carriers by tariff regulation are responsible for goods moving by ground transport in conjunction with air carriage unless otherwise specified by contract. Further, there has been no requirement that the air carriers report theft, until the Customs Division implemented its accountability regulations on imported cargo. There has been no mandatory loss reporting system. The present Airlines Security Council and New York Port Authority systems are strictly voluntary and the Treasury Department's regulation on international cargo loss reporting at JFK is just being implemented now.

It is significant to note that during the time the Airlines Security Council claims losses were declining, Eastern Airlines, until ordered otherwise by the CAB, sought to limit the handling of clocks, watches and watch parts in the New York area because insurance was cancelled for their cartage agent as a result of the extensive hi-jacking of watch shipments and Lloyds of London, according to a new clipping from *Business Insurance*, June 7, 1971, issued a report that warned several airlines that Lloyds cannot go on meeting the mounting claims for lost goods because of the poor cargo security at American airports, particularly at JFK.

Mr. Chairman, it is time to join all the resources of law enforcement at every level of government with the ingenuity and determination of industry and labor to meet and match the problem that is seriously affecting the economy of our nation: cargo theft.

There is no question but that we need a national program, one which can be marshalled whenever and wherever we are faced with a high incidence of cargo theft.

In the meantime, however, the problem is too acute in the New York-New Jersey area to wait. The States of New York and New Jersey have agreed upon and have enacted a program which will give the states the opportunity to remedy a problem within their own borders and which can be put into effect almost immediately if the Federal government gives the plan its consent. No other governmental or private body has been able to solve the problem satisfactorily or is likely to solve it satisfactorily within a short time. This was the thrust of the Commerce Committee's decision last year.

The States of New York and New Jersey believe that the compact would not be in conflict with existing federal law nor be detrimental to domestic or foreign commerce, and no other federal legislation is imminent. Clearly the burden should be on those who oppose the Resolution to show that this is not the case.

Mr. Chairman, I wish to submit for the record, an article from the September 21, 1971 issue of *Airport News* which describes how criminal elements appear to be moving their base of operation from the New York airports because this Resolution is likely to pass. If there is even the slightest possibility of this move—which I hope there is—then we should not turn back on this Resolution now.

Certainly cargo theft is only part of a greater crime problem involving organized crime and the ordinary thief. It cannot be attacked only by strengthening the physical protective devises, increasing the policing strength, or monitoring people. Those who are confronted by the crime—in this case the industries and businesses themselves—must also be willing and encouraged to help. After all, it is in their best interest. The Airlines Security Council set up by the airlines to police their own problems is a fine example, whatever success it has had, and its creation should be applauded. But when industry and business fail or are unable to cope with the situation alone, the government must step in. The threat of government action in the cargo theft area may already have shown this to be correct. As the Transportation Department states in its report to the Committee on this Resolution, "Undoubtedly this threat of regulation contributed to the airlines' more vigorous pursuit of their security program." The Commission that would be authorized by this Compact I hope would not be viewed as a threat to the airlines or the Airlines Security Council, but rather as a partner in the effort to ensure cargo security and sound business enterprises, as a complement to their efforts.

Mr. Chairman, this Resolution is an excellent initiative taken in the finest tradition of our federal structure and I hope the Committee will consider it favorably.

Again, allow me to thank the Committee for convening these hearings.

Mr. JAVITS. Mr. President, the time has come to let the States go forward with what is obviously something not being done and is urgently necessary for their own security in respect of these tremendously important transportation media. I hope very much that the Committee on the Judiciary will report the compact favorably—so far as I know, there is no objection to it—and that it can go through on the consent calendar and that the States, at long last, will be permitted to protect themselves. Obviously, the bill we are now going to send to the House does not protect the States in the way we have now developed.

So. Mr. President, just for the record, I withdraw my reservation on this bill.

EXTENSION OF TIME FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE POWER OF THE PURSE

Mr. PACKWOOD. Mr. President, apparently, within the next week we will be undertaking in this Chamber, if the House passes the bill, the decision as to whether or not to delegate to the President the power to cut expenditures in this fiscal year above the figure of $250 billion.

This is not a matter to be taken lightly. It will involve, if Congress undertakes it, the delegation to the President of a power that historically has been that of Congress rather than that of the President. The argument is going to be made, I think, that Congress is unable fiscally to govern itself. The budget has reached such proportions and complexities that it is beyond the ken of Congress to understand.

I have not yet determined in my own mind which way I will vote on this bill when it comes before the Senate because I think all of us are aware of the fact that we are presently faced with the largest deficit in the peacetime history of the United States in this fiscal year. Congress seems unable itself, for the moment, to put its own house in order.

Mr. President, I ask unanimous consent to have printed in the Record an article published in the Wall Street Journal on September 19, 1972, entitled "Can Fiscal Policy Be Controlled?" and an editorial published in the Portland, Oreg., Oregon Journal for September 25, 1972, entitled "Giving Away Power of the Purse."

There being no objection, the article and the editorial were ordered to be printed in the Record, as follows:

Can Fiscal Policy Be Controlled?

(By Paul M. McCracken)

Is it possible that modern governments cannot manage fiscal policy? Only a few years ago to raise such a question would be to mark one as a troglodyte, a hair shirt who had not yet discovered that the thing to do with budgets was not necessarily to balance them but to manage them in ways that would produce the right economic conditions. That might call for a surplus, or a balance or a deficit. It would all depend.

Why the new skepticism?

It is not all home grown. Part of it grows out of international experience. In the early part of last year, for example, Germany was concerned about inflationary pressures on her economy. The concern was understandable. The German price level was rising at the rate of over 6% per year. This was about our rate at its worst in 1969, and it was particularly unacceptable to an inflation-conscious country like Germany. The fiscal prescription for this problem was obviously to limit spending and run a good strong budget surplus. The fiscal program that actually unfolded involved deficits and expenditures which rose 12% in 1971. Fiscal restraint, never popular politically, apparently looked particularly unattractive to this government with its thin parliamentary majority. A tough monetary policy was, therefore, deployed, but this drove interest rates above world levels and attracted a flow of funds into the country which aggravated the international monetary problems of that period.

It might be assumed that modern fiscal policy could at least be worked in the expansionist direction. Yet Japan has had its problems putting in place a sufficiently easy fiscal policy. Their sluggish domestic economy has had more slack than ours. This has, of course, produced sluggish imports, a large trade surplus, and emergent pressure for another upward revaluation of the yen (something which they very much want to avoid). Moreover, Japan needs to spend more on social facilities to bring them more into line with those needed by an advanced and high-income nation. Yet the required degree of fiscal expansion never really has been put in place.

A look over the world economy during recent years, in short, produces a picture of economic conditions which called for fiscal policies that the political process did not, and presumably could not, provide.

It is when we examine our fiscal problems at home, however, that doubts about how maneuverable fiscal policy really is have begun to emerge. Before we dismiss Japan's difficulty in achieving a sufficiently expansive fiscal policy as a special case, we should recall our own major excursion into tax reduction almost a decade ago. President Kennedy recommended tax reduction in January 1963, and indicated earlier that he would do so, but the actual tax reduction could not be achieved until March 1964.

RISING PUBLIC OUTLAYS

The real problem for modern fiscal policy, however, is the relentless rise in public outlays. The magnitudes are impressive. In 1965 the economy regained reasonably full employment. Yet from 1965 to 1968 the rise in federal, state, and local outlays (on a national accounts basis) was equal to almost 57% of the rise in national income, and the figure for the period 1968 to 1972 (first quarter) was almost 48%. With roughly half of the increase in national income absorbed by rising government outlays, the ground swell of public concern about taxes becomes understandable. Somehow our expenditure decision-making process has been giving us a larger rise in outlays than people are ready to pay for. The result is a trend that will carry expenditures for this fiscal year at least $10 billion beyond revenues that the tax system would produce at reasonably full employment.

Part of the problem is that to a growing extent federal outlays reflect permanent programs with yearly increases built in. They are thus uncontrollable in the literal sense unless legislation is changed. Social Security, agriculture, welfare—these are programs whose aggregate outlays will be determined by specified benefit levels and the number of eligible recipients. We thus have outlays on a path that is rising more rapidly than the increment of revenues that on-going economic growth will provide from any given tax system. The fiscal dividend of the 1960s has been replaced by the fiscal mortgage of the 1970s. If outlays continue to rise this rapidly, periodic increases in tax rates or new taxes will be required, something that the political process will not find it easy to deliver.

The problem has many roots, but a major one is the "new" fiscal policy itself. In retrospect it seems clear that the "new" fiscal policy threw a baby out with the bath water—namely, the idea of fiscal discipline. The old always-balanced budget philosophy did seem at times to call for perverse actions, such as increased taxes or slashed spending in recessions, but it did impose a discipline. It, in principle, required that governments couple with the delectabilities of spending the distasteful task of raising taxes. Thereby a rough cost-benefit equilibrium was achieved.

It was achieved intellectually, and it worked surprisingly well practically. Up to the Great Depression the budget had a surplus in two nonwar years out of three while in the postwar period there have been deficits in two out of three years. "Marriage is popular," observed George Bernard Shaw, "because it combines the maximum of temptation with the maximum of opportunity." Something like this seems to have characterized the actual working of modern fiscal policy. Having been told that there are times when the budget ought not to be balanced, the political process finds it tempting to assume that "now" is one of those times. And the always-balanced principle has metamorphosed into a never-balanced budget.

If modern fiscal policy is ever to live up to its potential, the concept of fiscal discipline must regain a central position in budget policy.

The President put forward a helpful concept with the idea that outlays should not exceed the revenues the tax system would generate at reasonably full employment. This would enable the budget to be expansive during a period of sluggish economic conditions, but it would assure that the budget would come back into equilibrium, with revenues covering outlays, when no further economic stimulus was needed.

CONGRESS IS THE KEY

The key to regaining a greater sense of fiscal discipline is in the Congress. Present congressional procedures do a reasonably effective job of screening the merits of individual requests for money. In that sense the budget problem is not waste and foolish spending. What one person considers "waste" or "unessential spending" is, of course, another's high-priority program. The problem is that the aggregate of individually meritorious programs will always exceed any viable total. In that important sense the federal government's budget problem is similar to that of a family or a business. There are other respects in which it is different, but economists have been so preoccupied with the differences that this important parallel has been overlooked.

Good budgetry, therefore, requires a procedure for deciding not only whether each proposed outlay is good but whether it is good enough to be included within some viable limit or total. This is the missing element in the congressional process. Without it the whole process has a bias toward larger spending than the citizenry will want—want in the only meaningful sense of what it is willing to forego in the way of private spending for these public programs.

The Appropriations Committees have made a small beginning by initial hearings on the budget as a whole. This is a good start. It should develop further into some meaningful actions about each year's budget as a whole.

What is essential is some procedure by which the Congress itself will decide what total outlays should be, and by which Congress also explicitly accepts responsibility for the aggregate expenditures which are the result of their individual program decisions. The initial congressional overview of the whole budget might be extended to include a total within which individual program decisions would have to fit (though early postwar attempts along this line were quickly dropped). Individual appropriations bills could be held until all are passed in order to see what the results would be for total outlays, with perhaps an amendatory bill to keep the total within a viable limit.

Whether modern fiscal policy can yet become a powerful tool for economic adjustment, or whether it must remain a theoretical idea with little substance in reality and largely immobilized by a relentlessly rising outlay trend, is going to depend heavily on whether a greater degree of fiscal discipline can be injected into the budgetary process. Because fiscal policy has substantial potential for domestic economic management and for harmonizing divergent national objectives in the world economy, it is important that the budgetary process be subjected to this greater sense of discipline.

On this both the "new" fiscalists and the "old" budget balancers have common ground.

BOARD OF CONTRIBUTORS

The Wall Street Journal is pleased to announce a new feature, the Board of Contributors, intended to present a broad range of viewpoints on current topics. Four distinguished university professors have been invited to contribute regular monthly articles, and each has agreed to write eight to twelve times over the next year. The contributors are:

Walter W. Heller, Regents' Professor of Economics at the University of Minnesota and former chairman of the Council of Economic Advisers under Presidents Kennedy and Johnson.

Irving Kristol, Henry Luce Professor of Urban Values at New York University and co-editor of the quarterly, The Public Interest.

Paul W. McCracken, Edmund Ezra Day University Professor of Business Administration at the University of Michigan and former chairman of the Council of Economic Advisers under President Nixon.

Arthur Schlesinger Jr., Albert Schweitzer Professor of the Humanities at the City University of New York and winner of Pulitzer Prizes in history and biography.

Dr. McCracken's article is the third in the series. An initial article by Dr. Schlesinger will appear later this week.

[From Portland (Oreg.) Journal]

GIVING AWAY POWER OF THE PURSE

Reporters and congressmen were trying to probe the depths of the power that would be given one man—the President—by a spending-control bill in the House Ways and Means Committee.

Administration officials who designed the measure were asked whether the President could go beyond reductions in the normal appropriations bills.

Could he, for instance, cut social security? Or even the wages of federal employes and congressional salaries?

Yes, he would have the authority to go that far.

But "let's be realistic," admonished an official. "You're quibbling now. It just would not be politically realistic to do something like that."

But the question was repeated: Not would such cuts be made, but could they be made? In other words, how much power was being passed from the many to the one, from the policy-making representatives of the people in the Congress to the single executive?

Yes, the President's power would be close to absolute in spending money.

No, of course the President would not plan to use that power to make politically unrealistic cuts.

But the point is that the power would be in his grip. How many times will members of Congress have to complain about presidential misuse of congressional authority that some previous Congress had voted to pass on to the executive before they begin to get their own message?

Gradually, the lawmaking branch is eroding its own rights and responsibilities, leaving it devoid of its standing as a "separate and equal" branch while surrendering more and more of its duties to the White House.

Is the power of the purse about to follow? At what point will Congress cease to be able to justify its own existence?

To be sure, a mechanism is urgently needed to bring sanity to federal fiscal affairs. Tossing the full responsibility to the President might be an expedient thing to do.

But it would not be sound government, at least within the concepts on which the American government is based.

It will be harder, but much more beneficial in the long run, if Congress will develop its own methods of keeping a lid on spending.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

LIST OF CONTRACT AWARD DATES

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a list of contract award dates, for the period September 15-December 15, 1972 (with an accompanying report); to the Committee on Armed Services.

REPORT OF NATIONAL RAILROAD PASSENGER CORPORATION

A letter from the Vice President, Public Affairs, National Railroad Passenger Corporation (Amtrak), transmitting, pursuant to law, a report of that Corporation, for the month of June 1972 (with an accompanying report); to the Committee on Commerce.

PROPOSED LEGISLATION RELATING TO SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION

A letter from the Attorney General, transmitting a draft of proposed legislation to amend section 101 and 902 of the Federal Aviation Act of 1958 and chapter 2, title 18, United States Code, to implement the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, and for other purposes (with accompanying papers); to the Committee on the Judiciary.

REPORT ON APPLICATIONS PRESENTED BY LLANO ESTACADO FARMWORKERS OF TEJAS, INC.

A letter from the President and members of the South Plains Association of Governments, Washington, D.C., transmitting, pursuant to law, a report on applications presented by Llano Estacado Farmworkers of Tejas, Inc. (with accompanying papers); to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the City Council of Campbell, Ohio, praying for the enactment of legislation relating to the shortage of natural gas; to the Committee on Commerce.

A petition of the staff of the Early Childhood Resource Center, Brooklyn N.Y., praying for the enactment of legislation relating to Day Care; to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HARRY F. BYRD, JR., from the Committee on Armed Services, without amendment:

H.R. 14537. An act to amend section 703(b) of title 10, United States Code, to extend the authority to grant a special thirty-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas (Rept. No. 92–1233); and

H.R. 14915. An act to amend chapter 10 of title 37, United States Code, to authorize at Government expense, the transportation of house trailers or mobile dwellings, in place of household and personal effects, of members in a missing status, and the additional movement of dependents and effects, or trailers, of those members in such a status for more than one year (Rept. No. 92–1234).

By Mr. HARRY F. BYRD, JR., from the Committee on Armed Services, with amendment:

S. 3203. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, in order to extend under certain circumstances the expiration date specified in a power of attorney executed by a member of the Armed Forces who is missing in action or held a a prisoner of war (Rept. No. 92–1232); and

H.R. 14909. An act to amend section 552 (a) of title 37, United States Code, to provide continuance of incentive pay to members of the uniformed services for the period required for hospitalization and rehabilitation after termination of missing status (Rept. No. 92–1235).

By Mr. TUNNEY, from the Committee on the District of Columbia, without amendment:

H.R. 2895. A bill to provide for the conveyance of certain real property in the District of Columbia to the National Firefighting Museum and Center for Fire Prevention, Inc. (Rept. No. 92–1237).

By Mr. TUNNEY, from the Commitee on the District of Columbia, with amendments:

H.R. 11032. A bill to enable the blind and the otherwise physically disabled to participate fully in the social and economic life of the District of Columbia (Rept. No. 92–1238); and

H.R. 11773. A bill to amend section 15 of title 4 of the District of Columbia Code to exclude the personnel records, home addresses, and telephone numbers of the officers and members of the Metropolitan Police Department of the District of Columbia from the records open to the public inspection (Rept. No. 92–1239).

By Mr. BURDICK, from the Committee on Interior and Insular Affairs, without amendment:

S. 3959. A bill to authorize the Secretary of the Interior to engage in feasibility investigations of certain potential water resource developments (Rept. No. 92–1240).

By Mr. EAGLETON, from the Committee on Labor and Public Welfare, without amendment:

S. 4044. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes (Rept. No. 92–1242).

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972—REPORT OF A COMMITTEE (S. REPT. NO. 92–1236)

Mr. MUSKIE, from the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2770) to amend the Federal Water Pollution Control Act, submitted a report thereon, which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EAGLETON, from the Committee on the District of Columbia:

Rockwood Hoar Foster, of the District of Columbia, Marjorie Parker, of the District of Columbia, and Jerry A. Moore, Jr., of the District of Columbia, to be members of the District of Columbia Council.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SPONG:

S. 4040. A bill to amend the act entitled "An act to authorize the Commissioner of the District of Columbia to sell or exchange certain real property owned by the District in Prince William County, Virginia." Referred to the Committee on the District of Columbia.

By Mr. PERCY:

S. 4041. A bill to provide income tax incentives for the modification of certain buildings so as to remove architectural and transportational barriers to the handicapped. Referred to the Committee on Finance.

By Mr. EAGLETON:

S. 4042. A bill for the relief of Mrs. Maria Estela Lagus. Referred to the Committee on the Judiciary.

By Mr. MONDALE:

S. 4043. A bill to prohibit pyramid sales transactions, and for other purposes. Referred to the Committee on Commerce.

By Mr. EAGLETON (for himself, Mr. BEALL, Mr. WILLIAMS, Mr. RANDOLPH, Mr. PELL, Mr. KENNEDY, Mr. NELSON, Mr. MONDALE, Mr. CRANSTON, Mr. HUGHES, Mr. STEVENSON, Mr. JAVITS, Mr. SCHWEICKER, Mr. PACKWOOD, and Mr. STAFFORD):

S. 4044. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. HATFIELD:

S. 4045. A bill for the relief of Ruben Jose Naum, his wife, Elena Dalmira Magula de Naum, and their child, Diana Mirta Naum. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PERCY:

S. 4041. A bill to provide income tax incentives for the modification of certain buildings so as to remove architectural and transportational barriers to the handicapped. Referred to the Committee on Finance.

ENVIRONMENTAL BARRIERS

Mr. PERCY. Mr. President, I am very pleased and grateful that the Senate approved the day before yesterday, September 26, 1972, my antienvironmental barriers amendments to the Rehabilitation Act of 1972. I would like to express my appreciation to Senator CRANSTON, ranking majority member of the subcommittee on the handicapped, and who acted as chairman of the hearings on the bill for facilitating the approval of my amendment. These amendments will help make every American aware of the problems environmental barriers create for the handicapped and elderly and of the justification for eliminating those barriers so that new public buildings and transportation systems will be designed to serve everyone.

However, awareness without the means to solve these problems is not enough. Today I am introducing a bill designed to further combat the frustrating environmental barriers that our society has so thoughtlessly placed in the paths of our handicapped and elderly citizens. With this bill, I hope to provide the appropriate incentives to stimulate public and private action for eliminating environmental barriers from the American scene.

One out of every five Americans today—some 44 million people altogether—confront problems of environmental barriers. The majority of public buildings and transportation systems in this country contain design barriers that prevent millions of citizens from easy access. Handicapped and elderly individuals find their way to a normal life often blocked—by a high curb, a flight of steps at the entrance, a door or corridor that is too narrow, telephones and water fountains that are too high, bathrooms that are inaccessible. These senseless barriers often make it impossible for the handicapped and the elderly to obtain an education, earn a living, attend a religious service, visit a national park or monument, go to the library or the museum, or, even, use the post office and the ballot box. With improved training and rehabilitation programs in recent years, the biggest handicap that many of our handicapped and elderly citizens face is often not their physical or mental limitations, but the thoughtless barriers imposed by a society designed and built for the normal and the healthy.

My amendments yesterday and this bill I am introducing today will benefit more than just the handicapped and the elderly, for the problems of environmental barriers really affect each and every one of us. The truth is that almost all of us, at one time or another, will suffer from disabilities which may limit our mobility and our capacity to function. The Department of Transportation estimates that short term illnesses or injuries incapacitate about 4.6 million people at any one time. Over 200,000 people per year may be permanently disabled in accidents, in war, and during birth. Eight out of 10 families may have a family member afflicted with a temporary or permanent disability at one time or another. And old age, of course, will catch up with every one of us. Estimates show that 71 percent of the population born in the years from 1959 to 1961 can expect to live past the age of 60. Because of technological progress, advanced medical science, and social improvements, the number of handicapped and elderly people is ever increasing.

The American problem must recognize environmental barriers as a problem of the majority. Environmental barriers are not just the problems of the handicapped and the elderly. No one is assured of physical fitness every day, all his life. Everyone's physical and mental condition is subject to change, and the variations in one's capacity to function are endless. Every one of us has a need for an environment that is easily accessible and usable.

Moreover, many environmental barriers are more than barriers; they are hazards. And our cities' populations continue to increase, crowding in urban areas will become increasingly worse. Autos, buses, trains, subways and buildings must handle the entrance and exit of large masses of people at a rapid pace. Vehicles and buildings with narrow doors, turnstiles, and steps at entrances do not make sense. The congestion of our highways and city streets is a major cause of serious disabilities, injuries and death. The removal of these barriers would increase efficiency and eliminate risks, also making life more comfortable for the handicapped and the elderly.

Removal of environmental barriers is a real and honest human need It is a need, that once understood, would generate a design response that can provide everyone with a safer and more convenient environment. It is a need that, if given to the designer at the outset of his planning, can be met easily and with small, if any, extra cost, as design for accessibility is basically a business of eliminating rather than adding features. In 1967, the National League of Cities made a cost study of three new buildings—a civic center, a city hall, and a hotel. Comparing what was spent to what would have been spent to make these buildings accessible to the handicapped, the league found that the increased cost would have been less than one-tenth of 1 percent. The league also made cost estimates of seven hypothetical buildings, each representing a type commonly being built today. They figured that the extra cost of building them barrier-free would be less than one-half of 1 percent.

As for making existing facilities fully accessible and usable, there is little data. However, the General Services Administration reports that the increased cost for accessibility renovations is minimal—1 percent or less of renovation costs.

The problem of environmental barriers is not only a human one; it is also economic. Forty-four million people, or 20 percent of the population, represent a consumer force that businessmen would do well not to ignore.

For example, there are currently about 6,093,000 chronically handicapped people in this country, comprising approximately 3 percent of the national population. Of these 6,093,000 people, 5,693,000 would be potential riders of public transportation if our mass transit systems were barrier-free. In addition, it is estimated that there are now more than 18 million elderly citizens who may have difficulty using available mass transportation.

The human resources among the chronically handicapped are of considerable significance. As long as this country continues to have an environment in which only the normal and the healthy can live and thrive, the resources of the handicapped will be lost, costing this country a great deal in both human and dollar terms. Only 36 percent of this country's handicapped people are employed, compared with 71 percent of the nonhandicapped population. If this country were a barrier-free society, 13 percent of the chronically handicapped population aged 17 to 65—189,000 people—could return to work. Employment of this group at salaries at the level prior to their disability would result in total yearly economic benefits of more than $824 million.

Regardless of the economic cost, the human cost is immeasurable and monumental. I do not believe that the American people, if they understood the problem, would continue to deny the handicapped and the elderly their right to belong, to pursue their aspirations, to develop their talents, to exercise their skills, to move about freely, and to live in dignity and self-respect as every other American. Given the chance, I am sure that the American people will rise to the challenge to create a barrier-free environment for the good of everyone—young and old, handicapped and nonhandicapped.

My antienvironmental barriers legislation, hopefully, will help make certain that our public buildings and transportation systems are no longer off limits to the handicapped and the elderly.

I ask unanimous consent that the following bill and its summary be printed at this point in the RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 4041

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to itemized deductions for individuals and corporations) is amended by adding at the end thereof the following new section:

"SEC. 189. EXPENDITURES TO REMOVE ARCHITECTURAL AND TRANSPORTATIONAL BARRIERS TO THE HANDICAPPED

"(a) TREATMENT AS EXPENSE.—

"(1) IN GENERAL.—A taxpayer may elect to treat qualified architectural and transportational barrier removal expenses which are paid or incurred by him during the taxable year as expenses which are not chargeable to capital account. The expenditures so treated shall be allowed as a deduction.

"(2) ELECTION.—An election under paragraph (1) shall be made at such time and in such manner as the Secretary or his delegate prescribes by regulations.

"(b) DEFINITIONS.—For purposes of this section—

"(1) ARCHITECTURAL AND TRANSPORTATIONAL BARRIER REMOVAL EXPENSE.—The term 'architectural and transportational barrier removal expense' means an expenditure for the purpose of making any facility owned or leased by the taxpayer for use in connection with his trade or business more accessible to, and usable by, handicapped individuals.

"(2) QUALIFIED ARCHITECTURAL AND TRANSPORTATIONAL BARRIER REMOVAL EXPENSE.—The term 'qualified architectural and transportational barrier removal expense' means an architectural or transportational barrier removal expense with respect to which the taxpayer establishes, to the satisfaction of the Secretary or his delegate, that the resulting removal of an architectural or transportational barrier meets the standards set forth by the Administrator of the General Services Administration, the Secretary of Defense, and the Secretary of Housing and Urban Development pursuant to the Architectural Barriers Act of 1968.

"(c) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) The table of sections for such part VI is amended by adding at the end thereof the following new item:

"Sec. 189. Expenditures to remove architectural and transportational barriers to the handicapped."

(c) The amendments made by this Act shall apply to taxable years ending after the date of the enactment of this Act, but only with respect to the expenditures paid or incurred after that date.

A SUMMARY OF THE BILL

A bill to amend the Internal Revenue Code of 1954 to permit tax deductions in lieu of depreciation or amortization for the cost of accessibility renovations in any facility owned or leased by the taxpayer for use in connection with his trade or business.

By Mr. MONDALE:

S. 4043. A bill to prohibit pyramid sales transactions, and for other purposes. Referred to the Committee on Commerce.

Mr. MONDALE. Mr. President, today I am introducing legislation designed to protect the consumer public from what is rapidly becoming the "consumer fraud of the 1970's"—the pyramid sales operation.

In the world of consumer fraud, the faces change but the vice remains the same. The Wisconsin Supreme Court has accurately described today's pyramid sales operation:

> However long the scheme lasts, it will infallibly leave a greater or lesser crowd of dupes at the end with no opportunity to recoup their losses because the bubble has at last burst. It contemplates an endless chain of purchasers, or, rather, a series of constantly multiplying endless chains, with nothing but fading rainbows as the reward of those who are unfortunate enough to become purchasers the moment before the collapse of the scheme. While contemplating large gains to the original promoters and early purchasers, it necessarily contemplates losses to the later purchasers; losses increasing in number with the greater success of the scheme. . . .

That description of chain selling was made in 1906. Nearly 70 years later, we find ourselves in the midst of an epidemic of vicious chain selling enterprises, which William J. Casey, Chairman of the Securities and Exchange Commission, recently estimated had taken over $300 million in investment money from the American public.

The operation of pyramid selling schemes has many, often complex variations. However, the basic scheme follows a recognizable general pattern.

The organization through which pyramid selling operates is composed of a number of different marketing levels. Consumers make an initial investment in one of the lower levels in the organization. For the money paid, they are given an inventory of the product which the organization is ostensibly organized to promote. The retail value of this initial inventory is usually considerably below the cost of the investment required.

These initial recruitments are made at promotional meetings, which are themselves an objectionable feature of these schemes. A wide variety of deceptive, high-pressure sales techniques are used to recruit new investors, including the planting of shills in the audience, who prominently display wads of large bills and promise the potential investor that the road to easy riches is at hand.

In one pyramid sales operation, those trying to recruit new members are advised to "buy a Cadillac, assure everybody you're making a fortune, hand out big checks at opportunity meetings, advise people they better get in fast because only a few slots are left." Prospective investors are bombarded with professionally staged selling talks from these shills, with the result that potential investors cannot make a rational choice.

Once the initial investment is made, the investor is encouraged to move up along the various marketing levels of the company—investing more money at each step—on the promise that he will be able to share in the allegedly lucrative amounts of money to be earned through the recruitment of still others to join the scheme. In the pyramid sales operations, it is made clear at the promotional meetings that the real "opportunity for riches" comes not from selling the product or service ostensibly promoted by the operation, but rather from inducing others to join.

As the Securities and Exchange Commission states in its complaint against "Dare to be Great," one of a number of pyramid selling operations promoted by Mr. Glenn W. Turner:

> As part of said scheme the defendants through Dare To Be Great purport to market a series of tape recorded, self-improvement courses, which are designated "Adventure's" I, II, III, and IV. The Marketing of said courses is but the vehicle by which defendants involve the purchasers therein in their centrally directed, nationwide, pyramid-selling scheme, whereby said investors are induced by the promise and expectation of fantastic income to invest their money for the right to introduce others who will in turn be similarly induced by the defendants to invest and bring still other investors into the pyramid . . .
>
> An investor at the Adventure III level is induced to pay an aggregate of $2,000 primarily upon the promise of an opportunity to share in profits derived from his introduction of other investors that the defendants recruit either at the Adventure I, Adventure II, or Adventure III level. An investor at the Adventure IV level is induced to pay an aggregate of $5,000 primarily upon the promise of an opportunity to share in profits derived from his introduction of investors that the defendants recruit at any Adventure level.

In this operation, an investor who wishes to rise to the top marketing level must pay an aggregate of $5,000. Of that amount, a total of $3,800 goes to previous investors who are paid huge fees for recruiting others to their ranks. In another similar operation—Holiday Magic—a person wishing to attain the top marketing rank—"general distributor"—must pay $4,000, of which $3,000 goes to the previous "general distributor" who "sponsors" the new person wishing to attain this rank.

The motivation all along the chain, therefore, becomes that of recruiting new bodies to join the chain, thereby reaping the large amounts of money supposedly to be derived from this recruitment of those further along the chain.

As with any chain selling device, however, promise and performance are usually very different. Although a certain number of individuals who are into the chain at an early stage do make money—occasionally large amounts of money—the essential vice of these operations is that of any chain referral scheme: There are simply not enough bodies to keep the chain in motion.

Thus if one person recruited six "friends" into his scheme, and if this friend obtained six more friends, and if this process were repeated for a total of nine times, the number of people in the chain would total 10,077,696. Obviously, this is a process which cannot be sustained. Unfortunately, however, those who enter this operation after the first few steps in the chain find that out only after a substantial investment of money.

There is no doubt that the net effect of these types of promotions results in large losses to the consumer public. The Pennsylvania Bureau of Consumer Protection obtained information from Dare to be Great, Inc., concerning their operation in Pennsylvania. They concluded that only 26 percent of the money invested in Dare to be Great by Pennsylvania residents had been recouped by investors—only $356,700 out of $1,358,-

300. In addition, a New York deputy attorney general who investigated Koscot International, another one of Mr. Turner's enterprises, reported that of 1,604 distributors and subdistributors in New York State, only 79 had earned more than $5,000 during the year under study and only 10 had earned more than $20,000. This was in an operation in which every investor was promised—before he invested—that he would make at least $100,000 per year.

The investigator in New York reported that if all the people in the New York program were to make the promised $100,000 per year, "at the end of the first year at least 150,000 new distributorships would have to be created and at the end of the second year New York alone would have to have 150 million distributors."

These pyramid sales operations are a major consumer problem which largely remains unsolved today. The vice chairman of the Consumer Protection Committee of the National Association of Attorneys General, in a letter to me, called these operations "perhaps the most serious pending consumer fraud problem." Bruce Craig, assistant attorney general in Wisconsin, stated in a letter to me that—

> It has been by personal experience, gained from contacts with many other attorneys general or their assistants, that these chain schemes have caused more concern among state enforcement officials than any other form of white collar offense.

At both the State and Federal levels, there have been significant steps taken to combat the problem.

At the Federal level, both the Federal Trade Commission and the Securities Exchange Commission have begun proceedings to attack these pyramid sales operations. Recently, a Federal district judge in Oregon granted a preliminary injunction against Glenn Turner's Dare to be Great operation from selling its courses in interstate commerce until it had registered them with the SEC as a security.

In addition, State attorneys general have begun vigorous enforcement against some of these pyramid operations. Nineteen States currently have laws dealing with the pyramid sales problem, and 42 States have begun some legal action against one or another of Mr. Turner's enterprises. Over half a dozen States have legal action pending against the "Holiday Magic" group of companies, which, after the Glenn Turner operations, is the largest pyramid sales scheme currently transacting business in the United States.

In Minnesota, Attorney General Warren Spannaus has vigorously pursued pyramid sales companies which have taken approximately $4 million from Minnesotans since 1970. Last week, the attorney general obtained convictions against Holiday Magic and two of its local distributors in the first criminal case which has proceeded to trial.

Yet, despite his success in obtaining injunctions and criminal convictions, Attorney General Spannaus has written me of the need for Federal action:

> Although we have been highly successful, the efforts of this office have not eradicated the pyramid sales problem in Minnesota. Bordering states have different types of multi-level and pyramid sales regulations or prohibitions, and in some cases, have no legislation at all. The companies we have stopped in Minnesota move to North Dakota, or some other neighboring state, and lure our citizens across the border. To fully protect the Minnesota investor, Federal action is necessary. . . . Each month new pyramid sales and multi-level distribution schemes are developed. Unquestionably, there is a need for uniform Federal legislation which will protect all consumers from the evils of pyramid sales distribution. I consider the need for this legislation to be immediate.

This perceived need for Federal action is shared by others who have been active in fighting pyramid sales organizations.

Dean W. Determan, vice president for Government and Legal Affairs for the Council of Better Business Bureaus, stated in a letter to me that—

> While the Federal Trade Commission and the Securities and Exchange Commission are both taking actions in this sphere of business activity, their rules and orders are directed against individual companies and promoters, and each action takes a long time to accomplish.

And Douglas R. Carlson, assistant attorney general in Iowa, has written me that—

> As soon as a company is run out of one state it then increases its activities in other states and may even form an additional corporation and go back into the state banned in, forcing that state to bring additional litigation against each new corporation brought into existence. This type of individual state attack has also resulted in a situation where such companies are now concentrating their activities in states which have no prohibitory legislation against their activities. Many companies are now conducting heavy drives to fly, but or otherwise induce residents of other states to travel into states their activities are not prohibited in, there to be given the company's sales pitch.

There exists a definite need for effective Federal legislation to alleviate this problem.

Any such Federal legislation, however, must be aimed squarely at the fraudulent pyramid sales operation, and not the many legitimate corporations which sell products or services using commissions, door-to-door selling techniques, or legitimate franchise arrangements.

The Council of Better Business Bureaus has developed a number of yardsticks by which to separate the legitimate from the fraudulent multilevel sales corporation.

Among these are whether the company promotes retail sale of its product, or whether it stresses unending recruitment of distributors; whether there are promises of high potential earnings made; whether the company requires more than a minimal initial inventory at relatively low cost to become a distributor; and whether the firm will guarantee in writing that any products ordered but not sold will be bought back by the company within a reasonable period of time for a certain percentage of the price paid.

The basic vice of the fraudulent pyramid sales device is the combination of limited or minimal emphasis given to sales of products or services to the consuming public—as distinguished from resale between various levels of the pyramid sales operation—and the heavy emphasis on the alleged profitability to be derived from recruitment of other "bodies" to join the endless chain.

The legislation which I am introducing today imposes criminal and civil penalties on those fraudulent pyramid sales operators who prey on the public with unfounded presentations of future earnings through endless chain promotions.

This legislation would provide for a fine of up to $10,000 or imprisonment for up to 5 years, or both, for those selling or attempting to sell a participation in a pyramid sales scheme.

In addition, any person who induces another person to participate in such a scheme shall be liable to that person for twice the amount of the consideration paid, and recovery of court costs and reasonable attorney's fees.

Pyramid sales schemes are defined by the proposed legislation as including any plan or operation for the sale or distribution of goods, services, or other property wherein a person for a consideration acquires the opportunity to receive a pecuniary benefit, which is not primarily contingent on the volume or quantity of goods, services, or other property sold or distributed or to be sold or distributed to persons for purposes of resale to consumers, and which is based upon the inducement of additional persons, by himself or others, to participate in the same plan or operation.

This language seeks to isolate out the fraudulent pyramid sales operation, while not affecting the hundreds of legitimate corporations which do business using commission arrangements or franchise organizations, in which the primary aim is sales to the consuming public, rather than recruitment of additional persons into an endless chain system.

Thus, in order to come under the statute's coverage, a pyramid sales operation must first, base the pecuniary benefit held out to the recruitee on something other than a normal commission-type arrangement—in which the volume of products or services sold determines compensation—and, second, base that pecuniary benefit on the inducement of additional people to participate in the plan.

The proposed legislation also provides that either the Department of Justice or the chief law enforcement officer of any State in which an illegal pyramid sales practice has occurred may seek injunctive relief in the U.S. district courts.

This combination of remedies—prosecution by the Department of Justice of criminal violations, action by an aggrieved person to recover double damages plus costs and legal fees, and suits brought by either Federal or State authorities to gain injunctive relief—affords the variety of procedures needed to protect the consumer public and offer relief to those who have been defrauded.

The injunctive relief provisions are particularly important in view of the tendency of many pyramid sales operations to deluge a State with a quick, massive sales attack. Unless State or Federal officials can gain quick injunctive relief, consumers will be defrauded of millions of dollars before the plan can be forced to stop operating in that State.

The legislation I am offering today meets the need for a tough but flexible statute to end these practices which take millions of dollars from American consumers each month. By providing a variety of remedies, and by defining pyramid sales schemes to prohibit only those operations which use fraudulent or improper practices, it offers hope of a quick end to this recurring national consumer fraud problem.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the Record. I also ask unanimous consent that the correspondence herewith attached be printed in the Record.

There being no objection, the bill and letters were ordered to be printed in the Record, as follows:

S. 4043

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. As used in this Act—

(1) the term "sale or distribution" includes the acts of leasing, renting or consigning;

(2) the term "goods" includes any personal property, real property, or any combination thereof;

(3) the term "other property" includes a franchise, license distributorship, or other similar right, privilege, or interest; and

(4) the term "pyramid sales scheme" includes any plan or operation for the sale or distribution of goods, services, or other property wherein a person for a consideration acquires the opportunity to receive a pecuniary benefit (A) which is not primarily contingent on the volume or quantity of goods, services, or other property sold or distributed or to be sold or distributed to persons for purposes of resale to consumers, and (B) which is based upon the inducement of additional persons, by himself or others, to participate in the same plan or operation.

Sec. 2. Whoever, in connection with the sale or distribution of goods, services, or other property by the use of any means or instruments of transportation or communication in interstate or foreign commerce or by use of the mails, sells or offers or attempts to sell a participation or the right to participate in a pyramid sales scheme shall be fined not more than $10,000 or imprisoned for not more than 5 years, or both.

Sec. 3. Any contract made in violation of section 2 of this Act is void and any person who induces another person to participate in a pyramid sales scheme shall be liable to that person in an amount equal to the sum of—

(1) twice the amount of consideration paid; and

(2) in the case of any successful action to enforce such liability, the costs of the action together with a reasonable attorney's fee, as determined by the court.

An action under this section may be brought in any United States district court within one year from the date on which such consideration was paid.

Sec. 4. Whenever it appears that any person is engaged or is about to engage in any act or practice which constitutes a pyramid sales scheme, the Attorney General of the United States or the chief law enforcement officer of the State in which the act or practice occurred may bring an action in the appropriate United States district court to enjoin such act or practice, and upon a proper showing, a temporary restraining order or a preliminary or permanent injunction shall be granted without bond.

Office of the Attorney General,
St. Paul, Minn., September 25, 1972.

Hon. Walter F. Mondale,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

Dear Senator Mondale: Throughout the past year, this office has waged an extensive campaign against pyramid sales and multi-level distribution companies operating in the State of Minnesota. To date, we have been very successful. We have obtained injunctions against eight pyramid sales operations and recently, in the sole criminal case which has proceeded to trial, we obtained the conviction of Holiday Magic, Inc. and two of its local distributors.

Although we have been highly successful, the efforts of this office have not eradicated the pyramid sales problem in Minnesota. Bordering states have different types of multi-level and pyramid sales regulations or prohibitions, and in some cases, have no legislation at all. The companies we have stopped in Minnesota move to North Dakota, or some other neighboring state, and lure our citizens across the border. To fully protect the Minnesota investor, federal action is necessary.

Since 1970, Minnesota citizens have paid approximately four million dollars for distributorships in pyramid sales schemes. Very little of the four million dollars has been recouped by those citizens. The Minnesota situation is hardly unique. Fellow attorneys general have informed me that they have experienced similar problems with pyramid sales companies. The evil of pyramid sales schemes can no longer be disputed. In a false and highly charged atmosphere of success and happiness, unwary buyers are lured into spending thousands of dollars for "distributorships." These distributorships are ostensibly related to some product or service. Actually, the new "distributor" is simply earning the chance to make money by recruiting additional persons to participate in the pyramid sales scheme.

The pyramid sales evil knows no economic or social boundaries. Once stricken with pyramid sales fever, "good" citizens use illegal methods in order to acquire the funds to invest. For example, during our investigation of pyramid sales and multi-level distribution schemes, we learned of fraudulent loans obtained from state and nationally chartered banks by persons who desired to invest in those schemes. Those fraudulent loans, in almost every instance, were obtained by a method suggested by persons already participating in the pyramid sales operation.

Each month new pyramid sales and multi-level distribution schemes are developed. Unquestionably, there is a need for uniform federal legislation which will protect all consumers from the evils of pyramid sales distribution. I consider the need for this legislation to be immediate. Accordingly, after considerable review, I strongly support your proposed pyramid sales legislation.

Sincerely,

Warren Spannaus,
Attorney General.

Department of Justice,
Madison, Wis., August 28, 1972.

Re Chain Distributor Schemes.

Hon. Walter Mondale,
Old Senate Office Building,
Washington, D.C.

Dear Senator Mondale: I am pleased to learn of your interest in dealing with chain distributor schemes at the Federal level. This office has been engaged in litigation against companies offering these schemes since May of 1969. It has been my personal experience, gained from contacts with many other Attorneys General or their Assistants, that these chain schemes have caused more concern among state enforcement officials than any other form of white collar offense.

Because these chain plans are usually made to appear as business investments which will provide a continuing source of income through distribution of product, injury to investors is not limited to the initial payment of $2000 to $6000. It can have the more serious effect of inducing the investor to leave his prior employment and alternative source of income. Thus, once the chain scheme fails for the investor, as it often does, he is not only out his $6000 but he also is without the job he previously held and whatever attendant retirement benefits he might have acquired before quitting. Most investors are in the economic category where their losses can result in the dissipation of life savings or the imposition of substantial debt.

Our best estimate of investments by Wisconsin citizens in chain distributor schemes approximates $4.5 million. For the most part this estimate is taken from filed court exhibits which we could make available to you if you so desire.

Enforcement attempts by state officials is considerably hindered by the out of state character of the companies involved. Distributors are scrupulously designated as "independent contractors" and principal policy makers are seldom if ever available for process or civil discovery proceedings. Piecemeal litigation on a state by state basis against these well funded companies has caused a wide variety of legal decisions and probably has resulted in a substantial delay in effective and conclusive enforcement.

For your information I am enclosing a copy of a recent Wisconsin Supreme Court decision commenting on these schemes, a copy of the Wisconsin regulation Ch. Ag. 122 which prohibits chain distributor schemes and representative affidavits indicating some of the recruiting activities of these companies.

If I can be of any further assistance to you, please let me know.

Sincerely yours,

Bruce A. Craig,
Assistant Attorney General.

Council of Better Business Bureaus, Inc.,
Washington, D.C., August 29, 1972.

Hon. Walter Mondale,
Old Senate Office Building,
Washington, D.C.

Dear Senator Mondale: We are pleased to hear that you are considering the introduction of Federal legislation to control the abuses of some "multi-level" or "chain distribution" sales techniques.

For your information, our computer tabulation of consumer complaints and inquiries reflects that this subject is the most inquired about business concept coming to Better Business Bureaus across the country. 2.8% of the millions of inquiries received by BBBs nationally involved multi-level sales schemes. We do not get a significant number of complaints about these schemes, presumably because people hate to admit when they have made an unwise investment.

While the Federal Trade Commission and the Securities and Exchange Commission are both taking actions in this sphere of business activity, their rules and orders are directed against individual companies and promoters, and each action takes a long time to accomplish.

Our files and staff are available to assist you in any way on this endeavor.

Sincerely,

Dean W. Determan,
Vice President, Government and Legal Affairs.

By Mr. EAGLETON (for himself, Mr. Beall, Mr. Williams, Mr. Randolph, Mr. Pell, Mr. Ken-

NEDY, Mr. NELSON, Mr. MONDALE, Mr. CRANSTON, Mr. HUGHES, Mr. STEVENSON, Mr. JAVITS, Mr. SCHWEIKER, Mr. PACKWOOD, and Mr. STAFFORD):

S. 4044. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. EAGLETON. Mr. President, I am introducing today for myself and for the Senator from Maryland (Mr. BEALL), the Senator from New Jersey (Mr. WILLIAMS), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Rhode Island (Mr. PELL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. NELSON), the Senator from Minnesota (Mr. MONDALE), the Senator from California (Mr. CRANSTON), the Senator from Iowa (Mr. HUGHES), the Senator from Illinois (Mr. STEVENSON), the Senator from New York (Mr. JAVITS), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Oregon (Mr. PACKWOOD), the Senator from Vermont (Mr. STAFFORD), the Older Americans Comprehensive Services Act. This is a bill which was developed as a clean bill by the Subcommittee on Aging of the Committee on Labor and Public Welfare. I am introducing it at this time for the purpose of preparing the bill for reporting by the Committee.

I will not elaborate on the contents of the bill inasmuch as the report which will be filed today discusses the bill in great detail and I understand that the distinguished junior Senator from Maryland (Mr. BEALL) who is the ranking minority member of the Subcommittee on Aging will ask at the conclusion of his remarks that the bill be printed in its entirety in the RECORD. I should add that the Senator from Maryland has made enormous contributions to the development of this bill and I am delighted that he has joined as a cosponsor, although I am aware of his reservations to title I of the bill.

Mr. BEALL. Mr. President, it is a pleasure for me to join the distinguished chairman of the Labor and Public Welfare Committee's Subcommittee on Aging in sending to the desk the amendments to the Older Americans Act of 1965. This legislation, which is the result of many months of work on the part of the Subcommittee on Aging, contains, I believe, a number of truly innovative concepts which should greatly expand and improve Federal programs to our senior citizens.

I enthusiastically support, with one basic reservation, S. 4044 which will enable the Administration on Aging to provide comprehensive social and nutritional services to our senior citizens. I believe strongly that there is perhaps no constituency more deserving of assistance, or more willing to help themselves than our Nation's 20 million older citizens. They have, through their working years, earned the right to live their retirement in security, independence, and dignity. We owe these people a debt of gratitude for they are primarily responsible for the prosperity and the greatness that our Nation enjoys today. We have neglected them far too long and I believe that this bill constitutes a truly meaningful step forward in meeting the needs of older Americans.

In the last several years, substantial progress has been made in efforts to bring higher visability and recognition within our government to the problems of the aging. This legislation gives the Senate a unique opportunity to cooperate with the President, who is dedicated to the cause of helping to improve the quality of life for our retired citizens.

Working together, we can overcome the problems of loneliness, despair, isolation, inadequate income, lack of mobility, alienation, and many of the other specific problems which plague the elderly. The problems of the aging are not limited to race, economic status, geographic location, or political affiliation. Thus, I believe it is incumbent upon the Senate to expedite consideration of this legislation so that there will be sufficient time to accommodate a conference committee which will undoubtedly be required to resolve differences between S. 4044 and H.R. 15657.

In closing, Mr. President, I would like to note that I have grave reservations about the Older Americans Advocacy Commission, created by title I of this legislation. I am concerned that a Commission such as this would produce so many negative reactions as to render counterproductive to the welfare of senior citizens. It is my present intention to offer an amendment that I believe will significantly improve title I and insure the efficient effective operation of Federal programs for the aging. During the debate, Mr. President, I will explain in far greater detail the impact I believe that such an Advocacy Commission would have on Federal agencies charged with delivering services to senior citizens.

Mr. President, it is my pleasure, as the ranking Republican member on the Subcommittee on Aging, to join in cosponsoring the committee's proposed amendments to the Older Americans Act of 1965 and I ask unanimous consent that the text of this legislation and a title by title summary I have prepared be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 4044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Americans Comprehensive Services Amendments of 1972".

FINDINGS AND PURPOSES

SEC. 2. The Congress finds that millions of older citizens in this Nation are suffering unnecessary harm from the lack of adequate services. It is therefore the purpose of this Act, in support of the objectives of the Older Americans Act of 1965, to—

(1) make available comprehensive programs which include a full range of health, education, and social services to our older citizens who need them,

(2) give full and special consideration to older citizens with special needs in planning such programs, and, pending the availability of such programs for all older citizens, give priority to the elderly with the greatest economic and social need,

(3) provide comprehensive programs which will assure the coordinated delivery of a full range of essential services to our older citizens, and, where applicable, also furnish meaningful employment opportunities for many individuals, including older persons, young persons, and volunteers from the community, and

(4) insure that the planning and operation of such programs will be undertaken as a partnership of older citizens, community leaders, and community, State and local governments, with appropriate assistance from the Federal Government.

TITLE I—OLDER AMERICANS ADVOCACY COMMISSION

SEC. 101. (a) There is created in the executive branch of the Government an "Older Americans Advocacy Commission" (hereinafter in this title referred to as the "Commission"). The Commission shall be composed of six members who shall be appointed by the President by and with the advice and consent of the Senate. Two of the original members shall be appointed for a term of one year, two for a term of two years, and two for a term of three years, beginning from the date of enactment of this Act, but their successors shall be appointed for terms of three years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. Not more than three of the members shall at any one time be of the same political party. Members shall be appointed so as to be representative of older Americans, of national organizations with an interest in aging, and the general public. At least two of the members shall themselves be older persons.

(b) The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office.

(c) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and shall be filled in the same manner, and subject to the same limitations with respect to party affiliation as the original appointment.

(d) Four members of the Commission shall constitute a quorum, except that hearings may be conducted by one commissioner designated by the Commission as hearing officer for purposes of such hearing.

(e) Members of the Commission shall, while serving on business of the Commission, receive compensation at rates not to exceed the rate specified at the times of such service for grade GS–18 in section 5332 of title 5, United States Code, including traveltime, and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

FUNCTIONS OF THE COMMISSION

SEC. 102. The Commission is authorized to—

(1) serve as an independent advocate on behalf of older Americans with respect to—

(A) the formulation of policies regarding the aging and the operation of programs and other activities conducted or assisted by all Federal departments or agencies which relate to or affect the particular problems and needs of the aging, and

(B) legislation, investigations, or other matters before Congress relating to such problems and needs;

(2) review and evaluate on a continuing basis Federal policies regarding the aging and programs and other activities affecting

the aging conducted or assisted by all Federal departments and agencies for the purpose of appraising their value and their impact on the lives of older Americans;

(3) advise and make recommendations to the President, the Congress, and the heads of all Federal departments and agencies (which advice and recommendations shall be made public) with respect to Federal policies regarding the aging and federally conducted or assisted programs and other activities relating to or affecting them;

(4) inform the public about the problems and needs of the aging by collecting and disseminating information, conducting or commissioning studies and publishing the results thereof, and by issuing publications and reports;

(5) provide public forums for discussing and publicizing the problems and needs of the aging and obtaining information relating thereto by conducting public hearings, and by conducting or sponsoring conferences, workshops, and other such meetings; and

(6) prepare and publish such interim reports as it deems advisable and the Commission shall submit a complete annual report of its activities, findings, and recommendations to the President and the Congress at the close of each year.

POWERS OF THE COMMISSION

Sec. 103(a). The Commission shall appoint a full-time staff director who shall serve at the will of the Commission and receive compensation to be fixed by the Commission, not to exceed the rate specified for grade GS-18 in section 5332 of title 5, United States Code. The Commission is authorized to appoint and fix the compensation of such personnel as it deems advisable. The Commission may procure services as authorized by section 3109 of title 51, United States Code, and the Commission may accept the services of voluntary, uncompensated personnel.

(b) The Commission may constitute State advisory committees within such States as it deems advisable, to be composed of citizens of each such State, for the purpose of assisting the Commission in carrying out the purposes of this title, except that no funds appropriated pursuant to section 104 of this Act may be used to cover any part of the cost of such advisory committees.

(c) All Federal departments and agencies shall cooperate fully with the Commission with respect to its activities conducted under the authority of this Act and, where appropriate, representatives of such departments and agencies shall participate in, and testify at, hearings conducted by the Commission. Written inquiries and requests for information made to the heads of Federal departments and agencies by the Commission in carrying out its duties under this Act shall be answered within thirty days after the receipt thereof, unless the head of such department or agency shall state in writing the reasons for the inability to respond within such period of time, which statement in writing shall also include the date on which a complete response will be made, and except that no information may be required of any individual under this section where disclosures of such information would violate any Federal law or Executive Order.

(d) The Commission shall have the power to make such rules and regulations as are necessary to carry out the purposes of this Act.

AUTHORIZATION OF APPROPRIATIONS

Sec. 104. There are authorized to be appropriated such sums as may be necessary for carrying out this title.

TITLE II—ADMINISTRATION ON AGING

Sec. 201. (a) Section 201 of the Older Americans Act of 1965 is amended to read as follows:

"ESTABLISHMENT OF ADMINISTRATION ON AGING

"Sec. 201. (a) There is established in the Office of the Secretary an Administration on Aging (hereinafter in this Act referred to as the 'Administration') which shall be headed by a Commissioner of Aging (hereinafter in this Act referred to as the 'Commissioner'). Except for Title VI and as otherwise specifically provided by the Older Americans Comprehensive Services Act of 1972, the Administration shall be the principal agency for carrying out this Act. The Commissioner shall be directly responsible to the Secretary and shall not delegate any of his functions under this Act without first receiving the approval of the Secretary. Notice of any proposed delegation and the Secretary's approval of such delegation shall be published in the Federal Register and an opportunity shall be afforded to any interested party or agency to review and comment on the proposed delegation. No such delegation may become effective until at least thirty calendar days following the publication of such notice.

"(b) The Commissioner shall be appointed by the President by and with the advice and consent of the Senate."

(b)(1) Section 202 of the Older Americans Act of 1965 is amended by striking out "and" at the end of paragraph (7), by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraphs:

"(9) develop basic policies and set priorities with respect to the development and operation of programs and activities conducted under authority of this Act;

"(10) provide for the coordination of Federal programs and activities related to such purposes;

"(11) coordinate, and assist in, the planning and development by public (including Federal, State, and local agencies) and nonprofit private organizations of programs for older persons, with a view to the establishment of a nationwide network of comprehensive, coordinated services and opportunities for such persons;

"(12) convene conferences of such authorities and officials of public (including Federal, State, and local agencies) and nonprofit private organizations concerned with the development and operation of programs for older persons as the Commissioner deems necessary or proper for the development and implementation of policies related to the purposes of this Act;

"(13) develop and operate programs providing services and opportunities as authorized by this Act which are not otherwise provided by existing programs for older persons;

"(14) provide information and assistance to private nonprofit organizations for the establishment and operation by them of programs and activities related to the purposes of this Act; and

"(15) develop, in coordination with other agencies, a national plan for meeting the needs for trained personnel in the field of aging, and for training persons for carrying out programs related to the purposes of this Act, and conduct and provide for the conducting of such training."

(2) Section 202 of the Act (as amended by the preceding provisions of this subsection) is further amended by inserting "(a)" after "Sec. 202.", and by adding at the end thereof the following new subsection:

"(b) In executing his duties and functions under this Act and carrying out the programs and activities provided for by this Act, the Commissioner, together with the Director of Action, shall take all possible steps to encourage and permit voluntary groups active in social services, including youth organizations active at the high school or college levels, to participate and be involved individually or through representative groups in such programs or activities to the maximum extent feasible, through the performance of advisory or consultative functions, and in other appropriate ways."

(c) Title II of the Older Americans Act of 1965 is further amended by adding at the end thereof the following new sections:

"FEDERAL AGENCY COOPERATION

"Sec. 203. Federal agencies proposing to establish programs to provide social and nutritional services to older Americans shall consult with the Administration on Aging prior to the establishment of such services, and Federal agencies administering such programs shall cooperate with the Administration on Aging in carrying out such services.

"THE NATIONAL OLDER AMERICANS INFORMATION CLEARING HOUSE

"Sec. 204. (a) The Commissioner is authorized and directed to establish and operate a National Older Americans Information Clearing House which shall—

"(1) collect, analyze, prepare, and disseminate information related to the needs and interests of older persons;

"(2) obtain information concerning older persons from public and private agencies and other organizations serving the needs and interests of older persons and furnish, upon request, information to such agencies and organizations, including information developed by Federal, State, and local public agencies with respect to programs of such agencies designed to serve the needs and interests of older persons;

"(3) encourages the establishment of State and local information centers and provide technical assistance to such centers, including sources established under section 304(c)(3), to assist older persons to have ready access to information; and

"(4) carry out a special program for the collection and dissemination of information relevant to consumer interests of older persons in order that such older persons may more readily obtain information concerning goods and sevices needed by them.

"(b) The Commissioner shall take whatever action is necessary to achieve coordination of activities carried out or assisted by all departments, agencies, and instrumentalities of the Federal Government with respect to the collection, preparation, and dissemination of information relevant to older persons. To the extent practicable, the Commissioner shall carry out his functions under this subsection through the National Senior Citizen Information Clearing House.

"(c) There are authorized to be appropriated to carry out the purposes of this section $750,000 for the fiscal year ending June 30, 1973, $1,000,000 for the fiscal year ending June 30, 1974, and $1,250,000 for the fiscal year ending June 30, 1975."

"ADMINISTRATION OF THE ACT

"Sec. 205. (a) In carrying out the purposes of this Act, the Commissioner is authorized to:

(1) provide consultative services and private agencies, and organizations;

(2) provide short-term training and technical instruction;

(3) conduct research and demonstrations;

(4) collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this Act; and

(5) provide staff and other technical assistance to the Older Americans Advocacy Commission.

"(b) In administering his functions under this Act, the Commissioner may utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or organization, in accordance with agreements between the Commissioner and the head thereof, and to pay therefor, in advance or by way of reimbursement, as may be provided in the agreement.

"(c) For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary.

"EVALUATION

"SEC. 206. (a) The Commissioner shall measure and evaluate the impact of all programs authorized by this Act, their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

"(b) Before funds are released for the programs and projects authorized or assisted by this Act, the Commissioner shall develop and publish general standards for evaluation of the program and project effectiveness in achieving the objectives of this Act. Reports submitted pursuant to section 208 shall describe the actions taken as a result of these evaluations.

"(c) In carrying out evaluations under this section, the Commissioner shall, whenever possible, arrange to obtain the opinions of program and project participants about the strengths and weaknesses of the programs and projects.

"(d) The Commissioner shall annually publish summaries of the results of evaluative research and evaluation of program and project impact and effectiveness, the full contents of which shall be available to Congress and the public.

"(e) The Commissioner shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

"(f) Such information as the Commissioner may deem necessary for purposes of the evaluations conducted under this section shall be made available to him, upon request, by the departments and agencies of the executive branch.

"(g) The Commissioner is authorized to use such sums as may be required, but not to exceed 1 per centum of the funds appropriated under this Act, or $1,000,000 whichever is greater, to conduct program and project evaluations (directly, or by grants or contracts) as required by this title. In the case of allotments from such an appropriation, the amount available for such allotments (and the amount deemed appropriated therefor) shall be reduced accordingly.

"REPORTS

"SEC. 207. Not later than one hundred and twenty days after the close of each fiscal year, the Commissioner shall prepare and submit to the President for transmittal to the Congress a full and complete report on the activities carried out under this Act. Such annual reports shall include statistical data reflecting services and activities provided individuals during the preceding fiscal year.

"JOINT FUNDING OF PROJECTS

"SEC. 208. Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this Act, where funds are provided for a single project by more than one Federal agency to an agency or organization assisted under this Act, the Federal agency principally involved may be designated to act for all in administering the funds provided.

"ADVANCE FUNDING

"SEC. 209. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

"(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply nonwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year."

SEC. 210. Title VIII of the Older Americans Act of 1965 is hereby repealed.

TITLE III—GRANTS FOR STATE AND AREA PROGRAMS

SEC. 301. The Older Americans Act of 1965 is amended by striking out title III and inserting in lieu thereof the following new title:

"TITLE III—GRANTS FOR STATE AND AREA COMMUNITY PROGRAMS ON AGING

"PURPOSE

"SEC. 301. It is the purpose of this title to encourage and assist State and local agencies to concentrate resources in order to develop greater capacity and foster the development of comprehensive and coordinated service systems to serve older persons by entering into new cooperative arrangements with each other and with providers of social services for planning for the provision of, and providing, social services and, where necessary, to reorganize or reassign functions, in order to—

"(1) secure and maintain maximum independence and dignity in a home environment for older persons capable of self-care with appropriate supportive services; and

"(2) remove individual and social barriers to economic and personal independence for older persons.

"DEFINITIONS

"SEC. 302. For purposes of this title—

"(1) The term 'social services' means any of the following services which meet such standards as the Commissioner may prescribe:

"(A) health, continuing education, welfare, informational, recreational, homemaker, counseling, or referral services;

"(B) transportation services where necessary to facilitate access to social services;

"(C) services designed to encourage and assist older persons to use the facilities and services available to them;

"(D) services designed to assist older persons to obtain adequate housing;

"(E) services designed to assist older persons in avoiding institutionalization, including preinstitutionalization evaluation and screening, and home health services; or

"(F) any other services;

if such services are necessary for the general welfare of older persons.

"(2) The term 'unit of general purpose local government' means (A) a political subdivision of the State whose authority is broad and general and is not limited to only one function or a combination of related functions, or (B) an Indian tribal organization.

"(3) The term 'comprehensive and coordinated system' means a system for providing all necessary social services in a manner designed to—

"(A) facilitate accessibility to and utilization of all social services provided within the geographic area served by such system by any public or private agency or organization;

"(B) develop and make the most efficient use of social services in meeting the needs of older persons; and

"(C) use available resources efficiently and with a minimum of duplication.

"AREA PLANNING AND SOCIAL SERVICE PROGRAMS

"SEC. 303. (a) There are authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, $200,000,000 for the fiscal year ending June 30, 1974, and $300,000,000 for the fiscal year ending June 30, 1975, to enable the Commissioner to make grants to each State with a State plan approved under section 305 for paying part of the cost (pursuant to subsection (e) of this section) of—

"(1) the administration of area plans by area agencies on aging designated pursuant to section 304(a)(2)(A), including the preparation of area plans on aging consistent with section 304(c) and the evaluation of activities carried out under such plans; and

"(2) the development of comprehensive and coordinated systems for the delivery of social services.

"(b)(1) From the sum authorized to be appropriated for any fiscal year under subsection (a) of this section, each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in such State bears to the population aged sixty or over in all States, except that (A) no State shall be allotted less than one per centum of the sum authorized to be appropriated for such fiscal year; (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-half of one per centum of such sum; and (C) for any fiscal year for which the amount appropriated under subsection (a) is less than the amount authorized to be appropriated under such subsection, the allotment for each State based upon the preceding clauses of this paragraph shall be reduced to an amount equal to the product of such allotment and a fraction whose numerator is the amount appropriated under subsection (a) for such fiscal year and whose denominator is the amount authorized to be appropriated under such subsection for such fiscal year. For the purpose of clause (A) of the preceding sentence, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific.

"(2) The number of persons aged sixty or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent and satisfactory data available to him.

(c) Whenever the Commissioner determines that any amount allotted to a State for a fiscal year under this section will not be used by such State for carrying out the purpose for which the allotment was made, he shall make such amount available for carrying out such purpose to one or more other States to the extent he determines such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for a fiscal year pursuant to the preceding sentence shall, for purposes of this title, be regarded as part of such State's allotment (as determined under the preceding provisions of this section) for such year.

"(d) The allotment of a State under this section for the fiscal year ending June 30, 1973, shall remain available until the close of the following fiscal year.

"(e) From a State's allotment under this section for a fiscal year—

"(1) such amount as the State agency determines, but not more than 15 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of administration of area plans; and

"(2) such amount as the State agency determines, but not more than 20 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of social services which are not provided as a part of a comprehensive and coordinated system in planning and service areas for which there is an area plan approved by the State agency.

The remainder of such allotment shall be available to such State only for paying such percentage as the State agency determines, but not more than 90 per centum of the cost of social services provided in the State as a part of comprehensive and coordinated systems in planning and service areas for which there is an area plan approved by the State agency.

"ORGANIZATION

"State Organization

"SEC. 304. (a) In order for a State to be eligible to participate in the programs of grants to States from allotments under section 303 and section 306—

"(1) the State shall, in accordance with regulations of the Commissioner, designate a State agency as the sole State agency (hereinafter in this title referred to as 'the State agency') to: (A) develop the State plan to be submitted to the Commissioner for approval under section 305, (B) administer the State plan within such State, (C) be primarily responsible for the coordination of all State activities related to the purposes of this Act, (D) review and comment on, at the request of any Federal department or agency, any application from any agency or organization within such State to such Federal department or agency for assistance related to meeting the needs of older persons; and (E) divide the entire State into distinct areas (hereinafter in this title referred to as 'planning and service areas'), after considering the geographical distribution of individuals aged sixty and older in the State, the incidence of the need for social services (including the numbers of older persons with low incomes residing in such areas), the distribution of resources available to provide such services, the boundaries of existing areas within the State which were drawn for the planning or administration of social services programs, the location of units of general purpose local government within the State, and any other relevant factors: *Provided*, That any unit of general purpose local government which has a population aged sixty or over of fifty thousand or more or which contains 15 per centum or more of the State's population aged sixty or over shall be designated as a planning and service area and the State may include in any planning and service area designated pursuant to this proviso such additional areas adjacent to the unit of general purpose local government so designated as the State determines to be necessary for the effective administration of the programs authorized by this title, and

"(2) the State agency designated pursuant to paragraph (1) shall—

"(A) determine for which planning and service areas an area plan will be developed, in accordance with subsection (c) of this section, and for each such area designate, after consideration of the views offered by the unit or units of general purpose local government in such area, a public or nonprofit private agency or organization as the area agency on aging for such area; and

"(B) provide assurances satisfactory to the Commissioner that the State agency will take into account, in connection with matters of general policy arising in the development and administration of the State plan for any fiscal year, the views of recipients of social services provided under such plan.

"Area Organization

"(b) An area agency on aging designated under subsection (a) must be—

"(1) an established office of aging which is operating within a planning and service area designated pursuant to subsection (a) of this section, or

"(2) any office or agency of a unit of general purpose local government, where no established office of aging exists, which is designated for this purpose by the chief elected official or officials of such unit, or

"(3) any office or agency designated by the chief elected official or officials of a combination of units of general purpose local government to act on behalf of such combination for this purpose, where no established office of aging exists in such combination, or

"(4) any public on nonprofit private agency in a planning and service area for which there is no established office of aging, which is under the supervision or direction for this purpose of the designated State agency and which can engage in the planning or provision of a broad range of social services within such plannng and service area,

and must provide assurance, found adequate by the State agency, that it will have the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program pursuant to the plan within the planning and service area. In designating an area agency on aging, the State agency shall give preference to an agency of a unit of general purpose local government which has an office on aging, unless the State agency finds that no such agency within the planning and service area will have the capacity to carry out the area plan.

"Area plans

"(c) In order to be approved by the State agency, an area plan for a planning and service area shall be developed by the area agency on aging designated with respect to such area under subsection (a) and shall—

"(1) provide for the establishment of a comprehensive and coordinated system for the delivery of social services within the planning and service area covered by the plan, including determining the need for social services in such area (taking into consideration, among other things, the numbers of older persons with low income residing in such area), evaluating the effectiveness of the use of resources in meeting such need, and entering into agreements with providers of social services in such area, for the provision of such services to meet such need;

"(2) in accordance with criteria established by the Commissioner by regulation relating to priorities, provide for the initiation, expansion, or improvement of social services in the planning and service area covered by the area plan;

"(3) provide for the establishment and maintenance of information and referral sources in sufficient numbers to assure that all older persons within the planning and service area covered by the plan will have reasonably convenient access to such sources. For purposes of this section, an information and referral source is a location where the State or other public or private agency or organization (A) maintains current information with respect to the opportunities and services available to older persons, and develops current lists of older persons in need of services and opportunities, and (B) employs a specially trained staff to inform older persons of the opportunities and services which are available, and assists such persons to take advantage of such opportunities and services; and

"(4) provide that the area agency on aging will—

"(A) conduct periodic evaluations of activities carried out pursuant to the area plan;

"(B) render appropriate technical assistance to providers of social services in the planning and service area covered by the area plan;

"(C) where necessary and feasible, enter into arrangements, consistent with the provisions of the area plan, under which funds under this title would be used to provide legal services to older persons in the planning and service area through programs carried out under the Economic Opportunity Act of 1964, as amended, or through other public or nonprofit agencies;

"(D) take into account, in connection with matters of general policy arising in the development and administration of the area plan, the views of recipients of services under such plan;

"(E) where possible, enter into arrangements with organizations providing day care services for children so as to provide opportunities for older persons to aid or assist, on a voluntary basis, in the delivery of such services to children; and

"(F) establish an advisory council, consisting of representatives of the target population and the general public, to advise the area agency on all matters relating to the administration of the plan and operations conducted thereunder."

"STATE PLANS

"SEC. 305. (a) In order for a State to be eligible for grants for a fiscal year from its allotments under section 303 and section 306, except as provided in section 307(a), it shall submit to the Commissioner a State plan for such year which meets such criteria as the Commissioner may prescribe by regulation which—

"(1) provides that the State agency will evaluate the need for social services within the State and determine the extent to which existing public or private programs meet such need;

"(2) provides for the use of such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Commissioner shall exercise no authority with respect to the selection, tenure of office, or compensation of an individual employed in accordance with such methods) as are necessary for the proper and efficient administration of the plan;

"(3) provides that the State agency will make such reports, in such form, and containing such information, as the Commissioner may from time to time require, and comply with such requirements as the Commissioner may impose to assure te correctness of such reports;

"(4) provides that the State agency will conduct periodic evaluations of activities and projects carried out under the State plan;

"(5) establishes objectives, consistent with the purposes of this title, toward which activities under the plan will be directed, identifies obstacles to the attainment of those objectives, and indicates how it proposes to overcome those obstacles;

"(6) provides that each area agency on aging designated pursuant to section 304(a)(2)(A) will develop and submit to the State agency for approval an area plan which complies with section 304(c);

"(7) provides that no social service will be provided by the State agency or an area agency on aging, except where, in the judgment of the State agency, provision of such service by the State agency or an area agency on aging is necessary to assure an adequate supply of such service; and

"(8) provides that preference shall be given to persons aged sixty or over for any staff positions (full time or part time) in State and area agencies for which such persons qualify.

"(b) The Commissioner hall approve any State plan which he finds fulfills the requirements of subsection (a) of this section.

"(c) The Commissioner shall not make a final determination disapproving any State plan, or any modification thereof, or make a final determination that a State is ineligible under section 304, without first affording the State reasonable notice and opportunity for a hearing.

"(d) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency, finds that—

"(1) the State has failed to qualify under section 304 or is no longer eligible under such section,

"(2) the State plan has been so changed

that it no longer complies with the provisions of subsection (a), or

"(3) in the administration of the plan there is a failure to comply substantially with any such provision of subsection (a), the Commissioner shall notify such State agency that no further payments from its allotments under section 303 and section 306 will be made to the State (or, in his discretion, that further payments to the State will be limited to projects under or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments shall be made to such State from its allotments under section 303 and section 306 (or payments shall be limited to projects under or portions of the State plan not affected by such failure). The Commissioner shall, in accordance with regulations he shall prescribe, disburse the funds so withheld directly to any public or nonprofit private organization or agency or political subdivision of such State submitting an approved plan in accordance with the provisions of section 304 and section 306. Any such payment or payments shall be matched in the proportions specified in sections 303 and 306.

"(e) A State which is dissatisfied with a final action of the Commissioner under subsection (b), (c), or (d) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Commissioner may modify or set aside his order. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action.

"PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE PLANS

"SEC. 306. (a)(1) There are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973, $20,000,000 for the fiscal year ending June 30, 1974, and $20,000,000 for the fiscal year ending June 30, 1975, to make grants to States for paying such percentage as each State agency determines, but not more than 75 per centum, of the cost of the administration of its State plan, including the preparation of the State plan, the evaluation of activities carried out under such plan, the collection of data and the carrying out of analyses related to the need for social services within the State, the dissemination of information so obtained, the provision of short-term training to personnel of public or nonprofit private agencies and organizations engaged in the operation of programs authorized by this Act, and the carrying out of demonstration projects of statewide significance relating to the initiation, expansion, or improvement of social service.

"(2) Any sums allotted to a State under this section for covering part of the cost of the administration of its State plan which the State determines is not needed for such purpose may be used by such State to supplement the amount available under section 303(f)(1) to cover part of the cost of the administration of area plans.

"(b)(1) From the sum appropriated for any fiscal year under subsection (a) of this section, each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in such State bears to the population aged sixty or over in all States except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or $200,000 if $15,000,000 or more is appropriated under this section for any one fiscal year, whichever is greater, and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or $50,000 if $15,000-000 or more is appropriated under this section for any one fiscal year, whichever is greater. For the purpose of the exception contained in clause (A) of the preceding sentence, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(2) The number of persons aged sixty or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(c) The amount of any State's allotment under subsection (b) for any fiscal year which the Commissioner determines will not be required for that year shall be reallotted, from time to time and on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (b) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Such reallotments shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty or over. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (b) for that year.

"PAYMENTS

"SEC. 307. (a) Payments of grants or contracts under this title may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Commissioner may determine. From a State's allotment for a fiscal year which is available pursuant to section 306 the Commissioner may advance to a State which does not have a State plan approved under section 305 such amounts as he deems appropriate for the purpose of assisting such State in developing a State plan.

"(b) Beginning with the fiscal year ending June 30, 1975, not less than 25 per centum of the non-Federal share (pursuant to section 303(e)) of the total expenditures under the State plan shall be met from funds from State or local public sources.

"(c) A State's allotment under section 303 for a fiscal year shall be reduced by the percentage (if any) by which its expenditures for such year from State sources under its State plan approved under section 305 are less than its expenditures from such sources for the preceding fiscal year.

"(d) No allotments to a State under this title shall be available for making payments with respect to any program or project for providing social services under a State plan approved under section 305 after payments have been made from such allotments with respect to such program or project for a period of time equal to three calendar years, unless the State agency, upon recommendation of the appropriate area agency, if any, determines for each fiscal year following such period that the program or project is of exemplary merit in solving the problems of older persons and that, due to the lack of available funds from other sources during such fiscal year, the program or project would be unable to continue unassisted under this title.

"MODEL PROJECTS

"SEC. 308. (a) The Commissioner may, after consultation with the State agency, make grants to or contracts with any public or nonprofit private agency or organization within such State for paying part or all of the cost of developing or operating statewide, regional, metropolitan area, county, city, or community model projects which will expand or improve social services or otherwise promote the well-being of older persons. In making grants and contracts under this section, the Commissioner shall give special consideration to projects designed to—

"(1) assist in meeting the special housing needs of older persons;

"(2) improve the transportation services available to older persons;

"(3) provide continuing education to older persons designed to enable them to lead more productive lives by broadening the educational, cultural, or social awareness of such older persons, emphasizing, where possible, free tuition arrangements with colleges and universities;

"(4) provide preretirement education, information, and relevant services (including the training of personnel to carry out such programs and the conducting of research with respect to the development and operation of such programs) to persons planning retirement; or

"(5) provide services to assist in meeting the particular needs of the physically and mentally impaired older persons including special transportation and escort services, homemaker, home health and shopping services, reader services, letter writing services, and other services designed to assist such individuals in leading a more independent life.

"(b) For the purpose of carrying out this section, there is authorized to be appropriated $70,000,000 for the fiscal year ending June 30, 1973, $105,000,000 for the fiscal year ending June 30, 1974, and $140,000,000 for the fiscal year ending June 30, 1975."

TITLE IV—TRAINING AND RESEARCH

SEC. 401. The Older Americans Act of 1965 is amended by striking out titles IV and V and by inserting immediately after title III the following new title:

"TITLE IV—TRAINING AND RESEARCH

"PART A—TRAINING

"STATEMENT OF PURPOSE

"SEC. 401. The purpose of this part is to improve the quality of service and to help meet critical shortages of adequately trained personnel for programs in the field of aging by (1) developing information on the actual needs for personnel to work in the field of aging, both present and long range; (2) providing a broad range of quality training and retraining opportunities, responsive to changing needs of programs in the field of aging; (3) attracting a greater number of qualified persons into the field of aging; and (4) helping to make personnel training programs more responsive to the need for trained personnel in the field of aging.

"APPRAISING PERSONNEL NEEDS IN THE FIELD OF AGING

"SEC. 402. (a) The Commissioner shall from time to time appraise the Nation's existing and future personnel needs in the field of aging, at all levels and in all types of programs, and the adequacy of the Nation's efforts to meet these needs. In developing information relating to personnel needs in the field of aging, the Commissioner shall consult with, and make maximum utilization of statistical and other related information of the Older Americans Advocacy Commission, the Department of Labor, the Veterans' Administration, the Office of Education, the National Foundation on the Arts and Humanities, State educational agencies, other State and local public agencies and offices dealing with problems of the aging, State employment security agencies, and other appropriate public and private agencies.

"(b) The Commissioner shall prepare and publish annually as a part of the annual report provided in section 208 a report on the professions dealing with the problems of the aging, in which he shall present in detail his view on the state of such professions and the trends which he discerns with respect to the future complexion of programs for the aging throughout the Nation and the funds and the needs for well-educated personnel to staff such programs. The report shall indicate the Commissioner's plans concerning the allocation of Federal assistance under this title in relation to the plans and programs of other Federal agencies.

"ATTRACTING QUALIFIED PERSONS TO THE FIELD OF AGING

"SEC. 403. The Commissioner may make grants to State agencies referred to in section 304, State or local educational agencies, institutions of higher education, or other public or nonprofit private agencies, organizations, or institutions, and he may enter into contracts with any agency, institutions, or organization for the purpose of—

"(1) publicizing available opportunities for careers in the field of aging;

"(2) encouraging qualified persons to enter or reenter the field of aging;

"(3) encouraging artists, craftsmen, artisans, scientists, and persons from other professions and vocations and homemakers, to undertake assignments on a part-time bais or for temporary periods in the field of aging; or

"(4) the preparation and dissemination of materials, including audiovisual materials and printed materials, for use in recruitment and training of persons employed or preparing for employment in carrying out programs related to the purposes of this Act.

"TRAINING PROGRAMS FOR PERSONNEL IN THE FIELD OF AGING

"SEC. 404. (a) The Commissioner may make grants to any public or nonprofit private agency, organization, or institution or with State agencies referred to in section 304, or contracts with any agency, organization, or institution, to assist them in training persons who are employed or preparing for employment in fields related to the purposes of this Act—

"(1) to assist in covering the cost of courses of training or study (including short-term or regular session institutes and other inservice and preservice training programs),

"(2) for establishing and maintaining fellowships to train persons to be supervisors or trainers of persons employed or preparing for employment in fields related to the purposes of this Act.

"(3) for seminars, conferences, symposiums, and workshops in the field of aging, including the conduct of conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this Act,

"(4) for the improvement of programs for preparing personnel for careers in the field of aging, including design, development, and evaluation of exemplary training programs, introduction of high quality and more effective curricula and curricula materials, and

"(5) the provision of increased opportunities for practical experience.

"(b) The Commissioner may include in the terms of any contract or grant under this part provisions authorizing the payment, to persons participating in training programs supported under this part, of such stipends (including allowances for subsistence and other expenses for such persons and their dependents) as he determines to be consistent with prevailing practices under comparable federally supported programs. Where the Commissioner provides for the use of funds under this section for fellowships, he shall (in addition to stipends for the recipients) pay to colleges or universities in which the fellowship is being pursued such amounts as the Commissioner shall determine to be consistent with prevailing practices under comparable federally supported programs.

"PART B—RESEARCH AND DEVELOPMENT PROJECTS

"DESCRIPTION OF ACTIVITIES

"SEC. 411. The Commissioner may make grants to any public or nonprofit private agency, organization, or institution and contracts with any agency, organization, or institution or with any individual for the purpose of—

"(1) studying current patterns and conditions of living of older persons and identify factors which are beneficial or detrimental to the wholesome and meaningful living of such persons;

"(2) developing or demonstrating new approaches, techniques, and methods (including the use of multipurpose centers) which hold promise of substantial contributions toward wholesome and meaningful living for older persons;

"(3) developing or demonstrating approaches, methods, and techniques for achieving or improving coordination of community services for older persons;

"(4) evaluating these approaches, techniques, and methods, as well as others which may assist older persons to enjoy wholesome and meaningful lives and to continue to contribute to the strength and welfare of our Nation;

"(5) collecting and disseminating, through publications and other appropriate means, information concerning research findings, demonstration results, and other materials developed in connection with activities assisted under this part; or

"(6) conducting conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this part.

"SPECIAL STUDY AND DEMONSTRATION PROJECTS ON THE TRANSPORTATION PROBLEMS OF OLDER AMERICANS

"SEC. 412. (a) The Commissioner shall, after consultation with the Secretary of Transportation and the Secretary of Housing and Urban Development, conduct a comprehensive study and survey of the transportation problems of older Americans with emphasis upon solutions that are practicable and can be implemented in a timely fashion. In conducting the study and survey, the Commissioner shall consider—

"(1) the use of all community transportation facilities, particularly public transportation systems, the possible use of school buses, and excess Department of Defense vehicles; and

"(2) the need for revised and improved procedures for obtaining motor vehicle insurance by older Americans to be implemented for use in a coordinated transportation system.

"(b) In connection with the study required by subsection (a), the Commissioner, in coordination with the Secretary of Transportation and the Secretary of Housing and Urban Development, shall conduct research and demonstration projects, either directly or by grants or contracts with public or private nonprofit agencies and organizations, in order to—

"(1) demonstrate possible solutions of economic and service aspect of furnishing adequate transportation to older persons in rural and urban areas including transportation services furnished by social service agencies;

"(2) demonstrate improvement of transportation services available to older persons with emphasis on (A) establishing special transportation subsystems for older persons or similar groups with similar mobility restrictions, (B) providing portal-to-portal service and demand actuated services, (C) making payments directly to older persons to enable them to obtain reasonable and necessary transportation services;

"(3) demonstrate improved coordination between transportation systems and social service delivery systems; and

"(4) demonstrate innovative solutions for other special transportation problems confronting older Americans.

"(c) At least half of the projects authorized under subsection (b) of this section shall be conducted in States that are predominantly rural in character.

"(d) Not later than June 30, 1975, the Commissioner shall prepare and transmit to the Secretary, to the President, and to the Congress, a report on his findings and recommendations, including a plan for implementation of improved transportation services for older Americans and recommendations for additional legislation, administrative and other measures to provide solutions to the transportational problems of older Americans not later than June 30, 1975, as he deems advisable.

"(e) In carrying out the study and survey, and the demonstration and research projects under this section, the Commissioner is authorized to—

"(1) procure temporary or intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code.

"(2) secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics for the purpose of this section; and each such department, bureau, agency, board, commission, office, independent establishment, or instrumentality is authorized and directed, to the extent permitted by law, to furnish such information, suggestions, estimates, and statistics directly to the Commissioner upon request made by him.

"(f) There are authorized to be appropriated for the purposes of this section $7,500,000 for the fiscal year ending June 30, 1973; $15,000,000 for fiscal year ending June 30, 1974; and $20,000,000 for fiscal year ending June 30, 1975.

"PART C—MULTIDISCIPLINARY CENTERS OF GERONTOLOGY

"SEC. 421. The Commissioner may make grants to public and private nonprofit agencies, organizations, and institutions for the purpose of establishing or supporting multidisciplinary centers of gerontology. A grant may be made under this section only if the application therefor—

"(1) provides satisfactory assurance that the applicant will expend the full amount of the grant to establish or support a multidisciplinary center of gerontology which shall—

"(A) recruit and train personnel at the professional and subprofessional levels,

"(B) conduct basic and applied research on work, leisure, and education of older people, living arrangements of older people, social services for older people, the economics of aging, and other related areas,

"(C) provide consultation to public and voluntary organizations with respect to the needs of older people and in planning and developing services for them,

"(D) serve as a repository of information and knowledge with respect to the areas for which it conducts basic and applied research,

"(E) stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges or universities,

"(F) help to develop training programs on aging in schools of social work, public health, health care administration, education, and in other such schools at colleges and universities, and

"(G) create opportunities for innovative, multidisciplinary efforts in teaching, research, and demonstration projects with respect to aging;

"(2) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for funds paid to the applicant under this section; and

"(3) provides for making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"PART D—AUTHORIZATION OF APPROPRIATIONS

"AUTHORIZATION

"SEC. 431. (a) There are authorized to be appropriated for the purposes of carrying out part A of this title $15,000,000 for the fiscal year ending June 30, 1973, $20,000,000 for the fiscal year ending June 30, 1974, and $25,000,000 for the fiscal year ending June 30, 1975.

"(b) For the purposes of making grants under section 411 there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973, $15,000,000 for the fiscal year ending June 30, 1974, and $20,000,000 for the fiscal year ending June 30, 1975.

"(c) For the purposes of making grants under part C of this title there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973, $15,000,000 for the fiscal year ending June 30, 1974, and $20,000,000 for the fiscal year ending June 30, 1975.

"PAYMENTS OF GRANTS

"SEC. 432. (a) To the extent he deems it appropriate, the Commissioner shall require the recipient of any grant or contract under this title to contribute money, facilities, or services for carrying out the project for which such grant or contract was made.

"(b) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Commissioner may determine.

"(c) The Commissioner shall make no grant or contract under this title in any State which has established or designated a State agency for purposes of title III of this Act unless the Commissioner has consulted with such State agency regarding such grant or contract."

TITLE V—MULTIPURPOSE SENIOR CENTERS

SEC. 501. The Older Americans Act of 1965 is further amended by inserting immediately after title IV the following new title:

"TITLE V—MULTIPURPOSE SENIOR CENTERS

"PART A—ACQUISITION, ALTERATION, OR RENOVATION OF MULTIPURPOSE SENIOR CENTERS

"GRANTS AUTHORIZED

"SEC. 501. (a) In order to provide a focal point in communities for the development and delivery of social services and nutritional services designed primarily for older persons, the Commissioner may make grants to units of general purpose local government or other public or nonprofit private agencies or organizations and may make contracts with any agency or organization to pay not to exceed 75 per centum of the cost of acquiring, altering, or renovating existing facilities to serve as multipurpose senior centers (including the initial equipment of such facilities). Facilities assisted by grants or contracts under this part shall be in close proximity to the majority of individuals eligible to use the multipurpose senior center, and within walking distance where possible.

"(b) The total payments made pursuant to grants or contracts under this section in any State for any fiscal year shall not exceed 10 per centum of the total amount appropriated for the year for the purposes of carrying out this part.

"(c) The term 'multipurpose senior center' means a community facility for the organization and provision of a broad spectrum of social services and recreational opportunities for older persons.

"REQUIREMENTS FOR APPROVAL OF APPLICATIONS

"SEC. 502. (a) A grant or contract for purchase under this part may be made only if the application therefor is approved by the Commissioner upon his determination that—

"(1) the application contains or is supported by reasonable assurances that (A) for not less than ten years after purchase, the facility will be used for the purposes for which it is to be purchased, (B) sufficient funds will be available to meet the non-Federal share of the cost of purchase of the facility, (C) sufficient funds will be available, when purchase is completed, for effective use of the facility for the purpose for which it is being purchased, and (D) the facility will not be used and is not intended to be used for sectarian instruction or as a place for religious worship;

"(2) the application contains or is supported by reasonable assurances that there are no existing facilities in the community suitable for leasing as a multipurpose senior center;

"(3) the plans and specifications are in accordance with regulations relating to minimum standards of construction and equipment (promulgated with particular emphasis on securing compliance with the requirements of the Architectural Barriers Act of 1968 (Public Law 90–480)); and

"(4) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractors or subcontractors in the performance of work on the facility will be paid wages at rates not less than those prevailing for similar work in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(b) In making grants or contracts under this part, the Commissioner shall—

"(1) give preference to the acquisition of multipurpose senior centers in areas where there is being developed a comprehensive and coordinated system under title III of this Act; and

"(2) consult with the Secretary of Housing and Urban Development with respect to the technical adequacy of any proposed alteration or renovation.

"PAYMENTS

"SEC. 503. Upon approval of any application for a grant or contract under this part, the Commissioner shall reserve, from any appropriation available therefor, the amount of such grant or contract. The amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with progress in alteration or renovations, as the Commissioner may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of altering or renovating the facility.

"RECAPTURE OF PAYMENTS

"SEC. 504. If, within ten years after purchase of any facility for which funds have been paid under this part—

"(a) the owner of the facility ceases to be a public or nonprofit private agency or organization, or

"(b) the facility ceases to be used for the purposes for which it was purchased (unless the Commissioner determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so),

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 505. (a) There is authorized to be appropriated for the purpose of making grants or contracts under section 501, $35,000,000 for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1975.

"(b) Sums appropriated for any fiscal year under subsection (a) of this section and remaining unobligated at the end of such year shall remain available for such purpose for the next fiscal year.

"LOAN INSURANCE FOR MULTIPURPOSE SENIOR CENTERS

"SEC. 506. (a) (1) In order to assist nonprofit private agencies and organizations to procure loans for the construction or purchase of multipurpose senior centers, the Commissioner may insure the payment of interest and principal on such loans if such agencies and organizations meet, with respect to such loans, criteria prescribed by the Commissioner.

"(2) No loan insurance under paragraph (1) may apply to so much of the principal amount of any loan as exceeds 90 per centum of the development cost of the multipurpose senior center with respect to which such loan was made.

"(b) (1) The United States shall be entitled to recover from any agency or organization to which loan insurance has been issued under this section the amount of any payment made pursuant to that insurance, unless the Commissioner for good cause waives its right of recovery. Upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payment with respect to which the payment was made.

"(2) Any insurance issued by the Commissioner pursuant to subsection (a) shall be incontestable in the hands of the agency or organization on whose behalf such insurance is issued, and as to any agency, organization, or individual who makes or contracts to make a loan to such agency or organization in reliance thereon, except for fraud or misrepresentation on the part of such agency or organization or on the part of the agency, organization, or individual who makes or contracts to make such loan.

"(c) Insurance may be issued by the Commissioner under subsection (a) only if he determines that the terms, conditions, maturity, security (if any), and schedule and amounts of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable and in accord with regulations, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Commissioner determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States. The Commissioner may charge a premium for such insurance in an amount reasonably determined by him to be necessary to cover administrative expenses and probable losses under subsections (a) and (b). Such insurance shall be subject to such further terms and conditions as the Commissioner determines to be necessary.

"(d) (1) There is hereby created within the Treasury a separate fund for loan insurance for multipurpose senior centers (hereafter in this section called the 'Multipurpose Senior Center Insurance Fund') which shall be available to the Commissioner without fiscal year limitation as a revolving fund for the purposes of insuring loans under this section. The total of any loans made from the Multipurpose Senior Center Insurance Fund in any fiscal year shall not exceed limitations specified in appropriations Acts.

"(2) The Commissioner shall transfer to the Multipurpose Senior Center Insurance Fund available appropriations provided under this section to provide capital for the funds, and the general expenses of the operations of the Department of Health, Education, and Welfare relating to loans insured under this section may be charged to the Multipurpose Senior Center Insurance Fund.

"(3) Moneys in the Multipurpose Senior Center Insurance Fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to loans insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, in United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Multipurpose Senior Center Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

"(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any loan under this section, the receipts derived from property covered by such loans and from any claims, debts, contracts, property, and security assigned to the Secretary in connection therewith, and all earnings as the assets of the fund, shall be credited to the Multipurpose Senior Center Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with loans insured under this section, shall be charged to such fund.

"(5) There are authorized to be appropriated to provide initial capital for the Multipurpose Senior Center Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary.

"ANNUAL INTEREST GRANTS

"Sec. 507. (a) To assist States and public nonprofit private agencies to reduce the cost of borrowing from other sources for the acquisition, alteration, or renovation of multipurpose senior centers, the Secretary may make annual interest grants to such agencies.

"(b) Annual interest grants under this section with respect to any multipurpose senior center, shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount not greater than the difference between (1) the average annual debt service which would be required to be paid, during the life of the loan, on the amount borrowed from other sources for the acquisition, alteration, or renovation of such multipurpose senior centers, and (2) the average annual debt service which the multipurpose senior center would have been required to pay during the life of the loan, with respect to such amounts if the applicable interest rate were 3 per centum: *Provided*, That the amount on which such grant is based shall be approved by the Secretary.

"(c) (1) There are hereby authorized to be appropriated to the Secretary such sums as may be necessary for the payment of annual interest grants in accordance with this section.

"(2) Contracts for annual interest grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts; and in any event the total amount of annual interest grants in any year pursuant to contracts entered into under this section shall not exceed $1,000,000, which amount shall be increased by $3,000,000 on July 1, 1974, and $5,000,000 on July 1, 1975.

"(d) Not more than 12½ per centum of the funds provided for in this section for grants may be used within any one State.

"Part B—Initial Staffing of Multipurpose Senior Centers

"PERSONNEL STAFFING GRANT PROGRAM AUTHORIZED

"Sec. 511. (a) For the purpose of assisting in the establishment and initial operation of multipurpose senior centers the Commissioner may, in accordance with the provisions of this part, make grants to meet, for the temporary periods specified in this part, all or part of the costs of compensation of professional and technical personnel for the initial operation of new multipurpose senior centers and for the delivery of social services established therein.

"(b) Grants for such costs of any center under this title may be made only for the period beginning with the first day of the first month for which such grant is made and ending with the close of three years after such first day. Such grants with respect to any center may not exceed 75 per centum of such costs for the first year of the project, 66⅔ per centum of such costs for the second year of the project, and 50 per centum of such costs for the third year of the project.

"(c) In making such grants, the Secretary shall take into account the relative needs of the several States for community centers for senior citizens, their relative financial needs, and their population of persons aged sixty and over.

"(d) For the purposes of this part, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years.

TITLE VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

Sec. 601. Section 601 of the Older Americans Act of 1965 is amended by striking out in the first sentence of (2) (a) the word "sixty" and inserting in lieu thereof the word "fifty-five" and by adding at the end thereof the following new subsection:

"(d) Notwithstanding any other provision of law, no compensation provided to individual volunteers under this part shall be considered income for any purpose whatsoever."

Sec. 602. Section 603 of the Older Americans Act of 1965 is amended by inserting immediately before the period at the end thereof the following: "and $20,000,000 for the fiscal year ending June 30, 1973, $30,000,000 for the fiscal year ending June 30, 1974, and $40,000,000 for the fiscal year ending June 30, 1975".

Sec. 603. (a) The heading of part B of title VI of the Older Americans Act of 1965 is amended to read as follows:

"FOSTER GRANDPARENT PROGRAM AND OLDER AMERICANS COMMUNITY SERVICE PROGRAMS".

(b) Section 611 of such Act is amended to read as follows:

"Sec. 611. (a) The Commissioner is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay part or all of the cost of development and operation of projects designed to provide opportunities for low-income persons aged fifty-five or over to render supportive person-to-person services in health, education, welfare, and related settings to children having exceptional needs, including services as 'Foster Grandparents' to children receiving care in hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs.

"(b) The Commissioner is also authorized to make grants or contracts to carry out the purposes described in subsection (a) in the case of persons (other than children) having exceptional needs, including services as 'senior health aides' to work with persons receiving home health care and nursing care, and as 'senior companions' to persons having developmental disabilities.

"(c) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions as the Commissioner may determine.

"(d) Notwithstanding any other provision of law, no compensation provided to individual volunteers under this part shall be considered income for any purpose whatsoever.

(c) The first sentence of section 613 of such Act is amended to read as follows:

"In administering this part, the Commissioner shall consult with the Office of Economic Opportunity, the Departments of Labor and Health, Education, and Welfare and any other Federal agencies administering relevant programs with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this part with other public or private programs or projects carried out at State and local levels."

Sec. 604. Section 614 of the Older Americans Act is amended to read as follows:

"Sec. 614(a) There are authorized to be appropriated for grants or contracts under subsection (a) of section 611, $35,000,000 for fiscal year ending June 30, 1973, $45,000,000 for the fiscal year ending June 30, 1974, $55,000,000 for the fiscal year ending June 30, 1975.

"(b) There are authorized to be appropriated for grants or contracts under subsection (b) of section 611, $6,000,000 for fiscal year ending June 30, 1973, $7,000,000 for fiscal year ending June 30, 1974, $8,000,000 for fiscal year ending June 30, 1975."

SEC. 605. The authorities conferred upon the Commissioner of the Administration on Aging by the amendments made in this title shall be carried out pursuant to delegations of authority, reorganization plans, and transfers made effective prior to the date of enactment of this Act with respect to authorities conferred upon the Secretary of the Department of Health, Education, and Welfare under title VI of the Older Americans Act of 1965, as amended.

TITLE VII—NUTRITION PROGRAM

AVAILABILITY OF SURPLUS COMMODITIES

SEC. 701. Section 707 of the Older Americans Act of 1965 is amended to read as follows:

"AVAILABILITY OF SURPLUS COMMODITIES

"SEC. 707. (a) Agricultural commodities and products purchased by the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) may be donated to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

"(b) The Commodity Credit Corporation may dispose of food commodities under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) by donating them to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

"(c) Dairy products purchased by the Secretary of Agriculture under section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a-1) may be used to meet the requirements of programs providing nutritional services in accordance with the provisions of this title."

SEC. 702. Section 705(a) of the Older Americans Act of 1965 is amended by adding at the end thereof the following new paragraph:

"(5) provide that, when mutually agreed upon by recipients of grants and contracts and area planning and service areas, nutrition projects assisted under this title shall be made a part of the comprehensive and coordinated systems established under title III of this Act."

STATE PLANNING

SEC. 703. Section 705(a)(2)(B) of the Older Americans Act of 1965 is amended by inserting "for the fiscal year ending June 30, 1973," following "administrative cost," and by adding at the end of the first sentence thereof the following sentence: "For the fiscal years ending after June 30, 1973, funds allotted to a State for State planning and administration pursuant to section 306 of this Act may be used for the administration of the State plan submitted pursuant to this section, except that wherever the Governor of the State designates an agency other than the agency designated under section 304(a)(1) of this Act, then the Secretary shall determine that portion of a State's allotment under section 306 which shall be available to the agency designated under section 705(a)(1) for planning and administration."

CONFORMING AMENDMENT

SEC. 704. (a) The first sentence of section 705(a) of the Older Americans Act of 1965 is amended by striking out "303" the first time it appears in such sentence and inserting in lieu thereof "304" and by striking out "303" the second time it appears in such sentence and inserting in lieu thereof "305".

(b) Section 705(a)(1) of the Older Americans Act of 1965 is amended by striking out "303" and inserting in lieu thereof "304".

(c) Title VII of the Older Americans Act of 1965 is amended by striking out "Secretary" wherever in such title the term refers to the Secretary of Health, Education, and Welfare, and insert in lieu thereof "Commissioner".

TITLE VIII—AMENDMENTS TO OTHER ACTS

AMENDMENT TO LIBRARY SERVICES AND CONSTRUCTION ACT

SEC. 801. (a) The Library Services and Construction Act (20 U.S.C. 351 et seq.) is amended by adding at the end thereof the following new title:

"TITLE IV—OLDER READERS SERVICES

"GRANTS TO STATES FOR OLDER READERS SERVICES

"SEC. 401. The Commissioner shall carry out a program of making grants to States which have an approved basic State plan under section 6 and have submitted a long-range program and an annual program under section 403 for library services for older persons.

"USES OF FEDERAL FUNDS

"SEC. 402. (a) Funds appropriated pursuant to paragraph (4) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of carrying out the Federal share of the cost of carrying out State plans submitted and approved under section 303. Such grants shall be used for (1) the training of librarians to work with the elderly; (2) the conduct of special library programs for the elderly; (3) the purchase of special library materials for use by the elderly; (4) the payment of salaries for elderly persons who wish to work in libraries as assistants on programs for the elderly; (5) the provision of in-home visits by librarians and other library personnel to the elderly; (6) the establishment of outreach programs to notify the elderly of library services available to them; and (7) the furnishing of transportation to enable the elderly to have access to library services.

"(b) For the purposes of this title, the Federal share shall be 100 per centum of the cost of carrying out the State plan.

"STATE ANNUAL PROGRAM FOR LIBRARY SERVICES FOR THE ELDERLY

"SEC. 403. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for library services for older persons. Such program shall be submitted at such time, in such form, and contain such information as the Commissioner may require by regulation and shall—

"(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (4) of section 4(a) will be used, consistent with its long-range program for the purposes set forth in section 302, and

"(2) include an extension of the long-range program taking into consideration the results of evaluations.

"COORDINATION WITH PROGRAMS FOR OLDER AMERICANS

"SEC. 404. In carrying out the program authorized by this title, the Commissioner shall consult with the Commissioner of the Administration on Aging and the Director of ACTION for the purpose of coordinating where practicable, the programs assisted under this title with the programs assisted under the Older Americans Act of 1965."

(b) Section 4(a) of the Library Services and Construction Act is amended by adding at the end thereof the following new paragraph:

"(4) For the purpose of making grants to States to enable them to carry out public library service programs for older persons authorized by title IV, there are authorized to be appropriated $11,700,000 for the fiscal year ending June 30, 1973, $12,300,000 for the fiscal year ending June 30, 1974, $12,900,000 for the fiscal year ending June 30, 1975, and $13,700,000 for the fiscal year ending June 30, 1976."

(c)(1) Section 5(a)(1) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(2) Section 5(a)(2) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(3) Section 5(a)(3) of such Act is amended by striking out the word "and" at the end of such paragraph (B) thereof, by striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon and the word "and", and by inserting after subparagraph (C) thereof the following:

"(D) with respect to appropriations for the purposes of title IV, $40,000 for each State, except that it shall be $10,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands."

(4) The last sentence of section 5(a)(3) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(5) Section 5(b) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(c) Section 6(a) of such Act is amended by striking out "and III" and inserting in lieu thereof "III and IV".

(d)(1) Section 7(a) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(2) Section 7(b)(1) of such Act is amended by inserting "and title IV" after "title III".

(e) The amendments made by subsections (a), (b), and (c) of this section shall be effective after June 30, 1972.

AMENDMENT TO NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

SEC. 802. (a) Section 5(a)(2) of the National Commission on Libraries and Information Science Act is amended by striking out "and" after "areas" and inserting a comma in lieu thereof, and by inserting after "deprived persons," the following: "and of elderly persons,".

(b) The second sentence of section 6(a) (20 U.S.C. 1505(a)) of such Act is amended by inserting before the period at the end thereof the following: ", and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly".

AMENDMENT TO HIGHER EDUCATION ACT OF 1965

SEC. 803. Title I of the Higher Education Act of 1965 is amended by redesignating sections 110, 111 and 112 (and cross references thereto) as 111, 112 and 113, respectively, and by inserting after section 109 the following new section:

"SPECIAL PROGRAMS AND PROJECTS RELATING TO PROBLEMS OF THE ELDERLY

"SEC. 110. (a) The Commissioner is authorized to make grants to institutions of higher education (and combinations thereof) to assist such institutions in planning, developing, and carrying out, consistent with the purpose of this title, programs specifically designed to apply the resources of higher education to the problems of the elderly, particularly with regard to transportation and housing problems of elderly persons living in rural and isolated areas.

"(b) For purposes of making grants under this section, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1977.

"(c) In carrying out the program authorized by this section, the Commissioner shall consult with the Commissioner of the Administration on Aging for the purpose of coordinating, where practicable, the programs assisted under this section with the programs assisted under the Older Americans Act fo 1965."

AMENDMENT TO ADULT EDUCATION ACT

SEC. 804. (a) The Adult Education Act (20 U.S.C. 1201 et seq.) is amended by redesignating sections 310, 311, and 312 (and cross references thereto) as sections 311, 312, and

313, respectively, and by inserting after section 309 the following new section:

"SPECIAL PROJECTS FOR THE ELDERLY

"SEC. 310. (a) The Commissioner is authorized to make grants to State and local educational agencies or other public or private nonprofit agencies for programs to further the purpose of this Act by providing educational programs for elderly persons whose ability to speak and read the English language is limited and who live in an area with a culture different than their own. Such programs shall be designed to equip such elderly persons to deal successfully with the practical problems in their everyday life, including the making of purchases, meeting their transportation and housing needs, and complying with governmental requirements such as those for obtaining citizenship, public assistance and social security benefits, and housing.

"(b) For the purpose of making grants under this section there is authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1975.

"(c) In carrying out the program authorized by this section, the Commissioner shall consult with the Commissioner of the Administration on Aging for the purpose of coordinating, where practicable, the programs assisted under this section with the programs assisted under the Older Americans Act of 1965."

(b) Section 313(a) of such Act, as redesignated, is amended by inserting before the period at the end thereof the following: "(other than section 310)".

ADDITIONAL AUTHORIZATION FOR SENIOR OPPORTUNITIES AND SERVICES

SEC. 805. In addition to the amounts authorized to be appropriated and allocated pursuant to the Economic Opportunity Amendments of 1972, there is further authorized to be appropriated $7,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year, to be used for the Senior Opportunities and Services program described in section 222(a)(7) of the Economic Opportunity Act of 1964.

TITLE IX—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

SHORT TITLE

SEC. 901. This title may be cited as the "Older American Community Service Employment Act".

OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

SEC. 902. (a) In order to foster and promote useful part-time work opportunities in community service activities for unemployed low-income persons who are fifty-five years old or older and who have poor employment prospects, the Secretary of Labor (hereinafter referred to as the "Secretary") is authorized to establish an older American community service employment program (hereinafter referred to as the "program").

(b) In order to carry out the provisions of this title, the Secretary is authorized—

(1) to enter into agreements with public or private nonprofit agencies or organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or Indian tribes on Federal or State reservations in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c), of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement it. No payments shall be made by the Secretary toward the cost of any project established or administered by any such organization or agency unless he determines that such project—

(A) will provide employment only for eligible individuals, except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

(B) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities;

(C) will employ eligible individuals in services related to publicly owned and operated facilities and projects, or projects sponsored by organizations exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1954 (other than political parties), except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

(D) will contribute to the general welfare of the community;

(E) will provide employment for eligible individuals whose opportunities for other suitable public or private paid employment are poor;

(F) will result in an increase in employment opportunities for eligible individuals, and will not result in the displacement of employed workers or impair existing contracts;

(G) will utilize methods of recruitment and selection (including, but not limited to, listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

(H) will include such training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

(I) will assure that safe and healthy conditions of work will be provided, and will assure that persons employed in public service jobs assisted under this title shall be paid wages which shall not be lower than whichever is the highest of (i) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (ii) the State or local minimum wage for the most nearly comparable covered employment, or (iii) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

(J) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons;

(K) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment in any project funded under this title in accordance with regulations promulgated by the Secretary; and

(L) will assure that to the extent feasible such projects will serve the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State.

(2) to make, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this title.

(c)(1) The Secretary is authorized to pay not to exceed 90 per centum of the cost of any project which is the subject of an agreement entered into under subsection (b), except that the Secretary is authorized to pay all of the costs of any such project which is (A) an emergency or disaster project or (B) a project located in an economically depressed area as determined in consultation with the Secretary of Commerce and the Director of the Office of Economic Opportunity.

(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

ADMINISTRATION

SEC. 903. (a) In order to effectively carry out the purposes of this title, the Secretary is authorized to consult with agencies of States and their political subdivisions with regard to—

(1) the localities in which community service projects of the type authorized by this title are most needed;

(2) consideration of the employment situation and the types of skills possessed by available local individuals who are eligible to participate; and

(3) potential projects and the number and percentage of eligible individuals in the local population.

(b)(1) The Secretary is authorized and directed to require agencies and organizations administering community service projects and other activities assisted under this title to coordinate their projects and activities with agencies and organizations conducting related manpower and unemployment programs receiving assistance under this Act and under other authorities such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, and the Emergency Employment Act of 1971. In carrying out the provisions of this paragraph, the Secretary is authorized to make necessary arrangements to include projects and activities assisted under this title within a common agreement and a common application with projects assisted under this Act and other provisions of law such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, and the Emergency Employment Act of 1971.

(2) The Secretary is authorized to make whatever arrangements that are necessary to carry out the programs assisted under this title as part of any general manpower legislation hereafter enacted, except that appropriations for programs assisted under this title may not be expended for programs assisted under that title.

(c) In carrying out the provisions of this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies, and instrumentalities in the use of services, equipment, and facilities.

(d) The Secretary shall establish criteria designed to assure equitable participation in the administration of community service projects by agencies and organizations eligible for payment under section 902(b).

(e) Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

(f) The Secretary shall not delegate his functions and duties under this title to any other department or agency of Government.

PARTICIPANTS NOT FEDERAL EMPLOYEES

SEC. 904. (a) Eligible individuals who are employed in any project funded under this title shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

(b) No contract shall be entered into under this title with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self insurance, as allowed by State law, that the persons employed under the contract, shall enjoy workmen's compensation coverage equal to that provided by law for covered employment. The Secretary must establish standards for severance benefits, in lieu of unemployment insurance coverage, for eligible individuals who have participated in qualifying programs and who have become unemployed.

INTERAGENCY COOPERATION

SEC. 905. The Secretary shall consult and cooperate with the Office of Economic Opportunity, the Administration on Aging, the Department of Health, Education, and Welfare, and any other related Federal agency administering related programs, with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this title with other public and private programs or projects of a similar nature. Such Federal agencies shall cooperate with the Secretary in disseminating information about the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects funded under this title.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 906. (a) (1) From the sums appropriated for any fiscal year under section 908 there shall be initially allotted for projects within each State an amount which bears the same ratio to such sum as the population aged fifty-five or over in such State bears to the population aged fifty-five or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made. For the purpose of the exception contained in this paragraph, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(2) The number of persons aged fifty-five or over in any State and for all States shall be determined by the Secretary on the basis of the most satisfactory data available to him.

(b) The amount allotted for projects within any State under subsection (a) for any fiscal year which the Secretary determines will not be required for that year shall be reallotted, from time to time and on such dates during such year as the Secretary may fix, to projects within other States in proportion to the original allotments to projects, within such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates that projects within such State need and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

(c) The amount apportioned for projects within each State under subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration the proportion which eligible persons in each such area bears to such total number of such persons, respectively, in that State.

DEFINITIONS

SEC. 907. As used in this title—

(a) "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;

(b) "eligible individual" means an individual who is fifty-five years old or older, who has a low income, and who has or would have difficulty in securing employment;

(c) "community service" means social, health, welfare, educational, library, recreational, and other similar services; conservation, maintenance or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; economic development; and such other services which are essential and necessary to the community as the Secretary, by regulation, may prescribe.

AUTHORIZATION OF APPROPRIATIONS

SEC. 908. There are hereby authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and $150,000,000 for fiscal year ending June 30, 1974, to carry out the provisions of this title.

TITLE X—MIDDLE-AGED AND OLDER WORKERS TRAINING

SHORT TITLE

SEC. 1001. This title may be cited as the "Middle-Aged and Older Workers Training Act".

DECLARATION OF FINDINGS

SEC. 1002. Congress hereby finds and declares that—

(1) inflation has forced middle-aged and older persons to bear growing economic burdens, particularly if they are living on limited, fixed incomes;

(2) millions of middle-aged and older Americans wish to continue in or obtain employment in order to provide adequately for themselves and to contribute to the Nation as productive citizens;

(3) millions of middle-aged and older Americans are frustrated in these goals and find it increasingly difficult to retain or obtain employment of a remunerative and meaningful nature, as a result of their inability to keep pace with a dynamic economy and changing technology;

(4) without additional legislation, the Age Discrimination in Employment Act of 1967 cannot reasonably be expected to deal adequately with age discrimination in employment which acts to deny employment opportunities for middle-aged and older workers;

(5) as a result of the lack of full opportunity and adequate training and supportive services more than a million men and women between the ages of fifty-five and sixty-four have given up the active search for work and hundreds of thousands of men and women between the ages of sixty-two and sixty-four have been forced to retire with inadequate benefits, resulting in individual frustration, impaired morale and loss of sense of worth and dignity;

(6) in addition to individual loss, the Nation as a whole loses the benefits which may be contributed by middle-aged and older persons and incurs needless costs in unemployment compensation and public assistance which can be reckoned in billions of dollars; and

(7) providing middle-aged and older workers training and educational opportunities and supportive services leading to remunerative and meaningful employment opportunities will increase their incomes and benefit their physical and mental well-being, as well as strengthen the Nation's economy.

STATEMENT OF PURPOSE

SEC. 1003. It is the purpose of this title to establish and assist training programs and relative supportive services which will provide middle-aged and older workers a full opportunity for remunerative and meaningful employment; to assist further in eliminating discriminatory practices which deny work to qualified persons solely on account of age; to improve and extend existing programs designed to facilitate training and the matching of skills and jobs; to assist middle-aged and older workers, and employers, labor unions, and educational institutions to prepare for and adjust to anticipated changes in technology in jobs, in educational requirements, and in personnel practices and to otherwise stimulate innovative approaches to make employment opportunities more accessible to middle-aged and older persons.

AUTHORIZATIONS

SEC. 1004. For the purpose of carrying out the provisions of this title, there are authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and $150,000,000 for the fiscal year ending June 30, 1974.

PART A—MIDCAREER DEVELOPMENT SERVICE PROGRAM

PROGRAM ESTABLISHED

SEC. 1011. There is hereby established a comprehensive midcareer development service program, to be administered by the Manpower Administration in the Department of Labor, to assist middle-aged and older workers to retain and obtain remunerative employment by providing manpower training, counseling, and special supportive services to such workers.

TRAINING PROGRAMS

SEC. 1012. (a) The Secretary, through the Manpower Administration, is authorized to make loans and grants to public and private nonprofit agencies, institutions, and organizations and to individuals for manpower training, including on-the-job, institutional, residential, and other training, designed to upgrade the work skills and capabilities of middle-aged and older persons.

(b) Any grant or loan made pursuant to this section may be used to pay all or part of the cost of training under any such program plus such stipends (including allowances for subsistence or other expenses) for such persons and their dependents as he may determine to be consistent with prevailing practices under comparable Federal programs.

(c) A grant or loan under this section shall be made on such terms and conditions as the Secretary shall prescribe and may be made only upon application to the Secretary at such time or times and containing such information as he deems necessary. The Secretary shall not approve an application unless it sets forth a program for training which meets criteria established by him, including training costs and tuition schedules.

(d) The Secretary shall pay to each applicant who has an application approved by him part or all of the cost of the program set forth in such application.

(e) Individuals receiving payments under the provisions of this section while undergoing training shall continue to receive such payments only during such period as the Secretary finds that they are maintaining satisfactory proficiency in such training program.

(f) The Secretary is authorized to enter into agreements to provide loan guarantees to lending institutions on such terms and conditions as the Secretary shall prescribe in order to permit such institutions to make loans to middle-aged and older persons for training which qualifies under this section.

TRAINING PERSONS TO TRAIN AND RETRAIN MIDDLE-AGED AND OLDER WORKERS

SEC. 1013. The Secretary is authorized to develop and carry out a program under which an adequate number of persons are trained to understand the manpower training and educational needs of middle-aged and older persons and to become qualified to train and retrain middle-aged and older workers in skills needed in the economy in the community in which such workers reside. Such programs shall emphasize developing innovative techniques for training middle-aged and older persons.

SPECIAL SERVICES FOR MASS LAYOFFS

SEC. 1014. The Secretary is authorized to recruit and train personnel within the Department of Labor to be made available to localities in which substantial numbers of middle-aged and older persons are unemployed as a result of the closing of a plant or factory or a permanent large-scale reduction in the work force in such locality. In carrying out the provisions of this section, the Secretary is authorized to provide such persons with recruitment, placement, and counseling services.

SPECIALIZED SERVICES

SEC. 1015. (a) The Secretary shall establish and carry out specialized services for middle-aged and older workers who desire to improve their employability, to receive manpower training to improve their capabilities at their present employment, or to obtain counseling in planning to maximize earning opportunities for the remainder of their working lives.

(b) The Secretary is authorized to recruit and train manpower specialists, including older and retired employment counselors and personnel directors, to serve in programs authorized under this section.

EMPLOYMENT SERVICES FOR PART-TIME EMPLOYMENT

SEC. 1016. The Secretary may, where appropriate, make special provisions through the United States employment service, or with the advice and assistance of the employment service, by means of grants to or contracts with nonprofit volunteer agencies to assist such agencies in securing part-time or temporary employment for additional members of middle-aged and older persons who wish such employment.

PART B—SPECIAL REPORTS AND STUDIES

RESEARCH AND INFORMATION PROGRAMS

SEC. 1021. (a) The Secretary is authorized to enter into grants, contracts, and other arrangements with public and private agencies and institutions to conduct such research and demonstration projects as he determines will contribute to carrying out the purposes of this title.

(b) In carrying out the purposes of this title the Secretary is authorized to publish and disseminate materials and other information relating to training and job opportunities for middle-aged and older individuals and to conduct such special informational and educational programs as he determines appropriate.

MANPOWER STUDY

SEC. 1022. (a) The Secretary is authorized and directed to undertake, either directly or by way of grant or contract, a thorough study of manpower programs authorized by provisions of Federal law other than this title, and other federally assisted training programs to determine whether such programs are responsive to the needs of the middle-aged and older persons. The Secretary shall report the findings and recommendations of this study, and his own recommendations with respect to additional legislation, to the President for transmittal to the Congress not later than July 1, 1973.

(b) In conducting this study the Secretary shall not employ or contract with any individual, institution, organization, or agency providing advice or technical assistance for any program described in subsection (a) of this section.

EXTENDED UNEMPLOYMENT COMPENSATION

SEC. 1023. The Secretary shall study the feasibility of establishing a program of extended unemployment compensation benefits for unemployed older workers who have exhausted their unemployment compensation. On or before July 1, 1973, the Secretary shall report to the Congress and the President his findings and recommendations with respect to such a program of allowances.

COMPENSATION AND DISABILITY INSURANCE

SEC. 1024. The Secretary shall prepare and submit a report to the Congress not later than July 1, 1973, on means of eliminating the lack of coverage and other inadequacies in workmen's compensation and disability insurance programs, health insurance, and pension plans, particularly as they affect adversely the employment of middle-aged and older workers.

FEDERAL EMPLOYMENT OPPORTUNITIES STUDY

SEC. 1025. (a) The Comptroller General of the United States is authorized and directed to undertake a study of part-time employment in the executive branch of the Government of the United States and to make a report of his findings, together with any recommendations he considers appropriate or desirable, to the Congress on or before July 1, 1973. Such study shall include a determination of—

(1) the extent to which part-time employment exists in the executive branch;

(2) the limitations, if any, that are imposed by Federal statute, regulations, or administrative policies or practices on such part-time employment, and the extent to which such limitations are justified; and

(3) the measures that may be taken to increase the number of part-time positions available in the executive branch which may be filled by older persons without resulting in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits).

(b) The Comptroller General is further authorized and directed to undertake a study of the feasibility of redesigning positions in the executive branch of the Government of the United States without impairing the effectiveness or efficiency of operations of any department, agency, or independent establishment, with a view to increasing the number of positions which are available to older individuals at the subprofessional level. The Comptroller General shall make a report of his findings, together with any recommendations he considers appropriate or desirable, to the Congress on or before July 1, 1973. Such study shall include a determination of—

(1) the extent to which positions can be redesigned, resulting in an increase in the number of positions in the executive branch available to older individuals;

(2) the limitations, if any, imposed by Federal statutes, regulations, or administrative policies or practices on redesigning positions in the executive branch to increase the number of subprofessional positions available to older individuals and the extent to which such limitations are justified;

(3) the measures that may be taken to redesign positions so that the number of subprofessional positions available to older individuals may be increased; and

(4) the programs which would be needed to train older individuals to fill subprofessional positions created as a result of redesigning such position.

PART C—GENERAL PROVISIONS

DEFINITIONS

SEC. 1031. As used in this title—

(1) "middle-aged and older" means an individual who is forty-five years of age or older;

(2) "middle-aged" means an individual who is at least forty-five years of age but not older than fifty-four years of age;

(3) "older" means an individual who is at least fifty-five years of age;

(4) "Secretary" means the Secretary of Labor; and

(5) "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

ADMINISTRATION

SEC. 1032. (a) In order to carry out the purposes of this title the Secretary is authorized to—

(1) provide such rules and regulations as he deems necessary;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(3) appoint such advisory committees composed of private citizens and public officials who, by reason of their experience or training, are knowledgeable in the area of job opportunities for middle-aged and older individuals, as he deems desirable to advise him with respect to his functions under this Act; and

(4) utilize, with their consent, the services, personnel, information, and facilities of other Federal and State agencies, with or without reimbursement therefor.

(b) Each member of a committee appointed pursuant to clause (3) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the daily rate prescribed for GS-18 under section 5332 of title 5, United States Code, for each day on which he is engaged in the actual performance of his duties (including traveltime) as a member of the committee. All members shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

(c) Each recipient of assistance under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(d) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants, agreements, or contracts entered into under this title.

PROGRAM DEVELOPMENT AND COORDINATION

SEC. 1033. (a) In addition to any other provisions for the administration of this title, the Secretary shall designate personnel to have responsibility for program leadership, development, and coordination. The Secretary shall provide for a central office for information on and special attention to the problems of middle-aged and older workers and the programs concerning such workers.

(b) No individual, institution, organization, or agency shall evaluate any program under this title if that individual, or any member of any such institution, organization, or agency, is associated with the program as a consultant, technical adviser, or in any other capacity.

(c)(1) The Secretary is authorized and directed to require agencies, institutions, and organizations administering training and other programs and activities assisted under this title to coordinate their activities with agencies and organizations conducting related manpower and employment programs receiving assistance under this Act and under other provisions of law, such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, and the Emergency Employment Act of 1971. In carrying out the provisions of this paragraph, the Secretary is authorized to make necessary arrangements to include projects and activities assisted under this title within a common agreement and a common application with projects assisted under this Act and under other provisions of law, such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, the Emergency Employment Act of 1971.

(2) The Secretary is authorized to make whatever arrangements that are necessary to carry out the programs assisted under this title, as part of any general manpower legislation hereafter enacted, except that appropriations for programs assisted under this title may not be expended for programs assisted under such legislation.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 1034. (a) The amounts appropriated under the provisions of this title for any fiscal year shall be allocated by the Secretary in such manner that of such amounts—

(1) not less than 80 per centum shall be apportioned among the States in an equitable manner, taking into consideration the proportion which the total number of unemployed middle-aged and older persons in each such State bears to the total number of such persons in all States; and

(2) the remainder shall be available as the Secretary deems appropriate to carry out the purposes of this Act.

(b) The amount apportioned to each such State under paragraph (1) of subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration the proportion which the total number of unemployed middle-aged and older persons in each such area bears to the total number of such persons, respectively, in that State.

(c) As soon as practicable after funds are apportioned to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a)(1) and (b) of this section.

TITLE BY TITLE SUMMARY OF THE AMENDMENTS TO THE OLDER AMERICANS ACT

TITLE I—OLDER AMERICANS ADVOCACY COMMISSION

This provision would create an older Americans Advocacy Commission containing six members apppointed by the President for staggered three years terms. No more than three of the members would be of the same political party and an effort would be made to represent Older American National Organizations, as well as the general public. This Commission would be independent of any federal department or agency and it would be empowered to employ its own staff. The Commission would be charged with advocating senior citizen causes, advising the President and Congress with regard to the policies and activities of the federal government, etc. It would have the power to hold hearings and to issue reports containing the results of its findings.

TITLE II—THE ADMINISTRATION ON AGING

This Title establishes the Administration on Aging and places it within the Office of the Secretary of Health, Education and Welfare. AOA is given primary responsibility for carrying out the programs authorized under this Act. Title II also creates a National Older Americans Information Clearing House which is designed to collect, analyze, prepare and disseminate information regarding the needs and interests of Older Americans.

TITLE III—GRANTS FOR STATE AND AREA PROGRAMS

Under the provisions of this Title, the Administration on Aging would work with the State Aging Agencies to develop a statewide plan for delivering services to senior citizens. Each state would be divided into planning and service areas which would bear the primary responsibility for developing the apparatus required to coordinate and deliver social and nutritional services to the elderly. These local aging units are designed to coordinate existing governmental services and/or purchase such services in each area. It is not anticipated that they will directly provide services, except where no other source is available.

TITLE IV—TRAINING AND RESEARCH

The Commission on Aging is authorized to make grants for research and development projects in the field of aging. It may also undertake programs designed to attract qualified persons into the field of aging and to provide training programs for personnel in this field. There is also a provision for the establishment and support of multi-disciplinary centers of gerontology which will assist in the research and training programs as well as provide technical assistance for state and local aging units.

TITLE V—MULTIPURPOSE SENIOR CENTERS

This provision provides for the acquisition, alteration, or renovation of multi-purpose senior citizens centers. Included in this section are provisions for loan insurance for senior citizen centers, grant authorizations for staffing of such centers, etc.

TITLE VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

This Title extends and expands the authorization for the Foster Grandparents Program and other Older Americans Community Service programs. These programs, which were transferred to the ACTION Agency, seek to involve Older Americans in a variety of programs designed to benefit persons, both children and adults, having exceptional needs.

TITLE VII—NUTRITION PROGRAM

This Title makes several minor conforming changes in the nutrition legislation which was passed earlier this year. The changes are primarily designed to produce greater coordination between nutrition programs and the social service programs provided in Title III.

TITLE VIII—OLDER READERS SERVICES

This provision amends the Higher Education Act and the Library Services and Construction Act to provide special Library programs and reading services for the Aging.

TITLE IX—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

This Title was passed by the Senate on September 21, 1972 as a separate measure. It is aimed at providing community service jobs for low-income persons 55 years of age or older. It is estimated that as many as 40 to 60 thousand jobs could be created under the provisions of this Title. Programs created within this Title would be administered by the Department of Labor.

TITLE X—THE MIDDLE-AGED AND OLDER WORKERS TRAINING ACT

This Title is designed to complement Title IX in that it is designed to provide manpower training programs and other services to increase job opportunities for middle-aged and older persons.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 3358

At the request of Mr. STEVENS, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 3358, a bill to prohibit the use of certain small vessels in the United States fisheries.

S. 3598

At the request of Mr. WILLIAMS, the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BOGGS), the Senator from New Jersey (Mr. CASE), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 3598, the Retirement Income Security for Employees Act of 1972.

S. 3768

At the request of Mr. CRANSTON, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 3768, a bill to amend the Federal Food, Drug, and Cosmetic Act to regulate the advertising and distribution of organically grown and processed foods.

SENATE RESOLUTION 371—ORIGINAL RESOLUTION REPORTED AUTHORIZING SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON LABOR AND PUBLIC WELFARE FOR INQUIRIES AND INVESTIGATIONS

(Referred to the Committee on Rules and Administration.)

Mr. WILLIAMS, from the Committee on Labor and Public Welfare, reported the following original resolution:

S. RES. 371

Resolved, That Senate Resolution 235, 92d Congress, agreed to March 6, 1972, is amended as follows:

(1) In sections 2 and 6, strike out "$1,433,000" wherever it appears and insert in lieu thereof "$1,483,000".

(2) In section 3, strike out "$993,000" and insert in lieu thereof "$1,028,000".

(3) In section 4, strike out "$440,000" and insert in lieu thereof "$455,000".

SENATE RESOLUTION 372—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON LABOR AND PUBLIC WELFARE FOR ROUTINE PURPOSES

(Referred to the Committee on Rules and Administration.)

Mr. WILLIAMS, from the Committee on Labor and Public Welfare, reported the following resolution:

S. RES. 372

Resolved, That the Committee on Labor and Public Welfare is authorized to expend from the contingent fund of the Senate, during the 92d Congress, $25,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946.

ADDITIONAL COSPONSORS OF RESOLUTIONS

S. RES. 367

At the request of Mr. CHURCH, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of Senate Resolution 367, a resolution to prohibit any notice of an increase in social security payments from referring to any individual who is a candidate for public elective office.

S. RES. 370

At the request of Mr. BELLMON, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of Senate Resolution 370, to establish a Senate Oversight Committee on the Conference on Security and Cooperation in Europe and the Conference on Mutual Balanced Force Reduction.

SOCIAL SECURITY AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 1613

(Ordered to be printed and to lie on the table.)

Mr. ROTH (for himself, Mr. BOGGS, Mr. MANSFIELD, Mr. SCOTT, Mr. AIKEN, Mr. COOPER, Mr. RIBICOFF, Mr. PACKWOOD, Mr. RANDOLPH, Mr. STEVENS, Mr. MOSS, and Mr. JAVITS) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

AMENDMENT NO. 1614

(Ordered to be printed and to lie on the table.)

Mr. RIBICOFF submitted an amendment intended to be proposed by him to the bill (H.R. 1), supra.

AMENDMENT NO. 1617

(Ordered to be printed and to lie on the table.)

Mr. HUMPHREY submitted an amendment intended to be proposed by him to the bill (H.R. 1), supra.

AMENDMENT NO. 1618

(Ordered to be printed and to lie on the table.)

OLDER AMERICANS SHOULD RECEIVE THE FULL AMOUNT OF SOCIAL SECURITY BENEFIT INCREASES WITHOUT CUTBACKS

Mr. HUMPHREY. Mr. President, I am today introducing legislation that would enable those older Americans receiving social security and other old-age assistance to obtain the full benefit of the social security increase that becomes effective on October 1, 1972.

This bill is designed to close a loophole in the Social Security Act that mandates a dollar-for-dollar reduction in public assistance payments and program benefits in the event that a recipient of these programs is also receiving social security.

Mr. President, in October, over 511,200 Minnesota social security recipients will find their benefits increased as a result of Congress passing the 20-percent social security increase. Yet, because the increase did not carry with it a "pass through" provision, many of these recipients actually stand to lose benefits as a result of the increase. Thus, over 3,000 people in Hennepin County who receive both old-age assistance and social security will find that the old-age assistance has been cut back dollar for dollar to take into account the social security increase. The same effect will be felt by those persons and families who receive medical assistance, food stamps, public housing, and veterans pensions.

Mr. President, last year when the Congress passed the 10 percent social security increase, many older Americans faced the same problem then as they do now—the Federal Government is giving with one hand and taking the increase away with the other hand. Last year, as this year, it is a case of invisible hands moving from invisible pockets.

Almost to the day last year, on September 24, 1971, I introduced S. 2576—this legislation is currently pending before the Finance Committee—and its purpose is the same as the legislation I am introducing today: to pass through for old-age assistance and Federal assistance programs such as food stamps and veterans pensions.

Mr. President, I call the attention of the Senate to this previous legislation precisely because I believe that we must now move to end the necessity to return to the Congress immediately after a social security increase is passed to seek a rider that would allow benefits to be "passed through."

The legislation I am introducing today would be that kind of legislation. It would prevent any loss in benefits by requiring that social security increases be disregarded when determining benefits for other assistance programs.

Mr. President, it is my hope that when the social security provisions of H.R. 1 are considered by the Senate that the Senate will close this loophole and injustice to older Americans.

AMENDMENT NO. 1619

(Ordered to be printed and to lie on the table.)

Mr. CRANSTON (for himself and Mr. TUNNEY) submitted an amendment intended to be proposed to the bill (H.R. 1), supra.

AMENDMENT NO. 1621

(Ordered to be printed and to lie on the table.)

Mr. MONDALE. Mr. President, the Finance Committee's version of H.R. 1, which we have before us, is an important step forward in our efforts to treat the elderly fairly in America.

When taken together with the 20-percent social security increase which the Congress passed on June 29, it represents a major and long overdue recognition of our obligations to our senior citizens.

Title XVI of the Finance Committee bill deals with assistance to the aged, blind, and disabled. These are the poorest of the poor—the ones who need help the most. When title XVI goes into effect in January 1974, it will guarantee a minimum $130 old age assistance standard to every elderly citizen.

And because it allows elderly citizens to have $50 in social security or other similar income without losing any of the $130 in assistance, the passage of title XVI will mean that an elderly person with a small amount of social security income will be guaranteed $180 a month.

This is a great improvement over the old age assistance standard which now prevails in many States.

But it will be 15 months before the major changes incorporated in title XVI can be put into effect. The problem is what to do for these poverty stricken senior citizens until January 1974, when title XVI becomes law. Unless we act, thousands of elderly people, who receive both small social security checks and old age assistance may not receive 1 penny of additional benefits for 15 months. For these people who could benefit substantially from the 20-percent social security increase which was passed in June, there may be no increase at all for this whole period of 15 months.

Let me read parts of two letters I have received from Minnesota concerning this pitiful and cruel situation.

One poverty stricken widow wrote to me saying that:

> The Minneapolis Housing Authority is raising my rent as a result of my increase in Social Security . . . and I will be losing my food stamps also. The way I figure it, I would be better off without the raise.

Another elderly couple in Cushing, Minn., sent me the notice of a rent increase they had received from the housing authority and said that their old-age assistance check was being reduced dollar for dollar to take away every cent of the social security increase. The elderly wife wrote:

> Senator, I just haven't been able to keep up as it is and now to get a cut in our Old Age checks. Living is so terribly high. Everything is so terribly high. We pay taxes, insurance, we have payments. We don't begin to have what we need.
>
> My husband is a cripple from arthritis and 79. We are two people that just don't like to beg. We have no other income, just our Social Security and Old Age Assistance . . . and now giving more on Social Security but taking away Old Age Assistance . . . we aren't getting any raise. What can be done?

These are typical letters. Recipients of old-age assistance and aid to the blind and disabled, those with veterans' pensions, people receiving food stamps, the medically indigent, and many people in public housing are finding that the 20-percent social security increase will mean a reduction or even a loss of these other benefits.

They may lose all or part of the 20-percent social security increase because present law allows the States to cut old-age assistance levels dollar for dollar to absorb that raise.

They may lose food stamp benefits.

Some—the "medically indigent"—may lose part of their medicare benefits.

Some will see their public housing rents raised to cut deeply into the 20-percent social security increase which we wanted for them.

So our immediate problem is to develop a formula to guarantee the elderly the increase in benefits right now. The provisions of title XVI will be effective in

15 months—but 15 months is a very long time for an elderly citizen to wait for some small improvement in his standard of living.

On September 21, I introduced a bill to guarantee that all social security recipients receive the full benefit of the 20 percent social security increase. The amendment which my colleague (Mr. HUMPHREY) and I are offering now adapts that bill to the changes made by the Finance Committee in H.R. 1. But the object is still the same—to make it absolutely certain that the elderly receive the full 20 percent social security increase which we passed in June.

The proposal in my amendment could and should be put into effect immediately because it is very simple. What it does is to tell all the State agencies to continue benefits to the elderly as though there had been no 20-percent increase. In this way no benefits are cut and the full 20 percent is "passed through" to the elderly.

Although this "pass through" does not have the identical results of the approach used in title XVI, it is largely consistent with that approach—and it could be implemented now.

In Minnesota, 60 percent of the 23,000 of the elderly citizens who receive old age assistance—about 14,000 senior citizens—will lose all or part of their social security increase until January 1974 unless we provide for a passthrough, such as I am proposing.

Another 2,000 elderly Minnesotans will lose all entitlement to old age assistance as a result of the 20-percent social security increase. The committee's bill protects this category of elderly citizens against a loss of their medicaid benefits, but it does not keep them from losing food stamps as my amendment does.

In Minnesota, there are about 13,000 elderly in the "medically indigent" category. They receive no cash old age assistance, but they are covered by medicaid. Many of these people will lose all or part of their 20 percent social security increase unless action is taken along the lines I am proposing.

My amendment also protects social security recipients with veterans or other Federal benefits, as well as those in federally supported public housing programs from having part or all of the 20 percent increase taken away from them.

The Congress intended them to have the whole increase, and I think they should have it.

Mr. President, I know that the distinguished Senator from Louisiana (Mr. LONG) is aware of the need for a "pass through" in some form. He recognized its importance on the Senate floor on September 12th in a discussion with several Senators. He has shown a deep understanding of the problem because title XVI of the Finance Committee bill—by providing for a $50 disregard of social security or other similar income—has its own formula for a "pass through." It is a generous formula, but the problem is that it does not take effect for 15 months.

I think that my formula is a good one for meeting the interim problem. I urge its adoption.

AMENDMENTS NOS. 1622 THROUGH 1626

(Ordered to be printed and to lie on the table.)

Mr. HARTKE submitted five amendments intended to be proposed by him to the bill (H.R. 1), supra.

AMENDMENT NO. 1627

(Ordered to be printed and to lie on the table.)

Mr. HATFIELD submitted an amendment intended to be proposed by him to the bill (H.R. 1), supra.

CONSUMER PROTECTION ACT—AMENDMENTS

AMENDMENT NO. 1612

(Ordered to be printed and to lie on the table.)

Mr. ERVIN (for himself, Mr. ALLEN, and Mr. GURNEY) submitted an amendment intended to be proposed by them jointly to the bill (S. 3970) to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes.

AMENDMENT NO. 1615

(Ordered to be printed and to lie on the table.)

Mr. TUNNEY submitted an amendment intended to be proposed by him to the bill (S. 3970), supra.

AMENDMENT NO. 1616

(Ordered to be printed and to lie on the table.)

Mr. BIBLE submitted an amendment intended to be proposed by him to the bill (S. 3970), supra.

IMPORTATION OF UPHOLSTERY REGULATORS—AMENDMENTS

AMENDMENT NO. 1620

(Ordered to be printed and to lie on the table.)

Mr. BENNETT submitted an amendment intended to be proposed by him to the bill (H.R. 640) to amend the tariff schedules of the United States to permit the importation of upholstery regulators, upholsterers' regulating needles, and upholsterers' pins free of duty.

AMENDMENT NO. 1628

(Ordered to be printed and to lie on the table.)

Mr. WILLIAMS submitted an amendment intended to be proposed by him to the bill (H.R. 640), supra.

NOTICE OF HEARING NOMINATIONS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, October 5, 1972, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Kevin Thomas Dufy, of New York, to be U.S. district judge, southern district of New York, vice Irving Ben Cooper, retired.

Robert J. Ward, of New York, to be U.S. district judge, southern district of New York, vice Frederick Van Pelt Bryan, retired.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. EASTLAND), chairman, the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Nebraska (Mr. HRUSKA).

NOTICE OF HEARING ON SECURITY FOR THE ELDERLY IN PUBLIC HOUSING

Mr. WILLIAMS. Mr. President, the Subcommittee on Housing for the Elderly of the Senate Special Committee on Aging will continue hearings on "Adequacy of Federal Response to Housing Needs of Older Americans" in the John F. Kennedy Federal Building, room 2003-A, Boston, Mass., at 10 a.m. on October 2. Testimony will center on security deficiencies in public housing for the elderly.

As chairman of the subcommittee, I have been deeply concerned by earlier testimony indicating a clean-cut crisis in crime, terrorism, and vandalism in many public housing projects in major cities. I believe that the Boston testimony will provide very useful testimony, not only about the extent of the problem, but about feasible means to deal with it.

ADDITIONAL STATEMENTS

AMERICAN LEGION RESOLUTION ON PANAMA CANAL

Mr. THURMOND. Mr. President, the American Legion has long had a splendid history of supporting the best U.S. interests at home and abroad. The resolutions at their annual conventions have gained a reputation for thoughtful consideration of major issues facing this country.

At the 54th annual national convention of the American Legion, the Legionnaires endorsed many resolutions, but there is one in particular that I would like to single out at this time for its concise statement of a complicated problem. This is resolution 280 on the Panama Canal.

As is evident from the daily press, the present Government of the Republic of Panama is more and more directly threatening U.S. rights in the Zone. They are attempting to diminish or even abrogate an agreement freely arrived at in 1903, and reaffirmed in 1936 and 1955. The American Legion resolution, therefore, is extremely timely. Among other things, it points out:

First. Under the 1903 treaty with Panama, the United States obtained a grant in perpetuity of the use, occupation, and control of the Canal Zone territory with all sovereign rights, to the exclusion of any such rights by Panama.

Second. The United States has an overriding national security interest in maintaining undiluted control over the Canal Zone and Canal and its treaties with Great Britain and Columbia for the efficient operation of the Canal.

Mr. President, these and other overriding factors have led the American Legion to an inescapable conclusion. The Legion reiterates "its uncompromising opposition to any new treaties or executive agreements with Panama that would in any way reduce our indispensable sovereign control over the Panama Canal or the Panama Canal Zone." The Legion further goes on record against the proposals for a so-called sea-level canal, with all its attendant pitfalls.

I congratulate the American Legion for displaying such wisdom and effort in the public interest. It is typical of the Legion to be so farsighted.

Mr. President, I ask unanimous consent that Resolution No. 280 on the Panama Canal, passed at the 54th annual national convention of the American Legion in Chicago, Ill., August 22–24, 1972, be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

PANAMA CANAL

(Resolution No. 280)

Whereas, under the 1903 Treaty with Panama, the United States obtained the grant in perpetuity of the use, occupation, and control of the Canal Zone territory with all sovereign rights, power, and authority to the entire exclusion of the exercise by Panama of any such sovereign rights, power or authority as well as the ownership of all privately held land and property in the Zone by purchase from individual owners; and

Whereas, the United States has an overriding national security interest in maintaining undiluted control over the Canal Zone and Canal and its treaties with Great Britain and Colombia for the efficient operation of the Canal; and

Whereas, the United States Government is currently engaged in negotiations with the Government of Panama to grant greater rights to Panama both in the Canal Zone and with respect to the Canal itself without authorization of the Congress, which will diminish, if not absolutely abrogate, the present U. S. treaty-based sovereignty and ownership of the Zone; and

Whereas, these negotiations are being utilized by the U. S. Government in an effort to persuade Panama to agree to the construction of a "sea-level" canal eventually to replace the present canal, and by the Panamanian government in an attempt to gain sovereign control and jurisdiction over the Canal Zone and effective control over the operation of the Canal itself; and

Whereas, similar concessional negotiations by the U. S. in 1967 resulted in three draft treaties that were frustrated by the will of the Congress of the United States because they would have gravely weakened U. S. control over the Canal and the Canal Zone; and

Wheresa, the American people have consistently opposed further concessions to any Panamanian government that would further weaken U.S. control; and

Whereas, many leading scientists have demonstrated the probability that the removal of natural ecological barriers between the Pacific and Atlantic oceans entailed in the opening of a sea-level canal would lead to the spread of poisonous sea snakes and Crown of Thorns coral into the Atlantic where they are now unknown; and

Whereas, these dangers, plus the probability of others that would be caused by such an upset of the natural balance now existing, which advocates of the sea-level canal ignore in their plans have not been satisfactorily investigated by scientists; and

Whereas, The American Legion believes that a treaty is a solemn obligation binding on the parties and has consistently opposed the abrogation, modification, or weakening of the treaty of 1903; now, therefore, be it

Resolved, by The American Legion in National Convention assembled in Chicago, Illinois, August 22, 23, 24, 1972, that the Legion reiterate its uncompromising opposition to any new treaties or executive agreements with Panama that would in any way reduce our indispensable sovereign control over the Panama Canal or the Panama Canal Zone; and be it further

Resolved, that The American Legion oppose the construction of a new "sea-level" canal, as advocated by the Atlantic-Pacific Canal Study Commission dangerous, and subject to the irresponsible control of a weak Panamanian government; and be it finally

Resolved, that The American Legion reiterate its strong support for resuming the modernization of the present Panama Canal as provided in the current Third Locks-Terminal Lake plan legislation introduced and supported by so many Members of Congress.

MILES W. KIRKPATRICK

Mr. MOSS. Mr. President, I was disturbed to read a story in yesterday's Washington Evening Star-News which discussed a report prepared by the Washington public relations firm of Robert R. Mullen & Co. The report entitled, "The Federal Trade Commission: Where Next?" is based on the assumption that President Nixon will be reelected. Basically, the report states that business will be able to "command almost forgotten consideration" from a reshaped FTC presided over by David S. Dennison, Jr. Furthermore, the report projects that key programs undertaken by current FTC Chairman Miles W. Kirkpatrick will never see the light of day. The report says that "Administration officials now feel reform has gone too far."

In sum, this report appears to be a pink slip for Chairman Kirkpatrick and an appointment to the chairmanship for Commissioner Dennison.

Miles W. Kirkpatrick is the best friend the American consumer has had since John F. Kennedy enunciated the Consumer Bill of Rights some 10 years ago. Kirkpatrick is an outstanding leader of an agency which had come close to being subservient to the industries which it regulates. Under Chairman Kirkpatrick's direction, the Federal Trade Commission has restored my faith in the viability of the independent regulatory agency system. Chairman Kirkpatrick deserves the highest marks for fairness, temperateness, and evenhanded judgment. To undermine his hold on the agency with rumor and innuendo is most disturbing. I believe I speak for 200 million American people when I say, "We appreciate your work, we need you to continue on."

This report is most unjust to Commissioner Dennison, who has been a fair and evenhanded Commissioner during his short term on the FTC. Should Chairman Kirkpatrick retire and Mr. Dennison be appointed Chairman, the Mullen & Co. report paints a dismal picture for the future of consumer protection. And similarly it places Mr. Dennison in a corner. For in light of the Mullen report, were Mr. Dennison to be appointed Chairman, he would have an uphill struggle to convince the American people and the Congress that he will be fair and not a captive of the regulated industries.

But perhaps the most perplexing thing about this report is its authorship. I would discount it purely as Washington public relations trash were it not for the authority with which Robert R. Mullen & Co. seems to speak. This is the firm that acted as a conduit for hundreds of thousands of dairy industry dollars prior to the Department of Agriculture's raising prices on milk last year. This is the firm that employed the illusive Mr. Hunt, known for his derring-do in the Watergate caper. This is the firm which, although located across the street from the White House, is often reputed to be "on the same switchboard."

If the predictions of the appointments and resignations prove true, then I for one will insist that Mullen & Co. representatives testify at the confirmation hearing for the new Federal Trade Commissioners.

Mr. President, Miles W. Kirkpatrick is an outstanding example of the kind of regulator the American people need. And David S. Dennison, Jr., has proved himself, so far, to be equally fair and honest. For Mullen & Co. to paint this picture without documentation would be unforgivable. But if Mullen & Co can document its claims, then a far more grievous problem exists in our regulatory system and in the Nixon administration.

Mr. President, I ask unanimous consent that the Washington Evening Star-News article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AD AGENCY REPORT SEES "SOFTER" FTC

(By Bailey Morris)

A private report being circulated among high-level advertising agency executives concludes that the "militant" proconsumer stance of the Federal Trade Commission is about to be replaced by one friendlier to business.

According to the report, which was commissioned by the American Association of Advertising Agencies, business will be able to "command almost forgotten consideration" from a reshaped agency chaired by David S. Dennison Jr. a Nixon appointee.

Changes at the FTC, which is characterized as reform-minded and youth motivated under current chairman, Miles W. Kirkpatrick, may be gradual, but key programs will never see the light of day, the report predicts.

Entitled, "The Federal Trade Commission: Where Next?, the report was prepared by the Washington public relations firm of Robert R. Mullen & Co. and is largely based on the "assumption that President Nixon" is reelected.

VOICE OF REASON

It says without qualification that Kirkpatrick, as rumored, is planning to leave at year-end and that Dennison, "who has become known as the voice of reason" is expected to succeed him as head of the Five-member panel.

Quoting un-named FTC spokesmen and other outside "sources", the report says "administration officials now feel reform has gone too far" at the agency.

As a result, the report says, "appointments of individuals favoring more strict interpretation of the laws, at all staff levels and for two additional slots on the commission, itself, will be encouraged."

Key Kirkpatrick era measures, such as a controversial counter advertising program for both television and print media and one requiring advertisers to back up their ad claims will not, in the long run, become standard remedies, the report states.

Other proposed corrective measures which would ban a product or a product name, and require warning notices in advertising for specified products, are also expected to appear rarely, if at all, under new FTC leadership.

MOMENTUM EFFECT

But, the report says, "the momentum of certain policies and methods will carry for a time, and in fact, may become fixtures."

Among these programs outlined in the report is a previously unannounced one that would result in the "voluntary preclearance of national television advertising" with the FTC.

The report says that Robert Pitofsky, head of the FTC's bureau of consumer protection and the "man most responsible for the extremism" at the FTC will soon initiate such a system.

Under the expanded TV monitoring system, advertisers would voluntarily pre-clear their national advertising with the FTC whose national advertising division "will screen either storyboards or films before the commercials are scheduled."

Major studies probing the structure of industries such as fuels, drugs and food products are likely to continue as are profit-data and statistical gathering projects on conglomerates, the report predicts.

It is possible that precedent-setting cases such as the FTC's proposed shared monopoly case against the cereal industry may be carried forward for a time, the report says, explaining that:

"Just as key commitments cannot suddenly be altered or abandoned, neither can the basic thinking that presently permeates the FTC."

BARRIER THEORY

Noting that the cereal case is based on the theory that "advertising is a barrier to the entry of new companies (into an industry) and new products in a given market," the report says this kind of case moves the FTC in a new direction.

It has moved the agency "beyond the traditional FTC realm of unfair and deceptive practices into the sophisticated area of antitrust violation," the report says.

But the cereal case is likely to involve a long and costly legal test, the report adds. And other FTC advertising cases against some of the nation's largest companies are now involved in "protracted consent negotiations" and may be decided by a "potentially more temperate post-Kirkpatrick" commission, the report says.

SIMILAR ATTITUDES

The "more temperate commission," as outlined in the report, would be one composed of individuals who reinforce Dennison's "more moderate approach," the report says.

When Dennison is appointed chairman, it explains, a Republican vacancy on the commission will be opened up.

Two additional appointments under the Nixon Administration are expected, the report says, when the term of Mary Gardiner Jones expires next September and A. Everett MacIntyre, who is beyond retirement age, comes up for reappointment review in January.

"The only doubt over the new Commissioners' basic attitudes will hover over the slot marked MacIntyre, the reports says, noting that he is a Democrat and that it is possible, but far from likely under a GOP administration, his successor could be "an anti-establishment liberal."

FRIEND OF BUSINESS

Paul Rand Dixon, the report adds, former chairman of the FTC and a Democrat whose term expires in 1974, understands "the problems of business" and abhors "blind consumerism," the report adds. "Business will continue to have a friend in Paul Rand Dixon," it says.

Likely to succeed Pitofsky as head of the Bureau of Consumer Protection, described by the report as the real nerve center of the agency, is Gerald Thain, who now heads the national advertising effort.

"... Thain is considered more aggressive and less objective than Pitofsky ... unlike Pitofsky, he would not have the luxury of independence ... in addition, he would not have carte blanche from an indulgent Miles Kirkpatrick," the report concludes.

As the "new commission takes hold" and shifts away from a "rattling chains" policy of experimental cases and economic study expeditions, "consumer Crusaders and young Turk types will probably find FTC employment unappealing and leave," the report concludes.

The Mullen company was retained by the American Association of Advertising Agencies to monitor the FTC's highly publicized advertising hearings and subsequent actions and to present its findings in the report which was issued over the summer.

SALES OF WHEAT AND FEED GRAINS TO RUSSIA

Mr. YOUNG. Mr. President, there continues to be a great amount of adverse and inaccurate publicity regarding our recent sale of wheat and feed grains to Russia. It is possible that some irregularities or mishandling of these huge exports may be uncovered, but most of the charges thus far have been inaccurate and, for the most part, for partisan political purposes.

One of the prime examples of erroneous publicity is an editorial which appeared in the Western Livestock Reporter, published at Billings, Mont., by its publisher, Pat Goggins.

Mr. President, I ask unanimous consent to have printed in the Record a copy of my letter to Mr. Goggins and a copy of his editorial on which the letter was based.

There being no objection, the items were ordered to be printed in the Record, as follows:

U.S. Senate,
Committee on Appropriations,
Washington, D.C., September 28, 1972.

Mr. Pat Goggins,
Publisher, Western Livestock Reporter,
Billings, Mont.

Dear Mr. Goggins: This letter is in reference to your recent column in the Western Livestock Reporter which is critical of the recent sale of wheat to Russia. Most of the statements you make are so inaccurate that few people would believe them. Let me get you straightened out on a couple of your vicious and inaccurate charges. In your discussion of the wheat sale you state:

"Yes, we sell it to the Communist Russian countries for less than we sell it to Japan who pays cash. Maybe we don't want cash. Maybe we just like to do business on contract papers."

The last sale of wheat to Russia under the Kennedy-Johnson Administration was paid for in full with dollars. This recent sale is under the same commercial credit terms as granted to European countries and Japan. Since Russia is the biggest gold exporting country and is now selling a great deal of gold on the world markets, they may well be paying for most of it in cash.

Under the sales agreement the interest rate is $6\frac{1}{8}\%$ when the credit is guaranteed by American banks and $7\frac{1}{8}\%$ when guaranteed by foreign banks. The export subsidy has always varied depending on world prices as related to domestic prices. The only reason for the export subsidy is to permit the United States exporters which, in this case, are the grain companies, to meet the somewhat lower export prices set by Canada and other exporting countries. This is a practice which has been followed ever since our Federal Government went out of the business of handling export sales and turned it over to private grain companies more than 20 years ago.

In the case of the Russian sale in the Kennedy-Johnson Administration, the export subsidy on durum wheat was 84¢ a bushel and 65¢ a bushel for hard red winter wheat. Much of this last wheat sale to Russia was under a very low export subsidy. Secretary Butz, when the domestic price and the export subsidy began to rise sharply, set a limit on the export subsidy of 47¢ a bushel. This applied to wheat sales to all nations, including Russia.

You state further:

"The Russians are short of wheat from a drought. The only reason they are dealing with us is because they are short of wheat. Japan needs it and they need it every year. Why then, would we sell it to Russia for less than we sell it to a cash paying country who is a regular customer and will be."

Japan has been a regular customer of ours, as well as of Canada. While very helpful, our exports to them are less than 100 million bushels a year. This is very minimal when compared with our 900 million bushel carryover as of July 1 and our estimated new crop of 1.5 billion bushels. A carryover of this size is costly to the Federal Government and has meant a very low price to producers. On May 15 of this year the price of wheat at Jamestown, North Dakota, reached the lowest it had been since 1944.

This sale to Russia has not jeopardized our future trade with Japan. Equally important, the recent sales to Russia and China could open up a vast new and badly needed outlet for our surplus wheat.

In these huge sales of wheat and feed grains—the biggest trade transaction between any two countries in history—there could be some irregularities and questionable or even illegal procedures. There are some investigations being conducted now by Congressional Committees and the F.B.I. A thorough investigation would be highly desirable and it is entirely possible that it could give guidance to some possible further necessary legislation in this area.

Wheat and feed grain producers are presently being subjected to much the same criticism that cattlemen were over the prices of meat and hides. Feed cattle prices have dropped considerably, but consumers in most big retail markets are still not getting any benefit from it.

The furor over the cost of hides a while back has much in common with wheat prices. The cost of the hide in a pair of women's shoes is about equivalent to the cost of the wheat in a loaf of bread.

Just one more point, and it is an important one. Our balance of payments with the rest of the world has become a serious problem. This wheat and feed grain sale will reduce that deficit by more than a billion dollars.

I farmed all my life before I came to the Senate and my three sons are farming now. We, too, are in the cattle business as well as grain farming. From my observations most cattlemen are reasonable people, but people like you who would like to see every grain producer go broke and cattlemen alone have a good price, do a great disservice—especially to the cattlemen. You try to give them an image that they don't want and don't deserve.

Sincerely yours,

MILTON R. YOUNG.

AS I SEE IT . . .

Is there anyone left at all in the United States Government Foreign Trade Council who has any idea of a dollar for dollar trade negotiation? Is there anyone left who believes in getting cash for our goods and services?

I sometimes wonder about our latest workings and trades with the Communists. We've stayed away from trading with Communists for a lot of years and from the standpoint of broad, over all world outlook, I think it's the best, however, we are now deciding to trade with them and trade with paper.

You know, Russia owes us multi-millions. They are going to settle with the United States at 5 cents on the dollar. This is quite a trade. So what do we do? We turn around and make a billion dollar deal with them on wheat. It is a paper negotiation and must we sell it to them at bargain prices.

Yes, we sell it to the Communist Russian countries for less than we sell it to Japan who pays cash. Maybe we don't want cash. Maybe we just like to do business on contract paper. The Russians are short of wheat from a drought. The only reason they are dealing with us is because they are short of wheat. Japan needs it and they need it every year. Why then, would we sell it to Russia for less than we sell it to a cash paying country who is a regular customer and will be.

I wish I could have somebody explain to me the reasoning.

I saw a letter from a major controller of a string of elevators in our country who sent a letter out to all of their elevator operators, telling them not to release any barley out of their elevators for less than $2.50 per cwt. With feeder cattle prices rising, and the prospect of a spiraling feed cost, we are going to have to have $38 to $40 fat cattle in the intermountain region to make these feeder cattle work.

Some seem to feel that with wheat price rising the limit almost every day, it is going to take wheat out as a feedgrain as it has been in the last few years. This puts the pressure on barely. A short barley crop is in evidence in all states except North Dakota and with a over-population of feedlots, what is going to be the result?

Either fat cattle rise about $5 to $6 per hundred or someone loses his shirt.

I like to be optimistic. I dislike painting a dim picture but this trade with Communist countries for no money looks worse than ridiculous.

There is no doubt that the U.S. grain growers need help. It's a situation that is very critical but to sell it to Communist Russia for less money than American bakers have to pay or for less money than a steady customer like Japan who pays cash, seems almost on the edge of being stupid. And America didn't get to be the country it is by pulling such nonsense.

DEATH WITH DIGNITY NEEDS TO BE STUDIED

Mr. CHURCH. Mr. President, recently the Senate Special Committee on Aging, of which I am chairman, began a frankly exploratory series of hearings into the public issues related to a subject which is sometimes called "Death With Dignity" or by other titles which question the right to prolong life by extraordinary means when all hope for recovery—or in some cases, even for consciousness or lucidity—has vanished.

As was stressed at the outset of the hearings, the committee had no preconceived conclusions on the subject. We merely sought testimony as to when and under what circumstances death should be allowed to come naturally to the hopelessly ill. Our witnesses represented the segments of society which are most immediately affected by the actions and implications of extraordinary life-sustaining medical practices: the elderly and their families, social workers, the medical and legal professions, ethicvists and members of the clergy. At the conclusion of the hearings, we welcomed and, indeed, sought comments from the public. We asked for their assessment of the adequacy of present health care arrangements for the terminally ill patient and his family.

The timeliness and appropriateness of the committee inquiry is described in an article entitled "'Death With Dignity' Needs To Be Studied", which appeared in the Syracuse, N.Y., Post-Standard of August 18.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

"DEATH WITH DIGNITY" NEEDS TO BE STUDIED

The Senate Special Committee on Aging recently conducted three days of hearings where there was thought about the unthinkable and talk about the untalkable—and three cheers for finally broaching the subject. They spent three days discussing "death with dignity," and although the word euthanasia was meticulously avoided, most witnesses advocated allowing death to come naturally to the hopelessly ill—which might be considered passive euthanasia.

The very idea—at least as an open covenant openly arrived at—is such a virgin one on the American scene that we neither advocate it nor condemn it, but would like to hear much more on the subject from the elderly, general public, medical profession, philosophers, and other groups.

Most witnesses at the hearings, including representatives from all of the above categories, said it was inhumane to keep the dying alive, often against their wishes, long after chances of recovery were reduced to zero. They claimed that the concept of hating to acknowledge defeat—in the vain belief a medical miracle would occur—resulted in patients being, as one witness put it, "bedridden, diapered, tube-fed and completely unaware, to live out artificial lives prolonged by the marvels of science.

Most said that neither the medical profession nor the general public has learned to accept death as a function of life, as natural as birth.

Many cited personal experiences, and there were suggestions to require uniform laws to relieve the pressure on doctors to keep patients alive or face malpractice suits, allow "living wills" so a competent person could specifically refuse treatments to keep him technically alive when hope for recovery is gone, changing procedures so nursing homes serve the needs of the terminally ill or so that patients can die at home among friends, and new legal definitions of death regarding irreversible brain damage.

As the committee chairman, Sen. Frank Church, D-Idaho, admitted, the issue of "death with dignity" was a "novel" subject for the Senate to be probing. But it is certainly an important one.

There are many aspects of the subject yet to be explored—religious tenets, the possible abuse by greedy relatives eager for an inheritance, the possible incorrect diagnosis by physicians, premature end of treatments in the belief that death is near, and so on.

But many of the elderly themselves are pressing for "death with dignity"—allowing natural death to come. A great many people fear that some day they may become "vegetables"—a burden on their families and society, and existing without a functioning brain or bedridden in perpetual great pain merely because machines can replace most of their body organs.

Much more study and discussion are called for, because as things stand now, no physician, patient, relative of potential patient has any choice but to extend life or have it extended, regardless of the wishes of any or all. The fact that many times this practice is not followed only makes the legal and ethical quandaries that much more in need of resolution, or at least full airing.

SENATOR McGOVERN AND AMNESTY

Mr. SCOTT. Mr. President, an article entitled "McGOVERN Fuzzes Amnesty," written by Ted Knap, and published in the Pittsburgh Press of September 20 covers in detail a point I made earlier this week. Because I think this point cannot be emphasized enough, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

McGOVERN FUZZES AMNESTY

(By Ted Knap)

Sen. George S. McGovern's effort to take the radical stamp off some of his positions is creating problems of credibility.

None is more clear than on the issue of amnesty, where there is a huge gap between what Sen. McGovern says and the facts.

The Democratic presidential nominee is on record in favor of general, unconditional amnesty for the thousands of young Americans who evaded the draft rather than serve in the armed forces during the Vietnam war.

He would not even require compensatory public service.

This position made Sen. McGovern the youth favorite and enabled him to recruit an organization of volunteers that helped win the nomination. But it is a position opposed by a majority of older voters, according to the polls.

So when Sen. McGovern was asked about amnesty in Pittsburgh last Wednesday at a meeting with local Democratic leaders, he responded by saying first that he would not invoke amnesty until the war is over and American prisoners are home.

IMMORAL WAR

He could then follow precedent other presidents have taken—that is, provide amnesty for those who in conscience refused to serve in a war they considered immoral. He continued that it would be a "general amnesty" for draft evaders but not deserters.

Sen. McGovern went on to say, as he has frequently in public speeches, that President Calvin Coolidge "provided amnesty after World War I—and he certainly was no radical."

Sen. McGovern said President Harry S. Truman did it "somewhat differently, but under a general amnesty" after World War II.

That is not true or even close to the truth. Because Sen. McGovern's staff has a Library of Congress research report on the subject, it is hard to believe that he doesn't know what really did happen.

There is no precedent for general amnesty for wartime draft evaders.

More pertinent is what happened in regard to the last three wars.

World War I—no amnesty for draft evaders.

What Coolidge did in 1924 was pardon about 100 men who had deserted from the armed forces after the war.

Fifteen years after the armistice, President Franklin D. Roosevelt granted amnesty and restored citizenship to the World War I draft evaders who had been prosecuted and served their sentences.

TRUMAN PARDONS

World War II—Mr. Truman in 1947 pardoned 1,523 out of 15,805 who had violated the draft law during the war.

Korean war—total absence of amnesty.

Sen. McGovern's attempt to make his amnesty position seems less radical by giving it the aura of presidential precedent is, to put it kindly, less than forthright.

A smaller credibility question has arisen over the most fundamental part of Sen. McGovern's Vietnam war position.

In the beginning, Sen. McGovern said he would withdraw all U.S. forces from South Vietnam within 90 days after inauguration. He was loudly applauded, but later encountered opposition from those who feared he might abandon American prisoners of war.

So Sen. McGovern now says that within 90 days after he became president "every American prisoner and every American soldier" would be home.

BALANCED GROWTH AND ITS RELATION TO RESTORING "A SENSE OF COMMUNITY" IN OUR NATION

Mr. HUMPHREY. Mr. President, I invite the attention of Senators to the September issue of Future magazine, the official magazine of the U.S. Jaycees, and their particular attention to the cover article, for it was written by our good friend, the junior Senator from New Hampshire, Senator Thomas J. McIntyre.

This is a remarkable issue, Mr. President.

It is as bold and challenging and relevant in content as it is in format, color and design, and the tone for the issue is set by Senator McIntyre's urgent call for a policy of balanced national growth.

What is remarkable about this article, Mr. President, is that Senator McIntyre brings together all of the familiar arguments for a blanced distribution of people through a balanced distribution of economic opportunity and then adds a new and insightful element that demands our consideration.

Our colleague writes,

> No challenge before us, is greater than restoring a "sense of community" to Americans everywhere . . . The crisis in relationship between individual Americans and the societies in which they live is no less insistent of resolution than the crisis in the relationship between man and nature. Moreover, the two crises are so interwoven that neither can be fully met without meeting the other.

Mr. President, Senator McIntyre then links the loss of our sense of community to the imbalance of population and opportunity by saying:

> In very simple terms, people who are forced to live in a given community by influences beyond their control will not—indeed, cannot, develop a sense of community, for intrinsic to a healthy sense of community is freedom of choice.

Our colleague rightly points out that poll after poll in recent years has indicated that half to two-thirds of our people do not live where they want to live, and he observes that it is impossible to build that spirit of cooperation mutual respect and good will so crucial to a sense of community on a bedrock of resentment and bitterness.

Senator McIntyre rounds the dimensions of this aspect of his argument by contending that the collective recognition that every person in a given community counts, that what he or she thinks or says is deserving of consideration, is equally essential to a healthy sense of community.

He writes:

> I firmly believe, that much, perhaps all of today's social ferment—the divisiveness, bitterness, rancor, suspicion and cynicism about our leaders, our institutions, our government and our political processes—can be laid to the fact that millions of Americans—from the heart of the festering ghettoes to dying Main Streets across this land—have become convinced that they can no longer chart their own destinies and are helpless, voiceless, and totally without recognition or influence.

Contending that Americans lost their "precious sense of community" and their sense of personal significance to the forces of accelerated time, accelerated technological advance, accelerated industrial development and accelerated urbanization—most of which, he rightly points out, took place with little thought to their impact on the social as well as the natural environment.

He writes:

> We were simply overwhelmed by a growth movement not only awesome in speed and dimension, but heedless in direction. We neither foresaw nor prepared for the reckless drain and despoilment of our national resources or the terrible strain on our social fabric.

The basic pattern of population distribution, he notes, was designed by the play of economic forces and few other considerations, because people must live where there are jobs and the location of jobs is not their choice.

But there is still hope, he concludes. It is not too late for men to act rationally and responsibly as architects of both the social and the natural environment.

As a nation, we stand at the brink of a new maturity, he writes, a maturity that tells us it is time to stop, retrace our path, pick up the values we dropped along the way, take careful stock of what we have and what we are—and decide exactly where we are going.

And then Senator McIntyre tells us which direction he wants to see us take:

> I want us to create an America with elbow room and breathing space, I want to see an America where revitalized smaller cities, medium-sized cities, villages, and new towns, can make it possible for 300 million of us to live in less congestion tomorrow than 200 million of us live today.
>
> I want to see an urban America freed of the blight of congestion and pollution and crime and drugs and despair. I want to see an urban America with the amenities of life restored for all Americans.

Senator McIntyre concludes:

> In that America, people *could* live where they wanted to live.
>
> In that America, people *could* feel that they belonged and that they counted.
>
> In that America, people everywhere *could* regain and nurture that all-important sense of community.

Senator McIntyre tells us.

> "We shall survive" better and stronger than ever before. But our work is cut out for us. Government and citizenry must work together to achieve the ultimate goal: an America capable of meeting a realistic growth within a sane environment."

To accomplish what the junior Senator from New Hampshire is calling for will require a new, and much broader look at our Nation's problems. It also will require some new approaches to policy formation and changes in our traditional institutions and manner of handling our Nation's affairs.

I have been addressing myself specifically to these concerns since returning to the Senate and I will soon introduce a bill entitled "The Balanced National Growth and Development Act of 1972," which it is hoped will provide the start I believe our Nation needs to begin working towards the ends which the Senator from New Hampshire so eloquently has outlined in his article.

As a nation of free men and women, we must not let the exercise of our freedoms blind us to the need for planning and designing our future. If we fail to plan for our Nation's future we may not as individuals be able to protect our own freedoms and future. We have the intelligence, the wealth, and the power as a nation to create any type of future which the people of this Nation desire. What we lack is "the will," "the conviction," "the courage," "the determination," and "the leadership" to take this admittedly challenging task head-on. I believe the bill I shall be introducing soon will give Americans new hope and encouragement to meet this challenge enthusiastically.

Mr. President, I commend the junior Senator from New Hampshire for presenting an argument for balanced national growth that is as sensitive and perceptive as it is forceful and convincing.

I ask unanimous consent that Senator McIntyre's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Mega-Pollution: The Ultimate Crisis

(By U.S. Senator Thomas J. McIntyre)

No challenge before us is greater than restoring a "sense of community" to Americans everywhere. And I submit that meeting this challenge will require a revolution in thinking equal to that demanded by the environmental crisis.

The crisis in relationship between individual Americans and between Americans and the societies in which they live in no less insistent of resolution than the crisis in the relationship between man and nature. Moreover, the two crises are so interwoven that neither can be fully met without meeting the other.

In very simple terms, people who are forced to live in a given community by influences beyond their control will not—indeed, cannot—develop a sense of community. Intrinsic to a healthy sense of community is freedom of choice. That freedom of choice must exist before rational solutions can be discovered and implemented.

It is impossible to build that spirit of cooperation, mutual respect, and good will so crucial to a sense of community on a bedrock of resentment and bitterness.

Equally essential to a healthy sense of community is the collective recognition that every person in that community counts, that what he or she thinks or says is deserving of consideration. Only with this realization can we hope to combat the serious ills now threatening us.

I firmly believe that much, perhaps all, of today's social ferment—the divisiveness, bitterness, rancor, suspicion, and cynicism about our leaders, our institutions, our government and our political processes—can be laid to the fact that many millions of Americans—from the heart of the festering ghettoes to dying Main Streets across this land—have become convinced that they can no longer chart their own destinies and are helpless, voiceless, and totally without recognition or influence.

Regardless of the outcome of the upcoming elections, this campaign year surely has revealed how endemic such feelings are in America.

What is needed now is a bipartisan attack on the root causes, because the "revolution" in thinking that I'm talking about is not a partisan issue.

Now, how did we Americans lose our precious sense of community? We lost it to the forces of accelerated time, accelerated technological advance, accelerated industrial development, accelerated urbanization, and accelerated population growth.

We were simply overwhelmed by a growth movement not only awesome in speed and dimension, but heedless in direction. We neither foresaw nor prepared for the reckless drain and despoilment of our natural resources or the terrible strain on our social fabric. We plunged ahead with speed but without sufficient caution, we don't take enough of our actions into serious consideration.

At the turn of the century, 60 per cent of the total U.S. population lived in rural areas. Indeed, 40 per cent still lived on farms.

But in the span of one lifetime—1900 to 1970—the American economy was transformed from agrarian to industrial-technological and the ratio of urban to farm residents shifted from nearly one-to-one to 15-to-one. By the 1950's the countryside was losing a million people a year to the cities!

Former Agriculture Secretary Orville L. Freeman has described the outflow of rural residents since the end of World War II as "the greatest population migration within one nation that mankind has ever known."

One of the first major public figures to sound the alarm about the growing rural-urban imbalance, Freeman repeatedly pointed out that the migrants from rural America to the metropolises have been primarily the best equipped and the least equipped in terms of ability and training.

Departure of the best, he says, stripped the countryside of vital human resources. And arrival of the least equipped compounded the problems of the cities.

The exodus from the countryside left in its wake empty farm homes, empty stores, a reduced economic base hard pressed to support good schools, doctors, and social services. And in all too many rural areas it bred hopelessness and despair.

Today, less than one-tenth of all employment in the United States is in land-using industries—agriculture, forestry, fisheries, or mineral extraction. One-tenth only!

And today, 75 per cent of our 209 million people are living on less than two per cent of the total land surface of this nation!

Moreover, by the year 2000 that figure seems certain to rise to 85 per cent. Today most of us are jammed into four major megalopolitan areas: one reaching from Boston to Washington, one along the foot of the Great Lakes, a third from Santa Barbara to San Diego, and the last along the east coast of Florida, By the year 2000 we can expect to see a single continuous city of 35 million people stretching all the way from northeast Maryland to Northampton, Massachusetts.

This is insane!

Stuffing 75 to 85 per cent of our people, cars, smokestacks, and problems into less than two per cent of our space was certain to create staggering environmental, economic, and social problems.

Large cities overload the capacity of air to clean itself. So is it any wonder that airline pilots see a brown mist over every major metropolitan area? Or that astronauts, from 20,000 miles up, can see the smog cover over Los Angeles? Or that more than 30 per cent of California's people have eye or respiratory irritation and allergies? And the problem grows.

We pump 173 tons of contaminants into our atmosphere every year—and we pump most of it from metropolitan areas that can't handle it.

The same holds true for the waterways around most major population centers. One river in Ohio is so polluted with combustible contaminants that it is actually considered a fire hazard!

Should it come as a surprise, then, that by next year 90 percent of our urban population will need secondary sewage systems?

And this lead us into the economic problum of concentrated growth and population. Bigness does not equate with goodness. There comes a point in growth where *dis*-economies of scale outweigh the economies. Cities can become so big, as we've seen time and again, as to lose all traces of economic viability.

For instance: Police protection costs only $13.45 per capita per year in cities of less than 50,000 population; $20.89 per capita in cities of from 100,000 to 200,000; but $48.77 per capita per year in cities with more than a million population!

Another example: One Midwest city of 50,000 budgets about $500,000 a year for its *total* street department spending. But one study I've seen holds that *each* New Yorker who moves to the suburbs costs the city over $20,000 in capital outlay for the facilities *he* needs to drive to and from work in the City. And in Washington, D.C., this study reports the per capita cost to accommodate commuting is even higher.

What I am saying, then, is that a city can get so big that the cost of providing services increases drastically out of proportion to total population increases. These costs—for fire and police protection, sanitation, parks and recreation—have jumped by $2 and $3 billion in less than four years. Local taxes and utility rates have shot up by $1.2 billion a year, and they *still* can't keep pace.

In the last 10 years, we've spent $160 billion trying to solve urban problems. Despite this incredible outlay we are still $8.3 billion short in meeting mass transit needs, $7.5 billion short in meeting sanitation and water quality control requirements, $3 billion short in urban renewal, $350 million short in public housing, and $1.7 million behind in meeting law enforcement needs.

It is impossible to ignore these massive urban problems. But it is equally impossible to ignore the harsh fact that the crisis mentality brought on by the very scope of the problems has time and again pushed us into hastily adopted programs which, as a recent Brookings Institution study emphatically underscored, turned out to be poorly conceived, badly misdirected, and incredibly expensive.

Surely it is obvious to everyone that the great social problems of our day—from crime to drugs to race conflict to welfare to corruption—are concentrated in direct ratio to where people are concentrated.

Some of the tensions of congestion are obvious. Others are more subtle. How much does it take to wear away that thin veneer of civility so crucial to order, public tranquility, and sense of community?

How much noise? How much uncollected garbage? How many traffic jams? At the turn of the century you could go through the heart of New York City at 11 miles an hour in a horse and buggy. Today with a 350 horsepower car, six miles an hour would set a track record.

It is tempting to blame density of population as the only cause of social costs in urbanized America, but that may be too simple an answer.

We can look at one set of figures that tell us that Manhattan, with two million people jammed into a very small area, has more murders each year than all of England and Wales combined. But is population density the reason?

Hong Kong is the most densely populated city in the world—2,000 people per acre compared with 450 per acre in New York—yet *our* big cities have twice the crime rate and six times as much murder and manslaughter.

No, the answer may be more than congestion alone.

Somehow I feel that the truth lies near to the heart of the thesis that order, tranquility, and a healthy sense of community depend upon the degree to which individual members of the comunity have options—have free choice of staying or leaving—and the realization that they do, indeed, count as involved, contributing members of that community. People live in such communities because they want to live in those communities.

Surprisingly, this seems to be true in the teeming congestion of Hong Kong. Many of the people in the crowded tenements of that city want no other life style, and one of the reasons is the high degree of involvement they feel. Moreover, without ever actually leaving it, many of these people are able to escape from the noise and chaos of the city by turning their dwellings and tiny gardens into oases of quiet peace and beauty.

But how about urbanized America? Do all those people jammed into megalopolis want to live there? Not if we believe every poll that has been taken in recent years. For each has told the same story. Well over half of the American people would rather live in a rural setting. A quarter prefer the suburbs. Less than 18 per cent want to live in the big city.

And we must assume that even those who say they prefer the suburbs are really saying they prefer the peace and security of the small town within the city.

This means, then, that well over half of our people, perhaps as many as two-thirds, are not living where they want to live or choose to live.

And along with this is that sense of helplessness and voicelessness and powerlessness that is so pervasive in many areas that it undercuts any meaningful, fulfilling relationships with the community.

Again, polls tell us that a great many Americans are convinced that government has become so big, so austere, and so remote that they have no confidence that it cares in the least for them or their problems.

From my personal experience in the legislative branch, I know this isn't true. Congressmen and Senators do care. They are concerned about their constituents. And they want very much to do all they can to help them with their problems.

But there is little question in my mind that the very size and proliferation of government—again to a great degree inspired by crisis mentality—does lend itself to an aura of awesomeness and frustrates countless citizens desperately trying to reach the right man in the right program in the right agency in the right branch with the right answer.

The same is true on the local level in urbanized America. Urbanologist Jerome P. Pickard has pointed out that a recent Census of Government showed that 227 officially defined metropolitan areas had 20,703 local governments including school districts, municipalities, townships, counties, and special districts!

All of this is a far cry from the sense of community and the sense of involvement epitomized in the New England town meeting tradition that I know and cherish.

We need that in America. And we can *have* that in America again . . . if enough of us are willing to go through the revolution in thinking that it will take to accomplish the goal.

In a book published just a few months ago—a book titled *One American Town*—Donald Connery says of his community: "We should all live in villages. There are even times when I can bring myself to believe that a town like this one, far from being a relic of the past, is something of a model for the future."

Is this a love letter from a man who was born and grew up and lived all his life in one small town?

No. It is a love letter from a man who lived for a long time in the teeming throngs of London, Moscow, New Delhi, Tokyo, and the great cities of America and who, only a few short years ago, moved to the peaceful town of Kent, Connecticut.

It is a love letter from a man who found in one small town what he had been looking for all his life.

And what did he find? He found order and serenity. He found a warm and intimate affection and respect for nature and for neighbor. And he found that "sense of community."

Well, if Donald Connery found it, why can't all of us find it?

Because, as Brookings Institution scholar James L. Sundquist says, "People must live where there are jobs, and the location of jobs is not their choice."

The basic pattern of population distribution was designed by the play of economic forces, he says, "and not by men acting rationally as environmental architects."

The hour grows late. But not so late that men have lost the chance to act rationally, responsibly, as "environmental architects."

It is not too late to stop the heedless growth of our choked, debt-ridden, crime-plagued, service-starved cities. It is not too late to give them a chance to catch their collective breath and become again what American cities ought to be, safe and clean and beautiful, stimulating and exciting, centers of commerce and learning and culture.

It is not too late to restore economic health, vigor, and opportunity to rural America.

It is not too late to put jobs where people want to live.

It is not too late to bring back to all Americans a real sense of community.

Seven years ago, Orville Freeman was the only leading figure in public life who was sounding the alarm on population distribution.

"At that time," Brookings' Sundquist says, "the nation's intellectual community, insofar as it was aware of Freeman's thesis, treated it with a disdain that blended into outright hostility. Teachers, writers, scholars, and editors for the most part live in cities . . . The country's intelligentsia is wholly urban now; the voices that once sang of rural life, the Hamlin Garlands and the Willa Cathers and the Robert Frosts, are now stilled without replacement. One can stock a library with books on the 'urban crisis' but try to fill a single shelf with works that deal in depth with the corresponding rural crisis."

But Freeman persisted. And slowly he picked up support. Three of the nation's greatest daily newspapers, and many other papers, saw the wisdom in his plea for restoring population balance. Governors of urban states and mayors of the huge and troubled cities began to see the logic in stemming in-migration.

And in 1967, President Johnson spoke to the issue when he said: "The cities will never solve their problems unless we solve the problems of the towns and smaller areas. So consider the problems of urban growth. If the present trend continues, by 1985 as many people will be crowded into our cities as occupy the entire nation today. I don't think this has to happen. Modern technology and modern industry and modern transportation can bring jobs to the countryside rather than people to the cities. And modern government could help also."

When Mr. Johnson and Mr. Freeman left office in 1969, Nixon Administration officials took up the cause. Listen to Mr. Nixon's first Secretary of Commerce, Maurice Stans, define the issue:

"The overriding question before the Nation is this: Shall we let haphazard and chaotic growth create almost insoluble problems for our people, for government, and for industry? . . . (Or should) business and government at all levels—federal, state, and local—cooperate, under fair rules equitably applied, to build an urban system that is not only productive, but also enhances the quality of life for our people and their children into and beyond the year 2000?"

Mr. Nixon himself came fully to grips with the issue in his 1970 State of the Union Address. In this address, he noted that "vast areas of rural America are emptying out of people and of promise." And, he said, "The violent and decayed central cities of our great metropolitan complexes are the most conspicuous failures in American life today.

"I propose," he said laudably, "that before these problems become insoluble, the nation develop a national growth policy.

"In the future, decisions as to where to build highways, locate airports, acquire land or sell land should be made with a clear objective of aiding a balanced growth.

"In particular, the Federal government must be in a position to assist in the building of new cities and the rebuilding of old ones.

"And at the same time, we will carry our concern with the quality of life in America to the farm as well as the suburb, to the village as well as the city. What rural America needs most is a new kind of assistance. It needs to be dealt with, not as a separate nation, but as part of an overall growth policy for America."

In December of the same year, under Title VII of the 1970 Housing and Urban Development Act, Congress declared that existing and future federal programs must be made consistent with a national growth policy and set a goal of "reversing the trends of migration and physical growth which reinforce disparities among states, regions, and cities, comprehensive treatment of the problems of poverty and employment (including the erosion of tax bases and the need for better community services and job opportunities) which are associated with disorderly urbanization and rural decline, and the development of means to encourage good housing for all Americans and new community development."

From all this one might well believe we were on our way, that the revolution in thinking about the future had caught fire throughout the government, that America, at last, was about to adopt and implement a national growth policy.

Not so.

Another year-and-a-half have gone by, and we're *still* without a policy. Once again, brave words, bold words, imaginative words have not been backed by deeds.

And why? Because the problems of heedless growth, the problems of acute population imbalance, are so huge, so deep, so pervasive that they defy overall attention and comprehension. The crisis mentality is unfortunately tuned to individual—not collective—crises.

Yet this is precisely why a national policy, a comprehensive broad-visioned, far-sighted national policy, must be adopted and adopted soon!

Without such a policy we can expect that land will continue to be developed, ravaged, and misused. Pollution of the environment will continue to be concentrated most where it can be remedied least. Urban blight will continue to spread with urban sprawl. "Ghettoization" of inner cities will go on as before. The rural to urban migration will proceed uninterrupted at the rate of half a million or more a year. City unemployment will go on climbing because unskilled, untrained migrants are still pouring in. Welfare problems will multiply for the same reason. And there is certain to be a further polarization of our people, a further alienation of our people from their government, and a quickly accelerated depreciation of American's sense of community.

As a nation we have survived a traumatic birth and many growing pains. At a very young age, as nations go, we became the envy of the world.

Now we stand at the brink of a new maturity, a maturity that tells us we may have grown too fast, grown too recklessly. A maturity that tells us it is time to stop, retrace our path, pick up the values we dropped along the way, take careful stock of what we have and what we are—and then decide exactly where we're going.

I know the direction I want to see us take.

I want us to recreate an America with elbow room and breathing space. I want to see an America where revitalized smaller cities, medium sized cities, villages, and new towns can make it possible for 300 million of us to live in less congestion tomorrow than 200 million of us live in today.

I want to see an urban America freed of the blight of congestion and pollution and crime and drugs and despair. I want to see an urban America with the amenities of life restored for all Americans.

In that America, people *could* live where they wanted to live.

In that America, people *could* feel that they belonged and that they meaningfully counted.

In that America, people everywhere *could* regain and nurture that all-important *sense of community*.

We shall survive. Better and stronger than ever before. But our work is cut out for us. Government and citizenry must work together to achieve the ultimate goal: an America capable of meeting a realistic growth within a sane environment.

EAST-WEST TRADE RELATIONS ACT

Mr. ROTH. Mr. President, I am pleased to be associated with the Senator from Washington (Mr. JACKSON) in sponsoring an amendment to the East-West Trade Relations Act, S. 2620, which will provide a positive inducement for the Soviet Union to repeal the exit taxes they are charging their Jewish citizens who wish to emigrate. This amendment is easily explained. It will make U.S. trade concessions—specifically, the granting a most-favored-nation treatment to the Soviet Union or other nonmarket economy countries and the permitting of those countries to participate in U.S. Government credit, credit guarantee, and investment guarantee programs—contingent upon those countries granting their citizens the opportunity to emigrate without paying exorbitant ransoms. I think the junior Senator from Washington well described the philosophical basis of the amendment when he said:

It is a simple amendment. It arises out of and is rooted in our traditional commitment to the cause of individual liberty. It is a simple plea for simple justice. But unlike other such pleadings, it has some teeth in it.

The situation that gives rise to this effort is well-known. Soviet Jews have long been the victims of cultural and political suppression in the Soviet Union, and many have sought to leave. Many of us in the Congress have been very concerned by the obstructions that the Soviet Union has put in the way of emigration despite its ratification of the 1965 International Convention on the Elimination of All Forms of Racial Discrimination and its signing of the 1966 International Covenant on Civil and Political Rights, both of which guarantee freedom of emigration. In November of last year, a number of us joined in sponsoring Senate Concurrent Resolution 51 asking that the right of free emigration be placed on the agenda of the United Nations General Assembly. In May of this year, the President made known his feelings on the rights of the Jewish minority to the Soviet leaders.

After the President's visit, however, the Soviet Union resorted to a new device to discourage Jewish emigration. This was the emigration tax, allegedly to repay education benefits. It is quite clear that the Soviets hoped that this tactic would discourage emigration while attracting little attention. But through the efforts of the Jewish community in the Soviet Union and Jewish organizations elsewhere, the new outrageous tax has come to the attention of the world.

This kind of a tax has no parallel in our country. The United States has always permitted free emigration and our society has always provided a free education for its citizens. The purpose of free education in our society is to help every citizen achieve his own potential and contribute more effectively to a society that hopes to retain his allegiance through good government. Free education is not the basis for indenture to the State.

I am proud that our governmental institutions, society, and economic system have proved a magnet of attraction for many different nationalities around the world who have come to this country and have shared in its greatness.

Communist societies, however, have been no such magnet. On the contrary, they have been characterized by waves of emigration as people have sought personal and economic freedom, religious toleration, and the rights of free expression of opinion, assembly, and equal justice. If these societies do not want to have disaffected citizens, they should look toward restoring such rights rather than toward denying free exits.

The Berlin wall today remains as the most blatant reminder of the barriers that Communist governments have used to keep their citizens from fleeing. Apparently, such tactics have been refined in the 1970's. Instead of erecting an ugly, physical barrier, the Soviets have resorted to building an invisible, but nonetheless real, "Berlin wall" to prevent its Jewish minority from leaving the land they no longer want to live in.

Mr. President, I am basically opposed to interference on our part in the internal affairs of other governments. But I do not believe that this principle of noninterference should be extended to the point where we no longer express our outrage toward a situation that violates basic human rights. This amendment does not coerce the Soviet Union to change its domestic laws, but it does provide an incentive for that government to make changes in its treatment of its Jewish minority by making trade concessions on our part conditional on such changes. If international public opinion is ever going to be effective, it must be attached to such inducements. I hope, therefore, that all Senators will give close and careful consideration to this amendment and join with us in attempting to insure free emigration for Soviet Jews who desire only to live in the land of their choice.

FOUR MORE YEARS?

Mr. CHURCH. Mr. President, the September 23 issue of the Blackfoot News contains an excellent editorial entitled "Can we take 4 more years?"

In it, the publisher of this fine Idaho daily, Drury R. Brown, asks the fundamental question of the current presidential campaign:

> . . . Can the United States take four more years of Richard M. Nixon in the White House?"

Taking just one point in the editorial, Mr. Brown notes that—

> Under Richard Nixon there is a tighter alliance of big government with big business than has ever been achieved before. His Administration has operated on the theory that what is good for big business, no matter how badly managed . . . is good for the United States. Will the people of the United States swallow this policy of subsidy and socialism for the rich and private enterprise for the poor?

I commend the editorial to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CAN WE TAKE 4 MORE YEARS?

It's six weeks until Election, 1972, and the pollsters find Richard Nixon to be leading George McGovern by 34 points while Jimmie the Greek, Las Vegas bookmaster, is quoted by Newsweek Magazine as giving bettors even odds that Nixon will carry 46 states.

It all has an air of unreality. At the risk of being asked—who's crazy?—I can't help but think the pollsters will be proven wrong. The people of the United States may be mesmerized now, but I don't expect them to stay that way through election day.

There is one fundamental question that must be decided by the people. Simply put it is—can the United States take four more years of Richard M. Nixon in the White House?

The White House election strategy is to make it appear he is not running as a Republican but as a candidate of all the people. His master strategists operate under the title "Committee to Re-elect the President." He and they know there are not enough Republicans to accomplish that end unless they can confuse and divide the opposition.

Some imperative issues can be stated in simple questions.

Now that our Commander-in-Chief has substituted mechanized killing for killing by foot-soldiers and has made the war in Vietnam almost danger-free for U.S. military personnel, are we willing to continue the slaughter of North and South Vietnamese to preserve the Nixon ego, now hopefully entwined with his concept of Presidential power?

Are we willing to accept four more years of military buildup and a continuation of boondoggle for the rich? President Nixon understands that because of the built-in fears of many of the American people brought about by 25 years of cold war, that it is much easier to sell the concept of the warfare state than the concept of a welfare state.

Under Richard Nixon there is a tighter alliance of big government with big business than has ever been achieved before. His Administration has operated on the theory that what is good for big business, no matter how badly managed (Penn Central, Lockheed, daily newspaper, combinations in restraint of trade saved by the Failing Newspaper Act, the ITT) is good for the United States. Will the people of the United States continue to swallow this policy of subsidy and socialism for the rich and private enterprise for the poor? In the four years of Nixon there have been 10,000 small business failures that have gone unnoticed by his Administration.

Will the people of the United States accept placidly the corruption that follows from such alliances between big business and big government? Are they completely cynical about the relationship of the Justice Department to the ITT and ready to accept the concept that government should operate that way? What about the millions of dollars, collected by the Committee to Re-elect the President in advance of the date set for mandatory revelation of the names of subscribers to the fund—subscribers whom the Committee refuse now to reveal? Is there any chance we can have a revelation of the meaning of the Watergate Affair before election?

What about the effort of the Committee to defy "The President" as if he should be above criticism and is more than flesh and blood man? The Committee equates the White House with Mount Olympus.

Richard M. Nixon puts his pants on one leg at a time like all the rest of us and he should be put to the same rough ordeal of scrutiny and dissection that George McGovern has sustained and now appears emerging from.

MINNESOTA AT MUNICH

Mr. HUMPHREY. Mr. President, because of the somber tone that the Olympics has assumed as we look back on the tragic murder of Israeli team members, we tend to forget some of the finer moments at Munich. We have not paid sufficient tribute to our U.S. team members who did such a fine job in representing their country, in their display of physical prowess and in their noteworthy sportsmanship.

As Senator from Minnesota, I would like to pay special tribute to the Minnesota contingent of the Olympic team, and I know that what I have to say is what my fellow Minnesotans are saying. Craig Lincoln's superior diving skill won him the well-deserved bronze medal, a medal that was harder to win than most considering the uncertainty expressed over the partisanship of the judges for other contestants. Bill Allen helped win a gold medal for the U.S. yachting team. Jim Brewer, another Minnesotan, made a significant contribution to the U.S.

basketball team's fine performance. Jim and his teammates were denied the gold medal by extremely dubious officiating in the championship game. We share their disappointment and applaud their accomplishment.

Although they won no medals, the rest of the Minnesota team also brought home laurels to their State. Bill Rogosheske, in canoe racing, Angus Morrison, in slalom canoeing, and Dave and Jim Hazewinkel, Gary Neist and Coach Alan Rice in wrestling, all did an outstanding job.

We in Minnesota are proud of the Minnesota contingent just as we are proud of the U.S. Olympic team. The world over has been shamed by the tragedy which befell Munich, and I think responsible political leaders must seek to maintain the essence of the Olympic tradition. The athletes, themselves, put on a commendable display of spirit and talent, and if we are to look forward to another Olympics, governments must concentrate on returning to their original spirit. We owe that to the Craig Lincolns and Duane Bobicks and the Jim Brewers.

And Minnesota has a lot to be proud of in its Olympic team. Congratulations are in order and a warm welcome home to our team.

ALASKA INDIAN RESERVATION ROADS AND BRIDGES

Mr. STEVENS. Mr. President, S. 3939, the Federal-Aid Highway Act of 1972, is a most important bill for the State of Alaska. As well as providing $20 million from the highway trust fund for Federal aid highway projects in Alaska in 1974 and 1975 and authorizing nearly $59 million for reconstructing portions of the Alaska Highway, the bill will authorize for the first time $75 million in 1974 and $100 million in 1975 for Indian reservation roads and bridges. The definition of "Indian roads and bridges" is modified so that Alaska Native villages will be eligible for funding under chapter II of title 23. This authorizes Federal assistance for non-Federal aid highways.

The importance of these authorizations for Indian reservation roads and bridges and the expanded definition of this term can best be illustrated by two pieces of correspondence I received a few days ago from Mr. John Sackett, president of the Tanana Chiefs Conference. Mr. Sackett's letter and the enclosure from Mr. B. A. Campbell, commissioner of the Alaska Department of Highways, graphically illustrate the plight of the village of Tetlin. The State of Alaska cannot fund a road to connect Tetlin to the Alaska Highway. Only if this provision remains in S. 3939 will Tetlin be authorized for Federal funds. The Senate wisely passed the bill with this section intact. I urge the passage of this portion of the bill by the House when it takes up the legislation. Once these funds are authorized and the money appropriated, the people of Tetlin and countless other Alaskan villages as well as other Indian reservations across the country will have vastly improved communications with the outside world.

And when this authorization is approved, I would hope the Senate Appropriations Committee will move swiftly to authorize funds for it.

Mr. President, I ask unanimous consent that relevant portions of the letter from Mr. John Sackett and its enclosure from Mr. Campbell be printed in their entirety in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Tanana Chiefs Conference,
Fairbanks, Alaska, September 14, 1972.
Senator Ted Stevens,
Old Senate Office Building,
Washington, D.C.

Dear Senator Stevens: For a number of years various persons have been trying to obtain a road into Tetlin and without success. Tetlin was then a reservation, however; BIA never obtained road funds for Tetlin and most of it always filtered to Metlakatla. Since then I contacted the state and they do not have funds as the attached letter indicates, nor do they have plans to use any bond monies coming in the future.

In the meantime, the reservation status for Tetlin was revoked due to the claims settlement and no BIA monies can be used for Tetlin or any other former reservation unless an amendment, which is now before Congress, is passed allowing BIA road monies to be used other than reservations.

Tetlin needs two things. One, passage of the amendment which would also help a number of other towns in Alaska and secondly, we need an appropriation of $3 million for the 17 miles of road. The local BIA stated the road is already surveyed.

We would sincerely appreciate whatever you can do on the appropriations committee to assist us in delivering a transportation system to the Tetlin residents and I will be awaiting your reply.

Thank you.

With kind regards.

Very sincerely,
John C. Sackett, *President.*

State of Alaska,
Department of Highways,
Juneau, September 8, 1972.
Mr. John Sackett,
President, Tanana Chiefs Conference,
Fairbanks, Alaska

Dear Mr. Sackett: In reference to your letter of August 24, 1972, I have reviewed the access problem to the Village of Tetlin. There appears to be two possible routes that could be considered for a road. One would parallel the Tetlin and Tanana Rivers, connecting with the Alaska Highway midway between Tok and Tetlin Junction. This would avoid building any major structures but would be approximately 17 miles in length. The other route would be more direct, paralleling the Tetlin River, crossing the Tanana River just below its confluence with the Tetlin River and connecting with the Alaska Highway west of Midway Lake. This latter route would require a major structure across the Tanana River. Rough estimates have put the cost of either route between $2,000,000 and $3,000,000.

At the present time the only highway funds available for village roads are those made available under the Local Service Roads and Trails Program. Funds available under this program are allocated on a population and area basis and there are not sufficient funds available for a project of this magnitude. However, we understand that federal legislation has been introduced which would allow more latitude in use of BIA road funds. If this becomes law, we would be happy to cooperate with the BIA subject to availability of funds.

Very truly yours,
B. A. Campbell,
Commissioner of Highways.

DEMOCRACY IN VIETNAM?

Mr. WILLIAMS. Mr. President, for the last several years we have listend to extensive arguments justifying an American military commitment to assist President Thieu of South Vietnam establish a democratic society. Mr. Nixon has insisted that when the United States withdraws from Vietnam, it must be "in a way that gives the South Vietnamese a reasonable chance to survive as a free people."

Events over the last few months have indicated that Mr. Nixon's expressed goals and intentions have merely been distracting rhetoric which does not relate to actual developments in Vietnam. American financial and military support evidently has resulted in little more than President Thieu's establishment of an oppressive military dictatorship.

I have noticed a column from the New York Times and a Washington Post editorial which discuss the frightening development in Vietnam. President Thieu has imposed nearly prohibitive regulations concerning the publishing of newspapers, permitted preemptive police sweeps and prison torture, and abolished the electoral process in the 10,000-odd hamlets of South Vietnam—the basic political unit.

These programs and tactics are hardly the trappings of an emergent democratic society. They appear to be the wild groping efforts of a man who is losing control of his situation and resorts to striking out at his opponents—real or imagined—in an attempt to preserve his own personal power. At the present time, given the inclinations of President Thieu, and the enormous continuing American support he receives, the South Vietnamese have no chance to survive as a free people.

These two articles indicate how both the massive American intervention and the unprecedented level of our bombing have failed to have any appreciable effect on the development of responsive democratic society in that country. I commend them to my colleagues, especially those in this Chamber who maintain that we are performing an important and noble role in Vietnam by continuing our military involvement there.

I ask unanimous consent that the two articles printed be in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Washington Post, Sept. 11, 1972]

WHY FIGHT ON FOR PRESIDENT THIEU?

It can come as no surprise to those familiar with the statecraft of President Nguyen Van Thieu that he has by decree abolished the electoral process in the 10,000-odd hamlets of South Vietnam. The step follows logically enough from the squalid procedure by which he did his opponents out of the presidential race a year ago; and from much else. Mr. Thieu is, simply, the top man in a military dictatorship whose chief if not sole purpose is to maintain its ever more frantic clutch on power; his government is an army of occupation with only the trappings of a parliamentary democracy.

This would be of no particular concern or consequence to Americans, were not the United States singlehandedly almost entirely responsible for the fact that Mr. Thieu stays in power. There may be a few people somewhere who believe that his government, as presently constituted, could last out the afternoon without the support President Nixon continues to afford it but Mr. Thieu is himself conspicuously not one of them. Otherwise there would be no reason or explanation for the extraordinarily vicious campaign of personal vilification which the state-controlled radio and television of South Vietnam is conducting against Sen. George McGovern. There is no evidence that the United States has protested or otherwise tried to halt this carefully orchestrated intervention in American domestic politics—despite the heavy financial and technical support which the United States supplies to Vietnamese radio and television. Such a calculated hands-off posture is of a piece with the Nixon administration's evident glee in politically exploiting any *North* Vietnamese word or act which could be construed as favorable to the Democratic presidential nominee.

"Mad dog" and "traitor" are characteristic of the Thieu media's descriptions of Senator McGovern, as in: "We must engage in . . . holding the jaw, caging and if necessary beating to death the political mad dog who is soiling the traditions of American democracy . . . and particularly interfering insolently into the internal affairs of an ally . . ." The Thieu regime's concern for the "traditions of American democracy" would be merely laughable, if Mr. Thieu himself were not profiting so considerably by the exertions of the United States. As it is, his contempt for the real traditions of American democracy—such as local self-government, democratic rule, and a free press—make a mockery of American sacrifice in his behalf.

How many times has President Nixon rationalized continued American participation in the war—a war which in 1968 he pledged to bring to an end by 1972—by asserting some supposed responsibility to assure "self-determination" for South Vietnam? How often has he sanctified the "will of the people" in the South? Yet there in Saigon is a leader who repeatedly demonstrates that it is not the self-determination of the South Vietnamese which is his goal, but the perpetuation of his personal power.

To Mr. Thieu's abolition of hamlet elections, the State Department responded that the United States is "not responsible for the internal affairs" of foreign states. One could weep. Richard Nixon has expended additional thousands of American lives during his presidency and spent additional tens of billions of dollars in order to assure that one group of Vietnamese rather than another group gets to hold the reins in Saigon, and his State Department now reports that the United States is "not responsible" for Vietnam's internal affairs.

In fact, we only wish President Nixon would take the State Department at its word. The United States is not responsible for Vietnam's internal affairs. It has discharged many times over whatever responsibility it may once have had. That is the principal reason why we long have felt that Mr. Nixon is wrong to keep insisting that the war is worth more American lives and dollars, more death and more destruction in Vietnam, more dislocation at home. The latest evidence of Mr. Thieu's misrule could not make the point more clear.

[From the New York Times, Sept. 28, 1972]

Thieu's Crackdown: He Calls It "Closing the Gates to Communism"

Saigon.—Police crackdowns, prison torture and arbitrary government behavior in general are nothing new to the South Vietnamese, but President Nguyen Van Thieu's latest steps to tighen his control over all aspects of life here have alarmed even his long-suffering countrymen.

Operating under the emergency powers he pushed through the National Assembly in June—on top of the martial law regulations imposed after the start of the North Vietnamese offensive March 30—the President has, among other things, imposed harsh new regulations on the press. Aimed apparently at eliminating all opposition comment and criticism, these controls seem certain to force most of the Vietnamese-language newspapers to shut down and leave only pro-Government papers on the streets. One paper closed last week, and several others are in the process of closing.

The new special powers permit Mr. Thieu to legislate by decree, bypassing the National Assembly. In effect, he can now do virtually what he pleases. One of his most recent orders was for "preemptive sweeps" to unearth Communist agents and sympathizers. The police thus far have arrested at least 15,000 persons. About 5,000 of them are said to have been released, but the arrests are continuing, and reports have been filtering out of the prisons of severe and widespread torture.

Needles driven through fingertips, breasts burned with lighted cigarettes, objects shoved up vaginas, relentless heating with wooden rods and forced ingestion of water to bring a person close to drowning are some of the tortures being reported. These reports are based on documents smuggled out of prison and on extensive interviews conducted by The New York Times with prisoners recently released.

Here is part of a typical account, given by a former prisoner who was not herself beaten: "Two women in my cell were pregnant. One was beaten badly. Another woman was beaten mostly on the knees, which became infected and full of pus. One high school student tried to kill herself by cutting both wrists on the metal water taps in the washroom, but she failed."

It is impossible to verify these accounts; the Saigon Government bars journalists from its prisons, which it calls "re-education centers." The United States mission, which provides the bulk of the financial support and expert advice for Saigon's police and prison system, also refuses to discuss the situation on the record, arguing that it is an internal South Vietnamese affair.

Nor can one establish that the scars and other marks one sees on the bodies of former prisoners were inflicted by the police. Yet the weight of the evidence seems to support the allegations of widespread torture. One high American source, who granted an interview but insisted on anonymity, acknowledged that "all kinds of deplorable things may well be going on." However, he emphasized, some of those arrested are known Communist activists charged with terrorism.

The danger of Communism and the argument that the country's survival is at stake is the justification given by the Government for the crackdown on the press. A pro-Government Senator said the decree was aimed at "purifying the press." Mr. Thieu said in a recent speech that the press was one of the "wide-open gates for Communist penetration—if we are not vigilant."

"I will keep abiding by democratic principles," Mr. Thieu said, "but the more wide open are the gates of democracy, the more fissures it will have. The Communists will then be able to enter, not only by the main gate but by side gates as well, and South Vietnam will be lost politically."

If life for the stoical South Vietnamese has become even more repressive under the Thieu Government, they have also been tyrannized in some districts by their Communist "liberators." For example, in the northern half of Binhdinh province, which was captured and held for nearly three months by the North Vietnamese and the Vietcong, allied intelligence officials now report that the Communists installed a regime characterized by heavy taxes, forced labor and the summary execution of several hundred Saigon Government officials.

However, many analysts here do not think that the Binhdinh experience, though it could foreshadow selective executions, necessarily means that the Communists would engage in a countrywide "bloodbath," as predicted in hawkish American circles, should they take control of all of South Vietnam. These analysts reason that when in full control, the Communists would presumably feel less insecure and could afford to be conciliatory.

Whatever the future for the South Vietnamese, their present—whether under the Thieu regime or Communist occupation—bears little resemblance to the democracy the United States says it is trying to foster here. Until the Communist invasion last spring the Saigon Government was at least observing some of the forms of democracy. Now even this veneer has been discarded.

"If Thieu is smart," said one Vietnamese journalist last week, "he will relax his controls before it is too late. If he doesn't, no matter how many special powers he has, the discontent could explode."

NEW YORK STUDY SHOWS OLDER WORKERS PERFORM WELL

Mr. JAVITS. Mr. President, the New York Times of September 22 carries a story about a study conducted by the New York State Commission on Human Rights, at the request of Governor Rockefeller, of work performance by workers between 65 and 70 years of age, as compared to younger workers. The study surveyed the performance of 100,000 employees of New York State agencies.

The results of the study were announced on September 21 by Jack M. Sable, the New York State Commissioner of Human Rights. The study found that older workers consistently ranked as high, or higher, than their younger counterparts in such categories as absenteeism, punctuality, accidents, and overall work preformance. Commissioner Sable suggested that the study should lead all employers, public and private, to reconsider some of the commonly held beliefs about older workers.

Mr. President, I was one of the authors of the Federal Age Discrimination in Employment Act of 1967 and have fought against the evil of age discrimination all of my political life. Age discrimination is every bit as insidious as discrimination based on race, religion, or sex; indeed, in many cases its effect on the individual may be more devastating than other forms of prohibited discrimination.

The Federal Age Discrimination in Employment Act, as well as many State acts, have unquestionably helped eliminate some of the more open and notorious types of age discrimination which have been practiced in this country, but they certainly have not eradicated it completely, even among persons covered by the laws. Moreover, most of the laws, including the Federal act, do not afford any protection to workers over the age of 65. Indeed, the New York State commission survey was undertaken in connection with Governor Rockefeller's drive to eliminate the age-65 cutoff in the New York State law.

The use of age 65 as the normal retirement age apparently goes back to the first social security laws enacted in Europe at the end of the 19th century. It is, of course, used in our own social security law, and is also used in thousands of private retirement plans throughout the country. It is also the age for compulsory retirement under many private plans.

It would seem fairly obvious, given the fantastic improvement in health care, longevity, and the nature of most work—for example, much less manual labor—that we ought to reassess the validity of using a concept developed in the 19th century as our rule of thumb for throwing workers on the scrap heap.

The study conducted by the New York State commission is thus most timely and should prove of great interest to those who are interested in pursuing this subject further. I ask unanimous consent that the New York Times article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JOB SURVEY FINDS AGED WORK WELL

(By David A. Andelman)

PATCHOGUE, L.I., September 21.—The State Commissioner of Human Rights announced today that a survey of more than 100,000 state employes had shown that workers over the age of 65 performed their jobs "about equal to and sometimes noticeably better than younger workers."

The survey, undertaken in 40 state agencies at the request of Governor Rockefeller, was designed to support a move by the Governor to remove all age restrictions from the employment-discrimination provision of the state's human-rights law. The law now states that no discrimination in hiring shall be allowed against workers up to the age of 65.

"The indications of this survey are astonishingly in favor of the over-65 workers," Commissioner Jack M. Sable reported. "And I suggest it should lead all employers, public and private, to review their assessment of older workers."

STUDY COVERS 132,316

The state survey, the results of which Mr. Sable disclosed at a dinner speech to the Pilot's Club, an organization of the elderly here tonight, covered the areas of absenteeism due to illness, accidents or unexplained reasons; punctuality in reporting to work; on the job accidents, disabling or otherwise, and over-all work performance.

Of the 40 agencies surveyed, 33 with workers over 65 returned the questionnaires covering a total of 132,316 employees. Of these, 3,705 workers were between the ages of 65 and 70, the mandatory state retirement age. It was because of the higher-than-normal state retirement age that state agencies alone were chosen for the study.

In regard to absenteeism, 23 of the agencies reported no appreciable difference in rates of absenteeism between those over and under 65. Nine agencies reported more satisfactory attendance records in the older group and one agency indicated less-satisfactory attendance.

In the area of punctuality, 21 of the agencies indicated "employes over the age of 65 are generally about equally punctual to those under 65," while the remaining 12 indicated noticeably better punctuality among older workers. No agencies said older workers were less punctual.

As for on-the-job accidents, at 21 agencies there was no difference in the two age groups, and 11 agencies reported noticeably lower accident rates among its older workers. One reported a higher accident rate among its older employes.

The names of the agencies were not released by the state commission.

In terms of over-all job performance, 29 agencies reported their older workers were "about equal" to younger workers and in four agencies found "noticeably better" job performance by those over 65.

GOVERNOR CALLED "CONCERNED"

One agency reported that while "employes in this age group (65 to 70) are generally unable to perform the more physically demanding jobs" it noted that "other than this, we find them to be more satisfactory."

Commissioner Sable said that Governor Rockefeller had "been concerned with the fact the state's antidiscrimination law in the area of employment is restricted to persons 40 to 65."

During the last legislative session, he had sought to have that restriction removed entirely and "extend the entire working population regardless of age—that is to say, no matter how old you are, if you are physically and mentally able to handle the job, you should not be discriminated against in hiring," Mr. Sable said. That bill was defeated.

CRITICISMS OF GENOCIDE CONVENTION—NO SUBSTANTIAL ARGUMENT AGAINST RATIFICATION

Mr. PROXMIRE. Mr. President, the Genocide Convention has been a target of severe critical attack from both highly responsible and highly irresponsible sources. Responsible critics have argued principally over technicalities of phrasing in the treaty and the possible ineffectiveness of the treaty, because of the lack of an international enforcement organization. Irresponsible critics have attacked the treaty as a Communist plot, a tool for extraditing American citizens for trial abroad, and as a document which will virtually abolish the U.S. Constitution.

I have refuted the many uninformed charges against the Genocide Convention in a number of statements already published in the CONGRESSIONAL RECORD. Today I address my remarks to those critics who have responsibly considered the text of the treaty and still hold reservations.

The report on the Genocide Convention from the Committee on Foreign Relations—Executive Report No. 92–6—acknowledged certain difficulties of interpretation which occur in the text of the treaty itself. In four "understandings" the committee recommended specific interpretations of certain paragraphs in order to allay any misconceptions.

Although there is presently no international enforcement tribunal to implement punishment of persons accused of genocide, the ratification of this treaty by the United States nevertheless serve as a powerful statement of our Nation's stand against the unspeakable crime of racial extermination.

The Genocide Convention has as its stated objectives the preservation of man's most precious right, the right to live. When the Genocide Convention was submitted to the Senate 22 years ago only five nations had ratified it. Since then another 70 nations have ratified the treaty, but not the United States.

Mr. President, America is conspicuous. We are conspicuous for our remarkable national record in the struggle for human rights. We are just as conspicuous for our international absence in the ratification of the United Nations Convention on Genocide. We should resolve without further hesitation or excuse this hypocritical inconsistency between domestic achievement and international indifference.

Mr. President, I call upon the Senate of the United States to ratify this document without further delay and so proclaim to all the world our country's united condemnation of the inhuman barbarism by which one group would exterminate another from the face of the earth.

REGULATIONS FOR HARD ROCK MINING

Mr. STEVENS. Mr. President, on Friday, September 1, 1972, in volume 37 of the Federal Register No. 171 at page 17836, the Department of the Interior published several important amendments to title 43 C.F.R. sections 3851.3–6.

As hard rock miners know, these sections require mining claimants to expend annually $100 in labor or improvements in order to retain their titles. Section 3851.3 itself was the subject of a recent decision by the U.S. Supreme Court. As a result of that decision, *Hickel* v. *Oil Shale Corp.*, 400 U.S. 48 (1970), these amendments were necessary.

These new regulations will be of great interest and importance to hard rock miners throughout the United States. I ask unanimous consent that the notice of the Department of the Interior, as it appeared in the Federal Register, be printed in the RECORD.

There being no objection, the notice was ordered to be printed in the RECORD, as follows:

[From the Federal Register, Sept. 1, 1972]

COMPLIANCE WITH MINING LAWS

On page 13153 of the FEDERAL REGISTER of July 15, 1971, there was published a notice and text of a proposed amendment of Subpart 3851 of Title 43, Code of Federal Regulations. The purpose of the amendment is to revise the regulations in light of the principles set out in Hickel v. Oil Shale Corporation, 400 U.S. 48 (1970). The Department's regulations relating to assessment work on mining claims state that failure to perform the required assessment work relates solely to the right of possession between rival or adverse claimants to the same mineral land. The Supreme Court's decision in Hickel v. Oil Shale Corporation shows that the existing regulation is not consistent with the law.

Interested persons were given until August 9 to submit comments, suggestions, or objections to the proposed amendment. As of September 7, 42 comments were received. Most persons objecting to the rulemaking stated that they believed the proposal went beyond the intent of the Supreme Court's decision. They read that decision as applying only to mining claims located for minerals now subject to leasing under the Minerals Leasing Act of 1920. This interpretation is based on the references in the opinion to the effect of the "Savings Clause" (section 37) of the Mineral Leasing Act of 1920.

The interpretation advocated in the comments and suggestions has been given careful consideration. The Department notes that the Court's opinion states that "the command of section 28 of the 1872 Act is that assessment work of $100 be done 'during the year' * * *"

The Court also characterized as "dicta" statements in two earlier decisions (Wilbur v. Khrushnic, 208 U.S. 306 (1930) and Ickes v. Virginia-Colorado Development Corporation, 295 U.S. 639 (1935)) that the failure to do assessment work is not ground for cancellation of a claim by the government. It goes on to state that "While the objective of the 1872 Act was to open the lands 'to a beneficial use by some other party,' once the original claimant defaulted, the defeasance inevitably accrued to the United States owner of the fee. On that premise it would seem that the dicta in Khrushnic and in Virginia-Colorado are not valid."

Questions about the exact intent and meaning of Hickel v. Oil Shale Corporation may ultimately have to be resolved in the courts. In the meantime, it is the Department's view that the proposed regulation correctly reflects the law as stated in that decision.

Therefore, the proposed amendment is hereby adopted without change, and is set forth below. This amendment shall become effective September 9, 1972.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 25, 1972.

Subpart 3851 is amended as follows:

1. Section 3851.3 is revised to read as follows:

§ 3851.3 Effect of failure to perform assessment work.

(a) Failure of a mining claimant to comply substantially with the requirement of an annual expenditure of $100 in labor or improvements on a claim imposed by section 2324 of the Revised Statutes (30 U.S.C. 28) will render the claim subject to cancellation.

(b) Failure to make the expenditure or perform the labor required upon a location will subject a claim to relocation unless the original locator, his heirs, assigns, or legal representatives have resumed work after such failure and before relocation.

§ 3851.4 [Deleted]

2. Section 3851.4 is deleted.

§§ 3851.4, 3851.5 [Redesignated]

3. Sections 3851.5 and 3851.6 are redesignated as §§ 3851.4 and 3851.5, respectively.

[FR Doc. 72-14947 Filed 9-1-72; 8:53 am]

FUNDING FOR THE KENNEDY CENTER FOR THE PERFORMING ARTS

Mr. FULBRIGHT. Mr. President, there have been numerous press reports about the financial difficulties of the Kennedy Center for the Performing Arts. That the Kennedy Center has financial problems should certainly come as no great surprise to anyone. Nonetheless, I believe the Center has done remarkably well in its first year.

I welcome the recent report of the General Accounting Office on the finances and operations of the Kennedy Center. It is important to have a clear indication of the Center's finances and the GAO has made some worthwhile recommendations for management controls of the Center. Many of these recommendations had already been implemented prior to the issuance of the GAO report and I believe that in the future there will be adequate management controls.

In its first year of operations, the Center has brought outstanding and diverse cultural attractions to our Nation's Capital. The success of the Center's programs has been widely acclaimed. Further, as a memorial to the late President John F. Kennedy, the Center has become one of the most popular sites in the Nation for visitors to Washington from every State in the Union.

I am proud that the Government did make a significant contribution to the construction of the Center. As sponsor in the Senate of the legislation introduced 14 years ago which eventually led to the construction of the Center, and of legislation almost 9 years ago which redesignated the National Cultural Center as the John F. Kennedy Center for the Performing Arts—in honor of and in tribute to our late President—I know only too well of the long and difficult struggle which finally culminated with the opening of the Center a year ago.

There were those who belittled the Center, its architecture and its planned cultural presentations. Such criticism has rapidly faded away in the face of overwhelming public acceptance. As one of my State's leading newspaper, the Arkansas Democrat, recently editorialized:

> While it's fashionable to criticize the building, we found it to be magnificent. And it is much more than a memorial to a popular American. It is a much needed home for the National Symphony, the American Ballet Theatre and a temporary stage for other artists and actors—and not just those from the Washington area.
>
> . . . Just think how important it is for us to have this cultural showcase in a city that has more foreign visitors than any other in the country.
>
> Before this building was completed, Washington was the only major world capital without excellent cultural facilities.

Although criticism of the Center itself has diminished, there are those who persist in talking about how much the Center is costing the taxpayers, implying that there is a massive outpouring of public funds for the Center and its programs. I do not wish to be misunderstood. As I stated earlier, I welcomed the GAO report. The first-year operations of the Center brought many unexpected difficulties. It was a period of adjusting to an entirely new and extremely large operation. However, I believe that in the future the Center will and must maintain proper management controls.

I do refute those who imply that great sums of public money are being spent on the Kennedy Center or other cultural and artistic endeavors in this country. The truth is that in comparison with almost any other developed nation, we are spending only the most minimal amount of public funds in support of the arts.

As the GAO report states, Congress appropriated $23 million for construction of the Center. Additionally, the Center was authorized to borrow $20.4 million from the Treasury Department. The total construction cost is now estimated at $72.4 million. Private sources contributed $22 million, and donated materials amounted to $2.5 million. An additional $4.5 million will be needed to pay for the completed building.

Recently Congress approved $1.5 million for nonperforming arts functions at the Center. This basically is for operational and maintenance costs—resulting because of the 8,000 to 10,000 persons who visit the Center daily.

FUNDING FOR THE ARTS

Mr. President, I am pleased to note that we have been allocating increasing amounts of Federal funds for the arts. The requested appropriation for fiscal year 1973 for the National Endowment for the Arts is $38.2 million, which represents a substantial increase over the 1972 appropriation of $29.7 million, a figure that nearly doubled the 1971 appropriation. It is encouraging to see these increases in funds for the arts. However, the fact remains that we are dedicating only a miniscule amount of our overall Federal budget to these important programs.

Of significance is the fact that the total cost of the Kennedy Center—and I refer to the total, not just the amount of Government funds—of roughly $70 million, is less than 1 day of the war in Vietnam was costing us in 1968 or 1969. The amount of funds for the National Endowment for the Arts this year is about the equivalent of our current daily expenditures in Southeast Asia.

The Joint Economic Committee calculated a national security budget for fiscal 1973, based on requested budget authority for military and military-related programs, at about $120 billion. At that rate we are spending $331 million per day for military and related purposes—almost five times as much in 1 day as the total cost for the Kennedy Center, only $23 million of which was appropriated by Congress.

We will spend as much this year for just two of the highly dubious F-14A planes—314 of which are scheduled to be built—as we will allocate for the arts.

COMPARISON WITH OTHER NATIONS

The manner in which a society allocates its public funds is, I believe, a useful indication of what it believes contributes to the quality and vitality of its' citizens' lives. It is instructive to contrast our allocation for the arts with that of other nations.

According to a study made last year, the U.S. Government annually contributes 7½ cents per person to the arts. In comparison, the Austrian Government, with a population of 7 million, spends more than $2 per person and the Canadian Government, with its population of 20 million, spends $1.40 a person. Other figures include: West Germany, $2.42 a person; Sweden, $2; Israel, $1.34, and Britain, $1.33. Obviously the difference between our expenditures and those of these other countries is enormous.

A group called partnership for the arts has set a goal of $200 million for Federal funding of the arts by 1976. The group points out that this would be approximately $1 per person and would represent only 1 percent of what we spend on our highways.

I should state here that it is difficult to be precise about exactly what constitutes art and culture. The categories used by each country are not necessarily the same. For example, in this country some of the programs and facilities of the Smithsonian Institution, which receives substantial public support, certainly would be considered as cultural. However, the figures I am using here refer primarily to the performing arts and the visual arts.

Austria is, of course, a country with a great cultural tradition and actually the figure of $2 per person for the arts is deceptively low. This country of only 7 million allocates as much—if not more—in public funds for the arts as does the United States—30 times as large.

In 1969, the Austrian Government spent $13.8 million on the arts—museums, art academies, and so forth—and another $13.6 million on Federal theaters. More recent figures indicate an annual expenditure of $20 million per year for the four state-owned theaters, $6 million of which was for the Vienna State Opera. These figures do not include the subsidies for the arts and education by State and municipal governments, which in many cases match or surpass Federal spending. I might add that Vienna, like most other major capitals, has outstanding cultural facilities, something that we did not have until the opening of the Kennedy Center. The famous Vienna Opera House, which was partially destroyed in World War II, was restored with the aid of U.S. funds.

In Sweden, the Royal Opera has 90 percent of its $6.6 million budget covered by state subsidy. It has a large repertory and gives more than 250 opera performances annually, and ballet in addition. Tickets at the Swedish Opera ordinarily run from $1 to $5. At the Metropolitan Opera in New York, tickets range from $1.75 to $30, with most tickets in the $17.50 bracket. Ticket prices at the Kennedy Center have—with some validity—been criticized as being too high, although they are generally below New York prices.

Still, prices are undeniably beyond the range of many families, making it impossible for them to patronize the center on a regular basis. Efforts are being made to provide low price or free tickets to selected groups, but this has had to be done on a limited basis.

An editorial in the Washington Star after last year's opening of the center stated:

> A government which cheerfully undertakes to subsidize everything from speculative housing projects to environmentally dubious supersonic projects is nevertheless still suspicious that anything spent on the art is dangerously, as they say, "socialistic." One great value of the Kennedy Center may well be its influence in changing that attitude in Congress. When that change takes place, when the United States at last pulls itself up to the level of cultural support of, say, Sweden, Russia, China, France, England, Israel, Mexico, Brazil, Ghana, and Canada, to name a few, then prices at the Center, like prices of similar institutions in those countries will make the performing arts more nearly universally available than they have ever been in this country. But again, this is a decision for the nation, not for the Center management to make.
>
> In the meantime, what a blessing the Center has been for the city. . . . Thanks to the Center, Washington is a more existing and rewarding place to live than it was a few weeks ago and for all its past. This is no small gift.

Metropolitan Opera officials have pointed out that only 2½ percent of its budget—$553,000—is obtained from public sources, while major European opera companies—London, Hamburg, Stockholm, and Vienna—receive from 49 to 90 percent of their budgets from their governments.

One city—West Berlin—which has benefited greatly from all categories of assistance from the United States, including the construction of a cultural center, probably spends about as much in public funds for the arts as does the entire U.S. Government. West Berlin, with a population equivalent to 1 percent of the United States total, has been subsidizing its operas, orchestras, theaters, museums, painters, sculptors and writers at a rate of more than $25 million a year. The Deutsche Opera receives more than $5 million annually; the Berlin Philharmonic more than $1.5 million, and the Schiller Theater $1.75 million.

Another beneficiary of large amounts of U.S. assistance, Israel, spends for the arts at a per capita rate 18 times greater than the United States. With a population of less than 3 million, Israel spends more than $4 million for the arts. Meanwhile, of course, the United States is providing Israel up to $500 million in aid, plus another $400 million in private funds through tax-deductible contributions.

Two countries with populations about one-fourth as large as ours continually spend more than we do for the arts. Great Britain, with some 54 million people, spent $66 million last year, and West Germany, with some 55 million people, spent $134 million—$2.42 per person. Here again there is the irony of our huge contributions to the West German economy, where we maintain more than 200 major military bases, and the continuing presence of more than 500,000 American military personnel and dependents in Europe, while the European countries are able to spend much more for cultural and artistic activities than we are.

I could cite many more examples from the Netherlands, Belgium, Finland, and the Soviet Union among others. The public resources to activities which give point is that all these countries are dedicating a much greater proportion of their pleasure and enjoyment to their people rather than prestige and glory to their rulers.

Unfortunately many Americans have an aversion to "the arts," because they have not had the opportunity to develop an appreciation. Television, with the notable exception of public television, has done little to change this situation. Given the opportunity, I believe many more Americans would develop a greater interest in and appreciation for the arts. Singing and dancing are, after all, among the oldest forms of human activity, enjoyed by nearly everyone. What I am talking about is participation—that is involved—the joint participation of the audience and the dancer, singer or actor.

It is a question of whether we put an emphasis on civilizing or brutalizing our people. I would hope that we would move toward making creative rather than destructive activities the hallmark of our society.

I am again reminded of all our boasting about our trillion-dollar gross national product. Our GNP is many times larger than that of most of the countries I have mentioned; yet they are able to spend considerably larger amounts for the arts. Once more this points up the shortcomings of the GNP as a significant measure of the well-being of a country.

Unless and until we are willing to do even a fraction as much for the arts as some of the countries I have cited, we are destined to continue hearing about financial difficulties of our cultural institutions.

In a recent letter to me, one of the dancers with the National Ballet referred to the per capita spending in the United States as disgraceful for any nation, let alone America. I must concur with this view. The writer continued:

> If Israel can spend $1.34 per capita, isn't someone sleeping? If this insomnia persists, tens of thousands of Americans will never see the ballet the only touring company left in America can bring them. New York Times theatre critic, Clive Barnes, said in the August 13, 1972, edition of that paper: "If Washington is interested in the arts, it really must help its own people. The National Ballet of Washington is a national treasure, a company that is good now and shows every evidence that it will be better and better in the future . . ."

In the Kennedy Center we now have a focal point for cultural activity which should serve as an inspiration for this country to apply a much greater share of our public resources toward enabling our people to recognize and enjoy the sense of fulfillment and achievement which results from participation in cooperative experiences with other people. We urgently need an antidote to the harshness of our competitive system and the tragedy of prolonged conflict in Indochina.

THE 100TH ANNIVERSARY OF GRAND UNION

Mr. WILLIAMS. Mr. President, I would like to call to the attention of the U.S. Senate and the American people the 100th anniversary of the Grand Union Co., the 10th largest food chain in the Nation and the only one with its principal headquarters in the State of New Jersey.

The company, which maintains its corporate offices in East Paterson, N.J., officially observed its centennial on Friday, September 1, 1972.

I would like to enter in the RECORD the following article taken from the May 1972 issue of Bergen magazine. I believe it points out the accomplishments this large retailing company has made in its long history and its plans for the years ahead.

GRAND UNION—PEOPLE PLEASERS SINCE 1872

From its beginning in 1872 as a one-man, one-store enterprise in Scranton, Pa., the Grand Union Co. has evolved in a hundred years into the Nation's 10th largest food chain with annual sales in excess of $1.3 billion.

The company, which is headquartered in the Elmwood Shopping Center at 100 Broadway, East Paterson, N.J., currently operates 537 Grand Union supermarkets, 25 Grand Way discount department stores, 62 Triple-S blue stamp redemption centers, and nine E-Z Shop convenience foodstores in 11 Eastern States, Puerto Rico, and the U.S. Virgin Islands.

In addition, the company operates Grand Patio restaurants, Grand Rx prescription drug units, the North American Equipment Corp., which manufactures materials handling equipment, 10 major warehouses, a potato chip factory, fleets of trucks totaling more than 500, and two large bakeries.

In February, Grand Union posted its ninth consecutive sales record, and marked the fourth successive year in which sales totaled $1 billion or more. During its 1971 fiscal year, which ended on February 26, 1972, the company had a 52-week sales volume of $1,304,411,306, an 8.6-percent increase on sales of $1,200,830,604 rung up in the 52-week 1970 fiscal year.

Charles G. Rodman, of Ridgewood, N.J., Grand Union president, says there is no magic formula for success in food retailing:

> It's a matter of guaranteeing customer satisfaction and living up to the guarantee, he says. This our company has done and will continue to do, by selling quality merchandise at the lowest possible prices in attractive, clean, well-stocked stores manned by friendly people.

Grand Union currently employs more than 26,000 people in its many operations.

During the past 20 years, the company's earnings have increased 850 percent and its sales have risen 700 percent. Last year, the company's growth rate in earnings ranked 21st among the top U.S. retail organizations. Cash dividends have been paid since 1943 and quarterly dividends have been declared consecutively since 1945. The current annual dividend rate is 80 cents per share. Equity per common share for the 1971 fiscal year was $23.38 compared with $12.06 a decade ago.

Future expansion, Mr. Rodman says, will be in both larger and smaller food store units. The company has plans for supermarkets up to 40,000 square feet with a wide variety of general merchandise items as well as a large assortment of foods. Simultaneously, Grand Union is building E-Z Shop convenience food stores in the 2,500 square foot range.

The major thrust of the company, Mr. Rodman notes, is toward large, complete supermarkets with a variety of under-the-roof installations, including restaurants, bakeries, and prescription drug units.

E-Z Shop stores, meanwhile, are open 7 days a week from 7 a.m. until 11 p.m., and offer easy accessibility for shoppers in a hurry who need only a loaf of bread, a pound of butter, a quart of milk, or similar items. The company has nine E-Z Shops open, eight under construction, and 10 others planned.

Because customer satisfaction has been at the root of Grand Union's success since the beginning, "People Pleasers Since 1872" is the slogan for this year's centennial observance.

The Grand Union Co. has always had strong promotional emphasis. Soon after Cyrus D. Jones started the Grand Union Tea Co. on September 1, 1872, he gave out cardboard tea tickets redeemable for merchandise—forerunners of the company's Triple-S blue trading stamps distributed by a wholly owned subsidiary, the Stop and Save Trading Stamp Co. of South Hackensack, N.Y.

William H. Preis of Englewood, N.J., senior vice president in charge of diversified operations, says more than 100-million books of Triple-S blue stamps with a retail value in excess of $300-million have been redeemed since the organization was founded in 1955.

Grand Union pays for its stamps from its normal sales promotion budget. Triple-S blue stamps have long been advertised as "The Extra That Customers Don't Pay Extra For."

The company may well be the only one ever to print and sell a book of sermons. In 1890, it offered a book by T. DeWitt Talmage, pastor of Brooklyn Tabernacle. Even back in the last 19th century, Grand Union used such modern merchandising methods as offering dictionaries, calendars, cookbooks, tea cannisters, flatirons, coffee grinders, and other merchandise.

In its role as a "People Pleaser," Grand Union has conducted many consumer-oriented programs. Last year, for example, it sponsored a 6-week consumer nutrition information program. Good nutrition—and how to shop for it—was featured in newspaper advertisements, on radio and through in-store signs.

The company distributed nutritionally balanced menus to customers in its 225 supermarkets in the New York-New Jersey metropolitan area. Each menu, which was given out at the check-out, contained meal suggestions for a 2-week period.

Earlier this year, the company began packaging grapefruit, oranges, and other produce items in wrappers containing consumer information. The bags bear such messages as "seedless grapefruit has very few seeds."

Last summer, the company implemented a "Consumer Bill of Rights." It stressed four points: The customer's right to choice, satisfaction, knowledge and direct access to company officials on complaints.

Headed by Miss Jean F. Judge, director of consumer affairs, who came from Rutgers University where she was extension professor of consumer food marketing, the company maintains a customer relations department that handles an average of 800 customer letters and telephone calls a month.

Grand Union has been headquartered in East Paterson, N.J., since 1952 when it moved its corporate headquarters from Manhattan. More than 500 people are employed in its East Paterson general offices, Grand Way Division headquarters and accounting and computer center in Paramus, N.J., and Triple-S Stamp subsidiary in South Hackensack, N.J.

Over the years, Grand Union executives have played important roles in New Jersey affairs. Thomas C. Butler, present chairman of the board, is a director and immediate past president of the New Jersey State Chamber of Commerce. He is now serving as president of the New Jersey Citizens Transportation Council and as chairman of the Hospital Service Plan—Blue Cross—of New Jersey.

Mr. Rodman is a director of the Bergen County Chamber of Commerce and the Bergen County United Fund. He also serves on the boards of the New Jersey Bell Telephone Co. and the Peoples Trust Co. of New Jersey.

A MEMORIAL TO GEORGE FRANK BONEY, LATE THE CHIEF JUSTICE OF THE ALASKA SUPREME COURT

Mr. STEVENS. Mr. President, on Wednesday, August 30, 1972, Alaska lost its chief justice in a tragic boating accident. George Frank Boney was the youngest chief justice in the United States. He had just turned 42 years old when he lost his life. Chief Justice Boney was one of the outstanding attorneys in Alaska when he was appointed to the supreme court on December 20, 1968, by the then Governor, Walter J. Hickel. In 3½ years he led the Alaska Supreme Court to a position of preeminence in this country. His life exemplified not only the court on which he served, but also the caliber of the Alaska bench and bar. This life of this bright young man was snuffed out at the height of his career, when he was just coming into his own as a legal scholar and jurist. I do not doubt that, had he lived, he would have become one of the great chief justices of this country.

George Frank Boney was born in Savannah, Ga., on July 3, 1930. His family had lived for many years in that State, and he grew up there. He attended the University of Georgia, in Athens, graduating in 1948 with and A.B. degree and being named to Phi Beta Kappa. He attended Harvard Law School, where he won the Roscoe Pound Prize in 1952, and was graduated with an LL.B. degree in 1954. While at Harvard he completed the Air Force ROTC program and was commissioned a second lieutenant in the U.S. Air Force Reserve on June 8, 1953.

After graduation from law school, he served as a judge advocate in the U.S. Air Force from 1954 to 1958. He was admitted to the bars of the District of Columbia and Florida in 1955. In 1958, he was named assistant U.S. attorney for the District of Alaska and served in that post until April 1, 1959. During that time he was admitted to the Alaska bar and to practice before the U.S. Court of Appeals for the Ninth Circuit.

He engaged in the private practice of law from 1959 until he was appointed to the Alaska Supreme Court. He was admitted to the Supreme Court of the United States in 1966. During that period of time, he also became a member of the American Judicature Society and the American Trial Lawyers Association. He was elected treasurer of the Federal Bar Association, Anchorage Chapter and vice president of the Alaska Academy of Trial Lawyers. He also served as vice president of the Anchorage Bar Association. He was a delegate to the Republican National Convention in 1968. He was a member of the Governor's Advisory Committee to the Attorney General from

1967 to 1968 and a law member of the Alaska Judicial Council from January 1965 to September 1968. He also served as chairman of the Law Revision Committee of the Alaska Bar Association until January 1, 1969.

On December 20, 1968, he was appointed associate justice of the Alaska Supreme Court and on May 8, 1970, was appointed chief justice. At that time, he also became chairman of the Alaska Judicial Council.

Chief Justice Boney was a member of Phi Kappa Phi, Phi Eta Sigma, Kappa Sigma Fraternity, and various other fraternal groups. He was a member and trustee of the Anchor Park Methodist Church in Anchorage.

He leaves his wife, the former Sarah E. Boozer of Montgomery, Ala., and three children, Catherine Lynn, George Frank, Jr., and Angela Carol.

These are the facts of his life, but they do not indicate his talents. Chief Justice Boney led a drive to liberalize the Alaska court system. He strongly backed the move for a State law center for paralegal training. He was a leader to improve justice in the bush for Alaska Natives. He was a champion of personal rights and human dignity, speaking many times from the bench on behalf of personal freedom and minority rights.

In one of his early cases, *Fresneda* v. *State*, 458 P. 2d 134, 139 (Alaska 1969), George Boney set forth his philosophy:

> In dealing with a matter which affects the very essence of constitutional liberty, history becomes of more than academic importance. Our political ancestors forged our Constitution on the anvil of their experience and with a view toward what they regarded as certain governmental evils. The matters that concerned them can provide valuable insight into the intentions and the underlying principles embodied in the Bill of Rights.

Last year, in a landmark decision, Chief Justice Boney further explained that the Constitution applies equally to all people throughout the far reaches of Alaska:

> It is of paramount importance that the benefits conferred by the Constitutions of the United States and Alaska be extended with an even hand to the people of our state. When a large segment of the population lives in towns and villages scattered throughout the reaches of the state, we cannot afford to succumb to the temptation of convenience by allowing the machinery of justice to become inflexibly intrenched within the enclaves of our major cities. Instead, we must tailor our system of justice to meet the needs of the people. It is the judicial system which must take the initiative to assure compliance with the mandates of the constitution; we cannot simply neglect or ignore communities of individuals located in remote areas of the state. Justice must be made available to all the people of Alaska. *Alvarado* v. *State*, 486 P.2d 891, 905–06 (Alaska 1971).

George Frank Boney was an outstanding jurist and a good friend. We, and I believe I speak in this statement for the entire Alaska legal community, will miss him deeply.

The Anchorage Daily News expressed its views in an editorial published on August 31, 1972. The Anchorage Daily Times also expressed its views in an editorial the same date. I ask unanimous consent that the editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Anchorage Daily News, Aug. 31, 1972]

GEORGE BONEY

George F. Boney was a chunky, voluble and vital man. Few who knew him were untouched by his wit, his incisive mind and his concern for justice.

Among those at The Daily News who knew him best was C. Robert Zelnick, our Washington columnist. Mr. Zelnick, who came to know Chief Justice Boney well during his days as a reporter in Anchorage, filed this tribute Wednesday night:

George Boney was devoted to the institution of justice.

He was an ideological conservative, a raconteur of some note, a robust and jovial companion and a witty and effective politician. He was a man of integrity, good taste, and hardy appetite.

But most of all, George Boney was a man who cared about the quality of things he was a part of. He built an important Anchorage law firm not because he was himself the greatest barrister of our era, but because he took the time and expended the energy to attract good men to his staff and because his diplomacy, tact and good humor could hold men of diverse temperaments and philosophies together.

He was an extraordinarily competent Supreme Court justice, again not solely because of his considerable legal erudition, but because he cared about the administration of justice and surrounded himself with men who cared as he did.

He made the state Supreme Court into a nationally respected judicial tribunal.

He knew that the Constitution guarantees a speedy trial as well as a fair one and he worked hard to make his court system more efficient. He brought justice to the far reaches of the state because he believed in justice and thought it was selfish of men to hoard it.

George Boney was a positive man. He judged others not by whether they agreed with his particular legal or political viewpoint, but by whether they shared his zeal for the betterment of institutions. As loquacious as he was, and as sensitive to criticism as he was, he responded to bombast with reason and to rhetoric with logic.

Alaska will miss the kindly, gentle and affable George Boney. The state Supreme Court will miss its able, diligent and intelligent chief justice.

HIS ACHIEVEMENTS

George F. Boney's tenure on the state Supreme Court was pathetically brief for a man of such vitality and vision.

But during his less than four years on the bench (a little more than two of which he spent as chief justice), Mr. Boney decided a number of cases which will have a profound influence on the future of the judicial system in Alaska. The common thread in all these key decisions was an evident concern for the impact of institutions on the common man. He was always concerned that a defendant with power, influence and wealth could secure a fair trial while a poor man without power or influence sometimes could not. He thought there ought to be equal justice for all and set the court on the road toward achieving it in these key decisions:

Baker vs. the City of Fairbanks, which guaranteed the right to a jury trial in all cases, including misdemeanors.

Alexander vs. the City of Anchorage, which guaranteed defendants the right to counsel in all criminal cases.

Alvarado vs. the State of Alaska, which ordered representative juries for trials in the bush.

In addition, the chief justice convened the first conference on justice in the bush. It brought judges, lawyers, magistrates, state troopers and interested observers together to discuss the pressing need for extending the judicial system to the remote areas of the state, which had been virtually ignored previously.

And he ordered pioneering advances in judicial proceedings, including the use of electronic recording of trials in place of the traditional court stenographers and the use of videotape for recording depositions.

Chief Justice Boney's tenure, though tragically brief, was a period of pioneering advance for the Alaska court system and will be recalled as such by history.

[From the Anchorage Daily Times, Aug. 31, 1972]

GEORGE F. BONEY

In life yesterday morning George F. Boney was sailing a small boat on turbulent waters—pondering, perhaps, a stormy period approaching in his career during which time his continued service on the Supreme Court of the State of Alaska would be on the election line.

In death today, the 42-year-old jurist is the object of praise and tribute from associates and friends, universally shocked and saddened by a sudden tragedy on the small lake north of Palmer where the chief justice maintained a cabin retreat.

His death by drowning, apparently as a result of the accidental capsizing of his small sailboat in rough waters on an overcast and windy day, stunned people in all walks of life in Alaska.

Once more the sudden death of a man in the prime of life was a startling reminder of how quickly anyone can be called from this life—in an instant, as it were, at a time when death and tragedy seem far removed from the scene.

For George F. Boney, a Georgian by birth and an Alaskan by choice and by spirit, the unexpected came at a time when he was alone; at a time when he was away from the office; at a time when it was known that he was seeking solitude to ponder some of the decisions facing him as the youngest chief justice of all the states.

Only four weeks ago he had announced his intention to stand on the ballot in November for retention on the Supreme Court, under provisions of Alaska's Constitution that require judges to run on their record on a non-partison ballot if they seek continuation in the office to which they originally are selected by gubernatorial appointment.

George Boney's decision was to seek a 10-year elective term on the bench, despite the fact that a behind-the-scene political effort was being launched to defeat him.

As a Republican appointee to the high court, the chief justice was a political target of those who wanted his seat taken by a Democrat. The immediate cause of the move against him, however, was his leadership in the recent Supreme Court reapportionment of the Alaska Legislature.

That came after the high court unanimously declared unconstitutional the redistricting plan announced by Gov. William A. Egan. The Supreme Court, under Chief Justice Boney, affirmed a lower court's finding of unconstitutionality. The lower court had ordered the reapportionment matter returned to the governor's office for further review by the State Reapportionment Advisory Board—meanwhile leaving in place the existing legislative districts, at least through the 1973 lawmaking session.

Chief Justice Boney, speaking for the Supreme Court, would have none of that.

Reapportionment, under provisions of the one-man, one-vote concept, could not be delayed, the high court held. And the court promulgated its own redistricting plan—the one under which candidates were nominated in last week's primary election, and the one under which the nominees will stand in the November election.

But George Boney will not be on the ballot with them.

He will not face the test at the polls of which he had no fear, despite the opposition he recognized was being mounted against him.

Four weeks ago, in a private luncheon conversation, George Boney spoke bluntly about the challenge. "I have to be pragmatic," he said, "A judge can't campaign for office. But I'm not afraid to run, and I'm sure I will be confirmed. I like the court. I like the job. I think we've done some good things. I'm proud to be a part of it."

Tragically, his part, as the second chief justice of Alaska's highest court, is now relegated to the state's history.

IDAHO FALLS SCHOOLS HONOR RETIRED TEACHERS

Mr. CHURCH. Mr. President, everyone has a favorite educator who remains vivid in his memory.

In Idaho Falls, Idaho, School District 91 has devised an effective way of assuring that tangible recognition will be given as well.

Four elementary schools in Idaho Falls have been named in honor of retired teachers: Dora Erickson, A. H. Bush, Theresa Bunker, and Ethel Boyes.

Since all four educators are members of the National Retired Teachers Association, the September 1972, NRTA News-Bulletin described their achievements and their new honor.

Mr. President, I believe that the Idaho Falls example might well be followed elsewhere in other communities where teachers and principals have stirred the admiration and the friendship of the people within those communities. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IDAHO FALLS SCHOOLS NAMED TO HONOR RTA MEMBERS

IDAHO FALLS, IDAHO.—Four Idaho Falls elementary schools were recently named in honor of retired teachers. School District No. 91 named schools for RTA members Dora Erickson, A. H. Bush, Theresa Bunker, and Ethel Boyes, all former teachers in the district.

Mrs. Erickson was principal of the school which now bears her name. Prior to her 1968 retirement, she was district director of elementary education. Since retiring, she has been a member of the Mayor's Committee for the Handicapped and the State Committee for Better Education in Idaho.

Bush, a 1969 retiree, taught 46 years in Idaho Falls, setting what is believed to be the record for continuous service as a teacher and principal in the state. He is past president of the Eastern Idaho Educational Association and was instrumental in bringing improvements in the Idaho teachers retirement program.

Miss Bunker began her assignment in Idaho Falls in 1924 after teaching 16 years in Oklahoma. During her 49-year career, she served as a teacher and principal in elementary and junior high schools.

After a 45-year career, Ethel Boyes continued to teach as a substitute in the school named for her. She formerly was a principal at two Idaho Falls elementary schools.

While District 91 has named many schools in honor of prominent community residents and other distinguished Americans, these four schools are the first to bear the names of living teachers and administrators.

JESS H. DAVIS

Mr. WILLIAMS. Mr. President, recently the State of New Jersey and the Nation lost an outstanding educator and a most concerned human being with the death of Jess H. Davis.

From 1952 to 1959, Mr. Davis served as president of Stevens Institute of Technology in Hoboken, N.J. During that time the school experienced unparalleled growth and Mr. Davis was able to bring this about without diminishing the quality of education at Stevens which certainly is one of America's finest engineering colleges.

And, he did more than just head Stevens. He enmeshed himself into many civic problems in an effort to help all people.

The New York Times of September 18 published a story outlining the distinguished career of this most distinguished individual.

I ask unanimous consent that that article be printed in the RECORD as a tribute to the great contributions of Mr. Davis.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JESS H. DAVIS, LED STEVENS INSTITUTE—PRESIDENT DURING 20 YEARS OF SCHOOL'S GROWTH DIES

Jess Harrison Davis, president emeritus of the Stevens Institute of Technology in Hoboken, N.Y., died of cancer yesterday at his home in Charlottesville, Va., where he had moved after his retirement last June. He was 66 years old.

Mr. Davis left the presidency of the Clarkson College of Technology in Potsdam, N.Y., for Stevens in 1951. During his incumbency, the student body almost doubled, shifting from mostly day students to mostly residents. Graduate study expanded, and a doctoral program was instituted, co-education was introduced, and a $20-million building program was completed.

In that period, from 1952 to 1959, Mr. Davis served as a commissioner of what is now the Port of New York Authority. He was also a member of the Hackensack Meadowlands Commission and president of the New York State Association of Engineering Colleges.

At his death, Mr. Davis was a director and executive-committee member of Philip Morris, Inc., the First Jersey National Bank and the National Biscuit Company; director and executive-committee chairman of the Prudential Insurance Company, and a director of the Bethlehem Steel Corporation, the Pennwalt Corporation, the Public Service Electric and Gas Company and the Carrier Corporation.

JOINED CLARKSON IN 1929

A native of Columbus, Ohio, he received a mechanical-engineering degree from the Ohio State University in 1928 and a Master of Science degree 1933. Meanwhile, he had joined the Clarkson faculty in 1929, become dean of administration in 1946 and president in 1948.

His service there was interrupted by two years as head of the mechanical-engineering department at the University of Louisville from 1944 to 1946.

Mr. Davis worked as an engineer with the Alabama Power Company in 1936; the American Locomotive Company in 1937; the Central New York Power Company in 1940, and the Foster Wheeler Corporation in 1941. He was later a consulting engineer with Hydraulic Controls, Inc., the New York Air Brake Company, Douglas M. McBean, Inc., and the DeWolf Furnace Corporation.

Honorary doctorates came to him from St. Lawrence University (1949), Clarkson (1951), Rutgers (1954), Ohio State University (1956) and from Stevens last June.

He leaves his second wife, the former Mary Roper, and a daughter, Mrs. Edward Boslow Jr., by his first wife, the late Dorothy Corrigan Davis. Also surviving are his mother, Mrs. W. E. Davis, and a sister, Mrs. Chester Hursey, both of Yucaipa, Calif., and two grand children.

There will be a memorial service at Stevens at a date to be announced.

TREASURY DEPARTMENT REVENUE SHARING FIGURES FOR ILLINOIS

Mr. PERCY. Mr. President, the Treasury Department has now made available on a limited basis its computations of amounts to be received by the States under the revenue-sharing bill as it has emerged from conference. I am pleased that these official figures are finally available. Local government officials throughout my own State of Illinois—and I am sure in other States as well—have been extremely anxious to have this information.

In order to try to accommodate this need, I and my staff made an estimated calculation of the amounts to be received by counties and municipalities with populations over 2,500 in Illinois, which has proven to be very closely correct. However, I think it important that they have the official figures. I think it is important to point out that even these figures might contain inaccuracies. They do not, I understand, take into account municipalities incorporated after 1967. Thus, in the final distribution of funds within counties, municipalities incorporated after that date must be included in the division of the revenue-sharing funds.

I ask unanimous consent that the official Treasury tabulation of revenue-sharing funds for Illinois be printed in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Revenue sharing funds for Illinois

[In dollars]

Total State grant to all locals	183, 163, 046
Amount returned to Illinois State government is	187, 510
Adams County area	1,579, 322
Adams County government	472, 200
Total to all cities over 2,500	726, 970
Total to all cities under 2,500	94, 627
Total to all townships	285, 525
Quincy City	726, 970
Alexander County area	287, 222
Alexander County government	134, 319
Total to all cities over 2,500	130, 334
Total to all cities under 2,500	22, 570
Total to all townships	0
Cairo City	130, 334
Bond County area	334, 961
Bond County government	123, 714
Total to all cities over 2,500	47, 474
Total to all cities under 2,500	29, 555
Total to all townships	134, 218
Greenville City	47, 474

Boone County area	316, 114
Boone County government	132, 271
Total to all cities over 2,500	101, 522
Total to all cities under 2,500	9, 105
Total to all townships	73, 217
Belvidere City	101, 522

Brown County area	133, 535
Brown County government	45, 281
Total to all cities over 2,500	0
Total to all cities under 2,500	50, 761
Total to all townships	37, 494

Bureau County area	876, 887
Bureau County government	294, 752
Total to all cities over 2,500	140, 826
Total to all cities under 2,500	150, 768
Total to all townships	290, 541
Princeton City	79, 448
Spring Valley City	61, 378

Calhoun County area	86, 926
Calhoun County government	68, 864
Total to all cities over 2,500	0
Total to all cities under 2,500	18, 063
Total to all townships	0

Carroll County area	416, 916
Carroll County Govt	133, 069
Total to all cities over 2,500	70, 017
Total to all cities under 2,500	97, 432
Total to all townships	116, 058
Savanna City	70, 417

Cass County area	339, 910
Cass County Govt	124, 550
Total to all cities over 2,500	68, 503
Total to all cities under 2,500	45, 217
Total to all townships	101, 640
Beardstown City	68, 503

Champaign County area	1, 949, 151
Champaign County Govt	606, 716
Total to all cities over 2,500	890, 024
Total to all cities under 2,500	119, 249
Total to all townships	333, 161
Champaign City	493, 664
Village of Rantoul	134, 345
Urbana City	262, 016

Christian County area	859, 348
Christian County Govt	295, 954
Total to all cities over 2,500	176, 727
Total to all cities under 2,500	84, 814
Total to all townships	301, 853
Pana City	94, 725
Taylorville City	82, 002

Clark County area	330, 579
Clark County Govt	106, 066
Total to all cities over 2,500	58, 576
Total to all cities under 2,500	18, 601
Total to all townships	147, 336
Casey City	30, 102
Marshall City	28, 474

Clay County area	352, 245
Clay County Govt	200, 124
Total to all cities over 2,500	50, 611
Total to all cities under 2,500	27, 140
Total to all townships	74, 370
Flora City	50, 611

Clinton County area	676, 879
Clinton County Govt	207, 023
Total to all cities over 2,500	139, 688
Total to all cities under 2,500	172, 841
Total to all townships	157, 327
Breese City	59, 000
Carlyle City	50, 667
Centralia City (part)	30, 081

Coles County area	997, 105
Coles County government	196, 817
Total to all cities over 2,500	538, 538
Total to all cities under 2,500	31, 236
Total to all townships	230, 513
Charleston City	197, 950
Mattoon City	340, 587
Cook County area	97, 644, 623
Cook County government	16, 719, 551
Total to all cities over 2,500	79, 631, 662
Total to all cities under 2,500	189, 454
Total to all townships	1, 103, 957
Alsip Village	36, 735
Arlington Heights Village	248, 722
Village of Barrington	36, 733
Bartlett Village (part)	8, 276
Bellwood Village	178, 220
Bensenville Village (part)	11
Berkeley Village	12, 000
Berwyn City	317, 152
Blue Island City	115, 584
Bridge View Village	60, 333
Broadview Village	48, 428
Village of Brookfield	90, 048
Burnham Village	13, 967
Calumet City City	178, 833
Calumet Park Village	37, 673
Chicago City	69, 477, 799
Chicago Heights City	419, 228
Chicago Ridge Village	12, 000
Cicero Town	617, 105
Crestwood Village	19, 025
Deerfield Village (part)	30
Des Plaines City	328, 273
Dixmoor Village	24, 833
Dolion Village	121, 161
East Chicago Heights Village	57, 500
Elgin City (part)	42, 616
Elmwood Park Village	115, 320
Evanston City	516, 250
Evergreen Park Village	118, 848
Flossmoor Village	25, 870
Forest Park Village	99, 418
Franklin Park Village	190, 674
Glencoe Village	34, 760
Glenview Village	82, 036
Glenwood Village	13, 500
Harvey City	273, 812
Harwood Heights Village	33, 209
Hazel Crest Village	39, 979
Hickory Hills Village	18, 500
Hillside Village	86, 669
Hinsdale Village (part)	7, 449
Hometown City	28, 862
Homewood Village	67, 301
Justice Village	18, 500
Kenilworth Village	9, 826
Village of La Grange	74, 346
La Grange Park Village	51, 523
Lansing Village	96, 532
Lemont Village	21, 866
Lincolnwood Village	42, 631
Lyons Village	70, 872
Markham City	107, 731
Matteson Village	31, 408
Maywood Village	273, 444
Melrose Park Village	273, 721
Midlothian Village	79, 925
Morton Grove Village	117, 460
Mount Prospect Village	144, 950
Niles Village	229, 899
Norridge Village	60, 862
Northbrook Village	90, 006
Northfield Village	16, 519
North Lake City (part)	113, 584
North Riverside Village	36, 298
Oak Forest Village	58, 922
Village of Oak Lawn	277, 611
Oak Park Village	370, 984
Olympia Fields Village	11, 468
Orland Park Village	26, 146
Palatine Village	90, 020
Palos Park Village	10, 871
Park Forest Village	112, 242
Park Ridge City	188, 994
Phoenix Village	47, 104
Posen Village	29, 806
Richion Park Village	11, 466
Riverdale Village	55, 900
River Forest Village	44, 190
River Grove Village	45, 616
Riverside Village	34, 397
Robbins Village	113, 500
Rolling Meadows City	72, 560
Roselle Village (part)	218
Rosemont Village	29, 278
Schiller Park Village	109, 459
Skokie Village	331, 716
South Chicago Hghts. Vill	24, 584
South Holland Village	80, 636
Steger Village (part)	18, 237
Village of Stickney	38, 969
Stone Park Village	39, 731
Village of Summit	92, 833
Thornton Village	19, 651
Tinley Park Village	44, 237
Westchester Village	71, 132
Western Springs Village	40, 052
Wheeling Village	48, 622
Willow Springs Village	12, 904
Wilmette Village	105, 955
Winnetka Village	46, 594
Worth Village	54, 301
Barrington Hills Village	8, 942
Buffalo Grove Village (part)	18, 160
City of Co Club Hills	25, 404
Elk Grove Village (part)	136, 930
Hanover Park Village (part)	38, 694
Sauk Village	32, 691
Streamwood Village	59, 931
Schaumburg Village (part)	59, 363
City of Palos Hills	26, 398
Palos Heights City	32, 693
Hoffman Estates Village	73, 352
City of Countryside	31, 624

Crawford County area	285, 589
Crawford County govt	111, 082
Total to all cities over 2,500	51, 255
Total to all cities under 2,500	33, 896
Total to all townships	89, 356
Robinson City	51, 255

Cumberland County area	233, 603
Cumberland County govt	86, 837
Total to all cities over 2,500	0
Total to all cities under 2,500	41, 584
Total to all townships	105, 182

De Kalb County area	1, 139, 945
De Kalb County govt	375, 560
Total to all cities over 2,500	430, 455
Total to all cities under 2,500	62, 607
Total to all townships	265, 324
De Kalb City	239, 921
City of Genoa	37, 563
Sandwich City (part)	86, 908
Sycamore City	72, 062

De Witt County area	386, 194
De Witt County govt	99, 544
Total to all cities over 2,500	65, 509
Total to all cities under 2,500	38, 336
Total to all townships	182, 805
Clinton City	65, 509

Douglas County area	454, 129
Douglas County govt	125, 884
Total to all cities over 2,500	88, 535
Total to all cities under 2,500	86, 757
Total to all townships	152, 953
Tuscola City	60, 768
Villa Grove City	27, 767

Du Page County area	3, 634, 647
Du Page County govt	1, 489, 971
Total to all cities over 2,500	1, 748, 645
Total to all cities under 2,500	20, 428
Total to all townships	395, 604
Addison Village	101, 562
Bartlett Village (part)	3, 268
Bensenville Village (part)	84, 611
Bloomingdale Village	9, 814
Clarendon Hill Village	22, 914
Downers Grove Village	154, 838
Elk Grove Village (part)	740
Elmhurst City	294, 951
Glen Ellyn Village	72, 240
Hinsdale Village (part)	46, 731
Hanover Park Village (part)	597
Itasca Village	19, 512
Lisle Village	24, 269
Lombard Village	144, 694
Naperville City	121, 055
North Lake City (part)	202

Revenue sharing funds for Illinois

[In dollars]

Roselle Village (part)	15, 321
Schaumburg Village (part)	637
Villa Park Village	194, 460
West Chicago City	98, 320
Westmont Village	31, 040
Wheaton City	138, 721
Winfield Village	17, 021
Wood Dale Village	33, 036
Oak Brook Village	19, 463
Carol Siream Village	22, 819
Woodridge Village	36, 362
Glendale Heights Village	39, 446
Edgar County area	516, 139
Edgar County govt	200, 893
Total to all cities over 2,500	125, 945
Total to all cities under 2,500	47, 518
Total to all townships	141, 784
City of Paris	125, 945
Edwards County area	133, 397
Edwards County govt	85, 335
Total to all cities over 2,500	0
Total to all cities under 2,500	48, 062
Total to all townships	0
Effingham County area	588, 262
Effingham county govt	216, 613
Total to all cities over 2,500	121, 224
Total to all cities under 2,500	75, 736
Total to all townships	174, 688
Fayette County area	496, 083
Fayette County govt	209, 360
Total to all cities over 2,500	62, 038
Total to all cities under 2,500	51, 614
Total to all townships	173, 071
Vandalia City	62, 038
Ford County area	391, 617
Ford County govt	133, 287
Total to all cities over 2,500	77, 433
Total to all cities under 2,500	30, 777
Gibson City	44, 407
Paxion City	33, 026
Franklin County area	916, 267
Franklin County govt	290, 478
Total to all cities over 2,500	235, 505
Total to all cities under 2,500	113, 343
Benion City	76, 436
Christopher City	18, 259
West Frankfort City	140, 810
Fulton County area	868, 145
Fulton County Govt	299, 750
Total to all cities over 2,500	214, 477
Total to all cities under 2,500	107, 088
Total to all townships	246, 829
Canton City	155, 092
Farmington City	32, 331
Lewistown City	27, 055
Gallatin County area	177, 338
Gallatin County Govt	59, 942
Total to all cities over 2,500	0
Total to all cities under 2,500	40, 378
Total to all townships	77, 009
Greene County area	106, 725
Greene County govt	153, 505
Total to all cities over 2,500	59, 880
Total to all cities under 2,500	51, 008
Total to all townships	142, 333
Carrollion City	33, 191
White Hall City	26, 688
Grundy County area	362, 034
Grundy County govt	109, 775
Total to all cities over 2,500	86, 510
Total to all cities under 2,500	43, 778
Total to all townships	121, 972
Coal City Village	29, 082
Morris City	57, 472
Hamilton County area	207, 139
Hamilton County govt	82, 161
Total to all cities over 2,500	19, 476
Total to all cities under 2,500	6. 368
Total to all townships	99, 134
McLeansboro City	19, 476
Hancock County area	565, 695
Hancock County govt	199, 246
Total to all cities over 2,500	64, 829
Total to all cities under 2,500	90, 871
Total to all townships	210, 749
Carthage City	33, 799
Hamilton City	31, 030
Hardin County area	100, 743
Hardin County govt	63, 211
Total to all cities over 2,500	0
Total to all cities under 2,500	37, 532
Total to all townships	0
Henderson County area	202, 024
Henderson County govt	84, 150
Total to all cities over 2,500	0
Total to all cities under 2,500	24, 268
Total to all townships	0
Henry County area	819, 346
Henry County govt	212, 132
Total to all cities over 2,500	259, 846
Total to all cities under 2,500	92, 942
Total to all townships	254, 427
Galva City	32, 120
Geneseo City	36, 085
Green Rock City	12, 209
Kewanee City	179, 432
Iroquois County area	801, 593
Iroquois County govt	274, 726
Total to all cities over 2,500	54, 894
Total to all cities under 2,500	155, 173
Total to all townships	316, 801
Waiseka City	54, 894
Jackson County area	1, 474, 412
Jackson County govt	376, 790
Total to all cities over 2,500	424, 252
Total to all cities under 2,500	61, 914
Total to all townships	184, 456
Carbondale City	314, 233
Murphysboro City	110, 019
Jasper County area	107, 797
Jasper County govt	99, 674
Total to all cities over 2,500	24, 181
Total to all cities under 2,500	9, 484
Total to all townships	54, 458
City of Newton	24, 181
Jefferson County area	525, 564
Jefferson County govt	224, 199
Total to all cities over 2,500	190, 029
Total to all cities under 2,500	24, 580
Total to all townships	186, 756
Mt. Vernon City	190, 029
Jersey County area	337, 739
Jersey County govt	171, 500
Total to all cities over 2,500	21, 500
Total to all cities under 2,500	31, 406
Total to al townships	113, 333
Jerseyville City	21, 500
Jo Daviess County area	520, 323
Jo Daviess County govt	208, 879
Total to all cities over 2,500	39, 668
Total to all cities under 2,500	91, 520
Total to all townships	180, 256
Galena City	39, 669
Johnson County area	146, 885
Johnson County govt	83, 401
Total to all cities over 2,500	0
Total to all cities under 2,500	63, 484
Total to all townships	0
Kane County area	2, 687, 574
Kane County government	655, 531
Total to all cities over 2,500	1, 605, 435
Total to all cities under 2,500	72, 839
Total to all townships	353, 769
Aurora City	742, 287
Batavia City	52, 287
Carpentersville Village	155, 591
East Dundee Village	18, 746
Elgin City (part)	460, 765
Geneva City	41, 436
Montgomery Village (part)	13, 799
North Aurora Village	21, 009
St. Charles City	73, 964
South Elgin Village	17, 051
West Dundee Village	8, 500
Kankakee County area	1, 415, 496
Kankakee County government	552, 467
Total to all cities over 2,500	523, 352
Total to all cities under 2,500	51, 527
Total to all townships	288, 151
Bonrbonnais Village	19, 484
Bradley Village	91, 340
Kankakee City	342, 315
Manteno Village	18, 962
Momence City	51, 252
Kendall County area	336, 865
Kendall County government	136, 311
Total to all cities over 2,500	44, 108
Total to all cities under 2,500	47, 851
Total to all townships	108, 595
Montgomery Village (part)	66
Pland City	43, 947
Sandwich City (part)	95
Knox County area	1, 291, 665
Knox County government	372, 303
Total to all cities over 2,500	652, 705
Total to all cities under 2,500	80, 960
Total to all townships	185, 696
Abingdon City	53, 958
Galesburg City	579, 410
Knoxville City	19, 337
Lake County area	3, 062, 681
Lake County government	960, 092
Total to all cities over 2,500	1, 692, 781
Total to all cities under 2,500	82, 393
Total to all townships	327, 415
Antioch Village	24, 311
Buffalo Grove Village (part)	3, 340
Deerfield Village (part)	62, 451
Fox Lake Village	25, 218
Grayslake Village	16, 180
Gurnee Village	25, 335
Highland Park City	106, 380
Highwood City	16, 397
Lake Bluff Village	16, 513
Lake Forest City	56, 339
Lake Zurich Village	24, 350
Libertyville Village	38, 525
Mundelein Village	90, 656
North Chicago City	265, 383
Round Lake Beach Village	26, 675
Round Lake Park Village	18, 348
Wauconda Village	29, 834
Waukegan City	639, 971
Winthrop Harbor Vilg Off	25, 458
Zion City	153, 000
Lincolnshire Village	8, 345
Village of Lindenhurst	10, 357
Park City	9, 414
LaSalle County area	2, 195, 351
LaSalle County Govt	715, 108
Total to all cities over 2,500	937, 158
Total to all cities under 2,500	135, 332
Total to all townships	407, 752
LaSalle City	179, 741
Marseilles City	29, 854
Mendoia City	73, 357
Oglesby City	43, 419
Ottawa City	234, 296
Peru City	121, 035
Sireator City (part)	255, 458
Lawrence County Area	418, 869
Lawrence County Govt	168, 832
Total to all cities over 2,500	83, 869
Total to all cities under 2,500	69, 364
Total to all townships	96, 803
Lawrenceville City	83, 869
Lee County area	907, 135
Lee County Govt	327, 498
Total to all cities over 2,500	264, 772
Total to all cities under 2,500	103, 927

Total to all townships	210,937
Dixon City	264,772

Livingston County area	718,028
Livingston County Govt	593,000
Total to all cities over 2,500	125,028
Total to all cities under 2,500	0
Total to all townships	0
Streator City (part)	1,028
Dwight Village	69,000
Fairbury City	55,000

Logan County area	801,736
Logan County Govt	301,456
Total to all cities over 2,500	192,412
Total to all cities under 2,500	74,581
Total to all townships	233,287
Lincoln City	192,412

McDonough County area	811,814
McDonough County Govt	266,370
Total to all cities over 2,500	258,006
Total to all cities under 2,500	54,649
Total to all townships	232,790
Bushnell City	45,339
Macomb City	212,667

McHenry County area	1,045,081
McHenry County govt	362,461
Total to all cities over 2,500	337,157
Total to all cities under 2,500	63,677
Total to all townships	281,786
Algonquin Village	16,311
Cary Village	22,517
Crystal Lake City	13,086
Harvard City	38,284
Village of Lake in the Hills	33,181
McHenry City	53,699
Marengo City	19,977
Woodstock City	79,502

McLean County area	1,771,073
McLean County govt	566,814
Total to all cities over 2,500	714,976
Total to all cities under 2,500	174,975
Total to all townships	314,308
Bloomington City	491,940
Normal Town	223,036

Macon County area	1,372,625
Macon County govt	396,103
Total to all cities over 2,500	665,057
Total to all cities under 2,500	76,469
Total to all townships	234,995
Decatur City	665,057

Macoupin County area	887,124
Macoupin County govt	274,111
Total to all cities over 2,500	155,330
Total to all cities under 2,500	130,561
Total to all townships	327,121
Carlinville City	69,390
Gillespie City	20,077
Staunton City	46,620
Virden City	19,243

Madison County area	3,562,613
Madison County govt	1,431,878
Total to all cities over 2,500	1,928,767
Total to all cities under 2,500	201,967
Total to all townships	0
Alton City	598,516
Bethalso Village	28,552
Collinsville City (part)	114,083
East Alton Village	146,407
Edwardsville City	96,749
Granite City	492,756
Highland City	57,740
Madison City	130,921
Venice City	111,877
Wood River City	151,166

Marion County area	864,136
Marion County govt	252,715
Total to all cities over 2,500	295,738
Total to all cities under 2,500	123,847
Total to all townships	191,836
Centralia City (part)	155,013
Salem City	140,725

Marshall County area	317,704
Marshall County govt	125,950
Total to all cities over 2,500	22,966
Total to all cities under 2,500	50,269
Total to all townships	118,520
Henry City	22,966

Mason County area	288,686
Mason County govt	110,911
Total to all cities over 2,500	63,673
Total to all cities under 2,500	26,957
Total to all townships	87,144
Havana City	44,276
Mason City City	19,398

Massac County Area	332,021
Massac County govt	217,934
Total to all cities over 2,500	92,962
Total to all cities under 2,500	21,124
Total to all townships	0
Metropolis City	92,962

Menard County Area	182,567
Menard County govt	133,235
Total to all cities over 2,500	23,846
Total to all cities under 2,500	25,486
Total to all townships	0
Petersburg City	23,846

Mercer County area	413,418
Mercer County govt	179,183
Total to all cities over 2,500	35,030
Total to all cities under 2,500	60,347
Total to all townships	138,858
Aledo City	35,030

Monroe County area	178,024
Monroe County govt	69,492
Total to all cities over 2,500	94,255
Total to all cities under 2,500	14,277
Total to all townsl.ips	0
Columbia City	39,363
Waterloo City	54,902

Montgomery County area	123,375
Montgomery County govt	233,594
Total to all cities over 2,500	143,356
Total to all cities under 2,500	77,135
Total to all townships	269,289
Hillsboro City	32,830
Litchfield City	79,894
City of Nokomis	30,633

Morgan County area	864,751
Morgan County govt	239,031
Total to all cities over 2,500	246,251
Total to all cities under 2,500	50,801
Total to all townships	328,668
Jacksonville City	236,524
Vill of S Jacksonville	9,727

Moultrie County area	317,056
Moultrie County govt	131,045
Total to all cities over 2,500	40,991
Total to all cities under 2,500	34,083
Total to all townships	110,936
Sullivan City	40,991

Ogle County area	670,794
Ogle County govt	243,382
Total to all cities over 2,500	173,232
Total to all cities under 2,500	56,887
Total to all townships	187,292
Mt. Morris Village	15,466
Oregon City	36,977
Polo City	28,463
Rochelle City	92,326

Peoria County area	2,781,938
Peoria County govt	712,747
Total to all cities over 2,500	1,769,168
Total to all cities under 2,500	115,618
Total to all townships	184,504
Bartonville Vilage	47,253
Chillicothe City	32,616
Peoria City	1,653,725
Peoria Heights Village	35,533
Pekin City (part)	41

Perry County area	341,275
Perry County govt	208,610
Total to all cities over 2,500	108,998
Total to all cities under 2,500	23,666
Total to all townships	0
Du Quoin City	70,207
Pinckneyville City	38,791

Piatt County area	326,731
Piatt County govt	105,967
Total to all cities over 2,500	39,821
Total to all cities under 2,500	61,882
Total to all townships	119,060
Monticello City	39,821

Pike County area	458,623
Pike County Govt	180,204
Total to all cities over 2,500	34,668
Total to all cities under 2,500	61,412
Total to all townships	182,339
Pittsfield City	34,668

Pope County area	63,542
Pope County govt	51,164
Total to all cities over 2,500	0
Total to all cities under 2,500	12,378
Total to all townships	0

Pulaski County area	208,956
Pulaski County govt	141,123
Total to all cities over 2,500	0
Total to all cities under 2,500	67,833
Total to all townships	0

Putnam County area	112,972
Putnam County govt	36,619
Total to all cities over 2,500	0
Total to all cities under 2,500	16,751
Total to all townships	59,603

Randolph County area	455,026
Randolph County govt	255,097
Total to all cities over 2,500	123,401
Total to all cities under 2,500	76,528
Total to all townships	0
Chester City	47,321
Red Bud City	26,492
Sparta City	49,589

Richland County area	402,302
Richland County govt	130,516
Total to all cities over 2,500	129,983
Total to all cities under 2,500	21,553
Total to all townships	120,251
Olney City	129,983

Rock Island County area	2,611,367
Rock Island County govt	634,489
Total to all cities over 2,500	1,644,626
Total to all cities under 2,500	101,792
Total to all townships	230,461
Coal Valley village	10,182
East Moline City	265,056
Milan Village	55,492
Moline City	578,880
Rock Island City	695,694
Silvis City	39,321

St. Clair County area	4,618,540
St. Clair County government	2,109,737
Total to all cities over 2,500	2,450,625
Total to all cities under 2,500	58,178
Total to all townships	0
Alorton Village	21,000
Belleville City	351,987
Cahokia Village	108,755
Caseyville Village	19,611
Collinsville City (part)	1,808
Dupo City	14,309
East St. Louis City	1,673,276
Village of Fairmont City	9,130
Lebanon City	23,843
Mascoutah City	38,968
O'Fallon City	37,569
Swansea Village	17,911
Washington Park Village	31,403
Centreville City	101,055

Saline County area	455,764
Saline County government	173,749
Total to all cities over 2,500	139,233
Total to all cities under 2,500	33,014
Total to all townships	109,768
Eldorado City	47,500
Harrisburg City	91,733

Revenue sharing funds for Illinois
[In dollars]

Sangamon County area	2, 129, 952
Sangamon County government	667, 985
Total to all cities over 2,500	935, 733
Total to all cities under 2,500	198, 490
Total to all townships	327, 744
Auburn City	29, 425
Chatham Village	9, 193
City of Springfield	897, 115
Schuyler County area	194, 470
Schuyler County government	56, 146
Total to all cities over 2,500	18, 763
Total to all cities under 2,500	3, 440
Total to all townships	116, 120
Rushville City	18, 783
Scott County area	140, 299
Scott County government	108, 524
Total to all cities over 2,500	0
Total to all cities under 2,500	31, 775
Total to all townships	0
Shelby County area	539, 997
Shelby County government	197, 338
Total to all cities over 2,500	39, 039
Total to all cities under 2,500	60, 456
Total to all townships	243, 164
Shelbyville City	39, 039
Stark County area	179, 529
Stark County govt	78, 675
Total to all cities over 2,500	0
Total to all cities under 2,500	40, 344
Stephenson County area	955, 983
Stephenson County govt	318, 109
Total to all cities over 2,500	335, 404
Total to all cities under 2,500	64, 551
Total to all townships	237, 919
Freeport City	335, 404
Tazewell County area	1, 482, 697
Tazewell County govt	439, 776
Total to all cities over 2,500	656, 525
Total to all cities under 2,500	97, 336
Total to all townships	289, 059
Creve Coeur village	40, 951
East Peoria City	184, 396
Marquette Heights city	9, 094
Marion Village	53, 649
Pekin City (part)	327, 094
Washington City	41, 343
Union County area	216, 435
Union County govt	120, 455
Total to all cities over 2,500	52, 201
Total to all cities under 2,500	143, 779
Total to all townships	0
Anna City	52, 201
Vermilion County area	1, 432, 029
Vermilion County govt	384, 576
Total to all cities over 2,500	635, 094
Total to all cities under 2,500	122, 585
Total to all townships	289, 773
Village of Bolingbrook (part)	1, 243
Danville city	503, 139
Georgetown city	17, 469
Hoopeston City	70, 408
Tilton Village	27, 210
Westville Village	15, 625
Wabash County area	256, 669
Wabash County govt	139, 821
Total to all cities over 2,500	104, 473
Total to all cities under 2,500	12, 375
Total to all townships	0
Mount Carmel City	104, 473
Warren County area	516, 235
Warren County govt	175, 200
Total to all cities over 2,500	123, 633
Total to all cities under 2,500	35, 569
Total to all townships	181, 833
Monmouth City	123, 633
Washington County area	329, 415
Washington County govt	150, 071
Total to all cities over 2,500	24, 212
Total to all cities under 2,500	31, 370
Total to all townships	123, 762
Nashville City	24, 212
Wayne County area	406, 486
Wayne County govt	128, 304
Total to all cities over 2,500	65, 267
Total to all cities under 2,500	31, 245
Total to all townships	181, 670
Fairfield City	65, 267
White County area	413, 849
White County govt	146, 824
Total to all cities over 2,500	61, 410
Total to all cities under 2,500	60, 748
Total to all townships	144, 867
Carmi City	61, 410
Whiteside County area	1,173, 231
Whiteside Countly govt	583, 614
Total to all cities over 2,500	512, 776
Total to all cities under 2,500	76, 840
Total to all townships	0
Fulton City	86, 776
Morrison City	29, 246
Rock Falls City	101, 449
Sterling City	295, 305
Will County area	2, 563, 263
Will County govt	823, 494
Total to all cities over 2,500	1, 140, 359
Total to all cities under 2,500	154, 749
Total to all townships	444, 661
Village of Bolingbrook (part)	10, 179
Crete Village	34, 579
Joliet City	848, 414
Lockport City	60, 702
New Lenox Village	9, 414
Plainfield Village	17, 413
Romeoville Village	41, 790
Steger Village (part)	35, 264
Wilmington City	24, 653
Crest Hill City	51, 952
Williamson County area	938, 898
Williamson County govt	482, 472
Total to all cities over 2,500	374, 047
Total to all cities under 2,500	82, 379
Total to all townships	0
Carierville City	31, 500
Herrin City	115, 922
Johnston City	45, 709
Marion City	180, 915
Winnebago County area	3, 526, 799
Winnebago County govt	1, 222, 478
Total to all cities over 2,500	2, 204, 092
Total to all cities under 2,500	100, 229
Total to all townships	0
Loves Park City	89, 385
Rockford City	2, 023, 772
South Beloit City	90, 936
Woodford County area	569, 920
Woodford County govt	187, 904
Total to all cities over 2,500	31, 404
Total to all cities under 2,500	125, 782
Total to all townships	224, 833
Eureka City	31, 404

EDUCATIONAL TECHNOLOGY SCORES A TOUCHDOWN

Mr. EAGLETON. Mr. President, there is no more difficult nor frustrating task than the search for effective ways to bring education to underprivileged children. Many ideas have been tried and have failed. Others promise much, but due to the lack of funds have yet to be tried.

Every idea in this area tries to incorporate some technique for reaching through the barrier which all too often divides the ghetto child from the enjoyment of learning.

Therefore, it is always encouraging to note successful methods which spark excitement and learning for students who had been turned off by school.

The Sunday, September 24, edition of Parade contains one such success in which St. Louis kids use a computer, initially, to play a simulated football game and then go on to more sophisticated math and reading exercises once their interest is engaged. While no one contends that computers are the ultimate answer to improved compensatory education, computers, audiovisual equipment and materials, and a number of other tools have proven of value in the classroom, and should be encouraged wherever they help the teacher and the student with the job at hand.

In this light, I have been dismayed by the repeated failure of this administration to recommend funding for title III of the National Defense Education Act and title VI of the Higher Education Act, both of which provide modest amounts of money for acquisition of such things as the computer system which proved so successful for underprivileged students in St. Louis. The administration has not sent a budget request to Congress for either NDEA III and HEA VI for this fiscal year, although the authorizations were signed into law over 3 months ago. As a result the House has omitted both of these programs from the new version of the Labor-HEW appropriations bill.

I know I speak for hundreds of Missouri schools, and thousands more all across the Nation, when I urge the Senate Appropriations Subcommittee on Labor-HEW to restore these two programs and provide for them the $75 million and the $15 million respectively which were originally passed by the Senate in June. In the absence of interest in these programs from the White House, it is the responsibility of the Congress to see that these two popular and effective matching programs are not allowed to fall by the wayside.

Mr. President, I ask unanimous consent that the Parade article be included at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FLICK A SWITCH AND SCORE A TOUCHDOWN

(By John G. Rogers)

ST. LOUIS, MO.—Nineteen-year-old Sam Wishom is quite a football player. In a recent game he first ran a punt back 67 yards for a touchdown. Then he intercepted a pass to cut off an opponent score. And he capped those exploits by kicking a 42-yard field goal that gave his team victory.

These feats were all the more remarkable in that Sam wasn't even on a football field. He was seated at the console of a $67,000 computer, flicking little switches linked to electronic connections. For Sam is one of a group of underprivileged boys who have the good luck to be able to play computer football in an IBM program that's designed to stimulate interest in learning.

"You can instruct a computer to do almost anything," says Gary Seigal, an IBM systems engineer. "So we poured this computer full of football. There are eight switches for the offensive team, eight for the defense. The offensive player flicks a switch choosing his play—smash through the line, end run, short pass, long pass, and so on. The defense, just as in actual football, tries to anticipate what the opponent's move will be and manipulates a switch setting his defense for the expected play. Then, the computer, knowing what both offense and defense are up to, selects at random one out of a number of logical outcomes and punches it out on a printout."

TENSE PLAYERS

It's great fun to watch the players, seated side by side at the computer console, tensely awaiting the outcome of each printout, usually surrounded by a crowd of kibitzers.

"Oh, no, I fumbled," moans Sam as he sees a touchdown go down the drain.

"My guys keep dropping the long passes," mutters Tony Gully, the opponent to the moment.

In addition to the football games, the kids engage in more sophisticated math and reading exercises involving computers and the success of the program is seen in the fact that a number of them, including Sam and Tony, have been accepted by colleges.

KIDS EXCITED

Says Bill McRoberts, executive director of Sophia House, the neighborhood organization which recruits the boys: "We use the computer and football to excite a kid's imagination. This brings him to an entirely new horizon and once he makes that jump, it dawns on him that there are other jumps to be made in life."

Girls can play computer football, too. Says Kathy Miller, 21, a college senior who tutors at Sophia House: "I know a lot about football. I've played four games and won them all, all against guys. They're so funny. All the time they're teaching me the fine points of the game and I'm creaming them. I remember taking the first one 38 to 14 from this fellow who was showing me how to play."

The computer has produced such wild games as 72 to 14 and such close ones as 3 to 0. There are two 30-minute halves—and only one recorded case of injury. That occurred when a player got so excited that he jumped up abruptly and bashed his knee against the computer. A substitute had to come off the bench and finish the game for him.

OREGON AND CALIFORNIA LANDS

Mr. HATFIELD. Mr. President, the sound and equitable conservation of valuable forest resources by the Federal Government under the Oregon and California lands program has provided sustained amounts of raw materials for the Oregon timber industry and serves as an important source of income for 18 counties in western Oregon in which the O. & C. lands are located.

The O. & C. program is an excellent example of how environmental protection and economic growth can be achieved concurrently. Charles V. Stanton, editor emeritus of the Roseburg, Oreg., News-Review, has recently completed highly informative historical summary of this program which I am pleased to call to the attention of the Senate. I ask unanimous consent that his series of articles be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

County Benefits From O&C

Douglas County recently received two checks from the federal government. Together they amounted to $9,462,396.60. This income represented the county's share of roughly $37 million paid to 18 Oregon counties that participate in receipts from Oregon and California land grant (O&C) acres within their boundaries.

Douglas County has a great many newcomers who know little or nothing about the O&C, Mrs. John Pearl, 739 W. Indianola, Roseburg, said as she brought The News-Review a letter intended for its Reader Opinions column. The letter outlined in brief form the history of the land grant and the importance of its revenue to the respective counties.

The letter was brought to the attention of Charles V. Stanton, editor of the Reader Opinions column. Stanton, who formerly served as editor-manager of The News-Review, and who, though semi-retired, still is employed part-time by the newspaper, was inspired by Mrs. Pearl's communication to write a more detailed history of the O&C.

Stanton's career with Roseburg newspapers spans the years from the time of the revestment of the O&C lands in 1916 to the present. Much of his work as a news reporter and editor was affected by various factors concerning the grant.

Douglas County, largest county in Western Oregon, contains some 913,000 acres or approximately one-fourth of the total land grant of 3,738,000 acres. As revenue is apportioned among counties on a ratio of contained acreage, Douglas County receives about one-fourth of total O&C income each year.

From this revenue it pays the cost of all county offices and administrative operations, gives money to county schools, puts a large sum into road construction and maintenance. Were it not for this income Douglas County taxpayers would have to dig up considerably more money each year.

From his knowledge of the O&C program, together with research from a large supply of statistical and historical information, embracing Mrs. Pearl's letter, Stanton has written a 10-part history of the O&C. These chapters will appear as his regular column "Charley Comments" starting Thursday.

Readers interested in the subject are invited to clip these columns to form a history of this program presently of such great importance to Douglas County.

Mrs. Pearl, whose letter inspired the series, is a former school teacher. She came to Roseburg more than four years ago from Oakridge. Her husband, John Pearl is an engineer for Roseburg Lumber Co.

Mrs. Pearl has long been interested in the field of writing. She has written particularly for garden magazines. She has been publicity representative for Roseburg Garden Club and has frequently given information for The News-Review's Garden Page.

Becoming interested in the county's source of revenue from the O&C, she researched literature at the Douglas County Library and interviewed individuals informed on the subject.

Special N-R Series Details O&C History

The first of a series of 10 articles concerning the Oregon and California (O&C) lands is being published today on Page 10.

The remainder of the articles will follow during the next nine issues of The News-Review.

The articles are written by Charles Stanton, editor emeritus of the N-R and closely concerned with O&C since the lands were revested with the federal government in 1916. A letter from Mrs. John Pearl, Roseburg, is a part of the series.

Stanton gives the history of the lands and how important the lands, and their revenue, are to Douglas County.

The county received $9 million as its share of O&C revenue this year, which points up how vital the issue is to Douglas County residents.

The formula under which the revenue is shared by Douglas and other nearby O&C counties has been under political attack both from within and outside the county.

In an election year, some of the facts of some situations are overlooked or misstated, Stanton says.

Stanton's series of articles is intended to give the historic background concerning O&C lands and how a certain formula of revenue sharing can help—or financially cripple—Douglas County.

Series Will Outline History of O&C Grants

(By Charles V. Stanton)

(Note.—This is the first chapter of a series of 10 "Charley Comments" columns, in collaboration with Mrs. John Pearl, Roseburg, giving a limited history of the Oregon and California land grant. News-Review readers may desire to clip and retain these columns for future reference.)

O&C—FIRST IN SERIES

Douglas County recently received two checks totalling almost $10-million—$9,462,396.60, to be exact. A check of more than $8-million was received, representing the county's share of receipts from Oregon and California (O&C) grant lands for a period of 11 months. A second check, amounting to more than $900,000, followed after final accounting had been completed.

The history of the O&C has been told many times. But Douglas County's population has grown so rapidly we have many newcomers—News-Review readers, we hope—who are not familiar with this source of county income.

Were it not for this outside income our Douglas County taxes would be far higher than they now are. We support most of the cost of county operation, give a slice for schools, and put a large sum into construction and maintenance of roads, all from the money we get from O&C lands.

The fact that many people were not familiar with the grant was called to our attention recently by Mrs. John Pearl, 739 W. Indianola, Roseburg. Mrs. Pearl brought us a letter in which she had outlined quite briefly some of the salient factors of the grant. Her letter, we thought, needed some elaboration. But the elaboration we did caused us to delve deeper and deeper into the subject. So this and future columns will embrace not only what she had to say but will involve a vast amount of detail entering into this important bit of our history.

We hope all who read will be interested in learning how it happens Douglas County obtains this large sum of money.

PUBLIC LAND ACQUIRED

"In 1846 this new Nation added 183 million acres to its public lands in Oregon by the Oregon Compromise with England," Mrs. Pearl wrote. "Before this, from the Treaty of Paris, April 30, 1803, by which we acquired the Louisiana Purchase, which added 541 million acres, until 1867, when the last of the public lands were acquired, our country was expanding westward. Most of the difficulties experienced by this Nation, domestic as well as foreign, have been directly concerned with, or closely related to, matters of governing, acquiring and disposing of public lands."

With reference to some of the historical background mentioned by Mrs. Pearl, it should be realized that in the '40s and '50s the United States was very seriously concerned with getting population into the vast wilderness of the West Coast.

With Mexico pressing from the south and England from the north, while the Russians had made an attempt toward Pacific coast colonization, the United States had entered into much controversy.

MORE PEOPLE NEEDED

Russian colonization was attempted as a means of collecting pelts from the sea otter. These pelts of extreme value were a prize sought by many fur hunters. The Russian attempt, operating from land bases, was foiled by British vessels which swept the coastal areas from the sea.

The sea otter was made almost extinct along the coast. The British moved north into British Columbia, where some of these sea animals still existed.

We faced a war with England over boundaries between what is now British Columbia and the Oregon Territory, which then embraced what is now Washington, Oregon, Idaho and parts of Wyoming and Montana. The U.S. territorial claims had extended into British Columbia prior to the treaty.

We fought a war with Mexico whereby we set the boundary on the south.

But the whole coastal area was very sparsely settled. When the treaty was signed with England in 1846, there were approximately 6,000 Americans and 1,000 British in the region. The United States was desperately trying to retain possession of the land by a preponderance of population. It was encouraging settlement.

RAILROADS GIVE AID

Then, just prior to the War Between the States, the invention of the locomotive and the railroad began to change the face of the country. The federal government, realizing the value of the railroad in expanding population westward, and having an abundance of undeveloped public land, began giving grants of land to aid railroad companies to build into those areas where, only by subsidies, could these transportation lines be constructed.

"As an incentive to opening the West, Oregon in particular, grants were made to the Oregon and California Railroad Company of all odd-numbered sections, non-mineral in character, in a strip extending 20 miles on each side of the railroad right of way," Mrs. Pearl said.

Some of this land had been homesteaded, some acreage had been taken over by squatters. Rather than face trouble with occupants of the land, the federal government and the railroad company agreed the grant should be extended to include an additional 10 miles on each side of the right-of-way.

Some 30 years later, when the United States Forest Service was created, a controversy arose because there was an intermingling of land. This dispute became known as "controverted" lands. An agreement was finally engineered by Guy Cordon of Roseburg, a nationally known expert on the O&C question and legal representative of the Association of Oregon Land Grant Counties, before being appointed to the U.S. Senate to serve out the unexpired term of the late Sen. Charles L. McNary.

O. & C. GRANTS ENCOURAGED RAILROAD CONSTRUCTION

(Second in series)

During the 1800s the United States accumulated many millions of acres of public lands. Administration of those lands became a very great problem, handled largely by the United States Land Office.

In 1946 the Bureau of Land Management took over the duties of the General Land Office, which had been in existence since the year 1812, and also the Grazing Service of 1934. Included in the many activities for which the Bureau of Land Management became responsible was, and is, the O&C Administration.

Not long ago Mrs. John Pearl, 739 W. Indianola, Roseburg, visited The News-Review and presented some statistics concerning the O&C Grant Lands and the importance of the income received by Douglas County from those lands. I became interested in Mrs. Pearl's research and from it have attempted to bring together a number of the many aspects of this problem, presently receiving much attention in Congress and elsewhere.

SETTLEMENT AID GIVEN

In the 1840s the U.S. government was urging migrations of Americans to the West Coast and particularly the Oregon Territory, which then embraced what we today call the Pacific Northwest. The discovery of gold in California in 1849 speeded the western movement. The federal government began giving extensive acreage to railroad companies to encourage the building of rail lines throughout the country. One such grant was made in 1869 to the Oregon and California Railroad Company for construction of the Oregon section of a railroad between San Francisco, California, and Portland, Oregon.

This grant particularly stated that the land was being given for the benefit of the area through which the right-of-way was projected. It was specified that the land must be sold to bona fide purchasers for $2.50 per acre. The government's thought was that, by putting settlers on the land, sufficient business would be created to take care of the cost of railroad operation and expansion.

LANDS REVESTED

Some of this land, particularly that with agricultural resource, was sold for the specified sum. But other acres, such as a great part of O&C holdings in Douglas County, were steep, rugged heavily forested, and worthless for agriculture, except where settlers could burn off the trees and find free pasture for their sheep and cattle on the burned over tracts.

The Southern Pacific Railroad Company had purchased the rail line from the Oregon and California company. It refused to sell some of its land, particularly timber holdings, and reportedly, also sold a considerable portion at more than the specified price of $2.50 per acre.

So, in 1916, the federal government reclaimed ownership (revested) the lands from the railroad company, specifying violation of terms of the grant.

Those lands, Mrs. Pearl points out, amounted to nearly three million acres, for which the federal government paid the railroad $2.50 per acre.

TAXES BECOME PROBLEM

Revestment of the lands brought a major problem to some of the 18 land grant counties in Western Oregon, especially Douglas County.

Approximately 25 per cent of the O&C lands is in Douglas County. Timber, at that time, had virtually no value and was not being privately purchased. A major part of the land in the Willamette Valley, however, had passed into private hands many years before, and those counties had been collecting taxes on land and improvements for a long time. The railroad company had been paying around a half-million dollars annually in the form of taxes. The loss of that amount of money was a disaster to some of the counties, and Douglas County was the worst hit.

In 1926, ten years after it had revested the lands, the Congress passed the Stanfield Act, engineered by Guy Cordon, of Roseburg, then legal advisor to the O&C counties, and who later became a United States Senator. The bill was introduced by U.S. Senator Robert N. Stanfield who carried it through to passage. It advanced "an amount of money equal to what the land and timber would have paid had they been privately owned," says Mrs. Pearl.

F. D. R.'S "FAST ONE" PROVED BOON TO 18 OREGON COUNTIES

The late President Franklin D. Roosevelt pulled what a good many federally-minded politicians thought was a "fast one" in 1937.

But that "fast one" later developed into a substantial financial boon for Oregon's 18 land grant counties and resulted recently in Douglas County receiving around $10-million as its share of revenue from O&C land grant receipts for the past year.

That was the largest amount ever received by the county from that source. It probably will remain a record for several years.

To encourage building of the Oregon section of the railroad between Portland, Oregon, and San Francisco, California, the federal government gave approximately 3.7 million acres of public land, in alternate odd-numbered sections for 30 miles on each of the proposed right-of-ways to the railroad company.

TAX LOSS SERIOUS

The company, by terms of the 1869 grant, was required to sell its lands at the rate of $2.50 per acre. But the owner, the Southern Pacific company in the early 1900s was selling part of the land for more than the specified amount. After 1903 it refused to sell any land. Because of this alleged violation of contract, the federal government, authorized by court action, revested 2.8 million acres of O&C land. It paid the railroad company for the revested land, the payment, which was in excess of $4-million, being based on $2.50 per acre, less the land already sold, and adjusted with relation to land sold for more than the specified sum.

FORMULA ADOPTED

In 1926, Congress passed what was known as the Stanfield Act. It advanced to the counties, in lieu of taxes, money based on the assessed valuation of the year 1914. It provided the counties should share in receipts, of which there were virtually none. O&C timber lands were a drag on the market.

The Stanfield Act gave the counties a little revenue for the next ten years, during which time the advances made by the federal government in lieu of taxes amounted to almost $8-million.

In the midst of the Great Depression FDR introduced his famed "Economy Act." His recommendations concerning O&C lands were considered by the O&C counties as a disaster spelling financial bankruptcy.

Subservient to FDR, the Congress, in 1937, adopted a completely new program and concept pertaining to the grant lands.

This new bill provided the counties should get 75 per cent of revenue. Revenue, however, was a bare dribble. Nothing in lieu of taxes! The federal government was to receive 25 per cent of revenue to meet costs of administration.

The big factor, insofar as counties were concerned, was that O&C lands were virtually worthless. Taxes were stopped. On top of all that the Act provided the counties would get 50 per cent of revenue—of which there was virtually none—but also were charged with paying back almost $8 million the federal government had advanced in lieu of taxes, for which the federal government retained 25 per cent of revenue in addition to 25 per cent for administration.

That Economy Act, at the time, seemed to the concerned counties to be little short of disaster. And that it was for a few years.

But the plan boomeranged, as it turned out, proving to be a godsend for the counties.

But that's another story.

BOOM PROVIDED BREAK FOR O. & C. COUNTIES

Franklin D. Roosevelt's recommendations concerning O&C lands in his Economy Act of 1935 were approved in the Congress in 1937. These new regulations, designed to save money for the federal government, withdrawing payments in lieu of taxes to the affected counties, were feared by the counties to spell disaster.

Not only did the federal government discontinue the financial help it had been giving, but it charged the counties with a debt of almost $8 million representing the money that had been paid over a period of 11 years.

The new regulations, placing the whole program on a basis of receipts, provided the counties were to be credited with 75 per cent of revenue from timber sales, grazing fees and other land uses. The federal government was to retain 25 per cent for management. From the 75 per cent it was provided 25 per cent should be retained for reimbursement of the $8 million debt. Thus the counties received only 50 per cent of receipts. We were in the midst of the Great Depression. Income from the O&C grant was virtually nil.

When the United States entered the Second World War in 1941 and began active military participation with its allies in 1942, a boom was immediately experienced in the lumber industry. The federal government purchased huge quantities of lumber for military structures at home and abroad. Residential demand skyrocketed. Mills in need of raw material began purchasing timber from O&C lands.

Douglas County was slow getting into the boom, but there came a time when the military had need for dimension timbers to be used to crate war materiel. The big break for Douglas County came when the federal government purchased the Youngs Bay Mill, near Astoria, and moved it, adding extensive improvements, to Roseburg where an ample supply of virgin timber was available. This plant, rebuilt and expanded, is owned and operated today by Champion International Corporation, formerly U.S. Plywood.

Soon other big operations moved into the county, while numerous small mills were going full blast.

By 1951 the 25 per cent retained by the federal government from O&C receipts had paid off the so-called debt. The counties became entitled to the full 75 per cent of revenue.

But with the increase in money going to O&C counties, some members of Congress got "itchy." They didn't like to see so much money escaping from clutches of the federal treasury.

Another factor disturbing Congress was the vigorous demand for more access roads. Access roads were needed to permit sale of more timber, lagging far behind the allowable cut restrictions. The 25 per cent allowed for administration didn't begin to cover the need for access roads. Congressmen weren't about to appropriate money from the federal treasury to increase sales from which the counties were principal beneficiaries.

Roseburg's Guy Gordon, who has been appointed as United States senator to fill out the unexpired term of the late Sen. Charles L. McNary, had been legal counsel for the Oregon Association of Land Grant Counties. In fact, he had engineered much of the legislation previously enacted in the Congress.

Cordon proposed that the counties assist with the construction of access roads and that from their 75 per cent they allow 25 per cent to be used for capital investment. That brought their actual annual receipts back to 50 per cent.

COUNTY MONEY UTILIZED

Cordon was aided in securing congressional approval by Harris Ellsworth, also of Roseburg, who was serving as the first representative from Oregon's Fourth Congressional District.

A few of the affected counties weren't entirely too happy with the arrangement. They didn't like sharing their income. But the plan finally won out.

It soon proved to be most advantageous.

Through construction of access roads it became possible to harvest timber at a figure approaching the allowable cut on O&C lands. This, in turn, increased the total revenue and thus gave more money to the counties than under the old formula.

As roads were built, the counties further extended their cooperation with the federal government in fields of multiple use, watershed protection, reforestation, fire protection, recreation and other such development.

F. D. R.'s 'ECONOMY ACT' PROVED TO BE BLESSING

The Congressional Act of 1937—a part of FDR's "Economy Act"—as it affected Oregon's O&C land grant counties, was considered by those counties to be a major disaster.

The Act provided the counties should receive 75 per cent of revenue from timber sales and other land use. The federal government was to retain 25 per cent to repay administrative costs. But 25 per cent of the share accredited to the counties was to be retained for repayment of the money already paid out by the federal government in lieu of taxes. Thus the 18 Oregon counties were saddled with a debt of around $8 million. They had been receiving money in lieu of taxes based on 1914 assessed valuation. Assessment rates varied between counties. They were not uniform. Now the counties were bereft of tax income. They were to receive 50 per cent of sales, but there was practically no market for O&C timber.

Between 1916, when the lands were revested with the federal government, and 1926, when the Stanfield Act was passed, providing some tax relief for the counties, the total income from O&C lands was approximately $4 million, all of which went to the federal treasury to repay the government for what it had paid the railroad company.

ACT PROVED BLESSING

The Nation was going through the Great Depression when the "Economy Act" was proposed by President Roosevelt. The recommendation with reference to O&C lands was adopted by the Congress in 1937.

That Act, which counties feared spelled bankruptcy, proved quickly to be a blessing.

With the Second World War came a boom in the lumber industry. O&C timber, which had been virtually worthless, insofar as income was concerned, was of easy access, being located in a 60-mile strip on each side of the railroad. It rose quickly in stumpage value, so that by 1951 the counties had paid off the debt with which they were charged. This made them eligible for the full 75 per cent of receipts. However, as the federal government's share was inadequate to meet the cost of capital investment, the counties voluntarily agreed that the 25 per cent formerly going to repay indebtedness should be used for access roads, and other development.

SALES COMPETITIVE

The Act of 1937 specifically repeated the purpose of the original grant in stating that management of these lands should be for the benefit of the local community.

In keeping with that purpose the O&C management tried several procedures.

The Act in its original form provided for cooperative agreements. Companies were given opportunity to match their own timber holdings with like volume of federal timber and thus have a specific amount of timber reserved for their future use.

The contract method, however, didn't get to first base. No one seemed genuinely interested.

Then the O&C established "marketing areas." The idea was that timber from the grant could be manufactured only within the boundaries of the "areas" so created.

But that plan, too, failed. It was withdrawn in 1953. Since that date O&C timber has been sold on a competitive program.

From revenue amounting to only $4-million in 10 years, between 1916 and 1926, O&C timber lands today are returning well over an average of $35-million annually.

Douglas County, in which approximately 25 per cent of the original grant was located, has received more than $9-million from last year's receipts.

NEW FORESTRY CONCEPT INCLUDED IN 1937 ACT

(O&C—Sixth in series)

When the Congress in 1937, inspired by the recommendations of FDR's so-called "Economy Act," drew up new rules for the Oregon and California grant lands, it actually did a great favor to the state's 18 land grant counties, who, at the time, thought they were facing bankruptcy.

The federal government had taken the lands away from the Southern Pacific Railroad company because the company had withdrawn them from sales to bona fide settlers. But, by the act of 1937, the federal government did the same thing. It declared the lands to be permanent federal property, withdrew them from sales, homesteading and other private uses, and placed them under separate management.

The Congress specified that the federal governrment was to be repaid for almost $8-million it had advanced in the form of taxes. The counties were to receive 75 per cent of income off the lands—an income which, at the time was almost non-existent—but 25 per cent was to be retained by the federal government to pay off the debt with which the counties were charged.

It is history, now, that the lumber boom, coming with the Second World War, brought in enough income that the debt was retired, something that had not been foreseen.

NEW IDEA PRESENTED

The 1937 Act carried with it a new idea in forestry. It provided for sustained yield and allowable cut.

Actually some skulduggery—at least in thought—can be suspected.

The Congress, tightening the purse strings during the Great Depression, selfishly withdrew support from the O&C counties, which were left to financial starvation as the federal treasury absorbed half of the little money coming in.

Sustained yield and allowable cut features of the Act resulted from urging by big scale lumber industry.

Prior to withdrawal of the lands from sale and private ownership, some people were eking out a few dollars by buying government land and cutting the timber with family mills or selling it to neighborhood mills.

Big companies didn't like the idea. They weren't interested at that time in buying O&C timber, but they didn't like the competition from these hilltop outfits.

Thus they encouraged the withdrawal of O&C lands from the market. They encouraged the ideas of allowable cut to further limit competition.

At that time we were subject to the belief that our timber resource was inexhaustible; that private timber was totally sufficient for need. Industry sought to get the federal government out of the competitive field.

THEORIES BOOMERANGED

We've been extremely fortunate here in Douglas County that both these theories, which one may suspect were formed with ulterior motive, eventually boomeranged.

The O&C lands became extremely valuable. Privately owned timber wasn't inexhaustable. In fact, it soon was overcut. The industry long had operated on a cut-and-get-out program, leaving stripped forest lands behind. This program came into Oregon, along with the lumber boom. Today our timber industry in Western Oregon would be in extremely bad shape were it not for the raw materials available from National Forests and the O&C grant lands.

Furthermore the sustained yield theory, which permits an allowable cut equivalent to the rate of growth, assuring a continuing harvest of timber forever, is of vital importance.

It is especially important here in Douglas

County where 88 per cent of our 3-million acres are classed as forest land—42 acres of forest per person. The county is 99.4 dependent, in our industrial operation, upon our timber.

O. & C. Lands Withdrew From Private Ownership

The Oregon and California land grant, in which the federal government sought to promote construction of the Oregon section of a railroad between Portland and San Francisco embodied a number of new ideas.

Several similar grants had been made previous to the O&C, authorized in 1866. From these earlier grants the federal government, which was seeking to encourage increased settlement of the area, had found some new procedures desirable.

One of the new ideas was to specify that land must be sold to actual settlers for $2.50 per acre.

Prior grants, such as the one made in California for the California-Oregon's southern border, had no such price specification. The Southern Pacific Co. eventually purcased the assets of the C&O and the O&C railroads. The S.P. wasn't required to sell the land it obtained in California. It refused to dispose of the holdings and is owner today of much valuable timber land in northern California.

SALES DISCONTINUED

Land acquired through the O&C grant was predominantly timber. Of the original acreage of 3,728,000 acres, the railroad company had sold off only around 813,000 acres. Much of the land, however, was sold for considerably more than the specified price of $2.50 per acre.

In the early 1900s there was a short flurry in the timber market. Timber, which had been virtually worthless, suddenly took on a measure of value. The Southern Pacific Co., in 1903, announced it was discontinuing all land sales. Oregon counties, and the State of Oregon, seeking to get the lands into private ownership and thus on the tax rolls at a higher valuation than could be charged by the railroad company, voiced strenuous remonstrance to the railroad company announcement.

The Oregon Legislature, in 1907, adopted a memorial to the Congress protecting the decisions, said to be contrary to terms of the grant.

The following year the federal government entered into a suit against the railroad company. The litigation continued until a decision by the U.S. Supreme Court authorized federal revestment of the land. The Chamberlain-Ferris Act. This Act called for revestment of 2,890,883 acres. It specified that the railroad company was to be paid at the rate of $2.50 per acre, a sum of $9,319,724.85, less prior receipts, some of which represented sales considerably more than the grant specified.

Subsequent adjustments—which took into consideration that of the 813,000 acres the railroad company had sold, about 685,000 acres went for more money than the railroad company should have received legally—concluded with a final payment by the federal government of $4,077,478.35.

SALE STOPPAGE REPEATED

The Chamberlain-Ferris Act resulted in the respective counties receiving a little money. The railroad company, during the period of litigation, had allowed taxes to become delinquent. The tax had amounted to around $500,000 per year for the 18 counties. The federal government appropriated through the Act the sum of $1,571,044 to pay the tax delinquencies. The railroad company assumed part of the cost and reimbursed the federal treasury in the sum of $257,715.

In 1926 the Stanfield Act resulted in counties receiving an annual income in lieu of taxes.

Then, in 1937, the federal government did the thing it had charged the railroad company with doing in violation of the terms of the grant. It stopped sales and homesteading. It withdrew the O&C lands from possibility of private ownership and placed them under a program of federal ownership. At the same time it ordered cessation of in lieu tax payments, placing entire O&C holdings on a revenue basis—at a time when receipts were virtually nothing. Counties were saddled with a debt of almost $8 million.

O. & C. Grant Financial History Is Reviewed

(O. & C.—Eighth in Series)

The financial history of the O&C land grant is exceedingly interesting.

The original grant, made in 1869 specified that the grant, given to subsidize construction of the Oregon section of a railroad between Portland, Ore., and San Francisco, Calif., was for the benefit of the area through which the railroad was to pass. Similar language was used in the Act of 1937 where a new formula for federal ownership and management was adopted.

When the federal government revested the land, in 1916, from the Southern Pacific Railroad Co., alleging violation of the terms of the grant, the railroad company received in excess of $4-million. This payment was made on the basis of $2.50 per acre, less prior receipts, some of which were in excess of the limitations imposed by the contract.

Between 1916 and 1926 sales from the land totaling $4 million had repaid the federal government for the money it had paid the railroad. Thus the federal government had possession of the land at no cost to itself.

TAX BILL CHARGED

But, between 1926 and 1937, the federal government paid out nearly $8 million in the form of payments in lieu of taxes. Prior to revestment the railroad company had been paying out around $500,000 per year to the 18 counties. The government, under terms of the Stanfield Act, had adopted a program of annual payments based on 1914 assessed valuations.

When the Congress, in 1937, revamped the whole operation, it decided on no more money in lieu of taxes. Not only that, however. It charged the counties with a debt for all the money received in lieu of taxes, roughly $8 million.

DEBT RETIRED

The 1937 Act made the full operation dependent upon receipts. Up to that time there had been very little demand for timber off the lands included in the grant. Thus it was provided in the Act that the counties should be credited with 75 per cent of receipts, (of which there were virtually none), 25 per cent should be retained by the federal government for purposes of administration, and of the 75 per cent the federal government should retain 25 per cent to apply to the debt with which the counties had been charged.

Then came an unexpected boom in the timber industry. Stumpage from off the O&C lands began bringing big prices. By 1951 the counties had retired their debt and became eligible for the full 75 per cent. But there was need for access roads and other capital investment. So the counties authorized continued use of 25 per cent of their revenue for capital investment. Through road construction and other uses the counties and the federal government both profited.

Now, the O&C counties have an investment of around $150 million in the grant lands. At the same time the federal government has been repaid for every penny it invested.

LAND VALUES INCREASED

But sales from O&C lands are not the only benefits the federal government gained from the grant.

The original acreage in the O&C grant was $3,728,000 acres. The grant was for each alternate section for 30 miles on each side of the proposed railroad right-of-way.

Between each of these alternate sections of land granted to the railroad company was a section of public domain land.

The federal government had been selling its land to homesteaders for $1.50 per acre. But it had specified a price of $2.50 per acre for sales made by the railroad company. The federal government, obviously, couldn't retain its old price against a sum fixed by its contract. Consequently its public land sales price in the area immediately went up another $1 per acre.

Thus the federal government has done quite well for itself through the O&C grant.

Yet we have some congressmen selfishly eyeing the revenue received by Oregon's 18-land grant counties, while some have-not parts of Oregon are constantly seeking ways and means of "horning in" and some politicians cooperate with them.

The O&C problem has brought about many disputes in the past and doubtless will continue to be much in the news in years to come.

Large Part of County Under Federal Control

(O. & C.—Ninth in series)

"The greatest concentration of high value virgin timber remaining in America today can be found in Western Oregon," writes Mrs. John Pearl, 739 W. Indianola, Roseburg.

When Mrs. Pearl visited The News-Review office earlier this month, she asserted that many newcomers to Douglas County were confused by the fact that Douglas county had received a record sized check of more than $9-million as its share of receipts from Oregon and California grant lands. She wrote a short history telling "how come." It was her letter and statement that many newcomers were unacquainted with the O&C program that inspired the lengthy elaboration of her account.

In her letter she reports: "The lands managed by the Bureau of Land Management (BLM), as of 1971, are 25 per cent of the total acreage of Oregon, this is 15,692 acres."

Between the Bureau of Land Management and the U.S. Forest Service, the federal government controls around 52 per cent of the acreage of Douglas County.

JEALOUSIES CREATED

The land grant, made in 1866, gave alternate sections for 30 miles on each side of the proposed railroad right of way to the Oregon and California Railroad company to build the Oregon section of the railroad between Portland and the California line.

The federal government lacked money to offer a financial grant, but it had a great amount of public land. Furthermore it was vitally interested in getting more settlers into the Pacific Northwest. Consequently it gave way vast acreage throughout the country to induce railroad companies to build rail lines into undeveloped country.

Douglas County is the largest of the 18 counties in western Oregon through which the railroad was built. This further is illustrated by the fact that approximately one-third of Interstate-5, the north-south freeway through Oregon, is in Douglas County. Furthermore, O & C land in Douglas County was of little agricultural value, being chiefly in virgin Douglas fir timber. While many other counties quickly received benefits from O & C lands, grabbed off at $2.50 per acre to be converted into farms which paid taxes for a great many years, Douglas County's lands went unimproved and virtually valueless for many years.

But Douglas County, containing roughly 25 per cent of the O & C acreage in Western Oregon, now is receiving around one-fourth of O & C income. Because of the high value of timber stumpage, the income has been ample to pay the county's operating cost with a liberal distribution to schools and for other purposes.

"The O & C lands provide funds for only 18 counties of the 36, and from time to time jealousies have been caused and there have even been attempts to eliminate the entire set-up." Mrs. Pearl reports.

"Douglas County," she adds, "would be in hard circumstances without the O & C funds" which provide a substantial part of the county's budget.

SCHOOL TAX LOWERED

"County officials are understandably interested and concerned about the results obtained with the money they contribute from their share of receipts," says Mrs. Pearl. "They divide the money several ways, forest property, road maintenance, local improvements and school budgets.

"Douglas County School Fund gets a share of the O & C funds, and those received from the Forest Service shared timber sales receipts to help lower the school tax levies.

"If it were not for these funds, the taxes would be much higher."

And speaking of the early planners and those who have continued working on behalf of the land grant counties, Mrs. Pearl continues: They deserve "our thanks" for the federal check recently received.

O. & C. Program Will Likely Bring Future Controversy

(O. & C.—Tenth in series)

Douglas County, the largest county in Western Oregon, containing approximately one-third of Interstate 5 (the north-south freeway in Oregon) and roughly the size of the entire state of Connecticut, is 52 percent managed by the U.S. Forest Service and the Bureau of Land Management.

In 1869 the federal government, seeking to encourage further settlement of the Pacific Northwest, offered every alternate section of land to reimburse anyone, or any company, who would build a railroad from Portland, Ore., to meet a railroad built north from San Francisco, Calif., to a point near the Oregon boundary. So the Oregon and California Railroad Co. was formed to build this proposed rail line to connect with the C&O (California and Oregon) railroad.

Because some of the acreage proposed to be given the railroad company already had been taken over by homesteaders and squatters, the federal government added a 10-mile strip of alternate sections of land to the original 20-mile grant on each side of the right-of-way giving the railroad company some 2 million acres of land in a trip 60 miles wide. One-fourth of the total grant, in approximate figures, was in Douglas County.

GRANT TERMS VIOLATED

The Southern Pacific Co., which purchased the assets of the railroad companies, took over the grant contract which specified the land must be sold for $2.50 per acre to bona fide settlers. Most of the agricultural land was sold within a few years, but little of the timber land had any immediate value. In 1903 the S. P. announced it would make no further sales. Too, it had exceeded the $2.50 acre on some lands, it was claimed, and now had withdrawn remaining holdings from sale. So, in 1916, the federal government revested all unsold acreage. The railroad company was paid at the $2.50 rate for the land taken back by the government. Various formulas to assist counties, which suffered greatly from tax loss, were tried out. In 1937 the Congress, in approving the Economy Act offered by the late Franklin Delano Roosevelt, determined the counties should get nothing other than a share of the revenue, and also must saddle a debt for money already advanced in lieu of taxes.

Then came an unexpected turn of events. The formerly valueless timber suddenly became extremely valuable as the Second World War and the increase in population brought on a lumber boom. By 1951 the debt had been erased. The counties thereupon became eligible for 75 per cent of O&C receipts rather than the 50 per cent they had been receiving.

The federal government, receiving 25 per cent of receipts for maintenance, lacked money to build necessary access roads, conduct timber sales, keep up existing roads, etc. As timber was vitally needed to maintain the industry and to harvest the allowable cut from O&C lands, it was agreed by the land grant counties that one-third of their share, another 25 per cent should be retained for capital investment.

This agreement has been an outstanding benefit to the counties. Roads were built into formerly remote areas, bringing the O&C lands up to the allowable cut maximum, making stumpage available for industrial development.

From the earlier program for improvements of benefit to economic operations, the county investment has been broadened to permit certain similar developments on adjacent National Forest lands.

RECREATION ADDED

Further provision has permitted use of the county money for development of forest land for recreational purposes. O&C counties have shared in the Mt. Ashland ski area. The same counties have agreed to cooperate in financing the proposed ski development on Mt. Bailey. County money has gone into parks, picnic areas, public camps, etc., such as the Swiftwater Park program outlined for the North Umpqua at Rock Creek.

The affected counties each year consider a number of proposed projects. From among these projects in which the U.S. Forest Service, Bureau of Land Management and the counties themselves participate, the counties set up priorities which then are made into development plans.

Since the counties agreed to share receipts with the federal government in 1952 they have ploughed back over $150 million of money that otherwise would have legally been distributed to respective county treasuries. Most officials agree, however, benefits from this cooperation has brought much higher revenue to the counties than would have been received had the capital funds not been so invested.

It has been said that Douglas County's receipts will be less next year than the $9.4 million, recently received, which set a new high record. But a substantial part of the county's budget still will be represented by its share from O&C receipts.

Taking our cue from a statement by Mrs. John Pearl, 739 W. Indianola, Roseburg, I've tried in this and previous columns to outline some of the salient factors of the O&C program. This program promises considerable controversy in the months ahead. It is my hope that what has been written will assist readers of The News-Review in a better understanding of the problems as they arise.

NATIONAL GROWTH POLICY

Mr. HARTKE. Mr. President, ever since the introduction of the National Growth Policy Planning Act of 1972, I have advocated a reevaluation by the administration and specifically the President's Domestic Council of the need for a national growth policy.

Subsequent to the issuance of the first report on national growth mandated by title VII of the Housing and Urban Development Act of 1970, the administration ceased to assert its responsibilities under the act and dropped the idea of a national growth policy. Not long after the introduction of the Hartke legislation on May 11, the Domestic Council decided to reevaluate the need for a national growth policy. On May 31, John Ehrlichman of the President's staff, sent a memorandum to all members of the Cabinet asking for their thoughts on an extensive list of questions which seek to define and redefine the meaning of a "national growth policy."

I urge the administration to consider the need for new legislation in the field of "planning." This need has been advocated by the American Institute of Architects, the American Institute of Planners, the Urban Coalition, the Advisory Commission on Intergovernmental Relations, the Commission on Population Growth, and the American Future, the Club of Rome, and a large number of conservation, population control, and urban affairs interest groups.

I further urge the administration to consider the Hartke National Growth Policy Planning Act 1972, S. 3600, and ask unanimous consent that the memorandum to Cabinet members from Mr. Ehrlichman be printed in the Record.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

The White House,
Washington, D.C., May 31, 1972.

From: John D. Ehrlichman.
Subject: National Growth Policy.

There is continuing and growing interest in the subject of national growth policy. In the short run, we can expect issues to arise in the coming months and in the formulation of the FY 74 budget which reflect the Administration's conception of national growth policy. The overall framework is defined in this year's report, and we must continue to define and refine this issue.

In addition, we should begin processes now which will lead to a firm basis for the 1974 growth report.

With these two objectives in mind, I would like your detailed and thoughtful consideration of the specific questions in the attached paper. This document is designed to do the following:

1. To identify areas where agreement among agencies exists and can be fairly said to rest on a firm basis.
2. To identify areas of disagreement among agencies based on different interpretations of trends, facts, studies, etc.
3. To identify important areas where studies or evidence have not yet been developed.

This year's national growth policy study demonstrates a need for a new approach which should be reflected, as appropriate, in agency staffing. Would you please contact my office within ten days with the name of the senior policy officer who will have overall responsibility for this task.

May I please have your response by July 30, 1972. We will review these responses with the President before deciding on further steps.

Attachment.

Scope of Work—National Growth Policy

In order to develop a more firmly-based position of national growth and national growth policy, the Federal establishment must do much more than it has done in the past to:

Define "national growth policy"

Define the Federal role in national growth policy

Examine present Federal policies toward national growth

Examine present programs with national growth impact

Examine related topics of importance to the process and pattern of growth

In each of these areas, a number of specific questions must be answered

A. DEFINE "NATIONAL GROWTH POLICY"

1. (a) Is there a consensus in the literature on what "national growth policy" means?

(b) If there is a consensus, what is it and who are the groups and individuals responsible for it?

2. (a) How far have the "growth experts" gotten in specifying the content of "balanced and orderly growth" in real terms (the denflition stressed by the Congress)?

3. (a) What evidence suggests that the development of a national growth policy is possible?

(b) Are there examples or studies indicating *in operational terms* what a national growth policy could or could not do?

(c) Can we draw lessons from the experience of other countries?

4. (a) Is it possible to limit the definition or concerns of national growth policy in such a way as to make it operationally effective and useful?

(b) Specifically, what kinds of institutions, actions, processes or procedures at the Federal level directly flow from having stated a national growth policy?

(c) What would be the form of stating a national growth policy?

5. (a) Would it be wise to attempt to develop and utilize a national growth policy?

(b) What are the political plusses and minuses of stating such a policy?

(c) To what extent would a national growth policy be subject to economic, political and social constraints which would make the policy irrelevant?

6. (a) Are there studies which show the relationship of a national growth policy to other national policies of interest such as economic stability at full employment, industrial planning, tax policies, population growth and movement, environmental and resources planning, etc.?

(b) Who, if anyone or any institution, has, at this point in time, sufficient technical expertise and politically viable organizations to relate these policies?

(c) If no such vehicles for achieving interrelationships exist, what options exist for filling the gap?

7. (a) Is there any reliable estimate of alternative futures for the country in the absence of a national growth policy?

(b) Can we say with any certainty what the impact of the presence or absence of a policy would be?

8. (a) Do we know enough about how the general public (not the "growth experts") wants the country to look in the future and, more importantly, what the public is willing to sacrifice in order to achieve it?

(b) If the answer is "yes," what is the source of our information?

(c) If the answer is "no," how do we find out?

9. (a) What evidence is there to show either a public consensus, need for, or an overriding necessity for the formulation of certain national growth policy objectives?

(b) Are there growth objectives which can safely be said to have widespread or universal support which are not being promoted by present Federal policy?

(c) Do these include the stated Title VII objectives?

B. DEFINE THE FEDERAL ROLE IN NATIONAL GROWTH POLICY

1. (a) What guidelines or concept should serve as the basis for Federal action to achieve and utilize a national growth policy?

2. (a) How do we define the national interest—how do we balance the relative weights of economic, social and other considerations?

(b) What studies or evidence tend to support various alternatives?

3. (a) What is the appropriate forum for formulating the Federal role in national growth policy?

(b) What precisely did Congress mean in enacting the Title VII language establishing the national growth policy report and objective?

4. (a) To what extent should popular present concerns such as population growth and the environment indicate a need for a Federal role?

(b) To what extent should less direct but equally pressing concerns such as trade deficits, industrial productivity and the market economy influence Federal policy toward growth?

5. (a) To what extent should a national growth policy attempt to achieve welfare and social goals?

(b) Specifically, which goals warrant more Federal promotion?

(c) Is there evidence to suggest that the Federal role must give more weight to welfare considerations than state and local governments give?

6. (a) Is there a consensus on whether or not the Federal Government should be concerned with the location of activity in this country?

(b) To what extent should the Federal Government be concerned with the future "map" of the country?

(c) Is it possible to have a growth policy which does not specify where growth should occur or what appropriate actions are needed to achieve locational growth objectives?

(d) How does one distinguish between a "locational" growth policy and any other?

7. (a) What are the political pressures at the Federal level which can be expected to bear on the formulation of a national growth policy?

(b) How do these pressures affect Congress and the Executive Branch?

(c) What are the primary interests, both bureaucratic and non-governmental, which will affect the way national growth policies are formulated?

(d) Can these pressures be offset against each other in order to preserve the integrity of whatever policy is adopted?

(e) To what extent can the individual Representative's interest be reconciled with any meaningful national growth policy?

8. (a) What does the evidence suggest about the feasibility of coordinating Federal activities to implement a national growth policy?

(b) What has been our experience to date with past or similar efforts?

9. (a) To what extent is "disorderly growth" a national growth policy concern?

(b) Is there a national consensus on what constitutes disorder?

(c) If so, what are the specific features?

(d) Are we imposing higher standards on metropolitan development?

(e) What processes of transportation and land development could be changed to accommodate higher standards?

(f) What Federal operational policies does this imply?

C. EXAMINING PRESENT FEDERAL NATIONAL GROWTH POLICIES

1. (a) What evidence exists to indicate how much leverage (potential or real) Federal policies and programs have on the growth process?

2. (a) What **do** we get for the $35–40 billion now spent annually on Federal grants to states and localities?

(b) Is there evidence to suggest that the leverage which this money possesses has been inadequately used in the past?

(c) How could it be increased?

(d) Is there evidence to suggest that these Federal funds have little or no leverage effect?

3. (a) Which Federal directives, if any, expressed in legislation conflict with one another in influencing growth?

(b) To what extent to conflicting directives cancel each other?

4. (a) Are there administrative policies and Presidential directives which are either internally inconsistent or conflict with Congressional directives, as far as growth is concerned?

(b) What weight must be attached to these various policies?

(c) To what extent are they self-enforcing and self-implementing, as opposed to being dependent upon forceful advocacy?

(d) To what extent are these directives location specific?

(e) Are there studies to show their location impacts and effects?

5. (a) Do we have enough information to be able to identify distortions in free (or competitive) market behavior which result from Federal policies?

(b) Is it possible to quantify the effects of these distortions in any realistic way?

(c) **Are there** analytical techniques which can be used in the absence of hard evidence to estimate the efficiency losses of these distortions?

(d) Are there studies which have used these techniques to estimate these losses?

(e) Is it possible to estimate the political costs associated with eliminating those policies with a large negative impact?

6. (a) Are there policies of the Federal Government which are not related to programs but more directly related to the economic, social and cultural "environment" which experss national growth policies?

(b) If so, what are they and are there estimates of the impact of these non-programmatic policies on national growth?

(c) In the absence of quantitative estimates, are there at least estimates of the direction in which these non-programmatic policies impact?

7. (a) To what extent does a consensus exist that there is now a general lack of Federal leadership in developing priorities and policies for national growth?

(b) Are there operational role consistent with conclusions of Section B above which the Federal Government could adopt which would achieve the objectives implied in these criticisms?

(c) If not, are there adequate and appropriate alternative ways of achieving the same objective, such as inducements to state or local action or private action?

D. EXAMINING PRESENT PROGRAMS WITH NATIONAL GROWTH IMPACT

1. (a) Has an analysis been made of the relative impacts of Federal programs on the rate and location of national growth?

(b) What significant assumptions about "national growth policy" and the Federal role are implicit in these measures and in the identification of such Federal program?

2. (a) What consensus exists on how the location of jobs should influence housing programs, manpower programs, transportation programs, etc.?

(b) To what extent is population dispersal and concentration taken into account in these programs?

(c) In what concrete ways do program management decisions deflect these concerns?

(d) Could a national growth policy be reflected in these program decisions?

(e) How could program managers, with a much narrower perspective, be influenced to support a much broader objective in making decisions?

(f) In what form would the directive have to come (i.e., Presidential Executive Order, legislation, informal administrative practice) in order to have any effect?

3. (a) Is there an urban fiscal crisis?

(b) How is it manifested?

(c) To what extent does the presence or absence of an urban fiscal crisis determine Federal funding policies?

(d) Is there evidence to suggest that in the absence of a fiscal crisis, revenue sharing, welfare reform, property tax reform, etc., would represent inappropriate uses of tax dollars?

(e) What Federal urban programs, particularly HUD programs, would be superfluous if neither the fiscal crisis were shown not to exist or Federal tax transfer policies were instituted?

(f) What Federal urban programs would be particularly effective if the fiscal crisis were shown to exist?

4. (a) Is there an analysis to show the impact of the Federal minimum wage on where jobs are located and who holds them?

(b) Is this something that needs to be dealt with in Federal legislation?

(c) What are the possibilities and prospects for various alternative forms of minimum wage legislation that might minimize any adverse impact on growth that is found to exist?

5. (a) What does available evidence suggest the effect of urban renewal on central cities has been?

(b) What does the evidence indicate about the relative priority of urban renewal at the local level?

(c) Is the HUD conclusion that the program has failed supported by public or professional consensus?

(d) If so, what policy changes are warranted?

6. (a) Is there now a Federal policy or directive on preserving and expanding the stock of housing?

(b) What are the appropriate criteria to be used in defining the Federal role and developing appropriate programs?

(c) Is there at this point a sufficient evidence and analysis to support alternative Federal housing programs?

7. (a) What is the appropriate Federal role in evaluating the effects of metropolitan "balkanization"?

(b) Assuming adverse effects can be shown, what should be the Federal role in alleviating them?

(c) Is a rethinking of Federal participation in encouraging metropolitan government indicated?

(d) If so, what studies and demonstrations, if any, should be undertaken?

E. EXAMINE RELATED TOPICS OF IMPORTANCE

1. (a) Is it possible now to estimate quantitatively the fiscal needs of the cities?

(b) What evidence, for example, supports New York City's estimate that it requires $50 billion in investment over the next ten years?

(c) Are there consistent standards of service delivery and amenity which can be used to objectively quantify urban needs?

2. (a) What is the impact of urban employee wage demands on the fiscal position of the cities?

(b) Is there evidence to indicate excessive vulnerability?

(c) What organizational or procedural steps, particularly Federal ones, could be taken to deal with this problem?

3. (a) What is the impact of local property taxes on the location of employment, residential construction, etc.?

(b) To what extent does this question bear on Federal policies?

4. (a) Are there indications that the reduction in migration during the last decade is permanent?

(b) What factors, if present, would restimulate long-range migration, particularly of blacks?

(c) Are there appropriate Federal policies which could be developed to encourage or inhibit such migration?

(d) Should such policies be adopted?

5. (a) What are the objectives of a growth center strategy as now employed by USDA, DOT and the Appalachian Regional Commission?

(b) Are these objectives consistent?

(c) Are the criteria consistent?

(d) Is there a need for federally-consistent criteria or should this be left to state determination?

(e) Could the Federal Government set down meaningful criteria?

(f) If so, how?

6. (a) What are the effects of present Federal policies on racial and economic segregation policies?

(b) Can these be quantified, either in terms of persons affected or economic costs to society?

(c) What are the effects of racial segregation on Federal programs?

7. (a) To what extent should the Federal Government concern itself with the efficiency of local government services?

(b) Is there a Federal interest in insuring that Federal tax transfer payments are wisely spent?

(c) Does this extend to development of new forms of urban technology and services or merely to a "technology transfer" role between cities through advisory and consultative mechanisms?

8. (a) What are the effects of present court decisions and other policies relating to equality of public services within metropolitan areas and, perhaps, states?

(b) Are there distortions caused by current methods of financing and providing Federal services which are either of Federal origin or concern?

(c) Should the Federal Government attempt to even out the distribution of services (regardless of its responsibility for existing distortions)?

9. (a) To what extent should patterns of growth within metropolitan areas, especially as they affect the location of jobs, the decay of central cities and increasing segregation, be taken into account in future Federal program development?

(b) Is there sufficient evidence to indicate how the Federal Government can get a handle on these problems?

10. (a) Is there a Federal interest in the harmonization and equalization of property tax rates as between classes of taxpayers?

(b) Do, for example, business concerns pay their way in terms of tax revenues?

(c) What costs are imposed on society by classes of taxpayers which are not taken into account in local tax sources and procedures?

(d) Is there evidence to substantiate claims of inequitable income redistribution inherent in such tax policies?

FOREIGN TRADE AND INVESTMENT ACT

Mr. HARTKE. Mr. President, some time ago, I alerted the Senate to the rising tide of nationalism engendered by our foreign investment policies.

I was not speaking just of Chile or of other developing nations, but rather of our traditional friend to the north—Canada. That tide has now been joined by Australia. According to the U.S. News & World Report:

> Australian officials are examining proposals for action to be taken if they find United States and other foreign investors have too tight a grip on the Nation's business and resources.

This confirms my suspicion that the Hartke-Burke Foreign Trade and Investment Act (S. 2592) will be the best friend the multinationals ever had.

Mr. President, because of the importance of this issue, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT U.S. COMPANIES ARE DOING ABROAD

WARNINGS FROM "DOWN UNDER"

Australian officials are examining proposals for action to be taken if they find U.S. and other foreign investors have too tight a grip on the nation's business and resources.

About 600 American companies have set up plants and other facilities Down Under, representing a total investment of about 3 billion dollars.

Outside control of Australian enterprises could lead to conflicts with national economic interests, according to a White Paper recently delivered by the Treasury in Canberra to Parliament.

At least one American corporate giant, International Telephone & Telegraph, has heeded the warning signs for investors. ITT is holding up a proposed bid of 9.8 millions for the take-over of Frozen Food Industries, based in Melbourne, until Parliament finishes its debate on foreign investment.

In spite of signs of a somewhat cooler climate for the foreign investor in Australia, the pace of American ventures shows little sign of slowing down.

Alcoa of Australia, 51 per cent owned by Aluminum Company of America, has just opened an alumina refinery in Western Australia, the firm's second in that State.

Across the country, in Queensland, a subsidiary of the Freeport Minerals Company and its Australian partner, a unit of Metals Exploration N.L., have revealed plans to build a plant for processing nickel and cobalt. Ralph M. Parsons Company of Los Angeles will design and construct it—part of a complex costing some 265 million dollars.

A subsidiary of W. R. Grace, meanwhile, is considering construction of an 85-million-dollar paper-pulp factory in Queensland as a result of a favorable feasibility study. The plant would convert sugar-cane waste (bagasse) into pulp, primarily for the Japanese market.

LAW PROFESSORS OPPOSE ANTIBUSING BILL

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a new release relating to the opposition of law professors to the antibusing bill.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

LAW PROFESSORS OPPOSE ANTIBUSING BILL

A bipartisan group of seven Senators today announced that nearly 500 law school professors throughout the country have joined in opposition to the so-called Equal Educational Opportunities Act of 1972.

This bill, soon to come before the Senate, would virtually ban student busing necessary to accomplish school desegregation. Besides sharply restraining Federal courts, the bill would permit all desegregation orders—going as far back as the 1954 Supreme Court decision in *Brown* v. *Board of Education*—to be reopened for new litigation.

In their joint statement, Senators Javits, Humphrey, Brooke, Kennedy, Hart, Weicker and Mondale said: "We are deeply troubled at the prospect that this complex and controversial measure—which would have an incaluable impact on the future of our Nation's schools—might be acted upon hastily by the Senate, in the closing days of a busy session, under the pressure of election politics, and without any consideration by a Senate Committee.

"We have heard from professors at 42 law schools representing every section of the country and of varied political persuasion. Their common petition is an unprecedented expression of concern by legal scholars who feel compelled to speak out against this measure. Their voice underlines the need for careful deliberation by the Senate."

In their joint letter the law professors stated that they had ". . . grave reservations about the constitutionality of the legislation". They said ". . . it would place in jeopardy most of the hard won progress toward school desegregation of the last two decades".

Urging defeat of the bill, the law teachers concluded it would:

". . . open to relitigation nearly two decades of judicial desegregation decisions *many of which involve no busing whatsoever*, thus leading to divisiveness and confusion in many communities already satisfactorily operating under school desegregation plans.

". . . place the legislative and judicial branches in conflict; . . . remove a remedy for the vindication of constitutional rights, even when that remedy is constitutionally required . . . impair the Supreme Court's role of final arbiter of constitutional matters."

A dozen law school deans were among those writing: Deans Samuel Thurman (University of Utah), Clinton Bamberger (Catholic University), Thomas Shaffer (Notre Dame), Robert McKay (New York University), Dixon Phillips (University of North Carolina), Michael Sovern (Columbia University), Theodore St. Antoine (University of Michigan), Robert Yegge (Denver University), Lindsay Cowen (Case Western Reserve), Robert Lawson (University of Kentucky) Bernard Wolfman (University of Pennsylvania). The list of signers also included such noted constitutional authorities as Professors Milton R. Konvitz (Cornell), Harold Horowitz (U.C.L.A.), Nathaniel Nathanson (Northwestern), Yale Kamisar (Michigan), Thomas Emerson (Yale), Burke Marshall (Yale), Louis Pollack (Yale), Jessie Choper (University of California, Berkeley), and I. Michael Heyman (University of California, Berkeley).

In addition, the Senators noted that 35 Harvarl Law School professors had already voiced opposition to similar anti-busing legislation last April. In a statement filed with the House Judiciary Committee, the Harvard faculty members said such legislation would ". . . sacrifice the enforcement of constitutional rights, impair the functions of the judiciary under a rule of law, and jeopardize improved schooling for many, many children." Signers of that statement included Dean Albert Sacks, former Dean (and now University President), Derek Bok, and Professors Paul Freund and Archibald Cox.

The complete list of professors signing this petition released yesterday follows. They signed as individuals, the Senators said; their Law Schools are given for purposes of identification only.

STATEMENT RE: H.R. 13915, THE EQUAL EDUCATIONAL OPPORTUNITIES ACT OF 1972

The undersigned members of the Bar, in various sections of the country and representing differing political affiliations, have grave reservations about the constitutionality of the Equal Educational Opportunities Act of 1972, H.R. 13915, and fear it would place in jeopardy much of the hard won progress toward school desegregation of the last two decades. We urge its defeat in the Senate.

The passage of this bill, as indicated by the floor debate in the House and testimony before the House Judiciary and Labor and Education Committees, will:

Place the legislative and judicial branches in conflict;

Impair the Supreme Court's role of final arbiter of constitutional matters;

Remove a remedy for the vindication of minority students' constitutional rights, even when that remedy is constitutionally required; and

Open to relitigation nearly two decades of judicial desegregation decisions, many of which no busing whatsoever, thus leading to divisiveness and confusion in many communities already satisfactorily operating under school desegregation plans.

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*Designation of an organization is purely for descriptive purposes and not to indicate an expression of the views of the organization.

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FINANCIAL DISCLOSURE

Mr. BAYH. Mr. President, as the Members of this body well know, I have long supported the imposition of higher ethical standards on all of us who do the Government's business. I believe that these standards should be applied to members of the executive branch, to members of the judiciary, and to Members of Congress.

In order to indicate my good faith and my concern about the need for voters to have access to detailed information on the financial affairs of Members of the House and the Senate, I have for some time made a public disclosure of my own financial position. I am today submitting a disclosure of my assets and liabilities, together with my income, for the year 1971. I ask unanimous consent that this statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PERSONAL FINANCIAL DISCLOSURE, SENATOR AND MRS. BIRCH BAYH[*]

Assets July 1972

Cash in hand and in saving and checking accounts (approx.)	$4,000
340 acre farm Vigo County, Ind	68,000
Residence, Washington, D.C.:	
Cost of lot	25,000
Cost of house	75,000
Less mortgage, balance due	54,890
Net	45,110
Securities placed in blind trust in May 1970 with Terre Haute First National Bank (based on May 14, 1970, market value; present investments and value unknown)	45,655
372 shares Vigo County, Ind., Farm Bureau Cooperative Association, Inc., patron account No. 21880	1,860
Farm Producers Marketing Association	250
Tangible personal property in Washington, D.C. (estimated)	6,500
Cash value of life insurance (approx.)	9,659
Buick sedan 1970:	
Book value	2,050
Less encumbrance	704
Net	1,346
Chrysler sedan 1970:	
Book value	2,825
Less encumbrance	1,596
Net	1,229
Total assets	183,609

Footnote at end of table.

[**] The listed members of the Harvard Law School faculty signed a statement in April, 1972 opposing the President's anti-busing legislation on the grounds that it would "sacrifice the enforcement of Constitutional rights, impair the functions of the judiciary under a rule of law, and jeopardize improved schooling for many, many children."

PERSONAL FINANCIAL DISCLOSURE, SENATOR AND MRS. BIRCH BAYH*—Continued

Assets July 1972

Less: personal note, Merchants National Bank, Indianapolis	$5,000
Total net assets	178,609

Income 1971

Salary as U.S. Senator	42,500
Honoraria and writing income	29,750
Farm income	4,209
Dividends, interest, and gains on investments	3,544
Total income	80,003

*Does not include property which was purchased by Mrs. Bayh in her own name with the proceeds of her father's estate.

MINNESOTA CITIZENS—BOTH RURAL AND URBAN—SUPPORT FAMILY FARMING AND OPPOSE CORPORATE FARMING

Mr. HUMPHREY. Mr. President, on Sunday, September 17, 1972, the Minneapolis Tribune printed the results of a poll they conducted in the State of Minnesota revealing the attitudes of people regarding the preservation of our Nation's system of family farms as opposed to dependence upon corporate farms. The results of that poll are quite revealing and encouraging and should be carefully studied by all Members of Congress and others interested in this vitally important subject.

Briefly, the results of that poll reveal that the vast majority of people—both urban and rural—strongly endorse family farming as the most efficient way of food production in this Nation. Second, a vast majority of them feel that farmers in the United States are not paid fairly for their production. Third, almost 100 percent of them feel that it is important that the family farm survive. Fourth, the vast majority of them think that corporate farming is a bad thing for this Nation.

In addition, most of the people surveyed indicated that they do not support Federal Government efforts to encourage foreign meat imports in an effort to hold down consumer meat prices.

And, finally, most of the people polled in this survey, with the exception of farm people, indicated that they anticipate corporate farming will be the major source of food production in this country by the year 2000.

Mr. President, I suggest that this particular Minnesota poll is very representative of the feelings and attitudes of the people of this Nation as a whole. And, furthermore, I believe that the results of this poll further reflects the good judgment and good sense of the American people.

The people of this Nation see and understand the importance of maintaining our family farm system. Their attitude and views also reveal their insights into the dangers of permitting a corporate takeover of this system. Congress and the Nation should take particular note of these views and should take every step necessary to prevent nonfarm corporate takeover of this vital segment of our Nation's economy.

Congress can start by passing the Family Farm Act of 1972 (S. 2828) which Senators NELSON, MONDALE, and I and others have introduced. This legislation, if enacted, would prohibit nonfarming businesses and corporations from entering farming. It also would prevent such businesses and corporations from controlling agricultural production through leasing, contractual arrangements, or other means of acquiring or controlling the means of producing agricultural products.

We cannot permit our Nation's family farm system to fall under the control or domination of a handful of giant corporations. But that is the direction in which we are headed unless action is taken soon to put a stop to any further intrusions of outside interests and money into this industry. In addition, we must continue to develop workable policies and programs to help insure farm families of an adequate income and prices. We cannot expect these family enterprises to continue to produce at price levels that are often either below cost of production or below reasonable rates of returns on investment and labor.

Mr. President, I ask unanimous consent to have the Minneapolis Tribune poll entitled "Most Like Family Farms, Oppose Corporate Farms," printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Minneapolis Tribune, Sept. 17, 1972]

MOST LIKE FAMILY FARMS, OPPOSE CORPORATE FARMS

Most Minnesotans have a favorable impression of the family farm and look upon the growth of corporate farming as a bad development.

And even in a time of consumer concern over rising food prices, Minnesotans say farmers are not being paid fairly for their products and that the United States should not bolster imports to hold down meat prices.

These are the findings of a statewide survey completed in early August by the Minneapolis Tribune's Minnesota Poll.

Of the 600 men and women questioned, 76 percent said they consider the family farm an efficient method of food production and 95 percent feel it is important that the family farm continue as a way of life in America.

Seventy-one percent, however, expect that corporate farming will be the dominant source of food by the end of the century.

By 57 to 26 percent, the men and women interviewed said they feel corporate farming is a bad development. The reasons given most often for opposing corporate farming are that it will destroy the family farm or that they disapprove of corporation business practices.

In the area of farm prices and consumer prices, 66 percent said they feel farmers are not receiving as much as they should for their products and 63 percent oppose government action designed to increase the supply of meat in an effort to reduce consumer prices.

The survey was conducted before Russia contracted to buy American grain, but after the administration began to encourage foreign countries to ship more meat to the United States.

Minnesotans living in rural villages, many of which are largely dependent upon agriculture and have close ties to the rural way of life, tend to side strongly with the farm people interviewed. Urban-area residents also follow the same line of thinking about agriculture, but to a lesser degree. The closest division of opinion among people living in Minneapolis, St. Paul and Duluth combined is over whether meat imports should be encouraged.

More men than women feel that farm prices are fair. Men also are more likely to think that the government should encourage meat imports.

Minnesotans under 30 years of age are less optimistic about the future of the family farm than are other Minnesotans. Fewer (69 percent) feel it is efficient and more (92 percent) said corporate farming will be dominant by the year 2000. By 42 to 39 percent, they feel corporate farming is a good thing.

College-trained Minnesotans also are less inclined to think the family farm is an efficient unit of production (59 percent) and more inclined to think corporate farming is a good development (40 percent) than are other Minnesotans.

Following are questions, and replies, for all adults and by place of residents. "Smaller cities" include cities of 2,500 or more population (except for Minneapolis, St. Paul and Duluth, which are shown separately). Villages are places under 2,500 population.

"As things stand today, do you think farmers in the United States are or are not paid fairly for their products?"

[In percent]

	All adults	Minneapolis, St. Paul, Duluth combined	Smaller cities	Rural villages	Farm
Are paid fairly	27	31	28	24	16
Are not	66	59	63	72	82
No opinion	7	10	9	4	2
Total	100	100	100	100	100

"Most farms in the United States are family farms. Farming is the major part of the operation and most labor and capital are provided by the operating family. Generally speaking, do you think the family farm is or is not an efficient way of food production?"

In percent]

	All adults	Minneapolis, St. Paul, Duluth combined	Smaller cities	Rural villages	Farm
Is efficient	76	66	72	85	95
Is not	20	27	24	13	4
No opinion	4	7	4	2	1
Total	100	100	100	100	100

"Do you think it is or is not important that the family farm survive?"

[In percent]

	All adults	Minneapolis, St. Paul, Duluth combined	Smaller cities	Rural villages	Farm
Survival is important	95	89	95	99	100
Not important	4	9	4	1	
No opinion	1	2	1		
Total	100	100	100	100	100

"In corporate farming, farming is only part of the operation. The corporation provides management and capital for the farm operation, but it is in other businesses, too. Do you think corporate farming is a good thing or a bad thing?"

[In percent]

	All adults	Minneapolis, St. Paul, Duluth combined	Smaller cities	Rural villages	Farm
Good thing	26	38	30	17	5
Bad thing	57	45	53	66	85
No opinion	14	15	14	16	5
Other qualified answers	3	2	3	1	5
Total	100	100	100	100	100

The 26 percent who said corporate farming is a good thing gave the following reasons: it is more efficient than family farm (53 percent); has sufficient capital for investment, can absorb losses, promote agricultural research (18 percent); better management and more efficient use of labor (15 percent); lowers prices for consumers (10 percent); creates more jobs (6 percent); it is a good trend (4 percent); and it raises prices paid to farmers (2 percent). Fifteen percent gave other answers and 8 percent were indefinite.

The 57 percent who feel corporate farming is bad said: it will eliminate the family farm (41 percent); expressed anti-corporation sentiment such as it will lead to monopolies or be used for tax write-offs, (40 percent); there is a need for traditional rural values and life style in our society (18 percent); it will create unemployment (11 percent); and it will increase consumer prices (8 percent).

Others said: the small farm is more efficient (4 percent); corporations are not concerned with ecology (3 percent); and corporate farming will lower farm prices (2 percent). Two percent gave other answers and 3 percent were indefinite.

The results of the Minneapolis Tribune's Minnesota Poll are based on personal in-the-home interviews with 600 men and women 18 years of age or older. Respondents are selected by probability sampling procedures and interviewed by a staff of 110 trained interviewers. The Minnesota Poll was established in 1944 as a public service.

The following tables did not appear in the published release.

"By the year 2000, do you suppose that the family farm will continue to be the major source of food production or that corporate farms will be the major source?"

[In percent]

	All adults	Minneapolis, St. Paul, Duluth combined	Smaller cities	Rural villages	Farm
Family farm major source	20	15	18	22	34
Corporate farm major source	71	75	75	70	51
Other answers or no opinion	9	10	7	8	15
Total	100	100	100	100	100

"Do you think the federal government should or should not encourage foreign countries to ship as much meat as they can to the United States in an effort to hold down meat prices?"

[In percent]

	All adults	Minneapolis, St. Paul, Duluth combined	Smaller cities	Rural villages	Farm
Should encourage	31	45	33	23	6
Should not	63	46	60	72	94
No opinion	6	9	7	5	------
Total	100	100	100	100	100

ACTIONS NEEDED AND LESSONS TO BE LEARNED FROM RECENT GRAIN SALES TO RUSSIA

Mr. HUMPHREY. Mr. President, early this week the House Agriculture Committee favorably reported a companion resolution to the one which Senator Bentsen and I introduced in the Senate to authorize deficiency payments to farmers who sold their 1972 crop wheat before the sharp rise in market prices due to the large sales to Russia. Unfortunately the Senate Committee on Agriculture and Forestry voted against reporting the resolution which Senator Bentsen and I sponsored, but the committee did support my request for a more detailed committee staff study of this question and others relating to these sales.

Mr. President, if the House passes House Joint Resolution 1300, the companion to Senate Joint Resolution 267—which I urge them to do—and if our Senate committee staff study can be completed in time, I will urge our Senate Agriculture Committee to reopen consideration of this matter before adjournment.

In addition to learning more about this important question of providing equity to those farmers who sold their wheat prior to the Russian sales, I am hopeful that our special committee staff study will also enlighten us on what, if anything, might be done, first, to strengthen our collection and evaluation of foreign crop information, including more effective dissemination of such information to all concerned; second, to improve and tighten up procedures and reporting of sales under our wheat export subsidy program; and third, to improve reporting of all sales of U.S. grains in the world market, whether they are private sales or sales supported through Government subsidy mechanisms.

A few short months ago we were projecting more wheat and feed grains would be added to existing stock on hand. Now we are told that wheat supplies at the end of this marketing year are estimated to be about $54 million bushels or what many experts say would be below adequate reserve levels. In the case of feed grain supplies, we also are now expecting lower carryovers at the end of this marketing year than anticipated earlier. And I should like to remind everyone that we are not even half way through the current marketing year. Russia may resume purchases of wheat and feed grains. China may do likewise. And I do not believe anyone knows as yet whether India's partial recovery from its delayed monsoon season will require additional imports. What I am suggesting, Mr. President, is that many uncertainties still remain with respect to world grain supply conditions and I would hope that our recent experiences with the sales to Russia and China will result in a very careful assessment of those overall conditions as it may relate to further drawdowns of U.S. grain supplies, as well as the conditions under which such future sales might be made.

The economic interests of not only the private grain trade are involved in such matters. All segments of our Nation's grain industry are involved, ranging from the farmer to the baker. In addition, the interest of the general public and the consumer are equally involved. Supply happenings in wheat and feed grains have a very direct impact on available supplies and prices of bread, cereal products, and meats at the retail or consumer level.

All of these interests must be kept in mind as we determine production levels and related market opportunities for our Nation's farm products. While public policy on these questions must insure that adequate supplies of these commodities are made available to the American people, it also must insure that our farm producers are protected from the price-depressing effects of any overproduction that might occur in providing that assurance.

These were the two central objectives behind my effort last year to gain congressional approval of establishing a national grain reserve. While the other body passed such a measure, the Senate was never provided with the opportunity to act upon it. The measure was defeated in the Senate Committee on Agriculture and Forestry, because of heavy opposition by Secretary Butz and the administration.

Another factor in this world grain supply situation that needs to be considered is the lack of any international grains agreement. I believe another attempt should be made to achieve some agreement with respect to the supply and price of grains in world markets. That agreement also should include production level commitments and constraints. Stable supplies and prices in world grain markets is important to everyone. Instability, or "boom and bust" market conditions involving such lifestaples can result in major human catastrophes, in addition to the havoc such conditions create for those individuals or groups who depend upon those markets to make a living.

Mr. President, aside from some of the immediate concerns we now face as a result of these unusually large grain sales, I would hope that as we approach the formulation of a new farm bill next year, all of these considerations can and will be taken into account.

Mr. President, just prior to Senate Agriculture Committee consideration of Senate Joint Resolution 267, I wrote to all members of that committee outlining the economic aspects of that particular resolution. I would like to ask unanimous consent to have that memorandum printed at this point in the Record and would like to urge that all Members of the Senate review it carefully.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

Memorandum

September 20, 1972.

To: Members of the Senate Committee on Agriculture and Forestry.

From: Hubert H. Humphrey.

Subject: Economic Aspects of Senate Joint Resolution 267.

On September 14, 1972, Senator Bentsen and I introduced S.J. Res. 267 which authorizes and directs the Secretary of Agriculture to make a deficiency payment to producers who sold their 1972 crop of wheat before the sharp rise in market prices which occured as a result of large sales to the Soviet Union.

Senator Bentsen and I wish to request immediate consideration of this particular Resolution by the Committee on Agriculture and Forestry. On September 15, 1972, I wrote to Senator Jordan, Chairman of our Subcommittee on Agricultural Production, Marketing and Stabilization of Prices requesting immediate consideration of this Resolution by that Subcommittee. Senator Jordan informed me that it would not be possible to call a Subcommittee meeting between that date and today's Full Committee session, and further indicated that he personally had no objection to my requesting Full Committee consideraion at today's session. His willingness for me to proceed in this manner, of course, in no way implies either his or the Subcommittee's endorsement or opposition to the Resolution.

Based upon consultations with Dr. Walter Wilcox of the Library of Congress, I wish to convey the following information pertaining to the economic aspects of this particular Resolution in order that the Committee may more intelligently deliberate on it at today's session.

The parity price of wheat, July 1972 was $3.03 per bushel. The U.S. average farm price at that time was $1.33 per bushel.

The value of the 1972 wheat marketing certificates under the Agricultural Act of 1970, is equal to the difference between the average market prices in the first five months of the marketing year, July 1, to November 30, 1972 and the parity price in July.

With no new developments in the market it is probable that the five month average market prices would have approximated $1.33 resulting in the certificates having a value of $1.70 per bushel.

As the extent of the Soviet purchases became known, market prices rose sharply. Number one ordinary red winter wheat at Kansas City increased in price from $1.52 a bushel the first days in July to $1.62 the first two days of August, to $1.95 the first two days in September, to $2.27 yesterday, Sept. 19. This is an increase of 75 cents a bushel for first quality wheat at the Kansas City market.

It now appears probable that wheat prices will average 30 cents a bushel higher and wheat marketing certificate values will be 30 cents a bushel less than they would have been in the absence of the extraordinary export sales to the Soviet Union and other countries.

Wheat producers who sold their wheat before the sharp rise in prices occured in late August and September not only failed to receive higher prices which are now expected to prevail for the balance of the season, but will receive marketing certificates valued at some 30 cents a bushel less than otherwise.

On the basis of previous marketings it is probable that about one-third of the 1972 wheat was sold by mid-August. Since Southern wheat producers who sold early are probably about average in size it is probable that about a third of the wheat producers will be adversely affected by the wheat sales to the Soviet Union unless deficiency payments, similar to those authorized in S.J. Res. 267 are made.

The domestic wheat marketing allotment is approximately 500 million bushels. If the value of these certificates is reduced 30 cents a bushel as a result of higher market prices, government expenditures would be reduced $150 million.

If the producers of one-third of this 500 million bushel domestic marketing quota qualified for deficiency payments, because of early sales at low prices, the deficiency payments would total $50 million, one-third of the anticipated savings.

Paragraph (C) provides, "The Secretary of Agriculture shall issue such regulations as necessary to carry out the provisions of this joint resolution on a fair and equitable basis."

Fair and equitable administration of a program of deficiency payments should not present any serious problems. The Commodity Credit Corporation now has an accepted scale of differentials by county and quality of wheat which it uses in administering its price support loan program. These differentials could be applied to producers' sales prices to determine the amount of the deficiency payment to which they were entitled.

Regulations will be needed as to qualifications for deficiency payments where a producer sells a part of his wheat for less than the five month average, adjusted for location and quality, and a part at a later date, at a price which is above the seasonal average.

Because of the time required to gather and process sales information if this resolution is delayed in passage, it might be desirable to give eligible wheat producers until January 31 rather than January 1, 1973 to make application for a deficiency payment.

I believe it is only fair and equitable that those wheat producers who receive less than parity for their 1972 crop due to these Russian sales be compensated in the manner prescribed in S.J. Res. 267.

Therefore, Senator Bentsen and I, and the thousands of wheat producers adversely affected by those sales, wish to urge your favorable consideration of this Resolution.

PRICE PER BUSHEL OF NO. 1 ORDINARY HARD RED WINTER WHEAT AT KANSAS CITY; JULY 1 TO AUG. 18, 1972

	July	August	September
1		$1.62	$1.95
2		1.62	
3	$1.51	1.70	
4		1.76	
5	1.52		1.96
6	1.54		1.95
7	1.51	1.84	1.95
8		1.83	1.97
9		1.75	
10	1.54	1.81	
11	1.59	1.82	2.00
12	1.59		2.05
13	1.59		2.04
14	1.56	1.82	2.08
15		1.82	2.15
16		1.82	
17	1.57	1.84	
18	1.60	1.86	2.27
19	1.62		
20	1.60		
21	1.59	1.84	
22		1.86	
23		1.90	
24	1.61	1.89	
25	1.62	1.87	
26	1.59		
27	1.58		
28	1.59	1.87	
29		1.90	
30		1.91	
31	1.61	1.90	

Source: U.S. Department of Agriculture.

THE ALLEGED BLOODBATH IN NORTH VIETNAM

Mr. HATFIELD. Mr. President, I ask unanimous consent that two articles by George Wilson on the alleged bloodbath in North Vietnam be printed in the RECORD. Also, that this consent be extended to a statistical fact sheet on the Indochina war.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 12, 1972]

CORNELL AUTHOR DISPUTES NORTH VIETNAMESE BLOODBATH

(By George C. Wilson)

A charge by President Nixon and others that the North Vietnamese murdered up to 500,000 of their own people when they took over the country in the 1950s is a "myth," according to a study circulated yesterday by Cornell University.

The charges are dispatched in a 59-page essay by D. Gareth Porter, a 30-year-old research associate at Cornell's international relations of East Asia project. Cornell's project office, in sending out the report, said it deserves "immediate, widespread public attention" because of Mr. Nixon's frequent references to the alleged bloodbath in North Vietnam.

"This bloodbath myth is the result of a deliberate propaganda campaign by the South Vietnamese and U.S. governments to discredit" North Vietnam, Porter says in summarizing the paper he researched in South Vietnam and at Cornell. Porter has been a critic of the Vietnam war.

The prime source for President Nixon, author Bernard Fall and others in describing the alleged massacre during the North Vietnamese land reform from 1953 to 1956 is a book guilty of "gross misquotation" and "fraudulent documentation," Porter alleges.

The book Porter cites is entitled, "From Colonialism to Communism," by Hoang Van Chi. Chi's book—published in 1964—was financed and promoted by such U.S. agencies as the Central Intelligence Agency, according to Porter.

Chi, now a course chairman in Southeast Asia orientation at the State Department's Washington Training Center, was at Ft. Bragg, N.C., lecturing and could not be reached for comment yesterday.

The National Security Council cited Chi's book as one of President Nixon's sources for declaring on April 16, 1971, "I think of a half a million, by conservative estimates, in North Vietnam who were murdered or otherwise exterminated by the North Vietnamese after they took over from the South . . ."

The President added at that same news conference that "if the United States were to fail in Vietnam, if the Communists were to take over, the bloodbath that would follow would be a blot on this nation's history from which we would find it very difficult to return . . ."

Asked by Porter to document the President's "half a million" figure, the National Security Council quoted Chi as writing the following: "The guilt complex which haunted the peasants' minds after the massacre of about 5 per cent of the total population . . ." The National Security Council added on its own that "5 per cent of the total population of North Vietnam at that time would be about 700,000."

"Mr. Chi offers no justification for this allegation" that 5 percent of the North Vietnamese population was murdered, asserts Porter, "but he suggests at one point that most of the deaths were those of children who starved 'owing to the isolation policy.' "

Charges Porter: "This is yet another of the many wholly unsubstantiated charges put forth by Mr. Chi, for there was no such policy of isolating families, even of those landlords sentenced for serious crimes during the land reform . . .

"Yet it is mainly on the basis of Mr. Chi's totally unreliable account, the intention of which was plainly not historical accuracy but propaganda against" North Vietnam, says Porter, "that the President of the United States himself has told the American people that 'a half a million' " people were exterminated.

In contrast to CIA's description of Chi as a "former Vietminh cadre" who could thus be expected to have firsthand knowledge of the land reform program, Porter asserts that Chi was never a party member before leaving the North for South Vietnam in 1955.

"Mr. Chi was himself a relatively wealthy landowner," Porter claims on the basis of an interview with Chi. Thus, he argues, Chi could not be expected to give an unbiased account of the land reform program.

Western authors like Fall, says Porter, suffered a "critical" shortcoming because they could not read Vietnamese and thus could not research the original documents the North Vietnamese used to communicate with their own cadre. Fall and others, therefore, had to rely on Saigon and U.S. government summaries of the North Vietnamese material or on authors like Chi. (Porter reads Vietnamese and said in an interview that this enabled him to study documents that went to North Vietnamese cadre from party leaders.)

In an attempt to show the danger relying on summaries and other secondary sources, Porter charges Chi distorted a North Vietnamese party (Laodong Party) slogan by saying it included the phrase, "liquidate the landlords." There was no such phrase, Porter asserts. Instead, he alleges, the slogan said: "Abolish the feudal regime of land ownership in a manner that is discriminating, methodical and under sound leadership."

He charges Chi also mistranslated Gen. Vo Nguyen Giap's speech of Oct. 29, 1956, on land reform. Giap, according the Chi's translation, said the party "executed too many honest people" and came to regard torture as normal practice.

Comparing the Vietnamese original text of Giap's speech with the Chi and Porter's translations (which Porter said other scholars and Vietnamese corroborated), Porter alleges that "Mr. Chi's translation is one of his most flagrant abuses of documentary evidence."

Donald Brewster is the National Security Council staffer (on loan there from AID) who discussed the source of Mr. Nixon's bloodbath figures with Porter. Brewster told The Washington Post yesterday that real and literal meanings of Communist statements are sometimes two different things.

Brewster added that the sources he cited for Porter "are not the totality" of the material the White House relied upon. Also, said Brewster, it is the trend that is most important, not specific figures. In that sense, he said, the trend of Communist actions, such as North Vietnamese assassinations in Hue, shows fears of a bloodbath in South Vietnam are indeed well founded, just as President Nixon has stated.

Porter himself said in an interview that he has filed for conscientious objector status and would decline to serve in the military in the Vietnam war. He is on a year-long fellowship, $5,000 for the academic year, in pursuit of his doctorate at Cornell's East Asia research center.

[From the Washington Post, Sept. 13, 1972]

Figure on North Vietnam's Killing "Just a Guess," Author Says

(By George C. Wilson)

"It was just a guess, an estimate that nobody could figure," said the author of a book the White House has cited in documenting President Nixon's charge that the North Vietnamese massacred "half a million" people while imposing land reform in the 1950s.

Hoang Van Chi, author of "From Colonialism to Communism," said in an interview yesterday that he arrived at a figure in that range by projecting countrywide the experience in his own North Vietnamese village of about 200 persons. He said about 10 people died there from Communist persecution, one from execution and the rest by such "other means" as imposed starvation.

He said he used that 5 per cent rate in his village, plus what he learned from others in North Vietnam, as the basis for declaring in his 1964 book that there was a "massacre of about five per cent of the total population" in North Vietnam.

President Nixon's National Security Council, in listing Chi's book as one source for Mr. Nixon's massacre figures, said that 5 per cent of the North Vietnamese population when Chi made his estimate "would be about 700,000" people.

Mr. Nixon has cited the massacre figure of "half a million" in making the case for continued United States support of the South Vietnamese government. On April 16, 1971, he said: "I think of a half a million by conservative estimates in North Vietnam who were murdered or otherwise exterminated by the North Vietnamese after they took over from the South . . ."

More recently, on July 27, President Nixon said from 1954 to 1956 in the North Vietnamese Communists' "so-called land reform program 50,000 were murdered, assassinated." Mr. Nixon added that the Catholic Bishop of Danang told him in 1956 that "there were at least a half million who died in slave labor camps in North Vietnam."

D. Gareth Porter, a research associate at Cornell University's International Relations of East Asia Project, charged in a paper distributed by the university on Monday that "careful investigation" showed such bloodbath charges were "a myth." Chi's book was "the central piece" in "a deliberate propaganda campaign by the South Vietnamese and U.S. governments to discredit" the North Vietnamese government, Porter claimed.

Donald Brewster of the National Security Council staff said Chi's book was only one of several sources used it, making the "half a million" estimate. Porter claimed some of the other sources cited by the council appeared to be drawn from Chi's work.

Chi himself, a course chairman at the State Department's Washington Training Center and lecturer in Asian affairs, made these points yesterday in responding to Porter's attacks on his credentials and scholarship:

CIA sponsorship. Chi said he thanked the Congress for Cultural Freedom in the foreword to his book for its financial assistance but had no way of knowing back then that Central Intelligence Agency money went to the organization. "Porter tried to link me to the CIA," complained Chi.

"Wealthy" landowner charge. Porter charged that Chi could not be impartial in discussing land reform in North Vietnam because he was a "relatively wealthy landowner" before leaving there for the South in 1955. Chi said he had sold off the acreage he had inherited and was down to 2.7 acres in the North in 1953.

A man with that little land, said Chi, is not a wealthy landowner. Besides, he said, Communist Party members all the way up to and including Ho Chi Minh owned more land than he did in North Vietnam at the time of land reform.

"I'm for redistribution of land," said Chi, "but against the method that was applied" in North Vietnam. He said he was considered a revolutionary in the Vietminh resistance against the French but was not a formal member of any Communist Party.

Translations. Porter accused Chi of distorting North Vietnamese policy statements and slogans by inaccurately translating them into English for his book. Chi conceded he had not stuck to the literal translation in all cases because he was trying to impart the true meaning—the one that mattered. "I should have added a footnote" explaining that, Chi said.

His experience on the ground in North Vietnam influenced his translations, and, he argued, made them more meaningful to the reader trying to perceive what was really going on.

"I deplore the case of many scholars who try to understand communism by reading documents," Chi said. "You cannot read books on communism and know it. You have to live under a communist regime to know it."

Declaring that his book was printed in both Vietnamese and English, Chi said Vietnamese who have read both versions would have complained if his translations were inaccurate. He said he had received no such complaints.

Porter in his paper charged Chi had mistranslated a basic Communist slogan in discussing the party's takeover of North Vietnam. "I report what I hear," said Chi, "not what they put in documents."

"I stick to my view," said Chi, "that land reform (in North Vietnam) was a pretext for a mass purge. I'm for land reform for South Vietnam, I left North Vietnam for the way land reform is practiced."

"Some of my family died from starvation," he said in discussing the persecution in North Vietnam during land reform. "I'm not very firm about the figure" of how many were purged "because it was only an estimate." Chi said since his book came out, a defector has estimated 300,000 North Vietnamese were purged during the land reform campaign.

A Statistical Fact Sheet on the Indochina War, August 11, 1972

War costs in Southeast Asia

[In millions]

Fiscal year	*Budgeted*	*Incremental*
1965	$100	$100
1966	5,800	6,000
1967	20,100	18,000
1968	26,500	23,000
1969	28,800	22,000
1970	23,050	17,000
1971	15,300	12,000
1972 [1]	13,000	10,000
1965–72	132,650	108,100

[1] Estimate by Cornell University Air War Study Group.

UNDER JOHNSON

Budgeted, $66.9 billion (50.4%); incremental, $58.1 billion.

UNDER NIXON

Budgeted, $65.7 billion (49.6%); incremental, $50.0 billion.

(Note.—Cost estimates for FY 73 range from $8–10 billion, or $22–28 million per day. The air war costs approximately $15–20 million per day.

Incremental costs include the expenses of ships and aircraft which the DoD says it would need and have to pay for even if there were no fighting.)

(Source: From *Impact of the Vietnam War*, Senate Foreign Relations Committee.)

MUNITIONS EXPENDED IN INDOCHINA

[Defense Department figures in tons]

Year	Air	Ground	Sea	Total
1965	315,000			315,000
1966	512,000	590,177	5,000	1,107,177
1967	932,763	1,203,530	30,000	2,166,293
1968	1,431,654	1,484,403	50,500	2,966,557
1969	1,387,237	1,405,823	30,000	2,823,060
1970	977,446	1,181,534	13,000	2,171,980
1971	763,160	832,968	(1)	1,596,128
1972	[2] 504,879	[3] 308,842	(1)	812,721
1965–72	6,824,139	7,007,227	128,500	13,959,916

[1] Figures not available since Jan. 1, 1971.
[2] Through June 30.
[3] Through May 31.

Note: Munitions expended by administration:

	Under Johnson		Under Nixon	
	Amount	Percent	Amount	Percent
Air	3,191,417	46.8	3,632,722	53.2
Ground	3,278,110	46.8	3,729,167	53.2
Sea	85,500		43,000	
Total	6,555,027	47.4	7,404,889	52.6

WOUNDED IN VIETNAM

[Defense Department figures][1]

Year	United States	South Vietnam	3d countries
1960	0	2,788	0
1961	3	5,449	0
1962	78	7,195	0
1963	411	11,488	0
1964	1,039	17,017	0
1965	6,114	23,118	139
1966	30,093	20,974	1,591
1967	62,025	29,448	2,318
1968	92,820	70,696	1,997
1969	70,216	65,276	2,218
1970	30,643	71,852	1,830
1971	8,997	59,823	1,148
1972	[2]866	[3]40,449	[2]428
1960–72	303,305	425,574	11,669

Number wounded by Administration:

	Under Kennedy and Johnson	Under Nixon
United States	192,583	[2]110,722
South Vietnam	188,174	[3]237,400
Third Country	6,045	[3]5,624
Total	386,802	353,746

[1] No figures on enemy available. DOD projects 1.5 wounded per death.

[2] Through July 22.

[3] Through May 31.

DEATHS FROM HOSTILE ACTION

[Defense Department figures]

Year	United States	South Vietnam	3d country	Enemy	Total
1960	0	2,223	0	5,669	7,892
1961	11	4,004	0	12,133	16,148
1962	31	4,457	0	21,158	25,646
1963	78	5,665	0	20,575	26,318
1964	147	7,457	2	16,785	24,390
1965	1,369	11,243	31	35,436	48,079
1966	5,008	11,953	566	55,524	73,051
1967	9,387	12,716	1,105	88,104	111,303
1968	14,592	27,915	979	181,149	224,635
1969	9,414	21,833	866	156,954	189,067
1970	4,221	23,346	704	103,638	131,909
1971	1,380	22,069	525	98,094	122,068
1972	[1]199	[2]14,325	[2]277	[2]54,310	69,111
1960–72	45,828	169,206	5,054	849,529	1,089,617

Number of deaths by Administration:

	Under Kennedy and Johnson	Under Nixon
United States	30,614	[1]15,214
South Vietnam	87,633	[2]81,573
3rd Country	2,682	[2]2,372
Enemy	436,533	[2]412,966
Total	577,462	512,155
Percent	52	48

[1] Through July 22.

[2] Through May 31.

U.S. deaths in nonhostile activities in Southeast Asia

Year:	*Deaths*
1961–2	23
1963	36
1964	48
1965	359
1966	1,045
1967	1,680
1968	1,919
1969	2,113
1970	1,844
1971	968
1972[1]	205
1961–72	10,240

[1] Through July 22.

Under Kennedy and Johnson: 5,110 (49.9 percent).

Under Nixon: 5,130 (50.1 percent).

American POW's and MIA's

[Defense Department figures]

Year:	*POW's*	*MIA's*
1964	3	4
1965	74	54
1966	97	204
1967	179	226
1968	95	294
1969	13	176
1970	12	86
1971	11	79
1972[1]	29	121
1964–72	513	1,244

[1] Through July 1.

Under Johnson: POW's, 448; MIA's, 782; total, 1,230 (70 percent).

Under Nixon: POW's, 65; MIA's 462; total, 527 (30 percent).

CIVILIAN CASUALTIES (SENATE SUBCOMMITTEE ON REFUGEES FIGURES)

Year	South Vietnam Dead	South Vietnam Wounded	South Vietnam Total	Cambodia	Laos
1965	25,000	75,000	100,000		
1966	50,000	100,000	150,000		
1967	60,000	115,000	175,000		
1968	100,000	200,000	300,000		
1969	60,000	140,000	200,000		
1970	30,000	95,000	125,000		
1971	25,000	75,000	100,000	Tens of thousands	Thousands per month.
1972	50,000	100,000	150,000		Tens of thousands.
1965–72	400,000	900,000	1,300,000	Tens of thousands	

SOUTH VIETNAMESE CIVILIAN CASUALTIES

	Under Johnson Number	Under Johnson Percent	Under Nixon Number	Under Nixon Percent
Killed	235,000	58.7	165,000	41.3
Wounded	490,000	54.5	410,000	45.5
Total	725,000	55.8	575,000	44.2

[1] Through June 30.

REFUGEES GENERATED IN SOUTHEAST ASIA (SENATE SUBCOMMITTEE ON REFUGEES FIGURES)

Year	South Vietnam	Cambodia	Laos
1964–66	2,400,000		
1967	435,000		
1968	1,410,000		
1969	590,000		
1970	400,000	+2,000,000	(1)
1971	150,000		
1972 (to July 31)	1,000,000		
1964–72	[2]6,385,000	+2,000,000	1,000,000

[1] Recent rates: 200,000 to 300,000 per year.

[2] From USAID statistics. Figure does not include subcommittee estimate of 2,000,000 refugees not officially registered in urban areas. Senator Kennedy on Aug. 3, 1971, reported over 8,000,000 refugees generated in Vietnam.

Note: Refugees generated in Southeast Asia by administration:

	Under Johnson	Under Nixon
South Vietnam	4,245,000	2,140,000
Cambodia	0	2,000,000
Laos	400,000	600,000
Total	4,645,000	4,740,000
Percent	49.5	50.5

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. WILLIAMS). Is there further morning business? If not, morning business is concluded.

SOCIAL SECURITY AMENDMENTS OF 1972

The PRESIDING OFFICER (Mr. WILLIAMS). Under the previous order, the Chair now lays before the Senate H.R. 1, the Social Security Amendments of 1972, which the clerk will state.

The legislative clerk read as follows:

H.R. 1, to amend the Social Security Act, to make improvements in the Medicare and Medicaid programs, to replace the existing Federal-State Public Assistance programs, and for other purposes.

The Senate resumed the consideration of the bill.

AMENDMENT NO. 1614

A FINAL CHANCE FOR WELFARE REFORM

Mr. RIBICOFF. Mr. President, President Nixon can have welfare reform this year if he wants it. The question facing the Senate and the country is whether the President will take the opportunity to match deeds with his words about the need to reform this country's welfare systems. Unfortunately, it is not clear whether the President really wants welfare reform.

In August of 1969 President Nixon went to the American people in a major televised address and said that "the present welfare system has failed us." At that time he proposed a new approach to public assistance embodied in the family assistance plan.

The President's initiative in 1969 had my support and the endorsement of others who thought welfare reform long overdue. As I noted then and in the intervening years, the President deserved great credit for focusing the attention of the country on this problem.

Two years ago, after the House had passed a modified version of FAP, the Senate adjourned before action could be completed on the bill. Today, 3 years after welfare reform was first introduced in Congress, and 1 year after it passed the House for a second time, the Senate is beginning debate again on welfare reform.

Over the past 3 years supporters of welfare reform have had their differences about specific provisions. After long study, I introduced 1 year ago a proposal that would have substantially improved the House-passed version of the President's proposal, H.R. 1.

My proposal was developed after lengthy consultation with Senators, Governors, State welfare administrators, welfare organizations and other public assistance experts. We believed that the proposal represented a reasonable and constructive approach to reforming the welfare system; 22 Senators, including 4 Republicans, and 15 Governors together with interested groups such as Common Cause, the AFL-CIO, the League of Women Voters all announced their support for the Ribicoff amendment.

While the President opposed my amendment, many of its provisions actually restored elements of the President's original legislation offered in 1969. This was the first indication that the President was having second thoughts about this commitment to welfare reform.

Developments during the months since the introduction of my proposal have made it clear that none of the approaches—neither the Finance Committee proposal, the Ribicoff amendment, nor the President's program contained in H.R. 1—can command a majority in the Senate. Therefore, in an attempt to work out a fair accommodation between the President's position and my own, my staff and I began a long series of negotiations with the administration several months ago. We finally reached agreement on a proposal containing all the principles we consider prerequisites for meaningful welfare reform.

The Secretaries of Health, Education, and Welfare and the Department of Labor urged the President to support this agreement.

On June 16 of this year, the President took the Ribicoff-administration agreement under advisement. A group of 19 Republican Senators sent a letter to the President urging him to join with me in fashioning a "humane and decent compromise reform measure that would be acceptable to a majority of the Congress and to the administration." Recognizing the inadequacies of the Finance Committee proposal then being developed, this bloc of Senators stated that:

> Without that compromise and a final effort now by the Administration and those members of both parties, certainly including Senator Ribicoff . . . we firmly believe welfare reform is almost certain to die.

The President rejected the Ribicoff-administration agreement as well as the concept of working with the Senate to fashion an acceptable welfare reform proposal. The President's position substantially diminished the possibility of enacting welfare reform this year.

Nonetheless, in the spirit of trying to reach a constructive solution to this problem, I am today introducing an amendment to the Finance Committee version of H.R. 1, striking the committee's welfare proposal—title IV—and substituting the Ribicoff-administration agreement. This is our last, best chance for action in this Congress.

If the Senate fails to act this year, it is unlikely that the Congress will consider welfare reform at all in the next Congress, after the years of fruitless effort already devoted to this subject. The tragedy of this failure will be more than a poltical one. It will be a human failure—a failure to help millions of Americans who subsist in poverty.

Most of these Americans do not vote. They do not speak up. They do not lobby in Washington. They lead lives of quiet desperation in city slums and rural wastelands throughout America.

These Americans want to work but have no jobs. Their children go hungry, shoeless, and cold. And all around them is the affluence that most of us know as America. For them the American dream is a nightmare.

In the middle of a presidential election, words often obscure deeds and rhetoric substitutes for action. But 25 million Americans have a right to expect more from their elected representatives. They have a right to expect the President to follow through on 3 years of speeches about the need for welfare reform. And they have a right to expect the Senate to meet the President halfway. I think the Ribicoff-administration agreement is the vehicle that will allow us to meet those expectations.

The details of this proposal are best viewed in the context of the inadequacies of our present welfare system and the failure of the Finance Committee to deal with that system in a realistic way.

INADEQUACIES OF THE PRESENT WELFARE SYSTEM

If there is agreement on nothing else, everyone can agree that our present welfare system is a total disaster. No one supports it and it supports no one adequately.

The current public assistance program, Aid to Families with Dependent Children—AFDC—is made up of 54 different State and territorial programs. Each is administered by a separate jurisdiction under broad Federal guidelines. Including the county-administered programs, there are at least 1152 separate operating welfare systems. The efficiency of these units ranges from bad to worse.

Payments for a family of four are inadequate—ranging from $60 a month in Mississippi to $335 in Connecticut. Federal guidelines are so broad that there are as many different interpretations as there are interpreters. In effect neither the State nor the Federal Government has the last word on how the system should operate. No one has the last word.

If we had set out to devise an unworkable and undesirable welfare system, we could not have done a better job than to invent the present structure.

The present system provides no benefits when a father is present thereby encouraging family disintegration and desertion.

The present system destroys work incentives for families. Why work when you can have more money being on welfare? Why try to get off welfare when every dollar you earn is taxed away by a poorly devised welfare structure?

For those who can work, a multitude of training programs have been devised to cut the welfare rolls. But the rolls keep rising, poverty keeps increasing, and States and localities keep pouring more and more money into an open-ended program that promises relief for no one.

The welfare mess fails the taxpayer as well as the welfare recipient. Costs to the States are rapidly growing out of control. At the present rate the cost of the AFDC program will double every 3 years.

In calendar year 1971, 14.8 million people received assistance under the principal welfare programs—AFDC, Aid to the Aged and Aid to the Blind and Disabled. Of this total, 10.6 million people—7.7 million children and 2.9 million adults—received AFDC payments. This represented an increase of 10.3 percent over the preceding year.

In the same year welfare costs amounted to $10.8 billion, of which $6.2 billion was spent on AFDC. These costs were up 14.7 percent over the preceding year.

Despite the increase in costs, the beneficiaries of the welfare system were no better off. In fact, welfare payment cutbacks were taking place all over the country. Payments to recipients in almost half the States have been decreased in the last 2 years.

Other problems abound in the welfare system. Single people and childless couples are completely ineligible for AFDC, thus providing a great incentive to have children.

Men who work part-time are discouraged from seeking full-time employment because their families are eligible only when they work part-time. The "working poor"—that is, those who work full-time but still live in poverty—are not helped at all. And yet 40 percent of the poor in this country live in families headed by a full-time worker.

INADEQUACIES OF THE FINANCE COMMITTEE PROPOSAL

The Finance Committee proposal offers more of the same workfare programs which have failed in the past.

The program approved by the Senate Finance Committee represents a long step backward on the road to welfare reform.

The Finance Committee proposal retains the existing, widely discredited State AFDC programs for mothers with young children, and adds on top of it another program for families with an overlapping jumble of wage subsidies, social security tax rebates, work disincentives, and subpoverty wage programs.

Rather than coordinate and improve the operation of our welfare program, the committee proposal compounds the lack of coordination by scattering new programs throughout the Federal Government. The new "workfare" programs would be administered by the Departments of Health, Education, and Welfare, Treasury, and a new Federal administration in addition to the 1,152 administrative units at the State and local level which already handle the AFDC program.

The committee's proposals supposedly increase work incentives but the combined effect of the disparate array of income supplements, tax rates, and job programs is to discourage people from working. Welfare recipients will be in a continuing state of confusion about how to relate to all the offices and programs involved.

Even more importantly, the committee bill does nothing to improve the level of benefits AFDC recipients receive or to move in the direction of nationally uniform eligibility standards and payment levels.

The costs of the committee proposal would exceed those of H.R. 1 by over $4 billion and would cover some 30 million people. Yet much of the money for the program would not be concentrated on the poorest of the poor. Instead, large amounts would go to those earning relatively more money. Administrative costs would also be increased since records would have to be maintained and transferred between many different Federal, State and local agencies.

A more detailed analysis of the committee proposal illustrates the confusion and inequites inherent in the plan.

WAGE SUBSIDY

A wage subsidy would be paid by the newly created Work Administration equalling three-fourths of the difference between a low wage in private industry and the minimum wage. The committee report assumes that the Federal minimum wage is $2. Thus it uses the figure $1.50 when referring to three-fourths of the minimum. But since the bill itself speaks in terms of three-fourths of the minimum wage—presently $1.60—I will assume that present law is in effect. Thus if a worker is making $1.20 per hour, the wage subsidy would be 30 cents an hour—three-fourths of the difference between $1.20 and $1.60. Such a subsidy would encourage employers to pay low wages since they could expect the Federal Government to pick up the costs of higher wages. In addition to this wage depressant effect, workers would be better off only if they worked longer hours. Nothing would be done to upgrade hourly wages.

This Nation should avoid a policy of encouraging workers to work for subpoverty wages. Raising wage levels would be wiser. Furthermore, recipients would not be automatically eligible for the wage subsidy. They would have to apply to the local employment service—agencies which have consistently fallen down on the job of providing jobs and services to the poor.

The wage subsidy would only apply to jobs paying between $1.20 and $1.60 per hour. Thus, the most impoverished workers—those in jobs which pay less than $1.20—would not be aided. This group, comprising well over half a million individuals, is in dire need of assistance.

10 PERCENT PAYMENT

Participants referred to private sector jobs would receive an additional subsidy of 10 percent of wages covered by social security. This payment, made by the Internal Revenue Service, would only apply to the base hourly wage, not to the wage subsidy portion of hourly income. This payment would be phased out as income rises above the poverty line at a 25-percent rate, thus dampening any incentives to move above the poverty line.

Such a proposal rewards a family with $4,000 of earnings twice as much as a family with $2,000 and thus provides the least to those with the greatest need.

Administratively this proposal would involve the keeping of a huge volume of records and the maintenance and transfer of records between IRS, the Work Administration, and perhaps other agencies. Millions of tax records would become a part of the welfare maze.

While I share the view of the committee that it is desirable to relieve the poor of the burden of paying social security taxes and I commend our chairman for this concept—I have publicly supported a social security rebate to impoverished working Americans—I cannot accept the committee proposal since it is part and parcel of an unworkable and inequitable overall plan.

The legislation I have developed would provide relief from both social security and income taxes through the earnings disregard feature. That is, in determining what is income for the purposes of computing the welfare payment, my proposal disregards the first $720 of income, 40 percent of additional income, and amounts paid for social security and income taxes.

WORK ADMINISTRATION

While the vast majority of welfare recipients are unemployable, the Finance Committee proposal concentrates heavily on the small minority who are employable. The main structure of the program for families with an employable individual is the Federal Work Administration.

The Work Administration would attempt to provide job placement, job development, employability plans and manpower training. All employable adults registering for welfare would be required to become employees of the Work Administration as a condition of receiving assistance. The Work Administration would attempt to place registrants in private jobs at the minimum wage or "subsidized" public or private jobs at less than the minimum wage. The 10 percent supplement would be provided for those taking private jobs and for the nonsubsidy portion of subsidized public or private jobs.

Those not so placed in "regular" jobs would become direct employees of the Work Administration at $1.20 an hour, far less than either the poverty line or the Federal minimum wage. These employees would receive no wage subsidy or 10 percent supplement. In fact, the Work Administration employees would be in limbo between Federal and private employment—ineligible for social security, unemployment compensation or workmen's compensation.

These direct Work Administration employees would be required to perform "useful work which can contribute to the betterment of the community." For mothers with younger children, training to improve the quality of life—improve homemaking, beautifying apartments, acquiring consumer skills—would be provided. The Work Administration would also provide temporary employment with reimbursement to the Work Administration. In effect, the Federal Government would be maintaining a subpoverty wage manpower pool at the disposal of the business community.

The concepts embodied in the Work Administration are confused and often erroneous. While the basic idea of making the Federal Government the employer of last resort is a sound one, the downgrading of public service jobs relative to private sector employment is unfortunate. The emphasis on providing "incentives" for workers to move into "regular" private employment by paying Work Administration employees only $1.20 an hour is misplaced at best.

A major problem that I find with the committee's proposal is that the private sector does not have sufficient jobs. In fact, over 5 million Americans are unemployed. Thus, even with extraordinary motivation, a Work Administration employee cannot escape his $1.20 an hour job if there are no other jobs. He is doomed to remain at a menial $1.20 an hour salary—$1,500 below a poverty level wage on an annual basis. And the Work Administration, by paying only $1 an hour for those in manpower training, is discouraging rather than encouraging participants to upgrade their skills and increase their income.

Rather than discouraging public service employment we should be fostering it. It has been estimated that State and local government could utilize as many as 4 million people in public service activities of all kinds—conservation, education, health, consumer protection, recreation, sanitation, criminal justice, child care. It should be obvious to all that our inner cities are decaying, our air and water getting dirtier, and our public services becoming increasingly unable to meet the challenge of providing us with the manner of existence we as Americans desire. Public service jobs should provide workers with at least a poverty-level wage. In this way we can both fight poverty and improve our communities.

ASSISTANCE TO UNEMPLOYABLE ADULTS

Under the committee bill those unable to work would continue to participate in the widely discredited AFDC system. Generally each State would decide the level of assistance it will provide. But Federal financial participation in the program would be changed from the present matching formula to a bloc grant approach. By putting a ceiling on Federal aid, the committee bill will discourage the States from raising welfare payments. The bloc grant approach would allow only low benefit States to raise their benefit levels. Under the committee bill a State's grant for 1973 would equal the 1972 Federal share, plus an additional amount equal to as much as one-half of the 1972 State's share. But less than one-half the State share would be provided if that amount were sufficient to bring family income up to a level of $1,600 for a family of two, $2,000 for three, or $2,400 for four alternatively, a State could opt for 110 percent of the 1972 Federal share. In future years the bloc grants would be reduced under the assumption that the committee's workfare program is reducing the welfare rolls. Given the past failure of welfare-workfare programs it appears that the reduced size of the payments will mean only smaller and smaller assistance payments to families in need rather than stable payments to a shrinking welfare population.

THE RIBICOFF-ADMINISTRATION AGREEMENT

The new agreement which I introduce today as a substitute for title IV of H.R. 1 incorporates much that has been learned from the past 3 years of analysis and debate about welfare reform. This amendment retains the basic elements of the original family assistance plan as it applies to those who cannot work but improves the benefit levels, protects current recipients against benefit cutbacks, contains the procedural safeguards of the original Ribicoff amendment, and provides the States with significant fiscal relief.

Today's amendment also contains a pilot program for the new concept of providing assistance to the working poor and those who can work but are unemployed. This will give the administration and the Congress the opportunity to assess the full impact of this program.

Even with the full implementation of the working poor program, this amendment will only cost $600 million more than the costs of H.R. 1 as it passed the House and $3.2 billion less than the unwieldy structure established by the Finance Committee proposal.

Mr. President, I ask unanimous consent to have printed in the RECORD a table which illustrates the costs of the various proposals for fiscal year 1975.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FULL-YEAR COSTS, PAYMENTS AND SERVICES: 1ST FISCAL YEAR

[In billions of dollars]

	Current law	H.R. 1	Ribicoff-administration agreement	Finance Committee bill
Payments to families	5.3	6.2	7.2	[1]6.7
Payments to adults	2.4	4.6	4.6	4.2
Payments for food stamps	2.9	.2	.1	1.8
Hold-harmless; fiscal relief		1.1	.8	
Subtotal: Payments	10.6	12.1	12.7	12.7
Child care	.6	.9	.9	.8
Training	.3	.5	.5	
Public jobs		.8	1.2	4.1
New employment service		0.1	0.1	
Administration	0.6	1.1	1.1	1.3
Support services				.7
Subtotal: Related and support activities	1.5	3.4	3.8	6.9
Impact on other programs		−.1	−.1	−.1
Grand total	12.1	15.4	16.4	19.5

[1] Includes: wage subsidy, 1.9; 10 percent rebate, 1.1; residual AFDC, 3.7; total, 6.7.

Mr. RIBICOFF. Mr. President, the Ribicoff-administration agreement consists of two facets: Aid to those unable to work; and aid to the working poor including a preliminary pilot program of this concept.

ASSISTANCE FOR THOSE WHO CANNOT WORK

This category includes children under 16, mothers with children under age 6, the elderly, ill or incapacitated, or their caretakers, caretakers of a child where the father or other adult relative in the home is working or registered for training, the caretaker of a child where suitable day care is unavailable, and unemployed, male-headed families for whom jobs are unavailable.

PAYMENT LEVEL

Those unable to work will be assured a basic Federal payment to a family of four of $2,600. The payment will increase as the cost of living rises.

MAINTENANCE OF BENEFITS

In those States where payment levels exceed $2,600, States would be required to make supplemental payments to assure that no recipient receives a smaller payment than he or she receives under the present law. To alleviate the harmful effects of State welfare cutbacks of the last few years, the States would be required to supplement up to the higher of their January 1971 level or any higher previous or subsequent level.

STATE FISCAL RELIEF

Under the provisions of my amendment, every State would receive substantial fiscal relief. Under present law States receive matching funds from the Federal Government ranging from 50 to 83 percent of a State's costs. Under my proposal the Federal Government will pay 100 percent of the first $2,600 of cost.

In addition, while my amendment requires a State with a higher payment level to make supplements, the States would be "held harmless" from additional costs once their payments reached the levels for calendar year 1971.

Total savings to State and local governments in the first fiscal year will amount to $2.8 billion compared to $2.4 billion under H.R. 1 and $2.3 billion under the committee proposal. Fiscal relief would also be provided on an emergency interim basis. The States would receive $1 billion in fiscal relief in the interval before the new welfare program takes effect.

UNIFORM STANDARDS AND PROCEDURES

National, uniform benefit levels, eligibility rules and Federal administration would be established.

Procedures of the original Ribicoff amendment to assure fairness, including right to counsel, written opinions in welfare adjudication, elimination of punitive and cumbersome reporting and checking procedures are also included as are protection of employee rights, elimination of State residency requirements and determination of eligibility based on current need.

CHILD CARE

The proposal I introduce today provides $1.5 billion for the creation of child-care services and $100 million for the construction of child-care facilities to assist working mothers.

Mothers with children under age 6 are exempt from the work requirements. Mothers with children over age 6 would register for work only if adequate day care were available and close to their place of residence or employment. Adequate day care is defined to mean child care services no less comprehensive than those provided for by the 1968 Federal interagency day care requirements.

ASSISTANCE TO THOSE ABLE TO WORK: A PILOT PROGRAM

The most innovative portion of our welfare reform proposal is the opportunities for families—OFF—program. It would provide income supplements to those people who work but still have low incomes to insure that it is always financially more profitable to work than simply receive welfare. Such a proposal would also remove the incentive for fathers to leave their families.

In addition, one of the basic tenets of this proposal is that all those who are able to work should be required to do so. Every able-bodied applicant who applies for welfare, including those already on welfare, would have to register for employment or training with the Department of Labor. The only exemption from this requirement would be for those responsible for the care of aged, ill or incapacitated family members or children under age 6. Failure to report for work or training would result in a loss of benefits unless the recipient could show that jobs or day care were unavailable.

Those deemed employable would immediately be referred to suitable employment paying at least the Federal minimum wage. If no jobs were available the Department of Labor would develop employability plans and provide the necessary job training. In addition, in recognition of the fact that the private job market does not have sufficient jobs available for all those able to work, my proposal creates 300,000 meaningful public service jobs in the first year of the program.

Because of the innovative nature of the OFF program, my amendment would require that aid to the working poor be tried out on a limited basis to test out its structure and theories. It is time to try out on a pilot basis any new major social program before committing the resources of the Federal Government to total implementation.

We need to know more about the effect of various earnings disregards on those who work as well as the effect of OFF on work habits and families. We also need to study the possibility of covering single people and childless couples under the OFF program and to develop appropriate administrative procedures.

Upon completion of the pilot programs and an evaluation of its results, the full OFF program would be implemented unless either House of Congress objected within 60 days.

Full implementation of the OFF program would insure that those able to work would always find it more profitable to do so rather than to rely solely on public assistance.

All of us can find parts of this program we would change or vary to some extent. However, I firmly believe that this entire proposal makes a significant step forward in our fight to eliminate poverty in this country and I urge the Senate to adopt it.

I ask unanimous consent that the following tables showing State payment levels under present law be printed in the Record.

There being no objection, the tables were ordered to be printed in the Record, as follows:

State Payment Levels Under Present Law

The following States have payment levels above the $2,600 level (27 States plus D.C.):

Alaska	$3, 600
California	3, 360
Colorado	2, 820
Connecticut	4, 020
District of Columbia	2, 934
Hawaii	3, 216
Idaho	2, 892
Illinois	3, 276
Iowa	2, 916
Kansas	3, 348
Massachusetts	3, 816
Michigan	3, 696
Minnesota	$3, 888
Nebraska	2, 712
New Hampshire	3, 528
New Jersey	3, 888
New York	3, 756
North Dakota	3, 600
Oregon	2, 688
Pennsylvania	3, 612
Rhode Island	3, 060
South Dakota	3, 240
Utah	2, 688
Vermont	3, 828
Virginia	3, 132
Washington	3, 288
Wisconsin	3, 372
Wyoming	2, 724

The following States have payments levels below the $2,600 level (23 States):

Alabama	$972
Arizona	2, 076
Arkansas	1, 272
Delaware	1, 896
Florida	1, 608
Georgia	1, 788
Indiana	2, 100
Kentucky	2, 316
Louisiana	1, 248
Maine	2, 016
Maryland	2, 400
Mississippi	720
Missouri	1, 560
Montana	2, 472
Nevada	2, 112
New Mexico	2, 148
North Carolina	2, 064
Ohio	2, 400
Oklahoma	2, 268
South Carolina	1, 248
Tennessee	1, 548
Texas	1, 776
West Virginia	1, 656

Mr. RIBICOFF. Mr. President, under my proposal all States with payment levels below $2,600 a year for a family of four would have their entire welfare costs assumed by the Federal Government. For those States with benefit levels above $2,600, the Federal Government would pay the first $2,600 and hold the States harmless for any welfare expenses in excess of their calendar 1971 expenses.

Mr. LONG. Mr. President, the Senator has very ably stated his views on this subject. I think it deserves the attention of all of us. In due course I shall respond to the Senator's statement. I would like to read it and then explain basically why, as one Senator, and I think as one of a majority of the Committee on Finance, I believe that what we recommended is a far better answer than what the Senator is suggesting with regard to this problem.

The Senator, I believe, plans to offer his amendment some time next week and we will be discussing it well before we vote on it.

Mr. RIBICOFF. Mr. President, will the Senator yield so I may respond?

Mr. LONG. I yield.

Mr. RIBICOFF. Mr. President, it becomes apparent that we have reached a time to make a decision one way or the other. We have been involved with this matter for 3 years.

Perhaps the distinguished Senator from Louisiana, for whom I have the highest respect, has been involved in a piece of legislation that had more problems and headaches than this, but I would say that in my experience in various segments of public life I have never been involved in a piece of legislation as controversial, which is more diverse, and contains as many emotional, philosophical, economic, and social problems as this piece of legislation.

We have been up and down with this bill. It has had a checkered history. As the history of legislation is written, I think the distinguished chairman and I and every member of the Finance Committee can look back at a missed opportunity.

When this legislation first came to us, it was as controversial then as it is now, and the controversies have not been eliminated. We tried hard in the Finance Committee, with all the diverse thinking in that committee, to come to some solution. And in the committee, in the late fall of 1969, we had reached unanimity and an understanding that we would pilot out this type of program on a 2-year basis. The distinguished chairman, I, Senator Williams of Delaware, and every member of the committee was willing to pilot this out.

We were willing at that time to give the administration whatever it wanted, up to $500 million, to pilot out the various proposals that were in the committee—and there were many constructive ideas, some of them contained in the Senator's proposal, some in my proposal, some in the administration's proposal—to try them in diverse communities—throughout America, in rural areas, suburbs, and big cities—to see whether this program would work.

At that time the administration said it had to have all or nothing.

The irony of it is that 3 years later we are still on the bill. The pilot program could have been completed. If the pilot program were successful, it would have sailed through the Senate in a breeze. If the pilot program proved worthless, the program could have been altered or jettisoned. Now we find ourselves, 6 months after the pilot program would have been finished, arguing this major piece of legislation. What a lost opportunity.

During the course of this time, as the Senator knows, I found myself in a lonely position. I was isolated. I had no allies in the Finance Committee. The allies I thought I had in the administration constantly looked the other way. I tried to get commitments from the administration. They were not forthcoming. I found myself in the ironical position of having to sit by in the Finance Committee and watch while H.R. 1, the President's own proposal, was presented to the Finance Committee and not a single member of the President's party in the Finance Committee voted for the President's proposal.

The irony of it is that if those members of the Finance Committee were men who were consistently independent from the administration, I could understand it, but if there were ever a group of loyalists in this body to the President of the United States, they could be found in the Finance Committee. I would say that if one searched the records as we vote in this body, he could not find a group that has more consistently followed the administration's line. And yet H.R. 1 suddenly became an orphan, and I found myself, as a Democrat, fighting for the administration proposal, opposing the proposal of the man I nominated as the Democratic nominee for the Presidency.

Now I see an opportunity, as the time for the election campaign comes to a close, to take welfare out of the political arena, where it does not belong. It is saddening and tragic that in this great Nation there are 25 million Americans who are poor. And it is even more tragic that these impoverished citizens have no spokesman.

The President of the United States has the duty to be the moral leader of this country. The President of this country has a moral obligation to speak up for those who do not have voices. And yet the President of the United States continually runs away from his own child—the orphaned welfare reform bill.

I would say the most innovative idea of the President of the United States in his 4 years in office was the family assistance plan. I approved of that program and admired him for it, but I must say, after 3 years, I have misgivings as to whether he meant it or wanted it. There is no question that Pat Moynihan, who was his assistant, brought it out as his idea, and I can imagine the conversation, when he was discussing it with the President. He must have said, "Mr. President, you have an opportunity to go down in history as a President who will plow new ground, new thoughts, and new ideas to alleviate one of the great social and economic problems of this Nation. Here is your opportunity. The country calls you conservative or reactionary. You be the leader. You do what no other President has dared to do."

I can imagine the President leaning back in his chair and saying, "You know, they have always kicked President Nixon around. Now I am going to show I am a leader for social justice in this Nation." He went forward and presented his proposal. I remember praising him wholeheartedly when this proposal was put forward.

But as the months went by, his thinking became withdrawn. It became confused. It became contradictory. He started to step back, because he suddenly realized that one of the popular issues in this country was the development of and the continuing of the myth that there are 25 million Americans who are just a bunch of no-good bums. It is very easy to kick around people for whom no one will cast a word—25 million people living in poverty, 25 million people who cannot speak for themselves.

What a lost opportunity there was for the President of the United States. He went to Moscow—and I commend him for it. He went to Peking—and I commend him for it. But I would like to know what the President of the United States is doing for the poor and the dispossessed of the United States. Here is an opportunity, President Nixon, in the closing days of this Congress, which you blame for inaction. You said time and time again that welfare reform is No. 1 on your agenda.

If the President of the United States really means it, let the President of the United States today, wherever he is, say he supports this proposal. This proposal is a brainchild that came from his administration, and my staff and I worked on it, with Secretary Richardson, Secretary Hodgson, and they recommended it and it went down to the White House. His adviser, Mr. Erlichmann, said, "Thumbs down. Let us make welfare another football to be kicked around in an election campaign."

So I call upon the President of the United States today, wherever he is: Are you for welfare reform, Mr. Nixon? If you are, say so. If you are not, say so, too. But it is time for the President to be heard. That is the message I send from the Senate floor to the President of the United States today.

Mr. LONG. Mr. President, the Senator from Louisiana, when he first read the press reports of the proposed family assistance plan, was very enthusiastic about the proposal. In that respect I suppose that my history has been somewhat like that of Governor Hearnes of Missouri, who came before the Finance Committee representing the Governors' Conference. He said, "If you read the press reports on this family assistance proposal, you would be for it. If you read the bill, you would be against it." And I regret to say that this is the way it worked out with the Senator from Louisiana.

After I first read the press reports, I was happy to have had an opportunity to discuss it with the President. I said, "Mr. President, I have read about the family assistance plan in the press. I think it is a good idea. There is one thing wrong about it, and that is that you are proposing a guarantee of $2,400 for every family for starters. You would like to see it higher, but because, after all, the Federal Government has to think about money problems as everybody else must, you will start at $2,400 and hope to make it more later on."

I said, "That all sounds fine to me, on one condition. I think you ought to be paying them this $2,400 to do something useful, that you should not be paying it to them to do nothing."

It seemed to me at that point as though we really had very little in disagreement.

In the early days when the so-called family assistance plan was proposed—and the Senator's suggestion is, to say the least, a first cousin to it—we found that the opposition was not coming from the Senator from Louisiana; it was coming from persons like former Senator John Williams of Delaware who were conservative Republicans, who probably had had a chance to study it and think about it more than this Senator had, because, after all, like most Democrats, I had had no prior information about what the administration was thinking about, as did the ranking Republican member of the committee at that time.

When I first heard about the proposal, I was much more inclined to be favorable to it than after I had studied it and had been exposed to the arguments, the shortcomings, and the problems with the plan proposed.

As time went by and we discussed and studied problems with our existing welfare programs, the more we thought about it the more we concluded that under the existing welfare programs, in altogether too many cases, we are paying out money encouraging people to do the wrong things—that we did not intend it that way, but that was how it was working out.

We found that the welfare program made it to the cash advantage of a man not to marry the mother of his children, not to live with his family and assume the burden of supporting that family.

It is that sort of undesired effect of this kind of program that can discourage marriage between people who have children, that can encourage family breakup, that can give the welfare programs a bad name despite their intent of helping people.

If the family assistance plan was going to move in the other direction and reward people for doing the sort of things society values, it would have found strong support from the Senator from Louisiana, and I am sure from a majority of the Committee on Finance. It certainly would have found some support on the Republican side of the aisle. But when we analyzed it and found that more and more, it was going to be a guaranteed income for doing nothing, and it was going to work out in such a fashion that it would discourage people from doing the right thing and encourage them to do the wrong thing, this Senator as well as a majority on the committee concluded that while we were willing to spend the amount of money the President had recommended—and we have tried to confine ourselves to something that would cost about the same amount of money—we thought the money ought to be spent in terms of encouraging people to take a job and encouraging people to acknowledge their own children and assume the responsibility of supporting them. We thought we ought to spend it in ways that would encourage mothers to seek support from the fathers of their children, rather than encourage the mother to cooperate with the father in denying the paternity of his own children.

It is this sort of problem, which unfortunately is a part of the present system, and which has caused the system to gain a name which is not too savory today, it is this kind of thing that would be multiplied by the family assistance program, and that is what caused the Committee on Finance to choose to move in another direction instead.

Let us see how some people would make out under this family assistance program. New York has, I suppose, as nearly what one would call a family assistance program as any State at this time. In terms of payment levels, it is even more liberal than the family assistance program would be. Their welfare program has virtually bankrupted New York State. It might have helped elect a Governor up there, and it might have helped elect a mayor of the city of New York, but it has virtually bankrupted New York State, and brought about a taxpayer revolt and a revolt against the welfare system, which one can understand when he realizes that the people who are paying for all this fiercely resent seeing their money spent on things that bring about all the wrong sort of results.

Having let their welfare program get completely out of hand, New York sent people down to advocate to us that we take their welfare problem off their hands, and that the Federal Government take the whole thing over and save New York from the results of that State's own folly.

We do not think we ought to do it that way, Mr. President. It is our view—and I am satisfied that this is the view of the average man on the street—that we should provide adequately to care for people who are aged. We do not have any real argument about that. The committee decision was overwhelmingly that we should provide a very generous level of benefits to the aged, the disabled, and the blind; and I do not think there will be much argument about that. Those are expensive programs, but they do tremendous amounts for people, and in that area there is no real argument worthy of the name, because I am satisfied that the Senate and the House of Representatives also will be willing to go along with a proposal that provides that people who have done the best they could with what they had to work with would be assured of a level of income which would more or less lift them out of poverty. We are willing to provide for those who are unable to work, and we are willing to provide adequately for children.

Where we come to a difference of opinion is where we look at this situation where a program encourages fathers to deny the paternity of their own children and a program that makes welfare more attractive than work, and tends to make work, by comparison, offer very little reward indeed.

We can demonstrate situations where a person has a larger income working half-time than he can make full-time. We can demonstrate how it is very much to a couple's cash advantage for the couple just to decline to marry, to live together without the formal arrangement of marriage, because to do so would cause them to lose their welfare entitlement.

We have seen cases where families receive far more than anyone anticipated because the father is living with a family that is his but for which he acknowledges no legal responsibility.

There have been cases where people were able to get on welfare two and more times.

When we have a program which is in that bad a shape, we have got to correct its deficiencies, not just double the number of welfare recipients and call it reform. We have to try to correct what is wrong with it.

In his statement, the Senator from Connecticut made reference to the fact that very few of these people on welfare could be expected to work. On that matter I have a difference of opinion. More than half of the mothers whose children are of school age in this country do work and bring home income to help support the family. Mr. President, that 50 percent-plus figure includes wives where there is a working father in the home.

There is a higher percentage of wives in middle income families working to supplement the family income than there is of wives in lower income families.

It is simple enough to explain this—that is why those are middle-income families. Those wives are making a contribution to supplement the family income, and that is why it is a middle-income family.

But it is suggested by those in the Department of HEW, and the Senator's speech indicates that he agrees, that out of all these people on welfare, only about 1 or 2 percent could be expected to work to help earn their keep or to do something for society in return for what they are getting from society. That causes me to ask why.

We are perfectly content to put the family on welfare and not ask them to do anything if the mother can be classified as disabled. But if the mothers we are talking about, those with schoolage children, are almost all fully able to work, mentally competent, and sound of body, then why is it that only 1 or 2 percent of mothers who apply for public welfare assistance can be called employable, when more than 50 percent of the mothers with schoolage children in this country in fact choose to work? They prefer to work in order to increase the family income.

Why is it to be said, then, that only about 1 or 2 percent of the mothers of families who prefer to live on the family's welfare could be called employable? What makes them so different from their sisters who choose to work? It is very difficult to understand. Those of us who represent the majority on the Committee on Finance do not understand it.

It has been argued that we ought to do everything that we can to help low-income working persons with families. So we suggest in effect to return to them not only the social security tax that is being collected from them but also return most of what is being collected from the employer in social security taxes. We propose to do this on the theory that it makes sense to relieve low-income persons of taxes before starting to offer them new benefits.

This, Mr. President, might be considered as the equivalent of a refund of a heavy tax burden to a poor family. But we find the Secretary of Health, Education, and Welfare and his cohorts in the Department down there protesting about the refund of this social security tax to the poor. He said the committee plan is an administrative monstrosity. Why would he be complaining? He is not the one who has to collect the tax. He is not the one who would have to refund it. It presents no problem at all in his Department. The people who would have to do this are not complaining about it being an administrative monstrosity. They have not said anything like that. They have not made it known to those on the committee staff with whom we have worked in putting together the technical aspects of this language.

So far as I have been able to determine up to this point, the people who would return this billion dollars of taxes to the poor, from whom it has been collected, find it no particular administrative problem, no more than it is to handle any other tax credit, tax rebate, or tax refund provision of a similar amount of money suggested by Congress or by one of the committees.

Now why would the Secretary of Health, Education, and Welfare be so worried about this proposal, when his Department does not have to do any of the work? I assume it is only because in the Department of Health, Education, and Welfare they are anxious to pay out a similar amount of money, but in ways that are not work-related. They prefer to pay a reward for doing nothing, a reward for denying the paternity of one's own child, a reward for not having married the mother of that child. They seem to be outraged to see someone pay the money to the poor in a way that is work-related, because their thinking just does not run in those channels.

Then we propose to pay supplement to low-income people who are making less than the minimum wage.

Why would the Department of Health, Education, and Welfare be upset about that? It would not be their problem. Somebody else would take care of it. When one wants to design a program to say money should be paid out in ways that encourage people to work, where they get more money the more they work, it does not fit in with HEW's proposal.

Mr. President, I am not one who thinks in disparaging terms of people who are poor, doing the best they can, who, through no fault of their own, find their income very low. We want to help those people. We have a bill before us that seeks to help people who meet that description. It would pay out $14 billion of additional benefits. This is in addition to the $8 billion of increased social security benefits for which most of us voted, and for which I voted in the committee and on the floor. Together the two bills add up to a total overall increase in income maintenance funds and aid to the poor of $22 billion. The taxpayers are going to have to pay for that—$22 billion of additional funds paid to the aged, the little children, the sick, the disabled.

What is the big difference between those of us who advocate the committee bill and those who take the approach suggested by the Department of Health, Education, and Welfare, which has been in its incubation stage down there for a great number of years? What is the big difference in point of view? It is just the difference between those who think all the problems of this country can be solved just by giving somebody money—the theory that people are poor because they do not have money; therefore, give them money, and that ends all poverty, and those of us who say, we must exercise great care in the way we give people money so as not to do a great disservice to them as well as a disservice to their country. We will make dependent people out of independent people. We will rob them of their self-sufficiency, pride, and independence.

That is the difference in philosophy between those of us who say that the benefits paid to poor persons capable of working should be paid in a work-related fashion, where the more they work the more they get, rather than doing it the other way around, as the family assistance plan would propose, that is, the less they work the more they would get. We should respond to the natural desire of a father to improve the conditions of his children and accept responsibility for them.

It is a question of approach. Those who speak for a majority on the committee are unwilling to pay more money to aggravate the problems the welfare system already has by having the Government guarantee everyone a certain minimal amount of income even though it might undermine what are their strengths today.

That sort of approach, Mr. President, we on the majority of the committee do not think is in the national interest or in the interest of the proposed beneficiaries.

That is why we say, let us do everything that can be done to give financial advantage to a poor man to help him go to work. Let us do everything that can be justified by any reasonable stretch of the imagination that will encourage a man to admit the paternity of his children and to accept the responsibility for his children. Let us do everything that can be done to encourage the formation of families rather than to spend money in ways which will encourage the family to break up. Let us do everything that can be done to encourage an employer to hire a poor person who has children to support, even if that means giving him preference over a single person who does not have that responsibility.

Those are the things that we should do that make for the right answer.

Admittedly, what we have proposed in the committee has several facets to it. I make no apology for the fact that we have proposed to subsidize the low-income working persons, to give them a tax advantage to supplement their income, and to give the employer an advantage if he will hire them and provide training programs for them. Any reasonable thing that the mind of man would propose, this Senator would favor to help the low-income working persons to improve their condition and work their way out of poverty.

I thought that was what we were trying to do around here. The last thing on earth we want to do is to spend the hard-earned tax dollars of the American people to pay people to turn down honest employment which, I regret to say, has altogether too often been the way the existing program worked, and the way we think the family assistance plan and all the variations of that program would work. That is why some of us on that committee have moved away from that approach rather than toward it.

It is interesting to note that practically all the President's declarations on the subject have been in favor of the work ethic. Every time the Senator from Louisiana has discussed this program with the President, everything he has had to say—and I say this without exception—has indicated his belief in the work ethic. He is just as firm, just as determined, and just as sincere about that as he was with his Labor Day speech this year. He was never said anything to conflict with that.

It only leads me to conclude that when it is said that if we are for the President we must vote for the family assistance plan the way it came down here, it was not the President of the United States that brought up this thing, this scheme for a negative income tax under which the Government pays you the most if you do nothing at all.

This idea of the negative income tax was proposed long before President Nixon ran for President and won that job. That is a thought that someone believed would solve all problems, that if we work and make money, we pay an income tax on what we make, but if we do not work then the Government will pay us for what we do not make. This means the Government pays us for not working.

The family assistance plan is a mere variation of the negative income tax which now goes by the name of guaranteed income. I refer to it as a guaranteed income for not working. Everyone, of course, gets an income for working. But if we pass the Ribicoff amendment centering around the family assistance plan, it will be a guaranteed income for doing absolutely nothing. That is what we do not want to agree to.

I think that helps to explain why we have not heard any outrage or explosion. No one—that is, the conservative, or moderate, or even the liberal Republicans on the Finance Committee—seems to have had their arms twisted out of joint by doing what their consciences dictated. The probabilities are that if the President had been in that same committee room, hearing the same arguments, listening to the same discussions, and the same witnesses, and the same evidence day after day and week after week, I can say with complete confidence that the President, would have voted the same way as the Republicans on the committee voted with regard to this problem. He would have voted consistent with his declarations, even thought it might have occasioned to some little degree the lifting of eyebrows for someone to show that this does not seem to meet with exactly the fine points of the family assistance plan.

In the last analysis, Senators are not elected to represent the Department of Health, Education, and Welfare. They are not elected to represent the President of the United States. They are elected to represent the people who sent them here. Their duty and responsibility is to represent the people and report back to them. If a Senator finds it disappointing that Members of the Republican side of the aisle have not bowed down to the party lash, let it be said that those men are well aware of the basis upon which this Nation was formed.

A Senator does not represent the President of the United States. He comes down here to represent the people, to represent his own conscience and to vote his conviction of what he thinks is good for the entire United States, as well as for his particular State. Those convictions are reflected in the bill we have here.

I am pleased to say, Mr. President, that the people who came before the committee who advocated that we enthrone the work ethic like this bill. They approve of it. They think that this is the way we should go about it. I regret that the chamber of commerce people have some reservations about it at this time. They are concerned about the costs, but they are equally concerned about the cost of any proposal of any nature. When they see one where the overall cost in a bill will be $14 billion, they know that it must be paid for by taxes which will be levied on them to pay for. I can well understand their concern. But for those of us who think of it as a program to help the poor and those of us who know the harm that has been done to the poor under the current welfare program do not want to see that continue as it has in the past.

We think we have proposed the best answer that the Senators on this committee could work out to this problem.

I do want to express my disappointment that the administration—and I do not blame the President about this because this would be the Department of Health, Education, and Welfare, Secretary Richardson in particular, as well as his advisers there—did not see fit 2 years ago to take us up on the proposition that was proposed to them, when it was proposed to them, and was opposed by the strongest proponents of Secretary Richardson's proposal, that we provide him with whatever it took to give it a fair test.

I, for one, wanted to see us test the kind of thing that we have in the committee amendment as well, so that we could judge from the tests how both of them were going.

The Secretary, I think, thought that if he held out long enough, he could obtain some sort of arrangement whereby he could conduct some tests, and having done that, he could put into effect by his own volition, without anyone having the power to keep it from happening, the family assistance plan. That could not be agreed upon.

In view of the fact that that type of assurance could not be given to the Secretary of Health, Education, and Welfare, he told us that he did not want any tests. So there was no test in that bill.

Now, here we have before us almost a thousand pages of legislation and at least half of it could have been enacted and would have been enacted 2 years ago if the Secretary of Health, Education, and Welfare was willing to say that all these good things in the bill, that everybody could agree should become law, should be enacted at that time.

I could not persuade him or the President of the United States or those who spoke for the administration to use their influence to persuade Chairman MILLS to go to conference with us and act favorably on the bill that, at that time, would have provided about $7 billion of additional benefits under the social security and welfare programs, including medicare and medicaid. I am convinced at this point that one of the principal reasons that Chairman Mills did not meet with us in the conference was that the administration did not want him to do that and they were encouraging him to do just the opposite, not to go to conference and save the social security increases as leverage to force the Finance Committee to bend its knee to the family assistance plan.

If this was their plan, it did not succeed. It is very unfortunate that all of these good proposals which are in this bill and do not have one whisper of opposition have been held up for two long years because of the adamant determination and dogged insistence of those down at the Department of Health, Education, and Welfare that nothing should be done to help the poor, nothing should be done to help the aged, nothing should be done to help the blind, nothing should be done to help the disabled, and nothing should be done to help those on medicare and those on medicaid—that all the provisions to help them should be held hostage to the family assistance plan.

That is what has happened for the last 2 years. And they have had their way. However, I should think that when we have a showdown, it will be fairly clear that they should have taken advantage of this opportunity that we offered them 2 years ago under which they could have had all of the money they wanted to go and try their welfare assistance plan, providing they would experiment with some workfare proposals as well as with some nonworkfare proposals and experiment with things to reward those who are working while they experiment with the negative income tax proposals,, or guaranteed income proposals, so that they can prove to themselves and to everyone else that they would work.

I for one proposed to them—

> Why don't you try this idea in the District of Columbia where everyone can see how it would work?

When I proposed that, the representative of the department told me that that was the last place in the world they would try it, in the District of Columbia where everyone could see what happened. They did not want it tried and demonstrated unless they could have the power to put it into effect so that it would become law and so that we could not pass a resolution, either in both Houses or in one House at a minimum, after they had experimented with this so that we could prevent it from becoming the law of the land.

Those of us who tried to cooperate with them found that they were too determined, too adamant, and too unreasonable and that the program lacked merit and therefore could not be sold to the Congress. So, we tried to cooperate with them to the greatest extent we could 2 years ago and in years prior to that. I said to them, and also said on the Senate floor, that from that point forward, when the House refused to go to conference with us 2 years ago, because the Department of Health, Education, and Welfare did not want a bill that would provide $7 billion to assist the poor and the disabled and the sick of this country because they wanted to keep all of those good things as hostage for the family assistance plan, that as far as I was concerned I wanted it clearly understood that starting in the following year, I felt no commitment to this proposal whatever, and I did not expect to support it thereafter.

So, we will have the opportunity to vote on it, Mr. President, and that I welcome. We will also have an opportunity to vote to provide $14 billion of assistance to the poor, the sick, the aged, and the little children of this Nation in a way that we think is calculated to do them the most good.

Mr. President, as the manager of the bill, it does not upset me one bit if a Senator might want to add some additional provisions in here that would help people where we think it might benefit them.

However, I propose to resist—and I am sure that the Senator in charge of this bill on the minority side, the Senator from Utah (Mr. Bennett), as well as the others on the Finance Committee—will resist strenuously efforts to spend more money in ways that we think will do more harm than good.

And we would hope very much, Mr. President, that the Senate, having heard the arguments, would study them and give us an answer in the fashion that the Senate feels most advances the public interest.

Mr. BENNETT. Mr. President, I am sorry I was not here to hear the entire statement made by the chairman of the committee, but I heard enough to be very much impressed with all he had to say, and I am very grateful for his leadership in saying it.

As a member of the Republican Party and the group of Republican Senators on the Committee on Finance that more or less supplied the basis for the majority which reported the workfare approach in title IV of this bill, I am glad we have the support, understanding, and enthusiastic efforts of the chairman, because without him we never would have been able to face up to what I think is the fundamental problem the United States faces today, the question of welfare.

I am leaving out the aged, blind, and the disabled. The committee has tried to be very generous to them and to raise their income in such a way that they would be free as far as possible from any stigma of being dependent on welfare. But we all feel that those people who are getting welfare, who are physically and mentally able to contribute something to their own support and the support of their families, should have the opportunity to make that contribution rather than that we should simply shuffle the present pattern around and provide a new pattern under which more and more people could move into the situation, which the chairman so adequately and emphatically described, where they are not expected to make a single effort in their own support.

A great deal has been made about the family assistance plan. It came to us from the Department of Health, Education, and Welfare. It has been approved twice on the House side, where their opportunity to examine it is not as great as the opportunity we have on this side.

The chairman has clearly expressed his interpretation of the attitude of the President as he has felt it in conference. I have had the same experience. I feel that the President, both in private discussions and in his public statements, is anxious to find some kind of program under which people can be encouraged, almost required to make a contribution to their own support if they are capable of doing it, and if their personal problems can be solved on a reasonable basis.

For instance, women with children of school age are going to need some kind of provision for child care. There may be other conditions that have to be handled. But it seems to me, to quote the oldest cliche in legislation or in politics, we are at a kind of crossroads in this situation. After all the effort that has been made, if we go forward on the same old path of financial support without personal responsibility, it is going to be a long time before there will be another opportunity to face up to the problem, and if the welfare rolls increase at the rate they have been increasing, the burden will be so heavy it may be impossible to lift it in the ways we believe it can be lifted now.

Fundamentally we are talking about the problem of single parent-headed families whose children, under the present circumstances, are on the program known as aid to dependent children. Ninety-two percent of them are women; the other 8 percent are men. There is a great emotional feeling that we should not require the mother of children to leave the home to earn a living. It is interesting, and I made it clear yesterday and I will repeat for the Record today, that one-half of the women in America with children of school age are already voluntarily working. So we are not putting a special burden only on the women who are now dependent on welfare; we are not asking them to do some strange thing that no other women in similar circumstances are willing to do. We are simply trying to make it possible for them to make the same contribution that one-half of the mothers in the United States have chosen voluntarily to make.

In a case of women not on welfare, it is probably to increase the family income, to get a few luxuries or benefits the family could not afford otherwise, or perhaps it is necessary to help the husband carry a burden which for some reason or other he cannot carry himself. But it is done, and it is accepted.

Therefore, in suggesting a way by which these women now on welfare can find the kind of employment that will enable them to contribute to the support of their children, I do not think we are doing a terrible or unusual thing.

The family assistance plan, as it came from the Department of Health, Education, and Welfare, is another in a series of proposals which come to a certain point and then stop without getting to the point where there is a practical solution.

The family assistance plan, in effect, states that women under certain circumstances will be required to register for work—I repeat, required to register for work. In other words, they would fill out a form, they go to an office, and having done that, they are then qualified to sit home as they have been doing under the previous plan.

I do not know what added virtue there is in saying that a woman must register for work over the fact it is said she has no responsible work. We have had a lot of programs, WIN has been one, where we tried to develop programs for people who wanted to work without any job at the end.

We have felt that we made an important step but we stopped short of the practical solution which depends on either an incentive or requirement for work, and the responsibility to provide a job. That is what we have done in our version of title IV of this bill.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. BENNETT. I am happy to yield to the distinguished chairman of the committee.

Mr. LONG. We have tried down through the years with the work incentive program to provide training for people and to require that they accept training, and that they again register to work, and we have had the frustrating experience that only a small percentage of those people found jobs through that program.

So in this bill we have something that really challenges the sincerity of those people who talk about registering, calling that a work requirement. We provide the job. It is fine to talk about registering for work and then saying that the job is not suitable, it is too easy, it is demeaning; or if the person does not want the job, he goes there with a very poor appearance, bloodshot eyes and breath that would knock someone down, hoping he would not be hired in the first instance, and if he is hired, to proceed to conduct himself with such a disdainful and abrasive attitude toward that fellow's employees that they do not keep the job for a day.

We have seen how easy it is for people to get past the work requirement without taking a job, which is why we say we will provide a job.

If you are going to pay somebody, why not pay them the amount of money you were going to pay them on welfare anyway and ask them to do some simple little thing for their own betterment or the betterment of their community?

Mr. BENNETT. Mr. President, I agree with the chairman of the committee. It is my feeling that this bill not only has a requirement for work and provides a job, but it has provisions in it which also open the way so that the person involved can find a kind of job in which he will be happy and make the transition from welfare to workfare.

I have had enough experience to realize that this is probably the toughest psychological decision that a person who has been on welfare for some time has to make. Welfare, with all its faults, is security. If he does not make the social worker angry, if he does what he is told, if he lives within the limits, then the money will keep coming in, even though those limits are not the best things for her or her children. But when that person steps over the line and moves into a position where he or she has to accept responsibility for his own support, then he accepts a little risk. He accepts the risk that he has to put out in order to succeed at the job. He has to meet the requirements. He has to meet the standards. It is this movement from security to risk that is hard to do.

Mr. LONG. And then, of course, if a person has failed to do the job satisfactorily and loses his job, he is off welfare for a while, until he can try to get back on again.

Mr. BENNETT. Our bill has been written to minimize that risk, as far as we can minimize it. Under our bill, a person in the program who is given a job or takes a job and, for some reason or another that can be defended, the job is not satisfactory, he comes back immediately onto the program and is considered to be an employee of the Government—he is not on welfare—and the Government goes to work to try to find him another job. We have tried to minimize the risk.

The Senator was talking about the fact that because they had to so register, they could never find a job that was suitable. I have told this story a number of times in committee, but I would like to share it with the Senate. About 10 years ago I was in Germany. This was before the Iron Curtain went down in Berlin. There were several thousand persons a day coming across from East Germany to West Germany. The West German Government had a real problem in finding housing and caring for these people and getting them jobs. In the process they had developed a transition system.

They had a housing system into which these people were put immediately, and then, as fast as they could find them jobs, the people were moved out of that housing into housing where they paid something, and so on.

Since I had been in the Housing Committee in the Senate, I was interested in that type of housing. We went into a room where there was a family, I think a father and a mother and three or four children. They had been in West Germany for quite awhile, but they had never made the transition from the first step into the second step. I asked the man who was with me, my interpreter, to ask the man why he could not move to a job. He said, "They have no job that is suitable for him." I said, "What kind of job did you do in East Germany?" He said, "I was employed as a laboratory assistant to a professor who taught beekeeping. There are no professors in West Germany teaching beekeeping. Therefore, I am entitled to wait here until somebody finds that kind of job for me."

It is just that kind of ridiculous situation that can be set up under the family assistance plan. That is the kind of pattern that has existed under the previous program.

I went to work when I was young, and I have worked all my life, and I am still at it. I do not think work has damaged me. I do not think work is demeaning. I do not think when we make it possible for these women to contribute to the support of their children we are tearing them down either morally or economically or socially.

Mr. President, I think I have made my point, which is that the Republicans on the committee certainly support the bill as it came out.

The chairman is right in saying that we have helped develop it and support it. We believe that we are proceeding in the spirit of the statements of the President. There may be some details in our approach that could be criticized, but I do not think the spirit or attitude can be criticized, and I will join with the chairman, and I am sure my other Republican committee members, too, in defending title IV of this bill against all attempts to emasculate it and take out of it any responsibility to work on the part of people who are going to benefit from the payments.

Now I yield the floor.

Mr. PERCY. Mr. President, I send to the desk an unprinted amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

Mr. PERCY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title I of the bill, add the following new section:

On page 18, line 4, strike out ", AND THE EARNINGS TEST".

Beginning on page 30, line 23, strike out all through page 33; line 10.

STUDY OF EARNINGS TEST

SEC. —. (a) The Secretary shall conduct, either directly or by way of grant or contract, a full and complete study of the matter of earnings of individuals entitled to monthly insurance benefits under section 202 of the Social Security Act with a view to determining the feasibility of the elimination or extensive revision of those provisions of title II of such Act which provide for deductions from such benefits on account of earnings. Such study shall give special attention to (A) the extent to which life expectancy is increasing, and the resultant need of individuals to extend the period of their working life; (B) the extent to which individuals entitled to monthly insurance benefits under such section 202 are not eligible for benefits under private pension plans, and the resultant need for individuals to continue work after retirement age; and (C) the desirability of relating any deductions from benefits under such section on account of earnings to the annual income needs of the individuals entitled to such benefits.

(b) The Secretary shall complete the study authorized by subsection (a) and shall submit to the Congress, not later than January 1, 1974, a full and complete report on such study and the findings resulting therefrom, together with such recommendations for the elimination or revision of the provisions of title II of the Social Security Act relating to deductions from benefits on account of earnings as the Secretary deems appropriate.

Mr. PERCY. Mr. President, first, I would like to make a comment on H.R. 1 and the Senate committee's work in this area. I wish to express my deep appreciation for the dedication of the Senate Finance Committee in once again addressing a tremendous problem. We have differences of opinion on many phases of the problem, but we all agree on one thing—something has to be done. The present system is not working. I think the Senate Finance Committee, both the able chairman of the committee and our ranking Republican member, are due great credit for bringing this matter to a head and bringing to us this bill now so that we have time to deliberate on and debate it.

The reason why I am calling up my amendment is simply that the time is here; let us get down to business and bring such refinements, improvements, or changes that we can get—in terms of groundwork toward eliminating the retirement test—and do it as expeditiously as possible. For that reason, I commend the distinguished majority leader (Mr. MANSFIELD) for presenting to the Senate an amendment which raised the amount of money a social security recipient can earn without losing benefits, from $1,680 to $3,000. As a cosponsor of this amendment and a longtime advocate of a liberalization in the retirement test, I was most pleased with the overwhelming margin by which the Senate approved this proposal.

In December of 1970, I offered a floor amendment to the Social Security Amendments of 1970 to raise the earnings limitation from $1,680 to $2,400. My amendment passed the Senate, but unfortunately died later when the bill failed to go to conference. I, therefore, reintroduced a two-step revised version of this amendment during the 92d Congress. The revised version sought to raise the earnings limitation to $2,400 upon enactment of H.R. 1, and a year later, to $3,000. In the meantime, my proposal called upon the Department of Health, Education, and Welfare to conduct a study on the feasibility of eliminating the retirement test entirely, and to report back to Congress on January 1, 1974, with specific recommendations for revising the retirement test.

The Senate acted yesterday not only to raise the earnings limitation from $1,680 to $3,000, but it also defeated an amendment to eliminate the retirement test entirely, offered by the junior senator from Arizona (Mr. GOLDWATER). As the record of yesterday's debate indicates, there is considerable support for eliminating the retirement test altogether, but the primary obstacle is the high cost involved.

The Social Security Administration estimates the cost at $2.2 billion the first year. The Senate Finance Committee says the cost might be as high as $2.5 billion the first year. Furthermore, the committee maintains that only about 80,000 people would benefit from elimination of the test.

It is hard for me to accept without question either of these arguments. With respect to the cost figures of $2.2 to $2.5 billion, it seems to me that there must be certain offsetting factors. For one thing, allowing social security recipients to work without any penalty could mean increased social security revenues derived from the taxes they would pay into the trust fund as well as into the general treasury. For another, allowing people over age 65 to keep all their earnings might mean a decrease in Federal welfare expenditures—particularly after—enactment of H.R. 1 welfare reform, as many social security recipients also receive welfare.

With respect to the estimate that only about 800,000 people would be affected, I am convinced that the number is much higher. Within only a few days, one of my constituents, on her own, collected over 5,000 signatures on a petition urging that the retirement test be abolished. My own mail runs more heavily on this issue than any other, and this has been true over an extended period of several years.

All this notwithstanding, I believe the Congress does need more complete and more accurate information than it now has on the cost of eliminating the retirement test and the number of people affected. In addition, I believe the entire concept of the retirement test should be reevaluated in light of private pension plan deficiencies, and the resultant need for individuals to continue work after retirement. A further factor to consider is the extent to which life expectancy is increasing, and the consequent need and/or desire of individuals to extend the period of their working life.

I have long felt that the whole philosophy of the retirement test is wrong, that it is wrong to penalize people for working—particularly when they need to supplement a meager retirement income. For many people who could never afford to invest in stocks and bonds during their working years, or whose savings were wiped out by prolonged and catastrophic illnesses in their families, working after may be the only method available to them to acquire more than a poverty-level income.

But it is clear that eliminating the retirement test immediately would mean a radical and perhaps costly departure from the present program. If we are to take such a step, we clearly need a more accurate estimate of the cost involved—including offsetting factors—and of the number of people affected. To give the hard, cost-analysis data that we need, I propose an amendment which would mandate the Secretary of Health, Education, and Welfare to conduct an in-depth review of the retirement test, giving special attention to the above two factors—cost and number of people affected—as well as to inquire into such questions as:

First, the extent to which life expectancy is increasing, and the resultant need of individuals to extend the period of their working life;

Second, the extent to which individuals are not eligible for benefits under private pension plans, and resultant need for individuals to continue work after retirement age; and

Third, the desirability of relating the retirement test to the annual income needs of individuals over age 65.

My amendment requires that the Secretary report back to Congress by January 1, 1974, with specific recommendations on the feasibility and desirability of eliminating the retirement test altogether.

Mr. President, I urge the adoption of my amendment as a preliminary step necessary to enable us to eliminate the retirement test completely.

Mr. BENNETT. Mr. President, the suggestion embodied in the amendment of the Senator from Illinois has been around a long time. Every time it has been considered, we come up against the question of cost. We also come up against what is to me an interesting problem: we think in terms, generally, of the man who is retired and then goes out and gets another job. If we eliminate the retirement test, we start to pay social security at age 65 and the man need not retire; he can stay on his job.

The average age at which people claim social security retirement benefits is not 65; it is 68. If that does not change, and we completely eliminate the retirement test, we are going to pay social security, on an average, for 3 years for all employees while they continue to work at the same jobs, in addition to affording the opportunity people will have who have retired to work at any job they please.

I am sure the Senator from Illinois knows that some years ago the committee provided that privilege at age 72; so what we are talking about now is really what we are going to do about people between the ages of 65 and 72.

I agree with the Senator from Illinois that it probably would be helpful for the committee and for Congress as a whole, as well as for the administration, if we could settle once and for all on what real costs are involved, the money and the number of people, and, if we could have a study on the sociological effects of a situation which makes it possible for a man to know that at 65 he can quit work and if he can persuade his employer to continue him on the job, he automatically gets social security. It ceases, then, to be social security and becomes a guaranteed annuity at the age of 65, with no other requirements.

But under the circumstances and since this question has been raised and the figures have been challenged, representing the judgment of the committee and with their specific approval, I am prepared to say to the Senator that we will be happy to accept the amendment, take it to conference, and see what happens to it.

Therefore, Mr. President, I move that the amendment be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was agreed to.

Mr. PERCY. Mr. President, I again wish to express my deep appreciation to the committee and to its very able ranking minority member. The basic thrust of this amendment is simply to give us the hard, accurate cost analysis in order to provide the groundwork for eliminating the retirement test.

It is my understanding that the advisory council on social security will be convening shortly, and I think this issue would be a very good issue for that Council to take up.

Mr. BENNETT. I thank the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I ask unanimous consent that either of two members of my staff, Mrs. Julia Bloch or Mrs. Constance Beaumont, be permitted to be present in the chamber during the remainder of the debate on H.R. 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. PARTICIPATION IN THE INTERNATIONAL BUREAU FOR THE PROTECTION OF INDUSTRIAL PROPERTY

Mr. FULBRIGHT. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Joint Resolution 984.

The PRESIDING OFFICER (Mr. GAMBRELL) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the joint resolution (H.J. Res. 984) to amend the joint resolution providing for United States participation in the International Bureau for the Protection of Industrial Property, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. FULBRIGHT. I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. FULBRIGHT, Mr. SPARKMAN, and Mr. AIKEN conferees on the part of the Senate.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. BAYH) laid before the Senate a message from the President of the United States submitting the nomination of Adm. Charles K. Duncan, U.S. Navy, for appointment to the grade of admiral on the retired list, which was referred to the Committee on Armed Services.

RECESS UNTIL 1:20 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 1:20 p.m. today.

The motion was agreed to; and at 12:50 p.m. the Senate took a recess until 1:20 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. ROBERT C. BYRD).

TAX BENEFITS IN THE RUSSIAN GRAIN SALE

Mr. HARRY F. BYRD, JR. Mr. President, an official of the Treasury Department has indicated that grain exporters may be granted indefinite deferment of the Federal taxes on one-half their profits from exports to Russia.

According to Tax Analysts and Advocates of Washington, Robert J. Patrick, Jr., deputy international tax counsel of the Treasury Department, suggested in a September 20 speech before the World Trade Institute in New York that a request from the grain exporters for such favored tax treatment may well be accepted.

The grain deal which the United States is carrying out with the Soviet Union already has cost the taxpayers and consumers of the United States millions of dollars. If special tax treatment is granted to the exporters, another $100 million or so in revenues will be lost to the Treasury.

Authority for the writing off of taxes on the grain export profits apparently would be rooted in the law which created the Domestic International Sales Corporation.

As a member of the Committee on Finance, which passed upon that legislation, I say that I do not believe the committee had in mind the granting of special tax privileges in any such situation as the subsidized grain sale to Russia.

In fact, the legislation specifically grants authority to Treasury to deny DISC tax benefits to profits made on sales "accomplished by a subsidy granted by the United States." It seems clear to me that special tax benefits should not accrue to those who make substantial profits on sales subsidized by the taxpayers.

I am writing to the Secretary of the Treasury, asking that a prompt decision be made as to whether half the taxes on grain sale profits in the deal with Russia will be deferred indefinitely. It is important that the Congress be advised before adjournment. If the decision is made to grant tax benefits to the exporters in this deal, then many Members of Congress may wish to consider legislation to block such favored treatment.

The whole thrust of the DISC legislation was to slow down the drain of American funds and manufacturing skills to other countries.

The Secretary of the Treasury at the time of the testimony on DISC, John Connally, stated to the Finance Committee:

> The DISC proposal is obviously designed to induce companies to continue manufacturing in the United States for sale abroad; thus keeping jobs at home, rather than exporting their manufacturing activities and know-how to foreign countries.

In the Russian grain deal, there is no element of manufacturing skills or activities involved. To apply DISC benefits to this sale would be a distortion of the purpose of the law.

More than that, it would add to the already heavy burden being borne by the taxpayers of the United States as a result of this deal with Russia, which saved the Russians $100 million.

The more I see of this deal, the less I like it.

In addition to the loss to the taxpayers, I am concerned about allegations of mismanagement and improper conduct in connection with the grain sale. I hope these charges will be thoroughly investigated.

There is something in this deal for everyone except the American taxpayer.

I think the grain sale to Russia probably is the most expensive international trade agreement of modern times.

Let us look at the course of events.

Agreement was reached between the United States and Soviet Governments on July 8. The United States advanced Russia $500 million in credit in exchange for that country's agreement to purchase $750 million worth of grain over a 3-year period.

The Secretary of Agriculture stated that the bulk of the exports would be feed grains such as corn. But later it turned out that Soviet interest centered on wheat.

On September 9, Secretary Butz disclosed that Russian purchases of U.S. wheat alone would reach 400 million bushels in this year. That is one-fourth of our entire crop. His estimate of total sales to Russia by the United States was $1 billion for 1972.

For 24 years, the U.S. Government had paid exporters the difference between the world price of wheat and the domestic price. From late 1970 until this summer, this subsidy was based on a world price of $1.63 a bushel. Russia was permitted to buy at this price.

But because of the large sales to Russia, the world price of wheat immediately soared. On August 25 the base price for subsidy was adjusted to $2.25 a bushel.

In making this change, the Government made a special provision for sales made on August 24, or for those made earlier and not yet reported to the Government. For these, there was a special subsidy of 47 cents a bushel. This represented the difference between the domestic price as of that date, $2.10, and the old base price of $1.63.

Exporters sold 280 million bushels at the higher subsidy level, and that cost the taxpayers $131.6 million.

Obviously, this has been a costly deal—costly to the hard-pressed U.S. taxpayer.

If the Government adds a new subsidy—and that is what special tax treatment would be, a new subsidy—I believe the confidence of the people in the Government will justifiably be shaken.

There is no justification in law or morality for tax relief in the grain deal. I shall oppose it strenuously.

(At this point Mr. STEVENSON assumed the chair.)

TIME LIMITATION AGREEMENT ON FOREIGN ASSISTANCE ACT OF 1973 (H.R. 16705)

Mr. ROBERT C. BYRD. Mr. President, I have cleared the following request with the distinguished Republican leader and with the Senator from Wisconsin (Mr. PROXMIRE), the senior Senator from Virginia (Mr. HARRY F. BYRD, JR.) and with other Senators.

Mr. President, I ask unanimous consent that at such time as H.R. 16705, an act making appropriations for foreign assistance, is called up and made the pending question before the Senate, there be a time limitation thereon of 1 hour, to be equally divided between Hawaii (Mr. INOUYE) and the Senator from Hawaii (Mr. FONG); that time on any amendment, with the exception of any end the war amendment—of which I know of none—be limited to 30 minutes, to be equally divided between the mover of such and the distinguished manager of the bill (Mr. INOUYE); that time on any amendment to an amendment be limited to 20 minutes, to be equally divided between the mover of such and the mover of the amendment in the first degree, except in any instance in which the mover of the amendment in the first degree favors such, in which instance the time in opposition thereto would be under the control of the Republican leader or his designee; that time on any debatable motion or appeal be limited to 20 minutes, to be equally divided between the mover of such and the manager of the bill, except in any instance in which the manager of the bill favors such, in which instance the time in opposition thereto be under the control of the Republican leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the agreement which was just entered with respect to the foreign assistance bill be in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

S. 447. An act to modify the boundaries of the Santa Fe, Gila, Cibola, and Carson National Forests in the State of New Mexico, and for other purposes;

H.R. 3808. An act to increase the size and weight limits on military mail and for other purposes;

H.R. 6467. An act for the relief of Harold J. Seaborg;

H.R. 7946. An act for the relief of Jerry L. Chancellor;

H.R. 10012. An act for the relief of David J. Foster;

H.R. 10363. An act for the relief of Herbert Improte;

H.R. 12099. An Act for the relief of Sara B. Garner;

H.R. 15376. An Act to amend the Service Contract Act of 1965 to revise the method of computing wage rates under such Act, and for other purposes; and

H.J. Res. 1306. Joint resolution making further continuing appropriations for the fiscal year 1973, and for other purposes.

The enrolled bills and joint resolution were subsequently signed by the President pro tempore.

SOCIAL SECURITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (H.R. 1) to amend the Social Security Act, to make improvements in the medicare and medicaid programs, to replace the existing Federal-State public assistance programs, and for other purposes.

Mr. PELL. I ask unanimous consent that Richard Smith, of the staff of the Committee on Labor and Public Welfare, be accorded the privilege of the floor during the consideration of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. PELL. Mr. President, I ask unanimous consent that further reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 268, line 11, insert the following:

EYEGLASSES, DENTURES, HEARING AIDS AND PODIATRIC SERVICES

Sec. 215A. (a) Section 1861(s)(8) of the Social Security Act is amended by striking out "(other than dental").

(b) Section 1862(a) of such Act is amended—

(1) in clause (7) thereof, by striking out "eyeglasses or eye examinations for the purpose of prescribing, fitting, or changing eyeglasses, procedures performed (during the course of any eye examination) to determine the refractive state of the eyes, hearing aids or examinations therefor,"; and

(2) by inserting "or" at the end of clause (10), and striking out clauses (12) and (13) thereof.

(c) Section 1861(s) of such Act is further amended—

(1) by striking out "and" where it appears at the end of clause (8);

(2) by striking out the period at the end of clause (9) and inserting in lieu thereof"; and"; and

(3) by adding at the end thereof the following:

"(10) eyeglasses and eye examinations for the purpose of prescribing, fitting, or changing eyeglasses, procedures performed (during the course of any eye examination) to determine the refractive state of the eyes, and hearing aids and examinations therefor."

Mr. PELL. Mr. President, this amendment is very much along the lines of one I offered last March, due to changes in the bill, it is offered as a new amendment.

This amendment specifically provides that eyeglasses, dentures, hearing aids, and podiatric services, or foot care, is available under medicare to our older citizens. All it really does is make sure that some of the compelling needs of our older citizens who are covered, theoretically, by medicare but find their expenses mounting, are met.

The need of our older citizens for these services is intense. I know this from personal observation. As a member of the Special Committee on the Aging, I have conducted hearings in Rhode Island, in Providence and in Woonsocket, my own city of Newport. Also from my travels around the State and Nation, I have become conscious of the acute needs of our older citizens for these additional medical services.

When a citizen who needs to buy eyeglasses but has a fixed allowance, that purchase becomes a major expenditure. To buy glasses may mean having to do without food for a week or 2 weeks. We must recognize that the older citizens, those living on a fixed income are affected by inflation—our cruelest tax—more than any other citizens. It is our oldest citizens who often have to eat dog food and cat food because meat is too expensive.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. PELL. Our studies have indicated that many of our oldest citizens have no teeth. Indeed there are many Americans over the age of 55 who do not have teeth. Under the present law they have to make a choice between continuing without teeth or getting dentures and not having the food on which to use those teeth, a hideous and terrible choice.

Due to a need for hearing aids, many of our older citizens do not enjoy more of the amenities of life. They cannot hear what is going on, around them. Nor can they hear what comes out of the television receiver as well as see what the picture shows.

I have included in my podiatric services, or foot care, which is one of the unsung vital medical necessities, a lack of which cripples many of our older citizens.

Mr. President, I think the needs of our oldest citizens are particularly acute at this time. As Americans, we are very concious of the general community, of the people who are reasonably well, have jobs, move around, and are seen in public. However the sick, the poor, and the old are tucked away in little corners, little hovels, little rooms, scarcely perceptible—really perceptible only to those of us who go after them and see them; no matter whether it be priests after their souls, caseworkers after their cases, or those trying to do something about their problems. We go and see those people. The general community is not aware of the degree of misery that is extant in the United States today affecting the poor, the sick, and the old.

I think that we as a nation have an obligation to try to make it a little more possible that the golden years of our citizens are really golden, and not tinsel years, and that they have the amenities which all of us in this room take for granted, eyeglasses, hearing aids, and teeth. We do not realize that for many of our older citizens these are luxuries they cannot afford. These items are not included under medicare. I believe they should be.

This is an amendment which I have had before the Senate for 6 months in one form or another, and I hope it will secure the support of this body.

Mr. LONG. Mr. President, this amendment would cost the Government $3,700 million a year. If we could afford it, and if the taxpayers were willing to pay for it—and that is something that we have to trust to the conscience and judgment of every Senator—it would be nice to provide people with free eyeglasses, free hearing aids, and free dentures. But we are taxing the taxpayers right now, Mr. President, more than $80 billion annually for income maintenance arrangements, the way it is now, if medicare and medicaid veterans pensions are included.

The bill before the Senate is a most generous bill as far as the aged are concerned. It increases the benefits for the aged far beyond anything that the administration recommended—so much so that this could well be regarded as a budget-busting bill the way it is now.

The bill before us proposes that those who are on social security, if they have had 30 years of covered employment—and anyone who has only social security to rely upon for the future will have that 30 years of employment, unless he has additional pensions as well as social security from other employment—are assured $200 a month minimum. We provide in this bill a supplemental security income supplement which would supplement the $50 of assured social security income to persons with any social security benefits with an additional $130, to guarantee that person $180. Even if a person never had been associated with the social security program, and had no pension of any nature, he would be guaranteed at least $130 a month.

We can assume that he would use some of that money to provide eyeglasses for himself, if he needed them, or a hearing aid, or dentures.

I should point out that for people over 65, eyeglasses almost fall into the category of a hat or a pair of shoes, because most people over 40 need an adjustment for vision.

While, of course, eyeglasses are something they ought to have, just as food or housing or clothes, it is something they can provide for themselves; and they can judge in terms of priority as to whether they ought to spend the additional money to buy a new suit of clothes or to buy a pair of eyeglasses.

This amendment does not propose the tax to pay for it, but the taxpayers will have to pay for it. It comes out of their hide, in any event.

So, although we would like to do many things for people—this item does not claim a higher priority than many other things which would be nice to do for people, if we had $3.5 billion to spend.

So I hope that the amendment will not be agreed to. I applaud the Senator for his good intentions and his desire to help the aged, but there has to be some stopping point where we decide it is about as much as the taxpayers can pay for now.

We have already passed an $8 billion across-the-board social security benefit increase. This bill provides another $14 billion in social security related and public welfare items for the aged as well as for the poor in the family category, and we have added another $600 million by raising the earnings limitation with the Mansfield amendment yesterday. So this bill, when taken together with the social security across-the-board increase which was spun off from it, results in a total increase of expenditures in this area of almost $23 billion in just 1 year.

About this time, someone is going to start saying, "How about the taxpayer? Should not someone come to his aid?" I think that, in conscience, we ought to start thinking about the taxpayer, because he would have to pay $3.7 billion more for something of this sort, and somebody will have to collect the taxes. You cannot get all this money out of the rich. There are not that many of them. We would have to tax middle-income and low-income people to pay for the things called for in this category.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BENNETT. If this is to be a social security benefit, theoretically, we should raise the social security tax. The Senator from Louisiana and I already are hearing from people back home who like the 20-percent increase they are going to get; but the workers are very disturbed to find that the average worker will have $200 a year added to his tax.

If favored by a payroll tax this proposal would increase the tax. We have raised the tax from 5.2 percent of payroll to 6 percent of payroll in this bill. This proposal would force us to increase the tax further, to about 6.4 percent.

The committee has always prided itself on including the necessary tax changes to finance the benefits we have put into the bill. I do not think the Senate is ready to add to the tax in order to satisfy this particular need, which is more limited than the Senator from Rhode Island would seem to think.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. CURTIS. I am sure that we all listened with interest when the distinguished Senator from Rhode Island talked about the aged people who are in need of the benefits that his amendment would provide. Since this is a social security bill—these benefits are provided for as a matter of right—these added benefits would be paid to all aged people. We would be imposing a tax upon all workers to give these added benefits to all people over 65, not limited to the group that the distinguished Senator was talking about—to wit, those who are in need and who must go without these things or cut down their food budget or something of that nature.

Certainly, if aged people are suffering because of the lack of the things provided in the Senator's amendment, society should take care of them; but it does not follow that the whole social security system should be enlarged and the tax increased to give those things to all aged people, including those who can afford them. We are at a point at which there cannot be any increase in benefits without an immediate increase in taxes.

Not too long ago, we had a reserve in the social security fund that would carry it on for 3 years. Then it became less and less. Now there is sufficient money in the reserve to send out the checks to those on the rolls for about a year. But with the action of some weeks ago on the raise in benefits, the reserve is going to go down to less than a year—about 9 months, which is getting rather close.

So any proposal to raise benefits of any kind, in reality, is a proposal to increase the tax on taxpayers, who are already very much overburdened.

Twenty-two million Americans who pay a social security tax do not make even enough money to pay a Federal income tax. This, in reality, is a proposal to tax the poor, or at least the lower income, in their working years in order to pay a benefit to everybody over 65, including the well-to-do and the wealthy. I think the need should be met, but I do not think it should be met in the manner the Senator proposes, because it would have to be paid to everybody.

Mr. LONG. I point out that this amendment would provide these benefits under social security or medicare. Under the medicaid program, many States do; and all States can, if they wish, provide these benefits. They can provide the eyeglasses and the dentures and a hearing aid, under medicaid. That is need-related.

Compared to the other needs we have, I would have to insist we have many things that would claim a higher priority than this, when we are talking about providing something under social security for a person who presumably has assets and does not qualify for public welfare.

We voted yesterday to say that every older person on social security can have $3,000 a year of income without reducing his social security check at all. Why should we provide the benefits in this amendment to people not in need at all to the tune of $3,700,000,000, while as yet we do not feel that we can afford to provide catastrophic health insurance?

We have 5,000 good citizens a year who need kidney transplants, yet because they cannot afford a kidney transplant, which costs about $8,000, many die. They have to die because they cannot pay for the health care and they have not reached 65 for medicare to take care of them. So we have many good people in their productive years who will die because they cannot afford to pay for health care and we have not been able to provide for it. I am not pressing for a catastrophic health insurance amendment at this time because of the great cost of this bill the way it stands at this point. When we are proceeding in this manner, considering lower priority benefits I say that we are putting the cart before the horse. Other benefits take a higher priority.

Mr. BENNETT. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. BENNETT. I think the Senator could use me as exhibit A. I am a social security recipient because I have passed the age to be a social security beneficiary and the benefits come to me automatically whether I work or not. I have a very nice pair of glasses. Under the Senator's amendment, I could charge these glasses to the social security system.

Mr. PASTORE. Mr. President, will my colleague yield to me?

Mr. PELL. I am happy to yield to my senior colleague.

Mr. PASTORE. Mr. President, I realize that there are some economic difficulties involved in this amendment and I believe my junior colleague is conscious of that fact. But there is a human element to be considered that I do not believe can be easily disregarded.

Things have changed in this world. There was a time when a son or daughter felt it their obligation to take care of their parents when they became old.

Today, the fashion is that the son and daughter have worries of their own. We establish our own little house with our charming wife and two or three little babies. We find in many instances where one mother and one father have taken care of 10 children, but 100 children do not seem to be able to take care of one father or one mother these days.

That is what is happening in our society today. Sadly enough, that is the result of the evolution of our attitudes. It exists not only in this country, not only in this district, but throughout the entire world.

What we are talking about here is the little old man, not some millionaire out in Utah who does not need the money to buy glasses. As a matter of fact, anyone who has got more than half a million dollars in the bank and wants to charge his eyeglasses to the Government should be ashamed of himself. We are not talking about him, although there may be a handful of those people around.

I say, quite frankly, that is not the question before the Senate this afternoon. What we are talking about here is the little old lady who cannot see without glasses. She cannot read the newspapers because she cannot buy the glasses. We are also thinking about the little old man who cannot hear because he does not have a hearing aid. He cannot buy the hearing aid because he does not have the money. No one seems to be worrying about that.

We can say to the little man or the little old lady, "You can get your glasses or your hearing aid by going on social welfare, declare yourself to be a pauper and put yourself on the relief rolls." Yes, but if it does not come out of the right pocket it will come out of the left pocket, but the money must somehow, come out. But these aged citizens have got to lose their dignity as human beings to put themselves on relief.

That is what has been happening, and let us face it.

Now we are saying "But the worker has to pay." Well, I have never had anyone complain to me too much about that, because he realizes that, somehow, it is doing some good in his community, dignifying human life in his community. It may be his father. It may be his mother. I do not think he begrudges the fact that he might have to pay a tenth of one percent more in social security. Maybe we will come to that. I realize that it gets to a point of no return.

But I am saying, we are not in here now pleading as bleeding hearts today. This is a humanistic amendment. I repeat, I know it will cost $3 billion. But on June 30 last, the President of the United States asked for $3 billion for Vietnam. Somehow the money comes up. The money we pour into Vietnam, according to the administration, does not do anything to inflation, but when we vote for $1.6 billion more than he asked for in HEW for the people, they say that is inflationary. When we want to buy eyeglasses for the elderly poor, that is inflationary. When we want to buy a hearing aid for this little old man that cannot hear and he cannot buy a hearing aid because he does not have the money, they say that is inflationary. All we are saying, this is not a punishment of the workers of America—and they are not complaining. The people who seem to complain are the well to do, who resist these things—all I am saying is that one of the tragedies of our time, in such a beautiful society like the United States of America, where we have over 205 million people, so many ride around in big black limousines, smoking big cigars, with a radio in the car and a telephone in the back, and on the street corner, as the car goes by, there are some people who do not know where their next meal is coming from. It is a pity.

Today, the New York Times wrote an editorial endorsing Senator McGovern for the Presidency of the United States. I wish everyone would read it. I hope that everyone will read it, about what this man is trying to do. He may have been born 30 years before his time. I do not know. Maybe some of his ideas, according to our present-day concepts, are far-fetched and far-reaching. I do not know. I am telling you, Mr. President, if we want to bring back morality in our society, if we want to bring back stability in this society, if we want to make America work, we had better listen once again to those eloquent words of John F. Kennedy when he said:

> If a free society cannot take care of the many who are poor, how can it save the few who are rich?

That is it today.

Who can save the few that are rich? I say to those of you who are rich: Beware.

Mr. LONG. Mr. President, we are not debating here about what we should do for the poor. The poor already benefit from medicaid. Under medicaid we provide for those poor who need eyeglasses, dentures, and hearing aids that the amendment refers to.

We are talking about people who are not sufficiently poor to be eligible for benefits under a public welfare program.

Just this year, we provided for a 20-percent across-the-board increase for the same beneficiaries in terms of cash social security benefits. If they want to buy eyeglasses, then they can use some of that 20 percent and buy them with that.

Mr. President, in this bill we have more than $3 billion additional benefits for aged, blind, and disabled people whom we will lift out of poverty, not calling it welfare as the President suggested in his Miami convention speech, but calling it a supplemental security income. It will be liberal. Aged people can get, if they have any social security income coming to them at all, $180. Those with 30 years of social security coverage, no matter how low their wages might be, get $200.

All of that puts them above the established poverty level as defined today, and we expect to keep them out of poverty.

If we want to provide more for these aged people 65 and over, would it not make a lot better sense just to give them more cash, just give them the money and let them decide for themselves. If they want to spend it on eyeglasses or if they want to spend it on dentures or if they want to spend it on hearing aids, let them do it. I will say with all the confidence of one who has been through this fight before, they will get a lot better buy if we give them the cash, than if we say, "All right, you get free eyeglasses. Go down and get your free eyeglasses."

We found when we put medicare into effect, that it cost much more than anybody estimated. I was predicting this back at that time, for a very simple reason. We have people asking for the service who really would not be asking for it if they had to pay for it themselves. And they just came in droves, once the Government was going to pay for it. And then when they came to ask for services they would have not asked for, they asked for more than they would have asked for in the first instance, if the Government was not going to pay for it. They would go to the hospital and stay, where they would not have gone, and when they are there, in any event, they would stay a lot longer than they would have stayed if they were paying for it themselves.

Also, with eyeglasses—it is always nice to have an extra pair around some place, three or four pairs, so if you have one pair in the house and one pair some place else, in case you misplace one, you have one pair to get along with; so you have a surplus of them and you need not have the inconvenience of looking for them.

Mr. President, we get into all of these problems if we are going to provide these things for people and they get no cash advantage for not claiming them. We would have been far better off if we had said, "Let us provide an additional 5 percent benefit across-the-board for all aged people." We could do that at less cost than this amendment. We could provide almost a 10-percent increase for all beneficiaries under the old age and survivors insurance program, a 10-percent across-the-board increase for them for what it would cost us to provide eyeglasses, dentures, and hearing aids to people who are able to pay for them. And we are not talking about people who are unable to pay, who are eligible for medicaid. We are talking about people who are able to pay for a number of things we provide for here. We provide generous benefits in the bill. We provide more than $3 billion of additional benefits for the aged in the welfare sections of the bill alone. We are not calling it welfare any more, because they will be well off enough that we should not talk of it as welfare. The means test is so liberal that we cannot regard it as a means test any more. This provides about $2½ billion beyond anything the administration recommended, and this administration was not niggardly in suggesting some assistance themselves. So, with all of those benefits, we are going to heap on top of it something that would cost $3.7 billion, something that would have a tax increase connected with it and something that claims a lower priority compared to other things that people of the country need more.

If I had to give one example, I would give the example I referred to. There are people in this country dying today who have not reached the age of 65. They are working people who have worked for everything that they have. They come down with kidney trouble and need dialysis treatment or need a kidney transplant and they cannot afford it. To put something like eyeglasses ahead of a catastrophic illness program, for example, makes no sense at all.

For that reason, Mr. President, I hope that the Senate would not add this measure to the bill.

I think that there comes a time when we ought to have some small pity for the taxpayer. And I think that there are other things which claim a higher priority than this amendment.

Mr. PELL. Mr. President, all the words spoken here are correct. It is an expensive amendment. It is a question of priorities. There are some people who are of the age of 65 and can afford the benefits I provide for. They will be able to receive these amenities without paying for them, just as they can now receive social security benefits and still work if they are over the age of 72, just as they can receive social security benefits and earn a certain amount if they are over 65, and just as they can receive medicare benefits. I agree the tax is very high now and would favor amending the whole concept under which funds for social security are raised. I would get away from the present regressive system which hits the middle- and low-income man the hardest.

I would like to see the emphasis put the other way. In any event, I think that both sides have expressed their views. I would suggest that we vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Rhode Island. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Louisiana (Mrs. EDWARDS), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from North Carolina (Mr. JORDAN) and the Senator from Wyoming (Mr. MCGEE) are absent on official business.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. MCINTYRE) would vote "yea."

Mr. SCOTT. I announce that the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Wyoming (Mr. HANSEN), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Delaware (Mr. BOGGS) is absent to attend the funeral of a friend.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Vermont (Mr. STAFFORD) and the Senator from Ohio (Mr. TAFT) are absent on official business to attend the Interparliamentary Union meetings.

The Senator from Kentucky (Mr. COOPER) is detained on official business.

If present and voting, the Senator from Texas (Mr. TOWER) would vote "nay."

The result was announced—yeas 36, nays 42, as follows:

[No. 479 Leg.]

YEAS—36

Aiken
Anderson
Bible
Brooke
Burdick
Cannon
Case
Church
Cook
Eagleton
Gravel
Hartke
Hatfield
Hughes
Humphrey
Inouye
Jackson
Javits
Magnuson
Mansfield
Mathias
McClellan
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Ribicoff
Saxbe
Schweiker
Smith
Stevens
Williams

NAYS—42

Allen
Bayh
Beall
Bellmon
Bennett
Bentsen
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Chiles
Cotton
Cranston
Curtis
Dole
Eastland
Ervin
Fannin
Fong
Fulbright
Gambrell
Gurney
Hart
Hollings
Hruska
Jordan, Idaho
Kennedy
Long
Miller
Packwood
Percy
Proxmire
Randolph
Roth
Scott
Spong
Stennis
Stevenson
Symington
Talmadge
Thurmond
Tunney
Weicker
Young

NOT VOTING—22

Allott
Baker
Boggs
Brock
Buckley
Cooper
Dominick
Edwards
Goldwater
Griffin
Hansen
Harris
Jordan, N.C.
McGee
McGovern
McIntyre
Metcalf
Mundt
Sparkman
Stafford
Taft
Tower

So Mr. PELL's amendment was rejected.

Mr. BENNETT. Mr. President, I move to reconsider the vote by which the amendment was defeated.

Mr. LONG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. ROTH. Mr. President, a number of Senators have asked me about my intention to offer an amendment to provide for the testing of H.R. 1. I think it is appropriate for me to speak to that point at this time. We are currently having the amendment drafted, and I am hopeful I will be able to have it offered no later than Monday of next week.

As Senators know, last March 22 I introduced an amendment—No. 1077—to H.R. 1, then pending before the Finance Committee. The measure called for a 2-year pilot test of both the workfare and family assistance portions of H.R. 1, as passed by the House June 22, 1971. I was joined in this amendment by seven other Senators who felt, as I did, that the Congress should carefully evaluate the trial results of these programs before enacting more permanent legislation.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate is not in order.

Mr. ROBERT C. BYRD. There are too many conversations going around along the wall of the Chamber.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Since that time, the Finance Committee has reported out a very different bill. It seems to me, Mr. President, that this latter measure is equally deserving of a carefully designed and conducted test, along with the House version of title IV. Each speaks in a different way to the sadly deteriorating current patchwork of welfare programs.

Therefore, it is my intention next week to introduce an amendment which will call for a test of these proposals, in different localities. I hope in this way to persuade the Senate to authorize and then weigh actual field results, rather than rely on predictive data alone.

Mr. President, as a second-term Congressman in 1970, I urged that such a pilot test of family assistance—as described in H.R. 16311—be enacted. Perhaps if it had, we could be working toward a nationwide solution of the welfare problem today.

I will try to elaborate on the terms of

my proposal Monday, when it is introduced, but needless to say, I will be delighted to discuss the measure now with any of my colleagues, in order to benefit from comments they may have.

Mr. MOSS. Mr. President, I ask unanimous consent that my staff assistant, Mr. Val Halamandaris, be permitted to be on the floor during the debate on the pending measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I am going to suggest the absence of a quorum in a moment or two, unless a Senator cares to offer an amendment, because I understand there are a number of amendments that will be offered.

I would like to suggest to Senators who have in mind offering amendments to prepare them and to send them to the desk, today if possible, or as soon as they can, so we can have the amendments printed and know what they are.

We have been working on this matter for a long time, Mr. President, and Senators who want to offer amendments really should have come before the committee and made their suggestions known to us so the committee could consider them. I know that Senators have the privilege of waiting until a Senate committee reports a bill, and then offer amendments on the floor. Every Senator has that right, but I would think Senators would be asking a great deal of the Senate to ask it to consider amendments to a bill that is this long a bill, particularly when they send unprinted amendments to the desk, that have not been suggested to the committee, as occurs from time to time. I hope Senators will get their amendments printed and give Senators an opportunity to look at them, and give our committee a chance to study them, and give our staffs time to analyze them, and have them available as soon as possible.

We on the committee are ready to proceed and to vote on any amendments Senators want to offer, but at this moment there is no one ready to move ahead with his proposal. I do know there are Senators who want to offer amendments and not be foreclosed of that right. Therefore, Mr. President, reluctantly I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PALMBY AFFAIR

Mr. BENTSEN. Mr. President, I rise to discuss another side of the grain trade agreement between the United States and the Soviet Union; it is an ugly side and the handling of it so far only serves to further undermine the confidence of Americans in their Government.

I certainly favor efforts to expand international trade, such as the recent United States-Soviet grain sale agreement. In the long run all of us in America stand to benefit from such expansion, if, indeed, violations of the basic rules of propriety and public trust in the handling of this agreement have not already jeopardized future efforts to expand.

It is, it seems to me, time to speak out clearly on this matter of former Assistant Secretary of Agriculture Clarence D. Palmby.

It is time that we called a spade a spade. It is time that we recognize that this Government employee, this public servant, this man hired to work for the interest of the farmers, appears to have put his own interests above those of his employer—the people of the United States; he appears to have abused the normal, accepted standards of competence and public morality.

It is time that this matter be decided, one way or the other, so that if there is any guilt the guilty can be punished; and, if there is not, all the insinuations and rumors surrounding this case can be laid to rest.

If we expect Americans to maintain any confidence in their Government, we must resolve the questions of conflict of interest, raised by the recent actions of executives such as Clarence D. Palmby and their shuttling back and forth between high offices in the Agriculture Department and the grain companies.

Mr. President, the appearance at this stage is that a conflict of interest clearly exists. I do not know whether a specific crime was committed but I do know that the appearance is strong enough, that Mr. Palmby was involved in a conflict of interest in his dealings with the U.S. Department of Agriculture and the Soviet Union and Continental Grain Co., that the U.S. Department of Justice should immediately convene a special grand jury and examine this matter thoroughly.

Mr. President, I hold in my hand a manual printed for the Agriculture Department by the U.S. Government Printing Office. Dated 1971, it is titled "Appendix 1, Employee Responsibilities and Conduct."

Now this manual, Mr. President, states the law of the land regarding the conduct of employees of the Department of Agriculture. It is made available to all employees of the Department. And in section 0.735-14, this manual describes the responsibilities of these employees insofar as conflict of interest is concerned. Subsection (a) (7) clearly prohibits any Government official from participating in a matter in which a firm with which he is negotiating a job has a financial interest.

Now that, on the surface at any rate, seems plain enough. And the evidence in this case indicates that Mr. Palmby was negotiating with Continental Grain Co. for a job at the same time that he was negotiating a trade agreement with the Soviet Union—on behalf of the U.S. Government—and that Mr. Palmby went to work for this grain company, which later sold a large amount of grain to Russia as a result of the agreement which he helped negotiate. And on the surface, Mr. President, it would appear that Mr. Palmby is in violation of Federal statutes; to be specific, title 18, section 208 of the United States Code.

Now, as we all know, things are not always what they seem. There is every possibility that, in this case, for reasons not made public, Mr. Palmby has conducted himself with propriety. However, because of the secrecy surrounding many aspects of this trade, because of the failure of the Department of Agriculture to be as communicative with grain producers and the public, as with the grain traders and the Russians, we simply do not know. But every bit of public evidence points directly to a conflict of interest. And it is just this kind of situation that erodes public confidence in our Government.

Allow me, Mr. President, to briefly review the chronology of events in this case.

In early March, Mr. Palmby says, the president of Continental Grain Co. approached him regarding employment with that firm in New York.

In early April, Mr. Palmby signed a contract to purchase a cooperative apartment in New York, explaining that he had decided to leave Government employment in Washington and move to New York whether he accepted the offer from Continental Grain or not. This contract was signed by the seller on April 5, 1972. Who did Mr. Palmby give as references when he bought this apartment? Why, those officials of Continental Grain, the company that had talked to him about coming to work.

Mr. President, are we to believe that the sellers of that $100,000 apartment did not demand some word regarding Mr. Palmby's employment? Are we to believe that the sellers did not seek some assurance that Mr. Palmby would be able to afford this expensive dwelling?

Then, on April 8-14, 1972, Agriculture Secretary Butz and Mr. Palmby headed a U.S. mission that conducted preliminary grain negotiations with Soviet officials in Russia. Negotiations broke down at this time, although Mr. Palmby has said that he traveled to Russian wheatfields during the trip. However, he has explained that his knowledge of wheat farming is limited and he was not able to determine the crippling effect of a drought on the Russian wheat harvest during that tour.

On the 9th of May, Mr. President, Mr. Palmby—in his capacity as Assistant Secretary of Agriculture—met with the Soviet Deputy Minister of Foreign Trade in Washington to discuss the grain trade.

On May 11, Mr. Palmby decided to accept a job with Continental Grain and, the next day, he reports that he informally notified his superior, the Secretary of Agriculture, of his decision to resign.

On May 23, he formally submitted his letter of resignation, and on June 7 he left the Department of Agriculture to go to work for Continental the next day.

On July 2, as a vice president of Continental Grain, Mr. Palmby met with Soviet officials in Washington, but he denies that he discussed the United States-Soviet grain negotiations. According to what he has said, he only took visitors to lunch and on a tour of Washington. Are we really expected to be so gullible? Mr. President, 3 days later, Continental and the Soviet Union entered into a contract for the sale of 4 million tons of wheat.

And I point out here, Mr. President, that this contract was signed on July 5, a full 3 days before the first public announcement that the United States and Russia had entered into an agreement for the sale of grain. And, I further note that, although the public announcement said only that Russia would buy at least $200 million worth of wheat before July 31, 1973, the deal with Continental—signed 3 days earlier—had already exceeded that amount by some $30 million.

And I am also constrained to note, Mr. President, that in this period—just a few days before the Agriculture Department announced this sale—this same Agriculture Department was advising our Nation's farmers that exports would be up only slightly.

On July 1, the USDA forecast, on which many farmers depend when deciding how to sell their wheat, said that domestic food use for wheat was down, the crop was the third largest on record and exports were up slightly.

And this Department of Agriculture forecast, Mr. President, would be taken as a clear signal by the farmers who had already harvested their wheat by this time that they should go ahead and sell; that they would gain nothing by holding their crops.

The Agriculture Department has said it did not know at the time, of the unexpectedly large size of the sale to Russia, Mr. President. The Department has said sale negotiations between Russia and the grain traders are secret and the Department had no knowledge, even though the Department would be called on to subsidize these sales. I maintain the Department should have known about these sales they would subsidize.

Mr. President, can these grain dealers reasonably ask for both secrecy and subsidy?

Mr. President, I do not believe there is any need to go further. This chronology of publicly-known facts—most of them agreed to by Mr. Palmby—has raised in my mind and in the minds of many other Americans a serious question as to whether an illegal conflict of interest situation exists here. It has raised a serious question as to whether Mr. Palmby upheld the expected standards of public morality that we rightfully demand of our public servants.

And, Mr. President, the only way we will be able to determine whether a conflict does, in fact, exist is to conduct an immediate, thorough grand jury probe of this whole messy affair.

As I said in the beginning, Mr. President, I have no desire to endanger efforts to expand our international trade, but I fear that violations of the basic rules of propriety in handling this Russian sale may have already seriously undermined them. Certainly, confidence in our USDA public officials has been undermined.

I feel compelled to speak out on this subject. The myriad investigations into ramifications of the grain agreement seem bogged down, going nowhere. And, without a prompt investigation by a body of grand jurors, this matter might well drag on—undecided—for years.

We cannot allow that. It would be detrimental both to our trade with foreign countries and to the interests of justice.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 166) to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes.

The message also announced that the House insisted upon its amendment to the bill (S. 3419) to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. Moss, Mr. STUCKEY, Mr. ECKHARDT, Mr. SPRINGER, Mr. BROYHILL of North Carolina, and Mr. WARE were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3337) to authorize the acquisition of a village site for the Payson Band of Yavapai-Apache Indians, and for other purposes.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 8395) to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PERKINS, Mr. BRADEMAS, Mrs. MINK, Mr. QUIE, and Mr. HANSEN of Idaho were appointed managers on the part of the House at the conference.

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 3337. An act to authorize the acquisition of a village site for the Payson Band of Yavapai-Apache Indians, and for other purposes.

H.R. 6797. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission dockets numbered 316, 316–A, 317, 145, 193, and 318.

H.R. 7742. An act provide for the disposition of funds to pay a judgment in favor of the Yankton Sioux Tribe in Indian Claims Commission docket numbered 332–A, and for other purposes.

H.R. 8694. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission dockets numbered 22–E and 22–F, and for other purposes.

H.R. 10858. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission docket numbered 266, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, September 28, 1972, he presented to the President of the United States the following enrolled bill:

S. 447. An act to modify the boundaries of the Santa Fe, Gila, Cibola, and Carson National Forests in the State of New Mexico, and for other purposes.

SOCIAL SECURITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (H.R. 1) to amend the Social Security Act, to make improvements in the medicare and medicaid programs, to replace the existing Federal-State public assistance programs, and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now set aside the pending measure and return to the consideration of the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSUMER PROTECTION ORGANIZATION ACT OF 1972

The Senate continued with the consideration of the bill (S. 3970) to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes.

Mr. MUSKIE. Mr. President, emotions have a way of blurring facts. That, Mr. President, is what seems to be happening to the legislation before us to establish a Consumer Protection Agency to represent consumer views before Government agencies and to conduct research into consumer affairs and complaints.

My mail reflects the strong fears this bill has aroused in people who do not appear to have been fully informed about its provisions. I have even had one letter from a constituent who thinks the legislation represents "a dangerous threat to the continued existence of our Nation."

Now that is plain rhetoric at overkill. To say that the Government cannot act to protect shippers from danger and fraud—and that, centrally, is what the new agency will seek to do—without undermining the foundations of free enterprise is like predicting that a building will collapse because a cracked windowpane is removed. I do not believe that American business practices are so devious or corrupt that they cannot stand the light of day.

I do believe that Government efforts to protect the public from unsafe, unhealthy, and unfairly priced goods and services need to be strengthened. Exposing the few who seek to take advantage of gullible or ignorant customers can only restore faith in the many whose conduct of business is beyond reproach.

From the amount of panic-stricken correspondence I have received from reputable companies, one is tempted to conclude that their behavior may be less than guiltless. In fact, however, I believe such opposition to the bill comes from a fundamental misunderstanding of the powers of the proposed agency.

Let us look at those powers and the very significant limits placed on them by the Committee on Government Operations during some 30 exhaustive hours of executive session consideration.

First of all, the agency has no independent subpena powers. If it decides to intervene as a party in another agency's proceedings—and it cannot do so without a specific determination "that such intervention is necessary to represent adequately the interests of consumers"—then it can "request the Federal agency to issue, and the Federal agency shall issue, such orders as are appropriate under the agency's rules of practice and procedure . . . for the summoning of witnesses, copying of documents, papers, and records, production of books and papers and submission of information in writing, unless the agency determines that the request is not relevant to the matter at issue, is unnecessarily burdensome, or would unduly interfere with the conduct of the agency or proceedings."

Now that language is perfectly clear. The Consumer Protection Agency cannot intervene vindictively or frivolously. When it does intervene, and only then, it can get as much information about a matter under consideration as any other party to the proceeding. And it can only have access to that information if the host agency feels its requests are not obstructive.

What about its powers to obtain information about activities that are not the subject of proceedings before another agency? First of all, let us set the record straight. The Consumer Protection Agency will not have subpena powers in this area.

What the bill in section 207, subsection (b)(1) gives the Agency is the right "to the extent required by the health or safety of consumers or to discover consumer frauds" to obtain information from people "engaged in a trade, business, or industry which substantially affects interstate commerce and whose activities—may substantially affect the interests of consumers."

The Agency must formulate specific questions. It cannot go on fishing expeditions. And it cannot harass the neighborhood pharmacist or auto mechanic. Nor, in addressing itself to major business concerns, does it have the sweeping powers ascribed to it by those who have not, apparently, carefully read the legislation.

Section 207, subsection (b)(1) continues:

> Nothing in this paragraph shall be construed to authorize the inspection or copying of documents, papers, books or records or to compel the attendance of any person. Nor shall anything in this subsection require the disclosure of information which would violate any relationship privileged according to law.

If the Agency's search for information is resisted, the Agency must respond by "carrying the burden of proving in court that such order is for information that substantially affects the health or safety of consumers or is necessary in the discovery of consumer fraud, is not unnecessarily or excessively burdensome—and is relevant to the purposes for which the information is sought."

The Agency cannot put business in double jeopardy by seeking such information "in connection with—intervention in any pending agency proceeding" and cannot require the data if it is already available from another agency or is a matter of public record.

And, last, the release of information has been carefully circumscribed to prevent damage to business through unwarranted disclosure of trade secrets or other confidential matters. Section 208(d) says also:

> Where the release of information is likely to cause substantial injury to the reputation or good will of a person or company, or its products or services, the Administrator shall notify such person or company of the information to be released and afford an opportunity for comment or injunctive relief, unless immediate release is necessary to protect the health or safety or the public.

Mr. President, the Committee on Government Operations went through this bill with a fine toothcomb and untangled a number of its original snarls. We have produced a sound and responsible bill. It may, at last, put the men and women who buy food, clothing, motor vehicles, drugs, appliances, and housing on a better footing with the men and women who make and sell such goods and services and with the men and women who already attempt to regulate some of those transactions.

We have not created an arbitrary bureaucratic monster. We hope we are giving a voice to that famous silent majority.

For the first 3 years of the Agency's life we have authorized an average operating budget of only $20 million a year. That is far less than America spends each year to promote new cars or new deodorants or new breakfast foods.

We must evaluate priorities rationally. We must not give in to ignorance and fear. One of our priorities is to redress the balance between the shopper and the giant producer and between the citizen and his remote government. The bill takes an important initiative toward that goal. I commend those who have worked so hard to bring it before the Senate, and I urge its speedy enactment.

Mr. ERVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS TO BE CONSIDERED AS HAVING BEEN READ

Mr. ERVIN. Mr. President, in view of the fact that a petition for cloture has been filed, I ask unanimous consent that all amendments which are presented to the desk prior to the vote on cloture be considered as having been read for all purposes under rule XXII.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object—and I will not object—I think the Senator made it clear, but I was distracted momentarily. Did the Senator ask that the amendments be considered as having been read so as to meet the reading requirements?

Mr. ERVIN. Yes. In other words, my request is that all amendments which are presented before the cloture vote is actually taken shall be considered as having been read for the purpose of satisfying the requirements of rule XXII.

Mr. ROBERT C. BYRD. For the purpose of satisfying the reading requirements.

Mr. ERVIN. Yes.

Mr. ROBERT C. BYRD. So as not to touch the requirements concerning germaneness.

Mr. ERVIN. Yes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina? The Chair hears none, and it is so ordered.

SAFE DRINKING WATER ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the unfinished business be laid aside temporarily and that the Senate proceed to the consideration of Calendar No. 1100, S. 3994; and that the unfinished business remain in a temporarily laid-aside status until S. 3994 is disposed of, or until the close of business today, whichever is the earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The legislative clerk read as follows:

> Bill (S. 3994) to assure that the public is provided with an adequate quantity of safe drinking water, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may proceed for 2 minutes, without the time being charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF H.R. 16705, FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of S. 3994 today, the Senate proceed to the consideration of H.R. 16705, the bill making appropriations for foreign assistance; and that S. 3970, the unfinished business, be temporarily laid aside and remain in a temporarily laid aside status until the disposition of H.R. 16705, or until the close of business today, whichever is the earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

SAFE DRINKING WATER ACT OF 1972

The Senate continued with the consideration of the bill (S. 3994) to assure that the public is provided with an adequate quantity of safe drinking water, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Bellmon). Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW AND 9 A.M. ON SATURDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today and tomorrow, it stand in adjournment until the hour of 9 a.m. tomorrow and 9 a.m. on Saturday, respectively.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged against either side on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Arkansas (Mr. Fulbright) be recognized for not to exceed 5 minutes, without the time being charged against either side on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN ASSISTANCE ACT OF 1972

Mr. FULBRIGHT. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 16029.

The PRESIDING OFFICER (Mr. Bellmon) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 16029) to amend the Foreign Assistance Act of 1961, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. FULBRIGHT. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. Bellmon) appointed Mr. Fulbright, Mr. Church, Mr. Symington, Mr. Aiken, and Mr. Case conferees on the part of the Senate.

REDS TAP U.S. CAMBODIAN AID

Mr. FULBRIGHT. Mr. President, on Tuesday the Senate approved the Scott amendment adding $370 million to the foreign military aid bill. The adoption of this amendment boosted the spending levels in the bill for grant military aid, supporting assistance and military credit sales to a total of $1.7 billion, or twice the amount appropriated by Congress in 1970.

I opposed the Scott amendment and in explaining my opposition to it on Monday, I inserted in the Record a number of articles about the military aid program—all leading to the conclusion that this program bears little, if any, relationship to the purposes for which it was originally established.

I regret that a majority of Senators refused to accept this conclusion despite the overwhelming evidence in support of it.

Mr. President, as additional evidence on this matter, I ask unanimous consent to have printed in the Record a report which appeared in the Evening Star and Daily News of September 27 entitled "Reds Tap U.S. Cambodian Aid."

There being no objection, the article was ordered to be printed in the Record, as follows:

Reds Tap U.S. Cambodian Aid

(By Henry S. Bradsher)

Phnom Penh, Cambodia.—American aid to Cambodia is paying for supplies which go to the Communists, apparently with the acquiescence of the Cambodian government.

The supplies for the North Vietnamese army and Khmer Rouge (Red Cambodian) guerrillas include medicine, salt, condensed milk and other items, according to private sources close to the trade.

A high government official confirmed this and added fishhooks as another example of items being imported into Cambodia with U.S. money to satisfy a Communist need.

Various sources agree that the Cambodian government has shown little interest in where aid imports go, so long as it collects import duties.

IMPORTED LEGALLY

But some sources added that it was doubtful whether the government had the administrative machinery to prevent such smuggling to its enemies, even if it wanted to.

The goods are imported legally into Cambodia with funds from the U.S. Agency for International Development. Local payment is made in riels, the weak Cambodian currency. Local merchants, then buy them and ship them into the provinces.

SALT AN ESSENTIAL

Salt is essential for the diet of Communist soldiers. Condensed milk is valued as an energy food, trade sources said.

The ability to get such items and medicine locally relieves the North Vietnamese supply route down the Ho Chi Minh trail by a little. Communist forces control extensive rice-growing areas of Cambodia, so trail shipments can concentrate on weapons and ammunition.

Before the ouster of Prince Norodom Sihanouk 2½ years ago, which touched off the war in Cambodia, the Communists were importing hundreds of tons of arms and ammunition through this country for use in South Vietnam.

There is no suggestion that is developing again. The indirect supplying of Communist forces now seems to be more a matter of government inefficiency and corruption.

The importing with U.S. money of more medicines and other goods than the government-controlled part of Cambodia needs, so that the Communists can be supplied too, adds to factors which caused criticism in Congress of the AID program here.

The program was started in 1970 to enable Cambodia to obtain essential imports which it could no longer pay for itself as a result of wartime disruption.

FOREIGN EXCHANGE

In a liberalization of economic controls a year ago, however, foreign exchange from the U.S. funds became available for general imports. The American Embassy supported this to help keep the economic situation normal.

Television sets and home air conditioners began to arrive along with essentials for wartime survival.

One prominent businessman here says business is now better than ever, because the people have more to spend.

The government has pumped money into the economy through soldiers' wages and other results of deficit financing have been indirectly supported by the U.S. aid and by Japan and a few other countries.

The businessman said, "Practically everything that comes in now is paid for by the United States."

Aside from imports that go to the Communists, some are smuggled to South Vietnam and Thailand, sources said. These include things as large as refrigerators.

Phnom Penh appears prosperous. Part of the reason is the large number of cars, a noticeable high proportion of them air-conditioned Mercedes sedans.

Mr. FULBRIGHT. Mr. President, as we have come to expect in reports on the aid program, this one, too, begins on a dismal note:

> American aid to Cambodia is paying for supplies which go to the Communists, apparently with the acquiescence of the Cambodian government.

Specifically, the article identifies medicine, salt, and condensed milk as items paid for by the United States but ending up in the hands of Communist forces in Cambodia. The Cambodians, on the other hand, are apparently more interested in keeping their hands on U.S.-financed air conditioners and television sets.

Mr. President, this report is just one more indication that the aid program has something in it for everyone—everyone except the American taxpayer. He is the loser and there is no relief in sight, judging by the Senate's recent action.

SAFE DRINKING WATER ACT OF 1972

The Senate continued with the consideration of the bill (S. 3994) to assure that the public is provided with an adequate quantity of safe drinking water, and for other purposes.

Mr. SPONG. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time not be charged against either side on the bill.

The PRESIDING OFFICER (Mr. BELLMON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPONG. Mr. President, as the Senate begins to consider what I believe to be one of the more important consumer and environmental measures of the 92d Congress, credit must be given to the authors of the original legislation which has resulted in the bill now before us. I refer to the distinguished chairman of the Committee on Commerce, Senator MAGNUSON; the distinguished chairman of the Subcommittee on the Environment, Senator HART; and the equally distinguished chairman of the Subcommittee on Health of the Committee on Labor and Public Welfare, Senator KENNEDY. Credit must also be given to Senator COTTON, the ranking minority member of the Committee on Commerce and to Senator STEVENS whose workmanship has contributed immensely to the development of this legislation.

The Safe Drinking Water Act, S. 3994, would establish a program within the Environmental Protection Agency to regulate drinking water. Currently, the regulation of public drinking water systems is primarily a State responsibility, with the Federal Government exercising jurisdiction only over drinking water aboard interstate carriers under the authority of the Public Health Service Act. EPA authority does not extend to the water supply systems themselves that serve interstate carriers, nor does it extend to any of the other 40,000 systems that exist in the United States.

Like other essential services, the supply of adequate amounts of high quality drinking water has come to be a service in this country which is not only hoped for, but demanded. Yet, despite our demands the track record has not been good.

In 1970, what is now the Division of Water Supply Programs of the Environmental Protection Agency completed a study of 969 drinking water systems in the United States. Extrapolated to the country as a whole, that study revealed that approximately 8-million people in this country are served water that is potentially dangerous in that it fails to meet the mandatory standards set by the Federal Government with respect to interstate carrier systems. While all classes of systems showed some problems, larger problems seem to exist with smaller systems serving smaller communities.

That study also showed that 79 percent of the systems checked had no sanitary survey by regulatory officials in the year preceding the survey, with only 64 percent having had a sanitary survey in the preceding 3 years; 90 percent failed to meet the biological surveillance criteria of the current drinking water standards for interstate carriers, with 85 percent failing to take the minimum number of samples over a given period of time.

During the 10-year period from 1961 to 1970, there were at least 128 known outbreaks of disease or poisoning attributable to drinking water. Most of these outbreaks were a result of drinking water from a system not controlled by a municipality, but rather from private systems serving, for example, restaurants, campgrounds, gas stations, hospitals, and State institutions. Some of these outbreaks were very serious indeed. For example, 18,000 people were affected by salmonella poisoning in Riverside, Calif., in 1965. Three people died. Thirty percent of the people in Angola, N.Y., suffered gastroenteritis from contaminated drinking water in 1968. In 1969, 60 percent of the Holy Cross football team was infected by infectious hepatitis as a result of a faulty water supply system.

S. 3994 would require EPA to establish minimum Federal drinking water standards prescribing maximum limits for contaminants as well as standards for the operation and maintenance of drinking water systems and surveillance, monitoring, site selection, and construction standards for public water systems to assure safe dependable drinking water. The amendment also would require EPA to establish recommended standards to assure esthetically adequate drinking water.

The States would be primarily responsible for enforcing the standards with Federal enforcement if the States fail to act. Direct Federal enforcement would also be authorized in cases of imminent hazard.

A National Drinking Water Council would be established to advise EPA on scientific and engineering matters.

The Administrator would be required to conduct and promote research on the problems of water supply, to give technical advice to the States and the water supply utilities, and to offer grant assistance in the training of personnel for water supply occupations. EPA would also be required to conduct a rural water survey within 2 years after enactment and to report back to Congress through the President on the results of that study and to give any recommendations that might be necessary for additional legislative authority. EPA would also be authorized to make grants for special study and demonstration projects with respect to water supply technology.

S. 3994 also contains an authorization for grants to the States to defray the cost of State programs. A primary conclusion of EPA's community water supply study is that the States are unable to do a proper job of regulating the water supply utilities. That study concluded that the States should be spending approximately three times the amount of money they currently spend. The program grants section of the bill would provide the financial help to bring State programs up to par.

Finally, S. 3994 contains a provision that authorizes citizens to bring injunctive suits against violators of primary drinking water standards and against the Administrator for failing to perform mandatory duties. The citizens suit provision is virtually identical to that contained in the Clean Air Amendments of 1970, the Federal Water Pollution Control Act amendments, and the Senate-passed Toxic Substances Control Act.

The problems of drinking water supply were summed up by Dr. J. H. Lehr, executive director of the National Water Well Association at hearings on legislation before the Subcommittee on the Environment:

> Overconfidence or apathy seems to pervade the public's attitude with respect to drinking water. Common daily experience plus a current myth about the future, falsely implies that the quality, safety, and adequacy of our municipal water supply systems are above reproach. Perhaps the myth can be stated as follows: "Everyone knows we have launched a massive water pollution control effort and that water borne disease outbreaks are a thing of the past.
>
> This statement is simply not true and the dangers of this misinformation are illustrated by the epidemic at Riverside, California in 1965 which affected 18,000 people, the 30% gastroineritis attack rate in Angola, New York, in 1968 due to a failure in the disinfection system, and the 60% infectious hepatitis attack rate which affected the Holy Cross football team in 1969 as a result of ineffective cross connection control procedures.
>
> The recent discovery of critical amounts of mercury in our water supply as a result of industrial waste disposal is more conclusive evidence of the existence of very current water hygiene.

Mr. President, the time is now to get a drinking water supply program off the ground. Without the authority that this legislation will grant, the Environmental Protection Agency, the States, and the consuming public will be forced to wait perhaps another year or longer before the Congress will have the opportunity to act again. I submit that we now have an opportunity to restore this Nation's confidence in our drinking water supplies and that we ought to take advantage of that opportunity. I urge the passage of the legislation.

Mr. STEVENS. Mr. President, I am pleased to rise in support of S. 3994, the Safe Drinking Water Act of 1972.

This proposal fills a wide chasm in the authority of the environmental protection agency to adequately protect the environment of this Nation, specifically the authority to insure sufficient supplies of pure and esthetically adequate drinking water for our population.

During the hearings on this proposal on March 20 of this year, Robert W. Fri, Deputy Administrator of EPA, testified that a 1970 study by HEW indicated that approximately 8 million Americans—5.4 percent of the population—are served water that is potentially dangerous. He went on to say that these problems often arise due to the fact that—

> Individual systems contain structural or operational defects . . . they are manned by improperly trained personnel, and because many state and local control programs are inadequate.

For these reasons, S. 3994 was unanimously approved by the Senate Committee on Commerce, even though this Senator and others expressed reservations about certain aspects of the legislation specifically related to the implementation of the programs established in the bill. These reservations are outlined in supplemental views in the committee report.

Mr. President, there can be no argument that every American has a right to safe, fresh, thirst-quenching drinking water—water that is free of contaminants which may cause severe disease and even death. It is equally certain that States and localities need Federal assistance in providing safe drinking water to their citizens. EPA now possesses sufficient expertise and technical capabilities to aid State and local governments in developing effective and realistic water control programs, which can assure an adequate supply of safe drinking water to every American.

S. 3994 requires EPA to set national drinking water standards related to contaminants and to the operation maintenance surveillance and monitoring of public water supply systems. It also authorizes EPA to make grants to the States in order to help meet the costs of the development and implementation of State programs. The legislation will also serve to promote advancement in water supply technology to improve the caliber of water supply facilities personnel and to conduct a survey of rural water supply systems with the purpose of bringing all water supply systems up to an acceptable level of operation.

Finally there are sufficient provisions in this bill to guarantee implementation and enforcement of national drinking water standards set by EPA with primary enforcement responsibility at the State level and Federal backup authority in cases of imminent hazard.

Mr. President this legislation represents a great step forward in an area which has heretofore been largely ignored at the Federal level. We have a golden opportunity to attack a problem before it reaches the crisis stage and to insure for years to come that this basic environmental problem—the provision and preservation of safe fresh drinking water—will be effectively and expeditiously resolved.

I therefore most strongly urge the adoption of S. 3994 the Safe Drinking Water Act of 1972.

Under the definition of "municipality" in section 3(4) of the act the term includes Indian tribes and authorized Indian tribal organizations having jurisdiction over water supplies. Generally the term "Indian tribes" and "Indian tribal organizations" also include Alaska Native villages. Do these terms in section 3(4) also include Alaskan Eskimo Aleut and Indian villages with jurisdiction over water supplies?

Mr. SPONG. My answer would be "Yes." My interpretation is that the terms "Indian tribes" and "Indian tribal organizations" include Alaska Native villages with jurisdiction over water supplies.

Mr. STEVENS. I am indebted to the Senator for his clarification.

Mr. President, I have an amendment at the desk and I call it up at this time.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was stated as follows:

> On page 19, between lines 13 and 14, insert the following: "No State shall receive less than 1 per centum of the annual appropriation for grants under this section, provided that the Administrator may, by regulation, reduce such percentage in accordance with the criteria specified under this subsection, and provided further, that such percentage shall not apply to grants allotted to Guam, American Samoa, or the Virgin Islands."

Mr. STEVENS. Mr. President, this amendment adds on page 19, line 13 of the bill, a new sentence:

> No state shall receive less than one percent of the annual appropriation for grants under this section, provided that the Administrator may, by regulation, reduce such percentage in accordance with the criteria specified under this subsection, and provides further, that such percentage shall not apply to grants allotted to Guam, American Samoa, or the Virgin Islands.

I am introducing this amendment on behalf of myself, the distinguished senior Senator from New Hampshire (Mr. COTTON), and the distinguished Senator from Kentucky (Mr. COOK). Also, I request that the following Senators be added as additional cosponsors: the Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. BROCK), the Senator from Kansas (Mr. DOLE), and the Senator from West Virginia (Mr. RANDOLPH).

This amendment will provide a floor for all States, the District of Columbia, and Puerto Rico, in the amount of at least 1 percent of the appropriations authorized under section 11 for State drinking water supply program grants, unless the Administrator of EPA publishes a regulation under the procedures of section 12 that the State, the District of Columbia, or Puerto Rico has not met the three criteria of subsection 11(b). This is but one of several different types of grants authorized under the act. Under section 11(a), $8 million is authorized for fiscal year 1973; $15 million is authorized for fiscal year 1974; and $21.3 million is authorized for fiscal year 1975. In addition, the committee staff estimates that $22.7 million will be needed for fiscal year 1976; and $23.7 million for fiscal year 1977.

Subsection 11(b) provides for three bases upon which the payments may be made: First, population; second, financial need; third, the extent of the actual or potential water supply problem. Under section 11, a maximum payment of two-thirds of the cost of any State program is set. In addition, the State programs must be approved by the Administrator of EPA. These special categorical grants are a wise alternative to general revenue sharing. However, because these three criteria are subjective, it is possible that certain States may suffer because of the wide discretion vested in EPA. Because of the problems of the large cities, localities which need literally billions of dollars for safe water programs, other areas of the United States with much smaller populations but often with much more severe supply problems, may well find themselves without the necessary funds under this section. Areas of rural America particularly may find themselves hard put to finance the administration of necessary water treatment programs. In addition, because of population shifts and small population bases, these problems may be greatly increased. Federal funds must assist these States to meet the costs they cannot meet themselves. Because many small rural communities lack industry and a necessary tax base, these areas have a greater need for Federal funds for water treatment programs. Such areas should not suffer under this highly important provision. In committee, the Senator from New Hampshire (Mr. COTTON) the Senator from Kentucky (Mr. COOK), and I supported an amendment on this subject. This amendment we are offering today will insure that small States without numerically large populations, but with significant water and health problems, will be able to receive Federal funding. We strongly believe that this amendment, which is not unique, is needed in section 11. The Senate has ample precedence for the adoption of such a provision. For example, only last April, in S. 3507, the coastal zone management bill, the Senate approved a provision in section 305 (e) setting a 1-percent floor for all State grants.

I am extremely pleased the manager of this bill, the Senator from Virginia (Mr. SPONG), has agreed to the adoption of this amendment. It will insure that hundreds of small communities will be able to benefit from this important act.

As the Senator from Virginia will recall, we discussed an amendment of this type in committee. It is my understanding that that amendment has been modified to give the Administrator discretion to reduce the percentage in accordance with the criteria specified in the subsection and this does not apply to grants allotted to Guam, American Samoa, or the Virgin Islands.

I believe this is an equitable solution to the problem we discussed in committee. I hope the manager of the bill will be able to accept the amendment as now modified.

Mr. SPONG. Mr. President, the subject matter of this amendment was discussed in committee and it resulted in the additional views filed by the Senator from Alaska and others in the committee report to the bill.

The approach has been modified and so modified I am pleased to support the amendment of the Senator from Alaska.

The Senator from Alaska has expressed concern that the smaller States would not receive their fair share of the program grant money authorized by the legislation. I am sympathetic to the Senator's concern. At the same time it should be recognized that the EPA possesses special knowledge with regard to the problems of the States and is in a better position to judge those needs than we are.

As the amendment of the Senator specifies that the Administrator may reduce the 1 percent minimum, the expertise of the agency can still be utilized to distribute the funds according to need.

At the same time, the amendment would establish the policy of Congress that the minimum should not be less than 1 percent unless the Administrator can justify the change by regulations. The amendment is a welcome addition to the bill and should protect the interests of the small and large States alike.

I urge adoption of the amendment of the Senator from Alaska.

Mr. STEVENS. Mr. President, again I am grateful to the Senator from Virginia. I would again urge adoption of my amendment.

The PRESIDING OFFICER. Is all time on the amendment yielded back?

Mr. STEVENS. I yield back my time.

Mr. SPONG. Mr. President, I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment was agreed to.

Mr. STEVENS. Mr. President, I am grateful for the opportunity to have participated with the Senator from Virginia in the consideration of this bill. I think it will fill a pressing need. It has particular applicability to my State, which has so many villages spread throughout the State that have problems in maintaining the adequacy of pure water.

I hope the bill is adopted.

May I ask if the Senator from Virginia intends to ask for the yeas and nays on the bill on final passage?

Mr. SPONG. I do not.

Mr. STEVENS. I have no desire to do so, either. I thank the Senator.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. SPONG. Mr. President, the floor manager is prepared to yield back the remainder of his time under the bill.

Mr. BROOKE. Mr. President, is the bill open to further amendment?

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BROOKE. Mr. President, I have an amendment.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read the amendment, offered by Mr. BROOKE for himself and Mr. CRANSTON, as follows:

> At the end of the bill, add a new section as follows:
>
> Funds authorized or appropriated by this or any other Act for United States forces with respect to military actions in Indochina, may be used only for the purpose of withdrawing all United States ground, naval and air forces and protecting such forces as they are withdrawn. The withdrawal of all United States forces from Vietnam, Laos and Cambodia shall be carried out within four months after the date of enactment of this Act: Provided that there is a release within the four-month period of all American prisoners of war held by the Government of North Vietnam and forces allied with such government, and an accounting of all Americans missing in action who have been held by or known to such Government or such forces.

Mr. SPONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. STEVENS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BELLMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BELLMON. Mr. President——

The PRESIDING OFFICER. Who yields time?

Mr. BELLMON. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator has no time. The Senator from Massachusetts has the floor on his amendment. Thirty minutes are allotted to the Senator from Massachusetts and 30 minutes to the Senator from Virginia.

Mr. BROOKE. Mr. President, I am pleased to yield 5 minutes to the Senator from Oklahoma.

Mr. BELLMON. I wonder if the Senator from Virginia would yield for a question.

Mr. SPONG. Mr. President, the Senator from Virginia will be pleased to yield for a question. May I ask what the parliamentary situation is?

The PRESIDING OFFICER. The parliamentary situation is that the Senator from Massachusetts yielded the Senator from Oklahoma 5 minutes on his amendment.

Mr. BELLMON. I wish to thank the Senator from Massachusetts.

Mr. President, if the Senator from Virginia would respond, I would like to raise a question about the language in line 21, on page 6. The bill states—

> The level of the quality of drinking water, the attainment, and maintenance of which is requisite to reasonably assure aesthetically adequate drinking water.

That causes me some concern, because in parts of the arid West the only water available is apt to be high in mineral content, and perhaps not esthetically adequate to those who are not used to this type of water. I wonder if this language is intended to mean that waters in those conditions would not be approved for human consumption.

Mr. SPONG. The subcommittee as a whole was concerned about the very question the Senator from Oklahoma has raised. I quote the following language from page 23 of the committee report:

> The Administrator must consider the difficulties that may arise in different areas of the country to achieve aesthetically adequate drinking water. Thus, the standards could vary according to geographic area depending upon what can reasonably be achieved. The committee recognizes that a given contaminant may be of public health significance at one level and of aesthetic significance at a lower level. For example, the presence of copper in drinking water at low levels is primarily of aesthetic concern. However, as the levels of copper rise, adverse physiological effects might become evident. Thus it may be preferable to specify that a given limit has aesthetic significance rather than to specify a given contaminant as being of aesthetic significance. EPA would be expected to take these factors into account in prescribing both national primary and secondary drinking water standards.

Mr. BELLMON. I wonder if the distinguished Senator from Virginia, the principal author of the bill, feels that it is necessary to have the phrase "aesthetically adequate" in this language? It seems to me we are giving a tremendous amount of authority to a Federal bureaucrat who might not like the taste of the water, so that he could shut down a business, or perhaps even cause a whole community to be without water.

Mr. SPONG. Is the Senator from Oklahoma suggesting that we drop the entire line out of the bill?

Mr. BELLMON. I would suggest the elimination of subparagraph (a) of subsection (2) on page 6.

Mr. SPONG. I will give consideration to that request, pending the completion of action on the pending amendment, but I would say that these are only recommended standards and are not enforceable by the Administrator. But I will have to look this over and confer further with the Senator from Oklahoma.

Mr. BELLMON. I thank the distinguished Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

Mr. BROOKE. Mr. President, I ask unanimous consent that the time for the quorum call not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROOKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROOKE. Mr. President, I ask unanimous consent that the germaneness agreement be deleted.

Mr. ERVIN. Mr. President, I could not quite understand the Senator.

Mr. BROOKE. I ask that the unanimous-consent request be amended to delete the nongermaneness provision of the agreement on this bill.

Mr. AIKEN. Mr. President, I object.

Mr. ERVIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. AIKEN. Mr. President, I maintain this is not germane.

Mr. SPONG. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SPONG. Will the Chair state for the benefit of the Senate the agreement with regard to germaneness insofar as the bill presently before the Senate is concerned?

The PRESIDING OFFICER (Mr. BELLMON). The agreement reads as follows:

> Provided further, that no amendment that is not germane to the provisions of the said bill shall be received.

Mr. AIKEN. Mr. President, this amendment is completely out of order at this time.

The PRESIDING OFFICER. Objection to the amendment has been heard. The Senator from Virginia has the floor.

Mr. SPONG. Mr. President, I would be pleased to yield to the Senator from Vermont if he wishes to make a motion with regard to the pending amendment.

Mr. AIKEN. Mr. President, I do not like to do this, but I am so disgusted with the efforts, the apparent political efforts being made on this floor from time to time to discredit the President, to even discredit the United States that I can only do what I am doing now, and that is to object to these continued efforts to discredit our President and our country.

That is all I have to say. I insist that this is a thoroughly nongermane amendment which has been offered, and I understand that the Chair has so ruled.

Mr. BROOKE. I yield myself such time as I have remaining.

Mr. President, I regret the unfortunate words of the distinguished dean of the Senate with respect to the amendment which was offered to the present bill. The Senate has operated according to nongermaneness since the beginning of this session. Apparently there was an agreement with regard to this particular bill prohibiting nongermane amendments, which was not known at the time the amendment was offered.

When the majority leader suggested to the Senator that the germaneness rule applied to this bill, the Senator did what is his right as a U.S. Senator—namely, asked unanimous consent to have the provision of germaneness removed. There was objection, and so be it.

But I am distressed that onyone would take the floor of the U.S. Senate and say that the offering of this amendment is politically motivated. The Senate has passed this amendment time and time again, as is its right. I serve notice on the Senate that I reserve the right to offer this amendment to any appropriate legislation. The amendment has been adopted in the past, and I hope it will be adopted again.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. BROOKE. Mr. President, the remarks of the Senator from Vermont were directed to every U.S. Senator who has voted for this amendment. At one time, 50 Senators, half of the U.S. Senate, voted for it. For my colleagues, and for myself, I regret that the statement was made and that it be retracted.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. CRANSTON. I would simply like to state that in my efforts to bring about an end to the Vietnam war, discrediting or crediting a President of the United States is a totally irrelevant factor.

I sought to bring about an end to this war, through what I could do, when Lyndon Johnson, a Democrat, a fellow Democrat, was President. I continue to do so when Richard Nixon, a Republican, is President. The effort of the Senator from Massachusetts, a member of the President's own party and a supporter of the President, makes plain that there is nothing partisan and nothing political about this.

There are many people in the Senate and in this country who feel very deeply that our country is being destroyed and injured terribly within by what we are doing in this war. We know that American lives are being lost. We know that American money is being wasted. We know that Asian lives are being lost and that Asian money is being wasted.

We believe that it is essential to bring about an end to our participation in this war, and we are seeking to do it by legitimate means within the power of Senators.

We believe that, if the Senate was able at any time to have a vote when all Senators would be present, the record makes clear that we would win on this issue. The vote the other day, one of the last 14 votes on this issue, which happened to have been lost by those seeking to end the war, was not representative. If all Senators are present, and we are seeking a vote when many more are present, we will win on this issue.

Our only purpose is to serve what we believe to be the needs of the country, to which we have deep and abiding loyalty.

Mr. BROOKE. I thank my distinguished colleague from California.

It was my original intention to attach this amendment to the foreign-aid appropriations bill, which is next to be considered by the Senate. There was a question of a point of order, however. It was suggested that the amendment might be legislation on an appropriation bill. Therefore, I offered the amendment to the present bill. I know the amendment is not germane to this bill. It has nothing to do with pure water. But the Senate has not operated on the germaneness rule in the past. In this instance, there was a unanimous-consent agreement of which I did not know.

Forty-two Members of this body voted for this amendment the other day, and, of the 42, eight were Republicans, all of whom stanchly support the President. In the past, as many as 50 Members of this body have voted for the amendment, including 11 members of the President's party. There is no attempt on our part to embarrass the President of the United States, to criticize the President of the United States. Those Republican Senators are now campaigning very vigorously for the reelection of President Richard Nixon.

For a Senator to stand on the floor of the Senate and say that this amendment is political and is meant to embarrass the President or in any way to help Hanoi is an unfortunate and regrettable statement, and again I ask that the Senator reconsider the statement and retract it.

Mr. AIKEN. Mr. President, I am voicing my own opinion.

The PRESIDING OFFICER. The time is controlled. Who yields time?

Mr. BROOKE. I will yield the Senator time, if I have it.

Mr. SPONG. I yield the Senator 3 minutes.

Mr. AIKEN. Mr. President, no one has worked harder during the last few years than I have to bring this war to an end; and all the time I was working, most of the people who now condemn the President and say our country is wrong never lifted a finger or raised their voices to help me.

I expressed my own opinion that these are political motives—and not very high-grade political motives—when they seek to condemn the President and our country at a time when it looks as though we might soon be able to extricate ourselves from the Southeast Asia situation. I do not have a high regard for those who devote so much energy toward discrediting the present administration in its efforts to restore peace throughout the world.

I know that President Nixon has made many mistakes. He will probably make more. Other Presidents have made mistakes, too. But I think this is no time to condemn him, to condemn his efforts to bring the war to an end, to condemn his efforts to expand the economic trade of the United States.

I do not raise wheat, but I cannot stand here without recognizing the efforts which are being made to destroy the wheat trade with Russia. I think it is good for us to expand our economic industry on an international basis. I certainly regret that there are those who feel that they have to repeatedly make efforts—heaven knows who they are hoping to please by it—to discredit our President.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. BROOKE. Mr. President, I certainly do not want to prolong this debate. if in fact it is a debate——

The PRESIDING OFFICER. The Chair sustains the point of order of the Senator from Vermont that the amendment is not germane.

The bill is open to further amendment.

Mr. BROOKE. Mr. President, how much time do I have remaining?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator may have not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROOKE. Mr. President, as I said, I do not want to prolong this debate, if in fact it is a debate.

I have the greatest admiration and respect for Senator GEORGE AIKEN, who, as he has said, certainly has worked valiantly to bring peace to this country and to Vietnam.

I think that the Senator certainly misunderstands the intent of this amendment, because there is nothing in the amendment which condemns President Richard Nixon—or any President, for that matter. The amendment has to do only with the extrication of our forces from Indochina, conditioned upon the return of American prisoners of war and an accounting of our missing in action. There is no condemnation of the President involved here. In every instance, we have commended the President for what he has said.

I know that the distinguished Senator from Vermont strongly supports the President. I applaud him for it. I agree with him. I strongly support the President in what he has done with regard to the Soviet Union and China, and even what he has done so far in Southeast Asia. But that does not deprive the Congress of the United States of its constitutional responsibility to act in this particular area of war and peace.

I am not going to reargue the matter. As I said, I do not want to debate it. I have great esteem and affection for Senator Aiken, and I regret that this debate had to take place.

On the other hand, Mr. President, I want to serve notice that I reserve the right to offer this amendment to any bill before this body, when it will not be subject to a point of order for the remainder of this Congress. And if the war is not over and I am back here next year, I will offer it then and continue to do so until such time as Congress has acted on this important issue, or until such time as the war is over.

I thank the Chair and I thank the distinguished majority leader for yielding me this time.

Mr. AIKEN. Mr. President, will the majority leader yield me 1 minute?

Mr. MANSFIELD. Mr. President, I ask unanimous consent to yield the remainder of the 5 minutes to the Senator from Vermont (Mr. Aiken).

The PRESIDING OFFICER (Mr. Bellmon). Without objection, it is so ordered.

Mr. AIKEN. Mr. President, I am not speaking exclusively or particularly about a Member of this Senate or of Congress. There are many other people throughout the United States that I would include and they are working tooth and nail against the President and his plans for peace and an expanded economy.

As to the proposed amendment, which calls for an end to the war within 4 months provided all American prisoners are released, like all the amendments previously offered, including one which I offered myself, and which was approved by the administration, 3 or 4 weeks ago. This amendment cannot be effective without first having an agreement with Hanoi.

If we have an agreement with Hanoi, we do not need this amendment, or any other amendment.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. SPONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SPONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Cook). Without objection, it is so ordered.

Mr. BELLMON. Mr. President, I have an amendment at the desk which I ask be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 6, line 17, strike "specify" and insert in lieu thereof "recommend".

On page 9, strike lines 22 through 25 and on page 10 strike lines 1 through 6 and renumber the remaining subsection.

The PRESIDING OFFICER. Would the Senator from Oklahoma ask unanimous consent that the amendments be considered en bloc?

Mr. BELLMON. Yes, Mr. President, I make such request.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. BELLMON. The purpose of this amendment is to clarify language relating to the phrase "esthetically adequate." My intention, by offering this amendment, is to make the administrator's decisions recommendations only and, by the amendment, also to relieve those affected by his findings of the notification procedures and change the law so that those would not apply.

This matter has been discussed with the distinguished Senator from Virginia (Mr. Spong), and I would appreciate his reaction to this amendment.

Mr. SPONG. Mr. President, the Senator from Oklahoma and I have conferred subsequent to the colloquy we had earlier in the afternoon.

This amendment is acceptable to the floor manager of the bill and I ask for its adoption.

Mr. President, I yield back the remainder of my time.

Mr. BELLMON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. SPONG. Mr. President, on behalf of the distinguished Senator from Michigan and the distinguished Senator from Washington, I ask unanimous consent to have their statements on the bill printed in the Record at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR HART

To my knowledge, the Safe Drinking Water Act represents the first attempt in the Senate to deal specifically with the problems of drinking water supply. While the Public Health Service Act contains the general authority to protect against communicable disease, history has shown this authority to be far too narrow to focus to achieve the type of protection expected by consumers of their drinking water.

As the Environmental Protection Agency's current authority extends only to assuring the quality of water aboard interstate carriers, the control of the water systems serving those carriers is exercised only through the force of publicity without any direct regulatory clout. In addition, EPA can only reach 665 public water systems out of approximately 40,000 that exist in the United States today. Studies by the Environmental Protection Agency have not only indicated severe problems of drinking water contamination, but have also shown that the ability of state regulatory officials to adequately monitor drinking water is clearly deficient. While Congress has often been accused of using shotgun approach where a rifle is needed, it seems that without this legislation, we are left to solve drinking water problems at the Federal level by threatening to throw a non-existent rock.

While I have some misgivings about the level of funds authorized to be appropriated by the legislation, it is my view that the proposed legislation represents an excellent point of departure for a Federal drinking water program. At the same time, it is incumbent upon the Congress, and this Senator in particular, to keep a close watch over the progress of the program to see if the authorizations contained in the legislation will indeed do the job.

Special praise for the development of this legislation must go to the junior Senator from Virginia. While Senator Magnuson, Senator Kennedy and I joined in introducing the initial legislation, it is Senator Spong who picked up the ball, chaired the hearings on the legislation and guided the legislation to its present state. Without his efforts, it is fair to say that this bill might have died a quiet death. Senator Spong not only deserves the praise of this body but the praise of consumers who will benefit by his efforts.

STATEMENT BY SENATOR MAGNUSON

S. 3994, the Safe Drinking Water Act of 1972, is truly landmark legislation. While many bills receive that label, few can meet the test as easily as S. 3994. In considering this legislation, the Senate has for the first time focused on a consumer and environmental issue which has for the most part escaped public attention. Most of us, I am sure, operate under the mistaken assumption that if water comes out of the tap, it must be good. Our confidence has not been justified, as was amply illustrated by witness after witness at the hearings of the Subcommitee on the Environment.

Should this bill become law, a good deal of responsibility will be placed not only on the Environmental Protection Agency, but on each of the States as well. One of the more important responsibilities of EPA under the legislation is to perform research and provide technical service and training of personnel to the States and the water supply utlities. While functions of this nature rarely make headlines, it is my view that these features represent one of the more important provisions of the bill. The hearings of the Subcommittee on the Environment revealed that the state of the art with respect to water supply problems is at a very primitive state. A good example is the controversy over whether viruses are present in drinking water and whether they can be controlled. Presently, approximately 8 weeks are required to perform the analytical tests for the presence of virus, and even these results do not have the type of validity that scientists strive for.

In addition, studies by the Environmental Protection Agency have shown their water supply treatment plants are operated largely by improperly trained personnel. A prime function of the EPA under the legislation would be to provide the necessary training to water supply system operators.

For these functions to be effective, laboratory and training facilities must be close enough to the States and utilities in order that they might receive the benefits of this provision of the bill. Presently, the Pacific Northwest is without such a facility, and any benefits that the State of Washington and other Northwest States receive must come through EPA's main research offices in Cincinnati. The situation has proved unworkable in the past, and the need for a laboratory will become even more acute when this legislation becomes law.

The Congress authorized the construction of a water quality lab in Manchester, Wash., in fiscal year 1967. While those funds are still available, the lab has yet to be built. Through the cooperation of the other members of the Appropriations Committee, we were successful in inserting some rather strong language in EPA's appropriation legislation directing that that laboratory be built. As the Environmental Protection Agency has now agreed to program funds for construction, it appears that the lab may become a reality. I can only reiterate my strong personal feelings that the laboratory should be built without further delay.

As a sponsor of the original legislation which has resulted in the bill now before us, I want to commend the Senator from Virginia for his diligent work on this bill. As with other matters of environmental and consumer concern, Senator Spong has again exhibited a capacity for untiring workmanship. I wish also to express my admiration and appreciation for the ranking minority member of the Committee on Commerce, Senator Cotton. His leadership was invaluable to the committee in the development of this legislation as was that of the junior Senator from Alaska, Senator Stevens.

Special tribute should also go to Steven Lathrop, an intern from Cornell with the Committee on Commerce during the summer of 1971. Mr. Lathrop first brought the problems of drinking water supply to our attention. Thanks should also go to Mike Brownlie and John Yarmouth of the committee staff, who worked so diligently on the legislation.

The time is now for this legislation and I am extremely pleased that the Senate will now act on such an important measure.

Mr. KENNEDY. Mr. President, I welcome this opportunity to express my support for S. 3994, the Safe Drinking Water Act of 1972. This measure is vitally important to the health of millions of Americans because it provides safeguards against the invasion of contaminants in the supplies of our drinking water systems.

Most people feel assured that our sources of water are almost limitless and wholly safe. But, public confidence in the safety of adequate drinking water is not completely warranted because the instances of assaults on the water systems of our cities indicate that we must guard against the dangers of bad water.

As designed by its authors, this bill establishes programs for the Environmental Protection Agency to regulate the procedures and standards affecting our Nation's drinking water systems.

Federal involvement with water programs is currently limited to control of contaminants in water supplied through interstate carriers. However, concern for Federal participation in the maintenance of adequate drinking water supplies increased because of serious lapses in the safety of several municipal water systems.

Over 18,000 people were affected by a 1965 epidemic in Riverside, Calif., a failure in the disinfection system in Angola, N.Y., precipitated a 30-percent gastroenteritis attack rate in 1968 and 60 percent of the 1969 Holy Cross football team suffered from infectious hepatitis as a result of ineffective water control procedures.

More recently, attention has been turned to reports of critical quantities of mercury and other metallic deposits in water supplies. Last January, officials from the Massachusetts Department of Health informed me that evidence of high lead deposits appeared in the drinking water of a sample of Boston homes. Though the deposits of lead that authorities discovered were minimal, considerable interest has mounted over this issue because even small amounts of lead over long periods of time may result in a buildup of lead in nerve and bone tissue that would eventually be dangerous. It has been nearly 3 years since I introduced legislation in the Senate to combat the hazards of lead-based paint poisoning. The tragic consequences of excess blood lead levels caused by this insidious disease are well known to medical authorities. Children are particularly susceptible to lead poisoning.

Medical records suggest that lead in paint presents the most critical threat to young children. But I share the concern of Massachusetts health authorities like Dr. Dorothy Worth who believe "we must minimize all possible environmental exposures to lead from air, paint, food, and water." The cumulative lead burden is known to be vitally important in affecting the health of our Nation's children. I am gratified to know that the provisions of this measure will adequately deal with the problems caused by the seepage of lead into our drinking water systems.

In addition to my concern about the problem of lead in water, I am seriously interested in the other provisions of this legislation that are designed to safeguard our Nation's water systems.

The Environmental Protection Agency disclosed in testimony before the Senate Commerce Subcommittee on the Environment that disease-producing viruses had been found in the drinking water of two Massachusetts cities—Lawrence and Billerica. I ask unanimous consent that my statement of March 21 and the texts of my letters to William D. Ruckelshaus, Administrator of the Environmental Protection Agency, and the Honorable Elliot L. Richardson, Secretary of Health, Education, and Welfare, be included in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR EDWARD M. KENNEDY REGARDING EPA ANNOUNCEMENT OF VIRUS IN DRINKING WATER

The citizens of Massachusetts, and indeed, people all over the United States were shocked to learn yesterday from EPA testimony before a Senate Committee that drinking water in two cities in Massachusetts are contaminated with disease-producing viruses. While the testimony suggests that there is no need for panic, I fully share the concern of these citizens that immediate action must be taken:

1. to assure that drinking water is regularly checked to meet health standards;
2. that information on the quality of the water is released immediately to the public; and,
3. that in areas found to have contaminated water, immediate action is taken to protect the health of the consumers.

It is little consolation that the water-treatment systems in Lawrence and Billerica, Massachusetts, are of higher quality than most. Surely, residents in other cities throughout Massachusetts and the rest of the country must be concerned that their treatment systems are not adequate to meet health standards. Today those who drink a glass of water may wonder if it has been adequately tested, and if so, whether the results of the test are unknown outside of government agencies.

The Environmental Protection Agency over the last two years has been working to develop a reliable method for detection of virus particles in drinking water. We applaud this goal and the breakthrough in their recent tests. However, we must assure that these scientific advances are employed immediately to assure that all drinking water is regularly tested and that the test results are regularly made public. It is unrealistic to assume that the health and safety of our citizens must rely on questioning of governmental agencies during Congressional hearings.

First, I have asked, today, that William S. Ruckelshaus, Director of EPA take immediate steps to institute a regular, uniform and timely investigation of all drinking water with an assurance that the results are released to the public. (The text of that request is attached.) Secondly, I have asked Elliot Richardson, Secretary of Health, Education and Welfare to cooperate with state and local health and safety agencies to establish a temporary emergency uncontaminated water supply to those areas of Massachusetts directly affected by the announcement of contaminated water. There is no more basic concern for our citizens than health. I have asked the Secretary to assure that the concern of those citizens be allayed by providing a water supply tested for health which may include the regular water supply or a special emergency supply. (The text of that request is attached.)

I look forward to immediate responses from those Federal Governmental agencies, and I want to assure the people of Massachusetts that my offices are available to provide a cooperative effort by federal, state and local officials during this period of concern for all our citizens.

MARCH 21, 1972.

Mr. WILLIAM D. RUCKELSHAUS,
Administrator, Environmental Protection Agency, Washington, D.C.

DEAR MR. RUCKELSHAUS: As a result of the testimony yesterday of EPA representatives before the Senate Commerce Subcommittee on Environment, I am requesting that immediate action be taken to assure a clean, safe, and healthy drinking water supply for the citizens of Massachusetts.

The residents of Lawrence and Billerica, Massachusetts, are concerned today that the only water supply available to them does not meet minimum health standards. The EPA has made a significant technological advance in virus detection methods. We must assure that these advances immediately become a part of a comprehensive, regular, uniform and timely method of water inspection. I also request that the results of these investigations are made available immediately to the consumers.

I appreciate the difficulties involved in developing a comprehensive program of water supply testing and I applaud the EPA for its efforts to date. But I fully share the concern of our citizens that the water they drink has not been adequately tested or that test results have been circulated only among governmental officials.

I ask your immediate attention to this situation in Billerica and Lawrence, Massachusetts, and I offer you my complete cooperation in working toward a safe, tested water supply.

I look forward to hearing from you.

Sincerely,

EDWARD M. KENNEDY.

MARCH 21, 1972.

Hon. ELLIOT L. RICHARDSON,
Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: Yesterday testimony before the Senate Commerce Subcommittee on Environment revealed that the water supply in two Massachusetts cities are contaminated with disease-producing viruses. I know that you share my deep concern that immediate action be taken to provide the residents of Billerica and Lwarence, Massachusetts, with a water supply which meets minimum health standards.

Immediate steps should be instituted by the Department of Health, Education, and Welfare to assure that this water supply is thoroughly tested for safety, and if minimum health requirements are not met that an emergency water supply be provided to these cities. Surely, there can be no more important step for government officials during this time, than the immediate implementation of measures to assure an adequate and clean supply of drinking water.

I am more than happy to work with your office in any way to assure that a joint cooperative effort between federal, state and local officials during this period of great concern for the citizens of Massachusetts.

I look forward to hearing from you.

Sincerely,

EDWARD M. KENNEDY.

ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., April 5, 1972.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: This is in response to your letter of March 21, 1972, requesting that we give our attention to assuring a safe water supply for the citizens of Massachusetts.

The Environmental Protection Agency, as part of its drinking water program, has made significant progress in the development and application of methods that are sufficiently sensitive to isolate and identify the quantities of virus likely to be present in finished drinking water. To test these method, a study was made of three cities, including Lawrence and Billerica, Massachuetts.

It must be emphasized that the water supply systems of Lawrence and Billerica are very good and efficient systems. Indeed, they were chosen for the study because the high quality of their drinking water made possible a very stringent test of the sensitivity of the detection methodology. As we indicated in our March 20, 1972 testimony before the Senate Commerce Subcommittee on the Environment, we share your concern for a safe drinking water supply, not only for the people of Massachusetts, but for all our Nation's citizens. In that testimony, we noted that many of the Nation's water supply systems are subject to potential problems because they contain structural or operational defects; because they are manned by improperly trained personnel; and because many State and local control programs are inadequate. The water supply systems of Lawrence and Billerica are definitely not in this unfortunate group. The residents of these communities continue to receive a water supply that is of a high quality in terms of present day health standards. Such standards impose mandatory limits on levels of contaminants such as coliform bacteria, arsenic, barium, cadmium, chromium, cyanide, lead, fluoride, selenium, and silver which can clearly affect the health of the user. None of these mandatory limits have been exceeded in the supply system of Lawrence and Billerica and there has not been any unusual level of disease or other ill health effects observed in these areas.

Even if the water supply of these communities should be found to be unsafe, we would be limited under present law as to action we could take to remedy the situation. Our authority to enforce National standards currently extends to the protection of the interstate traveler, not to the protection of the local citizen. Under the Public Health Service Act, the Environmental Protection Agency is authorized to prevent interstate carriers from utilizing drinking water from community supply systems which have not complied with our required standards. We have no authority with regard to the use of such drinking water by the local residents. The regulatory gap will exist until the Senate and the House of Representatives act on the currently pending drinking water legislation which will make National drinking water standards applicable to all community water supply systems and enforceable for the protection of all individuals using the water from such systems.

We are, however, immediately doing all that we possibly can within our authority with regard to the drinking water supply of Billerica and Lawrence. I have instructed our Regional Office for Region I, which includes the State of Massachusetts, to conduct a series of tests on the water supply systems of Billerica and Lawrence to assure that existing water hygiene technology is fully applied and to confirm that the citizens of Billerica and Lawrence are indeed receiving safe supplies of drinking water. I am also directing that our experimentation into virology be continued. Standards for viruses in drinking water have not been established because of the lack of knowledge as to what amounts of virus particles in such water can cause disease. As a result of the initial three cities study, we are proceeding to redesign the virus study so that we can attempt to determine what levels of viruses in drinking water might have a potentially dangerous effect on human health. On the basis of this determination, we will then be able to promulgate standards imposing limits on viruses in drinking water supplies.

We are in the process of preparing a report on our research in the area of virology and water hygiene and will make this immediately available upon completion. Your interest in the problems of safe drinking water is appreciated. Please advise me if I may be of any further assistance.

Sincerely yours,

WILLIAM D. RUCKELSHAUS,
Administrator.

Mr. KENNEDY. Mr. President, we were assured that the discovery of viruses represented a scientific breakthrough; that there was no cause for alarm. But it is very clear that this was a final warning signal that congressional action is imperative and Federal participation is crucial if the quality of our drinking water is to meet minimum health and safety standards.

The legislation we are considering today calls for minimum national drinking water standards, a meaningful national research and development program, and financial and technical assistance to State and local governments for planning, training, and the development of new methods of water treatment. The committee has also included a most important provision calling for adequate, uniform, and timely publication of water quality information to the public.

Mr. President, over the years, water pollution control efforts, that is the regulation of pollutants on raw, untreated water in our rivers and lakes have amassed tremendous support and Federal funding. Over a billion dollars has been spent on these sources of about 50 percent of our drinking water. But where is the concern for the other half of the problem—effective treatment of this raw water supply before it reaches our taps. If all our efforts at water pollution abatement were effective today, the problems of water treatment would still be with us. It is not only the chemical components of industrial wastes which must concern us, there are also problems of bacteria and virus factors which deserve our immediate attention.

We have heard before the history of our successes and our failures in water quality control in this country. Our early and effective efforts to provide clean drinking water were a great success, accounting in some part for the unconcerned reaction of many of our citizens that the water they drink now may be of inferior quality. Water treatment methods effectively wiped out typhoid and dysentery from water borne sources as long ago as the 1930's. But our record since then has been less than effective. Research has been less than adequate on disease-producing contaminants in our water supplies and the inadequacy of our water treatment facilities and methods have become apparent.

While our population has grown larger, our water sources have grown smaller and dirtier. Our technology has put us on the moon, but no new type of effective water treatment facility has been developed. And, while we have endlessly researched new and better televisions and washing machines and vacuum sweepers, no new method of treatment to eliminate viruses from drinking water has been advanced.

Mr. President, the statistics are shocking: 9 percent of tested samples were labeled "potentially dangerous quality" serving a total of 360,000 people; 41 percent of the 969 systems were delivering waters of inferior quality to 2.5 million people; 36 percent of the 2,600 individual tapwater samples contained one or more bacteriological or chemical constituents exceeding the limits in the Public Health Service drinking water standards; 56 percent of the systems tested evidenced physical deficiencies including poorly protected ground water sources, inadequate disinfection capacity, or inadequate system pressure.

Many water treatment facilities were found to be understaffed, inadequately funded, poorly operated and maintained. Operation and maintenance personnel often lacked sufficient training and expertise in the field of water quality control. In this study 77 percent of water facility operators were found to have inadequate training.

We are all familiar with the Federal Government's role in the regulation of drugs, foods, air pollution, mine safety, and solid waste management; but Federal participation and direction in the area of drinking water has been limited by a lack of funds and a lack of authority. EPA has been limited to the regulation of interstate water supplies only. For example, on March 17, 1972, EPA issued a prohibition against the use of water from Cordova, Alaska, aboard interstate carriers—trains, buses, planes. But no authority exists for a Federal governmental role in water supplies within a community. The absence of citizen demand for pure drinking water can be traced directly to the lack of information obtained or disseminated to the community concerning the local supply.

On August 24, 1972, the EPA announced that the city of Haverhill, Mass., failed to meet the bacteriological requirements of the Public Health Service drinking water standards. This action meant once again that interstate carriers were prohibited from taking on water in Haverhill, but the EPA was powerless to assist the citizens within the community. They could only urge city officials to take steps to correct the situation.

EPA estimates that the States should be spending at least $30 million a year on water supply systems, just to keep pace with increasing population and ever-increasing pollution. But the States are currently spending one-third of that.

In 1965 in Riverdale, Calif., 16,000 residents became ill and three died from salmonella in the drinking water. In 1969, 30 percent of the population in Angola, N.Y., contracted gastroenteritis from the drinking water supply. And in 1969 in my own State of Massachusetts, the football team from Holy Cross was downed with a 66-percent infectious hepatitis rate from a faulty water delivery system.

Current methods of water treatment appear to be insufficient based on the limited research on virus in drinking water. The waste treatment plants in Lawrence and Billerica, Mass., are considered of superior quality—yet initial testing found virus in both supplies. Only three systems in the United States have been tested for virus and no technology yet exists for an efficient, noncumbersome, effective, and quick way to test for virus. EPA has been working to develop this technology.

And we must find a way to protect the 20 million Americans who do not have water delivered into their homes. They must pay excessive amounts for water, sometimes haul it over long distances, sometimes from muddy and dirty sources.

Mr. President, clean drinking water is directly related to disease prevention. As Drs. Wilheim Huepre and W. D. Conway pointed out:

> The most common and often prolonged and therefore the most dangerous contact with carcinogenic cancer-producing pollutants occurs when water thus contaminated is used for drinking water purposes and the preparation of food. EPA feels that the major cost of waterbourne disease is probably not the cost of medical treatment or even time lost from work, but the 365 days spent each year in semi-productive work due to chronic illness.

The bill we have before us establishes minimum drinking water standards, provides research funding, gives grants to the States to develop effective water programs. Every American has a basic right to safe, clean drinking water. It is time for the Congress to see that this right is enjoyed by all our citizens.

Mr. RANDOLPH. Mr. President, the people of the Nation and the Congress can be gratified for the recognition and concern and action that has been given to environmental quality concerns. In recent years there has been an increasing awareness for environmental quality. It has resulted in the enactment of landmark social legislation providing Federal regulatory roles in air and water pollution control, coupled with a strong Federal-State partnership. For example, this week the House and Senate Public Works Committees will file the conference report on the Federal Water Pollution Control Act Amendments of 1972 in recognition of the increasing national concern over degradation of our nation's lakes, streams, and estuaries.

During this period, however, comparable attention to that for pollution control has not been given to providing public water supplies which are safe and free from risk to the public health and welfare. Yet, the water supply industry is faced with an increasing spectrum of chemical substances which occur as pollutants in raw water sources and are not removed by current water supply treatment methods ending up in the drinking water supply itself. The quality of public water supplies is now at a point where strong remedial action is needed to deal with the deterioration that has occurred.

In our emphasis, in recent years, on man's effect on biological or ecologic systems we may very well have neglected a critical link in the chain where man, himself, has direct daily contact with water—drinking water. As beneficial as our Federal water pollution control program has been and will be, the American Academy of Environmental Engineers, and other, have pointed out that present technology will require joint and supplementary wastewater and water supply treatment programs if adequate supplies of potable, safe drinking water are to be assured.

What is needed is a reaffirmation of the historical public health concern for water hygiene. Such recognition of the current state of affairs—one of unjustified and unacceptable degradation of the quality of public drinking water supplies—is reflected in S. 3994, the Safe Drinking Water Act of 1972, which is under consideration today and which I fully support. This degradation is such that, in mid-1970, some 8 million people or 5 percent of the people being served by public water systems in this country were paying for drinking water that is potentially dangerous in that it fails to meet Federal standards which only apply to water supply systems used by interstate carriers. As pointed out in the Commerce Committee's report, in the 10-year period 1961 to 1970, there were 128 reported outbreaks of disease or poisoning attributed to drinking water; and this does not include the incidents which went unreported or undetected.

I take this opportunity to commend my distinguished collegue, Senator SPONG, the junior Senator from the Commonwealth of Virginia, and Senator HART for their leadership in the formulation of this much needed water supply legislation. As chairman of the Committee on Public Works, I had the pleasure of serving with BILL SPONG on our committee from 1967 to 1970. During this period Senator SPONG was instrumental in contributing to the formulation of such environmental legislation as the Air Quality Act of 1967, the Water Quality Improvement Act of 1970, the Clean Air Amendments of 1970, and the Resource Recovery Act of 1970. Although I was sorry to see him move over to the Senate Commerce Committee in 1971 it is readily apparent he is continuing to follow his interest and leadership role on environmental issues.

With the transfer of the water hygiene program of the U.S. Public Health Service to the Environmental Protection Agency in December 1970, an opportunity was provided for this Federal program to be enhanced. The current program is limited, for the most part, to responsibility for preventing the spread of communicable diseases in interstate commerce. This represents less than one-half of the 160 million people served by community water supply systems. More significantly, existing Federal enforcement authority applies to only 665 out of an estimated 30,000 public drinking water supply systems serving both large cities and small towns.

The Public Health Service's 1970 Survey of Community Water Supply Systems indicated that a major problem—as for other environmental programs—is a lack of adequately trained personnel. For example, the States employ only about one-third of the number of public health engineers needed to support effective State programs. The situation was so bad in 1970 that 79 percent of the water supply systems surveyed—four out of five—had not been checked for drinking water safety in the previous year.

Without question, there is an immediate national requirement to initiate the Federal programs necessary to assure the application of adequate, up-to-date standards of drinking water quality which, at a minimum, protect public health. Also there is the need to assure that public water supply systems are, in fact, delivering reliably safe drinking water to their customers. To a large extent, the public has been led to believe that water pollution control efforts are a panacea which will not only restore and enhance the water quality of our lakes, streams, and coastal waters, but also guarantee delivery of adequate quantities of safe drinking water. Although water pollution control efforts will assist in the delivery of safe drinking water to the consumer's tap, community water supplies must be treated, also. These programs are complementary and Federal water hygiene activities must receive the needed resources and enforcement authority which are provided for in S. 3994, the Safe Drinking Water Act of 1972, if this program is to assure safe, potable water supply systems.

When the results of the Public Health Service's 1970 community water supply study were called to my attention, I directed the professional staff of the Committee on Public Works to work with Senate Legislative Council to draft water supply legislation for my introduction which reflected and complemented the concepts contained in existing Federal environmental policies. The Senate Commerce Committee undertook hearings on this matter before my bill was introduced, however. Because of my deep interest in this legislation I arranged for copies of my draft bill to be made available to the staff of the Senate Commerce Committee for their use along with the services of Richard D. Grundy, a public health engineer on the staff of the Committee on Public Works. My draft bill provided authority for—

First, research on the causes, effects, and remedies for contamination of water supply systems, incorporating World Health Organization recommendations;

Second, training personnel to design, operate, and regulate water supply systems;

Third, special study and demonstration grants to design, construct, and operate new or improved water supply systems modeled after comparable provisions in the Resource Recovery Act of 1970;

Fourth, program grants to State and local water hygiene agencies for planning and control;

Fifth, establishment of a Water Hygiene Advisory Board and ad hoc advisory committees as in air and water quality statutes;

Sixth, the issuance within 90 days of enactment of the bill of water hygiene and raw water source criteria;

Seventh, the issuance of proposed national minimum water hygiene and raw water source standards, within 90 days of enactment of the bill, which provide for the protection of public health, and promulgation of such standards within 90 days thereafter;

Eighth, the retention of existing State standards and enforcement procedures unless the Administrator makes a specific determination that they are inadequate;

Ninth, inspection, monitoring and records as in the Clean Air Act, as amended;

Tenth, Federal enforcement where national minimum standards are being violated, modeled after the Clean Air Act, as amended;

Eleventh, conformity of Federal water systems and raw water sources with national minimum standards;

Twelfth, emergency regulatory powers where there is an imminent and substantial endangerment to the health of persons;

Thirteenth, judicial review;

Fourteenth, comprehensive economic cost studies of the impact of implementing this bill as a basis for future legislative action.

Mr. President, I support S. 3994, the Safe Drinking Water Act of 1972, as reported by the Senate Committee on Commerce, and urge its passage.

Mr. SPONG. Mr. President, if there are no further amendments to be offered, the manager of the bill is prepared to yield back his time.

Mr. SCOTT. Mr. President, we yield back the remainder of our time on this side.

The PRESIDING OFFICER (Mr. Cook). The bill is open to further amendment. If there be no further amendment to be proposed the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 3994

An act to assure that the public is provided with an adequate quantity of safe drinking water, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Safe Drinking Water Act of 1972".

DECLARATION OF POLICY

Sec. 2. (a) The Congress finds—

(1) that increasing quantities and types of chemicals, bacteria, viruses, toxic metals, and other contaminants are entering the public water systems that serve as sources which supply the Nation with water for drinking many of which are either not detected or removed by established water testing and treatment methods and which are consumed by or come in contact with the public, thereby presenting hazards or potential hazards to the public health;

(2) that the public should be provided with adequate quantities of water that is safe for drinking and other human uses;

(3) that the sale and shipment of contaminants of drinking water or products made through the use or production of such contaminants through interstate commerce present a danger to the public from consuming water containing such contaminants;

(4) that the Federal Government has the responsibility of establishing minimum national drinking water standards for all public water systems and to encourage State and local governments to establish equivalent or more stringent standards; and

(5) that State and local governments are in need of Federal assistance in assuring the quality of water required for drinking and other human uses, and to that end the Federal Government should supply technical assistance, research and development information, monitoring, and testing information, assistance for the planning and implementation of comprehensive State drinking water programs, assistance for the development and demonstration of new or improved methods of making water safe for drinking, and assistance for the training of individuals involved in the management and safe operation of our Nation's public water supply systems.

DEFINITIONS

Sec. 3. As used in this Act—

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "Agency" means the Environmental Protection Agency.

(3) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(4) The term "municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law and having jurisdiction over the supply of water to the public, and an Indian tribe or an authorized Indian tribal organization.

(5) The term "person" includes a State or an authorized Indian tribal organization.

(5) The term "person" includes a State or political subdivision thereof, municipality, corporation, partnership, association, private or public nonprofit institution, or an individual.

(A) any system which provides drinking water, including bottled drinking water, (i) to ten or more premises not owned or controlled by the supplier of water or (ii) to forty or more individuals receiving such drinking water from a system not serving travelers in interstate commerce;

(B) any system which provides drinking water to carriers serving travelers in interstate commerce;

(C) any person which provides drinking water to facilities or establishments serving travelers in interstate commerce, except that the Administrator may by regulation exempt any such system or class of such systems if he determines that such exemption will not result in any unreasonable threat to public health; and

(D) any other system or class of systems which provides drinking water if the Administrator determines by regulation that such system or class of systems may pose an unreasonable threat to public health.

(7) The term "supplier of water" means any person who controls, owns, or operates a public water system.

(8) The term "Council" means the National Drinking Water Council, established under section 7 of this Act.

(9) The term "contaminant" means any physical, chemical, biological, radiological, or other substance or matter which may cause or transmit infectious disease, chemical poisoning, chronic disease, or other impairment to man, or which may have any other deleterious effect on the public health.

(10) The term "bottled drinking water" means water for human consumption sold in a closed container.

NATIONAL DRINKING WATER STANDARDS

Sec. 4. (a) The Administrator shall, after consultation with the Secretary of Health, Education, and Welfare, (A) issue initial proposed regulations prescribing national primary drinking water standards within one hundred and eighty days after the date of enactment of this Act and (B) issue initial proposed regulations prescribing national secondary drinking water standards within one hundred and eighty days after the date of such enactment. The Administrator shall specify in such proposed regulations the date on which such regulations shall take effect, which shall be as soon as is practicable.

(b) (1) National primary drinking water standards, as described under subsection (a) of this section, shall be drinking water standards and programs, the attainment and maintenance of which, are requisite to reasonably protect the public health, except that the Administration shall not prescribe the addition of any substance other than for the purpose of treating contaminants. Such standards—

(A) shall prescribe the maximum permissible levels for any contaminants which may exist in any public water system in the United States which may cause or transmit disease, chemical poisoning, or other impairments to man, allowing adequate margins of safety;

(B) may apply to any feature of the water supply system including, but not limited to, the treatment, storage, and distribution facilities;

(C) shall include standards for the adequate operation, maintenance, surveillance, and monitoring of water quality adequate to assure a dependable supply of drinking water which meets the requirements of subparagraph (A); and

(D) shall include standards for construction and site selection of public water system facilities to protect such facilities from floods and other natural disasters.

(2) National secondary drinking water standards, as described under subsection (a) of this section, shall recommend the level of quality of drinking water the attainment and maintenance of which is requisite to reasonably assure aesthetically adequate drinking water. Such standards may apply to any constituent of drinking water (A) which may affect the taste, odor, or appearance of such water, or (B) which may otherwise be necessary to assure aesthetically adequate drinking water.

(3) In establishing or revising standards under this section, the Administrator shall take into consideration the views and recommendations of the Council established pursuant to section 7 of this Act.

(c) The Administrator shall publish simultaneously with the issuance of any proposed national primary or national secondary drinking water standard under this section—

(1) Such criteria and information as, in his judgment, are necessary to accurately reflect the nature and extent of all identifiable effects on public health or welfare which may be expected from the presence of the contaminant which is the object of such proposed drinking water standards.

(2) Information and data on drinking water treatment methods and technology for the control of the contaminant which is the object of such proposed drinking water standard. Such information and data shall apply to each feature of the water supply system at which control of the contaminant may be exercised including, but not limited to, treatment, storage, and distribution facilities and the adequate construction, maintenance, and operation thereof. Such information and data shall include the costs of such treatment and the effectiveness of such treatment in controlling such contaminant.

(d) The Administrator shall, at least every three years, review the adequacy of any national primary or secondary drinking water standard under subsection (a) of this section and the criteria, information, and data published under subsection (c) of this section. The Administrator shall publish his findings in the Federal Register.

ENFORCEMENT OF STANDARDS

SEC. 5. (a) For the purposes of this Act, a State will be considered to have primary enforcement responsibility during any period for which the Administrator has approved a plan in accordance with section 11(d) of this Act and such plan is not being unreasonably deviated from to any significant extent by such State. If any such State has primary enforcement responsibility, the Administrator shall monitor the activities of such State only to the extent necessary to determine if such plan is being unreasonably deviated from to any significant extent. To the maximum extent practicable, any such monitoring shall not duplicate the activities of such State.

(b) (1) Whenever, on the basis of information available to him, the Administrator finds during a period in which a State has primary enforcement responsibility under subsection (a) of this section that any public water system in such State does not comply with any national primary drinking water standard he shall so notify the State in which such water system is operating. If the Administrator finds that such failure to comply with such standard extends beyond the thirtieth day after such notification he shall give public notice of such failure to comply with such standard and the extent of the dangers posed and shall, if appropriate remedial action has not been taken to prevent any unreasonable endangerment to public health, (i) commence an action under section 16 of this Act, or request the Attorney General to do so, or (ii) issue an order in accordance with subsection (d) of this section.

(2) Whenever, on the basis of information available to him, the Administrator finds during a period in which a State does not have primary enforcement responsibility under subsection (a) of this section, that a public water system in such State does not comply with any national primary drinking water standard he shall give public notice of such finding and the extent of the dangers posed, and shall, if appropriate remedial action will not be taken to prevent any unreasonable endangerment to public health, (i) commence an action under section 16 of this Act, or request the Attorney General to do so, or (ii) issue an order in accordance with subsection (d) of this section.

(c) Whenever, on the basis of information available to him, the Administrator finds that any public water system in a State does not comply with any national secondary drinking water standards, he shall notify such State and request such State to take appropriate remedial action. If, after a reasonable time following such notification, the Administrator finds that such State has not taken remedial action, he shall give public notification of such finding in a manner suitable to inform users of such public water system of such violation.

(c) (1) Any order issued under subsection (b) of this section shall specify such relief as may be appropriate to prevent any unreasonable endangerment to public health. Such relief may include an order requiring the person responsible for the violation which results in the order to cease such violation, to notify customers of such violation in accordance with section 11(d)(8) of this Act, or to furnish emergency supplies of drinking water.

(2) Any order under this subsection shall be issued only after notice and opportunity for a hearing in accordance with section 554 of title 5, United States Code.

IMMINENT HAZARDS

SEC. 6. (a) An imminent hazard shall be considered to exist when there is reason to believe that a constituent of the drinking water of a public water system will result in a serious risk to health prior to the conclusion of an administrative hearing or other formal proceeding held pursuant to this Act and that a State or local authority or the supplier of water has not acted to eliminate such risk.

(b) If an imminent hazard exists, the Administrator may petition an appropriate district court of the United States, or he may request the Attorney General to do so, to order such action as is necessary to eliminate the imminent hazard. The Administrator shall simultaneously, if he has not previously done so, propose any regulation which might be necessary under section 4 of this Act, or he may commence an action under section 16 of this Act.

NATIONAL DRINKING WATER COUNCIL

SEC. 7. (a) There shall be established in the Environmental Protection Agency a National Drinking Water Council consisting of fifteen scientifically qualified members. The Administrator shall appoint members of the board from a list of individuals recommended to him by the National Academy of Sciences or from such other sources as he deems advisable. Such Council shall include qualified scientists none of which shall have any economic interest in the supply of drinking water and not more than one-third of which shall have any responsibility for the regulation of drinking water. Each member of such Council shall hold office for a term of three years, except that—

(1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term;

(2) the terms of the members first taking office shall expire as follows—(i) five shall expire three years after the date of enactment of this Act, (ii) five shall expire two years after such date, and(iii) five shall expire one year after such date, as designated by the Administrator at the time of appointment; and

(3) the members of such Council shall be eligible for reappointment.

(b) The National Academy of Sciences shall maintain a list of qualified scientists to assist the Administrator in appointing members to such Council.

(c) Such Council shall advise, consult with, and make recommendations to the Administrator on matters relating to the scientific review of data, including engineering data, relating to the activities of the Agency under this Act. Such Council shall, upon the request of the Administrator, review any proposed action of the Administrator and shall report its views and reasons therefor in writing to the Administrator within a reasonable time, as specified by the Administrator. All proceedings and deliberations of such Council and their reports and reasons therefor shall be public record. The report of the Council and any dissenting views shall be considered as part of the record in any proceeding taken with respect to the Administrators' action.

(c) The Administrator is authorized to reimburse the National Academy of Sciences for expenses incurred in carrying out this section.

(d) Members of such Council who are not regular full-time employees of the United States shall, while serving on business of the Council, be entitled to compensation at rates fixed by the Administrator, but not exceeding the daily rate applicable at the time of such service to grade GS-18 of the Classified Civil Service, including traveltime; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5701 of title 5, United States Code, for persons in the Government service employed intermittently.

RESEARCH, TECHNICAL ASSISTANCE, INFORMATION, TRAINING OF PERSONNEL

SEC. 8. (a) The Administrator shall conduct and promote the coordination of research, studies, and investigations and render financial, technical, and other assistance to appropriate public agencies, institutions, water supply utilities, and individuals in the conduct of research, studies, and investigations relating to the causes, diagnosis, treatment, control, and prevention of diseases and impairments of man resulting directly or indirectly from contaminants in drinking water, or to the provision of an adequate quality and quantity of safe drinking water. Such research, studies, or investigations may include, but shall not be limited to, the development of—

(1) new and improved methods to identify and measure the existence of contaminants in drinking water and to identify the source of such contaminants;

(2) new and improved methods to identify and measure the health effects of contaminants in drinking water;

(3) new and improved methods of treating water to prepare it for drinking, to improve the efficiency of water treatment and to remove contaminants from the water; and

(4) new and improved methods for

providing adequate quantities of safe water for drinking to the public, including improvements in water purification and distribution, and methods of assessing the health related hazards of other characteristics of drinking water supplies.

(b) In carrying out this Act, the Administrator is authorized to—

(1) collect and make available information pertaining to research and investigations, with respect to providing adequate quality and quantity of safe drinking water together with appropriate recommendations in connection therewith;

(2) make available research facilities of the Agency to appropriate public agencies, institutions, water supply utilities, and individuals engaged in studies and research relating to water supply; and

(3) make grants to, and contracts with, any State or other public agency, educational institution, water supply utility, any other organization, and individuals in accordance with procedures prescribed by the Administrator, under which he may pay all or a part of the costs (as may be determined by the Administrator) of any project or activity which is designed—

(A) to develop, expand, or carry out a program (which may combine training, education, and employment) for training persons for occupations involving the management and safe operation aspects of providing safe drinking water; and

(B) to train instructors and supervisory personnel to train or supervise persons in occupations involving the management and safe operations aspects of providing safe drinking water.

(c) There are authorized to be appropriated to carry out the provisions of this section $10,500,000 for the fiscal year ending June 30, 1973; $17,250,000 for the fiscal year ending June 30, 1974; and $23,250,000 for the fiscal year ending June 30, 1975. Sums appropriated pursuant to this section shall remain available for obligation through the close of the following fiscal year.

RURAL WATER SURVEY

SEC. 9. (a) The Administrator shall (after consultation with the Secretary of Agriculture and the several States) enter into arrangements with public or private entities as may be appropriate to conduct a survey of the quantity, quality, and availability of rural drinking water supplies. Such survey shall include, but not be limited to, the consideration of the number of residents in each rural area—

(1) presently being inadequately served by a public or private drinking water supply system, or by an individual home drinking water supply system;

(2) presently having inadequate access to or no access to drinking water; and

(3) who, due to the absence or inadequacy of a drinking water supply system, are exposed to an increased health hazard.

(b) Such survey shall be completed within two years of the date of enactment of this Act and a final report thereon submitted not later than six months after the completion of such survey, to the President for transmittal to the Congress. Such report shall include recommendations for improving rural water supplies.

(c) There are hereby authorized to be appropriated to carry out the provisions of this section $1,000,000 for the fiscal year ending June 30, 1973; $2,000,000 for the fiscal year ending June 30, 1974; and $1,000,000 for the fiscal year ending June 30, 1975.

SPECIAL STUDY AND DEMONSTRATION PROJECT GRANTS

SEC. 10. (a) The Administrator is authorized to make grants to appropriate public and private agencies, institutions, water supply utilities, and individuals for the purposes of—

(1) assisting in the development and demonstration of any project which will demonstrate a new or improved method, approach, or technology for providing a safe supply of drinking water to the public in both urban and rural areas of the Nation; and

(2) assisting in the development and demonstration of any project which will investigate and demonstrate the health implications involved in the reclamation, recycling, and reuse of waste waters for drinking and related uses or which will demonstrate processes and methods for the safe and esthetic preparation of such waters.

(b) Grants made by the Administrator under this section shall not—

(1) exceed 66⅔ per centum of the total cost of construction of any facility and 75 per centum of any other costs, as determined by the Administrator;

(2) be made for any project involving the construction or modification of any facility in any public water system in a State unless such project has been approved by the State agency charged with the responsibility for safety of drinking water; and

(3) be made for any project unless the Administrator determines, after consulting the Council, that such project will serve a useful purpose relating to the development and demonstration of new or improved techniques, methods, or technologies for the provision of safe water to the public for drinking or other useful purposes.

(c) Nothing in this section shall affect the authority of the Administrator to make grants for Alaska village safe water and pollution elimination or control demonstration projects under section 20 of the Federal Water Pollution Control Act (33 U.S.C. 1170).

(d) For the purposes of this section there are hereby authorized to be appropriated $1,500,000 for the fiscal year ending June 30, 1973; $4,750,000 for the fiscal year ending June 30, 1974; and $7,500,000 for the fiscal year ending June 30, 1975.

STATE DRINKING WATER SUPPLY PROGRAM GRANTS

SEC. 11. (a) There are hereby authorized to be appropriated $6,000,000 for the fiscal year ending June 30, 1973; $11,250,000 for the fiscal year ending June 30, 1974; and $15,975,000 for the fiscal year ending June 30, 1975 for grants to the States to assist them in establishing and maintaining adequate programs to assure the safety of public drinking water under this section.

(b)(1) From the sums available pursuant to subsection (a) for any fiscal year the Administrator shall from time to time make payments to the several States, in accordance with regulations, on the basis of (1) the population, (2) the financial needs, and (3) the extent of the actual or potential water supply problem, except that any such payment shall not be greater than an amount equal to two-thirds of the cost of any such State program.

(2) No State shall receive less than 1 per centum of the annual appropriation for grants under this section: *Provided*, That the Administrator may, by regulation, reduce such percentage in accordance with the criteria specified under this subsection: *And provided further*, That such percentage shall not apply to grants allotted to Guam, American Samoa, or the Virgin Islands.

(c) The Administrator shall pay to each State an amount equal to its allotment under subsection (b) for the purposes of defraying the cost of carrying out its State plan approved under subsection (d) of this section, including the cost of training personnel for State and local public water supply work and the cost of administering the State plan. Such payments shall not be made if such plan has not been approved by the Administrator.

(d) The Administrator shall approve any plan for establishing and maintaining a program to assure the safety of public drinking water which is submitted by the State if such plan—

(1) provides for the formal adoption by the State of drinking water standards which are no less stringent than the national primary drinking water standards prescribed under section 4 of this Act;

(2) provides for the adoption by the State of appropriate regulations and procedures for the implementation and enforcement of such State standards;

(3) provides for administration or for the supervision of administration of the plan by the State agency charged with the responsibility for the safety of drinking water;

(4) sets forth the plans, policies, and procedures to be followed in carrying out the State plan;

(5) provides for such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the plan;

(6) provides that the appropriate State agency will make annual reports, or such more frequent reports as the Administrator may reasonably require, in such form and containing such information as he may require;

(7) provides for the establishment of an emergency plan of action for each public water system within the State for use in case of an emergency affecting the safety of the treated drinking water or the effective operation of the treatment facility, including provision for emergency reserves or alternate sources of water suitable for drinking and culinary purposes; and

(8) provides for the implementation of a standards violation notification procedure, whereby any supplier of water found to be in violation of any Federal or State drinking water standard will be required to so notify its customers, in transmitting water bills or through other appropriate means, of the nature and extent and possible health effects of such violation and the remedial measures which will be taken to correct the problem.

(e) If a State plan has been approved, and the Administrator subsequently finds that such plan is being unreasonably deviated from to any significant extent, the Administrator is authorized to terminate any further payment under this section to such State.

(f) Any approval or disapproval of a State plan under subsection (d) of this section, or termination of payments under subsection (e) of this section, shall be in accordance with and subject to the procedures and judicial review provisions of section 12 of this Act.

(g) For the purposes of determining whether any State plan approved under subsection (d) of this section is being unreasonably deviated from to any significant extent, the Administrator shall cause to be made, at least once every three years, a complete audit of such State's water supply programs.

REGULATIONS, PROCEDURE, AND JUDICIAL REVIEW

SEC. 12. (a) At his own initiative, or upon the petition of any person, the Administrator is authorized to issue regulations to carry out the purposes of this Act and to amend or rescind such regulations at any time.

(b) The Administrator shall publish any regulations proposed under this Act, or proposals to amend or rescind such regulations, and his justification therefor in the Federal Register at least sixty days prior to the time when such regulations shall become final. The Administrator shall also publish in the Federal Register a notice of all petitions received under subsection (a) and, if such petition is denied, his reasons therefor. Such notice shall identify the purpose of the petition and include a statement of the availability of any data submitted in support of such petition. If any person adversely affected by a proposed regulation files objections and requests a public hearing within forty-five days of the date of publication of the proposed regulation, the Administrator shall grant such request. If such public hearing is held, final regulations shall not be promulgated by the Administrator until after the conclusion of such hearing. All public hearings authorized by this subsection shall consist of the oral and written presentation of data, views, or arguments in accordance with such conditions or limitation as the Administrator may make applicable thereto.

(c) Proposed and final regulations issued under this Act shall set forth findings of fact on which the regulations are based and the relationship of such findings to the regulations issued.

(d) Any judicial review of final regulations promulgated under this Act shall be in accordance with section 701–706 of title 5, United States Code, except that, with respect to relief pending review, no stay of an Agency action may be granted unless the reviewing court determines that the party seeking such stay (a) is likely to prevail on the merits in the review proceeding and (b) will suffer irreparable harm pending such proceeding.

(e) Except as expressly modified by the provisions of this section, the provisions of the Administrative Procedures Act (5 U.S.C. 551 et seq.), shall apply to proceedings conducted by the Administrator under this Act.

(f) If the party seeking judicial review applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court either (1) that the information is material and was not available at the time of the proceeding before the Administrator or (2) that failure to include such evidence in the proceeding was an arbitrary or capricious act of the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, and to be adduced upon the hearing, in such manner and upon such terms and conditions as to the court may deem proper. The Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file with the court such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original order, with the return of such additional evidence.

RECORDS

SEC. 13. (a) Every supplier of water who is subject to a standard prescribed under section 4 or grantee shall establish and maintain such records, make such reports, and provide such information as the Administrator shall reasonably require to assist him in establishing standards and regulations under this Act and in determining whether such person has acted or is acting in compliance with this Act. Suppliers of water and others subject to State enforcement under section 4(c) of this Act shall submit such reports and make available such records and information to the appropriate State agency for inclusion in State reports required under section 11(d)(6) of this Act.

(b) Any officer or employee duly designated by the Administrator, upon presenting appropriate credentials and a written notice of inspection authority to any supplier of water subject to a standard prescribed under section 4 of this Act or any grantee (or person in charge of any of its property), is authorized to enter any establishment or facility or other property of such person in order to determine whether such supplier or grantee has acted or is acting in compliance with this Act, including for this purpose, inspection, at reasonable times, of records, files, papers, processes, controls, and facilities, or in order to test any feature of a public water system, including its raw water source. Each inspection shall be commenced and completed with reasonable promptness and the supplier or grantee notified of the results of such inspection.

(c) For purposes of this section, the term "grantee" means any person who receives financial assistance under this Act.

STATE REGULATIONS

SEC. 14. Nothing in this Act shall affect the authority of any State or local government to establish drinking water standards or to make other requirements for purposes similar to those contained in this Act, except that any such standards or requirements shall not be less stringent than the requirements of this Act or regulations thereunder.

PROHIBITED ACTS

SEC. 15. The following acts and the causing thereof are prohibited:

(1) The failure to comply with any final regulation issued by the Administrator pursuant to this Act, except that noncompliance with a national secondary drinking water standard under section 4(b) of this Act is not prohibited;

(2) The failure or refusal to establish and maintain records, make reports, and provide information as required under section 13(a) of this Act;

(3) The refusal to allow entry and inspection of establishments, facilities, or other property pursuant to section 13(b) of this Act; or

(4) The failure of any person to comply with any order issued under section 5(d) of this Act.

PENALTIES AND REMEDIES

SEC. 16. (a) Any person willfully violating section 15 of this Act shall on conviction be fined not more than $15,000 for each day of violation or imprisoned for not more than one year, or both.

(b)(1) Any person not willfully violating section 15 of this Act shall be liable to the United States for a civil penalty of a sum which is not more than $10,000 for each day of violation, to be assessed by the Administrator after notice and opportunity for an adjudicative hearing conducted in accordance with section 554 of title 5, United States Code, and after he has considered the nature, circumstances, and extent of such violation, the practicability of compliance with the provisions violated, and any good-faith efforts to comply with such provisions.

(2) Upon failure of the offending party to pay the civil penalty, the Administrator may commence an action in an appropriate district court of the United States for such relief as may be appropriate or request the Attorney General to commence such an action.

(c) The Attorney General or the Administrator may bring an action in the appropriate district court of the United States for equitable relief to redress a violation by any person of any provision of section 15 of this Act, and the district courts of the United States shall have jurisdiction to grant such relief as the equities of the case may require.

CITIZEN CIVIL ACTION

SEC. 17. (a) Except as provided in subsection (b) of this section, any person may commence a civil action for injunctive relief on his own behalf, whenever such action constitutes a case or controversy—

(1) against any person (including (i) the United States, and (ii) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of any national primary drinking water standard promulgated under section 4 of this Act, or

(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary with the Administrator. Any action brought against the Administrator under this paragraph shall be brought in the District Court of the District of Columbia. The district courts shall have jurisdiction over suits brought under this section, without regard to the amount in controversy or the citizenship of the parties.

(b) No civil action may be commenced—

(1) under subsection (a)(1) of this section—

(A) prior to sixty days after the plaintiff has given notice of the violation (i) to the Administrator, (ii) to any alleged violator of such standard and (iii) to the State in which the violation occurs.

(B) if the Administrator, the Attorney General, or the State has commenced and is diligently prosecuting a civil action in a court of the United States to require compliance with such standard, but in any such action any person may intervene as a matter of right.

(2) under subsection (a)(2) of this section prior to sixty days after the plaintiff has given notice of such action to the Administrator. Notice under this subsection shall be given in such manner as the Administrator shall prescribe by regulation.

(c) In any action under this section, the Administrator or the Attorney General, if not a party, may intervene as a matter of right.

(d) The court, in issuing any final order in any action brought pursuant to subsection (a) of this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such an award is appropriate.

(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any national primary drinking water standard or to seek any other relief.

CONFIDENTIALITY

SEC. 18. (a) Copies of (1) any communications, documents, reports, or other information received or sent by the Administrator or (2) the results of any drinking water quality analyses or other information pertaining to drinking water quality possessed by the Administrator shall be made available to the public upon identifiable request, and at reasonable cost unless such information may not be publicly released under the terms of subsection (b) of this section.

(b)(1) The Administrator or any officer or employee of the Agency or the Council established under section 7 of this Act shall not disclose any information which concerns or relates to a trade secret referred to in section 1905 of title 18, United States Code, except that such information may be disclosed by the Administrator—

(A) to other Federal government departments, agencies, and officials for official use, upon request, and with reasonable need for such information;

(B) to committees of Congress having jurisdiction over the subject matter to which the information relates;

(C) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceeding;

(D) if relevant in any proceeding under this Act, except that such disclosure shall preserve the confidentiality to the extent possible without impairing the proceeding; and

(E) to the public in order to protect their health, after notice and opportunity for comment in writing or for discussion in closed session within fifteen days by the person to which the information appertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to the public health).

In no event shall the names or other means of identification of injured persons be made public without their express written consent.

(2) Nothing contained in this section shall be deemed to require the release of any in-

formation described by subsection (b) of section 552, title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

(c) Any communication from a person to the Administrator or any other employee of the Environmental Protection Agency concerning a matter presently under consideration in a rulemaking or adjudicative proceeding in the Environmental Protection Agency shall be made a part of the public file of that proceeding unless it is communication entitled to protection under subsection (b) of this section.

FEDERAL FACILITIES

SEC. 19. (a) Except as provided for in subsection (b) of this section, each Federal department or agency having jurisdiction over any building, installation, or other property, which is or will be served by a federally owned or maintained public water system, shall comply with all national primary drinking water standards prescribed under section 4 of this Act and shall, to the maximum extent practicable, comply with any national secondary drinking water standard prescribed under such section.

(b) The Administrator may waive compliance with the requirements of subsection n(a) of this section, in whole or in part, upon receiving information from the Secretary of Defense or from the Secretary of the Department in which the United States Coast Guard is operating that such waiver is in the interest of national security. Upon the issuance of such a waiver, the Administrator shall publish in the Federal Register a notice that the waiver was granted for good cause shown by the Secretary of Defense or by the Secretary of the Department in which the United States Coast Guard is operating, in the interest of national security, unless the Administrator has been requested by the applicable Secretary to omit such publication because it would be contrary to the interests of national security.

RELATIONSHIP TO OTHER LAWS

SEC. 20. The authority of the Secretary of Health, Education, and Welfare to regulate bottled drinking water under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, et seq.) shall be repealed on the effective date of initial national primary drinking water standards pertaining to bottled drinking water under section 4 of this Act.

AUTHORIZATIONS FOR APPROPRIATIONS

SEC. 21. In addition to the authorizations contained in sections 8, 9, 10, and 11, there are hereby authorized to be appropriated such sums as may be necessary, but not to exceed $6,000,000, $8,250,000, and $9,750,000 for the fiscal years ending on June 30, 1973, June 30, 1974, and June 30, 1975, respectively, for the purposes and administration of the Act.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Cotton). Without objection, it is so ordered.

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1973

The PRESIDING OFFICER. Pursuant to the previous order, the Chair lays before the Senate H.R. 16705, the Foreign Assistance and Related Programs Appropriation 1973, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 16705), making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1973, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with amendments.

Mr. FONG. Mr. President, I ask unanimous consent that my administrative assistant be granted the privilege of the floor during the consideration of the pending measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 2 minutes.

Mr. INOUYE. Mr. President, as chairman of the Appropriations Subcommittee on Foreign Operations I was assigned to report the bill as recommended by the committee to the Senate. I should say, however, that I became chairman after the untimely death of our late and beloved chairman of the full committee, Senator Allen Ellender, and was not even a member of the subcommittee at the time of its hearings or when it reported the original bill to the full committee on June 26. Thus, the credit for this bill and this report should go to the most distinguished former chairman of the subcommittee, Senator William Proxmire, who has diligently and patiently handled the detailed and comprehensive review of foreign assistance which the subcommittee undertook over the past 2 years. He bore the burden and has been most gracious and accommodating to me. I have only within the past few weeks begun my study of the complex issues involved. I salute him for his strong and forthright advocacy and significant accomplishments over the past 2 years, and I extend to him my deep personal appreciation for his willingness to handle the bill both in committee, on the floor, and in conference.

He will present the committee recommendations which I will support.

Mr. FONG. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. FONG. Mr. President, once again this body is considering the annual appropriation for the foreign aid program. As we all know from the long debate which accompanied action on the authorization bill, including its defeat in July, it remains a controversial but vital part of our interests in the international arena.

The bill now before us provides appropriations for various foreign assistance programs totaling $2,823,897,000. This compares with the original budget request of $5,163,024,000. However, for committee purposes, deferred action on four major items for which $2,251,000,000 was requested. Those items are: Relief assistance to the new nation of Bangladesh, $100 million; grant military assistance program, $780 million; security supporting assistance, largely in Southeast Asia, $844 million; and foreign military credit sales, $527 million.

We took no final action on these items because the legislation which authorizes them only passed the Senate this past Tuesday and the final authorization levels have not yet been decided in a conference between the Senate and the House. I believe that deferral of these items puts us in a much better position to go to conference with the Appropriations Committee of the other body. We will, of course, be governed by the outcome of the authorization conference and would not exceed those levels in any event.

In many ways this appropriations bill is probably one of the most complicated pieces of legislation that the Congress deals with each year. It provides funds for development assistance—both bilateral and multilateral, it includes a substantial amount of money for security assistance activities carried out by the Departments of Defense and State and it provides funds for a number of humanitarian activities such as assistance to Soviet Jewish immigrants and assistance to other refugees, such as a large number of Cubans who now reside in this country.

The committee this year held extensive hearings on all aspects of the bill and a great deal of credit goes to Senator Proxmire, the former subcommittee chairman. The report recognizes that there is room for improvement in the administration of the bilateral foreign assistance programs, but I am convinced that these are not deep and serious problems. I am equally convinced that the current Administrator of AID is trying as hard as he can to focus our interest for bilateral development programs on the major problems in agriculture, education, nutrition, and population. To continue this effort he needs our support. Indeed, the program could clearly use more funds than the committee has provided. This is particularly true in the case of technical assistance. The committee agreed, however, to accept the House-passed levels in anticipation that further changes in this program would be recommended to the next Congress.

The committee made three significant changes in the House appropriations levels. Those were:

An increase of $50 million in worldwide development loans to be used on such terms and conditions that the President may determine only for disaster relief in the Philippine Islands. I recognize that the Philippines are going through a difficult period at the moment, but we felt that the tremendous destruction caused by the floods in July and August justified this increase. Our new subcommittee chairman and my colleague from Hawaii, Senator Inouye, visited the Philippines and reported to the Senate on the magnitude of the need. The proposed U.S. contribution for this effort would be approximately 25 percent of the total estimated support expected from external sources.

The committee agreed to increase the

level of funds for UNDP and other UN organizations to the budget request of $124,835,000. The bulk of this amount—$90 million—would be allocated for the UNDP. The United States has held its voluntary contributions to this important international development assistance agency to $86 million in recent years. In other words, while other governments have continued to increase their voluntary contributions, the United States has remained the same. With the changes being made in the administration of the UNDP by its new head, Rudolph Peterson, I am convinced that this modest increase will be used effectively.

The committee also provided the full level of the request for population programs—$125 million, an increase of $25 million over the House level. This important program was discussed a great deal in the committee and although it was agreed that the United States should continue to extend the highest priority to this type of assistance, the subcommittee will review this program intensively during its hearings on the fiscal year 1974 budget request.

There are other areas where additional funds were justified such as the Indus Basin Development fund and, as I mentioned before, the technical assistance accounts. However, I am hopeful that AID will be able to accommodate its needs within the funds appropriated in this bill or, if necessary, seek additional funds in the supplemental request which will come before the new Congress next spring.

The committee reaffirmed the Senate's support for each of the international financial institutions and provided the full amount requested in the President's budget. I am pleased that the United States has taken the necessary action to insure the continued flow of funds to the International Development Association and that new life is again being breathed into that institution. As a Member of this body representing our outpost in the Pacific, I am particularly pleased that the committee approved the $100 million request for the Asian Development Bank. Although a new and growing organization, it is doing an excellent job of meeting the needs of many of the countries of Asia in cooperation with other international donors. I am also pleased that the committee recommended the full amount of the request for the Inter-American Bank.

I would hope that the Senate will consider and quickly pass this bill today. We all recognize that it is late in our legislative year; that many of us are actively engaged in election campaigns and that we would like to adjourn as soon as possible. However, in the interest of the many millions of people in the less-developed countries who benefit from the funds provided in this bill, I urge that the funding levels recommended in this bill be maintained and that we resolve any outstanding differences in a conference as soon as possible.

Again, Mr. President, I commend Senator PROXMIRE for his role as subcommittee chairman and Senator INOUYE for his initiatives and the interest he has taken since he has replaced Senator PROXMIRE.

Mr. INOUYE. Mr. President, I yield to the Senator from Wisconsin such time as he may desire.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, I thank the distinguished Senator from Hawaii.

Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc and that the bill as thus amended be regarded for the purpose of further amendment as original text, provided that no point of order shall be considered to have been waived by reason of this order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, at the beginning of line 22, strike out "$105,000,000" and insert "$124,835,000".

On page 3, line 2, after "section 291", strike out "$100,000,000: *Provided,* That no other funds appropriated or made available under this Act shall be used for the purposes of such section during the current fiscal year" and insert "$125,000,000".

On page 3, after line 23, strike out:

> Refugee relief assistance (Bangladesh): For necessary expenses to carry out the provisions of section 491, $75,000,000.

On page 4, line 4, after "$165,000,000", strike out "together with such amounts as are provided for under section 203, all such amounts"; and, in line 6, after the word "expended", insert a colon and "*Provided,* That no part of this appropriation shall be used to initiate any project or activity which has not been justified to the Congress."

On page 4, line 10, after "section 201", strike out "$350,000,000" and insert "$400,000,000, of which amount $50,000,000 shall be available only for Philippine disaster relief,"; in line 12, after the amendment just above stated, strike out "together with such amounts as are provided for under section 203, all such amounts"; and, in line 14, after the word "expended", insert a colon and "*Provided,* That no part of this appropriation shall be used to initiate any project or activity which has not been justified to the Congress."

On page 4, after line 24, strike out:

> Unobligated balances as of June 30, 1972, of funds heretofore made available under the authority of the Foreign Assistance Act of 1961, as amended, except as otherwise provided by law, are hereby continued available for the fiscal year 1973, for the same general purposes for which appropriated and amounts certified pursuant to section 1311 of the Supplemental Appropriation Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961, as amended, for the same general purpose as any of the subparagraphs under "Economic Assistance" and "Security Supporting Assistance", are hereby continued available for the same period as the respective appropriations in such subparagraphs for the same general purpose: *Provided,* That such purpose relates to a project or program previously justified to Congress and the Committees on Appropriations of the House of Representatives and the Senate are notified prior to the reobligation of funds for such projects or programs.

On page 5, after line 18, strike out:

> MILITARY ASSISTANCE
>
> Military assistance: For necessary expenses to carry out the provisions of section 503 of the Foreign Assistance Act of 1961, as amended, including administrative expenses and purchase of passenger motor vehicles for replacement only for use outside of the United States, $730,000,000: *Provided,* That none of the funds contained in this paragraph shall be available for the purchase of new automotive vehicles outside of the United States.
>
> Regional naval training: For necessary expenses to carry out the provisions of section 504(c) of the Foreign Assistance Act of 1961, as amended, $2,500,000, to remain available until expended.

On page 6, after line 6, strike out:

> SECURITY SUPORTING ASSISTANCE
>
> Security supporting assistance: For necessary expenses to carry out the provisions of section 531 of the Foreign Assistance Act of 1961, as amended, $750,000,000: *Provided,* That no part of this appropriation shall be used to initiate any project or activity which has not been justified to the Congress: *Provided further,* That of the funds appropriated under this paragraph, not less than $50,000,000 shall be allocated to Israel: *Provided further,* That the funds appropriated or made available pursuant to this paragraph shall be available notwithstanding the provisions of sections 534, 535, and 536 of the Foreign Assistance Act of 1961, as amended.

On page 7, line 16, after the word "exceed', strike out "$5,000,000" and insert "$11,000,000".

On page 9, after line 14, strike out:

> Sec. 107. Of the funds appropriated or made available pursuant to this Act, not more than $9,000,000 may be used during the fiscal year ending June 30, 1973, in carrying out research under section 241 of the Foreign Assistance Act of 1961, as amended.

On page 9, at the beginning of line 20, change the section number from "108" to "107".

On page 10, at the beginning of line 1, change the section number from "109" to "108".

On page 10, at the beginning of line 17, change the section number from "110" to "109".

On page 10, at the beginning of line 24, change the section number from "111" to "110".

On page 11, after line 2, strike out:

> Sec. 112. No part of any appropriations contained in this Act may be used to provide assistance to Ecuador, unless the President determines that the furnishing of such assistance is important to the national interest of the United States.

On page 11, after line 7, strike out:

> Sec. 113. The funds appropriated or made available pursuant to this Act shall be available notwithstanding the provisions of section 10 of Public Law 91–672 and notwithstanding the provisions of section 655(c) of the Foreign Assistance Act of 1961, as amended.

On page 11, after line 12, insert a new section, as follows:

> Sec. 111. It is the sense of the Congress that excess foreign currencies on deposit with the United States Treasury, having been acquired without the payment of dollars, should be used to underwrite all local costs of United States foreign assistance programs. Therefore, none of the funds appropriated by this title shall be used to acquire, directly or indirectly, foreign currencies or foreign credits from non-United States Treasury

sources when there is on deposit in the United States Treasury excess foreign currencies having been acquired without payment of dollars unless such acquisition has been previously justified to the Appropriations Committees of the Senate and the House of Representatives.

On page 11, after line 24, insert a new section, as follows:

SEC. 112. No part of any appropriation made under this title shall be used for continuing public safety programs of the Agency for International Development except for an amount not to exceed $4,000,000 to continue the operation of the Agency for International Development's International Police Academy in Washington, District of Columbia, and necessary direct student costs.

On page 12, after line 6, insert a new section, as follows:

SEC. 113. No part of any appropriation made under this title may be used to pay that portion of a student maintenance allowance provided to or for a student attending a United States institution, out of funds made available to or for the Agency for International Development, which exceeds the amount of the student maintenance allowance established by the Department of State to be provided to or for a student at the same institution.

On page 12, after line 14, insert a new section, as follows:

SEC. 114. Of the funds made available under this title, not to exceed $143,200,000 shall be expended for compensation for personnel of the Agency for International Development.

On page 12, after line 18, strike out:

TITLE II—FOREIGN MILITARY CREDIT SALES

FOREIGN MILITARY CREDIT SALES

For expenses not otherwise provided for, necessary to enable the President to carry out the provisions of the Foreign Military Sales Act, $450,000,000: Provided, That of the funds appropriated under this paragraph, not less than $300,000,000 shall be allocated to Israel.

On page 13, line 1, change the Title number from "III" to "II".

On page 13, line 7, strike out "$81,000,000" and insert "$88,027,000".

On page 13, line 14, after "5 U.S.C. 3109", strike out $145,000,000" and insert "$161,000,000".

On page 15, line 2, after the word "Operations", strike out "$418,380,000" and insert "$836,760,000".

On page 15, after line 9, insert:

SUBSCRIPTION TO ASIAN DEVELOPMENT BANK

For payment by the Secretary of the Treasury of a United States contribution to the Consolidated Special Funds of the Asian Development Bank, $100,000,000, to remain available until expended.

On page 15, line 15, change the Title number from "IV" to "III".

On page 17, line 3, change the Title number from "V" to "IV".

On page 17, at the beginning of line 4, change the section number from "501" to "401".

On page 17, at the beginning of line 8, change the section number from "502" to "402".

On page 18, at the beginning of line 5, change the section number from "503" to "403".

On page 18, after line 7, strike out:

SEC. 504. None of the funds herein appropriated for the "International Financial Institutions" and the "United Nations Development Program" shall be available to assist in the financing of any project or activity the expenditures for which are not subject to audit by the Comptroller General of the United States.

On page 18, after line 13, strike out:

SEC. 505. None of the funds herein appropriated for the "International Financial Institutions" and the "United Nations Development Program" shall be available to assist in the financing of any project or activity for which detailed justification is not available to the United States Senate and House of Representatives.

On page 18, after line 19, strike out:

SEC. 506. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used to provide loans, credits, financial and investment assistance, or insurance guarantees on sales to or investments in any nation which requires payment in excess of $50 or its equivalent for exit visas, exit permits, or for the right to emigrate.

Mr. PROXMIRE. Mr. President, I wish to say what a pleasure it has been to work with the distinguished Senators from Hawaii on this bill. There is no Member who is more popular in the Senate and elsewhere than the distinguished Senator from Hawaii (Mr. INOUYE). I have enjoyed very much working with him in the past, but that is especially true in connection with this bill, which is a very difficult matter. He was not a member of the subcommittee but he showed extraordinary understanding of the issues, which was a surprise to me and I am sure to other members of the committee. And certainly working with the distinguished Senator from Hawaii (Mr. FONG), the ranking minority member of the subcommittee, it is always a real pleasure. He is a man of good temper and humor, as well as outstanding ability.

I have an amendment to the bill which I will present in a minute. Before that I want to outline some of the changes in the bill which I think are significant.

Mr. FULBRIGHT. Mr. President, will the Senator yield to me for 30 seconds?

Mr. PROXMIRE. I yield.

Mr. FULBRIGHT. I wish to join with the Senator in extending my congratulations to both Senators from Hawaii for having managed this bill.

I have just been reading the report, and I was particularly impressed by the decision to leave out unauthorized items. This has been a matter of controversy. The committee left out matters of military appropriations which are not authorized. I think that is a good precedent. I hope it may contribute to the reestablishment of some control in the Senate and the Congress.

Mr. PROXMIRE. I thank the Senator. There was no question in the committee that we should do this. We discussed it. There was some concern expressed on the part of some members of the committee, but we wanted to support the distinguished Senator from Arkansas, chairman of the Foreign Relations Committee, by not acting on any of these items until his committee and the corresponding committee in the House had worked their will.

Foreign assistance will probably never be popular but from my 2 years as chairman of this subcommittee, it is not difficult for me to understand why the U.S. aid program has such a tenuous hold on its continued existence and why so many of its one-time strongest supporters have deserted it. For example:

First, U.S. foreign assistance in the aggregate is weighted in favor of military and security related assistance by roughly 6.2 to 3.5, and I have reason to believe that that ratio minimizes the military side.

Second, economic assistance favors the "haves" rather than the "have nots."

Only a pittance—less than 10 percent—goes to education.

As little as 2 to 3 percent of our bilateral assistance benefits the small farmers who comprise 70 to 80 percent of the population of most of the emerging nations. Dr. Peter Dorner, Senate hearings, pages 621–58.

The negative image presented by our public safety program and the unknown cover it presents for activities not even known to this subcommittee detracts from many of our economic and self-help programs.

Interest rates to ultimate users of development loan credits ranges upwards of 20 percent and more per year in many instances although U.S. contributions to the development banks are outright gifts and the institutional and bilateral loans themselves carry an interest rate in the 2 to 3 percent range.

Third, under broad grants of transfer authority and with no country-by-country allocations or ceilings only the ultimate totals in this bill have any real meaning, and it is readily apparent to even the uninitiated that the Congress has no effective or meaningful control over the ultimate use of the funds appropriated.

With these thoughts in mind, the committee bill contains some half dozen amendments designed to tighten our controls over the funds appropriated in this bill. I believe that such reforms, controls and limitations as are represented by these amendments are absolutely essential if the U.S. foreign assistance program is to survive, but it is clear that they will be fought by the agencies concerned.

As I say, the bill contains some—but by no means all—of the controls and new directives which I believe are needed.

In the way of new congressional controls we recommend:

First, elimination of automatic reappropriation of prior-year balances amounting to something over a quarter of a billion dollars. This will cause the full effect of resources provided to be reflected in new obligational authority as is the case in this bill.

Second, new requirement to use excess foreign currency for local costs unless the use of U.S. dollars is justified to the Congress.

Third, extending to Alliance for Progress and development loans the requirement that no new program be initiated without prior justification to Congress. This provision is carried by the House for technical assistance and supporting assistance and is designed to preclude "after the fact" notifications such as we saw in a development loan for Malta in fiscal year 1973 and military grant aid to South America in fiscal year 1972.

Fourth, requiring AID to bring its student maintenance payments in line with State Department payments. They now exceed these and U.S. student maintenance averages by some 20 percent. There is no justification for this.

Fifth, provides an over-all ceiling for monitoring all AID personnel compensation. The ceiling is the full amount requested by AID for fiscal year 1973. This has been badly needed for a long time.

The report contains language requesting the legislative committees to consider reducing present broad authority to transfer between appropriation accounts and to review the necessity for maintaining a separate appropriation account for administrative expenses. It also directs the Agency for International Development to advise the committee of reprogramings and that next year's congressional presentation include a breakout by country of large undistributed amounts and regional requests.

I tried very hard to provide country-by-country limitations, so that Congress would really control foreign aid, but I was not successful. We had a split vote in the subcommittee, and it was not pressed in the full committee. My understanding is that in the future the Senator from Hawaii (Mr. INOUYE) may be interested in pursuing this.

The report also contains language requiring AID to reevaluate its use of appropriated funds for the hiring of household servants for its officials overseas.

Mr. President, it makes no sense, in a day when very few people have servants, for the taxpayer to provide servants for AID officials who have incomes of $20,000 or $30,000 a year and can afford their own servants. This will be reevaluated and considered in the future.

In addition, the subcommittee included a prohibition against continuation of AID's public safety program. This action reaffirms the position of the full Senate last year—by a vote of 37 to 34. The public safety program stigmatizes the whole AID effort and needlessly interjects the United States in what are and should be local affairs.

However, there was a compromise on this in committee, in which the Police Academy was permitted to continue and in which necessary student costs not to exceed $4 million per year was provided. However, the bulk of the money, some $14 million, was eliminated.

Insofar as dollar recommendations are concerned, the subcommittee equals or exceeds the House allowance in every authorized item providing for the full budget request for the international development banks. This in itself is some half billion dollars over the House allowance.

The subcommittee restored House cuts in population control, contributions to international organizations, and the Peace Corps.

The committee followed the recommendation of the Senate leadership in leaving out all unauthorized items.

And finally, the committee—for the first time—documents total U.S. foreign assistance at more than $10 billion and points out what President McNamara of the World Bank said Monday in his address to the International Monetary Fund now meeting here in Washington—namely, that aid money simply does not trickle down to those levels of the poor who need it most—again less than 10 percent of economic aid for education and 3 to 4 percent of direct benefit to small farmers.

Mr. President, here it is—not nearly all I had hoped for and more money than I think has been justified—and my amendment will address this—but under the circumstances it represents my best efforts to deal prudently and responsibly with this most difficult program.

Let me say that the clerk of the subcommittee, Bill Jordan, is a man who has contributed enormously to a difficult bill. I do not know how he does it, especially since, until recently, he was also the clerk of the District of Columbia Subcommittee. I served as chairman of both those subcommittees. He is extraordinarily skilled, able, tactful, and understanding. He is a man who works very hard, and does one of the best jobs, in my experience, of anybody on the staff of the Appropriations Committee or other committees.

Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 15, line 3, strike out "$836,760,000" and insert in lieu thereof "$418,380,000".

On page 15, strike out lines 10 through 14.

Mr. PROXMIRE. Mr. President, my amendment would do two things. No. 1, it would cut back funds for the Inter-American Development Bank by $418 million. It would cut the amount recommended by the committee and requested by the administration in half. It would cut it back to the figure appropriated by the House.

No. 2, it would take out $100 million provided by the committee for the Asian Development Bank and bring that in accordance with the House recommendation.

I know that there are strong arguments in favor of the Inter-American Development Bank and the Asian Development Bank, but I think under present circumstances, in which we have budget deficits, adverse balance of payments, and particularly in view of the fact that this body is going to be confronted with a ceiling on spending of $250 billion, which in all likelihood is going to be adopted, we are going to have to cut the budget ourselves or pass the buck to the President to cut what he wants to cut.

I think the President would agree that we should make those cuts. I think we should stand up like men and establish our own priorities. If we do that, this is certainly where, in view of votes in the past in the Senate, we might make a reduction. In doing that, we will be protecting our own programs that we have passed and that we hope will be funded.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

Mr. FONG. Mr. President, in hearing the amendment read, I think it related only to the sum of some $800 million, but when the distinguished Senator spoke, he also spoke about the Asia Development Bank, which is an item of $100 million.

Mr. PROXMIRE. The latter part of it relates to page 15, striking out lines 10 through 14, as well as making the $418 million reduction.

The PRESIDING OFFICER. Is the Senator desirous?

Mr. PROXMIRE. I yield time on my time.

The PRESIDING OFFICER. Is the Senator asking that these amendments be considered en bloc?

Mr. JAVITS. Mr. President, I object.

Mr. PROXMIRE. That is fine. It will take longer, but it will strengthen my position. I am delighted that the Senator from New York objected. I would have liked to accommodate the Senate, even though it would have weakened my position. The objection of the Senator from New York is a big help. I do not know if he intended to do that, but I thank him for doing it. Let me say that the Senator from Wisconsin finds it very hard—and I know that few Senators do not find it so, some 20—to justify voting against revenue sharing, which would benefit our people, and yet vote for an increase in foreign aid. In foreign aid we are helping people in other countries and not people in our own States.

Just a few moments ago we had a substantial majority voting against an amendment which would have provided eyeglasses and dentures for elderly people. I voted against it because I could not agree with that——

Mr. PELL. Mr. President, will the Senator yield?

Mr. PROXMIRE. Yes, I am glad to yield to the Senator from Rhode Island, who offered the amendment.

Mr. PELL. I would like to point out that the majority of Senators voted for it until the count came up, and then it was found that, by gum, this excellent amendment had passed, and the bipartisan leadership, who had a different view of priorities than I do in the matter, made sure the votes were reversed.

Mr. PROXMIRE. Mr. President, the Senator from Rhode Island is, of course, correct.

This is an amendment all of us would like to have voted for. We could certainly make an excellent case for it in our States. It is hard for me to go back to the State of Wisconsin and say, "I voted against your eyeglasses and the dentures you need" to people who have pitifully inadequate incomes, and have difficulty getting three meals a day, "but I turned around and voted hundreds of millions of dollars above the House of Representatives for these international banks."

Mr. President, it is not as if these funds go to very poor people. It is documented in the record that only 2 to 3 percent of the funds go to small farmers, and that only between 10 and 15 percent goes for education.

That is what turned me against foreign aid. I am reluctant to vote against a foreign economic aid bill, but I am going to vote against the bill, because I am convinced that under present circumstances we just cannot afford it.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. FULBRIGHT. As Senators know, I and other people, and I thought the administration was of this view, thought that we were going to increase multilateral aid and cut down on bilateral aid. I think we were making progress in that respect, but as a matter of fact, as a result of strenuous efforts on the part of the administration, we did not cut back on the bilateral.

Mr. PROXMIRE. Yes; I wanted to cut the bilateral and emphasize a multilateral program. Under the circumstances, I do not think I have any alternative except to——

Mr. FULBRIGHT. I have great sympathy with the Senator. I have always supported the multilateral program. In fact, I have taken the lead, in the committee, on increasing it, in view of the fact that I thought we would move in that direction and not the other.

But in view of the Senate's action in increasing it $370 million on the floor above what the committee reported, and these bilateral amounts are not going down, I am put in a very difficult position not to vote for the Senator's amendments, because the other part of the bargain has not been lived up to.

If we are going to vote for any aid at all, I think this is the way to do it, through the Export-Import Bank and the other two international banks. But if we are going to be foolish enough to increase the other aid, I am constrained to feel the way the Senator does.

Mr. PROXMIRE. That is right; I do not think we can have it both ways.

Mr. FULBRIGHT. I think it is very sad to continue to increase this bilateral aid, which has caused so much trouble for us. It will be very embarrassing for me to support the Senator, because time and again I have said this is the way to do it. But under the circumstances I am almost going to have to.

Mr. PROXMIRE. I thank the Senator from Arkansas.

Mr. President, I would like to point out that the overall foreign aid program is $10.1 billion. We have documented it. It has gone up each year since 1971. It was $8.7 billion in 1971 and $9.7 in 1972, and now it is $10.1 billion and that does not include the Export-Import Bank.

Furthermore, the President's request is way up over that of his first year in office. It is up by $1.1 billion. Economic aid, in the narrow sense—I am not talking about all the economic aid, but the economic aid in this particular bill—is up $400 million, and military aid up $885 million.

The program is funded in more than 40 countries throughout the world. We tried to limit it; I wanted very much to limit it to 20 countries. We have not been able to do that; and we fund countries everywhere throughout the world—as I say, some 40 countries.

Furthermore, as I have pointed out, the loans by these banks go for big projects. Day after day in the hearings we had this documented. Only 10 to 15 percent, of total aid, as I say, goes for education. I quote from the committee report, on page 14:

> "New" directions and "major" reforms in U.S. foreign assistance were proposed by the President in April, 1971. But new priorities do not seem to include education because there is a slight decline in the proportion of U.S. loans and grants for education and training in fiscal years 1972 and 1973. Behind the dollar figures and proportions is a story of grossly inadequate attention to education. For all of Asia, a territory stretching from Turkey to Korea and inhabited by almost two billion people, the fiscal 1973 budget proposes grants of $12.9 million for education and training, or slightly more than the cost of two F-4 Phantom jets.

The report goes on to say:

> Multilateral lending institutions have shown a similar lack of concern with educational development. The table below shows the proportion of funds loaned by the International Development Association (IDA), the Inter-American Development Bank (IDB), and the Asian Development Bank (ADB) for educational purposes.

Mr. President, I ask unanimous consent that this table and another on our bilateral program be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

EDUCATIONAL LOANS BY INTERNATIONAL FINANCIAL INSTITUTIONS

[Dollars in millions]

	Cumulative		1971	
	Amount	Percent all loans	Amount	Percent all loans
International Development Association [1]	$212	6	$40	7
Inter-American Development Bank [2]	168	4	67	10
Asian Development Bank [3]	124	5	(4)	

[1] Primarily devoted to buildings and equipment for technical and vocational education at secondary level.

[2] Mainly for university and secondary education physical plants and equipment.

[3] Includes 2 ADB education loans for techincal institutes.

[4] The most recent ADB education loan was approved in the spring of 1972, and 2 other education loans are in the pipeline.

U.S. BILATERAL FOREIGN ASSISTANCE FOR EDUCATION AND MANPOWER TRAINING

[Dollar amounts in millions]

Region and category	Fiscal year 1971				Fiscal year 1972				Fiscal year 1973			
	Total loans	Education, percent	Total grants	Education, percent	Total loans	Education, percent	Total grants	Education, percent	Total loans	Education, percent	Total grants	Education, percent
Asia	$372	2	$44	35	$296	1	$36	34	$465	0	$38	34
Africa	92	4	58	30	93	0	55	35	100	0	63	32
Latin America	233	16	81	44	233	14	79	42	295	14	80	42
Nonregional and other			84		2		90				90	
Total	[1] 697	7	267	25	624	6	260	25	860	5	271	24

[1] Total and regional figures exclude population funds from development loans. The table is compiled from the AID fiscal year 1973 congressional presentation, using regional program summaries for the category of "Education and manpower training."

Mr. PROXMIRE. It shows the Asian Development Bank at 5 percent, the International Development Association as 6 percent, and the Inter-American Development Bank at only 4 percent.

Mr. President, these are subsidized interest loans that we make at far below the cost of money to the Treasury, and they are reloaned in these foreign countries at up to 20 or 25 percent, the difference going to middleman banks. Of course, it does strengthen the economy of the countries concerned, but it does not help the farmer who borrows money and has to pay a very high interest rate, or reduce the taxes the American taxpayer pays to subsidize the interest rates shown here.

Furthermore, these are "loans" in name only. It will be a very long day in July before it is paid back. This money never comes back. If the international banks build up their capital, theoretically we could claim our share, but we are not going to, and we know that.

Also, Mr. President, I think what the House has provided would amply support the Inter-American Development Bank, and we should leave the Asian Development Bank, certainly far more than we have in the past, to the prospering, affluent country of Japan. Here is a country for which we provide the defense, at the cost of billions of dollars to the American taxpayer. The proportion of their gross national product that they provide for defense is about 1 percent. Our proportion is 7 times that. I understand that the Japanese are doing somewhat more with the Asian Bank. They should, it seems to me, do a whale of a lot better, and begin to get off our backs in all these ways.

Mr. President, I urge the adoption of the amendment, and I yield the floor.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. FULBRIGHT. I notice, on page 46 of the report, under the heading "American Schools and Hospitals Abroad," the following language:

> This program has grown far afield and its demands are almost beyond control. The committee requests the legislative committees' assistance in redefining the goals of the program, together with establishing firm guidelines under which individual projects can be justified and selected.

Mr. President, I can only say that the legislative committee tried to control that program, but it is beyond control. There are now more than 40 individual institutions. Three years ago there were none.

Mr. PROXMIRE. The Senator from Hawaii (Mr. INOUYE) and I wanted to bring down the amount of this program. The committee put in the same amount as the House, which is $25 million, but it is hard to justify.

Mr. FULBRIGHT. I was wondering if the Senator thinks there is any hope of the legislative committee doing anything about it.

Mr. PROXMIRE. We had hoped that the legislative committee would be able to help us on that. We have been assured that the Senator from Arkansas and others have been trying to work on it.

Frankly, we are far over the budget estimate. The budget estimate is only $15 million, and we are up to $25 million.

Mr. President, I yield the floor.

Mr. FONG. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. Is the Senator yielding time on the bill?

Mr. FONG. No, on the amendment.

The PRESIDING OFFICER. The Senator has no time on this amendment.

Mr. INOUYE. I yield my colleague from Hawaii 5 minutes.

Mr. FONG. I have not used my time on this amendment yet.

Mr. PROXMIRE. The time is controlled by the manager of the bill.

The PRESIDING OFFICER. The time in opposition to the amendment is controlled by the manager of the bill.

Mr. FONG. Mr. President, this amendment has two parts. First, it cuts down the appropriation which the Appropriations Committee made for the Inter-American Development Bank from $836,760,000 to $418 million. The other part knocks out the $100 million for the Asian Development Bank.

This amount of money—$836 million—is divided into three parts: $50 million for paid-in capital, $336.76 million for callable capital, and $450 million for the fund for special operations.

Mr. PROXMIRE. Mr. President, will the gentleman yield?

Mr. FONG. I yield.

Mr. PROXMIRE. It is my understanding that the Senator from New York has withdrawn his objection to having these two amendments considered en bloc.

Mr. FONG. Yes.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the two amendments be considered en bloc. I understand that there is no objection.

The PRESIDING OFFICER. Is there objection?

Mr. FONG. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FONG. This sum is to be used for the current replenishment of the capital of the Inter-American Development Bank. These funds are for hard loans drawing largely on private market resources based on guarantee capital.

Mr. President, these funds are loaned to various countries at an 8-percent rate of interest. These funds are not given to these countries. The money we appropriate for the ordinary capital and for the callable capital is used for loans which we call hard loans.

These loans are made at regular interest rates. These loans are not grants. These loans are repayable, and the interest is repayable. The history of the Bank reveals that these loans have made money for the Bank. This is not a grant. This is our contribution to the capital of the Inter-American Bank.

The $50 million, which is to be the paid in portion of the ordinary capital, is the only money that is in-paid in form. The $336.76 million callable is only a guarantee; and the way it works is to give to the Bank a guarantee; all the member countries of the Bank subscribe to callable capital. This callable capital serves as a guarantee for all the creditors who lend money to the Bank. So the bank, with a small, paid-in capital, together with a callable capital which is not paid into the Bank, is able to secure large sums of money from the public in various countries to carry on the work of a bank, of lending money at a market rate of interest, which is currently 8 percent.

The other part of the bill calls for a $450 million fund for special operations. Only a few months ago, the Senate authorized the payment of $450 million to the fund for special operations of Inter-American Bank. The fund for special operations will be out of loan funds before the end of this year.

Part of this program, Mr. President, has already been cut back. The first installment request for $100 million for fiscal 1972 was cut to $50 million, and consequently the United States did not sign up.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. FONG. I ask for an additional 5 minutes.

Mr. INOUYE. I yield 5 minutes to the Senator.

Mr. FONG. Mr. President, the United States has already missed the first two installment dates, because we did not appropriate this money. So the countries had to get together again and agree on a new signup date, and the new signup date is December 31, 1972. As I have stated, we have already missed two installment due dates. We have made agreements with the other countries of the hemisphere, and we have not been able to keep the agreements.

While the International Development Association has been kept going by advance contributions from other industrialized countries, IDB does not have such a fallback. This fund will be depleted this year. Other countries have advanced money to the International Development Association, but there is no fallback on this particular special fund.

If this year's $450 million is cut, the United States would be so far from conforming to the original agreement that renegotiation would be unavoidable. That means that we will have to get together again with the various member countries, to renegotiate again. We have been forced to renegotiate the due dates several times because we have not been able to keep our commitments under the agreement.

Since the Bank is considered by many to be the key element of U.S. assistance to Latin America, the United States should give some assurance to the Bank that we will keep our agreement; and I oppose the cutting of the sum of $836 million to $418 million.

Mr. President, the administration asked for a total of $837 million this fiscal year for U.S. subscriptions and contributions to the Inter-American Development Bank. If we have any concern at all for our relations in the Western Hemisphere, we should act promptly to appropriate the amounts requested by the administration.

My distinguished colleagues should recall that the contributions we are talking about today were negotiated with our Latin American partners in the IDB by Secretary of the Treasury David Kennedy in April 1970. Now, 2½ years later, the administration has still not been given the funds to permit the replenishment of the fund for special operations to come into effect.

Latin America has long since done its part of the bargain. The U.S. contributions to IDB have been fully authorized. Our bilateral loan programs for Latin America have been cut to a fraction of their former levels, ostensibly in favor of greater reliance on the IDB. Yet, here is the recommendation for cutting IDB by a far deeper percentage than bilateral loans. I say this does not make sense and will impair our credibility in Latin America for years to come.

I want to emphasize that the financial situation of the fund for special operations will be extremely critical by the end of this year when its hard currency resources will be fully committed. Commitments in 1973 will depend very largely on what we do on this appropriation. Without adequate new resources, the ability to make new loans will be hamstrung.

Loans which have been made by the Inter-American Bank are as follows—23.6 percent for agriculture, 18 percent for transportation, 16.1 percent for power, 15.8 percent for industry and mining, 10.9 percent for water supply and sewage, and 15.6 percent for education, housing, and other.

The amounts of the Inter-American Bank's contributions in the fields of social development are in fact very substantial.

For example, in education, the Bank has made a total of 57 loans for $208 million for education projects whose total cost is $441 million. These loans are helping to modernize, expand or improve 592 learning centers, of which 108 are universities and 484 are vocational or technical schools, with a total of 880,000 students.

Special emphasis is being placed in these programs on improving a variety of disciplines essential to Latin America's current development plans. A total of 29 percent of the loan funds are being applied to institutional development, 18 percent to engineering, 18 percent to the natural sciences, 12 percent to the agricultural sciences, 11 percent to technical and vocational education, 5 percent to the social sciences, 6 percent to the health field, and 1 percent to other educational projects. Forty-five percent of the project funds are being devoted to the purchase of laboratory equipment and library material, 39 percent to the construction of buildings, 10 percent to improving teaching or providing scholarships and 6 percent to other items.

In water and sanitation, a total of 90 Bank loans amounting to $539 million are helping to finance water supply and sanitation projects whose total cost amounts to $1,268 million. The loans are helping to build or improve 4,254 pure water systems, 326 sewage systems and two city rain drainage systems. These systems are benefiting a total population in Latin America's cities and countryside of 53 million persons. As of December 31, 1971, some 3,343 pure water systems and 297 sewage systems had been completed.

In urban development, a total of 48 Bank loans amounting to $358 million are helping to finance urban development projects whose total cost is $824 million. These loans are helping to build some 362,813 housing units, along with community facilities, as well as six municipal markets. As of December 31, 1971, 308,935 of these units had been completed.

Loans in these important social sectors would have to be cut back drastically if we fail to provide the funds requested.

Referring to the Asian Bank, the United States has not kept up its commitment in that sphere, also. In March of this year, we authorized the payment of $100 million, and the $100 million we are appropriating in this bill is for that purpose.

The distinguished Senator from Wisconsin has stated that Japan, being an affluent country, should contribute to this program. Japan has contributed $103 million already. Germany, which is not in Asia, has contributed $18 million. Canada has contributed $25 million. Australia has contributed $10 million. New Zealand has contributed $1 million. The United Kingdom has contributed $14 million. Denmark has contributed $2 million.

The Netherlands has contributed $2 million. Norway has contributed $2 million. Belgium has contributed $2 million.

If we appropriate this $100 million, we will just be meeting the amount that Japan has already contributed, and our sum will be only one-third of the total amount which will be contributed.

The Asian Development Bank is a regional development financial institution established in 1966. It lends funds, promotes investments, and provides technical assistance to its development member countries; and, more generally, it fosters economic growth and cooperation in the Asian region. It has 37 members, of which 23 are regional countries and 14 are nonregional countries.

Mr. President, the $100 million which the Appropriations Committee has put into this bill is the sum necessary for us to meet our long-standing commitment to the 37 members of this Bank.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. FONG. I ask for 1 additional minute.

Mr. INOUYE. I yield 1 minute to the Senator.

Mr. FONG. Mr. President, in view of the fact that all the other countries do put up their money, it will be ill-advised for us, especially when we say that we expect to help with the development of the Asian countries, to renege on our commitment, which we in Congress reaffirmed a few months ago. I submit that the elimination of the $100 million will not be understood by our friends in the Far East, who expect us to live up to our commitments, especially when other countries have lived up to their commitments by contributing $200 million already.

I therefore ask my colleagues to vote against the amendment.

Mr. JAVITS. Mr. President, will the Senator yield me 5 minutes?

Mr. INOUYE. Mr. President, I yield 4 minutes from the amendment and 1 minute from the bill to the Senator from New York.

The PRESIDING OFFICER (Mr. FANNIN). The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, I believe that the Senate would be ill-advised to vote for this amendment for the following reasons:

We like to pretend or say that foreign aid has not changed, but it has changed materially in the most important element of foreign aid, which is the participation of other nations.

For example, as to the Asian Development Bank, the fact is we are matching Japan, which is the really new innovation in the whole situation of foreign aid. We are asked for $100 million. Japan has already contributed $103 million. In addition, there is an excellent chance that if Japan is encouraged, Japan will take over a major part of the financing of development in the whole of Asia.

Encouragement means partnership with the United States. Some may be restless about this, but we must remember that we cannot do anything, and we certainly do not want to do anything to denigrate our position, which is a great one in the world. That is just a fact of history. We produce half of everything produced in the world. We have a gross national product of $1,200 billion—unheard of. That represents a mountain of production such as man has never dreamed of before.

Is it reasonable to expect that the overwhelming majority of mankind, which is poor, ill, has a short life expectancy, and is badly housed, will sit around and let us enjoy this relative position? I emphasize the word "relative," because we have 15 percent of our people, 30-odd million, who are poor themselves but, relatively, we are a very, very productive and affluent nation.

Is it logical to expect that the world will permit it to remain in the precarious situation it would be in if the only rich man in the free world, relatively speaking, says, "OK, boys. Essentially fend for yourselves"?

I like the idea of multilateral aid. We have been phasing into that in an important way, but if we are going to phase into it effectively, phasing means that we cannot get out of this business or expect a maximum of contributions from others unless we make them ourselves. We have been doing very well in this. For example, with respect to the funding of the Inter-American Development Bank, funds for special appropriations, Latin America has itself contributed $1 for every $2 we contribute. That is a material change from when it was $4 and more in previous years.

Now, Mr. President, the fundamental thing about foreign aid—and I have argued it now for 24 years, ever since the Greco-Turkish aid program in the other body, which I supported and because Dr. Eaton, then the sainted chairman of the Foreign Affairs Committee, had to go way down to me, one of the most junior members, to find an assistant to help him on the floor of the House—is that always, Mr. President, in all of its permutations, it had to be justified by the fact that morally and realistically we cannot be what we are in the world and, at the same time, fail to pay a fair share of what it takes to keep the world operating with some remote semblance of order. We could be as hotly engaged in many places in the world, including the South Atlantic, as we are now with respect to Vietnam; and the price we pay is not $80 billion in round figures in defense, but some billions of dollars additional in aid. It is as simple, in my judgment, and as clearcut, as that, especially if we wish to encourage multilateral organizations. We have to do our part. It is not such an overwhelming figure, either, when we compare it to our gross national product.

Indeed, I had the opportunity, as a Delegate to the United Nations General Assembly, to commit the United States to a 1 percent of our gross national product target for all forms of foreign aid, both from public and private sources.

Mr. President, a highly integral part of everything we do is the increasing flow of investments from private sourecs, which is appreciable now, as well as that from public sources.

So, Mr. President, the sheer facts of history, as well as the participation of other nations in the requirement of some kind of stability in the world in which we live, compel these expenditures upon us.

In proportion to our expenditures for defense, in my judgment, Mr. President, they are reasonable and fair. If we wanted to place this strictly on the basis of the fact that we should not be doing anything at all abroad because we have so much to do here at home, then the first thing we should do is to cut down materially on our defense expenditures which are so heavily involved in a number of bases and locations and responsibilities that we carry around the world.

It has always been a strange anomaly to me that those who would vote with alacrity for stationing our forces in many ways all over the world would, at the same time, turn against the very modest—in relation to defense expenditures and the gross national product—allocations we make for foreign aid.

For all these reasons, and because we realize we are coming up on a time when other nations are pitching in—indeed, many are doing much more in proportion than we are—I believe that this amendment should be defeated.

Mr. BENNETT. Mr. President, will the Senator from Hawaii yield?

Mr. INOUYE. Mr. President, I yield 3 minutes to the Senator from Utah.

The PRESIDING OFFICER (Mr. RIBICOFF). The Senator from Utah is recognized for 3 minutes.

Mr. BENNETT. Mr. President, I should like to add my voice to that of my colleague from New York and the two Senators from Hawaii, and to express my feelings that we have a great opportunity now, at this particular time, to move toward a substitution of economic and engrossment partnerships both in Latin America and in Asia, a substitution for potential military pressures which we should be very unwise to neglect.

Latin America has many problems and we, the United States, are a part of them. I think that there is no better way by which we can demonstrate our unselfishness and our hope for a solution of those problems by increasing our investments in the Inter-American Development Bank. When we look abroad to Asia, we are hopeful that we can withdraw gradually and reduce our military commitments in those areas. In order to do that safely, we must increase our partnership with the free nations along the Asian-Pacific coasts.

One of the ways in which we can help is to make and leave substantial investments in the Asian Development Bank through which its Asian managers can increase the stability of the countries whose military safety we have long been interested in and to which we have contributed so much.

Investments of this kind represent only a fraction of the cost of military support but potentially they can be useful in helping these two great areas in the world to solve their problems.

I hope very much that the amendment will be defeated.

The PRESIDING OFFICER. Who yields time?

Mr. FONG. Mr. President, I yield 3 minutes to the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) on the bill.

Mr. HARRY F. BYRD, JR. Mr. President, I support the position of the distinguished Senator from Wisconsin and I support the amendment that he has offered.

What he proposes to do is to accept the House figure of $418 million for the Inter-American Bank. The House had nothing in the bill for the Asian Bank. The amendment now pending would eliminate the figure of $100 million inserted by the Appropriations Committee.

I just do not understand why the Appropriations Committee would double the amount previously approved by the House for the Inter-American Bank. When we add the three international financial institutions to which this pending legislation will appropriate funds—namely, the Inter-American Bank, the International Development Association, and the Asian Development Bank—there is a total in this one bill of $1,256,000,000.

The able Senator from Wisconsin would reduce that by about $500 million. I think that is a worthwhile proposal. I do not see how this Congress can continue to vote out funds for every conceivable project. Certainly we must start cutting somewhere.

The Senator from Wisconsin has offered an opportunity now to cut $500 million in round figures out of this foreign assistance program. The bill is still too high.

I think the country would be rendered a service if the amendment offered by the Senator from Wisconsin were approved.

I yield back the remainder of my 3 minutes.

Mr. INOUYE. Mr. President, I yield myself 3 minutes from the bill.

Like all of my colleagues, I am well aware of the pleas of our constituents. We want more help. We want better education. We want more and better highways. We want better homes, better parks.

I realize the needs of our people are very great; but when the countries assembled together many years ago to establish these two banks, they did so in recognition of one fact. I think all of us should know that the major contributors to these two banks are the affluent nations of the world. These affluent nations must have concluded that if their respective nations are to continue in their affluence and are to continue their level of development, they can only do so in a world that is stable and that is free from dissension. We cannot maintain stability by repression. The only positive way to maintain stability is to uplift the quality of life of the less fortunate ones. This is the way that countries of the affluent parts of the world have gotten together.

In these two banks, we have made certain commitments. I think the commitments should be fulfilled at this time. I feel that in fulfilling these commitments, we are doing so in the best interests of the United States and of the free world.

Mr. PROXMIRE. Mr. President, I understand that I have 1 minute left on my amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. PROXMIRE. Mr. President, let me say in the first place in answer to the Senator from New York (Mr. JAVITS) that Japan does contribute substantially to the Asian Development Bank and they should. They contribute nothing to the Inter-American Development Bank. They are out of it. It seems to me that we ought to recognize that not a word was said in opposition to my amendment and recognizing that this money does not go to help the people of the world who need it. Very little goes to education and very little goes to the small farmer. It goes to the big people, the people who already have it made in the various countries.

Finally, I would say that as far as commitments are concerned, the Senator from Arkansas knows full well, as I do, and all other Senators do, that these measures are subject to appropriations. Otherwise the Appropriations Committee might as well go out of business if we automatically have to appropriate funds for whatever commitments are made. The Treasury Department and the banks have made it clear over and over again that these agreements are subject to appropriations. All countries know that and the Banks know that.

It was said, "Why not cut defense and the domestic programs." I am for that. However, we have to exercise our own judgment on priorities in the end. Otherwise the $250 billion ceiling will take the options away from us, and the President will exercise his own authority.

I say that we ought to insist that the Senate and the House of Representatives determine our spending priorities. This is the way to do it and this is the time to do it.

Mr. President, I yield back whatever time I have remaining.

Mr. FONG. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 2 minutes.

Mr. FONG. Mr. President, as I said before, the only money that will come from the Treasury of the United States for the ordinary capital of the Inter-American Bank will be $50 million which will be paid in capital. The callable capital will not be paid in. It is in there as a guarantee. The $450 million for the fund for special operations will be paid in the form of a letter of credit that will only be cashed later as needed.

We have cut back our aid to Latin America very drastically. And judging by the Pearson report, we have stated we will go into multilateral aid. This is one way in which we can bolster up multilateral aid and help our Latin American brothers.

There simply is not any cushion in this program. Cuts will be immediately translated into reduced IDB lending levels. And I do not believe IDB lending levels can be summarily cut without seriously affecting the economic growth of Latin America. Useful projects are already in the FSO pipeline and the Bank must have the means to carry them out. This will not be possible unless we appropriate the amounts recommended in the bill now before us. I strongly urge the Senate to do just that.

We must appropriate the full amount so that they can carry on their business.

Mr. President, for the Asian Bank, we are just meeting, in fact, the sum put in by Japan, $103 million. We are putting in $100 million to meet the $103 million already put in by Japan.

Mr. President, if we believe in helping the countries everywhere, we should appropriate this $100 million.

I ask the Senators to vote against the amendment.

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum with the time to be taken out of neither side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I yield 2 minutes to the Senator from Arkansas on the bill.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 2 minutes.

Mr. FULBRIGHT. Mr. President, perhaps some Senators will come to the floor while I am talking so that we can get the yeas and nays. I will take just a few minutes. There are not enough Senators present at the same time for the yeas and nays.

I want to say again that the Senator from Wisconsin has had the lead in trying to hold down the foreign aid program.

This is one of the few items in the legislation that I do support and have supported. It is very embarrassing for me to vote for it, because of my history of trying to guide this program into the multilateral field. I think I will keep that record clear. I have to vote against the amendment, although I regret doing so, because the overall amount of this economic assistance and the military—which is not in here but will be, I presume, later when the authorization is passed—has grown so large that it is beyond my comprehension how we can continue to spend about as much or more in destroying countries in Asia at the same time we come in and plead about our role in the world, of being constructive.

Mr. President, we are spending, I suspect, in the neighborhood of $10 billion in destroying two little countries in Southeast Asia, and will apparently continue to do so. Then in our very ambivalent attitude, we come along and appropriate about the same or approximately the same amount to rebuild countries.

It is one of the most schizophrenic positions I have ever seen our country in.

Mr. President, one other point about the GNP. I get awfully tired hearing about the GNP being productive. It is not a margin of productivity in the sense we use that word commonly.

It registers all the activity which has increased recently in crime control, garbage disposal, the kinds of ecological things which have nothing to do with the productivity of this country, in the sense of producing goods that are useful and that can be translated into this program.

But every time this argument comes up, we are faced with GNP. We have allowed our productive capability to deteriorate to the point, together with inflation, that we are not competitive with countries like Japan and countries in Europe.

I shall vote against the bill as a whole, because it is too large, but I will not vote for this amendment on principle.

Mr. MANSFIELD. Mr. President, will the Senator yield to me for 2 minutes?

Mr. INOUYE. I yield 2 minutes to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I feel I must oppose this amendment. For one thing, it would cut the funds for the Inter-American Development Bank in half. It practically breaks them as far as funds for the remainder of the year are concerned.

I think we are paying too much attention to Southeast Asia and not enough attention to our friends to the south and in Latin America. I think we ignore them, and because we ignore them all of the difficulties that have arisen in that part of the world are coming back to haunt us.

Insofar as funds for the Inter-American Development Bank are concerned, I hope they will not be cut. It has been ignored too long.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FONG. Mr. President, I yield 3 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOPER. Mr. President, I have just come to the Chamber and became aware of the amendment of the Senator from Wisconsin. I would like to recall briefly the history of the development of this Bank.

Senators may recall that in 1964 and 1965 President Johnson delegated Mr. Eugene Black, the first President of the World Bank, to take part in negotiations for the establishment of the Asian Development Bank. I think everyone here is acquainted with his ability and his efforts in its behalf.

In 1965, the Senator from Missouri (Mr. Symington) and I were appointed as a delegation to attend the conference with Mr. Eugene Black at the time the charter was signed. The charter was signed by the United States and approved by the Senate. Congress at that time made the pledge of capital stock in the Asian Development Bank and that pledge was approved by the Senate, and the authorization has been approved by the Senate.

At a later time a much more debatable question, the subscription of operational funds, was discussed and the authorization was recommended by the Committee on Foreign Relations and this was approved by the Senate and the House.

Great interest has been shown in this Bank. There has been substantial participation by Japan even greater than that of the United States, participation by other Asian countries and Europaen countries such as Great Britain and Germany.

I believe that it is very important for our country to continue to show its interest and participate in the development of these countries in Asia.

I wish to make one other point. There has been great criticism by many upon the adverse effects of the military action of the United States in Asia. I think it is important that the United States continue its support and interest in the constructive work we do in that part of the world to help Asian countries and to help their peoples. I think it would be very bad at this time for the United States to renounce the position it has previously taken to extend aid for development through the Asian Bank and to turn its back upon the great developing area of the world. The Asian peoples and countries have had great difficulties, because of the war. To deny funds to the Asian Bank would be a contradictory action to the widely expressed view that U.S. efforts should be turned toward constructive help in Asia.

I hope very much this amendment will be rejected.

The PRESIDING OFFICER. Who yields time?

The question is on agreeing to the amendment of the Senator from Wisconsin. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from New Mexico (Mr. Anderson), the Senator from Louisiana (Mrs. Edwards), the Senator from Oklahoma (Mr. Harris), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from North Carolina (Mr. Jordan) and the Senator from Wyoming (Mr. McGee) are absent on official business.

Mr. SCOTT. I announce that the Senators from Colorado (Mr. Allott and Mr. Dominick), the Senators from Tennessee (Mr. Baker and Mr. Brock), the Senator from New York (Mr. Buckley), the Senator from Arizona (Mr. Goldwater), the Senator from Michigan (Mr. Griffin), the Senator from Wyoming (Mr. Hansen), the Senator from Illinois (Mr. Percy), the Senator from South Carolina (Mr. Thurmond), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Delaware (Mr. Boggs) is absent to attend the funeral of a friend.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Vermont (Mr. Stafford) and the Senator from Ohio (Mr. Taft) are absent on official business to attend the Interparliamentary Union meetings.

Also, the Senator from Idaho (Mr. Jordan), the Senator from Illinois (Mr. Percy), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

If present and voting, the Senator from Illinois (Mr. Percy), the Senator from South Carolina (Mr. Thurmond) and the Senator from Texas (Mr. Tower) would each vote "nay."

The result was announced—yeas 26, nays 49, as follows:

[No. 480 Leg.]

YEAS—26

Allen
Bible
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Cranston
Eagleton
Eastland
Ervin
Gambrell
Gurney
Hartke
Hollings
Long
Magnuson
McClellan
Nelson
Proxmire
Randolph
Ribicoff
Roth
Spong
Stennis
Symington
Talmadge

NAYS—49

Aiken
Bayh
Beall
Bellmon
Bennett
Bentsen
Brooke
Case
Chiles
Church
Cook
Cooper
Cotton
Curtis
Dole
Fannin
Fong
Fulbright
Gravel
Hart
Hatfield
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Mansfield
Mathias
Miller
Mondale
Montoya
Moss
Muskie
Packwood
Pastore
Pearson
Pell
Saxbe
Schweiker
Scott
Smith
Stevens
Stevenson
Tunney
Weicker
Williams
Young

NOT VOTING—25

Allott
Anderson
Baker
Boggs
Brock
Buckley
Dominick
Edwards
Goldwater
Griffin
Hansen
Harris
Jordan, N.C.
Jordan, Idaho
McGee
McGovern
McIntyre
Metcalf
Mundt
Percy
Sparkman
Stafford
Taft
Thurmond
Tower

So Mr. PROXMIRE's amendment was rejected.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

Mr. INOUYE. I move to reconsider the vote by which the amendment was rejected.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. JAVITS. Mr. President, I shall be very brief, but I do have to establish this point.

The PRESIDING OFFICER. Who yields to the Senator from New York?

Mr. INOUYE. Mr. President, I yield to the Senator from New York 3 minutes.

Mr. JAVITS. Mr. President, Senators will notice that, by action of the Appropriations Committee, provisions under security supporting assistance which had passed the House were stricken out completely, and provisions under military sales, under title II, foreign military credit sales, were stricken out as they passed the House.

I have discussed this matter with the Senator from Hawaii (Mr. INOUYE) and the Senator from Wisconsin (Mr. PROXMIRE), with especial relation to the particular provisos which were made in both appropriations in the House respecting Israel, as well as the appropriations generally, and they have assured me that all they are waiting for is the authorization bill, that they did not wish to undercut the conference on the authorization bill, and that the appropriate provisions will be made.

I asked whether I should seek to include a provision of $85 million instead of $50 million under supporting assistance, which is what the Senate voted. They advised against it, and I have taken their advice, but I would greatly appreciate something on the record to indicate the situation, the reason for their action, and what assurance we may have in now passing the bill.

Mr. PROXMIRE. Mr. President, the statement of the Senator is completely correct. The Appropriations Committee did omit the unauthorized items, on the suggestion of the leadership as a matter of fact. I feel very strongly, and I know other members of the Appropriations Committee do, that we should provide the $85 million for Israel and the $300 million for Israel, and that we should not go back to the House level.

It is my understanding that when we go to conference, the items that have not been authorized will be subject to the conference. We will wait until the authorizing committees act, as we should, out of courtesy, recognizing that they have their own discretion, and only then will we proceed to act on the appropriation.

Mr. JAVITS. I thank the Senator.

Mr. FONG. I yield myself 1 minute.

Mr. President, in connection with the Export-Import Bank of the United States, the Appropriations Committee report—page 98—on the pending bill cites the conclusions of Douglas R. Bohi in his recent study of the Bank.

I wish to point out to my colleagues in the Senate that Dr. Howard S. Piquet, an eminent international economist, has written a report totally refuting the analysis and conclusions of Mr. Bohi. Dr. Piquet's report clearly indicates that the activity of the Export-Import Bank has played a major role in increasing exports from the United States. I strongly support Dr. Piquet's conclusions.

I ask unanimous consent that Dr. Piquet's conclusions be printed in the RECORD at this point.

There being no objection, the conclusions were ordered to be printed in the RECORD, as follows:

"EXPORT CREDIT SUBSIDIES AND U.S. EXPORTS: AN ANALYSIS OF THE U.S. EXIMBANK," BY DOUGLAS R. BOHI—A REPLY

(By Howard S. Piquet)

CONCLUDING REMARKS

It is incorrect to characterize the Eximbank as a subsidizing agency. Throughout its existence it has been borrowing funds from the U.S. Treasury and the private capital market at rates of interest lower than the rates which it charges its borrowers, except for brief periods over the past few years, when interest rates skyrocketed and it paid a slightly higher rate to the Treasury than its lending rate. This phenomenon resulted from the fact that the Eximbank has been following a policy of charging a standard rate of 6 percent on its loans. The average rates paid on its borrowings in the private capital market have always been lower than its lending rate.

Because of the differential between its borrowing rate and its lending rate the Eximbank is a highly profitable institution and it has been paying substantial dividends to the U.S. Treasury which, on behalf of the Government, holds all of its $1 billion of capital stock. It is misleading, therefore, to assert that American taxpayers are spending huge sums through the Eximbank to stimulate U.S. exports.

The Exibank also provides a large and increasing volume of guarantees and insurance. It is a true bank which has been created for the purpose of facilitating exports with respect to credits, guarantees and insurance so as to place U.S. exports on a competitive footing with exports by other countries. International "credit wars" have been avoided through regular consultations held under the auspices of the Berne Union.

Efforts to prove that the activities of the Eximbank have not stimulated U.S. exports have been unsuccessful because there are too many variables of equal importance to isolate the effects of any one of them, including credit financing. Professor Bohi has demonstrated this impossibility by his mathematical equations. For the same reason, it is impossible to demonstrate mathematically that Eximbank activities have stimulated exports.

There is a strong presumption, however, that Eximbank activities have had the effect of expanding U.S. exports. Numerous banks, which according to Eximbank critics, are supposed to be competitors of the Eximbank, are on record to the effect that were it not for Eximbank credits and guarantees many exports would not have materialized.

As stated in my 1970 report:[1] "By the nature of the phenomena, a positive cause-effect relationship between Eximbank lending and increasing U.S. exports cannot be 'proved'. Correlations between the percentage increase in the Eximbank's lending, on a country-by-country basis, and U.S. exports to those countries are so intertwined in a maze of widely ranging variables that it is not possible to show any convincing relationship. The volume of exports is so strongly affected by the price relationships, relative degrees of inflation, rates of economic growth, etc., that the effects of Eximbank lending upon U.S. exports are hidden. Even with respect to some of the less developed countries in which there appears to be something approaching a positive correlation, so many variables are involved that any conclusion as to cause-and-effect relationships is rendered meaningless, if for no other reason than because the Eximbank is only one of the institutions which encourages exports to, and development in, those countries. Whether U.S. exports to any given country have expanded because of Eximbank loans or because of the operations of the Agency for International Development or of the World Bank cannot be determined.

"In the absence of statistical proof, almost all that can be done is to ask those who are in a position to know whether, in their judgment, the activities of the Eximbank and the FCIA have caused exports to be larger than they otherwise would have been.

"In the course of preparing the present report, the author talked and corresponded with a large number of bankers and exporters. In nearly every instance they have been fully cooperative in answering questions and in volunteering information and opinions regarding the Eximbank's procedures and attitudes."

Exporters and commercial bankers alike are enthusiastic in crediting the Eximbank for stimulating exports. The reply of a relatively small bank was typical in stating "We are extremely pleased with the many new provisions in the program . . . they should generate additional exports by making bank financing more flexible and providing banks with greater liquidity during periods of tight money. . . ."

Particularly enlightening was a letter recently received by the Eximbank from an important Danish importer stating that:

"As you may know, many of the major industrial countries such as the United Kingdom, Germany, Japan, Holland and others offer state-assisted financing when non-national clients such as ourselves order heavy equipment like ships, drilling rigs, cranes, machinery and so on.

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[1] Piquet, H. S., *op. cit.*, pp. 34–39.

"Accordingly, when we became aware of the availability of favorable financing as offered by the Export-Import Bank we gave more serious consideration to sourcing from the United States. The financing terms you make available have played a major role in our decision for the first time to order about $50 million worth of such equipment from the United States, whereas in the past we have typically sourced such equipment from other countries. Further, in the process, our staff is becoming aware of other procurement opportunities in the United States which we had not earlier had occasion to encounter. We frankly doubt that we would consider some of the U.S.A. procurement we have just made, and are now planning, if the financing you offer were not available."

To curtail the Eximbank's activities would run the risk of retarding U.S. exports. Simple logic says that if there is a presumption that the Eximbank has been doing a creditable job it should be allowed to continue to do so. If it is to do so during a period of economic expansion its powers should be enlarged.

Mr. INOUYE. Mr. President, I congratulate the distinguished former chairman of the subcommittee for his very substantial contribution in moving to restore congressional controls to a program which has gone too long without strong and continuing congressional knowledge of its true dimensions and without sufficient congressional oversight.

I would like to add to the foundation he has begun and would like to lay before the Congress and the agencies concerned the course I intend to follow:

First. I feel that all foreign assistance is inherently related and will accordingly continue the practice of gathering and reporting information on the total—by country.

Second. I will insist that regional and unallocated requests be broken down by country in the annual congressional presentation. Dr. Hannah has agreed that this will be done—I suggest that the Department of Defense follow this course.

Third. As chairman of the subcommittee I wish to be advised before any program or activity, not justified for the current year, is initiated.

Fourth. I will insist that excess foreign currencies on deposit with the Treasury be used to the fullest extent possible to underwrite local costs and the need for local credits.

Fifth. I expect all proposed spending for fiscal year 1973 and subsequent years to be brought in the front door and reflected on the front of the report as new obligational authority.

Sixth. I intend to pursue the theory that both United States and local interests are best protected by the fixed cost reimbursement approach under which the recipient government will incur the cost of completing a project or project segment to an agreed-upon standard at a previously agreed-upon cost prior to reimbursement. This concept, known locally in the Philippines as "Bayanihan," makes the Philippine Government responsible for any cost overruns and has demonstrated its effectiveness. It further gives assurance to the U.S. taxpayer that the funds are being effectively employed in the manner, and for the purposes, desired.

Seventh. I am challenged by the most important and most complicated area of foreign assistance which unfortunately shares with welfare the least public support of any Federal program. If so, there must be some reason and I intend to find out why and try to correct it. I am not one who believes that the answers to the dilemma of U.S. foreign assistance can be found solely in Washington and, therefore, together with other members of the committee, I intend to conduct an intensive study of the program in the field where U.S. efforts win or lose. I plan to cover all significant geographical and program areas over the next 2 years beginning with the Far East on January 6–28.

It is a big undertaking and a great challenge but I promise the Senate my best and most diligent efforts.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 16705) was read the third time.

The PRESIDING OFFICER (Mr. Humphrey). The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from Hawaii (Mr. Inouye) yield me 3 minutes?

Mr. INOUYE. I yield 3 minutes to the Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, I shall vote against this appropriation bill. This is only a part of the total foreign aid appropriations being sought for this fiscal year. This bill appropriates approximately $3 billion. The total requests for foreign aid are in the neighborhood of $9.5 billion.

I am impressed with page 4 of the committee report, which points out—this is the report of the Appropriations Committee, on page 4—that since World War II, from 1948 through 1970, the U.S. Congress has appropriated over $150 billion for foreign aid.

Mr. President, I think it is time that consideration be given to the American taxpayer. During the time that that $150 billion was being shoveled out overseas, being given to other countries, the total assets of the United States have deteriorated tremendously. I have prepared a table showing total reserve assets and liquid liabilities to foreigners over a selected period of time, and I ask unanimous consent that the table be printed in the Record at this point.

There being no objection, the table was ordered to be printed in the Record, as follows:

TOTAL RESERVE ASSETS AND LIQUID LIABILITIES TO FOREIGNERS

[Selected periods in billions of dollars]

	Gold holdings	Total assets	Liquid liabilities
End of World War II	20.1	20.1	6.9
Dec. 31, 1957	22.8	24.8	15.8
Dec. 31, 1970	10.7	14.5	43.3
Dec. 31, 1971	10.2	12.2	64.2
May 31, 1972	10.5	13.3	[1] 67.0

[1] Estimated figure.

Source: U.S. Treasury Department, June 1972.

Mr. HARRY F. BYRD, JR. I yield back the remainder of my time.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. PROXMIRE. I yield back the remainder of my time.

Mr. FONG. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Louisiana (Mrs. Edwards), the Senator from Oklahoma (Mr. Harris), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from North Carolina (Mr. Jordan) and the Senator from Wyoming (Mr. McGee) are absent on official business.

Mr. SCOTT. I announce that the Senators from Colorado (Mr. Allott and Mr. Dominick), the Senators from Tennessee (Mr. Baker and Mr. Brock), the Senator from New York (Mr. Buckley), the Senator from Arizona (Mr. Goldwater), the Senator from Michigan (Mr. Griffin), the Senator from Wyoming (Mr. Hansen), the Senator from Illinois (Mr. Percy), the Senator from South Carolina (Mr. Thurmond), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Delaware (Mr. Boggs) is absent to attend the funeral of a friend.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Vermont (Mr. Stafford) and the Senator from Ohio (Mr. Taft) are absent on official business to attend the Interparliamentary Union meetings.

Also, the Senator from Idaho (Mr. Jordan), the Senator from Illinois (Mr. Percy), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

If present and voting, the Senator from Colorado (Mr. Allott), the Senator from Illinois (Mr. Percy), the Senator from Ohio (Mr. Taft), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 44, nays 31, as follows:

[No. 481 Leg.]

YEAS—44

Aiken
Bayh
Beall
Bellmon
Bennett
Bentsen
Brooke
Case
Chiles
Church
Cooper
Cranston
Dole
Fong
Gravel
Hart
Hatfield
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mathias
Miller
Mondale
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Ribicoff
Saxbe
Schweiker
Scott
Smith
Stevens
Stevenson
Tunney
Weicker
Williams

NAYS—31

Allen
Bible
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Cook
Cotton
Curtis
Eagleton
Eastland
Ervin
Fannin
Fulbright
Gambrell
Gurney
Hartke
Hollings
Hruska
Long
Mansfield
McClellan
Montoya
Proxmire
Randolph
Roth
Spong
Stennis
Symington
Talmadge
Young

NOT VOTING—25

Allott
Anderson
Baker
Boggs
Brock
Buckley
Dominick
Edwards
Goldwater
Griffin
Hansen
Harris
Jordan, N.C.
Jordan, Idaho
McGee
McGovern
McIntyre
Metcalf
Mundt
Percy
Sparkman
Stafford
Taft
Thurmond
Tower

So the bill (H.R. 16705) was passed.

Mr. FONG. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. INOUYE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PROXMIRE. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. INOUYE, Mr. PROXMIRE, Mr. MCGEE, Mr. MCCLELLAN, Mr. FONG, Mr. BROOKE, and Mr. HATFIELD conferees on the part of the Senate.

VOCATIONAL REHABILITATION ACT OF 1972

Mr. CRANSTON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 8395.

The PRESIDING OFFICER (Mr. RIBICOFF) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 8395) to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CRANSTON. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. CRANSTON, Mr. RANDOLPH, Mr. WILLIAMS, Mr. PELL, Mr. KENNEDY, Mr. MONDALE, Mr. STEVENSON, Mr. STAFFORD, Mr. TAFT, Mr. JAVITS, Mr. SCHWEIKER, Mr. BEALL conferees on the part of the Senate.

AUTHORITY TO FILE REPORT ON S. 4044 NOT LATER THAN MIDNIGHT TONIGHT

Mr. EAGLETON. Mr. President, I ask unanimous consent that permission be granted to file the committee report on S. 4044 not later than midnight tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 14891) to amend title 14, United States Code, to authorize involuntary active duty for Coast Guard reservists for emergency augmentation of regular forces.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 15475) to provide for the establishment of a National Advisory Commission to determine the most effective means of finding the cause of and cures and treatments for multiple sclerosis, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. ROGERS, Mr. SATTERFIELD, Mr. NELSEN, and Mr. CARTER were appointed managers of the conference on the part of the House.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 10729) to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes, agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. POAGE, Mr. ABBITT, Mr. SISK, Mr. DOW, Mr. BELCHER, Mr. GOODLING, and Mr. KYL were appointed managers of the conference on the part of the House.

QUORUM CALL

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUMPHREY). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS WILLIAMS, HART, ROBERT C. BYRD, AND SCOTT TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders have been recognized under the standing order, the following Senators be recognized, each for the time stated and in the order stated:

Mr. WILLIAMS, for not to exceed 15 minutes.

Mr. HART, for not to exceed 15 minutes.

Mr. ROBERT C. BYRD, for not to exceed 10 minutes.

Mr. SCOTT, for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO LAY THE UNFINISHED BUSINESS, S. 3970, BEFORE THE SENATE, AT 10 A.M. TOMORROW AND THAT THERE BE NO MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be no morning business tomorrow, prior to the cloture vote, and that at 10 a.m. the Senate proceed to the consideration of S. 3970.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONTROL OF TIME BETWEEN 10 A.M. AND 11 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on tomorrow, the control of the 1 hour of time under rule XXII be divided between and controlled by the distinguished Senator from Connecticut (Mr. RIBICOFF) and the distinguished Senator from North Carolina (Mr. ERVIN).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on tomorrow, if cloture is not involved on S. 3970, the Senate, immediately following the cloture vote, resume debate and consideration of amendments to H.R. 1, the welfare bill, and that the unfinished business be laid aside temporarily, and remain in a temporarily laid-aside status until an hour to be determined on tomorrow by the distinguished majority leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and it will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President,

I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m. After recognition of the two leaders under the standing order, the following Senators will be recognized, each for the time stated and in the order stated:

Mr. Williams, for not to exceed 15 minutes.

Mr. Hart, for not to exceed 15 minutes.

Mr. Robert C. Byrd, for not to exceed 10 minutes.

Mr. Scott, for not to exceed 15 minutes.

At the hour of 10 a.m., the Senate will resume consideration of the unfinished business, S. 3970. After 1 hour of debate, the Chair, at 11 a.m., will ask that the clerk call the roll to establish the presence of a quorum.

Once a quorum is established, a yea-and-nay vote on the motion to invoke cloture is automatic. That yea-and-nay vote should come at around 10 minutes after 11 a.m. tomorrow.

If cloture is invoked, S. 3970 will be the unfinished business until disposed of.

If cloture is not invoked, the Senate will immediately return to the consideration of H.R. 1, the welfare bill, and the unfinished business will be laid aside temporarily, and will remain in a temporarily laid-aside status until an hour during the afternoon to be determined by the distinguished majority leader or his designee.

Amendments to H.R. 1 will be in order. Hopefully, Senators will be ready to call up amendments on which yea-and-nay votes could occur.

ADJOURNMENT TO 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President. if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m. tomorrow.

The motion was agreed to, and at 6:06 p.m., the Senate adjourned until tomorrow, Friday, September 29, 1972, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate, September 28, 1972:

U.S. Navy

Adm. Charles K. Duncan, U.S. Navy, for appointment to the grade of admiral on the retired list pursuant to the provisions of title 10, United States Code, section 5233.

HOUSE OF REPRESENTATIVES—*Thursday, September 28, 1972*

The House met at 12 o'clock noon.

Rev. Samuel M. Carter, Clair Christian United Methodist Church, Chicago, Ill., offered the following prayer:

The Lord is good to those who wait for Him, to the soul that seeks Him. It is good that one should wait quietly for the salvation of the Lord.—Lamentations 3: 25–26.

Let us pray.

Almighty God, we come to Thee at the beginning of this day to invoke Thy presence, and to implore Thy blessing upon this august assembly. Look with favor upon these men and women sent here from all over this great Nation to make laws for the orderly governing of this land.

Give them eyes to see, ears to hear, and minds to perceive, that they may legislate with insight and wisdom for the continued welfare of our land.

Endow them with the strength of character that they may not veer either to the left or to the right, but keep their actions and deliberations on the path of right and good.

Bless us as a nation, made up of many people and kindreds; make us ever mindful of our obligations to Thee and to all Thy people around the earth. May all that we say and do redound to Thy glory and honor.

In Thy name we make these petitions. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment joint and concurrent resolutions of the House of the following titles:

H.J. Res. 1306. Joint resolution making further continuing appropriations for the fiscal year 1973, and for other purposes; and

H. Con. Res. 701. Concurrent resolution commending the 1972 U.S. Olympic team for their athletic performance and Mark Andrew Spitz, in particular, for his unparalled achievement in the 1972 Olympic games in Munich, Germany.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3817. An act to amend titles 10, 32, and 37, United States Code, to authorize the establishment of a National Guard for the Virgin Islands;

H.R. 8395. An act to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes;

H.R. 9676. An act to authorize the conveyance of certain lands of the United States to the State of Tennessee for the use of the University of Tennessee;

H.R. 10729. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes; and

H.R. 15475. An act to provide for establishment of a national advisory commission to determine the most effective means of finding the cause of and cures and treatments for multiple sclerosis.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 10729) entitled "An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Talmadge, Mr. Allen, Mr. Hart, Mr. Moss, Mr. Miller, Mr. Dole, and Mr. Weicker to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 3419) entitled "An act to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Magnuson, Mr. Pastore, Mr. Moss, Mr. Ribicoff, Mr. Kennedy, Mr. Ervin, Mr. Cotton, Mr. Cook, Mr. Percy, and Mr. Javits to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 2738. An act to amend titles 10 and 37, United States Code, to provide for equality of treatment for military personnel in the application of dependency criteria;

S. 4018. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes; and

S. Con. Res. 97. Concurrent resolution in behalf of prisoners of war and missing in action.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON AGRICULTURE

The SPEAKER laid before the House the following communication from the chairman of the Committee on Agriculture, which was read and referred to the Committee on Appropriations:

Washington, D.C.,
September 26, 1972.

Hon. Carl Albert,
The Speaker, House of Representatives, Washington, D.C.

Dear Mr. Speaker: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Agriculture on September 25, 1972, considered and unanimously approved the work plan for the Lake Verret, La., Watershed, transmitted to you by Executive Communication 1944, 92d Congress, and referred to this Committee.

With every good wish, I am,

Yours sincerely,

W. R. Poage,
Chairman.

CONFERENCE REPORT ON H.R. 7378, COMMISSION ON REVISION OF APPELLATE COURT SYSTEM

Mr. CELLER submitted the following conference report and statement on the bill (H.R. 7378) to establish a Commission on Revision of the Judicial Circuits of the United States:

Conference Report (H. Rept. No. 92-1457)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7378) to establish a Commission on Revision of the Judicial Circuits of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the House bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That there is hereby established a Commission on Revision of the Federal Court Appellate System (hereinafter referred to as "Commission") whose function shall be—

(a) to study the present division of the United States into the several judicial circuits and to report to the President, the Congress and the Chief Justice its recommendations for changes in the geographical boundaries of the circuits as may be most appropriate for the expeditious and effective disposition of judicial business.

(b) to study the structure and internal procedures of the Federal courts of appeal system, and to report to the President, the Congress and the Chief Justice its recommendations for such additional changes in structure or internal procedure as may be appropriate for the expeditious and effective disposition of the caseload of the Federal courts of appeal, consistent with fundamental concepts of fairness and due process.

Sec. 2. (a) The Commission shall be composed of sixteen members appointed as follows:

(1) four members appointed by the President of the United States;

(2) four Members of the Senate appointed by the President pro tempore of the Senate;

(3) four Members of the House of Representatives appointed by the Speaker of the House of Representatives; and

(4) four members appointed by the Chief Justice of the United States.

(b) Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(c) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(d) Nine members of the Commission shall constitute a quorum, but three may conduct hearings.

Sec. 3. (a) Members of the Commission who are officers, or full-time employees, of the United States shall receive no additional compensation for their services, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission, but not exceeding the maximum amounts authorized under section 456 of title 28, United States Code.

(b) Members of the Commission from private life shall receive $100 per diem for each day (including traveltime) during which he is engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

Sec. 4. (a) The Commission may appoint an Executive Director who shall receive compensation at a rate not exceeding that prescribed for level V of the Executive Schedule.

(b) The Executive Director, with approval of the Commission, may appoint and fix the compensation of such additional personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service or the provisions of chapter 51 and subchapter III of chapter 53 relating to classification and General Schedule pay rates: *Provided, however,* That such compensation shall not exceed the annual rate of basic pay for GS-18 of the General Schedule under section 5332, title 5, United States Code.

(c) The Director may procure personal services of experts and consultants as authorized by section 3109 of title 5, United States Code, at rates not to exceed the highest level payable under the General Schedule pay rates, section 5332, title 5, United States Code.

(d) The Administrative Office of the United States Courts shall provide administrative services, including financial and budgeting services, for the Commission on a reimbursable basis. The Federal Judicial Center shall provide necessary research services on a reimbursable basis.

Sec. 5. The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its functions under this Act and each such department, agency, and independent instrumentality is authorized to provide such information and assistance to the extent permitted by law when requested by the Chairman of the Commission.

Sec. 6. The Commission shall transmit to the President, the Congress and the Chief Justice—

(1) its report under Section 1(a) of this Act within 180 days of the date on which its ninth member is appointed; and

(2) its report under Section 1(b) of this Act within fifteen months of the date on which its ninth member is appointed.

The Commission shall cease to exist ninety days after the date of the submission of its second report.

Sec. 7. There are hereby authorized to be appropriated to the Commission such sums, but not more than $270,000, as may be necessary to carry out the purposes of this Act. Authority is hereby granted for appropriated money to remain available until expended.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the House bill and agree to the same.

Emanuel Celler,
Jack Brooks,
William L. Hungate,
Abner J. Mikva,
William M. McCulloch,
Edward Hutchinson,
Managers on the Part of the House.

James O. Eastland,
Quentin Burdick,
Roman L. Hruska,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7378) to establish a Commission on Revision of the Judicial Circuits of the United States, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

ESTABLISHMENT OF COMMISSION

The House bill established a "Commission on Revision of the Judicial Circuits." The Senate amendment established a "Commission on Revision of the Federal Court Appellate System." The Conference substitute adopts the Senate amendment.

DUTIES OF THE COMMISSION

Under the House bill the Commission was authorized to study and recommend changes in the geographical boundaries of the United States Courts of Appeals in order to promote the expeditious and effective disposition of judicial business and report to the President, the Congress and the Chief Justice.

The Senate amendment authorized the Commission to study and recommend boundary changes in the judicial circuits and also authorized the Commission—

(1) to study appellate procedures, such as prehearing screening of appeals, en banc hearings, etc., and problems arising therefrom;

(2) to study present and anticipated caseloads of the several judicial circuits and of the individual appellate judges and to consider the alleviation of problems arising therefrom by realigning the judicial circuits, by restructuring the appellate court system or by other court reforms;

(3) to study problems arising from the present and anticipated caseload of the Supreme Court;

(4) to study other areas of related court reform; and

(5) to recommend to the President, the Congress and the Chief Justice such alternative changes in the appellate court system as may be most appropriate for the expeditious and effective disposition of the Federal appellate caseload.

The Conference substitute adopts the House provision and also authorizes the Commission to study and recommend changes in the structure and internal procedures of the Federal courts of appeal system and to report to the President, the Congress and the Chief Justice.

While the Conferees recognize that a study of "changes in the structure and internal procedures" of the courts of appeal must necessarily take into consideration the types of cases which enter the judicial system at the district court level, the Conferees intend, by use of such language, to limit the Commission's recommendations to improvements in structure and internal procedures of the appellate process, rather than to authorize study and recommendations with respect to the basic jurisdiction, civil or criminal, of the district courts.

COMPOSITION OF THE COMMISSION

The House bill provided that the Commission be composed of 15 members to be appointed as follows:

(1) four members appointed by the President of the United States;

(2) four Members of the Senate appointed by the President of the Senate;

(3) four Members of the House of Representatives appointed by the Speaker of the House of Representatives, and

(4) three members appointed by the Chief Justice.

The Senate amendment authorized the creation of a twelve member Commission to be appointed as follows:

(1) six members appointed by the President, at least two of whom were to be practicing lawyers and at least two of whom were to be professors of law;

(2) two Members of the Senate, one from each of the two major political parties, appointed by the President pro tempore of the Senate;

(3) two Members of the House of Rep-

resentatives, one from each of the two major political parties, appointed by the Speaker of the House of Representatives; and

(4) two judges appointed by the Chief Justice.

The Conference substitute conforms to the House bill except that appointments of Members from the Senate are to be made by the President pro tempore; total membership of the Commission is increased to sixteen, and the number of appointments to be made by the Chief Justice is increased to four.

Quorum

The House bill provided that eight members of the Commission shall constitute a quorm.

The Senate amendment provided that nine members of the Commission shall constitute a quorum.

The Conference substitute adopts the Senate amendment.

COMMISSION STAFF

The House bill provided that the administrative and research services of the Administrative Office of the United States Courts and of the Federal Judicial Center should be used in lieu of a special Commission staff. Under the House bill the Director of the Administrative Office of the United States Courts was designated Executive Director of the Commission.

The Senate amendment contained provisions not in the House bill providing for—

(1) the appointment of an Executive Director by the Commission, who shall receive compensation at a rate not to exceed Level V of the Executive Schedule ($36,000);

(2) the appointment of additional personnel by the Executive Director, with the approval of the Commission, at rates of compensation not to exceed the rate of basic pay for GS-18 of the General Schedule; and

(3) the appointment of experts and consultants by the Executive Director at rates not to exceed the highest level payable under the General Schedule pay rates. The Conference report adopts the Senate amendment.

TERM OF THE COMMISSION

Under the House bill, the Commission is required to submit its report and recommendations to the President, the Congress and the Chief Justice within 180 days of the date on which its ninth member is appointed.

The Senate amendment authorized the Commission to make such interim reports as it deemed advisable and provided that it submit its final report to the President, the Congress and the Chief Justice within two years after the date on which its ninth member is appointed.

The Conference substitute retains the provisions of the House bill requiring the submission of the report and recommendations concerning changes in the geographical boundaries of the United States Courts of Appeals to be submitted within six months of the appointment of the ninth member of the Commission, and further provides that the Commission shall submit an additional report and recommendations concerning the structure and internal procedures of the Federal courts of appeal system within fifteen months after the appointment of the ninth member of the Commission.

APPROPRIATIONS AUTHORIZATIONS

The House bill authorized appropriations up to $50,000 to fund the operations of the Commission, whose term was limited to six months.

The Senate amendment authorized appropriations of up to $370,000 to fund the operations of the Commission, whose term was limited to two years.

The Conference substitute authorizes appropriations of up to $270,000 to fund the operations of the Commission, whose term is limited under the Conference substitute to fifteen months.

Emanuel Celler,
Jack Brooks,
William L. Hungate,
Abner J. Mikva,
William M. McCulloch,
Edward Hutchinson,
Managers on the Part of the House.

James O. Eastland,
Quentin Burdick,
Roman L. Hruska,
Managers on the Part of the Senate.

FIFTY PERCENT TAX FREE INTEREST WILL FUEL TAX REVOLT

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, yesterday, it was reported that Dillon, Read & Co., had arranged an "unprecedented" bond issue of $25 million by a State government at a tax free 50-percent rate of interest.

The Dillon, Read & Co., did the local and State governments of America a grave disservice in arranging a Minnesota bond issue which pays 50-percent interest, tax free.

Some financial writers call the scheme daring—I would term the scheme a calculated connivance which may place tax free local financing in serious jeopardy next year.

The average taxpayer who pays income taxes at high rates on all of his earned income will be sick with anger when he finds out that some people in America have investments which earn 50-percent interest and pay no taxes.

Reaction to this kind of reckless widening of tax loopholes is certain to result in legislative repercussions.

APPOINTMENT OF CONFEREES ON H.R. 8395, REHABILITATION ACT OF 1972

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8395) to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes, with the Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

Mr. Speaker, this is the vocational rehabilitation bill and I have cleared it with the gentleman from Minnesota (Mr. Quie).

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs. Perkins and Brademas, Mrs. Mink, Messrs. Quie and Hansen of Idaho.

TO FORCE REPAYMENT OF ACADEMY COSTS BY CONSCIENTIOUS OBJECTORS

(Mr. KING asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KING. Mr. Speaker, I am today introducing a bill to require West Point, Annapolis, Air Force, and Coast Guard Academy graduates who later become conscientious objectors to repay to the Government the costs of their education which may be as high as $60,000 per man.

The bill is necessitated by recent court decisions which found that repayment is not required under present law and that suits seeking such repayments operated to discourage the serviceman's first amendment right to seek CO status. The courts said, in effect, "that if Congress wanted to require such reimbursement, it would have to say so in law."

It seems incredible to me that a man could accept 4 years of free education and then be suddenly struck by pangs of conscience as to his chosen profession. In some cases such pangs of conscience seem to have accompanied the graduation exercises. While I do not question a man's right to seek conscientious objector status, I seriously question the timing of the decisions in recent cases—all after graduation.

It seems only logical that if a man feels strongly enough about conscientious objection, he should have no conscientious objection to returning the thousands of dollars the taxpayers have invested in his education.

I cannot help but think of the other qualified applicants for the service academies who these CO's have deprived of the benefits these few have sought, accepted, and then renounced.

According to the Department of Defense and the Department of Transportation—which has jurisdiction over the Coast Guard except in time of war—the costs associated with a 4-year academy education, culminating in a bachelor of science degree and a commission, average about $58,933, with pay and other allowances included.

Recent court decisions include McCullough against Seamans wherein an officer who graduated from the Air Force Academy at taxpayers' expense and went on to advanced-degree work before becoming a conscientious objector was sued by the Government for return of $53,575. The Navy had a similar case—Miller against Chafee—where an officer stationed at Pearl Harbor sought CO status and was sued for the costs of his education at the Naval Academy. The decisions in both these cases were in favor of the servicemen involved. Appeals are being considered by the services in both cases.

My bill would, if enacted, eliminate any doubt as to the requirement for reimbursement of educational costs at the service academies if the obligated term of service is canceled by virtue of a graduate's conscientious objection to military service.

CONFERENCE REPORT ON H.R. 3337, ACQUISITION OF VILLAGE SITE FOR PAYSON BAND OF YAVAPAI-APACHE INDIANS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 3337) to authorize the acquisition of a village site for the Payson Band of Yavapai-Apache Indians, and for other purposes, and that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, and I do not intend to object, will the distinguished chairman of the Committee on Interior and Insular Affairs explain the conference report and indicate any changes that are made.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. ASPINALL. Mr. Speaker, I would say to the gentleman at this time, the conference reports on each one of the bills that I shall present are germane and they are in conformity with the original revisions of the bills presented.

I will make a brief statement on each bill, as I present it.

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 25, 1972.)

Mr. ASPINALL (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker and Members of the House, the bill provides that not more than 85 acres in the Tonto National Forest may be selected as a village site by the Payson Band, subject to approval by the Secretary of the Interior and the Secretary of Agriculture.

The Senate amended the bill to provide that the selection would be "in cooperation" with the Secretary of the Interior and the Secretary of Agriculture. The Senate has receded on this amendment.

The bill also provides that the village site so selected will be conveyed to the band in fee.

The Senate amended the bill to provide for a conveyance in trust. The House conferees accepted this amendment.

The Senate further amended the bill to make the conveyance to the band contingent upon the appropriation of Federal money to purchase lieu land for addition to the national forest. The Senate conferees receded from this amendment.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO FILE A REPORT ON S. 3001, TO ESTABLISH A FEDERAL FINANCING BANK, UNTIL MIDNIGHT FRIDAY

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means have until midnight Friday, September 29, to file the report to accompany S. 3001, a bill to establish a Federal Financing Bank.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

APPOINTMENT OF CONFEREES ON S. 3419, CONSUMER PRODUCT SAFETY ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3419) to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes, with House amendments thereto, insist on the House amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. SPRINGER. Mr. Speaker, reserving the right to object, will the chairman explain what his request is?

Mr. STAGGERS. To go to conference on the bill just mentioned.

Mr. SPRINGER. On which bill?

Mr. STAGGERS. I mentioned it in my request, and the Clerk has taken it. It is the bill S. 3419. The Senate had the bill, and they put in an amendment which was not acceptable to the House.

Mr. SPRINGER. What is the bill?

Mr. STAGGERS. The gentleman asked me a question I cannot answer right at the present time. It is one of the bills we passed that has to do with one of the special diseases.

Mr. SPRINGER. What is the request?

Mr. STAGGERS. It is just a request to appoint conferees, and the gentleman agreed to the conferees on the bill.

Mr. SPRINGER. I think I know what the gentleman is talking about now, but I want to be sure. The gentleman made a motion to strike out what in one bill and substitute what in the bill?

Mr. STAGGERS. No. I asked unanimous consent to take from the Speaker's table the bill S. 3419, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

Mr. SPRINGER. All right.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, MOSS, STUCKEY, ECKHARDT, SPRINGER, BROYHILL of North Carolina, and WARE.

PERMISSION TO FILE CONFERENCE REPORT ON S. 976, MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the managers have until midnight tonight to file a conference report on S. 976, the Motor Vehicle Information and Cost Savings Act.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

PERMISSION FOR THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO FILE A REPORT ON S. 1478, TOXIC SUBSTANCES

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce have until midnight tonight to file a report on S. 1478, toxic substances.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

CONFERENCE REPORT ON H.R. 6797, JUDGMENT FUNDS OF KICKAPOO INDIANS, KANSAS AND OKLAHOMA

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 6797) to provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission dockets Nos. 316, 316-A, 317, 145, 193, and 318, and that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 25, 1972.)

Mr. ASPINALL. Mr. Speaker, the bill divides a $2,316,355 judgment between the Kickapoo Tribe of Oklahoma and the Kickapoo Tribe of Kansas, and provides for the use of the money in any manner requested by the tribes and approved by the Secretary of the Interior, after their plans have been reported to and approved by the Committees on Interior and Insular Affairs.

The Senate amended the bill to require a 75-percent per capita distribution by both tribes.

The conferees agreed that the Oklahoma tribe would make a 75-percent per capita distribution, and that the Kansas tribe would make a 90-percent per capita distribution. This corresponds to the wishes of the two tribes.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 7742, JUDGMENT FUNDS OF YANKTON SIOUX TRIBE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 7742) to provide for the disposition of funds to pay a judgment in favor of the Yankton Sioux Tribe in Indian Claims Commission docket No. 332-A, and for other purposes, and that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 25, 1972.)

Mr. ASPINALL (during the reading). Mr. Speaker, inasmuch as my explanation will be in conformity, I ask unanimous consent to dispense with further reading of the statement.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, The bill authorizes a per capita distribution of a $1,234,555 judgment, except for a small sum that is reserved for the expenses of litigation still pending.

The Senate amended the bill to authorize a per capita distribution of only 50 percent of the money, the remainder to be used for reservation purposes.

The conferees compromised on a 75-percent distribution. Although the tribe wanted a 100-percent distribution, it agreed to the compromise.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 8694, JUDGMENT FUNDS OF YAVAPAI APACHE TRIBE

Mr. ASPINALL, Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 8694) to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission dockets Nos. 22-E and 22-F, and for other purposes, and that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 25, 1972.)

Mr. ASPINALL (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, the bill provides for the division of a $5,090,885 judgment between four groups of Yavapai Indians, and for the use of the money after it is divided.

The Senate amended the bill to provide that the Payson Band may purchase land with its share of the money, with title to the land taken in the name of the United States in trust.

The Senate conferees receded from this amendment because another bill, H.R. 3337, provides for a trust title to the village site.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 10858, JUDGMENT FUNDS OF PUEBLO DE ACOMA

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 10858) to provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission docket No. 266, and for other purposes, and that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 25, 1972.)

Mr. ASPINALL (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, the bill authorizes the use of a $5,954,682 judgment in accordance with the plans of the tribe. The tribe intends to use all of the money for reservation purposes, and to make no per capita distribution.

The Senate amended the bill to prohibit any per capita distribution, even though none is intended.

After conference, the Senate receded.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 166, STRATIFIED PRIMITIVE AREA OF WASHAKIE WILDERNESS

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (S. 166) to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes, and that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 25, 1972.)

Mr. JOHNSON of California (during the reading). I ask unanimous consent that further reading of the statement of the managers be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, the purpose of this legislation is to designate a portion of the Shoshone National Forest in Wyoming as wilderness. The House version designates an area of approximately 238,000 acres, including 35,000 acres referred to as the DuNoir area. The Senate version designates the DuNoir area as a special management unit and excludes it from wilderness. The Senate version provides special language to guide the management of this special management unit. The conference adopted the Senate language designating the DuNoir as a special management unit but added additional language requiring the Secretary of Agriculture to conduct a detailed study of this area, and at the end of 5 years recommend to the President and to the Congress what he considers to be the area's highest and best public use. This action gives the Forest Service an opportunity to study in detail all options for use of the DuNoir area but requires a final decision within 5 years.

Mr. RONCALIO. Mr. Speaker, the conference report being considered today designating the Washakie Wilderness, Shoshone National Forest, in the State of Wyoming, is the culmination of a long period of review. The process began with a Forest Service field hearing in Riverton, Wyo., on December 8, 1966. The President transmitted his recommendations on this magnificent area in 1967. Thus, the Congress has had the area under consideration for nearly 5 years. I am pleased that this outstanding area, the subject of long and careful consideration by the Congress and the House-Senate conference committee, is at long last to be included in the National Wilderness Preservation System.

TO PROTECT ELK MIGRATION

Mr. Speaker, I would like to speak directly to the one issue which has delayed the establishment of this area all these years—the so-called DuNoir addition. As required by the 1964 Wilderness Act, the Forest Service reviewed the Stratified Primitive Area and in 1966 drew a preliminary plan to redesignate the area as wilderness, combine it with the adjacent South Absaroka Wilderness—designated by the 1964 Wilderness Act itself—and name the entire unit the

Washakie Wilderness. At the field public hearing on this plan, overwhelming citizen testimony supported this proposal, but a majority urged enlargement of the area to add key tracts and round out a thoroughly desirable wilderness. In particular, the Wyoming Game and Fish Department felt that wilderness designation for key additional lands was most important to assure protection of the elk herds and of critical elk calving and migration areas.

In 1967, the Forest Service revised proposal was presented to Congress. While some minor improvements were made, this plan still fell far short of the proposal advocated by Wyoming conservationists. Ultimately a compromise bill was agreed upon by the Senate. Under this plan certain additions were made which settled most of the points of controversy between the conservationist and Forest Service plans. The one continuing point of disagreement was whether to include a 30,000 acre tract in the upper drainages of DuNoir Creek within the Washakie Wilderness. The Senate did not include this area, but after thorough study and my own on-the-spot field trip to DuNoir, the House passed my bill, H.R. 1552, which included this key area as wilderness.

THE DU NOIR QUESTION

Therefore, in considering the appropriate boundaries for the Washakie Wilderness, the House and Senate had resolved all differences except that concerning the DuNoir area which lies west of the agreed upon wilderness. S. 166 excluded this area from wilderness, but provided special language to guide future management of the area. H.R. 1552 included this area as wilderness. The Department of Agriculture took the position that the DuNoir area should not be designated as part of the wilderness, and also opposed the special management provisions of the Senate bill.

Thus, the conferees faced two distinct issues. First, to determine whether the DuNoir unit qualified to be designated as wilderness under the defining criteria laid down in section 2(c) of the Wilderness Act, and secondly, whether designation as wilderness was the most desirable disposition of this area at this time.

On the basis of testimony received from Wyoming residents and my personal on-the-ground inspection of the area, the House determined that the DuNoir area is fully and eminently qualified under the 1964 Wilderness Act and should be designated as wilderness. The presence of minor remnants of early human occupancy in the form of primitive stub truck trails and very minor remains of an old camp, and evidence of minor selective timber harvest in small parts of the area decades ago did not, in the opinion of the House, disqualify the area. The Senate committee, on the basis of testimony from the Forest Service, but without on-the-ground inspection, concluded that the area did not qualify and should not be designated as wilderness.

In fact, Mr. Speaker, this first issue—does the DuNoir qualify as wilderness or not—is really a nonissue. For reasons of its own, the Forest Service may not want this area to be included in wilderness, but their argument that it physically does not qualify under the act is totally unjustified and unsupported both by the facts about this land itself, as I saw it on the ground, and by the governing provisions of law. That this is so is attested to not only by the action of the House Committee on Interior and Insular Affairs and the full House in including this area in H.R. 1552, but also by the repeated and thorough field studies of the area conducted by reputable experts in the natural sciences and land management and by dedicated Wyoming conservationists.

WHO DETERMINES WILDERNESS?

These matters of suitability and qualification of land as wilderness are not left up to the Forest Service to decide. They may offer an opinion and a recommendation, but the Congress alone has the power and responsibility to exercise this judgment, and that is how it should be. No better example of this exists than the action of the House in approving the addition of the DuNoir area to H.R. 1552. But an equally compelling example now comes to us, on a very similar case, by the action of the Senate Commitee on Interior and Insular Affairs and the Senate itself.

S. 3256, MEET S. 166

Just last week, building upon recommendations from the Forest Service, the Senate passed S. 3256, the bill designating the Aldo Leopold Wilderness in New Mexico, also on national forest lands.

In considering the Aldo Leopold proposal, the Senate committee faced with the same question we faced on the DuNoir area—additions proposed by conservationists and local citizens qualified to be included in the wilderness. Here again, the Forest Service said no, arguing that the fading and minor evidence of some past human intrusions disqualified these areas as a matter of law. The Senate committee, nonetheless, exercised the congressional responsibility of making such decisions and disagreed with the Forest Service, deciding to include one such tract in the wilderness. In doing so, the Senate committee made the following observations in its report—Senate Report 92–1132:

> In the committee's view, exclusion 6, containing 894 acres along Morgan Creek, is suitable for addition to the National Wilderness Preservation System. This is a scenic area which includes a waterfall, and its inclusion will not only add to the beauty of the wilderness, but provide an improved and more logical boundary line.

And here, continuing the quote from the Senate report, is the conclusion they came to:

> The evidence of the past timber-harvesting activities occurred in the late 19th century, and was accomplished with horses and oxen. As a result, disturbances are virtually unnoticeable today.
>
> In such instances as this, where time is rapidly erasing man's handiwork and the disturbance is slight, the committee believes Congress should designate the area if it otherwise meets wilderness criteria.

Mr. Speaker, this is just the issue we had over the controversial DuNoir addition. By the standards now used by the Senate Interior Committee in their unanimous adoption of this report on the Aldo Leopold Wilderness they have agreed in principle on the broad and flexible definition criteria for wilderness in the 1964 Wilderness Act. This is the same conclusion represented in the decision of our Interior Committee to approve the DuNoir addition.

WILDLIFE "PURITY"

In view of the controversy on this question of whether to include the DuNoir, we are going to approve this bill with a mechanism for granting the DuNoir interim protection while ordering the Forest Service to undertake a restudy. I note, for the benefit of the people in the Forest Service, that the criteria as set forth in the Wilderness Act do allow for restoration of past scars. The slight evidences of man in DuNoir are fading very rapidly. They are less today than they were in 1966 when we first sought inclusion of this area. They are less today than they were a year ago when the Senate passed S. 166. They are less today even than they were this spring when I made my field inspection of the area. And, by the time the Forest Service restudy is completed over the next 5 years, they will be much less than they even are today.

I hope and I trust that the Forest Service will give up its unjustified theological insistence on a concept of wilderness "purity" that is nowhere mandated or intended by the law or the precedents of the Congress. I hope they will read, in the action of the House on the DuNoir question and in the action of the Senate on the Aldo Leopold addition, the clear direction of the Congress and its substantive committees which oversee the wilderness program repudiating the false and mischievous "purity" standard for wilderness. I hope that they will read, in the repeated and strong insistence of the people of Wyoming, the desire of the owners of these forest lands that the DuNoir and its great scenic and natural values and its elk habitat be preserved with the full strength and recognition of the Wilderness Act.

DU NOIR MUST BE ADDED

Mr. Speaker, the purpose of the conferees' agreement in this matter is to assure that the DuNoir area will be restudied by the Forest Service as the agency responsible for administering the area. The highest and best use of the area will then be determined by the Congress. It is my firm belief the DuNoir area is wilderness. I am sure that a majority of concerned Wyoming people agree with that conclusion. I recognize that some evidence of past human activity may be found in the area, but this evidence is minor and superficial, and is of a transitory nature, rapidly fading under the restorative powers of natural forces. In my opinion, within the governing definition of section 2(c) of the Wilderness Act, this area is fully qualified for designation as wilderness, and I trust that the Forest Service itself will reach the same conclusion upon closer examination of the area.

DU NOIR PRESERVED

In order to assure that the area remains in its present condition during the study period and until Congress has acted further on the matter, it is to be administered under the directives of section 5 of S. 166, which are intended to preserve the area in its present condition, to provide for necessary protection and to control public use. It is my understanding that no administrative or protective action is to be taken within or adjacent to this unit by the Forest Service which would in any way depreciate its wilderness character and qualities. I have written to the Chief of the Forest Service, Mr. John McGuire, to obtain his assurances that this is the case.

Mr. Speaker, the highest and best use of any piece of land in the national forests, national parks, or national wildlife refuges, when qualified under the governing criteria of section 2(c) of the Wilderness Act, is as wilderness. For, each generation has it own rendezvous with the land. And ours is a generation that understands the value of America's wildlands heritage and how it will contribute to the social well being of generations unborn. That, Mr. Speaker, is truly what wilderness is all about.

DEDICATED FORESTERS

Mr. Speaker, I have said my piece about the qualities of the DuNoir unit and my conviction that it belongs in our National Wilderness Preservation System. Now we will watch for signs that the Forest Service, which has sought to work in the public interest but which has been caught with its credibility down a bit lately, will, in fact, show responsiveness to the people of Wyoming and across the country. I know the people of the Forest Service to be highly motivated men of principle. They tell me they want to show they can change to meet the new environmental emphasis abroad in our land. I say, more power to you, but let us see some results on the land.

In closing these remarks, Mr. Speaker, I have a tribute to offer from the heart. It is a tribute to the real heroes of this long struggle. These are the hardworking citizens of Wyoming, so many of whom have written and called me to tell of their hopes for the preservation of the Washakie Wilderness and the DuNoir addition. But for them, this one could have slipped between the cracks. Because of them, the Washakie Wilderness is being created today and the DuNoir country is being protected and given the close and direct study it deserves but has never gotten from the Forest Service.

RECOGNITION AND THANKS

It is always dangerous to list those who have led the good fight and to whom so much credit is due, but I will hazard that to simply list, in no particular order, some of the leaders in Wyoming, from all walks of life, who have kept this issue alive and who have been constant advocates of the best decision: Les and Alice Shoemaker of the CM Ranch in Dubois, Wyo.; their daughter Leslie, and her husband "Pete" Peterson; and also from Dubois, Perc C. Yarborough—all close friends from Dubois who know the DuNoir area so well and who believe so strongly in its wilderness values; Carol Noble, one of the great Wyoming conservationists, and his son, Jim Noble, who, with John Borzea, have spearheaded this fight for the Wyoming Wildlife Federation; Tom Bell, the courageous and hard-hitting editor of the High Country News, and in his way the most effective voice of conscience for the land; Keith and Sally Becker, young people from Wyoming who have dedicated their lives, at great sacrifice, to giving day to day leadership to the Wyoming Outdoor Coordinating Council, which has played the prominent leadership role in the studies and decisions on the DuNoir area; John Turner, an outstanding ecologist from Jackson Hole; Coleen Kelly, who began her personal involvement in this effort as a college student and has gone on to help lead the Coordinating Council; Burton Marston of the Izaak Walton League, and Laney Hicks, of Dubois and Jake Kittle and Art Fawcett, both of Douglas.

Bill Crump and others from our Wyoming Fish and Game Department have been very strongly behind full protection of the DuNoir country.

One cannot make such a list as this without including the renown Mrs. Margaret E. Murie of Moose. And there are others; among them Joe and Willomae Green of Casper, Kathleen Wilson of Dubois, Dave Carson of Dubois, Joe Armijo of Laramie, Joe and Mary Back of Dubois, Mary Beerkle of Moose, Judy Belous of Jackson, Med Bennett of Wilson, Mrs. Mattie Lee Clayton Brown, Lou Cicco of Rock Springs, Mr. and Mrs. Don Detimore and Mr. and Mrs. Joe Detimore of Dubois, L. D. Frome of Afton, Bob Greenspan of Wilson.

John Jacobsen of Cheyenne, Mrs. Phoebe L. Holzinger of Casper, Mr. and Mrs. Ray Jenrich of Story, Mrs. John Jolley of Lander, Margaret Kahin of the Ring Lake Ranch at Dubois, Mr. and Mrs. Frank Layton of Casper, Ed Lonsdale of Laramie, Vince and Danie Lee of Wilson, Thomas M. McKinney of and Dr. John Omohundro of Sheridan.

Also, Harold O'Malley of Lander, Rob- Basin, Kenneth J. Morgan of Big Piney, ert and Leslie Perry of Laramie, Rev. George Quarterman of Laramie, Bayard D. Rea of Casper, B. L. Riddle of Evanston, Bruce Simon of Jackson, Boyd Sims of Casper, Robert Staffanson of Cody, W. R. Stratton of Casper, Mr. and Mrs. Mark Thompson of Dubois, H. Lee Trejo of Rawlins, Mrs. Mae Urbanek of Lusk, Elise S. Untermyer of Moran, Jim Van Nostrand of Jackson, John J. Wantulok of Casper, Bruce Ward of Casper, Stephanie Wood of Moose, Mr. John Enger of Powell, Miss Jane Gordon of Story, Clayton T. Trosper of Cheyenne, and Bill Utzinger of Casper.

Mr. Speaker, these people have exercised the truest example of our democratic system that I know—the dedicated advocacy of their love for the land. Future generations of our citizens may not recall their names, but they will benefit so much from the fine groundwork they have laid. It is a pleasure for me to pay them tribute today as we see the first step in protecting the Washakie Wilderness and the DuNoir Basin.

Mr. JOHNSON of California. Mr. Speaker, I move the previous question on the conference report

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Mr. DONOHUE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 13694) to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended.

The SPEAKER. The question is on the motion offered by the gentleman from Massachusetts.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE HOUSE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 13694, with Mr. ASPINALL (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee rose on Tuesday, August 8, the Clerk had read the first section, ending on page 2.

If there are no amendments to be proposed, the Clerk will read.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. The Chair will count.

Fifteen Members are present, not a quorum.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 389]

Abourezk
Abzug
Anderson, Tenn.
Aspin
Baring
Barrett
Bell
Betts
Bevill
Blackburn
Blanton
Blatnik
Bow
Brademas
Brinkley
Buchanan
Byrnes, Wis.
Byron
Cabell
Caffery
Clark
Clay
Conte
Conyers
Davis, Ga.
Davis, S.C.
de la Garza
Dellenback
Denholm
Derwinski
Diggs
Dorn
Dow
Dowdy
du Pont
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Erlenborn
Esch
Eshleman
Evans, Colo.
Fish
Flowers
Frey
Galifianakis
Gallagher
Gibbons
Gray
Green, Oreg.
Griffiths
Hagan
Hammerschmidt
Hanna
Harvey
Hastings
Hathaway
Hawkins
Hébert
Hosmer
Hunt
Jonas
Jones, Tenn.
Kuykendall
Lennon
Lujan
McClory
McCulloch
McDonald, Mich.
McEwen
McKay
McKinney
McMillan
Mikva
Miller, Calif.
Mitchell
Murphy, Ill.
Murphy, N.Y.
Nichols
O'Hara
Passman
Patman
Patten
Pelly
Pepper
Peyser
Pirnie
Powell
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Reid
Rhodes
Robison, N.Y.
Rooney, N.Y.
Rooney, Pa.
Saylor
Scheuer
Schmitz
Scott
Shriver
Sisk
Smith, Calif.
Springer
Stephens
Stokes
Talcott
Teague, Calif.
Teague, Tex.
Terry
Thompson, N.J.
Waldie
Wiggins
Wilson, Charles H.
Winn
Wright

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GONZALEZ, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 13694, and finding itself without a quorum, he had directed the roll to be called, when 312 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

AMENDMENT OFFERED BY MR. CELLER

Mr. CELLER. Mr. Chariman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: Page 1, lines 9 and 10: Strike "and to remain available until expended $6,712,000 for fiscal year 1973" and insert "until February 15, 1973, $3,356,000".

Mr. CELLER. Mr. Chairman, on September 12, last, I announced that I would offer amendments to the bill H.R. 13694 so as to provide interim authority to the American Revolution Bicentennial Commission for a period of 6 months, and to limit the scope of the pending bill in other respects. On that date I announced that I had directed the staff of the Committee on the Judiciary to conduct a study of the operations and functions of the Commission. I pointed out that 6 years ago the Congress established an American Revolution Bicentennial Commission to plan, encourage, develop, and coordinate an appropriate commemoration of our 200th anniversary as a nation. As that anniversary approaches, widespread bipartisan criticisms are being leveled at the operations of the Commission, seriously calling into question many Commission programs and making imperative a thorough congressional review of the Commission's past activities and future goals.

The bill H.R. 13694 includes the Commission's request for a $6.7 million authorization for fiscal year 1973. In light of the current debate, it would be inappropriate for Congress to extend that full authorization, but we cannot cut off completely the Commission funding without a full and judicious consideration of the issues. That consideration cannot, in fairness to all parties involved, be accomplished within the remaining weeks of this Congress. It was for these reasons that I directed the staff of the Committee on the Judiciary to conduct an in-depth study of the operations and functions of the American Revolution Bicentennial Commission to be completed no later than December 31, 1972. That study is now in progress and the staff is presently conducting a search of the Commission files. I have also requested the General Accounting Office to undertake an independent audit and examination which will be made a part of the staff study.

It is my purpose to permit the functioning of the Commission until such time as the findings and recommendations of the staff can be considered by the Committee at the beginning of the next session of the Congress. The amendment I recommend would reduce the amount of the funds authorized to half of the original amount, or $3,356,000, and limit the period of the authorization to February 15, 1973.

The observance of the bicentennial is of vital importance to our people for it is a commemoration of our beginnings as a nation and includes the recognition of our common identity and vitality. We cannot now falter or delay in any manner which would prejudice a meaningful observance of the founding of our Republic.

For that reason, and to recapitulate, an investigation is being pursued. We cannot in good conscience stop the work of this Commission. It is far too important. The Commission has been charged with misfeasance and has been charged with abuses. That may be. Those are allegations. We want to be sure that those allegations can be substantiated. It would be unfair to proceed on the basis that those charges are true. We are examining the situation and the Congress will have ample opportunity after this interim period to provide for remedial legislation, but meanwhile, while the investigation is going on, it is quite essential to fund the Commission so that its operations may continue.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding. How would the gentleman's amendment affect the grants, the $2,200,000 worth of grants specified on page 2?

Mr. CELLER. The words on page 2, "which are not to exceed $2,400,000."

Mr. GROSS. Your amendment does not go to the grants, or does it?

Mr. CELLER. No, it does not. We did not think it was necessary to amend the $2,400,000 figure because the bill says that grants shall not exceed that figure.

Mr. GROSS. But by cutting to a total authorization of $3 million-plus, that would reduce the grants?

Mr. CELLER. That is correct.

Mr. WILLIAMS. Mr. Chairman, I move to strike the last word.

I should like to ask the gentleman from New York what sum of money he cut the authorization to?

Mr. CELLER. We reduced the total amount of appropriations from $6,712,000 to $3,356,000; cut it right in half.

Mr. WILLIAMS. I see. You see, the ARBC, and I am one of the four Members of this House to serve on the ARBC, has made a commitment to the various States to give them $90,000 in total for planning for their own State American Revolution Bicentennial Commissions.

Of course, once those plans are formulated, they will be presented to the ARBC for ARBC's approval. Now, the States had gotten for the most part the first $45,000 payment. I think that it would be breaking faith with the States on the action formerly taken by the Congress where the States were notified that they were going to get up to $90,000 for planning.

What I would like to ask, Mr. CELLER, is, this would reduce, remove from the $6.7 million authorization the $2.4 million which can then go to the States, with each State getting up to $45,000.

They have already started their planning process with the first $45,000 we have given them, and then we could split the difference and take about 40 percent of the difference so that instead of making it $3.3 million, we could make it $4 million.

Mr. CELLER. When the gentleman first spoke to me, I was inclined to agree with him, but on second thoughts, I think it would be well, and I hope the gentleman will agree, that we not cross that bridge until the investigation is completed.

I think it would be ill advised at the present time to accept the gentleman's proposal.

All we say in the original bill is that the moneys to be allocated to States shall "not exceed $2,400,000." I think it is pretty safe to leave it that way. When we get additional information about the management of the Commission, should there be need to make some changes with reference to the allocations to the States, we can readily do so.

So, I would suggest that we leave the bill the way it is with the amendment which I have proposed.

Mr. WILLIAMS. I would like to suggest to the chairman of the Judiciary Committee, the distinguished Mr. CELLER, that many of these States right now are engaged in their planning process.

Unless we get the money to them which they were expecting in the early part of fiscal year 1973 which started July 1, 1972; unless we get that money to them, they are going to be forced to disrupt their planning operations, lay off some people. So, I am asking an additional $700,000 to make sure that the ARBC can continue to function and the States can continue their planning.

Mr. CELLER. I deeply sympathize with the gentleman's thoughts, but since there is a cloud hanging over the work of the Commission. I believe we ought to pause a bit and not make too many changes until we know all the facts. We do not know all the facts. We cannot see through the mists exactly what should be done.

I do not believe there would be harm done to the States if we left this provision as it is; in other words, with the allocation to the States not to exceed $2.4 million. The next Congress can deal with the problem.

Mr. WILLIAMS. The ARBC does have the remainder of October, November, December, January, and February to operate. No one knows more about a cloud hanging over the ARBC than I do. That is why I suggest we allow them only $1.6 million to operate.

Mr. SMITH of New York. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, we on the subcommittee from which this bill came have talked with the chairman of the Committee on the Judiciary (Mr. CELLER). Under the circumstances we are inclined to accept the amendment of the gentleman from New York (Mr. CELLER) as proposed. I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. CELLER).

The amendment was agreed to.

The CHAIRMAN. If there are no further amendments to be proposed to section 1, the Clerk will read.

The Clerk read as follows:

SEC. 2. Section 9 is amended by the addition of the following new subsections:

"(2) make grants to nonprofit entities or individuals, including States, territories, the District of Columbia, and the Commonwealth of Puerto Rico (or subdivisions thereof) to assist in developing or supporting bicentennial programs or projects. Such grants may be up to 50 per centum of the total cost of the program or project to be assisted: *Provided*, That not more than 20 per centum of funds granted under this subsection in any fiscal year may be without regard to the 50 per centum limitation;

"(3) in any case where money or property is donated, bequeathed, or devised to the Commission, and accepted thereby for purposes of assisting a specified nonprofit entity or individual, including States, territories, the District of Columbia, and the Commonwealth of Puerto Rico (or subdivisions thereof), for a bicentennial program or project, grant such money or property, plus an amount not to exceed the value of the donation, bequest, or device: *Provided*, That the recipient agrees to match the combined value of the grant for such bicentennial program or project."

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments to section 2.

The Clerk read as follows:

Committee amendments: Page 2, lines 5 and 6, strike "or individuals".

Page 2, lines 11, 12, 13 and 14, strike "*: Provided*, That not more than 20 per centum of funds granted under this subsection in any fiscal year may be without regard to the 50 per centum limitation".

Page 2, line 18, strike "or individual".

Page 2, line 23, strike "device" and insert "devise".

The committee amendments were agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. Add at the end thereof the following new section 11:

"SEC. 11. Whenever the President determines it to be in furtherance of the purposes of this Act, the functions authorized under this Act may be performed without regard to such provisions of law or limitations of authority regulating or relating to the making, performance, amendment, or modification of contracts, the acquisition and disposition of property, and the expenditure of Government funds, as he may specify."

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 3, strike "Whenever" and insert "For a period of one year from the effective date of this section, whenever".

The committee amendment was agreed to.

SUBSTITUTE AMENDMENT OFFERED BY MR. CELLER FOR THE COMMITTEE AMENDMENT

Mr. CELLER. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER as a substitute for the committee amendment: Page 3, lines 1 through 11: Strike all of section 3 as set forth in lines 1 through 11 on page 3 of the bill.

The CHAIRMAN. The gentleman from New York (Mr. CELLER) is recognized in support of his substitute amendment.

Mr. CELLER. Mr. Chairman, this amendment strikes from the bill provisions conferring broad authority relating to the making or modifications of contracts, the acquisition and disposition of property, and the expenditures of public funds. These provisions would exempt such authorities, in certain circumstances, from any existing restriction or regulation established by law. Thus, formal bidding or advertising requirements would not apply; time limitations on contracts also would be voided.

It was these provisions, which would be stricken by my amendment that caused a great deal of the bipartisan criticism that we heard with reference to the operation of the Commission. And in view of the fact that this investigation is now pending I think it would be wise to eliminate this tremendous authority and then see what the in-depth study would reveal. The next Congress could determine whether this language should be reinstated or modified, but meanwhile I think it should be eliminated.

As I was saying, this provision strikes out inordinate power resident in the Commission to acquire property, to sell property, modify contracts, and bestow money without let or hindrance, without any standards of control.

That is a tremendous power. I think it would be well that we eliminate that power, at least temporarily, until we know whither we are going. When the investigation that we have inaugurated is completed the Members can in the next Congress decide whether or not to confer such authority.

Mr. SCHWENGEL. Mr. Chairman, I would like to ask the gentleman a question, if the gentleman would yield.

Mr. CELLER. I yield to the gentleman from Iowa.

Mr. SCHWENGEL. I would like to ask the gentleman a question.

I assume this means that there will be some further consideration of this basic legislation before the subcommittee at the first of the year to make some studies and evaluations on this section, and any other phase of the bicentennial operation; is that correct?

Mr. CELLER. That is correct.

Mr. SCHWENGEL. I thank the gentleman.

Mr. SMITH of New York. Mr. Chairman, I rise in support of the amendment offered by the chairman of the full Committee on the Judiciary.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from New York (Mr. CELLER) for the committee amendment.

The substitute amendment was agreed to.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. Section 6 is amended by the addition of the following new subsection:

"(4) In addition to the number of positions which may be placed in GS-16, GS-17, and GS-18, under section 5108 of title 5, United States Code, not to exceed ten positions may be placed in GS-16, GS-17, and GS-18, to carry out the functions of the Commission. The authority under this subsection shall be subject to the procedures prescribed under section 5108 of title 5 of the United States Code, and shall continue only for the duration of the exercise of functions of the Commission."

AMENDMENT OFFERED BY MR. CELLER

Mr. CELLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: Page 3, lines 12 through 22, strike all of section 4 as set forth in lines 12 through 22 of the bill.

Mr. CELLER. Mr. Chairman, this amendment would eliminate provisions from the bill authorizing 10 supergrade positions on the commission.

Supergrade officials were the subject of a great deal of criticism. Whether that criticism is warranted or not I cannot say. However, the allegations have been made. As I said before, there is a cloud, as it were, hovering over the commission because of some of the actions of the supergrade officials.

I think in the light, as I said before, of the investigation that is now ensuing, we should wait to see whether or not we should reinstate these supergrades, and the next session of Congress could well do that.

There have been charges of nepotism, favoritism, political skulduggery, and what have you. I do not know whether those charges are true. I do not say they are true, but I think they are important enough to investigate.

For these reasons I think it would be well at this juncture not to have the power resident in anyone to make these appointments until the investigation has been had and the next Congress can work its will.

Mr. HENDERSON. Will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. HENDERSON. I am delighted to commend the gentleman and join in the support of this amendment.

I think the action by way of the amendment offered by the gentleman from New York is the best action that can be taken at this time. I will make it quite easy for those of us on the Committee on Post Office and Civil Service, who do have a concern about the supergrade authority here given, to support this legislation.

I assure the gentleman of our assistance in the next session of Congress to provide whatever necessary personnel is required for the commission.

Mr. GROSS. Will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. GROSS. I wish to commend the gentleman from New York for his amendments, particularly those striking sections 3 and 4 of the bill.

In the first instance, section 3 is an unconscionable delegation of power and should never have been in this legislation in any form.

Section 4 is a matter that rightfully comes within the purview of the Committee on Post Office and Civil Service and the subcommittee of which the distinguished gentleman from North Carolina (Mr. HENDERSON) is the chairman.

Again I commend the gentleman from New York (Mr. CELLER), for the amendments he has offered to this bill.

Mr. SMITH of New York. Will the gentleman yield?

Mr. CELLER. I yield to the gentleman from New York.

Mr. SMITH of New York. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York, the chairman of the full committee.

I should like to say for the benefit of the gentleman from Iowa that the Committee on the Judiciary did not act in regard to the supergrades until we had the approval and the OK of the Committee on Post Office and Civil Service.

We had gone through the bill once before, so we decided we would wait until we had the approval of the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. CELLER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WILLIAMS

Mr. WILLIAMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. WILLIAMS: Page 3, immediately after line 22, add the following new section:
>
> SEC. 5. Section 6(b)(3) is amended to read as follows:
>
> "(3) All decisions shall be made by the full Commission, including those proposals from Advisory Committees or Panels and any Executive Committee. However, the Commission may delegate such powers and duties to the Director (with the power to redelegate) as necessary for the day-to-day, efficient operation and management of the Commission staff. The Commission shall meet at least bimonthly, and special meetings of the Commission may be called by the Chairman, and a quorum for the Commission shall be one more than half the number of Commissioners."

Mr. WILLIAMS. Mr. Chairman and Members of the Committee, the American Revolution Bicentennial Commission (ARBC) was actually formed in 1966 by an act of Congress. Of course, it took some time before the membership of the ARBC was selected and the ARBC was funded by this Congress.

To date, the progress of the ARBC toward developing a proper commemoration for the 200th anniversary of this country has been virtually nonexistent.

It is true that the ARBC has announced its endorsement of such things as Mount Rushmore, Rainbow Center—a redevelopment project in Niagara, N.Y.—the AMA drive to find a cure for sickle cell anemia and the Winter Olympics in Colorado in 1976. While endorsement of these projects is quite nice, they have nothing to do with the American Revolution and all of the projects have been funded by other agencies.

I was appointed to the ARBC on September 16, 1971, by the Speaker of the House, the Honorable CARL ALBERT, upon the recommendation of the minority leader, Mr. GERALD R. FORD, and I was truly looking forward to participating in developing the plans for a bicentennial commemoration which would be worthy of this great country of ours.

The full ARBC membership, when at full strength, consists of 50 members, selected to represent a cross section of the United States. I was dumbfounded to learn that the full commission of the ARBC is seldom used, knows little about that which is actually going on and serves in a most frustrating capacity.

The reason for this is that the ARBC has formed an executive committee of 10 members, even though there is no provision to be found anywhere in the law that provides for an executive committee. The 10-member executive committee makes virtualy all of the decisions for the ARBC and the ARBC commission members are notified of these actions weeks later, and sometimes not at all. The fact is that the executive committee meets monthly, or more often when it is deemed necessary by the Chairman. The full Commission meets only quarterly. This is not spelled out any place in the law, but simply represents the deterioration of the operation of the ARBC.

Under the functions of the 10-member executive committee which has recently been increased to 18 members, it takes six members to constitute a quorum; therefore, four members can make a decision for the entire Commission. If one of the six members decides to abstain, three can make the decision. This makes the concept of a 50-member ARBC, representing a cross section of the people of the United States, nothing but a mockery. As an example on February 21, 1972, the full Commission unanimously adopted the following resolution—

> That the concept of the Bicentennial Parks is recommended by the Commission as a constructive and exciting concept; that this concept be studied by the staff; utilizing the resources available in the Federal and State Governments, the State Bicentennial Commissions and the private sector, in order to determine the feasibility of the concept; and the results of this study be presented to the ARBC for consideration at the earliest possible date; and that the Chairman of the ARBC be asked to present this concept and this resolution to the Governors of the States and their representatives at the National Bicentenial Conference on Febuary 22, 1972, and the National Governors' Conference on February 24, 1972.

This resolution is clearly a mandate to the 87-member staff of the ARBC to conduct a feasibility study on the Bicentennial Park concept.

Yet, on July 10, 1972, officers of the ARBC signed a contract with Booz, Allen & Hamilton, Inc., for phase I of the feasibility study on the Bicentennial Park concept. The commissioners of the ARBC were notified of this action by means of a letter from the Chairman, Mr. David J. Mahoney, on July 25, 1972.

Obviously, the executive committee had overruled the full commission and had decided to have a private consulting firm do the feasibility study rather than follow the directive of the full commission that the staff should do this study.

The fact is that even as I stand before you now, I do not know what the 87-member ARBC staff, with 21 of them making over $30,000 annually, as of the middle of June, are doing to develop a proper bicentennial commemoration for this country.

In order to make the progress we should have been making years ago, I have offered an amendment which would return to the full American Revolution Bicentennial Commission the powers necessary to make decisions and to have all advisory panels and committees and any executive committee report to the full commission which will make the decisions.

My amendment also provides that the full commission shall set guidelines under which such powers will be delegated to the director as will be necessary for the day to day, efficient operation and management of the commission staff. My amendment also provides for the full commission to meet bimonthly and special meeting may be called by the chairman.

I urge the adoption of this amendment as the only practical means of staging a bicentennial commemoration worthy of our great country.

Mr. DONOHUE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and Members of the House, my opposition to this amendment is because I fear that it would have the effect of limiting the commission in its efforts to expedite its own procedures in providing for the logical handling of its functions and its work.

The Commission numbers 50 members and in addition to the 25 members appointed from the private sector, there are an equal number of Government representatives including Cabinet officers and high ranking officials.

The operation contemplated by this amendment would require that the full Commission make virtually all decisions concerning the work of the Commission in a meeting which is held only once every 2 months. This would not meet the practical requirements of the work of directing this national observance.

In further commenting on the remarks made by the gentleman from Pennsylvania, I might say that if there are any abuses going on within the committees that are set up by the Commission, the Commission itself at any one of its meetings which are held once every 2 months, is in a position to correct them.

Now, if the executive committee is exercising unusual power, the Commission should define what the powers are and what its authority is.

I say that this is an internal Commission function that should be taken care of by the Commission itself and should not necessarily become part of the basic law.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. DONOHUE. I am glad to yield to the gentleman.

Mr. WILLIAMS. Mr. Chairman, I would also like to call to your attention that when I say that the executive committee assists or makes all of the decisions that the full Commission, part of this procedure at the May 16 meeting in Boston, I was the only congressional representative present and one of the main difficulties today with the Commission is that there are too many members on the Commission who like the prestige of being on the Commission, but do not want to devote their time and energy to it to make it work.

I think my amendment will overcome this. When the gentleman says the commission meets every 2 months, the commission has been meeting quarterly, and the bimonthly meetings were passed at the last commission meeting only as a result of what has been happening in this case with this bill being pulled off of the calendar, with it being defeated under the suspension of the rules.

I do care what the commission does. What we have to be certain of is that the commission is facing up to its responsibility. We have a quorum of this commission living within 100 miles of Washington, and if we have to meet once a month, let us meet once a month. It would be just as easy, unless we adopt my amendment, for the commission at the next meeting to decide they are going to meet twice a year.

Mr. DONOHUE. I think the gentleman would agree at the September meeting it was decided that the Commission would meet once every 2 months.

Mr. WILLIAMS. Bimonthly. Prior to that it was quarterly, four times a year.

Mr. DONOHUE. At the present time it has been determined by the commission itself that their meetings would be held once every 2 months.

Mr. WILLIAMS. Yes, and what I am saying to the gentleman further is that at the next meeting they might just decide to meet twice a year.

Mr. CELLER. Mr. Chairman, I move to strike out the last word. Again I want to repeat that the Committee on the Judiciary will examine all of these phases that the gentleman who was the sponsor of this pending amendment has suggested, but to ask the entire Commission of 50 members to take care of the daily chores of this Commission would impose upon the members an impossible task.

Let us see who the members of the Commission are. There are to be four Members of the Senate to be appointed by the President of the Senate, four Members of the House, to be appointed by the Speaker, the Secretary of State, the Secretary of Treasury, the Attorney General, the Secretary of the Interior, the Secretary of Defense, the Secretary of Commerce, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Secretary of Health, Education, and Welfare, the Librarian of Congress, the Secretary of the Smithsonian Institution, the Archivist of the United States, the Chairman of the Federal Council on the Arts and the Humanities, all of whom shall be ex officio members of the Commission; and in addition four members of the Federal judiciary to be appointed by the Chief Justice of the United States, and 25 members from the private sector.

Those are all important members—at least most of them are. A quorum would be 26 members. Requiring 26 members to assemble every time the Commission meets in order to do business would put a superhuman burden on this Commission. I do not see how the Commission could operate. No corporation operates with the necessity of the board of directors being present. The officers of the corporation usually act.

Here you have a Director. You have three Deputy Directors. We must place some confidence in the Director. If the Director has not functioned properly, fire him.

This investigation that we are conducting will determine whether the present director is a good man or an indifferent man or a man not worthy of the job.

If he is worthy of the job we must give him responsibilities, we must repose some faith and confidence in him, but to hobble the Commission this way I think would be most ill-advised, namely to require a majority of the 50 members in order to have the Commission function and that they are to meet at least twice a month. It may be necessary to meet more than twice a month. I therefore hope that the amendment will not prevail.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. Mr. Chairman, first, as far as the Director is concerned, let me state my amendment states this:

> The Commission may delegate such powers and duties to the Director (with the power to redelegate) as necessary for the day-to-day efficient operation and management of the Commission staff.

The Members have all read the series of articles that appeared in the Post. They all know about the hanky-panky that was taking place in the Commission under the Executive committee. When we say we have got to have confidence in them, then I say to the Members that unless we adopt this amendment before this investigation can be completed we are going to have a few more things to face up to that we certainly would want to avoid.

Mr. CELLER. I think the fact that we are considering this bill will have the effect of cleaning up the Augean stable. I am quite sure that the Director and others under him have taken heed already and they are probably amending their ways. As I said, if they are found to be derelict, oust them, but let us wait until the investigation has been completed.

Mr. WILLIAMS. We cannot can the Commissioners who are appointed by the President or designated by law. All I say to the gentleman from New York (Mr. CELLER) is that we just cannot can them. We are all ashamed of what has happened under the present ARBC setup which is going to continue until January. In the meantime it is not a superhuman burden for the Commission to meet twice monthly.

Mr. CELLER. This is what I say. We would be hobbling and impeding them in the work of the Commission. The work of the Commission is important. I do not want to stop the work of this Commission. I do not think the gentleman does either. It is extremely important to the Nation.

Mr. WILLIAMS. But I want the Commission to run the affairs of the Commission.

Mr. SMITH of New York. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I can understand the concern of the gentleman from Pennsylvania who is a member of the Commission, but I must say that the gentleman's amendment would make the work of the Commission impossible as a practical matter. His amendment says:

> All decisions shall be made by the full Commission, including those proposals from Advisory Committees or Panels and any Executive Committee—The Commission shall meet at least bi-monthly—

And so on.

Mr. Chairman, these are all matters that should be developed by the rules of the Commission. The Commission can set its own rules. It can create an executive committee if it wishes to, which it has already done. The Commission can say what powers and duties the executive committee can have, or whether it shall have no power. But if the gentleman's amendment is adopted it would require all decisions be made by the full Commission. The Commission itself has already voted at its September meeting to have bimonthly meetings. It is the Commission's duty as an internal matter to set forth in what manner the Commission shall work, whether this executive committee is to have power, and if there is an executive committee how much power it shall have. This should not be frozen into the law but should be a matter of the Commission's own internal regulations made by its own rules, which it may do at any regular meeting of the Commission.

I hope Mr. Chairman, that the Members will reject this amendment because it will make the day-to-day work of this Commission almost impossible to carry out.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New York. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, is it not true that most of the people on this Commission were either appointed by the President or have been involved because they have an important contribution to make, and would it not be correct to make sure that these people participate in the decisionmaking machinery of this activity since they represent all 50 States?

Mr. SMITH of New York. The Commission has voted at its September meeting that all policy decisions will be made by the full Commission.

Mr. ROUSSELOT. But still I do not see how the amendment of the gentleman from Pennsylvania does damage to that concept. I think it encourages full participation. Is that not what we are trying to achieve with this Commission, full participation? Are we not trying to achieve full participation by all Commission members? Is that not true?

Mr. SMITH of New York. I would say to the gentleman that if I remember correctly the gentleman said a majority of this Commission lives within 100 miles of Washington, D.C.

Mr. ROUSSELOT. All right, so that is even more reason why they should be allowed to participate in the decisionmaking.

Mr. SMITH of New York. My point is that these people do now participate in decisionmaking to the full extent of their desire.

Mr. ROUSSELOT. That is all the amendment of the gentleman from Pennsylvania does.

Mr. SMITH of New York. But the Commission itself can set its own rules, its own regulations of its executive committee and whether it shall have an executive committee. That is part of its own internal decisions. What I am saying is that the Commission, no more than a corporation's full board of directors, should be required to make every decision if they do not want to do so by their own rules. This is what the gentleman's amendment does.

Mr. ROUSSELOT. But, these 50 people were appointed either by the President and/or other representative groups. The Speaker of the House has appointed four of our Members. I think if we can be assured by this amendment that we have brought participation input into this very important event in our history, the gentleman from Pennsylvania has offered a very wise amendment.

If the gentleman from New York does say that there should be full participation, that is what the amendment of the gentleman from Pennsylvania does.

Mr. SMITH of New York. Well, if the gentleman will pardon me, I must say that the Commission now can fully participate.

Mr. ROUSSELOT. Except that this executive committee has evidently been making a lot of decisions that have not taken into consideration the thinking of the full Commission.

Mr. SMITH of New York. The executive committee is a creature of the full Commission and consists of Commissioners.

Mr. ROUSSELOT. I understand that. That is the point the gentleman from Pennsylvania is making. They have not been consulting the full Commission.

Mr. SMITH of New York. Well, this is a matter for the full Commission to determine by their own rules.

Mr. ROUSSELOT. I think it is a matter for this House right now to insure that the full Commission has its right of complete participation protected and that it is not being done from somebody's hip pocket.

Mr. SMITH of New York. I must say the full Commission does have full participation. I would hope it is not in somebody's hip pocket. It should make its own recommendations and its own rules.

Mr. ROUSSELOT. That is exactly the point the gentleman from Pennsylvania is making. He is a member of that Commission. This House should support the Williams amendment.

Mr. SCHERLE. Mr. Chairman, I move to strike the last word.

I yield to my colleague from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, let me say this: What my amendment said is that the Commission shall meet at least bimonthly, and special meetings of the Commission may be called by the Chairman; that a quorum for the Commission shall be one-half the number of Commissioners, plus one. The fact of the matter is, as I have stated before, we do have some Commissioners who are interested only in the prestige or the title.

Mr. SMITH was quite wrong when he indicated that the full Commission would have to be present in order for the Commission to make a decision. A quorum is only one-half the total number of Members on the Commission at any given time, plus one.

I can tell you that I watched this operation from the time I was appointed by the Speaker of this House on September 16, 1971.

I tried to get them to change their method of operation. I talked to other congressional members, and when this whole thing broke in the newspaper; when magazines all over this country were carrying articles highly detrimental to the ARBC, one congressional member said to me, "You saw this coming, did you not," and I said, "Yes, why do you think I have been talking to you?"

Mr. Chairman, I say we are just going to leave things to the Commission to operate, we are going to continue in the same morass we had before. To put this in the law that the Commission will make the decisions and a quorum is one more than one-half of the Commission simply assures us of full participation.

I can tell you, the congressional members of this ARBC, plus many of the representatives from the public sector, did not know some of the things that have been done by the executive committee until they read them in the newspapers.

I believe this is a deplorable situation which can only be corrected by my amendment.

I thank the gentleman for yielding.

Mr. SCHWENGEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and Members of the House, I have listened avidly to the discussion. All the Members heard my comments previously. Since the question was originally on the floor, and we defeated it under a suspension of the rules, I have on numerous occasions put matters in the RECORD which reflect on what I think is wrong. One of the things wrong with this Commission is its leadership.

I served on the Centennial Commission for the Civil War. There was not any need for this kind of a rule then, because we had regular meetings and people came. We had meetings at places where people could come. We also left the Commission with the impression that they were important and we wanted to hear them. This made a difference.

The present Bicentennial Commission leadership has not acted like they wanted the Commission membership counsel. We will not ruin the Commission if we accept this amendment. We will assure some participation, and we will let these people know they are wanted and needed.

I rise in support of the amendment.

Later I will have some comments to make on other things I believe are wrong that need to be considered.

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman for his support.

Let me also tell the members of the committee that it was not until the last meeting of the Commission that the public or the press were even allowed to attend.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WILLIAMS).

The question was taken; and on a division (demanded by Mr. CELLER) there were—ayes 31, noes 23.

So the amendment was agreed to.

Mr. PICKLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am glad the committee has seen fit to offer the three amendments previously considered, because I believe they make this a more acceptable bill. I believe this will better suit the Members of the House.

We all know the difficulties the Commission has had. I should like to pass on one additional thought, that the Commission should attempt to establish policies of a national nature and not try to tell the States specifically what kind of a project they ought to have.

If the Commission did that and set about to dedicate itself to establishing the kind of principles and policies that will make 1976 a great year, I think the States would and will join hands. The States want leadership, but I do not think the States want to be told exactly what kind of projects they ought to have.

I think surely that is the understanding we ought to emphasize. I think, as it has been suggested, we should give more encouragement to the States to establish and advance their own projects.

I think my State is as advanced as any of the 50 States in trying to project good programs, and if the Commission would just establish the policies and let the States establish their own programs, I think it will be a great year we can look forward to in 1976.

Mr. WILLIAMS. Will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. Mr. Chairman, I would like to say to the gentleman that the ARBC has been encouraging each and every State to set up its own American Revolutionary Bicentennial Commission. Most of the States have set up their own ARBC's. A few of the States have delegated the responsibility to existing ARBC's, and this is why I spoke about the additional funding of the States, the funding of their own ARBC's.

I would also hope that when the total figure becomes known as to how much each State is going to expend in properly celebrating our 200th birthday, the Federal Government will pick up a share of the State's cost. In the meantime, I can assure the gentleman that every State is being encouraged to select the way it wants to celebrate the exposition in that State, and the ARBC on the Federal level is not interfering with that function whatsoever.

Mr. PICKLE. I appreciate the gentlemans' remarks, and I hope that is the policy and that it will be maintained.

Mr. SCHWENGEL. I move to strike out the last word.

First, I would like to ask the chairman of the subcommittee a question for clarification.

First, what we are doing here is authorizing the Commission a new life until February 15; is that right?

Mr. DONOHUE. That is right.

Mr. SCHWENGEL. Second, we have made some corrections and improvements with some amendments, and with those the Commission can function until that time.

Let me repeat an earlier question: When we have testimony on this before the committee, will it be possible to consider amendments to the basic law?

Mr. DONOHUE. That is always our system, that it is permissible to submit a bill amending any existing law.

Mr. SCHWENGEL. Also at the time you have amended it, you have the GAO report and the other studies by the committee?

Mr. DONOHUE. That is right. And the Congress will have the benefit of their reports and their studies and their recommendations.

Mr. SCHWENGEL. Mr. Chairman, as the gentleman knows, I have visited with eminent and ranking Members on his side, and a number of people who are very prominent historians of the country. They have been aware and have shown great concern about what this Commission is doing and not doing.

Therefore, can the chairman give me some assurance that we will have the ear of the staff in counseling them on their own studies and can they have an opportunity to make suggestions?

Mr. DONOHUE. Well, as the chairman of the full committee pointed out, he has designated members of his staff to conduct a study of the activities and the funding and the operations of the committee. Along with that, we have committee studies, and the GAO is also conducting a study.

Now, reports will be made to the full Judiciary Committee, and they undoubtedly will be referred to our subcommittee, at which time we will review and examine the findings and the recommendations of the two study groups, and we will be most willing to hear from any Member who wishes to submit any additional recommendations.

Mr. SCHWENGEL. I thank the gentleman for that assurance.

One further question: There is in this country an organization called the American Association of State and Local Histories. It has 5,000 organization members, and it is a rather prestigious organization.

Would it be possible the head of that organization, Mr. William Alderson, to appear before the committee? He has some ideas and some concepts that are very worthwhile. And he has not been able to get the ear of the Commission or of the staff of the Commission up to now. Would he have a chance to come before this committee to offer suggestions and make comments and answer questions for the committee?

Mr. DONOHUE. The members of the Committee on the Judiciary are most willing and very happy to receive constructive suggestions that would enable them to improve the existing law and the conditions that may be associated with the commission.

Mr. SCHWENGEL. I thank the gentleman for these assurances. I wanted it for the RECORD so that those who have an interest in this matter across the country can be assured that they will have the ear of the committee when the time comes for them to be heard.

I asked the questions also because I had planned to offer amendments, but with these assurances I will not offer them.

The amendment that I have would make this Commission's operation somewhat similar to previous Commissions set up by this Congress. Specifically, the Commission would elect its own chairman and vice chairman. This is a very important distinction that we should give consideration to.

Mr. Chairman, a further comment would indicate an additional reason for my unhappiness with the Bicentennial Commission is the fact that they have not laid out a program of publications by competent writers and historians who, from this vantage point 200 years later, could make a magnificent contribution that would help us all to better understand and appreciate some of the early hard beginnings of our Nation. A fine example was recently written by Miss Bowen entitled, "The Miracle at Philadelphia."

Mr. Chairman, during the centennial of the Civil War time, the Civil War Centennial Commission, at the suggestion of Al Nevins, its chairman, commissioned some 15 different authors to write a series of books called, "Impact Series." These stand out as a great example of what can be done and, in this instance, certainly should be done.

I am unhappy also because the Commission has done little or nothing to help guide a proper study and commemoration in our public schools. It has not sought to harness the talents of great private organizations who would be glad, with help and encouragement, to do a series of stories about the Revolution on the radio that could have a great impact. These programs could later be put in a book comparable to a book published in 1956 entitled, "The American Story," authored by some 56 different authors, under such titles as "The Age of Exploration," "Toward the Setting Sun," "William Penn, Founder of Colonies," "The Father of the Yankees," and "The Voice of Northern Industrialism: Benjamin Franklin." All of these were authored by great writers and students.

Mr. Chairman, there is a great need for the Congress to take a very serious look at what the Commission has failed to do and to seek the help and counsel of important people to redirect its activities and help us in the proper way to more adequately, fully, and dramatically commemorate the 200th birthday of the Declaration.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HOLIFIELD) having assumed the chair, Mr. GONZALEZ, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 13694) to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended, pursuant to House Resolution 1081, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. CELLER. Mr. Speaker, I demand a separate vote on the so-called Williams amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Page 3, immediately after line 22, add the following new section:

SEC. 5. Section 6(b)(3) is amended to read as follows:

"(3) All decisions shall be made by the full Commission, including those proposals from Advisory Committees or Panels and any Executive Committee. However, the Commission may delegate such powers and duties to the Director (with the power to redelegate) as necessary for the day-to-day, efficient operation and management of the Commission staff. The Commission shall meet at least bi-monthly, and special meetings of the Commission may be called by the Chairman, and a quorum for the Commission shall be one more than half the number of Commissioners."

Mr. SMITH of New York. Mr. Speaker, that was not the amendment that we had before us here that was just read by the Clerk.

The SPEAKER pro tempore. The Chair is informed that is the amendment that was read and adopted.

The Clerk will rereport the amendment.

The Clerk reread the amendment.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. WILLIAMS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. GERALD R. FORD. Mr. Speaker, I believe that the request of the gentleman from Pennsylvania, (Mr. WILLIAMS), for a rollcall vote comes too late.

The SPEAKER pro tempore. The Chair will state that the Chair had announced his opinion of the vote, but had not proceeded to the next question.

Does the gentleman from Pennsylvania insist upon his point of order that a quorum is not present and object to the vote on the ground that a quorum is not present?

Mr. WILLIAMS. I do, Mr. Speaker.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 145, nays 182, not voting 103, as follows:

[Roll No. 390]

YEAS—145

Abbitt
Abernethy
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Archer
Ashbrook
Ashley
Aspinall
Barrett
Begich
Biester
Blatnik
Brinkley
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Byrne, Pa.
Byron
Casey, Tex.
Chappell
Clancy
Clawson, Del
Collins, Tex.
Conover
Coughlin
Crane
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Dent
Devine
Dickinson
Diggs
Dingell
Downing
Eilberg
Evins, Tenn.
Fisher
Flynt
Ford, William D.
Fraser
Gaydos
Goldwater
Goodling
Grasso
Green, Pa.
Griffin
Haley
Hall
Hamilton
Hansen, Wash.
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Wash.
Hogan
Hull
Ichord
Jacobs
Jarman
Johnson, Pa.
Jones, Ala.
Karth
Kee
King
Landrum
Leggett
Link
Long, La.
McClure
McCormack
McDade
McEwen
McFall
Mahon
Mathis, Ga.
Meeds
Miller, Ohio
Mills, Ark.
Minish
Mink
Mizell
Montgomery
Moorhead
Morgan
Moss
Natcher
Nedzi
Nix
Obey
O'Hara
Poage
Podell
Railsback
Randall
Reuss
Riegle
Roberts
Robinson, Va.
Roe
Rooney, Pa.
Roush
Rousselot
Roybal
Runnels
Ruth
St Germain
Satterfield
Scherle
Schneebeli
Schwengel
Sebelius
Slack
Smith, Calif.
Smith, Iowa
Snyder
Spence
Steed
Steiger, Ariz.
Stephens
Stubblefield
Stuckey
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Tiernan
Van Deerlin
Vanik
Veysey
Wampler
Ware
Whalley
Whitehurst
Whitten
Williams
Wydler
Yatron
Young, Tex.
Zablocki
Zion

NAYS—182

Adams
Addabbo
Anderson, Ill.
Andrews, N. Dak.
Arends
Badillo
Baker
Belcher
Bennett
Bergland
Biaggi
Bingham
Blackburn
Boggs
Boland
Bolling
Bow
Brasco
Bray
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burlison, Mo.
Burton
Camp
Carey, N.Y.
Carney
Carter
Cederberg
Celler
Chamberlain
Chisholm
Clausen, Don H.
Cleveland
Collier
Collins, Ill.
Colmer
Conable
Corman
Cotter
Culver
Danielson
Davis, Wis.
de la Garza
Delaney
Dellums
Dennis
Donohue
Drinan
Dulski
Duncan
Eckhardt
Esch
Fascell
Findley
Fish
Flood
Foley
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Fuqua
Garmatz
Giaimo
Gonzalez
Gross
Grover
Gubser
Gude
Halpern
Hanley
Hansen, Idaho
Harrington
Harsha
Heinz
Hicks, Mass.
Hillis
Holifield
Horton
Hungate
Hutchinson
Johnson, Calif.
Kastenmeier
Kazen
Keating
Keith
Kemp
Kluczynski
Koch
Kyl
Kyros
Landgrebe
Latta
Lent
Lloyd
Long, Md.
McCloskey
McCollister
McKevitt
Macdonald, Mass.
Madden
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Melcher
Metcalfe
Michel
Mills, Md.
Minshall
Mollohan
Mosher
Myers
Nelsen
O'Konski
O'Neill
Pelly
Perkins
Pettis
Pickle
Pike
Powell
Preyer, N.C.
Price, Ill.
Quie
Quillen
Rangel
Rarick
Rees
Reid
Rodino
Rogers
Roncalio
Rosenthal
Rostenkowski
Roy
Ruppe
Sandman
Sarbanes
Seiberling
Shipley
Shoup
Sikes
Skubitz
Smith, N.Y.
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steele
Steiger, Wis.
Stratton
Sullivan
Symington
Taylor
Teague, Calif.
Terry
Thomson, Wis.
Thone
Udall
Vander Jagt
Vigorito
Waggonner
Whalen
White
Widnall
Wilson, Bob
Wolff
Wyatt
Wylie
Wyman
Young, Fla.
Zwach

NOT VOTING—103

Abourezk
Abzug
Aspin
Baring
Bell
Betts
Bevill
Blanton
Brademas
Brown, Mich.
Buchanan
Byrnes, Wis.
Cabell
Caffery
Carlson
Clark
Clay
Conte
Conyers
Curlin
Davis, S.C.
Dellenback
Denholm
Derwinski
Dorn
Dow
Dowdy
du Pont
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Erlenborn
Eshleman
Evans, Colo.
Flowers
Frey
Fulton
Galifianakis
Gallagher
Gettys
Gibbons
Gray
Green, Oreg.
Griffiths
Hagan
Hammerschmidt
Hanna
Harvey
Hastings
Hathaway
Hawkins
Hébert
Hosmer
Howard
Hunt
Jonas
Jones, N.C.
Jones, Tenn.
Kuykendall
Lennon
Lujan
McClory
McCulloch
McDonald, Mich.
McKay
McKinney
McMillan
Mikva
Miller, Calif.
Mitchell
Monagan
Murphy, Ill.
Murphy, N.Y.
Nichols
Passman
Patman
Patten
Pepper
Peyser
Pirnie
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Rhodes
Robison, N.Y.
Rooney, N.Y.
Saylor
Scheuer
Schmitz
Scott
Shriver
Sisk
Stokes
Talcott
Ullman
Waldie
Wiggins
Wilson, Charles H.
Winn
Wright
Yates

So the amendment was rejected.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Rhodes.

Mr. Hébert with Mr. Robison of New York.

Mr. Denholm with Mr. Peyser.

Mr. Fulton with Mr. Buchanan.

Mr. Gray with Mr. Erlenborn.

Mrs. Green of Oregon with Mr. Eshleman.

Mr. Nichols with Mr. Jonas.

Mr. Bevill with Mr. Schmitz.

Mr. Brademas with Mr. Derwinski.

Mr. Passman with Mr. Betts.

Mr. Caffery with Mr. Dellenback.

Mr. Cabell with Mr. Brown of Michigan.

Mr. Jones of Tennessee with Mr. Kuykendall.

Mr. Sisk with Mr. Talcott.

Mr. Charles H. Wilson with Mr. Bell.

Mr. Yates with Mr. Conte.

Mr. Mikva with Mr. Harvey.

Mr. Clark with Mr. Saylor.

Mr. Howard with Mr. du Pont.

Mr. Hawkins with Mr. Baring.

Mr. Stokes with Mr. Scheuer.

Mr. Murphy of Illinois with Mr. McKinney.

Mr. Patten with Mr. Hunt.

Mr. Edwards of California with Mr. Byrnes of Wisconsin.

Mr. Murphy of New York with Mr. Hastings.

Mr. Jones of North Carolina with Mr. McDonald of Michigan.

Mr. Hanna with Mr. Hosmer.

Mr. Abourezk with Mrs. Abzug.

Mr. Ullman with Mr. Clay.

Mr. Waldie with Mr. Mitchell.

Mr. Dow with Mr. Pirnie.

Mr. Davis of South Carolina with Mr. Scott.

Mr. Evans of Colorado with Mr. Winn.

Mr. Purcell with Mr. Price of Texas.

Mr. Gettys with Mr. Shriver.

Mr. Gibbons with Mr. Frey.

Mr. Lennon with Mr. Edwards of Alabama.

Mr. Wright with Mr. Hammerschmidt.

Mr. Aspin with Mr. Lujan.

Mr. McKay with Mr. McClory.

Mr. Edmondson with Mr. Patman.

Mr. Galifianakis with Mr. Conyers.

Mr. Miller of California with Mr. Wiggins.

Mr. Blanton with Mr. McCulloch.

Mr. Flowers with Mr. Carlson.

Mrs. Griffiths with Mrs. Dwyer.

Mr. Pucinski with Mr. Dorn.

Mr. Pepper with Mr. Hogan.

Mr. Pryor of Arkansas with Mr. McMillan.

Mr. Hathaway with Mr. Curlin.

Mr. Gallagher with Mr. Dowdy.

Messrs. ROONEY of Pennsylvania and RUNNELS changed their votes from "nay" to "yea."

Messrs. SPRINGER and SHOUP changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. VAN DEERLIN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 300, nays 19, not voting 111, as follows:

[Roll No. 391]

YEAS—300

Abbitt
Abernethy
Adams
Addabbo
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspinall
Baker
Barrett
Begich
Belcher
Bennett
Bergland
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bow
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellums
Dennis
Dent
Devine
Dickinson
Dingell
Donohue
Downing
Drinan
Dulski
Duncan
Esch
Evins, Tenn.
Findley
Fish
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frenzel
Fuqua
Garmatz
Gaydos
Giaimo
Gonzalez
Goodling
Green, Pa.
Griffin
Gross
Grover
Gubser
Gude
Haley
Hall
Halpern
Hamilton
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hays
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Howard
Hull
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Karth
Kastenmeier
Kazen

Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kyl
Kyros
Landgrebe
Landrum
Latta
Lent
Link
Lloyd
Long, Md.
McCloskey
McClure
McCollister
McCormack
McDade
McEwen
McFall
McKevitt
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Meeds
Melcher
Metcalfe
Michel
Miller, Calif.
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mizell
Mollohan
Montgomery
Moorhead
Morgan
Mosher
Moss
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Neill
Pelly
Perkins
Pettis
Pickle
Pike
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Quie
Quillen
Railsback
Randall
Rarick
Reid
Reuss
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Runnels
Ruppe
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Scherle
Schneebeli
Schwengel
Sebelius
Shipley
Shoup
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Symington
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wolff
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—19

Anderson, Calif.
Badillo
Chisholm
Collins, Ill.
Eckhardt
Eilberg
Hechler, W. Va.
Hungate
Leggett
Miller, Ohio
O'Hara
O'Konski
Rangel
Riegle
Roybal
Seiberling
Steiger, Ariz.
Sullivan
Van Deerlin

NOT VOTING—111

Abourezk
Abzug
Aspin
Baring
Bell
Betts
Bevill
Blanton
Brademas
Buchanan
Byrnes, Wis.
Cabell
Caffery
Carlson
Clark
Clay
Conte
Conyers
Curlin
Davis, S.C.
Dellenback
Denholm
Derwinski
Diggs
Dorn
Dow
Dowdy
du Pont
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Erlenborn
Eshleman
Evans, Colo.
Fascell
Flowers
Ford, William D.
Frelinghuysen
Frey
Fulton
Galifianakis
Gallagher
Gettys
Gibbons
Goldwater
Grasso
Gray
Green, Oreg.
Griffiths
Hagan
Hammerschmidt
Hanna
Harvey
Hastings
Hathaway
Hawkins
Hébert
Heckler, Mass.
Hosmer
Hunt
Jonas
Jones, N.C.
Jones, Tenn.
Kuykendall
Lennon
Long, La.
Lujan
McClory
McCulloch
McDonald, Mich.
McKay
McKinney
McMillan
Mazzoli
Mikva
Mitchell
Monagan
Murphy, Ill.
Murphy, N.Y.
Nichols
Passman
Patman
Patten
Pepper
Peyser
Pirnie
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Rees
Rhodes
Robison, N.Y.
Rooney, N.Y.
Saylor
Scheuer
Schmitz
Scott
Shriver
Sisk
Stokes
Stratton
Talcott
Teague, Tex.
Waldie
Wiggins
Wilson, Charles H.
Winn
Wright
Yates

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Gray for, with Mr. Charles H. Wilson against.

Mr. Murphy of Illinois for, with Mr. Conyers against.

Mr. Hébert for, with Mr. Mitchell against.

Mr. Denholm for, with Mrs. Abzug against.

Mr. Rooney of New York for, with Mr. Clay against.

Mr. Fulton for, with Mr. Stokes against.

Until further notice:

Mr. Bevill with Mr. Bell.

Mr. Nichols with Mr. Betts.

Mr. Murphy of New York with Mr. Hastings.

Mr. Mazzoli with Mr. Conte.

Mr. Teague of Texas with Mr. Rhodes.

Mr. Stratton with Mr. Pirnie.

Mr. Sisk with Mr. Talcott.

Mr. Gettys with Mr. Jonas.

Mrs. Green of Oregon with Mr. Robison of New York.

Mr. Flowers with Mr. Edwards of Alabama.

Mr. Fascell with Mr. Shriver.

Mr. Brademas with Mr. McClory.

Mr. Hawkins with Mr. Scheuer.

Mr. Waldie with Mr. Diggs.

Mr. Jones of North Carolina with Mr. Dellenback.

Mr. Yates with Mr. Hosmer.

Mr. Hanna with Mr. Goldwater.

Mr. Jones of Tennessee with Mr. Kuykendall.

Mr. Davis of South Carolina with Mr. Eshleman.

Mr. Dorn with Mr. Byrnes of Wisconsin.

Mr. Edwards of California with Mr. McKinney.

Mr. Evans of Colorado with Mr. Wiggins.

Mr. William D. Ford with Mr. Frelinghuysen.

Mrs. Grasso with Mrs. Heckler of Massachusetts.

Mr. Purcell with Mr. Price.

Mrs. Griffiths with Mr. Lujan.

Mr. Patten with Mr. Hunt.

Mr. Pepper with Mr. McCulloch.

Mr. Mikva with Mr. Derwinski.

Mr. Lennon with Mr. Buchanan.

Mr. Wright with Mr. Peyser.

Mr. Cabell with Mr. Carlson.

Mr. Aspin with Mr. Scott.

Mr. Clark with Mr. Saylor.

Mr. Dow with Mr. McDonald of Michigan.

Mr. Gibbons with Mr. Frey.

Mr. Baring with Mr. Gallagher.

Mr. Hathaway with Mr. du Pont.

Mr. McKay with Mr. Harvey.

Mr. Edmondson with Mr. Hammerschmidt.

Mr. Hagan with Mr. Galifianakis.

Mr. Rees with Mrs. Dwyer.

Mr. Pucinski with Mr. Erlenborn.

Mr. Pryor of Arkansas with Mr. Winn.

Mr. Passman with Mr. Schmitz.

Mr. Patman with Mr. McMillan.

Mr. Caffery with Mr. Blanton.

Mr. Curlin with Mr. Dowdy.

Mr. Long of Louisiana with Mr. Abourezk.

Mr. EVINS of Tennessee changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DONOHUE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 13694, on the American Revolution Bicentennial Commission.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CONFERENCE REPORT ON S. 2770, AMENDING FEDERAL WATER POLLUTION CONTROL ACT

Mr. JONES of Alabama (on behalf of Mr. BLATNIK) filed the following conference report and statement on the bill (S. 2770) to amend the Federal Water Pollution Control Act:

CONFERENCE REPORT (H. REPT. NO. 92-1465)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2770) to amend the Federal Water Pollution Control Act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Federal Water Pollution Control Act Amendments of 1972".

SEC. 2. The Federal Water Pollution Control Act is amended to read as follows:

"TITLE I—RESEARCH AND RELATED PROGRAMS

"DECLARATION OF GOALS AND POLICY

"SEC. 101. (a) The objective of this Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. In order to achieve this objective it is hereby declared that, consistent with the provisions of this Act—

"(1) it is the national goal that the discharge of pollutants into the navigable waters be eliminated by 1985;

"(2) it is the national goal that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved by July 1, 1983;

"(3) it is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited;

"(4) it is the national policy that Federal financial assistance be provided to construct publicly owned waste treatment works;

"(5) it is the national policy that areawide waste treatment management planning processes be developed and implemented to assure adequate control of sources of pollutants in each State; and

"(6) it is the national policy that a major research and demonstration effort be made to develop technology necessary to eliminate the discharge of pollutants into the navigable waters of the contiguous zone, and the oceans.

"(b) It is the policy of the Congress to recognize, preserve, and protect the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution, to plan the development and use (including restoration, preservation, and enhancement) of land and water resources, and to consult with the Administrator in the exercise of his authority under this Act. It is further the policy of the Congress to support and aid research relating to the prevention, reduction, and elimination of pollution, and to provide Federal technical services and financial aid to State and interstate agencies and municipalities in connection with the prevention, reduction, and elimination of pollution.

"(c) It is further the policy of Congress that the President, acting through the Secretary of State and such national and international organizations as he determines appropriate, shall take such action as may be necessary to insure that to the fullest extent possible all foreign countries shall take meaningful action for the prevention, reduction, and elimination of pollution in their water and in international waters and for the achievement of goals regarding the elimination of discharge of pollutants and the improvement of water quality to at least the same extent as the United States does under its laws.

"(d) Except as otherwise expressly provided in this Act, the Administrator of the Environmental Protection Agency (hereinafter in this Act called 'Administrator') shall administer this Act.

"(e) Public participation in the development, revision, and enforcement of any regulation, standard, effluent limitation, plan, or program established by the Administrator or any State under this Act shall be provided for, encouraged, and assisted by the Administrator and the States. The Administrator, in cooperation with the States, shall develop and publish regulations specifying minimum guidelines for public participation in such processes.

"(f) It is the national policy that to the maximum extent possible the procedures utilized for implementing this Act shall encourage the drastic minimization of paperwork and interagency decision procedures, and the best use of available manpower and funds, so as to prevent needless duplication and unnecessary delays at all levels of government.

"COMPREHENSIVE PROGRAMS FOR WATER POLLUTION CONTROL

"SEC. 102. (a) The Administrator shall, after careful investigation, and in cooperation with other Federal agencies, State water pollution control agencies, interstate agencies, and the municipalities and industries involved, prepare or develop comprehensive programs for preventing, reducing, or eliminating the pollution of the navigable waters and ground waters and improving the sanitary condition of surface and underground waters. In the development of such comprehensive programs due regard shall be given to the improvements which are necessary to conserve such waters for the protection and propagation of fish and aquatic life and wildlife, recreational purposes, and the withdrawal of such waters for public water supply, agricultural, industrial, and other purposes. For the purpose of this section, the Administrator is authorized to make joint investigations with any such agencies of the condition of any waters in any State or States, and of the discharges of any sewage, industrial wastes, or substance which may adversely affect such waters.

"(b) (1) In the survey or planning of any reservoir by the Corps of Engineers, Bureau of Reclamation, or other Federal agency, consideration shall be given to inclusion of storage for regulation of streamflow, except that any such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source.

"(2) The need for and the value of storage for regulation of streamflow (other than for water quality) including but not limited to navigation, salt water intrusion, recreation, esthetics, and fish and wildlife, shall be determined by the Corps of Engineers, Bureau of Reclamation, or other Federal agencies.

"(3) The need for, the value of, and the impact of, storage for water quality control shall be determined by the Administrator, and his views on these matters shall be set forth in any report or presentation to Congress proposing authorization or construction of any reservoir including such storage.

"(4) The value of such storage shall be taken into account in determining the economic value of the entire project of which it is a part, and costs shall be allocated to the purpose of regulation of streamflow in a manner which will insure that all project purposes share equitably in the benefits of multiple-purpose construction.

"(5) Costs of regulation of streamflow features incorporated in any Federal reservoir or other impoundment under the provisions of this Act shall be determined and the beneficiaries identified and if the benefits are widespread or national in scope, the costs of such features shall be nonreimbursable.

"(6) No license granted by the Federal Power Commission for a hydroelectric power project shall include storage for regulation of streamflow for the purpose of water quality control unless the Administrator shall recommend its inclusion and such reservoir storage capacity shall not exceed such proportion of the total storage required for the water quality control plan as the drainage area of such reservoir bears to the drainage area of the river basin or basins involved in such water quality control plan.

"(c) (1) The Administrator shall, at the request of the Governor of a State, or a majority of the Governors when more than one State is involved, make a grant to pay not to exceed 50 per centum of the administrative expenses of a planning agency for a period not to exceed three years, which period shall begin after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, if such agency provides for adequate representation of appropriate State, interstate, local, or (when appropriate) international interests in the basin or portion thereof involved and is capable of developing an effective, comprehensive water quality control plan for a basin or portion thereof.

"(2) Each planning agency receiving a grant under this subsection shall develop a comprehensive pollution control plan for the basin or portion thereof which—

"(A) is consistent with any applicable water quality standards, effluent and other limitations, and thermal discharge regulations established pursuant to current law within the basin;

"(B) recommends such treatment works as will provide the most effective and economical means of collection, storage, treatment, and elimination of pollutants and recommends means to encourage both municipal and industrial use of such works;

"(C) recommends maintenance and improvement of water quality within the basin or portion thereof and recommends methods of adequately financing those facilities as may be necessary to implement the plan; and

"(D) as appropriate, is developed in cooperation with, and is consistent with any comprehensive plan prepared by the Water Resources Council, any areawide waste management plans developed pursuant to section 208 of this Act, and any State plan developed pursuant to section 303(e) of this Act.

"(3) For the purposes of this subsection the term 'basin' includes, but is not limited to, rivers and their tributaries, streams, coastal waters, sounds, estuaries, bays, lakes, and portions thereof, as well as the lands drained thereby.

"INTERSTATE COOPERATION AND UNIFORM LAWS

"SEC. 103. (a) The Administrator shall encourage cooperative activities by the States for the prevention, reduction, and elimination of pollution, encourage the enactment of improved and, so far as practicable, uniform State laws relating to the prevention, reduction, and elimination of pollution; and encourage compacts between States for the prevention and control of pollution.

"(b) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) cooperative effort and mutual assistance for the prevention and control of pollution and the enforcement of their respective laws relating thereto, and (2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts. No such agreement or compact shall be binding or obligatory upon any State a party thereto unless and until it has been approved by the Congress.

"RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION

"SEC. 104. (a) The Administrator shall establish national programs for the prevention, reduction, and elimination of pollution and as part of such programs shall—

"(1) in cooperation with other Federal, State, and local agencies, conduct and promote the coordination and acceleration of, research, investigations, experiments, training, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, reduction, and elimination of pollution;

"(2) encourage, cooperate with, and render technical services to pollution control agencies and other appropriate public or private agencies, institutions, and organizations, and individuals, including the general public, in the conduct of activities referred to in paragraph (1) of this subsection;

"(3) conduct, in cooperation with State water pollution control agencies and other interested agencies, organizations and persons, public investigations concerning the pollution of any navigable waters, and report on the results of such investigations;

"(4) establish advisory committees composed of recognized experts in various aspects of pollution and representatives of the public to assist in the examination and evaluation of research progress and proposals and to avoid duplication of research;

"(5) in cooperation with the States, and their political subdivisions, and other Federal agencies establish, equip, and maintain a water quality surveillance system for the purpose of monitoring the quality of the navigable waters and ground waters and the contiguous zone and the oceans and the Administrator shall, to the extent practicable, conduct such surveillance by utilizing the resources of the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the Geological Survey, and the Coast Guard, and shall report on such quality in the report required under subsection (a) of section 516; and

"(6) initiate and promote the coordination and acceleration of research designed to develop the most effective practicable tools and techniques for measuring the social and economic costs and benefits of activities which are subject to regulation under this Act; and shall transmit a report on the results of such research to the Congress not later than January 1, 1974.

"(b) In carrying out the provisions of subsection (a) of this section the Administrator is authorized to—

"(1) collect and make available, through publications and other appropriate means, the results of and other information, including appropriate recommendations by him in connection therewith, pertaining to such research and other activities referred to in paragraph (1) of subsection (a);

"(2) cooperate with other Federal departments and agencies, State water pollution control agencies, interstate agencies, other public and private agencies, institutions, organizations, industries involved, and individuals, in the preparation and conduct of such research and other activities referred to in paragraph (1) of subsection (a);

"(3) make grants to State water pollution control agencies, interstate agencies, other public or nonprofit private agencies, institutions, organizations, and individuals, for purposes stated in paragraph (1) of subsection (a) of this section;

"(4) contract with public or private agencies, institutions, organizations, and individuals, without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5), referred to in paragraph (1) of subsection (a);

"(5) establish and maintain research fellowships at public or nonprofit private educational institutions or research organizations;

"(6) collect and disseminate, in cooperation with other Federal departments and agencies, and with other public or private agencies, institutions, and organizations having related responsibilities, basic data on chemical, physical, and biological effects of varying water quality and other information pertaining to pollution and the prevention, reduction, and elimination thereof; and

"(7) develop effective and practical processes, methods, and prototype devices for the prevention, reduction, and elimination of pollution.

"(c) In carrying out the provisions of subsection (a) of this section the Administrator shall conduct research on, and survey the results of other scientific studies on, the harmful effects on the health or welfare of persons caused by pollutants. In order to avoid duplication of effort, the Administrator shall, to the extent practicable, conduct such research in cooperation with and through the facilities of the Secretary of Health, Education, and Welfare.

"(d) In carrying out the provisions of this section the Administrator shall develop and demonstrate under varied conditions (including conducting such basic and applied research, studies, and experiments as may be necessary):

"(1) Practicable means of treating municipal sewage, and other waterborne wastes to implement the requirements of section 201 of this Act;

"(2) Improved methods and procedures to identify and measure the effects of pollutants, including those pollutants created by new technological developments; and

"(3) Methods and procedures for evaluating the effects on water quality of augmented streamflows to control pollution not susceptible to other means of prevention, reduction, or elimination.

"(e) The Administrator shall establish, equip, and maintain field laboratory and research facilities, including, but not limited to, one to be located in the northeastern area of the United States, one in the Middle Atlantic area, one in the southeastern area, one in the midwestern area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska, for the conduct of research, investigations, experiments, field demonstrations and studies, and training relating to the prevention, reduction and elimination of pollution. Insofar as practicable, each such facility shall be located near institutions of higher learning in which graduate training in such research might be carried out. In conjunction with the development of criteria under section 403 of this Act, the Administrator shall construct the facilities authorized for the National Marine Water Quality Laboratory established under this subsection.

"(f) The Administrator shall conduct research and technical development work, and make studies, with respect to the quality of the waters of the Great Lakes, including an analysis of the present and projected future water quality of the Great Lakes under varying conditions of waste treatment and disposal, an evaluation of the water quality needs of those to be served by such waters, an evaluation of municipal, industrial, and vessel waste treatment and disposal practices with respect to such waters, and a study of alternate means of solving pollution problems (including additional waste treatment measures) with respect to such waters.

"(g)(1) For the purpose of providing an adequate supply of trained personnel to operate and maintain existing and future treatment works and related activities, and for the purpose of enhancing substantially the proficiency of those engaged in such activities, the Administrator shall finance pilot programs, in cooperation with State and interstate agencies, municipalities, educational institutions, and other organizations and individuals, of manpower development and training and retraining of persons in, on entering into, the field of operation and maintenance of treatment works and related activities. Such program and any funds expended for such a program shall supplement, not supplant, other manpower and training programs and funds available for the purposes of this paragraph. The Administrator is authorized, under such terms and conditions as he deems appropriate, to enter into agreements with one or more States, acting jointly or severally, or with other public or private agencies or institutions for the development and implementation of such a program.

"(2) The Administrator is authorized to enter into agreements with public and private agencies and institutions, and individuals to develop and maintain an effective system for forecasting the supply of, and demand for, various professional and other occupational categories needed for the prevention, reduction, and elimination of pollution in each region, State, or area of the United States and, from time to time, to publish the results of such forecasts.

"(3) In furtherance of the purposes of this Act, the Administrator is authorized to—

"(A) make grants to public or private agencies and institutions and to individuals for training projects, and provide for the conduct of training by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

"(B) establish and maintain research fellowships in the Environmental Protection Agency with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellows; and

"(C) provide, in addition to the program established under paragraph (1) of this subsection, training in technical matters relating to the causes, prevention, reduction, and elimination of pollution for personnel of public agencies and other persons with suitable qualifications.

"(4) The Administrator shall submit, through the President, a report to the Congress not later than December 31, 1973, summarizing the actions taken under this subsection and the effectiveness of such actions, and setting forth the number of persons trained, the occupational categories for which training was provided, the effectiveness of other Federal, State, and local training programs in this field, together with estimates of future needs, recommendations on improving training programs, and such other information and recommendations, including legislative recommendations, as he deems appropriate.

"(h) The Administrator is authorized to enter into contracts with or make grants to, public or private agencies and organizations and individuals for (A) the purpose of developing and demonstrating new or improved methods for the prevention, removal, reduction, and elimination of pollution in lakes, including the undesirable effects of nutrients and vegetation, and (B) the construction of publicly owned research facilities for such purpose.

"(i) The Administrator, in cooperation with the Secretary of the department in which the Coast Guard is operating, shall—

"(1) engage in such research, studies, experiments, and demonstrations as he deems appropriate, relative to the removal of oil from any waters and to the prevention, control, and elimination of oil and hazardous substances pollution;

"(2) publish from time to time the results of such activities; and

"(3) from time to time, develop and publish in the Federal Register specifications and other technical information on the various chemical compounds used in the control of oil and hazardous substances spills.

In carrying out this subsection, the Administrator may enter into contracts with, or make grants to, public or private agencies and organizations and individuals.

"(j) The Secretary of the Department in which the Coast Guard is operating shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to equipment which is to be installed on board a vessel and is designed to receive, retain, treat, or discharge human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes with particular emphasis on equipment to be installed on small recreational vessels. The Secretary of the department in which the Coast Guard is operating shall report to Congress the results of such research, studies, experiments, and demonstrations prior to the effective date of any regulations established under section 312 of this Act. In carrying out this subsection the Secretary of the department in which the Coast Guard is operating may enter into contracts with, or make grants to, public or private organizations and individuals.

"(k) In carrying out the provisions of this section relating to the conduct by the Administrator of demonstration projects and the development of field laboratories and research facilities, the Administrator may acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Administrator as the circumstances require.

"(l)(1) The Administrator shall, after consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, as soon as practicable but not later than January 1, 1973, develop and issue to the States for the purpose of carrying out this Act the latest scientific knowledge available in indicating the kind and extent of effects on health and welfare which may be expected from the presence of pesticides in the water in varying quantities. He shall revise and add to such information whenever necessary to reflect developing scientific knowledge.

"(2) The President shall, in consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, conduct studies and investigations of methods to control the release of pesticides into the environment which study shall include examination of the persistency of pesticides in the water environment and alternatives thereto. The President shall submit reports, from time to time, on such investigations to Congress together with his recommendations for any necessary legislation.

"(m)(1) The Administrator shall in an effort to prevent degradation of the environment from the disposal of waste oil, conduct a study of (A) the generation of used engine, machine, cooling, and similar waste oil, including quantities generated, the nature and quality of such oil, present collecting methods and disposal practices, and alternate uses of such oil; (B) the long-term, chronic biological effects of the disposal of such waste oil; and (C) the potential market for such oils, including the economic and legal factors relating to the sale of products made from such oils, the level of subsidy, if any, needed to encourage the purchase by public and private nonprofit agencies of products from such oil, and the practicability of Federal procurement, on a priority basis, of products made from such oil. In conducting such study the Administrator shall consult with affected industries and other persons.

"(2) The Administrator shall report the preliminary results of such study to Congress within six months after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, and shall submit a final report to Congress within 18 months after such date of enactment.

"(n) (1) The Administrator shall, in cooperation with the Secretary of the Army, the Secretary of Agriculture, the Water Resources Council, and with other appropriate Federal, State, interstate, or local public bodies and private organizations, institutions, and individuals, conduct and promote, and encourage contributions to, continuing comprehensive studies of the effects of pollution, including sedimentation, in the estuaries and estuarine zones of the United States on fish and wildlife, on sport and commercial fishing, on recreation, on water supply and water power, and on other beneficial purposes. Such studies shall also consider the effect of demographic trends, the exploitation of mineral resources and fossil fuels, land and industrial development, navigation, flood and erosion control, and other uses of estuaries and estuarine zones upon the pollution of the waters therein.

"(2) In conducting such studies, the Administrator shall assemble, coordinate, and organize all existing pertinent information on the Nation's estuaries and estuarine zones; carry out a program of investigations and surveys to supplement existing information in representative estuaries and estuarine zones; and identify the problems and areas where further research and study are required.

"(3) The Administrator shall submit to Congress, from time to time, reports of the studies authorized by this subsection but at least one such report during any three year period. Copies of each such report shall be made available to all interested parties, public and private.

"(4) For the purpose of this subsection, the term 'estuarine zones' means an environmental system consisting of an estuary and those transitional areas which are consistently influenced or affected by water from an estuary such as, but not limited to, salt marshes, coastal and intertidal areas, bays, harbors, lagoons, inshore waters, and channels, and the term 'estuary' means all or part of the mouth of a river or stream or other body of water having unimpaired natural connection with open sea and within which the sea water is measurably diluted with fresh water derived from land drainage.

"(o) (1) The Administrator shall conduct research and investigations on devices, systems, incentives, pricing policy, and other methods of reducing the total flow of sewage, including, but not limited to, unnecessary water consumption in order to reduce the requirements for, and the cost of, sewage and waste treatment services. Such research and investigations shall be directed to develop devices, systems, policies, and methods capable of achieving the maximum reduction of unnecessary water consumption.

"(2) The Administrator shall report the preliminary results of such studies and investigations to the Congress within one year after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, and annually thereafter in the report required under subsection (a) of section 516. Such report shall include recommendations for any legislation that may be required to provide for the adoption and use of devices, systems, policies, or other methods of reducing water consumption and reducing the total flow of sewage. Such report shall include an estimate of the benefits to be derived from adoption and use of such devices, systems, policies, or other methods and also shall reflect estimates of any increase in private, public, or other cost that would be occasioned thereby.

"(p) In carrying out the provisions of subsection (a) of this section the Administrator shall, in cooperation with the Secretary of Agriculture, other Federal agencies, and the States, carry out a comprehensive study and research program to determine new and improved methods and the better application of existing methods of preventing, reducing, and eliminating pollution from agriculture, including the legal, economic, and other implications of the use of such methods.

"(q) (1) The Administrator shall conduct a comprehensive program of research and investigation and pilot project implementation into new and improved methods of preventing, reducing, storing, collecting, treating, or otherwise eliminating pollution from sewage in rural and other areas where collection of sewage in conventional, community-wide sewage collection systems is impractical, uneconomical, or otherwise infeasible, or where soil conditions or other factors preclude the use of septic tank and drainage field systems.

"(2) The Administrator shall conduct a comprehensive program of research and investigation and pilot project implementation into new and improved methods for the collection and treatment of sewage and other liquid wastes combined with the treatment and disposal of solid wastes.

"(r) The Administrator is authorized to make grants to colleges and universities to conduct basic research into the structure and function of fresh water aquatic ecosystems, and to improve understanding of the ecological characteristics necessary to the maintenance of the chemical, physical, and biological integrity of freshwater aquatic ecosystems.

"(s) The Administrator is authorized to make grants to one or more institutions of higher education (regionally located and to be designated as 'River Study Center's) for the purpose of conducting and reporting on interdisciplinary studies on the nature of river systems, including hydrology, biology, ecology, economics, the relationship between river uses and land uses, and the effects of development within river basins on river systems and on the value of water resources and water related activities. No such grant in any fiscal year shall exceed $1,000,000.

"(t) The Administrator shall, in cooperation with State and Federal agencies and public and private organizations, conduct continuing comprehensive studies of the effects and methods of control of thermal discharges. In evaluating alternative methods of control the studies shall consider (1) such data as are available on the latest available technology, economic feasibility including cost-effectiveness analysis, and (2) the total impact on the environment, considering not only water quality but also air quality, land use, and effective utilization and conservation of fresh water and other natural resources. Such studies shall consider methods of minimizing adverse effects and maximizing beneficial effects of thermal discharges. The results of these studies shall be reported by the Administrator as soon as practicable, but not later than 270 days after enactment of this subsection, and shall be made available to the public and the States, and considered as they become available by the Administrator in carrying out section 316 of this Act and by the States in proposing thermal water quality standards.

"(u) There is authorized to be appropriated (1) $100,000,000 per fiscal year for the fiscal year ending June 30, 1973, and the fiscal year ending June 30, 1974, for carrying out the provisions of this section other than subsections (g) (1) and (2), (p), (r), and (t); (2) not to exceed $7,500,000 for fiscal year 1973 for carrying out the provisions of subsection (g) (1); (3) not to exceed $2,500,000 for fiscal year 1973 for carrying out the provisions of subsection (g) (2); (4) not to exceed $10,000,000 for each of the fiscal years ending June 30, 1973, and June 30, 1974, for carrying out the provisions of subsection (p); (5) not to exceed $15,000,000 per fiscal year for the fiscal years ending June 30, 1973, and June 30, 1974, for carrying out the provisions of subsection (r); and (6) not to exceed $10,000,000 per fiscal year for the fiscal years ending June 30, 1973, and June 30, 1974, for carrying out the provisions of subsections (t).

"GRANTS FOR RESEARCH AND DEVELOPMENT

"SEC. 105. (a) The Administrator is authorized to conduct in the Environmental Protection Agency, and to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of—

"(1) any project which will demonstrate a new or improved method of preventing, reducing, and eliminating the discharge into any waters of pollutants from sewers which carry storm water or both storm water and pollutants; or

"(2) any project which will demonstrate advanced waste treatment and water purification methods (including the temporary use of new or improved chemical additives which provide substantial immediate improvement to existing treatment processes), or new or improved methods of joint treatment systems for municipal and industrial wastes;

and to include in such grants such amounts as are necessary for the purpose of reports, plans, and specifications in connection therewith.

"(b) The Administrator is authorized to make grants to any State or States or interstate agency to demonstrate, in river basins or portions thereof, advanced treatment and environmental enhancement techniques to control pollution from all sources, within such basins or portions thereof, including nonpoint sources, together with instream water quality improvement techniques.

"(c) In order to carry out the purposes of section 301 of this Act, the Administrator is authorized to (1) conduct in the Environmental Protection Agency, (2) make grants to persons, and (3) enter into contracts with persons, for research and demonstration projects for prevention of pollution of any waters by industry including, but not limited to, the prevention, reduction, and elimination of the discharge of pollutants. No grant shall be made for any project under this subsection unless the Administrator determines that such project will develop or demonstrate a new or improved method of treating industrial wastes or otherwise prevent pollution by industry, which method shall have industrywide application.

"(d) In carrying out the provisions of this section, the Administrator shall conduct, on a priority basis, an accelerated effort to develop, refine, and achieve practical application of:

"(1) waste management methods applicable to point and nonpoint sources of pollutants to eliminate the discharge of pollutants, including, but not limited to, elimination of runoff of pollutants and the effects of pollutants from inplace or accumulated sources;

"(2) advanced waste treatment methods

applicable to point and nonpoint sources, including inplace or accumulated sources of pollutants, and methods for reclaiming and recycling water and confining pollutants so they will not migrate to cause water or other environmental pollution; and

"(3) improved methods and procedures to identify and measure the effects of pollutants on the chemical, physical, and biological integrity of water, including those pollutants created by new technological developments.

"(e) (1) The Administrator is authorized to (A) make, in consultation with the Secretary of Agriculture, grants to persons for research and demonstration projects with respect to new and improved methods of preventing, reducing, and eliminating pollution from agriculture, and (B) disseminate, in cooperation with the Secretary of Agriculture, such information obtained under this subsection, section 104(p), and section 304 as will encourage and enable the adoption of such methods in the agricultural industry.

"(2) The Administrator is authorized, (A) in consultation with other interested Federal agencies, to make grants for demonstration projects with respect to new and improved methods of preventing, reducing, storing, collecting, treating, or otherwise eliminating pollution from sewage in rural and other areas where collection of sewage in conventional, community-wide sewage collection systems is impractical, uneconomical, or otherwise infeasible, or where soil conditions or other factors preclude the use of septic tank and drainage field systems, and (B) in cooperation with other interested Federal and State agencies, to disseminate such information obtained under this subsection as will encourage and enable the adoption of new and improved methods developed pursuant to this subsection.

"(f) Federal grants under subsection (a) of this section shall be subject to the following limitations:

"(1) No grant shall be made for any project unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Administrator;

"(2) No grant shall be made of any project in an amount exceeding 75 per centum of cost thereof as determined by the Administrator; and

"(3) No grant shall be made for any project unless the Administrator determines that such project will serve as a useful demonstration for the purpose set forth in clause (1) or (2) of subsection (a).

"(g) Federal grants under subsections (c) and (d) of this section shall not exceed 75 per centum of the cost of the project.

"(h) For the purpose of this section there is authorized to be appropriated $75,000,000 per fiscal year for the fiscal year ending June 30, 1973, and the fiscal year ending June 30, 1974, and from such appropriations at least 10 per centum of the funds actually appropriated in each fiscal year shall be available only for the purposes of subsection (e).

"GRANTS FOR POLLUTION CONTROL PROGRAMS

"SEC. 106. (a) There are hereby authorized to be appropriated the following sums, to remain available until expended, to carry out the purposes of this section—

"(1) $60,000,000 for the fiscal year ending June 30, 1973; and

"(2) $75,000,000 for the fiscal year ending June 30, 1974;

for grants to States and to interstate agencies to assist them in administering programs for the prevention, reduction, and elimination of pollution, including enforcement directly or through appropriate State law enforcement officers or agencies.

"(b) From the sums appropriated in any fiscal year, the Administrator shall make allotments to the several States and interstate agencies in accordance with regulations promulgated by him on the basis of the extent of the pollution problem in the respective States.

"(c) The Administrator is authorized to pay to each State and interstate agency each fiscal year either—

"(1) the allotment of such State or agency for such fiscal year under subsection (b), or

"(2) the reasonable costs as determined by the Administrator of developing and carrying out a pollution program by such State or agency during such fiscal year,

whichever amount is the lesser.

"(d) No grant shall be made under this section to any State or interstate agency for any fiscal year when the expenditure of non-Federal funds by such State or interstate agency during such fiscal year for the recurrent expenses of carrying out its pollution control program are less than the expenditure by such State or interstate agency of non-Federal funds for such recurrent program expenses during the fiscal year ending June 30, 1971.

"(e) Beginning in fiscal year 1974 the Administrator shall not make any grant under this section to any State which has not provided or is not carrying out as a part of its program—

"(1) the establishment and operation of appropriate devices, methods, systems, and procedures necessary to monitor, and to compile and analyze data on (including classification according to eutrophic condition), the quality of navigable waters and to the extent practicable, ground waters including biological monitoring; and provision for annually updating such data and including it in the report required under section 305 of this Act;

"(2) authority comparable to that in section 504 of this Act and adequate contingency plans to implement such authority.

"(f) Grants shall be made under this section on condition that—

"(1) Such State (or interstate agency) files with the Administrator within one hundred and twenty days after the date of enactment of this section:

"(A) a summary report of the current status of the State pollution control program, including the criteria used by the State in determining priority of treatment works; and

"(B) such additional information, data, and reports as the Administrator may require.

"(2) No federally assumed enforcement as defined in section 309(a) (2) is in effect with respect to such State or interstate agency.

"(3) Such State (or interstate agency) submits within one hundred and twenty days after the date of enactment of this section and before July 1 of each year thereafter for the Administrator's approval its program for the prevention, reduction, and elimination of pollution in accordance with purposes and provisions of this Act in such form and content as the Administrator may prescribe.

"(g) Any sums allotted under subsection (b) in any fiscal year which are not paid shall be reallotted by the Administrator in accordance with regulations promulgated by him.

"MINE WATER POLLUTION CONTROL DEMONSTRATION

"SEC. 107. (a) The Administrator in cooperation with the Appalachian Regional Commission and other Federal agencies is authorized to conduct, to make grants for, or to contract for, projects to demonstrate comprehensive approaches to the elimination or control of acid or other mine water pollution resulting from active or abandoned mining operations and other environmental pollution affecting water quality within all or part of a watershed or river basin, including siltation from surface mining. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control, and other pollution affecting water quality, including techniques that demonstrate the engineering and economic feasibility and practicality of using sewage sludge materials and other municipal wastes to diminish or prevent pollution affecting water quality from acid, sedimentation, or other pollutants and in such projects to restore affected lands to usefulness for forestry, agriculture, recreation, or other beneficial purposes.

"(b) Prior to undertaking any demonstration project under this section in the Appalachian region (as defined in section 403 of the Appalachian Regional Development Act of 1965, as amended), the Appalachian Regional Commission shall determine that such demonstration project is consistent with the objectives of the Appalachian Regional Development Act of 1965, as amended:

"(c) The Administrator, in selecting watersheds for the purposes of this section, shall be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

"(d) Federal participation in such projects shall be subject to the conditions—

"(1) that the State shall acquire any land or interests therein necessary for such project; and

"(2) that the State shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

"(e) There is authorized to be appropriated $30,000,000 to carry out the provisions of this section, which sum shall be available until expended.

"POLLUTION CONTROL IN GREAT LAKES

"SEC. 108. (a) The Administrator, in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State, political subdivision, interstate agency, or other public agency, or combination thereof, to carry out one or more projects to demonstrate new methods and techniques and to develop preliminary plans for the elimination or control of pollution, within all or any part of the watersheds of the Great Lakes. Such projects shall demonstrate the engineering and economic feasibility and practicality of removal of pollutants and prevention of any polluting matter from entering into the Great Lakes in the future and other reduction and remedial techniques which will contribute substantially to effective and practical methods of pollution prevention, reduction, or elimination.

"(b) Federal participation in such projects shall be subject to the condition that the State, political subdivision, interstate agency, or other public agency, or combination thereof, shall pay not less than 25 per centum of the actual project costs, which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, and personal property or services the value of which shall be determined by the Administrator.

"(c) There is authorized to be appropriated $20,000,000 to carry out the provisions of subsections (a) and (b) of this section, which sum shall be available until expended.

"(d) (1) In recognition of the serious conditions which exist in Lake Erie, the Secretary of the Army, acting through the Chief of Engineers, is directed to design and develop a demonstration waste water management program for the rehabilitation and environmental repair of Lake Erie. Prior to the initiation of detailed engineering and design, the program, along with the specific recommendations of the Chief of Engineers, and recommendations for its financing, shall be submitted to the Congress for statutory approval. This authority is in addition to, and not in lieu of, other waste water studies aimed at eliminating pollution emanating from select resources around Lake Erie.

"(2) This program is to be developed in cooperation with the Environmental Protection Agency, other interested departments, agencies, and instrumentalities of the Federal Government, and the States and their political subdivisions. This program shall set forth alternative systems for managing waste water on a regional basis and shall provide local and State governments with a range of choice as to the type of system to be used for the treatment of waste water. These alternative systems shall include both advanced waste treatment technology and land disposal systems including aerated treatment-spray irrigation technology and will also include provisions for the disposal of solid wastes, including sludge. Such program should include measures to control point sources of pollution, area sources of pollution, including acid-mine drainage, urban runoff and rural runoff, and in-place sources of pollution, including bottom loads, sludge banks, and polluted harbor dredgings.

"(e) There is authorized to be appropriated $5,000,000 to carry out the provisions of subsection (d) of this section, which sum shall be available until expended.

"TRAINING GRANTS AND CONTRACTS

"SEC. 109. (a) The Administrator is authorized to make grants to or contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the preparation of undergraduate students to enter an occupation which involves the design, operation, and maintenance of treatment works, and other facilities whose purpose is water quality control. Such grants or contracts may include payment of all or part of the cost of programs or projects such as—

"(A) planning for the development or expansion of programs or projects for training persons in the operation and maintenance of treatment works;

"(B) training and retraining of faculty members;

"(C) conduct of short-term or regular session institutes for study by persons engaged in, or preparing to engage in, the preparation of students preparing to enter an occupation involving the operation and maintenance of treatment works;

"(D) carrying out innovative and experimental programs of cooperative education involving alternate periods of full-time or part-time academic study at the institution and periods of full-time or part-time employment involving the operation and maintenance of treatment works; and

"(E) research into, and development of, methods of training students or faculty, including the preparation of teaching materials and the planning of curriculum.

"(b)(1) The Administrator may pay 100 per centum of any additional cost of construction of a treatment works required for a facility to train and upgrade waste treatment works operation and maintenance personnel.

"(2) The Administrator shall make no more than one grant for such additional construction in any State (to serve a group of States, where, in his judgment, efficient training programs require multi-State programs), and shall make such grant after consultation with and approval by the State or States on the basis of (A) the suitability of such facility for training operation and maintenance personnel for treatment works throughout such State or States; and (B) a commitment by the State agency or agencies to carry out at such facility a program of training approved by the Administrator.

"(3) The Administrator may make such grant out of the sums allocated to a State under section 205 of this Act, except that in no event shall the Federal cost of any such training facilities exceed $250,000.

"APPLICATION FOR TRAINING GRANT OR CONTRACT; ALLOCATION OF GRANTS OR CONTRACTS

"SEC. 110. (1) A grant or contract authorized by section 109 may be made only upon application to the Administrator at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it—

"(A) sets forth programs, activities, research, or development for which a grant is authorized under section 109 and describes the relation to any program set forth by the applicant in an application, if any, submitted pursuant to section 111;

"(B) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

"(C) provides for making such reports, in such form and containing such information, as the Administrator may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports.

"(2) The Administrator shall allocate grants or contracts under section 109 in such manner as will most nearly provide an equitable distribution of the grants or contracts throughout the United States among institutions of higher education which show promise of being able to use funds effectively for the purpose of this section.

"(3)(A) Payment under this section may be used in accordance with regulations of the Administrator, and subject to the terms and conditions set forth in an application approved under paragraph (1), to pay part of the compensation of students employed in connection with the operation and maintenance of treatment works, other than as an employee in connection with the operation and maintenance of treatment works or as an employee in any branch of the Government of the United States, as part of a program for which a grant has been approved pursuant to this section.

"(B) Departments and agencies of the United States are encouraged, to the extent consistent with efficient administration, to enter into arrangements with institutions of higher education for the full-time, part-time, or temporary employment, whether in the competitive or excepted service, of students enrolled in programs set forth in applications approved under paragraph (1).

"AWARD OF SCHOLARSHIPS

"SEC. 111. (1) The Administrator is authorized to award scholarships in accordance with the provisions of this section for undergraduate study by persons who plan to enter an occupation involving the operation and maintenance of treatment works. Such scholarships shall be awarded for such periods as the Administrator may determine but not to exceed four academic years.

"(2) The Administrator shall allocate scholarships under this section among institutions of higher education with programs approved under the provisions of this section for the use of individuals accepted into such programs, in such manner and according to such plan as will insofar as practicable—

"(A) provide an equitable distribution of such scholarships throughout the United States; and

"(B) attract recent graduates of secondary schools to enter an occupation involving the operation and maintenance of treatment works.

"(3) The Administrator shall approve a program of any institution of higher education for the purposes of this section only upon application by the institution and only upon his finding—

"(A) that such program has a principal objective the education and training of persons in the operation and maintenance of treatment works;

"(B) that such program is in effect and of high quality, or can be readily put into effect and may reasonably be expected to be of high quality;

"(C) that the application describes the relation of such program to any program, activity, research, or development set forth by the applicant in an application, if any, submitted pursuant to section 110 of this Act; and

"(D) that the application contains satisfactory assurances that (i) the institution will recommend to the Administrator for the award of scholarships under this section, for study in such program, only persons who have demonstrated to the satisfaction of the institution a serious intent, upon completing the program, to enter an occupation involving the operation and maintenance of treatment works, and (ii) the institution will make reasonable continuing efforts to encourage recipients of scholarships under this section, enrolled in such program, to enter occupations involving the operation and maintenance of treatment works upon completing the program.

"(4)(A) The Administrator shall pay to persons awarded scholarships under this section such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(B) The Administrator shall (in addition to the stipends paid to persons under paragraph (1)) pay to the institution of higher education at which such person is pursuing his course of study such amount as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(5) A person awarded a scholarship under the provisions of this section shall continue to receive the payments provided in this section only during such periods as the Administrator finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such scholarship was awarded in an institution of higher education, and is not engaging in gainful employment other than employment approved by the Administrator by or pursuant to regulation.

"(6) The Administrator shall by regulation provide that any person awarded a scholarship under this section shall agree in writing to enter and remain in an occupation involving the design, operation, or maintenance of treatment works for such period after completion of his course of studies as the Administrator determines appropriate.

"DEFINITIONS AND AUTHORIZATIONS

"SEC. 112. (a) As used in sections 109 through 112 of this Act—

"(1) The term 'institution of higher education' means an educational institution described in the first sentence of section 1201 of the Higher Education Act of 1965 (other than an institution of any agency of the United States) which is accredited by a nationally recognized accrediting agency or association approved by the Administrator for this purpose. For purposes of this subsection, the Administrator shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

"(2) The term 'academic year' means an academic year or its equivalent, as determined by the Administrator.

"(b) The Administrator shall annually report his activities under sections 109 through

112 of this Act, including recommendations for needed revisions in the provisions thereof.

"(c) There are authorized to be appropriated $25,000,000 per fiscal year for the fiscal years ending June 30, 1973, and June 30, 1974, to carry out sections 109 through 112 of this Act.

"ALASKA VILLAGE DEMONSTRATION PROJECTS

"SEC. 113. (a) The Administrator is authorized to enter into agreements with the State of Alaska to carry out one or more projects to demonstrate methods to provide for central community facilities for safe water and elimination or control of pollution in those native villages of Alaska without such facilities. Such project shall include provisions for community safe water supply systems, toilets, bathing and laundry facilities, sewage disposal facilities, and other similar facilities, and educational and informational facilities and programs relating to health and hygiene. Such demonstration projects shall be for the further purpose of developing preliminary plans for providing such safe water and such elimination or control of pollution and for all native villages in such State.

"(b) In carrying out this section the Administrator shall cooperate with the Secretary of Health, Education, and Welfare for the purpose of utilizing such of the personnel and facilities of that Department as may be appropriate.

"(c) The Administrator shall report to Congress not later than July 1, 1973, the results of the demonstration projects authorized by this section together with his recommendations, including any necessary legislation, relating to the establishment of a statewide program.

"(d) There is authorized to be appropriated not to exceed $2,000,000 to carry out this section.

"LAKE TAHOE STUDY

"SEC. 114. (a) The Administrator, in consultation with the Tahoe Regional Planning Agency, the Secretary of Agriculture, other Federal agencies, representatives of State and local governments, and members of the public, shall conduct a thorough and complete study on the adequacy of and need for extending Federal oversight and control in order to preserve the fragile ecology of Lake Tahoe.

"(b) Such study shall include an examination of the interrelationships and responsibilities of the various agencies of the Federal Government and State and local governments with a view to establishing the necessity for redefinition of legal and other arrangements between these various governments, and making specific legislative recommendations to Congress. Such study shall consider the effect of various actions in terms of their environmental impact on the Tahoe Basin, treated as an ecosystem.

"(c) The Administrator shall report on such study to Congress not later than one year after the date of enactment of this subsection.

"(d) There is authorized to be appropriated to carry out this section not to exceed $500,000.

"IN-PLACE TOXIC POLLUTANTS

"SEC. 115. The Administrator is directed to identify the location of inplace pollutants with emphasis on toxic pollutants in harbors and navigable waterways and is authorized, acting through the Secretary of the Army, to make contracts for the removal and appropriate disposal of such materials from critical port and harbor areas. There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended.

"TITLE II—GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

"PURPOSE

"SEC. 201. (a) It is the purpose of this title to require and to assist the development and implementation of waste treatment management plans and practices which will achieve the goals of this Act.

"(b) Waste treatment management plans and practices shall provide for the application of the best practicable waste treatment technology before any discharge into receiving waters, including reclaiming and recycling of water, and confined disposal of pollutants so they will not migrate to cause water or other environmental pollution and shall provide for consideration of advanced waste treatment techniques.

"(c) To the extent practicable, waste treatment management shall be on an areawide basis and provide control or treatment of all point and nonpoint sources of pollution, including inplace or accumulated pollution sources.

"(d) The Administrator shall encourage waste treatment management which results in the construction of revenues producing facilities providing for—

"(1) the recycling of potential sewage pollutants through the production of agriculture, silviculture, or aquaculture products, or any combination thereof;

"(2) the confined and contained disposal of pollutants not recycled;

"(3) the reclamation of wastewater; and

"(4) the ultimate disposal of sludge in a manner that will not result in environmental hazards.

"(e) The Administrator shall encourage waste treatment management which results in integrating facilities for sewage treatment and recycling with facilities to treat, dispose of, or utilize other industrial and municipal wastes, including but not limited to solid waste and waste heat and thermal discharges. Such integrated facilities shall be designed and operated to produce revenues in excess of capital and operation and maintenance costs and such revenues shall be used by the designated regional management agency to aid in financing other environmental improvement programs.

"(f) The Administrator shall encourage waste treatment management which combines 'open space' and recreational considerations with such management.

"(g) (1) The Administrator is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the construction of publicly owned treatment works.

"(2) The Administrator shall not make grants from funds authorized for any fiscal year beginning after June 30, 1974, to any State, municipality, or intermunicipal or interstate agency for the erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works unless the grant applicant has satisfactorily demonstrated to the Administrator that—

"(A) alternative waste management techniques have been studied and evaluated and the works proposed for grant assistance will provide for the application of the best practicable waste treatment technology over the life of the works consistent with the purposes of this title; and

"(B) as appropriate, the works proposed for grant assistance will take into account and allow to the extent practicable the application of technology at a later date which will provide for the reclaiming or recycling of water or otherwise eliminate the discharge of pollutants.

"(3) The Administrator shall not approve any grant after July 1, 1973, for treatment works under this section unless the applicant shows to the satisfaction of the Administrator that each sewer collection system discharging into such treatment works is not subject to excessive infiltration.

"(4) The Administrator is authorized to make grants to applicants for treatment works grants under this section for such sewer system evaluation studies as may be necessary to carry out the requirements of paragraph (3) of this subsection. Such grants shall be made in accordance with rules and regulations promulgated by the Administrator. Initial rules and regulations shall be promulgated under this paragraph not later than 120 days after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972.

"FEDERAL SHARE

"SEC. 202. (a) The amount of any grant for treatment works made under this Act from funds authorized for any fiscal year beginning after June 30, 1971, shall be 75 per centum of the cost of construction thereof (as approved by the Administrator). Any grant (other than for reimbursement) made prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 from any funds authorized for any fiscal year beginning after June 30, 1971, shall, upon the request of the applicant, be increased to the applicable percentage under this section.

"(b) The amount of the grant for any project approved by the Administrator after January 1, 1971, and before July 1, 1971, for the construction of treatment works, the actual erection, building or acquisition of which was not commenced prior to July 1, 1971, shall, upon the request of the applicant, be increased to the applicable percentage under subsection (a) of this section for grants for treatment works from funds for fiscal years beginning after June 30, 1971, with respect to the cost of such actual erection, building, or acquisition. Such increased amount shall be paid from any funds allocated to the State in which the treatment works is located without regard to the fiscal year for which such funds were authorized. Such increased amount shall be paid for such project only if—

"(1) a sewage collection system that is a part of the same total waste treatment system as the treatment works for which such grant was approved is under construction or is to be constructed for use in conjunction with such treatment works, and if the cost of such sewage collection system exceeds the cost of such treatment works, and

"(2) the State water pollution control agency or other appropriate State authority certifies that the quantity of available ground water will be insufficient, inadequate, or unsuitable for public use, including the ecological preservation and recreational use of surface water bodies, unless effluents from publicly-owned treatment works after adequate treatment are returned to the ground water consistent with acceptable technological standards.

"PLANS, SPECIFICATIONS, ESTIMATES, AND PAYMENTS

"SEC. 203. (a) Each applicant for a grant shall submit to the Administrator for his approval, plans, specifications, and estimates for each proposed project for the construction of treatment works for which a grant is applied for under section 201(g)(1) from funds allotted to the State under section 205 and which otherwise meets the requirements of this Act. The Administrator shall act upon such plans, specifications, and estimates as soon as practicable after the same have been submitted, and his approval of any such plans, specifications, and estimates shall be deemed a contractual obligation of the United States for the payment of its proportional contribution to such project.

"(b) The Administrator shall, from time to time as the work progresses, make payments to the recipient of a grant for costs of construction incurred on a project. These payments shall at no time exceed the Federal share of the cost of construction incurred to the date of the voucher covering such payment plus the Federal share of the value of the materials which have been stockpiled in the vicinity of such construction in conformity to plans and specifications for the project.

"(c) After completion of a project and approval of the final voucher by the Administrator, he shall pay out of the appropriate sums the unpaid balance of the Federal share payable on account of such project.

"LIMITATIONS AND CONDITIONS

"SEC. 204. (a) Before approving grants for any project for any treatment works under section 201(g)(1) the Administrator shall determine—

"(1) that such works are included in any applicable areawide waste treatment management plan developed under section 208 of this Act;

"(2) that such works are in conformity with any applicable State plan under section 303(e) of this Act;

"(3) that such works have been certified by the appropriate State water pollution control agency as entitled to priority over such other works in the State in accordance with any applicable State plan under section 303(e) of this Act;

"(4) that the applicant proposing to construct such works agrees to pay the non-Federal costs of such works and has made adequate provisions satisfactory to the Administrator for assuring proper and efficient operation, including the employment of trained management and operations personnel, and the maintenance of such works in accordance with a plan of operation approved by the State water pollution control agency or, as appropriate, the interstate agency, after construction thereof;

"(5) that the size and capacity of such works relate directly to the needs to be served by such works, including sufficient reserve capacity. The amount of reserve capacity provided shall be approved by the Administrator on the basis of a comparison of the cost of constructing such reserves as a part of the works to be funded and the anticipated cost of providing expanded capacity at a date when such capacity will be required;

"(6) that no specification for bids in connection with such works shall be written in such a manner as to contain proprietary, exclusionary, or discriminatory requirements other than those based upon performance, unless such requirements are necessary to test or demonstrate a specific thing or to provide for necessary interchangeability of parts and equipment, or at least two brand names or trade names of comparable quality or utility are listed and are followed by the words 'or equal'.

"(b)(1) Notwithstanding any other provision of this title, the Administrator shall not approve any grant for any treatment works under section 201(q)(1) after March 1, 1973, unless he shall first have determined that the applicant (A) has adopted or will adopt a system of charges to assure that each recipient of waste treatment services within the applicant's jurisdiction, as determined by the Administrator, will pay its proportionate share of the costs of operation and maintenance (including replacement) of any waste treatment services provided by the applicant; (B) has made provision for the payment to such applicant by the industrial users of the treatment works, of that portion of the cost of construction of such treatment works (as determined by the Administrator) which is allocable to the treatment of such industrial wastes to the extent attributable to the Federal share of the cost of construction; and (C) has legal, institutional, managerial, and financial capability to insure adequate construction, operation, and maintenance of treatment works throughout the applicant's jurisdiction, as determined by the Administrator.

"(2) The Administrator shall, within one hundred and eighty days after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, and after consultation with appropriate State, interstate, municipal, and intermunicipal agencies, issue guidelines applicable to payment of waste treatment costs by industrial and nonindustrial recipients of waste treatment services which shall establish (A) classes of users of such services, including categories of industrial users; (B) criteria against which to determine the adequacy of charges imposed on classes and categories of users reflecting all factors that influence the cost of waste treatment, including strength, volume, and delivery flow rate characteristics of waste; and (C) model systems and rates of user charges typical of various treatment works serving municipal-industrial communities.

"(3) The grantee shall retain an amount of the revenue derived from the payment of costs by industrial users of waste treatment services, to the extent costs are attributable to the Federal share of eligible project costs provided pursuant to this title as determined by the Administrator, equal to (A) the amount of the non-Federal cost of such project paid by the grantee plus (B) the amount determined in accordance with regulations promulgated by the Administrator, necessary for future expansion and reconstruction of the project, except that such retained amount shall not exceed 50 per centum of such revenues from such project. All revenues from such project not retained by the grantee shall be deposited by the Administrator in the Treasury as miscellaneous receipts. That portion of the revenues retained by the grantee attributable to clause (B) of the first sentence of this paragraph, together with any interest thereon shall be used solely for the purposes of future expansion and reconstruction of the project.

"(4) Approval by the Administrator of a grant to an interstate agency established by interstate compact for any treatment works shall satisfy any other requirement that such works be authorized by Act of Congress.

"ALLOTMENT

"SEC. 205. (a) Sums authorized to be appropriated pursuant to section 207 for each fiscal year beginning after June 30, 1972, shall be allotted by the Administrator not later than the January 1st immediately preceding the beginning of the fiscal year for which authorized, except that the allotment for fiscal year 1973 shall be made not later than 30 days after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. Such sums shall be allotted among the States by the Administrator in accordance with regulations promulgated by him, in the ratio that the estimated cost of constructing all needed publicly owned treatment works in each State bears to the estimated cost of construction of all needed publicly owned treatment works in all of the States. For the fiscal years ending June 30, 1973, and June 30, 1974, such ratio shall be determined on the basis of table III of House Public Works Committee Print No. 92–50. Allotments for fiscal years which begin after the fiscal year ending June 3, 1974, shall be made only in accordance with a revised cost estimate made and submitted to Congress in accordance with section 516(b) of this Act and only after such revised cost estimate shall have been approved by law specifically enacted hereafter.

"(b)(1) Any sums allotted to a State under subsection (a) shall be available for obligation under section 203 on and after the date of such allotment. Such sums shall continue available for obligation in such State for a period of one year after the close of the fiscal year for which such sums are authorized. Any amounts so allotted which are not obligated by the end of such one-year period shall be immediately reallotted by the Administrator, in accordance with regulations promulgated by him, generally on the basis of the ratio used in making the last allotment of sums under this section. Such reallotted sums shall be added to the last allotments made to the States. Any sum made available to a State by reallotment under this subsection shall be in addition to any funds otherwise allotted to such State for grants under this title during any fiscal year.

"(2) Any sums which have been obligated under section 203 and which are released by the payment of the final voucher for the project shall be immediately credited to the State to which such sums were last allotted. Such released sums shall be added to the amounts last allotted to such State and shall be immediately available for obligation in the same manner and to the same extent as such last allotment.

"REIMBURSEMENT AND ADVANCED CONSTRUCTION

"SEC. 206. (a) Any publicly owned treatment works in a State on which construction was initiated after June 30, 1966, but before July 1, 1972, which was approved by the appropriate State water pollution control agency and which the Administrator finds meets the requirements of section 8 of this Act in effect at the time of the initiation of construction shall be reimbursed a total amount equal to the difference between the amount of Federal financial assistance, if any, received under such section 8 for such project and 50 per centum of the cost of such project, or 55 per centum of the project cost where the Administrator also determines that such treatment works was constructed in conformity with a comprehensive metropolitan treatment plan as described in section 8(f) of the Federal Water Pollution Control Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. Nothing in this subsection shall result in any such works receiving Federal grants from all sources in excess of 80 per centum of the cost of such project.

"(b) Any publicly owned treatment works constructed with or eligible for Federal financial assistance under this Act in a State between June 30, 1956, and June 30, 1966, which was approved by the State water pollution control agency and which the Administrator finds meets the requirements of section 8 of this Act prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 but which was constructed without assistance under such section 8 or which received such assistance in an amount less than 30 per centum of the cost of such project shall qualify for payments and reimbursement of State or local funds used for such project from sums allocated to such State under this section in an amount which shall not exceed the difference between the amount of such assistance, if any, received for such project and 30 per centum of the cost of such project.

"(c) No publicly owned treatment works shall receive any payment or reimbursement under subsection (a) or (b) of this section unless an application for such assistance is filed with the Administrator within the one year period which begins on the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. Any application filed within such one year period may be revised from time to time, as may be necessary.

"(d) The Administrator shall allocate to each qualified project under subsection (a) of this section each fiscal year for which funds are appropriated under subsection (e) of this section an amount which bears the same ratio to the unpaid balance of the reimbursement due such project as the total of such funds for such year bears to the total unpaid balance of reimbursement due all such approved projects on the date of enactment of such appropriation. The Administrator shall allocate to each qualified project under subsection (b) of this section each fiscal year for which funds are appropriated under subsection (e) of this section an amount which bears the same ratio to the unpaid balance of the reimbursement due such project as the total of such funds for such year bears to the total unpaid balance of reimbursement due all such approved projects on the date of enactment of such appropriation.

"(e) There is authorized to be appropriated to carry out subsection (a) of this section not to exceed $2,000,000,000 and, to carry out subsection (b) of this section, not to exceed $750,000,000. The authorizations contained in this subsection shall be the sole source of funds for reimbursements authorized by this section.

"(f)(1) In any case where all funds allotted to a State under this title have been obligated under section 203 of this Act, and there is construction of any treatment works project without the aid of Federal funds and in accordance with all procedures and all requirements applicable to treatment works projects, except those procedures and requirements which limit construction of projects to those constructed with the aid of previously allotted Federal funds, the Administrator, upon his approval of an application made under this subsection therefor, is authorized to pay the Federal share of the cost of construction of such project when additional funds are allotted to the State under this title if prior to the construction of the project the Administrator approves in the specifications, and estimates therefore in the same manner as other treatment works projects. The Administrator may not approve an application under this subsection unless an authorization is in effect for the future fiscal year for which the application requests payment, which authorization will insure such payment without exceeding the State's expected allotment from such authorization.

"(2) In determining the allotment for any fiscal year under this title, any treatment works project constructed in accordance with this section and without the aid of Federal funds shall not be considered completed until an application under the provisions of this subsection with respect to such project has been approved by the Administrator, or the availability of funds from which this project is eligible for reimbursement has expired, whichever first occurs.

"AUTHORIZATION

"SEC. 207. There is authorized to be appropriated to carry out this title, other than sections 208 and 209, for the fiscal year ending June 30, 1973, not to exceed $5,000,000,000, for the fiscal year ending June 30, 1974, not to exceed $6,000,000,000, and for the fiscal year ending June 30, 1975, not to exceed $7,000,000,000.

"AREAWIDE WASTE TREATMENT MANAGEMENT

"SEC. 208. (a) For the purpose of encouraging and facilitating the development and implementation of areawide waste treatment management plans—

"(1) The Administrator, within ninety days after the date of enactment of this Act and after consultation with appropriate Federal, State, and local authorities, shall by regulation publish guidelines for the identification of those areas which, as a result of urban-industrial concentrations or other factors, have substantial water quality control problems.

"(2) The Governor of each State, within sixty days after publication of the guidelines issued pursuant to paragraph (1) of this subsection, shall identify each area within the State which, as a result of urban-industrial concentrations or other factors, has substantial water quality control problems. Not later than one hundred and twenty days following such identification and after consultation with appropriate elected and other officials of local governments having jurisdiction in such areas, the Governor shall designate (A) the boundaries of each such area, and (B) a single representative organization, including elected officials from local governments or their designees, capable of developing effective areawide waste treatment management plans for such area. The Governor may in the same manner at any later time identify any additional area (or modify an existing area) for which he determines areawide waste treatment management to be appropriate, designate the boundaries of such area, and designate an organization capable of developing effective areawide waste treatment management plans for such area.

"(3) With respect to any area which, pursuant to the guidelines published under paragraph (1) of this subsection, is located in two or more States, the Governors of the respective States shall consult and cooperate in carrying out the provisions of paragraph (2), with a view toward designating the boundaries of the interstate area having common water quality control problems and for which areawide waste treatment management plans would be most effective, and toward designating, within one hundred and eighty days after publication of guidelines issued pursuant to paragraph (1) of this subsection, of a single representative organization capable of developing effective areawide waste treatment management plans for such area.

"(4) If a Governor does not act, either by designating or determining not to make a designation under paragraph (2) of this subsection, within the time required by such paragraph, or if, in the case of an interstate area, the Governors of the States involved do not designate a planning organization within the time required by paragraph (3) of this subsection, the chief elected officials of local governments within an area may by agreement designate (A) the boundaries for such an area, and (B) a single representative organization including elected officials from such local governments, or their designees, capable of developing an areawide waste treatment management plan for such area.

"(5) Existing regional agencies may be designated under paragraphs (2), (3), and (4) of this subsection.

"(6) The State shall act as a planning agency for all portions of such State which are not designated under paragraphs (2), (3), or (4) of this subsection.

"(7) Designations under this subsection shall be subject to the approval of the Administrator.

"(b)(1) Not later than one year after the date of designation of any organization under subsection (a) of this section such organization shall have in operation a continuing areawide waste treatment management planning process consistent with section 201 of this Act. Plans prepared in accordance with this process shall contain alternatives for waste treatment management, and be applicable to all wastes generated within the area involved. The initial plan prepared in accordance with such process shall be certified by the Governor and submitted to the Administrator not later than two years after the planning process is in operation.

"(2) Any plan prepared under such process shall include, but not be limited to—

"(A) the identification of treatment works necessary to meet the anticipated municipal and industrial waste treatment needs of the area over a twenty-year period, annually updated (including an analysis of alternative waste treatment systems), including any requirements for the acquisition of land for treatment purposes; the necessary waste water collection and urban storm water runoff systems; and a program to provide the necessary financial arrangements for the development of such treatment works;

"(B) the establishment of construction priorities for such treatment works and time schedules for the initiation and completion of all treatment works;

"(C) the establishment of a regulatory program to—

"(i) implement the waste treatment management requirements of section 201(c),

"(ii) regulate the location, modification, and construction of any facilities within such area which may result in any discharge in such area, and

"(iii) assure that any industrial or commercial wastes discharged into any treatment works in such area meet applicable pretreatment requirements;

"(D) the identification of those agencies necessary to construct, operate, and maintain all facilities required by the plan and otherwise to carry out the plan;

"(E) the identification of the measures necessary to carry out the plan (including financing), the period of time necessary to carry out the plan, the costs of carrying out the plan within such time, and the economic, social, and environmental impact of carrying out the plan within such time;

"(F) a process to (i) identify, if appropriate, agriculturally and silviculturally related nonpoint sources of pollution, including runoff from manure disposal areas, and from land used for livestock and crop production, and (ii) set forth procedures and methods (including land use requirements) to control to the extent feasible such sources;

"(G) a process to (i) identify, if appropriate, mine-related sources of pollution including new, current, and abandoned surface and underground mine runoff, and (ii) set forth procedures and methods (including land use requirements) to control to the extent feasible such sources;

"(H) a process to (i) identify construction activity related sources of pollution, and (ii) set forth procedures and methods (including land use requirements) to control to the extent feasible such sources;

"(I) a process to (i) identify, if appropriate, salt water intrusion into rivers, lakes, and estuaries resulting from reduction of fresh water flow from any cause, including irrigation, obstruction, ground water extraction, and diversion, and (ii) set forth procedures and methods to control such intrusion to the extent feasible where such procedures and methods are otherwise a part of the waste treatment management plan;

"(J) a process to control the disposition of all residual waste generated in such area which could affect water quality; and

"(K) a process to control the disposal of pollutants on land or in subsurface excavations within such area to protect ground and surface water quality.

"(3) Areawide waste treatment management plans shall be certified annually by the Governor or his designee (or Governors of their designees, where more than one State is involved) as being consistent with applicable basin plans and such areawide waste treatment management plans shall be submitted to the Administrator for his approval.

"(4) Whenever the Governor of any State determines (and notifies the Administrator) that consistency with a statewide regulatory program under section 303 so requires, the requirements of clauses (F) through (K) of paragraph (2) of this subsection shall be developed and submitted by the Governor to the Administrator for application to all regions within such State.

"(c)(1) The Governor of each State, in consultation with the planning agency designated under subsection (a) of this section, at the time a plan is submitted to the Administrator, shall designate one or more waste treatment management agencies (which may be an existing or newly created local, regional or State agency or political subdivision) for each area designated under subsection (a) of this section and submit such designations to the Administrator.

"(2) The Administrator shall accept any such designation, unless, within 120 days of such designation, he finds that the designated management agency (or agencies) does not have adequate authority—

"(A) to carry out appropriate portions of an areawide waste treatment management plan developed under subsection (b) of this section;

"(B) to manage effectively waste treatment works and related facilities serving such area in conformance with any plan required by subsection (b) of this section;

"(C) directly or by contract, to design and construct new works, and to operate and maintain new and existing works as required by any plan developed pursuant to subsection (b) of this section;

"(D) to accept and utilize grants, or other funds from any source, for waste treatment management purposes;

"(E) to raise revenues, including the assessment of waste treatment charges;

"(F) to incur short- and long-term indebtedness;

"(G) to assure in implementation of an areawide waste treatment management plan that each participating community pays its proportionate share of treatment costs;

"(H) to refuse to receive any wastes from any municipality or subdivision thereof, which does not comply with any provisions of an approved plan under this section applicable to such area; and

"(I) to accept for treatment industrial wastes.

"(d) After a waste treatment management agency having the authority required by subsection (c) has been designated under such subsection for an area and a plan for such area has been approved under subsection (b) of this section, the Administrator shall not make any grant for construction of a publicly owned treatment works under section 201(g)(1) within such area except to such designated agency and for works in conformity with such plan.

"(e) No permit under section 402 of this Act shall be issued for any point source which is in conflict with a plan approved pursuant to subsection (b) of this section.

"(f)(1) The Administrator shall make grants to any agency designated under subsection (a) of this section for payment of the reasonable costs of developing and operating a continuing areawide waste treatment management planning process under subsection (b) of this section.

"(2) The amount granted to any agency under paragraph (1) of this subsection shall be 100 per centum of the costs of developing and operating a continuing areawide waste treatment management planning process under subsection (b) of this section for each of the fiscal years ending on June 30, 1973, June 30, 1974, and June 30, 1975, and shall not exceed 75 per centum of such costs in each succeeding fiscal year.

"(3) Each applicant for a grant under this subsection shall submit to the Administrator for his approval each proposal for which a grant is applied for under this subsection. The Administrator shall act upon such proposal as soon as practicable after it has been submitted, and his approvad of that proposal shall be deemed a contractual obligation of the United States for the payment of its contribution to such proposal. There is authorized to be appropriated to carry out this subsection not to exceed $50,000,000 for the fiscal year ending June 30, 1973, not to exceed $100,000,000 for the fiscal year ending June 30, 1974, and not to exceed $150,000,000 for the fiscal year ending June 30, 1975.

"(g) The Administrator is authorized, upon request of the Governor or the designated planning agency, and without reimbursement, to consult with, and provide technical assistance to, any agency designated under subsection (a) of this section in the development of areawide waste treatment management plans under subsection (b) of this section.

"(h)(1) The Secretary of the Army, acting through the Chief of Engineers, in cooperation with the Administrator is authorized and directed, upon request of the Governor or the designated planning organization, to consult with, and provide technical assistance to, any agency designated under subsection (a) of this section in developing and operating a continuing areawide waste treatment management planning process under subsection (b) of this section.

"(2) There is authorized to be appropriated to the Secretary of the Army, to carry out this subsection, not to exceed $50,000,000 per fiscal year for the fiscal years ending June 30, 1973, and June 30, 1974.

"BASIN PLANNING

"SEC. 209 (a) The President, acting through the Water Resources Council, shall, as soon as practicable, prepare a Level B plan under the Water Resources Planning Act for all basins in the United States. All such plans shall be completed not later than January 1, 1980, except that priority in the preparation of such plans shall be given to those basins and portions thereof which are within those areas designated under paragraphs (2), (3), and (4) of subsection (a) of section 208 of this Act.

"(b) The President, acting through the Water Resources Council, shall report annually to Congress on progress being made in carrying out this section. The first such report shall be submitted not later than January 31, 1973.

"(c) There is authorized to be appropriated to carry out this section not to exceed $200,000,000.

"ANNUAL SURVEY

"SEC. 210. The Administrator shall annually make a survey to determine the efficiency of the operation and maintenance of treatment works constructed with grants made under this Act, as compared to the efficiency planned at the time the grant was made. The results of such annual survey shall be included in the report required under section 516(a) of this Act.

"SEWAGE COLLECTION SYSTEMS

"SEC. 211. No grant shall be made for a sewage collection system under this title unless such grant (1) is for replacement or major rehabilitation of an existing collection system and is necessary to the total integrity and performance of the waste treatment works servicing such community, or (2) is for a new collection system in an existing community with sufficient existing or planned capacity adequately to treat such collected sewage and is consistent with section 201 of this Act.

"DEFINITIONS

"SEC. 212. As used in this title.—

"(1) The term 'construction' means any one or more of the following: preliminary planning to determine the feasibility of treatment works, engineering, architectural, legal, fiscal, or economic investigations or studies, surveys, designs, plans, working drawings, specifications, procedures, or other necessary actions, erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works, or the inspection or supervision of any of the foregoing items.

"(2)(A) The term 'treatment works' means any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature to implement section 201 of this Act, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

"(B) In addition to the definition contained in subparagraph (A) of this paragraph, 'treatment works' means any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water runoff, or industrial waste, including waste in combined storm water and sanitary sewer systems. Any application for construction grants which includes wholly or in part such methods or systems shall, in accordance with guidelines published by the Administrator pursuant to subparagraph (C) of this paragraph, contain adequate data and analysis demonstrating such proposal to be, over the life of such works, the most cost efficient alternative to comply with sections 301 or 302 of this Act, or the requirements of section 201 of this Act.

"(C) For the purposes of subparagraph (B) of this paragraph, the Administrator shall, within one hundred and eighty days after the date of enactment of this title, publish and thereafter revise no less often than annually, guidelines for the evaluation of methods, including cost-effective analysis, described in subparagraph (B) of this paragraph.

"(3) The term 'replacement' as used in this title means those expenditures for obtaining and installing equipment, accessories, or appurtenances during the useful life of the treatment works necessary to maintain the capacity and performance for which such works are designed and constructed.

"TITLE III—STANDARDS AND ENFORCEMENT

"EFFLUENT LIMITATIONS

"SEC. 301. (a) Except as in compliance with this section and sections 302, 306, 307, 318, 402, and 404 of this Act, the discharge of any pollutant by any person shall be unlawful.

"(b) In order to carry out the objective of this Act there shall be achieved—

"(1)(A) not later than July 1, 1977, effluent limitations for point sources, other than publicly owned treatment works, (i) which shall require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of this Act, or (ii) in the case of a discharge into a publicly owned treatment works which meets the requirements of subparagraph (B) of this paragraph, which shall require compliance with any applicable pretreatment requirements and any requirements under section 307 of this Act; and

"(B) for publicly owned treatment works in existence on July 1, 1977, or approved pursuant to section 203 of this Act prior to June 30, 1974 (for which construction must be completed within four years of approval), effluent limitations based upon secondary treatment as defined by the Administrator pursuant to section 304(d)(1) of this Act; or,

"(C) not later than July 1, 1977, any more stringent limitation, including those necessary to meet water quality standards, treatment standards, or schedules of compliance, established pursuant to any State law or regulation (under authority preserved by section 510) or any other Federal law or regulation, or required to implement any applicable water quality standard established pursuant to this Act.

"(2)(A) not later than July 1. 1983, effluent limitations for categories and classes of point sources, other than publicly owned treatment works, which (i) shall require application of the best available technology economically achievable for such category or class, which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b)(2) of this Act, which such effluent limitations shall require the elimination of discharges of all pollutants if the Administrator finds, on the basis of information available to him (including information developed pursuant to section 315), that such elimination is technologically and economically achievable for a category or class of point sources as determined in accordance with regulations issued by the Administrator pursuant to section 304(b)(2) of this Act, or (ii) in the case of the introduction of a pollutant into a publicly owned treatment works which meets the requirements of subparagraph (B) of this paragraph, shall require compliance with any applicable pretreatment requirements and any other requirement under section 307 of this Act; and

"(B) not later than July 1, 1983, compliance by all publicly owned treatment works with the requirements set forth in section 201(g)(2)(A) of this Act.

"(c) The Administrator may modify the requirements of subsection (b)(2)(A) of this section with respect to any point source for which a permit application is filed after July 1, 1977, upon a showing by the owner or operator of such point source satisfactory to the Administrator that such modified requirements (1) will represent the maximum use of technology within the economic capability of the owner or operator; and (2) will result in reasonable further progress toward the elimination of the discharge of pollutants.

"(d) Any effluent limitation required by paragraph (2) of subsection (b) of this section shall be reviewed at least every five years and, if appropriate, revised pursuant to the procedure established under such paragraph.

"(e) Effluent limitations established pursuant to this section or section 302 of this Act shall be applied to all point sources of discharge of pollutants in accordance with the provisions of this Act.

"(f) Notwithstanding any other provisions of this Act it shall be unlawful to discharge any radiological, chemical, or biological warfare agent or high-level radioactive waste into the navigable waters.

"WATER QUALITY RELATED EFFLUENT LIMITATIONS

"SEC. 302. (a) Whenever, in the judgment of the Administrator, discharges of pollutants from a point source or group of point sources, with the application of effluent limitations required under section 301(b)(2) of this Act, would interfere with the attainment or maintenance of that water quality in a specific portion of the navigable waters which shall assure protection of public water supplies, agricultural and industrial uses, and the protection and propagation of a balanced population of shellfish, fish and wildlife, and allow recreational activities in and on the water, effluent limitations (including alternative effluent control strategies) for such point source or sources shall be established which can reasonably be expected to contribute to the attainment or maintenance of such water quality.

"(b)(1) Prior to establishment of any effluent limitation pursuant to subsection (a) of this section, the Administrator shall issue notice of intent to establish such limitation and within ninety days of such notice hold a public hearing to determine the relationship of the economic and social costs of achieving any such limitation or limitations, including any economic or social dislocation in the affected community or communities, to the social and economic benefits to be obtained (including the attainment of the objective of this Act) and to determine whether or not such effluent limitations can be implemented with available technology or other alternative control strategies.

"(2) If a person affected by such limitation demonstrates at such hearing that (whether or not such technology or other alternative control strategies are available) there is no reasonable relationship between the economic and social costs and the benefits to be obtained (including attainment of the objective of this Act), such limitation shall not become effective and the Administrator shall adjust such limitation as it applies to such person.

"(c) The establishment of effluent limitations under this section shall not operate to delay the application of any effluent limitation established under section 301 of this Act.

"WATER QUALITY STANDARDS AND IMPLEMENTATION PLANS

"SEC. 303. (a)(1) In order to carry out the purpose of this Act, any water quality standard applicable to interstate waters which was adopted by any State and submitted to, and approved by, or is awaiting approval by, the Administrator pursuant to this Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, shall remain in effect unless the Administrator determined that such standard is not consistent with the applicable requirements of this Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. If the Administrator makes such a determination he shall, within three months after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, notify the State and specify the changes needed to meet such requirements. If such changes are not adopted by the State within ninety days after the date of such notification, the Administrator shall promulgate such changes in accordance with subsection (b) of this section.

"(2) Any State which, before the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, has adopted, pursuant to its own law, water quality standards applicable to intrastate waters shall submit such standards to the Administrator within thirty days after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. Each such standard shall remain in effect, in the same manner and to the same extent as any other water quality standard established under this Act unless the Administrator determines that such standard is inconsistent with the applicable requirements of this Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. If the Administrator makes such a determination he shall not later than the one hundred and twentieth day after the date of submission of such standards, notify the State and specify the changes needed to meet such requirements. If such changes are not adopted by the State within ninety days after such notification, the Administrator shall promulgate such changes in accordance with subsection (b) of this section.

"(3)(A) Any State which prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 has not adopted pursuant to its own laws water quality standards applicable to intrastate waters shall, not later than one hundred and eighty days after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, adopt and submit such standards to the Administrator.

"(B) If the Administrator determines that any such standards are consistent with the applicable requirements of this Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, he shall approve such standards.

"(C) If the Administrator determines that any such standards are not consistent with the applicable requirements of this Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, he shall, not later than the ninetieth day after the date of submission of such standards, notify the State and specify the changes to meet such requirements. If such changes are not adopted by the State within ninety days after the date of notification, the Administrator shall promulgate such standards pursuant to subsection (b) of this section.

"(b)(1) The Administrator shall promptly prepare and publish proposed regulations setting forth water quality standards for a State in accordance with the applicable requirements of this Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, if—

"(A) the State fails to submit water quality standards within the times prescribed in subsection (a) of this section.

"(B) a water quality standard submitted by such State under subsection (a) of this section is determined by the Administrator not to be consistent with the applicable requirements of subsection (a) of this section.

"(2) The Administrator shall promulgate any water quality standard published in a proposed regulation not later than one hundred and ninety days after the date he publishes any such proposed standard, unless prior to such promulgation, such State has adopted a water quality standard which the Administrator determines to be in accordance with subsection (a) of this section.

"(c)(1) The Governor of a State or the State water pollution control agency of such State shall from time to time (but at least once each three year period beginning with the date of enactment of the Federal Water Pollution Control Act Amendments of 1972) hold public hearings for the purpose of reviewing applicable water quality standards and, as appropriate, modifying and adopting standards. Results of such review shall be made available to the Administrator.

"(2) Whenever the State revises or adopts a new standard, such revised or new standard shall be submitted to the Administrator. Such revised or new water quality standard shall consist of the designated uses of the navigable waters involved and the water quality criteria for such waters based upon such uses. Such standards shall be such as to protect the public health or welfare, enhance the quality of water and serve the purposes of this Act. Such standards shall be established taking into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other purposes, and also taking into consideration their use and value for navigation.

"(3) If the Administrator, within sixty days after the date of submission of the revised or new standard, determines that such standard meets the requirements of this Act, such standard shall thereafter be the water quality standard for the applicable waters of that State. If the Administrator determines that any such revised or new standard is not consistent with the applicable requirements of this Act, he shall not later than the ninetieth day after the date of submission of such standard notify the State and specify the changes to meet such requirements. If such changes are not adopted by the State within ninety days after the date of notification, the Administrator shall promulgate such standard pursuant to paragraph (4) of this subsection.

"(4) The Administrator shall promptly prepare and publish proposed regulations setting forth a revised or new water quality standard for the navigable waters involved—

"(A) if a revised or new water quality standard submitted by such State under paragraph (3) of this subsection for such waters is determined by the Administrator not to be consistent with the applicable requirements of this Act, or

"(B) in any case where the Administrator determines that a revised or new standard is necessary to meet the requirements of this Act.

The Administrator shall promulgate any revised or new standard under this paragraph not later than ninety days after he publishes such proposed standards, unless prior to such promulgation, such State has adopted a revised or new water quality standard which the Administrator determines to be in accordance with this Act.

"(d) (1) (A) Each State shall identify those waters within its boundaries for which the effluent limitations required by section 301 (b) (1) (A) and section 301(b) (1) (B) are not stringent enough to implement any water quality standard applicable to such waters. The State shall establish a priority ranking for such waters, taking into account the severity of the pollution and the uses to be made of such waters.

"(B) Each State shall identify those waters or parts thereof within its boundaries for which controls on thermal discharges under section 301 are not stringent enough to assure protection and propagation of a balanced indigenous population of shellfish, fish, and wildlife.

"(C) Each State shall establish for the waters identified in paragraph (1) (A) of this subsection, and in accordance with the priority ranking, the total maximum daily load, for those pollutants which the Administrator identifies under section 304(a) (2) as suitable for such calculation. Such load shall be established at a level necessary to implement the aplicable water quality standards with seasonal variations and a margin of safety which takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality.

"(D) Each State shall estimate for the waters identified in paragraph (1) (B) of this subsection the total maximum daily thermal load required to assure protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife. Such estimates shall take into account the normal water temperatures, flow rates, seasonal variations, existing sources of heat input, and the dissipative capacity of the identified waters or parts thereof. Such estimates shall include a calculation of the maximum heat input that can be made into each such part and shall include a margin of safety which takes into account any lack of knowledge concerning the development of thermal water quality criteria for such protection and propagation in the identified waters or parts thereof.

"(2) Each State shall submit to the Administrator from time to time, with the first such submission not later than one hundred and eighty days after the date of publication of the first identification of pollutants under section 304(a) (2) (D), for his approval the waters identified and the loads established under paragraphs (1) (A), (1) (B), (1) (C), and (1) (D) of this subsection. The Administrator shall either approve or disapprove such identification and load not later than thirty days after the date of submission. If the Administrator approves such identification and load, such State shall incorporate them into its current plan under subsection (e) of this section. If the Administrator disapproves such identification and load, he shall not later than thirty days after the date of such disapproval identify such waters in such State and establish such loads for such waters as he determines necessary to implement the water quality standards applicable to such waters and upon such identification and establishment the State shall incorporate them into its current plan under subsection (e) of this section.

"(3) For the specific purpose of developing information, each State shall identify all waters within its boundaries which it has not identified under paragraph (1) (A) and (1) (B) of this subsection and estimate for such waters the total maximum daily load with seasonal variations and margins of safety, for those pollutants which the Administrator identifies under section 304(a) (2) as suitable for such calculation and for thermal discharges, at a level that would assure protection and propagation of a balanced indigenous population of fish, shellfish and wildlife.

"(e) (1) Each State shall have a continuing planning process approved under paragraph (2) of this subsection which is consistent with this Act.

"(2) Each State shall submit not later than 120 days after the date of the enactment of the Water Pollution Control Amendments of 1972 to the Administrator for his approval a proposed continuing planning process which is consistent with this Act. Not later than thirty days after the date of submission of such a process the Administrator shall either approve or disapprove such process. The Administrator shall from time to time review each State's approved planning process for the purpose of insuring that such planning process is at all times consistent with this Act. The Administrator shall not approve any State permit program under title IV of this Act for any State which does not have an approved continuing planning process under this section.

"(3) The Administrator shall approve any continuing planning process submitted to him under this section which will result in plans for all navigable waters within such State, which include, but are not limited to, the following:

"(A) effluent limitations and schedules of compliance at least as stringent as those required by section 301(b) (1), section 301(b) (2), section 306, and section 307, and at least as stringent as any requirements contained in any applicable water quality standard in effect under authority of this section;

"(B) the incorporation of all elements of any applicable area-wide waste management plans under section 208, and applicable basin plans under section 209 of this Act;

"(C) total maximum daily load for pollutants in accordance with subsection (d) of this section;

"(D) procedures for revision;

"(E) adequate authority for intergovernmental cooperation;

"(F) adequate implementation, including schedules of compliance, for revised or new water quality standards, under subsection (c) of this section;

"(G) controls over the disposition of all residual waste from any water treatment processing;

"(H) an inventory and ranking, in order of priority, of needs for construction of waste treatment works required to meet the applicable requirements of sections 301 and 302.

"(f) Nothing in this section shall be construed to affect any effluent limitation, or schedule of compliance required by any State to be implemented prior to the dates set forth in sections 301(b) (1) and 301(b) (2) nor to preclude any State from requiring compliance with any effluent limitation or schedule of compliance at dates earlier than such dates.

"(g) Water quality standards relating to heat shall be consistent with the requirements of section 316 of this Act.

"(h) For the purposes of this Act the term 'water quality standards' includes thermal water quality standards.

"INFORMATION AND GUIDELINES

"SEC. 304. (a) (1) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall develop and publish, within one year after the date of enactment of this title (and from time to time thereafter revise) criteria for water quality accurately reflecting the latest scientific knowledge (A) on the kind and extent of all identifiable effects on health and welfare including, but not limited to, plankton, fish, shellfish, wildlife, plant life, shorelines, beaches, esthetics, and recreation which may be expected from the presence of pollutants in any body of water, including ground water; (B) on the concentration and dispersal of pollutants, or their byproducts, through biological, physical, and chemical processes; and (C) on the effects of pollutants on biological community diversity, productivity, and stability, including information on the factors affecting rates of eutrophication and rates of organic and inorganic sedimentation for varying types of receiving waters.

"(2) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall develop and publish, within one year after the date of enactment of this title (and from time to time thereafter revise) information (A) on the factors necessary to restore and maintain the chemical, physical, and biological integrity of all navigable waters, ground waters, waters of the contiguous zone, and the oceans; (B) on the factors necessary for the protection and propagation of shellfish, fish, and wildlife for classes and categories of receiving waters and to allow recreational activities in and on the water; and (C) on the measurement and classification of water quality; and (D) for the purpose of section 303, on and the identification of pollutants suitable for maximum daily load measurement correlated with the achievement of water quality objectives.

"(3) Such criteria and information and revisions thereof shall be issued to the States and shall be published in the Federal Register and otherwise made available to the public.

"(b) For the purpose of adopting or revising effluent limitations under this Act the Administration shall, after consultation with appropriate Federal and State agencies and other interested persons, publish within one year of enactment of this title, regulations, providing guidelines for effluent limitations, and, at least annually thereafter, revise, if appropriate, such regulations. Such regulations shall—

"(1) (A) identify, in terms of amounts of constituents and chemical, physical, and biological characteristics of pollutants, the degree of effluent reduction attainable through the application of the best practicable control technology currently available for classes and categories of point sources (other than publicly owned treatment works); and

"(B) specify factors to be taken into account in determining the control measures and practices to be applicable to point sources (other than publicly owned treatment works) within such categories or classes. Factors relating to the assessment of best practicable control technology currently available to comply with subsection (b) (1) of section 301 of this Act shall include consideration of the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, and shall also take into account the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements), and such other factors as the Administrator deems appropriate;

"(2) (A) identify, in terms of amounts of constitutents and chemical, physical, and biological characteristics of pollutants, the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods, and other alternatives for classes and categories of point sources (other than publicly owned treatment works); and

"(B) specify factors to be taken into account in determining the best measures and practices available to comply with subsection (b) (2) of section 301 of this Act to be applicable to any point source (other than publicly owned treatment works) within such categories or classes. Factors relating to the assessment of best available technology shall take into account the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, the cost of achieving such effluent reduction, non-water quality environmental impact (including energy requirements), and such other factors as the Administrator deems appropriate; and

"(3) identify control measures and practices available to eliminate the discharge of pollutants from categories and classes of point sources, taking into account the cost of achieving such elimination of the discharge of pollutants.

"(c) The Administrator, after consultation, with appropriate Federal and State agencies and other interested persons, shall issue to the States and appropriate water pollution control agencies within 270 days after enactment of this title (and from time to time thereafter) information on the processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of this Act. Such information shall include technical and other data, including costs, as are available on alternative methods of elimination or reduction of the discharge of pollutants. Such information, and revisions thereof, shall be published in the Federal Register and otherwise shall be made available to the public.

"(d)(1) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall publish within sixty days after enactment of this title (and from time to time thereafter) information, in terms of amounts of constituents and chemical, physical, and biological characteristics of pollutants, on the degree of effluent reduction attainable through the application of secondary treatment.

"(2) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall publish within nine months after the date of enactment of this title (and from time to time thereafter) information on alternative waste treatment management techniques and systems available to implement section 201 of this Act.

"(e) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall issue to appropriate Federal agencies, the States, water pollution control agencies, and agencies designated under section 208 of this Act, within one year after the effective date of this subsection (and from time to time thereafter) information including (1) guidelines for identifying and evaluating the nature and extent of nonpoint sources of pollutants, and (2) processes, procedures, and methods to control pollution resulting from—

"(A) agricultural and silvicultural activities, including runoff from fields and crop and forest lands;

"(B) mining activities, including runoff and siltation from new, currently operating, and abandoned surface and underground mines;

"(C) all construction activity, including runoff from the facilities resulting from such construction;

"(D) the disposal of pollutants in wells or in subsurface excavations;

"(E) salt water intrusion resulting from reductions of fresh water flow from any cause, including extraction of ground water, irrigation, obstruction, and diversion; and

"(F) changes in the movement, flow, or circulation of any navigable waters or ground waters, including changes caused by the construction of dams, levees, channels, causeways, or flow diversion facilities.

Such information and revisions thereof shall be published in the Federal Register and otherwise made available to the public.

"(f)(1) For the purpose of assisting States in carrying out programs under section 402 of this Act, the Administrator shall publish, within one hundred and twenty days after the date of enactment of this title, and review at least annually thereafter and, if appropriate, revise guidelines for pretreatment of pollutants which he determines are not susceptible to treatment by publicly owned treatment works. Guidelines under this subsection shall be established to control and prevent the discharge into the navigable waters, the contiguous zone, or the ocean (either directly or through publicly owned treatment works) of any pollutant which interferes with, passes through, or otherwise is incompatible with such works.

"(2) When publishing guidelines under this subsection, the Administrator shall designate the category or categories of treatment works to which the guidelines shall apply.

"(g) The Administrator shall, within one hundred and eighty days from the date of enactment of this title, promulgate guidelines establishing test procedures for the analysis of pollutants that shall include the factors which must be provided in any certification pursuant to section 401 of this Act or permit application pursuant to section 402 of this Act.

"(h) The Administrator shall (1) within sixty days after the enactment of this title promulgate guidelines for the purpose of establishing uniform application forms and other minimum requirements for the acquisition of information from owners and operators of point sources of discharge subject to any State program under section 402 of this Act, and (2) within sixty days from the date of enactment of this title promulgate guidelines establishing the minimum procedural and other elements of any State program under section 402 of this Act which shall include:

"(A) monitoring requirements;

"(B) reporting requirements (including procedures to make information available to the public);

"(C) enforcement, provisions; and

"(D) funding, personnel qualifications, and manpower requirements (including a requirement that no board or body which approves permit applications or portions thereof shall include, as a member, any person who receives, or has during the previous two years received, a significant portion of his income directly or indirectly from permit holders or applicants for a permit).

"(i) The Administrator shall, within 270 days after the effective date of this subsection (and from time to time thereafter), issue such information on methods, procedures, and processes as may be appropriate to restore and enhance the quality of the Nation's publicly owned fresh water lakes.

"(j)(1) The Administrator shall, within six months from the date of enactment of this title, enter into agreements with the Secretary of Agriculture, the Secretary of the Army, and the Secretary of the Interior to provide for the maximum utilization of the appropriate programs authorized under other Federal law to be carried out by such Secretaries for the purpose of achieving and maintaining water quality through appropriate implementation of plans approved under section 208 of this Act.

"(2) The Administrator, pursuant to any agreement under paragraph (1) of this subsection is authorized to transfer to the Secretary of Agriculture, the Secretary of the Army, or the Secretary of the Interior any funds appropriated under paragraph (3) of this subsection to supplement any funds otherwise appropriated to carry out appropriate programs authorized to be carried out by such Secretaries.

"(3) There is authorized to be appropriated to carry out the provisions of this subsection, $100,000,000 per fiscal year for the fiscal year ending June 30, 1973, and the fiscal year ending June 30, 1974.

"WATER QUALITY INVENTORY

"SEC. 305. (a) The Administrator, in cooperation with the States and with the assistance of appropriate Federal agencies, shall prepare a report to be submitted to the Congress on or before January 1, 1974, which shall—

"(1) describe the specific quality, during 1973, with appropriate supplemental descriptions as shall be required to take into account seasonal, tidal, and other variations, of all navigable waters and the waters of the contiguous zone;

"(2) include an inventory of all point sources of discharge (based on a qualitative and quantitative analysis of discharges) of pollutants, into all navigable waters and the waters of the contiguous zone; and

"(3) identify specifically those navigable waters, the quality of which—

"(A) is adequate to provide for the protection and propagation of a balanced population of shellfish, fish, and wildlife and allow recreational activities in and on the water;

"(B) can reasonably be expected to attain such level by 1977 or 1983; and

"(C) can reasonably be expected to attain such level by any later date.

"(b) (1) Each State shall prepare and submit to the Administrator by January 1, 1975, and shall bring up to date each year thereafter, a report which shall include—

"(A) a description of the water quality of all navigable waters in such State during the preceding year, with appropriate supplemental descriptions as shall be required to take into account seasonal, tidal, and other variations, correlated with the quality of water required by the objective of this Act (as identified by the Administrator pursuant to criteria published under section 304(a) of this Act) and the water quality described in subparagraph (B) of this paragraph;

"(B) an analysis of the extent to which all navigable waters of such State provide for the protection and propagation of a balanced population of shellfish, fish, and wildlife, and allow recreational activities in and on the water;

"(C) an analysis of the extent to which the elimination of the discharge of pollutants and a level of water quality which provides for the protection and propagation of a balanced population of shellfish, fish, and wildlife and allows recreational activities in and on the water, have been or will be achieved by the requirements of this Act, together with recommendations as to additional action necessary to achieve such objectives and for what waters such additional action is necessary;

"(D) an estimate of (i) the environmental impact, (ii) the economic and social costs necessary to achieve the objective of this Act in such State, (iii) the economic and social benefits of such achievement, and (iv) an estimate of the date of such achievement; and

"(E) a description of the nature and extent of nonpoint sources of pollutants, and recommendations as to the programs which must be undertaken to control each category of such sources, including an estimate of the costs of implementing such programs.

"(2) The Administrator shall transmit such State reports, together with an analysis thereof, to Congress on or before October 1, 1975, and annually thereafter.

"NATIONAL STANDARDS OF PERFORMANCE

"SEC. 306. (a) For purposes of this section:

"(1) The term 'standard of performance' means a standard for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

"(2) The term 'new source' means any source, the construction of which is commenced after the publication of proposed regulations prescribing a standard of performance under this section which will be applicable to such source, if such standard is thereafter promulgated in accordance with this section.

"(3) The term 'source' means any building, structure, facility, or installation from which there is or may be the discharge of pollutants.

"(4) The term 'owner or operator' means any person who owns, leases, operates, controls, or supervises a source.

"(5) The term 'construction' means any placement, assembly, or installation of facilities or equipment (including contractual obligations to purchase such facilities or equipment) at the premises where such equipment will be used, including preparation work at such premises.

"(b) (1) (A) The Administrator shall, within ninety days after the date of enactment of this title publish (and from time to time thereafter shall revise) a list of categories of sources, which shall, at the minimum, include:

"pulp and paper mills;

"paperboard, builders paper and board mills;

"meat product and rendering processing;

"dairy product processing;

"grain mills;

"canned and preserved fruits and vegetables processing;

"canned and preserved seafood processing;

"sugar processing;

"textile mills;

"cement manufacturing;

"feedlots;

"electroplating;

"organic chemicals manufacturing;

"inorganic chemicals manufacturing;

"plastic and synthetic materials manufacturing;

"soap and detergent manufacturing;

"fertilizer manufacturing;

"petroleum refining;

"iron and steel manufacturing;

"nonferrous metals manufacturing;

"phosphate manufacturing;

"steam electric powerplants;

"feroalloy manufacturing;

"leather tanning and finishing;

"glass and asbestos manufacturing;

"rubber processing; and

"timber products processing.

"(B) As soon as practicable, but in no case more than one year, after a category of sources is included in a list under subparagraph (A) of this paragraph, the Administrator shall propose and publish regulations establishing Federal standards of performance for new sources within such category. The Administrator shall afford interested persons an opportunity for written comment on such proposed regulations. After considering such comments, he shall promulgate, within one hundred and twenty days after publication of such proposed regulations, such standards with such adjustments as he deems appropriate. The Administrator shall, from time to time, as technology and alternatives change, revise such standards following the procedure required by this subsection for promulgation of such standards. Standards of performance, or revisions thereof, shall become effective upon promulgation. In establishing or revising Federal standards of performance for new sources under this section, the Administrator shall take into consideration the cost of achieving such effluent reduction, and any non-water quality environmental impact and energy requirements.

"(2) The Administrator may distinguish among classes, types, and sizes within categories of new sources for the purpose of establishing such standards and shall consider the type of process employed (including whether batch or continuous).

"(3) The provisions of this section shall apply to any new source owned or operated by the United States.

"(c) Each State may develop and submit to the Administrator a procedure under State law for applying and enforcing standards of performance for new sources located in such State. If the Adminstrator finds that the procedure and the law of any State require the application and enforcement of standards of performance to at least the same extent as required by this section, such State is authorized to apply and enforce such standards of performance (except with respect to new sources owned or operated by the United States).

"(d) Notwithstanding any other provision of this Act, any point source the construction of which is commenced after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 and which is so constructed as to meet all applicable standards of performance shall not be subject to any more stringent standard of performance during a ten-year period beginning on the date of completion of such construction or during the period of depreciation or amortization of such facility for the purposes of section 167 or 169 (or both) of the Internal Revenue Code of 1954, whichever period ends first.

"(e) After the effective date of standards of performance promulgated under this section, it shall be unlawful for any owner or operator of any new source to operate such source in violation of any standard of performance applicable to such source.

"TOXIC AND PRETREATMENT EFFLUENT STANDARDS

"Sec. 307. (a) (1) The Administrator shall, within ninety days after the date of enactment of this title, publish (and from time to time thereafter revise) a list which includes any toxic pollutant or combination of such pollutants for which an effluent standard (which may include a prohibition of the discharge of such pollutants or combination of such pollutants) will be established under this section. The Administrator in publishing such list shall take into account the toxicity of the pollutant, its persistence, degradability, the usual or potential presence of the affected organisms in any waters, the importance of the affected organisms and the nature and extent of the effect of the toxic pollutant on such organisms.

"(2) Within one hundred and eighty days after the date of publication of any list, or revision thereof, containing toxic pollutants or combination of pollutants under paragraph (1) of this subsection, the Administrator, in accordance with section 553 of title 5 of the United States Code, shall publish a proposed effluent standard (or a prohibition) for such pollutant or combination of pollutants which shall take into account the toxicity of the pollutant, its persistence, degradability, the usual or potential presence of the affected organisms in any waters, the importance of the affected organisms and the nature and extent of the effect of the toxic pollutant on such organisms, and he shall publish a notice for a public hearing on such proposed standard to be held within thirty days. As soon as possible after such hearing, but not later than six months after publication of the proposed effluent standard (or prohibition), unless the Administrator finds, on the record, that a modification of such proposed standard (or prohibition) is justified based upon a preponderance of evidence adduced at such hearings, such standard (or prohibition) shall be promulgated.

"(3) If after a public hearing the Administrator finds that a modification of such proposed standard (or prohibition) is justified, a revised effluent standard (or prohibition) for such pollutant or combination of pollutants shall be promulgated immediately. Such standard (or prohibition) shall be reviewed and, if appropriate, revised at least every three years.

"(4) Any effluent standard promulgated under this section shall be at that level which the Administrator determines provides an ample margin of safety.

"(5) When proposing or promulgating any effluent standard (or prohibition) under this section, the Administrator shall designate the category or categories of sources to which the effluent standard (or prohibition) shall apply. Any disposal of dredged material may be included in such a category of sources after consultation with the Secretary of the Army.

"(6) Any effluent standard (or prohibition) established pursuant to this section shall take effect on such date or dates as specified in the order promulgating such standard, but in no case more than one year from the date of such promulgation.

"(7) Prior to publishing any regulations pursuant to this section the Administrator shall, to the maximum extent practicable within the time provided, consult with appropriate advisory committees, States, independent experts, and Federal departments and agencies.

"(b) (1) The Administrator shall, within one hundred and eighty days after the date of enactment of this title and from time to time thereafter, publish proposed regulations establishing pretreatment standards for introduction of pollutants into treatment works (as defined in section 212 of this Act) which are publicly owned for those pollutants which are determined not to be susceptible to treatment by such treatment works or which would interfere with the operation of such treatment works. Not later than ninety days after such publication, and after opportunity for public hearing, the Administrator shall promulgate such pretreatment standards. Pretreatment standards under this subsection shall specify a time for compliance not to exceed three years from the date of promulgation and shall be established to prevent the discharge of any pollutant through treatment works (as defined in section 212 of this Act) which are publicly owned, which pollutant interferes with, passes through, or otherwise is incompatible with such works.

"(2) The Administrator shall, from time to time, as control technology, processes, operating methods, or other alternatives change, revise such standards following the procedure established by this subsection for promulgation of such standards.

"(3) When proposing or promulgating any pretreatment standard under this section, the Administrator shall designate the category or categories of sources to which such standard shall apply.

"(4) Nothing in this subsection shall affect any pretreatment requirement established by any State or local law not in conflict with any pretreatment standard established under this subsection.

"(c) In order to insure that any source introducing pollutants into a publicly owned treatment works, which source would be a new source subject to section 306 if it were to discharge pollutants, will not cause a violation of the effluent limitations established for any such treatment works, the Administrator shall promulgate pretreatment standards for the category of such sources simultaneously with the promulgation of standards of performance under section 306 for the equivalent category of new sources. Such pretreatment standards shall prevent the discharge of any pollutant into such treatment works, which pollutant may interfere with, pass through, or otherwise be incompatible with such works.

"(d) After the effective date of any effluent standard or prohibition or pretreatment standard promulgated under this section, it shall be unlawful for any owner or operator of any source to operate any source in violation of any such effluent standard or prohibition or pretreatment standard.

"INSPECTIONS, MONITORING AND ENTRY

"SEC. 308. (a) Whenever required to carry out the objective of this Act, including but not limited to (1) developing or assisting in the development of any effluent limitation, or other limitation, prohibition, or effluent standard, pretreatment standard, or standard of performance under this Act; (2) determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance; (3) any requirement established under this section; or (4) carrying out sections 305, 311, 402, and 504 of this Act—

"(A) the Administrator shall require the owner or operator of any point source to (i) establish and maintain such records, (ii) make such reports, (iii) install, use, and maintain such monitoring equipment or methods (including where appropriate, biological monitoring methods), (iv) sample such effluents (in accordance with such manner as the Administrator shall prescribe), and (v) provide such other information as he may reasonably require; and

"(B) the Administrator or his authorized representative, upon presentation of his credentials—

"(i) shall have a right of entry to, upon, or through any premises in which an effluent source is located or in which any records required to be maintained under clause (A) of this subsection are located, and

"(ii) may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under clause (A), and sample any effluents which the owner or operator of such source is required to sample under such clause.

"(b) Any records, reports, or information obtained under this section (1) shall, in the case of effluent data, be related to any applicable effluent limitations, toxic, pretreatment, or new source performance standards, and (2) shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular part thereof (other than effluent data), to which the Administrator has access under this section, if made public would divulge methods or processes entitled to protection as trade secrets of such person, the Administrator shall consider such record, report, or information, or particular portion thereof confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act.

"(c) Each State may develop and submit to the Administrator procedures under State law for inspection, monitoring, and entry with respect to point sources located in such State. If the Administrator finds that the procedures and the law of any State relating to inspection, monitoring, and entry are applicable to at least the same extent as those required by this section, such State is authorized to apply and enforce its procedures for inspection, monitoring, and entry with respect to point sources located in such State (except with respect to point sources owned or operated by the United States).

"FEDERAL ENFORCEMENT

"SEC. 309. (a)(1) Whenever, on the basis of any information available to him, the Administrator finds that any person is in violation of any condition or limitation which implements section 301, 302, 306, 307, or 308 of this Act in a permit issued by a State under an approved permit program under section 402 of this Act, he shall proceed under his authority in paragraph (3) of this subsection or he shall notify the person in alleged violation and such State of such finding. If beyond the thirtieth day after the Administrator's notification the State has not commenced appropriate enforcement action, the Administrator shall issue an order requiring such person to comply with such condition or limitation or shall bring a civil action in accordance with subsection (b) of this section.

"(2) Whenever, on the basis of information available to him, the Administrator finds that violations of permit conditions or limitations as set forth in paragraph (1) of this subsection are so widespread that such violations appear to result from a failure of the State to enforce such permit conditions or limitations effectively, he shall so notify the State. If the Administrator finds such failure extends beyond the thirtieth day after such notice, he shall give public notice of such finding. During the period beginning with such public notice and ending when such State satisfies the Administrator that it will enforce such conditions and limitations (hereafter referred to in this section as the period of 'federally assumed enforcement'), the Administrator shall enforce any permit condition or limitation with respect to any person—

"(A) by issuing an order to comply with such condition or limitation, or

"(B) by bringing a civil action under subsection (b) of this section.

"(3) Whenever on the basis of any information available to him the Administrator finds that any person is in violation of section 301, 302, 306, 307, or 308 of this Act, or is in violation of any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act by him or by a State, he shall issue an order requiring such person to comply with such section or requirement, or he shall bring a civil action in accordance with subsection (b) of this section.

"(4) A copy of any order issued under this subsection shall be sent immediately by the Administrator to the State in which the violation occurs and other affected States. Any order issued under this subsection shall be by personal service and shall state with reasonable specificity the nature of the violation, specify a time for compliance, not to exceed thirty days, which the Administrator determines is reasonable, taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements. In any case in which an order under this subsection (or notice to a violator under paragraph (1) of this subsection) is issued to a corporation, a copy of such order (or notice) shall be served on any appropriate corporate officers. An order issued under this subsection relating to a violation of section 308 of this Act shall not take effect until the person to whom it is issued has had an opportunity to confer with the Administrator concerning the alleged violation.

"(b) The Administrator is authorized to commence a civil action for appropriate relief, including a permanent or temporary injunction, for any violation for which he is authorized to issue a compliance order under subsection (a) of this section. Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance. Notice of the commencement of such action shall be given immediately to the appropriate State.

"(c)(1) Any person who willfully or negligently violates section 301, 302, 306, 307, or 308 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act by the Administrator or by a State, shall be punished by a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than one year, or by both. If the conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than $50,000 per day of violation, or by imprisonment for not more than two years, or both.

"(2) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Act, shall upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or by both.

"(3) For the purposes of this subsection, the term 'person' shall mean, in addition to the definition contained in section 502(5) of this Act, any responsible corporate officer.

"(d) Any person who violates section 301, 302, 306, 307, or 308 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act by the Administrator, or by a State, and any person who violates any order issued by the Administrator under subsection (a) of this section, shall be subject to a civil penalty not to exceed $10,000 per day of such violation.

"(e) Whenever a municipality is a party to a civil action brought by the United States under this section, the State in which such municipality is located shall be joined as a party. Such State shall be liable for payment of any judgment, or any expenses incurred as a result of complying with any judgment, entered against the municipality in such action to the extent that the laws of that State prevent the municipality from raising revenues needed to comply with such judgment.

"INTERNATIONAL POLLUTION ABATEMENT

"SEC. 310. (a) Whenever the Administrator, upon receipts of reports, surveys, or studies from any duly constituted international agency, has reason to believe that pollution is occurring which endangers the health or welfare of persons in a foreign country, and the Secretary of State requests him to abate such pollution, he shall give formal notification thereof to the State water pollution control agency of the State or States in which such discharge or discharges originate and to the appropriate interstate agency, if any. He shall also promptly call such a hearing, if he believes that such pollution is occurring in sufficient quantity to warrant such action, and if such foreign country has given the United States essentially the same rights with respect to the prevention and control of pollution occurring in that country as is given that country by this subsection. The Administrator, through the Secretary of State, shall invite the foreign country which may be adversely affected by the pollution to attend and participate in the hearing, and the representative of such country shall, for the purpose of the hearing and any further proceeding resulting from such hearing, have all the rights of a State water pollution control agency. Nothing in this subsection shall be construed to modify, amend, repeal, or otherwise affect the provisions of the 1909 Boundary Waters Treaty between Canada and the United States or the Water Utilization Treaty of 1944 between Mexico and the United States (59 Stat. 1219), relative to the control and abatement of pollution in waters covered by those treaties.

"(b) The calling of a hearing under this section shall not be construed by the courts, the Administrator, or any person as limiting, modifying, or otherwise affecting the functions and responsibilities of the Administrator under this section to establish and enforce water quality requirements under this Act.

"(c) The Administrator shall publish in the Federal Register a notice of a public hearing before a hearing board of five or more persons appointed by the Administrator. A majority of the members of the board and the chairman who shall be designated by the Administrator shall not be officers or employees of Federal, State, or local governments. On the basis of the evidence presented at such hearing, the board shall within sixty days after completion of the hearing make findings of fact as to whether or not such pollution is occurring and shall thereupon by decision, incorporating its findings therein, make such recommendations to abate the pollution as may be appropriate and shall transmit such decision and the record of the hearings to the Administrator. All such decisions shall be public. Upon receipt of such decision, the Administrator shall promptly implement the board's decision in accordance with the provisions of this Act.

"(d) In connection with any hearing called under this subsection, the board is authorized to require any person whose alleged activities result in discharges causing or contributing to pollution to file with it in such forms as it may prescribe, a report based on existing data, furnishing such information as may reasonably be required as to the character, kind, and quantity of such discharges and the use of facilities or other means to prevent or reduce such discharges by the person filing such a report. Such report shall be made under oath or otherwise, as the board may prescribe, and shall be filed with the board within such reasonable period as it may prescribe, unless additional time is granted by it. Upon a showing satisfactory to the board by the person filing such report that such report or portion thereof (other than effluent data), to which the Administrator has access under this section, if made public would divulge trade secrets or secret processes of such person, the board shall consider such report or portion thereof confidential for the purposes of section 1905 of title 18 of the United States Code. If any person required to file any report under this paragraph shall fail to do so within the time fixed by the board for filing the same, and such failure shall continue for thirty days after notice of such default, such person shall forfeit to the United States the sum of $1,000 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States in the district court of the United States where such person has his principal office or in any district in which he does business. The Administrator may upon application therefore remit or mitigate any forfeiture provided for under this subsection.

"(e) Board members, other than officers or employees of Federal, State, or local governments, shall be for each day (including traveltime) during which they are performing board business, entitled to receive compensation at a rate fixed by the Administrator but not in excess of the maximum rate of pay for grade GS-18, as provided in the General Schedule under section 5332 of title 5 of the United States Code, and shall, notwithstanding the limitations of sections 5703 and 5704 of title 5 of the United States Code, be fully reimbursed for travel, subsistence, and related expenses.

"(f) When any such recommendation adopted by the Administrator involves the institution of enforcement proceedings against any person to obtain the abatement of pollution subject to such recommendation, the Administrator shall institute such proceedings if he believes that the evidence warrants such proceedings. The district court of the United States shall consider and determine de novo all relevant issues, but shall receive in evidence the record of the proceedings before the conference or hearing board. The court shall have jurisdiction to enter such judgment and orders enforcing such judgment as it deems appropriate or to remand such proceedings to the Administrator for such further action as it may direct.

"OIL AND HAZARDOUS SUBSTANCE LIABILITY

"SEC. 311. (a). For the purpose of this section, the term—

"(1) 'oil' means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

"(2) 'discharge' includes, but is not limited to any spilling, leaking, pumping, pouring, emitting, emptying or dumping;

"(3) 'vessel' means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel;

"(4) 'public vessel' means a vessel owned or bareboat-chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

"(5) 'United States' means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(6) 'owner or operator' means (A) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, and (B) in the case of an onshore facility, and an offshore facility, any person owning or operating such onshore facility or offshore facility, and (C) in the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment;

"(7) 'person' includes an individual, firm, corporation, association, and a partnership;

"(8) 'remove' or 'removal' refers to removal of the oil or hazardous substances from the water and shorelines or the taking of such other actions as may be necesary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

"(9) 'contiguous zone' means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone;

"(10) 'onshore facility' means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land;

"(11) 'offshore facility' means any facility of any kind located in, on, or under, any of the navigable waters of the United States other than a vessel or a public vessel;

"(12) 'act of God' means an act occasioned by an unanticipated grave natural disaster;

"(13) 'barrel' means 42 United States gallons at 60 degrees Fahrenheit;

"(14) 'hazardous substance' means any substance designated pursuant to subsection (b)(2) of this section.

"(b)(1) The Congress hereby declares that it is the policy of the United States that there should be no discharges of oil or hazardous substances into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone.

"(2)(A) The Administrator shall develop, promulgate, and revise as may be appropriate, regulations designating as hazardous substances, other than oil as defined in this section, such elements and compounds which, when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, present an imminent and substantial danger to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches.

"(B)(i) The Administrator shall include in any designation under subparagraph (A) of this subsection a determination whether any such designated hazardous substance can actually be removed.

"(ii) The owner or operator of any vessel, onshore facility, or offshore facility from which there is discharged during the two-year period beginning on the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, any hazardous substance determined not removable under clause (i) of this subparagraph shall be liable, subject to the defenses to liability provided under subsection (f) of this section, as appropriate, to the United States for a civil penalty per discharge established by the Administrator based on toxicity, degradability, and dispersal characteristics of such substance, in an amount not to exceed $50,000, except that where the United States can show that such discharge was a result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States for a civil penalty in such amount as the Administrator shall establish, based upon the toxicity, degradability, and dispersal characteristics of such substance.

"(iii) After the expiration of the two-year period referred to in clause (ii) of this subparagraph, the owner or operator of any vessel, onshore facility, or offshore facility, from which there is discharged any hazardous substance determined not removable under clause (i) of this subparagraph shall be liable, subject to the defenses to liability provided in subsection (f) of this section, to the United States for either one or the other of the following penalties, the determination of which shall be in the discretion of the Administrator;

"(aa) a penalty in such amount as the Administrator shall establish, based on the toxicity, degradability, and dispersal characteristics of the substance, but not less than $500 nor more than $5,000; or

"(bb) a penalty determined by the number of units discharged multiplied by the amount established for such unit under clause (iv) of this subparagraph, but such penalty shall not be more than $5,000,000 in the case of a discharge from a vessel and $500,000 in the case of a discharge from an onshore or offshore facility.

"(iv) The Administrator shall establish by regulation, for each hazardous substance designated under subparagraph (A) of this paragraph, and within 180 days of the date of such designation, a unit of measurement based upon the usual trade practice and, for the purpose of determining the penalty under clause (iii)(bb) of this subparagraph, shall establish for each such unit a fixed monetary amount which shall be not less than $100 nor more than $1,000 per unit. He shall establish such fixed amount based on the toxicity, degradability, and dispersal characteristics of the substance.

"(3) The discharge of oil or hazardous substances into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in harmful quantities as determined by the President under paragraph (4) of this subsection, is prohibited, except (A) in the case of such discharges of oil into the waters of the contiguous zone, where permitted under article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, and (B) where permitted in quantities and at times and locations or under such circumstances or conditions as the President may, by regulations, determine not to be harmful. Any regulations issued under this subsection shall be consistent with maritime safety and with marine and navigation laws and regulations and applicable water quality standards.

"(4) The President shall by regulation, to be issued as soon as possible after the date of enactment of this paragraph, determine for the purposes of this section, those quantities of oil and any hazardous substance the discharge of which, at such times, locations, circumstances, and conditions, will be harmful to the public health or welfare of the United States, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches except that in the case of the discharge of oil into or upon the waters of the contiguous zone, only those discharges which threaten the fishery resources of the contiguous zone or threaten to pollute or contribute to the pollution of the territory or the territorial sea of the United States may be determined to be harmful.

"(5) Any person in charge of a vessel or of an onshore facility or an offshore facility shall, as soon as he has knowledge of any discharge of oil or a hazardous substance from such vessel or facility in violation of paragraph (3) of this subsection, immediately notify the appropriate agency of the United States Government of such discharge. Any such person who fails to notify immediately such agency of such discharge shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both. Notification received pursuant to this paragraph or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

"(6) Any owner or operator of any vessel, onshore facility, or offshore facility from which oil or a hazardous substance is discharged in violation of paragraph (3) of this subsection shall be assessed a civil penalty by the Secretary of the department in which the Coast Guard is operating of not more than $5,000 for each offense. No penalty shall be assessed unless the owner or operator charged shall have been given notice and opportunity for a hearing on such charge. Each violation is a separate offense. Any such civil penalty may be compromised by such Secretary. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the owner or operator charged, the effect on the owner or operator's ability to continue in business, and the gravity of the violation, shall be considered by such Secretary. The Secretary of the Treasury shall withhold at the request of such Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of any vessel the owner or operator of which is subject to the foregoing penalty. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to such Secretary.

"(c) (1) Whenever any oil or a hazardous substance is discharged, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, the President is authorized to act to remove or arrange for the removal of such oil or substance at any time, unless he determines such removal will be done properly by the owner or operator of the vessel, onshore facility, or offshore facility from which the discharge occurs.

"(2) Within sixty days after the effective date of this section, the President shall prepare and publish a National Contingency Plan for removal of oil and hazardous substances, pursuant to this subsection. Such National Contingency Plan shall provide for efficient, coordinated, and effective action to dispersal, and removal of oil and hazardous substance discharges, including containment, dispersal, and removal of oil and harzardous substances, and shall include, but not be limited to—

"(A) assignment of duties and responsibilities among Federal departments and agencies in coordination with State and local agencies, including, but not limited to, water pollution control, conservation, and port authorities;

"(B) identification, procurement, maintenance, and storage of equipment and supplies;

"(C) establishment or designation of a strike force consisting of personnel who shall be trained, prepared, and available to provide necessary services to carry out the Plan, including the establishment at major ports, to be determined by the President, of emergency task forces of trained personnel, adequate oil and hazardous substance pollution control equipment and material, and a detailed oil and hazardous substance pollution prevention and removal plan;

"(D) a system of surveillance and notice designed to insure earliest possible notice of discharges of oil and hazardous substances to the appropriate Federal agency;

"(E) establishment of a national center to provide coordination and direction for operations in carrying out the Plan;

"(F) procedures and techniques to be employed in identifying, containing, dispersing, and removing oil and hazardous substances;

"(G) a schedule, prepared in cooperation with the States, identifying (i) dispersants and other chemicals, if any, that may be used in carrying out the Plan, (ii) the waters in which such dispersants and chemicals may be used, and (iii) the quantities of such dispersant or chemical which can be used safely in such waters, which schedule shall provide in the case of any dispersant, chemical, or waters not specifically identified in such schedule that the President, or his delegate, may, on a case-by-case basis, identify the dispersants and other chemicals which may be used, the waters in which they may be used, and the quantities which can be used safely in such waters; and

"(H) a system whereby the State or States affected by a discharge of oil or hazardous substance may act where necessary to remove such discharge and such State or States may be reimbursed from the fund established under subsection (k) of this section for the reasonable costs incurred in such removal. The President may, from time to time, as he deems advisable revise or otherwise amend the National Contingency Plan. After publication of the National Contingency Plan, the removal of oil and hazardous substances and actions to minimize damage from oil and hazardous substance discharges shall, to the greatest extent possible, be in accordance with the National Contingency Plan.

"(d) Whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of a pollution hazard to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and the public and private shorelines and beaches of the United States, because of a discharge, or an imminent discharge, of large quantities of oil, or of a hazardous substance from a vessel the United States may (A) coordinate and direct all public and private efforts directed at the removal or elimination of such threat; and (B) summarily remove, and, if necessary, destroy such vessel by whatever means are available without regard to any provisions of law governing the employment of personnel or the expenditure of appropriated funds. Any expense incurred under this subsection shall be a cost incurred by the United States Government for the purposes of subsection (f) in the removal of oil or hazardous substance.

"(e) In addition to any other action taken by a State or local government, when the President determines there is an imminent and substantial threat to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and public and private property, shorelines, and beaches within the United States, because of an actual or threatened discharge of oil or hazardous substance into or upon the navigable waters of the United States from an onshore or offshore facility, the President may require the United States attorney of the district in which the threat occurs to secure such relief as may be necessary to abate such threat, and the district courts of the United States shall have jurisdiction to grant such relief as the public interest and the equities of the case may require.

"(f) (1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act of omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any vessel from which oil or a hazardous substance is discharged in violation of subsection (b) (2) of this section shall, not withstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil or substance by the United States Government in an amount not to exceed $100 per gross ton of such vessel or $14,000,000, whichever is lesser, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. Such costs shall constitute a maritime lien on such vessel which may be recovered in an action in rem in the district court of the United States for any district within which any vessel may be found. The United States may also bring an action against the owner or operator of such vessel in any court of competent jurisdiction to recover such costs.

"(2) Except where an owner or operator of an onshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil or a hazardous substance is discharged in violation of subsection (b) (2) of this section shall be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil or substance by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such facility in any court of competent jurisdiction to recover such costs. The Secretary is authorized, by regulation, after consultation with the Secretary of Commerce and the Small Business Administration, to establish reasonable and equitable classifications of those onshore facilities having a total fixed storage capacity of 1,000 barrels or less which he determines because of size, type, and location do not present a substantial risk of the discharge of oil or a hazardous substance in violation of subsection (b) (2) of this section, and apply with respect to such classifications differing limits of liability which may be less than the amounts contained in this paragraph.

"(3) Except where an owner or operator of an offshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil or a hazardous substance is discharged in violation of subsection (b) (2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil or substance by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such a facility in any court of competent jurisdiction to recover such costs.

"(g) In any case where an owner or operator of a vessel, of an onshore facility, or of an offshore facility, from which oil or a hazardous substance is discharged in violation of subsection (b) (2) of this section, proves that such discharge of oil or hazardous substance was caused solely by an act or omission of a third party, or was caused solely by such an act or omission in combination with an act of God, an act of war, or negligence on the part of the United States Government, such third party shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for removal of such oil or substance by the United States Government, except where such third party can prove that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of another party without regard to whether such act or omission was or was not negligent, or any combination of the foregoing clauses. If such third party was the owner or operator of a vessel which caused the discharge of oil or a hazardous substance in violation of subsection (b) (2) of this section, the liability of such third party under this subsection shall not exceed $100 per gross ton of such vessel or $14,000,000, whichever is the lesser. In any other case the liability of such third party shall not exceed the limitation which would have been applicable to the owner or operator of the vessel or the onshore or offshore facility from which the discharge actually occurred if such owner or operator were liable. If the United States can show that the discharge of oil or a hazardous substance in violation of subsection (b) (2) of this section was the result of willful negligence or willful misconduct within the privity and knowledge of such third party, such third party shall be liable to the United States Government for the full amount of such removal costs. The United States may bring an action against the third party in any court of competent jurisdiction to recover such removal costs.

"(h) The liabilities established by this section shall in no way affect any rights hwich (1) the owner or operator of a vessel or of an onshore facility or an offshore facility may have against any third party whose acts may in any way have caused or contributed to such discharge, or (2) The United States Government may have against any third party whose actions may in any way have caused or contributed to the discharge of oil or hazardous substance.

"(i) (1) In any case where an owner or operator of a vessel or an onshore facility or an offshore facility from which oil or a hazardous substance is discharged in violation of subsection (b) (2) of this section acts to remove such oil or substance in accordance with regulations promulgated pursuant to this section, such owner or operator shall be entitled to recover the reasonable costs incurred in such removal upon establishing, in a suit which may be brought against the United States Government in the United States Court of Claims, that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether such act or omission was or was not negligent, or of any combination of the foregoing causes.

"(2) The provisions of this subsection shall not apply in any case where liability is established pursuant to the Outer Continental Shelf Lands Act.

"(3) Any amount paid in accordance with a judgment of the United States Court of Claims pursuant to this section shall be paid from the fund established pursuant to subsection (k).

"(j) (1) Consistent with the National Contingency Plan required by subsection (c) (2) of this section, as soon as practicable after the effective date of this section, and from time to time thereafter, the President shall issue regulations consistent with maritime safety and with marine and navigation laws (A) establishing methods and procedures for removal of discharged oil and hazardous substances, (B) establishing criteria for the development and implementation of local and regional oil and hazardous substance removal contingency plans, (C) establishing procedures, methods, and equipment and other requirements for equipment to prevent discharges of oil and hazardous substances from vessels and from onshore facilities and offshore facilities, and to contain such discharges, and (D) governing the inspection of vessels carrying cargoes of oil and hazardous substances and the inspection of such cargoes in order to reduce the likelihood of discharges of oil from vessels in violation of this section.

"(2) Any owner or operator of a vessel or an onshore facility or an offshore facility and any other person subject to any regulation issued under paragraph (1) of this subsection who fails or refuses to comply with the provisions of any such regulation, shall be liable to a civil penalty of not more than $5,000 for each such violation. Each violation shall be a separate offense. The President may assess and compromise such penalty. No penalty shall be assessed until the owner, operator, or other person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the owner, operator, or other person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by the President.

"(k) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $35,000,000 to carry out the provisions of subsections (c), (d), (i), and (l) of this section. Any other funds received by the United States under this section shall also be deposited in said fund for such purposes. All sums appropriated to, or deposited in, said fund shall remain available until expended.

"(l) The President is authorized to delegate the administration of this section to the heads of those Federal departments, agencies, and instrumentalities which he determines to be appropriate. Any moneys in the fund established by subsection (k) of this section shall be available to such Federal departments, agencies, and instrumentalities to carry out the provisions of subsections (c) and (i) of this section. Each such department, agency, and instrumentality, in order to avoid duplication of effort, shall, whenever appropriate, utilize the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities.

"(m) Anyone authorized by the President to enforce the provisions of this section may, except as to public vessels, (A) board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, (B) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(n) The several district courts of the United States are invested with jurisdiction for any actions, other than actions pursuant to subsection (i) (1), arising under this section. In the case of Guam and the Trust Territory of the Pacific Islands, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the United States District Court for the District of the Canal Zone.

"(o) (1) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, or of any owner or operator of any onshore facility or offshore facility to any person or agency under any provision of law for damages to any publicly owned or privately owned property resulting from a discharge of any oil or hazardous substance or from the removal of any such oil or hazardous substance.

"(2) Nothing in this section shall be construed as preempting any State or political subdivision thereof from imposing any requirement or liability with respect to the discharge of oil or hazardous substance into any waters within such State.

"(3) Nothing in this section shall be construed as affecting or modifying any other existing authority of any Federal department, agency, or instrumentality, relative to onshore or offshore facilities under this Act or any other provision of law, or to affect any State or local law not in conflict with this section.

"(p) (1) Any vessel over three hundred gross tons, including any barge of equivalent size, but not including any barge that is not self-propelled and that does not carry oil or hazardous substances as cargo or fuel, using any port or place in the United States or the navigable waters of the United States for any purpose shall establish and maintain under regulations to be prescribed from time to time by the President, evidence of financial responsibility of $100 per gross ton, or $14,000,000 whichever is the lesser, to meet the liability to the United States which such vessel could be subjected under this section. In cases where an owner or operator owns, operates, or charters more than one such vessel, financial responsibility need only be established to meet the maximum liability to which the largest of such vessels could be subjected. Financial responsibility may be established by any one of, or a combination of, the following methods acceptable to the President: (A) evidence of insurance, (B) surety bonds, (C) qualification as a self-insurer, or (D) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States.

"(2) The provisions of paragraph (1) of this subsection shall be effective April 3, 1971, with respect to oil and one year after the date of enactment of this section with respect to hazardous substances. The President shall delegate the responsibility to carry out the provisions of this subsection to the appropriate agency head within sixty days after the date of enactment of this section. Regulations necessary to implement this subsection shall be issued within six months after the date of enactment of this section.

"(3) Any claim for costs incurred by such vessel may be brought directly against the insurer or any other person providing evidence of financial responsibility as required under this subsection. In the case of any action pursuant to this subsection such insurer or other person shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if an action had been brought against him by the claimant, and which would have been available to him if an action had been brought against him by the owner or operator.

"(4) Any owner or operator of a vessel subject to this subsection, who fails to comply with the provisions of this subsection or any regulation issued thereunder, shall be subject to a fine of not more than $10,000.

"(5) The Secretary of the Treasury may refuse the clearance required by section 4197 of the Revised Statutes of the United States, as amended (4 U.S.C. 91), to any vessel subject to this subsection, which does not have evidence furnished by the President that the financial responsibility provisions of paragraph (1) of this subsection have been complied with.

"(6) The Secretary of the Department in which the Coast Guard is operated may (A) deny entry to any port or place in the United States or the navigable waters of the United States, to, and (B) detain at the port or place in the United States from which it is about to depart for any other port or place in the United States, any vessel subject to this subsection, which upon request, does not produce evidence furnished by the President that the financial responsibility provisions of paragraph (1) of this subsection have been complied with.

"MARINE SANITATION DEVICES

"SEC. 312. (a) For the purpose of this section, the term—

"(1) 'new vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters, the construction of which is initiated after promulgation of standards and regulations under this section;

"(2) 'existing vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters, the construction of which is initiated before promulgation of standards and regulations under this section;

"(3) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

"(4) 'United States' includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands;

"(5) 'marine sanitation device' includes any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage;

"(6) 'sewage' means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

"(7) 'manufacturer' means any person engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels subject to standards and regulations promulgated under this section;

"(8) 'person' means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel;

"(9) 'discharge' includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping.

"(b)(1) As soon as possible, after the enactment of this section and subject to the provisions of section 104(j) of this Act, the Administrator, after consultation with the Secretary of the department in which the Coast Guard is operating, after giving appropriate consideration to the economic costs involved, and within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereafter in this section referred to as 'standards') which shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters from new vessels and existing vessels, except vessels not equipped with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations, which are consistent with standards promulgated under this subsection and with maritime safety and the marine and navigation laws and regulations governing the design, construction, installation, and operation of any marine sanitation device on board such vessels.

"(2) Any existing vessel equipped with a marine sanitation device on the date of promulgation of initial standards and regulations under this section, which device is in compliance with such initial standards and regulations, shall be deemed in compliance with this section until such time as the device is replaced or is found not to be in compliance with such initial standards and regulations.

"(c)(1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified, except that no revision shall take effect before the effective date of the standard or regulation being revised.

"(2) The Secretary of the department in which the Coast Guard is operating with regard to his regulatory authority established by this section, after consultation with the Administrator, may distinguish among classes, type, and sizes of vessels as well as between new and existing vessels, and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels (including existing vessels equipped with marine sanitation devices on the date of promulgation of the initial standards required by this section), and, upon application, for individual vessels.

"(d) The provisions of this section and the standards and regulations promulgated hereunder apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security. With respect to vessels owned and operated by the Department of Defense, regulations under the last sentence of subsection (b)(1) of this section and certifications under subsection (g)(2) of this section shall be promulgated and issued by the Secretary of Defense.

"(e) Before the standards and regulations under this section are promulgated, the Administrator and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Secretary of the Treasury; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

"(f)(1) After the effective date of the initial standards and regulations promulgated under this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation of such State or political subdivision with respect to the design, manufacture, or installation or use of any marine sanitation device on any vessel subject to the provisions of this section.

"(2) If, after promulgation of the initial standards and regulations and prior to their effective date, a vessel is equipped with a marine sanitation device in compliance with such standards and regulations and the installation and operation of such device is in accordance with such standards and regulations, such standards and regulations shall, for the purposes of paragraph (1) of this subsection, become effective with respect to such vessel on the date of such compliance.

"(3) After the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such State require greater environmental protection, such State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters, except that no such prohibition shall apply until the Administrator determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such water to which such prohibition would apply. Upon application of the State, the Administrator shall make such determination within 90 days of the date of such application.

"(4) If the Administrator determines upon application by a State that the protection and enhancement of the quality of specified waters within such State requires such a prohibition, he shall by regulation completely prohibit the discharge from a vessel of any sewage (whether treated or not) into such waters.

"(g)(1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation device manufactured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

"(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by the Administrator as to standards of performance and for such other purposes as may be appropriate. If the Secretary of the department in which the Coast Guard is operating determines that the device is satisfactory from the standpoint of safety and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, or other appropriate factors, he shall certify the device. Any device manufactured by such manufacturer which is in all material respects substantially the same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

"(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Administrator or the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regulations issued thereunder and shall, upon request of an officer or employee duly designated by the Administrator or the Secretary of the department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to or otherwise obtained by the Administrator or the Secretary of the department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section. This paragraph shall not apply in the case of the construction of a vessel by an individual for his own use.

"(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

"(1) for the manufacturer of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

"(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

"(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

"(4) for a vessel subject to such standards and regulations to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to this section.

"(i) The district courts of the United States shall have jurisdictions to restrain violations of subsection (g)(1) of this section and subsections (h) (1) through (3) of this section. Actions to restrain such violations shall be brought by, and in, the name of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(j) Any person who violates subsection (g)(1) of this section or clause (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (4) of subsection (h) of this section or any regulation issued pursuant to this section shall be liable to a civil penalty of not more than $2,000 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise any such penalty. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

"(k) The provisions of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating and he may utilize by agreement, with or without reimbursement, law enforcement officers or other personnel and facilities of the Administrator, other Federal agencies, or the States to carry out the provisions of this section.

"(l) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (1) board and inspect any vessel upon the navigable waters of the United States and (2) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(m) In the case of Guam and the Trust Territory of the Pacific Islands, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the District Court for the District of the Canal Zone.

"FEDERAL FACILITIES POLLUTION CONTROL

"SEC. 313. Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government (1) having jurisdiction over any property or facility, or (2) engaged in any activity resulting, or which may result, in the discharge or runoff of pollutants shall comply with Federal, State, interstate, and local requirements respecting control and abatement of pollution to the same extent that any person is subject to such requirements, including the payment of reasonable service charges. The President may exempt any effluent source of any department, agency, or instrumentality in the executive branch from compliance with any such a requirement if he determines it to be in the paramount interest of the United States to do so; except that no exemption may be granted from the requirements of section 306 or 307 of this Act. No such exemption shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation. Any exemption shall be for a period not in excess of one year, but additional exemptions may be granted for periods of not to exceed one year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting such exemption.

"CLEAN LAKES

"SEC. 314. (a) Each State shall prepare or establish, and submit to the Administrator for his approval—

"(1) an identification and classification according to eutrophic conditions of all publicly owned fresh water lakes in such State;

"(2) procedures, processes, and methods (including land use requirements), to control sources of pollution of such lakes; and

"(3) methods and procedures, in conjunction with appropriate Federal agencies, to restore the quality of such lakes.

"(b) The Administrator shall provide financial assistance to States in order to carry out methods and procedures approved by him under this section.

"(c)(1) The amount granted to any State for any fiscal year under this section shall not exceed 70 per centum of the funds expended by such State in such year for carrying out approved methods and procedures under this section.

"(2) There is authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973; $100,000,000 for the fiscal year 1974; and $150,000,000 for the fiscal year 1975 for grants to States under this section which such sums shall remain available until expended. The Administrator shall provide for an equitable distribution of such sums to the States with approved methods and procedures under this section.

"NATIONAL STUDY COMMISSION

"SEC. 315. (a) There is established a National Study Commission, which shall make a full and complete investigation and study of all of the technological aspects of achieving, and all aspects of the total economic, social, and environmental effects of achieving or not achieving, the effluent limitations and goals set forth for 1983 in section 301(b)(2) of this Act.

"(b) Such Commission shall be composed of fifteen members, including five members of the Senate, who are members of the Public Works committee, appointed by the President of the Senate, five members of the House, who are members of the Public Works committee, appointed by the Speaker of the House, and five members of the public appointed by the President. The Chairman of such Commission shall be elected from among its members.

"(c) In the conduct of such study, the Commission is authorized to contract with the National Academy of Sciences and the National Academy of Engineering (acting through the National Research Council), the National Institute of Ecology, Brookings Institution, and other nongovermental entities, for the investigation of matters within their competence.

"(d) The heads of the departments, agencies and instrumentalities of the executive branch of the Federal Government shall cooperate with the Commission in carrying out the requirements of this section, and shall furnish to the Commission such information as the Commission deems necessary to carry out this section.

"(e) A report shall be submitted to the Congress of the results of such investigation and study, together with recommendations, not later than three years after the date of enactment of this title.

"(f) The members of the Commission who are not officers or employees of the United States, while attending conferences or meetings of the Commission or while otherwise serving at the request of the Chairman shall be entitled to receive compensation at a rate not in excess of the maximum rate of pay for grade GS-18, as provided in the General Schedule under section 5332 of title V of the United States Code, including traveltime and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence as authorized by law (5 U.S.C. 73 b–2) for persons in the Government service employed intermittently.

"(g) There is authorized to be appropriated, for use in carrying out this section, not to exceed $15,000,000.

"THERMAL DISCHARGES

"SEC. 316. (a) With respect to any point source otherwise subject to the provisions of section 301 or section 306 of this Act, whenever the owner or operator of any such source, after opportunity for public hearing, can demonstrate to the satsfaction of the Administrator (or, if appropriate, the State) that any effluent limitation proposed for the control of the thermal component of any discharge from such source will require effluent limitations more stringent than necessary to assure the protection ad propagation of a balanced, indigenous population of shellfish, fish, and wildlife in and on the body of water into which the discharge is to be made, the Administrator (or, if appropriate, the State) may impose an effluent limitation under such sections for such plant, with respect to the thermal component of such discharge (taking into account the interaction of such thermal component with other pollutants), that will assure the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife in and on that body of water.

"(b) Any standard established pursuant to section 301 or section 306 of this Act and applicable to a point source shall require that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact.

"(c) Notwithstanding any other provision of this Act, any point source of a discharge having a thermal component, the modification of which point source is commenced after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 and which, as modified, meets effluent limitations established under section 301 or, if more stringent, effluent limitations established under section 303 and which effluent limitations will assure protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife in or on the water into which the discharge is made, shall not be subject to any more stringent effluent limitation with respect to the thermal component of its discharge during a ten year period beginning on the date of completion of such modification or during the period of depreciation or amortization of such facility for the purpose of section 167 or 169 (or both) of the Internal Revenue Code of 1954, whichever period ends first.

"FINANCING STUDY

"SEC. 317. (a) The Administrator shall continue to investigate and study the feasibility of alternate methods of financing the cost of preventing, controlling and abating pollution as directed in the Water Quality Improvement Act of 1970 (Public Law 91–224), including, but not limited to, the feasibility of establishing a pollution abatement trust fund. The results of such investigation and study shall be reported to the Congress not later than two years after enactment of this title, together with recommendations of the Administrator for financing the programs for preventing, controlling and abating pollution for the fiscal years beginning after fiscal year 1976, including any necessary legislation.

"(b) There is authorized to be appropriated for use in carrying out this section, not to exceed $1,000,000.

"AQUACULTURE

"SEC. 318. (a) The Administrator is authorized, after public hearings, to permit the discharge of a specific pollutant or pollutants under controlled conditions associated with an approved aquaculture project under Federal or State supervision.

"(b) The Administrator shall by regulation, not later than January 1, 1974, establish any procedures and guidelines he deems necessary to carry out this section.

"TITLE IV—PERMITS AND LICENSES

"CERTIFICATION

"SEC. 401. (a) (1) Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that any such discharge will comply with the applicable provisions of sections 301, 302, 306, and 307 of this Act. In the case of any such activity for which there is not an applicable effluent limitation or other limitation under sections 301(b) and 302, and there is not an applicable standard under sections 306 and 307, the State shall so certify, except that any such certification shall not be deemed to satisfy section 511(c) of this Act. Such State or interstate agency shall establish procedures for public notice in the case of all applications for certification by it and, to the extent it deems appropriate, procedures for public hearings in connection with specific applications. In any case where a State or interstate agency has no authority to give such a certification, such certification shall be from the Administrator. If the State, interstate agency, or Administrator, as the case may be, fails or refuses to act on a request for certification, within a reasonable period of time (which shall not exceed one year) after receipt of such request, the certification requirements of this subsection shall be waived with respect to such Federal application. No license or permit shall be granted until the certification required by this section has been obtained or has been waived as provided in the preceding sentence. No license or permit shall be granted if certification has been denied by the State, interstate agency, or the Administrator, as the case may be.

"(2) Upon receipt of such application and certification the licensing or permitting agency shall immediately notify the Administrator of such application and certification. Whenever such a discharge may affect, as determined by the Administrator, the quality of the waters of any other State, the Administrator within thirty days of the date of notice of application for such Federal license or permit shall so notify such other State, the licensing or permitting agency, and the applicant. If, within sixty days after receipt of such notification, such other State determines that such discharge will affect the quality of its waters so as to violate any water quality requirement in such State, and within such sixty-day period notifies the Administrator and the licensing or permitting agency in writing of its objection to the issuance of such license or permit and requests a public hearing on such objection, the licensing or permitting agency shall hold such a hearing. The Administrator shall at such hearing submit his evaluation and recommendations with respect to any such objection to the licensing or permitting agency. Such agency, based upon the recommendations of such State, the Administrator, and upon any additional evidence, if any, presented to the agency at the hearing, shall condition such license or permit in such manner as may be necessary to insure compliance with applicable water quality requirements. If the imposition of conditions cannot insure such compliance such agency shall not issue such license or permit.

"(3) The certification obtained pursuant to paragraph (1) of this subsection with respect to the construction of any facility shall fulfill the requirements of this subsection with respect to certification in connection with any other Federal license or permit required for the operation of such facility unless, after notice to the certifying State, agency, or Administrator, as the case may be, which shall be given by the Federal agency to whom application is made for such operating license or permit, the State, or if appropriate, the interstate agency or the Administrator, notifies such agency within sixty days after receipt of such notice that there is no longer reasonable assurance that there will be compliance with the applicable provisions of sections 301, 302, 306, and 307 of this Act because of changes since the construction license or permit certification was issued in (A) the construction or operation of the facility, (B) the characteristics of the waters into which such discharge is made, (C) the water quality criteria applicable to such waters or (D) applicable effluent limitations or other requirements. This paragraph shall be inapplicable in any case where the applicant for such operating license or permit has failed to provide the certifying State, or, if appropriate, the interstate agency or the Administrator, with notice of any proposed changes in the construction or operation of the facility with respect to which a construction license or permit has been granted, which changes may result in violation of section 301, 302, 306, or 307 of this Act.

"(4) Prior to the initial operation of any federally licensed or permitted facility or activity which may result in any discharge into the navigable waters and with respect to which a certification has been obtained pursuant to paragraph (1) of this subsection, which facility or activity is not subject to a Federal operating license or permit, the licensee or permittee shall provide an opportunity for such certifying State, or, if appropriate, the interstate agency or the Administrator to review the manner in which the facility or activity shall be operated or conducted for the purposes of assuring that applicable effluent limitations or other limitations or other applicable water quality requirements will not be violated. Upon notification by the certifying State, or if appropriate, the interstate agency or the Administrator that the operation of any such federally licensed or permitted facility or activity will violate applicable effluent limitations or other limitations or other water quality requirements such Federal agency may, after public hearing, suspend such license or permit. If such license or permit is suspended, it shall remain suspended until notification is received from the certifying State, agency, or Administrator, as the case may be, that there is reasonable assurance that such facility or activity will not violate the applicable provisions of section 301, 302, 306, or 307 of this Act.

"(5) Any Federal license or permit with respect to which a certification has been obtained under paragraph (1) of this subsection may be suspended or revoked by the Federal agency issuing such license or permit upon the entering of a judgment under this Act that such facility or activity has been operated in violation of the applicable provisions of section 301, 302, 306, or 307 of this Act.

"(6) No Federal agency shall be deemed to be an applicant for the purposes of this subsection.

"(7) Except with respect to a permit issued under section 402 of this Act, in any case where actual construction of a facility has been lawfully commenced prior to April 3, 1970, no certification shall be required under this subsection for a license or permit issued after April 3, 1970, to operate such facility, except that any such license or permit issued without certification shall terminate April 3, 1973, unless prior to such termination date the person having such license or permit submits to the Federal agency which issued such license or permit a certification and otherwise meets the requirements of this section.

"(b) Nothing in this section shall be construed to limit the authority of any department or agency pursuant to any other provision of law to require compliance with any applicable water quality requirements. The Administrator shall, upon the request of any Federal department or agency, or State or interstate agency, or applicant, provide, for the purpose of this section, any relevant information on applicable effluent limitations, or other limitations, standards, regulations, or requirements, or water quality criteria, and shall, when requested by any such department or agency or State or interstate agency, or applicant, comment on any methods to comply with such limitations, standards, regulations, requirements, or criteria.

"(c) In order to implement the provisions of this section, the Secretary of the Army, acting through the Chief of Engineers, is authorized, if he deems it to be in the public interest, to permit the use of spoil disposal areas under his jurisdiction by Federal licensees or permittees, and to make an appropriate charge for such use. Moneys received from such licensees or permittees shall be deposited in the Treasury as miscellaneous receipts.

"(d) Any certification provided under this section shall set forth any effluent limitations and other limitations, and monitoring requirements necessary to assure that any applicant for a Federal license or permit will comply with any applicable effluent limitations and other limitations, under section 301 or 302 of this Act, standard of performance under section 306 of this Act, or prohibition, effluent standard, or pretreatment standard under section 307 of this Act, and with any other appropriate requirement of State law set forth in such certification, and shall become a condition on any Federal license or permit subject to the provisions of this section.

"NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

"SEC. 402. (a)(1) Except as provided in sections 318 and 404 of this Act, the Administrator may, after opportunity for public hearing, issue a permit for the discharge of any pollutant, or combination of pollutants, notwithstanding section 301(a), upon condition that such discharge will meet either all applicable requirements under sections 301, 302, 306, 307, 308, and 403 of this Act, or prior to the taking of necessary implementing actions relating to all such requirements, such conditions as the Administrator determines are necessary to carry out the provisions of this Act.

"(2) The Administrator shall prescribe conditions for such permits to assure compliance with the requirements of paragraph (1) of this subsection, including conditions on data and information collection, reporting, and such other requirements as he deems appropriate.

"(3) The permit program of the Administrator under paragraph (1) of this subsection, and permits issued thereunder, shall be subject to the same terms, conditions, and requirements as apply to a State permit program and permits issued thereunder under subsection (b) of this section.

"(4) All permits for discharges into the navigable waters issued pursuant to section 13 of the Act of March 3, 1899, shall be deemed to be permits issued under this title, and permits issued under this title shall be deemed to be permits issued under section 13 of the Act of March 3, 1899, and shall continue in force and effect for their term unless revoked, modified, or suspended in accordance with the provisions of this Act.

"(5) No permit for a discharge into the navigable waters shall be issued under section 13 of the Act of March 3, 1899, after the date of enactment of this title. Each application for a permit under section 13 of the Act of March 3, 1899, pending on the date of enactment of this Act shall be deemed to be an application for a permit under this section. The Administrator shall authorize a State, which he determines has the capability of administering a permit program which will carry out the objective of this Act, to issue permits for discharges into the navigable waters within the jurisdiction of such State. The Administrator may exercise the authority granted him by the preceding sentence only during the period which begins on the date of enactment of this Act and ends either on the ninetieth day after the date of the first promulgation of guidelines required by section 304(h)(2) of this Act, or the date of approval by the Administrator of a permit program for such State under subsection (b) of this section, whichever date first occurs, and no such authorization to a State shall extend beyond the last day of such period. Each such permit shall be subject to such conditions as the Administrator determines are necessary to carry out the provisions of this Act. No such permit shall issue if the Administrator objects to such issuance.

"(b) At any time after the promulgation of the guidelines required by subsection (h)(2) of section 304 of this Act, the Governor of each State desiring to administer its own permit program for discharges into navigable waters within its jurisdiction may submit to the Administrator a full and complete description of the program it proposes to establish and administer under State law or under an interstate compact. In addition, such State shall submit a statement from the attorney general (or the attorney for those State water pollution control agencies which have independent legal counsel), or from the chief legal officer in the case of an interstate agency, that the laws of such State, or the interstate compact, as the case may be, provide adequate authority to carry out the described program. The Administrator shall approve each such submitted program unless he determines that adequate authority does not exist:

"(1) To issue permits which—

"(A) apply, and insure compliance with, any applicable requirements of sections 301, 302, 306, 307, and 403;

"(B) are for fixed terms not exceeding five years; and

"(C) can be terminated or modified for cause including, but not limited to, the following:

"(i) violation of any condition of the permit;

"(ii) obtaining a permit by misrepresentation, or failure to disclose fully all relevant facts;

"(iii) change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

"(D) control the disposal of pollutants into wells;

"(2)(A) To issue permits which apply, and insure compliance with, all applicable requirements of section 308 of this Act, or

"(B) To inspect, monitor, enter, and require reports to at least the same extent as required in section 308 of this Act;

"(3) To insure that the public, and any other State the waters of which may be affected, receive notice of each application for a permit and to provide an opportunity for public hearing before a ruling on each such application;

"(4) To insure that the Administrator receives notice of each application (including a copy thereof) for a permit;

"(5) To insure that any State (other than the permitting State) whose waters may be affected by the issuance of a permit may submit written recommendations to the permitting State (and the Administrator) with respect to any permit application and, if any part of such written recommendations are not accepted by the permitting State, that the permitting State will notify such affected State (and the Administrator) in writing of its failure to so accept such recommendations together with its reasons for so doing;

"(6) To insure that no permit will be issued if, in the judgment of the Secretary of the Army acting through the Chief of Engineers, after consultation with the Secretary of the department in which the Coast Guard is operating, anchorage and navigation of any of the navigable waters would be substantially impaired thereby; and

"(7) To abate violations of the permit or the permit program, including civil and criminal penalties and other ways and means of enforcement.

"(8) To insure that any permit for a discharge from a publicly owned treatment works includes conditions to require adequate notice to the permitting agency of (A) new introductions into such works of pollutants from any source which would be a new source as defined in section 306 if such source were discharging pollutants, (B) new introductions of pollutants into such works from a source which would be subject to section 301 if it were discharging such pollutants, or (C) a substantial change in volume or character of pollutants being introduced into such works by a source introducing pollutants into such works at the time of issuance of the permit. Such notice shall include information on the quality and quantity of effluent to be introduced into such treatment works and any anticipated impact of such change in the quantity or quality of effluent to be discharged from such publicly owned treatment works.

"(9) To insure that any individual user of any publicly owned treatment works will comply with sections 204(b), 307, and 308.

"(c)(1) Not later than ninety days after the date on which a State has submitted a program (or revision thereof) pursuant to subsection (b) of this section, the Administrator shall suspend the issuance of permits under subsection (a) of this section as to those navigable waters subject to such program unless he determines that the State permit program does not meet the requirements of subsection (b) of this section or does not conform to the guidelines issued under section 304(h)(2) of this Act. If the Administrator so determines, he shall notify the State of any revisions or modifications necessary to conform to such requirements or guidelines.

"(2) Any State permit program under this section shall at all times be in accordance with this section and guidelines promulgated pursuant to section 304(h)(2) of this Act.

"(3) Whenever the Administrator determines after public hearing that a State is not administering a program approved under this section in accordance with requirements of this section, he shall so notify the State and, if appropriate corrective action is not taken within a reasonable time, not to exceed ninety days, the Administrator shall withdraw approval of such program. The Administrator shall not withdraw approval of any such program unless he shall first have notified the State, and made public, in writing, the reasons for such withdrawal.

"(d)(1) Each State shall transmit to the Administrator a copy of each permit application received by such State and provide notice to the Administrator of every action related to the consideration of such permit application, including each permit proposed to be issued by such State.

"(2) No permit shall issue (A) if the Administrator within ninety days of the date of his notification under subsection (b)(5) of this section objects in writing to the issuance of such permit, or (B) if the Administrator within ninety days of the date of transmittal of the proposed permit by the State objects in writing to the issuance of such permit as being outside the guidelines and requirements of this Act.

"(3) The Administrator may, as to any permit application, waive paragraph (2) of this subsection.

"(e) In accordance with guidelines promulgated pursuant to subsection (h)(2) of section 304 of this Act, the Administrator is authorized to waive the requirements of subsection (d) of this section at the time he approves a program pursuant to subsection (b) of this section for any category (including any class, type, or size within such category) of point sources within the State submitting such program.

"(f) The Administrator shall promulgate regulations establishing categories of point sources which he determines shall not be subject to the requirements of subsection (d) of this section in any State with a program approved pursuant to subsection (b) of this section. The Administrator may distinguish among classes, types, and sizes within any category of point sources.

"(g) Any permit issued under this section for the discharge of pollutants into the navigable waters from a vessel or other floating craft shall be subject to any applicable regulations promulgated by the Secretary of the department in which the Coast Guard is operating, establishing specifications for safe transportation, handling, carriage, storage, and stowage of pollutants.

"(h) In the event any condition of a permit for discharges from a treatment works (as defined in section 212 of this Act) which is publicly owned is violated, a State with a program approved under subsection (b) of this section or the Administrator, where no State program is approved, may proceed in a court of competent jurisdiction to restrict or prohibit the introduction of any pollutant into such treatment works by a source not utilizing such treatment works prior to the finding that such condition was violated.

"(i) Nothing in this section shall be construed to limit the authority of the Administrator to take action pursuant to section 309 of this Act.

"(j) A copy of each permit application and each permit issued under this section shall be available to the public. Such permit application or permit, or portion thereof, shall further be available on request for the purpose of reproduction.

"(k) Compliance with a permit issued pursuant to this section shall be deemed compliance, for purposes of sections 309 and 505, with sections 301, 302, 306, 307, and 403, except any standard imposed under section 307 for a toxic pollutant injurious to human health. Until December 31, 1974, in any case where a permit for discharge has been applied for pursuant to this section, but final administrative disposition of such application has not been made, such discharge shall not be a violation of (1) section 301, 306, or 402 of this Act, or (2) section 13 of the Act of March 3, 1899, unless the Administrator or other plaintiff proves that final administrative disposition of such application has not been made because of the failure of the applicant to furnish information reasonably required or requested in order to process the application. For the 180-day period beginning on the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, in the case of any point source discharging any pollutant or combination of pollutants immediately prior to such date of enactment which source is not subject to section 13 of the Act of March 3, 1899, the discharge by such source shall not be a violation of this Act if such a source applies for a permit for discharge pursuant to this section within such 180-day period.

"OCEAN DISCHARGE CRITERIA

"SEC. 403. (a) No permit under section 402 of this Act for a discharge into the territorial sea, the waters of the contiguous zone, or the oceans shall be issued, after promulgation of guidelines established under subsection (c) of this section, except in compliance with such guidelines. Prior to the promulgation of such guidelines, a permit may be issued under such section 402 if the Administrator determines it to be in the public interest.

"(b) The requirements of subsection (d) of section 402 of this Act may not be waived in the case of permits for discharges into the territorial sea.

"(c)(1) The Administrator shall, within one hundred and eighty days after enactment of this Act (and from time to time thereafter), promulgate guidelines for determining the degradation of the waters of the territorial seas, the contiguous zone, and the oceans, which shall include:

"(A) the effect of disposal of pollutants on human health or welfare, including but not limited to plankton, fish, shellfish, wildlife, shorelines, and beaches;

"(B) the effect of disposal of pollutants on marine life including the transfer, concentration, and dispersal of pollutants or their byproducts through biological, physical, and chemical processes; changes in marine ecosystem diversity, productivity, and stability; and species and community population changes;

"(C) the effect of disposal, of pollutants on esthetic, recreation, and economic values;

"(D) the persistence and permanence of the effects of disposal of pollutants;

"(E) the effect of the disposal at varying rates, of particular volumes and concentrations of pollutants;

"(F) other possible locations and methods of disposal or recycling of pollutants including land-based alternatives; and

"(G) the effect of alternate uses of the oceans, such as mineral exploitation and scientific study.

"(2) In any event where insufficient information exists on any proposed discharge to make a reasonable judgment on any of the guidelines established pursuant to this subsection no permit shall be issued under section 402 of this Act.

"PERMITS FOR DREDGED OR FILL MATERIAL

"SEC. 404. (a) The Secretary of the Army, acting through the Chief of Engineers, may issue permits, after notice and opportunity for public hearings for the discharge of dredged or fill material into the navigable waters at specified disposal sites.

"(b) Subject to subsection (c) of this section, each such disposal site shall be specified for each such permit by the Secretary of the Army (1) through the application of guidelines developed by the Administrator, in conjunction with the Secretary of the Army, which guidelines shall be based upon criteria comparable to the criteria applicable to the territorial seas, the contiguous zone, and the ocean under section 403(c), and (2) in any case where such guidelines under clause (1) alone would prohibit the specification of a site, through the application additionally of the economic impact of the site on navigation and anchorage.

"(c) The Administrator is authorized to prohibit the specification (including the withdrawal of specification) of any defined area as a disposal site, and he is authorized to deny or restrict the use of any defined area for specification (including the withdrawal of specification) as a disposal site, whenever he determines, after notice and opportunity for public hearings, that the discharge of such materials into such area will have an unacceptable and adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas. Before making such determination, the Administrator shall consult with the Secretary of the Army. The Administrator shall set forth in writing and make public his findings and his reasons for making any determination under this subsection.

"DISPOSAL OF SEWAGE SLUDGE

"SEC. 405. (a) Notwithstanding any other provision of this Act or of any other law, in any case where the disposal of sewage sludge resulting from the operation of a treatment works as defined in section 212 of this Act (including the removal of in-place sewage sludge from one location and its deposit at another location) would result in any pollutant from such sewage sludge entering the navigable waters, such disposal is prohibited except in accordance with a permit issued by the Administrator under this section.

"(b) The Administrator shall issue regulations governing the issuance of permits for the disposal of sewage sludge subject to this section. Such regulations shall require the application to such disposal of each criterion, factor, procedure, and requirement applicable to a permit issued under section 402 of this title, as the Administrator determines necessary to carry out the objective of this Act.

"(c) Each State desiring to administer its own permit program for disposal of sewage sludge within its jurisdiction may do so if upon submission of such program the Administrator determines such program is adequate to carry out the objective of this Act.

"TITLE V—GENERAL PROVISIONS

"ADMINISTRATION

"SEC. 501. (a) The Administrator is authorized to prescribe such regulations as are necessary to carry out his functions under this Act.

"(b) The Administrator, with the consent of the head of any other agency of the United States, may utilize such officers and employees of such agency as may be found necessary to assist in carrying out the purposes of this Act.

"(c) Each recipient of financial assistance under this Act shall keep such records as the Administrator shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(d) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act.

"(e)(1) It is the purpose of this subsection to authorize a program which will provide official recognition by the United States Government to those industrial organizations and political subdivisions of States which during the preceding year demonstrated an outstanding technological achievement or an innovative process, method, or device in their waste treatment and pollution abatement programs. The Administrator shall, in consultation with the appropriate State water pollution control agencies, establish regulations under which such recognition may be applied for and granted, except that no applicant shall be eligible for an award under this subsection if such applicant is not in total compliance with all applicable water quality requirements under this Act, or otherwise does not have a satisfactory record with respect to environmental quality.

"(2) The Administrator shall award a certificate or plaque of suitable design to each industrial organization or political subdivision which qualifies for such recognition under regulations established under this subsection.

"(3) The President of the United States, the Governor of the appropriate State, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall be notified of the award by the Administrator and the awarding of such recognition shall be published in the Federal Register.

"(f) Upon the request of a State water pollution control agency, personnel of the Environmental Protection Agency may be detailed to such agency for the purpose of carrying out the provisions of this Act.

"GENERAL DEFINITIONS

"SEC. 502. Except as otherwise specifically provided, when used in this Act:

"(1) The term 'State water pollution control agency means the State agency designated by the Governor having responsibility for enforcing State laws relating to the abatement of pollution.

"(2) The term 'interstate agency' means an agency of two or more States established by or pursuant to an agreement or compact approved by the Congress, or any other agency of two or more States, having substantial powers or duties pertaining to the control of pollution as determined and approved by the Administrator.

"(3) The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"(4) The term 'municipality' means a city, town, borough, county, parish, district, association, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of this Act.

"(5) The term 'person' means an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body.

"(6) The term 'pollutant' means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. This term does not mean (A) 'sewage from vessels' within the meaning of section 312 of this Act; or (B) water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located, and if such State determines that such injection or disposal will not result in the degradation of ground or surface water resources.

"(7) The term 'navigable waters' means the waters of the United States, including the territorial seas.

"(8) The term 'territorial seas' means the belt of the seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, and extending seaward a distance of three miles.

"(9) The term 'contiguous zone' means the entire zone established or to be established by the United States under article 24 of the Convention of the Territorial Sea and the Contiguous Zone.

"(10) The term 'ocean' means any portion of the high seas beyond the contiguous zone.

"(11) The term 'effluent limitation' means any restriction established by a State or the Administrator on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into navigable waters, the waters of the contiguous zone, or the ocean, including schedules of compliance.

"(12) The term 'discharge of a pollutant' and the term 'discharge of pollutants' each means (A) any addition of any pollutant to navigable waters from any point source, (B) any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft.

"(13) The term 'toxic pollutant' means those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the Administrator, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring.

"(14) The term 'point source' means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

"(15) The term 'biological monitoring' shall mean the determination of the effects on aquatic life, including accumulation of pollutants in tissue, in receiving waters due to the discharge of pollutants (A) by techniques and procedures, including sampling of organisms representative of appropriate levels of the food chain appropriate to the volume and the physical, chemical, and biological characteristics of the effluent, and (B) at appropriate frequencies and locations.

"(16) The term 'discharge' when used without qualification includes a discharge of a pollutant, and a discharge of pollutants.

"(17) The term 'schedule of compliance' means a schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with an effluent limitations, other limitation, prohibition, or standard.

"(18) The term 'industrial user' means those industries identified in the Standard Industrial Classification Manual, Bureau of the Budget, 1967, as amended and supplemented, under the category 'Division D—Manufacturing' and such other classes of significant waste producers as, by regulation, the Adminitsrator deems appropriate.

"(19) The term 'pollution' means the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

"WATER POLLUTION CONTROL ADVISORY BOARD

"SEC. 503. (a)(1) There is hereby established in the Environmental Protection Agency a Water Pollution Control Advisory Board, composed of the Administrator or his designee, who shall be Chairman, and nine members appointed by the President, none of whom shall be Federal officers or employees. The appointed members, having due regard for the purposes of this Act, shall be selected from among representatives of various State, interstate, and local governmental agencies, of public or private interests contributing to, affected by, or concerned with pollution, and of other public and private agencies, organizations, or groups demonstrating an active interest in the field of pollution prevention and control, as well as other individuals who are expert in this field.

"(2)(A) Each member appointed by the President shall hold office for a term of three years, except that (i) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (ii) the terms of office of the members first taking office after June 30, 1956, shall expire as follows: three at the end of one year after such date, three at the end of two years after such date, and three at the end of three years after such date, as designated by the President at the time of appointment, and (iii) the term of any member under the preceding provisions shall be extended until the date on which his successor's appointment is effective. None of the members appointed by the President shall be eligible for reappointment within one year after the end of his preceding term.

"(B) The members of the Board who are not officers or employees of the United States, while attending conferences or meetings of the Board or while otherwise serving at the request of the Administrator, shall be entitled to receive compensation at a rate to be fixed by the Administrator, but not exceeding $100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

"(b) The Board shall advise, consult with, and make recommendations to the Administrator on matters of policy relating to the activities and functions of the Administrator under this Act.

"(c) Such clerical and technical assistance as may be necessary to discharge the duties of the Board shall be provided from the personnel of the Environmental Protection Agency.

"EMERGENCY POWERS

"SEC. 504. Notwithstanding any other provision of this Act, the Administrator upon receipt of evidence that a pollution source or combination of sources is presenting an imminent and substantial endangerment to the health of persons or to the welfare of persons where such endangerment is to the livelihood of such persons, such as inability to market shellfish, may bring suit on behalf of the United States in the appropriate district court to immediately restrain any person causing or contributing to the alleged pollution to stop the discharge of pollutants causing or contributing to such pollution or to take such other action as may be necessary.

"CITIZEN SUITS

"SEC. 505. (a) Except as provided in subsection (b) of this section, any citizen may commence a civil action on his own behalf—

"(1) against any person (including (i) the United States, and (ii) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of (A) an effluent standard or limitation under this Act or (B) an order issued by the Administrator or a State with respect to such a standard or limitation, or

"(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary with the Administrator.

The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such an effluent standard or limitation, or such an order, or to order the Administrator to perform such act or duty, as the case may be, and to apply any appropriate civil penalties under section 309(d) of this Act.

"(b) No action may be commenced—

"(1) under subsection (a)(1) of this section—

"(A) prior to sixty days after the plaintiff has given notice of the alleged violation (i) to the Administrator, (ii) to the State in which the alleged violation occurs, and (iii) to any alleged violator of the standard, limitation, or order, or

"(B) if the Administrator or State has commenced and is diligently prosecuting a civil or criminal action in a court of the United States, or a State to require compliance with the standard, limitation, or order, but in any such action in a court of the United States any citizen may intervene as a matter of right.

"(2) under subsection (a)(2) of this section prior to sixty days after the plaintiff has given notice of such action to the Administrator.

except that such action may be brought immediately after such notification in the case of an action under this section respecting a violation of sections 306 and 307(a) of this Act. Notice under this subsection shall be given in such manner as the Administrator shall prescribe by regulation.

"(c)(1) Any action respecting a violation by a discharge source of an effluent standard or limitation or an order respecting such standard or limitation may be brought under this section only in the judicial district in which such source is located.

"(2) In such action under this section, the Administrator, if not a party, may intervene as a matter of right.

"(d) The court, in issuing any final order in any action brought pursuant to this section, may award cost of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

"(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any effluent standard or limitation or to seek any other relief (including relief against the Administrator or a State agency).

"(f) For purposes of this section, the term 'effluent standard or limitation under this Act' means (1) effective July 1, 1973, an unlawful act under subsection (a) of section 301 of this Act; (2) an effluent limitation or other limitation under section 301 or 302 of this Act; (3) standard of performance under section 306 of this act; (4) prohibition, effluent standard or pretreatment standards under section 307 of this Act; (5) certification under section 401 of this Act; or (6) a permit or condition thereof issued under section 402 of this Act, which is in effect under this Act (including a requirement applicable by reason of section 313 of this Act).

"(g) For the purposes of this section the term 'citizen' means a person or persons having an interest which is or may be adversely affected.

"(h) A Governor of a State may commence a civil action under subsection (a), without regard to the limitations of subsection (b) of this section, against the Administrator where there is alleged a failure of the Administrator to enforce an effluent standard or limitation under this Act the violation of which is occurring in another State and is causing an adverse effect on the public health or welfare in his State, or is causing a violation of any water quality requirement in his State.

"APPEARANCE

"SEC. 506. The Administrator shall request the Attorney General to appear and represent the United States in any civil or criminal action instituted under this Act to which the Administrator is a party. Unless the Attorney General notifies the Administrator within a reasonable time, that he will appear in a civil action, attorneys who are officers or employees of the Environmental Protection Agency shall appear and represent the United States in such action.

"EMPLOYEE PROTECTION

"SEC. 507. (a) No person shall fire, or in any other way discriminate against, or cause to be fired or discriminated against, any employee or any authorized representative of employees by reason of the fact that such employee or representative has filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

"(b) Any employee or a representative of employees who believes that he has been fired or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such alleged violation occurs, apply to the Secretary of Labor for a review of such firing or alleged discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary of Labor shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to such review to enable the parties to present information relating to such alleged violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code, Upon receiving the report of such investigation, the Secretary of Labor shall make findings of fact. If he finds that such violation did occur, he shall issue a decision, incorporating an order therein and his findings, requiring the party committing such violation to take such affirmative action to abate the violation as the Secretary of Labor deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no such violation, he shall issue an order denying the application. Such order issued by the Secretary of Labor under this subparagraph shall be subject to judicial review in the same manner as orders and decisions of the Administrator are subject to judicial review under this Act.

"(c) Whenever an order is issued under this section to abate such violation, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees), as determined by the Secretary of Labor, to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

"(d) This section shall have no application to any employee who, acting without direction from his employer (or his agent) deliberately violates any prohibition of effluent limitation or other limitation under section 301 or 302 of this Act, standards of performance under section 306 of this Act, effluent standard, prohibition or pretreatment standard under section 307 of this Act, or any other prohibition or limitation established under this Act.

"(e) The Administrator shall conduct continuing evaluations of potential loss or shifts of employment which may result from the issuance of any effluent limitation or order under this Act, including, where appropriate, investigating threatened plant closures or reductions in employment allegedly resulting from such limitation or order. Any employee who is discharged or laid-off, threatened with discharge or lay-off, or otherwise discriminated against by any person because of the alleged results of any effluent limitation or order issued under this Act, or any representative of such employee, may request the Administrator to conduct a full investigation of the matter. The Administrator shall thereupon investigate the matter and, at the request of any party, shall hold public hearings on not less than five days notice, and shall at such hearings require the parties, including the employer involved, to present information relating to the actual or potential effect of such limitation or order on employment and on any alleged discharge, lay-off, or other discrimination and the detailed reasons or justification therefor. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Administrator shall make findings of fact as to the effect of such effluent limitation or order on employment and on the alleged discharge, lay-off, or discrimination and shall make such recommendations as he deems appropriate. Such report, findings, and recommendations shall be available to the public. Nothing in this subsection shall be construed to require or authorize the Administrator to modify or withdraw any effluent limitation or order issued under this Act.

"FEDERAL PROCUREMENT

"SEC. 508. (a) No Federal agency may enter into any contract with any person, who has been convicted of any offense under section 309(c) of this Act, for the procurement of goods, materials, and services if such contract is to be performed at any facility at which the violation which gave rise to such conviction occurred, and if such facility is owned, leased, or supervised by such person. The prohibition in the preceding sentence shall continue until the Administrator certifies that the condition giving rise to such conviction has been corrected.

"(b) The Administrator shall establish procedures to provide all Federal agencies with the notification necessary for the purposes of subsection (a) of this section.

"(c) In order to implement the purposes and policy of this Act to protect and enhance the quality of the Nation's water, the President shall, not more than one hundred and eighty days after enactment of this Act, cause to be issued an order (1) requiring each Federal agency authorized to enter into contracts and each Federal agency which is empowered to extend Federal assistance by way of grant, loan, or contract to effectuate the purpose and policy of this Act in such contracting or assistance activities, and (2) setting forth procedures, sanctions, penalties, and such other provisions, as the President determines necessary to carry out such requirement.

"(d) The President may exempt any contract, loan, or grant from all or part of the provisions of this section where he determines such exemption is necessary in the paramount interest of the United States and he shall notify the Congress of such exemption.

"(e) The President shall annually report to the Congress on measures taken in compliance with the purpose and intent of this section, including, but not limited to, the progress and problems associated with such compliance.

"ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

"SEC. 509. (a)(1) For purposes of obtaining information under section 305 of this Act, or carrying out section 507(e) of this Act, the Administrator may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and he may administer oaths. Except for effluent data, upon a showing satisfactory to the Administrator that such papers, books, documents, or information or particular part thereof, if made public, would divulge trade secrets or secret processes, the Administrator shall consider such record, report, or information or particular portion thereof confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such paper, book, document, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act, or when relevant in any proceeding under this Act. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Administrator, to appear and produce papers, books, and documents before the Administrator, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(2) The district courts of the United States are authorized, upon application by the Administrator, to issue subpenas for attendance and testimony of witnesses and the production of relevant papers, books, and documents, for purposes of obtaining information under sections 304 (b) and (c) of this Act. Any papers, books, documents, or other information or part thereof, obtained by reason of such a subpena shall be subject to the same requirements as are provided in paragraph (1) of this subsection.

"(b)(1) Review of the Administrators action (A) in promulgating any standard of performance under section 306, (B) in making any determination pursuant to section 306(b)(1)(C), (C) in promulgating any effluent standard, prohibition, or treatment standard under section 307, (D) in making any determination as to a State permit program submitted under section 402(b), (E) in approving or promulgating any effluent limitation or other limitation under section 301, 302, or 306, and (F) in issuing or denying any permit under section 402, may be had by any interested person in the Circuit Court of Appeals of the United States for the Federal judicial district in which such person resides or transacts such business upon application by such person. Any such application shall be made within ninety days from the date of such determination, approval, promulgation, issuance or denial, or after such date only if such application is based solely on grounds which arose after such ninetieth day.

"(2) Action of the Administrator with respect to which review could have been obtained under paragraph (1) of this subsection shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

"(c) In any judicial proceeding brought under subsection (b) of this section in which review is sought of a determination under this Act required to be made on the record after notice and opportunity for hearing, if any party applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, in such manner and upon such terms and conditions as the court may deem proper. The Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original determination, with the return of such additional evidence.

"STATE AUTHORITY

"SEC. 510. Except as expressly provided in this Act, nothing in this Act shall (1) preclude or deny the right of any State or political subdivision thereof or interstate agency to adopt or enforce (A) any standard or limitation respecting discharges of pollutants, or (B) any requirement respecting control or abatement of pollution; except that if an effluent limitation, or other limitation, effluent standard, prohibition, pretreatment standard, or standard of performance is in effect under this Act, such State or political subdivision or interstate agency may not adopt or enforce any effluent limitation, or other limitation, effluent standard, prohibition, pretreatment standard, or standard of performance which is less stringent than the effluent limitation, or other limitation, effluent standard, prohibition, pretreatment standard, or standard of performance under this Act; or (2) be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States.

"OTHER AFFECTED AUTHORITY

"SEC. 511. (a) This Act shall not be construed as (1) limiting the authority or functions of any officer or agency of the United States under any other law or regulation not inconsistent with this Act; (2) affecting or impairing the authority of the Secretary of the Army (A) to maintain navigation or (B) under the Act of March 3, 1899 (30 Stat. 1112); except that any permit issued under section 404 of this Act shall be conclusive as to the effect on water quality of any discharge resulting from any activity subject to section 10 of the Act of March 3, 1899, or (3) affecting or impairing the provisions of any treaty of the United States.

"(b) Discharges of pollutants into the navigable waters subject to the Rivers and Harbors Act of 1910 (36 Stat. 593; 33 U.S.C. 421) and the Supervisory Harbors Act of 1888 (25 Stat. 209; 33 U.S.C. 441–451b) shall be regulated pursuant to this Act, and not subject to such Act of 1910 and the Act of 1888 except as to effect on navigation and anchorage.

"(c)(1) Except for the provision of Federal financial assistance for the purpose of assisting the construction of publicly owned treatment works as authorized by section 201 of this Act, and the issuance of a permit under section 402 of this Act for the discharge of any pollutant by a new source as defined in section 306 of this Act, no action of the Administrator taken pursuant to this Act shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 852); and

"(2) nothing in the National Environmental Policy Act of 1969 (83 Stat. 852) shall be deemed to—

"(A) authorize any Federal agency authorized to license or permit the conduct of any activity which may result in the discharge of a pollutant into the navigable waters to review any effluent limitation or other requirement established pursuant to this Act or the adequacy of any certification under section 401 of this Act; or

"(B) authorize any such agency to impose, as a condition precedent to the issuance of any license or permit, any effluent limitation other than any such limitation established pursuant to this Act.

"SEPARABILITY

"SEC. 512. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

"LABOR STANDARDS

"SEC. 513. The Administrator shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on treatment works for which grants are made under this Act shall be paid wages at rates not less than those prevailing for the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor, in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C., sec. 276a through 276a–5). The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c).

"PUBLIC HEALTH AGENCY COORDINATION

"SEC. 514. The permitting agency under section 402 shall assist the applicant for a permit under such section in coordinating the requirements of this Act with those of the appropriate public health agencies.

"EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

"SEC. 515. (a)(1) There is established an Effluent Standards and Water Quality Information Advisory Committee, which shall be composed of a Chairman and eight members who shall be appointed by the Administrator within sixty days after the date of enactment of this Act.

"(2) All members of the Committee shall be selected from the scientific community, qualified by education, training, and experience to provide, assess, and evaluate scientific and technical information on effluent standards and limitations.

"(3) Members of the Committee shall serve for a term of four years, and may be reappointed.

"(b)(1) No later than one hundred and eighty days prior to the date on which the Administrator is required to publish any proposed regulations required by section 304(b) of this Act, any proposed standard of performance for new sources required by section 306 of this Act, or any proposed toxic effluent standard required by section 307 of this Act, he shall transmit to the Committee a notice of intent to propose such regulations. The Chairman of the Committee within ten days after receipt of such notice may publish a notice of a public hearing by the Committee, to be held within thirty days.

"(2) No later than one hundred and twenty days after receipt of such notice, the Committee shall transmit to the Administrator such scientific and technical information as is in its possession, including that presented at any public hearing, related to the subject matter contained in such notice.

"(3) Information so transmitted to the Administrator shall constitute a part of the administrative record and comments on any proposed regulations or standards as information to be considered with other comments and information in making any final determinations.

"(4) In preparing information for transmittal, the Committee shall avail itself of the technical and scientific services of any Federal agency, including the United States Geological Survey and any national environmental laboratories which may be established.

"(c)(1) The Committee shall appoint and prescribe the duties of a Secretary, and such legal counsel as it deems necessary. The Committee shall appoint such other employees as it deems necessary to exercise and fulfill its powers and responsibilities. The compensation of all employees appointed by the Committee shall be fixed in accordance with chapter 51 and subchapter III of chapter 53 of title V of the United States Code.

"(2) Members of the Committee shall be entitled to receive compensation at a rate to be fixed by the President but not in excess of the maximum rate of pay for grade GS–18, as provided in the General Schedule under section 5332 of title V of the United States Code.

"(d) Five members of the Committee shall constitute a quorum, and official actions of the Committee shall be taken only on the affirmative vote of at least five members. A special panel composed of one or more members upon order of the Committee shall conduct any hearing authorized by this section and submit the transcript of such hearing to the entire Committee for its action thereon.

"(e) The Committee is authorized to make such rules as are necessary for the orderly transaction of its business.

"REPORTS TO CONGRESS

"SEC. 516. (a) Within ninety days following the convening of each session of Congress, the Administrator shall submit to the Congress a report, in addition to any other report required by this Act, on measures taken toward implementing the objective of this Act, including but not limited to, (1) the progress and problems associated with developing comprehensive plans under section 102 of this Act, areawide plans under section 208 of this Act, basin plans under section 209 of this Act, and plans under section 303 (c) of this Act; (2) a summary of actions taken and results achieved in the field of water pollution control research, experiments, studies, and related matters by the Administrator and other Federal agencies and by other persons and agencies under Federal grants or contracts; (3) the progress and problems associated with the development of effluent limitations and recommended control techniques; (4) the status of State programs, including a detailed summary of the progress obtained as compared to that planned under State program plans for development and enforcement of water quality requirements; (5) the identification and status of enforcement actions pending or completed under such Act during the preceding year; (6) the status of State, interstate, and local pollution control programs established pursuant to, and assisted by, this Act; (7) a summary of the results of the survey required to be taken under section 210 of this Act; (8) his activities including recommendations under sections 109 through 111 of this Act; and (9) all reports and recommendations made by the Water Pollution Control Advisory Board.

"(b) The Administrator, in cooperation with the States, including water pollution control agencies and other water pollution control planning agencies, shall make (1) a detailed estimate of the cost of carrying out the provisions of this Act; (2) a detailed estimate, biennially revised, of the cost of construction of all needed publicly owned treatment works in all of the States and of the cost of construction of all needed publicly owned treatment works in each of the States; (3) a comprehensive study of the economic impact on affected units of government of the cost of installation of treatment facilities; and (4) a comprehensive analysis of the national requirements for and the cost of treating municipal, industrial, and other effluent to attain the water quality objectives as established by this Act or applicable State law. The Administrator shall submit such detailed estimate and such comprehensive study of such cost to the Congress no later than February 10 of each odd-numbered year. Whenever the Administrator, pursuant to this subsection, requests and receives an estimate of cost from a State, he shall furnish copies of such estimate together with such detailed estimate to Congress.

"GENERAL AUTHORIZATION

"SEC. 517. There are authorized to be appropriated to carry out this Act, other than sections 104, 105, 106(a), 107, 108, 112, 113, 114, 115, 206, 207, 208(f) and (h), 209, 304, 311(c), (d), (i), (l), and (k), 314, 315, and 317, $250,000,000 for the fiscal year ending June 30, 1973, $300,000,000 for the fiscal year ending June 30, 1974, and $350,000,000 for the fiscal year ending June 30, 1975.

"SHORT TITLE

"SEC. 518. This Act may be cited as the 'Federal Water Pollution Control Act'."

AUTHORIZATIONS FOR FISCAL YEAR 1972

SEC. 3. (a) There is authorized to be appropriated for the fiscal year ending June 30, 1972, and to exceed $11,000,000 for the purpose of carrying out section 5(n) (other than for salaries and related expenses) of the Federal Water Pollution Control Act as it existed immediately prior to the date of the enactment of the Federal Water Pollution Control Act Amendments of 1972.

(b) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1972, and to exceed $350,000,000 for the purpose of making grants under section 8 of the Federal Water Pollution Control Act as it existed immediately prior to the date of the enactment of the Federal Water Pollution Control Act Amendments of 1972.

(c) The Federal share of all grants made under section 8 of the Federal Water Pollution Control Act as it existed immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 from sums herein and heretofore authorized for the fiscal year ending June 30, 1972, shall be that authorized by section 202 of such Act as established by the Federal Water Pollution Control Act Amendments of 1972.

(d) Sums authorized by this section shall be in addition to any amounts heretofore authorized for such fiscal year for sections 5(n) and 8 of the Federal Water Pollution Control Act as it existed immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972.

SAVINGS PROVISION

SEC. 4. (a) No suit, action, or other proceeding lawfully commenced by or against the Administrator or any other officer or employee of the United States in his official capacity or in relation to the discharge of his official duties under the Federal Water Pollution Control Act as in effect immediately prior to the date of enactment of this Act shall abate by reason of the taking effect of the amendment made by section 2 of this Act. The court may, on its own motion or that of any party made at any time within twelve months after such taking effect, allow the same to be maintained by or against the Administrator or such officer or employee.

(b) All rules, regulations, orders, determinations, contracts, certifications, authorizations, delegations, or other actions duly issued, made, or taken by or pursuant to the Federal Water Pollution Control Act as in effect immediately prior to the date of enactment of this Act, and pertaining to any functions, powers, requirements, and duties under the Federal Water Pollution Control Act as in effect immediately prior to the date of enactment of this Act, shall continue in full force and effect after the date of enactment of this Act until modified or rescinded in accordance with the Federal Water Pollution Control Act as amended by this Act.

(c) The Federal Water Pollution Control Act as in effect immediately prior to the date of enactment of this Act shall remain applicable to all grants made from funds authorized for the fiscal year ending June 30, 1972, and prior fiscal years, including any increases in the monetary amount of any such grant which may be paid from authorizations for fiscal years beginning after June 30, 1972, except as specifically otherwise provided in section 202 of the Federal Water Pollution Control Act as amended by this Act and in subsection (c) of section 3 of this Act.

OVERSIGHT STUDY

SEC. 5. In order to assist the Congress in the conduct of oversight responsibilities the Comptroller General of the United States shall conduct a study and review of the research, pilot, and demonstration programs related to prevention and control of pollution, including waste treatment and water disposal techniques, which are conducted, supported, or assisted by any agency of the Federal Government pursuant to any Federal law or regulation and assess conflicts between, and the coordination and efficacy of, such programs, and make a report to the Congress thereon by October 1, 1973.

INTERNATIONAL TRADE STUDY

SEC. 6. (a) The Secretary of Commerce, in cooperation with other interested Federal agencies and with representatives of industry and the public, shall undertake immediately an investigation and study to determine—

(1) the extent to which pollution abatement and control programs will be imposed on, or voluntarily undertaken by, United States manufacturers in the near future and the probable short- and long-range effects of the costs of such programs (computed to the greatest extent practicable on an industry-by-industry basis) on (A) the production costs of such domestic manufacturers, and (B) the market prices of the goods produced by them;

(2) the probable extent to which pollution abatement and control programs will be implemented in foreign industrial nations in the near future and the extent to which the production costs (computed to the greatest extent practicable on an industry-by-industry basis) of foreign manufacturers will be affected by the costs of such programs;

(3) the probable competitive advantage which any article manufactured in a foreign nation will likely have in relation to a comparable article made in the United States if that foreign nation—

(A) does not require its manufacturers to implement pollution abatement and control programs,

(B) requires a lesser degree of pollution abatement and control in its programs, or

(C) in any way reimburses or otherwise subsidizes its manufacturers for the costs of such program;

(4) alternative means by which any competitive advantage accruing to the products of any foreign nation as a result of any factor described in paragraph (3) may be (A) accurately and quickly determined, and (B) equalized, for example, by the imposition of a surcharge or duty, on a foreign product in an amount necessary to compensate for such advantage; and

(5) the impact, if any, which the imposition of a compensating tariff of other equalizing measure may have in encouraging foreign nations to implement pollution and abatement control programs.

(b) The Secretary shall make an initial report to the President and Congress within six months after the date of enactment of this section of the results of the study and investigation carried out pursuant to this section and shall make additional reports thereafter at such times as he deems appropriate taking into account the development of relevant data, but not less than once every twelve months.

INTERNATIONAL AGREEMENTS

SEC. 7. The President shall undertake to enter into international agreements to apply uniform standards of performance for the control of the discharge and emission of pollutants from new sources, uniform controls over the discharge and emission of toxic pollutants, and uniform controls over the discharge of pollutants into the ocean. For this purpose the President shall negotiate multilateral treaties, conventions, resolutions, or other agreements, and formulate, present, or support proposals at the United Nations and other appropriate international forums.

LOANS TO SMALL BUSINESS CONCERNS FOR WATER POLLUTION CONTROL FACILITIES

SEC. 8. (a) Section 7 of the Small Business Act is amended by inserting at the end thereof a new subsection as follows:

"(g)(1) The Administration also is empowered to make loans (either directly or in cooperation with banks or other lenders through agreements to participate on an immediate or deferred basis) to assist any small business concern in affecting additions to or alterations in the equipment, facilities (including the construction of pretreatment facilities and interceptor sewers), or methods of operation of such concern to meet water pollution control requirements established under the Federal Water Pollution Control Act, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this subsection.

"(2) Any such loan—

"(A) shall be made in accordance with provisions applicable to loans made pursuant to subsection (b)(5) of this section, except as otherwise provided in this subsection;

"(B) shall be made only if the applicant furnishes the Administration with a statement in writing from the Environmental Protection Agency or, if appropriate, the State, that such additions or alterations are necessary and adequate to comply with requirements established under the Federal Water Pollution Control Act.

"(3) The Administrator of the Environmental Protection Agency shall, as soon as practicable after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 and not later than one hundred and eighty days thereafter, promulgate regulations establishing uniform rules for the issuance of statements for the purpose of paragraph (2)(B) of this subsection.

"(4) There is authorized to be appropriated to the disaster loan fund established pursuant to section 4(c) of this Act not to exceed $800,000,000 solely for the purpose of carrying out this subsection."

(b) Section 4(c)(1)(A) of the Small Business Act is amended by striking out, "and 7(c)(2)" and inserting in lieu thereof "7(c)(2), and 7(g)".

ENVIRONMENTAL COURT

SEC. 9. The President, acting through the Attorney General, shall make a full and complete investigation and study of the feasibility of establishing a separate court, or court system, having jurisdiction over environmental matters and shall report the results of such investigation and study together with his recommendations to Congress not later than one year after the date of enactment of this Act.

NATIONAL POLICIES AND GOALS STUDY

SEC. 10. The President shall make a full and complete investigation and study of all of the national policies and goals established by law for the purpose of determining what the relationship should be between these policies and goals, taking into account the resources of the Nation. He shall report the results of such investigation and study together with his recommendations to Congress not later than two years after the date of enactment of this Act. There is authorized to be appropriated not to exceed $5,000,000 to carry out the purposes of this section.

EFFICIENCY STUDY

SEC. 11. The President shall conduct a full and complete investigation and study of ways and means of utilizing in the most effective manner all of the various resources, facilities, and personnel of the Federal Government in order most efficiently to carry out the objective of the Federal Water Pollution Control Act. He shall utilize in conducting such investigation and study, the General Accounting Office. He shall report the results of such investigation and study together with his recommendations to Congress not later than two hundred and seventy days after the date of enactment of this Act.

ENVIRONMENTAL FINANCING

SEC. 12. (a) This section may be cited as the "Environmental Financing Act of 1972".

(b) There is hereby created a body corporate to be known as the Environmental Financing Authority, which shall have succession until dissolved by Act of Congress. The Authority shall be subject to the general supervision and direction of the Secretary of the Treasury. The Authority shall be an instrumentality of the United States Government and shall maintain such offices as may be necessary or appropriate in the conduct of its business.

(c) The purpose of this section is to assure that inability to borrow necessary funds on reasonable terms does not prevent any State or local public body from carrying out any project for construction of waste treatment works determined eligible for assistance pursuant to subsection (e) of this section.

(d)(1) The Authority shall have a Board of Directors consisting of five persons, one of whom shall be the Secretary of the Treasury or his designee as Chairman of the Board, and four of whom shall be appointed by the President from among the officers or employees of the Authority or of any department or agency of the United States Government.

(2) The Board of Directors shall meet at the call of its Chairman. The Board shall determine the general policies which shall govern the operations of the Authority. The Chairman of the Board shall select and effect the appointment of qualified persons to fill the offices as may be provided for in the bylaws, with such executive functions, powers, and duties as may be prescribed by the bylaws or by the Board of Directors, and such persons shall be the executive officers of the Authority and shall discharge all such executive functions, powers, and duties. The members of the Board, as such, shall not receive compensation for their services.

(e)(1) Until July 1, 1975, the Authority is authorized to make commitments to purchase, and to purchase on terms and conditions determined by the Authority, any obligation or participation therein which is issued by a State or local public body to finance the non-Federal share of the cost of any project for the construction of waste treatment works which the Administrator of the Environmental Protection Agency has determined to be eligible for Federal financial assistance under the Federal Water Pollution Control Act.

(2) No commitment shall be entered into, and no purchase shall be made, unless the Administrator of the Environmental Protection Agency (A) has certified that the public body is unable to obtain on reasonable terms sufficient credit to finance its actual needs; (B) has approved the project as eligible under the Federal Water Pollution Control Act; and (C) has agreed to guarantee timely payment of principal and interest on the obligation. The Administrator is authorized to guarantee such timely payments and to issue regulations as he deems necessary and proper to protect such guarantees. Appropriations are hereby authorized to be made to the Administrator in such sums as are necessary to make payments under such guarantees, and such payments are authorized to be made from such appropriations.

(3) No purchase shall be made of obligations issued to finance projects, the permanent financing of which occurred prior to the enactment of this section.

(4) Any purchase by the Authority shall be upon such terms and conditions as to yield a return at a rate determined by the Secretary of the Treasury taking into consideration (A) the current average yield on outstanding marketable obligations of the United States of comparable maturity or in its stead wherever the Authority has sufficient of its own long-term obligations outstanding, the current average yield on outstanding obligations of the Authority of comparable maturity; and (B) the market yields on municipal bonds.

(5) The Authority is authorized to charge fees for its commitments and other services adequate to cover all expenses and to provide for the accumulation of reasonable contingency reserves and such fees shall be included in the aggregate project costs.

(f) To provide initial capital to the Authority the Secretary of the Treasury is authorized to advance the funds necessary for this purpose. Each such advance shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities. Interest payments on such advances may be deferred, at the discretion of the Secretary, but any such deferred payments shall themselves bear interest at the rate specified in this section. There is authorized to be appropriated not to exceed $100,000,000, which shall be available for the purposes of this subsection.

(g)(1) The Authority is authorized, with the approval of the Secretary of the Treasury, to issue and have outstanding obligations having such maturities and bearing such rate or rates of interest as may be determined by the Authority. Such obligations may be redeemable at the option of the Authority before maturity in such manner as may be stipulated therein.

(2) As authorized in appropriation Acts, and such authorizations may be without fiscal year limitation, the Secretary of the Treasury may in his discretion purchase or agree to purchase any obligations issued pursuant to paragraph (1) of this subsection, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act as now or hereafter in force, are extended to include such purchases. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities. The Secretary of the Treasury may sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this paragraph. All purchases and sales by the Secretary of the Treasury of such obligations under this paragraph shall be treated as public debt transactions of the United States.

(h) The Secretary of the Treasury is authorized and directed to make annual payments to the Authority in such amounts as are necessary to equal the amount by which the dollar amount of interest expense accrued by the Authority on account of its obligations exceeds the dollar amount of interest income accrued by the Authority on account of obligations purchased by it pursuant to subsection (e) of this section.

(i) The Authority shall have power—

(1) to sue and be sued, complain and defend, in its corporate name;

(2) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) to adopt, amend, and repeal bylaws, rules, and regulations as may be necessary for the conduct of its business;

(4) to conduct its business, carry on its operations, and have offices and exercise the powers granted by this section in any State without regard to any qualification or similar statute in any State;

(5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

(6) to accept gifts or donations of services or of property, real, personal, or mixed, tangible, or intangible, in aid of any of the purposes of the Authority;

(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(8) to appoint such officers, attorneys, employees, and agents as may be required, to define their duties, to fix and to pay such compensation for their services as may be determined, subject to the civil service and classification laws, to require bonds for them and pay the premium thereof; and

(9) to enter into contracts, to execute instruments, to incur liabilities, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

(j) The Authority, its property, its franchise, capital, reserves, surplus, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority; except that (A) any real property and any tangible personal property of the Authority shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (B) any and all obligations issued by the Authority shall be subject both as to principal and interest to Federal, State, and local taxation to the same extent as the obligations of private corporations are taxed.

(k) All obligations issued by the Authority shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof. All obligations issued by the Authority pursuant to this section shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission, to the same extent as securities which are issued by the United States.

(l) In order to furnish obligations for delivery by the Authority, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Authority may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the Authority. The engraved plates, dies, bed pieces, and so forth, executed in connection therewith, shall remain in the custody of the Secretary of the Treasury. The Authority shall reimburse the Secretary of the Treasury for any expenditures made in the preparation custody, and delivery of such obligations.

(m) The Authority shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress an annual report of its operations and activities.

(n) The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting "or obligations of the Environmental Financing Authority" immediately after "or obligations, participations, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association".

(o) The budget and audit provisions of the Government Corporation Control Act (31 U.S.C. 846) shall be applicable to the Environmental Financing Authority in the same manner as they are applied to the wholly owned Government corporations.

(p) Section 3689 of the Revised Statutes, as amended (31 U.S.C. 711), is further amended by adding a new paragraph following the last paragraph appropriating moneys for the purposes under the Treasury Department to read as follows:

"Payment to the Environmental Financing Authority: For payment to the Environmental Financing Authority under subsection (h) of the Environmental Financing Act of 1972."

SEX DISCRIMINATION

SEC. 13. No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this Act, the Federal Water Pollution Control Act, or the Environmental Financing Act. This section shall be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee.

And the House agree to the same.

John A. Blatnik,
Robert E. Jones,
Jim Wright,
Harold T. Johnson,
Robert A. Roe,
W. H. Harsha,
James R. Grover,
Don H. Clausen,
Clarence Miller,
Managers on the Part of the House.

Edmund S. Muskie,
Jennings Randolph,
Birch Bayh,
Thomas F. Eagleton,
J. Caleb Boggs,
John Sherman Cooper,
Howard Baker,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2270) to amend the Federal Water Pollution Control Act, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

With respect to the amendment of the House, the Senate recedes from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below except for minor technical and clarifying changes made necessary by reason of the conference agreement.

SHORT TITLE

Senate bill

Provides that the Act may be cited as the "Federal Water Pollution Control Act Amendments of 1971".

House amendment

Provides that the Act may be cited as the "Federal Water Pollution Control Act Amendments of 1972".

Conference substitute

The conference substitute is the same as the House amendment.

Both the Senate bill and the House amendment provide for complete revisions of the Federal Water Pollution Control Act. This revision would consist of five titles and hereafter the references in this statement are to the sections and titles of the proposed revisions of the Federal Water Pollution Control Act.

TITLE I—RESEARCH AND RELATED PROGRAMS

DECLARATION OF GOALS AND POLICY

Senate bill

Section 101 establishes a policy to eliminate the discharge of pollutants by 1985, restore the natural chemical, physical, and biological integrity of United States waters, and reach an interim goal of water quality for swimming and fish propagation by 1981.

Section 101 also prohibits the discharge of toxic pollutants in "toxic amounts", provides for Federal financial assistance for construction of waste treatment facilities, develops regional waste treatment management programs, initiates a major research and demonstration effort to find technological methods necessary to eliminate waste discharges, and requires the Administrator of the Environmental Protection Agency to develop minimum guidelines for public participation in enforcement of the proposed Act.

House amendment

Section 101 sets an objective of restoring and maintaining the chemical, physical, and biological integrity of United States waters.

To achieve the proposed objective, the amendment establishes two national goals. The goals are to eliminate the discharge of pollutants into navigable waters by 1985, and to have water quality that provides for protection of fish, shellfish, and wildlife, and for recreation in and on water by 1981.

Other national policies stated in the section include Federal assistance for construction of waste treatment facilities, creation of area waste treatment management planning processes in each State, and major research and demonstration efforts to develop technology necessary to achieve the zero-discharge goal.

Section 101(c) calls on the President to encourage foreign countries to set goals which are at least comparable to those of the United States.

Section 101(f) sets a national policy encouraging "drastic minimization" of paperwork and duplication of efforts, and best utilization of available manpower and funds.

Section 101(g) would require agencies involved in carrying the bill to consider all potential impacts of their activities on water, land, and air.

Conference substitute

The conference substitute is basically the same as the Senate bill as revised by the House amendment with the following changes:

(1) The interim goal of water quality is set for achievement by July 1, 1983, instead of 1981.

(2) The terms "abate" and "abatement" of pollution have been replaced by the terms "reduction" and "elimination" of pollution.

(3) Subsection (g) of the House amendment has been eliminated.

COMPREHENSIVE PROGRAMS FOR WATER POLLUTION CONTROL

Senate bill

Section 102 grants the Administrator authority to develop programs for eliminating pollution of navigable waters and ground waters. The section also provides for 50 percent matching Federal-State grants for river basin planning.

Subsection (b) makes it clear that regulation of streamflow cannot substitute for adequate waste treatment or other methods of eliminating waste at the source. The Administrator would be given authority to determine when low flow augmentation is an appropriate technique for supplementing pollution control programs.

House amendment

Section 102(b) provides for inclusion of storage for regulation of streamflow for water quality control in Federal projects if the costs of the benefits are widespread or national in scope. Flow regulation, however, could not be used as a substitute for adequate treatment.

No license granted by the Federal Power Commission for a hydroelectric power project could include storage for regulation of streamflow for the purpose of water quality unless the Administrator recommends its inclusion.

Conference substitute

Section 102 is the same as the Senate bill and the House amendment except as follows:

(1) The term "abating or reducing pollution" has been revised to read "preventing, reducing, or eliminating pollution".

(2) Subsection (b) (1) has been amended to provide for the inclusion of storage in a reservoir for regulation of streamflow.

(3) Subsection (b) (2) has been revised to provide that the need and value of storage for streamflow purposes other than water quality will be determined by the Corps of Engineers, the Bureau of Reclamation, or other Federal agencies while the need for and value and impact of storage for water quality control shall be determined by the Administrator with his views as part of any report or presentation to Congress proposing authorization or construction of a reservoir.

The Conference substitute specifically bans pollution dilution as an alternative to waste treatment. At the same time it recognizes that stream flow augmentation may be useful as a means of reducing the environmental impact of runoff from non-point sources. The Conference substitute also recognizes that stream flow augmentation may be useful for recreational, navigation, and other purposes. Finally, section 102(b) specifically sets forth that any calculation for the need for and value of stream flow augmentation to reduce the impact of pollution must be determined by the Administrator of the Environmental Protection Agency.

INTERSTATE COOPERATION AND UNIFORM LAWS

Senate bill

Section 103 is a restatement of section 3 of the existing law relating to interstate cooperation and uniform laws except for the language encouraging interstate compacts.

House amendment

Section 103 allows States to enter into interstate compacts, and establishes a policy for active Federal promotion of cooperatives efforts among States. Such efforts include programs to promote model legislation and uniform laws.

Conference substitute

Section 103 is the same as the Senate bill and the House amendment, except that the term "abatement" of pollution has been stricken and replaced by the term "reduction and elimination" of pollution.

RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION

Senate bill

Section 104 generally expands the authority of the Administrator in the area of research.

Under section 104(d), the Administrator is authorized to establish field research laboratories in Alaska and the Northeast, Middle Atlantic, Southeast, Midwest, Southwest, and Pacific Northwest areas of the United States to study means of eliminating water pollution, and to construct the facilities authorized for the National Marine Water Quality Laboratory.

In addition to the $10 million authorized for agricultural pollution research, section 104 authorizes $7.5 million for fiscal 1972 to continue EPA's pilot training program for personnel to operate and maintain treatment plants. In fiscal 1972 an additional $2.5 million is authorized to forecast employment needs in water pollution control. A general authorization of $65 million for fiscal 1972, $70 million for fiscal 1973, $75 million for fiscal 1974, and $80 million for fiscal 1975 is provided to carry out section 104.

House amendment

Except as hereafter noted, section 104 is basically the same as the Senate bill and grants the Administrator general authority to participate in and encourage research, investigations, training, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, and abatement of pollution.

Section 104(d) requires the Administrator to develop and demonstrate, "under varied conditions", practicable means of treating waterborne wastes to encourage recycling, improved methods of identifying and measuring the effects of pollutants on water uses, and methods for evaluating the water quality, effects of augmented streamflows "to control pollution not susceptible to other means of abatement".

The Administrator is required to establish and maintain six field laboratory and research facilities throughout the United States under section 104(e). The labs will be in the Middle Atlantic area, southeastern area, midwestern area, southwestern area, Pacific Northwest, and Alaska.

Section 104(f) directs the Administrator to study the Great Lakes.

Section 104(j) directs the Coast Guard to engage in research and demonstrations relative to sewage equipment installed on vessels, with particular emphasis on equipment to be installed on small recreational vessels.

Section 104(n) continues the Administrator's authority to conduct studies of problems in the estuaries and estuarine zones. The studies would have to consider demographic trends, exploitation of mineral resources and fossil fuels, land and industrial development, navigation, and flood and erosion control. At least one report during any three-year period is required.

Section 104(q) (2) authorizes the Administrator to conduct comprehensive research and pilot projects on methods of collecting and treating sewage and other liquid wastes combined with treatment and disposal of solid wastes.

Section 104(r) authorizes the Administrator to make grants to colleges and universities for research on fresh water aquatic ecosystems.

Section 104(t) requires the Administrator, in cooperation with other agencies, to conduct comprehensive studies on the effects and methods of controlling thermal discharges. Economic and technical feasibility, as well as social and economic costs and benefits, should be considered while studying alternative control methods.

Section 104(u) authorizes $100 million per fiscal year for fiscal 1973 and fiscal 1974 to carry out section 104, excluding subsections (g), (p), and (r).

For fiscal 1973, $7.5 million is authorized for subsection (g) (1) and $2.5 million for subsection (g) (2). For each of the fiscal years 1973 and 1974, $10 million is authorized for subsection (p), and $15 million is authorized for subsection (r).

Conference substitute

The conference substitute is basically the same as the Senate bill as revised by the House amendment with the following exceptions:

(1) The term "abatement" of pollution has been modified to the term "reduction and elimination" of pollution throughout the section.

(2) The Geological Survey has been added to the enumerated agencies who are to be utilized in conducting surveillance of water quality.

(3) The date for the research report on measuring social and economic costs and benefits of activities subject to regulation under this Act has been changed from July 1, 1973, to January 1, 1974.

(4) Subsection (d) (1) is revised to require the development and demonstration of practicable means of treating municipal wastes, sewage, and other waterborne wastes to implement the requirements of section 201 of this Act.

(5) Subsections (d) (2) and (3) have been amended to eliminate the phrase "on water uses".

(6) Subsection (e) has been added to by inserting the requirement that the Secretary construct the facilities authorized for the National Marine Water Quality Laboratory.

(7) Subsection (m) (2) has been revised to require a preliminary report of the study on waste oils within six months with the final report within 18 months of the date of enactment of this Act.

(8) Subsection (s) is revised to require the River Study Centers to study, among other things, the value of water resources and water-related activities.

(9) Subsection (t) has been amended to require the Administrator, in cooperation with State, Federal, and public and private organizations to conduct continuing comprehensive studies of the effects and methods of control of thermal discharges. In evaluating alternative methods of controls, the studies are required to consider (A) such data as are available on the latest available technology, economic feasibility (including cost-effectiveness analysis), and (B) the total impact on the environment. These studies shall consider methods of minimizing adverse effects and maximizing beneficial effects of thermal discharges. The results are to be reported not later than 270 days after enactment and made available to the public and the States and considered by the States, as these studies become available, in proposing thermal water quality standards, and by the Administrator in carrying out section 316. Not to exceed $10,000,000 per year for fiscal years 1973 and 1974 is authorized to carry out this provision.

RESEARCH AND DEVELOPMENT

Senate bill

Section 105 authorizes the Administrator to conduct in-house demonstration projects or contract for projects designed to eliminate pollution reaching navigable waters through storm water runoff or industrial activity. Section 105 further authorizes the Administrator to undertake a model river demonstration project of advanced pollution control and in-stream enhancement techniques, and demonstration projects on control of agricultural pollution.

Under the section, any Federal research or demonstration grant is limited to 75 percent of the cost. The bill authorizes $70 million for grants in fiscal 1972, and $75 million for fiscal 1973–75. At least 10 percent of any sum actually appropriated for any fiscal year is required to be spent on programs dealing with agriculture.

House amendment

Sections 105 (a) and (c) authorize the Administrator to continue programs for assisting development of projects to demonstrate methods of preventing and abating discharge from combined sewers, assisting projects to demonstrate advanced waste treatment or water purification methods, or joint treatment systems, and research and demonstration projects for preventing pollution by industrial waste. Under this section, the Administrator could conduct in-house demonstration projects.

Section 105(b) authorizes the Administrator to make grants for model river basin demonstration projects of advanced pollution treatment and environmental enhancement techniques to control pollution from all sources, together with in-stream water quality improvement techniques.

Section 105(d) directs the Administrator to give priority to the study of management methods and technologies related to eliminating water discharges, and to the study of the impact of specific discharges on receiving water quality.

Section 105(e) authorizes the Administrator to make grants for demonstration projects for control of agricultural pollution and for rural sewage disposal systems.

Section 105(f) provides that no grant for subsection (a) or (c) can exceed 75 percent of the project cost.

Section 105(h) authorizes $70 million for each of the fiscal years 1973 and 1974. However, 10 percent of the funds appropriated in each year must be available for subsection (e).

Conference substitute

Section 105 is the same as the Senate bill and the House amendment with the following changes:

(1) The concept of "abating" pollution has been revised to that of "reducing and eliminating" pollution.

(2) Subsection (c) is amended to clarify the authority of the Administrator with respect to research and demonstration projects for prevention of pollution of waters by industry, including but not limited to the prevention, reduction, and elimination of the discharge of pollutants.

(3) The authorization for this section has been increased from $70 million per year for fiscal years 1973 and 1974 to $75 million per year.

GRANTS FOR POLLUTION CONTROL PROGRAMS

Senate bill

Section 106 authorizes grants to States to carry out water pollution control programs. The allocation of funds is based on population and the extent of water pollution problems.

To qualify for a grant, a State must certify that it will maintain its water quality program each year at the level of its recurrent expenses during fiscal 1971. If a State reduces its spending, the Administrator will reduce its grant proportionately.

Section 106 also requires that beginning in 1973, to qualify for a planning grant, a State must begin to develop a plan for a waste treatment management program, indicate it has begun work on a water quality inventory, and impose monitoring requirements on point source owners.

Section 106 authorizes $30 million for fiscal 1972 and 1973, $35 million for fiscal 1974, and $40 million for fiscal 1975.

House amendment

Section 106(a) authorizes $60 million for fiscal 1973 and $75 million for fiscal 1974 for grants to States and interstate agencies for carrying out programs for prevention and abatement of pollution.

Section 106(b) states that allotment of the funds will be based on the extent of the pollution problems in each of the States.

Section 106(c) authorizes the Administrator to pay to the States either the allotment established in subsection (b), or the reasonable costs of developing and carrying out a program, whichever amount is less.

Section 106(d) sets fiscal 1971 as a base line. If a State or interstate agency reduces its spending below this amount, grants will be discontinued.

For a State or interstate agency to be eligible for a program grant, section 106(e) requires it to file a summary of its current program and a description of the proposed program with the Administrator within 120 days after the date of enactment of the bill.

Section 106(f) authorizes the Administrator to reallot moneys not paid.

Conference substitute

Section 106 is the same as the House amendment except for the following changes:

(1) The concept of "abating" pollution has been revised to "reducing and eliminating" pollution throughout the section.

(2) The purpose for grants under this section has been specifically amended to include grants for administering programs for enforcement directly or through appropriate State law enforcement officers or agencies. This concept was in the Senate bill but in a different fashion.

(3) Beginning with fiscal year 1974, the Administrator is prohibited from making a grant to any State under this section which has not provided or is not carrying out as part of its program (A) the establishment and operation of appropriate devices, methods, systems, and procedures necessary to monitor, compile, and analyze data on the quality of navigable waters and, to the extent practicable ground waters, and (B) authority comparable to that in section 504 (relating to emergency situations) and adequate contingency plans to implement such authority.

MINE WATER POLLUTION CONTROL DEMONSTRATIONS

Senate bill

Section 107 authorizes the Administrator, in cooperation with the Appalachian Regional Commission, to conduct demonstration projects for control of mine water runoff and related water pollution problems. A study on the feasibility of using sewage sludge to prevent mine water pollution and restore mined areas is authorized. The section increases authorizations for the demonstration program from $15 million to $30 million.

House amendment

Section 107, authorizing area acid and other mine water pollution control demonstrations, continues the provisions of section 14 of existing law.

Section 107 specifically provides that techniques utilizing sewage sludge and other municipal wastes are appropriate for abatement demonstration projects. Authorizations for the program would be $15 million.

Conference substitute

Section 107 is the same as the Senate bill.

POLLUTION CONTROL IN GREAT LAKES

Senate bill

Section 108 restates section 15 of existing law, except for minor changes.

House amendment

Sections 108 (a), (b), and (c) continue the provisions of section 15 of existing law, with minor changes.

Sections 108(c) authorizes $20 million for projects in the Great Lakes.

Sections 108 (d) and (e) require the Corps of Engineers to design and develop a $5 million demonstration waste water management program for Lake Erie.

Conference substitute

Section 108 is the same as the Senate bill and the House amendment except as follows:

(1) The concept of "abatement" has been changed to "reduction" of pollution.

(2) The concept of "pollution elimination or control" has been changed to "pollution prevention, reduction, and elimination".

TRAINING GRANTS AND CONTRACTS

Senate bill

Section 109 is the same as existing law with one change. The change authorizes the Administrator to make grants for construction of waste treatment works to provide for necessary education and training facilities for treatment operation and maintenance personnel. Such facilities would be additions to treatment works.

House amendment

Section 109 continues section 16 of existing law.

Conference substitute

Section 109 is the same as the Senate provision with the authorization of grants for the construction of necessary education and training facilities for treatment, operation, and maintenance personnel reduced in cost from $1 million to $250 thousand per facility.

ALLOCATION OF TRAINING GRANTS OR CONTRACTS; SCHOLARSHIPS

Senate bill

Sections 110 and 111, training program allocations and scholarships, restate the present law with minor changes.

House amendment

Section 110, application for training grant or contract; allocation of grants or contracts, continues the provisions of section 17 of existing law. Section 111, award of scholarships, contains the provisions of section 18 of existing law.

Conference substitute

Sections 110 and 111 are the same as the Senate bill and the House amendment.

DEFINITIONS AND AUTHORIZATIONS

Senate bill

Section 112 defines the terms used in sections 109 through 112. These definitions are essentially the same as those in section 19 of existing law. The section authorizes $25 million for fiscal 1972 only.

House amendment

Section 112 defines terms used in sections 109 through 112. They are basically the same as those included in section 19 of existing law.

Section 112(c) authorizes $25 million per fiscal year for fiscal 1973 and 1974 to carry out sections 109 through 112.

Conference substitute

This section is the same as the House amendment.

ALASKA VILLAGE DEMONSTRATION PROJECTS

Senate bill

Section 113, Alaska village demonstration projects, restates the present law with an additional $1 million for water rights.

House amendment

Section 113, Alaska village demonstration projects, continues section 20 of existing law and authorizes $2 million.

Conference substitute

This section is the same as the Senate bill and the House amendment, except that the report to Congress is required not later than July 1, 1973, instead of January 1, 1974, as in the House amendment.

POLLUTION CONTROL IN LAKE TAHOE

Senate bill

Section 114 authorizes a demonstration project for control of nonpoint sources of pollution in the Lake Tahoe Basin.

Section 114(b) authorizes the Administrator to review, in consultation with the Tahoe Regional Planning Agency, any Federal or federally assisted public works project, any expenditures of Federal funds, any Federal licenses or permits, any Federal insurance, and any Federal guarantees of loans in all cases where the Administrator judges that such Federal activities may result directly or indirectly in discharges into the navigable waters of the basin.

Section 114(c) requires the Administrator to report to Congress, within 180 days after the date of enactment of the Act and annually thereafter, on the environmental impact of development in the basin, adequacy of plans developed by the Tahoe planning agency to maintain and enhance the water quality, and an analysis of demonstration projects authorized by section 114.

Section 114(d) authorizes $6 million to be available until expended.

House amendment

No comparable provision.

Conference substitute

Section 114 of the conference substitute provides that the Administrator, in consultation with the Tahoe Regional Planning Agency, the Secretary of Agriculture, and others, shall conduct a study on the adequacy of and the need for extending Federal oversight and control needed in order to preserve the ecology of Lake Tahoe. This study is to include an examination of the interrelationships and responsibilities of various government agencies at all levels with a view to establishing the need for redefining the legal and other arrangements between these levels of government. Such study shall consider the effect of various actions in terms of their environmental impact on the Tahoe Basin, treated as an ecosystem. The report is to be completed within a year, and the authorization is for up to $500,000.

ECONOMIC GROWTH CENTERS

Senate bill

No comparable provision.

House amendment

Section 114 authorizes the Administrator to make supplemental grants to economic growth centers when a center receives a grant for construction of waste treatment facilities. The Administrator would use his discretion in determining the percentage of the supplemental grant, and $5 million is authorized for the supplemental program.

Conference substitute

No comparable provision.

IN-PLACE TOXIC POLLUTANTS

Senate bill

No provision.

House amendment

No provision.

Conference substitute

Section 115 of the conference substitute requires the Administrator to identify the location of in-place pollutants with emphasis on toxic pollutants in harbors and navigable waterways and authorizes the Administrator, acting through the Secretary of the Army, to make contracts for the removal and appropriate disposal of such materials which are in critical port and harbor areas. There is an authorization of $15,000,000 to carry out this section.

TITLE II—GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

PURPOSE

Senate bill

Section 201 provides that the objective of this title is to assist in development of waste treatment management plans and practices to eliminate the discharge of pollutants. To meet that goal, the best practicable technology is required, including the recycling of water, confined disposal of pollutants, and advanced waste treatment technology. Waste management is required on a regional basis.

Beginning in fiscal 1975, the Administrator is authorized to reject any construction grant application that results in any discharge of pollutants unless the applicant demonstrates that alternative techniques have been considered and that the proposal will result in the best practicable treatment.

House amendment

Section 201 provides that the purpose of the title is to require and assist the development and implementation of waste treatment management plans and practices. This would require the application of the best practicable waste treatment technology, including reclaiming and recycling water, confined disposal of pollutants, and advance waste treatment technology and aerated treatment irrigation technology.

The section requires that waste treatment management be on an areawide basis to the extent practicable and does not allow the Administrator to approve any grant after July 1, 1973, unless the applicant demonstrates that each sewer collection system discharging into a treatment facility is not subject to excessive infiltration.

Conference substitute

The conference substitute is basically the same as the Senate bill as revised by the House amendment with the exception that subsection (a) is revised to provide that the purpose of the title is to require, and to assist the development and implementation of, waste treatment management plans and practices which will achieve the goals of this Act; and, in subsection (b), waste treatment management plans and practices are required to provide for consideration of advance waste treatment techniques rather than advance waste treatment technology and aerated treatment spray-irrigation technology.

FEDERAL SHARE

Senate bill

Section 202 provides a minimum Federal grant of 60 percent of the cost for sewage treatment facilities. The maximum would be 70 percent if a State contributed 10 percent of the cost.

House amendment

Section 202(a) increases the Federal share of waste treatment facilities to a maximum of 75 percent. Municipalities are eligible for the 75 percent if the State agrees to provide an additional 15 percent of the costs. The increased percentage is effective for any grant made from funds authorized after June 30, 1971. If a State does not participate in cost sharing, the Federal share is 60 percent. Grants for projects approved between January 1 and July 1 of 1971, for treatment works actual erection of which is not commenced before July 1, 1971, shall, if requested, be increased to 75 per centum. This increased amount shall be paid only if (1) there is an adequate sewage collection system, and (2) there is a certification that the quality of available ground water is insufficient to meet future requirements unless adequately treated effluents are used to replenish the ground water supplies.

Conference substitute

Section 202 is the same as the House amendment, except that a Federal grant for treatment works shall be 75 per centum of the cost of construction in every case. The provision relating to certification has been modified to require that the certification set forth that available ground water is insufficient, inadequate, or unsuitable for public use, including ecological preservation and recreational use of surface water unless adequately treated effluents are returned to the ground water consistent with acceptable technological standards.

PLANS, SPECIFICATIONS, ESTIMATES, AND PAYMENTS

Senate bill

Section 203 provides that close coordination be maintained between the Administrator and the States. The section requires the Administrator to review preliminary plans for any construction project and authorizes the Administrator to advance up to 5 percent of the project's cost to assist a community in completing its detailed plans and specifications. Approval of final plans constitutes a contractual obligation of the Federal Government.

House amendment

Section 203 authorizes contract authority. The Administrator has power to commit the Federal Government to payment of its portion of treatment facilities when he approves an applicant's plans, specifications, and estimates.

Conference substitute

Section 203 is the same as the House amendment.

The conferees want to emphasize the complete change in the mechanics of the administration of the great program that is authorized under the conference substitute. Under existing law and procedure, the Environmental Protection Agency makes the first payment upon certification that 25 percent of the actual construction is completed. The remaining Federal payments are also made in reference to the percentage of completion of the entire waste treatment facility. This results in applicants absorbing enormous interest expense and other costs while awaiting the irregular flow of Federal funds.

Under the conference substitute, which is a program modeled after the authority and procedures under the Federal-Aid Highway Act, each stage in the construction of a waste treatment facility is a separate project. Consequently, the applicant for a grant furnishes plans, specifications, and estimates (PS&E) for each stage (which is a project) in the overall waste treatment facility which is included in the term "construction" as defined in section 212. Upon approval of the PS&E for any project, the United States is obligated to pay 75 percent of the costs of that project. Thus, for instance, the applicant may file a PS&E for a project to determine the feasibility of a treatment works, another PS&E for a project for engineering, architectural, legal, fiscal, or economic investigations, another PS&E for actual building, etc.

In such a program, the States and communities are assured of an orderly flow of Federal payments and this should result in substantial savings and efficiency.

It cannot be emphasized too strongly that the procedure adopted in the conference substitute represents a complete and thorough change of the present practice of making payments of the Federal share of treatment works. The conferees urge the Administrator the States, and local governments to draw from the experience of the highway program to improve the efficiency of the waste treatment grant program.

When funding the construction of waste treatment plants, the Administrator, upon the request of a State, should encourage the use of a phased approach to the construction of treatment works, and the funding thereof, on a State's priority list. Such a phased program, which the committee notes has been developed and approved in the State of Delaware, has enabled the State to accelerate the construction of sewage treatment facilities, and thus accelerate the attainment of clean water.

LIMITATIONS AND CONDITIONS

Senate bill

Section 204 sets forth a number of grant conditions to assure that treatment facilities are constructed, operated and maintained to produce the best practicable application of treatment technology.

The section requires each grant applicant to adopt, by July 1, 1973, user charges to assure that recipients of waste treatment services will pay their share of the cost of operating and maintaining the facility. An applicant must receive from each industrial user a commitment that the user will repay to the United States that portion of the Federal grant applicable to the user's wastes.

Section 204 also requires applicants to demonstrate that proposed facilities conform to all applicable river basin plans, and other applicable waste treatment management plans. The proposal must be certified by the State as entitled to priority. The proposed treatment works also must qualify for a permit under section 402.

Applicants are required to describe the relationship of the reserve capacity proposed, the current demand, and an estimate of any cost for expected expansion of facilities in the alternative to including reserve capacity.

The Administrator is directed to promulgate guidelines for establishment and imposition of user charge systems as a guide to applicants for waste treatment works grants. The guidelines are required to reflect varying legal and financial factors which exist in different jurisdictions. For industrial user charges, the Administrator is required to establish guidelines that would consider, at a minimum, such factors as strength, volume, and delivery flow characteristics of the waste.

House amendment

Section 204 provides that grants for treatment works cannot be approved unless the facilities are included in an areawide waste treatment management plan, the applicant has assured proper operation and maintenance of the facilities, and the applicant has or will adopt a system of user charges. The user charge requirement applies after June 30, 1973.

The Administrator is required to issue guidelines relating to payment of waste treatment costs by industrial and nonindustrial recipients of waste treatment services. The guidelines must establish classes of users, including categories of industrial users, criteria for determining the adequacy of imposed charges, and model systems and rates of user charges typical of various treatment works.

Revenues derived from payments would be retained by the grantee for operation, maintenance, expansion, and construction of treatment works.

Conference substitute

The conference substitute is basically the same as the Senate bill as revised by the House amendment with the following changes:

(1) The requirement that users pay for the cost of future expansion of waste treatment services has been stricken.

(2) The requirement that revenues derived from payment of cost by industrial users be retained by the grantee for use for operation, maintenance, expansion, and construction of publicly-owned treatment works has been stricken and in place of it there has been substituted a requirement that the grantee shall retain an amount of the revenues derived from payment of cost by industrial users, to the extent costs are attributable to the Federal share of the project costs, equal to (A) the amount of the non-Federal cost of the project, paid by the grantee plus (B) the amount, necessary for future expansion and reconstruction of the project, except that such amount shall not exceed 50 per centum of such revenues from such project. All revenues not retained by the grantee are to be deposited in the Treasury as miscellaneous receipts. That portion of the revenues retained by the grantee attributable to clause (B) together with any interest thereon must be used solely for future expansion and reconstruction.

ALLOTMENT

Senate bill

Section 205 provides that allocations for sewage treatment construction grants be made on the basis of population. Reallocation of any sums not obligated shall be made on a priority basis to States qualifying for 70 percent Federal assistance. Also, in fiscal 1972 and 1973 up to $200 million is authorized for allotment to projects using advanced waste treatment on a regional scale. The $200 million is not available if the amount left for reallocation from the previous fiscal year exceeded $200 million.

House amendment

Section 205 authorizes the Administrator to allot construction funds on the basis of States' needs. Funds not obligated by a State shall be reallocated on the basis of need.

Conference substitute

This is the same as the House amendment, except that the initial phrase "All sums authorized to be appropriated" has been revised to read "Sums authorized to be appropriated" and the initial ratio is to be based on Table III of House Public Works Committee Print No. 90-50.

Table III reads as follows:

Table III.—Estimated construction cost of sewage treatment facilities for the period fiscal year 1972–74

[In millions of dollars]

State:	
Alabama	52.6
Alaska	32.8
Arizona	19.6
Arkansas	51.5
California	1,429.7
Colorado	46.1
Connecticut	244.8
Delaware	95.6
District of Columbia	103.6
Florida	528.1
Georgia	141.7
Hawaii	48.1
Idaho	31.7
Illinois	910.0
Indiana	490.2
Iowa	168.3
Kansas	54.5
Kentucky	96.1
Louisiana	137.3
Maine	140.9
Maryland	620.1
Massachusetts	547.2
Michigan	1,162.3
Minnesota	295.9
Mississippi	57.3
Missouri	241.1
Montana	24.2
Nebraska	54.0
Nevada	41.9
New Hampshire	121.0
New Jersey	1,121.9
New Mexico	30.7
New York	1,610.3
North Carolina	134.4
North Dakota	6.8
Ohio	840.8
Oklahoma	67.1
Oregon	123.7
Pennsylvania	789.5
Rhode Island	71.2
South Carolina	94.0
South Dakota	13.8
Tennessee	169.0
Texas	403.3
Utah	20.5
Vermont	32.3
Virginia	424.4
Washington	129.7
West Virginia	72.8
Wisconsin	253.6
Wyoming	3.9
American Samoa	.7
Guam	12.7
Puerto Rico	128.8
Trust Territory of the Pacific Islands	5.5
Virgin Islands	13.0
Total	14,562.6

The conferees determined that utilization of a "needs" formula would eliminate any need for special allocation for an advanced waste treatment project or other special cases. Projects such as the Blue Plains Regional Treatment Works in the District of Columbia will receive adequate and timely funds under this provision so long as adequate funds are released for obligation.

REIMBURSEMENT AND ADVANCED CONSTRUCTION

Senate bill

Section 206 provides that all projects initiated after June 30, 1966, shall be eligible for a retroactive grant raising the Federal share on such projects to at least 50 percent. The money would be required to be spent on a project's debt or to finance the local share of a new project.

The section authorizes $2 billion to meet the post 1966 reimbursement, and $400 million to reimburse 1956–66 projects to a 30 percent Federal grant level.

House amendment

Section 206 authorizes reimbursement to States that proceeded with construction of sewage treatment facilities without Federal aid. Such reimbursement would be on the basis of the highest Federal share that the project would have been eligible and qualified for at the time of construction. A total of $2.75 billion is authorized for reimbursements. Of the total, $2 billion is authorized for facilities constructed between 1966–71, and $750 million for facilities constructed between 1955–66. This section provides that where a State advances construction without Federal funds it may be thereafter paid when sufficient funds are allotted to it if the project otherwise qualifies under the law.

Conference substitute

Section 206(a) of the conference substitute provides that any publicly owned treatment works on which construction was started after June 30, 1966, but before July 1, 1972, which was approved by the appropriate State agencies and which the Administrator finds meets the requirements of section 8 of this Act in effect at the time of initiation of construction shall be reimbursed a total amount equal to the difference between the amount of Federal financial assistance, if any, received under section 8 and 50 per centum of the cost of the project or 55 per centum if the Administrator determines the treatment works were constructed in conformity with a comprehensive metropolitan treatment plan as described in section 8(f) of the Federal Water Pollution Control Act as in effect immediately prior to the date of enactment of these amendments. No treatment works shall receive Federal grants from all sources including this provision in excess of 80 per centum of the cost of the project.

Subsection (b) is the same as that subsection in the Senate bill which requires that the project meet the requirements of section 8 prior to the date of enactment of these amendments rather than the requirements of that section as they were contained in the law immediately prior to such date of enactment.

Subsections (c) and (d) of section 206 of the conference substitute require that an application for assistance under this section be filed with the Administrator within one year of the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, and authorizes the revision from time to time thereafter of that application. Further, the Administrator is required to allocate to each qualified project under subsection (a) each fiscal year for which funds are appropriated under this section an amount which bears the same ratio to the unpaid balance of the reimbursement due such project as the total of such funds for such year bears to the total unpaid balance of reimbursement due all such approved projects on the date of enactment of the appropriation. The Administrator is required to allocate to each qualified project under subsection (b) each fiscal year for which funds are appropriated under this section an amount which bears the same ratio to the unpaid balance of the reimbursement due such project as the total of such funds for such year bears to the total unpaid balance of reimbursement due all such approved projects on the date of enactment of such appropriation.

The remainder of this section is the same as the House amendment.

AUTHORIZATION

Senate bill

Section 207 authorizes $14 billion for construction grants, not to exceed $2 billion of which would be authorized for fiscal 1972, $3 billion for fiscal 1973, $4 billion for fiscal 1974, and $5 billion for fiscal 1975. Up to 5 percent of the fiscal 1972–74 funds are authorized for expenditures on waste treatment management.

House amendment

Section 207 authorizes for construction grants and to carry out title II, except sections 208 and 209, $5 billion for fiscal 1973, $6 billion for fiscal 1974, and $7 billion for fiscal 1975.

Conference substitute

Section 207 of the conference substitute authorizes not to exceed $5,000,000,000 for fiscal 1973, not to exceed $6,000,000,000 for fiscal 1974, and not to exceed $7,000,000,000 for fiscal 1975. Funds for waste treatment management are authorized in section 208.

DISBURSEMENT

Senate bill

Section 208 authorizes the Administrator to make payments through the Department of the Treasury.

House amendment

No comparable provision.

Conference substitute

No comparable provision.

AREAWIDE WASTE TREATMENT MANAGEMENT

Senate bill

Under section 209, the Administrator is required to establish guidelines under which each State Governor would designate waste management regions and an agency to develop a waste management plan for each of the regions. If a Governor fails to designate agencies, the chief local officials in the area may assume the responsibility.

Within two years of designation, all such agencies are required to develop waste treatment management plans to regulate all sources of pollution within a region. A six-month extension could be granted to individual regions.

The plan is required to contain waste treatment construction priorities and information on water treatment needs for a 20-year period, and to create a regulatory program to control industrial discharges and disposal of pollutants onto the land or into subsurface excavation. Also, to the extent possible, the plan is required to include control over pollution related to agriculture, mine water, construction, and salt water intrusion.

The Administrator is required to assist in financing development of the plans, and the Corps of Engineers is authorized, upon request of a Governor, to provide technical assistance.

After a Governor has designated regional agencies, he is responsible for carrying out of the plan, building waste treatment facilities, and assessing user charges. After July 1, 1974, all grants would go to a designated agency for projects that conform with the waste management plan. After an agency is designated, 100 percent planning grants are available for the first two years and 75 percent grants are available thereafter.

House amendment

Section 208 authorizes areawide waste treatment management plans. Under the planning process, the Administrator is required to promulgate regulations designating urban industrial and other areas with serious water quality control problems.

The Governor of each State would designate areas requiring areawide planning and appoint a planning agency for each State. Plans should be developed by existing regional organizations whenever possible. After the planning organizations have been designated, they would have two years to initiate a planning process.

The plans must include the anticipated construction required to meet municipal and industrial waste treatment needs for 20 years, establishment of construction priorities, establishment of regulatory programs, and designation of agencies required to manage the program. When a plan is submitted to the Administrator for approval, the Governor may include the name of one or more agencies capable of carrying out pollution control within the planning areas.

After a plan is approved by the Administrator, the Governor must annually certify revisions in conformance with basin plans, and provide an evaluation of the plan's effectiveness.

The section authorizes $100 million for fiscal 1973 and $150 million for fiscal 1974 to be used by planning agencies. For fiscal 1973–75, the Administrator would make 100 percent grants to the agencies, with a ceiling of 75 percent for fiscal years thereafter.

In addition to grants, the section authorizes the Administrator to provide the agencies consulting services and technical assistance.

The section also authorizes the Corps of Engineers at the request of a State to assist planning agencies in developing and operating a continuing management process. For each of fiscal 1973 and 1974, $50 million would be authorized for the Corps' assistance.

Conference substitute

Section 208 of the conference substitute is the same as the Senate bill and the House amendment with the following changes:

(1) In designating the boundaries of areas having substantial water quality control problems, the Governor is required to consult with appropriate elected and other officials of local governments having jurisdiction in such areas and the Governor is required to designate a single representative organization, including elected officials from local governments or their designees, capable of developing an effective areawide waste treatment management plan for the area.

(2) If the Governor does not designate an area within the time required or does not make a determination not to make such a designation within the time required by paragraph (2) of subsection (a) of this section or, in the case of an interstate area, if the Governors of the States involved do not designate a planning organization within the time required by paragraph (3), then the chief elected officials of local governments within the area may, by agreement, designate the boundaries of the area and an organization composed of elected officials from the general public, local governments within the area, and other appropriate individuals capable of developing an areawide waste treatment management plan for such area.

(3) A State is required to act as a planning agency for all portions of the State which are not specifically designated under paragraph (2), (3), or (4) of the subsection.

(4) The requirement that a designated organization have in operation a continuing areawide waste treatment management planning process within two years of the date of designation of the organization is reduced to one year, and the initial plan prepared in accordance with the process is to be certified by the Governor and submitted to the Administrator not later than two years after the planning process is in operation.

(5) Any plan prepared under the process is required to identify, if appropriate, "silviculturally" related nonpoint sources of pollution as well as agriculturally related nonpoint sources and includes forest lands.

(6) Any plan prepared under the process is also required to include a process to control the disposition of all residual waste generated within the area which could affect water quality and a process to control the disposal of pollutants on land or in subsurface excavations within the area to protect ground and surface water quality.

(7) Whenever the Governor of a State determines and notifies the Administrator that consistency with a statewide regulatory program under section 203 so requires, then the requirements of clauses (F) through (K) of paragraph (2) of subsection (b) of this section are required to be developed and submitted by the Governor to the Administrator for application to all regions within such State.

(8) The Governor of each State, in consultation with the planning agency designated under subsection (a) of this section, at the time a plan is submitted to the Administrator, shall designate one or more waste treatment management agencies (which may be an existing or newly created local regional or State agency or political subdivision) for each area designated under subsection (a) of this section and submit such designations to the Administrator. The Administrator is required to accept such designation unless within 120 days of the designation he finds that the designated management agency (or agencies) does not have adequate authority to carry out the same requirements as are provided in clauses (A) through (I) of paragraph (2) of subsection (c) of section 208 of the House amendment.

(9) In lieu of the authorization of $100,000,000 for fiscal year 1973 submit to the Administrator each proposal for which a grant is applied for, and the Administrator is required to act upon such proposal as soon as practicable after submission. His approval of that proposal is a contractual obligation of the United States for payment of its contribution to the proposal. Not to exceed $50,000,000 is authorized for fiscal 1973, not to exceed $100,000,000 for fiscal 1974, and not to exceed $150,000,000 for fiscal 1975.

BASIN PLANNING

Senate bill

No comparable provision.

House amendment

Section 209 requires the President, acting through the Water Resource Council, to prepare a "Level B" plan, for all basins, under the Water Resources Plannng Act. All plans must be completed by January 1, 1980. A total of $200 million would be authorized for development of the basin plans.

Conference substitute

This provision is the same as the House amendment except for minor clerical changes.

The conference adopted the House amendment directing the President, through the Water Resources Council, to require the preparation of comprehensive regional or river basin plans (Level B) for all areas of the Nation by 1980, and authorizing appropriations not to exceed $200 million for this purpose. It is the conferees' intent not to displace or duplicate existing river basin planning authorizations and agencies. While preparation of the plans required by this provision will be managed by the Council, the bulk of the funds authorized will be transferred to and utilized in the actual conduct of these studies by the Environmental Protection Agency, the Corps of Engineers, and other agencies having primary statutory responsibility for the preparation of plans for a given river basin.

ANNUAL SURVEY

Senate bill

No comparable provision.

House amendment

Section 210 requires the Administrator to make an annual survey of operation and maintenance of publicly owned treatment works and to include the results of the survey in required annual reports to Congress.

Conference substitute

This section is the same as the House amendment.

SEWAGE COLLECTION SYSTEMS

Senate bill

No comparable provision.

House amendment

Section 211 allows grants for sewage collection systems only when the system is for an existing community and is necessary to the integrity of a total waste treatment works system.

Conference substitute

This section provides that no grant shall be made for a sewer collection system unless the grant (1) is for replacement or major rehabilitation of an existing system and is necessary to the total integrity and performance of the waste treatment works servicing the community, or (2) is for a new collection system in the existing community with sufficient existing or planned capacity to adequately treat the collected sewage and is consistent with section 201.

The authority provided in this section covers only communities in existence on the date of the enactment of this bill. It is the committee's intent that sewage collection systems for new communities, new subdivisions or newly developed urban areas, be addressed in the planning of such areas and be included as a part of the development costs of the new construction in these areas. They are not to be covered under the construction grant program.

DEFINITIONS

Senate bill

Section 210 defines the terms "construction", "treatment works", "replacement", "industrial user", and "grant" for the purposes of title II.

House amendment

Section 212 defines the same terms as are defined in the Senate bill for the purposes of title II except for the deletion of the definition of the term "grant".

Conference substitute

The conference substitute is basically the same as the Senate bill as revised by the House amendment, except for the deletion of the definition of the term "industrial user" which has been placed in the general definitions section in title V.

TITLE III—STANDARDS AND ENFORCEMENT

EFFLUENT LIMITATIONS

Senate bill

The discharge of any pollutant is illegal, except as permitted under section 301, 302, 306, 307, or 402.

By January 1, 1976, all point sources of pollution, except publicly owned treatment works, must have in use the best practicable treatment technology or meet any section 307 pretreatment standard, if the effluent is sent through a publicly owned treatment works.

All publicly owned facilities must utilize secondary treatment by that same date, or within four years of the date that construction was started on any grant project begun prior to June 30, 1974.

By 1981, point sources, other than publicly owned treatment works, must eliminate the discharge of pollutants. An exception to this requirement shall be granted if the owner presents information to the Administrator showing that compliance cannot be attained at a reasonable cost. If that occurs, the discharge limitation for that source shall be the best available technology. The section 307 pretreatment standard covers any industrial discharge into publicly owned treatment works.

Any publicly owned treatment works that is approved before June 30, 1974, must comply with section 201.

This section requires that all effluent limitations must be reviewed at least every five years.

A prohibition is declared on the discharge of any radiological, chemical, or biological warfare material, or any high-level radioactive waste.

House amendment

Section 301 requires that effluent limitations be in effect by 1976. All point sources of pollution discharge, other than publicly owned treatment works, are required to achieve effluent limitations requiring use of "the best practicable control technology".

Publicly owned treatment works in existence on January 1, 1976, or those approved for construction grants before June 30, 1974, are required to meet effluent limitations based on secondary treatment as defined by the Administrator.

By January 1, 1981, point sources other than publicly owned works are required to eliminate discharge of pollutants unless it is demonstrated that compliance is not attainable at a reasonable cost. If that can be shown, point sources other than publicly owned works would be required to apply the best available demonstrated technology.

Conference substitute

Section 301(a) is the same as the Senate bill and the House amendment.

Paragraph (1) of subsection (b) of section 301 is the same as the provisions in the Senate bill and the House amendment, except that the date of January 1, 1976, which requires effluent limitations based upon best practicable control technology for point sources other than publicly owned treatment works is extended to July 1, 1977, and for publicly owned treatment works effluent limitations based on secondary treatment is also extended from January 1, 1976, to July 1, 1977. In addition, the requirement that by January 1, 1976, any more stringent limitations including those necessary to meet water quality standards, treatment standards, or schedules of compliance established pursuant to any other State or Federal law or regulation or required to implement an applicable water quality standard is extended from January 1, 1976, to July 1, 1977, and is confined to those standards or schedules of compliance established pursuant to any State law or regulation (under authority preserved by section 510) or any other Federal law or regulation.

Paragraph (2)(A) of subsection (b) of section 301 is amended to provide that not later than July 1, 1983, effluent limitations for categories and classes of point sources other than publicly owned treatment works which (i) shall require application of the best available technology economically achievable for such category or class, which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b)(2), which effluent limitations shall require the elimination of discharges of all pollutants if the Administrator finds, on the basis of information available to him (including that developed under section 315) that such elimination is technologically and economically achievable for a category or class of point sources as determined in accordance with regulations issued by the Administrator pursuant to section 304(b)(2), or (ii) in the case of the introduction of a pollutant into a publicly owned treatment works which meets the requirements of subparagraph (B) of this paragraph, shall require compliance with any applicable pretreatment requirements and any other requirement under section 307, and paragraph (2)(B) provides that not later than July 1, 1983, compliance by all publicly owned treatment works with the requirements set forth in section 201 (g)(2)(A) of this Act.

Subsection (c) of section 301 of the conference substitute provides that the Administrator may modify the requirements of subsection (b)(2)(A) of this section with respect to any point source for which a permit application is filed after July 1, 1977, on a showing by the owner or operator of such point source satisfactory to the Administrator that the modified requirements (1) will represent the maximum use of technology within the economic capability of the owner or operator, and (2) will result in reasonable further progress toward the elimination of the discharge of pollutants.

Subsections (d), (e), and (f) of the conference substitute are the same as subsections (c), (d), and (e) of this provision of the House amendment.

The conferees intend that the administrator or the State, as the case may be, will make the determination of the economic impact of an effluent limitation on the basis of classes and categories of point sources as distinguished from a plant by plant determination. However, after July 1, 1977, the owner or operator of a plant may seek relief from the requirement to achieve effluent limitations based on best available technology economically achievable. The burden will be on him to show that modified requirements will represent the maximum use of technology within his economic capabiilty and will result in reasonable further progress toward the elimination of the discharge of pollutants. If he makes this showing, the Administrator may modify the requirements applicable to him.

WATER QUALITY RELATED EFFLUENT LIMITATIONS

Senate bill

Section 302 requires more stringent standards than those required by section 301 if such effluent limits would interfere with attaining the 1981 interim goal. The interim goal requires a water quality assuring protection and propagation of fish, shellfish, and wildlife, and provides for recreation in and on the water. Before a more restrictive standard can be set, the balance between the economic and social costs of a new limitation and the social and economic benefits are required to be determined at an administrative hearing.

House amendment

Section 302 would permit the setting of more stringent standards than those required by section 301, essentially using the same tests as the Senate bill. Before a more restrictive standard can be set, however, the House bill requires written comment and public hearings to determine economic, social, and environmental costs as compared to their benefits. If a person shows there is no reasonable relationship between these costs and benefits, then the limitation shall be adjusted as it applies to that person.

Conference substitute

Section 302 of the conference substitute is the same as section 302 of the Senate bill with the exception that all authority granted to a State in this section has been eliminated.

AQUACULTURE

Senate bill

Section 303 authorizes the Administrator to allow discharges of pollutants under controlled conditions for approved aquaculture projects.

House amendment

Section 318 authorizes the Administrator, after hearings, to permit discharge of specific pollutants under controlled conditions associated with an approved aquaculture project. The Administrator is required to establish procedures and guidelines necessary to carry out this provision by January 1, 1974.

Conference substitute

Section 318 of the conference substitute is the same as that provision in the Senate bill and the House amendment.

WATER QUALITY STANDARDS AND IMPLEMENTATION PLANS

Senate bill

No comparable provision.

House amendment

Section 303 of the House amendment continues the use of water quality standards contained in the existing law. Existing standards are adopted for the purposes of this revision both as to interstate and intrastate waters in the case where such standards have not been adopted and they are required to be adopted within 180 days from the date of enactment. Provision is made for the revision of existing standards and the adoption of new ones in the future. In addition, the State is required to rank by priority and establish daily loads with seasonal variations and, further, within 120 days to submit for approval by the Administrator a proposed continuing planning process consistent with the Act. Plans prepared under such process are required to include effluent limits, schedules of compliance, areawide waste treatment management plans, daily load limits, and adequate implementation controls over the disposition of residual waste and an inventory and ranking of needs for construction.

Conference substitute

This is the same as the provision in the House amendment, with the following exceptions:

(1) Subsection (d)(1) requires each State to identify the waters within its boundaries for which effluent limitations required by section 301 are not stringent enough to implement a water quality standard applicable to the waters. The State is to establish a priority ranking for such waters, taking into account the severity of the pollution and uses to be made of the water.

(2) Each State is to identify waters within its boundaries for which controls on thermal discharges under section 301 are not stringent enough to protect a balanced indigenous population of shellfish, fish, and wildlife.

(3) Each State is to establish for waters identified under paragraph (1)(A) in accordance with the priority ranking the total maximum daily load for those pollutants which the Administrator identifies as suitable for such calculation. This is to be established at a level necessary to implement water quality standards with seasonal variations and a margin of safety.

(4) Each State is to estimate for the waters identified in paragraph (1)(B) the total maximum daily thermal load required to assure protection and propagation of a balanced indigenous population of shellfish, fish, and wildlife. These estimates are to take into account normal water temperatures, flow rates, seasonal variations, existing sources of heat input, and dissipative capacity. In addition, they shall include a calculation of maximum heat input, including a margin of safety.

(5) The State is to submit to the Administrator from time to time the waters so identified and loads so established. The Administrator is to approve or disapprove the identification and load within 30 days after submission. If they are approved, the State must incorporate them into its plan under subsection (e). If he disapproves them, he is required to identify the waters and establish the loads, and the State is to incorporate that into its current plan.

(6) For the purpose of developing information, each State is to identify all waters which it has not otherwise identified under this subsection and estimate for them the total maximum daily load with seasonal variations and margins for safety of pollutants and for thermal discharges at a level that would assure protection and propagation of a balanced indigenous population of fish, shellfish, and wildlife.

(7) Each State is required to have a continuing planning process consistent with this Act and to submit such plan within 100 days after the date of enactment of this Act to the Administrator for his approval. The Administrator must approve or disapprove such process within 30 days after submission, and he must, from time to time, review the State's approved planning process to insure that it is at all times consistent with the Act.

(8) The Administrator is not to approve any State permit program under title IV for any State not having such an approved planning process.

(9) The planning process must include a process which will result in plans for all navigable waters within the State which include, among other things, total maximum daily loads for pollutants and thermal discharges.

INFORMATION AND GUIDELINES

Senate bill

Section 304 directs the Administrator to publish criteria on water quality within one year after enactment of the law. The criteria must reflect the latest scientific information on factors needed for restoration of the natural chemical, physical, and biological integrity of all navigable waters; propagation of fish, shellfish, and wildlife; and allow swimming, together with the effects that individual pollutants have on fish, plant life, and beaches as well as the movement of particular pollutants through the life chain.

Within one year after enactment, the Administrator is required to publish effluent limitation guidelines that identify the degree of effluent reduction that is attainable through the use of the best practicable available technology. Similar guidelines are required for assessing the degree of effluent reduction attained in the use of the best available technology. Such guidelines shall specify the factors to be taken into consideration in assessing both the best practicable and available technology, including the age of equipment and facilities, the process employed, and the cost of achieving such a reduction.

The section requires the Administrator to issue information on processes, procedures, and operating methods that would result in the reduction or elimination of discharges to meet required performance standards. The Administrator is required to issue information on alternative waste treatment systems which will be considered under treatment works construction grants.

The Administrator is required to publish guidelines and procedures on the impact of water quality of hydrographic modification work, and for identifying and controlling pollution from such nonpoint sources as agriculture, mining activities, and construction. The Administrator shall publish guidelines on pretreatment standards for pollutants which are not susceptible to treatment by publicly owned treatment works.

Guidelines for the required test procedures to analyze pollutants, and for the monitoring, reporting, and enforcement requirements under a State permit program shall be published by the Administrator.

Beginning in fiscal 1973, $100 million would be authorized annually under section 304.

House amendment

Section 304 of the House amendment basically requires the publication of the same criteria and guidelines as are provided in the Senate bill, except that it also requires the identification of pollutants suitable for maximum daily load measurements and requires with respect to the factors relating to the assessment of best practicable control technology and best available demonstrated technology to include the economic, social, and environmental impact of achieving the effluent reduction and of foreign competition. In addition, in establishing guidelines for State programs under Section 402 (permits) the House requires that these include guidelines on funding, personnel qualifications, and manpower requirements (including conflict of interest provisions).

Conference substitute

Section 304(a)(1) is the same as that provision in the Senate bill and the House amendment.

Section 304(a)(2) is the same as that provision in the House amendment, except that information on the factors necessary for the protection and propagation of shellfish, fish, and wildlife must be developed for classes and categories of receiving waters, and on the identification of pollutants suitable for maximum daily load measurement correlated with the achievement of water quality objectives is to be developed for the purpose of section 303.

Section 304(a)(3) is the same as the Senate bill and the House amendment.

Section 304(b)(1)(A) is the same as the Senate bill and the House amendment.

Section 304(b)(1)(B) provides that the Administrator's regulations providing guidelines for effluent limitations shall specify factors to be taken into account in determining the control measures and practices to be applicable to point sources (other than publicly owned treatment works) within categories or classes. Factors relating to the assessment of best practicable control technology currently available to comply with section 301(b)(1) shall include consideration of the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, and shall also take into account the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water environmental impact (including energy requirements), and such other factors as the Administrator deems appropriate.

Section 304(b)(2)(A) is the same as the

comparable provision of the House amendment with the exception that the degree of effluent reduction attainable through the application of the best available demonstrated control measures and practices is revised to provide the degree of effluent reduction attainable through the application of the best control measures and practices achievable.

Section 304(b) (2) (B) would require that the guideline regulations specify factors to be taken into account in determining the best measures and practices available to comply with subsection (b) (2) of section 301 to be applicable to any point source (other than publicly owned treatment works) within categories or classes. Factors relating to the assessment of best available technology shall take into account the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, the cost of achieving such effluent reduction, non-water quality environmental impact (including energy requirements), and such other factors as the Administrator deems appropriate.

Section 304(b) (3) is the same as that provision in the Senate bill and the House amendment.

Section 304(c) is the same as that provision in the Senate bill and the House amendment, except that the one-year period for the issuance of information is reduced to 270 days.

Sections 304 (d) through (g) are the same as the comparable provisions of the Senate bill and the House amendment.

Section 304(h) is the same as the comparable provision of the House amendment, except that the 90-day period for guidelines for uniform application forms and minimum requirements is reduced to 60 days.

Section 304(i) is the same as the comparable provision of the Senate bill and the House amendment, except that the one-year period for issuance of information is reduced to 270 days.

Section 304(j) is the same as the comparable provision of the Senate bill and the House amendment.

Except as provided in section 301(c) of this Act, the intent of the Conferees is that effluent limitations applicable to individual point sources within a given category or class be as uniform as possible. The Administrator is expected to be precise in his guidelines under subsection (b) of this section, so as to assure that similar point sources with similar characteristics, regardless of their location or the nature of the water into which the discharge is made, will meet similar effluent limitations.

WATER QUALITY INVENTORY

Senate bill

Section 305 requires the Administrator by July 1, 1973, to send Congress a report describing the specific quality of all United States waters as of January 1, 1973.

The section requires that the report identify all navigable waters which presently allow recreational activities and provide protection for fish propagation, those waters which will meet such standards by 1976 or 1981, and those which will do so at some future date.

Each State is required to submit by July 1, 1974, and annually thereafter, a report describing the existing water quality of all its navigable waters. The report shall correlate existing water quality with the water quality criteria under section 304(a) and include an analysis of to what extent the waters provide swimming and fish protection. Each State is required to submit an estimate on the economic and social costs necessary to achieve such water quality, and when such achievement is expected.

The report describes the nature and extent of nonpoint sources of pollutants, programs to control such sources, and the cost of such programs.

House amendment

Section 305 requires the Administrator to report on the specific quality of all United States waters during 1972 by July 1, 1973. The report would identify and inventory point sources of discharge, together with an analysis of each discharge.

Each State is required to submit a report describing the existing water quality of all its navigable waters by July 1, 1974, and annually thereafter. The States are required to submit an estimate of the costs of achieving water quality that protects fish and wildlife areas suitable for recreation.

Conference substitute

This is the same as the Senate bill and the House amendment except that subsection (b) (1) (D) has been revised to require the annual State report to include an estimate of (i) the environmental impact, (ii) the economic and social costs necessary to achieve the objectives of the Act in that State, (iii) the economic and social benefits of such achievement, and (iv) an estimate of the date of such achievement. Appropriate reporting date revisions have been made.

NATIONAL STANDARDS OF PERFORMANCE

Senate bill

Section 306 requires new sources of pollution in at least twenty-eight specified industries to be constructed to meet a standard that reflects the greatest degree of effluent reduction that can be achieved by use of the latest available control technology. If it is practicable, this could be a standard that permits no discharge of pollution. The Environmental Protection Agency must promulgate the best available technology standard for each industry. That technology must be followed by each plant which by modification becomes subject to the new source standards, unless the economic and social costs of achieving such a standard far exceeds the social and economic benefits. If that occurs, a lesser standard will be promulgated.

The Administrator may distinguish among classes and sizes of new sources. He may also delegate this authority to individual States if they develop procedures for setting and enforcing such standards.

House amendment

Section 306 requires all new stationary sources to be constructed to meet a standard which reflects the greatest degree of effluent reduction that can be achieved by use of "the latest available demonstrated technology". If practicable, the standard would permit no discharge of pollutants.

In setting such standards, the Administrator is required to consider the costs and benefits of attaining such a degree of effluent reduction.

The House provision is very similar to the Senate bill, except for the elimination of cotton ginning from the list of industries initially required to be covered and the requirement that in establishing these performance standards for new sources, age of equipment, process employed, engineering aspects of the application of various techniques, process changes, and the cost and economic, social, and environmental impact, and foreign competition be taken into consideration. In addition, the House eliminates the authority for delegation of this provision to the States.

Conference substitute

Section 306(a) is the same as the comparable provision of the Senate bill and the House amendment with the exception of the elimination of the term "modification", which reduces the application of this section solely to new construction.

Section 306(b) (1) (A), except for a minor technical change, is the same as the comparable provision of the Senate bill and the House amendment.

Section 306(b) (1) (B) is the same as the comparable provision of the Senate bill, except that in establishing or revising Federal standards of performance for new sources the Administrator shall take into consideration the cost of achieving the effluent reduction and any non-water quality environmental impact and energy requirements.

Section 306(b) (1) (C) of the Senate bill and the House amendment has been eliminated.

Subsection (d) of this section of the conference substitute modifies the Senate bill to authorize a State to develop and submit to the Administrator a procedure under State law for applying and enforcing standards of performance for new sources located in that State. If the Administrator finds that this procedure and law require application and enforcement of standards of performance to at least the same extent as is required by this section, then the State is authorized to apply and enforce such standards of performance (except with respect to new sources owned or operated by the United States).

The conferees included a provision comparable to section 301(f) of the House amendment. Any point source the construction of which is begun after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 which is constructed so as to meet all applicable standards of performance is not to be subject to any more stringent standard of performance during the ten-year period beginning on date of completion or during the period of depreciation or amortization for Federal tax purposes, whichever period ends first.

The Conference substitute on section 306 follows, for all practicable purposes, the intent of both the Senate bill and House amendment. The Conference substitute requires establishment of a regulatory mechanism for new sources which anticipates not only that level of effluent reduction which can be achieved by the application of technology (including where practicable elimination of the discharge of pollutants), but also the achievement of levels of pollution control which are available through the use of improved production processes, taking into consideration the cost of achieving such effluent reduction. This does not mean that the Administrator is to determine the kind of production processes or the technology to be used by a new source. It does mean that the Administrator is required to establish standards of performance which reflect the levels of control achievable through improved production processes, and of process technique, etc., leaving to the individual new source the responsibility to achieve the level of performance by the application of whatever technique determined available and desirable to that individual owner or operator.

The Conferees deleted reference to the term "modification" when applied to new sources. The inclusion of this requirement in the Senate and the House bill was believed by the Conferees to be superfluous in light of the provisions which require existing sources (which might become subject to new source performance standards as a result of modification) to meet specific levels of effluent reduction by specific dates pursuant to section 301. To subject those sources to interim levels of control, simply because of a "modification", would be redundant with the requirements of effluent limitations based on best practicable and best available technology. In any event, if an existing source modifies or changes its operation so as to alter the nature or amount of pollutants discharged, these would be a violation of the conditions of an existing permit and subject to review by the permitting agency. Further action by that source could be required. The Conferees determined that the process established under section 306 for "modifications" would be burdensome, duplicative and, therefore, it was deleted.

TOXIC AND PRETREATMENT EFFLUENT STANDARDS

Senate bill

Section 307 requires the Administrator to publish, within 90 days of enactment, a list of pollutants that are determined to be toxic. Six months after publication of such list, the Administrator must publish proposed effluent limitations for the pollutants. The limitation can be a discharge prohibition.

The Administrator also is required to hold a hearing within 30 days after publishing the proposed limitations, and to promulgate the standards no later than six months after publishing the proposed standards. However, the standards may be varied if testimony at the hearing warrants such action. The bill provides that any standard or prohibition shall become effective no later than one year after promulgation.

Section 307(b) requires the Administrator to set national pretreatment standards for the discharge of pollutants into publicly owned treatment works. The standards shall cover pollutants that are not susceptible to treatment at the treatment facility or that would interfere with operation of a municipal treatment plant.

House amendment

Section 307 requires the Administrator to publish a list of toxic pollutants within 90 days of enactment of the title. Six months later the Administrator must publish a proposed effluent standard for each listed toxic pollutant. The standards may include a prohibition of the discharge of a toxic pollutant or combination of pollutants.

The section also requires the Administrator to set national pretreatment standards. The standards shall be utilized to prevent introduction of industrial and commercial pollutants into municipal collection systems and treatment plants.

Conference substitute

Sections 307(a) (1) and (2) are the same as the comparable provisions of the House amendment, except that the Administrator is required to take into account the usual or potential presence of the affected organisms in any water rather than in the receiving waters as is provided in the House amendment.

Sections 307(a) (3) and (4) are the same as the comparable provisions of the Senate bill and the House amendment.

Section 307(a) (5) provides that when proposing or promulgating any effluent standard or prohibition under this section the Administrator shall designate the category or categories of sources to which the standard or prohibition shall apply. Any disposal of dredged material may be included in such a category of sources after consultation with the Secretary of the Army.

Sections 307(a) (6) and (7) and section 307(b) are the same as the comparable provisions in the Senate bill and the House amendment.

Pretreatment of biological waste that is compatible with the treatment provided by a publicly owned waste treatment plant into which such waste is introduced may not be necessary. Examples of such biological waste may be the normal effluent of a brewery and of food processing plants where the composition and proportion of such effluent is compatible with the municipal waste treatment system. In no event is it intended that pretreatment facilities be required for compatible wastes as a substitute for adequate municipal waste treatment works.

The conference substitute also contains two new subsections lettered (c) and (d). Subsection (c) provides that, in order to insure that any source introducing pollutants into a publicly owned treatment works which would be a new source subject to section 306, if it were to discharge directly into the navigable waters the pollutant itself will not cause a violation of the effluent limitations established for the treatment works, the Administrator shall promulgate pretreatment standards for the category of such sources simultaneously with the promulgation of standards of performance under section 306 for the equivalent category of new sources. These pretreatment standards shall prevent the discharge of any pollutant into the treatment works, which pollutant may interfere with, pass through, or otherwise be incompatible with such works. Subsection (d) provides that after the effective date of any effluent standard or prohibition or pretreatment standard promulgated under this section it shall be unlawful for any owner or operator of any source to operate any source in violation of any such effluent standard or prohibition or pretreatment standard.

Under the conference substitute individual industrial users of municipal waste treatment plants will not be required to obtain a permit under section 402. However, the conferees agree, in section 402(b)(8), that each municipal waste treatment plant permit must identify any industrial users and the quality and quantity of effluents introduced by them. The Conference substitute provides that violation of pretreatment standards is enforceable directly against the industrial user by the Administrator. The conferees intend that the agency which issues the permit for a publicly owned treatment works shall receive notice of changes in the quality and quantity of the effluent to be introduced into such treatment works by any industrial user and have an opportunity to examine the impact on the discharge from such works resulting from such changes for the purpose of determining if there may be a violation of the permit. The conferees intend that the monitoring requirements of section 308 shall apply to industrial users introducing effluents to a publicly owned treatment works.

The conference substitute also provides that the Administrator shall establish pretreatment standards for new sources simultaneously with the establishment of new source performance standards in order to assure that any new source industrial user of municipal waste treatment plants will achieve the effluent controls necessary to assure that such users' effluents when introduced into the publicly owned works will not cause a violation of the permit and to eliminate from such effluents any pollutants which might interfere with, pass through, or otherwise be incompatable with the functioning of the municipal plant.

INSPECTIONS, MONITORING, AND ENTRY

Senate bill

Section 308 requires the owner or operator of any effluent source to install and maintain pollution control equipment. The requirement includes monitoring of the biological effects of any discharge.

The Administrator is given authority to inspect records, monitoring equipment, and effluents. The Administrator could delegate such authority to any State establishing its own program.

The bill also grants the public access to any records or reports obtained by the Administrator or a State unless a report includes a trade secret.

House amendment

Section 308 authorizes the Administrator to require monitoring of all point sources, to enter and inspect any premise where an effluent source is located, and to inspect any records.

This provision is basically the same as the Senate bill except for authority for a State to be delegated to carry out this section.

Conference substitute

This provision of the conference substitute is the same as that of the Senate bill and the House amendment with the following exceptions:

(1) Records, reports, and information obtained under this section shall, in the case of effluent data, be related to any applicable effluent limitations, toxic, pretreatment, or new source performance standards.

(2) A State may develop and submit to the Administrator procedures under State law for inspection, monitoring, and entry with respect to point sources located in the State. If the Administrator finds that these are applicable to at least the same extent as those required by this section, then the State may apply and enforce its procedures for inspection, monitoring, and entry within the State (except with respect to point sources owned or operated by the United States).

FEDERAL ENFORCEMENT

Senate bill

Section 309 requires the Administrator to provide notice to a polluter and the State upon discovering violation of any effluent limitation. The Administrator also is required to issue a compliance order to to bring a civil suit against the polluter.

If the Administrator discovers widespread violations of the limitations, he is required to notify the State. If the State fails to act within 30 days, he is required to give public notice and assume enforcement over all effluent limitation requirements in the State.

When the Administrator finds anyone violating any effluent limitations, performance standards, toxic and pretreatment standards, inspection and monitoring requirements, or permit requirements, the section requires him to either issue an order that requires immediate compliance or to bring a civil suit. If the violation involves the inspection and monitoring requirements, the Administratŏr's order would not take effect until the polluter has had an opportunity to confer with him. If such an abatement order is not complied with, the Administrator would initiate a civil suit for appropriate relief, such as an injunction.

Anyone willfully or negligently violating provisions of the Act is liable to a fine not to exceed $25,000 per day of violation and one year in jail. For a willful or negligent violation under which the Administrator is required to issue an order requiring immediate compliance or to bring a civil suit, the fine would not be less than $2,500 per day. The penalty for a second conviction would be up to $50,000 per day of violation and two years in jail.

Anyone who is found to have knowingly made a false statement on any application or report, or who has tampered with a monitoring device, is liable to a $10,000 fine and six months' imprisonment.

House amendment

Section 309 is basically the same as the Senate bill except that the Administrator is authorized rather than required to initiate civil actions or criminal proceedings. Civil penalties cannot exceed $10,000 per day of violation, and criminal penalties cannot exceed $50,000 per day of violation and two years' imprisonment.

Conference substitute

This is the same as the House amendment.

INTERNATIONAL POLLUTION ABATEMENT

Senate bill

Section 310 provides for international pollution abatement. If the Secretary of State requests abatement of pollution from a United States source that endangers the health or welfare of persons in a foreign country, the Administrator must notify the State where the discharge originates.

The section further states that if the pollution is in sufficient quantity to warrant such action, and if the foreign nation has given the United States similar rights over pollution originating in that nation, the Administrator will call a hearing. The hearing board would make a recommendation, and the Administrator shall initiate abatement action if the board recommendation calls for a halt of the pollution.

House amendment

Section 310 is identical to the Senate bill.

Conference substitute

This provision is the same as the House amendment.

OIL AND HAZARDOUS SUBSTANCE LIABILITY

Senate bill

Section 311 which deals with oil and hazardous substance liability is basically the same as existing law. The section is modified, however, to add liability for the cleanup of any hazardous material discharged into navigable waters.

The Administrator is required to designate substances and quantities that are hazardous. To be judged hazardous, a pollutant must present an imminent and substantial danger to the public health or welfare, including fish, shellfish, and beaches.

The discharger of any hazardous substance that cannot be cleaned up would be liable to a $5,000 penalty for each barrel of discharged material. The discharger has the same defenses as under present law for anyone discharging oil.

House amendment

Section 311 is basically the same as existing law with respect to oil spills, but adds new provisions for hazardous substances. Dischargers of hazardous substances can be fined up to $50,000. If it is determined that the discharge was willful, the discharger would be liable to a penalty determined by the Administrator without any top limit.

The section requires the Administrator to publish a list of hazardous substances. A substance can be classified as hazardous if it presents an imminent and sustained danger to the public health and welfare, including fish, shellfish, and beaches.

Conference substitute

This is the same as the Senate bill and the House amendment with the following changes:

(1) Subsection (b)(2)(B) is revised as follows:

(A) The Administrator shall include in any designation of a hazardous substance a determination of whether it can actually be removed.

(B) As provided in the House amendment, if a hazardous substance is determined not removable, then the owner or operator of any vessel or onshore or offshore facility from which there is discharged such substance shall be liable, subject to subsection (f) defenses, to the United States for a civil penalty per discharge established by the Administrator based on toxicity, degradability, and dispersal characteristics of the hazardous substance. This applies during the two-year period beginning on the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. Such civil penalty shall be in an amount not to exceed $50,000 unless there is a showing of willful negligence or misconduct within the privity and knowledge of the owner, in which case there is no limit to the civil penalty.

(C) As modified from the Senate bill, from and after two years after the date of enactment of this Act, the owner or operator of any vessel or onshore or offshore facility from which there is discharged any hazardous substance not removable shall be liable, subject to subsection (f) defenses, to either (i) a penalty in an amount established by the Administrator based on toxicity, degradability, and dispersal characteristics of the substance, but not less than $500 nor more than $5,000, or (ii) a penalty determined by the number of units discharged multiplied by the amount established for that unit, but not more than $5,000,000 in the case of a discharge from a vessel and $500,000 in the case of a discharge from an onshore or offshore facility. The determination of which of these two penalties shall be imposed shall be that made by the Administrator in his discretion. The Administrator is required to establish by regulation for every hazardous substance which he designates a unit of measure based on usual trade practices and is required to establish for each such unit a fixed monetary amount not less than $100 nor more than $1,000 per unit. This amount is to be based on toxicity, degradability, and dispersal characteristics of the substance and must be established within six months of the designation of the hazardous substance.

(2) Subsection (c)(2), which requires a "National Contingency Plan", is amended as proposed in the Senate bill to require that plan to include a system whereby the State or States affected by a discharge of oil or hazardous substance may act to remove the discharge and thereafter be reimbursed for reasonable costs.

(3) As modified from the Senate bill, subsection (p), relating to financial responsibility, is further amended to provide for a fine of not more than $10,000 for failure to comply with this subsection and authorizes the Secretary of the Treasury to refuse clearance to vessels not having evidence of financial responsibility and the Coast Guard to deny entry or detain at any port any vessel not producing on request such evidence of financial responsibility.

Notwithstanding the broad definition of "discharge" in subsection (a)(2) the provisions of this section are not intended to apply to the discharge of oil from any onshore or offshore facility, which discharge is not in harmful quantities and is pursuant to, and not in violation of, a permit issued to such facility under section 402 of this Act.

The Conferees direct that the Administrator initiate a study in cooperation with such non-agency scientists and other experts as are available, to identify and quantify the impact of the discharge of designated hazardous substances on the biological, physical, and chemical integrity of the Nation's waters. Such study should be submitted to Congress no later than 18 months after enactment of this Act together with any appropriate recommendations.

The conferees hope that during the next two years the appropriate committees of the Congress will consider the need for legislation to improve methods of storing, shipping, and handling hazardous substances which cannot be removed from the water. If such legislation is enacted, the conferees agree that the liability provisions of this section will be reviewed and necessary changes proposed by the Committees on Public Works.

MARINE SANITATION DEVICES

Senate bill

Section 312 is basically the same as existing law. However, this section frees from State regulation any boat owner who installs a federally certified sanitation device prior to the effective date of regulations requiring such devices.

House amendment

Section 312 is essentially the same as the comparable provision of the Senate bill with the exception that in lieu of the Federal preemption contained in the Senate bill the House subsection (f) permits a State to completely prohibit the discharge from a vessel of any sewage, treated or not, into any waters of the State which the State determines require greater environmental protection than this section would otherwise provide.

Conference substitute

Section 312 is the same as the Senate bill and the House amendment, except that subsection (f) is amended as follows:

(1) After the effective date of initial standards no State or political subdivision thereof shall adopt or enforce any statute or regulation with respect to design, manufacture, installation, or use of any marine sanitation device on a vessel subject to this section.

(2) If, after the initial standards and regulations are promulgated and before their effective date, a vessel is equipped with a device in compliance with those standards and regulations and the installation and operation is in accordance with them, then such standards and regulations shall become effective with respect to that vessel on the date of its compliance therewith.

(3) After the effective date of the initial standards and regulations, if a State determines that the protection and enhancement of the quality of some or all of its waters requires greater environmental protection, such State may completely prohibit the discharge from all vessels of any sewage, treated or not, into such waters, except that no such prohibition shall apply until the Administrator determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such water to which the prohibition would apply. Upon application of the State, the Administrator must make this determination within 90 days of the date of the application.

(4) If the Administrator determines, on application by a State, that the protection and enhancement of the quality of specified waters within the State requires a prohibition, he shall by regulation completely prohibit the discharge from a vessel of any sewage, treated or not, into such waters.

FEDERAL FACILITIES POLLUTION CONTROL

Senate bill

Section 313 requires Federal facilities to meet the same effluent limitations as other sources of pollution, unless the facility is specifically exempted by the President. The President cannot exempt a Federal source from national performance standards or toxic and pretreatment standards.

House amendment

Section 313 requires Federal facilities to meet the same requirements as private sources of pollution unless specifically exempted by the President in essentially the same manner as the Senate bill.

Conference substitute

This section is the same as the Senate bill and the House amendment.

CLEAN LAKES

Senate bill

Section 314 requires all States to identify and classify their lakes according to eutrophic condition, and to set up procedures to control and restore polluted lakes.

States would be eligible for 70 percent Federal grants, with $50 million authorized for fiscal 1972, $100 million for fiscal 1973, and $150 million for fiscal 1974.

House amendment

Section 314 requires each State to submit an identification and classification of all publicly owned fresh water lakes. The State also is required to develop methods for preventing pollution in the lakes. A total of $300 million would be authorized for this program in essentially the same manner as the Senate bill.

Conference substitute

This section is the same as the Senate bill and the House amendment, except that the authorization is for $50,000,000 for fiscal year 1973, $100,000,000 for fiscal year 1974, and $150,000,000 for fiscal year 1975.

NATIONAL ACADEMIES STUDY

Senate bill

No comparable provision.

House amendment

Section 315 requires the National Academies of Sciences and of Engineering to study the economic, social, environmental, and technological effects of achieving or not achieving the 1981 limitations and goals and to report to Congress within two years their results and recommendations. Notwithstanding any other provision of the Act, the limitations, goals, and policies established for 1981 are not to go into effect until such time as Congress by statute enacted after receipt of the report specifically so provides.

Conference substitute

Section 315 of the conference substitute establishes a National Study Commission which is to make a full and complete investigation and study of all the technological aspects of achieving and all aspects of the total economic, social, and environmental effects of achieving or not achieving the effluent limitations and goals set for 1983 in section 301(b)(2). The Commission is to be composed of 15 members—five Members of the Senate Public Works Committee, five of the House Public Works Committee, and five from the public, and in conducting the study the Commission is authorized to contract with the National Academy of Sciences and the National Academy of Engineering (acting through the National Research Council), the National Institute of Ecology, Brookings Institute, and other non-governmental entities for the investigation of matters within their competence. The heads of the departments and agencies of the Federal Government are required to cooperate with the Commission and furnish necessary information. A report is to be submitted to Congress not later than three years after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. Members of the Commission who are not officers or employees of the United States are entitled to receive compensation at a rate not in excess of the maximum for GS-18 of the General Schedule and, while away from their homes or regular places of business, they may be allowed travel expenses including per diem in lieu of subsistence as authorized by law for persons in the Government service employed intermittently. There is an authorization of not to exceed $15,000,000 to carry out this section. The appropriations to carry out this section should be a part of the Legislative Branch Appropriation Act.

REGULATION OF THERMAL DISCHARGES

Senate bill

No comparable provision.

House amendment

Section 316 requires the Administrator within one year to issue proposed regulations to control thermal discharges. A procedure is established to afford interested persons an opportunity to comment on the proposed regulations and, when promulgated, the regulations are to apply to thermal discharges from all sources unless on a case-by-case basis the Administrator determines economic and social costs of applying them to a particular point source bears no reasonable relationship to the benefits to be obtained, in which case the regulation shall be adjusted for that source.

Conference substitute

The conference substitute provides that with respect to a point source subject to section 301 or 306 of this Act if the owner or operator of that source after opportunity for public hearing demonstrates to the Administrator's satisfaction (or, if appropriate, the State) that any effluent limitation proposed for the control of the thermal component of any discharge from such source requires effluent limits more stringent than is necessary to assure the protection and propagation of a balanced indigenous population of shellfish, fish, and wildlife in and on the body of water into which the discharge is to be made, then the Administrator (or State) may impose an effluent limitation with respect to the thermal component, taking into account its interaction with other pollutants, that will assure the protection and propagation of a balanced indigenous population of shellfish, fish, and wildlife in and on that water.

Any standard established pursuant to section 301 or 306 and applicable to a point source shall require that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact.

Any point source of a discharge having a thermal component, the modification of which point source is commenced after the date of enactment of this legislation and which point source, as modified, meets limitations established under section 301 or 306 or, if more stringent, limitations established under section 303 and such limitations will assure protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife in or on the water into which the discharge is made, is not to be subject to any more stringent limitation with respect to the thermal component of its discharge during a ten-year period beginning on the date such modification is completed or during the period of depreciation or amortization of such facility for Federal tax purposes, whichever period ends first.

FINANCING STUDY

Senate bill

No comparable provision.

House amendment

Section 317 requires the Administrator to continue his investigation and study of alternative methods of financing the cost of preventing, controlling, and abating pollution specifically, including financing of programs after fiscal 1976.

Conference substitute

Section 317 is the same as the House amendment.

TITLE IV—PERMITS AND LICENSES

CERTIFICATION

Senate bill

Section 401 requires any applicant for a Federal license or permit to provide the licensing agency with a State certification. The State would be required to certify that the discharge complies with sections 301 and 302.

House amendment

Section 401 requires any applicant for a Federal license or permit which may result in any discharge into navigable waters to provide a certification from the originating State that the discharge complies with sections 301, 302, 306, 307, and 316 of the Act.

Conference substitute

This section is the same as the House amendment, except as follows:

(1) Subsection (a)(7) of this section, which provides that where actual construction of a facility began before January 3, 1970, that a license or permit to operate such facility shall not be subject to the certification requirements until April 3, 1973, has been modified to exempt permits issued under section 402 of this Act.

(2) Subsection (d), which requires a certification to set forth effluent limitations, other limitations, and monitoring requirements necessary to insure compliance with sections 301, 302, 306, and 307, of this Act, has been expanded to also require compliance with any other appropriate requirement of State law which is set forth in the certification.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Senate bill

Section 402 transfers the 1899 Refuse Act permit program from the Corps of Engineers to the Administrator.

The section authorizes the Administrator to issue a permit for the discharge of pollutants into the navigable waters, the waters of the contiguous zone, or the oceans.

Before a permit can be issued, an applicant must meet the requirements of sections 209, 301, 302, 306, 307, 308, and 403. Any permit issued under section 13 of the Refuse Act prior to June 30, 1972, would be considered a permit pursuant to section 402 of this Act.

Under section 402, the Administrator can delegate permit authority to a State if the State program is adequate. Any State receiving such authority is required to send the Administrator a copy of all permit applications. The State cannot issue a permit until the Administrator determines the application meets all requirements of the Act.

The Administrator is authorized to waive the review authority over specific classes or sizes of plants and over individual plants if he does so within 30 days of receipt of the permit application.

House amendment

Section 402 authorizes the Administrator to issue permits for the discharge of pollutants into the navigable waters and the contiguous zone of the ocean, and to issue permits for thermal discharges on condition that the discharge meets the requirements of sections 301, 302, 306, 307, 308, 316, and 403 of the Act. Permits issued under the Refuse Act are to be deemed permits issued under this title and vice versa. After enactment of this title, permits are not to be issued under the Refuse Act. Pending applications under that Act are to be deemed applications under this title. During the interim period ending on the publication of guidelines under section 304(h)(2) or the date of approval of a State permit program, whichever first occurs, the Administrator can authorize a State to issue permits if that State has the necessary capability. The Administrator can veto any such interim permit.

Provision is made for a State to administer its own permit program in lieu of the Administrator's program, and the Administrator is required to approve a submitted State program unless he finds that there is not adequate authority to issue the permits in accordance with the requirements of this Act.

Authority is provided for the Administrator to withdraw approval of any State program. A State is required to transmit to the Administrator a copy of each permit application and provide notice of actions in connection therewith. The Administrator is authorized to object to the issuance of a State permit in situations where a downstream State has objected to the issuance of that permit and the issuing State has failed to accept the recommendations of the downstream State with respect to that permit. The Administrator may, however, waive his right to so object. The Administrator is also authorized to waive this right in connection with categories of point sources at the time he approves a State program for the issuance of permits.

Conference substitute

The conference substitute is basically the same as the Senate bill as revised by the House amendment with the following changes:

(1) Subsection (a)(5) has been revised to provide that the Administrator shall authorize a State which he determines has the capability to issue permits for discharges within the jurisdiction of that State instead of only permitting the Administrator to do so. The Administrator is encouraged to take advantage of existing State permit programs during this transitional phase.

(2) Subsection (b)(2)(B) is revised to remove the exception for federally-owned and operated point sources from inspection, monitoring, and reporting requirements.

(3) Subsection (b)(2) is further amended by adding to the requirements of the State permit program the following new requirements:

(A) The program must insure that any

permit for a discharge from a publicly owned treatment works includes conditions to require adequate notice to the permitting agency of any introductions of pollutants into such works from any source which would be a new source under section 306 if such sources were directly discharging pollutants into navigable waters.

(B) New introductions of pollutants into such works from any source that would be subject to section 301 if it were directly discharging.

(C) A substantial change in volume or character of pollutants being introduced into such works by a source which was introducing pollutants into such works at the time the permit was issued.

Such notice is to include information on the quality and quantity of the effluent introduced into the works and any anticipated impact in the quality or quantity of effluent discharge from such works. In addition, the program must insure that any industrial user will comply with sections 204(b), 307, and 308.

(4) Subsection (c)(3) is revised to require that the Administrator shall not withdraw approval of a State program unless he first notifies the State and makes public in writing the reasons for the withdrawal.

(5) Subsection (d)(2) is amended to provide that no State permit shall issue (A) if the Administrator, within 90 days of the date of his notification under subsection (b)(5), objects in writing to the issuance, or (B) if the Administrator, within 90 days of the date of transmittal by a State to him of the permit proposed to be issued by such State, objects in writing to the issuance of such permit as being outside the guidelines and requirements of this Act.

(6) Subsection (g) is deleted.

(7) Subsection (k), which is now relettered as (j), is amended to eliminate the specific enumeration of the places where permit applications and permits are required to be available to the public.

(8) Subsection (l), which is relettered as (k), is amended to provide that until December 31, 1974, in any case where a permit for discharge has been applied for but final administrative disposition has not been made, such discharge shall not be a violation of section 301, 306, or 402 of this Act or of section 13 of the Act of March 3, 1899, unless the Administrator or other plaintiff proves that final administrative disposition has not been made because of failure of the applicant to furnish information reasonably required or requested in order to process the application. For 180 days beginning on the date of enactment of this Act in any case of a point source discharging a pollutant or combination of pollutants or any thermal discharge immediately prior to such date of enactment which source is not subject to section 13 of the Act of May 3, 1899, that discharge by that source is not to be a violation of this Act if the source applies for a permit for discharge under this section within that 180-day period.

The conference substitute provides that the Administrator may veto the issuance of any proposed permit outside the guidelines and requirements of the Act. The conferees intend that the Administrator (or a State) shall include in any permits issued under section 402 (or shall require a State to include in any permits issued under 402), where appropriate, a schedule of compliance which will set forth the dates by which various stages of the requirements imposed in the permit shall be achieved.

OCEAN DISCHARGE CRITERIA

Senate bill

Section 403 sets standards under which a permit can be issued for any discharge into the contiguous zone or the oceans.

Before issuing such a permit, the Administrator is required to establish guidelines, within 180 days after enactment of the Act, on the effect of disposal of pollutants on human health and welfare, on marine life, and on recreational and economic values, as well as guidelines for determining the persistence of the pollutant and other possible locations for its disposal.

House amendment

Section 403 is essentially the same as the Senate bill except that prior to the promulgation of guidelines during the 180-day period after the date of enactment of the Act the Administrator can issue permits for these discharges while the Senate bill does not permit permits to be issued during this period prior to the issuance of such guidelines.

Conference substitute

This is the same as the Senate bill and the House amendment, except that subsection (a) is amended to authorize, prior to the promulgation of guidelines, a permit to be issued under section 402 if the Administrator determines it to be in the public interest.

PERMITS FOR DREDGED OR FILL MATERIAL

Senate bill

Section 402(m) of the Senate bill provided a procedure for the issuance of permits for the discharge or dredged spoil.

House amendment

Section 404 establishes a separate permit program for the discharge of dredged or fill material into the navigable waters. This program would be administered by the Secretary of the Army, acting through the Chief of Engineers. A determination is required that the discharge would not unreasonably degrade or endanger human health, welfare, or amenities or the marine environment, ecological systems, or economic potentialities.

Conference substitute

Section 404 of the conference substitute is a substitute for that provision in the House amendment.

Subsection (a) authorizes the Secretary of the Army, acting through the Chief of Engineers, to issue permits, after notice and opportunity for public hearings, for the discharge of dredged or fill material into the navigable waters at specified disposal sites.

Subsection (b) provides that, subject to subsection (c), each such disposal site shall be specified for each such permit by the Secretary of the Army (1) through the application of guidelines developed by the Administrator, in conjunction with the Secretary of the Army, which guidelines shall be based on criteria comparable to that applicable to the territorial seas, the contiguous zone in the ocean under section 403(c), and (2) whenever these guidelines alone would prohibit specification of a site, through the application additionally of the economic impact of the site on navigation and anchorage.

Subsection (c) authorizes the Administrator to prohibit the specification (including the withdrawal of specification of any defined area as a disposal site) and he is authorized to deny or restrict the use of any defined area for specification as a disposal site (including withdrawal of specification) whenever he determines after notice and opportunity for public hearings that the discharge of such materials into such area will have an unacceptable adverse effect on municipal water supplies, shellfish beds, and fisheries areas (including spawning and breeding areas), wildlife, or recreational areas. Before making such determination, the Administrator shall consult with the Secretary of the Army. The Administrator shall set forth in writing and make public his findings and reasons for making any determination under this subsection.

Failure to obtain a permit under this section, or failure to comply with the requirements of such a permit, would be a violation of section 301(a) and enforceable under section 309.

To facilitate processing of permit applications the Secretary is expected to review the requirements for maintenance dredging of non-Federal dock and berthing facilities contiguous to the authorized Federal project at the same time as consideration is given to the Federal project requirements. The Secretary is also encouraged to use general dredging permits to maintain such non-Federal facilities where the work is in the same general area and the character of the work is similar.

The Secretary and the Administrator shall act promptly on dredging permits essential for the maintenance of interstate commerce because of the seasonal nature of dredging and the need to preschedule scarce dredging equipment.

It is expected that until such time as feasible alternative methods for disposal of dredged or fill material are available, unreasonable restrictions shall not be imposed on dredging activities essential for the maintenance of interstate and foreign commerce. Consistent with the intent of this Act, the conferees expect that the disposal activities of private dredgers and the Corps of Engineers will be treated similarly.

The conferees agree that the Administrator of the Environmental Protection Agency shall have authority to prohibit specification of a site and deny or restrict the use of any site for the disposal or any dredge or fill material which he determines will adversely affect municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas.

DISPOSAL OF SEWAGE SLUDGE

Senate bill

No provision.

House amendment

No provision.

Conference substitute

Section 405 of the conference substitute provides that, in any case where the disposal of sewage sludge which results from the operation of treatment works (including removal of in-place sludge from one location and its deposit at another location) would result in any pollutant from that sludge entering the navigable waters, such disposal is prohibited except in accordance with a permit issued under this section.

The Administrator is authorized to issue regulations governing permits for disposal of sewage sludge and these regulations are to require the application of each criterion, factor, procedure, and requirement applicable to the section 402 permit which the Administrator determines is necessary to carry out this Act.

Each State wishing to administer its own permit program for sewage sludge disposal may do so if it submits such program to the Administrator and he determines it to be adequate to carry out this Act.

TITLE V—GENERAL PROVISIONS

ADMINISTRATION

Senate bill

Section 501 is essentially the same as section 22 of existing law. However, subsection (f) authorizes the Administrator to detail employees to assist State pollution control agencies.

House amendment

Section 501 continues the provisions of section 22 of existing law, with one major change. A new subsection (f) allows the Administrator, upon request of a State water pollution control agency, to detail employees to assist the State agency in carrying out the provisions of the bill.

Conference substitute

Section 501 is the same as the Senate bill and the House amendment.

GENERAL DEFINITIONS

Senate bill

Section 502 defines the following terms: State water pollution control agency, interstate agency, State, municipality, person, pollutant, pollution, navigable waters, territorial seas, contiguous zone, ocean, effluent limitation, schedule and timetable for compliance, discharge, toxic pollutant, point source, biological monitoring, and permit.

House amendment

Section 502 defines words and phrases included in the bill. All of the terms defined in the Senate bill are defined in the House amendment except for the elimination of the defined terms "schedule and timetable for compliance" and "permit." The definitions of the terms are basically the same as provided in the Senate bill except as hereafter noted: (1) The term "State" is not defined to mean a river basin agency as provided in the Senate bill; (2) thermal discharges and organic fish wastes are excluded from the definition of the term "pollutant"; (3) the term "schedule of compliance" is defined in the same manner as the term "schedule and timetable for compliance" in the Senate bill; (4) discharges by industrial users into publicly owned treatment works are excluded from the definition of the term "discharge of a pollutant"; and (5) the terms "thermal discharge" and "discharge of a pollutant" are defined.

Conference substitute

Section 502 of the conference substitute is the same as the comparable provision of the Senate bill and the House amendment with the following exceptions:

(1) The definition of the term "pollutant" contained in paragraph (6) has been amended to read as follows:

"(6) The term 'pollutant' means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. This term does not mean (A) 'sewage from vessels' within the meaning of section 312 of this Act; or (B) water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located, and if such State determines that such injection or disposal will not result in the degradation of ground or surface water resources."

(2) The term "navigable waters" has been amended to read as follows:

"(8) The term 'navigable waters' means the waters of the United States, including the territorial seas."

(3) The definition of the term "effluent limitation" contained in paragraph (12) has been amended to eliminate the concept of "schedules and timetables for compliance", inserting in lieu thereof "schedules of compliance".

(4) Two new terms have been defined for the purposes of the Act. In paragraph (19) the term "schedule of compliance" has been added, and in paragraph (20) the term "industrial user" has been defined, and these terms read as follows:

"(19) The term 'schedule of compliance' means a schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with an effluent limitation, other limitation, prohibition, or standard.

"(20) The term 'industrial user' means those industries identified in the Standard Industrial Classification Manual, Bureau of the Budget, 1967, as amended and supplemented, under the category 'Division D—Manufacturing' and such other classes of significant waste producers as, by regulation, the Administrator deems appropriate."

The conferees omitted the Senate definition of "permit". It is the conferees' intent that a permit means any permit or equivalent document or requirement issued to regulate the discharge of pollutants. The conferees fully intend that the term "navigable waters" be given the broadest possible constitutional interpretation unencumbered by agency determinations which have been made or may be made for administrative purposes.

WATER POLLUTION CONTROL ADVISORY BOARD

Senate bill

Section 503 restates section 9 of existing law which establishes a Water Pollution Control Advisory Board within the Environmental Protection Agency. The section is modified to allow $100 per diem for board members while attending conferences or board meetings.

House amendment

Section 503 is essentially the same as the Senate provision.

Conference substitute

Section 503 is the same as the Senate bill and the House amendment.

EMERGENCY POWERS

Senate bill

Section 504 grants new authority to the Administrator to take remedial action in case of a water pollution episode.

If a pollution source presents an imminent or substantial endangerment to the health or welfare of persons, the Administrator shall issue an immediate abatement order. If a pollution source presents a substantial economic injury to persons because of their inability to market shellfish, the Administrator shall initiate a civil suit for relief.

House amendment

Section 504 authorizes the Administrator to bring suit on behalf of the United States if he determines that a pollution source presents an imminent and substantial danger to health. The section is similar to section 303 of the Clean Air Act.

Conference substitute

Section 504 is the same as the House amendment, with the addition that the Administrator is also authorized to bring a suit in behalf of the United States if he determines that a pollution source presents an imminent and substantial danger to the welfare of persons where such endangerment is to the livelihood of such persons such as inability to market shellfish.

CITIZEN SUITS

Senate bill

Section 505 establishes citizen participation in the enforcement of control requirements and regulations created in the Act.

Anyone may initiate a civil suit against any person who is alleged to be in violation of an effluent limitation, or a Federal or State abatement order. Anyone also may initiate a civil suit against the Administrator for failure to perform a nondiscretionary act.

The bill requires that no action on a suit may begin for 60 days following notification to the alleged polluter. If the Administrator or a State begins a civil or criminal action on its own against an alleged polluter, no court action could take place on the citizen's suit. Litigation costs may be awarded to any party if a court determines that such an award is appropriate.

A Governor, without regard to any time limitation, could initiate action against the Administrator for an alleged failure to abate a pollution violation in another State that adversely affects the Governor's State.

House amendment

Section 505 allows citizen suits in essentially the same manner as is provided in the Senate bill but limits the right to bring actions to persons directly affected by a violation of the proposed Act or to groups who have participated in the administrative proceedings of a case.

Conference substitute

Section 505 of the conference substitute is the same as the comparable provision of the Senate bill and the House amendment, except as follows:

(1) The provision in subsection (b) which permits the bringing of an immediate action has been modified to permit the bringing of immediate actions after notification only with respect to a violation of sections 306 and 307(a) of the Act.

(2) The definition of the term "citizen" has been amended to provide that it means a person or persons having an interest which is or may be adversely affected.

It is the understanding of the conferees that the conference substitute relating to the definition of the term "citizen" reflects the decision of the U.S. Supreme Court in the case of Sierra Club v. Morton (No. 70–34, April 19, 1972).

APPEARANCE

Senate bill

Section 506 allows the Administrator to appoint his own attorney to represent the agency in any court action if the United States Attorney General does not notify the Administrator within a reasonable time that the Justice Department will represent the Administrator.

House amendment

Section 506 provides that the Administrator shall request the Attorney General to represent the United States in any civil or criminal action. Unless the Attorney General notifies the Administrator that he will appear in civil actions, the Administrator's attorneys would represent the United States. Criminal actions involving the United States could not be handled by attorneys other than those appointed by the Attorney General.

Conference substitute

Section 506 is the same as the House amendment.

EMPLOYEE PROTECTION

Senate bill

Section 507 offers protection to employees who believe they have been fired or discriminated against as a result of the fact that they have testified or brought suit under this Act.

The employee would be able to apply to the Secretary of Labor for review of his case, and the Secretary could issue an order for the employee to be rehired, or otherwise compensated, if that is justified. The section does not apply to an employee who acts without direction from his employer in violating the Act.

House amendment

Section 507 is essentially the same as the provisions of the Senate bill with the addition of a new subsection (e) which requires the Administrator to investigate threatened plant closures or reductions in employment allegedly resulting from any effluent limitation or order under the Act. Such investigation shall be conducted on request of an employee or a representative of an employee. At public hearings the employer is required to present information relating to the alleged discharge, layoff, or discrimination. This hearing is to be on the record and on the basis of it the Administrator is to make findings of fact and recommendations. These are to be available to the public. This provision is not to be construed to require or authorize the Administrator to modify or withdraw an effluent limitation or order.

Conference substitute

Section 507 is the same as the House amendment.

FEDERAL PROCUREMENT

Senate bill

Section 508 ensures that the Federal Government will not patronize or subsidize polluters through its procurement practices and policies.

No Federal agency could enter into any contract involving any facility convicted under section 309. The prohibition would continue until the Administrator certifies that the violation which led to the conviction no longer exists.

The President could exempt any contract if the exemption is in the paramount interest of the United States. The President would be required to submit an annual report to Congress on this section.

House amendment

Section 508 is basically the same as the provisions of the Senate bill.

Conference substitute

Section 508 is the same as the Senate bill and the House amendment.

ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

Senate bill

Section 509 grants the Administrator authority to issue subpenas, protects the secrets from public reporting, and requires that any suit against a Federal standard be filed in the United States Court of Appeals in Washington, D.C. Suits for review of the Administrator's action in approving or promulgating any effluent limitation under section 301 or 302 or issuing or denying a permit under section 402 of this Act would have to be filed in the Court of Appeals for the appropriate circuit. Such suits are required to be filed within 30 days of promulgation, approval, issuance, or denial.

House amendment

Section 509 is basically the same as the Senate bill except that review of any of the Administrator's actions may be had by any interested person in the district court of the United States for the district in which the person resides or transacts business and the requirement that action of the Administrator which is otherwise reviewable is not to be subject to judicial review in enforcement proceedings is eliminated.

Conference substitute

Section 509 is the same as the Senate bill and the House amendment except as follows:

(1) The district courts of the United States are authorized to issue subpenas for witnesses, books, papers, and documents for the purpose of obtaining information under sections 304 (b) and (c) of this Act.

(2) Judicial review is to be had in the circuit court of appeals for the judicial district in which the interested person resides or transacts business, and the time for application for judicial review is extended from 30 to 90 days.

(3) An action of the Administrator with respect to which review could have been obtained under paragraph (1) of subsection (b) of this section is not to be subject to judicial review in any criminal or civil proceeding for enforcement. The conferees intend that this provision limit the availability of judicial review of a standard or requirement where judicial review was available at the time the standard or requirement was established. The conferees do not intend to, in any way, affect the right of a party for which judicial review was not available.

STATE AUTHORITY

Senate bill

Section 510 provides that States, political subdivisions, and interstate agencies retain the right to set more restrictive standards and limitations than those imposed under this Act.

House amendment

Section 510 is essentially the same as the Senate bill.

Conference substitute

Section 510 is the same as the Senate bill and the House amendment.

OTHER AFFECTED AUTHORITY

Senate bill

Section 511 preserves the authority of other Federal laws which are consistent with this Act, specifically the authority of the Secretary of the Army to maintain navigation and his authority under the Rivers and Harbors Act of 1899. In the case of dredge and fill activities permitted under section 10 of the 1899 Act, a section 401 certification or a section 402 permit would be conclusive as to the effect on water quality. This section also provides that the Act does not affect or impair treaties.

Subsection (b) provides that the requirements of the Fish and Wildlife Coordination Act shall apply only to section 306, the publication of information under section 304, and the establishment of guidelines under section 403.

Subsection (c) provides that discharges of pollutants into navigable waters shall be regulated under this Act and not the Rivers and Harbors Act of 1910 and the Supervisory Harbors Act of 1888 except as to effect on navigation and anchorage.

Subsection (d) of this section provides that the requirements of the National Environmental Policy Act of 1969 as to water quality considerations shall be satisfied (1) by certification pursuant to section 401 with respect to any Federal license or permit for the construction of any activity which may result in the discharge into the navigable waters and (2) by certification pursuant to section 401 and issuance of a permit pursuant to section 13 of the 1899 Act or section 402 of this Act with respect to any activity which may result in discharge into the navigable waters.

House amendment

Section 511 is basically the same as the Senate provision modified to conform with the requirements of section 404 of the House amendment as to dredging, and eliminating the restrictions on the application of the Fish and Wildlife Coordination Act contained in the Senate bill.

Conference substitute

Sections 511(a) and 511(b) are the same as the comparable provisions of the Senate bill and the House amendment.

Section 511(c) of the conference substitute provides that, except for the provision of Federal financial assistance for the purpose of assisting construction of publicly owned treatment works, the issuance of a permit under section 402 for the discharge of a pollutant by a new source as defined in section 306, no action of the Administrator taken pursuant to this Act shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. Further, nothing in that Act shall be deemed to (A) authorize any Federal agency authorized to license or permit the conduct of any activity which may result in the discharge of a pollutant into the navigable waters to review any effluent limitation or other requirement established pursuant to this Act or the adequacy of any certification under section 401; or (B) authorize any such agency to impose, as a condition precedent to the issuance of a license or permit, an effluent limitation other than the limitation established pursuant to this Act.

Section 511(c) clarifies certain relationships between the Federal Water Pollution Control Act (FWPCA) and the National Environmental Policy Act (NEPA).

The Federal Water Pollution Control Act Amendments of 1972 charge the Administrator of EPA with a comprehensive mandate to regulate the discharge of pollutants into the waters of the United States. The sole purpose of the Act is the enhancement of environmental quality. In the administration of the Act, EPA will be required to establish numerous guidelines, standards and limitations. With respect to each of these actions, the Act provides Congressional guidance to the Administrator in as much detail as could be contrived. Virtually every action required of the Administrator by the Act, however, involves some degree of agency discretion, judgments involving a complex balancing of factors that include technological considerations, economic considerations, and others. The Act seeks to guide the Administrator, to the extent possible, in the matter of assigning relative weight to the many factors that he must consider.

If the actions of the Administrator under this Act were subject to the requirements of NEPA, administration of the Act would be greatly impeded.

SEPARABILITY

Senate bill

Section 512 provides that if this Act or any provision of it is held invalid the application of that provision and the remainder of the Act is not to be affected thereby.

House amendment

Section 512 is the same as the Senate bill.

Conference substitute

Section 512 is the same as the Senate bill and the House amendment.

LABOR STANDARDS

Senate bill

Section 513 requires the application of the Davis-Bacon Act to treatment works for which grants are made under this Act. This is essentially the same as existing law.

House amendment

Section 513 is essentially the same as the Senate bill and existing law.

Conference substitute

Section 513 is the same as the House amendment.

PUBLIC HEALTH AGENCY COORDINATION

Senate bill

No comparable provision.

House amendment

Section 514 provides that before the owner or operator of property used for agricultural purposes is required to construct any water pollution control facility the plan for such facility and its operations must have been approved by the Administrator, and the Administrator must certify that the plan and the construction and operation of the facility in accordance therewith will not result in a violation of the laws or regulations of any local, State, or Federal health agency or other governmental agency.

Conference substitute

Section 514 of the conference substitute provides that the agency issuing a permit under section 402 shall assist the applicant for the permit in coordinating the requirements of this Act with the requirements of the appropriate public health agencies.

EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

Senate bill

Section 514 establishes a nine member scientific committee to hold hearings and transmit to the Administrator information on any proposed effluent limitation regulations or national performance standards or toxic and pretreatment standards.

House amendment

Section 515 is basically the same as section 514 of the Senate provision with the elimination of the provision in subsection (f) that upon the establishment of national environmental laboratories charged with similar authority the committee ceases to exist within a year.

Conference substitute

This section is the same as the House amendment.

REPORTS TO CONGRESS

Senate bill

Section 515 requires the Administrator to submit a report on measures taken to carry out this Act 90 days after the start of each session of Congress. The Administrator also is required to submit an annual report to Congress on detailed cost estimates for carrying out this Act.

House amendment

Section 516(a) requires the Administrator to submit reports on measures taken to carry out the Act.

Under section 516(b) the Administrator would be required to submit a detailed estimate, biennially revised, of the cost of construction of all needed treatment works in each State. The Administrator could obtain the estimates from States.

Conference substitute

This section is the same as the House amendment.

GENERAL AUTHORIZATIONS

Senate bill

Section 516 authorizes funds for sections of the bill lacking specific authorization. For fiscal 1972, $150 million is authorized, $250 million for fiscal 1973, $300 million for fiscal 1974, and $350 million for fiscal 1975.

House amendment

Section 517 authorizes $250 million for fiscal 1973, $300 million for fiscal 1974, and $350 million for fiscal 1975 for provisions which do not otherwise contain authorizations.

Conference substitute

This section is the same as the House amendment.

SHORT TITLE

Senate bill

Section 517 provides that the Act may be cited as the Federal Water Pollution Control Act.

House amendment

Section 518 is the same as the Senate provision.

Conference substitute

This section is the same as the House amendment.

AUTHORIZATION FOR FISCAL YEAR 1972

Senate bill

Appropriate funding is authorized for fiscal year 1972.

House amendment

Section 3 of the House amendment authorizes for fiscal year 1972 not to exceed $11,000,000 for the purpose of carrying out section 5(n), not to exceed $350,000,000 for the purpose of making grants under section 8 of the Federal Water Pollution Control Act. and provides that sums authorized by this section are in addition to amounts heretofore authorized for such sections.

It provides the Federal share of grants made under section 8 from sums authorized for fiscal year 1972 shall be that authorized by section 202 as established by the Federal Water Pollution Control Act Amendments of 1972.

Conference substitute

Same as the House amendment.

SAVINGS PROVISION

Senate bill

No comparable provision.

House amendment

Section 4 of the House amendment provides that pending suits, actions, and other proceedings are not to abate by reason of the amendments made by this Act. It further provides that rules, regulations, determinations, contracts, certifications, authorizations, delegations, or other actions duly issued, made, or taken under the Federal Water Pollution Control Act are to continue in full force and effect until modified in accordance with that Act as amended by the 1972 Amendments.

The existing Federal Water Pollution Control Act is made applicable to all grants made from funds authorized for fiscal year 1972 and prior fiscal years, including increases in the monetary amount of any such grant which may be paid from authorizations for fiscal years beginning after June 30, 1972, except as specifically otherwise provided in section 202 of the Federal Water Pollution Control Act and section 3(c) of this Act.

Conference substitute

Same as the House amendment.

OVERSIGHT STUDY

Senate bill

Section 5 requires the Comptroller General to conduct a study and review of research, pilot, and demonstration programs relating to water pollution control being conducted, supported, or assisted by any agency of the Federal Government and to assess conflicts between, and the coordination and efficacy of, such programs. A report is required to be made to Congress by March 1, 1973.

House amendment

This is the same as the Senate bill, except that the report is to be submitted by October 1, 1973.

Conference substitute

This is the same as the provision of the Senate bill as modified by the House amendment.

INTERNATIONAL TRADE STUDY

Senate bill

No comparable provision.

House amendment

Section 6 requires the Secretary of Commerce to undertake a study to determine the extent to which pollution, abatement, and control programs will be imposed on, or voluntarily undertaken by, United States manufacturers in the near future and the probable short- and long-range effects of the cost of programs on production costs and market costs. Such study shall include an examination of the probable extent to which comparable programs will be implemented in foreign industrial nations and the extent to which production costs of foreign manufacturers will be affected. The study is also to include the probable competitive advantage of foreign manufactured goods over comparable United States made articles in those cases where the foreign nation does not require pollution control programs or requires a lesser degree or reimburses or subsidizes its manufacturers for the cost of these programs. The study is to include means by which the competitive advantages accruing to foreign products can be equalized and the impact of imposing compensating tariffs or other equalizing measures in encouraging foreign nations to implement pollution control programs. The initial report under this section is to be made within six months and thereafter at least once every 12 months.

Conference substitute

This is the same as the House amendment.

INTERNATIONAL AGREEMENTS

Senate bill

The Senate bill requires the President to undertake to enter into international agreements to apply uniform standards of performance for the control of the discharge and emission of pollutants from new sources, of toxic pollutants, and over discharges of pollutants into the ocean.

House amendment

This is the same as the Senate bill.

Conference substitute

This is the same as the Senate bill.

LOANS TO SMALL BUSINESS CONCERNS

Senate bill

Section 6 of the Senate bill amends section 7 of the Small Business Act to add a new subsection (g). This new subsection would authorize the Small Business Administration to make loans to assist small business concerns in making additions to or alterations in equipment, facilities, or methods of operation in order to meet water pollution control requirements established under the Federal Water Pollution Control Act if the Administrator determines that the concern is likely to suffer substantial economic injury without such assistance. The loan is to be made only if the applicant furnishes the Small Business Administration a statement in writing from the Environmental Protection Agency or, if appropriate, the State, that the additions or alterations are necessary to comply with specified provisions of the Federal Water Pollution Control Act. The Administrator of EPA is required within 180 days to prescribe regulations establishing uniform rules for the insurance of these statements. $800,000,000 is authorized for the purpose of making these loans.

House amendment

Except for minor clerical, technical, and conforming changes, section 8 of the House amendment is the same as the comparable provision of the Senate bill.

Conference substitute

This is the same as the House amendment.

ENVIRONMENTAL COURT

Senate bill

No comparable provision.

House amendment

Section 9 of the House amendment requires the President, acting through the Attorney General, to investigate and study the feasibility of a separate court or court system having jurisdiction over environmental matters and report to Congress the results thereof within one year.

Conference substitute

This is the same as the House amendment.

NATIONAL POLICIES AND GOALS STUDY

Senate bill

No comparable provision.

House amendment

Section 10 requires the President to make an investigation and study of all national policies and goals established by law for the purpose of determining what the relationship should be, taking into account the Nation's resources. A report is required within two years, and an authorization of up to $5,000,000 is provided.

Conference substitute

This is the same as the House amendment.

EFFICIENCY STUDY

Senate bill

No comparable provision.

House amendment

Section 11 requires the President to conduct an investigation and study of ways and means of utilizing the resources, facilities, and personnel of the Federal Government most efficient in carrying out the objectives of this Act. He is required to utilize the General Accounting Office in carrying out this study. A report is required within 270 days.

Conference substitute

This is the same as the House amendment.

EVIRONMENTAL FINANCING

Senate bill

No comparable provision.

House amendment

Section 12 of the House amendment is given the short title of the Environmental Financing Act of 1972. It creates a body corporate known as the Environmental Financing Authority which is under the general supervision and direction of the Secretary of the Treasury. It provides the usual details concerning the makeup of the Authority, the meetings, and authorizes them to make commitments to purchase, and to purchase any obligation or participation issued by a State or local public body to finance the non-Federal share of the cost of a project for construction of waste treatment works, which project is eligible for Federal financial assistance under the Federal Water Pollution Control Act. No such commitment shall be entered into and no purchase made unless the administrator of EPA (1) certifies that the public body is unable to obtain on reasonable terms sufficient credit to finance its actual needs, (2) has approved the project as eligible under the Federal Water Pollution Control Act, and (3) has agreed to guarantee timely payment of principal and interest on the obligation. Appropriations are authorized for these payments. To provide initial capital to the Authority, the Secretary of the Treasury is authorized to advance funds. An authorization of not to exceed $100,000,000 is provided for this purpose.

The Authority is authorized to issue obligations, and the Secretary of the Treasury is authorized to purchase or agree to purchase these obligations. The Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act and the purposes for which securities may be issued under that Act are extended to include these purchases. The Secretary of the Treasury shall make annual payments to the Authority in such amounts as are necessary to equal the amount by which interest expenses accrued by the Authority on account of its obligations exceeds interest income accrued by the Authority on account of obligations purchased by it under this section.

The Authority is given the usual powers granted corporations.

The Authority, its property, franchise, capital, reserves, surplus, security holdings, and other funds, and its income are exempt from all taxation, Federal, State, or local except real property and any tangible personal property and obligations issued by the Authority. Annual reports are required. Budget and audit provisions of the Government Corporation Control Act are made applicable and certain conforming changes are made in existing statutes.

Conference substitute

This is the same as the House amendment, except that the right to make commitments to purchase and to purchase obligations or participations granted the Authority in subsection (e)(1) is limited to the period ending July 1, 1975.

The conferees intend that the Environmental Financing Authority shall not compete with private bond underwriters in the municipal bond market. The authority should not provide financing assistance to a community that can borrow money on the open market at reasonable rates. The authority provided in section 12 should be exercised only as a last resort.

SEX DISCRIMINATION

Senate bill

No comparable provision.

House amendment

Section 13 provides that no person in the United States shall, on the ground of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity under the Federal Water Pollution Control Act Amendments of 1972, the Federal Water Pollution Control Act, or the Environmental Financing Act. This section is to be enforced through agency provisions and rules similar to those already established with respect to racial and other discrimination under title VI of the Civil Rights Act of 1964. This remedy is not exclusive and does not prejudice or cut off any other legal remedies available to a discriminatee.

Conference substitute

This is the same as the House amendment.

DIKED DISPOSAL AREAS

Senate bill

Section 4 amends section 123 of the Rivers and Harbors Act of 1970 to make the diked disposal program nationwide in its application.

House amendment

No comparable provision.

Conference substitute

No comparable provision.

John A. Blatnik,
Robert E. Jones,
Jim Wright,
Harold T. Johnson,
Robert A. Roe,
Wm. H. Harsha,
James R. Grover, Jr.,
Don H. Clausen,
Clarence Miller,
Managers on the Part of the House.

Edmund S. Muskie,
Jennings Randolph,
Birch Bayh,
Thomas F. Eagleton,
J. Caleb Boggs,
John Sherman Cooper,
Howard H. Baker,
Managers on the Part of the Senate.

APPOINTMENT OF CONFEREES ON H.R. 15475, NATIONAL ADVISORY COMMISSION ON MULTIPLE SCLEROSIS

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15475) to provide for the establishment of a national advisory commission to determine the most effective means of finding the cause of and cures and treatments for multiple sclerosis, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. Staggers, Rogers, Satterfield, Nelsen, and Carter.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO FILE REPORTS ON ANTIHIJACKING, AIRCRAFT LOAN GUARANTEE, PERMANENT GOVERNMENT TRANSPORTATION CHARGES, ALCOHOLISM, AND MENTAL HEALTH BILLS

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight tonight to file committee reports on H.R. 16191, Antihijacking bill; H.R. 14740, aircraft loan guarantee bill; H.R. 15054, payment of Government transportation charges bill; H.R. 16675, alcoholism bill; and H.R. 16676, mental health bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. HALL. Mr. Speaker, reserving the right to object, did I understand the distinguished gentleman from West Virginia, the chairman of the Committee on Interstate and Foreign Commerce, to say "until midnight tonight," that is, today, Thursday, September 28?

Mr. STAGGERS. I said tonight, midnight, yes.

Mr. HALL. Mr. Speaker, reserving the right to object; as I am unofficially advised, and subject to a tentative schedule, there are suspension requests for over 45 bills with the leadership at this time.

Now, we are coming down to the press of passing legislation willy-nilly and at least in a helter-skelter fashion by blocs. I anticipate there will be a great number of requests for filing, and/or permission involving unanimous-consent requests for delayed filing, in order to qualify for the suspension days, assuming that, as usual, we do not have the intestinal fortitude to set a date certain for adjournment sine die, agreed to by both sides of the Congress, thereby making a load in the last 6 days of suspensions of the rules.

I do want to say that I will not object to this request of the chairman of the Committee on Interstate and Foreign Commerce. So far as I know, the bills are all right; he tells me they came out of the committee by unanimous consent. As a pressure tactic, if there is an effort to load up suspensions and/or the consent calendar, I will be forced to object unless the committees have completed their work and or they can file by midnight of the day the request is made.

Mr. Speaker, I withdraw the reservation.

H.R. 14891, AUTHORIZING INVOLUNTARY ACTIVE DUTY FOR COAST GUARD RESERVISTS

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 14891) to amend title 14, United States Code, to authorize involuntary active duty for Coast Guard reservists for emergency augmentation of regular forces, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, lines 2 and 3, strike out "thirty days a year" and insert "fourteen days in any four-month period and not more than thirty days in any one-year period".

Page 2, line 14, strike out "may, in the discretion of the Secretary, satisfy" and insert "shall satisfy a day-for-day basis".

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 56, NATIONAL ENVIRONMENTAL DATA SYSTEM AND ENVIRONMENTAL CENTERS

Mr. GARMATZ submitted the following conference report and statement on the bill (H.R. 56) to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data System:

CONFERENCE REPORT (H. REPT. No. 92–1466)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 56) to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data System, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 17, 18, 19, 20, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 61, 62, and 63, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "TITLE I—NATIONAL ENVIRONMENTAL DATA SYSTEM;" and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "knowledge, and data"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: On page 5, line 3, of the Senate engrossed amendments, strike out "28" and insert the following: "2", and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows: Strike out the matter proposed to be stricken out by the Senate amendment and on page 8, line 10, of the House engrossed bill immediately before "functions" insert the following: "the"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$1,000,000 for the fiscal year ending June 30, 1974, $2,000,000 for the fiscal year ending June 30, 1975, and $3,000,000 for the fiscal year ending June 30, 1976."; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 2, 16, 21, 44, 65, 66, and 67 and the Senate amendment to the title of the bill.

EDWARD A. GARMATZ,
JOHN D. DINGELL,
THOMAS M. PELLY,
Managers on the Part of the House.
HENRY M. JACKSON,
ALAN BIBLE,
FRANK E. MOSS,
MARK O. HATFIELD,
HENRY BELLMON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE .

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two houses on the amendments of the Senate to the bill (H.R. 56) to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data System, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The following Senate amendments made technical, clarifying, or conforming changes: 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, and 63. With respect to these amendments, the House either recedes or recedes with amendments which are technical, clarifying, or conforming in nature.

NATIONAL ENVIRONMENTAL DATA SYSTEM

Amendment No. 1: Reported in technical disagreement. The House bill would establish a National Environmental Data System through direct amendment to the National Environmental Policy Act of 1969. Senate amendment numbered 1 would establish the Data System proposed in the House bill (with no significant changes) but not by means of amendment to any existing law. Senate amendment numbered 1 would also add a short title to the bill mentioning the Data System and the State and regional environmental centers program (added by Senate amendment numbered 65). The managers on the part of the House will offer a motion to recede and concur in Senate amendment numbered 1 with a technical amendment.

PROTECTION OF CERTAIN INFORMATION

Amendment No. 21: Reported in technical disagreement. The House bill provided that the National Environmental Data System should be operated so as to protect secret and national security information from unauthorized dissemination and application. Senate amendment numbered 21 would require that such protection also be extended to patent and trademark information. The managers on the part of the House will offer a motion to recede and concur in Senate amendment numbered 21 with an amendment including copyright information since it is within the same general class of information to which the Senate amendment pertains.

AUTHORIZED APPROPRIATIONS FOR DATA SYSTEM

Amendment No. 64: The House bill would authorize, for purposes of implementing the National Environmental Data System, $1,000,000 for fiscal year 1972, $2,000,000 for fiscal year 1973, and $3,000,000 for fiscal year 1974. Senate amendment numbered 64 would authorize, for such purposes, $1,000,000 for the first fiscal year beginning after the date of the enactment of the Act, $2,000,000 for the second fiscal year beginning after such date, and $3,000,000 for each fiscal year thereafter. Under the conference agreement, the three-year funding formula provided for in the House bill is retained, but is applied beginning with the first fiscal year for which the Senate amendment authorized appropriations (fiscal year 1974).

STATE AND REGIONAL ENVIRONMENTAL CENTERS

Amendments Nos. 2, 16, 44, and 65: Reported in technical disagreement. Senate amendment numbered 65 would add to the House bill a new title II which provides for the establishment of State and regional environmental centers which would combine and coordinate the environmentally-related research and education extension capabilities of educational institutions within each State or interstate region. Senate amendments numbered 2, 16, and 44 would make such amendments to the House bill as are required by the inclusion of such title II (for example—inclusion of title II definitions in the definitions section, and changes clarifying the relationship of environmental centers to the National Environmental Data System). Inasmuch as these Senate amendments would be in violation of the germaneness provisions of clause 7 of Rule XVI of the Rules of the House if such amendments had been offered in the House, the managers on the part of the House, in compliance with clause 3 of Rule XX of the House Rules, will (1) with respect to Senate amendment numbered 65, offer a motion to recede and concur in the Senate amendment with an amendment in the nature of a substitute for title II as proposed by the Senate, and (2) with respect to Senate amendments numbered 2, 16, and 44, offer motions to recede and concur in each of such amendments with amendments making such conforming changes as are consonant with the proposed House substitute for title II.

KLAMATH INDIAN FOREST LANDS

Amendment No. 66: Reported in technical disagreement. Senate amendment numbered 66 would add to the House bill a new title III which would direct the Secretary of Agriculture to contract for the purchase of certain Klamath Indian forest lands which were retained by the tribe and offered for sale pursuant to section 28(e) of the Klamath Indian Termination Act (25 U.S.C. 564w–1).

Amendment No. 67: Reported in technical disagreement. Senate amendment numbered 67 would add a new title IV to the House bill amending the Klamath Indian Termination Act in order to extend, for an additional 12 months, the existing 12-month period provided for the first offer of sale of such forest lands to the Secretary of Agriculture.

Inasmuch as Senate amendments numbered 66 and 67 are subject to clause 3 of Rule XX of the Rules of the House, the managers on the part of the House will (1) with respect to the Senate amendment numbered 66, offer a motion to recede and concur in the amendment with amendments extending from June 30, 1972, to June 30, 1973, the time within which the contract may be made, and making the price paid for the purchase of such forest lands subject to adjustment for growth and cutting, and (2) with respect to Senate amendment numbered 67, offer a motion to recede and concur in the amendment with a technical amendment.

TITLE OF H.R. 56

Amendment to the title: Reported in technical disagreement. The Senate amendment to the title of H.R. 56 would change the title in order to make it conform with the substantive amendments made by the Senate. The managers on the part of the House will offer a motion to recede from disagreement to the Senate amendment to the title of the bill.

EDWARD A. GARMATZ,
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THOMAS M. PELLY,
Managers on the Part of the House.
HENRY M. JACKSON,
ALAN BIBLE,
FRANK E. MOSS,
MARK O. HATFIELD,
HENRY BELLMON,
Managers on the Part of the Senate.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE REPORT ON H.R. 16870

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until midnight tonight to file a report on the bill H.R. 16870.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 10729, FEDERAL ENVIRONMENTAL PESTICIDE CONTROL ACT OF 1972

Mr. BERGLAND. Mr. Speaker, at the request of the chairman of the Committee on Agriculture, I ask unanimous consent to take from the Speaker's table the bill (H.R. 10729) to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota? The Chair hears none, and appoints the following conferees: Messrs. POAGE, ABBITT, SISK, DOW, BELCHER, GOODLING, and KYL.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of this week, if any, and the schedule for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. In response to the inquiry of the distinguished minority leader, we have completed the program for this week, and I plan to ask to go over until Monday.

On Monday there will be the call of the Consent Calendar. We have listed—but we certainly do not plan to consider—46 suspensions. The list will be printed in the RECORD:

H.R. 16742. Restrict Travel to Certain Countries.
H.R. 15276. Amend Title 18, U.S. Code.
H.R. 16191. Anti-Hijacking Act of 1972.
H.R. 15859. Emergency Medical Services.
H.R. 16832. Omnibus Rivers and Harbors and Flood Control Bill.
H.J. Res. 1301. Extend Certain Housing programs.
H.R. 16732. Small Business Investment Act Amendments.
H.R. 12006. Longshoremen's and Harbor Workers Compensation Act.
H.R. 16563. Youth Conservation Corps.
S.J. Res. 247. Extend Copyright Protection.
H.R. 8063. Economic Development of Indian Organizations.
H.R. 16444. Golden Gate National Urban Recreation Area.
H.R. 6482. Strip Mining Reclamation.
S. 3671. Amend Administrative Conference Act.
H.R. 8273. Immigration and Nationality Act Amendments (Sec. 301(b)).
H.R. 1536. Immigration and Nationality Act Amendments (Sec. 319).
S. 1943. Rabbit Meat Inspection.
H.R. 7287. Prohibit Futures Trading in Irish Potatoes.
H.R. 15352. Apple Marketing Orders.
H.R. 16182. Eligibility of ASC County Committee Members.
H.R. 15461. U.S.-Mexico Treaty Compliance.
H.R. 15462. International Boundary and Water Commission Expenditures.
H.R. 15763. To Provide for two Additional Members of the National Historical Publications Commission.
H.R. 15597. Additional Acquisition, Piscataway Park, Maryland.
H.R. 9859. Cumberland Island National Seashore, Georgia.
H.R. 8756. Hohokam Pima National Monument, Arizona.
H.R. 6067. Mississippi Sioux Indian Judgment.
H.R. 11449. Disclaims Interest, Antoine Leroux Grant.
H.R. 9294. Convey Title, Devils Lake Sioux Reservation.
H.R. 10751. To Establish the Pennsylvania Avenue Bicentennial Development Corporation.
H.R. 15716. To Establish Glen Canyon National Recreation Area, Arizona and Utah.
H.R. 15735. Ship Transfer to City of New York.
H.R. 15280. Increasing annual Appropriation Authorization for NACOA.
H.R. 15627. Oil Pollution Act Amendments of 1972.
H.R. 11091. Bows and Arrows.
H.R. 16074. Jellyfish Appropriation.
H.R. 14384. Commercial Fisheries Research and Development Act.
H.R. 14385. Fishermen's Protective Act of 1967.
H.R. 15718. Sockeye Salmon Fisheries Act of 1947.
H.R. 15379. Canadian Fishing Vessels.
S. 1478. Toxic Substances Control Act.
H.R. 14740. Aircraft Loan Guarantees.
H.R. 15054. Facilitate the Payment of Transportation Charges.
H.R. 16675. Comprehensive Alcohol Abuse and Alcoholism Prevention.
H.R. 16676. Community Mental Health Centers Act.
H.R. 16883. Post-Secondary Education Commission.

Tuesday there will be a call of the Private Calendar, to be followed by consideration of:

H.R. 7130, the Fair Labor Standards Act, a motion to go to conference;

House Resolution 1138, nongermane amendments, a resolution out of the Rules Committee having to do with nongermane provisions;

House Resolution 1123, electronic voting;

H.R. 16810, the debt limit increase, subject to a rule being granted;

H.R. 16645, the Eisenhower Memorial Bicentennial Civic Center, under an open rule, with 1 hour of debate; and

S. 1316, Federal payment for meat inspection, subject to a rule being granted.

For Thursday and the balance of the week there will be consideration of H.R. 16656, Federal Aid to Highways Act, subject to a rule being granted.

Conference reports may be brought up at any time, and any further program will be announced later.

Mr. GERALD R. FORD. Would the gentleman answer an inquiry? On Tuesday will the action on the Fair Labor Standards Act come at the outset of the session?

Mr. BOGGS. Following the call of the Private Calendar.

Mr. GERALD R. FORD. I thank the gentleman.

AUTHORITY FOR CLERK TO RECEIVE MESSAGES AND SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS NOTWITHSTANDING ADJOURNMENT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that, notwithstanding the adjournment of the House until Monday next, the Clerk be authorized to receive messages from the Senate, and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. HALL. Mr. Speaker, reserving the right to object, we have worked a total the past 3 days of 12 hours, including the special orders. We adjourned at 3:16 p.m., according to the CONGRESSIONAL RECORD, on Monday of this week, at 5:43 on Tuesday, and at 3:10 yesterday, Wednesday.

I see every sign of adjournment soon. In fact, the distinguished majority leader has just indicated that we have finished the business for this week and will go over until Monday. That will be a little bit after 3 o'clock.

That will be a total of 15 hours, including special orders, in 4 working days.

Mr. Speaker, I just want to point out that it is unconscionable to list under consent and/or suspension rules, in the final 2 weeks of the expected session, if the continuing resolution has anything to do with it, which we passed yesterday, this kind of pell-mell legislation. Some of it is important. Much of it could be passed by unanimous consent.

As I pointed out in colloquy just a few minutes ago, there is a rule of procedure to take care of the end-of-the-session legislation, under suspension of the rules, if we would but set a date and get the concurrence of the other and I must say the more dilatory body, for which we are marking time, for which on whose tenuous strings we dance the minuet, as they control the tendrils of a marionette.

I would suspect that as on August 7, when there were 21 suspensions listed, there may be great activity around here on Monday, if those bills are called by the leadership, which could be passed by unanimous consent, and if there are any more additions or requests for unanimous consent or suspension of the rules.

I have no objection to the observation and the unanimous-consent request of the majority leader at this time, but I believe it is only fair for the membership to know and for the people to know of the unconscionable tactics that result from failure to be willing to say "no" to yearend and congressional-end legislation.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am delighted to yield to my colleague.

Mr. BOGGS. I think the gentleman, in using the word "unconscionable" is using a word that certainly does not describe the fact that the considerable number of bills duly listed under suspensions is not quite correct.

I have not had an opportunity to check with the membership, but I am quite certain some of the 46 bills that I read were on the Consent Calendar as well. As the gentleman very well knows, quite frequently bills that are on the suspension calendar and are up for suspension or disposed of by unanimous consent on the Consent Calendar.

Mr. HALL. Mr. Speaker, let me say I happen to be the chairman of the committee of objectors on the minority side, properly selected and appointed by this body. I am very familiar with this, and I think if you read the record back you will find I said that if they are worthy and stand of their own weight and are duly and properly filed on time, I will help to expedite the business of the House so that they can pass by unanimous consent.

This is certainly part of the regular technique. I well know that there are some that could pass by unanimous consent, but I will stick by my use of the word "unconscionable" as far as the scheduling and programing by the leadership are concerned.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. HALL. Yes, I will yield.

Mr. BOGGS. I will also say to the gentleman that the fact that we are able to add x number of minutes and hours does not in my judgment indicate by any stretch of the imagination the total work of the Members of this body on both sides of the aisle. The fact that the House does not happen to be in session at a given time or a given period of time does not mean that committees are not meeting or conferences are not meeting, and at this particular time in the session, when we are seeking to adjourn the Congress, it is very important that Members have time to go to conferences to try to resolve the remaining business that still must be passed before adjournment.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's remarks, and I will accept them in the spirit of public relations for the Congress as a whole, which is the spirit in which I am sure he has given them.

But the fact of the matter is that there is a paradox here in listing 46 bills under suspension of the rules at the end of Congress on the one hand, and saying they may not be taken up. At least it is indicative of the fact of poor planning and scheduling on the part of the leadership.

I withdraw my reservation of objection.

Mr. GROSS. Further reserving the right to object, Mr. Speaker, I should like to ask the distinguished majority leader if these suspensions are to be called in order?

Mr. BOGGS. Not necessarily.

Mr. GROSS. Mr. Speaker, I wonder about this. If the gentleman arranged a pile of 46 bills and the report for each one before him, and if they are not to be called in order, I wonder how with the disposition of one bill he would fish the next bill out of the stack when it was called, especially if he was opposed and sought to claim the second on the bill?

Mr. BOGGS. Well, Mr. Speaker, we all know the gentleman from Iowa is one of the most diligent Members of the Congress; he is here for every suspension. The gentleman knows that generally, as a matter of practice, the bills are called as listed on the notice, but he also knows that it is not infrequent for the chairman of a committee to say, "Look, I would like to take the bill off the calendar," and it is taken off; or sometimes at the convenience of the Member or a group of Members there may be a switch in the order.

What I am saying to the gentleman, Mr. Speaker, is that this list has never been inflexible.

Mr. Speaker, I also said at the beginning of my remarks I did not intend, or I would not expect the House of Representatives to pass 46 suspensions on Monday. What this really does is give the gentleman notice of all the possible suspensions that we have before us at this time. We could have put six on the list and kept the rest of them off, but the Members now know every possible suspension that is now available to the Speaker. So we have now given the Members information on the suspensions that we could have reserved for future dates if we had wanted to.

Mr. GROSS. I notice that No. 35 on the suspension list is the bows and arrows bill.

I wonder if by any chance that could be the defense program of a certain presidential candidate.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. VANIK. Mr. Speaker, reserving the right to object, and I will not object, I simply want to raise the issue, and it is late in the session now, but it seems to me a rather odd coincidence that usually the most important bill for consideration any week is one which we take up on Thursday, so that by the time the committee in charge of the bill gets through with the general debate we are very often here under great pressure late on a Thursday afternoon engaged in the most important phase of acting on the legislation. I would simply suggest in scheduling of major bills we allow at least 2 days or try not to concentrate them on a Thursday when we are under tremendous pressure to finish our business and when very often it may well be that discussion, debate, and amendment is cut short because of the time pressures occurring on that day.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. SNYDER. Mr. Speaker, I further reserve the right to object.

I know, of course, conference reports are not customarily listed on whip notices. I just wonder if the gentleman can give us any insight into whether or not the revenue sharing conference report might be called up the coming week.

Mr. BOGGS. It is my information it will be called up next week and probably also the water pollution bill.

Mr. SNYDER. And what about the supplemental appropriation?

Mr. BOGGS. It will not be called up next week.

Mr. SNYDER. But the water pollution and revenue sharing bills probably will be?

Mr. BOGGS. They probably will be, along with quite a few other conference reports.

Mr. SNYDER. I thank the gentleman and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ADJOURNMENT OVER TO MONDAY, OCTOBER 2, 1972

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourns to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday of next week be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERSONAL STATEMENT

Mr. MAZZOLI. Mr. Speaker, a moment ago I was detained from reaching the Chamber in time to vote on the bill just passed, the American Revolution Bicentennial Commission bill. Had I been in the Chamber and had the opportunity to vote, I would have voted "yea."

PERSONAL ANNOUNCEMENT REGARDING VOTE

Mr. DANIELSON. Mr. Speaker, on Thursday, September 21, 1972, I was compelled to leave the floor at 6 o'clock, p.m., and by necessity missed two recorded votes. Had I been present I would have voted as follows:

Rollcall No. 380—I would have voted "no" on an amendment to H.R. 16705 that sought to prohibit the use of funds to guarantee or insure future foreign investments.

Rollcall No. 381—I would have voted "yea" on final passage of the bill H.R. 16705, Foreign Assistance Appropriations for fiscal year 1973.

Business in my district also necessitated my absence during the early afternoon of Monday, September 25, 1972. I missed three recorded votes at that time; had I been present I would have voted as follows:

Rollcall No. 382—I would have voted "yea" on House Resolution 1132, the rule waiving points of order in consideration of H.R. 16754.

Rollcall No. 383—I would have voted "yea" on final passage of the bill H.R. 16754, the military construction appropriations for fiscal year 1973.

Rollcall No. 384—I would have voted "yea" on House Resolution 1133, providing for agreeing to the amendment of the Senate to House Joint Resolution 1227, the interim SALT agreement.

PERSONAL EXPLANATION

Mr. GOLDWATER. Mr. Speaker, on rollcall No. 391 I was unavoidably detained. If I had been present I would have voted "yea."

PERSONAL EXPLANATION

Mr. HUNT. Mr. Speaker, on rollcall No. 391 on the passage of H.R. 13694, amendment of the joint resolution establishing the American Revolution Bicentennial Commission, I was inadvertently detained because the Metroliner I was on broke down between Wilmington and Baltimore, and we were forced to be there for a considerable while. If I had been present I would have voted "yea."

RECALLING RALPH NADER

(Mr. SCHERLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SCHERLE. Mr. Speaker, next month self-anointed consumer advocate Ralph Nader will "reveal" his so-called study of Members of the 92d Congress. It will, of course, be heralded in the traditional, publicity-seeking Nader fashion—flashbulbs flashing, TV cameras whirring and the members of the fourth estate frantically scribbling notes. It has all the earmarks of a grandiose affair typical of the headline-grabbing mania of the reboant Ralph. However, before Mr. Nader sanctimoniously attempts to justify his red herring report, a few facts about this operation should be known.

First, Nader and his raiders have taken up quarters on a regular basis in one of the Federal office buildings reserved for the House of Representatives. The question arises why this private group, responsible to no one, should be allowed to perpetrate their skulduggery in facilities owned solely by the taxpayers. You can bet that the "expert" on everything from pollution to kangaroos would be the first to raise the "hue and cry" if a chamber of commerce or a labor union set up shop in the Capitol complex.

However, the demand for double standards is not new on the part of Mr. Ralph Nader. Recently a reporter for the National Journal tried to obtain information about Nader's congressional study. Nader called the newsman's editor and complained that he was interfering with his staff work. He claimed that the journalist was in the way, taking up a lot of his assistant's time when they were working to meet a deadline. But when Congressmen complained that his study, which comprised hundreds of lengthy questions as well as long personal interviews, interfered with the legislative process and was too time-consuming, Nader turned a deaf ear, claiming their absolute attention and subservience.

Various House Members have been summoned by Nader's task force to appear at a designated time to review their crucifixion. The Members were warned, like plebes, to adhere to strict secrecy after reviewing their dossiers. They were told that they could submit corrections of fact. One Member told me 48 factual errors were found.

Of course there is no assurance that any of them will be corrected by the investigators. The public should be aware that this witch hunt will yield only a villainous ax job on the institutions of Congress and its current Members. The "holier than thou" attitude cannot conceal the predetermined outcome. Mr. Nader's arrogance is testimony to that fact.

I have not seen my "evaluation" nor am I interested. My constituents will be the sole judge of my tenure in office.

I call my colleagues' attention to an article by Clare Crawford that appeared in the September 17, 1972, edition of the "Washington Sunday Star and Daily News."

The article follows:

NO ONE'S PERFECT—NOT EVEN NADER

(By Clare Crawford)

Ralph Nader isn't perfect after all.

In fact, he may not be overly endowed with humor.

For months Nader's raiders have been dogging the U.S. Congress. Their in-depth study of the Congress has drawn umpteen complaints from congressmen that it is interfering with the legislative process and is too time-consuming, etc.

One raider even claimed she was ordered out of a congressman's office.

The Nader people have rather sanctimoniously indicated that any congressman who won't open his books, his staff and heart to them must have something to hide.

Well, just the other day, Paul Leventhal, a reporter for the National Journal, was trying to put together a story on the Nader task force investigating Congress. The National Journal is a special publication which tells more than most people want to know about a subject.

Leventhal was spending the usual hours and hours and hours interviewing the raiders and getting information on the study.

He apparently was spending so much time, that Nader called his editor, Stan Hindes, and in so many words said Leventhal was interfering with his staff's work. He said his staff had a deadline to meet on the study of Congress—they want to get it out before the election. This worries a number of congressmen, since their opponents won't be so thoroughly studied.

Nader told editor Hindes that Leventhal was getting in the way and taking a lot of time and how much longer was this going to go on.

Hindes charitably thinks Nader was just momentarily irritated, because after he thought about it Nader spent an hour with Leventhal and the staff has continued to answer his questions.

So Leventhal's report on the study will be in the Sept. 23 Journal.

PRESIDENT NIXON SHOULD PROTEST NOW AGAINST SOVIET VISA RANSOM DEMANDS

(Mr. YATES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. YATES. Mr. Speaker, I am placing in the RECORD a letter which I wrote yesterday to President Nixon urging him to raise his voice to protest the new and outrageous ransom demands imposed by the Soviet Government upon Jews seeking to emigrate from the Soviet Union. As I state in my letter, such action taken now by the President will be in keeping with the finest humanitarian ideals and traditions of our Nation—and it may persuade the Soviet Government to backtrack on its visa requirements.

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 27, 1972.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am very much concerned with newspaper reports appearing today which ascribe certain statements to you through your press secretary, Mr. Ronald Ziegler, as follows:

"The Soviet Government is well aware of the United States' position on this matter."

"Nothing would be served by politicizing or demagoguing on the matter during the American election campaign."

"No purpose would be served by a confrontation with the Soviet Union over the issue of payments demanded of Jews for Soviet exit visas."

I trust that in writing to you at this time, I will not be accused of "demagoguing or politicizing." This matter is much too important to be a subject of partisan politics. I believe sincerely that Jews living in the Soviet Union are now threatened by dangers and sanctions more serious than any they have encountered within the last few years a view which appears in the *Report from Jewish Leadership in the Soviet Union* by Leonard W. Schroeter, dated September 5, 1972, a copy of which I am enclosing. I am informed that a copy of the report was delivered some days ago to Presidential Assistant Leonard Garment.

Mr. Schroeter's credentials are excellent and his research is authoritative. He interrogated American Embassy officials, outstanding non-Jewish students of the Soviet scene, such as Andre Sakharov, the eminent Soviet atomic scientist and chairman of the Soviet Human Rights Committee, and Jewish leaders. All believe that the Soviet climate for Jews "is unusually perilous at this time."

Mr. President, I respectfully suggest that if the Soviet Government is well aware of the United States' views on this matter, it is either paying little attention to them or our position has not been properly presented. Surely, in view of its new and shocking visa requirements, it is obvious that the Soviet Government has discounted and dismissed whatever representations you may have made as not indicating any profound concern with any action that government might take. Their outrageous ransom demands imposed upon educated Jews seeking visas are new and much more onerous than those in force prior to your summit meeting in Moscow.

Mr. President, the gravity of the situation requires that you raise your voice now in protest. Silence by you at this time would be taken by the Soviet Government as acquiescence in its latest moves.

I suggest respectfully that it should be indicated to the Soviet Government that in its proposed trade relations with our country, its desire for favored nation treatment may well be held in abeyance indefinitely if that government insists on maintaining its nefarious ransom demands.

Mr. President, such action taken now will give to the Jews of the Soviet Union and to oppressed peoples everywhere the assurance that the United States values human rights and individual freedom more than the economic gains in prospect. Such action will be in keeping with the finest humanitarian ideals and traditions of our nation.

Respectfully yours,
SIDNEY R. YATES,
Member of Congress.

Enclosure.

REPORT FROM JEWISH LEADERSHIP IN THE SOVIET UNION

(By Leonard W. Schroeter)

(NOTE.—Leonard W. Schroeter, M.A., University of Chicago, 1948 and L.L.B., J.D., Harvard Law School, 1951, has been since 1970 Principal Legal Assistant to the Attorney General of Israel. A member of the Bar in Israel, the U.S. Supreme Court and four states, Schroeter is also an accomplished writer having articles published in *The New Republic, Nation, The Jerusalem Post, Soviet Jewish Affairs* and other journals and magazines. Mr. Schroeter has had a deep involvement in human rights matters since World War II. His first job out of law school was with Justice Thurgood Marshall, then general counsel of the NAACP Legal Defense Fund, where he was involved in the preparation of the School Segregation cases. He was Northwest Regional Director of the Anti Defamation League of the B'nai B'rith and for many years on the National Board of the American Civil Liberties Union. In Israel, he has has become a kind of volunteer, full-time ombudsman for Soviet immigrants.)

I returned on September 2, after having spent eleven days in the Soviet Union visiting Jewish leadership in Moscow, Leningrad, Riga and Minsk. In addition, I met with important democratic leaders and intellectual figures in Moscow. My reception was conditioned by the fact that persons I saw had been previously advised of my visit and were assured that they could speak with confidence, and the knowledge that the messages imparted would be communicated to important leadership in the West. This was due to my deep involvement in the problems concerned for a period of approximately two and one-half years. Although I am a practicing attorney from Seattle, Washington, since January 1970 I have been the principal legal assistant to the Attorney General of the State of Israel. Commencing in June, 1970, largely at the request of the Israeli government, I have concerned myself with the problems arising from the arrest of and discrimination against Soviet Jews. This background was well known to those persons to whom I spoke. During my entire trip, I was able to meet with top leadership and discuss in depth their needs, concerns and viewpoints.

I was specifically delegated by Soviet Jews to speak in their behalf. I was requested by them to discuss this matter with the utmost seriousness with leadership both of the Jewish community and the governments of the United Kingdom and the United States.

The primary present concern involves the effort of the Soviet government to extort large sums of money in alleged repayment of educational costs of Jews who wish to leave the Soviet Union. Although the ukaze in question has never been officially announced, its broad forms and applications are known. In general, it imposes graduated and substantial amounts upon persons based upon the extent of their higher education. As evaluated by the persons to whom I spoke, the average amounts involved are roughly as follows:

In Moscow, of the 400 applicants for visas actually surveyed, approximately 60% would be subject to the tax requirement. It was estimated that, of the total number of applicants in Moscow, the figure would be approximately 40%. The average amount per application was estimated at approximately 15,000 rubles. Similar figures were stated in the other cities. In Riga and Minsk the edict would apply to approximately 30% of the people, while in Leningrad it was thought to apply to 35% of the people. If our information is correct that there are 150,000 applications for visas in the Soviet Union, we may estimate about 45,000 applicants who would be assessed an average of 15,000 rubles each. Since an average monthly gross income for a university educated Soviet citizen ranges between 120 and 140 rubles a month, we can appreciate that for most persons this represents a sum that would be roughly equivalent to about ten years of gross income. The aggregate amount would be 675 million rubles.

Clearly, the tax wholly precludes any hope of migration on those affected. Furthermore, young people in large numbers are withdrawing from or refusing to enter universities. As a consequence, in many instances, they will be subject to military service for periods of two years (Army) to three years (Navy). Soviet regulations prevent immigration for periods up to five years following military service. Parents whose children have served are also frequently prevented from emigrating.

The psychological effects of this tax are profound. For people who have been engaged in a continual struggle, sustained for periods of one or two years only by the hope that immigration visas would be granted, this imposition means the end of hope.

The response of Jewish leadership in the Soviet Union is that under no circumstances is the ransom to be paid. They state this with the full understanding of its implication in terms of their own lives, and with the knowledge that discipline within their communities will be difficult to maintain because of the anxiety of many. However, as a result of their analysis of the reasons why the ransom was imposed, they consider it essential that there be unanimity in rejecting payment of the levy. In their view, the Soviet appetite with respect to this matter is unlimited, and if ransom is paid it will only encourage further imposition (already threatened) with respect to technical schools and even secondary schools. It is their further conviction that given the history of the present ukaze, resistance to payment is essential.

As early as the Fall of 1970, various reports were received that an educational tax would be imposed. Our records of these reports indicate that both the amount and form of the imposition are virtually identical to the present edict. This suggests that a draft of the present levy was drawn up as long as two years ago. However, Jewish leaders in the Soviet Union believe it was not previously imposed as the time was not regarded as propitious. They believe that announcement of the ransom occurred at this time because Soviet leadership considered it a politically desirable and safe time to implement its plan.

Jewish leadership is convinced that a) the Soviet leaders believe that protest would be limited to pious declarations and perhaps some demonstrations, but that serious counteraction would not occur; b) the most important factor leading to the timing involved was the visit of President Nixon to the Soviet Union and the Soviet interpretation of the meaning of that visit; c) the President's commitment to detente with the Soviet Union was of a character that would not permit serious American objection to the ransom; and d) the Soviets believe that they have obtained economic gains which they desired in terms of encouraging trade, economic benefits, etc., with the United States and that the President would not reverse these commitments during an election year. Thus, the Soviets calculated that in the period subsequent to the President's visit and prior to the presidential election, there would be no likelihood of serious resistance to the levy in the United States and that the response in the West would be to pay the ransom.

The Soviet Jewish leaders believe that the only hope of rescinding the tax is if, prior to the American elections, massive political and economic pressure can be mounted in the West. If this does not occur, they consider the chances of recission remote.

I will attempt to indicate as soberly and conservatively as possible the assessment given me of the gravity and danger of the situation facing Jews in the Soviet Union. I was advised both by American Embassy officials and serious non-Jewish students of the Soviet scene (most notably Valery Chalidze, a prominent leader of the Soviet Human Rights Committee, and to a lesser extent by Andre Sakharov, the eminent Soviet atomic scientist and chairman of the Soviet Human Rights Committee), their belief that the Soviet climate for Jews is unusually perilous. The indication of these men to me was that the rage, frustration and distrust on the part of Soviet leadership towards Jews have become so extensive, that they cannot preclude the imminent possibility of measures far more serious than selective trials and existing repressive measures.

They feel that there is grave danger of government inspired and/or spontaneous physical attacks upon the Jewish population. When coupled with the expectation of increasing political trials, most notably of Vladimir Slepak and Viktor Polsky, and others, the level of anxiety is extremely high. The basis of these beliefs is not only the recent intensive interrogation of Jewish leaders, but also recent newspaper articles. For example, the one in Moscow *Pravda* which, in reporting the three-year conviction of Ilya Glezer, ranked Glezer and his alleged crimes with activities of Slepak, describing both of them as being of the same character.

A view reiterated to me by Jewish leadership in all four cities was that they were presently living in the most difficult time they have faced in recent years. They attribute the difficulty of their situation to the recent visit of President Nixon. Prior to the visit there were wholesale preventive arrests and the imprisonment of Jewish leaders and the house arrest of scores of others. These men, not released until after the President's visit ended, were told that their arrests were occasioned by the President's trip. Also, the telephones of virtually the entire Jewish leadership were cut off and have not to this date been restored.

In addition, the jamming of broadcasts from foreign stations intensified massively; Radio Liberty has been heard by no one for many months; Kol Israel has been wholly jammed; and both VOA and BBC have been extremely difficult to hear. These efforts to seal off the Soviet population from any foreign contact have continued and been intensified. Widespread interrogation by the KGB, which commenced before the visit of President Nixon, has increased subsequent to it. The entire block across the street from the Moscow synagogue was razed because of the

Soviet belief that the President might visit the synagogue.

In short, it is the conviction of the Soviet Jewish leadership that the President's visit was a disaster for them. They expressed the opinion that the United States seemed more interested in selling corn than in protecting human rights and individual freedom.

It is their view that it is within the power of the President of the United States to indicate in the sharpest possible terms to Soviet leadership, the view that Soviet behavior has seriously jeopardized amicable American-Russian relations; and that the new tax imposition, is both embarrassing to the President and destructive of any hope of detente.

The Jewish community of the Soviet Union urgently requests that economic boycott be imposed by the business communities of the West against the Soviet Union in the belief that this will demonstrate more clearly than any pronouncements that the imposition of the educational levy is economically counterproductive for the Soviet Union. They point to the experience of Czechoslovakia as an example of the indifference of Soviet leadership to a high moral tone. They hold that a policy of economic retaliation is far more significant than political pronouncements.

September 5, 1972.

ACTION TO MEET OUR GROWING ENERGY CRISIS

The SPEAKER pro tempore (Mr. McFALL). Under a previous order of the House, the gentleman from New Hampshire (Mr. WYMAN) is recognized for 60 minutes.

Mr. WYMAN. Mr. Speaker, the natural gas crisis is well known and a future crisis in the form of a domestic crude oil shortage is also acknowledged; yet, no solution appears in sight. Industry and Government sources agree that solid fossil fuels offer a firm long-term answer but the rate of technology development in this area is very slow, when contrasted with the relative urgency of the problem.

Current domestic natural gas reserves are equivalent to only 12.5 years at the estimated 1970 utilization rate of 61 billion cubic feet per day. This rate is predicted to rise to a level of 89 billion cubic feet by 1980, largely because many natural gas users—residential, commercial, industrial, and utilities—cannot be easily switched to other non-polluting fuels. Placed under strict control by the Federal Power Commission, gas was priced attractively in relation to other fuels, making natural gas choice fuel even before pollution control regulations greatly increased the demand for this form of clean energy.

Few observers believe that price increases or even decontrol of natural gas will result in ample new gas being found; the preponderance of opinion is that this will not be the case and that, regardless of selling price, the shortage of natural gas will continue. While some minor relief will be obtained from overseas imports of liquified natural gas—LNG—and overland imports from Canada and Alaska, there will still be a large shortfall. Since, from a pollution control standpoint, as well as from other considerations involving existing use patterns, natural gas will have a high demand for a long time to come, "synthetic natural gas"—SNG—will have to be manufactured from other fossil fuels, such as naphtha, crude oil, or coal. Coal gasification offers not only an abundant but also a potentially more economical source of gas relative to other alternatives down the road, since coal is a far cheaper fossil fuel than the other feedstock sources of making synthetic—substitute—natural gas.

Consumption of petroleum products in the United States now stands at about 14 million barrels per day—BPD—and is increasing at a rate of 3.5 to 4 percent per year. Most of this demand is satisfied from indigenous crude oil, although 15 percent of our current crude and other petroleum product requirements are already being imported, as administered under the mandatory oil import program—MOIP. Up to very recently, the United States has been in a position where it was well able to fulfill its domestic requirements of crude oil from indigenous sources. However, we are now entering a period of change. Authorities agree that the production rate of crude oil in the 48 States will probably peak out at a level of about 10 million barrels per day and will then slowly decline, regardless of vigorous continued exploration efforts. Alaskan oil is expected to top out at about 3 million barrels per day by 1980–85.

Meanwhile, petroleum products demand will rise to about 21 million barrels per day by that time. If a significant amount of natural gas demand were to be switched to liquid fuels—that is, heating oils, low sulfur heavy fuels—crude requirements might even rise to 24 million barrels per day by 1980. At that point, over 40 percent of U.S. crude would have to be imported, and this raises some serious questions of national policy, particularly in consideration of the hard line being taken by a number of oil producing countries in the Middle East and elsewhere. Even if we can buy this oil abroad, our foreign payments in 1980 will be in the range of $15 to $20 billion per year for this imported crude oil, an intolerable sum of money.

Hydrocarbon products now obtained from crude oil can also be made by conversion of solid fossil fuels, including shale oil, tar sands, and coal. In fact, "synthetic crude" can be made from all three of these materials.

It is, therefore, seen that in the case of both natural gas and crude oil, alternate sources of fuel/energy supply exist. Of these, coal is in the forefront, because of the large quantities of known reserves, their availability in many parts of the country and because coal can be converted into synthetic crude oil and pipeline quality gas without the need to handle large amounts of overburden, as is the case with shale oil and tar sands.

Private industry has so far taken only a rather limited role, as far as financial participation in coal conversion development is concerned. The main reasons for the lack of dynamic industry activity in this research effort are:

First, the natural gas and crude shortages have burst upon the country far more quickly than anyone realized or expected.

Second, the amount of money that will be involved in this technology effort will run into the hundreds of millions of dollars and there has been an understandable reluctance for any single company to undertake such an effort.

Third, concern regarding possible antitrust action has probably kept oil companies from major cooperative research efforts.

Finally, and perhaps most importantly, petroleum companies have always had a good return on their oil—and gas—exploration investments, both here and abroad. Confronted with the option to spend several hundred million dollars for oil exploration and production versus piloting a coal converson refinery, the petroleum companies have chosen to keep on drilling for oil.

It is too late to expect private industry to pick up the ball and run with it fast enough to stay in the ball game. Further, it is not yet in a mood to do so. Therefore, the development of coal conversion technology will remain, for the time being at least, a responsibility and now increasingly urgent problem of the Government. The question is, can the U.S. Government devise a scheme to push development work by industry, yet keep the Government out of the energy field?

Funding for solid fossil fuel conversion processes should be stepped up several fold. Working backward from the 1980–85 period when coal gasification and liquification plants will be required, we should determine, based on industry experience, what level of development effort is required for the necessary technology to be there when the country needs it. We are in somewhat better shape on coal gasification research than on coal conversion processes to synthetic crude oil. The American Gas Association and the Office of Coal Research of the Department of the Interior, have teamed up to speed development of several processes for making substitute gas from coal. This is a desirable step but does not go far enough in the judgment of many experts because the amount of funding—approximately $300 million over 4 years—is judged insufficient, compared to the magnitude and urgency of the problem. Furthermore, many people believe that substitute gas from coal can be manufactured more economically in a coal conversion plan designed to make both substitute natural gas and synthetic crude oil.

What can the U.S. Government do to assure that the country will be able to meet its energy needs in the 1980's by greater utilization of its large supplies of fossil fuels, such as coal and shale oil?

A massive Government effort to develop coal conversion processes without large-scale private industry participation is undesirable. Even if the Government were best qualified to develop technology, there would then be a question of how this technology would be used. Clearly, the Government should not be in the business of making the country's gasoline or natural gas.

An alternative merits serious consideration. This would involve the creation of a Government-sponsored, privately owned synthetic fuels corporation which would provide a desirable vehicle to serve the national interest in this area, while maintaining a private enterprise approach. This company's charter would be to develop the needed technology, to build an adequate number of demonstration plants and to manufacture and sell the synthetic gas and crude oil it manufactures, while at the same time making the technology it has developed available to other companies on a reasonable royalty-paying basis.

Creating a privately owned but Government-sponsored company has had a precedent in Comsat, the Communications Satellite Corporation.

Comsat was established "as an instrument of U.S. policy" in 1963-64, after passage of a special act of Congress in mid-1962. The act states that "the purpose is to be responsible to national objectives" and "to meet the rapid growth in demand for international communications services." Comsat is 42 percent owned by U.S. communications common carriers, the balance being owned by private investors. The company raised $196 million when it went public in June 1964.

Some interesting aspects and parallels between Comsat and the proposed Synthetic Hydrocarbon Fuels Corporation—abbreviated to Syncorp—are:

First, Comsat is privately owned but included ownership by regulated companies—for example, A.T. & T. It is expectable that some of the interstate pipelines companies will invest in Syncorp.

Second, much Government-joint R. & D. work—for example, missile and satellite launching techniques—were made available to Comsat, at no charge.

Third, Government "sponsorship" is clearly spelled out, thus giving confidence to investors.

Fourth, there was a 5 to 6 year gap before measurable amounts of net income—other than that from investing the original capital—started to flow to the company.

Fifth, a competent management team and board of directors has been responsible for operations of the company. Comsat appears to operate in a manner completely analogous to a private company, except for its "common carrier" aspects, which are under the control of the Federal Communications Commission.

Sixth, when Comsat went public, it attracted great attention as a futures company. This would certainly also be the case for Syncorp, which should be able to raise more money than Comsat in view of the scope of its charter.

The purpose of the proposed Corporation would be:

First, to become a channel for U.S. Government development funds for solid fossil fuel conversion technology, with appropriate fund matching by Syncorp. Government funds would be committed against an agreed timetable for development and would be repaid from royalties.

Second, to develop and commercialize solid fossil fuel technology, to develop patent rights and know-how, and to obtain royalty income from the licensing of this technology to interested companies.

Third, to build a number of demonstration plants to make coal gas and synthetic crude oil and to manufacture and sell the products. Syncorp would become and remain a viable entity as a producer of energy products for the U.S. market.

I am today, therefore introducing a bill to create a Government-chartered Corporation with Federal participation to develop commercially feasible processes for the conversion of coal to oil and gas and a resolution authorizing the Office of Emergency Preparedness to contract for the execution of a study to determine the feasibility of creating a Synthetic Hydrocarbon Fuels Corporation as proposed in my bill.

The provisions of these two measures are as follows:

H.R. 16918

A bill to create a corporation for profit to develop commercially feasible processes for the conversion of coal to crude oil and other liquid and gaseous hydrdocarbons, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—GENERAL PROVISIONS

SECTION 101. This Act may be cited as the "Synthetic Hydrocarbon Fuel Act of 1972".

DECLARATION OF POLICY AND PURPOSE

SEC. 102. The Congress hereby declares that—

(1) it is the policy of the United States to develop as expeditiously as practicable commercially feasible processes for the conversion of coal to crude oil and other liquid and gaseous hydrocarbons in response to the public need for an adequate supply of energy and in keeping with the national objective of developing domestic sources of energy to the maximum extent practicable;

(2) any new processes so developed are to be made available as soon as possible;

(3) in order to facilitate this development and to provide for the widest possible participation by private enterprise, the participation of the United States in the development of coal conversion technology should be in the form of a private corporation, subject to appropriate governmental regulation;

(4) it is the intent of Congress that all authorized users have open access to technology developed;

(5) maximum competition be maintained in the provision of equipment and services used in developing the technology; and

(6) the corporation be so organized and operated as to maintain and strengthen competition in the provision of energy to the publc.

DEFINITION

SEC. 103. As used in this Act, the term "corporation" means the corporation created under this Act.

TITLE II—FEDERAL COORDINATION, PLANNING, AND REGULATION

IMPLEMENTATION OF POLICY

SEC. 201. In order to achieve the objectives and to carry out the purposes of this Act—

(a) the President shall—

(1) aid in the planning and development and foster the execution of a national program for the development, as expeditiously as possible, of commercially feasible processes for the conversion of coal to crude oil and other liquid and gaseous hydrocarbons;

(2) provide for continuous review of all phases of the development of such processes, including the activities of a synthetic hydrocarbon fuel corporation authorized under title III of this Act;

(3) coordinate the activities of governmental agencies with responsibilities in the field of energy conversion, so as to insure that there is full and effective compliance at all times with the policies set forth in this Act; and

(4) take all necessary steps to reduce dependence on foreign sources of fuel following the development of an economically feasible coal conversion process.

(b) the Office of Coal Research shall—

(1) cooperate with the corporation in research and development to the extent deemed appropriate by the Director in the public interest;

(2) assist the corporation in the conduct of its research and development by furnishing the corporation, when requested, on a reimbursable basis, such facilities as the Director deems necessary for the most expeditious and economical development of a coal conversion process; and

(3) to the extent feasible, furnish other services to the corporation in connection with the development of a coal conversion process.

(c) The Federal Power Commission shall have authority to make such investigations of the corporation as are necessary for the performance of such Commission's duties under section 404(c).

TITLE III—CREATION OF A SYNTHETIC HYDROCARBON FUEL CORPORATION

CREATION OF CORPORATION

SEC. 301. There is hereby authorized to be created a synthetic hydrocarbon fuel corporation for profit which will not be an agency or establishment of the United States Government. The corporation shall be subject to the provisions of this Act and, to the extent consistent with this Act, to the District of Columbia Business Corporation Act. The right to repeal, alter, or amend this Act at any time is expressly reserved.

PROCESS OF ORGANIZATION

SEC. 302. The President of the United States shall appoint Incorporators, by and with the advice and consent of the Senate, who shall serve as the initial board of directors until the first annual meeting of stockholders or until their successors are elected and qualified. Such incorporators shall arrange for an initial stock offering and take whatever other actions are necessary to establish the corporation, including the filing of articles of incorporation, as approved by the President.

DIRECTORS AND OFFICERS

SEC. 303. (a) The corporation shall have a board of directors consisting of individuals who are citizens of the United States, of whom one shall be elected annually by the board to serve as chairman. Three members of the board shall be appointed by the President of the United States, by and with the advice and consent of the Senate, effective the date on which the other members are elected, and for terms of three years or until their successors have been appointed and qualified, except that the first three members of the board so appointed shall continue in office for terms of one, two, and three years, respectively, and any member so appointed to fill a vacancy shall be appointed only for the unexpired term of the director whom he succeeds. The Director of the Office of Coal Research shall be a member of the board, serving without compensation. Nine members of the board shall be elected annually by the stockholders of the corporation. The articles of incorporation to be filed by the incorporators designated under section 302 shall provide for cumulative voting under section 27(d) of the District of Columbia Business Corporation Act (D.C. Code, sec. 29–911(d)).

(b) The corporation shall have a president, and such other officers as may be named and appointed by the board, at rates of compensation fixed by the board, and serving at the pleasure of the board. No individual other than a citizen of the United States may be an officer of the corporation. Except for the Director of the Office of Coal Research, no officer of the corporation shall receive any salary from any source other than the corporation during the period of his employment by the corporation.

FINANCING OF THE CORPORATION

SEC. 304. (a) The corporation is authorized to issue and have outstanding, in such amounts as it shall determine, shares of capital stock, without par value, which shall carry voting rights and be eligible for dividends. The shares of such stock initially offered shall be sold at a price not in excess of $100 for each share and in a manner to encourage the widest distribution to the American public.

(b) The corporation is authorized to issue, in addition to the stock authorized by subsection (a) of this section, nonvoting securities, bonds, debentures, and other certificates of indebtedness as it may determine.

(c) The requirement of section 45(b) of the District of Columbia Business Corporation Act (D.C. Code, sec. 29-920(b)) as to the percentage of stock which a stockholder must hold in order to have the rights of inspection and copying set forth in that subsection shall not be applicable in the case of holders of the stock of the corporation, and they may exercise such rights without regard to the percentage of stock they hold.

(d)(1) The Secretary of the Treasury is authorized to purchase from time to time and hold for the United States, up to forty percent of the current outstanding stock of the Corporation, and the Secretary of the Interior, or his delegate, shall represent the interests of the United States at all corporate meetings, and exercise all voting rights which shall accrue to the United States, by reason of its ownership of stock or otherwise, with respect to the Corporation.

(2) At such time as the Corporation shall have developed and licensed a commercial process or processes for the conversion of coal to oil and/or natural gas, the interest of the United States acquired pursuant to the authority conferred by subsection (1) of this Section, shall be retired by the payment to the Secretary of the Treasury of forty percent of the proceeds from such royalties until the investment of the United States in the Corporation shall have been returned in full.

PURPOSES AND POWERS OF THE CORPORATION

SEC. 305. (a) In order to achieve the objectives and to carry out the purposes of this Act, the corporation is authorized to—

(1) plan, initiate, construct, own, manage, and operate facilities to demonstrate feasible coal conversion processes.

(2) furnish, under an appropriate franchise system, processes for the conversion of coal to crude oil and other liquid and gaseous hydrocarbons.

(b) The activities authorized to be engaged in by the corporation for the accomplishment of the purposes indicated in subsection (a) of this section shall include—

(1) conducting or contracting for research and development related to its mission;

(2) the acquisition of the physical facilities, equipment, and devices necessary to its operations, whether by construction, purchase, or gift; and

(3) entering into franchise agreements with fuel producers.

(c) To carry out its purposes, the corporation shall have the usual powers conferred upon a stock corporation by the District of Columbia Business Corporation Act.

TITLE IV—MISCELLANEOUS

NOTICE OF FOREIGN BUSINESS NEGOTIATIONS

SEC. 401. Whenever the corporation shall enter into business negotiations with respect to facilities, operations, or services authorized by this Act with any international or foreign entity, it shall notify the Department of State of the negotiations, and the Department of State shall advise the corporation of relevant foreign policy considerations. Throughout such negotiations the corporation shall keep the Department of State informed with respect to such considerations. The corporation may request the Department of State to assist in the negotiations, and that Department shall render such assistance as may be appropriate.

SANCTIONS

SEC. 402. (a) If the corporation created pursuant to this Act shall engage in or adhere to any action, practices, or policies inconsistent with the policy and purposes declared in section 102 of this Act, or if the corporation or any other person shall violate any provision of this Act, or shall obstruct or interfere with any activities authorized by this Act, or shall refuse, fail, or neglect to discharge his duties and responsibilities under this Act, or shall threaten any such violation, obstruction, interference, refusal, failure, or neglect, the district court of the United States for any district in which such corporation or other person resides or may be found shall have jurisdiction, except as otherwise prohibited by law, upon petition of the Attorney General of the United States, to grant such equitable relief as may be necessary or appropriate to prevent or terminate such conduct or threat.

(b) Nothing contained in this section shall be construed as relieving any person of any punishment, liability, or sanction which may be imposed otherwise than under this Act.

(c) It shall be the duty of the corporation to comply, insofar as applicable, with all provisions of this Act and all rules and regulations promulgated thereunder.

ANTITRUST

SEC. 403. Participation in the corporation, whether by contract or investment shall not be construed to constitute a violation of Federal antitrust laws.

REPORTS TO THE CONGRESS

SEC. 404. (a) The President shall transmit to the Congress in January of each year a report which shall include a comprehensive description of the activities and accomplishments during the preceding calendar year under the national program referred to in section 201(a)(1), together with an evaluation of such activities and accomplishments in terms of the attainment of the objectives of this Act and any recommendations for additional legislative or other action which the President may consider necessary or desirable for the attainment of such objectives.

(b) The corporation shall transmit to the President and the Congress, annually and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this Act.

(c) The Federal Power Commission shall transmit to the Congress, annually and at such other times, as it deems desirable—

(1) a report of its activities and actions on anticompetitive practices as they apply to the corporations programs;

(2) an evaluation of such activities and actions taken by it within the scope of its authority with a view to recommending such additional legislation which such Commission may consider necessary in the public interest; and

(3) an evaluation of the capital structure of the corporation so as to assure the Congress that such structure is consistent with the most efficient and economical operation of the corporation.

H.J. RES. 1316

Joint resolution authorizing a study of whether to create a corporation for profit to develop commercially feasible processes for the conversion of coal to crude oil and other liquid and gaseous hydrocarbons

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Office of Emergency Preparedness is authorized and directed to contract for and supervise the making of a study concerning the need for the formation of a Synthetic Hydrocarbon Fuel Corporation (SYNCORP) to develop commercially feasible processes for the conversion of coal to crude oil and other liquid and gaseous hydrocarbons. The Office of Emergency Preparedness is directed to report the results of such study to the Congress within one year from the date of the enactment of this resolution.

SEC. 2. There is authorized to be appropriated the sum of $200,000, for the purposes of this Act.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield?

Mr. WYMAN. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Speaker, I do not want to interrupt the gentleman in the middle of the interesting proposal he is making before this Congress, but like the gentleman from New Hampshire I come from an area which is at the end of the energy distribution line, and whenever there are shortages of energy that is reflected in either the gentleman's area or mine.

I am wondering which of the Government agencies is to be charged with responsibility for the corporation the gentleman is proposing and which would oversee its operations should such a proposal be accepted?

Mr. WYMAN. Well, between an area of Commerce, Interior, and the Office of Emergency Preparedness, I would expect there are already joint teams assessing this situation under the overall direction of the Chairman of the Federal Power Commission at the present time.

In response to the gentleman's comment about being at the end of the line, I would simply say that the bill which I am introducing today to create a parallel to Comsat for fossil fuel development, I am also introducing a resolution today to direct the Office of Emergency Preparedness to make a study to determine whether or not the full implementation of this bill is feasible.

I do not presume myself, not having the expertise that is available in the field in such matters, to know whether or what has been done in the past. It was done in World War II by Hitler in fueling his Messerchmitts, for example. I do not know whether we can take our coal, squeeze it and process it in order to have natural gas and oil at a commercially feasible price.

I do know that at the same time, for example, we had desalinization on a very large scale in America, but we have not yet gotten that salt water into fresh water cheap enough for irrigation.

I think we ought to have enough so that the problem will not arise and that those on the end of the line will have that gas to do their cooking and heating with in the 1980's.

Mr. FRENZEL. I thank the gentleman. I hope the proposal gets the serious attention it deserves from the unfortunately large number of agencies which will, I hope, be obliged to consider it.

Mr. WYMAN. I thank the gentleman.

AMENDMENT TO THE AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE EUROPEAN ATOMIC ENERGY COMMUNITY (EURATOM)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Holifield) is recognized for 5 minutes.

Mr. HOLIFIELD. Mr. Speaker, as chairman of the Subcommittee on Agreements for Cooperation of the Joint Committee on Atomic Energy, I wish to advise my colleagues that in compliance with section 123(c) of the Atomic Energy Act of 1954 as amended, the Atomic Energy Commission on September 20, 1972, submitted to the Joint Committee a proposal entitled "Amendment to the Additional Agreement for Cooperation of June 11, 1960 Between the Government of the United States of America and the European Atomic Energy Community (Euratom)."

The Atomic Energy Act requires that such a proposed amendment lie before the Joint Committee for 30 days while Congress is in session before becoming effective. The basic purpose of the amendment is to bring up to date and otherwise modify provisions of the additional agreement relating to the supply of special nuclear material over the remaining life of the agreement, which expires in 1995.

In keeping with the general practice of the Joint Committee, I include in the Congressional Record for the information of interested Members of Congress, the supporting correspondence. The text of the amendment is available at the office of the Joint Committee on Atomic Energy. The material follows:

Atomic Energy Commission,
Washington, D.C., September 20, 1972.

Hon. John O. Pastore,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

Dear Senator Pastore: Pursuant to Section 123c of the Atomic Energy Act of 1954, as amended, copies of the following are submitted with this letter:

a. a proposed "Amendment to the Additional Agreement for Cooperation of June 11, 1960 Between the Government of the United States of America and the European Atomic Energy Community (EURATOM);"

b. a letter from the Commission to the President recommending approval of the amendment; and

c. a memorandum from the President containing his determination that its performance will promote and will not constitute an unreasonable risk to the common defense and security and approving the amendment and authorizing its execution.

The basic purpose of the amendment is to bring up to date and otherwise modify provisions of the Additional Agreement relating to the supply of special nuclear material over the remaining life of the agreement, which expires in 1995. The amendment is in accord with the revised policy adopted by the Commission in 1971 governing foreign supply of enriched uranium. Pursuant to this policy, the Additional Agreement will permit the transfer of U–235 for power as well as research purposes within an authorized amount but will not constitute an advance allocation of our enrichment capacity. An allocation and firm supply assurance will depend upon the execution of a supply contract.

Article I, paragraph A of the amendment allows the Commission to enter into toll enrichment contracts to supply enriched material for fueling power reactors. Once EURATOM is ready to contract for a particular quantity, it must compete on a "first come, first served" basis as far as access to available AEC enrichment capacity is concerned. Access to such capacity will be on an equitable basis with the Commission's other customers. The article, pursuant to paragraph B, also permits sale of enriched fuel at the Commission's option after a request by a purchaser.

Article I also continues the following provisions of the present agreement, with modifications in two instances:

(a) Paragraph D continues authority to transfer special nuclear material to EURATOM for performance of conversion or fabrication services and subsequent transfer to third countries. At EURATOM's request and following the precedents of the Agreements for Cooperation with Canada, Japan and the United Kingdom, paragraph D has been modified to permit the converted or fabricated product to be returned to the United States. As in the United Kingdom Agreement, the provision is in reciprocal form.

(b) Paragraph E continues the provision permitting spent fuel of United States origin to be transferred from third countries to EURATOM for chemical reprocessing and for subsequent retention of the recovered material within the Community or transfer to third countries other than the United States.

(c) Under paragraph F, special nuclear material other than U–235 may be transferred for fueling purposes. This provision has been modified to make the ceiling limitations on such materials, which are contained in the 1958 EURATOM Cooperation Act, apply only to transfers by the Commission. This modification has been made in view of the Commission's intention not to be a long-term commercial supplier of plutonium, and also in view of the quantities of plutonium which will be generated in privately owned power reactors and the consequent private commerce in plutonium for such purposes as plutonium recycle and, eventually, fast reactor fuel. While private plutonium transfers under the agreement will not be subject to the ceiling, they will of course be subject to the safeguards requirements.

Article II of the amendment establishes terms and conditions of material supply. As is currently the case, uranium enriched to more than 20% in U–235 may be transferred when there is a technical or economic justification. Moreover, two new provisions which have been incorporated in this article deserve special mention. First, special nuclear material produced through the use of material supplied by the United States to EURATOM may be transferred to countries outside the Community provided that such countries have an appropriate agreement for cooperation with the United States or they guarantee the peaceful use of the produced material under safeguards acceptable to the United States. Secondly, special nuclear material not of United States origin which is transferred to this country from EURATOM may be reexported back to the Community without being charged against the statutory ceiling authorization. If such material is deemed not to have been improved while in the United States, it will not be subject upon reexport to the safeguards provisions of the agreement. As a practical matter, we expect that the exemption from the agreement's safeguards provisions generally would apply to the following two types of transactions: (1) the import of samples and fuel specimens for service irradiation and subsequent reexport for examination and testing, and (2) the import of unique materials, either irradiated or unirradiated, for testing and examination and subsequent return to the Community. There would, of course, be no exemption from the guarantee of peaceful use of such material.

Article VI of the amendment gives recognition to United States obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, through addition of the word "treaties" to the provision which identifies certain factors governing the Parties' obligations under the Additional Agreement.

The agreement with EURATOM does not establish the quantities of special nuclear material which may be distributed by the Commission to EURATOM. Because EURATOM is a group of nations, specific Congressional authorization of the quantities is required and is established in the EURATOM Cooperation Act of 1958, as amended. An amendment of the Act to increase the ceiling limitation on U–235 has been drafted and is being reviewed within the Executive Branch as a related but separate matter.

The amendment to the agreement will enter into force on the date on which each Party shall have received from the other Party written notification that it has complied with all statutory and constitutional requirements for entry into force.

Sincerely,

James R. Schlesinger,
Chairman.

The White House,
Washington, D.C., September 15, 1972.

Memorandum for: Dr. James R. Schlesinger, Chairman, Atomic Energy Commission.

Subject: Proposed amendment to additional agreement for cooperation with EURATOM concerning civil uses of atomic energy.

I have reviewed the proposed "Amendment to the Additional Agreement for Cooperation of June 11, 1960 Between the Government of the United States of America and the European Atomic Energy Community (EURATOM)," which was submitted for my approval with the Commission's letter of August 18, 1972.

Pursuant to the provisions of Section 123b of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby:

a. Approve the proposed amendment, and determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security; and

b. Authorize the execution of the proposed amendment on behalf of the Government of the United States of America by appropriate authorities of the Atomic Energy Commission and the Department of State.

Richard Nixon.

Atomic Energy Commission,
Washington, D.C., August 18, 1972.

The President,
The White House.

Dear Mr. President: Enclosed is a proposed "Amendment to the Additional Agreement for Cooperation of June 11, 1960 Between the Government of the United States of America and the European Atomic Energy Community (EURATOM)." The amendment has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended. With the Department's support, the Commission recommends that you approve the amendment, determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorizes its execution.

The basic purpose of the amendment is to bring up to date and otherwise modify provisions of the Additional Agreement relating to the supply of special nuclear material over the remaining life of the agreement, which expires in 1995. This action was initiated by a request of the Council of Ministers of the European Communities, on behalf of EURATOM.

The proposed amendment is in accord with the revised policy adopted by the Commission in 1971 governing foreign supply of enriched uranium. Pursuant to this policy, the Additional Agreement will permit the transfer of U–235 for power, as well as research, purposes within an authorized amount but will not constitute an advance allocation of our enrichment capacity. An allocation and firm supply assurance will depend upon the execution of a supply contract.

Accordingly, Article I, paragraph A, allows the Commission to enter into toll enrichment contracts to supply enriched material for fueling power reactors. Once EURATOM is ready to contract for a particular quantity, it must compete on a "first come, first served" basis as far as access to available AEC enrichment capacity is concerned. Access to such capacity will be on an equitable basis with the Commission's other customers. The article, pursuant to paragraph B, also permits sale of enriched fuel at the Commission's option after a request by a purchaser.

Article I also continues the following provisions of the present agreement, with modifications in two instances:

(a) Paragraph D continues authority to transfer special nuclear material to EURATOM for performance of conversion or fabrication services and subsequent transfer to third countries. At EURATOM's request and following the precedents of the Agreements for Cooperation with Canada, Japan and the United Kingdom, paragraph D has been modified to permit the converted or fabricated product to be returned to the United States. As in the United Kingdom Agreement, the provision is in reciprocal form.

(b) Paragraph E continues the provision permitting spent fuel of United States origin to be transferred from third countries to EURATOM for chemical reprocessing and for subsequent retention of the recovered material within the Community or transfer to third countries other than the United States.

(c) Under paragraph F, special nuclear material other than U-235 may be transferred for fueling purposes. This provision has been modified to make the ceiling limitations on such materials, which are contained in the 1958 EURATOM Cooperation Act, apply only to transfers by the Commission. This modification has been made in view of the Commission's intention not to be a long-term commercial supplier of plutonium, and also in view of the quantities of plutonium which will be generated in privately owned power reactors and the consequent private commerce in plutonium for such purposes as plutonium recycle and, eventually, fast reactor fuel. While private plutonium transfers under the agreement will not be subject to the ceiling, they will of course be subject to the safeguards requirements.

Article II of the amendment establishes terms and conditions of material supply. As is currently the case, uranium enriched to more than 20% in U-235 may be transferred when there is a technical or economic justification. Moreover, two new provisions which have been incorporated in this article deserve special mention. First, special nuclear material produced through the use of material supplied by the United States to EURATOM may be transferred to countries outside the Community provided that such countries have an appropriate agreement for cooperation with the United States or they guarantee the peaceful use of the produced material under safeguards acceptable to the United States. Secondly, special nuclear material not of United States origin which is transferred to this country from EURATOM may be reexported back to the Community without being charged against the statutory ceiling authorization. If such material is deemed not to have been improved while in the United States, it will not be subject upon reexport to the safeguards provisions of the agreement. As a practical matter, we expect that the exemption from the agreement's safeguards provisions generally would apply to the following two types of transactions: (1) the import of samples and fuel specimens for service irradiation and subsequent reexport for examination and testing, and (2) the import of unique materials, either irradiated or unirradiated, for testing and examination and subsequent return to the Community. There would, of course, be no exemption from the guarantee of peaceful use of such material.

Article VI of the amendment gives recognition to United States' obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, through addition of the word "treaties" to the provision which identifies certain factors governing the Parties' obligations under the Additional Agreement.

The agreement with EURATOM does not establish the quantities of special nuclear material which may be distributed by the Commission to EURATOM. Because EURATOM is a group of nations, specific Congressional authorization of the qualities is required and is established in the EURATOM Cooperation Act of 1958, as amended. An amendment of the Act to increase the ceiling limitation on U-235 is being processed as a related but separate matter.

Following your approval, determination and authorization, the proposed amendment will be formally executed by appropriate authorities of the United States and the European Communities. In compliance with Section 123c of the Atomic Energy Act, the agreement will be submitted to the Joint Committee on Atomic Energy.

Respectfully yours,

JAMES R. SCHLESINGER,
Chairman.

TRIBUTE TO THE DUQUESNE UNIVERSITY TAMBURITZANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. HEINZ) is recognized for 60 minutes.

Mr. HEINZ. Mr. Speaker, I have been personally thrilled and delighted on numerous occasions by the talent, spirit, and authenticity of the Tamburitzans of Duquesne University in Pittsburgh.

This outstanding student group is dedicated to preserving the cultures of this Nation's diverse ethnic groups and for enhancing the climate of understanding both here and abroad through their songs, dances, and native costumes.

They represent the best in American youth, both in public performance and private conduct, but there is a great deal more to the Duquesne University Tamburitzans than what has been and will continue to be seen for years to come on stages of concert halls and theaters around the world.

I am especially eager to share with my colleagues the accomplishments of this group and to urge them to avail themselves of the wide-ranging scope of the Tamburitzans' activities.

The Tammies, as they are affectionately known, evolved out of an ensemble located at St. Edward's University in Austin, Tex., in the mid-1930's.

The St. Edward's group, after several years in the southwest, made a tour throughout the East. Dr. A. Lester Pierce, credited as the founder of the group in 1937, realized the great potential of implanting this organization in a multilingual, multi-cultural community such as Pittsburgh. He negotiated successfully with Duquesne University, with the help of the Croatian Fraternal Union of America, moved the St. Edward's players to the Steel City and called his new group "The Slavonic Tamburitza Orchestra." The first musical director was Mr. Matt L. Gouze.

The main purpose of the organization was to provide scholarship opportunities to deserving students. This objective remains in full force today.

A milestone was reached in 1941 when the first graduates of the Slavonic Tamburitza Orchestra matriculated from the group. This began the never-ending cycle of bringing in new freshmen to replace outgoing graduates.

During the 1938–39 season, the group was renamed the Duquesne University Tamburitza Orchestra. A successful European tour in 1950 added to the group's national prestige and honors. An even more ambitious tour of Europe came about in 1952.

In 1952, the active managerial reins and directorship of the organization was assumed by Mr. Walter W. Kolar and a new corporate strategy was formulated—one in which new and fresh ideas were to mold the Tammies into a veritable center for cultural activities and one which regarded the Tamburitzans as an organization with unlimited, untapped potential.

A Tamburitza school program was inaugurated in 1954 and graduates of this school now form the nucleus for all of the Tamburitzans' folk concerts, making up more than half its membership.

The Tamburitza Philharmonic Orchestra made its debut in 1960, adding a new dimension to the tamburitza arts. A third, even more successful tour of Europe followed.

Graduates by the hundreds spread from coast to coast, teaching the tamburitza and other instruments, like the kolo.

In the summer of 1968, the Tammies were chosen by the U.S. State Department to represent this Nation on an 8-week tour of 10 Latin American countries. Such was their success, that they were again invited by Washington to tour for 7 weeks in 1969 to Rumania, Poland, and the Soviet Union.

Christmas of 1971 found them in France and in 1972, a grant from the Richard King Mellon Foundation in Pittsburgh took these young "good will ambassadors" to Czechoslovakia, France Greece, and Bulgaria.

I would like to briefly list some of the outstanding accomplishments and contributions of the Tamburitzans:

LIBRARY AND MUSEUM

The Tamburitzans library and museum of instruments and costumes is housed in the Tamburitzan Cultural Center on the Boulevard of the Allies in Pittsburgh and is available for public use. During the past year it was visited by many groups from high schools, local colleges and universities, service clubs, hospitals, fraternals, and individuals. It is also used by many graduate students throughout the country for research purposes—especially in the area of folk arts. No charge is made to anyone wishing to avail themselves of these services.

I am delighted that I will be able to attend a public open house at the cultural center this Sunday, October 1, and join with countless Pittsburghers and others in commending the Tamburitzans for their contributions to ethnic culture and international good will.

The basic collection of the library and museum is Eastern European and Slavic; however, many books, periodicals, costumes, and so forth, of other ethnic groups is also well represented. To date, the costume museum has approximately the library has 10,000 publications and 1,000 original folk costumes. The collection is an invaluable resource for the research involved in the Tamburitzane work, and is constantly being expanded with new acquisitions.

EDUCATION OF CHILDREN

Realizing the importance of capturing the imagination of young people, the Tamburitza School of Music offers professional instruction in the skill of playing the tamburitza—the lute-shaped instrument from which the Tamburitzans derive their name. The school also offers instruction in folk dancing, and cultural background information related to music and dance.

COMMUNITY PROGRAMS

Besides the Tamburitza schools for children and teenagers, the Tamburitzans began the Pittsburgh Folk Festival in 1956. The festival is now sponsored by Robert Morris College and the Tamburitzans are the "musical hosts."

The folk festival is a tribute not only to the people of Pittsburgh who are its spirit, but to the whole Nation of which it is a capsule glimpse. Here, Chinese work beside Lebanese, and Ukrainians beside Scots, showing off the cuisine, art, and folklore of their cultural heritage.

Members of the Tammies and its board of directors serve as consultants to the city fathers of such widely separated communities as McKees Rocks and Wilkes-Barre, Pa., and Gary, Ind., and Rochester, N.Y., in helping those communities launch their own folk festivals.

Besides personnel, the Tamburitzans offer as a community service, materials and years of experience in providing expertise in the area of folk festivals.

I would urge my colleagues to take advantage of this service in spotlighting the ethnic cultural heritage of their own districts.

Since 1937, the Tamburitzans have been educating young people while perpetuating a rich cultural heritage. They have left their imprint in the far corners of the globe.

The youthful performers who make up this musical group are all full-time scholarship students at Duquesne University, each year performing nearly 100 concerts in the United States and Canada in addition to their foreign tours, all the while maintaining standards of academic excellence.

Brilliant and authentic costumes match the magic of their music and dance. However, behind the fun and frivolity is a well-functioning business corporation and many years of experience and research.

Many individuals and organizations support the work of the Tamburitzans. The Holy Ghost Fathers of Duquesne University have provided a home for the Tammies for many years. A group of civic-minded individuals comprise the board of directors who serve without compensation in formulating policy. Additional support is offered by the Alumni Association and the Ladies Auxiliary of the Tamburitzans.

Mr. Kolar, the managing director and producer of the Tamburitzans, is still considered the moving force behind the troupe. The leading authority in the Tamburitza field in America, Mr. Kolar has received numerous honors and citations for his cultural work over the years.

He joined the Tamburitzans as a student member in 1938 and has held such positions as treasurer and assistant director during the ensuing years.

Mr. Kolar's dedication and strong sense of leadership have steered the Tamburitzans to the high level of achievement they enjoy today.

Overseeing the general operations and assuming the legal responsibility for the conduct of the business is a group of citizens who form a board of directors. At the helm of this board is its president, Nicholas Jordanoff, who also serves as community programs coordinator for the Tamburitzans.

In this latter regard, Mr. Jordanoff is responsible for the many off-stage projects involving the Tammies, from recruitment of new talent to the planning and development of academic offerings in areas directly concerned with the Tamburitzans' field of interest.

He brings a long list of credentials to his position. He was a former student performer with the group, college educator, and a director and adviser to several folk festival organizations.

Mr. Jordanoff's experience in dealing with folk art and ethnic groups in the United States and Europe are proving invaluable in his work with the Duquesne Tamburitzans.

I feel it is noteworthy to mention that the recent Tamburitzan tour which penetrated the Iron Curtain was done as a private venture, utilizing the grant mentioned earlier from the Mellon Foundation, and without financial assistance from the U.S. State Department.

I offer the following article, from the Pittsburgh Press, and published upon the announcement of that grant:

TAMMIES DANCE FOR REDS ON MELLON GRANT

(By Carl Apone)

A $90,000 grant from a Pittsburgh foundation will send the Duquesne University Tamburitzans on a goodwill tour of two Communist and three other European countries this summer.

The Richard King Mellon Foundation made the grant for a June 4–Aug. 4 tour of two Iron Curtain countries—Czechoslovakia, Bulgaria—as well as Turkey, France and Italy.

A spokesman for the foundation said the grant was made for two reasons: 1) because of the impressive showing the Tammies made in 1969 on a tour of the Soviet Union, Romania and Poland for the U.S. State Department; 2) to show that private enterprise in Pittsburgh cares about culture.

The tour will open in Czechoslovakia, June 5–June 15, with nine performances in Prague and other cities to be announced.

Then the 46-member troupe will perform briefly in Southern France and Italy en route to longer engagements in Turkey and Bulgaria.

The student performers will be in Turkey July 10–15, and Bulgaria July 16–Aug. 3.

FOLK FESTIVAL SLATED

In Bulgaria the Tammies will be the first to represent the United States in the international folk festival at Burgas. They will share the stage with a number of state ensembles from eastern European nations, including the Pirin from Bulgaria, Lado from Yugoslavia, Perenitza from Romania, Miklos of Hungary and the famed Masowze from Poland.

In all, the Tammies will present 12 shows in Bulgaria and will also conduct a week of their annual summer camp training in Sofia, working with the Pirin troupe, at the invitation of the Bulgarians.

At the end of the tour the Tammies then head for Lake Nebagamon, Wis., for three more weeks of training at their summer camp.

"Thanks to the grant," said director Walter Kolar, "the Tammies will be performing in Czechoslovakia, Bulgaria and Southern France for the first time.

HERE AT HEINZ HALL

"In 1962 the Tammies did three shows in Italy. This tour represents a genuine opportunity for cultural exchange in that we will present a half-American, half-Slavic program to our audiences, and in turn will meet, work and gain from the folk arts expertise of world-famous choreographers, musicians and historians."

UNITED STATES-U.S.S.R. TRADE AND UKRAINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, with the opportunities for trade between the U.S.S.R. and our country being broadened, the fund of our knowledge and understanding of the numerous captive non-Russian nations in the Soviet Union cannot but expand to both our cultural and strategic benefit. What we may gain in economic advantage and return will perhaps be far exceeded by what our people will have learned from this cyclical experience as concerns the nature of this empire state and the many non-Russian nations held captive within it.

As yet, it is not generally known and sufficiently appreciated that the largest captive non-Russian nation in the U.S.S.R. and Eastern Europe is Ukraine.

With a population of over 45 million, Ukraine is one of the most resourceful nations in Europe, and if it were not under the domination of Russian Moscow, it would certainly again become "the granary of Europe" but in an advanced economic framework of industry and agriculture. Also, the country's geographic location, extending from the Carpathian Mountains toward the Caucasus and above the Black Sea, is a most strategic one as concern developments in Europe, Asia, and the Middle East.

Mr. Speaker, because we shall hear more about this largest captive nation in Europe, I submit for our popular edification the illuminating section on "Ucrainica in American and Foreign Periodicals" published in the world-respected scholarly journal of East European and Asian affairs, the Ukrainian Quarterly.

The section, prepared by Dr. Lev E. Dobriansky of Georgetown University, Washington, D.C., regularly shows the growing interest in this captive nation and, above all, the prominent myths and misconceptions that many in the West still cling to when analyzing or commenting upon the Soviet Union, Russia, or Ukraine.

With us embarking on expanded trade contacts with Moscow, it is high time these myths were dissipated, and a Select House Committee on the Captive Nations would be the most effective way of doing it. From the Ukrainian Quarterly, Autumn 1972:

Ucrainica in American and Foreign Periodicals

[From the New York Times, July 31, 1972]

Unrest Is Spurring Soviet To Meld Its 100 Nationalities

(By Theodore Shabad)

In the past few months this newspaper has run several highly informative and penetrating articles, reports and editorials on the non-Russian nations in the USSR. This marked phase of interest seems to be a renewal of that shown in a concentrated way some twenty years ago, preceding and following the death of Stalin and the downfall of Beria. Though marked by several conceptual errors, this account is a welcome addition to the paper's cumulative interest in this crucial subject.

The article shows the spread of Russification under Moscow's policy to combat growing unrest in the captive non-Russian nations. As the writer puts it, "The continuing existence of ethnic problems has been pointed up in this 50th anniversary year of the establishment of the Union of Soviet Socialist Republics by reports of nationalist unrest in Lithuania, charges of Russification in the Ukraine and attempts to glorify a non-Communist Georgian state that existed briefly more than 50 years ago."

At this stage of American thought in this field it is unfortunate that factual data of the above sort are discolored by warped and misleading concepts. For one, the writer's parallelism between ethnic groups in the U.S. and supposedly those in the USSR is wholly unfounded. You don't logically compare compact non-Russian nations in the USSR with any American group of whatever ethnic background. Thus his map on "Major Ethnic Groups of the Soviet Union," equating, for example, 1.8 million Germans with 40.8 million Ukrainians, is grossly misleading. However, let us hope that the brute facts continue to be reported in honest reportorial fashion and, in time, the concepts catch up with the facts. At any rate, in circles where this counts, the former will be refined by those who have a command of the latter.

[From the Washington Post, Sept. 2, 1972]

Borzov's Dash Caps Russian Medal Push

(By Jesse Abramson)

For many years now attempts have been made with Olympic and other authorities to have the participants in the USSR team properly designated according to their respective national status. So that the nonsense of reports stating "Russians cop five gold medals," where only one Russian and four non-Russians were involved, would be eliminated. In the Munich games another pointed attempt was made through official channels, and some results of a positive nature seemed to be gained.

This result in the given report was not a pure and unmixed one. It begins, "The crown of fastest human on earth passed today from the United States to a stalwart, power-driving Ukrainian from Kiev." However, in the next paragraph, we are told, "The first world-class Russian sprinter, the first Russian male to win any Olympic track title under 5,000 meters, Valeri Borzov . . ." and so forth, did exceptionally well. The TV media showed the same confusion in identification.

It has long been pointed out that the non-Russian nations concept applied to the USSR really extends from athletics to space and has a most important bearing in U.S. foreign policy vis-a-vis the USSR. Much progress remains, however.

Captive Nations Week

A proclamation by the President of the United States of America, the White House, Washington, D.C., July 15, 1972.

As in all previous years, President Nixon issued another Captive Nations Week Proclamation, this one for the 1972 Week. Despite the detentist drives toward Peking and Moscow, the Week was widely observed here and abroad. Over two dozen Governors and Mayors of large metropolises followed the President with their proclamations. Fittingly, in Congress and in most major cities the Week was noted with stirring addresses, rallies and other appropriate activities.

In his general proclamation, the President stressed at the outset, "Yet, in much of the world, the struggle for freedom and independence continues." He continued, "It is appropriate, therefore, that we who value our own precious heritage should manifest our sympathy and understanding for those to whom these benefits are denied." In the Congressional addresses, the cultural repressions in Ukraine were highlighted.

Nixon Steps Up Wooing of the Catholic Ethnics

(By James P. Gannon)

[From the Wall Street Journal, June 1, 1972]

For a notable "first" in his trip to the Soviet Union, President Nixon included a visit to Ukraine. The visit may be interpreted in various equally valid ways, and has been so by different analysts and observers. By subcaption this renowned newspaper chose to deem it "A Campaign Stopover in Kiev." Under a textual caption a top political adviser to the President is quoted as saying "This is the volatile swing vote of the 1972 election."

The writer elaborates further, "Stopping in Kiev, the capital of the Ukraine, this week, the President showed his ethnic awareness. Told that an early Kiev prince had four daughters who married foreign kings, Mr. Nixon remarked, 'So Ukrainian blood must be all over the world.' " Then he added, according to the report, "In America there are also Ukrainians—in Chicago, in Pittsburgh, in many, many other places." The report is somewhat marred when the writer adds this bit on his own. "Many Ukrainians," he writes, "are Catholic, though most are Russian Orthodox." If they're Ukrainian and also Othodox, then how and by what magic are they transformed into "Russian" Othodox? The political arithmetic is most intriguing.

[Addresses from the Congressional Record, June 15, 1972]

Anniversary of Soviet Occupation of Lithuania

On the eve of the 1972 Captive Nations Week, Congressmen Burke of Massachusetts and Flood of Pennsylvania observed the rape of independent Lithuania by the Russians in 1940. As the former pointed out, "This day marks the sad anniversary of the invasion and occupation of the peace-loving nation of Lithuania by the Soviet Army in 1940." He went on to declare, "Through the efforts of the Lithuanian-American community and the National Captive Nations Committee we have been made frighteningly aware of the plight of this enslaved people."

The addresses and statements for Captive Nations Week in July were in such great numbers that references to all of them here are impossible in view of restricted space and the consideration of political equity. The reader can find all of them in the issues of the *Congressional Record*. Suffice it to refer to this preview of addresses, whereby Representative Flood supplements the Burke one with poignant remarks on another captive non-Russian nation in the USSR, that of Ukraine.

In part, Flood points out that "it is not generally known and sufficiently appreciated that the largest captive non-Russian nation in the U.S.S.R. and Eastern Europe is Ukraine." He elaborates on this demographically, politically and strategically. In addition, to prove his points, he incorporates into his remarks this section of the summer issue of *The Ukrainian Quarterly*.

Ukrainian Intellectuals in Shackles

(A brochure by the Ukrainian Congress Committee of America, New York, 1972)

This concise 17 page brochure relates the current persecution of Ukrainian intellectuals and emphasizes Russian Moscow's violations of human rights in Ukraine. It presents with essential brevity the case against the totalitarian Russian imperialists. The reproduced letter by Ambassador George Bush is one of assurance and concludes in this vein, "We do indeed support the just attempts of the Ukrainian people to secure their legitimate rights. Please be assured that we will continue to do so."

Documented throughout, the brochure lists with photos the outstanding intellectuals victimized, such as Vyacheslav Chornovil, Ivan Dzyuba, Eugene Sverstiuk and others. It also quotes the world press on repressions in Ukraine, such as AP, UPI, Neue Zuercher Zeitung, and others. Additional State Department intercessions are given, as well as excerpted statements of American legislators. After reading this brochure no American can remain ignorant of the Russification taking place in Ukraine.

[From the Washington Post, July 19, 1972]

Soviet Trials

Amidst many inflowing reports on Russification and arrests in Ukraine, this one appearing in the Washington morning paper states that "Three Ukrainians have been given labor camp sentences in separate trials stemming from a major security campaign against nationalists in the Ukraine." It appears that the secret trials had been held in Kiev this past spring.

Highlighting the *Chronicle of Current Events*, an underground journal, the report goes on to reveal that Moscow's KGB has arrested over 100 people in Ukraine so far this year. Significantly, in this report, as well as most given over the past year, the fact of nationalism is portrayed as the prime reason for these arrests. Of equal significance is the ready and totally accurate use being made by the media of the term "Russification."

[From the Congressional Record, Aug. 18, 1972]

Republicans Consistently Support the Captive Nations

(An insertion by the Honorable Edward J. Derwinski)

The full text of what Congressman Derwinski refers to as "a telling testimony" on the captive nations appeared in this issue of the Record. The testimony was delivered before a Republican National Convention platform committee in Miami by Dr. Lev E. Dobriansky, chairman of the National Captive Nations Committee. As pointed out by the Congressman, the committee was also "represented by Mr. Joseph Lesawyer, an executive member and also executive vice-president of the Ukrainian Congress Committee of America at the Democratic Party convention in July."

With pure, non-partisan factual objectivity the testimony recounted the planks incorporated on the subject in all Republican Party platforms since 1952. For the edification of the platform members it also listed the captive nations and current unrest in Lithuania, Ukraine, Yugoslavia and elsewhere in the communist world. Its proposal for another plank in the 1972 platform was almost wholly met and realized. The term "subjugated peoples" was, for some dubious reason, substituted for the captive nations.

[From the New York Times, July 6, 1972]

RUSSIFICATION

If the reader hasn't read this powerful and pointed editorial in full text, it is strongly recommended that he do so. It begins on the theme of the widely-known case of Lithuanian self-immolation, but it concludes with the other captive non-Russian nations in the USSR. For, as it states, "So long as the Lithuanians protest alone, of course, Moscow has more than enough force to repress their discontent. But there is every reason to suppose that there is similar nationalistic passion in the Ukraine, Georgia, Azerbaijan, Uzbekistan, Kazakhstan and other non-Russian republics, not to mention the other two Baltic states of Latvia and Estonia."

Judging by the frequent reports on such "passion" in this organ, it is evident that the editors are fully aware of its existence. Cause for supposition is hardly necessary. A further indication of their awareness is seen in what may truly be regarded as unprecedented position on the part of the paper's editors. They conclude the editorial with this thought: "If the non-Russian minorities were ever able to integrate their activities and present a united front against russification, Moscow would have a major challenge on its hands."

Except for the misleading and inaccurate term "minorities," the above statement is unusual for the Times editors. It reflects a ready acceptance of the vital concept of the non-Russian nations in the USSR. Whether advertent or inadvertent, it also points to the possibility that a united front "against russification" would extend itself to demands for greater political autonomy and toward the ultimate of national independence. The dynamics of the concept may not be thoroughly recognized by the editors, but they have been described and projected in numerous works on the subject. In any case, warm compliments are due the editors of this renowned newspaper.

[From Freedom's Facts, Washington, D.C., July 1972]

CAPTIVE NATIONS WEEK, JULY 16–22

As in previous years, this data-packed publication of the All American Conference highlights the 1972 Captive Nations Week. It points out that this "is the 14th observance of Captive Nations Week, conceived by Dr. Lev E. Dobriansky and made Law by Joint Resolution of Congress July 17, 1959. It also accurately mentions the fact that the annual observance is now worldwide.

The commentary further reminds readers that "From 1920 to this date 28 nations and nationalities have been overcome by revolution from within and pressure from without." The crushing of the East Germans, Poles, Hungarians, Czechs and Slovaks by Russian tanks in the more recent period is stressed. The Week, as the commentary holds, "is a time to join in expressing American support for the just aspirations of all captive peoples to freedom and independence and self-determination." This again was done on the 14th observance.

[From Finance, New York, June 1972]

THE UNITED STATES INFORMATION AGENCY

(By Frank Shakespeare)

This comprehensive article by the present and most far-seeing director of the United States Information Agency touches upon numerous different aspects of the Agency. These range from some powerful critics in Congress to the task of "setting the world image of a complex and troubled nation by telling the world the truth." By both word and deed Mr. Shakespeare has earned the general reputation of being the Agency's most innovative and dynamic head since its inception some twenty years ago.

As concerns the Soviet Union, the Agency under his direction has made sound and substantial progress, particularly among the non-Russian language broadcasts over VOA to the USSR. According to Shakespeare, Moscow even today jams both the Russian language broadcasts and "those in Armenian, Estonian, Latvian, Ukrainian" and other non-Russian tongues. Last March the exceptionally able director issued an unprecedented directive in the Agency barring the use of such terms as "the Soviets" and "minorities" as concern the non-Russian nations in the USSR. This represents a long step in the right conceptual direction and should produce many a constructive and positive result in our informational services to the various, distinct peoples in that imperial domain. Moreover, though many may not directly recognize it, the reporting of the Olympic games was to a marked extent along respective national lines for the USSR participants. This was no accident.

[From Soviet Analyst, London, England, June 8, 1972]

STRUGGLE IN THE KREMLIN

This new fortnightly newsletter, prepared by editors Robert Conquest and Tibor Szamuely, two outstanding analysts of USSR affairs, has already made a hit with the interested reading public the world over. Though one may not agree with every observation made by them, on the whole the issues of this letter have been interestingly written and partake of high objectivity and factual accuracy. The analyses and interpretations are deep and incisive. In this section on the struggle in the Kremlin "the Ukrainian issue" looms large.

Evaluating the recent removal of Shelest as first secretary of the Ukrainian Communist Party, the editors explain the move on grounds in addition to that of his being a hardliner. As they put it, the "problem of nationalism in the Ukraine, as elsewhere, has always proved intractable to the Communist leadership." They hold that Shelest was too responsive to nationalist moods than Moscow's general line would approve. With meticulous care for accurate, factual detail, the two editors cover the cases of Ivan Drach, Ivan Dzyuba, Chornovil and others.

[From the Wall Street Journal, Feb. 17, 1972]

NEWSPAPERS PUBLISHED IN FOREIGN LANGUAGES STRUGGLE TO SURVIVE

(By Roger Ricklefs)

In this informative article the writer shows with considerable factual proof how the assimilation of immigrants in the U.S. has slashed the readership of foreign language newspapers, forcing literally hundreds to fold up. And as concerns this phenomenon, "the youth just laugh." The article accurately reflects the basic changes in our society, where ethnic identity is maintained and in fact intensified but the language medium is progressively one of English, the lingua of over one-third of humanity.

The account covers Lithuanian, German, Ukrainian, Jewish and other papers. Leon Tolopko, 69-year-old editor of the *Ukrainian News*, a left-wing weekly in New York, is quoted in this vein: "The older generation tries to imbue the young with the idea that 'You must speak Ukrainian.' But the young just laugh. For us, a 60-year-old subscriber is a young reader." On the basis of his research into the subject, the writer expresses the conviction that the force of lingual assimilation is irresistible and relative disuse of foreign languages can only lead to the survival of English-language ethnic organs. In the vastly changing environmental context what else can one rationally expect?

[From the New York Times, June 7, 1972]

SOVIET DISCLOSES UKRAINE UNREST

(By Theodore Shabad)

According to this usually reliable reporter, the "Soviet Union has conceded the existence of a nationalist movement in the Ukraine having close ties with anti-Communist emigre organizations abroad." The report stresses the excessive Russification and absence of cultural freedom in this largest captive non-Russian nation in Eastern Europe. The focal point of the report is a news conference in Kiev given by Jaroslav Dobosch, a Belgian student of Ukrainian descent, who ostensibly had been sent to the Soviet Union to contact the Ukrainian nationalists.

Dobosch, it is said, was arrested in January, which in turn led to about 20 arrests of Ukrainian intellectuals. He was detained for five months and released at the beginning of June. In trumped-up fashion a press conference was set up for him in Kiev, at which time he implicated five Ukrainian nationalists. The importance of this incident is not to be found in the type represented by Dobosch but rather in the activity of nationalism in Ukraine.

[From the Washington Post, May 19, 1972]

IVAN'S STAKE BIG IN MOSCOW SUMMIT

(By Stephen S. Rosenfeld)

This writer on the *Post's* editorial staff believes the average Russian has a large stake in the outcome of the Moscow summit. It boils down to a reduction of military expenditures so that a better standard of living could be realized. The thesis is most questionable, not to say simplistic and suggestive of wishful thinking.

But the article also dwells on efforts of Americans of Jewish and Ukrainian ancestry to have President Nixon intercede in behalf of Jews and Ukrainians respectively in the USSR. Concerning the latter, the writer states, "Yet another group of troubled Soviet citizens whose American kinsmen have asked Mr. Nixon to intercede in their behalf are Soviet Ukrainians." Yes, this is true since a comprehensive memo was submitted by the Ukrainian Congress Committee of America and was a subject of discussion for a couple of months. It also urged the President to include Kiev in his itinerary.

HIGHWAY NOISE LEVELS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, I intend to propose a floor amendment to the Federal Aid to Highways Act, H.R. 16656, which will enable the Secretary of Transportation to fund noise control systems for existing Federal-aid highways. Under current law the Secretary has authority to establish noise control standards for new highways approved after July 1, 1972. Joining me in cosponsoring this amendment are our colleagues, ALPHONZO BELL, GILBERT GUDE, and STEWART B. MCKINNEY.

Traffic noise is particularly troublesome in urban areas where 75 percent of our population is concentrated. City traffic often registers as much as 90 decibels, 5 above a level at which prolonged exposure can bring about a loss of hearing. In addition to the toll on health, high levels of noise have caused billions of dollars of depreciation in real estate values.

While ordinary street noise is difficult to control, noise levels along existing urban freeways can be reduced through a variety of means including construction of physical barriers, acquisition of additional right-of-way for sound-buffer zones, landscaping, and resurfacing. A very smooth road surface like seal-coated asphalt, for example, can reduce noise levels by as much as 5 decibels in comparison with the average asphalt or concrete surface.

Our amendment, which is reprinted below, would broaden the authority of the Secretary of Transportation to fund noise-control projects. Without this amendment, there would be no clear authority for Federal funding, on a regular basis, of acquisition of noise-buffer zones as such, or for installation of acoustical insulation in community facilities along freeways. Furthermore, the amendment would indicate that Congress considers noise abatement to be a priority objective of the Federal-aid highway program.

The floor amendment follows:

Page 73, after line 7, insert the following:

HIGHWAY NOISE LEVELS

SEC. 115. Subsection (i) of section 109 of title 23, United States Code, is amended by adding at the end thereof the following: "The Secretary may promulgate standards for the control of highway noise levels for highways on any Federal-aid system for which project approval has been secured prior to July 1, 1972. The Secretary may approve any project on a Federal-aid system to which noise-level standards are made applicable under the preceding sentence for the purpose of carrying out such standards. Such project may include, but is not limited to, the acquisition of additional rights-of-way, the construction of physical barriers landscapping, resurfacing, and insulating buildings near or adjacent to such highway. Sums apportioned for the Federal-aid system on which such project will be located shall be available to finance the Federal share of such project. Such project shall be deemed a highway project for all purposes of this title."

SOVIET JEWRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROSENTHAL) is recognized for 10 minutes.

Mr. ROSENTHAL. Mr. Speaker this Congress must speak out before adjournment on the Soviet plan to require emigrants—almost entirely Soviet Jews—to pay from $5,000 to $35,000 before they can leave the country. The Soviets call it an educational reimbursement but a more accurate word would be ransom.

There is no doubt in the minds of Soviet Jews—or in the minds of many Members of this body—that this Soviet proposal comes in the midst of increased United States-Soviet trade activity precisely because the Soviets are convinced we will not let human rights stand in the way of making a few dollars in wheat and other deals.

I am introducing today, along with 67 of my colleagues, a House joint resolution which will make it unmistakably clear that our Congress values human freedoms, including the right of emigration, more than any amount of new export business.

Mr. Speaker, we cannot ignore the steadily increasing incidents of harassment and oppression directed toward Soviet Jewry. These people have no schools of their own any longer, their synagogues are closed, they are allowed no cultural life, they have no opportunity to emigrate and be reunited with their families in the United States, in Israel, and elsewhere in the free world.

It is inappropriate to offer trade concessions, including most favored nation status, as long as the Soviets are holding these Jewish citizens for ransom. Surely the sale of wheat cannot be more important than human lives.

This Chamber voted 360 to 2 on April 17 to ask the President to take specific steps to aid Soviet Jews and to allow their free emigration. That measure, House Concurrent Resolution 471, which I introduced, was passed with the President's pending Soviet visit in mind.

It is time to remind the Soviets, and others who may have forgotten, that human lives and human freedoms cannot be bartered for trade or political convenience. Not only is such barter immoral and rightfully repugnant to our country's best traditions, but no arrangement—whether economic or political—has any lasting value when so purchased.

The Soviet Union must be brought to realize that our country will no longer tolerate such expediency. Congress, as the spokesman of the people, must make that conviction clear.

Joining me in introducing this resolution are: Mr. ADDABBO, Mr. BADILLO, Mr. BARRETT, Mr. BELL, Mr. BRASCO, Mr. BUCHANAN, Mr. BURTON, Mr. CARNEY, Mr. CELLER, Mr. CORMAN, Mr. COTTER, Mr. CRANE, Mr. DELLUMS, Mr. DIGGS, Mr. DRINAN, Mr. EDWARDS of California, Mr. FASCELL, Mr. FLOOD, Mr. FRASER, Mr. GALLAGHER, Mrs. GRASSO, Mr. GREEN of Pennsylvania, Mr. GUDE, Mr. HALPERN, Mr. HARRINGTON, Mr. HEINZ, Mr. HELSTOSKI, Mr. HOWARD, Mr. KARTH, Mr. KOCH, Mr. LEGGETT, Mr. LONG of Maryland, Mr. MADDEN, Mr. MIKVA, Mr. MINISH, Mrs. MINK, Mr. MOSS, Mr. MURPHY of New York, Mr. NIX, Mr. O'NEILL, Mr. PEYSER, Mr. PODELL, Mr. PRICE of Illinois, Mr. RANGEL, Mr. REES, Mr. REID, Mr. REUSS, Mr. RODINO, Mr. ROE, Mr. ROY, Mr. SCHEUER, Mr. STOKES, Mr. STRATTON, Mr. STUBBLEFIELD, Mr. THOMPSON of Georgia, Mr. VANIK, Mr. WALDIE, Mr. WOLFF, Mr. WYDLER, Mr. YATES, Mr. ANNUNZIO, Mr. LUJAN, Mrs. CHISHOLM, Mr. ARCHER, Mr. CAREY of New York, Mr. MORGAN, and Mr. METCALFE.

Text of the resolution follows:

H.J. RES. 1313

Joint resolution expressing the sense of the Congress with respect to the foreign economic policy of the United States in connection with its relations with the Soviet Union and any other country which uses arbitrary and discriminatory methods to limit the right of emigration, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress that the President should suspend all steps taken or contemplated to expand trade and other economic activities with the Soviet Union, and with any other country which uses arbitrary and discriminatory methods to limit the right of emigration, until the President determines that the Soviet Union, or such other country, as the case may be, is no longer using such methods to limit emigration.

SEC. 2. The President shall report to the Congress, not later than thirty days after the date of enactment of this joint resolution and at least annually thereafter, on steps he has taken to carry out the first section of this joint resolution.

THE RATIONAL FINANCING OF EDUCATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 15 minutes.

Mr. PODELL. Mr. Speaker, I am introducing today a very important bill, the Rational Financing of Education Act.

Education has always been recognized as an cornerstone of our democracy. Yet today we find ourselves amidst a great crisis in the financing of quality elementary and secondary education in this country.

Within the past few years, there have been too many reports of school systems being forced to shut their doors before the scheduled termination of the school year because they ran out of money. Numerous other school districts, including those in my area of Brooklyn, have been forced to curtail essential programs and services on account of an inadequacy of funds. It is shameful that a country which prides itself upon the educational attainment of its people has allowed such a situation to develop.

Clearly, the time is long overdue for a reassessment of the manner in which our schools are financed. The rising costs of education have put great strains on State and local revenues, to the point now where Congress must now devise a more rational system of financing education.

The first part of my bill amends the method of Title I funding as originally provided in the Elementary and Secondary Education Act of 1965. Title I funding, in just a few years time, has become recognized as one of the most essential components of public education in this country.

Nevertheless, the title I law, as it now stands, has a major defect. The law provides funds only in areas where there is a high percentage of children from low-income families. The effect of the title I law has been to concentrate compensatory educational funds in a very small number of areas, neglecting many districts where there are still a significant number of children from low-income families.

In my own congressional district in Brooklyn, two local school boards—boards 21 and 22—have been informed, by the State of New York that they will no longer receive title I funds. The two districts must now, with the opening of school, totally redraw their plans for the upcoming year. Numerous programs and positions originally established when they thought they would have title I funding, will now have to be scrapped.

This crises occurred when school districts 21 and 22 were told that their concentrations of poor children were not as high as those of other districts in New York City. Thus, despite the fact that a considerable number of deprived children attend schools in these districts—a greater number than that in most other title I districts across the country—these two school boards will not be receiving funds in September. The educational needs of many underprivileged children like those in my district are being totally neglected under the present title I law.

The first part of my bill deals with this problem by amending title I so that funds will be made available to meet the special needs of educationally deprived children, wherever they may live. A deprived child whose family has been fortunate enough to locate housing or education outside a title I designated concentration area, should not thus be denied compensatory education. That this child has moved or travels to a new school does not alter the fact that he is still in dire need of special help in school. We owe him this additional title I aid.

Indeed, title I regulations, as they now exist, actually cause segregation by encouraging local districts to keep minority children in a small area in order to achieve the necessary percentage of concentration density. My bill would put an end to this unfavorable practice.

The second title of my bill attacks the more general problem of the inequitable financial structure underlying our school systems. The fact that local funds available for education are rapidly disappearing is due to our excessive reliance upon the property tax as the principal means of financing our schools.

This second portion of my bill, which is similar to S. 3779, recently introduced by Senator MONDALE and not yet introduced here, calls upon the Federal Government to undertake a greater share and more rational role in the financing of our schools. At the same time, in order to lessen the significance of the property tax, the bill reduces the differences in per pupil expenditures among school districts in the States, without decreasing expenditures in any district.

My bill also takes into account the problems facing our private elementary and secondary schools. To the extent consistent with the number of children in a school district who are enrolled in private nonprofit schools, a local school agency would be required to set aside a portion of its Federal funds for the purposes of secular, neutral, and nonideological education services in these schools.

Finally, in recognition that increased funding is simply not enough in confronting the problems of our schools, my bill establishes an additional voluntary bonus plan as an incentive for improving the quality of education. Under this provision, participating local school districts would receive financial rewards for upgrading the results of title I children on specially administered math and reading achievement tests.

The problems of education today are greater and more complex than ever before. Money alone is not the cure-all.

We all recognize the problem we have in educating minority children and other youngsters from poor families. But recognizing the problem and coming up with the proper remedy are two different matters. We are still in the process of searching for those programs which will improve the learning abilities of poor children.

But if we are going to experiment with programs and other services designed to meet the educational needs of our children, we must have the fiscal resources requisite for maintaining these projects.

Mr. Speaker, I possess no illusions that my bill will make things right overnight. But the Rational Financing of Education Act makes a significant start in the right direction. We cannot begin to find the solutions to the complex problems of education until we reform the framework in which our schools are run and financed. I hope my colleagues will join me in this most important venture.

EXPLANATION OF ROLLCALL VOTES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HELSTOSKI) is recognized for 15 minutes.

Mr. HELSTOSKI. Mr. Speaker, Monday I was in Federal district court because my opponent has charged that I am abusing the use of the frank.

Mr. Speaker, no Member of Congress knowingly abuses his franking privilege.

In my 8 years of office, I have never abused the franking privilege, despite the numerous attempts by my opposition to establish this through actions against me with the postal authorities and through court action over the past 6 years.

The interesting thing is that despite the some 10 attempts by my political opposition who have sought to establish as fact the misuse of the frank, I have to date not had any adverse decision in my various appearances in court and before postal authorities.

Mr. Speaker, this constant harassment of Members of Congress should cease because it takes us away from our very important legislative duties and the work for our constituents.

Had I been present on September 25, I would have voted nay on rollcall No. 382, yea on rollcall No. 383, and yea on rollcall No. 384.

Mr. Speaker, I ask unanimous consent that the permanent RECORD and Journal be corrected to reflect this.

NAME NEW FEDERAL BUILDING IN HAWAII AFTER PRINCE JONAH KUHIO KALANIANAOLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 15 minutes.

Mr. MATSUNAGA. Mr. Speaker, on last Tuesday I introduced legislation which would name Honolulu's new Federal courthouse and office building, scheduled for completion in 1975, the "Prince Jonah Kuhio Kalanianaole Building," in honor of one of Hawaii's earliest delegates to U.S. Congress.

As a native of Kauai, I point with great pride to the fact that Prince Kuhio was born in the Island of Kauai in 1871, within walking distance from my birthplace. He was a direct descendent of the last independent ruler of that island and was made a Prince of the Realm by his uncle, King Kalakaua, who was then ruler of Hawaii. A royalist in his youth, Prince Kuhio in his adult years became a strong champion of American democracy.

When the nonnative element forced a revolution in the Islands in 1893, Kuhio sided with Queen Liliuokalani, a cousin. After the establishment of the Republic of Hawaii, he was imprisoned for conspiring to effect a royalist uprising.

After his release from prison in 1896, Kuhio left Hawaii, believing that he would be exiled from his native land for the rest of his life.

Only 2 years later, however, he was persuaded to accept the new order in Hawaii and returned to enter politics. In 1902, he received the Republican Party's nomination for Territorial Delegate to the U.S. Congress. Victorious in his first campaign, Kuhio established a record of political invincibility from then on. He served as a nonvoting delegate from Hawaii from 1903 until his death in 1922 at the age of 51.

Prince Kuhio earned the respect of his constituents and his colleagues in Congress alike because of the significant service he rendered to the Hawaiian people while serving in the Nation's highest legislative body. Although not permitted to vote, he sponsored and obtained enactment of the Hawaiian Homes Commission Act, which was intended to save the Hawaiian people from second-class status in their own land. Kuhio also introduced in 1919 the first of a series of bills to accord statehood to Hawaii.

Prince Kuhio was revered not only as a man of pure motives and as the last titular prince of his line, but also for his major role, through example and influence, in committing the islanders to an acceptance of America and converting them to passionate Americanism.

Mr. Speaker, the new Federal building in Honolulu would be a fitting edifice to perpetuate the memory of Prince Jonah Kuhio Kalanianaole—"A Prince of the People."

WAR POWERS LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. TIERNAN) is recognized for 5 minutes.

Mr. TIERNAN. Mr. Speaker, I was dismayed to learn recently that the House Ways and Means Committee had approved a measure which would give the President unlimited power to cut any Federal programs he chooses in order to keep Government spending below a $250 billion ceiling.

I had hoped that with the passage of "war powers" legislation, of which I was the first sponsor in the House of Representatives, Congress was entering into a new phase in which it would reassert its constitutional rights and responsibilities. The Vietnam war, I thought, was a bitterly instructive lesson in what happens when crucial Government decisions are made without the benefit of the vigorous competition of ideas which characterizes congressional debate.

In my opinion it was clear to us that the cynicism about representative government that the Vietnam war produced had to be reduced. We had to give the people new faith in our ability as Members of Congress to represent their feelings and protect their interests.

But now it seems that the hard lessons learned in foreign policy have been completely lost. One of the most effective tools for controlling Government policies is a hold on the purse strings. It is the Federal budget that, more than anything else, shows what our priorities are, our intentions as contrasted with our rhetoric.

But now Congress seems willing to relinquish its hold on the fiscal reins, letting the administration run wild in deciding what to cut from the Federal budget. It must be apparent to everyone what programs will and what programs will not be cut by the President if this legislation is passed. Defense spending, subsidies for private industry, and Executive Office of the President appropriations would all be safe while funds that are the lifeblood of programs designed to educate the young, care for the aged, and provide health services for the sick would be sacrificed. Oil depletion allowances, which are, after all, a form of Government spending, would stay while public broadcasting and loans to small businesses would become things of the past.

For Members of Congress this legislation presents a clear choice: Will spending decisions vitally important to every American be made on the record after a full and informed debate by the 535 Members of Congress who have the constitutional responsibility to do so? The alternative is to ignore this constitutional responsibility by surrendering our appropriations authority to a power-hungry executive which makes decisions behind closed doors.

I would like to make a suggestion that would accomplish the objective of limiting total Federal spending during any fiscal year without the many undesirable effects that the present proposal would have.

I recommend that the Appropriations Committee hold hearings at the beginning of each fiscal year on a spending limit for that year. Such hearings would consider the effect of Government spending on the economy—its impact on inflation, the supply of money, employment, and so forth. After the hearings the committee would propose a spending limit which, after passage by the House, would be binding. Decisions reflecting the priorities for the various uses of these funds would then be made.

I earnestly hope that each Member will consider this alternative before enacting a measure whose most illustrious predecessor is the Gulf of Tonkin resolution.

CLEAN WATER AHEAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. BOGGS) is recognized for 5 minutes.

Mr. BOGGS. Mr. Speaker, the Congress will shortly have an opportunity to authorize a major stride toward clean water. After long deliberation, House and Senate conferees have reached agreement on a water pollution control bill with a goal of ending the discharge of pollutants into the Nation's waterways by 1985. Most importantly, the bill creates the machinery required to achieve that goal.

The Democratic Congress has enacted much historic legislation in this and other fields, but there could be no more worthwhile achievement in these closing days of the second session than to pass this landmark piece of environmental legislation. The American people are entitled to clean water, and this bill is designed to see that they receive it.

I am inserting a recent editorial from the New York Times and calling it to the attention of my colleagues on both sides of the aisle.

CLEAN WATER AHEAD?

A compromise bill to curb water pollution has emerged from a Congressional conference committee with provisions that are surprisingly strong in view of the bill's history. The proposal that passed the House of Representatives in March was a weak effort, product of intensive pressures from industrial interests which have used the country's rivers as a free disposal system and from an Administration timorous about the financial cost of enforcement—not to mention its political price.

The measure worked out by the conferees after more than five weeks of negotiation favors the much stronger bill which the Senate passed last November. Its goal is to end industrial discharges into the nation's waterways ostensibly by 1985, with firmer deadlines of 1977 and 1983 for plants to use the "best practicable technology" and the "best available technology" respectively for reducing their polluting activities.

The compromise gives the Federal Government, through the Environmental Protection Agency, much more power to curb discharges by a permit system than the House bill, which leaned toward greater (and more futile) state controls. Just as important, the 1983 deadline would go into effect automatically rather than requiring additional legislation as provided in the House bill.

Where the Senate conferees yielded most to their House colleagues was in the provision merely to authorize civil actions against violators rather than to mandate them. Another weakness lies in the bill's requirement that would-be plaintiffs in citizens' suits show they have been specifically harmed by the discharges in question. These are serious weaknesses, but not fatal.

The real danger now lives in the possible reaction of the Administration to this compromise measure. It is difficult to believe that President Nixon will veto this historic bill because of its cost, as some environmentalists fear. The public would inevitably see such action as a sign of reluctance to sanction the controls that the measure would impose on certain industries. Having chided Congress only a week ago for fumbling and delaying his environmental program, the President would have assumed sole responsibility for killing the country's greatest chance to restore the health of its waterways.

THE NEW STRIP MINING BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. HECHLER) is recognized for 30 minutes.

Mr. HECHLER of West Virginia. Mr. Speaker, after long months of hard work, the strip mining regulation bill will at long last come up for a vote next Monday, October 2.

I do not know whether to laugh or cry.

All across the land, we have suffered from the ruthless devastation of our land by the strip miners. The people have risen up in their wrath and demanded action by the Congress to halt the destruction of soil, streams, and forests, and the gouging of hillsides by the strip mining monsters of destruction. And now the moment of truth is here. We will be voting on a bill next Monday.

We will be asked to vote on a bill which no Member of the House has yet seen, which has not yet been printed, on which the committee report has not yet been printed, and which we will probably receive when we return to our offices next Monday morning—a few hours before we have to vote on this far-reaching and complex legislation.

How can any Member of this body analyze this legislation, weigh the pros and the cons, assess the implications of this bill, and establish any legislative history or congressional intent on this legislation if he cannot even obtain a copy of the bill or report until the very day it will be voted on?

LITTLE DEBATE, NO AMENDMENTS

It disturbs me, as I know it must disturb other Members of this body, to take up such a major piece of legislation under suspension of the rules, with a scant 40 minutes of debate under a procedure which allows no amendments and very little opportunity for debate. With 20 minutes on each side, it is unlikely that there will be a chance for more than broad-stroke statements about the pending legislation, and little opportunity for probing questions as to the meaning and interpretation of the many sections of the bill.

The House Interior and Insular Affairs Committee has worked long and hard on this legislation. Public hearings by the Subcommittee on Mines and Mining started over a year ago—September 20, 1971, to be exact. These public hearings concluded on November 30, 1971. Subcommittee markup sessions proceeded during 1972, and they were very extensive. After the subcommittee reported the bill to the full committee on June 29, 1972, the full committee held extensive markup sessions. The bill was reported on September 6, 1972, and immediate controversy arose over an amendment which had the effect of a mandatory ban on the strip mining of coal on slopes greater than 20 degrees.

TWENTY-DEGREE BAN

The effect of the 20-degree amendment would have been to save Appalachia and the more mountainous areas throughout the Nation where the effects of strip mining of coal are the most devastating. Yet immediately after the adoption of the 20-degree amendment, the National Coal Association launched a furious lobbying campaign to weaken or defeat this provision of the bill. I am very sad to report that these insistent lobbying efforts were not countered with equally positive statements by those in this Nation dedicated to the protection of the land. The

20-degree amendment is no concept plucked out of nowhere, but is in fact a well-established and reasoned approach which has been well thought out over the years. In fact, long before any Member of Congress publicly introduced legislation for the abolition of the strip mining of coal, the Izaak Walton League in its 48th annual national convention in July 1970, endorsed the 20-degree limitation on strip mining in its resolution No. 10, as follows:

> Resolved, that the practice of strip mining in the coal fields of Appalachia and wherever else similar situations prevail be prohibited in areas where the surface to be disturbed exceeds 20 degrees in slope.

DELAY

While the controversy over the 20-degree amendment was raging, the Committee on Interior and Insular Affairs failed for various reasons to complete and file a committee report or even have a copy of the bill printed. Time dragged on. Even though the committee must have realized that the end of the session was approaching, and every end of session is accompanied by a cut off date when bills and reports can no longer be considered by the Committee on Rules, no action was taken by the committee.

On Tuesday, September 19, the chairman of the Committee on Rules announced on the House floor that bills and committee reports must be filed by midnight on September 25 for the Committee on Rules to act to grant a rule to take up a bill during this session. Following inquiries of members and staff of the Committee on Interior and Insular Affairs, it became clearly apparent to me that the committee had no intention of even attempting to meet the September 25 deadline. In a last-ditch effort to persuade the committee to take the necessary action to allow a full debate of this very complex and far-reaching measure, I issued the following public statement on September 21—4 full days before the September 25 Rules Committee deadline:

BIG HOLDUP ON STRIP MINING CONTROL

The coal industry and its powerful allies are secretly working behind the scenes to bury any effective control over strip mining in this session of Congress.

While an outraged public is demanding tough laws to stop the devastation of our hills, streams and forests, Congressional staffs are dancing a minuet of delay and destruction.

The public hearings by the House Interior and Insulár Affairs Committee opened on September 20, 1971—just a year ago yesterday. The public outcry for strong regulation was so insistent that the House committee reported a surprisingly tough regulatory bill—even though it fell short of outright abolition, and placed enforcement in the production-oriented Department of the Ininterior rather than EPA. The best provision of the House bill was a ban on strip-mining coal on slopes greater than 20 degrees. Cheers went up from the public on September 6 when the House Committee voted out this meaningful bill.

Since then, Carl Bagge and his National Coal Association have been shedding tears about "blackouts and brownouts", which might result from the House bill. Secretary of the Interior Rogers Morton chose Kentucky, a state repeatedly raped by strip miners, to make the callous observation that "great economic damage" would hit Kentucky by the 20-degree limitation. Heeding the outcries of the predatory strip mining interests, the House Committee has refused for the past 15 days even to release or print a single copy of the reported bill! Meanwhile, the continued destruction of the land is proceeding at a rate of 4,650 acres per week.

By midnight, Monday, September 25, both the bill and the committee report must be filed with the Committee on Rules or no rule will be granted to even debate the bill this session. So the committee staff member charged with writing the report takes off for the American Mining Congress Convention in San Francisco, Calif., and is still out there as far as can be ascertained. Everybody is passing the buck, while the coal industry chortles that no action will be taken to pass the House version.

Meanwhile, over in the Senate, it appears that a milk-and-water version of very weak strip mining regulation will sail through early next week. Sure, there will be a few "strengthening amendments" on the Senate floor to give the appearance of protecting the public interest. But the final product in the Senate will be shot through with loopholes, and slanted heavily toward protecting the strip-miners who continue to devastate the land.

If the Senate bill prevails, it would be worse than no bill at all. It eliminates public notification, opportunities for public hearings and appeal procedures except for the mining operators. Primary responsibility is placed on the states for enforcement, with delays of up to two years before state enforcement is required to meet Federal guidelines. Furthermore, state laws in Ohio, Pennsylvania, West Virginia, Kentucky and Tennessee would be allowed to be weakened in the face of weaker Federal guidelines. The Senate bill provides that mining can go on without the consent of the surface owner, and no public notice is required prior to blasting. Reclamation is not required, and the mining operator may be allowed to "recondition" the land—whatever that means. Highwalls, spoil-banks and holding dams (such as the Buffalo Creek "dams") are condoned as reclamation tools. The Secretary of the Interior is authorized but not required to make inspections, and under a state plan only one inspection a year is required; under the House bill, inspections are at least twice a month, unannounced and at irregular intervals. There is no Federal cease-and-desist power provided in the Senate bill, unlike the House bill, which also authorizes a Federal inspector to suspend a mining operation if public health or safety is endangered.

In short, the Senate bill is a strip miners' paradise.

Two recent reports by the General Accounting Office—on the dismal failure of Federal strip mining regulations on public and Indian lands and by the Tennessee Valley Authority—underline the bankruptcy of laws and regulations which are weak or not enforced. The GAO reports revealed wholesale violations of the Federal Government's own requirements, with these violations going unpunished and uncorrected. The violations included such items as failure to post performance bonds, failure to enforce reclamation requirements, failure to protect against soil acidity and landslides, and a weak and ineffective inspection system which gave the strip miners a field day of destruction.

It's about time the public rise up and demand an end to the outrageous double-dealing and obfuscation which occurs when the special interests thwart the public interest behind closed doors. Unless the House is allowed to debate and vote on the committee-passed bill, and strengthen it on the floor, the land and the people will continue to suffer from the ripper tactics of the strip-miners.

Quite naturally, both the National Coal Association and the Committee on Interior and Insular Affairs quite vigorously denied that the statements I made on September 21 were accurate. I will leave the sequence of subsequent events to serve as commentary on these observations. It should be said that the National Coal Association prefers to have some legislation, such as the weak bill now pending in the Senate, rather than no bill at all. But it is very clear that the National Coal Association violently opposed the 20-degree amendment, and made every effort to weaken that amendment, before allowing the House bill to move toward the floor. Meanwhile, the House Interior and Insular Affairs Committee froze the bill until the clock ran out on September 25, and it was too late to bring up any legislation except under the suspension of the rules.

On September 26, I sent the following letter to each member of the House Committee on Interior and Insular Affairs in a last-ditch but futile effort to preserve the 20-degree limitation.

SEPTEMBER 26, 1972.

The most important and effective provision in H.R. 6482, the strip mine bill, is the 20-degree slope limitation. Now that the deadline has passed for submission of the bill and report to the Committee on Rules, and it appears the bill will come to the floor under the suspension procedure, it is vital that the 20-degree slope limitation not be weakened.

There is eight times as much recoverable deep-mine coal as there can be recovered by strip mining. Furthermore, 10 percent of our coal was exported last year. Why must Congress be a party to the continued devastation of Appalachia and many other areas of our land, when such destruction is not necessary for any economic reason—and in fact destroys valuable economic resources in the soil, forests, streams, and people's property?

This 20-degree limitation is not new, nor is it a figure just picked from the sky. At the 48th Annual Convention of The Izaak Walton League of America, *July, 1970*, the members overwhelmingly passed the following Resolution #10: "That the practice of strip mining in the coal fields of Appalachia and wherever else similar situations prevail be prohibited in areas where the surface to be disturbed exceeds 20 degrees in slope."

I hope you can see your way clear to keeping the 20-degree slope limitation, as reported in the bill September 6.

Sincerely,

KEN HECHLER.

It is my understanding that certain forces in the committee and in the industry would not allow the bill to move unless the 20-degree amendment were weakened, which it was to some extent. The new and final wording of the 20-degree amendment is as follows:

Page 14, line 15. Strike section 9. (b) from page 14, line 15, to page 14, line 22.

Insert a new subsection as follows:

"(b) If the Secretary finds that the overburden of any part of the area of land described in the permit application is such that deposits of sediment in streambeds, landslides, or acid or mineralized water pollution in violation of State and Federal water quality standards, whichever is higher, cannot feasibly be prevented, he shall delete such part of the land described in the application upon which such overburden exists; provided that no such overburden will be removed from slopes greater than 20 degrees from the horizontal, unless the operator can affirmatively demonstrate that sedimentation, landslides, or acid or mineralized water pollution can be feasibly prevented and that the areas can be reclaimed as required by the provisions of this Act.

But aside from the 20-degree issue, there are many major shortcomings in the pending legislation, the most important of which I tried to point out in the following statement which I made on September 7:

COMMENT ON HOUSE INTERIOR COMMITTEE STRIP MINING BILL

(By Congressman KEN HECHLER)

The bill makes the fatal mistake of entrusting the administration and enforcement of strip mining regulations in the Department of the Interior—an agency whose primary interest is in higher production of coal rather than protection of the land and people. The Environmental Protection Agency, which has a good track record on air and water pollution and pesticide control, could do a better job of protecting the public interest and resisting the overwhelming pressure to escalate strip mining at the expense of the land, streams and forests.

The dismal record of the Department of the Interior in failing to enforce the Federal Coal Mine Health and Safety Act of 1969 gives little hope that this production-oriented agency will do any better with protecting the land against the devastation of strip mining. On August 31, 1972, Assistant Secretary of the Interior Hollis M. Dole prepared an address to the first graduating class of the Mine Safety Academy at Beckley, West Virginia, in the course of which he made this incredible statement: "You must reconcile the requirements for mine safety with the need for efficient production." That statement epitomizes the attitude of the Department of the Interior, which by its actions has "reconciled" human values to meet the demands of production, and also believes that environmental values must also yield to high production.

An August 10, 1972 report of the General Accounting Office details the shockingly poor record of the Department of the Interior in failing to enforce its own requirements to protect Indian lands and public lands against the damage of strip mining.

State legislation has been weak and ineffective in protecting the land against strip mining damage, largely because the administration and enforcement of state laws has been in the hands of those who place a higher priority on production than protection. Likewise, the Tennessee Valley Authority, according to a General Accounting Office report on August 9, 1972, has failed to enforce many stringent-sounding reclamation requirements ostensibly designed to protect the land and streams against the adverse effects of strip mining. The weak TVA inspection requirements, plus the toothless enforcement of reclamation requirements, further underlines the fact that laws and regulations are not worth the paper they are written on unless they are enforced without fear or favor.

Many provisions of the House Committee Bill are vast improvements over the strip mining control bill originally proposed by the Administration in 1971. Despite these improvements, the law cannot succeed as long as its enforcement is in the hands of the production-oriented Department of the Interior.

Along with nearly 100 members of the House and Senate, I firmly believe that the complete abolition of the strip mining of coal is the only sure way to protect the soil, streams and forests of this nation. I intend to keep on fighting for legislation to utilize our reserves of deep-minable coal, which constitute fully eight times as much as the tonnage of coal which can be strip mined. By enforcing the mine safety laws, deep mining can be made far safer, and there is no need to rip up our land further in order to meet an "energy crisis."

Substantively, there are many other deficiencies in the pending legislation, which I shall outline as follows:

MAJOR DEFICIENCIES IN STRIP MINE BILL, H.R. 6482

First, regulatory bill: The committee openly rejected consideration of a ban on strip mining. In doing this they relied on the assumption that strip mining for coal is a necessary evil. This contradicts Bureau of Mines statistics on deep and strippable coal reserves showing that there is eight times as much recoverable deep mine coal as there is strip mine coal—355.9 billion as compared to 43.4 billion. The projected life of the deep coal reserves is 590 years while that of the strip mine coal is only 71 years—these are based on 1970 production figures. In addition, these statistics show that 16 States have more low-sulfur deep mine reserves than total strippable reserves—these include the States which are scheduled for heavy strip mining in the next few years; that is, Colorado, Montana, Wyoming, and others.

Second, administration: The primary Federal authority has been given to Interior rather than EPA. Interior administration is a great mistake in that the primary interest of this agency is in higher production of coal rather than protection of the land and people. EPA, which has a good track record on air and water pollution and pesticide control, could do a better job of protecting the public interest and resisting the overwhelming pressure to escalate strip mining at the expense of the land, streams and forests. On the other hand, the Department of the Interior has done an atrocious job of protecting Indian and public lands against the ravages of strip mining. Interior's record on mine safety is woefully weak.

Third, Federal authority: The committee has failed to retain complete control of strip mine regulation at the Federal level, allowing States to take over the programs. The committee seemed determined to encourage State assumption of enforcement responsibilities under this act.

Section 34 states that:

> Nothing in this Act shall preclude or deny the right of any State or political subdivision thereof to adopt and enforce standards relating to the conduct of coal mining surface operations and reclamation except such State or political subdivision may not adopt or enforce any such standard which is less stringent than the corresponding Federal standard or regulation then being enforced under this Act in such State by the Secretary.

Close Federal supervision is provided for, and Federal resumption of enforcement where necessary. The problem seems to be that it is difficult to envision vigorous implementation by Interior at the Federal level.

Fourth, designation of areas unsuitable for stripping: Section 7:

> An area may be designated as unsuitable for surface coal mining if the Secretary finds that it is not economically or physically possible to reclaim the land or, if surface coal mining is already being conducted in such area, the mining will cause irrevocable or lasting injury to the environment of the area or of an area adversely affected by such area.

This provision is very weak. The bill gives the Secretary the authority to designate these areas, but gives no congressional guidelines as to how to go about this—gives some findings, but no specifics. In addition, "irrevocable or lasting injury" is very difficult to prove. Specific criteria for showing this were eliminated in committee.

Fifth, blasting: Section 20:

> The Secretary may prohibit blasting in specific areas where the safety of the public or private property is endangered or where the stability of the roof strata of an operating underground mine or the watercourses entering such a mine will be adversely affected as a probable result of the blast.

This blasting section is very weak in what it mandates to the Secretary. Authority to prohibit blasting is related only to safety, not to environmental damage. It replaces a much stronger and more comprehensive section on blasting regulation in the original Hays bill. This section leaves the public totally unprotected—no published blasting schedules, no notice, and so forth.

Sixth, bonding.—Section 11:

> The amount of the bond required for each permit shall depend upon the reclamation requirements, and shall be determined by the Secretary. The amount of bond shall be sufficient to assure the completion of the reclamation plan, even in the event of forfeiture and in no case shall the bond be less than $5,000 or $500 per acre in the aggregate whichever is greater.

No exact numerical figure is required, but requires that it be "sufficient" to do the work. This is not an adequate safeguard for the public; however, it is good that the State is required to complete the reclamation in the event of forfeiture by the operator.

Seventh, stop order authority.—Section 17:

> The Secretary may revoke any permit if, after a hearing, he determines that the operator has violated any provision of this Act or any rules and regulations of the Secretary issued under this Act.

Revocation is an extreme penalty since, under provisions of section 8, it excludes the operator from ever being granted a new permit for another mine. Therefore, it in all probability will rarely be invoked. The bill is deficient in not providing for more relevant penalties, particularly cease-and-desist orders for any violation, and authority to suspend an operation or part of it for any violation.

Eighth, absence of planning provision.—This is certainly not a land-use planning bill. There is no requirement that the State should have a land-use plan before stripping is allowed. It seems quite inconsistent that the House Interior Committee—which has been working on national land-use policy legislation—would at the same time report out another bill which allows stripping to continue before States have a chance to develop their own land-use plans. At the very least the committee should have required a moratorium on stripping until every State had completed a land-use plan. The fact that the committee was aware that 4,650 acres of our land is being stripped every week should have prompted them toward this action.

Mr. Speaker, I have been pressured by many environmental groups not to oppose this legislation. The environmental groups who have worked very hard to obtain improvements in the legislation deserve a great deal of credit for their effort. They contend that this legislation will furnish an excellent yardstick against which progress in controlling strip mining can be measured, and that it furnishes a brilliant opportunity for citizen participation in the regulatory process.

I recognize these facts. I recognize also that this legislation has been shepherded by a subcommittee chairman, our colleague, Representative ED EDMONDSON of Oklahoma, who has done a very thorough job in conducting the hearings and helping improve the legislation as it moved through his subcommittee.

ABOLITION THE ONLY SOLUTION

But, Mr. Speaker, I am tired of voting for legislation which in substance is not good enough, which I honestly feel will not solve the problem, and which merely serves to quiet the public outcry against an evil which must end. The only solution to the strip mining of coal is complete abolition.

For reasons of substance, this bill is defective. For reasons of procedure, it is a mockery of the legislative process.

I am not leading a charge or asking my colleagues to organize in opposing this legislation. I may be wrong in my appraisal of where this bill leads. I may be wrong in refusing to go along with those environmental groups who feel that this bill is better than the present situation. To me, just a little improvement is not good enough. As with all legislation, the enforcement agency will take a year to gear up to its task—while the land and the people suffer. Then there will be another year when the administrators urge and the Congress urges that the new bill ought to be given a chance—while the land and the people suffer. Then there will be a period when the Congress investigates, attempts to stiffen the enforcement, and perhaps plugs a few loopholes or applies a few band-aids—while the land and the people suffer.

I cannot stand idly by while our land is destroyed, and while the people in Appalachia and throughout the Nation continue to suffer from the pillaging of our land.

I shall, therefore, cast my vote against H.R. 6482 when it comes to the House floor next Monday.

WINTER SPORTS IN NATIONAL FORESTS

(Mr. JOHNSON of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. JOHNSON of California. Mr. Speaker, the outdoor recreational needs of America have risen dramatically in recent years. In maintaining pace with this trend the growth of the ski industry in the last two decades has been impressive indeed. But the end is nowhere in sight.

We are experiencing a 15-percent annual growth rate which will result in a doubling of the present estimate of 5 million skiers in the United States by 1977.

Private industry is presently meeting the recreational demands of these 5 million skiers and traditionally has provided increased facilities proportionate to the 15 percent rate of growth.

Mr. Speaker, a continuing problem within the ski industry is its low profitability—less than 4 percent before taxes. This level of profit naturally tends to discourage investment. Private industry, which is expected to tackle the $300 million investment needed to meet the demands of outdoor recreation in the next decade, finds its difficulties intensified by certain Federal governmental policies.

These problems stem from the limitations that Congress has imposed upon the Forest Service concerning the acreage allotments. These limitations have created a significant financing problem for the individual ski area operator.

Today I am introducing a bill designed to alleviate this problem so that ski area operators in this country will be better able to satisfy the increasing demands of the public.

This bill will encourage private development and management of facilities and services on national forest system lands through the granting of leases which provide more certainty of tenure and security of investment. These leases will contain provisions to reflect the primary objective of maintaining a high quality of facilities and services at reasonable prices for the public, yet always preserving the quality of the environment.

Four key provisions to the bill concern first, the amount of land to be leased; second, the annual rental of the land; third, the length of the lease; and fourth, the title to structures built by the lessee on Government land.

Under this bill the amount of land to be leased would be determined by the present and future needs of the public for recreational facilities instead of by a predetermined specified number of acres. As I have already stated these needs are constantly expanding, but the 80-acre limitation imposed by the Forest Service has most definitely inhibited this expansion.

Under the proposed bill the terms of annual rental of Forest Service land would provide for equitable fees equivalent to the least value of land.

The bill would extend the maximum duration of the lease from 30 to 50 years and give preference in lease renewals to those lessees who have performed their obligation under prior leases. These provisions would give the conscientious ski area operator a sense of security in his investment which has not been previously afforded him.

The bill would extend the maximum for any area operator who builds or improves structures on Forest Service land by giving him legal titles to those structures. This measure combined with the extension and continuation of the lease would lend credence to the stability of the ski area operation on Forest Service lands, and would in turn encourage banking investments through loans and mortgages which have been so sorely lacking in the past.

Mr. Speaker, in the face of a burgeoning skier population and the constantly escalating demands to meet environmental standards, sound financing is desperately needed for the growth and quality of ski area operations.

We believe that this bill will give the ski industry the essentials it needs to meet these challenges and serve the best interests of the public.

CONGRESS MUST ACT NOW ON OCEAN DUMPING LEGISLATION

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and include extraneous matter.)

Mr. FASCELL. Mr. Speaker, an application now pending before the Army Corps of Engineers which would permit a company to dump a solution of 18 percent sulfuric acid, laced with toxic metals, into the Gulf Stream at the rate of 1 million gallons every 4 days, is a perfect example of why it is imperative that the Congress act promptly on legislation to prohibit such practices.

According to recent news reports, the American Cyanamid Co. proposes to take about half of the noxious substance which its plant now discharges into the Savannah River and barge it out to a site 87 miles off the Georgia coast. There, it will be dumped into the water. While some scientists have stated that acid dumping is among the least harmful of things which have been deposited in the ocean, others contend that sulfuric acid, even when mixed with 32,000 parts of sea water, is harmful to marine life.

The House and Senate have passed the Marine Protection, Research, and Sanctuaries Act, which would require the Environmental Protection Agency to review and approve all such proposals to dump noxious materials into the oceans of the world. I was one of the original sponsors of this legislation, which was first introduced 3 years ago. It has been in conference since November of 1971—10 months. I understand that the conferees have reached agreement on the legislation and I certainly hope that it will be sent to us for consideration before we recess.

The application which has been filed with the Corps of Engineers is technically for permission to construct a pier in coastal waters from which the barges can be loaded. It does not address itself directly to the question of dumping the materials into the ocean. Obviously, this is an inadequate control and is a subject which should come under the direct jurisdiction of the EPA. We must take action as soon as possible on this legislation to insure that this is done before any further damage is done to the oceans.

FACTS OF SCANDAL

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, it is with the greatest reluctance that I once again advise my colleagues of continued criminal conduct, both alleged and proven, involving employees of the Federal Housing Administration and nonpublic employees who continue to profit by manipulation of this agency and its employees.

Last April, a number of indictments were returned involving high ranking officials of the Federal Housing Administration assigned to the Hempstead, Long Island, office of FHA. Shortly thereafter, I addressed the House and advised that there were increasing signs that a number of high-level Federal employees had conducted themselves in a manner casting doubt upon their integrity. I stated further that—

> The full implications of what appears to be a sickening manipulation of FHA employees by builders and mortgage lenders are as yet unknown.

I regret to inform my colleagues that the second round of indictments involving the Hempstead, Long Island, office on Tuesday described by the New York Times articles yesterday and today confirms my statement of last May. A plea of guilty to a criminal information by the man selected to restore confidence in the integrity of the Hempstead operation is clear evidence of the total breakdown of an administrative system or a "way of doing business" that demands total reform.

We are not administrators or prosecutors. As legislators, however, we must take steps to insure an atmosphere of trust and confidence in the integrity of the agency charged with the responsibility of administering complex provisions of law to achieve stated public purposes. We, indeed, do differ and will differ on substantive questions effecting urban problems. Part of today's difficulties may well involve programmatic or statutory weaknesses in existing law, but to attempt an honest evaluation in today's climate generated by ever accelerating examples of criminal conduct has become virtually impossible.

None of us can take comfort in the failure of the Housing Act of 1972 to reach the floor for nothing has been solved. The facts of Detroit which are the facts of virtually every major city remain. Grand juries are considering housing fraud allegations in many of those cities.

As I stated in my remarks on September 21, the Subcommittee on Legal and Monetary Affairs is determined to continue to seek out the facts, to make its recommendations, and to evaluate the effectiveness of administration responses.

Congress, together with the executive branch, working cooperatively has the resources to deal not only with the facts of failure, but when forced to, can and must deal with the facts of scandal.

The New York Times accounts of the Hempstead indictments and are commended to the attention of my colleagues:

[From the New York Times, Sept. 27, 1972]

FHA AIDES SAID TO TAKE BRIBES

(By Morris Kaplan)

Five employes of the Federal Housing Administration's office in Hempstead, L.I., were indicted yesterday on charges of conspiracy and accepting bribes from the president of a mortgage corporation to influence their "official acts."

A sixth employe, Donald C. Carroll, the director of the Hempstead office, pleaded guilty to an information charging that he had taken bribes. Arraigned before Judge Anthony J. Travia at the Westbury, L.I., branch of the Federal District Court, he was released on his own recognizance to await sentencing. Assistant United States Attorney Anthony T. Accetta is prosecuting the case.

Judge Travia issued an order restricting United States Attorney Robert A. Morse and his staff from discussing any of the charges in the 11 counts of nine separate indictments.

Key figures among the accused were Donald C. Carroll, 45-year-old director of the Hempstead office, of 7 Regina Drive, Deer Park, and Stanley Sirote, 37 years old, president of the Inter-Island Mortgagee corporation, 170-60 Union Turnpike, Flushing, Queens.

Mr. Sirote lives at 160 Long Acre Avenue, Woodmere, L.I.

Also indicted were the following employes of the mortgage credit section of the Hempstead office:

Bernhard Fein, 55 years old, of 203-25 27th Avenue, Mayside, Queens; Michael S. Jancovic, 52, of 42 Amherst Lane, Hicksville, L.I.; Patrick J. Lama, 46 Vista Lane, Levittown, L.I., Patrick Iannuccilli, 41, of 8 Linda Street, Port Jefferson, L.I., and John Daly, 52, of 11 Legend Lane, Westbury, L.I.

CHARGE DETAILED

The six employes involved were relieved of their duties immediately following the indictment by George Romney, Secretary of the Department of Housing and Urban Development, in an order issued through the New York regional office.

A team of specialists was assigned to take over their functions starting this morning. In addition, Mr. Sirote was suspended from doing business with H.U.D. or F.H.A., anywhere in the country.

The two-count information accused Mr. Carroll of having "corruptly and directly asked, sought, accepted and received something of value" from Mr. Sirote and the Inter-Island Mortgagee Corporation, namely:

"The assumption of approximately $1-million in unauthorized and illegal mortgage commitments issued . . . in the name of the Lawrence-Cedarhurst Federal Savings and Loan Association, 466 Central Avenue, Cedarhurst, N.Y., and the assumption of a loss of approximately $30,000."

This occurred, the information continued, in connection with unauthorized mortgage commitments, in return for Mr. Carroll's being "influenced in an official act," namely the promotion of Mr. Lama to assistant chief of mortgage credit and the promotion of Mr. Daly to assistant chief underwriter of the Hempstead office.

The significance of these promotions was not explained either in the indictments or in the information.

FREE LODGING CITED

Mr. Carroll was charged also with having received free transportation and living accommodations in Miami, valued at $798, from Mr. Sirote and his corporation. The information covers the period from last Dec. 1 to Jan. 23, 1972.

Until he joined H.U.D. last Nov. 2, Mr. Carroll was a vice president and mortgage officer of the Lawrence-Cedarhurst Federal Savings and Loan Association.

The F.H.A. insures mortgages on one to four-family homes. Recent indictments against real estate brokers and others in the housing field indicated that some F.H.A. employes had been paid to approve the issuance of inflated mortgages.

Mr. Sirote was named as a defendant in four separate indictments. In addition to his alleged illegal dealings with Mr. Carroll, he was charged with having paid $20,750 to "influence the official acts" of Mr. Lama, $1,800 to Mr. Fein and $100 to Mr. Iannuccilli.

Mr. Lama and Mr. Daly were accused of having performed "special favors" and services for Mr. Sirote and Inter-Island Mortgagee Corporation.

If convicted, the defendants could be sentenced to up to 15 years in prison and fined up to $20,000, or three times the amount of the bribe, or whichever is greater.

The five were arraigned before Judge Travia and were released in personal bond. No date was set for the trial.

[From the New York Times, Sept. 28, 1972]

FHA RESHUFFLES INDICTED L.I. STAFF

(By Edith Evans Asbury)

New executives from various parts of the United States took over the regional office of the Federal Housing Administration in Hempstead, L. I., yesterday, replacing officials whose indictments were announced the previous day.

Ernest T. Metzler took over as acting director, replacing Donald C. Carroll, who was director until Tuesday, when he pleaded guilty to bribery charges in alleged mortgage frauds. Mr. Metzler is an operations specialist in the Atlanta regional office of the Department of Housing and Urban Development, of which the FHA is a part.

Archie McCalla of Sacramento, Calif., took over as acting deputy director, replacing Michael S. Jancovic, one of four suspended FHA employes. The suspension followed the indictment of the four on Tuesday by a Federal grand jury in Brooklyn on bribery and conspiracy charges.

CREDIT OFFICER REPLACED

Richard Kluge of Topeka, Kan., took over as acting chief mortgage credit officer, replacing Bernard Fein, also indicted on bribery and conspiracy charges on Tuesday.

Billy V. Austin of Oklahoma City took charge of property management in the Long Island office, which has had to foreclose many mortgages on homes sold to poor families at inflated prices in alleged mortgage frauds.

Previously 40 individuals and 10 corporations, including Dun & Bradstreet, the credit-rating concern, were indicted in the case.

The previous indictment, returned last March by the Federal grand jury in Brooklyn, named eight F.H.A. employes, including Herbert K. Cronin, chief underwriter and the No. 3 man in the Hempstead office.

Cronin and seven other current or previous F.H.A. employes were accused of participating in a multimillion-dollar housing fraud, along with lawyers, brokers, real-estate speculators, appraisers and the Eastern Service Corporation, one of the largest mortgage companies in the East.

STRING OF GUILTY PLEAS

An F.H.A. appraiser, an officer of Eastern Services, a real-estate broker and two companies that the broker controlled pleaded guilty to the previous indictment.

Suffolk sources said yesterday that Carroll, who lives in that county, had been recommended for appointment as director of the regional F.H.A. office by Gregory d'Abramo, Babylon Republican chairman.

S. William Green, regional administrator of the Department of Housing and Urban Development, confirmed that "Mr. Carroll was active in Republican politics out there, but that is not the reason I picked him." "He seemed the ideal man at the time to take over the office and clear up its problems," Mr. Green said, "because of his extensive banking and mortgage experience. You sure get some unpleasant surprises sometimes."

THE FIGHT AGAINST DRUG ABUSE

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, on September 25 I had the honor of delivering a talk in Rome at the meeting of the Interparliamentary Union on the subject of the fight against drug abuse as the Representative of the U.S. Group of the Inteparliamentary Union.

It was encouraging to me to find that all nations recognize the seriousness of the threat of drug abuse and were willing to express their desire to cooperate in taking steps to eliminate this scourge of modern society.

Because of the current interest in this subject which has been heightened by the recent statement of President Nixon, I wish to include at this point in the RECORD the speech which I made in Rome which will, I hope, be found instructive to my colleagues:

ADDRESS OF U.S. REPRESENTATIVE JOHN S. MONAGAN

Since April, 1971, when the Interparliamentary Union formally resolved to cooperate in combating illegal international drug traffic and drug abuse generally, the world community has broken new ground to dry up sources and cut supply lines of illegal narcotics, and to develop new methods of education and rehabilitation. On the individual level, Turkey has pledged to eliminate all opium cultivation, France has destroyed numerous heroin laboratories, and Paraguay has extradited narcotics kingpin, Auguste Ricord, to the United States for trial.

Collectively, some fifty nations have signed a protocol to amend and strengthen the 1961 Single Convention on Narcotic Drugs. Enforcement agencies have joined hands to make unprecedented seizures across the globe, and nations are for the first time beginning to pool their expertise on the prevention and cure of drug addiction.

These and other actions during the past year and a half have created new hope that the world is at last facing up to what has truly become a worldwide crisis. These steps indicate that the narcotics trade can be effectively attacked through multilateral effort. They demonstrate what nations can do if they commit their spirit and resources to an international drug control effort.

I believe that the 1971 Caracas IPU resolution served as an important catalyst for much of this progress and is the stimulus for the new proposal before us, and I am pleased to have prepared this resolution which was sponsored by the U.S. Group in conjunction with the French, Thai, and Turkish Groups. But like all individuals, organizations, and nations, the IPU cannot afford to rest on past contributions to the war against narcotics. We meet here today not to celebrate previous actions, but to continue our efforts, and to reaffirm our commitment to cooperation among nations to fight international drug abuse.

Reviewing the developments in narcotics traffic and the enormous increase in addiction since our Caracas meeting, it is clear that the world needs all the cooperation it can muster. For it has become obvious that drug abuse will not disappear with the burning of a few poppy fields or with the seizure of a heroin laboratory. Nor will addiction be cured with the rehabilitation resources and knowledge now available. Rather the war against drug abuse has only begun. We have only fought the first brief skirmishes of what promises to be as protracted a social struggle as any in history.

This evaluation is based upon the dimensions of the international drug problem whose scope we are only now beginning to realize. In the areas of prevention, treatment, and social rehabilitation, for example, it is now evident just how little is known. Massive drug education efforts have failed to stem the growing tide of experimentation and addiction. Our best medical and technical expertise has failed to produce a rehabilitation program which will cure significant numbers of addicts. Until recently, we have failed to comprehend how extensive the drug problem would become. Having failed thus far to develop an effective means of preventing and treating drug abuse, we are uncertain about where to turn in the future for answers.

The United States have committed much of its drug control resources to the development of an effective heroin substitute. Thus far, our efforts have produced only methadone, a substance which in some cases acts as a useful alternative, but which has its own problems including an addictive influence of its own. This is clearly an area which demands and deserves more research. The development of safe, non-addictive heroin substitute would be a most significant step in the war against drugs.

We are also just beginning to realize the full dimensions of the trafficking aspect of the international drug problem. Through most of the postwar years, narcotics flowed to the United States through an established network, from the poppy fields of the Middle East to the laboratories of the Mediterranean to the pushers of New York City. The popular consensus held that if this line could be severed, the drug flow to the United States and other consuming nations would dry to a trickle.

But as Turkey agreed to outlaw opium cultivation, and France cracked down on processing laboratories, drug traffickers proved incredibly resourceful in developing new lines of production and supply. Fields were developed elsewhere, new laboratories were constructed, and new routes opened. Today, we face not a regional problem, but a global network of illicit drug traffic. In the place of the now famous "French Connection" have grown new connections, in Latin America, in Southeast Asia, and in other areas which traffickers have found rewarding. We are no longer dealing with a specific supply line, but with a multi-headed menace which may retreat at one location only to appear elsewhere in full vigor and malignancy.

Thus, despite an impressive performance by many enforcement officials, the rising level of seizures still represents only a fraction of the illicit flow. The international supply remains plentiful, and there is no doubt that there will be enough heroin to meet the growing demand in consuming countries. A recent report by a U. S. Cabinet Committee on International Narcotics Control estimated the illicit opium output by major producers in 1971 to be 990 to 1,210 metric tons. This opium came not only from the Middle East, but from many other geographic locations. It was processed not only in Europe, but in cities around the world. It is this enormous supply which despite our efforts to date, has forced students of the problem to reevaluate all the standard assumptions about drug traffic. It has forced enforcement authorities to scale down their expectations, and to prepare for a long siege. There is no longer any talk about burning the world's poppy fields. The emphasis is now more realistic on disrupting supply lines, and reducing the availability of heroin as much as possible on the street. Finally, the understanding has come that the final solution will depend upon coping with the social, cultural, and economic conditions which stimulate drug abuse itself.

The effect of illegal heroin use has been devastating. Reliable statistics are hard to come by, but at latest estimates, the United States alone has 560,000 heroin addicts—ten times the level of 1960, and almost double the rate of only two years ago. To support his habit, the U. S. addict spends an average of $8,000 per year, much of which is obtained by criminal activity. In terms of destroyed lives and human tragedy, the cost of drug addiction is inestimable.

The severity of the drug problem in the United States has been known for some time now. More surprising is that other nations are now being forced to admit and come to grips with an expanded demand for narcotics within their own borders. Western Europe, Canada, and even Turkey have all experienced a growing addict population. What once used to be thought of as a problem for "other nations" now spares none.

This universality of drug abuse, the global means of supply, and the difficulty in developing effective education and rehabilitation programs, make international cooperation in this field imperative. Unhappily, the development of multilateral drug control efforts has been totally inadequate. As the U.S. Cabinet Committee on Narcotics recently concluded, "Differences in national laws and policies regarding drug trafficking and drug abuse, in attitudes toward extradition procedures, and in customs control and enforcement systems have hampered the development of an agreed international position toward drug control". Well aware of these differences, the illicit international trafficker has taken full advantage of them to peddle his wares.

This is not to say that progress has not been made; and certainly those nations which have taken steps deserve our commendation. Nevertheless, it is clear that we can no longer afford these differences. Drug abuse is not a future possibility demanding only a casual glance. It is a terminal illness threatening the health of millions throughout the globe.

No resolution adopted by this Union will halt this menace over night or by itself. What a resolution will do, however, is to reaffirm the desire of all nations to join together against the common enemy. It will put all narcotics growers, processors and traffickers on notice that they can no longer hide behind the indifference of those who have the power and duty to act.

The resolution to be considered provides a broad outline for action which must be filled in during the coming years. On the "supply" side of the drug problem, it calls for opium crop substitution, increased customs efforts, and expanded enforcement efforts to destroy laboratories and arrest pushers. The sizeable leap in drug seizures over the past year proves that these recommendations have already been developed considerably. Nevertheless, more remains to be done. Special narcotics police forces must be trained for service in all areas of the world. Customs forces must intensify their search of passengers, baggage, and cargo, and nations must improve their cooperative efforts and develop an international system of control if they hope to overcome the complex international supply system which presently brings narcotics to the streets.

More important in the long run is the development of programs to meet the "demand" aspect of the drug problem. While law enforcement efforts are essential, the cunning and resourcefulness of drug trafflickers has demonstrated that there will always be a supply of heroin so long as there is a demand for it. It is therefore imperative that we deal with the complex social issues which cause drug abuse.

The United States has only recently begun to marshal its own resources against the "consumer" aspect of drug abuse through the new Special Action Office for Drug Abuse Prevention. This agency is now coordinating all educational, research, and rehabilitation efforts, and should bring a degree of skill to the fight against drugs which has been previously lacking. This agency is only a beginning, however. Nations must pool their resources to develop better drug education programs, to improve their rehabilitation programs, and to achieve a better medical and psychological understanding of drug abuse. It is also essential to cooperate in developing an effective, but harmless, heroin substitute.

No matter what the answers are, however, they will not be found unless the international community works cooperatively in dealing with the tragedy of drug abuse. In unanimously agreeing to the Caracas resolution in April 1971, the Interparliamentary Union took one of the first constructive multilateral steps to deal with drug abuse. The Union can now continue this leadership. Together with the Caracas resolution, from which the new proposal was developed, the adoption of the Rome resolution will prove that official indifference is no longer the ally of the drug dealer. It will demonstrate that the nations of the world have the courage and determination to meet and to conquer this international social plague which threatens us all.

CONFERENCE REPORT

Mr. STAGGERS submitted the following conference report and statement on the bill (S. 976) to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92–1476)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 976) to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Motor Vehicle Information and Cost Savings Act".

DEFINITIONS

SEC. 2. For the purpose of this Act:

(1) The term "passenger motor vehicle" means a motor vehicle with motive power, designed for carrying twelve persons or less, except (A) a motorcycle or (B) a truck not designed primarily to carry its operator or passengers.

(2) The term "multipurpose passenger vehicle" means a passenger motor vehicle which is constructed either on a truck chassis or with special features for occasional off-road operation.

(3) The term "passenger motor vehicle equipment" means (A) any system, part or component of a passenger motor vehicle as originally manufactured or any similar part or component manufactured or sold for replacement or improvement of such system, part, or component or as an accessory, or additional to a passenger motor vehicle, or (B) a towing device.

(4) The term "towing device" means any device manufactured or sold for use in towing a passenger motor vehicle.

(5) The term "property loss reduction standard" means a minimum performance standard established for the purpose of increasing the resistance of passenger motor vehicles or passenger motor vehicle equipment to damage resulting from motor vehicle accidents or for the purpose of reducing the cost of repairing such vehicles or such equipment damaged as a result of such accidents.

(6) The term "bumper standard" means any property loss reduction standard the purpose of which is (A) to eliminate or reduce substantially physical damage to the front or rear ends (or both) of a passenger motor vehicle resulting from (i) a low-speed collision (including but not limited to a low-speed collision with a fixed barrier) or (ii) from the towing of such vehicle, or (B) to reduce substantially the cost of repair of the front or rear ends (or both) of such a vehicle when damaged (i) in such a collision or (ii) as a result of being towed; but such a standard may not specify a specific dollar amount for the cost of repair of a vehicle when so damaged.

(7) The term "manufacturer" means any person engaged in the manufacturing or assembling of passenger motor vehicles or passenger motor vehicle equipment including any person importing motor vehicles or motor vehicle equipment for resale.

(8) The term "make" when used in describing a passenger motor vehicle means the trade name of the manufacturer of that vehicle.

(9) The term "model" when used in describing a passenger motor vehicle means a category of passenger motor vehicle based upon the size, style, and type of any make of passenger motor vehicle.

(10) The term "motor vehicle accident" means an accident arising out of the operation, maintenance, or use of passenger motor vehicle or passenger motor vehicle equipment.

(11) The term "Secretary" means the Secretary of Transportation.

(12) The term "insurer of passenger motor vehicles" means any person engaged in the business of issuing (or reinsuring, in whole or part) passenger motor vehicle insurance policies.

(13) The term "damage susceptibility" means susceptibility to physical damage incurred by a passenger motor vehicle involved in a motor vehicle accident.

(14) The term "crashworthiness" means the protection that a passenger motor vehicle affords its passengers against personal injury or death as a result of a motor vehicle accident.

(15) The term "motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on the public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails.

(16) The term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

(17) The term "interstate commerce" means commerce between any place in a State and any place in another State, or between places in the same State through another State.

(18) The term "United States district courts" means the Federal district courts of the United States and the United States courts of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

TITLE I—BUMPER STANDARDS

FINDINGS AND PURPOSE

SEC. 101. (a) The Congress finds that it is necessary to reduce the economic loss resulting from damage to passenger motor vehicles involved in motor vehicle accidents.

(b) It is the purpose of this title to reduce the extent of such economic loss by providing for the promulgation and enforcement of bumper standards.

SETTING OF STANDARDS

SEC. 102. (a) Subject to subsections (b) through (e) of this section, the Secretary by rule—

(1) shall promulgate bumper standards applicable to all passenger motor vehicles manufactured in or imported into the United States, and

(2) may promulgate bumper standards applicable to any item of passenger motor vehicle equipment so manufactured or imported,

except that such a rule shall not apply to any vehicle or item of passenger motor vehicle equipment which is intended solely for export (and is so labeled or tagged on the vehicle or equipment itself and on the outside of the container, if any) and which is exported.

(b) (1) Any standard under subsection (a) shall seek to obtain the maximum feasible reduction of costs to the public and to the consumer, taking into account:

(A) the cost of implementing the standard and the benefits attainable as the result of implementation of the standard;

(B) the effect of implementation of the standard on the cost of insurance and prospective legal fees and costs;

(C) savings in terms of consumer time and inconvenience; and

(D) considerations of health and safely, including emission standards.

(2) Bumper standards under this title shall not conflict with motor vehicle safety standards promulgated under title I of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391, et seq.).

(c) (1) In promulgating any bumper standard under this title the Secretary may for good cause shown—

(A) exempt partially or completely any multipurpose passenger motor vehicle; or

(B) exempt partially or completely any make, model, or class of passenger motor vehicle manufactured for a special use, if such standard would unreasonably interfere with the special use of such vehicle.

(2) To the maximum extent practicable, a bumper standard promulgated by the Secretary shall not preclude the attachment of detachable hitches.

(d) The Secretary shall establish the effective date of any bumper standard when finally promulgating the standard, and such standard shall apply only to passenger motor vehicles or passenger motor vehicle equipment manufactured on or after such effective date. Such effective date shall not be—

(1) earlier than the date on which such standard is finally promulgated, or

(2) later than eighteen months after final promulgation of the standard unless the Secretary presents to Congress and publishes a detailed explanation of the reasons for such later effective date.

In no event shall the Secretary establish an effective date which is earlier than July 1, 1973.

(e) (1) All rules establishing, amending, or revoking a bumper standard under this title shall be issued pursuant to section 553 of title 5 of the United States Code, except that the Secretary shall give interested persons an opportunity for oral presentation of data, views, or arguments, and the opportunity to make written submissions. A transcript shall be kept of any oral presentation.

(2) The Secretary may also conduct a hearing in accordance with such conditions or limitations as he may make applicable thereto, for the purpose of resolving any issue of fact material to the establishing, amending, or revoking of a bumper standard.

JUDICIAL REVIEW

SEC. 103. (a) Any person who may be adversely affected by any rule issued under section 102 of this title may at any time prior to sixty days after such rule is issued file a petition with the United States Court of Appeals for the District of Columbia, or any circuit wherein such person resides or has his principal place of business, for judicial review of such rule. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or his delegate. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based his rule, as provided in section 2112 of title 28, United States Code.

(b) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary, and to be adduced in a hearing, in such manner and upon such terms and conditions as the court may deem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his rule, with the return of such additional evidence.

(c) Upon the filing of the petition referred to in subsection (a) of this section, the court shall have jurisdiction to review the rule in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter.

(d) The judgment of the court affirming or setting aside, in whole or in part, any such rule of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(e) The remedies provided for in this section shall be in addition to and not in lieu of any other remedies provided by law.

POWERS OF THE SECRETARY

SEC. 104. (a) (1) For the purpose of carrying out the provisions of this title, the Secretary, or on the authorization of the Secretary, any officer or employee of the Department of Transportation may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable.

(2) In order to carry out the provisions of this title, the Secretary or his duly authorized agent shall at all reasonable times have access to, and for the purposes of examination the right to copy, any documentary evidence of any person having materials or information relevant to any function of the Secretary under this title.

(3) The Secretary is authorized to require, by general or special orders, any person to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating to any function of the Secretary under this title. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe.

(4) Any of the district courts of the United States within the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a subpena or order of the Secretary or such officer or employee issued under paragraph (1) or paragraph (3) of this subsection, issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(5) Witnesses summoned pursuant to this subsection shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(b) All information reported to or otherwise obtained by the Secretary or his representative under this title which information contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this title or when relevant in any proceeding under this title. Nothing in this section shall authorize the withholding of information by the Secretary or any officer or employee under his control from the duly authorized committees of the Congress.

(c) (1) The Secretary is authorized to request from any department, agency, or instrumentality of the Government any information he deems necessary to carry out his functions under this title; and each such department, agency, or instrumentality is authorized and directed to cooperate with the Secretary and to furnish such information to the Department of Transportation upon request made by the Secretary.

(2) The head of any Federal department, agency, or instrumentality is authorized to detail, on a reimbursable basis, any personnel of such department, agency, or instrumentality to assist in carrying out the duties of the Secretary under this title.

(d) The Secretary shall conduct such research as is necessary for him to carry out his functions under this title.

INSPECTION AND CERTIFICATION

SEC. 105. (a) Every manufacturer of passenger motor vehicles or of passenger motor vehicle equipment shall establish and maintain such records, make such reports, and provide such items and information (including the supplying of vehicles or equipment for testing) as the Secretary may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this title and bumper standards prescribed pursuant to this title and shall, upon request of an officer or employee duly designated by the Secretary, permit such officer or employee to inspect vehicles and appropriate books, papers, records, and documents relevant to determining whether such manufacturer has acted or is acting in compliance with this title and bumper standards prescribed pursuant to this title. Such manufacturer shall make available all such items and information in accordance with such reasonable rules as the Secretary may prescribe. Vehicles and equipment for testing shall be made available under this subsection at a negotiated price that does not exceed the manufacturer's cost.

(b) For purposes of enforcement of this title, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (1) to enter any factory, warehouse, or establishment in which passenger motor vehicles or passenger motor vehicle equipment is manufactured, or held for introduction into interstate commerce or are held for sale after such introduction; and (2) to inspect such factory, warehouse, or establishment. Each such inspection shall be conducted at reasonable times and in a reasonable manner and shall be commenced and completed with reasonable promptness.

(c) (1) Every manufacturer or distributor of a passenger motor vehicle subject to a Federal bumper standard under this title, or an item of passenger motor vehicle equipment subject to such a standard, shall furnish to the distributor or dealer at the time of delivery of such vehicle or item of equipment by such manufacturer or distributor a certification that each such vehicle or item of equipment conforms to applicable Federal bumper standards. The Secretary is authorized to issue rules prescribing the manner and form of such certification.

(2) Paragraph (1) of this subsection shall not apply to any passenger motor vehicle or item of passenger motor vehicle equipment which is intended solely for export (and is so labeled or tagged on the vehicle or equipment itself and on the outside of the container, if any) and which is exported.

PROHIBITED ACTS

SEC. 106. (a) No person shall—

(1) manufacture for sale, sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States, any passenger motor vehicle or passenger motor vehicle equipment manufactured on or after the date any applicable Federal bumper standard takes effect under this title unless it is in conformity with such standard;

(2) fail to comply with any rule prescribed by the Secretary under this title;

(3) fail to keep specified records or refuse access to or copying of records, or fail to make reports or provide items or information, or fail or refuse to permit entry or inspection, as required under this title or any rule issued thereunder; or

(4) (A) fail to furnish a certificate required by section 105(c), or (B) issue a certificate required by such subsection to the effect that a passenger motor vehicle or passenger motor vehicle equipment conforms to all applicable bumper standards, if such person knows, or in the exercise of due care has reason to know, that such certificate is false or misleading in a material respect.

(b) (1) Paragraph (1) of subsection (a) shall not apply to the sale, the offer for sale, or the introduction or delivery for introduction in interstate commerce of any passenger motor vehicle or any passenger motor vehicle equipment after the first purchase of it in good faith for purposes other than resale. Nothing contained in this paragraph shall be construed as prohibiting the Secretary from promulgating any standard which requires vehicles or equipment to be manufactured so as to perform in accordance with the standard over a specified period of operation or use.

(2) Paragraph (1) of subsection (a) shall not apply to any person who establishes that he did not have reason to know in the exercise of due care that the vehicle or item of equipment is not in conformity with applicable bumper standards or to any person who, prior to such first purchase, holds a certificate issued under section 105(c) to the effect that the vehicle or item of equipment conforms to all applicable Federal bumper standards, unless such person knows that such vehicle or such equipment does not so conform.

(3) A passenger motor vehicle or passenger motor vehicle equipment offered for importation in violation of paragraph (1) of subsection (a) shall be refused admission into the United States under joint regulations issued by the Secretary of the Treasury and the Secretary; except that the Secretary of the Treasury and the Secretary may, by such regulations, provide for authorizing the importation of such vehicle or equipment into the United States upon such terms and conditions (including the furnishing of a bond) as may appear to them appropriate to insure that any such vehicles or such equipment will be brought into conformity with any applicable Federal bumper standard prescribed under this title, or will be exported or abandoned to the United States.

(4) The Secretary of the Treasury and the Secretary may, by joint regulations, permit the importation of any passenger motor vehicle or passenger motor vehicle equipment after the first purchase of it in good faith for the purposes other than resale.

(c) Compliance with any Federal bumper standard issued under this title does not exempt any person from any liability under statutory or common law.

ENFORCEMENT

SEC. 107. (a) Whoever violates subsection (a) of section 106 may be assessed a civil penalty of not to exceed $1,000 for each violation. Such penalty shall be assessed by the Secretary and collected in a civil action brought by the Attorney General or by the Secretary (with the concurrence of the Attorney General) by any of the Secretary's attorneys designated by the Secretary for such purpose. With respect to violations of paragraph (1) or (4) of subsection (a) of section 106, a separate violation is committed with respect to each passenger motor vehicle or each item of passenger motor vehicle equipment which fails to conform to an applicable bumper standard or for which a certificate is not furnished or for which a misleading or false certificate is issued; except that the maximum civil penalty shall not exceed $800,000 for any related series of violations.

(b) (1) Any person who knowingly and willfully violates section 106(a) (1) after having received notice of noncompliance from the Secretary shall be fined not more than $50,000 or be imprisoned not more than one year, or both.

(2) If a corporation violates section 106 (a) (1) after having received notice of noncompliance from the Secretary, any individual director, officer, or agent of such corporation who knowingly and willfully authorized, ordered, or performed any of the acts or practices constituting in whole or in part such violation and who had knowledge of such notice from the Secretary shall be subject to penalties under this section in addition to the corporation.

(c) (1) Upon petition by the Secretary or by the Attorney General on behalf of the United States, the United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this title, or to restrain the sale, offer for sale, or the introduction or delivery for introduction in interstate commerce, or the importation into the United States, of any passenger motor vehicle or passenger motor vehicle equipment which is determined, prior to the first purchase of such vehicle or such equipment in good faith for purposes other than resale, not to conform to applicable bumper standards prescribed pursuant to this title. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views, and, except, in the case of a knowing and willful violation, shall afford him reasonable opportunity to achieve compliance. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

(2) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this subsection, which violation also constitutes a violation of this title, trial shall be by the court, or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

(3) Actions under paragraph (1) of this subsection and under subsection (a) of this section may be brought in the district wherein any act or transaction constituting the violation occurred, or in the district wherein the defendant is found or is an inhabitant or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found.

(4) In any actions brought under paragraph (1) of this subsection and under subsection (a) of this section, subpenas for witnesses who are required to attend a United States district court may run into any other district.

CIVIL ACTION

SEC. 108. (a) Any owner of a passenger motor vehicle who sustains damages as a result of a motor vehicle accident because such vehicle did not comply with any applicable Federal bumper standard under this title may bring a civil action against the manufacturer of that vehicle in the United States District Court for the District of Columbia, or in the United States district court for the judicial district in which that owner resides, to recover the amount of those damages, and in the case of any such successful action to recover that amount, costs and reasonable attorneys' fees shall be awarded to that owner.

(b) Any such action shall be brought within three years of the date of the motor vehicle accident.

PUBLIC ACCESS TO INFORMATION

SEC. 109. Subject to section 104(b), copies of any communications, documents, reports, or other information sent or received by the Secretary in connection with his duties under this title shall be made available to any member of the public, upon request, at cost.

EFFECT ON STATE LAWS

SEC. 110. (a) Except as provided in subsection (b) of this section, no State or political subdivision thereof shall have any authority to establish or enforce with respect to any passenger motor vehicle or passenger motor vehicle equipment offered for sale any bumper standard which is not identical to a Federal bumper standard.

(b) (1) Until a Federal bumper standard takes effect with respect to an aspect of performance of a passenger motor vehicle or of an item of passenger motor vehicle equipment, neither this Act nor the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391, et seq.) shall affect the authority of a State to continue to enforce any bumper standard which is applicable to the same aspect of performance of such vehicle or item of equipment, which is not in conflict with any Federal standard promulgated under title 1 of the National Traffic and Motor Vehicle Safety Act of 1966, and which was in effect or had been promulgated on the date of enactment of this Act.

(2) The Federal Government or the government of any State or political subdivision thereof may establish a bumper standard applicable to vehicles or equipment procured for its own use which is not identical to the Federal standard under section 102 if such requirement imposes an additional or higher standard of performance.

AUTHORIZATION

SEC. 111. There is authorized to be appropriated to carry out this title $5,000,000 for fiscal year ending June 30, 1973; $9,000,000 for the fiscal year ending June 30, 1974; and $10,000,000 for the fiscal year ending June 30, 1975.

REPORTS

SEC. 112. The Secretary shall report to the Congress and to the President not later than March 31 of each year on the progress in carrying out the purposes of this title. Each such report shall contain a statement of the cost savings that have resulted from the administration of this title, and include such recommendations for further legislative or other action as the Secretary determines may be appropriate.

TITLE II—AUTOMOBILE CONSUMER INFORMATION STUDY

CONSUMER INFORMATION

SEC. 201. (a) During the first year after enactment of this Act the Secretary shall conduct a comprehensive study and investigation of the methods for determining the following characteristics of passenger motor vehicles:

(1) The damage susceptibility of such vehicles.

(2) The degree of crashworthiness of such vehicles.

(3) The characteristics of such vehicles with respect to the ease of diagnosis and repair of mechanical and electrical systems which fail during use or which are damaged in motor vehicle accidents.

(b) After reviewing the methods for determining the characteristics enumerated in subsection (a), the Secretary shall make specific recommendations for the further development of existing methods or for the development of new methods.

(c) After the study has been completed the Secretary is authorized and directed to devise specific ways in which existing information and information to be developed relating to (1) the characteristics of passenger motor vehicles enumerated in subsection (a), or (2) vehicle operating costs dependent upon those characteristics (including information obtained pursuant to section 205 of this title), can be communicated to consumers so as to be of benefit in their passenger motor vehicle purchasing decisions.

(d) The Secretary shall compile the information described in subsection (c) and furnish it to the public in a simple and readily understandable form in order to facilitate comparison among the various makes and models of passenger motor vehicles with respect to the characteristics enumerated in subsection (a).

(e) The Secretary, not later than February 1, 1975, shall by rule establish procedures requiring automobile dealers to distribute to prospective purchasers information developed by the Secretary and provided to the dealer which compares differences in insurance costs for different makes and models of passenger motor vehicles based upon differences in damage susceptibility and crashworthiness.

ADMINISTRATIVE POWERS

SEC. 202. In order to carry out his functions under this title the Secretary is authorized to—

(1) appoint and fix the compensation of such employees as he deems necessary without regard to the provisions of title 5, United States Code, governing appointment in the competitive services and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed $100 per diem;

(3) contract with any person for the conduct of research and surveys and the preparation of reports; and

(4) appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive services, such advisory committees, representative of the divergent interests involved, as he deems appropriate for the purposes of consultation with and advice to the Secretary.

Members of advisory committees appointed under paragraph (4) of this section, other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be compensated at rates to be fixed by the Secretary but not exceeding $100 per day, and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. Members of such advisory committees shall, for the purposes of chapter 11, title 18, United States

Code, be deemed to be special Government employees.

COOPERATION OF FEDERAL AGENCIES

SEC. 203. (a) The Secretary may request from any department, agency, or independent instrumentality of the Government any information he deems necessary to carry out his functions under this title; and each such department, agency, or independent instrumentality is authorized and directed to cooperate with the Secretary and furnish such information to the Department of Transportation upon request made by the Secretary.

(b) The head of any Federal department, agency, or independent instrumentality may detail, on a reimbursable basis, any personnel of such department, agency, or independent instrumentality to assist in carrying out the duties of the Secretary under this title.

HEARINGS AND PRODUCTION OF DOCUMENTARY EVIDENCE

SEC. 204. (a) For the purpose of carrying out the provisions of this title, the Secretary, or on the authorization of the Secretary, any officer or employee of the Department of Transportation may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable.

(b) In order to carry out the provisions of this title, the Secretary or his duly authorized agent shall at all reasonable times have access to, and for the purposes of examination the right to copy, any documentary evidence of any person having materials or information relevant to the study authorized by this title.

(c) The Secretary may require, by general or special orders, any person to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating to any function of the Secretary under this title. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe.

(d) Any United States district court within the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a subpena or order of the Secretary or such officer or employee issued under subsection (a) or subsection (c) of this section, issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(e) Witnesses summoned pursuant to this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(f) Any information which is reported to or otherwise obtained by the Secretary or such officer or employee under this section and which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall not be disclosed except to other officers or employees of the Federal Government for their use in carrying out this title. Nothing in the preceding sentence shall authorize the withholding of information by the Secretary (or any officer or employee under his control) from the duly authorized committees of the Congress.

INSURANCE INFORMATION

SEC. 205. (a) Insurers of passenger motor vehicles, or their designated agents, shall, upon request by the Secretary, make such reports and furnish such information as the Secretary may reasonably require to enable him to carry out the purposes of this title.

(b) Such reports and information may include, but shall not be limited to—

(1) accident claim data relating to the type and extent of physical damage and the cost of remedying the damage according to make, model, and model year of passenger motor vehicle, and

(2) accident claim data relating to the type and extent of personal injury according to make, model, and model year of passenger motor vehicle.

(c) In determining the reports and information to be furnished pursuant to subsections (a) and (b) of this section, the Secretary shall—

(1) consider the cost of preparing and furnishing such reports and information;

(2) consider the extent to which such reports and information will contribute to carrying out the purposes of this title; and

(3) consult with such State and insurance regulatory agencies and other agencies and associations, both public and private, as he deems appropriate.

(d) The Secretary shall, to the extent possible, obtain such reports and information from the insurers of passenger motor vehicles on a voluntary basis.

(e) Every insurer of passenger motor vehicles shall, upon request by the Secretary, furnish him a description of the extent to which the insurance rates or premiums charged by the insurer for passenger motor vehicles are affected by the damage susceptibility, crashworthiness, and cost of damage repair and personal injury involved relating to each of the various makes and models of passenger motor vehicles. Such insurer shall also furnish the Secretary upon request such information as may be available to such insurer reflecting the effect of the damage susceptibility, crashworthiness, and cost of damage repair and personal injury involved relating to each of the various makes and models of passenger motor vehicles upon risk incurred by insuring each such make and model.

(f) The Secretary shall not, in disseminating any information received pursuant to this section, disclose the name of, or other identifying information about, any person who may be an insured, a claimant, a passenger, an owner, a driver, an injured person, a witness, or otherwise involved in any motor vehicle crash or collision unless the Secretary has the consent of the persons so named or otherwise identified.

(g) The information required by this section shall be furnished at such times and in such manner as the Secretary shall prescribe by regulation or otherwise.

PROHIBITED ACT

SEC. 206. No person shall fail or refuse (1) to furnish the Secretary with the data or information requested by him under this title, or (2) to comply with rules prescribed by the Secretary under this title.

INJUNCTIVE RELIEF

SEC. 207. Upon petition by the Attorney General on behalf of the United States, the United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of section 206. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views and shall afford him reasonable opportunity to achieve compliance. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief. Paragraphs (3) and (4) of section 107(b) shall apply to any action under this section in the same manner as they apply to actions under section 107.

CIVIL PENALTY

SEC. 208. (a) Whoever violates section 206 shall be subject to a civil penalty of not to exceed $1,000 for each violation. A violation of section 206 shall constitute a separate violation with respect to each failure or refusal to comply with a requirement thereunder; except that the maximum civil penalty under this subsection shall not exceed $400,000 for any related series of violations.

(b) Any civil penalty under this section may be compromised by the Secretary. In determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

(c) Paragraphs (3) and (4) of section 107(b) shall apply to any action under this section in the same manner as they apply to actions under section 107.

APPROPRIATIONS AUTHORIZED

SEC. 209. There are hereby authorized to be appropriated to carry out the provisions of this title $3,000,000 per fiscal year for the fiscal year ending June 30, 1973, and for each of the two succeeding fiscal years.

TITLE III—DIAGNOSTIC INSPECTION DEMONSTRATION PROJECTS

POWERS AND DUTIES

SEC. 301. (a) The Secretary shall establish motor vehicle diagnostic inspection demonstration projects, inspections under which shall commence not later than January 1, 1974.

(b) To carry out the program under this title, the Secretary shall—

(1) make grants in accordance with subsection (c) and furnish technical assistance to States; and

(2) consult with the Administrator of the Environmental Protection Agency.

(c)(1) Any demonstration project under this title shall be conducted by, or under supervision of, a State in accordance with the application of the State submitted under section 303, and may provide for the performance of diagnostic inspection services either by public agencies or by private organizations, but no person may perform diagnostic inspection services for profit under any such program.

(2) Not less than five nor more than ten demonstration projects may be assisted by the Secretary under this title. No more than 50 per centum of the projects so assisted may permit diagnostic inspection services to be performed under the project by any person who also provides automobile repair services or who is affiliated with, controls, is controlled by, or is under common control with, any person who provides automobile repair services.

ELIGIBILITY AND CRITERIA

SEC. 302. (a) A State may be eligible for grants or other assistance under this title if the Secretary determines on the basis of an application by such State that such State will undertake a motor vehicle diagnostic inspection demonstration project which meets the requirements of subsection (b) of this section.

(b)(1) A motor vehicle diagnostic inspection demonstration project shall be designed, established, and operated to conduct periodic safety inspections of motor vehicles pursuant to criteria established by the Secretary by regulation and emission inspections pursuant to criteria established by the Secretary by regulation in consultation with the Administrator of the Environmental Protection Agency.

(2) Such project shall require an additional inspection of any motor vehicle subject to the demonstration project (as determined by the Secretary)—

(A) whenever the title to such motor vehicle is transferred to another person unless the transfer is for the purpose of resale; and

(B) whenever such motor vehicle sustains substantial damage to any safety-related or emission-related system or subsystem, as prescribed by the Secretary.

(3) To the greatest extent practicable, such inspections shall be conducted so as to provide specific technical diagnoses of each motor vehicle inspected in order to facilitate correction of any component failing inspection.

(4) A demonstration project shall provide for reinspection of vehicles which initially fail to meet the safety and emission standards established for the project after repair.

(5) Each project shall provide to the Secretary information and data relating to the development of diagnostic testing equipment designed to maximize the interchangeability and interface capability of test equipment and vehicles, and information, and data relating to the costs and benefits of such projects, including information and data relating to vehicle-in-use standards, vehicle designs which facilitate or hinder inspection and repair, the standardization of diagnostic systems and test equipment, the capability of the motor vehicle repair industry to correct diagnosed deficiencies or malfunctions and the costs of such repairs, the relative costs and benefits of the project, the efficiency of facility designs employed, recommendations as to feasible reject levels which may be employed, in any such project and such other information and data as the Secretary may require.

APPLICATIONS AND ASSISTANCE

SEC. 303. (a) A grant or other assistance under this title may be obtained upon an application by a State at such time, in such manner, and containing such information as the Secretary prescribes, including information respecting categories of expenditures by the State from financial assistance under this title.

(b) Upon the approval of any such application, the Secretary may make a grant to the State to pay each fiscal year an amount not in excess of 90 per centum of those categories of expenditures for establishing and operating its project which the Secretary approves. Federal financial assistance under this title shall not be available with respect to costs of inspections carried out after June 30, 1976, under such a project. Any equipment purchased with Federal funds may be retained by a State for its inspection activities following the demonstration project with the approval of the Secretary. Payments under this subsection may be made in advance, in installments, or by way of reimbursement.

AUTHORIZATION

SEC. 304. There is authorized to be appropriated to carry out this title $15,000,000 for the fiscal year ending June 30, 1973; $25,000,000 for the fiscal year ending June 30, 1974; and $35,000,000 for the fiscal year ending June 30, 1975. Not more than 20 percent of the amount appropriated under this section for any fiscal year may be granted for projects in any one State.

TITLE IV—ODOMETER REQUIREMENTS

FINDINGS AND PURPOSE

SEC. 401. The Congress hereby finds that purchasers, when buying motor vehicles, rely heavily on the odometer reading as an index of the condition and value of such vehicle; that purchasers are entitled to rely on the odometer reading as an accurate reflection of mileage actually traveled by the vehicle; that an accurate indication of the mileage traveled by a motor vehicle assists the purchaser in determining its safety and reliability; and that motor vehicles move in the current of interstate and foreign commerce or affect such commerce. It is therefore the purpose of this title to prohibit tampering with odometers on motor vehicles and to establish certain safeguards for the protection of purchasers with respect to the sale of motor vehicles having altered or reset odometers.

DEFINITIONS

SEC. 402. As used in this title—

(1) The term "odometer" means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; but shall not include any auxiliary odometer designed to be reset by the operator of the motor vehicle for the purpose of recording mileage on trips.

(2) The term "repair and replacement" means to restore to a sound working condition by replacing the odometer or any part thereof or by correcting what is inoperative."

(3) The term "transfer" means to change ownership by purchase, gift, or any other means.

UNLAWFUL DEVICES

SEC. 403. It is unlawful for any person to advertise for sale, to sell, to use, or to install or to have installed, any device which causes an odometer to register any mileage other than the true mileage driven. For purposes of this section, the true mileage driven is that mileage driven by the vehicle as registered by the odometer within the manufacturer's designed tolerance.

UNLAWFUL CHANGE OF MILEAGE

SEC. 404. It is unlawful for any person or his agent to disconnect, reset, or alter the odometer of any motor vehicle with the intent to change the number of miles indicated thereon.

OPERATION WITH INTENT TO DEFRAUD

SEC. 405. It is unlawful for any person with the intent to defraud to operate a motor vehicle on any street or highway knowing that the odometer of such vehicle is disconnected or nonfunctional.

CONSPIRACY

SEC. 406. No person shall conspire with any other person to violate section 403, 404, 405, 407, or 408.

LAWFUL SERVICE, REPAIR, OR REPLACEMENT

SEC. 407. Nothing in this title shall prevent the service, repair, or replacement of an odometer, provided the mileage indicated thereon remains the same as before the service, repair, or replacement. Where the odometer is incapable of registering the same mileage as before such service, repair, or replacement, the odometer shall be adjusted to read zero and a notice in writing shall be attached to the left door frame of the vehicle by the owner or his agent specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced. Any removal or alteration of such notice so affixed shall be unlawful.

DISCLOSURE REQUIREMENTS

SEC. 408. (a) Not later than 90 days after the date of enactment of this Act, the Secretary shall prescribe rules requiring any transferor to give the following written disclosure to the transferee in connection with the transfer of ownership of a motor vehicle:

(1) Disclosure of the cumulative mileage registered on the odometer.

(2) Disclosure that the actual mileage is unknown, if the odometer reading is known to the transferor to be different from the number of miles the vehicle has actually traveled.

Such rules shall prescribe the manner in which information shall be disclosed under this section and in which such information shall be retained.

(b) It shall be a violation of this section for any transferor to violate any rules under this section or to knowingly give a false statement to a transferee in making any disclosure required by such rules.

PRIVATE CIVIL ACTION

SEC. 409. (a) Any person who, with intent to defraud, violates any requirement imposed under this title shall be liable in an amount equal to the sum of—

(1) three times the amount of actual damages sustained or $1,500, whichever is the greater; and

(2) in the case of any successful action to enforce the foregoing liability, the costs of the action together with reasonable attorney fees as determined by the court.

(b) An action to enforce any liability created under subsection (a) of this section, may be brought in a United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, within two years from the date on which the liability arises.

INJUNCTIVE ENFORCEMENT

SEC. 410. (a) Upon petition by the Attorney General on behalf of the United States, the United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this title. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

(b) Paragraphs (3) and (4) of section 107 (b) shall apply to actions under this section in the same manner as they apply to actions under section 107.

EFFECT ON STATE LAW

SEC. 411. This title does not—

(1) annul, alter, or affect the laws of any State with respect to the disconnecting, altering, or tampering with odometers with the intent to defraud, or

(2) exempt any person subject to the provisions of this title from complying with such laws,

except to the extent that those laws are inconsistent with any provision of this title, and then only to the extent of the inconsistency.

EFFECTIVE DATE

SEC. 412. This title (other than section 408(a)) shall take effect ninety calendar days following the date of enactment of this Act. Section 408(a) shall take effect on the date of enactment of this Act.

REPORT

SEC. 413. One year after the date of enactment of this Act, the Secretary shall report to the Congress and to the President on the extent to which the reliability of odometers can be improved, on the technical feasibility of producing odometers which are tamper proof, and on the Secretary's plans and recommendations for future action.

And the House agree to the same.

HARLEY O. STAGGERS,
JOHN E. MOSS,
W. S. (BILL) STUCKEY, Jr.
BOB ECKHARDT,
WILLIAM L. SPRINGER,
JAMES T. BROYHILL,
JOHN WARE,
Managers on the Part of the House.

WARREN G. MAGNUSON,
PHILIP A. HART,
FRANK E. MOSS,
MARLOW W. COOK,
ROBERT P. GRIFFIN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 976) to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by reason of agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I

Department of Transportation standards-making authority

The Senate bill proposed to give to the Secretary of Transportation broad power to set minimum property loss reduction standards for passenger motor vehicles. A property loss reduction standard was defined to mean a minimum performance standard established for the purpose of increasing the resistance of passenger motor vehicles to damage resulting from motor vehicle accidents or for the purpose of reducing the cost of repairing such vehicles damaged as a result of such accidents. The House amendment limited the grant of authority in Title I to the power to establish bumper standards designed in general to reduce accident damage to a passenger motor vehicle's front and rear end. (See below for explanation of "bumper standard".)

The Committee of Conference has decided to take the more limited approach recommended by the House amendment.

The Committee of Conference finds that the need for an improved bumper on contemporary passenger motor vehicles is clearly stated in the record of hearings before both the House and the Senate Committees. It is likely that a bumper standard which requires protection of the external sheet metal of motor vehicles in low speed collisions would provide the maximum cost savings to the public. It is not as clearly defined in the record what other property loss reduction standards may be feasible or what cost savings would be achieved from their implementation. Accordingly, the Committee of Conference has decided to limit authority to establish property loss reduction standards at this time to authority to promulgate bumper standards.

The Senate bill required that the cost of implementation of a property loss reduction standard be reasonable when compared with the benefits attainable. The House amendment, in general terms, required that bumper standards seek the maximum feasible reduction in costs to the public and the consumer, taking into account the costs of implementation and the benefits to be attained; the effects on insurance costs and legal fees; savings in time and convenience; and considerations of health and safety. The Committee of Conference has determined to accept the provisions of the House amendment.

It is important to note that a bumper standard would be required to be expressed in terms of minimum performance so as to allow industry to make full use of its technological resources in devising a means of meeting the requirements of the standard. The Federal government would not be permitted under the terms of this bill to set minimum design requirements for bumpers. In this regard, the Conference Committee has made clear that to the maximum extent practicable a Federal bumper standard under the bill should not preclude the attachment of detachable hitches.

Standards setting procedures

The Senate bill required that standards be established by rules under the rule making procedures of Section 553 of Title 5 of the United States Code (formerly Section 4 of the Administrative Procedure Act): The House amendment similarly provided that standards be established by rules under section 553 of Title 5 of the United States Code. The House amendment modified that procedure, however, by requiring the Secretary of Transportation to afford interested persons an opportunity for the oral presentation of views, data and arguments in addition to an opportunity to submit written comments. Also, the House amendment required that a transcript be kept of the proceeding. The Committee of Conference has decided upon the modified procedures contained in the House amendment.

Both the Senate-passed bill and the House amendment provided that the Secretary could, in his discretion, conduct a hearing for the purpose of resolving any issue of fact. This hearing could be conducted in accordance with such conditions or limitations as the Secretary might consider appropriate. The Committee of Conference wishes to emphasize that the Secretary is to have the fullest latitude in determining whether to exercise his discretion to conduct a hearing for the purpose of resolving factual disputes and with respect to his authority to define the conditions under which such hearing would be conducted, including the power to limit cross-examination.

Coverage; exemption authority

The Senate bill's standard setting authority applied to any motor vehicle manufactured primarily for the transportation of its operator and passengers. The Secretary could exempt from the standards vehicles manufactured for a special use (including occasional off-road use) if the standard would unreasonably interfere with such use.

The Secretary's standard setting authority under the House amendment extended to motor vehicles designed to carry 12 persons or less but not motorcycles and vehicles constructed on a truck chassis or with special features for occasional off-road use. The Secretary had the same exemptive power as in the Senate bill.

The conference substitute provides that the Secretary's standard setting authority extends to motor vehicles designed to carry 12 persons or less, other than motorcycles and trucks not designed primarily to carry operator or passengers. However, the Secretary may exempt from the standards vehicles constructed on a truck chassis or with special features for occasional off-road use (Sec. 102(c)(1)(A) and Sec. 2(1)). He may also exempt vehicles constructed for a special use if the standard would unreasonably interfere with the use. (Sec. 102(c)(1)(B)).

Under both the House and Senate versions, and under the conference agreement, standards could apply to passenger motor vehicle equipment.

Disclosure of trade secrets and confidential information

The Senate bill prohibited the Secretary from disclosing trade secrets except to: (1) other governmental officials if necessary to carry out the purposes of the Act; (2) duly authorized committees of Congress; (3) in any judicial proceeding by order of a court; (4) if relevant in any proceeding under the Act; (5) to other officers or officials concerned with carrying out the Act; and (6) the public if necessary to protect their health and safety. The House amendment prohibited the Secretary from disclosing trade secrets and other matters referred to in Section 1905 of Title 18 of the United State Code. The House amendment, however, would permit the Secretary to disclose such information only to other governmental officials or when relevant in proceedings under Title I of the bill. Like the Senate bill, the House amendment did not allow the Secretary to withhold trade secrets or confidential information from the duly authorized committees of the Congress. The Committee of Conference has decided to accept the House amendment to the Senate bill on this matter.

Acquisition of vehicles and equipment for testing

The Senate bill specifically authorized the Secretary of Transportation to obtain passenger motor vehicles from manufacturers free of charge for the purpose of conducting compliance testing. On the completion of tests, the Secretary would be required to return the passenger motor vehicle to the manufacturer from whom it was obtained. The House amendment similarly authorized the Secretary to require manufacturers to provide vehicles and equipment for testing; but did not specify whether such vehicles and equipment would be supplied without charge. The Committee of Conference has decided on a modification of the House amendment which would direct the Secretary to negotiate the price to be paid manufacturers for vehicles and equipment supplied for test purposes. In no event, however, would the Secretary be authorized to agree to pay, or would the manufacturer be able to ask, more than the manufacturer's cost for vehicles or equipment.

Certification

The Senate bill provided that every manufacturer or distributor of a passenger motor vehicle must furnish to the distributor or dealer at the time of delivery of such vehicle certification that the vehicle must conform to all applicable property loss reduction standards. The House amendment provided that every manufacturer or distributor of a passenger motor vehicle or an item of passenger motor vehicle equipment must provide the distributor or dealer at the time of delivery a certification that the vehicle or item of equipment conforms to all applicable Federal bumper standards. The Committee of Conference has agreed to the provisions of the House amendment with two clarifying amendments designed to make the requirements more manageable. First, to facilitate the certification function, the Secretary of Transportation is authorized to issue rules prescribing the manner and form of such certification. Second, the House amendment has been revised to make clear that manufacturers need certify only passenger motor vehicles or items of passenger motor vehicle equipment which are subject to Federal bumper standards.

Prohibited Act

The Senate bill provided that persons who manufacture and distribute vehicles in violation of property loss reduction standards or who fail to issue valid certificates of compliance with such standards would be subject to a civil penalty. Persons who knowingly manufacture and distribute vehicles which violate applicable property loss reduction standards would be subject to a criminal fine or imprisonment, or both. The House amendment patterns the enforcement mechanisms of Title I after those contained in the National Traffic and Motor Vehicle Safety Act of 1966.

Thus the House amendment made it a prohibited act to: (1) manufacture for sale, sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States, any passenger motor vehicle or item of equipment which does not conform to an applicable Federal bumper standard; (2) fail to comply with record keeping and inspection requirements or to fail to make reports or to furnish items or information as required under Title I or under any rule issued under Title I; (3) fail to furnish a required certificate of compliance or to issue a certificate which the issuer knows or in the exercise of due care would have reason to know is false or misleading in a material respect.

The House amendment also provided that it would not be a violation to sell, offer for sale, or introduce or deliver for introduction in interstate commerce a nonconforming vehicle or item of equipment after the first purchase of it for purposes other than resale. This exemption was intended to limit the application of Federal bumper standards to new vehicles and equipment.

Also, the House amendments provided that it would not be a violation of the title for any person to manufacture for sale, sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States a nonconforming vehicle or item of equipment if such person could establish that he did not have reason to know in the exercise of due care that the vehicle or item of equipment did not conform with an applicable bumper standard, or if such person held a certificate issued by a manufacturer, or distributor which stated that the vehicle or item of equipment conformed to all applicable Federal bumper standards (unless such person knew that the vehicle or item of equipment did not so conform).

The House amendments, in addition, included a mechanism for preventing the importation of vehicles or items of equipment which did not conform to applicable Federal bumper standards. This mechanism is identical to that contained in the Motor Vehicle Safety Act. The Secretary of the Treasury and the Secretary of the Department of Transportation, by joint regulation, would be permitted to allow the temporary importation of vehicles or equipment. This provision was designed to accommodate foreign tourists who wish to bring their vehicles with them on visits to this country and to allow importation of certain vehicles for diplomatic use.

The Committee of Conference has decided to take these provisions of the House amendment in their entirety, with one modification. In order to allow exemptions of indefinite duration in appropriate circumstances, the word "temporary" which modified the authority to permit importation of non conforming vehicles has been deleted. The Committee of Conference expects that the Secretary will not use this authority to permit the importation of large numbers of nonconforming passenger motor vehicles or items of passenger motor vehicle equipment so as to circumvent the purposes of this legislation.

Penalties

Under the Senate bill, persons who manufacture and distribute vehicles in violation of property loss reduction standards or who fail to issue valid certificates of compliance with those standards were made subject to a civil penalty of $1,000 for each violation. There was no limitation on multiple penalties for a related series of violations. The House amendment made any person who committed a prohibited act subject to a civil penalty of $1,000. Multiple penalties could have been imposed up to a maximum of $400,000 for any related series of violations. The Committee of Conference has decided to follow the House approach, with a modification which would double the maximum limitation on civil penalties for related violations. Thus, the maximum limit in the bill reported by the conferees is raised from $400,000 to $800,000 for multiple violations.

Under the Senate bill, either the Secretary or the Attorney General could recover in a civil action civil penalties. Under the House amendment the Secretary was not given express authority to assess or collect civil penalties. The conference provides that the Secretary may assess a civil penalty and that the Secretary by any of his attorneys designated by him for such purpose may commence an action to collect such penalty "with the concurrence of the Attorney General." The Attorney General may also commence the action.

Under the Senate bill persons who knowingly manufacture and distribute vehicles which violate property loss reduction standards were made subject to a $5,000 fine and imprisonment for not more than one year. The House amendments did not impose a criminal penalty for violation of the title.

The Committee of Conference has decided to permit a criminal penalty to be imposed on any person who knowingly and willfully manufactures for sale, sells, offers for sale, or introduces for introduction in interstate commerce, or imports into the United States, any passenger motor vehicle or item of passenger motor vehicle equipment which is not in conformity with an applicable Federal bumper standard after receiving notice from the Secretary of Transportation of noncompliance. Where individual directors of corporations or their officers or agents knowingly and willfully authorize, order, or perform acts which constitute a violation with knowledge that the Secretary has notified the corporation of its noncompliance, both the corporation and the individual director, officer, or agent, in addition to the corporation, may be subject to criminal penalties under this section.

It is the intention of the Committee of Conference that knowing and willful violations include situations where a person knowingly and willfully omits to take action to prevent the violation or knowingly and willfully permits others to omit to take action to prevent the violation. It was the consensus of the Committee of Conference that the Congress should in the early part of the next session consider whether to amend the National Traffic and Motor Vehicle Safety Act of 1966 to impose criminal penalties for violation of that Act and explore what form the criminal sanctions should take. The form in which criminal penalties are incorporated within this bill should not be interpreted as a determination by the conferees that a similar provision should be appropriate in instances where safety requirements are violated.

Civil actions

The Senate bill and the House amendments to the civil action section are largely identical. In one area of difference, the Senate bill permits actions to be brought within three years of the date of the economic loss sustained by an owner of a passenger motor vehicle resulting from that vehicle's noncompliance with an applicable property loss reduction standard. The House amendments permit actions to be brought within three years of the date on which damages are sustained. The Committee of Conference has decided to use the date of the motor vehicle accident as the appropriate reference for purposes of measuring the three-year statute of limitation. This date can be easily fixed at a time certain.

Effect on State laws

The Senate bill provided that no State or political subdivision would have authority to establish or continue in effect property loss reduction standards which were not identical to a Federal property loss reduction standard. This provision was intended to permit States the opportunity to establish or continue in effect property loss reduction standards until such time as the Federal standard was promulgated and took effect. However, the language in the Senate bill is subject to the opposite interpretation. The House amendment expressly stated that until a Federal bumper standard took effect, States could continue to enforce any bumper standard which was in effect or had been promulgated on the date of enactment of this legislation. The Committee of Conference has accepted this provision of the House amendment.

The Committee of Conference, however, has further amended the House provisions to qualify the intent of the conferees in "grandfathering" existing state bumper standards. The conferees believe that existing state bumper standards should remain in effect until a Federal bumper standard becomes operative under the bill unless the state bumper standard is in conflict with a Federal safety standard.

Even though a state bumper standard is in effect or has been promulgated on the date of enactment of this legislation there is a possibility that a safety standard issued under the Motor Vehicle Safety Act could preempt the state standard. Under one interpretation of the National Traffic and Motor Vehicle Safety Act, a State bumper standard designed to reduce damage susceptibility of passenger motor vehicles could be preempted by a Federal motor vehicle safety standard for bumpers which is related to safety. In other words, the Federal safety standard pertaining to the same aspect of performance as a State bumper standard albeit for different purposes, would preempt the State bumper standard. The Committee of Conference, therefore, has incorporated language in this bill which specifically provides that a State bumper standard promulgated for the purpose of reducing damage susceptibility of passenger motor vehicles, will not be displaced by a Federal motor vehicle safety standard as long as the State standard is not in conflict with the Federal safety standard.

The Committee of Conference has considered, but rejected, the incorporation of the provision in the Senate bill which would permit a State to petition the Secretary for establishment of a standard in that State which offered greater protection than the Federal standard. The Committee of Conference decided that such a provision would not be appropriate in this legislation but noted that the Administrative Procedure Act recognizes that it is the right of any interested person to petition the Secretary to amend the Federal standard to require higher levels of performance.

Authorization

The Senate bill authorized $5 milllion, $10 million and $10 million, respectively, for the first three fiscal years for the implementation of Title I. The House amendments authorized $5 million for fiscal year 1973, $9 million for fiscal year 1974, and $10 million for fiscal year 1975. The Committee of Conference has agreed to the House amendment.

TITLE II

Consumer information program

Title II of the Senate bill required the Department of Transportation to conduct a two-year feasibility study to explore methods of comparing various makes and models of passenger motor vehicles on the basis of their resistance to damage, crashworthiness, and ease of repair and diagnosis. The House amendment changed this to a one-year study and directed the Secretary of Transportation, at the conclusion of the study, to make the desired comparisons and to disseminate the information to the public. The House amendment also directed the Secretary to establish procedures by February 1, 1975, requiring automobile dealers to furnish prospective purchasers with insurance premium rate information. In addition the House amendments allowed the Secretary to compel compliance with reporting rules by court injunctive process and to impose a civil penalty on persons who refused to furnish requested information.

The Committee of Conference agreed to accept the House amendments to Title II with the following two exceptions. The Committee of Conference rewrote section 201(e) relating to the dissemination of insurance premium information by automobile dealers to make it more workable. As rewritten that section provides that the Secretary shall by rule promulgated on or before February 1, 1975, establish procedures requiring automobile dealers to distribute to prospective purchasers information developed by the Secretary and provided to the dealer which compares differences in insurance costs for different makes and models of passenger motor vehicles based upon differences in damage susceptibility and crashworthiness. Second, the Committee of Conference amended the prohibited act section of Title II to make clear that it is a prohibited act to violate any rule promulgated under Title II.

The Senate bill had proposed a $2 million authorization for the study called for in Title II. The House amendments proposed to authorize $3 million per year for fiscal years 1973, 1974 and 1975. Because the Commitee of Conference has determined to adopt the House amendment which expands the Secretary's responsibilities and functions under Title II, the Committee has decided also to adopt the authorization levels contained in the House amendment.

TITLE III

Diagnostic demonstration projects

Title III of this bill provides for demonstration projects to explore the feasibility of using diagnostic test devices to conduct diagnostic safety and emission inspections of motor vehicles. The Senate bill and the House amendment are virtually identical in substantive effect except for the section dealing with authorization of funds for functions under Title III. The Committee of Conference has agreed to accept the House amendment to Title III. There was a wide disparity, however, in the authorization levels proposed in the Senate bill and those contained in the House amendment.

The Senate bill provided an authorization of up to $200 million for the course of the programs. The House amendment limited the total amount of $50 million. The Committee of Conference in attempting to strike a balance between these two figures has determined to increase the House amendment by a total of $25 million over fiscal years 1973, 1974 and 1975. Accordingly, the Committee has agreed on authorization levels of $15 million for fiscal year 1973, $25 million for fiscal year 1974 and $35 million for fiscal year 1975. The Committee of Conference also made clear that no more than 20 percent of authorized funds may be allocated to any one state for the purpose of conducting demonstration projects under this title.

TITLE IV

Odometer Requirements

It is the purpose of Title IV to prohibit tampering with motor vehicle odometers and to establish certain safeguards for the protection of purchasers with respect to the sale of motor vehicles with altered or reset odometers. The Committee of Conference has agreed to the House amendment which contained certain technical and stylistic improvements.

GENERAL

Definitions

The Senate bill defined "passenger motor vehicle" as "any motor vehicle manufactured primarily for the transportation of its operator and passengers. . ." The House amendment defined "passenger motor vehicle" as a "motor vehicle with motive power, designed for carrying 12 persons or less, except a motorcycle, trailer, or multi-purpose passenger vehicle." The Committee of Conference agreed to a definition of passenger motor vehicle which would include motor vehicles "with motive power, designed for carrying 12 persons or less, except (A) a motorcycle, or (B) truck not designed primarily for the transportation of its operator and passengers."

The Senate bill did not use, and therefore did not define, the term "multi-purpose passenger vehicle". The House amendment included a definition of multi-purpose passenger vehicle which was accepted by the Committee of Conference subject to a technical amendment.

The Senate bill contained no definition of "passenger motor vehicle equipment". The Committee of Conference accepted the House definition of this term subject to an amendment making clear that the term "passenger motor vehicle equipment" was intended to include "any device manufactured or sold for use in towing any passenger motor vehicle."

The definition of "property loss reduction" in the bill as passed by the Senate was stricken and the House definition of "property loss reduction standard" containing technical changes in the Senate definition was accepted by the Committee of Conference.

The Committee of Conference accepted the House definition of "bumper standard" with a conforming amendment. A bumper standard is defined to mean any property loss reduction standard the purpose of which is (A) to eliminate or reduce substantially physical damage to the front or rear ends (or both) of a passenger motor vehicle resulting from (i) a low-speed collision (including but not limited to a low-speed collision with a fixed barrier) or (ii) from the towing of such vehicle, or (B) to reduce substantially the cost of repair of the front or rear ends (or both) of such a vehicle when damaged (i) in such a collision or (ii) as a result of being towed; but such a standard may not specify a specific dollar amount for the cost of repair of a vehicle when so damaged.

Both the Senate bill and the House amendment contain definitions of "manufacture", "make", "model", "motor vehicle accident", and "Secretary". The Committee of Conference accepted the House definitions which contained technical and conforming improvements. The House amendment to S. 976 included a definition of "insurer of passenger motor vehicles". The bill as passed by the Senate provided no such definition. The Committee of Conference agreed to inclusion of such definition. Although the terms "damage susceptibility" and "crash worthiness" were defined in both the Senate bill and the House amendment thereto, the Senate-passed bill did not include the terms in the definition section. Therefore, the Committee of Conference decided to accept the definitions of these terms in the House amendment with a clarifying modification which changed the words "crash or collision" to "motor vehicle accident". "Motor vehicle accident" is defined as "an accident arising out of the operation, maintenance, or use of a passenger motor vehicle or passenger motor vehicle equipment."

Although the bill as passed by the Senate did not include the definition of "motor vehicle", the House amendment provided such a definition. The Committee of Conference agreed to the amendment, recognizing that the concepts embodied in it were included in the Senate's definition of "passenger motor vehicle".

The House amendment to the bill provided a definition for the terms "motor vehicle", State", "interstate commerce", "United States district courts", and "persons". The bill as passed by the Senate contained no such definitions. The Committee of Conference agreed to the House definitions of these terms with the exception of "person" which they felt may be narrower than the definition in the Statutory Construction section of the United States Code. The Committee of Conference preferred the broader definition and therefore eliminated the definition of "person".

Harley O. Staggers,
John E. Moss,
W. S. (Bill) Stuckey, Jr.,
Bob Eckhardt,
William L. Springer,
James T. Broyhill,
John Ware,
Managers on the Part of the House.
Warren G. Magnuson,
Philip A. Hart,
Frank E. Moss,
Marlow W. Cook,
Robert P. Griffin,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Winn (at the request of Mr. Gerald R. Ford), for today, on account of official business.

Mr. Pepper (at the request of Mr. Boggs), for today, on account of official business.

Mr. Mitchell (at the request of Mr. O'Neill), for today, on account of official business.

Mr. Charles H. Wilson (at the request of Mr. O'Neill), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Holifield (at the request of Mr. Price of Illinois) for 5 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. Kastenmeier, for 10 minutes, totoday, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Frenzel) to revise and extend their remarks and include extraneous material:)

Mr. Heinz, for 1 hour, today.
Mr. Halpern, for 10 minutes, today.
Mr. McKinney, for 15 minutes, today.

(The following Members (at the request of Mr. James V. Stanton) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Flood, for 10 minutes, today.
Mr. Fraser, for 5 minutes, today.
Mr. Gonzalez, for 5 minutes, today.
Mr. Koch, for 5 minutes, today.
Mr. Rosenthal, for 10 minutes, today.
Mr. Podell, for 15 minutes, today.
Mr. Helstoski, for 15 minutes, today.
Mr. Matsunaga, for 15 minutes, today.
Mr. Tiernan, for 5 minutes, today.
Mr. Boggs, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Monagan, and to include extraneous matter.

Mr. Boggs and to include extraneous matter notwithstanding the fact that it exceeds two pages of the Congressional Record and is estimated by the Public Printer to cost $425.

(The following Members (at the request of Mr. Frenzel) and to include extraneous material:)

Mr. Gude in two instances.
Mr. Springer.
Mr. Pelly in five instances.
Mr. Harsha.
Mr. Wydler.
Mr. Derwinski.
Mr. Duncan in two instances.
Mr. Hansen of Idaho.
Mr. Wyman in two instances.
Mr. Bob Wilson.
Mr. Collins of Texas in five instances.
Mr. Frenzel.
Mr. Schwengel in two instances.
Mr. Keating.

Mr. BROTZMAN.

Mr. MALLARY.

Mr. GOODLING.

Mr. KEMP.

Mr. SKUBITZ.

Mr. PRICE of Texas.

Mr. ESCH.

Mr. FINDLEY in five instances.

(The following Members (at the request of Mr. JAMES V. STANTON) and to include extraneous matter:)

Mr. MATSUNAGA in two instances.

Mrs. ABZUG in 10 instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. CORMAN.

Mrs. SULLIVAN in two instances.

Mr. KASTENMEIER in three instances.

Mr. BOGGS in two instances.

Mr. FUQUA.

Mr. DANIELS of New Jersey.

Mr. NEDZI.

Mr. DELLUMS in five instances.

Mr. EDMONDSON.

Mr. EVINS of Tennessee.

Mr. ECKHARDT.

Mr. FLOOD in five instances.

Mr. MILLER of California in five instances.

Mr. ICHORD.

Mr. LEGGETT.

Mr. PICKLE in two instances.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2738. An act to amend titles 10 and 37, United States Code, to provide for equality of treatment for military personnel in the application of dependency criteria; to the Committee on Armed Services.

S. Con. Res. 97. Concurrent resolution in behalf of prisoners of war and missing in action; to the Committee on Foreign Affairs.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3337. An act to authorize the acquisition of a village site for the Payson Band of Yavapai-Apache Indians, and for other purposes;

H.R. 3808. An act to increase the size and weight limits on military mail and for other purposes;

H.R. 6467. An act for the relief of Harold J. Seaborg;

H.R. 6797. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission dockets Nos. 316, 316–A, 317, 145, 193, and 318;

H.R. 7742. An act to provide for the disposition of funds to pay a judgment in favor of the Yankton Sioux Tribe in Indian Claims Commission docket No. 332–A, and for other purposes;

H.R. 7946. An act for the relief of Jerry L. Chancellor;

H.R. 8694. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission dockets Nos. 22–E and 22–F, and for other purposes; and

H.R. 10012. An act for the relief of David J. Foster.

H.R. 10363. An act for the relief of Herbert Improte;

H.R. 10858. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission docket No. 266, and for other purposes;

H.R. 12099. An act for the relief of Sara B. Garner;

H.R. 15376. An act to amend the Service Contract Act of 1965 to revise the method of computing wage rates under such act, and for other purposes; and

H.J. Res. 1306. Joint resolution making further continuing appropriations for the fiscal year 1973, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 447. An act to modify the boundaries of the Santa Fe, Gila, Cibola, and Carson National Forests in the State of New Mexico, and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on September 27, 1972, present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 12903. An act for the relief of Anne M. Sack;

H.R. 14015. An act to amend section 8c(2), section 8c(6), section 8c(7)(C), and section 8c(19) of the Agricultural Marketing Agreement Act of 1937, as amended;

H.R. 16251. An act to release the conditions in a deed with respect to certain property heretofore conveyed by the United States to the Columbia Military Academy and its successors; and

H.J. Res. 1304. A joint resolution authorizing the President to proclaim October 1, 1972, as "National Heritage Day."

ADJOURNMENT

Mr. JAMES V. STANTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly, (at 3 o'clock and 43 minutes p.m.), under its previous order, the House adjourned until Monday, October 2, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2380. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a list of contract award dates for the period September 15–December 15, 1972, pursuant to section 506 of Public Law 92–156; to the Committee on Armed Services.

2381. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report on military procurement actions for experimental, developmental, test, or research work negotiated under 10 U.S.C. 2304(a)(11), and in the interest of national defense or industrial mobilization negotiated under 10 U.S.C. 2304(a)(16), covering the period January–June 1972, pursuant to 10 U.S.C. 2304(e); to the Committee on Armed Services.

2382. A letter from the Attorney General, transmitting a draft of proposed legislation to amend sections 101 and 902 of the Federal Aviation Act of 1958 and chapter 2, title 18, United States Code, to implement the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

2383. A letter from the Secretary of Commerce, transmitting the first annual report of the National Advisory Council on Oceans and Atmosphere (NACOA), pursuant to Public Law 92–125; to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CELLER: Committee of conference. Conference report on H.R. 7378 (Rept. No. 92–1457). Ordered to be printed.

Mr. POAGE: Committee on Agriculture. H.R. 15352. A bill to amend the Agricultural Adjustment Act of 1933, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, to authorize marketing orders for apples (Rept. No. 92–1458). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 16182. A bill to amend section 8(b) of the Soil Conservation and Domestic Allotment Act to extend the eligibility of county committee members to succeed themselves; with amendments (Rept. No. 92–1459). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 16563. A bill to expand the Youth Conservation Corps pilot program, to authorize assistance for similar State programs, and for other purposes (Rept. No. 92–1460). Referred to the Committee of the Whole House on the State of the Union.

Mr. ICHORD: Committee on Internal Security. H.R. 16742. A bill to amend section 4 of the Internal Security Act of 1950; with an amendment (Rept. No. 92–1461). Referred to the Committee of the Whole House on the State of the Union.

Mr. EDMONDSON: Committee on Interior and Insular Affairs. H.R. 6482. A bill to provide for the regulation of strip coal mining, for the conservation, acquisition, and reclamation of strip coal mining areas, and for other purposes; with an amendment (Rept. No. 92–1462). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee of conference. Conference report on H.R. 56 (Rept. No. 92–1466). Ordered to be printed.

Mr. JONES of Alabama: Committee of conference. Conference report on S. 2770 (Rept. No. 92–1465). Ordered to be printed.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 15280. A bill to increase the annual appropriation authorization of the National Advisory Committee on Oceans and Atmosphere; with amendments (Rept. No. 92–1467). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 9554. A bill to change the name of the Perry's Victory and International Peace Memorial National Monument, to provide for the acquisition of certain lands, and for other purposes; with amendments (Rept. No. 92–1468). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 16675. A bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 to extend for 1 year the program of grants for State and local prevention, treatment, and rehabilitation programs for alcohol abuse and alcoholism (Rept. No. 92–1469). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 16676. A bill to amend the Community Mental Health Centers Act to extend for 1 year the programs of assistance for community mental health centers, alcoholism facilities, drug abuse facilities, and facilities for the mental health of children (Rept. No. 92–1470). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce: H.R. 14740. A bill to amend the act of September 7, 1957, authorizing aircraft loan guarantees, in order to expand the program pursuant to such act; with an amendment (Rept. No. 92–1471). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 15054. A bill to amend the Transportation Act of 1940, as amended, to facilitate the payment of transportation charges; with an amendment (Rept. No. 92–1472). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 16191. A bill to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended, to implement the Convention for the Suppression of Unlawful Seizure of Aircraft; to amend title XI of such act to authorize the President to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking by acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft; and to authorize the Secretary of Transportation to suspend the operating authority of foreign air carriers under certain circumstances (Rept. No. 92–1473). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 16870. A bill to amend the Sockeye or Pink Salmon Fishing Act of 1947 to authorize the restoration and extension of the sockeye and pink salmon stocks of the Fraser River system, and for other purposes; with amendments (Rept. No. 92–1474). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. H.R. 16832. A bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes; with an amendment (Rept. No. 92–1475). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of conference. Conference report on S. 976. (Rept. No. 92–1476). Ordered to be printed.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. S. 1478. An act to regulate interstate commerce by requiring premarket testing of new chemical substances and to provide for screening of the results of such testing prior to commercial production, to require testing of certain existing chemical substances, to authorize the regulation of the use and distribution of chemical substances, and for other purposes; with amendments (Rept. No. 92–1477). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 or rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture. H.R. 10638. A bill for the relief of John P. Woodson, his heirs, successors in interest or assigns (Rept. No. 92–1463). Referred to the Committee of the Whole House.

Mr. EDMONDSON: Committee on Interior and Insular Affairs. H.R. 10556. A bill to authorize the Secretary of the Interior to sell reserved mineral interests of the United States in certain land in Georgia to Thomas A. Buiso, the record owner of the surface thereof; with amendments (Rept. No. 92–1464). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PERKINS:

H.R. 16883. A bill relating to compensation of members of the National Commission on the Financing of Postsecondary Education; to the Committee on Education and Labor.

By Mr. ABOUREZK:

H.R. 16884. A bill to assist with the urban renewal programs of areas suffering damages in flood disasters and for other purposes; to the Committee on Banking and Currency.

H.R. 16885. A bill to amend the Rivers and Harbors Act, approved June 28, 1938, as amended and supplemented, to provide bank stabilization works on the Missouri River in the vicinity of the Sacred Heart Hospital, Yankton, S. Dak.; to the Committee on Public Works.

By Mrs. ABZUG:

H.R. 16886. A bill to grant a child adopted by a single U.S. citizen the same immigrant status as a child adopted by a U.S. citizen and his or her spouse; to the Committee on the Judiciary.

H.R. 16887. A bill to prohibit tax deductions for expenses incurred in the production or publishing of false advertising; to the Committee on Ways and Means.

By Mr. ASHLEY:

H.R. 16888. A bill to extend for 2 years the existing rules for depreciation of expenditures to rehabilitate low-income rental housing; to the Committee on Ways and Means.

By Mr. BADILLO (for himself, Mr. BURTON and Mr. SEIBERLING):

H.R. 16889. A bill to amend title 18 of the United States Code to provide rules for the treatment of prisoners in Federal correctional institutions; to the Committee on the Judiciary.

By Mr. BROYHILL of North Carolina:

H.R. 16890. A bill to amend section 1402 (a) of title 10, United States Code, to revise the rule for entitlement to retired or retainer pay to reflect later active duty; to the Committee on Armed Services.

By Mr. DANIEL of Virginia:

H.R. 16891. A bill to amend title 10 of the United States Code in order to authorize assistance in providing facilities and services abroad for the American Legion when the President finds such assistance to be necessary in the national interest; to the Committee on Armed Services.

By Mr. FRASER (for himself, Mr. MIKVA and Mr. BURTON):

H.R. 16892. A bill to amend the Social Security Act to make certain that recipients of aid or assistance under the various Federal-State public assistance and medicaid programs (and recipients of assistance under the veterans' pension and compensation programs or any other Federal or federally assisted program) will not have the amount of such aid or assistance reduced because of increases in monthly social security benefits; to the Committee on Ways and Means.

By Mr. HUNGATE:

H.R. 16893. A bill to amend section 205 of title 18, United States Code, to permit attorneys employed by the Federal Government to render voluntary legal services to indigents in the District of Columbia; to the Committee on the Judiciary.

By Mr. JOHNSON of California:

H.R. 16894. A bill to provide for the leasing for commercial recreation purposes of certain lands and facilities of the forest reserves created from the public domain, and for other purposes to the Committee on Interior and Insular Affairs.

By Mr. KING:

H.R. 16895. A bill to amend title 10 and 14, United States Code, to require a cadet or graduate of a Military Academy to refund a portion of the cost of his educational training received at the Academy, if he is separated by reason of conscientious objection before completing the course of instruction at the Academy or his active duty obligation; to the Committee on Armed Services.

By Mr. McCLURE:

H.R. 16896. A bill to establish a system of wild areas within the lands of the national forest system; to the Committee on Agriculture.

H.R. 16897. A bill to establish the Idaho Star Garnet National Area in the State of Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. McCLURE (for himself and Mr. HANSEN of Idaho):

H.R. 16898. A bill to declare that certain federally owned lands shall be held by the United States in trust for the Kootenai Tribe of Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. McCLURE:

H.R. 16899. A bill to authorize the disposition of garnets and related materials within the Idaho Star Garnet Area, St. Joe National Forest, Idaho; to the Committee on Interior and Insular Affairs.

By Mr. McKINNEY:

H.R. 16900. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. McKINNEY (for himself and Mr. PREYER of North Carolina):

H.R. 16901. A bill to permit the transportation in interstate commerce of goods manufactured by prisoners engaged in Federal or State work release programs and to permit the employment of such prisoners under Federal contracts; to the Committee on the Judiciary.

By Mr. PEPPER (for himself, Mr. BRASCO, Mr. MANN, Mr. MURPHY of Illinois, Mr. RANGEL, Mr. STEIGER of Arizona, Mr. WALDIE, and Mr. WINN):

H.R. 16902. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for drug abuse therapy programs in schools; to the Committee on Education and Labor.

By Mr. PODELL (for himself, Mr. BIAGGI, Mr. CAREY of New York, and Mr. CELLER):

H.R. 16903. A bill to provide for the rational financing of education; to the Committee on Education and Labor.

By Mr. PRICE of Texas:

H.R. 16904. A bill to amend title II of the Social Security Act to provide that no deductions on account of outside earnings will be made from the benefits of an individual who has attained age 65; to the Committee on Ways and Means.

By Mr. RANDALL:

H.R. 16905. A bill to protect recipients of public assistance and medicaid benefits against loss of eligibility due to increases in social security benefits; to the Committee on Ways and Means.

By Mr. REID (for himself, Mr. Burton and Mr. Podell):

H.R. 16906. A bill to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes; to the Committee on Education and Labor.

By Mr. REID:

H.R. 16907. A bill to provide a deduction for income tax purposes, in the case of a disabled individual, for expenses for transportation to and from work; and to provide an additional exemption for income tax purposes for a taxpayer or spouse who is disabled; to the Committee on Ways and Means.

By Mr. ROE:

H.R. 16908. A bill to amend the Small Business Act, to provide financial assistance for handicapped individuals establishing or operating small business concerns, and for other purposes; to the Committee on Banking and Currency.

H.R. 16909. A bill to amend the Disaster Relief Act of 1970 to provide that community disaster grants be based upon loss of budgeted revenue; to the Committee on Public Works.

H.R. 16910. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology and production, and for other purposes; to the Committee on Ways and Means.

By Mr. SEIBERLING (for himself, Mr. Harrington, and Mr. Fraser):

H.R. 16911. A bill to provide comprehensive adjustment benefits and services to unemployed workers, and for other purposes; to the Committee on Education and Labor.

H.R. 16912. A bill to amend the tax and customs laws in order to improve the U.S. position in foreign trade, and for other purposes; to the Committee on Ways and Means.

By Mr. JAMES V. STANTON:

H.R. 16913. A bill to amend title II of the Social Security Act to provide for the liberalization and automatic adjustment (in accordance with rising wage levels) of the earnings test thereunder, which provides for deductions in monthly benefits on account of excess earnings; to the Committee on Ways and Means.

By Mr. STEPHENS (for himself, Mr. Gettys, Mr. Griffin, Mr. Chappell, Mr. Curlin, Mr. Blackburn, and Mr. Crane):

H.R. 16914. A bill to consolidate, simplify, and improve laws relating to housing and urban development activities, and for other purposes; to the Committee on Banking and Currency.

By Mr. TALCOTT:

H.R. 16915. A bill to provide grants to States or political subdivisions thereof or to certain other persons to assist the restoration of historical cemeteries or burial plots, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of California:

H.R. 16916. A bill to amend the Communications Act of 1934 to require that radio and television receivers meet certain technical standards for filtering out interference; to the Committee on Interstate and Foreign Commerce.

By Mr. THONE:

H.R. 16917. A bill to amend the Internal Revenue Code of 1954 to allow a refundable credit against the Federal income tax for a certain portion of the State and local real property; to the Committee on Ways and Means.

By Mr. WYMAN:

H.R. 16918. A bill to create a corporation for profit to develop commercially feasible processes for the conversion of coal to crude oil and other liquid and gaseous hydrocarbons, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mrs. ABZUG:

H.J. Res. 1311. Joint resolution expressing the sense of the Congress with respect to the foreign economic policy of the United States in connection with its relations with the Soviet Union and any other country which uses arbitrary and discriminatory methods to limit the right of emigration, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HÉBERT (for himself and Mr. Boggs):

H.J. Res. 1312. Joint resolution to provide grants for Allen J. Ellender fellowships to disadvantaged secondary school students and their teachers to participate in a Washington public affairs program; to the Committee on Education and Labor.

By Mr. ROSENTHAL (for himself, Mr. Addabbo, Mr. Badillo, Mr. Barrett, Mr. Bell, Mr. Brasco, Mr. Buchanan, Mr. Burton, Mr. Carney, Mr. Celler, Mr. Corman, Mr. Cotter, Mr. Crane, Mr. Dellums, Mr. Diggs, Mr. Drinan, Mr. Edwards of California, Mr. Fascell, Mr. Flood, Mr. Fraser, Mr. Gallagher, Mrs. Grasso, Mr. Green of Pennsylvania, and Mr. Gude):

H.J. Res. 1313. Joint resolution expressing the sense of the Congress with respect to the foreign economic policy of the United States in connection with its relations with the Soviet Union and any other country which uses arbitrary and discriminatory methods to limit the right of emigration, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ROSENTHAL (for himself, Mr. Halpern, Mr. Harrington, Mr. Heinz, Mr. Helstoski, Mr. Howard, Mr. Karth, Mr. Koch, Mr. Leggett, Mr. Long of Maryland, Mr. Madden, Mr. Mikva, Mr. Minish, Mrs. Mink, Mr. Moss, Mr. Murphy of New York, Mr. Nix, Mr. O'Neill, Mr. Peyser, Mr. Podell, Mr. Price of Illinois, Mr. Rangel, Mr. Rees, and Mr. Reid):

H.J. Res. 1314. Joint resolution expressing the sense of the Congress with respect to the foreign economic policy of the United States in connection with its relations with the Soviet Union and any other country which uses arbitrary and discriminatory methods to limit the right of emigration, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ROSENTHAL (for himself, Mr. Reuss, Mr. Rodino, Mr. Roe, Mr. Roy, Mr. Scheuer, Mr. Stokes, Mr. Stratton, Mr. Stubblefield, Mr. Thompson of Georgia, Mr. Vanik, Mr. Waldie, Mr. Wolff, Mr. Wydler, Mr. Yates, Mr. Annunzio, Mr. Lujan, Mrs. Chisholm, Mr. Archer, Mr. Carey of New York, Mr. Morgan, and Mr. Metcalfe):

H.J. Res. 1315. Joint resolution expressing the sense of the Congress with respect to the foreign economic policy of the United States in connection with its relations with the Soviet Union and any other country which uses arbitrary and discriminatory methods to limit the right of emigration, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WYMAN:

H.J. Res. 1316. Joint resolution authorizing a study of whether to create a corporation for profit to develop commercially feasible processes for the conversion of coal to crude oil and other liquid and gaseous hydrocarbons; to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON:

H. Res. 1139. Resolution in support of U.S. veto of United Nations resolution on terrorism; to the Committe on Foreign Affairs.

By Mr. McDADE:

H. Res. 1140. Resolution in support of U.S. veto of United Nations resolution on terrorism; to the Committee on Foreign Affairs.

By Mr. SPENCE:

H. Res. 1141. Resolution to establish an Ad Hoc Congressional Oversight Committee for the Conference on Security and Cooperation in Europe and the Conference on Mutual and Balanced Force Reduction; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FISHER:

H.R. 16919. A bill for the relief of M. Sgt. Ronald J. Hodgkinson, U.S. Army (retired); to the Committee on the Judiciary.

By Mr. VEYSEY:

H.R. 16920. A bill to authorize and direct the Secretary of the Interior to quitclaim to Kaiser Steel Corp. the remaining interest of the United States in and to certain public lands in Riverside County, Calif.; to the Committee on Interior and Insular Affairs.

EXTENSIONS OF REMARKS

RESOLUTION COMMENDING HERBERT C. "HERB" SANDUSKY, JACKSON, MISS.

HON. JAMES O. EASTLAND

OF MISSISSIPPI

IN THE SENATE OF THE UNITED STATES

Thursday, September 28, 1972

Mr. EASTLAND. Mr. President, I ask unanimous consent to have printed in the Record a resolution by the Pearl River Bass Club, composed of sportsmen from central Mississippi, commending Herbert C. "Herb" Sandusky, of Jackson, Miss.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

A Resolution Commending Herbert C. "Herb" Sandusky

A resolution by the Pearl River Bass Club recognizing and commending Herbert C. Sandusky of Jackson, Mississippi, usually and affectionately referred to as "Herb", for his inestimable, outstanding, untiring and continuous services and contributions to sportsmen, past, present and future, of Mississippi; the Legislature and Game and Fish Commission thereof, in all phases of conservation and propagation of wild game, consisting of fish, fowl and animals, including the various facets thereof, by which he has earned the title of Spokesman for Sportsmen of Mississippi.

Whereas, Herb speaks and writes from an indestructible foundation of personal observation, participation in and knowledge of, fishing and hunting. Since his early teens he has been a devotee of the outdoors, its streams, rivers, lakes, reservoirs, fields and woodlands, which are the habitats of wild game, consisting of fish, fowl and animals in Mississippi and surrounding states; his activities and honors are too numerous to detail herein, so therefore, we speak and write only in ultimate facts; and

Whereas, the Pearl River Bass Club is composed of sportsmen from Central Mississippi who are fishermen and hunters dedicated to the propagation and preservation of wild game consisting of fish, fowl and animals; and

Whereas, since 1945, hoping and feeling that such knowledge as he had and could acquire, together with his observations, predictions and suggestions, would be of service to sportsmen, Herb created, named and writes the column entitled "Outdoor Mississippi" which appears weekly in the Sunday joint edition of the Clarion-Ledger and Jackson Daily News of Jackson, Mississippi; and

Whereas, Herb is always a gentleman, personally and professionally honest, possesses infinite intelligence, knowledge and wisdom upon the subjects upon which he speaks and writes; he fortunately possesses that rare knack of writing in such manner that each reader of his column feels Herb is personally speaking to him. Herb is revered by all sportsmen for "saying it like it is!" Many of his innumerable, knowledgeable suggestions, observations and recommendations, oral and written, have been enacted by our Mississippi Legislature into state laws. Since 1945 his dedicated cooperation with our State Game and Fish Commission has been of invaluable service to all sportsmen; he has spoken to many clubs upon the activities mentioned herein and has been selected to serve as one of the judges in various duck calling, turkey calling and other sportsmen's contests; and

Whereas, Herb, because of his multitude of friends, his speaking and writing, which we trust will continue for years to come, has caused innumerable young men to become true sportsmen; he has added to the knowledge of those who have attained sportsmanship. He has always staunchly advocated the preservation and propagation of wild game, consisting of fish, fowl and animals; the strict enforcement of all game and fish laws; the observance of safety in boating, handling of fire arms, and bows and arrows; conservation and improvement of said wild game and fish environmental areas; steadfast, active opposition to pollution of air, streams, lakes, rivers, reservoirs, fields and woodlands; and

Whereas, Herb always advocates courtesy by hunters and fishermen toward the landowners; the acquisition and development of places to fish and hunt for the past, present and future; and

Whereas, Herb has richly earned the title of Spokesman for Sportsmen of Mississippi; this honor is his reward for what he has so generously and ably given and continues to give to Mississippi and her sportsmen, not for what he has received; now, therefore

Be it unanimously resolved, by the members of this Club, that Herb should be and is hereby recognized, commended and honored for his talents, leadership, services, activities and writing, and we hereby bestow upon him the title of Spokesman for Sportsmen of Mississippi

Be it further resolved, that a copy of this resolution, adopted by the members of this Club, be delivered to Herb and a copy sent to the Press.

This the 13th day of September, 1971.

DEEP CONCERN OVER PROPOSED JANE FONDA VISIT TO YORK, PA.

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. GOODLING. Mr. Speaker, I rise on this floor to express my profound distress over a report that comes to me that Jane Fonda is scheduled to conduct an antiwar rally in my congressional district on October 1, 1972.

This permission, it has been reported, has been extended by the York City School Board of York, Pa. Yesterday I sent a wire to Mr. Darrell M. Nixdorf, president of this board, urging that this permission be promptly withdrawn. The wire follows:

> This is a serious and urgent request for the York City School Board to immediately revoke the permission which, it has been reported, the Board has given to Miss Jane Fonda to speak on October 1, 1972, in an Anti-War Rally at the Hannah Penn Junior High School auditorium.
>
> As a Federal legislator, I strongly object to this permission because Jane Fonda's conduct in Hanoi was both pernicious and unpatriotic. It has been reported that she strove to engender doubts in the minds of American servicemen who are serving in Vietnam and who are sworn to the duty of their country.
>
> As a taxpayer interested in those citizens who are paying their tax money to support the Hannah Penn Junior High School, I feel it is a deep injustice and a sharp blow to the patriotic interests of these taxpayers.
>
> For your information, I am, through public release, appealing to the American Legion, the Veterans of Foreign Wars, and other like-minded patriotic organizations and individual citizens to petition the School Board for revocation of this permission extended to Jane Fonda.
>
> I am an ardent defender of the Constitutional right of free speech. I am also a strong defender of the rights of tax-paying citizens who do not wish to see a facility supported by their tax money used for what many consider to be unpatriotic purposes. This is so whether it be Hannah Penn Junior High School or any other tax-supported institution concerned.
>
> I urge the Board's immediate revocation of the permission extended to Jane Fonda for an October 1, 1972, appearance at the Hannah Penn Junior High School.

Mr. Speaker, there are some serious overtones to this matter, because the truth of the matter is that Jane Fonda made more than 20 broadcasts to American troops in the Vietnam area, urging that they refuse to obey orders of their military superiors. It is reported, for instance, that over Radio Hanoi, Jane Fonda appealed to American servicemen in the following manner:

> Please think of what you are doing—have you any idea what your bombs are doing when you pull the levers and push the buttons?—how does it feel to be used as pawns?—tonight when you are alone ask yourselves: what are you doing? Accept no ready answers fed to you by rote from basic training—I know that if you saw and if you knew the Vietnamese under peaceful conditions, you would hate the men who are sending you on bombing missions—if they told you the truth, you wouldn't fight, you wouldn't kill—you have been told lies so that it would be possible for you to kill.

Mr. Speaker, it has been reported that Jane Fonda supports Senator McGovern in his race for the presidency, and I have appealed publicly to the Senator to turn her support aside, through an article in the September 10, 1972, issue of the Sunday-Patriot News. "Anyone who speaks derogatorily about the United States while visiting the North Vietnamese," I advised Senator McGovern, "can never be considered a patriot as she describes herself."

I have also, in a previous public statement indicated that while I will fight to have Vietnam Jane retain her right of free speech, I will fight to the death to prevent her from doing this in an institution supported by taxpayers who fundamentally feel that her tact is unpatriotic and antagonistic to the best interests of America.

Mr. Speaker, the issue is simple and clear. Jane Fonda has the right of free speech—the tax-paying citizens of York, Pa., also have a right to challenge the use of their tax money for what they consider to be an unpatriotic and against-the-national-interest purpose.

SOVIET PARTICIPATION AT NATIONAL PARKS CONFERENCE

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. SKUBITZ. Mr. Speaker, it was my great honor and pleasure as well to have been a delegate to the second World Conference on National Parks which took place at Yellowstone and Grand Teton National Parks last week. The success of the conference is apparent from the wide participation by representatives from all over the world.

I was particularly impressed by the remarks of the Soviet delegates, V. V. Krinitskii, who heads the Department of State Natural Reserves, Ministry of Agriculture, U.S.S.R., and V. G. Korenevskii, Director of the Caucasian National Park Sothi, U.S.S.R.

These gentlemen presented the conference with three gifts from the people of Russia: A stuffed rare mammal found only within the Soviet parks, a carving of a European bison made out of the horn of the animal, and a book on the wildlife of national parks in Russia. In return, the United States presented the Soviet representatives with an Indian peacepipe, made from materials known to our park regions.

The exchange of knowledge and gifts by the Soviets and Americans at Yellowstone is another example of the important cooperation instigated by President Nixon's visit to Moscow. I sincerely hope that these friendly relations continue to grow in the atmosphere of peaceful competition that the President outlined as the crux of our future relations with the Soviet Union.

I believe my colleagues will find the remarks of the Soviet representatives as interesting as I. I include them in the Record at this point:

Soviet Delegate Remarks

> Ladies and gentlemen, dear colleagues: We are here to express our admiration with the efforts of great pioneers of the past and with those of our contemporaries who devoted all their gift and knowledge, all their courage and will to preserve for present and coming generations the outstanding natural beauty—the Yellowstone National Park.
>
> Yellowstone National Park has set an example to many other countries in their job of establishing their national parks and natural reserves.
>
> Research workers of the Soviet Union consider the Second World Conference on National Parks and Natural Reserves which is being held in the oldest National Park of the United States on the day of its 100th anni-

versary an event of greatest significance for the worldwide development of the conception and implementation of the National parks movement. The exchange of experience will certainly be of the greatest value for the participants.

The Soviet Union has always supported the idea of fruitful and friendly international cooperation in the field of environmental conservation.

On behalf of our Minister of Agriculture V. V. Matskevich, I have the honour to greet all the participants of the Second World Conference and to express my assurance that this Conference will successfully solve all the noble tasks it faces.

Let me congratulate on behalf of all the workers of natural reserves of the USSR the honoured staff of Yellowstone National Park with the remarkable event and wish prosperity to all national parks of the United States.

It is well known that the II International Congress of World Trust for Nature Conservation held in 1970 called for the establishment of 100 national parks in all countries of the world by the centenary of Yellowstone National Park. I am glad to inform you that since 1971, 5 natural reserves and national parks have been established in the Soviet Union and the establishment of 4 national parks more have been planned.

I have the honour to give the hero of the anniversary the presents made with great love and respect by the workers of Caucasian, Astrakhan and Voronezh natural reserves.

HOW A COMPANY CHANGES YOUNGSTERS' LIVES

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. BOGGS. Mr. Speaker, I am happy to bring to my colleagues' attention an article appearing in the current September issue of Nation's Business. This article, entitled "How a Company Changes Youngsters' Lives," refers to the Washington Workshops Congressional Seminars, and how the Union Carbide Corp. has splendidly sponsored a number of bright and involved high school students to attend these fine seminar programs in American Government each year. I am sure many of my colleagues are already familiar with the unique work of the Washington Workshops Foundation, and I am happy to append this very interesting article at this time:

HOW A COMPANY CHANGES YOUNGSTERS' LIVES

To be a "Union Carbide scholar" is to soak up history and political science where the action is—at the seat of the federal government.

For the past three years Union Carbide Corp. has participated in the Washington Workshops Congressional Seminar program, picking up the tab for visits to the nation's capital by outstanding high school students in communities where the firm has offices and plants.

During eight activity-packed days the youngsters sit in on sessions of Congress, meet with Cabinet members and other high-ranking federal officials and stage a mock Congressional session of their own.

They are selected in a variety of ways, but generally through essay contests and student body elections. The company pays all expenses, including pocket money.

The seminar program was started in 1967 by Leo Tonkin, a Congressional aide who had watched thousands of high school youngsters wander aimlessly around the Capitol on springtime field trips.

"I saw so many of them going through our great institutions of government and taking nothing back with them," he recalls. "I decided to do something about it."

The program has grown to the point where there are now nine sessions a year. The students are housed at Washington's Mt. Vernon College, which offers college credit to boys and girls invited to return and work in Congressional offices—as some are.

Some 30 of the students attending one seminar this summer did so courtesy of Union Carbide.

The company feels it is making a good investment. Howard J. Devol, manager of a Union Carbide plant at Dexter City, Ohio, reports:

"When we give to one of our worthy local charitable or service organizations, we get a sincere thank-you. But when a young man or woman comes back into your office after attending the seminar and tells you Union Carbide has changed his or her life—now that makes your week."

Says Union Carbide President William S. Sneath:

"These highly motivated high school students are learning that change is not only possible within our system, it is constantly happening. By coming back to our communities and talking to school and civic groups about their experiences, they are serving as ambassadors from America—to America."

SPECIAL BULK MAIL RATES FOR PTA'S AND NEIGHBORHOOD IMPROVEMENT GROUPS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. FRASER. Mr. Speaker, on September 19, I introduced H.R. 16762 which would establish the eligibility of neighborhood improvement organizations and parent-teacher associations for special third-class bulk mail rates.

Under present Postal Service regulations, neighborhood improvement organizations are specifically denied the privilege of special third-class bulk mail rates. Some parent-teacher associations now qualify for these rates as nonprofit educational organizations.

The Postal Service has proposed new eligibility standards for nonprofit and educational organizations. These clearly indicate that the Postal Service intends to disqualify all PTA's from eligibility for these special rates. Postal officials, through correspondence and conversations, have verified this intent.

I think it is time to recognize and establish that parent-teacher associations throughout the country perform a vital function in educating and informing people on matters that concern them as taxpayers. Can anyone deny that it is educational for people to know how their tax dollars are being spent in educating their children?

In my own district, the Postal Service has revoked the special third-class bulk mail permit of the Minneapolis Parent-Teacher Association on the grounds that the PTA's function is not educational.

In Minneapolis, there are 34 neighborhood improvement organizations involved in efforts to maintain and strengthen residential neighborhoods. They perform an important function in disseminating information to promote public improvements, encourage property upkeep and provide a "watchdog" service for zoning changes. There are thousands of such grassroots community groups throughout the country.

Postal regulations severely limit the communication function of these nonprofit groups.

Without the use of special third-class bulk permits, a heavy financial burden is placed on these organizations. Mailing costs under special third-class rates are now 1.7 cents per piece. Regular rates are 4.8 cents per piece—3.1 cents more per piece.

Congress can endorse the concept that an informed public is the core of our democracy by extending to neighborhood improvement organizations and parent-teacher associations special third-class bulk mail rates.

The text of my bill follows:

H.R. 16726

A bill to amend title 39, United States Code, to establish the eligibility of neighborhood improvement organizations and parent-teacher associations for special third-class bulk mail rates, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter V of chapter 36 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"§ 3686. Special bulk mail rates of neighborhood improvement organizations and parent-teacher associations

"Notwithstanding any other provision of this title or any regulation of the Postal Service to the contrary, for the purposes of any regulation of the Postal Service establishing the eligibility of organizations and associations for special third-class bulk mail rates, or for special or other bulk rates of any class of mail established after the effective date of this section, any neighborhood improvement organization or parent-teacher association shall be deemed an organization or association within the classes of organizations or associations eligible for such special third-class bulk mail rates of for special or other bulk rates of any class of mail established after such date.".

(b) The table of sections of subchapter V of chapter 36 of title 39, United States Code, is amended by adding at the end thereof the following new item:

"3686. Special bulk mail rates of neighborhood improvement organizations and parent-teacher associations.".

SEC. 2. The amendments made by this Act shall become effective at the beginning of the second calendar month which commences after the date of enactment of this Act.

COMMONSENSE BEATS VANDALISM

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. NEDZI. Mr. Speaker, as we all know, the cities of our Nation are under heavy pressure these days. Bad news seems to outnumber the good. This is true of the city of Detroit.

Here and there, nevertheless, victories are being won. They are often quiet victories, but they are on the plus side of the ledger. A recent WWJ-TV editorial describes one such success as a large corporation, which was contemplating relocation from the city, solved its vandalism problem with an application of commonsense.

Under leave to extend my remarks, I submit the text of the editorial for the benefit of my colleagues:

COMMONSENSE BEATS VANDALISM

> Good old fashioned common sense can solve a lot of problems. And here's an example where it paid off for a Detroit manufacturing company. The Fruehauf Corporation plant on the city's east side was beset with a problem of smashed windows and general vandalism last year. But, an application of common sense resulted in a plan to give the neighborhood youngsters something better to do than smashing windows. Fruehauf created a playground adjacent to the factory. And, with the help of Northeastern Branch of the YMCA, the Police Athletic program and the Martin de Porres School, they launched a summer program of supervised athletics and playground activity. The result has been an almost total disappearance of vandalism. In fact, the program is so successful, Fruehauf is planning to expand it on a year-around basis. We salute the Fruehauf Corporation and the neighborhood leaders who turned this into a success story. It serves as a shining example of how common sense solved a serious urban problem.

FARM GIVEAWAY PROGRAMS ARE A WASTE OF TAX DOLLARS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. ANDERSON of California. Mr. Speaker, administration spokesmen have suggested the necessity of tax increases for next year.

After successive years of inflation and the highest national debt in our history—interest on which costs the taxpayer over $20 billion a year—it should appear obvious that something must be done to reduce Federal spending in order to get the most out of the tax dollar. It is high time the Government gave some thought to living within its income, but rather than increase taxes, which currently eat up about 20 cents of every earned dollar, we should review those programs which erode tax dollars.

The President estimates that the Federal Treasury will take in $245 billion under the so-called "full employment" budget. Certainly, that is enough to meet our needs.

Instead of dipping deeper into the pockets of the wage earner for additional taxes, let us cut the fat and waste and eliminate programs which serve no purpose.

While there are several programs which should be dropped, one of the first programs to feel the axe should be the farm "giveaway" program which subsidizes the huge landowners for not growing crops.

I am opposed to this program as I feel it is a disaster in three important aspects:

First, it is a waste of the taxpayers' money;

Second, it has not kept down the price of groceries;

Third, it benefits only those agribusinesses which are not in need of this kind of "welfare."

WASTE OF TAXPAYERS' MONEY

For the 5-year period 1966 through 1970, the Department of Agriculture paid between $2.5 and $3.3 billion annually in direct payments to producers participating in the cotton, wheat, and feed grain programs. In 1970, 17 producers received between $500,000 and $3.5 million each; and over 300 producers received over $100,000 each.

In 1970, to restrict what was quickly becoming "welfare for the rich," Congress limited to $55,000 the amount of direct Federal payments a person could receive annually under the cotton, wheat, and feed grain programs.

This restriction was to save an estimated $68 million a year. However, due to administrative decisions made by Agriculture Department officials, there was no significant reduction in 1971.

The General Accounting Office conducted a study of the arrangements made by some agribusinesses to avoid the intent of the law, and slip through the loopholes allowed by the Department of Agriculture. They revealed that agribusinesses were simply leasing part of their acreage, and thus collecting both government payments and rental fees.

One such scheme was in California.

According to the General Accounting Office:

> A California corporation and its wholly owned subsidiary leased about 11,600 acres of cotton allotments, worth about $2.5 million on the basis of 1971 direct payments, to five newly created organizations qualifying for 53 separate payment limitations. In addition to receiving lease fees, the corporation contracted with the organizations to farm the cotton for fees based on the cost to produce the crops. This latter arrangement, called custom farming, allowed the 53 individuals to receive Federal payments of about $2.5 million without actually farming.

Another such method to avoid the intent of the law is the practice of forming partnerships, a la John Wayne. The GAO revealed a case in Mississippi which illustrates this technique:

> Under the 1970 cotton program, a Mississippi farmer received about $87,000 and his adult son received about $46,000. Had the father made no changes in his farming operation for 1971, he would have qualified for payments, in the absence of the payment limitation, of about $79,300. Application of the $55,000 payment limitation would have resulted in reducing his payments by about $24,300.
>
> In 1971, however, the father and son combined their farming operations and joined with a son-in-law to form a three-member partnership. The partners increased the size of their farming operations by leasing additional cotton allotments and, as a result, were eligible, before application of the payment limitation for $165,152 in 1971 cotton program payments. Because each of the three partners could receive $55,000, or a total of $165,000 a savings of only $152 resulted.

These are not rare examples, Mr. Speaker. According to a March 1972 Department of Agriculture report:

> Of about 1350 producers who received more than $55,000 each in 1970 payments under the three programs, 1046, or 77%, changed their farming interests or operations for 1971.

GROCERY PRICES BECOME HIGHER AND HIGHER

While the taxpayer pays up to $3.3 billion to benefit agribusiness, he does not receive the benefit of low-cost food and fiber.

Choice steers at Omaha rose from about $29 per hundredweight in January 1971 to nearly $34.50 in December 1971. In February 1972, choice steers at Omaha were at a 20-year high of $37 per hundredweight.

In fact, food costs have increased by over 7 percent since the beginning of phase II in November 1971.

According to a study commissioned by former Secretary of Agriculture Hardin, food and fiber can be produced at reasonable prices without the Government subsidy. The report, issued on June 16, 1972, states:

> We feel the agriculture industry can provide adequate supplies of food and fiber at reasonable prices and equitable returns to resources, including family labor, with a minimum of government intervention. Programs costing the U.S. taxpayers $4 to $5 billion annually are not needed for these purposes.

Mr. Speaker, the housewife who buys the family groceries knows that prices are high and getting higher.

This farm giveaway program cannot be justified by claiming to keep down the price of groceries.

CONCLUSION

Mr. Speaker, the taxpayer is tired of paying his hard-earned dollars to the Government. He is especially irate when the program is of no benefit to him, but, instead, benefits the wealthy.

The taxpayer would like a cut in taxes, but that cut cannot come until we reduce Government spending.

Let us get the fat-cat agribusinessmen—who would not know a boll weevil from a weaved bowl—off the backs of the taxpayer. Let us dump the farm program, and save the taxpayer billions of dollars a year.

How can anybody possibly justify paying billions of dollars to agribusiness for not growing crops while millions of Americans are being denied an adequate diet? While the taxpayer continues to bleed? While the national debt climbs to almost a half a trillion dollars? And while the consumer pays record-high prices for groceries?

I cannot.

Therefore, we should put an end to this scandalous waste of money, and start spending tax dollars which benefit the general public, rather than the select few.

TRAGEDY AT MUNICH

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. DERWINSKI. Mr. Speaker, the shocking attack by the radical Arab group on the Israeli athletes at the Olympics continues to add to the problems in the Middle East. Certainly, it is no justification for this attack. Many of the publications serving my district commented editorially on the tragedy, but none as succinctly or effectively as the Star-Tribune of Sunday, September 10, which I insert into the Record at this point:

Tragedy at Munich

The entire civilized world recoils in horror at the senseless tragedy at the 20th Olympiad at Munich.

Dead in the aftermath of a naked act of political blackmail are 11 members of the Israeli athletic team. Going to the Olympics in the traditional spirit of clean, competitive sportsmanship, they became unwitting pawns in a power strugggle that began before they were born.

That this bloodshed should have taken place at the scene of activities dedicated to furthering the cause of international brotherhood makes the massacre at Munich all the more reprehensible. Despite the savagery of the attack and the enormity of its toll in human lives, however, the plot did not attain part of its probable goal—the Olympics were continued.

Mankind mourns the loss of the Israeli athletes, struck down without warning in their young manhood. But their deaths must not be allowed to pass without complete realization of their greater significance. All nations must now become firm in the resolve that the world community will no longer tolerate acts of political terrorism.

The Olympic torch still burns, as it has for 80 years, a beacon lighting the way to better understanding among men of all nations, and now also as a silent symbol of mourning for the young Israeli athletes.

COLORADO-WYOMING OPTIMIST ORATORICAL CONTEST

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. BROTZMAN. Mr. Speaker, this year 100,000 young Americans took part in the Optimist International Club's oratorical contest. I am pleased to report that one of my constituents, Joe Tutchton of Lakewood, Colo., was the winner of the contest in the Colorado-Wyoming district. As a result, he has been awarded a $500 scholarship to the college of his choice.

The Optimist's contest is one of a number of activities sponsored by that organization which encourages the youth of the Nation to give serious thought to the issues which confront the United States. This year's topic was entitled "Our Challenge: Involvement." I believe Joe Tutchton's winning entry contains a number of points which my colleagues will find of great interest. Consequently, Mr. Speaker, I insert Joe Tutchton's remarks in the Record at this point:

Our Challenge: Involvement

(By Joe Tutchton)

"Let the word go forth from this time and place, to friend and foe alike, that the torch has been passed to a new generation of Americans—born in this century, tempered by war, disciplined by a hard and bitter peace, proud of our ancient heritage." These words were spoken eleven years ago by John F. Kennedy in his inaugural address. His words still apply to us today, for we are that new generation of Americans, and the time has come for that torch to light the way of progress.

But the way of progress has been blockaded; blockaded by an undefinable force. Specifically, the force is apathy, and it is embodied in a movement existing in America today, that of the Silent Majority.

Let's look closer at this social phenomenon called the Silent Majority. Its habitat is cursed for the ills which it breeds. Resources upon which life depends are destroyed by those who depend upon them, yet the majority is silent. Poverty and starvation exist side by side with affluence and material wealth, yet the majority is silent. Racial prejudice and hatred exist in a land formed by a revolution against those very elements, yet the majority is silent. Why? Is it that our minds are dull and our tongues lame? I think not. The ability is there, but tradition and indoctrination have told us that involvement leads to personal disaster. Realize the reason is never given, it is merely stated as fact, and we accept it as such. But why is something which is never proven accepted on such a universal level? The answer is simple: We are trained not to become involved. Our parents tell us to mind our own business, and just take care of ourselves. Our educational system extends the indoctrination into apathy. Here we are taught that non-conformity leads to rejection by our peers. Advocating change is unwise because opposition to the power structure is futile. Thus the basis for the Silent Majority is well formed, and it becomes even stronger as we grow older. The original cause is lost in the past, and with it apparently, the solution. It would seem as though the torch of which John Kennedy spoke, the torch of involvement and action, has been extinguished.

However, the solution to the problem exists today. It would seem as though we have forgotten that this government is one "of the people, for the people and by the people". We run this government and it responds to the will of the majority. But if that majority is silent and refuses to act, the government has no direction. Now you may well be asking, how do the people control the government? An examination of the Constitution provides the answer. The right to vote enables us to determine the course of action our government will take. Remember that the majority rules, and it is their voice, truly the voice of the people, which will be heard. But also remember that before the majority can rule, the people must become involved. Therefore in the final analysis, the involvement must come on an individual level. It begins right here with you and me, and the challenge of involvement belongs not only to the majority, but to you as an individual.

Perhaps we can take a lesson from the younger generation. Through what could very well be the most important piece of legislation of this century, nearly eleven million citizens between the ages of eighteen and twenty-one will be able to vote in the upcoming elections. This has led to two major developments. First, the violent demonstrations on our college campuses have diminished; evidence that the young realize that their voice will now be heard. Second, politicians seeking office realize the importance of the youth vote and thus they have no choice but to listen to the voice of the young. Indeed, it is the young who must pass the torch to the next generation. They have earned our respect, for they have proven that if they are given responsibility, they will act responsibly. They have assumed their new power with a refreshing enthusiasm and vitality, and in doing so have shown us the way to meet our challenge of involvement.

MRS. SHELDON GLUECK, PIONEER IN STUDY OF JUVENILE DELINQUENCY, PASSES

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. MATSUNAGA. Mr. Speaker, I am sure that my colleagues will be saddened, as I was, to learn of the death of Dr. Eleanor Touroff Glueck, who, with her husband, Prof. Sheldon Glueck of Harvard Law School, was one of our Nation's foremost authorities on crime and juvenile delinquency.

Dr. Glueck, an educator and sociologist, and her husband, who is now the Roscoe Pound professor of law emeritus at Harvard, were pioneers in the study of juvenile delinquency and prison reform. Their first book, published in 1922, was the first extensive study ever conducted of the effectiveness of prisons and reformatories. It is still considered a landmark by authorities in the field.

My own sorrow at Mrs. Glueck's passing is tempered by many happy memories of my association with the Gluecks at Harvard Law School. I was privileged to be a frequent dinner guest at their home and then to host them during their visits to Hawaii. Consequently their views strongly influenced my philosophy.

I am submitting for insertion in the Congressional Record an article from the Washington Post which describes Mrs. Glueck's distinguished career. I am sure that my colleagues will join me and Mrs. Glueck's many friends and associates throughout the Nation, in extending deepest sympathy to Prof. Sheldon Glueck and his family.

The article follows:

Eleanor T. Glueck, 74, Pioneered in Crime and Delinquency Studies

Eleanor Touroff Glueck, who with her husband, Sheldon, was a pioneer and a foremost authority in the study of crime and delinquency, died yesterday at her home in Cambridge, Mass. She was 74.

The Gluecks had worked for more than 40 years on research into the causes of crime and delinquency, with their work centered at the Harvard University Law School.

"All of us who have been connected with the law school share a sense of deep sorrow over the death of Eleanor Glueck. With her husband, Sheldon, professor of law emeritus, she carried out a lifetime of research and writing on the problems of juvenile delinquency of fundamental importance to the field. As a friend and colleague, she will be missed by everyone at the school who had the privilege to know and work with her," Harvard President Derek C. Bok said yesterday.

Born in New York City, Mrs. Glueck studied at Barnard College and the New School of Social Work. She received a doctor of education degree from Harvard in 1925.

At the time she was doing graduate work at Harvard, her husband was also doing graduate work in law, psychology and sociology.

Their partnership began with their marriage in 1922 and their first major work, "Five Hundred Criminal Careers," grew out of a Harvard seminar in which Glueck noted there had been no extensive study of the effectiveness of prisons and reformatories. They were given a grant to produce one.

Both taught in the old department of

social ethics at Harvard and later moved to the law school. Always working together on juvenile delinquency and crime subjects, they published the results of numerous studies, the best known of which was "Unraveling Juvenile Delinquency," a comparison of 500 delinquent with 500 nondelinquent boys.

A series followed later, resulting from a 15-year follow-up study of both the delinquents and non-delinquents, which was the first such follow-up in the history of criminology that included a control of nondelinquents.

They also set up social prediction tables in an attempt to identify potential delinquents at the age of 6 that were successfully tested in New York and Washington. They later identified potential delinquents at 2 and 3 years of age.

The Gluecks received the August Vollmer Award of the American Society of Criminology and the Beccaria Medal of the German Society of Criminology. Harvard awarded them honorary doctor of science degrees. They also received a gold medal from the Institute of Criminal Anthropology of the University of Rome.

Mrs. Glueck retired as research associate in criminology at the Harvard law school in 1964 after 36 years on the staff. Her husband became Roscoe Pound professor of law emeritus in 1963.

Both continued active research after their retirement. Their last joint work was "Toward A Typology of Juvenile Offenders," published in 1970.

Singly, Mrs. Glueck had written "Community Use of Schools," "Extended Use of School Buildings," "Evaluation Research in Social Work" and "Adventure in Japan."

BOTH PARTIES NEGLECT LATIN AMERICA

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. SHRIVER. Mr. Speaker, as a member of the Foreign Operations Appropriations Subcommittee, I have long felt that we as a nation are sending far too much of our technical expertise and economic assistance to the far reaches of the world while we pay too little attention to our close neighbors in Latin America. With the permission of the Speaker I am inserting an editorial from the Wichita, Kans., Eagle which points out that the platforms of both political parties indicate a continuation of this neglect of our neighbors.

The editorial follows:

[From the Wichita Eagle, Sept. 19, 1972]

Both Parties Neglect Latin America

The Republican party platform on Latin America covers about a dozen lines, most of which are vague generalities about common interest. The document states that Cuba is ineligible for readmission into the community of American states because it continues to foment revolution.

The Democrats gave Latin America only a little more space in their platform. They promise to reduce military assistance, end military intervention in domestic affairs, and they call for a re-examination of relations with Cuba.

This indifference occurs at the worst possible time. Latin America is seething with ferment which could create crisis at our very doorsteps.

Chile, Argentina, Paraguay and Panama are all likely blowup points, and no one in the United States is prepared.

In his four years in office, President Nixon has visited only Mexico, though he has received the presidents of Venezuela, Paraguay, Brazil, and Louis Echeverria Alvarez of Mexico.

Former Treasury Secretary John B. Connally has been sent to Latin America by Nixon as was White House Counselor Robert Finch. It has been nearly four years since Gov. Nelson Rockefeller made his celebrated tour of the Latin republics.

Since that visit the President has devalued the dollar, to which Latin currencies are tied. Brazil and Mexico weren't hurt much, but most other Latin countries went from bad to worse.

Chile appears near civil war and Argentina has economic and political problems. Panama is a potential powder keg because of the stalled canal treaty negotiations. There is also unrest in Ecuador, Bolivia, Uruguay and parts of the Caribbean where unemployment runs as high as 30 per cent.

Disinterest in Latin America stems from the fact that it is not a military threat to the United States. But there are 300 million persons living in Latin America, and the population is growing.

Trouble could erupt at any time, and if the U.S. acts as it usually does, nothing will be done until there is a genuine crisis.

It would be wise to alter the North American attitude toward Latin America. Because it is so near and because the ingredients of unrest are so plentiful, it should receive a greater percentage of this country's attention.

BEL AIR STABLES

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. HOGAN. Mr. Speaker, horses and horseracing have long been an integral part of the life and spirit of Maryland, and particularly of Prince Georges County, which I represent.

Outstanding racehorses were bred in Maryland dating back to 1750, and our State has continued to produce prize-winning horses since that time.

At present, Prince Georges County houses several racetracks.

Also, horseback riding is a popular sport among people of all ages in Prince Georges County, including myself.

All in all, horses have played a substantial role in the development of the pastimes and customs of the county and the State.

One of my constituents, Mr. J. P. de Journette, has written a poem called "Bel Air Stables," which details the history of the stables and the great horses that it produced. The area that once comprised this horse-breeding farm is now a populous area of Bowie, Md. Mr. Speaker, I now insert the poem in the Record:

Bel Air Stables

(By J. P. de Journette)

American racing was cradled here,
By the Bel Air horses who had no peer!
"Othello", "Queen Mab", "Selima", "Spark",
Were British blue-bloods who made their mark!
Arriving here 'fore seventeen-fifty,
They all were fast and strong and shifty!
The "Selima Stakes" at Laurel is run,
To honor this mare, the beautiful one!
"Selim", great son of "Selima", was foaled,
To beat every horse until he was old!
A British stud "Spark", to Baltimore went,
As a good present the Prince of Wales sent!
The stud "Othello", because he was bold,
For the good governor, got many a foal!
The lovely "Queen Mab", in England was sold,
And shipped to Bel Air to bring home the gold!
"Moll Brazen", "Miss Colvill", "Olde Bulle Rock",
Had fast "products" and put them in stock!
"Tayloe's Bel Air two" then swept every turf,
So surely and fast one drank to his birth!
The back-stretch gallop and quarter-pole trot,
Won for the owner a lucrative pot!
Thoroughbreds here could run with great rhythm,
And leap from gates like prisoners from prison!
The Derby wreath of bright red roses,
Was won just as our horse passed noses!
The oval blanket of black-eyed Susan,
Is the Preakness prize for never losin'!
The Belmont Crown of white carnation,
To many horsemen was temptation!
The Churchill Downs . . . the Derby Dome,
Play each year "My Kentucky Home"!
"Maryland My Maryland", at the Preakness,
A musical way of honoring sleekness!
The tuneful "Sidewalks of New York",
Is Belmont's theme to toe your mark!
When "Galant Fox" thrilled every man,
In the stirrups rode "Earl-ee Sande"!
The rhythmic "Fox" would rise and dip,
Not often would he feel the whip!
His forward thrust made him a star
Just as he raced across the bar!
In the "Run For Roses", Bel Air silks,
Did billow around like Scotsmen's kilts!
A flowing blouse and "Ascot dot",
Could grab the eye and stop the heart!
From nineteen-thirty to "fifty-five",
The Bel Air stables then came alive!
The Derby, Preakness, Belmont Stakes,
Were hard . . . but won, there were no fakes!
The Bel Air horse had class and pride,
Awaiting the day he should ride!
With few his equal, fewer his peer,
The thoroughbred steed who lived right here!
With the strong and famous Bel Air steed,
The flirting filly came here to breed!
The Bel Air horses were the few,
Who made your racing dreams come true!
So sleek, so strong, so fast, so slim,
They were so quick, they looked so trim!
'Twas "Johnstown", "Granville", and "Nashua,"
"Gallant Fox", "Faireno", "Omaha".
All aspired the Triple Crown,
But four took the "Double" round!
And when they ran the "Equipoise",
All betting windows filled with noise!
Now the Bel Air horse must long endure,
His story by an old raconteur!

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

McGOVERN CREDIBILITY GAP

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. HARSHA. Mr. Speaker, when George McGovern was nominated by the Democrats in July, he was heralded as a refreshing breeze in the political arena by his ardent supporters. They claimed that here at last was a man of his word who spoke only the truth, did not equivocate or vacillate, and would in no way lend himself or his campaign to what has come to be known as a "credibility gap."

No claim could be further from the truth.

Even during the convention, various instances of deception, duplicity, and double dealing were brought to the attention of the public. Shortly thereafter the Eagleton affair followed. No more striking example of the candidate's complete lack of candor with his followers, his inconsistency, his inablity to make tough decisions, and his tendency to vacillate on important issues could be found than in his handling of this matter.

As a result of his very obvious maneuvering and political shenanigans, the candidate lost the invaluable commodity of believability before the campaign had really begun. Since then, this credibility gap has consistently grown. This has been repeatedly demonstrated by both the candidate and the members of his staff. Time after time they have issued contradictory statements and claims and were later forced to recant and attempt to explain these very obvious contradictions and evasions.

The point has now been reached where these problems of credibility are being attributed to respected members of the press by McGovern and his staff. An excellent editorial touching on this matter and raising very real doubts about the consistency of the candidate's record on Vietnam appeared in the Washington Post on September 28. As I believe it will be of interest to all of my colleagues, I would like to insert this article by John P. Roche in the Congressional Record:

McGovern Lashes at Journalists

(By John P. Roche)

Recently Sen. George McGovern got quite cross at the press, accusing the political reporters who have been covering him of impugning his "credibility." After all, the senator said modestly, credibility was his strong suit.

With specific reference to the deposition of Sen. Thomas Eagleton, McGovern said that, properly understood, his position had been quite consistent. He allowed that his contradictory statements on the Salinger mission were a blunder—but still not a reflection on his credibility. Indeed, he complained to *Newsweek* that "there was a little too much effort to try to find some credibility problem. . . . Some of those syndicated columnists are terrible."

Sorry about that, but the fact is that the McGovern campaign has a credibility problem of the first magnitude. As one who puts respect for the truth above partisan loyalty, it seems to me an obligation to point this out, I'll do as much for President Nixon anytime, but when he says he is opposed to quotas, I believe him. To date, the main attack on the President's credibility has been based on a bogus quote, a statement he never made that he had a "secret plan" to end the war.

Take the whole matter of McGovern's record on Vietnam. By now, you might have the impression that he was the Patent Office "dove." But I was there and my political evaluation is based on a man's voting record, not on his speeches. True, McGovern was unhappy about Vietnam back in 1963, but how unhappy? He did not join Sens. Wayne Morse and Ernest Gruening in opposing the Tonkin Gulf Resolution in 1964.

But the war was escalated between 1964 and 1968 and every year the Senate was given an opportunity to register its views in a very concrete fashion: the vote on the Supplementary Appropriation to finance the U.S. military effort in Vietnam. In 1966, only Morse and Gruening voted "Nay." In 1967, a third man joined. George McGovern? No, Sen. Gaylord Nelson of Wisconsin. In that same year, Gruening introduced a measure to forbid the shipment of draftees to Southeast Asia except as volunteers. Only Morse and Gruening voted for it.

In 1968, McGovern again voted for the Vietnam Supplemental (Morse, Nelson, and Gruening opposed it), and for a measure that authorized the use of defense funds in Laos and Thailand for support of local forces (later referred to as "mercenaries" by the anti-war movement). True, McGovern was even more unhappy about events in Southeast Asia than before, and he made a number of anguished speeches. But how do you judge a legislator? By his speeches? Or by his votes?

If the Senator has credibility problems, his staff certainly compounds them. Experienced political reporters specialize in accuracy, and in my judgment it is inconceivable that, say, Dave Broder of The *Washington Post*, Max Frankel of The *Times*, or a number of others at the top of the profession, would invent incidents or put words in people's mouths. But in recent weeks we have seen members of Sen. McGovern's staff flatly denying stories by reputable reporters. Needless to say, the latter do not enjoy being called liars.

Arnaud de Borchgrave of Newsweek is, for example, surely one of the ablest foreign correspondents in the business, noted for his remarkable interviews with such varying characters as Charles de Gaulle, Mrs. Golda Meir, Gamal Abdel Nasser, Mrs. Indira Gandhi. In a recent column I cited his report of a session that McGovern's "ambassador," Abram Chayes, held with newsmen in Paris. Subsequently Chayes flatly denied the attributions—in effect, calling Borchgrave a liar. Then the world fell in on Chayes, who seemed to think nobody was at the meeting but Borchgrave; the New York Daily News obtained a full transcript from French sources and it sustained Borchgrave at every key point.

The point is that there is one way of maintaining one's credibility: by sticking to the truth.

As the campaign progresses, it appears highly probable that the McGovern credibility gap will continue to grow and contribute significantly to what already appears to be an almost certain political debacle for the Democratic Party.

TAX REFORM: A COMPLEX ISSUE

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. ESCH. Mr. Speaker, on few issues has there been more debate and less action than on the question of tax reform. Although the Congress has been discussing this issue for the past 2 years, there is no chance for securing passage of any substantial tax reform legislation before the end of the current session.

Because time is running out on the 92d Congress, and because tax reform is not likely this year, I have introduced legislation which would force the next two Congresses to undertake tax reform systematically and comprehensively. My bill, introduced in conjunction with Chairman Wilbur Mills of the Ways and Means Committee—which has jurisdiction over taxes—would repeal all the deductions and exemptions in the income tax laws over the next 4 years unless the Congress reenacted them. Clearly, such drastic action would force immediate and broad reforms in the tax system.

WHAT IS WRONG WITH OUR TAX SYSTEM

It is not hard to find things wrong with the present tax system. The most obvious, and most often discussed example of inequities in the system, is the fact that last year 112 taxpayers with over $200,000 in income paid no taxes whatsoever. It should be noted, however, that this is only thirty-six one-hundredths of 1 percent of the taxpayers in that bracket.

The middle-income taxpayer, making $8,000 to $10,000 pays approximately the same total percentage of his income in Federal, State, and local taxes as the worker earning $25,000 to $50,000. This figure may be somewhat misleading as far as Federal taxes are concerned because the most regressive taxes, sales and property, are State/local taxes, rather than Federal.

Nonetheless, it is obvious that the present tax system has failed to make our taxes truly progressive. Many millions of dollars escape taxation through so-called loopholes each year. Although it sounds comparatively simple to close those tax loopholes, in reality it is quite complicated.

Every so-called loophole was written into the law to serve some useful national purpose. Let us look at a few for an example:

One of the loopholes that has received the greatest adverse publicity is the lower tax rate for capital gains. The profits on property or stock held for more than 6 months is taxed at only 50 per cent of the normal rate for income. Thus a man making $10,000 in profit from the sale of stock pays only one-half the taxes he would have if he had made the same amount in salary. This sounds inequitable. Yet this provision was written into the law to encourage people to risk their money in investments which would expand the entire economy. After all, it was argued, he might have lost $10,000 just as easily as gained it on his investment. He should be given an incentive to risk his money on expanding the economy rather than just leaving it safely in a bank. The assumption in this preference is that an expanded economy is of more importance to the Nation than the taxes would be. Congress must ask itself whether the advantage to the economy of this risk-capital is more important than the disadvantage of having one person pay a lower tax because of the way he earns his money.

One of the most widespread loopholes is the deduction allowed for interest payments and real estate taxes. This deduction is used by millions throughout the Nation and is obviously of greatest value to the middle-income homeowner. Its purpose has been to encourage home ownership on a massive scale, and it has been effective. Yet it results in a far larger housing subsidy for middle-income families than all the programs for lower income housing combined. Once again the Congress must consider whether the good to the Nation as a whole gained by encouraging home ownership is more important than the inequities this incentive puts on the poor who receive far less in the way of housing subsidies.

There is no question that the establishment of tax-exempt foundations and large gifts to charities have lessened the taxes paid by some of the very rich. There is also no question that these foundations and charities have undertaken thousands of worthwhile programs which the Government would otherwise have had to assume or which might have been entirely left undone. The cure for polio, for instance, was discovered because of charitable and foundation research grants. Billions of dollars have supported our colleges and universities; hundreds of thousands of poor students have been helped through school; hundreds of medical centers have been established; Williamsburg was developed as a living museum of our national heritage of freedom; agricultural research has helped fight hunger around the world. Congress must consider whether the Nation is better served by the very considerable contributions of private foundations and charities or whether these funds should be taxed at a full rate and let the Government assume the functions which charities have traditionally served.

It is estimated that 50 percent of the property in Manhattan is totally exempt from taxation because it is owned by churches, foundations, charities, and other tax-exempt organizations. Although property tax is primarily under the control of the States, the Federal Government is concerned as well. Congress and the State legislatures must decide whether the major contributions of the church to American society and to the stability of our family and hope life outweigh the additional tax revenues which would result if all their property and income were taxed.

Clearly, the questions of tax reform are not simple. The closing of each loophole to encourage equity in the tax system will be balanced by disadvantages to society and the economy on the other side. The fact that reform is complicated, however, does not mean that it should be ignored. Although every exemption and deduction was established to serve some useful purpose, there is considerable question whether all of those purposes are still valid, and whether the goals of society might not be met in a more direct and equitable fashion. My bill would require the Congress to undertake this long-term study and would force it to take action on its findings. I am convinced that such a study should be undertaken immediately.

CAN TAXES BE CUT?

All too often discussions of tax reform leave the implication that, if the tax structure is reformed, each individual will have to pay less and only the rich and the corporations will assume the tax burden of the Nation. That simply is not true and any politician who implies such a falsity is doing a great disservice to the people and to the Nation. If taxes are reformed to close loopholes which no longer serve the national interest, the wealthy will undoubtedly assume a higher percentage of the tax burden. But the total costs of government are not likely to go down in the near future and tax increases are far more likely than tax reductions.

It may be of interest at this point to note that the United States has one of the very lowest tax rates of all the western nations. Taxes on the Federal, State, and local level combined consist of 32 percent of the entire U.S. gross national product. In Sweden, in contrast, 48 percent of the GNP is taxed; in Great Britain, taxes take 39 percent; in Germany and France, it is 38 percent. Of the 14 major industrial nations of the West, only three tax at a lower rate than the United States.

The costs of government will, almost inevitably, continue to increase. There are, of course, many ways to cut Government expenditures through the abolition of programs which no longer serve any important purpose; through improved efficiency, by cutting the mass of redtape which seems to surround so much of government; through better contracting procedures to insure that the Government is getting the most for its money; through improved budget procedures and controls, especially in the Congress. All these types of cost control should be undertaken. Indeed, the approval of an absolute spending limit as proposed by President Nixon would be a major step in that direction.

But these efforts will not, in the long run, significantly bring down the level of expenditures. We are demanding more and more from our Government. We are insisting that the Government solve more and more problems which we previously were willing to let slide—from poor housing and inferior education to cures for "incurable" diseases.

Pollution control is one obvious area where expenditures will have to increase. By 1980 the Nation will have to spend approximately $25 billion per year on water pollution control and $14 billion per year on air pollution control to meet the standards we have set for ourselves in cleaning up the environment.

PROPERTY TAXES

Educational expenditures are rising rapidly and will continue to increase as we make the effort to bring our worst schools up to the standards of our best ones. The cost of our elementary and secondary schools has almost tripled in the last 15 years and the increase is expected to continue. Schools account for almost one-half of the funds spent by local governments.

This causes another very difficult problem for our tax system. For the most part local governments raise their tax funds through property taxes and, throughout the Nation those taxes are reaching such a high level that home ownership is being discouraged. At the same time, a number of courts have declared the property tax is unconstitutional as a school financing base since wealthier communities have a much larger property tax base and therefore can more easily finance education.

Obviously any broad scale tax reform must include a reform of our property taxes. Property taxes are not controlled by the U.S. Congress; therefore the Congress can do little about the level of these taxes. However, the Federal Government can, and should, undertake a number of steps to relieve the property tax burden. First, the Federal Government should assume a greater portion of our educational expenditures. At the present time less than 10 percent of elementary and secondary education costs are borne by the Federal Government. I strongly feel that this should be increased to at least 30 percent and perhaps higher. Though there is much need for reform in the Federal tax structure, as discussed earlier, this structure is far more equitable than the property tax and much of the burden should be shifted to it. It is important however to make sure that the Federal Government does not control the schools. Local control of the schools is a vitally important tradition and one which must not be countervened where increased Federal support is provided.

The property tax is particularly onerous to the older citizens of the Nation who must live on fixed incomes. All too often in recent years we have seen our senior citizens forced to sell their homes because they could not meet the rising property tax costs. I strongly support proposals that give senior citizens with incomes of under $6,000 a rebate on up to 75 percent of their property taxes through the Federal income tax system. It is unconscionable to force older people out of their homes for which they have worked for so many years because they cannot afford their taxes.

PAYROLL TAXES

Over the past few decades the Federal individual income tax has been reduced several times—in 1954, 1964, 1969, and 1971. At the same time, the payroll tax for the social security system has increased drastically. Payroll taxes have increased from 2.5 percent of the GNP to 4.8 percent of the GNP in only 10 years.

The social security system has made enormous contributions to the Nation and has done much to make the lives of our senior citizens more secure. But these significant achievements should not blind us to the reality that the payroll tax which finances it is a regressive tax which puts the heaviest burdens on lower income workers. For the workingman making $9,000 a year, the direct tax rate is 5.2 percent, while for the man making $50,000 the direct tax rate is about 0.8 percent. This kind of payroll tax hits particularly hard at poverty level workers.

As the social security system continues to expand, I feel it is essential to reform this tax as well. Several possibilities exist—from supplementing the social security system through regular income tax sources to removing the wage ceiling on the payment of the tax and therefore lowering the total tax rate. Social security is an essential part of our national economy and every effort must be made to make it meet the criteria of fairness and equity. Congress must devote time and attention to undertaking this reform in coordination with its consideration of reform on the normal tax system.

W. M. "BILL" DAVIS

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. DUNCAN. Mr. Speaker, the citizens of my district deeply regret the passing of an outstanding educator and humanitarian, W. M. "Bill" Davis.

Mr. Davis came to Knoxville in 1935 and served us well as principal of Fulton High School, Giffen and Lincoln Park Elementary Schools, assistant principal of Stair Technical Institute, and as a teacher at Rule High School. Mr. Davis, in addition to his demanding administrative duties, also found time to coach athletics at several of these schools. In fact, at one time Mr. Davis coached Billy Hitchcock, former major league baseball player and current president of the Southern Baseball League.

His interest in sports was further exhibited by his willingness to serve as a member of the board of control of Tennessee Secondary Schools Athletic Association, which governs high school athletics. Bill also found time to be active in Little League baseball and served as vice president of the Fountain City Recreation Committee.

Bill Davis' fellow citizens recognized the many contributions he made during his 47 years in education by electing him to the Knoxville Board of Education last year. Extremely active before his death, Mr. Davis was serving as president of the Tennessee Retired Teacher's Association, as treasurer and teacher at Broadway Church of Christ, as well as being a member of the Uptown Optimist Club.

All of us in the Second District are proud at having known this gentleman who after working his way through Lincoln Memorial College went on to serve his fellow man so well in the field of education.

Mr. Davis' wife and family are joined by all of us who are most thankful for the contribution he made to better education in our district.

I would now like to share the following September 22, 1972, Knoxville Journal editorial with all of my colleagues in the House of Representatives:

> A SCHOOLMAN'S COURAGE
>
> The career of W. M. "Bill" Davis in education extended over almost a half century and ranged from classroom teaching through administrative positions to a place on the Knoxville Board of Education. There could be no cause for questioning his genuine concern for the education of the young.
>
> Parallel with this public service was his intense interest in clean athletics as another way of inculcating goods traits of character in young people.
>
> While all who knew Mr. Davis were bound to appreciate his attainments in those two fields, there are those who will remember him most vividly for the fortitude of his last days. Suffering from cancer of the lymph glands, which resulted in his death last Tuesday, he continued to take his part at meetings of the school board so long as he was physically able to be there.
>
> It was plain to all who attended those meetings that "Bill" Davis was there under painful difficulty. He was barely able to speak, yet he did not spare himself. He seemed determined to perform his elected duty although he must have known the end was close at hand.
>
> That was courage.

ISRAEL'S SILVER YEAR

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. RODINO. Mr. Speaker, on Tuesday, September 26, at 3:15 p.m., Newark Airport was the scene of a very special celebration. For Israel, described again and again in biblical scripture as a "light unto the nations" has entered her 25th year, and delegates from Jewish communities through New Jersey had come to initiate ceremonies commemorating this joyous silver anniversary. Twelve torches, one for each of the communities represented, stood before the eyes of all who came to participate.

The gathering was addressed by Deputy Consulate General Jacov Aziyad of the Israel Consulate in New York. Stressing the importance of American participation in the development, life and future of the State of Israel, Mr. Aziyad presented the first torch to Mr. Martin Fox, president of the Jewish Community Council of Essex County, N.J. He stated:

> This beacon Light symbolizes Israel's progress over the past 25 years.

Following Mr. Fox's brief acceptance speech, Msgr. Thomas Fahey, president of Seton Hall University, Rev. Raul Stagg, general secretary of the New Jersey Council of Churches, Prof. C. Walter Heckel, former dean of Rutgers University Law School and national moderator of the Presbyterian Church, and Newark Mayor Kenneth Gibson expressed their thoughts and feelings on the significance of this occasion. Prayers were then offered by Rabbi Sidney of Kearny and Rabbi Zev Segal of South Orange, N.J.

Although I was unable to join in this beautiful ceremony, I sent the following statement to all those in attendance. I would like to share my words with you at this time:

> Silver anniversaries are always very special occasions, filled with shared joys, fulfilled hopes, unforgettable experiences, indelible remembrances and deep dreams. This particular 25 year celebration of life is a milestone dear to the hearts of a great many individuals in all parts of the world. Combined with an outlook, and an approach implanted with realism, pragmatism and with the continued fight for survival, as Israel begins her silver year, she is a nation filled with the excitement, the vigor and the idealism to look forward confidently to building a future of positive goals and very special dreams. And, as she continues to move forward, I join my voice with all those here today to share her dream for peace and progress and to reaffirm my belief in the principles for which she stands.
>
> PETER W. RODINO, Jr.,
> *Member of Congress.*

AMTRAK'S INAUGURAL RUN TO MONTREAL, FRIDAY, SEPTEMBER 29, 1972

HON. RICHARD W. MALLARY

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. MALLARY. Mr. Speaker, Friday, September 29, is a day of jubilation in my home State of Vermont, because tonight an Amtrak passenger train is leaving Washington on its way to return passenger service to Vermont. When the "Montrealer" rolls into Brattleboro at 2:50 a.m. tomorrow morning, a new era in renewed rail travel will begin.

I want to take this opportunity to welcome Amtrak to New England and to Vermont in particular. I am sure that Amtrak will be pleased with the support awaiting it in Vermont. I am hopeful that this route through New England will be more profitable than other routes in the Amtrak system.

This route through New England came about as the result of massive efforts on the part of the people at the grassroots level in Vermont and New England and others with the interest of rail travel and New England at heart.

It is these people who worked so hard for the New England route to Montreal whom I would like to take this time to recognize and to extend my heartiest thanks. Some of the leaders in this effort are:

Joe MacDonald, a Vermonter residing in New York, whose many facts and figures and endless letterwriting made sure that Amtrak officials were aware of the advantages of the New England route and who aroused the lobbying instinct of Vermonters, and his very understanding employer, Continental Can Co.

Dorothy Chittenden Miller, Canadian,

Vermonter, and Virginian, who wrote letters and organized people and letterwriting campaigns in both Vermont and Washington;

Carl N. Monaghan, St. Albans, Vermont legislative director of the United Transportation Union, another letter-writer and people-organizer;

Herbert G. Ogden, Hartland, who organized the Vermont Association of Rail Passengers;

Russell M. Stockman, Brattleboro, who organized a "passenger-in"—a sit-in demonstration—at the Brattleboro train station in April complete with packed suitcases;

Jack Stanton of the Burlington-Lake Champlain Chamber of Commerce;

Silas Carpenter of the Public Service Board in Montpelier;

James M. S. Ullman, chairman of the Rail Passenger Committee of the Greater Meriden Chamber of Commerce; and

Members of the Vermont press, particularly Gordon T. Mills, editor, and Betty Sproston, reporter, of the Burlington Free Press; Cliff Noyes, editor, and Ron Longto, reporter, of the St. Albans Daily Messenger; and Norman T. Runnion, managing editor of the Brattleboro Daily Reformer.

Many thanks go to the thousands of people who wrote letters and made calls and who turned out to greet the experimental train in July and to the Brattleboro Union High School Band, the State Street School Band, the Montpelier High School Band, and the St. Albans High School Band for providing rousing music for the reception at their respective stations.

Vermont groups involved in the effort were the St. Johnsbury Chamber of Commerce, the Vermont State Chamber of Commerce, Windsor County Young Republicans, Woodstock Chamber of Commerce, the Vermont Association of Student Councils, St. Albans Chamber of Commerce, Burlington-Lake Champlain Chamber of Commerce, Montpelier Area Chamber of Commerce, conservationists, environmentalists, mayors, selectmen, and citizens of the towns along the route and other towns throughout Vermont.

Also, a great deal deal of appreciation goes to interested organizations outside Vermont including members of the Canadian Club of Washington, the Dartmouth Alumni Society, the Society of New England States, the Vermont Society, the McGill Society, the Railroad Historical Society, and the United States Eastern Amateur Ski Association.

This effort was totally a grassroots effort and I am pleased that these people will be rewarded for their efforts by now having the availability of train service to Montreal through New England.

THE NEED FOR JUSTICE IN SOCIAL SECURITY

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. PRICE of Texas. Mr. Speaker, the American people have come to accept social security as an important factor in their plans for providing for their retirement years. These citizens, who work hard and pay a lifetime of contributions into the social security fund, rightfully look forward to the day when they can retire and begin to receive the fruits of their labors. Sadly, all too many persons approaching retirement find out that retirement, instead of being a time of fulfillment, will actually mean deprivation, since social security is not a retirement or pension system in that contributions to this fund do not automatically build equity. Under certain circumstances, persons can pay some 40 years' worth of contributions to social security and yet be able to leave nothing to their families.

Furthermore, a person can pay into social security for a lifetime only to find himself ineligible at the age of 65 to collect one thin dime's worth of benefits should he or she continue to work at a salary of a certain amount. Not only that, the same person who chooses to work after age 65 must continue paying social security tax on his or her earnings. I find these facts tragic and shocking.

In an attempt to bring greater justice to the social security law, I am today introducing a bill to abolish the limitation placed on the amount of outside income an individual may earn in order to continue to receive his or her social security benefits. It is my hope that the Congress will act quickly to pass this legislation.

The time has come for the American people to receive the benefits of their hard work—no longer should a person who at age 65 chooses to continue working be penalized for his initiative or efforts, both past and present, by not being able to collect that money which is rightfully his.

JEWS IN RUSSIA

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. COLLINS of Texas. Mr. Speaker, our country has always taken the lead in its advocacy for the rights of the freedom of the individual. Today, as we are building closer relations with Russia, I hope they can begin to understand better our concern for each individual.

I am concerned with the reluctance of Russia to allow their Jewish citizens to emigrate. They have recently raised the exit fees. The difficulty of accumulating capital in their Communist society precludes the opportunity of moving to Israel and a new life.

We Americans believe strongly that citizens who do not feel comfortable in our country should be free to go and live where they chose. I can well understand how these Jewish citizens who are hardworking and industrious would prefer to live in a country operated under a free-enterprise capitalistic system. I can understand these Jewish people, who are very religious, wanting to live in a country dedicated to God instead of a Communist state.

I believe so strongly that everyone should be entitled to live in the country of their choice, that I submitted a bill in Congress for our Government to buy a one-way ticket for anyone who wanted to leave America. I believe that we owe it to our neighbors and fellow citizens to help them relocate where they would like to spend the rest of their life. For instance, Communists and radical socialists in America should be given an opportunity to relocate in Russia or any other Communist country. Since they are now in America we have the responsibility of paying for their tickets to move to that country.

I would suggest to our Russian neighbors that they adopt a similar policy with the Jewish people. These people believe in the free-enterprise business system and they have strong religious beliefs, so they will never be part of Communist Russia society. Instead of charging an exit fee, Russia should be a good neighbor and provide travel for the Jewish people to relocate.

THE U.N. TERRORISM SYNDROME

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. RARICK. Mr. Speaker, as the U.N. announces plans to outlaw terrorism, one of its committees, "The Special Committee on—Independence to Colonial Countries and People," has tendered a report from three of its members who have been touring the jungles of Africa as guests of "terrorists."

This is the same stripe of U.N. psuedo-intellectuals whose decolonization committee recently censured the United States for colonial paternalism over Puerto Rico, yet could find no suspicion of Soviet colonization in Cuba.

Then we have today's announcement that: The United States has abandoned its claim to sovereignty over three groups of Caribbean islets off the Coast of Central America. Perhaps our leaders decision was reaction to a fear of new colonialism charges in the U.N. A better decision might have been to have the three islet territories apply for U.N. voting membership to help us out in voting strength. After all the U.N. is controlled by the colonial powers—the Soviet Union and Red China who keep every colonial vote they can manipulate.

Who ever heard of a Ukrainian election, army or aircraft—or that matter Byelorussian. Yet these Soviet colonies each has a U.N. vote.

Terrorism is where you find it—right now it is concentrated mostly in New York City at the U.N.

Americans may one day awaken and discover that the U.N. fathers are guilty of exercising colonial powers over the United States and our people—and terrorism, too.

The articles follow:

THREE-MAN REPORT HELPS ILLUMINATE U.N. IMBECILITY

(By James J. Kilpatrick)

NEW YORK.—It is no trick at all to demonstrate the hypocrisy of the United Nations: Witness the sanctions imposed upon Rhodesia. To demonstrate the U.N.'s imbecility ordinarily takes a little longer, but a report has come recently to hand that happily simplifies the task.

This is a report submitted in July to the General Assembly's "Committee of 24," known formally as the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. The report comes from the special three-man mission assigned to the situation in Portuguese Guinea.

Now, Portuguese Guinea does not rank large among the powers of the world. It is an enclave of 14,000 square miles—about the size of Connecticut and Massachusetts combined—carved out of the west coast of Africa south of Senegal. Its population was estimated last year at 560,000.

For the past 10 years, more or less, a guerrilla outfit known as PAIGC (Partido Africano da Indepencia da Guine e Cabo Verde) has been trying to overthrow the established government.

The jungle struggle is important to the Communists, who are seeking to gain power; and it is important to Portugal, which is trying to hold power, but it has small importance otherwise. It is a fair surmise that most of the natives stand indifferent in the cause. Back in the jungle, such concepts as freedom, nationalism and self-determination are as shapeless as the river mud. The people will be ruled by the remote authority of Marcelo Caetano, a benevolent man, or by the more immediate authority of Amilcar Cabral, who is scarcely benevolent at all. So much for Portuguese Guinea.

On March 14, the Committee of 24 announced that its special mission would visit the liberated areas of Portuguese Guinea. The three gentlemen—one from Ecuador, one from Sweden, one from Tunisia—met the PAIGC leaders on April 2. They were led about the jungle for six days, more or less, and came out on April 8. Thereupon, they made their report.

Imagine, if you please, three Cub Scouts who have just come burbling home from their first overnight hike. They are filled with wow, golly and gosh! They heard a bear—or that's what the older boys said it was. They found a wildcat's track—or anyhow that's what it looked like. They walked for miles and miles and miles, and they got so tired. But they saw all these marvelous things, you know, like birds' nests and snake skins and funny rocks, and they sang songs around the campfire and it was awful spooky at night, and oh, mother!

That is precisely the tone of this ludicrous report. The three U.N. diplomats supposedly were inspecting "liberated areas" under guerrilla control, but clearly the areas were not liberated in any ordinary meaning of the word. The Cub Scouts hiked by night and hid with their leaders in the jungle by day.

Indeed, the U.N. investigators loved everything they saw or heard. Their report betrays not the slightest hint of a neutral objectivity. The rebels are depicted as heroic, brave, dedicated, hard-working, mature, valiant, peaceful and determined.

By contrast, the Portuguese are insane and hysterical fascists who find despotic amusement in the bombing of little children.

The outraged Portuguese have denounced this caper as "Mission Invisible." They strongly suspect that the guerrillas, with a nice black humor, led their bug-eyed and breathless guests on a merry chase through a few square miles of a border-area forest. For all the hard evidence produced by the U.N. mission, it could be so. The report, in any event, is a farce.

TWO NATIONS CLAIM BARREN ISLETS

(By Jeremiah O'Leary)

A U.S. decision to drop its claim to three groups of islets in the Caribbean has precipitated emotional and war-like responses in Colombia and Nicaragua, which both claim sovereignty over the pinpoints of sand and rock.

The islets or cays would be among the least significant land masses on earth, except for the patriotic surges they evoke in the Colombians and Nicaraguans. The groups are called Roncador (the Snorer); Serrana (bucolic poem) and Quita Suena ("Stop sleeping" or "Stay awake").

None is habitable, but there is a lighthouse on Quita Suena operated by the Panama Canal Co. and some navigational beacons on the other two.

The Quita Suena group is under water at high tide, and the largest land mass among the three, Southwest Cay in the Serrana group, is only one square mile.

After the United States signed a treaty with Colombia last week dropping its claims to the islet groups, Bogota announced it would send warships and dignitaries to take formal possession. In Managua, the government dominated by Gen. Anastasio (Tachito). Somoza threatened to put jet fighter patrols over the islets to keep intruders away.

Colombia, which has a small Navy of old destroyers, is more than 400 miles from the islets while Somoza's T33 jets have only about 150 miles to go from the Mosquito Coast bordering the Caribbean.

As far as Washington sources know, the battle has been in words so far. The State Department is hoping the two nations will settle the dispute without some military collision.

Acting Nicaraguan Foreign Minister Julio Cesar Alegria yesterday accused Colombia of "an act of force" in sending the military and parliamentary mission to the Cays.

Alegria added that Nicaragua did not intend to use force in the conflict "because there are many ways of defending the sovereignty through judicial channels."

He said the foreign ministry is also preparing a protest note to the United States against a State Department declaration that the Quitasueno Cay is submerged and therefore considered to be part of the high seas and not subject to any territorial sovereignty claim.

The protest will charge the United States with "intervention in the Nicaraguan claim that this cay is on the continental shelf of Nicaragua."

The problem, however, is a sticky one involving territorial rights. Nicaragua claims Quita Suena is part of the continental shelf, an extension of the mainland. Nicaragua has even granted an oil exploration concession to a California petroleum company.

Colombia contends the islets are part of the San Andres group, a prosperous vacation spot farther south which has been Colombian since the days of Bolivar.

The original U.S. claim was based on the 1858 Guano Act — American entrepeneurs once sold bird-droppings found there as fertilizer.

The land mass of the islets changes because of shifting sand, but U.S. sources list Southwest Cay at Serrana as having a maximum height of 32 feet. The Roncador group is 7 miles long and 3 miles wide while Quita Suena is 34 miles long and 13 miles wide.

VOTING RECORD

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. FINDLEY. Mr. Speaker, so far during the 92d Congress, 860 votes and quorum calls have occurred. I have answered almost 90 percent of them. It is not practical to list each and every vote, although that information is readily available. Below are some of the more important votes I cast over the last 2 years.

AGRICULTURE

For a rural telephone bank.

For expansion of lending authority to farmer-owned cooperatives.

For pesticide controls where it presents an imminent hazard.

For a comprehensive rural development program to improve job opportunities, income, and the quality of life in rural America.

Against the Sugar Act, which increases the price of sugar to consumers.

Against the wheat and feed grains national reserve bill permitting the Government to purchase 325 million bushels of grain for storage.

Against reimbursement to domestic manufacturers for losses due to ban on cyclamates.

CIVIL RIGHTS

For lowering voting age to 18 in State and local as well as Federal elections.

For repeal of authority for emergency detention camps in time of war.

For Federal court enforcement of anti-job discrimination laws.

For equal rights amendment for women.

Against CBS contempt citation, which infringed upon freedom of the press.

CONSUMER PROTECTION

For establishment of a Consumer Protection Agency, Office of Consumer Affairs and Consumer Advisory Council.

For the Consumer Protection Act of 1971.

For amendments to the Flammable Fabrics Act.

CONGRESSIONAL AND CAMPAIGN REFORM

For limitations on campaign expenditures and strict public disclosure requirements.

Against tax checkoff for presidential campaign contributions.

Against automatic increase in congressional fringe benefits.

ENVIRONMENT AND NATURAL RESOURCES

For strengthening of Bald Eagle Protection Act.

For the Noise Control Act to curb its harmful effect on the environment.

For a 5-year moratorium on killing whales.

For the prohibition on hunting from aircraft.

For the expansion of the Water Resources Planning Act.

For the protection of wild horses and burros.

FOREIGN RELATIONS

For humane treatment and release of U.S. prisoners-of-war.

For the continuation of Radio Free Europe and Radio Liberty.

For human rights for Jews in Soviet Russia.

For the Strategic Arms Limitation Agreement signed by President Nixon in Moscow.

For withdrawal of U.S. troops from Vietnam as soon as possible.

For Presidential reports to Congress any time armed U.S. troops are moved to foreign territory.

HEALTH

For free and reduced cost lunch programs for poor children.

For increased manpower for health professions, including nurses.

For National Cancer Attack Act.

For coordination of drug abuse prevention programs of all Federal agencies.

For sickle cell anemia national program.

For medicare coverage for disabled persons.

LABOR

For an increase in the minimum wage.

For an end to the west coast dock strike.

LAW ENFORCEMENT AND CRIMINAL PROCEDURE

For restricting obscene mail to minors.

For drug abusers treatment programs.

For the Juvenile Delinquency Prevention Act.

For an Institute for Continuing Studies for Juvenile Justice.

MILITARY AND DEFENSE

For military pay increases.

For extension of the military draft limited to June, 1973.

For $21.3 billion for procurement, research and development of weapons systems, aircraft and naval vessels.

For drug treatment for armed services addicts.

SOCIAL SECURITY, PENSION PLANS AND BENEFIT PROGRAMS

For increases in social security benefits.

For increases in railroad retirement annuities.

For automatic cost-of-living increases and an increase in the outside earnings limitation for social security recipients, extension of coverage of medicare protection and a new program of aid to the needy aged, blind, and disabled.

For extension of black lung benefits to children whose fathers died of the disease.

For low-cost nutritious meals for the elderly.

For rehabilitation programs for the physically, mentally, or socially disabled.

TAX, FISCAL AND MONETARY POLICIES

For increasing interest rates paid on government bonds.

For the extension of the President's authority to limit wage and price increases.

Against revenue sharing payments totaling $30 billion.

TRANSPORTATION

For greater marine safety in our ports and waterways.

For additional funding for Amtrak.

Against funding of the supersonic transport—SST.

Against widening of buses.

Against a $250 million Federal loan guarantee to Lockheed Aircraft Corp.

Against $315.5 million for high speed ground transportation research and development.

Against a $2 million additional authorization for Transpo 72 exposition.

VETERANS

For additional unemployment compensation payments for ex-GI's.

For drug abuse treatment for veterans.

For educational, vocational rehabilitation, and special training allowances for veterans.

NIXON TRIP

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. EILBERG. Mr. Speaker, the plight of the Russian Jews is an issue that has become a basic part of the U.S. relationship with the Soviet Union and, unfortunately, an issue in the current political campaign.

The latest reports out of Russia indicate that the situation of the Soviet Jews is deteriorating. The new policy of demanding ransom for educated Jews who want to emigrate to Israel has been coupled with increased harassment of individuals. In one report the atmosphere was described as "prepogrom."

While all of this has been going on the administration has claimed that the situation of the Russian Jews has never been better. In fact, one spokesman claimed the President's recent trip to Russia resulted in a great improvement in the Soviet Government's treatment of its Russian citizens.

However, it has been learned that the President's trip was actually a disaster for the Russian Jews.

In a recent article in the Philadelphia Inquirer, Richard Reston, quoted a secret memorandum now being circulated in the White House which outlines just how bad things really are for the Russian Jews.

At this time I enter Mr. Reston's article into the RECORD:

NIXON TRIP CALLED DISASTER TO SOVIET JEWRY

(By Richard Reston)

WASHINGTON.—A confidential memorandum now circulating in the White House says that President Nixon's spring summit conference in Moscow has compounded the problems of Russian Jews.

"It is the conviction of the Soviet Jewish leadership that the President's trip was a disaster for them," a copy of the memorandum says.

"They expressed the opinion that the United States seemed more interested in selling corn than in protecting human rights and individual freedom."

The document also warns of growing Jewish pressure on the United States to use economic pressure on the Soviet Union to obtain better treatment of the Russian Jewish population.

The private analysis of the administration's Soviet policy comes at a time when Mr. Nixon and the Republican Party are wooing Jewish votes and campaign contributions.

The memorandum was submitted to the White House from outside the government. It was written by Leonard W. Schroeter, a Seattle attorney and an employe of the Israeli Ministry of Justice from 1970 until earlier this year.

Schroeter visited the Soviet Union to look into the status of Soviet Jewry after Mr. Nixon's trip.

Schroeter particularly was interested in the new education taxes imposed on those who want to emigrate from the Soviet Union.

The Seattle attorney had lengthy conversations with Russian Jewish leaders and intellectual dissidents, his document says.

"A view reiterated to me by Jewish leadership . . . was that they were living in the most difficult time they have faced in recent years," the memorandum declares.

"They attribute the difficulty of their situation to the recent visit of President Nixon."

At the Israeli embassy a spokesman said, "Everything stated in the document is correct. Schroeter saw the right people and the information is excellent."

"I was advised of . . . their belief that the Soviet climate for Jews is unusually perilous," Schroeter's memorandum says.

"They feel that there is grave danger of government-inspired and/or spontaneous physical attacks upon the Jewish population . . .

"Prior to (the Nixon) visit there were wholesale preventive arrests and the imprisonment of Jewish leaders without explanation in the jails of distant cities and the house arrest of scores of others.

"These men were not released until after the President's visit ended and they were told that their arrests were occasioned by the President's trip."

AN INTERVIEW WITH MR. JOHN C. HOFFMAN

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. FLOOD. Mr. Speaker, many Members of the House may recall that it was my privilege last June to address commencement exercises for the Capitol Page School.

I suppose it is no secret that I have a special feeling for these fine young men who serve this House so well.

In the next edition of the Courier, the school's newspaper, there will appear an interview of the page school principal, Mr. John C. Hoffman. Mr. Hoffman, as I read it, has done an outstanding job of administering the educational programs of our pages, and at the same time providing an outstanding example of quality leadership for those in his charge.

It is my pleasure to present herewith for publication the Courier interview:

INTERVIEW FOR CAPITOL PAGE NEWSPAPER

Mr. John C. Hoffman, Principal of the Capitol Page School, finds time every summer to select and coach a fifteen year old Babe Ruth All Star team from Prince Georges County and this summer his team won the Maryland State Championship, traveled to Canada to win the Mid-Atlantic championship then to Pine Bluff, Arkansas to place third in the World Tournament. In overall tournament competition the team won 11 out of 13 games. Among those on hand to congratulate the boys at Arkansas was Sen. John L. McClellan. Mr. Hoffman has been very active in working with youth having been a coach in baseball, basketball, and football for over thirty years.

Among his recognitions was a testimonial given by over three hundred of his former athletes, the Prince Georges County Junior Chamber of Commerce Physical Fitness Leadership Award, the Governor of Maryland's Distinguished Citizenship Award for outstanding contribution and devotion to the instruction, guidance, and training of the youth of Prince Georges County and the Metropolitan Area demonstrating integrity and ability, the Washington Amateur Baseball Association Award, the Prince Georges County Boys' Clubs Board of Directors' Award in appreciation for many years of coaching youth, the Home Plate Club Award in recognition of dedication and contribution to the welfare of sports in the Greater Washington Community. In 1970 Mr. Hoffman was honored with Life Membership in the Metropolitan Baseball Umpires Association which officiates Atlantic Coast Conference, Mason-Dixon, and other colleges, high schools, and sandlot baseball games. (He has umpired the annual Republican-Democrat baseball game for several years.)

As well as having been an outstanding player, manager, and coach, Mr. Hoffman has been a dedicated educator in the D.C. Public Schools. After being discharged for wounds incurred in World War II he matriculated at George Washington University to receive a Bachelor of Science Degree then Maryland University for a Masters Degree in Guidance and Personnel and joined the D.C. Public Schools in 1948.

He has chaired numerous committees on the exceptionally gifted and the mental retardate. He received recognition for volunteer service as a parole advisor at a District of Columbia Training School for Boys and was honored with Life Membership to the District of Columbia Congress of Parents and Teachers. He was honored by the D.C. Bar Association in 1963 for authoring the booklet titled, "But Your Honor I Didn't Know." His unit based on the booklet which explained laws apropos to juveniles was used in the D.C. Public Schools. He has lectured in the field of juvenile delinquency and special programs for emotionally disturbed children and his more recent quest in his perpetual pursuit of knowledge to best guide his students at Capitol Page School was a three day trip to the U.S. Air Academy to study their academic and guidance program.

This is our principal!

PUBLIC DEBT LIMITATION SHOULD NOT BE INCREASED

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. CORMAN. Mr. Speaker, the Committee on Ways and Means on September 27 reported favorably and without amendments the bill, H.R. 16810, to provide for a temporary increase in the public debt limitation and to place a limitation on expenditures and net lending for fiscal year ending June 30, 1973.

I call to the attention of the Members of the House the dissenting views to this legislation of Congressman JAMES BURKE, Congressman RICHARD FULTON and myself, and ask that these views be placed herein in the RECORD:

DISSENTING VIEWS OF HON. JAMES A. BURKE, HON. RICHARD FULTON, AND HON. JAMES C. CORMAN

Someone else on this committee recently observed that "It may seem anachronistic to oppose on principle a bill with something for everyone, but it is essential that we do so." Similarly, it may seem the height of folly to oppose, on principle, a bill which everyone is for, at least in theory. Certainly, everyone seems to be against inflation and for curbing reckless spending. The undersigned would certainly insist on being included in this group. However, the decision by majority of this committee to include in the debt ceiling legislation before us a spending ceiling of $250 billion this fiscal year without any restrictions or direction as to where the necessary cutbacks will occur raises the most serious constitutional questions which this Congress will ignore to the lasting detriment of future Congresses and to the peril of the very Republic itself.

Now at first glance, the concept of a spending ceiling legislated by Congress and signed into law by the President cannot but appeal to anyone concerned with inflation and its toll. There is no question but that certain Federal programs, in fact almost all Federal programs, have been growing like Topsy and seem to have nowhere to go but up. However, these Federal programs are growing because Congress and the President have passed and signed legislation to authorize them to grow and provide the necessary funding. Now, no one who has ever observed Congress in action has ever accused it of moving swiftly or recklessly in the overwhelming majority of cases. One must, therefore, conclude that all these funds are being spent only after the most thorough examination, review, and deliberation in the executive departments that recommend the program funding levels, in the various authorization committees of both Houses, and on the floor of both Houses; then again in the various Appropriations Committees of both Houses; the floor of both Houses and finally, in the White House. Months of review have gone into these programs involving cross-examination of Government department witnesses, with each program having to defend itself inside and outside executive sessions. In fact, lately the lament has been that Congress has been taking more and more time each year in getting through the budget requests, with continuing resolutions and delayed funding becoming the order of business in the last few years.

In other words, spending has been authorized and appropriated only after all the various and numerous programs competing for the funding available have been thoroughly reviewed and justified themselves for a piece of the pie. While there are constituencies which are vitally interested in particular programs and wage a continuing lobbying effort for the continuance and increased funding of any given program, there are also lobbying groups and vitally interested constituencies behind new programs that are competing with existing programs for the funding available. What it all boils down to is a matter of priorities as the various authorization committees see them and as both Houses in passing authorizing legislation, see them. Even then, we all have a second crack at determining a particular year's actual level of funding when we go through the appropriations process. If Congress is not about its proper business in reviewing and establishing priorities after considering executive department recommendations then we do not know what Congress true business really is. We, the representatives of the people, having raised the revenues, have incumbent upon our shoulders the responsibility to pick and choose between the various competing programs, to determine what the real problems facing this Nation are, in 1972 and 1973, and then what funds are available to deal with them.

No one can deny we have been overspending. We have been trying to fund that little bit extra each year and in the process, we have raised the national debt and we have, no doubt, contributed to inflation. The solution we are now being offered—and in its very simplicity, it is bound to be attractive—is if Congress cannot discipline itself and exercise restraint, put a legal clamp on the funds that can be spent this fiscal year, whatever Congress appropriates. Quite apart from rejecting the implication that Congress alone is somehow to blame and the Executive is powerless in all of this, and ignoring the very valid arguments presented by numerous economists for stimulating the economy out of its doldrums and relying on effective wage and price controls to curb any inflationary side effect, we would do well to examine some of the more serious implications contained in this simplistic approach. When we do we find, as is so often the case with simplistic approaches to difficult problems, there are real dangers and serious risks involved. While we are not in disagreement over the wisdom of curbing spending, where good men fail to agree, even with the best will in the world, is where the ax should fall and how much. This concern cannot be dismissed by those who want to curb spending as just a messy detail. The problem is all too central to any budget consideration. In authorizing a ceiling without resolving this dilemma, we in Congress are doing nothing more than authorizing someone else—the executive department—to make the decision for us.

While Congress has been under increasing pressure to do something to halt rising spending, we have at the same time been under attack for abdicating our constitutional responsibilities. Students of government argue that Congress is no longer an equal partner in governing but has increasingly become little more than a rubberstamp and a weak sister to the other two branches. If the tragic war in Southeast Asia has taught this House a lesson in the past decade, it is what can happen when Congress abdicates its responsibilities and its right to be consulted as an equal partner in the field of foreign affairs and the conduct of war. In the past few months, the distinct impression has gained credence that even those who still could not bring themselves to vote for an immediate end to the war, would never again allow themselves to be put in a position where they were forced to make such a difficult choice, where they felt so powerless to influence the course of events or where they had to support an unpopular war out of loyalty to the President even though they had never had a chance to declare it or to determine whether our national interests really required our involvement in Southeast Asia.

Another issue which has been a source of disgruntled feelings of late has been the impounded funds controversy. Studies have been made, speeches have been given, special orders have been taken—all to focus attention on another area where the executive department seems to be encroaching on congressional power. While those in the executive department can point to a silence in the Constitution on the question of whether the Executive must spend every penny Congress appropriates and can cite past instances, in recent years, under previous administrations where funds have been impounded, there can be no denial that the practice has become more a way of life and reached higher figures than ever before in our history. As far as we are concerned, in the very consistency with which funds have been impounded, in the very fact that it has become a way of life for the Executive, the impounding controversy has its most serious implications. At any given time, every Member has been concerned with the dollar amounts involved and impounding's impact on a particular program as it affects his district; but important as this concern is, it does not begin to approach the concern we all should feel over the long-range Constitutional implications of impounding as a daily tool of government.

We have witnessed in the past several years the growth of a new center of power in our Government. We are referring to the Office of Management and Budget. When the proposal was made to consolidate the budget authority and its management in one advisory office in the White House, there were few Members of Congress who felt that this was more than a routine Government reorganization bill which would tidy up some loose ends and give a sense of direction and control to the Chief Executive Officer, the President, over the far-flung bureaucracy. But the OMB has not stopped here. Not satisfied with establishing its suzerainty over the executive department, the OMB has taken on the airs of a super review agency over the decisions of Congress and in the process, we are witnessing a shift of power from Congress to the Executive.

If our Constitution enshrines any role in the political process as the prerogative of Congress, the representative bodies in our Government, it is the power of the pursestrings, the power to raise and collect revenue and power to determine how those moneys should be spent. The President either approves or disapproves at that time. What we are witnessing increasingly, however, is that after Congress decides, and the President signs, its decisions are reviewed by that new super-agency, the OMB. An agency over which Congress has no control, seems to be exercising considerable control over Congress. Granted, one can never be precise about such matters as this and one can search the Constitution in vain for clear lines between the Executive and Congress, one would have to be positively blind not to see that the intent of our Founding Fathers in framing the Constitution was to give the power of legislating national priorities and channeling the limited funds available, to Congress, not the Executive. One would also have to be insensitive to tradition to see that this is the way it has worked, by and large, for the nearly two centuries we have been in business. One would also have to be extremely naive not to see the clear trend in the last 4 years or the last decade goes against the spirit and we would argue, the letter of the Constitution. Carried to its logical and absurd conclusion, we could theoretically be faced with the situation where the executive department chooses not to spend a single penny on what Congress deems to be the national priorities.

To some extent, Congress has been an unwitting participant in this erosion of authority in allowing too much leeway to Government departments in determining priorities within certain areas and permitting funds to be allocated as deemed appropriate. What has happened is that this discretion has in many cases, left the Government departments at the local level and filtered upward to that new center of power, the OMB, with the resulting irony that discretion originally intended by Congress to be exercised by an agency in the field familiar with local needs and conditions has been absorbed by that most bureaucratic of all agencies, tucked away in the Executive Office Building, the OMB. The fact of the matter is, that the OMB with its bookkeeping mentality and its double-entry approach to things is not capable of either appreciating or reflecting genuine human needs where they exist. This Congress is and it has this responsibility. We have no business abdicating authority such as this to a bank of computers and calculators whose sole criteria in allocating funds are balance sheets and ledgers. We were elected to represent people and their problems, to respond to them when help was needed. The more decisions we defer to the OMB, the more we are abdicating our responsibilities to the people we were elected to represent.

What is the problem? Are the decisions too difficult to make or the political risks too great? Have we decided we would rather have the tough decisions made for us by some back room computers and when the electorate faces us, we can simply commiserate with them and say, "The decision was not ours to make, but rather the OMB's"? The decision is ours to make and not the OMB's. And anything to the contrary constitutes abdication of power and responsibility.

If this Congress wants to do something about inflation, then we can do it ourselves, program by program. And we are convinced we should be doing more about inflation. If we want to have a $250 billion ceiling this fiscal year, then it is up to us to make the cuts where they must be made, to tell our constituents what we have done and if it displeases them we will be the first to know. That is what we were elected to do. If the voters make it clear to us they do not want to see programs cut back, and the majority feeling is for deficit spending, then we might legislate differently. We know the same ones who want to control inflation and put a lid on spending are the same people who will be the first to write when their favorite program of Government spending is cut back. Everyone wants somebody else's favorite program to be reduced as long as their own is left untouched. But this is the way it has always been in a democracy. This is the way it has been for the last 200 years. If these problems and dilemmas are too great for any Representative in this House, then he should resign his seat rather than resign his authority to a Federal agency. He should abdicate his position rather than abdicate his responsibility to a Federal agency.

In voting to put a ceiling on spending without specifying where the cuts are to be made or where they are not to be made, Congress is abdicating its power. Congressional authority is being further eroded. The executive department will be stronger tomorrow because of it. The agency which has become a past master at impounding will become the supreme master of Government spending. The emergency will not be lifted next month or next year. We could well be establishing a precedent today which will characterize the next decade or more of Government. We are creating today a new czar in the executive department—only this time over all Government spending. Now, when Congressmen return home to their districts they can tell their constituents to write to the OMB to see how much money will be available for their constituents' problems this fiscal year. Congress can recommend, but the OMB has the final decision. If this bothers anybody, it should. Because without being melodramatic and without exaggerating one iota, we will be taking one step further down the road to government by decree, rather than by law; government by an all-powerful Executive, rather than by representative government. Dictatorship, no matter how benevolent, is not what this Government is supposed to be.

One of the reasons periodic review of requested increases in the national debt was favored was that it was felt that the national debt was getting out of control.

In other words, Government spending had to be subjected to greater scrutiny. It also was a way for Congress to become actively involved every 3 or 4 months in budget review and economic planning. It was a way of examining what the OMB and the Council of Economic Advisors were up to, how accurate the administration's forecasts were, and how successfully they were managing the Nation's economy on a day-to-day basis. We considered the national debt early this session, we considered it again in June, and now we are considering it again. However, we will be defeating our whole purpose of riding herd on the managers of our economy by attaching this insidious, nefarious rider to this latest debt increase. It is not bad enough we are giving the administration a comfortable cushion to operate the economy for the next few months. We are now giving the OMB power to control spending. Between the cushion we will be giving them with the increased debt ceiling and the power to keep spending below $250 billion, we think we are going to be in for a new era of misleading statistics. We are going to be hearing such glowing reports about keeping within the debt ceiling and cutting back deficits that anyone is going to look good managing our economy. This kind of freedom of maneuver and margin of error goes far beyond the bounds of prudent generosity in our opinion.

It is true, no one need worry about this problem much before November. We are not going to see any big cutbacks in any of these programs before election day. But wait until after the election and you will have only yourself to blame. Several amendments to the spending ceiling, were offered in committee, providing that no expenditure cuts shall be made in the areas of social security, aid to the blind, disabled, and aged, child welfare, health, and veterans benefits. Every one of these efforts met with failure. The mood was: give it to them, no strings attached.

What more power do we have to give the President? The President already has the power to make the budget requests. The President already has the power to veto both any authorization bill and any appropriation bill. The President is already impounding funds, whether he has the authority or not, and now Congress is prepared to cede yet another grant of authority to the executive and give it legislative authority to determine which programs will be fully funded and which programs will be substantially reduced. Surely, there are committee chairmen left who feel capable of wielding power. Surely, there are Members left in this House who feel they would like a say in what programs get what money. Surely, there are Members left who are concerned about implications and what the future has in store.

As for those who argue that previous spending ceilings failed to work because certain programs were exempted from the ceiling, it is important to note that what was being exempted before was the mammoth Defense Department budget which because of the conflict in Southeast Asia proved to be essentially open-ended—in fact, supplementary appropriations were necessary. Insofar as Defense Department spending received more funding than any other domestic program at that time, it is not surprising that any spending ceiling which specifically exempted that Department from a spending ceiling was found to meet with little success. Not a surprising development when one considers, in the view of most economists spending for the war in Southeast Asia has been one of the major contributors to the inflationary spiral that has plagued this country in the past several years. The most often discussed list of exceptions to the spending ceiling in committee did not include the Defense Department budget and even if it did, the changed scale of our commitment in Southeast Asia today has made this budget less open-ended than was previously the case.

It must be underscored, too, that we propose no exception to the $250 billion ceiling. We do propose and recommend Congress insist on excepting, within the limit, some spending which may be cut.

Congress' reluctance to exercise its legitimate authority and specify where the cuts should be made or should not be made is even more difficult to comprehend when one considers how simple a matter it would be to legislate along these lines. There are a variety of approaches which would achieve this objective, none of which would overtax the technical skills of any committee's staff in drafting legislation. Whether the bill specified the dollar amount of cutback in any given program, listed those programs which would be exempted, or stipulated that all programs would be reduced by the same percentage to insure even distribution of the impact of the rollback—Congress would at least be addressing itself to its responsibilities in this area. Executive department assurances that rollbacks will be accomplished in a fair and equitable manner are no substitute for Congress facing up to its own responsibilities. We all know where government by executive department assurances has taken us in the not-too-distant past.

Thus, the Constitutional issues clearly outweigh, in the opinion of the undersigned, any monetary relief which might be gained from the imposition of a no-strings-attached spending ceiling, constituting as it does a blank check grant of congressional authority to the White House. Each of the undersigned recognizes the need for a spending limit if inflation is to be successfully curbed. However, there are perfectly practicable ways of legislating such a spending limit with proper constitutional safeguards. The committee chose to avoid making the difficult choices and instead chose the path of least resistance. Consequently, we have no choice but to oppose this legislation as currently drafted. In its present form, the spending ceiling provision of this bill stands an excellent chance of becoming the Gulf of Tonkin Resolution of the seventies in domestic affairs. Future generations of students, in analyzing the committee's bill, will refer to it as the day when Congress abdicated its constitutional responsibility for controlling the purse strings.

JAMES A. BURKE.
RICHARD FULTON.
JAMES C. CORMAN.

DIVIDING COUNTIES BETWEEN CONGRESSIONAL DISTRICTS

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. ECKHARDT. Mr. Speaker, one of the chief problems that has arisen during congressional redistricting in my State as well as in others is that of divided counties. Many difficulties arise when counties are divided between congressional districts that could well result in less service and inferior representation of constituents by their Congressmen.

In order to better understand the situation and to try to gage the impact of divided counties, I directed my staff to contact other Members of the Texas congressional delegation to elicit their views. The following is a summary of the findings:

REPRESENTATIONAL PROBLEMS RESULTING FROM DIVIDING COUNTIES BETWEEN CONGRESSIONAL DISTRICTS

Sources of Information: The following information has been collected from talking with staff members in the offices of seven Texas congressmen (Mahon, Burleson, Teague, Kazen, Wright, Pickle, and Eckhardt). These congressmen's districts include both urban and rural areas, and three of the districts presently include a portion of a county that has been divided among other congressional districts.

Time devoted to county work: Congressmen Teague and Kazen's offices estimated that their staffs spend approximately 15 to 20 percent of their time serving the interest of some county-wide organization or governmental unit. Eckhardt's office estimates 10 percent of its time is spent on county work. The other offices felt unable to make a rough estimate of time devoted to county work, instead characterizing such work as "continuous" or involving "a great deal of time".

Problems arising from divided counties: It was generally agreed that dividing counties would at least result in inefficiency and delay for county organizations needing congressional assistance. County groups would initially be faced with the dilemma of deciding whether to work through one or both congressional offices. If the organization should decide that both offices must be consulted, there would be a resulting duplication of time and effort in contacting more than one office. Such duplication could be particularly hard in rural counties. County commissioners and other county governmental units can seldom afford specialized or large staffs. Requiring them to work with two or three congressional offices could be unnecessarily time-consuming and detrimental to the best interest of the individual voter. Since the majority of the requests for assistance will involve the congressional offices serving as intermediaries between the county organization and some federal agency, it will be extremely important for congressional offices to work together to insure that duplicate or possibly even conflicting efforts are not made by the two offices. This means constant checking by one office on what another office is doing.

Even if relations between the two offices are good, such constant checking will be inefficient and confusing, resulting in a decrease of service to the constituent group. If the representatives are of divergent political philosophies or from different political parties, their offices could end up working at cross purposes rather than working together to serve the country.

Often, requests for services will be made to the congressional offices located in the district rather than to the Washington offices. In large urban areas where two district officers may be located in the same federal building, the problems of two district offices coordinating their efforts will essentially be the same as those for Washington offices. However, in rural areas the communications problems will be further complicated by the fact that offices may be located several miles apart (particularly in Texas), and opportunities for meetings with personnel of two offices will be limited. Communication will have to be primarily by phone or mail, perhaps increasing the opportunities for misunderstanding or mistake.

Should a county group decide to work through the office of only one representative, there is still the possibility that the office of the other representative could have a negative influence on the efforts in behalf of the group. When federal grants are involved, agencies will sometimes solicit the comments of the representatives from the area in which the grant may be allocated. If an office had not been contacted by a county organization but was contacted by the governmental agency involved, the response to the agency might not be in accord with the request submitted by the county.

Dividing counties may do violence to the community of interests concept. Because of the common interests and problems of individuals within one county, many governmental programs are designed to be administered through county organizations. These organizations and others which come into being to deal with local problems may find that their lobbying effectiveness may be undercut because of the small number of voters who may be within any one district. A congressional representative will naturally be more concerned with serving the needs of the whole counties whose voters will have more impact on his or her re-election.

BOB ECKHARDT.

CONVERTING TO THE METRIC SYSTEM OF MEASUREMENT

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. FUQUA. Mr. Speaker, the United States, accompanied by Southern Yemen, Tonga, Trinidad, Burma, Muscat and Oman, Sierra Leone, Gambia, Ghana, and Liberia, utilizes an anachronistic system of weights and measures which was first adopted for sound trade purposes and has continued largely through inertia and procrastination. John Quincy Adams participated in the first metric study in 1821 which was, I am certain, similar to the one authorized by Public Law 90–472 in 1968.

The other body has taken affirmative action and passed the Metric Conversion Act. So we have, after 150 years of consideration by the Congress, finally arrived at a method of gradually converting to the metric system of measurement and catching up with every other industrialized nation in the world.

Our present inch-pound system, or the English system, has even been rejected by England in favor of the standardized metric system. A friend of mine at the Florida State University, Dr. Michael Kasha, has provided me a section from an old English handbook which relates to units of measure. I would like to place a retyped version of this section in the RECORD to illustrate the foundation of our present system. We can thank Dr. Kasha for sharing this passage with us so that we might know whether we are getting a good price on the next curnock of wheat or rundlet of wine we might decide to purchase.

It is as follows:

UNITS OF MEASURE

From The Present State of England by Edw. Chamberlayne, 1692, 17th Impression, pp. 14 and 15.

Measures. All measures in England are either Applicative or Receptive.

The smallest Mensura Applications, or applicative Measure, is a Barley Corn, whereof Three in length make a Fingers breadth or Inch, 4 Inches make a Handful, 3 Handful a Foot, 1 Foot and a half make a Cubit, 2 Cubits a Yard, 1 Yard and a quarter makes an ell, 5 Foot makes a Geometrical Pace, 6 Foot a Fathom, 16 Foot and a half makes a Perch Pole, or Rod, 40 Perch make a Furlong, 8 Furlongs, or 320 Perch make an English Mile; which according to the Statute of 11 H. 7. ought to be 1760 yards, or 5280 Foot, that is, 280 Foot more than the Italian Mile; 60 Miles, more exactly 69 English Miles and a half make a Degree, and 360 Degrees, or 25020 Miles compass the whole Globe of the Earth.

For measuring of Land in England, 40 Perch in length, and 4 in breadth, make an Acre of Land, (so called from the German word Acker, and that from the Latin word Ager), 30 Acres ordinarily make a Yard-Land, and one hundred Acres are accounted an Hide of Land; but in this, and also in some Weights and Measures, the Custom of the place is otherwise, which must be regarded.

Mensura Receptionis, or the Receptive Measures are two-fold; first, of Liquid, or Moist thnigs; Secondly, of Dry things.

About a Pound Avoir du Pois makes the ordinary smallest Receptive measure, called a Pint, 2 Pints makes a Quart, 2 Quarts a Pottle, 2 Pottles a Gallon, 8 Gallons a Firkin of Ale, 2 such Firkins make a Kilderkin, and 2 Kilderkins, or 32 Gallons make a Barrel of Ale, 9 Gallons a Firkin of Beer, 2 such Firkins, or 18 Gallons, make a Kilderkin, 2 such Kilderkins, or 36 Gallons, make a Barrel of Beer, 1 Barrel and a half, or 54 Gallons make a Hogshead, 2 Hogsheads make a Pipe or Butt, and 2 Pipes a Tun, consisting of 1728 Pints or Pounds; a Barrel of Butter or Soap is the same with a Barrel of Ale.

The English Wine-Measures are smaller than those of Ale and Beer, and hold proportion as 4 to 5; so that 4 Gallons of Beer measure are 5 Gallons of Wine measure, and each Gallon of Wine is 8 Pounds Troy weight. Of these Gallons, a Rundlet of Wine holds 18, half a Hogshead 31 Gallons and a half, a Tierce of Wine holds 42 Gallons, a Hogshead 63 Gallons, a Punchion 84 Gallons, a Pipe or Butt holds 126, and a Tun 252 Gallons, or 2016 Pints.

To measure dry things, as Corn or Grain there is first the Gallon, which is bigger than the Wine Gallon, and less than the Ale or Beer Gallon, and is in proportion to them as 33 to 28 and 35, and is counted eight pounds Troy weight. Two of these Gallons make a Peck, four Pecks a Bushel, four Busehels the Comb or Curnock, two Curnocks make a Quarter, and ten Quarters a Last or Wey, which contains 1520 Pints, and about so many pounds; so that in a Garison 5000 Men allowing each but a pound of Bread per diem, they will consume near a Last, or 80 Bushels every day; and 250 Men in a Ship of War, will drink a Tun of Beer in two days, allowing each Man but his Pottle per diem.

THE NEXT 4 YEARS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. ROSENTHAL. Mr. Speaker, the New York Times today endorsed Senator GEORGE S. MCGOVERN for President in the belief that—

> His humanitarian philosophy and humane scale of values, his courage and his forthrightness can offer a new kind of leadership in American political life.

It is in just these areas, the Times declares:

> The Presidency of Richard M. Nixon has largely failed.

GEORGE MCGOVERN's promise as President extends well beyond the excellence of his innovative solutions to pressing national and international problems. It extends to the fact that he is a man who can provide the moral leadership our Nation needs. He can replace cynicism and expediency with honor and truthfulness.

The Times editorial follows:

THE NEXT 4 YEARS

In less than six weeks, we, the American people, will be choosing the President and Vice President of the United States for the next four years. But we will be doing more than that; we will be determining whether we want this country to continue along the course it has been taking during the past four years, or whether we want to restore to American political life its traditional values of democratic liberalism and social concern.

In an America striving to realize its own vision of equality and liberty under the rule of law, the Presidency requires particular qualities of character, leadership and moral force that transcend the narrow bounds of personal ambition and of party politics. It requires a perception of the things that are wrong with America—politically, socially, economically, morally—as well as the things that are right; and a sense of priorities that gives precedence to human needs and public integrity over the panoply of wealth and the arrogance of power.

The New York Times urges the election of George McGovern for President of the United States. We believe that Senator McGovern's approach to public questions, his humanitarian philosophy and humane scale of values, his courage and his forthrightness can offer a new kind of leadership in American political life. We believe he can restore a sense of purpose to the American people as a whole, a sense of participation to their component parts and a sense of integrity to their Government.

In these respects, it seems to us, the Presidency of Richard M. Nixon has largely failed.

Mr. Nixon has indeed had his spectacular triumphs; and this newspaper has never hesitated to applaud the accomplishments of the President and his Administration when we thought that he was serving the best interests of the American people, even when in doing so he was adopting policies that he had spent a lifetime in opposing. But despite his best efforts—in regard to China, the Soviet Union, economic controls and so on—Mr. Nixon has failed both in principle and in practice in other areas of public policy even more vital than those in which he has scored his successes.

Not only has Mr. Nixon failed to carry out his explicit pledge to end the Vietnam conflict, on which he won the election by a hair's breadth four years ago; he has pursued a policy that appears to move in one direction while actually moving in another. Constantly emphasizing the winding down of the war and the withdrawal of American troops, Mr. Nixon has nevertheless enlarged the scope of hostilities, undertaken the biggest bombing campaign in history and committed American prestige to an increasingly authoritarian regime in Saigon.

The Vietnam war is but one area where President Nixon has failed either to carry out his pledge or to give the nation the moral and political leadership that would indeed unite us—as he promised to do four years ago. This Administration appears to be without basic philosophy, without deeply held values, an Administration whose guiding principle is expediency and whose overriding purpose is to remain in office.

The pursuit of excellence has been subordinated to pursuit of the next election, as evidenced by some of Mr. Nixon's appointments in such ultra-sensitive areas of Government as the Department of Justice and the Supreme Court. In many of its social, economic and fiscal policies; in lax standards of probity and truthfulness in government; in favoritism toward special interests; in its addiction to secrecy; in its disregard of civil liberties and constitutional rights, the Nixon Administration has been a failure.

President Nixon has shown himself willing to exacerbate America's racial divisions for purely political purposes; he has countenanced and encouraged an ominous erosion of individual rights and First Amendment freedoms, and has demonstrated his indifference to such dangers by deliberately selecting Spiro T. Agnew as his potential successor to the Presidency. Protected by the White House curtain, he has stood above the political battle as the odor of corruption and of sleazy campaign practices rises above the Washington battlefield.

A McGovern administration, The Times believes, would reverse the unmistakable drift in Washington away from government of, by and for the people. It is undeniable that since his nomination Senator McGovern has been on the defensive, partly because of the Eagleton episode, partly because of ill-considered comments on specific points that he has subsequently modified or corrected, and partly because of the confused management of his own campaign. But on his record, and on what he has consistently stood for in his years of public office—a consistency in striking contrast to that of his opponent—it is clear that Mr. McGovern will fight for effective and necessary reforms in American social, political and economic institutions.

What this election comes down to is a decision on the direction in which the United States is going to move for the next four years.

Are we going to continue to pursue a foreign policy that, for all its success in certain areas, is essentially based on military supremacy, on a strident nationalism and on a cynical power game that could alienate this country from substantial segments of the international community?

Are we going to continue to pursue a domestic policy that, in its fundamentals, is contemptuous of civil liberties, oblivious of deep social conflicts and racial and economic cleavages in the cities of America, and oriented toward that very "military-industrial complex" against which President Eisenhower perceptively warned us so many years ago?

On virtually every major issue from the war to taxes, from education to environment, from civil liberties to national defense, Mr. McGovern—faltering though many of his statements have been—seems to us to be moving with the right priorities, with faith in the common man, and within the democratic framework. While this newspaper does not necessarily accept his program in every detail as he has thus far outlined it or as the Democratic platform has structured it, we are convinced that the direction of American policy in the next four years would be in safer hands under a McGovern-Shriver administration than under the present regime.

There can be no doubt that Mr. McGovern is now far behind in the Presidential race. But if he succeeds in these next few weeks in getting his basic philosophy of democratic government across to the electorate, a philosophy that rejects the meretricious appeal of his opponents, Senator McGovern may yet touch a chord in the American voter that will respond to his own practical vision of an American society that cares and an American democracy that works.

THE ENERGY CRISIS AND OUR COASTAL STATES

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. BOGGS. Mr. Speaker, on numerous occasions in the past, I have taken this floor to discuss what is really two aspects of a single problem, not just confronting my State, Louisiana, but our Nation as a whole. I am referring, of course, to the growing energy crisis and the urgent need to apply the same treatment regarding revenues from mineral production on Federal lands to coastal States as is presently applied to inland States.

At the present time, inland States, because they provide valuable public services at considerable cost, receive 37½ percent of the revenues arising from mineral production on Federal lands within their borders. This is an entirely equitable and justified procedure because inland States provide public services which make mineral production possible.

At the same time, however, there is no formula by which coastal States can share the revenues from mineral production on Federal lands lying off their shores on the Outer Continental Shelf. Louisiana, for example, builds the roads, constructs the hospitals and schools and provides countless costly public services which make mineral production on the Outer Continental Shelf possible, but it does not receive a penny of the revenues generated by that production.

Because they incur growing expenses in providing these governmental services which make possible production on Federal lands, several inland States are now asking an increase in their share of the revenues.

Coastal States are entitled also to share in these revenues.

The New Orleans Times-Picayune, under the leadership of its distinguished editor, George W. Healy, Jr., is leading a vigorous public education campaign for the case for the coastal States.

Following are two editorials and an editorial report which appeared in recent editions of the Times-Picayune. I am inserting them in the RECORD and calling them to the attention of any colleagues on both sides of the aisle:

[From the Times-Picayune, Aug. 22, 1972]

OFFSHORE CAMPAIGN NOT OVER

The coastal states, with Louisiana in the forefront, lost a battle at Miami Beach this past weekend.

This setback should not mean the loss of the war for equitable treatment of the coastal states in the sharing of revenues from offshore federal lands.

Members of the Republican platform committee proposed a plank urging sharing of revenues from offshore federal lands with adjacent states in the same manner that revenues from inland federal lands are shared.

Failure of this subcommittee proposal to obtain a two-thirds majority in the whole platform committee followed a talk by the Hon. Rogers C. B. Morton, the secretary of the interior. The secretary reported that he is conducting negotiations with several states regarding the proportion of revenues from federal lands which they are receiving under the Minerals Leasing Act of 1920.

Most of the states in which federal lands are producing revenues are receiving 37½ percent of those revenues. Alaska is receiving 90 per cent.

Because they incur increasing expenses in providing governmental services which make possible production of the federal lands revenue, several of the inland states—with Wyoming in the forefront—are asking a larger share.

An original argument for sharing lands revenues with states within which those revenues are produced was that the states collected no ad valorem taxes on these lands. Subsequently, as production of revenues from the lands increased, the states experienced mounting costs for providing roads to the federal lands, for educating and providing police protection for the growing number of families of workmen engaged in oil, gas and other minerals activities in the federal lands and for other governmental services.

Wyoming received $75,722,939.53 as its 37½ per cent share of inland federal lands revenues 1968 through 1971. It feels that it should receive more, and it may have a valid claim.

Louisiana and other coastal states received no share of the $3,422,741,000 produced by offshore federal lands during the same four years. We know that the adjacent coastal states deserve a share of this revenue.

Although the coastal states would not collect ad valorem taxes on submerged lands, they could collect severance taxes on oil, gas and other minerals severed from those lands. If collectible, Louisiana's severance tax on natural resources extracted from federal lands adjacent to this state between 1955 and 1968 would have brought $397,356,668.42 to our state treasury.

Secretary Morton, we believe, desires to settle the matter of sharing of revenues from all federal lands, both inland and offshore, at one time. Alaska, California, Colorado, Montana, New Mexico, Utah, Wyoming and other states now receiving substantial shares of revenues from inland federal lands certainly should agree that the coastal states deserve some share of revenues from offshore federal lands. Perhaps, because of the ad valorem tax factor inland states deserve a slightly larger percentage of federal lands revenues than do coastal states—even if the coastal states' loss from inability to collect severance taxes on minerals produced from adjacent submerged lands means a loss of considerably more revenue than would be generated by ad valorem taxes.

The most compelling reason for an early settlement of this long controversy, in our opinion, has been summed up by Secretary Rogers.

Writing about the nation's acute need for sources of energy in The Journal of Ocean Business, April, 1971, Secretary Rogers said: "A proven way (of avoiding energy shortages), of course, lies in the accelerated development of the oil and gas resources of the Outer Continental Shelf. There are about 800,000 square miles of prospective territory remaining virtually untouched. Even off Louisiana, more than 9 million acres remain to be leased. There is no part of the United States out to 200 meters in depth that current technology cannot develop."

Unlike Louisiana, Atlantic Coast states have not encouraged offshore exploration for oil and gas. They have resisted it for understandable reasons. First their state government expenses would be increased, without compensation, if they did not share with the federal government revenues produced from federal lands off their shores. Second, some of them have not learned that offshore oil and gas activity—as demonstrated in the Gulf of Mexico—increases the fish population, including shellfish, and poses no serious threat to the environment when properly supervised.

This war for equitable treatment of the coastal states and for alleviating a critical energy shortage—by giving all coastal states an incentive to encourage greater production from the Outer Continental Shelf of the United States—is not a no-win war.

It can be won through concerted efforts of many concerned citizens led by such organizations as Gov. Edwin Edwards' new Task Force on Offshore Revenue Sharing, by the Committee for A Better Louisiana and by similar groups and agencies.

The cause is just, but winning is not going to be a one-man or one-newspaper job and will not be accomplished by lip service.

Coastal states' representatives should take the position that they have just begun to work—and get working.

[From the Times-Picayune, Aug. 24, 1972]

MORE ENERGY AND INCENTIVES

Although it contains no specific mention of states' interests in revenues from adjacent offshore federal lands, there is an indirect cry for justice for coastal states in one of the Republican platform planks.

This plank asserts that avoidance of power shortages calls for "sound policies supporting incentives that will encourage the exploration for, and development of, our fossil fuels. Such policies will buy us the time to develop the sophisticated and complex technologies needed to utilize the exotic energy sources of the future."

In other words, we should produce more oil and gas while we develop atomic and other new sources of energy.

Louisiana produces 25.8 per cent of the fossil fuels now produced in the United States. This includes large volumes obtained from federal lands in the Gulf of Mexico off the state's coast. No oil or gas is produced from United States lands in the Atlantic Ocean.

Atlantic Coast states are discouraging exploration off their shores. They have observed that the federal government has not shared with Louisiana, Texas and California revenues which it has received from its lands off their coasts. States along the Atlantic Coast have no incentive to encourage offshore production.

The Republic platform points out that "more than half our nation's domestic fossil resources now lie under federal lands." Most of these lands are in the Outer Continental Shelf.

The platform urges that "high priority must be given to the governmental steps necessary to the development of these resources."

A first step, in our opinion, should be for the federal government to share with coastal states revenues from offshore federal lands in the same manner that it shares with inland states revenues from its inland public lands.

OFFSHORE REVENUE SHARING MUST IN ENERGY CRISIS—INCENTIVES NEEDED FOR EXPLORATION

(By George W. Healy, Jr.)

As The Associated Press reported in The Times-Picayune a week ago, energy crisis has become a household term.

Slowdown in the exploration for domestic oil and gas has increased dependency of the United States on other nations for sources of energy. Gas, the cleanest fuel, is in short supply. Most of the nation's coal supply cannot be used to generate electricity because of stringent air-pollution laws.

Some of the nation's leaders are looking to the Persian Gulf, to Saudi Arabia, to the North Sea and even to new fields on the Ob river in Siberia as the answers to America's prayers for more energy sources.

Because of inherent dangers of dependence on sometimes unfriendly foreigners for the necessities of life, we doubt that foreign oil and gas are the answer to our immediate needs.

More exploration in and production from the Outer Continental Shelf of the United States—including submerged lands off Alaska—offer an easing, if not a solution to our energy problem. We believe that this increased production of oil and gas from our Outer Continental Shelf will be achieved if the Congress will provide an incentive for coastal states to encourage exploration and production.

A readily available incentive, in our opinion, would be sharing of revenues from federal offshore lands with adjacent states in the same manner that revenues from inshore lands are being shared and have been shared for many years with Wyoming, New Mexico, Colorado and other inland states.

As basis of our conclusions, we submit excerpts from written statements and other expressions by persons and organizations whom we consider qualified to speak with authority on subjects which they discuss.

ON NEEDS FOR OIL AND GAS IMPORTS

It is a little difficult to consider the future in oil because our predictions in the past have always been so wrong. The Task Force on Energy, which completed its work two years ago, said that in 1980, at a price of $3.30 (per barrel) in the United States . . . we would be consuming a little over 18 million barrels a day, and we would be producing 13.5 million barrels in the United States. The figure we're using now is generally, I think, 24 million barrels consumed in 1980, with 12 million produced in the United States and 12 million imported, most of which will be coming from the Eastern hemisphere. . . .

I don't think that anybody can argue that our Middle Eastern policy has been successful in turning the Arabs into our friends, or our allies, or that it has made Arab oil secure for the United States. We hear repeated threats from Arabs to cut off oil; there have been at least six since the beginning of this year, and we take them very, very seriously.

The main argument for the oil import program is security . . . The main argument against the oil import program, and the argument against taking any other measures to increase alternative sources of energy, is the cost. And the argument is that we have cheap foreign oil and this is what we should use.

This chimera of cheap foreign oil is rapidly disappearing, however. We have a schedule of increasing prices in Organization of Petroleum Exporting Countries right through 1976. By 1976 we believe that world prices of oil are going to be same as in the United States. That's not far off. And by the end of this decade the price is going to be $5.—James E. Akins, Director, U.S. State Department, Office of Fuel and Energy Quoted in The Conference Board Record, July, 1972.

THE "GRAVE RISK" OF IMPORTS

The United States depends upon petroleum to satisfy as much as three-fourths of its over-all energy needs. And petroleum is the source of energy in shortest supply. In the opinion of some, the domestic shortage is not a reason for concern because, it is claimed, the United States can import all it needs. Under no logical circumstances, however, could nearly enough natural gas be imported. And, even though a sufficient amount of foreign oil conceivably might be brought in, the nation would be taking a grave risk in doing so. To depend upon uncertain foreign sources for such a high proportion of its oil supply would make no more sense than to expect foreign countries to provide for this nation's defense. Not only would the U.S. be in a position of constant weakness, always vulnerable to having a major portion of its oil supply cut off, but it would also suffer from a monumental balance of payments deficit.—Outlook for Energy In the U.S. to 1985. The Chase Manhattan Bank, Energy Economics Division.

PREDICAMENT: AVAILABILITY

In the use of our conventional primary energy fuels—oil, natural gas and coal—we are faced with two basic problems. Estimates of our domestic resource base for oil and natural gas—as distinguished from known, proved reserves—appear to be adequate to meet our projected consumption of these fuels well beyond the year 2000. The Geological Survey has estimated that 450 billion barrels of petroleum liquids and 2,100 trillion cubic feet of natural gas are undiscovered but recoverable under current technological conditions. If all this energy were available, it would meet our 1971 needs for these two fuels almost 100 times over.

The predicament is that this energy is not presently available to the consumer. The necessary exploration and development to convert these resources, most of which lie thousands of feet beneath our lands and continental shelves, into proved reserves which can be produced for the consumer have not yet taken place. Proved reserves presently available are only equal to about 10 to 15 per cent of the undiscovered resources. If the energy potential from these natural resources is to be adequately realized by 20th-Century Americans, the efforts of our oil and gas industry must be greatly increased.—The late William T. Pecora, Undersecretary, Department of the Interior.

PROSPECTS FOR INCREASED PRODUCTION FROM DOMESTIC SOURCES

A proven way (of avoiding energy shortages), of course, lies in the accelerated development of the oil and gas resources of the Outer Continental Shelf. There are about 800,000 square miles of prospective territory remaining virtually untouched. Even off Louisiana, more than 9 million acres remain to be leased. There is no part of the United States out to 200 meters in depth that current technology cannot develop.—Rogers C. B. Morton, Secretary of the Interior Offshore, The Journal of Ocean Business, April, 1971.

Today, about 17 per cent of our current oil and natural gas production comes from less than two per cent of the offshore areas available for leasing. In terms of its potential for energy in the future, the federal offshore becomes even more significant.—Statement filed July 26, 1972 with the Committee on Interior and Insular Affairs of the United States Senate by the American Petroleum Institute, Mid-Continent Oil and Gas Association and Western Oil and Gas Association.

Oil and gas will have to supply the majority of our near-term energy needs. Large quantities of these resources have been found in the public lands and the Outer Continental Shelf, and large undiscovered potential remains.—Aforementioned statement filed July 26, 1972.

All this constant turnover (of the earth's crust) unearths new treasures in iron, manganese and other valuable ores across vast areas of the ocean's bottom, just waiting to be mined if man can achieve the finances and technology to do it.

Along other regions of the ocean floor, most near coast-lines, are rich reservoirs of oil and gas. Some of these have been tapped for years but what has been drawn from beneath the seas is but the tip of the iceberg.—Dr. Melvin Peterson, Chief Project Scientist, Deep Sea Drilling Project, Scripps Institution of Oceanography.

The Sigsbee Knolls are dome-like structures on the smooth floor of the Gulf of Mexico. One of these was drilled and found to contain oil in a "cap rock" that characteristically overlies salt domes. It is hard to estimate the extent of the oil accumulations or the commercial possibilities of the future but the presence of oil at these depths (12,000 feet) may encourage future exploration into deep water. The hole drilled by the Glomar Challenger was filed with cement to ensure that no oil could escape.—University of California—Scripps Institution of Oceanography report on Deep Sea Drilling Project.

IN-PLACE POTENTIAL OF SHELF, SLOPE

In 1968, the U.S. Geological Survey made detailed estimates of the in-place oil and gas potential offshore, and the amounts that might be recoverable based on various estimating techniques. Studies by Dr. V. E. McKelvey and co-authors indicate that the total in-place potential of the U.S. Continental Shelf (out to 200-meter water depth) may range between 660 and 780 billion barrels of crude oil and 1,640 to 2,220 trillion cubic feet of natural gas. The total in-place potential of the continental slope (200 to 2,500-meter water depth, immediately beyond the shelf) was estimated at 640 to 800 billion barrels of crude oil and 1,590 to 2,230 trillion cubic feet of gas.—Dr. Thomas D. Barrow, President, Humble Oil and Refining Co.

The Outer Continental Shelves appear to be one of the few possibilities that can make a substantial contribution to relieving U.S. energy shortages while also meeting the tests of fitting into an appropriate time frame, maintaining national security, and avoiding balance of payment problems. Yet, recent decisions under the National Environmental Policy Act and existing government policies have severely restricted or halted exploration and development activities in these key areas. The nation cannot afford to sacrifice the potential resources located in its outer continental shelves, because the consequences of doing so may have regrettable and irreversible effects for the entire nation.—Thornton F. Bradshaw, President, Atlantic Richfield Co.

OFFSHORE ENERGY PRODUCTION AND THE ENVIRONMENT

Spills from wells and platforms constitute 2.6 per cent of the total gallon volume of all spills . . . less than oil spills from trucks and trailers and only about one-third as much as spills from railroad tank cars and engines . . . Spills from wells and platforms amounted to an average of 13.17 barrels per day (the wells including both onshore and offshore producers) out of average production of 9,200,000 barrels per day.—J. F. Justiss, Jr., Vice-President, Justiss-Mears Oil Co., Inc. Commenting on Environmental Protection Agency report.

I trust that the environmental movement will not be seduced by the heady atmosphere of recent years. It has achieved some notable objectives, but will it now proceed to consolidate gains that have been made and become a durable force within our society? I would hope that strategies will be formulated in terms of longer-run objectives and systematic treatment of the entirety of a policy issue, rather than the pursuit of immediate tactical objectives in the manner of sea lawyers. All this will be necessary if we are adequately to resolve the difficult problem of reconciling the demand for energy utilization with the goal of protecting the environment—recognizing that energy utilization is a principal source of environmental degradation—and if we are to achieve shared national goals in the quest for coherent policies.—James J. Schlesinger, Chairman, U.S. Atomic Energy Commission, in address to The Conference Board, April, 1972.

The two Gulf Coast states with the most extensive offshore oil production also have the largest shellfish production, according to figures of the National Marine Fisheries Bureau of the National Oceanic and Atmospheric administration.

* * * * *

Controversy regarding title to or "paramount rights" in offshore lands is almost as old as is recovery of oil and gas from those submerged lands.

California, Texas, Louisiana, Florida and other coastal states have contested in the courts conflicting claims to offshore revenues.

A decision of the United States Supreme Court in 1960 was supposed to have settled this long controversy. It held that Texas and Florida were entitled to "historic boundaries" three leagues (slightly more than ten miles) from their Gulf of Mexico coasts.

Since 1960 no final decision has been reached as to where the Louisiana coast actually lies. Courts and commissioners or masters named by courts still are mulling the matter.

In recent litigation the United States Supreme Court, in dealing with the Submerged Lands Act of 1953, which gave the coastal states submerged lands within their "historic boundaries," said that there was no explicit manner provided by the Congress for the determination of the coast of states bordering the seas. It chose to be guided by the Convention on the Territorial Sea and the Contiguous Zone adopted by the United Nations Conference at Geneva in 1958, ratified by the United States on March 24, 1961, and effective September 10, 1964, when the requisite number of nations had ratified it.

Mr. Victor A. Sachse, learned Louisiana attorney who long has been active in submerged lands litigation, observed that "in the California case (called the second California case, 1965) the United States objected to consideration of that Convention and said that the Court should restrict itself to what its decision would have been on May 22, 1953, when the Submerged Lands Act was enacted, but the Court rejected that view and adopted the definitions of the Convention for purposes of the Submerged Lands Act."

The effect of that decision is to make the international line described by the Geneva Convention the means of resolving the domestic dispute between the United States and the states which border the sea.

"If the United States succeeds in limiting the territory of the states," Mr. Sachse points out, "the result will be to limit the territory of the United States and to cast away or into the no-man's-land of the international zones areas that at present no other nation claims.

"With this in mind, the Supreme Court said in the 1969 Louisiana case that it would not allow the United States to distort principles of international law to curtail the territory of the states and concluded this most important phase of its discussion with this most significant statement:

"'. . . The only fair way to apply the Convention's recognition of historic bays in this case, then, is to treat the claim of historic waters (as made by Louisiana) as if it were being made by the national sovereign and opposed by another nation . . .'

"Louisiana in its legal case speaks not only for itself but for the benefit of the whole nation. . . . This same approach will apply to all of the Atlantic states now in litigation with the United States, and to Alaska now in litigation with the United States," says Mr. Sachse, "and the net result will be that to the extent the United States prevails against the state, American territory will be needlessly curtailed in the resolution of a purely domestic allocation of our natural resources."

Sharing of revenues from offshore federal lands, by law, in the same manner that revenues from inland federal lands are shared offers a solution to a long, agonizing problem. It offers, at the same time, incentives for production of more domestic energy and for narrowing the international dollar gap.

CORDELL HULL BIRTHPLACE AND MEMORIAL AT BYRDSTOWN, TENN., HIGHLIGHTS LIFE AND CAREER OF THIS GREAT STATESMAN

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. EVINS of Tennessee. Mr. Speaker, the Tennessee Historical Quarterly recently published an article—which I was pleased to write on request concerning my illustrious predecessor and—concerning the Cordell Hull Birthplace and Memorial recently opened near Byrdstown, Tenn., in the heart of Cordell Hull's beloved Upper Cumberland Country.

The opening of the Cordell Hull Birthplace and Memorial was most appropriate in view of the continuing observance of the centennial anniversary of the birthday of this great Tennessean—outstanding statesman, diplomat, and apostle of free trade and world peace.

Because of the interest of my colleagues and the American people in the life and career of Cordell Hull, I place the article from the Tennessee Historical Quarterly in the RECORD.

The article follows:

THE CORDELL HULL BIRTHPLACE AND MEMORIAL

(By JOE L. EVINS)

The Cordell Hull Birthplace and Memorial—just opened to the public this year—nestles in the green foothills of the Cumberland Mountains near Byrdstown in Pickett County (formerly, in Hull's boyhood, a part of Overton County) Tennessee. The opening of the Birthplace and Memorial on State Highway 53 is timely and appropriate in view of the continuing observance of the anniversary of the birthday of a great Tennessee statesman.

Cordell Hull was born on October 2, 1871, in a small log cabin on a mountain ridge area between the Wolf and Obed Rivers. This cabin has been reconstructured on the foundations of the original building, adhering faithfully to the dimensions and plan of the original cabin and using as many of the original yellow poplar logs as possible. A log cabin museum building has been constructed nearby and in this building interested observers can look back into history through the life and career of Cordell Hull by examining a treasured collection of mementos, photographs, and memorabilia.

The reconstruction and preservation of the Cordell Hull Birthplace has been a most worthwhile project. The late Judge A. F. (Pat) Officer, Sergeant Alvin C. York, Chairman of the Board of Directors of the Cordell Hull Memorial Association, and others who assisted in this project deserve commendation and congratulation. The State of Tennessee applied to the National Park Service of the United States Department of the Interior for inclusion of the Hull Birthplace on the National Register of Historic Places, and on May 5, 1972, it was so entered. As congressional representative of the people of this area, I have recommended that this Birthplace and Memorial be named a historic shrine.

From this modest log cabin Cordell Hull, a determined and dedicated young man, went out into the world to make his mark as one of the great Americans of all time. He became judge, congressman, senator, secretary of state, distinguished diplomat, father of the United Nations, author of the "good neighbor policy," apostle of free reciprocal trade, winner of the Nobel Peace Prize, advocate and drafter of the nation's first income tax and inheritance tax laws, champion of the "little man," chairman of the Democratic National Committee, an architect of Franklin D. Roosevelt's nomination and election as President, and a man frequently mentioned as a candidate for vice-president and president of the United States.

Cordell Hull has assumed his rightful place in the gallery of famous Tennesseeans—which includes Andrew Jackson, James K. Polk, and Andrew Johnson. In the footsteps of these great men he fought for justice and for the people in the populist tradition. And more than that, he was among the first to sense the importance of international relationships and the importance of free and reciprocal trade in building trust between nations and in assisting all nations in building a better life for their people.

Cordell Hull's father, William (or "Billy") Hull, was a hardy, resourceful, energetic mountain man who took great pride in the accomplishments of his talented son. William Hull once said:

"Cord wasn't set enough to be a school teacher, wasn't rough enough to be a lumberman, wasn't sociable enough to be a doctor and couldn't holler loud enough to be a preacher. But Cord was a right thorough thinker."

Billy Hull knew his son. "Right thorough thinking" characterizes the life of my famous predecessor from his early youth. He was an avid student, early interested in law; a great believer in consumate research; a voracious reader, a shrewd, innovative debater; and a clear thinker who, as we say in Congress, always "did his homework" and usually achieved his short- and long-term goals through his great knowledge of his subjects and—in his words to me in later years—"through patience and perseverance," the most important qualities of public office. He was always prepared—and never made a statement until he was certain of his facts with supporting documentation.

He obviously took to heart a motto on the wall of one of the first schools he attended—Montevale Academy at Celina—which read: "There is no excellence without great labor."

Friends of Cordell Hull recall that he had a keen sense of humor as a boy, and was not beyond engaging in boyish pranks. Mrs. H. F. Srygley, daughter of W. L. Brown, a pioneer citizen of Clay County, recalls her family's close association with the Hull boys, especially Cordell and Senadius Selwin (Nade) while they attended school in Celina. She has written me at length regarding various anecdotes and recollections concerning Cordell Hull, which are fascinating but too numerous to be included in this report.

She stresses that much has been written about Judge Hull as an austere statesman, and comments: "A statesman he was, but I remember the human side of him, the kindness, the thoughtfulness and the humor of this man."

Cordell Hull grew up learning the hard lessons of the Cumberlands where men advance because of their ability and resourcefulness. He indeed had a marvelous sense of humor and often referred to illustrative incidents and anecdotes with a Tennessee origin and flavor—whether he was talking to Soviet Foreign Commissar Vyacheslav Molotov, British Foreign Minister Anthony Eden, or an old friend from Byrdstown.

Congressman Hull possessed a high-pitched voice, and in his speeches for tariff reductions and reciprocal trade, he frequently advocated trade "h'yar, thar, and everywhar," and at one international conference he was referred to as "h'yar, thar, and everywhar."

In his early youth Cordell Hull began his political career, participating in public debates, campaigning for candidates, including President Grover Cleveland. In 1890 at the age of 18 he was elected chairman of the Democratic Party of Clay County in a party meeting at the Courthouse in Celina.

Many years later when I visited Cordell in his apartment at the Sheraton Park Hotel in Washington, I asked him which, of all his many honors and achievements, he valued most.

He reflected a moment and responded: "I know I should say that raising the morality of international relations was perhaps my greatest achievement. But, to be honest, I must say that being elected chairman of the Democratic Party in Clay County at the age of 18 was my greatest thrill."

At the age of 18 he was also a delegate to the Tennessee State Democratic Convention, and at the age of 21 was elected to the Tennessee General Assembly. He showed up in the House in a striped Prince Albert coat and a large high-crowned hat—and his friends never let him forget it.

In 1903, at the age of 31, he was appointed by Governor James B. Frazier as a circuit court judge for the Upper Cumberland counties and was elected to that office a year later. In 1906 he ran for Congress and won by 15 of 15,000 votes cast.

"I felt I had some ideas and convictions," he recalled later. "Now I was eager to ring them on the anvil of the Nation."

And ring them he did.

Congressman Hull by this time had settled on his special fields of interest—free trade, tariff reduction, taxation, revenue, economics, and finance, although he faithfully represented his district and worked for the development and growth of his beloved Upper Cumberlands.

Like Andrew Jackson, Cordell Hull was deeply concerned over concentrations of wealth, political influence, and privilege. He was elected during the administration of the combative President Theodore Roosevelt who was warring against special interests—but Roosevelt did not go far enough to suit Cordell Hull.

In his maiden speech in the House, Hull set the tone of his career and purpose in life. "The trust are entrenched behind the walls of the protective tariff system," he said. "The flag of monopoly has always floated above the ramparts of protection."

During his 21 years in Congress, as a member of the Committee on Ways and Means, Cordell Hull fought successfully for an income tax law as a more equitable distribution of the tax burden, for inheritance laws, for reduced tariffs, for antitrust and antimonopoly legislation, and for sound methods of financing the Federal Government's operations, including World War I, which were among his other goals and achievements.

In 1914 he was elected Democratic National Committeeman from Tennessee and, in 1921 following his own defeat in the Republican landslide that elected Warren Harding President in 1920, he was named chairman of the Democratic National Committee. He worked hard to strengthen his party, paid off its indebtedness of $300,000, and resigned in 1924 with a $30,00 surplus—quite an achievement.

On November 24, 1917, he married a gracious, charming and lovely lady, Miss Francis Witz of Staunton, Virginia, and after a two-day honeymoon was back at work on the Hill. He and his beloved wife Francis were a devoted couple until her death, and he often said, "I am the most fortunate of men."

Following the end of World War I, he battled for approval of President Wilson's Treaty of Versailles by the Senate and, although this battle was lost, the knowledge and experience he gained stood him in good stead when, later as Secretary of State, he laid the groundwork for formation of the United Nations.

Hull was reelected and returned to Congress in 1923. As early as 1924 he figured prominently in speculation on the nomination for the presidency. In 1928 Democrats in the Tennessee General Assembly urged his nomination. He never encouraged such expressions of confidence and support and never actively sought the nomination, although his obvious qualifications for this position were discussed periodically through the years.

In 1930 Congressman Hull became Senator Hull. He was extremely active in national Democratic Party affairs and largely due to his influence the party adopted many of his favorite goals and objectives with reference to free trade, reduction of tariff barriers, and a "Good Neighbor" policy toward Latin America.

He and Franklin D. Roosevelt became good friends. Hull often visited in Roosevelt's Hyde Park home on weekends and Roosevelt's man Louis Howe often used Hull's office in Washington. In the 1932 Democratic Convention Hull played a key role in assuring Roosevelt the nomination. In June of 1932 Hull and Roosevelt toured the Tennessee Valley and discussed the economic problems of the area.

It was also in that month that Roosevelt offered Hull the position of Secretary of State and Hull accepted after reaching an understanding that, as Secretary of State, he would have an important voice in formulating American foreign policy.

With the Nation in the throes of a deep depression and with international relations at a low ebb, Senator Hull had this observation as the new Administration took office: "Prayer—we needed it—opened the ceremonies on Inauguration Day, March 4, 1933."

The new Secretary of State expressed his concern over the state of international diplomacy when he took office. "Trust, candor, law and fair-dealing had been banished from many chancellories," he recalled in his memoirs. "There was no such thing as a peaceful settlement of disputes between nations."

Secretary Hull took office during one of the most difficult periods in American history. Adolph Hitler was rising to power in Germany, Mussolini was preparing for aggressive adventures in Italy, Japan was biting off more and more of China, and the enigmatic Soviet Union was flexing its communistic muscles.

Throughout much of his 12 years as Secretary of State, he was compelled in his quest for world peace to engage in the continuing charade of "negotiation" with representatives of the Japanese and German governments while they prepared for war. Representatives of the Japanese government were in Secretary Hull's office when the Japanese military attacked Pearl Harbor on December 7, 1941, and he proceeded to give the cowering delegates a severe "tongue-lashing" for the deception and duplicity of a nation that talked peace and secretly made war.

Secretary Hull was characteristically courtly, diplomatic, courteous and serene—but he could also be blunt, direct, and severe and he shifted his tone and approach as the occasion demanded.

He favored the recognition of Soviet Russia for much the same reasons that President Nixon has initiated a friendlier relationship with Red China. "Two great nations like America and Russia should be on speaking terms," he said.

Once in office Secretary Hull, with President Roosevelt's strong and committed support, went to work in earnest to implement the Good Neighbor policy in Latin America. He attended numerous conferences in South America and in Washington—and he "politicked" for his goals and objectives in Montevideo with the same determination he showed in winning his first election for Congress. He established personal relationships with South American officials and diplomats—and they learned to trust him and his word.

At the same time he supported legislation in Congress to implement his policy and was elated when the Reciprocal Trade Agreements Act was first passed. "My fight of many long years for the reciprocal trade policy and the lowering of trade barriers was won. To say I was delighted is a bald understatement," he recalled in his memoirs.

He became skilled in the international chess game of diplomacy and, in the pre-World War II years, rendered great service by playing nations off against each other to buy time for the Allies and the United States. Following the United States' declaration of war, he was deeply involved in keeping the allies happy in their interrelationships and in damping down the frictions that invariably occurred. He attended the Quebec Conference with President Roosevelt when he met Winston Churchill and startled British Foreign Minister Eden by defining a statesman as "a retired politician, like myself."

On July 23, 1941, he made a major address outlining his concept of a world organization of nations for peace and in 1942 journeyed to Moscow to make his case for such an organization to Premier Stalin and other Soviet officials. He was 72 years old at the time and his health already was beginning to fail.

He was well received by Stalin and they first chatted of rural life in the United States and Russia. Secretary Hull told Stalin that in Tennessee they made rafts by binding them together with hickory wales, and Stalin told Hull that in Russia they used vines to tie the logs together."

During this visit the United States, Russia, England, and China signed the Four Nations Declaration—laying the groundwork for the United Nations. On the same trip Secretary Hull couldn't resist giving a bit of commonsense advice to Soviet Foreign Commissar Molotov.

"After the war," Secretary Hull said, "you can follow isolationism if you want, and gobble up your neighbors. But that will be your undoing. When I was young I knew a bully in Tennessee. He used to get a few things his way by being a bully and bluffing other fellows. But he ended up by not having a friend in the world."

Hull also secured Stalin's agreement for a summit meeting with Roosevelt and Churchill. Hull was a guest of honor at a banquet given by Stalin in the huge Catherine the Great Hall in Moscow, and Churchill in London at that time affectionately referred to Hull as "that gallant old eagle."

By 1944, his last year as Secretary of State, Secretary Hull had seen the tide turn in the war in favor of the Allies and had seen his dream of a United Nations come to fruition at the Dumbarton Oaks Conference in Washington and at the San Francisco Conference, neither of which he attended for reasons of health. Carlton Savage, one of his close associates at the State Department, gave him daily reports on these conferences.

On November 30, 1944, he retired over the vigorous protests of President Roosevelt. Secretary Hull's strenuous seven-day work week under severe strains over a period of years had taken its toll—he was tired, exhausted, and "a very ill man," in his words.

From the Yalta Conference he received a "get well" telegram from Roosevelt, Churchill, Stalin, and other leaders. In 1945 he won the Nobel Peace Prize for his work and dedication for world peace. Judge Bradley McGinnis, longtime friend and associate of Cordell Hull, confided to me on one occasion that, after Cordell Hull had received his notification of the Nobel Peace Prize, he wrote to Judge McGinnis and asked him to advise him whether the cash prize included in the award was tax-exempt. Judge McGinnis was amused that Cordell Hull, who authored the first income tax law, would ask his advice and counsel with respect to an income tax matter.

In his message of acceptance of the Nobel Peace Prize, Hull said, referring to the United Nations:

"I am firmly convinced that with all its imperfections the United Nations organization offers the peace-loving nations of the world, now, a fully workable mechanism which will give them peace, if they want peace."

Following his retirement he received in 1947 from President Truman the Medal of Merit with oak leaf cluster in lieu of a second medal. Truman praised him for "contributing immensely to the Good Neighbor Policy, which was to bear rich fruit in a tragic hour for the United States and the entire Western Hemisphere."

Secretary Hull lived in Washington following his retirement, working on his memoirs with Carlton Savage and enjoying his richly deserved rest and relaxation as much as possible while in poor health. Mrs. Hull died in 1953 and Secretary Hull died in 1955. Both are interred in the Washington Cathedral, where many notables rest.

As Representative of Judge Hull's old District, the author of this article attended the funeral services and was impressed by the large and distinguished gathering of people, especially the delegations from Latin American nations who paid tribute to this great statesman.

In Washington and throughout the world American flags flew at half-mast in honor of the memory of this great, gallant Tennessean who dedicated his life to world peace. President Eisenhower in a proclamation following the death of Secretary Hull praised his "integrity of purpose, his high sense of obligation, and his long and fruitful labors in the cause of peace."

Recently Carlton Savage, long-time associate of Secretary Hull, who had never visited Cordell Hull's beloved Upper Cumberlands, accepted my invitation for a visit to Cordell Hull's Birthplace and a tour of Cordell Hull Country. Savage was enthralled as we retraced the progress of Cordell Hull's early youth and career. We visited Byrdstown and the Hull Memorial Birthplace and Memorial, and Savage browsed through mementos as they were being unpacked and displayed under direction of David Hassler of Byrdstown, the curator.

Hassler and Glenn Sells of Byrdstown, who restored the cabin, explained that the Cordell Hull home had fallen into such a state of disrepair that it was necessary to raze the structure to the foundations and rebuild it completely, using timber from the original home where possible. The cabin consists of a front room, 22 feet by 18 feet, with a loft above and a kitchen in back, measuring 15 feet by 18 feet. Each room has a stone chimney and fireplace. The museum is approximately 30 feet by 60 feet.

Cordell Hull memorabilia in the museum include: citation of the Nobel Peace Prize, various medals from South American countries, civic groups and communities; autographed photographs from President Roosevelt and King George VI; a large porcelain dove from Prime Minister Churchill; white jade figurines from the Chinese Ambassador; many gavels used by Cordell Hull as chairman of the Democratic National Committee; the Hull coat-of-arms; a collection of fans which belonged to Mrs. Hull; an original letter from Thomas Jefferson; honorary degrees from many major universities and colleges in the United States, and a photograph of Sergeant and Mrs. Alvin York, among many other fascinating and interesting mementos.

The late Mrs. Pansy Hill, of Moodyville in Pickett County, is generally given credit for initiating the movement that led to restoration of the Birthplace, and enactment by the Tennessee General Asembly in 1953 of an act establishing the Cordell Hull Memorial Association and providing funds for acquisition of the birthplace and surrounding land, for furnishing the cabin with furniture from the Cordell Hull period, and for restoration of the cabin and construction of the museum.

The original members of the Association, named in the bill drafted by then Representative Robert H. Roberts of Byrdstown, were Sergeant York, Chairman; Judge A. F. Officer, of Livingston, Vice-Chairman; Mrs. Hill, Secretary and Treasurer; Dr. Harry L. Upperman, of Baxter; Luther M. York, of Jamestown; Harmon Overstreet, of Celina; Representative Roberts, now an assistant State Attorney-General; Senator Jared Maddux, of Cookeville; Judge Bradley McGinnis, of Carthage, law partner and longtime friend of Secretary Hull; Senator Solon Fitzpatrick, of Carthage; and Chancellor Edward Turner, of Carthage. Senator Maddux and Senator Fitzpatrick sponsored the bill in the Senate. Named to the board since that time were David Hassler, of Byrdstown, assistant to the Secretary of State of Tennessee; Roy Koger, of Byrdstown; and Mrs. Gwen Mochow, of Byrdstown.

Many of the mementos in the Museum were provided by nieces of Cordell Hull, Mrs. Katherine Hull Ethridge and Mrs. Ruth Schleyer, both of Celina, and Mrs. Elizabeth Uzell, of San Antonio, Texas. Mrs. Ethridge and Mrs. Schleyer are living on Hull Acres, a 525-acre farm owned by Cordell Hull's father on the Cumberland River near Celina. Mrs. Etheridge recalled that young Cordell and his brothers sometimes stayed at this farm while attending school or logging.

With Savage we also visited Lebanon where Cordell Hull received his law degree at Cumberland University, and Carthage, where we saw the Hull homeplace and lunched with some of Secretary Hull's old friends, reminiscing and comparing notes. We also visited Celina, where Cordell Hull attended school and began his law practice, and Gainesboro, Livingston, and Cookeville, all stepping stones in the career of this great judge, legislator, and statesman.

Many monuments honor the memory of Cordell Hull—portraits and busts in some of the courtrooms where he presided as Circuit Judge; busts in the Capitol of the State of Tennessee, the United States Capitol, and in the State Department (moved to a more prominent position at my request as the centennial of Hull's birth was being observed); the Cordell Hull State Office Building in Nashville; the giant Cordell Hull Lock and Dam near Carthage on the Cumberland River; the Cordell Hull Foundation in New Orleans that assists Latin American students attending American colleges and universities; Cordell Hull Parkway; Cordell Hull Bridge, streets, a motel—and an estimated 100 namesakes—living monuments.

As we traveled through the beautiful countryside and enjoyed the same kind of exuberant hospitality from the people we met that Secretary Hull enjoyed, I chatted with Savage about the man.

"You know, Joe," Savage said, "Mr. Hull had a reputation for being very profane. But the strongest thing I ever heard him say was in reference to those who opposed his programs or to the lunatic fringe. He called them the 'polecat element.'"

On that occasion I recalled an anecdote concerning Secretary Hull's characteristic belief in deliberation before taking a position on a controversial issue.

"Take the term 'horseback opinion,'" I said. "Cordell Hull once told me that a horseback opinion is forming an opinion before you get off your horse—a spur of the moment opinion." Hull never did that—he never made snap judgments.

Another example of his deliberate and diplomatic nature occurred when he was a young member of the Tennessee State Legislature. At exactly 12 noon a colleague of Representative Hull asked him what time it was. Cordell Hull pulled out his pocketwatch, looked at it deliberately, studiously looked at the clock on the wall, slowly looked back at his watch and asked:

"What time does your watch say?"

Savage recalled Secretary Hull's dedication to world peace. "He worked tirelessly for a peace organization that led to creation of the United Nations," he said. "He dedicated his life to peace."

In Livingston we visited with Miss Will Harris, past 90, who served as Hull's personal secretary for almost 50 years. She is a gracious lady who recalls with pride her career with Secretary Hull.

Cordell Hull's father William Hull was "without means" at the time of his marriage. He left his father's farm near Clear Fork River in Fentress County to marry and settle down in a rented cabin—the Cordell Hull birthplace—on a ridge between the Wolf and Obed Rivers. William Hull's family had come from North Carolina—he was the son of Allen B. Hull and Serena Maynard Hull.

Cordell Hull's mother was Elizabeth Riley Hull, daughter of Isaac Riley and Lucy Flowers Riley. Her great-grandfather, James Riley from Virginia, fought in the Revolutionary War. Of Irish descent, her people came from Fauquier County, Virginia, and settled along the western base of the Cumberland Mountains, on both sides of the Tennessee-Kentucky line.

Hull recalled that his father, after renting the farm where he was born, bought a horse on credit for $50 and at one time had a small still a mile or so from the cabin in Buncomb Cave—as "stilling" was an accepted practice those days.

Cordell was the third of five brothers. He was named after County Judge John M. Cordell, a close friend of his father. The area in the Upper Cumberlands where Cordell was born was referred to as the "Mountain Section." Roads were poor and almost impassable in bad weather. To go any distance travelers were forced to cross mountains, hills, rivers, and creeks. Mud was "ankle-deep" in bad weather.

The people in the area were of pure Anglo-Saxon, Revolutionary War stock and were full-blooded Americans. They believed deeply in the teachings of Andrew Jackson, John Sevier, and other great Tennessee patriots and statesmen. Children grew up with the reminder of Jackson's favorite motto: "I love my country better than my life"—and this area willingly sent volunteers to fight the Nation's wars.

During the War Between the States this area was a "no-man's land," subject to raids by roving bands of guerrillas. On one occasion Cordell Hull's father was shot and left dead. Following his recovery and the loss of an eye, he tracked down his assailant and killed him in Kentucky—another then-accepted practice to cure an injustice.

Cordell Hull himself did not remember who owned the cabin where he was born. The Cordell Hull Birthplace and Memorial Association purchased the property from John Frank Amonett and wife on September 7, 1953, who had purchased the property from F. A. Neal on August 28, 1933; Mr. Neal had acquired the property from R. A. Amonett, County Court Clerk of Pickett County, November 9, 1932. A fire in the Pickett County Courthouse destroyed all records prior to that date. Older residents of Pickett County recall that this property was at one time owned by Sam Riley, and later by John Zachery.

When Cordell Hull was four years old, the family moved to a farm which his father purchased on the Obed River, three and one-half miles southwest of the rented cabin. Records show that on October 18, 1875, William Hull purchased 600 acres from Henry W. Harrison and wife for $3,000, to be paid in eight notes at six percent interest.

It was here that Hull's father got into the logging and timber business, cutting timber and floating it down the Obed and Cumberland Rivers to Nashville for sale. His father began to prosper and brought in a young schoolteacher to teach his children. At night Cordell Hull and his brothers studied by the light of tallow candles made at home.

In the Spring of 1884 the family moved to a larger farm at Willow Grove in Clay County, and his father continued and expanded his profitable timber business. Cordell Hull briefly attended a free school at Willow Grove and a subscription school under Professor John A. Capps at Byrdstown. It was at this time at Byrdstown that Cordell Hull attended his first court session at the age of 14.

It was in 1885 after returning to the Willow Grove School that Cordell became interested in debating. His first debate was a rousing success—he had researched his subject thoroughly, knew every facet and every particle of the issue—and impressed his proud and delighted father with the presentation of his case.

As a result, he was sent to the Montvale Academy at Celina under the tutelage of Professor Joe S. McMillin, brother of then Congressman Benton McMillin, a member of the Committee on Ways and Means and an advocate of reduced tariffs and an income tax. Cordell Hull drove Congressman McMillin around during his campaigns in later years, and absorbed his philosophy—which Hull also advocated as a member of the Committee on Ways and Means after his election to Congress.

At the age of 15 Cordell Hull decided to become an attorney and by the age of 16 was "reading law" in the Celina office of John McMillin, another member of the McMillin family.

At the age of 17—in 1888—he campaigned for President Cleveland and made his first political speech at a rally at Willow Grove in Clay County. He concluded his literary schooling at a normal school in Lebanon, Ohio, secured his law degree at Cumberland University, Lebanon, Tennessee, and launched his political career, interrupted only by his service as a captain in the army during the Spanish-American War.

The Cordell Hull Birthplace and Memorial is a fitting tribute to this great statesman and this year has taken its place among the shrines of the giants and greats of Tennessee history. Speaking of democracy, Senator Hull once said:

"Democracy is not a static structure, like a cathedral or a skyscraper. Once erected, it cannot be expected to stand by itself from generation to generation. It is a living organism, and therefore must be cared for, guarded, nurtured, and guided."

As one examines the life and legend of Cordell Hull, we must recognize his great contributions to preserving, promoting, and perpetuating the high ideals of our great nation.

ST. LOUIS POST-DISPATCH OPPOSES WEAKENING OF "DELANEY CLAUSE" ON CANCER-CAUSING FOOD ADDITIVES

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mrs. SULLIVAN. Mr. Speaker, in the second year of my first term in Congress, in 1954, I joined with the distinguished gentleman from New York, our esteemed colleague, Congressman JAMES J. DELANEY, in introducing the legislation which 4 years later became the Food Additives Act of 1958, requiring the pretesting for safety of any ingredients intended to be used in food and prohibiting the use of any food additive which is found to cause cancer in man or in animals. Prior to the passage of this act, food manufacturers were free to use any chemicals they wanted to, unless and until the Government could legally prove they were unsafe. The 1958 act was one of the most important consumer laws of the last generation. I have been trying ever since to enact a similar law on cosmetics.

Congressman DELANEY had been chairman of a select committee in the late forties and early fifties which investigated the health hazards growing out of the unrestricted proliferation of food chemicals intended to lengthen shelf life, improve the appearance of food products, or accomplish other economic objectives which had no relationship to the nutritional quality of the food. It was an outstanding congressional investigation in the consumer field. When I came to Congress in 1953, committed to consumer legislative causes, I was proud to ally myself with JIM DELANEY's efforts to do something about this problem.

HISTORY OF THE DELANEY CLAUSE

When the Delaney-Sullivan food additives legislation was first introduced, the food industry opposed it completely. Within a few years, however, as consumer interest mounted on this issue, the food manufacturers became less and less intransigent and finally, out of a genuine fear that the industry might unknowingly be using chemicals which might turn out to be extremely dangerous, there was a general consensus that some legislation should be passed. The industry wanted an exemption for any chemicals then in use. This was unacceptable to Mr. DELANEY and me. The industry also objected to the anticancer clause, which we felt was absolutely essential to the legislation. After prolonged negotiations on this point, our position finally prevailed. The anticancer provision became known as the Delaney Clause in recognition of his pioneering work and effective leadership on this issue.

Over the years since then, Congressman DELANEY and I have joined on numerous occasions to defend the Delaney Clause of the Food, Drug, and Cosmetics Act against attempts to weaken this protection to consumers from the use of cancer-inducing substances in food. An extraneous provision of the 1962 Kefauver-Harris Act on drug safety, permitting the continued use of diethylstilbestrol—DES—in animal feeds as a growth hormone, was passed over our vigorous objections. When I offered an amendment to strike this provision, Congressman DELANEY was the only other Member, I believe, to speak in support of my amendment. We were promised at that time that the minute residues of this cancer-causing ingredient showed up in the carcasses of meat animals, the use of DES would immediately be stopped. For some years, there has been evidence of DES residues in the livers of beef cattle and other meat animals fed with this additive, but only now is the Food and Drug Administration taking action to ban DES in animal feeds. Even so, in violation of the law's intent, FDA is permitting the continued use of feeds containing DES until present stocks are used up.

CYCLAMATES FORCED OFF THE MARKET

Prior to the FDA order banning further manufacture and sale of DES for animal feeds, the FDA was forced to stop the sale and use of cyclamates in food under the anticancer Delaney Clause. This action, plus the belated decision on DES, have led to new attacks upon the Delaney Clause, including recent testimony by FDA Commissioner Charles C. Edwards indicating the law may be too restrictive.

Mr. Speaker, we should be extremely cautious about any attempt to permit the deliberate introduction of known carcinogenic substances into our food supply. Distinguished cancer specialists from the National Institutes of Health and research institutions have warned us that there is no such thing as a safe level of tolerance for any carcinogenic substance in food. I deeply regret the fact that the artificial sweetener which most diabetics preferred to use over all others was found to be cancer inducing in test animals and therefore had to be banned from food products. The question, of course, is how well diabetics would be served by continued use of a known carcinogen. There was much disappointment expressed by diabetics who wrote to me at the time the ban on the cyclamates was announced, but I do not recall receiving any letters since from diabetics or any other consumers then or since urging that this ingredient be allowed in food now that we know it can cause cancer.

There is no doubt in my mind that as test methods become more sophisticated, other food additives now permitted to be sold and used will run into difficulties under the Delaney Clause.

Hundreds of food additives in use prior to 1958 and temporarily "grandfathered" by the act for continued use as long as they were "generally regarded as safe" will eventually, I hope, be subjected to sufficient testing to determine definitely whether any of them are cancer-inducing. This is what happened with the cyclamates. They were placed on the "GRAS" list after the 1958 act was passed and their cancer-causing properties were not finally established until just 3 years ago.

POST-DISPATCH EDITORIAL

The St. Louis Post-Dispatch, traditionally noted for its consumer orientation, discussed the use of carcinogens in food in an editorial which appeared in that newspaper last Saturday. While praising Dr. Edwards' courage in opposing the Nixon administration-supported bill to indemnify the food industry for its losses resulting from the banning of the cyclamates—a bill which 170 of us in the House voted against—the editorial takes issue with the Commissioner of Food and Drugs over the idea of weakening the "Delaney Clause."

The editorial referred to follows:

[From the St. Louis Post-Dispatch, Sept. 23, 1972]

ADDITIVE ADVOCATE

Dr. Charles C. Edwards, commissioner of the U.S. Food and Drug Administration, is taking the astonishing position that, because the food industry is making his job harder, Congress should relax his agency's mandate to protect the health of the American public. Testifying before the Senate Select Committee on Nutrition and Human Needs, Dr. Edwards called for a softening of the 1958 Delaney Amendment to the Food, Drug and Cosmetics Act requiring the withdrawal from the market of substances found to cause cancer in either animals or humans.

With increasingly sophisticated analytical techniques making it easier to detect harmful substances, Dr. Edwards said a strict interpretation of the law is forcing the withdrawal of many chemicals commonly added to foods, if not the foods themselves. This is what led to the banning three years ago of the artificial sweetener cyclamate. Yet rather than welcoming progress in the effort to protect the public, the Nixon Administration's spokesman is proposing to relax the law in order to please the industry that has a $500,000,000-a-year stake in additives. About 3000 additives for food or food containers are already federally approved.

As Senator Gaylord Nelson pointed out, the law does not compel the food industry to do something extra but to stop deliberately adding preservatives, sweeteners, coloring and various other additives which are harmful to the consumer. This is not too much to ask of the industry, even if it means eliminating artificial substances that attract the customer but, without his knowledge, threaten his health.

While rightly opposing a House-passed bill that would indemnify cyclamate producers to the extent of about $500,000,000 for their banned product, Dr. Edwards is in effect saying that similar products should be allowed to stay on the market. If this is the Administration's way of assuaging the pains of a protesting industry, the deleterious implications of the method should not be lost on the general public.

NEW BOBBY FISCHERS FROM QUEENS?

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. HALPERN. Mr. Speaker, I am sure we were all fascinated by the recent world championship chess match in Reykjavik, Iceland. In addition to the drama and interest conveyed to us by the news media, those of us in the New York metropolitan area had the benefit of the superb commentary offered by chess analyst Shelby Lyman on our local educational television station.

Time magazine devoted one of its issues this summer to an interesting study of the personalities of the two players, Bobby Fischer and Boris Spassky. The preparation for this match meant years of training for both of them. Spassky spend several months if not the last few years preparing for the match through physical training comparable to that of an Olympic runner. For Bobby Fischer, this match was the culmination of his complete devotion to the game. Chess playing has been his whole life, both as an occupation and a means of relaxation. Certainly both of these champions have proved that chess is not a sedentary, "soft" form of recreation.

Knowledge of these extraordinary efforts added much excitement to what already is thought of as an intriguing sport. For in chess, one must learn the correct moves and countermoves, right from the first pawn played. While a newcomer to the game must take his time evaluating all possible implications of a play, in due time these actions become a matter of rote knowledge upon which he can instantly rely. Slowly but surely strategies are acquired by which one's chessmen are advanced to produce a checkmate. For the observer, the fascination lies in discerning the elements of a successful game, in being able to put together the threads of a strategy that has prevailed from the start.

I was therefore very pleased to discover that within my own district in Queens there are some potential Bobby Fischers. Joseph Queen, 8 years old, and his brother Alan, 12, are chess champions from Flushing. Their reputation has now spread throughout New York City. In a recent municipal match, Joseph won seven out of nine games while Alan triumphed in eight out of 10. In addition, their sister Ann is now learning to play, at the age of 6. I would like to offer my congratulations to these two young men, and to wish them and their sister the best of luck as they pursue their interest in the game. After all, Bobby Fischer came from Brooklyn; perhaps those of us in Queens may someday point with pride to our own chess champs.

RADIO STATIONS WMMM AND WDJF TAKE INITIATIVE IN CAMPAIGN BROADCASTING

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. MONAGAN. Mr. Speaker, we are all aware of the high cost of running for political office. Campaign expenditures, particularly for the electronic media, have grown so rapidly in the past decade that personal wealth has regrettably become a prime qualification for running for public office in many areas of the country.

It is, therefore, an extremely valuable public service for the electronic media to make free and equal air time available to all candidates for a particular office. This allows the candidates to express their points of view regardless of their financial status. It makes for increased dialog on the issues, and for better informed voters.

I am pleased to report that the management of radio stations WMMM and WDJF in Westport, Conn., have taken just such an initiative with their recent arrangements to make free time available to qualified candidates on a predetermined basis.

Through the allocation of this air time, an action which station WELI in New Haven also took recently, WMMM and WDJF took a significant step forward in public service broadcasting and in improving the quality of our political campaigns. I am pleased to accept this offer and, as I acknowledged in the RECORD on August 10, the offer of station WELI. I ask all Members to join me in commending these stations for their initiative and their concern for the integrity of the political process.

FEDERAL GRANTS, LOANS, AND CONTRACTS IN THE 20TH DISTRICT

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. FINDLEY. Mr. Speaker, taxpayers who live in the 11 counties which make up the 20th Congressional District will be glad to see that some of their hard-earned tax dollars are being returned to them by the Federal Government. In fiscal 1971, the total returned was $606,736,475. Included are all categories, from social security and veterans benefits to water and sewer project grants to cities. Each county received the following amount for 1971:

Adams	$42, 457, 800
Calhoun	4, 262, 037
Greene	13, 730, 820
Jersey	8, 501, 920
Macoupin	29, 356, 777
Madison	147, 012, 888
Montgomery	45, 377, 406
Morgan	20, 169, 192
Pike	14, 467, 144
Sangamon	276, 957, 479
Scott	4, 443, 012

Following is a listing of major Federal grants, loans, and contracts for each of the 11 counties during 1971–72, the years of the 92d Congress. Where more than one county benefits from a program, the item appears where the primary effect is felt. Payments to individuals are not listed:

ADAMS COUNTY

Contract to Quincy Housing Authority by HUD for low-rent housing, $914,544.

Grant to Quincy by EPA for sewage treatment plant, $541,156.

Loans to Adams Electrical Co-Operative, Camp Point, by REA for distribution line, $531,000.

Grants to Quincy College by HEW for National Defense Student Loans, Educational Opportunity Program, Work-Study, laboratory and closed circuit TV equipment, $423,722.

Loan and $85,000 grant to Adams County Water District by FHA for new water systems, $240,000.

Grants to Quincy Public Schools by HEW for Head Start programs, $229,089.

Contract to Harris Intertype Corporation, Quincy, by GSA for audio recorders and reproducers, $200,000.

Grant to Quincy Public Schools by Dept. of Labor to train auto mechanics, $74,197.

Grants to Blessing Hospital, Quincy, by HEW for increased nursing enrollment and nursing student loans, $43,346.

Contract by U.S. Postal Service for constuction of new post office in Golden, $21,000.

Grant to Quincy Civil Defense Office by Office of Civil Defense for outdoor siren warning system, $6,107.

CALHOUN COUNTY

Contracts by Army Corps of Engineers for Mississippi River bank repairs, $1,440,952.

Loan and $18,500 grant to Kampsville by FHA for construction of new sewage system, $200,000.

Contract to Calhoun County Housing Authority by HUD for property improvement, $62,848.

Allocation by Army Corps of Engineers for a seepage study in Sny Island Levee Drainage District, $40,000.

Contract by Army Corps of Engineers for installation of siphon pipe in Sny Basin, $23,625.

Contract by U.S. Postal Service for construction of new post office in Hamburg, $17,750.

GREENE COUNTY

Grants to White Hall by EPA for construction, additions, and modifications to new sewage treatment plant, $290,550.

Grant to Greene County Regional Planning Commission by FHA for planning water and waste disposal services, $10,000.

JERSEY COUNTY

Contract to Grafton Boat Company by Army Corps of Engineers for two 40-foot survey boats, $150,000.

Grants to Principia College by HEW for National Defense Student Loans, $135,792.

Grants to Jerseyville Industrial Development Commission by Dept. of Commerce for administrative costs for 2 years, $49,508.

Loan to Nutwood Water District by FHA to build rural community water system, $35,000.

Grant to Jersey County Regional Planning Commission by FHA for water and sewer plan, $14,500.

MACOUPIN COUNTY

Loan to M.J.M. Electric Cooperative, Carlinville, by REA for distribution line, $627,000.

Grants to Illinois Valley Economic Development Corporation, Carlinville, by OEO and HEW for family planning services, emergency food and medical services, and Head-start programs, $358,027.

Grants to Blackburn College, Carlinville, by HEW for National Defense Student Loans and Educational Opportunity Programs, $105,415.

Contract to Macoupin County Housing Authority by HUD to improve low-rent housing, $50,500.

MADISON COUNTY

Allocation by Army Corps of Engineers for advance engineering to replace Lock and Dam #26 at Alton, $2,300,000.

Grants to Lewis and Clark Community College, Godfrey, by HEW and Dept. of Justice for National Defense Student Loans, increased nursing enrollment, Educational Opportunity Program, Work-Study, nursing student loans and scholarships, and Law Enforcement Education Program, $252,091.

Contract to Alton Housing Authority by HUD for housing improvements, $177,500.

Grant to Madison County Economic Opportunity Commission, Edwardsville, by OEO for family planning services, $11,000.

Grant to St. Joseph's Hospital, Alton, by HEW for nursing student scholarships, $2,352.

MONTGOMERY COUNTY

Grant, part of which to be used in Montgomery County to secure employment for 125 persons through CEFS Economic Opportunity Corporation, $149,400.

Grant to Litchfield by Dept. of Labor for public service jobs, $36,700.

MORGAN COUNTY

Loan to Western Illinois Power Cooperative, Jacksonville, by REA for improvements to Pearl plant, transmission lines, and substations, $4,187,000.

Grants to MacMurray College, Jacksonville, by HEW and Dept. of Justice for National Defense Student Loans, Work-Study, Education Opportunity Program, construction of physical education classroom, $934,741.

Loans and $253,300 grant to Meredosia by FHA for a new sewer system, $600,000.

Loan and $140,000 grant to Murrayville by FHA for modern sewage system, $270,000.

Grant to Jacksonville Airport Authority by FAA for runway improvements, $187,600.

Grants to Waverly by EPA for construction of secondary sewage treatment plant, $110,820.

Grants to Illinois College, Jacksonville, for National Defense Student Loans, Work-Study, and Educational Opportunity Program, $100,155.

Grant to Woodson by FHA for a rural community water system, $82,000.

Grant to Jacksonville by HUD for improvements to central business district, $67,818.

Grant to Jacksonville by EPA for intercepting sewers and new sewage treatment plant, $28,807.

Grant to Elm City Rehabilitation Center, Jacksonville, by HEW for rehabilitation and facility improvement, $24,057.

PIKE COUNTY

Grant to Pittsfield by FAA for improvements to airport, $390,240.

Loan and $45,000 grant to Nebo by FHA for modern sewer system, $175,000.

Allocation by Army Corps of Engineers for flood control in McGee Creek Drainage and Levee District, $100,000.

Grants to Pike County Head-Start summer program, $54,283.

SANGAMON COUNTY

Reservation of funds to Springfield by HUD for Eastside urban renewal project, $8,404,165.

Contracts to Springfield Housing Authority by HUD for modernization of low-rent housing, $2,477,961.

For land acquisition and $289,300 for development of Lincoln Home area, $2,003,000.

Grant to Springfield Sanitary District by EPA for improvements to sewage treatment plant, $1,938,880.

Grant to Springfield Airport Authority by FAA for improvements to Capital Airport, $1,354,100.

Contracts to Sangamo Electric Company by GSA for automatic data processing equipment, $1,143,750.

Contracts to Sangamo Electric Company by HEW for increased enrollment for health professions and start-up assistance, $867,225.

Contracts by G.S.A. for improvements to Post Office and Courthouse Building, Springfield, $599,602.

Grants to Springfield and Sangamon County Community Action, Inc., by OEO, HEW, and Dept. of Labor for neighborhood youth center, emergency food and medical services, Head-Start program, and Neighborhood Youth Corps Programs, $531,219.

Grants to Sangamon State University, Springfield, by HEW for National Defense Student Loans, Educational Opportunity Program, Work-Study, annual interest, training in health fields, and establishing B.S. program in nursing, $445,244.

Grant to Springfield Mass Transit District by DOT for improvements and purchasing 5 new buses, $344,000.

Grants to St. John's Hospital, Springfield, by HEW for increased nursing enrollment, nursing student loans and scholarships training program for family medicine, $343,987.

Grants to Lincoln Land Community College, Springfield, by HEW and Dept. of Justice for National Defense Student Loans, Educational Opportunity Program, Work-Study, nursing student loans and scholarships, laboratory and other instructional equipment & material, annual interest grant, and Law Enforcement Education Program, $193,864.

Contract to Allis-Chalmers, Springfield, by GSA for 6 crawler tractors, $139,170.

Grant to Springfield by Dept. of Labor and HEW for job training, $117,826.

Grants to Riverton by EPA for sewage treatment works, $113,040.

Contract to Urban League by Dept. of Labor for training workers in construction fields in Springfield, $106,390.

Grant to Springfield and Sangamon County Regional Planning Commission by HUD for planning assistance in water and sewage treatment, housing, and public facilities, $75,000.

Grant to Springfield by HEW for Childhood Lead Poisoning Control Program, $70,000.

Grant to Land of Lincoln Goodwill Industries, Springfield, by HEW for facility rehabilitation, $65,855.

Grants to Springfield by Dept. of Labor and HEW for training licensed practical nurses, $54,782.

Grant to Springfield by HUD for planning, housing, water, and sewage treatment according to 1970 census date, $25,000.

Grant to Senior Citizens Center of Sangamon County by ACTION to place retired senior citizen volunteers in community service organiaztions, $23,440.

Grant to Springfield by HUD for open space land program, $11,470.

SCOTT COUNTY

Loans to Illinois Rural Electric Company, Winchester, by REA for distribution line and system improvements, $998,000.

Grant to Winchester by EPA for secondary sewage treatment plant, $50,010.

HOW TO END DIVIDED GOVERNMENT

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following editorial from the Christian Science Monitor:

HOW TO END DIVIDED GOVERNMENT

(By Roscoe Drummond)

WASHINGTON.—Isn't it time to end lame, lethargic, and divided government in Washington?

It can be done.

This government is lame and lethargic in large part because it has been divided government for most of the time the past 20 years.

This means a Congress controlled by one party and the presidency controlled by the other.

PERPETUAL CONFLICT

Month after month, year after year it produces delay, stalemate, and almost perpetual conflict in nearly everything the president and Congress try to do.

It is a peril to democratic government that more and more voters are distrusting politics and politicians and thereby distrusting democracy itself.

This baleful incubus of divided government can be ended any time the American people see it as desirable to elect a president and a Congress of the same party. It could be ended at a single stroke on Nov. 7.

I am not appealing to anybody to vote for President Nixon. I am not appealing to anybody to vote for Senator McGovern. I do not count it the role of a columnist to tell voters how to vote.

But if you want to put an end to divided government in Washington, here is the way it can be done:

If you are going to vote for George McGovern, vote for a Democratic senator and congressman.

If you are going to vote for Richard Nixon, vote for a Republican senator and congressman.

SKEPTICAL OF POLITICS

That will do it and there is good reason to believe that it would bring into being a more coherent, animate, get-things-done government than the U.S. has had most of the time since the end of World War II.

Ending divided government will do more. It would greatly improve the political atmosphere in which government operates—or fails to operate. It would make government more responsive, more responsible and, more important still, more accountable to the voters.

There is plenty of evidence that government is not doing its job adequately and that it's so far behind public opinion that there is little wonder so many voters are skeptical of politics and politicians.

Many times the opinion polls have shown by large majorities the American people want stronger gun-control laws, want the direct election of president and vice-president, approve government reorganization, and back welfare reform.

This democratically controlled Congress doesn't reject the Nixon proposals just as the recalcitrant Republican 80th Congress didn't reject the Truman proposals. They just don't act upon them, or act in a way so dilatory that everything gets worse while divided government is wrangling.

ABILITY TO GOVERN

Daniel P. Moynihan, a specialist on urban affairs and a Democrat who as an aide to Nixon for two years, makes this point in an article in Life:

"The House has twice passed welfare reform by resounding majorities. The Senate is yet to vote on the measure. When proposed it was widely declared to be the most important piece of social legislation since the New Deal.

"Such failures suggest to him (President Nixon) that we face a crisis in our ability to govern, that the machinery of government is obsolete."

One thing which makes the machinery of government obsolete is divided government.

That can be ended without passing a single law. It can be done at the ballot box Nov. 7.

If McGovern is to be elected, he deserves a Democratic Congress.

If Nixon is to be elected, he deserves a Republican Congress.

The leadership of Congress and the president should not be pitted against each other.

EUROPEANS FAVOR NIXON

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. FRENZEL. Mr. Speaker, an article in today's Washington Post by Hobart Rowen provides an interesting insight into the European view of President Nixon's efforts to control inflation and strengthen the dollar.

The conclusion of European bankers and finance ministers currently meeting in Washington is that under President Nixon's leadership—

> The U.S. economy is getting stronger, inflation is coming under control, and in a short period of time, the once weak U.S. dollar could again become the strong currency in the world.

In fact, says Rowen:

> The Europeans are downright envious of the way in which the inflation rate here has been slashed in the last year.

A glowing economic forecast by an administration spokesman might be ignored by some as election year hyperbole, but the dispassionate views of European financial experts cannot be so easily dismissed. The Europeans are in an excellent position to put the economic performance of this administration into perspective. Their evaluation could hardly be more favorable.

The article follows:

EUROPEANS FAVOR NIXON

(By Hobart Rowen)

European bankers and finance ministers are not eligible to vote in American Presidential elections, and that, on the whole, is probably a good thing for Sen. George McGovern.

Although there is hardly a European attending the annual meetings of the World Bank and IMF who didn't spend the better part of the last three and a half years complaining about the U.S. dollar and the "exportation of inflation" from the U.S. to their countries, the European establishment at this point is quite comfortable with Mr. Nixon.

Not the least of their qualms about the Democratic candidate is the fear that Sen. McGovern would give a lower priority to the military defense of Europe. They are well posted on one of the earlier position papers in which McGovern was quite specific on reducing U.S. defense expenditures, and on cutting the number of troops in Europe.

But there is more to it than that. Many of them being politicians themselves, the European money men know that should he be elected, Sen. McGovern would find it necessary to shuck off money of his campaign commitments; there never has been an elected head of State who didn't. So the McGoven attitude on European defense isn't regarded as irreversible.

The obstacle that Sen. McGovern has to overcome in the European mind is that under Mr. Nixon, the U.S. economy is getting stronger, inflation is coming under control, and in a short period of time, the once weak U.S. dollar could again become the strong currency of the world.

So in a practical economic sense—the way they look at it—Mr. Nixon is a success story, and Mr. McGovern is an unknown quantity.

There is almost no real concern about the big deficits in the U.S. domestic budget or in the balance of payments accounts. The European forecast jibes with Mr. Herbert Stein's: a further U.S. recovery in 1973, even if there are renewed inflationary pressures arising from strong demand.

Europeans are not concerned by the high rate of unemployment, or the welfare "mess," or other domestic issues that have plagued the Nixon administration. Abroad, a 5.5 per cent unemployment rate is merely a helpful tool in trimming back inflation.

In fact, the Europeans are downright envious of the way in which the inflation rate here has been slashed in the last year. Despite the problems that still exist for meat and other food prices, the U.S. consumer price index has risen at a rate of only 3 per cent in the last year.

In Germany the rate of inflation is nearly 6 per cent. In most other countries on the Continent, it is running between 5½ and 7 per cent. In Great Britain, it seems to be in a never-ending 9 to 10 per cent cycle. Among major nations, only Canada has done as well as the United States.

One shrewd Common Market official believes that with this competitive edge in world markets, the U.S. will once again enjoy a trade surplus in a couple of years.

A leading German chemical manufacturer has just informed authorities there that lower American prices will force him to locate plants in the United States in an effort to keep his share of the market.

In short, the United States again looks to Europeans like the economic giant of earlier days whose scope is yet to be challenged by a stronger and more united Europe.

The retirement of John Connally from the U.S. Treasury removed an abrasive element, although Europeans guess he probably would be back in power in a new Nixon term. The President has gone a long way to restore the relationships that Connally had jarred by making good on his promise to present a detailed initiative on monetary reform.

Specifically, Mr. Nixon and Treasury Secretary George Schultz made it clear that there is no hostility to a European economic union, operating largely under its own rules if it wants to.

"When you add it all up," said one European banker, "your country is not only stronger economically and doing a much better job now than we are on inflation, but everything is simmering down. A couple of years ago, you'd turn on a TV set in Europe and see riots in the streets. Not now. So things just seem better and while that may be a superficial view, it's the one that most Europeans get."

There is a footnote: Europeans are less entranced than are most Americans with polls. They expect Mr. Nixon to be re-elected, and approve; but they don't take it for granted. Remember, says one, the Truman-Dewey story in 1948.

CONGRESSMAN KEMP PAYS TRIBUTE TO THE PEOPLE OF POLAND AND POLISH-AMERICAN FRIENDSHIP

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. KEMP. Mr. Speaker, yesterday I mentioned in my speech concerning the October 15 Pulaski Day parade in Buffalo, N.Y., that I would be introducing a resolution in memory of the great Polish patriots, Gen. Casimir Pulaski and Gen. Thaddeus Kosciuszko. Today I am introducing this resolution which pays tribute to Polish-American friendship and which requests the President to issue a proclamation designating May 3 of each year as Polish Constitution Day. The resolution also requests the President to invite the people of the United States to observe with proper ceremonies this important event in Polish history.

Mr. Speaker, for the information of my colleagues and all Americans who have an abiding interest in the historic friendship which has existed between the people of Poland and the people of the United States, I include at this time my complete resolution:

RESOLUTION

Resolved, Whereas Poland ranks among the oldest of European nations and became one of the first pioneers of liberalism in Europe by incorporating in the 1791 Polish Constitution the principle of the sovereignty of the people in the state; and

Whereas the people of Poland have for more than a thousand years endeavored to follow the path of peace and freedom and throughout their history have made substantial political, scientific and cultural contributions to the world; and

Whereas the people of Poland share the same spirit and belief in freedom which inspired the American Revolution and the United States Constitution; and

Whereas, in partial recognition of our Nation's debt to the Polish people, the Ninety-second Congress of these United States of America is considering legislation which would authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania; and

Whereas Presidents of the United States, the Congress, Governors of our major States, and mayors in our largest cities have consistently observed and paid tribute to the indominable and freedom-loving spirit of the Polish people; and

Whereas the Constitution of Poland, which was adopted May 3, 1791, represented a milestone in the struggle of mankind to establish representative and democratic government with the full protection of law and equal justice extended to all of the people; and

Whereas May 3 also marks the anniversary of the death of the great Polish patriot, Thaddeus Kosciuszko, to whom our Nation owes so much for his assistance during our struggle for independence, therefore, be it

Resolved, that the President is authorized and requested to issue a proclamation designating May 3 of each year as Polish Constitution Day, and inviting the people of the United States to observe such day with appropriate ceremonies.

THE ENERGY CRISIS

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. MILLER of California. Mr. Speaker, the energy crisis is receiving the attention of more and more Americans.

Of utmost importance in meeting this crisis is adequate support of research and development related to the production, transmission, and utilization of energy in all forms.

Recognizing the vital role energy research and development must play, over a year ago I established a task force on energy within the Subcommittee on Science, Research, and Development of the Committee on Science and Astronautics. Chairing this task force is the only scientist in Congress, MIKE MCCORMACK of the State of Washington.

He has done an outstanding job in guiding the work of the task force.

Its report, due later this year, is expected to be a landmark in energy research and development policy formation.

Congressman MCCORMACK addressed the 1972 Western States Water and Power Consumers conference in Billings, Mont., earlier this week.

His comments on "New Means of Energy Conversion" are relevant to the concerns which my colleagues share with me in finding viable, long term, as well as short term solutions to the energy crisis.

The address by Congressman MCCORMACK contains salient facts of which the American people, especially those of us in Government, should be aware.

They furnish a firm foundation for the coming dialog which will be inevitable as Congress considers the ways and means of meeting the energy crisis for the remainder of this century and beyond.

Mr. Speaker, I should like to take advantage of this opportunity to share Congressman MCCORMACK's ideas with my colleagues, and include his remarks to the 1972 Western States Water and Power Consumers conference at this point in the RECORD:

NEW MEANS OF ENERGY CONVERSION

(An address by the Honorable MIKE MCCORMACK)

Ladies and Gentlemen: This morning I will review several alternate forms of energy conversion that may be available to this country during this century. I will evaluate them and suggest priorities and time-lines for their development. The material from which I will draw comes from the work of the House of Representatives Task Force on Energy, of which I am Chairman. The Task Force on Energy was created by Congressman George Miller, Chairman of the House Committee on Science and Astronautics. We were directed to study and report on the research and development requirements associated with national energy needs. During the one year of its existence, the Task Force has conducted a large number of briefings with the best available experts in every field of energy conversion, transmission and conservation. In addition, the Sub-Committee on Science Research and Development, chaired by Congressman John Davis of Georgia, has conducted six days of hearings on the national energy crisis.

No report has yet been published by the Sub-Committee or the Task Force, however, and the opinions I express here today are my own.

During the 20th Century the United States has depended primarily for energy on coal and some coal gas, petroleum and petroleum products, natural gas, hydro-electricity and from the burning of wood. During recent years we have witnessed the beginning of the commercial development of the nuclear electric power industry; and we are all aware of projections which indicate that during the balance of this century a large portion of newly installed electric generation capacity will be powered by nuclear fission.

This is a reasonable point of departure for our projections for the future, and for our establishing priorities for research and development related to alternate forms of energy. Our nation's energy policy must assume an adequate supply of all forms of energy with a minimum impact on the environment and a maximum concern for conservation of natural resources. Obviously, economic feasibility also will play a major role in selecting any source of energy and any form of conversion.

Today, the major effort in the field of energy conversion is concentrated on the nuclear breeder reactor. Under the direction of the Atomic Energy Commission and the Joint Committee on Atomic Energy, a well-coordinated, well-conceived breeder program is going forward with all reasonable speed. Certainly, the commitment to have a liquid metal fast breeder demonstration plant in operation as soon as possible after 1980 must be the focus of our present efforts. In order to provide an adequate supply of fissionable material, it is obviously essential to an overall energy policy for this nation that the breeder program succeed. In addition to the commendable emphasis on the liquid metal fast breeder reactor (LMFBR) program, we should, I believe, be directing additional attention to alternate breeder programs such as the gas-cooled fast breeder reactor and the molten salt breeder. As much as we must rely on the LMFBR, prudence dictates that we should not place our exclusive commitment on one single course of action in a matter of such importance to our nation.

I think it is important for us to keep our perspective with respect to nuclear energy. We have turned to fission because it is attainable, and because it is the only sure source of electric energy that will provide us with the amount of electricity that this nation will need during the next 20 to 30 years, at a cost we can afford to pay.

However, we should not be oblivious to problems associated with the massive use of nuclear fission. Most important of these is the management and storage of radioactive wastes. I have no doubt that we will develop satisfactory and secure methods for the storage of such wastes. Nevertheless, they are a legacy which we leave to future generations. The obligations and hazards associated with the perpetual care of massive quantities of radioactive materials should not be, I believe, bequeathed to future generations if there are equally attractive means of converting other sources of energy to usable forms. Therefore, I consider it incumbent on this nation to vigorously pursue research and development related to other sources of energy. Before discussing alternate sources of energy, it is appropriate to consider the use of fossil fuels and the role they will play in providing for the nation's needs during the balance of this century.

By any projection, however conservative, we will have consumed essentially all our natural gas resource before the end of this century. In addition, unless we can somehow perform the almost miraculous feat of converting our transportation system away from petroleum-fueled engines within the very near future, virtually all of our domestic oil resource will also be consumed before the year 2000. Of particular concern is the fact that the amount of petroleum available for electric energy production in the near future will be insignificant compared to the demand.

I will not, in this discussion, consider present or future demands for energy for transportation. It may be sufficient to comment that we consume more energy in burning petroleum products for transportation than we consume from all sources to produce electricity. In that respect, it may be interesting to observe that the Department of Interior assumes that in the year 1985, even with the North Slope of Alaska in production, we will be importing 23% of our oil from the Eastern Hemisphere, 8% from Canada, and 13% from South America. When one considers that both Western Europe and Japan also depend upon petroleum from the same exhaustible supply in the politically unstable Middle East for most of their energy, one can begin to comprehend the blood-chilling implications of our depending on imports of more than six million barrels per day from this source, to say nothing of the impact of such imports on our economy and our trade balance. This is, to me, one of the major elements of our energy crisis.

The exhaustion of petroleum and natural gas, tragic in itself, leads to the necessity of placing heavy emphasis on a program for converting our major remaining form of fossil fuel, coal, into usable gaseous and liquid forms. Even with a successful breeder program; coal gasification is the only way to meet this nation's energy demands during this century and at the same time impose reasonable modifications on the existing industrial complex. Gasification offers a significant environmental advantage over the direct combustion of coal by removing virtually all sulfur, arsenic, mercury, radioactive contaminants and noncombustible material before the fuel is burned.

However, there is a much more compelling reason for coal gasification. This nation faces a critical shortage of natural gas in the very near future. It is my personal belief that attempts to import natural gas or to depend upon new gas fields being discovered within the territorial limits of the United States are temporary at best, and uncertain at worst. This nation is served by an underground network of arteries providing gas to industry, business, public buildings, and private homes. It is essential that we keep gas flowing in these pipelines. For this reason the gasification of coal, which is fundamentally a developmental problem rather than one involving basic research, must have the same priority and operate on essentially the same time-line as the breeder program.

We must have economically feasible, large scale coal gasification demonstration plants in operation by 1980. We must have a number of such plants in commercial operation before 1990. Our program must be such that we will not at any time be at the mercy of foreign military or economic pressures with respect to our energy resource requirements.

Even assuming the success of the breeder reactor program and a program for coal gasification on the timelines that I have recommended, this nation should establish as a matter of policy that as much of its energy as possible will, in the future, be obtained from non-exhaustible and essentially nonpolluting sources. Such a policy should be implemented as soon as is economically and technologically feasible to do so.

The first such alternate source is solar energy. Work by Dr. and Mrs. Aden Meinel of the University of Arizona, and others, indicates that it may be possible to build large electric generating plants powered by solar energy collected in "solar farms" located in the deserts of the Southwest. The concepts involved in such a system are quite simple and lend themselves to a broad spectrum of comparatively inexpensive experiments to determine economic and technical feasibility.

The benefits of solar energy are obvious. Feasibility studies can be carried out much more quickly and inexpensively than comparable research and development in, for instance, nuclear energy. It may not be possible to build a full scale demonstration plant producing electricity from solar energy by 1980, but we should explore the many technological options related to solar energy conversion as rapidly as possible. Our goal should be the production of economically competitive solar electric energy in large blocks by the mid-1980's.

Another attractive source of energy for conversion to electricity is geothermal energy. Here again, we may be dealing with a potentially inexhaustible supply of essentially nonpolluting energy. Geothermal energy includes dry steam such as is presently being tapped at Geyser, California and converted to electricity, and the hot underground salt brines near the Salton Sea. It also includes the energy that may be derived directly from high temperature dry rock formations lying deep below the surface of the earth in any one of hundreds of locations in this country or elsewhere. In this instance, as in terrestrial solar energy research, relatively inexpensive research and development may be adequate to demonstrate the economic feasibility of converting geothermal energy to electricity. One intriguing aspect of geothermal energy is that, assuming that it is feasible at all, it may be practical to build comparatively small generating plants near load centers such as small and medium-sized towns, and thus reduce the dependence on long transmission lines.

I believe that our national energy policy should establish the same priorities and time-lines for research and development for terristrial solar and geothermal energy as I have previously outlined for the breeder program and for coal gasification. Such a research and development effort, involving all of these sources of energy and means of conversion, and having them available by the mid-1980's if they are feasible, is well within this nation's economic and technical capability.

There are two other sources of energy which may be available by about the end of this century. The first of these is satellite solar energy. In this instance, collosial satellites will be stationed in synchronous orbit, converting solar heat to electricity with solar panels which are conceived to be many square miles in area. The energy would be transmitted to earth as a focused beam of microwaves, and converted to usable electricity at receptor stations adjacent to load centers. Preliminary feasibility studies for satellite solar energy are already being carried out by a group of major American corporations, funded by the National Aeronautics and Space Administration.

Satellite solar energy seems, if one may coin a pun, to be "pretty far out". However true this may seem, such a proposal is completely in context with the magnitude of energy demands and their costs in dollars which will be facing this nation and this world by the year 2000. Physical studies to determine the technical feasibility of satellite solar energy can and should be undertaken in the near future. However, it will take the balance of this century, even with an aggressive research and development program, before a demonstration facility, hopefully producing competitively priced electricity, can be in operation. Among other problems with this concept is the present cost of solar cells and the obvious need to find some mechanism to mass produce solar panels at a very small fraction of their present cost. Obviously, the solar satellite energy program will be heavily dependant on the space shuttle.

The second long range project that offers so much hope for the human race is controlled thermonuclear fusion. There, indeed, may lie the ultimate source of energy for all mankind, with a virtually unlimited supply of fuel in the heavy hydrogen that is a part of all the water on earth. Fusion research has been aggressively pursued for many years, and substantial progress has been made. There is every reason to believe that we will ultimately succeed in producing economically competitive fusion electricity in vast quantities.

Nevertheless, his promise should not lead us to expecting too much, too soon. Unless there are totally unforseen breakthroughs, it is unlikely that we can anticipate any electric production from nuclear fusion much before the year 2000. Neither should we ignore the fact that the cost will certainly be many billions of dollars. Fusion electricity will be worth all the time and money we will send on it. I am optimistic that it will ultimately be obtained. However, we cannot today anticipate that it will be available before the year 2000.

In my remarks today, I have discussed sevral alternate sources of energy and means of converting them to usable forms. Time does not allowed a detailed discussion of the vast spectrum of research and development projects that must be carried out to make the use of energy in these various forms available to us.

We will need a national power grid and long distance direct-current tranmission lines. Extensive research and development will be required. The promise of low-loss cyrogenic and superconducting transmission lines, and the possible storage of huge amounts of electricity in superconducting systems must be explored. Fuel cells and magnetohydrodynamics may offer great efficiency and flexibility. Materials testing for every type of energy conversion and transmission are critically important, and will be extravagantly expensive and time consuming.

The pollution free burning of all municipal sewage and solid wastes to produce electricity appears attractive for serious research and development.

Energy sources such as the tides, the thermal gradients in our oceans, and the wind may be practical on a limited basis. Continued research and development on oil-shale and tar-sands is certainly in order. Studies on secondary and tertiary recovery of oil and gas holds promise.

In the field of energy conservation, land use policies, zoning, and the construction of domed cities where the use of private automobiles is forbidden, may prove to be practical.

All of these areas of research and development—and many others—will be of great value to our Nation. They must be pursued in an orderly manner, with adequate attention given to national priorities, required lead-times, costs, and potential benefits.

This will not occur by accident. It must be planned according to a national energy policy. It must be under the administrative review of a single agency. It must be adequately funded.

Developing a National Energy Policy is a matter of utmost urgency. The energy crisis grows more acute with each passing day. There are few more important matters facing our nation.

To summarize, this nation cannot afford to proceed into the balance of the 20th Century with a comprehensive and organized National Energy Policy—one that will provide for maximum continuity of supply and optimum use of the fossil fuels upon which we now depend, one that will insure the continued orderly development of our nuclear options and, one that will feature an urgent and intensive campaign to develop inexhaustible and non-polluting sources of energy for the future.

This will require a radical departure from our current national policies and programs with respect to energy resource development. It will require formation of a new federal administrative agency to formulate and direct such a national policy—an agency that will seek the appropriate funding and oversee the programs that are required.

It is clear that the scope of our research and development effort must be greatly expanded and its magnitude greatly increased. We must firmly establish that programs leading to demonstration plants for coal gasification, terrestrial solar energy and geothermal energy have the same priorities and be on the same time-line as those for the nuclear breeder reactor.

On a longer time scale, but still by the year 2000, we should have demonstration plants to establish the technical and economic feasibility of almost perfect sources of energy—satellite solar and controlled thermonucelar fusion.

Even while developing these major new energy resources, we must simultaneously pursue extensive work in many less costly but equally important areas. These efforts must be directed toward the goal of providing the energy that is needed at a low price, and doing so from essentially inexhaustible and non-polluting sources, consistent with our philosophy of protecting our environment and conserving our national resources. This program is well within our nation's economic and technological capabilties today.

Failure to act now on this critical national problem will only result in the need for crash programs in the future with their attendant inefficiencies and skyrocketing costs.

It cannot be overemphasized that this nation is facing a real energy crisis, and that nothing less than new directions, new administrative agencies and greatly increased national effort will suffice to protect us from serious problems in the future.

H.R. 16742, LONG OVERDUE

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. ICHORD. Mr. Speaker, the House will soon be considering H.R. 16742 recently reported to the House by the House Committee on Internal Security. The September 27, 1972, edition of the Evening Star and Daily News contained an excellent article by noted columnist David Lawrence as to the need for H.R. 16742, which I commend for reading by the Members:

VIET WAR BILL THAT WAS OVERDUE

(By David Lawrence)

At last a committee of Congress has taken a step to stop Americans from dealing with the enemies of the United States in the midst of a war.

The House Internal Security Committee has approved a bill which would prohibit any citizen of this country from traveling to nations engaged in armed conflict with the United States unless authorized by the President after he had determined whether the trip was in the national interest. Violators would be subject to a prison sentence, a fine, or both.

The action by the committee, which would be followed soon by passage in the House and Senate, is aimed at those who have been in communication with officials in North Vietnam and who have been told by their friends or misguided advisers that it is proper to go there. Unquestionably North Vietnam has used innocent persons as instruments for its propaganda and has convinced some members of the families of prisoners of war that there was nothing improper about their trips.

Richard H. Ichord, Democrat of Missouri, who is chairman of the House Internal Security Committee, has expressed the hope that passage of the bill would "stem the venomous flow of statements emanating from the mouths of American citizens on the soil of the enemy." While the measure is aimed at the activists in the anti-war groups, it could be an obstacle to further traveling to North Vietnam by relatives of prisoners of war.

The Hanoi government arranged for some relatives of prisoners to come to North Vietnam and secured statements which are filled with unwitting propaganda that the visiting individuals probably thought would do no harm but might secure the release of the prisoners. The Communists, however, through their news agency spread the comments throughout the world and quote Americans as criticizing their own government.

The propaganda machine of the Communists, moreover, has had opportunities to use the names of prominent Americans who have visited there and openly condemned their own country. The effort to divide American public opinion by the use of progaganda has been going on for some time, but it has not been until recently that so many opportunities were afforded the North Vietnamese to get the benefit of interviews with well-known Americans. All this has produced resentment in Congress and hence the bill was approved by the committee after a brief hearing.

To denounce the United States while a prisoner under compulsion in Hanoi would be one thing, but some visitors have returned to America and continued their defense of North Vietnam with arguments supporting the military adversary of their own country in a war that has been going on for several years. This has rarely occurred in previous conflicts.

It is surprising that Congress has not moved on this issue before. For the impression conveyed by those Americans who have deliberately gone to North Vietnam, talked with officials there about the problem of the prisoners or other matters related to the war and then gave interviews with adverse comments about their own government is something that has stirred up a lot of ill-feeling throughout the nation as well as in Congress.

It is questionable whether all this will help the release of the prisoners when the negotiations in Paris are resumed in earnest. Hanoi has mistakenly assumed that the American people were swinging away from the administration and would not be willing to continue the war, but the South Vietnamese are still growing stronger and the advisory aid given by the United States and its air power will be available if any new offensives are started against South Vietnam.

SECRETARY VOLPE SPEAKS ON TRANSPORTATION PLANNING

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. PELLY. Mr. Speaker, last Monday, September 25, 1972, the Secretary of Transportation, John A. Volpe, made an important address to the Washington Concrete Paving Association and affiliated groups at the Olympic Hotel in Seattle. What the Secretary stressed in his speech is that we must not be complacent because our highway system is the envy of the rest of the world, but rather we must look ahead in our transportation planning. The Secretary called for mobility and pointed out that the biggest problem facing the city is urban transportation.

Mr. Speaker, because Secretary Volpe's message delivered in Seattle touches on matters which are common problems in practically every congressional district, under unanimous consent, I am including it at this point in the RECORD:

VOLPE'S TRANSPORTATION MESSAGE

Because you are primarily construction people here tonight—highway builders and members of the Associated General Contractors—and because this just happens to be National Highway Week—let me begin by re-inforcing a point or two.

As I told the American Transit Association this morning—here in this same ballroom—our Nation's highways are essential to our commerce and indispensable to the movement of people and products. Our highway system is the envy of the world. It is the thread that ties our cities and states together, the network that gives Americans mobility never dreamed of in previous generations.

Our highway system makes it possible for people who cherish the outdoor life to live as much as 50 miles away from their jobs. It enables youngsters to appreciate the scope and the breadth of this great land. It allows produce from Washington state to appear in Chicago supermarkets. It has tied our *Nation* together—not just our cities and states. It has given us a cohesiveness that helps keep us a strong and determined people.

Yet as we enjoy the benefits of this program—we must also keep an eye to the future. We must make ready now for the events that lie ahead—just as an Olympic competitor spends weeks and months in a rigorous training for that one excruciating moment of truth in the spotlight of the arena.

The one brief transportation message I bring to you tonight is that we cannot—we *must* not—stand still in our tracks, running in place, and say, "Don't rock the boat; don't change". Because, my friends, we live in times of change. We live in an era where complacency is the sure road to disaster. Satchel Paige said it best: "Never look back—someone may be catching up on you".

In President Nixon's words, "If we are to keep our country from falling behind the times, we must keep well ahead of events in our transportation planning."

Let me assure you that in this Administration, transportation means "mobility" and mobility requires that we develop and improve all modes so each will be able to serve the purpose for which it was designed and is best suited. And when it comes to traffic in congested areas, let's face it—bumper to bumper cars just aren't the answer!

There is much work to be done and the challenge of urban transportation takes high priority.

At present, more than 70 percent of our population live on only 2 percent of the land. Or, phrased in another way, nearly 80 percent of our people live in metropolitan areas. This means concentration and too often—congestion.

I remember one particularly strong and succinct statement of this urban problem. It went as follows: "The single greatest problem facing the city today is transportation in all its aspects. This includes roadspace, traffic flow, intersection congestion, pedestrian movement, parking and pollution . . ."

That quote comes from a report entitled "The Emerging Downtown". It was based on a study done right here in Seattle, so you see I'm not talking in broad generalities.

I'm talking about your city—about King County—about this whole Pacific Northwest megalopolis.

I was tremendously pleased by the outcome of the referendum here in King County last week. That 3/10 of a cent sales tax—which will provide the $96 million needed to set up a county-wide bus mass transit system—will probably be the best 3/10 of a cent the people of this area have even invested in anything! I'm serious! Without it, you would see your city slowly strangle and die. You are limited here by your geography—yet the very assets of that geography (the harbor, the Sound, the clean air, the compactness of the center city core) would be worth far less if you were forced to devote inordinate amounts of space to transportation facilities.

By providing a county-wide system that will include express buses, exclusive bus lanes, extensive fringe parking areas—along with new vehicles that have carpeted floors, pastel colors, low-emission engines, comfortable seats, air conditioning, and so forth—you will be providing Seattle's commuters with an attractive alternative.

And when commuters—who use those cars only twice a day—avoid the congestion and use public transportation, you'll find that those freeways are going to be free indeed. Free and open for the 60 mile-an-hour traffic for which they were designed!

That's what I'd call a logical approach to good urban transportation, and I am delighted that the voters of King County agree!

Now there may be those of you who don't think bus rapid transit will ever work—no matter what improvements are made. Well, I beg to differ. In 1969, bus commuters from suburban Virginia came into Washington, D.C. on the same congested freeway that the automobiles used. And the bus company carried about 4,000 passengers a day. My Department financed an experimental exclusive bus lane down the median strip of that highway. Traveling time for bus riders was cut—in some cases—from as much as an hour down to as little as 15 minutes! And as of last month there are now 151 buses using that exclusive lane every rush hour—and they carry 17,000 passengers a day, which is *more* than the number of commuters who use that highway in their automobiles!

These are new buses—comfortable and convenient—and commuters from Northern Virginia have never had it so good. So we *know* it will work, and we look forward to working with the Municipality of Metropolitan Seattle as this project gets underway.

My friends—there is one other point I would like to make here tonight. There has been considerable interest, nationwide, in this Administration's support of proposals to make money from the Highway Trust Fund available for uses other than the design and construction of highways.

Let me lay out the facts, so you'll have the story straight. The measure we support—which has already passed the Senate by a substantial margin and is due for consideration in the House—sets aside a portion of highway revenues. That portion amounts to $800 million. It is earmarked for urban areas—and it is earmarked for transportation. It is not earmarked for buses, or for rapid rail transit or for people movers, monorails, busways or highways. That decision, my friends, will be up to you.

This Administration wants local decisions made by local people. You know what your needs are—and you know what the answers to those needs should be. And if the people of this area want to use their share of that fund entirely for highways—that legislation says "OK"—it's *your* decision." If you want to use it all for transit, that's OK too. Or a 50–50 mix, or a 70–30 mix. It's your business—because, after all, it's your money.

That's what this Legislation calls for—and I hope that you agree that such an approach is fair, is appropriate and is in the spirit of a free society. To my way of thinking this isn't a "raid" on the highway fund—rather it's a ray of hope for improved mobility for *all* Americans!

All in all, I am convinced that we have made sound progress.

I am convinced we shall be even more effective in the future. We have, under President Nixon, picked up momentum these past four years. There are some who are urging that we stand still—or even go backwards—return to old ways. I for my part want none of it. I believe in progress. I believe we have an obligation. I believe we *also* have an obligation to make this world ready for the young people who will inherit this Nation. And I accept that obligation.

CONGRESSMAN DOMINICK V. DANIELS RAPS SO-CALLED POLISH JOKE—"POLES ARE GOOD CITIZENS," DANIELS SAYS

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. DANIELS of New Jersey. Mr. Speaker, recently Mr. Edward S. Warlikowski, president of the Polish American Progress Association of Jersey City, N.J., sent a most important letter to various television stations and media. The letter in question deals with so-called Polish jokes which are most demeaning to persons of Polish ancestry. Although I am not Polish I can recall an era when this kind of humor was considered funny and acceptable. Today it is not. Yet, there are still comedians who make a living demeaning ethnic groups. For reasons that are not at all clear to me Poles seem to be top target for such comics. Just why this is so is baffling because I am at a loss to name a single ethnic group that is more distinguished as good citizens than our fellow citizens of Polish extraction.

Mr. Speaker, Polonians are justly outraged at this never-ending attack upon their heritage. I share their sense of outrage and I ask that Mr. Warlikowski's very much to the point letter follow my remarks in the RECORD.

The letter follows:

POLISH AMERICAN
PROGRESS ASSOCIATION,
Jersey City, N.J., September 20, 1972.

Subject: Demeaning ethnic jokes.

1. The TV networks have a responsibility not to turn the strong forces of television into an instrument of debasement. Recent so-called jokes on some TV networks have used the Americans of Polish Heritage as the scape-goat for a stream of demeaning slurs.

2. These practices of promoting hostility of one ethnic group of Americans against other groups of ethnic Americans can lead to serious consequences. Continuance of these slurs will create frustrations which in turn can lead to burning hatred against the perpetrators.

3. We recall a man named Adolph Hitler also baited an ethnic minority during his rise to power. This "baiting" accelerated into the most devastating murder of humanity the "human" race could conceive.

4. We do not believe a licensed media such as TV has included in their license, the right to demean an ethnic group. You have a right to free speech provided you do not abridge our right of dignity.

5. The entire world will soon be celebrating the 500th Anniversary of the birth of that Great Polish Astronomer Mikolaj Kopernik. It would be an unfortunate collision if the Polish Community, in honoring Kopernik, had to resort to "activist" means in quelling the slurs against the character or intelligence of people of Poland or their American descendents.

6. We solicit your support in subscribing to a broadcast standard that does not single-out an ethnic group and bait them into an attitude of racial or religious hatred.

Very truly yours,
EDWARD WARLIKOWSKI,
President.

VALLEJO ROTARY TO RESCUE

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. LEGGETT. Mr. Speaker, in an age when newspaper headlines report global skyjackings, big power confrontations, and strained relationships between international neighbors, it is heartening to hear about locally initiated programs of international goodwill.

Such a program has been initiated in California by my good friend Everett Rolff, past president and active member of the Vallejo Rotary Club. With the aid of the Rotary Club of northern California, Mr. Rolff and others succeeded in raising $10,000 to aid a children's library in the small Mexican village of Patzcuaro. Previously, the library was housed in an abandoned convent, and contained only those few books donated by American residents.

Today, however, the children of Patzcuaro have a new library which contains a healthy collection of books printed in both Spanish and English, and facilities for craft activities.

This is foreign aid at its best. The people of Patzcuaro gained a library, and the Rotarians of northern California were able to experience the tremendous satisfaction that can can only come from involvement in such a program.

At this point in the RECORD I insert the Vallejo Times-Herald article by Marion Devlin, entitled "Dream Realized for Patzcuaro":

DREAM REALIZED FOR PATZCUARO

(By Jan Stockstill)

Hands across the sea? No, not in this case. More like hearts across the border.

The story started in the historic town of Patzcuaro, Mexico, where Everett Rolff, past president and active member of the Vallejo Rotary Club, has been a frequent visitor. And the story's end reflects a cosmopolitan effort made by Northern California a children's library in the small Mexican village.

Rolff first saw the possibilities of the project in 1965, when Patzcuaro's children's library was housed in an abandoned convent.

"The only books in the building were donated by retired American residents," he explained. Soon the convent was no longer available, and a local banker lent a small storeroom for the library.

"The plans to provide a new library for the youngsters were initiated by Mr. and Mrs. Hugo Van Arx," Rolff said. Van Arx has retired in the Mexican town, once the capital of the Terascan Indians, from his duties as business manager of a national magazine.

Finally a plan for a new building was approved, whereby the community would raise one-third of the funds, with government assistance acquired for the remaining two-thirds.

The Vallejo Rotary Club, acting on Rolff's suggestion, decided to provide equipment for the new library's office, using funds from a well-received International Gourmet Dinner.

The dinners have continued for the last four years, with representatives from local ethnic groups, including Filipino, Greek, German, Guamanian, Hebrew, Mexican, Norwegian, American, and Portuguese, preparing specialty dishes from their countries.

Vallejoans soon learned that the event is an outstanding experience in good eating and a yearly highlight in Rotary activities. The most recent local dinner was held at Dan Foley Cultural Center in April with Jerry Nickolatos as general chairman.

But Vallejo wasn't the only community arranging such an event. Rotary District Governor Ross Becker grew interested in the Mexican children's library and established the project district-wide. Forty-two clubs, from Mt. Shasta to Berkeley, participated, each group staging an international dinner. The $10,000 raised from the district efforts was earmarked to establish a trust fund for Biblioteca Infantil, the newly-built library and cultural center for children in Patzcuaro.

So it was with pride and pleasure that Rolff returned to the village in Mexico this year. He and current District Governor Ross Lawler made the trip to present the $10,000 check to Dr. Jose Miguel Rizo, Rotary district governor in Mexico, to be turned over to library trustees.

Rolff notes that Dr. Rizo is acquainted with descendants of the Vallejo family that settled our own California territory.

"Mention Vallejo in Patzcuaro and the citizens will greet you warmly," Rolff said.

During their stay, Mr. and Mrs. Rolff toured the beautiful new library building and he visited with the Patzcuaro children, reading to them in both Spanish and English. The building not only houses books printed in both languages, but also features facilities for craft activities.

Historic Patzcuaro ("Place of Stones") lies approximately 240 miles west of Mexico City, near Morelia. These stones or foundations were named "Petatzecua" by the Terascans who found them at the sites of ruined temples of an earlier civilization.

According to Rolff, the traveler approaching from the north skirts farm and grazing land along the shores of Lake Patzcuaro for a short distance before entering the town limits. The highway then becomes tree-lined Avenida de las Americas, which leads gradually uphill for about two miles toward the tiled roofs and cobbled streets on steeper slopes at the center of town. Here, al centro, the visitor encounters colonial Patzcuaro with its picturesque squares, churches, mansions, and fountains, built between 1521 and 1810, many of which are still in use.

The climate of Patzcuaro is temperate, he reports, and its days are comfortably warm during all four seasons. During the rainy season, which begins in May and ends in October, wet afternoons are perfect for visits to historic buildings, the Museum of Popular Arts, and various workshops that produce the handicrafts for which the village is noted.

Rainy days are ideal, too, for a visit to Biblioteca Infantil, supported through efforts of California ethnic groups who joined together with Rotarians in a program of American goodwill and fellowship toward Mexican neighbors.

DR. URBANSKI MARKS 30TH ANNIVERSARY OF TEACHING

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. HELSTOSKI. Mr. Speaker, I wish to take this opportunity to congratulate Dr. Edmund S. Urbanski a distinguished

Polish scholar upon his celebrating the 30th anniversary of his universary teaching career.

Dr. Urbanski has established himself as an outstanding professor and author, who should be acclaimed not only by his own Polish people but by the entire world of culture and literature. Having given nearly a third of a century to the humannities of the entire world, we should take a small part out of our life to honor him for his contribution to world culture and for his scholarly articles which have been published in all parts of the world.

Mr. Speaker, in order that my colleagues in this House of Representatives will have a broader knowledge of Dr. Urbanski's accomplishments, I wish to bring to their attention an article which appeared in the Zgoda, the official publication of the Polish National Alliance in the United States of North America, the largest fraternal organization of people of Polish extraction, which was issued on Saturday, July 15, 1972.

I know that it will be of interest to all the Members of the House, and I insert it as part of my remarks.

The matter referred to above follows:

DR. URBANSKI—30 YEARS OF TEACHING

WASHINGTON.—Dr. Edmund Stephen Urbanski, Professor of Spanish American literature and civilization at Howard University is this year observing the thirtieth anniversary of his university teaching career. From 1942 to 1945 he taught Polish language and culture at the National University of Mexico, thereby establishing the only chair of its kind in Latin America. Deeply interested in the New World's prehistory, he served as an assistant to the Norwegian archeologist Ola Apenes, in uncovering the Aztec ruins in the Texcoco region's Chimalhuacan. This anthropological interest inspired further studies of the Maya, Zapotec, and Inca civilizations at their archaeological sites, and led to his later involvement in cultural anthropology.

In 1946 Dr. Urbanski moved to the United States, where he switched from Slavic to Hispanic Area Studies. Since then, he has been teaching Spanish-American culture and literature at various universities, as well as engaging in extensive research and travel to Spanish-speaking nations. While a Faculty member at John Carroll University, he established the Polish Club, and at Western Illinois University the Spanish Club. In addition to his educational and scholarly activities, Prof. Urbanski served as a Consultant to the Peace Corps' Latin American Training Program and to the NDEA Spanish Institute in Kentucky. Since 1965 he has been a Visiting Lecturer at the Inter-American Defense College in Washington, D.C., and in recent years Consultant on Latin American scholarships to Canada Council. During his foreign journeys Dr. Urbanski served also as a guest lecturer in Argentina, Guatemala, Ecuador, Mexico, Paraguay, Peru, Spain and Holland.

Dr. Urbanski studied the Humanities in Poland, Sweden, Mexico, Spain, Peru and the United States. He received his M.A. degree in Latin American History and Doctorate in Hispanic Letters from the National University of Mexico, and a Diploma in Hispanic culture from the University of Barcelona. He is the author of five books in Spanish, one in English and one in Polish. He has also written over fifty essays and scholarly articles on Indianist and Hispanic subjects, which were published in Europe, Canada, Latin America, and the United States. Most of his publications are indexed by bibliographical journals in both continents.

This scholar's recent book on Anglo-American and Spanish-American civilizations set something of a record, being commented upon in sixteen American and European countries. Dr. Urbanski maintains an independence of criterium, which is not swayed by either temporary political conjunctures or by the author's personal fascination by this troubled part of the New World. His approach is always humanistic. Because of this approach, free of cultural and racial bias, the Columbian school, Dr. Ramiro Lagos, considers Nrbanski the most "Hispanoamericanized" North American author. The U.S. Hispanist, Dr. Richard F. Allen, states that Urbanski's essays constitute "a pioneering work in comparative culture", in which he "revises many outmoded concepts of traditional evaluation, thus bridging the past with our atomic age." The Peruvian anthropologist, Dr. Manuel M. Valle, calls Urbanski an "erudite humanist, who deals with complex Americanist topics without academic Byzantinism, which still pervades some authors, whether Hispanic or Anglo-saxon."

RESOLUTION CONDEMNING TERRORIST KILLING

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. EILBERG. Mr. Speaker, the killing of 11 Israeli Olympic athletes by terrorists was a barbaric act which shocked every civilized person.

It was an act of such depravity that men and women all over the world paused to mourn the dead men and to express their anger at the murders.

In Philadelphia, the city council passed a resolution condemning the killings.

At this time I enter into the RECORD this resolution:

RESOLUTION CONDEMNING THE TERRORIST KILLING OF 11 MEMBERS OF THE ISRAELI OLYMPIC TEAM PARTICIPATING IN THE XX OLYMPIAD AT MUNICH, AND CALLING FOR THE ISOLATION OF THOSE COUNTRIES WHICH AID OR SUPPORT PERPETRATORS OF SUCH BARBARIC ACTS ANYWHERE IN THE WORLD

COUNCIL OF THE CITY OF PHILADELPHIA

Whereas, The fanatical and deadly assault on Israeli athletes at the Munich Olympics by Palestinian terrorists on September 5, 1972, not only desecrated the Olympic concept of brotherhood but also the elementary basics of humanity; and

Whereas, Philadelphia joins the world community in mourning the loss of Israel's athletes and extends its deepest sympathy to the people of Israel and to the families of those so tragically lost; and

Whereas, Civilized people everywhere must resolutely determine that a common and united way must be and should be found to prevent any recurrence of such an inhuman visitation of brutal piracy and murder upon any group of innocent persons assembled peacefully anywhere in the world; therefore

Resolved, By the Council of the City of Philadelphia, That we hereby condemn the terrorist killing of eleven members of the Israeli Olympic Team at Munich and urge the isolation of those countries which aid or support perpetrators of such barbaric raids.

Resolved, That certified copies of this Resolution be forwarded to the President of the United States, the Congressional delegation from Pennsylvania, the United States Ambassador to the United Nations, and the Consul General of Israel in Philadelphia as evidence of the sentiments of this legislative body.

CONGRESSMAN WYDLER CONDEMNS TERRORISM

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. WYDLER. Mr. Speaker, the world has become increasingly aware of the horrors of terrorism. No matter where that is taking place, whether in Northern Ireland, at Munich at the Olympic games, in diplomatic mails, or in the hamlets in South Vietnam, those who practice terrorism for terrorism's sake are increasingly being condemned by the world community. I am personally delighted that the United States is taking the lead in the United Nations to bring the subject of terrorism up for world scrutiny and debate and in focusing attention on terrorism and injustice in all its facets. I have spoken out on this subject over the past few months and have been asked by many to repeat these words and my positions.

The articles are as follows:

WYDLER CABLES PRIME MINISTER GOLDA MEIR

Congressman John W. Wydler (R-Nassau County) announced today, Sept. 6, that he has sent a telegram to the Prime Minister of Israel, Golda Meir, condemning the wanton murder of eleven Israeli citizens who were attending the Olympic Games as part of the Israeli team.

"It is incredible that such an act took place in surroundings dedicated to world peace and understanding," Wydler said, "but it is indicative of the tortured and twisted minds that are at work in trying to settle political questions by violence and murder."

The text of the telegram follows:

"SEPTEMBER 6, 1972.

"Hon GOLDA MEIR,
"*Prime Minister of Israel,*
"*Ramat Aviv, Israel.*

"DEAR MRS. MEIR: As a member of the United States Congress, I would like to express to you my horror and shock at the murder of eleven innocent citizens of Israel who were part of your team at the Olympic Games.

"I know I speak for the people of Long Island, who I represent in Congress, regardless of their religion. I hope this incident will serve to alert all countries to the need for world condemnation of those who violate every civilized rule of conduct in their dealings with others.

"I want you to know that you have my deepest sympathy in the loss you and your nation have suffered.

"Very truly yours,
JOHN W. WYDLER,
"*Member of Congress.*"

WYDLER RESOLUTION CONDEMNS SOVIET UNION FOR EMIGRATION RANSOM

Congressman John W. Wydler (R-Nassau County) introduced a resolution on September 7th condemning the Soviet Union "for its policy of demanding a ransom from educated Jews who want to emigrate to Israel."

Wydler said the resolution states:

"That the government and leaders of the Soviet Union should be condemned for creating a class of slaves in the 20th Century by forcing thousands of people to live and work in a country which they want to leave, because they do not have the money to ransom themselves into freedom."

Wydler said the resolution was introduced on September 7th because it was the last day Congress was in session before Rosh Hashonah, the Jewish New Year, which begins Friday night.

"This is a time for remembering the past year and of hope for the coming year," Wydler stated, "But for the Jews in the Soviet Union the only hope they have is that world opinion will force the Russians to set them free."

Wydler said the Russians' new policy places a price on the head of every Jew with an advanced education who wants to emigrate to Israel. The reports vary but the ransom appears to be from $5,000 for a graduate of a teachers college to $25,000 for a person with the equivalent of a PH. D.

"This action is the same as Hitler's barbarism of trading Jews for trucks and Castro's demands of ransom for the prisoners captured at the Bay of Pigs," Wydler declared.

Wydler said the resolution will put the Soviet leaders on notice that they cannot continue to persecute the Russian Jews without being censured and scorned for their acts.

Wydler Commends Ambassador Bush for Veto

Congressman John W. Wydler (R-Nassau County) has introduced a House Resolution today, Sept. 13, commending Ambassador George Bush for vetoing a resolution in the United Nations which condemned Israel for reprisals without recognizing Arab terrorism in Munich.

"I believe President Nixon and Ambassador Bush have performed an important public service not only for our country, but for the world," Congressman Wydler said. "It is time to recognize the presence of terrorism and to take a stand. The United Nations should cease its two-face procedure of deploring reprisals and ignoring the facts which brought them into being. Terrorism, whether in Northern Ireland, the captured cities of South Vietnam, or in Munich, must be dealt with on an international basis of condemnation.

"The veto by Ambassador Bush indicated the Nixon Administration is changing American policy in this regard and, if backed by world opinion, could make it possible to bring about peace in the Middle East."

The text of the resolution follows:

"Whereas, the violence in the Middle East is inextricably tied to the massacre in Munich on September 5, and the terrorism at Lod Airport.

"Whereas, the world must recognize this link and react fully to both forms of violence.

"Whereas the United States has always used its veto power sparingly, and did, in this case, endeavor to achieve a compromise in order to avoid veto, be it hereby

"*Resolved*, by the House of Representatives, that the House fully supports the decision of the United States delegation to the United Nations to veto a resolution that would have called for the immediate cessation of all 'military operation' in the Middle East without relating the Israeli attacks of the last four days to the terriorist attacks that took eleven Israeli lives in Munich and twenty-six at Lod, and be it further,

"*Resolved*, that the House of Representatives commends the courageous and eloquent statement of our Ambassador, George Bush."

Wydler Denounces President Amin's Anti-Semitic Remarks

Congressman John W. Wydler (R–Nassau County) announced Sept. 20 his support for an amendment to the Foreign Aid Bill, coming to the Floor of the House for a vote this week, which would prohibit the use of any funds for aid to the government of Uganda.

In announcing his support for the amendment, Congressman Wydler said, "President Amin has stated that 55,000 unwanted Asians must get out of Uganda at once and that any staying after 90 days would be rounded up and put in concentration camps. This is a case of pure racism in its worst form."

In addition, President Amin has sent messages to the Secretary of the United Nations, Kurt Waldheim, and Premier Golda Meir of Israel endorsing Hitler's slaughter of 6 million Jews. If President Amin is sane, his actions and words are repulsive to all of civilized mankind. Our country should be sending him no aid of any sort.

The Wydler sponsored amendment would cut off any aid to President Amin and to Uganda. This past year the United States contributed $2.14 million in technical assistance grants to Uganda and is requesting $2.53 million for fiscal year 1973.

"In my judgment," Wydler concluded, "the amendment should be adopted by an overwhelming vote. We should not be in the position of sending aid to a man who supports and sponsors racist policies of the worst sort."

BILLS INTRODUCED

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. FINDLEY. Mr. Speaker, during the 92d Congress I have introduced 98 bills and resolutions thus far. Many of the proposals they contain have received legislative consideration and several are now law. Below I list those of major interest. Copies and explanations are available upon request:

H.R. 3117, to establish the Lincoln Home National Historic Site in Springfield. Enacted into law.

H.R. 45, to establish an Institute for Continuing Studies of Juvenile Justice. Passed the House.

H.R. 177, to provide health care benefits for all Americans. Hearings held by the Ways and Means Committee.

House Joint Resolution 1, to require Presidential reports to Congress any time armed U.S. troops are moved to foreign territory. Passed the House.

H.R. 4237, to prohibit the establishment of emergency detention camps in time of war. Enacted into law.

House Joint Resolution 900, to create an Atlantic Union delegation. Reported by the House Foreign Affairs Committee.

H.R. 4451, to provide for a scheduled end of the military draft. New draft law calls for zero draft by June 1973.

H.R. 5450, to provide for automatic cost-of-living increases for social security recipients. Passed the House.

H.R. 5499, to provide for an increase in the outside earnings limitation for social security recipients to $3,000. A lower increase passed the House.

H.R. 5099, to allow an income tax credit for contributions to colleges and universities.

H.R. 4220, to protect free-roaming horses and burros on public lands. Enacted into law.

H.R. 6233, to authorize the White House Conference on Education.

House Concurrent Resolution 247, to provide for unconditional large-scale repatriation of enemy prisoners-of-war. Cosponsored by 57 Representatives and passed unanimously by the House.

H.R. 7665, to prohibit judges from receiving compensation other than for the performance of their judicial duties and to provide for the disclosure of financial information.

H.R. 8592, to allow a credit against income taxes for expenses of higher education.

H.R. 9213, to provide treatment for servicemen addicted to drugs. Passed the House.

H.R. 9569, to provide additional compensation to POW's because of their incarceration. Cosponsored by 37 Representatives.

House Concurrent Resolution 374, calling for humane treatment and release of U.S. POW's held by North Vietnam. Passed the House.

H.R. 10076, Romania Trade Relations Act. Endorsed by the President.

H.R. 10077, East-West Trade Relations Act.

H.R. 10128, to provide for continuation of investment tax credits for small businesses.

House Concurrent Resolution 387, to provide for a moratorium on killing of all species of whale, porpoise, and dolphin. Passed the House.

House Resolution 634, urging the President to press for U.S. agricultural trade rights with the European Economic Community.

H.R. 11640, to allow senior citizens a credit against Federal income taxes for local real property taxes incurred. Cosponsored by 38 Representatives.

House Concurrent Resolution 471, to seek relief from restrictions on Soviet Jews. Passed the House.

H.R. 12692, to provide a fair and effective means for settlement of emergency labor disputes. Hearings held by Interstate and Foreign Commerce Committee.

H.R. 13942, to exempt small businessmen from OSHA. Incorporated into HEW-Labor appropriations bill. Passed the House and Senate.

H.R. 14447, to make use of firearms to commit a felony a Federal crime where such use violates State law. Similar provision included in Senate-passed gun control measure.

H.R. 14860, to return celebration of Memorial Day and Veterans' Day to original dates.

House Resolution 1020, to provide for a House-authorized Federal budget. Ways and Means Committee recently reported a Federal spending ceiling.

H.R. 15030, to provide FHA loan guarantees to nursing homes for fire safety equipment. Contained in Omnibus Housing bill passed by Banking and Currency Committee.

H.R. 15031, to provide that nursing homes must comply with fire safety standards.

McGOVERN FOR PRESIDENT

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. KASTENMEIER. Mr. Speaker, I was pleased to read the endorsement given today by the New York Times to the presidential candidacy of Senator George McGovern. I would like to share with my colleagues the reasons stated by the Times for supporting Senator McGovern and rejecting 4 more years for the present administration:

THE NEXT 4 YEARS

In less than six weeks, we, the American people, will be choosing the President and Vice President of the United States for the next four years. But we will be doing more than that; we will be determining whether we want this country to continue along the course it has been taking during the past four years, or whether we want to restore to American political life its traditional values of democratic liberalism and social concern.

In an America striving to realize its own vision of equality and liberty under the rule of law, the Presidency requires particular qualities of character, leadership and moral force that transcend the narrow bounds of personal ambition and of party politics. It requires a perception of the things that are wrong with America—poltically, socially, economically, morally—as well as the things that are right; and a sense of priorities that gives precedence to human needs and public integrity over the panoply of wealth and the arrogance of power.

The New York Times urges the election of George McGovern for President of the United States. We believe that Senator McGovern's approach to public questions, his humanitarian philosophy and humane scale of values, his courage and his forthrightness can offer a new kind of leadership in American political life. We believe he can restore a sense of purpose to the American people as a whole, a sense of participation to their component parts and a sense of integrity to their Government.

In these respects, it seems to us, the Presidency of Richard M. Nixon has largely failed.

Mr. Nixon has indeed had his spectacular triumphs; and this newspaper has never hesitated to applaud the accomplishments of the President and his Administration when we thought that he was serving the best interests of the American people, even when in doing so he was adopting policies that he had spent a lifetime in opposing. But despite his best efforts—in regard to China, the Soviet Union, economic controls and so on—Mr. Nixon has failed both in principle and in practice in other areas of public policy even more vital than those in which he has scored his successes.

Not only has Mr. Nixon failed to carry out his explicit pledge to end the Vietnam conflict, on which he won the election by a hair's breadth four years ago; he has pursued a policy that appears to move in one direction while actually moving in another. Constantly emphasizing the winding down of the war and the withdrawal of American troops, Mr. Nixon has nevertheless enlarged the scope of hostilities, undertaken the biggest bombing campaign in history and committed American prestige to an increasingly authoritarian regime in Saigon.

The Vietnam war is but one area where President Nixon has failed either to carry out his pledge or to give the nation the moral and political leadership that would indeed unite us—as he promised to do four years ago. This Administration appears to be without basic philosophy, without deeply held values, an Administration whose guiding principle is expediency and whose overriding purpose is to remain in office.

The pursuit of excellent has been subordinated to pursuit of the next election, as evidenced by some of Mr. Nixon's appointments in such ultra-sensitive areas of Government as the Department of Justice and the Supreme Court. In many of its social, economic and fiscal policies; in lax standards of probity and truthfulness in Government; in favoritism toward special interests; in its addition to secrecy; in its disregard of civil liberties and constitutional rights, the Nixon Administration has been a failure.

President Nixon has shown himself willing to exacerbate America's racial divisions for purely political purposes; he has countenanced and encouraged an ominous erosion of individual rights and First Amendment freedoms, and has demonstrated his indifference to such dangers by deliberately selecting Spiro T. Agnew as his potential successor to the Presidency. Protected by the White House curtain, he has stood above the political battle as the odor of corruption and of sleazy campaign practices rises above the Washington battlefield.

A McGovern administration, The Times believes, would reverse the unmistakable drift in Washington away from government of, by and for the people. It is undeniable that since his nomination Senator McGovern has been on the defensive, partly because of the Eagleton episode, partly because of ill-considered comments on specific points that he has subsequently modified or corrected, and partly because of the confused management of his own campaign. But on his record, and on what he has consistently stood for in his years of public office—a consistency in striking contrast to that of his opponent—it is clear that Mr. McGovern will fight for effective and necessary reforms in American social, political and economic institutions.

What this election comes down to is a decision on the direction in which the United States is going to move for the next four years.

Are we going to continue to pursue a foreign policy that, for all its success in certain areas, is essentially based on military supremacy, on a strident nationalism and on a cynical power game that could alienate this country from substantial segments of the international community?

Are we going to continue to pursue a domestic policy that, in its fundamentals, is contemptuous of civil liberties, oblivious of deep social conflicts and racial and economic cleavages in the cities of America, and oriented toward that very "military-industrial complex" against which President Eisenhower perceptively warned us so many years ago?

On virtually every major issue from the war to taxes, from education to environment, from civil liberties to national defense, Mr. McGovern—faltering though many of his statements have been—seems to us to be moving with the right priorities, with faith in the common man, and within the democratic framework. While this newspaper does not necessarily accept his program in every detail as he has thus far outlined it or as the Democratic platform has structured it, we are convinced that the direction of American policy in the next four years would be in safer hands under a McGovern-Shriver administration than under the present regime.

There can be no doubt that Mr. McGovern is now far behind in the Presidential race. But if he succeeds in these next few weeks in getting his basic philosophy of democratic government across to the electorate, a philosophy that rejects the meretricious appeal of his opponents, Senator McGovern may yet touch a chord in the American voter that will respond to his own practical vision of an American society that cares and an American democracy that works.

CANADA AND THE TERRORISM QUESTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. RARICK. Mr. Speaker, terrorism—assassinations, kidnaping of officials, violence, and bombing—is well known to our neighbor to the north, Canada, where not 2 years ago that Government was compelled to suspend constitutional liberties to halt subversion. I called this to the attention of our colleagues in the Congressional Record, volume 116, part 28, pages 38252–38353.

So we should not be surprised to see that our Canadian friends have spoken out in the U.N. debating society against terrorism in the world. But Americans will be surprised to learn that the Canadian spokesman approves of terrorism in Africa against stable, recognized countries and coddles Communist nations to whom terrorism is a legitimate art of change.

The people and Governments of Rhodesia, South Africa, Angola, and Mozambique have long fought and condemned the violence of terrorists within their borders. This same terrorism was and is condoned by most of the U.N. members who now give lipservice to outlawing terrorism, so long as they exclude those terrorists who meet with their approval.

Thus, we now find even a double standard toward terrorism. According to Canada, there are to be good terrorists and bad terrorists. It seems to depend upon whose oxen are being gored.

I insert a related newsclipping along with a portion of my remarks from the Congressional Record of November 19, 1970:

[From the Evening Star and Daily News, Sept. 28, 1972]

CANADA ASKS U.N. TO FIGHT TERRORISM

United Nations.—Mitchell Sharp, the Canadian external affairs minister, called today for United Nations action against growing international terrorism and said "there can be no truce with terror."

Sharp applauded Secretary General Kurt Waldheim for bringing the question of terror before the General Assembly, but he did not specifically mention the proposal by U.S. Secretary of State William P. Rogers for a new treaty covering terrorism.

Opponents of the move appear to have delayed until at least late November consideration of the U.S. proposal in the assembly's legal committee to which it was referred for preliminary debate.

"The Canadian government understands all too well the agonizing choices governments face when called upon to deal with a sudden nightmare of violence," Sharp said.

NUCLEAR ARMS CONTROLS

Sharp said disarmament agreements already reached between the United States and the Soviet Union gave the world the right to expect that they will open the way to more far-reaching control of armaments, including nuclear weapons.

He welcomed the presence of Communist China in the United Nations and noted that relations between Peking and Washington and between China and Japan have "witnessed dramatic improvement."

He said it was "no longer visionary" to conceive that the Security Council might now function as it was intended—"by consensus of the permanent members and of the United Nations as a whole, through cooperation rather than confrontation."

Sharp said the most serious challenge to human rights lay in Africa.

"In South Africa," he said, "the very system of apartheid does violence to the concepts embodied by the international community in the convenants on human rights.

TERRORISM ON AGENDA

The General Assembly's legal committee voted late yesterday to put the terorism item sixth on its agenda.

As the committee's agenda stood, debate on an antiterrorism treaty would follow discussion of the report of a special committee on the question of defining aggression.

Diplomatic study groups have been trying to define aggression since it was first taken up by the League of Nations and for the past 27 years of the United Nations.

Diplomatic experts predicted that the difficulties encountered in defining aggression would crop up anew. What one side to a dispute calls terrorism, the other often calls heroism.

[From the CONGRESSIONAL RECORD, Nov. 19, 1970]

CANADIAN DILEMMA UNDER TRUDEAU

(By Hon. John R. Rarick, of Louisiana, in the House of Representatives, Nov. 19, 1970)

Mr. RARICK. Mr. Speaker, on October 16, Mr. Trudeau of Canada, and his party in power, invoked wartime measures and suspended constitutional government, reducing Canada to the extraordinary state of martial law.

The wartime measures include censorship and control of all news and reporting. Yet, the communications media of the world has proven itself most understanding, patient, and tolerant toward Mr. Trudeau and his situation in Canada.

Imagine the reaction had such extraordinary suppression occurred under the parties in power in Greece, South Africa, Portugal, Rhodesia, Free China, or even in South Vietnam. We never would have gotten it off the front page.

The American people must start seeking answers to questions. Canada is not on the other side of the world. Why are some things newsworthy while conversely other similar incidents receive little or no coverage?

THE ECONOMY IS LOOKING UP IN CENTRAL KANSAS

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. SHRIVER. Mr. Speaker, as our country continues the transition from a wartime to a peacetime economy, the economic indicators at the local level are becoming more and more encouraging. With the Speaker's permission, I am inserting a recent editorial which appeared in the Newton Kansan:

MORE EVIDENCE OF BOOMING ECONOMY

Evidences of the booming economy in Harvey County continue to surface.

The latest is the announcement by the State Department of Revenue that sales tax collections in the county last month were about 50 per cent higher than during the same month a year ago.

That's quite a jump in one year, and you can't blame all of it on inflation. Prices didn't rise nearly that much during the past year.

This comes on the heels of the program instituted by the Newton Chamber of Commerce to sponsor a job fair here seeking employes for local business and industry.

The C. of C. says that the unemployment rate in Harvey County is just 2 per cent, and that's getting unemployment down to the rock bottom. The employment security office here says that many of those on their list of job seekers are persons who must choose their work because of physical disabilities or because they must choose their hours of work because of personal situations.

Filling some or all of the 450 job openings that the C. of C. has found will mean that much more of a boost to the local economy.

REGISTER AND VOTE, IT IS THE LEAST YOU CAN DO

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. DUNCAN. Mr. Speaker, recently I reported the results of my 1972 legislative questionnaire to the citizens of my district. The overwhelming response I received was a strong indication that second district citizens desire to have a voice in how their Government operates. I am extremely proud that I represent a district where the citizens believe in taking an active part in the democratic process.

At this time, I would like to share an editorial from the September 22, 1972, edition of the Knoxville Journal. This editorial reminds us all that the democratic process can only be preserved if each citizen exercises his right and obligation to register and vote:

REGISTER AND VOTE, IT IS THE LEAST YOU CAN DO

This year, as perhaps never before, the responsibilities of being an American citizen dictate that all eligible persons do their duty and vote.

Why is 1972 different? Because of the so-called "youth vote?" No, we do not buy the myth that newly enfranchised 18-to-20-year-olds will function as a monolithic bloc at the polls.

The greatest hazard, as we see it, stems from a combination of the usual election day apathy and the voting power of the country's radical elements, which we believe will vote as a bloc and in perhaps their full potential.

American's "average" citizens unfortunately have not been overly faithful about doing their share to make America work. Seldom have more than 60 per cent bothered to go to the polls on previous election days, even when presidents were being chosen.

No one really knows what the radical minority will do. It is known, however, that four years ago this element was trying its best to tear the country apart with violent demonstrations, bombings and other terrorist style activities. It also is known that many of these groups have left the streets in favor of the ballot box. They have been successful in a number of areas in electing persons from their ranks to local offices.

The radical, would-be revolutionary element clearly constitutes only a minority of the voting public—unless too many decent, right-thinking Americans fail to vote.

Can the radical element elect a president? A senator? Or perhaps state legislators? We hope not. But, then, this year already has produced political developments which no one dreamed could possibly occur.

To be able to vote you must be properly registered. Only two weeks remain for voter registration prior to the November election. October 7 is the last day.

In Knox County the Election Commission office is in the lower level of the Courthouse. Hours are 8:30 a.m. to 4:30 a.m. Monday through Friday. On the Saturdays of September 30 and October 7 the office will be open from 8 a.m. to noon.

Register and vote. It's the least you can do for your country.

THE PROTECTION OF PRISONERS' RIGHTS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. BADILLO. Mr. Speaker, earlier this month I introduced legislation—the Prisoner Rights Act—designed to provide for certain fundamental principles in the treatment of Federal prisoners and the protection of the basic rights of these prisoners.

This measure addresses itself to the primary causes of the 13 major prison disturbances which occurred in this country last year—the deep sentiment among the prisoners that their rights were being violated and that crimes had been committed against them. In most instances the prisoners were unable to seek a redress of grievances in a peaceful and positive manner and the ensuing outbreaks were the desperate efforts by inmates to achieve a decent standard of survival, to secure those basic rights of human dignity and just treatment. Although a man may be sent to prison, he is not stripped of certain basic rights and we have an obligation to insure that prisoners have the full protection of our laws and legal processes.

Today I am reintroducing the Prisoner Rights Act with 21 of our colleagues as cosponsors. Because of the urgent need for such legislation and the fact that a thorough and penetrating investigation into current conditions in the Nation's prisons is long overdue, I am hopeful the Judiciary Committee will schedule hearings on this bill early in the next Congress. Also, in the weeks ahead I will be communicating with various State legislative committees and private organizations concerned with penal reform to urge the enactment of similar legislation at the State level.

Since introducing the original measure on September 13, I have received support from many quarters, including groups such as the National Council on Crime and Delinquency and the National Association for Justice. Support has also come from a distinguished member of the New York State Supreme Court, Hon. Thomas Russel Jones. I believe what Justice Jones has stated in a recent letter to me deserves full and careful consideration by our colleagues and I present it herewith for inclusion in the Record.

Furthermore, the following Members have joined as cosponsors of the prisoner rights bill: Bella S. Abzug, Democrat of New York; Alphonzo Bell, Republican, of California; Shirley Chisholm, Democrat of New York; William Clay, Democrat of Missouri; John Conyers, Jr., Democrat of Michigan; Ronald V. Dellums, Democrat of California; Charles C. Diggs, Jr., Democrat of Michigan; Donald M. Frazer, Democrat of Minnesota; Seymour Halpern, Republican of New York; Michael Harrington, Democrat of Massachusetts; Augustus F. Hawkins, Democrat of California; Henry Helstoski, Democrat of New Jersey; Ralph H. Metcalfe, Democrat of Illinois; Parren J. Mitchell, Democrat of Maryland; Robert N. C. Nix, Democrat of Pennsylvania; Charles B. Rangel, Democrat of New York; Thomas M. Rees, Democrat of California; Edward R. Roybal, Democrat of California; Benjamin S. Rosenthal, Democrat of New York; James H. Scheuer, Democrat of New York; and Louis Stokes, Democrat of Ohio.

The letter from Justice Jones follows:

Supreme Court of the
State of New York,
Brooklyn, N.Y., September 14, 1972.

Hon. Herman Badillo,
Congressional Office Building,
Washington, D.C.

Dear Herman: Your announced Bill of Rights for Federal Prisoners represents an important advance in the national efforts to insure that human rights are accorded to the poor, blacks and Puerto Ricans who fill the prisons all over America. May I suggest that your bill be expanded to include prisoners on parole and on probation. Often prisoners are arbitrarily remanded to prison on the most flimsy grounds and without adequate investigation or hearings. Moreover, my own research reveals that there are hundreds of occupations closed to felons which virtually guarantee that they will never *work* again!

I recommend that you use your influence to have the New York State Legislature follow the proposals in the Bill which you have introduced, i.e. a New York State "Prisoners' Rights Act."

Finally, when and if hearings are scheduled on your bill, consider me as one who ought to testify about the realities of the justice system and its consequences for the poor.

Very truly yours,

Tom Jones.

HOW THE U.S. COLLECTS FOREIGN DEBTS AND LOSES MONEY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. RARICK. Mr. Speaker, there is little wonder why this country of ours is bordering on bankruptcy. The present administration's thrust is on lending but with no idea how to go about collecting our debts.

Egypt is a case in point. According to reports under an agreement between the two countries signed last January, Egypt is paying off its 5-year-old $85-milllion debt to the United States at the rate of $11,700,000, plus interest, every 6 months. But the agreement says that with every payment Egypt gets back 95 percent—$11,070,000—of the installment in a new loan for agricultural products.

Using a normal rate of 5 percent, interest on a debt of $85,000,000 would come to roughly $4,250,000 yearly, which would be $2,125,000 over a period of 6 months. According to the reports, Egypt is actually making a payment of $630,000 on its debt. This figures to be approximately $1,495,000 less than the interest on the original loan; or, to put it bluntly, Egypt's actual debt to the United States is increasing as a result of this diplomatic loan repayment agreement.

Too bad the U.S. taxpayers cannot be put in charge of collecting our bills. They might even like some of these soft loans for Americans.

A related news clipping follows:

[From the Washington Post, Sept. 28, 1972]

UNITED STATES AND EGYPT REACH ACCORD IN CREDIT DEAL

The United States is advancing credit of $11,070,000 to Egypt to buy American agricultural commodities after Egypt was prodded into paying the second installment on its American debts, U.S. government officials said yesterday.

Under an agreement between the two countries signed last January, Egypt is paying off its five-year-old $85-million debt to the United States at the rate $11,700,000, plus interest, every six months.

But the agreement says that with every payment Egypt gets back 95 per cent—$11,070,000—of the installment in a new loan for agricultural products.

HEADS OF NINE UNIONS ENDORSE PRESIDENT

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. SPRINGER. Mr. Speaker, this is truly the year of the political conscience.

Who would have predicted a year ago that heads of labor unions and labor unions themselves would be endorsing President Nixon for reelection for 4 more years. A few days ago, the heads of nine building and construction unions, representing almost 2 million workers endorsed President Nixon for reelection.

There were three reasons for this: First, the positions and policies of the candidate of the Democratic party wholly unacceptable. Second, in a joint statement, the nine union leaders cited President Nixon's foreign policy, including his efforts to bring an honorable end to the war in Vietnam. Third, they said "the President's belief in the dignity of honest work and his opposition to policies which would sap and undermine the fundamental strength of American character" coincided with their views.

I think all of us will have to admit that these are good and overpowering reasons for being under the Republican umbrella in this election.

These reasons of union leaders have in no way derogated or cast aspersions on the nominee of the Democratic Party. They have simply given positive reasons as to why the President is entitled to 4 more years in the White House.

I attach herewith the article by Philip Shabecoff from the New York Times of Wednesday, September 27 which I am sure many of my colleagues will want to read:

HEADS OF NINE UNIONS ENDORSE PRESIDENT

(By Philip Shabecoff)

Washington, Sept. 26.—The Presidents of nine building and construction unions representing 1.7 million workers endorsed President Nixon for re-election today, saying that they found "the positions and policies of the candidate of the Democratic party wholly unacceptable."

The endorsements were personal and did not commit their unions to campaign for the President. Moreover, eight other construction union presidents with a membership of 2 million declined today to make an endorsement although invited to do so.

But the support for the Republican President represented a break with tradition by the A.F.L.-C.I.O. unions and a major defection from their traditional support of the Democratic party.

The political decision by these union leaders was not unexpected. They represent the relatively conservative "hard hat" unions that have taken a relatively militant position on the Vietnam war and have otherwise been sympathetic to President Nixon's policies.

The way was cleared for the union leaders to endorse Mr. Nixon when the Executive Council of the American Federation of Labor and Congress of Industrial Organizations voted last July to keep the federation neutral in the Presidential campaign and left members unions free to endorse whom they chose.

BY PAPERWORKERS' HEAD

Joseph Tonelli, the president of the United Paperworkers International Union, another A.F.L.-C.I.O. affiliate, also announced his endorsement of President Nixon today. The union has 315,000 members, a number of whom are Canadians.

Yesterday, Thomas W. Gleason, president of the 115,000-member International Longshoremen's Union, announced his support of Mr. Nixon, the first head of a major A.F.L.-C.I.O. affiliate to do so.

Earlier, six other unions had come out for the re-election of the President, including the two million-member International Brotherhood of Teamsters, the nation's biggest union.

About 40 unions or their leaders have announced their support of Senator George McGovern, the Democratic nominee which account for roughly half of organized labor's total membership of some 18 to 19 million workers.

The following are the names of the construction union presidents who endorsed President Nixon today.

Peter Fosco, Laborers International Union of North America, with 600,000 members.

Hunter P. Wharton, International Union of Operating Engineers, 400,000 members.

Martin J. Ward, United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, 300,000 members.

John H. Lyons, International Association of Bridge, Structural and Ornamental Iron Workers, 180,000 members.

Thomas F. Murphy, Bricklayers, Masons and Plasterers International Union of America, 165,000 members.

John T. Power, Operating Plasterers and Cement Masons International Union, 80,000 members.

Andrew T. Haas, International Association of Heat and Frost Insulators and Asbestos Workers, 20,000 members.

Wylie Lawhead, International Association of Marble, Slate and Stone Polishers, Rubbers and Sawyers, Tile Helpers and Finishers, Marble Setters Helpers, Marble Mosaic and Terrazzo Workers Helpers, 9,000 members.

In a joint statement, the nine union chiefs cited President Nixon's foreign policy, including his efforts to bring "an honorable end to the war in Vietnam," among the reasons for their endorsement.

"Moreover," they said, "the President's belief in the dignity of honest work and his opposition to policies which would sap and undermine the fundamental strength of American character, coincides with our view that it is only by honoring those who work that America can remain the kind of nation we wish to pass on to our children and grandchildren."

These union leaders are understood to be happy with the Construction Industry Stabilization Committee, which has imposed wage restraints in their industry but not so strenuously or arbitrarily as has the Pay Board in other industries.

Earlier today the union leaders were received by President Nixon at the White House. They were accompanied by Frank Bonadio, president of the Building and Construction Trades Department of the A.F.L.-C.I.O., even though the department has declared itself neutral in keeping with the policy of the federation's Executive Council.

The presidents of the two largest construction unions, Charles Pillard of the International Brotherhood of Electrical Workers and William Sidell of the Carpenters Union, did not endorse the President, Frank Raftery, president of the Painters Union, and Edward Carlough of the Sheetmetal Workers, head two other large unions that withheld their endorsement.

SENATE—*Friday, September 29, 1972*

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, we lift our hearts to Thee in gratitude for life and health, for work to do and strength with which to do it, for love and friendship, for the goodness and mercy that daily follows us, for the beauty and wonder of Thy creation, and for all things just and pure and true. We thank Thee for this Nation, its history, and its place in the present age. Assist us ever to live in the spirit of thanksgiving and to serve Thee and our fellow citizens gladly all our days.

We commit the Members of this body and all who assist them to Thy keeping. Guide them to consummate the legislation most beneficial to the Nation and its people at this time. Watch over them until the coming of the perfect order of Thy kingdom. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, September 28, 1972, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Armed Services and the Committee on Foreign Relations may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Montana is recognized.

(The remarks of Mr. MANSFIELD at this point when he introduced S. 4046 are printed in the Routine Morning Business section of the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The PRESIDENT pro tempore. Does the distinguished minority leader desire recognition?

Mr. SCOTT. Mr. President, I reserve my time.

EXECUTIVE SESSION

Mr. SCOTT. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the calendar.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Pennsylvania?

There being no objection, the Senate proceeded to the consideration of the nominations on the calendar.

DISTRICT OF COLUMBIA COUNCIL

The second assistant legislative clerk proceeded to read sundry nominations on the District of Columbia Council.

Mr. SCOTT. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. SCOTT. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, the President will be notified.

LEGISLATIVE SESSION

Mr. SCOTT. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from New Jersey (Mr. WILLIAMS) is recognized for not to exceed 15 minutes.

THE NIXON ADMINISTRATION—A FORM OF URBAN BLIGHT

Mr. WILLIAMS. Mr. President, during this period I shall address myself to urban problems and the response of this administration to those problems. My short statement is entitled "The Nixon Administration—A Form of Urban Blight."

Mr. President, more than 70 percent of our Nation's citizens now live in urban areas, and the multitude of problems which beset our cities must of necessity be of concern to any principled candidate for high public office.

I mention this because the Republican candidate for President, who also happens to be the incumbent, has over the past several years demonstrated not only a lack of concern, but, in fact, a callous disregard for the needs of our urban areas.

The incumbent, despite the enormous positive powers of the office he has held for the past several years, has used his position instead to strangle the most vitally important of urban programs.

Let me cite a few examples.

Recognizing that the disposal of waste products has become one of the most critical urban problems, Congress authorized and appropriated $1.65 billion in fiscal year 1972 for the construction of sewage treatment facilities.

Members of both parties endorsed this measure as a positive step toward abating water pollution.

Richard Nixon, however, took it upon himself to withhold 65 percent of the funds he was directed to allocate for this purpose.

Of the $1.65 billion that should have gone into the construction of sewage treatment facilities, a full $1.073 billion was not spent.

Mr. Nixon's parsimony will cost us all dearly in the long run. Unless their sewage treatment facilities are improved, our cities and suburbs will be left to stagnate.

We will pay for Mr. Nixon's ill-conceived economy not in dollars but in foul-smelling rivers unfit for urban recreation needs, and reservoirs with undrinkable water.

We will pay in lakes which are filled with scum unfit to swim in, and ultimately we will pay in oceans that cannot support any form of life.

This is supposed to be fiscal responsibility.

Richard Nixon's record on mass transportation in our urban areas is equally deplorable.

Over the last 2 years $500 million in funds authorized and appropriated by Congress under the Urban Mass Transit Assistance Act of 1970 have been frozen by Mr. Nixon.

On November 7, 1971, 35 Senators, including both the distinguished minority leader (Mr. SCOTT) and the distinguished minority whip (Mr. GRIFFIN), joined me in urging Mr. Nixon to allocate speedily the money Congress provided for urban mass transit.

Mr. President, I should have said that 37 Members of the Senate joined in that effort, and obviously there were many Members from either side of the aisle. I mentioned the distinguished minority leader and the distinguished minority whip. Antedating that, another plea was made by many of the same Senators, including the minority leader and minority whip, and that came on March 21, 1971. A similar plea was made to the President to allocate and to spend for this purpose the money that Congress had so laboriously authorized and even more laboriously appropriated for this purpose, to get us out of those monumental traffic jams.

At that time the incumbent apparently was only interested in bringing us together in monumental traffic jams.

Over the past several years Richard Nixon has also mounted an intensive foot-dragging campaign against a program of operating subsidies for urban mass transit companies.

While refusing to allow any member of his administration to testify publicly, Mr. Nixon repeatedly unleashed his lobbyists to slip a knife in the back of any bill which would provide operating subsidies for mass transportation.

Meanwhile, more and more commuter lines are teetering on the brink of bankruptcy.

Bus systems in cities of all sizes are staggering under ever-increasing deficits and must either raise their fares or curtail services. A vicious cycle of decline has come to urban mass transit.

In the last 10 years the number of municipalities forced to initiate programs of operating assistance to transit systems has increased by nearly 400 percent.

Our cities, States, and municipalities can no longer be forced to carry the burden of transit's financial deterioration by themselves.

Richard Nixon has also attempted to sabotage urban mass transit programs by intentionally disregarding the provisions of the Urban Mass Transit Assistance Act.

This law required the administration to submit its request for contract authority for fiscal years 1976 and 1977 by February 1, 1972.

Despite repeated pleas from the distinguished chairman of the Committee on Banking, Housing and Urban Affairs (Mr. SPARKMAN), and from me, Mr. Nixon's indifference lasted until 2 weeks ago, when the tune of the approaching election finally induced him to shuffle in with his request.

The consequences of President Nixon's policy of negligence and procrastination in regard to mass transit for our cities are not only predictable, but inevitable.

Our air is fouled with fumes; automobile accidents take more than 55,000 lives a year; in areas where land is at a premium it is devoured by streets, garages, and parking lots.

Today almost 66 percent of the land in urban areas belongs to the car.

Of equal importance is the failure of the Nixon administration to provide an adequate response to the housing needs of senior citizens.

The magnitude of these problems is well known:

Housing is the No. 1 cost for older Americans, with more than a third of their incomes going for shelter.

Almost one-third of all elderly persons are estimated to live in dilapidated, deteriorated, or substandard housing.

The 6.5 million elderly with incomes below or very near the poverty line cannot afford to pay one-third of their income for housing. Nor can they afford the repair and upkeep.

Perhaps most important for the 70 percent of older Americans who own their homes, property taxes have jumped 32 percent since January 1969 and are to the point of becoming confiscatory in some States.

Last, senior citizens are more and more becoming victims of criminals. A recent Gallup poll indicates a dramatic increase in the public's concern about crime and lawlessness: in the Nixon years, three out of four women over 50 years of age now indicate that they are afraid to walk in their neighborhoods at night.

In short, most seniors own their homes—homes which once represented comfort and security in earlier life—which now have become expensive, difficult to maintain, and burdened with increasing property taxes which may consume 10 or 15 or even more than 25 percent of the elderly's gross incomes.

Many would gladly trade their homes for smaller quarters if suitable alternatives could be found.

But there are no alternatives.

There is only shortage, unmet needs, and unkept promises.

Clearly the administration has been unresponsive to the housing needs of older Americans.

In spite of the high cost of housing in the average budget of individuals 65 and over the Nixon administration opposition to the recent 20 percent social security increase is well known.

The administration has failed to deal with the shortcomings of Federal programs in helping senior citizens repair and rehabilitate their own housing.

The administration has not felt the need to help older Americans purchase new or alternative residences.

Because of their relatively short life expectancies, seniors are denied loans in the conventional marketplace.

Aside from those few seniors who have made use of the section 235 program, the Federal Government's assistance is limited to providing FHA insurance in the purchase of mobile homes.

The administration's performance in providing a suitable number of rental units is equally anemic.

The White House Conference on Aging determined that a bare minimum of 120,000 new units for the elderly would be needed yearly.

Only 41,000 units were built for the elderly in 1970, however, and the administration promises only 66,000 units this year.

The Nixon administration bears the responsibility for phasing out the one housing program designed exclusively for the elderly.

The section 202 provided direct loans to nonprofit sponsors desiring to build housing for the elderly.

The sponsor could borrow 100 percent of project cost at 3-percent interest from the Federal Government if the project met strict design criteria written with the special needs of older Americans in mind.

Section 202, which never suffered a failure in its 10 years of operation, was phased out in 1969 by the Nixon administration's arbitrary interpretation of the 1968 Housing Act.

Despite repeated efforts from the Congress, HUD has continued to insist that the 1968 Housing Act required the phaseout of section 202 in favor of the scandal-ridden FHA section 236.

Section 236 requires the sponsor to go to the private money market for a conventional loan with the Federal Government assuming all but 1 percent of the interest on the loan at a staggering cost to the Federal Government.

In fact, witnesses before my Subcommittee on Housing for the Elderly last year testified that a $3 million project will cost the Government $8 million in interest alone over the 40-year term of the mortgage.

The fact that section 236 is substantially more costly than section 202 has been confirmed by a recent General Accounting Office audit.

The Nixon administration's record on property tax relief for older Americans is marked by similar disregard for generally recognized needs.

With property taxes increasing by 32 percent since President Nixon assumed the White House, it is logical that the President should speak to the need for reform.

But words have not been followed by deeds.

In fact, the administration mounted resistance to the one measure under consideration during this Congress which would have provided such relief.

The Eagleton bill, S. 1960, would have provided an income tax credit of up to $300 for elderly homeowners and tenants but was shot down by the administration.

Other proposals for property tax relief have been ignored while Nixon speaks of a regressive national sales tax to take the place of equally regressive and oppressive property taxes.

Another issue which my Subcommittee on Housing for the Elderly has brought to public attention relates to the increasing victimization of elderly citizens.

Witnesses at recent hearings described elderly residents of federally assisted public housing units as "sitting ducks."

We were told of one elderly woman who had been "mugged" 21 times in her apartment.

Witnesses spoke of being afraid to venture out at night and fearing even to empty the mailbox on the third of the month when social security checks arrive.

The elderly apparently suffer a disproportionate share of certain crimes.

The Federal Government, by bringing large numbers of individuals together in a single area or high rise, should be concerned about the safety of these individuals.

The solution to the problem is money and commitment.

At the present time we are beginning to see some movement within the Department of Housing and Urban Development Law Enforcement Assistance Administration.

There appears to be the beginning of a genuine effort to arrest this serious problem but the administration has still to set aside a meaningful portion of operating subsidies to allow housing authorities to provide requisite security arrangements.

The PRESIDENT pro tempore. The Senator's time has expired.

Under the previous order, the Senator from Michigan is recognized for not to exceed 15 minutes.

Mr. HART. Mr. President, I yield such time as he may need to the Senator from New Jersey.

The PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. WILLIAMS. I appreciate the graciousness of the Senator from Michigan.

Mr. President, the Nixon administration's efforts in this facet of the urban problem have been shockingly inadequate.

I find it curious that the administration can laud itself for its so-called achievement.

The repeated recitation of problems without the commitment of resources constitutes a cruel hoax perpetrated on the elderly.

The rising expectations and hope created by the administration will only give way to the disenchantment and disappointment which older Americans have felt again and again during these last 3 years.

Mr. President, in 4 short years the Nixon administration has itself developed into a form of urban blight.

The present administration has come to be synonymous with traffic snarls and exhaust-laden air.

It has come to mean raw sewage in our waterways.

It has come to mean indifference to the most basic needs of our elderly urban dwellers—the need for adequate housing and the need for personal security.

This strain of urban blight is particularly virulent and particularly debilitating.

Another 4 years may be more than our cities can endure.

Mr. HART. Mr. President, the statement I have just heard voiced by the Senator from New Jersey is soundly based. The facts are there. I hope the people of this country will recognize them for what they are.

THE DETERIORATION OF URBAN AREAS

Mr. HART. Mr. President, in 1969 a commission created by President Johnson, following the tragic deaths of our former colleague Robert Kennedy and Dr. Martin Luther King, was charged with reporting on causes and prevention of violence in this country. The chairman of the commission was Dr. Milton Eisenhower, former president of Johns Hopkins University, and a distinguished American. That committee filed a unanimous warning and said that our country was on the way to becoming a society divided between armed, affluent suburbs and decayed, savage cities.

The reverse of that trend should be the very highest priority, for a nation divided such as that cannot for long remain free or strong.

Tragically, it would appear that the present administration did not hear that warning, because 3 years later we are even further down the road toward that divided society of decaying cities and armed suburbs.

The administration's response to that warning has been a Nero-like approach to urban problems while fiddling for suburban votes. That is obviously the product of someone more skilled in the construction of words than I, but I think it is a correct analogy; a Nero-like approach to urban problems while fiddling for suburban votes.

At the same time he has fiddled for votes in the suburbs, saying he will not increase taxes, by talking about property tax reform, by helping to inflame antibusing emotions and by proposing a revenue sharing plan which favored some affluent communities over poorer ones.

Perhaps the Nixon approach is good politics, but the results are bad for the country.

Perhaps political expediency dictates that 1972 is not the time to speak a harsh reminder to voters that they are a part of a larger world, but people should know what they are buying if they buy four more years of this administration.

The fact is that urban blight does not stop at the city's edge.

The fact is that air and water pollution recognize no political boundaries.

And the fact is that those who believe that equal opportunity in housing, and jobs for people to achieve the means to buy housing, is the long-range solution to the busing controversy—a conclusion I agree with—are not being well served by this administration.

After 4 years of the Nixon approach, we are still further down the road toward a society divided between armed, affluent suburbs and decayed, savage cities.

A society so divided cannot long remain free or strong.

The President vetoed the 1971 HUD money bill which included increased funds for urban renewal and water and sewer grants.

The administration refused to spend $215 million of the urban renewal funds approved by Congress in fiscal year 1970.

The administration refused to spend $200 million in water and sewer grants in fiscal year 1971, $500 million in fiscal year 1972 and an estimated $300 million in the current fiscal year.

The administration has impounded $50 million in rehabilitation loans for low-income homeowners in 1972 and another estimated $70 million in this fiscal year.

The administration withheld $165 million in public housing funds in fiscal year 1971, $130 million in fiscal year 1972 and an estimated $100 million in this fiscal year.

The President withheld $200 million in mass transit funds in 1971 and $300 million in the last fiscal year.

The administration cut back HUD personnel levels at the same time the department launched new housing programs in our cities, with the result that speculators were free to make giant profits by selling inferior houses to low- and moderate-income families.

The Nation is now paying the cost of these short-sighted policies.

Because the administration refuses to use available money to pay a share of public housing operating expenses, as many as 40 public housing projects may be bankrupt by the end of next year.

Because the administration refused to provide personnel to enforce regulations, HUD's housing programs have done more to insure that speculators make money than to guarantee sound housing for moderate-income families.

Detroit is chapter and verse in this HUD FHA housing disarray.

In Detroit alone, HUD has had to foreclose on more than 9,000 houses.

What once had been stable neighborhoods are now dotted with HUD-owned empty, dirt-covered lots and boarded-up decaying vacant houses.

Blockbusters have had a field day at Government expense, setting back the cause of open housing by years.

And incredible as it may seem, there are reports of new scandals surrounding these same houses, this time involving Federal payments for repair work not done.

The record is clear.

The Nixon administration has failed the challenge of saving our cities.

Another 4 years of such policies can result only in the spread of blight, and this time across the line of the cities into our suburbs.

Secretary Romney properly has been making the point that the city is both a legal entity and a true entity. Geographic boundaries are one thing; the real city is another thing again. It is the whole metropolitan complex.

Four more years like this will see the blight of the decaying city, which the Eisenhower Commission on Crime and Violence cautioned us about, spread across city lines into the suburbs. To reverse that trend, the trend against a two-part society against which the Eisenhower Commission warned, will require a voice in the White House willing to appeal to our better instincts, even though there may be a political price for doing it. It will take a voice free of strings tied to any special interests, enabling it to institute programs for the good of all, whether or not they contribute to the campaign.

It will take the voice of a man who believes that the national interest will be better served if the efforts now going into destroying cities in Indochina are directed into reconstituting our own urban areas.

The problems that confront the cities of this country, whatever their cause, include, in the cure, money—not just praying, not just good work, but money. That is unpleasant music to the ears of citizens who feel themselves already unfairly burdened by taxes. They are unfairly burdened in most cases because only a few benefit from the windfalls that we have structured into our Internal Revenue Code. If we could convince the country that the tax formulas are as equitable as humans can devise, if we had a voice that would get up and say the hard truth is that there is not any shortcut to reversing the decay of our cities, that the restructuring and the revitalization of cities cannot be obtained in anybody's bargain basement sale, that it will cost big money—perhaps not as big as destroying cities 10,000 miles away, but substantial—until we get that voice and understanding, this country is in trouble.

The PRESIDENT pro tempore. The time of the Senator from Michigan has expired.

Mr. ROBERT C. BYRD. Mr. President, I have some time. I shall be glad to yield some time to the Senator.

Mr. HART. I thank the Senator. I have completed my statement.

Mr. ROBERT C. BYRD. Mr. President, I relinquish my time under the order.

REBUTTAL

Mr. SCOTT. Mr. President, I do not want us to get into a logomachy. I would rather get on with the business of the Senate than to indulge invigoratingly in political issues, but the mimeograph machines downtown are whirring visibly, turning out material, material for Senators to put into the RECORD, about how terribly bad everything is in the country and has been in the last 4 years.

One would think that we live in a crepuscular zone where the shadows of night are creeping over the Nation, and the pictures cast by Senators in the diligent pursuit of their daily rounds in the premorning hour would lead the gullible to believe that there may be something to these charges.

Well, I wonder. They do have to be answered. Reference has been made to urban blight. There I would reply: Whose program for housing have resulted in instant slums? Whose programs, introduced, advocated, and passed by Congresses 90 percent of the time in control of the opposition party for the last 40 years, have dotted our cities with high-rise apartments built by their friends, financed by other friends, and allowed to fall into rot and in some cases into disuse by their friends, the mayors, and the city councils of those cities?

And now they rush to us and say, "The cities are in trouble." Well, almost all the cities of this country are administered by representatives of the majority party, and I might add that about half of those mayors are not supporting the candidate of the majority party because of the problems that have been engendered for them; but it ill becomes my friends here to grieve over urban blight when they were the authors of the San Jose scale which defoliated those areas.

And they are still at it. They are still at it because recently, in the other body, the Rules Committee killed a $10.6 billion omnibus housing bill, contained in a 315-page document representing 6 months of work by the Banking and Currency Committee.

It is their Congress. It is their committee. It is their decision. And it is the administration's request which they have turned down; and they have the nerve to come in here and talk about urban blight when they killed the housing bill.

We have waited 15 months for action over here on welfare reform, and it is brought up at the last minute, well knowing the difficulties of late action, well knowing the difficulties facing the attempt to get action late. Yet efforts will be made to show that the failure of Congress to act earlier is somehow the fault of the administration, which has been pressing for action.

So, for legislation not passed, for good things not done, for desires and objectives legislatively not achieved, whose fault? Senators who criticize the administration should, on the contrary, be humbly pleading "mea culpa," because it is their fault and it is the fault of their party that these things have not been done.

Then we hear complaints about rapid transit. Well, I agree with some of the objectives which these Senators have favored. I have joined with them. But it is their Congress, and they have not gotten them through. The things they have gotten through have included certain important measures recommended by the administration. But to hear them talk, one would not know that this administration recommended the Amtrak legislation, and that we do have rapid rail transit along the Northeast Corridor; that this administration recommended the Transportation Act, that Congress complied, and that we do have in process better transportation and a better highway system.

Then there is complaint about foul streams and dirty waters. But the President has asked for 32 environmental bills, and has only gotten six of them. Whose fault? Well, this administration, by its insistence on its programs, has indeed spent more money for rapid transit than before, and has spent more money for mass transit than before, and has spent more money for housing than before; but it is still not enough. The reason it is not enough is, of course, the fact that the majority has not approved that legislation.

It is true that many bus systems are inadequate, but the cities and counties run the bus systems. The United States does not run the bus systems. Is any Senator advocating a nationalized, socialized U.S. Bus Company? If he is, let him say so. If not, why blame the bus difficulties on the administration? Why blame the fact that the buses are overheated or undercooled on the administration?

After awhile they will be blaming the administration for thin bumpers on some cars. I notice that one line in one Senator's speech appears to blame the auto accidents which people get into on the administration. Well, Mr. President, you can only go so far before you so seriously impinge on credibility that you tread on the borders of hysteria. These things, these charges, are an attempt to plead one's own default as an excuse; and none better.

Actually, on housing the President pointed out in June of 1971, as to the increasing supply of housing, particularly of low- and moderate-income housing, that federally assisted low- and moderate-income housing starts in 1972 will be four times what they were as recently as 1968, and that is up to 650,000.

The Nixon administration has done more for housing than any previous administration in history, and wants to do more, except that in this Congress the other body has refused it the opportunity. In 18 months, more than 1 million units of subsidized housing units have been started, compared with a yearly average of 35,000 for the 1960's. There has been a change of emphasis and direction. Public housing in the past has torn down more housing than it has created. Now that direction has been changed.

House building techniques have been modernized. The use of modular components, assembled at the factory, speeds up the building of housing. Contracts setting wages at factory levels have been signed and shipping costs cut back.

In housing management, past experience has shown that poor management has contributed to the decay of public housing. The Office of Housing Management trains personnel. It is expected that by 1980, 60,000 managers will be needed.

That was one of the complaints on urban blight by the distinguished Senator from New Jersey, that housing was going to pot. As a matter of fact, there is truth in that. That is why this administration—and only this administration—moved toward the training of better managers of public housing.

All community development programs at HUD are now under a single assistant secretary. State and local governments play a major part in the Model Cities program. The President's community development revenue-sharing plan would consolidate present plans into a $2.3 million program to fund programs under control of localities, would cut redtape and speed up projects; and this Congress has refused to give to him.

HUD has encouraged areawide planning for urban areas. Half of the Nation's 3,100 counties, containing three-fourths of the Nation's population, now have areawide planning agencies, aided by HUD.

Roughly 90,000 policies are now in force covering $1.4 billion in flood insurance; 500,000 mobile homes were made available in 1972; and FHA is now moving into financing purchases.

The distinguished Senator from Michigan (Mr. HART) has complained about the revenue-sharing plan, which he says favors some affluent communities over poorer ones. He will have a chance to correct that when the conference report comes to the Senate if it is true, and we will see how the vote goes.

As a matter of fact, the mayors in Michigan will disagree with him on that, I am sure. The mayors in New Jersey will disagree with statements made here today about revenue sharing. That is why mayors have supported the President's revenue-sharing program. The revenue-sharing program is not geared to penalize the poor areas or favor the affluent ones. It is geared to work throughout the whole country in an adjustment of the competing needs of all the communities, be they rural or urban, large or small, relatively poor or relatively affluent. Revenue sharing, which Congress adopted—and it took 3 years to do it—was advocated by the President about the time he came into office.

That conference report will come to the Senate. If there is anything wrong in it, then I suggest to my friend from Michigan that he make proposals as to what should be done about it. I think it is pretty good. It did not give Pennsylvania as much as it should, but it is pretty good. It gives them more than it originally did, and in each State that happened as a result of compromises reached in the two Houses.

I think it is unfortunate that we have to go through this exercise every morning, because, as I have said each time, nobody is really listening. I am afraid that we do not even have the distinction of boring the public, because we cannot bore anybody until we first get their attention. We have not even gotten their attention. We have not even reached the fringe of boredom, much less the plateau of interest or the mountains of enthusiasm. So I would say that this exercise is no climbing of Everest. It is, rather, a trudging across the sands of the desert, in search of some sort of waterhole where nourishment may be encountered.

Again, one more time, I plead for an end of this waste of time. In order to conserve a small amount of it, I yield back what remains of mine.

THE CONSUMER PROTECTION ORGANIZATION ACT OF 1972

The PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business, S. 3970, which the clerk will state.

The assistant legislative clerk read as follows:

> A bill (S. 3970) to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes.

The PRESIDENT pro tempore. Under the previous unanimous-consent agreement, the 1 hour allotted before the Senate proceeds to vote on invoking cloture will be equally divided and controlled by the Senator from Connecticut (Mr. Ribicoff) and the Senator from North Carolina (Mr. Ervin).

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the proviso that the quorum call be terminated at 1 minute before 10 a.m.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL 10 A.M. MONDAY, OCTOBER 2, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 10 a.m. on Monday next.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CONSUMER PROTECTION ORGANIZATION ACT OF 1972

The Senate continued with the consideration of the bill (S. 3970) to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, does the 1 hour of controlled time under rule XXII begin at 10 a.m. today?

The PRESIDENT pro tempore. It does.

Mr. ROBERT C. BYRD. I thank the Chair.

The PRESIDENT pro tempore. The hour of 10 a.m. having arrived, the time is now under control.

Who yields time?

Mr. RIBICOFF. Mr. President, I yield to the distinguished Senator from Florida (Mr. Chiles).

The PRESIDENT pro tempore. The Senator from Florida is recognized.

Mr. CHILES. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Chiles). Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, the issue before the Senate is very simple: Should we have an opportunity to vote on the merits of this bill, or should it be killed through dilatory tactics? I believe we should meet our responsibility and vote on the bill.

This legislation has been debated for an entire week. The issues have been fully discussed. Now is the time to begin voting.

This legislation is the product of long and careful consideration. It has wide bipartisan support. In 1970, we approved a similar bill 74 to 4. In 1971 the House passed a slightly different version 344 to 44. The Senate Government Operations Committee reported S. 3970 by a vote of 15 to 2, including four proxies in support, after examining it closely in seven executive sessions lasting more than 16 hours.

This is not a new or radical proposal. The establishment of a consumer protection agency was endorsed in the Democratic and Republican platforms this year. The American Bar Association and the Administrative Conference of the United States, the Agency which oversees Federal administrative procedure, support CPA intervention in Agency proceedings. The Agricultural Adjustment Act has provided for just such intervention by the Department of Agriculture for nearly 35 years.

Mr. President, the sponsors of this bill are not asking that the Senate approve it without changes. Some amendments have already been adopted. Other pending amendments further refine and improve it. I am sure they, too, will be accepted. Of course, we will oppose weakening amendments, such as the amicus. But the Senate should have an opportunity to consider and vote on all amendments.

Much has been said about this bill the past week, but in the end it all comes down to simply this: Should the Senate have an opportunity to vote on a bill which establishes a consumer protection agency to represent consumers within the Federal Government just as business, labor, and agriculture are? I believe that we should and I urge a yes vote on the cloture motion.

The PRESIDING OFFICER (Mr. Chiles). Who yields time?

Mr. JAVITS. Mr. President, how is the time divided?

The PRESIDING OFFICER. The time is divided equally between the Senator from Connecticut and the Senator from North Carolina, 30 minutes each.

Who yields time?

Mr. ERVIN. Mr. President, I agree with the distinguished Senator from Connecticut (Mr. Ribicoff). The Senate should have a right to vote on this issue, but the Senate should refrain from voting on this issue until it has been thoroughly debated. There has been virtually no debate on this proposal. A couple hours have been allocated in the afternoon on a few days.

It is also time, as the distinguished Senator from Connecticut said, that in 1970 a somewhat similar bill was before the Senate.

I think the Senator from Alabama (Mr. Allen) and the Senator from North Carolina were the only two Senators, except those who were proponents of the bill, who had read it. As a consequence, we spoke against the bill, and Senators Ellender and Holland joined us in voting against it.

Since that time the people of the Nation have found out what is in the bill. And many Senators have read it, and they have had their intellectual eyes opened.

I predict with confidence that when this bill is put on final passage, there will be far more than four votes recorded against it.

I studied this bill very closely. The first time I read it, I discovered that it was incompatible with the theory that the United States should have a government of laws, rather than a government of men.

I found that it created a government of one man in the economic life of one nation. The more I studied it, the worse I found it to be. It reminds me of George, who married and lived with his wife a few months and found her to be somewhat unsatisfactory. George went to the preacher who had solemnized the marriage and told him that he had found his wife somewhat unsatisfactory and wanted to know whether it would be all right, in the preacher's opinion, for him to sue her for divorce.

The preacher said, "No, George. Don't you remember, you took her for better or worse?"

He said, "Yes, but she is worse than I took her to be."

The truth is that this bill is as full of unwise provisions as a mangy hound dog is of fleas. We talk about cloture at this stage of the debate. Why, it would take hours just to point out a few of the unwise provisions of this bill. Then the half would be untold after that had been done.

This bill, if enacted into law, would make the administrator the kind of Humpty-Dumpty which Alice met in Wonderland.

Why do I say that? I say that because the definition of consumer interest which the administrator is to protect means nothing except what the consumer administrator considers it to mean.

Mr. President, I read that definition from page 41 and 42 of the bill:

> (11) "interest(s) of consumers" means the substantial concerns of consumers, related to any business, trade, commercial, or marketplace transaction, but not including Government sales to foreign governments, regarding—
>
> (A) the safety, quality, purity, potency, healthfulness, durability, performance, repairability, effectiveness, dependability, availability, or cost of real or personal property, tangible or intangible goods, services, or credit;
>
> (B) the preservation of consumer choice and a competitive market;
>
> (C) the prevention of unfair or deceptive trade practices;
>
> (D) the maintenance of truthfulness and fairness in the advertising, promotion, and sale by a producer, distributor, lender, retailer, or supplier of such property, goods, services, and credit;
>
> (E) the availability of full, accurate, and clear information and warnings by a producer, distributor, lender, retailer, or supplier concerning such property, goods, services, and credit; and
>
> (F) the protection of the legal rights and remedies of consumers;

That language covers the whole face of the economic earth. It covers everything that people use—land, goods, credit, laws—everything. Despite the magnitude of words in which the definition of consumer interests is couched, the meaning is as nebulous as the Milky Way. No human being can tell what those words mean. The bill leaves the meaning of these vague words to the unreviewable determination of the consumer administrator.

Time after time in the bill there is a provision to the effect that the consumer administrator can interject himself into virtually all the activities of every executive department and agency, into every ad hoc committee operating in any Federal department or agency, indeed, into any activity of any Federal agency. In addition to that, he can call on any man or business, whether that man or business sells shoestrings on the streets or superintends the operation of the United States Steel Corp., to give him access to information on any subject which he, the administrator, thinks affects consumer interests.

I said the bill would make the administrator similar to the Humpty Dumpty that Alice met in Wonderland.

Alice got in conversation with Humpty Dumpty, and she could not understand him. He used the same words as she used, but she could not understand what he meant by those words because they meant different things to her than they apparently meant to him. Alice asked him about it. I call attention to Humpty Dumpty's reply because it enables one to understand the bill and to understand why the bill should not be passed until Senators study it further.

"When I use a word," said Humpty Dumpty to Alice in a scornful manner, "it means just what I choose it to mean, neither more nor less."

"The question is," replied Alice, "whether you can make words mean so many different things."

If Congress enacts this bill, Congress will not be saying what the bill means. It will be leaving that matter to the unbridled, arbitrary discretion, if he has any, of the Consumer Administrator.

I stated in debate the other day that there is only one being in the entire universe who could exercise wisely all of the powers which this bill gives to the Administrator. The Administrator is given the oversight and supervision of all of the activities of the Federal Government except its legislative and judicial activities.

Notwithstanding this omission, however, it also gives the Administrator the express power to tell Congress how it should legislate, and the power to appear before the courts and tell the courts how they should adjudicate. Yet when I offered an amendment to the bill which would give those who produce goods or furnish credit, or render services an opportunity to protect themselves against unlawful conduct on the part of the Administrator, the advocates of the bill overwhelmingly rejected my amendment. They said, in effect, that if the Administrator has to be just, or if he has to be kept within the bounds of his almost unlimited authority, it would impede his operations. That is the reason we have courts—to impede unlawful acts. Yet this bill would give to the consumer agency the power to agitate and litigate but would deny any remedy or any relief to any person who is injured or threatened with injury by his unlawful execution of his vast powers.

I do not think anybody can conceive without a great deal of concentration how vast the powers are that this bill undertakes to give to the Administrator.

A few days ago it was announced by the Department of Agriculture that the United States had agreed to let wheat dealers sell enormous quantities of wheat to Russia. It was also announced that these sales by the wheat dealers to Russia would be financed in part by loans or by guarantees of the Export-Import Bank of the United States.

If this bill were now law, the Administrator could go into the meetings of the grain dealers and the officers of the Export-Import Bank and undertake to tell them exactly what audit or guarantee arrangements should be made. This would be so because these wheat deals are certainly going to affect the consumer. Since the deals were announced wheat has taken a tremendous jump in price, and as a result bread is going to cost every consumer in the United States more than it has in the immediate past.

Let us see if the Administrator would have had the power to interject himself into this transaction if this bill had been in effect. I invite the attention of the Senate to section 203 (a) and (b) of the bill, found on pages 14 and 15. Section 203(a) gives the Administrator the absolute right—to interject himself into the regulatory proceedings of every executive department and agency whose decisions are reviewable under the Administrative Procedure Act. And he could appeal those decisions to the courts even though the department or agency and all other parties deemed them to be in compliance with law, and could compel the courts to let him argue the appeals even though his own pleadings disclosed to the court beyond all doubt that his claim that a consumer interest was involved is totally without foundation.

The drafters of the bill were not satisfied with giving the Administrator the vast powers set out in subsection (a). So they put in section (b). I will read subsection (b) to the Senate:

> (b) Whenever the Administrator determines that the result of any Federal agency activity to which subsection (a) does not apply and of which the Administrator has knowledge or receives notice pursuant to section 205 may substantially affect the interests of consumers, he may as of right participate for the purpose of representing the interests of consumers in such activity. In exercising such right, he may in an orderly manner.

I am glad to note this restriction on the Administrator. It is virtually the only one to be found in the bill.

> And without causing undue delay—
>
> (1) present orally or in writing to responsible agency officials relevant information, briefs, and arguments; and
>
> (2) have an opportunity equal to that of any person outside the agency to participate in such activity.

If this bill were now law, the Administrator would have exactly the same right to go into the meetings of the Export-Import Bank that the grain dealers have when they are trying to obtain from it credit for the sale of wheat to Russia. He would have the right to present information; and not only would he have that right, but he would also have the right to argue, file briefs, and otherwise participate in the negotiation as the grain dealers have.

I say this because the statute which creates the Export-Import Bank of the United States expressly states:

> There is created a corporation with the name Export-Import Bank of the United States, which shall be an agency of the United States of America.

What I have just read appears in section 635(a) of title 12 of the United States Code.

This illustrates that if the consumer agency is going to discharge the vast powers of overseeing the operation of the entire executive branch of the Federal

Government, as the bill would authorize him to do, he will have to have a department several times the size of HEW. He will have so many additional officials employed to enforce the provisions of the bill that they will eat up the substance of the taxpayers who are the consumers.

The consumer agency would have to be staffed by bankers who could advise the Export-Import Bank and other banks in which the United States has capital investments, as to how they should bank in order to serve the interests of the consumers. The agency would have to have physicians, pharmacists, and chemists who are capable of analyzing medicine and determining the side effects of medicines, and the effectiveness of medicine, just as the Food and Drug Administration now has. The agency would have to have experts in weapons systems because under the bill the Administrator would have the power to interject himself into every activity of the Department of Defense, the Department of the Army, the Department of the Air Force, and the Department of the Navy which involves, in his judgment, a consumer interest. Since the development and acquisition of new weapons systems require steel and other material, and for that reason lessen the supply of steel and other materials on the market, they necessarily affect the interest of consumers, and the Administrator would undoubtedly have authority to interject himself and his evidence and argument into the activities of every department and ad hoc committee dealing with that matter.

It is unwise to vest anybody with the arbitrary and virtually unlimited power that will be vested in the Administrator by this bill. As I said in argument the other day, the bill is based upon these premises: First, that the Federal regulatory agencies are either unintelligent or corrupt and are not regulating the matters committed to their charge correctly; second, that producers sit up all night to study new ways to cheat and defraud the customers on whose good will their prosperity depends; and third, that consumers are so unintelligent when they come to decide what they should eat and what they should drink and what they should wear and what kind of house they should build or rent they must be put under bureaucratic guardianship. For these reasons, Congress is urged to pile on top of numerous existing agencies and bureaus in Washington another agency which will operate like a fifth wheel on an automobile or a fifth wheel on a wagon.

I respectfully suggest that if the regulatory agencies are not regulating the matters committed to their charge in a satisfactory manner, Congress should study the question whether that deficiency is due to the lack of character or intelligence of the regulators or to the sufficiency of the laws under which they do their regulating.

If Congress finds the unsatisfactory regulation is due to the lack of character or intelligence on the part of the regulators, it ought to provide that the regulators be removed from office, and that honorable and intelligent men should be placed in the jobs they now occupy and given the job of regulating the matters committed to them.

On the contrary, if it is found by Congress that the regulatory agencies do not operate in a satisfactory manner because of the insufficiency of the laws under which they operate, then Congress should amend the laws and specify exactly what they must do in order to regulate satisfactorily.

Instead of changing any of these laws, or removing any of the regulators, it is proposed by the bill that we keep the existing laws and regulators and superimpose and pile on existing departments and agencies another Federal agency with unprecedented and largely undefined powers, all at the expenses of the consumers who are the only taxpayers our Nation has.

As the Senator from Georgia (Mr. TALMADGE) and I pointed out the other day on the floor of the Senate, this bill would set up a system in which the consumers would have to pay the lawyers and the costs on both sides of the controversy. All this is to be done in the name of benefiting the consumers, who have to pay all governmental freight in the final analysis as well as the increased cost of goods and services which further regulation makes inevitable.

Mr. President, may I inquire how much more time I have?

The PRESIDING OFFICER. The Senator from North Carolina has 6 minutes remaining.

Mr. ERVIN. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. RIBICOFF. Mr. President, I yield 5 minutes to the distinguished Senator from Illinois (Mr. PERCY).

Mr. PERCY. Mr. President, I believe that we have reached a stage in the current discussion of the Consumer Protection Organization Act of 1972 (S. 3970) where the marginal utility of continuing on with unlimited debate is far outweighed by the terrible injustice that will be done to the Amercan consumer in jeopardizing passage of this critical legislation.

Whether we call it "talking at length" or "filibuster," the clear fact is that the Senate of the United States is being prevented from working its will on the merits of legislation aimed at assuring American consumers an effective voice in the deliberations of government. The House has already passed comparable legislation by an overwhelming vote of 344 to 44 in this session of Congress. The Senate itself resoundingly approved substantially this same legislation in December of 1970 by a margin of 74 to 4, but the measure got tied up in the House Rules Committee by an impasse not dissimilar to that we are experiencing on the floor of the Senate. The only two remaining Senators in the Senate who voted against the bill in 1970, Senators ALLEN and ERVIN, have had more than ample opportunity within the Government Operations Committee, on which Senator ERVIN serves as chairman, and here on the Senate floor over the past week to express their thoughts and views on this legislation.

Time is of the essence in these closing days of the 92d Congress. If other vital legislation is to also have sufficient time for discussion and debate, we must act now to cut off an impending stall on the consumer bill, which threatens not only its chances but imperils any opportunity for the Senate to act with dispatch on its other important business.

In truth, Mr. President, I find it difficult to understand why all the fuss. Everyone seems to admit that the consumers need a fairer shake in the decisionmaking process of Federal agencies and courts. Let us face it, there are just too many situations where a few manufacturers of goods and suppliers of services are just oblivious to the interests of their customers and, in turn, are permitted by the regulatory agencies we have set up to guard consumer interests to instead sneer at those interests.

I am not sure what the percentage or proportion would be, but, just based on general experience, I would say that certainly over 95 percent—perhaps 97 percent—of the business community is utterly responsible and recognizes that the only way to build up its business is through satisfied customers. But we know that there is a small segment of American businessmen, the so-called "fast-buck artists," who get in and get out, who count on the fact that if there is injury as a result of slip-shod design or manufacture of a product, or if it causes injury to health as a result of an error of one kind or another, the consumer is not organized, and that he would probaby not have any serious challenge if sued by an individual consumer.

That represents a very minuscule proportion of American business, but it is widespread enough that there are now grand juries that have been convened because of conspiracies, because of fraud in the homebuilding field itself, because of those who have defrauded the American public—particularly low-income families eligible for subsidy existence—and the Federal Government of the United States, a number of whose agents openly and brazenly engaged in such fraud and bilked the consumer out of millions and millions of dollars. Yet the consumer, small, uninformed, lacking in resources, simply was unable to pursue that case, and we had no agency that was able to show a pattern of this kind occurring across the country, until it was too late. And now, after the fact, we are required to move in with remedial measures that will never altogether repair the original harm done.

At present, too many regulatory agencies are literally a revolving door of frustration for consumers. In petitioning his government, the consumer is often made to run around in circles or is otherwise tied up in a maze of redtape. Where the consumer even bothers to complain about a rate increase, or shoddy merchandise, or a hazard to his health and safety, too, these letters are too frequently ignored or receive a mimeographed reply that says nothing. If a consumer telephones an agency, he often gets transferred from office to office, getting cut off in the process. If he finally learns which regulatory agency has responsibility and appears in person, he is greeted by a receptionist, referred to a clerk, and then told to wait for an assistant department head who ultimately says he has not the authority to act or do anything.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. **PERCY.** May I have 3 minutes?

Mr. **RIBICOFF.** Mr. President, I yield 3 minutes to the Senator from Illinois.

Mr. **PERCY.** Mr. President, the real question before us is whether the Senate of the United States will be permitted to act on the merits of the legislation before it or is to be frustrated by the procedural delays of a small minority of its members, who, while they may oppose the legislation for a multitude of reasons, have already had a fair opportunity to let their views be known. And perhaps underlying that, in view of the diehard lobbying campaign of certain segments of the business community—a campaign unparalleled in my experience, and I must say as a former member of that community, which deeply concerns me because of its distortions—is the Senate of the United States to permit itself to be intimidated by what the record will show to be just so many wild, irresponsible statements and untruths about this measure?

I shall not take the time of the Senate to repeat them, but in committee and on the floor of the Senate I have on many occasions pointed out specifically the wild, irresponsible charges that have been made by certain segments of the business community.

Seventy-four Senators approved this legislation not 2 years ago. What we have before us is in major detail essentially the same, except for the fact that the Subcommittee on Executive Reorganization and the full Government Operations Committee after months of hearings and deliberations, have refined the bill to incorporate added safeguards against abuse for legitimate interests of responsible business and orderly government.

This is a better bill than the one we passed in 1970, and the concept is now thoroughly endorsed by a wide spectrum of the political community. The Nixon administration is on record as supporting an independent advocacy agency for consumers with the right of full party participation in the proceedings of other Federal agencies and the courts. Both the Republican and Democratic Party platforms, just adopted, endorse this concept. The American Bar Association, so concerned about due process and fair procedures, endorsed the principle of an independent advocacy agency at its recent meeting in San Francisco. Indeed, the recommendations of the ABA Committee on Administrative Practice and Procedure more closely parallel the actual provisions of the Senate bill than they do the House bill, which was before the ABA committee at the time it exhaustively studied this subject.

I take especial pleasure at this time in announcing a message of endorsement. Communicated to me just moments ago, from by the American Trial Lawyers Association. Mr. J. D. Lee, a remarkable Tennessee attorney of nationwide repute and newly elected president of the American Trial Lawyers Association states that:

> The time has come for the coalition of an effective consumer advocate to present arguments on behalf of the interests of consumers in Federal agencies and courts. Urging prompt passage of the legislation before us, the association believes, as I do, that S. 3970 will lead to greater public confidence in government.

The public interest efforts of this outstanding organization and the public-spirited projects of individual members are well known nationally, and it is for that reason that the association's support has particular meaning to all of us in the Senate. I am especially reminded of the eloquent and moving testimony back in May of one of its most gifted members, Arnold B. Elkind of New York City, before the Subcommittee on Executive Reorganization, on behalf of comprehensive Federal product safety legislation. That measure has now passed both the Senate and the House and will be in conference next week. I also recall that Leonard Ring, an extraordinarily able and respected member of the legal community in Chicago, was recently elected first vice president of the American Trial Lawyers Association.

The **PRESIDING OFFICER.** The Senator's 2 minutes have expired. Who yields time?

Mr. **PERCY.** May I have 1 additional minute?

Mr. **RIBICOFF.** I yield the Senator from Illinois 1 additional minute.

Mr. **PERCY.** If I were to pick one agency where I think the proposed Consumer Protection Agency will have its greatest impact, it would have to be the Food and Drug Administration. Yet, Commissioner Charles Edwards, in testifying last week in hearings before the Select Committee on Nutrition and Human Needs, thoroughly endorsed the concept of a voice for consumers and the Senate bill itself, expressing his view that he foresaw no intrusion into or interference with the orderly decision-making process of his agency.

Accordingly, the time has come to act, to act now, to close off superfluous discussion of this measure. By invoking cloture we do not close off debate entirely, but simply set an outer limit within which a reasonable dialog on the merits of the legislation can ensue.

I ask Senators to join me in helping to insure the Senate an opportunity to work its will, to vote up or down on specific amendments that have been proposed on the bill itself, and, in the end, to assure the American consumer that his voice will not be silenced by a very vocal outcry on the part of the lobbyists who have worked so assiduously to kill one of the most important pieces of consumer legislation that the Congress has ever had before it.

Mr. President, I ask unanimous consent that the full text of Mr. J. D. Lee's statement in support of S. 3970 be printed in the RECORD at this point. I also ask to be printed an excellent Washington Post editorial on the subject entitled "Blocking the Consumer," together with just a few excerpts from other endorsements of the concept and the bill which Senators RIBICOFF, JAVITS and myself, as sponsors, have received.

There being no objection, the statement, editorial, and endorsements were ordered to be printed in the RECORD, as follows:

STATEMENT ON CONSUMER PROTECTION AGENCY BILL

(By J. D. Lee,)

The American Trial Lawyers Association favors passage by the United States Senate of S. 3970, a bill to establish an independent Consumer Protection Agency. The Association feels that the time has come for the creation of an effective consumer advocate to present arguments on behalf of the interests of consumers in Federal agencies and courts. This legislation has already been under study for 10 years and pending in Congress for over three years. In 1970 a bill similar to S. 3970 was passed by the Senate 74–4. In 1971 the House of Representatives passed a similar measure by a vote of 344–44. In 1972 the Senate ought to pass S. 3970.

The American Trial Lawyers Association believes that many government agencies which should be protecting interests of consumers have been unresponsive to those interests. The Association believes that the best way to make those agencies responsive is by assuring that there is a true adversary system functioning in proceedings before those agencies.

The adversary system is the basic foundation of the common law and of American judicial procedure. The adversary system guarantees the right of all Americans to have their day in court. That right must never be abrogated. It is fundamental in this system that important interests affected by a decision-maker should have the right to have an advocate before that decisionmaker.

For too long consumers have had no such advocate. Because their point of view has not had adequate representation, federal agencies have often failed to consider their interests. Where there is no advocate for important interests, the adversary system cannot function. The Association strongly believes that when a consumer advocate is available to present the consumers' argument, that agency decisions should become more responsive to consumers.

S. 3970 will lead to greater public confidence in government. The greater danger to the orderly processes of government is not from too much representation, but from too little. If people feel that decision-makers are not taking their interests into account, they will have less and less respect for the decisions that result. By establishing a consumer advocate, the Senate should be giving the American people some assurance that the agencies of their government would at least consider the interests of consumers.

The American Trial Lawyers Association believes that establishing a fair system is in the interest not only of consumers, but of good government.

[From the Washington Post, Sept. 24, 1972]

BLOCKING THE CONSUMER

The Senate leadership, realizing that the marketplace still contains many products and services that are unsafe or unhealthy, acted responsibly in getting to the floor legislation for a Consumer Protection Agency. Whether it will survive on the floor is another question. A concern exists that a few senators opposing the bill will adopt stalling tactics that may kill the bill for this session. If stalling does occur, the Senate leadership either must be strong and cut off excessive debate or else give in and see another chance for consumer protection lost. There is little question of the Senate's sentiment on the proposed agency; in the last session, essentially the same bill was approved 74–4.

The House has already acted, but what is noteworthy now is the intense lobbying against the Senate bill by parts of the business community. Sen. Charles Percy, a sponsor along with Senators Abraham Ribicoff and Jacob Javits, cannot recall another piece of legislation that has so brought out the lobbyists. It is puzzling that this section of the business community fears. The proposed agency will have no regulatory power—not that this is always a threat to fear, because many industries know well the techniques to regulate the regulators—but only powers to advocate before federal agencies on behalf of the consumer. This is no more than what the private interest advocates now enjoy; why not the public interest? Are the sellers afraid of a hard look by representatives of the buyers? The Senate has the chance to affirm a House-approved concept of full party participation, instead of a weak amicus curiae amendment which, as sponsors point out, is only a cosmetic.

The debate in the Senate is far removed from the scenes of horror where people are killed and maimed by flawed products. The National Product Safety Commission has reported that 20 million Americans are injured annually in the home as a result of accidents connected with consumer products; 30,000 are killed and 110,000 are permanently disabled. Are the senators who are said to be planning tactics of stalling prepared to accept the consequences of a filibuster—the possibility that unknowing citizens will be killed, injured or cheated because there is no advocate to argue on their behalf?

ENDORSEMENTS OF THE CONSUMER PROTECTION AGENCY

Memo to: all Senators.

From: Senators RIBICOFF, JAVITS, and PERCY.

The executive branch must use its powers to expand consumer intervention and protection:

(We) Support the development of an independent consumer agency providing a focal point on consumer matters with the right to intervene, before all agencies and regulatory bodies."—Democratic Party Platform.

"We support the establishment of an independent Consumer Protection Agency to present the consumers' case in proceedings before Federal agencies."—Republican Party Platform.

"May I emphasize, Mr. Chairman, there is an urgent need for a permanent agency to serve as the consumers' advocate. For government to act effectively on behalf of all our Nation's actions, it must listen to all those who may be affected by a new rule, a new regulation, a new policy."—Virginia Knauer, Special Assistant to the President for consumer affairs. Senate hearings.

"I very thoroughly support the concept. I support the bill. I think it is badly needed to organize our consumer protection activities within the federal government."—Dr. Charles C. Edwards, Commissioner of the Food and Drug Administration.

"The administration of government undoubtedly suffers when important interests, such as those of consumers, cannot make their voices heard on actions that affect them. More effective consumer participation in the administrative process will lead to wiser and more informed decisions."—Roger C. Cramton, Chairman, Administrative Conference of the United States, Senate hearings.

"We therefore conclude (a) that no new problems, either doctrinal or practical, are presented by the proposal to give the Consumer Protection Agency the right to initiate or intervene in proceedings for judicial review of other agencies' actions, and (b) that the feasibility and desirability of interagency litigation should accordingly be recognized in this context as readily as elsewhere."—American Bar Association, Endorsement of Consumer Protection Agency intervention.

"Let there be no mistake about one fundamental point: the bill we have drafted, which the House passed by an overwhelming majority, guarantees that the customers' voice will be heard in the councils on government."—Congressman Holifield, Chairman, House Government Operations.

"We also believe that it is important to pass into law the Consumer Protection Agency bill this year as to strengthen protection for consumers and public confidence in business now. We are pleased to announce our support for Senate passage of S. 3970. What's good for the consumer is not only good for business, it's the best for business. Only when the consumer believes his rights are adequately protected will public confidence in, and the health and vigor of, the competitive free enterprise system be fully restored."—Leo H. Schoenhofen, Chairman and Chief Executive Officer, Marcor Corp.

"The enactment of this bill, reported out by the Senate Government Operations Committee, would represent an extremely important step forward in the efforts of our government to meet the serious problems facing our nation's consumers."—John W. Gardner, Chairman, Common Cause.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 520) to authorize the construction, operation, and maintenance of the closed basin division, San Luis Valley project, Colorado, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H.R. 13694) to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended, in which it requested the concurrence of the Senate.

CONSUMER PROTECTION ORGANIZATION ACT OF 1972

The Senate continued with the consideration of the bill (S. 3970) to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. RIBICOFF. Mr. President, I yield myself 2 minutes.

I should like to read a statement from Esther Peterson, consumer adviser to Giant Foods, and formerly consumer adviser to the President of the United States. The statement has just been received by the Senator from Utah (Mr. Moss), who has asked me to read it in his behalf. It is as follows:

> The bill to establish a Consumer Protection Agency offers the American consumer a chance for an equal voice in our society. Today there is a general realization that the consumer movement has become a permanent part, and even a beneficial part of American life. Most people would agree that the function of consumer representation in our federal government ought to be given statutory recognition.
>
> Furthermore, it is essential that the consumer agency be able to intervene in behalf of consumers. It must have co-equal opportunities with business and government in any proceeding in which it intervenes.
>
> I strongly support passage of this bill. We need such mechanisms whereby the consumer, industry and government can come together and where each group can make its voice heard. This bill will provide the balancing of power we need in our society. It is a constructive step toward insuring the consumer an equal voice.
>
> Citizens are looking to Congress to get on with the business. A support for the cloture vote whether you are for or against the bill is a mark of willingness to act on the issues.

This confirms the contention of the distinguished Senator from Illinois, who has had vast business experience. Once the bill has been explained to the business community and they fully understand what the bill actually contains. All legitimate businesses then realize they have nothing to fear from this type of legislation.

We have all had the experience, over the last 3 years, of finding business leaders coming to talk to us as a result of scare tactics; but these scare tactics have disappeared and been dissipated once the business leaders read and understood what the bill was all about.

So here we have further evidence of business support.

Mr. President, what is the situation as to time?

The PRESIDING OFFICER. The Senator from Connecticut has 8 minutes remaining. The Senator from North Carolina has 6 minutes remaining.

Mr. RIBICOFF. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, 4 minutes will be adequate.

Mr. President, we are finally coming to grips with this situation. It has been clear for a little while, I think, to those of us who were actively sponsoring this bill, that it will ultimately have to be decided on a cloture motion. The extent to which the Senate has supported such legislation on a previous occasion—and this bill is a much more congenial bill to American business than the bill which the Senate cast only four votes against—would lead one to think, under those circumstances, that cloture should be almost a matter of routine.

But, Mr. President, a great deal of dust has been thrown into the air, which needs to be dispelled. I repeat. This bill has been worked over most carefully by people with a very keen eye for business practices. I think, with all respect to other Senators, one could find few Members of the Senate who had been through the business mill as thoroughly as the Senator from Illinois (Mr. PERCY), who was President of a great company; myself, who have earned very large fees from many American corporations for years and years for just such advice; the Senator from Connecticut (Mr. RIBICOFF), himself an extremely active practicing lawyer in Connecticut; the Senator from North Carolina (Mr. ERVIN), with his very critical review, who is himself an outstanding lawyer; the Senator from Alabama (Mr. ALLEN); the Senator from Florida (Mr. GURNEY); the Senator from Delaware (Mr. ROTH); and the other members of our committee.

Many of their amendments were accepted, Mr. President, and are ground into this bill. It is not for naught, therefore, that Montgomery Ward and Giant Food have said that they support the bill, for this very important reason: With consumerism and environmentalism becoming the great new issues of our time, unless there is some regularization to the consumer intervention in government which the government itself has organized, in an effective methodology, the corporations of the country which deal with consumption are going to be bedeviled, really bedeviled, with litigation—State actions and local actions—without any guidelines whatever, and they will be in a much more anarchic state than they would be with a central agency which has no operations powers, but only the power to intervene and bespeak the views of the consumers, which is now at least theoretically in the hands of every government agency, the proposal being to consolidate them in this agency.

A great portion of American business, if it had not been confused by the dust thrown in the air that the bill would jeopardize its interests, should be for this bill precisely for that reason, because it gives them, at long last, regularization and a basic set of guidelines which will gradually be developed, that they can adhere to—as it were, a public defender for decent business practices—instead of their being thrown into every court of every jurisdiction of whatever State it may be, on the basis of consumer issues, which are more and more on the public's mind today, and which will be the subject of more and more litigation and more and more efforts in the 50 State legislatures.

So, Mr. President, I make the plea, on the ground of the best interests of American business, which would be most highly served.

The PRESIDING OFFICER. The four minutes of the Senator has expired.

Mr. RIBICOFF. Mr. President, before yielding time, I ask unanimous consent to be able to proceed for an additional 15 minutes. The distinguished Senator from Florida has not had an opportunity to make a speech on this issue. I ask unanimous consent that the time be divided between the Senator from North Carolina and myself, each having an additional 7 minutes.

Mr. ROBERT C. BYRD. Does the Senator mean beyond the hour of 11 a.m.?

Mr. RIBICOFF. Beyond the hour of 11 a.m. I ask for an additional 15 minutes, to be divided equally between the distinguished Senator from North Carolina and myself.

Mr. ERVIN. Mr. President, I have no objection, if the rules of the Senate would permit that to be done.

The PRESIDING OFFICER. It can be done by unanimous consent.

Mr. RIBICOFF. I ask unanimous consent to proceed for an additional 15 minutes beyond 11 o'clock, the time to be equally divided between the distinguished Senator from North Carolina and myself.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Who yields time?

Mr. RIBICOFF. I yield 1 minute to the Senator from New York.

Mr. JAVITS. Mr. President, just to complete the argument I am making: Senators who are interested in the health and operational efficiency of American business—I will yield to no one in that regard, notwithstanding what is very well known to be my liberalism, of which I am very proud, insofar as labor and the poor and other oppressed and disadvantaged groups and minorities in this country are concerned, and it is a business I know something about—believe that this bill will help and facilitate the operations of American business. It will be a blessing to those who pursue ethical and fair practices and to the consumer, and, naturally, will be a scourge to those who do not, as we wish it to be.

By giving regulation to the proceedings, by centralizing the guidelines which people are expected to follow, by giving an agency to which to repair when consumers become unreasonable—and they often do; I have had enough experience with business to know that, too—it will be a boon to business rather than a harm to business.

Therefore, I urge American business and those interested to support this measure and to vote for cloture.

Mr. RIBICOFF. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Senator has 9 minutes remaining, including the additional 10 minutes.

Mr. RIBICOFF. I yield myself 3 minutes.

May I ask my distinguished colleague whether it is not true that during the proceedings of these 3 years, all of us have been most zealous in trying to develop what we consider to be a fair and well balanced bill?

Mr. JAVITS. There is no question about that. Not only have we tried, but each of us—and I vouch for that from personal knowledge—has gone to consumer-oriented businesses, supermarkets, the grocery field, general merchandising organizations of every kind—and I know many—and the managing executives, in an effort to give as much counsel as we possibly could. I have gone to the banks in New York with the same mission.

This bill reflects what in all reasonableness is a fair allocation of responsibility, work, and authority so far as they are concerned, in my best judgment.

Mr. RIBICOFF. Is it not also true that during the last 3 years—I know it has been so in my case, and I have been so told by the distinguished Senator from Illinois, and I am sure it is so in the case of the Senator from New York—business groups, large business and small business counsel, have come to our office to discuss various facets of this bill and have expressed their concern?

Not only have we given them our time, but also, we have had the members of our respective staffs meet, hour after hour, with the general counsel of many of the large business firms, to work out details, to assure that we would have a fair and well balanced bill.

Mr. JAVITS. There is no question about that.

May I add that a whole group of amendments were adopted which we specially proposed, precisely in response to the expertise we got from American business.

Mr. RIBICOFF. Is it not also true—which I think is not quite understood—that when we sat in the markup period, which took many hours, many members of our committee who had doubts about this bill, who were skeptical about this bill, submitted amendment after amendment; that the distinguished Senator from New York, the distinguished Senator from Illinois, and I, after reviewing these amendments, considering them, realized that they were amendments of merit and would be helpful to make this a fairer bill; and that the three of us, in committee, agreed, time and time again, to accept these amendments?

Mr. JAVITS. Again, the Senator is entirely accurate.

May I add that in some individual cases, one or the other of us actually formulated means by which Senators—

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Who yields time?

Mr. ERVIN. I yield myself such of my remaining time as I may require.

Mr. President, I was very much impressed by the argument of the distinguished Senator from Illinois. We have a department in the Government called Housing and Urban Development, a department headed by a very brilliant man, former Governor Romney. The Department has thousands of employees. They inspected all those homes where the housing scandals developed. They financed the purchase of them. If a smart man like Secretary Romney and all his hundreds and hundreds of lawyers and investigators could not see those scandals developing and could not prevent those scandals, why in the world would my good friend from Illinois be so sanguine as to think that a consumer administrator could see them?

We talk much about the consumers being powerless. The consumers elect every Member of the Senate and the House. They elect every member of State legislatures. They elect State judges. They elect the President. It is really ridiculous for a good lady like Mrs. Peterson to talk about the necessity of giving the consumers a voice in government. They are the ones who run the government.

Mr. President, I ask unanimous consent to have printed in the Record an article entitled "The Consumer Advocate Versus the Consumer," written by Ralph K. Winter, Jr., a distinguished professor of law at Yale University.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Consumer Advocate Versus the Consumer

(By Ralph K. Winter, Jr.)

During the last century, recurrent waves of anti-corporate fervor have swept the United States. Although the particular issues debated vary with each era, much of the agitation has focused on allegations of corporate abuse of consumers. Once again, we are riding such a wave, and once again the problem of protecting consumers intrigues us, this time in the movement known as "consumerism."

There can be little doubt that consumerism is an idea of considerable force. For the media, it attracts audiences; for publishers, it is the source of sales; for some manufacturers, it provides a profitable blessing for their wares; and for politicians, it wins votes. That legislators who cast their vote against bills carrying the stamp of consumerism do so at their peril is reflected in the fact that such legislation generally clears Congress by a wide margin. Thus, a bill establishing a Consumer Protection Agency (CPA) passed the Senate in 1970 by a vote of 74 to 4, and a similar bill gained House approval in the current Congress by 300 votes.

One of the distinctive developments during this era's agitation over the consumer has been the birth of the consumer advocate, the self-appointed vigilante of the economic system. Although he is to a large degree indistinguishable from the muckraker of the past, his concept of his role encompasses more than the exposure of corporate malfeasance and extends to active representation—in courts, agencies and legislatures—of his view of the consumer interest.

The central role the consumer advocate plays in consumerism is demonstrated by the proposals for governmental action which have emanated from the movements, in particular the call for the creation of a consumer protection agency empowered to intervene in the proceedings—formal and informal—of virtually all other federal agencies[1] in order to "represent the interests of consumer."[2] This proposal seeks, in short, to institutionalize the consumer advocate as a federal agency and to put the force of government behind the ideology of the movement known as consumerism. As a result, a judgment as to the merits of the proposal must turn on the validity of the concept of consumer advocacy and of the ideology that spawned it.

1. THE IDEOLOGY OF CONSUMERISM

Defense of the consumer interest is an attractive cause, for all of us are consumers. Indeed, it has long been the creed of those who believe generally in *laissez-faire* that consumer interests should not be subordinated to producer interests, which, when recognized and protected by government, generally lead to monopoly and restriction of output. It is also the case that in an economy heavily dependent on technology and media advertising, problems of the accuracy and availability of information and the safety of products are inevitable. What distinguishes the consumer advocate is his bleak view of the dimensions of those problems and the reasons we face them.

Expositions of consumerism generally begin with a description of the plight of the consumer in the United States today. According to the consumer advocate, the American consumer is in the grip of corporations "able to divert scarce resources to uses that have little human benefit or are positively harmful."[3] Beset on the one hand by products of apparent and advertised safety which in fact endanger his life and limb,[4] the consumer finds on the other than many products are also of considerably less utility than advertising had led him to anticipate.[5] That very same advertising induces him, moreover, through the sophisticated use of applied psychology, to waste his limited funds on items he really does not need.[6]

The consumer's plight is of comparatively recent origin, and stems largely from the complicated technology of today's products. Senator Gaylord Nelson tells us: "Once, the consumer was the final arbitrator in marketplace decisions, but with our society becoming more and more complex, due to increased industrialization and specialization, economic power has shifted gradually away from the American consumer."[7] In other words, the consumer can no longer rely on his sense for adequate information about the safety and usefulness of his purchases, and is at the mercy of Madison Avenue. Manufacturers, moreover, are not generally likely to make the information he desires available lest it hurt their sales.[8]

The list of unsafe, shoddy or unneeded products seems endless. Unsafe automobiles, tires with no durability, flammable fabrics, dangerous or worthless drugs, fraudulent repairs, worthless warranties, leaky pens, adulterated food, bread without nutrition, beef stroganoff with too little beef, superfluous deodorants, and so on, have all received their share of attention. To the consumer advocate these are not isolated instances of human error. To him they are standard operating procedure in the American economy. His estimates of the dollar value of consumer fraud or consumer abuse suggest a problem of enormous dimensions. Thus, Senator Philip Hart's estimate that $200 billion spent by consumers in 1969 (of total expenditures of $780 billion) purchased nothing of value is part of the consumer advocate's stock in trade.[9]

All of this occurs, we are told, because of the quest for profit.[10] Much, of course, is made of allegations about monopoly and the lack of competition in the economy. But to the consumer advocate it really does not matter whether there is competition or not, because in either case he argues that the consumer is playing a game he cannot win against his corporate adversary. Thus, Mr. Nader tells us there are "thousands of arrangements that make it possible for corporations to avoid competition . . . so that the value of what buyers receive is often outrageously distorted. . . ."[11] On another occasion, however, Nader has found that "company economy . . . is very often . . . the consumer's cost and hazard" and that competition is, "as a result," little more than "racing for the lowest permissible common denominator."[12]

The consumer's plight is not caused by the lack of government agencies. Congressman Benjamin Rosenthal has pointed out that "there are approximately 50 Federal agencies and bureaus performing some 200 or 300 functions affecting the consumer."[13] There are also any number of state and local agencies performing similar consumer protection functions. Thus, it cannot be said that a mindless adherence to *laissez-faire* has left the consumer at the mercy of malevolent producers.

Among the federal agencies directly concerned with consumer affairs, for example, are the following: Federal Trade Commission, Consumer and Marketing Service (Department of Agriculture), Federal Communications Commission, Federal Housing Administration, Federal Power Commission, Food and Drug Administration, Interstate Commerce Commission, National Bureau of Standards, National Commission on Consumer Finance, National Highway Safety Bureau, National Transportation and Safety Board, Office of Consumer Services, the President's Committee on Consumer Interests, and the Securities and Exchange Commission. Indeed, the history of consumerism—consumerism has, after all, been a recurrent theme in American politics for years—is a history of the growth of a large state and federal bureaucracy.

All seem to agree, however, that government regulation has failed. The reasons for this failure are numerous but three recurring ingredients can be identified. The first is sloth, pure and simple. Too many bureaucrats tend not to work a full day or to be as productive as they might. The "Nader Report" on the Federal Trade Commission (FTC) reported one well-paid official literally asleep on the job.[14] Second, appointments to high positions and subsequent policy decisions are all too often based on partisan political considerations rather than on individual merit and in the public interest. Thus, one of the "Nader Reports" indicates that appointments to the Interstate Commerce Commission are generally political plums,[15] and another charges that the location of a Federal Trade Commission office—in Oak Ridge, Tennessee—was solely for political reasons.[16]

The third ingredient is more complicated. Over time an agency will tend to respond most favorably to the organized interests which put the most resources into influencing it. The interest of a single consumer in any particular product is likely to be small and organization with other consumers all but impossible. Producers, on the other hand, tend to be better organized as well as more persistent, and, therefore, more able to influence agency action. Thus, it is alleged, regulatory agencies are all too often "captured" by the very interests they are supposed to regulate.[17] To an unknown extent, similar forces also operate in the legislative process. Licensing regulations at the local level are often enacted in the name of the consumer but are in fact the handiwork of the regulated interests, and one revisionist historian has attributed much of the legislation of the Progressive Era to similar pressure from business groups.[18]

II. THE CURE OFFERED BY THE CONSUMER ADVOCATE

Having completed his description of the sorry plight of the American consumer, the consumer advocate offers a multitude of remedies, of which only the most important can be described here.

First, better people must be appointed to responsible positions in the regulatory agencies, for, in the consumer advocate's view, it is the quality of the people appointed, rather than the nature of the regulatory mission, which has led to the failure of government. Thus, the "Nader Report" on the FTC sail: "The real problem of the FTC—and indeed of any faltering agency—can usually be traced to *people*"[19] (original emphasis).

Second, the rhetoric of the consumer advocate leans toward measures which hinder the marketing of any product deemed "unsafe," with little regard to its potential benefit.[20] Although there is considerable ambiguity as to what disposition shall be made of common items like matches and knives, the consumer advocate is prone to subject new products to tests which require that safety be established before marketing, no matter what the potential benefit. The danger of a thalidomide being marketed is to him presumptively greater than the danger of a penicillin being suppressed.[21]

Third, he would outlaw the marketing of products which fail to meet particular quality standards. Stroganoff without a specific percentage of beef is not stroganoff and should not be called such.[22] It is also a loophole in the law to permit a product which appears to be a salad dressing but does not meet salad dressing standards to be sold as a "whip."[23] And he regrets that "in 1970 this gaping loophole in the law is still substantially available to manufacturers, allowing products such as Gatorade, the 'thirst-quencher,' on the market. Since the law has no standards for 'thirst-quenchers,' Gatorade can legally contain whatever the manufacturer chooses, although now he must list the ingredients on the label."[24] The implication of such an approach is that government is to draw up a list of permissible products with requirements as to standardized structure and content. Anything not on the list cannot be legally purchased.

Fourth, the consumer advocate would regulate advertising. It would not do to argue in detail here what has been adequately disposed of elsewhere,[25] but it is

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clear that the consumer advocate would impose restrictions which would cause the amount of advertising in the economy to decline sharply. Advertisements which emphasize particular qualities of a product, for example, would have to state that the advertised product was not unique, if in fact competitive products also had those qualities.[26] Positive aspects of a commodity, moreover, could not be highlighted without detailing whatever negative aspects might also exist.[27]

Finally, to put the force of government behind his ideological position, the consumer advocate would establish an agency empowered to intervene in the proceedings of virtually all other federal agencies—including, under the most extreme proposals, even informal proceedings. The role of this consumer protection agency (CPA) would be to "represent the interests of consumers" before those other agencies in the hope that the presence and advocacy of an official consumer representative will offset the influence of other organized interests on regulatory proceedings. As Senator Abraham Ribicoff has said, its function would be "to police the departments and agencies to make sure they are doing their jobs for the consumer. . . . What we are trying to do is put the 210 million Americans in the same position as the adversary involved who is supplying information to the agency, to have that agency head have the same information from the consumer's advocate." [28] The proposed agency would also have power to receive complaints from consumers and to collect information on consumer matters [29]—and under one version of the proposal it would have subpoena power against "any persons" in the nation.[30]

III. IS THE IDEOLOGY OF CONSUMERISM SOUND?

The initial difficulty with consumerism goes to the validity of its factual premises; namely, that consumers are needlessly and willfully abused. Of course there are accidents, difficulties about product information and false advertising in a developed economy. But what is the norm for "too many" accidents, "too little" information or "too much" fraud, and how is that norm derived? Elimination of such evils entails costs, and those costs must be weighed against the anticipated benefits. At common law, for example, the calculus of an "unreasonable risk" entails balancing the likelihood of injury, the seriousness of that injury and the cost of avoidance.[31] So too, the value of information to the consumer must be balanced against the cost of collection and transmittal just as the damage caused by deceptive advertising must be weighed against the cost of suppression. These costs, after all, can be substantial. Outlawing the wheel would no doubt save thousands and thousands of lives but no one seems prepared to take the plunge. Similarly, a penicillin unused because of doubts as to its complete safety imposes costs in the form of opportunities foregone.

Very little of the literature of consumerism even hints that a balancing process is involved, but until consumer advocates face that question directly, the allegations of consumer abuse will remain unproven. However the norm is established—and it probably must be on a product by product, case by case, basis—it *cannot be* no risk of accidents, absolutely total information and completely accurate advertising. To measure performance against such norms is utterly unfair and wholly misleading.

Beyond the tendency of consumer advocates to measure performance against unrealistic norms is the fact that much of the evidence supporting the claims of widespread consumer abuse seems anecdotal and unsystematic. The abuse is assumed to exist and the burden of proving otherwise is put upon those who would dare to deny it, with the strong implication that a denial is evidence of one's indifference to the ills of society. Consumer advocates tend to toss off a lot of quotations and statistics but when one culls "estimates" and polemical arguments from verifiable facts, their work product seems far too thin to be taken seriously as an assessment of a trillion dollar economy.

Skepticism as to the scientific basis of consumerism's factual premises, for example, is not discouraged by the liberality with which Mr. Nader [32] and lesser movers of the cause [33] employ Senator Hart's estimate of $200 billion of consumer abuse. But $200 billion seems substantially in excess of total profits for all business and is almost four times total after-tax corporate profits.[34]

Skepticism further increases in the face of consumer advocates' failure to fashion a theoretical explanation for the phenomena they describe. Mr. Nader is quite revealing when he says "economists for the most part have failed to . . . show how corporations . . . have been able to divert scarce resources to uses that have little human benefit or are positively harmful." [35] One might as well muse over the failure of scientists to explain why the earth is flat. Will economists ever be able to show that businessmen make money by deliberately failing to satisfy consumers? If consumers desire more safety, more quality and the like, greedy businessmen will find it in their interest to fill those desires and very much to their detriment to willfully ignore them. This is so even in the case of the absolute monopolist. He may have a greater margin to work with than his competitors but he still has little reason to take his "profit" in inefficiency and injuries to others rather than in money. If his product leads to accidents, for example, he will lose both customers and lawsuits. And what about competition? If industries are willfully failing to satisfy consumer tastes, there are vast fortunes to be made simply by producing what consumers actually desire. Consumerism seems to assume, therefore, not that businessmen are greedy, but that they are relatively indifferent to profits.

The lack of a theory to explain the phenomena consumer advocates observe is further demonstrated in the ambiguity they foster as to whether their function is to enlarge the consumer's opportunity to satisfy his tastes or to impose their own tastes on him. When Mr. Nader criticizes the food industry for taking steps to "sharpen and meet superficially consumer tastes at the cost of other critical consumer needs," [36] one may fairly ask whose judgment it is that a taste is "superficial" and whose judgment it is that a "need" is critical." In the circumstances mentioned it seems rather evident that the judgment in question is solely Mr. Nader's.

This ambiguity as to how the consumer is to be "protected" pervades consumerism. No doubt some consumers are misinformed about the safety of a product and no doubt some products appear to be far safer than they are. No doubt also—as I shall argue later—a considerable amount of government regulation can be justified. But there also should be no doubt that most products are less safe than they might be simply because consumers do not want to cover the necessary extra costs. Both knives and matches can be very dangerous and can be made "safer," but it is rather clear that consumers believe the benefits of greater safety do not outweigh the extra costs. Similarly, there can be little doubt that many consumers fully aware of the risk of, say, convertibles, are quite prepared to bear those risks in exchange for what they regard as countervailing pleasures.

As stated above, a judgment about the reasonableness of a risk entails balancing three factors: the likelihood of harm, the seriousness of that harm, and the value of the interests to be sacrificed to avoid that harm. When a consumer advocate labels a product "unsafe," it is he who is making that balancing judgment, not the consumer.

Of course, such judgments depend on the information available, but even here the consumer advocate exaggerates the potentials for improving present performance and substitutes his own views for those of consumers. The ease with which the consumer advocate calls for more "information" belies the complexity of the issue he raises. Much of what is called "information" involves questions of judgment, style and taste. Once we pass matters such as weights and measures, product "information" becomes increasingly subjective. "Experts" frequently disagree as to the validity of particular testing standards and methods, a fact which has made the businessman rather vulnerable to attack. When test results are not released, he can be accused of suppressing information; when they are, the charge of misleading tests can be raised. The gross judgments in which the consumer is most interested, moreover, are anything but objective. Which of a number of items is the "best" is not, after all, what is known in ordinary language as a scientific judgment.

Beyond these problems is a conflict between the goal of accuracy and the goal of communication with the consumer. Accuracy pushes toward highly technical language not easily comprehended by a layman (and, if recent reports are correct, lawyers at the FTC),[37] while the need to communicate calls for ordinary words which often cannot accurately portray the intended meaning. Again the businessman is vulnerable to the attacks of consumer advocates because either choice leaves him open to a charge of misleading the consumer.

Information is also anything but costless and the costs of collection and transmittal must be borne like added cost. The reliability of product testing depends on the size of the sample and the sophistication of the tests. And, if government regulation is involved, legal advice must generally be purchased. Like safety, then, "adequate" information involves costs as well as benefits and is a relative rather than absolute concept.

It is not at all clear, moreover, that the consumer advocate's craving for unlimited information is shared by the consumer, who must sooner or later bear the cost of collection and transmittal. He must also bear the cost to him in time and effort to absorbing the information, a cost which many consumers may regard as outweighing any potential benefits. Consumers do in fact frequently forego opportunities to learn more about their purchases even when the information is free—reading ingredients, for example—and it seems evident that many prefer lower prices to paying for information. Were this not the case, Consumers Union would be one of the largest organizations in the country and a large number of firms would have entered the field of product testing and information collection. Where there is a demand for information—as on motor vehicles, for example—a glance at a newsstand tends to indicate that it can be purchased. Indeed, if consumers were that anxious for more information, competition would—as it often does—compel manufacturers to supply it in most cases, the most obvious exception being where all competing products have the same negative aspect, such as cigarettes.[38] Even there, however, a demand for information would call forth independent testing agencies. Again, therefore, as in the case of safety, the consumer advocate is seeking to impose something on the consumer that he has chosen not to purchase.

The willingness of the consumer advocate to override the tastes of consumers has been demonstrated time and time again. For example, the "Nader Report" on the Food and Drug Administration attacks the producers of

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white bread in the United States for not making their bread more nutritious. Yet the report also says:

"At one time the battle between makers of white breads and makers of whole wheat and other more nutritious breads was carried into the marketplace. The Ward Baking Company in 1921 . . . produced a highly nutritious nonwhite bread and conducted a vigorous campaign to promote it. However, in 1925 the company ran into economic difficulty and was reorganized. The new owners decided to discontinue the production of the more nutritious bread; white bread meant easier and greater profits." [39]

There is simply no way to analyze cases such as this except as instances in which consumers do not have the "right" tastes, although the consumer advocate continues to direct his fire at the manufacturers for not forcing items on the consumer that he does not want.

Similarly, the standardization of products will prevent consumers from buying items they might desire when such items do not comply with the government's list. Those who like Gatorade, for example, would not, if the "Nader Report" had its way, be permitted to purchase it because it presumably does not meet the standard for a "juice," just as those who would take a risk in order to satisfy some other taste will be prevented from satisfying it by rules which prevent the marketing of goods which seem somehow "unsafe."

The late Frank Knight put it well half a century ago when he wrote,

"A large part of the critic's strictures on the existing system come down to protests against the individual wanting what he wants instead of what is good for him, of which the critic is to be the judge; and the critic does not feel himself called upon even to outline any standards other than his own preferences upon a basis of which judgment is to be passed." [40]

When pressed on this question, the modern consumer advocate turns to a favorite target, advertising, and argues that, after all most consumer tastes have been created by the deceptive techniques of advertising and are not really to be viewed as the true will of consumers. Even accepting that objection at face value, one may, nevertheless, ask in what area of human activity are judgments free of influence by advertising techniques.

It is all very well for consumer advocates to attack advertising but they themselves merchandise consumerism in a way that puts Madison Avenue to shame. Their activities seem very much geared to media impact and involve a great deal of sensationalism. Consider also the example of how the typical "Nadar Report" is merchandised.[41] On the cover, the name Ralph Nader appears twice and in large print. The name of the actual author appears once and in small print. On the back in large red letters is emblazoned: Nader's Raiders Strike Again! Nevertheless, except for the use of his name, there is little indication in these books as to what Mr. Nader had to do with their preparation. Furthermore, during congressional hearings in 1969, a Mr. Fellmeth, who has authored two "Nader Reports," was asked whether the reference "Nader's Raiders" was a fair statement. He answered,

"I don't think so. I think it is very inaccurate for several reasons.

"First of all, it is inaccurate because Mr. Nader's involvement is crucial, but is not as extensive as that name would imply. At least we are not investigating for him alone in a direct sense.

"Secondly, we are not raiders. That is a very inaccurate name, with an inaccurate connotation." [42]

Maybe so, but when they ran it up the flagpole . . .

My colleague, Professor Arthur Leff, has quite rightly noted that the purpose of this kind of merchandising is to sell consumerism the way Colonel Sanders sells fried chicken.[43]

The point is simply that one cannot reject the market on the grounds that businessmen are too reliant on advertising, since that is also true of consumer advocates. If we are deceived by advertising, there is no way to judge whether it is business, the consumer advocates, or both, that are deceiving us.

In any event, many of the attacks on advertising are exaggerated because the attackers read every ad literally and needlessly reject any resort to imagery or symbols. For example, splashing Mr. Nader's name over the "reports" is in fact informative to the consumer, both as to the ideological slant and the quality of the books, but it is the very form of merchandising technique the consumer advocate likes to condemn.

Of course advertising is not the source of divine revelation or absolute truth. It is advocacy and well understood to be such by the consumer. Advocacy cannot, however, be suppressed in the name of accuracy without reducing the incentive to advertise and thus depriving society of the valuable functions advertising performs. It enlarges the consumer's choice by enlarging his knowledge and it reduces transaction costs by efficiently bringing buyers and sellers together. It is also a critically important weapon of competition. Thus it has been found that heavy advertising tends to be associated with highly competitive rather than concentrated markets [44] and that those who seek to repress advertising are often seeking to repress competition.[45] Product advocacy, therefore, can be suppressed only at a high cost to the consumer.

That consumerism will likely impose costs is not readily admitted by consumer advocates, who for the most part prefer to let the consumer believe that he can get something for nothing. Too often he is left with the view that increasing product testing by 1000 percent, making cars "safe," keeping all drugs off the market until they are absolutely "safe," forcing companies to spend large sums litigating and clearing things with a government bureaucracy and paying for that bureaucracy itself will cost nothing in out-of-pocket cash, increased taxes or foregone benefits. It is hard to think of a claim of commercial advertising more misleading than that proposition.

On one issue, however, few disagree with the consumer advocates. Government regulation has failed, and the inefficiency and "capture" by regulated interests alleged by the "Nader Reports" is generally conceded. Some agencies, like the Federal Trade Commission, have been just generally slothful. The American Bar Association's commission to study the FTC, for example, found one senior staff member who openly admitted that he preferred to hire older men because they have been out in the world and had come to appreciate that they were not going to make much of a mark.[46] Regulatory failure, however, involves more than sins of omission. Even the FTC has approached "effectiveness" in enforcing statutes within its jurisdiction which are designed to protect producers rather than consumers,[47] and the work of the Interstate Commerce Commission (ICC) is a clear instance of government regulation protecting monopoly interests in the economy. Professor George Stigler may thus well say, "It is of regulation that the consumer must beware." [48]

IV. IS THE CURE OF CONSUMER ADVOCACY WORSE THAN THE DISEASE?

The priority areas for Government regulation

It is not my purpose here to define with precision the proper role of government in consumer protection. Rather, it is to identify those areas in which market failure seems most likely and the case for government regulation most powerful. One of the harmful effects of consumerism has been to divert attention from the real issues of locating market failure—consumer advocates really say it is everywhere—and of determining in what areas the government ought to cease regulation entirely. But for one or two exceptions they always call for more and more regulation.

First, the government ought to impose safety regulations where parties other than the buyer or seller may reasonably be expected to suffer injury. There is no reason why I as a pedestrian must bear the risk undertaken by a car owner who purchases low quality brakes, and it is certainly arguable that my son need not bear the risk of my poor judgment as to the safety of his toys.

Second, government must play a role in suppressing false advertising. It ought to enforce legal actions by consumers and product competitors [49]—the latter have a more substantial incentive to bear the costs of litigation—against false advertisers. Some have also argued that it is appropriate for government to establish an agency like the FTC to seek out and suppress false advertising. Professor Yale Brozen has contended that false advertisers are in effect "free riders" profiting from the reputation of advertisers who are truthful.[50] Because a consumer cannot determine truth or falsity from the face of an ad, the existence of some false advertising casts a cloud over all advertising. For this reason, Brozen argues that affirmative government intervention can be justified. This intervention is to be distinguished, however, from the kind of regulation which in effect requires that advertising give up the function of advocacy of the product, for example, by disclaiming uniqueness or publicizing negative aspects. That kind of regulation dscourages advertising generally and thus reduces the amount of information available to the consumer as well as the amount of product competition.

Third, the government ought to establish uniform standards where objective rules can be imposed, for instance, weights and measures. Without such standards, information cannot be easily transmitted. Competition here, moreover, may lead to the creation of confusing and deceptive standards which the consumer cannot interpret and competitors cannot combat effectively. Government may similarly compel sellers to inform the buyer through labelling as to matters such as quantity and ingredients according to uniform definitions. Providing such information is relatively costless and, in the absence of government intervention, definitions of measures and ingredients may not be matters of uniform agreement and understanding. Similarly, certain contract language can be given a fixed legal meaning. A seller surely ought to be free to make disclaimers, but there is no reason to permit him to label them a warranty. Establishing uniform measures and definitions is a far cry from standardizing products, an act which is necessarily anti-consumer and anti-innovative.

Fourth, where there is a high risk of serious harm, the government can seek out and provide information to consumers if that information is unlikely to be available to competitors or independent testing organizations. The sanitary conditions in which food is processed are of great importance to the consumer and really cannot be accurately discovered other than through governmental action. As the frequency and seriousness of the risk decline and the availability of information to competitors or testing organizations increases, however, the justification for governmental intervention diminishes.

Fifth, when a product is by its nature either dangerous or addictive and there are no close substitutes—cigarettes are an ex-

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Footnotes at end of article.

ample—some role of government may be justified in bringing relevant matters to consumers' attention because there is less expectation that competitors will inform consumers about safer alternatives.[51] A limitation to dangerous or addictive products and a strict definition of "close substitutes" seems appropriate because, in all other cases, either competitors or independent consumer information organizations will supply the information desired in timely fashion.

The scope of the regulatory areas sketched above can be debated. Some no doubt have more faith in regulation than others. Skepticism as to government's ability to regulate effectively will vary from individual to individual and many will not accept some of the arguments outlined above or believe in some not mentioned.

Several are clear, however. First, the presumption ought to be against governmental intervention in view of its failure in the past. Regulation has been a failure of such dimensions that it should be undertaken only in clear cases of market failure. Second, market failure does not automatically call for regulation. Markets fail in varying degrees and government intervention cannot be justified unless the benefits exceed the costs. Careful scouting of regulatory proposals is particularly necessary since many of the alleged causes of market "imperfections" seem inherent characteristics of government regulation. Critics of the market remind us of the relative lack of power of the individual consumer over market decisions and his difficulty in acquiring information. Less readily do they point out that this is even more the case when the individual faces the regulatory machinery of government. A harmful ICC ruling is usually less well-known and always less avoidable than a poorly made appliance. The clamor for regulation ignores this because it is based on the naive view that "the people" exercise continuing control over government. This is, of course, contrary both to the theory and practice of representative democracy, which provides only for periodic and very general accountability. The device of the independent agency, moreover—the mainstay of regulation—reduces even this limited accountability to the vanishing point. Identification of market failure, alone, therefore, is not justification for governmental intervention; there must be a further showing that regulation will work and that its cost will be less than its benefits. Third, it is clear that we now have too much regulation, a good deal of which harms consumers by protecting monopolistic interests. How can we truly say we care about consumer protection while we permit the ICC to continue to exist?

Consumer protection entails identifying areas of market failure and carefully tailoring the role of government to them. The scattergun, anti-everything approach of the consumer advocates contributes nothing to this difficult task but merely diverts attention from the important issues, including the critical need to eliminate superfluous or harmful regulation.

The cure for the failure of regulation is not more regulation

The entire case for the creation of an independent consumer protection agency "to represent the interests of consumers" in proceedings before federal agencies rests on the proposition that the agencies have failed to fulfill their responsibilities. Calling for the creation of the CPA is an astonishing admission of the egregious failure of consumer protection regulation. But surely the mind boggles at the argument that the failure of regulation in the past calls for imposing yet another bureaucratic overlay. If this proposed agency arises from a need, as Senator Ribicoff put it, "to police the departments and agencies," one may justifiably inquire who or what is to "police" *it*. How soon will it to be hiring only older men who realize that they are not going to make a mark in the world? Why is this agency not as susceptible to "capture" by organized interest groups as other agencies? It is surely as tempting a target and it cannot be divorced from political pressure any more than, say, the Interstate Commerce Commission. Are we, in a generation, to hear a call for yet another agency, this time to "police" the CPA?

The CPA also has the potential of creating a bureaucratic nightmare—particularly if, as is proposed, the CPA must be notified of and have a right to intervene in every action of other agencies, formal or informal, affecting consumers. As the chairman of the Administrative Conference of the United States has stated, every act of every bureaucrat affecting consumers cannot be written down and sent to the CPA without crippling government.[52] Even if such extreme suggestions are rejected, the proposed CPA would still serve to delay and increase the costs of government action.

All of the arguments used to support the creation of a CPA suggest not a new agency but the elimination or reform of an old agency. If the FTC is moribund, a CPA—whose director and deputy director would be appointed in the same manner as the FTC commissioners—is unlikely to bring it to life. It will merely double the cost. Why should the citizens of this country have to pay taxes for a consumer agency to appear before the Interstate Commerce Commission to urge that commission to reach the results a competitive market would reach—that is to say, the very results that would occur if there were neither an ICC nor a consumer agency?

There cannot be a single consumer representative

The model on which proposals for a CPA are based is the adversary system of our courts. That model, however, is totally inapplicable to the purposes urged by consumer advocates. The lawyer-client relationship is one of principal and agent in which the principal has continuing power to direct the actions of the agent. A lawyer representing a client also has the duty of absolute and single-minded loyalty to that client and an obligation to make whatever arguments are in his interest. Where the interests of two persons conflict, the lawyer may not seek to represent both in one action.

The proposed CPA is in no way analogous to representation by legal counsel. It is the principal, not the agent. It, and it alone, would decide when and for what reasons to intervene in the proceedings of other agencies. There is, moreover, no single client or interest for the CPA to represent. It is a fundamental principal of economics that individual consumers put different values on particular commodities. People may differ as to how much beef they like in their stroganoff and as to how much they are willing to pay for it. Safety and information are also not costless, and different consumers will have differing tastes as to how much of each of those they wish to purchase. Intervention against a product which the CPA believes to be "unsafe," for example, is solely in the interest of those consumers preferring to purchase more safely and to the detriment of those preferring a cheaper product, albeit one of greater risk. There is no way around the dilemma created by empowering the CPA to "represent" persons with conflicting interests.

One bill pending in Congress defines "the interests of consumers" in part as "the cost, quality, purity, safety, durability, performance, effectiveness, dependability and availability and adequacy of choice of goods and services offered or furnished to consumers; and the adequacy and accuracy of information relating to consumers goods and services. . . ."[53] Such a definition, however, ignores the fact that all of these things can be traded off against each other. There can be more safety and quality for a higher cost and vice versa, and different consumers will prefer different mixes. The proposed consumer protection agency simply cannot "represent" all consumers on these matters.

The very idea that there is such a thing as a consumer advocate is, therefore, little more than a public relations gimmick. It has, however, fed the erroneous and misleading notion that a government agency can be established to "represent" the interests of consumers. All those consumers who prefer a trade-off between cost, quality, safety, information, and so on, different from that determined as "correct" by the agency will remain unrepresented in all of the proceedings. This is a grave danger because the very existence of the CPA will conceal the fact that large numbers of people—perhaps in most cases the vast majority of consumers—are in effect unrepresented and are actually being injured by an agency acting in their name.

Consumer advocates against the consumer

Even if the CPA does not fall prey to sloth and bureaucratic lassitude, even if it is "effective," that effectiveness will consist in imposing a particular ideology of consumerism upon consumers. To be sure, some consumers may be helped but many others will be hurt.

It should be recognized, moreover, that the ideology of consumerism does not provide protection against "capture" of regulatory agencies by special organized interests or inhibit coalitions with those interests, particularly if consumer advocates seek and obtain further restrictive legislation. Emphasis on safety, the suppression of advertising, and the standardization products all tend to dampen competition between firms and are frequently anti-innovative and restrictive influences. Standardization, although the least restrictive, is all too close to the ICC's determination of adequacy of service in deciding whether to permit new entrants into the transportation industry. Firms already in the market with established names and established products will have an enormous advantage. They will, moreover, quite likely see the opportunity to take advantage of the work of the CPA in order to suppress competitors by blocking innovations. Just as the FTC has been more vigorous in enforcing "protectionist" statutes than any other statutes in its purview, a CPA will find that a coalition with organized interests is the path of least resistance. The very existence of the CPA, moreover, will tend to legitimate action by other agencies which is monopolistic.

Consider the case of the compact car. Had consumerism been an active governmental force in the 1950s, it is quite plausible to imagine that measures would have been taken to prevent the introduction of such cars into the American market on the grounds that they were not safe. All of the steps necessary could have been accomplished by a CPA in the name of the consumer, with the automobile industry working silently in the background. This is by no means an imaginary horrible, for allegations about small cars continue. Such a step would, of course, bring about the very results deplored by consumer advocates in other circumstances. But the very fact that the CPA had helped to bring about the exclusion of the car would serve to legitimate what was in effect governmental creation of a monopoly.

Finally, the existence of the CPA will unquestionably make consumers relatively poorer. There will of course be the deprivation of income and benefits which will occur because of the massive bureaucratic delays caused by the CPA and because of the tax revenues needed to cover these delays and the cost of the CPA itself. Consumers would almost surely be better off without such regulation and with the money they pay in taxes to buy more safety and information.

Footnotes at end of article.

Beyond that, the delays in putting products on the market and forcing firms to expend resources on clearing new products with the bureaucracy, the heavy governmental burden on products which do not meet some norm of perfection will inevitably increase the cost of commodities. And this increase in costs—dictated principally by the political views of the consuming middle class—is likely to have its most detrimental impact on the poor, who will get more quality only when they can pay the higher price.

FOOTNOTES

[1] See generally, U.S. Congress, Senate, *To Establish a Consumer Protection Agency*, Hearings on S. 1177 and H.R. 10835 before the Subcommittee on Executive Reorganization and Government Research of the Committee on Government Operations, 92d Cong., 1st Sess., November 4 & 5, 1971. (Hereafter cited as *Hearings on S. 1177 and H.R. 10835*.)

[2] S. 1177, Sec. 202(1); H.R. 10835, Sec. 203 (b)(1).

[3] Ralph Nader, "A Citizen's Guide to the American Economy," *New York Review of Books*, September 2, 1971, p. 14.

[4] *Hearings on S. 1177 and H.R. 10835*, p. 29.

[5] Edward F. Cox et al., *The Nader Report on the Federal Trade Commission* (New York; Grove Press, 1969), pp. 13–33.

[6] Ibid., pp. 18–19.

[7] U.S. Congress, Senate, *Establish a Department of Consumer Affairs*, Hearings on S. 860 and S. 2045 before the Subcommittee on Executive Reorganization of the Committee on Government Operations, 91st Cong., 1st Sess., March 17, 18, 19, 20, 21; April 17, 24; July 15, 1969, p. 4. (Hereafter cited as *Hearings on S. 860 and S. 2045*.)

Why exponents of consumerism insist on attributing the plight of the consumer to recent events in unclear, for the complaints they urge are a cyclical feature of the political landscape.

[8] Cox, *The Nader Report on the Federal Trade Commission*, p. 18.

[9] Nader, "A Citizen's Guide to the American Economy," p. 18.

[10] James S. Turner, *The Chemical Feast (New York: Grossman Publishers, Inc., 1970)*, pp. 111, 165.

[11] Nader, "A Citizen's Guide to the American Economy," p. 15.

[12] Turner, *The Chemical Feast*, p. vi (Foreword by Ralph Nader). See also Cox, *The Nader Report on the Federal Trade Commission*, pp. 15, 17.

[13] *Hearings on S. 1177 and H.R. 10835*, p. 19.

[14] Cox, *The Nader Report on the Federal Trade Commission*, p. 148.

[15] Robert Fellmeth, *The Interstate Commerce Commission* (New York: Grossman Publishers, Inc., 1970), pp. 1–4.

[16] Cox, *The Nader Report on the Federal Trade Commission*, pp. 137–139.

[17] Fellmeth, *The Interstate Commerce Commission*, pp. 15–22.

[18] Gabriel Kolko, *The Triumph of Conservatism* (Cleveland, Ohio: Quadrangle Books, Inc., 1963).

[19] Cox, *The Nader Report on the Federal Trade Commission*, p. 130.

[20] Turner, *The Chemical Feast*, pp. 98–103.

[21] Ibid., p. 225.

[22] Ibid., p. 64.

[23] Ibid., p. 129.

[24] Ibid., p. 130.

[25] See generally, Yale Brozen, "The FTC Attack on Advertising," speech before the Indiana Broadcasters Association, March 14, 1972.

[26] *Hearings on S. 850 and S. 2045*, pp. 103–105

[27] Ibid.

[28] *Hearings on S. 1177 and H.R. 10835*, pp. 2, 43.

[29] S. 1177, Secs. 204, 205; H.R. 10835, Secs. 205, 206, 207.

[30] S. 1177, as introduced, Sec. 205(d) (1).

[31] Fowler V. Harper and James Fleming, Jr., *The Law of Torts* (Boston: Little, Brown & Co., 1956), pp. 928–936.

[32] Nader, "A Citizen's Guide to the American Economy."

[33] Morton Mintz and Jerry S. Cohen, *America, Inc.: Who Owns and Operates the United States* (New York: Dial Press, Inc., 1971), p. 138.

[34] *Statistical Abstract of the United States*, 1971 (Washington: U.S. Government Printing Office, 1971), pp. 459, 472.

[35] Nader, "A Citizen's Guide to the American Economy."

[36] Turner, *The Chemical Feast*, p. v (Foreword by Ralph Nader).

[37] *The National Observer*, May 6, 1972, p. 12; *The New York Times*, May 17, 1972, p. 23.

[38] See *Report of the American Bar Association Commission to Study the Federal Trade Commission* (1969) pp. 107–108. (Separate statement of Richard Posner.)

[39] Turner, *The Chemical Feast*, pp. 111–112.

[40] Frank H. Knight, *Risk, Uncertainty, and Profit* (Boston: Houghton, Mifflin Co., 1921), p. 182.

[41] Fellmeth, *The Interstate Commerce Omission*.

[42] *Hearings on S. 860 and S. 2045*, pp. 119–120.

[43] Arthur Allen Leff, Book Review of Green, "The Closed Enterprise System," in *The New York Times Book Review*, April 30, 1972, p. 22.

[44] Lester G. Telser, "Advertising and Competition," *Journal of Political Economy*, vol. 72, no. 6 (1964), p. 537.

[45] Brozen, "The FTC Attack on Advertising."

[46] *Report of the ABA Commission to Study the Federal Trade Commission*, p. 33.

[47] Ibid., p. 45.

[48] George J. Stigler and Manuel F. Cohen, *Can Regulatory Agencies Protect the Consumer?* (Washington, D.C.: American Enterprise Institute for Public Policy Research, 1971), p. 17.

[49] See particularly Professor Richard Posner's analysis on this point in *Report of the ABA Commission to Study the Federal Trade Commission*, pp. 104–106.

[50] Brozen, "The FTC Attacks on Advertising."

[51] Again see the analysis of Professor Posner in *Report of the ABA Commission to Study the Federal Trade Commission* (1969), pp. 107–108.

[52] See *Hearings on S. 1177 and H.R. 10835*, pp. 186, 193.

[53] H.R. 10835, Sec. 304(5).

Mr. ERVIN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. RIBICOFF. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Connecticut has 6 minutes.

Mr. RIBICOFF. And the Senator from North Carolina?

The PRESIDING OFFICER. The Senator from North Carolina has yielded back the remainder of his time.

The Senator from Connecticut now has 5 minutes remaining.

Mr. RIBICOFF. In view of the fact that the name of the Senator from Illinois has been used by the Senator from North Carolina, may I ask that when the distinguished Senator from Florida is through, we have the remaining time of the Senator from North Carolina for the Senator from Illinois?

Mr. ERVIN. I do not like to object, but I have been appealed to by some Senators who have to leave here, and if this argument continues, they will not be able to vote. With great reluctance, I have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. RIBICOFF. Mr. President, I yield 4 minutes to the Senator from Florida.

Mr. CHILES. Mr. President, I support the Consumer Protection Agency bill as reported from the Committee on Government Operations. The bill is the product of careful scrutiny by the committee. We considered it in seven executive sessions extending over more than 16 hours. We examined the bill section-by-section and adopted 58 substantive and technical amendments to it. As a result, it is a tightly drafted bill, granting the Agency the authority and funds it needs to do an effective job, but no more.

The bill is broad in scope, but moderate in application. This is appropriate, for the consumer interest extends to many aspects of our daily lives. At the same time the committee limited the powers of the Agency to assure that it would neither interfere with the legitimate operations of American business, nor disrupt the smooth functioning of existing agencies.

Mr. President, other members of the committee have described and summarized the provisions of the bill, so I shall not repeat what they have said. Rather, I want to point out some of the important changes the committee made in the bill.

Early in our consideration, we significantly amended section 207(b), the Administrator's interrogatory authority. I believe the Agency should have the authority to obtain necessary information to represent the consumer interest effectively. Almost every Federal agency has this power. But as reported from the Subcommittee on Executive Reorganization and Government Research, the bill authorized the CPA to submit interrogatories to any business enterprise whose activities he determines may substantially affect the interests of consumers. I urged, along with other members of the committee that this provision be narrowed to three basic interests of consumers—health, safety, and the discovery of fraud. This amendment was adopted and improved the bill.

The committee also strengthened tne powers of the courts over the interrogatories by authorizing them to grant the Administrator's request on conditions and with such apportionment of costs as it deems just. The Administrator also must prove to the satisfaction of the court that the information sought first, substantially affects the health or safety of consumers or is necessary for the discovery of consumer fraud, second is not unnecessarily or excessively burdensome, and third is relevant to the purposes for which the information is sought.

One of the next sections we turned to was consumer complaints, section 206. As reported from the subcommittee, the bill required the CPA Administrator to transmit every complaint alleging a violation of Federal law, or a trade practice detrimental to the interests of consumers, to the appropriate Federal, State, or local agency for consideration and possible action. The Administrator was also obligated to send a copy of the complaint to the person complained against and allow him a reasonable opportunity for comment. His response would then be publicly filed with the complaint.

Most of the complaint letters I have received as a State Senator and as a U.S. Senator, have been meritorious. But frankly, some of them are frivolous. It would serve no useful purpose to have them referred to other agencies and it would only waste the time and money of businesses to require them to respond to such complaints. Accordingly, I proposed an amendment which granted the Administrator authority not to refer the complaint if he determines it is frivolous. The amendment was unanimously accepted by the committee.

Another amendment which I proposed reduced the authority of Federal bureaucrats to withhold funds from the States and localities under the consumer protection grant program. During nearly 2 years in Washington I have often seen Federal officials nit-pick and starve a good program to death for minor infractions of agency rules. I was determined to prevent that from happening under this program, so moved to amend section 308(a) to require that the Administrator must first find that the program no longer substantially complies with applicable law before cutting off funds for it. Again, the committee accepted the amendment unanimously.

Mr. President, after participating in the committee executive sessions and thoroughly studying the bill I have concluded that it is fair and reasonable. It assures the American consumer that his interests will be as well represented within the Federal Government as are other interests, such as labor, commerce and agriculture.

Throughout our long consideration of the bill, one of the paramount objectives of the committee was to prevent unnecessary instrusions into lawful business affairs and needless intervention in the Federal administrative process. These are appropriate concerns of the Committee on Government Operations, which rightfully focuses on the efficiency and economy of the Federal Government. The committee achieved its objective, I believe, by incorporating many safeguards against interference with responsible business practices and the orderly processes of Government.

After the bill was ordered reported, I asked the committee staff to prepare a list of these safeguards for me. They have done so and I would ask unanimous consent to have them printed in the Record at this point.

There being no objection, the list was ordered to be printed in the Record, as follows:

Safeguard in S. 3970 Against Undue Interference by the Consumer Protection Agency With Responsible Business Practices and the Orderly Processes of Government

1. The CPA will have no regulatory authority. It will not be able to overrule, veto or impair any Federal agency's final determinations. The participation rights granted to the CPA are procedural only, not substantive, such that no authority granted to the CPA shall be construed as superceding, supplanting, or replacing the jurisdiction of any agency over any subject matter, nor deprive any agency of its responsibility to exercise its authority under law. Section 3(3) Declaration of Purpose.

2. Limitation on CPA interventions: Authority to intervene as of right as a party is granted to the CPA in formal agency proceedings, but the Administrator must exercise discretion and avoid unnecessary involvement. He is to refrain from intervening as a party unless he determines that such extent of involvement is necessary to represent adequately the interests of consumers. Where submission of written briefs or other material is sufficient, or presentation of oral argument is sufficient, he is to exercise self-restraint and limit his involvement accordingly. Section 203(a).

3. Protection against disruption and delay of agency proceedings and activities: Upon intervening, or participating in formal agency proceedings, the Administrator must comply with the host agency's statutes and rules of procedure governing the timing of his participation and the conduct of such proceeding (Section 203(a)). In participating in an informal agency activity, the Administrator must do so in an orderly manner and without undue delay. Section 203(b).

4. Protection against CPA intrusion in the private meetings and discussions between a Federal agency and a particular business firm: While the CPA may present orally or in writing relevant information and arguments (Section 203(b)(1)), it is not granted the right or authority to be present at any particular meeting or discussion, nor to monitor any phone conversations, between an agency and a company. Instead, it need only have an opportunity *equal* to that of the company to present its views. CPA's participation, therefore, need not be simultaneous (and generally will not be) but need only occur within a reasonable time of any prior involvement by such company or at a time when it might reasonably have an input into a contemplated agency action. Section 203(b)(2).

5. Protection against misuse of a host agency's compulsory process: Where the CPA seeks to use an agency's subpoena authority for discovery purposes, the host agency retains discretion and control over such use. CPA's request must be: (i) relevant to the matter at issue; (ii) not unnecessarily burdensome to the person from whom the information is sought; and (iii) not such as would unduly interfere with the conduct of the host agency proceeding—all to be determined by the host agency, not the CPA. Section 203(e).

6. Protection against unfair advantage to CPA in requiring information from businesses: The compulsory information gathering authority of the CPA (Section 207(b)) may not be exercised to obtain information which: (i) is available as a matter of public record; (ii) can be obtained from another Federal agency; or (iii) is for use in connection with his intervention in any pending agency proceeding. (Section 207(b)(2)). The Administrator's request under Section 207 must relate to consumer health or safety or consumer frauds and be specific as to the purpose for which the information is intended. Moreover, the request must be relevant to that purpose and not unnecessarily burdensome to the person from whom the information is sought. The scope of the Section has been limited so as not to require the production of records, books, or documents, the appearance of witnesses, or the disclosure of information which would violate any relationship privileged according to law. Section 207(b)(1).

7. Protection against arbitrary, capricious or vindictive intervention by CPA: The determination by the CPA that a consumer interest may be substantially affected by the result of an agency proceeding will be subject to ultimate judicial review if there was prejudicial error involved. (Section 201(e)(1)(B)). The Administrator is required explicity and concisely to set forth in a public statement the interests of consumers he is representing in a particular agency or court proceeding. Section 402(b).

8. Protection against unwarranted allegations in complaints from consumers against business, its products or services: Upon receipt of consumer complaints, CPA will as a matter of course promptly notify the company named, furnish it a copy of the complaint, and afford it a reasonable time in which to respond to the charge. Both the complaint and the company's response will be placed in the public file simultaneously, together with any comments or report from any Federal agency to which the complaint was referred for action. Frivolous, malicious and unsigned complaints will not be placed in the public file. Sections 206 (b) and (c).

9. Protection against access by CPA to all classified information and restricted data under the Atomic Energy Act. Section 207(c)(1).

10. Protection against CPA access to internal policy recommendations: The CPA will have access to factual material developed by agencies but will have no right to have access to opinions expressed by agency personnel which are not in the nature of factual data. Section 207(c)(2).

11. Protection against CPA access to information concerning routine executive and administrative functions: Most internal agency documents dealing with the management of the agency need not be accessible to the CPA. This will protect the legitimate interests of federal agencies in managing their own affairs without interference. Section 207(c)(3).

12. Protection against CPA access to personnel and medical files and other files access to which would constitute an unwarranted invasion of personnel privacy: The CPA will not have a right to have access to these files, which should properly remain private in order to preserve important interests of confidentiality. Section 207(c)(4).

13. Protection against CPA access to information which any agency is expressly prohibited by law from disclosing to another federal agency: Where a statute of judicial decision has declared that an agency may not disclose information to another agency, this policy applies to the CPA, and denies the CPA the right to access to such information. Section 207(c)(5).

14. Protection against CPA access to income tax records: There is no authorization in this act to any federal agency to disclose the amount or source of income, profits, losses, expenditures, or any particular thereof, from any income return, or to permit CPA access to any such return. This will insure that records which are now treated as confidential by the IRS with respect to access by other federal agencies will be treated in the same manner with respect to the CPA. Section 207(d).

15. Protection against disclosure of confidential information relating to business practices in the files of another agency: The CPA has access to, and can copy agency files, but cannot disclose to the public any information which the host agency has exempted from disclosure or is otherwise exempted by law. Section 208(b).

16. Protection for business trade secrets that may come into CPA's possession: Trade secrets and other confidential business information may not be disclosed under criminal penalty of law, except if necessary to protect public health and safety, or to courts, committees of Congress, and other concerned federal agencies in a manner designed to preserve confidentiality. Section 208(c).

17. Protections against disclosure to the public of false or misleading information regarding a business: CPA disclosures may not be inaccurate, misleading or incomplete. Otherwise, CPA will be required promptly to issue a retraction, to take other appropriate

measures to correct any error, or to release significant additional information affecting the accuracy of information previously released. Section 208(d).

18. Protection against "surprise" disclosures to the public of information likely to injure the reputation or good will of a business: CPA is required, as a matter of course, to give prior notice to such company and afford an opportunity to comment, unless public health and safety would be imperiled by such action. Section 208(d). Injunctive relief to a company which might be damaged is provided for.

19. Protections against unfair comparison of the products or services of a business: In disclosing information, CPA: (i) must make clear that all products of a competitive nature have not been compared, if such is the case; (ii) must make clear that there is no intent or purpose to rate products compared over those not compared, not to imply that those compared are superior or preferable in quality to those not compared; and (iii) must not subjectively indicate that one product is a better buy than another. Section 208 (e).

20. Clarification that substantive criteria applicable to agency decisions remain unaffected: Reference in the predecessor bill, S. 1177, to giving "due consideration" to the interests of consumers in agency decisionmaking might have been construed—and was by some—as meaning that added weight was to be given to the consumer interest in regulatory and other decisions involving, e.g., the grant or denial of a license, route, or rate increase. We did not intend to change the substantive standards now applicable and have therefore taken out the reference to "due consideration" requiring only a concise statement as to how, if at all, the consumer interest was taken into account in reaching a decision. Section 402(a).

FINAL OBSERVATION

The structure and operation of a Consumer Protection Agency need not be hostile to business interests. There are numerous situations where the CPA would, in presenting the case for consumers, find itself advancing or defending a business practice. For example, antitrust law today often frustrates industry self-regulation even where health or safety considerations may be at stake. The television industry, alerted to a potential fire hazard in color TV two years ago, responsibly assembled in Chicago to upgrade flammability standards only at the risk of possible antitrust suit by the Justice Department.

Not untypical, the power lawnmower industry for years has been leery of using collective means to devise an alternative to the rotary blade, which each year is responsible for more than 140,000 injuries, some resulting in death, blinding or severe disfigurement. The CPA might also help to expedite agency action, as for example in the case of a new drug application before the FDA, where more timely response could promote health or save lives. In these circumstances, the consumer interest in maximizing safety would clearly outweigh the consumer interest in seeing that the antitrust laws are enforced to the letter. Thus, the CPA would expectably intervene on behalf of the legitimate business interest which, in not a few cases, coincides with the legitimate consumer interest.

Mr. CHILES. Mr. President, I believe these safeguards satisfy the two objections most often voiced by critics of the bill: That the CPA will harass legitimate business activities and hinder the agency decisionmaking.

In connection with the latter argument, it is especially significant that the American Bar Association recently endorsed the concept of CPA intervention in the proceedings of other agencies. In a report supporting the action, the chairman of the section on Administrative Law stated:

> We conclude that interagency litigation over the validity of administrative action has been commonplace since the early days of the Administrative process; that no new problems, either doctrinal or practical, are presented by the proposal to give the Consumer Protection Agency the right to initiate or intervene in proceedings for judicial review of other agencies actions; and that the feasibility and desirability of interagency litigation should accordingly be recognized in this statutory context as well.

Mr. President, S. 3970, is a good bill. It is fair and well balanced. In my opinion it is a better bill than the one which the Senate approved 2 years ago. It provides both more effective means to the consumer interest and more assurances that it will not burden the administrative process. I urge the passage of the bill.

The PRESIDING OFFICER (Mr. GAMBRELL). The time of the Senator from Florida has expired.

CLOTURE MOTION

The PRESIDING OFICER (Mr. GAMBRELL). The hour of 11 a.m. having arrived, the Chair, under the unanimous-consent agreement, and pursuant to rule XXII, lays before the Senate the pending cloture motion which the clerk will state

The legislative clerk read as follows:

Cloture Motion

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (S. 3970), a bill to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants in order to protect and serve the interest of consumers and for other purposes.

1. Mike Mansfield.
2. Robert C. Byrd.
3. Jennings Randolph.
4. Richard S. Schweiker.
5. Lloyd Bentsen.
6. Clinton P. Anderson.
7. Birch Bayh.
8. Mark Hatfield.
9. Stuart Symington.
10. George D. Aiken.
11. Philip Hart.
12. Walter Mondale.
13. Mike Gravel.
14. Henry Jackson.
15. John V. Tunney.
16. Warren Magnuson.

CALL OF THE ROLL

The PRESIDING OFFICER. Under rule XXII, the Chair directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 482 Leg.]

Aiken
Allen
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Brooke
Buckley
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Eagleton
Eastland
Edwards
Ervin
Fannin
Fong
Fulbright
Gambrell
Gravel
Griffin
Gurney
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
Miller
Mondale
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Stennis
Stevens
Stevenson
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Alabama (Mr. SPARKMAN), the Senator from Virginia (Mr. SPONG), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that the Senator from North Carolina (Mr. JORDAN) and the Senator from Wyoming (Mr. MCGEE) are absent on official business.

Mr. SCOTT. I announce that the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senator from Tennessee (Mr. BAKER), the Senator from Delaware (Mr. BOGGS), the Senator from New Jersey (Mr. CASE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Vermont (Mr. STAFFORD) and the Senator from Ohio (Mr. TAFT) are absent on official business to attend the Interparliamentary Union meetings.

The PRESIDING OFFICER. A quorum is present.

The question is, Is it the sense of the Senate that debate on S. 3970, a bill to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes, shall be brought to a close? The yeas and nays are mandatory under the rule, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SAXBE. (when his name was called). On this vote the senior Senator from Pennsylvania (Mr. SCOTT) and I have a pair with the senior Senator from Texas (Mr. TOWER). If he were permitted to vote, he would vote "nay." We would vote "yea." We withhold our votes.

Mr. SCOTT (when his name was called). My pair having already been announced, I vote present.

Mr. CANNON (when his name was called). On this vote I have a pair with the Senator from South Dakota (Mr. McGOVERN) and the Senator from Missouri (Mr. SYMINGTON). If they were present and voting, they would vote "yea." If I were permitted to vote, I would vote "nay." I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from New Mexico (Mr. Montoya), the Senator from Alabama (Mr. Sparkman), the Senator from Virginia (Mr. Spong), and the Senator from Missouri (Mr. Symington) are necessarily absent.

I further announce that the Senator from North Carolina (Mr. Jordan) and the Senator from Wyoming (Mr. McGee) are absent on official business.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. McIntyre) would vote "yea."

I further announce that, if present and voting, the Senator from Virginia (Mr. Spong) would vote "nay."

Mr. GRIFFIN. I announce that the Senators from Colorado (Mr. Allott and Mr. Dominick), the Senator from Tennessee (Mr. Baker), the Senator from Delaware (Mr. Boggs), the Senator from New Jersey (Mr. Case), the Senator from Arizona (Mr. Goldwater), the Senator from Wyoming (Mr. Hansen), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Vermont (Mr. Stafford) and the Senator from Ohio (Mr. Taft) are absent on official business to attend the Interparliamentary Union meetings.

If present and voting, the Senator from Delaware (Mr. Boggs) would vote "yea."

If present and voting, the Senator from Colorado (Mr. Dominick) would vote "nay."

The Tower pair was previously announced.

The yeas and nays resulted—yeas 47, nays 29, as follows:

[No. 483 Leg.]

YEAS—47

Aiken
Bayh
Beall
Bentsen
Brooke
Burdick
Byrd, Robert C.
Chiles
Church
Cranston
Eagleton
Gravel
Griffin
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
Miller
Mondale
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Smith
Stevenson
Tunney
Williams

NAYS—29

Allen
Bellmon
Bennett
Bible
Brock
Buckley
Byrd, Harry F., Jr.
Cook
Cooper
Cotton
Curtis
Dole
Eastland
Edwards
Ervin
Fannin
Fong
Fulbright
Gambrell
Gurney
Hruska
Long
McClellan
Stennis
Stevens
Talmadge
Thurmond
Weicker
Young

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Saxbe, for.
Scott, for.
Cannon, against.

NOT VOTING—21

Allott
Anderson
Baker
Boggs
Case
Dominick
Goldwater
Hansen
Jordan, N.C.
McGee
McGovern
McIntyre
Metcalf
Mundt
Montoya
Sparkman
Spong
Stafford
Symington
Taft
Tower

The PRESIDING OFFICER. On this vote the yeas are 47 and the nays are 29. Two-thirds of the Senators present and voting not having voted in the affirmative, the motion is rejected.

SOCIAL SECURITY AMENDMENTS OF 1972

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate H.R. 1.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. Senators will clear the well and take their seats.

Under the previous order, the Chair lays before the Senate H.R. 1, which the clerk will read by title.

The legislative clerk read the bill by title, as follows:

A bill (H.R. 1) to amend the Social Security Act, to make improvements in the medicare and medicaid programs, to replace the existing Federal-State Public Assistance programs, and for other purposes.

The Senate proceeded to consider the bill.

Mr. CRANSTON. Mr. President, I ask unanimous consent that during the consideration of the pending business——

The PRESIDING OFFICER. Will the Senator suspend? The Senate will be in order. Senators will give attention to the Senator from California, who is making a unanimous-consent request.

Mr. CRANSTON. The unanimous-consent request is that Pam Duffy and Jon Steinberg be given the privilege of the floor during the consideration of this bill today.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum until we can get order.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

H.R. 13694—AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that H.R. 13694, to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended, be held at the desk temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO PRINT S. 3939, THE FEDERAL AID HIGHWAY ACT OF 1972, AS PASSED

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, on behalf of my senior colleague (Mr. Randolph), that the Federal Aid Highway Act of 1972 (S. 3939) be printed as it passed the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Gambrell) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

SOCIAL SECURITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (H.R. 1) to amend the Social Security Act, to make improvements in the medicare and medicaid programs, to replace the existing Federal-State public assistance programs, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, what is the pending matter before the Senate?

The PRESIDING OFFICER. The pending business is H.R. 1, to amend the Social Security Act.

Mr. ROBERT C. BYRD. I thank the Presiding Officer.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. CRANSTON. Mr. President, I call up my amendment No. 1619, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The aisles will be cleared.

Will the Senator from California send a copy of his amendment to the desk?

The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. CRANSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. Cranston's amendment (No. 1619) is as follows:

On page 615, after line 5, insert the following new section:

Sec. 306. Title XI of the Social Security Act is amended by adding at the end thereof the following new section:

"AUTOMATIC INCREASE IN STANDARDS OF NEED UNDER PUBLIC ASSISTANCE PROGRAMS

"SEC. 1311. (a) (1) In addition to the requirements imposed by other provisions of law as a condition of approval of a State plan of any State (other than the Commonwealth of Puerto Rico, Guam, or the Virgin Islands) to provide aid or assistance to individuals under title I, X, XIV, or XVI, there is hereby imposed the requirement (and the plan shall be deemed to require), for the period beginning October 1, 1972, and ending December 31, 1973, that the standard of need (as defined in paragraph (2)) applicable under any such plan shall be increased by the amounts certified in the certifications of the Secretary made pursuant to subsection (b).

"(2) For purposes of this section, the term 'standard of need', when used in connection with any approved plan referred to in paragraph (1), means the income amount (not otherwise disregarded under the plan) used to determine (in the case of each category of applicants for and recipients of aid or assistance under the plan) eligibility of such applicants and recipients for aid or assistance under such plan.

"(b) (1) Whenever there is enacted any provision of law providing a general increase in monthly benefits payable to individuals under title II, the Secretary shall (at the earliest practicable date after the enactment of such provision) determine the average rate of such increase and shall certify to each State agency administering or supervising the administration of any State plan approved under title I, X, XIV, or XVI, the average so determined.

"(2) Any such certification shall be effective, in the case of the standard of need applicable under any approved State plan referred to in subsection (a), for months beginning more than 30 days after such certification is made to the State agency administering or supervising the administration of such State plan, or, if the general increase (referred to in paragraph (1)), on the basis of which such certification is made, will not be effective by such date, then it shall be effective on the first month for which such general increase will be effective."

SEC. 2. (a) Subject to subsection (b), the amendment made by the first section of this Act shall be effective in the case of general increases in monthly benefits payable to individuals under title II of the Social Security Act resulting from the enactment of provisions of law enacted after January 1972.

(b) For purposes of section 1131 of the Social Security Act (as added by the first section of this Act), any certification under subsection (b) of such section on account of any general increase in monthly benefits payable to individuals under title II of the Social Security Act resulting from the enactment, prior to the enactment of this Act but after January 1972, shall be made at the earliest practicable date after the enactment of this Act and shall be effective with respect to months beginning two months after the month of enactment of this Act.

Mr. CRANSTON. Mr. President, I yield to my colleague from California.

Mr. TUNNEY. Mr President, I ask unanimous consent that, during the consideration and the debate on H.R. 1, two members of my staff, Tony Davis and Jesus Melendez, be permitted to be present in the Chamber.

The PRESIDING OFFICER. Is there objection?

Mr. LONG. Mr. President, reserving the right to object, who and how many people?

Mr. TUNNEY. Tony Davis and Jesus Melendez, two of my assistants.

Mr. LONG. How many does the Senator wish to bring in?

Mr. TUNNEY. Two legislative assistants.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CRANSTON. Mr. President, this measure was originally introduced by myself and my colleague from California (Mr. TUNNEY) as S. 3328.

Also, I would like to note that my distinguished colleague from the California congressional delegation, Representative PHILLIP BURTON, has long been a leader in the effort to assure equitable treatment of social security beneficiaries and aged, blind and disabled assistance recipients as embodied in S. 3328, and I would like to commend Congressman BURTON for his continued efforts on behalf of the elderly and express my appreciation or his invaluable assistance and support.

Following the introduction of S. 3328 by Senator TUNNEY and myself, it was referred to the Senate Finance Committee for consideration during deliberations on H.R. 1. Although I applaud the many progressive and important changes in the present law which have been adopted by the committee, and extend my deep appreciation for the committee's inclusion of an amendment I offered with Senator GURNEY to extend medicare benefits to persons under 65 who elect to "buy in" to medicare—I was dismayed to note that the committee did not incorporate S. 3328 into H.R. 1.

Consequently, Senator TUNNEY and I are offering this amendment to enable those needy individuals who are aged, blind, or disabled to receive an increase in their assistance payments commensurate with increases in social security benefits.

This would be achieved by requiring States to increase by a rate corresponding to the rate of the social security increase, the standard of need used to determine eligibility for assistance under these programs.

This provision would take effect in October of 1972 and continue through December of 1973—when the aged, blind, and disabled assistance program would be federalized under the Senate Finance Committee proposal.

This concept, in a somewhat different form, was recommended in 1970 by the Senate Finance Committee in its consideration of H.R. 17550, the proposed Social Security Amendments of 1970. The committee report—No. 91-1431, page 43—said:

> PASS ALONG OF SOCIAL SECURITY INCREASES TO WELFARE RECIPIENTS
>
> Under other provisions of the bill, social security benefits would be increased by 10 percent, with the minimum basic social security benefit increased to $100 from its present $64 level. If no modification were made in the present welfare law, however, many needy aged, blind and disabled persons would get no benefit from these substantial increases in social security since offsetting reductions would be made in their welfare grants. To assure that such individuals would enjoy at least some benefit from the social security increases, the Committee bill requires States to raise their standards of need for those in the aged, blind, and disabled categories by $10 per month for a single individual and $15 per month for a couple. As a result of this provision, recipients of aid to the aged, blind, or disabled, who are also social security beneficiaries would enjoy an increase in total monthly income of at least $10 ($15 in the case of a couple).

The method I am proposing to assure that the aged, blind, or disabled enjoy the benefits from social security increases eliminates the discriminatory effect of the so-called pass-along provision, which results in the granting of cost-of-living increases only to those public assistance recipients who are also beneficiaries of social security or railroad retirement benefits.

The original pass-along provisions, included in the 1965 and 1967 social security amendments permitted States, in determining an individual's need for public assistance payments, to exclude $5 and $7.50 per month, respectively, from any source—although these provisions were designed with the 1965 and 1967 social security increases in mind. Later pass-along provisions, however, limited their applicability to social security and railroad retirement beneficiaries.

The amendment now offered by Senator TUNNEY and myself would rectify this situation by substituting the increase in the standard of need concept for the pass-along concept.

It is important to note that the Finance Committee has included a $50 disregard of outside income in H.R. 1, and the committee is to be commended for this very excellent provision. This provision would not take effect, however, until the federalization of aged, blind, and disabled assistance programs in January of 1974. Thus, the 20-percent increase in benefits would not be received by assistance recipients—unless we adopt a measure to deal with this interim period. The amendment I have offered would assure that every aged, blind, and disabled person receiving social security will receive the increase in benefits intended by the Congress, and that those who have no other source of income other than their assistance payments—surely the most needy individuals—will also receive an increase in benefits.

Throughout the spring and summer I have received thousands of letters from elderly persons—persons who rely on old age assistance grants and social security for their very existence—relating to their despair upon receiving from the California State Department of Public Social Services a notice that their public assistance check would be reduced by the amount of their social security increase. It is a cruel blow to deal to so many of the more than 2 million recipients of old age assistance in the United States, 60 percent of whom are also recipients of social security benefits. In California 362,000 recipients of aid to the aged blind and disabled also receive social security benefits, and thus will not benefit at all by the 1972 social security increase. An additional 159,000 individuals in California received no other income than the assistance payments under the aged, blind, and disabled category.

Mr. President, I urge my colleagues to join with me in support of this amendment to assure that all social security recipients receive the full benefit enacted by Congress—and which mandates an increase in equal proportion to the improvements Congress has made in social security benefits for recipients of aged, blind, and disabled payments.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. CRANSTON. Yes, I am delighted to yield to the distinguished Senator from Minnesota.

Mr. HUMPHREY. First, I want to commend the two Senators from California (Mr. CRANSTON and Mr. TUNNEY).

I had offered a similar amendment. I was checking my amendment No. 1618, and I believe it would perform the same purpose—in other words, to simplify it—so that the 20-percent increase we legislated here recently on social security benefits would not be obligated or would not be checked off by the denial of other benefits under old age assistance, medical care, housing, food stamps and so forth. Is that correct?

Mr. CRANSTON. That is correct.

Mr. HUMPHREY. So the purpose of the amendment of the Senators from California is to make realistic, meaningful, and practical the 20-percent increase.

Mr. CRANSTON. Exactly. And it is totally consistent with the objectives and purposes of the Finance Committee.

Mr. HUMPHREY. And it would not remove the $50 provision in the Finance Committee bill?

Mr. CRANSTON. No, it would not.

Mr. HUMPHREY. There is no sense in my thinking about calling up my amendment. I would like to be associated with the distinguished Senators of California in this matter, because I am confident that Congress would want to do what the Senators propose.

I just say this: Nothing has caused more consternation among the senior citizens of our country and among people who are concerned about the plight of our senior citizens than this giving with one hand and taking away with another. Congress gave a 20-percent increase and took away, under administrative action, more than the increase.

I go home to my State of Minnesota, and people come to me by the dozens and say, "What happened down there?" I recall going back and addressing a group of senior citizens, and I was proudly proclaiming that we had just passed a 20-percent social security increase. Immediately, a little delegation called on me and said, "Thanks for nothing," because the 20-percent increase was eaten up by an increase in rents, in housing, loss of food stamps, and loss of old age assistance benefits that were coming to some of the beneficiaries of social security.

I want to join the Senator, if he will permit me, in support of his amendment, and I hope I can be a cosponsor of his amendment, because I think this is something that needs to be done. I am pleased that the Senators from California have taken the initiative on this important matter of social and economic justice.

Mr. CRANSTON. I thank the Senator very much for his stanch, eloquent, and direct support.

Mr. President, I ask unanimous consent that the names of the distinguished Senators from Minnesota (Mr. HUMPHREY and Mr. MONDALE) be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. I think the point should be clearly understood that no direct expense to the Federal Government is involved in this amendment. What it does is to prevent State governments from taking, as a windfall, aid that we intended to go to the aged, the blind, and the disabled.

Mr. President, I yield to my distinguished colleague and good friend, Senator TUNNEY.

Mr. TUNNEY. I thank the Senator.

Mr. President, I am most pleased to be able to join my senior colleague from California in this most important amendment.

The subject has been debated on the floor in the past few weeks with the chairman of the Committee on Finance in a rather fulsome manner. As a matter of fact, I have appreciated very deeply the statements of concern by the distinguished Senator from Louisiana, the chairman of the Finance Committee, with respect to the need of these senior citizens who happen to be on old-age assistance programs as well as receiving social security.

I think this is the kind of amendment that anybody who has looked at the subject matter would have to support overwhelmingly. We have more than 1,250,000 senior citizens in this country receiving old age assistance as well as social security benefits.

I am deeply concerned about the problem that exists in some States, as has been stated, where, when we increase social security old-age assistance benefits, welfare benefits go down by an equal amount of the increase in social security, so the senior citizen is left with nothing by way of an increase. This is a gross injustice.

After the colloquy I had a couple of weeks ago with the distinguished chairman of the Finance Committee, which was publicized in California, I received 40 or 50 letters from senior citizens who pleaded that at the nearest point in time possible this amendment be offered to some other legislation, in the hope that the distingiushed chairman of the Finance Committee would accept it.

I am pleased that Senator CRANSTON and I and Senator HUMPHREY were able to join in offering this amendment today.

Mr. CRANSTON. I thank my colleague for his support and for the effort he has made in this regard. I think the three Senators who have spoken have made an ironclad case for this amendment. I discussed it with the chairman of the committee before proceeding at this time, and I hope it can be accepted.

Mr. LONG. Mr. President, starting January 1, 1974, the provisions of H.R. 1 would be far more generous than what is being suggested by the Senators from California and the Senator from Minnesota. On that date, there would be a disregard of $50 of social security or other income and an additional disregard of $85 of earned income, plus a disregard of one-half of any earned income beyond that. So the committee bill is far more generous than what the Senators from California are seeking, starting on January 1, 1974.

It was the effort of the Senator from Louisiana to try to have that program begin as soon as possible, hopefully soon enough so that this amendment would not be needed. Unfortunately, the Department contends that they need until January 1, 1974, to institute the ambitious program that appears in title III of this bill, which has the supplemental security income program, a program that would go far beyond what the Senators are suggesting.

I realize that the Senators have a good point; that while it is nice to talk about what we are going to do for the aged, blind, and disabled in 1974, something should be done to help them in the meantime. I think that something should be done along this line. I am not sure that this is the best way to work it out, but it is better than nothing; and unless we can work out a better way to meet the problem, I am persuaded that something should be in the bill to help this situation.

For that reason, Mr. President, I do not find any objection to the amendment, so far as the Senator from Louisiana is concerned. There may be Senators who might find it objectionable. I have not had an opportunity to take up this problem with the committee, although I have discussed it with some Members, and I would simply trust this to the conscience of the Senate. Personally, I will vote for it.

Mr. CRANSTON. I thank the Senator very much. His understanding of the need and his desire to fill this gap is understood and appreciated.

Mr. LONG. If this amendment were offered 12 years ago, it would have been the Long amendment rather than the Cranston amendment, because I have offered proposals along this line in the past.

Mr. CRANSTON. Perhaps the Senator would like his name added as a cosponsor.

Mr. LONG. There is no point in diluting credit for the amendment. The Senators from California and the Senator from Minnesota can take credit for it. I am aware of the problem, and I have offered similar proposals in the past.

Mr. CRANSTON. Now that we can loosely call this amendment the Long-Cranston——

Mr. LONG. I insist that it be the Cranston-Tunney-Humphrey amendment, for the Senators who offered it and raised the point. I will vote for it.

Mr. CRANSTON. The amendment is rather long; and for that reason, anyhow, I think it should be referred to as the Long amendment.

I yield to my colleague from California.

Mr. TUNNEY. Madam President, I should like to extend my personal thanks to the distinguished chairman of the Finance Committee for accepting this amendment. I recall in the colloquy we had a few weeks ago, he indicated deep concern to help those who would be adversely affected, but at that time he could not say whether he would be able to accept this specific language. I completey understood that. I, therefore, deeply appreciate his consideration today.

The PRESIDING OFFICER (Mrs. EDWARDS). The question is on agreeing to the amendment of the Senator from California (Mr. CRANSTON).

The amendment was agreed to.

Mr. LONG. Madam President, I believe that Senators would like to record themselves on the very important matter which is contained in title III of the pending bill. I say that because with differing opinions with regard to other things in the bill, some will want to vote for the bill as a whole and some will want to vote against it because of other items in the bill; but one of the most ambitious things in this measure is the proposal of the Finance Committee for a program that would provide $3.1 billion additional income for the aged, the blind, and the disabled. This is a program which undertakes to provide a Federal program for the aged, blind, and disabled which I think will, in large measure, replace present State programs for the same people.

We would not call it a welfare program in the future. The benefits this would provide would be so far beyond that which is being provided for these same beneficiaries, and in terms so much more generous, that we think this should be not regarded as a welfare program hereafter, that it should not be called welfare.

It is for that reason that we refer to it as supplemental security income for the aged, blind, and disabled.

UNANIMOUS-CONSENT AGREEMENT

Mr. LONG. Madam President, I ask unanimous consent, notwithstanding the fact that the Senate has agreed by unanimous consent to agree to the committee amendments en bloc, that the provisions of title III, beginning on page 568, line 12 through page 615, line 5, may be considered as an amendment and voted on in its own right separately, and that having been agreed to by the Senate, the amendment remain subject to amendment.

The title III amendment reads as follows:

TITLE III—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

ESTABLISHMENT OF PROGRAM

SEC. 301. Effective January 1, 1974, title XVI of the Social Security Act is amended to read as follows:

"TITLE XVI—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

"PURPOSE; APPROPRIATIONS

"SEC. 1601. For the purpose of establishing a national program to provide supplemental security income to individuals who have attained age 65 or are blind or disabled, there are authorized to be appropriated sums sufficient to carry out this title.

"BASIC ELIGIBILITY FOR BENEFITS

"SEC. 1602. Every aged, blind, or disabled individual who is determined under part A to be eligible on the basis of his income and resources shall, in accordance with and subject to the provisions of this title, be paid benefits by the Secretary of Health, Education, and Welfare.

"PART A—DETERMINATION OF BENEFITS

"ELIGIBILITY FOR AND AMOUNT OF BENEFITS

"Definition of Eligible Individual

"SEC. 1611. (a) (1) Each aged, blind, or disabled individual who does not have an eligible spouse and—

"(A) whose income, other than income excluded pursuant to section 1612(b), is at a rate of not more than $1,560 for the calendar year 1974 or any calendar year thereafter, and

"(B) whose resources, other than resources excluded pursuant to section 1613(a), are not more than $2,500.

shall be an eligible individual for purposes of this title.

"(2) Each aged, blind, or disabled individual who has an eligible spouse and—

"(A) whose income (together with the income of such spouse), other than income excluded pursuant to section 1612(b), is at a rate of not more than $2,340 for the calendar year 1974, or any calendar year thereafter, and

"(B) whose resources (together with the resources of such spouse), other than resources excluded pursuant to section 1613(a), are not more than $2,500,

shall be an eligible individual for purposes of this title.

"Amounts of Benefits

"(b) (1) The benefit under this title for an individual who does not have an eligible spouse shall be payable at the rate of $1,560 for the calendar year 1974 and any calendar year thereafter, reduced by the amount of income, not excluded pursuant to section 1612(b), of such individual.

"(2) The benefit under this title for an individual who has an eligible spouse shall be payable at the rate of $2,340 for the calendar year 1974 and any calendar year thereafter, reduced by the amount of income, not excluded pursuant to section 1612(b), of such individual and spouse.

"Period for Determination of Benefits

"(c) (1) An individual's eligibility for benefits under this title and the amount of such benefits shall be determined for each quarter of a calendar year except that, if the initial application for benefits is filed in the second or third month of a calendar quarter, such determinations shall be made for each month in such quarter. Eligibility for and the amount of such benefits for any quarter shall be redetermined at such time or times as may be provided by the Secretary.

"(2) For purposes of this subsection an application shall be considered to be effective as of the first day of the month in which it was actually filed.

"Special Limits on Gross Income

"(d) The Secretary may prescribe the circumstances under which, consistently with the purposes of this title, the gross income from a trade or business (including farming) will be considered sufficiently large to make an individual ineligible for benefits under this title. For purposes of this subsection, the term 'gross income' has the same meaning as when used in chapter 1 of the Internal Revenue Code of 1954.

"Limitation on Eligibility of Certain Individuals

"(e) (1) (A) Except as provided in subparagraph (B), no person shall be an eligible individual or eligible spouse for purposes of this title with respect to any month if throughout such month he is an inmate of a public institution.

"(B) In any case where an eligible individual or his eligible spouse (if any) is, throughout any month, in a hospital, extended care facility, nursing home, or intermediate care facility receiving payments (with respect to such individual or spouse) under a State plan approved under title XIX, the benefit under this title for such individual for such month shall be payable—

"(i) at a rate not in excess of $300 per year (reduced by the amount of any income not excluded pursuant to section 1612(b)) in the case of an individual who does not have an eligible spouse;

"(ii) at a rate not in excess of the sum of the applicable rate specified in subsection (b) (1) and the rate of $300 per year (reduced by the amount of any income not excluded pursuant to section 1612(b)) in the case of an individual who has an eligible spouse, if only one of them is in such a hospital, home, or facility throughout such month; and

"(iii) at a rate not in excess of $600 per year (reduced by the amount of any income not excluded pursuant to section 1612(b)) in the case of an individual who has an eligible spouse, if both of them are in such a hospital, home, or facility throughout such month.

"(2) No person shall be an eligible individual or eligible spouse for purposes of this title if, after notice to such person by the Secretary that it is likely that such person is eligible for any payments of the type enumerated in section 1612(a) (2) (B), such person fails within 30 days to take all appropriate steps to apply for and (if eligible) obtain any such payments.

"(3) (A) No person who is under the age of 65, is not blind, and is medically determined to be a drug addict or an alcoholic shall be an eligible individual or eligible spouse for purposes of this title.

"(B) The Secretary shall refer to the State or appropriate local agency administering the plan of such State approved under title XV any individual described in subparagraph (A) who—

"(i) is applying for or receiving benefits under this title, and

"(ii) would be eligible for such benefits but for the provisions of such subparagraph (A).

"(4) No person shall be an eligible individual or an eligible spouse for purposes of this title if, within one year immediately preceding his application for benefits under this title, he disposed of property (of any type) to a relative for less than fair market value, if the retention by him of such property would have caused him to be found ineligible for benefits under this title.

"Suspension of Payments to Individuals Who Are Outside the United States

"(f) Notwithstanding any other provision of this title, no individual shall be considered an eligible individual for purposes of this title for any month during all of which such individual is outside the United States (and no person shall be considered the eligible spouse of an individual for purposes of this title with respect to any month during all of which such person is outside the United States). For purposes of the preceding sentence, after an individual has been outside the United States for any period of 30 consecutive days, he shall be treated as remaining outside the United States until he has been in the United States for a period of 30 consecutive days.

"INCOME

"Meaning of Income

"SEC. 1612. (a) For purposes of this title, income means both earned income and unearned income; and—

"(1) earned income means only—

"(A) wages as determined under section 203(f) (5) (C); and

"(B) net earnings from self-employment, as defined in section 211 (without the application of the second and third sentences following subsection (a) (10), and the last paragraph of subsection (a)), including earnings for services described in paragraphs (4), (5), and (6) of subsection (c); and

"(2) unearned income means all other income, including—

"(A) support and maintenance furnished in cash or kind; except that in the case of any individual (and his eligible spouse, if any) living in another person's household and receiving support and maintenance in kind from such person, the dollar amounts otherwise applicable to such individual (and spouse) as specified in subsections (a) and (b) of section 1611 shall be reduced by 33⅓ percent in lieu of including such support and maintenance in the unearned income of such individual (and spouse) as otherwise required by this subparagraph;

"(B) any payments received as an annuity, pension, retirement, or disability benefit, including veterans' compensation and pensions, workmen's compensation payments, old-age survivors, and disability insurance benefits, railroad retirement annuities and pensions, and unemployment insurance benefits;

"(C) prizes and awards;

"(D) the proceeds of any life insurance policy to the extent that they exceed the amount expended by the beneficiary for purposes of the insured individual's last illness and burial or $1,500, whichever is less;

"(E) gifts (cash or otherwise), support and alimony payments, and inheritances; and

"(F) rents, dividends, interest, and royalties.

"Exclusions From Income

"(b) In determining the income of an individual (and his eligible spouse) there shall be excluded—

"(1) subject to limitations (as to amount or otherwise) prescribed by the Secretary, if such individual is a child who is, as determined by the Secretary, a student regularly attending a school, college, or university, or a course of vocational or technical training designed to prepare him for gainful employment, the earned income of such individual;

"(2) the first $600 per year (or proportionately smaller amounts for shorter periods) of income (whether earned or unearned) other than income which is paid on the basis of the need of the eligible individual;

"(3) (A) the total unearned income of such individual (and such spouse, if any) in a calendar quarter which, as determined in accordance with criteria prescribed by the Secretary, is received too infrequently or irregularly to be included, if such income so received does not exceed $60 in such quarter, and (B) the total earned income of such individual (and such spouse, if any) in a calendar quarter which, as determined in accordance with such criteria, is received too infrequently or irregularly to be included, if such income so received does not exceed $30 in such quarter;

"(4) (A) if such individual (or such spouse) is blind (and has not attained age 65, or received benefits under this title (or aid under a State plan approved under section 1002 or 1602) for the month before the month in which he attained age 65), (i) the first $1,020 per year (or proportionately smaller amounts for shorter periods) of earned income not excluded by the preceding paragraphs of this subsection, plus one-half of the remainder thereof, (ii) an amount equal to any expenses reasonably attributable to the earning of any income, and (iii) such additional amounts of other income, where such individual has a plan for achieving self-support approved by the Secretary, as may be necessary for the fulfillment of such plan,

"(B) if such individual (or such spouse) is disabled but not blind (and has not attained age 65, or received benefits under this title (or aid under a State plan approved under section 1402 or 1602) for the month before the month in which he attained age 65), (i) the first $1,020 per year (or proportionately smaller amounts for shorter periods) of earned income not excluded by the preceding paragraphs of this subsection, plus one-half of the remainder thereof, and (ii) such additional amounts of other income, where such individual has a plan for achieving self-support approved by the Secretary, as may be necessary for the fulfillment of such plan, or

"(C) if such individual (or such spouse) has attained age 65 and is not included under subparagraph (A) or (B), the first $1,020 per year (or proportionately smaller amounts for shorter periods) of earned income not excluded by the preceding paragraphs of this subsection, plus one-half of the remainder thereof;

"(5) any amount received from any public agency as a return or refund of taxes paid on real property or on food purchased by such individual (or such spouse);

"(6) assistance described in section 1616 (a) which is based on need and furnished by any State or political subdivision of a State;

"(7) any portion of any grant, scholarship, or fellowship received for use in paying the cost of tuition and fees at any educational (including technical or vocational education) institution;

"(8) home produce of such individual (or spouse) utilized by the household for its own consumption;

"(9) if such individual is a child one-third of any payment for his support received from an absent parent; and

"(10) any amounts received for the foster care of a child who is not an eligible individual but who is living in the same home as such individual and was placed in such home by a public or nonprofit private child-placement or child-care agency.

"RESOURCES

"Exclusions From Resources

"SEC. 1613. (a) In determining the resources of an individual (and his eligible spouse, if any) there shall be excluded—

"(1) the home (including the land that appertains thereto), to the extent that its value does not exceed such amount as the Secretary determines to be reasonable;

"(2) household goods, personal effects, and an automobile, to the extent that their total value does not exceed such amount as the Secretary determines to be reasonable;

"(3) other property which, as determined in accordance with and subject to limitations prescribed by the Secretary, is so essential to the means of self-support of such individual (and such spouse) as to warrant its exclusion; and

"(4) such resources of an individual who is blind or disabled and who has a plan for achieving self-support approved by the Secretary, as may be necessary for the fulfillment of such plan.

In determining the resources of an individual (or eligible spouse) an insurance policy shall be taken into account only to the extent of its cash surrender value; except that if the total face value of all life insurance policies on any person is $1,500 or less, no part of the value of any such policy shall be taken into account.

"DISPOSITION OF RESOURCES

"(b) The Secretary shall prescribe the period or periods of time within which, and the manner in which, various kinds of property must be disposed of in order not to be included in determining an individual's eligibility for benefits. Any portion of the individual's benefits paid for any such period shall be conditioned upon such disposal; and any benefits so paid shall (at the time of the disposal) be considered overpayments to the extent they would not have been paid had the disposal occurred at the beginning of the period for which such benefits were paid.

"MEANING OF TERMS

"Aged, Blind, or Disabled Individual

"SEC. 1614. (a) (1) For purposes of this title, the term 'aged, blind, or disabled individual' means an individual who—

"(A) is 65 years of age or older, is blind (as determined under paragraph (2)), or is disabled (as determined under paragraph (3)), and

"(B) is a resident of the United States, and is either (i) a citizen or (ii) an alien lawfully admitted for permanent residence.

"(2) An individual shall be considered to be blind for purposes of this title if he has central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for purposes of the first sentence of this subsection as having a central visual acuity of 20/200 or less. An individual shall also be considered to be blind for purposes of this title if he is blind as defined under a State plan approved under title X or XVI as in effect for October 1972 and received aid under such plan (on the basis of blindness) for December 1973, so long as he is continuously blind as so defined.

"(3) (A) An individual shall be considered to be disabled for purposes of this title if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months. An individual shall also be considered to be disabled for purposes of this title if he is permanently and totally disabled as defined under a State plan approved under title XIV or XVI as in effect for October 1972 and received aid under such plan (on the basis of disability) for December 1973, so long as he is continuously disabled as so defined.

"(B) For purposes of subparagraph (A), an individual shall be determined to be under a disability only if his physical or mental impairment or impairments are of such severity that he is not only unable to do his previous work but cannot, considering his age, education, and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which he lives, or whether a specific job vacancy exists for him, or whether he would be hired if he applied for work. For purposes of the preceding sentence (with respect to any individual), 'work which exists in the national economy' means work which exists in significant numbers either in the region where such individual lives or in several regions of the country.

"(C) For purposes of this paragraph, a physical or mental impairment is an impairment that results from anatomical, physiological, or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques.

"(D) The Secretary shall by regulations prescribe the criteria for determining when services performed or earnings derived from services demonstrate an individual's ability to engage in substantial gainful activity. Notwithstanding the provisions of subparagraph (B), an individual whose services or earnings meet such criteria, except for purposes of paragraph (4), shall be found not to be disabled.

"(4) (A) For purposes of this title, any services rendered during a period of trial work (as defined in subparagraph (B)) by an individual who is an aged, blind, or disabled individual solely by reason of disability (as determined under paragraph (3) of this subsection) shall be deemed not to have been rendered by such individual in determining whether his disability has ceased in a month during such period. As used in this paragraph, the term 'services' means activity which is performed for remuneration or gain or is determined by the Secretary to be of a type normally performed for remuneration or gain.

"(B) The term 'period of trial work', with respect to an individual who is an aged, blind, or disabled individual solely by reason of disability (as determined under paragraph (3) of this subsection), means a period of months beginning and ending as provided in subparagraphs (C) and (D).

"(C) A period of trial work for any individual shall begin with the month in which he becomes eligible for benefits under this title on the basis of his disability; but no such period may begin for an individual who is eligible for benefits under this title on the basis of a disability if he has had a previous period of trial work while eligible for benefits on the basis of the same disability.

"(D) A period of trial work for any individual shall end with the close of whichever of the following months is the earlier:

"(i) the ninth month, beginning on or after the first day of such period, in which the individual renders services (whether or not such nine months are consecutive); or

"(ii) the month in which his disability (as determined under paragraph (3) of this subsection) ceases (as determined after the application of subparagraph (A) of this paragraph).

"Eligible Spouse

"(b) For purposes of this title, the term 'eligible spouse' means an aged, blind, or disabled individual who is the husband or wife of another aged, blind, or disabled individual and who has not been living apart from such other aged, blind, or disabled individual for more than six months. If two aged, blind, or disabled individuals are husband and wife as described in the preceding sentence, only one of them may be an 'eligible individual' within the meaning of section 1611(a).

"Definition of Child

"(c) For purposes of this title, the term 'child' means an individual who is neither married nor (as determined by the Secretary) the head of a household, and who is (1) under the age of eighteen, or (2) under the age of twenty-one and (as determined by the Secretary) a student regularly attending a schol, college, or university, or a course of vocational or technical training designed to prepare him for gainful employment.

"Determination of Marital Relationships

"(d) In determining whether two individuals are husband and wife for purposes of this title, appropriate State law shall be applied; except that—

"(1) if a man and woman have been determined to be husband and wife under section 216(h)(1) for purposes of title II they shall be considered (from and after the date of such determination or the date of their application for benefits under this title, whichever is later) to be husband and wife for purposes of this title, or

"(2) if a man and woman are found to be holding themselves out to the community in which they reside as husband and wife, they shall be so considered for purposes of this title notwithstanding any other provision of this section.

"United States

"(e) For purposes of this title, the term 'United States', when used in a geographical sense, means the 50 States and the District of Columbia.

"Income and Resources of Individuals Other Than Eligible Individuals and Eligible Spouses

"(f)(1) For purposes of determining eligibility for and the amount of benefits for any individual who is married and whose spouse is living with him in the same household but is not an eligible spouse, such individual's income and resources shall be deemed to include any income and resources of such spouse, whether or not available to such individual, except to the extent determined by the Secretary to be inequitable under the circumstances.

"(2) For purposes of determining eligibility for and the amount of benefits for any individual who is a child under age 21, such individual's income and resources shall be deemed to include any income and resources of a parent of such individual (or the spouse of such a parent) who is living in the same household as such individual, whether or not available to such individual, except to the extent determined by the Secretary to be inequitable under the circumstances.

"REHABILITATION SERVICES FOR BLIND AND DISABLED INDIVIDUALS

"SEC. 1615. (a) In the case of any blind or disabled individual who—

"(1) has not attained age 65, and

"(2) is receiving benefits (or with respect to whom benefits are paid) under this title, the Secretary shall make provision for referral of such individual to the appropriate State agency administering the State plan for vocational rehabilitation services approved under the Vocational Rehabilitation Act, and (except in such cases as he may determine) for a review not less often than quarterly of such individual's blindness or disability and his need for and utilization of the rehabilitation services made available to him under such plan.

"(b) Every individual with respect to whom the Secretary is required to make provision for referral under subsection (a) shall accept such rehabilitation services as are made available to him under the State plan for vocational rehabilitation services approved under the Vocational Rehabilitation Act; and the Secretary is authorized to pay to the State agency administering or supervising the administration of such State plan the costs incurred in the provision of such services to individuals so referred.

"(c) No individual shall be an eligible individual or eligible spouse for purposes of this title if he refuses without good cause to accept vocational rehabilitation services for which he is referred under subsection (a).

"OPTIONAL STATE SUPPLEMENTATION

"SEC. 1616. (a) Any cash payments which are made by a State (or political subdivision thereof) on a regular basis to individuals who are receiving benefits under this title or who would but for their income be eligible to receive benefits under this title, as assistance based on need in supplementation of such benefits (as determined by the Secretary), shall be excluded under section 1612(b)(6) in determining the income of such individuals for purposes of this title and the Secretary and such State may enter into an agreement which satisfies subsection (b) under which the Secretary will, on behalf of such State (or subdivision), make such supplementary payments to all such individuals.

"(b) Any agreement between the Secretary and a State entered into under subsection (a) shall provide—

"(1) that such payments will be made (subject to subsection (c)) to all individuals residing in such State (or subdivision) who are receiving benefits under this title, and

"(2) such other rules with respect to eligibility for or amount of the supplementary payments, and such procedural or other general administrative provisions, as the Secretary finds necessary (subject to subsection (c)) to achieve efficient and effective administration of both the program which he conducts under this title and the optional State supplementation.

"(c) Any State (or political subdivision) making supplementary payments described in subsection (a) may at its option impose as a condition of eligibility for such payments, and include in the State's agreement with the Secretary under such subsection, a residence requirement which excludes individuals who have resided in the State (or political subdivision) for less than a minimum period prior to application for such payments.

"(d) Any State which has entered into an agreement with the Secretary under this section which provides that the Secretary will, on behalf of the State (or political subdivision), make the supplementary payments to individuals who are receiving benefits under this title (or who would but for their income be eligible to receive such benefits), shall, at such times and in such installments as may be agreed upon between the Secretary and such State, pay to the Secretary an amount equal to the expenditures made by the Secretary as such supplementary payments.

"PART B—PROCEDURAL AND GENERAL PROVISIONS

"PAYMENTS AND PROCEDURES

"Payment of Benefits

"SEC. 1631 (a)(1) Benefits under this title shall be paid at such time or times and in such installments as will best effectuate the purposes of this title, as determined under regulations (and may in any case be paid less frequently than monthly where the amount of the monthly benefit would not exceed $10).

"(2) Payments of the benefit of any individual may be made to any such individual or to his eligible spouse (if any) or partly to each, or, if the Secretary deems it appropriate to any other person (including an appropriate public or private agency) who is interested in or concerned with the welfare of such individual (or spouse).

"(3) The Secretary may by regulation establish ranges of incomes within which a single amount of benefits under this title shall apply.

"(4) The Secretary—

"(A) may make to any individual initially applying for benefits under this title who is presumptively eligible for such benefits and who is faced with financial emergency a cash advance against such benefits in an amount not exceeding $100; and

"(B) may pay benefits under this title to an individual applying for such benefits on the basis of disability for a period not exceeding 3 months prior to the determination of such individual's disability, if such individual is presumptively disabled and is determined to be otherwise eligible for such benefits, and any benefits so paid prior to such determination shall in no event be considered overpayments for purposes of subsection (b).

"(5) Payment of the benefit of any individual who is an aged, blind, or disabled individual solely by reason of blindness (as determined under section 1614(a)(2)) or disability) as determined under section 1614 (a)(3)), and who ceases to be blind or to be under such disability, shall continue (so long as such individual is otherwise eligible) through the second month following the month in which such blindness or disability ceases.

"Overpayments and Underpayments

"(b) Whenever the Secretary finds that more or less than the correct amount of benefits has been paid with respect to any individual, proper adjustment or recovery shall, subject to the succeeding provisions of this subsection, be made by appropriate adjustments in future payments to such individual or by recovery from or payment to such individual or his eligible spouse (or by recovery from the estate of either). The Secretary shall make such provision as he finds appropriate in the case of payment of more than the correct amount of benefits with respect to an individual with a view to avoiding penalizing such individual or his eligible spouse who was without fault in connection with the overpayment, if adjustment or recovery on account of such overpayment in such case would defeat the purposes of this title, or be against equity or good conscience, or (because of the small amount involved) impede efficient or effective administration of this title.

"Hearings and Review

"(c) (1) The Secretary shall provide reasonable notice and opportunity for a hearing to any individual who is or claims to be an eligible individual or eligible spouse and is in disagreement with any determination under this title with respect to eligibility of such individual for benefits, or the amount of such individual's benefits, if such individual requests a hearing on the matter in disagreement within thirty days after notice of such determination is received.

"(2) Determination on the basis of such hearing, except to the extent that the matter in disagreement involves the existence of a disability (within the meaning of section 1614(a) (3)), shall be made within ninety days after the individual requests the hearing as provided in paragraph (1).

"(3) The final determination of the Secretary after a hearing under paragraph (1) shall be subject to judicial review as provided in section 205(g) to the same extent as the Secretary's final determinations under section 205; except that the determination of the Secretary after such hearing as to any fact shall be final and conclusive and not subject to review by any court.

"Procedures; Prohibitions of Assignments; Representation of Claimants

"(d) (1) The provisions of section 207 and subsections (a), (d), (e), and (f) of section 205 shall apply with respect to this part to the same extent as they apply in the case of title II.

"(2) To the extent the Secretary finds it will promote the achievement of the objectives of this title, qualified persons may be appointed to serve as hearing examiners in hearings under subsection (c) without meeting the specific standards prescribed for hearing examiners by or under subchapter II of chapter 5 of title 5, United States Code.

"(3) The Secretary may prescribe rules and regulations governing the recognition of agents or other persons, other than attorneys, as hereinafter provided, representing claimants before the Secretary under this title, and may require of such agents or other persons, before being recognized as representatives of claimants, that they shall show that they are of good character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their cases. An attorney in good standing who is admitted to practice before the highest court of the State, Territory, District, or insular possession of his residence or before the Supreme Court of the United States or the inferior Federal courts, shall be entitled to represent claimants before the Secretary. The Secretary may, after due notice and opportunity for hearing, suspend or prohibit from further practice before him any such person, agent, or attorney who refuses to comply with the Secretary's rules and regulations or who violates any provision of this paragraph for which a penalty is prescribed. The Secretary may, by rule and regulation, prescribe the maximum fees which may be charged for services performed in connection with any claim before the Secretary under this title, and any agreement in violation of such rules and regulations shall be void. Any person who shall, with intent to defraud, in any manner willfully and knowingly deceive, mislead, or threaten any claimant or prospective claimant or beneficiary under this title by word, circular, letter, or advertisement, or who shall knowingly charge or collect directly or indirectly any fee in excess of the maximum fee, or make any agreement directly or indirectly to charge or collect any fee in excess of the maximum fee, prescribed by the Secretary, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall for each offense by punished by a fine not exceeding $500 or by imprisonment not exceeding one year, or both.

"Applications and Furnishing of Information

"(e) (1) (A) The Secretary shall, subject to subparagraph (B), prescribed such requirements with respect to the filing of applications, the suspension or termination of assistance, the furnishing of other data and material, and the reporting of events and changes in circumstances, as may be necessary for the effective and efficient administration of this title.

"(B) The requirements prescribed by the Secretary pursuant to subparagraph (A) shall require that eligibility for benefits under this title will not be determined solely on the basis of declarations by the applicant concerning eligibility factors or other relevant facts, and that relevant information will be verified to the maximum extent feasible from independent or collateral sources and additional information obtained as necessary in order to assure that such benefits are only provided to eligible individuals (or eligible spouses) and that the amounts of such benefits are correct.

"(2) In case of the failure by any individual to submit a report of events and changes in circumstances relevant to eligibility for or amount of benefits under this title as required by the Secretary under paragraph (1), or delay by any individual in submitting a report as so required, the Secretary (in addition to taking any other action he may consider appropriate under paragraph (1)) shall reduce any benefits which may subsequently become payable to such individual under this title by—

"(A) $25 in the case of the first such failure or delay,

"(B) $50 in the case of the second such failure or delay, and

"(C) $100 in the case of the third or a subsequent such failure or delay,

except where the individual was without fault or good cause for such failure or delay existed.

"Furnishing of Information by Other Agencies

"(f) The head of any Federal agency shall provide such information as the Secretary needs for purposes of determining eligibility for or amount of benefits, or verifying other information with respect thereto.

"PENALTIES FOR FRAUD

"SEC. 1632. Whoever—

"(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in any application for any benefit under this title,

"(2) at any time knowingly and willfully makes or causes to be made any false statement or representation of a material fact for use in determining rights to any such benefit,

"(3) having knowledge of the occurrence of any event affecting (A) his initial or continued right to any such benefit, or (B) the initial or continued right to any such benefit of any other individual in whose behalf he has applied for or is receiving such benefit, conceals or fails to disclose such event with an intent fraudulently to secure such benefit either in a greater amount or quantity than is due or when no such benefit is authorized, or

"(4) having made application to receive any such benefit for the use and benefit of another and having received it, knowingly and willfully converts such benefit or any part thereof to a use other than for the use and benefit of such other person,

shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

"ADMINISTRATION

"SEC. 1633. The Secretary may make such administrative and other arrangements (including arrangements for the determination of blindness and disability under section 1614 (a) (2) and (3) in the same manner and subject to the same conditions as provided with respect to disability determinations under section 221) as may be necessary or appropriate to carry out his functions under this title.

"DETERMINATIONS OF MEDICAID ELIGIBILITY

"SEC. 1634. The Secretary may enter into an agreement with any State which wishes to do so under which he will determine eligibility for medical assistance in the case of aged, blind, or disabled individuals under such State's plan approved under title XIX. Any such agreement shall provide for payments by the State, for use by the Secretary in carrying out the agreement, of an amount equal to one-half of the cost of carrying out the agreement, but in computing such cost with respect to individuals eligible for benefits under this title, the Secretary shall include only those costs which are additional to the costs incurred in carrying out this title."

SEC. 302. The Social Security Act is amended, effective January 1, 1974, by adding after title V the following new title:

"TITLE VI—GRANTS TO STATES FOR SERVICES TO THE AGED, BLIND, OR DISABLED

"APPROPRIATION

"SEC. 601. For the purpose of encouraging each State, as far as practicable under the conditions in such State, to furnish rehabilitation and other services to help needy individuals who are 65 years of age or over, are blind, or are disabled to attain or retain capability for self-support or self-care, there is hereby authorized to be appropriated for each fiscal year, subject to section 1130, a sum sufficient to carry out the purposes of this title. The sums made available under this section shall be used for making payments to States which have submitted, and had approved by the Secretary of Health, Education, and Welfare, State plans for services to the aged, blind, or disabled.

"STATE PLANS FOR SERVICES TO THE AGED, BLIND, OR DISABLED

"SEC. 602. (a) A State plan for services to the aged, blind, or disabled, must—

"(1) except to the extent permitted by the Secretary, provide that it shall be in effect in all political subdivisions of the State, and if administered by them, be mandatory upon them;

"(2) provide for financial participation by the State;

"(3) either provide for the establishment or designation of a single State agency to administer the plan, or provide for the establishment or designation of a single State agency to supervise the administration of the plan;

"(4) provide (A) such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as are found by the Secretary to be necessary for the proper and efficient operation of the plan, and (B) for the training and effective use of paid subprofessional staff, with particular emphasis on the full-time or part-time employment of persons of low income, as community service aides, in the administration of the plan and for the use of nonpaid or partially paid volunteers in a social service volunteer program in providing services under the plan and in assisting any advisory committees established by the State agency;

"(5) provide that the State agency will make such reports, in such form and containing such information, as the Secretary may from time to time require, and comply with such provisions as the Secretary may from time to time find necessary to assure the correctness and verification of such reports;

"(6) provide safeguards which permit the use or disclosure of information concerning applicants or recipients only (A) to public officials who require such information in connection with their official duties, or (B) to other persons for purposes directly connected with the administration of the State plan;

"(7) provide, if the plan includes services to individuals in private or public institutions, for the establishment or designation of a State authority or authorities which shall be responsible for establishing and maintaining standards for such institutions;

"(8) provide a description of the services which the State agency makes available under the plan including a description of the steps taken to assure, in the provision of such services, maximum utilization of other agencies providing similar or related services;

"(9) provide that, in determining whether an individual is blind, there shall be an examination by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select;

"(10) include reasonable standards, consistent with the objectives of this title, for determining eligibility for and the extent of services under the plan;

"(11) if the State plan includes services to individuals 65 years of age or older who are patients in institutions for mental diseases—

"(A) provide for having in effect such agreements or other arrangements with State authorities concerned with mental diseases, and where appropriate, with such institutions, as may be necessary for carrying out the State plan, including arrangements for joint planning and for development of alternate methods of care, arrangements providing assurance of immediate readmittance to institutions where needed for individuals under alternate plans of care, and arrangements providing for access to patients and facilities, for furnishing information, and for making reports;

"(B) provide for an individual plan for each such patient to assure that the institutional care provided to him is in his best interests, including, to that end, assurances that there will be initial and periodic review of his medical and other needs, that he will be given appropriate medical treatment within the institution, and that there will be a periodic determination of his need for continued treatment in the institution; and

"(C) provide for the development of alternate plans of care, making maximum utilization of available resources, for persons receiving services under the State plan who are 65 years of age or older and who would otherwise need care in such institutions; for services referred to in section 603(a)(1)(A)(i) and (ii) which are appropriate for such persons receiving services and for such patients; and for methods of administration necessary to assure that the responsibilities of the State agency under the State plan with respect to such persons receiving services and such patients will be effectively carried out;

"(12) if the State plan includes services to individuals 65 years of age or older who are patients in public institutions for mental diseases, show that the State is making satisfactory progress toward developing and implementing a comprehensive mental health program, including provision for utilization of community mental health centers, nursing homes, and other alternatives to care in public institutions for mental diseases.

Notwithstanding paragraph (3), if on October 1, 1972, the State agency which administered or supervised the administration of the plan of such State approved under title X (or so much of the plan of such State approved under title XVI as applies to the blind) was different from the State agency which administered or supervised the administration of the plan of such State approved under title I and the State agency which administered or supervised the administration of the plan of such State approved under title XIV (or so much of the plan of such State approved under title XVI as applies to the aged and disabled), the State agency which administered or supervised the administration of such plan approved under title X (or so much of the plan of such State approved under title XVI as applies to the blind) may be designated to administer or supervise the administration of the portion of the State plan for services to the aged, blind, or disabled which relates to blind individuals and a separate State agency may be established or designated to administer or supervise the administration of the rest of such plan; and in such case the part of the plan which each such agency administers, or the administration of which each such agency supervises, shall be regarded as a separate plan for purposes of this title.

"(B) The Secretary shall approve any plan which fulfills the conditions specified in subsection (a), except that he shall not approve any plan which imposes, as a condition of eligibility for services under the plan—

"(1) an age requirement of more than sixty-five years; or

"(2) any residence requirement which excludes any individual who resides in the State; or

"(3) any citizenship requirement which excludes any citizen of the United States.

"PAYMENTS TO STATES

"SEC. 603. (a) From the sums appropriated therefor, the Secretary shall, subject to section 1130, pay to each State which has a plan approved under this title, for each quarter—

"(1) in the case of any State whose State plan approved under section 602 meets the requirements of subsection (c)(1), an amount equal to the sum of the following proportions of the total amounts expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the State plan—

"(A) 75 per centum of so much of such expenditures as are for—

"(i) services which are prescribed pursuant to subsection (c)(1) and are provided (in accordance with the next sentence) to applicants for or recipients of supplementary security income benefits under title XVI to help them attain or retain capability for self-support or self-care, or

"(ii) other services, specified by the Secretary as likely to prevent or reduce dependency, so provided to such applicants or recipients, or

"(iii) any of the services prescribed pursuant to subsection (c)(1), and of the services specified as provided in clause (ii), which the Secretary may specify as appropriate for individuals who, within such period or periods as the Secretary may prescribe, have been or are likely to become applicants for or recipients of supplementary security income benefits under title XVI, if such services are requested by such individuals and are provided to such individuals in accordance with the next sentence, or

"(iv) the training of personnel employed or preparing for employment by the State agency or by the local agency administering the plan in the political subdivision; plus

"(B) one-half of so much of such expenditures (not included under subparagraph (A)) as are for services provided (in accordance with the next sentence) to applicants for or recipients of supplementary security income benefits under title XVI, and to individuals requesting such services who (within such period or periods as the Secretary may prescribe) have been or are likely to become applicants for or recipients of such benefits; plus

"(C) one-half of the remainder of such expenditures.

The services referred to in subparagraph (A) and (B) shall, except to the extent specified by the Secretary, include only—

"(D) services provided by the staff of the State agency, or of the local agency administering the State plan in the political subdivision: *Provided,* That no funds authorized under this title shall be available for services defined as vocational rehabilitation services under the Vocational Rehabilitation Act (i) which are available to individuals in need of them under programs for their rehabilitation carried on under a State plan approved under such Act, or (ii) which the State agency or agencies administering or supervising the administration of the State plan approved under such Act are able and willing to provide if reimbursed for the cost thereof pursuant to agreement under subparagraph (E), if provided by such staff, and

"(E) under conditions which shall be prescribed by the Secretary, services which in the judgment of the State agency cannot be as economically or as effectively provided by the staff of such State or local agency and are not otherwise reasonably available to individuals in need of them, and which are provided, pursuant to agreement with the State agency, by the State health authority or the State agency or agencies administering or supervising the administration of the State plan for vocational rehabilitation services approved under the Vocational Rehabilitation Act or by any other State agency which the Secretary may determine to be appropriate (whether provided by its staff or by contract with public (local) or nonprofit private agencies);

except that services described in clause (ii) of subparagraph (D) hereof may be provided only pursuant to agreement with such State agency or agencies administering or supervising the administration of the State plan for vocational rehabilitation services so approved. The portion of the amount expended for administration of the State plan to which subparagraph (A) applies and the portion thereof to which subparagraphs (B) and (C) apply shall be determined in accordance with such methods and procedures as may be permitted by the Secretary; and

"(2) in the case of any State whose State plan approved under section 602 does not meet the requirements of subsection (c)(1), an amount equal to one-half of the total of the sums expended during such quarter as found necessary by the Secretary for the proper and efficient administration of the

State plan, including services referred to in paragraph (1) and provided in accordance with the provisions of such paragraph.

"(b)(1) Prior to the beginning of each quarter, the Secretary shall estimate the amount to which a State will be entitled under subsection (a) for such quarter, such estimates to be based on (A) a report filed by the State containing its estimate of the total sum to be expended in such quarter in accordance with the provisions of such subsection, and stating the amount appropriated or made available by the State and its political subdivisions for such expenditures in such quarter, and if such amount is less than the State's proportionate share of the total sum of such estimated expenditures, the source or sources from which the difference is expected to be derived, and (B) such other investigation as the Secretary may find necessary.

"(2) The Secretary shall then pay, in such installments as he may determine, to the State the amount so estimated, reduced or increased to the extent of any overpayment or underpayment which the Secretary determines was made under this section to such State for any prior quarter and with respect to which adjustment has not already been made under this subsection.

"(3) Upon the making of any estimate by the Secretary under this subsection, any appropriations available for payments under this section shall be deemed obligated.

"(c)(1) In order for a State to qualify for payments under paragraph (1) of subsection (a), its State plan approved under section 602 must provide that the State agency shall make available to applicants for and recipients of supplementary security income benefits under title XVI at least those services to help them attain or retain capability for self-support or self-care which are prescribed by the Secretary.

"(2) In the case of any State whose State plan included a provision meeting the requirements of paragraph (1), but with respect to which the Secretary finds, after reasonable notice and opportunity for hearing to the State agency, administering or supervising the administration of such plan, that—

"(A) the provision has been so changed that it no longer complies with the requirements of paragraph (1), or

"(B) in the administration of the plan there is a failure to comply substantially with such provision,

the Secretary shall notify such State agency that further payments will not be made to the State under paragraph (1) of subsection (a) until he is satisfied that there will no longer be any such failure to comply. Until the Secretary is so satisfied further payments with respect to the administration of such State plan shall not be made under paragraph (1) of subsection (a) but shall instead be made, subject to the other provisions of this title, under paragraph (2) of such subsection.

"(d) Notwithstanding the preceding provisions of this section, the amount determined under such provisions for any State for any quarter which is attributable to expenditures with respect to individuals 65 years of age or older who are patients in institutions for mental diseases shall be paid only to the extent that the State makes a showing satisfactory to the Secretary that total expenditures in the State from Federal, State, and local sources for mental health services (including payments to or in behalf of individuals with mental health problems) under State and local public health and public welfare programs for such quarter exceed the average of the total expenditures in the State from such sources for such services under such programs for each quarter of the fiscal year ending June 30, 1965. For purposes of this subsection, expenditures for such services for each quarter in the fiscal year ending June 30, 1965, in the case of any State shall be determined on the basis of the latest data, satisfactory to the Secretary, available to him at the time of the first determination by him under this subsection for such State; and expenditures for such services for any quarter beginning after December 31, 1965, in the case of any State shall be determined on the basis of the latest data, satisfactory to the Secretary, available to him at the time of the determination under this subsection for such State for such quarter; and determinations so made shall be conclusive for purposes of this subsection.

"OPERATION OF STATE PLANS

"SEC. 604. If the Secretary, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of the State plan approved under this title, finds—

"(1) that the plan no longer complies with the provisions of section 602; or

"(2) that in the administration of the plan there is a failure to comply substantially with any such provision;

the Secretary shall notify such State agency that further payments will not be made to the State (or, in his discretion, that payments will be limited to categories under or parts of the State plan affected by such failure), until the Secretary is satisfied that there will no longer be any such failure to comply. Until he is so satisfied he shall make no further payments to such State (or shall limit payments to categories under or parts of the State plan not affected by such failure).

"DEFINITION

"SEC. 605. For purposes of this title, the term 'services to the aged, blind, or disabled' means services (including but not limited to the services referred to in section 603(a)(1)(A) and (B)) provided for or on behalf of needy individuals who are 65 years of age or older are blind, or are disabled."

REPEAL OF TITLES I, X, AND XIV OF THE SOCIAL SECURITY ACT

SEC. 303. (a) Effective January 1, 1974, titles I, X, and XIV of the Social Security Act are repealed.

(b) The amendments made by sections 301 and 302 and the repeals made by subsection (a) shall not be applicable in the case of Puerto Rico, Guam, and the Virgin Islands.

(c) Section 9 of the Act of April 19, 1950 is repealed effective January 1, 1974.

PROVISION FOR DISREGARDING OF CERTAIN INCOME IN DETERMINING NEED FOR AID TO THE AGED, BLIND, OR DISABLED FOR ASSISTANCE

SEC. 304. Effective upon the enactment of this Act, section 1007 of the Social Security Amendments of 1969 is amended by striking out "and before January 1973" and inserting in lieu thereof "and before January 1974."

ADVANCES FROM OASI TRUST FUND FOR ADMINISTRATIVE EXPENSES

SEC. 305. (a) Effective January 1, 1974, sectain 201 (g)(1)(A) of the Social Security Act is amended—

(1) by striking out "this title and title XVIII" wherever it appears and inserting in lieu thereof "this title, title XVI, and title XVIII";

(2) by striking out "costs which should be borne by each of the Trust Funds" and inserting in lieu thereof "costs which should be borne by each of the Trust Funds and (with respect to title XVI) by the general revenues of the United States"; and

(3) by striking out "in order to assure that each of the Trust Funds bears" and inserting in lieu thereof "in order to assure that (after appropriations made pursuant to section 1601, and repayment to the Trust Funds from amounts so appropriated) each of the Trust Funds and the general revenues of the United States bears".

(b)(1) Sums appropriated pursuant to section 1601 of the Social Security Act shall be utilized from time to time, in amounts certified under the second sentence of section 201(g)(1)(A) of such Act, to repay the Trust Funds for expenditures made from such Funds in any fiscal year under section 201(g)(1)(A) of such Act (as amended by subsection (a) of this section) on account of the costs of administration of title XVI of such Act (as added by section 301 of this Act).

(2) If the Trust Funds have not theretofore been repaid for expenditures made in any fiscal year (as described in paragraph (1)) to the extent necessary on account of—

(A) expenditures made from such Funds prior to the end of such fiscal year to the extent that the amount of such expenditures exceeded the amount of the expenditures which would have been made from such Funds if subsection (a) had not been enacted,

(B) the additional administrative expenses, if any, resulting from the excess expenditures described in subparagraph (A), and

(C) any loss in interest to such Funds resulting from such excess expenditures and such administrative expenses,

in order to place each such Fund in the same position (at the end of such fiscal year) as it would have been in if such excess expenditures had not been made, the amendments made by subsection (a) shall cease to be effective at the close of the fiscal year following such fiscal year.

(3) As used in this subsection, the term "Trust Funds" has the meaning given it in section 201(g)(1)(A) of the Social Security Act.

The PRESIDING OFFICER (Mrs. EDWARDS). Is there objection to the request of the Senator from Louisiana? The Chair hears none, and it is so ordered.

Mr. LONG. Madam President, I have before me a thumbnail summary of this provision, which is now being placed on the desk of each Senator.

It reads as follows:

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND AND DISABLED

H.R. 1, as reported by the Senate Finance Committee, will replace the present State programs of aid to the aged, blind and disabled with a new wholly Federal program of supplemental security income effective January 1, 1974.

Aged, blind and disabled persons with no other income would be guaranteed a monthly income of at least $130 for an individual of $195 for a couple. In addition, the Committee bill would provide that the first $50 of Social Security or other income would not cause any reduction in supplemental security income payments. As a result, aged, blind and disabled persons who also have monthly income from Social Security or other sources (which are not need-related) of at least $50 would, under the Committee bill, be assured total monthly income of at least $180 for an individual or $245 for a couple.

In addition to the disregard of $50 of Social Security or other income, there would be an additional disregard of $85 of earned income plus one-half of any earnings above $85. Any rebate of State or local taxes (such as real property or food taxes) would not be counted as income.

Under the new supplemental security income program, there would be a uniform Federal definition of "disability" and "blindness." These definitions would be similar to those under the social security program.

States wishing to pay an aged, blind or disabled person amounts in addition to the Federal supplemental security income payment would be free to do so. The Committee bill would permit States to enter into agreements for Federal administration of State supplemental benefits. Under these agreements, supplemental payments would have to be made to all persons eligible for Federal supplemental security income payments, except that a State could require a period of residence in the State as a condition of eligibility.

Eligibility for supplemental security income would be open to an aged, blind or disabled individual if his resources were less than $2,5000. In determining the amount of his resources, there would be excluded the value of the home, household goods, personal effects, including an automobile, and property needed for self support.

Madam President, it is estimated that the cost of this proposal on an annual basis would be approximately $3.1 billion beyond the existing cost of Federal assistance for the aged, blind, and disabled.

Mr. HUMPHREY. Madam President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. HUMPHREY. I have an amendment before me that relates, as I indicated to the Senator yesterday when I proposed the amendment to him, to food stamp allowances. I have been back in my home State every weekend and I have had several meetings with senior citizens groups who are most interested in H.R. 1 and in the whole revision of social security.

May I commend the distinguished Senator from Louisiana (Mr. LONG) for what he has done on this monumental bill now before the Senate.

The amendment I have here, and which I want to engage the Senator in some conversation, simply provides that where one gets 20 percent in social security benefits and the cost of living increase, this would not act to deny those who are eligible for food stamps in August of this year to have those food stamps on a continuing basis.

The purpose of the amendment is that, since the Senate and Congress felt there should be an increase of 20 percent in social security benefits, we built in a cost of living escalator clause so that it would have a leveling effect. As the cost of living went up, so would the benefits go up. My amendment would say that Congress, having taken those decisions, would not cut back on the food stamp program to which these people would be eligible had they not received the cost-of-living benefit increase.

Frankly, a social security recipient is not going to have too much money anyway, as we have to be careful in terms of the trust fund, and all of us are concerned about that, as well as our resources. So that I wonder whether the Senator has had a chance to look over my amendment. I am going to call it up and I would hope that the Senator might see fit to take it. I am asking for his comments now.

Mr. LONG. Madam President, I am anxious to exchange views with the distinguished chairman of the Agriculture and Forestry Committee, the Senator from Georgia (Mr. TALMADGE), with regard to this matter, because I believe that he has a better understanding of the problem than does the Senator from Louisiana, because of the special competence one would have, serving on the Agriculture and Forestry Committee, in addition to being a member of the committee. So that I would think he would be able to advise the Senator from Louisiana and some of us on the Finance Committee about this problem.

Has the Senator discussed this matter with the chairman of the Committee on Agriculture and Forestry?

Mr. HUMPHREY. I might refresh the Senator's memory by saying that at the time the Committee on Appropriations and the Subcommittee on Agriculture, the Senator from Wyoming (Mr. McGEE) who handled that appropriation had that bill before us, I brought up an amendment to increase funds for the food stamp plan, and during discussion of that increase of funds, we talked about the possibility of social security increases and what effect it would have on the food stamp program.

It was then told to me by the distinguished Senator from Wyoming that if I would cut back my request—because I cut the request for food stamps appreciably—and that if I would go along with what the committee was doing to make sure when and if there were increases in social security, it would not deny the people who are now recipients of food stamps their chance to continue receiving their food stamps, it would be agreeable. This is not a big item. I put in the RECORD the information that in my State it would affect in Hennepin County—which has a population of about 1 million people—about 2,000. It is not going to be a large or monumental amount of money, just a modest amount of money. But it is sheer justice. I would hope that the chairman of the committee would at least take it with him to the conference and discuss it in any detail he wishes, because I have entered into the RECORD the data that would support it. It is not opening up a whole new category of assistance. It is merely in a sense a kind of grandfather clause.

My amendment says that notwithstanding any other provision of law:

> Any individual who is entitled to monthly benefits under the insurance program established under title II, disregard any part of such benefits which results from (and would not be payable but for) the general increase in benefits under such program provided by section 201 of Public Law 92-336 or any subsequent cost-of-living increase in such benefits occurring pursuant to section 215(i) of this Act. * * * shall not be considered as income or resources or otherwise taken into account for purposes of determining the eligibility of such individual or his or her family or the household in which he or she lives for participation in the food stamp program under the Food Stamp Act of 1964.

Really, all we are simply saying is, "Look, we have given you a cost of living increase, which means we are just holding ground. We have given you a 20-percent increase in social security benefits." For many people that are single, may I say that that benefit, while it is surely very helpful, it is not overly generous. It is generous within what the bill can provide. All this does is give a little extra in terms of food stamps, so these people have enough to eat.

I do not think there is a problem on the Committee on Agriculture and Forestry at all. When we discussed at the time of the appropriations my amendment, which was about half of what I originally proposed, it went through there unanimously. As the Senator knows, there is great support for the food stamps.

Mr. LONG. Madam President, the reason we have a committee system is to try to have a source of knowledge about the many facets of the legislation we consider. We have not had the opportunity to do justice to the Senator's amendment and to check it out. However, we will, I think, between now and Monday.

I am hopeful that I could support the Senator's amendment. I think I will know, perhaps, before the day is out. However, in any event, I would think that by Monday we would be adequately advised so that we could take a position on it. If we know as much as I hope that we do by that time, I hope that I will be able to support the amendment.

Mr. HUMPHREY. Madam President, I do not claim to be an expert on food stamps. However, along with the distinguished Senator from Vermont (Mr. AIKEN), the Senator from Minnesota pioneered the programb ack in the fifties, and then subsequently had it enacted into permanent legislation in the sixties.

I rather think I am one who is able to say and to know something about this. It is one of those areas of legislation on which I put a Humphrey label.

Mr. LONG. If the Senator from Minnesota is not an expert on that subject, he can pass for an expert until one comes along.

Mr. HUMPHREY. Madam President, I will be back on Monday. I appreciate what the Senator has said. If the Senator could look at this, it would be beneficial. I know that we have time on this bill. I hope also that the distinguished ranking minority member of the committee would also take a look at it. However, if the Senators would like to accept the amendment today, we could clean up the matter now and have it in the bill. Do the Senators have any second thoughts on that?

Mr. LONG. No. I do not. However, I would be glad to have a second thought about it by the date I have indicated.

Mr. HUMPHREY. By Monday?

Mr. LONG. By Monday, the Senator is correct.

Mr. HUMPHREY. Mr. President, I accept that. My good friend, the Senator from Louisiana, is so kind and considerate. No man is a better friend of the poor and the elderly than the Senator from Louisiana. And if the Senator from Louisiana says that he will be ready to give an answer on this by Monday, I will go home to my dear wife in Minnesota and I will be able to tell her: "My good friend, the Senator from Louisiana, has practically accepted my amendment."

Mr. COOK. Madam President, I ask unanimous consent that a member of my staff, Betty Hottell, be allowed the privilege of the floor during the consideration of the debate today in H.R. 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Madam President, I ask unanimous consent that a member of my staff, Mr. Tom Owsley, be permitted on the floor during the consideration of H.R. 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Madam President, I support title III of H.R. 1 which establishes a new title XVI program to replace the present State programs of aid to the aged, blind, and totally and permanently disabled. The legislation provides for supplemental security income for this significant segment of our population who are most needy. What we have here is a specific means of adding security and dignity to the lives of so many who have contributed so much to this country, and who are caught today in the crushing vice of rising prices and limited income. As chairman of the Senate Subcommittee on the Handicapped, and as a member of the Special Subcommittee on Aging, I have heard much testimony of hopelessness from witnesses who feel they have been abandoned by their fellow citizens. They live in isolation, ill-housed, ill-fed and ignored by the mainstream of society. Title XVI is designed to encourage each State, as far as practicable, to furnish equitable assistance to these needy and neglected individuals.

Under this provision, aged, blind, and disabled persons with no other income would be guaranteed a monthly income of at least $130 for an individual and $195 for a couple. In addition, the bill would provide that the first $50 of social security or other income would not cause any reduction in supplemental security income payments.

As a result, aged, blind, and disabled persons—and I remind you that there are many instances where a single individual fits into all three categories—who have a monthly income from social security or other sources of at least $50 would be assured a total monthly income of at least $180 for an individual or $245 for a couple.

In addition to the disregard of $50 of social security or other income which is not needs-related, there would be an additional disregard of $85 of earned income plus one-half of any earnings above $85. It is important that those who, despite their infirmities or disability, want to work be encouraged to do so. Another desirable feature of this legislation would provide that any rebate of State or local taxes, such as real property or food taxes, not be counted as income.

Eligibility for supplemental security income would be open to an aged, blind, or disabled individual if his resources were less than $2,500. In determining the amount of his resources, there would be excluded the value of the home, household goods, personal effects, including an automobile, and property needed for self-support.

Madam President, this is just and humane legislation, and I urge my fellow Senators to support this supplemental income program to assure our elderly, blind, and disabled citizens that this Congress believes in the dignity of life.

Mr. LONG. Madam President, I welcome the remarks of the distinguished Senator from West Virginia (Mr. Randolph). I know of his keen interest in the problems of the aged, blind, and disabled, both as a member of the Special Committee on Aging and as the chairman of the Subcommittee on the Handicapped of the Committee on Labor and Public Welfare. I am delighted with his support of what I consider one of the best features of the committee bill.

Mr. LONG. Madam President, I ask for the yeas and nays on my amendment to which I made reference, the supplemental security income proposal. I do not see a quorum present on the floor. Therefore I suggest the absence of a quorum for the purpose of getting the yeas and nays.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. LONG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Madam President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. LONG, Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. LONG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Madam President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. LONG. Madam President, I suggest the absence of a quorum.

Mr. COOK. Madam President, before the quorum call——

The PRESIDING OFFICER. Will the Senator withdraw his suggestion of the absence of a quorum?

Mr. LONG. No, I insist.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Madam President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, inserting title III in the bill, which includes all the language beginning at line 12 on page 568, and extending down through and including line 5 on page 615.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Oklahoma (Mr. Harris), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Minnesota (Mr. Mondale), the Senator from New Mexico (Mr. Montoya), the Senator from Alabama (Mr. Sparkman), the Senator from Virginia (Mr. Spong), and the Senator from Missouri (Mr. Symington) are necessarily absent.

I further announce that the Senator from North Carolina (Mr. Jordan) and the Senator from Wyoming (Mr. McGee) are absent on official business.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. McIntyre) would vote "yea."

Mr. SCOTT. I announce that the Senators from Colorado (Mr. Allott and Mr. Dominick), the Senator from Tennessee (Mr. Baker), the Senator from Delaware (Mr. Boggs), the Senator from New Jersey (Mr. Case), the Senator from New Hampshire (Mr. Cotton), the Senator from Michigan (Mr. Griffin), the Senator from Wyoming (Mr. Hansen), the Senator from Illinois (Mr. Percy), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Vermont (Mr. Stafford) and the Senator from Ohio (Mr. Taft) are absent on official business to attend the Interparliamentary Union meetings.

If present and voting, the Senator from Delaware (Mr. Boggs), the Senator from Illinois (Mr. Percy), and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 75, nays 0, as follows:

[No. 484 Leg.]

YEAS—75

Aiken
Allen
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Brooke
Buckley
Burdick
Byrd,
 Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Cook
Cooper
Cranston
Curtis
Dole
Eagleton
Eastland
Edwards
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Gravel
Gurney
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
Miller
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Stennis
Stevens
Stevenson
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—25

Allott
Anderson
Baker
Boggs
Case
Cotton
Dominick
Griffin
Hansen
Harris
Jordan, N.C.
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Mundt
Percy
Sparkman
Spong
Stafford
Symington
Taft
Tower

So the committee amendment, embracing title III, was agreed to.

Mr. CRANSTON. Madam President, I send to the desk an amendment submitted earlier in the day by Senator TUNNEY and myself, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of title I of the bill, add the following new section:

ELIMINATION OF DURATION-OF-RELATIONSHIP REQUIREMENT IN CERTAIN CASES INVOLVING SURVIVOR BENEFITS (WHERE INSURED'S DEATH WAS ACCIDENTAL OR OCCURRED IN LINE OF DUTY WHILE HE WAS A SERVICEMAN)

SEC. —. (a) The first sentence of section 216(k) of the Social Security Act (as amended by section 115 of this Act) is further amended—

(1) by striking out "and he would satisfy such requirement if a three-month period were substituted for the nine-month period" and inserting in lieu thereof "unless the Secretary determines that at the time of the marriage involved the individual could not have reasonably been expected to live for nine months"; and

(2) by striking out "except that this subsection shall not apply" and inserting in lieu thereof "except that paragraph (2) of this subsection shall not apply".

(b) The amendments made by this section shall apply only with respect to benefits payable under title II of the Social Security Act for months after December 1972 on the basis of applications filed in or after the month in which this Act is enacted.

Mr. CRANSTON. Madam President, Senator TUNNEY and I now offer an amendment which seeks to correct an injustice which has been brought to our attention by our colleague from the California delegation, Representative SISK, relating to survivor benefits.

The present law states that in order to be eligible for benefits, the surviving spouse must have been married to the deceased individual for at least 9 months prior to his death. This requirement is then reduced to 3 months if the insured individual's death was accidental, and if at the time of marriage he could reasonably have been expected to live at least 9 months.

That provision is a very sensible procedure in the law. However, there is a quirk in it that was brought to the attention of Representative SISK because of a tragic death that occurred in California, and this simple and, I think, noncontroversial amendment is designed to deal with that situation.

I would like to relate to the Members an incident which occurred in California which I think will clarify the necessity for this amendment. The late Eric R. Larsen, who resided in Fresno, Calif., had been married to Yvonne Larsen approximately 2½ months prior to his tragic death in a motorcycle accident. His wife and stepson are barred from receipt of social security survivors benefits because of the duration of relationship requirement which has been included in the social security law since 1939. Eric Larsen served his country in the U.S. Marine Corps for 4 years and spent 13 months in Vietnam. In 1968 he was honorably discharged, and worked in California for 3 years. There is absolutely no reason to believe that this young man could not, at the time of his marriage, been reasonably expected to live for many, many years after his marriage had it not been for his tragic accidental death.

The legislative history of this provision indicates that the duration of marriage requirement was written into law as a precautionary measure, the main thrust being the prevention of so-called death-bed marriages solely for the purpose of getting monthly survivor's benefits. While it was recognized that there would rarely be such a motive for marriage, the Congress apparently felt, at that time, that some safeguard against the payments of benefits in such cases was appropriate and desirable. While the concern of Congress at that time may have had merit, it does not seem to be a rational or reasonable requirement in the case of accidental death.

The amendment Senator TUNNEY and I have offered would prevent inequitable situations such as that involving the Larsens from arising. At the same time it would avoid the payment of social security benefits in situations which the Congress intended to rule out, because—and I emphasize this—it would retain the part of the requirement that provides that the individual must reasonably have been expected to live for 9 months had he not died accidently.

Representative SISK informs me that, although departmental reports requested on this matter by the House Ways and Means Committee have not yet been received, Commissioner Ball of the Social Security Administration has expressed total agreement that the duration of marriage requirement, with respect to accidental death, is inequitable and he recommended that the law be amended accordingly. The amendment Senator TUNNEY and I have offered conforms with the Commissioner's recommendations.

Madam President, that explains the purpose of the amendment. I hope that it will be supported, and I have every hope that the committee will accept the amendment.

Mr. LONG. Madam President, if the Senator had brought this amendment to us in committee, I think we would have agreed to it, because it does have merit. That is what we have a committee for, to consider matters of this sort and pass judgment on them.

I have no objection to the amendment.

Mr. BENNETT. Madam President, I would join the chairman in accepting the amendment.

Mr. CRANSTON. I thank the Senators very much, and I apologize for not bringing the amendment to the committee. It was not called to my attention until after the committee had acted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The amendment was agreed to.

Mr. LONG. Madam President, the Senate, I am pleased to say, voted by a unanimous vote to sustain the committee's judgment with regard to the proposal which will lift almost all of the aged, blind, and disabled out of poverty.

That proposal will cost more than the administration had been able to budget for the aged, blind, and disabled, and I believe that it is for budgetary reasons alone that the Nixon administration was unable to urge us to report the provision that the Senate has unanimously voted for.

We have another proposal in the bill before us which also has much merit. It was not recommended to us by the administration, and there had been some controversy, even some criticism by some theorists as to the philosophy of social security, which I think the Senate also should vote upon, because that would be an important item in conference, and I believe the House of Representatives would want to know to what extent the Senate supports the proposal.

That is the proposal which says that a person who has worked at least 30 years under social security should be entitled to receive a minimum of $200 per month, or $300 for a couple.

I, therefore, ask unanimous consent that the matter beginning on page 43, line 16, through page 48, line 10 of the bill be subject to a vote of the Senate, notwithstanding the fact that it has been agreed to as one of the committee amendments en bloc, and that when agreed to, the language shall remain subject to amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana?

The Chair hears none, and it is so ordered.

The committee amendment upon which a separate vote was agreed to reads as follows:

SPECIAL MINIMUM PRIMARY INSURANCE AMOUNT

SEC. 101. (a) Section 215(a) of the Social Security Act is amended—

(1) by striking out "paragraph (2)" in the matter preceding subparagraph (A) of paragraph (1) and inserting in lieu thereof "paragraphs (2) and (3)"; and

(2) by inserting after paragraph (2) the following:

"(3) Such primary insurance amount shall be an amount equal to $10 multiplied by the individual's years of coverage in excess of 10 in any case in which such amount is higher than the individual's primary insurance amount as determined under paragraph (1) or (2).

For purposes of paragraph (3), an individual's 'years of coverage' is the number (not exceeding 30) equal to the sum of (i) the number (not exceeding 14 and disregarding any fraction) determined by dividing the total of the wages credited to him (including wages deemed to be paid prior to 1951 to such individual under section 217, compensation under the Railroad Retirement Act of 1937 prior to 1951 which is creditable to such individual pursuant to this title, and wages deemed to be paid prior to 1951 to such individual under section 231) for years after 1936 and before 1951 by $900, plus (ii) the number equal to the number of years after 1950 each of which is a computation base year (within the meaning of subsection (b)(2)(C)) and in each of which he is credited with wages (including wages deemed to be paid to such individual under section 217, compensation under the Railroad Retirement Act of 1937 which is creditable to such individual pursuant to this title, and wages deemed to be paid to such individual under section 229) and self-employment income of not less than 25 percent of the maximum amount which, pursuant to subsection (e), may be counted for such year."

(b) Section 203(a) of such Act is amended by striking out "or" at the end of paragraph

(3), by striking out the period at the end of paragraph (4) and inserting in lieu thereof ", or", and by inserting after paragraph (4) the following new paragraph:

"(5) whenever the monthly benefits of such individuals are based on an insured individual's primary insurance amount which is determined under section 215(a)(3) and such primary insurance amount does not appear in column IV of the table in (or deemed to be in) section 215(a), the applicable maximum amount in column V of such table shall be the amount in such column that appears on the line on which the next higher primary insurance amount appears in column IV, or, if larger, the largest amount determined for such persons under this subsection for any month prior to October 1972."

(c) Section 215(a)(2) of such Act is amended by striking out "such primary insurance amount shall be" and all that follows and inserting in lieu thereof the following:

"such primary insurance amount shall be—

"(A) the amount in column IV of such table which is equal to the primary insurance amount upon which such disability insurance benefit is based; except that if such individual was entitled to a disability insurance benefit under section 223 for the month before the effective month of a new table (whether enacted by another law or deemed to be such table under subsection (i)(2)(D)) and in the following month became entitled to an old-age insurance benefit, or he died in such following month, then his primary insurance amount for such following month shall be the amount in column IV of the new table on the line on which in column II of such table appears his primary insurance amount for the month before the effective month of the table (as determined under subsection (c)) instead of the amount in column IV equal to the primary insurance amount on which his disability insurance benefit is based. For purposes of this paragraph, the term 'primary insurance amount' with respect to any individual means only a primary insurance amount determined under paragraph (1) (and such individual's benefits shall be deemed to be based upon the primary insurance amount as so determined); or

"(B) an amount equal to the primary insurance amount upon which such disability insurance benefit is based if such primary insurance amount was determined under paragraph (3)."

(d) Section 215(f)(2) of such Act is by striking out "subsection (a)(1) (A) and (C)" and inserting in lieu thereof "subsections (a)(1) (A) and (C) and (a)(3)".

(e) Section 215(i)(2)(A)(ii) of such Act is amended by striking out "under this title" and inserting in lieu thereof "under this title (but not including a primary insurance amount determined under subsection (a)(3) of this section)".

(f) Whenever an insured individual is entitled to benefits for a month which are based on a primary insurance amount under paragraph (1) or paragraph (3) of section 215(a) of the Social Security Act and for the following month such primary insurance amount is increased or such individual becomes entitled to benefits on a higher primary insurance amount under a different paragraph of such section 215(a), such individual's old-age or disability insurance benefit (beginning with the effective month of the increased primary insurance amount) shall be increased by an amount equal to the difference between the higher primary insurance amount and the primary insurance amount on which such benefit was based for the month prior to such effective month, after the application of section 202(q) of such Act where applicable to such difference.

(g) The amendments made by this section shall apply with respect to monthly insurance benefits under title II of the Social Security Act for months after December 1972 (without regard to when the insured individual became entitled to such benefits or when he died) and with respect to lump-sum death payments under such title in the case of deaths occurring after such month.

Mr. LONG. I ask for the yeas and nays on that committee amendment, Madam President.

For lack of a sufficient second, the yeas and nays were not ordered.

Mr. LONG. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. LONG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Madam President, I ask unanimous consent that my request be amended to include the fact that the amendment, if agreed to by the Senate, shall remain open to further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Madam President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. By unanimous consent, the question is on agreeing to the matter on page 43, line 16, through page 48, line 10, entitled "Special Minimum Primary Insurance Amount," even though it has previously been agreed to.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Alabama (Mr. SPARKMAN), the Senator from Virginia (Mr. SPONG), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) and the Senator from North Carolina (Mr. JORDAN) are absent on official business.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. MCINTYRE) would vote "yea."

Mr. SCOTT. I announce that the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senator from Tennessee (Mr. BAKER), the Senators from Maryland (Mr. BEALL and Mr. MATHIAS), the Senator from Delaware (Mr. BOGGS), the Senator from New Jersey (Mr. CASE), the Senator from New Hampshire (Mr. COTTON), the Senator from Michigan (Mr. GRIFFIN), the Senator from Wyoming (Mr. HANSEN), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Vermont (Mr. STAFFORD) and the Senator from Ohio (Mr. TAFT) are absent on official business to attend the Interparliamentary Union meetings.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 73, nays 0, as follows:

[No. 485 Leg.]

YEAS—73

Aiken
Allen
Bayh
Bellmon
Bennett
Bentsen
Bible
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Cook
Cooper
Cranston
Curtis
Dole
Eagleton
Eastland
Edwards
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Gravel
Gurney
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
McClellan
Miller
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Stennis
Stevens
Stevenson
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—27

Allott
Anderson
Baker
Beall
Boggs
Case
Cotton
Dominick
Griffin
Hansen
Harris
Jordan, N.C.
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Mundt
Percy
Sparkman
Spong
Stafford
Symington
Taft
Tower

So Mr. LONG's amendment was agreed to.

Mr. RIBICOFF. Mr. President, yesterday I introduced a welfare reform proposal which I called the last, best chance for reform. It represents the results of months of consultation and negotiation with the Departments of Health, Education, and Welfare, and Labor. It is imperative that the Senate put aside partisan considerations in designing a system to aid the truly needy and relieve the taxpayers of the inefficiences of the present public assistance system.

Last June Secretaries Richardson and Hodgson met with the President to urge that he work with the supporters of my proposal to fashion a workable welfare agreement. At that time 19 Republican Senators sent a letter to the President urging him to work out an agreement with those of us in the Senate who are supporting meaningful welfare reform.

The leadership of these distinguished Senators in advancing the cause of true reform is commendable.

I ask unanimous consent that the letter and the names of the signers be inserted at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., June 15, 1972.

The President,
White House,
Washington, D.C.

Dear Mr. President: Since you first offered your welfare reform proposal over two and a half years ago, the welfare situation, as we all know, has worsened, making the reform you proposed even more imperative.

Those of us who deeply care about the well-being of the impoverished have watched with dismay the development of growing divisions in the Congress over the question of welfare reform. Unfortunately, neither the Senate Finance Committee's Workfare proposal nor an unamended H.R. 1 entirely meets, in our judgment, the requirements for genuine welfare reform.

We do not feel it necessary for the Administration to now engage in a whole new line of reasoning or even undertake a substantial change in approach, but the time has now come when we, together, must fashion a humane and decent compromise reform measure that would be acceptable to a majority of the Congress and to the Administration. Without that compromise and a final effort now by the Administration and those members of both parties, certainly including Senator Ribicoff, who wish to see a successful and acceptable program adopted, we firmly believe welfare reform is almost certain to die.

In this critical hour, we ask that you reaffirm your often stated commitment to welfare reform and request the appropriate agencies to work with us toward such a compromise.

Sincerely,
Percy, Pearson, Cook, Schweiker, Brooke, Dole, Fong, Packwood, Taft, Beall, Stafford, Saxbe, Javits, Cooper, Stevens, Case, Weicker, Mathias, and Hatfield.

The PRESIDING OFFICER (Mrs. Edwards). The Senator from Rhode Island (Mr. Pell) is recognized.

Mr. JAVITS. Madam President, will the Senator from Rhode Island yield to me for an amendment which, if not accepted within 2 minutes, I will take down?

Mr. PELL. I yield to the Senator for that purpose.

Mr. JAVITS. Madam President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 465 between lines 11 and 12, insert the following:

MEDICAL ASSISTANCE IN PUERTO RICO, THE VIRGIN ISLANDS, AND GUAM

Sec. 271A. Section 227(b) of the Social Security Amendments of 1967 is amended by striking out "June 30, 1972" and inserting in lieu thereof "June 30, 1975".

(b) The amendment made by subsection (a) shall be effective from and after July 1, 1972.

Mr. JAVITS. Madam President, the problem here involves an extension of the so-called free choice deadline which poses a great problem to the government of Puerto Rico.

I offer this amendment at the request of Mr. Córdova, the Delegate. Congress has not given Puerto Rico enough money so that it can work out a freedom of choice as quickly as the law requires. So, Madam President, they request that we give them an added period of 3 years.

I understand this is satisfactory to the manager of the bill on the majority and minority sides.

The reason for this proposed amendment is that it has been determined by both the Department of Health, Education, and Welfare and by the Puerto Rico Department of Health that it would be impossible with the resources available at this time to implement the freedom of choice provision under the medicaid program.

The funds Puerto Rico receives under this program have been limited ever since 1967 by a statutory ceiling of $20 million per year under section 1108(c)(1) of the Social Security Act. The Puerto Rican Government invests more than $70 million a year out of their own resources for this program to provide medical care for the poor. At present the program serves more than 6½ million cases of indigent patients throughout several district hospitals and clinics on the island.

The Puerto Rican Government is aware that freedom of choice of physician and hospitals should not be denied to anyone and as a matter of fact is taking steps on its own to implement a limited program that would provide a limited freedom of choice to about 1.7 million people or to all members of families earning less than $5,000 a year. This free choice will at first, include only general practitioners and in time will be expanded to include some specialists, laboratories and X-rays. Plans have also been made for a complete free choice program—these plans were and are contingent upon the approval of an additional $10 million in Federal funds authorized in title II of H.R. 1.

The plan was designed as a gradual development into free choice to be completed by fiscal year 1973 when free choice is to go into effect in Puerto Rico, as mandated in the Social Security Act.

Congress has not yet authorized the additional $10 million under the medicaid program for Puerto Rico and therefore they have not been able to implement this plan. They will have to start free choice very soon if this amendment is not adopted, and there is no time for a gradual changeover. The Puerto Rican Government feels that it cannot afford the fiscal burden this abrupt change would necessitate.

Mr. LONG. Madam President, it is my understanding that those who would be likely to understand this proposal best and the people in the Department of Health, Education, and Welfare, and speaking for the administration, they feel that this is a good amendment and that it should be agreed to.

I am willing to support the amendment and take it to conference.

Mr. JAVITS. Madam President, I yield back the remainder of my time.

Mr. LONG. Madam President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York (Mr. Javits).

The amendment was agreed to.

Mr. PELL. Madam President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to state the amendment.

Mr. PELL. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 268, line 11, insert the following:

EYEGLASSES, DENTURES, HEARING AIDS AND PODIATRIC SERVICES

Sec. 215A. (a) Section 1861(s)(8) of the Social Security Act is amended by striking out "(other than dental").

(b) Section 1862(a) of such Act is amended—

(1) in clause (7) thereof, by striking out "eyeglasses or eye examinations for the purpose of prescribing, fitting, or changing eyeglasses, procedures performed (during the course of any eye examination) to determine the refractive state of the eyes, hearing aids or examinations therefor,"; and

(2) by inserting "or" at the end clause (1), and striking out clauses (12) and (13) thereof.

(c) Section 1861(s) of such Act is further amended—

(1) by striking out "and" where it appears at the end of clause (8);

(2) by striking out the period at the end of clause (9) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following:

"(10) eyeglasses and eye examinations for the purpose of prescribing, fitting, or changing eyeglasses, procedures performed (during the course of any eye examination) to determine the refractive state of the eyes, and hearing aids and examinations therefor.".

(d)(1) The amendments made by this section shall be effective only with respect to (A) individuals from families with annual adjusted gross incomes which do not exceed $6,000, and (B) individuals who are not members of families with annual adjusted gross incomes of $3,000. Determinations of annual adjusted gross income under the preceding sentence shall be made by the Secretary of Health, Education, and Welfare in accordance with regulations promulgated by him.

(2) The Secretary shall establish reasonable limitations with respect to the provision of such services, the frequency thereof, and the amounts payable.

(3) The amendments made by this section shall be effective on July 1, 1973.

Mr. PELL. Madam President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. PELL. Madam President, I will continue with the presentation of my amendment until we do have a sufficient number of Senators present for the yeas and nays.

Madam President, I ask unanimous consent that Stephen J. Wexler and Richard Smith of the Senate Committee on Labor and Public Welfare be permitted on the floor during the consideration of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Madam President, this is the amendment I presented yesterday. However it does contain several substantial changes in order to meet the objections of the Committee on Finance, which were discussed on the floor. It provides for an effective date of July 1, 1973. Second, following the advice of the Senator from Utah, it provides a limitation on the income level of persons who would be covered. The only people who would receive benefits under this amendment would be those over 65 who have an adjusted gross income of $3,000 if single, or $6,000 in the case of a family. This would not include their social security, but it would be limited in this respect. It would mean that with respect to the example cited yesterday, men like ourselves would not be able to benefit from this amendment. Only those who are of modest means would be included.

In addition, the amendment is designed to make sure that many individuals who need dentures, eyeglasses, hearing aids, or the podiatric care would not be forced to go to medicaid but would be able to preserve their dignity and self-respect to whatever degree they wish and still be able to receive these services as part of medicare.

I would hope very much that this amendment could be accepted and will ask for a rollcall vote.

Mr. PASTORE. Madam President, would the Senator yield?

Mr. PELL. I would be glad to yield to my colleague.

Mr. PASTORE. Madam President, I wonder why the Senator made it $6,000 for a couple and not a little less.

Mr. PELL. Madam President, if the Senator thinks that would be preferable, I would be willing to change it.

Mr. PASTORE. Madam President, I think it should be $3,000 for a single person and $5,000 for a married couple.

Mr. PELL. Madam President, I modify my amendment in that respect, so that it would provide for $3,000 for a single person and $5,000 for a married couple.

The PRESIDING OFFICER. The amendment is so modified.

Mr. PASTORE. Madam President, yesterday I joined with my colleague from Rhode Island and spoke in support of his amendment, because I thought it was a worthy amendment.

The argument was made very dramatically at the time by one of our more affluent Members of this body. And when I talk about affluence, I am talking about financial affluence.

He very dramatically took off his glasses and said that he could if he wished under the amendment, leave the cost of those eyeglasses up to the Government because he is over 65. All of us were surprised at that, as I said before, because any wealthy person who charged his eyeglasses to the Government ought to be a little ashamed of himself. However, we ought to provide against such abuse.

Now that the amendment has been modified it would apply to a single person earning $3,000 and a married couple earning $5,000.

If a single person earns $3,000 a year, that is $60 a week. That means that he has to pay his rent, buy his clothes, his food, and pay for his gas, his electric, and his telephone bills. He would have to pay everything out of $60 a week. All of us know how badly affected these people are by inflation.

For that reason, Madam President, I think all we are saying here is that if a person wants to read about all the good and bad things we do in the Senate and cannot do it unless he has a pair of eyeglasses and he cannot afford to buy them, we ought to buy them for him. And if someone cannot hear too well and he wants to hear what is going on in this great country of ours and he has no hearing aid, I think we ought to help him out.

Madam President, a married couple, I do not care where they live, that rents any decent abode, would certainly have to pay $60, $70, or $80 a week. Five thousand dollars a year is less than $100 a week for a couple. I think that in that particular case we ought to be helpful. I do not think it would cost too much money. I think this is one thing we ought to do.

I would hope that the chairman would accept this amendment and, if the amendment is not accepted, I hope it will pass.

Mr. ROBERT C. BYRD. Madam President, does the Senator from Rhode Island wish to ask for the yeas and nays?

Mr. PELL. Madam President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PELL. Madam President, a further point with respect to the modification of yesterday's amendment: It was pointed out that there could be abuses. To cover that, we have given the Secretary of HEW, a man not noted for his bleeding heart, the right to promulgate regulations so that we can be sure there is no abuse. He could preclude the buying of several pairs of eyeglasses every year, or hearing aids, which usually last 2 or 3 years. And I am sure this would be strictly enforced. Yet, we would be sure that those over 65 will be able to eat, will have the eyeglasses to see that which is around them, will be able to see that those have the foot care they require and do not have and be able to hear.

Madam President, I hope very much that my colleagues would approve the amendment.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CURTIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. Mr. President, at the time that H.R. 1 was reported favorably by the Committee on Finance, I caused this statement to be inserted in the minutes of the committee:

> H.R. 1 contains some Social Security amendments which are much needed, in which I have been interested. There are other features of the bill that fall into the same category. I favor the general concept of workfare as contrasted to welfare, and I favor the provisions that would increase the State and local control over the administration of welfare as it involves the unemployed.
>
> There are certain cross-aspects of H.R. 1 to which I am very much opposed. There are features of H.R. 1 under various titles and sections to which I am opposed, but because of a commitment made that a bill should be reported out before the session ends in 1972, and because I believe there are some parts that should be advanced for passage, I am voting to report the bill from the committee to the Senate. I reserve all rights to oppose and to offer amendments.

Mr. President, there are a number of features in this bill that correct various inequities and meet certain problems, that need correction in the statutes. The employees of States and municipalities have their social security by reason of compacts that are entered into between the States and the Federal Government. It requires the consent of Congress to amend those compacts. There are two or three States that have matters pending in H.R. 1 for which they have waited for some time.

I can think of another provision of H.R. 1 that is a very worthy situation. We have at Bellevue, Nebr., the headquarters for the St. Columban Fathers. This is a missionary organization, and these priests are engaged in carrying the Gospel to all parts of the world. They are American citizens, recruited for service in this country. Their business office is in this country. The money is collected here to pay their salaries. When they reach retirement years, they come back to the United States to retire.

Yet, those missionaries are not covered by social security. If it so happens that an American corporation finds it necessary to send its employees abroad to carry on its business, their social security taxes and benefits go on just the same as if they were here. This is also true of employees of religious organizations in the main. If they represent a church in this country, or if they serve an all-American congregation abroad, they are covered by social security.

In the case of the Columban Fathers that I just mentioned, it so happens that the highest ecclesiastical authority is in Ireland. Yet, as I say, they have their business headquarters in the United States, they are American citizens, they are recruited here, they are paid by funds raised in this country, and they return here, yet without social security.

This is one of the many items in the social security section of H.R. 1 that need attention and should be passed. It has been pending a long time.

Mr. President, the reason that H.R. 1 has not been enacted a long time ago is that too much was undertaken in one bill. Here we have the bill, H.R. 1, consisting of 990 pages. Title IV relates to welfare reform. If we were to ask a number of people, "Do you favor welfare reform?" I daresay that we would get a 100-percent affirmative answer. But when it comes to the definition of welfare reform, that is where differences arise.

I have a very high regard for the House of Representatives, and especially for its

Committee on Ways and Means, but I must say that that part of H.R. 1 that came from the House of Representatives called welfare reform certainly is not welfare reform. It would double the number of people who are eligible for welfare. It would increase the cost by several billion dollars. And what is more, it would inaugurate a system of a guaranteed income in the United States—a guaranteed income whether people work or not. Not only would it be expensive at the start, but it would be a great departure in our handling of welfare in this country.

I am told that our beloved and distinguished colleague from Connecticut (Mr. RIBICOFF) will offer an amendment. Actually, it is no different, basically, from the House version, other than that it is worse because it puts more people on welfare, makes more of them eligible, and will cost more billions of dollars; and it, too, would establish the system of a guaranteed income from people in the United States. Even though they might be able bodied, it would guarantee them an income without working.

Mr. President, if such an amendment prevails, there will be no legislation this year, because we cannot let it pass. If either the original administration proposal, modified by the House, or the Ribicoff amendment is agreed to by the Senate, there can be no legislation this year, because we would be embarking on something that would be a grave mistake.

Now, it is rather easy to understand how this universal idea of desire for welfare reform could lead to a situation in which the term "welfare reform" is used as a slogan by which to inaugurate a guaranteed income for everybody in the United States.

Oftentimes we hear criticism of welfare. It is pointed out that there is a certain family on welfare; perhaps they are not disclosing all their assets or their income; there are certain disregards in the law; the children have income, and so forth. Nearby will live a family that never has been on welfare, that gets along on much less money than the family on welfare. Up to that point in the efforts to secure welfare reform, we have identified the problem. But the wrong answer has been applied.

Instead of doing something about the welfare case where there is an abuse, they came along with the idea and said, "Let's give a benefit to this family that has never been on welfare, and raise the minimum for everybody." When they do that, it is a guaranteed income for all Americans.

What a great day for the politicians. Somebody says, "A family of four should have $2,400." The next bidder says, "A family of four should have $3,600." Finally, somebody wants to be President of the United States and says, "A family of four should have $6,500"—and it would put 97 million Americans on welfare.

One of the most shameful things in the annals of the political history of the United States is that one of the candidates for the Presidency of the United States is offering to put 97 million Americans on welfare, trying to buy half of the population.

The root of the evil is the beginning of this system of guaranteeing to everybody a minimum income. That is the evil in the House bill; that is the evil in the Ribicoff amendment. They are all alike, except that the last bidder raises the figure. That is why if either of these proposals—the House bill in regard to welfare reform, or alleged welfare reform, or the Ribicoff amendment—should remain, we cannot permit any legislation to be advanced for passage. Consequently, it is my hope that, without too much more delay, title IV of this bill can be set aside, so that we can do the things that should be done and enact some laws that need to be enacted.

Mr. President, I want to say something about the Finance Committee's version of welfare reform. It is referred to as workfare. It has some very fine features. I support its basic proposal, its basic plan. A couple of features in it make it a little more costly than I would like.

Principally, I would do away with the system of disregards of income. Furthermore, I would limit the application of the workfare plan to those who are actually established as being on welfare, and not extend it to others, and thus not give it any resemblance of a guaranteed minimum income.

Basically, the idea of the Finance Committee plan, the Long plan, is sound. It would divide our welfare recipients and potential welfare recipients into two classes: employable and unemployable. The unemployable would continue to get welfare. The Federal Government would continue to pay its share. But in it we would grant more authority to write rules and regulations, with more administration by the States and the localities and less by the Federal Government. Every Governor who appeared before our committee, every State welfare director, said he could clean up his welfare rolls if it were not for the Federal regulations. So the first step in any welfare reform that amounts to anything is to lessen the authority of the Federal Government and to give more authority to the people back home, who are close to the problem.

Mr. President, I do not want to be misunderstood. There are unfortunate people in the United States who must and should have welfare. There are people who are poor; there are people who are disadvantaged; there are people who face problems and situations over which they have no control. They are entitled to generous and fair and compassionate treatment, and I believe that the taxpayers are glad to do that. The criticism arises when we go beyond that and when abuses creep in.

The worthy poor are not entitled just to the meager necessities, but to fair and compassionate treatment. But we are never going to get the abuses weeded out by a bureaucracy in Washington. It can only be done by less authority in Washington and more authority back home among the people. The Finance Committee version, the Long version, with respect to people on welfare who cannot work, does that very thing: It grants more authority to the States, which in turn can delegate the authority to the local units of government.

I have confidence in the American people. I do not believe that the American people will let their neighbors suffer. I think the American people have more kindness and more generosity than any faraway bureaucracy that gets lost in its own regulations and its own statistics. Therefore, I think that local control not only will eliminate abuses, but also will result in a program for the worthy needy of the land that is more just, more generous, more fair, and more compassionate than what we have.

The Finance Committee proposal, the Long proposal, as I have said, would separate our welfare load into those who are unemployable and those who are employable, and for the latter there would be a work plan. Simply stated, those people would no longer get welfare. They would have an opportunity to report and work and earn as much money as they have been getting on welfare, and the Federal Government would pick up the tab. Thus, it would relieve some welfare costs of our States.

This workfare plan is in accord with everything that is fine and good. There is nothing wrong with the work ethic. If it were not for the work ethic, there would not be anything worth while in the United States. Everything we have, everything we enjoy, everything handed on to us exists because somebody worked. A Government program that perpetuates the work ethic is right and sound and forward looking. Those who ridicule it and call it "slave fare" are backward looking. Abolish work in this country and nothing will be built.

Now, Mr. President, under the Long plan, an able-bodied person who has been getting welfare, reports for this work, and efforts will be made to get him a job in private enterprise. If that fails, there will be a Work Authority of the last resort, to do necessary work, whether it be in the streets, the parks, the hospitals, or wherever. I think many of them will be glad to do it. Visit the neighborhoods in any of our great cities where the bulk of the people are on welfare, and right in those neighborhoods will be enough work just to clean up the many streets, to pick up the litter, the paper, the cans, and other things left lying around.

What is wrong with that? If they are able bodied, if everyone is being taxed to support some people, is it asking too much that the recipients keep their neighborhoods clean a little bit?

I have heard my chairman, the Senator from Louisiana (Mr. LONG), point out that very same thing. That is one of the things that is in there.

We hear a great deal about the welfare cycle, how someone has been on welfare, his parents have been on welfare, and his grandparents have been on welfare. That is true. I invite attention to the fact that the individual who is a victim of the welfare cycle has a hard time getting out of it. He goes out to get a job and they say to him, "Where did you work before? What are your recommendations? Where are your references?" So he or she is discouraged before ever getting started.

The Finance Committee worked on a plan that will do something about it. Let us take the individual who is a victim of the welfare cycle. Think for a moment of the man or woman who has known nothing but welfare, whose parents have been on welfare and whose grandparents have been on welfare. Where on earth would they ever go to get a job?

Under this plan, they would report to the Work Authority and they would be required to perform some useful work. They would learn how to do that work. They would learn, for the first time in their lives, perhaps, what it means to report at a given time. They would learn for the first time, perhaps, what it means to follow simple directions. They would have the experience of performing something worthwhile and then receiving something that they had earned, which would do more to lift their spirits and improve their well-being than anything that had ever happened to them before.

This workfare program, if properly handled, can be a training ground that will be welcomed by the unfortunate because it will give them work experience and it will give them sufficient knowledge and self-confidence so that they will be able to go out and apply for another job. It will do something toward breaking the welfare cycle.

There is much merit in the Finance Committee's workfare plan. As I said a minute ago, it is a little more expensive than I can buy. There are a couple of changes that I think should be made, but it is far superior in its basic concept and plan to the House-passed bill or the proposal to be offered by the distinguished Senator from Connecticut (Mr. Ribicoff).

Mr. President, I mentioned a while ago what a large and complex bill H.R. 1 is. If we could pass it as reported by the committee, with some improvements and changes in the welfare plan that would be acceptable to the House, that will be fine. However, the House is committed to its own plan and we may have a close vote here.

I think it would be wise statesmanship on the part of the leadership of the Senate if they would just lay aside the whole subject of welfare reform and let Congress and the Senate approach it next year, away from all of the competition for ideas and proposals that exist in an election year. Then, I think, the other titles that will go to conference can be ironed out rather shortly.

But, again, I would think that the principle of a guaranteed minimum income is so wrong and so adverse to the basic American idea, and so contrary to the work ethic, that should either the version of welfare reform adopted by the House or that of the Senator from Connecticut (Mr. Ribicoff) be adopted, it will be the end of all legislation for this year. It is so wrong. We cannot let it pass. We cannot let it be considered.

So, Mr. President, on behalf of all the people that need much of the legislation that is in this bill, I hope that the leadership will take such action as will set aside the whole idea of welfare reform until such time as we are not engaged in an election and when we have the time to work out this difficult problem, so that we can be just and generous and kind to the poor and the unfortunate who cannot help themselves and, at the same time, eliminate from the rolls those who are classified as abuses and who are really abusing the system, and so that we can improve the administration thereof as well as lower the costs.

Mr. President, I want to commend the distinguished chairman of the Finance Committee, the Senator from Louisiana (Mr. Long) for his stanch opposition to the idea of a guaranteed minimum income for doing nothing.

That is the issue here.

We would render a great disservice to every recipient of the benefits of such a program. We would render a great disservice to our country.

Mr. LONG. Mr. President, will the Senator from Nebraska yield?

Mr. CURTIS. I yield.

Mr. LONG I thank the distinguished Senator from Nebraska for the kind references he made to the junior Senator from Louisiana, but permit me to say to the able Senator that the position of the Senator from Louisiana was not lightly arrived at. This Senator first read of the measure as something he thought he could support. In conversations with the President and others, the Senator from Louisiana made it clear that he very much favored the idea of assuring——

Mr. ERVIN. Mr. President, if the Senator from Louisiana will permit me to interject here, I want to correct an error he made. The Senator referred to himself as the junior Senator from Louisiana. I am satisfied that the distinguished lady from Louisiana (Mrs. Edwards) is far the junior of the distinguished chairman of the Finance Committee.

Mr. LONG. I thank the Senator.

Mr. CURTIS. That only proves that gallantry has not disappeared from the Union.

Mr. LONG. I thank the Senator for the correction. May I say that this Senator had applauded the President for his good intentions in deciding to see to it that the needy and poor and children of this country would be protected against dependency and against poverty.

The only reservation in the mind of the Senator from Louisiana is that if we are going to pay out such a large amount of money, we should pay it out on some basis that is work-related so that it would encourage people to accept jobs and so that the work ethic would be enthroned, rather than to encourage people to do the things society does not want them to do.

I might say that every expression that the Senator from Louisiana could gain from the President of the United States was to the effect that he had just that in mind and that that was the direction in which we ought to be moving.

It was only after hearing the Senators who had expressed doubt, such as the Senator from Nebraska, the former Senator from Delaware, Mr. Williams, and others, who pointed out the dangers inherent in this proposal that it became apparent to the Senator from Louisiana that it was our duty to oppose this measure and to oppose it as strongly and logically and with all the determination we could muster, because this was something that posed a grave threat to this form of government.

The problem was that if we want to get started down this track, we cannot stop unless we turn around and move in the other direction. We cannot stop just by guaranteeing someone $2,400 or $2,600 for doing nothing. If it is a family of four we are speaking of, we cannot logically say that we should keep them below a poverty level of $4,000. And we cannot reduce their benefits one dollar for every dollar they earn. No one can logically contend we ought to deny them what they earn by their own efforts.

But if they can keep 50 cents on the dollar earned, then they do not come off the welfare rolls until they are making $8,000 a year. Then they will not be satisfied. The National Welfare Rights Council is campaigning strongly and fervently, as it did at the Democratic National Convention this year, to guarantee a $6,500 income for a family of four.

As the Senator so well knows, that would put us to the point where when the people started working, if we permitted them to keep half of what they earned, they would be making $13,000 a year before they came off the welfare rolls. At that point we would have to have 112 million people drawing welfare checks. And it does not solve the problem just to call it something else. It is still a welfare check whether we call it by that name or not. It is a grant and a gift from the Government for doing nothing. So, we would have 112 million people drawing welfare checks and only 98 million people on the putting up end who would pay for that. We would have more people on the taking down end than we would have on the putting up end.

And, Mr. President, if that is not bad enough, that is assuming that everyone is going to be honest. If there is widespread cheating, it may very well cost far more than that. We might have 130 million or 140 million receiving welfare checks.

I would think, to be practical about the matter, that we would almost need as many investigators as we would have beneficiaries if we wanted to keep up with that sort of thing.

The cost of the NWRO program would be about $70 billion a year. When the committee bill goes into effect, we will be providing more than $80 billion a year in income maintenance programs. However, why should we provide another $70 billion a year in ways that encourage people to do the wrong things, in ways that encourage fathers not to admit the paternity of their children, and in ways to discourage people from joining in wedlock when they decide to start producing a family?

Why should we spend our money in ways that tend to bring into disrepute the American institutions and tear down those that exist? Why should we not instead spend money in ways to encourage people to do the right sort of things, to take jobs, to marry the women who are mothers of their children, or to try to do something to improve their communities, and to offer some services, the services that society needs.

Those are the kinds of questions which persuaded the Senator from Louisiana, just as it persuaded the Senator from Nebraska, that the family assistance plan should not pass and should not become law.

That persuaded me that we ought to try to find out as hard as we knew how the answer to this matter. And we ought to try to persuade the Senate to accept the right answer rather than the wrong answer.

I congratulate the Senator from Nebraska for being one who was not fooled about this matter from the very beginning. I was told by former democrats who later became White House advisers that this was something that could only happen under a Republican President. And, the more I thought about it, the more I thought they were right. I think they knew what they were saying.

If people could persuade a Republican President to recommend a program such as this, the people would not believe that it was actually quite what it was, because they would not believe that a Republican President could recommend something that would work out in that fashion.

May I say that I do not think the President ever for a moment imagined or conceived many or any of the dangers implicit in this family assistance plan or the Ribicoff version of the family assistance plan. His declarations are too consistent. Everything he said about the subject was consistent. The people who talked with him indicated the contrary to the Senator from Louisiana.

I know that I have had the privilege of discussing this matter with the President of the United States many times. Every time I discussed it with him, the one thing that came through loud and clear was that the President of the United States believes in the work ethic and does not believe in loading the welfare rolls down with untold millions of additional recipients.

I may ask the Senator from Nebraska whether the President of the United States has ever conveyed to the Senator from Nebraska any high degree of displeasure because he has worked for the workfare program rather than the guaranteed income proposal?

Mr. CURTIS. No, definitely not. I think that the country owes a great debt of gratitude to President Nixon for emphasizing the need for welfare improvements. The President's utterances on welfare are sound and the Senate Finance Committee bill, the workfare program, sponsored by the chairman of the committee, come nearest to meeting the objectives stated in the statements and utterances of the President of the United States, than does either the House bill, the original proposal sent to Congress, or the Ribicoff proposal.

Unfortunately, after these fine declarations were made by the President, from that point on certain people have to take over and work out things. It goes to the Department of Health, Education, and Welfare.

In my opinion, they ended up with something that defeats many of the fine objectives stated by the President of the United States. The President of the United States realizes that without the work ethic, the United States is headed for deterioration. Without the work ethic, there would not be anything worth while in this country, because everything that we enjoy, we enjoy because somebody works.

I believe that we would render a great disservice to the President of the United States if we enacted this proposal that was sent to Congress, or that was passed by the House, or proposed by the Senator from Connecticut. I think we must take the approach the Committee on Finance has taken, and that is to take care of those people who cannot work, but for those who can work, to have a program where they can get a job if there is not one available and to give them work experience. Give them the opportunity to know what it means to be at a certain place, to do something, and to be able to earn. That is doing a favor to the unfortunate person who is a victim of the welfare cycle. Just to perpetuate the cycle and send out checks in situations where the people are neither aged, disabled, nor handicapped, is a disservice both to the people who pay for it and the people who receive it.

Mr. President, we have reached a time in the Senate when we need leadership. We need leadership to move in and prevent the Senate from enacting some bad legislation during these hurried times just before an election. If the workfare plan of the Committee on Finance cannot be agreed to—I am convinced if it goes to conference some of the objections I have to it will be ironed out, but if that cannot be done, this matter should go over to a time when candidates for office are not in favor of giving people more for doing less.

Mr. President, just one more thought and then I shall yield the floor. With respect to the guaranteed minimum income, sometimes it is mentioned as $2,400 for four people, sometimes $4,000, and if one is speaking about one of the candidates for the Presidency, it is $6,500. That is only part of the story. People raise the question, How could a family of four live on less than $2,400? It is not limited to $2,400. There are certain disregards. The first $100 a month is disregarded, one-third of earnings above that, the earnings of children, certain casual earnings are eliminated, subsidies for housing; many of them are recipients of medicare. If one adds it all up, it is not just $2,400; it more than twice that. My point is, that is only part of the story.

Mr. President, were we able to submit to the rank and file of the American people from one end of the country to the other the question, "Should the unfortunate and disadvantaged, and people unable to work be continued on in welfare?" the answer would be "Yes." That is what the bill of the Committee on Finance does. But it vests more authority in the people close to the problem.

If we were to ask the same question of the people across the land, "Do you believe those able to work should perform some useful work, and do you believe they would benefit by it and welcome it?" the great majority would answer "Yes."

Mr. President, again I call attention to the size and complexity of this legislation. We should not, in these closing, hectic days of the session, pass any bill of this complexity, let alone one that would represent a new departure, a move toward guaranteeing a minimum income to people throughout the land who do nothing. There is nothing practical or workable in either the House bill or the Ribicoff proposal that will increase the number of people leaving welfare and going to work. That is one of the things the President stressed, and those who worked out a bill and submitted it here, submitted a bill that has nothing in it to bring that about. It will not work.

I yield the floor.

CALL OF THE ROLL

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk called the roll and the following Senators answered to their names:

[No. 486 Leg.]

Aiken
Allen
Beall
Bennett
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cooper
Curtis
Dole
Edwards
Goldwater
Hart
Hruska
Hughes
Humphrey
Kennedy
Long
Mansfield
Mathias
Muskie
Pastore
Pearson
Pell
Ribicoff
Saxbe
Schweiker
Smith
Talmadge

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to, and the Sergeant at Arms is directed to execute the order of the Senate.

After a delay, the following Senators entered the Chamber and answered to their names:

Bayh
Bellmon
Bentsen
Bible
Brooke
Buckley
Cannon
Chiles
Church
Cranston
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Gambrell
Gravel
Hartke
Hollings
Inouye
Jackson
Javits
Jordan, Idaho
Magnuson
McClellan
Miller
Moss
Nelson
Packwood
Proxmire
Randolph
Roth
Scott
Stennis
Stevens
Stevenson
Thurmond
Tunney
Weicker
Williams
Young

The PRESIDING OFFICER. A quorum is present.

Mr. LONG. Mr. President, in some respects, the Pell amendment is an even more objectionable proposal than the previous one. This proposal would put a needs test in the social security program. As it stands today, there is only a retirement test; but this amendment would provide certain services if you had income of less than $3,000; you would not get the services if your income was more than $3,000. If a couple had an income of $5,000 or less, they would get the services, but they would not get the services if their income were more than that.

Furthermore, not one nickel of tax is attached to this amendment to pay for the cost which is estimated initially at some $2.5 billion a year. It would bankrupt the social security medicare fund, because there is no surplus in the fund. It would result in the Senate having a totally irresponsible proposition when it sent conferees to talk with the House.

It would be similar, I regret to say, to some of the "Christmas Tree" proposals that the Senate has voted on occasion—totally irresponsible tax cuts or spending proposals which could bankrupt the country. In this case, it would be a totally irresponsible spending addition that would bankrupt the social security medicare trust fund through enormously increasing the cost of the program without providing any tax to pay for it.

Mr. President, this proposal is not viewed by the Social Security Administration as something which should be done, for the reason that items such as eyeglasses, hearing aids, and podiatric services—which could be anything from having your corns trimmed to having your toenails cut by a foot doctor—are things which people can budget. This could even include a foot massage. You could go in to the podiatrist's office and the man could rub your feet for you. This proposal makes no distinction between a foot service that is essential and a foot service that is not essential. These are the kinds of things for which we provide people with cash income so they can decide and provide for themselves in these budgetable areas.

Every Senator over the age of 40 knows that after age 40 things may start going wrong with the body which do not seem to repair themselves the way they do when one is younger. Eyes get worse and do not correct themselves the way they did when one was younger. One might suffer a broken bone or a sprain, which does not heal or correct itself the way it did earlier. All sorts of things tend to go wrong that people have to live with the rest of their lives; they have to adjust to those things.

In these areas, we should think in terms of priorities. Any State in the Union which wants to provide the services advocated by the Senator from Rhode Island has the privilege of providing them under medicaid and the Federal Government will pay for at least 50 percent of the costs. But let us see how much priority the States place on these items.

Look at Alabama. They do not provide the dentures or the eyeglasses, even though the Federal Government will pay for some 75 percent of the cost. They do not provide this, because they can find a better use for the money in providing something else with a higher priority. Here the Senator proposes to spend at least $2.5 billion to provide these items and services for those who do not need it.

Colorado does not provide these items, because they can find a higher priority for the same money, even with liberal Federal matching.

Delaware does not provide it for the needy, because they can find a better use for this money somewhere else.

Florida does not provide it, and that is one of the most generous welfare States in the Nation, with respect to the aged.

Here is Georgia, one of the States leading in social services. Even though Georgia could have 75 percent Federal money for this, they do not provide it, because they can find a higher priority use somewhere else—child care or another higher priority need.

In the State of Rhode Island, they do provide eyeglasses, dental and podiatric care. They provide it for the needy and for the medically indigent. One might ask, if Rhode Island is providing for this, with the Federal Government paying half the cost, why would the Senator want to insist on providing for it at Federal expense, without any State contribution, under social security?

The answer is that the Senator would like to avoid having to require the people of his State to meet a needs test in order to get eyeglasses, in order to have somebody rub their feet for them or trim their toenails.

On the other hand, in trying to provide it and to avoid a needs test, he would then seek to put the first needs test into the social security program. What sense does it make? In order to avoid a needs test under medicaid, he puts a needs test into the social security program for the first time. It does not make sense.

Mr. BENNETT. Mr. President, will the Senator yield.

Mr. LONG. I yield.

Mr. BENNETT. Does not the chairman believe that if we really feel that it is necessary to put a needs test in the social security program, it should be for some reason more urgent than foot care and dentures?

Mr. LONG. I would certainly think so.

Mr. President, the Senate voted today to provide $4 billion of additional income to people who are 65 years of age and older, and to the blind and to the disabled—$4 billion of additional income. The Senate—I think quite correctly—by unanimous vote regards that as a high priority expenditure. That is money which those people can spend however they wish. They can buy as many pairs of glasses as they think they need, and as many hearing aids, and they can secure the routine foot services they want. Would that not make better sense covering those items elsewhere?

Just to propose an amendment to bankrupt the social security medicare fund does not mean that Congress should be that irresponsible. If we take it to conference with the House, as though we were going there with a Christmas tree, I am sure that the House would not look on it seriously but might insist on knocking out the good things in the bill which the Senate conferees would want retained. This amendment would put us in an irresponsible light. Here is a proposal which appears to bankrupt the social security medicare trust fund by $2.5 billion a year. Suppose some of us with a sense of responsibility should insist on putting additional taxes on the amendment to pay for it, what would that mean?

The average family with $10,000 a year would have to pay some $25 a year more in taxes for this. The employer would have to pay another $25 a year.

As a practical matter, everyone knows that the social security tax goes into the cost of doing business. When the consumer buys something, he is absorbing the cost of the social security tax, plus other expenses and what it takes for the American businessman to make a profit; so that, in the last analysis, the average working family would have to absorb another indirect tax of $25 a year. In other words, $50 a year in taxes from the average working family in order to provide a service to those not necessarily needing it and for a very low priority type of expenditure.

I would say, Mr. President, that the people of this country, looking at all the needs we have elsewhere, would not approve of this. They would not approve of us bypassing other high-priority items, such as those I have suggested on occasion, such as catastrophic insurance so that we would be able to help those who have to spend $5,000 or $10,000 in meeting medical bills in a single year. We would be able to help with those medical expenses, rather than let a person die or go bankrupt because he needs a kidney transplant or dialysis or other things which are so enormously expensive—for diseases which last a very long time.

This amendment would bypass those things which are essential, things which are a matter of life or death, and we would spend money on things which people should and could budget and be able to take care of for themselves.

The Senator has modified his amendment to reduce the cost by $1 billion, but it is still altogether too high. People find ways to meet these problems.

This is not the kind of high-priority item that would compare to other items in H.R. 1. In H.R. 1, we are increasing medicare benefits, I believe, by about $3 billion a year. Just look at some of the items of cost here. For drugs for the aged, we require that they pay $1 toward the cost of a prescription and we will provide the rest, but not for everything, because if we did, it would cost a great deal of money to try to do the whole thing. We do not provide drugs in many situations. We provide only so-called maintenance drugs to keep the cost of the program down to about $700 million. We could have approved drug proposals that would have cost $3 billion and they would have higher priority claims than this present amendment would. We could have provided catastrophic insurance proposals that would have cost $2.5 billion, about the same cost as this amendment, or provided much more desperately needed services. But we restrained ourselves from doing that because of the taxes necessary to pay for what we have already provided.

We could have provided additional days in the hospital beyond what we do now, but we did not do that. We could have eliminated the part B and part A deductibles. Everyone knows that under part B, which is the doctors' part of medicare, aged people pay $50 a year and they pay $68 now under part A when they go to the hospital.

We could have eliminated those requirements. It would have claimed a higher priority than optional eyeglasses for what people should be able to budget for themselves when they need a change of eyeglasses. But we did not provide for that because it would cost a great deal of money. So there are many other things in the bill which claim a higher priority by any fair standard.

This amendment claims a lower priority than some of the recommendations of the administration which were left out. It claims a lower priority than many of the recommendations the committee left out. It is a low priority. It means that, so far as the average American family is concerned, they would have to pay some $50 a year in additional taxes just to provide for something that claims such a low priority that 18 States do not provide for these items even though the Federal Government will put up from 50 to 83 percent of the cost of doing it.

For example, in Mississippi, the Federal Government will pay 83 percent of the cost of providing these services for the needy, and they do not provide it because other things claim a higher priority on the tax money of the people in Mississippi. They use the available money for things that the people need more, those required to keep people alive and to protect their health. With 83 percent Federal matching, the State still has not elected to provide coverage for those lower priority needs.

The Senator would now suggest that we do it for those that do not need it. I would say that if we are going to do something of this sort, the starting point would be not to do something which would cost the average working family $50 a year in taxes that they would have to absorb out of their incomes. We could provide that under medicaid we would do all of this for people in need and pay 100 percent—and it would cost only a fraction of what he is suggesting in here. That would be the logical way, but that would not achieve the Senator's objective. We already have those services in the State of Rhode Island for anyone who has need of it. All the Senator wants is to provide for those who have no need for it.

This would be a most unwise thing for the Senate to do, particularly without providing one nickel in revenue to pay for it, to ask Senators to go to a conference with the House with a proposal that would bankrupt the social security medicare trust fund. That, to me, does not make any sense at all.

I urge that the amendment be rejected.

Mr. PELL. Mr. President, I have listened with interest to the distinguished chairman of the committee. I understand his viewpoint, yet I would point out that yesterday, without a limitation, the Senate in its wisdom almost agreed to this amendment. It was six votes short, I think. I have sought, in order to make the amendment more acceptable to my colleagues, to bring in an income limitation so that, as the Senator from Utah pointed out, one great means would not benefit from this amendment.

For that reason I brought in an income limitation which I thought would have made it more acceptable, not less acceptable.

As far as whether foot massage and corn removal could be included, I would think those would be excluded, because the amendment very carefully specifies that the regulations for establishing the service limits will be promulgated by the Secretary of Health, Education, and Welfare. I would very much doubt whether any Secretary of Health, Education, and Welfare would permit foot massage and corn removal to be within the scope of those regulations.

As far as irresponsible legislation goes, as to priorities, this is truly a question of priorities. When we raise the Defense Department budget by $4 billion, when we scatter military assistance all around the world, I think that is a question of mistaken priorities. That is irresponsible legislation from my viewpoint. If when we give dentures, glasses, hearing aids and podiatric care to older people it is to be irresponsible legislation and if it is said that to do these other things is responsible legislation, then I want to be for irresponsible legislation, if that is the definition of it, because to my mind this is where the national interest is, I believe our people need these things, and their not having them is wrong.

Another advantage of this amendment would be that it would reduce the forcing of older people to go on medicaid, which is a greater expense to the American taxpayer and with a loss of their own dignity, sometimes just to acquire hearing aids and eyeglasses and things of that sort that they need.

I realize there are other important elements in H.R. 1 that were dropped because of so-called fiscal responsibility.

I myself had one amendment that was considered by the committee that would drop the deductible plans in A and B. I am not pressing that at this time. I realize the expenses involved. I do think it should be adopted eventually.

This pending amendment simply provides that eyeglasses, dentures, hairing aids, and podiatric care should be made available to those of our citizens with adjusted gross incomes of less than $3,000 as an individual and $5,000 as a family. It is not an irresponsible type of legislation. It is a proper question of priorities.

I would very much hope that this amendment would be accepted.

Mr. LONG. Mr. President, with regard to the podiatric services which the Senator's amendment would provide, the medicare program already provides for nonroutine podiatric services. In other words, if an aged person breaks his foot or if he has to have an operation to remove some growth that impedes or impairs his walking or if he has anything that could be described as a nonroutine podiatric service, that is already taken care of in medicare.

The only thing that the Senator's amendment would appear to afford so far as podiatric services are concerned would be routine services, such as the case of a man with fallen arches who would go to a podiatrist from time to time to let the podiatrist massage his foot or periodically remove some of his toenail or do the kinds of things that are ordinarily the routinely occurring type of service.

Those services that are nonroutine, that a person cannot budget or plan for in advance are already taken care of in medicare.

Mr. President, I hope very much that the amendment is not agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Rhode Island. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Alabama (Mr. SPARKMAN), the Senator from Missouri (Mr. SYMINGTON) and the Senator from Virginia (Mr. SPONG), are necessarily absent.

I further announce that the Senator from North Carolina (Mr. JORDAN) and the Senator from Wyoming (Mr. MCGEE), are absent on official business.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. MCINTYRE), would vote "yea."

Mr. SCOTT. I announce that the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senators from Tennessee (Mr. BROCK and Mr. BAKER), the Senator from Delaware (Mr. BOGGS), the Senator from New Jersey (Mr. CASE), the Senator from Kentucky (Mr. COOK), the Senator from New Hampshire (Mr. COTTON), the Senator from Michigan (Mr. GRIFFIN), the Senator from Florida (Mr. GURNEY), the Senator from Wyoming (Mr. HANSEN), the Senator from Oregon (Mr. HATFIELD), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Vermont (Mr. STAFFORD) and the Senator from Ohio (Mr. TAFT) are absent on official business to attend the Interparliamentary Union meetings.

On this vote, the Senator from Illinois (Mr. PERCY) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Illinois would vote "yea" and the Senator from Texas would vote "nay."

If present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The result was announced—yeas 37, nays 34, as follows:

[No. 487 Leg.]

YEAS—37

Aiken
Bayh
Bible
Brooke
Burdick
Cannon
Church
Cranston
Eagleton
Fulbright
Gravel
Hart
Hartke
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
McClellan
Moss
Muskie
Pastore
Pearson
Pell
Randolph
Ribicoff
Schweiker
Smith
Stevens
Stevenson
Tunney
Williams

NAYS—34

Allen
Beall
Bellmon
Bennett
Bentsen
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Chiles
Cooper
Curtis
Dole
Eastland
Edwards
Ervin
Fannin
Fong
Gambrell
Goldwater
Hruska
Jordan, Idaho
Long
Miller
Nelson
Packwood
Proxmire
Roth
Saxbe
Scott
Stennis
Talmadge
Thurmond
Weicker
Young

NOT VOTING—29

Allott
Anderson
Baker
Boggs
Brock
Case
Cook
Cotton
Dominick
Griffin
Gurney
Hansen
Harris
Hatfield
Jordan, N.C.
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Mundt
Percy
Sparkman
Spong
Stafford
Symington
Taft
Tower

So Mr. PELL's amendment was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PASTORE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHURCH. Mr. President, I ask unanimous consent that Mr. David Affelt, counsel for the Senate Committee on Aging, and Mr. Kenneth Dameron, professional staff member for the Committee on Aging, be allowed to remain on the Senate floor during the consideration of H.R. 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill is open to further amendment.

Mr. LONG. Mr. President, I am aware of the fact that other Senators wish to offer amendments. Therefore, I do not think we should go to third reading at this time. I would hope Senators who have in mind offering amendments would seek to have their amendments printed so that we may have them before us and analyze those amendments.

Unless other Senators care to offer amendments at this point, I suppose that is as much as we can do on the bill today. Those of us on the committee are ready to vote, but I understand that Senators who would wish to offer amendments are not prepared and are not ready at this moment, so I suggest that we turn to something else, and we will be here in the morning.

Mr. ROBERT C. BYRD. Mr. President, may I inquire whether any Senator has any amendment which he is ready to call up to H.R. 1? I see no Senator who indicates he has an amendment ready to call up.

COMMISSION ON REVISION OF APPELLATE COURT SYSTEM—CONFERENCE REPORT

Mr. BURDICK. Mr. President, I submit a report of the committee of conference on H.R. 7378, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BEALL). The report will be stated by title.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7378) to establish a Commission on Revision of the Judicial Circuits of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of September 28, 1972, at page 32755.)

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

THE CONSUMER PROTECTION ORGANIZATION ACT OF 1972

Mr. ROBERT C. BYRD. I therefore, Mr. President, ask unanimous consent, under the order previously entered, that the Senate turn to the consideration of S. 3970.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read the bill by title, as follows:

A bill (S. 3970) to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DOLE. Mr. President, I have submitted to be printed an amendment to S. 3970 which would strengthen the consumer's voice at the highest level of executive branch deliberations.

My amendment would revise title I of the bill by establishing an Office of Consumers Affairs in the White House—to be headed by a single Director who would serve also as the President's principal adviser on consumer matters—instead of the unwieldly, cumbersome, and, I believe, ill-conceived tripartite organization provided in the bill's current form.

I want to emphasize that my amendment will in no way weaken the bill. Rather, it will augment the consumer's voice over and above that which would result from the bill as it was reported.

I believe no one will dispute the fact that while the interests of consumers must be adequately and professionally represented in formal Federal agency proceedings, it is at least of equal importance that the consumer have an active and persistent voice within the deliberative processes by which any administration's basic policies are formed.

Recognition of the need for such a voice prompted President Nixon to establish by Executive order the first full-fledged office within the White House to serve as the guardian and advocate of the consumer at the highest level of Executive decisionmaking.

The organizational structure the President chose for this crucial function was that of the amendment I now propose. The same form was chosen by the House when it passed similar legislation last fall. Its most noteworthy feature is its single director—appointed by the President with the advice and consent of the Senate—instead of a triad of counselors who would be professional peers, yet, as "good soldiers," supposedly be subject to their chairman's direction.

It is said that giving the President three consumer advisers, instead of one, will provide the consumer with a more effective presence in the councils of executive branch policymaking. It is argued that if an office in the White House has been effectively giving voice to the consumer's interests with one director—and I could not agree more with the opening remarks of the distinguished senior Senator from New York concerning Virginia Knauer's outstanding record of accomplishment—then, surely three directors would be even better. But the Senator from Kansas finds it difficult to accept this proposition.

The report which accompanied this bill cites the Council of Economic Advisers and the Council of Environmental Quality as precedents for adoption of the tripartite structure for the President's consumer advisers. But close reading of the functions which the Congress gave the CEA and the CEQ will show that these organizations have little in common with the proposed Council of Consumer Advisers.

Both the CEA and the CEQ are contemplative bodies, composed of members with expertise in technical disciplines, which have as their principal missions preparation of an annual report to the Congress and the President. While each council's organic act specifies additional functions as well, nonetheless it seems clear that they were intended principally to analyze the broad posture of economic and environmental matters, form a general notion of where we are headed, and make annual recommendations based upon this scholarly process.

But the consumer's interests are not well served by such an ivory tower approach. Both the present White House office established by Executive order, and that contemplated by this legislation are charged with a more persistent, regular participation in policymaking.

Within such a framework the consumer needs a single White House spokesman who will continue to be a regular participant and catalyst in forming an administration's policies. This role requires a structure suited to accommodate the oversight and coordinating functions of such participation.

So we should look not to CEQ and CEA as models for the consumer's voice in the President's official family. The coordinating, oversight, and regular participation in executive branch policymaking functions now performed by the President's consumer adviser and her office are much more aptly compared to the similar duties of the Office of Emergency Preparedness and the Office of Science and Technology, with their single-director structures similar to that proposed by this amendment.

Though some may suggest that a three-member council would be capable of performing these duties even more effectively, the indicators are far from unanimous that this would be true. Recent history teaches the example of one new agency, the Law Enforcement Assistance Administration, which floundered in its beginnings when headed by a triad and which began to function properly only after it was reorganized under the direction of a single administrator. And just last year the Ash Commission which analyzed our regulatory agencies recommended, with but one dissent, that even these bodies be restructured from their multimember composition to agencies headed by a single, responsible individual.

Despite its shortcomings, the triad approach might have made some sense in the context of this bill as it was originally introduced, when the Administrator of the Consumer Protection Agency was required to be an advisory council member as well. But the bill's sponsors have, wisely I think, concluded that the independent, formal advocacy function of the CPA would be incompatible with participation in an administration's overall policymaking, and the bill now before us would not require the Administrator's membership in the advisory council. With this evolution of title I, there is no longer any structural reason to retain the council approach.

Clearly, therefore, the case for the three-member consumer adviser council has not been made. In addition, the organization of the Executive Office of the President is a matter upon which the President's own views should be given great weight. And on this point there can be no doubt. By supporting the approach adopted by the House in similar legislation and in his Executive order of last year, the President has unequivocally expressed his preference for a single consumer adviser to head the White House office. Experience with this office has demonstrated the efficiency and effectiveness of the single consumer adviser concept. The proposed switch to a much less efficient three-member council would disrupt current programs and involve considerable expense. In the absence of any demonstrated need for such reorganization, the basic structure should be retained. The consumer's interest will be better served in this arena by the rapier than by the blunderbuss. I urge that this amendment be adopted to assure the promise that this bill holds.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. BELLMON. Mr. President, I rise to discuss title II of the Consumer Protection Act, S. 3970.

The PRESIDING OFFICER. Senators will please take their seats.

The question is on the amendment by the Senator from North Carolina.

The Senator from Oklahoma is recognized.

Mr. BELLMON. Mr. President, I rise to discuss title II of the Consumer Protection Act, S. 3970, and to urge the Senate to consider most carefully the provisions of this title. Although on previous occasions I have supported legislation which promotes and protects the interests of consumers, in my view, S. 3970, under the guise and high sounding phraseology of "consumer protection," if enacted, would result in a detrimental impact on consumers far in excess of any benefits which could be derived by the average American. Although I have no general quarrel with the idea of a governmental consumer advocate who has power to participate in agency proceedings which may affect the interests of consumers, I have some very serious reservations concerning the merits of this particular proposal.

At least two very basic issues must be resolved.

First, since the CPA will be empowered to intervene or participate in agency proceedings whenever the Administrator determines that a "consumer interest" is affected, we must consider the serious questions raised by this delegation of authority. Are consumers a monolithic bloc who have but one interest? Do they have one interest per agency? Per activity? Per issue? If not, whose interest will be represented by the CPA?

The committee report recognized that a diversity of consumer interests exists and that there is a potential conflict among consumers as to which interest or interests should be represented before a Federal agency. The committee report acknowledges this diversity and gives examples of it in considerations of auto safety and hexachlorophene controversies.

But let us pursue another example of diversity of consumer interests. The Federal Power Commisison regulates the transportation and sale of natural gas in interstate commerce. It exercises control over the rates of interstate gas from the wellhead to the city gates throughout the Nation. It also exercises control over the natural gas companies, including the acquisition, construction, and operation of their facilities necessary for the interstate transportation of natural gas for resale.

All these controls exercised by the FPC have some bearing on the availability of gas and the price to the ultimate consumer. Therefore, the interests of consumers are affected. Note that interests—including price and availability—are involved, and I stress the plural.

You may say, very well, the CPA can take part of FPC activities which bear on these interests, and if dissatisfied with the outcome, CPA can sue FPC or participate in any court review if someone else sues. S. 3970 authorizes more. The CPA can take part in activities of the Tariff Commission when imports of natural gas are considered. The CPA can take part in activities of the Department of Transportation, concerning the safety aspects of pipeline transportation of natural gas. The CPA can take part in activities of the Department of the Interior in relation to its responsibilities under the Defense Production Act of 1950, as amended, concerning natural gas. The CPA, in fact, can take part in the activities of all other agencies concerning classification and appraisal of our Nation's resources, of leasing of public lands for development of our resources, and in many other ways participate fully in all activities which bear on the natural gas industry—even down to what would appear to be the ultimate in objectivity, the activities of the National Bureau of Standards, in establishing applicable standards.

By engaging in selective activities of the various agencies, the CPA could effect overall policy beyond the purview of any of these agencies. If rejected at the agency level, the CPA could seek court review of any activity. Thus, by a determination of a consumer interest to have a low price, for example, the CPA could relentlessly engage in several Federal agencies given some responsibility over activities of the natural gas industry. And, because it would be a forceful advocate, with more power than any other party and with enormous resources at its command, it could work its special interest will no matter what the larger public interest may require.

However, in so doing, the CPA could diminish domestic supply by reducing incentive for continued exploration and use of reserves, and thereby make the United States dependent upon high priced, unreliable foreign sources of gas. This would contravene the policy regarding strategic materials. It would also trade off long range consumer interests in favor of short range consumer interests. The question is, would the officials at CPA be wise enough to choose the course which serves consumers best and strong enough to take such action. There is little evidence that existing Government agencies are made up of such descendants of Solomon.

It should be emphasized that we are told that the CPA cannot consider these other public interests. The Committee report states on page 12:

> The committee does not intend to give the CPA the authority or the responsibility to weigh the interests of business against those of consumers or to decide what solutions are in the best interests of the public at large.

There it is. The CPA cannot consider broad national interests, for that is not a consumer interest as defined in this bill.

Yet we are asked to give the CPA vast and unprecedented powers.

While the CPA may recognize the existence of a variety of consumer interests, it is not obligated to represent all of them. It can select one interest and pursue it almost without limit. In fact, in the case of conflicting consumer interests, CPA will have to take sides among its own constituency. It is true that CPA technically is a nonregulatory agency. But, clearly, CPA will regulate the regulators and attempt to publicly spank them in court whenever they take a public interest position which CPA officials feel conflicts with the special short range interest of consumers. And still, who is to say what is a consumer interest—no one but the Administrator of the CPA—this is simply too much power to place in the hands of one man. This and this alone is enough to reject this bill, but another basic issue must be considered.

Once it has been determined that a consumer interest is involved, how much "discretionary power" are we willing to confer upon the Administrator of the Consumer Protection Agency? Although the central purpose of the new Consumer Protection Agency—to represent in Agency and court proceedings the interest of American consumers—is simple, the problems in this legislation go far beyond the concept of whether to establish a new consumer advocate, and extend to the question of precisely what powers this advocate should possess and be able to exert throughout the Federal Government.

In order to answer this difficult question, we must analyze the effects of this new Agency upon the workings of Government. My own view is that the present version of the bill glosses over many problems which must be squarely confronted and solved before this bill is enacted into law.

I refer to section 203 of the bill because all parties have generally agreed that this section represents the "heart" of the new Agency's role. Section 203(a) confers upon CPA an absolute right to intervene or "otherwise participate" in every Federal agency proceeding which is subject to the Administrative Procedure Act, or which is otherwise conducted on a record after opportunity for an agency hearing. Although the CPA must comply with certain rules of procedure once it has intervened, the question of whether to intervene or participate is entirely subject to the discretion of the CPA Administrator. In addition, section 203(a) permits a range of participatory status for CPA, the choice of which in any particular proceedings is left entirely to the discretion of the CPA Administrator. This element of discretion is stated in a curious way in the last sentence of section 203(a), which appears to urge CPA to seek less than party status wherever possible. But it also makes it absolutely clear that if CPA regards full-party status as a necessary form of participation, it may choose that full-party status without the obligation to consult with the host agency in whose proceeding CPA has determined to intervene.

Having examined the contents of section 203(a), we must ask the question: What effect does this provision have upon the workings of most Federal agencies? In so doing, we must note that the definition of "Federal agency" in section 401(9) of the bill includes Cabinet Departments and the Executive Office of the President, as well as the Federal agencies. Therefore, it is quite clear that this bill would create nothing short of a "super agency" or "super lawyer" or whatever with broad powers to interject itself into the regulatory activities of every Department, agency phase of the executive branch of Government.

In my opinion, section 203(a) simply goes too far in the direction of permitting this consumer advocate to exert a destructive impact on the manner in which the executive branch enforces the legislation which Congress has delegated for its administration.

Let me illustrate: Consider for a moment the fairly typical situation of a Federal agency which has instituted an adjudicatory proceeding against a defendant to determine whether he has violated Federal law. These kinds of proceedings are instituted by a great number of Federal agencies—notably the Department of Justice, the Federal Trade Commission, the Securities and Exchange Commission, and others.

Assuming for a moment that there is some reasonable claims of a "substantial consumer interest involved" in the particular proceeding, section 203(a) would then come into full play.

Under its language, CPA would have an absolute right to intervene as a full party if it so chose or to participate in some lesser status if its own sense of priority and policy dictated such a lesser status. For purposes of analyzing the likely consequences of section 203(a), we will assume that in this particular proceeding CPA opts for full-party status because it regards that status as necessary for the adequate representation of consumers.

It must be kept clearly in mind that this word "party" is a legal term of art, a status which carries with it an important collection of rights, some of which are described in the committee report on page 27. It is fair to say, in fact, that intervention as a party in a proceeding conducted by a Federal agency will give CPA a collection of rights which will place it in a precisely equal status to the defendant or respondent in these proceedings of law. While this fact has concerned a number of Senators because of the way in which CPA party status might affect that defendant or respondent, I will concentrate my discussion of this matter on the way in which CPA full party status will affect the control of an administrative litigation by the agency responsible for instituting it.

In order fully to comprehend this affect, it is necessary first to recognize that enforcing agencies—like everything else in this world—must make choices between competing priorities and among various possible policies which they might pursue. This is so because no agency possesses unlimited resources, unlimited funding or an unlimited amount of time in which to pursue its enforcement mission. These restricted resources, however, must somehow be parceled out so that the enforcing agency can do as good a job as possible in pursuing its regulatory aims. Since it is simply impossible for the Federal agencies to pursue every complaint of wrongdoing to the point of full litigation, other devices have been developed to enable them to do their jobs by methods which require less than the full-scale commitment of resources which a typical litigation calls for.

One example of the ways in which Federal agencies have sought to narrow this gap between enforcement opportunities and enforcement capabilities is by the device of the consent decree, consent judgment, or other types of negotiated settlement which avoid the need for a formal prosecution of every alleged violation of Federal law. Many Federal agencies have found that the law can be enforced more comprehensively and more effectively in this way than by the bringing of a relatively small number of litigations—whether administrative or judicial—against a limited number of defendants.

The ability to take advantage of these types of negotiation procedures depends upon mutual consent of the parties, and in this setting consent will be required of all the parties to that particular proceeding. Thus, if section 203(a) of this bill is enacted in its present form, it will no longer be sufficient for an enforcement agency and the defendant to come to terms over a negotiated settlement. Instead, in any case where CPA has also become a party to the particular proceeding, it may be necessary to obtain CPA's negotiated consent to any resolution of the case before settlement occurs.

In these circumstances, section 203(a) injects an entirely new fact into the present administrative facts of life. No longer would an enforcing agency be free to decide, for instance, that with respect to a certain type of law violation every effort will be made to assure compliance by means of consent settlements rather than full litigation. No longer will the enforcing agency be able to plan in advance the proportion of its resources which it chooses to invest in a particular kind of litigation, because no longer will that enforcing agency be dealing only with one other party. Instead, its proposal for settlement must also satisfy a new party to the proceeding, who will have his own priorities and policy judgments which he is seeking to pursue.

Thus, in any particular case the administrative prosecutor in charge of an adjudicatory proceeding for violation of law can no longer negotiate on a one-to-one basis with the defendant in that proceeding. Rather, his decisions whether to proceed to negotiation, to force the matter to a litigation, or to terminate the proceeding because of facts which have been brought to light by the defendant or by his own staff, will no longer be in the prosecutor's hands alone. Once the proceeding is instituted, every party to that proceeding—including

CPA—must concur in these types of judgments and these types of policy determinations before they can be put into effect.

There is no way of knowing for sure, of course, the extent to which this potential distortion of prosecutorial control might become a reality. There is no way of knowing, under present section 203(a), to what extent and in which types of proceedings CPA will decide to become a full party. But we do know that under the present version of the bill there is an undetermined potential for massive disruption of the policy orientations and priority judgments which each enforcing agency presently makes according to its own good-faith judgment of what will best serve the public interest. We do know, under the present language of section 203(a), that there is no way whatsoever in which any particular enforcement agency can assure itself that it will in fact be able to pursue the enforcement policies and the priority judgments that it does make.

I submit that a provision like 203(a), which leaves the entire Government in doubt as to these very practical and fundamentally important issues, is inherently an unwise statutory provision. I submit, further, that, in order to render it a sound provision, we must make an effort to inject into this section a protected zone of discretion for the enforcing agencies, so that they can retain some measure of control over the extent to which CPA participation will result in alterations in the policies and priorities which they otherwise would pursue. Further, I submit that we can do this easily by stating that the form of CPA participation in any adjudiciatory proceeding where enforcement of the law is at issue be subject to the discretion of the enforcing agency before CPA begins to participate. I am not for a moment suggesting that the question whether CPA can participate be subject to any host-agency control, but only that the host agency have some measure of control over the form of that participation, so that its own enforcement scheme can be administered as it sees fit and as Congress originally envisioned.

With changes like these in section 203 (a), we will go a long way toward answering the objections to the present version which were voiced, for example, by the Department of Justice when it expressed the view that CPA's powers of intervention pose a threat to the "orderly and effective dispatch of the public business in the public interest." We would also answer the Department of Justice's point that the "exercise of prosecutorial discretion is a delicate and sensitive task best left to the branch of Government chosen by Congress to conduct litigation involving the interests of the Federal Government."

By dwelling at length on the problems inherent in section 203(a), however, I do not mean to minimize certain other problems raised by this bill which are equally in need of solutions. Perhaps foremost among these involves the issue of CPA participation in Federal agency "activities" under section 203(b). By the word "activities," the bill means "any agency process, or any phase thereof, conducted pursuant to any authority or responsibility under law, whether such process is formal or informal." While the definition in section 401(4) also specifies that "activity" does not mean any particular event within the agency process, it is clear from the definition that the use of this term is intended to cover the entire world of administrative activity which is not included within the structured proceedings described by section 203(a). In other words, the word "activities" means everything that an agency does which is left over after the formal proceedings are isolated.

Section 203(b) suffers from one particular shortcoming that section 203(a) does not share. This shortcoming is a frustrating lack of clarity of meaning, which in effect would force every agency of government to guess at what its rights and responsibilities are vis-a-vis CPA participation in all of its activities. The first part of what CPA can do in these activities is fairly straightforward. Under paragraph (1), CPA is given an absolute right to present information, briefs, and arguments—in oral or written form—to responsible agency officials. This provision seems clearly designed to assure a measure of CPA input in all agency activities which substantially affect the interests of consumers and with respect to which CPA determines that its participation would be helpful.

But there is a second participatory provision in section 203(b) which is not so clear and not so free of problems for the functioning of government. This second provision, which is contained in paragraph (2) of subsection (b), seeks to assure CPA an "equal opportunity" to that of any person "outside the agency" to participate in any agency activity. While it also specifies that this participation need not be simultaneous with the participation of any outside person, it does create a tremendous problem of interpretation by its use of the "equal opportunity" concept.

I am well aware of the difficulty which the drafters of this provision must have experienced in formulating a provision to guaranty consumer input on a par with the input from other interests. I am also sensitive to the fact that this particular provision has been the subject of a great deal of excited invective and bombastic condemnation which have done little to advance a mature analysis of its meaning.

But I must say, in all honesty, that the "equal opportunity" concept which this provision attempts to inject into every facet of administrative action is difficult to describe without coming to the conclusion that it is a hopeless morass of confusion and an invitation to administrative paralysis.

I say this for a number of reasons First, to equate CPA's participation with the hypothetical or actual opportunity to participate of some other hoypothetical or actual participant makes very little sense in light of the different purposes for which outside persons may be called upon to participate in administrative activities. For example, some outside persons participate only by responding to subpenas or by answering investigatory inquiries. Others may express policy views or may respond by way of providing specialized or even general information. But the Administrator of CPA has only one function, and that is to assure that the consumer viewpoint is presented. His ability to fulfill that purpose has no necessary relationship whatever to the rights, obligations, or functions that may be served when others participate or have an opportunity to participate.

Second, the effort to equate CPA participation with that of other persons also makes little sense in terms of the mechanics of informal agency action. This type of nonstructured activity is conducted on a daily basis. It may be conducted by telephone; it may be conducted in face-to-face meetings; it may be conducted by correspondence; or it may be conducted in any other of the infinite ways in which any Federal agency may deal with the outside world. By trying to equalize these contacts to the types of contacts which must be available to CPA, section 203(b)(2) seems to be saying that a telephone conversation with an outside person creates an immediate obligation on the same agency official to provide an "equal opportunity" for CPA to have a telephone conversation of roughly equal dimensions with him. Similarly, if an agency official has asked an outside person for an economic analysis, this provision presumably means that CPA must be given an opportunity to submit a counteranalysis. I suggest that this kind of administrative straitjacket is nonsense in light of the realities of administrative life.

Third, because this "equal opportunity" concept makes so little sense in the context of administrative activities, the present formulation of section 203(b) would pose a serious threat to the very functioning of the administrative process. For one thing, it will be difficult for any agency to decide what this provision requires in any particular fact situation.

Even if an agency official can come to peace with an interpretation of what is required of him under this provision, it is by no means clear that it will be possible for him to equate CPA's opportunity with the opportunity of others while at the same time carrying out his own responsibilities. Finally, no matter what the agency official finally decides to do, he can never act with an assurance of finality because CPA will always have the authority to complain about the treatment it received and to seek court review—under section 210(e)(1)—on the basis of an undefined and senseless standard. Constant judicial review of this sort could, in turn, lead to an administrative paralysis the likes of which no one could seriously desire.

As a concrete example of the types of difficulties that might occur if we were to enact section 203(b)(2), suppose for a moment the pendency of a trade negotiation between officials of the United States and foreign interests under the General Agreement on Tariffs and Trade. Clearly the American officials in charge of negotiating such a trade agreement would be acting under the auspices of a Federal agency as defined in this bill. Just as clearly, the trade negotiation itself would be an "agency activity" within the definition supplied by the bill.

Finally, since the term "person" is defined in the bill as anything but a Federal agency, there is also no doubt that the foreign negotiating team would be an "outside person" within the meaning of section 203(b)(2). In these circumstances, does the bill mean that CPA must, if it chooses, be made a full third-party negotiator with rights equal to the negotiators for the foreign interests? Does it mean that no agreement can be concluded without providing CPA with an equal opportunity to spend time discussing the proposed agreement with the two parties at interest?

I do not claim to be able to answer this question with absolute certainty, but the fact that it is raised at all by section 203(b)(2) gives some indication of both the ambiguity and the possible ridiculous results of that provision. This is not to say, of course, that it would be ridiculous for CPA to have a right to present its views on the trade negotiation pursuant to section 203(b)(1). But it seems to me that this sort of presentation of views is the maximum that is called for in both this example and most other examples that I can conceive of.

By the same token, we must keep in mind that section 203(b)(2) would apply as well to the functions of the Executive Office of the President. There is no exemption for the Executive Office either in the definition of "Federal agency" contained in this bill or in the definition of "agency" contained in the Administrative Procedure Act from which the bill's definitions are derived.

Since, then, the Executive Office will be a Federal agency, does this mean that whenever a Presidential assistant meets with a member of the public to discuss a topic of consumer interest—for instance, the possibility of a work stoppage in a major American industry—that CPA must be given an "equal opportunity" to participate in the consultation even if not simultaneously? Does it mean that the President himself cannot formulate and issue an Executive order without giving to CPA an "equal opportunity" to provide input on that order? I do not pretend to know for sure the answer to these questions. But I do know that they are raised by the cypher-like language of present section 203(b)(2). And since they are raised, it is incumbent upon the Senate to grapple with them and decide whether a provision like section 203(b)(2) should be enacted into law when it is impossible for anyone ever really to know its precise meaning.

Particularly with regard to questions which this provision raises with respect to forced participation in activities conducted by the Executive Office of the President, this uncertainty of meaning could actually lead us to a violation of the principle of comity between the legislative and executive, which is based upon the separation-of-powers principle of the Constitution. Since even Congress itself probably could not demand that Presidential assistants give a committee chairman an equal opportunity to participate in their activities, it seems doubtful, to say the least that we can establish a child of Congress to which we can accord more power than we ourselves could exert.

Thus, as well as facing us with a provision whose meaning is impossible to decipher, section 203(b)(2) is open to interpretations which are at one and the same time ridiculous in their results but supportable as a matter of statutory interpretation. It seems to me that what we should really be after in this bill is not the erection of a confusing standard like "equal opportunity," but rather an assurance that the consumer viewpoint will be accorded a hearing in the course of agency activities which substantially affect consumer interests. As I read this bill, such a hearing is already guaranteed by section 203(b)(1). The only thing that section 203(b)(2) adds is confusion, ambiguity, and an indication that the Congress is really not sure of what its own legislative language may lead to.

A similar kind of impression, incidentally, is also evident in the judicial review section of this bill. Section 204(a) speaks about CPA intervention or institution of proceedings for "review or enforcement" of Federal agency action. I am troubled by this language not because I quarrel with the concept of CPA participation in judicial review or even with the concept of CPA's bringing actions for such review. I do question, however, what the "enforcement" language is intended to add to the "review" language which already appears in this section.

I had always thought that the concept of judicial review already covered enforcement proceedings which were themselves the only vehicle for review of a Federal agency action. If this is so, why is it that the bill speaks in terms of review or enforcement rather than simply of "review" standing alone. I do not know the answer, but it does seem to me that the judicial review provision would be more precise and less ambiguous if it spoke only of judicial review, as its heading implies, and not of something called "review or enforcement," the meaning of which I am afraid is less than crystal clear.

The problems in the judicial review section, however, are obviously not of the same order of magnitude as those arising from the intervention provisions. The only provisions in this bill which are of a similar order of magnitude are those dealing with the authority given CPA to gather information. These, of course, must be considered in light of CPA's primary mission—as a partisan advocate of a private interest which CPA is expected to represent with all the vigor and force it can command. Because CPA is primarily an advocate for one private interest— albeit an important one—I am gratified to know that its derivative subpoena power set forth in section 203(e) is subject to the host agency's rules of practice and procedure. This is a necessary kind of formulation in order to assure that other parties to proceedings where CPA appears, as well as the agencies conducting those proceedings, do not have to contend with a "super-party" who is able to call upon information-gathering tools that are unavailable to other parties. Creation of such a super-party, of course, would seem directly at odds with the aim of this bill, which, as I understand it, is to fill the empty chair of consumer representation with a co-equal advocate who has the interests of consumers primarily at heart.

Unfortunately, however, the section 203(e) power—which provides equality for CPA in its use of compulsory process in proceedings—is not the only information-gathering authority contained in this bill. Even more unfortunately, the additional authority granted CPA does not seem to have been formulated in the same spirit of creating a co-equal party, rather than a super-party, in agency and court proceedings.

The worst example of this distortion of the equal party concept is represented by section 207(c). This section requires every Federal agency—and I have previously explored the almost unlimited scope of this term—to open its files to CPA access whenever CPA so demands. There is no provision for the exercise of discretion by the agency which receives such a demand. There is no mechanism for appeal to the President or the Congress of the question whether the type of information demanded by CPA is appropriate for disclosure by the other agency. There is only a flat legislative subpena of sorts against every regulatory agency, Cabinet Department and perhaps even the Executive Office of the President—if this is constitutionally permissible—to open its files on the unchallengeable request of one man, the Administrator. Much has been made of the fact that section 207(c) contains some exemptions from this subpena. But a close look at these exemptions will demonstrate just how woefully limited they seem to be.

First, there is an exemption for information classified for national security reasons. No one could argue with this exemption, but everyone can agree that it is a relatively limited type of information which it covers. Next, there is an exemption for something called policy recommendations by agency personnel which are intended for internal agency use only. Notice that this exemption does not cover internal memorandums of all types but merely those which can be termed policy recommendations. So we have a very limited scope of operation for this exemption, and we discover from page 48 of the committee report that this exemption is so narrow as to be almost meaningless. It does not appear, for instance, that the policy recommendation concept will cover investigatory files, even when the investigation in question is still pending and even when such a file may never have reflected any actual violation of law. It also does not cover a whole host of other kinds of internal agency documents, like, for instance, the notes and drafts of hearing examiners and commissioners in a pending case or, apparently, the written advice of agency counsel to a hearing examiner or commissioner. In sum, an agency which receives a demand to open its files to CPA will be hard put to rely upon the policy recommendation exemption to refuse that demand.

The third exemption deals with routine executive and administrative functions such as the internal management of the agency and the internal delegations of authority within the agency. Once again, this exemption is hardly of a type to cover a very broad scope of information.

The fourth exemption is stated in terms of an exemption from the Freedom of Information Act and concerns personnel, medical and other files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Once again, the scope of this exemption is very narrow, and there is no reason to believe that it would be interpreted any more broadly than the identical language of the Freedom of Information Act.

Finally, there is an exemption from forced disclosure of information which a Federal agency is expressly prohibited by law from disclosing to another Federal agency. On its face it is difficult to interpret what this exemption in fact covers. This very uncertainty, as a matter of fact, is one of the weaknesses of this section. But I suspect that the type of information which one Federal agency is prohibited—as opposed to permitted—to refrain from disclosing to another agency is very small indeed.

A more fruitful way of gauging the scope of section 207(c) is to list the types of information which are clearly not exempted from forced disclosure to CPA. These include—in addition to the Hearing Examiner and Commissioner materials previously mentioned—such things as information concerning personal matters which have been uncovered during an agency investigation or with respect to which the right of privacy has been waived for a limited purpose; confidential business or other information submitted voluntarily or under compulsion, or in the understanding that it was to be treated confidentially; and other documents which the collecting agency had become privy to only because the persons submitting those documents had been assured that they would go no further.

Leaving aside for a moment the question whether it is fair to opposing interests to provide a partisan advocate with this kind of access to information in agency files, we should dwell first upon the effect of this provision on the operations of the entire Federal structure. While many Federal agencies collect much of their information by compulsory process, I think it is fair to say that most of the information which agencies need and receive is submitted voluntarily on the understanding that it is to be put to use only by the agency which receives it. In this way, for instance, the Department of Commerce is able to collect much data on business trends in this country. In this same way, the enforcement agencies of government are often able to discover information voluntarily because the person submitting that information is eager that the enforcing agency become aware of it.

But what will happen to this constant voluntary stream of information from the outside world if the people who normally submit it become aware of the fact that it can be forced out of the receiving agency's files merely upon the request of CPA? We have no way of knowing the answer to this question, of course, but the possibilities for bringing to a screeching halt the free flow of information from the private sector to the public sector are clearly implicit in this section.

Even aside from this crushing effect on the ability of other Federal agencies to maintain an exchange of information with the private sector, we must be aware that section 207(c) virtually destroys the careful balance between CPA and other advocates which section 203(e) attempts to establish. Senators will recall that section 203(e) subjects CPA subpena requests to the rules of practice and procedure governing the particular proceeding. In itself, this is a salutary provision, because it means that CPA will have no unfair advantages over parties against whom it may be litigating. But where is there a similar protection against the use of information which CPA may gather from other agencies against persons about whom that information speaks? Where is the equality of advocacy which is the basic concept, as I understand it, of this bill? I suggest that this concept has been lost sight of in the zeal to provide a crushingly strong and effective advocate for the consumer interest. I further submit that losing sight of this principle of equality makes a mockery of the central aim of this bill, which is supposed to be the establishment of a nonregulatory partisan advocate, and not a superagency or a superparty in agency proceedings.

Thus, I would suggest that section 207(c) is in need of the same sort of limitation that section 203(e) presently contains. That is to say, that CPA should be permitted to obtain from its sister agencies the same sort of informational background that an outside advocate would be able to obtain from the same agency. To provide CPA with less power would mean rendering it a weak advocate for the consumer interests. But to provide it with more is to render CPA not an advocate at all but a superagency which has more power to demand and use all the data ever collected by the Federal agencies than any other instrumentality of Government.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. INOUYE). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE BUSINESS TOMORROW, FOR H.R. 1 TO BE LAID BEFORE THE SENATE, AND FOR S. 3970 TO BE TEMPORARILY LAID ASIDE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders conclude their remarks under the standing order, there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to three minutes, at the conclusion of which the Chair lay before the Senate H.R. 1, and that the unfinished business, S. 3970, be laid aside temporarily, and remain in a temporarily laid aside status until some hour during the day to be determined by the distinguished majority leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR H.R. 1 TO BE LAID ASIDE TEMPORARILY TOMORROW AND FOR SENATE TO PROCEED TO CONSIDERATION OF DEFENSE APPROPRIATION BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at some hour tomorrow, to be determined by the distinguished majority leader or his designee, the welfare bill, H.R. 1, be laid aside, and that the Senate then proceed to the consideration of the defense appropriation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME LIMITATION AGREEMENT ON HEW APPROPRIATION BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the bill making appropriations for the Department of Health, Education, and Welfare is called up and made the pending business before the Senate there be a time limitation thereon of 3 hours on the bill, with 1 hour on any amendment; that time on the bill be controlled by and divided between the distinguished Senator from New Hampshire (Mr. COTTON) and the manager of the bill, the Senator from Washington (Mr. MAGNUSON); that time on any amendment to an amendment, debatable motion, or appeal be limited to 30 minutes; and that the agreement be in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THREE AMERICAN PRISONERS OF WAR REACH UNITED STATES

Mr. MANSFIELD. Mr. President, we are all glad that the three American prisoners of war are home at long last. It has been a voyage of difficulty for those three Americans. An editorial appeared in yesterday's Christian Science Monitor entitled "Three Prisoners and the War," which I ask unanimous consent to have inserted in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THREE PRISONERS AND THE WAR

The three prisoners on their way home from Vietnam were in a miserable position which is itself a characteristic of the miserable war which caught them up and imposed conflicting duties and responsibilities upon them.

As commissioned officers in the American armed forces they were under U.S. military discipline and should have reported to an official of the U.S. Government at the earliest possible opportunity. That occurred at the Moscow airport when an embassy official offered them lodgings at the embassy and passage back to the United States via American military aircraft.

But they had contrary obligations as human beings concerned about the fate of the other Americans still in prison back in Vietnam and as men on whose behalf promises had been made to the North Vietnamese Government as a condition for their release.

There is no possible way of reconciling those obligations. The three men were caught, and they will continue to be caught, in the ambiguities of an ambiguous war which is in itself the greatest of ambiguities because it is one of the most vicious and destructive of all wars and yet is not technically or legally a war.

The Congress, which under the American Constitution has the exclusive ability to declare war, has never declared it to be a war. Three American Presidents—Kennedy, Johnson, and Nixon—have ordered American soldiers into combat in Vietnam under their powers as Commander in Chief of the armed services. Yet none asked the Congress for a declaration of war or even seriously considered doing so.

This is the biggest and longest undeclared war in American history. It is a war in every factual sense. In terms of wreckage of human lives and numbers killed it has done to Vietnam and its people what the Thirty Years' War did to the Germans.

A committee of the Congress is proposing a law to prevent individual Americans from going to Hanoi, as did those antiwar movement people who arranged for the release of these three prisoners. And yet it would certainly be a denial of constitutional rights of the citizen to pass any such law. A citizen should be free to travel except to an enemy country. There is no legal enemy without a legal declaration of war by the legally constituted authority, the Congress.

This war that isn't a war has seized three human beings and put them into a situation where they must choose between their obligations to the United States as commissioned officers and their obligations to those who secured their release and to their comrades left behind. Whatever they do or say will be used as propaganda either by Hanoi or by Washington. There is no clean, clear, honorable way out. Their personal problem is as tragic as is the war itself which has long outlived whatever theoretical justification ever existed for it. The real rationale for it—the alleged menace of Communist China—disappeared the moment President Nixon announced his new policy toward China.

This predicament of three young men is relatively small against the monstrous destruction of human life and values which still continues. Yet the story is graphic. It calls our attention to the unsatisfactory nature of this war and to the fact that it still continues and still poses ambiguous problems which defy clean solutions.

The moral of it is, however, simple. The United States should get out of this war at the earliest possible opportunity. We can only hope that Henry Kissinger is on his way to such an end.

THE UNCERTAINTY OF SCHEDULING SATURDAY SESSIONS

Mrs. SMITH. Mr. President, I ask unanimous consent to have printed in the RECORD a letter I have today sent to the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD), the majority whip, concerning the uncertainty of scheduling Saturday sessions.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., September 29, 1972.

Hon. ROBERT C. BYRD,
Majority Whip, U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: I was on the Senate Floor yesterday at the close of the session when you announced the program for today. I have this morning read the RECORD. I note your notice that "hopefully Senators will be ready to call up amendments on which yea-and-nay votes could occur." However, I note that no notice was given with respect to tomorrow.

As you may recall, I have refrained from asking for accommodation with respect to the scheduling of roll call votes although I make every effort to be present on all roll call votes. I have refrained from doing so because I do not want to be a party to accommodations that delay the work and schedule of the Senate.

However, I do wish to express a desire that the members be given greater definitiveness on the schedules for Friday afternoons and Saturdays. A week from this past Thursday it was announced that there would be four roll call votes on last Saturday. When this was announced I gave notice back in Maine of cancellation on speaking dates for Friday and Saturday and cancelled my airline reservations. Then on mid-Friday it was announced that there would be no session on that Saturday.

I have a half dozen meeting commitments for tonight and Saturday in Maine. I have informed the persons in charge of those meetings at which I am scheduled to attend that I will have to cancel out because of being told yesterday that the Defense Appropriations bill will be brought to the Senate Floor for debate and voting and passage tomorrow. But there has been serious speculation that it will not be possible to get a quorum tomorrow because of the anticipation of so many absentees and that consequently there will be no request for roll call votes tomorrow.

Those of us who are trying to do our duty of staying here for roll call votes and to muster a quorum in order to do Senate business, and yet get back home for our election campaigns, are put in a most unfair position by the uncertainty as illustrated this past weekend and this weekend. If we stay here when we have been warned that there will be roll call votes and then there are no roll call votes, we are then given the image back home that after all we could have been back in the state. On the other hand, if we return to the state and there are roll call votes then we have the image of being derelict in our duty.

I realize that the Senate leadership cannot control or anticipate what all of the Senators might do on requesting roll call votes. But, on the other hand, it is quite often that the Senate leadership itself determines and requires roll call votes, even on some matters on which there is not a single dissenting vote cast.

I am not asking for any accommodation from the Senate leadership. If you desire and decree roll call votes and quorum calls on late Friday afternoon and on Saturdays I shall continue to cancel my meetings back in Maine.

However, all that I ask is that the Senate leadership let us know by Friday noon one way or the other what the Senate leadership itself has decided on roll call votes on Friday afternoons and Saturdays—so that we can plan to either be here to answer roll call votes or we can be back in the state keeping our commitments on meetings.

Sincerely yours,
MARGARET CHASE SMITH,
U.S. Senator.

NOTICE TO SENATORS REGARDING SATURDAY SESSIONS

Mrs. SMITH. Mr. President, I have been in and out of the Chamber all day, attending committee meetings this morning and this afternoon, in an attempt to find out just exactly what is going on tomorrow in the Senate.

I would like to ask the majority leader if any specific statement has been made as to what is to be done and whether there are apt to be any votes tomorrow.

Mr. MANSFIELD. Mr. President, the Senate will come in at 9:30 tomorrow. I do not know whether an order has been entered into, but it is our intention to file a motion for cloture tomorrow on the Consumer Council bill. It is our intention to take up H.R. 1 tomorrow. It is my understanding there will be at least one vote in the form of an amendment, perhaps others. I would hope so. It would be our hope that we would get started on the Defense appropriation bill, if at all possible.

Mrs. SMITH. I will ask the majority leader if it is expected that there will be a quorum here.

Mr. MANSFIELD. Yes, it is.

Mrs. SMITH. I ask these questions, Mr. President, because word has just come to me that Senator JACKSON has already informed the White House that there would be no votes on the Defense appropriation bill tomorrow because of the possible lack of a quorum. I wondered why, if such a statement had been made through the authority of the majority leader, at least those of us who are on the committee could not know.

Mr. MANSFIELD. May I say to the distinguished Senator that no such statement was made by the leadership on this side of the aisle, and certainly if we had made a statement like that to any individual Senator, we would, if that ever happened, and in accord with how we try to conduct the affairs of the Senate, notify the Senate as a whole. We play no favorites. We view the Senate as an entity, and we try to do our best to keep the Senate as an entity informed as to what the situation is.

The Senator is aware of the fact that we are trying to get out by the 14th of next month. Whether or not we can make it, I do not know, but it is the leadership's intention to try to do so.

If my memory serves me correctly, the meeting tomorrow will be the second Saturday meeting this year. Others were contemplated, but because of various pressures, it was not possible to go through with the plans of the joint leadership on those occasions. This time we feel we have a responsibility and we feel that there is important legislation pending and we would like to dispose of it one way or the other.

Mrs. SMITH. Mr. President, I listened to the acting majority leader last evening before adjournment, and I heard nothing about a session on Saturday. I think he did not mention Saturday at all, as I recall. This morning I wrote a letter to Senator BYRD and sent a copy to the distinguished majority leader, Senator MANSFIELD, and to the minority leader, Senator SCOTT.

I think my record is quite clear. I have never requested that legislation be delayed. I have stayed here many, many times so I would not be the cause of no quorum here. I have tried to keep a record on rollcall votes, but, more importantly, that a quorum would be present.

Last week I canceled my reservations, and you do not get reservations to go to Maine easily, after there was a unanimous consent agreement that there would be four record votes on Saturday. At about 2 o'clock on Friday afternoon, or shortly thereafter, it was announced that there would not be a session on Saturday. I had already canceled my reservations, and, with some trouble, I was able to get them back, so that I could keep my commitment on Friday night although I arrived at the meeting 2 hours late and a goodly portion of the group had left.

I talk about this because those of us who are running for reelection, who try to carry on and not delay the Senate's business—and I am in great sympathy with the majority leader on this—feel that perhaps if we could be more specific about whether there will be a session, and then it falls through, or whether there will not be votes, it would be very, very helpful.

If I send word to the meeting in Maine this evening, which I have already done, that I cannot be there because I could not get late reservations and I had to be here tomorrow because the Senate was in session and voting, and then if we were not in session and voting, I am not looked upon with very good favor, and the newspapers report that I am not present at the meeting because I said I was going to be in the Senate voting. If I go up there and then we are in session and voting, or the Senate tries to vote and we do not have a quorum, then I am in wrong on the other end.

I am just wondering if in the last few days of this session the majority leader and the minority leader could not get together and give us some assurance and time so that at least we could make our reservations or cancel them with some understanding of the program.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mrs. SMITH. I yield.

Mr. MANSFIELD. The Senator has made a most reasonable request. I can understand her position. There is no more dedicated Senator as far as attending to the business of the Senate is concerned. The joint leadership has tried to work together to plan a schedule as far ahead as possible. The last cancellation which the distinguished Senator had to make was made as a result of a decision made at the last minute. If the Senator will recall, I took the floor that afternoon and expressed my personal embarrassment for what had occurred, and my personal apologies to Senators on both sides of the aisle who had been affected by this very late decision. But I want to assure the distinguished Senator that there was no choice in the matter and, under the circumstances, it was felt that that was the only thing which could be done in view of the situation which had existed, about which the majority leader did not know a thing until around the hour of 2 o'clock that afternoon. It was unfortunate. Again, I wish to apologize, but I want to say to the distinguished Senator that I expect a quorum here tomorrow, and if a quorum does not show up, then I think the Senate will be the loser because of what will occur. I expect at least one vote tomorrow on H.R. 1—hopefully more—and, if the Senate is willing, we would like to get started, on the defense appropriation bill.

But may I reiterate again that, as far as any Senator telling the White House or any other Senator or anybody else, apart from the leadership, that there will be no votes tomorrow, that there will be no quorum present, that individual has information which is not available to the leadership, and certainly the leadership had no connection with such a statement and would disclaim it completely.

Mrs. SMITH. May I ask the majority leader if it is his plan to keep the Senate in session until there is a quorum tomorrow, in case there is not one?

Mr. MANSFIELD. No. If it appears, after a reasonable, or perhaps unreasonable, period of time that a quorum is not here, then we will go over until Monday and we will have a quorum call first thing.

Mrs. SMITH. I asked that question because word came to me that the word by Senator JACKSON was that there would be no votes on the Defense Appropriation bill, but word also came through that there would be at least 45 absentees tomorrow. If it is known at this time that there are 45 absentees, I wonder how the majority leader can believe that there would not be more by tomorrow morning.

Mr. MANSFIELD. Well, I have a lot of faith in the Senate. Sometimes it is strained, but I still retain it, and I expect Senators to live up to their responsibilities and be here, just as the Senator from Maine does, even though it means a cancellation of some very important engagements in a very important campaign.

Mrs. SMITH. Mr. President, I will take the majority leader's word, as I always do, and cancel the rest of my reservations and send word through to Maine that I shall not be there for the several meetings I have scheduled tomorrow.

Mr. MANSFIELD. Mr. President, I hope that tomorrow does not make me a prevaricator, because if a quorum of the Senate does not show up I will be in the soup, along with the distinguished Senator from Maine and the others who will be in attendance.

So I urge the attachés on both sides of the aisle to call every Senator's office, to tell them that there will be a session tomorrow beginning at 9:30, and to request their presence in this Chamber.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SALE AND EXCHANGE OF CERTAIN INDIAN LANDS

Mr. JACKSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 345.

The PRESIDING OFFICER (Mr. HRUSKA) laid before the Senate the amendment of the House of Representatives to the bill (S. 345) to authorize the sale and exchange of certain lands on the Coeur d'Alene Indian Reservation, and for other purposes which was to strike out all after the enacting clause, and insert:

That for the purpose of effecting consolidations of land situated within the Coeur d'Alene Indian Reservation in the State of Idaho into the ownership of the Coeur d'Alene Tribe and its individual members and for the purpose of attaining and preserving an economic land base for Indian use, alleviating problems of Indian heirship and assisting in the productive leasing, disposition, and other use of tribal and individually allotted lands on the Coeur d'Alene Reservation, the Secretary of the Interior is authorized in his discretion to:

(1) Sell or approve sales of any tribal trust lands, any interest therein, or improvements thereon.

(2) Exchange any tribal trust lands, including interests therein or improvements thereon, for any lands or interests in lands situated within such reservation.

SEC. 2. The sale and exchange of lands for the Coeur d'Alene Tribe pursuant to this Act shall be upon request of the business council of the Coeur d'Alene Tribe, evidenced by a resolution adopted in accordance with the constitution and bylaws of the tribe, and shall be in accordance with a consolidation plan approved by the Secretary of the Interior.

SEC. 3. Any moneys or credit received by the Coeur d'Alene Tribe in the sale of lands shall be used for the purchase of other lands, or for such other purpose as may be consistent with the land consolidation program, approved by the Secretary of the Interior.

SEC. 4. The Secretary of the Interior is authorized to sell and exchange individual Indian trust lands or interests therein on the Coeur d'Alene Reservation held in multiple ownership to the Coeur d'Alene Tribe, to any member thereof, or to any other Indian having an interest in the land involved, if the sale or exchange is authorized in writing by owners of at least a majority of the trust interests in such lands; except that no greater percentage of approval of such trust interests shall be required under this Act than in any other statute of general application approved by Congress.

SEC. 5. Title to any lands, or any interests therein, acquired pursuant to this Act shall be taken in the name of the United States of America in trust for the Coeur d'Alene Tribe or individual Indians and shall be subject to the same laws relating to other Indian trust lands on the Coeur d'Alene Reservation.

SEC. 6. The business council of the Coeur d'Alene Tribe may encumber any tribal land by a mortgage or deed of trust, with the approval of the Secretary of the Interior, and such land shall be subject to foreclosure or sale pursuant to the terms of such a mortgage or deed of trust in accordance with the laws of the State of Idaho. The United States shall be an indispensable party to any such proceedings with the right of removal of the cause to the United States district court for the district in which the land is located, following the procedure in section

> 1446 of title 28, United States Code: *Provided*, That the United States shall have the right to appeal from any order of remand in the case.
>
> SEC. 7. The second sentence of section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415), is further amended by inserting immediately after "the Fort Mojave Reservation," the words "the Coeur d'Alene Indian Reservation,".

Mr. JACKSON. Mr. President, the amendment of the House to S. 345 made one change in the bill as passed by the Senate. The House amended the bill to delete the reference in section 2 to the acquisition of land because the only form of acquisition authorized by this bill is acquisition by exchange, and that subject is covered by section 3. The tribe has other land acquisition authority that is not affected by this bill.

Therefore, Mr. President, I move that the Senate concur in the amendment of the House to S. 345. It has been cleared on the other side of the aisle, and I understand that there is no objection.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

NATIONAL ENVIRONMENTAL DATA SYSTEM AND ENVIRONMENTAL CENTERS—CONFERENCE REPORT

Mr. JACKSON. Mr. President, I submit a report of the committee of conference on H.R. 56, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. HRUSKA). The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 56) to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data System, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of September 28, 1972, at p. 32813.)

Mr. JACKSON. Mr. President, in view of the fact that the House of Representatives, which has already filed the conference report on H.R. 56, has previously printed the report together with the joint statement of the conference committee, I ask unanimous consent that the printing of this report as a separate document by the Senate be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, the House had receded from many of its disagreements to the amendments of the Senate to H.R. 56, and in some cases the House receded with further amendments. However, there are several amendments which have been reported by the committee of conference in technical disagreement.

I am satisfied that with respect to those provisions on which the House receded or receded with an amendment, a reasonable compromise has been reached by the conference committee, and, therefore, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

Mr. JACKSON. Mr. President, with respect to those amendments which were reported by the committee of conference in technical disagreement, I move that the Senate further insist on these amendments.

The PRESIDING OFFICER. The clerk will report the amendments in disagreement.

The assistant legislative clerk read as follows:

> Amendments Nos. 1, 2, 16, 21, 44, 65, 66, and 67, and the Senate amendment to the title of the bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

Mr. JACKSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HRUSKA). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUGHES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MOSS). Without objection, it is so ordered.

THE LAVELLE INCIDENT: DR. KISSINGER'S PECULIAR VIEWPOINT

Mr. HUGHES. Mr. President, the National Security Adviser to the President, Dr. Henry Kissinger, made some peculiar comments last week regarding the unauthorized bombing of North Vietnam under the command of Gen. John D. Lavelle.

In his press conference on September 16, upon returning from his most recent trip to Moscow, Dr. Kissinger was asked just one question in this regard.

Other significant matters occupied the attention of the press who covered the news conference, so it is not surprising that Dr. Kissinger's rather abrupt dismissal of the subject did not find its way into print.

But in the few words he spoke, Dr. Kissinger succeeded in raising some important questions that require public illumination, and it is for that reason that I now bring them to the attention of my colleagues.

A reporter asked Dr. Kissinger to assess the impact of General Lavelle's unauthorized bombing raids on the secret negotiations that Dr. Kissinger had been conducting with representatives of the Hanoi government.

Dr. Kissinger's first response was:

> Of course, the North Vietnamese wouldn't know which raids were authorized and which were unauthorized.

The remark was intended to be facetious, and it elicited the intended laughter from those in the audience.

Viewed soberly, however, the comment implies a remarkably distorted view on the part of Dr. Kissinger of the facts of the Lavelle case.

Dr. Kissinger says the North Vietnamese would not know which raids were unauthorized. But precisely the opposite would be true, if we are to accept without further question the protestations of innocence that have been voiced by one high Government official after another regarding the Lavelle incident.

We have heard testimony and read public statements by persons all the way up the chain of command from General Lavelle that they knew nothing of these unauthorized strikes, until Sgt. Lonnie Franks disclosed them in a letter to me.

"The reports were falsified," these officials now say. "How could we have known?"

Precisely the point: It was the Government of the United States that presumably did not know which raids were unauthorized, because, it is argued, our Government's source of information—the afteraction reports on the bombing strikes—were being systematically falsified.

Mr. President, I am not yet ready to accept the proposition that nobody above General Lavelle was involved or cognizant of his activities, and Dr. Kissinger's statement, even in jest, strengthens my doubts.

It suggests that we did know which strikes were unauthorized and presumes, therefore, that the North Vietnamese did not.

On the contrary, the North Vietnamese were almost certain to know an unauthorized strike when they saw one. They knew the rules of engagement, in general terms—from the 1968 bombing halt understandings, from intelligence sources which I presume they have, from the numerous Presidential statements that have been boradcast "in the public interest" so frequently over the last 3 years and—most importantly—from their own experience.

For 3 years, the North Vietnamese had come to understand that, if they did not fire first, the American planes would rarely fire at them—until November 7, 1971.

On that date, under the command of General Lavelle, American fighter-bombers attacked an airfield in southern North Vietnam, the pilots under orders to expend their ordnance, regardless of enemy provocation, in an effort to destroy a Mig aircraft and to rupture the runway of that particular installation.

The next day, American fighter-bombers were ordered to attack another airfield farther north—again without regard to provocation.

What could the North Vietnamese assume, except that the United States had secretly decided to abrogate the 1968 understandings under which President Johnson had ceased bombing of the North or that our Air Force was no longer under control of the President?

Against that background, Mr. President, Dr. Kissinger's second comment is amazing, when he says:

> Secondly as it happens, there were no private talks going on at the time between our side and North Vietnamese . . .

Mr. President, the President of the United States has told us otherwise, speaking to the Nation in a televised address on the evening of January 25, 1972. In that address, the President said:

> I sent Dr. Kissinger to Paris as my personal representative on August 4, 1969 . . . Since that time, Dr. Kissinger traveled to Paris twelve times on these secret missions. He has met seven times with Le Duc Tho, one of Hanoi's top political leaders . . .

In sum, Mr. President, and contrary to Dr. Kissinger's statement that there were no private talks going on, he himself had conducted 12 such meetings, seven of them with the Hanoi representative whom the President has consistently indicated was an acceptably high representative of his government.

Dr. Kissinger also said in the September 16 press conference:

> There were efforts to set (the private talks) up, which foundered for a variety of reasons, including the presumed illness of Special Adviser Le Duc Tho. This particular issue has never figured in them . . .

Mr. President, I believe Dr. Kissinger owes the Nation an explanation as to how he reached the conclusion that the actions of General Lavelle were not a factor in the "foundering" of the private talks. I say that, because the evidence in the public record suggests that they were an important factor in the collapse of the peace talks.

The first of the allegedly unauthorized strikes by General Lavelle's 7th Air Force occurred on November 7 and 8, 1971—an extremely sensitive period in which negotiations with the North Vietnamese were going on, contrary to what Dr. Kissinger said.

To document this statement, I quote the President of the United States once more, from his January 25 television speech:

> On October 25, the North Vietnamese agreed to meet and suggested November 20th as the time for a meeting.

This agreement was reached, therefore, 2 weeks before Lavelle's first allegedly unauthorized strikes. The President went on to explain:

> On November 17, just three days before the scheduled meeting, they (the North Vietnamese) said Le Duc Tho was ill. . . . Two months have passed since they called off that meeting.

Mr. President, it may be technically true that "they," the North Vietnamese, called off the meeting. But the most crucial question is why?

Was it because the United States of America, as represented in Indochina by Gen. John D. Lavelle, at least twice in that narrow span of 3 weeks, had broken the bombing halt agreements of 1968 and done so at the very time that the peace negotiations were reaching their most sensitive stage?

Or was the Lavelle incident just one factor in a whole string of factors, orchestrated out of the White House, to undercut the peace talks and thus allow more political elbowroom for increasing the military pressure?

As well informed as Dr. Kissinger is, he could not have missed the clear implications of the following statement broadcast over Hanoi radio on November 9, Hanoi time, by a foreign ministry spokesman:

> Since the barbarous air strike on September 21, 1971, U.S. imperialism has on several occasions sent its aircraft to strike at many localities in Vinh Linh and Quang Binh. Also during this time, U.S. aircraft and warships have continuously infringed on the airspace and territorial waters of the Democratic Republic of Vietnam.
>
> Particularly serious was the fact that on 7 and 8 November, the United States sent many planes at a number of populated areas around the Dong Hoi provincial capital, Quang Binh province, and a number of localities in Nghe An province, causing losses in manpower and property to the local populace. These extremely serious acts of war prove that the obdurate and warlike U.S. imperialists are still plotting military adventures against the Democrat Republic of Vietnam. . .

Mr. President, these raids conducted by the Air Force on November 7 and 8 were those apparently unauthorized air strikes ordered by General Lavelle.

Now, Mr. President, can it be said, as Dr. Kissinger proposes, that "this particular issue has never figured in" the reasons for the foundering of the peace talks?

When a Hanoi spokesman singles out this pair of raids, ordered by General Lavelle, as "particularly serious," is it not fair to assume that they were a factor in the collapse of the peace talks in mid-November?

I submit, Mr. President, that these air strikes could have been, and probably were, a significant factor, and I hope that Dr. Kissinger will spell out in greater detail his reasons for saying they were not.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Moss). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

(The routine business transacted during the day is printed here, as follows:)

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report of Secretary of Defense

A letter from the Deputy Secretary of Defense, reporting, pursuant to law, on the appropriation "Contingencies, Defense", for fiscal year 1972; to the Committee on Appropriations.

Report on Listings of Department of Defense Contracts

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on the listings of Department of Defense contracts for experimental, developmental, test or research work during January–June 1972 (with an accompanying report); to the Committee on Armed Services.

Report of National Advisory Committee on Oceans and Atmosphere

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report of the National Advisory Committee on Oceans and Atmosphere, dated June 30, 1972 (with an accompanying report); to the Committee on Commerce.

Report of Foreign Claims Settlement Commission of the United States

A letter from the Chairman, Foreign Claims Settlement Commission of the United States, transmitting, pursuant to law, a report of that Commission, for the calendar year 1971 (with an accompanying report); to the Committee on Foreign Relations.

Report Relating to Bonding of Civilian Employees and Military Personnel

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report on the operations of Federal departments and establishments in connection with the bonding of civilian employees and military personnel, for fiscal year 1972 (with an accompanying report); to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLELLAN, from the Committee on Appropriations, with amendments:

H.R. 16593. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92–1243).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 9198. An act to amend the Act of July 4, 1955, as amended, relating to the construction of irrigation distribution systems (Rept. No. 92–1244).

By Mr. JACKSON (for Mr. Anderson), from the Committee on Interior and Insular Affairs, without amendment:

H.R. 10857. An act to authorize the Secretary of Agriculture to exchange certain national forest lands within the Carson and Santa Fe National Forests in the State of New Mexico for certain private lands within the Piedra Lumbre Grant, in the State of New Mexico, and for other purposes (Rept. No. 92–1245).

By Mr. MAGNUSON, from the Committee on Appropriations, with an amendment:

H.R. 16654. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92–1246).

By Mr. ROBERT C. BYRD (for Mr. Williams), from the Committee on Labor and Public Welfare, without amendment.

S.J. Res. 265. Joint resolution to provide grants for Allen J. Ellender fellowships to disadvantaged secondary school students and their teachers to participate in a Washington public affairs program (Rept. No. 93–1247).

ORDER FOR S. 4007 TO BE REFERRED JOINTLY TO THE COMMITTEE ON COMMERCE AND THE COMMITTEE ON THE JUDICIARY

Mr. HRUSKA. Mr. President, on behalf of the junior Senator from Michigan (Mr. Griffin), I ask unanimous consent that the bill, S. 4007, which he introduced to remove the antitrust exemption for certain television blackouts of sports events, and which was referred to the Committee on the Judiciary, also be referred on a joint basis to the Committee on Commerce.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. RANDOLPH, from the Committee on Public Works:

William Lewis Jenkins, of Tennessee, to be a member of the Board of Directors of the Tennessee Valley Authority; and

Jack O. Padrick, of Virginia, to be Federal Cochairman of the Pacific Northwest Regional Commission.

HOUSE BILL REFERRED

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, at the request of the distinguished senior Senator from New York (Mr. Javits), and with the concurrence, I am informed, of the distinguished chairman of the Committee on Armed Services, the Senator from Mississippi (Mr. Stennis), that H.R. 16233 be referred to the Committee on Armed Services.

There being no objection, the bill, H.R. 16233, to amend the Maritime Academy Act of 1958 in order to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as Reserve midshipmen in the U.S. Navy, and for other purposes was read twice by its title and referred to the Committee on Armed Services.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MANSFIELD (for himself and Mr. Aiken):

S. 4046. A bill to amend the Internal Revenue Code of 1954 to provide a personal depletion allowance deduction for individuals. Referred to the Committee on Finance.

By Mr. HARTKE:

S. 4047. A bill to amend title 38, United States Code, to require the Administrator of Veterans' Affairs to conduct an appropriate test for the deduction of lung cancer on any veteran who requests such a test. Referred to the Committee on Veterans' Affairs.

By Mr. KENNEDY (for himself, Mr. Randolph, Mr. Williams, Mr. Cranston, Mr. Pell, Mr. Mondale, Mr. Stevenson, Mr. Schweiker, Mr. Javits, Mr. Beall, Mr. Stafford, and Mr. Taft):

S. 4048. A bill to provide for the extension of the Developmental Disabilities Services and Facilities Construction Act. Referred to the Committee on Labor and Public Welfare.

By Mr. JORDAN of Idaho (for himself and Mr. Church):

S. 4049. A bill to declare that certain federally owned lands shall be held by the United States in trust for the Kootenai Tribe of Idaho, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. HUMPHREY:

S.J. Res. 272. A joint resolution creating a bicentennial film series. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MANSFIELD (for himself and Mr. Aiken):

S. 4046. A bill to amend the Internal Revenue Code of 1954 to provide a personal depletion allowance deduction for individuals. Referred to the Committee on Finance.

Mr. MANSFIELD. Mr. President, at our breakfast meetings, the distinguished Senator from Vermont (Mr. Aiken), the senior Senator in this body in terms of service, and I, have been discussing a number of propositions dealing with the welfare and the well-being of the people of this Nation as a whole.

As a result, we are going to introduce legislation this morning which we hope will be given consideration and will be passed.

Mr. President, it is difficult to question basic assumptions. It is hard to analyze the obvious because the obvious is what we have become accustomed to, as a part of the way things are. But when one can break the cycle and reflect, the obvious is sometimes sad.

The emphasis that we as a nation have placed upon things over people—on economic growth over social good, on the protection of tangible assets—could lead one who is not blinded by the obvious to ask whether our emphasis is misplaced.

It seems to have always been thus: As an oil well is used up, we give the owner a depletion allowance to compensate him for his lost asset. We do the same for gravel and the other minerals—it is an accepted practice.

But there is no depletion allowance for the people—the greatest asset—as they wear out. Our social security system, although providing only a bare subsistence, was an enormous breakthrough. But what of the man and woman whose toil does not permit them to reach that period of life? The man and woman who are made old before their time—the man who stokes the fires of a steel mill or digs the minerals from the bowels of the earth, and the woman who, likewise, engages in difficult work, should be considered. Their bodies and spirits can be exhausted long before the age of general retirement.

Every job has its cost. The manual laborer may be physically depleted before the office worker; white-collar workers may be psychologically depleted before the statutory age of retirement; the assembly-line employee may be dehumanized long before his statutory retirement age.

This Nation must put at least as great an emphasis on people as it does on oil, land, coal, and other such assets. A depletion allowance for people in their occupations must be established, and this, the greatest national resource of all, must have greater emphasis.

Today, Senator Aiken and I are introducing a bill that will provide a depletion allowance for the working man and woman. The allowance will be in the form of a tax deduction on the Federal income tax for income earned through wages. It will provide for a minimum deduction of 10 percent of wages earned and can rise to 23 percent for those occupations which are determined by the Secretary of the Treasury to extract a greater measure of the working life of a person. The figure of 23 percent was chosen because it is 1 percent higher than the highest depletion allowance presently provided in the tax code—the depletion allowance for oil.

Mr. President, this is not an original idea on the part of the Senator from Vermont or myself, but we would hope that the Senate will have the opportunity to vote on this measure because we think it might bring back into balance where the emphasis of our national policy should be.

Mr. President, I ask unanimous consent, on behalf of the distinguished Senator from Vermont (Mr. Aiken) and myself, that the bill we are introducing this morning be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 4046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 219 as 220, and by adding after section 218 the following new section:

"Sec. 219. Personal Depletion Allowance for Individuals.

"(a) In General.—In the case of an individual who has attained the age of 45 before the close of the taxable year, there shall be allowed as a deduction for the taxable year an amount (determined under subsection (b)) for the personal depletion of that individual due to physical, mental, and emotional stress incurred in connection with the production of income during that year.

"(b) Determination of Amount.—

"(1) In general.—The amount of the deduction allowable to an individual under subsection (a) for any taxable year is an amount equal to the applicable percentage of that individual's earned income for that taxable year.

"(2) Applicable percentage.—For purposes of paragraph (1), the applicable percentage for any taxable year is—

"(A) except as provided in subparagraph (A), 10 percent, plus one percent for each year in excess of 45 attained by the individual before the close of the taxable year, or

"(B) in the case of an individual more than half of whose earned income is derived from a physically hazardous occupation, the percentage prescribed under paragraph (3) for that occupation, plus one percent for each year in excess of 45 attained by the individual before the close of the taxable year.

In no case shall the applicable percentage exceed 23 percent.

"(3) Physically hazardous occupation.—For purposes of paragraph (2), the term 'physically hazardous occupation' means an occupation which exposes an individual engaged therein to substantial physical hazards ordinarily resulting in either physical disability or death at an age which is substantially lower than the average age at death for the United States generally. The Secretary or his delegate shall, by regulations, prescribe for each physically hazardous occupation a percentage of not less than 11 percent or more than 23 percent.

"(c) Limitation.—The amount of the deduction allowable under subsection (a) for any taxable year shall not exceed $1,000.

"(d) Definition of Earned Income.—For purposes of this section, the term 'earned income' has the meaning given that term by section 911(b).

"(e) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) The table of sections for such part VII is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 219. Personal depletion allowance for individuals.
"Sec. 220. Cross references."

SEC. 2. The amendments made by the first section of this Act shall apply to taxable years beginning after December 31, 1972.

Mr. AIKEN. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I am happy to yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, I should like to say that this country has been in existence for about 200 years, so it is about time we realize what our most valuable assets and resources are in this country—that is, its people.

We allow deductions from taxes for so many, many things. We allow deductions for organizations, a large part of whose incomes may go to pay excessive salaries.

We allow deductions on the automobile which is used in business, 40 percent the first year, 20 percent the next year, and so on.

We allow deductions on farm machinery up to so many years. I think it is about 8 years; it used to be 3.

We allow deductions for taxes on contributions made to foreign radio systems, like RFE and Radio Liberty.

We allow deductions on contributions to political campaigns up to, I think it is, $100. One can deduct half of it from his income.

Particularly do we allow deductions—or depletion allowances—on resources which are considered to be exhaustible, like oil wells, mines, and quarries which the distinguished Senator from Montana has mentioned.

Mr. President, there are those who will say that this idea, if put into action, will cost millions of dollars. Well, what are we paying now? Our welfare bills come to untold billions of dollars. I do not believe that any Senator can estimate what the cost of welfare really is for health, medicare and medicaid, and other health benefits, and other kinds of aid to poverty-stricken people.

But we do not allow any deductions for the failing ability of a human being to earn.

Only yesterday, I received a letter from a man who is in failing health. He can continue to work, but he cannot do the work he used to do, and therefore, he cannot get employment. This will seriously affect him. I thought his letter was timely.

We allow deductions on industrial machinery, but no deductions for the failing health of the people who operate that machinery.

Thus, Mr. President, I am more than glad to cosponsor the bill with the distinguished Senator from Montana, the majority leader. I think we should ask ourselves: Are trucks, foreign radios, systems, and industrial machines more important than people?

Mr. MANSFIELD. I thank the Senator from Vermont.

By Mr. HARTKE:

S. 4047. A bill to amend title 38, United States Code, to require the Administrator of Veterans' Affairs to conduct an appropriate test for the detection of lung cancer on any veteran who requests such a test. Referred to the Committee on Veterans' Affairs.

Mr. HARTKE. Mr. President, the purpose of this amendment to title 38 of the United States Code is to provide every veteran of the Armed Forces of the United States the opportunity to be tested for early signs of lung cancer.

It is no secret that this dread disease is a scourge of mankind. Lung cancer ranks No. 1 as the contemporary killer of men. In 1972, more than 55,000 American males will succumb to this fatal illness, and statistics point to the rapid spread of this disease among women to the point where it will become also the No. 1 killer of our female population.

All of us have been educated as to those conditions in modern life which exacerbate the causes of lung cancer.

Cigarette smoking has been established by responsible research agencies, including the Surgeon General of the United States as one of those agents which trigger the onrush of lung cancer, and I venture to say that our veteran population continues to smoke with at least the same degree of addiction that other Americans do.

Why they do so in the face of all the revelations about the danger involved is one of those mysteries of human frailty which defies understanding. It may be that cigarette smokers live within a foolish illusion of immortality.

The atmosphere itself seems to contain severe elements adverse to human health, and contains pollutants that also trigger the explosion of cancer cells in the lungs. All of us including our veterans breathe the air, contaminated as it is with cancer causing particles and powerful radiation.

I suggest it will be a long time before we come to our senses and take those bold steps to clean up the air we breathe. In the meantime, all of us including our veterans breathe this dirty air, which is a danger unto itself. But when it is compounded by habitual cigarette smoking, the danger is increased manyfold. The result is that the killer—lung cancer—is let loose to rampage at will, claiming each year more and more victims.

Lung cancer happens to be one of those diseases which is always caught too late. By the time a firm diagnosis is made, through conventional diagnostic procedures, the death order has already been delivered and most patients have no chance whatsoever for recovery and survival.

Yet this need not be so. There are new and effective diagnostic methods which have the capability of detecting the early appearance of cancer cells in the lungs, as well as those changes in the cell structure of the lungs which are like a herald's announcement that lung cancer is developing. I understand that these early signs cannot be ascertained by X-ray or conventional diagnostic methods, but only through new methods, one of them being new techniques of sputum cytology.

It appears in various sources of medical evidence that early diagnosis through sputum cytology can save lives.

This diagnostic method detects the presence of cancer cells early enough so that the doctors can get to work before the ravages of the disease make treatment useless. Furthermore, this method can also detect those cell changes in the lungs which precede the development of the cancer, and provides therefore a clear and certain warning that the patient is in danger—a danger that can be averted by giving up cigarette smoking.

The purpose of this amendment is to give every veteran the chance to know the truth about his lungs. If he is facing danger, he should have the opportunity to know it. If he is already caught in the incipience of lung cancer, he is entitled to know, and if he knows well enough in advance, his chance of survival and a long life will be immeasurably increased. I say we should give every veteran this chance.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 4047

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 17 of title 38, United States Code, is amended by adding after section 627 a new section as follows:

"§ 628. Test for detecting lung cancer

"The Administrator shall provide a sputum cytology test for the early detection of lung cancer in the case of any veteran who requests such a test and shall provide such veteran with the results of such test together with such information relating to such test and the results thereof as the Administrator may deem appropriate. For the purposes of this section, the term 'veteran' means any person who served on active duty for a period of 90 days or more and who was discharged or released therefrom under conditions other than dishonorable or who was discharged or released from active duty for a service-connected disability."

SEC. 2. The table of sections at the beginning of chapter 17 of title 38, United States Code is amended by adding after:

"627. Persons eligible under prior law."

the following:

"628. Test for detecting lung cancer."

By Mr. KENNEDY (for himself, Mr. RANDOLPH, Mr. WILLIAMS, Mr. CRANSTON, Mr. PELL, Mr. MONDALE, Mr. STEVENSON, Mr. SCHWEIKER, Mr. JAVITS, Mr. BEALL, Mr. STAFFORD, and Mr. TAFT):

S. 4048. A bill to provide for the extension of the Developmental Disabilities Services and Facilities Construction Act. Referred to the Committee on Labor and Public Welfare.

Mr. KENNEDY. Mr. President, I introduce on behalf of myself and the entire Senate Subcommittee on the Handicapped, chaired by the distinguished Senator from West Virginia, Senator JENNINGS RANDOLPH, a bill to extend the Development Disabilities Act for 3 more years.

The developmentally disabled are the children and adults in our society whose handicaps originate in childhood and continue in some measure throughout life. The mentally retarded form the largest group of the developmentally disabled—more than 6 million Americans are afflicted with this condition.

In his first year in office, President Kennedy called public attention to the long neglect of both the mentally retarded and the mentally ill, and he established a President's Panel on Mental Retardation. The report of that Panel in 1963 spurred the development of two significant pieces of Federal legislation for the retarded: First, Public Law 88-156 launched a special Federal program of comprehensive maternity and infant care projects aimed at high-risk mothers. In subsequent years this program has demonstrated spectacular success in reducing infant mortality and has achieved a presumptive reduction in the incidence of mental retardation and cerebral palsy. At the same time, in another important series of provisions, Public Law 88-156 authorized grants to the States for comprehensive planning in the field of mental retardation. Public Law 88-164, the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963—launched the first major Federal program for the construction of facilities for the mentally retarded and the mentally ill.

The next major legislative advance was the Developmental Disabilities Act of 1970. Instead of focusing exclusively on the mentally retarded, this act refers to the developmentally disabled, which includes victims of cerebral palsy, epilepsy, and similar disabilities attributable to neurological impairments. This legislation significantly expanded the role of the States in the planning and implementation of comprehensive programs of services for the developmentally disabled. The bill was hailed by professionals in this area who felt it would make a truly comprehensive program in this area possible for the first time in the Nation's history.

Mr. President, these legislative accomplishments raised the hopes not only of the developmentally disabled but of their family and friends, of the health professionals and volunteer workers associated with them. It seemed that our society, which had shunned, disrespected, designated, and ignored the developmentally disabled for so long, was finally ready to cope compassionately with their problems—problems which diminish us all by the toll they take on the human potential in our society. But it has not come to pass. It has not come to pass because, in spite of authorizations of $60 million for 1971, $105 million for 1972, and $130 million for 1973, the President's annual appropriations requests for those 3 years has been $36 million, $40 million, and $44 million. As in so many other areas in the health field, the President's refusal to fully implement the authority contained in the Developmental Disabilities Act of 1970 has effectively vitiated the effectiveness of the program. Now, almost 3 years after its historic enactment, the Developmental Disabilities Act has still not been given a chance to do the job.

Mr. President, this administration has once again taken a public stand on an issue which it contradicts by its own actions. On November 16, 1971, the President pledged "continuing expansion" of Federal spending in this area of developmental disabilities. He asked the American people to join him in a commitment to two major national goals: First, to reduce by half the occurrence of mental retardation in the United States before the end of this century, and second, to enable one-third of the more than 200,000 retarded persons in public institutions to return to useful lives in the community. He called those goals "realistic and achievable." Yet, in spite of that pledge, this administration has worked to hold down appropriations for the developmentally disabled, thereby placing his own goals out of reach.

The thrust of the legislation passed in 1970 was aimed at expanding the role of the States in developing and implementing comprehensive services programs. Yet, because of the Nixon administration's refusal to request the necessary funds, the States have received far less than they requested. For example, New York in fiscal year 1972 received $1.4 million out of a budget request for $17 million. Massachusetts requested $6 million in fiscal year 1971, but received $246,000. That level of funding simply will not do the job.

We have, in this society, finally come to realize that almost all mentally retarded individuals can develop and learn. It takes them longer; it puts greater demands upon their environment; but they can learn. You have to provide them with residential settings which are warm, devoid of dehumanizing conditions, so that the individual can have a greater opportunity to develop to his full capacity. It takes money to provide the proper kind of setting. Within the past 10 years, the average cost per capita per day per resident has increased from $4.64 to about $11.56. The number of institutions has increased 76 percent between 1960 and 1970, from 108 in 1960 to 190 in 1970.

Out of an estimated 117,327 persons who are fulltime employees of these institutions in 1970, the overwhelming majority were attendants, matrons, and maintenance employees. Teachers and nurses accounted for only 11 percent of the employees. Fewer than 2 percent were psychologists, psychiatrists, or social workers. Clearly, more professionals are needed if the proper environment is to be provided. At the present time inadequate funding and poor working conditions have contributed to a massive turnover of personnel working in these institutions. A survey of the 26 institutions in the 16 Southeastern States shows that, on the average, 20 percent are replaced each year. In two of the 26 institutions, fully 50 percent of the attendants were replaced within 12 months. The attainment of continuity of care is impossible with this kind of turnover. Among the majority of the 26 institutions, the maximum possible salary for attendants was more than $1,000 below the median income of the families in the county in which the institutions were located. That is no way to attract qualified staff.

Mr. President, the bill my colleagues and I are introducing today will extend all the provisions of the 1970 Developmental Disabilities Act for 2 more years. We expect to hold hearings to determine ways to improve that authority, but unless the President is willing to fully implement it, he will not solve the problems. It is easy to find compassionate things to say about the plight of our developmentally disabled; it is more difficult to act compassionately. It is my hope that our actions will reflect a new dedication to solve the problems confronting the developmentally disabled.

Mr. CRANSTON. Mr. President, I am pleased to join in cosponsoring legislation extending the authorities of the Developmental Disabilities Act.

Projects supported by these authorities provide a major source for effective programs to aid those with developmental disabilities to live in society to their fullest potential.

The legislation introduced today is a simple extension of existing authorities. When this legislation is considered next year I will be anxious to hear from those individuals and organizations who are engaged in programs to aid the developmentally disabled on ways in which this act can be strengthened and made more effective.

One deficiency about which I am particularly concerned and which I feel must be addressed is the definition of the term developmentally disabled.

The Secretary of Health, Education, and Welfare, has given the narrowest interpretation possible to the definition in the statute.

When this act was adopted by the 91st Congress, it was clearly intended to broaden the application of the act's provisions beyond mental retardation, which had previously been the only focus of the legislation. A new definition was adopted and the term "persons with developmental disabilities:" replaced the term "mentally retarded" throughout the act.

The term "developmental disability" was defined as:

> A disability attributable to mental retardation, cerebral palsy, epilepsy, or another neurological condition of an individual found by the Secretary to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual.

I believe this definition clearly indicates that disabilities in addition to the three specifically listed—mental retardation, cerebral palsy, and epilepsy—in the definition are within the scope of the act.

I have grave reservations about laundry listing disabilities, since so frequently such a method leads to exclusion rather than inclusion of relevant areas.

Although the current definition clearly indicates that other disabilities should be covered, the listing of three disabilities has worked to exclude all others from support.

One severe disorder which has been excluded is that autism. I believe autism is well within the definition of developmental disability in the current act.

Autism is a disability which becomes evident very early in the child's life, severely handicaps his ability to perform in the family or social environment, and is a life-long handicap.

Efforts to help these children adjust to society through use of psychoanalysis or through use of drugs have not been successful. Currently the approach of reaching these children through trained educators in an educational environment gives promise of positive achievements and has resulted in some success in helping the children overcome the disability.

Thus this disability is one that falls well within the parameters of the definition in the statute.

However, the Secretary in regulations, has limited application of the act to only those programs dealing with mental retardation, cerebral palsy, and epilepsy, and has disallowed those portions of State plans which have been directed to other disabilities, such as autism, learning disabilities, or other neurological disabilities. Project grant support, also has been limited to the three disabilities specified in the definition.

I would prefer to see a liberal interpretation given to this definition and the inclusion or exclusion of a program for a particular disability done on a project merit basis, rather than on the arbitrary categorical basis adopted by the administration.

A liberal interpretation would permit the inclusion of other neurological conditions in State programs at the States' option and would permit the consideration for direct projects grant support on a case by case review of proposals.

The limitation adopted by the administration restricting support to the three disabilities listed leaves major areas of critical importance outside the area of support.

I believe there are other functional disabilities which should be covered as well resulting from neurological disorders and I intend in developing this legislation to make it clear that the intention of the Developmental Disabilities Act is to provide strong support to effective programs in this entire field.

By Mr. HUMPHREY:

S.J. Res. 272. A joint resolution creating a bicentennial film series. Referred to the Committee on the Judiciary.

A BICENTENNIAL FILM SERIES

Mr. HUMPHREY. Mr. President, one of the disappointments of these past months has been the lack of significant planning for the celebration of the Nation's bicentennial in 1976.

Plans have apparently been abandoned for a bicentennial exposition in Philadelphia, or in any other major city. None of the alternative proposals under consideration by the American Bicentennial Commission have caught the imagination of the American people. What seems lacking is a concept which would be directly tied to the history of the American Republic, and would be of lasting value beyond the bicentennial year itself.

Mr. President, I propose that the American Bicentennial Commission and the Corporation for Public Broadcasting jointly be authorized and directed to produce a series of major documentary films, covering in depth and in detail the history of the American people. During 1976, the bicentennial year, the series would be telecast to the American people, and be available to the world TV audience in multilingual versions.

Beyond the value of such a television series as the center point of the bicentennial celebration, the films could be made available for the permanent usage of high schools, colleges, and universities, and for the general public.

It is coincidental that the new technology of videotape cassettes and videodiscs will be producing consumer products in quantity for the first time about the time of the bicentennial year—giving American families an opportunity to own at low cost or to rent such a series for playback in their own homes.

And by 1976, many more millions of Americans will be subscribers to cable TV, and would have the opportunity to view such a public-service series via cable.

There is now in existence no comprehensive series of films on American history; indeed, there are few films at all of superior quality in the field of American history. The British Broadcasting Corp., has undertaken a limited analytical series on American history, with Alistair Cooke, to be shown on commercial television. But it is my understanding that it will not begin to approach in scope and detail the comprehensive series I am proposing.

I can conceive of such a series as being an essential supplement to the study of American history at the secondary-school and college level—one that would stimulate students and flesh out for them what are too often the bare bones of formal lectures on American history, would enlarge their perceptions of the great currents of American history and thought.

The project should not be undertaken without the fullest cooperation and participation of America's most distinguished historians and other scholars, who might be encouraged to help design what could become a masterwork of scholarship and cinematic art.

Indeed, I would encourage the formation of a group of American scholars to serve as an independent editorial board, and to insure that the series reflects the finest traditions of American independent scholarship, as well as to bar any effort to utilize the series to serve the interest of either the Government or of a political party candidate. The American Historical Association might well be invited to select such an editorial board.

As to the production of the films themselves, a challenge could be issued to the film-makers of America, and a competition held to select the finest of the producers and writers to produce one or more of the films in the series. Because of the shortness of time in which to design and produce such a major series, a number of producers would be needed to accomplish the task. And what an honor it would be to participate in such a national effort. Rather than a competition in terms of price, I would suggest that the competition be on the basis of demonstrated experience and ability, as well as the imagination with which a proposal can come forward to produce a given film within a fixed but reasonable budget.

Mr. President, in terms of the sums which I have heard discussed for expenditure on the bicentennial, the cost of designing and producing a series of, say, 39 hour-length films would be modest. With production costs averaging $100,000 per program, and adequate budgeting for planning, writing and scholarship, the entire project would appear to be an investment of under $5 million.

There are many Hollywood theatrical films which cost more than that.

The investment, to have such a series produced and telecast into every American home, would come to less than 8 cents per American family. And the benefits to education would be incalculable.

If such a series were to be ready for telecast in the bicentennial year, planning and preparation would have to begin almost immediately. Therefore, Mr. President, the joint resolution which I introduce today would direct the American Bicentennial Commission and the Corporation for Public Broadcasting to establish a joint task force to bring before the Congress no later than May 1, 1973, a detailed proposal for the design, production, and funding of the American History series. And the joint resolution would authorize the expenditure by the American Bicentennial Commission of up to $5 million for the project.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 3598

At the request of Mr. WILLIAMS, the Senator from Idaho (Mr. CHURCH), the Senator from Washington (Mr. MAGNUSON), and the Senator from Nevada (Mr. BIBLE) were added as cosponsors of S. 3598, the Retirement Income Security for Employees Act of 1972.

S. 4010

At the request of Mr. PASTORE, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 4010, a bill to amend the act providing an exemption from the antitrust laws with respect to agreements between persons engaging in certain professional sports for the purpose of certain television contracts in order to terminate such exemption when a homegame is sold out.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 364

At the request of Mr. STEVENSON, the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from Oklahoma (Mr. HARRIS), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of Senate Resolution 364, calling for the immediate suspension of American assistance to Uganda.

CONSUMER PROTECTION ACT—AMENDMENTS

AMENDMENTS NOS. 1629 THROUGH 1636

(Ordered to be printed and to lie on the table.)

Mr. ERVIN submitted eight amendments intended to be proposed by him to the bill (S. 3970) to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes.

AMENDMENT NO. 1637

(Ordered to be printed and to lie on the table.)

Mr. PERCY submitted an amendment intended to be proposed by him to the bill (S. 3970), supra.

AMENDMENT NO. 1638

(Ordered to be printed and to lie on the table.)

Mr. PERCY (for himself and Mr. MILLER) submitted an amendment intended to be proposed by them jointly to the bill (S. 3970), supra.

AMENDMENT NO. 1639

(Ordered to be printed and to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill (S. 3970), supra.

AMENDMENT NO. 1640

(Ordered to be printed and to lie on the table.)

Mr. MOSS (for himself and Mr. MAGNUSON) submitted an amendment intended to be proposed by him to the bill (S. 3970), supra.

AMENDMENTS NOS. 1641 AND 1642

(Ordered to be printed and to lie on the table.)

Mr. BROCK submitted two amendments intended to be proposed by him to the bill (S. 3970), supra.

AMENDMENTS NOS. 1643 AND 1644

(Ordered to be printed and to lie on the table.)

Mr. BEALL submitted two amendments intended to be proposed by him to the bill (S. 3970), supra.

AMENDMENTS NOS. 1645 THROUGH 1649

(Ordered to be printed and to lie on the table.)

Mr. HRUSKA submitted five amendments intended to be proposed by him to the bill (S. 3970), supra.

AMENDMENTS NOS. 1650 THROUGH 1652

(Ordered to be printed and to lie on the table.)

Mr. GURNEY submitted three amendments intended to be proposed by him to the bill (S. 3970), supra.

SOCIAL SECURITY AMENDMENTS OF 1972—AMENDMENTS

AMENDMENT NO. 1653

(Ordered to be printed and to lie on the table.)

Mr. TUNNEY (for himself, Mr. GAMBRELL, Mr. BAKER, Mr. BURDICK, Mr. DOMINICK, Mr. HART, Mr. HARTKE, Mr. KENNEDY, Mr. MCGOVERN, Mr. METCALF, and Mr. STEVENS) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

AMENDMENTS NOS. 1654, 1655, AND 1656

(Ordered to be printed and to lie on the table.)

Mr. HUMPHREY submitted three amendments, intended to be proposed by him, to the bill (H.R. 1), supra.

AMENDMENT NO. 1657

(Ordered to be printed and to lie on the table.)

Mr. BROOKE. Mr. President, I submit an amendment to H.R. 1, and I ask that it be printed. My amendment would strike section 511 of title V, part A of H.R. 1, entitled "Treatment of Rent Under Public Housing."

The intention of the Committee on Finance was laudable. Unfortunately their efforts to remove one inequity in the rental payments made by welfare agencies to local housing authorities will result in an even greater inequity amongst public housing tenants living side by side. Let me explain.

The Housing and Urban Development Act of 1969 contained a provision that limited rents paid by public housing tenants to 25 percent of their incomes. Prior to the enactment of this rent-to-income limitation, we found that many of the tenants were paying 50 and 60 percent of their incomes for rent. Food, clothing and the other necessities of life were forced to take a second priority to shelter. The elderly in particular, living on fixed incomes, were hit the hardest as inflation and spiraling operating costs pushes public housing rents out of the reach of many low-income families for whom the program was designed. It must be kept in mind that while public housing tenants were paying 50 and 60 percent of their incomes for rent, the rest of the Nation was averaging less than 20 percent.

The language of the 1969 amendment contained a proviso. In substance it said that in the case of tenants on welfare, they would have to continue paying a disproportionate amount of their income for rent if they were unfortunate enough to be residing in States that paid welfare grants for rent on an "as paid" basis; that is, whatever rent was charged the tenant. Without this proviso, a reduction of a welfare tenant's rent would have resulted in a reduction in his grant. We would then have had the Department of Housing and Urban Development subsidizing the Department of Health, Education, and Welfare with no benefit accruing to the tenant.

We then found that more than two-thirds of the States used this "as paid" basis for determining grants for shelter. It is not difficult to see the inequity of two tenants living side by side in the same project in identical units with the welfare tenant paying, in some cases, twice as much rent as the nonwelfare tenant.

Therefore, in 1971, Congress saw fit to enact corrective legislation in the form of section 9 of Public Law 92–213. The thrust of this measure was to eliminate the inequity and to give welfare tenants the same benefits that their neighbors were getting under the 1969 amendment.

Section 511 of H.R. 1 is now before us a short 9 months later. It seeks to undo our good-faith attempt to correct this situation before we have had time to evaluate effectively our efforts. Let us also keep in mind that a repeal of Public Law 92–213, section 9, would throw local housing authorities into hopeless confusion. They have just completed a substantial revision of their rent schedules pursuant to the recent statute and would be faced with an intolerable administration burden if section 511 of H.R. 1 is permitted to stand.

Aside from the premature timing, section 511 is premised on an apparent misunderstanding of Public Law 92–213. According to the "Summary of the Principal Provision of H.R. 1 as Determined by the Committee on Finance," dated June 13, 1972, on page 81:

> Public Law 92–213 . . . would require welfare agencies in some circumstances to pay as a rental allowance more than the actual cost of rent.

In reality, the "actual cost of rent" or the operating cost for each public housing unit has far exceeded the inadequate rental allowance given welfare families in most States. If welfare agencies had been willing to pay the operating costs of units in public housing, we would have not needed Public Law 92–213 in the first place. As a matter of fact, if my colleagues on the Finance Committee will assure me that sufficient funds will be made available to welfare agencies so that they can provide rental allowances equal to the "actual cost of rent," I will withdraw my amendment.

The purpose of Public Law 92–213 and a companion measure, Public Law 91–152, was to enable low-income families to live in public housing without having to pay out most of their meager incomes for rent. The intent of the combined measures is to permit the Department of Housing and Urban Development to pay the difference between the actual cost of operating the public housing unit and 25 percent of the tenants' incomes. Most often a welfare agency's rental allowance falls somewhere between the two. If we allow section 511 of H.R. 1 to repeal Public Law 92–213 we are saying to the welfare tenants in public housing, "We realize that you will not be given a rental allowance sufficient to pay for your unit. That's unfortunate. You must now use all of your rental allowance plus money earmarked for food and clothing." We thus tell these tenants that it is unimportant that 60 percent of their incomes must go for shelter. I, for one, cannot bring myself to tell them that.

In this connection it is worth pointing out that whether Public Law 92–213 is repealed or not, the welfare agencies will have to spend the same amount of money. Public Law 92–213, in no way, increases or decreases the welfare outlay.

Nearly 40 percent of the tenants in public housing are elderly. Fifty-six percent of the tenants are minors. Surely my colleagues do not want to tell these tenants that they are getting too much of a break when they must pay one-fourth of their monthly incomes for rent while the rest of us average less than one-fifth of our incomes?

Mr. President, to allow section 511 to remain in H.R. 1 is to give these tenants the bad news. I urge that my amendment to strike this section be adopted.

Mr. President, I ask unanimous consent that the text of my amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1657

On page 933, strike out lines 9 through 14.

On page 33, line 17, strike out "sec. 512" and insert in lieu thereof "Sec. 511".

In the table of contents, strike out,
"Sec. 511. Treatment of rent under public housing ________________ 933"
and renumber section 512 as section 511.

AMENDMENTS NOS. 1660 THROUGH 1662

(Ordered to be printed and to lie on the table.)

Mr. TUNNEY submitted three amendments intended to be proposed by him to the bill (H.R. 1), supra.

THE PROFESSIONAL BASKETBALL LEAGUE MERGER—AMENDMENT

AMENDMENT NO. 1658

(Ordered to be printed and to lie on the table.)

Mr. GURNEY. Mr. President, I am today submitting an amendment to the basketball merger bill (S. 2373) which will terminate the antitrust law exemption for blackouts of sports telecasts in areas more than 50 miles from the game site.

The Judiciary Committee has already included two of my amendments to S. 2373 regarding blackouts. One will prohibit blackouts of postseason games, such as playoff and Super Bowl games, when there is a sellout 5 days beforehand. The other will protect high school, junior college, and college basketball from competition from professional telecasts in a manner similar to the existing protections for intercollegiate and interscholastic football. Another step, however, is needed in order for professional sports to meet the obligations of public trust implicit in any exemption from antitrust restrictions.

My amendment does not result in complete abolition of television blackouts, as has been proposed in other legislation now pending before Senate committees. Although further hearings on the proposal to abolish blackouts completely may be held this session, the chances such legislation will be enacted this session are, for all practical purposes, nonexistent. What clearly does exist, however, is an obvious injustice to local sports fans which demands at least some form of interim correction. My amendment will reduce the size of the blackout area without completely eliminating it. At the same time it permits local clubs to blackout areas even beyond the 50-mile radius, provided such an extension is reasonable and in the public interest. Any agreement to black out an area wider than the 50 miles is made subject to judicial review under the antitrust laws.

The primary problem with televising professional sports involves football. Presently, the National Football League unilaterally imposes a television blackout of games in the "home territory" of the local club. "Home territory" is interpreted by the NFL as a 75-mile radius from the exterior limits of the home city. In practice, the blackout extends even further than this 150-mile-wide circle since games telecasts by stations whose signals can be received within the area are also prohibited.

This latter practice has certain invidious effects. As the distinguished Senator from Michigan (Mr. GRIFFIN) has related with regard to Detroit Lion broadcasts, not only are there three local Detroit stations which are blacked out when the Lions are playing at home, there are also six network stations outside Detroit which do not carry the games because of the blackout rule. There are two stations in Lansing; three in Toledo, and one in Flint.

Consider the plight of the Miami Dolphins fan who cannot get a ticket—even at scalpers prices—to see a home game. Due to the blackout restrictions, the closest stations to Miami which can carry the game are in Daytona Beach, 257 miles away, and Tampa, 210 miles away. This means that a dedicated Dolphins fan must travel well over 100 miles in order to be able to pick up even a weak television signal of the game. Because of the frequency of stadium sellouts, this is hardly fair.

Consider the blackout problem from a different perspective. Television audiences are categorized according to recognized market areas, or areas of dominant interest. These market areas consist of the counties within a State in which the home market television station receives a preponderance of viewing by the various citizen households. Thus the market areas and sizes are determined by the area and population, without overlap, which are served by television stations associated with particular cities.

Market areas are ranked on a national basis, recognized by the FCC, and are used to determine, among other things, proper television advertising rates. Periodically, relative market area sizes are calculated, and American Research Bureau, the most prominent private television research organization, publishes the national rankings. These rankings are instructive of the lack of rhyme or reason to the existing blackout system.

In Florida, for example, West Palm Beach stations located over 60 miles from Miami are blacked out when the Dolphins play at home. Yet, West Beach is in a separate market area serving some 171,100 households. Thus 171,100 Florida families are deprived of the opportunity to watch the Dolphins even though they are not, by the television industry's own standards, even in the same area.

Consider also the Detroit situation described by the distinguished Senator from Michigan (Mr. GRIFFIN). The cities of Lansing, Toledo, and Flint are each in separate market areas different from that of Detroit. The blacked out stations in the three areas serve 166,700, 303,400, and 343,000 households, respectively, or a total of 813,100 Michigan families. Yet again, these families should not be considered to be in the same area if the criteria used by the television industry are any guide.

Further analysis of this aspect of the blackout problem brings to light numerous inconsistencies and inequities. Take this example. On the 6th of November of this year, WTEV television of New Bedford, Mass., will televise the ABC Monday night football game involving the New England Patriots, who will be playing at Foxboro, Mass., only 30 miles away. According to WTEV officials in New Bedford, that station has never been blacked out of televising Patriots home games. Yet at the same time, WCBV, the Boston ABC outlet, will be blacked out on November 6, just as it is for all Patriots home games.

Ostensibly, this is because the New Bedford station serves a different market area than WCBV in Boston. Yet this reasoning does not seem to apply to some 984,200 Florida and Michigan families who are now being deprived of the opportunity to watch their favorite teams. This is, to say the least, discriminatory, disgraceful and damning. As a Senator from Florida, I cannot but wonder why it is that my fellow Floridians do not receive the same treatment that some residents of Massachusetts get. Boston residents might well ask the same question. The answer is clear: The present blackout system is ludicrous.

Consider a further example. We are all aware of the on again, off again shenanigans surrounding telecasts of Washington Redskins football games from Baltimore stations 40 miles away. Conversely, we should also remember from our experiences last year that Baltimore Bullets basketball games could be seen here in Washington while they were blacked out in Baltimore. If Baltimorians can watch the Bullets on Washington TV, why cannot the people of West Palm Beach watch the Dolphins on local television?

My amendment, of course, is not a panacea for all the ills of the existing system. It would not, for example, affect a station, such as WETV in New Bedford, which televises home football games from a distance less than 50 miles from the game site. Existing agreements to televise into blacked out areas would continue, but at least some relief will be afforded the fans who are arbitrarily discriminated against in my State and other States, such as Michigan. At a very minimum, those fans deserve the immediate, interim relief which my amendment provides until such time as Congress formulates a more definitive policy on blackouts.

Nationwide, the existing blackout restrictions are unconscionable. In the first place, the local fan in large part subsidizes his local team—and all professional sports for that matter—whether or not he is able to get into the stadium to watch them. Local taxpayers foot the bill for building the stadiums they cannot get a ticket to sit in. As the distinguished Senator from Kentucky (Mr. COOK) has pointed out, the citizens of Kansas City are paying $60 million of a $69 million bond issue to build a stadium where the Kansas City Chiefs play football they cannot watch. The same can be said of other cities with professional sports teams.

In addition to the stadium itself, the public subsidizes the teams through parking and other associated concessions. The profits from such concessions, in large measure, go to the teams. Also, the public suffers the inconvenience of, and pays for the traffic control of, crowds of people fortunate enough to be able to attend the game. And those who are lucky enough to get tickets, of course, also contribute directly through gate receipts.

Not only this, but the public indirectly subsidizes sports through television. Not only do the people pay for the TV advertising that makes sports telecasts possible, but the people also own the airways over which the telecasts are sent. And it is to the people that we, as a representative body, owe our final allegiance.

The continuation of the present tactics of sports blackouts is absolute proof that the financial wizards of organized sports do not realize that the times have changed. Along with so many other things in today's society, the method of viewing sports contests is not the same as it used to be. Today, rather than just 60,000 people watching a game in the stadium, 60 million fans watch it at home at the same time.

My amendment is in the interest of these people, the fans who will be better able to watch the teams whose facilities they subsidize and whose livelihood they insure. It improves the basketball merger bill by promoting a greater sense of public responsibility in professional sports. Pending resolution of the proposals to eliminate blackouts altogether, it provides some immediate relief to the harried sports fan. It is a measure we can all support, and I urge its adoption.

NATIONAL DRUG TESTING AND EVALUATION CENTER—AMENDMENT

AMENDMENT NO. 1659

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

PUBLIC HEALTH PRICE PROTECTION ACT

Mr. NELSON. Mr. President, for many years the American people have been forced to pay high and discriminatory prices for drugs. These prices are borne by those people in our society who are least able to afford them—the sick, the poor, and the aged. Moreover, a substantial share of this burden is borne by State and Federal governments—in the form of welfare payments, reimbursable aid programs, and susbtantial direct purchase for use in community and military hospitals.

The extent of this discrimination has already been documented by the Monopoly Subcommittee of the Senate Small Business Committee and by the Department of Health, Education and Welfare. The price of 100 tablets of propozyphene, Darvon, sold by the Lilly Co. to the druggist in the United States is $7.02, but the price charged by the same company for the same product in Ireland is $1.66, and in the United Kingdom is $1.92. Bristol charges $21.84 for 100 tablets of ampicillin in the United States, but $9.31 in Ireland; Ciba charged $3 for glutethimide, Doriden, in the United States, but 92 cents in Ireland, $1.23 in New Zealand, and $1 in the United Kingdom. The Pfizer Co. charges $20.48 in the United States for oxytetracycline, Terramycin, but $4.63 in Brazil and $3.68 in New Zealand. These are only a few examples of discrimination against the American people. I ask unanimous consent that the material developed by the Department of Health, Education and Welfare, documenting these unfair and discriminatory practices, be printed in the CONGRESSIONAL RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NELSON. Mr. President, the American consumer is not the only victim of discrimination by the drug industry—the Federal Government is, also. This situation can be illustrated by a very important example. Rhone-Poulenc, a French firm, discovered chlorpromazine, a widely used heavy tranquilizer. This firm secured a patent in this country and licensed Smith, Kline and French on an exclusive basis to market it in the United States. Rhone-Poulenc also secured a Canadian patent and licensed a company in Canada to market it in that country. The Canadian and U.S. firms were each given a separate exclusive market; both markets were on the same continent.

The price charged in 1965 by the U.S. patent licensee for 25 milligram tablets to our Department of Defense was $32.62 a thousand. The price charged by the Canadian licensee to Canada's Department of Veterans Affairs was $2.60. When this startling 12-to-1 discrepancy was first brought to the attention of the Department of Defense, the Government agency attempted to secure the product from the Canadian firm, but that firm's licensing agreement with the patent owner restricted its sales to Canadian customers only.

Such patent monopolies permit the most incredible differentials between cost and selling prices. An amazing example was disclosed in 1971 in Canada during proceedings resulting from an application for a manadatory license. Valium and Librium, products of Hoffman-LaRoche, a Swiss company, dominate the tranquilizer business in almost the whole world. During the hearings in Canada, it was made clear that Roche could make Valium in its raw form at $87 per kilo and in final dosage form at $487 per kilo. Roche's selling price of the final dosage form in Canada was $11,000 per kilo, or about 13,000 percent of the price of raw material and 2,300 percent of what Roche claimed it cost them to make the dosage form.

Applications for compulsory licensing in Canada indicated that if licenses were granted, prices of many widely prescribed drugs—such as Diuril, Tandearil, Mellaril. Tofranil—would be sold at less than half the price at which the drugs are presently available in Canada—this would be possible even though a reasonable royalty would be paid to the patent holder. It should be noted that many drugs in Canada which are now considered too expensive and thus subject to manadatory licensing—are still about one-third less expensive than in the United States.

What factors exist in this country to sustain a higher level of drug prices to the American public?

There is considerable evidence that the high price of many drugs is due to a large extent to the existence of patent monopolies. Hearings of the Monopoly Subcommittee of the Senate Small Business Committee have indicated 20-to-1 and 10-to-1 differentials between prices for the same drugs, with and without patent monopolies. Securing such patent monopolies has been so important to some companies that they have not hesitated to commit fraud on the Patent Office. This is dramatically illustrated in the Tetracycline cases, in which the Federal Trade Commission, the Attorney General of the United States, and the attorneys general of most of the 50 States have been involved.

In my judgment it is a gross abuse of the American patent system to permit such oppression of the public. The patent is a public grant. It is clothed with the public interest, and it is the responsibility of the Congress to see that the public interest, instead of private gain, is the paramount factor in the administration of the patent system.

I am, therefore, proposing a bill designated the Public Health Price Protection Act, that will attempt to protect the public from monopolistic excesses. This bill will authorize the Federal Trade Commission, upon the certification and with the advice of the Surgeon General of the Public Health Service, to require that a drug patent become available for reasonable royalty licensing on nondiscriminatory terms to all applicants for licenses, whenever the Commission finds that certain factual conditions are met.

The conditions are basically that the average price to the consumer of the drug is higher than five times the direct cost of manufacture or else higher than the average price of such drug to the consumer in any foreign country; and that the annual sales of the drug have been more than $1 million for 3 or more years; and that the existence of a patent is a substantial contributing factor to the high price of the drug. If these conditions are met, and the Federal Trade Commission also determines that mandatory licensing will tend to secure lower drug prices to consumers and that the public interest is otherwise satisfied, then the Commission may issue its ruling that the patent shall be subject to mandatory licensing on reasonable terms under the proposed law. The procedures set forth in the act will assure due process of law and orderly and expeditious enforcement and administration of the act by the Commission.

There are ample precedents for these proposals. The U.S. Congress in at least three areas has already decided that mandatory licensing at reasonable rates is appropriate because of public considerations. One instance is in the field of atomic energy—42 U.S.C. 2182–90. Another is in the case of certain kinds of foodstuffs and other plant material—section 44 of Public Law 91–577, 84 Stat. 1547, the Plant Variety Protection Act. In this latter act of Congress the public interest in not allowing a patent monopoly to block distribution or use of a given invention was found paramount if "necessary in order to insure an adequate supply of fiber, food, or feed in this country." A third example is the air pollution area, where the Congress also decided that the needs of the Clean Air Act required the safeguard of a mandatory licensing provision.

The Department of Justice in a memorandum of law dated May 11, 1971, emphasized that—

> A patent is not a limitless right; its use is not untrammeled. The patent law does not exist in a vacuum. Its goals must be reconciled and kept in harmony with other goals.

The Department noted that the courts have also found that enforcement of the patent monopoly by injunction could be against the public interest.

In the *City of Milwaukee* v. *Activated Sludge, Inc.*, 69 F. 2d 577 (7th Cir. 1934), the Court of Appeals refused to enjoin the city of Milwaukee from infringing patents covering the operation of a sewage treatment plant. The court held that to grant an injunction would result in pollution of Lake Michigan, "thereby polluting its waters and endangering the health and lives of that and other adjoining communities." It, therefore, ruled that patent rights should be subordinated to the public interest, the city's patent infringement being compensable by money judgment. This is, of course, the direct analog of compulsory, reasonable royalty licensing.

Similarly, in *Vitamin Technologists, Inc.* v. *Wisconsin Alumni Research Foundation*, 146 F. 2d 941 (9th Cir. 1944), the Court of Appeals ruled that the public interest was violated when a patentee refused to license, and tried to prevent others from practicing, his drug patent—covering the process of producing Vitamin D by ultraviolet radiation. The court concluded that the patentee could not be allowed to enforce the patent, and went on also to refer the matter to the Attorney General of the United States for appropriate action to protect the public interest.

It is not unusual for most countries including the United States to provide licensing of a patent at a reasonable royalty where the public interest requires. At a recent briefing conference on "Patents and the Public Interest," Thomas C. Jorling, minority counsel of the Senate Public Works Committee, said that section 308 of the Clean Air Act amendments, which provides for compulsory licensing of patents needed to facilitate compliance with Federal air pollution standards, indicated the type of approach that Congress is prepared to adopt. He thinks it is possible that Congress will expand compulsory licensing to the water pollution field as well, if experience shows this is advisable.[1]

Bruce B. Wilson, Deputy Assistant Attorney General for the Antitrust Division, said attackers of compulsory licensing are "tilting at windmills." It is ridiculous, he said, to assume that a patent owner could withstand public pressure and try to exclude the rest of society from making use of a vital advance even in the absence of statutory provisions for compulsory licensing.[2]

Most of the Western European countries prohibit product patents on items considered necessary to the health and welfare of people. In those cases where product patents are permitted, as in the United Kingdom, Canada, Australia, and New Zealand, compulsory licensing is required. Under the present system the American people, who are paying higher prices for drugs than anyone else in the world, are being subjected to monopolistic exploitation. I expect that this bill I am introducing, if enacted, will go a long way to rectify this situation.

I ask unanimous consent that a more detailed analysis of the proposed legislation, which I have prepared, be included in the RECORD at this point, as well as the actual bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1659

On page 66, between lines 4 and 5, insert a new title as follows:

"TITLE VII—PUBLIC HEALTH PRICE PROTECTION

"SEC. 701. This title may be cited as the Public Health Price Protection Act of 1972.

"Sec. 702. Title III of the Public Health Service Act (58 Stat. 691; 42 U.S.C. 241–380b–12) is amended by adding the following Part K thereto:

"PART K—PUBLIC HEALTH PRICE PROTECTION

"SEC. 399c. Whenever it appears to the Suregon General, whether on the basis of his own information or belief or on the basis of information furnished him by other persons, that, in the case of any drug—

"(1)(A) its continued availability by reason of its general use by the medical profession may be in the public interest, or

"(B) it may be the drug of choice for particular clinical uses,

"(2) the usage and price levels of such drug are such that the volume of commerce therein may not be insubstantial, and

"(3)(A) there may be fewer than four producers of such drug in the United States, or

"(B) the average price of such drug to the consumer or to the user (whether the ultimate user or otherwise) of such drug in the United States may be higher than (i) five items the direct cost thereof to the producer, or (ii) the average price of such drug to the consumer or to the user (whether the ultimate user or otherwise) of such drug in any foreign country,

he shall immediately so certify to the Federal Trade Commission (hereinafter in this part referred to as the 'Commission'). The Comission shall thereupon investigate the pertinent facts.

"INSTITUTION OF PROCEEDING

"SEC. 399d. Whenever the Commission has reason to believe—

"(1) that the average price of any drug to the consumer or to the user (whether the ultimate user or otherwise) of such drug in the United States is higher than

"(A) five times the direct cost of such drug to the producer, including materials and labor but excluding overhead and promotional expenses; or

"(B) the average price of such drug to the consumer or user of such drug in any foreign country;

"(2) that the annual sales of such drug in the United States have exceeded $1,000,000 for three or more years; and

"(3) that the existence of a patent relating to the manufacture, use, or sale of such drug has constituted a substantial contributing factor to the high price of such drug, it shall institute a public rule making proceeding pursuant to section 553 of title 5, United States Code, to determine whether such patent should be made subject to mandatory licensing on reasonable terms and conditions, in order to secure to consumers lower prices for such drug. Such reason for belief may be, but need not be, based upon a certification pursuant to section 399c of this Act. As used in this section the term 'drug' includes an intermediate or nonfinal form of the drug.

"RULE MAKING

"SEC. 399e. (a) If the Commission determines, on the record after opportunity for agency hearings, as provided in section 553 (c) of title 5, United States Code, that—

"(1) the conditions set forth in section 399d of this Act exist with respect to any drug,

"(2) to require the patent on such drug to be made subject to mandatory licensing or reasonable terms and conditions will tend to secure to consumers lower prices for such drug, and

"(3) it would be in the public interest to require such mandatory licensing,

then it shall formulate and publish a rule so declaring.

"(b) The Commission shall concurrently, or after further public hearings, formulate and publish a rule specifying a reasonable royalty rate for the patent on such drug, at an amount that will duly take into account the need of the public for moderate drug prices, the public interest in encouraging research by giving manufacturers of drugs a fair rate of return on invested capital, and the public interest generally. In so doing the Commission may be guided by, but shall not be bound by, the standards used by the Federal courts in assessing patent infringement damages.

"(c) If, after formulating a rule pursuant to subsection (a) of this section, the Commission finds that the public interest requires the immediate availability of mandatory licenses in order to protect consumers from high drug prices, it may formulate and publish a rule specifying an interim royalty rate, with protective conditions to insure payment or repayment in the proper amount upon the formulation of a subsequent rule determining the actual reasonable royalty rate.

"(d) Unless the Commission otherwise provides because it believes that the public interest so requires, the Commission shall specify as additional reasonable terms and conditions for mandatory licensing that licenses are to be available to all applicants therefor for the life of the patent, that the terms are to be nondiscriminatory, and that no limitations or restrictions are to be imposed on the freedom of licensees to practice the patented subject matter.

"(e) The Commission may further provide, if it believes that to do so will tend to secure lower drug prices to consumers, that, as a condition to a person's collecting or being entitled to any royalties under the mandatory licensing arrangement, such person shall make available, to all licensees requesting the same, any technical data which exists in tangible form, which is in the possession or control of such person or to which he has access, and which the licensees need to practice the patent or market the drug economically and expeditiously.

"(f) If the Commission determines that no rule should be formulated, it shall publish its decision so providing.

"(g) Any applicant for a license, or patentee or other person entitled to royalties under the patent, may make application to the Commission for an interpretation, clarification, or modification of the rule of the Commission in the event of a disagreement with respect to the interpretation of the rule or otherwise; and the Commission shall proceed with respect to such application, on the record, after opportunity for a public agency hearing has been granted as provided in section 553 of title 5, United States Code.

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[1] Bureau of National Affairs' *Patent, Trademark & Copyright Journal*—News and Comments 11-11-71.

[2] Ibid.

"(h) In connection with the Commission's carrying out its responsibilities under this part, and particularly those under subsections (a) through (e) of this section, the Surgeon General shall furnish the Commission with such technical assistance and advice as it may request.

"EFFECT OF RULES; PENALTY FOR DISOBEDIENCE

"SEC. 399f. (a) After any rule for mandatory licensing formulated pursuant to section 399e becomes final and effective, no person shall be subject to suit under section 281 of title 35, United States Code, or related status, or to prosecution for contempt of a previous injunction thereunder, for infringement of the patent or patents subject to the Commission's rule, if such person shall have paid or offered to pay to the patentee or other person entitled thereto the royalties specified in the rule.

"(b) Any person who sues or threatens to sue another person for the infringement of any patent subject to a final and effective rule of the Commission under this part shall forfeit and pay to the United States a civil penalty of not more than $100,000 for each such act. Such penalty shall accrue to the United States and may be recovered thereby in a civil action brought in the United States District Court for the District of Columbia. Service of the summons and complaint may be made wherever the defendant is found or transacts business, or as otherwise authorized by a Federal statute of the Federal Rules of Civil Procedure.

"FINALITY AND REVIEW

"SEC. 399g. (a) (1) Any rule formulated under section 399e of this Act shall become final thirty days after the publication thereof by the Commission, and shall become effective forty days after publication thereof, unless the Commission shall for cause specify earlier or later dates.

"(2) Until the rule becomes final the Commission shall have power to reopen the rule making proceedings. The Commission shall for cause have power at any time to rescind or modify the rule.

"(3) The denial of a rule shall become final and effective upon the publication of the decision so providing, unless the Commission shall for cause specify a later date.

"(b) (1) Any person suffering legal wrong because of any final agency action under this part, or adversely affected or aggrieved by such action, shall be entitled to judicial review thereof.

"(2) There shall be no interlocutory review of any nonfinal agency action under this part.

"(3) The form of proceeding for judicial review shall be exclusively by way of petition for review by the United States Court of Appeals for the District of Columbia, pursuant to the rules of that court and the Federal Rules of Appellate Procedure. Any petition for review must be filed prior to the effective date of the rule.

"(4) Upon review, the Commission's findings shall be conclusive if supported by substantial evidence, and its rule shall be sustained if there is warrant for it in the record.

"(5) If the court of appeals or the Supreme Court sustains the rule, it shall become effective on the date the mandate is entered. If the rule is not sustained, the matter shall be remanded for further proceedings consistent with the judgment of the appellate court.

"(c) Upon the filing of a petition for review, the Commission, unless it finds that the public interest requires otherwise, or that to do so would be inconsistent with a district court order entered pursuant to section 399th of this Act, shall stay the effective date of its rule, pending the completion of judicial review.

"INTERIM JUDICIAL RELIEF

"SEC. 399h. (a) If the Commission believes that the public interest requires the immediate availability of mandatory licenses in the case of the patent on any drug in order to protect consumers from high drug prices, it may, at any stage of its proceeding or thereafter, so certify to the Attorney General, with a request that the Attorney General seek a temporary restraining order, preliminary injunction, or other appropriate relief.

"(b) Upon the application of the Attorney General, the United States District Court for the District of Columbia shall have jurisdiction to enter an order in the case of any patent or patents, with respect to which a rule has been issued by the Commission under this part, to prevent the enforcement of such patent or patents under section 281 of title 35, United States Code, or related statutes, during the pendency of the Commission proceedings and review thereof. Such relief shall be granted to the Attorney General upon a showing of likelihood that a final mandatory licensing rule will issue after a determination on the merits by the Commission. The relief may be conditioned upon the payment of interim royalties by applicants for licenses, and the court may impose other conditions in accordance with the principles of equity.

"(c) The proceeding before the district court shall be in the nature of an *in rem* action, and summons shall be served by publication in the Federal Register or otherwise as the court directs. Any person having a legal interest in the patent or patents shall have an unqualified right to intervene. The district court shall, upon the application of the Attorney General, pursuant to the procedure obtaining under section 5 of the Act entitled "An Act to protect trade against unlawful restraints and monopolies", approved July 2, 1890 (15 U.S.C. 5), or otherwise as authorized by Federal statute or the Federal Rules of Civil Procedure, summon before it the patentee or any party whose presence appears to be necessary to make the court's order effective.

"(d) The district court's order shall be reviewable under section 1292(a) of title 28, United States Code.

"INVESTIGATORY AND RELATED POWERS

"SEC. 399i. The Commission may utilize its powers under sections 3, 6, and 9 of the Federal Trade Commission Act (15 U.S.C. 43, 46, and 49) and related statutes, in order to carry out its duties under this part. The Commission is authorized to promulgate rules and regulations governing the enforcement of this part and proceedings thereunder; to define any and all terms used herein; to specify accounting methods and procedures for making the determinations of costs, sales, prices, and other such matters required hereunder; and otherwise to prescribe such further rules and regulations as may be necessary or proper for the purposes of administration and enforcement of this part.

"SEPARABILITY CLAUSE

"SEC. 399j. If any provision of this part or the application thereof to any person or circumstances is held invalid, the remainder of the part and the application of such provision to any other person or circumstance shall not be affected thereby.

"APPLICATION OF EXISTING LAWS

"SEC. 399k. The provisions of this part shall be held to be in addition to, and not in substitution for or limitation of, the provisions of any other Act of Congress."

EFFECTIVE DATE

SEC. 703. This title shall take effect 180 days after the date of enactment. It shall apply to all patents heretofore or hereafter issued.

On page 66, line 5, strike out "Title VII" and insert in lieu thereof "Title VIII".

On pages 66 through 71, renumber sections 701 through 707 as sections 801 through 808, respectively.

EXHIBIT 1

DOMESTIC AND FOREIGN PRESCRIPTION DRUG PRICES

(By Edmond M. Jacoby, Jr. and
Dennis L. Hefner)

As an outgrowth of the studies conducted by the Task Force on Prescription Drugs established by the Secretary of Health, Education, and Welfare in 1967, the Social Security Administration was asked to accept the responsibility of continuing research in the area of drug costs, prices, and use. The broad base of this activity is highlighted by the fact that the total annual cost of all pharmaceutical services in the United States today, including both inpatient and outpatient care, exceeds $7 billion. For HEW-sponsored health care programs the figure is likely to reach $1.4 billion in the fiscal year ending June 1971.

During the same period, even though currently out-of-hospital drugs are not provided as a benefit under Medicare, Social Security Administration outlays attributable to prescription services received by aged persons in institutions will probably reach $500 million.

Consequently, an examination of various factors that influence drug prices is relevant for both society in general and the Department of Health, Education, and Welfare, and for the SSA in particular. This analysis of domestic and foreign drug prices represents one approach for reviewing the economic dimensions of the problem.

Widely differing prices in the United States and eight foreign countries were found in a study of selected prescription drugs sold throughout the world. The countries in the study were those from which price data were immediately available. In addition to the United States, the countries included were Australia, Brazil, Canada, Ireland, Italy, New Zealand, Sweden, and the United Kingdom.

Comparisons of the prices are presented here in terms of charges to druggists. Charges to druggists are not necessarily the same as wholesale prices in the usually accepted sense; they represent the prices paid, on the average by druggists for a product rather than the manufacturer's receipts for the sale of the product to druggists. The difference between the two price levels may vary from zero to 20 percent. Selection of the drugs was based on their sales importance in the United States. The 20 drugs selected are listed below, by U.S. brand name and manufacturer.

Achromycin-V (tetracycline HCl), Lederle (American Cyanamid)
Benadryl (diphenhydramine HCl), Parke-Davis
Compazine (prochlorperazine maleate), Smith, Kline, & French (SKF)
Darvon (propoxyphene HCl), Eli Lilly
Declomycin (demethylchlortetracycline HCl), Lederle
Doriden (glutethimide), Ciba
Elavil (amitriptyline HCl), Merck
Equanil (meprobamate), Wyeth (American Home)
Erythrocin (erythromycin), Abbott
Gantrisin (sulfisoxazole), Roche
Lanoxin (digoxin), Burroughs-Wellcome (B–W)
Librium (chlordiazepoxide), Roche
Orinase (tolbutamide), Upjohn
Ovulen (ethynodial diacetate with mestranol), Searle
Polycillin (ampicillin), Bristol
Stelazine (trifluoperazine HCl), SKF
Terramycin (oxytetracycline HCl), Pfizer
Thorazine (chlorpromazine HCl), SKF
Valium (diazepam), Roche
V-Cillin-K (potassium phenoxymethylpenicillin), Eli Lilly

The data in table 1 demonstrate the great variation from country to country in prices for a single product by the same company. The price of propoxyphene, for example, was $7.02 in the United States, where Eli Lilly is the exclusive seller; the price charged by Lilly in Ireland was $1.66 and in the United Kingdom it was $1.92. Pfizer charges $20.48 for oxytetracycline in the United States under the brand name Terramycin but sells the same product for $7.74 in Ireland.

TABLE 1.—COMPARISON OF SELECTED PHARMACEUTICAL PRICES IN THE UNITED STATES AND EIGHT FOREIGN COUNTRIES, JANUARY 1970

[All prices in U.S. dollars for 100 tablets or capsules]

Generic name	Price to druggist, brand name, and manufacturer								
	United States	Australia	Brazil	Canada	Ireland	Italy	New Zealand	Sweden	United Kingdom
Analgesic: Propoxyphene HCl (65 mg.)	$7.02, Darvon, Lilly.	$2.73, Doloxene, Lilly.	$3.72, Doloxene, Lilly.	$5.29, Darvon, Lilly.	$1.66, Doloxene, Lilly.	$7,86,[1] Doloxene, Lilly.	$2.08, Doloxene, Lilly.	$3.33, Doloxene, Lilly.	$1.92, Doloxene, Lilly.
Antibiotics:									
Ampicillin (250 mg.)	$21.84, Polycillin, Bristol.	$20.48, Penbritin, Bristol.	$41.95,[2] Polycillin, Bristol.	$22.18,[3] Ampicin, Bristol.	$9.31, Pentrexyl, Bristol.	$19.15,[1] Sintopenyl, Aesculapius.	$11.30,[1] Penbritin, Beecham.	$16.58, Pentrexyl, Bristol.	$8.23, Penbritin, Beecham.[4]
Demethylchlortetracycline HCl (150 mg.)	$19.79, Declomycin, Lederle.	$11.17, Ledermycin, Lederle.	$4.93, Ledermicina, Cyanamid Quim, do Brasil.[5]	$16.09, Declomycin, Lederle.	$8.97,[1] Ledermycin, Lederle.	$17.88,[1] Ledermicina, Cyanamid.[5]	$3.87, Ledermycin, Lederle.	$19.43, Ledermycin, Lederle.	$8.20, Ledermycin, Lederle.
Erythromycin (250 mg.)	$26.12, Erythrocin, Abbott.	$14.51, Erythrocin, Abbott.	$11.92,[1] Pantomicina, Abbott.	$25.04, Erythrocin, Abbott.	$8.56, Erythrocin, Abbott.	$24.57,[1] Eritrocina, Abbott.	$10.88, Official price.	$19.21, Erythromycin, Abbott.	$10.02, Erythrocin, Abbott.
Oxytetracycline HCl (250 mg.)	$20.48, Terramycin, Pfizer.	$9.79, Terramycin, Pfizer.	$4.63, Terramicina, Pfizer.	$16.92, Terramycin, Pfizer.	$7.74, Terramycin, Pfizer.	$13.27,[1] Terramicina, Pfizer.	$3.68, Official price.	$13.04, Terramycin, Pfizer.	$9.06, Terramycin, Pfizer.
Potassium phenoxymethylpenicillin (250 mg.)	$8.95, V-Cillin-K, Lilly.	$6.11, P.V.K., Lilly.	$8.66,[1] V-Cil-K, Lilly.	$10.69,[1] V-Cillin-K, Lilly.	$2.77, Penicillin-V, Lilly.	(6)	$2.99, Official price.	(6)	$2.40, V-Cil-K, Lilly.
Tetracycline HCl (250 mg.)	$5.34,[7] Achromycin-V, Lederle.	$9.79, Achromycin-V, Lederle.	$4.22, Achromycin-V, Cyanamid Quim do Brasil.[5]	$12.64, Achromycin-V, Lederle.	$3.42, Achromycin-V, Lederle.	$10.84,[1] Achromycina, Cyanamid[5]	$13.78,[1] Achromycin-V, Lederle.	$13.89, Achromycin-V, Lederle.	$5.04, Achromycin-V, Lederle.
Antidepressant: Amitriptyline HCl (25 mg.)	$8.55, Elavil, Merck.	$8.33, Tryptanol, Merck.	$2.26,[1] Tryptanol, Merck.	$6.30, Elavil, Merck.	$2.26, Tryptizol, Merck.	$4.22,[1] Triptizol, Merck.	$4.20,[8] Tryptanol, Merck.	$3.09, Tryptizol, Merck.	$2.28, Tryptizol. Merck.
Antidiabetic: Tolbutamide (500 mg.)	$8.23,[1] Orinase, Upjohn.	$2.83, Rastinon, Hoechst.	$2.77, Rastinon, Hoechst.	$6.34,[1] Orinase, Hoechst.	$2.22,[1] Rastinon, Hoechst.	$2.86,[1] Rastinon, Hoechst.	(9)	$4.86, Rastinon, Hoechst.	$2.28, Rastinon, Hoechst.
Antihistamine: Diphenhydramine HCl [10] (50 mg.)	$2.22, Benadryl, Parke-Davis.	$1.60.[1] Benadryl, Parke-Davis.	$0.81, Benadryl, Parke-Davis.	$2.77, Benadryl, Parke-Davis.	$1.37,[1] Benadryl, Parke-Davis.	$2.60,[1] Benadryl, Parke-Davis.	$1.29,[1] Official price.	$2.33,[1] Benadryl, Parke-Davis.	$1.20,[1] Benadryl, Parke-Davis.
Ataraxics (tranquilizers):									
Chlordiazepoxide HCl (10 mg.)	$6.40,[1] Librium, Roche.	$3,74, Librium, Roche.	$2.40,[1] Librium, Roche.	$5.45, Librium, Roche.	$2.05, Librium, Roche.	$3.55,[1] Librium, Roche.	$1.83 [1] Librium, Roche.	$3.11, Librium, Roche.	$2.40, Librium, Roche.
Chlorpromazine HCl (50 mg.)	$6.60, Thorazine, SKF.[11]	$2.22, Largactil, May & Baker.[11]	$2.47,[1] Amplictil, Rhodia.[11]	$5.82,[1] Largactil, Rhone-Poulenc.[11]	$1.71, Largactil, May & Baker.	$3.47,[1] Largactil, Farmitalia.	$1.82,[1] Official price.	$2.88, Largactil, Rhodia.	$1.68,[1] Largactil, May & Baker.
Diazepam (5 mg.)	$8.03, Valium, Roche.	$3.74, Valium, Roche.	$3.62,[1] Valium, Roche.	$6.01, Valium, Roche.	$2.46, Valium, Roche.	$3.42,[1] Valium, Roche.	$2.72, Official price.	$3.71, Valium, Roche.	$2.88, Valium, Roche.
Meprobamate (400 mg.)	$7.06, Equanil, Wyeth.	$4.17, Equanil, Wyeth.	$1.91,[12] Equanil, Wyeth.	$5.13,[1] Equanil, Wyeth.	$1.79,[1] Equanil, Wyeth.	$3.65,[1] Quanil, Wyeth.	$2.06, Official price.	$1.67, Equanil, Ferrosan [13]	$1.74,[1] Equanil, Wyeth.
Prochlorperazine maleate (10 mg.)	$7.86, Compazine, SKF.	$4.44,[1] Stemetil, May & Baker.	$2.45,[1] Tementil, Rhodia.	$6.05,[1] Stemetil, Rhone-Poulenc.[11]	$2.87, Stemetil, May & Baker.	$3.04,[1] Stemetil, Farmitalia.	$2.93,[1] Official price.	$2.28, Stemetil, Leo.[14]	$3.04,[1] Stemetil, SKF.
Trifluoperazine HCl (5 mg.)	$9.75, Stelazine, SKF.	$4.70, Stelazine, SKF.	$2.42,[1] Stelazine, SKF.	$8.38, Stelazine, SKF.	$2.78,[1] Stelazine, SKF.	$3.82,[1] Modalina, Maggioni.[15]	$3.71, Official price.	$4.41,[1] Terfluzin, Rhodia.	$2.59, Stelazine, SKF.
Cardiovascular: Digoxin (.25 mg.)	$1.03, Lanoxin, B-W.	$0.69, Lanoxin, B-W.	$1.31,[16] Digoxina, B-W.	$1.51,[17] Lanoxin, B-W.	$0.53, Lanoxin, B-W.	$1.73,[1] Lanoxin, Wellcome.	$0.52,[1] Official price.	$0.98, Lanoxin, B-W.	$0.38, Lanoxin, B-W.
Oral contraceptive: Ethynodial diacetate with mestranol (6x21 tabs, 1 mg.)	$7.38, Ovulen 21, Searle.	$4.11, Ovulen 21, Searle.	$4.82, Ovulen 21,[18] Searle.	$5.85,[1] Ovulen 21, Searle.	$3.59, Ovulen 21. Searle.	$8.20, Ovulenl Lepetit.[19]	$3.56, Official price.	$4.51, Ovulen 21, Searle.	$4.10, Ovulen 21, Searle.
Sedative: Glutethimide (250 mg.)	$8.00, Doriden, Ciba.	$2.11, Doriden, Ciba.	$1.97,[1] Doriden, Ciba.	$2.76, Doriden, Ciba.	$0.92, Doriden, Ciba.	$1.80,[1] Doriden, Ciba.	$1.23, Officela price.	$2.06, Doriden, Ciba.	$1.00, Doriden, Ciba.
Sulfonamide: Sulfisoxazole (503 mg.)	$2.94, Gantrisin, Roche.	$3.00,[1] Gantrisin, Roche.	$1.51, Gantrisin, Roche.	$3.06, Gantrisin, Roche.	$1.64, Gantrisin, Roche.	$2.47,[1] Gantrisin, Roche.	$1.11,[1] Gantrisin, Roche.	$2.83,[1] Gantrisin, Roche.	$1.92, Gantrisin, Roche.

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[1] See Technical Note, Price Adjustments, p. 2.

[2] Sold as unspecified dosage, 12's for $5.04. It is assumed the most common dosage (250 mg.) is sold in Brazil.

[3] Estimated from suggested retail price of $36.83.

[4] Beecham holds the original British patent for ampicillin. Bristol and Aesculapius manufacture the drug by agreement with Beecham. (Hearings before the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary, Administered Prices, United States Senate, S. Res. 238, part 26, 1961, p. 15756, and L'Informatore Farmaceutico, 1970, p. 916.)

[5] Lederle is a division of American Cyanamid.

[6] Data not available.

[7] Calculated from direct sale price, Sept. 14, 1970.

[8] Price taken from an advertisement in the June 1968 issue of the New Zealand Medical Journal. The drug is not covered by social security program, and the official price for amitriptyline HCl is $2.52; difference in price must be paid by the patient.

[9] Available in New Zealand, but no price was reported in New Zealand's Prescription Pricing Schedules.

[10] Only available as Kapseals in the United States, Australia, Canada, and the United Kingdom.

[11] SKF licensee of Rhone-Poulenc. Farmitalia owns controlling interest in Rhone-Poulenc, which owns Rhodia and May & Baker.

[12] Sold as unspecified dosage, 24's for 46 cents. It is assumed the most common dosage (400 mg.) is sold in Brazil.

[13] Wyeth does not distribute drugs in Sweden. There are other manufacturers of meprobamate in Sweden, but only Ferrosan's product is called Equanil.

[14] Only manufacturer of prochlorperazine maleate in Sweden.

[15] Only manufacturer of trifluoperazine HCl in Italy.

[16] Dosage unspecified. It is assumed the most common dosage (.25 mg.) is sold in Brazil.

[17] Estimated from suggested retail price of $2.50.

[18] Available only as 20's.

[19] Searle does not distribute drugs in Italy.

Sources: Brasindice Industrial Farmaceutico, 6th edition, July-December 1967, Brasindice Grafica Editora, Ltda., Soa Paulo and Brasindice Industrial Farmaceutico, Boletim de Atuzlizaco, No. 44, May 20, 1968; Chemist & Druggist, Quarterly Price List, vol. 11, No. 1, March 1970, Thomas Marns & Co., Rustington, Sussex; FASS, 1969, Farmacevtiska Specialiteter, i Sverige, Stockholm, 1969, Almqvist & Wiksells Boktryckeri AB, Uppsala and FASS, 1969 Supplement, January-August 1969; L'Informatore Farmaceutico, 1970, Organizzazione Editoriale Medico—Farmaceutica, Milano, 1970; Mims, Monthly Index of Medical Specialities, Irish edition, Medical & Allied Publications, Ltd., Dublin, April 1970; New Zealand Medical Journal, June 1968, Medical Association of New Zealand, Wellington; Prescription Pricing Schedules, August 1969, Department of Health of New Zealand, Wellington; Price Book of Drug Store Merchandise (38th edition), June 1969, Canadian Pharmaceutical Association, Toronto; Price List of Prescription Proprietaries for Dispensing, No. D/69, issued by the Federal Council of the Pharmacy Guild of Australia, Nov. 1, 1969; U.S. Drug Topics Red Book, 1970, Topics Publishing Co., Inc., New York.

The same diversity of price among countries exists where sellers are independent firms and related only through patent licensing agreements. Chlorpromazine, marketed in this country by Smith Kline & French under the brand name Thorazine, is sold to druggists here for $6.60. Smith Kline & French has operated under an exclusive patent license from Rhone-Poulenc, the French firm that discovered the product and held the United States patent until its expiration in mid-1970.[1] Rhone-Poulenc, through a subsidiary, markets the identical product in Australia for $2.22 and in Sweden for $2.88. A closely related product, prochlorperazine, also was developed by Rhone-Poulenc. In this case the patent, again exclusively licensed to SKF in the United States, does not expire until September 1972. SKF's price for the product marketed under the brand name of Compazine is $7.86 in this country. A subsidiary of Rhone-Poulenc charges $2.87 in Ireland and $3.04 in the United Kingdom.

Another product that has had a wide market in the United States is tolbutamide—an oral anti-diabetic drug—marketed here under the brand name Orinase. Upjohn, the single seller of the product in the United States, secured a patent license from Hoechst, the German discoverer of the compound. Upjohn's price in this country is $8.23. Hoechst itself, marketing under the brand name Rastinon, sells the drug for as little as $2.22, $2.28, and $2.77 in other countries.

The findings of this study show that differences between selected countries in drug prices are significant. The extent to which such variations are caused by real economic factors (differences in labor costs, size of markets, etc.) or the application of market power by pharmaceutical manufacturers cannot be determined from this study. General knowledge of the total problem suggests that it would be unwise to assume that price discrimination exercised by drug producers is a minor factor.

The study shows that prices in the United States for these drugs are generally higher than in any other country studied. The lowest price for any drug was usually about one-fourth the highest price. In each case the product was marketed by the same manufacturer. For some of the drugs the same brand name was used both in the United States and abroad; for others the manufacturer used different brand names in different countries.

Although certain countries exhibited tendencies toward a high or low level of prices, these levels were not consistent for all products. The United States, for example, had the highest prices overall. For one category of drugs—tranquilizers—U.S. prices were highest in every case. Yet for Achromycin-V, an antibiotic, the U.S. price was among the lowest observed. The price for Polycillin was much higher in Brazil than in any other country, yet for five drugs Brazil had the lowest price.

TRENDS IN COUNTRIES WITH HEALTH INSURANCE PROGRAMS

Findings from other studies provide additional information on drug prices in some of the countries in this report.[2]

Australia, Ireland, and Sweden pay part of the retail price of prescription medicines. In Sweden, payment is for one-half of that portion of the price between $1 and $3 and for everything over $3. In Ireland, payment depends on the patient's income; in Australia, payment is for everything except a nominal copayment fee. For medicines to treat certain chronic diseases, all three countries pay the total price. The United Kingdom and Italy pay the full retail price for medicines. New Zealand pays for the least expensive brand of a drug. These six governmetns therefore have a direct interest in the prices at which pharmaceutical items are sold.

Sweden demonstrates this interest by regulating the prices of drugs through established regulatory codes. Ireland, New Zealand, and the United Kingdom negotiate with the industry for lower drug prices but do not exercise statutory power to enforce them. Italy and Brazil actually set drug prices, with the prices determined from data supplied by the manufacturers. (Brazilian and Italian laws require disclosure of cost information.) Australia lacks statutory power to regulate drug prices but considers the price of a drug when deciding whether to include it on the list of drugs for which the government will reimburse.

Brazil and Italy permit no patents on pharmaceuticals. Sweden grants patents only for pharmaceutical manufacturing processes. The six other countries in the study issue patents for both product and process.

Brazilian prices generally are among the lowest four of the nine countries. Because "run-away" inflation is a serious problem in Brazil, pharmaceutical manufacturers introduce new drugs in the market at artificially high prices as protection from inflation for a number of years. Yet, when inflation overtakes the prices, manufacturers apparently find it difficult to obtain government approval for price increases. Some of the prices were established many years ago, and difficulty in revising them may account in part for Brazil's low price level.

As the accompanying chart indicates, the United States has the highest median position among eight of the countries in the group.[3] Twelve times out of 20, the U.S. prices are the highest. Canadian prices are second highest 14 times out of 20. Among the six European and North American countries in the group, only Canada and the United States have no national health insurance program. Many Canadian Provinces, however, have health insurance programs of their own. The United States has health insurance for the aged (Medicare) and a medical assistance program (Medicaid) for the medically indigent, as well as many private health insurance plans. There is, however, no uniformity of care and benefits as would be possible under a national program.

Ireland and the United Kingdom, which rank lowest with respect to prices, have national health insurance programs with features such as drug cost reimbursement and government control over prices. Both Sweden and Australia—ranking fourth and fifth highest, respectively—have national health insurance programs featuring reimbursement plans and government regulation of pharmaceutical prices. Italy offers the most comprehensive system of drug price controls, with prices set by the government and cost data disclosure required. Its health program covers nearly all the population and features complete governmnet payment for drugs. Italian prices generally ranked third highest.

Additional foreign prices

For three of the 20 brand name drugs studied in this report, prices from additional countries are available.[4] The 10 prices obtained are too few to warrant their inclusion in table 1. They are shown here in table 2, however, because they (1) provide added information and (2) can be used to verify or refute some of the trends shown in this report.

Table 2 presents these pharmaceutical prices for Denmark, West Germany, Norway, and Switzerland. The source of the information provided only generic name, manufacturer, and dosage. No reference was made to brand name, and the drugs may be marketed under different brand names in the foreign countries.

TABLE 2.—COMPARISON OF 3 PHARMACEUTICAL PRICES IN UNITED STATES AND 4 FOREIGN COUNTRIES

[All prices stated in U.S. dollars for 100 tablets or capsules]

Country	Diazepam (10 mg., Roche)[1]	Meprobamate (400 mg., Wyeth)	Tetracycline HCl (250 mg., Lederle)
United States	$11.07	$7.06	$5.34
Denmark	4.27	.58	10.54
Germany	4.97	(2)	12.53
Norway	4.91	(2)	11.15
Switzerland	3.74	4.43	17.17

[1] Standard dosage is shown in table 1 as 5 mg., but diazepam prices in these 4 countries were only available for 10 mg.

[2] Data not available.

This report shows that U.S. prices for ataraxics are high in relation to foreign prices and that U.S. prices for antibiotics are comparable to those in foreign countries. The prices shown in table 2 for two ataraxics, Valium and Equanil, reinforce the report findings, as the prices in the United States for both Valium and Equanil are higher than the prices in the four other countries.

Achromycin is an antibiotic whose U.S. price ranks among the lowest four prices of the nine countries in table 1. When the U.S. price for Achromycin is compared with Achromycin prices in these four countries, it is found to be substantially lower. The conclusion that antibiotic prices in the United States appear to be comparable with the average of foreign antibiotic prices thus receives some support.

Technical Note

To avoid biasing or compromising any conclusions drawn from the study material it was necessary to standardize certain criteria for data acceptability, equivalency, and adjustment.

The 20 products were found to be available in all nine countries, except for potassium phenoxymethylpenicillin in Italy and Sweden. Moreover, it was possible to obtain prices for an individual product in each of the countries, in most cases as the proprietary of a single manufacturer. Table 1 lists the products and their manufacturers and the prices reported in each country, with the drugs grouped by therapeutic category and alphabetized by generic name. The products displayed on the price matrix were selected on the basis of the following criteria:

1. They were among the 50 most often prescribed drugs in the United States.[5]
2. Their combined sales during fiscal years 1968 and 1969 to the Veterans Administration amounted to more than $100,000.
3. Their combined sales during fiscal year 1968 and 1969 to the Defense Personnel Support Center (Department of Defense) amounted to more than $300,000.

In addition, foreign prices were admitted to the matrix only if they were manufactured or sold (1) by the same manufacturer or (2) by an affiliated native firm (a subsidiary, parent, licensee, or licensor of the U.S. firm) or (3) under the identical brand name by a manufacturer with no known affiliation with the U.S. firm[6] or (4) under a different brand name by a manufacturer of unknown affiliation with the U.S. firm when there was only one manufacturer selling the product.[7]

To obtain prices for products in New Zealand, these criteria were waived. For that country, exact prices for only five of the 20 products were known, and these were obtained from magazine advertisements.[8] The remaining 15 prices were obtained from the New Zealand Government's official price list for pharmaceuticals. That list designates the amount the Government will pay for the products, but manufacturers are not obliged to sell their proprietaries at that price. Of the five prices known, however, four coincide with the official price. Thus it seems

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Footnotes at end of article.

reasonable to assume that most brand name drugs sell at or near the official price in New Zealand. To approximate the price for the 15 remaining products, the official price was used.

All prices in this report have been converted to U.S. dollars, as of March 1970.[9] Price comparisons are shown for a standard quantity package containing 100 tablets or capsules of uniform dosage. Where products were not available in this standard package, the necessary statistical adjustment was made.

PRICE ADJUSTMENTS

Some adjustments of basic prices were necessary for a valid comparison. In many instances, prices were not available for the standard dosage and/or quantity employed in the study. When this occurred, prices for other dosages and/or quantities were adjusted to conform to the established standard. When the U.S. price for the standard dosage or quantity was not available, the price was calculated from a larger, hence more economical, dosage or quantity. Adjustment in the "downward" direction tends to make the calculated price equal to or less than the actual price. All adjusmtents of foreign prices were in the "upward" direction, which tended to make the calculated foreign prices equal to or greater than the actual prices.

The method chosen for collecting U.S. prices also avoids adjustments that could produce bias. Whenever possible, the price used was the "average wholesale price" (AWP) based on a sample of actual prices paid by druggists. Because the AWP was not available for every product,[10] the "manufacturer's suggested wholesale price" was substituted when necessary.[11] That price was always less than or equal to the AWP.

Listed below are the drugs for which price adjustments were necessary, with the price before adjustment indicated.

Three countries—Ireland, Italy, and Sweden—reported prices to consumers rather than prices to druggists. Irish prices were adjusted to wholesale prices by multiplying by 0.567.[12] Italian prices were adjusted by two ratios. For a drug not reimbursed by the Italian national health program (INAM), the adjustment was accomplished by multiplying the price by 0.712.[13] For drugs reimbursed by INAM, there is a 17-percent rebate from the manufacturer to INAM on the price to the consumer; these prices were adjusted by multiplying by 0.542.

No general conversion rate was available for Sweden, but both prices to druggists and prices to consumers were available for 30 Swedish drugs.[14] The markups by druggists for these 30 drugs ranged from 23.6 percent to 170.2 percent and averaged 45.3 percent To assure that no calculated price would be less than the actual price, all Swedish prices were adjusted on the basis of the lowest markup, 23.6 percent, by multiplying consumer prices by 0.809. Use of the lowest markup means that these prices reported are equal to or greater than the actual prices in Sweden.

Generic name	Country	Dosage, quantity, and price before adjustment
Analgesic: Propoxyphene HCl	Italy	65 mg., 20's for $1.58.
Antibiotics:		
Ampicillin	Italy	250 mg., 12's for $2.30.
	New Zealand	250 mg., 500's for $56.50.
Demethylchlortetracycline HCl	Ireland	150 mg., 16's for $1.44.
	Italy	150 mg., 16's for $2.86.
Erythromycin	Brazil	250 mg., 120's for $14.30.
	Italy	250 mg., 12's for $2.93.
Oxytetracycline HCl	Italy	250 mg., 16's for $2.12.
Potassium phenoxymethyl-penicillin.	Brazil	250 mg., 6's for $0.52.
	Canada	250 mg., 50's for $5.34.
Tetracycline HCl	Italy	250 mg., 16's for $1.73.
	New Zealand	50 mg., 25's for $0.69.
Antidepressant: Amitriptyline HCl	Brazil	25 mg., 25's for $0.57.
	Italy	25 mg., 25's for $0.84.
Antidiabetic: Tolbutamide	Canada	500 mg., 50's for $3.17.
	Ireland	500 mg., 40's for $0.88.
	Italy	500 mg., 20's for $0.57.
	United States	500 mg., 50's for $4.35.
Antihistamine: Diphenhydramine HCl	Australia	50 mg., 50's for $0.80.
	Ireland	25 mg., 50's for $0.34.
	Italy	25 mg., 25's for $0.33.
	New Zealand	50 mg., 50's for $2.58.
	Sweden	50 mg., 50's for $1.17.
	United Kingdom.	50 mg., 50's for $0.60.
Ataraxics (tranquilizers):		
Chlordiazepoxide HCl	Brazil	10 mg., 20's for $0.48.
	Italy	10 mg., 25's for $0.89.
	New Zealand	10 mg., 25's for $0.46.
	United States	10 mg., 500's for $32.
Chlorpromazine HC	Brazil	25 mg., 250's for $3.09.
Ataraxics (tranquilizers)—Continued		
Chlorpromazine HC—Continued	Canada	50 mg., 50's for $2.91.
	Ireland	25 mg., 50's for $0.43.
	Italy	25 mg., 25's for $0.43.
	New Zealand	50 mg., 50's for $0.91.
	United Kingdom	50 mg., 50's for $0.84.
Diazepam	Brazil	5 mg., 20's for $0.73.
	Italy	5 mg., 20's for $0.68.
Meprobamate	Canada	400 mg., 50's for $2.57.
	Ireland	400 mg., 20's for $0.36.
	Italy	400 mg., 20's for $0.74.
	United Kingdom	400 mg., 20's for $0.35.
Prochlorperazine maleate	Australia	5 mg., 25's for $0.56.
	Brazil	5 mg., 20's for $0.25.
	Canada	10 mg., 50's for $3.03.
	Italy	5 mg., 20's for $0.30.
	New Zealand	5 mg., 250's for $3.66.
	United Kingdom	5 mg., 25's for $0.38.
Trifluoperazine HCl	Brazil	5 mg., 25's for $0.93.
	Ireland	5 mg., 50's for $1.39.
	Italy	5 mg., 25's for $0.95.
	Sweden	5 mg., 50's for $2.21.
Cardiovascular: Digoxin	Italy	0.25 mg., 50's for $0.87.
	New Zealand	0.25 mg., 1,000's for $5.20.
Oral contraceptive: Ethynodial diacetate with mestranol.	Canada	1 mg., 5x21's for $4.96.
Sedative: Glutethimide	Brazil	250 mg., 20's for $0.40.
	Italy	250 mg., 12's for $0.22.
Sulfonamide: Sulfisoxazole	Australia	500 mg., 40's for $1.20.
	Italy	500 mg., 20's for $0.50.
	New Zealand	500 mg., 500's for $5.55.
	Sweden	500 mg., 50's for $1.42.

ANALYSIS OF BILL

The proposed bill would empower the Surgeon General and the Federal Trade Commission to determine that a patented drug should be made subject to mandatory licensing to all applicants, on reasonable and nondiscriminatory terms and conditions. The Surgeon General and the Commission would also be authorized to determine a reasonable royalty rate. Other provisions of the bill would permit judicial review and, where the public interest so required, interim equitable relief from the Federal courts.

The key substantive provision in the bill is a new Part K of the Public Health Service Act, section 399d of which specifies the following as the essential conditions for requiring mandatory licensing:

(1) The average price to the consumer or user of the drug must be more than five times the producer's direct cost of materials and labor, or must be higher than the average such price in a foreign country.

(2) The annual sales of the drug must be more than $1 million for three or more years.

(3) The existence of a patent on the drug must constitute a substantial contributing factor to the high price of the drug.

If the Federal Trade Commission has reason to believe that all of these conditions are met, it is to institute a public proceeding, in accordance with the Administrative Procedure Act (5 U.S.C. 553), in order to determine whether they are, in fact, met, and, if so, whether the patent should be made sub-

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FOOTNOTES

[1] For licensing agreements referred to in these paragraphs, see *Hearings on Administered Prices in the Drug Industry Before the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary*, United States Senate (86th Cong.), vol. 17, exhibit 86, pages 9474 ff., and exhibit 101, pages 9484 ff., and vol. 20, exhibit 306, pages 11266 ff.

[2] See *Health Insurance Systems in E.F.T.A. Countries, Pharmaceutical* Industries Association in the E.F.T.A., Zurich, Switzerland, April 1968, and *Current American and Foreign Programs*, Task Force on Prescription Drugs, Office of the Secretary, Department of Health, Education, and Welfare, December 1968.

[3] New Zealand has been omitted from these comparisons and from the chart because only five of the 20 prices in that country are definitely known.

[4] Information on these prices was received August 1, 1970, from the National Health Service, Copenhagen, Denmark.

[5] *National Prescription Audit*, R. A. Gosselin and Co., Inc., Dedham, Mass., 1969.

[6] Only three prices were thus obtained: Equanil (meprobamate), manufactured by Ferrosan in Sweden; Stemetil (prochlorperazine maleate), manufactured by LEO in Sweden; and Ovulen (ethynodial diacetate with mestranol), manufactured by Lepetit in Italy.

[7] Only the price of Modalina (trifluoperazine HCl) manufactured by Maggioni in Italy, was obtained in this way.

[8] Doloxene (propoxyphene HCl), manufactured by Lilly; Gantrisin (sulfisoxazole), by Roche; Trypyanol (amitriptyline HCl), by Merck; Librium (chlordiazepoxide HCl), by Roche; and Penbritin (ampicillin), by Beecham. (*New Zealand Medical Journal*, June 1968.)

[9] Sources of the data on exchange rates used in converting the foreign prices were Deak & Co., Inc., Washington, D.C., and the Foreign Currency Office, Riggs National Bank, Washington, D.C.

[10] The AWP was not available for Ovulen 21, Stelazine, Doriden, Compazine, Darvon, Equanil, Lanoxin, Thorazine, Benadryl, Polycillin, and V-Cillin-K.

[11] *Drug Topics Red Book* (1970 edition), Topics Publishing Co., Inc., New York.

[12] Conversion rate obtained from an official of the Central Pharmaceutical Co., Dublin, Ireland.

[13] The products not reimbursable under the program are Doloxene, Triptizol, Librium, Valium, Quanil, and Ovulen, (*Italian Pharmaceutical Market, 1969*, I. M. S., vol. 1, December 1969, page 17.)

[14] Prices were obtained from an unpublished survey by the National Health Service, Copenhagen, Denmark.

ject to mandatory licensing so that consumers may secure the drug at lower prices. The Commission is also directed to consider whether it would be in the public interest to require such mandatory licensing.

In the event that the Commission determines that the patent should be made available for licensing, section 399e of Part K directs it to specify a reasonable-royalty rate on the basis of the following factors: the need of the public for moderate drug prices, the public interest in encouraging research by giving drug manufacturers a fair rate of return on their invested capital, and "the public interest generally." The Commission is also authorized to consider the standards used by the federal courts in assessing patent infringement damages, since 35 U.S.C. 284 refers to the award of damages in terms of "a reasonable royalty for the use made of the invention by the infringer." The Commission is not bound by such court standards, however, and is permitted to develop its own standards.

If the Commission finds that the public interest requires manadatory licensing at once, to protect consumers from high prices on the drug, under section 399e(c) the Commission may determine an interim royalty rate, pending its hearings and decision on an actual reasonable royalty rate. A related provision, section 399h of Part K, permits the Commission to request the Attorney General to seek preliminary relief *pendente lite* from a district court, so that the patent will be made available immediately for mandatory licensing to protect consumers from high drug prices.

The proposed legislation is, in large part, self-executing. The Commission need not specifically enforce its mandatory licensing requirements against the patentee. The determination by the Commission under the proposed law acts directly against the patent, and section 399f of Part K prevents the patent from being the basis for injunction suits against drug manufacturers that wish to take advantage of the reasonable-royalty, mandatory licensing provision. Once a Commission determination becomes final, section 399f(a) provides that the federal courts may no longer entertain such suits. This greatly facilitates the administration of the proposed law and the realization of its objectives.

A detailed sectional analysis of the proposed legislation follows:

SECTION 701

The short title of the proposed law is the "Public Health Price Protection Act."

SECTION 702

Section 702 amends the Public Health Service Act, by adding a new Part K—Public Health Price Protection. The section numbers that follow are those of amended Part K, not those of this Act.

SECTION 399C

Section 399c directs the Surgeon General to certify to the Federal Trade Commission the apparent existence of certain facts which might indicate excessive or monopolistic pricing practices on drugs that he considers of medical importance, which are commercially significant, and which may be subject to monopolistic conditions. One such factor is fewness of actual producers of the drug in this country, indicating a possible monopoly over production. The term "manufacturers" is not used here, because in Food and Drug matters the term includes packagers and repackagers of drugs originally manufactured by others. Other factors, including prices, have been discussed earlier. It should be noted that price to users as well as consumers is to be considered, since in some circumstances the drug is purchased by a doctor, hospital, or other person who uses it only by administering it to the patient, who is not himself the purchaser. Again, in the case of manufacturers who are not producers, because they buy in bulk or dosage form through channels of distribution, such "users" are neither consumers nor ultimate users. The same principle applies to manufacturers who purchase intermediates and convert them into dosage form drugs.

SECTION 399D

Section 399d directs the Federal Trade Commission to institute a public rule making proceeding under the provisions and safeguards of the Administrative Procedure Act (5 U.S.C. 553), whenever it has reason to believe that:

(1) the average price of a drug to consumers or users is more than five times its production cost or more than its foreign price;

(2) its annual sales have been $1 million for three or more years;

(3) a patent on the drug is a substantial contributing factor to the high price of the drug.

The purpose of the rule making proceeding is to determine whether mandatory reasonable-royalty licensing of the patent should be required, in order to secure lower prices for the drug. The term "user" is explained in the preceding section. The term "drug" includes pharmaceutical intermediates as well as final forms of a drug, because in some cases intermediates may be the relevant article of commerce.

SECTION 399E

Subsection 399e(a) provides for a Commission determination whether the foregoing facts are true, whether mandatory licensing will tend to bring about lower drug prices, and whether it would be in the public interest to require such licensing.

Subsection (b) provides for a determination of reasonable royalty rates on the basis of various factors—the need of the public for moderate drug prices, the public interest in encouraging research by giving drug manufacturers a fair rate of return on their capital investments, and the public interest generally. The Commission may also, but is not required to, consider the standards used by federal courts in determining patent infringement damages under 35 U.S.C. 284.

Subsection (c) permits the Commission to establish an interim royalty rate, to permit immediate mandatory licensing in order to protect the public from high drug prices, during the pendency of a possibly time-consuming proceeding to determine the actual level of a reasonable royalty. The Commission will also, if it follows this procedure, devise conditions to insure payment of the difference owed the patentee, or repayment of overcharges, measured by the discrepancy between the ultimately determine royalty rate and the interim royalty rate.

Subsection (d) provides that reasonable terms and conditions ordinarily to be included in the mandatory licenses will be that: (1) any applicant may have a license, (2) the license will be good for the life of the patent, (3) there will be no discrimination in terms among licensees, (4) no restrictive provisions will be included in licenses. The second of these conditions is to insure that small manufacturers will not be deterred from entering the market by fears of possible loss of their licenses and thus investments. The fourth provision prevents license restrictions or limitations such as price-fixing, tie-ins, or other practices limiting the business freedom of the licensee. Where the public interest so requires, however, the Commission may permit deviation from the foregoing standards.

Subsection (e) permits the Commission to speed or encourage new entry by denying the patentee the right to royalties unless he provides needed know-how or other tangible technical information in his possession to licensees. Thus, the Commission could provide that licensees should have access to new drug application data filed with the Food and Drug Administration or other clinical materials, if it believed that this was important in getting newcomers into the market promptly and economically, and thus lowering the market price of the drug to consumers as the result of the entry of such new competition. The Commission cannot order the patentee to provide such data, however, under this subsection; it may only condition the collection of royalties under the mandatory licenses upon the patentee's so doing. The patentee is then free to elect whichever alternative he prefers—furnishing the technical data to licensees under the mandatory program, in return for reasonable compensation therefor, or losing his right to collect royalties on the drug patent. This limitation on the Commission's power is consistent with the *in rem*, rather than in *personam*, administrative and enforcement scheme of the Act.

Subsection (f) provides for the publication of decisions denying rules, so that judicial review under section 399g will become available.

Subsection (g) provides for interpretation, clarification, or modification of rules, on the basis of the procedures specified in the Administrative Procedure Act. This provision is designed primarily for resolution of disputes between license applicants and patentees over matters not left clear by initial rule making procedures.

Subsection (h) provides for cooperation between the Surgeon General and the Federal Trade Commission in administering the Act.

SECTION 399F

Subsection 399f(a) is the principal enforcement provision of the Act. It provides that a final rule will have the effect of making those who apply for mandatory licenses under the rule no longer liable to patent infringement suits. The existence of the rule, and the alleged infringer's having brought himself within its protection by offering to pay the royalty decreed by the Commission, will automatically operate to bar any suit. The Act thus becomes self-enforcing without any policing by the Commission. To this end, *in rem* rule making procedures instead of *in personam* adjudicative or prosecutorial procedures, have been adopted in section 399e of the Act. Thus, all procedures are directed toward the patent which is the basis of monopoly power and consequent high prices, rather than against the patentee.

Subsection (b) is the only policing measure in the Act. It permits the Attorney General to bring a civil penalty action against any person who, in disregard of the Act's removal of patent infringement remedies, nevertheless threatens or brings a lawsuit he has no right to institute.

SECTION 399G

Subsection 399g(a) deals with finality of action by the agency, which triggers judicial review. Paragraph (1) makes a rule final in thirty days, after which it is ripe for judicial review. Ten days after the rule becomes final, it becomes effective. Paragraph (2) preserves the Commission's power to reopen the proceeding until the agency action has become final, and also preserves the Commission's power for cause to modify final rules. Paragraph (3) permits judicial review of the refusal of a rule, as soon as the decision is published.

Subsection (b) deals with the mode of judicial review. Paragraph (1) is based on the language of the Administrative Procedure Act (5 U.S.C. 702), and confers a right to review of a rule upon patentees affected by it, would-be applicants for licences, and others having an interest at stake. Paragraph (2) prevents review of nonfinal actions, such as procedural rulings; the Commission should not be harassed by dilatory tactics designed to prevent prompt determination of these matters. Paragraph (3) vests review jurisdiction in the District of Columbia Circuit, which is the situs of the Commission and the patent grant. This will prevent improper forum shopping and centralize review responsibility in a court experienced in administrative agency matters.

The judicial review pattern generally follows that of the Federal Trade Commission Act (15 U.S.C. 45). Thus paragraph (4) of subsection (b) follows the substantial evidence test used in reviewing findings under that Act, and provides that the agency's action shall be sustained if "the Commission's opinion 'has "warrant in the record" and a reasonable basis in law'" (*Atlantic Refining Co.* v. *Federal Trade Commission*, 381 U.S. 357, 367–368 (1965)). Upon an appellate court's upholding a rule, the rule becomes effective as soon as the court sends down its mandate sustaining the rule. In the case of the Supreme Court, it may remand to the court of appeals for further proceedings, where they are necessary, or else it may sustain the rule without such a remand, because that would be unnecessary. The mandate of the Supreme Court, by its terms, would provide for the foregoing. Upon reversal of the agency's action, presumably for want of substantial evidence, the ordinary procedure would be to remand to the Commission for further proceedings in accordance with the law.

Subsection (c) provides for the agency to stay the effective date of a rule pending review, unless public interest considerations require otherwise. This section carries out the similar provisions of the Administrative Procedure Act (5 U.S.C. 705).

SECTION 399h

This section provides for interim judicial relief to protect the public from a drug patent monopoly during the pendency of the Commission proceeding. Subsection (a) authorizes the Commisison to request the Attorney General to seek a temporary restraining order, preliminary injunction, or other relief from the federal courts, to protect consumers from high drug monopoly prices.

Subsection (b) authorizes the Attorney General to apply to the United States District Court for the District of Columbia for an order preventing the drug patent from being enforced during the course of the proceeding, so that the patent will be subject to mandatory licensing for such time. The standard for grant of such interim relief is the customary "likelihood of success on the merits" test (see, e.g., *United States* v. *Ingersoll-Rand Co.*, 320 F. 2d 509, 524 (3d Cir. 1963); *Hamilton Watch Co.* v. *Benrus Watch Co.*, 206 F. 2d 738, 740 (2d Cir. 1953); *United States* v. *Crocker-Angelo National Bank*, 223 F. Supp. 849, 850 (N.D. Calif., 1963); *United States* v. *Brown Shoe Co.*, 1956 Trade Cases #68,244 (E.D. Mo. 1956)). These and other cases make it clear that, when "relief in furtherance of the public interest" is at stake, equity courts will "go much further" than in private cases (*Virginian Railway System* v. *System-Federation*, 300 U.S. 513, 552 (1937)). Consequently, the government need not show "irreparable injury" to secure preliminary relief under this section, but need only establish that "there is a reasonable probability that the Government will prevail on the merits" (*Crocker-Angelo, supra*). The district court has the power to impose equitable protective conditions to its order, as does the Commission under the analogous provisions of section 399e(c).

Subsection (c) specifies procedures for the Attorney General to institute such applications for interim relief. The action is *in rem* against the patent, as is the Commission's proceeding. Any legally interested party may intervene. The Attorney General is also to cause the patentee and other necessary persons to be summoned under Section 5 of the Sherman Act (15 U.S.C. 5) in the case of domestic companies, under 35 U.S.C. 293 in the case of foreign companies, and other federal statutes or rules as may be appropriate. Necessary parties would include those who should be bound by the court's order, in order to prevent threats or harassment against new entrants under the interim mandatory licensing arrangement.

Subsection (d) makes the grant or denial of preliminary relief under this section reviewable in the United States Court of Appeals for the District of Columbia, as in the case of a grant or denial of a preliminary injunction (28 U.S.C. 1292(a)(1)).

SECTION 399I

Section 399i permits the Commission to subpoena data, require reports, and carry out inquiries, etc. in accordance with the procedures under the Federal Trade Commission Act. This section also authorizes the Commission to promulgate rules, to define all terms used in the Act, to specify accounting procedures, and otherwise take necessary or proper action for the administration or enforcement of the Act.

The following section is of this Act, rather than of amended Part K:

SECTION 703

Section 703 makes the Act effective 180 days after passage, and makes it clear that it applies to preexisting patents.

NOTICE OF HEARING ON NOMINATIONS FOR COUNCIL ON ENVIRONMENTAL QUALITY

Mr. JACKSON. Mr. President, I wish to announce for the information of the Members of the Senate and all interested persons that the Committee on Interior and Insular Affairs will hold open hearings on Friday, October 6, 1972, on the nomination by President Nixon to fill two vacancies on the Council on Environmental Quality. The two nominees are Dr. Beatrice E. Willard of California and John A. Busterud of Oregon. I ask unanimous consent that the biographical sketches of each of the nominees be printed in the RECORD at the close of my remarks.

The hearings will begin at 10 a.m. in room 3110, New Senate Office Building.

There being no objection, the sketches were ordered to be printed in the RECORD, as follows:

DR. BEATRICE E. WILLARD—PERSONAL RESUME

DATE AND PLACE OF BIRTH

Palm Springs, California, December 19, 1925.

MARITAL STATUS

Single.

HOME ADDRESS

1529 Columbine Avenue, Boulder, Colorado.

PRESENT POSITION

President (since 1970), Thorne Ecological Institute, Boulder, Colorado.

FORMER PROFESSIONAL AFFILIATION

1967–1970 Vice President, Thorne Ecological Institute.

1965–1967 Executive Director, Thorne Ecological Institute.

1963–1964 Assistant Professor of Biology, S. Oregon College, Ashland.

1960–1963 Teaching Assistant, Department of Biology, University of Colorado, Boulder.

1958–1963 Research Assistant, Institute of Arctic and Alpine Research, University of Colorado, Boulder.

Previously: Teacher in public schools, Ranger Naturalist in National Parks.

EDUCATION

B.A. Stanford University, 1947, in Biological Sciences.

M.A. University of Colorado, 1960, in Botany (Plant Ecology).

Ph.D. Same, 1963, in Botany (Plant Ecology).

COMMUNITY AND PUBLIC ACTIVITIES

Secretary, Colorado Air Pollution Control Commission, 1970–1971.

Member, Colorado State Advisory Committee on Environmental Education, 1967–1970.

Secretary and Trustee, Rocky Mountain Center on Environment.

President, Colorado Open Space Council, 1968–1969.

Trustee, Aspen Center for Environmental Studies, 1970 to date.

Member, Colorado Environmental Inventory Advisory Committee, 1970–1972.

Founder and director, Seminar on Environmental Arts and Sciences for national decision-makers, Aspen, 1967 to date.

Founder and director, Seminars on Ecology, Rocky Mountain National Park, 1962 to date.

Chairman, Denver Olympic Planning Commission, 1971 to date.

Recipient, 1970 American Motors Award for Professional Conservation.

Recipient, 1969 Colorado Conservationist of the Year Award by Colorado Wildlife Federation (with Dr. Estella B. Leopold).

Trustee, Colorado Chapter of Nature Conservancy.

Chairman, Rocky Mountain Chapter, Sierra Club.

Member, Ecological Society of America, AAAS, American Institute of Biological Science, National Parks Association, Wilderness Society.

PUBLICATIONS

Co-author. 1972 (in press). Landscape above the Trees. Harper-Row, New York. Illust.

Willard, B. E. and J. W. Marr. 1971. Recovery of alpine tundra ecosystems from visitor impact, Trail Ridge, Rocky Mountain National Park, Colorado. Biological Conservation.

Willard, B. E. and J. W. Marr. 1971. Effects of human activities on alpine tundra ecosystems in Rocky Mountain National Park, Colorado. Biological Conservation 2(4):257–265.

Marr, J. W. and B. E. Willard. 1970. Persisting vegetation in an alpine recreation area in the S. Rocky Mountains, Colorado. Biological Conservation 2(2):97–104.

Willard, B. E. and C. O. Harris. 1963. Alpine Wildflowers of Rocky Mountain National Park. Rocky Mountain Nature Association. 24 p.

Willard, B. E. et al. 1959. A Guide to the Mammoth Lakes Sierra. Wilderness Press. 141 p. Rev. 1963, 1969.

JOHN A. BUSTERUD—PERSONAL RESUME

DATE AND PLACE OF BIRTH

Coos Bay, Oregon, 7 March 1921.

MARITAL STATUS

Married to Anne Witwer with three children, John 16; James 14; Mollie 12.

HOME ADDRESS

102 Mountain View Avenue, San Rafael, California 94901.

LOCAL ADDRESS

6737, Towne Lane Road, McLean, Virginia 22101.

PRESENT POSITION

Deputy Assistant Secretary of Defense (Environmental Quality).

FORMER PROFESSIONAL AFFILIATION

Attorney, Partner in Law Firm of Busterud, Draper and Adams, San Francisco, California. Emphasis in law practice on conservation and environmental law and on antitrust law. (See attached statement).

EDUCATION

University of Oregon, 1943, BS with Honors Yale Law School, 1949, LL. B Phi

Beta Kappa; Editor, *Yale Law Journal;* Phi Delta Phi.

COMMUNITY AND PUBLIC ACTIVITIES

Past President, Commonwealth Club of California (1970).

President, Headlands, Inc., a charitable conservation organization formed to preserve the Golden Gate headlands (1968–71).

Marin County Chairman, People for a Golden Gate National Recreation Area (1971).

Vice President, Associated Regional Citizens, a charitable organization devoted to study of regional government for San Francisco area.

Member, Sierra Club.

Former Member of Assembly, California Legislature (1957–62).

Chairman, Assembly Committee on Constitutional Amendments (1959–61).

Special Counsel to California Legislature on Constitutional Revision (1963–65).

Member, California Constitution Revision Commission (1965–71).

ENVIRONMENTAL BACKGROUND

Mr. Busterud presently is Deputy Assistant Secretary of Defense for Environmental Quality, a position which he has held for the past year. In this role he has exercised responsibility for establishing Department of Defense policy for compliance with the National Environmental Policy Act, Presidential executive orders in the environmental quality field, and other Federal and State laws dealing with this subject.

The Department of Defense environmental quality program has developed rapidly under Mr. Busterud's leadership, with military construction pollution control budget requests for FY 73 of 171 million dollars, and a total environmental program of that fiscal year of 313 million dollars.

Mr. Busterud's office has supervised and expanded the Department's program of environmental impact analysis, surveyed the use of non-military lands by Department of Defense agencies, engaged in environmental demonstration projects in cooperation with the Environmental Protection Agency and the Council on Environmental Quality, and encouraged increased interest in the field of natural resources management of the some 26 million acres of real estate controlled by the Department of Defense.

Mr. Busterud has been considered a progressive voice within the Department of Defense on environmental matters and participated in the Stockholm Conference on the Human Environment. He is a member of the Committee on International Environmental Affairs of the Department of State.

Prior to his present assignment Mr. Busterud was a senior partner in the law firm of Busterud, Draper and Adams in San Francisco specializing in conservation and antitrust law.

Mr. Busterud was a founder and President of Headlands, Inc., a charitable conservation organization which was formed to give assistance to the Department of Parks and Recreation of the State of California in connection with development of the Marin Headlands State Park. Under his leadership a state appropriation was obtained which permitted purchase of the Kirby Cove Area of Fort Baker on the Golden Gate for inclusion in the Marin Headlands State Park. He has fought along with conservationists to prevent construction of the proposed City of Marincello in southern Marin County.

Mr. Busterud also served as Marin County Chairman and as a member of the Board of Directors of the Citizens for a Golden Gate National Recreation Area formed for the purpose of supporting creation of the National Recreation Area as part of the President's Program of Parks to the People. He has also been a member of the Marin County State Parks Advisory Committee to the State of California.

Mr. Busterud has been active in the Nature Conservancy and the Sierra Club.

While President of the 14,000-member Commonwealth Club of California in 1970 he created a new Club Study Section on the Environmental Crisis, to review the interrelationships between proposed Federal and State environmental quality laws.

Mr. Busterud has been active in many community conservation projects, including leadership of a Green Belt coalition in San Francisco which successfully urged purchase and preservation of a key 13-acre wilderness area on the slopes of Mount Sutro in the heart of the city. He also has been allied with other conservationists in a number of zoning and building height battles in San Francisco and Marin County.

Mr. Busterud was also a founder and Executive President of the Associated Regional Citizens, a charitable organization dedicated to the formation of a proposed limited regional government in the San Francisco Bay area to better coordinate area-wide planning and conservation effort such as the on-going programs of the Bay Conservation and Development Commission.

In addition to Mr. Busterud's work on environmental and conservation matters, he has served as a member of the California Constitution Revision Commission for nearly 10 years, and supported inclusion of a special provision in the California Constitution dealing with environmental quality.

Mr. Busterud was born in Coos Bay, Oregon and is a resident of San Rafael, California. He is married and the father of two sons and a daughter. Among his hobbies he lists back packing, tennis, golf and jogging.

NOTICE OF CHANGE OF HEARINGS ON REGULATION OF THE SECURITIES INDUSTRY

Mr. WILLIAMS. Mr. President, I wish to announce that the hearings before the Subcommittee on Securities on the regulatory structure of the securities industry, originally scheduled for October 3, have been rescheduled for October 5 at 10 a.m. in room 5302, New Senate Office Building.

If you wish to submit a statement for the hearing record, please contact Stephen J. Paradise, Committee on Banking, Housing and Urban Affairs, room 5308, New Senate Office Building, telephone number 225–7391.

ADDITIONAL STATEMENTS

RETIREMENT OF GORDON F. HARRISON

Mr. THURMOND. Mr. President, I wish to pay tribute to a distinguished American, Gordon F. Harrison, who recently retired as staff director of the Rules Committee. Gordon Harrison has served our great Nation for 35 years with honor and distinction, the last 18 years as Staff Director of the Senate Committee on Rules and Administration.

Gordon has been a man of outstanding accomplishments his entire life—in college, as valedictorian of his class; in law school, as 3-year staff member of the Georgetown Law Journal; in the Navy, where he served as an officer aboard the U.S.S. carrier *Franklin*, retiring from such service with the rank of captain in the Naval Reserve; in the U.S. Department of Justice, as an accomplished trial lawyer under the direction of Warren E. Burger, who was at that time an Assistant Attorney General; and as a recipient of the George Washington University Annual Award for Internatonal Relations and World Peace.

Mr. President, Gordon Harrison was first appointed staff director of the Senate Rules and Administration Committee by his fellow Rhode Islander, Senator Theodore Francis Green, and continued to serve subsequent chairmen—Senators Thomas C. Hennings, Jr., of Missouri, Senator Carl Hayden of Arizona, Senator MIKE MANSFIELD of Montana, and the present chairman Senator EVERETT JORDAN of North Carolina.

It is testimony in itself of Gordon's knowledge and devotion to duty that five chairmen from different parts of the country, and with various approaches to problems, have seen fit to retain him as their staff director.

As staff director of the Rules Committee, Gordon was in continuous contact with Senate Members or their legal and administrative assistants. He was able to assist them both quickly and efficiently. He was a professional dedicated to serving his fellow man and his country.

Gordon F. Harrison is a man who deserves our admiration and respect. He is a man who native State of Rhode Island should be proud to call her own. It is with deep regret that we learn of Gordon's retirement, for it will be hard to replace such a man.

Mr. President, I am sure that all Senators join me in wishing him well in his future, and thanking him for a job well done.

SENATOR HERMAN E. TALMADGE LEADS WITH A STRATEGY FOR SURVIVAL OF THE COUNTRYSIDE

Mr. HUMPHREY. Mr. President, I would like to share with Senators an article authored by the distinguished chairman of the Committee on Agriculture and Forestry (Mr. TALMADGE) which appeared in the September issue of Nation's Business.

The article, very aptly entitled "A Strategy for Survival of the Countryside," addresses the problems and potential of rural America and how the provisions of the recently enacted Rural Development Act of 1972, if fully funded and effectively administered by the administration, can help solve many of those problems and help the nearly 70 million people who live there achieve a better and higher quality of life.

Most of the credit concerning the development and passage of this historic piece of legislation must be attributed to the senior Senator from Georgia (Mr. TALMADGE). His efforts on behalf of rural development and his work toward the development of a more balanced growth pattern in this country began even prior to his assuming the chairmanship of the Committee on Agriculture and Forestry.

In 1970, he sponsored and secured passage of title IX of the Agricultural Act of that year which committed the Congress to a sound balance between rural and urban America as a matter of national policy. That act declared that the highest priority must be given to the revitalization of rural areas. It also requires the executive branch to submit reports on the availability of Government services and financial assistance in support of rural development. It further set down for the first time requirements for the executive branch with respect to the location of Federal facilities, giving preference to areas of lower population density.

In addition to his leadership in connection with title IX passage, Senator TALMADGE also pushed hard in 1970 for the establishment of a special Rural Development Subcommittee within the Senate Committee on Agriculture and Forestry. Although no action was taken in 1970 to establish such a subcommittee, Senator TALMADGE made it one of his first official acts when he assumed the chairmanship of the full committee following the opening of the 92d Congress. He not only established the subcommittee, but also led the effort to fund and staff it. He also named me chairman of the subcommittee which I was honored and delighted to accept.

While a great deal of work and hearings were conducted by the subcommittee on rural development legislation over the past year, Senator TALMADGE had the difficult task of forging the final bill in full committee, on the Senate floor and in conference with the other body. His skill and leadership during that period were ample testimony to the fine reputation he enjoys here in the Senate as one of our most outstanding and most able legislators.

The foresight and leadership of this former practicing attorney, distinguished Governor, and now chairman of the Committee on Agriculture and Forestry is once again revealed by his own hand in the article he prepared for Nation's Business. In the article, Senator TALMADGE forcefully makes the case of the imporant inter-relationships that exist between happenings in rural America and urban America. He also eloquently outlines both the requirements and importance of changing past geographic population and economic distribution trends in this Nation.

Mr. President, I wish personally to commend my colleagues and chairman for his excellent leadership and accomplishments on behalf of all the people of this Nation—both rural and urban—in forging and securing passage of this historic and far-reaching piece of rural development legislation. He has provided rural America with its own "Magna Carta" to help guide its future growth and development, a feat many of us only a few short years ago thought near impossible to accomplish.

Mr. President, I ask unanimous consent to have Senator TALMADGE's article printed in the RECORD. I also urge all Senators to read and study the article thoroughly.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Nation's Business, September 1972]

A STRATEGY FOR SURVIVAL OF THE COUNTRYSIDE

(By Senator HERMAN TALMADGE)

At the hamburger stand where the high school crowd gathers, you can hear this kind of talk:

"I'm going to leave this place. That diploma's my ticket out. I'm going to forget where I was born."

The birthplace such a youngster is talking about is somewhere in a huge slice of America, a slice that has two thirds of its substandard housing and over half of its poverty—and where health, education and other community services are often inadequate, or even lacking altogether.

A well-worn description of our big city slums? Not at all. It's a contemporary portrait of rural America, long a symbol of the relaxed, comfortable life.

Many of our rural areas, so deeply embedded in our history and traditions, are literally struggling for survival.

There is now reason for hope for them, however.

Congress has passed the Rural Development Act of 1972 and, for the first time, we are beginning to offer that part of the country some of the help it needs on a scale equal to the challenge. It is help which should produce jobs to reverse the rural decline, and should provide a better balance in the use of our land and other resources.

The plan is of major importance to our big cities as well as the countryside. We can't solve the nation's major social and political problems, including the urban crisis, as long as 70 per cent of our people are living on 2 per cent of the land.

Let me discuss the circumstances that created the need for this historic legislation.

MODERN-DAY EXODUS

In the past 25 years, some 30 million people have left our villages, small towns and small cities. The rural emigration that had begun before World War II intensified after the war as the number of family farms began to decline. Increased productivity per acre through modern methods of agriculture, and controls on production, were among factors that eliminated farm jobs.

Communities that had depended on agricultural employment for their economic health also began to decline.

Rural people couldn't find jobs or were woefully underemployed. Youngsters who went off to college had no career opportunities to lure them back.

In Telfair County, Ga., where I was born and raised, about 125 young people graduate from high school every year. A high percentage go on to college, but very few return to their home towns. An occasional doctor, an occasional lawyer, maybe, but the rest have to go elsewhere for job opportunities.

Educating each of those children through the twelfth grade, and providing them with other government services, costs the county about $5,000. When 100 leave, the county loses an investment of $500,000.

So Telfair County is exporting capital expended for education, as well as exporting the best educated and potentially most productive citizens.

At the same time it is exporting the worst educated, those who formerly would have been laborers on farms and elsewhere. They can't get jobs, either.

Lack of jobs is not the only reason people leave the countryside, of course. Maybe they don't have clean drinking water or are fed up living without proper health care, telephone service, sewage disposal systems, good roads or good cultural and recreational facilities.

For one reason or another, millions have joined the exodus—man's largest mass migration in so short a period.

INTO THE PRESSURE COOKER

Now where did all these people go? They flocked into the cities, turned them into overleaded pressure cookers and precipitated the terrible urban crisis that confronts us today.

Some of the better educated found careers in business, or the professions.

But a high percentage wound up on welfare. In fact, there are families who have never known any other way of life in our urban areas but welfare. They add to the great problems of crime, housing, pollution, narcotics, congestion—you name it.

Through a complete lack of planning, we made it impossible for people to remain in the countryside. And, again without an ounce of planning, we shoved them into cities without opportunity or even room for them.

One solution that has been offered is to make the cities livable—to set up program after program of channeling large amounts of money into them to attack their many problems.

Well, in the last nine years alone we have spent $160 billion trying to solve or even cope with the cities' problems, and the urban crisis is worse now than it was before we spent the first dollar.

I do not deplore the expenditure of this money. The problems are there, and they need to be faced.

But we have been trying, in effect, to dam up the Mississippi down around New Orleans with a structure that is certain to break apart eventually—when it might have been easier to build a number of smaller dams upstream.

In rural America, there are thousands of viable small towns, with functioning community facilities, that can be built upon to create a new rural society. This is why Congress passed the Rural Development Act, which is a strategy for the survival of the American countryside.

WHAT INDUSTRY REQUIRES

There is a developing trend in industry to locate in less densely populated areas.

But before a community can even start to try to attract industry, it must have adequate water, sewerage, health and power facilities; educational, cultural and recreational programs; access by highway, rail and air; and perhaps such attractions as industrial parks.

The thrust of the Rural Development Act, the most forward-looking bill of its kind in our history, is to help communities achieve those ends by an infusion of both federal and private capital.

An extensive range of grants and loans are authorized by the bill.

The U.S. Agriculture Department's Farmers Home Administration will make government-backed loans to help finance industrial and commercial development and to install or improve community facilities. There's no general ceiling on the total amount of such loans. In addition, the bill provides $50 million a year to assist communities in developing industrial parks and related facilities; $375 million a year for planning and building water and sewer systems; and $10 million annually for general planning for development.

Funds will be available for maintaining and improving the quality of the environment in a number of ways. The bill provides for a dozen programs for abatement, control and prevention of pollution, not only to water but in the air. Even noise pollution—to the extent that it becomes a problem in rural areas—will be attacked.

The Act defines "rural areas" as those with populations of no more than 10,000, and all of them will be eligible for full participation in its programs. Communities with populations of between 10,000 and 50,000 will be eligible only for loans and grants for actual industrial and commercial development. There are 13,200 communities of 10,000 or less in this country and more than 720 of 10,000 to 50,000.

All told, they contain nearly 80 million people.

This landmark law also provides:

A significant pilot program to test the feasibility and usefulness of nationally coordinated fire protection for rural areas. This will be an extension of the successful forest fire program operated by the U.S. Forest Service, other federal and state agencies, and owners of private forest lands.

A major research program—using the resources of higher education—to analyze and, hopefully, solve the problems of rural development and of people on small farms. Not only the land grant colleges, but all other public and private universities and colleges, including community colleges and technical institutes, will be involved to help local groups and regional councils plan projects. And extension programs that the U.S. Department of Agriculture has operated for many years to serve farm families will be expanded into the rural development field.

Individual loans to farmers so they can comply with new federal health and safety regulations, and to help young persons start agricultural or business enterprises.

The financing aspects are particularly important. Rural areas have traditionally been capital-deficit areas. They do not have enough equity and lending money for housing construction and for business opportunities.

And most of our towns and villages lack the tax base to finance the civic improvements needed.

IN THE MONEY

Money moves out instead of in.

All this can be changed. The Rural Development Act provides a method for channeling funds from the central money markets of the urban areas back to the rural areas.

Having said what the Rusal Development Act is, let me point out what it isn't.

This bill is by no means an effort to relocate people involuntarily. There is no thought of that.

It also is not by any means a plan to "keep 'em down on the farm," nor is it a "back-to-the-farm" concept.

While you cannot have a sound rural economy without a strong agricultural sector, we know there will be even fewer agricultural jobs in the future than there are in this period.

Mechanization and other improved agricultural practices will continue to diminish the need for manpower.

But people do want to stay in the rural areas, and the only thing that will keep them there is adequate job opportunity.

Some of our strongest support in this effort comes from young people who prefer the type of life to be found in the countryside and don't want to be forced into cities.

It is not the intention of this legislation to urbanize our rural areas. If that happens we will have failed. An important goal is to keep the charm and other qualities that make our rural areas so appealing.

HELP FOR "FUN CITY"?

Many who have flocked to the cities have pulled up their roots, broken their old associations, and lost their identities as individuals—they have become just more numbers. This loss of individuality is one cause of the lack of stability that has led to many of our urban problems.

The cities facing those problems could benefit significantly from the Rural Development Act.

Take New York, for instance. It's ungovernable and unlivable, and a big reason for this is the large influx of unproductive people. One of every six residents of New York is on welfare, with many getting more money than they could if they worked.

We can stop such influxes, if we really try, and hopefully can draw back some of those already in cities. A city that has millions of people jammed into it, living as wards of the government, cannot survive.

I'm well aware that there have been programs in the past with the goal of helping industrial development in rural areas. But we have never had a bill which, in the popular jargon, "gets it all together." We have been trying to solve a growing national problem with half-way measures.

At last we have a sensible policy of balanced national growth that should strengthen rural America and maintain its unique appeal, while making better use of the land for all the people.

MILITARY PARTNERS

Mr. BEALL. Mr. President, we in this country are extremely fortunate to have the ability, when disaster strikes, of responding quickly and effectively to aid the victims of such tragic situations. The core of this system is, of course, made up of the men and women who serve their fellow citizen by their involvement in Civil Defense. I would like to take this opportunity to congratulate them on their fine work.

But, Mr. President, it is even more commendable when one learns of Civil Defense officials who are constantly exploring new sources of expertise and talent in order to improve the capability of Civil Defense to respond to emergencies. Such a man is R. Hal Silvers, director of the Prince Georges County Civil Defense and Emergency Planning Agency. Mr. Silvers, recognizing the wealth of trained manpower which exists in the military services to aid civilians in times of emergencies, has initiated a partnership program with the Army 450th Civil Affairs Military Reserve Unit, which will do much to help expand the ability of the county government to react to major disasters. Called "Project County Government," the program included a 3-day exercise in which reservists served at the county's Emergency Operating Center as military assistants to Government in coping with a number of problems in a natural disaster scenario.

I commend Mr. Silver and the Civil Defense and Emergency Planning Agency of Prince Georges County, as well as the officers and men of the 450th Civil Affairs unit, for their exemplary cooperation in this important project. Their work will further insure that, if disaster strikes, Prince Georges County will be ready.

I ask unanimous consent that the article entitled "Military Partners," published in the October issue of Response, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Military Partners

Prince Georges County, Md.—A wealth of trained talent exists in the military services to assist civilians in meeting a variety of major emergencies, and more and more Civil Defense directors are taking advantage of it. R. Hal Silvers, Director of the Civil Defense and Emergency Planning Agency in this southern Maryland community, is one of the "early bird" leaders in this civil-military partnership in preparedness.

For some time Mr. Silvers has been working with the Army 450th Civil Affairs Military Reserve Unit, an organization of 60 officers and 120 enlisted men, on a long-range realistic training program that would be beneficial to the miiltary as well as the civil government of Prince George's County, a community just east of Washington, D.C. An on-the-job training program was worked out, involving the Army Civil Affairs reservists with all major elements of the county government. The program, titled "Project County Government," included a three-day exercise in which the reservists served at the county's Emergency Operating Center as military assistants to county government officials in coping with a variety of problems in a natural disaster scenario.

Mr. Silvers' concept in working with the Army Civil Affairs unit is also the central theme behind the Civil Defense Mobilization Designee program started this year by the Defense Civil Preparedness Agency initially with the Army and the Air Force. Under the program, Army and Air Force reservists—officers, warrant officers and enlisted members of the Individual Ready Reserve, both male and female—have the opportunity to serve as Civil Defense Mobilization Designees with training and duty at State or local Civil Defense agencies or at DCPA Regional offices.

The objective of the CD MOBDES program (pronounced "MOBE-DEZ") is to strengthen the emergency capabilities of civil governments by augmenting their Civil Defense agency staffs with trained reserve MOBDES personnel. Benefits for CD MOBDES personnel include the opportunity of earning the required point credit for a satisfactory retirement year by serving at duty stations within commuting distance of their homes, and serving active duty in a wartime mobilization period in the specific jobs for which they have been trained. In a peacetime disaster period, a CD MOBDES would be paid for emergency duty if asked to serve by his Civil Defense director.

ACTION ON GENOCIDE CONVENTION LONG OVERDUE

Mr. PROXMIRE. Mr. President, today I wish to urge the adoption of the Genocide Convention, whose major objective is to preserve man's most precious right—the right to live. Genocide is defined as the deliberate destruction or persecution of national, racial, religious, or ethnic groups. It is therefore obviously contrary to the founding spirit of this Nation, as embodied in the Declaration of Independence, the Constitution, and the Bill of Rights.

The text of the convention confirms that genocide is a crime under international law. Of even greater importance, the convention states that all persons committing genocide shall be punished, be they constitutionally responsible rulers, public officials, or private individuals. Though genocidal crimes are not to be confused with political crimes, those guilty will be subject to the rulings of their competent national court.

Mr. President, over 70 nations have ratified the Genocide Convention since 1948, including Canada, France, Italy, India, and Russia. However, in the United States, the Genocide Convention has languished in the Foreign Relations Committee for over 20 years before being brought before the floor. We can no longer tolerate the possibility of a reenactment of any inhumane annihilation such as that carried out by the Nazi Government of Germany during World War II. We can no longer tolerate the hideous crimes against humanity seen today all over the world.

Mr. President, we can no longer afford not to ratify this Genocide Convention at the earliest possible date.

A UNIQUE CUB SCOUT PACK

Mr. HATFIELD. Mr. President, I invite special attention to the Department of

Health, Education, and Welfare's Office of Child Development publication "Children Today," September–October issue. This issue contains an article describing the activities of a most unique Cub Scout Pack in Oregon. Cascade Area Council Cub Pack 555 is no ordinary Scouting group—for the Cubs are residents of the Fairview Hospital and Training Center for the Mentally Retarded in Salem, Oreg., and the Pack leaders are inmates of the Oregon State Correctional Institution.

As the father of two young sons, this innovative approach to scouting is of particular interest to me. The program not only fills the needs of these young boys; it also gives the den dads a sense of worth and the chance for personal contact with young people. The entire program is an example of what a concerned community, sensitive to the needs of all it residents, can do in utilizing available programs to provide full and rewarding experiences to people of all backgrounds.

I invite the attention of Senators to the article, and ask unanimous consent that the article entitled "Lean on Me," written by C. Alan Hogle, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Lean on Me: A Unique Scouting Program

(By C. Alan Hogle)

Twice a month the 20 boys scurry down from their bus and wait impatiently for someone to open the gates for them. Quickly then, they find their Scout leaders, Roger Neumann and Wilbur Moffett, and their den "dads." After their excited greetings, after their shoelaces are tied, and after at least one piggybank ride, the Cubs—and their leaders—pledge their allegiance to the flag, repeat the Scout oath, and move into high gear in their dens. The "Wolves," the "Bears," the "Dan'l Boones," and the "Eagles," men and boys, are busy tying knots, pitching tents, practicing bonfire-making and fire safety, and exploring the mysteries of nature. Cascade Area Council Cub Pack 555 is in session.

But this is no ordinary Cub Pack. For the Cubs are residents of the Fairview Hospital and Training Center for the Mentally Retarded in Salem, Oregon. And the "dads" and other leaders are inmates of the Oregon State Correctional Institution, a medium security prison on the outskirts of Salem.

There is also a companion Boy Scout Troop 555, consisting of 18 boys from Fairview, which meets on alternate weeks. Scouting in Pack and Troop 555, Salem, may very well be the only Scouting in the nation carried on inside the walls of a state prison.

Ray Olson, an Oregon State Boy Scout Executive in 1965, and now an official with the Oregon Correctional Institution (OCI), initiated plans for the Scout groups. He saw that the Fairview boys needed adult male companionship and models, since the Fairview staff was predominantly female. He also realized that the OCI inmates "needed someone they could relate to and give of themselves." With the aid of officials from both State institutions, Olson contacted the National Council of the Boy Scouts of America, and received their approval for penal institution residents to act as Scouting sponsors. The program details were then worked out by officials and staff from OCI and Fairview, and by the inmates themselves.

Together, they established three guidelines: the Fairview boys had to be trainable and in need of this kind of activity; the OCI inmates had to be screened to insure that there was no history of sexual crimes or deviancy; and the Boy Scouts of America guidelines, *Scouting for the Mentally Retarded*, were to be followed.

On alternate Wednesdays the Cubs and Scouts were bused by the Fairview staff to OCI, where they meet in space provided by prison officials and prepared by their leaders. Thirty-eight OCI residents participate in the Scouting program, and there is a waiting list of others ready and willing to take part. The residents serve as Cub and Scout masters and as patrol and den "dads." The men have made den and patrol flags out of available materials and, although their trousers are official institutional khaki, their shirts are official Scouting ones.

OCI is a prison for first adult felony offenders who are under the age of 27. Their average age is 21, and their average stay in prison is 17 months. The operational philosophy of OCI, Superintendent George E. Sullivan says, "emphasizes retraining and resocialization rather than 'tight' custody controls." It involves work/education release and community activity. According to another OCI official, the inmates "demonstrate a willingness to participate in a rehabilitation program, and that's what the Corrections Division is all about. Of the inmates' Scouting activities Ray Olson observes, "It's probably the first time they've stopped worrying about themselves and worried about others."

"I've never been needed before. This is the best thing that's ever happened to me," says one inmate. "I like kids—I have three brothers at home," says another. And still another observes, "The place they live in is something like being here."

In trying to live up to the terms of the Scout oath, which they take very seriously, the inmates have provided important male models for their boys to imitate. As a result of their activity with the boys eight inmates now do volunteer work five days a week with the seriously mentally retarded at Fairview.

Jerry Flug, OCI's liaison staff member, conducts regular meetings to orient inmates to the needs of the boys and their tasks. Flug also conducts the planning sessions for what is now a three-year-old program.

The Scouting sessions last for two hours each week, providing the boys with more than 30 hours of individual help during the year. In addition to their increased knowledge and skills relating to Scouting lore and activities, and their increased independence, the boys enjoy the deeply personal one-to-one relationships they establish.

"When the boys see their den dads, they go bananas," reports Darrel Buttice, Public Affairs Coordinator for the Oregon State Department of Human Resources which administers programs for both correctional and mental health institutions. "They jump on the men, hug them, and talk to them as any excited child would. And of course the men are glad to see them."

No special provisions are made for the boys' achievements and the regular Scouting requirements for rank and merit badges are followed. It may take these boys longer to work through their activities to reach certain levels, but their skills and accomplishments are the same as for all other Scouts once they get there.

Troop 555 has participated in many Cascade Area Council activities, including the Salem Armory Boy Scout Circuses. And the Scouts have enjoyed a number of campouts with their leaders at Little North Fork on the Santian River, where they were joined by Salem Troop 106. Other campouts are being planned.

Mrs. Lawrence Moyer, whose son Scott is in the program, says that his Scouting experiences are frequent topics of Scott's conversation. Like other parents, she and her husband are grateful for the time, interest, and energy the inmates devote to the boys' progress.

John Coffee, Fairview recreation therapist, says that the one-to-one relationships the boys enjoy form a key element in increasing their skills, self-assurance, independence, and social responsibility.

Scouting for the Fairview boys and the OCI was created by far-sighted leaders in response to the needs of those placed in their care. But Scouting in Troop and Pack 555 is really the result of the mutual need of boys and men to lean on each other. Though institutionalized, they help each other to carry on, by sharing each week a few hours filled with warmth, friendship and understanding.

NEED FOR FUNDING INDIAN EDUCATION PROGRAM

Mr. FANNIN. Mr. President, on the basis of current information, it would appear that the Office of Education is not planning to request an appropriation for this fiscal year to implement title IV of the Higher Education Act, the Indian education program.

Assuming that this information is correct, I must strongly indicate my disappointment. Since the establishment in 1967 of a Special Indian Education Subcommittee, Congress has steadily worked toward the enactment of a program to correct deficiencies in our present Indian education efforts.

Title IV of the Higher Education Act represented an important step in realizing the desire of Congress to meet the educational needs of our Indian citizens. In a larger sense, the enactment of title IV signified a new beginning, and those of us on both sides of the aisle who had worked for so many years to achieve this legislative mandate, eagerly awaited its implementation.

Yet now we are learning that the Office of Education is planning not to request funds to implement, in this fiscal year, title IV, but will, as I understand it, wait until the 1974 budget cycle.

This postponement, in my estimation, is a serious mistake. I have written to Commissioner Marland requesting information concerning title IV and urging him to reconsider.

Mr. President, I ask unanimous consent that my letter to Commissioner Marland be printed in the Record following my remarks.

I hope that the Office of Education will request funds to at least staff this new program for this fiscal year. If we must wait for such funds another 8 months, much time will be lost in preparing for the full implementation of title IV.

I would urge Senators to join me in insisting that the Office of Education reconsider its present plans and support the initial implementation of title IV during this fiscal year.

Mr. President, I also ask unanimous consent to have printed in the Record an explanation of title IV as prepared by the Office of Education.

There being no objection, the items were ordered to be printed in the Record, as follows:

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[1] *Scouting for the Mentally Retarded, No. 3078* is available from the Supply Division, Boy Scouts of America, North Brunswick, N.J. 08902 for 75 cents.

Washington, D.C.,
September 29, 1972.

Hon. Sidney P. Marland, Jr.,
Commissioner of Education,
Office of Education,
Washington, D.C.

Dear Commissioner Marland: I have learned through various sources that the Office of Education is not planning, at present, to request any appropriation for the Fiscal Year 1973 budget to implement Title IV of the Higher Education Act, the Indian Education Program.

I sincerely hope that this information is incorrect, as Title IV means a great deal to the many Indian tribes of my state, the public school system, and to me personally. I have long sought to see enacted into law a program which would become the foundation for a quality Indian educating program. In my opinion, Title IV is a significant achievement in the development of such a program, and it would be a serious mistake if initial funding of this Act were postponed.

If the present information is true, I should like to know immediately, and in some detail, the justification for this action. If not, I would like to know what the Office of Education does plan in the way of funding the implementation of Title IV in this fiscal year.

I can well appreciate your present budget difficulties, but I think that, at the minimum, sufficient funds should be provided to organize a competent staff to prepare for the implementation of the programs mandated under Title IV, especially Part A, and to serve the National Advisory Council on Indian Education. This initial funding would guarantee that the 1974 budget request for implementing all portions of the Act would represent a sound appreciation of need.

Again, I hope that my current information is incorrect, and that the Office of Education will seek to provide funds for Title IV in this fiscal year.

Sincerely,

Paul Fannin,
U.S. Senator.

Indian Education Provisions of Public Law 92–318

The genesis of the Indian title is somewhat complex. The provisions were included in the first version of S. 659 as reported from the Committee on Labor and Public Welfare last August. Due to a jurisdictional dispute with Senator Jackson's Committee on Interior and Insular Affairs, the provisions were broken out from S. 659, introduced as S. 2482, jointly reported by the Committee on Labor and Public Welfare and the Committee on Interior and Insular Affairs, and passed by the Senate in October with no opposition. During the reconsideration of S. 659 to include the Emergency School Aid and Quality Integrated Education Act, the Indian provisions, identical to those in S. 2482, were again included as Title IV of S. 659. The bill was signed into law by the President on June 23, 1972, and became Public Law 92–318.

FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR THE EDUCATION OF INDIAN CHILDREN: SUBSTANTIVE AUTHORITY

Title IV part A, of P.L. 92–318 adds a new program to P.L. 874 (Impact Aid) which instructs the Commissioner of Education to carry out a program of financial assistance to local educational agencies to develop and carry out elementary and secondary school programs specially designed to meet the special education needs of Indian children. Grants may be used for the planning, development, establishment, maintenance and operation of programs.

This program provided for an entitlement to the LEA in the amount of the full average per pupil expenditure for the State times the number of Indian children enrolled. An LEA is eligible if it has at least 10 Indian children enrolled, or if such children constitute 50 percent of the enrollment. This requirement does not apply to the States of Alaska, California, or Oklahoma, or to any LEA located on or near an Indian reservation.

In addition to the sum appropriated for grants to LEA's, there is authorized to be appropriated an additional amount not in excess of 5 percent of the entitlement payments for schools on or near reservations which are not LEA's or have not been LEA's for more than three years.

In the event that insufficient funds are appropriated under this part to pay in full the total entitlement to the LEA's, the maximum amounts which all agencies are eligible to receive will be ratably reduced.

In this part, as in other parts of the law, parental participation is stressed. Part A requires "open consultation" of the parents by the LEA in the development of the program; approval of the application by a committee composed of a majority of parents; and continued involvement and evaluation of the program by the parents.

AMENDMENT TO EXISTING PROVISIONS OF PUBLIC LAW 874

The law requires that LEA's receiving funds on the basis of the parents of Indian children under P.L. 874 provide satisfactory assurance that Indian children will participate on an equitable basis in all school programs.

In addition, the Commissioner is directed to exercise authority under section 415 of the General Provisions Act to require parental participation with respect to use of Impact Aid funds earned by Indians.

SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

Part B of the law adds a new section 410 to Title VIII ESEA to authorize a series of broad grant programs to be administered by the Commissioner. Grant programs for the following purposes are authorized: (1) to support planning, pilot, and demonstration projects which are designed to test and demonstrate the effectiveness of programs for improving educational opportunities for Indian children; (2) to assist in the establishment and operation of programs providing services not otherwise available and development and establishment of exemplary programs; (3) to assist in the establishment and operation of preservice and inservice training programs for personnel serving Indian children; and (4) to encourage dissemination of information and evaluations of educational programs for Indian children. It is stated in the Committee Report that development of culturally relevant and bilingual curriculum materials should be emphasized under this part.

State and local education agencies, institutions of higher education, and Indian tribes and organizations are eligible grantees under this part.

For purposes of making grants under this part there are authorized to be appropriated $25 million for FY '73 and $35 million for each of the two succeeding fiscal years.

EXTENSION OF SET-ASIDES TO BIA UNDER THE ELEMENTARY AND SECONDARY EDUCATION ACT AND THE EDUCATION OF THE HANDICAPPED ACT

Funds are set aside by law from certain OE programs to be administered by the BIA under Titles I, II, and III of ESEA and the Education of the Handicapped Act. P.L. 92–318 extends the existing set-aside provisions through FY '73.

For the purposes of Titles II and III ESEA and part B of the Education of the Handicapped Act (Assistance to States), the Secretary of the Interior shall have the same duties and responsibilities regarding these funds as a State education agency.

SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR INDIANS: SUBSTANTIVE AUTHORITY

In part C a new section 314 is added to the Adult Education Act directing the Commissioner to administer a program of grants to State educational agencies and LEA's, and Indian tribes, institutions and organizations to support planning, pilot, and demonstration projects which are designed to plan, evaluate, and demonstrate Indian adult education programs. There are authorized to be appropriated $5 million for FY '73 and $8 million for each of the two succeeding fiscal years for this program.

OFFICE OF INDIAN EDUCATION, DEPUTY COMMISSIONER FOR INDIAN EDUCATION, NATIONAL ADVISORY COUNCIL FOR INDIAN EDUCATION

Part D establishes a bureau level Office of Indian Education within OE to administer the Indian provisions of this law. The law requires that the new OIE be headed by a GS–18 Deputy Commissioner for Indian Education.

The Commissioner must select the Deputy Commissioner for Indian Education from a list of nominees submitted by the National Advisory Council on Indian Education.

The National Council consists of 15 Indian members appointed by the President from lists of nominees furnished by Indian tribes and organizations. In addition to furnishing nominees for the Deputy Commissioner post, the Council will engage in such duties as: advising the Commissioner regarding the administration of any program affecting Indians; advising on the budget and funding process; reviewing applications submitted to the OIE for funding; evaluating programs funded by the OIE; and reporting directly to the Congress, with recommendations for improvements of Federal Indian education programs.

EARMARKING OF HIGHER EDUCATION TITLE V, PART D, FUNDS

Part E creates a new section 532 under Part D of the Education Professions Development Act containing a 5 percent set-aside from part D funds for the training of personnel to be teachers in BIA schools. Based on the FY '73 budget request of $77.8 million for the purposes of part D, the earmarking would involve $3.89 million for the training of teachers for the 50,000 pupil BIA system. Indians are to be given preference in such training programs.

AMENDMENTS TO TITLE I ESEA

The set-aside provision of Title I for the Secretary of the Interior is extended through FY '73. A new subparagraph (C) is added to section 103(a)(1) of Title I controlling the amount of, and terms upon which payments are made to the Secretary of the Interior under the set-aside provision. The terms of the new subparagraph are substantially similar to the memorandum of understanding already in effect between OE and BIA concerning the administration of Title I funds.

McGOVERN URBAN POLICY AND PROGRAMS

Mr. HUMPHREY. Mr. President, I am pleased to serve as the vice chairman of the urban affairs policy panel for the McGovern-Shriver campaign. Yesterday, Senator McGovern released the names of distinguished mayors and one other local official who will serve not only on this urban affairs panel but also as members of the Mayors for McGovern.

In doing so, Senator McGovern called attention to the sordid Nixon record on our cities and urban areas. No matter what area is examined, the Nixon urban record is one of benign neglect—neglect of water and sewer programs, a nonexistent urban and national growth policy, and making a public, political playground out of our schools.

Mr. President, I look forward to working with Senator McGovern on the urban panel. I ask unanimous consent that Senator McGOVERN's remarks in announcing his urban policy panel and Mayors for McGOVERN be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

SENATOR McGOVERN'S REMARKS IN ANNOUNCING HIS URBAN POLICY PANEL AND MAYORS FOR McGOVERN

I have called this press conference today to announce the formation of two campaign organizations which will be concerned directly with the problems of the American cities.

The first is a very important group representing the Mayors of this country, which will be called Mayors For McGovern. I am pleased today to announce that Mayors Joseph Alioto of San Francisco, Roman Gribbs of Detroit, and John Lindsay of New York City have agreed to be the co-chairmen of this panel. Other mayors from around the country, Republicans as well as Democrats, will be joining Mayors For McGovern. I believe this committee will play one of the most crucial roles in my campaign.

The Mayors Committee will be seeking the support for my candidacy of other mayors in small and large American cities around the nation. The Committee will help raise campaign funds and set up and direct speakers' bureaus which will be presenting the message of my campaign to the men and women who live in the urban areas of this country.

I also wish to announce the formation of the Urban Affairs Policy Panel for this campaign. It is a great honor to have as the chairman of this panel, Mayor Ken Gibson of Newark and as vice-chairman, Senator Humphrey, Mayor Kevin White of Boston, and Mrs. Barbara Milkulski, the well known civic leader in Baltimore and a member of its City Council.

The rest of the Urban Panel will be comprised of mayors, urban affairs specialists and community leaders—throughout the country. I have specifically asked Mayor Gibson and his group to draft a suggested urban policy program for the Democratic campaign. This paper will be forthcoming very soon.

Finally, I want to take this occasion to say a few words about the state of our cities today. I want to say why I believe this election will determine the fate of American cities for the next two decades of our history.

The 1972 election is a referendum on the future of American cities.

I have campaigned throughout this country with a call to bring America home to the traditional values of harmony and peace and progress. Nowhere is the need to bring America home again more apparent than in our cities, where 70% of our people live.

The great issues of this campaign are focused on the cities. What is draining our urban centers of money and blighting our metropolitan areas is the unending, senseless war in Vietnam; the ceaseless, escalating defense spending; the terrible toll of inflation; an inequitable tax system; and the unconscionable Nixon-Agnew policy of deliberately putting people out of work as a tool against inflation.

We won't be able to put our cities back together until we turn federal revenues away from the war and away from special tax favors for the wealthy to the needs of our cities—jobs, housing, crime prevention, environmental protection, educational opportunities, mass transportation, nutritional aid, health care and income security for those who need it.

You who have assembled here today are on the firing line of urban problems. Since the 1966 Conference of Mayors, when the distinguished Mayor of Milwaukee, Henry Maier, first called our attention to the need to do first things first and fulfill our urban needs, your unflagging energies have dramatically shifted public opinion on this issue.

And over the past twenty months, you have fought, with courage and with determination, to bring home to the American people the truth about the terrible urban conditions which threaten to tear our cities apart—and the pressing need for Congress to act on the Mills Federal Revenue Sharing Bill and other vital pieces of legislation to reclaim our urban centers.

I acknowledge your help—and thank you for your advocacy.

The concerns we have shared today are the sort that my urban policy panel will be examining and weighing very carefully in the coming weeks.

I am announcing today the composition of that Urban Policy Panel. I will be awaiting their recommendations with great interest.

I did want to take this occasion also to restate the basic commitments of my campaign toward urban America.

REVENUE SHARING

For twenty months, the Democratic mayors of this country have lobbied long and strenuously for the revenue sharing bill. Several weeks ago, the Congress passed this critical piece of legislation to provide substantial and overdue assistance to our starving cities. It is a very welcome step. And I especially want to commend my running mate, Sargent Shriver, and my national campaign chairman, Larry O'Brien, who, at my specific request, lobbied long and hard for the passage of this vital bill. As President, I would increase that program another $4 billion in emergency fiscal relief to cities, out of money saved through tax reform and cuts in unnecessary military spending.

Revenue sharing is a concept which is integral to the McGovern urban program—but it is no substitute for other strong and continuous Federal commitments to the American cities. Recently high Nixon officials like John Erlichman, and Budget Director Casper Weinberger made it clear that once revenue sharing was passed, the Administration would cut back on other urban programs like Model Cities. I have been and continue to be a strong supporter of the Model Cities Program.

I want to state today in the most forceful language that under my Administration I will oppose any automatic reductions in existing urban programs once revenue sharing is passed. I will look to the recommendations of my policy panel on which current urban programs should be supported and strengthened.

URBAN GROWTH POLICY

There is today in this land no national plan for the orderly, balanced and reasoned growth of the urban areas where 70% of our people—and many more in the future—now dwell. The Nixon Administration recently issued its first biennial Report on Urban Growth, which contained 70 pages of statistics, but not one mention of a plan for the future development of our cities. The Republican Platform was also silent this year on an urban growth policy.

My Administration will, as one of its first acts, respond to the commitment made in the Democratic platform for a comprehensive plan for the development of American cities. I will look to the guidance of my urban policy panel for a national plan of Urban Growth. The lives of 100 million children, the increasing flight of rural Americans to the cities, our terrible transportation needs, and the vast decay of the urban centers cry out for immediate, serious, and thoughtful national planning.

JOBS

The Nixon Administration has adopted a deliberate policy of economic neglect toward the human resources of the cities by throwing men and women out of work, and then denying these same people the opportunity to train for new work. Richard Nixon vetoed two Democratic bills to create jobs for the unemployed and finally signed a third one into law when unemployment pressures grew overwhelming. This year Richard Nixon refused to spend over $4 million in funds for manpower training programs.

The jobless have swelled already overburdened welfare rolls, strained to the limit the revenues of city halls, and disrupted the management and orderly development of the American metropolis.

I have publicly committed a Democratic Administration to a $6 billion program to create one million new public service jobs by 1975 in the cities of this country. This broad program will not only dramatically reduce the welfare rolls by producing useful and decent work for hundreds of thousands of men and women, but it will also provide immediate direct services to the city dwellers by giving assistance to the fire, sanitation, police, health and other city departments.

But, beyond a new jobs bill, I am committed to a balanced, full employment economy in which there will be work for every man or woman who wants it. A McGovern Administration will put the cities of America back to work by putting American citizens back to work.

PUBLIC HOUSING

Five public housing authorities in such cities as St. Louis and Chicago and Washington, D.C., may go bankrupt at the end of this month. Twenty more in other cities could go under by the end of this year; forty may go bankrupt within another year, or one quarter of the total national inventory. The collapse of these projects would suddenly put 750,000 people into the streets of our cities, many of them elderly and many of them poor and many of them displaced by urban renewal clearances.

This year, Richard Nixon has impounded some $315 million which could be used to pay the operating subsidies to keep these public authorities alive. The Nixon Administration has apparently embraced the idea that the best public housing policy is the least amount of public housing authorities.

Under my Administration, the impoundment of funds appropriated by Congress because of so-called "inflationary" pressure will cease. These public programs should not be penalized for the mistakes of other sectors of the economy.

The Federal government today is also becoming the nation's largest slumlord. In city after city, Federal indictments and newspaper investigations have disclosed systematic fraud, in Federal housing programs by real estate brokers, mortgage houses, and, in some cases, FHA officials and appraisers. Thousands of home buyers have been cheated, and neighborhoods devastated. It has been estimated that HUD will end up owning 250,000 housing units as a result of foreclosures on federally-insured mortgages. This is a loss of over one billion dollars. The scandalous practices and mismanagement in FHA programs must be stopped.

What is now called for in this nation is a massive, well-planned, well-executed housing program which can produce good and decent units at the rate per year outlined by the Housing Act of 1968.

FOOD

When a city is desperate for food staples for its unemployed, the response of the Federal government should be an automatic grant of food assistance.

But the policy of the Nixon Administration is to delay nutritional aid for as long as possible. In Seattle, Washington, last year, I had to hold hearings of my Subcommittee on Nutrition and Human Needs to prod the Federal Government into providing grants for the hungry and into approving a direct food distribution program for the jobless.

In Detroit the summer before last, Mayor

Gribbs and Mayor Gibson, representing the Nation's Mayors had to go to Washington to plead with Congress to pass the funds for a Special Food Service Program which in past summers had fed up to 25,000 poor youth in Detroit every day—the only period of time when the nine month term of the School Lunch Program was inactive.

Under my Administration, there will be no need for special pleading to feed the poor, or the unemployed or the children of our cities. Ever since my days with the Food for Peace program, I have felt that starving people should receive food as a matter of right. My policy will be to provide nutritional assistance automatically where there is need. No man or woman, old person or youngster, will feel the pangs of hunger in my Administration.

SCHOOLS

In my proposed budget for a new Democratic Administration, one of my major commitments is to a vast program of Federal aid to local public education. I have pledged $15 billion to cities and towns across this land to meet roughly one-third of the cost of local elementary and high schools.

Not only will the aid relieve the school budgets of sorely pressed American cities (which sometimes are forced to close down school terms early), but it will dramatically reduce the unconscionable property taxes which citizens across this country have borne for the costs of education.

This step will represent a major reversal of national priorities since the Nixon Administration has three times vetoed funds for education on the grounds that they would be "inflationary" while at the same time pressing for missiles, ABM systems and supersonic transports as essential to our national life. My Administration will move quickly to reduce defense spending while moving just as quickly to increase domestic educational aid.

Furthermore, probably one of the most damaging vetoes Richard Nixon has made in his three-and-one-half years in office is the killing of the child-care bill. This bill must be passed as soon as possible by the new Congress and I will fight for its reinstatement as President in the first 100 days of my Administration.

TRANSPORTATION

Today 130 communities are providing $450 million for subsidies for transit systems to keep alive adequate and decent public transportation for urban citizens. The Nixon Administration has repeatedly refused to back an operating subsidy to relieve the onerous burden placed on the almost penniless municipalities. The lack of subsidies have forced up fares across the country and since 1950 reduced ridership from 17 billion people to 7 billion people annually, and encouraged more and more reliance on automobiles. We need to allow cities to reduce transit fares and increase ridership—a program which the Mayor of Atlanta, Sam Massell, has pioneered recently by reducing Atlanta's fares to $.15. Ridership in Atlanta has now increased 30% and the projected transit budget has decreased $5 million.

I feel the Federal Government has a commitment in this area. I will be awaiting the full recommendations of our Urban Policy Panel on the critical question of a federal subsidy program.

CRIME

Today there is an irregular warfare at work in our urban centers. Despite the talk of "law and order," the Nixon Administration has permitted a 30% increase over three years in the number of serious crimes; and some 350,000 drug addicts still roam the streets of our cities unaided and unseen by our responsible public authorities.

We must end this undeclared seige between the resident and the streets if we are ever to rebuild the reality and beauty and viability of the American city.

I would propose as President a tough $1.5 billion program to fortify this country in its legal, its curative, and its preventative fight against drugs. The program would provide automatic treatment for all addicts. It would intercept drug shipments from overseas. It would lay out research grants for the full investigation of drugs. It would restructure criminal penalties and rehabilitative goals for drug abusers.

We must recognize, too, that the suburbs are a part of our cities, not separate entities, and that hard drug traffic, particularly the heroin trade, has spread to many suburban communities. The policy of handling drugs must begin to deal with the cities and suburbs together, not individually.

The issue of crime also demands the most comprehensive, full scale national approach. I would first re-invigorate the concept of LEAA so that LEAA funds by-pass Federal red tape and go directly to the police departments of urban centers which need them. Less than 50% of LEAA funds were actually spent last year because of Federal red tape and administrative confusion. Some of the funds were actually spent on useless airplanes, and other gadgets which did not contribute to our efforts to fight crime.

We must shift the emphasis in our judicial systems to breaking the log-jams in the courts. The Ervin-Hart bill, which I support, would permit no more than sixty days between arrest and trial of any man or woman.

We must begin to face the shattering reality that our urban prisons manufacture criminals—they do not rehabilitate them. The rate of recidivism for first offenders is now a staggering 80%. We must strongly support rehabilitation; we must allow men and women to re-enter society with a real job and a just future.

Finally we must re-instill pride and education in the carer of a police officer. I have proposed a Policeman's Bill of Rights which is like the original GI bill. It would offer an incentive to young people for the best police training and vocation and it would subsidize higher education for men already in uniform. This represents the best kind of investment I know to save the streets of our cities.

URBAN CONSULTATION

Washington already dictates too much in the field of urban affairs. Too much time and too much staff on the mayors' part is wasted in getting separate approval of individual projects, and cutting through the jungle of federal regulations. Block grants and annual funding for sets of programs community-wide, on the model we developed in the Model Cities program, should be essential parts of federal urban policy. The mayor of a city should have a voice in all federal grants to the city he serves, because he is the one who takes the heat for the operation.

I would also like to suggest that once a McGovern Administration takes office, that we continue a regular schedule of consultation between the mayors and the President. More than a telephone call, more than a telegram, such direct talks are the most informed way a President has to acquaint himself first-hand with the problems of urban America today.

DISPARITY IN SENTENCING

Mr. PERCY. Mr. President, the New York Times has been publishing a series of articles concerning the very real problem of sentence disparity in New York. These articles have been highlighting a problem which has long been recognized, but about which little or nothing has been done. As long as sentences continue to be handed down in the fashion that is now used, this disparity is likely to continue.

This problem is not peculiar to New York. In the task force report on courts of the President's Commission on Law Enforcement and Administration of Justice, severe disparities were cited in the Federal system. For instance, during 1962, the average sentence for forgery ranged from a high of 68 months in the northern district of Mississippi to a low of 7 months in the southern district of Mississippi. That same report went on to say that "unwarranted sentencing disparity is contrary to the principle of even-handed administration of the criminal law."

It is far past the time when this problem should have been squarely faced and resolved. That is why I focused very heavily on this problem when I drafted and introduced S. 3185. Under the provisions of that bill, a uniform national system of sentencing would be instituted. A national board of experts would set national guidelines for the imposition of sentences in Federal courts. As I said in my testimony before the National Penitentiaries Subcommittee on July 27 when I was discussing this bill:

> This would not be a national body that just arbitrarily imposed its will on every judge in the country. Basic to an understanding of sentencing is that there will probably never be, and perhaps never should be, complete uniformity of sentencing. This would ignore the need for individualized, if not personalized, attention given to a particular offender by a judge. The Circuit Board, however, would help the federal judiciary to function harmoniously as component parts of a coordinated system of justice.

S. 3185 provides that in each Federal district, there will be a local board of experts in the criminal justice field, known as the district board. That district board will recommend to a judge, within the national guidelines set forth by the circuit board, a particular sentence for a particular offender. The difference in this approach is that this district board would have been studying the individual offender from the time of his arrest, and instead of a cursory presentence report by an overworked probation officer, there would be an in-depth analysis and recommendation concerning the sentence to be imposed. As I stated in my testimony of July 27:

> Under the new system, the local board would recommend not only the sentence to be imposed, such as probation, a fine, an alternative to incarceration, or incarceration, but its recommendation would also include two new and very significant additional parts: the purpose or reason for imposing the sentence, and the goals that the offender needs to attain in order to be released from the jurisdiction of the court. In the latter case, if incarceration were imposed, the recommendation would include the goals for the offender to attain while in prison in order for him to be released on parole.
>
> The Supreme Court has noted four purposes for imposing a sentence of imprisonment: 1) deterrence of similar crimes, 2) protection of society, 3) discipline of the offender, and 4) rehabilitation of the offender. There may be more reasons; yet too often these are never articulated. We never know exactly why we as a society and through a judge have imposed a particular sentence. In S. 3185, the District Board would make it clear why we are doing what we are doing.

The second important addition would be the recommendation as to the goals to be attained by the offender. The sentence should be shaped to the offender. By making the punishment fit the criminal, the chances are much better for true rehabilitation. Consequently, sentencing should be a goal-oriented process. Not only would the District Board set out very clearly what the offender has to do to be released from prison if incarceration were recommended, but "a detailed judicial determination of the specific goal to be attained by supervised confinement would provide administrators with guides for shaping the individual's correctional experience as well as serve as a benchmark by which the progress and nature of each prisoner's treatment within the institution could be judged."

The new procedures in S. 3185 would give to the sentencing process the attention and professionalism it has long deserved. In a society interested in the rights of the accused, we have tended to focus all of our attention on the trial procedure. However, it is probably more important to society, in the long run, what we do with a criminal after we have convicted him. The Courts themselves have recognized this by focusing more directly on the sentencing procedure, prison conditions and parole procedures. It is long past the time when the process of sentencing should have been raised to a more professional status.

The reaction to the article in the Times has been enlightening. Some have suggested the establishment of a review board to examine sentences after they have been imposed by a judge. On the other hand, Judge Stanley H. Fuld has recommended that what might be needed is some other authority, apart from the judge, which would have the responsibility of imposing the sentence. I must admit that during my deliberation on this problem, I consider both of these alternatives. However, I do not feel that they are the best way to solve the problem. Admittedly, judges are skilled in the law, but often have very little background with which to make the right sentencing decision. Thus, they need some help in making their determination. On the other hand, a judge is close to the case, and judges are somewhat jealous of their sentencing prerogative, one that historically has always been their function. Today, judges are seeking advice on particular sentences, but that advice is sought from the wrong people. This informal and haphazard procedure should give way to a new system.

In my bill, there is an emphasis on the unification of administrative functions. Thus, the district board handles bail recommendations, the recommendations as to the possibility of alternatives to prosecution, sentencing recommendation, parole release decisionmaking, and community supervision. Having set up one body to do the work that so many different bodies currently perform, it is only logical that you staff it well and then rely on it for the type of information, recommendations, and decisions that the other parts of the criminal justice system can rely on.

Mr. President, I think that my proposal in S. 3185 is a possible solution to the problem that the Times has brought to light. I suggest that this problem of disparity in sentencing not be viewed as an aberration of an otherwise perfect system. On the contrary, it is symptomatic of lack of coordination that the whole system continually exhibits, to the detriment of the welfare of society. For this reason, I hope that discussion can continue on the very pressing need for a complete reorganization of the criminal justice system, and that action in this regard can then be forthcoming.

Mr. President, I ask unanimous consent that the articles from the New York Times to which I have referred be printed in the Record.

I ask unanimous consent also that an article published in the Washington Evening Star-News of September 28, which illustrates action taken by District of Columbia judges on this problem, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the New York Times, Sept. 26, 1972]

Sentencing Inconsistency Is Found in City's Courts

(By Leslie Oelsner)

Sentencing in the city's courts has fallen into confusion, with judges by their own account regularly handing out sentences they consider either too lenient or too harsh.

A four-week study by The New York Times shows that sentences in the state courts generally and in the city particularly have decreased markedly in recent years, so that the number of convicts serving prison terms in state prisons has been reduced from 18,000 in 1966 to 12,500 today.

Homicide convictions often bring four-year terms, armed robbers are sent away for one year, and at least until recently, the majority of convicted drug pushers did not go to jail at all.

This is a result, the Times study found, of the following factors:

The inability of the courts and the prosecutors to handle their case loads. To clear the dockets, they allow a great deal of "plea bargaining," in which a defendant is offered a reduced charge and a light sentence in return for a guilty plea. "The courts," says State Supreme Court Justice Irwin Brownstein of Brooklyn, "are being raped by these defendants."

A loss of faith in the prison system by some judges so that results in their refusal to send all but the most dangerous defendants to prison. And in the cases where they do send men to prison, they do so unwillingly, they say, believing they are creating an even worse criminal.

A belief by some judges who say they knowingly give light sentences, that sentences—whether light or harsh—do nothing to cut down crime. "Not only you don't know if you're doing right," said State Supreme Court Justice Sidney H. Asch, "you know you're never doing right. Very rarely doing right."

The sentences meted out by the judges are often reduced further by other factors. A one-year-probation term is a typical sentence in the city's Criminal Court for both violent and nonviolent crimes: the Office of Probation unilaterally cuts this to a six-month term on the ground that it lacks sufficient personnel.

CONCERN GROWS

Sentencing practices are causing increasing concern among judges, lawyers, penologists and legislators. Some say, as does Manhattan District Attorney Frank S. Hogan, that they are "not dissatisfied"; a growing number of others, though, believe that sentencing, as one lawyer put it, is "the new crisis in the courts."

The Assembly Codes Committee will hold a hearing on the general subject of sentencing Thursday, with other hearings likely to follow. The purpose, says Assemblyman Dominick L. DiCarlo, the chairman, is to "get some consensus, so that we don't pass a bill that makes the situation worse."

The Joint Legislative Committee on Crime, for its part, is studying the drop in sentences. The Kings County Grand Jurors Association, for another, has asked its counsel, former State Supreme Court Justice Samuel Liebowitz, to see if the sentences given defendants whom the grand juries indict can somehow be increased.

A TOUGH SENTENCE

And in one of the few recent cases where unusually tough sentence was imposed—and where the defense and prosecution have joined in an appeal of the sentence, asking that it be reduced—four community organizations are seeking to intervene on behalf of the judge. The sentence, those organizations say, was eminently appropriate.

That case involving a small-time addict pusher, Jerry Williams, illustrates the forces that have led to the present sentencing morass.

Williams, who had a record of previous arrests, was convicted after a jury trial on six charges arising from two drug sales last summer—two Class C felonies, two Class D felonies, and two Class A misdemeanors. State Supreme Court Justice Paul A. Fino of the Bronx ("I'm considered a judge that has been pretty stern") sentenced Williams to two consecutive 15-year terms.

Addict-pushers with records are frequently seen in the city's courtrooms. Most are sentenced either to a few years in prison or probation, with the court instructing them to enroll in a treatment program. And after the Williams decision, a number of judges who were asked what they would have done suggested terms ranging from four years down to probation.

JUDGES COMMENT

"An addict is a sick man," explained one judge. "He needs help, and he isn't going to get it in prison."

Judge Fino said: "Some of my colleagues have a tendency to be sympathetic. I think we should adopt a get-tough policy toward criminals who threaten us and our society."

And even those judges who would be likely to sentence a defendant in a similar case to one-tenth the amount of time Judge Fino did, declined to criticize Judge Fino. Justice Asch said: "By God, what I'm doing isn't solving the problem—maybe what he's doing will."

The sentencing crisis here includes the problem of sentence disparities—of similar defendants charged with similar crimes getting vastly different sentences; with the differences caused in part by such factors as geography or the judge's personality.

But the decline in the severity of sentences is considered the more confused aspect of the sentencing problem: Officials in the criminal justice system are unable to pinpoint the extent of the decline, much less the extent to which the decline is dangerous.

The Judicial Conference is charged with administrative powers in the state court system. When asked for statistics on the subject, a spokesman for the conference responded: "No one ever asked us for that before."

The city's Criminal Court said that it had sentence figures for 1971 and 1972 "in the computer," but that it could not "get them out."

Yet the easing of sentences is recognized by all. "You used to see 10-, 20-, 30-year sentences here," recalled Assistant Manhattan District Attorney David Worgan. And now, as Acting State Supreme Court Justice Irving Lang put it, "five years is a long sentence around here."

SOME STATISTICS

State Correctional Services Department's figures show that the average length of time served has dropped from 31 months in 1965 to 22 months now.

The city's Department of Correction, which handles defendants sentenced to up to a year in jail (those with longer terms go to state prison), said almost 40,000 people were sentenced to city jails in 1964. In 1971, the number dropped to just over 20,000.

In addition to that, the type of inmate in the jails has also changed. The jails are getting more and more people who in an earlier day would have been given longer terms and who would thus have been sent to state prison.

"The county jails were [previously] pretty much filled up with people convicted of public intoxication," said Peter Preiser, the State Director of Probation. Now, in jails where one year is the maximum term, there are people convicted of assault and robbery and forgery. Drunks are rarely even arrested.

LAWMAKERS CUT TERMS

Legislative changes caused some of the easing of sentences—once, for instance, people convicted of misdemeanors in New York Ctiy, though not upstate, could receive three-year terms. Now the limit is one year.

The new penal law that went into effect in September, 1967, lowered the maximum penalty permissible in many categories of crime. Beyond that, it ended the old practice in which the judge usually also specified, as part of the sentence, the minimum amount of time a person would have to serve before being paroled.

As a practical matter, the Board of Parole now sets the minimum in all but the most serious offenses, such as murders. The theory is that convicts go to prison for "rehabilitation," and that the parole authorities are in the best position to know when the inmates are ready for release.

But the statutes account for only part of the decline. Many other factors have their effect.

For one thing, said Justice Asch, "we know that the prison system doesn't work." So many judges send people to prison only when they think in his words, that "the community should be relieved of the person" for reasons of safety. Similar comments were made by many of the judge's colleagues.

Another reason for the decline in prison terms, some judges said, was that crime had been "'"devalued."

"We're getting homicide cases with three-, four-, and five-year terms," Mr. Worgan. "The District Attorney in a heavy [nonhomicide] case asks the judge for a harsh sentence. The judge says, 'How can I? The judge next door just gave four for homicide.' "

But the biggest factor of all, to many, is the ballooning case load. The decrease in sentences is "basically a reflection of sheer volume," Judge Lang said, and many agreed.

HOLD OUT FOR BARGAINS

The courts are now geared to dispose of cases by pleas rather than by trials. As the case load grows, the defendants know that the judges and prosecutors become even more eager to avoid the time and effort a trial entails. So, defendants hold out for better and better offers from the prosecution.

"You don't get a plea unless you get a bargain," Justice Asch said. And part of the bargain is the sentence to be imposed. Judges can refuse to accept the plea, but generally do not. As one judge explained, the prosecutor would simply go to another judge the next week. "Our hands are tied," Justice Brownstein said.

Most people involved with the courts do not want a return to the days when 30-year sentences were common. There is wide acceptance of the American Bar Association's principles stated in 1968, that probation is to be preferred to prison where possible, and that sentences for all but heinous crimes should generally not exceed five years.

Yet the present situation exceeds the bar association's standards. "Where's the deterrent?" asked Jeremiah B. McKenna, a counsel to the Joint Legislative Committee on Crime.

Justice Brownstein asked the same question. The purposes of sentencing, he said, are "deterrence, getting the guy off the street and (fostering) respect for the law—and we don't have any of that now."

PAROLE DELINQUENCY UP

The chairman of the State's Board of Parole, Paul J. Regan, approves the trend to lesser pleas. Yet parole-delinquency figures show that the delinquency rate went from 15.6 for each 100 parolees in 1962 to 18.9 in 1971—not a huge increase, but still a rise of probation violations have also risen slightly.

The prosecutors, for their part, evince somewhat less concern about the easing of sentences than many judges. Mr. Hogan explains this by pointing out that sentences years ago were "probably excessive."

Yet he notes a few areas where he would like to see stiffer penalties, such as gambling. And he concedes that in cases involving the violation of gunlaws, "I think perhaps we should be tougher on those pleas."

District Attorney Burton B. Roberts of the Bronx said that he "monitors" the "heavy" cases to ensure that no low pleas are offered. He has records to prove it, showing some of the longest sentences imposed in the city. Yet, he, too, sees some areas where pleas have "possibly" been too low: "in robbery cases, because of the press of circumstances, and burglary cases, quite often."

SUGGESTIONS ABOUND

The system's critics offer varied and often contradictory proposals for reform.

Some judges favor a return to "mandatory minimums," with which they could ensure that defendants remain in prison for a specified period. "We're so damned frustrated with the recidivism," Justice Brownstein said, "that many of our judges including me are now thinking of mandatory minimums as the only way to restore respect for society for the judiciary and some dignity for the way we live."

He and others would also like some type of restriction on plea bargaining—a law which might say, for instance, that a man with a prior record who was indicted for a felony could not be offered a plea to a misdemeanor.

Such a law could tie up the courts, but Justice Brownstein said "that's just too damn bad. We've got to stop that nonsense," he added.

Yet plea bargaining, whatever its excesses, serves a useful purpose, as some see it, in achieving convictions. Often a man committed a crime, but was indicted for the wrong one. Or, he committed the one for which he was indicted, but the evidence is insufficient. Plea bargaining lets the prosecution get a conviction nevertheless.

Mandatory minimums, for their part, cut into the modern-day theory that the punishment should fit the criminal as well as the crime; and into the concept of rehabilitation as well.

So other critics suggest better facilities—for the courts, the prisons and the probation agencies.

With more courts and personnel some judges argue, the prosecution would be under less pressure to offer low pleas. And the recent experience in the city's narcotics newly created special courtrooms seems to prove the point.

In the early stages of the program last spring, of all the defendants indicted in Manhattan on felony charges and who subsequently pleaded guilty, only 56 per cent of them pleaded guilty to felonies, and 44 per cent to misdemeanors. Now that the program is fully operational Assistant District Attorney Frank Rogers, who is in charge of the program, said they were pleading to felonies 73 per cent of the time—with a resultant increase in the percentage of prison terms.

Pending such changes? More and more judges say, as does Justice Brownstein, "I don't know what to do."

This is the first of two articles on the sentencing problem in New York City's courts. Tomorrow's article will concentrate on disparities in sentencing in both state and Federal courts here.

WIDE DISPARITIES MARK SENTENCES HERE

(By Lesley Oelsner)

Jack Greenberg took $15 from a post office; last May in Federal Court in Manhattan he drew six months in jail. Howard Lazell "misapplied" $150,000 from a bank; in the same month in the same courthouse he drew probation.

Such are the contradictions in the sentencing system here, in both Federal and state courts. A study by The New York Times has found a host of such contradictions and a host of differences in sentencing. These reflect differences in the defendant's finances, in race, geography and in the judge's personalities.

Defendants charged with the same crimes get widely disparate sentences. Crimes that tend to be committed by the poor get tougher sentences than those committed by the well-to-do. Sentences for serious offenses sometimes show no hint of the seriousness.

The problem of sentence disparities has increased as judges have been given more and more discretion. It has gotten to the point where many in the courts call sentencing "chaotic," and Federal Judge Marvin E. Frankel, an acknowledged expert on the subject, calls it "lawless."

The Times found that the sentencing system includes such elements as the following:

Stiffer sentences for defendants with assigned counsel than for defendants with private counsel. According to a report by the Administrative Office of the United States Courts for the fiscal year 1969, defendants who could not afford private counsel were sentenced nearly twice as severely as defendants with private or no counsel.

A new study by the Vera Institute of Justice of courts in the Bronx indicates a similar pattern in the state courts.

Longer prison terms for nonwhites than for whites. The Federal Bureau of Prisons' records of inmates sentenced to Federal prisons in fiscal 1970 show that the average sentence of whites was 42.9 months and for nonwhites, 57.5 months. Whites convicted of income tax evasion were committed for an average of 12.8 months and nonwhites for 28.6 months. In drug cases, the average for whites was 61.1 months and for nonwhites, 81.1.

Stiffer sentences for those who are convicted after trial than for those who plead guilty ahead of time, thus saving the state the expense of trying them. In the state courts this difference is simply accepted and is a major consideration in plea negotiations between defense and prosecution. In the Federal system, with better record keeping, there are even statistics to prove it.

In fiscal 1969, the Administrative Office of the United States Courts reports, those who were convicted after trial were sentenced more than twice as severely as those who pleaded guilty ahead of time.

Differences in sentences between those convicted in New York City's local courts and those convicted for the same crimes upstate, with those upstate getting tougher sentences.

Differences in sentences between those convicted in Federal Court in Manhattan and those convicted in Federal Court in Brooklyn, with those in Brooklyn averaging longer terms.

Disagreement between judges as to whether the disparities are justified or not, with some, such as Chief Judge David N. Edelstein of Manhattan Federal Court, saying the problem is not serious, and others, such as Judge Frankel in the same court, taking the opposite stance.

The problem of sentence disparities surfaced decades ago and affects courts across the country. As District Attorney Frank S. Hogan of Manhattan says, "We've always been concerned with the disparate sentence."

It is a matter of increasing concern to lawyers, judges penologists and legislators. Among other things, it is combined in the state's courts here with another sentencing problem: a general decline in sentencing that is caused in part by the courts' and the prosecutors' inability to handle their case loads.

A United States Senate subcommittee that is studying the proposed new Federal penal code has begun amassing figures on sentence disparities in the Federal district courts and the State Assembly Codes Committee will hold a hearing tomorrow on the sentencing system, covering disparities and eased-up sentences.

Beyond that, the system's critics are broadening their attack. Once they concentrated on the fact that a man charged with murder could get 10 years from one judge and 40 from another. Now they also wonder how to justify or rationalize a system that provides a jail term for a man who took $15 from the post office but neither jail term nor a fine to defendants in a $4-million stock fraud.

"There's a traditional difference in sentences for different types of crime, and it tends to discriminate against the uneducated, unloved social reject," says the United States Attorney, Whitney North Seymour Jr.

"The guy who steals packages from the back of the truck is going to get four years, and the guy who steals $345,000 is going to get three months."

DIFFERENCE IN CRIMES

The difference is more than the traditional distinction between violent and non-violent crime. The difference now, by Mr. Seymour's reckoning, is between "common crimes," which may or may not be violent, and white collar crimes.

The "common crime" of auto theft is an example. Some 71 per cent of the people convicted of the offense in the last Federal fiscal year went to prison, Mr. Seymour noted, for an average term of three years. But with the white-collar crime of securities fraud, by his count, only 16.3 per cent went to prison—for an average term of less than a year.

Mr. Seymour has been making his point in speech after speech here and has started a study, headed by an aide named Poppy Quattlebaum, of recent dispositions of his office's cases. Some of those dispositions are graphic proof of his contention.

The case of the U.S. v. Jerome Deutsch and Frank Mills, for example, involved a $530,000 kickback. Deutsch, executive vice president of one company, gave the kickback to Mills, portfolio manager of a group of mutual funds, in return for Mills's purchase for the mutual funds of stock in Deutsch's company. Deutsch was fined $10,000 and Mills, $7,500. Neither received jail terms.

Or the Projansky case last fall, in which 13 defendants pleaded guilty or were convicted of a $4-million stock fraud—what Assistant United States Attorney Gary Naftalis, the prosecutor, called "the largest known manipulation of American Stock Exchange stock."

Of the 13, eight received no prison terms. While some of those eight were fined, others were not. The terms meted out to the remaining five defendants ranged from 30 days up to a year, for the mastermind of the scheme.

"VICTIM IS THE ECONOMY"

There were no victims in the sense of a man whose house was burglarized or a woman who was raped. As Mr. Naftalis notes, though, "the victim is the economy."

In many white-collar cases, the defendants violated laws that were passed after the Depression, mainly to insure that they would not end up like other victims of the Depression.

Most judges justify the minimal sentences they give to businessmen-criminals—fines, probation or exceedingly short jail terms—on the grounds that when such a man is convicted, he generally loses his job, his standing in the community and his family's respect.

"A conviction is still a conviction even if there is a suspended sentence," says Judge Edelstein. "He stands before the court and the community for all his life as a convicted defendant . . . A suspended sentence is a sentence."

Yet such prosecutors as Mr. Seymour—and Mr. Hogan—reject such reasoning.

"Is it really hard to accept the fact that a poor black also can lose his job, also can lose his family's respect?" asks Mr. Seymour. "It's that argument, really, that shows dramatically the fact that the present system of criminal justice can identify with that kind of defendant [the businessman] but not with that poor black school dropout."

The penalties meted out for irregularities involving buildings also seem rather minimal. According to an audit last summer by Controller Arthur Levitt, the average fine imposed for elevator violations in Manhattan for 1970–1971 was $18.

Some of the violations may be minor, but the Controller's office lists two such violations involving elevators that went unrepaired after prosecution and subsequently caused fatal accidents.

One involved an electrical interlock in a passenger elevator at 22 East 29th Street. The interlock had not been approved. When the matter came to court, in December of 1970, the owner was fined a total of $15. The accident occurred eight months later.

FIT PUNISHMENT TO CRIMINAL

In the other case, involving a loose operating cable in a freight elevator at 23 Park Place, there had been no fine at all.

"From the recalcitrant owners' point of view," said the Levitt audit, "we conclude that it is less expensive to defy the law than comply with it."

In addition to this, of course, is the traditional problem of defendants charged with the same crime who get different sentences.

The modern theory of sentencing is to fit the punishment to the criminal as well as to the crime (as opposed to the old-fashioned rule of fitting it merely to the crime), thus necessitating at least some disparity. But The Times survey found that disparities crop up over and over in the city's courts that are not entirely explicable on the grounds of differences between either the crimes or the criminals. The explanation lies elsewhere.

In the judge, for instance. State Supreme Court Justice Paul A. Fino recently gave a small-time addict-pusher a 30-year sentence, explaining that drugs were ravaging the young and that pushers had to be kept off the streets. Many of his colleagues regularly hand out three-year sentences or even probation in such cases, explaining that the addict is sick and that prison will not do him any good.

Or, geography. "There's no question about it," says Paul J. Regan, chairman of New York State's Board of Parole, whose job entails seeing hundreds of sentences from all across the state. "In the city of New York a man may get four years, and for the same crime upstate he may get 10 years."

So too in the Federal system. Defendants sentenced to prison from Brooklyn Federal Court in 1970 for the crime of transportation of stolen motor vehicles, for example, received an average sentence of 51 months, according to the Federal Bureau of Prisons. Defendants sentenced in Manhattan Federal Court for the same offense received an average of 30.7 months. In the Federal District Courts for northern New York, the average was 20.9.

The laws contribute to sentence disparities: they set tougher penalties for bank robbery than for tax evasion; and state laws are different from Federal laws.

Also, as some judges point out, the value of a crime may be different in one area than in another. Burglary is almost an accepted risk of city life here, for example, while in a small town it may terrify a community.

GUIDELINES ARE LACKING

To many observers the crucial factor is that sentences are determined by individual men with differing backgrounds and differing theories—and with no precise guidelines.

While the general purposes of sentencing are to rehabilitate the criminal, protect society, deter crime and create respect for the law, there are no rules spelling out how these purposes are to be achieved. Nor are their any rules saying, for instance, how much credit a man should get for pleading guilty rather than insisting on his right to a trial.

"The basic evil of sentencing is its lawlessness," says Judge Frankel, author of a forthcoming booklet on the subject. "There's too little law and too much discretion. There aren't enough rules of general application that tell everyone where he stands—the defendant, the judge."

Disparate sentences also stem from philosophical differences between judges about such things as society's right to punish.

Those who believe that punishment is a proper function of sentencing can logically be expected to be tougher than those who agree with District Attorney Burton B. Roberts of the Bronx, a candidate for the State Supreme Court. Mr. Roberts said that "the word 'punishment' shouldn't be used at all," and that the purposes of sentencing should be limited to protecting society, deterring crime and rehabilitating the criminal.

So too with the question of whether or not, or to what extent, sentences deter crime. Judges disagree, and sentence accordingly.

Beyond that there is, in the Federal courts, no right to appeal one's sentences—and thus no evening out of any disparity, however gross. In New York's state courts, sentences can be appealed to the Appellate Division. But since there are four Appellate Divisions, no real uniformity results.

Proposals for solving the problem of excessive disparities vary from interest group to interest group and from judge to judge. To an extent, the debate is between those who want to make it more common for a judge to send people to prison and those who want to make it less common.

STIFF CRITERIA SOUGHT

Thus Mr. Seymour and Peter Preiser, director of the state's probation services, argue that there should be stiff criteria that would have to be met before anyone could be sent to prison—an argument that would undoubtedly mean an additional hearing in each case.

On the other extreme are those who want the state law changed back to the practice under which judges set minimum terms that a convict would have to serve before being released from prison. (At present, for most cases, the minimum is set by parole authorities.)

Acting State Supreme Court Justice Irving Lan suggests another possible change that would probably induce judges to send white-collar criminals to jail more often; a system in which the convict spends weekends in jail but weekdays at his job and with his family.

Many judges favor an increase in appeals of sentences (though they disagree as to whether there should be a special appeals court, solely for sentence cases). Judge Edelstein says: "I think I would like to have the thought that in the event I went haywire, there would be somebody above me. * * * I would sort of like that guardian angel."

Fuld Suggests Sentencings by an Agency, Not Judges

DECRIES DISPARITIES AND DISCLOSES A STATE STUDY OF JUSTICE SYSTEM

(By Leslie Oelsner)

The chief judge of the state suggested yesterday that it might be "desirable" to take the job of sentencing away from judges and give it to correction authorities or "some other agency."

In a statement prompted by articles on disparate sentences published this week in The New York Times, Chief Judge Stanley H. Fuld said that "disparity in sentencing is most unfortunate."

The Times articles detailed the confusion in the sentencing system in the courts, specifying two distinct problem areas: a marked decrease in the sentences handed out in state courts, caused in part by the courts' and the prosecutors' inability to handle their caseloads, and wide disparities in sentencing in state and Federal courts, with differences in sentences reflecting differences in such things as the defendant's race and the judge's personality.

He said that the state's Judicial Conference had begun a study of sentencing in order to "furnish the basic information upon which sound judgments and recommendations" can be made.

"To minimize disparity in sentencing," he said, "it may ultimately be demonstrated that it is desirable to commit to a correction authority or some other agency the responsibility and duty of determining the treatment to be accorded those convicted."

It might be desirable, he said, to "vest such agency with the power to determine whether the offender be placed on probation, be confined under conditions deemed to be in the public interest, to release him or parole him under such supervision and upon such conditions as it believes conducive to law-abiding conduct or to discharge him when, in its judgment, further confinement or control is no longer required in the public interest."

Judge Fuld, reading his statement over the phone yesterday afternoon from his post at the Court of Appeals in Albany, said also that the "emphasis" of the justice system should be shifted from "punishment to fit the crime" to "treatment to fit the offender."

But, he declared, "lack of funds has made it impossible to translate his ideal into practice."

OTHER OFFICIALS REACT

While Judge Fuld's response was the most dramatic—judges traditionally consider sentencing one of their chief duties—other officials here reacted as well.

Presiding Justice Harold A. Stevens of the Appellate Division summoned an undisclosed number of State Supreme Court Justices in Manhattan and the Bronx to a meeting early next week on the sentencing system.

He will meet with Criminal Court judges at a later date, he said, adding: "I hope shortly to get something moving."

Asked if the disclosures in The Times had come as a surprise, Justice Stevens said, "Some parts were and some weren't." He noted that "some of the judges" had previously mentioned sentencing problems to him, and said he hoped that he now had the impetus to "get it moving."

Russell G. Oswald, the State Correction Commissioner—whose institutions must deal with the prison unrest that disparate sentences can cause—called for the creation of a sentencing review board.

In a telephone interview, he suggested that the board would probably generally reduce sentences that were excessive, but that on occasion it might raise sentences. "I think it would be very good," he said, as a means of reducing disparities.

He also suggested that the board, "in order to have currency with the judiciary," would probably have to be composed of judges—an assumption on which Judge Fuld's statement casts doubt.

Commissioner Oswald also recommended that the state's penal law be revised to provide minimum sentences that defendants must serve before being released from prison. At the moment, in all but such crimes as murder and kidnapping, the judge generally sets only a maximum sentence. The Board of Parole, in effect, sets the minimum.

"I am distressed with the short sentences which all too many people are receiving for serious crime," he said.

DISPARITY "IMPORTANT FACTOR"

Disparity in sentencing, Commissioner Oswald noted, "certainly is an important factor in the generally unhappy mood of prisoners."

"Prisoners sitting in contiguous cells or in the same cellblocks or even the same institutions compare crimes and sentences and the one which has the longer sentence for the identical or very similar crime undoubtedly is embittered about it."

The disparities in prison sentences arise in a number of ways, but two of the more common are those between defendants sentenced in New York City anu defendants sentenced under the old penal law and those sentenced since the law was revised effective September of 1967.

Upstate defendants generally get longer terms than those from New York City, The Times found in its study, and defendants sentenced under the old law have far longer terms than those sentenced under the new.

The latter type of disparity is particularly distressing to corrections officials. What happens, they say, is that a defendant comes into prison now with a certain term and is eligible for parole at an earlier date than other prisoners convicted of the same crime and already serving sentences.

Legislation passed in the last session in Albany reduced the problem somewhat, by speeding up the parole eligibility dates for convicts sentenced under the old law, but a substantial difference still remains.

There are problems in devising a way to handle disparities. One of them, Commissioner Oswald and Judge Fuld said is that at least some disparity is necessary: the ideal is to fit the punishment to both the criminal and the crime, and different criminals have different needs.

Another problem is the general lack of information about the precise extent and occurrence of disparities.

Beyond that, there is little information, either, concerning some of the basic premises of sentencing.

Although a major goal of the sentencing system is rehabilitation of the criminal, more and more judges and penologists are conceding that little if anything is known about the subject—and that as the McKay Commission said in its report on last year's Attica prison rebellion, the "promise of rehabilitation" is but a "cruel joke."

Hence, the proposals and ideas about how to clear up the sentencing morass are varied and often contradictory. The Assembly Codes Committee will hold hearings on the subject today (beginning at 10 A.M., at 270 Broadway), and already it is clear from the speakers' list that the suggestions will be diverse.

It is clear, too, that whatever changes are made will take some time. Presiding Justice Samuel Rabin of the Second Department whose jurisdiction includes Brooklyn and Queens, said yesterday that several of his judges had been studying the problem of sentencing since April and that he hoped to meet with them in mid-October to discuss their findings.

But, he said, "any solution to it—if there is any—if it's done in a matter of months or the near future, that will be something."

So far no local official other than Judge Fuld has suggested that judges totally turn over the job of sentencing to someone else. Some judges who were asked about such an idea during The Times' investigation noted, as one put it, that "That would make life a lot easier."

JUDGES CLOSE TO CASE

Various people, however, have suggested that sentences be meted out by a board or committee, partially or totally composed of judges. To many in the judiciary, this idea is anethema. The trial judge is closest to the defendant and knows the most about the circumstances of the case, judges argue, and hence should be the one to determine his future treatment.

In Brooklyn Federal Court—in one of the few such programs in the country—a judge hands out a sentence after discussing the case in a "sentencing conference" with two other judges. Thus, while the trial judge still makes the decision, he has the advice and comments of his colleagues.

In the 10 years that the program has been in effect, according to Chief Judge Jacob Mishler, the trial judge generally pays more attention to such things as the defendant's probation report, because "he knows there will be discussion" of the report at the conference.

Beyond that, Judge Mishler says, sentences meted out by the court's various judges have become more uniform.

[From the Evening Star-News, Sept. 28, 1972]

Board Is Established for Felony Sentencing

(By Tromas Crosby)

The D.C. Superior Court board of judges voted last night to establish three-judge sentencing councils to promote uniformity in sentences meted out to persons convicted of felonies.

The disparity in sentences given by various judges has led many lawyers at Superior Court to attempt getting their clients' cases assigned to those judges considered lenient.

Under the current situation one defendant may receive a lengthy jail sentence from one judge while a co-defendant, appearing before another judge, receives probation for the same offense. Among the court's 44 judges at least five are considered lenient in sentencing, with an equal number considered to be exceptionally tough.

Chief Judge Harold H. Greene said that under the new procedure, there will be three councils divided among the nine judges currently hearing felony cases. The councils are temporary, Greene said, but if the process is successful it will be permanently adopted.

The councils are expected to "promote fairness and uniformity" in sentencing, Greene said. Hopefully, they also would eliminate the defense practice of "judge shopping" to get a lenient judge.

The sentencing councils will meet once a week to discuss the pre-sentence reports on defendants prepared by the court's Social Services Division.

Greene said the councils will be "advisory only" and the final responsibility for the sentence will rest with the judge before whom the finding or plea of guilty was entered.

The board of judges also decided for the first time to allow third-year law students from area universities to handle trials in Superior Court for both the prosecution and defense in misdemeanor cases.

THE INTERNAL SECURITY OF THE UNITED STATES

Mr. THURMOND. Mr. President, the Washington Evening Star and Daily News of Wednesday, September 27, 1972, contains a timely column entitled "Viet War Bill That Was Overdue."

The article refers to legislation which has been reported by the House of Representatives Internal Security Committee to restrict the travel of U.S. citizens and nationals to any country engaged in armed conflict with the United States.

Several American citizens have recently gone to North Vietnam and, regardless of their intent, become tools for Communist propaganda purposes. A horrible situation exists when any American is used by the enemy to spread doubt and discord in the minds of our young men while they are in combat.

Mr. David Lawrence points out that such adverse statements and broadcasts, made by U.S. citizens about their own government, have stirred up a great deal of ill feelings in Congress and throughout the country.

On Tuesday, September 26, 1972, I introduced a bill almost identical to the House bill, and I certainly agree with Mr. Lawrence that it is time something is done to stem such misguided actions. This problem should be considered by this Congress, and I urge Senators to support any measure that corrects such activities. These comments deserve the consideration of the Congress.

Mr. President, I ask unanimous consent that Mr. Lawrence's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VIET WAR BILL THAT WAS OVERDUE

(By David Lawrence)

At last a committee of Congress has taken a step to stop Americans from dealing with the enemies of the United States in the midst of a war.

The House Internal Security Committee has approved a bill which could prohibit any citizen of this country from traveling to nations engaged in armed conflict with the United States unless authorized by the President after he had determined whether the trip was in the national interest. Violators would be subject to a prison sentence, a fine, or both.

The action by the committee, which would be followed soon by passage in the House and Senate, is aimed at those who have been in communication with officials in North Vietnam and who have been told by their friends or misguided advisers that it is proper to go there. Unquestionably North Vietnam has used innocent persons as instruments for its propaganda and has convinced some members of the families of prisoners of war that there was nothing improper about their trips.

Richard H. Ichord, Democrat of Missouri, who is chairman of the House Internal Security Committee, has expressed the hope that passage of the bill would stem the venomous flow of statements emanating from the mouths of American citizens on the soil of the enemy. While the measure is aimed at the activists in the anti-war groups, it could be an obstacle to further traveling to North Vietnam by relatives of prisoners of war.

The Hanoi government arranged for some relatives of prisoners to come to North Vietnam and secured statements which are filled with unwitting propaganda that the visiting individuals probably thought would do no harm but might secure the release of the prisoners. The Communists, however, through their news agency spread the comments throughout the world and quote Americans as criticizing their own government.

The propaganda machine of the Communists, moreover, has had opportunities to use the names of prominent Americans who have visited there and openly condemned their own country. The effort to divide American public opinion by the use of propaganda has been going on for some time, but it has not been until recently that so many opportunities were afforded the North Vietnamese to get the benefit of interviews with well-known Americans. All this has produced resentment in Congress and hence the bill was approved by the committee after a brief hearing.

To denounce the United States while a prisoner under compulsion in Hanoi would be one thing, but some visitors have returned to America and continued their defense of North Vietnam with arguments supporting the military adversary of their own country in a war that has been going on for several years. This has rarely occurred in previous conflicts.

It is surprising that Congress has not moved on this issue before. For the impression conveyed by those Americans who have deliberately gone to North Vietnam, talked with officials there about the problem of the prisoners or other matters related to the war and then gave interviews with adverse comments about their own government is something that has stirred up a lot of ill-feeling throughout the nation as well as in Congress.

It is questionable whether all this will help the release of the prisoners when the negotiations in Paris are resumed in earnest. Hanoi has mistakenly assumed that the American people were swinging away from administration and would not be willing to continue the war, but the South Vietnamese are still growing stronger and the advisory aid given by the United States and its air power will be available if any new offensives are started against South Vietnam.

SALES OF AMERICAN GRAIN TO RUSSIA

Mr. BELLMON. Mr. President, the entry of the Russians into the American wheat market on a massive scale has produced many impressions. Perhaps the most prevalent is the certain knowledge that in spite of the noncapitalistic nature of the socialist society in Russia, the representatives of that country who came to the United States to buy grain proved to be shrewd and tough bargainers. The methods used by Soviet grain dealers in the purchase of American wheat, feed grain, and soybeans, are fully, and I believe accurately described in an article which appeared in the Friday, September 29, 1972, New York Times.

The article, entitled "Soviet Purchase of Wheat Called a Financial Coup," emphasizes the capitalistic skill employed by the Russians in this transaction. The article further points out the clever method used by the Russians to conceal the total size of their purchases, which did not become general knowledge to the trade or to the public until the Russians had purchased most of the needed grain.

Considerable controversy has grown up because of the lack of understanding of the American grain trade and of the Russians' business techniques. I believe that Senators would benefit by reading this article.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOVIET PURCHASE OF WHEAT CALLED A FINANCIAL COUP

(By Michael C. Jensen)

The Soviet Union's recent purchase of more than $1-billion worth of American wheat, feed grains and soybeans, the biggest grain deal in history, appears to have been a remarkable coup for the buyers from Moscow.

By using tough bargaining tactics and keeping its over-all intentions secret, the Soviet buying team saved millions of dollars during midsummer buying trips to New York, Washington, Memphis and Minneapolis, among other places.

In two visits to the United States, the Russians bought up about 25 per cent of the total American wheat crop for the year at bargain prices. World and domestic prices have soared by more than 50 per cent since the Soviets started buying.

[In Washington, the wheat sale controversy heated up as questions were raised concerning possible use of inside information and violation of conflict-of-interest laws.]

ONE AFTER ANOTHER

The Russian team, led by the seasoned negotiator Nicolai Belousov and operating out of a 42d-floor suite at the New York Hilton hotel, closed one deal after another with United States grain dealers.

"They know our grain market as well as anyone I've ever seen," said Walter B. Saunders, vice president of Cargill, Inc., one of the world's largest grain dealers. "They bought grain * * * other grain products in coming months as a result of the massive Soviet buying and increased orders from other countries.

The Russian success has been largely obscured by the political turmoil that has swirled around the grain sale, and it has become a controversial issue in the Presidential campaign.

Democrats have charged that some grain dealers made windfall profits at the farmers' expense, with help from the Nixon Administration. Republicans are defending their handling of the deal.

There has been, however, general agreement that the Russians did a quick and effective job of filling their needs.

The grain business, dominated by privately-owned companies, is secretive by nature. Neither the Russians nor the dealers are volunteering much information about the summer negotiations.

It was possible, however, to reconstruct the chain of events from fragments of Congressional testimony and interviews with Government and corporate officials.

GOVERNMENT ROLE

The huge deal, which the Russians needed desperately to overcome a wheat shortage in their country, was facilitated by loan arrangements with the United States Government.

Agreement on a $500-million line of credit was reached by M. R. Kuzmin, Soviet First Deputy Foreign Trade Minister, and Secretary of Commerce Peter G. Peterson following a series of meetings in Washington that began on June 29 and ended with announcement of the loan by President Nixon on July 8.

The Russians were able to continue to buy wheat at the prevailing world price of $1.68 to $1.65 a bushel because a United States Government subsidy to dealers made up the difference between world and domestic prices.

The subsidy was later dropped, but not until the Russians had completed their buying. The world price has subsequently risen to well over $2 a bushel.

The Soviet team negotiated with grain dealers through the first week of August, and stayed in the United States until Aug. 18, when they again departed for Moscow.

During the second visit, the Russians closed new deals with all the companies in the first round except Continental and added the Bunge Corporation of New York to the list of their suppliers.

"We consider them careful, informed and shrewd," said Carl C. Brasmer, Bunge's vice president for trading. "When Belousov called us the second time, we figured we were just going for a handshake, so we said we were sorry we didn't sell him any [wheat] the first time, that we had just come to say goodby. He said 'Do not be sorry . . . Come on, let's see that American efficiency.' "

Cook Industries, president Edward W. Cook, said that his company got its first call from the Russians on June 29 but that "my guy came back from Washington empty-handed."

"Then we lost them [the Russians], but we finally found out on the 10th that they were at the Hilton in New York," he said, "I called and said I'm coming up to see you.

"On the 11th I got in my airplane at 5 A.M., and got to the Hilton at 9:15 A.M. I cooled my heels until 4:30 P.M. Then I walked into the room, and they said, 'Offer us wheat.' "

It now appears that in addition to over 11 million tons of wheat, valued at about $660-million, and 1 million tons of soybeans, worth about $130-million, the Russians bought 6 million tons of corn, worth about $300-million.

Total estimated purchases from United States companies so far: over $1-billion.

It is believed that the Russians also bought an additional 10 million or 11 million tons of grain in other countries such as Canada, France and Australia during the same period.

Even as the loan was being negotiated, however, a separate team of Russian officials was quietly bargaining with grain company officers, first in Washington, at The Madison, a luxurious downtown hotel, and then in New York.

The buying group was headed by Mr. Belousov, president of Exportkhleb, the Soviet state trading organization. The team also included Leonid Kalitenko, the most fluent English-speaker of the group and its detailman, and Paul Sakun of the Ministry of Foreign Trade, who was described by one American as "the watchdog from Moscow."

"GOOD CAPITALISTS"

"The Russians were very clever," said George S. Shanklin, a Department of Agriculture expert on commodity exports, in an interview. "They were able to buy large quantities without bidding the price up." I give them credit for being very good capitalists."

A more critical look was taken by Representative Neal Smith, an Iowa Democrat, who told a House subcommittee that the Nixon Administration had been duped by the Russians.

At a time when the Russians faced a major shortage of wheat, he said, they "employed an old tactic of diverting attention.

"They talked about buying large amounts of corn, which we have in considerable surplus. They talked of long-term dependence upon us for grain. And they haggled over credit terms on relatively small amounts of mixed grains while secretly closing cash deals on large amounts of wheat. . . . Apparently [Secretary of Agriculture Earl Butz] fell for their simple game hook, line and sinker," the Representative said.

A New York grain company executive who bargained with the Russians said:

"It was the first time they were dealing on this scale in a free market, and they realized very well that it was a brand new ball game for them—not like Canada or Australia where they deal with one central agency.

"They realized that if the quantities got to be known, it would hurt their chances of getting a good price, so they were constantly fooling around, switching from one item to another. They would say, 'We are not buying more than we are ordering from you.' "

AN APPROACH DETAILED

The largest single seller to the Russians was the Continental Grain Company, a New York concern that has had extensive prior dealings with the Russians.

Officials of Exportkhelb telephoned Continental in New York City on Thursday, June 29—at the same time that the official Washington negotiations began—and met with the company's officers in Washington the following evening.

Over the weekend, a Continental official took some of the Russians on a sightseeing tour of the city and to lunch in nearby Alexandria, Va.

Then, on Monday negotiations were shifted to the New York Hilton, although they were periodically held in other places as well.

The talks continued until July 5, when Continental signed a preliminary contract for 4 million tons of wheat. That in itself was the biggest single purchase the Russians made from one company in this country and it was later supplemented by another, 1 million ton, contract with the same company.

The United States-Soviet credit was not announced until three days after Continental's first sale.

PRICE ESTIMATED

The company said its price to the Russians was "very close" to the prevailing market price of $1.63 to $1.65 a bushel, although some trade sources said the Russians were shaving market prices a bit at the beginning.

Besides wheat, Continental sold the Russians 4 million tons of corn to be used as feed grain.

During the two weeks following the completion of its major deal with Continental, the Russian team, made additional large purchases of wheat from Cargill, Inc., of Minneapolis; the Louis Dreyfus Corporation of New York; Cook Industries, Inc., of Memphis; and the Garnac Grain Company of New York.

All the purchases apparently were made at levels near the prevailing market price.

CARGILL CASE

The Russians' secretive style of negotiating was typified in their dealings with Cargill, whose officials met with the Soviet team in Washington on Saturday, July 1. Barley and corn were mentioned by the Russians at the first meeting, according to Cargill, but not wheat.

On July 10, two days after President Nixon's announcement of the grain credit, Cargill officials again met with the Exportkhleb team, this time in New York.

The discussion turned to wheat, and agreement was made to sell the Russians 1 million tons. A contract was signed two days later.

The Russians continued to meet with other grain companies, and did not leave New York for Moscow until about July 21.

Meanwhile, as the Soviet buying became known in the trade, the domestic market price of wheat rose to $1.76 a bushel by mid-July and reached $1.78 by the time the Russians returned to Moscow. It subsequently rose to the $2.50-a-bushel level when the full extent of the Soviet purchases became apparent.

RETURN VISIT

The Soviet team's return visit, about 10 days later, was a surprise, and led to speculation that the Russians had underestimated their domestic shortfall.

REVENUE-SHARING FUNDS FOR GEORGIA

Mr. TALMADGE. Mr. President, the committee of conference, convened between the House of Representatives and the Senate to resolve differences in the two versions of the revenue-sharing bill, H.R. 14370, has completed its work.

The Department of the Treasury has released its official tabulation of revenue-sharing funds which each local government will receive, based on the conference committee's decisions.

Unfortunately, there are errors in the Department's data for certain local governments in Georgia. These involve placing the city of Homerville in Clayton County rather than Clinch County and placing the city of Fort Valley in Paulding County rather than Peach County.

Having pointed out these inaccuracies, I believe it is important that local government officials in my State receive this latest information regarding their allocations of revenue-sharing funds.

I ask unanimous consent that the official Treasury tabulation of revenue-sharing funds for local governments in the State of Georgia be printed in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Revenue sharing funds for Georgia

[In dollars]

Total State grant to all locals	73, 292, 941
Amount returned to Georgia State government is	330, 475
Appling County area	204, 249
Appling County government	199, 809
Total to all cities over 2,500	3, 312
Total to all cities under 2,500	1, 128
Total to all townships	0
Baxley City	4,443
Atkinson County area	136, 132
Atkinson County government	95, 293
Total to all cities over 2,500	0
Total to all cities under 2,500	40, 840
Total to all townships	0
Bacon County area	190, 064
Bacon County government	153, 717
Total to all cities over 2,500	36,347
Total to all cities under 2,500	0
Total to all townships	0
Alma City	36, 347
Baker County area	89, 728
Baker County govt	77, 100
Total to all cities over 2,500	0
Total to all cities under 2,500	12, 628
Total to all townships	0
Baldwin County area	567, 000
Baldwin County govt	363, 500
Total to all cities over 2,500	203, 500
Total to all cities under 2,500	0
Total to all townships	0
Milledgeville City	203, 500
Banks County area	111, 871
Banks County govt	104,511
Total to all cities over 2,500	0
Total to all cities under 2,500	7, 360
Total to all townships	0
Barrow County area	181, 698
Barrow County govt	99, 064
Total to all cities over 2,500	62, 743
Total to all cities under 2,500	19, 891
Total to all townships	0
Winder City	62, 743

Revenue sharing funds for Georgia—Con.

[In dollars]

Bibb County area	3, 320, 942
Bibb County govt	1, 352, 019
Total to all cities over 2,500	1, 965, 134
Total to all cities under 2,500	3, 788
Total to all townships	0
Macon City	1, 965, 134
Bartow County area	514, 208
Bartow County govt	253, 273
Total to all cities over 2,500	187, 104
Total to all cities under 2,500	73, 831
Total to all townships	0
Cartersville City	187, 104
Ben Hill County area	192, 529
Ben Hill County govt	118, 784
Total to all cities over 2,500	73, 745
Total to all cities under 2,500	0
Total to all townships	0
Fitzgerald City	73, 745
Berrien County area	267, 587
Berrien County government	196, 456
Total to all cities over 2,500	50, 592
Total to all cities under 2,500	20, 539
Total to all townships	0
Nashville City	50, 592
Bleckley County area	164, 205
Bleckley County govt	133, 303
Total to all cities over 2,500	30, 902
Total to all cities under 2,500	0
Total to all townships	0
Cochran City	30, 902
Brantley County area	115, 470
Brantley County govt	104, 666
Total to all cities over 2,500	0
Total to all cities under 2,500	10, 804
Total to all townships	0
Brooks County area	234, 621
Brooks County govt	190, 308
Total to all cities over 2,500	40, 500
Total to all cities under 2,500	3, 813
Total to all townships	0
Quitman City	40, 500
Bryan County area	99, 057
Bryan County govt	71, 851
Total to all cities over 2,500	0
Total to all cities under 2,500	27, 206
Total to all townships	0
Bulloch County area	443, 117
Bulloch County government	252, 224
Total to all cities over 2,500	174, 500
Total to all cities under 2,500	16, 393
Total to all townships	0
Statesboro City	174, 500
Burke County area	422, 707
Burke County government	333, 860
Total to all cities over 2,500	67, 500
Total to all cities under 2,500	21, 347
Total to all townships	0
Waynesboro City	67, 500
Butts County area	188, 662
Butts County government	125, 965
Total to all cities over 2,500	53, 241
Total to all cities under 2,500	9, 456
Total to all townships	0
Jackson City	53, 241
Calhoun County area	152, 966
Calhoun County government	99, 122
Total to all cities over 2,500	0
Total to all cities under 2,500	53, 844
Total to all townships	0
Camden County area	206, 534
Camden County government	107, 538
Total to all cities over 2,500	54, 058
Total to all cities under 2,500	44, 937
Total to all townships	0
St. Marys City	54, 058
Candler County area	148, 474
Candler County government	105, 310
Total to all cities over 2,500	40, 000
Total to all cities under 2,500	3, 164
Total to all townships	0
Metter City	40, 000
Carroll County area	684, 342
Carroll County government	329, 687
Total to all cities over 2,500	290, 689
Total to all cities under 2,500	63, 965
Total to all townships	0
Bremen City (part)	98
Carrollton City	256, 648
Villa Rica City (part)	33, 943
Catoosa County area	235, 501
Catoosa County government	207, 402
Total to all cities over 2,500	19, 695
Total to all cities under 2,500	8, 405
Total to all townships	0
Fort Oglethorpe Town (part)	19, 695
Charlton County area	129, 156
Charlton County government	98, 102
Total to all cities over 2,500	0
Total to all cities under 2,500	31, 054
Total to all townships	0
Chatham County area	4, 347, 874
Chatham County government	2, 156, 198
Total to all cities over 2,500	2, 136, 000
Total to all cities under 2,500	55, 676
Total to all townships	0
Garden City Town	18, 493
Savannah City	2, 089, 189
Town of Thunderbolt	11, 414
Port Wentworth City	16, 904
Chattahooche County area	57, 992
Chattahooche County government	46, 000
Total to all cities over 2,500	0
Total to all cities under 2,500	11, 992
Total to all townships	0
Chattooga County area	284, 988
Chattooga County government	207, 051
Total to all cities over 2,500	48, 965
Total to all cities under 2,500	28, 973
Total to all townships	0
Summerville City	48, 965
Cherokee County area	272, 176
Cherokee County government	197, 637
Total to all cities over 2,500	43, 909
Total to all cities under 2,500	30, 631
Total to all townships	0
Canton City	43, 909
Clarke County area	898, 427
Clarke County government	356, 793
Clarke County government	356, 793
Total to all cities over 2,500	534, 986
Total to all cities under 2,500	6, 648
Total to all townships	0
Athens City	534, 986
Clay County area	22, 512
Clay County government	15, 626
Total to all cities over 2,500	0
Total to all cities under 2,500	6, 886
Total to all townships	0
Clayton County area	746, 388
Clayton County government	516, 745
Total to all cities over 2,500	204, 363
Total to all cities under 2,500	25, 280
Total to all townships	0
College Park City	6, 768
Forest Park Town	115, 567
Jonesboro City	38, 877
Morrow Town	11, 843
Riverdale City	8, 052
Homerville City	232, 257
Clinch County area	148, 312
Clinch County government	114, 250
Total to all cities over 2,500	0
Total to all cities under 2,500	34,062
Total to all townships	0
Cobb County area	1, 188, 984
Cobb County government	1, 061, 601
Total to all cities over 2,500	110, 633
Total to all cities under 2,500	16, 750
Total to all townships	0
Austell City	12,955
Acworth City	8, 326
City of Kennesaw	9, 259
Marietta City	24, 826
Powder Springs City	4, 130
Smyrna City	67, 887
Coffee County area	435, 831
Coffee County govt	281, 098
Total to all cities over 2,500	125, 647
Total to all cities under 2,500	29, 086
Total to all townships	0
Douglas City	125. 647
Colquitt County area	598, 779
Colquitt County govt	395, 182
Total to all cities over 2,500	164, 773
Total to all cities under 2,500	38, 825
Total to all townships	0
Moultrie City	164, 773
Columbia County area	181, 073
Columbia County govt	165, 382
Total to all cities over 2,500	8, 000
Total to all cities under 2,500	7, 690
Total to all townships	0
Groveton City	8, 000
Cook County area	280, 855
Cook County govt	206, 750
Total to all cities over 2,500	49, 000
Total to all cities under 2,500	25, 106
Total to all townships	0
Adel City	49, 000
Coweta County area	638, 428
Coweta County govt	493, 021
Total to all cities over 2,500	114, 973
Total to all cities under 2,500	30, 434
Total to all townships	0
Newnan City	114, 973
Crawford County area	110, 112
Crawford County govt	103, 000
Total to all cities over 2,500	0
Total to all cities under 2,500	7, 112
Total to all townships	0
Crisp County area	379, 912
Crisp County govt	200, 560
Total to all cities over 2,500	174, 397
Total to all cities under 2,500	4, 956
Total to all townships	0
Cordele City	174, 397
Dade County area	111, 275
Dade County govt	104, 232
Total to all cities over 2,500	0
Total to all cities under 2,500	7, 043
Total to all townships	0
Dawson County area	62, 682
Dawson County govt	59, 927
Total to all cities over 2,500	0
Total to all cities under 2,500	2, 755
Total to all townships	0
Decatur County area	516, 603
Decatur County govt	264, 507
Total to all cities over 2,500	252, 096
Total to all cities under 2,500	0
Total to all townships	0
Bainbridge City	252, 096
De Kalb County area	3, 283, 446
De Kalb County govt	2, 727, 936
Total to all cities over 2,500	519, 406
Total to all cities under 2,500	36, 103
Total to all townships	0
City of Atlanta (part)	342, 957
Chamblee City	35, 279
Claskston Town	9, 987
Decatur City	101, 937
Doraville City	29, 246

Dodge County area	217,039
Dodge County govt	178,464
Toal to all cities over 2,500	30,816
Total to all cities under 2,500	6,759
Total to all townships	0
Eastman City	30,816
Dooly County area	236,085
Dooly County govt	172,500
Total to all cities over 2,500	0
Total to all cities under 2,500	63,586
Total to all townships	0
Dougherty County area	1,552,982
Dougherty County govt	859,899
Total to all cities over 2,500	893,083
Total to all cities under 2,500	0
Total to all townships	0
Albany City	683,083
Douglas County area	283,210
Douglas County govt	259,978
Total to all cities over 2,500	23,232
Total to all cities under 2,500	0
Total to all townships	0
Douglasville city	22,572
Villa Rica City (part I)	660
Early County area	293,660
Early County govt	233,868
Total to all cities over 2,500	55,000
Total to all cities under 2,500	4,793
Total to all townships	0
Blakely City	55,000
Echols County area	44,552
Echols County govt	9,361
Total to all cities over 2,500	0
Total to all cities under 2,500	35,191
Total to all townships	0
Effingham County area	108,234
Effingham County govt	90,106
Total to all cities over 2,500	0
Total to all cities under 2,500	18,128
Total to all townships	0
Elbert County area	372,108
Elbert County government	245,384
Total to all cities over 2,500	113,914
Total to all cities under 2,500	12,810
Total to all townships	0
City of Elberton	113,914
Emanuel County area	421,179
Emanuel County government	257,796
Total to all cities over 2,500	125,672
Total to all cities under 2,500	37,710
Total to all townships	0
Swainsboro City	125,672
Evans County area	150,995
Evans County government	111,403
Total to all cities over 2,500	29,500
Total to all cities under 2,500	10,091
Total to all townships	0
Claxton City	29,500
Fannin County area	287,898
Fannin County government	242,327
Total to all cities over 2,500	0
Total to all cities under 2,500	45,572
Total to all townships	0
Fayette County area	87,253
Fayette County government	38,092
Total to all cities over 2,500	0
Total to all cities under 2,500	49,161
Total to all townships	0
Floyd County area	1,413,219
Floyd County government	758,126
Total to all cities over 2,500	628,431
Total to all cities under 2,500	26,662
Total to all townships	0
Rome City Sectys	628,431
Forsyth County area	176,164
Forsyth County government	163,644
Total to all cities over 2,500	0
Total to all cities under 2,500	12,519
Total to all townships	0
Franklin County area	194,758
Franklin County government	117,679
Total to all cities over 2,500	0
Total to all cities under 2,500	77,079
Total to all townships	0
Fulton County area	10,150,815
Fulton County government	5,424,415
Total to all cities over 2,500	4,684,046
Total to all cities under 2,500	42,354
Total to all townships	0
City of Atlanta (part)	4,240,214
College Park City (part)	54,969
East Point City	182,798
Fairburn City	17,685
Hapeville City	126,156
City of Roswell	44,528
Union City City	17,696
Gilmer County area	161,053
Gilmer County government	136,731
Total to all cities over 2,500	0
Total to all cities under 2,500	24,322
Total to all townships	0
Glascock County area	21,815
Glascock County government	19,558
Total to all cities over 2,500	0
Total to all cities under 2,500	2,257
Total to all townships	0
Glynn County area	1,136,549
Glynn County government	724,360
Total to all cities over 2,500	412,188
Total to all cities under 2,500	0
Total to all townships	0
Brunswick City	412,188
Gordon County area	269,096
Gordon County government	246,636
Total to all cities over 2,500	18,689
Total to all cities under 2,500	3,771
Total to all townships	0
Calhoun City	18,689
Grady County area	412,773
Grady County government	276,034
Total to all cities over 2,500	129,500
Total to all cities under 2,500	7,239
Total to all townships	0
Cairo City	129,500
Greene County area	225,398
Greene County government	148,160
Total to all cities over 2,500	38,304
Total to all cities under 2,500	37,933
Total to all townships	0
Greensboro City	38,304
Gwinnett County area	585,935
Gwinnett County government	515,129
Total to all cities over 2,500	45,535
Total to all cities under 2,500	26,271
Total to all townships	0
Buford City (part)	10,775
Lawrenceville City	26,602
Norcross City	8,158
Habersham County area	390,002
Habersham County government	230,736
Total to all cities over 2,500	63,500
Total to all cities under 2,500	95,766
Total to all townships	0
Cornelia City	63,500
Hall County area	1,190,691
Hall County government	650,483
Total to all cities over 2,500	358,189
Total to all cities under 2,500	182,019
Total to all townships	0
Buford City (part)	225
Gainesville City	357,964
Hancock County area	208,841
Hancock County govt	161,936
Total to all cities over 2,500	0
Total to all cities under 2,500	46,905
Total to all townships	0
Haralson County area	326,052
Haralson County govt	219,631
Total to all cities over 2,500	88,296
Total to all cities under 2,500	18,125
Total to all townships	0
Bremen City (part)	44,296
Tallapoosa City	44,000
Harris County area	203,273
Harris County govt	163,063
Total to all cities over 2,500	9,883
Total to all cities under 2,500	30,327
Total to all townships	0
West Point City (part)	9,883
Hart County area	251,567
Hart County govt	175 ,371
Total to all cities over 2,500	71,756
Total to all cities under 2,500	4,440
Total to all townships	0
Hariwell City	71,756
Heard County area	75,325
Heard County govt	51,538
Total to all cities over 2,500	0
Total to all cities under 2,500	23,787
Total to all townships	0
Henry County area	196,572
Henry County govt	159,797
Total to all cities over 2,500	15,302
Total to all cities under 2,500	21,474
Total to all townships	0
McDonough City	15,302
Houston, County area	619,235
Houston, County govt	252,587
Total to all cities over 2,500	351,935
Total to all cities under 2,500	14,713
Total to all townships	0
Perry City	110,969
Warner Robins City	240,966
Irwin County area	186,079
Irwin County govt	112,328
Total to all cities over 2,500	73,751
Total to all cities under 2,500	0
Total to all townships	0
Ocilla City	73,751
Jackson County area	275,566
Jackson County govt	198,314
Total to all cities over 2,500	40,500
Total to all cities under 2,500	36,753
Total to all townships	0
Commerce City	40,500
Jasper County area	105,834
Jasper County govt	89,321
Total to all cities over 2,500	0
Total to all cities under 2,500	16,513
Total to all townships	0
Jeff Davis County area	201,753
Jeff Davis County govt	150,500
Total to all cities over 2,500	46,500
Total to all cities under 2,500	4,753
Total to all townships	0
Hazlehurst City	46,500
Jefferson County area	324,216
Jefferson County govt	182,144
Total to all cities over 2,500	48,865
Total to all cities under 2,500	93,208
Total to all townships	0
Louisville City	48,865
Jenkins County area	192,933
Jenkins County govt	146,933
Total to all cities over 2,500	46,000
Total to all cities under 2,500	0
Total to all townships	0
City of Millen	46,000

Revenue sharing funds for Georgia—Con.

[In dollars]

Johnson County area	178, 924
Johnson County govt	121, 442
Total to all cities over 2,500	0
Total to all cities under 2,500	57, 482
Total to all townships	0
Jones County area	106, 155
Jones County govt	90, 858
Total to all cities over 2,500	0
Total to all cities under 2,500	15, 302
Total to all townships	0
Lamar County area	150, 194
Lamar County govt	83, 123
Total to all cities over 2,500	59, 887
Total to all cities under 2,500	7, 184
Total to all townships	0
Barnesville City	59, 887
Lanier County area	68, 080
Lanier County govt	48, 080
Total to all cities over 2,500	20, 000
Total to all cities under 2,500	0
Total to all townships	0
Lakeland City	20, 000
Laurens County area	722, 715
Laurens County govt	433, 628
Total to all cities over 2,500	231, 192
Total to all cities under 2,500	57, 893
Total to all townships	0
Dublin City	231, 192
Lee County area	78, 504
Lee County government	61, 257
Total to all cities over 2,500	0
Total to all cities under 2,500	17, 247
Total to all townships	0
Liberty County area	253, 146
Liberty County government	163, 965
Total to all cities over 2,500	80, 500
Total to all cities under 2,500	8, 682
Total to all townships	0
City of Hinesville	80, 500
Lincoln County area	86, 964
Lincoln County government	58, 934
Total to all cities over 2,500	0
Total to all cities under 2,500	28, 030
Total to all townships	0
Long County area	86, 741
Long County government	70, 933
Total to all cities over 2,500	0
Total to all cities under 2,500	15, 808
Total to all townships	0
Lowndes County area	1, 174, 095
Lowndes County government	647, 041
Total to all cities over 2,500	489, 841
Total to all cities under 2,500	37,212
Total to all townships	0
Valdosta City	489, 841
Lumpkin County area	184, 063
Lumpkin County government	125, 063
Total to all cities over 2,500	59, 000
Total to all cities under 2,500	0
Total to all townships	0
Dahlonega City	59, 000
McDuffie County Area	136, 240
McDuffie County government	98, 987
Total to all cities over 2,500	34, 324
Total to all cities under 2,500	2, 929
Total to all townships	0
Thomson City	34, 324
McIntosh County Area	141, 853
McIntosh County government	118, 499
Total to all cities over 2,500	0
Total to all cities under 2,500	23, 364
Total to all townships	0
Meriwether County Area	380, 458
Meriwether County government	262, 947
Total to all cities over 2,500	61, 115
Total to all cities under 2,500	56, 397
Total to all townships	0
Manchester City (part)	61, 115
Macon County Area	299, 472
Macon County government	149, 231
Total to all cities over 2,500	90, 500
Total to all cities under 2,500	69, 741
Total to all townships	0
Montezuma City	80, 500
Madison County Area	188, 399
Madison County government	94, 707
Total to all cities over 2,500	0
Total to all cities under 2,500	13, 693
Total to all townships	0
Marion County Area	118, 071
Marion County government	89, 470
Total to all cities over 2,500	0
Total to all cities under 2,500	28, 601
Total to all townships	0
Miller County area	148, 127
Miller County government	126, 134
Total to all cities over 2,500	0
Total to all cities under 2,500	21, 993
Total to all townships	0
Mitchell County area	438, 939
Mitchell County government	298, 282
Total to all cities over 2,500	124, 000
Total to all cities under 2,500	16, 657
Total to all townships	0
Camilla City	53, 000
Pelham City	71, 000
Monroe County area	125, 337
Monroe County government	97, 646
Total to all cities over 2,500	25, 812
Total to all cities under 2,500	1, 879
Total to all townships	0
Forsyth City	25, 812
Montgomery County area	79, 200
Montgomery County government	58, 113
Total to all cities over 2,500	40
Total to all cities under 2,500	21, 048
Total to all townships	0
Vidalia City (Part)	40
Morgan County area	229, 334
Morgan County government	158, 770
Total to all cities over 2,500	51, 187
Total to all cities under 2,500	19, 377
Total to all townships	0
Madison City	51, 187
Murray County area	87, 907
Murray County government	73, 575
Total to all cities over 2,500	12, 963
Total to all cities under 2,500	1, 370
Total to all townships	0
Chatsworth City	12, 963
Muscogee County area	3, 089, 021
Muscogee County government	887, 646
Total to all cities over 2,500	2, 201, 375
Total to all cities under 2,500	0
Total to all townships	0
Columbus City	2, 201, 375
Newton County area	352, 612
Newton County government	216, 293
Total to all cities over 2,500	99, 636
Total to all cities under 2,500	36, 683
Total to all townships	0
Covington City	99, 636
Oconee County area	54, 789
Oconee County government	37, 931
Total to all cities over 2,500	0
Total to all cities under 2,500	16, 858
Total to all townships	0
Oglethorpe County area	59, 254
Oglethorpe County government	51, 847
Total to all cities over 2,500	0
Total to all cities under 2,500	7, 407
Total to all townships	0
Paulding County area	209, 002
Paulding County government	177, 678
Total to all cities over 2,500	29, 547
Total to all cities under 2,500	1, 778
Total to all townships	0
Fort Valley city	29, 547
Peach County area	222, 781
Peach County government	76, 032
Total to all cities over 2,500	0
Total to all cities under 2,500	146, 748
Total to all townships	0
Pickens County area	119, 946
Pickens County government	95, 342
Total to all cities over 2,500	0
Total to all cities under 2,500	24, 604
Total to all townships	0
Pierce County area	194, 000
Pierce County government	135, 000
Total to all cities over 2,500	59, 000
Total to all cities under 2,500	0
Total to all townships	0
Blackshear City	59, 000
Pike County area	106, 799
Pike County government	95, 482
Total to all cities over 2,500	0
Total to all cities under 2,500	11, 316
Total to all townships	0
Polk County area	622, 948
Polk County government	358, 834
Total to all cities over 2,500	264, 114
Total to all cities under 2,500	0
Total to all townships	0
Rockmart City	57, 633
Cedartown City	206, 431
Pulaski County area	176, 995
Pulaski County government	112, 467
Total to all cities over 2,500	58, 529
Total to all cities under 2,500	0
Total to all townships	0
Hawkinsville City	58, 529
Putnam County area	173, 181
Putnam County government	138, 453
Total to all cities over 2,500	34, 729
Total to all cities under 2,500	0
Total to all townships	0
Eatonton City	34, 729
Quitman County area	39, 231
Quitman County govt	32, 500
Total to all cities over 2,500	0
Total to all cities under 2,500	6, 731
Total to all townships	6
Rabun County area	192, 817
Rabun County govt	164, 688
Total to all cities over 2,500	0
Total to all cities under 2,500	28, 130
Randolph County area	202, 242
Randolph County govt	134, 479
Total to all cities over 2,500	49, 000
Total to all cities under 2,500	18, 762
Total to all townships	0
Cuthbert City	49, 000
Richmond County area	3, 279, 907
Richmond County govt	1, 892, 905
Total to all cities over 2,500	1, 386, 192
Total to all cities under 2,500	0
Total to all townships	0
Augusta City	1, 386, 192

Rockdale County area	265, 090
Rockdale County govt	208, 150
Total to all cities over 2,500	56, 040
Total to all cities under 2,500	0
Total to all townships	0
Conyers City	56, 940

Schley County area	71, 713
Schley County govt	55, 700
Total to all cities over 2,500	0
Total to all cities under 2,500	16, 014
Total to all townships	0

Screven County area	271, 819
Screven County government	224, 000
Total to all cities over 2,500	35, 053
Total to all cities under 2,500	12, 765
Total to all townships	0
Sylvania City	35, 053

Seminole County area	149, 156
Seminole County government	86, 053
Total to all cities over 2,500	56, 000
Total to all cities under 2,500	7, 104
Total to all townships	0
Donaldsonville City	56, 000

Spalding County area	633, 964
Spalding County government	420, 096
Total to all cities over 2,500	211, 919
Total to all cities under 2,500	1, 948
Total to all townships	0
Griffin City	211, 919

Stephens County area	225, 519
Stephens County government	130, 874
Total to all cities over 2,500	89, 449
Total to all cities under 2,500	5, 197
Total to all townships	0
Toccoa City	89, 449

Stewart County area	139, 200
Stewart County government	60, 742
Total to all cities over 2,500	0
Total to all cities under 2,500	78, 458
Total to all townships	0

Sumter County area	567, 173
Sumter County government	305, 673
Total to all cities over 2,500	234, 666
Total to all cities under 2,500	26, 834
Total to all townships	0
Americus City	234, 666

Talbot County area	110, 810
Talbot County govt	94, 259
Total to all cities over 2,500	988
Total to all cities under 2,500	15, 563
Total to all townships	0
Manchester City (part)	988

Taliaferro County area	56, 106
Taliaferro County govt	36, 123
Total to all cities over 2,500	0
Total to all cities under 2,500	19, 983
Total to all townships	0

Tattnall County area	295, 685
Tattnall County govt	192, 000
Total to all cities over 2,500	44, 000
Total to all cities under 2,500	59, 685
Total to all townships	0
Glennville City	44, 000

Taylor County area	181, 296
Taylor County govt	143, 000
Total to all cities over 2,500	0
Total to all cities under 2,500	38, 296
Total to all townships	0

Telfair County area	231, 410
Telfair County govt	134, 500
Total to all cities over 2,500	41, 660
Total to all cities under 2,500	55, 251
Total to all townships	0
McRae City	41, 660

Terrell County area	231, 378
Terrell County govt	153, 182
Total to all cities over 2,500	61, 500
Total to all cities under 2,500	16, 696
Total to all townships	0
Dawson City	61, 500

Thomas County area	713, 674
Thomas County government	364, 442
Total of all cities over 2,500	271, 429
Total to all cities under 2,500	77, 803
Total to all townships	0
Thomasville City	271, 429

Tift County area	525, 017
Tift County government	237, 645
Total to all cities over 2,500	260, 081
Total to all cities under 2,500	27, 292
Total to all townships	0
Tifton City	260, 081

Toombs County area	443, 455
Toombs County government	250, 921
Total to al cities over 2,500	191, 544
Total to all cities under 2,500	990
Total to all townships	0
Lyons city	80, 500
Vidalia City (part)	111, 044

Towns County area	64, 713
Towns County government	50, 332
Total to all cities over 2,500	0
Total to all cities under 2,500	14, 381
Total to all townships	0

Treutlen County area	110, 000
Treutlen County government	85, 500
Total to all cities over 2,500	24, 500
Total to all cities under 2,500	0
Total to all townships	0
Soperton City	24, 500

Troup County area	656, 758
Troup County govt	365, 075
Total to all cities over 2,500	291, 683
Total to all cities under 2,500	0
Total to all townships	0
Hogansville City	46, 000
La Grange City	182, 603
West Point City (part)	63, 079

Turner County area	203, 538
Turner County govt	144, 916
Total to all cities over 2,500	49, 000
Total to all cities under 2,500	9, 623
Total to all townships	0
Ashburn City	149, 000
Twiggs County area	139, 842
Twiggs County govt	123, 000
Total to all cities over 2,500	0
Total to all cities under 2,500	16, 842
Total to all townships	0

Union County area	122, 827
Union County govt	117, 024
Total to all cities over 2,500	0
Total to all cities under 2,500	5, 803
Total to all townships	0

Upson County area	433, 272
Upson County govt	247, 333
Total to all cities over 2,500	176, 117
Total to all cities under 2,500	9, 821
Total to all townships	0
Thomaston City	176, 117

Walker County area	561, 144
Walker County govt	454, 534
Total to all cities over 2,500	85, 906
Total to all cities under 2,500	20, 705
Total to all townships	0
Fort Oglethorpe Town (part)	188
La Fayette City	25, 994
Rossville City	59, 723

Walton County area	398, 849
Walton County govt	274, 720
Total to all cities over 2,500	85, 394
Total to all cities under 2,500	38, 735
Total to all townships	0
Monroe City	85, 394

Ware County area	698, 596
Ware County govt	339, 265
Total to all cities over 2,500	359, 331
Total to all cities under 2,500	0
Total to all townships	0
Waycross City	359, 331

Warren County area	90, 588
Warren County govt	57, 846
Total to all cities over 2,500	0
Total to all cities under 2,500	32, 743
Total to all townships	0

Washington County area	404, 761
Washington County govt	297, 582
Total to all cities over 2,500	62, 000
Total to all cities under 2,500	45, 179
Total to all townships	0
Sandersville City	62, 000

Wayne County area	413, 514
Wayne County govt	266, 714
Total to all cities over 2,500	128, 249
Total to all cities under 2,500	18, 551
Total to all townships	0
Jesup City	128, 249

Webster County area	54, 694
Webster County govt	50, 487
Total to all cities over 2,500	0
Total to all cities under 2,500	4, 207
Total to all townships	0

Wheeler County area	103, 752
Wheeler County govt	79, 340
Total to all cities over 2,500	0
Total to all cities under 2,500	24, 412
Total to all townships	0

White County area	76, 325
White County government	70, 197
Total to all cities over 2,500	0
Total to all cities under 2,500	6, 128
Total to all townships	0

Whitfield County area	863, 446
Whitfield County government	483, 126
Total to all cities over 2,500	380, 320
Total to all cities under 2,500	0
Total to all townships	0
Dalton City	380, 320

Wilcox County area	162, 043
Wilcox County government	136, 098
Total to all cities over 2,500	0
Total to all cities under 2,500	25, 945
Total to all townships	0
Wilkes County area	198, 386
Wilkes County government	155, 703
Total to all cities over 2,500	36, 030
Total to all cities under 2,500	6, 653
Total to all townships	0
Washington City	36, 030

Wilkinson County area	161, 158
Wilkinson County government	100, 912
Total to all cities over 2,500	27, 874
Total to all cities under 2,500	32, 372
Total to all townships	0
City of Gordon	27, 874

Worth County area	342, 009
Worth County government	271, 461
Total to all cities over 2,500	50, 500
Total to all cities under 2,500	20, 048
Total to all townships	0
Sylvester City	50, 500

SIXTH ANNIVERSARY OF THE REPUBLIC OF BOTSWANA

Mr. FONG. Mr. President, I take great pleasure in extending my heartiest congratulations to President Seretse Khama and the people of Botswana as they celebrate the sixth anniversary of their Republic on September 30.

During these first 6 years of independence, Botswana has established an enviable record for racial tolerance and harmony, for stable democratic government, and for the statesmanship of its leaders.

Botswana also has established itself as a model of commitment and effort toward rational, well-planned economic development, particularly by its policy of directing revenues from mineral extraction to rural area development to help meet the pressing needs of the majority of its people.

I also would like to observe that relations between our Nation and Botswana remain excellent, that we have been able to assist Botswana economically, and that within the last year diplomatic representation between our two countries have been raised to the ambassadorial level.

It was my privilege and honor to be the first U.S. Senator to visit the fine republic. On that visit, a year and a half ago, I was most impressed not only with the friendliness but the energy and organization of the population and its leaders.

The people of Hawaii have a special affinity for those in Botswana, for Botswana is Hawaii's antipode.

On my visit I was pleased to meet two youths from Hawaii who were in that part of Africa with our Peace Corps. Here I must make special mention of the Peace Corps, for wherever I met these dedicated young Americans in Africa, I heard nothing but praise from the people they were among for the outstanding job the youths were doing.

Mr. President, I am confident that on this auspicious day, the people of the United States join me and those of Hawaii in my anniversary greetings and my best wishes for the future of Botswana.

THE PRESERVATION OF DEMOCRATIC FREEDOM

Mr. HRUSKA. Mr. President, it is not difficult to find in this great country millions of Americans who are dedicated to the preservation of individual freedom. It is my intention at this time, however, to comment briefly upon an organization which yields to no American in its fierce defense of such freedom.

I speak of the Czechoslovak National Council of America, a nonprofit organization founded in 1918 to promote cooperation of all peoples for the preservation of democratic freedom.

The list of American patriots of Czech and Slovak descent who comprise this organization is long and impressive. Their concern for the preservation of individual freedom in this country is equaled only by their devotion to the return of human dignity and individual rights in Czechoslovakia and other captive nations of the world.

The Czechoslovak National Council and similar organizations have much wisdom to offer in our Nation's efforts to attain world peace and political freedom for all peoples. The leaders of the organization know firsthand how freedom can be extinguished. They know from sad experience how difficult it is to recapture once it is lost. Their advice in such matters is worthy of careful consideration.

The organization is called to this body's attention, Mr. President, because it has written to President Nixon applauding his search for a generation of peace and offering suggested approaches on behalf of Americans of Czech and Slovak descent.

There is much food for thought in the council's recommendations. So that we may all have the advantage of its thinking, I ask unanimous consent that the complete text of the council's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CZECHOSLOVAK NATIONAL
COUNCIL OF AMERICA,
Cicero, Ill., September 15, 1972.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We all know and applaud your quest for a generation of peace. The proposed Conference on European Security and Cooperation seems to be a possible path leading in this direction. We consider it the duty of every citizen to assist you in your quest for peace. Thus, the Czechoslovak National Council of America, speaking on behalf of Americans of Czech and Slovak descent, submits the following for your consideration:

We believe that the position taken by the American delegation, and indeed all western delegations at the onset of the Conference, should be to insist on the

(1) Withdrawal of all Soviet military and police units and Soviet advisers from all occupied nations west of the Soviet Union proper.

(2) Neutralization of the same area and the establishment of a nuclear free zone, both under international guarantees;

(3) Free elections under international control.

The establishment of such a cordon sanitaire would tend to

Eliminate the danger of inadvertent confrontation between the armed forces of the two atomic super-powers;

Mitigate the fears of Western Europe concerning further military penetration of the Soviet Union into Western Europe;

Curtail alleged suspicion on the part of the Soviet Union of Western aggressive intentions and German revanchism;

Increase the chances for an agreed balanced reduction of the armed forces of the East and West;

Make possible the organization of a viable, economic community comparable to EEC (Common Market);

Meet the requirement of self-determination, political independence and territorial integrity of the supposedly sovereign nations living between the Soviet Union and non-Communist Western Europe, stipulated by the United Nations Charter;

Satisfy the wish of the people concerned who have manifested on many occasions their desire for neutrality, such as enjoyed by Austria since 1955.

The achievement of these goals would increase the likelihood of lasting stability, peace and security in all of Europe.

The eagerness now manifested by the Soviet Union to conclude a European security pact leads one to believe that the pressure of circumstances, the unreliability of the satellite armies, the discontent of the satellite people, as well as the good will of the United States might produce an unprecedented degree of willingness on the part of the Soviet Union to agree to these demands.

Very respectfully yours,
CZECHOSLOVAK NATIONAL
COUNCIL OF AMERICA,
Prof. VRATISLAV BUSEK,
President.
Prof. FRANCIS SCHWARZENBERG,
Vice-President.
Dr. MIKULAS FERJENCIK,
Acting Vice-President.

GROWING TOLL OF CRIMES AGAINST BUSINESS

Mr. BIBLE. Mr. President, crime against the American businessman strikes hard not only at our economic strength but even harder at the consumer public who pays for it all by crime inflated prices. This morning's newspaper tells us that crime during the first 6 months of 1972 has increased by only 1 percent. We doubt very much that the great majority of Americans believe that completely when we consider the scope and magnitude of criminal acts along all fronts. But, this is the political season.

For the last 3 years, the Senate Small Business Committee has been examining into the impact of crime on this country's five and a half million small businesses, an economic group hit 35 times greater by crime than large businesses. U.S. News & World Report of October 2 contains an excellent portrayal of the economic harm being inflicted on business by growing property crimes. I commend it to the Senate as instructive reading. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the U.S. News & World Report, Oct. 2, 1972]

GROWING TOLL OF CRIMES AGAINST BUSINESS

Hijackers, burglars, thieves and other criminals are costing U.S. business close to 16 billion dollars a year—and an official study indicates that the situation is steadily getting worse.

Some authorities believe the direct loss to commercial enterprises may actually be three times higher than the 16-billion-dollar estimate of the Federal Bureau of Domestic Commerce.

"The magnitude and rate of increase in the costs to business of ordinary crime are clearly evident, even though the precise figures are hard to establish," a report by the Bureau warns.

Security costs. The estimate includes 2.5 billion dollars spent for 289,900 guards and detectives, and 800 million for crime-prevention devices, such as television-surveillance equipment, armored cars and burglar alarms.

But it does not include indirect costs. The Library of Congress research service reported to a Senate committee that theft in the transportation industry alone cost 1.5 billion dollars in 1970, but noted that this was only the tip of the iceberg. "Additional indirect costs," it said, "costs of processing claims, costs of lost business and profits—raised the estimate to 8 to 10 billion dollars."

Retailers hardest hit. The Bureau of Domestic Commerce limited its study to what it terms seven "ordinary" crimes against business—burglary, robbery, shoplifting, vandalism, employe theft, bad checks and arson.

Retail stores are by far the biggest losers—an estimated 4.8 billion dollars annually. Shoplifters were blamed for 28 per cent of the inventory loss, while employe theft accounted for 13 per cent. Burglars took 23 per cent. Vandals were charged with 20 per cent; bad check writers, 13, and robbers, 3. Arson losses were not included.

The Bureau's report cautions:

"While shoplifting appears to be the most serious problem for retail establishments, most observers believe that, because of reluctance on the part of businessmen to admit the magnitude of their employe-theft problem, that figure is seriously understated. Some believe that employe theft accounts for substantially more loss than does shoplifting by customers."

An example of employe theft involved a chain of stores operating in Maryland and Virginia. At one branch store, a gang known as "The Brotherhood" to its members, made off with a half-million dollars' worth of merchandise during a three-year period.

One tactic: Employes would "buy" merchandise in order to have a legitimate sales slip if questioned. Later, another member of the ring would destroy all papers connected with the sale.

The gang made off with rugs, bedroom and dinette furniture, lamps and tables. Another group of the ring stole lawnmowers, clocks, toys, auto parts, TV sets, small appliances and jewelry.

After the thefts were uncovered, the firm investigated its 17 other outlets and found employe thievery at all.

Booty: food, drink, cash. Service establishments—restaurants, hotels and hospitals—are estimated by the Bureau of Domestic Commerce to lose more than 2 billion dollars annually to employes who carry off food, liquor, silver and table linens.

Some employes prefer cash. A late-shift cashier in a New York restaurant pocketed $40,000 in two years simply by failing to ring up food sales after midnight, when the boss had departed.

The transportation industry's direct loss of 1.5 billions is attributed in large part to organized crime. The Senate Select Committee on Small Business has reported: "Much of the crime in the cargo-trucking industry is committed by organized gunmen who hijack whole trailer loads with the intention of reselling stolen goods to legitimate and illegitimate markets."

Gilbert H. Meyer, chief special agent for the American Insurance Association, told the Senate committee that, by his estimate, the average value of cargo stolen per truck is $20,000. Some losses are substantially larger.

Mr. Meyer cited, as an instance, the theft of a load of woolens valued at $50,000. He put the ultimate loss to manufacturer, wholesaler and retailer, including anticipated profits, at $250,000. He added:

"Loads of liquor, cigarettes, drugs, electronic equipment, cameras, TV's, record players, ready-to-wear clothing, furs, metals, major appliances are all in demand. I think that many of these things are stolen to order and they are handled by organized crime. . . . The markets are already established and the property is absorbed into our economic system."

Ron Ray, manager of distribution services for Hunt-Wesson Foods, said:

"I doubt that anyone will ever know how many millions of dollars are stolen from distribution centers each year. Needless to say, it is very big business. And since it is big business, organized crime is in there grabbing its part. . . . Only 'the Syndicate' has the capability of operating on that scale. The hijackers know what is in the tracks. They almost never steal the wrong product. To my knowledge, they have never mistakenly hijacked a truckload of coffins when they were after a truckload of coffee."

A Department of Transportation study concluded: "Ultimately, the public bears the cost of cargo loss in the form of increased prices, increased transportation charges and direct and passed-on cargo-insurance-premium increases."

The Bureau of Customs has stepped up its drive to curb thefts and pilferage from almost 300 U.S. ports of entry. In 12 months from mid-1971 to mid-1972, the Bureau said, its crackdown resulted in 519 arrests and recovery of merchandise valued at nearly $400,000.

At John F. Kennedy Airport in New York, where losses had been skyrocketing, the value of goods stolen dropped by 83 per cent—from 3.4 million in 1969 to $568,000 at the end of 1971.

Crime in money markets. The theft of negotiable securities is another fast-growing criminal enterprise, Police Commissioner Patrick V. Murphy of New York City told a Senate committee that organized crime has assumed "a major role, particularly in the disposition of stolen securities."

J. G. Young, senior vice persident of the General Adjustment Bureau, writing in the "Journal of Insurance," reported that in Los Angeles two women employes of a brokerage firm were suspected of stealing $500,000 in such securities. The women were ultimately traced to Florida, where both were found murdered.

Mr. Young told of another firm which hired the nephew of a known mobster as a messenger. Shortly thereafter the messenger was robbed of $400,000. Two days after the employee appeared before a grand jury he was stabbed to death.

A Senate committee report said that in the first six months of 1971 brokerage firms and banks lost to thieves 494 millions in securities—twice their loss in the same period the previous year.

Some law-enforcement officers are critical of sales practices, noting that customers often are permitted almost unimpeded access to small high-value items. allowed to handle merchandise without a clerk watching them.

"The idea," said one officer, "is to create a desire. Sometimes the temptation leads to shoplifting, many times by a housewife whose budget doesn't stretch that far."

Perhaps the most practical deterrent to shoplifting, he said, is the placement of television cameras in full, public view.

The National Institute of Law Enforcement and Criminal Justice notes:

"Few burglars will take hazardous and time-consuming chances if they can avoid them. . . . Available statistics show that the apprehension rate of the police rises from only 20 per cent if the burglar spends no more than two minutes at the scene of the crime to 70 per cent if he spends eight minutes burglarizing a building. Furthermore, there is evidence to indicate that most burglaries are 'crimes of opportunity.' . . . Criminals attempt to burglarize dwellings and commercial establishments which pose the fewest problems."

The Law Enforcement Assistance Administration of the Department of Justice conducted a crime-prevention experiment in Cedar Rapids, Ia. Using silent burglar alarms, it found that the chances of catching a burglar in the act are five times greater when alarms are used.

Under study are plans for remodeling vulnerable areas to create enclaves of "defensible space"—limiting access and enabling easier surveillance. An objection: dislike of a "fortress" image.

Discussing the crime problem, James Ahern, director of the Insurance Crime Prevention Institute, Westport, Conn., said businessmen are going to have to demand not only good law enforcement, but an across-the-board upgrading of the justice system. Mr. Ahern said:

"They are going to have to seek elimination of underlying causes—unemployment, poverty and family instability. . . . They are going to have to seek improved mental-health services and the elimination of unenforceable laws, such as gambling."

Finally, he said, businessmen must back a concerted drive to end organized crime and the traffic in drugs.

COPING WITH CRIMINALS—OFFICIAL ADVICE TO BUSINESSMEN

From the U.S. Law Enforcement Assistance Administration, local police authorities and the General Adjustment Bureau, an insurance adjusting firm, come these suggestions on what merchants and other businessmen can do to protect themselves against criminals—

Investigate thoroughly all persons handling valuables.

Have accountants conduct surprise audits of the company's books.

Separate the taking in of money, such as by cashiers, from bookkeeping operations as a means of checking on people handling cash.

"Harden" premises against burglars by installing metal-clad doors or ax-resistant glass, proper door and window locks, tamper-proof door jambs. Estimated cost to small establishments: $235.

Redesign interiors of stores and offices to create "defensible space." This might involve "compartments" to avoid large numbers of customers in areas where there are high-value goods, or placements of entrances and exists so that they can easily be observed by clerks or television cameras.

Install a silent burglar-alarm system linked up to a police switchboard. The cost of a simplified system in one Midwestern City: $185.

Improve doorway lighting as a means of discouraging break-ins.

Organize a "merchants' alert group" with police co-operation. This might involve mutual exchange of information, or regular meetings with police officials on neighborhood crime patterns.

A BOOMING RACKET—TAPE PIRACY

One of the fastest growing rackets in this country is the pirating and counterfeiting of stereophonic tape recordings.

Stanley M. Gortikov, president of the Recording Industry Association of America, estimates that Americans will pay 600 million dollars this year for "legal" tapes. An additional 200 million will go for inferior-quality pirated copies.

Since the pirates copy and distribute only the popular recordings, they are skimming the cream off the record industry, which depends on revenues from hit songs to finance the production of classics and the development of new artists and composers.

There are about 400 continuously active producers of sound recordings in the nation, and 75 percent of them have annual sales of less than $500,000.

Organized-crime signs. Mr. Gortikov said: "The pirates really have the small businesses hurting." He added that "there are firm indications that organized crime has moved into the piracy business."

The association's investigators, Mr. Gortikov said, believe there are 20 large pirate operations, about 50 somewhat smaller ones, and hundreds of illicit producers working in basements and garages.

One raid on a pirate operation in New York City neted pirated tapes that police valued at more than 3 million dollars.

Another raid, on an industrial park in Phoenix, Ariz., resulted in the confiscation of 30 tons of duplicating and packaging material. The plant employed 100 persons.

Only 10 States have laws that make tape piracy a crime. The recording association is now pushing a campaign to have similar laws in all the States.

What makes pirating so difficult to police is that a tape pirate can set himself up in business with about $200 worth of equipment. His production and distribution costs will be less than 75 cents for a tape that will retail for between $2 and 4.

Some pirates maintain their own retail outlets. Others distribute through drugstores, beauty parlors, secondhand shops and gas stations, as well as "swap" meets—a sort of Saturday bazaar operation which has become popular with teen-agers, especially on the West Coast. These sessions are often held on drive-in movie lots.

One way it is frequently possible to detect a pirated tape is by the package, which is generally cheap looking and never bears a company name, trademark or address. On the other hand, some clever counterfeiters are turning out packages indistinguishable—even by employes—from those issued by legitimate concerns.

"Sold mostly to young." "Pirated tapes are readily marketable," Mr. Gortikov said. "They are sold mostly to the young."

Most of the legitimate tape-recording business is conducted on a credit basis. Retailers are able to return unsold tapes and have them written off their accounts.

This practice, Mr. Gortikov said, "makes it profitable for some retailers to buy counterfeits for the sole purpose of returning them." He added:

"The manufacturer winds up giving credit for something from which he never derived income in the first place."

THE COST OF "ORDINARY" CRIME: NEARLY $16 BILLION A YEAR

"Ordinary" crimes against business, as defined by the U.S. Department of Commerce, include burglary, robbery, vandalism, shoplifting and employe theft, bad checks and arson. The direct cost of these "ordinary" crimes in 1971, by major industries—Retailing, $4.8 billion; Services, $2.7 billion; Manufacturing, $1.8 billion; Transportation, $1.5 billion, and Wholesaling, $1.4 billion. Total direct costs $12.2 billion.

In addition: Businesses spent $3.3 billion in services, equipment and other crime-prevention measures last year. And there was $200 million of arson damage spread among various industries. Total Cost $15.7 billion.

(NOTE.—Not included are "organized" crimes or "extraordinary" crimes such as airplane hijacking or embezzlement.)

THE UNITED NATIONS

Mr. PERCY. Mr. President, in the introduction to his August 1972, report on the work of the United Nations, covering the period June 16, 1971 to June 15, 1972, Secretary-General Kurt Waldheim reviewed the major issues confronting the United Nations and the world. It is a valuable statement, one which deserves our attention. Therefore, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

AUGUST 1972 REPORT ON WORK OF UNITED NATIONS

I

Over the past year three main trends—two of them encouraging, one discouraging—have been apparent on the international scene. The first is the process of *détente* among the great Powers. The second—and discouraging one—is the persistence of conflict in several key areas of the world and the failure, both of the Governments concerned and of the international community, to find acceptable solutions to the underlying problems involved. The third trend is the series of efforts by the international community to co-operate in tackling, through the United Nations system, some of the great long-term problems of our planet, such as trade and development, the environment and population.

The process of *détente* among the great Powers is certainly a historical development of the highest importance. I am aware, of course, that we should not be too euphoric about this development since previous post-war indications of *détente* failed to materialize into a durable relaxation of international tensions. However, the determination of the leaders of the major Powers to find common ground for coexistence and co-operation is a welcome change from the emphasis on ideological differences and total conflict of interests that characterized their relationships in previous years. The new "balance of prudence", the evident decline of the readiness of great Powers to confront each other, the tendency to downgrade the military aspect of power in their relations, and the discernible emergence of an era of negotiation, dialogue and contact have been greeted with relief by the international community at large.

Despite this highly encouraging development, a variety of conflicts, involving either military hostilities or the threat of them, still persist in several key areas of the world and have so far defied the efforts both of the parties directly concerned and of the international community to put an end to them. Our world is now too interdependent and too crowded for such conflicts—I think, for example, of the Middle East, Viet-Nam and the problems of southern Africa—to be isolated, or to be of concern only to those directly involved. Besides this practical consideration there is now a general concern in the world for those afflicted by war or conflict or injustice. Although it is obvious that the settlement of long-standing conflicts would benefit all concerned and would allow them to devote their energy and resources constructively to the problems of the present and the future, some of these conflicts have so far resisted all attempts at solution.

It is of profound interest, however, that some hitherto hostile communities, nations and States are reaching out for reconciliation and relaxation of tension by means of dialogue, understanding and negotiation. The two German States have, for example, been able, within the framework of the Four-Power Agreement of 3 September 1971, to reach an accord on transit arrangements. The efforts of North Korea and South Korea to normalize their relations have been duly welcomed by the international community. The Simla Agreement reached between India and Pakistan is a commendable step on the road to a stable and lasting peace between these countries in the subcontinent. No opportunity must be lost to foster this constructive and peaceful spirit and to extend it to other conflict areas.

As regards international efforts to tackle long-term problems, although it is true in most cases that only the first uncertain steps have been taken, the willingness to discuss these fundamental problems on a global basis is in itself a significant development.

II

What in the place of the United Nations in the international climate of 1972? Obviously it plays a key role in the co-operative effort to tackle long-term social and economic problems, but in the political sphere the Organization's place is more uncertain. This seems to me to be a vital question to which all Member Governments should direct their most earnest attention.

Twice in this century, in the aftermath of world wars which resulted in considerable measure from the shortcomings of the old diplomacy in regulating the relations of powerful States, world organizations—first the League of Nations and then the United Nations—have been set up to "save succeeding generations from the scourge of war". This is the central function of the United Nations under the Charter. Both with the League of Nations and with the United Nations, after initial enthusiasm a great disillusionment set in, and Governments tended more and more to disregard the political functions of the international organization which they themselves had set up in the wake of war and to revert to the international practices of earlier times. In the 1930s this process led to the Second World War. I do not believe that any Government has any intention of letting us drift into a third world war, but unless we are prepared to learn from the past and to make our international political institutions work as they were intended to work, that danger will always exist. History tells us that we cannot afford to take for granted the persistence of moderation and reason in internatonal affairs, and that international organization is necessary as a safeguard when moderation and reason fail.

It is perfectly true that some of the assumptions on which the United Nations was based have proved unfounded and that many of the hopes that were entertained at its birth have been disappointed. The Organization has, for example, proved to be of limited value as an instrument of collective security, not least because that concept was based on ideas and situations from the past which are not applicable in the very different political realities of our world today. It is true that the Security Council has often been frustrated by the differences of its most powerful members in dealing with matters affecting the maintenance of peace and security. It is true that Member States have not always been responsive to the resolutions of the Security Council. It is true that the pioneering improvisation of peace-keeping, useful though it has proved in many situations, has severe limitations and presents complex problems both of principle and of practice. None the less, it remains available on an *ad hoc* basis as an effective impartial instrument for keeping international disputes under control and creating conditions for their eventual resolution.

But now we are facing a new situation in the world—in many ways an encouraging situation. The new and positive relationship of the great Powers will certainly be reflected in other relationships and situations. It affords the possibility, for example, that for the first time since the inception of the United Nations the work of the Security Council might actually be based on one of the main assumptions of the Charter, the unanimity of the permanent members in matters affecting peace and security. This is still, admittedly, a distant hope, but at least a glimmer of light is there where all was dark before.

Even if the Security Council were to acquire a new effectiveness through great Power *détente*, the idea of maintaining peace and security in the world through a concert of great Powers, although these Powers obviously have special responsibilities in matters of peace and security, would seem to belong to the nineteenth rather than the twentieth century, where the process of technological advance and democratization is producing a new form of world society. The world order that we are striving to build in the United Nations must meet the requirements of such a society, and any other system, however effective in the past, obviously cannot be acceptable, in the long run, to the peoples of the world. The interests, the wisdom and the importance of the vast majority of medium and smaller Powers cannot, at this point in history, be ignored in any durable system of world order.

The United Nations provides, or should provide, the means by which all nations, great and small, participate on a basis of sovereign equality in the political process of establishing and maintaining international peace and security, in facing common problems through co-operation, and in planning and organizing for a better future. The improvement of great Power relations through bilateral diplomacy is certainly of fundamental importance to this process, but past experience indicates that it needs to be complemented and balanced by the multilateral diplomacy of the global Organization as a safeguard against misunderstandings, as a safety valve in critical times and as an instrument for the peaceful settlement of international disputes.

Despite its obvious shortcomings and despite the current popular tendency in some parts of the world to downgrade the United Nations, the Organization still remains the best long-term basis on which the international community as a whole can opt for survival, justice and progress with the participation of all nations. In the long run there is no substitute for such an instrumentality. The problem is how to make it work in the political realities of today. The Member States alone can develop the potential of the Organization by using it and obeying its rules, by holding to the long-term objectives of the Charter in spite of short-term disappointments and frustrations, and by accepting the imperfections and shortcomings of the United Nations not as the mark of failure, but as part of the inevitable process of growth which any institution must pass through in its early stages of development.

III

In this early stage of its development, the public image of the United Nations, and the way it is viewed in the world at large, is important, for without popular understanding and support it will be difficult, if not impossible, for Governments to make the United Nations work and to maintain the ideals and objectives of the Charter. It is very easy to be defeatist or cynical about an organization which was set up for long-term, global aims never before contemplated, or even partially achieved. Short-term political advantage often makes it tempting to overlook the fact that political problems come to the United Nations only when Governments have failed to solve them by other means, and to deride the Organization as such for its failure immediately to succeed where everyone else has failed. It is often easier to forget that the United Nations is not an independent sovereign organization but an association of sovereign Governments, and that its failures are also their failures.

The United Nations often plays a useful role as a scapegoat in difficult situations. This role, admittedly, has considerable value, but it must not be allowed to degenerate, for the sake of short-term political convenience, into a denial of the validity of the principles and aims of the Charter and an attitude of defeatism concerning the ultimate necessity of international organization and action to safeguard international peace and security. We cannot afford to forget the lesson that has been learnt twice in this century through the agony and destruction of world war.

IV

In considering the rightful place and function of the United Nations in the contemporary world, we should face the fact that in normal times the Organization often does not command the co-operation of its Members in implementing its corporate majority decisions. The simplest explanation of this fact is that the policies of individual Member States, and their differences with each other, still have greater weight than their desire to make the Charter a reality. In the development of most States there has been a similar phase when the instruments of central order have been promulgated, but when the citizens have not yet developed the sense of obligation required to make them work

Let us not forget that it was the shock of war that led the nations of the world to agree to the Charter. Will the tensions of an uneasy peace and the promptings of reason and historical sense eventually be strong enough to persuade Governments that their best long-term interest lies in using the Charter as the basis for an agreed and effective system of world order? Until that time comes, the international instrument—the United Nations—will inevitably continue to be the subject of general disillusionment and neglect, punctuated by urgent and unrealistic demands on it, when danger threatens, for quick and effective action.

In the forthcoming session of the General Assembly, I hope that Governments will address themselves to this basic dilemma of the United Nations.

Although even now the necessity of international co-operation is sometimes questioned, all the evidence seems to point to the conclusion that a new degree of co-operation and solidarity is essential if the human race is to survive, to improve its condition and to avoid a variety of disasters. It seems to be increasingly recognized that Governments have little serious choice but to co-operate in the face of a series of global dangers, whether they be the proliferation of nuclear weapons, the problem of over-population, the threat to the environment or the persistent poverty of the majority of the world's people. The United Nations system has a central and increasingly important place in this new era of world co-operation, and no effort must be spared to increase its effectiveness and capacity for the work at hand.

V

I welcome the advance towards universality within the United Nations. The representation of the People's Republic of China in the United Nations during the last session of the General Assembly was indeed a landmark in the attainment of this goal. Two-and-a-half decades after the conclusion of the Second World War, however, the divided countries are still unrepresented in the world Organization. There are now, nevertheless, hopeful prospects that this problem too will be resolved in the not too distant future.

The developments in Europe, a continent which has been torn for centuries by war and conflict, are particularly encouraging. The ratification of the German treaties with the Soviet Union and Poland removes a major stumbling-block in East-West relations and will also contribute decisively to the holding of the planned conference on European security.

Since I assumed my present office, I have attended meetings of the Organization of African Unity and the Organization of American States. My discussions and contacts with members of those two regional organizations have strengthened my conviction that regional organizations have a vital role to play in any workable world order. The United Nations and regional organizations have common goals, and the efforts of the two systems should be complementary. A closer relationship between regional organizations and the United Nations would be helpful in this respect.

VI

This year the Conference of the Committee on Disarmament observed its tenth anniversary. The balance-sheet of the first decade shows that the declared goal of general and complete disarmament has not yet been achieved. Neither has the arms race been halted nor perceptibly slowed down. In fact, the armaments race has spiralled to a level higher than ever before. For example, during the decade of the 1960s, the nations of the world poured a total of $1,870,000 million into weapons of warfare; in recent years, total world expenditure for these purposes has risen to about $200,000 million annually.

There has been progress in arms control and collateral measures: the Antarctic Treaty, the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water, the Treaty of Tlatelolco, the Treaty on the Non-Proliferation of Nuclear Weapons, the treaties banning nuclear weapons in outer space and on the sea-bed, and the recent convention outlawing biological weapons. We should welcome also the strategic arms limitation agreements—limiting the deployment of anti-ballistic missile systems and fixing a numerical ceiling for offensive missiles—which were concluded at the Moscow summit meeting in May this year as a first step in efforts to curb the arms race.

In spite of these achievements, we should find no comfort in the fact that today nuclear testing continues in the atmosphere and underground. What is now required is the necessary political decision to ensure a final comprehensive test-ban agreement. Pending such an agreement, a moratorium on all nuclear testing would be most desirable.

Several States still have not adhered to the Treaty on the Non-Proliferation of Nuclear Weapons. In this regard, further progress is called for in concluding the necessary safeguards agreements between the International Atomic Energy Agency and the near-nuclear States. Renewed efforts should also be made in favour of reaching agreements on the prohibition of chemical weapons. A wider discussion of disarmament among all States is also of central concern, and in this respect the General Assembly at its forthcoming session will have the opportunity to consider the convening of a World Disarmament Conference. In my first eight months as Secretary-General I have learnt a great deal both about the possibilities and about the shortcomings of our Organization. In the full realization that most of the problems we face are not susceptible of quick solutions, I have tried to divide my time and energy among pressing political, economic and social, and administrative tasks, and in seeing and talking to as many of the people in the various parts of the United Nations system and as many Governments of Member States as possible.

On the political side I have tried to take actions and initiatives where they might seem to offer some hope of progress, and also to keep a close watch on other situations where progress seems for the moment to be blocked. I have been guided in my actions by relatively simple propositions: that it is far better to prevent a crisis than to have to solve it; that every possible means must be tried to settle disputes peacefully; that, whatever the difficulties, there is no excuse for not trying to help; and that the Secretary-General should be ready to help in any situation where the organs of the United Nations or the parties concerned wish him to do so.

I have to admit that all this is easier said than done. Misunderstandings inevitably arise, whether from action or inaction, and the kind of problems we deal with are full of complexities and unexpected frustrations. None the less the record of achievement of the United Nations in the past year, as described in full in the body of my report, is not negligible.

In Cyprus, for example, we have seen the settlement through the United Nations of the complex problem of the imported arms and the resumption, in a new form suggested by my predecessor, of the intercommunal talks. While it is too early to judge what progress can be made, the atmosphere and the substance of the renewed talks show some promise.

In the Middle East I cannot report any comparable progress. I have continued my efforts through Ambassador Jarring, and through my own contacts with the parties, to make progress towards a settlement. We have also tried at the same time to assist the Governments concerned in avoiding clashes, escalation of tension and the proliferation of incidents through the use of observers in areas of tension and through other means.

In India and Pakistan we have seen, after the hostilities of last year, encouraging developments in the relations between the two States. While realizing that bilateral talks in such a situation are to be welcomed, the United Nations has tried to help where help seemed to be needed through various means. In the new State of Bangladesh, the United Nations, through the largest relief programme in its history, has played a significant role in helping that country to face its enormous problems. In Pakistan a relief programme has been mounted to assist persons displaced by the hostilities.

The United Nations has responded to the request of the Government of the Sudan for help in the resettlement and rehabilitation of the southern region of the country. I welcome the fact that the Sudanese Government has sought, and found, an accommodation with those of its citizenry who felt isolated from its polity.

I dispatched a humanitarian mission to Burundi in the wake of the disastrous events in that country, and a technical mission is now assessing the requirement for humanitarian help and relief. I hope that satisfactory arrangements can be made through which much needed humanitarian assistance can be made available to the people of Burundi.

The full and complete implementation of General Assembly resolution 1514 (XV) on decolonization remains a major goal of the United Nations. Our Organization played a significant role in making possible the emergence of a considerable proportion of the peoples of Asia, Africa and the Caribbean from colonial status to nationhood. However, the march of progress and independence has encountered several obstacles which today unduly retard, at the cost of much suffering, a fundamental historical development. I refer particularly to the situation in southern Africa.

Whether we speak of decolonization or of putting an end to racism and *apartheid*, the present impasse is due not only to the failure of the Governments directly addressed in the relevant General Assembly and Security Council resolutions to implement them, but also to the failure of the international community to concert its efforts and to mobilize effectively all the resources available to it.

As regards Namibia, I am well aware of the difficulties of the task entrusted to me, particularly in a matter which for so many years has resisted all the efforts of the international community to arrive at a solution consistent with the Charter and with United Nations resolutions. The Security Council has agreed that I should continue my efforts under my mandate, and South Africa has expressed the desire to continue the contacts. I intend, therefore, to pursue these efforts in close consultation with the Council's group established under resolution 309 (1972). It is my hope that from these efforts, and from those of my representative, proposals may emerge which will lead to self-determination and independence for the Namibian people.

These are but a few of the preoccupations of my first months as Secretary-General. I may add that, from the number of requests for help or good offices on other matters which I have received, the hopes of many Governments and people around the world seem to centre on the United Nations and it is my earnest wish that we can increasingly live up to these hopes.

VIII

I should mention here my efforts concerning one situation which is not under active consideration at the United Nations—the situation in Viet-Nam. In line with my view that the Secretary-General must always be available to help in matters affecting international peace and security, and especially when massive loss of life and human misery are resulting from a conflict. I offered my good offices to the parties to the Viet-Nam conflict when the hostilities escalated in April 1972. That offer was not accepted, but, needless to say, it stands. In May, when the situation seemed even graver, I addressed a memorandum on Viet-Nam to the President of the Security Council and informally consulted with its members. Although no further action resulted, I quote here the penultimate paragraph of that memorandum because it is relevant to the general views expressed earlier in this introduction:

"I am also deeply concerned that the United Nations, which was created as a result of a world war in order to safeguard international peace and security in the future, appears to have no relevance to what is now happening in Viet-Nam. This indicates an attitude which, if it persists, could all too easily lead to the wholesale disaster which the United Nations was set up to prevent."

Nothing that has occurred since the memorandum was written has given me reason to modify this view.

Indeed, it is strange that, at a time when the United Nations and its main executive organ for international peace and security—the Security Council—are becoming more representative of the power realities in the world, there is, apparently, a certain unwillingness to involve the United Nations in the reconciliation of some conflicts. Obviously the international community should welcome direct contacts between States in the solution of their problems whenever possible. But when long-standing conflicts create vast humanitarian problems and may affect the peace and security of all mankind, the United Nations should surely be involved in the attempt to settle them.

IX

The Secretary-General faces a recurring dilemma whenever and wherever large-scale military conflict or civil strife within a State results in massive killings of innocent civilians. In the latter case, the Secretary-General has to reconcile Article 2, paragraph 7, of the Charter with the moral principles, and especially those concerning the sacredness of human life, which the Charter embodies.

No matter what criticisms or setbacks may arise, the unwritten moral responsibility which every Secretary-General bears does not allow him to turn a blind eye when innocent civilian lives are placed in jeopardy on a large scale.

X

In other areas, two major events have occurred—the third session of the United Nations Conference on Trade and Development, held in Santiago, and the United Nations Conference on the Human Environment, held in Stockholm. The Santiago Conference was the third major conference in a very difficult field, where the full nature of the obstacles to progress has become evident. Such conferences cannot be judged only in the light of immediate results. They should be seen as part of a long and difficult process, which continues between the actual conferences themselves. The Stockholm Conference was a pioneering effort for the world community, and I believe that, given the extraordinary complexity and scope of its subject, it made progress as could reasonably be expected on a first approach—perhaps even more. The question now is to follow up the Stockholm Conference and to build soundly on the work done there. The new task formulated at Stockholm for the United Nations and the new machinery which is being proposed to the General Assembly constitute an immense challenge to, and opportunity for, the United Nations system.

At both conferences the contrast in the positions of the more developed and the less developed countries was evident. Both conferences served to confirm my conviction that to make progress on these global problems Governments must develop more of a concern for each other's interests, a clear sense of each other's preoccupations and a wider knowledge of the sensibilities of other Governments and cultures. In particular, they underlined the fact that the effort through the United Nations to resolve the pressing problems of the poorer countries deserves the continued and increased support of the richer ones.

XI

I had occasion to address the Economic and Social Council at its summer session concerning the role of the United Nations in promoting equitable world development. On the whole, the situation in this vital area of activity is disquieting. The confidence of the 1960s has turned into the doubts of the 1970s, and there is increasingly both a question as to the nature and future of the economic and social order and a lack of determination to take the necessary measures.

Against this background we must face certain current realities. One is a disruption of the Bretton Woods monetary system which, after many years, failed when the political, economic and social realities on which it was originally based changed rapidly during the 1960s. Another reality is the failure of the economic development of many emerging nations to keep pace with their own needs and with the growth of world trade. The results are extreme population pressure, widespread poverty, mass unemployment, endemic malnutrition and inadequate education for the large mass of their people.

As I stated to the Economic and Social Council, it has been clear for some time that our perception of the problems of the developing countries must change. The distinction between economic and social progress may even have become an impediment to effective action. In many countries poverty and mass unemployment are so widespread and affect so critically the social equilibrium that they constitute, in themselves, blocks to further development. It is no longer possible to rely on the assumption that an expanding modern sector will eventually absorb the mass of people and provide them with decent living standards. Instead, poverty, poor health, unemployment and lack of education as such must be tackled head-on. Rural life must be improved to slow down the flow of population to the cities, and overall development programmes must be reviewed in the light of such considerations.

There is a further related problem concerning the least developed of the developing countries—countries which have an insufficient physical and social infrastructure to benefit from such trade and other concessions as the world community might make to the emerging nations. Special efforts through the United Nations Development Programme and other international organizations, as well as bilaterally, will have to be made in order to bring these countries to a point where they can participate more actively in an expanding world economy. The resolutions adopted at the last session of the General Assembly and, more recently, at the third session of the United Nations Conference on Trade and Development provide a good framework for moving ahead speedily in this area.

The United Nations, whatever the imperfections of its method of work through broad consensus, is still the best instrumentality available to the world community for such problems. It has a unique outlook and set of guiding principles. The Organization is unique in another important respect, in that its views are agreed to by its Members, thus providing the closest approximation yet to a world-wide consensus. This characteristic is particularly important in an increasingly interdependent world of sovereign States. It could provide a working basis for an attempt to establish an economic and social order responsive to the needs, potential and characteristics of all nations and peoples. In this connexion, the International Development Strategy for the Second United Nations Development Decade, adopted unanimously by the General Assembly on the occasion of the twenty-fifth anniversary of the Organization, implies that the interests of developing countries should be taken into account in any new world trade and monetary system. This point was most recently stressed again in a number of resolutions adopted by the United Nations Conference on Trade and Development at its third session, most notably that dealing with the participation of the developing countries in any forthcoming monetary and trade negotiations, and in the one requesting the study of a possible link between development assistance and special drawing rights.

Promoting change effectively, humanely and reasonably should be the business of the United Nations. The precision, clear thinking and readiness to compromise, which are so urgently needed in the political sphere, are equally necessary in the economic and social spheres. One of the great strengths of the United Nations system is its multiplicity and diversity, provided that these qualities do not degenerate into divisiveness and sectarian disagreement. It is essential that the creativeness of multiplicity be strengthened by the discipline of a concerted purpose. I hope that, at the forthcoming session of the General Assembly, Governments will address themselves also to this problem, which is vital to the effectiveness of the United Nations system in meeting the economic and social challenges of the coming years.

XII

On the administrative and financial side I have also tried to tackle the most immediate problems and to formulate a programme which will increase both the efficiency and the solvency of the United Nations in the future. These efforts are reported in detail in other documents. I may mention in particular a series of new appointments and some reorganization at the upper levels of the Secretariat, an effort to keep the total budget expenditure for the year at a level that would not exceed cash receipts, and a drive for reduction in paper work and particularly documentation.

I hope and believe that these measures will bear fruit. I wish to say here that such measures are not in any sense a reflection on the Secretariat. On the contrary, I have found a high level of competence and dedication among the staff. The fact remains that every organization needs to be reviewed and renewed every so often, and the United Nations Secretariat has, in the normal course of events, arrived at such a stage.

On the financial side, in co-operation with the Special Committee on the Financial Situation of the United Nations, I have taken measures designed to avoid going from one monthly cash crisis to another. Many Governments have been co-operative in paying their contributions earlier in the year than before, with the result that the short-term financial situation, though still tight, has improved substantially. As regards the long-term problem of settling the Organization's debt, I have followed closely the work of the Special Committee and I hope that a satisfactory solution of this highly important problem can be reached during the coming session.

XIII

There are many aspects of the Organization's work that I have not touched upon in this introduction, for I wished to concentrate on a few basic problems concerning the United Nations system as a whole, which will, I hope, be discussed in the forthcoming session of the General Assembly.

I feel strongly that we must face up squarely to these problems as representing the present realities of the world we live in. I am confident that by doing so the Member States gathered together in the General Assembly will find, in the course of public debate as well as in the productive process of private discussion, ways to reassert the common ideals and objectives of the Charter, and to revitalize this Organization whose task is to translate those common ideals and objectives into effective international action.

THE 25TH ANNIVERSARY OF THE INVENTION OF THE TRANSISTOR

Mr. WILLIAMS. Mr. President, a noteworthy milestone will be observed on December 23 of this year, one meriting nationwide attention because of its impact on our Nation as well as the world.

That date will mark the silver anniversary of the invention of the transistor.

The transistor revolutionized the electronics industry, replaced bulkier, less reliable vacuum tubes, and provide the technological foundation for integrated circuits, which have extended the transistor's impact on our daily lives.

The transistor was the key that unlocked an age of new, sophisticated, more reliable, cost-depressing communications systems. It made practical the space age of earth satellites for intercontinental communications, or for weather and ecological surveillance, and opened the era of space exploration. Without the transistor, we may not have found it practical to place men on the moon, or at least to view them at work from the comfort of our living rooms.

The transistor gave us the modern computer, which has become so essential for business and is having an accelerating impact on the lives of all our citizens in providing a growing array of services to man.

The transistor gave us the wallet-sized portable radio, convenient enough to provide entertainment for an outing on one of our glorious New Jersey beaches, and equally convenient in the pocket of a farmer to apprise him of world events as he works his remote western fields.

The transistor has given us navigational and radar systems necessary for jet flight, and vital electronic components for our national defense. It has given us more dependable wrist watches, toys for our youngsters, lasers, and other research tools for our scientists. The list of its benefits is endless, limited only by the breadth of one's imagination. It has enhanced the very lives of our citizens, for example, by providing aids to the hard-of-hearing, pacemakers for those with heart defects, the communications technology for transmitting an electrocardiogram to a distant consultant over the telephone, and many sophisticated tools for members of the medical profession.

We are pleased that the transistor came from this land, representative as it is of the world leadership in science and technology.

And we are particularly proud that the transistor came from the State of New Jersey, which has made so many contributions to mankind.

The transistor was born 2 days before Christmas, 25 years ago, on a laboratory bench in Murray Hill, N.J., the headquarters site of Bell Laboratories, the research and development unit of the Bell System.

Its birth came, not by the haphazard accident that fiction often ascribes to the inventive process, but in a concentrated project by the inventors and their assistants. In their mission-oriented research, stimulated by the recognition that increasing telephone system capacity would have to be accommodated in the years to come, they set out to find a replacement for vacuum tubes in telephone applications. They found it in the transistor.

While the achievement drew scant attention at that time, popular recognition of its significance has grown steadily ever since. In 1956 the three inventors of the transistor, John Bardeen, William Shockley, and Walter Brattain, received the Nobel Prize in Physics for their work.

After that December day when the three scientists succeeded in amplifying an electrical signal by sending it through a very specially prepared crystal of germanium, a Bell Labs task force took over the job of making the transistor a practical device.

In the Bell System transistors and other solid-state devices derived from them have made possible more reliable and cheaper microwave radio, and buried coaxial systems for sending calls across country. These devices also made possible large computer-like electronic central offices that switch customer's calls. Transistors and other solid-state devices were also crucial in the operation of the Bell System's experimental communication satellites, Telstar I and II, and are used in modern undersea cable systems linking the United States with Europe and the Caribbean.

Since the invention of the transistor, Bell Labs and Western Electric have continued to develop new solid-state technologies, some of which paved the way for integrated circuits. Containing hundreds of transistors and other electric components on tiny chips of silicon, integrated circuits have ushered in the "solid-state age," opening up still more markets for electronic devices.

To date, Western Electric, manufacturing and development unit of the Bell System, has manufactured over 500 million separate transistors and over 7 million integrated circuits. Semiconductor technology is also being used in the Bell System to produce memories for computers, TV cameras, and solid-state lasers.

And in the broader view, the transistor has created a multibillion-dollar electronics industry. In 1971, sales of all types of solid-state devices in the United States, Europe, and Japan reached $2.5 billion. The forecast for 1972 is $2.7 billion. In 1971, 13.8 billion solid-state devices were sold, of which 9 billion were transistors. And people employed within the United States alone by business and industries engaged in solid-state technology number in the millions.

Solid-state devices have had an impact on a multitude of markets including military, commercial equipment and systems, medicine, education, broadcasting, musical instruments, automobiles, navigation, test and measuring instruments, industrial control and automation, aerospace and telephone communications. Solid-state technology has meant better and more reliable telephone service. Today, more long-distance and overseas telephone calls can be made faster and at lower cost than in the past.

Thus, the impact of the transistor on our lives, our fortunes, on our health, on our well-being, on our frame of mind, has been phenomenal.

TREASURY DEPARTMENT REVENUE SHARING FIGURES FOR OHIO

Mr. SAXBE. Mr. President, the new Treasury Department revenue-sharing figures, based on the conference committee action, have just been made available to Members of Congress on a very limited basis. State and local government officials throughout Ohio have been most anxious to have these figures in order to finalize their plans. I, therefore, would like to make this information available to them.

It is important to stress the fact that although these are official Treasury figures, they are not final and are subject to some slight changes when it comes to the actual dollar-and-cent distribution of the funds. Some small and new communities were not included in this original computation, but will be included in the distribution.

I ask unanimous consent that the official Treasury tabulation of revenue-sharing funds for Ohio be printed in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Revenue sharing funds for Ohio

[In dollars]

Total State grant to all locals	138, 015, 780
Amount returned to Ohio State government is	0
Adams County area	300, 824
Adams County government	193, 276
Total to all cities over 2,500	0
Total to all cities under 2,500	43, 643
Total to all townships	63, 906
Allen County area	1, 131, 427
Allen County government	397, 847
Total to all cities over 2,500	545, 195
Total to all cities under 2,500	46, 488
Total to all townships	141, 897
Bluffton Village	7, 634
Delphos City (part)	32, 473
Lima City	496, 185
Fort Shawnee Village	8, 904
Ashland County area	433, 696
Ashland County government	147, 293
Total to all cities over 2,500	179, 182
Total to all cities under 2,500	25, 391
Total to all township	81, 829
Ashland City	158, 329
Loudonville Village	20, 853
Ashtabula County area	1, 292, 090
Ashtabula County government	365, 136
Total to all cities over 2,500	594, 512
Total to all cities under 2,500	113, 906
Total to all townships	218, 535
Ashtabula City	393, 316
Conneaut City	163, 992
Geneva City	37, 204
Athens County area	688, 347
Athens County government	235, 818
Total to all cities over 2,500	254, 653
Total to all cities under 2,500	59, 603
Total to all townships	138, 273
Athens City	239, 238
Nelsonville City	15, 415
Auglaize County area	438, 261
Auglaize County government	130, 472
Total to all cities over 2,500	161, 565
Total to all cities under 2,500	84, 111
Total to all townships	62, 113
St. Marys City	115, 963
Wapakoneta City	45, 602
Belmont County area	849, 805
Belmont County government	396, 121
Total to all cities over 2,500	216, 672
Total to all cities under 2,500	40, 466
Total to all townships	196, 546
Barnesville Village	38, 291
Bellaire City	49, 533
Bridgeport Village	15, 327
Martins Ferry City	83, 131
St. Clairsville Village	12, 889
Shadyside Village	17, 501
Brown County area	440, 369
Brown County government	376, 369
Total to all cities over 2,500	64, 000
Total to all cities under 2,500	0
Total to all townships	0
Georgetown Village	19, 500
Ripley Village	44, 500
Butler County area	3, 103, 083
Butler County government	869, 245
Total to all cities over 2,500	2, 218, 849
Total to all cities under 2,500	15, 349
Total to all townships	0
Hamilton City	1, 045, 357
Fairfield City	113, 036
Middletown City	916, 216
Monroe Village	14, 789
New Miami Village	36, 841
Oxford Village	74, 903
Trenton Village	17, 347
Carroll County area	257, 539
Carroll County government	164, 455
Total to all cities over 2,500	20, 354
Total to all cities under 2,500	9, 639
Total to all townships	63, 090
Carrollton Village	14, 229
Minerva Village	6, 125
Champaign County area	386, 165
Champaign County government	169, 331
Total to all cities over 2,500	93, 019
Total to all cities under 2,500	44, 320
Total to all townships	79, 495
Urbana City	93, 019
Clark County area	1, 677, 353
Clark County government	357, 324
Total to all cities over 2,500	1, 108, 704
Total to all cities under 2,500	77, 777
Total to all townships	133, 548
New Carlisle Village	51, 813
Springfield City	1, 046, 892
Clermont County area	618, 781
Clermont County government	331, 567
Total to all cities over 2,500	41, 940
Total to all cities under 2,500	37, 795
Total to all townships	207,480
Loveland City (part)	4, 983
Milford Village (part)	20, 306
New Richmond Village	16, 651
Clinton County area	502, 782
Clinton County government	243, 067
Total to all cities over 2,500	95, 398
Total to all cities under 2,500	34, 829
Total to all townships	129, 488
Blanchester Village	14, 191
Wilmington City	81, 208
Columbiana County area	1, 208, 028
Columbiana County government	455, 284
Total to all cities over 2,500	492, 292
Total to all cities under 2,500	56, 841
Total to all townships	203, 611
Columbiana Village	20, 770
East Liverpool City	275, 755
East Palestine City	14, 522
Lisbon Village	18, 556
Salem City	130, 440
Wellsville City	32, 250
Coshocton County area	511, 094
Coshocton County government	253, 394
Total to all cities over 2,500	127, 206
Total to all cities under 2,500	29, 750
Total to all townships	100, 733
Coshocton City	127, 206
Crawford County area	731, 681
Crawford County government	206, 821
Total to all cities over 2,500	419, 060
Total to all cities under 2,500	27, 724
Total to all townships	78, 076
Bucyrus City	152, 246
City of Crestline Ohio	57, 745
Galion City	209, 069
Cuyahoga County area	26, 076, 913
Cuyahoga County government	7, 496, 212
Total to all cities over 2,500	18, 548, 301
Total to all cities under 2,500	32, 401
Total to all townships	0
City of Bay Village	47, 068
Beachwood City	24, 958
Bedford City	121, 211
Bedford Heights City	116, 250
Berea City	118, 427
Brecksville City	23, 678
City of Broadview Heights	29, 705
City of Brooklyn	96, 863
City of Brook Park	195, 196
Chagrin Falls Village	12, 563
Cleveland City	14, 107, 681
Cleveland Heights City	327, 526
East Cleveland City	238, 054
Euclid City	493, 301
Fairview Parks City	65, 085
Garfield Heights City	192, 169
Highland Heights Village	16, 931
Independence City	37, 665
Lakewood City	361, 749
Lyndhurst City	51, 177
Maple Heights City	244, 717
Mayfield Village	9, 194
Mayfield Heights City	71, 929
Middleburg Heights City	32, 048
Moreland Hills Village	7, 774
Newburgh Heights Village	12, 345
North Olmsted City	140, 175
City of North Royalton	33, 188
Oakwood Village	8, 103
Olmsted Falls Village	6, 489
City of Parma	515, 403
Parma Heights City	95, 305
Pepper Pike Village	15, 375
Richmond Heights City	23, 893
Rocky River City	79, 478
Seven Hills City	32, 911
Shaker Heights City	94, 083
City of Solon	71, 487
South Euclid City	113, 510
Strongsville City	39, 343
University Hgts City	56, 573
Walton Hills Village	6, 499
Warrensville Hgts City	98, 584
Westlake City	62, 642
Darke County area	492, 905
Darke County government	207, 779
Total to all cities over 2,500	84, 138
Total to all cities under 2,500	78, 640

Total to all townships	1
Greenville City	84, 138
Defiance County area	535, 554
Defiance County government	166, 851
Total to all cities over 2,500	261, 878
Total to all cities under 2,500	15, 414
Total to all townships	91, 411
Defiance City	245, 513
Hicksville Village	16, 365
Delaware County area	332, 800
Delaware County government	148, 797
Total to all cities over 2,500	72, 169
Total to all cities under 2,500	21, 127
Total to all townships	90, 707
Delaware City	72, 040
Westerville City (part)	130
Erie County area	818, 770
Erie County government	293, 619
Total to all cities over 2,500	394, 892
Total to all cities under 2,500	41, 250
Total to all townships	90, 015
Huron Village	36, 442
Sandusky City	336, 473
Vermilion City (part)	21, 976
Fairfield County area	730, 749
Fairfield County government	255, 076
Total to all cities over 2,500	280, 946
Total to all cities under 2,500	81, 438
Total to all townships	113, 289
Lancaster City	280, 946
Fayette County area	355, 458
Fayette County government	184, 565
Total to all cities over 2,500	82, 236
Total to all cities under 2,500	14, 670
Total to all townships	73, 987
Washington City	82, 236
Franklin County area	9, 935, 016
Franklin County government	3, 331, 822
Total to all cities over 2,500	6, 226, 230
Total to all cities under 2,500	122, 987
Total to all townships	253, 978
Bexley City	38, 581
Columbus City	5, 697, 361
Gahanna Village	32, 133
City of Grandview Heights	37, 059
Grove City	36, 049
Hilliard City	21, 687
Reynoldsburg City (part)	36, 051
Upper Arlington City	100, 106
Westerville City (part)	32, 341
Whitehall City	155, 147
Worthington City	39, 716
Fulton County area	349, 345
Fulton County government	133, 114
Total to all cities over 2,500	94, 588
Total to all cities under 2,500	16, 871
Total to all townships	104, 772
Archbold Village	15, 775
Delta Village	18, 731
Swanton Village	16, 054
Wauseon Village	44, 028
Gallia County area	373, 210
Gallia County government	245, 373
Total to all cities over 2,500	35, 992
Total to all cities under 2,500	9, 447
Total to all townships	82, 397
Gallipolis City	35, 992
Geauga County area	295, 500
Geauga County government	149, 566
Total to all cities over 2,500	19, 691
Total to all cities under 2,500	6, 376
Total to all townships	119, 867
Chardon Village	12, 764
South Russell Village	6, 927
Greene County area	767, 568
Greene County government	410, 897
Total to all cities over 2,500	180, 278
Total to all cities under 2,500	10, 310
Total to all townships	166, 083
Fairborn City	83, 617
Xenia City	87, 580
Yellow Springs Village	9, 081
Guernsey County area	462, 126
Guernsey County government	211, 733
Total to all cities over 2,500	122, 293
Total to all cities under 2,500	47, 633
Total to all townships	80, 468
Cambridge City	122, 293
Hamilton County area	16, 511, 820
Hamilton County government	39, 532, 286
Total to all cities over 2,500	11, 673, 662
Total to all cities under 2,500	934, 872
Total to all townships	0
Amberley Village	14, 444
Blue Ash City	118, 500
Cheviot City	205, 500
Cincinnati City	8, 501, 849
Deer Park City	139, 310
Elmwood Place Village	66, 226
Fairfax Village	50, 821
Glendale Village	50, 539
Golf Manor Village	97, 132
City of Greenhills	114, 455
Harrison Village	59, 500
Indian Hill Village	106, 169
Lincoln Heights City	80, 500
Lockland City	99, 349
Madeira City	126, 121
Mariemont Village	85, 296
Milford Village (part)	977
Montgomery Village	14, 727
Mount Healthy City	19, 296
North College Hill City	121, 000
Norwood City	571, 519
Reading City	286, 719
St. Bernard City	114, 229
Sharonville City	168, 500
City of Silverton	109, 500
Woodlawn Village	61, 079
City of Wyoming	170, 761
Loveland City (part)	13, 416
Springdale Village	85, 000
Forest Park Village	39, 231
Hancock County area	533, 597
Hancock County government	236, 878
Total to all cities over 2,500	212, 963
Total to all cities under 2,500	31, 722
Total to all townships	52, 034
Fostoria City (part)	53, 758
Findlay City	159, 205
Hardin County area	402, 337
Hardin County government	185, 954
Total to all cities over 2,500	111, 957
Total to all cities under 2,500	45, 682
Total to all townships	58, 745
Ada Village	19, 632
Kenton City	92, 324
Harrison County area	319, 634
Harrison County government	148, 656
Total to all cities over 2,500	27, 623
Total to all cities under 2,500	42, 193
Total to all townships	101, 162
Cadiz Village	27, 623
Henry County area	318, 350
Henry County government	141, 767
Total to all cities over 2,500	44, 208
Total to all cities under 2,500	37, 967
Total to all townships	94, 407
Napoleon City	44, 208
Highland County area	349, 253
Highland County governmnt	134, 887
Total to all cities over 2,500	62, 055
Total to all cities under 2,500	14, 645
Total to all townships	77, 665
Greenfield City	12, 387
Hillsboro City	49, 668
Hocking County area	310, 102
Hocking County government	192, 661
Total to all cities over 2,500	51, 827
Total to all cities under 2,500	9, 805
Total to all townships	55, 809
Logan City	51, 827
Holmes County area	327, 761
Holmes County government	164, 194
Total to all cities over 2,500	19, 565
Total to all cities under 2,500	11, 769
Total to all townships	132, 232
Millersburg Village	19, 565
Huron County area	513, 600
Huron County government	203, 044
Total to all cities over 2,500	174, 135
Total to all cities under 2,500	49, 546
Total to all townships	86, 876
Bellevue City (part)	29, 421
Norwalk City	111, 549
Willard City	33, 165
Jackson County area	431, 619
Jackson County government	182, 632
Total to all cities over 2,500	195, 860
Total to all cities under 2,500	18, 938
Total to all townships	124, 189
Jackson City	40, 580
City of Wellston	65, 280
Jefferson County area	1, 510, 673
Jefferson County government	668, 898
Total to all cities over 2,500	841, 775
Total to all cities under 2,500	0
Total to all townships	0
Mingo Junction Village	99, 161
Steubenville city	578, 114
Toronto city	109, 000
Wintersville Village	55, 500
Knox County area	340, 879
Knox County government	105, 318
Total to all cities over 2,500	106, 279
Total to all cities under 2,500	47, 485
Total to all townships	81, 797
Mount Vernon City	106, 279
Lake County area	1, 513, 620
Lake County govt	521, 324
Total to all cities over 2,500	846, 335
Total to all cities under 2,500	29, 867
Total to all townships	116, 094
Eastlake City	200, 821
Fairport Village	32, 771
Mentor City	95, 654
Mentor on the Lake Vill	16, 888
Painesville City	172, 876
Wickliffe City	88, 896
Willoughby City	146, 922
Willoughby Hills Vill	13, 597
Willowick City	77, 910
Lawrence County area	644, 822
Lawrence County government	276, 421
Total to all cities over 2,500	202, 146
Total to all cities under 2,500	57, 420
Total to all townships	108, 835
Coal Grove Village	18, 296
Ironton City	183, 850
Licking County area	1, 292, 658
Licking County government	445, 985
Total to all cities over 2,500	528, 312
Total to all cities under 2,500	79, 276
Total to all townships	239, 085
Granville Village	11, 991
Heath City	80, 058
Johnstown Village	8, 889
Newark City	427, 350
Reynoldsburg City	23
Logan County area	467, 515
Logan County government	223, 686
Total to all cities over 2,500	106, 172
Total to all cities under 2,500	80, 410
Total to all townships	57, 247
Bellefontaine City	106, 172
Lorain County area	2, 560, 539
Lorain County government	754, 128
Total to all cities over 2,500	1, 565, 384
Total to all cities under 2,500	39, 418
Total to all townships	201, 609
Amherst City	27, 635
Avon City	28, 187
City of Avon Lake	173, 486
Elyria City	424, 717
Lorain City	747, 340
Oberlin City	40, 203
Sheffield Lake City	43, 802

Revenue sharing funds for Ohio—Continued

[In dollars]

South Amherst Village	7,549
Vermilion City (part)	16,952
Wellington Village	17,467
N. Ridgeville Village	38,046
Lucas County area	6,123,474
Lucas County government	1,187,719
Total to all cities over 2,500	4,831,455
Total to all cities under 2,500	35,160
Total to all townships	69,139
Maumee City	111,672
Ottawa Hills Village	11,066
Sylvania City	41,795
Toledo City	4,467,549
Waterville Village	7,619
Oregon City	191,756
Madison County area	353,172
Madison County government	218,376
Total to all cities over 2,500	54,338
Total to all cities under 2,500	19,993
Total to all townships	54,965
London City	44,843
Jefferson Village	9,495
Mahoning County area	5,068,764
Mahoning County government	2,110,811
Total to all cities over 2,500	2,872,966
Total to all cities under 2,500	84,987
Total to all townships	0
Campbell City	236,292
Canfield Village	12,949
Poland Village	8,026
Sebring Village	28,245
Struthers City	147,378
Youngstown City (part)	2,400,076
Marion County area	931,713
Marion County government	292,784
Total to all cities over 2,500	496,141
Total to all cities under 2,500	57,130
Total to all townships	85,659
Marion City	496,141
Medina County area	672,312
Medina County government	239,724
Total to all cities over 2,500	267,904
Total to all cities under 2,500	43,283
Total to all townships	121,402
Medina City	86,973
Rittman City (part)	438
Wadsworth City	114,256
Brunswick City	66,237
Meigs County area	249,749
Meigs County government	149,719
Total to all cities over 2,500	25,597
Total to all cities under 2,500	9,055
Total to all townships	65,379
Middleport village	13,688
Pomeroy village	11,909
Mercer County area	452,146
Mercer County government	186,045
Total to all cities, over 2,500	114,956
Total to all cities under 2,500	54,551
Total to all townships	96,593
Celina City	67,954
Coldwater village	47,002
Miami County area	648,338
Miami County government	279,055
Total to all cities over 2,500	248,047
Total to all cities under 2,500	26,039
Total to all townships	95,198
Covington Village	10,420
Piqua City	92,869
Tipp City village	25,907
Troy City	107,276
West Hilton	11,575
Monroe County area	295,698
Monroe County government	214,846
Total to all cities over 2,500	9,696
Total to all cities under 2,500	1,018
Total to all townships	80,139
Woodsfield Village	6,861
Montgomery County area	7,942,789
Montgomery County government	2,091,971
Total to all cities over 2,500	5,845,180
Total to all cities under 2,500	5,638
Total to all townships	0
Village of Brookville	11,410
Carlisle Village (part)	995
Centerville Village	26,777
Dayton City	4,576,683
Englewood Village	20,433
Germantown Village	10,594
Kettering City	619,199
Miamisburg City	278,000
New Lebanon Village	11,008
Oakwood City	118,098
Trotwood Village	10,132
Union Village	6,000
City of Vandalia	27,977
West Carrollton Village	27,852
Moraine City	92,022
Morgan County area	232,497
Morgan County government	129,588
Total to all cities over 2,500	0
Total to all cities under 2,500	16,199
Total to all townships	86,710
Morrow County area	233,803
Morrow County government	120,725
Total to all cities over 2,500	26,861
Total to all cities under 2,500	31,490
Total to all townships	54,729
Mount Gilead Village	28,881
Muskingum County area	1,349,730
Muskingum County government	501,914
Total to all cities over 2,500	530,266
Total to all cities under 2,500	150,663
Total to all townships	166,886
Zanesville City	530,266
Noble County area	131,259
Noble County government	75,165
Total to all cities over 2,500	0
Total to all cities under 2,500	11,780
Total to all townships	44,314
Ottawa County area	372,807
Ottawa County government	172,391
Total to all cities over 2,500	69,863
Total to all cities under 2,500	35,396
Total to all townships	95,157
Oak Harbor Village	17,914
Port Clinton City	51,949
Paulding County area	241,854
Paulding County government	131,126
Total to all cities over 2,500	15,484
Total to all cities under 2,500	29,473
Total to all townships	65,771
Paulding Village	15,484
Perry County area	450,933
Perry County government	196,716
Total to all cities over 2,500	74,108
Total to all cities under 2,500	57,238
Total to all townships	122,872
Crooksville Village	14,663
New Lexington Village	59,445
Pickaway County area	473,796
Pickaway County government	225,536
Total to all cities over 2,500	74,889
Total to all cities under 2,500	34,020
Total to all townships	139,352
Circleville City	74,889
Pike County area	325,221
Pike County government	167,274
Total to all cities over 2,500	32,423
Total to all cities under 2,500	11,106
Total to all townships	114,416
Waverly Village	32,425
Portage County area	1,071,275
Portage County government	406,772
Total to all cities over 2,500	452,080
Total to all cities under 2,500	44,306
Total to all townships	168,118
Aurora Village	20,548
Kent City	311,174
Mogadore Village (part)	1,687
Ravenna City	99,503
Windham Village	19,167
Preble County area	273,804
Preble County government	117,755
Total to all cities over 2,500	29,341
Total to all cities under 2,500	44,694
Total to all townships	82,014
Eaton City	29,341
Putnam County area	487,404
Putnam County government	143,484
Total to all cities over 2,500	46,430
Total to all cities under 2,500	142,969
Total to all townships	154,521
Ottawa Village	46,430
Richland County area	1,596,342
Richland County government	523,651
Total to all cities over 2,500	807,324
Total to all cities under 2,500	70,636
Total to all townships	194,730
Lexington Village	24,185
Mansfield City	684,709
Shelby City	80,524
Ontario Village	17,906
Ross County area	928,833
Ross County government	349,638
Total to all cities over 2,500	392,670
Total to all cities under 2,500	67,716
Total to all townships	118,809
Chillicothe City	392,670
Sandusky County area	773,301
Sandusky County government	267,192
Total to all cities over 2,500	343,473
Total to all cities under 2,500	33,522
Total to all townships	129,115
Bellevue City (part)	21,697
Clyde Village	33,044
Fremont City	271,463
Gibsonburg Village	17,260
Scioio County area	1,445,726
Scioto County government	864,099
Total to all cities over 2,500	581,627
Total to all cities under 2,500	0
Total to all townships	0
New Boston City	62,469
Portsmouth City	519,158
Seneca County area	1,140,333
Seneca County government	506,871
Total to all cities over 2,500	633,462
Total to all cities under 2,500	0
Total to all townships	0
Fostoria City (part)	227,725
Tiffin City	405,737
Shelby County area	553,691
Shelby County government	207,277
Total to all cities over 2,500	211,052
Total to all cities under 2,500	59,728
Total to all townships	75,635
Sidney City	211,052
Stark County area	3,911,569
Stark County government	985,200
Total to all cities over 2,500	2,304,827
Total to all cities under 2,500	178,584
Total to all townships	442,958
Alliance City	268,700
Canton City	1,578,252
City of Louisville	55,892
Massillon City	319,506
Minera Village (part)	6,339
North Canton City	76,139
Summit County area	7,528,888
Summit County government	2,189,360
Total to all cities over 2,500	5,015,529
Total to all cities under 2,500	34,221
Total to all townships	289,778
Akron City	4,103,003
Barberton City	340,529
Cuyahoga Falls City	273,949
Hudson Village	29,752
Lakemore Village	7,018
Mogadore Village (part)	8,311
Munroe Falls Village	11,803
Silver Lake Village	9,425
Tallmadge City	42,593
Twinsburg Village	53,769
City of Stow	61,767
Village of Norton	31,895

Fairlawn Village	15, 813
Macedonia Village	25, 904

Trumbull County area	2, 241, 515
Trumbull County government	1, 043, 322
Total to all cities over 2,500	1, 188, 589
Total to all cities under 2,500	9, 603
Total to all townships	0
Cortland Village	6, 949
Girard City	124, 459
Hubbard City	33, 301
McDonald Village	22, 860
Newton Falls City	29, 018
Niles City	228, 005
Warren City	743, 453
Youngstown City (part)	545
Tuscarawas County area	838, 072
Tuscarawas County government	251, 742
Total to all cities over 2,500	351, 651
Total to all cities under 2,500	96, 201
Total to all townships	138, 478
Dennison Village	42, 717
Dover City	119, 265
Newcomerstown Village	31, 103
New Philadelphia City	110, 093
Uhrichsville City	48, 474

Union County area	240, 926
Union County government	127, 204
Total to all cities over 2,500	37, 624
Total to all cities under 2,500	22, 461
Total to all townships	53, 637
Marysville Village	37, 624

Van Wert County area	441, 507
Van Wert County government	175, 927
Total to all cities over 2,500	157, 735
Total to all cities under 2,500	41, 787
Total to all townships	66, 058
Van Wert City	131, 688
Delphos City (part)	26, 047

Vinton County area	176, 979
Vinton County government	106, 320
Total to all cities over 2,500	0
Total to all cities under 2,500	25, 754
Total to all townships	44, 905

Warren County area	667, 083
Warren County government	290, 852
Total to all cities over 2,500	344, 814
Total to all cities under 2,500	31, 397
Total to all townships	0
Carlisle Village (part)	8, 907
Franklin City	120, 585
Lebanon City	51, 812
Loveland City (part)	114
Mason Village	106, 657
Monroe Village (part)	332
South Lebanon Village	40, 247
Springboro Village	7, 253
Carlisle Village	8, 907

Washington County area	636, 376
Washington County government	253, 354
Total to all cities over 2,500	198, 444
Total to all cities under 2,500	29, 375
Total to all townships	155, 204
Belpre City	31, 266
Marietta City	167, 178

Wayne County area	786, 663
Wayne County government	252, 245
Total to all cities over 2,500	288, 976
Total to all cities under 2,500	107, 407
Total to all townships	138, 033
Orrville City	91, 097
Rittman City (part)	62, 363
Wooster City	135, 518

Williams County area	332, 116
Williams County government	154, 684
Total to all cities over 2,500	69, 050
Total to all cities under 2,500	45, 013
Total to all townships	63, 368
Bryan City	52, 214
Montpelier Village	16, 836

Wood County area	671, 357
Wood County government	261, 795
Total to all cities over 2,500	240, 038
Total to all cities under 2,500	65, 774
Total to all townships	103, 749
Bowling Green City	144, 713

Fostoria City	10, 803
North Baltimore Village	16, 043
Perrysburg City	30, 686
Rossford Village	15, 991
Walbridge Village	9, 297
Northwood Village	12, 505

Wyandot County area	275, 004
Wyandot County government	130, 503
Total to all cities over 2,500	57, 107
Total to all cities under 2,500	19, 054
Total to all townships	68, 339
Carey Village	27, 100
Upper Sandusky Village	30, 007

USEFUL LAND FROM HAZARDOUS MINE SPOILS

Mr. MOSS. Mr. President, I have just obtained a copy of the Department of Agriculture report on reclamation of surface-mined land covering a 7-year period. I am pleased to see that a total of 338,000 acres of land have been reclaimed; but I am distressed to learn that the figures show that as of January 1, 1972, we are now faced with 4 million acres of land disturbed by surface mining.

I ask unanimous consent that the report and the statistics be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

SCS HELPS TURN HAZARDOUS MINE SPOILS INTO USEFUL LAND

WASHINGTON.—Sept. 14.—Surface-mined land can be transformed from a hazardous eyesore into acreage useful for many farm or community purposes, USDA Soil Conservation Service Administrator Kenneth E. Grant said today.

More than 10,000 private landowners reclaimed over a third of a million acres from 1965–71 alone, Mr. Grant said. He cited recent SCS reports from each state showing that landowners and mine operators had reclaimed a total of 338,000 acres in the seven-year period.

"Their work has resulted in significant reductions in soil erosion, sedimentation, and acid pollution of streams from these sites," Mr. Grant said. "They have added to the beauty of the countryside. And they have helped turn useless land into valuable property for forest, pasture or range, wildlife habitat, recreation areas, crop production, building sites, and other uses."

Mr. Grant stressed that much more work needs to be done, since more than 4 billion acres had been disturbed as of January 1, 1972, in surface-mining operations to harvest coal, sand and gravel, and some 40 other commodities.

"More than 90 percent of this land is privately owned," Mr. Grant said. "It is intermingled with farm, ranch, forest and other land in rural and suburban America—on which SCS already is giving conservation help through districts and in watershed projects and resource conservation and development projects."

Of the total acreage disturbed, Mr. Grant said that 2,181,000 acres needs land shaping, plantings, or water-control structures to prevent further land and water damage. The remaining 1,823,700 acres already have been reclaimed or have stabilized themselves over a period of years. Mr. Grant said that surface mining has been practiced for more than 100 years.

"About 15 percent of the land needing reclamation has been treated in the last seven years," Mr. Grant said. "This is significant progress when you consider that to date there is no formal program for technical and financial help on these problem sites on private land. District cooperators have undertaken mined-land reclamation as part of their overall conservation activities."

Mr. Grant said that about half of the States now have statutes calling for some form of surface-mined land reclamation work. Their provisions vary widely.

SCS participation in surface-mined land restoration began in the 1930's, Mr. Grant said. In addition to recommending vegetative and mechanical measures to restore a mined area. SCS also is active in developing new plants that can survive under the difficult slopes and acid conditions found on most surface-mined land. One of the 20 SCS plant materials centers, at Quicksand, Ky., was established specifically to locate, study, and increase the supply of plants for surface-mined land. Several other centers also are turning out useful plants. Among those found especially well suited are deertongue grass, switchgrass, "Cardinal" autumn-olive, "Chemung" and "Emerald" crownvetch, "Latcho" flatpea, "Arnot" bristly locust, "Rem" Red Amur honeysuckle, Japanese bush lespedeza, and weeping lovegrass.

"These plants are well adapted to mined-land conditions and provide a higher percentage of surface cover in a shorter period of time than trees," Mr. Grant said. "They also provide excellent food and cover for many species of wildlife. And their flowers and foliage have a high esthetic value."

Mr. Grant said that more details about surface-mined land problems and opportunities are in a 1971 SCS publication, MP-1082, "Restoring Surface-Mined Land." Copies are available from local SCS offices or from the U.S. Government Printing Office, Washington, D.C. 20402.

STATUS OF LAND DISTURBED BY SURFACE MINING IN THE UNITED STATES, AS OF JAN. 1, 1972, BY STATE[1]

[Thousand acres]

State	Land requiring reclamation	Land not requiring reclamation	Total land disturbed
Alabama	127. 9	43. 1	171. 0
Alaska	4. 4	6. 7	11. 1
Arizona	29. 7	28. 3	58. 0
Arkansas	17. 1	6. 6	23. 7
California	69. 7	109. 5	179. 2
Colorado	41. 3	14. 8	56. 1
Connecticut	12. 2	5. 1	17. 3
Delaware	2. 2	1. 9	4. 1
Florida	196. 0	58. 8	254. 8
Georgia	28. 1	13. 1	41. 2
Hawaii	. 1	. 1	. 2
Idaho	16. 0	8. 1	24. 1
Illinois	66. 3	102. 2	168. 5
Indiana	25. 0	120. 7	145. 7
Iowa	32. 4	18. 3	50. 7
Kansas	67. 4	13. 5	80. 9
Kentucky	58. 0	187. 4	245. 4
Louisiana	26. 4	9. 8	36. 2
Maine	26. 4	13. 2	39. 6
Maryland	25. 0	12. 7	37. 7
Massachusetts	30. 7	17. 8	48. 5
Michigan	72. 4	22. 0	94. 4
Minnesota	52. 6	72. 7	125. 3
Mississippi	22. 0	10. 3	32. 3
Missouri	92. 3	18. 5	112. 4
Montana	22. 0	9. 3	31. 3
Nebraska	12. 5	10. 5	23. 0
Nevada	21. 7	12. 7	34. 4
New Hampshire	4. 4	4. 3	8. 7
New Jersey	17. 6	10. 8	28. 4
New Mexico	13. 3	8. 8	22. 1
New York	40. 0	18. 0	58. 0
North Carolina	27. 1	15. 7	42. 8
North Dakota	27. 5	17. 1	44. 6
Ohio	191. 6	162. 1	353. 7
Oklahoma	5. 0	25. 0	30. 0
Oregon	6. 6	2. 8	9. 4
Pennsylvania	240. 9	201. 5	442. 4
Rhode Island	2. 6	1. 2	3. 8
South Carolina	20. 0	15. 0	35. 0
South Dakota	16. 0	18. 2	34. 2
Tennessee	40. 0	78. 9	118. 9
Texas	136. 8	34. 0	170. 8
Utah	3. 4	2. 8	6. 2
Vermont	4. 2	2. 6	6. 8

STATUS OF LAND DISTURBED BY SURFACE MINING IN THE UNITED STATES, AS OF JAN. 1, 1972, BY STATE [1]

[Thousand acres]

State	Land requiring reclamation	Land not requiring reclamation	Total land disturbed
Virginia	33.0	48.8	81.8
Washington	5.5	3.6	9.1
West Virginia	100.0	170.9	270.9
Wisconsin	35.3	27.2	62.5
Wyoming	11.0	6.7	17.7
Total	2,181.2	1,823.7	4,004.9

[1] Compiled from estimates provided by State offices of the Soil Conservation Service, USDA, September 1972.

MINED-LAND RECLAMATION WORK IN CONSERVATION DISTRICTS [1] 1965–71 INCLUSIVE

State	Number of districts involved	Number of cooperators	Area reclaimed (thousand acre)
Alabama	49	205	43.1
Alaska	1	0	.1
Arizona	5	11	4.2
Arkansas	9	14	.5
California	42	58	7.5
Colorado	56	68	2.3
Connecticut	6	14	.3
Delaware	3	28	.3
Florida	12	20	12.5
Georgia	19	169	4.9
Hawaii	0	0	0
Idaho	52	60	1.9
Illinois	60	120	31.1
Indiana	15	223	20.4
Iowa	29	169	3.5
Kansas	42	371	4.3
Kentucky	39	377	14.9
Louisiana	12	141	1.3
Maine	16	100	.7
Maryland	20	139	3.7
Massachusetts	15	200	2.5
Michigan	81	274	2.5
Minnesota	59	121	6.4
Mississippi	14	34	2.0
Missouri	19	50	1.5
Montana	25	150	1.6
Nebraska	62	240	5.4
Nevada	12	2	.3
New Hampshire	10	50	.2
New Jersey	12	18	.8
New Mexico	7	19	.5
New York	56	86	1.2
North Carolina	51	173	1.7
North Dakota	39	375	2.5
Ohio	42	350	10.5
Oklahoma	6	10	1.5
Oregon	15	30	.2
Pennsylvania	50	500	28.0
Rhode Island	3	3	0
South Carolina	8	6	.8
South Dakota	40	700	1.0
Tennessee	18	213	9.1
Texas	107	1,394	13.1
Utah	7	8	.3
Vermont	0	0	0
Virginia	1	100	26.0
Washington	1	1	0
West Virginia	11	2,500	55.2
Wisconsin	72	314	4.7
Wyoming	7	10	.5
Total	1,337	10,218	338.0

[1] Data compiled by Soil Conservation Service, USDA, September 1972.

CONCLUSION OF MORNING BUSINESS

(Routine business was concluded.)

ORDER FOR ADJOURNMENT TO 9:45 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in adjournment until the hour of 9:45 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PROGRAM TOMORROW

Mr. MANSFIELD. Mr. President, for the information of the Senate as to what the schedule will be tomorrow, we will come in at 9:45 and there will be a brief morning hour for the conduct of morning business. It is anticipated there will be two, perhaps three, amendments on H.R. 1. Then, at a reasonable hour, we will turn to the consideration of the Defense Department appropriation bill. If there are amendments to be offered, we hope they will be voted on tomorrow afternoon, and if it is possible to complete action on the Defense appropriation bill tomorrow at a reasonable hour, we will make every effort to do so. Of course, if we get to that point, there will be a yea-and-nay vote on final passage, because this is a big money bill. It is an important bill.

I just want to state the situation so that the Senate will be aware of what the leadership contemplates and to assure the membership that we do not come in on Saturdays just for appearance's sake, but to try to get as much of the important business disposed of as possible.

I hope that will meet with the approval of the distinguished Senator from Maine.

Mrs. SMITH. Mr. President, will the Senator yield?

Mr. MANSFIELD. I am delighted to yield.

Mrs. SMITH. When the Senator says there will be two or three amendments to H.R. 1, is he saying that there will be rollcall votes on those amendments?

Mr. MANSFIELD. That would be my anticipation.

Does the assistant majority leader have any indication that those amendments which will be offered to H.R. 1 tomorrow will call for rollcall votes?

Mr. ROBERT C. BYRD. Mr. President, I have no indication to the contrary. I had proceeded on the supposition all day, in discussions concerning the Defense Department appropriation bill, that there would be amendments thereto called up tomorrow, that there would be votes on those amendments, and, if possible, that the Senate would complete action on the bill tomorrow. Now, I, of course, cannot guarantee that, because we have no time agreement on the bill. I have worked during the day trying to get a time agreement on the bill. I have been unable to secure an agreement up to the present time. There is some indication, however, that we might be able to get an agreement in the morning.

Mr. MANSFIELD. Mr. President, if the Senator will yield briefly, we have been in contact with the Senator from North Dakota (Mr. YOUNG) and the distinguished chairman of the Appropriations Committee, the Senator from Arkansas (Mr. MCCLELLAN).

Mrs. SMITH. Mr. President, will the Senator yield?

Mr. MANSFIELD. I am delighted to yield.

Mrs. SMITH. There is no assurance that the Senate will continue in session, even though the Sergeant at Arms is sent out to request the presence of absent Senators; is there?

Mr. MANSFIELD. I would hope it would not reach that point. Senators on both sides have been notified by attachés that we expect them tomorrow. We hope there will be no roadblocks and no hindering of the business of the Senate and that we will be able to proceed normally and with dispatch to accomplish something worthwhile in the disposition of legislation.

PERSONAL STATEMENT

Mr. JACKSON. Mr. President, I rise to clarify a statement that was made on the floor a short time ago in connection with the colloquy between the distinguished majority leader and the distinguished Senator from Maine (Mrs. SMITH). I was not on the floor when the colloquy took place, but I was advised in general what had been said, and I now have a transcript of the remarks.

In connection with the colloquy, I quote the Senator from Maine:

> Mrs. SMITH. I ask these questions, Mr. President, because word has just come to me that Senator JACKSON has already informed the White House that there would be no votes on the Defense appropriation bill tomorrow because of the possible lack of a quorum. I wondered why, if such a statement had been made through the authority of the majority leader, at least those of us who are on the committee could not know.

I would like to state the facts as I know them with reference to that comment.

First, I want to say that I have not been in touch with anyone at the White House, and no one at the White House has been in touch with me. The person who is alleged to have communicated this to Mrs. SMITH has told me on the phone that he has not been in touch with me nor I in touch with him.

What happened is this: In the meeting this morning in the full Appropriations Committee markup on the defense appropriation bill, there was some discussion about bringing the bill up on Saturday.

There was a discussion by the chairman as to the number of absentees. I did not discuss absentees. I had understood there was to be a session tomorrow, that we were going to bring up another bill, H.R. 1, and then go to the Defense appropriation bill.

I suggested to the chairman in this meeting, with a lot of Senators present—I do not believe the Senator from Maine was present; I understand she was in the Armed Services Committee—and there were staff members present, that it might be wise to go ahead Saturday and debate the bill, and see if we could get unanimous consent to have the votes on Monday, debate the amendments but postpone the actual voting and then take up the amendments back-to-back on Monday, if the chairman felt that he would not be able to have sufficient Members present on Saturday.

After that discussion, I communicated the gist of what I have just said to the majority leader (Mr. Mansfield). That is all that I said. I have talked to two people in two areas, one, to the chairman and members of the committee in the committee, and two, to the distinguished majority leader on the floor. That is exactly what happened.

The other comment which I wish to clarify occurred later in the colloquy, as follows:

> Mrs. Smith. I asked that question because word came to me that the word by Senator Jackson that there would be no votes on the Defense appropriation bill, but word also came through that there would be at least 45 absentees tomorrow. If it is known at that time that there are 45 absentees, I wonder how the majority leader can believe that there would not be more by tomorrow morning.

Now, I did not have any list of absentees. The chairman of the Committee on Appropriations (Mr. McClellan) referred to a certain number of absentees, but not the number 45. At no time, Mr. President, did I discuss the number 45. So I believe there was a misunderstanding. I say to my good friend from Maine that I wanted to state this because there appears to have been a misunderstanding.

I have not discussed this matter with anyone other than as I have stated here, and I hope that will clarify the situation.

Mrs. SMITH. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mrs. SMITH. Mr. President, I thank the distinguished Senator from Washington for the clarification of his position on this matter. As he knows, I was in the Armed Services Lavelle hearings, trying to divide my time between those hearings and the markup on the Defense appropriations. Mr. Korologos stated that he did not tell me—he did not say that Senator Jackson told him; his statement was that Senator Jackson had said that the Defense appropriations bill would be called up, that there would be no votes on it, and in the same sentence he said that there would be 45 absentees. He would not say that the Senator said that particular thing.

I think that corrects the Record, as far as that is concerned. But he did say that "Senator Jackson had stated"—and I think the Senator has clearly explained this to everyone's satisfaction.

Mr. JACKSON. I thank the distinguished lady. The point I wanted to make clear was that I had not informed the White House, because I have not talked to anyone at the White House. The only places it was discussed were on the floor, with the majority leader, which I think the majority leader can corroborate——

Mr. MANSFIELD. That is correct.

Mr. JACKSON. And in the committee, and there were a number of members present. Of course, you know how things travel around town, and I gather that Mr. Korologos' statement was based on something he had heard from someone else. I do not know who that someone else was, but he has assured me, as I gather he has told my distinguished and good friend from Maine, that he had not communicated with me, nor did he say I had communicated with the White House.

Mrs. SMITH. That is correct. His statement was that Senator Jackson had stated. I think if the Senator will read my comments on the colloquy with the majority leader, he will know I did not say the Senator from Washington stated there would not be a quorum. I simply stated what had been communicated to me.

Mr. JACKSON. Yes. The sentence—I will read it—was as follows:

> Mrs. Smith. I asked that question because word came to me that the word by Senator Jackson was that there would be no votes on the Defense Appropriation bill, but word also came through that there would be at least 45 absentees tomorrow.

I gather that the second part of this does not refer to anything I said, but that was some word that was passed around.

Mrs. SMITH. That is correct; but it was given in the same breath and in the same sentence with the other.

Mr. JACKSON. That is why I wanted to clarify it. The distinguished lady from Maine, Mr. President, has helped to clarify the situation. I wanted to make this statement because I feel very strongly that the majority leader is the one who makes the announcements about whether or not we are going to be in session, and that is why I came to the majority leader and mentioned to him a possible solution to the problem that we had discussed in committee.

I want to thank my good friend from Maine for clarifying the Record, and I think the Record will speak for itself.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

ORDER FOR THE CONSIDERATION OF THE UNFINISHED BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of routine morning business tomorrow, the Chair lay before the Senate the unfinished business so as to allow the Senator from New York—I believe it is—to present the motion to invoke cloture, and that, immediately thereafter, the Chair lay before the Senate H.R. 1, and that the order previously entered today with respect to the laying aside of the unfinished business and with respect to its remaining in a temporarily laid-aside status be effectuated.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9:45 a.m.

There will be a brief period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the Senate will resume consideration of the unfinished business, S. 3970, a bill to establish a Council of Consumer Advisers in the Executive Office of the President.

A motion to invoke cloture signed by at least 16 Senators will be presented, and immediately thereafter, after the clerk has read the motion, the Senate will resume consideration of H.R. 1, the welfare bill. Senators who have amendments should be prepared to call them up.

I am reasonably sure that at least two amendments to that bill will be called up, and I am also reasonably sure that yea-and-nay votes will occur on those amendments, the first of which could occur as early as 10:45 or 11 a.m.

When no further action is possible on H.R. 1 tomorrow, the Senate will take up the Defense appropriation bill. Amendments will be in order. It is anticipated that if Senators have amendments, they will call them up. Yea-and-nay votes can occur thereon, and it is hoped that passage of the Defense appropriation bill will occur tomorrow.

As I stated a little earlier, I have proceeded on that assumption throughout the day in my efforts to work out an agreement on that bill. I was unsuccessful, as I have indicated; but, hopefully, that may yet occur tomorrow. In any event, the bill will be called up, and amendments, hopefully, will be called up, if there are any.

I wish to reiterate the hope—I am sure that I speak for the distinguished majority leader in saying this—that final passage will occur on the Defense appropriation bill tomorrow. As is the case, usually, a yea-and-nay vote will occur on final passage of the Defense appropriation bill.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. This will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9:45 a.m. tomorrow.

The motion was agreed to; and at 5:54 p.m. the Senate adjourned until tomorrow, Saturday, September 30, 1972, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate September 29, 1972:

Council on Environmental Quality

The following-named persons to be Members of the Council on Environmental Quality:

John A. Busterud, of California, vice Robert Cahn, resigned.

Beatrice E. Willard, of Colorado, vice Gordon J. F. MacDonald, resigned.

Railroad Retirement Board

James L. Cowen, of Illinois, to be a Member of the Railroad Retirement Board for the term of five years from August 29, 1972, vice Howard William Habermeyer.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 29, 1972:

District of Columbia Council

The following-named persons to be members of the District of Columbia Council for the terms indicated:

For the remainder of the term expiring February 1, 1974

Rockwood Hoar Foster, of the District of Columbia.

Marjorie Parker, of the District of Columbia.

For the term expiring February 1, 1975

Jerry A. Moore, Jr., of the District of Columbia.

EXTENSIONS OF REMARKS

STUDENTS AT ROMNEY, W. VA., SCHOOL ENJOY THE BEAUTIES OF NATURE—"SHARED BEAUTY," BY ROBERT SMITHDAS, IS A MOVING POEM

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, September 29, 1972

Mr. RANDOLPH. Mr. President, at this time of year when nature dons her most beautiful garments and the forests blaze in varied shades of red and gold and yellow, many of us are drawn to quiet contemplation of God's handiwork. Not all of us, however, are fortunate enough to see and hear the beauties of nature. An article published in the Youth Conservation News details a recent trip into the forests of West Virginia by a special group of children. They are junior and senior high school students at the Romney School for the Deaf and Blind.

I am indebted to Mrs. Maxine Scarbro, director of the women's and youth activities section, West Virginia Department of Natural Resources, for the wondrous reactions of these blind or deaf young people to the things they "saw" and "heard." I share the children's experience with my colleagues and RECORD readers.

This event calls to mind a marvelously moving poem by Robert J. Smithdas, director of community education at the National Center for Deaf-Blind Youths and Adults, New Hyde Park, N.Y. Dr. Smithdas, the first deaf-blind person to have earned a master's degree, was selected Handicapped American of the Year in 1965 by the President's Committee on Employment of the Handicapped.

I ask unanimous consent that the article and Dr. Smithdas' poem be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Romney School for Blind and Deaf Participate in Nature Tour

Did you know that certain leaves are smooth on top and fuzzy on the bottom? That you can feel the veins on a leaf? That some bark feels like cork?

If you have, you are more observant than the average person—at least the average person's vision. Ordinarily it is the visual that creates the most dramtic impact. One knows in an instant the color, the shape, the size of an object. He knows if something is beautiful or ugly, and is affected by the mood that a certain view creates. Perhaps the mood is somber because of a deep pool of shadow, or gay because shafts of sunlight sparkle and dance.

Have you ever stopped to think how you would see an oak tree, goldenrod, lichen, or toadstool, if you were blind? How would you appreciate the sound of falling rain, the rustle of leaves, or the sound of feet sloshing through muddy water, if you were deaf?

Those fortunate enough to attend Tour No. 3 to Droop Mountain Battlefield State Park and Beartown State Park with a group of junior and senior high young people from Romney School for the deaf and blind learned some of the answers to these questions.

The leaders observed as the young folks handled an acorn, felt the size and texture of the oak leaf, and measured the oak tree's girth with arms and hands. These happy young people saw much more than those "who have eyes but do not see." Deft hands and clever fingers felt out secrets of the flowers, mosses, lichens, toadstools, trees, and rocks which many folks never really see.

Many of the youngsters gained an even greater insight of the thickness and texture of the forest floor by walking barefoot through the woods, stooping to pick up an unusual object searched out by inquiring toes.

Spirits and enthusiasm remained high as the rain came down. Wet clothes could not dampen the high spirits of the group. Everything was a glorious adventure: history of Droop Mountain Battlefield, geology of Beartown, bird study, nature trail with study of plants, hiking and climbing at Beartown, and ending with an examination of one of the cabins at Watoga State Park. The cabin was really seen, perhaps, for the first time. The walls were felt, measured and smelled. Tables, chairs, floors, beds, and all equipment was thoroughly gone over and received a happy approval by the group.

The deaf "heard" the rain drops as they fell on up-turned faces, arms, and feet. They "heard" the slushing sound as the rain and mud oozed over feet and splashed on legs while hiking along. They "heard" the sound of crunching leaves as they walked over them and felt them tickle their toes. Nimble feet experienced the soft-matted sponginess of mosses growing beneath the shading trees.

As the leaders shared in the pleasure and enjoyment of these eager young people and watched their rapt faces as they soaked up knowledge, the leaders felt they were given an added insight and meaning to life and nature, also the leaders gained a deeper appreciation of color when a blind youngster asked, "What color is it?" after seeing a flower or toadstool or lichen.

Perhaps, most importantly, leaders were better able to understand that blindness and deafness need not prevent one from really seeing and appreciating nature in all its glory. Opportunities for enjoyment for all who do desire it should be made available.

A word of commendation should be given the instructors of Romney School who made the trip possible and did such a fine job of preparing the group, and the Monongahela-Cheat District of West Virginia Garden Club, Inc., who co-sponsored with the West Virginia Department of Natural Resources the Fall Nature Tour. Credit should also be given to Margaret E. Denison and Dorothy Harshbarger for giving this accounting of the tour. Other leaders included Chuck Conrad, Mary Ferrell, George Lippert, Glen Phillips and Bill Elliott, Dick Mathews photographed the outing.

A unique project that is well within the capabilities of a garden club or any other civic organization, can serve to expand the enjoyment of both the sighted and the blind. A path through a garden of carefully selected plants, or a nature trail through the woods, with descriptive signs, printed both in braille and regular script, can become a place of delight to everyone.

Any organization wishing to initiate such a project may write the Women's and Youth Activities Section, Room 652, West Virginia Department of Natural Resources, Charleston, 25305, for detailed information.

Shared Beauty

I cannot see a rainbow's glory spread across a rain-washed sky when storm is over;
Nor can I see or hear the birds that cry their songs among the clouds, or through bright clover.
You tell me that the night is full of stars,
And how the winds and waters sing and flow;
And in my heart I wish that I could share with you this beauty that I cannot know.
I only know that when I touch a flower, or feel the sun and wind upon my face,
Or hold your hand in mine, there is a brightness within my soul that words can never trace.
I call it life, and laugh with its delight,
Though life itself be out of sound and sight.

—*Robert J. Smithdas.*

REDUCTION OF FREEWAY NOISE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. FRASER. Mr. Speaker, highway noise has become a matter of increasing concern, particularly in urban areas, where three-fourths of our population is found. Reducing traffic sounds at the source, by designing quieter motor vehicles, is one solution. Another is to build noise control features into highway design itself.

On existing expressways, there are a

number of ways of reducing noise. Walls, wide sound buffer zones, noise insulation in buildings alongside freeways, dense vegetation as acoustical barriers, smoother pavements—all these are means of lessening highway noise.

There is no clear authority for Federal funding, on a regular basis, of acquisition of noise-buffer zones as such, or for installation of acoustical insulation in existing buildings, such as schools and hospitals, along freeways. I am going to offer an amendment to the Federal Aid to Highways Act (H.R. 16656) which will indicate clearly that Congress considers noise abatement to be a priority objective of the Federal-aid highway program. Joining me in cosponsoring this amendment will be our colleagues: Alphonzo Bell, Robert F. Drinan, Gilbert Gude, and Stewart B. McKinney.

In the past, Federal funding for highway sound control has been available on an experimental basis. One such project is now underway in Minneapolis. I call attention to the commendable efforts of the Minnesota Department of Highways, as described in the following Minneapolis Star article:

State To Try "Sound Barriers" To Muffle Roar of Highway 35W

(By Betty Wilson)

Minnesota Highway Department officials have decided to build walls along a portion of Hwy. 35W in south Minneapolis this summer in an experiment aimed at cutting traffic noise in half for nearby residents.

The sound-barrier walls will be built on both sides of the six-lane freeway from Minnehaha Creek to Diamond Lake Rd., where there have been many complaints about the traffic noise.

Leo A. Korth, assistant commissioner for design and right of way, of the state highway department, said the walls will be a combination of concrete and earth mounds. They will be of varying heights, from 5 to possibly 20 feet high, he said, depending on the terrain and level of the freeway, he said.

Korth said he hopes the walls will cut the traffic noise by about half for nearby residents.

Residents along Hennepin County 62nd St. Crosstown Hwy., which runs along the southern edge of Minneapolis and through Richfield and Edina westward, also have complained about traffic noise. A study by a consultant showed high traffic noise levels along the county highway, and recommended construction of some kind of sound barriers here.

But the county is looking at alternatives to a wall.

"I wouldn't ever vote to put up a concrete wall. They are ugly," says County Board Chairman Jack M. Provo.

He said the county may regulate truck travel on the Crosstown Hwy., and allow trucks to use it only during certain hours. The consultant recommended converting the highway to a parkway and prohibiting trucks, motorcycles and commercial traffic.

Provo also said there's a good possibility the county will resurface rough portions of the Crosstown to reduce some of the noise, another recommendation by the consultant. The state did this on a portion of 35W, and there was a slight reduction in traffic noise.

Korth said the state highway department is concerned about the aesthetics of walls, and said, "We want to build something that is aesthetically pleasing."

He said, however, that it will be difficult to have much in the way of sloping earth mounds which can be landscaped, and which would be the best way to make an attractive sound barrier, because the existing right of way is fairly narrow. The state will not buy additional right of way for the walls, Korth said.

Korth said that where the right of way is wide enough, the earthen mounds will be higher and broader, so grass, trees and shrubs can be planted.

This and other things will be done, where possible, he said, to break up the monotony of a continuous wall.

"We don't want it to look like an iron curtain going up," he said.

Korth said, though, residents along his stretch will be looking at a concrete wall when it is built.

"I want these people to realize what they are asking for, and we want to be sure this is what they want," he said. "I would not want to go out there and spend half a million dollars or more, and then have them say, 'Take it down'," he said.

Korth said that people in the south Minneapolis neighborhood are "up tight" about the traffic noise, and have urged that the walls be built. Their spokesmen have told highway officials they don't mind having to look at a concrete wall, Korth said.

The walls will be 30 to 50 feet from the edge of the freeway, he said, and more than a hundred feet from the first row of houses. The walls will not be high enough to deflect traffic noise from the second stories of the houses along the freeway.

Korth said representatives of the neighborhood have agreed that there is a practical limit as to how high the walls can be built, and said they will be satisfied with a height which will reduce noise for ground-floor levels and yards.

Korth said he expects to have a proposal showing the concept of how the walls are to be built ready by the end of March, and highway officials will meet then with people of the neighborhood to get their reaction.

If the reaction is favorable, he said, the department will go ahead with detailed plans, and start construction in early summer. The walls should be completed this year, he said.

Korth declined to estimate the cost of the walls along the half-mile stretch of 35W. Earlier estimates were from $785,000 to $1.16 million, depending on how much is spent for landscaping and other devices to make the walls aesthetically pleasing.

CAPT. JOSEPH B. LYLE, OF SOUTH CAROLINA, FORGOTTEN HERO OF THE CONFEDERACY

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Friday, September 29, 1972

Mr. THURMOND. Mr. President, the fall 1972 issue of Prologue: The Journal of the National Archives contains a short, well-documented article entitled, "Captain Lyle: Forgotten Hero of the Confederacy." This officer was a native of my State. He was born in Winnsboro, S.C., on December 6, 1829. Captain Lyle, the son of the Reverend James and Elizabeth Byers Lyle, should long ago have received some form of recognition for one of the most extraordinary displays of heroism ever seen on a field of battle.

During the last great assault on Richmond in the closing days of the Civil War, he captured almost singlehandedly and with an empty gun about 600 Union soldiers. He deserves to be remembered along with Sgt. Alvin York of World War I, who cleaned out a machinegun nest and took four officers and 128 enlisted men; and Lt. Audie Murphy of World War II, who halted a Nazi attack and killed or wounded 50 of the enemy.

Mr. President, I ask unanimous consent that the article be printed in the Extension of Remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Captain Lyle: Forgotten Hero of the Confederacy

(By Elmer Oris Parker)

During the last days of the Confederacy, Rebel Captain Joseph Banks Lyle, reckless of his personal safety in the face of seemingly insuperable odds, captured about six hundred Union soldiers with an empty gun. This feat, which took place near Fair Oaks, Virginia, on October 27, 1864, is without equal in American military history.

The South was in the midst of reverses. Atlanta had fallen and Sherman was planning his march to the sea. Sheridan had laid waste the Shenandoah Valley, and the Confederacy had been severed along the Mississippi River. Grant had moved on Richmond in May 1864 by way of Spotsylvania and had vowed to fight it out along that line if it took all summer.

Now it was late October. Goldenrod still covered the untilled fields of Virginia. Richmond, only one hundred miles from Washington, was still holding, but survival depended on open supply lines to the South. Grant developed a plan of grand strategy to achieve some decided success before the approaching presidential election. He would move part of Meade's Army of the Potomac to the extreme left and cut the Southside Railroad, the remaining artery to the already doomed capital of the Confederacy. Ben Butler's Army of the James would move to the right to make a diversionary action in front of Richmond to prevent Lee from transferring reinforcements from that sector to oppose Grant.

Longstreet had responsibility for holding the outer defenses with the First Army Corps from Swift Creek below the James River to Fair Oaks Station on the York River Railroad. Pickett's division kept the cork in the Butler "bottle" at Bermuda Hundred; Hoke's division held the front from the James to the Darbytown road and Field's division the remaining four-mile left. Longstreet had only about seventy-five hundred effectives north of the river to face Butler's twenty-five thousand.

Grant gave Butler explicit orders. He was not to attack the Rebels in their entrenchments but to assault if they could be lured outside. From his base of operations on the James, Butler was to send the Eighteenth Army Corps under Godfrey Weitzel to the extreme right. Alfred H. Terry was to press the line between the New Market and Darbytown roads. The men were to be aroused at four on Thursday, October 27, fed by five, and moved to Seven Pines by eleven o'clock. Longstreet sent a cavalry brigade under Mart Gary to Fair Oaks early that morning. Union cavalry under Colonel Robert M. West met him there and contested the field for about an hour before retiring with considerable loss.

The only break in Lee's long line of entrenchments was about one and one-half miles west of Seven Pines on the Williamsburg road which had been kept open for necessary use. Butler would not technically violate his orders not to attack the Rebels' behind their fortifications if an assault were made at this opening on the Williamsburg road. Fresh from his resounding victory at Fort Harrison a month earlier, Weitzel contemplated more than a mere diversion. He had visions of marching straight into the weakly defended "Citadel of Rebellion" and stealing the most coveted prize of the war. Butler was willing, for he may have caught glimpses of the White House in the distance. Field perceived Butler's design, doubled his skirmishers, and raced for the Williamsburg road, then held by only a lieutenant and twenty men of the Virginia home guard.

Moving by side roads, Weitzel crossed the head of White Oak Swamp and reached Seven Pines about one o'clock, two hours behind schedule, losing the race and with it Butler's grand prize. He advanced and deployed Charles A. Heckman's Second Division on the left of the road and Gilman Marston's First Division on the right. Heckman placed his Third Brigade consisting of the 19th Wisconsin, the 148th New York, and the 89th New York Volunteers on his right. Marston's Second Brigade—the 10th New Hampshire, the 5th Maryland, the 96th New York, and the 92d New York—just across the road. Facing them behind the Rebel works was Bratton's South Carolina brigade, his skirmishers under the command of his adjutant and inspector general, Captain J. Banks Lyle of the 5th South Carolina Volunteers.

The Federal assault commenced about three thirty and was met with withering musketry and artillery fire. Two depressions or gullies paralleled the entrenched works about midway between the opposing lines. The Federal skirmishers advanced over the first gully and started for the second. Several hundred of them reached it but found themselves completely pinned down and unable to get out; the remainder, according to Weitzel, were repulsed.

During a lull in the firing Captain Lyle noticed the desperate situation of the trapped men and asked permission to advance the skirmish line to take them. His request was refused. Convinced they would escape when darkness came on, Lyle determined to attempt their capture. He called for volunteers, and failing to get any he started alone. Observing one of Weitzel's officers trying to arouse the spirit of his men trapped in the gully, Lyle called to his skirmishers on the crest overlooking his position to open fire and stop the harangue.

Lyle advanced about 150 yards in full view of three brigades of Field's division and the whole force of the enemy. He was recognized by the men of his own brigade, but those on the flanks mistook him for a deserter. They fired on him so heavily that the dust stirred by the bullets almost concealed him from view until word passed to stop firing. Lyle was hit in the head and shoulder, but the painful wounds did not deter him.

The excited men in Field's division all along the line mounted the works with exclamations of admiration and inquiry—"Who is he?" The captain moved ahead until he reached the Federals and demanded their surrender. Whether they were unnerved at the sight of such audacious action on the part of one man, or whether they thought the bullets fired at him by his own men betokened a capturing force of some strength, they began to surrender. In his diary Lyle later confided: "I get three stands of colors and a large number of prisoners before I can prevail on a single one of the skirmishers to follow me—six Captains surrender to me alone." Six and only six captains were afterward reported missing on Weitzel's official casualty list, and Conferedate prison registers listed them as captured.

Lyle had his "arms full of swords and several stands of colors" when a Federal officer some distance away began to berate his men for surrendering so tamely to one man. The officer urged them to kill him. Lyle threw down his trophies, seized a seven-shot Spencer repeating carbine lost by the Federal cavalry in their earlier retreat, aimed it at the officer, and calmly threatened to fire if he did not yield. The officer, not being foolhardy, obeyed. Not until later did Lyle discover the carbine was empty. The Federals probably never knew.

Some of Bratton's skirmishers now came forward to hurry the captives to the rear. Lyle wrote in his diary that his men "throw forward a line of skirmishers & capture more than 500, 8 stands of colors & many small arms." He estimated his own take of prisoners to be at "least 400—a low cowardly, demoralized crowd of wretches."

Seven of Marston's lieutenants and four of Heckman's surrendered. Weitzel's medical director, James D. Strawbridge, and Lieutenant Colonel Rollin M. Strong of the Nineteenth Wisconsin were taken, the former probably while attending the latter who had been wounded in the action. Weitzel had first wired Butler that his two brigades had been repulsed, losing two-thirds of each or about 1,000 men, but when he made the final count it amounted to only 640. Field said Weitzel got within about three hundred yards of his line when his troops, being unable to stand the fire, "threw themselves on their faces in a little depression of ground.

"A portion of Bratton's South Carolina brigade, led by his Adjutant General (the gallant Captain Lyle), went out in front of my division and captured four hundred or five hundred of them, the rest slipped back to the rear in squads leaving their dead upon the field." Longstreet declared "the complete defeat of the most determined effort to take Richmond on the north side, amounted to eleven stand of colors, captured in the assault of Field's position and about 600 prisoners, most of whom were taken through the personal exertions of Captain Lyle, of the Fifth South Carolina." The precise number that should be attributed to Lyle cannot be determined, but in the light of available evidence, Longstreet's assessment seems fair.

A violent, cold rain accompanied darkness that October evening, and Weitzel had great difficulty getting his troops off. Marston's division took four hours and Heckman's all night to reach White's Tavern six miles away. The two divisions reported the loss of six stands of colors, probably those of the 5th Maryland, the 92d New York, the 96th New York, the 19th Wisconsin, and the 148th New York.

Bratton and Field felt Lyle's display of exceptional skill and bravery upon the field of battle merited a lieutenant colonelcy, but delay and technicalities prevented it. Had Richmond held a few days longer Lyle would have received a major's commission for Lee approved it. Lee did give the captain leave to go home to South Carolina to be married—perhaps a happier reward. Bratton sent along the carbine as a wedding present for the bride.

When Joseph Banks Lyle laid down his arms at Appomattox he ended a remarkable military career. He was born December 6, 1829, near Winnsboro, South Carolina, the eldest son of the Reverend James and Elizabeth Byers Lyle. As a cadet at the College of South Carolina he was known to his classmates as "General." After he graduated he founded an academy for boys at Limestone Springs. Although Lyle owned no slaves and showed no interest in the preservation of the institution, he was deeply committed to the principle of states' rights. A full five weeks before South Carolina seceded he organized his students into the "Southern Rights Guards." Failing to get arms and equipment from the governor, Lyle disbanded the unit and joined the Fifth South Carolina Volunteers in January 1861. In the course of the war he was wounded nine times; he held a number of staff assignments from regimental to divisional level; and during the battle of Spotsylvania he commanded the regiment with distinction. After the war Lyle served one term in the South Carolina legislature, but he gave up politics to resume his career in education. He moved to the West and founded several schools in Texas and Oklahoma. Lyle eventually lost his eyesight from a saber wound received at Gaines' Mill, and he died at Cado, Oklahoma, on August 16, 1913.

INTERNATIONAL BANKERS MEET IN WASHINGTON

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. RARICK. Mr. Speaker, the International Monetary Fund and the World Bank, operating under the facade of nations while in fact representing the depositories of the International Bankers have just completed a week of debate on monetary reform. As in the past, monetary reform will mean more foreign giveaways, more loss of U.S. gold and a further devaluation of the U.S. dollar.

Again we hear the tear-jerking rhetoric that the affluent rich nations must give more of their wealth to assist the poor and indigent nations.

Yet from past performances, aid to the poor countries usually ends up as seed money or loans to the wealthy industrialists from the developed countries to further their overseas operations in competition with the people whose country they claim to represent.

The shell game has become such a ruse, the international bankers so nationalistic in power, that the wealthy industrialists are even able to insure their operations and expected profits in poor nations against riots, revolution, and confiscation. But again it is not the International Bankers or the industrialists who underwrite the insurance operation. The Overseas Private Investment Corporation—OPIC—is a taxpayer subsidized insurance company and in case of any excess claims the full faith and credit of the United States—the taxpayers—has been pledged to bear the loss. But, like all things made intricate and complicated with talk of international finances, the management and the decisionmaking on who gets the loans, the insurance, and the settlement are always left to the agents of the International Bankers.

The policies of the creditor are the policies of the monarch. And after a time and too great a debt, the creditors become the monarch.

But wealth is still made by productive working people. International Bankers and their employees but make credit and use the wealth of others—they have no other role except perpetuating power to hold their gains and exploit further.

I insert related clippings:

[From the Evening Star and Daily News, Sept. 29, 1972]

MONETARY TALKS END ON UPBEAT

(By Lee M. Cohn)

A week of debate on international monetary reform ended on an upbeat today with declarations of confidence that negotiations will make real progress in the year ahead.

"As a result of this annual meeting, the prospect for meaningful and constructive discussions on reform has very much improved," Pierre-Paul Schweitzer, managing director of the International Monetary Fund, said at the end of the IMF's joint meeting with the World Bank.

"There is now broad agreement on the basic principles and objectives of the international monetary reform and on the desirable characteristics of a reformed system," he said. This "should provide an effective general framework within which the specific issues of reform can be considered and negotiated."

Schweitzer particularly welcomed the "comprehensive, thoughtful" outline of the United States' reform plan, and said he was impressed by the lack of "rigid positions" in speeches at the meeting.

The IMF head, whose bid for a third term is opposed by the United States, injected some discreet politicking into his speech. He said he was "heartened by the confidence that so many governors have expressed in the fund and in me personally."

He has been endorsed for a third term by many of the finance ministers, who resent what they consider heavyhanded efforts by the United States to dominate the IMF.

World Bank President Robert S. McNamara, in his closing speech, supported demands by underdeveloped countries for a special break in a reformed monetary system. They want extra shares of special drawing rights—the "paper gold" monetary reserve distributed by the IMF.

However, the United States and West Germany are skeptical about using SDRs as economic aid.

McNamara also said a plan should be developed by mid-1973 for the next round of contributions by industrial countries to the International Development Bank affiliate that makes loans on easy terms to the poorest countries.

As the meeting ended, it was evident the negotiators hope to have a clear idea by the end of this year on how far they can overhaul the international monetary system.

That's when the new committee of finance ministers plan to meet to review the progress and problems of their deputies who will handle the nuts-and-bolts bargaining on monetary reform. The deputies are meeting today.

Jeremy Morse, an executive director of the Bank of England, will preside in the potentially powerful role of chairman of the deputies' committee. He was elected by the ministerial committee at its first meeting yesterday, over Rinaldo Ossola of Italy, the candidate favored by the United States.

But the secret-ballot vote was close—12 to 8 by some reports. U.S. source said they had favored Ossola, but played down the significance of the result.

* * * the United States and Federal Reserve Chairman Arthur F. Burns at his side, did not get into the substance of monetary reform.

But there was a "sense of urgency" at the meeting, a participant said. The communique said the ministers expressed their "determination to make rapid progress."

No one expects the deputies to draft a reform plan for ratification by the ministers by January, but the prospects for progress or deadlock should come into focus during the next three months.

The tone of most speeches during this week's IMF-Bank meeting has been optimistic and conciliatory, arousing hopes that the ministerial committee can negotiate agreement on the line of a reform plan by next September's meeting.

However, despite a growing consensus on broad principles, the speeches at the annual meeting have not erased disagreements on the specifics of issues like rules for changing currency values, limits on use of the dollar as a monetary reserve and the role of gold.

Even with a concilatory attitude, the negotiators will have a hard time resolving those issues.

[From the Evening Star and Daily News, Sept. 26, 1972]

U.S. SPELLS OUT PLAN FOR MONETARY REFORMS

MAIN POINTS

Following are highlights of the proposals for reforming the international monetary system, presented by Treasury Secretary George P. Shultz in a speech today:

Countries with chronic deficits or surplus in international payments would be required to reduce them.

Discretion would be allowed on how to reduce deficits and surpluses, including currency devaluation, revaluation, internal economic measures, tariff cuts and other actions.

Violators would be subject to sanctions, such as trade penalties and suspension of borrowing privileges.

The dollar could fluctuate more widely in market trading.

The United States would resume convertibility of the dollar, but only after strengthening its balance of payments and replenishing its reserves.

(By Lee M. Cohn)

A monetary reform plan aimed at compelling the United States and all other countries to balance their international accounts was proposed by the Nixon administration today.

Each country would have discretion in deciding how to regain balance—through currency devaluation, revaluation or other methods. But any country failing to take effective action would be subject to severe penalties.

Treasury Secretary George P. Shultz presented the bold plan in a speech today to the annual joint meeting of the International Monetary Fund and the World Bank, in a move to push reform negotiations off dead center.

President Nixon, in a speech to yesterday's session, had seized the initiative by announcing that Shultz would offer specific proposals "for prompt and thorough-going reform."

The plan goes far beyond expectations, and clearly is calculated to shock the finance ministers and central bankers into hard bargaining.

If such a plan is adopted and works to strengthen the U.S. financial position, Shultz pledged, this country after a transition will resume redemption of excess dollars acquired by foreign governments. Nixon halted such redemptions—suspending convertability of the dollar—in the 1971 monetary crisis.

While imposing new obligations on the United States, the administration's plan also would require major monetary and trade concessions by the European Common Market, Japan and other countries with chronic balance-of-payments surpluses.

All countries potentially would sacrifice a degree of sovereignty by agreeing to abide by international rules in some crucial areas of economic policy, but they still would retain substantial discretion to operate within the rules.

The role of the dollar as a monetary reserve held by other countries, which has been a key to U.S. economic domination of the world, would diminish but would not be eliminated.

Shultz said the plan is designed to strike "a new balance between flexibility and stability (and to) permit nations to cooperate closely without losing their individuality or sovereignty."

Major elements of the plan would:

Require countries with chronic balance-of-payments deficits or surpluses to reduce them. The trigger for requiring such action would be "disproportionate" losses or gains in monetary reserves.

Offer deficit countries a choice of methods to regain balance. They could devalue their currencies, curb their domestic economies or take other measures. Only in exceptional circumstances could they use "direct restraints" to curtail imports or control outflows of capital.

The requirement for reducing deficits would be enforceable by withdrawing from violators their right to borrow from the IMF or receive allocations of special drawing rights, the "paper gold" reserves created by the IMF.

Offer surplus countries a choice of methods to reduce their surpluses, including upward revaluation of their currencies, increased contributions to foreign aid, reductions of tariffs and other import barriers, and promotion of capital outflows.

The rules against the surplus countries would be enforceable by allowing other nations to impose discriminatory surcharges (extra tariffs) on imports from violators, and by suspending their right to redeem foreign currencies through conversion into reserves.

Widen the allowed margin of fluctuation of the dollar above and below its official par value, in market trading. Other currencies now can fluctuate as much as 9 percent in relation to each other, but the maximum fluctuation of the dollar is 4.5 percent. Shultz suggested equally wide bands for all currencies.

Require each country to help support its currency's value within the established margins. The usual method of support is to buy a weak currency and sell a strong currency, but there were hints that innovative methods also might be used to confound speculators. A country with a weak currency would be obligated to redeem excess amounts acquired by foreign central banks in support operations.

The plan would permit countries to stop supporting their currencies briefly—allowing them to "float" freely in market trading—during transitions to changed par values. In some circumstances, and subject to strict safeguards against abuse, currencies could float for longer periods.

Increase the role of special drawing rights (SDRs) as monetary reserves, and use the SDR as the denominator for currency values.

Central banks could hold dollars and other currencies as reserves, but the plan would not encourage or compel such use. That is, foreign countries no longer would finance U.S. payments deficits automatically by piling up excess dollars.

Study proposals to allow foreign central banks to exchange some of their past accumulations of dollars, which total more than $50 billion, for SDRs issued by the IMF for that purpose.

Resume convertibility of foreign governments' dollar holdings—presumably new accumulations, not existing hoards—into "other reserve assets," but only after the United States strengthens its payments position and reserves. Shultz carefully avoided defining what kinds of reserve assets the United States would offer, and indicated that full-scale redemption in gold would not be restored. The monetary role of gold would be diminished in an orderly way, he said.

Discourage the use of controls on trade and capital movements. No country could control inflows of capital in order to avoid a needed upward revaluation of its currency.

Mesh the rules and operations of the IMF and the General Agreement on Tariffs and Trade (GATT) to bring about fairer and more uniform practices in the fields of trade barriers, export subsidies, taxation, export credit and international investment.

The package is designed to correct the bias against the United States in the old monetary and trade system, from the viewpoint of administration officials. Instead of putting all the pressure on the United States to reduce payments deficits, the plan would require other nations to eliminate their surpluses by giving this country competitive advantages.

As their surpluses declined, the United States would have a better chance to eliminate its deficits and shift into surplus, thus replenishing reserves.

Only then would this country submit to the same disciplines as other countries—in effect, paying its international debts.

The United States has balance-of-payments deficits because private citizens, companies and the government spend, lend, invest and give away more money abroad than they receive from foreign sources.

Payments deficits can be reduced by devaluing a currency, which promotes exports by making them cheaper in terms of foreign currencies and curbs imports by making them more expensive. Or a country can reduce deficits by restraining the purchasing power of its citizens, thus reducing demand for imports and shifting production to exports.

A surplus country can reduce exports and increase imports through upward revaluation of its currency, by cutting tariffs and by stimulating its domestic economy. It also can send more money abroad for investment and foreign aid.

Devaluation, revaluation and the other measures deeply affect a country's employment, production, profits and general prosperity, so national authorities want to make these decisions themselves.

The system broke down last year under the weight of massive deficits and surpluses.

There is a growing feeling that something must be done to prevent the continuation of such huge deficits and surpluses, or else the collapse of the monetary system may cause a world depression.

Shultz in his speech deliberately left many details fuzzy, including the question of how the fuels would be applied, and by whom.

Some international body presumably would have authoritry to hand down a firm decision on which countries were out of line. Shultz said the IMF would play a big role, but implied that an additional body—perhaps a committee of finance ministers—might hold the final power.

THE DETERIORATION OF HOUSING IN NEW YORK CITY

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. KOCH. Mr. Speaker, housing in New York City is deteriorating and every level of government, including the Federal level, is failing in its responsibilities to cope with this basic need. New York is not alone for in almost every major city of our country the poor are living in slum housing and without adequate municipal services. Furthermore, many landlords who own property in the poorest areas of New York City, one of which is the Lower East Side, which is part of my congressional district, are not providing the landlord services which their tenants are paying for and to which they are entitled.

I am advising my constituents of some of the basic and essential services which their landlords must provide pursuant to law. If they are not provided, these landlords are subject to court action. It is my hope that tenants not receiving these services will take the time to provide me with a written complaint which I, in turn, will bring to the attention of the appropriate city agency, with a demand that the law be enforced.

The essential services, as required by the New York City Administration Code are:

First. Heat and hot water: From 6 a.m. to 10 p.m. when the outside temperature is below 55 degrees, 68 degrees must be maintained. From 10 p.m. to 6 a.m. when the outside temperature is below 40 degrees, 55 degrees must be maintained.

Second. Garbage: The landlord must provide and maintain sufficient number of garbage cans to cover a period of 72 hours.

Third. Rodents: The landlord must keep the building free from rodents, and free from infestations of insects and other pests.

Fourth. Cleaning: The landlord must keep the roof, yard, and other open spaces clean.

Fifth. Lights: The landlord must provide in addition to lights in the hallways, lights in the front entrance doors and in every yard and in every court.

Sixth. Painting: The landlord must paint apartments every 3 years.

The fact that this list of essential services—services which every tenant in this country should be able to take for granted—is not met in many dwellings, should indicate to the Congress the critical state of housing in this country today and the need for providing an improved and expanded Federal housing program. This is one of the many reasons that it is so tragic that the Rules Committee failed to give a rule to the housing bill as it was reported out by the Banking and Currency Committee on September 21.

AMENDMENT TO BARRING OF FEDERAL PARTICIPATION

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. MIZELL. Mr. Speaker, on September 21 the House Committee on Public Works approved an amendment I proposed barring any Federal participation, including the use of Federal funds, in the construction of the proposed Corporation Freeway in Winston-Salem, N.C., until new corridor hearings are held.

My proposal was offered as an amendment to the committee's Federal-Aid Highways Act of 1972, which was reported out of committee last Thursday.

The statements states:

> The Secretary of Transportation shall permit no further action on the Corporation Freeway in Winston-Salem, N.C., until new corridor hearings are held.

The freeway project, which has been a subject of local controversy and concern for several years, calls for the construction of 7.2 miles of road, and the path of that road would involve displacement of more than 1,000 Winston-Salem residents, including 227 homes and 18 businesses, and would destroy 6 acres of the Bolton Street Park, one of the few remaining open wooded areas in the city, and run through historic Oliver Farm.

In the past few months, I have received over 800 complaints about this project, ranging from the amount of relocation required to the effects of the road construction on the local environment.

Some of these correspondents have also raised the question of whether the proposed route would have the desired effect of improving traffic patterns in and around the city.

A public corridor hearing on the project was held last December in Winston-Salem, and these same objections were raised at the time, but the project proposal was not revised.

I am not anxious to intervene in a local dispute, but I saw no other course than introducing my amendment that would guarantee that the concerns of the people, the environmental impact and possible alternative routes would be adequately explored before this project is constructed.

I believe more extensive exploration is essential to this project, and my amendment would make sure that this additional study is undertaken. I urge the adoption of this proposal by the full House.

THE MIRAGE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, September 29, 1972

Mr. HARRY F. BYRD, JR. Mr. President, the Richmond Times-Dispatch under date of September 21, 1972, published an editorial captioned "The Mirage." The editorial deals with the revenue sharing legislation which passed the Senate and the House. The Times-Dispatch is an ably edited newspaper. Its editor delved deeply into matters discussed on the editorial page. The editorial incorporates this sentence:

> All things considered, then, the revenue sharing plan is a hoax on the American taxpayer.

The editorial ends by stating:

> Anyone who considers it a genuine effort to provide relief for the American taxpayer is in for a rude shock.

I believe both of these statements to be soundly based.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Richmond (Va.) Times-Dispatch, Sept. 21, 1972]

THE MIRAGE

Many states and localities are rapidly becoming fiscal deserts, as revenue well after revenue well proves insufficient to meet the growing demands of thirsty government programs. Property taxes, income taxes, sales taxes and some other familiar sources of revenue have become oppressive in many states and communities, and taxpayer resentment and resistance are mounting. But what appears to be the promise of relief can be seen.

on the horizon. A river of cash is forming in Washington and should start flowing soon throughout the parched land.

Unfortunately, however, what is seen on the horizon is a mirage. Oh, it is true enough that the federal revenue sharing bill now emerging from Congress will send approximately $30 billion in federal funds gushing to the states and localities over the next five years. But in the end, will the Amreican taxpayer be any better off? No, for what the federal government will pump into one of his pockets, the federal government will siphon from another.

In other words, Washington has no revenue to share, absolutely none. During the past two fiscal years, it spent far more money than it received and it will do the same in the current fiscal year. Over the three-year period, federal deficits will total approximately $100 billion.

So how will the federal government obtain the revenue that it intends to share with states and localities? By imposing new burdens on the taxpayer, of course. Either the government will have to increase taxes sufficiently to produce the revenue it plans to apportion among states and localities or it will have to borrow the money. And if it borrows the money, it surely will have to increase taxes eventually to finance the interest and to repay the debt. Thus, instead of alleviating the plight of the taxpayer, the revenue-sharing plan could make matters worse for him.

There are other objections to the plan. It involves, for example, a separation of tax-raising authority from tax-spending responsibility, and this obviously will diminish the public's power to restrain governmental extravagance. When they are forced to go to their own citizens for money, states and localities can be expected to display at least some prudence in proposing and executing programs, for they face the constant possibility of being challenged by skeptical taxpayers who underwrite the costs. But to whom will the states and localities be accountable for the money they will receive from Washington? To federal bureaucrats, who will act as a buffer between the payers of taxes and the spenders of taxes, cushioning the citizen's impact on state and local spending practices.

All things considered, then, the revenue sharing plan is a hoax on the American taxpayer. This is not to say that states and localities are not entitled to a larger share of the nation's tax resources. Idealy, the federal government would make more money available to states and localities by curbing its own programs, reducing its expenditures, returning some of the powers and responsibilities it has commandeered from the states, and allowing them to use some of the revenue sources it has come to monopolize. But this is not an ideal world, so we get a bogus revenue sharing plan. Anyone who considers it a genuine effort to provide relief for the American taxpayer is in for a rude shock.

SELECTIVE USE BY THE PRESS OF THE PEOPLE'S RIGHT TO KNOW

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. ASHBROOK. Mr. Speaker, recently a Senate subcommittee of the Judiciary Committee, the Internal Security Subcommittee, held important hearings on the vital issue of drug addiction with special emphasis on the efforts of foreign countries to combat this worldwide problem. Although the hearings were open to the public, they might just as well have been held behind closed doors judging from the press coverage accorded them. At the request of the subcommittee retired Marine Gen. Lewis Walt visited a number of countries in Europe and Asia with subcommittee staffers and returned home with useful information which can be of invaluable aid domestically to officials and the public alike in the ever-widening campaign to combat narcotics addiction.

One publication in the Washington area which recognized the contributions made by the subcommittee is the weekly, Human Events, which devoted three of its tabloid-sized pages to various aspects of the subcommittee's findings. At this point there follows excerpts from the account of the hearings as they appeared in the September 30 issue of that publication:

Why Press Blackout on Drug Hearing?

Sen. James Eastland's (D-Miss.) Senate Internal Security subcommittee has just finished holding some remarkable hearings on the worldwide narcotics traffic, but for some curious reason the media have failed to give them extensive coverage. The topic of the subcommittee's probe was clearly provocative and newsworthy, while the witnesses, including former Marine Gen. Lewis Walt and Dr. Olav J. Braenden, director of the United Nations Narcotics Laboratory, had a certain start quality about them.

The information divulged at the hearings was strikingly new in some instances, and could still have a significant impact on the way the Administration, the Congress and the public view how to handle the drug problem here at home. Yet the newspapers and the TV gave short shrift to the subcommittee's work.

The hearings produced evidence that the dissemination of drugs in the United States could probably be brought under control if we were less lax in meting out stiff penalties to drug pushers. Indeed, the subcommittee not only revealed the astonishingly light sentences dished out to hard-core peddlers in this country, where drugs are a persistent and serious problem, but showed that in Japan the government crushed a near drug epidemic through swift and stern punishment for the pushers.

Moreover, both Gen. Walt and Dr. Braenden testified as to the dangers inherent in marijuana, with Walt taking direct issue with the government-appointed Shafer Commission and its rather casual attitude toward the use of pot.

In addition, Gen. Walt testified that our Southeast Asian allies—contrary to many sensationalized press reports—have been actively cooperating with the U.S. in stamping out the international drug trade. Walt also extensively dealt with Communist involvement in this trade, and pointed an accusatory finger at Red China for doing virtually nothing to allay strong circumstantial evidence that it is conspiring to sell heroin on the world market.

Further, Gen. Walt, who travelled to Europe and Asia for the subcommittee to gather first-hand knowledge about the international drug market, prepared a 102-page report on his findings and recommendations, a copy of which can be obtained from the subcommittee. Yet save for a few scattered and incomplete news stories, the media, which have avidly published stories on narcotics at variance with Walt's findings, wasted few words on Walt's detailed report or the hearings themselves.

But both, we suggest, produced some extremely important information, information that could prove enormously helpful in combatting the serious drug problem facing this country. Why the press chose to pretty much ignore the subcommittee's drug probe might be a proper subject for Accuracy in Media (AIM) to pursue, since AIM seems to be one of the few organizations that can persuade the media to correct errors and to publish overlooked news stories.

Meanwhile, we will highlight some of the testimony and findings of Eastland's subcommittee ourselves.

How Japan Solved Its Drug Problem

In his 102-page report to the Senate Internal Security subcommittee, Gen. Walt came up with various recommendations on how to combat the drug problem existing in this country. He called for the use of a new, sophisticated reconnaissance satellite to pinpoint opium production around the world, an increase in funds for Interpol, which keeps dossiers on international criminals, and additional manpower and funds for the U.S. domestic agencies engaged in the war on narcotics.

But equally important. Walt, judging from the way in which other countries have managed to lick the drug problem, advocated far tougher laws. He believes, for instance, that there should be no bail for traffickers guilty of Class "A" felonies, involving the dissemination of 16 ounces or more of heroin. He also advocates mandatory minimum sentences for Class "A" offenders.

In addition, Walt thinks that capital punishment should be added to the range of options open to the courts for imposing sentence on major traffickers. Finally, he thinks the courts must mete out punishment swiftly, and he would establish a special court system to ensure that this could be accomplished.

Walt stressed that he is for tougher laws because he found that in such countries as Taiwan, Thailand and Iran, where punishment is both severe and swift, the drug problem is under control. But it is in democratic Japan, he suggests, where the U.S. might find the solution for stopping the spread of heroin addiction.

In the late 1950s, Walt reported, Japan became aware that it was facing a serious drug problem. It was estimated that half-a-million Japanese were mainlining amphetamines and that some 40–50,000 had become heroin addicts. In 1960 over 2,000 cases involving illicit traffic in narcotics came before the Japanese courts.

The Japanese government began to move vigorously. It established a "Ministers' Council for Narcotics Countermeasures," and an "Anti-Narcotic Drug Headquarters," and two important amendments were attached to the 1963 narcotics control law. The first increased the maximum term of imprisonment for traffickers from 10 years to life imprisonment. The second amendment set up a system of compulsory hospitalization, plus follow-up counseling, for drug addicts.

Stated Walt: "In six years time, Japan had virtually liquidated its heroin addiction problem. By 1969 the total number of addicts was down to 6,008—of whom 98 per cent had been addicted to medicinal narcotics under medical treatment. The number of new heroin addicts reported each year fell from 1,731 in 1961 and 1,072 in 1963, to 10 in 1968 and three in 1969."

Moreover, said Walt, the stiffer penalties under the amended law unquestionably played a role in enabling the Japanese to liquidate their epidemic. "More important," he added, "was the rigorous manner in which they enforced the anti-narcotics law and the remarkable—but controlled—latitude accorded to the Japanese police in developing their investigations."

Under Japanese law, an arrested person can be detained and interrogated for a minimum of 48 hours without attorney or bail.

The police may then get a court order authorizing them to continue the interrogation for another 10 days. In addition, they may ask for another court order, giving them a second 10 days. So narcotics suspects may be detained a total of 22 days without access to a lawyer.

Walt stressed that American Bureau of Narcotics and Dangerous Drugs agents who have sat in on some of these interrogations say that the Japanese police do not deny their prisoners sleep or brutalize them. They say that the interrogations are conducted in a civilized and highly sophisticated manner.

"But by the time the Japanese police have completed their 22 days of interrogation," Walt told the subcommittee, "they have generally wrung the prisoners dry of all the information they possess concerning confederates, associates, and the narcotics traffic in general. And when it comes to combatting the narcotics traffickers, obtaining this kind of information is 90 per cent of the game of law enforcement.

"This, in a nutshell, is why Japan has no heroin addiction problem, and why the traffickers stay away from Japan, even though her high standard of living would make Japan a lucrative market."

Shoud Marijuana Be Legalized?

Dr. Olav J. Braenden, director of the United Nations Narcotics Laboratory, was another key witness before the Eastland subcommittee, but his conclusions on cannabis (the marijuana plant) were also given scant attention by the press. Dr. Braenden has been head of the laboratory since its founding 16 years ago. For the past six years, under instructions from the U.N.'s Division of Narcotics Drugs, he has made cannabis research a top priority.

Cannabis is the scientific name for the marijuana plant. Ordinary marijuana comes from the leaves of the plant, while hashish, nearly five times as concentrated as marijuana, is derived from the resin of the plant.

Before testifying, said Dr. Braenden, he had contacted a number of scientists in different countries who have been collaborating on various aspects of cannabis research. Dr. Braenden conversed with Prof. W. D. M. Paton of Oxford University; Dr. Ole Rafaelsen of Denmark; Prof. C. Miras of the University of Athens, and with Prof. Cornelius Salamink of the University of Utrecht in the Netherlands.

"Among the scientists working in the field," Dr. Braenden told the subcommittee, "it would seem that there is a general consensus that cannabis is dangerous—opinions differ, however, on the degree of the danger to the individual and to society. In my opinion, it seems that, as progressively more scientific facts are discovered about cannabis, the more one becomes aware of its potential dangers."

Dr. Braenden says there is evidence that, with repeated use, cannabis tends to build up in the body tissue. Moreover, there may be considerable impairment in driving ability after oral ingestion of cannabis, and rat experiments have resulted in a very high percentage of birth abnormalities.

Even more alarming, Dr. Braenden testified that Dr. A. M. Campbell and his colleagues of the Bristol Royal United Hospital have found "significant evidence of cerebral atrophy in young smokers."

In spite of the progress made in recent years in cannabis research, Dr. Braenden added, much still remains to be done before there is an adequate understanding of the nature and effects of this complex plant.

Addressing himself to the subject of marijuana, Gen. Walt said he disagreed sharply with the government's commission on marijuana—the Shafer Commission—which, in effect, recommended the legalization of cannabis for personal use and for distribution in small quantities. Gen. Walt says he agrees with the commission's belief that youthful marijuana smokers should not be sentenced to several years in prison, but he still favors fining smokers by way of "underscoring the point that marijuana smoking does damage to society."

In his own investigation into the subject, said Walt, "we are now of the opinion that several of the commission's basic assumptions were in error."

Among the many officials of foreign governments with whom Walt and his staff discussed the Shafer report, not a single one "shared the tolerant attitude of the Shafer Commission toward cannabis. In Japan, France and other countries we were told that the Shafer Commission report had caused consternation in the ranks of those concerned with the problem of drug control, and that it seriously undercut their efforts to combat the growing use of marijuana in their own countries."

In several countries, Walt added, embassy personnel stated that when the Shafer Commission team visited them, it seemed apparent that the team's mind was already made up and that it was seeking confirmation for a preconceived point of view.

Walt said he was particularly surprised that the Shafer team, in the course of its foreign travels, did not once take the time to check in with Dr. Braenden. Dr. Braenden's U.N. office, Walt remarked, is a clearing house for some 30 laboratories working on heroin and marijuana research.

Thus, said Walt, it is difficult to accept the Shafer report as "gospel." Perhaps, suggested the retired Marine general, far more research should be made into the effects of cannabis before we embark on the radical course of legalizing marijuana as advocated by the Shafer Commission.

More on Red Involvement in Worldwide Drug Traffic

While Gen. Walt makes the point that the world drug traffic is primarily a criminal phenomenon, he also emphasizes that the evidence is clear that Communists in various parts of the world have been involved in the drug traffic in significant ways. "In fact," he adds, "I find it impossible to understand how our media can ignore the clear evidence of Communist involvement while exaggerating out of all proportion the charge that corruption among our Southeast Asian allies is the primary cause of the drug epidemic in our country."

The evidence taken by the Eastland subcommittee, he pointed out, established that in one of the largest heroin smuggling cases on record, Manuel Dominguez Suárez, onetime head of the Mexican Federal Judicial Police, made nine trips to East Berlin, each time returning to Mexico with 50 kilograms of heroin—which was then moved across the border into the United States. Since Suárez was able in each case to enter East Berlin without having his passport stamped, said Walt, "it is clear that elements of the East German secret police must have been involved."

There is also the remarkable case of Squella-Avendano. A prominent supporter of Chile's Marxist president, Salavador Allende. Squella-Avendano was arrested in Miami on July 27, 1970, for transporting 203 pounds of Chilean cocaine, worth $10 million. This was the largest cocaine seizure to date. At his trial, Squella said he had been slated to receive an important post in the Allende government.

"He was," said Walt, "obviously a very important man to the Communist network in the Western Hemisphere, because hard on the heels of his arrest, the U.S. attorney in charge of the case was approached with the bizarre proposition that Squella be exchanged for four American hijackers then in Cuba. The offer was subsequently expanded to include the master of the "Johnny Express," the iMami-based ship seized on the high seas last December by Castro's navy. Since then, there have been repeated articles in the pro-Communist press in Chile, hailing Squella as a national hero and a victim of American imperialism.

In Southeast Asia, Walt stated, the Communists are up to their ears in the dope traffic. In Laos, he pointed out, the Communists occupy some 80 to 90 per cent of the opium-growing areas. In Thailand, the Communist-led guerrillas control an important stretch of opium-producing land along the Laotian frontier. In both Thailand and Laos, the villages where the opium is grown are under the thumb of manager-cadres, trained in Peking and Hanoi. Both movements are armed to a large degree with Chinese weapons, and both have their major radio propaganda operations based in Chinese territory. The money made from selling opium is used to support the insurgency operations.

Communist elements, Walt elaborated, also play a vital role in the Burma drug situation. Burma is the single most important factor in the Southeast Asia situation, for here is where most of the opium is grown and here is where most of the refineries and traffickers are concentrated.

All of the armed groups in Burma, both pro-Communist and anti-Communist, have been involved in the drug trade. But the area which the Communists control east of the Salween River is reputed to be the most fertile opium-producing territory in the whole of Burma, and is credited with some 25 per cent of Burma's total production.

"Burma's production," explained Walt, "is estimated at some 400 tons a year, but the tribesmen use most of it for themselves, exporting only some 100 to 150 tons. Because it produces the largest surplus of any area in Burma, the territory under Communist control may be responsible for as much as 40 to 50 per cent of Burma's entire opium export."

In view of the fact that Peking mothered the White Flag Communist insurgency in Burma and that it still controls them, said Walt, "it cannot escape moral responsibility for their role as prime producers in the opium traffic."

OKLAHOMA LAWMEN SPEAK THEIR MINDS

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. EDMONDSON. Mr. Speaker, I am convinced, in traveling over the State of Oklahoma, that most Oklahomans share the view that the Supreme Court made a serious mistake in the recent decision which in effect outlawed capital punishment.

There is a general feeling in our State that we are being hit hard by a wave of homicides resulting from this unfortunate Court decision, and the demand for action to restore capital punishment to the lawbooks is general in our State.

Responding to that general feeling, and in agreement with it, I have introduced House Joint Resolution 1283 which states:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

ARTICLE —

The power of a State or of the Congress to declare the punishment of any crime shall include the power to impose and provide for the carrying out of the death penalty.

In a most unusual demonstration of the feeling of law enforcement officers on this subject, the Metropolitan Area Chiefs of Police have just published a full page appeal in the Oklahoma Journal, dated September 28, 1972, for action on this subject.

I believe every member of the House of Representatives should have the opportunity to read this appeal by men who are on the front line in the fight against crime.

Here is the full text of that message:

BECAUSE WE BELIEVE

Because we believe it is man's God given right to live in freedom from fear.

Because we believe that as surely as the sun rises in the east and sets in the west, people should be able to walk the streets free from assault.

Because we believe the law of the jungle should never replace the law of God and man, we respectfully urge, implore, and yes, demand, that capital punishment be reinstated as the law of the land before the law of the jungle drives our people to revert to the law of the vigilante. We say that capital punishment must again be made the law of the land not just to protect the peace officer and the prison guard, but to protect the lives of our wives, our children, our friends and our neighbors.

Because we believe that the people of this great state of Oklahoma—from the Red River on the south to the Chikaskia on the North and from the North Fork of the Red on the West to the mighty Arkansas on the east—are entitled to the full protection of the law as we understand the law, we urge you to make your desires known by writing to your congressman and telling him like it is.

Because we believe that laws should be for the benefit of the majority as a protection from the depredations of a lawless minority, this nation must solidify itself in demanding the restoration of the death penalty as punishment for certain wanton crimes.

Because we believe that when our Founding Fathers said all men are created equal they meant that all men are entitled to full protection under the law, not just partial protection through imprisonment.

Because we believe that capital punishment for heinous crimes is not vengeance but retribution according to the laws of God and man, we urge the public to join with us in demanding equal justice for all.

Because we believe that killing another man is a sin and that the Good Book tells us that the wages of sin is death, we cannot accept the milksop theory that capital punishment is cruel and inhuman punishment for the taking of another's life.

Because we believe it is man's inalienable right to walk upright like a man and not be forced to crawl in fear like a galley slave scourged by a whipmaster, we are convinced that an inflexible capital punishment law will insure us that right to walk like a man.

Because we believe that all people, regardless of race, creed, color, or religious persuasion, are entitled to the same impartial protection under the law, we are convinced that the lack of capital punishment is a flagrant violation of our Constitutional guarantee to life, liberty and the pursuit of happiness.

Because we believe that as lawmen sworn to uphold the law and to protect the lives of our people, we cannot adequately do this unless we have the full cooperation of our courts, and more particularly the U.S. Supreme Court.

Because we believe that man's inhumanity to man makes countless thousands suffer, our laws must be swift, just and certain to the end that the lawless breed will tremble in fear instead of smirking in derision at the puny attempts to enforce law against murder without a capital punishment statute.

Because we believe that the great majority of people demand a well ordered society governed and controlled by law, they will not tolerate the anarchy that will be brought upon us by the lack of a capital punishment law.

Because we believe that murder is murder, whether it be in a penthouse, a neighborhood grocery store, or a Fifth Avenue shop, capital punishment is the only just punishment for the wanton, cold-blooded taking of a human life.

Because we believe that Oklahoma courts are fair and just, we cannot agree with recent statements that the death penalty is almost exclusively imposed upon the poor and the powerless. Some of the most vigorous defenses ever witnessed in Oklahoma murder trials were put on by court appointed attorneys or attorneys who received little or no monetary fee.

Because we believe that a person who commits a wanton, premeditated murder sacrifices his membership in the human family, his execution by the state is not a denial of his humanity, but rather the mere removal of an undesirable person from a society that demands equal justice for all.

Because we believe that justice delayed is justice denied, persons convicted of capital crimes should be summarily executed just as soon as all due process of law has been met and within a reasonable, rational length of time.

Because we believe that capital punishment is a moral judgment made necessary by accepting social values and social conscience, a dispassionate assessment of the need for such a law should be based on the misery occasioned by murder and not discolored by weeping advocates of tender mercy.

Because we believe we are our brother's keeper, we direct our plea to our Governor and members of the Oklahoma legislature to rise up and take whatever steps may be necessary to put a capital punishment law on our statute books that will be swift and sure. We sincerely believe that this should be the legislature's No. 1 priority when it convenes in January and we have faith that our lawmakers will not fail us, and you. We encourage the citizens of Oklahoma to contact their State Representatives and State Senators so that our public officials will know how important the matter of public protection and safety is to us all.

J. D. SHARP,
Chairman Metropolitan Area Chiefs of Police Association.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

SKYJACKING CURB

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. CRANE. Mr. Speaker, all through the world innocent citizens have been subjected to the terror tactics of radical groups which have participated in airplane hijackings and in a variety of violent acts, including the shoot-out at Lod Airport in Tel Aviv, Israel.

Such terrorists have been trained and encouraged by Communist regimes in Peking and Hanoi. After the brutal murder of Israeli athletes at the Munich Olympics, the North Vietnamese Government reacted on September 12 when Israel and West Germany were accused of choosing the "path of hatred and betrayal," by Nhan Dan, the Hanoi party daily. At the United Nations, the delegate from Communist China has vigorously opposed any consideration by that body of the question of terrorism.

Recent legislation has been proposed by Representative EDWARD DERWINSKI and 51 other lawmakers which would deny the use of U.S. airports to countries that decline to take steps in helping to suppress airplane hijackings.

This legislation would put this body on record against this most heinous form of international guerrilla warfare. Commenting upon this legislation the Homewood Flossmoor, Ill., Star noted editorially that—

> By isolating unco-operative countries from international air traffic, it is believed that the recalcitrants would be compelled to fall in line with the rest of the world community. Two of the principal offenders in this respect are Cuba and Algeria. Both repeatedly have refused either to permit extradition of suspected air pirates or to prosecute them in their courts.

The Star declared that—

> The House bill under consideration is designed to change conditions so that skyjackers virtually will have no place to land with impunity. This, coupled with tighter security checks on enplaning passengers, would make skyjacking altogether less productive, and consequently less attractive.

House passage of this legislation would be an important step forward in convincing the world that we will not stand by idly while terrorists are permitted to intimidate innocent and law-abiding citizens.

I wish to share with my colleagues the following editorial which appeared in the Homewood Flossmoor Star of Sunday, September 10, 1972.

SKYJACKING CURB

Responding to public demand for greater air travel safeguards, the U.S. House of Representatives has before it a meaningful anti-skyjacking bill.

Co-sponsored by Congressman Edward Derwinski and 51 other lawmakers, the proposed legislation would deny the use of U.S. airports to countries that decline to take steps in helping to suppress this new evil.

By isolating unco-operative countries from international air traffic, it is believed that the recalcitrants would be compelled to fall in line with the rest of the world community. Two of the principal offenders in this respect are Cuba and Algeria. Both repeatedly have refused either to permit extradition of suspected air pirates or to prosecute them in their courts.

The House bill promises to plug a major loophole in current efforts to curtail skyjacking. Stiffer criminal penalties are meaningless so long as offenders know they can reach a safe haven just a few air-hours away.

Air travelers have a right to expect that they will be protected against airliner takeovers. Inconvenience to them is bad enough, but inherent in skyjackings is the ever-present threat that tensions they generate among passengers and flight personnel will precipitate a crash or some other type of tragedy.

The House bill under consideration is designed to change conditions so that skyjackers virtually will have no place to land with impunity. This, coupled with tighter security checks on enplaning passengers, would make skyjacking altogether less productive.

We would like to see the House anti-skyjacking bill become law.

THE F-111: RUSSIANS WANT TO BAN IT; AUSTRALIANS BUY IT

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. FISHER. Mr. Speaker, on September 21, 1972, the Chicago Tribune carried an important news story concerning the F-111 generally, and with the F-111's that are being bought by the Australians more specifically.

The story points out that the commander of the 474th Tactical Fighter Wing at Nellis AFB, Nev., referred in an interview to the fact that during the SALT talks there was a demand by the Soviet delegation that the F-111's be included in the arms limit discussions. The concern of the Soviets should be the mirror image of our own concern.

It will be recalled that just a few short days ago the House passed an appropriations bill that recommended $30 million for advanced procurement for F-111's in fiscal year 1974. This action, now pending before the other body, makes this excellent and objective news story particularly timely.

Our good friends, the Australians, will get their F-111's, even though, as the story points out:

> The Russians wanted a ban or limit on exports of the F-111 airplanes.

The news story goes on to say that:

> No other United States plane was singled out in this way, suggesting Russian evaluation of the F-111 is very high.

I commend this important news story to everyone involved in and responsible for our defense, and that means every Member of this House.

The article follows:

The F-111: Russians Want To Ban It; Australians Buy It

(By Wayne Thomis)

Nellis Air Base, Nev., Sept. 20.—The F-111 holds two distinctions for those who direct and fly the swing-wing, supersonic all-weather attack plane. Both are attributed to the very advanced performance and capabilities of the weapons systems.

"First is the demand by the Soviet SALT [strategic arms limitation talks] delegation to include the F-111s in arms limit discussions," said Col. W. R. Nelson, commanding the 474th Tactical Fighter wing here which just passed its operational readiness inspections and trials.

"Next is the recent decision by the Royal Australian Air Force to take delivery of the 24 F-111s which had been ordered in 1967, but held in dead storage since they were built in 1970.

"The Australians are very knowledgeable and value-minded in air defense matters, and their acceptance of the whole original order of F-111s, with some updating, is a testimonial to the airplane's quality and performance ranges."

ASKS FOR A BAN

According to reports from SALT meetings at Helsinki, Finland, the Russians wanted a ban or limit on exports of the F-111 airplanes. No other United States plane was singled out in this way, suggesting Russian evaluation of the F-111 is very high. Specifically, it is reported, they wanted a prohibition on its export to Asian and Middle Eastern nations.

The Australian decision to spend some half billion dollars on their F-111s, was predicated upon the Air Force and contractor [General Dynamics Corp.] work on strengthening and lift-testing of F-111 airframe and power plants. Presently the airframe is cleared for 30,000 operational hours, five times the usual military airframe validity. Engine problems also have been solved.

All these planes now are at General Dynamics' Fort Worth plant, going thru the modification line for incorporation of some 300 changes and corrections. These, along with certain upgraded electronics, will bring the F-111C [the Australian designation] up to the American F-111A standards. Australian crews are in final transition training here at Nellis, and the 24 planes will be ferried out to Australia by these men.

BIG AND HEAVY

While the F-111 series, by its "F" designation was supposed to have fighter abilities, the Air Force experience—now approaching 275,000 flight hours—suggests something different. The airplane is big and heavy; 76.5 feet long, weight 30,000 pounds maximum, wing spans 63 feet, when open to 16 degrees sweep, or back to 33 feet, when swept to 69 degrees.

Its speed is 2.6 Mach [1,650 miles an hour] at 35,000 feet. Its dash potential is more than 120 miles, roughly four times the maximum of any other military aircraft.

"Actually, we have come to regard it as a marvelous attack plane," said Col. David Young, whose 57th Fighter Weapons Wing, determines tactics for all Air Force fighter and tactical planes and systems.

"With its terrain following radar and autopilot connections, ability to hug the earth 200 to 500 feet above the ground, fly thru the mountains retaining these same levels, and at the same time provide unbelievable navigation accuracies to hit any target, it performs in a realm that is all its own. Nothing else can match.

FIVE U.S. VERSIONS

"It's so obviously an attack airplane we have tried to change the 'F' designation to an 'A' to make it an A-111."

Presently there are five American versions of the F-111. Largest numbers built are the F-111As, 141 delivered, and now equipping Col. Nelson's 474 wing here at Nellis.

These have the TF-30-P3 engines [about 25,000 thrust pounds each], first production delivery type power plants and lowest of the series. They have an internal 20mm Gatling-type cannon, and mount two Sidewinder heat-seeking missiles. The primary load, however, bombs—nuclear, guided like the Walleye or the laser illuminators and so-called iron-bombs.

SECOND TYPE: FB-111

Second type is the FB-111, basic design for the strategic air command, 76 ordered and delivered in full. Has the improved P-12 engine, lengthened wing-tips [six feet], a Mark-2B avionics system considerably more complex than the As, and capacity for 41,250 pounds of bombs as a war-load. These increase the maximum gross weight to about 100,000 pounds. SAC squadrons are at Pease, AFB, New Hampshire and Plattsburg AFB, New York.

F-111E series tactical attack types are at Mt. Home AFB, Idaho, and these types have still a third version of the TF-30—the P-7 engine, with revision to inlet air sizes, improved penetration-navigation aids, and weapons management systems. Total of 76 built and delivered.

F-111F types are going at present to Upper Heyford, England, to the only overseas tactical wing with this new weapon. The "F" has the growth engine of the TF-30 series, now designated the P-100 and delivering something over 30,000 pounds maximum thrust each. The F series also has considerably simplified avionics, reportedly at a cost of under $2 million an installation. These are slight improvements over the A-model avionics.

D-MODEL ADVANCED

The F-111D series equip the tactical wing at Cannon AFB, Clovis, N.M. The "Ds" have the Air Forces' most extensive electronics (avionics) package, representing a $4 million investment for each of the 96 aircraft accepted. The Ds also have the "Dash-9" engines, just under the thrust ratings of the F model.

"The D-model is so advanced," said Col. Young, "that our crews in the 474th Wing—all checked out and very proficient in the A-model—could not fly it without going back to school on its systems.

"We think that we are remarkably accurate with our birds—but the precision of the Ds, with their much improved navigation, and weapons-release equipment, make us a little jealous."

CORRECT TACTICS USED

As of last September, the F-111s had amassed a total of 72,000 sorties in the course of developing full combat-readiness by the tactical squadrons. These included the abortive Viet Nam Combat Lancer program during eight months in 1968. At that time the airplane and its systems were still in the testing category and the decision to send six planes to Thailand for use against targets in the north, was largely political.

Analysis shows that tactics used—sending the aircraft on single-plane, night, bad-weather, and terrain-following missions, was correct. Three were lost, but an inquiry has satisfied authorities that a spotweld failed permitting a two-piece servo-actuator link to unscrew in flight.

Pilots who flew the missions in that period said: "The enemy never had warning of our approach, never had time to take cover, and never put even one round into the airplanes in retaliation."

Here at Nellis pilots think this is the reason the Russians named the F-111 at the SALT talks.

SEVENTY-FIFTH ANNIVERSARY OF THE AMERICAN SOKOL OF LITTLE FERRY, N.J.

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. HELSTOSKI. Mr. Speaker, on November 4, the American Sokol of Little Ferry will be celebrating its 75th anniversary, and I will be present to participate in the festivities.

Mr. Jerry W. Komarek was called upon to compose an appropriate poem for the occasion, which contains information about the history of this outstanding organization. This poem will be published in a souvenir journal in connection with the occasion.

I should like to call this inspirational poem, which places into proper perspective the accomplishments and dedication of a patriotic organization, to the attention of my colleagues.

Mr. Speaker, the poem follows:

OUR SEVENTY-FIFTH ANNIVERSARY

(By Jerry W. Komarek)

For seventy-five years, we've been a reality,
Exerting a good influence upon our community.

'tis with understandable pride that we celebrate,
The anniversary of Sokol Little Ferry's, founding date.

In the minds of non-members, there may exist some doubt,
As to exactly what American Sokol, is all about.

Thus we'll attempt to give some clarification,
With a history and objectives, of our Organization.

The Czech word "Sokol" means "Falcon"—an appropriate word,
It is a swift flying, powerful, and yet graceful bird.

Dr. Tyrs who founded the first unit in eighteen sixty two,
Emphasized physical fitness, moral, and spiritual strength too.

His motto was "Truth, Freedom, Friendship and Longevity,"
Which he felt was the way, the life was meant to be.

Sokol St. Louis was the first unit, founded in the U.S.A.,
Back in eighteen sixty five, on St. Valentine's Day.

In Little Ferry, our first hall was completed in 1897,
But burned to the ground on St. Patrick's Day in 1911.

Its dedicated members, were certainly far from dismayed,
For on Thanksgiving Day, a new corner stone was laid.

February 22nd in 1912 was the date of dedication,
A parade and open house, were part of the celebration.

We faced times of wars and of depressions too,
While it wasn't easy, we always pulled through.

To be an American first, every member is expected,
As a Patriotic Organization, we've always been respected.

A member's religious beliefs, and political affiliation,
Are his own personal affairs; within our Organization.

This type of reasoning, we feel makes good sense,
Members have held public office, from both sides of the fence.

For years our hall was the hub, of local social activities,
And in the past as now, we have welcomed all of these.

There were gym exhibitions, shows, card parties and dances,
Here also blossomed, many successful Sokol Romances.

Silent movies were shown here, every Sunday Night,
Westerns, comedies and thrillers, provided great delight.

All sound effects were created, by a piano player then,
Adult admissions were fifteen cents, and children paid ten.

During the early 1920's, in June of each year,
Our Public School, held commencement exercises here.

Sokol Basketball Teams, won county-wide fame,
And always played a fast and aggressive game.

Over the years, our gymnasts have gained recognition,
While taking part in intersectional Sokol Competition.

Thousands of youngsters received our indoctrination,
Which helped them to become, better citizens of our nation.

Customs and thinking may change, every once in a while,
But a sound mind in a sound body, never went out of style.

Since we cannot rest upon the laurels, of bygone years,
Complacency must become, one of our greatest fears.

We owe it to dedicated members of each prior generation,
To not only perpetuate but expand, our Organization.

By means of setting good examples, may we prove to be,
A real inspiration for those, of our posterity!

THE HIGHWAY BILL: AVAILABILITY OF URBAN SYSTEM FUNDS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mrs. ABZUG. Mr. Speaker, H.R. 16656, the Federal-Aid Highway Act of 1972, is scheduled for consideration on the House floor at the end of next week. When the bill is read for amendment under the 5-minute rule, I intend to offer an amendment to give urban areas direct control over funds designated for their cities' benefit under the Federal-aid urban system portion of the Highway Act of 1970.

The Federal-aid urban system was established "to best serve the goals and objectives of the community as determined by the responsible local officials of such urbanized area." Under existing law, however, all funds appropriated under the urban system go to the State highway authorities, and it is they, rather than the local officials, who decide what funds go to what areas and projects. My amendment would give local jurisdictions the ability to make their own decisions and set their own priorities in this regard. It would require that urban system funds be made directly available to duly constituted metropolitan transportation agencies. This provision is supported by the Department of Transportation, the National Conference of Mayors, and the League of Cities. I include at the conclusion of my remarks the text of the minority views on this provision, signed by Mr. GROVER, Mr. RANGEL, Mr. JAMES STANTON, and myself and, in compliance with rule XXIII, paragraph 6, the text of the amendment to be offered.

MINORITY VIEW: AVAILABILITY OF URBAN SYSTEM FUNDS

The Federal-aid Urban System was recently established in the 1970 Highway Act "to best serve the goals and objectives of the community as determined by the responsible local officials of such urbanized area." It was funded at $100 million per year.

The Committee bill includes a seven-fold increase in the funding for this important program, raising it to $700 million per year. However, this is not sufficient to make the program fully responsible to urban needs. Currently, all Federal highway funds go to the State Highway Department. Once there, the highway department can pass funds through to urban areas or not, as they see fit. We are proposing an amendment to the bill marking a major departure from this practice as it would, for the first time, give local jurisdictions the ability to set their own priorities. We would hope that this provision could be incorporated in the bill. Specifically, this provision requires that Urban System funds be made directly available to duly constituted metropolitan transportation agencies. These agencies would be formed by units of general purpose local government combining together under State law and would represent at least 75% of the total population of a given urbanized area. They would have the authority to plan and carry out projects on the Federal Aid Urban System. If such an agency does not form, the funds would still be earmarked exclusively for expenditure in specific urbanized areas so that the State could not unilaterally reduce the funds of any given urban center.

This provision reflects our strong belief that the urban system is designed to serve local needs and therefore, should be the responsibility of local officials. Further, it should be kept in mind that this amendment relates solely to this urban system and does not reduce or affect State control over the primary or the secondary systems or their extensions in urban areas. These latter systems are designed to provide a Statewide highway network and would properly remain under State control. Realistically, the State will likely continue to play an important part in the urban system program through the cooperative 3 C planning process required in Section 134 and because of the reliance upon the State by local communities to help match Federal funds, now that they have been increased to $700 million.

Finally, it is important also to understand how this provision relates to the public transportation amendment which would allow Urban System funds to be spent for any urban transportation capital investment. This would open this program to bus purchases, rail transmit construction, etc. It is our belief that if highway revenues are permitted to be used for these broader purposes, it is imperative that this "pass through" provision also be included.

Frankly, the provision of flexibility through broadening the Trust Fund is of little use unless it is accompanied by this "pass through provision, under which local jurisdictions, rather than the State, have the responsibility for deciding how Urban System funds should be used.

H.R. 16656: AMENDMENT TO BE OFFERED BY MRS. ABZUG

Page 111, after line 8, add the following new section:

AVAILABILITY OF URBAN SYSTEM FUNDS

SEC. 146. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section: "§ 147. Availability of urban system funds.

"(a) Funds apportioned to any State under paragraph (6) of subsection (b) of section 104 of this title shall be allocated among the urbanized areas within any such State in the ratio that the population within any such urbanized area bears to the population of all urbanized areas within such State."

"(b) Funds allocated in accordance with subsection (a) of this section shall be available for expenditure within any such urbanized area for projects on the urban system, including those authorized by section 142 of this title, which shall be planned in accordance with the planning process required by section 134 of this title."

"(c) Funds allocated to any urbanized area under subsection (a) of this section shall be available for expenditure in another urbanized area within such State only where the responsible public officials in both such urbanized areas agree to such availability.

"(d) (1) Where the units of general purpose local government in any urbanized area shall combine together under State law to create a metropolitan transportation agency, or where the State shall create a metropolitan transportation agency, with sufficient authority to develop and implement a plan for expenditure of funds allocated to such urbanized area pursuant to this section, funds allocated under subsection (a) of this section shall be available to such metropolitan transportation agency for projects on the urban system, including those authorized by section 142 of this title, which shall be planned in accordance with the planning process required by section 134 of this title.

"(2) A metropolitan transportation agency shall be considered to exist when (A) an agency for the purposes of transportation planning has been created by the State or by the unit or units of general purpose local governments within any urbanized area which represent at least 75 per centum of the total population of such area and includes the largest city, and (B) such agency has adequate powers and is suitably equipped and organized to carry out projects on the urban system: *Provided*, That such projects may be implemented by the metropolitan transportation agency through delegation of authority for implementation to the participating local governments."

(b) The table of contents of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof: "147. Availability of urban system funds."

NATIONAL SPACE CLUB

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. MILLER of California. Mr. Speaker, on September 28, I had the high privilege of being a guest of the National Space Club when it was addressed by Dr. George M. Low, Deputy Administrator of the National Aeronautics and Space Administration. Dr. Low gave an analysis of where the space program stands today, the work they plan to do in the immediate future, and the necessity for carrying on this work to accomplish the ends for which we went into space—"For the good of all mankind."

I am very happy to include in these remarks the splendid address made by Dr. Low.

ADDRESS BY DR. GEORGE M. LOW

I am going to start my talk today with two apparently contradictory statements:

1. There is a tremendous challenge, and there are tremendous opportunities in the U.S. space program for the 1970's and beyond.
2. Many in the space program—in government and in industry—have a most pessimistic view of the future.

My first purpose today is to discuss this apparent contradiction—to justify my optimism about the future, and to say a few harsh words to the pessimists. My second purpose is to urge all of you to join me in my fight on the high cost of doing business in space.

Let's first talk about pessimism, and what the pessimists say. It goes something like this: "Everybody has a knife out for NASA and the space program. Budgets have been slashed so heavily that few important new starts can be made. Congressional critics have a field day every time a NASA budget or project comes up for discussion. The White House is lukewarm toward space. The communications media are disparaging and slanted. The public—especially our youth—is bored and hostile. We've lost our momentum. Our people don't see the challenging work ahead."

All this adds up to a pretty dark picture. But is it true? Of course not! It is a syndrome, without any basis in fact. It is the kind of stuff that hand-wringers and professional pessimists, the perpetual harbingers of doom and gloom, thrive on. But we *will* be in trouble if we start believing them, because pessimists cannot rise to a challenge, cannot create and innovate—in short because they don't have the stuff it takes to keep our nation great.

Let's look at the facts—and let's start with the White House. On January 5th of this year, the President decided to go ahead with the Space Shuttle. And with this decision, he committed his administration and the Nation to a continuing viable space program—one that meets the needs of the United States' future.

More recently, in May the President took another great initiative in space, an agreement with the Soviet Union to join together, in space, in an experiment in the rendezvous and docking of manned spaceships of our two nations.

And as recently as three weeks ago, Cap Weinberger reaffirmed strong White House leadership at the roll-out of Skylab when, speaking of the resources applied to the space effort, he said: ". . . we must not waste these resources by doing too little—for that is not only a waste of the available talent in which so much has been invested; it is a gamble with our national security and a shrinking from the responsibility of advancing the cause of all mankind through the exploration of the earth, the space that surrounds it, and ourselves."

So much for the White House. I think the facts speak for themselves.

But what about the Congress? Of course there has been debate about the space program, and there should be! But on the only critical vote this past year, the Senate overwhelmingly supported the Space Shuttle with a vote of 61 to 21. And for the first time in NASA's history the Congress appropriated every last penny that we asked for. What better proof do we need about Congressional support?

What about the news media and the public—especially the Nation's youth? Of course I can find critical news stories, and more often than not we have deserved them! But in the larger sense, editorial comments have in the main been highly favorable to the President's space program. They have supported the space program as a whole, as well as the Space Shuttle, and cooperation with the Soviet Union. Take, for example, this editorial from the *New York Times:* "The rendezvous and docking experiment in 1975 is obviously a first step. Ahead lie the creation of a joint Soviet-American Earth orbital laboratory, a joint permanent manned station on the Moon, and eventually a Soviet-American manned expedition to Mars. And with each step of shared activity in space, cooperation on Earth can be expected to become easier and more habitual."

I quoted from the *Times* because in the past it has often taken a sharply critical tone of our manned space flight activities. But I could have cited dozens of other examples: Editorial comment across the Nation ran 9 to 1 in favor of the Shuttle; 18 to 1 in support of Apollo 16; and we have yet to encounter serious editorial criticism of the Apollo-Soyuz Test Project.

Next, let's take a look at public support. I'll be the first to admit that the public is not as well informed about space as it should be, and that some segments of the public are even apathetic toward space. This again means that we have work to do, but it does not mean that we don't have public support. One indicator of support is the volume and content of mail from the general public received by NASA. During this year we have averaged more than 2200 letters per day. Remember that generally in this type of correspondence, the voices of dissent are registered first and loudest: more often than not people who agree with what you are doing don't bother to write. NASA's mail is the exception to that rule—less than 1% of mail received from the public is *against* the space program; most of our mail is either in outright support of what we are doing, or seeks additional information about space.

An even more interesting statistic comes from a National Opinion Survey conducted in the summer of 1971 among 50,000 high school achievers by the Merit Publishing Company. When asked to "list three things your Nation has done in the past 5 years that you are particularly proud of," the first answer was: Landing on the Moon!

So where are the pessimists? I believe they are in our own ranks, and their pessimism is not well founded.

Let's take a quick look at just a few examples of the challenges and opportunities of the future.

There is, of course, the *Space Shuttle*. It is now solidly under way. As President Nixon said: "It will revolutionize transportation into space, by routinizing it." It will open up space to enterprises which are now beyond our wildest imagination. And it's future existence is now a fact. It is as significant a "new start" for the 1970's as Apollo was for the 1960's.

Then there are *space applications*. We recently entered a new age in this area when we launched ERTS. Can any of you in this audience yet predict what environmental and resources surveys from space will mean to our future on earth? I can't. But I can be sure of one thing: Whatever prediction I would make today would be exceeded many times over.

Perhaps most exciting are the discoveries to be made in *space science*. A recent report of the National Academy of Sciences (The "Greenstein Report") concluded that: "Our civilization is within reach of one of the greatest steps in its evolution: knowledge of the existence, nature, and activities of independent civilizations in space." What could be more exciting than that?

Finally, there is a very special challenge—a fully worthy one—for all of us in this business: to advance the *productivity* of all of our efforts in space, so that we can achieve greater results for each dollar spent. We now have enough experience to do just that!

This is why I am convinced that pessimism is a syndrome—a syndrome, by the way, which has no place in a challenging space program.

One reason for this syndrome is that so many people in Washington, especially those who have been here for some time—perhaps too long—tend to equate "program" with "budget," or to equate "accomplishment" with "dollars available."

A program is not a budget, and a budget is not a program. Budgets will have their ups and downs, and must meet many demands in addition to ours. Budgetary decisions are always difficult to make, and sometimes must be made in a way which in the short term hurts specific programs.

I much prefer to think in terms of the space *program*, our accomplishments and our challenges. The challenges are there, and whether or not we can meet them is relatively independent of whether NASA's budget is $3.4 billion, or $3.6 billion—both figures represent a great deal of money! But whether or not we meet these challenges does depend strongly on the results we continue to achieve; it depends on our ability to create and to innovate, on our skill and our dedication. There is no place for pessimists in this business!

Let me now spend a few moments on my favorite subject: what to do about the high cost of doing business in space. Our future depends on how well we do in this area. Recently I participated in an NSIA symposium on "Cost—A Principal System Design Parameter." In my talk there I said: "If we don't do something about the high cost of doing business in space, and do it soon, our Nation's space program is in deep trouble." Now that is a *real* problem, not an *imagined* one as I have been talking about up to now.

I pointed out that in the space program of the 1970's launch costs are no longer overridingly important, and that the cost of payloads is of first importance. (Spacecraft costs are often 10 times the launch vehicles costs.) I also stated that we can do something about the cost of payloads, while at the same time increasing their reliability, because we no longer have the severe weight and volume constraints we faced in the early days of the space program.

I have spent considerable time in recent weeks learning what others have done to improve costs. I have visited aerospace companies that have placed major emphasis on low-cost design, but I have concentrated on non-aerospace firms. For example, I visited the company which makes television sets for Sears and learned how they have increased their productivity to beat their Japanese competition. I also learned how a major automobile company set out to develop and produce an American-built small car to undersell the Volkswagen and was able to do so. And I saw how a major appliance firm goes about reducing the cost of almost any of its production items by 25 to 30 percent. Later on in this talk, I will sum up what I have concluded from all of these visits.

First, I'd like to tell you about another activity which NASA has—a Convair 990 airplane used in airborne science and applications. I recently flew on a remote sensing mission in that airplane, an ocean color expedition carried out over the Atlantic. On board were 12 investigators, using highly sophisticated, complex, modern instruments, and working as a highly integrated skilled team in carrying out a well organized mission. Together, they were responsible for 14 individual experiments. The conduct of the mission itself was most impressive, but the relative ease and simplicity in preparing for the mission was even more so. Let me first remind you that to do a mission like this in space would require three years lead time, large teams of people all over the country, countless reviews and meetings, endless stacks of paperwork, the most rigorous of tests, and enormous sums of money. By contrast, this airborne mission was conceived in February, just five months before the flight. We designated a project manager and a chief scientist. The chief scientist gathered a team of experts from government laboratories, from industry, and from universities. (All were funded by NASA.) Each individual investigator received a standard rack (approximately 4 ft. x 4 ft. x 2 ft.) which later would be fitted into the aircraft. With the rack he received a simple set of instructions concerning power input and output, data input and output, and weight limits. If he could fit his experiments within the volume of the rack, without exceeding the specified weights at the points of attachment, he would not have to perform a stress analysis, nor provide any other form of documentation. In March, April and May, the investigators, in their own laboratories, assembled their instruments, mounted them in their racks, and checked them out.

They arrived at our Ames Laboratory, with their completed instrument racks, two weeks before the initial flight, in mid-June. The equipment was installed in the airplane, inspected by aircraft inspectors for good workmanship and proper attachment at hard points, and then turned on to make sure there was no electrical or electronic interference. These activities took ten days. An additional day was spent on a local checkout flight. Then the aircraft took off, with all of the investigators and the ground crew, on a data mission across the U.S. The next day we flew the mission in which I participated. On the following day, the aircraft headed across the Atlantic to the west coast of Africa, to rendezvous with a number of Soviet surface vessels, in a pre-planned joint experiment on ocean color. I make this last point to demonstrate that this was not just a NASA research flight, it was a flight with pre-planned international commitments.

This kind of experience, as much as anything else, can teach us the way to drastically cut the costs of doing business in space.

Let me give you just one cost comparison—the cost of developing a spectrometer for the CV-990, and the cost of a similar instrument, developed by the same investigator, for Apollo 17. For the CV-990, this instrument cost $100,000; for Apollo 17—$3,500,000. The paper work alone (at the investigator's laboratory) for the Apollo instrument was $500,000, or five times the total cost of the CV-990 instrument. As the former Apollo Spacecraft Program Manager, I'll be the last to tell you that Apollo should have done things differently. Apollo represents very unique opportunities, and all things must work. I am merely trying to show that there are enormous cost savings to be gleaned for other space missions, not as tightly constrained as Apollo.

In my NSIA speech, I gave and explained 11 specific observations which I believe will help lead to reliable low-cost systems. In the interest of time, I will merely list these today.

For the design phase of a program, they are:

1. Don't re-invent the wheel.
2. Standardize.
3. Design for low cost.
4. Design to minimize testing and paper work.
5. Recognize that different systems can accept differing degrees of risk.
6. Know your costs.
7. Trade features for cost.
8. Pay particular attention to the few very high cost items.

and for the implementation phase:

1. Know your costs before you start.
2. Set firm cost targets.
3. Meet the established cost targets.

In short, we must find ways to *design* for lower costs, we must *know* our costs, and we must *meet* these costs. This is a challenge for all of us to take on.

Let me return now to my opening contradiction: There is a challenging future for the U.S. in space, but at the same time we see a great deal of pessimism around us.

What can we do about it? I am going to be very blunt. I am going to tell the pessimists in our midst to quit weeping and to get to work. If they can do that, fine. If not, they might as well get out. We don't need them. In fact, we'd be better off without them, because I doubt whether they can produce useful results of the kind this Nation needs to produce in space.

As for the rest of us, let's get to work. There is lots to be done!

TELEVISION STATIONS DESERVE FAIR RELICENSING

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. COLLINS of Texas. Mr. Speaker, one of the most important issues in Washington is to find a better way to renew the licenses of our radio and television stations. These stations are subject to political harassment at the time of their license renewal. Because broadcasting operates as a profitable business, many financially hungry groups intercede in the renewal applications. One classic case involved WCVB-TV in Boston. For 15 years, this had been pushed around in the courts and in appeals. Refusal to renew the license was never formally established on sound reasoning. The Herald Traveler, a Boston newspaper, was the owner and this seemed to have confused the issue. Now the television station has been transferred to new owners—Boston Herald Traveler was losing money and has now been closed and shut down as a newspaper.

The question comes up about what improvement has this brought to Boston. I was interested in reading in the current issue of Life magazine's September 29 issue the Life Television Review, signed by Cyclops. This editorial forcefully points out that nothing has been accomplished. You will be interested in reading this pertinent and factual editorial in Life.

MAKING BAD IN BOSTON

Ask your average Bostonian—a candlepin bowler, a radical feminist, a systems engineer at MIT—what he or she thinks of WCVB-TV and you are likely to get a look of blank uneasiness. Nobody knows what you're talking about. And yet some six months ago WCVB-TV, run by a group of local intellectuals and businessmen calling itself Boston Broadcasters Inc., seized control of Channel 5 from the Boston *Herald-Traveler* and proclaimed the dawn of a new TV day full of promises of public service.

The case of Channel 5 dragged through FCC hearings and appeals courts for 15 years. As WHDH-TV, the station made a lot of money for the Herald-Traveler Corporation—an estimated $7 million before taxes in 1970—and lots of people wanted that money. When the FCC finally decided in January 1969 to take Channel 5's license away from the *Herald-Traveler* and give it to BBI, it did so on the announced basis of "media diversity." Because the *Herald-Traveler*, one of Boston's four daily newspapers, was deemed a "primary source" of information in the community, it should not be permitted to own another "primary source," one of Boston's six TV channels. (There seems also to have been some suspicious socializing between an FCC commissioner and a *Herald-Traveler* executive when the license was first awarded to the newspaper. But no one wants to talk about it now.)

Broadcasters were greatly upset. Here was the FCC taking away a TV license even though nobody had demonstrated that the licensee's programming was bad, or worse than usual, anyway. What will happen to our capital investment? On the other hand, a number of concerned citizens were encouraged to think that a group of broadcasters which included people like Oscar Handlin, Gerald Holton and Dr. John Knowles would work some miraculous transformations on the daily gruel. Indeed, the group had promised to do so.

It may be unfair to judge WCVB-TV on the basis of just six months, before the fall season's programming is apparent. But the average Bostonian would certainly be justified in forgetting there was supposed to be a significant difference. The principal differences are these: (1) Whereas WHDH-TV was affiliated with the CBS network, WCVB-TV is affiliated with the ABC network; (2) Red Sox games used to be on WHDH-TV, and now they are on WBZ-TV, Channel 4 (although whether Red Sox games constitute a public service is in theological dispute); and (3) the Boston *Herald-Traveler*, which depended on its TV revenues to publish the newspaper, no longer exists. Its assets have been sold to a unit of the Hearst chain, the *Record-American*.

Children's programming on a Saturday morning? *Jonny Quest, Leave It to Beaver, Pixanne, Road Runner, Funky Phantom, Jackson Five, Bewitched, Lidsville* and *Curiosity Shop*. Daytime programming during the week? *Password, Bewitched, Split Second, All My Children, Let's Make a Deal, Newlywed Game, Dating Game, General Hospital, One Life to Live, Big Valley, Perry Mason* and a reasonably good interview program called *From A to Zenker*. At night, the usual ABCs; for local news, mostly the same people as before; for the future, promises of prime-time half hours dealing with minority groups, irregularly scheduled "special" looks at "selected issues," and editorials.

The *Herald-Traveler* was not an especially good newspaper, but it seems a shame to have exchanged it for a not very good (as yet) TV station, especially since Bostonians already had such a station under different ownership anyway. If BBI and WCVB really want to improve their programming, they should pick up some hints from WGBH, one of the most exciting public-TV stations in the U.S. Right now, alas, it's mostly business as usual on Channel 5. I'll bet those Harvard professors don't spend much time looking at it.

TERROR IN THE WHITE SOUTH AFRICAN SUBURBS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. FRASER. Mr. Speaker, following these remarks is an editorial from the September 11 edition of the Cape Times of South Africa. I am also including a list of 21 violent attacks made within a 1-month period against South African academics and clergymen. There have been no arrests.

Most, if not all, of the victims of these attacks are outspoken opponents of the Government of South Africa and its policies. The crimes are unsolved and are obviously aimed at terrorizing opponents of the existing system. An Afrikaner sociologist recently drew the obvious parallel between these events and the early days of Nazi Germany. The parallel is frightening and, in the words of the Cape Times, "not all that farfetched."

Our Government continues to denounce apartheid while taking no effective steps to foster constructive change in South Africa. These latest events once again indicate the futility of temporizing with racism.

The articles are as follows:

[From the Cape Times, Sept. 11, 1972]

TERROR IN THE SUBURBS

It seems probable that the fire at St. Thomas's Church hall, Rondebosch, at the week-end was an act of terrorist incendiarism. It would be a relief to learn that this is not so. But all the indications are that it was the work of political thugs who have been responsible for a whole series of similar incidents. Prominent people have been subjected to intimidation and physical attack on themselves and their property—by petrol bomb, telephone threat, gunfire, tire-slashing, windscreen-smashing and the like. Yet the authorities seem powerless to bring the culprits to book or to protect the persons or property of law-abiding citizens.

The victims and churchmen, students, university lecturers and others who are known as outspoken opponents of the Nationalist Government and its policies. They are being subjected to a reign of terror. In these circumstances, it is not surprising that some people are beginning to question both the efficiency of the forces of law and order and the good faith of their political masters.

For all these reasons, it is essential that the Prime Minister himself should lose no time in condemning such acts of terrorism in unequivocal terms. As we argued in these columns recently in discussing the Munich outrage, there is no room for the kind of moral selectivity that condones one brand of terrorist activity while inveighing against another. Mr. Vorster made much the same point himself in his comments on the massacre at Munich.

It is now a matter of great urgency. The Peninsula's suburban terrorists are becoming bolder. Each successive act of thuggery is more dangerous and menacing to the public peace than the last. It is intolerable that these fanatics should be running loose in Cape Town, causing thousands of rands worth of damage to property and endangering the lives of innocent people. The onus to do something about it rests on individual citizens as much as it does on the authorities.

In their efforts to arrest the offenders, the police must be assured of the maximum cooperation of citizens. Their appeals for citizens to come forward with information of suspicious persons and events should evoke a ready response. Understandably, such informants might fear reprisals. But they have a public duty. Unless terrorism can be stamped out, law and order will have broken down in the Peninsula and nobody will be safe from the effects of terrorist vandalism and incendiarism. Sooner or later, someone will be killed.

It is this kind of thing that lends credibility to pessimistic judgments of the South African situation such as that expressed a few days ago by Prof. Jan Loubser. This Afrikaner sociologist said that comparisons between present-day South Africa and the early days of nazi Germany were not all that farfetched. Explaining his decision to leave this country for good, Professor Loubser spoke of the rapid deterioration of a situation which only a year ago looked ripe for constructive change.

It is essential, thus, that the Prime Minister should speak out. Mr. Vorster must warn those responsible that terrorism is punishable by heavy penalties. If he fails to do this—quickly—South Africans and people abroad will have little choice but to conclude that Professor Loubser is right. As things stand now, no South African can feel free to express anti-Nationalist views in strong terms without risking a petrol bomb in the night.

[From the Cape Times, Sept. 11, 1972]

TWENTY-ONE INCIDENTS: NO ARRESTS

No arrests have yet been made by the Cape Town police after investigations into recent violent and intimidatory attacks on certain academics and members of the clergy. Following is a list of unsolved incidents since last year.

August 4, 1971: The parked car of Dr. Michael Whisson, senior lecturer in social anthropology at UCT, was damaged and the rear window smashed by a brick outside his Mowbray home. No arrests.

August 4, 1971: The windscreen of the car belonging to Dr. Francis Wilson, senior lecturer in economics at UCT, was smashed outside his Constantia home. No arrests.

August 10, 1971: The front tyres of cars belonging to Dr. Whisson and his wife were punctured. The cars were parked outside their home in Mowbray. No arrests.

August 26, 1971: A rock tied in a handkerchief was thrown through the windscreen of a parked car belonging to Mr. Barry Streek, vice-president of Nusas, in Claremont. No arrests.

August 27, 1971: Communist slogans were painted on the Christian Institute buildings in Mowbray. No arrests.

August 28-29, 1971: Anonymous telephone calls were received late at night by several members of the Christian Institute. No arrests.

October 15, 1971: The tyres of the car belonging to the Rev. Theo Kotze, regional director of the Christian Institute, were slashed and deflated for the third time in six weeks. On this occasion his car and that of a friend were both damaged outside Mr. Kotze's home in Simonstown. No arrests.

June 6, 1972: An attempt was made to set fire to the Ecumenical Centre, Mowbray, where the Christian Institute has its offices. No arrests.

June 7, 1972: An anonymous death threat

was received over the telephone by Mr. Kotze. No arrests.

June 8, 1972: A petrol bomb was thrown into the grounds of Mr. Kotze's home in Claremont. No arrests.

July 10, 1972: A second petrol bomb was thrown at Mr. Kotze's house in Claremont. No arrests.

June 22, 1972: A petrol bomb was thrown at the former home of Mr. Geoff Budlender, president of the Students' Representative Council at UCT, in Queen Victoria Street, Claremont. No arrests.

July 16, 1972: Libellous pamphlets were issued falsely under the name of the World Council of Churches "with the help of the Rev. Theo Kotze and SPROCAS" (Study Project of Christianity in an Apartheid Society). No arrests.

August 19, 1972: Similar libellous pamphlets were issued falsely under the name of the Anglican Archbishop of Cape Town. No arrests.

August 30, 1972: Libellous pamphlets were issued again falsely under the name of the Most Rev. R. Selby Taylor and the Anglican Church. No arrests.

August 21, 1972: A petrol bomb was thrown at an outside wall of the Rondebosch Town Hall and sneezing powder was strewn inside while a public civil rights meeting was being held. The meeting was organized by the UCT SRC. No arrests.

August 21, 1972: The Mowbray home of Mr. Budlender and four other UCT students were destroyed by a petrol bomb. No arrests.

August 23, 1972: Shots were fired at the Claremont home of Mr. Kotze and a bullet shattered a bedroom window. No arrests.

August 26, 1972: Communist slogans and swastikas were sprayed in red paint on the walls of the Methodist Church, Buitenkant Street. Other slogans were painted on the Caledon Square Police Station and the Cape Town Magistrate's Court. No arrests.

August 27, 1972: An attempt to set fire to the Ecumenical Centre, Mowbray, where the Christian Institute is based, was discovered No arrests.

September 9, 1972: A fire damaged the interior of St. Thomas's Church Parish Hall in Rondebosch. Police are investigating.

RESTRICTING TRAVEL TO NORTH VIETNAM

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. ASHBROOK. Mr. Speaker, although the radio broadcasts of Jane Fonda from North Vietnam are making headlines at the present time, it is generally not known that a total of 82 broadcasts by U.S. citizens, most of which were beamed at our servicemen in South Vietnam, have been aired over Radio Hanoi since 1965.

Thus, while Americans were dying in South Vietnam, other Americans, such as Stokeley Carmichael, Tom Hayden, Rennie Davis, and Eldridge Cleaver were aiding the enemy in the North.

Although some of the 82 broadcasts were taped outside of North Vietnam, many of them were made by U.S. nationals who traveled to Hanoi and were identified with radical and extremist groups and causes.

The use of American citizens to propagandize other American citizens in South Vietnam is but one of the benefits enjoyed by North Vietnam in allowing entry of U.S. nationals into North Vietnam. So successful has this travel program become that one former high ranking U.S. official, Ramsay Clark, has now lent his name and presence to the Communist propaganda effort.

For this and other reasons a majority of the members of the House Internal Security Committee proposed travel legislation in which the President may restrict travel by citizens and nationals of the United States to, in, or through any country or area whose military forces are engaged in armed conflict with the military forces of the United States.

The bill also provides that the President may authorize travel to a restricted country or area when he deems such travel to be in the national interest. Unauthorized travel to a restricted area would constitute a felony and could result in a 10-year prison sentence, a fine of $10,000 or both.

This proposal, H.R. 16742, which was later cosponsored by 30 additional Members of the House, has been reported out of the House Internal Security Committee and is now awaiting consideration by the full House. Although little time remains before Congress adjourns, it is hoped that expeditious handling will be given this measure by both the House and Senate.

U.S.S. "LIBERTY" RETRIBUTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1972

Mr. RARICK. Mr. Speaker, I continue to receive numerous inquiries as to the disposition of death, personal injury, and property damage claims as a result of the Israeli attack on the U.S.S. *Liberty*.

I ask that the official statements by the Department of the Navy, covering the financial settlements, follow in the form of two letters.

DEPARTMENT OF THE NAVY,
Washington, D.C., September 20, 1972.

Hon. JOHN R. RARICK,
House of Representatives,
Washington, D.C.

DEAR MR. RARICK: This letter is in response to the telephone inquiry of your Legislative Assistant, Mr. Nick Ashmore to my office, concerning the Israeli attack on USS LIBERTY (AGTR-5) on June 8, 1967. The Office of the Navy Judge Advocate General has provided me with the following information concerning this matter.

No facts are known which would allow my conclusion in this case other than that the attack was made by the Israeli forces on the erroneous assumption that USS LIBERTY was an enemy ship. In this connection, and notwithstanding an immediate repudiation by the Government of Israel, the Government of Israel subsequently agreed to compensate the Government of the United States for all losses and damages sustained by United States personnel as a result of the incident. Towards such end, the Government of the United States presented the Government of Israel with 34 death claims in the total amount of $3,323,500 and with 133 claims on behalf of the wounded in the total amount of $797,975. The Government of Israel paid the exact amount demanded in each and every claim. In the same manner, the Government of the United States demanded $92,437 as reimbursement for medical care expended to the crew, and demanded $21,745 as reimbursement for personal property of crewmembers destroyed in the attack and paid for by the United States pursuant to the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 240-243). These claims were also paid in the exact amounts demanded.

Attached is a summary of the proceedings of the U.S. Navy Court of Inquiry convened June 10, 1967, to inquire into the circumstances surrounding the armed attack on USS LIBERTY. The summary was prepared on June 28, 1967.

Attached also is the unclassified transcript of the testimony before the Court by the Commanding Officer of USS LIBERTY, Commander William L. McGonagle, U.S. Navy.

It is hoped that this information will be of assistance to you. Should I be of any further assistance to you in this matter, do not hesitate to contact me.

Sincerely yours,

E. K. SNYDER,
Rear Admiral, U.S. Navy,
Chief of Legislative Affairs.

DEPARTMENT OF THE NAVY,
Washington, D.C., September 27, 1972.

Hon. JOHN R. RARICK,
House of Representatives,
Washington, D.C.

DEAR MR. RARICK: This is in response to your letter of 21 September 1972 in which you requested additional information concerning the settlement of claims resulting from the Israeli attack on USS LIBERTY (AGTR-5) on June 8, 1967. I have been advised by the Department of State that on May 31, 1968 the Government of Israel presented the Government of the United States a dollar check in the amount of $3,323,500 covering the 34 death claims. This check was deposited in the U.S. Treasury and individual claimants were then paid by U.S. Treasury check. The Department of State further advises that there were 164 claims on behalf of the wounded amounting to $3,452, 275 rather than 133 claims for $797,975 as mentioned in my previous letter. This discrepancy is evidently attributable to a research error. I have been assured by State and Navy JAG that the larger figure is the correct one. On April 28, 1969 the Government of Israel sent the Government of the United States a second dollar check in the amount of $3,566,457 which covered the $3,452,275 claim on behalf of the wounded, the $92,437 reimbursement for medical care and the $21,745 reimbursement for personal property. Again the check was deposited in the U.S. Treasury and individual claimants were paid by U.S. Treasury check.

I trust the above information will be of assistance to you. Should I be of further assistance in this matter, do not hesitate to contact me.

Sincerely,

E. K. SNYDER,
Rear Admiral, U.S. Navy,
Chief of Legislative Affairs.

SENATE—*Saturday, September 30, 1972*

The Senate met at 9:45 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, who art from everlasting to everlasting, with whom there is neither beginning or end, grant Thy servants here increased strength and enlarged resources for days heavy with pressing duties. Teach us once more the promise of Thy Word, "They that wait upon the Lord shall renew their strength." When times are tense and nerves are taut, when the body is weary and the going is hard, help us to know that the eternal God is our refuge and strength and underneath are the everlasting arms. Leaning upon the everlasting arms and trusting in Thy promises, may the words of our mouths, the meditations of our hearts, and the motives determining our deeds be acceptable in Thy sight, O Lord, our strength and our Redeemer. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 30, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, September 29, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will read the first nomination.

TENNESSEE VALLEY AUTHORITY

The assistant legislative clerk read the nomination of William Lewis Jenkins, of Tennessee, to be a member of the Board of Directors of the Tennessee Valley Authority.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

PACIFIC NORTHWEST REGIONAL COMMISSION

The assistant legislative clerk read the nomination of Jack O. Padrick, of Virginia, to be Federal Cochairman of the Pacific Northwest Regional Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. JAVITS. Mr. President, I ask that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. Does the acting Republican leader desire recognition at this time under the standing order?

Mr. JAVITS. I do not, Mr. President.

CLOTURE MOTION

Mr. JAVITS. Mr. President, I wish to announce that I shall file a cloture motion when we take up the consumer agency bill.

The ACTING PRESIDENT pro tempore. That will be laid before the Senate at the conclusion of the transaction of routine morning business.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the 1 hour of debate, under rule XXII, begin running at 1 o'clock p.m. on Tuesday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I ask unanimous consent that the 1 hour of time under rule XXII be equally divided on Tuesday between and controlled by the distinguished Senator from Connecticut (Mr. RIBICOFF) and the distinguished Senator from North Carolina (Mr. ERVIN).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I ask unanimous consent that all amendments at the desk at the time of the vote on the motion to invoke cloture on Tuesday be considered as having met the reading requirements of rule XXII.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM MONDAY UNTIL 9 A.M. ON TUESDAY, OCTOBER 3

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday it stand in adjournment until 9 a.m. on Tuesday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, on behalf of the Senator from Kentucky (Mr. COOK), that Patty Hottell of his staff have the privilege of the floor during the debate on H.R. 1.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, there will be a period of not to exceed 15 minutes for the transaction of routine morning business, with speeches by Senators therein limited to 3 minutes.

Is there morning business to be transacted at this time?

IMF–IBRD ANNUAL MEETING

Mr. JAVITS. Mr. President, little public mention has been given in Congress to the very important conference that has been going forward in Washington this week; namely, the 1972 annual meetings of the International Monetary Fund—IMF—and the International Bank for Reconstruction and Development—IBRD.

At these meetings, President Nixon and Secretary of the Treasury Shultz put forward very constructive proposals for the long-term reform of the international monetary system and for the reordering of the international economic system of the free world.

With the United States having resumed this leadership position after a hiatus of almost a year, it can be anticipated that the negotiations leading to the reform of the international monetary system will now proceed with a sense of urgency.

I would like to note that Congress also contributed toward making these meetings the success they were. Congress did this by its positive action on the third replenishment of the International Development Association which is the soft loan window of the World Bank and by the Senate's action of last night in voting the full requested amount for the U.S. share of the continued funding of the Asian Development Bank and the Inter-American Development Bank. It is my hope that the House-Senate conferees will maintain this full-funding amount which is so important to the continued successful operations of these increasingly important multilateral lending institutions.

I would also like to draw the attention of my colleagues to another matter which will require legislative attention in the years ahead. As the dollar moves toward becoming a currency like all other currencies and as the international monetary system evolves so that the dollar has the same right to change its par value as other currencies now do—legislation will be required to change the Bretton Woods Act which now sets a rigid par value for the dollar in terms of gold which cannot be adjusted without prior congressional authorization. In my opinion, this legislation is now obsolete and Congress must begin considering the granting to the President of the United States certain flexibility in terms of changing the par value of the dollar.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. HARRY F. BYRD, JR. Mr. President, I came to the Chamber this morning for the purpose of inserting in the RECORD a significant address delivered this week by the distinguished Secretary of the Treasury, the Honorable George P. Shultz. I am not certain whether the Senator from New York, in his remarks, inserted the address in the RECORD.

Mr. JAVITS. I am about to do it. I will do it, unless the Senator desires to do so.

Mr. HARRY F. BYRD, JR. I entered the Chamber toward the end of the remarks of the able Senator from New York, and for that reason I was not sure whether he had inserted the address in the RECORD.

Mr. JAVITS. I will insert it.

Mr. HARRY F. BYRD, JR. If he had not, I had planned to do so.

I think the speech by Secretary Shultz was splendid. I feel that Secretary Shultz is a very able man. I am delighted to see him as Secretary of the Treasury. Since the distinguished Senator from New York plans to insert the address in the RECORD, I shall not do so.

Mr. JAVITS. Mr. President, I ask unanimous consent that the speeches of President Nixon and Secretary Shultz before the 1972 annual meeting of the IBRD–IMF be printed in the RECORD.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

ADDRESS BY THE PRESIDENT OF THE UNITED STATES, RICHARD M. NIXON, AT THE OPENING SESSION OF THE 1972 ANNUAL MEETINGS OF THE BOARDS OF GOVERNORS OF THE FUND, BANK, IFC, AND IDA

It is customary in addressing such a significant international gathering to say that we are participating in a great moment in history. Great moments in history are easy to perceive—headlines blaze, and the world is riveted to television screens as world leaders meet.

But great movements in history are much harder to perceive while we are living through them. The action is slower, less dramatic, infinitely more complex, as changing circumstances and the new needs of people alter the behavior of nations.

I am convinced, on the basis of the evidence of the past year, that we are not only participating in a great moment in history but that we are witnessing and helping to create a profound movement in history.

That movement is away from the resolution of potential conflict by war, and toward its resolution through peaceful means.

The experienced people gathered in this room are not so naïve as to expect the smoothing-out of all differences. We anticipate that the potential for conflict will exist as long as men and nations have different interests, different approaches to life, different ideals.

Therefore, we must come to grips with the paradoxes of peace:

As the danger of armed conflict between major powers is reduced, the potential for economic conflict is increased.

As the possibility of peace grows stronger, some of the original ties that first bound our postwar alliances grow weaker.

As nations around the world gain new economic strength, the points of commercial contact multiply along with the possibilities of disagreement.

There is another irony we should all recognize. With one exception, the nations gathered here whose domestic economies are growing so strongly today can trace much of their postwar growth to the expansion of international trade.

The one exception, of course, is the United States—the industrial nation with by far the smallest percentage of its gross national product in world trade.

Why, then, is the United States—seemingly with the least at stake—in the forefront of those working for prompt and thoroughgoing reform of the international monetary system, with all that will mean for the expansion of trade now and in the future?

One reason, of course, is our national self-interest. We want our workingmen and women and businessmen and women to have a fair chance to compete for their share of the expanding trade between nations. A generation ago, we deliberately set out to help our former enemies as well as our weakened allies so that they could gain the economic strength which would enable them to compete with us in world markets. Now we expect our trading partners to help bring about equal competition.

There is another reason, more far-reaching and fundamental, that motivates the United States in pressing for economic and monetary reform.

Working together, we must set in place an economic structure that will help and not hinder the world's historic movement toward peace.

We must make certain that international commerce becomes a source of stability and harmony rather than a cause of friction and animosity.

Potential conflict must be channeled into cooperative competition.

That is why the structure of the international monetary system and the future system of world trade are so central to our concerns today.

The time has come for action across the entire front of international economic problems. Recurring monetary crises, such as we have experienced all too often in the past decade; unfair currency alignments and trading arrangements, which put the workers of one nation at a disadvantage with workers of another nation; great disparities in development that breed resentment; a monetary system that makes no provision for the realities of the present and the needs of the future—all these not only injure our economies, they also create political tensions that subvert the cause of peace.

There must be a thoroughgoing reform of the world monetary system, to clear the path for the healthy competition of the future.

We must see monetary reform as one vital part of a total reform of international economic affairs, encompassing trade and investment opportunity as well.

We must create a realistic code of economic conduct to guide our mutual relations—a code which allows governments freedom to pursue legitimate domestic objectives but which also gives them good reason to abide by agreed principles of international behavior.

Each nation must exercise the power of its example in the realistic and orderly conduct of internal economic affairs, so that each nation exports its products and not its problems.

We can all agree that the health of the world economy and the stability of the international economic system rest largely on the successful management of domestic economies.

The United States recognizes the importance of a strong, non-inflationary, domestic economy, both in meeting the needs of our own citizens and in contributing to a healthy world economy. We are firmly committed to reaching our goals of strong growth, full employment and price stability.

We are encouraged by the record of our current economic performance. We are now experiencing one of the lowest rates of inflation, and highest rates of real economic growth, of any industrial nation.

Recent gains in the productivity and the real income of American workers have been heartening. We intend to continue the policies that have produced these gains.

We also recognize that, over the longer term, domestic policies alone cannot solve all international problems. Even if all countries achieved a very large measure of success in managing their own economies, strains and tensions could arise at points of contact with other economies.

We cannot afford a system that almost every year presents a new invitation to a monetary crisis. That is why we face the need to develop procedures for prompt and orderly adjustment.

It is easy enough to say "prompt and orderly adjustment." But that phrase encompasses the real problems of workingmen and women, the fears and hopes of investors and managers of large and small businesses and, consequently, the concern of the political leadership of every nation. No nation should be denied the opportunity to adjust, nor relieved of the obligation to adjust.

In the negotiations ahead, there will be differences of opinion and approach. Immediate interests may appear to conflict. There will be times when impasses develop that may seem impossible to resolve.

But the world has had some experience recently with long, hard negotiations—for example, the strategic arms limitation agreements signed by the Soviet Union and the United States.

That was bilateral negotiation, between two nations and not among 124. But its complexity seemed almost infinite; the obstacles had been hardening for 25 years; the issue of national security was as sensitive a matter as can exist between world powers.

We came to an agreement in Moscow this year because the issue that united us—seeking an end to the wasteful and dangerous arms race—was greater than the issues that divided us.

We reached agreement because we realized that it was impossible for either side to negotiate an advantage over the other. The only agreement worth making was one in which each side had a stake in keeping.

Those two principles can guide us in building the monetary system of the future.

We recognize that the issues that divide us are many and serious. But the impetus that will make this negotiation successful is the force that unites us: a common need to establish a sound and abiding foundation for commerce, leading to a better way of life for all the citizens of the world.

That common need, let us call it the world interest, demands a new freedom of world trade and a new fairness in international economic conduct.

It is a mark of our maturity that we now see that an unfair advantage gained in an agreement today only sabotages that agreement tomorrow. The only system that can work is one that each nation has an active interest in making work.

The need is self-evident. The will to reform the monetary system is here in this room. And in a proverb that has its counterpart in almost every language—where there is a will, there is a way.

We are gathered to create a responsive monetary system—responsive to the need for stability and openness, and responsive to the need of each country to reflect its unique character.

In this way we bring to bear one of the great lessons of federalism: that often the best way to enforce an agreed-upon discipline is to let each member take action to adhere to it in the way that is best suited to local character, stage of development and economic structure.

For its part, the United States of America will continue to rise to its world responsibilities, joining with other nations to create and participate in a modern world economic order.

We are secure enough in our independence to freely assert our interdependence.

These are the principles I profoundly believe should and will guide the United States in its international economic conduct:

We shall press for a more equitable and open world of trade.

We shall meet competition rather than run away from it.

We shall be a stimulating trading partner and a straightforward bargainer.

We shall not turn inward and isolationist.

In turn we shall look to our friends for evidence of similar rejection of isolationism in economic and political affairs.

Let us all resolve to look at the ledgers of international commerce with new eyes—to see that there is no heroism in a temporary surplus nor villainy in a temporary deficit, but to see that progress is possible only in the framework of equilibrium. In this regard we must take bold action toward a more equitable and open world trading order.

Like every leader of the nations represented here, I want to see new jobs created all over the world, but I will not condone the export of jobs out of the United States caused by an unfairness built into the world's trading system.

Let all nations in the more advanced stages of industrial development share the responsibility of helping those countries whose major development lies ahead, and forego the temptation to use that help as an instrument of discrimination or rivalry.

Far more is at stake here than the mechanics of commerce and finance. At stake is the chance to add genuine opportunity to the lives of people in all nations, the chance to add stability and security to the savings and the earnings of hundreds of millions of people, and the chance to add economic muscle to the sinews of peace.

I have spoken this morning in general terms about how we can advance our economic interdependence. Later this week, Secretary Shultz will outline a number of proposals which represent the best thinking of my top economic advisers. I commend these to you for careful consideration.

The word "economics," traced to its Greek root, means "the laws of the house."

This house we live in—this community of nations—needs far better laws to guide our future economic conduct. Every nation can prosper and benefit working within a modern world economic order it has a stake in preserving.

Very little of what is done in these negotiations will be widely understood or generally appreciated.

But history will record the vital nature of the challenge before us. I am confident that the men and nations gathered here will seize the opportunity to create a monetary and trading system that will work for the coming generation—and will help to shape the years ahead into a generation of peace.

STATEMENT BY THE HON. GEORGE P. SHULTZ, SECRETARY OF THE TREASURY AND GOVERNOR OF THE FUND AND BANK FOR THE UNITED STATES, AT THE JOINT ANNUAL DISCUSSION

The nations gathered here have it in their power to strike a new balance in international economic affairs.

The new balance of which I speak does not confine itself to the concepts of a balance of trade or a balance of payments.

The world needs a new balance between flexibility and stability in its basic approach to doing business.

The world needs a new balance between a unity of purpose and a diversity of execution that will permit nations to cooperate closely without losing their individuality or sovereignty.

We lack that balance today. Success in the negotiations in which we are engaged will be measured in terms of how well we are able to achieve that balance in the future.

I anticipate working closely and intensively with you to that end, shaping and reshaping the best of our thinking as we proceed in full recognition that the legitimate requirements of each nation must be meshed into a harmonious whole.

In that spirit, President Nixon has asked me to put certain ideas before you.

In so doing, I must necessarily concentrate my remarks today on monetary matters. However, I am deeply conscious that, in approaching this great task of monetary reform, we cannot neglect the needs of economic development. I am also conscious that the success of our development efforts will ultimately rest, in large measure, on our ability to achieve and maintain a monetary and trading environment in which all nations can prosper and profit from the flows of goods, services and investment among us.

The formation of the Committee of 20, representing the entire membership of the Fund, properly reflects and symbolizes the fact that we are dealing with issues of deep interest to all members, and in particular that the concerns of developing countries will be fully reflected in discussions of the reform of the monetary system.

As we enter into negotiations in that group, we have before us the useful Report of the Executive Directors, identifying and clarifying some of the basic issues which need to be resolved.

We also look forward to participation by other international organizations, with each contributing where it is most qualified to help. The challenge before us calls for substantial modification of the institutions and practices over the entire range of international economic cooperation.

There have already been stimulating contributions to our thinking from a wide variety of other sources—public and private. I have examined with particular care the statements made over the past few months by other Governors individually and the eight points which emerged from the deliberations of the Finance Ministers of the European Community.

Drawing from this interchange of views, and building upon the Smithsonian Agreement, we can now seek a firm consensus for new monetary arrangements that will serve us all in the decades ahead. Indeed, I believe certain principles underlying monetary reform already command widespread support.

First is our mutual interest in encouraging freer trade in goods and services and the flow of capital to the places where it can contribute most to economic growth. We must avoid a breakup of the world into antagonistic blocs. We must not seek a refuge from our problems behind walls of protectionism.

The pursuit of the common welfare through more open trade is threatened by an ancient and recurring fallacy. Surpluses in payments are too often regarded as a symbol of success and of good management rather than as a measure of the goods and services provided from a nation's output without current return.

We must recognize, of course, that freer trade must be reconciled with the need for each country to avoid abrupt change involving serious disruptions of production and employment. We must aim to expand productive employment in all countries—and not at one another's expense.

A second fundamental is the need to develop a common code of conduct to protect and strengthen the fabric of a free and open international economic order.

Such basic rules as "no competitive devaluation" and "most-favored-nation treatment" have served us well, but they and others needs to be reaffirmed, supplemented and made applicable to today's conditions. Without such rules to guide us, close and fruitful cooperation on a day-to-day basis would not be possible.

Third, in shaping these rules we must recognize the need for clear disciplines and standards of behavior to guide the international adjustment process—a crucial gap in the Bretton Woods system. Amid the debate about the contributing causes of past imbalances and the responsibility for intitiative toward correction, sight has too often been lost of the fact that adjustment is inherently a two-sided process—that for the world as a whole, every surplus is matched by a deficit.

Resistance of surplus countries to loss of their surpluses defeats the objective of monetary order as surely as failure of deficit countries to attack the source of their deficits. Any effort to develop a balanced and equitable monetary system must recognize that simple fact; effective and symmetrical incentives for adjustment are essential to a lasting system.

Fourth, while insisting on the need for adjustment, we can and should leave considerable flexibility to national governments in their choice among adjustment instruments. In a diverse world, equal responsibility and equal opportunity need not mean rigid uniformity in particular practices. But they do mean a common commitment to agreed international objectives. The belief is widespread—and we share it—that the exchange rate system must be more flexible. However, important as they are, exchange rates are not the only instrument of adjustment policy available; nor, in specific instances, will they necessarily be the most desirable.

Fifth, our monetary and trading systems are an interrelated complex. As we seek to reform monetary rules, we must at the same time seek to build in incentives for trade liberalization. Certainly, as we look ahead, ways must be found to integrate better the work of the GATT and the IMF. Simultaneously we should insure that there are pressures which move us toward adequate development assistance and away from controls which stifle the free flow of investment.

Finally, and perhaps most fundamental, any stable and well-functioning international monetary system must rest upon sound policies to promote domestic growth and price stability in the major countries. These are imperative national goals for my government—and for yours. And no matter how well we design an international system, its prospects for survival will be doubtful without effective discharge of those responsibilities.

Today is not the occasion for presenting a detailed blueprint for monetary reform. However, I do want to supplement these general principles with certain specific and interrelated ideas as to how to embody these principles in a workable international agreement.

These suggestions are designed to provide stability without rigidity. They take as a point of departure that most countries will want to operate within the framework of specified exchange rates. They would encourage these rates to be maintained within specified ranges so long as this is accomplished without distorting the fabric of trade and payments or domestic economic management. We aim to encourage freer flows of trade and capital while minimizing distortions from destabilizing flows of mobile capital. We would strengthen the voice of the international community operating through the IMF.

I shall organize these ideas under six headings, recognizing that much work remains to be done to determine the best techniques in each area:

The Exchange Rate Regime
The Reserve Mechanism
The Balance of Payments Adjustment Process
Capital and Other Balance of Payments Controls
Related Negotiations
Institutional Implications

1. THE EXCHANGE RATE REGIME

We recognize that most countries want to maintain a fixed point of reference for their currencies—in other words, a "central" or "par" value. The corollary is a willingness to maintain and support these values by assuring convertibility of their currencies into other international assets.

A margin for fluctuation for market exchange rates around such central values will need to be provided sufficiently wide to dampen incentives for short-term capital movements and, when changes in central values are desirable, to ease the transition. The Smithsonian Agreement took a major step in that direction. Building on that approach in the context of a symmetrical system, the permissible outer limits of these margins of fluctuation for all currencies—including the dollar—might be set in the same range as now permitted for non-dollar currencies trading against each other.

We also visualize, for example, that countries in the process of forming a monetary union—with the higher degree of political and economic integration that that implies—may want to maintain narrower bands among themselves, and should be allowed to do so. In addition, an individual nation, particularly in the developing world, may wish to seek the agreement of a principal trading partner to maintain a narrower range of exchange rate fluctuation between them.

Provision needs also to be made for countries which decide to float their currencies. However, a country that refrains from setting a central value, particularly beyond a brief transitional period, should be required to observe more stringent standards of behavior in other respects to assure the consistency of its actions with the basic requirement of a cooperative order.

2. THE RESERVE MECHANISM

We contemplate that the SDR would increase in importance and become the formal numeraire of the system. To facilitate its role, that instrument should be freed of those encumbrances of reconstitution obligations, designation procedures, and holding limits which would be unnecessary in a reformed system. Changes in the amount of SDR in the system as a whole will be required periodically to meet the aggregate need for reserves.

A "central value system" implies some fluctuation in official reserve holdings of individual countries to meet temporary disturbances in their balance of payments positions. In addition, countries should ordinarily remain free to borrow or lend, bilaterally or multilaterally, through the IMF or otherwise.

At the same time, official foreign currency holdings need be neither generally banned nor encouraged. Some countries may find holdings of foreign currencies provide a useful margin of flexibility in reserve management, and fluctuations in such holdings can provide some elasticity for the system as a whole in meeting sudden flows of volatile capital. However, careful study should be given to proposals for exchanging part of existing reserve currency holdings into a special issue of SDR, at the option of the holder.

The suggested provisions for central values and convertibility do not imply restoration of a gold-based system. The rigidities of such a system, subject to the uncertainties of gold production, speculation, and demand for industrial uses, cannot meet the needs of today.

I do not expect governmental holdings of gold to disappear overnight. I do believe orderly procedures are available to facilitate a diminishing role of gold in international monetary affairs in the future.

3. THE BALANCE OF PAYMENTS ADJUSTMENT PROCESS

In a system of convertibility and central values, an effective balance of payments adjustment process is inextricably linked to appropriate criteria for changes in central values and the appropriate level, trend, and distribution of reserves. Agreement on these matters, and on other elements of an effective and timely adjustment process, is essential to make a system both practical and durable.

There is, of course, usually a very close relationship between imbalances in payments and fluctuations in reserve positions. Countries experiencing large deterioration in their reserve positions generally have had to devalue their currencies or take other measures to strengthen their balance of payments. Surplus countries with disproportionate reserve gains have, however, been under much less pressure to revalue their currencies upward or to take other policy actions with a similar balance of payments effect. If the adjustment process is to be more effective and efficient in a reformed system, this asymmetry will need to be corrected.

I believe the most promising approach would be to insure that a surfeit of reserves indicates, and produces pressure for, adjustment on the surplus side as losses of reserves already do for the deficit side. Supplementary guides and several technical approaches may be feasible and should be examined. Important transitional difficulties will need to be overcome. But, in essence, I believe disproportionate gains or losses in reserves may be the most equitable and effective single indicator we have to guide the adjustment process.

As I have already indicated, a variety of policy responses to affect the balance of payments can be contemplated. An individual country finding its reserves falling disproportionately would be expected to initiate corrective actions. For example, small devaluations would be freely permitted such a country. Under appropriate international surveillance, at some point a country would have a prima facie case for a larger devaluation.

While we must frankly face up to limitation of the use of domestic monetary, fiscal, or other internal policies in promoting international adjustments in some circumstances, we should also recognize that the country in deficit might well prefer—and be in a position to apply—stricter internal financial disciplines rather than devalue its currency. Only in exceptional circumstances and for a limited period should a country be permitted direct restraints and these should be general and nondiscriminatory. Persistent refusal to take fundamental adjustment measures could result in withdrawal of borrowing, SDR allocation, or other privileges.

Conversely, a country permitting its reserves to rise disproportionately could lose its right to demand conversion, unless it undertook at least limited revaluation or other acceptable measures of adjustment. If reserves nonetheless continued to rise and were maintained at those higher levels over an extended period, then more forceful adjustment measures would be indicated.

For a surplus as for a deficit country, a change in the exchange rate need not be the only measure contemplated. Increasing the provision of concessionary aid on an untied basis, reduction of tariffs and other trade barriers, and elimination of obstacles to outward investment could, in specific circumstances at the option of the nation concerned, provide supplementary or alternative means. But, in the absence of a truly effective combination of corrective measures, other countries should ultimately be free to protect their interests by a surcharge on the imports from the chronic surplus country.

For countries moving toward a monetary union, the guidelines might be applied on a collective basis, provided the countries were willing to speak with one voice and to be treated as a unit for purposes of applying the basic rules of the international monetary and trading system.

4. CAPITAL AND OTHER BALANCE OF PAYMENTS CONTROL

It is implicit in what I have said that I believe that the adjustment process should be directed toward encouraging freer trade and open capital markets. If trade controls are permitted temporarily in extreme cases on balance of payments grounds, they should be in the form of surcharges or across-the-board taxes. Controls on capital flows should not be allowed to become a means of maintaining a chronically undervalued currency. No country should be forced to use controls in lieu of other, more basic, adjustment measures.

5. RELATED NEGOTIATIONS

We welcome the commitments which major nations have already made to start detailed trade negotiations under the GATT in the coming year. These negotiations, dealing with specific products and specific restraints need not wait on monetary reform, nor need monetary reform await the results of specific trade negotiations.

Those negotiations, and the development of rules of good behavior in the strictly monetary area, need to be supplemented by negotiations to achieve greater equity and uniformity with respect to the use of subsidies, and fiscal or administrative pressures on trade and investment transactions. Improper practices in these areas distort trade and investment relationships as surely as do trade barriers and currency disequilibrium. In some instances, such as the use of tariff surcharges or capital controls for balance of payments purposes, the linkage is so close that the Committee of 20 must deal with the matter directly. As a supplement to its work, that group can hlep launch serious efforts in other bodies to harmonize countries' practices with respect to the taxation of international trade and investment, the granting of export credit, and the subsidization of international investment flows.

6. INSTITUTIONAL IMPLICATIONS

As I look to the future, it seems to me that there are several clear-cut institutional requirements of a sensible reform of the monetary and trading system.

Several times today, I have stressed the need for a comprehensive new set of monetary rules. Those rules will need to be placed under guardianship of the IMF, which must be prepared to assume an even more critical role in the world economy.

Given the interrelationships between trade and payments, that role will not be effectively discharged without harmonizing the rule of the IMF and the GATT and achieving a close working relationship.

Finally, we need to recognize that we are inevitably dealing with matters of essential and sensitive national interest to specific countries. International decision-making will not be credible or effective unless it is carried out by representatives who clearly carry a high stature and influence in the councils of their own governments. Our international institutions will need to reflect that reality, so that in the years ahead national governments will be intensively and continuously involved in their deliberations and processes. Without a commitment by national governments to make a new system work in this way, all our other labors may come to naught.

I am fully aware that the United States as well as other countries cannot leap into new monetary and trading arrangements without a transitional period. I can state, however, that after such transitional period the United States would be prepared to undertake an obligation to convert official foreign dollar holdings into other reserve assets as a part of a satisfactory system such as I have suggested—a system assuring effective and equitable operation of the adjustment process. That decision will, of course, need to rest on our reaching a demonstrated capacity during the transitional period to meet the obligation in terms of our reserve and balance of payments position.

We fully recognize that we have not yet reached the strength we need in our external accounts. In the end, there can be no substitute for such strength in providing the underpinning for a stable dollar and a stable monetary system.

An acceptable monetary system requires a willingness on the part of all of us to contribute to the common goal of full international equilibrium. Lacking such equilibrium no system will work. The equilibrium cannot be achieved by any one country acting alone.

We engage in discussions on trade and financial matters with a full realization of the necessity to continue our own efforts on a broad front to restore our balance of payments. I must add, in all candor, that our efforts to improve our position have, in more than one instance, been thwarted by the reluctance of others to give up an unjustified preferential and highly protected market position. Yet, without success in our endeavor, we cannot maintain our desired share in the provision of aid, and reduce our official debt to foreign monetary authorities.

We take considerable pride in our progress toward price stability, improved productivity and more rapid growth during the past year. Sustained into the future, as it must be, that record will be the best possible medicine not only for our domestic prosperity but for the effective functioning of the international financial system.

My remarks today reflect the large agenda before us. I have raised difficult, complicated, and controversial issues. I did not shrink from so doing for a simple reason: I know that you, as we, want to move ahead on the great task before us.

Let us see if, in Nairobi next year, we can say that a new balance is in prospect and that the main outlines of a new system are agreed. We owe ourselves and each other that effort.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following measures on the calendar: Calendar No. 1177 through Calendar No. 1183.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

POWER OF ATTORNEY

The Senate proceeded to consider the bill (S. 3203) to amend the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, in order to extend under certain circumstances the expiration date specified in a power of attorney executed by a member of the Armed Forces who is missing in action or held as a prisoner of war which had been reported from the Committee on Armed Services with an amendment in the nature of a substitute.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The bill, with its preamble, reads as follows:

Whereas it is declared to be a policy of the United States Government to assist those members of the military service, and their families, who are listed as missing in action or prisoners of war as a result of the Vietnam conflict; and

Whereas the indeterminable status concerning the ultimate fate of those men so listed as missing in action or prisoners of war has created problems concerning their legal status in management of their personal affairs: Now, therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Soldiers' and Sailors' Civil Relief Act of 1940, as amended (50 U.S.C. App. 501 et seq.), is amended as follows:

(1) Section 101(1) (50 U.S.C. App. 511(1)) is amended by striking out "The term 'persons in military service'" and inserting in place thereof "The term 'person in the military service', the term 'persons in military service',".

"(2) designates that person's spouse, parent, or

"Sec. 701. (a) Notwithstanding any other provision of law, a power of attorney which—

"(1) was duly executed by a person in the military service who is in a missing status (as defined in section 551(2) of title 37, United States Code);

"(2) designates that person's spouse, parent, or other named relative as his attorney in fact for certain specified, or all, purposes; and

"(3) expires by its terms after that person entered a missing status, and before or after the effective date of this section;

shall be automatically extended for the period that the person is in a missing status.

"(b) No power of attorney executed after the effective date of this section by a person in the military service may be extended under subsection (a) if the document by its terms clearly indicates that the power granted expires on the date specified even though that person, after the date of execution of the document, enters a missing status.

"(c) This section applies only to persons in military service who executed powers of attorney during the Vietnam era (as defined in section 101(29) of title 38, United States Code)."

EXTENSION OF AUTHORITY TO GRANT SPECIAL 30-DAY LEAVE FOR MEMBERS OF THE UNIFORMED SERVICES WHO VOLUNTARILY EXTEND THEIR TOUR OF DUTY IN HOSTILE FIRE AREAS

The bill (H.R. 14537) to amend section 703(b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas was considered, ordered to a third reading, read the third time, and passed.

MOVING OF DEPENDENTS AND EFFECTS OF CERTAIN MEMBERS OF THE ARMED FORCES

The bill (H.R. 14915) to amend chapter 10 of title 37, United States Code, to authorize at Government expense, the transportation of house trailers or mobile dwellings, in place of household and personal effects, of members in a missing status, and the additional movement of dependents and effects, or trailers, of those members in such a status for more than 1 year was considered, ordered to a third reading, read the third time, and passed.

CONTINUATION OF INCENTIVE PAY TO MEMBERS OF THE UNIFORMED SERVICES FOR THE PERIOD REQUIRED FOR HOSPITALIZATION AND REHABILITATION AFTER TERMINATION OF MISSING STATUS

The Senate proceeded to consider the bill (H.R. 14909) to amend section 552 (a) of title 37, United States Code, to provide continuance of incentive pay to members of the uniformed services for the period required for hospitalization and rehabilitation after termination of missing status which had been reported from the Committee on Armed Services with an amendment on page 3, line 4, after the word "period," insert "not to exceed one year."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CONVEYANCE OF CERTAIN PROPERTY IN THE DISTRICT OF COLUMBIA

The bill (H.R. 2895) to provide for the conveyance of certain real property in the District of Columbia to the National Firefighting Museum and Center for Fire Prevention, Inc., was considered, ordered to a third reading, read the third time, and passed.

TO ESTABLISH RIGHTS FOR THE BLIND AND OTHERWISE PHYSICALLY DISABLED

The Senate proceeded to consider the bill (H.R. 11032) to enable the blind and the otherwise physically disabled to participate fully in the social and economic life of the District of Columbia, which had been reported from the Committee on the District of Columbia with amendments on page 2, line 11, after the word "a", strike out "guide dog" and insert "dog guide"; in line 14, after the word "the", strike out "guide dog" and insert "dog guide"; in line 21 after the word "a", where it appears the second time, strike out "guide dog" and insert "dog guide"; on page 3, line 1, after the word "a", where it appears the second time, strike out "guide dog" and insert "dog guide"; in line 5, after the word "a", where it appears the second time, strike out "guide dog" and insert "dog guide"; on page 4, line 11, after the word "a", strike out "guide dog" and insert "dog guide"; in line 12, after the word "a", strike out "guide dog" and insert "dog guide"; and, in line 15, after the word "the", strike out "guide dog" and insert "dog guide".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

POLICE PERSONNEL RECORDS OF THE METROPOLITAN POLICE DEPARTMENT

The Senate proceeded to consider the bill (H.R. 11773) to amend section 15 of title 4 of the District of Columbia Code to exclude the personnel records, home addresses, and telephone numbers of the officers and members of the Metropolitan Police Department of the District of Columbia from the records open to public inspection which had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and insert:

TITLE I—POLICE PERSONNEL RECORDS

SEC. 101. Section 389 of the Revised Statutes of the United States relating to the District of Columbia (D.C. Code, sec. 4–135), is amended to read as follows: "The records to be kept by paragraphs 1, 2, and 4 of section 386 shall be open to public inspection when not in actual use, and this requirement shall be enforceable by mandatory injunction issued by the Superior Court of the District of Columbia on the application of any person.".

TITLE II—COMPENSATION

SEC. 201. On and after the date of the enactment of this Act, the Chairman of the District of Columbia Council shall receive compensation at the rate of $20,000 per annum, the Vice Chairman of such Council shall receive compensation at the rate of $15,000 per annum, and each other member of such Council shall receive compensation at the rate of $12,500 per annum.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An act relating to police personnel records and compensation of members of the District of Columbia Council."

ORDER OF PROCEDURE ON CONSIDERATION OF H.R. 1 AND S. 3970

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader or his designee on Monday, action on H.R. 1 may be resumed and S. 3970 be set aside temporarily to a time determined by the majority leader or his designee, or until the close of business on Monday, whichever is the earlier.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a time to be determined by the distinguished majority leader on Monday, H.R. 1 be laid aside and consideration be resumed on the Defense Appropriation bill, if not already disposed of, and/or it also be in order for the leader to take up the military construction appropriation bill on Monday if reported by then.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER TO CALL UP DEFENSE OR MILITARY CONSTRUCTION APPROPRIATION BILLS ON TUESDAY NEXT, IF CLOTURE IS NOT INVOKED

Mr. ROBERT C. BYRD. Mr. President, if cloture is not invoked on Tuesday next on S. 3970, I ask unanimous consent that the Senate proceed immediately after the vote to the consideration of the HEW appropriation bill, with S. 3970 to be laid aside until an hour to be determined by the majority leader or his designee, or until the close of business on Tuesday next, whichever is the earlier; provided, moreover, in that event, that it be in order at any time, on any day, for the majority leader to call up any of the following appropriation bills which may remain to be acted on:

Defense appropriation bill.

Military Construction appropriation bill.

Mr. JAVITS. Mr. President, will the Senator from West Virginia yield?

Mr. ROBERT C. BYRD. I yield.

Mr. JAVITS. It being understood, when the Senator speaks of S. 3970, that it will be at the times indicated, the unfinished business?

Mr. ROBERT C. BYRD. Yes.

Mr. JAVITS. I thank the Senator.

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, it is so ordered.

ORDER TO CALL UP DEFENSE APPROPRIATION, MILITARY CONSTRUCTION, AND HEW APPROPRIATION BILLS FOLLOWING DISPOSITION OF S. 3970 IF CLOTURE IS INVOKED ON TUESDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, if cloture is invoked on Tuesday, next, that it be in order at any time and on any day following disposition of S. 3970, for the majority leader or his designee to call up any of the following appropriation bills which may remain to be acted on:

Defense appropriation.

Military construction appropriation.

HEW appropriation.

Mr. ALLEN. Mr. President, reserving the right to object, may I inquire of the distinguished acting majority leader if this would give the leadership the right to call up any and all appropriation bills prior to calling up H.R. 13915?

Mr. ROBERT C. BYRD. No, no; this request, if acceded to, would be in keeping with the earlier assurance of the distinguished majority leader that back of the busing bill would be the supplemental appropriation bill, which is a necessary appropriation bill, and the debt limit revision. The only appropriations bills that would, by my requests, be moved ahead of the busing bill would be defense—which we are on today—military construction, and the HEW appropriation bill, which has already been reported and which is on the calendar.

Mr. ALLEN. May I inquire, then, of the acting majority leader, if it is the plan and intention and the assurance of the leadership that the education bill will be called up and made the pending business and thereafter be the unfinished business prior to calling up the debt limit bill and the supplemental appropriations?

Mr. ROBERT C. BYRD. That is true. The distinguished majority leader has given assurance to the Senator and to the Senate that after S. 3970—the unfinished business—and the welfare bill, H.R. 1, are disposed of one way or another, the busing bill will be the next order of business and will become the unfinished business.

Mr. ALLEN. I thank the distinguished acting majority leader. I want to express my very deep appreciation to the leadership for making this commitment and giving this assurance. Certainly, those of us who want to see the Senate have an opportunity to work its will on this bill could ask for nothing fairer than the plan that the distinguished acting majority leader has just outlined, because of the necessity, if the Government is to continue operating beyond October 31, that the debt ceiling bill be passed, and if some of the departments are to operate at full strength, it will be necessary that the supplemental appropriations also be passed.

So, giving the Senate an opportunity to act on H.R. 13915 prior to taking up those bills is certainly as fair a disposition of this matter as the Senator from Alabama and those who want this bill considered by the Senate could possibly ask for.

Mr. ROBERT C. BYRD. May I say, so that the record will be absolutely clear, that what I have said in response to the questions by the distinguished Senator from Alabama, and that what I have proposed in the unanimous-consent requests does not go one iota beyond——

The PRESIDING OFFICER (Mr. BENTSEN). The time for morning business has expired.

ORDER FOR EXTENSION OF MORNING BUSINESS TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that morning business be extended an additional 9 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, would the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) yield me——

Mr. HARRY F. BYRD, JR. I am glad to yield to the Senator my 3 minutes under morning business.

Mr. ROBERT C. BYRD. It does not go

beyond what the distinguished majority leader has already stated on the floor of this Chamber and heretofore.

Mr. ALLEN. I certainly agree with what the distinguished acting majority leader states, but I do not believe it has been stated with such clarity heretofore, so the Senator from Alabama is delighted that there has been outlined in this degree of particularity——

Mr. JAVITS. Mr. President, will the Senator from West Virginia yield to me?

Mr. ROBERT C. BYRD. May I first respond to the Senator from Alabama, and then I will be glad to yield to the Senator from New York.

These orders provide for an orderly sequence of legislative action——

Mr. ALLEN. Yes.

Mr. ROBERT C. BYRD (continuing). On the three appropriation bills and on S. 3970, and also on the welfare bill, H.R. 1, so far as we can see with respect to welfare.

We are in a period now when almost anything can happen. We are seeking to complete the people's business by October 14. It is necessary that the appropriation bills be passed. My requests, therefore, would be in keeping with the distinguished majority leader's assurance to the distinguished Senator from Alabama and to the Senate that following action on the welfare bill and S. 3970, the busing bill will be next.

These orders, as I say, would be in keeping entirely with that assurance. At the same time, we would try to move the three appropriation bills, HEW, military construction, and defense, at least through the Senate, so that conferences can be going on in the meantime with the House while the Senate is completing its business on welfare, busing, supplemental appropriations, debt limit, and so forth.

Mr. ALLEN. That is eminently fair, in the opinion of the Senator from Alabama.

Mr. JAVITS. Mr. President, will the Senator from West Virginia yield to me now?

Mr. ROBERT C. BYRD. I am happy to yield to the Senator from New York.

Mr. JAVITS. This is the first time I have heard the bills actually laid out. In other words, I have heard the distinguished majority leader give assurances to the distinguished Senator from Alabama (Mr. ALLEN) that the busing bill, the so-called antibusing bill, would be called up and that there would be "must" legislation behind it. But I have not heard the bills laid out specifically and that the "must" legislation behind it would be the supplemental and the debt limit. I have not heard that done.

Therefore, I ask the distinguished acting majority leader whether this represents, now, a new implementation of that commitment or whether—perhaps I did not hear it as I have not combed the RECORD—the distinguished majority leader actually named those bills specifically as the bills which would wait on disposition of the antibusing bill.

Mr. ROBERT C. BYRD. I want to be sure I do not misquote the distinguished majority leader. I can only say that this is my understanding of what his intention is. He has stated specifically that once the bill S. 3970, and the welfare bill, H.R. 1, are disposed of, the busing bill will be next.

All that I have done here, if my requests are agreed to, will be to assure that the majority leader will be in a position to move the HEW appropriation bill, the military construction bill, and the defense appropriation bill—on which we do not know what will happen today—to the Senate floor for action at any times he deems best while S. 3970 and H.R. 1 are being disposed of.

Mr. JAVITS. I do not intend to object to the request, but I do think that the record needs clarification as to whether the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD) is doing one of the following things:

Is he making a new commitment with respect to what will be behind the antibusing bill?

Is he implementing a commitment made by the distinguished majority leader, or is he simply restating what he understood the distinguished majority leader to have stated?

I thought he was doing the last. That little bit misled me.

Mr. ROBERT C. BYRD. I am doing the last.

Mr. JAVITS. In other words, he is making no new commitments, no implementations. I believe he is only stating what the majority leader already stated.

Mr. ROBERT C. BYRD. Exactly; I would be in no position to make any new commitments without the approval of the majority leader. I may in my statements this morning have left the wrong impression, which I hope I have not.

Mr. JAVITS. I think the Senator has clarified it, so long as we are dealing with what the majority leader has assured us or not assured us, we can always find out.

Mr. ROBERT C. BYRD. Mr. President, let me state precisely what I am doing here and what I think the majority leader has said.

Mr. President, I ask unanimous consent that I may proceed for 5 minutes if necessary.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, the majority leader has stated—I think I am quite right in saying unequivocally—that once the welfare bill and the consumer protection bill has been disposed of, one way or the other, the busing bill will be next. Now, that is all he has said.

Mr. JAVITS. And he also said, if the Senator will yield, that behind it will be must legislation.

Mr. ROBERT C. BYRD. Yes; behind it will be "must" legislation.

Mr. JAVITS. I heard him say that.

Mr. ROBERT C. BYRD. He did not define what that "must" legislation will be.

Mr. JAVITS. That is exactly right and that is what worries me, until the Senator said so very specifically.

Mr. ROBERT C. BYRD. Mr. President, let me be sure the record is clear on what I meant to say. So much for the majority leader and what he meant to say. That is clear I will not go beyond that.

Now, second, the request I have propounded today would merely provide for almost any contingency that would arise, so as to protect the majority leader in bringing to the Senate floor the HEW appropriations bill, the defense appropriations bill, and the military construction appropriations bill, prior to action on the busing bill.

Mr. JAVITS. Mr. President, if the Senator will yield, what the Senator has stated in his last remarks is exactly as I understand it. I thought he went considerably further in answer to Senator ALLEN's question, and it worried me. That is why I just wanted to get the principle laid down that he is not making new commitments or implementations of commitments according to his own ideas, but that he believed he was simply reporting to the Senate what he understood the majority leader had in mind.

Mr. ROBERT C. BYRD. Mr. President, may I say, I would never make any new commitment without having been authorized by the distinguished majority leader. If I did, it would be through error.

In answer to the question of the distinguished Senator from Alabama (Mr. ALLEN), I think I was right in saying that once the busing bill is taken up, at least insofar as these provisions here are concerned, the supplemental appropriations bill and the debt limit revision bill would be still down the road.

Mr. ALLEN. Yes; that is exactly what the Senator from Alabama said.

Mr. ROBERT C. BYRD. This request does not go to either of those bills.

Mr. ALLEN. Yes; the Senator from New York pointed out that the majority leader had promised to bring the school bill up while there was still must legislation behind it.

Now the distinguished acting majority leader has stated that it is the assurance that that particular must legislation will be the debt ceiling bill and the supplemental appropriation.

Mr. ROBERT C. BYRD. Mr. President, I think I must have been misread. In my own judgment, the requests I have made here do not touch—I know they do not touch—either the supplemental bill or the debt limit bill. These requests have only to do with the three appropriation bills—HEW, defense, and military construction—and are meant to try to deal with any of several contingencies which could arise. For example, if today the Senate would go out for lack of a quorum and the defense appropriations bill would not have been completed, on Monday morning the very first thing required would be to get a live quorum and a vote on whatever amendment might have been pending at the time the Senate adjourned on Saturday because of the lack of a quorum. Programing problems could then arise.

So, I am trying to put the majority leader in a position on Monday morning and afterward so, that if something should happen today or later, he would be in a position to handle whatever situation may arise.

The PRESIDING OFFICER (Mr. BENTSEN). The Senator's time has expired.

Mr. ROBERT C. BYRD. Mr. President,

I ask unanimous consent that the Senator from Alabama be recognized for 3 minutes and that the time for morning business be extended accordingly.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I want the distingiushed majority leader to be in a position on Monday morning—if he wants to proceed with H.R. 1 or the Defense appropriations bill—to do so.

Mr. ALLEN. Mr. President, as the Senator from Alabama understands it, even if the school bill is made the unfinished business, the agreement would be that the bills listed by the distinguished Senator, the defense appropriation bill, the HEW appropriation bill, and the military construction bill, could be called up ahead of the unfinished business which, by that time, would be the school bill, but that the debt ceiling and the supplemental appropriations could not under this agreement be called up ahead of the school bill. Is that correct?

Mr. ROBERT C. BYRD. No, that is not correct. The agreement does not provide for their being called up.

Mr. ALLEN. I understand.

Mr. ROBERT C. BYRD. It merely provides—entirely apart and without any consideration whatever on the supplemental appropriations and the debt limit bills—for the majority leader to have authority with which he can move the HEW appropriation bill and the military construction appropriation bill and the defense appropriation bill forward. He may not have any problems with either of these bills. But as we look down the road today, contingencies could arise.

Mr. ALLEN. That is fine, but as the Senator from Alabama understands it, when the two items, the two tracks—HEW and the consumer protection measure—are disposed of, the school bill will come up next. That is an undisputed commitment. Then there is no commitment under the request by the distinguished Senator at this time that the debt ceiling bill or the supplemental appropriations could be brought in ahead of the school bill.

Mr. ROBERT C. BYRD. Mr. President, the request I have made leaves those two bills unaffected.

Mr. ALLEN. I understand the Senator, and I thank him.

The **PRESIDING OFFICER.** Is there further morning business?

Mr. ROBERT C. BYRD. Mr. President, my last request thas not been acted upon.

Mr. ALLEN. Mr. President, I have no objection. I withdraw my reservation of an objection to the request. I did not object, but I did reserve the right to object.

The **PRESIDING OFFICER.** Without objection, the unanimous-consent request of the Senator from West Virginia is agreed to.

Mr. ROBERT C. BYRD. Mr. President, I want to be sure where we were when we paused. I will repeat the unanimous-consent request. My unanimous-consent request was that if cloture is invoked on Tuesday, it be in order at any time on any day following the disposition of S. 3970 for the majority leader to call up any of the following appropriation bills which may remain to be acted upon—defense appropriations bill, military construction appropriations bill, and HEW appropriations.

The **PRESIDING OFFICER.** Without objection, the unanimous-consent request of the Senator from West Virginia was agreed to. That is the understanding of the Chair as to the previous request.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order at any time prior to 1 p.m. Tuesday for the majority leader to call up H.R. 1 or any of the following appropriations bills if not by then disposed of, Defense appropriations or military construction appropriations.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank the Senate for its indulgence, and I thank all Senators for their patience and cooperation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 667. A bill to designate certain lands in the Lassen Volcanic National Park in California as wilderness (Rept. No. 92–1248).

By Mr. MANSFIELD, from the Committee on Appropriations with amendments:

H.R. 16754. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92–1249).

SOCIAL SECURITY AMENDMENTS OF 1972—AMENDMENTS

AMENDMENT NO. 1663

(Ordered to be printed.)

Mr. HARRY F. BYRD, JR., proposed an amendment to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance program with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

AMENDMENT NO. 1664

(Ordered to be printed and to lie on the table.)

Mr. SCOTT submitted an amendment intended to be proposed by him to the bill (H.R. 1).

Mr. SCOTT. Mr. President, I send an amendment to H.R. 1 to the desk and ask that it be printed and lie on the table.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. SCOTT. Mr. President, the amendment I am submitting is a total substitute of the House-passed version of titles IV and V, with some minor conforming modifications.

I do not know what the final outcome of this debate will be. I am convinced, however, that our existing welfare mess must be reformed, and I believe that all proposals should be before us. I am also assured that the President is strongly behind the House-passed reform bill and that he considers it "must" legislation for this year.

Lest it be too conveniently forgotten, President Nixon was the first to submit a comprehensive welfare reform plan.

To say that he supports no reform merely on the basis that he favors one of the pending proposals over the others is patently ridiculous in a body where there are usually 100 different views on each proposal that is brought before it. By such reasoning, the same could be said of any Senator who has expressed an allegiance to one proposal or another. Indeed, as I have stated on earlier occasions, I believe that some of the proposals which are now embodied in amendment No. 1614, introduced by the Senator from Connecticut, have merit. But if there is one point on which the President and I are in total agreement, it is that there must be a solution, and soon.

It is the House-passed proposal which has the President's support. The House of Representatives itself spent many months deliberating over it. It should be before the full Senate, and at the appropriate time, given suitable circumstances, I expect to call my amendment up for a vote.

ADDITIONAL STATEMENTS

COMPULSORY DISCLOSURE OF NEWS SOURCES

Mr. FULBRIGHT. Mr. President, I am cosponsoring legislation (S. 3925) with the Senator from North Carolina (Mr. ERVIN) and the Senator from Kansas (Mr. PEARSON) to protect newsmen from compulsory disclosure of information in Federal criminal proceedings when such disclosure is not necessary for the proper functioning of the criminal justice system.

The bill, which is similar to legislation I have previously sponsored, is designed to insure that freedom of the press is secure from unwarranted Government interference. Any infringement of press freedom, any intimidation of journalists, particularly by the Government, undermines the strength of our society and the role of the press as public watchdog.

The need for this legislation was made apparent by the Supreme Court's decision June 29 in Branzburg against Hayes. The Court, in a 5-to-4 decision, held that the first amendment grants no protection to newsmen from compulsory disclosure of information to the Government.

The decision, as Justice Stewart observed in his dissent, reflects a "disturbing insensitivity to the critical role of an independent press in our society."

On the same day, June 29, the Court made another, corollary decision affecting information flow. In United States against Gravel, involving the Senator from Alaska, the Court denied the existence of any constitutional link between the legislative duties of a Member of Congress and the information he receives or sends to his constituents. This decision, and that in United States against Brewster, moved the Senator from North Carolina (Mr. ERVIN) to comment:

> The Court's recent decisions have so restricted this ["speech or debate"] immunity that Members of Congress can no longer independently acquire information on the activity of the executive branch nor inform their constituents of their findings without risking criminal prosecution. Indeed as a result of these decisions it is even possible that in certain situations a Members' speech or vote on the Floor may subject him to inquiry and intimidation by the executive or judicial branch. These two decisions represent important defeats for Congress and constitute a further deterioration of its power and independence in relation to the Executive and Judicial Branches.

Writing in the Columbia Journalism Review, Dr. Norman E. Isaacs, former Louisville Courier-Journal and Times editor, past president of the American Society of Newspaper Editors, now editor in residence of Columbia's Graduate School of Journalism, said of the Court's June 29 decisions:

> These cases and the Pentagon Papers decision of last year—which involved temporary prior restraint—leave adherents of a free press no reason to be sanguine. The best hope for protection of news sources now appears to lie in passage of federal and state "shield" laws.

My sponsorship of earlier "newsman's privilege" was primarily motivated by the Justice Department's efforts to subpena reporters' notes, confidential materials and television tapes. Reporters at CBS and NBC were served with 112 subpenas between January 1969 and July 1971. The New York Times reporters alone received 18 subpenas in 1969–70, compared with 12 for the 5 preceding years.

In July 1971 then Attorney General Mitchell released "guidelines" regarding the issuance of subpenas which tended to limit their use. However, under the guidelines the Government can subpena unpublished information, even if confidential. And when "emergencies and other unusual situations" occur, the Government may issue a subpena "which does not exactly conform to the guidelines."

In the recent Supreme Court decision—involving three newsmen in separate cases—the Court's majority seemed oblivious of the chilling effect of that decision on the freedom of the press to investigate, expose and report without fear of governmental interference. The decision represents a direct assault on the public's right to know. As the New York Times editorialized:

> By forcing newsmen to reveal their sources of information to a grand jury, the Court is in fact undermining the whole basis of the confidential relationship between a reporter and his sources, which is the only basis on which much information of vital importance to the public can be revealed.

As many have pointed out, it is the public that will be the principal victim of the Court's amazingly constricted viewpoint. It will be much more difficult to obtain and publish information involving matters, that perhaps for ulterior motives, governmental bodies may wish to conceal. Justice Douglas noted in his dissent:

> As the years pass, the power of government becomes more and more pervasive. It is a power to suffocate both people and causes.

These newsmen were not claiming an absolute privilege in all circumstances, but protection against grand jury questioning except when there was a special reason to believe they possessed information for which there was a compelling need.

The Court's decision did suggest that the legitimate claims of reporters to privilege might best be protected by effective legislation. Justice Powell, while concurring with the majority, made a special point of his belief that newsmen do have constitutional rights "in safeguarding their sources," and that governmental authorities are not free to "annex" the news media as "an investigative arm of government."

Mr. President, 18 States, including Arkansas, have some form of "shield" law, which generally provide protection of confidentiality. It is appropriate and important that we have a uniform national standard as would be established by this legislation, and which would put an end to ambiguities, doubts, and fears. That is the purpose of this bill and I believe that it constitutes a reasonable balance between law enforcement and freedom of the press.

As the Washington Post stated in a recent editorial:

> A free, enterprising, responsible, but unfettered press is perhaps more important to our nation now than any time in our history.

Mr. President, this legislation deserves serious and thorough consideration. I think we must assure that our newsmen remain free to inform the public and do not become agents of the Government.

ANNOUNCEMENT OF POSITION ON A VOTE

Mr. THURMOND. Mr. President, I was necessarily absent when the Senate took up Mr. PROXMIRE's amendment to H.R. 16705, the foreign aid appropriations bill.

Mr. President, had I been present and voting, I would have voted in favor of this amendment, which would have reduced the appropriations for the Inter-American Development Bank.

THE RISING COST OF HEALTH INSURANCE

Mr. KENNEDY. Mr. President, a provocative and timely article recently appeared in the New England Journal of Medicine, 287:13, September 28, 1972. In a study conducted in Boston, Weiss, Wiese, and Kleinman point out that operating expenses for 74 Blue Cross and 73 Blue Shield plans rose over 60 percent between the years 1965 through 1969, when calculated on a per-enrollee basis.

I think it is important to note that this period marked a period of rapidly increasingly Federal involvement in the purchase of health insurance on behalf of the American people, and as a prime customer for many of the companies in question.

This article examines the performance record of Blue Cross and Blue Shield, generally considered to be the best of the lot as far as health insurers are concerned. If the implications of this study are valid, I hate to think of what is occurring in the commercial health insurance industry.

The authors note that a ninefold spread exists in operating costs per enrollee between the plans with the highest and lowest operating costs. They go on to note that it was not possible to correlate increases in operating expenses with specific variables. The point is that the information simply does not exist which would enable Government or anyone else to determine why the increase took place or how to account for it. Is it because of increased inefficiency, or is it, as an invited editorial accompanying the article suggests, because of increasing policing activity on the part of the insurance companies? This article, I believe, points out many of the difficulties inherent in a highly fragmented, highly diversified health insurance system. How, with over 1,400 different health insurance companies, can the Federal Government or any other purchaser of health care services ever hope to be able to impose requirements which would help identify the components of the cost of health insurance? How, with over 1,400 different plans providing different coverage, having different exclusions, conditions, preconditions, and other "hookers" as well as differing levels of deductibles and coinsurance, can any sense be made out of the current situation?

Apparently, health insurance companies do not have the capability to identify their expenses in terms of claims per enrollees, claims by type, enrollee groups by type, or any other variable which would enable them to control costs effectively.

The article, I believe, reinforces my view that health insurance companies simply act as a pass through for money, and do not have the ability, even if they had the will, to control health care costs. This inability arises from the simple fact that they themselves do not know where the dollars they collect from their subscribers for "health care" really go. I believe the article is a strong argument in favor of a uniform national health insurance plan. To continue to expend public funds when accountability is impossible to achieve is grossly irresponsible. I commend the authors for this fine work, and I ask unanimous consent that the entire article be printed in the RECORD, along with its accompanying editorial, and a New York Times letter to the editor, dated August 31, 1972.

Also, Mr. President, I ask unanimous consent that a story about the Weiss article, written by Richard Knox, and published in the Boston Globe of September 28 be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

BLUE CROSS COSTS SOAR, STUDY SHOWS

(By Richard A. Knox)

Operating costs of Blue Cross and Blue Shield plans across the nation have skyrocketed over the past seven years, outpacing even the rate of health care inflation, according to an analysis published by three Harvard researchers.

The report reveals a jump between 1965 and 1969 of more than 60 percent in administrative costs per subscriber in the country's two largest health insurance systems.

During that period, Massachusetts Blue Cross and Blue Shield nearly doubled the cost of processing claims, on a per-enrollee basis. The rate of increase was 98 percent for Massachusetts Blue Shield and 95 percent for Blue Cross, placing them among the plans with the highest rates of administrative inflation.

The study was conducted by Dr. Robert J. Weiss, Dr. William Wiese and Dr. Joel C. Kleinman of the Harvard Center for Community Health and Medical Care.

They suggested in an article in New England Journal of Medicine and in interviews that their findings justify a hard look at the efficiency of the Blues and the commercial health insurance industry before contemplating either as a vehicle for any national health insurance plan.

Analyzing 74 Blue Cross and 73 Blue Shield plans, the Harvard researchers concluded that if all plans operated as efficiently as a few apparently exemplary ones do, the Blues' 140 million subscribers could have saved $119 million in 1969.

The study analyzed nine factors that might explain the rise in operating costs, comparing plans with high costs against those with lower costs per subscriber.

Taken together, these factors—which included the impact of Medicare and the increase in number of claims filed for each enrollee—accounted for only a third of the variation in operating expenses from one plan to another.

Nationally, that variation was found to range from $1.18 to $8.74 per Blue Cross subscriber per month. Among Blue Shield plans the administrative costs swung from 99.5 cents a month per subscriber to $9.42 a month.

As an example of the effect of administrative inflation, the Harvard researchers cited a Boston-area institution with a Blue Cross-Blue Shield contract which found itself paying an administrative expense of $15.72 per claim—while more than a third of all its employees' claims were under $20.

This example illustrates the practice, they said, of setting administrative costs as a percentage of the total claims.

"Up to the present, there has been no incentive for private health insurance companies to monitor their own costs, because these are always passed on directly to the consumer," they wrote.

According to Weiss, they found even more disturbing another implication of this practice of determining operating costs: "What incentive exists for Blue Cross or Blue Shield to exercise any control over prices in the health care system," they asked, "when any increase in the costs of health care results in an increased income for operating expenses under the same work load?"

Interviewed in advance of the study's publication, Blue Cross and Blue Shield officials here and at the national level said the figures do not reflect inefficiency and poor management, but rather the increased expense of trying to control medical inflation and offer subscribers more elaborate benefit packages.

"We take a great deal of pride in our low administrative costs," said Henry D. Jones, president of Massachusetts Blue Cross, citing operating expenses of about 4 percent of the $323 million in annual income from subscribers.

At the same time, however, Jones confirmed that an independent consulting firm had issued a report two or three years ago which found the company's performance was "very poor in some areas," in Jones's phrase—notably its computer operations.

He said the company's main administrative "trauma" was its acceptance of a contract to serve as the Medicare carrier for Massachusetts.

"It didn't seem (in 1966) that the administrative burden of Medicare would be very great," he said. "But we miscalculated. . . . Our regular business operation became less efficient as our best people were transferred to Medicare."

Jones contended that the consultants' stern recommendations have been implemented largely. But he has refused to release a copy of the report to allow an examination of its specific recommendations. Several Blue Cross board members said they have never seen the document.

John Larkin Thompson, president of Massachusetts Blue Shield, also defended his company against the report's implication of inefficiency. He said it was worth spending more money on claims review to cut down on unnecessary doctor claims, but produced no data to demonstrate the cost effectiveness of higher operating expenses in recent years.

The argument put forward by Jones and Thompson was echoed last night by Walter J. McNerny, president of the national Blue Cross Association, who said in a statement to The Globe:

"It is important to note that Blue Cross increased its efforts to control health care costs during this period, and this led to higher administrative expenses by various plans."

However, McNerny said he recognized that "administrative costs are an important issue in the current national health insurance debate, and . . . more facts are needed."

McNerny previewed the researchers' article for the New England Journal of Medicine and reportedly tried to stop its publication. The Journal printed it, but solicited an accompanying editorial from Thomas B. Fitzpatrick, director of medical and hospital administration at University of Pittsburgh.

Fitzpatrick is a former vice president of Blue Cross of Western Pennsylvania, a prior affiliation that the Journal neglected to mention. In his editorial Fitzpatrick said:

"Higher administrative costs for Blue Cross and Blue Shield, although they partly result from inflation, are mainly good news for the consuming public. Administrative expenses that are very low would seem to reflect inadequate functioning of the plans rather than inefficiency."

In an interview, Weiss said that if Blue Cross and Blue Shield have spent substantial sums since 1965 on mechanisms to control health care inflation, they have failed to show the money spent has been worth it in savings to subscribers.

TRENDS IN HEALTH-INSURANCE OPERATING EXPENSES

(By Robert J. Weiss, M.D., William H. Wiese, M.D., and Joel C. Kleinman, Ph. D.)

Abstract: An examination of the operating expenses of 74 Blue Cross plans and 73 Blue Shield plans from 1965 through 1969 revealed that on a per enrollee basis, operating expenses nationally rose 66.2 per cent for Blue Cross and 60.6 per cent for Blue Shield plans. The rate of increase is sharper than for hospital daily charges from 1967 to 1969. The variation among Blue Cross plans in their 1969 operating expense per enrollee ranges from a low of $1.18 to a high of $8.74.

The data raise serious questions about the desirability of expressing operating expenses of private health-insurance companies only as a percentage of subscription income. The inflation of operating expenses in private health insurance justifies a cautionary approach in the evaluation of those proposals for regulating private health-insurance companies, especially if they are to be used as fiscal intermediaries or carriers in public programs. More data are needed for an adequate assessment.

The continuing and rising concern with the cost of medical care in the United States has focused on many components of the medical-care dollar, including the cost for health insurance. Recently, Mr. Elliot Richardson, Secretary of Health, Education, and Welfare, in discussing the need for regulation of private health-insurance companies, advocated, among other things, legislation that would "require insurers to disclose their administrative expenses as a percentage of premiums." [1] Support for such regulatory legislation has been voiced in Congress, as well as by a number of state insurance commissioners. The evidence given for the need for regulation has been the steadily rising health-insurance premium. The insurance companies have cited increasing costs of hospital daily charges as responsible for the increasing premiums, and have maintained that the explosive 15 per cent annual increase in hospital daily charges between 1965 and 1969 has been unjustified and must be controlled.

Several of the proposals under consideration for a program of national health insurance would have private health-insurance organizations either provide the insurance with premiums subsidized in varying degree by the government or serve, as they do in Medicare programs, as fiscal intermediaries or carriers for the disbursement of funds to the disparate and scattered array of health providers that make up the medical-care system. It is therefore important to know what the costs of such proposals would entail.

Although it is essential to examine the operating expenses of all private health-insurance plans, the data for such an examination are not published in a usable form. We have focused, therefore, on the Blue Cross-Blue Shield plans for which operating-expense data have been published.

The operating expenses for all Blue Cross-Blue Shield plans in the United States for 1969, which amounted to $479 million, represent 8 per cent of the total dollars paid in claims by Blue Cross-Blue Shield during that year.

In a recent analysis of the financial experience of Blue Cross-Blue Shield plans for the period 1965–1969, reported in a Research and Statistics Note of the Social Security Administration,[2] operating expenses of plans were reported as a percentage of subscription income. The report cited a rise in the national operating expense of Blue Cross from only 4.5 per cent to 5.8 per cent—an increase of 1.3 percentage points in that four-year period. The national Blue Shield figures reveal a rise from 8.8 per cent in 1965 to 11.1 per cent in 1969, or a rise of 2.3 percentage points of subscription income. Since the percentage is computed on total subscription income, which reflects the highly inflated hospital daily charge, it became apparent to us that the dollar rise in operating expenses would be very large. Thus, the problem posed is not whether regulation is needed, but whether a percentage of premium is the proper item to regulate.

To compare the regulation of the actual increase in operating expenses of Blue Cross-Blue Shield for this period with the rise in health-care costs, it is more appropriate to examine the national data on operating expenses in terms of dollar costs on a per enrollee basis rather than to analyze them as a percentage of subscription income. This method allows for changes in enrollment and permits an analysis of real changes in oper-

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Footnotes at end of article.

ating expenses in terms of comparable units of measurement, adding a new dimension in assessing overall health-insurance costs. Although the data on operating expenses per enrollee are reported in the Social Security Research and Statistics Note,[2] there has been no analysis of the trends of these expenses over the period of the greatest inflation of health-care costs in the United States.

The purpose of this report is to examine trends in the national data of operating expenses of the Blue Cross-Blue Shield plans on a per enrollee basis for the period 1965 to 1969. The analysis is limited by the available published data. No data were found that report the number of claims processed by each plan according to type of claim and amount spent on processing different types of claims. The data analyzed are thought to be indicative of the unavailable, but more explicit, information.

In examining the financial experience of the Blue Cross and Blue Shield plans for the period 1965–1969, Mueller[3] reports the total operating expenses of the plans as operating expense per enrollee by year. This figure represents the average cost of administration, enrollment, and claims processing for each enrollee by year. These expenses are reported both as a percentage of subscription or premium income and as a dollar amount per enrollee. In 1965, the average operating expense per enrollee in the 74 Blue Cross plans was $2.18. In 1969, the comparable expense per enrollee in 74 Blue Cross plans was $3.63. The dollar increase of $1.45 from 1965 to 1969 represents a rise of 66.2 per cent (Table 1).

With 1965 as a base of 100, the national Consumer Price Index, medical price indexes,[3] and operating expense per enrollee of Blue Cross and Blue Shield are shown in Figure 1 (not printed in the RECORD) for 1965 to 1969. The rate of increase of Blue Cross–Blue Shield operating expenses per enrollee is not accounted for by the general inflation alone. It is apparent that the Blue Cross–Blue Shield operating expense per enrollee has risen more sharply than even hospital daily charges from 1967 to 1969.

Tables 1 and 2 show the changes in enrollees, subscription income, claims expenses, and operating expenses for all Blue Cross and Blue Shield plans as totals and per enrollee. Analysis of data not presented here indicates that plans with high operating expense per enrollee in 1965 remain high in 1969.

The large percentage increase in per enrollee operating expense might be explained by a large increase in claims per enrollee. An analysis of the partial data available on claims per enrollee[4] in Blue Cross plans reveals little relation between the total claims per enrollee and the operating expense per enrollee on a yearly basis (Fig. 2 not printed in the RECORD). (Claims data were not available for those with complementary coverage.)

There is wide variation among the various Blue Cross plans in their 1969 operating expense per enrollee (Fig. 3 not printed in the RECORD). The operating expense per enrollee in Blue Cross ranges from a low of $1.18 to a high of $8.74. The operating expense per enrollee in Blue Shield ranges from a low of $0.95 to a high of $9.42.

TABLE 1.—BLUE CROSS ENROLLMENT, COSTS, AND EXPENSES, 1965 AND 1969[1]

	A	B	C	D	B/A	C/A	D/A
	X 1000				Amount per enrollee per year		
Year[2]	Number of enrollees	Suscription income	Claims expense	Operating expense	Subscription income	Claims expense	Operating expense
1965	61,651	$3,031,470	$2,887,187	$134,559	$49.17	$46.83	$2.183
1969	70,620	$4,419,156	$4,322,341	$256,227	$62.58	$61.21	$3.681
Percent change (total)	14.5	45.8	49.7	90.4	27.3	30.7	66.2

[1] Data computed from Mueller. [2] As of Dec. 31.

In 1965, the average operating expense per enrollee in 73 Blue Shield plans was $2.20. In 1969, the comparable expense per enrollee for the same 73 plans was $3.53. The dollar increase of $1.33 from 1965 to 1969 represents a rise of 60.6 per cent (Table 2).

A number of factors were examined to determine whether they accounted for the variability. Multiple-regression analysis (using 73 plans for which the data were available) was performed with Blue Cross operating expenses per enrollee as the dependent variable. Nine independent variables were included: size of plan (enrollment); geographic location (nine regions were specified); percentage of nongroup enrollment; percentage of complementary insurance (those over 65 in the Plan's service area who have supplementary coverage to Medicare with the Blue Cross plan); outpatient visits per enrollee (excluding complementary coverage); inpatient admissions per enrollee[4] (excluding complementary coverage); percentage of civilian population enrolled in plan; ratio of Medicare claims expense to regular claims expenses[5] (only 1968 data were available for this item); and benefit expense per enrollee under regular business.

TABLE 2.—BLUE SHIELD ENROLLMENT, COSTS AND EXPENSES, 1965 AND 1969[1]

	A	B	C	D	B/A	C/A	D/A
	X 1000				Amount per enrollee per year		
Year[2]	Number of enrollees	Subscription income	Claims expense	Operating expense	Subscription income	Claims expense	Operating expense
1965	52,669	$678,333	$1,190,486	$115,940	$25.04	$22.60	$2.201
1969	62,955	$1,318,915	$1,834,495	$222,514	$31.89	$32.63	$3.534
Percent change (total)	19.6	52.2	54.1	91.9	27.4	44.4	60.6

[1] Data computed from Mueller. [2] As of Dec. 31.

The regression analysis accounted for only 35 per cent of total variation among plans. The only significant regression coefficients (at the 5 per cent level) were the percentage of civilian population enrolled in area served by a plan, outpatient visits per enrollee, and claims expense per enrollee.

The variables used in the regression analysis were the only ones available. If data had been available on variables such as number of claims, type of claims, number and types of providers and utilization by subscriber, a higher percentage of the variation among plans might have been accounted for. It should be clear, then that an adequate data base on subscribers, utilization, and expenses per claim is needed to identify what factors explain the variation in operating expenses.

The significance of this variability can be seen in the financial performance of Blue Cross plans for the year 1969. The total loss of all Blue Cross plans for the year 1969 was $89 million, including excess of claims expense and administrative expenses over subscription and all other income. If all Blue Cross plans had been able to operate at an operating cost per enrollee of $1.94 (Rochester, New York, Blue Cross) instead of the average of $3.63 per enrollee, the total operating cost would have been $119 million less than it actually was. As a result, the 1969 financial experience of the total Blue Cross plans would have shown an excess of $29.9 million income over claims and administrative expenses. Even if all the plans were operating at a cost per enrollee of $2.75 (the mode of the distribution), the resulting financial experience would have decreased the deficit by $62 million—i.e., by 70 per cent. It is quite clear that small differences in operating costs per enrollee can make sizable differences in the gross amount of health expenditures.

DISCUSSION

The foregoing description of the increasing operating costs per enrollee per year in Blue Cross and Blue Shield plans raises many questions that require answers. The data available do not permit the analysis of the reasons either for the increases in operating costs or for the tremendous variability among plans.

One explanation that has been offered for the increase in operating expense is the introduction, beginning in 1965, of automated processing systems. If the increase is accounted for by this fact, the data for future years should reflect a substantial drop in operating expense.

Much of the increase in operating cost may come from increased review of claims and from the problems that arise when a plan offers a large number of different benefit packages. Some Blue Cross plans offer as many as 23 to 25 different policies with different exclusions and coverage. In general, Blue Cross plans do not cost account claims processing or the difference in processing costs that may arise with varying deductibles or coinsurance. It may be that the increased review of claims is beneficial in reducing overutilization or excess charges. However, it is impossible to determine whether the increased review costs the consumer more than it saves him, or whether the processing of claims under contracts with coinsurance and deductibles costs more

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Footnotes at end of article.

than the income produced therefrom. Additional study is obviously necessary to answer these questions. Answers will be forthcoming only if the providers collect the data that will make such an analysis possible.

Examples of the kinds of information needed to analyze the variability of operating expenses, by plan, but now unavailable include: age, sex, family size of subscribers according to plan and type of contract; claims made according to age, sex, type of contract and type of service; and actual unit costs of the claims review process under different contracts, including costs associated with the processing of coinsurance features and deductibles.

Without this information it is not possible to determine whether population distribution may affect utilization and claims processing costs. No information is available about the demographic characteristics of subscribers covered by each plan so that it is currently impossible to provide a denominator that will give accurate utilization rates. These data are essential to permit useful and productive cost-effectiveness analysis for management decisions, as well as to develop other measures of effectiveness of private health-insurance operations.

Thus, the variability among plans should be examined on the basis of numbers of claims processed and of type of claims when an adequate internal auditing and cost-accounting system makes those data available. We believe, however, that the variability shown is so great that this additional analysis will not explain it, and that the variability is due in part to a lack of adequate cost controls.

The following two examples, although not permitting generalizations, indicate the need for collecting the data necessary for improved analysis of vital policy issues.

We recently reviewed a self-insured institution's arrangements with a Blue Cross and Blue Shield plan to act as the fiscal payer of claims to providers and policyholders. Blue Cross processed, reviewed and paid the claims and submitted a monthly bill to the institution for all claims paid under the extended benefit plan, plus 15.5 per cent of this dollar amount as a service charge. A review of every 10th claim paid during the period July 1, 1969, to June 30, 1970, revealed that the mean claim was $101, with the median claim $48.40. More than ⅓ of all claims were under $20. The average service fee per claim was $15.72. Surely, there is a question about reimbursement that is set as a percentage of the dollar claim with no cost accounting of claim-processing expenses. What incentive exists for Blue Cross or Blue Shield to exercise any control over prices in the health-care system, when any increase in the cost of health care results in an increased income for operating expenses under the same work load?

A second example recently reported by Blue Shield of Massachusetts is the statement that "Blue Shield has saved its customers $607,000 this past year by improved claims reviews."[6] The "saving" of $607,000 was on a total of $157 million of claims. Since no adequate cost figures have been collected, and no cost accounting of claims review is presently done on a per enrollee or per claim basis, it is impossible to do more than speculate about whether there was, in fact, a saving, or whether the cost of claims review may have exceeded the stated "saving."

These two examples may be isolated cases. They do illustrate, however, the types of problems encountered in a limited look at the operation of a Blue Cross plan. In both examples, there may be alternative explanations for the observations noted.

Certainly, regulation of health insurance seems to be more complex than setting a simple percentage figure of the premium without any knowledge of what is being done in the name of "operating expenses." Control for what seems to be unaccounted-for variation (of operating expenses) among plans requires more central accountability of Blue Cross–Blue Shield plans and a careful assessment of the administrative cost of wide varieties of benefit packages, as well as the cost of monitoring deductibles and coinsurance programs. These measures are required to make decisions regarding a national health-insurance plan, as well as to determine whether the existing carriers should be used as the vehicle for a national health-insurance plan.

It seems apparent that in many plans, review and monitoring of claims might be undertaken on a statistical-sample basis, as is now done by the Internal Revenue Service. Studies should be undertaken to provide the management data necessary to modify existing procedures.

Up to the present, there has been no incentive for private health-insurance companies to monitor their own costs, because these are always passed on directly to the consumer. If the health-insurance industry is viewed as an industry whose unit product is a paid claim, and this product has to compete in the marketplace, there will be an incentive for careful cost accounting of the operating expenses per enrollee or per claim processed.

Clearly, regulation of the health-insurance industry will have to be based on the results of more sophisticated data collection than is currently employed. Controlling the percentage of premium, which simply ensures the carrier of receiving its share of any excess inflation in the costs of health care, with no accountability, is not a tenable solution.

FOOTNOTES

[1] Administration to ask regulation for private health insurance companies. Wall Street Journal 178:2, October 20, 1971.

[2] Mueller MS: Enrollment, coverage, and financial experience of Blue Cross and Blue Shield plans, 1969. Research and Statistics Note No. 4. Washington, DC, Social Security Administration, April 21, 1971.

[3] Horowitz LA: Medical care prices fact sheet 1966–1970. Research and Statistics Note No. 2. Washington, DC, Social Security Administration, March 23, 1971.

[4] Singsen AG: Blue Cross enrollment and utilization report for the Blue Cross Plans in the United States, Canada and Jamaica, 4th Quarter, 1969. Chicago, Blue Cross Association, 1970.

[5] Reed LS, Dwyer M: Private Health Insurance Organizations as Intermediaries or Fiscal Agents Under Government Health Programs (Staff Paper No. 7). Washington, DC, Social Security Administration, Office of Research and Statistics, 1971.

[6] Blue Shield subscribers benefit from two active cost containment programs. Health Care Today 1 (2) :8, 1972.

THE NEED FOR THE BEST HEALTH CARE AND THE BEST HEALTH INSURANCE—ADDRESS BY SENATOR KENNEDY

Mr. COOPER. Mr. President, I ask unanimous consent to have printed in the Record an address by the distinguished senior Senator from Massachusetts (Mr. Kennedy) before the American Academy of Family Physicians in New York City on September 27.

The address deserves careful reading; and one reading it will find an extremely interesting, understandable, and humane exposition of the need for the best health care, with the best method of health insurance, but always with the background of the needs of those seeking care and the preeminent need for the family physician.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Senator Edward M. Kennedy Before the American Academy of Family Physicians, New York, September 27, 1972

I am grateful for the opportunity to speak this morning to so many distinguished representatives of American physicians. I am especially grateful to be with the men and women who are the real "front line" of American medicine, the family physicians. Your special relationship to patients, the vigor and discipline of your practice, your long hours and devotion to your fellow citizens give you a unique perspective on health care. It is a perspective that all of us in public life must admire and try to understand.

During the past two years, I have had many opportunities to sit at conference tables with physicians in hospital board rooms and medical schools in every section of our country. I am deeply impressed by the thought physicians have given to health care in the nation—about the problems we have, and about what we should do to correct them. I am also deeply impressed with the energy, basic good will, and professional dedication of physicians.

What I have found in this respect as a member of the Senate matches my own personal health care experience. My family and I are deeply grateful for the benefits we have received from American medicine and for the skill and wisdom of so many fine physicians who have helped us.

I believe that America's health professionals, and especially America's physicians, are the backbone of health care in the nation. Without your strong and creative efforts, we will never solve any of our health problems in America. The reason I am here today is to make it clear that I view America's physicians as the key to any health reform. Most important, I intend to protect the rights of America's physicians in any effort Congress makes to improve our health care system.

I believe we are moving into the final lap of debate on the issue of national health insurance. I believe that a program of such insurance will be enacted into law before the next Congress adjourns two years from now.

Some months ago, Chairman Wilbur Mills of the House Ways and Means Committee and I joined together in offering a joint statement of principles for a national health insurance program. Two days later, as Chairman Mills told me, Dr. Wesley Hall, the President of the American Medical Association, was in the Chairman's office expressing alarm—not so much at the content of the statement, as at the fact the Chairman was involved with Ted Kennedy. Mr Mills reassured Dr. Hall by saying "Ted and I are going to look out for you. We're going to write a bill that's good for everybody."

I believe we can and will write such a bill—but only if we understand each other's position clearly and build an area of broad agreement that all of us accept.

That is why I am here this morning. From the very outset of the debate on America's health crisis, I have tried to address the range of problems which concern physicians. Let's take them one by one:

Perhaps the most important single problem is, Who will pay your bill? No one knows this problem better than the family practitioner. You know how hard it is to collect your fee for services rendered. Less than 50 percent of Americans have health insurance for the services physicians perform outside the hospital. Most of your fees for office treatment are paid out of the patient's own pocket, without the benefit of Blue Shield or any other insurance program.

For some patients, that's no problem. But for millions of average Americans, especially those who live on fixed incomes or have a chronic illness, it often means a real dilemma for you the doctor—perhaps, against your better judgment, you admit them to a hospital for treatment, so their insurance can pay the bill. Or, perhaps you go ahead and treat them in the office anyway, and simply write off part of the bill they ought to pay.

I don't believe that any doctor in America should have to practice medicine that way. I don't believe that any doctor should have to write off reasonable fees. I don't believe that any doctor ought to have to hire a bill collector to chase his patients. Our society expects you to treat everyone, and turn no one away. Our society should also guarantee that you are paid a reasonable fee. A decent national health insurance system will guarantee that.

But your fee problems don't end with patients who cannot pay. The biggest headache of all is dealing with the insurance companies.

Most patients want the doctor to handle this—because the patients don't know how. And that's the beginning of your problem. There are close to 1,200 companies writing health insurance in America today. They sell all kinds of different policies, with different coverages and different benefits, different deductibles and different coinsurance.

And each company has its own peculiar forms to fill out. Each company handles its own claims differently. You're never sure how much of the bill the insurance will cover, so you never know how much to bill the patient in addition. And sometimes it takes forever to get paid. Sometimes the insurance company sends you—not a check in satisfaction, but more complicated forms—because the company is looking for an excuse to reduce or refuse to pay the claim.

To top it off, when you finally get through the red tape, the patient is often caught short by how little the insurance pays. Few Americans understand their insurance—most are surprised and angry—and sometimes they take it out on you, the physician.

Think of all the time your secretaries waste in dealing with insurance companies. Think of all the time you waste yourself. Think of all the time and money America wastes on this confusing and inefficient system.

It doesn't have to be this way. There is no reason to maintain his kind of fragmented, disorganized health insurance system in America. We have the ability to create a better system, a system in which the doctor knows that every patient is insured for the services he provides.

We can create a system with a single claims form, and a single procedure to deal with any claim. In short, we can create a system that lets a physician be a doctor—not also a bookkeeper or a C.P.A.

Another important problem now before us is, Who will train the doctors we need?—Not just the doctors the medical schools like to produce, not just the specialists who attract the most prestige, but the doctors the nation needs. Our country needs more primary care physicians. We need more physicians in family practice. We need them because there are some communities where only they can do the job. We need them because in all communities they have an essential role to play in organizing other specialties around the patient's basic wants.

We see the problem everywhere, but we fail to try to solve it. Across America today, hundreds of counties and thousands of communities have no physicians at all. In countless others, the number of physicians is dwindling rapidly, as respected family practitioners retire or move away, and no replacement come.

Let me tell you two stories I have heard first hand to illustrate the problem.

When our Senate Health Subcommittee was in Kingwood, West Virginia, last year, Dr. Delroy Davis told me about his yearlong efforts to convince a young physician to join him in his practice. The waiting lines have been getting longer and longer in Kingwood in recent months. Two of the nine physicians who had practiced there died a year ago. Another left to begin a residency in neurosurgery. Dr. Davis received applications from over 100 specialists, mostly surgeons, who wanted to work in family practice until they could launch their specialty themselves. He received only four applications from family practitioners, although they were the physicians Kingwood needed most.

Later, in hearings we held in Washington, our committee heard from Dr. Robert MacBride, a family practitioner in Lubec, Maine. He described his impossible 18 hour days, and how he had tried for twenty years to find an associate to meet the need. He's no horse and buggy doctor, either. He uses every modern tool. He sends EKGs by telephone to Bangor. In his office he has a Medex veteran from Vietnam and a medical student working with him and studying at Dartmouth College.

Why can't we do more to help these doctors? Why can't we work together to meet the need?

You can't say this academy hasn't tried. Two years ago, we passed a major bill to provide the assistance family doctors can really use—$225 million in Federal aid to hospitals and medical schools for family practice programs. And all you got for your efforts was a veto from the President.

In legislation passed since then, we've tried to meet the need. At last, the dollars are beginning to flow in earnest. I'm proud to have worked with you in our early efforts in the past, and I look for even greater success in coming years, as men of good will in both political parties move to join you in your cause.

The next great problem is the efficiency and quality of care. Again, this is an area in which the specialty of family practice has helped to take the lead. As a pioneering specialty, you have shown great boldness in refusing to certify physicians under a "Grandfather Clause," and requiring meaningful recertification every six years.

When all of the 20 medical specialties have followed your lead in this, American medicine will have taken a giant step toward assuring high quality medical care for all the people.

The world of family practice can also lead the way to higher quality by helping organizing health care more efficiently. In most communities today, we spread primary physicians and specialists all over town, and the particular man the patient sees is often left to chance.

Naturally, most specialists in modern medicine are apt to approach a patient from the perspective of their special training. And so, if a patient goes directly to a surgeon, without seeing a primary care physician first, he is likely to find himself in surgery when he may not really need it. I am not necessarily implying any evil practice here. I am implying, though, that most specialists are apt to see the patient from too narrow a perspective. Nor am I limiting myself to surgery—the same can probably be said of any other specialty. The problem is not the specialist—it is the system, which too often ignores the patient and his family, leaving them to chance encounters in a maze of medicine they can never understand.

We need family practitioners to organize the patient's care, to improve quality and efficiency in every situation. You can improve diagnosis, and insure that all possible treatments are considered. You can eliminate duplicate tests, and assemble a decent medical record for a patient and his family. Moreover, I believe the family physician can fill this role while practicing on a fee-for-service, solo-practice basis.

I believe, however, that we can also make improvements in these areas if health professionals, including family physicians, organize into prepaid group practices—or health maintenance organizations. The evidence indicates such forms of practice are highly efficient in many areas.

I don't believe every physician should choose prepaid group practice—I don't even believe that a majority can or will. But I do believe that those who are interested in this form of practice should have the opportunity, and that the government should help to underwrite the efforts to make it possible, just as Government underwrites so many other areas of medicine today.

The national health insurance plan I support, the Health Security Act, allows all varieties of medical practice—whether solo, fee-for-service practice; or prepaid group practice; or anything in between. It is not the program's intent to stifle any form of practice. Instead, we want to encourage all forms of practice that improve efficiency and quality.

What I have described so far are some of the important problems in the health care system which national health insurance must try to solve. Let me turn now to a series of guarantees I have tried to formulate to protect the fundamental principles important to American physicians.

The first guarantee is that the federal government in this nation must not own the hospitals or employ the physicians. I do not want to build a British health care system in the United States. I do not want socialized medicine in America.

What the federal government must do is assure that no American who needs health care is prevented from getting good care because he can't afford it, or because there aren't enough doctors, or because facilities aren't available, or because of any other reason that we have the ability to prevent.

I believe in maintaining the free enterprise system in this country and in American medicine. In fact, I would like to see even more variety, and more competition in the health care system between different forms of health care. I look forward to a day when physicians can practice in solo practice, in HMOs, in medical foundations, in large groups, or in any other way that is efficient and beneficial to the patients and doctors, too. I believe we can create a uniquely American health care system that will preserve free enterprise for the doctors, and still offer your patients the financial support and adequate care they need.

My second guarantee is that we must not remove the freedom of every physician to choose where and how he provides health care, just as we must not remove the freedom of the patient to choose how he receives that care. I do not want to "hijack" medical students into particular specialties or locations because that's what an almighty government says they should be trained for or where they should be sent. We will never produce decent health care by methods such as that.

What we must do is create every possible incentive, every possible attraction to young physicians to enter fields of practice and sections of the country where the need for health is not being met today. We must create new patterns of care and take every possible step to assure that where the need is greatest, the opportunity for a rewarding professional career is also greatest.

Nor do I want Americans to be assigned as patients to one physician or another, or to one organization or another for their health care. In sum, I want Americans to have maximum choice in this regard. Only in this way can we produce a system that is fair to doctors and patients alike.

My third guarantee is that the federal government must not make medical judgments or interfere in the clinical decisions between a doctor and his patient. What we must do is encourage physicians to take the actions necessary to assure Americans that they are receiving the finest possible care that American medicine can offer.

My fourth guarantee is that we must not create an over-arching federal agency in Washington, telling every area and community in this nation exactly how they must offer health care. What we must do is to set national guidelines and standards, within which local agencies can develop the best possible health care programs for the doctors and patients in their areas.

And so in closing, let me emphasize again that I subscribe completely to these guarantees, and I am confident that they will be at the heart of any national health care legislation which Congress may enact.

You and I both know that it is not an easy life to practice medicine today. But we also know, as President Kennedy liked to say, that we cannot pray for easy lives—we must pray to be stronger men.

Together, I believe that men and women in public life can work constructively as partners with members of the health professions to build our common future. And in that task, it is we in public life who have much to learn, and it is you who have much to teach us.

No one stands on a higher or more well-deserved pedestal in our national life today than the doctors of America. Think of the inspiration you give the young, the comfort you bring the old, the hope you give us all. The miracle of your healing power—your grace and skill, your learning and compassion—are qualities that will never dim with time. They serve as beacons to the nation, continuing daily reminders of how much we could accomplish in other areas of our nation's challenge, if only we had your vision and commitment to meet the need.

Perhaps it isn't too much to say that we see our task much as Michelangelo saw his sculpture—to free the magnificent figures imprisoned in his stone. We in Congress want to work with you to free the American physician from the shackles that imprison you, and thereby enable you to fulfill your own high calling, to carry out the pledge you made in the words of the Hippocratic Oath:

"I will follow that method of treatment, which, according to my ability and judgment, I consider for the benefit of my patients."

That is the standard we must meet, as we work together for the good of our common American future.

FEDERAL REVENUE SHARING FUNDS FOR MASSACHUSETTS

Mr. KENNEDY. Mr. President, the Senate-House conference committee has now completed its work on H.R. 14370, the Federal Revenue Sharing Act, and the official tabulation of figures prepared by the staff of the Treasury Department has just become available, indicating the amounts that State and local governments throughout the country will receive under the act for the calendar year 1972.

Mr. President, the information now available is of great interest and importance to State and local officials in the Commonwealth of Massachusetts and I ask unanimous consent that the tabulation for my State be printed in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Federal revenue sharing funds for Massachusetts, calendar year 1972

[In dollars]

Total grant to Massachusetts	163,000,000
Grant to State government	44,300,000
Grant to all local governments	118,700,000

The detailed information available with respect to the distribution of funds to local governments within the Commonwealth of Massachusetts is given as follows:

(1) The total grants to local governments within the State.

(2) The amount returned to the State government to use as it sees fit because of the application of the 50 percent limitation to local governments. This amount may ultimately be seomewhat larger than shown since there may be amounts which municipalities under 2,500 in population and townships may not receive because of the limitation. In general, the 50% limitation provides that the amount of revenue sharing funds going to any county government or municipality may not exceed 50% of adjusted taxes from its own sources plus intergovernmental transfers.

(3) The total amount going to all governmental units within each county area. The county areas are arranged alphabetically within the State.

(4) The total amount going to the county government itself.

(5) The total amount going to all municipal governments in the county with populations of over 2,500.

(6) The total amount going to all municipal governments with populations of under 2,500.

(7) The total amount going to all townships in the county. Where there are no townships or the township government does not raise any revenue, a "0" is shown for this entry.

(8) A breakdown of the amount going to each municipal government within the county with a population of over 2,500 is shown. Distributions also are to be made to smaller municipalities, but this is not shown in this tabulation. Some municipalities are located in more than one county. Where this is true, the name of the city is followed by the word "(Part.)" In such a case, it is necessary, in order to obtain the total payment going to the city, to add together the amounts going to it from the two or more applicable county areas.

Revenue sharing funds for Massachusetts

[In dollars]

Total State grant to all locals	118,654,534
Amount returned to Massachusetts State government is	275,226
Barnstable County area	2,269,170
Barnstable County government	319,159
Total to all cities over 2,500	0
Total to all cities under 2,500	0
Total to all townships	1,970,011
Barnstable Town	373,811
Bourne Town	261,524
Chatham Town	100,822
Dennis Town	178,729
Falmouth Town	424,774
Harwich Town	124,504
Orleans Town	11,669
Provincetown Town	31,774
Sandwich Town	97,545
Yarmouth Town	215,759
Berkshire County area	2,963,614
Berkshire County government	270,292
Total to all cities over 2,500	1,705,590
Total to all cities under 2,500	0
Total to all townships	987,732
North Adams City	527,220
Pittsfield City	1,178,370
Adams Town	224,821
Cheshire Town	24,768
Dalton Town	103,370
Great Barrington Town	65,630
Lanesborough Town	29,839
Lee Town	102,297
Lenox Town	91,753
Williamstown Town	79,233
Bristol County area	9,075,801
Bristol County government	586,231
Total to all cities over 2,500	6,027,895
Total to all cities under 2,500	0
Total to all townships	2,461,675
Attleboro City	614,010
Fall River City	2,683,377
New Bedford City	2,125,144
Taunton City	605,363
Acushnet Town	108,034
Dartmouth Town	273,961
Dighton Town	37,360
Easton Town	284,258
Fairhaven Town	266,037
Freetown Town	47,352
Mansfield Town	100,853
North Attleboro Town	249,899
Norton Town	109,284
Raynham Town	60,620
Rehoboth Town	61,883
Seekonk Town	138,995
Somerset Town	340,312
Swansea Town	128,678
Westport Town	224,615
Dukes County area	163,397
Dukes County government	34,697
Total to all cities over 2,500	0
Total to all cities under 2,500	0
Total to all townships	134,699
Essex County area	11,040,680
Essex County government	736,397
Total to all cities over 2,500	6,675,405
Total to all cities under 2,500	0
Total to all townships	3,627,878
Beverly City	535,449
Gloucester City	414,068
Haverhill City	819,886
Lawrence City	1,155,195
Lynn City	1,788,410
Newburyport City	224,867
Peabody City	615,421
Salem City	1,123,109
Amesbury Town	274,319
Andover Town	287,719
Boxford Town	22,655
Danvers Town	389,848
Essex Town	49,389
Georgetown Town	43,971
Groveland Town	49,006
Hamilton Town	64,596
Ipswich Town	264,735
Lynnfield Town	119,183
Manchester Town	76,250
Marblehead Town	198,179
Merrimac Town	31,329
Methuen Town	444,615
Middleton Town	50,831
Nahant Town	66,021
Newbury Town	26,697
North Andover Town	204,042
Rockport Town	88,619
Rowley Town	38,857
Salisbury Town	115,728
Saugus Town	448,285
Swampscott Town	163,236
Topsfield Town	51,954
Wenham Town	27,809
Franklin County area	895,174
Franklin County govt	157,719
Total to all cities over 2,500	0
Total to all cities under 2,500	0
Total to all townships	737,455
Deerfield town	20,875
Greenfield town	264,458
Montague town	99,059
Northfield town	42,223
Orange town	61,018
Hampden County area	9,617,144
Hampden County govt	539,517
Total to all cities over 2,500	6,910,386
Total to all cities under 2,500	0
Total to all townships	2,167,241

Revenue sharing funds for Massachusetts—Continued

[In dollars]

Chicopee city	759, 106
Holyoke city	1, 371, 963
Springfield city	4, 443, 226
Westfield city	336, 091
Agawam town	376, 937
East Longmeadow town	153, 524
Hampden town	56, 082
Longmeadow town	87, 164
Ludlow town	265, 976
Monson town	112, 538
Palmer town	150, 042
Southwick town	138, 124
West Springfield town	573, 675
Wilbraham town	126, 528
Hampshire County area	1, 847, 581
Hampshire County government	185, 160
Total to all cities over 2,500	473, 896
Total to all cities under 2,500	0
Total to all townships	1, 188, 525
Northampton City	473, 896
Amherst Town	278, 367
Belchertown Town	164, 384
Easthampton Town	205, 975
Granby Town	76, 110
Hadley Town	30, 941
Hatfield Town	44, 366
Southampton Town	22, 249
South Hadley Town	194, 253
Ware Town	77, 399
Middlesex County area	23, 654, 930
Middlesex County government	1, 846, 127
Total to all cities over 2,500	12, 720, 811
Total to all cities under 2,500	0
Total to all townships	9, 087, 992
Cambridge City	2, 078, 601
Everett City	938, 076
Lowell City	2, 170, 217
Malden City	1, 265, 002
Marlborough City	345, 763
Medford City	1, 103, 115
Melrose City	312, 763
Newton City	727, 363
Somerville City	2, 060, 476
Waltham City	1, 081, 998
Woburn City	647, 439
Acton Town	173, 883
Arlington Town	643, 558
Ashland Town	82, 582
Ayer Town	200, 829
Bedford Town	202, 727
Belmont Town	260, 273
Billerica Town	512, 266
Burlington Town	608, 688
Carlisle Town	18, 963
Chelmsford Town	240, 355
Concord Town	142, 275
Dracut Town	211, 238
Framingham Town	741, 493
Groton Town	47, 318
Holliston Town	109, 606
Hopkinton Town	121, 212
Hudson Town	274, 840
Lexington Town	341, 602
Lincoln Town	35, 593
Littleton Town	67, 005
Maynard Town	137, 358
Natick Town	430, 743
North Reading Town	68, 306
Pepperell Town	22, 487
Reading Town	253, 362
Sherborn Town	12, 639
Shirley Town	43, 414
Stoneham Town	297, 210
Stow Town	48, 183
Sudbury Town	168, 748
Tewksbury Town	432, 830
Townsend Town	43, 494
Tyngsborough Town	61, 627
Wakefield Town	336, 207
Watertown Town	741, 979
Wayland Town	117, 789
Westford Town	105, 664
Weston Town	42, 138
Wilmington Town	400, 195
Winchester Town	220, 724
Nantucket County area	104, 513
Nantucket County government	0
Total to all cities over 2,500	0
Total to all cities under 2,500	0
Total to all townships	104, 513
Nantucket Town	104, 513
Norfolk County area	8, 625, 434
Norfolk County government	388, 636
Total to all cities over 2,500	1, 432, 659
Total to all cities under 2,500	0
Total to all townships	6, 812, 139
Quincy City	1, 432, 659
Avon Town	97, 815
Bellingham Town	174, 604
Braintree Town	500, 294
Brookline Town	507, 605
Canton Town	286, 618
Cohasset Town	86, 228
Dedham Town	431, 944
Dover Town	19, 262
Foxborough Town	205, 312
Franklin Town	340, 048
Holbrook Town	154, 264
Medfield Town	92, 690
Medway Town	122, 941
Town of Millis	99, 395
Milton Town	249, 662
Needham Town	322, 525
Norfolk Town	26, 387
Town of Norwood	323, 780
Plainville Town	36, 474
Randolph Town	239, 559
Sharon Town	100, 209
Stoughton Town	447, 522
Walpole Town	428, 258
Wellesley Town	174, 810
Westwood Town	147, 781
Weymouth Town	993, 579
Wrentham Town	202, 573
Plymouth County area	6, 025, 975
Plymouth County government	420, 359
Total to all cities over 2,500	1, 776, 157
Total to all cities under 2,500	0
Total to all townships	3, 829, 459
Brockton City	1, 776, 157
Abington Town	177, 214
Bridgewater Town	154, 722
Duxbury Town	67, 295
East Bridgewater Town	148, 795
Halifax Town	13, 510
Hanover Town	158, 726
Hanson Town	77, 717
Hingham Town	266, 484
Marion Town	41, 698
Lakeville Town	33, 716
Kingston Town	98, 963
Hull Town	80, 633
Marshfield Town	373, 023
Mattapoisett Town	79, 473
Middleborough Town	162, 205
Norwell Town	110, 151
Pembroke Town	173, 825
Plymouth Town	331, 945
Rockland Town	420, 760
Scituate Town	292, 819
Town of Wareham	190, 063
West Bridgewater Town	110, 714
Whitman Town	178, 430
Suffolk County area	20, 084, 246
Suffolk County government	0
Total to all cities over 2,500	19, 796, 339
Total to all cities under 2,500	0
Total to all townships	287, 906
Boston City	17, 753, 054
Chelsea City	848, 092
Revere City	1, 195, 194
Winthrop Town	287, 906
Worcester County area	11, 985, 648
Worcester County government	867, 293
Total to all cities over 2,500	6, 699, 153
Total to all cities under 2,500	0
Total to all townships	4, 419, 203
Fitchburg City	1, 200, 289
Gardner City	489, 660
Leominster City	552, 154
Worcester City	4, 537, 050
Ashburnham Town	33, 906
Athol Town	83, 875
Auburn Town	176, 140
Barre Town	14, 610
Blackstone Town	72, 678
Boylston Town	46, 657
Charlton Town	72, 059
Clinton Town	218, 841
Douglas Town	30, 011
Dudley Town	136, 779
Grafton Town	102, 155
Harvard Town	51, 283
Holden Town	90, 230
Hopedale Town	102, 432
Lancaster Town	58, 293
Leicester Town	109, 798
Lunenburg Town	100, 295
Mendon Town	49, 946
Milford Town	310, 708
Millbury Town	166, 510
Northborough Town	127, 967
Northbridge Town	163, 548
North Brookfield Town	37. 622
Oxford Town	286, 482
Paxton Town	14, 251
Rutland Town	30, 056
Shrewsbury Town	279, 258
Southborough Town	49, 758
Southbridge Town	187, 846
Spencer Town	100, 748
Sterling Town	22, 519
Sturbridge Town	33, 943
Sutton Town	46, 113
Templeton Town	26, 315
Upton Town	48, 216
Uxbridge Town	107, 195
Warren Town	24, 823
Webster Town	229, 427
Westborough Town	140, 680
West Boylston Town	36, 453
West Brookfield Town	57, 171
Westminster Town	41, 171
Winchendon Town	85, 650

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. BENTSEN). The period for the transaction of routine morning business is closed.

CONSUMER PROTECTION ORGANIZATION ACT OF 1971

The PRESIDING OFFICER. Under the previous order the unfinished business, S. 3970, will be laid before the Senate. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 390) to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes.

CLOTURE MOTION

Mr. JAVITS. Mr. President, I send to the desk a cloture motion on the bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair, without objection, directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (S. 3970), a bill to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants in order to protect and serve the interest of consumers and for other purposes.

1. Abraham Ribicoff.
2. Mike Mansfield.
3. Walter F. Mondale.
4. Fred R. Harris.
5. Philip A. Hart.
6. Edmund S. Muskie.
7. John O. Pastore.
8. Gaylord Nelson.
9. Warren G. Magnuson.
10. Robert C. Byrd.
11. Jacob K. Javits.
12. Charles H. Percy.
13. Edward W. Brooke.
14. Clifford P. Case.
15. Richard S. Schweiker.
16. James B. Pearson.
17. J. Glenn Beall.
18. Charles McC. Mathias, Jr.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Mr. President, does it now appear from the record that by unanimous consent there will be 1 hour's debate on this matter, beginning at 1 o'clock Tuesday, and that the vote will be at 2 p.m.?

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. The quorum call preceding the vote will be at 2 o'clock on Tuesday.

The PRESIDING OFFICER. The Senator states the situation correctly.

Mr. JAVITS. I wish to ask the acting majority leader if he wishes to go on with the debate on this matter at this time or if he wishes to call up the defense appropriation bill.

Mr. ROBERT C. BYRD. Under the order entered yesterday, which has not been called to the attention of the able senior Senator from New York, once the Senator yields the floor the Senate will proceed immediately to the consideration of H.R. 1.

Mr. JAVITS. I thank the Senator. I yield the floor.

SOCIAL SECURITY AMENDMENTS OF 1972

The PRESIDING OFFICER (Mr. BENTSEN). Under the previous order, the cloture motion on the unfinished business having been filed, the Chair lays before the Senate H.R. 1, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1) to amend the Social Security Act, to make improvements in the Medicare and Medicaid programs, to replace the existing Federal-State Public Assistance programs, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, shortly I shall introduce an amendment to lower to 60 the age at which actuarially reduced benefits may be received and to 50 the age at which a woman may receive reduced widow's benefits.

I ask unanimous consent that it be in order to order the yeas and nays on that amendment at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote which has just been ordered occur at 11 a.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the quorum call which I am about to suggest is called off, I be recognized to call up my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished Senator from Kentucky for a unanimous-consent request.

Mr. COOPER. Mr. President, I ask unanimous consent that Mr. Parenta of my staff be permitted on the floor today during the debate on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 189, between lines 19 and 20, insert the following new sections:

REDUCTION, FROM 62 TO 60, IN THE AGE AT WHICH INDIVIDUALS MAY RECEIVE ACTUARIALLY REDUCED BENEFITS

SEC. 151. (a) (1) Section 202 (a) (2) of the Social Security Act is amended by striking out "62" and inserting in lieu thereof "60".

(2) Section 202 (b) (1) of such Act (as amended by section 114(a) of this Act) is amended by striking out "62" wherever it appears therein and inserting in lieu thereof "60".

(3) Section 202 (c) (1) and (2) of such Act is amended by striking out "62" wherever it appears therein and inserting in lieu thereof "60".

(4) Section 202 (f) (1) (C) of such Act (as amended by section 102(b) (1) of this Act) is amended by striking out "or was entitled" and inserting in lieu thereof "or was entitled, after attainment of age 62,".

(5) (A) Section 202(h) (1) (A) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(B) Section 202(h) (2) (A) of such Act is amended by inserting "subsection (q) and" after "Except as provided in".

(C) Section 202(h) (2) (B) of such Act is amended by inserting "subsection (q) and" after "except as provided in".

(D) Section 202(h) (2) (C) of such Act is amended by—

(i) striking out "shall be equal" and inserting in lieu thereof "shall, except as provided in subsection (q), be equal"; and

(ii) inserting "and section 202(q)" after "section 203(a)";

(b) (1) The first sentence of section 202 (q) (1) of such Act (as amended by section 102(e) (1) of this Act) is amended (A) by striking out "husband's, widow's, or widower's" and inserting in lieu thereof "husband's, widow's, widower's, or parent's", and (B) by striking out, in subparagraph (A) thereof, "widow's or widower's" and inserting in lieu thereof "widow's, widower's or parent's".

(2) (A) Section 202(q) (3) (A) of such Act is amended (i) by striking out "husband's, widow's, or widower's" each place it appears therein and inserting in lieu thereof "husband's, widow's, widower's, or parent's", (ii) by striking out "age 62" and inserting in lieu thereof "age 60", and (iii) by striking out "wife's or husband's" and inserting in lieu thereof "wife's, husband's, or parent's".

(B) Section 202(q) (3) (C) is amended by striking out "or widower's" each place it appears therein and inserting in lieu thereof "widower's, or parent's".

(C) Section 202(q) (3) (D) of such Act is amended by striking out "or widower's" and inserting in lieu thereof "widower's, or parent's".

(D) Section 202 (q) (3) (E) of such Act is amended (i) by striking out "(or would, but for subsection (e) (1) in the case of a widow or surviving divorced wife or subsection (f) (1) in the case of a widower, be) entitled to a widow's or widower's insurance benefit to which such individual was first entitled for a month before she or he" and inserting in lieu thereof "(or would, but for subsection (e) (1), (f) (1), or (h) (1), be) entitled to a widow's, widower's, or parent's insurance benefit to which such individual was first entitled for a month before such individual,", (ii) by striking out "the amount by which such widow's or widower's insurance benefit was reduced for the month in which such individual attained retirement age and," and inserting in lieu thereof "the amount by which such widow's widower's, or parent's insurance benefit would be reduced under paragraph (1), plus", and (iii) by striking out "over such widow's or widower's insurance benefit" and inserting in lieu thereof "over such widow's, widower's, or parent's insurance benefit".

(E) Section 202 (q) (3) (F) of such Act is amended (i) by striking out "(or would but for subsection (e) (1) in the case of a widow or surviving divorced wife or subsection (f) (1) in the case of a widower, be) entitled to a widow's or widower's insurance benefit to which such individual was first entitled for a month before she or he" and inserting in lieu thereof "(or would, but for subsection (e) (1), (f) (1), or (h) (1), be) entitled to a widow's, widower's, or parent's insurance benefit for which such individual was first entitled for a month before such individual", (ii) by striking out "the amount by which such widow's or widower's insurance benefit" and inserting in lieu thereof "the amount by which such widow's, widower's, or parent's insurance benefit", (iii) by striking out "over such widow's insurance benefit" and inserting in lieu thereof "over such widow's, widower's, or parent's insurance benefit", and (iv) by striking out "62" and inserting in lieu thereof "60".

(F) Section 202 (q) (3) (G) of such Act is amended—

(i) by striking out "(or would, but for subsection (e) (1) in the case of a widow or surviving divorced wife or subsection (f) (1) in the case of a widower, be) entitled to a widow's or widower's insurance benefit," and inserting in lieu thereof "(or would, but for subsection (e) (1), (f) (1), or (h) (1) be) entitled to a widow's, widower's, or parent's insurance benefit,".

(ii) by striking out "such widow's insurance benefit" and inserting in lieu thereof "such widow's, widower's, or parent's insurance benefit,".

(3) Section 202(q) (5) (B) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(4) Section 202(q) (6) of such Act is amended (i) by striking out "husband's, widow's, or widower's" and inserting in lieu thereof "husband's, widow's, widower's, or parent's", and (ii) by striking out, in clause (III), "widow's or widower's" and inserting in lieu thereof "widow's, widower's, or parent's".

(5) Section 202(q) (7) of such Act (as amended by section 102(e) (2) of his Act) is amended—

(A) by striking out "husband's, widow's, or widower's" and inserting in lieu thereof "husband's, widow's, widower's, or parent's"; and

(B) by striking out, in subparagraph (E), "widow's or widower's" and inserting in lieu thereof "widow's, widower's, or parent's".

(c) Section 215(f) (5) of such Act is amended (A) by inserting after "attained age 65," the following: "or in the case of a woman who became entitled to such benefits and died before the month in which she attained age 62,"; (B) by striking out "his" each place it appears therein and inserting in lieu thereof "his or her"; and (C) by striking out "he" each place after the first place it appears therein and inserting in lieu thereof "he or she".

(d) (1) Section 216(b) (3) (A) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(2) Section 216(c) (6) (A) of such Act is amended by striking out "62" and inserting in lieu threeof "60".

(3) Section 216(f) (3) (A) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(4) Section 216(g) (6) (A) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(e) (1) Section 202(q) (5) (A) of such Act is amended by striking out "No wife's insurance benefit" and inserting in lieu thereof "No wife's insurance benefit to which a wife is entitled".

(2) Section 202(q) (5) (C) of such Act is amended by striking out "woman" and inserting in lieu thereof "wife".

(3) Section 202(q) (6) (A) (i) (II) of such Act is amended (A) by striking out "wife's insurance benefit" and inserting in lieu thereof "wife's insurance benefit to which a wife is entitled", and (B) by striking out "or" at the end and inserting in lieu thereof the following: "or in the case of a wife's insurance benefit to which a divorced wife is entitled, with the first day of the first month for which such individual is entitled to such benefit, or"

(4) Section 202(q) (7) (B) of such Act is amended by striking out "wife's insurance benefits" and inserting in lieu thereof "wife's insurance benefits to which a wife is entitled".

(f) Section 224(a) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(g) The amendments made by this section shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1972, but only on the basis of applications for such benefits filed after September 1972.

AGE 50—COMPUTATION POINT FOR WIDOWS

SEC. 152. (a) (1) Section 202(e) (1) (B) of the Social Security Act is amended to read as follows:

"(B) has attained age 50,".

(2) So much of section 202(e) (1) of such Act (as amended by section 102 of this Act) as follows subparagraph (E) is amended to read as follows: "shall be entitled to a widows' insurance benefit for each month, beginning with the first month in which she becomes so entitled to such insurance benefits and ending with the month preceding the first month in which any of the following occurs: she remarries, dies, or becomes entitled to an old-age insurance benefit equal to or exceeding the primary insurance amount of such deceased individual."

(3) Paragraphs (5) and (6) of section 202(e) of such Act are hereby repealed.

(b) The last sentence of section 203(c) of such Act (as amended by section 102(c) (1) of this Act) is amended by striking out "from any widow's insurance benefits for any month in which the widow or surviving divorced wife is entitled and has not attained age 65 (but only if she became so entitled prior to attaining age 60), or".

(c) Clause D of section 203(c) (1) of such Act (as amended by section 102(c) (2) of this Act) is amended by striking out "widow's insurance benefits and has not attained age 65 (but only if she became so entitled prior to attaining age 60), or".

(d) The first sentence of section 216(i) (1) of such Act is amended by striking out "202 (e),".

(e) Section 222(a) of such Act is amended by striking out "benefits, widow's insurance benefits," and inserting in lieu thereof "benefits".

(f) The first sentence of section 222(b) (1) of such Act is amended by striking out "a widow or surviving divorced wife who has not attained age 60,".

(g) (1) Section 222(d) (1) of such Act is amended (A) by striking out subparagraph (C) thereof, and (B) by redesignating subparagraph (D) thereof as subparagraph (C).

(2) Such section 222(d) (1) is further amended by striking out "the benefits under section 202(e) for widows and surviving divorced wives who have not attained age 60 and are under a disability,".

(h) Section 225 of such Act is amended (1) by striking out "or that a widow or surviving divorced wife who has not attained age 60 and is entitled to benefits under section 202(e),", and (2) by striking out "202 (d) 202(e)," and inserting in lieu thereof "202(d),".

(i) The amendments made by subsection (a) shall apply with respect to monthly benefits under title II of the Social Security Act for the months following the month after the month in which this Act is enacted, but only on the basis of applications for such benefits filed in or after the month in which this Act is enacted. The amendments made by subsections (b) through (h) shall apply with respect to months after the month in which this Act is enacted.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the yea-and-nay vote on this amendment occur at 10 minutes past 11 a.m.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, my amendment proposes two changes to the Social Security Act. First, it would amend the Social Security Act so as to reduce to 50 the age at which a woman may begin to receive actuarially reduced widow's benefits thereunder, and it would reduce to 60, the age at which monthly benefits generally, when based upon the attainment of retirement age, would be payable on an actuarially reduced basis.

Throughout my 20 years in Congress, I have consistently worked and voted for legislation aimed at providing realistic social security benefits, and legislation designed to strengthen the structure, administration, and financing of the social security program. I have previously introduced, as separate legislation, bills to lower to 50 the age at which actuarially reduced widow's insurance benefits could be received, and to lower to 60, the age at which actuarially reduced monthly benefits could be received. The Senate has upon several occasions given its approval to lower the age to 60, but the House has never seen fit to agree. I hope, however, that the need for updated social security legislation—such as this amendment—is now clearly recognized by Members in both Houses of Congress, and I am hopeful that my amendment will be accepted and subsequently enacted into law. First, I will discuss the age 50 computation point for widows.

Mr. President, beyond the 26 million citizens already drawing social security benefits, there are many widows between the ages of 50 and 60 who have lost their husbands and who, at this stage in their lives, are unable to establish a new career, or to reactivate an old one. It is this group of widows that my amendment is aimed at assisting. Under the provisions of my amendment, the Social Security Administration estimates that approximately 440,000 widows would claim benefits the first year, creating an initial cost of about $700,000,000. But in the long run there would be no, or very little, increased cost because it would balance out.

In order that we can understand what these benefits would mean, I would like to cite some examples, which have been computed by the actuarial experts of the Social Security Administration.

First. Widow A is 50 years old and her husband had average monthly earnings of $500 per month. Her reduced benefits at age 50 would be $135 per month. If Widow A were 55, her benefits would be $164 per month.

Second. Widow B is 50 years old and her husband had average monthly earnings of $600 per month. Her reduced benefits would total $155 per month. If Widow B were 55, her monthly benefits would total $188.

Third. Widow C is 50 years old and her husband had average monthly earnings of $700. Her reduced benefits would total $171 per month. If Widow C were 55 years old, her reduced benefits would total $208 per month.

In West Virginia, approximately 6,500 widows would become eligible for actuarially reduced benefits, if the age requirement were lowered from 62 to 50. The increase in benefits for West Virginians would be approximately $10,000,000.

This provision of my amendment, if adopted and enacted into law, will provide benefits for a group of persons who need it most—widows in their 50's who are unable to work and who desperately need these benefits, but have been unable to obtain them because of the social security age requirement. These are people whose deceased husbands had paid into the program, and these are people who deserve to receive some type of benefits now.

I will now discuss that portion of my amendment which will amend the Social Security Act to provide that monthly benefits, when based upon the attainment of retirement age, will be payable on an actuarially reduced basis at age 60.

Mr. President, there are, as present, over 26 million Americans receiving social security benefits. For many of them, these benefits are their only source of income. However, beyond these 26 million citizens already drawing social security benefits, there are many other Americans who are being forced out of the labor market because of the early retirement policies of many business and companies or the closing of plants, and individuals who are too ill to work, but who cannot meet social security disability regulations. It is this group of citizens that this portion of my amendment is aimed at assisting.

Under the provisions of my amendment allowing actuarially reduced benefits to be received at age 60, the Social Security Administration estimates that approximately 1,040,000 persons would claim benefits the first year, creating an initial cost of about $1.35 billion. But in the long run there would be no increased cost; because the recipients would have chosen to accept their benefits at an earlier age, but on an actuarially reduced balance. The cost would, therefore, balance out in the long run.

In West Virginia, approximately 11,000 persons would become eligible for actuarially reduced benefits, if the age were lowered from 62 to 60. The overall increase in benefits for West Virginia under this amendment would be approximately $11 million.

This amendment, if adopted and enacted into law, will provide benefits for persons who need it desperately—citizens who have been forced to retire, or who because of ill health should retire or would like to retire but have been unable to do so because the social security disability benefits program at the present time would not cover them inasmuch as they cannot qualify.

These are people who have been paying into the program for a long time and I believe they are people who deserve to be covered by the program now. They would have the option, under my amendment, to continue working if they chose to do so—until they were 60, 62, or 65. They would not be mandatorily forced to retire. They could retire on a voluntary basis, but at least, they would have the additional option they do not now have.

Mr. President, I urge the adoption of this amendment.

Mr. COOPER. Mr. President, will the Senator from West Virginia yield?

Mr. ROBERT C. BYRD. I yield.

Mr. COOPER. I support strongly the purpose of the Senator's amendment which would allow men to receive reduced social security benefits beginning at age 60, rather than age 62, and which would allow widows to begin receiving reduced benefits at age 50 rather than age 60 as provided for in existing law. I have received a great deal of mail from people on this subject, particularly from widows who are left in destitute circumstances.

It is my understanding that this amendment would not alter the provision in the committee bill to increase from 82.5 to 100 percent the amount a widow could receive on her deceased husband's account. Benefits applied for before the age of 65 would still be reduced according to the widow's age at the time of application. Under the amendment offered by the distinguished Senator from West Virginia, Mr. Robert C. Byrd, a widow could now apply for the reduced benefits at age 50.

I would ask though, whether the Senator would consider changing the age from 50 to 55 years. Decreases in the age limitations have usually covered 5-year periods, and a 5-year period would place less strain on the present social security system. The amendment would still provide substantial assistance to many widows and I am sure that in time the age limit will be moving down to 50 years anyway.

Mr. ROBERT C. BYRD. I would personally like the age to go to 50 years so that they have that option. If they wish to wait longer, they can then do so. I realize that lowering the age to 50 years is a great step and it might be more logical to proceed with a lesser step. If it would enhance the chances of adoption of the amendment in the Senate and later in the conference, perhaps it would be advisable to modify my amendment to that extent, but I should like to hear first what some other Senators have to say on the subject.

Mr. COOPER. I appreciate that and I would like very much to be a cosponsor of the Senator's amendment if he would permit me. I think the change is very much needed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the names of the distinguished Senator from Kentucky (Mr. Cooper), the distinguished Senator from Indiana (Mr. Hartke), and my distinguished colleague Mr. Randolph be added as cosponsors of this amendment.

The PRESIDING OFFICER (Mr. Bentsen). Without objection, it is so ordered.

Mr. LONG. Mr. President, I regret that I cannot support the pending amendment. As much as we might like to lower the retirement age, we must recognize that we are already providing full social security benefits which are not reduced at all to those who are disabled. It is true that persons who lose their jobs, let us say between the ages of 60 and 62, have a problem, but unemployment insurance is available to them.

The proposal in the pending amendment to lower the retirement age to 60 would increase the cost of the bill in the beginning by $1.35 billion. To reduce the retirement age for widows to 50, as originally introduced, the cost would be an additional $700 million. I would assume that by modifying the amendment as the Senator from Kentucky (Mr. Cooper) has suggested, that would reduce the cost by perhaps $300 million, but it still would cost about $1.65 billion, I should think, to do the kind of thing the Senator is suggesting here.

Senators should think in terms of what some of these proposals are going to cost. The Senator makes the point that in the long run there would be no cost because the actuarial reduction is such that they would get smaller benefits, but that overlooks the fact that the Senate has now voted, and obviously has every intention of insisting on, supplemental security income benefits for people when they retire at the age of 65. When they reach 65, they would have available to them supplemental security income which would assure them of $180 a month if they have at least $50 of social security income or some other income.

Therefore, the idea that the cost to the social security trust funds would be absorbed in the long run by the actuarial reduction fades into oblivion when one recognizes the fact that we have provided the supplemental security income benefit to be paid out of general revenues, which would cause anyone with a social security check of $180 or less to receive the difference up to $180, so that the actuarial reduction that would tend to save or offset the social security cost of this would, for the most part, be wiped out by the supplemental security income benefit that is provided elsewhere from general funds in the committee amendment.

Therefore, Mr. President, there would be an additional general fund cost in the proposal, in addition to the heavy additional social security costs in the early years.

I would point out that we have passed the equal rights amendment. I should think that when that is ratified by the States, without ever having intended to do so, we might find that we have provided not only to widows but also to widowers the opportunity to retire at 50 years. Those who have a low income record would receive just as much after 65 because of the supplemental security income benefits that the Senate has already voted.

So, as a practical matter, while the amendment was originaly conceived at a time prior to the supplemental security income proposal, with the idea that beneficiaries would take lower retirement benefits now and receive less later on—because of the supplemental security income benefits, the great majority of the people who would take less now would receive just as much in total income later on as they would have received anyway. The additional amount they would receive would provide an incentive, when the equal rights amendment goes into effect, for able-bodied men who qualify for jobs elsewhere to retire at 50—or if the amendment is modified make it 55 years—if they are widowers.

I am sure that the Senator did not have this effect in mind when he originally put his amendment together.

In other words, I have serious doubts that the Senator ever intended to provide for a widower whose wife died, that he should have the privilege of retiring at age 55. And yet when the equal rights amendment goes into effect, it seems to me that that would be the effect.

The PRESIDING OFFICER. The hour of 11:10 having arrived, under the previous agreement the Senate will proceed to vote on the amendment.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a 5 minute extension of the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Will the Senator yield?

Mr. LONG. I yield to the Senator.

Mr. BENNETT. I have been trying to add up the arithmetic. Yesterday we added $2.2 billion to the cost of the social security programs, without the necessary financing. Today we are about to add an immediate burden on the social security trust fund of $1.35 billion for persons who retire at age 60 and something like $300 or $400 million for widows, plus perhaps, a billion-dollar eventual loss to the general fund.

Let us say we are about to add $1.650 billion or $1.7 billion to the trust fund without financing, plus a billion-dollar burden to the general revenue.

I hope the Senate realizes what it is doing, both in terms of the overall budget and of the social security trust fund.

Mr. ROBERT C. BYRD. Mr. President, the supplemental benefit to which reference has been made will be available at age 65 or earlier if the person is blind, or if a person were disabled. What about the widow who is not blind, who is not disabled, but who has reached age 50, and who cannot get a job because she doesn't possess the skills to compete in today's labor market? I am simply trying to provide for those widows who are not blind, who are not disabled, and who are not yet age 65, and who could not therefore, receive the supplemental benefits.

Several Senators have now approached me and asked me to modify my amendment, which I will be glad to do if I can get unanimous consent. I ask unanimous consent that the age 50 provision for widows be amended to read at 55, as suggested by the able senior Senator from Kentucky.

The PRESIDING OFFICER. Is there objection to the modification? There being no objection, the amendment will be so modified.

Is all time yielded back?

Mr. LONG. I yield back my time.

Mr. ROBERT C. BYRD. I will yield back my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from West Virginia. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Missouri (Mr. Eagleton), the Senator from Louisiana (Mrs. Edwards), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Senator from Minnesota (Mr. Humphrey), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Minnesota (Mr. Mondale), the Senator from New Mexico (Mr. Montoya), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), the Senator from West Virginia (Mr. Randolph), the Senator from Connecticut (Mr. Ribicoff), the Senator from Alabama (Mr. Sparkman), the Senator from Virginia (Mr. Spong), and the Senator from New Jersey (Mr. Williams) are necessarily absent.

I also announce that the Senator from North Carolina (Mr. Jordan), the Senator from Wyoming (Mr. McGee), are absent on official business.

I further announce that, if present and voting, the Senator from West Virginia (Mr. Randolph), the Senator from New Hampshire (Mr. McIntyre), the Senator from Rhode Island (Mr. Pell), the Senator from South Dakota (Mr. McGovern), the Senator from Minnesota (Mr. Humphrey), the Senator from Minnesota (Mr. Mondale), the Senator from Connecticut (Mr. Ribicoff), and the Senator from Georgia (Mr. Gambrell), would each vote "yea."

Mr. SCOTT. I announce that the Senators from Colorado (Mr. Allott and Mr. Dominick), the Senator from Tennessee (Mr. Baker), the Senator from Delaware (Mr. Boggs), the Senator from Massachusetts (Mr. Brooke), the Senator from Kentucky (Mr. Cook), the Senator from New Hampshire (Mr. Cotton), the Senator from Nebraska (Mr. Curtis), the Senator from Arizona (Mr. Goldwater), the Senator from Michigan (Mr. Griffin), the Senator from Florida (Mr. Gurney), the Senator from Wyoming (Mr. Hansen), the Senator from Oregon (Mr. Hatfield), the Senator from New York (Mr. Javits), the Senator from Iowa (Mr. Miller), the Senator from Illinois (Mr. Percy), the Senator from Delaware (Mr. Roth), the Senators from Ohio (Mr. Saxbe and Mr. Taft), the Senator from Vermont (Mr. Stafford), the Senator from Texas (Mr. Tower), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

On this vote, the Senator from Nebraska (Mr. Curtis) is paired with the Senator from Texas (Mr. Tower). If present and voting, the Senator from Nebraska would vote "nay" and the Senator from Texas would vote "yea."

If present and voting, the Senator from Massachusetts (Mr. Brooke), the Senator from Kentucky, (Mr. Cook), and the Senator from Illinois (Mr. Percy) would each vote "yea."

The result was announced—yeas 29, nays 25, as follows:

[No. 488 Leg.]

YEAS—29

Aiken
Bayh
Beall
Bible
Burdick
Byrd, Robert C.
Cannon
Case
Cooper
Hartke
Hollings
Hughes
Inouye
Jackson
Kennedy
Magnuson
Mansfield
Mathias
McClellan
Moss
Nelson
Packwood
Pastore
Pearson
Proxmire
Schweiker
Smith
Stevens
Symington

NAYS—25

Allen
Bellmon
Bennett
Bentsen
Brock
Buckley
Byrd,
Harry F., Jr.
Chiles
Church
Cranston
Dole
Ervin
Fannin
Fong
Fulbright
Hruska
Jordan, Idaho
Long
Scott
Stennis
Stevenson
Talmadge
Thurmond
Tunney
Young

NOT VOTING—46

Allott
Anderson
Baker
Boggs
Brooke
Cook
Cotton
Curtis
Dominick
Eagleton
Eastland
Edwards
Gambrell
Goldwater
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hatfield
Humphrey
Javits
Jordan, N.C.
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Mundt
Muskie
Pell
Percy
Randolph
Ribicoff
Roth
Saxbe
Sparkman
Spong
Stafford
Taft
Tower
Weicker
Williams

So Mr. Robert C. Byrd's amendment, as modified, was agreed to.

Mr. LONG. Mr. President, there is a proposal in the bill, a committee amendment, on which the Senate should vote. I believe this vote would be very helpful and useful to the House to decide whether or not to accept the Senate committee amendment on drugs. I refer to the committee proposal which would make maintenance drugs available under medicare. That provision runs from line 23 of page 252, through line 11, page 268 in the bill.

The PRESIDING OFFICER. Without objection, the committee amendment will be printed in the Record.

The committee amendment reads as follows:

COVERAGE OF DRUGS UNDER MEDICARE

Sec. 215. (a) Section 226(c)(1) of the Social Security Act (as amended by section 201 of this Act) is further amended by striking out "and post-hospital home health services" and inserting in lieu thereof "post-hospital home health services, and eligible drugs".

(b) Section 1811 of the Social Security Act is amended by inserting "and eligible drugs" after "related post-hospital services".

(c) Section 1812(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (3) the following new paragraph:

"(4) eligible drugs.".

(d) Section 1813(a) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(4) The reasonable allowance, as defined in section 1823, for eligible drugs furnished an individual pursuant to any one prescription (or each renewal thereof) and purchased by such individual at any one time shall be reduced by an amount equal to the applicable prescription copayment obligation which shall be $1."

(e)(1) Section 1814(a) of the Social Security Act is amended—

(A) by striking out "and" at the end of paragraph (6);

(B) by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(C) by inserting after paragraph (7) the following new paragraph:

"(8) with respect to drugs or biologicals furnished pursuant to and requiring (except for insulin) a physician's prescription, such drugs or biologicals are eligible drugs as defined in section 1861(t) and the participating pharmacy (as defined in section 1861(dd)) has such prescription in its possession, or some other record (in the case of insulin) that is satisfactory to the Secretary."

(2) Section 1814(b) of such Act is amended—

(A) by inserting "(1)" after "(b)",

(B) by inserting "(other than a pharmacy)" immediately after "provider of services", and

(C) by adding at the end thereof the following new paragraph:

"(2) The amount paid to any participating pharmacy which is a provider of services with respect to eligible drugs for which payment may be made under this part shall, subject to the provisions of section 1813, be the reasonable allowance (as defined in section 1823) with respect to such drugs."

(f) Section 1814 of the Social Security Act (as amended by section 227(b)(2) and 228(a) of this Act) is further amended by adding at the end thereof the following new subsection:

"Limitation on Payment for Eligible Drugs

"(j) Payment may be made under this part for eligible drugs only when such drugs are dispensed by a participating pharmacy; except that payment under this part may be made for eligible drugs dispensed by a physician where the Secretary determines, in accordance with regulations, that such eligible drugs were required in an emergency or that there was no participating pharmacy available in the community, in which case the physician (under regulations prescribed by the Secretary) shall be regarded as a participating pharmacy for purposes of this part with respect to the dispensing of such eligible drugs."

(g) Part A of title XVIII of the Social Security Act is further amended by adding after section 1819 (as added by section 214 of this Act) the following new sections:

"MEDICARE FORMULARY COMMITTEE

"SEC. 1820. (a)(1) There is hereby established, within the Department of Health, Education, and Welfare, a Medicare Formulary Committee (hereinafter referred to as the 'Committee'), a majority of whose members shall be physicians and which shall consist of the Commissioner of Food and Drugs and of four individuals (not otherwise in the employ of the Federal Government) who do not have a direct or indirect financial interest in the composition of the Formulary established under this section and who are of recognized professional standing and distinction in the fields of medicine, pharmacology, or pharmacy, to be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The Chairman of the Comimttee shall be elected annually from the appointed members thereof, by majority vote of the members of the Committee.

"(2) Each appointed member of the Committee shall hold office for a term of five years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, one of the end of each of the first five years. A member shall not be eligible to serve continuously for more than two terms.

"(b) Appointed members of the Committee, while attending meetings or conferences thereof or otherwise serving on business of the Committee, shall be entitled to receive compensation at rates fixed by the Secretary (but not in excess of the daily rate paid under GS–18 of the General Schedule under section 5332 of title 5, United States Code), including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(c)(1) The Committee is authorized, with the approval of the Secretary, to engage or contract for such technical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Committee such secretarial, clerical, and other assistance as the Formulary Committee may require to carry out its functions.

"(2) The Secretary shall furnish to the Committee such office space, materials, and equipment as may be necessary for the Formulary Committee to carry out its functions.

"MEDICARE FORMULARY

"SEC. 1821. (a)(1) The Committee shall compile, publish, and make available a Medicare Formulary (hereinafter in this title referred to as the 'Formulary').

"(2) The Committee shall periodically revise the Formulary and the listing of drugs so as to maintain currency in the contents thereof.

"(b)(1) The Formulary shall contain an alphabetically arranged listing, by established name, of those drug entities within the following therapeutic categories:

"Adrenocorticoids
"Anti-anginals
"Anti-arrhythmics
"'Anti-coagulants
"Anti-convulsants (excluding phenobarbital)
"Anti-hypertensives
"Anti-neoplastics
"Anti-Parkinsonism agents
"Anti-rheumatics
"Bronchodilators
"Cardiotonics
"Cholinesterase inhibitors
"Diuretics
"Gout suppressants
"Hypoglycemics
"Miotics
"Thyroid hormones
"Tuberculostatics

which the Committee decides are necessary for individuals using such drugs. The Committee shall exclude from the Formulary any drug entities (or dosage forms and strengths thereof) which the Committee decides are not necessary for proper patient care, taking into account other drug entities (or dosage forms and strentghs thereof) which are included in the Formulary.

"(2) Such listing shall include the specific dosage forms and strengths of each drug entity (included in the Formulary in accordance with paragraph (1)) which the Committee decides are necessary for individuals using such drugs.

"(3) Such listing shall include the prices at which the products (in the same dosage form and strength) of such drug entities are generally sold by the suppliers thereof and the limit applicable to such prices under section 1823(b)(1) for purposes of determining the reasonable allowance.

"(4) The Committee may also include in the Formulary, either as a separate part (or parts) thereof or as a supplement (or supplements) thereto, any or all of the following information:

"(A) A supplemental list or lists, arranged by diagnostic, prophylactic, therapeutic, or other classifications, of the drug entities (and dosage forms and strengths thereof) included in the listing referred to in paragraph (1).

"(B) The proprietary names under which products of a drug entity listed in the Formulary by established name (and dosage form and strength) are sold and the names of each supplier thereof.

"(C) Any other information with respect to eligible drug entities which in the judgment of the Committee would be useful in carrying out the purposes of this part.

"(c) In considering whether a particular drug entity (or strength or dosage from thereof) shall be included in or excluded from the Formulary, the Committee is authorized to obtain (upon request therefor) any record pertaining to the characteristics of such drug entity which is available to any other department, agency, or instrumentality of the Federal Government, and to request suppliers or manufacturers of drugs and other knowledgeable persons or organizations to make available to the Committee information relating to such drug. If any such record or information (or any information contained in such record) is of a confidential nature, the Committee shall respect the confidentiality of such record or information and shall limit its usage thereof to the proper exercise of its authority.

"(d)(1) The Committee shall establish such procedures as it determines to be necessary in its evaluation of the appropriateness of the inclusion in or exclusion from the Formulary, of any drug entity (or dosage form or strength thereof). For purposes of inclusion in or exclusion from the Formulary the principal factors in the determination of the Committee shall be:

"(A) the factor of clinical equivalence in the case of the same dosage forms in the same strengths of the same drug entity, and

"(B) the factor of relative therapeutic value in the case of similar or dissimilar drug entities in the same therapeutic category.

"(2) The Committee, prior to making a final decision to remove from listing in the Formulary any drug entity (or dosage forms or strength thereof) which is included therein, shall afford a reasonable opportunity for a formal or informal hearing on the matter to any person engaged in manufacturing, preparing, compounding, or processing such drug entity who shows reasonable ground for such a hearing.

"(3) Any person engaged in the manufacture, preparation, compounding, or processing of any drug entity (or dosage forms or strengths thereof) not included in the Formulary which such person believes to possess the requisite qualities to entitle such drug to be included in the Formulary pursuant to subsection (b), may petition for inclusion of such drug entity and, if such petition is denied by the Formulary Committee, shall, upon request therefor, showing reasonable grounds for a hearing, be afforded a formal or informal hearing on the matter in accordance with rules and procedures established by such Committee.

"LIMITATIONS ON MEDICARE PAYMENT FOR CHARGES OF PROVIDERS OF SERVICES

"SEC. 1822. (a) Any provider of services as defined in section 1861(u), whose services are otherwise reimbursable under any program under this Act in which there is Federal financial participation on the basis of 'reasonable cost', shall not be entitled to a professional fee or dispensing charge or reasonable billing allowance as determined pursuant to this part.

"(b) A fee, charge, or billing allowance shall not be payable under this section with respect to any drug entity that (as determined in accordance with regulations) is furnished as an incident to a physician's professional service, and is of a kind commonly furnished in physicians' offices and commonly either rendered without charge or included in the physicians' bills.

"REASONABLE ALLOWANCE FOR ELIGIBLE DRUGS

"Sec. 1823. (a) For purposes of this part, the term 'reasonable allowance' when used in reference to an eligible drug (as defined in subsection (h) of this section) means the following:

"(1) When used with respect to a prescription legend drug entity, in a given dosage form and strength, such term means the lesser of—

"(A) an amount equal to the customary charge at which the participating pharmacy sells or offers such drug entity, in a given dosage form and strength, to the general public, or

"(B) the price determined by the Secretary, in accordance with subsection (b) of this section, plus the professional fee or dispensing charges determined in accordance with subsection (c) of this section.

"(2) When used with respect to insulin such term means the charge not in excess of the reasonable customary price at which the participating pharmacy offers or sells the product to the general public, plus a reasonable billing allowance.

"(b)(1) For purposes of establishing the reasonable allowance in accordance with subsection (a) the price shall be (A) in the case of a drug entity (in any given dosage form and strength) available from and sold by only one supplier, the price at which such drug entity is generally sold (to establishments dispensing drugs), and (B) in any case in which a drug entity (in any given dosage form and strength) is available and sold by more than one supplier, only each of the lower prices at which the products of such drug entity are generally sold (and such lower prices shall consist of only those prices of different suppliers sufficient to assure actual and adequate availability of the drug entity, in a given dosage form and strength, at such prices in a region).

"(2) If a particular drug entity (in a given dosage form and strength) in the Formulary is available from more than one supplier, and the product of such drug entity as available from one supplier possesses demonstrated distinct therapeutic advantages over other products of such drug entity as determined by the Committee on the basis of its scientific and professional appraisal of information available to it, including information and other evidence furnished to it by the supplier of such drug entity, then the reasonable allowance for such supplier's drug product shall be based upon the price at which it is generally sold to establishments dispensing drugs.

"(3) If the prescriber, in his handwritten order, has specifically designated a particular product of a drug entity (and dosage form and strength) included in the Formulary by its established name together with the name of the supplier of the final dosage form thereof, the reasonable allowance for such drug product shall be based upon the price at which it is generally sold to establishments dispensing drugs.

"(c)(1) For the purpose of establishing the reasonable allowance (in accordance with subsection (a)) a participating pharmacy, shall, in the form and manner prescribed by the Secretary, file with the Secretary, at such times as he shall specify, a statement of its professional fee or other dispensing charges.

"(2) A participating pharmacy, which has agreed with the Secretary to serve as a provider of services under this part, shall, except for subsection (a)(1)(A), be reimbursed, in addition to any price provided for in subsection (b), the amount of the fee or charges filed in paragraph (1), except that no fee or charges shall exceed the highest fee or charges filed by 75 per centum of participating pharmacies (with such pharmacies classified on the basis of (A) lesser dollar volume of prescriptions and (B) all others) in a census region which were customarily charged to the general public as of June 1, 1972. Such prevailing professional fees or dispensing charges may be modified by the Secretary in accordance with criteria and types of data comparable to those applicable to recognition of increases in reasonable charges for services under section 1842.

"(3) A participating pharmacy shall agree to certify that, whenever such pharmacy is required to submit its usual professional fee or dispensing charge for a prescription, such charge does not exceed its customary charge."

(h) Section 1861(t) of the Social Security Act is amended—

(1) by inserting ", or as are approved by the Formulary Committee" after "for use in such hospital"; and

(2) by adding at the end thereof the following new sentence: "The term 'eligible drug' means a drug or biological which (A) can be self-administered, (B) requires a physician's prescription (except for insulin), (C) is prescribed when the individual requiring such drug is not an inpatient in a hospital or extended care facility, during a period of covered care, (D) is included by strength and dosage forms among the drugs and biologicals approved by the Formulary Committee, (E) is dispensed (except as provided by section 1814(j)), by a pharmacist from a participating pharmacy, and (F) is dispensed in quantities consistent with proper medical practice and reasonable professional discretion."

(i) Section 1861(u) of the Social Security Act (as amended by section 227(d)(1) of this Act) is further amended by striking out "or home health agency" and inserting in lieu thereof "home health agency, or pharmacy".

(j) Section 1861 of the Social Security Act is further amended by adding at the end thereof the following new subsection:

"Participating Pharmacy

"(dd) The term 'participating pharmacy' means a pharmacy, or other establishment (including the outpatient department of a hospital) providing pharmaceutical services, (1) which is licensed as such under the laws of the State (where such State requires such licensure) or which is otherwise lawfully providing pharmaceutical services in which such drug is provided or otherwise dispensed in accordance with this title, (2) which has agreed with the Secretary to act as a provider of services in accordance with the requirements of this section, and which complies with such other requirements as may be established by the Secretary in regulations to assure the proper economical, and efficient administration of this title, (3) which has agreed to submit, at such frequency and in such form as may be prescribed in regulations, bills for amounts payable under this title for eligible drugs furnished under part A of this title, and (4) which has agreed not to charge beneficiaries under this title any amounts in excess of those allowable under this title with respect to eligible drugs except as is provided under section 1813(a)(4), and except for so much of the charge for a prescription (in the case of a drug product prescribed by a physician, of a drug entity in a strength and dosage form included in the Formulary where the price at which such product is sold by the supplier thereof exceeds the reasonable allowance) as is in excess of the reasonable allowance established for such drug entity in accordance with section 1823."

(k)(1) the first sentence of section 1866(a)(2)(A) of the Social Security Act is amended by striking out "and (ii)" and inserting in lieu thereof the following: "(ii) the amount of any copayment obligation and excess above the reasonable allowance consistent with section 1861(dd)(4) and (iii)".

(2) The second sentence of section 1866 (a)(2)(A) of such Act is amended by striking out "clause (ii)" and inserting in lieu thereof "clause (iii)".

(l) The amendments made by this section shall apply with respect to eligible drugs furnished on and after the first day of July 1973.

Mr. LONG. Mr. President, the committee proposed financing to cover the cost. This item would cost $700 million and it is financed within the bill. The amendment would require that the person eligible for these drugs would pay $1 and that the remainder of the cost for covered prescription drugs would be paid by the Government.

There are provisions in the bill to help control the cost of the amendment so that the cost would be reasonable.

Mr. President, I ask unanimous consent that, notwithstanding the fact that the Senate has agreed to this amendment along with other committee amendments en bloc, this amendment may be voted on, reserving the right of Senators to further amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LONG. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 252, line 23, through line 11 on page 268. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Louisiana (Mrs. Edwards), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Senator from Minnesota (Mr. Humphrey), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from New Jersey (Mr. Williams), the Senator from Minnesota (Mr. Mondale), the Senator from New Mexico (Mr. Montoya), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), the Senator from West Virginia (Mr. Randolph), the Senator from Connecticut (Mr. Ribicoff), the Senator from Alabama (Mr. Sparkman), and the Senator from Virginia (Mr. Spong) are necessarily absent.

I also announce that the Senator from Wyoming (Mr. McGee) and the Senator from North Carolina (Mr. Jordan) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. Humphrey), the Senator from New Hampshire (Mr. McIntyre), the Senator from Minnesota (Mr. Mondale), the Senator from Rhode Island (Mr. Pell), the Senator from West Virginia (Mr. Randolph), the Senator from Georgia

(Mr. Gambrell), and the Senator from Connecticut (Mr. Ribicoff) would vote "yea."

Mr. SCOTT. I announce that the Senators from Colorado (Mr. Allott and Mr. Dominick), the Senator from Tennessee (Mr. Baker), the Senator from Delaware (Mr. Boggs), the Senator from Massachusetts (Mr. Brooke), the Senator from Kentucky (Mr. Cook), the Senator from New Hampshire (Mr. Cotton), the Senator from Nebraska (Mr. Curtis), the Senator from Arizona (Mr. Goldwater), the Senator from Michigan (Mr. Griffin), the Senator from Florida (Mr. Gurney), the Senator from Wyoming (Mr. Hansen), the Senator from Oregon (Mr. Hatfield), the Senator from New York (Mr. Javits), the Senator from Iowa (Mr. Miller), the Senator from Illinois (Mr. Percy), the Senator from Delaware (Mr. Roth), the Senators from Ohio (Mr. Saxbe and Mr. Taft), the Senator from Vermont (Mr. Stafford), the Senator from Texas (Mr. Tower), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Massachusetts (Mr. Brooke), the Senator from Delaware (Mr. Boggs), the Senator from Kentucky (Mr. Cook), the Senator from Nebraska (Mr. Curtis), the Senator from Iowa (Mr. Miller), the Senator from Illinois (Mr. Percy), and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 54, nays 0, as follows:

[No. 489 Leg.]

YEAS—54

Aiken
Allen
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cooper
Cranston
Dole
Ervin
Fannin
Fong
Fulbright
Hartke
Hollings
Hruska
Hughes
Inouye
Jackson
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
Moss
Nelson
Packwood
Pastore
Pearson
Proxmire
Schweiker
Scott
Smith
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tunney
Young

NAYS—0

NOT VOTING—46

Allott
Anderson
Baker
Boggs
Brooke
Cook
Cotton
Curtis
Dominick
Eagleton
Eastland
Edwards
Gambrell
Goldwater
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hatfield
Humphrey
Javits
Jordan, N.C.
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Mundt
Muskie
Pell
Percy
Randolph
Ribicoff
Roth
Saxbe
Sparkman
Spong
Stafford
Taft
Tower
Weicker
Williams

So the committee amendment was agreed to.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that Mr. Howard Marlowe of my staff be accorded the privilege of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HARTKE. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. Hartke's amendment is as follows:

At the end of Title II of the bill, add the following new section:

CHRONIC RENAL DISEASE CONSIDERED TO CONSTITUTE DISABILITY

(a) Section 201 of the bill is amended by adding at the end thereof the following new proposals.

(e) Notwithstanding the foregoing provisions of the section, every individual who

"(1) has not attained the age of 65;

"(2) (A) is fully or currently insured (as such terms are defined in section 214 of this Act), or (B) is entitled to monthly insurance benefits under title II of this Act, or (C) is the spouse or dependent child (as defined in regulations) of an individual who is fully or currently insured, or (D) is the spouse or dependent child (as defined in regulations) of an individual entitled to monthly insurance benefits under title II of this Act; and

"(3) is medically determined to have chronic renal disease and who requires hemodialysis or renal transplantation for such disease shall be deemed to be disabled for purposes of coverage under Part A and B of Medicare subject to the deductible premium and co-payment provision of Title 18.

(f) Medicare eligibility on the basis of chronic kidney failure would begin with the sixth month after the month of onset of chronic kidney failure and would end with the 12th month after the month in which the person has a renal transplant.

(g) the Secretary is authorized to limit re-imbursement under Medicare for kidney transplant and dialysis to kidney disease treatment centers which meet such requirements as he may by regulation prescribe.

"(1) such requirements must include at least requirements for a minimal utilization rate for covered procedure and for a medical review board to screen the appropriateness of patients for the proposed treatment procedures.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on this amendment be limited to 30 minutes, to be equally divided between and controlled by the mover of the amendment and the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, my amendment is cosponsored by myself, the distinguished chairman of the Finance Committee (Mr. Long), and the distinguished Senator from North Dakota (Mr. Burdick). I ask unanimous consent that the name of Senator Burdick be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, this amendment creates a program to aid those Americans suffering from chronic kidney disease.

Ours is a highly advanced society. We spend billions of dollars each year to go from home to work, from coast to coast from one continent to another, and from earth to space. Tens of billions of dollars are spent on weapons to kill, on cosmetics to make us look pleasing, and on appliances to make our lives easier. We do all of this, but when it comes to maintaining our health, we revert to the primitive values and attitudes of the distant past.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HARTKE. In what must be the most tragic irony of the 20th century, people are dying because they cannot get access to proper medical care. We have learned how to treat or to cure some of the diseases which have plagued mankind for centuries, yet these treatments are not available to most Americans because of their cost. An extension of this irony is that medical research has produced two proven life-saving therapies for terminal kidney patients but only a small percentage of these people now receive them.

Mr. President, more than 8,000 Americans will die this year from kidney disease this year because they cannot afford an artificial kidney machine or a kidney transplant. These will be needless deaths—deaths which should shock our conscience and shame our sensibilities.

What are we to say to these 8,000 people? How do we explain that the difference between life and death is a matter of dollars? How do we explain that those who are wealthy have a greater chance to enjoy a longer life than those who are not? These are difficult questions to ask; they are even more difficult to answer.

Mr. President, we can begin to set our national priorities straight by undertaking a national effort to bring kidney disease treatment within the reach of all those in need.

Each year, about 8 million Americans are afflicted with kidney diseases, the fifth leading cause of death in this country. Diseases of the kidneys and diseases affecting these organs rank among the major ailments which undermine or destroy good health. The insidious nature of kidney diseases is reflected in the fact that many people who harbor infectious organisms in their urinary tract will have no warning of their disease until kidney damage is beyond repair. Of the nearly 8 million new victims each year, about 2.8 million suffer from hypertensive renal cardiovascular diseases causing 35 percent of deaths from kidney disease; about 2 million suffer from infectious diseases causing 18 percent of the deaths; and about 3 million suffer other diseases such as hypersensitivity, calculi, urinary abnormalities, and other ailments causing 26 percent of the deaths.

In terms of indirect costs of mortality—lost future income—kidney disease is the highest ranking killer, costing the country $1.5 billion annually. Additionally, more than $1 billion has to be spent each year for hospital and nursing home care, professional services, and drugs. Surprisingly, this amount exceeds the annual medical services costs for maternity care, or for all forms of cancer.

Mr. President, I now ask unanimous consent that the names of the Senator from Florida (Mr. CHILES) and the Senator from Kansas (Mr. DOLE) be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, the pending Hartke-Long-Burdick-Chiles-Dole amendment is an important breakthrough for patients suffering from chronic kidney disease. It states quite simply, that for purposes of the definition of disability under the Social Security Act, persons with chronic renal disease who are receiving dialysis or other life-saving treatment will be considered disabled.

The people who will benefit from this amendment are people who are unable to work at the previous occupation on a full-time basis and who are unable to bear the staggering cost of dialysis.

Approximately 55,000 Americans are now suffering from chronic renal disease. Twenty to 25,000 of these people are prime candidates for dialysis or other life-saving kidney treatment. Of these people, less than one-third have any insurance coverage of their own, and most of these people have coverage for no more than 2 years.

The cost of dialysis is $22 to $25,000 per year per patient in a hospital; $17 to $20,000 in a hospital-related dialysis center; and $19,000 in the first year of home dialysis with a subsequent cost of about $5,000 per year. There is substantial evidence available, however, indicating these costs will continue to go down each year with new advances in the technology of artificial kidney care.

Perhaps more exciting is the remarkable success that transplant surgeons are having with kidney transplants. It is estimated that over 2,000 transplant procedures will be performed this year in the United States. Of these, 85 percent will be considered successful. It is also important to point out that the 15 percent rejection rate means kidney mortality and not human mortality. These people are placed back on the artificial kidney machine to await another tissue-typing for another transplant. At the present time, the average costs of a transplant are $15,000. Again, we can look at the substantial reductions in the cost of transplantation. For example, Dr. Sam Kountz, a transplant surgeon at the University of California has reduced his costs to $8,000 per transplant or no more than any major surgical procedure.

Sixty percent of those on dialysis can return to work but require retraining and most of the remaining 40 percent need no retraining whatsoever. These are people who can be active and productive, but only if they have the lifesaving treatment they need so badly.

I might point out, also, that this amendment eliminates an inequity in the current law, because the present provisions says that if a kidney patient goes on the dialysis machine, he is no longer considered disabled. In other words, if he is disabled, he can receive the Medicare payments and the disability payments; but if he goes on the dialysis machine, he no longer can draw the payments. So he has to make the choice: He can receive treatment and lose his disability payments or he can get off the machine and die, and that is a rather fatal distinction.

Final cost estimates for this vital amendment are now being worked out. Preliminary estimates indicate an annual cost of approximately $250 million at the end of 4 years with the first full-year cost at about $75 million.

It is possible that these costs could be covered by the slight actuarial surplus in the hospital insurance trust fund and the slight reduction in costs now estimated for the regular medicare program for the disabled. However, if it is finally determined—and I think it can be, before these considerations of H.R. 1 are concluded—that a medicare tax increase of a small amount is necessary, it would be quite normal.

When the actuaries complete their work, and if they indicate the need for an increase in the medicare tax, I would be more than glad to propose a further amendment to that effect in the interest of responsible legislating.

The need for this amendment is urgent. We will do what is required to pay these costs.

That is what the pending amendment provides—a chance for thousands of Americans to remain alive and be productive. The $90 to $110 million that this amendment will cost each year is a minor cost to maintain life. And it is a minor cost when compared to the rewards which society will reap from people who can return to the workforce rather than wither and die.

I think this is one instance in which medical technology has given its blessing to a wonderful Nation, and what we need now is to implement this blessing, to make sure that the amendment is adopted.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Fact and Fiction About the Artificial Kidney Machine," which I think will be informative not only to this body but also to those individuals who are now or potentially may be affected with kidney disease; a statement by the National Kidney Foundation, which points out that the Nation's fourth biggest killer—that is, kidney disease—is at the bottom of the list of those which receive funds at the present time from private sources; and an article published in the New York Times, written by Lawrence K. Altman, from Seattle.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FACT AND FICTION ABOUT THE ARTIFICIAL KIDNEY MACHINE

FICTION

Artificial kidney machines are scarce and hard to get

Contrary to popular belief, there is no shortage of artificial kidney machines. There is sufficient manufacturing capacity to produce any number which can be put to use.

Artificial kidney machines are very expensive

Artificial kidney machines cost no more than the average new or used car. The price range for different makes of commercially produced artificial kidney machines is from $1,800 to about $6,000. One of the "models" in common use costs less than $1,800.

FACT

Artificial kidney machines can now be rented

Artificial kidney machines now are available for rental at a reasonable monthly charge.

FICTION

There is an artificial kidney machine being developed which is as small as a can of soup or a small radio

Despite the newspaper stories which appear from time to time about a "minikidney" or a portable kidney, no can-of-soup size or portable artificial kidney has been developed. People sometimes refer to a part of the machine as "the artificial kidney", but complete artificial kidney machines are about the size of a home automatic washing machine.

The artificial kidney functions precisely like a regular kidney

Despite the fact that the artificial kidney is a medical miracle, it still is only a gross substitute for the normal human kidney, taking over only the kidneys' excretory function. The normal kidney not only cleanses the blood and produces urine, but serves as a primary regulator of blood pressure, produces a variety of important hormones, and even returns some chemicals and other substances to the blood stream.

FACT

The artificial kidney machine cleanses the patient's blood

Using a surgically constructed connection of a vein and artery under the skin of the arm or leg or a teflon "U" shaped "shunt" connecting a vein and artery and coming out through the skin, the patient's blood stream is continuously channeled through the machine on one side of a special membrane. A dialyzing fluid on the other side of the membrane removes toxins by a process in which certain molecules pass through membranes in a predictable way.

FICTION

The artificial kidney machine is used only on patients whose kidneys have shut down permanently

Although this is the most publicized use of this miraculous machine, it is also used following surgery to assist the patient's own kidneys; in poison and overdose cases to hasten the excretion of a damaging toxic substance; in severe burn cases and in many other medical emergencies. The machine is used during such emergencies for one or several treatments. Patients who have such temporary renal shut-down usually regain normal kidney function when the causative problem is resolved. In the meantime, however, they need the artificial kidney to pull them through the renal shut-down crisis.

FACT

Patients on the artificial kidney machine are treated three times each week

Most patients on chronic dialysis treatment are treated three times each week and from four to twelve hours each time, depending upon the type of artificial kidney used. Some patients can be sustained on treatments once or twice a week, but most patients do better when treated at least three times a week.

Patients can sleep, read, watch television during treatment on the artificial kidney machine

The patient is usually in a relaxing chair or in bed during treatment. Many use this time to catch up on sleep. Some read or conduct other activities of a sedentary nature.

Treatments on the artificial kidney machine are complicated and sometimes uncomfortable

Treatment by means of this artificial organ is not simple. It involves sending the patient's entire blood supply through a machine over and over again for a number of hours, while maintaining proper blood pressure, blood temperature, and chemical balance. At times patients have uncomfortable side effects during treatment. The alternative, however, is death. A relaxed attitude on the part of the patient often means more comfortable and more effective treatment.

FICTION

Artificial kidney machines are delicate mechanisms which can get out or order easily

Artificial kidney machines in general use today are more rugged than an automobile and can take a lot of punishment. Some artificial kidney machines have been in use for more than 15 years. They require no more servicing than the usual home television set. Most manufacturers provide service for the artificial kidney machines they sell although some are better equipped and staffed for this purpose.

FACT

Patients can be treated by the artificial kidney machine in their own homes

About half of the patients on the artificial kidney are being treated in their own homes by their own relatives, following suitable training in a medically supervised dialysis center.

Less than 10 to 15% of the patients whose lives could be saved by the artificial kidney are receiving this treatment

A cumulative total of 40,000 to 60,000 patients are suitable candidates to be kept alive on the artificial kidney. Fewer than 7,000 are being given this treatment. "The rest are simply left to die," in the words of the late Congressman John Fogarty.

FICTION

With kidney transplants becoming more successful, there soon will be no need for artificial kidney machines

The growing success of kidney transplantation will increase the need for artificial kidney machines; to get the patients into good enough condition to withstand the surgery; to keep them alive while waiting for a donor kidney; to maintain life if the transplanted kidney should fail or be "rejected" after transplantation.

Artificial kidney patients are invalids, incapable of living a normal life

Although many patients go through periods when they are not well, especially during the early phase of their treatment, most can conduct generally normal lives once their condition becomes stabilized. They can get about, go to work, drive, travel, raise families, do housework, and pursue their usual activities.

FACT

There is a shortage of doctors and trained dialysis staff to treat patients with the artificial kidney machine

Physicians who are willing to devote their time exclusively to the treatment of patients who need the artificial kidney machine are still in short supply. The same applies to trained dialysis supporting staff. Hospitals are reluctant to commit precious space to this long-term patient treatment modality. Home dialysis and ambulatory dialysis centers outside of hospitals are relieving the pressure, and other novel solutions are being developed. Organizations such as the Kidney Foundation are active in helping to devise innovative solutions to the dialysis manpower problem.

FICTION

Treatment on the artificial kidney machine is more expensive than other medical treatment

Treatment on the artificial kidney machine varies in cost from $3,000 a year to $10,000 or $12,000, but can cost as much as $30,000 depending, in addition to other factors, upon whether the treatments are given at home, in a hospital or in an ambulatory dialysis center. At the lower end of the cost scale, this life-saving treatment is less expensive than psychiatric treatment, for example, or the cost of some surgical procedures. Financial help is available to many through medical insurance, state rehabilitation agencies, military dependents' insurance, VA, and other private or public sources.

FACT

The artificial kidney machine is now a recognized treatment method among doctors

Although there was controversy over this unusual treatment some years ago, it is now an accepted means of treating patients in chronic renal failure and in many acute situations where the kidneys need temporary help.

FICTION

Anyone can buy an artificial kidney machine

Artificial kidney machines require medical training and supervision. Only a doctor trained in dialysis is qualified to select the particular make of machine to match a patient's or an institution's needs and for this reason no equipment should be purchased for a patient or an institution without consulting a physician who is trained to evaluate the equipment needed. Responsible manufacturers consider these machines a "prescription item," and they are provided to patients only on doctors' orders.

FACT

Since many artificial kidney patients are being treated at home by their own relatives, life-threatening mistakes are possible

As with driving an automobile, operator errors are possible both during home dialysis and when treatment is performed in a hospital. Some of these errors can be serious, even fatal. However, most of the artificial kidney machines used in home dialysis are protected against most operator errors through a number of fail-safe automatic shutdown devices and light-buzzer alarms. These safeguards along with careful training, should prevent operator error.

FICTION

The highly publicized community patient selection committee is the best way to pick the patients who should be treated by the artificial kidney machines

Optimally, treatment facilities should be adequate so that this life-saving procedure can be available to everyone who could benefit. Under such circumstances there would be no need for a community committee to "play God" by deciding who shall live and who shall die. Selection would become a purely medical decision as it should be. Few Patient Selection Committees are still in use. Most artificial kidney patients are being selected these days on the basis of medical criteria.

Patients on the artificial kidney machine live only a short time

Clyde Shields, the first chronic dialysis patient in this country, lived for more than 13 years after he began treatment, and died recently of a heart attack, apparently unrelated to his artificial kidney treatment. As treatment methods improve, a greater and greater number of artificial kidney patients are living for a long time. Many hemodialysis patients living today have been under treatment for years. However, as with any serious ailment, some of these patients do succumb, especially during the initial stages of treatment and before the end of the first year.

FACT

Patients can be given artificial kidney treatment outside of hospitals

Less than half of the chronic dialysis patients are being treated in hospitals. The rest are being treated at home, with a family member trained to help, and in dialysis centers, most of which are associated with hospitals but are not located in the hospital. There are even mobile dialysis vans in several areas, bringing the treatment to the patient, but this is still somewhat experimental.

The artificial kidney machine does not cure kidney failure

The artificial kidney is not a cure for kidney failure. It substitutes for kidney function but has no curative value. Once a patient's kidneys have ceased to function permanently, they will not resume their function no matter how many artificial kidney treatments are given. (Remember that some patients' kidneys have stopped functioning only temporarily, and these patients may be given a few artificial kidney treatments to tide them over until their own kidneys start to function again.) Therefore, chronic artificial kidney patients must be given dialysis treatment for the rest of their lives, *unless* the patient receives a kidney transplant from a living or deceased human donor. However, only certain patients are suitable for such transplants, and donor kidneys are exceedingly rare. (For further information about kidney transplants, ask for "Fact and Fiction About Kidney Transplant.")

THE NATION'S FOURTH BIGGEST KILLER IS AT THE BOTTOM OF THIS LIST

	Amount raised (in millions)
1. American Cancer Society	$65.2
2. American Heart Association	44.2
3. Nat'l. TB & Respiratory Disease Assn	40.0
4. March of Dimes	24.7
5. National Easter Seal Society	24.5
6. Nat'l. Assn. for Retarded Children	20.5
7. Planned Parenthood Federation of America	17.0
8. United Cerebral Palsy Assn., Inc.	13.7
9. National Assn. for Mental Health	10.7
10. Muscular Dystrophy Assns. of America	10.2
11. The Arthritis Foundation	8.4
12. Nat'l. Multiple Sclerosis Society	8.2
13. American Foundation for the Blind	5.0
14. National Cystic Fibrosis Research Foundation	5.0
15. Epilepsy Foundation of America	33.0
16. National League for Nursing	3.2
17. National Council on Alcoholism	2.9
18. Leukemia Society of America	2.8
19. National Kidney Foundation	2.6

Everyone knows something about cancer and heart disease.

But few realize that 8 million people in this country have kidney disease. That it kills more people each year than automobile accidents. That we even have some of the answers, but that thousands will die just because we don't have enough money to use them.

And because so few people realize how serious kidney disease is, we're only number 19 on the list of contributions.

[From the New York Times, Oct. 24, 1971]

ARTIFICIAL KIDNEY USE POSES AWESOME QUESTIONS

(By Lawrence K. Altman)

SEATTLE, October 23.—Ernie Crowfeather, a bright, charming, part American Indian with a history of personal instability and brushes with the law, died recently at the age of 29 after refusing further life-supporting therapy.

By what was regarded as a suicide, Ernie averted the frightening possibility that his doctors would have had to purposely turn off for lack of funds and because of his irresponsibility, the artificial kidney that for two years had kept him alive on public money totaling $100,000.

His case was extreme, but he shared some of the problems of a growing number of Americans who are living on artificial kidneys and machines such as heart pacemakers and respirators. Others survive because technology has provided expensive long-term treatments such as those that prevent hemophiliacs from bleeding to death.

Yet because American society is now being forced to set priorities on its expenditures, the limited funds allocated for the saving of human lives have put many such decisions on a competitive basis. Expenditure of public funds to treat one adult on the artificial kidney must be balanced, for example, against their use to treat or prevent other diseases in several children. In the process, health experts say that many kidney patients are dying because they have no money to pay for expensive life-sustaining care.

For a host of reasons, the Seattle physicians who did the early work on artificial kidney treatment said that Ernie Crowfeather's case dramatically illustrated all the * * * scians encountered when they prescribed expensive modern medical techniques to prolong life.

During his two years on the artificial kidney, Ernie's case raised virtually every awesome question that could come up in the application of such costly sophisticated medical care for a person with a devastating illness—questions, basically, of who can be saved and who must die.

SOME OF THE QUESTIONS

Some of the questions doctors said, could arise in similar, less unusual instances. Yet many of the questions are not new. More than a decade after regular artificial kidney treatments were first begun here, an endless series of seemingly unanswerable questions still hound doctors and society.

With many more Americans dying every day from kidney disease than there are positions available for them in artificial kidney or transplant programs, how does one select those patients whose lives are to be spared? On what basis should doctors and society decide who gets the expensive treatments?

Precisely which members of society have the power and responsibility to decide who shall live and who shall die? What is the legal status of such decisions?

Once the decision is made, how can those kidney ravaged patients who are denied artificial kidney treatments or kidney transplants accept death gracefully?

Even for those selected as good candidates—medically and as responsible members of society—who pays?

Once therapy has begun, how can medical authorities reverse a decision to use a life-extending machine without fearing a potential charge of murder if the patient refuses to fully cooperate in his own treatment and if such refusal causes medical complications that raise costs to astronomical levels?

If therapy must be stopped because a patient's funds have been depleted, who must face the horrendous task of turning the machine off? What legal consequences might result for that individual or group of people?

Should society continue to support expensive life sustaining devices for patients who are convicted of criminal acts? If not whose responsibility is it to make the decision to stop treatment?

PROBLEMS DEVELOPED

As Ernie's case unfolded, each of these questions led to a dilemma.

Ernie Crowfeather, half-Sioux, half-Caucasian, was said to be a charmer, affable, a great lover and a thief whose criminal record had begun long before his kidneys failed. None of his friends, relatives and physicians interviewed since his death said they knew why Ernie robbed, passed bad checks and experimented with drugs like LSD.

One of his psychiatrists described Ernie as a typical sociopath, so inadequately prepared to handle the world on his own that he arranged to be admitted to prisons and reformatories as places of shelter and protection.

In 1969, because Ernie had developed acute kidney failure, he entered the University of Washington Hospital, the teaching institution of the state-supported medical school for artificial kidney treatment. The artificial kidney cleansed his body of the toxic chemicals that are normally eliminated in the urine.

KNEW LITTLE OF BACKGROUND

Between treatments, his doctors disconnected the artificial kidney from a tube in his body so he could leave the hospital to join his friends in the world that he said had rejected him because of his Indian background—a heritage about which his family said he knew little.

His doctors eventually discovered that he had a mysterious, incurable kidney disease, the complications of which made it extremely difficult to treat him with an artificial kidney. With Ernie's permission he was given a kidney transplant—a kidney was removed from a dead person and surgically placed in his body—but within a year the body had rejected the transplanted organ, probably because he had not taken his medicines properly.

Once again, Ernie began thrice-weekly treatments on the artificial kidney, this time at home. But his personality could not cope with the routine that is needed to live on the artificial kidney, it was said, and the machine that they placed in his home had to be removed despite many demonstrations of its proper use. Instead, Ernie was again treated in a hospital, which is much more expensive than home therapy.

HOME TREATMENT FAVORED

Many kidney experts favor home treatment because the manpower and physical facilities, not the machines, are what make artificial kidney therapy expensive. It costs up to $36,000 a year for thrice weekly treatments in profit-making hospitals and kidney centers and $21,000 in the non-profit Northwest Kidney Center here.

Researchers have had great success in reducing the costs of artificial kidney therapy by treating the patient in his home rather than the hospital. Kidney experts here say that after an investment of $10,000 to buy the machine and train the patient, the cost averages $3,500 a year to treat him at home where the patient and his family provide the manpower.

Nevertheless, experts like Dr. Belding H. Scribner say that many patients with kidney disease who could be saved are dying for lack of treatment. Each year 7,000 Americans, many in the prime of their lives, reach the point where their kidney disease will kill them without a transplant or the artificial kidney. If all Americans who needed it got such therapy, Dr. Scribner said the total would eventually stabilize at 50,000 people.

FIFTEEN PERCENT GET THERAPY

Yet, Dr. Scribner said that just 6,700 Americans, 14 per cent of this total, are living today on transplants or artificial kidneys.

"We're simply not coming close to meeting the need," Dr. Scribner said.

Accordingly, Dr. Scribner said that inertia existed among physicians who know chances are one in seven that their patient can get such expensive therapy; the treatment can wipe out the savings of any middle-class American family.

"When chances are so slim, physicians would rather not raise false hopes for the patient and his family," Dr. Scribner said, and went on:

"Expensive treatments like this [artificial kidney] aren't going to work if to be eligible for state aid you have to sell your house and give up your job. The payment issue has caused some of us to redefine the term medical indigency."

Dr. Scribner winced as he pointed out that in some states patients have refused treatment, thereby committing suicide, rather than become paupers in order to qualify for public financial assistance. He said that Washington and Maryland had redefined medical indigency to avoid such a possibility.

COMMITTEE APPROACHED

Ernie Crowfeather, unemployed and without insurance, appealed to the anonymous committee at the Northwest Kidney Center here that has the legal power to decide who shall get the funds that keep Washington's kidney disease patients alive. Center officials said that they assure lifetime support for 90 per cent of the applicants each year.

However, because of Ernie's lack of cooperation his doctor said he had developed an unending series of medical complications that made artificial kidney treatments so costly—about eight times that of the average patient. Accordingly, center officials said that his support would have deprived too many others of a chance at the therapy.

"Ernie Crowfeather would be an unsuccessful dialysis [artificial kidney] patient due to medical and emotional instability. Medical, psychiatric and social worker opinions reveal little hope for successful reform and indicate a high probable inability to manage home dialysis," the committee said in rejecting his application for a second time.

After the kidney center's rejection, people who had never met Ernie previously, but who had learned about his case from the hospital staff, went outside the system and began an emergency life-and-death appeal to the public for funds.

SOCIAL WORKER COMMENTS

"I just couldn't understand how the doctors were going to pull the plug on this character and let him go, no matter who he was," said Peter Schnurman, a social worker for a philanthropic organization here. So he and Mrs. Elizabeth Morris of the Indian Center helped to start a drive to raise $20,000 beyond the $80,000 already spent to keep Ernie alive. Less than a year later, knowing the $20,000 was gone and telling friends that he had muffed his chance, Ernie disappeared from the hospital for the last time.

While he stayed away, hospital physicians and administrators held several meetings, never able to make firm decisions about their course of action in the event that he returned.

Should they continue to treat Ernie on the artificial kidney and at whose expense, they asked each other. If not, which doctor would stop these treatments and on what grounds?

The decisions never had to be made. Ernie stayed away until he died two weeks later in Ellensburg, a town about 100 miles from Seattle where no artificial kidney exists.

Some doctors said privately that if Ernie had come back they would have stopped the treatment, not only because he had been uncooperative but also because he had said his life was miserable.

Hospital administrators said they would not have permitted such a decision to have been made without approval from the state's higher officials. Everyone said they feared a court challenge because there apparently are no legal precedents for doctors stopping life-sustaining therapy in the case of a physically fit ambulatory patient.

IS PROTECTION POSSIBLE?

If physicians are forced to turn off the machine on an uncooperative active patient, could state legislatures or courts protect the doctors and hospital officials by backing up their decisions, provided that they had been thoroughly discussed with family members beforehand?

Some physicians say the decision is so complex that society, not just doctors, must decide. Other doctors say they fear a charge of murder if they stop therapy on a patient like Ernie.

If society considers it suicide for a patient like Ernie to die as he did by refusing life-supporting therapy, then, by the same logic, the doctors say, it must be murder for physicians to deliberately turn off these machines.

As Dr. Scribner concluded:

"You can't call it suicide on one hand and not call it murder on the other—you can't have it both ways. That's a new issue of fundamental importance that these magnificent medical advances have raised and that society must now face squarely."

Mr. DOLE. Mr. President, will the Senator yield?

Mr. HARTKE. I yield to the distinguished Senator from Kansas, who is a cosponsor of the amendment.

Mr. DOLE. Mr. President, I say to the Senator from Indiana that I am pleased to join in sponsoring this amendment. It deals with a subject in which the Senator from Kansas has a rather personal interest. He has a somewhat higher awareness than perhaps some people of the importance of kidney disease and kidney injuries, because I have lived quite well for the past 25 years with only one. I understand quite clearly the importance of having at least one in good working order and have a rather close-at-hand appreciation for the dangers and burdens of kidney disease and injury.

As the Senator from Indiana has pointed out the occurrence of major kidney disease or injury can inflict tremendous medical and financial burdens on individuals and their families. These burdens are frequently reduced to basic life and death questions.

The problems know no barriers of race, geography, age, or sex. They are widespread, and the experiences of many of my Kansas constituents have clearly demonstrated the need for concentrated action to be taken to meet these needs. And as the Senator has pointed out quite clearly, there is a need.

I think that the one reservation that could be raised to the amendment is in approaching some of these catastrophic illnesses on a piecemeal basis rather than on a broad basis. But I firmly believe that the Senator from Indiana's amendment is at least a step in the direction that will bring about some much needed progress.

I support the amendment and am pleased to join the Senator as a cosponsor.

Mr. HARTKE. Mr. President, I am delighted to have the support of the distinguished Senator from Kansas. I did not know of the personal interest he had. For any family who has had this problem, it is one which is very touching.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. JACKSON. Mr. President, I commend the Senator from Indiana and the Senator from Kansas for sponsoring this amendment.

We in the Northwest are very proud that the first kidney machine was put together at the University of Washington Medical School, under the leadership of Dr. Belding Scribner.

As the able Senator from Indiana has pointed out, the current cost is roughly $22,000 per year per patient. The cost initially was more than $30,000 per year per patient. They are now lowering the cost. There is now a home kidney machine, the cost of which has been reduced to under $10,000 per year.

I think it is a great tragedy, in a nation as affluent as ours, that we have to consciously make a decision all over America as to the people who will live and the people who will die. We had a committee in Seattle, when the first series of kidney machines were put in operation, who had to pass judgment on who would live and who would die. I believe we can do better than that. We have patients who have been on the machine for more than 10 years and are leading normal lives.

So I would hope that we would make an effort here, at least a beginning, to approve the amendment, so that we can do better than we have done heretofore.

Mr. HARTKE. I thank the distinguished Senator from Washington.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. MAGNUSON. I am familiar with what my colleague has said. As a matter of fact, at one time they wanted me to be on the committee that would dip into the fishbowl to pick out the names. I said, "No, thank you"; I did not want it.

We do have in the HEW bill which is now before the Senate a substantial increase in funds, not only for transplant but also for kidney machines. If a transplant does not work—they have been fairly successful—there is no place for the fellow to go after that but on a machine. That adds to the problem, because more and more transplants are being undertaken. The percentage is getting better and better.

So the Senator's amendment would complement what we are doing in the HEW bill to increase the availability.

My colleague from Washington mentioned that from the beginning, when Dr. Scribner put together the first machine, it cost a great deal of money, but we are reducing the cost. The testimony was that they are hopeful of getting the cost of home treatments down to $5,000 or $6,000 a year. The problem has been—and the Senator's amendment will be helpful—not so much in getting the cost of the machines down, which they are doing by engineering and medical research, but in getting trained people to know how to use the machines on those who need them. A person cannot do it by himself.

So in the HEW bill we are encouraging, in the rehabilitation services and in training, the teaching of not only medical auxiliaries that will know how to do it but even a brighter spot on the horizon in this terrible matter before us—say a man needs a kidney treatment, his wife can now go to one of the places in the hospital, like a nursing place, and find out how to do it, or vice versa. That is being done.

I compliment the Senator.

The PRESIDING OFFICER (Mr. JACKSON). The time of the Senator from Indiana has expired.

The Senator from Louisiana has 15 minutes.

Mr. HARTKE. Mr. President, I ask unanimous consent to extend the colloquy for another 5 minutes.

Mr. BENNETT. Mr. President, does that mean 5 minutes to each side?

Mr. HARTKE. To each side, yes.

All I want is to permit other Senators to make a statement. I have none.

Mr. BENNETT. I will be happy to yield 5 minutes of my time, if that will be satisfactory.

Mr. HARTKE. So far as I know, it will be. I just do not wish to shut off any other Senator from making a statement.

The PRESIDING OFFICER. The Chair states that the distinguished Senator from Florida (Mr. CHILES) wishes to make a statement.

Mr. BENNETT. I have control of the time in opposition, and I yield 5 minutes to the Senator from Indiana (Mr. HARTKE) so that he may discuss this matter with the Senator from Florida.

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Florida?

Mr. HARTKE. I yield.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. CHILES. Mr. President, I thank the Senator from Indiana and the Senator from Utah for yielding me this time. I associate myself with the remarks made by the distinguished Senator from Indiana, the Senator from Kansas, and the two Senators from Washington. I am delighted to be a cosponsor of the amendment.

I happen to be honorary chairman of the Florida Kidney Foundation, Inc., in the State of Florida for this year. In that connection, I have some knowledge of what the Senator is working on. Certainly this is going to be a far-reaching amendment. As the Senator from Washington pointed out, in this country with so much affluence, to think there are people who will die this year merely because we do not have enough of these machines and do not have enough dollars, so that we do have to make the choice of who will live and who will die, when we already know we have a good treatment that can succeed and keep these people alive, while we are working out other improvements in transplants, finding cures, and everything else necessary. This should not happen in this country. But we have come a long way.

I want to ask the Senator, as I listened to his explanation and his point about disability, how would that affect a child? How would that affect someone under the age of 21?

Mr. HARTKE. The amendment would provide for extension of this kind of treatment not only for the wife but also for the children. It provides for complete coverage in line with the approach of the distinguished chairman of the Finance Committee, Mr. LONG, regarding catastrophic illnesses.

Mr. CHILES. This amendment, then, would consider a child as being disabled and eligible for treatment regardless of the fact that the father was working, because of the tremendous expense involved.

Mr. HARTKE. That is exactly right,

and this explains the necessity for this amendment being drawn in this fashion, rather than in some other fashion.

Mr. CHILES. I am delighted to hear that the Senator's amendment provides complete coverage.

Mr. HARTKE. I want to thank the Senator and make it clear that at this time there is no difficult problem as to the availability of the machines, nor as to the availability of sufficient treatment as indicated by the Senator from Washington. There is one machine that is 13 years old, and still alive is one person of that original group who went on that first machine. So, for those who want to know how long it will prolong life, all I can say is that we do not yet know its full potential.

In this field, the distinguished Senator from Louisiana (Mr. LONG) has been a long-time advocate dealing with the problems of catastrophic illnesses. This is one area for an effective means and an effective method. It certainly is not a cure-all, nor is it a solution for all of catastrophic illnesses, or the cases on which he has devoted so much of his time, but it is one on which we can have some unanimity of understanding as to the approach to a solution which will be good for everyone.

Mr. BENNETT. Mr. President, I yield myself such time as I may require.

I am under no illusions. When yesterday the Senate voted $2.5 billion for eyeglasses, hearing aids, and foot massages, there is no question about the fact that the Senate is about to vote another $100 million to $250 million for kidney dialysis and transplantation.

At risk of branding myself as one who is opposed to this program and, therefore, one who wants to see people die—which obviously I do not—there are one or two observations that must be made before the inevitable vote on this amendment is taken.

Yesterday and today the Senate added more than $5 billion to the cost of social security. This amount is small, estimated variously as between $100 million and $250 million. What is going on reminds me of a television ad I see every once in a while, of a very happy housewife who takes you to her cupboard and opens it up and says, "Christmas in September; isn't it a wonderful idea? I can sit at home and have all these good things brought to me. I do not have to go out and fight the shoppers in December."

Well, Mr. President, obviously, we are involved here in a new "Christmas in September" program. We may well be on the way to loading down the bill to the point where, A, it will die of its own weight in the Senate or, B, it will die of its own weight in the process of trying to get a conference.

If we are going to use this as a vehicle to bring out every worthy beneficial program and pile it onto this bill, I am not sure that the bill will be able to carry it. The point has already been made and I am sure will be made again, that the whole issue of a national program for health insurance lies ahead of us. The chairman of the Ways and Means Committee of the House has indicated that this will be one of his major programs for next year. The President had a program which will undoubtedly be resurrected next year. Other Members of the Senate have programs.

This amendment represents a move to pick out one particular phase of health care and bring it in ahead of the others and write it into law. There are a lot of other diseases that people are subject to which are as serious as the kidney problem. We cannot add them to this particular bill without weighing it down to the point where it cannot carry it.

I think that a more reasonable way to handle this amendment would have been to delay action until it can become a part of a broader health insurance bill.

I recognize that the chairman of the committee has been anxious to cover this whole field of catastrophic illness, but realizing the weight that such coverage would put on the bill he has refrained from offering that amendment to this particular bill, being willing to let it be carried over until we got onto the whole health care issue the next time Congress meets.

As I have said, I have no illusions as to what the Senate will do with this amendment. But, I shall vote against it, first, because I believe this is not the proper vehicle to which it should be attached and, second, because I want to make a slight protest against adding this additional straw to the financial burden that will break the back of the social security system.

As I say, I know what will happen to it.

Mr. President, I am prepared to yield back—I will be happy to yield some time now to the chairman.

Mr. LONG. Mr. President, the amendment which I am sponsoring along with Senator HARTKE would cover under medicare those persons who suffer from chronic renal disease and who need kidney dialysis or transplantation. As Senators know, H.R. 1 already contains a provision which covers the disabled under medicare. This amendment is drafted as an addition to that section. Although I am sure that most Senators would consider those who need kidney dialysis to be disabled, many of them are able to get back to work so that they cannot meet the specific social security disability requirements. This amendment would deem them disabled for medicare purposes only regardless of their work status. Additionally the amendment would cover all people fully or currently insured under social security and their spouses and dependents rather than only covering insured workers.

The medicare coverage would become available to those with chronic kidney disease 6 months after the onset of their condition. This guarantees that the disease is chronic and also assures an appropriate mesh with private insurance coverage.

Mr. President, the next Congress will tackle health insurance issues, and I am sure during that debate we will deal with health insurance problems in general, and I hope that specifically we will deal with the problem of insuring against catastrophic illness.

I am cosponsoring this proposal at this time because these very unfortunate citizens with chronic renal failure cannot wait for Congress to debate these broader issues. They need help—it is critical—and that help must come now as many of them, without assistance, simply will not be alive for another 2 years.

Mr. President, I still hope that the Congress will be able to pass at some point a complete catastrophic health insurance proposal, but I think that this particular problem must be dealt with now.

The PRESIDING OFFICER. Is all time yielded back?

Mr. LONG. I yield back my time.

Mr. BENNETT. May I withhold my time, because I did withhold it for the chairman. We have equally serious problems which we have not begun to attack, which are not so striking as the kidney problem. There is the problem of the hemophiliacs, who must constantly receive blood transfusions if they are to remain alive. Nobody is worried about them in this bill.

This demonstrates that we are picking out one particular sector of the whole health care problem, and because it is dramatic, we are trying to push it ahead of everything else. We can only handle so much. We can only finance so much.

I hope—but I have no illusions, as to whether or not the Senate will reject this amendment—the Senate rejects the amendment.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the Hartke-Long amendment. On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Alabama (Mr. SPARKMAN), the Senator from Virginia (Mr. SPONG), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from North Carolina (Mr. JORDAN) and the Senator from Wyoming (Mr. MCGEE) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Rhode Island (Mr. Pell), the Senator from West Virginia (Mr. Randolph), the Senator from Georgia (Mr. Gambrell), and the Senator from Connecticut (Mr. Ribicoff) would each vote "yea."

Mr. SCOTT. I announce that the Senators from Colorado (Mr. Allott and Mr. Dominick), the Senator from Tennessee (Mr. Baker), the Senator from Delaware (Mr. Boggs), the Senator from Massachusetts (Mr. Brooke), the Senator from Kentucky (Mr. Cook), the Senator from New Hampshire (Mr. Cotton), the Senator from Nebraska (Mr. Curtis), the Senator from Arizona (Mr. Goldwater), the Senator from Michigan (Mr. Griffin), the Senator from Florida (Mr. Gurney), the Senator from Wyoming (Mr. Hansen), the Senator from New York (Mr. Javits), the Senator from Iowa (Mr. Miller), the Senator from Illinois (Mr. Percy), the Senator from Delaware (Mr. Roth), the Senators from Ohio (Mr. Saxbe and Mr. Taft), the Senator from Vermont (Mr. Stafford), the Senator from Texas (Mr. Tower), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Massachusetts (Mr. Brooke), the Senator from Kentucky (Mr. Cook), the Senator from Nebraska (Mr. Curtis), the Senator from Iowa (Mr. Miller), and the Senator from Illinois (Mr. Percy) would each vote "yea."

The result was announced—yeas 52, nays 3, as follows:

[No. 490 Leg.]

YEAS—52

Aiken
Allen
Bayh
Beall
Bellmon
Bentsen
Bible
Brock
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cooper
Cranston
Dole
Fannin
Fong
Fulbright
Hartke
Hatfield
Hollings
Hruska
Hughes
Inouye
Jackson
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
Moss
Nelson
Packwood
Pastore
Pearson
Proxmire
Schweiker
Scott
Smith
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tunney
Young

NAYS—3

Bennett
Buckley
Ervin

NOT VOTING—45

Allott
Anderson
Baker
Boggs
Brooke
Cook
Cotton
Curtis
Dominick
Eagleton
Eastland
Edwards
Gambrell
Goldwater
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Humphrey
Javits
Jordan, N.C.
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Mundt
Muskie
Pell
Percy
Randolph
Ribicoff
Roth
Saxbe
Sparkman
Spong
Stafford
Taft
Tower
Weicker
Williams

So the Hartke-Long amendment was agreed to.

Mr. HARTKE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BURDICK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LONG. Mr. President, I believe it would be helpful if the Senate would vote on the committee amendment that appears beginning on line 6, page 954 through line 18, page 963. Although this amendment has already been agreed to when the committee amendments were adopted en bloc, it would be well in conferring with the House on this matter in difference that we be able to state the Senate's position on this particular item.

I ask unanimous consent that notwithstanding the fact that this amendment has been agreed to en bloc along with others, that this amendment be subject to a vote of the Senate, and that it remain subject to amendment if it is agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

WORK BONUS FOR HEADS OF LOW-INCOME FAMILIES

In General

Sec. 534. (a) The Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subtitle:

"Subtitle I—WORK BONUS PROGRAM

"Chapter 97.—Work Bonus Program

"Sec. 10001. Payment.
"Sec. 10002. Recovery of overpayments; penalties.
"Sec. 10003. Cooperation of other Government agencies.
"Sec. 10004. Applications; regulations.
"Sec. 10005. Definition of eligible individual.
"Sec. 10006. Appropriation of funds for payments.

"Sec. 10001. Payment.

"(a) In General.—Except as provided in subsection (d), the Secretary or his delegate shall pay to each eligible individual upon application therefor made after the close of a calendar year, an annual payment for that calendar year in an amount determined under subsection (b).

"(b) Determination of Amount.—

"(1) In general.—The amount of the payment to which an eligible individual is entitled under this chapter for any calendar year is an amount equal to 10 percent of not more than $4,000 of the wages or compensation paid to him, or to him and his spouse, if he is married (as determined under section 143)—

"(A) with respect to which taxes were deducted and withheld under section 3102 (relating to deduction of tax from wages under the Federal Insurance Contributions Act) or section 3202 (relating to deduction of tax from compensation under the Railroad Retirement Act); or

"(B) by the Work Administration for services performed by a participant in guaranteed employment and with respect to which the Work Administration certifies to the Secretary under section 2052(e)(4) of the Social Security Act was paid for services performed on behalf of an employer under a contract entered into with the Work Administration under section 2052(e) of such Act.

"(2) Limitation.—The amount of the payment to which an eligible individual is entitled for any calendar year under paragraph (1) shall be reduced by one-fourth of the amount by which his income, or, if he is married (as determined under section 143), the total of his income and his spouse's income for the calendar year exceeds $4,000. For purposes of this paragraph, the term 'income' means all income from whatever source derived, other than payments provided by this chapter, determined without regard to subtitle A (relating to income taxes).

"(c) Advance Payments.—

"(1) In general.—Upon application therefor made after the close of any of the first three quarters of any calendar year, the Secretary or his delegate shall pay to an eligible individual an advance payment on account of the annual payment to which he reasonably expects to be entitled under subsection (a) for that year. The amount of any advance payment to which an eligible individual is entitled at the close of any calendar quarter shall be equal to—

"(A) the annual payment to which the eligible individual would be entitled with respect to the wages and compensation described in subsection (b)(1) received by him on or before the close of the most recent quarter for which application is made, taking into account the wages, compensation, and other income received and reasonably expected to be received during the calendar year, reduced by

"(B) the amount of advance payments made to him, or for which he made application, for any prior quarters of the calendar year.

"(2) Minimum advance payment.—No advance payment shall be made under this subsection for any amount less than $30.

"(3) Determination of status.—For purposes of this subsection, the determination of whether an eligible individual is married shall be made as of the close of the calendar quarter or quarters for which an application for payment has been filed by that individual.

"(4) Annual statement.—Any individual who receives an advance payment under this subsection for any calendar year shall file, after the close of that year, a statement with the Secretary or his delegate setting forth the amounts he has received as advance payments under this subsection during that year, the amount of income he and his spouse, if any, have received during that year, and such other information as the Secretary or his delegate may require and in such form and at such time as he may require.

"(d) Credit in Lieu of Payment.—An eligible individual may elect for any taxable year to take the amount of any payment to which he is entitled under this chapter as a credit against tax under section 42. The election shall be filed at such time and in such form as the Secretary or his delegate may prescribe.

"Sec. 10002. Recovery of Overpayments; Penalties.

"(a) Recovery of Overpayments.—If the Secretary or his delegate determines that any part of any amount paid to an individual for any year under this chapter was in excess of the amount to which that individual was entitled under this chapter for that year, the Secretary or his delegate shall notify that individual of the excess payment and may—

"(1) withhold, from any amounts which that individual is entitled to receive under this chapter in any subsequent year, amounts totaling not more than the amount of that excess;

"(2) treat the amount of that excess as if it were a deficiency under subchapter B of chapter 63 of subtitle F and utilize the procedures available to him under that subtitle to collect that amount;

"(3) enter into an agreement with that individual for the repayment of that amount; or

"(4) take such other action as may be necessary to recover that amount.

"(b) Penalties.—Each application form and any other document required to be filed under this chapter shall contain a written declaration that it is made under penalty of perjury. The provisions of chapter 75 (relating to crimes, other offenses, and forfeitures) shall apply to such forms and documents.

"SEC. 10003. COOPERATION OF OTHER GOVERNMENT AGENCIES.

"The Secretary or his delegate is authorized to obtain from any agency or department of the United States Government or of any State or political subdivision thereof such information with respect to any individual applying for or receiving benefits under this chapter, or any individual whose income is taken into consideration in determining benefits payable to an eligible individual under this chapter, as may be necessary for the proper administration of this chapter. Each agency and department of the United States Government is authorized and directed to furnish to the Secretary or his delegate such information upon request.

"SEC. 10004. APPLICATIONS; REGULATIONS.

"(a) IN GENERAL.—The Secretary or his delegate shall develop simple and expedient application forms and procedures for use by eligible individuals who wish to obtain the benefits of this chapter, arrange for distributing such forms and making them easily available to eligible individuals, and prescribe such regulations as may be necessary to carry out the provisions of this chapter.

"(b) TIME FOR FILING APPLICATIONS FOR PAYMENT.—No annual payment may be made to an eligible individual for a calendar year unless the application for that payment is filed on or before the last day of the calendar quarter following the close of that year. No advance payment may be made to an eligible individual for any calendar quarter or quarters unless the application for that payment is filed on or before the last day of the calendar quarter following the close of the quarter or quarters for which application is filed. For purposes of section 42, failure to file an application for an annual payment within the time prescribed by this subsection shall not affect an eligible individual's entitlement to such payment.

"SEC. 10005. DEFINITION OF ELIGIBLE INDIVIDUAL.

"For the purpose of this chapter, 'eligible individual' means an individual—

"(1) who is physically present in the United States;

"(2) whose wages are subject to tax under chapter 21 or 22 (relating to the Federal Insurance Contributions Act and the Railroad Retirement Tax Act, respectively) or who receives compensation from the Work Administration for services performed in guaranteed employment on behalf of an employer under a contract entered into with the Work Administration under section 2052 (e) of the Social Security Act; and

"(3) who maintains a household which includes a child of that individual with respect to whom he is entitled to a deduction under section 151(e)(1)(B).

"SEC. 10006. APPROPRIATION OF FUNDS FOR PAYMENTS.

"There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for each fiscal year such sums as may be necessary to enable to the Secretary or his delegate to make payments under this chapter."

Credit in Lieu of Payment

(b)(1) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by redesignating section 42 as 43, and by inserting after section 41 the following new section.

"SEC. 42. WORK BONUS.

"There shall be allowed to a taxpayer who is an eligible individual (as defined in section 10005) and who makes an election under section 10001(d) for the taxable year, as a credit against the tax imposed by this chapter an amount equal to any amount to which he is entitled under chapter 97 for that year unless he has applied to receive that amount as a payment under that chapter. The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section."

(2) The table of sections for such subpart is amended by striking out

"Sec. 42. Overpayments of tax."

and inserting in lieu thereof

"Sec. 42. Work bonus.
"Sec. 43. Overpayments of tax."

(3) Section 6401(b) of the Internal Revenue Code of 1954 (relating to excessive credits) is amended by—

(A) inserting after "lubricating oil)" the following: ", 42 (relating to work bonus),"; and

(B) striking "sections 31 and 39" and inserting "sections 31, 39, and 42".

(4) Section 6201(a)(4) of such Code (relating to assessment authority) is amended by—

(A) inserting "OR 42" after "SECTION 39" in the caption of such section; and

(B) striking "oil)," and inserting "oil) or section 42 (relating to work bonus),".

(5) Section 6211(b)(4) of such Code (relating to rules for application of definition of deficiency) is amended by striking "credit under section 39" and inserting "credits under sections 39 and 42", and by striking "such credit" and inserting "such credits".

(6) Section 6213(f)(3) of such Code (relating to restrictions applicable to deficiencies; petition to Tax Court) is amended by striking "section 39" and inserting "section 39 or 42".

(7) Section 72(n)(3) of such Code (relating to determination of taxable income) is amended by striking "sections 31 and 39" and inserting "sections 31, 39, and 42".

Exclusion of Work Bonus Payment From Gross Income

(c)(1) Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by redesignating section 124 as 125 and by inserting after section 123 the following new section:

"SEC. 124. WORK BONUS PAYMENTS.

"Gross income does not include any amount received as a payment under chapter 97."

(2) The table of sections for such part is amended by striking out

"Sec. 124. Cross references to other Acts."

and inserting in lieu thereof

"Sec. 124. Work bonus payments.
"Sec. 125. Cross references to other Acts."

Effective Date

(d) The amendments made by this section shall take effect on January 1, 1973, and shall apply with respect to taxable years beginning after December 31, 1972.

Mr. LONG. Mr. President, this provision in the bill provides, what we on the committee have termed a work bonus for low-income workers. This would be of major assistance to workers with a low income.

Mr. President, the simplest way to explain it is to say that as far as the working man is concerned it means that those who are making $4,000 or less, and have children to support will, in effect, have returned to them the money that represents the social security tax they have paid, as well as most of the social security tax paid on their behalf by the employer.

It would provide a payment based on 10 percent of the earnings of those workers. The purpose here is to prevent the social security tax from taking away from the poor and low-income earners the money they need for support of their families.

Mr. President, it would prevent the taxing of people onto the welfare rolls. As Senators know, the social security tax has no exemptions, so even a person making less than the minimum wage is paying a social security tax. We did not want to in any way prejudice the social security funds, so, it was our view that social security taxes should continue to be collected and paid into the fund; however, that there should be paid from general funds an amount equal to 10 percent of the worker's earnings up to $4,000.

The social security tax under the bill will go to 12 percent; 10 percent will in effect be refunded to the worker. This is proceeding on the theory that it is far better to provide the working man some tax relief than it is to provide him with welfare payments.

It is far more dignified and the benefits are entirely work-related. Some of these people might qualify for welfare; others would not. We estimate that about 5 million family heads plus their families would be benefited by this provision.

If a person with children to support were making $4,000, this provision would mean he would get a tax refund of $400 a year, or $100 every quarter. It phases out on a 1 for 4 ratio up to the figure of $5,600. If, for example, a person were making $4,800 a year, he would have an annual refund of $200. If a person were making $4,400 a year, he would have an annual refund of $300.

There appears on page 94 of the committee report a chart, which I ask unanimous consent to put in the RECORD at this point, which indicates how a husband and wife would benefit from this provision.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Annual income of husband and wife (assuming it is all taxed under social security)

	Work bonus
$2,000	$200
3,000	300
4,000	400
5,000	150
5,600	0

Mr. LONG. For example, if they were earning $2,000, they would receive a work bonus of $200. If they were earning $3,000, they would receive a work bonus of $300. If they were earning $4,000, they would receive a work bonus of $400. It would phase out so that at $5,000 they would receive a $150 work bonus, and at $5,600 they would receive zero.

The entire purpose of this provision is to help low-income working people. This is a provision the committee felt would help them by in effect lifting from their backs the taxes they pay.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. ALLEN. Does that take into account the fact that the employer pays half the social security tax, and if the employee got the full amount of the social security tax back, would he not be getting considerably more than had been charged to him?

Mr. LONG. This provision proceeds on the theory that even the employer's portion of the tax was generated by the efforts of the working man. The employer would have to put up the social security tax in any event.

In an effort to be as helpful as we can to the working man, we recognize the fact that his effort is generating not only his part of the tax but also is making possible the employer's contribution. The employee needs that money now, so we would pay it for him and his wife, keeping in mind that this is one way we can help the poor in a work-related way and prevent them from having to go on welfare.

Mr. ALLEN. As the Senator knows, it is not only the employees who are groaning against ever-increasing social security taxes; it is also the employer, and especially the small employer, the small businessman, the employer who has only a few employees. He might feel that he is getting left out in this picture in that the refund would go to the employee only.

Mr. LONG. Senator, this provision is based on this theory that a tax cut would be far better than putting that family on welfare.

Mr. ALLEN. I am going to support the Senator's amendment.

Mr. LONG. We are satisfied that we can justify what amounts to a tax cut. As far as the tax that the employer is supposed to pay is concerned, in most cases the employee is not paying any 6 percent social security tax; he is paying 12 percent. The reason for that is that, in the last analysis, it is the employee who is paying on behalf of the employer and the employee, because the employee absorbs that tax every time he buys something. When his wife buys food at the grocery store, when she buys clothes for the family, everything she buys has a social security tax cranked into it as a part of the cost of doing business. So, in the last analysis, it is more the consumer than it is the employer who is burdened with the social security tax, because it is passed onto the ultimate consumer of the product as a cost of doing business.

To find a dignified way to provide help to a low-income working person, whereby the more he works the more he gets, and at the same time to phase it out in such a way as not to decrease the incentive to work, we on the committee came up with this work bonus proposal. This way will benefit many working poor, many of whom are not on public welfare, and many of whom we hope will not be. We hope that this kind of tax relief would do much to help low-income working persons.

As I have said, it is estimated that this provision would help 5 million heads of families.

Mr. ALLEN. What about the self-employed? How would they figure into it?

Mr. LONG. This provision does not cover the self-employed. The reason for that is that coverage of the self-employed involves problems. We struggled with the question of bringing the self-employed into it, and the complications to which that led were more than we could supply answers for at the time. If this provision works—and the committee feels it will work—we hope we will find a way to meet the technical difficulties in extending the provision to the self-employed.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. CHILES. As I understand the purpose of this provision, it is to allow some help to be given to the working poor in a way which would not be giving them a welfare check. It would not be taking away the worker's pride. It would put him in a position where he would not feel he has to be a recipient of welfare. This proposal would not be like the present family assistance program, would it, where we would take somebody not now on welfare, who is employed, but give him a monthly check and put him on the welfare rolls? This would be a way of supplementing his earnings and getting around that; would it not?

Mr. LONG. That is the way we view it. We conceived this proposal initially as, in effect, relieving low-income working persons from the social security tax, but then when we thought in terms of the extent to which we might be able to help them, it seemed to us we could justify completely this kind of help, not only because it amounted to a refund of a tax which had been paid by the employee himself, but because the tax had been paid by the employer on the employee's behalf, on the theory that that, too, was something that was generated by his work efforts.

We felt we would be justified in having him get a refund of more than 5 percent, or 6 percent when the tax goes to 6 percent; that we could justify giving 10 percent to the working poor, which corresponds largely to a refund to the workingman on the tax generated by his work efforts. It still would permit enough of the tax of the employer and employee not to be refunded that he would be able to feel that some of his tax supported money was flowing back to him from the contribution made by him.

One can look at this as he wants to. He can look at it as a work subsidy for those making low wages. He can look at it as a tax refund. We decided to call it a work bonus, because, whatever one calls it, it results from tax money collected as a result of the man's working.

Mr. CHILES. The touchstone of our tax system was that we were going to tax those with the ability to pay. One of the faults of the social security system is that continually we really place the same burden, or a greater burden, on those least able to pay, because if we started with a system in which one paid only 4 percent, and only on the first $3,600, it was going on the person who was earning his pay by the strength of his arm and the sweat of his brow, and yet there were always some welfare features in the bill which should have been taken care of by general revenues. This is recognizing that we should base it on the ability to pay, to help that man to help himself, and not take his pride away from him, not put him into the class where he has got to feel like he is taking a dole.

I think the amendment is an excellent amendment. As the chairman knows, I appeared before his committee with an amendment something like this, and wanted to bring it up on this bill, in which I was going to provide that until he reaches the point where he is paying Federal income tax, he will not pay any social security tax; because why should we charge him social security on the first dollar he makes, and yet give him a refund of his income tax up to the point that he reaches $3,600, depending on how many dependents he has or whatever it is? Here we are going to charge a man on the first dollar he earns and every dollar after that, because he is in that bracket.

So I think the chairman has a good amendment here, and I am delighted with the amendment, because I think it is better than the guaranteed wage, family assistance, or whatever it is, where we would take away a man's pride; because one thing I found out when I campaigned was that the first thing anyone told me, if he was not on welfare, whether he was white, red, black, or anything, was, "I don't get one of those Government checks." He had his pride.

I am talking about a man working on the road, digging a ditch, farming, a shade-tree mechanic, or anything else; the first thing he would tell me was, "I don't get that Government check; I ain't on that dole."

To put such a man on Government assistance has always shattered me. Yet how could we help him? This tax credit, giving him some basis of helping himself without taking away his pride, I think, is the best way to do it, and I am delighted that the committee has proposed this amendment.

Mr. LONG. Mr. President, we not only agreed with the Senator's amendment, we went him one better. He wanted to take the social security tax off the poor. We have proposed to do that, not just as to the part collected from him, but also the part collected from the employer on his behalf, almost all of it. We felt there should be some small amount of tax collected on his behalf to flow into the social security fund, but this 10 percent can be justified; and, frankly, as the one who proposed this matter in committee, the argument the Senator from Florida made and the experiences he had in talking to people on the highways of Florida, which he related to me, about their plight and their desire not to be on welfare but to work to support their families, played a major part in the fact that this matter is not before the Senate.

Just as a matter of simple fact, I have been dismayed to see some of the studies indicating that the poor in this Nation are paying altogether more taxes than they should. I suspect that some of those studies are misleading, because they fail to take into account what we refer to as the transfer payments, that is, the welfare payments and social security payments being paid to the poor which makes it possible for them to have revenue with which to pay taxes. But in any event, even when you take all that into consideration, the poor are still paying too much in the way of taxes.

Insofar as we can do something about it at the Federal level, we think that this just about does the job. Maybe we can find some way to help the States to relieve their poor from some of the regressive taxes that exist in the State governments which burden the poor. That is a different problem, and that is something we will have to struggle with when we have a tax reform bill next year or the year after. But insofar as the tax system under social security involves a tax that tends to tax away from the working poor the money they need to provide for their families, this would relieve them of that burden.

Mr. CHILES. I certainly agree with the chairman. As I said before, I think sometimes when we use these terms we almost use a misnomer in terms when we talk about the working poor. Most of the people out there that I found who were working did not consider themselves poor. If they were working they did not consider themselves poor, and did not even like to be referred to as poor. They felt that they were paying a heavier burden, and knew they were paying a heavier burden, than the guy getting an oil depletion allowance or a deferred compensation allowance, or the guy who had a charitable foundation helping him out, or the person with all kinds of deductions that way. They knew they were paying more than their share, but they did not consider themselves poor, because they were working; and I think we need to do everything we can to maintain in them that feeling of pride.

Mr. LONG. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HARTKE. Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER (Mr. CANNON). The Senator will state it.

Mr. HARTKE. As I understand it, this amendment was agreed to previously when the committee amendments were agreed to en bloc.

The PRESIDING OFFICER. The Senator is correct.

Mr. HARTKE. Under the circumstances, however, in such a situation, is it not true that the committee amendments as agreed to en bloc were subject to further amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARTKE. As I understand it, when the chairman of the committee called up this amendment, notwithstanding the fact that it had previously been agreed to, there was reserved the right to offer further amendments to the amendment.

The PRESIDING OFFICER. Yes. The Senator is correct.

Mr. HARTKE. Yes. However, I would like to make this further parliamentary inquiry: If the amendment is adopted, does that preclude further consideration of any other amendment dealing with this subject matter under H.R. 1?

The PRESIDING OFFICER. No, it does not.

Mr. HARTKE. All I want to know is, is it necessary, in order to preserve the rights of a Senator at this time on this subject matter, that an amendment would have to be introduced to this amendment, or an amendment in the nature of a substitute addressed to this amendment, or are such rights preserved during the further consideration of the bill?

The PRESIDING OFFICER. All rights are preserved.

Mr. HARTKE. In other words, let me make it very clear again: Even though this amendment is agreed to on a rollcall vote, and even though there be a motion to reconsider and a motion to lay on the table the motion to reconsider that matter, would it then be subject to being reopened at a later date?

The PRESIDING OFFICER. The amendment would still be subject to further amendment.

Mr. HARTKE. The reason I ask that, and I direct my remarks to the chairman of the committee at this moment, is that this is an integral part of the committee's so-called workfare program. Am I correct in that?

Mr. LONG. If you want to look at it that way. It depends on the point of view. As far as I am concerned, this is something we ought to do whether we have a guaranteed work opportunity or whether we should have a family assistance plan. I would think that in either event we would want to provide this advantage for working people who are not on welfare, not seeking any welfare help, and that even when they go to work, it is far better to pay them something as a work-related tax advantage than it is to pay it as something else.

Mr. HARTKE. I want to make a few observations, but I do want to ask some questions about this amendment.

The first observation is that it is generally recognized on the floor of the Senate, as has been stated repeatedly by various Senators, that the social security tax is a regressive form of taxation, in that it places the burden on those least able to pay, in placing a larger percentage of taxation on those in the lower income groups. It is certainly much heavier for them than it is for the higher income groups, and the fact is that when you get into the astronomical figures around $100,000 a year, the percentage of taxation you pay for social security is extremely low for those individuals.

We have adopted, I think, the general view here that something should be done of a major nature to repeal outright the regressive nature of social security taxation, and substitute for that some type of fair method of taxation of a progressive nature along the lines of the graduated income tax.

That can be done in a number of ways. One is that the whole social security trust fund could be abolished and payments made out of general revenues.

I personally think that the trust fund is nothing more than an abdication of authority, and that they should be eliminated in every field. I think the trust fund concept is simply a statement that Congress does not have the ability to make individual judgments each and every time it is necessary for the future of the country.

So we freeze in concepts and principles which in some cases are outmoded as much as 30 years. That probably is one of the real difficulties with the whole welfare system—the fact that we have a combination welfare system and social security system. The social security system is tied to a regressive form of taxation, and the welfare system is operating out of the general fund. Real reformation of the welfare system has been prevented by the fact that we have had the trust fund concept, which provides for some type of insecure, illusory type of security for people who are aged.

Another method of dealing with the question of the trust fund would be to provide for some type of general assumption of the trust fund liabilities in the form of a third and a third and a third—that is, one-third coming from the employee, one-third coming from the employer, and one-third coming from the general fund of the Government. This concept, basically is followed by practically every industrialized nation in the world except the United States; that is, the social security systems throughout the industrialized world and Western civilization provide for at least a one-third contribution by the Federal Government. I would favor a prosposal similar to that as a second choice to the complete elimination of the trust fund concept itself.

I have an amendment which provides for a system of gradual assumption of the responsibility of the trust fund on a one-fifth escalating basis, but I do not want to go into that now.

The reason why I raise the question at this time is that I think the pending amendment, by the estimates we have, costs $900 million. I ask the chairman of the committee if that estimate is correct.

Mr. LONG. The report says $900 million, and I will accept that figure.

Mr. HARTKE. In other words, that is the estimate at the present time; and, of course, that figure will escalate as the years go by, unless something of a major nature is done to change the poverty levels of the United States.

I ask the Senator if that is not a correct assumption.

Mr. LONG. It is difficult to say. As income levels rise, the cost of this proposal should go down; but, then, more people will be working, in a larger work force. So it is difficult to say.

Mr. HARTKE. I should like to address my attention now to the Senator from Florida. He said that, in campaigning, he found people not on welfare who said, "I don't get one of those Government checks." Under this system, a person will get one of the Government checks. As I understand the amendment, they will get it on a quarterly basis and come back on the tax credit basis at the end of it. I ask the chairman if that is true.

Mr. LONG. It can be either a tax credit or——

Mr. HARTKE. No. I want to make it clear. Let me ask the question again.

As I understand the system, in order to qualify for this 10-percent work bonus, the determination would be made quarterly; and at the end of that quarter, if it is determined that he is entitled to a work bonus under the amounts designated in the bill, and as reported in the bill, he would apply for it at that time, and he would receive a quarterly check. Then, if all the quarterly checks did not total the amount to which he would ultimately be entitled, he could apply the balance of his requirements and his deduction as a tax credit against his ultimate tax liability.

Mr. LONG. This provision is written as a tax credit. The workingman, at the end of the year, can simply take this on his tax return as a tax credit that is due him.

If he wants to do so, he can apply to receive it quarterly; and in that event, he receives it quarterly.

Mr. HARTKE. I am not debating at this moment the desirability or undesirability of it. All I am pointing out is that Senator CHILES has made the statement that these people are opposed to those individuals receiving the Government checks.

When the employer files the return, let us say, on April 15, for the first quarter earnings, from January to March 31, at that time the employee is entitled to make an application for that Government check and to receive it as quickly as the bureaucratic machine can turn it out. Is that not correct?

Mr. LONG. He is entitled to apply for it on a quarterly basis and to receive it every 3 months. If he fails to do so, he will receive it as a tax credit, which he claims on his tax return.

Mr. HARTKE. To go back to the tax consequences: What has been introduced into the situation is a completely new form of taxation which is based on an individual and his wife, with no consideration for exemptions. I know that in the argument made for tax reform, some people would like to eliminate exemptions entirely. I am not one who subscribes to that.

Various methods of tax credits have attempted to be applied. But the fact remains that this introduces into the tax system not only the regressive form of taxation on social security and the progressive form of taxation of exemptions for children, but also a third item—that is, a form of taxation which is in between, which gives consideration only to the husband and wife, with no consideration for the size of the family beyond that. Is that correct?

Mr. LONG. We are giving a taxpayer a refund. We are returning to him his tax money. It is a refund from the point of view of the taxpayer. It does not make any difference to us whether he has one child or five children.

Mr. HARTKE. The point is that, as the report says on page 94, "The plan incorporates the feature of not varying benefits by family size," which, under the progressive income tax law, is determinative——

Mr. LONG. He gets the money back whether he has one child or five children. The social security tax is levied on that man, and if he has five children he pays the same amount of social security tax as if he has one. The refund works on the same basis.

Mr. HARTKE. It points up clearly for the Senate that what needs to be done is not to approach this matter in this halfhearted method, in my judgment—and I respect the opinion of the chairman and the committee in this regard.

The Senator is saying that he recognizes that the tax system of social security is regressive. He wants to do something to help the working poor, and he comes back with an idea which is neither fish nor fowl and does not deliver across the board.

In my opinion, it would be fairer to that individual, when he is working, to either eliminate entirely the regressive form of social security taxation or otherwise not assess that tax, in the first place, if he is in that low-income group.

The amendment I have prepared would meet the objections of the Senator from Florida, who is concerned about Government checks. It would eliminate any bureaucratic operation of Government checks, because the working poor person would never have that social security tax deducted from him, in the first place. That is a much more preferable item.

However, as I understand the parliamentary situation, such an amendment would be in order at a later time during the discussion of H.R. 1. I should like to repeat at this time and make a parliamentary inquiry. In the event this amendment is adopted on a rollcall vote—and I think it will be—then would an amendment which would provide for withholding of the tax assessment on the working poor still be in order?

As I understand it, the majority leader is anxious now to move on to another matter, and I am willing to concede that.

I do point out, again, that what we are dealing with here is a $900 million amendment which does not cure the evils which are admitted so far as the actual philosophy of dealing with the working poor is concerned; which, in effect, really does not provide the money for the individual at the time he needs it—that is, on a weekly basis—but forces him to go on an annual basis or a quarterly basis. It adds more bureaucracy, the added problem of making application, and probably, in my opinion, would be highly unworkable.

Mr. SCOTT. Mr. President, I think that Senate action on this amendment and any other on the committee's program to reform the family welfare system should be deferred until the whole family program is before the Senate, and all three of the pending versions—the committee's, Senator RIBICOFF's, and the House-passed bill—can be considered as a whole.

I shall vote for this amendment, but I do not consider this vote as an expression of the will of the Senate as to the merits of any one plan over any other.

Mr. MANSFIELD. Mr. President, I understand that we are ready for the vote on the pending amendment. I am all for it.

I wish to announce to the Senate that after this amendment is disposed of, the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) will offer an amendment and he would like to speak for about 5 minutes or so on it. In line with the commitment made by the leadership with the Senate yesterday, I should like to have the privilege of calling up Calendar No. 1186, H.R. 16593, an act making appropriations for the Department of Defense.

The PRESIDING OFFICER (Mr. CANNON). The question is on agreeing to the committeee amendment.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Alabama (Mr. SPARKMAN), the Senator from Virginia (Mr. SPONG), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Wyoming (Mr. MCGEE) and the Senator from North Carolina (Mr. JORDAN) are absent on official business.

On this vote, the Senator from West Virginia (Mr. RANDOLPH) is paired with the Senator from Connecticut (Mr. RIBICOFF).

If present and voting, the Senator from West Virginia would vote "yea" and the Senator from Connecticut would vote "nay."

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Georgia (Mr. GAMBRELL), and the Senator from Minnesota (Mr. HUMPHREY) would each vote "yea."

Mr. SCOTT. I announce that the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senator from Tennessee (Mr. BAKER), the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOK), the Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Florida (Mr. GURNEY), the Senator from Wyoming (Mr. HANSEN), the Senator from New York (Mr. JAVITS), the Senator from Iowa (Mr. MILLER), the Senator from Illinois (Mr. PERCY), the Senator from Delaware (Mr. ROTH), the Senators from Ohio (Mr. SAXBE and Mr. TAFT), the Senator from Vermont (Mr. STAFFORD), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Nebraska (Mr. CURTIS), the Senator from Iowa (Mr. MILLER), and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The result was announced—yeas 49, nays 5, as follows:

[No. 491 Leg.]

YEAS—49

Aiken
Allen
Bayh
Beall
Bennett
Bentsen
Bible
Brock
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cranston
Dole
Ervin
Fannin
Fong
Fulbright
Hatfield
Hollings
Hruska
Hughes
Inouye
Jackson
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McClellan
Moss
Nelson
Packwood
Pastore
Pearson
Proxmire
Schweiker
Scott
Smith
Stennis
Stevens
Symington
Talmadge
Thurmond
Young

NAYS—5

Bellmon
Cooper
Hartke
Kennedy
Stevenson

NOT VOTING—46

Allott
Anderson
Baker
Boggs
Brooke
Cook
Cotton
Curtis
Dominick
Eagleton
Eastland
Edwards
Gambrell
Goldwater
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Humphrey
Javits
Jordan, N.C.
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Mundt
Muskie
Pell
Percy
Randolph
Ribicoff
Roth
Saxbe
Sparkman
Spong
Stafford
Taft
Tower
Tunney
Weicker
Williams

So the committee amendment was agreed to.

Mr. STEVENSON. Mr. President, I voted against the Long amendment to set up a program of work-bonuses for low-income workers because I believe it is markedly inferior to the provisions of both H.R. 1 as passed by the House and Senator RIBICOFF's substitute as a means of providing income assistance to the working poor. Under the Finance Committee program, an employer working full time and earning $4,000 would receive a bonus of $400 while an employee, also working full time and earning only $2,000 would receive a bonus of $200. What kind of logic does it make to provide a worker with a bonus twice as large as his fellow worker if he is already earning twice as much as that fellow worker. It stands to reason that the worker with the lower salary is in greater need. It should be pointed out also that the bonus does not vary with the size of the worker's family.

The provisions of welfare reform, as proposed both by the President and Senator RIBICOFF, are preferable. Under welfare reform, the working poor would receive assistance based both on family size and income levels. As incomes rise and needs therefore lessen payments would be reduced, rather than increased.

I hope that the passage of this amendment will not lessen the possibility of achieving a rational welfare reform system, but I fear that it may.

Mr. LONG. Mr. President, I ask unanimous consent that the language of the committee report on the work bonus for low-income workers that appeared on pages 425 and 426 of the committee report, be printed in the RECORD.

There being no objection, the language was ordered to be printed in the RECORD, as follows:

WORK BONUS FOR LOW-INCOME WORKERS

Low-income workers in regular employment who head families would be eligible for a work bonus equal to 10 percent of their wages taxed under the social security (or railroad retirement) program, if the total income of the husband and wife is $4,000 or less. For families where the husband's and wife's total income exceeds $4,000, the work bonus would be equal to $400 minus one-quarter of the amount by which this income exceeds $4,000. Thus there would be no work bonus once total income reaches $5,600 ($5,600 exceeds $4,000 by $1,600; one-quarter of $1,600 is $400, which subtracted from $400 equals zero).

The work bonus could be taken as a tax credit when an individual files his annual tax return (this would most likely be done if an individual is entitled to only a small payment). However, the bonus could be applied for on a quarterly basis if the family's entitlement (either for the quarter or cumulatively) exceeds $30. For example, a family head earning $2.00 per hour (where the family has no other income) would be eligible for about $75 quarterly, and he could apply for and receive the bonus quarterly. If the family head earns $100 a week (and the family has no other income), annual income will total $5,200 and he will be entitled to a work bonus of $100 annually ($5,200 exceeds $4,000 by $1,200; one-quarter of $1,200 is $300, which subtracted from $400 leaves $100). In this case, he may receive $50 after the end of the second quarter and $50 after the end of the fourth quarter since his entitlement in each of the first and third quarters is less than $30.

The size of the work bonus is shown on the table below for selected examples:

Annual income of husband and wife (assuming it is all taxed under social security)

	Work bonus
$2,000	$200
3,000	300
4,000	400
5,000	150
5,600	0

The work bonus described above incorporates the features of (1) not varying benefits by family size, but only by income, providing no economic incentive for having additional children; and (2) having a gradual phaseout of the amount of the payment as income rises above $4,000 so as not to create a work disincentive.

The committee bill would apply the 10 percent work bonus only to earnings taxed under the social security and railroad retirement programs. The bonus thus may be viewed as a kind of rebate of these taxes for low-income workers (including a substantial portion of the tax paid by the employer on the employee's wages). However, the employer would continue to withhold social security taxes from the employee's earnings for deposit into the trust funds, and the employee would continue to receive credit for these earnings for social security purposes—in other words, the social security program would not be affected in any way by the work bonus.

There are certain types of work which are covered under social security but only when the amount of wages earned from a single employer exceeds $50 in a quarter. This limitation applies to the employment of domestics, yardmen and other similar non-business employees. Such employees (if they are still heads of a family) would get the work bonus with respect to all of their wages including those not covered by social security because of the $50 quarterly limitation. In order to qualify for the work bonus on these wages, however, the individual would have to arrange to perform the work as an employee of the Work Administration which would pay him the prevailing wage for the job and bill the private employer for the wages and other costs associated with making his services available. If the employment would ordinarily be covered by social security, then it will be covered under social security when arranged on this basis by the Work Administration. If the employment is not covered by social security, then the employer will not have to pay social security taxes. In either case, there will be a Federal record of all such wages on which the payment of the work bonus may be based.

The 10 percent work bonus would be administered by the Internal Revenue Service.

AMENDMENT NO. 1663

Mr. HARRY F. BYRD, JR. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER (Mr. CRANSTON). The clerk will report the amendment.

The assistant legislative clerk proceeded to state the amendment.

Mr. HARRY F. BYRD, JR. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be printed in the RECORD.

The amendment is as follows:

Beginning on page 689, line 11, strike out through page 736, line 12, and insert in lieu thereof the following:

TITLE IV—PROGRAMS FOR FAMILIES WITH CHILDREN

PART A—TESTING OF ALTERNATIVE PROPOSALS FOR ASSISTANCE TO FAMILIES WITH CHILDREN; FISCAL RELIEF FOR STATES

AUTHORIZATION FOR CONDUCT OF TEST PROGRAMS

SEC. 401. (a) For purposes of this part—

(1) The term "family assistance test program" means a program patterned after that contained in amendment No. 1614, 92d Congress, 2d session, introduced in the Senate on September 28, 1972,

(2) the term "workfare test program" means a program patterned after that contained in parts A and B in title IV of H.R. 1, 92d Congress, 2d Session, as reported to the Senate by the Committee on Finance on September 26, 1972, and

(3) the term "family" means a family with children.

(b)(1) The Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") is authorized, effective January 1, 1973, to plan for and conduct or contract to conduct, in accordance with the provisions of this section, not more than four test programs. Two of such programs shall be family assistance test programs as defined in subsection (a)(1) of this section, and one of such programs shall be workfare test programs.

(2) Whenever a workfare test program is commenced, there shall commence, on the same date as such program, a family assistance test program. Except as may otherwise be authorized by the Congress, no test program under this section shall be conducted for a period of less than 24 months or more than 48 months, and to the maximum extent practical each such test program shall be conducted for the same length of time.

(3) Any such test program shall be conducted only in and with respect to an area which consists of one or more States, one or more political subdivisions of a State, or part of a political subdivision of a State, and shall be applicable to all the individuals who are residents of the State or the area of the State in and with respect to which such program is conducted.

(4) During any period for which any such test program is in effect in any State or in any area of a State, individuals residing in such State or the area of the State in which such program is in effect shall not be eligible for aid or assistance under any State plan or program for which the State receives Fed-

eral financial assistance under part A of title IV of the Social Security Act.

(5) The Secretary, in determining the areas in which test programs under this section shall be conducted, shall select areas with a view to assuring—

(A) that the number of participants in any such program will (to the maximum extent practicable) be equal to the number of participants in any other such program; and

(B) that the area in which any family assistance test program is conducted shall be comparable (in terms of size and composition of population, of average per capita income, rate of unemployment, and other relevant criteria) to an area in which a workfare test program is conducted.

(c) (1) No test program under this section shall be conducted in any State (or any area thereof) unless such State shall have entered into an agreement with the Secretary under which the State agrees—

(A) to participate in the costs of such test program; and

(B) to cooperate with the Secretary in the conduct of such program.

(2) Under any such agreement, no State shall be required to expend, with respect to any test program conducted within such State (or any area thereof), amounts greater than the amounts which would have been expended with respect to such State or area thereof (as the case may be), during the period that such test program is in effect, under the State plan of such State approved under part A of title IV of the Social Security Act. For purposes of determining the amount any State would have expended under such a plan during the period that any such test program is in effect within such State (or any area thereof), it shall be assumed that the rate of State expenditure (from non-Federal funds) under such plan would be equal to the average rate of State expenditure (from non-Federal funds) under such plan for the 12-month period immediately preceding the commencement of such test program.

(d) (1) The Secretary shall, upon completion of any plans for and prior to the commencement of any test program under this section, submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a complete and detailed description of such program and shall invite and give consideration to the comments and suggestions of such committees with respect to such program.

(2) During the period that test programs are in operation under this section, the Secretary shall from time to time (but not less frequently than once during any 6-month period) submit to the Congress a report on such programs. Each such report shall contain full and complete information and data with respect to such programs and the operation thereof, together with such recommendations and comments of the Secretary with respect to such programs as he deems desirable.

(3) At the earliest practicable date after the termination of all test programs authorized to be conducted by this section, the Secretary shall submit to the Congress a full and complete report on such programs and their operation together with (A) the Secretary's evaluation of such programs and such comments or recommendations of the Secretary with respect to such programs as he deems desirable and (B) his recommendations (if any) for legislation to revise or replace the provisions of part A of title IV of the Social Security Act.

(e) (1) The Secretary shall—

(A) in the planning of any test program under this section; or

(B) in assembling information, statistics, or other materials, to be contained in any report to Congress under this section;

consult with, and seek the advice and assistance of, the General Accounting Office and the General Accounting Office shall consult with the Secretary and furnish such advice and assistance to him upon request of the Secretary or at such times as the Comptroller General deems desirable.

(2) The operations of any test program conducted under this section shall be reviewed by the General Accounting Office, and the books, records, and other documents pertaining to any such program or its operation shall be available to the General Accounting Office at all reasonable times for purposes of audit, review, or inspection. The books, records, and documents of each such program shall be audited by the General Accounting Office from time to time (but not less frequently than once each year).

(3) During the period that test programs are in operation under this section, the Comptroller General shall from time to time (but not less frequently than once during any 6-month period) submit to the Congress a report on such programs which shall contain full and complete information and data with respect to such programs and the operation thereof, together with such recommendations and comments of the Comptroller General with respect to such programs as he deems desirable.

(4) At the earliest practicable date after the termination of all test programs authorized to be conducted by this section, the Comptroller General shall submit to the Congress a full and complete report on such programs and their operation together with his evaluation of, and comments and recommendations (if any), with respect to such programs.

(f) In the administration of test programs under this section, the Secretary shall provide safeguards which restrict the use or disclosure of information identifying participants in such programs to purposes directly connected with the administration of such programs (except that nothing in this subsection shall be construed to prohibit the furnishing of records or information concerning participants in such programs to the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives).

(g) For the purpose of enabling the Secretary to formulate operational plans and to conduct test programs under this section, there are hereby authorized to be appropriated for each fiscal year $200,000,000.

FISCAL RELIEF FOR STATES

SEC. 402. Effective January 1, 1973, section 403 of the Social Security Act is amended to read as follows:

On page 736, line 13, strike out "412" and insert in lieu hereof "403".

On page 737, line 20, strike out "404(d)" and insert in lieu thereof "402(a) (8)".

On page 738, line 18, strike out "411(a) (1) (A) (i)" and insert in lieu thereof "407(a))".

On page 738, lines 19 through 24, strike out "subclause (I) of section 411(a) (2) (B) (1)", "subclause (II)", and "subclause (I) of subparagraph (B) (ii)" where they appear, and insert in lieu thereof "section 407(b) (1) (A)", "subparagraph (B)", and section 407 (b) (2) (A)", respectively.

On page 739, line 1, strike out "409" and insert in lieu thereof "402(a) (19)".

Beginning on page 739, line 15, strike out through page 741, line 17.

On page 741, line 18, strike out "(3)" and insert in lieu thereof "(2)".

On page 741, line 19, strike out "graphs (1) and (2)" and insert in lieu thereof "graph (1)".

On page 741, line 24, beginning with "(except" strike out all through "402(d) (1))" on page 742, line 4.

On page 742, line 9, strike out "409(f)" and insert in lieu thereof "402(a) (19) (G)".

On page 742, strike lines 11 and 12 and insert in lieu thereof "tures as are for the training of personnel employed or pre-".

On page 742, line 15, beginning with ", and" strike out all through "410(a) (2)" on line 17.

On page 742, line 22, strike out "407" and insert in lieu thereof "402(a) (14) and (15)".

On page 743, line 2, strike out "404(c)" and insert in lieu thereof "402(a) (7)".

Beginning on page 743, line 12, strike out through "of such payment" on page 744, line 1, and insert in lieu thereof the following: "families and (ii) services provided pursuant to section 408(f) (2)".

On page 747, strike out lines 11 and 12 and insert in lieu thereof "shall be reduced with respect to any State for any fiscal year after June 30, 1973,".

On page 747, line 15, strike out "409(f)" and insert in lieu thereof "402(a) (19) (G)" and on line 20 strike out "409(a)" and insert in lieu thereof "402(a) (19) (A)".

On page 747, line 25, strike out "(a) (3)-(B)" and insert in lieu thereof "(a) (2) (B)".

Beginning on page 748, line 1, strike out all through page 751, line 16.

On page 751, line 18, delete "402" and insert in lieu thereof "403".

On page 751 line 19, delete "412" and insert in lieu thereof "403".

On page 751, line 20, delete "added" and insert in lieu thereof "amended".

Beginning on page 752, line 16, strike out through page 769, line 11, and insert in lieu thereof the following:

PART B—EMPLOYMENT WITH WAGE SUPPLEMENT

SEC. 420. The Social Security Act is amended by adding after title XIX thereof the following new title:

On page 769, line 12, strike out "Subpart 2" and insert in lieu thereof "Title XX".

On page 769, line 15, and on page 771, line 19, strike out "2030" and insert in lieu thereof "2001".

On page 769, lines 16 and 21, on page 770, line 5, and on page 771, line 21, strike out "2071" and insert in lieu thereof "2003".

On page 770, line 11 and lines 21 and 22, and on page 771, lines 5, 6, and 11, strike out "Work Administration" and insert in lieu thereof "Secretary".

On page 770, lines 12 and 23, strike out "it" and insert in lieu thereof "him".

On page 771, line 13, strike out "2031" and insert in lieu thereof "2002", and on line 14, strike out "subpart" and insert in lieu thereof "title".

Beginning on page 772, line 3, strike out through page 797, line 25, and insert in lieu thereof the following:

"DEFINITIONS

"SEC. 2003. For purposes of this title—

"(a) The term 'Secretary' means the Secretary of Labor.

"(b) The term 'regular employment' means any employment provided by a private or public employer.

"(c) The term 'United States', when used in a geographic sense, means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

On page 799, line 18, strike out "Work Administration" and insert in lieu thereof "Secretary"; and on line 21, strike out "and training" and insert in lieu thereof "with wage supplement".

Beginning on page 800, line 8, strike out through page 803, line 23.

On pages 804 through 827, strike out "402(h)" each time it appears and insert in lieu thereof "402(a) (26)".

Beginning on page 825, line 11, strike out through page 826, line 3.

On page 829, between lines 2 and 3, insert the following:

AMENDMENTS TO PART A OF TITLE IV

SEC. 430A. (a) Section 402(a) (8) (A) of the Social Security Act is amended—

(1) by striking out "and" at the end of clause (i);

(2) by striking out the semicolon at the end of clause (ii) and inserting in lieu thereof a comma; and

(3) by adding at the end of clause (ii) the following new clause:

"(iii) $20 per month, with respect to the dependent child (or children), relative with whom the child (or children) is living, and other individual (living in the same home as such child (or children)) whose needs are taken into account in making such determination, of all income derived from support payments collected pursuant to part D; and".

(b) Section 402(a)(9) is amended to read as follows: "(9) provide safeguards which permit the use or disclosure of information concerning applicants or recipients only to (A) public officials who require such information in connection with their official duties, or (B) other persons for purposes directly connected with the administration of aid to families with dependent children;".

(c) Section 402(a)(10) is amended by inserting immediately before "be furnished" the following: ", subject to paragraphs (24) and (26),".

(d) Section 402(a)(11) is amended to read as follows: "(11) provide for prompt notice (including the transmittal of all relevant information) to the Attorney General of the United States (or the appropriate State official or agency (if any) designated by him pursuant to part (D)) of the furnishing of aid to families with dependent children with respect to a child who has been deserted or abandoned by a parent (including a child born out of wedlock without regard to whether the paternity of such child has been established);".

(e) Section 402(a) is further amended—

(1) by striking out "and" at the end of paragraph (22); and

(2) by striking out the period at the end of paragraph (23) and inserting in lieu thereof a semicolon and the following: "(24) provide (A) that, as a condition of eligibility under the plan, each applicant for or recipient of aid shall furnish to the State agency his social security account number (or numbers, if he has more than one such number), and (B) that such State agency shall utilize such account numbers, in addition to any other means of identification it may determine to employ, in the administration of such plan; (25) contain such provision pertaining to determining paternity and security support and locating absent parents as are prescribed by the Attorney General of the United States in order to enable him to comply with the requirements of part D; and (26) provide that, as a condition of eligibility for aid, each applicant or recipient will be required—

"(A) to assign to the United States any rights to support from any other person he may have (i) in his own behalf or in behalf of any other family member for whom he is applying for or receiving aid, and (ii) which have accrued at the time such assignment is executed, and which will accrue during the period ending with the third month following the month in which he (or such other family members) last received aid under the plan or within such later month as may be determined under section 455(b), and

"(B) to cooperate with the Attorney General or the State or local agency he has delegated under section 454, (i) in establishing the paternity of a child born out of wedlock with respect to whom aid is claimed, and (ii) in obtaining support payments for interest and for a child with respect to whom such aid is claimed, or in obtaining any other payments or property due herself or such child."

(1) Sections 402(a) (17), (18), (21), and (22), and section 410 of such Act are repealed.

On page 830, lines 19 to 21, strike out "as a division of the Work Administration (established under title XX of this Act)".

On page 833, line 3, strike out "the Work Administration" and insert in lieu thereof "recipients of assistance under title IV of this Act, and persons who have been or are likely to become applicants for or recipients of such aid,".

On page 834, line 17, strike out "title XX" and insert in lieu thereof "part A of title IV".

One page 836, lines 1 and 2, strike out ", in addition to the powers it has as a division of the Work Administration,".

On page 837, strike out line 19 and insert in lieu thereof "persons receiving assistance under part A of title IV".

On page 851, strike out lines 17, 18, and 19.

On page 851, line 20, strike out "(b)" and insert in lieu thereof "Sec. 2114(a)".

On page 852, line 4, strike out "(c)" and insert in lieu thereof "(a)".

Mr. MANSFIELD. For the information of the Senate, I want to repeat again the intention of the leadership that, at the conclusion of the brief remarks of the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.), the majority leadership will endeavor to call up H.R. 16593, the Defense appropriation bill.

Mr. President, I make that unanimous-consent request at this time.

The PRESIDING OFFICER. Is there an objection?

Mr. ROBERT C. BYRD. It has already been done.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. And I wish to tell the Senate that as far as the leadership is concerned, it hopes that there will be votes on amendments this afternoon. As I understand, there is a rumor going around that there will be no votes. I wish to disabuse Members of that thought, because there may well be votes.

We are operating on a shoestring at the present time with 54 Members present. I would urge all Senators to take into consideration the meaning of what the Senate is, and even if it is Saturday afternoon, to stay here and attend to our duties.

Mr. MATHIAS. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. MATHIAS. I want to make an inquiry as to whether it is the leadership's intention to try to complete action today on the Defense appropriations.

Mr. MANSFIELD. If it could be done, I would be delighted; but I must say in all candor and in all likelihood, it cannot be done; but I would hope we could at least get started on amendments.

Mr. MATHIAS. Yes. I have always respected the majority leadership's judgment, and I think it is excellent in this case, because here we are dealing with a $75 billion bill, the second largest appropriation bill since World War II. It is a bill which, I think, requires more time and more attention than the half of the Senate which is present can give it on a rainy Saturday afternoon.

Mr. MANSFIELD. I am sure that the weather has nothing to do with only half the Senate being present, because I do not think the roads are so slick they could not be here if they wanted to. But as I said, I expressed the personal hope that it could be finished this afternoon, even late into the evening; but in all candor, I must reiterate that I do not think that is a possibility. But I do hope we could have some votes on some amendments.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HARRY F. BYRD, JR. As I understand it, the amendments just submitted to the clerk's desk is the pending business; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. HARRY F. BYRD, JR. Mr. President, I shall speak very briefly on this. Of course, it will not be called up for a vote today. I will describe briefly the purpose of this amendment.

Congress has had under consideration for some time now three different proposals in regard to welfare legislation. One is the administration proposal for a $2,400 guaranteed income. That has passed the House of Representatives twice, and it has been before the Senate Finance Committee since 1970. It was considered by the committee in 1970, 1971, and in 1972. It was rejected by the committee.

I think it is probably accurate to say it was rejected by the committee unanimously, although I do not want to make that statement categorically. It was overwhelmingly rejected by the committee.

Another proposal under discussion is the so-called Ribicoff proposal, offered by the distinguished Senator from Connecticut. It is similar to the administration backed plan, except it is a more costly version. It also provides for a guaranteed annual income. The third proposal was developed by the Committee on Finance and it is known as the workfare plan, or one might say the Long-Bennett plan, or one might say the Long plan. Whatever it might be, perhaps it is best described by calling it the workfare proposal. It seems to me that this proposal is going in the right direction.

What we want to do, as I see it, is to get people off of welfare instead of adding more people to the welfare rolls and the workfare plan is an incentive for individuals to go to work. The other two plans are lacking in work incentives and also embody the principle of guaranteed annual income. The workfare plan guarantees the principle of guaranteed job opportunities. I certainly favor the concept. I am concerned as to the cost of the workfare proposal. I am not satisfied yet as to what that cost will be. It will not be more costly than the administration program; it will be far less costly than the Ribicoff proposal, but I still am not satisfied as to the cost, and I do not believe we have adequate cost estimates.

We know the other programs will be tremendously costly; they are bound to be. The administration program doubles the number of people on welfare. That was the testimony submitted to the committee 2 years ago. There will be many more millions of people put on welfare if either the administration-backed proposal is approved or the Ribicoff proposal is approved.

It seems to me that before we go into a gigantic new program, whether it be the administration-backed proposal, the Ribicoff proposal, or the workfare proposal, regardless which one Congress may decide to take, before going into such a program it certainly should be piloted out and tested out in several areas of this country, and then let HEW come back to Congress and submit the results of such test, such pilot projects, and then Congress can decide which features will work and which will not work.

The amendment I have submitted provides for four tests: Two of the committee's workfare plan, and two of the Ribicoff amendment plan, so that it provides for a total of four tests. HEW would be permitted to make the decision as to where it might wish to conduct these tests. I think that certainly in going into a gigantic new program that Congress should have some idea as to how these new proposals will work in practice.

Now, when the Secretary of Health, Education, and Welfare, Mr. Richardson, came before the committee, in his formal statement he said that his proposal was revolutionary and expensive—revolutionary and expensive, and most certainly he is accurate in that statement. Almost the only thing about Mr. Richardson's welfare plan I agree with him on is that it is revolutionary and expensive.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield to the chairman of the committee.

Mr. LONG. Mr. President, I do not think the Secretary had any idea how expensive his proposal could be, because while what he was proposing would call for a great deal of money, the cost of that program is far more formidable than just the first cost because there is no way a plan can be put into effect that is going to stop at a guarantee $2,400 a year to everybody. I think he started out with a guarantee of $1,600 and then he had to go to $2,400 to try to get it through the House.

Mr. HARRY F. BYRD, JR. In 1 year.

Mr. LONG. Yes. So he himself had to increase his proposal by $800 to try to get it through the House. He started by guaranteeing everybody $2,400. Almost every recipient from the day he gets the first check will scorn you on the theory it is not enough; that at a minimum it should be up to the poverty level, which is $4,000 for a family of four, and we are talking about $2,400 for a family of four under the family assistance plan.

When they go to the $4,000 figure, if the Senator thinks they are going to satisfy those people at $4,000 he just has not had the good fortune of coming in contact with the National Welfare Rights Organization. They have been clamoring, conducting sit-down strikes and sit-down demonstrations in the halls outside of our committee room, and using their best efforts at the National Democratic Convention. They came up with a one-third vote at the National Democratic Convention calling for $6,500. That would give us some 104 million people on the welfare rolls for starters. You would soon have more people on the taking-down end than you would have on the putting-up end in this country under that scheme.

A person under that scheme, as under the Ribicoff amendment, would be able to keep a portion of every dollar he earns, so he would not go off of welfare rolls until he received more than $10,000 a year. More than one-half the people in the country would be welfare beneficiaries.

There is no way to put that family assistance plan into effect without having constant increases. Even the Senator from Connecticut (Mr. RIBICOFF) who was the sponsor of that proposal last year was urging then and urges now that you should put something far more liberal than $2,400 into effect, that that is too niggardly, even for beginners.

To show the number of people who would be on the welfare rolls, if we went to the $3,000 proposed in the Ribicoff amendment No. 559, there would be 40 million people on welfare rolls. But if we went to the Harris proposal which is $4,000 a year, the poverty level—it is said if you are going to guarantee income you could not go below the poverty level—that is up to 81 million people on the welfare rolls. Under the McGovern proposal for $6,500 it would go to 104 million people on the welfare rolls.

Mr. President, when you go down the road of guaranteed income, the Senate should know there is involved far more than just starting out by providing welfare payments for another 10 or 12 million people as would be proposed by H.R. 1. That is just openers, as the Senator from Idaho (Mr. JORDAN) said, just to use a poker player's terms. It is just openers until the next candidate for office can call your bet and propose something more. So in short order anyone going down the road to amendment No. 559 would provide at least $3,000.

One could not defend that. He would have to apologize even for offering that, and he would have to go to the Harris bill, which would authorize $4,000. That would get 81 million on the welfare payroll. So, before we get going in the direction where we would have more welfare beneficiaries than taxpayers, we had better not start on that road. That is what the committee discussed. That is what I discussed. We felt that once we started down that road, we could not go back, and that we had better turn back toward sanity while the Nation can still stand the burden being placed on it, rather than wait until we would have to make drastic changes in our form of government to bring it about.

Mr. HARRY F. BYRD, JR. If we are going to establish the principle of a guaranteed income, I do not see how we can logically make it less than the poverty level. I put that question to Governor Rockefeller, who is the foremost advocate of this program, and he said he agreed with that in principle, but he said if we could start out this way, it would be a start, and then we would go beyond that point.

That is why I am opposed to writting into law the principle of a guaranteed annual income. I do not think such a program should be put into effect unless it has been tested and we have had the opportunity to know what parts of it would work, and the many ramifications of it.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. BENNETT. I have listened to the proposal, and I am very interested, but I would hope it would contain an opportunity to test H.R. 1 as it came from the House, because we share the responsibility for this program with the House Ways and Means Committee. I would think that if we are going down the road of a test, and particularly if we are going to go to conference with them on the principle of a test, we should have an opportunity to test the House proposal, which is less expensive than the Ribicoff proposal.

Mr. HARRY F. BYRD, JR. I think the Senator raises a good point. It occurred to me that what we would be testing is the principle, and the principles are the same whether they be under the Ribicoff or the House-passed proposal. But I see no objection, so far as I am concerned, to changing this so that there could be an adequate test of the House-passed plan, if the Senator from Utah and other Senators feel that in testing the Ribicoff proposal, that does not give——

Mr. BENNETT. The thing that worries me about limiting it to the Ribicoff proposal is that the Ribicoff proposal starts at a level above the Senate workfare program and it also puts in single people as well as married couples. I think the House should not be required to accept the sponsorship for the Ribicoff variation to H.R. 1.

I would hope, by the time he finishes his work on his amendment, the Senator will consider probably changing it so that the test can be made on the House-passed section of H.R. 1.

Mr. HARRY F. BYRD, JR. I shall be very glad to work with the distinguished ranking Republican member of the Finance Committee on this matter to see if we cannot work it out to the point where we can get a fair test on the principle involved in both the House-passed H.R. 1 and the Ribicoff plan.

Mr. BENNETT. I thank the Senator for that consideration. I shall be very happy to work with him.

DEPARTMENT OF DEFENSE APPROPRIATION ACT, 1973

The PRESIDING OFFICER. Under the previous order, the Chair now lays before the Senate the Defense appropriation bill, which will be stated by title.

The legislative clerk read the bill by title, as follows:

A bill (H.R. 16593) making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the

Committee on Appropriations with amendments.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, at the beginning of my remarks, I would like to say that, although I am a member of the subcommittee of the Appropriations Committee that handles this appropriation matter, I did not have an opportunity to attend the hearings on the bill earlier this year because of the political campaign in which I was engaged in my own State. Since returning to the Senate following that campaign, a change has occurred, under most regrettable circumstances, where it has become my responsibility now, as chairman of the full committee, and as chairman of the Subcommittee on Defense Appropriations, to handle this legislation and to make the presentation on behalf of the committee here on the floor of the Senate.

I make mention of this only to let the record reflect that I have not had the opportunity to read all the hearings or to be fully knowledgeable in presenting every facet of this measure in its best light and in the light that all the facts and circumstances warrant. Therefore, in handling the matter before both the subcommittee and the full Appropriations Committee, I ask the understanding, indulgence, and cooperation of the members. Some of the members of the subcommittee particularly are perhaps more familiar with the contents of this bill and possibly more able to defend some of its provisions than I am.

I can only say that if the responsibilities of handling this bill, which are now mine, should continue to be mine in the next session of the Congress, I will undertake to be fully prepared to make the presentation in support of the committee bill.

I would like to say further, Mr. President, since this is the first time that I have handled this Defense appropriation bill before the full committee and before the Senate, that I am confident that in this bill, and probably others that may be presented in the future, there will be funding requests that could be and should be rejected. I think we should all be cognizant of the fact that in an appropriation of some $75 billion, which is the approximate amount of this bill, it is impossible for human ingenuity and capability to ferret out every item in which there may be excessive amounts requested and where the appropriations would permit waste or extravagance.

I think that would also apply, Mr. President, to the Defense Department. In undertaking to administer an appropriation that involves the expenditure of such huge sums, Defense officials must find it impossible to administer expenditures of such magnitude without some errors in judgment and without some mistakes being made, regardless of the capability or ingenuity of the administrators.

But I would also like to state for the record, Mr. President, that in view of the fiscal situation of our Government and the burden of deficit spending that we have incurred, I have admonished Department of Defense officials, including the Secretaries of the three services, to make every effort to bring about a reduction in defense expenditures.

At the same time, I want this record to reflect without any reservation that I am not one of those who would support the unilateral disarmament of our country. On the contrary, I am one of those who advocate that we must never permit our country to become a second-rate power militarily. I think it is in the interest of world peace—in fact, it is imperative to the free world particularly—that our country maintain a military posture that will serve at all times as a deterrent to would-be aggressors who would impose their philosophy by force of arms.

But I do believe that, by working together, if the military will give in good faith its cooperation and be diligent in examining its expenditures to the end that we may ascertain where there are excess funds being appropriated and where, by practical administration, reductions can be made and savings effected, and if Congress will exercise the same diligence, we can find areas where we can bring about substantial reductions in military expenditures, and at the same time provide a military posture to act as a deterrent, as I have stated.

Mr. President, I feel this very strongly. In some areas, the Defense Department is being attacked and censured, possibly with justification in some instances. The American people are unanimous in their concern over mounting deficits brought on, in some instances by waste and extravagance. I want to emphasize that the Defense Department and all of its officials, along with Congress, have a duty to the American people to be more thorough in their examination of these expenditures and to be more diligent in making cuts. Savings must be realized wherever this can be done without jeopardizing the military posture that we must maintain.

Mr. President, the Committee on Appropriations, in reporting H.R. 16593, the Department of Defense Appropriation bill for fiscal year 1973, recommends appropriations of $74,604,698,000.

This is an increase of $27,150,000 over the amount allowed by the House and a reduction of $4,989,486,000 below the revised budget estimate.

Parenthetically, Mr. President, after I conclude my remarks, and following the remarks that will, I am sure, be made by the distinguished Senator from North Dakota, the ranking minority member of the Appropriations Committee, I shall offer an amendment which will further reduce the amount in this bill to a point that will bring it below the House appropriation, but I will request that action at the proper time.

In accomplishing this very substantial reduction, the committee, through transfer authority, made use of $1,315,900,000 in available funds previously appropriated.

The bill has suffered numerous time-consuming vicissitudes that have delayed its presentation. Early in the year, the late beloved chairman of this committee, the Honorable Allen J. Ellender of Louisiana, had set as his goal completion of action on the measure prior to the end of the fiscal year on June 30. Unfortunately, through no fault of his or the committee, this was impossible, for a variety of reasons. Since the original submission of the budget in January, three budget amendments have been submitted totaling $4,472,605,000. The first two of these included requests for additional funds for increased pay costs, and certain procurement and research and development requirements. The third budget amendment—necessitating more hearings—was submitted on June 30 and was brought about by the strategic arms limitations agreements and increased activity in Southeast Asia. In addition, determination of authorization action was necessary prior to consummation of committee action. That measure was signed into law only this week. The House of Representatives completed action on the appropriation bill on September 14. Under these circumstances, I believe the committee has acted as expeditiously on this appropriation as is possible, and I am sure, Mr. President, that we have given it as careful and as thorough an examination as it should have. Particularly under pressure of time, the committee has done its best.

However, the committee's action on the largest single appropriation bill ever considered was not predicated on haste, as is illustrated by the record of hearings held by the committee. The Defense Subcommittee held a total of 46 separate sessions in its consideration of the bill. Hearings were begun on February 15 and were completed on September 19. These hearings, which are on the desks of Senators, contain 5,304 pages.

In taking the actions that it did, the committee predicated its decisions on two fundamental premises:

First, that Congress and the people of the United States demand military posture adequate to implement national policy, meet its commitments both here and abroad, and maintain a defense sufficient to deter any aggressor; and

Second, that Congress and the people of the United States require the Department of Defense to limit its requests and conduct its operations in a manner conducive to the greatest economy. This is most desirable at all times; it is essential in a period of increased demands for funds for other national requirements, of changing priorities and of inflationary pressures.

I believe that the committee has met this challenge and responded to it in the actions taken on this bill. Although the reductions recommended are very substantial, the committee believes that they will in no way impair the necessary defense of the Nation or commitments abroad.

Many of the actions of the committee had previously been allowed by the House, which made a reduction of $5,016,636,000 from the budget estimates.

It should be pointed out that, while the committee has made reductions in the budget estimates of $4,989,486,000, the committee has also recommended transfers from previous appropriations of $1,315,900,000, to that the total funding available to the Department of Defense as recommended by the committee is $75,920,598,000. When the committee's recommendations are considered on the basis of "total availability," they are—

Under the budget requests by $3,673,856,000, and

Over the House allowances by $693,550,000.

The distribution of new obligational authority broken down by organization component is as follows:

For the Department of the Army, $20,535,564,000;

For the Department of the Navy, $24,444,225,000;

For the Department of the Air Force, $23,409,324,000;

For Defense agencies, $1,856,901,000; and

For retired military personel, $4,358,684,000.

A summary of the bill by major categories to which I have referred will be found on page 2 of the committee report, and I ask unanimous consent to have printed in the RECORD that part of the committee report.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SUMMARY OF BILL BY MAJOR CATEGORIES

Functional title	Appropriation fiscal year 1972 (new obligational authority)	Budget estimate fiscal year 1973 (new obligational authority)	House allowance	Senate committee recommendation	Senate committee bill compared with—		
					Appropriations, 1972	Budget estimates, 1973	House allowance
Title I—Military personnel	$22,964,100,000	$23,658,559,000	$23,081,821,000	$23,145,963,000	+$181,863,000	-$512,596,000	+$64,142,000
Title II—Retired military personnel	3,921,446,000	4,358,684,000	4,358,684,000	4,358,684,000	+437,238,000		
Title III—Operation and maintenance	20,553,925,000	21,634,944,000	21,001,245,000	21,138,663,000	+584,738,000	-496,281,000	+137,418,000
Transfer from other accounts			(200,000,000)	(200,000,000)	(+200,000,000)	(+200,000,000)	
Title IV—Procurement	17,776,892,000	21,169,830,000	18,388,470,000	17,814,970,000	+38,078,000	-3,354,860,000	-523,500,000
Transfer from other accounts	(843,700,000)		(389,500,000)	(1,055,900,000)	(+212,200,000)	(+1,055,900,000)	(+666,400,000)
Title V—Research, development test, and evaluation	7,519,062,000	8,768,767,000	7,793,928,000	8,105,568,000	+486,506,000	-763,199,000	+211,640,000
Transfer from other accounts	(101,900,000)		(60,000,000)	(60,000,000)	(-41,900,000)	(+60,000,000)	
Transfer authority	(50,000,000)	(50,000,000)			(-50,000,000)	(-50,000,000)	
Title VI—Special foreign currency program	12,000,000	3,400,000	3,400,000	3,400,000	-8,600,000		
Title VII—General Provisions (Additional transfer authority, sec. 735)	(750,000,000)	(1,000,000,000)	(750,000,000)	(850,000,000)	(+100,000,000)	(-150,000,000)	(+100,000,000)
Title VIII—Antiballistic missile construction	109,570,000				-109,570,000		
Total, Department of Defense (NOA)	72,856,995,000	79,594,184,000	74,577,548,000	74,467,248,000	+1,610,253,000	-5,126,936,000	-110,300,000
Transfer from other accounts	(945,600,000)		(649,500,000)	(1,315,900,000)	(+370,300,000)	(+1,315,900,000)	(+666,400,000)
Total funding available	73,802,595,000	79,594,184,000	75,227,048,000	75,783,148,000	+1,980,553,000	-3,811,036,000	+556,100,000
Transfer authority	(800,000,000)	(1,050,000,000)	(750,000,000)	(850,000,000)	(+50,000,000)	(-200,000,000)	(+100,000,000)
Distribution by organizational component:							
Army	[1] 21,039,789,000	22,027,213,000	20,461,434,000	20,440,564,000	-599,225,000	-1,586,649,000	-20,870,000
Transfer from other accounts	(351,900,000)		(283,600,000)	(441,000,000)	(+89,100,000)	(+441,000,000)	(+157,400,000)
Navy	23,176,145,000	26,154,554,000	24,459,587,000	24,413,375,000	+1,237,230,000	-1,741,179,000	-46,212,000
Transfer from other accounts	(260,000,000)		(125,000,000)	(316,000,000)	(+55,000,000)	(+316,000,000)	(+191,000,000)
Air Force	22,882,597,000	25,043,601,000	23,451,342,000	23,407,724,000	+525,127,000	-1,635,877,000	-43,618,000
Transfer from other accounts	(323,700,000)		(233,200,000)	(551,200,000)	(+227,500,000)	(+551,200,000)	(+318,000,000)
Defense agencies/OSD	[2] 1,837,018,000	2,010,132,000	1,846,501,000	1,846,901,000	+9,883,000	-163,231,000	+400,000
Transfer from other accounts	(10,000,000)		(7,700,000)	(7,700,000)	(-2,300,000)	(+7,700,000)	
Retired military personnel	3,921,446,000	4,358,684,000	4,358,684,000	4,358,684,000	+437,238,000		
Total, Department of Defense (NOA)	72,856,995,000	79,594,184,000	74,577,548,000	74,467,248,000	+1,610,253,000	-5,126,936,000	-110,300,000
Transfer from other accounts	(945,600,000)		(649,500,000)	(1,315,900,000)	(+370,300,000)	(+1 315,900,000)	(+566,400,000)
Total funding availability	73,802,595,000	79,594,184,000	75,227,048,000	75,783,148,000	+1,930,553,000	3,811,036,000	+555,100,000
Transfer authority	(800,000,000)	(1,050,000,000)	(750,000,000)	(850,000,000)	(+50,000,000)	(-200,000,000)	(+100,000,000)

[1] Includes $98,500,000 for military construction, Army, under title VIII—Antiballistic missile construction.

[2] Includes $11,070,000 for family housing, Defense, under title VIII—Antiballistic missile construction.

Mr. McCLELLAN. Mr. President, the funds recommended will provide for an authorized active duty military personnel end strength for the Army of 828,900; for the Navy, 601,672; for the Marine Corps, 197,965; and for the Air Force, 700,516—for a total of 2,329,053. Details of this, as well as comparable figures for the Reserve components, will be found on page 6 at the committee report.

It would prove to be a monumental task presuming on the patience of the Senate to detail fully all actions taken by the committee. Each of these is discussed in the report before Senators, either in the section devoted to each appropriation or, for the most important or controversial items, in a special section near the beginning of the report. Ready reference is provided in the table of contents on page 3 of the report.

Instead of attempting to discuss each of these actions, I shall describe some of the more important actions taken by the committee and be available for questions on any item at the conclusion of my remarks.

DEPARTMENT OF THE ARMY

In providing funds for an active duty Army end strength of 828,900, the committee's action supports an active Army of one TRICAP division, composed of armored, air cavalry, and airmobile units; one airborne division; three infantry divisions; four mechanized divisions; three armored divisions; one airmobile division; and one independent brigade. Funds are also provided for an Army Reserve with an authorized average strength of 261,300 and an Army National Guard of 402,333.

Mr. President, I ask unanimous consent that a tabulation for fiscal years 1971, 1972, and 1973 of the major active forces of the Army be printed in the RECORD at this point.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

MAJOR ARMY FORCES

	Actual, June 30, 1971	Planned [1]	
		June 30 1972	June 30, 1973
Divisions:			
TRICAP [2]	1	1	1
Airborne	1	1	1
Infantry	3	3	3
Mechanized	4	4	4
Armored	3	3	3
Airmobile	1	1	1
Total	13	13	13
Independent brigades	2	0	1
Active duty military personnel	1,123,382	861,228	841,190
Reserve component personnel (paid drill training)	665,474	658,455	664,955
Army Nation Guard	402,175	398,455	402,455
Army reserve	263,299	250,000	262,500

[1] Reflects the President's fiscal year 1973 budget.

[2] The TRICAP (TRIpie CAPability) is an experimental division consisting of armored, air cavalry, and airmobile units

Mr. McCLELLAN. Mr. President, one of the major changes made in the bill in regard to the Army is that related to the reduction in the Safeguard antiballistic missile system. The original budget requested $1,595,400,000 for this system. As a result of the Strategic Arms Limitation agreements, a budget amendment was submitted reducing this total to $890.4 million in new obligational authority and $60 million in prior years' funds for continued development and deployment at Grand Forks, N. Dak., and for the National Command Authority at the Washington, D.C., site. The authorization act limited the continuation or initiation of the antiballistic missile system to the Grand Forks site, and the committee's action in reducing the request by $250.3 million is based on the authorization action. Funds recommended herein are solely for the continued development of the Grand Forks site.

Mr. President, I ask unanimous consent that material on pages 19 and 20 of the committee report, describing the actions taken, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SAFEGUARD ANTIBALLISTIC MISSILE SYSTEM

The recommendations of the Committee include $640.1 million for the continuation of the development and deployment of the Safeguard ABM system at the Grand Forks, North Dakota, site.

The original budget included $1,595.4 million (exclusive of family housing), for the Safeguard system for the continuation of development, continuation of deployment at the Grand Forks, North Dakota, and Malmstrom, Montana, sites, initiation of deployment at the Whiteman, Missouri, and Warren, Wyoming, sites, and advance preparation for the defense of the National Command Authority at Washington, D.C.

On June 10, 1972, the President submitted to the Senate the treaty between the United States and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems which was ratified by the Senate on August 3, 1972. Under the terms of this Treaty, each country is limited to two widely separated deployment areas—one for the defense of the national capital and the other for the defense of ICBMs.

The June 30 amendment to the budget (H. Doc. 92–321) included decreases in the funds requested for the Safeguard system totaling $705 million for a revised total request for new obligational authority of $890.4 million. This amendment also proposed the use of $60 million of prior year funds for the fiscal year 1973 research and development program.

The revised program of $950.4 million ($890.4 million in new obligational authority and the use of prior year funds in the amount of $60 million) included $644.8 million for the continuation of development and deployment at the Grand Forks, North Dakota, site and $245.6 million for the National Command Authority (Washington, D.C.) site.

In acting on the Department of Defense Procurement and Research and Development Authorization Act (   ), the Congress has limited deployment of the Safeguard ABM system to the Grand Forks, North Dakota, site. Section 502(a) of this Act provides:

Sec. 502. (a) None of the funds authorized by this or any other Act may be obligated or expended for the purpose of continuing or initiating deployment of an anti-ballistic missile system at any site except Grand Forks Air Force Base, Grand Forks, North Dakota.

Nothing in this section shall be construed as a limitation on the obligation or expenditure of funds in connection with the dismantling of anti-ballistic missile system sites or the cancellation of work at Whiteman Air Force Base, Knob Noster, Missouri, Francis E. Warren Air Force Base, Cheyenne, Wyoming, and Malmstrom Air Force Base, Great Falls, Montana.

The recommendations of the Committee are in accord with, and subject to, the above cited provision.

The funds recommended by the Committee are included in the following appropriations:

Military personnel, Army	$14, 300, 000
Operation and maintenance, Army	70, 270, 000
Missile procurement, Army	300, 000, 000
Research, development, test and evaluation, Army	[1] 255, 500, 000
Total	[1] 640, 070, 000

[1] In addition, $60,000,000 is to be derived by transfer from other accounts.

The current estimate of the Department of Defense acquisition cost (research and development, procurement, and construction) of the one site (Grand Forks, North Dakota) deployment approved by Congress is $5.6 billion, and it is estimated that the cost of the simplest deployment at the National Command Authority (Washington, D.C.) site would require an additional $2.1 billion. A comparable estimate for the originally planned twelve site deployment is $16.3 billion.

Mr. McCLELLAN. Mr. President, in the military personnel account, the House made a reduction of $219.6 million in a large number of items. The committee, while believing that $175 million of this reduction can be absorbed within the Army program, felt that, in view of the substantial nature of the reductions made, certain flexibility should be afforded to the Department in allocation of the reductions made. For this reason, it has approved the reduction, but made it a general reduction to be absorbed in areas prescribed by the Department. Similar reductions made by the House in the military personnel accounts of the other services have been treated in like manner.

In another action, the House provided a new appropriation title for operation and maintenance activities of the Army Reserve, which had previously been funded under the Regular Army operation and maintenance appropriation. The House took similar action in regard to the other services. The Department of Defense appealed the action of the House and the committee has returned the appropriations to the parent organization.

In other actions associated with the Army programs, the committee has agreed with the action of the House in deleting funds for the continued development of the Cheyenne armed-attack helicopter but has provided $29.5 million for the initiation of research and development on a new attack helicopter; reduced the funding for the heavy lift helicopter program while approving the current Army development program; and provided $3.6 million for the continued production line for the M-16A1 rifle.

DEPARTMENT OF THE NAVY

The Department of the Navy program provides for funds to maintain a Navy end strength of 601,672 active duty military personnel and a Marine Corps end strength of 197,965. The authorized average strength for the Naval Reserve is fixed at 129,000 and for the Marine Corps at 45,016. Major Navy forces included for fiscal year 1973 are 594 commissioned ships in the active fleet, of which 368 are warships.

Mr. President, I ask unanimous consent that a tabulation for fiscal years 1971, 1972, and 1973 of the major active forces of the Navy and Marine Corps be printed in the RECORD at this point.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

SUMMARY OF MAJOR NAVY FORCES

	Actual		Planned
	June 30, 1971	June 30, 1972	June 30, 1973
Commissioned ships in active fleet	702	654	594
Warships	402	393	368
Other	300	251	226
Submarine launched ballistic missile launchers	656	656	656
Attack and ASW support carriers	18	17	16
ASW and air defense escort ships	224	225	207
Naval gunfire support ships	1	1	1
Amphibious assault ships	79	77	65
Aircraft inventory (active)	7, 318	7, 115	6, 954
Tactical aircraft (Navy and Marine Corps)	2, 379	2, 388	2, 436
ASW aircraft (fixed and rotary wing)	756	795	788
Active duty military personnel Navy	623, 023	602, 196	601, 672
Reserve components personnel (paid drill training): Naval Reserve	133, 236	134, 393	138, 976

MAJOR MARINE CORPS FORCES

	Actual		Planned
	June 30, 1971	June 30, 1972	June 30, 1973
Marine divisions (active)	3	3	3
Marine aircraft wings (active)	3	3	3
Active duty military personnel	212, 359	198, 406	197, 965
Reserve components personnel	43, 016	41, 241	44, 903

Mr. McCLELLAN. Mr. President, one of the actions taken by the committee on the Navy program was the inclusion of $299 million for advance procurement for the CVN–70, the third nuclear powered aircraft carrier of the *Nimitz* class. This is consonant with previous action taken by the Senate in its consideration of the authorization bill.

Mr. President, I ask unanimous consent that material from pages 21 and 22 of the committee report, describing the action taken, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NUCLEAR AIRCRAFT CARRIER—CVN–70

The committee's recommendation for the appropriation "Shipbuilding and Conversion, Navy" includes $299 million for advance procurement for the CVN–70, the third nuclear-powered aircraft carrier of the *Nimitz* class. The current estimated cost of this ship is $951 million, and the current plan calls for full funding in fiscal year 1974.

This ship will be identical with the *Nimitz* except for minor changes necessary to accommodate the latest model aircraft flying when the ship joins the fleet. It will be 1,092 feet long, its beam at the water line will be 134 feet, with a flight deck width of 252 feet, and a displacement of 94,400 tons. It will be powered by a two-reactor nuclear propulsion system which has a 13-year core (fuel) life. The ship's crew will total approximately 2,829, and the air wing personnel will total approximately 2,500. It will have the capability of carrying 90–100 of the latest carrier aircraft. The current schedule calls for the laying of the keel in calendar year 1975, delivery of the completed ship during calendar year 1980, and joining the fleet to replace one of the World War II carriers in calendar year 1981.

The first two carriers of this class, the *Nimitz* (CVAN–68) and the *Eisenhower* (CVAN–69) are under construction and will be delivered in calendar years 1973 and 1975.

In recommending funds for this new carrier, it is the intent of the committee to modernize our existing carrier force rather than to increase the size of this force. When this ship joins the fleet in 1980, only five carriers will be less than 15 years old and only three will be less than 10 years old. The carriers of the *Nimitz* class and the nuclear-powered *Enterprise* will give the Navy the capability of stationing two nuclear carriers in the Atlantic and two nuclear carriers in the Pacific for rapid response wherever needed.

During the Senate's consideration of the Department of Defense Procurement and Research and Development Authorization Act, 1973 (H.R. 15495), an amendment to delete the authorization for the $299 million for the advance procurement for the CVAN–70 was rejected by a vote of 29 yeas to 60 nays.

Mr. McCLELLAN. Mr. President, in another action, the committee recommends the inclusion of $247 million for advance procurement in connection with the construction of seven additional *Spruance* class destroyers for which $610 million had been requested. It was the view of the committee that the current status of this program and that of the LHA ship program dictates a rescheduling of the funding for the 30 ships covered under the existing DD–963 contract, and the report so states. In taking the position it has, the committee intended to provide the funds necessary to protect the Government's position with respect to the seven ships, but wishes to make it clearly understood that the appropriation of these funds does not constitute a commitment for the full funding of these seven additional ships.

Mr. President, I ask unanimous consent that report language bearing on this action be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

"SPRUANCE" CLASS DESTROYERS—DD–963

The President's budget for fiscal year 1973 includes a request of $610 million for the construction of seven additional *Spruance* class (DD–963) destroyers. These seven destroyers are a portion of the total of 30 such destroyers to be constructed under the terms of a multiyear contract with Litton Industries (Ingalls Shipbuilding Division, Pascagoula, Miss.). During the period fiscal year 1970 through fiscal year 1972, $1,410.1 million has been provided for the first 16 of these 30 ships. However, under the terms of the contract, the first of these 16 ships will not be delivered until early in fiscal year 1975.

The committee recommends concurrence in the House allowance of $247 million—a reduction of $363 million in the budget request—for the DD–963 program. The total recommended is for advance procurement to support the construction of seven additional DD–963's when, and if, these seven additional ships are fully funded. It is the view of the committee that the current status of this program and the LHA ship program dictates a rescheduling of the funding for the 30 ships covered under the existing DD–963 contract. The committee has been advised that the contractor has agreed to extend the date for exercising the option for ships numbers 17 through 23 from January 15, 1973, to January 15, 1974. Therefore, the recommended action does not endanger the Government's rights under the existing contract.

In summary: It is the intent of the committee to provide $247 million for the procurement of long lead-time equipment to support the construction of seven additional DD–963 destroyers. However, these funds do not constitute a commitment for the full funding of these seven additional ships. Furthermore, it is the intent of the committee to provide the funds necessary to protect the Government's position with respect to these seven additional ships under the terms of the existing contract and the extended option date of January 15, 1974.

The committee's recommended action is in accord with the provisions and intent of the Depatrment of Defense Procurement and Research and Development Authorization Act (Public Law 92–436).

The mission of these new destroyers is to operate offensively in the presence of an air, surface or subsurface threat with strike, antisubmarine or amphibious forces; to provide protection to these forces, underway replenishment groups and military or mercantile convoys against surface or subsurface threats; and to provide gunfire support to amphibious assaults or land campaigns. These ships will have a displacement of 7,080 tons, and will be 560 feet long with a beam of 54 feet. They will be equipped with a gas turbine propulsion system and will have a speed of 30 knots. Armament will consist of two 5-inch guns, Sparrow missiles configured for air-defense, standard and rocket assisted projectiles, and antisubmarine torpedoes and rockets facilities for an on-board helicopter. These new destroyers will have an electronic warfare capability and be equipped with air search radar, surface search radar, fire control radar, and long-range sonar. The crew will consist of about 270 officers and men.

Mr. McCLELLAN. Mr. President, in another action, the committee recommends $807.9 million of the $952.9 million requested in this bill for the Trident submarine launched missile system, formerly called ULMS, and a follow-on of the older Polaris/Poseidon missile systems. Among other things, the funds will continue the development of the Trident missile and weapons subsystems, provide for the submarine design and advance procurement for long leadtime components for the first four submarines, and provide funds for the Trident operational and integrated supply systems.

Mr. President, I ask unanimous consent that material on pages 23 and 24 of the committee report be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

TRIDENT SUBMARINE LAUNCHED MISSILE SYSTEM (FORMERLY ULMS)

The fiscal year 1973 budget includes requests totaling $980.2 million for the acceleration of development and deployment of the Trident submarine launched missile system, formerly referred to as ULMS (undersea long range missile system). This total includes $27.3 million for construction that will be considered in the Military Construction Appropriation Act.

The recommendations of the committee include $807,900,000 for this program, a reduction of $145,000,000 in the requests considered totaling $952,900,000. The requests considered and funds recommended are set out in the following tabulation:

[Dollars in thousands]

Appropriation	Budget request	Committee recommendation
Operation and maintenance, Navy	$3,000	$3,000
Procurement of aircraft and missiles, Navy	10,000	None
Shipbuilding and conversion, Navy	361,000	311,000
Other procurement, Navy	23,500	23,500
Research, development, test and evaluation, Navy	555,400	470,400
Total	952,900	807,900

The recommended funds are for the following purposes:

Operation and maintenance, $3,000,000.—These funds are for the operational system planning required for the study and design of an integrated supply system capable of providing total support to the Trident system.

Shipbuilding and conversion, Navy $311,000,000.—These funds for the design of the submarine and advance procurement of critical long lead components for the lead submarine and the first three follow-on submarines. The major items that will be procured are three full and one partial sets of nuclear propulsion plant components, with attendant construction spares and steel and long lead electronics for the lead ship.

Other procurement; Navy, $23,500,000.—These funds are for the initiation of the procurement of the long lead time equipment of shipboard type training items for incorporation in an Atomic Energy Commission Trident prototype nuclear propulsion plant.

Research, development, test and evaluation, Navy, $470,400,000.—These funds are for the continuation of the development of the Trident I missile and associated equipment, the Trident submarine, and the various Trident weapon systems subsystems.

The Trident submarine launched missile system is a follow-on to the existing Polaris/Poseidon system, which is the Navy's portion of our strategic deterrent force.

The Trident system consists of two major subsystems: the submarine and the missile. Both will utilize the latest advances in technology and be designed to increase employment flexibility, significantly reduce vulnerability of the submarine, enhance survivability of payload, and greatly expand the area of deployment.

The Trident submarine, which is planned to become operational in 1979, will be nuclear powered, capable of carrying 24 missiles, and substantially larger and more capable than the Polaris/Poseidon submarines. Initially, these submarines will be deployed with the Trident I missile, but will have the capability to carry the larger and longer range Trident II missile.

The Trident I missile, which is scheduled to be operational in 1977, will have a range of about 4,000 miles with a payload and accuracy equivalent to the existing Poseidon missile. This missile will be capable of being deployed in the existing Poseidon submarines. The Trident II missile will be developed in later years and will have an extended range and overall improved capabilities.

Mr. McCLELLAN. Also included in the bill is a total of $732.7 million for the Navy's F-14A Tomcat fighter aircraft program. The procurement funds included in this total are for the implementation of the terms of the existing contract between the Navy and the prime airframe contractor. The committee expects the Department to exercise the production option to purchase 48 aircraft in accord with the terms of the contract. This action by the committee is in line with action taken in the authorizing legislation.

Mr. President, I ask unanimous consent that the information relative to this contained on pages 24 and 25 of the committee report be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

F-14 AIRCRAFT PROGRAM

The recommendations of the Committee include approximately $732.7 million for the Navy's F-14A Tomcat fighter aircraft program. The recommended funds are for the following purposes:

Procurement of aircraft, $407.8 million.—$407.8 million is recommended for the procurement of F-14 aircraft. The recommended sum and $84.8 million will provide a total of $492.6 million for the procurement of 48 F-14A aircraft under the terms of existing contracts.

Advance procurement, $75.7 million.—$75.7 million is recommended for advance procurement to support the planned procurement of F-14 aircraft in fiscal year 1974.

Spares and repair parts, $86.6 million.—$86.6 million is recommended for the procurement of initial spares and repair parts for the support of F-14A aircraft.

F-14A development program, $58 million.—$58 million is recommended for the continuation of the F-14A development and testing program.

F-14B development program, $104.6 million.—$104.6 million is recommended for the continuation of the Navy's participation in the development of the advanced technology engine. Funds are also included for the development of the changes in the F-14 airframe which will be required if a decision is made to produce the F-14B versions of this aircraft.

It is the intent of the Committee that the funds recommended for the Procurement of the F-14 shall be used to implement the terms of the existing contract between the Navy and the primary airframe contractor. This contract includes a production option for 48 aircraft (Lot V), and the Committee expects the Navy to exercise this option in accordance with the terms of the contract. The Committee's recommendation is in accordance with the following provision included in the Department of Defense Procurement and Research and Development Authorization Act, 1973 (Public Law 92-436):

* * *, of which not to exceed $570,100,000 shall be available for an F-14 aircraft program of not less than 48 aircraft subject to (1) not increasing the ceiling price for the lot V option in the F-14 contract between the Navy and the primary airframe contractor except in accordance with the terms of such contract, including the clause providing for normal technical changes; and (2) the Navy exercising the option for lot V on or before October 1, 1972, or any subsequent date prior to December 31, 1972, as may be mutually agreed upon between the Navy and the contractor without additional cost to the government and within the present contract terms and conditions: *Provided*, That in the event the Secretary of Defense determines that any condition prescribed in clause (1) or (2) cannot be met, he shall report such fact to the Congress within 90 days after such determination together with his recommendations regarding the future of the F-14 program; * * *

Mr. McCLELLAN. Mr. President, in other actions associated wth Navy programs, the committee has recommended that $75 million of a House reduction of $121,668,000 in specific programs in the military personnel account be approved, but that the $46,668,000 restored be considered a general increase in order to give the Navy, as with the other services, greater flexibility in distribution of the reductions imposed.

The committee has also recommended that the appropriation for operation and maintenance of the Naval Reserve and the Marine Corps Reserve be returned to the parent appropriations in action similar to that taken in regard to the Army Reserve.

Substantial reductions made by the House in aircraft and missile programs have been concurred in by the committee. These include the requests for LC-130 aircraft associated with the Deepfreeze operations, and funds for Standard, Phoenix, Bulldog, and Sidewinder missile systems. Full or partial restoration of House reductions were made in programs associated with the Viking ASW aircraft, the Sparrow missile, and the P-3C antisubmarine warfare patrol aircraft.

In the area of shipbuilding and conversion, the committee recommends that the conversion of one of two guided missile frigates be funded and that funding of $10 million in the procurement appropriation for the sea control ship be deferred but that a like amount be provided for research and development for this ship. In a similar action, the committee recommends approval of House action deleting $60.4 million for the PHM patrol hydrofoil missile ship in the procurement account and has provided $30.4 million for further research and development. In one other action, the committee recommends the full authorization of $10 million for the initiation of development of a new strategic, long-range, submarine-launched cruise missile.

DEPARTMENT OF THE AIR FORCE

Mr. President, funds recommended for the Department of the Air Force will provide for an active duty military personnel end strength of 700,516. In addition, provision is made for an authorized average strength for the Air Force Reserve of 51,296 and for the Air National Guard of 87,614.

Planned forces for the Air Force for fiscal year 1973 include 72 tactical and attack squadrons, seven air defense interceptor squadrons, 30 strategic bomber squadrons, 1,054 ICBM launchers and 34 airlift squadrons. The active aircraft inventory is comprised of 10,932 aircraft.

Mr. President, I ask unanimous consent to have printed in the RECORD a tabulation from the report detailing these forces for fiscal years 1971, 1972, and 1973.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

MAJOR AIR FORCE FORCES

	Actual, June 30, 1971	Planned[1] June 30, 1972	Planned[1] June 30, 1973
USAF tactical fighter and attack squadrons (includes overseas interceptors and tactical bombers)	75	74	72
USAF air defense interceptor squadrons	11	9	7
Strategic bomber squadrons	33	30	30
ICBM launchers	1,054	1,054	1,054
USAF airlift squadrons	45	35	34
Aircraft inventory—Active	12,932	11,612	10,932
Active duty military personnel	755,107	730,352	717,210
Reserve components personnel (paid drill training)	(135,869)	(139,180)	(142,687)
Air National Guard	85,839	88,986	88,876
Air Force Reserve	50,120	50,194	53,811

[1] Reflects the President's fiscal year 1973 budget.

Mr. McCLELLAN. Mr. President, I shall now highlight a few of the more important items in the Air Force request.

In regard to the C-5A strategic transport aircraft, the committee has included $107.6 million to partially cover prior year deficiencies in the 76 production aircraft funded in prior years. The funds recommended by the committee are subject to the restrictions and limitations imposed by the authorizing legislation contained in the Department of Defense Procurement and Research and Development Authorization Act (Public Law 92-436).

Mr. President, I ask unanimous consent that the information from the committee report on this subject be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

C-5A STRATEGIC TRANSPORT AIRCRAFT

The committee's recommendation for the appropriation "Aircraft Procurement, Air Force" includes $107.6 million to partially cover prior year deficiencies in the 76 production C-5A aircraft funded in prior years. The recommended funds are subject to the restrictions and limitations imposed in Section 603 of the Department of Defense Procurement and Research and Development Authorization Act (Public Law 92-436), which reads as follows:

"SEC. 603. (a) The amount of $107,600,000 authorized to be appropriated by this Act for the development and procurement of the C-5A aircraft may be expended only for the reasonable and allocable direct and indirect costs incurred by the prime airframe contractor under a contract entered into with the United States to carry out the C-5A aircraft program. No part of such amount may be used for—

"(1) direct costs of any other contract or activity of the prime contractor;

"(2) profit on any materials, supplies, or services which are sold or transferred between any division, subsidiary, or affiliate of the prime contractor under the common control of the prime contractor and such division, subsidiary, or affiliate;

"(3) bid and proposal costs, independent research and development costs, and the cost of other similar unsponsored technical effort; or

"(4) depreciation and amortization costs in excess of $4,400,000 on property, plant, or equipment.

Any of the costs referred to in the preceding sentence which would otherwise be allocable to any work funded by such $107,600,000 may not be allocated to other portions of the C–5A aircraft contract or to any other contract with the United States, but payments to C–5A aircraft subcontractors shall not be subject to the restriction referred to in such

"(b) Any payments from such $107,600,000 shall be made to the prime contractor through a special bank account from which such contractor may withdraw funds only after a request containing a detailed justification of the amount requested has been submitted to and approved by the contracting officer for the United States. All payments made from such special bank account shall be audited by the Defense Contract Audit Agency of the Department of Defense and, on a quarterly basis, by the General Accounting Office. The Comptroller General shall submit to the Congress not more than thirty days after the close of each quarter a report on the audit for such quarter performed by the General Accounting Office pursuant to this subsection.

"(c) The restrictions and controls provided for in this section with respect to the $107,600,000 referred to in subsections (a) and (b) of this section shall be in addition to such other restrictions and controls as may be prescribed by the Secretary of Defense or the Secretary of the Air Force."

The C–5A is the largest aircraft ever built and has a basic mission payload of 100,000 pounds for a 5,560 nautical mile mission, a maximum speed of 470 knots, a ceiling of 43,500 feet and a ferry range of 7,200 miles. The current plan calls for the procurement of 81 of these aircraft, including the 5 test aircraft. The current estimated acquisition cost of this 81-aircraft program is approximately $4,540 million, of which approximately $4,332 million has been made available through fiscal year 1972.

Mr. McCLELLAN. Mr. President, for the E–3A early warning and control system, the committee has included $233 million of the budgeted $469.9 million for the continuation of the development for the system, including incremental funding for three preproduction aircraft.

Mr. President, I ask unanimous consent that pertinent information from the committee report on the E–3A aircraft be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

E–3A AIRBORNE WARNING AND CONTROL SYSTEM AIRCRAFT

The recommendation of the Committee for the appropriation "Research, Development, Test, and Evaluation, Air Force" includes $233 million (an increase of $73 million) for the continuation of the development (including incremental funding for three pre-production aircraft) for the E–3A (AWACS) aircraft system. The budget included $469.9 million for this program, of which sum $309.9 million was requested in the appropriation "Aircraft Procurement, Air Force" for three preproduction aircraft and $160 million in the appropriation "Research, Development, Test, and Evaluation, Air Force" for the continuation of the development of the system. Therefore, the total recommended is a reduction of $236.9 million in the total budget request.

The funds recommended are for the following purposes:

Continuation of development, $150 million.—These funds will provide for the continuation and flight testing of the radar, the avionics system, and the overall Systems Integration Demonstration.

Incremental funding of three pre-production aircraft, $83,000,000.—These funds will provide the fiscal year 1973 requirement for the incremental funding of three pre-production aircraft required for the demonstration of all systems objectives, including training adequacy and logistic support aspects, as well as airborne operational effectiveness and operational suitability.

Attention is called to the fact that the increase in the "Research, Development, Test, and Evaluation, Air Force" appropriation for the incremental funding of the three preproduction aircraft is more than off-set by the reduction resulting from the disallowance of the $309.9 million requested in the "Aircraft Procurement, Air Force" appropriation for the full-funding of the three preproduction aircraft.

The E–3A AWACS aircraft system will be an airborne surveillance, command, control and communications system for use by tactical and defensive forces. This aircraft, a modified Boeing 707, will be used for both defensive and tactical operations. Interchangeability in missions will be accommodated with a change of central processor software and with plug-in/plug-out electronics equipment. The system will be capable of detecting and tracking low flying aircraft targets in the presence of ground clutter, detecting bomber aircraft and tactical aircraft at extended ranges, tracking multiple aircraft targets, 7 to 9 hours on station time at 1,000 nautical miles from its base, and active interrogation of aircraft.

Mr. McCLELLAN. Mr. President, in another action, the committee has included $910.4 million for the continued development and initiation of production for the F–15 air superiority fighter.

Mr. President, I ask unanimous consent that the details on this program as contained in the committee report be printed in the RECORD.

There being no objection the excerpt was ordered to be printed in the RECORD, as follow:

F–15 AIR SUPERIORITY FIGHTER

The recommendations of the Committee include $910.4 million for the continuation of development and initiation of production of the Air Force's F–15 air superiority fighter. The recommended funds are for the following purposes.

Procurement of aircraft.—$421.6 million is recommended for the initial procurement of 30 F–15 aircraft, of which 7 are TF–15 two-seat training aircraft.

Spares and repair parts.—$34.4 million is recommended for the procurement of spares and repair parts to support the initial production of 30 F–15 aircraft.

Continuation of development and testing.—$454.5 million is recommended for the continuation of the development and testing of the F–15 aircraft.

The F–15 is a twin-engine, single-crew, swept-wing advanced tactical fighter being developed for the air superiority mission. It is characterized by a high thrust-to-weight ratio and low wing loading for maximum maneuverability. It is designed to counter a series of new Soviet fighter aircraft which will have counterair capability superior to our F–4E aircraft. The F–15 will replace the F–4 as the Air Force's primary air superiority aircraft in the mid-seventies. The manufacturer is the McDonnell-Douglas Corporation, and the engines are made by the Pratt and Whitney Division of United Aircraft Corporation.

Mr. McCLELLAN. Mr. President, it is planned that the B–1 strategic bomber will ultimately replace the aging B–52's. The committee has recommended the inclusion of $444.5 million for its continued development.

Mr. President, I ask unanimous consent that material from the report of the committee dealing with the B–1 bomber be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

B–1 BOMBER

The committee's recommendation for the appropriation "Research, Development, Test, and Evaluation, Air Force" includes $444.5 million for the continuation of the development of the B–1 strategic bomber aircraft. The B–1 will replace the B–52 bombers, the last of which were funded in fiscal year 1961. The military requirement for this new bomber is based on the concept of maintaining a mixed force of bombers and missiles in order, to assure our strategic deterrent capability.

The current estimated cost of this development program, which includes three flight test aircraft and one structural fatigue test airframe, is $2,618.3. Through fiscal year 1972, $689.3 million has been made available.

Advanced airborne national command post aircraft (AANCP).—The budget included requests totaling $249,600,000 for the Advanced Airborne National Command Post aircraft (AANCP), of which $217,600,000 was for the procurement of six Boeing 747 aircraft to be configured for this mission and $32,000,000 was for the development of the new electronics and communications equipment for installation in these aircraft. The specially configured aircraft will provide the National Command Authorities with an airborne command post system with significantly greater physical size, endurance, flexibility, and nuclear war command and control capability than the current EC–135 aircraft. This system will significantly improve our capability to control and direct our strategic forces during a nuclear conflict. The total planned program of seven aircraft includes three aircraft for the National Airborne Command Post mission, three aircraft for the support of the Strategic Air Command, and one standby aircraft. The current total estimated acquisition cost (procurement and research and development) for this program is $397.4 million.

The Department of Defense Procurement and Research and Development Authorization Act, 1973 (Public Law 92–436) is based on $127,000,000 for the procurement of four of these aircraft and $32,000,000 for research and development.

The House bill includes $28,700,000 for the procurement of one "test-bed" aircraft and $24,500,000 for the research and development program, for a total of $53,200,000, all of which was included in the "Research Development, Test, and Evaluation, Air Force" appropriation.

The committee recommends the allowance of $127,000,000 in the appropriation "Aircraft Procurement, Air Force" for the procurement of four aircraft, as provided for in the Authorization Act, and $24,500,000 in the appropriation "Research, Development, Test, and Evaluation" appropriation for the development of the electronics and communications equipment.

Mr. McCLELLAN. Mr. President, actions taken in regard to the distribution of reductions for the other services in the military personnel accounts are also applicable to the Air Force. And, as previously indicated, funding for the Air Force Reserve has been returned to the parent appropriation.

CIVILIANIZATION OF KP

Mr. President, among the items that have elicited general interest is the request for $92,950,000 for civilianization of the kitchen police function in the services. The objective of this program is to eliminate all KP duties for enlisted personnel at all posts, camps, and stations on a worldwide basis, except those at basic training installations. When fully implemented by all the services, it is estimated that the annual cost will be over $200 million. An amendment on the floor of the House authorized the implementation of the program, and the Senate committee has also approved it, based on the expected favorable effect it will have in encouraging the all-volunteer concept. However, funds budgeted for this program were not provided by the House, and the committee has included these funds in the bill, believing that it is not feasible to expect the services to attempt to absorb this amount. However, the committee, in taking this action, expects that full implementation of the program will result in comparable reductions in the Army, Navy, Marine Corps, and Air Force—in other words, a reduction in personnel, the cost of which would absorb the funds that are being provided here to implement this service into the Armed Forces.

One of the arguments used in requesting civilianization of KP was that such work could be performed more cheaply through the civilianization program than through the present system. The committee expects the Department of Defense to prove this through reductions at least comparable to the increases provided.

Before I conclude, I wish to express my thanks to all the members of the committee and the members of the subcommittee who have assisted in the hearings and in the subsequent deliberations. In a measure of this magnitude and importance, there are bound to be differences of opinion. Such differences, if they took place, were settled amicably with a full understanding and appreciation of differing views. In particular, I wish to express my gratitude to the senior Senator from North Dakota (Mr. YOUNG) who, as ranking minority member of the Defense Subcommittee, not only faithfully attended all the hearings held by Senator Ellender and the present chairman, but also gave of himself, and of his wisdom and experience, in fashioning the committee recommendation now before the Senate.

Mr. President, I hope for quick passage of this measure.

I now yield the floor so that the distinguished Senator from North Dakota (Mr. YOUNG) may present his views on the bill. When he shall have concluded, I shall seek recognition from the Chair for the purpose of making a unanimous-consent request and also for the purpose of introducing an amendment.

Mr. YOUNG. Mr. President, I fully support the position taken by the distinguished chairman of the Appropriations Committee, Senator JOHN McCLELLAN, who is in charge of this bill. I will not go into the details of the items which the distinguished Senator has covered very carefully.

I share the concern of Senator McCLELLAN over the size of this appropriation and the need for the strictest kind of economy. I would have the same deep concern over this country's becoming a military state as I would of its becoming a welfare state.

With the sudden passing of our dear friend, the late Senator Allen J. Ellender, Senator McCLELLAN was placed in the position of handling this huge appropriations bill on very short notice. It was especially difficult for him because he is deeply involved in a campaign of his own in his home State. I have watched with great admiration his grasp of the highly complex issues involved in this complicated bill. I am sure it meant many hours of intense study and evaluation. He has a very considerable knowledge of this bill and this, coupled with his always good judgment and concern for economy, makes his handling of this bill a great contribution to the Congress and to the security of this Nation.

Both Chairman McCLELLAN and I had the benefit of one of the most able staff members I have ever worked with either on the Appropriations Committee or any other committee of the Senate, Mr. Bill Woodruff. Few, if any, have his depth of knowledge and understanding of our defense system. There are three other staff members who deserve special recognition for their contribution to the preparation of this bill, Mr. Fran Hewitt, a longtime able member of the staff of the Appropriations Committee; a relatively new staff member, Mr. Pete Bonner, a marine pilot and recent veteran of the Vietnam war; and Miss Jane McMillan, who contributed many long and tireless hours.

Mr. President, the defense appropriations bill which we are considering today I believe represents the best possible compromise between those who believe we need much more money for an adequate national defense and security and those who sincerely believe that the defense budget could be sharply cut without endangering our defense posture.

The budget we are considering today is $74,604,698,000, which is $27.150 million over the amount approved by the House. It does represent a drastic cut of the requests of the Office of Management and Budget, the civilian Secretary of Defense Laird, the Secretaries of the Armed Services and the Joint Chiefs of Staff. It is more than $5 billion below the budget request.

The Secretary of Defense, Melvin Laird, and all other top officials in the Department of Defense requested that the Senate restore $2.3 billion of the cut imposed by the House.

Mr. President, we on the Appropriations Committee felt that restoration of this amount was just impossible, and unnecessary. We did restore only those sums that Secretary of Defense Melvin Laird deemed most urgent and critical. We even deleted a few of these very urgently requested restorations.

May I point out again that the Senate restored only $700 million of the over $2 billion requested by the Pentagon.

While this is still a big budget, it is the lowest in percentage of overall military expenditures of the Federal Government since World War II. Some of the major reasons why sharp cuts could not be made include:

First. Pay for military and civilian personnel has doubled in the last 5 years. Even though there has been a reduction of more than 1,250,000 in personnel, both military and civilian, in the Defense Department in the last 2 years, the cost of overall personnel remains approximately the same. This personnel cost represents 56 percent of the total budget.

Second, the cost for retired military personnel is increasing every year and the amount in the bill is $4,358,000,000. This is a mandatory expenditure.

Third, inflation and the ever more sophisticated military weapons have doubled, tripled, and sometimes even increased the costs of weapons such as a fighter plane by as much as 500 percent in the last 5 years.

Fourth, few people realize that the additional costs to meet pollution and environmental requirements in this bill alone increased the total appropriation by more than $1 billion.

Mr. President, I often hear the argument that we have the nuclear capability of destroying any potential enemy several times over, and thus, we can sharply reduce military expenditures. It is undoubtedly true that we have this capability, but we cannot afford to stand still while Russia is sharply increasing her capability. We cannot afford to become a second-rate power to Russia even in the nuclear area.

For several years, when Robert McNamara was the Secretary of Defense, we put most of the emphasis on nuclear capability and did little about improving our capability for fighting a conventional war. With the massive nuclear capability of nations to destroy each other in a nuclear war, it is entirely possible that we may never have a nuclear war.

Poison gas was used in World War I quite extensively, but in World War II, even though both sides had a tremendous gas war capability, gas was never used. We may well have a similar situation with respect to the use of nuclear weapons in future years.

The unfortunate war we have been engaged in Vietnam in recent years has been totally conventional. Should we find ourselves in a war in the Middle East—and God forbid—that, too, would undoubtedly be a conventional war.

Too, Mr. President, while we have been fighting a war in Vietnam and with too many commitments elsewhere in the world, we have had to increase our conventional war capability considerably. More has to be done if we are not to become a second-rate military power.

Janes of London, recognized as one of the outstanding military authorities in the world, and most other reputable military authorities, believe that we are a second-rate power to Russia in many important categories. This is particularly true of much of our naval capability. They have a far greater number of submarines and strategic cruise missiles. We have no strategic cruise missiles at this time.

The Russian Army is by far the greatest in size in the world and undoubtedly in capability as well.

The Russian Foxbat fighter plane flies higher and faster than any fighter plane we have. There is money in this budget for the proposed new F–15 fighter which we believe would have all the capability of the Russian Foxbat and more—but even if this program is fully funded, it would be at least 3 years before these new planes would be available.

The present fighter planes for our aircraft carriers are old and fast becoming obsolete. The F–14 fighter, which the Navy had hoped would soon replace our present carrier based plane, will not be available as previously scheduled. Here, again, one of the major problems is inflation and the sharply escalated cost of the plane.

There have been some delays, too, in the development of a newer and more powerful engine for this plane, as well as the F-15. To underfund the development of these new engines would be a serious mistake.

Our B-52 bombers, the backbone of our Strategic Air Command, will soon be 20 years old and are fast becoming obsolete and uneconomical to maintain. There is money in this bill, and I deem it a very highly important item, for research and development on a new and much more modern bomber—the B-1. But this plane, even if we move ahead as scheduled, would not be operational for at least 5 years.

While admittedly the Russians do have greater capability in some areas, on balance most military authorities believe that we still have greater capability and technological advantage. Russia is making great strides and, if we were to relax our efforts, we could within even a short period of 2 or 3 years become a second-rate power to Russia.

Mr. President, these are only a few reasons why I believe it is necessary that we appropriate the money in this bill which is urgently needed for our national security requirements.

Through our defense research and development program, we have made great strides toward better technology in almost every category. The Russian effort in research and development is a huge one and they, too, have made great progress. Only through research and development can we hope to keep abreast in this highly essential technology for both military and civilian needs.

The Armed Services Committees of the two Houses and the House Appropriations Committee together made a total cut in research and development funds of $763,199,000. Only as the result of urgent requests did the Appropriations Committee restore $311,000,000 of this cut. Thus, we will not have anywhere near the amount of funds in this important area as requested by the Department of Defense.

This cut will not only have a very serious adverse effect on our military requirements but it will, according to Dr. John Foster, Director of Defense Research and Engineering, mean a further cut in employment of approximately 75,000 people.

Mr. President, I do not believe it is necessary now, or ever has been, for the United States to maintain the biggest military force in the world—but I have always strongly believed that the weapons we do have should be the most modern possible, and not second best to those of any potential adversary.

When we became involved in World War I, as well as World War II, our enemies had far more modern and better military equipment and capability and technology. One of my major objectives as ranking Republican on the Senate Appropriations Committee and the Defense Appropriations Subcommittee is to make sure that we will do everything we can to assure that we have the most modern weapons possible and that we will not become a second rate power to anyone.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be considered as original text for the purpose of further amendment, provided that no points of order be considered as having been waived thereby.

Mr. PROXMIRE. Mr. President, will the Senator yield on that?

Mr. McCLELLAN. Yes. I yield.

Mr. PROXMIRE. I understand the Senator may have a correction in one of the committee amendments affecting KP. I want to make sure that we understand that, because I have an amendment related to the same subject. And I want to be sure that if the Senator offers a separate amendment, I am not foreclosed from putting in my amendment.

Mr. McCLELLAN. Will the Senator yield so that I may make a statement?

Mr. PROXMIRE. Yes. I yield.

Mr. McCLELLAN. I might advise the Senator that I am now going to offer an amendment to a part of the bill to which he refers. I am advised that probably he will submit an amendment.

We exclude from this request not only the amendment that the Senator may offer, but those that any other Senator might offer to that section of the bill. If I may proceed with the amendment I am going to offer, I think this would take care of the Senator's request.

The PRESIDING OFFICER. The question is on agreeing to the request of the Senator from Arkansas. Is there objection? The Chair hears none. Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, line 10, after the word "elsewhere", strike out "$7,488,461,000" and insert "$7,533,063,000".

On page 2, line 18, after the word "cadets", strike out "$5,260,081,000" and insert "$5,306,749,000, of which not more than $1,000,000 shall be available for payment of transportation bills for shipment of household goods and for transportation costs already incurred and chargeable to the fiscal year 1971 Military Personnel, Navy appropriation: *Provided*, That such payments shall not result in adjustments in the account of that appropriation."

On page 3, line 16, after the word "cadets", strike out "$7,122,703,000" and insert "$7,150,575,000".

On page 3, line 25, after the word "law", strike out "$498,734,000" and insert "$453,734,000".

On page 5, line 7, after the word "law", strike out "$578,179,000" and insert "$568,179,000".

On page 6, after line 3, strike out:

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, including administration; medical and dental care of personnel entitled thereto by law or regulation (including charges of private facilities for care of military personnel, except elective private treatment), and other measures necessary to protect the health of the Army; care of the dead; chaplains' activities; awards and medals; welfare and recreation; recruiting expenses; transportation of things; communications services; maps and similar data for military purposes; military surveys and engineering planning; repair of facilities; hire of passenger motor vehicles; tuition and fees incident to training of military personnel at civilian institutions; field exercises and maneuvers; expenses for the Reserve Officers' Training Corps and other units at educational institutions, as authorized by law; as follows: for strategic forces, $109,184,000; for general purpose forces, $1,655,990,000; for intelligence and communications, $414,918,000; for airlift and sealift, $44,059,000; for central supply and maintenance, $2,108,448,000; for training operations, $625,825,000; for medical activities, $564,073,000; for general personnel activities, $261,755,000; for administration and associated activities, $378,756,000; and for the support of other nations, $524,242,000; in all: $6,587,250,000, and in addition, $100,000,000 shall be derived by transfer from the Army stock fund. Of the total amount of this appropriation not to exceed $3,453,000 can be used for emergencies and extraordinary expenses to be expended on the approval or authority of the Secretary of the Army, and payment may be made on his certificate of necessity for confidential military purposes, and his determination shall be final and conclusive upon the accounting officers of the Government. Not less than $231,000,000 of the total amount of this appropriation shall be available only for the maintenance of real property facilities.

And, in lieu thereof, insert:

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, including administration; medical and dental care of personnel entitled thereto by law or regulation (including charges of private facilities for care of military personnel, except elective private treatment), and other measures necessary to protect the health of the Army; care of the dead; chaplains' activities; awards and medals; welfare and recreation; recruiting expenses; transportation services; communications services; maps and similar data for military purposes; military surveys and engineering planning; repair of facilities; hire of passenger motor vehicles; tuition and fees incident to training of military personnel at civilian institutions; field exercises and maneuvers; expenses for the Reserve Officers' Training Corps and other units at educational institutions, as authorized by law; and not to exceed $3,453,000 for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, and his determination shall be final and conclusive upon the accounting officers of the Government; $6,899,619,000, and in addition, $100,000,000 which shall be derived by transfer from the Army Stock Fund, of which not less than $240,000,000 shall be available only for the maintenance of real property facilities.

On page 8, after line 16, strike out:

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corp, including aircraft and vessels, modification of aircraft, missiles, missile systems, and other ordnance; design of vessels; training and education of members of the Navy; administration; recruiting expenses; hire of passenger motor vehicles; welfare and recreation; medals, awards, emblems, and other insignia; transportation of things; industrial mobilization; medical and dental care; care of the dead; charter and hire of vessels; relief of vessels in distress; maritime salvage services; military communications facilities on merchant vessels; annuity premiums and retirement benefits for civilian members of teaching services; tuition, allowances, and fees incident to training of military personnel at civilian institutions; repair of facilities; departmental salaries; conduct of schoolrooms, service clubs, chapels, and other instructional, entertainment, and welfare expenses for the enlisted men; procurement of services, special clothing, supplies, and equipment; installation of equipment in public or private plants; exploration, prospecting, conservation, development, use, and operation of the naval petroleum and oil shale reserves, as authorized by law; as follows: for strategic forces, $305,179,000; for general purposes forces, $1,713,060,000; for intelligence and communications, $306,989,000; for central supply and maintenance, $1,936,583,000; for training operations, $289,882,000; for medical activities, $315,946,000; for general personnel activities, $70,009,000; for administration and associated activities, $170,334,000; and for the support of other nations, $76,797,000; in all: $5,134,779,000, and in addition, $50,000,000 shall be derived by transfer from the Navy stock fund. Of the total amount of this appropriation not to exceed $3,182,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payment may be made on his certificate of necessity for confidential military purposes, and his determination shall be final and conclusive upon the accounting officers of the Government. Not less than $127,000,000 of the total amount of this appropriation shall be available only for the maintenance of real property facilities.

And, in lieu thereof, insert:

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, including aircraft and vessels; modification of aircraft, missiles, missile systems, and other ordnance; design of vessels; training and education of members of the Navy; administration; procurement of military personnel; hire of passenger motor vehicles; welfare and recreation; medals, awards, emblems, and other insignia; transportation of things (including transportation of household effects of civilian employees); industrial mobilization; medical and dental care; care of the dead; charter and hire of vessels; relief of vessels in distress; maritime salvage services; military communications facilities on merchant vessels; annuity premiums and retirement benefits for civilian members of teaching services; tuition, allowances, and fees incident to training of military personnel at civilian institutions; repair of facilities; departmental salaries; conduct of schoolrooms, service clubs, chapels, and other instructional, entertainment, and welfare expenses for the enlisted men; procurement of services, special clothing, supplies, and equipment; installation of equipment in public or private plants; exploration, prospecting, conservation, development, use, and operation of the naval petroleum and oil shale reserves, as authorized by law; and not to exceed $3,182,000 for emergency and extraordinary expenses, as authorized by section 7202 of title 10, United States Code, to be expended on the approval or authority of the Secretary and his determination shall be final and conclusive upon the accounting officers of the Government; $5,287,798,000, and in addition, $50,000,000 which shall be derived by transfer from the Navy Stock Fund, of which not less than $135,000,000 shall be available only for maintenance of real property facilities.

On page 11, after line 14, strike out:

For expenses, necessary for the operation and maintenance of the Marine Corps, including equipment and facilities; procurement of military personnel; training and education of regular and reserve personnel, including tuition and other costs incurred at civilian schools; welfare and recreation; conduct of schoolrooms, service clubs, chapels, and other instructional, entertainment, and welfare expenses for the enlisted men; procurement and manufacture of military supplies, equipment, and clothing; hire of passenger motor vehicles; transportation of things; medals, awards, emblems, and other insignia; operation of station hospitals, dispensaries and dental clinics; and departmental salaries; as follows: for strategic forces, $6,000; for general purpose forces, $188,808,000; for intelligence and communications, $816,000; for central supply and maintenance, $92,669,000; for training operations, $61,244,000; for administration and associated activities, $27,968,000; and for the support of other nations, $918,000; in all: $372,429,000. Not less than $37,500,000 of the total amount of this appropriation shall be available only for the maintenance of real property facilities.

And, in lieu thereof, insert:

For expenses, necessary for the operation and maintenance of the Marine Corps including equipment and facilities; procurement of military personnel; training and education of regular and reserve personnel, including tuition and other costs incurred at civilian schools; welfare and recreation; conduct of schoolrooms, service clubs, chapels, and other instructional, entertainment, and welfare expenses for the enlisted men; procurement and manufacture of military supplies, equipment, and clothing; hire of passenger motor vehicles; transportation of things; medals, awards, emblems, and other insigma; operation of station hospitals, dispensaries, and dental clinics; and departmental salaries; $381,823,000, of which not less than $38,000,000 shall be available only for the maintenance of real property facilities.

On page 13, after line 1, strike out:

For expenses, not otherwise provided for, necessary for the operation, maintenance, and administration of the Air Force, including the Air Force Reserve Officer's Training Corps; operation, maintenance, and modification of aircraft and missiles; transportation of things; repair and maintenance of facilities; field printing plants; hire of passenger motor vehicles; recruiting expenses; training and instruction of military personnel of the Air Force, including tuition and related expenses; pay, allowances, and travel expenses of contract surgeons; repair of private property and other necessary expenses of combat maneuvers; care of the dead; chaplain and other welfare and morale supplies and equipment; conduct of schoolrooms, service clubs, chapels, and other instructional, entertainment, and welfare expenses for enlisted men and patients not otherwise provided for; awards and decorations; industrial mobilization, including maintenance of reserve plants and equipment and procurement planning; special services by contract and otherwise; as follows: for strategic forces, $1,082,926,000; for general purpose forces, $929,752,000; for intelligence and communications, $587,464,000; for airlift and sealift, $176,402,000; for central supply and maintenance, $2,163,197,000; for training operations, $495,521,000; for medical activities, $322,903,000; for administration and associated activities, $190,768,000; and for the support of other nations, $274,747,000; in all: $6,173,680,000, and in addition, $50,000,000 shall be derived by transfer from the Defense stock fund. Of the total amount of this appropriation not to exceed $2,249,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payment may be made on his certificate of necessary for confidential military purposes, and his determination shall be final and conclusive upon the accounting officers of the Government. Not less than $216,700,000 of the total amount of this appropriation shall be available only for the maintenance of real property facilities.

And, in lieu thereof, insert:

For expenses, not otherwise provided for, necessary for the operation, maintenance, and administration of the Air Force, including the Air Force Reserve and the Air Reserve Offices' Training Corps; operation, maintenance, and modification of aircraft and missiles; transportation of things; repair and maintenance of facilities; field printing plants; hire of passenger motor vehicles; recruiting advertising expenses; training and instruction of military personnel of the Air Force, including tuition and related expenses; pay, allowances, and travel expenses of contract surgeons; repair of private property and other necessary expenses of combat maneuvers; care of the dead; chaplain and other welfare and morale supplies and equipment; conduct of schoolrooms, service clubs, chapels, and other instructional, entertainment, and welfare expenses for enlisted men and patients not otherwise provided for; awards and decorations; industrial mobilization, including maintenance of reserve plants and equipment and procurement planning; special services by contract or otherwise; and not to exceed $2,249,000 for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, and his determination shall be final and conclusive upon the accounting officers of the Government; $6,424,705,000, and in addition, $50,000,000 which shall be derived by transfer from the Defense Stock Fund, of which not less than $220,000,000 shall be available only for the maintenance of real property facilities.

On page 15, after line 17, strike out:

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments and the Civil Defense Preparedness Agency), including administration; hire of passenger motor vehicles; welfare and recreation; awards and decorations; travel expenses, including expenses of temporary duty travel of military personnel; transportation of things; industrial mobilization; care of the dead; tuition and fees incident to the training of military personnel at civilian institutions; repair of facilities; departmental salaries; procurement of services, special clothing, supplies, and equipment; field printing plants; information and educational services for the Armed Forces; communication services; as follows: for Secretary of Defense activities, $43,369,000; for the organization of the Joint Chiefs of Staff, $8,118,000; for the Office of Information of the Armed Forces, $9,703,000; for the Armed Forces Institute, $6,486,000; for intelligence and communication activities, $447,387,000; for the Defense Nuclear Agency, $10,970,000; for the Defense Supply Agency, $683,758,000; for the Defense Contract Audit Agency, $57,853,000; in all: $1,267,644,000. Of the total amount of this appropriation not to exceed $4,316,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payment may be made on his certificate of necessity for confidential military purposes, and his determination shall be final and conclusive upon the accounting officers of the Government. Not less than $14,430,000 of the total amount of this appropriation shall be available only for the maintenance of real property facilities.

And, in lieu thereof, insert:

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments and the Civil Defense Preparedness Agency), including administration; hire of passenger motor vehicles; welfare and recreation; awards and decorations; travel expenses, including expenses of temporary duty travel of military personnel; transportation of things (including transportation of household effects of civilian employees); industrial mobilization; care of the dead; tuition and fees incident to the training of military personnel at civilian institutions; repair of facilities; departmental salaries; procurement of services, special clothing, supplies, and equipment; field printing plants; information and educational services for the Armed Forces; communication services; and not to exceed $4,316,000 for emergency and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense for such purposes as he deems appropriate, and his determination thereon shall be final and conclusive upon the accounting officers of the Government; $1,273,244,000, of which not less than $14,430,000 shall be available only for the maintenance of real property facilities.

On page 17, after line 20, strike out:

Operation and Maintenance, Army Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $199,299,000, of which not less than $9,000,000 shall be available only for the maintenance of real property facilities.

On page 18, after line 5, strike out:

Operation and Maintenance, Navy Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $136,119,000, of which not less than $8,000,000 shall be available only for the maintenance of real property facilities.

On page 18, after line 15, strike out:

Operation and Maintenance, Marine Corps Reserve

For expenses, not otherwise provided for necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $8,094,000, of which not less than $500,000 shall be available only for the maintenance of real property facilities.

On page 19, after line 2, strike out:

Operation and Maintenance, Air Force Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $189,250,000, of which not less than $3,300,000 shall be available only for the maintenance of real property facilities.

On page 20, line 5, after the word "aircraft", strike out "$433,120,000" and insert "$453,267,000".

On page 21, at the beginning of line 3, strike out "$448,508,000" and insert "$460,143,000".

On page 21, line 14, after the word "Board", strike out "$159,000" and insert "$100,000".

On page 23, line 6, after the word "purposes", strike out "$43,500,000" and insert "$38,800,000"; and, in line 7, after the word "addition", strike out "$85,000,000" and insert "$95,000,000, of which $10,000,000 shall be derived by transfer from 'Aircraft Procurement, Army, 1972/1974', and $85,000,000".

On page 24, line 1, after the word "purposes", strike out "$691,100,000" and insert "$663,900,000"; and, in line 2, after the word "addition", strike out "$13,600,000" and insert "$36,500,000".

On page 24, line 19, after the word "purposes", strike out "$279,200,000" and insert "$190,400,000, and in addition, $56,000,000, of which $35,000,000 shall be derived by transfer from 'Procurement of Equipment and Missiles, Army, 1971/1973', and $21,000,000 which shall be derived by transfer from 'Procurement of Weapons and Tracked Combat Vehicles, Army, 1972/1974' ".

On page 25, at the beginning of line 13, strike out "$1,318,800,000" and insert "$1,262,800,000, and in addition $56,000,000, of which $31,000,000 shall be derived by transfer from 'Procurement of Ammunition, Army, 1972/1974', and $25,000,000 which shall be derived by transfer from the Army Industrial Fund".

On page 26, line 11, after the word "purposes", strike out "$597,500,000" and insert "$592,700,000"; and, in line 12, after the word "addition", strike out "$25,000,000" and insert "$37,500,000".

On page 27, line 1, after the word "plants", strike out "$3,682,140,000" and insert "$3,578,040,000"; and, in line 2, after the word "addition", strike out "$40,000,000" and insert "$155,000,000, of which "$74,000,000 shall be derived by transfer from the Navy Stock Fund, $20,000,000 which shall be derived by transfer from 'Procurement of Aircraft and Missiles, Navy, 1972/1974', and $61,000,000".

On page 27, line 21, after the word "amended", strike out "$3,017,600,000" and insert "$2,970,600,000".

On page 28, line 22, after the word "plants", strike out "$2,328,400,000" and insert "$2,316,400,000"; and, in line 24, after the word "addition", strike out "$25,000,000" and insert "$90,000,000, of which $40,000,000 shall be derived by transfer from 'Other Procurement, Navy, 1972/1974', and $50,000,000".

On page 29, line 13, after the word "only", strike out "$173,400,000" and insert "$162,400,000"; and, in the same line, after the word "addition", strike out "$10,000,000" and insert "$21,000,000, of which $5,000,000 shall be derived by transfer from 'Procurement, Marine Corps 1972/1974', and $16,000,000".

On page 30, line 8, after the word "things", strike out "$2,368,000,000" and insert "$2,152,100,000"; in line 9, after the word "addition", strike out "$135,000,000" and insert "$443,000,000"; at the beginning of line 10, strike out "$110,000,000" and insert "$135,000,000"; in line 11, after "1971/1973", insert "$115,000,000 which shall be derived by transfer from the Air Force Stock Fund, $35,000,000 which shall be derived by transfer from the Defense Stock Fund, $118,000,000 which shall be derived by transfer from the Army Stock Fund"; and, in line 16, after the word "and", strike out "$25,000,000" and insert "$40,000,000".

On page 31, at the beginning of line 9, strike out "$1,637,500,000" and insert "$1,670,000,000"; and, in the same line, after the word "addition", strike out "$25,000,000" and insert "$35,000,000, of which $4,000,000 shall be derived by transfer from 'Missile Procurement, Air Force, 1972/1974', and $31,000,000".

On page 32, line 6, after the word "amended", strike out "$2,139,300,000" and insert "$2,099,300,000".

On page 33, line 1, after "$7,700,000", insert a comma and "of which $2,700,000 shall be derived by transfer from the Defense Stock Fund, $2,300,000 which shall be derived by transfer from 'Procurement Defense Agencies, 1971/1973', and $2,700,000".

On page 33, line 15, after the word "law", strike out "$1,746,132,000" and insert "$1,879,002,000".

On page 33, line 25, after the word "law", strike out "$2,504,343,000" and insert "$2,598,213,000".

On page 34, line 9, after the word "law", strike out "$3,080,940,000 and insert "$3,161,040,000".

On page 34, at the beginning of line 16, strike out "Defense"; in the same line, after the word "Civil", insert "Defense"; and, in line 21, after the word "law", strike out "$435,513,000" and insert "$467,313,000".

On page 35, after line 11, strike out:

Director of Test and Evaluation, Defense

For expenses, not otherwise provided for, of independent activities of the Director of Defense Test and Evaluation in the direction and supervision of test and evaluation, including initial operational testing and evaluation; and performance of joint testing and evaluation; and administrative expenses in connection therewith, $27,000,000, to remain available for obligation until June 28, 1974.

On page 38, line 16, after the word "exceeding", strike out "$172,700,000" and insert "$176,200,000".

On page 40, line 7, after the word "amended", insert a semicolon and "and (1) for reimbursement to the General Services Administration for expenses of the National Industrial Equipment Reserve incurred pursuant to section 8 of the National Industrial Reserve Act of 1948 (62 Stat. 1225, 50 U.S.C. 459)".

On page 46, line 11, after the word "except", insert a comma and "after May 31, 1973,".

On page 48, line 6, after the word "*Provided*", strike out "That the foregoing authority shall not be available for the conversion of heating plants from coal to oil at defense facilities in Europe: *Provided further*,".

On page 49, line 22, after the word "possessions", strike out the comma and "or specialty metals".

On page 54, line 13, after the word "exceed", strike out "$750,000,000" and insert "$850,000,000"; in line 16, after the word "funds", strike out "or any subdivision thereof,"; and, in line 24, after the word "personnel", strike out the colon and *"Provided further,* That not less than $92,950,000 of the authority granted in this section shall be available only for the Civilianization of Kitchen Police program of the Department of Defense".

On page 55, line 11, after the word "exceed", strike out "$2,500,000,000" and insert "$2,735,000,000".

On page 58, after line 3, strike out:

SEC. 743. None of the funds available to the Department of Defense shall be utilized for the conversion of heating plants from coal to oil at defense facilities in Europe.

And, in lieu thereof, insert:

SEC. 743. None of the funds made available in this Act shall be used for Exercise Reforger or Exercise Crested Cap or similar dual base exercises.

On page 58, after line 9, insert a new title, as follows:

TITLE VIII

ADDITIONAL AUTHORIZATIONS

SEC. 801. In addition to any other funds authorized to be appropriated during the fiscal year 1973 for the use of the Armed Forces of the United States for procurement, there is hereby authorized to be appropriated during the fiscal year 1973 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, and other weapons, as authorized by law, in amounts as follows:

Aircraft	
For aircraft:	
For the Navy and Marine Corps	$134,400,000
For the Air Force	335,500,000
Missiles	
For missiles:	
For the Army	4,300,000
For the Navy	65,300,000
For the Air Force	39,800,000
Other Weapons	
For other weapons:	
For the Army	3,600,000

SEC. 802. Subsection (a)(1) of section 401 of Public Law 89–367, as amended by section 601(b) of Public Law 92–436, is hereby amended by deleting "$2,500,000,000" and inserting "$2,735,000,000" in lieu thereof.

Mr. McCLELLAN. Mr. President, yesterday the full committee, in acting on this bill, recommended restoration of the following House reductions in funds requested for the civilianization of kitchen police program:

Operation and maintenance, Army, $65,000,000; operation and maintenance, Navy, $6,650,000; operation and maintenance, Marine Corps, $1,300,000; and operation and maintenance, Air Force, $20,000,000, for a total of $92,950,000.

Late last night, after consultation between the staff and Gen. John A. Kjellstrom, Director of Army Budget, the committee was advised that, due to some revisions in the Army's planned program, only an additional $32 million was required to fully implement the Army's planned program. General Kjellstrom further advised:

> We have no objection if the funds are withdrawn either during joint conference action or in any other means you propose.

Mr. President, I ask unanimous consent that General Kjellstrom's letter addressed to Mr. William W. Woodruff, counsel of the committee, be included in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 29, 1972.

Mr. WILLIAM W. WOODRUFF,
Counsel, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR BILL: I note that Full Committee action has restored the mess attendant program to each of the Services. I assure you that this restoration is most appreciated by all concerned. In keeping with my policy of full disclosure of cost, both increases and decreases, I must suggest that you provided $33 million too much in the restoration of the program.

The original President's Budget request was $99 million. Upon receipt of firm cost information from Army subordinate commands, it has been determined and reported in my testimony on the SEA Supplemental on 12 September that $33 million was available for application against other priority projects. Although the additional $33 million could be applied to other Army on-going activities, we have no objection if the funds are withdrawn either during Joint Conference action or in any other means you propose.

Sincerely,

J. A. KJELLSTROM,
Major General, GS Director of Army Budget.

Mr. McCLELLAN. I want to thank General Kjellstrom for his attention given to this matter. I point out that this is the type of cooperation that exists between the committee and the Department of Defense, the Army, the Navy, the Marine Corps, and the Air Force.

Mr. President, I call up the amendment to which I have referred.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 8, line 12 strike $6,899,619,000 and insert $6,866,619,000.

Mr. McCLELLAN. Mr. President, the amendment I have just offered on behalf of the committee is in nature of a perfecting amendment.

I ask unanimous consent that the adoption of this amendment not prevent the senior Senator from Wisconsin (Mr. PROXMIRE) or any other Senator from offering amendments to further reduce the same appropriation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I am ready to yield the balance of my time on the amendment unless someone else wants to be heard. Does the Senator from North Dakota wish to be heard on the amendment?

Mr. YOUNG. No.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, I seek recognition.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME LIMITATION AGREEMENT ON DEFENSE APPROPRIATION ACT—H.R. 16593

Mr. MANSFIELD. Mr. President, I am, with some trepidation, about to make a unanimous-consent request. It is evidently impossible to finish the bill today, so I ask unanimous consent that beginning on Monday when the pending business, the Defense Appropriation bill, is laid before the Senate there be a time limitation of 2 hours on the bill, 1 hour on amendments, and ½ hour on amendments to amendments, with the exception that any amendment having to do with ending the war or an across-the-board slash be exempted from such a time agreement.

Mr. MAGNUSON. Mr. President, reserving the right to object, there will be an amendment, I am told. It may be the two Senators from Washington, the Senator from Mississippi, and others would want to consider a specific time limitation, but I do not know. The amendment has not been presented. I do not know, but the Senator is asking for 1 hour on amendments?

Mr. MANSFIELD. Yes.

Mr. MAGNUSON. That is all right.

Mr. MANSFIELD. Yes. And time is not to begin running on Monday until after the pending business is laid down. If there can be votes on amendments this afternoon, fine and dandy. There would be no time limitation applicable.

The PRESIDING OFFICER. Is there objection?

Mr. MATHIAS. Mr. President, reserving the right to object——

Mr. MANSFIELD. If I may add to the request, I would say that if this request is granted the time would be divided between the distinguished chairman of the committee and the ranking Republican member of the committee.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. MAGNUSON. We have just received the Whip notice for Monday and Tuesday. The other large, important appropriation bill that every Senator will be interested in is the HEW bill, which is now at the desk. I want Senators to know that after the cloture vote, the HEW appropriation bill will be brought up some time Tuesday afternoon. Is that correct?

Mr. MANSFIELD. That is correct, unless cloture is invoked.

Mr. MAGNUSON. Yes; then, we would proceed with the consumer bill if cloture is invoked. If it is not we would proceed sometime in the afternoon with HEW.

Mr. MANSFIELD. That is correct.

Mr. MATHIAS. Mr. President, reserving the right to object, I would like to inquire——

Mr. MANSFIELD. Mr. President, will the Senator yield to me for just ½ minute?

Mr. MATHIAS. Certainly.

Mr. MANSFIELD. I should add an addendum, in answer to the question propounded. If cloture is invoked and the consumer measure disposed of, HEW will be the pending business.

Mr. MAGNUSON. If cloture is invoked we will proceed to finish the bill, whether it is that day or as long as we go.

Mr. MANSFIELD. That is correct.

Mr. MATHIAS. Mr. President, I would like to inquire of the distinguished majority leader if it is his intention to continue this debate this afternoon, or would he consider that we would begin the time limitation he suggested under the request for unanimous consent on Monday?

Mr. MANSFIELD. The time limitation would begin on Monday, but it would be the Senator from Montana's personal desire and wish that if there are any amendments which could be offered and voted on this afternoon that they be offered and voted on, but whether that will happen, I cannot say.

Mr. MATHIAS. Further reserving the right to object, I want to cooperate with the leadership in every way possible. I do not want to interpose any arbitrary objections. I know the leadership since yesterday afternoon has been seeking some sort of unanimous agreement which would accelerate action on this bill. I do not think the bill should be postponed any longer than is necessary, but as we observed in a short colloquy a few moments ago, it is one of the largest appropriations since the end of World War II; it is, in effect, an assessment per capita on every American man, woman, and child of $375; and it is a complex bill. The committee report was not available until 10:30 this morning. The bill itself is a long bill and, of course, we have barely one-half of the Senate present.

I think what the majority leader proposes, which I interpret to mean that substantive action will go over until Monday, except on such amendments that we could perhaps agree on this afternoon, is not unreasonable, and although I have resisted up to this time any unanimous consent for what I would consider to be hasty action, I will not interpose any further objection.

Mr. MANSFIELD. I appreciate the statement just made by the distinguished Senator from Maryland. What he said about the cost being applicable to every person in this country is approximately correct. What he says about the report not being ready is correct, although the report of the subcommittee was available and I would point out, if I remember correctly, that there were only two changes made by the full committee, in the recommendations made by the subcommittee. It is a big bill, probably the greatest in expenditures since the end of the Second World War, as the Senator has pointed out.

I must say that I do not find myself in disagreement with the distinguished Senator, but I do find myself in conflict with myself because of the fact that I have a dual responsibility, one as a Senator from the State of Montana, which would make me a Member of the Senator's entourage, and the other as majority leader charged by the Senate with the expediting of legislation and, hopefully, an adjournment sine die as soon as possible.

So I hope Senators will understand my position personally and professionally, if I may use those two terms, and I am sure the Senator has, because he has indicated that on several occasions.

Mr. MATHIAS. Mr. President, if the Senator will yield, as I have said, I shall not interpose an objection to the unanimous-consent request as the majority leader offers it. I do not want to be arbitrary, but we have had such unhappy experiences when we try to go too fast that we find ourselves moving backward. One of the cases in point was not long ago when we adopted a conference report on military appropriations without having the report written and before us. By the time the report was written, there was language in that report which prohibited the expenditure of funds for advertisements by the Department of Defense, which precluded advertisements for enlistments, and which was quite a blow to the concept of a volunteer Army, which is one of the administration's primary objectives.

I just think if we can avoid shortcuts which bring about those embarrassments, we are well advised. I believe the majority leader's request was perfectly proper and does not propose any shortcuts at this time which would bring about precipitate action and, consequently, embarrassment.

Mr. MANSFIELD. I appreciate the remarks of the Senator.

The PRESIDING OFFICER. Is there objection?

The Chair will inquire of the majority leader if he desires the 1 hour's time to be divided in the usual manner.

Mr. MANSFIELD. In the usual manner, and the consent agreement in the usual form.

The PRESIDING OFFICER. And the half hour would apply to motions and appeals?

Mr. MANSFIELD. That is correct.

The PRESIDING OFFICER. Without objection, the unanimous-consent request is agreed to.

The bill is open to amendment.

Mr. PROXMIRE. Mr. President, I have two amendments I would like to send to the desk to have printed. I want to discuss both of them, although I shall not call them up today. If I may—I understand this would be satisfactory to the leadership, and it may be satisfactory to the chairman of the committee—I would like to make one of the amendments the pending amendment so that we may act on it Monday, but I will defer to whatever the chairman wishes.

Mr. McCLELLAN. Mr. President, I have no objection to that procedure, but if an amendment could be offered this afternoon and disposed of, I would not want this amendment to be considered to the exclusion of any amendment that might be disposed of today. Perhaps we could have the understanding that the Senator would be willing to have his amendment set aside temporarily if that should occur.

Mr. PROXMIRE. Mr. President, in view of the Senator's statement, I shall defer discussing these amendments until it is clear whether any other Senator would like to offer any amendment for action this afternoon.

I yield the floor.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. McCLELLAN. Mr. President, I have no objection to proceeding with the amendment. Of course, I do not know who may walk into the Chamber and have an amendment to offer. In the meantime, I suggest that the Senator agree that the amendment might be set aside temporarily, and yet remain the pending amendment, so that we could dispose of any amendment that might be offered and disposed of today.

Mr. PROXMIRE. Mr. President, I shall be happy to so agree. Any time the Senator would like me to defer consideration or discussion of my amendment, I shall be happy to do that.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

AMENDMENTS NOS. 1665 AND 1666

Mr. PROXMIRE. Mr. President, I send two amendments to the desk and ask that they be printed.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie at the desk.

Mr. PROXMIRE. Mr. President, the first amendment would limit the funds in the defense appropriation bill by preventing any of the funds appropriated by this act to be expended for the purpose of conducting aerial bombing in or over Vietnam, Laos, or Cambodia by U.S. military forces. This amendment would save at least $2 billion and that is a conservative estimate. Incidentally, that $2 billion saving is recovered by the amendment by reducing the bill by that amount.

THE FACTS ABOUT THE AIR WAR

What are the facts about the bombing in Vietnam? Through December 1971, according to the authoritative Cornell Air War Study, which was coordinated by physics Professor Raphael Littauer, some 6.2 million tons of bombs were dropped on Indochina.

Of this total, 3.6 million tons, or more than half, were dropped on South Vietnam—yes, South Vietnam. Some 500,000 tons had been dropped on North Vietnam at that time, while bombing the trails accounted for 1.4 million tons, northern Laos had been hit with 500,000 tons, and Cambodia with 200,000 tons.

In the period January 1, to June 30, 1972, another 500,000 tons, or half a million tons, of bombs were dropped. In June alone the rate was 12,400 tons.

We can therefore estimate that through today, the end of September 1972, some 7 million tons of bombs have been dropped by U.S. forces on South Vietnam, North Vietnam, Laos, and Cambodia.

DIMENSIONS OF THE BOMBING

What does this mean? In the entire period of World War II the United States dropped a total of only 2 million tons of bombs.

We have now dropped on Indochina during the Vietnam war at least 3½ times the bomb tonnage we dropped on Germany, Italy, and Japan throughout the entire period of World War II.

BOTH WRONG AND INEFFECTIVE

There are two things wrong with the bombing.

First of all it is wrong, immoral, and senseless.

Second, it does not work, has not worked, and will not work in the future.

When something is both bad and ineffective, it is time to call a halt.

What we have is a war which has not only killed soldiers and combatants, but has produced literally millions of civilian casualties of the war—these are the killed, the wounded, and the refugees from the war, much of it due to the bombing.

Tens of thousands of civilians have died, hundreds of thousands have been wounded, and millions more have been made homeless by the war and the bombing.

According to the latest reports, there are now some 230 B-52 bombers bombing Indochina. They are flying some 3,000 missions a month.

Our tactical fighter planes are flying about 15,000 sorties a month in both North and South Vietnam.

With our B-52's we are now doing what is called mass carpet bombing. A less euphemistic way of putting this is that "we are trying to bomb the North Vietnamese back to the stone age," which a number of leading Air Force supporters have advocated over the years. That quotation, of course, is a familiar one from the last campaign.

We are doing it now, but with what results?

BOMBING INEFFECTIVE

The war goes on. After dropping 7 million tons of bombs, 3½ times all the World War II bomb loads, the fighting continues.

Long ago, back in 1967, the military was advocating bombing to bring the North Vietnamese to their knees. In the famous hearings held by the Stennis Committee on the Air War, Adm. Ulysses S. G. Sharp, who then commanded the U.S. forces in the Pacific, advocated making the North Vietnamese cry "uncle." He argued that the United States had "begun to hurt the enemy in his home territory. He is suffering painful military, economic, and psychological strains. Now, when the enemy is hurting, we should increase the pressure"—page 8.

That is what Admiral Sharp said in 1967.

How wrong can you be? We followed that advice. We stepped up the war. We have poured on the bombs. This week alone, on Monday, Tuesday, and Wednesday, our fighter bombers attacked North Vietnam with more than 300 raids. And we have more than tripled the tonnage dropped in World War II.

Yet, 5 years after Admiral Sharp's optimistic advocacy, the north fights on.

IT DOES NOT WORK

Thus, not only are we bombing them back to the stone age, killing hundreds and perhaps thousands of innocent victims, causing hundreds of thousands of homeless, and devastating the countryside, but it is all to little or no avail. It does not work.

We should have known that. The strategic bombing survey after World War II—and I quote from it—told us so. Here is what it said:

> The major cities of Germany present a spectacle of destruction so appalling as to suggest a complete breakdown of all aspects of urban activity. On the first impression it would appear that the area attack which laid waste these cities must have substantially eliminated the industrial capacity of Germany.

And here is the important part:

> Yet this was not the case. The attacks did not so reduce Germany war production as to have a decisive effect on the outcome of the war.

That is what the strategic bombing survey said.

At the time of the Stennis hearings, former Secretary Robert S. McNamara questioned the efficacy of the bombings, but for that act he ended up in Lyndon Johnson's doghouse.

PENTAGON PAPERS JASON REPORT

We now know from the publication of the Pentagon papers that the 1967 secret Jason study concluded similarly.

DID NOT REDUCE ABILITY TO FIGHT

It reported that the bombing had failed on three important counts. It found that:

> Despite heavy attacks on NVN's (North Vietnamese) logistic system, manufacturing capabilities, and supply stores, its ability to sustain the war in the South has increased rather than decreased during the Rolling Thunder strikes.

DID NOT PERMANENTLY RAISE MORALE OF THE SOUTH

It found that the objective of bombing to raise the morale of the South Vietnamese was successful, except that it was "transient":

The report stated:

> There was no indication that bombing could ever constitute a permanent support for South Vietnamese morale if the situation in the South itself was adverse.

DID NOT WEAKEN THE WILL OF THE NORTH

The bombing did not weaken the will of the North Vietnamese, according to the Jason study.

> The expectation that bombing would erode the determination of Hanoi and its people clearly overestimated the persuasive and disruptive effects of the bombing and, correspondingly, underestimated the tenacity and recuperative capabilities of the North Vietnamese.—(All quotes from pp. 223-4, Pentagon Papers, Vol. IV Gravel Edition.)

We have dropped a total of 7 million tons of bombs in Indochina.

We have dropped some 3.6 to 4 million tons in South Vietnam—double the amount we dropped in World War II. This is the equivalent of dropping a 15-pound bomb on every acre of South Vietnam each year. And we continue to bomb in Laos, Cambodia, and along the trails and frontiers.

THE WAR GOES ON

But the war goes on. The enemy has not cried "Uncle." We increased our pressure on him, but the enemy is not hurting enough to bring this war to a close.

The fact is that the United States with its massive technological skills, with its millions of tons of bombs dropped on Vietnam, with all of its B-52 bombers, and 300 raids a day, cannot bring a small country the size of the State of Washington, with a population less than one-tenth of our own, to its knees.

Short of using atomic weapons, and that would be unthinkable, there is no way to win this war.

THE MILITARY HAS BEEN UNLEASHED

And let us not hear those foolish charges, once again, that if we just unleashed the military, it could be won. If dropping on Indochina 3½ times the payload of bombs we dropped in all of World War II is not "unleashing the military," then words have no meaning.

We have "unleashed" the military, and what we have to show for it is $150 billion in expenditures, 50,000 American casualties, and some 3 million refugees, as the result of the action by both sides.

UNITED STATES NOT OMNIPOTENT

So, Mr. President, it is a hard lesson to learn, but the United States is not omnipotent in the world. A wave of the arm, a gunboat up the Yangtze River, or even 7 million tons of bombs, cannot bring results. The world is far more complicated than the easy slogans "unleash the military," "make them cry 'Uncle'," or "bomb them back to the stone age"—would lead one to believe.

BOMBING IS NOT ONLY INEFFECTIVE, IT IS WRONG

But even if it were effective, the bombing is wrong. In a country where industrial targets are limited, where transportation is crude and relatively undeveloped, and where the society is largely rural, there are not enough legitimate targets to justify the amount of bombing we are doing. Three hundred fighter-bombers a day, day after day, cannot hit that many military targets. Carpet bombing cannot be effective against military targets. Even if the most careful attempts are made to bomb legitimate targets, bombing on this scale cannot help but hit civilian, nonmilitary, or very low priority targets affecting the lives and fortunes of millions of innocent people.

TIME TO STOP IS NOW

The time to stop the bombing is now. The time to do it is on this bill and with this amendment.

Mr. President, this is a limited amendment. It would not end our participation in Vietnam. It would not stop our aid to free world forces in Vietnam. That aid consists of more than $2 billion. Indeed, this amendment would eliminate only one-third of the incremental cost of the Vietnam war. That incremental cost is estimated at $6.1 billion, and this amendment would cut one-third of that cost, or $2 billion.

TAXPAYER BURDEN

Two billion dollars is a mammoth amount of money. It is a heavy burden on the American taxpayer. In fact it means a tax of $40 for each American family. The cost is heavy, but the cost is the least of it.

There is no question that the bombing has destroyed schools, hospitals, and homes. It has killed innocent civilians, it has helped make millions homeless.

And Mr. President, what is it accomplishing? Even many of the military experts argue that it is not significantly hurting Hanoi, that the bombing may be strengthening their determination to continue. Whatever interruption of supply and support of Vietcong troops fighting in South Vietnam has been minor. At least it has not been enough to stop the North Vietnam offensive. So it is not working; it is not effective.

And what in the world is the point of our pouring this $2 billion in a useless, senseless bombing of a primitive economy when North Vietnam by no stretch of the imagination constitutes the slightest threat to the United States or any of our vital interests?

WHAT BENEFIT FOR AMERICAN TAXPAYER?

What does the American taxpayer get for this $2 billion expenditure? Does this little North Vietnam with its wagon and wheelbarrow economy constitute a threat to the United States of America? Where? In this hemisphere? In the Pacific?

Mr. President, our Government has reached a detente with what we used to call Red China—Communist China. Our President's visit paved the way to admission of Communist China to the United Nations. The administration's policies have just resulted in a new era of cooperation between the two great powers of Asia: Japan and Red China. We are discussing trade with China and a huge sale of wheat to help the Communist Chinese, just as we concluded a sale to the Russians. All this may or may not be wise.

But, Mr. President, if we are so unconcerned about any Asiatic threat from Communist China that we work and trade and cooperate with them, why are we unleashing the most powerful bombing attack on little North Vietnam the world has ever seen?

COMMUNIST CHINA OR MAN OF REAL THREAT?

Someday, somehow, in some way Communist China could indeed constitute a threat to our interests in the Pacific. It could conceivably sometime in the future, in concert with the Japanese, virtually exclude American influence in Asia.

Communist China does indeed constitute at least a potential, distant military threat.

But how does little North Vietnam, with one-fourth of 1 percent of the population of Communist China, with about one-tenth of 1 percent of American economic strength?

Let me repeat that, Mr. President. North Vietnam has less than one-tenth of 1 percent of our American economic production. In other words, about one one-thousandths of our economic production. It has no Navy to speak of, a pitiful little air force, not even the suggestion of a whisper of a dream for any nuclear power.

Now how can this little dwarf of a fifth-rate country constitute the kind of a threat to our interests in the Pacific, in Asia, or anywhere else in the world that justifies our spending $2 billion of the taxpayers money in a wasteful, useless, aimless waste to endless bombing?

COMMUNIST CHINA BENEFITS FROM BOMBING

For a moment forget the morality of the bombing, forget the deep embitterment and hatred the bombing is driving into the souls of people throughout the world. For a moment assume what the facts clearly deny—assume that it is having great military success, what is the purpose of it? What can it possibly accomplish? Does it in any way reduce the power of Communist China now or in the future? Of course not.

If North Vietnam is blasted to kingdom come, Communist China wins in two ways:

First. An independent little country that has resisted China for a thousand years is eliminated and a power vacuum is created on the southern border of China.

Second. A record of inhumanity perpetrated by the United States of America against the yellow man; that is, the most powerful aerial bombardment in world history, and this is just what the U.S. bombing of Vietnam is, is riveting into the consciousness of Asians for generations the planned, premeditated cruelty of the United States of America.

We hope and pray that we may live at peace with Communist China and the other Asian nations, but if in the future we face the Chinese in a Pacific war, the record of our endless bombing of Vietnam could serve as an immensely valuable rallying point for the Communist Chinese to appeal to all Asian nations against this country.

So again I ask, what do we get for this terrible waste of $2 billion except a vast strengthening of our potential adversary in the Far East?

The bombing makes no sense from a moral standpoint, from a military standpoint, or from a foreign policy standpoint. It is a total waste of $2 billion.

Mr. President, my other amendment is on a different subject, entirely different from the amendment I have submitted. It is an amendment, incidentally, which I understand the Defense Appropriations Subcommittee of the Appropriations Committee initially supported; at least, they supported this position. They were overruled by the full Appropriations Committee. It is an amendment that supports the position taken by the House with respect to this matter, too. Incidentally, Senator COOPER is cosponsoring this amendment with me.

The amendment eliminates all the funds added by the committee over both the House bill and the recommendations of the Defense Appropriations Subcommittee for hiring civilians to do so-called KP duty for military personnel.

Let me specify what the amendment would do. It takes $32 million from Army O. & M. funds. It takes $6,650,000 from Navy O. & M. funds. It takes $1.3 million from Marine Corps O. & M. funds. It takes $20 million from Air Force O. & M. funds.

It ends payments for KP after May of 1973. It does so in an orderly way that the subcommittee felt was the way to do it. It lets existing programs continue until terminated. It cuts out the added funds put in by the committee for KP after that date. The total cut is $59.950 million, or approximately $60 million.

Mr. President, I believe in a volunteer armed force. I believe in paying military personnel well, but I believe everyone should do their own dirty work. Everyone should clean up after themselves.

This KP service for military personnel takes tens of millions of dollars from American taxpayers. And who does the taxpayers' KP? You tell an American husband and wife who are living on $10,000 a year, paying hundreds of dollars in taxes to the Federal Government, that part of those taxes are going to provide for dishwashers and pot and pan cleaners for the boys in the service. Those taxpayers do not have a cleaning woman and a maid and a cook. They have to do their own work. This is the overwhelming majority of Americans. Not one taxpayer in a hundred has full-time servants. You tell them that part of those taxes are going to provide for dishwashers and pot and pan cleaners for the boys in the service—not, mind you, for those in combat, but for the servicemen living a peaceful life in barracks in this country and around the world, and getting well enough paid for it, that the overwhelming majority volunteer. Tell them that, and see if they will support that position. I doubt that they will.

Who does KP for the taxpayer? I repeat: Who does KP for the taxpayer? Obviously, the overwhelming majority of taxpayers clean their own dishes, their own pots and pans. That family pays the great bulk of American taxes. They believe in and support and honor our servicemen in war or peace. But that does not mean they want to take their hard-earned dollars to provide maid service.

Tens of millions of Americans including most Members of this body have served in the armed services in the past 30 years. Most of us did KP. And most did not like it. We kidded about it. We were punished once in a while, when we made a mistake or did something wrong, by a little extra KP duty. But it did not do us one bit of harm. In fact, in my view, it did us a lot of good.

We learned, if we did not know it before, how to clean up our own mess. We earned a different kind of respect for our mother or our wife.

Mr. President, one of the arguments for adding these millions of dollars a year for maid service and butler service is that it will free the serviceman for more essential tasks. That is one argument those promoting this bill had better forget.

The new Army may be different from the old Army in many respects. But as the Vietnam war ends and we enter a period of relative peace, let us not forget that if there is one very tough task in the military, it is finding useful, constructive work to keep servicemen busy.

A major problem in this country and all over the world has been and is the endless idleness of military personnel.

I recall the articles in the Washington Post about the drug and the crime problems with American troops in Europe. They were heartbreaking stories, because these are wonderful young men, some of our finest, but they do not have anything to do; they are not kept busy. What we do here is to provide another $60 million so that they would be more idle than they were before.

You can only do so much close order drill and maneuvers and rifle cleaning, and even school and instruction. One thing our military personnel does not need more of is idleness—free time.

KP is not only good for the serviceman. It is a constructive and useful time-user.

Mr. President, the supporters of this

allocation of millions for maid and butler service for servicemen also argue that it will save money, because military personnel is more costly than civilian personnel. Yet, they ask for $60 million for it.

We Senators might be confused occasionally by the out-of-this-world fancy figures we have to deal with. To put it bluntly, we may be a little dumb—but we are not so dumb as to believe that you save millions of dollars by spending an additional $60 million. If this program will save money, then, in spite of all my misgivings and all the arguments I have given in this speech, I will support it; but if it is going to save money, then let us cut the appropriation, not increase it. And this is what we are doing. We are providing $60 million more. How does that save money? Can you have a proposal that saves millions of dollars but costs $60 million more? I would like to have that explained to me.

Mr. President, the American taxpayer is being hit by enough these days. Everything is used as an excuse. The increasing cost of education hits him. The growing health cost slams him again. Welfare cost increases shoot another hole in his pocket. The immense cost of the Vietnam war and new weapons and ever-increasing technological military cost also swat the taxpayer, as well as the cost of highways, space, foreign aid, public works, and all the rest. But one cost the taxpayer who does his own KP, cleans his own toilet, washes his own dishes and pots and pans—one cost he does not want and cannot understand and will not buy and will not support and should not have to pay is for somebody else's, anybody else's KP, whether they are servicemen or State Department personnel or U.S. Senators. That is one thing we ought to pay for ourselves.

Mr. President, I ask unanimous consent that the name of the distinguished junior Senator from Illinois (Mr. STEVENSON) be added as a cosponsor of my KP amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I will be brief.

Is this amendment pending now?

Mr. PROXMIRE. I believe not. I sent it to the desk to be printed.

The PRESIDING OFFICER. No amendment is pending.

Mr. McCLELLAN. I assume that the amendment will be offered formally on Monday, when we reconvene, and at that time I believe we will have an hour of debate.

Mr. PROXMIRE. I will be happy to make it the pending business at the end of the day, if that suits the chairman.

Mr. McCLELLAN. It is immaterial to me. It is all right, if the Senator wishes to do it.

Mr. President, when we reconvene on Monday, there will be a time limitation of 1 hour on the amendment, a half-hour for each side, and I will defer most of my comments about the amendment until then.

In the meantime, I just wish to suggest for the record that we are trying to withdraw our weapons and stop using them to defend our troops before we get our troops home. That would be the effect of this amendment. I can understand those who take the position that we want to get our troops home right now and stop everything. That is one point of view. There are honest differences of opinion about that. But so long as our troops are over there and the other side will not agree to a cease-fire, as long as we are exposed, I do not believe that we should unilaterally stop fighting.

If we are going to fight, let us use our weapons. If we want to take this weapon away from our troops, the weapon of bombing the sources of the war strength of the enemy, if we want to take that weapon away, why not take away the artillery, why not take away from our troops their rifles, why not take away all ammunition? Why not take it all out of this bill and say to them, "If we don't get you home, we'll just leave you there as a target, without the ability to defend yourselves"?

It is not their fault they are there. We owe them protection. We owe them the ability to defend themselves as long as we keep them there. I have great sympathy with those who feel that we should bring them home, although I do not agree that it should be done precipitately under the circumstances. I want to see the war ended, of course. But saying that bombing the enemy does not hurt is hardly correct. If it does not hurt, then why not do away with all the bombers and let us junk them and quit spending money on airplanes that do the bombing. It may not end the war immediately, but you cannot tell me, Mr. President, that bombing the air bases, the railroad terminals, the docks and those other things which are so essential to the logistics of war do not hurt. They do hurt.

The enemy is bombing. The enemy is throwing shells into our forces every time they get the chance.

We never hear anything about the enemy not wanting to end the war.

Always it is our country that gets the blame.

Mr. President, this war can end any day the enemy will agree to a cease-fire.

Until they do agree to a cease-fire, as long as we have troops over there, I am not one of those who will disarm them. I want them to have the weapons, and the best weapons we can provide them with. As long as they are there and the enemy is fighting, I want them to use those weapons.

Mr. YOUNG. Mr. President, the bombing of North Vietnam, the Ho Chi Minh Trail and in Cambodia has not ended the war. If it had not been for the bombing, we would have been run out of South Vietnam a long time ago and North Vietnam would have taken over South Vietnam and there would have been a blood bath.

It is true that it is difficult to win this war. We should never have gotten involved in the first place. I warned against that as far back as 1954. But, since we are in the war, we do not want to give the enemy all the advantages and our troops all the disadvantages.

Mr. PROXMIRE. Mr. President, in response to the comments of the distinguished chairman and the ranking Republican member of the Appropriations Committee, I should like to point out that the administration has said many times—most vividly I remember when Secretary of State Rogers came before the Appropriations Subcommittee on Foreign Operations, he told us that Vietnamization is working and if it is, South Vietnam doesn't need our bombing. The fact is, we have armed a 1 million man South Vietnamese army. We have given the South Vietnamese a tremendous force—it is one of the biggest and best equipped armies in the world now. They also have an air force, thanks to us. They can bomb. They can strafe. They can use all the enormous power we have given them. My amendment would permit a continuation of more than $2 billion of military assistance to them, and another $2 billion of direct military action by our own troops. It would only stop the senseless, wasteful, cruel but militarily useless bombing.

When we have tried bombing for 7 years and it has not worked and we are still fighting there, with North Vietnam still engaged in offensives, it does not make any sense to squander the taxpayers' money further. Let's cut our losses and get out.

It would be one thing if the South Vietnamese were not protected—we talk about a blood bath, although we are bringing a blood bath to North Vietnam by our bombing—but forgetting that for the moment, if South Vietnam with all the immense help we have given them—and Secretary Rogers agrees we have given them several times as much as Russia and China have given to North Vietnam—and they have as many people in South Vietnam as there are in North Vietnam, and much more industry in the South than in North Vietnam, if they are not able with all these advantages to protect themselves against aggression from the North then it follows that they do not have the support of their own people, that they do not have the spirit or will to win and that is something we cannot give them with all the bombing in the world. The fact is our bombing of North Vietnam is strengthening the morale of that country, our enemy. It is not helping South Vietnam sufficiently for South Vietnam to win.

Mr. McCLELLAN. It seems to me that is the argument we are hearing which is becoming somewhat old salt—like the salt referred to in the Bible which has just about lost its savor. We are hearing that argument over and over and over at a time when the war is coming to an end.

I can remember when the Democrats, my own party, were in power in this country and they were sending our people over there. They built it up. They were wrong. I think that we were wrong, but we are there. Maybe we were wrong in everything in going over there, but we are over there. This administration and those of us who have tried to support this program of Vietnamization feel that it has made great progress because today, instead of having 550,000 Americans over there exposed to death, we have fewer than 50,000, and that number is still being reduced.

Full cooperation on the part of this Congress and the American people, in the right way, in my judgment, will be conducive to bringing this war to an end quicker. In always finding fault with America, and finding no fault with the other country we do ourselves an injustice.

As I said a moment ago, North Vietnam can bring this war to an end any day it will agree to a cease-fire.

Mr. PROXMIRE. If the Senator will yield again briefly, I should like to point out that this is the longest war in our history. We fought World War II in 4 years. This war goes on and on and on. The Senator says he can remember back years ago when the cry was, "Just send a few more men over"——

Mr. McCLELLAN. I know, but whose administration was that?

Mr. PROXMIRE. I agree. I have criticized that——

Mr. McCLELLAN. We have been wrong to fight these——

Mr. PROXMIRE. That does not mean it is right now, when we are pouring more bombs than ever.

Mr. McCLELLAN. No, and that does not make it right when we want to take them all out at once. We have been wrong about some things. We may be wrong about that.

Mr. PROXMIRE. My amendment is not taking them all out at once. As the Senator said in his own words, we have taken 90 percent out already. All I am saying is, the time has come for South Vietnam to do its own fighting. How many Russian bombers are involved? How many Chinese? Not one, not a single one. The time to end our participation is the time when we have provided South Vietnam with everything any country could possibly expect in terms of training, in terms of guns, tanks, planes, ammunition, in terms of economic support in every possible way. If they cannot hack it—maybe they could without us, but if not, they never will.

Mr. McCLELLAN. The Senator could be mistaken in that statement, just as we have been mistaken in so many other things we have said. I do not believe that anyone's opinion or judgment about this war is infallible, that it has been at any time, or that it is now. We can all have honest differences of opinion.

Mr. YOUNG. Mr. President, the committee report contains a table on page 15 which shows the cost of the war year-by-year.

Let me read a few of the figures:

In 1965, the cost of the war was $103 million.

In 1966, it jumped to $5,812,000,000.

In 1967 it was $20,133,000,000.

In 1968, it jumped to $26,547,000,000.

In 1969, it went to $28,805,000,000.

In 1970, it went down to $23,052,000,000.

In 1971, it was $14,719,000,000.

In 1972, it was down to $9,261,000,000.

It is estimated for this year to be $7,063,000,000.

Mr. President, I ask unanimous consent to have this table printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SOUTHEAST ASIA OPERATIONS

[Outlays in millions of dollars]

Fiscal year	Full costs	Incremental costs	Number of U.S. forces in South Vietnam—end of year	Number of U.S. forces in Southeast Asia, other than South Vietnam—end of year [1]
1965	$103	$103	59,900	42,900
1966	5,812	5,812	267,500	54,200
1967	20,133	18,417	448,800	80,300
1968	26,547	20,012	534,700	87,400
1969	28,805	21,542	538,700	82,900
1970	23,052	17,373	414,900	57,200
1971	14,719	11,542	239,200	48,200
1972	9,261	7,346	[2] 48,005	84,700
1973 budget estimate	7,063	5,821	[3] 39,000	NA

[1] Figures used are a combination of Thailand and off-shore naval forces as of the end of periods indicated.

[2] Preliminary estimate.

[3] Planned authorized strength to be obtained by Sept. 1 1972, as announced by the President on June 28, 1972.

Note.—Combined strength of U.S. military personnel in Cambodia and Laos was under 1,000 during these periods except for increased military activities in Cambodia in 1971. The number of U.S. military personnel in Cambodia at that time was included in the totals for South Vietnam.

Mr. YOUNG. Mr. President, these figures show a sharp drop in the cost of the war. I believe that if we persist another year we will be out or very close to being out. Our forces have inflicted tremendous damage to the North Vietnamese forces. Many military observers state that the North Vietnamese have been hurt to the extent they may have the capability to launch only one more offensive. Our peace negotiators have observed that the North Vietnamese have become more conciliatory in the past year at the peacetable.

Mr. McCLELLAN. Mr. President, I suggest the absence of a quorum——

Mr. PROXMIRE. Mr. President, will the Senator withhold that, I should like to call up my KP amendment and I want to ask it be made the pending business on Monday next.

Mr. McCLELLAN. If the Senator from Wisconsin will withhold that for a moment, the Senator from Indiana (Mr. BAYH) wishes to offer an amendment.

Mr. BAYH. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The Clerk will state the amendment.

The legislative clerk read as follows:

> At the appropriate place in the bill insert a new section as follows:
>
> "SEC. —. None of the funds appropriated by this or any other Act shall be available for entering into any contract or agreement with any foreign corporation, organization, person, or other entity for the performance of research and development in connection with any weapon system or other military equipment for the Department of Defense when there is a United States corporation, organization, person, or other entity equally competent to carry out such research and development and willing to do so at a lower cost."

Mr. BAYH. Mr. President, in light of the critical nature of the debate that just ensued, the amendment of the Senator from Indiana is admittedly anticlimactic. I ask the indulgence of the Senate for a couple of minutes. I have discussed this amendment with the distinguished chairman of the committee and the distinguished ranking minority member. It should only take a couple of minutes of the time of the Senate.

I think the amendment speaks for itself. And for that reason I did not ask unanimous consent that further reading of the amendment be dispensed with.

We have an increase of research and development funds in this bill over last year's appropriation of some $400 million. We added another $100 million on yesterday. So, that is about $500 million of additional research and development funds.

The Government follows a practice on occasion of farming out research and development programs to foreign countries. The amendment of the Senator from Indiana would not prohibit that. It would say only that if we are going to farm out research and development monies and send these dollars abroad or to neighboring countries—provide job opportunities for foreign countries or neighboring countries—the very least that we should do is insure that no American company has the expertise to enable it to do the job and do it cheaper.

I think that is the least that needs to be done.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. McCLELLAN. Mr. President, could the Senator indicate for the record what specific, if any, contract or business contract or relationship may exist between countries that the Senator is striking at in this amendment? Is it anything specific? Is it something that now exists at this time so that we may know what it it?

Mr. BAYH. Yes, there are some specifics. We have relationships with some of our allies in which sole source research and development contracts are let. I for one would prefer to see these contracts let in the United States. Right now we have a significant unemployment problem. I would prefer to see that work done here.

However, that is not the approach of the amendment. The approach says that for those allies that are now given the opportunity to do research and development work with their scientists for our military procurement projects, the very least they should meet is the cost test. If they can do it cheaper than firms in our country, that is all right. However, if we have scientists and engineers—as we do in many areas—with the expertise that makes them competitive with foreign firms, the foreign firm ought to have to demonstrate an ability to build that mouse trap or whatever it might be at least as cheap as the American firm.

I think that we should not send this contract abroad if an American firm can do it cheaper. That is the specific problem that my amendment is directed to.

Mr. McCLELLAN. Mr. President, I am in general agreement with the sentiments which the Senator has expressed. And on the face of it, I see nothing wrong with the amendment. I am inclined to take it to conference so that it can be at least studied. I agree with the general views which the Senator has expressed. If we can do it here, why should we send the money abroad? However, what I was trying to ascertain was if there is any existing situation that embodies the evil that the Senator is striking at here? Does he know of anything he can specifically identify at this time?

Mr. BAYH. Yes. There are probably several. One has been called to my attention. That involves a contract to build a sophisticated communications system for the U.S. Army, I believe it is. This contract is about to be negotiated, sole source, with a foreign country. And the foreign country is subsidizing the contract. And yet I am advised that if it is thrown open to bids, there is at least one and perhaps two American firms that might be able to underbid the foreign contractor, even though the foreign contractor is subsidized. That does not make sense to the Senator from Indiana.

Mr. McCLELLAN. Mr. President, in other words, the Senator says that there is a potential situation which would create the evil that his amendment would strike at and that that potential the Senator believes is imminent.

Mr. BAYH. That is an accurate statement. And that is why I think it is important.

Mr. McCLELLAN. Mr. President, I would like further to ascertain something else. Would this interfere in any way with any contracts that are now outstanding? It seems to me that it is not the intention to abrogate any existing contracts that may now be in force.

Mr. BAYH. No. I do not want to abrogate any contracts that are now in force. I do not want to jeopardize any relationships. However, I do think and know that there are some contracts that are imminent that would send U.S. dollars to a foreign country when we might have the capacity and the expertise to do the job perhaps better and cheaper at home. Why should we not spend this money at home to employ American workers?

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. PROXMIRE. Mr. President, I think this is an amendment that has a great deal of merit in it, because it does provide for competition, as I understand it. However, what concerns me is that I do not think—unless the Senator from Indiana has information on this—that the Defense Department or procurement officials of the Defense Department have had a chance to comment on it, I think it would be very helpful it we had their views.

Frankly, I often disagree with them, and I might in this case. However, I think they ought to have a chance to explain their situation before we act and before the bill goes to conference, because the Senator from Indiana might not have as good a chance to rebut what the officials of the Defense Department might say.

Mr. BAYH. Mr. President, I think I can tell the Senator what the Defense Department feels about this type of thing, because and this matter has been discussed with the Defense Department, the Defense Department would not be really concerned about this change in my opinion. I would not want to delude my friend, the Senator from Wisconsin, or distort the picture for him or for anyone else.

I think the Defense Department is presently following the lead imposed upon them by the State Department. It feels that the only way we can maintain present relationships with some governments is to subsidize their research and development programs to build military weapons for the United States.

It seems to me that we have gotten involved before because of the State Department trying to use military procurement to further our foreign policy and we have gotten ourselves into some real messes. I do not want to suggest to the Senator that if he calls the Secretary of the State, the Secretary of State would say that he is for the amendment. I do not know whether he would say that or not. I doubt that he would.

If the Secretary of State or the Department of Defense wants to go to a friendly nation and say, "Here is a research contract. Bid on it, and your cost is lowest, build a military weapon," this would not exclude that. But if an American firm can do it better and cheaper the Senator from Indiana feels that we want to preserve their right to compete, and I have offered this amendment to strike at that point.

Mr. McCLELLAN. Mr. President, the distinguished Senator from Indiana is a member of the Committee on Appropriations. I regret that this amendment was not presented to the committee so that it might have expressed its views with respect to it. It probably would have approved the amendment, but I do not know.

I have already expressed my sentiments. I am in accord with what the amendment would undertake to do. I think it is probably long overdue that this be our policy, but I have had no opportunity, as pointed out by the Senator from Wisconsin, to hear the other side. That is the only thing that gives me any concern.

I am willing, if my colleague from North Dakota is willing, to take this amendment to conference. Then, it will be in conference and in the meantime we can give it further consideration. If I conclude for any reason that I do not think it is wise under the circumstances I would not want to be held to an obligation to insist upon it in conference.

But if we do not take it to conference, we will have no opportunity to evaluate it. Unless my distinguished friend from North Dakota has some objection, I would be willing to take the amendment to conference. In the meantime we can study it and give the Department of Defense an opportunity, if it has serious opposition to it, to let us know.

Mr. YOUNG. I have no objection. In fact, I think the amendment has merit.

Mr. McCLELLAN. I thank the Senator very much. I am very glad to accept the amendment and take it to conference.

The PRESIDING OFFICER (Mr. BELLMON). The question is on agreeing to the amendment. [Putting the question.]

The amendment was agreed to.

Mr. McCLELLAN. Mr. President, I commend the distinguished Senator from Indiana for having presented the amendment. My regret is that I did not have a chance to consider it in committee.

Mr. BAYH. Mr. President, if the Senator will permit me a moment to respond, I appreciate the courtesy of the Senator from Arkansas. As I said to him personally I will say for the Record: I am embarrassed at the inability to consider this in committee. As I said to him privately I will say publicly; this matter came to the Senator's attention at 1 o'clock yesterday afternoon after we marked the bill up at noon. I was embarrassed because if it had been before the committee I do not think that a single Senator would have voted against it, it is so equitable. Because of the time limits to it, it is important that we go on record.

Although the hour is late, I can understand the Senator from Arkansas wanting to hear the argument. I think it is wise to hear the argument, and I am confident that this amendment will be sustained as an equitable position. Since it is so late, I have not asked for the yeas and nays, but I am confident we would have the overwhelming support of the Senate on this measure. I thank the Senator.

AMENDMENT NO. 1666

Mr. ROBERT C. BYRD. Mr. President, does the Senator from Wisconsin wish to call up his amendment and make it the pending amendment?

Mr. PROXMIRE. I call up the KP amendment and ask that it be made the pending business. I do not have the number.

The PRESIDING OFFICER. It is amendment No. 1666. The amendment will be stated.

The amendment was read as follows:

On page 8, line 12, strike out "$6,866,619,000" and insert in lieu thereof "$6,834,619,000".

On page 11, line 10, strike out "$5,287,798,000" and insert in lieu thereof "$5,281,148,000".

On page 12 line 23, strike out "$381,823,000" and insert in lieu thereof "$380,523,000".

On page 15, line 13, strike out "$6,424,705,000" and insert in lieu thereof "$6,404,705,000".

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. MATHIAS, I ask unanimous consent that Mr. Syd Hurlburt be allowed access to the Senate floor for the remainder of the Senate debate on H.R. 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 9 A.M., MONDAY, OCTOBER 2, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9 o'clock a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS CRANSTON, TUNNEY, BAYH, ROBERT C. BYRD, AND SCOTT ON MONDAY, OCTOBER 2, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the recognition of the two leaders under the standing order on Monday the following Senators be recognized, each for not to exceed 15 minutes and in the order stated: Mr. CRANSTON, Mr. TUNNEY, Mr. BAYH, Mr. ROBERT C. BYRD, and Mr. SCOTT.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY, OCTOBER 2, 1972, AND FOR H.R. 1 TO BE LAID BEFORE THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the orders recognizing Senators on Monday there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Chair lay before the Senate H.R. 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday is as follows:

The Senate will convene at 9 o'clock a.m. After the two leaders have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. CRANSTON, Mr. TUNNEY, Mr. BAYH, Mr. ROBERT C. BYRD, and Mr. SCOTT, at the conclusion of which orders there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes. Following the morning business, the Senate will proceed to the consideration of H.R. 1. It is hoped that Senators who have amendments to H.R. 1 will call them up. Yea-and-nay votes, of course, may occur thereon. The pending question on H.R. 1 will be on the adoption of amendment No. 1663 by the senior Senator from Virginia (Mr. HARRY F. BYRD, JR.).

When no further progress is possible on H.R. 1, the Senate will return to the consideration of the defense appropriations bill. The pending question at that time will be on the adoption of amendment No. 1666 by Mr. PROXMIRE. There is a time limitation agreement on the Defense appropriation bill, the agreement to be effective on Monday at such time as the Senate resumes consideration of the defense appropriation bill.

The agreement calls for 2 hours on the bill, 1 hour on any amendment—excepting any end-the-war amendment or any across-the-board funds reduction—one-half hour on any amendment to an amendment or amendment in the second degree, one-half hour on any debatable motion or appeal. Yea-and-nay votes will occur on amendment, and a yea-and-nay vote will occur on final passage, if final passage is reached on Monday, and I would anticipate, hopefully, that such will be the case.

If the defense appropriation bill is disposed of at a reasonable hour on Monday, it shall be in order for the distinguished majority leader or his designee to proceed to take up the military construction appropriation bill.

ADJOURNMENT TO MONDAY, AT 9 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 o'clock a.m. on Monday next.

The motion was agreed to; and at 3:34 p.m. the Senate adjourned until Monday, October 2, 1972, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate, September 30, 1972:

PACIFIC NORTHWEST REGIONAL COMMISSION

Jack O. Padrick, of Virginia, to be Federal Cochairman of the Pacific Northwest Regional Commission.

TENNESSEE VALLEY AUTHORITY

William Lewis Jenkins, of Tennessee, to be a member of the Board of Directors of the Tennessee Valley Authority for the term expiring May 18, 1981.

EXTENSIONS OF REMARKS

NOTHING TO SHARE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Saturday, September 30, 1972

Mr. HARRY F. BYRD, JR. Mr. President, captioned "Nothing To Share," the Greensburg Tribune-Review, on September 22, published a provocative editorial dealing with revenue sharing.

Like the Greensburg Tribune-Review, I ask, "How can the Government give away something it does not have?"

I was pleased to note that the Tribune-Review quoted the able Senator from Idaho (Mr. JORDAN) in regard to revenue sharing. Senator JORDAN has served as the Governor of his State. In my judgment, he is an outstanding Senator, and I concur in his view, which is quoted by the Tribune-Review, that one reason why States and cities are in financial trouble is that they have wasted their tax money on unessential projects, simply to qualify for Federal funds.

Senator JORDAN pointed out, also, that the Federal Government, itself, is insolvent. We have a smashing deficit of $430 billion, and we are running a Federal funds deficit this year of $38 billion.

The Government is deeply in debt, and its annual deficits are smashing. It is important that public attention be focused on the disastrous condition of the Federal Treasury, and the Greensburg Tribune-Review is helping greatly in this regard.

I ask unanimous consent that the Tribune-Review editorial be published in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NOTHING TO SHARE

One of President Nixon's first major legislative proposals was to overhaul federal distribution of funds through general revenue-sharing, distorted versions of which have passed the House and Senate.

In 1969 Nixon suggested that the federal government scrap its multitude of specific grant-in-aid programs (which Sen. Len Jordan, R-Idaho, estimates total 500) and replace them with large allocations for general purposes. It was the President's intention to reduce Washington's intrusion into local and state matters by eliminating conflicting and restrictive federal regulations.

Congress, as is its habit, has expanded on Nixon's proposal, offering $30 billion in handouts in a five year period without either increasing taxation to pay for them or eliminating the various grant-in-aid programs. As presently conceived, revenue-sharing is not a reform but just another bloated program piled on top of other federal programs.

The primary objection to revenue-sharing is that there is no money to share. The federal government is not just broke; it's deeply in debt. Subsequently, without new taxes, revenue-sharing would be highly inflationary.

Sen. Jordan reminded his colleagues, regrettably without effect, that Washington has run up deficits of almost $60 billion in the last two fiscal years "and the administration estimates that the deficit for the current fiscal year will be at least $38 billion." The senator also warned that "general revenue-sharing promotes unsound government because it separates the responsibility for raising revenue from that of spending, thus encouraging reckless spending and discouraging thrift. Some restraint may be expected when a governmental unit has to raise in taxes at least a part of the money that it spends."

The purpose of revenue-sharing is to bail out insolvent governments. Jordan pointed out, however, that one reason states and cities are in financial trouble is because they have wasted their tax money on unessential projects simply to qualify for federal funds. Further, the federal government itself is insolvent.

Sen. Harry Byrd Jr., Ind-Va., noted that revenue-sharing rewards more waste because "if a state or local government were to economize, and reduce its local taxes the federal contribution would be decreased. Under the formula, the way a state or local government would obtain greater dividends from the federal government would be to increase its own taxes."

Revenue-sharing, as it has evolved in Congress, can only share a larger debt with state and local governments. Further, it can only drive up the cost of government on all levels by paying state and local agencies to increase taxation.

The congressional versions of revenue-sharing do not reflect Nixon's original concept. We hope the President displays the same political courage he has toward other legislative extravaganzas and vetoes this latest election-year vote-buying gimmick.

IMPLEMENTATION OF SCHWEIKER ETHNIC STUDIES BILL

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Saturday, September 30, 1972

Mr. SCHWEIKER. Mr. President, on June 23, 1972, the President signed the Ethnic Heritage Studies Programs Act, which was part of the Higher Education Amendments Act of 1972, now Public Law 92–318.

I was proud to have been the sponsor of the Ethnic Heritage Studies Programs Act. I feel that with passage of this important legislation, Congress is for the first tme providing official national recognition of ethnicity as a positive, constructive force in our society today.

As it currently stands in the law, it is a small program, and the funds for curriculum materials and heritage projects for the various ethnic, minority, religious, and cultural groups that are designed to participate in the overall program will be limited. However, I am hopeful that with a carefully planned beginning, this small pilot program can grow into a strong, valuable national resource.

The ethnic studies act was designated to be administered by the U.S. Office of Education. The Office of Special Concerns in the Office of Education has been working on implementation of the bill, and in August prepared a fact sheet describing the status of the bill. I ask unanimous consent that the fact sheet be printed in the RECORD at the conclusion of my remarks.

In addition, it is important that funds be quickly appropriated by Congress. An amount of $15 million was authorized for the ethnic studies program, and action must be taken in the HEW appropriations bill for fiscal year 1973, or in a supplemental appropriations bill for fiscal year 1973. Earlier this summer, I wrote the Senate Appropriations Committee to urge full funding of the $15 million authorized for the program. I ask unanimous consent that my letter be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

FACT SHEET ON ETHNIC HERITAGE STUDIES PROGRAM, TITLE IX, ELEMENTARY AND SECONDARY EDUCATION ACT, 1965

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., August 18, 1972.

ENABLING LEGISLATION

On June 23, 1972, President Nixon signed Public Law 93–318 also known as the Education Amendments of 1972. Section 504 of these Amendments provides for the establishment of an Ethnic Heritage Studies Program as Title IX of the Elementary and Secondary Education Act of 1965. The purpose of this legislation is clearly stated in its preamble, ". . . to provide assitance designed to afford to students opportunities to learn about the nature of their own cultural heritage, and to study the contributions of the cultural heritages of other ethnic groups in the Nation."

DESCRIPTION OF PROGRAM

The Ethnic Heritage Studies Program authorizes the Commissioner of Education to make grants to and contracts with non-profit and public educational agencies, institutions, and organizations to assist them in planning, developing, establishing and operating ethnic heritage studies programs. Such programs will include the development and dissemination of instructional curriculum materials, training of teachers and operation of programs of ethnic heritage studies. For fiscal year 1973 (July 1, 1972–June 30, 1973) $15,000,000 are authorized for carrying out this Title. However, the actual amount to be appropriated has not yet been determined.

TENTATIVE TIMETABLE

Actual program implementation is contingent upon Federal appropriations, and we will probably have no final word on them until October. Assuming enactment of appropriations of the program, the preliminary schedule for program establishment and implementation is as follows:

a) Establishment of Ethnic Heritage Studies Program in OE organizational structure—October-November 1972;

b) Distribution of final guidelines, regulations and applicational materials—January 1973;

c) Acceptance of proposals developed in accordance with program regulations—February 1973 onward;

d) Grants awarded under Ethnic Heritage Studies Program—May 1973 onward.

CONSULTATION FROM COMMUNITY

As you know, ethnic studies and their impact on education are highly subjective and complex issues and we are attempting to approach the issues rationally to insure that the program fufills the original intent of the legislation, i.e., to foster greater understanding and appreciation of one's own and the heritages of others. In order to accomplish this, we will be calling on and consulting with interested individuals and groups who have experience and expertise in ethnic education.

NATIONAL ADVISORY COUNCIL

The Ethnic Heritage Studies legislation calls for the establishment of a National Advisory Council on Ethnic Studies. The Council will shortly be appointed by the Secretary of Health, Education, and Welfare. It will consist of 15 members, including persons representative of the substantial and discernable ethnic and racial groups in our population, those knowledgeable about ethnic studies research, those experienced in operating ethnic studies programs and those familiar with national and local ethnic populations. The Council will advise the Commissioner on important aspects of program policy.

PLANNING GRANT TO AMERICAN ASSOCIATION OF STATE COLLEGES AND UNIVERSITIES

A small grant has been awarded to the American Association of State Colleges and Universities to plan a conference on Ethnic Studies. Prior to the conference, groups of experts will be requested to prepare papers on various issues, such as the dimension of ethnic groups, association representation, educational levels, disciplinary areas and societal needs. These papers will be distributed for analytical review, and the conference will be the occasion for discussion. We hope that topical areas inovlving all aspects of ethnicity will be covered.

CURRENT POINT OF CONTACT

The Office of Special Concerns in the Office of Education has been given the responsibility to develop implementation plans for the legislation. We are considering plans for administrative organization, funding priorities, regulations, and guidelines. Because organizational placement for this program has yet to be decided, and regulations and guidelines are only in their preliminary drafts, we request you to refrain from submitting proposals until applicational materials are available.

For further information, including requests to be placed on the mailing list for regulations, guidelines, and applicational materials, please address inquiries to:

Mrs. Carol J. Smith, Deputy Assistant Commissioner for Special Concerns or Ms. Margaret Franck, Special Assistant, Office of Special Concerns, U.S. Office of Education, 400 Maryland Avenue, S.W., Room 4033, Washington, D.C. 20202.

JULY 13, 1972.

Senator WARREN G. MAGNUSON,
Chairman, Subcommittee on Labor and Housing, Education, and Welfare, Senate Appropriations Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR MAGNUSON: As you know, Section 504 of S. 659, the Higher Education Amendments of 1972, (signed into law June 23, 1972) authorized a new pilot program for ethnic studies programs. Originally introduced by me as S. 23, this section authorizes the Commissioner of Education to make grants for programs, development of curriculum materials, and dissemination of information and materials relating to the history, cultures and traditions of the various ethnic and minority groups in our country.

The purpose is to provide federal recognition, coordination and support for the growing emphasis on ethnic identity throughout our country as a positive, constructive force in bringing people together. The "melting pot" theory of assimilation into a homogeneous American culture has not worked, and too many people today have lost the important values of community, self-identity, tradition, and family solidarity. Through ethnic studies programs, individuals, particularly children, can begin to have greater pride in their own backgrounds, and can gain greater understanding of the backgrounds and cultures of others. This can help break down prejudice and intergroup tension, and lead to greater positive communication and cooperation in all our communities.

I understand the Department of Health, Education and Welfare is already at work to select the National Advisory Council on Ethnic Heritage Studies, which will provide advice and counsel to the U.S. Office of Education in implementing the new programs. In addition, the Office of Education has given preliminary attention to coordinating and implementing the grant program.

The section authorized $15 million for Fiscal Year 1973 for the Ethnic Heritage Studies Programs, and I respectfully urge that this amount be appropriated as part of the Fiscal Year 1973 supplemental appropriations bill.

Many groups and individuals will be working together to insure that the ethnic studies programs begin in a positive harmonious atmosphere, and I feel it is essential that we provide adequate initial funding. Development of curriculum materials relating to ethnic studies to be made available to schools and community groups, distribution of these materials on demand throughout the country, and development of model plans for community, regional, and national coordination of ethnic studies projects and activities are among the initial projects to be conducted under the new ethnic studies law.

Your consideration of this law, and its important implications for the nation as a whole, will be deeply appreciated. I hope you will share my feeling that the full $15 million should be appropriated for the first year program. Many thanks for your help.

Sincerely,

RICHARD S. SCHWEIKER,
U.S. Senator.

SENATE—*Monday, October 2, 1972*

The Senate met at 9 a.m. and was called to order by Hon. Robert C. Byrd, a Senator from the State of West Virginia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, we thank Thee for Thy boundless love and amazing grace which attends us even when we are least aware of Thy presence. We thank Thee for Thy presence in this place of prayer and work. Bestow Thy blessing upon all who labor here investing every task with divine meaning. Send us to our waiting tasks with fresh insights and new power. Spare us from sinful waste of time or careless haste of action. Help us wisely to engage our energies and prudently to use our time for the advancement of common objectives of lasting worth for all the people. Crown our efforts with accomplishments worthy of our heritage. And to Thee shall be all the praise and the glory forever. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Eastland).

The second assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., October 2, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. Robert C. Byrd, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

James O. Eastland,
President pro tempore.

Mr. ROBERT C. BYRD thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Saturday, September 30, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE $250 BILLION LIMIT ON NATIONAL BUDGET

Mr. MANSFIELD. Mr. President, there has been a good deal of discussion and some action, at least action of a sort, seeking to limit the national budget for the current fiscal year to $250 billion.

While the idea is commendable, I think that Congress should stop, look, and listen before it passes such a proposal, because to do so would give the President additional powers. The President has too much in the way of power already—and that would apply to any President.

Unfortunately, much of the power which he has acquired has been given to him on a silver platter by Congress. So that Congress is at fault. I would hope it would not go too far in giving too much authority to any President but retain, insofar as possible, the constitutional authority and responsibility which belongs to Congress.

Mr. President, I ask unanimous consent to have printed in the Record an editorial published in the Christian Science Monitor for September 30, 1972, entitled "Let Congress Wield the Ax."

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Let Congress Wield the Ax

The desire of the House Ways and Means Committee to limit the national budget for the current fiscal year to $250 billion is certainly commendable, in view of the massive $25 to $30 billion deficit which has been forecast. But the means it proposes of achieving that ceiling—by handing over to the President unlimited authority to make whatever cuts he deems right and good to keep within the limit—is at least open to question.

Under the parliamentary form of government, as in Canada, Britain, and most European countries, the government (that is to say the political party in power) has the initial budgetmaking authority. In that system, the government works up a budget presentation, usually under the cloak of great secrecy, and then presents it to the Parliament. That body can make changes in the budget, but the primary research and weighing and balancing and juggling to determine who pays how much in taxes and how and where they are spent, is the government's responsibility. Parliament's basic role is to vote on it, yea or nay.

In the United States, however, Congress, which embodies both major parties, has the tax-raising and spending authority. Originally Congress through its various committees, did the initial and hard spadework of budget-writing—holding hearings, quizzing department heads, weighing priorities. In 1929 that job was given to the new Bureau congressional committees to review the budget is cumbersome, messy, plagued by open political grandstanding and not-so-open cloakroom lobbying. It cries for better, cleaner, more efficient methods.

Still, it is Congress which must justify the budget. It is Congress which must add, subtract or otherwise shape it into final form. And it is Congress which has to answer for how much is spent and collected. To hand the budget-cutting power over to the president in an election year, at a time when the debate over national priorities is at high heat, is an unprecedented departure from practice. The White House can hardly be expected to be blind to the political benefits or black marks it may reap in November when deciding what to cut or not to cut. To whom is the White House responsible when it makes crucial decisions on whether to make cuts, for example, in social versus military sectors of the budget?

Better that those responsible for the budget stick to their task, delaying adjournment if need be, and make the hard decisions for which they alone can be held accountable.

We do agree with the committee's action in voting to set up a joint committee to review the whole budgetmaking procedure. Volumes of past studies by distinguished students of government already exist neglected on the shelf which show the way toward a more rational budgetmaking system. They should be implemented. But present responsibilities ought not to be shirked under the cloak of promises of future improvement.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the distinguished Republican leader desire to be recognized?

Mr. SCOTT. Yes, Mr. President.

(The remarks that Mr. Scott made when he introduced S. 4050 at this point are printed in the Routine Morning Business section of the Record under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from California (Mr. Cranston) is now recognized for not to exceed 15 minutes.

PRESIDENT NIXON, SENATOR McGOVERN, AND UNITED STATES-ISRAEL RELATIONS

Mr. CRANSTON. Mr. President, President Nixon's election year 1972 stance as the stanch defender of Israel is in striking contrast to the first 3 years of his administration.

Let us not forget those first 3 years.

They were marked by the infamous Rogers plan.

They were marked by incessant State Department pressure on Israel to make dangerously unrealistic concessions which she rightly felt would imperil her safety.

They were marked by stubborn refusals to believe Israel claims that the Russians and Egyptians were violating the ceasefire—claims the administration ashamedly admitted were valid after it was too late to do anything about them.

They were marked by dribbles of vital military aid which the administration begrudingly granted only under the steady hammering of the Congress.

They were years marked by overtly expressed fears by Israeli leader that they were being betrayed by an administration in Washington which they openly accused of doubledealing.

And all this time the Nixon administration, for its part, was berating the Israelis for being "intransigent."

The mutual distrust between our nations had so intensified over those first 3 years that Premier Meir felt impelled to make a personal mission to Washington to persuade Mr. Nixon to change his ways.

Let me ask a small question. Is not the fact that she was apparently successful, related, perchance to the fact that she met with the President in December 1971—just 1 short month away from the politically magic year of 1972?

Mrs. Meir reportedly responded to Mr. Nixon's request to "trust me" by saying "I'll trust you, but I'll watch you, too." If Mr. Nixon is reelected, Golda, I am afraid, will be in for 4 more years of watching. And I do not think she will like what she sees.

Mr. Nixon's timely switch from what he earlier called his evenhanded approach in the Middle East that made life so difficult for Israel, to his present assertively pro-Israel stance is in line with other election year Presidential switches—like reaching an arms agreement with the Soviet Union and reestablishing open relations with mainland China—switches which, by the way, I also approve.

But because Mr. Nixon's political oscillations are currently taking him through his good phase is no assurance that he will not regress after November 7 to his more accustomed role of the nuclear-rattling, heavy-hydrogen breathing cold warrior.

Mr. Nixon is an unreliable ally of Israel whose present actions appear to be based more upon political factors and out-of-date cold war considerations than by any deep commitment to Israel's permanent well-being and security. Mr. Nixon is an election year "Richard-come-lately" friend of Israel whose opportunistic passion may conveniently wane once the votes are counted.

If Mr. Nixon is reelected—and I stress the "if," for the election is not yet over—he will not again run for public office, so the political factor, even if it did not vanish totally, would become far less important for Richard Nixon than it was in the first 3 years of his first term.

In a strangely inverted way, the invetebrate cold war orientation of our President will, I believe, jeopardize strong, continued U.S. support of Israel if there is a second Nixon administration.

Mr. Nixon's new policy in the Middle East, apart from domestic politics, was closely linked to the Soviet's heavy-handed military and economic push into the area—especially the intensive Russian arms buildup in Egypt that got underway in 1970.

How important will Israel continue to be in Mr. Nixon's cold war scheme of things now that the Soviet Union is out of Egypt, at least militarily? Since Mr. Nixon is backing Israel not simply because she is a beleaguered sister-democracy with legitimate rights and needs but mostly because she is, for him, merely another anti-Communist bulwark on the Soviet perimeter, what will become of the intensity of Mr. Nixon's commitment to Israel if the Soviet presence in the Middle East continues to diminish?

Back in 1971, the administration held back on new Phantom purchases by Israel because, the State Department said, the Soviets were showing "restraint" in their arms shipments to Egypt. Now that the U.S.S.R. has militarily "restrained" itself out of Egypt altogether, would President Nixon match this, if he is reelected, with a total "restraint" of his own by cutting off arms to Israel once the election is over?

There are reasons why this could happen. Other anti-Israel pressures are at work in the Nixon administration, and they would be emboldened by the political security of a second term.

One of those pressures is the notorious pro-Arab bias of our State Department. This bias existed long before Mr. Nixon took office. But the so-called "Arabists" of Foggy Bottom have never before felt confident enough to dare surface as brazenly as they have under the benign direction of Secretary of State William P. Rogers—the same Mr. Rogers who is still entrenched in the department—despite the rumored demise of the Rogers Plan; the same Mr. Rogers who is out campaigning for Mr. Nixon's reelection with such vigor and belligerency.

Another pro-Arab pressure on Mr. Nixon is, of course, oil. The strings which big oil has wrapped around the State and Interior Departments in this big-business administration will once more be jerked tight in favor of Israeli's oil-rich Arab enemies if Mr. Nixon gets safely past November 7. An oil-oriented administration such as this could slickly exploit legitimate current concern over the energy crisis by arguing that steps must be taken to guarantee the uninterrupted flow of Middle East oil, and by asserting that such steps necessarily mean greater U.S. support for the Arabs and new concessions at the expense of Israel.

The energy crisis is real. The Middle East Institute just this past weekend devoted its session to discussing the problem. A House Foreign Affairs Subcommittee is currently conducting extensive hearings on the subject.

But the answer to the energy crisis is not more oil, and certainly not more Middle East oil. A significant part of the answer lies in alternate, nonpolluting sources of power, such as the properly controlled use of nuclear energy. But far from encouraging activities in that direction, the administration has instead encouraged even greater American reliance on oil and greater demands for more and more oil to satisfy the demand.

The next, almost predictable step is for the administration to equate the need for Middle East oil with the economic growth and national security of the United States.

When the administration reaches that point in the argument—I say to friends of Israel who are contemplating voting for Richard Nixon—Look out. The moment of betrayal will be at hand.

Mr. President, it is a fact that during the first 3 years of Richard Nixon's administration, it was a bipartisan group of Senators—Democrats and Republicans alike—who kept the pressures on the administration in behalf of Israel in her time of great need.

After the 1968 election, for example, President Nixon's emissary went on a tour of the Middle East and called for more "even handed" U.S. policies on his return. In April 1969, 70 Senators—including Senator McGovern and myself—released a statement warning against an imposed settlement in the Middle East.

Only a few months later, the administration refused to implement a grant to Israel for $20 million approved by the Congress. And then, in December 1969, the administration announced the so-called Rogers plan calling for virtually total Israeli withdrawal from territories occupied in the 6-day war of 1967.

To tighten the screws on Israel even further, President Nixon decided to hold up all major Israel arms requests, including Phantom jets.

In May 1970, and again in July, Senator McGovern joined a group of Senators, including myself, in letters to Secretary Rogers and President Nixon urging Phantom shipments and "recognized and secure borders" for Israel.

Finally, in August 1970, almost a year after Mrs. Meir had come to Washington requesting aid, the White House reluctantly approved the sale of only 18 Phantom jets.

Between September 1970 and November 1971, Senator McGovern was active in congressional efforts to light the fire under the administration. I was active in this effort, along with my colleague, Senator Tunney, as well as many other Democratic and Republican Members of the Senate. The Senate defied Nixon's wishes and voted $500 million in military credit for Israel, of which $250 million was for Phantoms. Ten members of the Senate Foreign Relations Committee urged Secretary Rogers to support Israel's request for grant supporting assistance, but the administration callously pretended that Israel did not need it. In fact, the White House press secretary referred to the Senate's action as "permissive." Mr. President, spokesmen for this administration crisscross this Nation's belaboring our country—and just about everybody in it—for being permissive. They never really explain who or what they are talking about. But in this case the administration spoke clearly. The Senate, they said, was being permissive—and should be criticized—for insisting on fuller aid to Israel. I and my Senate colleagues are proud to be accused of being permissive in wanting to send Israel the military and economic aid she must have to survive in security and peace. I say again: We are proud of it.

A speech by Secretary Rogers to the U.N. General Assembly in October 1971 set off more alarms in Jerusalem. Mrs. Meir replied:

> Mr. Rogers made it difficult to himself to render the good services he had no doubt intended. He erred greatly in some positions he expressed.

After a meeting between Secretary Rogers and Foreign Minister Eban in the same month, a reliable diplomatic source said that Mr. Rogers had made U.S. unwillingness to provide planes to Israel "unmistakably clear."

At that point, the only direct assistance that the administration had proposed was $56 million for food shipments.

Finally, early in 1972, at the start of an election year, the administration suddenly woke up to Israel's need. Limited shipments of aircraft artillery and other advanced military equipment began to flow. After a 6-month embargo, the administration agreed in principle to resume delivery of more Phantom jets and Skyhawk light-attack planes.

Mr. President, I again call attention to the fact that this occurred on the magic eve of the election of this year.

However, the White House is still holding onto as much leverage as possible. They are doing this by stretching out delivery dates. And unless present policies are changed, the actual arrival of the planes in Israel is likely to be dragged out over a number of years.

Mr. President, I ask unanimous consent that two members of my staff may be granted the privilege of the floor during this period preceding the morning business, Murray Flander and Ellen Frost.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I reserve the remainder of my time.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The order provides at this time for the recognition of the Senator from California (Mr. TUNNEY) for not to exceed 15 minutes.

Mr. SCOTT. Mr. President, I ask unanimous consent that my order to speak may precede the order of the Senator from California (Mr. TUNNEY), while we are waiting for his arrival. I would prefer to speak later but I am willing to do so now.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Republican leader is recognized under the order for not to exceed 15 minutes.

THE RECORD IN THE MIDDLE EAST

Mr. SCOTT. Mr. President, I gather that the Senator is saying, in effect, that this administration has done more for peace in the Middle East but has done it so recently that perhaps it did not do as much as other administrations did earlier. Even that supposition is wrong, since aid to Israel began to increase very shortly after this administration took office, has increased steadily, and is now at the rate of more than 10 times as much assistance as ever given to this small and only democratic nation in the Middle East by any previous administration. How Senators who take the floor today to talk on this subject can get away from this fact I do not know.

Confucius once said to Duke Luig of Wei:

> If a man does not give thought to problems which are still distant, he will be worried by them when they get nearer.

That, I think, is a problem of the candidate of the opposition, because if he gave thought to these problems, it was hardly the kind of thought which he would like to give to them now.

For example, in 1957, candidate McGOVERN was one of only 61 Members of the House to vote against a military economic program to help counteract communism in the Middle East.

In 1970, candidate McGOVERN said, the United States should sell aircraft to Israel, but only after expressing "its—the United States—will that the aircraft sold to Israel should not be used for incursions" across the Suez. He said this would show the United States was seeking "some restraint on the part of Israel."

On July 20, 1970, he said, and this is from the CONGRESSIONAL RECORD:

> Israel must be prepared to yield much of the territory gained in that (1967) war.

On July 8, 1970, he said:

> Israel can't be given a "blank check" on the U.S. Treasury.

That is the record of the candidate for the opposition.

Moreover, a letter to the Philadelphia Bulletin of July 7, 1972, points out that before the candidate started campaigning it was reported in the New York Times of March 3, 1971, that—

> McGovern demanded Israel withdraw from occupied territories. He called on Israel to give back the Golan Heights and suggested it should be demilitarized.

This gentleman calls attention to the fact that Senator McGOVERN voted against the Defense Procurement Act of 1970, which authorized military loans to Israel for the purpose of vital military supplies.

Mr. President, I ask unanimous consent to have printed in the RECORD, at the end of my remarks, a column by John T. Roche on anti-Israel fears.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SCOTT. I wish to quote at this point from an article by Stewart Alsop. I ask unanimous consent to have printed in the RECORD at the end of my remarks the article by Mr. Alsop which was published in Newsweek of July 10, 1972.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SCOTT. Mr. President, the article is entitled "Why Is Israel for Nixon?" It points out the fact that on Saturday and Sunday, September 19 and 20, 1970, a Syrian force of 250 Soviet-made tanks poured across the border into Jordan. The article states there was no doubt about the object of the invasion. It was to dethrone Jordan's moderate King Hussein and replace him with a Fedayeen-dominated, pro-Soviet regime dedicated to the destruction of Israel.

On Monday, September 21, Israel's Ambassador got a call from the White House inquiring what the Israelis could do to halt the invasion and what they would be willing to do. From the conversation it was indicated by the State of Israel that it would help if the United States would make it clear to the Soviets that the United States would vigorously oppose any Soviet-sponsored counteraction, at the Suez Canal or elsewhere.

The article continues:

> President Nixon unhesitatingly made this commitment. It was then mutually agreed that, if the Syrian invading force crossed a line between Irbid and Amman, thus threatening the Jordanian capital, the Israelis would move.

As a result, this crisis was avoided; other crises involving most of the Sixth Fleet were avoided. The fact is that the United States has responded to keep the peace and to reduce tension wherever possible in the Middle East. That is why we hear some knowledgeable people in the state of Israel say that American deeds are much to be preferred to American candidates.

That, too, I think is why we find that the candidate of the opposition is not regarded as even a Johnny-come-lately on the State of Israel because his recent remarks must be weighed in light of the advice of Confucius to Duke Luig of Wei: He did not worry about the effect of his remarks when he was not a candidate and he must, therefore, be expected to worry about them now.

Last night I attended a magnificent concert marking the beginning of the celebration of the State of Israel at the Kennedy Center. The candidate for the opposition arrived at just about intermission. I was there throughout the concert. I think that has been the dilemma of the candidate: That where Israel is concerned the candidate arrives at the intermission. I was surprised he did not undertake to lead the orchestra. Others of us who had been at the concert all along are not likely to be impressed by late arrivals.

I am certainly not impressed by the fact that Senator McGOVERN wanted strongly to internationalize Jesusalem and neither, I think, is the State of Israel.

I am not impressed by the fact that Senator McGOVERN's campaign manager, Rick Stearns, has permitted use of his name in pro-Arab anti-Israel advertisements in newspapers and still remains as a trusted aide and confidant of Candidate McGOVERN.

I think it would be better really for those who are anxious to heap praise for their candidates would remember another ancient maxim and that is: "One should not speak of rope in a family where there has been a hanging." I would hope they would be somewhat mute on this subject of the record of Senator McGOVERN where Israel is concerned.

There is a man who wants to cut the 6th Fleet from 16 carriers to six, which would mean we could not keep carriers on station and on standby, ready to replace other carriers in the Mediterranean. I have served on a carrier in the 6th Fleet. I have been on the *Randolph* and I have visited the *Ticonderoga*; I have seen what they do there and I know what they do. I served in intelligence.

The State of Israel knows what they are there for, too. They are there to maintain peace in the Mediterranean. They are there to see that no nation, whether it be Russia or any other nation, will be able to regard the Mediterranean as its mare nostrum. It is not their sea; it is not our sea; it is not the sea of any nation. It should be a sea of peace, a sea of tranquillity. But it cannot be and will not be if the McGOVERN proposals to cut the very guts out of the Navy succeed.

Many people know that severe cutbacks of the 6th Fleet to a point of impotency would set anew the fires in that tinderbox of the Middle East.

I think that most people would rather see the United States strong and see the 6th Fleet prepared and ready to preserve peace, as it did at the time of the

Lebanon landing, or at least the standstill cease fire that has existed for 2 years. I believe that most people really know who stands up for and who are the friends of Israel. We are friends of Israel for a very important reason, not because it is Israel, not primarily for Israel, but because the defense of Israel is integral with the defense of the United States.

It is for this reason that we who understand the problem regard the security of the United States as interwined with the security of the State of Israel.

So let the Johnny-come-latelies try to brainwish the voters with some sort of reason why their earlier mishaps and misgivings should be forgiven. I think the memory of Americans and the memory of others interested in the Middle East is long enough to know that the man who wanted to neutralize Jerusalem, who wanted to gut the 6th Fleet, so that it could not function in the Middle Eastern situation, the man who wanted to withdraw our aid from Greece, so that we could not have a port there, the man who wanted to cut down our defense budget in this area, and who has not at any time realized the nature of our defense policies, has to be compared with the President of the United States, who has furnished more than 10 times the amount of aid ever furnished by any previous President.

So I recommend that Candidate McGovern go back and read Confucius, read his advice to Duke Ling of Wei, and realize—and be warned thereby—that what one has said earlier comes back, inevitably, to haunt him later. Recent friends are good to have, but long-time friends are better.

Mr. President, I ask unanimous consent to have printed in the Record a statement of Senator McGovern's record on the Middle East. It is lengthy and rather pitiful, because the longer it is, the thinner it is; and the thinner it is, the more transparent it is.

I ask unanimous consent that it be printed in the Record.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. Robert C. Byrd). Without objection, it is so ordered.

The Senator from Pennsylvania has 1 minute remaining.

The material ordered to be printed in the Record is as follows:

Senator McGovern on the Middle East

"This is the fundamental reason for which the United States should sell aircraft to Israel. Such aircraft should not be made available for forays over Arab territory for the purpose of sustaining the limited but real war which has persisted since the Six-Day conflict in 1967."—McGovern in Cong. Record, July 20, 1970.

". . . Israel must be prepared to yield much of the territory gained in that (1967) war."—McGovern (ibid.)

"Israel can't be given a 'blank check' on the U.S. Treasury." July 8, 1970.

"In speaking of a peace settlement, McGovern has gone so far as to suggest to Israel that, 'Perhaps the solution is to internationalize the city of Jerusalem.' "—N.Y. Times, March 3, 1971.

Representative McGovern voted *against* the Eisenhower Doctrine which gave the President the right to use armed force if necessary to prevent *aggression* in the Middle East. The vote was 355–61 in the House, with Rep. McGovern among the 61 who voted nay.—January 30, 1957.

"I have supported every legislative effort to give military and economic assistance to Israel since coming to the Congress some 14 years ago."—May 28, 1972.

". . . the most effective guarantee of both the present ceasefire and permanent peace is the modern military deterrent of the Israeli armed force."—May 28, 1972.

As President, McGovern would support Israel if it is invaded. He said that he would send American troops if needed, but that there was "not a chance in 10,000 of that happening.—June 16, 1972, L.A. Times.

". . . Israel needs economic assistance."—August 28, 1972.

Exhibit 1

[From Philadelphia Bulletin, July 7, 1972]

Jewish Democrats and McGovern

(By John P. Roche)

Waltham, Mass.—By the time this column appears, Sen. George McGovern may have called on President Nixon to mine the harbor at Alexandria to prevent Soviet military shipments from reaching Egypt. Report after report indicates that he is highly suspect among the leaders of the American Jewish community—traditionally a pillar of the Democratic Party. In California, Hubert Humphrey hit him hard on his votes against aid to Israel; others have pointed out that his proposals for reducing the military budget would undermine our strength in the Middle East, as elsewhere.

Take, for example, his suggestion that the Navy's F–14 and the Air Force's F–15 fighters, now in prototype, he cancelled. At the moment the United States has nothing to match the Soviet Foxbat, Mig 23, and indeed a number of these planes have been violating Israeli air space with impunity. The Phantoms can't get to them, and besides the Phantoms were not designed for air-to-air combat—the F–14 and F–15 are designed precisely for air superiority. They are fighter planes in the classic sense.

HIS PROPOSAL ON CARRIERS

But even if the F–14 contract were not cancelled, there would be few places to park them if Senator McGovern's proposal—that we reduce our armada of aircraft carriers from 15 to 6—were implemented. In 1967, when the crisis erupted in the Middle East, the Sixth Fleet was in a position to exercise maximum influence, even though the bulk of our carriers was in the Pacific. President Nixon was able to exercise a similar cooling effect on the Syrians in the more recent confrontation with Jordan.

Senator McGovern has been flailing around on the subject, explaining in effect that some of his best friends are in the Middle Eastern division, Military-Industrial Complex, but somehow it just doesn't ring true. "In a real crisis," a leading Jewish Democrat (and contributor) told me, "McGovern would send a battalion of the Peace Corps, and then go to the UN wearing a yarmulke."

Then there is the interesting background of one of his closest associates, Richard Stearns, who headed up the McGovern delegate hunt in the nonprimary states. In an interview with the Christian Science Monitor, McGovern indicated that Stearns would play a vital role in his presidency. Other commentators have pointed out Stearns' affiliation with various anti-Israeli groups, the Cambridge Committee Calling for Respect and Humanity, and the Ad Hoc Committee on the Middle East.

CONTENTS OF 1965 LETTER

Even more interesting is a letter he wrote on the stationery of the United States National Student Association on July 30, 1965:

It was addressed to one Rabbi Elmer Berger thanking him for addressing an Arab student group. "Your speech," he said, "made the largest single impact of any we heard, particularly among our Arab guests. It affirmed very graphically in their minds the distinction Arabs, I believe, have attempted to maintain between Zionism on one hand and the Jewish people on the other. Agreement with your position on Palestine, I think is 100 per cent."

Rabbi Berger is probably one of the most virulent anti-Zionists the Jewish community has ever produced. Jewish anti-Zionism is well within the protection of the First Amendment—a number of respected Jews are not Zionists. But Berger has not merely repudiated the Zionist position, he has—as the use of the code word "Palestine" in the above letter indicates—denied the very legitimacy of the State of Israel and adopted what is, in essence, a pro-Arab position.

Let me re-emphasize that there is nothing illegal about Richard Stearns' addiction to anti-Israeli causes. But it is the kind of eccentricity that legitimately upsets a number of Jewish Democrats, who wonder where where McGovern will turn, if elected, for counsel.

Exhibit 2

[From Newsweek Magazine, July 10, 1972]

Why Is Israel for Nixon?

(By Stewart Alsop)

Washington.—It has been reported that most of the Israeli leadership including Prime Minister Golda Meir, favors the re-election of President Nixon. This report has, of course, been denied. It is, of course, true.

It has also been reported that the pro-Nixon views of the Israeli leaders have been explicitly conveyed to important members of the U.S. Jewish community. This report has also been denied. It is also true.

The interesting question is: Why?

The best way to answer that question is to go back to September 1970. In that month, though very few Americans were aware of it, there occurred the most dangerous crisis of the Nixon Presidency. On Saturday and Sunday, Sept. 19 and 20, a Syrian force of 250 Soviet-made tanks poured across the border into Jordan.

There was no doubt at all that the invasion was masterminded by the Russians—Russian advisers controlled the Syrian Army down to battalion level, though the advisers prudently left the tank force at the border. There was no doubt, either, about the object of the invasion. It was to dethrone Jordan's moderate King Hussein, and replace him with a fedayeen-dominated, pro-Soviet regime dedicated to the destruction of Israel.

On Monday, Sept. 21, Israel's Ambassador Rabin got a call from the White House. What could the Israelis do to halt the invasion, and what would they be willing to do? Rabin replied that he thought he knew the answer to both questions, but that he would check to make sure, and call back.

DEEDS, NOT WORDS

He did so shortly, with both answers. The Israelis were absolutely confident that their own forces, operating from the Golan Heights, could capture or destroy the entire Syrian invading force. As for the second question, the Israelis were entirely willing to take the risks involved, on condition only that the American Government make it clear to the Soviets that the U.S. would vigorously oppose any Soviet-sponsored counteraction, at the Suez Canal or elsewhere.

President Nixon unhesitatingly made this commitment. It was then mutually agreed that, if the Syrian invading force crossed a line between Irbid and Amman, thus threatening the Jordanian capital the Israelis would move.

At this point a nervous State Department urged immediate diplomatic approaches to Moscow, the major NATO powers, and Cairo. The President issued a stern order—absolutely no communication with Moscow or any other capital. There would be, not words, but deeds.

One of the five U.S. divisions stationed in Germany was ordered on full alert, and so was the elite 82nd Airborne Division in the United States. Secret arrangements were made with the Greek Government to provide staging areas and base support in case of a move by U.S. troops.

A FLEET MOVES EAST

At the same time, the U.S. Sixth Fleet in the Mediterranean was heavily reinforced with aircraft carriers and their attendant task forces. The Sixth Fleet was rapidly built up from its normal on-station strength to no less than five carrier task forces. This very formidable naval force began to redeploy toward the eastern Mediterranean.

The eyes of Soviet intelligence, watching from Tangiers and Gibraltar, saw the ships funneling through the Straits. Ambassador Dobrynin being absent, Soviet minister counselor Vorontsov hurried round to the State Department. On White House orders, he was coolly informed that the Syrian invasion endangered world peace, and that if the Syrian tank force failed to turn back, the danger would become acute.

On Sept. 22, after a Jordanian counterattack, the lead tanks in the Syrian force made a 180-degree turn. Within the next few days, the whole Syrian invading force scuttled back across the border. Thus ended the most dangerous crisis of recent years. Like the Cuban missile crisis, it involved the risk of direct confrontation between the nuclear giants. But the decisions were made in total secrecy, and there was no public drama like President Kennedy's address to the nation. So most Americans were—and still are—blissfully unaware that an immensely dangerous crisis had taken place.

The Israeli leaders, of course, were very much aware of the crisis, and of how President Nixon had responded to it. That awareness largely explains Ambassador Rabin's recent undiplomatic statement on Israeli radio: "While we appreciate support in the form of words we are getting from one camp, we must prefer the support in the form of deeds we are getting from the other camp." Consider the lessons of the crisis, as they must appear through Israeli eyes, and it is not hard to see what Rabin had in mind.

The 1970 crisis underlined an unpleasant fact. Almost all the bases and staging areas that used to be open to American forces, in the 1958 Lebanon crisis, for example, are now closed—Turkey, Malta, Libya, Spain, Lebanon itself. The Italian ports might have been used, but only *in extremis*, without the permission and against the wishes of the Italian Government. "Greece is our last filling station," one policymaker has remarked. Senator McGovern would close the last filling station. He has said that he would immediately withdraw all aid from the present reactionary Greek regime. The Greeks would, of course, retaliate.

Under the McGovern defense program, there would be, not five, but two U.S. divisions, left in Europe, with only eight divisions at home. Moreover, McGovern plans to reduce the U.S. carrier task forces from fourteen to six. Only half the carriers are on station at any one time, so a President McGovern could not possibly put five task forces into the Mediterranean on short notice. Under the McGovern naval program, in fact, the Soviet Mediterranean fleet, already challenging the Sixth Fleet, would unquestionably become the dominant force in the Mediterranean. In such circumstances—as the Israelis are well aware—the United States would be capable of words, but precious few deeds.

THE ISSUE OF EXISTENCE

President Nixon certainly took a hair-raising risk in 1970, and it is at least debatable whether the risk was worth taking in the coldly calculated U.S. national interest. Mr. Nixon made an enormous commitment to Israel and gained no comparable commitment in return. But it does not require much perception to see why the Israelis would much prefer a re-elected President Nixon to a President McGovern.

The Israelis have one single-minded preoccupation—the continued existence of Israel. To that end, as Rabin said, American deeds are much to be preferred to American words. This understandable preoccupation may be one reason—and a not unimportant one—for the last-minute revolt against the nomination of George McGovern.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from California (Mr. Tunney) is recognized for not to exceed 15 minutes.

THE PRESIDENT AND THE MIDDLE EAST

Mr. TUNNEY. Mr. President, I regret very much the necessity of discussing this subject in a partisan manner. I could not help hearing, when I came into the Chamber, the words, articulate as always, of the distinguished minority leader. However, I think they are very unfair words as applied to the Senator from South Dakota (Mr. McGovern).

Perhaps the distinguished minority leader is not aware of the fact that the very first vote that Representative McGovern cast after he was elected to the House of Representatives, in January 1957, was against a $200 million appropriation of funds for Lebanon, funds which were designed to implement the Eisenhower doctrine. On the floor of the House of Representatives, Mr. McGovern stated that the dollars would be spent for guns that would go to Lebanon, guns which would eventually not be used to fight Communists, but would be used to fight Israel.

It is clear that Senator McGovern's stand in support of Israel is not the stand of a Johnny-come-lately, but the stand of a man who, in his first day of voting in the House of Representatives, saw the interests of Israel as consistent with the interests of the United States—and voted to support those interests.

At that point in time, the incumbent President was a part of an administration whose implementation of the Eisenhower doctrine would have given guns and munitions to Lebanon. It is obvious, as history has shown, that Senator McGovern was right: such guns and munitions have been used against the State of Israel.

Mr. President, I must emphasize that I am deeply disturbed about the necessity of discussing in a partisan matter the questions which relate to the Middle East. For this should not be a partisan matter. It should not be necessary to respond politically to concerns which are shared by a cross section of the American people, Republicans, Democrats, and Independents alike.

But in the past 4 years the Middle East has been used cynically for domestic and partisan political purposes. Those who have done so have not served the cause of peace in the world. Those who have done so have not served the interests of the American people.

Yet, Mr. President, we in the Senate have watched as the so-called Israel issue has been tied to a variety of other American political concerns. In the foreign aid authorization and appropriation debates, for example, we have watched as the Nixon administration has attempted to blackmail the U.S. Congress into continued support of the war in Vietnam by tying it to American assistance to Israel.

An outdated and outmoded process forces the Congress to approve or reject, in one single package, funds for Vietnam and funds for Israel. To vote against one requires a vote against the other. And, to aggravate and intensify these problems, the Nixon administration, whenever it has had the opportunity, has suggested and sponsored amendments which would vastly increase assistance to Vietnam while at the same time increasing assistance to Israel.

The Nixon administration has said to this Congress which is working to achieve peace: Vote us hundreds of millions of additional dollars to make war in Vietnam and we will include tens of millions of dollars for Israel. If you do not vote the dollars for Vietnam, we will not request the dollars for Israel.

Fortunately, Mr. President, the Senate has in many instances refused to accept this blackmail.

The Senate twice resected the administration positions when it refused to increase funds to Vietnam while it retained funds to Israel. But those were difficult battles, battles in which the Nixon administration hotly opposed any attempt to distinguish aid to Vietnam from aid to Israel.

Yet the administration claims time and again that it is Israel's friend. What kind of a friend attempts to impose conditions upon assistance? What kind of friend attempts to increase assistance only if that increase is tied with strings—strings which do more to make assistance unpopular to the American public than to educate the public to the need for such assistance?

What kind of friend refuses to distinguish the legitimate needs of the State of Israel from the repressive and dictatorial government in Vietnam which has drained the lives and resources of this Nation?

As the saying goes, with friends like that, who needs enemies?

Mr. President, a number of Members of Congress have attempted time and again to distinguish Israel from Vietnam. We have attempted to demonstrate, both at home and abroad, that Israel deserves our support and assistance, while Vietnam does not; that Israel is a free and open society, while Vietnam is not; that Israel's very existence is jeopardized by the aggressive behavior of other countries, while Vietnam's is not; that Israel requires merely economic and military assistance, while Vietnam has drained American lives; and that aid to Israel is entirely consistent with deeply held American interests—interests such as the preservation of peace in the world, the protection of democratic societies against aggression, and the pursuit of a stable and just international order—while the military assistance which we keep pouring into Vietnam contravenes the same basic interests of the United States.

Yet, time and again, this administration has cynically linked Israel with Vietnam. It has implied that a "dove" on Vietnam must certainly be a "dove" on Israel as well; that a refusal to support America's misguided and tragic policies in Indochina somehow requires a retreat to isolationism in all other areas of the world; that only an advocate of increased aid to Vietnam could advocate aid to Israel. Such assertions only help create those conditions. The President can create, intentionally or not, a self-fulfilling prophecy.

Furthermore, the President's implications could not be further from the truth. It is high time to insist that this administration recognize that the United States must support Israel whether Israel is threatened by Russia or not. Israel must not be dragged by the great powers into the cold war. Her fate must not depend upon the whims of Soviet foreign policy, as President Nixon has allowed. She should not be protected only if the Soviets threaten her and left to her own devices if attacked by her neighbors.

Only a consistent and convincing policy will bring peace to the Middle East. Only an unswerving insistence upon the security and survival of all parties will lead to the reduction of tensions between Israel and her Arab neighbors.

But is that what we have seen over the past 4 years? No. We have seen support the year before the election but pressure—tough, insistent, pressure—upon Israel the 3 years before that.

I recognize full well that this administration has given Israel support; and I am very pleased that the administration has given more dollars to Israel than other administrations.

However, the attempt to create here in the United States a feeling or an attitude that the Republicans are doing more for Israel than the Democrats, or suggesting that if Senator McGOVERN were elected President somehow aid to Israel would cease, is to my mind unconscionable.

The state of Israel needs the support of Republicans and Democrats alike, and I think that we can say fairly that here in the Senate and in Congress the support has been bipartisan. We have not in the Congress had a situation where the Republicans and the Democrats have made Israel a partisan issue. Both parties have supported Israel—because it is in America's interest, not to gain partisan points.

But the administration has acted otherwise.

I am very deeply concerned about reports I have received that at fund-raising activities around this country we have had administration spokesmen, spokesmen who are formulating foreign policy, come in and give their pitch just before the dollars are collected. The clear implication of such a pitch by a foreign policy spokesman is this: "If you contribute to the administration's reelection campaign, Israel will get the support that she needs." The further clear implication is that if the contributions are not forthcoming, and if Senator McGOVERN is elected, Israel will be abandoned.

I must say that I am appalled by such reports from people who have attended those fund-raising gatherings. Such behavior by those who fashion our foreign policy is not consistent with the way we should be doing things in this country. We should not be keying American foreign policy into fund-raising affairs in which those who make the policy also make the pitch.

It is one thing for the President to make the pitch, or for a political personality, Senator or Representative, to do it. But it is another thing for the formulator of foreign policy to make the pitch. It is totally inconsistent with the traditions in this country, under which the officials of the State Department and the Defense Department, and the assistants to the President who are formulating our foreign policy, stay out of political activities.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. TUNNEY. Yes, indeed.

Mr. CRANSTON. Does not the Senator think it is rather odd for Rick Stearns, a political organizer in the domestic campaign of Senator McGOVERN, to be compared by the minority leader with the Secretary of State, who is conducting foreign policy for this administration and campaigning for the President?

Rick Stearns some time ago signed an editorial which the Foreign Minister of Israel did not approve of. On the other hand, we have high administration officials such as the Secretary of State taking stands on Israel which greatly perturb the leaders of Israel who are concerned about her safety. To hear the administration comparing the two is an example of rather odd matching of statuses, is it not?

Mr. TUNNEY. I could not agree more. The distinguished minority leader is, of course, a friend of Israel, and I must say it must be difficult for him to be placed in a position in which he must defend such a cynical use of power. The distinguished minority leader can speak for himself; I see him on his feet, but I cannot believe he would suggest that this is the way to run American foreign policy, or, I might add, the way to run American domestic politics.

Mr. SCOTT. Mr. President, will the distinguished Senator yield for a brief rejoinder?

Mr. TUNNEY. I yield.

Mr. SCOTT. Is either he or his colleague from California prepared to defend the position of Senator McGOVERN in favor of internationalizing Jerusalem?

Mr. TUNNEY. I do not believe that Jerusalem should be internationalized. I recognize, however, that in any political campaign in which you have people running for public office, a variety of different views will be set forth. Although one newspaper reported that Senator McGOVERN favored the internationalization of Jerusalem, he has stated clearly that he favors Israeli administration of that city, with international guarantees of open access to people of all faiths. In fact, he has urged Israel's capital city be Jerusalem. This, I might add, is quite contrary to the consistent position of the President.

Mr. SCOTT. Just a second question. Since the Senator is from the West, and Rick Stearns is the western coordinator under whose aegis, presumably, the Senator is working in this campaign, is he entirely comfortable with Rick Stearns, who has taken pro-Arab stances and is now a very important regional spokesman for Senator McGOVERN?

Mr. TUNNEY. I would first answer that Rick Stearns is not involved in the formulation of McGOVERN's foreign policy positions. Second, I would ask the distinguished minority leader if he favors the Rogers plan for the settlement of Mideast tensions.

Mr. SCOTT. Well, the Senator would have to first establish for me, first, that there is a Rogers plan, second, that it is being advocated by Rogers, third, that the President has ever adopted any such plan, and fourth, precisely what that plan was when it was initiated, and where it stands now.

We are getting very close to Halloween. The Rogers plan, so-called, is nothing in the world but another one of these ghosts summoned up to make people feel that there was at some time a position different from the President's present position, which is to give more aid to Israel than any other administration ever gave.

Mr. TUNNEY. I should point out to the minority leader that on December 9, 1969, Secretary Rogers announced his plan, which called for withdrawal from the Sinai Peninsula to the 1967 border and the relinquishment by Israel of sovereignty over Jersualem. It also called for the reestablishment of the previous unsuccessful guarantees of peace in the Mideast.

So ar as I know, the plan is still operative. I have heard nothing that would suggest that the plan was dead. As a matter of fact, the State Department, in the past week, has advised telephone callers that it was, indeed, still alive; and within the past 60 days Secretary Rogers, when asked if the program remains the policy of the adminstration, announced that it was. I quote the Secretary:

> We have been consistent.

The Rogers plan clearly exists and I ask the distinguished minority leader if he supports the Rogers plan.

The ACTING PRESIDENT pro tempore. The time of the junior Senator from California has expired.

Mr. CRANSTON. Mr. President, I would like to take the remaining minute of my time.

The ACTING PRESIDENT pro tempore. The Senator has 1 minute remaining.

Mr. CRANSTON. Mr. President, I wonder whether the Senator from Pennsylvania has suggested that there never was a Rogers plan. There most certainly was. Perhaps it has faded in the same sense that President Nixon's peace plan for Vietnam also seems to have faded away. Whenever an administration plan turns out to be a complete failure—whether in the Middle East or in Southeast Asia—the administration self-righteously, and belatedly, denies that the plan even existed. Much as it would like to cover up its failures, the administration cannot rewrite history.

The Senator from Pennsylvania spoke of greater aid given to Israel in this election year. The test is not only the amount of aid but the need for that aid and the speed with which that need is met with massive Soviet Union intervention in the Middle East, Israel's needs became greater and more pressing than ever before. Yet the administration, far from speedily helping Israel meet its new threat dragged its feet, held back on sending Israel the Phantom jets it desperately needed, and hammered away at Israel to make perilous concessions—while at the same time making statements that encouraged the Egyptians to refuse to negotiate with Israel for a true and lasting peace.

The minority leader spoke of the late arrival of Senator McGovern at the symphony last night. What we are talking about this morning is the late arrival of President Nixon in the Middle East. That is more to the point. The defense of Israel is vital to the defense of the United States. The Senator from Pennsylvania, who has always been wise and sound and out in front on this issue, recognizes this. I only wish the President fully recognized it nearly as well.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SCOTT. I thank my friend, and at this time I ask to be recognized for the 1 minute remaining of my time.

The ACTING PRESIDENT pro tempore. The Senator is recognized for 1 minute.

Mr. SCOTT. I thank my friend for his generous remarks.

I note that a very few days ago we voted on the foreign aid authorization bill, which contained aid for Israel which the Senator refers to as marginal. Yet, that aid was $50 million. My amendment raised it to $85 million in "marginal aid," and I would not really regard that as marginal. I am sure the State of Israel does not regard it as marginal. To my mind, it was very important that that aid be assured.

The Senator from South Dakota, the candidate of the opposition, was not present, as usual, and did not vote. Once again he had a chance to show his interest in aid to Israel and did not appear because he would have had to face the dilemma, the dilemma stated by the Senator from California, and that is that if you vote for aid to Israel, somebody is going to think you are in favor of military aid somewhere else.

Most of us face those dilemmas. Most of us, as Senators, know we have dilemmas to face and come here and face them. The Senator from South Dakota merely talks about them. Again, that is the gap between promise and performance. He should have been here. He should have been here for the cloture vote on the consumer protection bill. He makes speeches, he delivers fireside chats, and he has television commercials in which he speaks about how his heart bleeds for the consumers. But when we needed four more votes just the other day, he was not here to vote on cloture; and I will venture that he probably will not be here to vote tomorrow on the next cloture petition, when we might need just one or two more votes.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Under the previous order, the Senator from Indiana (Mr. Bayh) is now recognized for a period not to exceed 15 minutes.

Mr. BAYH. Mr. President, I have listened with a great deal of interest to this colloquy. I consider the Senator from Pennsylvania a very dear friend, and we see eye to eye on many issues. In this capacity of defending the administration, however, I must say that I find great difficulty in following the usual succinct reasoning of his remarks.

A moment ago, we listened to a commingling of aid to Israel with consumer protection. I thought that perhaps we had opened a delicatessen selling bologna on both levels, because it is stretching awfully hard to criticize a presidential candidate out on the hustings by trying to tie consumer protection to votes on Israel.

The military foreign aid bill, as has been previously characterized, was an effort to give a small carrot of a few million dollars more to Israel for hundreds of millions of dollars more to some of the administration's favorite despots around the world.

It is most unfortunate that the effort, led by Senator Church, to strike out this additional foreign aid going to the dictators of the world and yet maintain the foreign assistance and credits to the State of Israel, was not supported by the administration. This was the key test: Do you want to send foreign assistance to one of the leading democracies of the world, and do you want to stand up and be counted on that when you have the chance, or do you want to cloak a small carrot with the rather unsavory scent of a multimillion dollar giveaway to military dictatorships?

What the Senator from Pennsylvania originally proposed was a tradeoff of $20 million more in aid to Israel at the expense of more than $225 million more to other nations. I found that an unacceptable tradeoff the first time around and I found it unacceptable again last week when it was offered. It was and is unacceptable not because of an additional $20 million to Israel. I believe that is a worthy expenditure, but to tie that to an unworthy expenditure more than 10 times as great is too much for this Senator. It may have been a neat legislative strategy and good politics but it was poor policy.

We are here on the eve of an election. And if an honest appraisal is to be made of how the Republicans and the Democrats in this body voted, I think it is only fair to say that there have been strong advocates for the State of Israel on both sides of the aisle. In fact, if the administration had given the same kind of unqualified support to the State of Israel that the Senator from Pennsylvania, the Senator from New York, and some of his other Republican colleagues have given, the Senator from Indiana would not now be on the floor of the Senate to set the record straight—a record of distortion and misrepresentation in which some people now try to lay the onus of lack of support for the State of Israel on the shoulders of the Senator from South Dakota, Senator McGovern. I wonder how the people of this country—indeed, the Members of this body—can have such a short memory as to what our middle east policy has been over the past 4 years. The Nixon administration's policy, it should be remembered, did not begin the other day when a newspaper column declared the Rogers plan dead. It gave birth to the Rogers plan in 1969.

The Rogers plan has been referred to by my two distinguished colleagues from California, so I will not dwell on that matter further. But how can anyone overlook the fact that during the early years of this administration there was an effort—a misconceived effort—starting with former Governor Scranton, on through to the Secretary of State's involvement, to try to establish a type of negotiating setup by which Israel was to be coerced into following a pattern established not between Israel and the Arabs, but established between the United States and Russia, or by the big four powers. We had fallen back to the mistakes of our mid-1950 policy, the fallacies of which merely put off war for 10 more years. We had forgotten that the only way you are going to get neighbors to live in peace is to have the neighbors themselves solve their differences. You cannot impose a permanent settlement, a lasting peace, unless the neighbors themselves, the participants in the disagreements, reach some sort of reconciliation of those disagreements.

Yet there was persistent pursuit of the policy of coercion. Israel was threatened by withholding of parts, by the withholding of Phantoms—even by the withholding of Skyhawks. Suddenly the message was, "Unless you are willing to go along, we will not provide you with the necessary hardware to protect your own freedoms." Then there were the unfortunate incidents following the cease-fire, in which Soviet and Egyptian violations of the Suez Canal cease-fire were met with what the Senator from Connecticut called "deafening silence," despite unequivocal Israeli photographic intelligence to show that the Russians and Egyptians had violated the clear terms of the cease-fire. The administration said nothing. It turned its head. It refused to recognize the existence of the violations.

All the while the Russians kept pouring in additional planes, missiles and tanks to the point where the balance of power was rapidly shifting in the Middle East. More important than the balance of power shifting in the Middle East, was the unfortunate misconception that this policy gave to the Russians in Moscow. I happen to be one who does not believe that the Russians are eager to play brinkmanship with the United States. I think they will push us a little and move to fill power vacuums to where they exist.

In the Middle East, I do not believe they are looking for a shooting war with the United States. But during the early years of this administration the facts are that the inaction and unwillingness to stand up and be counted in defense of the State of Israel gave any thinker in Moscow, any planner in Moscow, anyone trying to determine what the United States position was in the Middle East, the clear impression that we were so involved with what was going on in South Vietnam that we had forgotten Israel and were not willing to live up to our long-standing commitment to provide Israel with the means of defending itself.

As a result, the Russians kept pushing, plowing additional jets and tanks and fighter pilots into that area. Yet the administration said nothing to the Russians that would give them the understanding they had better stop because the state of peace and the State of Israel in its continued existence was very important to the national interest of the United States, and we were not going to sit idly by and let this preponderance of military power destroy one of the few democracies in that part of the world. This could have been done so simply, without a great deal of huffing and puffing and White House press releases, and without any cold war rhetoric. The simple ingredient of conveying that message to the Russians would have been to have permitted a few U.S. Phantom jets appear silently on some of the military runways in the State of Israel. The Russian intelligence gathering satellites would have brought this to the attention of the Kremlin leaders and I am sure would have been a clear signal that the United States was interested and, "You had better back off. You had better slow down, Soviets, because the United States will not let you tip this balance of power to the point that the State of Israel is going to be destroyed."

Mr. President, I had the good fortune to be in Israel in Febuary of 1971, the visit timed on the first anniversary of the cease-fire date—its termination date. Of course, it was subsequently extended, but I remember talking to the Chief of Staff, General Bar-Lev, and I remember talking to Prime Minister Meier, and the things they were so desperately needing were a few Phantom jets and a few black boxes—sophisticated electronic equipment available in the United States. That is what they desperately wanted to help them defend themselves. They did not want American soldiers.

How can anybody compare Vietnam to the Middle East? The Israelis are able and willing to defend themselves. They are able and willing to buy most of the equipment. It is a totally different ball game. What they were pleading for at that time was the electronic equipment and the Phantom jets. What they got from the Nixon administration was delay.

If the administration had let that kind of equipment go to Israel, it is my judgment there would have been no Russian fighter planes there, no Russian pilots there, and no violations of the cease-fire because the Russians would have known in advance that we would not have tolerated this; yet the administration persisted—it persisted in opposition when the Senate authorized on September 1, 1970, a $500 million credit measure for military purchases by Israel. That was done by bipartisan support in the Senate over opposition by the administration. By bipartisan support, it should be pointed out to the Senator from Pennsylvania, and that that included the vote of the Senator from South Dakota (Mr. McGovern).

Again, in November 1971, the Senate voted a $500 million credit for Israel, $250 million specifically earmarked for Phantom jets. The Senator from South Dakota (Mr. McGovern) voted for that measure. The White House Press Secretary stated that the administration regarded this legislation as permissive—not mandatory.

Mr. President, Senator McGovern was one of the handful of Vietnam war critics who wrote the administration, early on, saying that there was a distinction between Vietnam and Israel and urged it to take the steps necessary to give the state of Israel the equipment it needs to defend itself. But during this long, tortuous period, when the Russians were trying to read what we really believed, to determine whether we were going to stand up and be counted on the Middle East, the administration did nothing.

As a result, in my judgment, the Russians had every reason to misinterpret our intentions to stand by the state of Israel.

Where was the administration when the chips were down, when a few Phantom jets and a courageous statement by the Secretary of State, and an unequivocal statement by the President could have deterred the Russians?

That is the question I think we need to ask now that the administration is running around all over the country proclaiming its friendship for Israel.

Where were you, Mr. President, when the Senate was voting to aid Israel in defense of its freedom? Where were you in 1969, in 1970 and in 1971?

Now, a matter that concerns me as much as the Middle East situation is the plight of those Soviet Jews who want to emigrate from Russia to Israel.

Recently, in New York, the President was asked his position on the most favored nations status for the Soviet Union if they continued to apply a tax of as high as $25,000 to $35,000 on human beings before they can get out of the country. He was typical as usual and fell back on the response that has a rather memorable ring to it when he said, You will just have to trust me. I am not going to tell you what my position is on that. I am not going to say to the Soviets, if you continue the tax on your citizens who want to emigrate to the state of Israel, a tax based on the caliber of the education those citizens received, then we are going to have to have second thoughts relative to treating you as all other nations are on the basis of trade, because you are not treating human beings as most other nations do.

Again the President was unwilling to stand up and be counted on this issue. Trust me, was the response. Well, we have been trusting him for 4 years to end the war in Vietnam and it has not ended.

I for one think that the very least the President of the United States should do is to give this country, if not the state of Israel, a clear picture of what his position is vis-a-vis the Russian Jewish immigration problem. Is he going to use the influence of this country to get the Russians to stop this tax on human suffering and human life, or is he again going to try to straddle the line in an election year?

I hope that he will join many of us in the Senate—Republicans and Democrats alike who find it abhorrent and inconsistent that the leader of the free world, a country that professes at least to be the leader of the free world, is unwilling to speak out unequivocally on this issue. The defense of freedom, both in this country and in Israel, is a 24 hour vigil.

It is not a vigil that can be kept only in close proximity to the opening of the ballot box, because unfortunately the defense of freedom related to the chronology of an election year is woefully inadequate as soon as the ballot box is closed. What then is the future of American aid to Israel after November 7?

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ROBERT C. BYRD. Mr. President, does the Senator wish to have some time? I have some time remaining. Do either of the Senators wish additional time? I have some time remaining under my order.

Mr. CRANSTON. Mr. President, I would like to be recognized for 3 or 4 minutes.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia (Mr. Robert C. Byrd) for not to exceed 15 minutes under the previous order.

Mr. ROBERT C. BYRD. Mr. President, I yield 5 minutes to the Senator from California.

THE PRESIDENT, THE MIDDLE EAST, AND SOVIET JEWS

Mr. CRANSTON. Mr. President, the distinguished minority leader made reference to the occasional absences of the Senator from South Dakota. If the Senator from Pennsylvania will check the record, I am sure he will find any number of absences by Richard Nixon when he was a Member of the Senate, and before that when he was a Member of the other House—absences that greatly increased in number during election years.

But more important than comparing absences is comparing what lies in store for the Nation under 4 more years of Richard Nixon as contrasted with a new start under President McGovern. And far more important than an occasional missed vote is the decision of who is to lead this Nation over the next critical 4 years. The Congress has, alas, demonstrated time after time the relative lack of power that a single Senator possesses. He is, after all, only one in 100. The man with the power—the man who directs the military, economic and, perhaps most importantly, the moral power of our Nation is the President of the United States.

In my judgment, it is far more important to the future of the United States—

and the world—that GEORGE McGOVERN become President of the United States than that he make any one vote or another on the Senate floor.

No matter how right Senator McGOVERN is when he votes in the Senate far more important is how right the American people are on November 7 when they vote on the Presidency. Whatever Senator McGOVERN can do by continuing his campaigning to help convince the American people to make the right decision, to vote McGOVERN in and Nixon out will prove to be of far more lasting benefit than a single vote on the Senate floor this late in this sorry administration.

Mr. President, clearly GEORGE McGOVERN could be of far greater assistance to Israel—and thereby of far greater assistance to the United States in its quest for peace—if he were as President of the United States than merely a single Senator voting on the Senate floor.

Mr. President, the Senator from Indiana mentioned the deplorable Soviet policy on Soviet Jews who wish to leave for Israel.

For some time now, Mr. President, I have devoted a great deal of my own time to weighing, considering, and appraising the wisdom of various possible American responses to the emigration tax imposed upon Jews and other minorities in the Soviet Union. I have discussed this vital issue with countless men and women both in the United States and in the Soviet Union, which I visited this last month.

This tax ranges from $5,000 to over $30,000 and is deliberately intended to be prohibitive. It is cruel and repressive.

I have come to the conclusion that mere social pressure is not enough. Protest is not enough. I have come to the conclusion that we must use our economic power to make our concern for Jewish hostages effective and to force the Russians to rescind this outrageous ransom fee. We must use that power where it hurts. And where it hurts right now is trade.

I am reluctant to advocate restrictions on international trade. The international exchange of goods improves economic conditions in all countries and helps to raise the standard of living of all citizens. In addition, I believe that trade builds cooperation among nations and wards off the curse of war. Clean records on payment and delivery contribute to a climate of trust and assurance. The mutual benefit harvested by a businesslike exchange of goods nourishes the ripening good will of the future.

It will help ease the tensions within the Soviet Union, which have worsened an already unpleasant situation in the Middle East, and which have contributed to the Soviet policy regarding Jews and other minorities. I believe that more open trade could help domestic as well as international tensions and lead to a day when Soviet policy will be more understanding of the spiritual as well as economic needs of its own people and the people of the world. The free flow of people and ideas gradually erodes mistaken barriers and brings fuller international understanding.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ROBERT C. BYRD. Mr. President, I yield 2 additional minutes to the Senator from California.

Mr. CRANSTON. Mr. President, prevailing against my preference for liberalized trade as a path toward relaxing world tensions is my concern for the suffering of more than 3 million Jews in the Soviet Union. Human values which are in immediate peril must take precedence now over the benefits that international trade bring in the long run.

In the past I have strongly supported nine major bills, resolutions, and letters selected by the National Center for Jewish Policy Studies as "matters of direct and clear Jewish interest." For example, I recently cosponsored legislation designed to give 30,000 visas to Soviet Jews wishing to come to the United States. I also joined in a successful drive to channel $85 million to Israel to help with the resettlement of Soviet Jews.

So with this kind of record, I have been particularly perturbed by the conditions that have impelled so many Soviet Jews to want to leave their homeland by the obstacles the Soviet Government has placed in the way of their leaving, and by this latest effort to impose a ransom on human beings.

The right to emigrate is specifically affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. In 1963 a study of the freedom to emigrate, undertaken by a subcommission of the Commission on Human Rights, included information on the violation of Jewish rights in the Soviet Union. But the practice of requiring official permission to emigrate has not changed since the days of the czars. The Soviet leaders are proud of the changes which they have made since czarist days, but in this case they have perpetuated a czarist policy.

Soviet spokesmen have responded to the current flood of criticism of the emigration tax by dragging out the "brain drain" argument. On the surface, their concern over the loss of educated and talented people seems reasonable enough. But the truth is that Soviet Jews lose their jobs the moment they file an application to emigrate. In other words, their brains are effectively "drained" anyway. Once their talents are lost to the state, they join a pool of underemployed and restless people. From then on their lives are slow and suffocating.

I was gratified to notice that although the ratification of the emigration tax by the Supreme Soviet was scheduled for September 19, no action has yet taken place. Perhaps this is a signal that the Soviet Government may be willing to drop this odious price tag on its citizens—provided that we maintain economic pressure on Soviet officials to do so.

So in spite of my general preference for expanding trade with the Soviet Union, I will oppose granting special trade privileges to the Soviet Union—including most-favored-nation status—until this outrage is halted. I have accordingly cosponsored an amendment offered by Senator JACKSON which would deny most-favored-nation status, credits, or investment guarantees to any country imposing more than a nominal tax on emigration.

Mr. President, a very eloquent statement on this matter recently was made by 21 Nobel laureates, urging repeal of the Soviet head tax. I ask unanimous consent that the statement may be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT

We are dismayed by reports that exorbitant head taxes are being imposed on Soviet citizens with a higher education who are seeking to exercise the fundamental right to leave their country.

It is painful to contemplate the massive violation of human rights implicit in this policy and its burdensome consequences for the scores of thousands of people who have openly expressed their desire to leave the USSR.

Although the decree affects all Soviet citizens, it is obviously directed primarily against Jews and inflicts a particular hardship on them. Thus, in addition to the policy's violation of intellectual freedom and individual rights—with the consequent loss to scholarship and to humanity—there enters into it also the element of anti-Jewish discrimination.

This is not only a matter of academic and intellectual freedom, or of discrimination against Jews; what is at issue is:

The right to an education.

The right to develop one's intellectual capacity to the fullest.

The right to pursue one's career where one chooses.

The right to leave one's country for reasons of career, family or religion.

To infringe upon these rights is to transform educated persons into indentured servants, and no civilized society has the moral right to do this.

The Soviet decree can only have a depressing effect on the possibility of expansion and enhancement of academic, cultural and scientific exchanges and contact between the peoples of the United States and the Soviet Union.

We, therefore, urge the Soviet authorities to rescind the head tax and to accept fully and without hindrance everyone's right to leave his country.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, if no other Senator wishes me to yield time, I am ready to relinquish the remainder of my time. Does any Senator wish me to yield to him?

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield to me briefly?

Mr. ROBERT C. BYRD. I yield 5 minutes to the Senator from Virginia.

Mr. HARRY F. BYRD, JR. I thank the Senator.

The PRESIDING OFFICER. The Senator is recognized.

REVENUE SHARING

Mr. HARRY F. BYRD, JR. Mr. President, one of the ablest edited newspapers in the State of Virginia is the Farmville Herald. Its editor and publisher is J. Barry Wall. I have known Mr. Wall for many years. He is a very close and dear friend.

More than that, however, the editorial column of the Farmville Herald is one which is read with a great deal of interest and enthusiasm by its readers. It is filled with good, sound commonsense.

In an editorial in the issue of Friday, September 29, 1972, captioned "Revenue Sharing," the Farmville Herald discusses in some detail the so-called revenue-sharing proposal which has passed both Houses of Congress, and which has been approved by the conference committee.

In discussing revenue sharing the Farmville Herald makes the assertion that the best news would be that Congress had adjourned and its Members returned home to have a chat with their constituents. The editorial states:

> They need to hear some grass-roots talk. At the end of each session during the last hectic days Congressmen appear to go wild, passing phony bills and spending money they do not have, and as far as we can see have no way of getting, except to add tax or increase inflation through borrowing.

How very sound that is, Mr. President, I concur in that.

I say the best news the people of this country could have would be for this Congress to adjourn. It has been a reckless spending Congress. It has been a reckless spending Congress and the administration also has encouraged spending.

So from both the executive branch and the legislative branch during this campaign year we have had outrageous increases in the spending of tax money of the hard-working wage earners of our Nation. The revenue-sharing proposal is a new program piled on top of all the other programs. It was advocated by the executive branch of Government and approved by the Congress.

The country has a debt of $430 billion. It will have a deficit this year of $38 billion, and on top of that Congress has passed at the request of the administration a new program for $30 billion to be distributed over a 5-year period.

I say that this is reckless, that this country is in deep trouble financially. The people themselves are the ones who will be called upon to pay for the chaotic condition of the Federal Treasury.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial entitled "Revenue Sharing," which was published in the Farmville Herald under date of September 29, 1972.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

REVENUE SHARING

The best news would be that Congress had adjourned and its members returned home to have a chat with their constituents. They need to hear some grass-roots talk. At the end of each session during the last hectic days congressmen appear to go wild, passing phony bills and spending money they do not have, and as far as we can see have no way of getting, except to add tax or increase inflation through borrowing.

The national debt now exceeding $420 billion has about reached its ultimate. Since 1954 only three years has shown a surplus, 1956, $1.6 billion; 1957, $1.7 billion, and 1960, $.8 billion. Deficits have risen from $3.1 in 1954 to $28.9 in 1972 and an estimated $37.8 billion in 1973. The 18-year deficit totals $211.3 billion.

As deficit spending increases so do interest debts, an increase from $6.4 billion in 1954 to $21.2 billion in 1972.

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1954–73 INCLUSIVE

[In billions of dollars]

	Receipts	Outlays	Surplus (+) or deficit (−)	Debt interest
1954	62.8	65.9	−3.1	6.4
1955	58.1	62.3	−4.2	6.4
1956	65.4	63.8	+1.6	6.8
1957	68.8	67.1	+1.7	7.2
1958	66.6	69.7	−3.1	7.6
1959	65.8	77.0	−11.2	7.6
1960	75.7	74.9	+.8	9.2
1961	75.2	79.3	−4.1	9.0
1962	79.7	86.6	−6.9	9.1
1963	83.6	90.1	−6.5	9.9
1964	87.2	95.8	−8.6	10.7
1965	90.9	94.8	−3.9	11.4
1966	101.4	106.5	−5.1	12.0
1967	111.8	126.8	−15.0	13.4
1968	114.7	143.1	−28.4	14.6
1969	143.3	148.8	−5.5	16.6
1970	143.2	156.3	−13.1	19.3
1971	133.7	163.7	−30.0	20.8
1972	148.8	177.7	−28.9	21.2
1973 [1]	152.6	190.4	−37.8	22.7
20-year total	1,929.3	2,140.6	211.3	241.0

[1] Estimated figures.

Source: Office of Management and Budget and Treasury Department.

With a record of continual and constant deficit and debt increases, the Congress has passed a revenue-sharing program which will return to the states, and local governments $5.3 billion for the calendar year of 1972 (retroactive to January) and $6.3 billion in 1976. First payments are expected in October for the first half of 1972, with payments during the federal fiscal year July 1972–73 totaling well over $8 billion.

Regulations surrounding the revenue-sharing dollar require 33 cents to go to the states for spending as legislatures choose, with no strings attached. Sixty-seven cents go to the counties, cities and towns for spending on fire and police protection, sewage disposal, pollution control, other environmental services, public transportation, health, recreation, libraries, social services, budget planning. None are to be used to increase officials' pay. If this fund follows the pattern of so many other funds from the federal government it will be administered by a brand new group of bureaucrats, who will make their own regulations and issue edicts with force of law. What a boondoggle this will be!

Many cities have lobbyists in Washington to be sure they apply for and get all of the boondoggle available from the present federal agencies.

The City of New York has a full time lobbyist looking after the affairs of New York City. Others have lobbyists on a part time basis, at $12,000 a quarter. This gives some idea of the complexity of the bureaucracy and how big cities are able to be on the ground floor when there is money available. Knowing the right people at the right time is important.

With the states, cities, counties and towns poor, and Uncle Sam, the federal government, $420 billion in debt, there is but one place from which the funds may come, namely from the pockets of the taxpayers.

The middle income taxpayers are more sensitive to increase in taxes than any other group. High income taxpayers, of whom there are relatively few, are the targets of some critics, but the man in the middle income bracket collectively pays the tax bill, there are so many of then. Incidentally, they are the backbone of this nation and one of these days they will assert their power and begin to tell the Congress about economics in reality.

In the meantime everyone will try to get as much from the revenue sharing deal as possible. With "hat in hand" we run to Washington regardless of the known fact that we are running after our own money—what's left after the federal government has taken its cut. How foolish for how long can we be?

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of calendar Nos. 1184, 1188, 1190, and 1191.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECLAMATION FEASIBILITY STUDIES

The bill (S. 3959) to authorize the Secretary of the Interior to engage in feasibility investigations of certain potential water resource developments was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3959

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to engage in feasibility studies of the following potential water resource developments:

1. Cache Creek project in Comanche, Cotton, Tillman, Jackson, and Kiowa Counties in southwestern Oklahoma.

2. Garrison Diversion Unit, M&I Water Facilities, Pick-Sloan Missouri Basin program, in central North Dakota.

3. Oahe Unit, M&I Water Facilities, Pick-Sloan Missouri Basin program in east-central South Dakota.

4. Three Forks Division, Pick-Sloan Missouri Basin program, in Gallatin and Madison Counties, northwest Montana.

5. Tucumcari Project in San Miguel County in east-central New Mexico.

6. Uncompahgre Project Improvement and Extension in Montrose and Delta Counties in the vicinity of Montrose and Delta, Colorado.

EXCHANGE OF CERTAIN FOREST LANDS

The bill (H.R. 10857) to authorize the Secretary of Agriculture to exchange certain national forest lands within the Carson and Santa Fe National Forests in the State of New Mexico for certain private lands within the Piedra Lumbre Grant, in the State of New Mexico, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

GRANTS FOR ALLEN J. ELLENDER FELLOWSHIPS

The joint resolution (S.J. Res. 265) to provide grants for Allen J. Ellender fellowships to disadvantaged secondary school students and their teachers to participate in a Washington public affairs program was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

Whereas Allen J. Ellender, a Senator from Louisiana and President pro tempore of the United States Senate, had a distinguished career in public service characterized by extraordinary energy and real concern for young people and the development of greater opportunities for active and responsible citizenship by young people; and

Whereas Senator Ellender provided valuable support and encouragement to the Close Up Foundation, a nonpartisan, nonprofit foundation promoting knowledge and understanding of the Federal Government among young people and their educators; and

Whereas it is a fitting and appropriate tribute to the beloved Senator Ellender to provide in his name an opportunity for participation, by students of limited economic means and by their teachers, in the program supported by the Close Up Foundation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Commissioner of Education (hereinafter referred to as the "Commissioner") is authorized to make grants in accordance with the provisions of this joint resolution to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its program of increasing understanding of the Federal Government among secondary school students, their teachers, and the communities they represent.

(b) Grants received under this joint resolution shall be used only for financial assistance to economically disadvantaged students and their teachers who participate in the program described in subsection (a) of this section. Financial assistance received pursuant to this joint resolution by such students and teachers shall be known as Allen J. Ellender fellowships.

Sec. 2. (a) No grant under this joint resolution may be made except upon an application at such time, in such manner, and accompanied by such information as the Commissioner may reasonably require.

(b) Each such application shall contain provisions to assure—

(1) that not more than one thousand five hundred fellowship grants are made to economically disadvantaged secondary school students, and to secondary school teachers, in any fiscal year;

(2) that not more than one secondary school teacher in each such school participating in the program may receive a fellowship grant in any fiscal year; and

(3) the proper disbursement of the funds of the United States received under this joint resolution.

Sec. 3. (a) Payments under this joint resolution may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment.

(b) The Comptroller General of the United States or any of his duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grant under this joint resolution.

Sec. 4. For the purpose of this joint resolution, the term "secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education beyond grade twelve.

Sec. 5. There are authorized to be appropriated not to exceed $500,000 for the fiscal year ending June 30, 1973, and for each of the two succeeding fiscal years to carry out the provisions of this joint resolution.

LASSEN VOLCANIC NATIONAL PARK, CALIF.

The Senate proceeded to consider the bill (S. 667) to designate certain lands in the Lassen Volcanic National Park in California as wilderness which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, line 6, after the word "about", strike out "seventy-three thousand three hundred and thirty-three acres and which are depicted on a map entitled "Recommended Wilderness, Lassen Volcanic National Park, California," numbered NP LV 9013 and dated August 1967," and insert "seventy-eight thousand nine hundred and eighty-two acres, and which are depicted on the map entitled "Recommended Wilderness, Lassen Volcanic National Park, California" numbered NP–LV–9013C and dated August 1972,";

On page 2, after line 6, strike out:

Sec. 2. The area designated by this Act as wilderness shall be administered by the Secretary of the Interior pursuant to the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and the applicable provisions of the Wilderness Act.

And in lieu thereof, insert:

Sec. 2. As soon as practicable after this Act takes effect, a map of the wilderness area and a description of its boundaries shall be filed with the Interior and Insular Affairs Committee of the United States Senate and House of Representatives, and such map and description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

After line 19, insert a new section, as follows:

Sec. 3. The wilderness area designated by this Act shall be known as the "Lassen Volcanic Wilderness" and shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

And on page 3, after line 4, insert a new section, as follows:

Sec. 4. Section 1 of the Act of August 9, 1916 (39 Stat. 443; 16 U.S.C. 201) is amended by deleting the words "that the United States Reclamation Service may enter upon and utilize for flowage or other purposes any area within said park which may be necessary for the development and maintenance of a Government reclamation project" and the semicolon appearing thereafter.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(c) of the Wilderness Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1132(c)), certain lands in the Lassen Volcanic National Park, which comprise about seventy-eight thousand nine hundred and eighty-two acres, and which are depicted on the map entitled "Recommended Wilderness, Lassen Volcanic National Park, California" numbered NP–LV–9013C and dated August 1972, are hereby designated as wilderness. The map and a description of the boundary of such lands shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

Sec. 2. As soon as practicable after this Act takes effect, a map of the wilderness area and a description of its boundaries shall be filed with the Interior and Insular Affairs Committee of the United States Senate and House of Representatives, and such map and description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

Sec. 3. The wilderness area designated by this Act shall be known as the "Lassen Volcanic Wilderness" and shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

Sec. 4. Section 1 of the Act of August 9, 1916 (39 Stat. 443; 16 U.S.C. 201) is amended by deleting the words "that the United States Reclamation Service may enter upon and utilize for flowage or other purposes any area within said park which may be necessary for the development and maintenance of a Government reclamation project" and the semicolon appearing thereafter.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PETITIONS AND MEMORIAL

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Robert C. Byrd):

A joint resolution of the Legislature of the State of New York; to the Committee on the Judiciary:

"Joint Resolution No. 7

"Joint resolution of the Legislature of the State of New York applying to the Congress of the United States of America to call a Constitutional Convention for the purpose of proposing an amendment to the Constitution of the United States relative to the use of public funds for secular education

"Whereas, The Legislature of the State of New York believes that an amendment to the Constitution of the United States will permit the several states to use more direct methods of financing secular education of children in non-public elementary and secondary schools and that Legislatures of the several states will pass resolutions applying to the Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States regarding financing secular education of children; and

"Whereas, Article V of the Constitution of the United States grants to the states the right to initiate constitutional change by applications from the Legislatures of two-thirds of the several states to the Congress, calling for a Constitutional Convention; and

"Whereas, The Legislature of the State of New York believes it to be best for the interests of the people of the United States that such an amendment be adopted; now therefore, be it

"Resolved, That the Legislature of the State of New York respectfully applies to the Congress of the United States to call a Constitutional Convention for the sole and exclusive purpose of proposing the following amendment to the Constitution of the United States:

" 'Article —

"Section 1. Nothing in this Constitution shall prohibit the United States, or any state or any political subdivision of any state from the expenditure of public funds for the support of secular education of children in non-public elementary and secondary schools. Provided, however, no such expenditure of public funds shall be made for such purpose where the non-public elementary or secondary school discriminates in its admission policies on the basis of race, creed, color or place of national origin or in the conduct of its instruction on the basis of race, color or place of national origin.

"Sec. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of three-fourths of the several states within seven years from the date of its submission to the states.'

"And be it further

"Resolved, That if Congress shall have proposed an amendment to the Constitution identical with that contained in this resolution prior to June first, nineteen hundred seventy-three, this application for a convention shall no longer be of any force or effect; and be it further

"Resolved, That this application shall constitute a continuing application for such convention pursuant to Article V until the legislatures of two-thirds of the states shall have made like applications and such convention shall have been called by the Congress of the United States unless previously rescinded by the Legislature of the State of New York; and be it further

"Resolved, That certified copies of this resolution be presented to the President of the Senate and the Speaker of the House of Representatives of the United States and to the Legislatures of each of the several states attesting the adoption of this resolution by the Legislature of the State of New York."

A resolution adopted by the City Council of Elizabeth, New Jersey, praying for the enactment of legislation relating to problems of senior citizens; to the Committee on Government Operations.

A resolution adopted by the City Council of Campbell, Ohio, relating to the granting of a general amnesty to draft evaders, and calling for full prosecution of all draft evaders and deserters; to the Committee on the Judiciary.

The memorial of Linda A. Bennett, of Baltimore, Maryland, protesting against any increase in social security taxes; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MOSS from the Committee on Commerce, with amendments:

S. 2764. A bill to authorize the Secretary of the Interior to establish programs and regulations for the protection of the fishery resources of the United States, including the fresh water and marine fish cultural industries, against the dissemination of serious diseases of fish and shellfish (Rept. No. 92–1250).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment and without recommendations:

S. 4022. A bill to provide for the participation of the United States in the International Exposition on the Environment to be held in Spokane, Washington, in 1974, and for other purposes (Rept. No. 92–1251) (together with minority views).

By Mr. HATFIELD, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 6318. A bill to declare that certain federally owned lands shall be held by the United States in trust for the Burns Indian Colony, Oregon, and for other purposes (Rept. No. 92–1257).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 13825. An act to extend the time for commencing actions on behalf of an Indian tribe, band, or group (Rept. No. 92–1253).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with an amendment:

S. 666. A bill to designate certain lands in the Lava Beds National Monument in California as wilderness (Rept. No. 92–1252).

By Mr. STEVENSON, from the Committee on the District of Columbia, without amendment:

H.R. 13533. An act to amend the District of Columbia Redevelopment Act of 1945 to provide for the reimbursement of public utilities in the District of Columbia for certain costs resulting from urban renewal; to provide for reimbursement of public utilities in the District of Columbia for certain costs resulting from Federal-aid system programs; and to amend section 5 of the Act approved June 11, 1878 (providing a permanent government of the District of Columbia), and for other purposes (Rept. No. 92–1254).

By Mr. ROBERT C. BYRD for Mr. McGee, from the Committee on Post Office and Civil Service:

S. Res. 373. An original resolution to authorize David Minton, staff director and counsel of the Committee on Post Office and Civil Service, to appear as a witness in the case of the United States against Brewster, et al.

By Mr. CHURCH, from the Committee on Foreign Relations, with an amendment:

S.J. Res. 217. Joint resolution to create an Atlantic Union delegation (Rept. No. 92–1255).

By Mr. HARTKE, from the Committee on Veterans' Affairs, with an amendment:

H.R. 12674. An Act to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes (Rept. No. 92–1256).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. Fulbright, from the Committee on Foreign Relations:

Kenneth Franzheim II, of Texas, now serving as Ambassador Extraordinary and Plenipotentiary to New Zealand, to Western Samoa, and to Fiji, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary to the Kingdom of Tonga.

Mr. FULBRIGHT. Mr. President, I also report favorably sundry nominations in the diplomatic and foreign service which have previously appeared in the Congressional Record and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Karl E. Sommerlatte, of Florida, and sundry other persons, for appointment and promotion in the diplomatic and foreign service.

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without reservation:

Executive T, 92d Congress, second session, Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, signed at Montreal on September 23, 1971 (Exec. Rept. No. 92–34).

By Mr. PELL, from the Committee on Foreign Relations, without reservation:

Executive O, 92d Congress, second session, 11 amendments to the Convention for the Safety of Life at Sea, 1960 (Exec. Rept. No. 92–36); and

Executive P, 92d Congress, second session, Agreement Between the Government of the United States of America and the Government of the Federative Republic of Brazil concerning shrimp, together with an agreed minute and with a related exchange of notes concerning compensation, signed at Brasilia on May 9, 1972 (Exec. Rept. No. 92–37).

By Mr. PELL, from the Committee on Foreign Relations, with an understanding:

Executive C, 92d Congress, first session, Protocol to the International Convention for the Northwest Atlantic Fisheries Relating to Amendments to the Convention, dated October 6, 1970 (Exec. Rept. No. 92–35).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SCOTT (for himself and Mr. Schweiker):

S. 4050. A bill to revise and simplify the Federal disaster relief program, to assure adequate funding for such program. and for other purposes. Referred by unanimous consent to the Committee on Banking and Housing.

By Mr. HRUSKA (by request):

S. 4051. A bill to amend sections 101 and 902 of the Federal Aviation Act of 1958 and chapter 2, title 18, United States Code, to implement the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. GURNEY:

S. 4052. A bill to authorize the Secretary of the Interior to sell reserved phosphate interests of the United States in lands located in the State of Florida to the record owners of the surface thereof. Referred to the Committee on Interior and Insular Affairs.

By Mr. MONDALE:

S. 4053. A bill for the relief of Leonardo Falcones. Referred to the Committee on the Judiciary.

By Mr. COTTON (by request for Mr. McIntyre):

S. 4054. A bill for the relief of Raymond Eldon Davis. Referred to the Committee on the Judiciary.

By Mr. STEVENSON:

S. 4055. A bill to authorize expenditures to correct or compensate for substantial defects in sections 203(b) and 221(d)(2) Federal Housing Administration mortgaged homes. Referred to the Committee on Banking, Housing and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCOTT (for himself and Mr. Schweiker):

S. 4050. A bill to revise and simplify the Federal disaster relief program, to assure adequate funding for such program, and for other purposes. Referred by unanimous consent to the Committee on Banking and Housing.

Mr. SCOTT. Mr. President, I am today introducing the Disaster Relief Reform Act. It has been 3 months since the devastating floods brought on by Hurricane Agnes and we have witnessed the most massive Federal response in history. More than 30 agencies of Government have contributed in some way, either financially or materially, to the clean-up, fix-up effort in the Wyoming Valley and other hard-hit areas in Pennsylvania.

As evidence of the increasing role of the Federal Government, it should be observed here that the Federal Government has, on a dollar basis, contributed more than 10 times as much as State governments in this regard. If it be estimated on the basis of services rendered by agencies of the Government, then the Federal Government has contributed at least 15 times as much as the State governments.

Just 2 years ago, the Congress enacted a comprehensive disaster relief program. Basically it coordinated and consolidated many of the disaster activities which were then in operation. In addition, it provided for certain new Federal relief activities. However, Hurricane Agnes brought with it this Nation's most terrible civil disaster, and I must say that no one was fully prepared to meet it head-on. Since June, we have all learned a great deal. The bill I am now introducing seeks to correct some of the disaster relief programs' deficiencies.

First of all, my bill directs the Government's disaster relief coordinating agency, the Office of Emergency Preparedness, to make available at a single location in any disaster area sufficient personnel to provide to local citizens and public officials information concerning Federal disaster assistance in that area. OEP is also directed to assist local citizens and public officials in obtaining disaster assistance by providing advice and assistance to them in requesting or applying for disaster assistance. Furthermore, OEP will be charged with receiving from local citizens and public officials, applications and requests for disaster assistance and delivering such applications and requests to the appropriate agencies.

The reason for all these directives is quite simple—I like to call it one-stop help. People who need help fast should not have to jump from place to place in order to find it. There is entirely too much redtape and not enough action, especially during the startup phase of disaster relief operations. The situation in Pennsylvania now seems to be well in hand, but it should not have to take so long. In the future, these centralized activities ought to be operational from the start.

Second, my bill divests the Small Business Administration of certain responsibilities which it ought not to have such as providing homeowner loans to disaster victims. The Senate Banking Committee noted in its recent report on the disaster relief program that—

> Testimony received during the Committee hearing indicated that particularly with regard to disaster relief loans to homeowners that SBA's responsibility in disasters often results in the agency's inability to efficiently handle its primary duty of assisting small business.

The report went on to say that the committee was prompted "to feel that the function of handling homeownership disaster loans might well be placed as the responsibility of an agency that has more expertise in that area." I could not agree more. We should not be asking the apple grower to start handling bananas, too. My bill, then, transfers the responsibility for homeowners disaster loans to the Department of Housing and Urban Development's Federal Housing Administration. In a similar vein, the responsibility for making loans to major business concerns will be transferred to the Department of Commerce's Economic Development Administration. In this way, each agency is free to assist in the areas in which it has the expertise. The Department of Agriculture's Farmers Home Administration will continue to assist farmers as is the case now.

Third, my bill authorizes virtually unlimited Federal financing when the appropriations level is insufficient. The Director of the OEP will be able to issue notes to the Secretary of the Treasury, in any amount, and the Secretary in turn will be required to purchase them. The Director of the OEP may then transfer the proceeds from the sale of the notes to any Government agency involved in the disaster relief effort, if that particular agency certifies that its appropriations are insufficient to do the required job. If we have learned one thing from Hurricane Agnes it is that the Federal response in terms of dollars as well as manpower must be sufficient and immediate. This does not mean, certainly, that the Federal Government will usurp or absorb those functions and responsibilities which traditionally rest with the States and local governments, such as collecting garbage on a daily and continuing basis. Quite the contrary. The Federal Government should undertake to provide all necessary and essential services as it now does in a disaster, and there should be no question as to the availability of funds. But the States and local governments must do their share as well and must not shirk or shrink from their responsibility.

In the aftermath of the June floods, I heard many complaints from Pennsylvanians that different Federal agencies were adopting widely different regulations for the granting of loans. For example, farmers were unable to get furniture replacement loans from the Farmers Home Administration, whereas those loans were available to other homeowners from the Small Business Administration. My bill will establish, for the first time, uniform criteria for the granting of loans to homeowners, small businessmen, and farmers. Each loan seeker will be given the same consideration with regard to losses on real and personal property, mortgage consolidation, working capital, and suspension of payments. However, farmers will continue to receive special consideration insofar as refinancing and crop losses are concerned.

Many aspects of the existing disaster relief program remain untouched by my bill, while other features will be made permanent. There will continue to be available 1-percent loans with a $5,000 forgiveness feature, although these loans to major business concerns will have no forgiveness. Obviously, a $5,000 forgiveness on a $3 million loan is rather inconsequential. I have already introduced legislation (S. 3971) to exclude from gross income amounts of disaster relief loans canceled pursuant to the laws now on the books. In addition, special disaster relief loans will continue to be made available to private nonprofit medical care facilities and educational institutions. The latter institutions were especially hard hit during the floods and they are often the least able to recover quickly.

The Senate Banking Committee correctly noted in its report "that previous attempts by Congress to establish a comprehensive disaster relief program have not been successful." With that in mind, the President was directed to report to the Congress, next January, "specific legislative proposals" aimed at a "comprehensive revision" of the existing disaster relief program. The bill I am offering today contains some provisions which certainly are worthy of consideration by the President during his own review. In the meantime, I intend to consult with him on this matter in order to give him the benefit of my views especially insofar as the situation in Pennsylvania is concerned.

Mr. President, I send the bill to the desk for appropriate reference. It is cosponsored by my distinguished colleague (Mr. SCHWEIKER). I ask unanimous consent to have the text of the Disaster Relief Reform Act printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 4050

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Disaster Relief Reform Act".

SEC. 2. (a) The Disaster Relief Act of 1970, as amended (42 U.S.C. 4401 et seq.) is amended as follows:

(1) After section 202, insert the following new section:

"FIELD ADMINISTRATION OF DISASTER ASSISTANCE

"SEC. 202A. The Director, acting through the Federal coordinating officer, shall issue such rules and regulations and take such actions as may be necessary to—

"(1) make available at a single location in any disaster area sufficient personnel to provide to local citizens and public officials information concerning Federal disaster assistance available in that area;

"(2) assist local citizens and public officials in obtaining disaster assistance by providing advice and assistance to them in requesting or applying for disaster assistance; and

"(3) receive from local citizens and public officials applications and requests for disaster assistance, and deliver such applications and requests to the appropriate agencies."

(2) After section 231, insert the following new sections:

"DISASTER LOANS TO INDIVIDUALS AND MAJOR BUSINESS CONCERNS

"SEC. 231A. The functions of the Small Business Administration with respect to disaster loans under section 7 (b) of the Small

Business Act, as amended (15 U.S.C. 636 (b)), are transferred as follows:

"(1) Any such function which relates to disaster loans to business concerns other than small-business concerns is transferred to the Secretary of Commerce, except that the provisions of such section 7 (b) relating to the cancellation of the principal of a disaster loan shall not apply to any loan made by the Secretary of Commerce.

"(2) Any such function which relates to disaster loans to persons other than business concerns is transferred to the Secretary of Housing and Urban Development."

(3) After section 255, insert the following new section:

"DISASTER RELIEF FUNDS

"SEC. 256. (a) To carry out the purpose of this Act, the Director is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to surch terms and conditions, as may be prescribed by the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes or other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations which shall be treated as public debt transactions of the United States.

"(b) The Director may transfer the proceeds of any issue of notes or other obligations under subsection (a) to any Government agency for the purpose of assisting such agency in carrying out its functions under this Act, the disaster loan program under section 7(b) (1), (2), and (4) of the Small Business Act, section 328 of the Consolidated Farmers Home Administration Act of 1961, or section 4 of Public Law 92-385, approved August 16, 1972, except that no such transfer shall be made unless such agency certifies to the Director that funds appropriated to it for such purpose are not sufficient to carry out such functions."

Mr. SCOTT subsequently said: Mr. President, I ask unanimous consent that the bill I introduced previously today, S. 4050, be referred to the Committee on Banking, Housing, and Urban Affairs.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

(b) Section 232 of such Act is amended by inserting "(a)" after "Sec. 232.", and by adding at the end thereof the following new subsection:

"(b) In the administration of section 328 of the Consolidated Farmers Home Administration Act of 1961, the Secretary of Agriculture shall, after consultation with the Administrator of the Small Business Administration and the Secretary of Housing and Urban Development, prescribe regulations which provide for—

"(1) the same coverage of loss, damage, or injury to real and personal property, and

"(2) the same terms and conditions with respect to mortgage consolidation, loans to provide working capital, and suspension of payments,

as are provided under section 7(b)(1), (2) and (4) of the Small Business Act, as amended (15 U.S.C. 636 (b))."

(c)(1) The second unnumbered paragraph of section 7(b) of the Small Business Act, as amended (15 U.S.C. 636 (b)), is amended by striking out "and prior to July 1, 1973," and by striking out "but prior to July 1, 1973".

(2) Section 328 of the Consolidated Farmers Home Administration Act of 1961, is amended by striking out "and prior to July 1, 1973," each place it appears therein.

By Mr. HRUSKA (by request):

S. 4051. A bill to amend section 101 and 902 of the Federal Aviation Act of 1958 and chapter 2, title 18, United States Code, to implement the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, and for other purposes. Referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, I introduce today, by request, a bill to implement the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aircraft. The Convention was signed in Montreal on September 23, 1971, and was recently forwarded to the Senate for advice and consent, with the urging by President Nixon that it be given early and favorable consideration. I understand that the treaty itself is now being given serious consideration by the Senate Committee on Foreign Relations. Before the Convention can be given full effect, however, it will be necessary for the Congress to enact implementing legislation.

The Montreal Convention is a necessary sequel to the Hague Convention for the Suppression of Unlawful Seizure of Aircraft, which, as my colleagues will recall, was ratified in the fall of last year. The Hague Hijacking Convention was very significant in that it established a rule of law governing conduct by signatories for assuring the apprehension and punishment of hijackers. Each party to the Convention is required to prosecute hijackers found within its territory, regardless of where the piracy occurred, unless it extradites them. Legislation implementing that treaty—S. 2280—was passed by this body on September 21.

As I mentioned, the Montreal Convention is a companion to the Hague Convention. Whereas, the latter deals with aircraft hijackers, the former deals with individuals who commit related acts of terrorism against or on board aircraft, such as damaging or destroying an aircraft or performing an act of violence against a passenger. Also, like the Hague Convention, the treaty signed in Montreal is designed to impose the same strict requirements upon contracting states. That is, each contracting state is required to take into custody and either extradite or prosecute the saboteurs and terrorists who attack aircraft and passengers, regardless of where these terrible acts take place. The clear purpose is to eliminate safe havens for these international outlaws.

Because of the great importance of the Montreal Convention in our efforts to curb terrorism against international civil aviation, and because of the necessity to pass implementing legislation to give full effect to the treaty, I strongly urge my colleagues to devote their early attention to the bill I introduce today.

Mr. President, I ask unanimous consent that the transmittal letter from the Attorney General, the text of the bill, and a sumary of its provisions be printed in the RECORD.

There being no objection, the bill and material was ordered to be printed in the RECORD, as follows:

S. 4051

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 31 of Title 18, United States Code, is amended by striking out the words "Civil Aeronautics Act of 1958" and inserting in lieu thereof the words "Federal Aviation Act of 1958," and by adding at the end thereof the following two paragraphs:

"In flight" means any time from the moment all the external doors of an aircraft are closed following embarkation until the moment when any such door is opened for disembarkation. In the case of a forced landing the flight shall be deemed to continue until competent authorities take over the responsibility for the aircraft and the persons and property aboard.

"In service" means any time from the beginning of pre-flight preparation of the aircraft by ground personnel or by the crew for a specific flight until twenty-four hours after landing; the period of service shall, in any event, extend for the entire period during which the aircraft is in flight.

SEC. 2. Section 32, Title 18, United States Code is amended to read as follows:

"Whoever willfully sets fire to, damages, destroys, disables, or interferes with the operation of, or makes unsuitable for use any civil aircraft used, operated, or employed in interstate, overseas, or foreign air commerce; or willfully places a destructive substance in, upon, or in proximity to any such aircraft which is likely to damage, destroy or disable any such aircraft, or any part or other material used, or intended to be used in connection with the operation of such aircraft; or willfully sets fire to, damages, destroys or disables any air navigation facility or interferes with the operation of such air navigation facility, if any such act is likely to endanger the safety of any such aircraft in flight; or

"Whoever with intent to damage, destroy, or disable any such aircraft, willfully sets fire to, damages, destroys, or disables or places a destructive substance in, upon, or in the proximity of any appliance or structure, ramp, landing area, property, machine, or apparatus, or any facility, or other material used, or intended to be used in connection with the operation, maintenance or loading or unloading or storage of any such aircraft if such act of violence or incapacitation is likely to endanger the safety of such aircraft in service; or

"Whoever communicates information, which he knows to be false, thereby endangering the safety of any such aircraft while in flight; or

"Whoever willfully attempts to do any of the aforesaid acts,

Shall be fined not more than $10,000 or imprisoned not more than twenty years, or both."

Section 3, Chapter 32, Title 18, United States Code is amended by adding a new section to read as follows:

"32A. Offenses in violation of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation.

(a) Whoever commits an offense as defined in subsection (b) against or on board an aircraft registered in a state other than the United States and is afterwards found in this country—shall be fined not more than $10,000 or imprisoned not more than twenty years, or both."

(b) For purposes of this section, a person commits an "offense" when he willfully—

(1) performs an act of violence against a person on board an aircraft in flight if that act is likely to endanger the safety of that aircraft; or

(2) destroys an aircraft in service or causes damage to such an aircraft which renders it incapable of flight or which is likely to endanger its safety in flight; or

(3) places or causes to be placed on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft, or to cause damage to it which renders it incapable of flight, or to cause damage to it which is likely to endanger its safety in flight; or

(4) attempts to commit, or is an accomplice of a person who commits or attempts to commit, an offense enumerated in this subsection.

(c) The provisions of this section shall become effective one day after fulfillment of the following conditions:

(1) the entry into force for the United States of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal, Canada, on 23 September 1971; and

(2) the publication in the Federal Register by or on behalf of the Secretary of State of a notice referring to this Act and stating that the Convention has entered, or will enter, into force for the United States on a date specified in that notice.

SEC. 4. Section 101(32) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301 (32)), is amended to read as follows:

"(32) The term 'special aircraft jurisdiction of the United States' includes the following aircraft while in flight—

"(a) civil aircraft of the United States;

"(b) aircraft of the national defense forces of the United States;

"(c) any other aircraft within the United States;

"(d) any other aircraft outside the United States—

"(i) that has its next scheduled destination or last point of departure in the United States, if that aircraft next actually lands in the United States; or

"(ii) having 'an offense' as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft, committed aboard, if that aircraft lands in the United States with the alleged offender still aboard; or

"(iii) regarding which an offense as defined in subsections (d) and (e) of Article I, section I of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation is committed, provided the aircraft lands in the United States with an alleged offender still on board; and

"(e) other aircraft leased without crew to a lessee who has his principal place of business in the United States, or if none, who has his permanent residence in the United States.

For the purposes of this section, an aircraft is considered to be in flight from the moment when all the external doors are closed following embarkation until the moment when any such door is opened for disembarkation, or in the case of a forced landing, until the competent authorities take over the responsibility for the aircraft and for the persons and property aboard."

SEC. 5. Section 902(k) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472 (k)), is amended by adding subsection (3) to the end thereof, to read as follows:

"(k)(3) Whoever while aboard an aircraft in the special aircraft jurisdiction of the United States commits an act which would be an offense under 18 U.S.C. 32 shall be punished as provided therein.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., Sept. 27, 1972.
The VICE PRESIDENT,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal to implement the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation signed in Montreal, September 23, 1971, and for other purposes.

The proposal would amend existing Federal legislation dealing with offenses related to air piracy and the destruction of aircraft and aircraft facilities in order to bring our law into conformity with the requirements of the Convention.

The Convention requires, in Article 5, that each contracting state take such measures as may be necessary to establish jurisdiction over the offenses enumerated in Article 1 in specified instances. Article 1 proscribes certain acts, such as damaging or destroying aircraft or air navigation facilities, or committing violence against persons aboard aircraft, if the acts are likely to endanger the safety of the aircraft. In those cases where the signatories are required to establish jurisdiction, it is incumbent upon them to provide "severe penalties" for violations. (Article 3).

Section 1(a) of Article 5 requires that each contracting state establish jurisdiction "when the offense is committed in the territory of that state". To a great extent, our existing law already makes unlawful the offenses of Article 1, and the penalties are appropriately severe in most cases. Because of certain significant gaps, however, it is necessary to amend our law to achieve complete conformity. Therefore, the relevant statute—18 U.S.C. § 32, "Destruction of aircraft or aircraft facilities"—has been rewritten in section 2 of the legislation to reflect the changes necessitated by the Convention. Section 2 would also broaden the scope of 18 U.S.C. § 32, as well as make the language of the current statute more concise and clear.

Section 1(b) of Article 5 requires that each contracting state establish jurisdiction over the offenses when they are "committed against or on board an aircraft registered in that state". This is accomplished by the present definition of "special aircraft jurisdiction of the United States" which includes "civil aircraft of the United States". (Section 101 (32)(a) of the Federal Aviation Act of 1958, 49 U.S.C. 1301(32)(a)).

Each signatory is also obligated to establish jurisdiction "when the aircraft on board which the offense is committed lands in its territory with the alleged offender still on board". (Article 5, section 1(c)). This is accomplished in part in section 3 of the legislation which creates a new section 32A of title 18, United States Code. The new section prohibits the commission of an offense "against or on board an aircraft registered in a state other than the United States and [the alleged offender] is afterwards found in this country". An amendment to the definition of "special aircraft jurisdiction of the United States" found in section 4 of the legislation, brings our law into complete compliance with this requirement when viewed in conjunction with the new section 32A.

Section 1(d) of Article 5 requires each contracting state to establish jurisdiction over the offenses when committed "against or on board an aircraft leased without crew to a lessee who has his principal place of business or, if the lessee has no such place of business, his permanent residence, in that State". A further amendment to the definition of "special aircraft jurisdiction" has been added in section (4) to meet this obligation.

Lastly, Article 5, section 2, requires that each signatory establish its jurisdiction when "the alleged offender is present in its territory and it does not extradite him. . . ." The new section 32A, mentioned above, is also designed to cover this situation to the extent required by the Convention.

The proposed legislation is necessary to fully implement the Montreal Convention, which is very important in the international community's efforts to curb air piracy and related offenses. I therefore urge the early consideration and adoption of this proposed legislation.

The Office of Management and Budget has advised that enactment of this legislation is in accord with the Program of the President.

Sincerely,

RICHARD G. KLEINDIENST,
Attorney General.

ANALYSIS OF THE PROPOSED LEGISLATION TO IMPLEMENT THE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION

Section 1 of the proposed legislation adds to 18 U.S.C. § 31 the definitions of "in flight" and "in service." These definitions are necessary because the terms are used in 18 U.S.C. § 32 as amended herein.

Section 2 amends 18 U.S.C. § 32, "Destruction of aircraft or aircraft facilities," in order to fully comply with Article 5, section 1(a) of the Convention which requires that each signatory establish jurisdiction over the Article 1 offenses when they are committed in the territory of that state. To a large extent domestic law already covers the offenses of Article 1, but several significant gaps exist which require amendments to section 32. (It should also be noted that the opportunity was taken to make the section more clear and concise. In this regard, it was not intended in any way to limit or lessen the scope of the proposed statute as compared to that of the current law.)

The first paragraph of section 2 of the proposed legislation essentially incorporates the first paragraph of current 18 U.S.C. § 32 as well as portions of the third and fourth paragraphs of the current statute insofar as the latter two paragraphs relate respectively to willfully placing a destructive substance in, upon, or in the proximity of any aircraft, or willfully setting fire to, damaging, destroying, disabling or interfering with the operation of an air navigation facility. However, it should be noted that the provisions which are being substituted for portions of the third and fourth paragraphs of the current law do not contain the requirement that the proscribed acts be committed with the intent to damage or disable the aircraft. Rather, the substituted provisions only require that the placing of the destructive substance be likely to damage or destroy any such aircraft, or any part, etc., or that the setting fire to, damaging, destroying or disabling of any air navigation facility be of such a nature that it is likely to endanger the safety of any such aircraft in flight. The omission of the above-mentioned element of proof in the substituted provisions were necessary to avoid a requirement of proof for those offenses which would be greater than that required by the Montreal Convention. The phrase "any part or other material used or intended to be used in connection with the operation of such aircraft" is meant to include the various parts of an aircraft and any material including liquids and lubricants which might be damaged by a destructive substance. These materials are individually listed in the current statute.

Section 2's second paragraph essentially incorporates the second, third and fourth paragraphs of the current section 32 except for the provisions mentioned in the first paragraph of section 2. The phrase listing all of the various types of property including "other material used, or intended to be used in connection with the operation, maintenance or loading or unloading or storage of any such aircraft. . ." is meant to include all of the various types of property and material which are individually listed in the current statute.

Section 2's third paragraph replaces paragraph 2 of the current section 32 by adding passengers to the protected category of persons as required by Article 1, section 1(a) of the Montreal Convention. Since the conduct proscribed by this paragraph could likely endanger the safety of the aircraft at times prior to and after the time that such aircraft is in flight, the jurisdictional base has been extended to cover not only those times when the aircraft is in flight but also the period of time while the aircraft is in service. Although paragraph 5 of the current 18 U.S.C. § 32 requires that the conduct be accompanied with an intent to damage, destroy, disable, or wreck any such aircraft, the substituted paragraph omits this element of proof because it would establish an offense requiring proof exceeding the requirements of the offense established by the Convention.

The fourth paragraph of proposed section 2 of this bill has been added to meet the requirements of Article 1, section 1(e) of the Convention. Currently, the only statutory provisions covering false information are 18 U.S.C. § 35(a) and (b) with regard to bomb hoaxes and 49 U.S.C. § 1472(m) with regard to hijacking hoaxes. However, neither of these provisions has a requirement of endangering the safety of an aircraft while in flight as does Article 1, section 1(e) of the Convention. That is, our current statutory language is broader than that of the Convention and could stand on its own in meeting the Convention's requirements. However, it was felt that to fully implement the Convention this Government should establish more severe sanctions for imparting false information when such imparting endangers the safety of the aircraft. Currently, 18 U.S.C. § 35(b) and 49 U.S.C. § 1472(m)(2) carry maximum jail terms of five years and fines of $5000, but do not require a showing of endangering the safety of the aircraft. Where this additional element is present, we believe it necessary to make the penalty associated with the activity more severe, which has been done by increasing the sanctions for such activities to a maximum of twenty years' imprisonment and a $10,000 fine.

The fifth paragraph of section 2 of this legislation is taken directly from the sixth paragraph of current 18 U.S.C. § 32.

The penalties for violation of the amended statute are the same as those provided in the current law.

Section 3 of the proposed legislation adds a new section 32A to Title 18 of the United States Code, and is designed to implement Article 5, section 1(c), in part, and Article 5, section 2. Article 5, section 1(c) requires each contracting state to establish jurisdiction over the offenses of Article 1 "when the aircraft on board which the offense is committed lands in its territory with the alleged offender still on board." Article 5, section 2 requires each contracting state to establish jurisdiction over the offenses listed in Article 1, sections 1(a), (b) and (c), and in Article 1, section 2 insofar as that section relates to offenses listed in sections 1(a), (b) and (c), "when the alleged offender is present in [the state's] territory and [the state] does not extradite . . ." Normally, of course, the United States would lack jurisdiction to try such individuals.

Jurisdiction is established in subsection (a) of section 32A over anyone who commits one of the offenses listed in subsection (b) on or against an aircraft registered outside of the United States and is afterwards found in this country.

Subsections (b)(1), (2) and (3) of section 32A enumerate the offenses of Article 1, section 1(a), (b) and (c) as required by Article 5, section 2. (It should be noted that Article 5, section 2 of the Convention does not require that the offense of sections 1(d) and 1(e) of article 1 be covered, so the obligations of Article 5, section 1(c) are met in the new section only to the extent of covering the offenses of Article 1, sections 1(a), (b) and (c). The offenses of Article 1, sections 1(d) and (e) are covered for the purposes of Article 5, section 1(c) in section 4 of the bill, which amends the special aircraft jurisdiction of the United States.) Subsection (b)(4) covering attempts to commit the proscribed acts, and also covering accomplices of those who attempt to commit these acts, is also required by Article 5, paragraph 2 of the Convention.

Section 4 of the legislation implements Article 5, sections 1(b), (c), in part, and (d) of the Convention. The former section requires each contracting state to establish jurisdiction over the offenses "when the offense is committed against or on board an aircraft registered in that state". This is accomplished by section 101(32) of the Federal Aviation Act of 1958 which defines the term "special aircraft jurisdiction of the United States" to include civil aircraft of the United States.

Concerning Article 5, section 1(c), to the extent that it is not implemented in the new section 32A discussed above, it is covered by subsection d(iii) of the amended definition of "special aircraft jurisdiction".

Likewise, the requirements of Article 5, section 1(d) are implemented in subsection (e) of the amended definition.

Section 5 of the legislation adds a new subsection to section 902(k) of the Federal Aviation Act of 1958, 49 U.S.C. § 1472(k). It makes punishable the offenses of 18 U.S.C. § 32 in situations where they are committed aboard an aircraft in the special aircraft jurisdiction of the United States.

By Mr. STEVENSON:

S. 4055. A bill to authorize expenditures to correct or compensate for substantial defects in sections 203(b) and 221(d)(2) Federal Housing Administration mortgaged homes. Referred to the Committee on Banking, Housing, and Urban Affairs.

Mr. STEVENSON. Mr. President, instead of passing the Housing and Urban Development Act of 1972, it appears that the House of Representatives is prepared to adopt a resolution simply extending present housing programs. It thus appears that many reforms included in the bill passed by the Senate will not become law this year.

Unsuspecting homeowners across the Nation, including many in my own city of Chicago, have been innocent victims of local HUD mismanagement and unscrupulous real estate practices. These families have purchased existing homes with FHA-insured mortgages only to find that the homes have serious structural defects and are in a deteriorating condition. FHA, not the purchaser, bears the clear responsibility for this situation since HUD regulations stipulate that FHA appraisers may not approve a house for an FHA mortgage unless it meets HUD's minimum property standards.

Under present law, families who have purchased subsidized housing under section 235 are entitled to reimbursement for structural defects if the defect was one that a proper inspection by the FHA appraiser could have disclosed. Tragically, purchasers of unsubsidized FHA-insured houses under Sections 203 and 221(d)(2)—some 70 percent of all HUD transactions—are not eligible for such compensation Equity and justice, as well as consistency, demand that they also be eligible for reimbursement necessitated by faulty government inspections.

Earlier in this session I introduced legislation to remedy this inequity and was hopeful it would be part of the Housing and Urban Development Act of 1972. Time is running out for this session, but today I introduce a bill which provides for reimbursement. I intend to bring this bill up as an amendment in the Senate Banking Housing and Urban Affairs Committee when it meets Tuesday morning to act upon the House-passed resolution.

All federally insured homeowners deserve the same reimbursement for defects ignored by HUD's appraisers in violation of its own minimum property standards. Thousands of purchasers wronged by the Federal Government have already waited too long for the Congress to act.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 4038

At the request of Mr. GRAVEL, the Senator from Utah (Mr. MOSS) was added as a cosponsor of S. 4038, a bill to establish a National Amateur Sports Foundation.

SENATE JOINT RESOLUTION 265

At the request of Mr. HUMPHREY, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of Senate Joint Resolution 265, a joint resolution to provide grants for Allen J. Ellender fellowships to disadvantaged secondary school students and their teachers to participate in a Washington public affairs program.

SENATE CONCURRENT RESOLUTION 101—SUBMISSION OF A CONCURRENT RESOLUTION COMMENDING RECENTLY RETURNED PRISONERS OF WAR

(Referred to the Committee on Armed Services.)

Mr. HARTKE submitted the following concurrent resolution:

SENATE CONCURRENT RESOLUTION 101

Resolved by the Senate (the House of Representatives concurring), That Lt. (jg.) Norris Charles, Major Edward Elias, and Lt. (j.g.) Mark Gartley having served above and beyond the call of duty when forced to languish in an enemy prison camp are commended for their valiant service.

Resolved, That the Congress notes with pride the determination and perseverance that enabled these men to bear the tragedy and turmoil of a hostile enemy prison camp, and urges the country to listen to them, to honor them and to do whatever is necessary to obtain the release of all those imprisoned by the North Vietnamese and their allies, and end the tragic war in Southeast Asia.

SENATE RESOLUTION 373—ORIGINAL RESOLUTION REPORTED AUTHORIZING DAVID MINTON TO APPEAR AS A WITNESS

(Ordered to be placed on the calendar.)

Mr. ROBERT C. BYRD (for Mr. McGEE), from the Committee on Post Office and Civil Service, reported the following resolution:

S. RES. 373

Whereas in the case of the United States of America against Daniel B. Brewster, et al. (criminal action numbered 1872–69), pending in the United States District Court for the District of Columbia, a subpena ad testificandum and duces tecum was issued by such court addressed to David Minton, staff director and counsel of the Committee on Post Office and Civil Service, United States Senate, directing him to appear as a witness before that court at 9 ante meridian on October 30, 1972, and to bring with him certain minutes and records (including tabulations of votes) of executive sessions of that committee pertaining to the postage rate sections of H.R. 7977, Ninetieth Congress, first session, such material being in the possession and under the control of the Senate of the United States: Now, therefore, be it

Resolved, That by the privileges of the Senate of the United States no evidence in the possession and under the control of the Senate of the United States can, by the mandate of process of ordinary courts of justice, be taken from such possession or control but by its permission; be it further

Resolved, That by the privilege of the Senate and by rule XXX thereof, no Member or Senate employee is authorized to produce Senate documents, papers, or evidence but by order of the Senate, and information secured by Senate staff employees pursuant to their official duties as employees of the Senate may not be revealed without the consent of the Senate; be it further

Resolved, that when it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that testimony of an employee of the Senate is needful for use in any court of justice or before any judge or legal officer for the promotion of justice and that such testimony may involve documents, papers, or evidence related thereto under the control of or in the possession of the Senate, the Senate will take such order thereon as will promote the ends of justice consistently with the privileges and rights of the Senate; be it further

Resolved, That David Minton, staff director and counsel of the Committee on Post Office and Civil Service, be authorized to appear at the time and place and before the court named in such subpena, but shall not take with him any papers, documents, or evidence on file in his office, under his control, or in his possession as staff director and counsel of the Committee on Post Office and Civil Service; be it further

Resolved, That when the court determines (1) that any of the documents, papers, or evidence called for in such subpena have become part of the official transcripts of public proceedings of the Senate by virtue of their inclusion in the official minutes and official transcripts of such proceedings for dissemination to the public upon order of the Senate or pursuant to the rules of the Senate, and (2) that such documents, papers, and evidence are material and relevant to the issues pending before the court, then the court, through any of its officers or agents, shall have full permission to attend with all proper parties to the proceeding, and then always at a place under the orders and control of the Senate, and there to take copies of such documents, papers, and evidence in the possession or control of the said David Minton, excepting any other documents, papers, and evidence (including but not limited to, minutes and transcripts of executive sessions and any evidence of witnesses in respect thereto) which the court or other proper officials thereof shall desire as such matters are within the privileges of the Senate; be it further

Resolved, That, notwithstanding any other provision of this resolution, when the court finds that the voting records of the Committee on Post Office and Civil Service insofar as the reflect the votes cast on the postage rate sections of H.R. 7977, Ninetieth Congress, first session, by any member of that committee are material and relevant to the issues pending before the court, then the court, through any of its officers or agents, shall have full power to attend with all proper parties to the proceeding, and then always at a place under the orders and control of the Senate, and there to take copies of so much of such voting records as reflects the votes cast by such member; be it further

Resolved, That David Minton, staff director and counsel of the Committee on Post Office and Civil Service, in response to such subpena may testify to any matter determined by the court to be material and relevant for the purposes of identification of any document, paper, or evidence if such document, paper, or evidence has previously been made available to the general public, or if its disclosure is authorized by this resolution, but the said David Minton shall respectfully decline to testify concerning any and all other matters that may be based on his knowledge acquired by him in his official capacity either by reason of documents, papers, or evidence appearing in the files of the Committee on Post Office and Civil Service or by virtue of conversations or communications with any person or persons and he shall respectfully decline to testify concerning any matters within the privilege of the attorney-client relationship existing between said David Minton and the said committee or any of its members; and it further

Resolved, That a copy of this resolution be transmitted to such court as a respectful answer to such subpena.

DEPARTMENT OF LABOR AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES APPROPRIATIONS, 1973—AMENDMENTS

AMENDMENT NO. 1667

(Ordered to be printed and to lie on the table.)

Mr. **CASE** submitted an amendment intended to be proposed by him to the bill (H.R. 16654) making appropriations for the Departments of Labor and Health, Education, and Welfare and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

AMENDMENT NO. 1673

(Ordered to be printed and to lie on the table.)

Mr. **HARTKE** submitted an amendment intended to be proposed by him to the bill (H.R. 16654), supra.

CONSUMER PROTECTION ACT—AMENDMENTS

AMENDMENTS NOS. 1670 AND 1671

(Ordered to be printed and to lie on the table.)

Mr. **HRUSKA** submitted two amendments intended to be proposed by him to the bill (S. 3970), to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants in order to protect and serve the interests of consumers, and for other purposes.

AMENDMENT NO. 1672

(Ordered to be printed and to lie on the table.)

Mr. **CHILES** submitted an amendment intended to be proposed by him to the bill (S. 3970), supra.

SOCIAL SECURITY AMENDMENTS OF 1972—AMENDMENTS

AMENDMENT NO. 1674

(Ordered to be printed and to lie on the table.)

Mr. **GRAVEL** (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

AMENDMENT NO. 1675

(Ordered to be printed and to lie on the table.)

PASSING THROUGH THE FULL 20-PERCENT SOCIAL SECURITY INCOME

Mr. **MONDALE**. Mr. President, on Thursday, September 28, I introduced an amendment to the social security bill to guarantee that the elderly receive the full benefit of the 20-percent social security increase.

Part of this problem was solved on Friday, when the Senate accepted an amendment to do some of the things that my proposal would have accomplished. The amendment I am introducing today is meant to complete the work of protecting the 20-percent increase. It does this by preventing housing authorities from raising rents and the Department of Agriculture from cutting food stamp benefits as a result of the 20-percent increase.

We have all heard the terrible stories of how many of the poorest of our senior citizens are being cheated out of their long overdue social security raise. They are losing this raise because as their social security income goes up, other benefits—which they desperately need—are being reduced.

I am proud that I was a cosponsor of the 20-percent social security raise. I know that the Congress intended the full raise—every penny of it—to go to everyone receiving social security.

Because I think these elderly people should get every penny of this raise, I think our action to protect the raise should cover all other benefits. We should protect the elderly who receive food stamps, public housing benefits and veterans benefits, as well as those receiving old age assistance and medicaid. It is unjust and unfair that any of these other benefits should be reduced because of the 20-percent social security increase.

On Friday the Senate acted to meet the danger that old-age assistance and medicaid benefits would be lost as a result of the 20-percent increase. Senator CRANSTON's amendment, which was accepted by the distinguished Senator from Louisiana (Mr. LONG), will protect these types of benefits. Under the terms of the amendment, almost all social security beneficiaries in Minnesota will continue to get their old-age assistance benefits and will retain medicaid eligibility. This is very important.

But the Cranston amendment does not protect 15,000 elderly Minnesotans against an increase in public housing rents. Only passage of the amendment I am offering today will do that.

I have received dozens of letters on this rent problem from senior citizens. It is callous and cruel that many of these elderly people have received notices of a rent increase in the mail even before they got their first social security check with the 20-percent increase.

There is also a major problem of the erosion of food stamp benefits. Approximately 40,000 Minnesotans could either lose eligibility for food stamps or find their food stamp benefits cut because of the 20 percent social security raise. For many of these people this could be a disaster. A large chunk of their small raise would be swallowed up immediately by the rampaging rise in food costs.

My colleague from Minnesota (Mr. Humphrey) raised this food stamp question on the floor of the Senate when the Cranston amendment was accepted. The amendment on this subject which we are offering today would take care of this problem. I hope it can be accepted immediately.

I also hope that my provision to protect veterans against a loss of their social security increase can be accepted.

Taken together the rent increase and the loss or erosion of food stamp eligibility and other benefits which may follow the 20 percent increase could make the whole 20 percent raise largely meaningless for many among the elderly. This must not be allowed to happen. My amendment completes the work of the Cranston amendment which was accepted on Thursday. It will guarantee full protection for the 20-percent increase. I urge that the whole of this package be approved by the Senate.

AMENDMENT NO. 1676

(Ordered to be printed and to lie on the table.)

Mr. STEVENS (for himself and Mr. Gravel) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 1), supra.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENTS NOS. 1617 AND 1618

At the request of Mr. Humphrey, the Senator from New Hampshire (Mr. McIntyre) was added as a cosponsor of amendments Nos. 1617 and 1618 intended to be proposed to the bill (H.R. 1), the Social Security Amendments of 1972.

AMENDMENT NO. 1668

At the request of Mr. Roth, the Senator from Arizona (Mr. Goldwater), the Senator from Florida (Mr. Gurney), the Senator from New York (Mr. Buckley), and the Senator from Wyoming (Mr. Hansen) were added as cosponsors of amendment No. 1668, intended to be proposed to the bill (H.R. 1), the Social Security Amendments of 1972.

AMENDMENT NO. 1669

At the request of Mr. Ribicoff, the Senator from Wisconsin (Mr. Nelson), the Senator from Indiana (Mr. Bayh), the Senator from Missouri (Mr. Eagleton), the Senator from Michigan (Mr. Hart), the Senator from Indiana (Mr. Hartke), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from New York (Mr. Javits), the Senator from Minnesota (Mr. Mondale), the Senator from Utah (Mr. Moss), the Senator from Illinois (Mr. Stevenson), the Senator from New Jersey (Mr. Williams), the Senator from Rhode Island (Mr. Pastore), and the Senator from New Jersey (Mr. Case) were added as cosponsors of amendment No. 1669, intended to be proposed to the bill (H.R. 1), the Social Security Amendments of 1972.

ADDITIONAL STATEMENTS

DAVE DRUM AND KAMPGROUNDS OF AMERICA

Mr. MANSFIELD. Mr. President, the current issue of Life magazine contains an article about Dave Drum of Billings, Mont., who founded the oldest and largest chain of campgrounds in North America—Kampgrounds of America. To quote from the article by John Neary:

> It has always been David G. Drum's joyous affliction to be blessed with a vision that perceives the possibilities where most other folks see only problems. Dave Drum literally cannot help it; he is continuously assaulted by ideas that beset him at all hours.

Kampgrounds of America grew from Dave Drum's correct assessment that more Americans were speding their leisure time criss-crossing America on good interstate highways and that someone could provide, for a modest fee, campgrounds for them to stay in overnight. Since its founding in 1963, Kampgrounds of America has grown to include more campsites than either the National Park Service or the U.S. Forest Service, with a total of 492 franchised and 10 company owned campgrounds in the United States, Canada, and Mexico, with 76 more under construction and with franchise purchasers working on site preparations and financing for still another 657 campgrounds.

Mr. President, I ask unanimous consent that this article be printed at the conclusion of my remarks in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Hotels With No Rooms Are Booming

(By John Neary)

It has always been David G. Drum's joyous affliction to be blessed with a vision that perceives the possibilities where most other folks see only problems. Dave Drum literally cannot help it; he is continuously assaulted by ideas that beset him at all hours.

Like a man with a trick knee, Drum has grown accustomed to his affliction, half expecting every twinge, game for each arriving lurch in his life. Back in 1947, when the burly, garrulous ex-marine was 24, one of his hunches led him from his first job with an oil company into selling hearing aids and automobile-battery-restoring powders, which led him somehow into wholesaling hardware, and then into promoting steel buildings, and then into running a farm and garden center, from which he was inspired by the need for richer soils to start up an anhydrous ammonia fertilizer business; and then, in 1962, Dave Drum found himself part owner of a commercial campground on the banks of the Yellowstone River in Billings, Mont.

So it came as no great surprise to Drum one day that summer when, as he left the men's room of his campground, he was possessed of yet another idea—one which turned out to be one of the hottest, sweetest schemes in recent business history; the sprawling, profitable franchise corporation, Kampgrounds of America.

Drum was in the practice of visiting the camp every evening, not only to make certain that he and his partners were getting their share of the till, but also to learn what else the campers might want. And, Drum, believed, "People tell you the truth when they're standing in the men's room."

On this fortuitous evening he met a camper who described himself as "the All-American Nobody," a bookbinder who saved for 11 months every year to take a month off from a printshop in North Attleboro, Mass. and tour the West. Food costs were about the same on the road as at home, he told Drum, and he figured that by not smoking he canceled out the costs of gas and oil. But motels were costly. There were state and national parks with campsites, he admitted, "but they're always 40 miles off the highways and you have to drive all the way up to find out they're full—and then you have to drive all the way back to stay in some supermarket parking lot." Said the All-American Nobody: "One of the biggest needs this country has is good campgrounds all across the country." Drum was intrigued.

Whenever Drum was accosted by a nettlesome scheme, he always tried to get it under way instantly, promoting it to anybody who would listen. In sheer self-defense, Drum's family and friends had devised some tactics for coping with this walking barrage of propositions. For example, Bob Boorman, a certified public accountant with a distinct preference for black ink, who also happens to be Drum's brother-in-law, says, "I've heard so many of Dave's ideas—and he has hundreds of them, some good ones, some bad ones—that I always say, "No!" So Boorman listened as Drum propounded launching a national system of private, commercial campgrounds—and said "No."

At the time, there was scarcely any reason why Boorman should have said yes. Drum, after all, was proposing to provide a service for a clientele which did not yet really exist. Camping was then practiced (as it still is by devotees who would insist that what Drum proposed to sell is not really camping at all) largely for its own arcane and atavistic sake. It was pursued by hardy masochists who found some mystical catharsis in lugging their cumbersome canvas tents and heavy poles into the woods and getting rained on. Or camping was endured as an inescapable adjunct by adventurers who otherwise could not reach their favorite hunting, fishing or spelunking grounds. Public campgrounds existed mainly to accommodate pilgrims come to savor the scenic attractions within their environs; if wayfarers like the All-American Nobody were using them as open-air motels, officials pretended not to notice—and they certainly made little effort to provide either plumbing or supplies to help the campers on their way.

But there were subtle factors of change at work which Drum's radar had assayed: an unprecedented number of people—with money to spend and leisure time to spend it in—were finding that the nations interstate highway system now made lengthy cross-country car trips safer and more comfortable than they had ever been before. As those early travelers found their families growing and traffic on the interstates thickening, they saw rates at motels increasing. More and more of them began stuffing tents along with their suitcases in their car trunks.

For these people, navigating a transcontinental trajectory became at least as challenging as any stop-watched sports-car rally. With the help of a mileage table and hyperbolic directory to the then-limited camping facilities, you targeted your destination for the coming night with a formula that evolved only through bitter experience. You learned to accept surprises with grace and humor: a long detour for a spot that claimed hot showers in the directory could end up with you shivering under a rusty pipe burbling water warmed only by the sun; or you might find yourself sharing the Adair, Iowa city park with a traveling circus, your tent pitched just out of trunk-reach of an amiable elephant, but downwind of his youthful, pungent bearded companion, a billygoat.

Although camping might have seemed synonymous with picturesque adventure, few campers really enjoyed taking potluck and a growing convoy of homely self-propelled motel rooms began rolling onto the highways. The fleet included everything from reincarnated hearses, converted school buses, pickups carrying overhanging cabooses on their backs, to mail trucks with bunks installed where the picture postcards used to ride. Now outfitted with a Coleman stove and a roll of toilet paper and free to roam where they wanted, the campers seemed ironically impelled by that herd instinct that causes yachtsmen with oceangoing craft to shun the open sea and raft up together in sheltered coves instead: the campers parked side by side in closely huddled clusters.

When Dave Drum saw them rolling into his little campground in Billings, what he saw were not "underprivileged gypsies," as his brother-in-law discerned them, but people with money to spend and few places to spend it. A camper like the All-American Nobody, Drum tried to tell Boorman, had to be greeted as a harbinger of a coming invasion that ought not only to be welcomed but charged a modest admission.

The company which grew out of that vision—Kampgrounds of America—is now the oldest and largest chain of commercial campgrounds in North America. It has more campsites than either the National Park Service or the U.S. Forest Service, with a total of 492 franchised and ten company-owned campgrounds in the United States, Canada and Mexico, with 76 more under construction and with franchise-purchasers working on site preparations and financing for still another 657 campgrounds. To get a franchise today costs $10,000 plus an annual $300; in addition KOA gets 8% of every campground registration fee.

Large or small, every KOA offers, at the minimum, free showers, coin laundries, a grocery store, sites equipped with water, sewerage and electrical hookups, a reservation service to secure another spot down the road and the reassurance of an employee living on the premises—none of which a motor camper can be certain of finding in public parks. Beyond their facilities, the single quality that seems, ironically, to be most responsible for the success of the KOA chain of campgrounds is what political science teacher George Alvergue, of Eugene, Oreg., recently called a predictability. Alvergue had stopped at the West Liberty, Iowa KOA because it was near a historic site (Herbert Hoover's birthplace). As he struggled with a jammed tent pole, he explained his fondness for KOA by saying, "Who wants to drive eight or ten miles off the highway—especially when you want to get an early start?"

The amenities and the cookie-cutter similarity of many KOAs may seem inimical to the romance of camping, but the fact is that while the 50 million or so Americans who motor-camp might like to think of themselves as adventurers, they really are just mobile consumers. The 3M National Advertising Co., a billboard giant that likes to peek now and then through the windshields of its nomadic audience, reported in a copyright 1971 study of 500 camping families that 54% of them preferred semimodern campgrounds, that 41% want to camp right smack alongside the interstate and that four miles from it as far as 59% are willing to detour for a site. At the same time, another study found, campers still like to regard themselves as near kin to the pioneers. Reported the Consumer Communications Co., in a study done for *Woodall's*, a camping journal: "The camper can see a camping trip as a true test of masculine competence, a place where the male assumes leadership of the family. On the other hand, all camping situations are carefully planned to avoid any major test of challenge and danger." The message for the leisure industry baron is clear, the report concluded: "Comfort items, such as air-conditioning, urban recreational items such as TV, stand out as the most wanted camping items . . . [but] must be positioned so as not to threaten the image that either camping or trailering involves challenge and the chance to grapple with 'nature.' "

The complaints one hears at KOA are mainly about the uniformity, the rumble of diesel trucks and the stark surroundings that mark so many campgrounds. "Is *this* all there is to camping?" Ruth Rinaolo wailed after surveying the Michigan City KOA. It had taken her nine years to persuade her husband, Joe, to leave Sparta, N.J., for a camping trip with her, and she had leaned heavily for arguments on evocations of her girlhood campouts in western Canada. Joe was unhappy, too: he had been led to expect scenic trails he could wander and found instead that "I paid $4 for a cow pasture." In another typical complaint, Emil Rothery of Shrub Oak, N.Y. leaned against a fence at a Wyoming KOA and said he felt KOA ought to "stop trying to squeeze so many people in." And, his wife Gertrude pleaded, "leave a tree."

KOAs range from small, bald homely places designed for overnight stops to big, relatively verdant, opulent places intended to attract tourists for lengthy vacations. When it is completed, the KOA near Picton on the rim of Lake Ontario, Canada will be the largest in the chain. "We run a complete vacation playground with everything," says Harvey Atkin, owner of this campground, "except you have to bring your own room. It's a resort hotel with no rooms." In time Atkin's KOA will offer a swimming pool, adult and teen lounges, nature trails, a mini-golf course, Ping Pong and pool tables, shuffleboard, a baseball diamond, horseshoe pits, color TV, hayrides, movies, corn roasts, bikes and mini-bikes, snowmobiling and sleigh rides (and storage for trailers) in the winter, and an airstrip for fly-in campers—most of them for an extra fee. "I look at the $4 registration fee as just the cover charge," says Atkin.

Dave Drum had no such luxurious visions back in 1962. But he did have his hunch. And as he searched for backing, he stuck to one of his staunch moral imperatives: "If you have to put in your own money, there's something wrong with the deal." At last he mentioned his scheme to one John Wallace, a local oil company executive and a friend of his brother-in-law Bob Boorman. Wallace not only bit; he offered to put up the $25,000 cash. Drum suggested they try to persuade Boorman to join them, on the ground that "Boorman keeps me out of jail and we're going to need somebody who can count." Together they prevailed and Boorman joined.

They left Wallace's proffered $25,000 untouched. "We never," Drum says happily, "put a dime in it." Instead, the three put in time, honing Drum's dream, refining the details—largely with the help of a bootlegged Holiday Inn franchise blank, which served as the template for their own franchise agreement. With a $1,000 loan from a local bank, they queried chambers of commerce in western towns, inquiring whether grounds were needed, and mailed questionnaires to several thousand families who had registered at Drum's campground, asking them what kind of camps they really wanted.

The company began its steep take-off in 1963 when, in response to an ad they ran seeking an appropriate sort of prefab building to be used as a central service building for campers, there came one Don Hammond, a supersalesman of prefab buildings. An energetic, persuasive fellow, Hammond impressed Drum, Boorman and Wallace as just the catalyst KOA needed. They offered him a partnership if he could sell 300 franchises: he did it in three years with the help of a partner.

Today, the firm not only has set 2,000 campgrounds as its goal, but also has purchased a recreational vehicle manufacturing firm to help its customers reach the campsite, and its own advertising and public relations agency to tell campers how to find the sites. KOA executives are carefully measuring the youth market, the "20-year-olds who are oriented to travel, but for whom the attractive and economic facilities haven't been developed," and are also researching the market for KOAs in Australia, Africa and Europe and the possibility of mid-city's campground and marinas. The company that Boorman's accountant colleagues once kidded him about ("Getting any nickels out of those picnic tables, Bob?") last year grossed $6,722,316 and turned a net profit of $594,908. Its second stock offering, 330,000 shares issued early this year, was bought at $29.75 a share.

KOA's position is now being challenged by the 50-odd other companies which have entered the campground business since KOA began—including hefty giants like Humble, Texaco and Gulf, and motel chains like Holiday and Ramada Inns. The Department of Interior predicts that by 1975 Americans will double their 1970 expenditure of $12 billion for camping equipment. Yet other observers of the fledgling leisure industry suspect that campground construction may turn out to be way ahead of long-term demand. Luxury campgrounds may offend campers' sense of frugality, they fear—or the entire movement may just dissipate, the way the bowling craze died off in the early 1960s, leaving a bunch of ghost campgrounds and bankrupt operations in its spectral wake.

Most KOA franchise owners speak confidently of the future of the "leisure industry." Ted Zieke, of Michigan City, Ind., who hopes to buy into the corporation which owns the KOA he manages, says, "Our biggest problem is how to expand." In West Liberty, Iowa, KOA owner Tom Brooke says that business is up 40% this year at the 23-acre, 74-site campground next to his motel and gas station. In Henderson, Nebr., Oscar Ott, a propane, fertilizer and irrigation supplier, has seen the KOA he owns with two partners move into the black in five years. In Chugwater, Wyo., however, John and Ruth Braunschweig, owners of the chain's first ranch camp, a very profitable business now, are making plans to turn their camp over to a manager and resume their cattle operations. "KOA is a great going thing now," says Mrs. Braunschweig, "but sometime travelers will think of something else and probably this camping bit will go out the window."

Dave Drum, meantime, is off on other adventures. Five years ago he stepped into the background of KOA, turning the presidency of the company over to 46-year-old Darrell Booth, a former Billings Chamber of Commerce manager. Drum dropped out of the day-to-day operation of KOA partly because he recognizes that "just because a guy is good for the 500-yard dash doesn't mean he's good for the mile," partly because he thinks "a good company functions better without some big old heavy grandma sitting over it saying, 'Now this is the way it is,' " but mainly because he rankles at being in an office all day. "I don't like sitting at a desk and waiting for the phone to ring—if you're at a desk, people are selling you something."

Plain and unvarnished as an old Levi jacket, his pale blue eyes alight with yet more schemes, Drum continues to work hard. He does have an office in Billings, but the place looks more like a showroom for the cast western sculptures he collects than a place of business. Drum can spend only so long there—sprawled on a couch in a pearl-buttoned cowboy shirt, whipcord trouser cuffs rumpled in the tops of his half boots—before he has to get away in his little plane or in his Buick with the golf clubs in the trunk. Much of his time is spent overseeing his huge, semiautomated feedlot operation outside Billings, started with part of his proceeds from KOA. He describes his Montana Beef Fund as a business set up to attract investment capital from outside the state to buy cattle for fattening and sale to slaughterhouses. Another Drum operation, closely patterned on KOA, is a national chain of franchised children's clothing stores, and Drum keeps a hopeful eye on the shopping centers blossoming around the country.

He still has never camped in a KOA himself, having gotten his fill of bivouacking in the South Pacific where he won the Purple Heart in World War II. But he checks them out on vacation trips and regularly visits the local Billings campground, just as he did ten years ago, to eavesdrop on the customers and ask them what they think of his brand-new notion: "Some system of overnight accommodations for those who don't want to pay $28 to go into a motel and don't want to pull a trailer." Even though he hasn't figured out exactly what this system will be, he has a name for it: "The KOA-tel."

Drum says he intends to keep on living in Billings, up there near the rimrock, sitting out on the back porch with his wife (their three children are away at college), working over his ideas. Like the one he's tinkering with right now, just toying with, mind you, nothing serious—yet—about how to rig up a little collar on your fuel line that will prevent your car from ever running out of gas. The other night, you see, his car suddenly began to sputter, and it dawned on him that . . .

STEEP INCREASES IN SECOND-CLASS MAIL RATES

Mr. GOLDWATER. Mr. President, in recent months I have studied carefully the plight of the Nation's magazines in the face of massive postal rate increases. The magazines contend that postal rate increases that would aggregate 125 percent over a 5-year period would force many of them out of business.

As we all know, the Postal Service claims that steep increases are needed to cover the full costs of handling second-class mail, such as newspapers and magazines. In the past, the magazines have traditionally been benefited by mailing subsidies in the form of lower rates.

Mr. President, I fully recognize that the Postal Reorganization Act of 1970 converted the mail service from a Cabinet position into a semiautonomous corporation committed to becoming self-sufficient. However, I should like to point out that the Postal Service historically has been just what its name implies—a service to the American people. There is no reason to believe that the Post Office Department was established in the first place for the purpose of making a monetary profit or even maintaining a status of self-sufficiency.

I am inclined to believe that the American people and the cause of freedom of information would be better served if small magazines—those with circulations of 250,000 or less—were provided with protection against the cost of mail rate increases. I believe that the smaller magazines, regardless of their political philosophy, have a great deal to contribute to American opinion. I believe that that contribution is sufficient to warrant its protection in law against rates that might put these smaller magazines out of business.

LIVING COST, TAX RISE WORRY GEORGIA VOTERS

Mr. TALMADGE. Mr. President, the Atlanta Constitution recently sent a team of reporters about the State of Georgia to determine the major areas of concern among the people.

An article on the results of their survey indicates that inflation and the ever-increasing cost of living is a prime concern of the average citizen today.

In short, people are mad as hornets about the state of the economy and tired of having their hard earned pay eaten up by inflation and higher and higher taxes.

Taxpayers and working people in Georgia and across the Nation feel the pinch in their paychecks. And, they are understandably beginning to howl and vent their frustration at the ballot box.

Everyone in one way or another, suffers from inflation. But the punishment is especially severe from the average, middle-class wage earner, and on senior citizens who have to live on fixed incomes and who find it more and more difficult to make both ends meet.

It is the middleman and the average taxpayer who pays the taxes that keep our country and government running. He works. He pays his dues. He has a right to complain how his taxes are spent.

In short, the average worker is literally carrying most of the load for the country and supporting a government that has gotten so big and complex that it is no longer responsive to the will of the people.

This dismal state of the American economy and growing disenchantment of citizens can largely be attributed to runaway Federal spending over the last decades.

The Federal budget has been in the red to the tune of tens of billions of dollars for 37 of the past 43 years. We have tried to play policeman, banker, and Santa Claus for most of the rest of the world. We have pumped more than $200 billion abroad in foreign aid, including interest, since the end of World War II. The United States national debt is greater than the combined debt of all the other nations of the world.

The American people have every right to demand that the fiscal affairs of our Nation be put in good order. Year after year, mounting one multibillion-dollar deficit after another, the administration has been derelict in its duties.

No real effort has been made to restore our Nation to a balanced budget. To the contrary, the Federal Government has gone on and on spending money we do not have for programs we do not need.

Congress has likewise abdicated its fiscal responsibilities. Members of the House and Senate take the floor almost daily to deplore the state of the economy and to call for more restraint on Government programs.

That has amounted to little more than lipservice in an effort to placate irate taxpayers at home. Instead of cutting out all nonessential spending, Congress persists in devising new and bigger spending programs.

The American people expect more than just empty promises. They want positive steps taken to curb Federal spending.

The economic situation has become drastic.

Consequently, drastic action is going to be required to stop the Federal Government from going on year after year, sending itself and the taxpayers deeper and deeper into debt.

Unless Congress takes the initiative, and very soon, this country may find itself faced with an angry taxpayers' revolt.

Mr. President, I bring the Atlanta Constitution article to the attention of the Senate, for I believe it reflects the sentiment of a majority of people throughout America, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LIVING COST, TAX RISE WORRY GEORGIA VOTERS

What's bugging Georgia voters? A team of Atlanta Constitution reporters—Bob Fort, Sam Hopkins and Nick Taylor—criss-crossed the state from one end to the other to find out. This is the second in a series of five reports on the results of their statewide canvass.

Concern is so great among Georgians about the rising cost of living and the increased tax burden that even preachers are taking their texts from other than Biblical sources.

"It's ridiculous!" declared the Rev. Gene Scott, a Methodist minister from Cordele.

"Taxes have gotten to the point where they're really bugging me," he said. "By the time you add up your federal tax, state tax, sales tax and property tax, it takes five months of your annual salary just to pay them all."

Another pastor, the Rev. Tommy Snell of Temple Church of God in Christ who also works at the Western Auto Store in Dublin said:

"Issues like taxes and inflation, those are the main things. A man and his family can't get ahead on a limited income."

He added, "Every time you get a little more money, things go up again and you're right there where you started."

One Atlantan interviewed in a statewide poll declared that "people everywhere, in Georgia and all over the country, are just fed up to here about high property taxes. Some of these politicans had better realize that something's got to give."

But aside from some black leaders, most Georgians refuse to point the finger of blame at the Nixon Administration for their economic plight. Instead, they emphasize that they feel it would be a lot worse if Sen. George McGovern became president.

The economic difficulties are felt by people on all levels. People with medium and higher incomes are bitter about the higher taxes.

"I got a $75 raise the other day," Columbus bank employe John Simpkins complained, "but after they'd taken everything out of it it amounted to $30 on my pay check."

Another Columbus resident—Mrs. Grace Owen, who works in a large department store—said, "It's just a problem to live any more. It takes two to work to pay your bills."

Ralph M. Rutland, a 66-year-old bachelor, was sitting in front of the Happy Hollow Groceries and Meats store in Irwinton with his cast-enclosed broken leg propped on a chair.

"Everything's too high," he told a reporter. "Prices, that's the main argument. My sister runs this little ol' store, and every time she gets something in, it's up a penny or two. Meat's so high you can't touch it."

In Dublin, McGrath Keen, president of the Farmers and Merchants Bank, said food prices "are a concern to everyone. They continue to go up."

His secretary, Madelyn Thomas, chimed in, "Definitely! Meats go up a few cents every time I go to the grocery store, and that's three or four times a week."

H. Polk, owner of a produce store in Savannah, is worried about too much deficit financing. "It's getting worse," he said, "and it looks like there's no end to it—borrowing money to get more prosperity. . . .

"I think somebody could do something about it, but it might cause a depression. There ought to be some way we all might sacrifice to bring down the deficit—a little bit anyway."

Carolyn Yates, a 16-year-old waitress in Cordele who quit school "because they just don't teach anything anymore," has started finding out early about the economic facts of life.

"It seems like the cost of living is going up and the pay is going down," she said.

Automobile dealer Calvin E. McLendon of Perry feels there should have been price controls "way back yonder. If we keep jacking this side up and then jacking the other side up, there's no telling where it'll lead us."

He also feels that the billions of dollars this country is spending overseas is a major cause of the high taxes.

"We ought to be doing things like increasing the Social Security to look out for people's old age a little more," McLendon said.

But a much younger man, Macon advertising salesman Bill Saffold, disagreed with McLendon on one point.

"Social Security bugs me," he declared. "It's tearing people up, all that money they deduct from your salary. We put in all that money, and then you hear that they've got billions and billions of dollars in excess they're not using."

There were some differences of opinion about the severity of the domestic economy.

W. L. Watkins of Augusta said, "Inflation, economy and so forth, don't mean all that much in this area. The economy is good here, and I guess the only thing people might be worried about a little is rising prices."

And in Athens, Hank Johnson said that inflation "is certainly not an issue because the economy here is booming more than ever before. People aren't complaining that much about prices, and they can't see where Nixon has done that much wrong as far as the economy is concerned."

Most Georgians interviewed, although they may well be concerned about the cost of living, feel very strongly that things have a much better chance of getting better if President Nixon is re-elected than if Sen. George McGovern wins the November election.

"The economy is an issue," said weekly newspaper editor Charles Hamilton of Toccoa. "The people are worried about this. They're afraid of what might happen when you start giving people money. They're afraid of McGovern for this reason."

Over in northwest Georgia in Rome, a businessman commented, "The economy will be a strong issue, although our economy in this area is good. But let me tell you one thing. People around here are going to vote on overall images (of Nixon and McGovern), not on specific issues. But if there are any specific issues, I'd have to say the economy will be one of those."

Another Rome citizen, black furniture store operator James Wright, charged that the "politicians are covering up the real issues and hammering away on emotional things like busing. The real issues are things like getting this bad economy straightened out."

Mrs. Ima Rude, executive director of the Dawson Chamber of Commerce in South Georgia, doesn't think "anybody has the answer to the economic problem, but I don't think we can continue our current spending programs indefinitely."

"But still," she added, "you don't see people who are willing to give up the services they're getting, even though they all want their taxes cut. Frankly, I'd like to have my taxes cut, too. It sounds good when you talk about cutting taxes, but I certainly don't want to have them stop picking up my garbage if they do cut taxes."

John W. Vinson, pharmacist who runs his own drug store in Byron, thinks little businessmen like him are slowly getting squeezed out.

"It's really getting bad for small business and small industry," he said. "The big companies keep taking over everything, and we don't have much of a chance. And on top of that, the taxes keep getting higher."

One of the few outspoken black supporters of President Nixon in Georgia is Dr. Robert Wright, a member of the Metro Council in Columbus, who believes the rising taxes on property has become "critical."

"I certainly hope the (Republican) administration will take the lead to reduce the ad-valorem tax on home owners during the next four years," he said. "They've been taxed to the absolute limit to support local government."

Another black, Macon attorney William C. Randall, feels that the general economy and higher taxes have "gotten to the point where I can hardly afford to eat. Property taxes in Bibb County are unbelievable. And the service you get for your taxes is not on the same level."

Mrs. Isabelle Carter of Powersville is retired now after teaching school for 37 years.

"I'm afraid the way taxes are going we'll be unable to see daylight again," she said. "This world is just not a happy place for me to live anymore."

Still another point of view came from H. H. Farmer, 67, of Cordele.

"I don't have a worry in the world," he told a reporter. "I'm retired from the Ford Motor Co. here. My house is paid for. I've got a pension and Social Security and can make an extra $1,600 a year if I want to. And my wife makes $400 a month working."

McGOVERN AND EUROPE

Mr. CHURCH. Mr. President, the Washington Post of September 22 contains a perceptive article written by Stephen Rosenfeld, on the reaction of many Europeans to the presidential candidacy of George McGovern.

The article is perceptive because it deals with the fear many Europeans seem to have of losing the American security umbrella which has sheltered them for so long.

It is an unfounded fear, for George McGovern would hardly abandon Europe to the Soviets.

But, as Rosenfeld points out:

> Europeans, the French partly excepted, have become accustomed to dependence on the United States; it spares them the costs and political difficulties of working effectively with each other. Mr. Nixon has offered Europe a poultice—continued American stewardship—which many Europeans find more attractive than the greater independence which the McGovern approach would mean.

Yet, President Nixon's is a policy outdated by the reality of present day European detente, not to mention European prosperity, which suggests that our allies shoulder a larger share of the defense burden. It is the reality of the present world that lies at the heart of George McGovern's policy with respect to Europe.

As Rosenfeld notes:

> That many Europeans should prefer the known and, for them, easy way of Richard Nixon is hardly surprising. To believe they could not adjust to a careful, comprehensive policy of the sort (suggested by Senator McGovern), libels Europeans as well as McGovern.

Mr. President, I ask unanimous consent that Mr. Rosenfeld's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Sept. 22, 1972]

Nixon's Their One: Europeans Hasty to Fear McGovern

(By Stephen S. Rosenfeld)

The nervousness verging on incipient panic which George McGovern's candidacy has elicited among some of the United States' allies in Western Europe is striking, politically in respect to the American campaign and diplomatically in respect to American policy.

The ostensible basis of Europeans' feeling is, generally, the impression that McGovern is in the sway of an intemperate neo-isolationism and, specifically, that he will halve American troop levels in Europe (currently at 320,000) in three years, whether the Kremlin reduces its East European forces or not.

The Europeans could stomach Richard Nixon's unilateral devaluation of their economic assets a year ago last August. But they cannot accept what they expect from George McGovern: the unilateral devaluation of their physical security and of their psychological equilibrium. It is only their common expectation of the Democratic nominee's defeat that allows them to maintain any semblance of respectable composure at all.

To the President, West Europe's jitters are grist for his political mill, welcome evidence from a seemingly knowledgeable and impartial source of the competence of his diplomacy and the necessity for his reelection. So the latest "First Monday" published by the Republican National Committee devoted most of a page to jabs at McGovern by leading newspapers in Europe.

So in response McGovern sent Abram Chayes, a high-level advisor—if "advisor" is the right word for the experts trailing McGovern's campaign—to Europe earlier this month in order to retrieve the candidate's foreign policy views from the over-simplified sloganized form in which his political rivals and his own earlier expositions have fastened them on the public mind.

Chayes, a Harvard Law School professor who worked in the Kennedy State Department, was aware that Europe's judgments feed back into American opinion, especially into the small but influential and still mostly Europe-oriented foreign policy community in this country. Nor did it escape him that the controversy over McGovern's European policy touches the larger political issue of people's sense of his ability to deal with important Presidential affairs. It is a fact, and a damaging one to McGovern, that aside from his views, his "capacity to govern" has become a major question in the campaign.

In Britain, France, Germany and Belgium (NATO headquarters), Chayes sought to address the misgivings many Europeans have about McGovern—fears that the kind of change in the status quo envisaged by McGovern, and perhaps even more the way of changing, would somehow unnerve Europe and embolden Moscow and lead over time to Soviet political ascendancy or, as it is sometimes called, the "neutralization" or "Finlandization" of Europe.

Chayes explained that although McGovern would not tie troop "redeployments" to matching Soviet cuts, as would the President, he would tie them to a continuing evaluation of the East-West balance. He insisted that Europe and the United States will inevitably and desireably remain intimate partners but that the movement towards detente and the new prosperity in Europe require the focus of their partnership to shift from the military to economic and political fields. It is the United States' recent relative neglect of Europe in those fields—a neglect which McGovern would repair—that makes the troop issue as unnecessarily conspicuous and granting as it is, he said.

Reasonable as these considerations may seem to some, it remains the case that Europe's anxieties are not of the sort to be easily removed by even the most persuasive Harvard law professor. Many Americans may wonder why the United States must carry a seemingly permanent security load for a region which not only appears less threatened than at any time in the last generation but which unquestionably is able to carry a larger share of its own security load.

But Europeans, the French partly excepted, have become accustomed to dependency on the United States: it spares them the costs and political difficulties of working effectively with each other. Mr. Nixon has offered Europe an alternative—continued American stewardship—which many Europeans find more attractive than the greater independence which the McGovern approach would mean.

Specifically, the Nixon policy looks to big East-West talks on everything and to smaller East-West talks on troop levels in which the principal decisions regarding European security would stay in the hands of Washington and Moscow. For many Europeans, the troop talks will be measured by the extent to which they limit and delay troop cuts.

The European attitude is fairly indicated by The Economist's report, entitled "It doesn't look any better," on the Chayes mission. "The heart of the matter," said the distinguished British weekly, is that McGovern's troop cuts would reduce to 1–4 days the period in which Europe could conduct a non-nuclear defense against Soviet attack. But surely the real "heart of the matter" is that a conventional Soviet land assault in Europe is inconceivable. That in a period of European detente and Sino-Soviet tension a paper like the Economist can conjure up such a scenario, and treat it as real, demonstrates how addicted Europe has become to American supervision of its security affairs.

I would argue that the whole development of postwar policy, to which Richard Nixon has contributed his significant part, has made it safe and feasible if not essential to weigh alternative detente strategies in Europe. That many Europeans should prefer the known and, for them, easy way of Richard Nixon is hardly surprising. To believe they could not adjust to a careful, comprehensive policy of the sort suggested, for instance, in yesterday's report of the McGovern Panel on National Security, libels Europeans as well as McGovern.

PENSION REFORM: A CONSTITUENT'S LETTER

Mr. SCHWEICKER. Mr. President, I urge that the Senate take up and pass S. 3598, the pension reform bill reported by the Committee on Labor and Public Welfare. I feel that action in this vital field of pension reform is long overdue, and I regret that the Committee on Finance has acted to gut the crucial reform provisions from S. 3598. The Subcommittee on Labor, on which I serve, has conducted an in-depth study of pension plans for the past 2½ years. The bill now pending on the Senate Calendar has been cosponsored by 15 of the full committee's 17 members. The people of Pennsylvania, not to mention the American people, are not going to stand for any more delay on this vital matter, because the public concern over pension plans extends not only to blue collar workers but to the white-collar sector as well.

Here, for example, is a letter I received recently from a man in Pennsylvania who himself works for the personnel department of a large company. To protect the confidentiality of his letter, I shall withhold his name, his hometown, and the type of company for which he works, but this is an actual letter that really gets to the gist of what the pension mess is all about.

This constituent happened to watch the excellent NBC television documentary, "Pensions: The Broken Promise," narrated by Edwin Newman, which was broadcast September 12, and which included excerpts from a July 17 hearing held by the Subcommittee on Labor on pension plan termination cases in Philadelphia. I had the honor of presiding at that hearing, and of appearing on the TV program.

Here is my constituent's reaction:

> DEAR SENATOR SCHWEIKER: My wife and I were impressed with last night's TV special, "Pensions: The Broken Promise," as it speaks to a problem of which we are becoming increasingly aware and concerned.
>
> We were pleased to see your involvement in the Senate Labor Committee hearings on pension plans. We were touched by the stories of those testifying as well as truck drivers and others on the TV program.
>
> I am a manager in the Personnel Department of a large company, which has a fully funded pension plan. First let me say that even the personnel men cannot understand the pension plan booklet. Like so many others we basically have faith in a promise. I'm sure a fully funded plan is better than one that isn't.
>
> What bothers me, however, is that the plan is non-contributory, so that I have no equity until that magic "vesting" point is reached. I have already worked 14 years for my company. Four more than the required number of years for a vested pension. But I am still several years away from the age I must be in order to have a vested pension.
>
> The experience of recent layoffs combined with plans for reorganization predict that many more people at all levels will be let go. This probably includes me. If this happens within the next year as seems likely, I will have spent 15 years with one company without having accrued anything toward a pension, because I'll still be below the vesting age.
>
> Edwin Newman hit it exactly. I'm another of those Americans who is doing what sociey expects—I work, and meet my obligations. I am told by my employer that I am earning a good pension for our retirement years. Yet if reorganization, layoff, or other things not my fault cause me to leave the company before vesting, I will have nothing. This fact of accruing nothing is also a large factor in keeping me from seeking to better myself with another company because I can't afford to throw away all these years of service. Even if I survive 'till vesting, then I have to sit tight and hope the company survives.
>
> I don't know what the answer to this problem is. I don't even know what all the questions are—I am sure it's complicated. My only conviction on it is that the great majority of Americans who work to provide for themselves need some pension *protection*. I hope you and your Senate colleagues will be able to find a way.
>
> Sincerely,
>
> (name withheld by Senator SCHWEIKER).

Mr. President, this letter tells in simple, straightforward, yet eloquent language just why American workers—white collar, as this constituent is, as well as blue collar—are looking to Congress for action on pension reform.

The points raised by my constituent's thoughtful letter are precisely some of the key points of S. 3598. But the version of S. 3598 favored by the Committee on Finance would hardly begin to answer this constituent's fears and concerns about the future of his pension. Only the version reported by our Labor and Public Welfare Committee would help in cases like this.

First, the man writes that at his company no one receives a vested pension until he or she has worked 10 years and reached a specific age. He fears that he might be laid off from this company before he attains that age, and thus will have nothing. Under S. 3598, a worker will get 30 percent of his pension vested after 8 years of service, regardless of whether or not he has reached a particular age. Each additional year he works after that, he will get an additional 10 percent until, after 15 years service, a worker will have a fully vested pension.

The Committee on Finance, however, would strike this vesting provision from S. 3598.

Second, the man writes that even after he acquires a vested right to a pension, he must hope the company survives until he is actually ready to retire and draw his pension. Under S. 3598, no worker who has acquired a pension right would have that worry because a national reinsurance plan would guarantee the payment of his vested pension in the event that the company itself does not survive.

But again, the Committee on Finance would strike this reinsurance provision from S. 3598.

What would the Committee on Finance leave for my constituent? Fortunately, it would leave the provision in title V of the bill that all pension plan participants are to be informed of their plan provisions in a way that the average participant can understand it. At least the Committee on Finance appears to be in favor of better, cleaner pension plan disclosure—even if they reject national standards for vesting, funding, reinsurance, and voluntary portability of pensions.

Mr. President, I hope that every Senator will read and reread this extraordinary letter from my constituent. And I hope that every Senator will stand up to help us pass S. 3598 in the form reported by the Labor and Public Welfare Committee. The battle for pension reform is long overdue, and it must begin here and now.

THE TERMS OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, so much has been said in reference to the Genocide Convention that I thought it would be helpful to explain, point by point, the terms of this convention.

The Genocide Convention contains 19 articles. Of these, the first nine are of a substantive character, and the remaining 10 are procedural in nature.

Article I carries into the convention the concept that genocide is a crime under international law. In this article the parties undertake to prevent and to punish the crime.

Article II specifies that any of the following five acts, if accompanied by the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, constitutes the crime of genocide:

First, killing members of the group.

Second, causing serious bodily or mental harm to members of the group.

Third, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.

Fourth, improving measures intended to prevent births within the group.

Fifth, forcibly transferring children of the group to another group.

This article, then, requires that there should be a specific intent to destroy a racial, religious, national, or ethnical group as such in whole or in part in order to constitute the crime of genocide.

Article III of the convention specifies that five acts involving genocide shall be punishable. These five genocidal acts are—

The crime of genocide itself; conspiring to commit genocide; direct and public incitement to commit genocide; attempt to commit genocide; and complicity in genocide. The parties agree in article IV to punish guilty persons, irrespective of their status.

In article V the parties undertake to enact, "in accordance with their respective constitutions," the legislation necessary to implement the provisions of the convention. The convention does not purport to require any party to enact such legislation otherwise than in accordance with the country's constitutional provisions.

Article VI makes it clear that any person charged with the commission of any of the five genocidal acts enumerated in article III shall be tried by a court of the state in whose territory the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those States accepting such jurisdiction. Thus, genocidal acts committed on American territory would be tried only in American courts. No international tribunal is authorized to try anyone for the crime of genocide.

By article VII the parties agree to extradite, in accordance with their laws and treaties, persons accused of committing genocidal acts.

Article VIII recognizes the right of any party to call upon the organs of the United Nations for such action as may be appropriate under the charter for the prevention and suppression of genocidal acts.

Lastly, article IX provides that disputes between the parties relating to the interpretation, application, or fulfillment of the convention shall be submitted to the International Court of Justice, when any party to a dispute so requests. As I mentioned earlier, the remaining articles are procedural in nature.

Mr. President, I point out the specific language of the articles to familiarize Senators with the provisions of this convention. It is my hope that by clarifying the technicalities involved, Senators will better understand that this convention calls for nothing more than an international indictment against the practice of genocide. It defines the crime of genocide, and it obligates States to take measures to prevent and punish genocide within their respective territories. With this better understanding it is my hope that the U.S. Senate will ratify the Genocide Convention in the near future.

PENSION REFORM

Mr. MONDALE. Mr. President, as is becoming increasingly apparent, the issue of pension reform is a vital issue, affecting millions of Americans. The pension plan industry, with assets estimated to exceed $150 billion, has been the subject of intensive study. The Committee on Labor and Public Welfare on September 15, 1972, reported unanimously S. 3598, the Retirement Income Security for Employees Act of 1972—RISE—which would create minimum standards of vesting, funding, insurance, disclosure, and fiduciary conduct for pension plans.

I strongly concur in the views of the five members of the Committee on Finance who dissented from the committee's ill-considered action to strip the bill of its major provisions. As it is inevitable that this issue will be before the entire Senate before long, the findings of the Subcommittee on Labor should be of interest to all Members of Congress.

The latest issue of U.S. News & World Report, dated October 2, 1972, contains an article which contains some of the findings of the subcommittee regarding pension plan forfeitures, terminations, and funding. It also summarizes the major features of the bill.

Mr. President, I ask unanimous consent that the article, entitled "Tighter Rules for Private Pensions—The Outlook Now," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FINANCE—TIGHTER RULES FOR PRIVATE PENSIONS—THE OUTLOOK NOW

(Soon to come to a vote in the Senate: a bill for broad new guarantees to the more than 30 million Americans covered by private pension programs)

Now getting a big push in Congress are plans for pension reform that will mean important changes for all of the country's private retirement programs.

Chief thrust of a measure just approved by the Senate Labor Committee is toward tightening pension rules in three basic areas. These new rules, if enacted, would:

Make sure that more people, in the future, actually get pension benefits to which they are entitled.

Improve "vesting" provisions in most pension plans, by shortening the period over which an employe has to work before he is entitled to benefits.

Provide new safeguards for the cash piled up in pension-fund reserves, with insurance to cover benefits if a plan is ended before full funding is achieved.

The bill soon to reach the Senate floor is known as the Retirement Income Security for Employes Act, or RISE, for short.

The measure is a bipartisan one, sponsored by Republican Senator Jacob Javits, of New York, and Democratic Senator Harrison A. Williams, of New Jersey.

DEFERRRED ACTION

Supporters see no prospect that the bill will get final enactment this year. The full Senate still must debate it, and a Labor subcommittee in the House must wind up research and hearings on a similar bill.

However, legislative experts see a good chance of passage next year, particularly since 15 of the 17 members of the Senate Labor Committee are solidly behind the Javits-Williams proposals.

Over the past decade or so, Congress has seen a flood of bills introduced to regulate the thousands of private pension plans in force in the U.S., but none of the bills has managed to reach the floor of either chamber. Now, says one pension expert, "There are enough forces converging on the whole issue of pension reform to assure a legislative showdown next year."

An indication of the stakes involved in pension-plan revisions is given in the accompanying charts.

Private pension plans now hold close to 153 billion dollars in assets, and cover more than 30 million individuals. Last year, private plans of all types paid out nearly 8.6 billion dollars to about 5.1 million beneficiaries.

One aspect of the current pension-fund situation that has come in for increased scrutiny lately is the high percentage of assets invested in common stocks.

Until recent years, actuaries tended to advise that pension reserves be kept in traditionally conservative investments such as high-grade corporate bonds or U.S. Government securities. The theory was that a heavy concentration in common stocks was too risky, and that money put into equities might evaporate in a severe market shake-out.

In the past decade, however, a growing share of the assets of noninsured pension plans—those not managed by insurance companies—have been invested in the stock market.

In 1960, 43 per cent of the assets of noninsured plans were in common stocks. By 1965, that figure had risen to 55 per cent. In 1971, it had gone up to 68 per cent.

OTHER INVESTMENTS

Corporate and other bonds made up 39 per cent of pension-plan reserves in 1960. Now that sum is down to 21 per cent. In 1960, 7 per cent of pension assets were in U.S. Government bonds. Now they are down to 2 per cent.

The heavy emphasis on stocks has raised questions in two directions. One is whether pension funds, with their huge concentration of buying power, may not have undue influence on stock-market prices. Fund managers have the ability to buy or sell thousands of shares in one transaction. The other question is whether some of the billions in pension reserves might not be wiped out in a stock-market crash.

There is no indication that the pending pension-plan legislation would specify any top limits on pension-plan assets that could be invested in common stocks.

The Javits-Williams measure does provide for enforcement of carefully engineered standards aimed at correcting what the bill's supporters see as serious shortcomings in existing regulations.

One study, for example, indicates that 9 out of 10 workers in certain job categories may never get their expected retirement income. Most workers forfeit their pension rights because they leave their jobs or are discharged before qualifying for benefits under the plans' provisions. Also, some lose out when their employers shut down operations or merge with other companies without setting aside enough money to cover workers' pension claims.

A recent report by the Senate Labor Subcommittee took a detailed look at 11 terminated pension plans in various industries and geographic regions in which 22,580 people were affected. In addition, more than 115 other recent pension-plan terminations affecting 200,000 individuals were studied.

The Subcommittee's conclusions:

In nearly all cases, the employer shut down operations following a merger or acquisition, leaving many workers without jobs.

The average age of pension-plan participants when the plans were ended was high, limiting employment opportunities elsewhere and diminishing the workers' ability to qualify for pensions with subsequent employers.

Most participants in these plans had thought their benefits were guaranteed and had no inkling that benefits might be reduced or eliminated.

When their pension plans were suddenly ended, most participants could not get information about what pension rights, if any, remained for them.

INSUFFICIENT FUNDS

Hearings by the Labor Subcommittee uncovered the fact that, when the pension plans it studied were terminated, assets in those plans invariably were insufficient to pay all promised benefits.

Sometimes, the hearings indicated, employees who had been drawing benefits were cut off from any future benefits when a plan was terminated.

Although reasons for the underfunded condition of the terminated plans varied, the committee staff cited as one reason the effect of the recent stockmarket decline on pension funds with large holdings of common stock.

What are some of the key provisions of the Javits-Williams bill?

Under one major provision, a worker who stays on the job for eight years would build up a 30 per cent vested right to his pension benefits. Only three of the eight years would need to be continuous. For each year beyond eight, an additional 10 per cent would be vested. After 15 years of service, vesting would be complete.

The U.S. Secretary of Labor is given authority to decide whether to waive the vesting requirements, however, if he finds that a pension plan has provisions equally favorable. Officially pointed out that this means the Labor Secretary will be able to let the auto companies and many other large industrial firms continue their agreements with workers for full vesting after 10 years of service.

For workers now covered under private pension plans, there would be limited recognition of past service. Anyone in a plan who was 48 years old when the bill became effective would be credited for his service prior to the effective date.

An important section of the new measure is intended to bolster the financial stability of all private pension plans.

The bill would require full funding of every pension program over a 30-year period, and insurance to cover vested benefits if a plan were forced to terminate before full funding was achieved.

TRANSFER OF RIGHTS

Also provided is a voluntary system of "portability." This means that a worker who stays at one job long enough to acquire pension rights could carry those rights with him if he moved to another job also covered by a pension plan.

More stringent "fiduciary standards" under the plan would broaden reporting and disclosure requirements for trustees and administrators, and require that persons handling employe-benefit money deal with it exclusively in the interest of the beneficiaries.

Employers also would be required to give workers more details about the exact provisions of a pension plan and how the plan applies to each employee covered by it.

Present federal law is described by many authorities as "lax" so far as pension-plan regulation is concerned. The chief requirements now are that administrators report annually on the structure and operation of their funds.

Existing plans are not required to be either audited or insured against loss. By contrast, other big pools of money—notably banks and insurance companies—are closely regulated.

One federal official has pointed out that "private pension-plan funds constitute the largest sum of unregulated capital in the United States."

The measure now pending in Congress will go some distance toward bringing the billions in retirement funds under a new set of safeguards.

ADDRESS BY T. SGT. PAUL R. MEWBORN

Mr. GOLDWATER. Mr. President, recently it was my great pleasure to have been invited to address the graduates of the noncommissioned officer academy at Richards-Gebaur Air Force Base in Missouri. I have watched carefully and with great interest over the past several years as noncom training has undergone a decided change, a change I think, for the better.

Previously, the great stress was upon the particular skill or skills of the noncommissioned officer involved with no attention being paid to broadening the man's base of understanding. Today that has all changed and these noncommissioned officers attend these schools and study the economics, not only of the United States but of the world. They study the political implications of treaties and acts of governments; in short, they are taught to bring their thinking up to today on matters that concern not only them as members of the Air Force, but their wives, their families, and the people of our country.

At the particular meeting that I attended, T. Sgt. Paul R. Mewborn, 1989 Comm Sq—AFCS—Torrejon, Spain, AFB, who won the VFW World Affairs Award, gave this short speech. They are taught to keep their speeches short; in fact, one of the most interesting things I ever heard was from President Eisenhower who said:

> If you can't get it on one page you haven't thought about it.

I think that is part of what goes into their instruction, so that they can be short, to the point, and get the message across to the people under them.

I ask unanimous consent that the remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

WHY TODAY'S NCO NEEDS TO STAY INFORMED

Gentlemen, if we were to take a survey this afternoon in the NCO Club or at a nearby shopping center, most of those queried would be able to identify the names "Trevino" or "Namath". Damned few would recognize "Arafat" or "Papadopoulos". Many would be able to find Indianapolis and Palm Springs on a map. How many could find Rangoon, Djakarta or Amman?

Our grandfathers didn't have a clue where Sarajevo was; our fathers could have cared less about the Sudentenland; and they died by the hundreds of thousands in two world wars, never knowing why.

People still live who say "Benito Mussolini was a great man. He made the trains run on time"; or "What was wrong with Hitler? He built the greatest highway system the world had ever seen"; or "Francisco Franco is a gentleman. He attends mass every Sunday."

Why should NCOs be concerned with world affairs? Well, first, because what's going on in the world around us can be hazardous to your health, and to that of your loved ones. With world tensions cycling up to a high point every few years, the actions of a Mideastern guerilla leader or the provisions of a wrinkled treaty could touch off Big Show Three. Many think that one will be the final section of three. Armageddon!

Secondly, in this age of military mobility, you can find yourself packing for points little known on short notice as part of an Air Force support commitment. If you would rather be taken by surprise, you have a mental problem.

Third, you supervise young troops who frequently have more formal education than you. They can respect your well-reasoned disagreement with their ideas. They cannot fully respect a leader who does not keep himself informed.

Fourth, you are franchised citizens of one of the world's great powers. How you vote can help alter the course of world affairs. I *beg* you to think about that one.

Gentlemen, the day of the hulking semiliterate topkick is gone. In a world that could blow up any minute, common sense dictates that we keep track of what's going on. Thank you.

THE LAVELLE AFFAIR'S RELATIONSHIP TO A VOLUNTEER ARMY

Mr. FULBRIGHT. Mr. President, one of the finest newspapers in my State, the Arkansas Democrat, published an excellent editorial on the Lavelle affair and its relationship to the proposal for a Volunteer Army.

I commend the editorial to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE LAVELLE LESSON

Those supporters of an all-volunteer army—and that includes both Mr. Nixon and George McGovern—ought to think deeply about the case of Lieut. Gen. John D. Lavelle and his private air war.

Plainly here is a case where the military establishment purposefully went around orders of the civilian leaders of our government. Testimony before the Senate Armed Services Committee showed that an Air Force unit in Thailand spent its days making more than 20 unauthorized bombing attacks on North Vietnam and its nights writing up phony reports to send to Washington.

General Lavelle, who is a highly-respected military officer, resented the fact that he could not destroy enemy supplies and equipment before they could be used against his fliers and other American soldiers. But the Defense Department rules in effect during that period (from November 1971 to March of this year) were that bombing could be carried out only in response to attack by North Vietnamese planes, missiles, antiaircraft batteries, etc. General Lavelle's planes bombed some radar sites but they also struck at stockpiles, oil and truck depots and airfields.

The wisdom of the Defense Department's orders versus what General Lavelle did is not what concerns us here. The crucial point is that our historical concept of civilian control over the military is plainly not working. This fact became so evident during the hearings that reporters said that the committee, which usually is most sympathetic to the military, was visibly shaken, especially its chairman, Sen. John Stennis, D-Miss.

Now how did we find out about General Lavelle's private air war? A 23-year-old sergeant from Cedar Rapids, Iowa, who enlisted in the Air Force to avoid the draft, wrote a letter to his senator. Neither the military's elaborate chain-of-command nor the Pentagon's fail-safe measures alerted the civilian leaders to what was going on. In fact, without prejudicing the case, it is beginning to appear as though his military superiors acquiesced in what he was doing and made no attempt to expose him.

But this is not unusual. Recall how the American people found out about the tragic events at My Lai: From draftees who wrote to their Congressmen and eventually talked to newspapermen after their army tours were ended.

The point we are trying to make is how important it is to have civilian-soldiers mixed in among the regulars. As do the people in any profession, career soldiers have a tunnel view of their objective, which is victory. And also like other professionals, career soldiers have a tendency to protect each other's methods so long as their goal is the right one. Therefore, we have private air wars and the wiping out of villages and perhaps other gross violations of the United States' policy. If these things can happen with thousands of draftees and ROTC officers in the ranks, as they were at that time in Southeast Asia, just think what might have happened if all our fighting men had been career types, who knew that a letter to a Congressman or a tip to the press could finish their careers.

Citizen-soldiers serve an important function in a democracy. They keep the public in touch with what the military is doing, and they keep the military aware of the average American's aversion to militarism. There are many reasons to oppose an all-volunteer army, but preserving this interchange is certainly one of the most important ones.

AIRCRAFT NOISE

Mr. BOGGS. Mr. President, the Senate may take up later this week important leigslation that would establish a strong, new Federal program for the control of noise pollution. I voted for the bill in committee as I believe it creates a sound, effective program to quiet our cities and our machines.

When the Senate begins this discussion, much of the debate will center on the issue of controlling aircraft and airport noise.

While I support the version reported by the Committee on Public Works, I recognize that there are other viewpoints. In an effort to give Senators as much information as possible on this issue, I ask unanimous consent that an analysis, prepared by the Federal Aviation Administration, be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

NOISE—MAKING THE AIRPORT A GOOD NEIGHBOR

The Federal government has made a commitment to improve the quality of life. Part of this pledge, of course, is to reduce the noise generated by the nation's commercial jet aircraft and business jets. In the real world of implementing federal policies, the desire to reduce noise does not bring about immediate results. This was recognized in Public Law 90–411, passed in 1968. That mandate from Congress amended the Federal Aviation Act by authorizing the FAA to control both aircraft noise and sonic boom. However, it also directed that noise abatement and control be achieved within the bounds of technical practicability and economic reasonableness while not compromising safety.

The world of aviation is pluralistic. Government decisions, by the legislative and executive branches, are not made in a vacuum, but through a complicated process of consultation. The airports to which commercial airliners fly are governed by municipal authorities of varying structures. The airlines are private companies operating in a semi-regulated atmosphere under the eye of not only the FAA, but the Civil Aeronautics Board. The U.S. military uses civil aviation facilities and its needs are far different from those of commercial users. There are numerous aviation industry associations in Washington who represent their members by carrying on a constant dialogue with the government. Not only federal, but state and local funds, too, are invested in the aviation system. The public, at large, generates the fundamental need for expedient economical air transportation and is both the principal beneficiary of that service and the recipient of some of the undesirable by-products associated with the utilization of that service.

"Getting it all together" is a complicated task and takes cooperation.

Since Congress took action to deal with the threatening environmental crisis, the FAA has made strides to implement the authority it was granted in noise control. We reported our progress on noise control to the Senate in July 1971.

Since that time, the agency has aided industry in developing noise takeoff and landing procedures aimed at noise reduction and further operational measures are being planned. And, FAA has begun two major projects—a new method to describe aircraft noise, and a proposed regulation to set fleet noise levels for individual airlines to further improve the environment.

HISTORY OF NOISE POLLUTION CONTROL EFFORTS

Before describing the new programs, it is useful to capsulize the history of efforts in noise pollution control. In this way, recent progress may be viewed in perspective.

Although piston-powered planes are not noiseless, i.e., without annoying sound, the introduction of the commercial jet age in the late 1950s set the stage for the present dilemma.

There were efforts to reduce engine noise even then. But, although jet exhaust suppressors were installed on aircraft in 1956, sound levels were not effectively reduced.

In 1959, the Port of New York Authority, which operates the airports in the New York City-New Jersey metropolitan area, was the first local authority to establish a noise-monitoring system and place limits on aircraft noise levels. Because there were no *technical* methods available to aid in meeting these limits, operators modified their flight patterns to conform with the regulations.

In 1965, the White House sponsored a panel on jet aircraft noise. In 1966, the FAA created its own Office of Noise Abatement. But, with no statutory directive, the agency had few teeth to bare. It spearheaded the organization, development and implementation of a cooperative government/industry aviation noise management program, but could not regulate in this area.

The 1968 legislation gave FAA the authority it needed to put a lid on the escalation of noise. Armed with that authority, in November 1969, the agency, as its first major step, added Part 36 to the Federal Aviation Regulations to implement the public law by establishing noise standards for the certification of new turbojet aircraft, which limited the noise levels for given aircraft weights.

As an additional feature of the regulation, to insure that the growth of noise was in fact stopped, it was stipulated that no existing turbojets could be modified if the modification resulted in an increase in noise.

The results of the Part 36 regulation are well-known. Aircraft certificated under the regulation include the DC–10, L–1011, 747–200, F–28 and the Citation, which are substantially quieter than previous aircraft in their categories.

However, a less well-known fact is that almost 100 noise certification actions and modifications to older jet aircraft have been processed to prevent further escalation of noise.

Figure 1 illustrates the trend of aircraft sound levels. The chart reflects the area within each aircraft's noise footprint (the number of acres exposed to sound levels of 100 EPNdB or greater on one landing/takeoff cycle) based upon maximum gross weight for each aircraft. Note the dramatic improvement in the noise footprints associated with the aircraft certified under Part 36 regulations (8,600 acres for an early 707 jet transport down to 1,400 acres for a widebodied DC–10 or an L–1011). As more of these quieter aircraft enter the fleet, the noise impact on people will lessen. Not only are these individual footprints being reduced as a result of technological progress, but the widebodied aircraft's greater capacity results in greater productivity. That is, fewer trips are needed to carry the same numbers of passengers. This is reflected in the bar graphs adjacent to each footprint where the exposure is shown in terms of acres per available seat to account for the increased productivity. (Acres per seat serves as a proxy for a more complex expression which would involve the facts that two flights of a 707 fanjet carry about as many passengers as one 747–200 flight and that each 707 flight would impact about three times as many acres as one 747; therefore the 747–200 is 6 to 7 times better environmentally than the 707. This environmental implication is also reflected in the ratio of the acres per seat for these two aircraft).

In 1970, the Airport and Airway Development Act was passed. Procedures to ensure that airport projects are environmentally sound were made preconditions to federal planning and airport assistance funds. Thus the ability to forestall future problems evoked by airports vis-a-vis the surrounding communities was enhanced. Our goal is to contain clearly unacceptable noise levels within airport controlled boundaries. An example of an airport developed under this philosophy is the Dallas-Forth Worth Regional Airport, which will encompass 17,400 acres. By contrast, Los Angeles International Airport, one of the nation's busiest terminals, is built on 3,000 acres. Los Angeles has been selectively purchasing noise impacted property and adding to its acreage. In addition it has offered matching funds to noise impacted schools for soundproofing.

This goal can be met by purchasing sufficient land and exercising proper land use controls. This may not be easy, and it may be expensive when dealing with a new airport, but it is much more difficult and may be prohibitively expensive when dealing with existing airports. New aircraft are getting quieter which helps existing airports, but there has been a gnawing problem of what else can be done about the aircraft certificated prior to December 1969, about the airports built before 1970.

CURRENT MEASURES

The FAA's Office of Environmental Quality, established in January 1971, is moving to curb the noise problems created in the past and impacting citizens and communities today.

This, of course, translates into doing something about the noise level's of today's jets, both commercial and business. It means changing some of the flight patterns and trying to change land use patterns in the vicinity of airports that are now incompatible with their neighbors.

The following discussion will outline current measures being taken to reduce the noise impact. You may ask whether the noise reduction efforts will bring meaningful relief? Or, whether the reductions are merely cosmetics applied to the image of the government and the industry, without being sufficiently large to mean anything to ensure that the answer to the former question is an unequivocal "yes"; to the latter an emphatic "no".

One program implemented last year is the "*keep* 'em High" project which, with the cooperation of the air traffic controllers, keep aircraft as high as possible for as long as possible, prior to landing. This minimizes the level of noise generated by them. This project supplemented the use of preferential runways and routings to minimize noise impact.

After a year of development, simulation and test, the airlines on August 1 implemented the use of standardized departures from airports throughout the country. This is the "*Get* 'em High Quicker" program. The new procedures that have been established get the aircraft higher above the ground earlier in the takeoff climb (Figure 2). We know that this new procedure provides some relief to communities close to airports (a maximum improvement of about 5 EPNdB).

Maximum noise reduction occurs in the first 3,000 feet, as shown in Figure 3 which reflects the sound signature of a 727 at takeoff power. It generates 123 EPNdB when 200 feet above the ground. As depicted in the chart, sound level on the ground goes down 23 EPNdB, as the aircraft climbs from 200 to 3,000 feet, and only an additional 6 EPNdB from 3,000 to 5,000 feet. The "Get 'em High Quicker" procedure permits an aircraft to arrive at 3,000 feet more rapidly. Therefore at 4 miles from brake release the 727 is a 3,000 feet using the new procedure rather than 2,000 feet using the old procedure (Figure 2) with lower sound levels such as shown in Figure 3.

The problem of reducing approach noise has been more knotty than reducing departure noise. With today's navigational equipment, operational deviations are difficult and preferential routings cannot be used for noise abatement. However, with the development of systems such as microwave instrument landing systems such flexibility will be possible.

Concurrently with the development, simulation and test of departure procedures, we were working on noise reduction procedures for approach. Six weeks after the new departure procedures were begun, the airlines instituted a new standard approach procedure that provides considerable relief to people on the ground in the approach area.

In this new procedure the aircraft operates with a lower landing flap setting when permissible and a lesser approach flap setting throughout the approach. By using a lesser flap setting, drag is reduced and a lower power setting is required to maintain a steady descent. This results in lower sound levels. Figure 4 shows three approaches by a 727 on a standard 3° glide slope beginning at 6 miles from runway touchdown. Some pilots have assumed landing flaps of 40° at this 6 mile point while others have used 30° flaps. In the new standard (bottom part of the figure), 25° approach flaps are used until the aircraft is descended to 1,000 feet (3 miles) where it transitions to 30° flaps by 2 miles. This results in up to 7 db less noise at 6 miles from runway touchdown with a reduction in noise evident at 3 miles. No improvement is evident closer in except when compared with those aircraft using 40° flaps. This procedure is not limited to the 727, and, in fact, greater noise reductions can be achieved by some of the noisier aircraft.

These improvements in noise reduction being realized through changes in operating procedures are being achieved through a cooperative effort by the FAA and the airlines. We made surveys which showed the lack of standardization and indicated the lower noise levels that could be achieved through various changes in procedures. For several months, my Office of Environmental Quality worked closely with the Air Transport Association Flight Operations Committee, whose members are chief pilots, to evaluate and test these techniques. Noise reduction does not necessarily require regulation, and may be achieved more expeditiously through cooperation, though it may need refinement later through regulation. To further achieve our goals, we are continuing our regulatory thrust in other areas.

This summer, the FAA proposed an amendment to Part 36 that would require new production aircraft of designs certificated prior to December 1969 to meet the Appendix C noise standards. Included would be transport aircraft such as the 707, 737, DC–9 and 727. Also included would be business jets such as the Learjet and the Gulfstream. The standard would apply to aircraft weighing more than 75,000 pounds as of July 1973 and a year later to aircraft weighing less than 75,000 pounds. The reason for the difference is that technical development of engines for small aircraft has been slower than for the larger aircraft. In addition, it is felt that the economic burden imposed on operators of business jets would be greater.

The fact that the Boeing Company required only 22 months to make the 747–200B comply with Part 36 (lowering sound levels while adding fuel capacity and range) suggested to FAA that such a proposal as described above is neither technologically impractical nor economically unreasonable. Manufacturers are working steadily on noise reduction projects which, unlike the 1950s, are now top priority. To sell aircraft, they have to compete on the basis of noise in addition to the more customary selling factors.

An advanced notice of proposed rulemaking still under consideration is the recommendation that those aircraft in the current fleet which do not meet Part 36 have their noise levels reduced through engine modifications (retrofit). A decision on this recommendation is due late this year, pending evaluation of flight test data results.

Our rulemaking schedule includes issueance of a notice of proposed rulemaking in the next few months that will involve Civil Aircraft Fleet Noise Level Requirements for air carriers. When we refer to a fleet noise level, we mean an expression of the average noise signature of an air carrier's fleet. By establishing this requirement with Part 36 as a reference level, the average noise levels will continue to be reduced.

Our determination to move ahead on the fleet noise reduction project is based on preliminary estimates of aircraft equipment plans which indicate that some carriers' fleet noise levels could increase between 1972 and 1976, despite the higher proportion of quieter, widebodied aircraft. This could happen if traffic increases faster than capacity, forcing an increase in the number of operations of narrow-body aircraft that more than makes up for noise reduction achieved though introduction of widebody aircraft in the fleet.

As currently being recommended by FAA, fleet noise level (FNL) requirements would be based on a standard reference applied equally to all carriers. However, each carrier's actual FNL value could differ because of their different aircraft types and the operational frequency of each aircraft type. As now planned, FNLs would be applicable as of 1 January 1976 to all scheduled air carriers operating turbojet aircraft. Certificate suspension could be the penalty for lack of compliance.

A rule based on fleet noise levels would provide an air carrier a set of alternative options that would allow him to choose how he would meet the level. These options could include retiring older noisier aircraft (some or all), replacing them with quieter more productive aircraft; reducing the frequency of operation of noisier aircraft; operating the noisier aircraft at lower weights; modifying the engines/nacelles of noisier aircraft (modification kits could be available as a result of the proposed rule for new production of previously certificated aircraft and as a result of our research efforts in association with the proposed retrofit rule). Based on an analysis of his fleet and his markets, an air carrier can choose the most efficient option or combination of options that complies with the assigned noise level.

Because we are dedicated to the goal of further reducing noise levels, and we have evidence that it is technologically feasible and economically reasonable to build aircraft with lower noise levels than prescribed by Part 36, we will be issuing a notice of proposed rulemaking in the next six months which will lower the noise standards in Part 36 for aircraft produced in the future (standards and production date to be determined).

In the preceding discussion, we have detailed the technological progress made in reducing noise, described recently implemented operational procedures which further reduce noise levels, and have discussed proposed rules that we are developing to assure a quieter environment for all of us. We also briefly mentioned that airport planning must consider environmental impacts (including noise) and that land use planning must consider noise.

We have recently discussed with the aviation community a new Aircraft Sound Description System which we plan on implementing. It contains the elements neecssary to depict aircraft noise exposure in the vicinity of an airport in terms that are readily understandable. What areas are exposed? How many acres are in these areas and what percentage of this acreage is on the airport? What is the duration of exposure in these areas? This method can

1. Describe technological progress;
2. Evaluate aircraft operating procedures;
3. Describe environmental impact.

It can also be used as a measure of progress towards attaining our goal of confining clearly unacceptable noise to within an area controlled by the airport.

PROF. RAYMOND J. SONTAG'S 75TH BIRTHDAY

Mr. TUNNEY. Mr. President, several generations of our Nation's students have been accorded a privilege and an experience whose meaning cannot be measured by any traditional standard. They have studied under Prof. Raymond James Sontag.

For close to 20 years at Princeton and for more than 30 years at the University of California, Dr. Sontag has enriched the education and the spirit of those students whose good fortune it was to study history with him.

He is recognized most widely as an educator and as a historian, for he has earned the praise of the best educators and historians of the 20th century. But I understand that those who know him best admire him most because he is a kind and decent man—unquestionably able and wise, but, more important to his friends, a thoughtful, sensitive, and totally honest human being.

I understand that his skill as a professor cannot be understood properly unless one has seen him teach—that his undergraduate classes responded to his lectures with a deep respect that could not be conveyed even through their applause at the end of his lectures; that his most brilliant graduate students of several generations, now distinguished historians and public servants in their own right, refer proudly to the fact that they were once students of Dr. Sontag.

The Government also owes him a great debt. As chief of the German war documents project for the Department of State, and as an intelligence expert for the U.S. Government, he performed with the same brilliance that he displayed at Berkeley and at Princeton. It is small wonder that those who worked with him in Government have continued for many years to seek his counsel.

He is a rare man. I am aware of students who took his courses in the 1960's, Mr. President, because their fathers were inspired by him in the 1920's and the 1930's. He has proved that to teach is truly to touch posterity.

Deeply committed to his faith, Raymond Sontag has worked closely with Catholic clergy and laymen in a lifelong effort to provide leadership, guidance, and spiritual commitment to the most noble aspirations of his church.

I know that, in a time of crisis at Berkeley, while many disagreed with his calm and reasoned views, none could deny that he approached problems with a deep love for his university and affection for its students, combined with innate perception and wisdom tempered by long experience and a commitment, displayed over generations, for the rights and dignity of all men. Some men and women have disagreed with Dr. Sontag. All people respect him.

That deep sense of respect for him—combined with sincere affection—is shared by persons of all ages, from diverse backgrounds, and in all walks of life. And he has given of himself to them all.

Professor Sontag is 75 years old today, October 2, 1972. Accordingly, Mr. President, I take this moment to advise Senators, in a small and inadequate manner, that this great and good man is celebrating an important birthday. I am speaking for countless Californians and other Americans when I say to Prof. Raymond Sontag: "Happy birthday and thank you."

MONEY AND THE PRESIDENTIAL CAMPAIGN

Mr. CHURCH. Mr. President, we all know that money is an integral part of the campaign process. Unfortunately, it is too often the deciding factor.

A case in point is the present presidential campaign. We are witnessing an incumbent President with perhaps $50 million or more to spend running a virtual noncampaign in which he consistently refuses to get out and meet the people, except for a few token appearances. Meanwhile, the Democratic candidate, George McGovern, works 20 hours a day, but lacks the financial resources to run the kind of campaign he needs.

A recent editorial in the Gazette-Record of St. Maries, Idaho, by its publisher, Robert Hammes, spoke to this issue:

> Money is no problem for President Nixon. He has over $40 million for his campaign. Big business, big industry, big oil know that it's important to have contributed heavily.

I ask unanimous consent that the editorial be printed in the Record

There being no objection, the editorial was ordered to be printed in the Record, as follows:

It'll Be a New Kind of Election

There's always something new in each presidential election. This year the citizens of the country are going to see something completely different—a major party candidate running for a national office by campaigning in only a few states.

The signs are there and the symptoms are showing. Sometime early next month, Democratic Candidate George McGovern will be forced to announce that he will limit his campaign to 12–15 states. He will explain that there will be no nation-wide TV speeches or shows; there will be no newspaper or radio advertising campaign; there will be no TV spots; there will be no billboards; there will be no big campaign sweeps.

That's because there is no money.

And money is the name of the game.

The Democrats were broke when the year started; broke to the tune of $8 to $9 million dollars. They owed everybody from airlines to printers; telephone companies to landlords. The big TV fund drive just before the convention fell flat. The party still owes over $6 million. The direct mail fund drive, on which the McGovern forces relied, first ran into the Eagleton fiasco and then a much poorer response than anticipated.

So McGovern won't have TV because he hasn't the money to pay for it. He won't have newspaper or radio because the party's broke. He won't be able to travel because the Democrats still owe almost every airline around.

So he has no choice. The best he can do is work 20 hours a day in the states with the big electoral votes. That's the only chance he has—and it's mighty slim.

Money is no problem for President Nixon. He has over $40 million for his campaign. Big business, big industry, big oil know that it's important and have contributed heavily.

McGovern had counted on the money from little people. But they have apparently decided they don't care that much, so they're not giving.

Mr. Nixon, the most vulnerable incumbent since Herbert Hoover, apparently has it all locked up.

IN REMEMBRANCE OF JIM GILBERT

Mr. HATFIELD. Mr. President, recently, a good friend of mine, and a friend of higher education in Oregon for over half a century, died at the age of 95. Mr. Jim Gilbert was a much respected gentleman whose contributions to higher education in Oregon shall long be remembered.

Following his death, a warm editorial was published in his hometown paper, the Eugene Register Guard. It captures Jim Gilbert's spirit—the combination of a fine mind, a quick wit, and a genuine love for people in general and students in particular.

I ask unanimous consent that this warm tribute appear at the conclusion of my remarks.

The city of Eugene and the entire State of Oregon will miss the contributions of Jim Gilbert. In remembering him, however, we all look back on a university, a town, and a State made better by his many contributions.

We who were his friends will miss him as a person.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Jim Gilbert, One of Oregon's Giants

Many have been the greats in higher education in Oregon, but few have been giants. One who was a giant was James H. Gilbert, who died last week at 95. A 1903 graduate of the University of Oregon, he joined the faculty in 1907 and served as an economics professor and dean until his retirement in 1947.

He was a man of parts, both stern and witty. And he was a brilliant teacher. He had his passions—among them a hatred of cigarette smoking and an almost pathological feeling about punctuality. Nobody ever waited for him and he didn't want to wait for anybody else. Sometimes he'd lock the classroom door at the appointed time for the opening of class. Those who chose to be late just didn't get there at all.

His memory was phenomenal, even in his later years. He was a key figure in the frantic Zorn-Macpherson years, when the University of Oregon was almost condemned to death. Also in that period, he was an important consultant to legislative committees on taxation and assessment. In his prime, he was Oregon's leading tax expert.

In his spare time, this sometimes austere and forbidding man wrote limericks. In the wake of the Zorn-Macpherson years, William Jasper Kerr, who had been president of Oregon State, was installed as chancellor of the State System of Higher Education. He moved into the former president's house at the University of Oregon, now the faculty club. In a pun on Kerr's name, students referred to the edifice as the dog house. Chancellor Kerr's successor was Frederick M. Hunter.

Upon the selection of Chancellor Hunter, Jim Gilbert wrote:

For a chancellor the board looked around
Until Frederick M. Hunter they found.
It was right that they said
That the man should be Fred
For the hunter should follow the hound.

That was one of many limericks he wrote on the passing scene as he saw it over many busy years.

Not until a few years ago did he even begin to slow down. Until he was in his late 80s, he walked eight miles a day, striding along with ruddy cheeks at a pace that would leave younger men puffing. He was always a fine figure of a man, a real man.

He was probably the only member in the university's 96-year history to have been three times a dean. He was first dean of the College of Literature, Science and Arts. When science was taken away from the university more than 40 years ago, he became dean of the College of Social Science. When science was restored in 1942, he became the first dean of the College of Liberal Arts.

Jim Gilbert was a great guy to know and a great guy just to have around. Of such people are great universities made.

JUSTICE—A NEW VISION—ADDRESS BY SARGENT SHRIVER

Mr. HART. Mr. President, Sargent Shriver, the Democratic vice presidential candidate, spoke recently at Drake

University of the problems of achieving justice in our society. As he indicated, one of the greatest challenges we face is—

> The challenge of confronting injustice—of making justice pervasive in a country of our size and complexity.

Mr. Shriver discusses a wide variety of Justice Department programs and policies and compares the record of the last 4 years with this goal.

It is a provocative speech, worth our close attention. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

JUSTICE—A NEW VISION

(By Sargent Shriver)

In his State of the Union Message in 1971, Richard Nixon presented proposals to reform our federal structure. He called his suggestions a new American Revolution.

Yet, the astounding thing about Mr. Nixon's plans was not what he sought to change, but what he left *unchanged*.

Unchanged were the Departments of Justice, Defense, State and Treasury. These four departments are the chief policy making centers in our government and the largest repositories of manpower and money. They are also the source of our major problems. It tells us a lot about Mr. Nixon's mind and philosophy that he kept these departments intact—not even recognizing the need to reform and change them.

I want to deal with each of these areas—Justice, Defense, State and Treasury and tell you how they *should* be changed to serve our nation—as they are not now doing. And tonight, I shall begin with Justice.

"Justice", Daniel Webster said, "is the greatest interest of man on earth". Our nation was conceived in justice. The American Revolution was a revolt against injustice. Our Constitution places the duty "to establish justice" even ahead of "domestic tranquility".

And so it should be. A Democratic nation's duty must be to secure justice for all its citizens. And when an Administration fails in this obligation, it does not deserve to govern.

Today, the quality of justice in this nation under Richard Nixon is lower than at any time in modern history.

The failure to provide justice is not just an abstraction. It has serious consequences. Justice reclasses creativity, spurs us to action and generates harmony. Injustice causes anger and frustration. Injustice festers and rankles. It makes life intolerable and bereft of dignity. Injustice breeds violence, sows the seeds of rebellion.

Today, I charge Richard Nixon for having failed the cause of justice in three major respects:

First, he has subverted justice by politicizing it.

Second, he has failed to expand justice and deliver it to the millions of our citizens who suffer injustice.

Third, he has failed to initiate and press for the needed reforms in the administration of justice.

I shall discuss those failures today and tell you also the vision that George McGovern and I have—to change Nixon's defeats for justice into American victories for justice.

The indictment of Richard Nixon's performance in the field of justice begins with his persistent politicization of justice.

A cardinal axiom of any system of justice is that it must be even handed. This is why the Goddess of Justice is pictured with balanced scales and a blindfold over her eyes. In a just society the rights secured by justice are not subject to the calculus of political bargaining.

But justice under Richard Nixon has not been even handed. It has been weighted in favor of the powerful special interests, and tipped on behalf of the political contributors:

An ITT, a Lockheed, a grain industrialist get favored treatment—but the small businessman does not.

A contribution from milk producers is received—and the donors receive higher milk supports.

Lawyers and lobbyists representing big business have ready access to the top officials of the Department—but lawyers providing legal services for the poor are threatened and brow-beaten by so high an office as the Vice-President of the United States.

This politicization of justice is destructive. It breeds cynicism and corruption. It destroys the citizen's faith in his government. It engenders lawlessness in others.

It is, of course, no wonder that justice has been politicized—for Nixon has chosen men of small legal stature and large political ambition to run his Department of Justice.

Once it was otherwise. When Robert Kennedy became Attorney General, he took his office as a sacred trust. He chose men to run it who were not politicians, but men of superb ability and passionate commitment to law—a Byron White, a Nick Katzenbach, a Burke Marshall, a Lou Oberdorfer, a John Douglas, a Bill Orrick, a Lee Loevinger, and others of similar caliber.

But John Mitchell made the Department of Justice Nixon's campaign headquarters. Six out of the seven top Department officials were politicians. And their caliber and morals were deficient.

They included:

A Deputy Attorney General who admitted that he received a bribe offer from one Robert Carson which he failed to report at the time—allegedly because he "did not recognize the offer as a bribe." This man is now Attorney General.

An Assistant Attorney General in charge of the sensitive Criminal Division who resigned under pressure when it was revealed that he was heavily in debt to the central figure in a major Texas bank scandal.

An Assistant Attorney General in charge of the Civil Division who is tied to the defendant in the Watergate burglary and bugging and is suspected of massive destruction of campaign financial records.

With such men at the helm of justice it is not surprising that politics courses through the Department. The examples abound—

An antitrust suit against the Warner-Lambert Corporation is suppressed contrary to staff recommendations. The head of the company is Elmer Bobst, Mr. Nixon's "adopted father."

Dubious price rulings favor Combined Insurance Company of Chicago. The head of that company, a friend of Mr. Nixon's, contributed about a half million dollars.

The dereliction of a U.S. Attorney in San Diego is ignored despite Mr. Kleindienst conceding that a shocking breach of trust had taken place.

In this kind of atmosphere even mine and job safety enforcement become subject to manipulation. The average fine for safety violations in the Nixon Administration is $30. Safety enforcers are tapped to head political campaigns.

In this way Nixon has subverted that very Department of our government which above all others should be free of taint, scrupulous in its fairness and dedicated to principle.

There is much more to deplore in the Department's conduct. The Department should not be politically dominated but it also should *not* be a Department:

Which recommends a Haynesworth and a Carswell to the Supreme Court, plus numerous others judged unqualified by the American Bar Association.

Whose recommendation for federal judgeships abound with mediocrities and worse.

Which engages in massive arrests of peaceful protestors without cause and in flagrant violation of individual rights.

Which fails to enjoin widespread violations of voters rights in Alabama and Mississippi.

Which condones political attempts to undercut legal services for the poor.

Which knowingly juggles crime statistics to claim decreases in crime at a time when crime has risen by more than 30%.

All of these are forms of injustice. All of these dishonor the very name the Department bears.

I have told you what the Department of Justice should *not* do. Let me tell you what it *should* do.

Our country and our people deserve a new and genuine Ministry of Justice. A ministry of justice which sees as its responsibility the expansion of justice for all of our citizenry, which perceives its task to confront injustice wherever it is found. I have a vision of a ministry of justice which opposes private lawlessness by a slum landlord, and official lawlessness by a General Lavelle, bombing cities against orders. I have a vision of a ministry which chooses civil rights and liberties over regressive tactics and suppression or dissent. A ministry in which the guaranty of justice to every American is regarded as a pervading continuing mission.

As I conceive the role of the Department, it should have two Deputy Attorneys General—one would be in charge of the traditional law enforcement activities. The other would head a *new* office charged with the duty of *expanding* justice for our citizens.

The *expansion* of justice encompasses many avenues.

It means, for example, that the Department's duty would be to seek out *new* means to confront the sources of injustice in our nation.

Health authorities spend huge sums to search for new discoveries to eradicate disease.

The Department of Defense spends $8.2 billion annually to develop new capacities of warfare.

Yet, when it comes to creating new methods of combating injustice our expenditures are frugal and minimal. To improve justice for our people we spend less than ½ of 1% of the amount spent to improve our capacity to kill our enemies . . . a mere $26 million dollars per annum.

I believe that there is an enormous potentional to improve our system of justice. A nation that can devise vehicles that travel faster than the speed of sound can devise means to speed trials. A nation which can launch communication satellites in space should be able to find ways to teach citizens their legal rights. A nation which can devise complex multimillion dollar computer systems should be able to devise systems to prevent arbitrary denials of benefits and cumbersome procedures when citizens seek to exercise their rights.

We are advocates of preventive medicine. But what of preventive justice? Why should we know so little about how criminal tendencies develop, about what stimulates acts of violence, about what causes recidivism. We are only at the frontiers of knowledge about preventive justice when we should be well within the gates.

The Department of Justice should be taking the lead in these endeavors. It should be encouraging scholarship and research. It should be the nation's *catalyst* in the quest for justice. This is part of what I mean by an expanding vision of justice.

Some time ago, I proposed the creation of a National Institute of Justice, devoted to the improvement of our entire legal system, the coordination of legal research and long range planning, needed revision of our system of legal education, the reform of criminal and correctional systems, the development of new techniques in neighborhood courts, citizen mediation panels, arbitration techniques and other methods of bringing justice close to the people. I shall not elaborate on the proposal here, but it is gratifying that the concept of such an Institute of Justice has now been endorsed by Chief Justice Burger and the Executive Director of the American Bar Association. What is distressing as a lawyer and as a citizen is that none of this innovation stems from the present Department of Justice.

Another role for this branch of the Department of Justice would be the obligation to deal with *official* injustice.

We know of such injustice—agencies arrogant with power, failing to protect the public interest, neglecting to carry out the law, callously submerging citizens in delay and mind-boggling red-tape.

We have all seen such injustice—agencies summarily evicting families from housing, cutting off medicare, denying claims, barring citizens from voting, refusing children free lunches, removing students from schools, and many more.

Sometimes the injustice comes from high quarters—a Ronald Reagan cutting off services to the poor, a John Bell Williams exonerating murder at Jackson State, a Claude Kirk usurping police functions in Florida.

Such official injustice is the most frustrating of all—because when officials themselves disregard the law, private citizens are often left hopeless, able to turn to no one.

As Sir Thomas More reminds us, If the guardians of the law break down the trees of the law, where will we find sanctuary then.—What is left but a Wasteland?

Now, such official injustice is confronted only by private citizens, courageous young legal services lawyers and public interest advocates such as Ralph Nader. These men and women have won many battles against injustice. They have won the right to vote for Spanish-speaking people; the right to counsel for indigent accused; the right to a hearing before a landlord's eviction, and many more.

But why were those actions not brought by the government itself? The Department of Justice should have been the first to ferret out these injustices and to initiate remedial action.

This, too, is part of expanding justice. When government itself roots out injustice in its midst, it renews faith in the rule of law and makes people feel that they have a stake in the institution of law. What better way of strengthening America!

Another role in expanding justice would be in the private sector. It is vital to have justice mean safe streets and safe parks. But justice also means safe food and safe drugs, safe housing and safe appliances, safe job sites and safe air and water.

Why shouldn't the Department of Justice act to stop the slumlords who victimize our children and the merchants who pass off shoddy wares? They, too, rob their victims—even if they don't appear in the crime statistics.

Why shouldn't the Department of Justice act to stop those who rob our air of its sweetness and our water of its purity and our landscapes of their beauty? They, too, rob us of our possessions—even if these robberies do not appear in the crime statistics.

Why shouldn't the Department of Justice act to apprehend the false advertisers, the purveyors of phony drugs, the manufacturer of built-in obsolescence, the sellers of bad insurance. They, too, victimize the people—even if the victims don't appear in the crime statistics.

In my concept of expanding justice we would also address ourselves to institutions where today courts and lawyers rarely wander,—but where injustice often walks. The hospitals and institutions for the mentally retarded where patients are neglected or maltreated or experimented on, the schools where children are abused. We must also find ways to establish justice within these closed systems which affect our daily lives. Here, too, a ministry of justice can innovate and lead.

In the more talked about and traditional areas of the Department's work, there is also no bold vision of justice.

The greatest deterrence to crime is justice that is *speedy*. The criminal court is the central, crucial institution in obtaining that objective. Yet, virtually everywhere we find a shortage of judges, of prosecutors, and of accessory help for them both; we see hopelessly inadequate court facilities in almost all urban communities and in many others. We find larger and larger dockets and heavier and heavier backlogs. Congestion and undermanning force prosecutors to take emergency measures to reduce the dockets. Guilty pleas and reduced or even suspended sentences are sought on an almost desperation basis; plea bargaining, reduced charges, and dropped cases become the practice. And courts try to hear an inordinate amount of cases in one day in "assembly-line" justice. Such a system is not designed to further justice or promote respect for the law.

Yet, the Department of Justice has done virtually nothing to remedy these deplorable conditions. It neither leads others nor innovates on its own. It expends its efforts on dubious measures such as preventive detention and no-knock authority, when it should be focusing on securing speedy trials, on training fair and efficient prosecutors, and defenders, on equipping courtrooms and obtaining sufficient and able judges so that justice will be meted out surely and quickly. This would do more to reduce crime than all of Mr. Nixon's tough rhetoric.

We know, too, that crime is greatest among our youth and in our ghettos. Almost 40% of arrests are for persons under 18. Some 70% of persons convicted under 20 years of age are rearrested within 5 years.

But why should such statistics surprise anyone? Our neglect in this area has been unconscionable.

Throughout our country, we still jail first time offenders with hardened criminals. Our juvenile detention homes are obsolete, crowded, and understaffed; often they become schools in criminal practice rather than institutions where rehabilitation can take place. We release offenders without aiding them to get jobs, or caring about the effect on them and their families of having to seek employment with a prison record.

Our jails are arachaic, lacking facilities to teach gainful work, and destructive of the human spirit. Their doors have become turnstiles for the return of recidivists.

Who better than the Department of Justice can take the lead in reforming our jails, in obtaining funds to train gang workers, in reforming our juvenile offender procedures. But these are enterprises which require vision and will. And in our present leaders of the Department we have neither.

I should mention here a truth which seems to be fundamental but which the present Department has shamefully glossed.

There are many reasons why young people turn to crime which do not lend themselves to hasty simplification. But not the least of them is a failure "in the opportunity structure,"—the disillusioning experience of discovering as they grow up that the promise of decent housing, good schools, and attractive job opportunities apply to most Americans but not them.

Some time ago, a television interviewer talked with some youngsters in the District of Columbia, young and bitter perhaps but at a stage when their future was still in balance, as it would not be for long. The question temporarily unresolved was whether theirs would be a life of crime or a life of obedience to law as part of the general community. And as so many, their message was clear—they could be brought away from crime; the price was only a decent job at a decent wage. A first order of our business, then, must be—as it is with George McGovern—to create jobs. But even more. A job is not a job,—not a job—not a job—unless it, too, is vested with justice; justice in conditions of employment, in treatment within the job, in opportunity for advancement. In such a society the young and disadvantaged will have less incentive to become law breakers and more incentive to to become contributors and participants in our communities.

I want to speak finally, of the *delivery* of justice to our people. Health services are meaningless unless they can be delivered. Consumer goods are valueless unless they can be distributed to customers, so it is with justice. Rights are empty unless they can be enforced. There is no justice unless it is available and felt by the people.

When I was head of OEO we made encouraging advances in providing legal services for the poor. We began to show the poor that the law was not a vehicle of the establishment, for the establishment, by the establishment. That equal justice was not just an opigram chiseled on the facade of the Supreme Court Building, but a force to be felt and a right to be enjoyed in one's daily life.

Much of that program is in jeopardy now because of undermining by Spiro Agnew. And this Department of Justice silently condones these vicious attempts to destroy the Legal Services Program. I assure you that when George McGovern is President, the Department of Justice will *champion* the cause of legal services to the poor.

And not only the poor. Millions of Americans in low and middle income America cannot afford the high cost of legal services today. Yet their need for such services is great and the injustices they suffer for lack of them are many. We need to establish group legal services, new types of legal insurance, neighborhood offices, and many other means of bringing the instruments of justice to the masses of our people. The Justice Department I see would pioneer and lead here, not sit by supinely and do nothing.

Justice should be an exciting idea and a fruitful reality. I believe a whole new spirit of justice can infuse the work of our government. I believe *our* Justice Department would be one for whom men and women would again be proud to work.

The challenge of confronting injustice—of making justice pervasive in a country of our size and perplexity is perhaps the greatest challenge of our time. Nixon and Agnew have shown no sensitivity to that challenge, no capacity to understand it, no will or ability to meet it. But for George McGovern and me, it is a challenge which we eagerly accept and which we will meet.

It was Albert Camus who said: "I should like to be able to love justice and still love my country."

That is the goal we pursue!

EXECUTIVE PRIVILEGE: ITS DUBIOUS CONSTITUTIONALITY

Mr. ERVIN. Mr. President, an article written recently by Prof. Arthur Selwyn Miller, of the George Washington University National Law Center, who is a consultant to the Subcommittee on Separation of Powers, begins with the concise and extremely accurate statement, "Secrecy is a hallmark of bureaucracy."

Professor Miller uses this appropriate declaration to begin a thorough and very readable survey of the doctrine of executive privilege, the often-invoked legal justification for secrecy in the executive branch of our Federal Government.

His article, entitled "Executive Privilege: Its Dubious Constitutionality," appeared in the summer 1972 issue of the Bureaucrat at page 136.

Executive privilege is an issue which has bothered many of us during the past several years. Just a few months ago the Nixon administration invoked the doctrine in an attempt to keep Mr. Peter Flanigan, a member of the White House staff, from testifying during hearings on the nomination of Richard G. Kleindienst to be Attorney General conducted by the Committee on the Judiciary.

Mr. Flanigan eventually testified about his knowledge of the settlement of an antitrust suit against the International Telephone & Telegraph Co. However, had the Senate not been able to delay the Kleindienst confirmation, the Committee on the Judiciary may never have had the opportunity to see what light Mr. Flanigan could shed on the ITT affair.

The events surrounding the Kleindienst nomination tended to emphasize the relative weakness of the Congress to compel the Executive to supply information that it needs to carry on its legislative functions. Absent a club to hold over the Executive's head, the Congress must rely on the whims of the reigning administration, be it Republican or Democrat, to supply it with information.

In his article, Professor Miller points out the lack of remedies readily available to the Congress, and he suggests that the time has arrived when the Congress should "submit to the judiciary the delicate task of adjusting the balances between Congress and the President." But he cautions that "it would be better for such controversies to be settled short of litigation."

Professor Miller, as a professional consultant to the Judiciary Subcommittee on Separation of Powers, of which I am honored to serve as chairman, assisted the subcommittee in preparing for hearings on the doctrine of executive privilege during 1971 and was instrumental in the work that resulted in the subcommittee's favorably reporting to the full Committee on the Judiciary S. 1125, and amendments, the executive privilege bill introduced by the distinguished Senator from Arkansas (Mr. Fulbright).

Mr. President, Professor Miller's article is worthy of being read by everyone concerned about the indiscriminate use of executive privilege, and I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

"EXECUTIVE PRIVILEGE": ITS DUBIOUS CONSTITUTIONALITY

(By Arthur Selwyn Miller)

Secrecy is a hallmark of bureaucracy.

Max Weber did not list it as characteristic of organizational behavior, but there can be little doubt that, despite avid assertions about an open society, those who man America's public (and private, be it noted) bureaucracies prefer to keep their affairs hidden from outside view—from the public, from other agencies, from the courts, from Congress. This article develops one facet of the secrecy syndrome of American bureaucracy—the doctrine of "executive privilege," by which the Executive can prevent both Congress and the courts from having access to internal documents and to testimony from public administrators privy to facts considered important by the legislature and judiciary. This doctrine is based on a concept of "inherent" executive power, there is nothing in the Constitution (or any statute) that provides for it.

The Executive, however, is not the only branch of government that asserts a power to keep some of its internal operations secret. Both Congress and the courts are equally culpable. Chief Justice Warren Burger gave apt expression to the judiciary's propensity for secrecy in his dissenting opinion in the Pentagon Papers Case (June 1971):

> With respect to the question of inherent power of the Executive to classify papers, records and documents as secret, or otherwise unavailable for public exposure, and to secure aid of the courts for enforcement, there may be an analogy with respect to this Court. No statute gives this Court express power to establish and enforce the utmost security measures for the secrecy of our deliberations and records. Yet I have little doubt as to the inherent power of the Court to protect the confidentiality of its internal operations by whatever judicial measures may be required.

In like manner, Congress can, and often does, act in "executive session" in committee matters; and the law provides no way for a litigant to obtain information about matters internal to the operation of Congress.

So, too, with the "private governments" of the American polity: the corporations, unions, veterans legions, farmers group, churches, and many important units of a social order dominated by pluralistic social groups. Each is considered to be "private" in American legal mythology; at times even, as with the corporation, equated with the natural person, having few duties of disclosure beyond those occasionally imposed by statute (e.g., in securities matters and some labor activities). It is probably easier to obtain information—and more of it—from the federal bureaucracy than it is from the private governments of our society, and certainly easier than wresting information about certain internal operations of Congress and the courts.

This is not to defend executive privilege, but merely to put it into context. For that matter, other privileges are protected by law—for example, the attorney-client, doctor-patient, and husband-wife relationships and communications. Moreover, the news media, while asserting a right to get information from government, at the same time maintain that they must protect their sources. Secrecy is no monopoly of the public administration.

Another factor about executive privilege is the slow but steady aggrandizement of power in the Executive and the public administrator generally. Whatever the intention of the framers of the Constitution, there can be little doubt that today the bureaucracy is well on the way toward becoming triumphant. Congress, dominant, as Woodrow Wilson said, during the 19th century, has now lost direction and is frantically searching for a role in modern government. Having delegated huge chunks of governing power to the agencies and departments, and having allowed the President to assert many examples of inherent executive power, Congress now often finds itself with at most a veto—usually not exercised—over presidentially proposed policies. In this massive constitutional change, the courts too, not excluding that very special tribunal, the Supreme Court of the United States, rate less in power and in ultimate importance in the governing scheme.

Still another factor is the institutional capability of the Executive to garner and store information which far outweighs that of Congress. One critical problem, not yet faced with any rigor, is how to increase the manner in which Congress can handle larger amounts of data. As presently constituted, Congress has neither the staff nor the personal expertise requisite to handling reams of complicated information about many public policy matters. Heretofore reliance has been placed upon the bureaucracy to furnish Congress with the necessary flow of facts and evaluations. However, the use of executive privilege at times prevents Congress from obtaining data considered necessary to fulfillment of the legislative function.

TWO RECENT EXAMPLES

Executive privilege is not a recent invention. For more than a century Congress and the President have been engaged in a brushfire war bottomed on irreconcilable claims to constitutional power. Executive discretion to withhold information is pitted against an asserted absolute congressional power to demand it. But even with that history, and even though this nation is notoriously litigious (as de Tocqueville maintained, most political questions tend to be judicialized), there is no definite Supreme Court decision on the problem. It remains a continuing sore point, as the following recent examples illustrate:

—In March 1972 the Director of the United States Information Agency refused to supply certain documents to the Senate Foreign Relations Committee on the ground that they were "planning or working documents subject to subsequent discussion and final approval." The decision was based on a presidential memorandum which ironically reiterated Administration policy "to withhold information only in the most compelling circumstances and only after a rigorous inquiry into the actual need for its exercise." In net, the USIA drew a curtain of secrecy over some of its activities; in a twist that might have been worthy of Orwell, an *information* agency kept important information from Congress.

—In April 1972, at the height of the senatorial investigation of the ITT matter and the confirmation of Richard Kleindienst to be Attorney General, executive privilege was again invoked to keep Peter Flanigan, a White House functionary, from testifying. Flanigan was privy to important facts concerning the "consent decree" which permitted ITT's merger with the Hartford Insurance Company. In a letter to the Senate from another White House functionary, nothing was said about "compelling circumstances" or a "rigorous inquiry into the actual need" for the exercise or executive privilege. The refusal was based on the idea that confidential advisors to the President should not testify before Congress. That, however, took no cognizance of the facts that Flanigan, on the public record, dealt only with the Assistant Attorney General (Richard McLaren) to obtain the services of a financial consultant from the New York banking community to evaluate the merger, and that the President was said to have no knowledge about (and took no part in any aspect of) the consent decree negotiations. (In the end, Flanigan testified under special ground rules which set rigid limits to senatorial inquiry and preserved the White House's claim to executive privilege.)

Both examples of executive privilege raise grave questions of propriety. It is difficult to see how either can be justified. They are not unique, but serve as illustrations of the problem.

CONSTITUTIONAL JUSTIFICATION

Speaking broadly, the doctrine of executive privilege is grounded in view of inherent power in the Chief Executive, a power not expressly set out in the Constitution, but one asserted (successfully) through time. As such, it is, in Lord Bryce's terminology, an example of the "practical" sovereign, as compared with the "legal" sovereign, in action. A second level of justification is that exercise of the privilege is necessary to protect the public interest (or the national interest)—as determined by the President. At best, it is an unresolved constitutional question. Others, such as Senator J. W. Fulbright, characterize it as a "custom," not a legal or constitutional principle, "a survival of the royalist principle that "the king can do no wrong."

William Rogers, as Attorney General in 1958, went so far as to maintain that "Congress cannot, under the Constitution, compel heads of departments, by law, to give up papers and information; regardless of the public interest involved, and the President is the judge of that interest." And further:

"By the Constitution, the President is vested with certain political powers. He may use his own discretion in executing those powers. He is accountable only to his country and his political character, and to his own conscience. . . . Questions which the Constitution and laws leave to the Executive, or which are in their nature political, are not for the courts to decide, and there is no power in the courts to control the President's discretion or decision, with respect to such questions. Because of the intimate relation between the President and the heads of department, the same rule applies to them."

To be charitable, that statement begs the question of constitutional power and lawful authority to withhold information. It gives no reasons, but is merely a conclusion. It is a bald assertion of raw Executive power.

At the very least, the Constitution establishes a system of shared power over public policies, or, as Richard Neustadt put it, "separate institutions sharing power." Separation of powers" is something of a misnomer; the term suggests a division among governmental powers. Neustadt's characterization is more accurate.

Once that minor but important point is seen, then the question of furnishing information to Congress from the bureaucracy takes on a different perspective. For the sharing of power implies access—full access—to all information relevant to making and administering public policy. It is impossible to perceive how Congress can perform its constitutional mission of formulating broad governmental policies, and its newer mission of oversight over the administration of those policies, unless it is privy to all of the pertinent facts.

There is, moreover, a long history upholding the congressional power of investigation, noted by the Senate Committee on the Judiciary in 1954 in these terms: "A legislative committee of inquiry vested with power to summon witnesses and compel the production of records and papers is an institution rivaling most legislative institutions in the antiquity of its origin. Its roots lie deep in the British Parliament. . . ." Similarly, the Supreme Court in 1927 stated that "The power of inquiry—with power to enforce it—is an essential and appropriate auxiliary to the legislative function. It was so regarded and employed in American legislatures before the Constitution was framed and ratified."

It is often said, by spokesmen for the Executive, that the privilege is necessary, for otherwise the President would not get the benefit of advice given without fear of publicity. But that argument attempts to prove too much. What is there about the presidency or the bureaucracy that cannot be entrusted to the elected representatives of the people in the Congress? It is also urged by apologists for the Executive, such as columnist William S. White, that to permit the Senate to call Peter Flanigan and require him to testify would mean that there would be nothing confidential in the White House. Again, however, that tries to prove too much. White is conjuring up horrible possibilities that will never occur in the real world.

As for the "inherent" power of the Executive to keep its records and personnel secret, Chief Justice Burger surely is wrong (in his statement quoted above) on the record of past Supreme Court cases. The leading decision is the *Steel Seizure Case* (1952), in which the Court invalidated President Truman's temporary seizure of the steel industry during a labor dispute. Because of the Korean "war," the Department of Justice maintained that the Chief Executive had emergency (inherent) powers to take over the mills. But the Court did not agree; in the course of the several opinions rendered by the justices, the notion of inherent executive power was soundly repudiated.

Nevertheless, there appear to be some limitations on congressional power of inquiry. It does not, the Supreme Court said in 1959, embrace matters which are within the "exclusive province" of the Executive Branch. But who is to determine that province? At the present, the Executive asserts that power. Congressional remedies, if any, are clumsy. Impeachment is about the sole means that could be employed; but that, as Jefferson said, is a "bungling" way of operating.

On the other hand, Congress itself should not be able to draw the line between permissible secrecy and a requirement to testify or produce documents. As Madison once said, neither branch—legislative or executive—has the "superior right of settling the boundaries between their respective powers"; a thought echoed in 1941 by Justice Robert H. Jackson: "Some arbiter is almost indispensable when power . . . is also balanced between different branches, as the legislative and the executive. . . . Each unit cannot be left to judge the limits of its own power."

SEARCH FOR A REMEDY

The remedy, then, if remedy there be, is to submit to the judiciary the delicate task of adjusting the balances between Congress and the President. Even the Fulbright proposal which would allow executive privilege only if it were directly asserted by the President, would not obviate the need—or desirability—of judicial determination. It is a task that would of course submerge the courts, particularly the Supreme Court, deeply into controversies that are in final analysis political in nature. The contrary argument is that the Court should keep its hands off; that it should leave the decision in particular cases of executive privilege to the operation of the political processes—presumably because the disputes are not susceptible of judicial control and also because it would politicize the bench.

The argument will not wash. The judiciary since the beginnings of the republic, has been immersed in controversy—in, that is to say, politics." Nothing is more controversial than race relations in America, yet the courts did not hesitate to intervene. So, too, with apapportionment of legislatures, with school prayers, with a host of issues that in other countries would never have been case before judges for resolution.

Technical problems of "standing"—of having the requisite status to get into court—are, after all, merely judge-made rules of abstinence; rules that can easily be eliminated given a command from Congress. There is no valid reason why a congressional committee should not be permitted to get into court. The issue is "justifiable," in that it involves problems where there is an obvious clash of opposing interests. Hence, there can be little doubt about the capacity of courts to rule in these areas. After all, a Supreme Court willing to say whether Adam Clayton Powell was rightfully deprived of his status in the House of Representatives—thus intervening deeply into the legislative process—should not hesitate to umpire a dispute between Congress and the President.

Of course, it would be better for such controversies to be settled short of litigation. A lawsuit is a traumatic experience, particularly so when grave constitutional issues are involved. But there are times and executive privilege seems to be one of them, when the normal methods of dispute settlement in the polity simply do not operate effectively; at those times resort to the extraordinary process of adjudication must be made.

However, should Congress decide that the issue should be resolved in the courts, then it is obvious that it must be able to employ its own lawyer to represent it. The Attorney General is the "President's lawyer"; he takes a partisan position, similar to that of a lawyer-client relationship in any other milieu. Congress cannot rely upon the Department of Justice. In the many conflicts between the two political branches of government, reliance must at some time be placed upon the law, that is, upon advice of counsel. Executive privilege is only one of the confrontations. It points up clearly the need for "Congress' lawyer," for the creation of a special counsel for Congress—a small office of top-flight lawyers who would be called upon to represent Congress in the courts. There is precedent for such a development; for example, in Adam Clayton Powell's suit against Speaker John McCormack, the House of Representatives retained a lawyer from New York. The suggestion here is to institutionalize that procedure.

The arguments against limitation of the use of executive privilege tend, in final analysis, to be "political" or "policy" rather than "legal" or "constitutional." They include the need for flexibility of response and rapidity of action if the urgent tasks of government are to be accomplished. No doubt there are times when secrecy is necessary, when even Congress should not be cognizant of internal administrative matters. But the norm should be otherwise. Without knowledge, there can be no accountability of those who exercise power within the public administration.

Accountability is a fundamental principle of American constitutionalism. Those who wield power should, in theory and also in practice, "answer in another place" for their actions. They should be required not only to disclose the facts; they should have to give reasoned explanations of their decisions. To the argument that secrecy is necessary, it is enough to remember Milton's warning that necessity is the tyrant's plea.

This is not to suggest that government officers are evil or that they routinely deceive Congress or that they want to be (or in fact are) tyrannical. That they do deceive at times is well known. The "credibility gaps" that have become evident in recent years are euphemisms for lying. But lies, as bad as they are, are not the main problem. Officials can and do err when they pursue policies that, as the Pentagon Papers revealed, were not hammered out on the anvil of public discussion and that, in retrospect at least, display a pattern of grievous error. Professor Charles Reich of the Yale Law School put the point in somewhat different terms. "Evil now comes about," he said, "not necessarily when people violate what they understand to be their duty, but, more and more often, when they are consciously doing what is expected of them."

CONCLUSION

Getting a judicial determination does not necessarily mean that Congress will prevail. The Supreme Court has always been reluctant to put restraints upon the President. But what would be accomplished is resolution of a continuing point of controversy. It is better to know where we stand, what the law is, than to remain in uncertainty.

The command of the Constitution is clearly toward enabling Congress to share the decisional power in government. This argues for outlawing, or at least greatly restricting the use of executive privilege. Should that be done, however, Congress will have to take parallel steps to improve its institutional capability of receiving and absorbing large amounts of data. Congressional staffs, as matters now stand, are too engaged in other work to take on added responsibilities. Congress, accordingly, should pay early attention to creating new institutions that would evaluate the flow of information from the Executive. Congressional oversight is or will be a charade unless such a step is taken—and soon. Unhappily, however, there is little evidence of thinking along those lines.

The net result, if one were to forecast the future, will be an even greater diminution of the role of power of Congress, the analogue of increased Executive power. A resolute congressional unwillingness to modernize, to get into the 20th century, will only mean that the nameless and faceless bureaucrats of the "administrative state" will continue to be the locus of effective power in the American constitutional order. We may not like it, but more and more it appears that we are stuck with it.

A final observation: If, as Milton said, necessity is the plea of tyrants, it should be carefully noted that the argument of necessity in many instances is based on secrecy. Opening up government, exposing the facts to public gaze as well as to Congress, may well result in a marked diminution of such actions as, say the Gulf of Tonkin fiasco. What seemed so "necessary" then—all but two members of Congress voted for it—on sober afterthought appears at best to be a gross mistake—and perhaps even intentional misrepresentation. Had there been full and candid *public* disclosure of all the facts, would the vote have gone the same way? Publicity can well be a cleansing factor. Good government is open government—and open government is likely to be good (or better) government.

THREAT BY GOVERNMENT BUREAUCRACY TO FREEDOM OF PRESS AND OF BROADCASTING

Mr. FANNIN. Mr. President, the publisher of the Arizona Republic and Phoenix Gazette has written an excellent editorial warning of the threat by Government bureaucracy to freedom of the press and freedom of broadcasting.

In this editorial, which appeared Sunday on page 1 of the Republic, Eugene C. Pulliam points out that powerful Government officials are using their authority to force unwise and unwanted policy on broadcasters. The ridiculous concept of "counter-advertising" is one of the tools being used.

It is apparent that there is a narrow-minded, elitist philosophy in the Washington bureaucracy. There are officials here who believe that they know what is best for the Nation, and that they will jam their philosophy down the people's throat whether the people like it or not.

Mr. President, I am deeply concerned about this tendency to set up Federal bureaucracy after bureaucracy which dictates to business and to our everyday way of life for everyone.

The consumer protection bill that we have been debating is another law which would give high officials here the power to dictate what consumer goods will or will not be available to Americans. This trend to bureaucratic dictatorship seems to be accelerating and I am very disturbed about the consequences. Our freedom is in jeopardy.

Mr. President, I ask unanimous consent that Mr. Pulliam's editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

We Can't Tolerate Government Control of TV

Unless the Congress of the United States decisive action to halt it, the total takeover of U.S. radio and television by the government will be finalized within the next few years. There will be but one radio and TV system. It will be operated, censored, programmed—in short, completely dominated—by an elite group of Washington bureaucrats.

Television cannot fight this battle alone because it has one hand tied already by severe governmental restrictions and the power to put TV completely out of business. So it is up to the newspapers to lead this fight and to make every American realize that his own individual freedom is in danger as it never has been before. Do we want a dictatorship of TV or do we want to preserve our system of free enterprise in the communications industry?

A spate of government rulings is eroding the economic base of American journalism. The American communications industry is struggling for its very survival in a web of government regulations. None of these regulations is a decree. None has ever been presented to Congress. Nevertheless they have the full force and effect of law.

In a recent ruling by the District of Columbia Court of Appeals the judge's decision said that commercials for big automobiles can be answered by anti-big automobile advertising lambasting the big ones for creating pollution; and the station to which the complaint is made must carry the "anti" comment free of charge, giving it the same amount of time as was used in the paid advertisement of the big car. The same court ruled that no TV station can refuse to accept free controversial advertising. These rulings are part of the so-called "fairness doctrine."

The Federal Communications Commission is now deliberating a plan to require all TV outlets to spend two hours a day broadcasting programs, specifically for children, without charge. It is obvious that if this idea is put into effect there will be virtually no limit to the demands of special interests insisting on free TV time.

Pressure groups are demanding that licenses be taken away from stations that don't match up with their ideological position. Nation's Business reports that "petitions to deny license renewals are being filed with the FCC in behalf of Negroes, Mexican Americans, Puerto Ricans, Indians, Orientals, Gay Liberation, Women's Lib and various other groups and causes." Nation's Business predicted that TV probably is a dying industry because of FCC restrictions.

The results of all this will be the destruction of the American system of television. It will automatically pave the way for government operation of all TV and radio stations. This is exactly what the bureaucrats in Washington are hell-bent on accomplishing.

Dean Burch is chairman of the Federal Communications Commission. He believes in the Constitution and free enterprise but is outvoted by the holdover members of the Commission who have become ambitious bureaucrats.

One member of the FCC has suggested that the media be made legally liable for alleged harmful effects from the use of products advertised on a TV station. It was suggested that the same rule should apply to newspapers, should there be any harmful effects from the use of products advertised by them.

Probably the most inconsistent of all FCC rulings is that which concerns cigarette advertising. The Federal government spends between 600 and 800 million dollars a year to promote and sell tobacco. It subsidizes tobacco growers to the tune of at least 400 million dollars a year. Yet the government prohibits the advertising on TV of cigarettes. If tobacco is harmful, then the growth and manufacture of tobacco should be prohibited by law. But so long as the government itself encourages the growth and development and sale of tobacco, it certainly has no business telling manufacturers and TV stations they cannot advertise tobacco. This is only one more instance of how powerful the Washington bureaucrats have become.

The so-called "fairness doctrine" has nothing whatever to do with fairness, but it has everything to do with the power of government to harass people whose opinions the bureaucrats don't like.

Compounding the problem of bureaucratic bias is the history of "public broadcasting" which operates by virtue of millions of dollars of taxpayers' money but which regularly tends to favor the radical, the socialist, the activist element in this country. President Nixon has wisely vetoed a request for a large increase for "public broadcasting," but this is only a partial answer. The real issue here is that the taxpayer should not be obliged to subsidize any sort of one-sided opinion. The "public broadcasting" system to which you listen is financed by government subsidies. Hundreds of programs have been broadcast which not only assailed the administration but were actually anti-American in content. Yet you, the taxpayers, are paying the bill for this.

To be sure there are thousands of capable, honest and dedicated men and women in government service, but they are dominated by the ambitious bureaucratic leaders who can make life miserable for any one of them who opposes the bureaucratic line. These men and women cannot be fired, but they can be shunted from department to department and be passed over for promotion. Consequently they remain silent and "go along."

Concerned Americans who oppose government ownership of the communications system should demand corrective action by Congresss. All efforts to impose government controls on American TV and the American press should be resisted. There is absolutely no excuse for anti-business and anti-freedom bureaucrats to be allowed to use the medium of "public broadcasting"—paid for by the public—as a weapon to destroy TV and the free press. One of the wisest of American statesmen long ago said, "Government is always the enemy of the people, never the friend."

What is happening to TV and the American press is chilling proof that property rights and human rights cannot be separated and that where bureaucrats control the first they have the power to destroy the second.

If freedom and liberty are to survive in this country the Federal bureaucrats must be deprived of their self-assumed power over the economy. The Congress should deny bureaucrats the right of tenure which gives them a lifetime job. They never run for office. They are never elected. They never can be fired—even by the President of the United States—except for moral misconduct. Every country which has ever succumbed to the dictates of a Federal bureaucracy has either perished or been taken over by tyrannical dictators.

What can you do? You can write your candidate for Congress immediately and ask him to pledge himself to vote against any further intrusion by the FCC into the American economy. Under no circumstances should the rules and regulations of the FCC be given the force of law without the consent of Congress.

The American people must understand

that their individual freedom—and especially their right of free expression, which is the fundamental right of all liberty—is at stake and only affirmative action by the Congress will stop the bureaucrats.

The United States is the greatest and best country in the world and she is the greatest and the best only because she is free.

Eugene C. Pulliam, Publisher, Phoenix Republic and Gazette, Indianapolis Star and News.

(Note.—Mr. Pulliam has no financial interest directly or indirectly in any TV or radio station or system.)

"CHALLENGE OF THE FUTURE"—ADDRESS BY BRENT W. JORGESON

Mr. GAMBRELL. Mr. President, this past April I spoke to the National Technology Week Conference at Georgia Tech in Atlanta. During this time I met a very capable young man named Mr. Brent Jorgeson who was coordinator of the conference and president of the Georgia Tech Student Center.

I enjoyed very much meeting Brent and was fortunate in having him work for me in my campaign this past summer. At the beginning of the conference this young man made some opening remarks which I thought had great merit and I would like to bring them to the attention of the Senate. I feel this speech demonstrates the forward thinking and promising leadership that we may look for in our leaders of tomorrow. I ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Challenge of the Future

(An address by Student Center President Brent W. Jorgeson at Georgia Tech's National Technology Week Conference, April 14, 1972)

The late Senator Robert Kennedy once said, "the future is not to be looked at as something that is given us by those who came before, but rather, it is something that we make for ourselves and those who will follow."

"Future" is one of the biggest words in the English language. It implies everything will ever happen from here to eternity. And because the future is so vast, so massive, and so broad in its possibilities, so important to everything alive or yet to be born, it signifies a challenge and a responsibility to us all. This challenge comes in many forms:

The technological challenge-of creating a society where the advent of new technology brings about a corresponding increase in social responsibility.

The educational challenge-of creating an educational system where people are taught how to learn what will be known instead of what is already known.

The challenge of government—of maintaining a system of government that is responsive to the needs of the people.

The challenge of business—of maintaining a society where business exists to serve people and not one where people exist to serve business and the challenge of leaving the world just a little bit better than we fond it.

In view of these great challenges, it is appropriate that Tech's leaders in business and industry have gathered here with student leaders from Georgia Tech and around the country to discuss these challenges of the future under the theme "management for tomorrow." This theme has been one that has allowed us to cover many of the problems that we face now, and will be facing in the future. But let's not label these situations as problems, let's look at them in a more positive light and call them opportunities.

It's by looking at situations in a positive light that we are able to get something done. You, as Georgia Tech's "captains of industry" should know the effects of thinking positively. After all, thinking positively is one of the characteristics that you had to have to rise to the admirable position that you now assume. You know some people tend to think of why things cannot be done, but let us think of how things can be done.

So, assuming that we view the future as a challenge, as an opportunity, and as a responsibility, let's look at some of the areas which offer us the greatest challenge. These interrelated areas are technology, education, government, and business.

Let's begin with the technological challenge-of creating a society where the advent of new technology brings about a corresponding increase in social responsibility.

Many people blame technology for the problems that we have today. The problem of technology, according to Dr. Peter Drucker in his book *The Age of Discontinuity,* is that, "technology, as a creature of man, is capable of good or evil as is its creator. The blame does not lie on technology itself but as its *human* maker and user."

Two years ago, the concern for this anti-technology attitude prompted the idea among Tech students for a technology week program—a forum where leading students, faculty, administrators, corporate executives, and government officials could gather to discuss the construction uses of technology. We here at Georgia Tech decided that we wanted people to view technology not as the source of our problems, but rather as the solution to our problems. This program, in its second year, remains the only student initiated program of its kind in the country.

The concern for this anti-technology attitude has become a concern for industry and government alike. Georgia Tech alumnus Dr. Edward David, who serves as science advisor to President Nixon and director of the White House office of Science and Technology, was quoted in a recent issue of *Business Week* as saying, "society is losing its courage to experiment. If this anti-technology attitude persists, our society will become dull, stodgy, and altogether stagnant."

One thing we must ascertain is that those who are making decisions pertaining to technology are making their decisions based on fact and not on the basis of emotions, pressure, or publicity. The Congress has recognized the need for more factual information on technological programs and, under the sponsorship of Congressman John Davis of Georgia, it has created its own "office of technological assessment" to make certain that its members are able to make their decisions based on factual information.

So in adopting a policy on technology, let's adopt one that says we need more and better technology and not less. The Nixon administration and the last session of Congress have seen this need for more and better technology and have authorized and appropriated $700 million in the coming fiscal year for research and development. Most of this work will be done under the new "technological opportunities program" which seeks to focus R&D efforts of our nation's critical needs.

While we continue to talk about more and better technology, let's emphasize the word better when we refer to technology. The same nuclear technology that makes hydrogen bombs can make clean electricity. The same medical technology that develops germ warfare agents can be directed at finding a cure for cancer. The same transportation technology that develops an SST for a few people can develop an urban rapid transit system for the masses of the people.

Along with this line of thinking, let's continue to think of the masses and not of the few. The billion dollars invested in the SST would save a few people, a few hours, a few times a year on trips to and from Europe. But the same billion dollars and the same technology invested in an urban rapid transit system would save hundreds of thousands of people a few hours, every working day of the year, on trips to and from work.

Furthermore, in the future we must strive to better coordinate related areas of technology such as aid and ground transportation. It's a shame, that of the seven hours it takes to go from downtown Los Angeles to downtown Atlanta, two hours of it is spent in the traffic jams at either end.

Charles Reich, in his best seller, The Greening of America, seems to have identified the role that technology should play in the future of our society. He states that, "We must create a culture that knows how and where to use technology, a culture that uses technology in pursuit of values that are derived from human sources."

Our next great challenge is in the area of education—the challenge of creating an educational system where people are taught how to learn what will be known in the future, instead of what is already known. When one considers the fact that the half-life of a technical education is only seven years, it is easy to see why we must teach people not just what to learn, but how to learn.

One of the country's leading educational innovators, Dr. Leon Lessinger who is now at Georgia State University, has noted that, "if the current rate of increase in the cost of education continues, by the year 2050 it would consume the entire gross national product." Certainly, then, this area of education must be one of great concern to us all.

There is always hope though, and the new field of educational engineering is making great headway in improving and measuring teaching effectiveness and pupil learning. But the most fundamental change needed in the field of education is to hold educators accountable for their work. This would not be at all atypical from the rest of society. If a worker in a factory, for example, doesn't produce his required number of units, he may be fired. If you don't produce a profit for your division or your company you will most certainly be fired. If a politician does not produce legislation beneficial to his constituency he may be defeated in the next election. If a minister is not effective in conveying his mission to his congregation he may be released.

Well then, it stands to reason that if the members of all the other elements or our society are held accountable for what they are paid for, then educators should equally be held accountable for educating their students.

So let's not allow such things as tenure to continue to serve as a crutch for teaching ineffectiveness. Let's keep tenure for its intended purpose of assuring academic freedom. But at the same time we give our educators academic freedom, let's also give them academic responsibility.

We now come to the challenge of government—of maintaining a system of government that is responsive to the needs of the people. This begins with getting, and keeping, people in government who are concerned about people, and who will be conscientious about doing the best possible job for them. Former Secretary of the Interior Walter Hickel, speaking here at technology week last year said, "What government needs is not people who want a job, but rather what it needs is people who want to get a job done. Government, just like anything itself is only as good as the people who run it. We must make sure that those who are in office are those who understand our country, and not just those that think they own the country.

We have a problem in our country, in that it sometimes seems that those who have an attitude of passive indifference are being surpassed by those who have an attitude of active concern.

I think we all need to start paying more attention and getting more involved, however, so that the silent majority does not lose out to the vocal minority.

A lot of people these days are knocking our system of government. I think once they have traveled to other countries they will see how lucky they really are in living under our present system of government. But to these people who don't like what's going on in the system, I say don't try to change the system, just try to change the people who run it. For if they ever succeeded in changing the system, they might not ever be able to change the people who would be running a new system.

Let's now move on to our final challenge—the challenge of business—to maintain a society where business exists to serve people and not one where people exist to serve business.

We have seen that as businesses in our Nation have prospered, so have all of our other institutions. We have seen the technological breakthroughs, the medical wonders, the educational innovations, the social programs, the high standard of living that we now enjoy—all of this came about because of business, and not in spite of business. Free enterprise is what has made our Nation the greatest nation on earth. And if we are going to stay number one, we are all going to have to do our part to make peoples' jobs as meaningful as possible. Work needs to be more than a source of income, it needs to be a source of personal satisfaction. There seems to be a trend along this line in our country as we have seen that General Motors intends to make work on its production lines more meaningful.

The American system of capitalism is ever refuting the Marxist theory that capitalism involves exploiting its worker in jobs that have no satisfaction to begin with.

In his book "Sometimes a Great Nation," Ken Kersey speaks about work as it should be. "Work should be integrated with nature and with life, satisfying and adventurous, full of expression of man's being."

Let's all work toward this goal of making work as meaningful and as satisfying as possible. And when we do this let's make sure that we all get our fair share—no more and no less. And when we are distributing the increasing "shares" of our prosperity, let's make sure that increased renumeration comes only with increased productivity or increased responsibility.

When we come down to the final analysis, I think our Nation will continue to need men like you, Georgia Tech's leaders in business and industry, to move our Nation forward.

We need more people who will seek out new ideas and better ways of doing things.

We need more people who will seek out and accept responsibility.

We need more people who will be concerned about the institutions and the society which surrounds them.

The fact that you have come back to Georgia Tech to share and discuss your opinions on "management for tomorrow" is symbolic of the concern for our future that we know you share.

We here at Tech are proud of you, we're proud to have you wearing the name "Georgia Tech" wherever you go. I challenge you all to be more active in Georgia Tech and its various programs. I hope you've enjoyed this conference as much as those of us who worked on it. But in the final analysis it is Georgia Tech alumni who made it possible. It is concern by members of the National Alumni Advisory Board and the benevolency of the John and Mary Franklin Foundation that brought technology week into reality. Maybe 20 years from now there will still be a program like technology week. And when the invitation committee chooses 275 alumni out of 40,000 to come back to Georgia Tech, I only hope that my name makes the list as a "Tech leader in business and industry."

"WHAT IS A REAL MAN?—WHAT IS A REAL WOMAN?"

Mr. SAXBE. Mr. President, on Sunday, September 18, 1972, Charles Osgood, of CBS News, broadcast a commentary entitled, "What is a Real Man?—What is a Real Woman?" The sincerity of his comments left me deeply moved. I was impressed by his ability to recognize the real worth of a human being. I do not ever remember a better description of the dehumanizing standards that some people use to degrade the existence of others. Until this message is understood by those who control the destinies of others, viable solutions to our domestic and foreign problems will always elude us.

I commend this commentary to the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the commentary was ordered to be printed in the Record. as follows:

Profile

I'm Charles Osgood, CBS News, reporting on the CBS Radio Network.

Helene, a young friend of mine, has been assigned a theme in English composition class. She can take her choice: "What is a real man?" of if she wishes, "What is a real woman?" Seems the instructor has some strong ideas on those subjects. Helene says she doesn't know which choice to make. "I could go the women's lib route," she says, "but I don't think he'd like that. I started in on that one once in a class, and it didn't go over too well." So, what is a real man, and what is a real woman? "As opposed to what?" I asked. "I don't know, as opposed to unreal men and women I suppose. Got any ideas?"

Yes, it just so happens I do. Let's start with the assumption that reality is that which is, as opposed to that which somebody would like or something which is imagined or idealized. Let's assume that all human beings who are alive, therefore, are real human beings, which can be divided into two categories: real men and real women. A man who exists is a real man. His reality is in no way lessened by his race, his nationality, political affiliation, financial status, religious persuasion or personal proclivities. All men are real men. All women are real women.

The first thing you do if you want to destroy somebody is to rob him of his humanity. If you can persuade yourself that someone is a gook and therefore not a real person, you can kill him rather more easily, burn down his home, separate him from his family. If you can persuade yourself that someone is not really a person but a spade, a wasp, a kike, a wop, a mick, a fag, a dike, and therefore not a real man or woman, you can more easily hate and hurt him.

People who go around making rules, setting standards that other people are supposed to meet in order to qualify as real, are real pains in the neck—and worse, they are real threats to the rest of us. They use their own definitions of real and unreal to filter out unpleasant facts. To them, things like crime, drugs, decay, pollution, slums, et cetera, are not the real America. In the same way, they can look at a man and say he is not a real man because he doesn't give a hang about pro football and would rather chase butterflies than a golf ball; or they can look at a woman and say she is not a real woman because she drives a cab, or would rather change the world than change diapers.

To say that someone is not a real man or woman is to say that they are something less, and therefore not entitled to the same consideration that real people are. Therefore, Helene, contained within the questions "What is a real man, what is a real woman" are the seeds of discrimination and of murders, big and little. Each of us has his own reality, and nobody has the right to limit or qualify that—not even English composition instructors. And now this message.

This has been Profile. I'm Charles Osgood, CBS News.

AVIATION SAFETY

Mr. HARTKE. Mr. President, last summer I received a letter asking me why it was not possible for a Member of the U.S. Senate to receive a copy of a Federal Aviation Agency report, referred to as the Ryther report. Upon inquiring of the FAA, I discovered that the report had been commissioned by the Agency and performed by several senior FAA employees.

I also discovered that many of the recommendations of the report proved embarrassing to the Agency. It was for that reason that the Agency refused to publicize the report and subjected its prime author to a series of harassing activities.

Mr. President, recently the author of the Ryther report testified before the Subcommittee on Manpower of the House Committee on Post Office and Civil Service. During the course of his testimony, he described the lengths to which the FAA went to suppress his report and to discredit him as an individual. I ask unanimous consent that the substance of his testimony and two articles on the same subject be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Statement of Philip I. Ryther

Mr. Chairman and Members of the Subcommittee:

I am Philip I. Ryther of McLean, Va. Prior to my retirement from Federal Service in December, 1970, I was the Chief of the Evaluation Division of the Federal Aviation Administration—a subordinate agency of the Department of Transportation. In that position I was responsible for the evaluation of all aspects of civil aviation in the United States which are vested in the FAA by the Federal Aviation Act of 1958 and other statutes. I was a grade GS–16 and had a small but highly competent staff of aviation experts assigned to my Division.

During my 26 years of Federal Service I worked two years for the Veterans Administration, 12 years for the Department of Defense as well as 12 years for FAA. Before and during breaks in my government service I also held executive and other responsible jobs in three large U.S. corporations.

Mr. Chairman, I come before your subcommittee not as a particular expert on the merits or shortcomings of the high sounding principles embodied in the Nixon Administration sponsored bill H.R. 3807 but more as an "Exhibit" of how things work in the real life we live in. High level administration witnesses have bombarded the subcommittee with all of the "right" and "pretty" words—they have said it will permit the Executive Department to "streamline"—"to modernize"—"greater flexbility"—"provide the individual with greater incentive." Who in the world can quarrel with these "American as apple pie" pleadings. I for one however have great trouble distinguishing between their "apple pie" and their "Madison Avenue tactics".

As a boy on the farm in Minnesota I remember clearly listening to the "radio" and hearing the voice of the late Governor Alfred E. Smith of New York and his repeated urging of Americans to "look at the record".

Here is the record of my last months in the Federal Service.

In late 1969 the Deputy Administrator of FAA directed me and my staff of five experts to make a searching evaluation of safety regulations and practices related to all phases of Civil Aviation in the nation. He said he wanted us to cover Aircraft Manufacturing, Maintenance Practices, Operations, Crew Proficiency and Training as well as the regulatory role of the government. He asked me if I could do the job by March 31, 1970. I told him I thought we could. We completed the work two days ahead of schedule. The man that gave us the job was a Lyndon Johnson appointee and unfortunately before we finished our work he was gone. An executive from the aviation industry replaced him. The report described many extremely serious safety problems and included recommendations for the elimination of many operating and regulatory hazardous practices.

Months passed and no effective action was taken on our recommendations. In fact the report was buried and I was told to discuss it with no one and if I did I would be subject to severe disciplinary action. After several hundred more lives had been lost in aviation accidents, I asked the Administrator of FAA if I might discuss the matter with him—he declined to see me or discuss the subject. However, the new Deputy Administrator called me in and gave me hell for attempting to discuss the matter with the Administrator. The Deputy even wrote me a letter and said he didn't consider the matter urgent enough to push it as I had and that I better never do such a thing again.

Several of our recommendations dealt directly with serious hazards involved with "charter" flight operations. About three months after the new Deputy Administrator wrote me that he was not impressed with the urgency of our recommendations a charter flight crashed in Colorado killing 31 including many members of the Wichita State University football team. A month later another charter crashed in West Virginia killing 75 including nearly the entire Marshall University football team. Approximately 3,000 have been killed in civil aviation accidents since I submitted my report which was characterized by the Deputy Administrator as not urgent.

I am told that only last month there was a failure of vital traffic control equipment on the busy New York to Miami airway. I have been informed the traffic controllers had previously pleaded with FAA management that they not be forced to use the equipment. In this incident there was an "Airways Blackout" lasting 6½ minutes with dozens of passenger and other aircraft involved. After this harrowing experience I am told the traffic controllers have now declined to use the inferior equipment and are improvising in some other way to move the traffic.

Shortly after I received the Deputy's "no urgency letter" I was called in by the Associate Administrator for Manpower of FAA and told I ought to retire and enjoy life. He also said he understood I had some outside income and asked me if that was true. I told him I would prefer not to discuss my personal affairs. He then told me not to play games with him because for a phone call he could have access to my personal income tax returns. I didn't challenge him because I knew that only a few months before he had been an Assistant Commissioner of the Internal Revenue Service. I did however decline his retirement suggestions. A few days later I was called in again by the same man and told I was being given one more chance to retire. I wasn't eligible for an annuity so again I declined and in the same meeting I was presented with 11 pages of charges against me. The charges stated that I would be removed from government service at the end of 15 days. I will not include the 11 pages of charges in this statement but will be glad to furnish a copy to the subcommittee if you desire. Near the end of the 15 days the same man called me in again and asked my permission for him to withdraw the charges because he had found a way to get my annuity approved and that I would be spared having to defend myself against the charges. He presented me with a retirement request letter to sign which included a false statement to the effect that no charges were pending or contemplated against me. I took the letter, unsigned, to the Director of the Bureau of Retirement of the Civil Service Commission. He was aware of my case and had tentatively approved my retirement but had at no time been told anything by FAA officials about the charges. I showed him a copy of the 11 pages whereupon he said all bets were off with respect to his previous agreement with FAA to approve my early retirement.

For reasons best known to the officials of FAA all charges against me were dropped. It has always seemed strange to me that a fellow could be eleven pages bad one day and no pages bad the next.

I believe the subcommittee will understand that by this time I had been through quite a bit so after repeated urgings by my doctor because I had developed high blood pressure from this episode, I voluntarily retired in December 1970.

This is a very brief review of my experience as it may be relevant to the matter before the subcommittee at this time. Doubleday Publishing Company of New York will issue a comprehensive report this summer dealing with aviation safety in the United States and the management of the Federal Aviation Administration.

Incidentally the Civil Service Commission reviewed the handling of my case by FAA and six months after I was retired directed the FAA to retroactively increase my salary during the last year of my service, increased my annuity accordingly and raised my government life insurance for the benefit of my family. It was a pleasure to get FAA's check.

The other day one member of this subcommittee asked a witness what a career government executive has for protection since H.R. 3807 provides for little or no appeal rights. The witness stated that each executive would be dependent upon the ethics and integrity of department and agency appointing officials. I suppose my statement to the subcommittee today reflects the level of my confidence in the subject of ethics and integrity as worthy guarantees of fair play.

Last November, almost a year after I retired, a high official on the President's staff invited me to the White House for a conference. The man worked in the office of H. R. Haldermann, assistant to the President. He told me the purpose of the meeting was to talk this whole thing through. I didn't understand what that meant but I did accept. For an hour and a half I listened to a lot of beautiful rhetoric about "looking to the future" and how "everyone was interested in improving aviation safety." He volunteered that I would hear further from him. Having heard no more I wrote Mr. Haldermann a note on January 7 and asked how they were making out. On January 22 I received a reply from Mr. John Dean, III, counsel to the President, stating I would hear from the Department of Transportation in the near future. More than three months have passed and I have heard nothing.

We hear a constant din these days from many segments of our population to the effect that they have lost confidence—not in our form of government—but in the lack of candor and forthrightness with which the government is being managed. In my opinion passage of the bill before this subcommittee will add fuel to the fire of lost confidence.

I urge that H.R. 3807 be rejected.

I will try to answer any questions the subcommittee may have.

[From the Evening Star, May 10, 1972]

Former Aide Tells of FAA Pressure To Retire

(By Joseph Young)

A Federal Aviation Administration career official has told the House Civil Service Manpower subcommittee he was pressured to retire after the agency ignored his proposals for greater air safety.

He said his ideas might have prevented the loss of hundreds or even thousands of lives in air disasters.

Philip I. Ryther, who was chief of the FAA's evaluation division, cited his experience in urging the House unit not to approve the administration-sponsored bill to make it easier for the government to get rid of federal careerists in supergrade jobs.

Ryther related this story to the subcommittee:

In late 1969 he and his group were directed to make a searching evaluation of civil aviation safety regulations and practices. The study was made and recommendations prepared. However, the official who gave the order for the study was a Johnson appointee, He left the FAA just about the time the project was completed.

Months passed and no effective action was taken on the recommendations. Feeling that action was urgent, Ryther tried to see the FAA administrator, but was refused permission. The deputy administrator called him in and gave him "hell" for trying to discuss the matter with the administrator. Ryther was sent a letter warning him not to try to contact the administrator again.

FAA officials told Ryther that they were not impressed with the urgency of his group's recommendations for measures to reduce air accidents.

Several of the proposals deal directly with serious hazards involved with charter flight operations.

About three months after Ryther was told there was no urgency about the recommendations a charter flight crashed in Colorado killing 31, including many members of the Wichita State University football team. A month later another chartered plane crashed in West Virginia killing 75, including nearly the entire Marshall University football team.

Shortly after he received the warning letter, he was summoned by an FAA official and told he ought to retire "and enjoy life." The official said he understood Ryther had some outside income that would enable him to live comfortably in retirement.

When Ryther declined to retire or to discuss his financial situation, the official said he could gain access to Ryther's personal income tax returns, Ryther testified.

After Ryther refused to retire, the FAA filed 11 charges against him in a move to pressure him to retire.

Ryther still refused. Subsequently, all 11 charge against him were dropped.

The strain of fighting FAA's moves finally undermined Ryther's health. After repeated urgings of his doctor, who discovered he had high blood pressure, Ryther retired voluntarily in December 1970.

The Civil Service Commission reviewed FAA's handling of the case and directed FAA to increase Ryther's salary retroactively for the last year of his service, which also resulted in increasing his retirement annuity and government life insurance. "It was a pleasure to get FAA's check," Ryther noted wryly.

Thus ended Ryther's testimony. For the record, he served 26 years in government, 12 years with Defense, 12 years with FAA and 2 years with Veterans Administration. Before and during breaks in his government service he held executive jobs with three large corporations.

Asked to comment on the testimony, an FAA spokesman said Ryther's recommendation had not been acted on because they were incomplete and unacceptable.

Further, some of the correction actions proposed by Ryther already had been taken or were in the process of being adopted, the FAA spokesman said. He also asserted Ryther's recommendation would not have prevented the two charter accidents.

Ryther's experiences in FAA and the subject of aviation safety will be discussed in a book he has written with Stephen Aug of The Star and will be published this summer by Doubleday.

[From The Nation, May 22, 1972]

The Timid FAA: How Safe Are the Airwaves?

(By Thomas De Baggio)

(Note.—Mr. De Baggio is editor of Consumer Newsweek, a Washington, D.C., newsletter.)

Washington.—They must believe in miracles at the Federal Aviation Administration. This dependence on the Almighty has the advantage of putting the agency closer to the planes and pilots for which it is responsible, and also explains why it is so often found on its knees. It might also explain what others consider the FAA's remarkable luck. For, according to the evidence of secret FAA documents, Congressional committees and airline crews, it is luck, not alertness and vigor, that has saved the nation's guardian of aviation safety from public disgrace.

But visitors to the much ballyhooed international transportation exposition, sponsored by the Transportation Department at Dulles International Airport, will not get a glimpse of the FAA's dogeared prayer books, which have served to protect the nation from air tragedies at least as effectively as have the agency's rules and regulations. What they will see between May 27 and June 4 is the sparkling glory of new technology. Behind its gleaming surface and heady promise is "skulduggery" more extensive than several ITT scandals, according to Philip I. Ryther, former chief of evaluation for the FAA.

Ryther, a graying block of a man with twelve years' experience at the FAA, was appointed in 1969 to lead a special team of agency evaluators. The 29-page document that resulted from their work was so critical and far-reaching that it immediately became a national secret and continues to be so to this day. It calls for the complete overhaul of the FAA. Ryther's persistence on behalf of the report was rewarded with the suggestion that he retire or be fired. He resisted both for nearly nine months and then retired. But FAA influence continued in his life. He wrote a book about his experiences at the agency; it is to be published by Doubleday in July as *Who's Watching the Airways?* Before Ryther had a chance to correct the galley proofs of it, the White House was appealing to the publisher to suppress it, threatening expensive lawsuits if it did not.

Between his retirement and the White House threats, Ryther was scheduled to testify before the Senate Aviation Subcommittee. The subcommittee's staff was so excited by the information he gave them that they asked him to prepare questions for the Senators to ask witnesses, as well as to appear himself. But action at a secret subcommittee session squelched his appearance entirely, and the questions weren't asked.

What the White House, the FAA and Congress have worked together to suppress is only part of the story of the large-scale aviation safety failure, but in itself it is harrowing. Last year, the National Transportation Safety Board estimates, 1,525 individuals were killed in 4,694 plane wrecks. Most of these deaths—1,322—occurred in what the FAA refers to as general aviation, the flying done by private pilots. The remainder took place on scheduled and nonscheduled airline flights. In a report last September, the Department of Transportation's assistant secretary for safety and consumer affairs noted that a surprisingly high number of general aviation wrecks occurred on training flights, with the instructor present. Between 1966 and 1969, 19 per cent of the general aviation wrecks were on training flights and one out of every three of them involved instructors as well as student pilots.

More than a year and a half earlier, Ryther had zeroed in on the FAA weakness responsible for this state of affairs with a bluntness characteristic of his evaluation of the agency: "FAA is tolerating an unsafe condition in the area of general aviation pilot training," he warned, adding that it was "a condition which, unless corrected soon, will contribute to a further deterioration of safety." He concluded: "Many general aviation pilots . . . are a menance to themselves and others."

Here are some of the weaknesses pointed out in the Ryther and Transportation Department reports:

¶Basic license requirements have changed little since 1938, but in some instances standards were lowered as flying became more complex.

Of the 5,000 flight schools in the country, less than half the FAA-approved. Fewer than 10 per cent of the nation's are trained in approved schools.

The FAA cannot stop a flight school from operating, no matter how poor the instruction.

Flight instructors are recertified every two years, but the examination does not necessarily include a flight check.

Pilot training is inadequate. The initial flight test fails to examine fully the student's ability under emergency or rough-weather conditions.

Once a flyer is licensed, he need pass only a medical examination periodically to keep his license, even if he fails to maintain his proficiency.

When the General Accounting Office looked into what limited data was available, its investigators found that roughly 80 per cent of the general aviation crackups were caused by pilot error. The same April 1970 report said that in 1967, 42 per cent of the pilots who wrecked their planes had fifty hours or less flight time. FAA requires only forty hours for a license.

In the face of this serious criticism of pilot training requirements, the FAA began to move. But the agency has yet to reach the jet age and some feel that even horse and buggy speeds may be too fast for its creaky machinery. Ryther noted that it took a full 325 days for the agency to process a simple, noncontroversial rule which required no public hearings. A full two years after Ryther submitted his report, the agency set forth a broad-scale revision of pilot training and certification rules in order to upgrade them. The *Federal Register* notice of March 23 which announced the proposed changes allowed 120 days for comments before closing the docket; that is twice the time most agencies allot for such purposes.

There is no telling when the final rules will become effective—if they ever do. For as Ryther noted, "Proposed rules are dropped because of industry political pressure." And, he elaborated in an interview, the general aviation pilots' lobby, which though little known, is one of the most powerful in Washington. What other group could count between 200 and 300 Congressmen among its membership?

While it was a major point of the Ryther report, his criticism of the agency's failure to require pilot training up to the level of proficiency was not the only fault he found with the FAA's safety record. He discovered that FAA rules were subject to "many different interpretations" and many were not "specific enough to be enforced."

The FAA is responsible for qualifying not only the more than 500,000 pilots in the United States but also the more than 100,000 mechanics who work on the planes. Some 1,400 inspectors are assigned to this job, half of them being spread over the huge general aviation field. Since the vast majority of general aviation wrecks are attributed to "pilot error," Ryther said, "it would then seem appropriate that surveillance of airman training should be placed high on the inspector's list of priorities. However, under present practice he is unable to do this. Approximately 50 per cent of his time is spent in administrative and nonsafety related tasks." He added: "A very small part of his time is spent in assuring that pilots are being adequately trained and properly tested."

Ryther discovered that inspectors were frustrated by the practically nonexistent safety standards for operators of noncertified commercial air carriers which specialize in charter flights. "Qualifications of crews and mechanics employed by many of these operators are marginal," he contended in the report. "Some inspectors have resorted to appealing to the better judgment of 'customers' in attempting to dissuade them from doing business with operators who they feel operate in a potentially hazardous manner." Ryther contends today that had his warnings in this area been heeded immediately ("The administrator could have made the necessary changes with a stroke of the pen") the crash six months later that obliterated the Wichita State football team might have been prevented.

Lack of rigorous training standards for flight personnel on giant airliners has recently been charged by Ralph Nader's Aviation Consumer Action Project, headed by K. G. J. Pillai. In March the group, citing a deterioration in standards, petitioned the FAA to improve recurrent training for flight engineers. In 1967, flight engineers at Pan American received seventy-one hours of ground training yearly, Pillai said. The following year it was reduced to twenty-four hours. The flight engineers' association protested that thirty-five hours was a necessary minimum, but the Air Transport Association, speaking for the nation's scheduled airlines, won the battle. The FAA set a twenty-five hour minimum. In 1970 the FAA capitulated further with approval for Pan American to reduce its training to eighteen hours.

"Flight engineers admit that at least nine accidents that occurred in Pan American's operations since 1968 are clearly attributable to crew failures," Pillai said. "In these accidents hundreds of passengers and crew members were killed or seriously injured. Despite this horrendous loss of human lives, the FAA did not take steps to improve the quality of training for crew members."

The federal government initially became involved in aviation in 1926. Under legislation passed that year, the Commerce Department was authorized to "foster" aviation. This meant licensing pilots, certifying the airworthiness of airplanes and monitoring air safety, duties that were performed under the immediate supervision of the Aeronautics branch, which became the Bureau of Air Commerce in 1934. With the passage of the Civil Aeronautics Act of 1938, President Franklin Roosevelt reorganized the government's aviation control into two separate units, establishing the framework for the organization as it exists today. A Civil Aeronautics Board was set up to regulate the economic facets of aviation and a Civil Aeronautics Authority continued in the Commerce Department as a pilot licensing and safety agency. The Federal Aviation Act of

1958 brought into being an independent Federal Aviation Agency. In 1967, with a slight adjustment in name, it became part of the new Department of Transportation.

Such a dry accounting of the FAA's growth omits all its pitiful human qualities. That flavor was aptly summed up in a 1970 report by the House Government Operations Committee: "The FAA simply does not move forward," it concluded, and then added mournfully: "All too often in the past, progress has been the result of tragedy."

Like much of the Washington bureaucracy, the FAA is the victim of legislative schizophrenia. It was born of a compromise between the public interest and the aviation industry. The FAA is charged with regulating the industry and at the same time promoting it, and the two duties are incompatible.

Ryther did more than suggest that this was at the core of the FAA's failure. "Too much credence has been placed in the past on that part of the Federal Aviation Act that specifies we should 'foster aviation,'" he wrote. "Many proposed rule changes are met with the hue and cry that they will retard the advancement of aviation. FAA should adopt a strong regulation that any advancement to safety is a definite advancement of aviation."

The House Commerce Committee, in its 1957 report on the legislation which created the FAA, made it clear that "any tendency by government agencies to proceed with caution in promulgating or enforcing regulations to promote safety must be avoided at all costs, even at the risk of being charged with undue harshness." John H. Shaffer, whose prime qualification for the job as head of the FAA appears to have been his ability to gather money for Richard Nixon's Presidential campaign, quoted the House committee's words approvingly in testimony December 9, 1969, before the Senate Administrative Practices Subcommittee shortly after he took office. But later in his testimony, when asked why National Transportation Safety Board recommendations were infrequently followed, he made clearer his understanding of the law: "The recommendations of the NTSB must be considered in the light of our basic duty to strike a balance between maintaining an acceptable level of safety in aviation and not imposing an undue burden on any segment of the public, including the aviation industry."

Ryther noted in a recent interview that twenty-one out of twenty-three top FAA officials, excluding the political appointees, had never had a job outside FAA. Some had come to the agency as high school dropouts; nineteen of the twenty-three had no college diploma. Nineteen of these top-management officials had worked together for twenty-five years or more. "They dominate the agency completely." Ryther declared. "This fraternity makes up the most bigoted, ingrown,, fearful group of men that you could possibly put together. They are scared to death of being found out."

No other regulatory agency delegates so much important safety work to individuals who have financial interests that conflict with their work. The FAA, for instance, requires that each year more than 133,000 general aviation aircraft be inspected for airworthiness. These inspections are made for a fee by an individual mechanic and, says Ryther, are sometimes illegally performed without looking at the aircraft. In much the same way, general aviation pilots are licensed to fly by individuals delegated to examine their qualifications. These examiners are often air carrier operators and aircraft dealers, both of whom may have a financial stake in whether the individual gets a pilot's license.

Airworthiness inspections are made of airliners before they takeoff. Delegates of the FAA administrator, paid by the airlines, perform the task. There have been cases where aircraft inspectors refused to O.K. a plane and then faced threats from their employers if they did not sign them off. One mechanic working for Air West, according to Reuben Robertson, a Ralph Nader lieutenant, reported such an incident to the FAA. He was suspended from his job for insubordination and told if it happened again he would be fired.

Airworthiness is a ticklish subject with the FAA. The agency frequently issues airworthiness directives, which are published in the Federal Register. Airplane defects are noted and the agency requires scheduled maintenance to replace parts that can cause structural weaknesses or engine or landing gear malfunctions. It gives the appearance that the FAA is a tough regulator, but the impression is false, according to a former FAA lawyer who wrote his share of the documents. Most of the time, he says, the FAA doesn't discover the defects through its inspection system at all. The manufacturer spots them and sends out "service bulletins" of its own—with a copy to the FAA. This is picked up and long after airplane owners have been notified by the manufacturer, the FAA directive is published.

Violations of such airworthiness directives, or failure to do required maintenance, can land an airline in deep trouble—or so the law states. But accommodations are reached easily. Ryther says it is common knowledge that no airline is fined more than $1,000 for an infraction—no matter how serious. Others confirm this. One former FAA attorney remembers a case he worked on in which charges were brought that could have cost the airline $40,000 in fines. Failure to perform maintenance was discovered when the airliner limped into an airport on an emergency landing and an FAA inspector discovered the violations. The airline was able to negotiate the $40,000 in fines down to a $400 payment for a violation—not of government regulations—but of the airline's own procedures.

The airworthiness of planes on the assembly lines is also affirmed by an employee of the manufacturer whose authority is delegated by the FAA. Agency inspectors check the manufacturers, but Ryther found that this surveillance was too infrequent "to assure compliance with airworthiness regulations." He added: "The time that elapses between surveillance efforts invites relaxation of the quality control efforts of the companies."

Currently the most controversial of the FAA's delegated authorities is that given to doctors. Some 2,187 private physicians are designated by the FAA as Aviation Medical Examiners. They give the 60,000 commercial pilots in the nation their required physicals at least once a year. A pilot must pass this test to keep his license.

But the system is not working well, according to FAA air surgeon, Dr. Peter V. Siegel. He says the pilots have learned where to go for quickie approval from doctors who process them on an assembly line basis. Some twenty-three doctors performed 18,000 examinations in 1971; one doctor alone examined 3,000 pilots. Many doctors with reputation for "easy" examinations are never bothered by the FAA, despite the fact that some pilots with disqualifying heart disease, mental illness and addiction problems are never reported. The FAA terminates only about twelve doctors a year and knowingly allows others to continue despite the hazard the pilots present.

The FAA would like to turn the medical examining job over to the airlines, but the airlines don't relish the expense involved in setting up such a medical program. And the pilots who now pay the doctors for the examination don't like the idea of their bosses controlling the physical examination. The pilots remember their 1948 strike against National Airlines. After it was over, National forced pilots to pass a physical performed by company-paid doctors. Those who refused were fired. Twenty-one of the pilots most active in the strike were terminated because they couldn't pass the company "physicals."

While nobody is happy with the current medieval setup, there is some evidence that the FAA and some of the airlines have benefited from its manipulation. The FAA, while allowing some medical examiners to doctor their reports rather than the pilots, has cracked down on other medical examiners. One such doctor is Emil Taxay, who was appointed an FAA medical examiner in 1961. For nine years he practiced aviation medicine and checked pilots. He got a reputation as a tough doctor. Consequently, his fees didn't amount to much from pilots because few came to him. Court papers show that Taxay was earning $1,250 a year when the FAA took his appointment away from him on March 30, 1970. The reason for his termination was never clearly explained and Dr. Taxay has since sought through the courts to force the FAA to convene a hearing to justify its stand. However, the FAA did admit that the revocation of his appointment was connected with testimony he gave to the National Transportation Safety Board. FAA did not appreciate the doctor's voluntary appearance as an expert witness for several pilots who had lost their flying licenses because of medical problems.

Another case now in the courts hints at how the airlines can manipulate the system to get rid of a pilot. Carl R. Duncan has been a pilot for National Airlines since 1956. He is known as a stickler for safety rules and has reported violations by other National pilots. In May 1968, the FAA denied him medical certification. A deposition filed in federal court last fall indicates that an FAA inspector, after talking to Duncan on the phone, launched an extensive investigation because he thought the pilot was crazy. But Duncan's lawyer, Robert D. Powell, hints at darker motives behind the investigation and believes a National official tried to get rid of the pilot for personal reasons. Collusion between the FAA and the airlines in pilot ousters is not unusual, says Powell.

The FAA was beaten back in the Duncan case by the National Transportation Safety Board, which overruled the agency after a hearing. Powell says this is the second time Duncan has had trouble over his license because of a head injury sustained in a car wreck in 1960. A panel of five doctors reinstated his medical certificate in 1962, but the two doctors who voted aaginst him in that case have played an important role in the more recent case. One is now the FAA's deputy air surgeon; the other was the prime government medical witness against him in the 1969 case. Duncan's suit against the FAA is pending.

While a few conscientious pilots and doctors must fight for their licenses, medical requirements are waived for others. A former FAA lawyer notes that special exemptions are sometimes granted to relatives of powerful Washington political figures. In one instance, he said, a relative of then President Johnson was given a pilot's license, despite the fact that medically he was not qualified. Another relative of then Vice President Hubert Humphrey received similar treatment although he, too, suffered from a heart ailment that should have disqualified him.

Although such occurrences are rare, FAA's rules on who can fly are sometimes surprising. Among the more than 700,000 pilots in the nation are 4,005 with only one eye (749 of them pilot airliners). And that one eye need only furnish "pretty good vision," according to the FAA. The federal government has barred one-eyed persons from driving trucks and busses since 1940 because their limited vision is a threat to highway safety.

But the cause of a crash is not always the pilot or the plane. The airport is also one of aviation's hazards. Four of the eight airliners that crashed last year did so during landings, according to the National Transportation Safety Board which investigates airplane wrecks. By the FAA's most recent reckoning, there are more than 12,000 aircraft landing facilities in the United States. This includes everything that an airplane, helicopter or other aircraft might conceivably use. When only the airports with paved runways are considered, the total drops to 4,176. Runways are lighted at only 3,759 locations. Some 531 airports received scheduled airline service.

While the airplanes, pilots and mechanics must meet certain FAA standards, airports escape certification. Airline pilots recommended in 1946 that airports be forced to meet certification standards. A special advisory committee recommended federal certification of airports in 1952. For its 1970 report on the FAA, the GAO auditors checked the agency's inspection reports of thirty-two airports. The FAA, said the investigators, had uncovered 1,026 safety deficiencies at these airports including runway obstructions, inadequate fire protection and poor lighting.

Congress in 1970 stuck a provision into the Airport and Airway Development Act that required the FAA to certify airports. The agency was given two years to draw up standards, but last year Congress extended the implementation date to May 1973. Even the provisions of the act which made federal funds available for airport improvement have not been enough to spur some airports. In 1971, the Air Line Pilots Association (ALPA) graded 488 airports—those with daily scheduled service—on crash fire and rescue equipment. The pilots found that 25 per cent of the airports had no such equipment at all. Fifteen of these 129 airports served jets. More startling still was the finding that only 25 per cent of the nation's airports had, for the aircraft using the facility, equipment that the FAA and the National Fire Protection Association suggested was adequate. Some of the airports with less than adequate fire protection included Boston's Logan Airport, Chicago's Midway, and airports at Dallas, Pittsburgh, Jacksonville, Minneapolis and Las Vegas.

Fire protection is a key safety feature in a crash because it is the fire and smoke that often cause fatalities. Last June when a Convair 580 crashed during a bad weather approach to New Haven's Tweed Airport, the NTSB found that twenty fatalities were caused by fire and smoke, not by impact. With such circumstances in mind Kelly Rueck, an airline stewardess and ALPA official, commented: "From the stewardess' viewpoint . . . she often wonders what would happen in case an emergency did occur. Even worse, she wonders if her passengers have any idea how badly the cards are stacked against them if anything goes wrong." As a result of repeated tragedies, the FAA recently required structural changes that would lessen the probability of fire hazards from fuel spillage in a crash.

The New Haven crash, like others at airports, might have been been prevented if the latest instrument landing devices had been installed. Instrument landing systems, visual approach slope indicators and runway end identification lights are three of the components most needed at airports, according to the airline pilots. Nearly 60 per cent of the nation's 530 airports were without instrument landing systems last year by the pilots' count. The FAA said in 1955 that the instrument landing system was necessary airport equipment. However, visual approach slope indicators and runway end identification lights are rarer. Only about 4 per cent of the nation's runways are so equipped. These landing aids, while rare, are only part of the complex electronic web that is part of the FAA's safety mechanism—air traffic control.

The government first got into air traffic control in 1936 when the Bureau of Air Commerce took over three en route traffic control centers in Newark, Chicago and Cleveland. Predictably, the centers which formed the nucleus of what have become twenty-one strategically placed airway guides were developed by the fledgling airline industry of that era for its own protection.

Although the system has changed dramatically over the years with the addition of control towers, radar and computers, its purpose has remained basically the same. It is designed to give pilots and ground controllers position information to keep airplanes on course and aid in preventing midair collisions. The FAA likes to keep up with modern terminology, even if it lags far behind in other areas, and refers to the present complex of equipment as the National Airspace System.

But the system has a serious, basic flaw that contributes to the more than four midair collisions narrowly avoided each day. "Over a period of many years," the House Government Operations Committee noted in a report last March, "the public has been led to believe that the nation's air traffic control system watches over all aircraft in the air, protecting the traveler from the danger of midair collisions. In fact, the nation does not have an air traffic control system. We have two air traffic control systems." These two systems, as imperfect as is each by itself, together lay the groundwork for tragedy because they are not necessarily compatible.

Most of the 133,000 general aviation aircraft operate under visual flight regulations (VFR). The 23,000 commercial and military airplanes operate under instrument flight regulations (IFR). As its name implies the visual rules are simply "see and be seen." Cockpit vision is often limited and atmospheric conditions sometimes contribute to poor visibility. At the speeds of today's aircraft, even perfect visibility might not be good enough to avoid collision, but the problem is complicated by the fact that pilots flying under instrument rules are not likely to be looking for another aircraft in their path. The FAA's "eyeball philosophy," as Capt. John J. O'Donnell, head of the Air Line Pilots Association, calls it, "should have gone out in the early 1940s."

Air traffic controllers have their work cut out for them keeping the two types of aircraft away from each other. "In areas of light and moderate VFR traffic, controllers provide advisory information to IFR aircraft about the location of VFR aircraft that might be operating nearby," the House committee noted. "In congested areas, where advisory information of this kind is most needed, the number of VFR aircraft on the controllers' radar scopes is often so large as to overwhelm their ability to warn IFR traffic of VFR that might become a collision threat."

Under such conditions it is clear why the committee is so insistent that a collision avoidance device be carried on each airplane. But the FAA has completely abdicated its safety role in this field, too. After active participation in an airborne collision avoidance system during the 1950s, the committee said, the FHA downgraded its own efforts and let the Air Transport Association take over.

Although the FAA has just about thrown in the towel on the project, the House committee maintains, "we have collision avoidance technology almost within our grasp, but the economic considerations may halt or delay system implementation even after the technical problems that remain have been solved." If the system is to be effective, all aircraft must carry the collision avoidance mechanism. The cost now projected is prohibitive for most general aviation aircraft. However, airline officials, in the words of the 1970 House committee report, "in despair over the inadequacy of the air traffic control picture, hope through the use of this [anti-collision] equipment to at least avoid midair collision with other airliners."

The FAA has developed a ten-year plan to upgrade airports, its foundation being a trust fund set up by the Airport and Airway Development Act of 1970 and financed by user taxes similar to those that support the Highway Trust Fund. Grants are made on a sharing basis, but many communities argue that the fifty-fifty arrangement stipulated in the law is too great a burden for their airports. A proposal is now before Congress to increase the federal share. About $230 million will be spent under the airport aid program this year. Although it is seen as a step forward in improving airport safety, the plan has been criticized. "The length of time now planned by your agency for the installation of landing aids is so inadequate that it can only invite more accidents," ALPA told the FAA's Shaffer last fall. "We believe that your agency has not been attuned to the increasingly dangerous airport environment that airline pilots must endure on a daily basis."

Somewhat more restrained was a report last December from the House Government Operations Committee. "The FAA continues to operate under arbitrary funding guidelines of the Office of Management and Budget that portend only the most tragic consequences," the committee said. It added, however, that the agency itself had failed in the past to anticipate the increased air traffic. The House committee estimated that $1.8 billion would be needed for improvements.

The air traveling public, ignorant of the despair expressed by industry, Congress and the pilots, and the potential for tragedy lurking behind accident figures that show only .097 fatalities per 100,000 airliner hours flown (the figure is 2.47 for general aviation), gets more worked up about airline hijackers. But airliner hijacking, while a real problem, is dwarfed by the basic considerations of air safety. Since 1930, the number of successful hijackings on a worldwide basis has been less than 300; during the same period, slightly more than 100 hijackings have been successfully carried out in the United States. Yet since 1961 there have been 774 airline crashes—117 of them causing fatalities that have killed 2,818. And these figures do not include the 55,308 general aviation crashes during the same time, nor the 12,470 deaths they caused.

As a result of FAA laxity and slowness in the past, the real problems are only now coming into view. By 1983 there is expected to be an 80 per cent increase in the number of pilots; a 31 per cent increase in the number of airliners; a growth of 60 per cent in general aviation. The advances in air travel are outstripping the government's feeble attempts to police it. As the traffic problem in the skies becomes more acute, the failures of the government will be increasingly difficult to hide.

Hard as it may be to close the gap quickly, it will never be done unless the FAA is rejuvenated in a major reorganization. Philip Ryther has his own recommendations. He confided them to President Nixon a year ago but got no positive response. He asked the President to fire the seven top men at FAA. Ryther feels that fresh faces and approaches at the FAA would put an end to the passive neglect he found of air safety, the dominance of the air industry over policy matters and the schizophrenia that has split the agency between its duties of fostering aviation and making it safe.

If changes are not made quickly, all the fancy public relations in the world will not be able to turn the FAA's past failures into a future hope. A timid guardian of the skies will become recognized for what it is—the major obstacle to air safety.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

SOCIAL SECURITY AMENDMENTS OF 1972

The **PRESIDING OFFICER**. Under the previous order the Chair lays before the Senate H.R. 1, which the clerk will report.

The assistant legislative clerk read the bill by title, as follows:

A bill (H.R. 1) to amend the Social Security Act, to make improvements in the Medicare and Medicaid programs, to replace the existing Federal-State Public Assistance programs, and for other purposes.

The **PRESIDING OFFICER**. The pending question is amendment No. 1663.

Mr. **RIBICOFF**. Mr. President, I send to the desk amendments to amendment No. 1663 of the Senator from Virginia, and ask that they be stated.

The **PRESIDING OFFICER**. The amendments to the amendent will be stated.

The assistant legislative clerk proceeded to read the amendments.

Mr. **RIBICOFF**. Mr. President, I ask unanimous consent that further reading of the amendments may be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendments read as follows:

In lieu of the language proposed to be inserted by the Roth-Byrd-Spong amendment, insert the following:

TITLE IV—FAMILY PROGRAMS

ESTABLISHMENT OF OPPORTUNITIES FOR FAMILIES

PROGRAM AND FAMILY ASSISTANCE PLAN

SEC. 401. The Social Security Act is amended by adding at the end thereof (after the new title added by section 301 of this Act) the following new title:

"TITLE XXI—OPPORTUNITIES FOR FAMILIES PROGRAM AND FAMILY ASSISTANCE PLAN

"GOAL STATEMENT; APPROPRIATIONS

"SEC. 2101. (1) The Congress hereby establishes a national goal of assuring all citizens, through work or assistance, in this decade, an income adequate to sustain a decent level of life and to eliminate poverty among our people.

"(2) Therefore, in order to achieve this goal by—

"(A) providing for members of needy families with children the manpower services, training, employment, child care, family planning, and related services which are necessary to train them, prepare them for employment, and otherwise assist them in securing and retaining regular employment and having the opportunity for advancement in employment, to the end that such families will be restored to self-supporting, independent, and useful roles in their communities, and

"(B) providing a basic level of financial assistance throughout the Nation to needy families with children in a manner which will encourage work, training, and self-support, improve family life, and enhance personal dignity,

there are authorized to be appropriated for each of the five fiscal years in the period beginning July 1, 1973, and ending June 30, 1978, sums sufficient to carry out this title.

"BASIC ELIGIBILITY FOR BENEFITS

"SEC. 2102. Every family which is determined under part C to be eligible on the basis of its income and resources shall, upon registration for manpower services, training, and employment by any of its members who are available for employment (as determined under section 2111) and in accordance with and subject to the other provisions of this title, be paid benefits by the Secretary of Labor under part A, or, if such family has no members who are registered for such services, training, and employment, shall be paid benefits by the Secretary of Health, Education, and Welfare under part B.

"PART A—OPPORTUNITIES FOR FAMILIES PROGRAM

"REGISTRATION OF FAMILY MEMBERS FOR MANPOWER SERVICES, TRAINING, AND EMPLOYMENT

"SEC. 2111. (a) Every individual who is determined by the Secretary of Health, Education, and Welfare to be a member of an eligible family and to be available for employment shall register with the Secretary of Labor for manpower services, training, and employment.

"(b) Any individual shall be considered to be available for employment for purposes of this titles unless he is determined by the Secretary of Health, Education, and Welfare to be—

"(1) unable to engage in work or training by reason of illness, incapacity, or advanced age;

"(2) the relative of a child under the age of six who is caring for such child;

"(3) the caretaker of a child, if the spouse of such caretaker or another adult relative is in the home and not excluded by paragraph (1), (2), (4), or (5) of this subsection (unless such spouse or relative has failed to register as required by subsection (a), or to accept services or employment or participate in training as required by subsection (c));

"(4) a child who is under the age of sixteen or meets the requirements of section 2155(b)(2); or

"(5) one whose presence in the home on a substantially continuous basis is required because of the illness or incapacity of another member of the household.

An individual described in paragraph (2), (3), (4), or (5) who would, but for the preceding sentence, be required to register pursuant to subsection (a), may, if he wishes, register as provided in such subsection, and upon so registering he shall, until he notifies the Secretary of Labor that he no longer wishes to remain registered, be considered as available for employment for purposes of this title.

"(c)(1) Every individual who is registered as required by subsection (a) shall participate in manpower services or training, and accept and continue to participate in employment in which he is able to engage, except where food cause exists for failure to participate in such services or training or to accept and continue to participate in such employment, as provided by the Secretary of Labor.

"(2) No individual shall be required by paragraph (1) to accept employment if—

"(A) the position offered is vacant due directly to a strike, a lockout, or other labor dispute;

"(B) the wages, hours, or other terms or conditions of the work offered are contrary to or less than those prescribed by applicable Federal, State, or local law or are less favorable to the individual than those prevailing for similar work in the locality, or the wages for the work offered are at an hourly rate of less than the minimum wage specified in section 6(a)(1) of the Fair Labor Standards Act of 1938;

"(C) as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization; or

"(D) the individual has the demonstrated capacity, through other available training or employment opportunities, of securing work available to him that would better enable him to achieve self-sufficiency, or to accept or participate in employment or training if—

"(E) appropriate standards for health, safety, and other conditions applicable to the performance of such employment or training have not been established or are not maintained or such acceptance or participation would endanger the individual's health or safety;

"(F) the employment or training is so remote from the individual's residence that acceptance or participation would constitute a hardship; or

"(G) child care services meeting the standards prescribed under section 2134(a)(1), needed by the individual in order for him to accept or participate in employment or training, are unavailable or remote from his place of residence.

"CHILD CARE AND OTHER SUPPORTIVE SERVICES

"SEC. 2112. (a)(1) The Secretary of Labor shall make provision for the furnishing of child care services in such cases and for so long as he deems appropriate (subject to section 2179) for individuals who are currently registered pursuant to section 2111(a) or referred pursuant to section 2117(a) (or who have been so registered or referred within such period or periods of time as the Secretary of Labor may prescribe) and who need child care services in order to accept or continue to participate in manpower services, training, or employment, or vocational rehabilitation services.

"(2) In making provision for the furnishing of child care services under this subsection, the Secretary of Labor shall, in accordance with standards established pursuant to section 2134(a), but in no case less comprehensive than the 1968 Federal interagency day care requirements, arrange for or purchase, from whatever sources may be available, all such necessary child care services, including necessary transportation. Where available, services provided through facilities developed by the Secretary of Health, Education, and Welfare shall be utilized on a priority basis.

"(3) In cases where child care services in facilities developed by the Secretary of Health, Education, and Welfare are not available, and such services will not be available within such time as he and the Secretary of Labor may agree upon, the Secretary of Labor may provide such services (A) by grants to public or nonprofit private agencies or contracts with public or private agencies or other persons, through such public or private facilities as may be available and appropriate (except that no such funds may be used for the construction of facilities (as defined in section 2134(b)(2)), and (B) through the assurance of such services from other appropriate sources. In addition to other grants or contracts made under clause (A) of the preceding sentence, grants or contracts under such clause may be made to or with any agency which is designated by the appropriate elected or appointed official or officials in such area and which demonstrates a capacity to work effectively with the manpower agency in such area (including for the stationing of personnel with the manpower team in appropriate cases). To the extent appropriate, such care for children attending school which is provided on a group or institutional basis shall be provided through arrangements with the appropriate local educational agency.

"(4) The Secretary of Labor may require individuals receiving child care services made available under paragraph (2) or provided under paragraph (3) to pay (in accordance with the schedule or schedules prescribed under section 2134(a)) for part or all of the cost thereof, and may require (as a condition of benefits under this part) that individuals receiving child care services otherwise furnished pursuant to provision made by him under paragraph (1) shall pay for the cost of such services if such cost will be excludable under section 2153(b)(3).

"(5) In order to promote, in a manner

consistent with the purposes of this title, the effective provision of child care services, the Secretary of Labor shall assure the close cooperation of the manpower agency with the providers of child care srevices and shall, through the utilization of training programs and in cooperation with the Secretary of Health, Education, and Welfare, prepare persons registered pursuant to section 2111 for employment in child care facilities.

"(6) The Secretary of Labor shall regularly report to the Secretary of Health, Education, and Welfare concerning the amount and location of the child care services which he has had to provide (and expects to have to provide) under paragraph (3) because such services were not (or will not be) available under paragraph (2).

"(7) Of the amount appropriated to enable the Secretary of Labor to carry out his responsibilities under this subsection for any fiscal year, not less than 50 percent shall be expended by the Secretary of Labor in accordance with a formula under which the expenditures made in any State shall bear the same ratio to the total of such expenditures in all the States as the number of mothers registered under section 211 in such State bears to the total number of mothers so registered in all the States.

"(b) (1) The Secretary of Labor shall make provision for the furnishing of the health, vocational rehabilitation, counseling, social, and other supportive services (including physical examinations and minor medical services) which he determines under regulations to be necessary to permit an individual who has registered pursuant to section 2111(a) to undertake or continue manpower training or employment under this part and shall take all necessary steps to assure that such services are made available, on a priority basis, to any individual who is a mother or a pregnant woman and is under nineteen years of ago (whether for the purpose of allowing her to participate in programs under this part or to continue to meet the requirements, other than age, of section 2155(b) (2).

"(2) In addition, the Secretary of Labor shall make provision for the offering, to all appropriate members of families which include one or more individuals registered pursuant to section 2111(a), of family planning services, the acceptance of which by any such member shall be voluntary on the part of such member and shall not be a prerequisite to eligibility for or receipt of benefits under this part or otherwise affect the amount of such benefits.

"(3) Services furnished under this subsection shall be provided in close cooperation with manpower training and employment services provided under this part. In providing services under this subsection the Secretary of Labor, to the maximum extent feasible, shall assure that such services are provided in such manner, through such means, and using suth authority available under any other Act (subject to all duties and responsibilities thereunder) as will make maximum use of existing facilities, programs, and agencies, and shall regularly report to the Secretary of Health, Education, and Welfare on the extent to which he has been, and expects in the coming year to be, able to so provide services.

"(4) Of the sum authorized by section 2101 to be appropriated for the fiscal year ending June 30, 1974, not more than $100,000,000 shall be appropriated to the Secretary of Labor to enable him to carry out his responsibilities under paragraph (1) of this subsection.

"PAYMENTS OF BENEFITS

"SEC. 2113. Every eligible family (other than a family meeting the conditions for payment of benefits under section 2131) shall, in accordance with and subject to the other provisions of this title, be paid benefits by the Secretary of Labor as provided in part C.

"OPERATION OF MANPOWER SERVICES, TRAINING, AND EMPLOYMENT PROGRAMS

"SEC. 2114. (a) The Secretary of Labor shall develop, for each individual registered pursuant to section 2111(a), an employability plan describing the manpower services, training, and employment which the individual needs in order to enable him to become self-supporting and secure and retain employment and opportunities for advancement. Employability plans under this subsection shall be developed in accordance with priorities prescribed by the Secretary of Labor.

"(b) The Secretary of Labor shall establish manpower services, training, and employment programs for individuals registered pursuant to section 2111(a), and shall, through such programs, provide or assure the provision of manpower services, training, and employment necessary to prepare such individuals for and place them in regular employment, including—

"(1) any of such services, training, and employment which the Secretary of Labor is authorized to provide under any other Act;

"(2) counseling, testing, coaching, program orientation, institutional and on-the-job training, work experience, upgrading, job development, job placement, and followup services required to assist in securing and retaining employment and opportunities for advancement;

"(3) relocation assistance, including grants, loans, and the furnishing of such services as will aid an involuntarily unemployed individual who desires to relocate to do so in an area where there is assurance of regular employment; and

"(4) public service employment programs.

"(c) (1) For the purpose of subsection (b) (4), a 'public service employment program' is a program designed to provide employment as described in paragraph (2) for individuals who (during the period of such employment) are not otherwise able to obtain employment or to be effectively placed in training programs. Such a program shall provide employment relating to such fields as health, social service, environmental protection, education, urban and rural development and redevelopment, welfare, recreation, criminal justice, public facilities, and public safety or any other field which would benefit the community, the State, or the United States as a whole, by improving physical, social, or economic conditions.

"(2) The Secretary of Labor shall provide for the development of public service employment programs through grants to or contracts with any public or nonprofit private agency or organization. Such programs shall be designed with a view toward—

"(A) providing for development of employability through actual work experience; and

"(B) enabling individuals employed under public service employment programs to move into regular public or private employment.

"(3) Before making any grant or entering into any contract for a public service employment program under this subsection, the Secretary of Labor must receive assurances that—

"(A) appropriate standards for health, safety, and other conditions applicable to the performance of work and training have been established and will be maintained;

"(B) available employment opportunities will be increased and the program will not result in a reduction in the employment and labor costs of any employer or in the displacement of persons currently employed, including partial displacement resulting from a reduction in hours of work or wages, or employment benefits;

"(C) the conditions of work, training, education, and employment are reasonable in the light of such factors as the type of work, the geographic region, and the proficiency of the participants;

"(D) appropriate workmen's compensation protection is provided to all participants; and

"(E) the employability of participants will be increased.

"(4) Wages paid to an individual participating in a public service employment program shall be equal to the highest of—

"(A) the prevailing rate of wages in the same labor market area for persons employed in similar public occupations;

"(B) the applicable minimum wage rate prescribed by Federal, State, or local law; or

"(C) the minimum wage specified in section 6(a)(1) of the Fair Labor Standards Act of 1938.

"(5) The Secretary of Labor shall periodically review the employment record of each individual participating in a public service employment program. On the basis of that record and any other information he may require, the Secretary of Labor shall determine the feasibility of placing such individual in regular employment or in on-the-job institutions, or other training.

"(6) The Secretary of Labor shall make payments for not more than the first three years of an individual's employment in any public service employment program. Payments during the first year of such individual's employment shall not exceed 100 percent of the cost of providing such employment to such individual during such first year, payments during the second year of such individual's employment shall not exceed 75 percent of the cost of providing such employment to such individual during such second year, and payments during the third year of such individual's employment shall not exceed 66⅔ percent of the cost of providing such employment to such individual during such third year.

"(d) In order to assure an adequate supply of information concerning opportunities for employment by States, their political subdivisions, or by private employers, any such employer receiving Federal assistance, through a grant-in-aid or contract under this title or any other provision of law, shall provide the Secretary of Labor with complete, up-to-date listings of all employment vacancies that such employer may have in positions or programs wholly or partially supported through such Federal assistance. The fulfillment of this requirement shall be a condition for receiving such assistance.

"(e) The Secretary of Labor shall enter into agreements with the heads of other Federal agencies administering grant-in-aid programs to establish annual and multiyear goals for the employment of members of families receiving benefits under this title in employment wholly or partially supported through such Federal assistance. For the purposes of carrying out these agreements Federal agencies may provide, notwithstanding any other provision of law, that the establishment of such goals shall be a condition for receiving such assistance.

"(f) Of the sums authorized by section 2101 to be appropriated for the fiscal year ending June 30, 1974—

"(1) not more than $540,000,000 shall be appropriated to the Secretary of Labor to enable him to carry out his responsibilities under subsections (a) and (b) (except subsection (b)(4)) of this section, and under section 2115, and

"(2) not more than $1,200,000,000 shall be appropriated to the Secretary of Labor for the public service employment program under subsection (b)(4) of this section.

"EQUAL EMPLOYMENT OPPORTUNITIES

"SEC. 2115. (a) (1) The Secretary of Labor shall, in the administration of part A, periodically and regularly consult with representatives of employers in the private and public sectors of the economy and with representatives of families and individuals who are receiving or are eligible to receive manpower services, training, and employment under this Act.

"(2) The Secretary of Labor shall take all necessary steps to terminate discriminatory practices of public and private employers and thereby make employment opportunities available to needy individuals. To this end, the Secretary shall assure that all participants in this program are treated without discrimination on the basis of race, religion, sex, or national origin, and for this purpose shall establish detailed equal opportunity reporting requirements with respect to all activities under this part affecting recipients of benefits hereunder, including job referrals, salary levels and placements, and on the nature of job listings made available under the program. The Secretary of Labor shall report to the Congress at least annually on the steps he has taken under this section and the results he has achieved.

"(b) Of the sums authorized by section 2101 to be appropriated for the fiscal year ending June 30, 1974, not more than $10,000,000 shall be appropriated to the Secretary of Labor to enable him to carry out his responsibilities under this section.

"ALLOWANCES FOR INDIVIDUALS PARTICIPATING IN TRAINING

"SEC. 2116. (a) (1) The Secretary of Labor shall pay to each individual who is a member of an eligible family and who is participating in manpower training under this part an incentive allowance of $30 per month. If one or more members of a family are receiving training for which training allowances are payable under section 203 of the Manpower Development and Training Act and meet the other requirements under such section (except subsection (l) (1) thereof) for the receipt of allowances which would be in excess of the sum of such family's benefit under this part and any supplementary payment to such family under section 2156, the Secretary of Labor shall determine the total of the incentive allowances per month for such members to be paid under this section, after giving consideration to the amount of training allowances being paid to others participating in the same training, but such amount shall not exceed (A) the amount of such excess or, if lower, the amount of the excess of the training allowances which would be payable under such section 203 as in effect on January 1, 1971, over the sum of such family's benefit under this part and any such supplementary payment, and shall in no event be less than (B) $30 for each such member.

"(2) The Secretary of Labor shall also pay, to any member of an eligible family participating in manpower training under this part, allowances for transportation and other costs to such member which are reasonably necessary to and directly related to such member's participation in training.

"(b) In such cases as the Secretary of Labor may prescribe, the allowances required to be paid to an individual under this section may be paid, in whole or in part, from funds available under any other Act for allowances under any manpower training program in which such individual is participating. Any allowances so paid shall be deemed, for purposes of section 2153 (b) (6), to be allowances under this section.

"(c) Subsection (a) shall not apply to any member of an eligible family who is receiving wages under a program of the Secretary of Labor or who is participating in manpower training which has the purpose of obtaining for him an undergraduate or graduate degree at a college or university.

"UTILIZATION OF OTHER PROGRAMS

"SEC. 2117. In providing the manpower training and employment services and opportunities required by this part the Secretary of Labor, to the maximum extent feasible, shall assure that such services and opportunities are provided in such manner, through such means, and using all of such authority available to him under any other Act (and subject to all duties and responsibilities thereunder) as will further the establishment of an integrated and comprehensive manpower training program involving all sectors of the economy and all levels of government. The Secretary of Labor shall also take such actions as may be necessary to insure that individuals who are eligible under this part are given priority for participation in other Federal or federally assisted programs which are designed to promote employability, or to provide employment opportunities.

"REHABILITATION SERVICES FOR INCAPACITATED FAMILY MEMBERS

"SEC. 2118. (a) In the case of any individual who is a member of a family receiving benefits under this part and who is not required to register pursuant to section 2111(a) solely because of his incapacity under section 2111(b) (1), the Secretary of Labor shall make provision for referral of such individual to the appropriate State agency administering the State plan for vocational rehabilitation services approved under the Vocational Rehabilitation Act, and (except in such cases as he may determine) for a review not less often than quarterly of such individual's incapacity and his need for and utilization of the rehabilitation services made available to him under such plan.

"(b) Every individual with respect to whom the Secretary of Labor is required to make provision for referral under subsection (a) shall accept such rehabilitation services as are made available to him under the State plan for vocational rehabilitation services approved under the Vocational Rehabilitation Act, except where good cause exists for failure to accept such services; and the Secretary of Labor is authorized to pay to the State agency administering or supervising the administration of such State plan the costs incurred in the provision of such services to such individuals.

"(c) (1) The Secretary of Labor shall pay to each family member with respect to whom the Secretary of Labor is required to make provision for referral under subsection (a) and who is receiving vocational rehabilitation services pursuant to such provision an incentive allowance of $30 per month.

"(2) The Secretary of Labor shall also pay, to any member of an eligible family with respect to whom the Secretary of Labor is required to make provision for referral under subsection (a) and who is receiving vocational rehabilitation services pursuant to such provision, allowances for transportation and other costs to such member which are necessary to and directly related to such member's participation in such services.

"EVALUATION AND RESEARCH: REPORTS

"SEC. 2119. (a) (1) The Secretary of Labor shall provide for the continuing evaluation of the program conducted under this part and of activities conducted under part C and D insofar as they involve or are related to such program, including the effectiveness of such program in achieving its goals and its impact on other related programs. The Secretary of Labor may conduct research regarding, and demonstrations of, ways to improve the effectiveness of the program conducted under this part, and in so doing may waive any requirement or limitation imposed by or pursuant to this title to the extent he deems appropriate. The Secretary of Labor may, for these purposes, contract for evaluations of and research regarding such program. Specifically, the report shall contain information relevant to determining the need for additional training and employment opportunities, including the number of individuals—

"(A) who registered during the year;

"(B) for whom employability plans were developed during the year;

"(C) who were placed in training under this title during the year;

"(D) who completed training under this title during the year;

"(E) who were placed in jobs during the year and of that number, the number who were placed in jobs for which they were trained under this title;

"(F) the number of persons placed in public service employment during the year; and

"(G) the number of persons enrolled in manpower programs, other than those funded under this title.

"(2) Of the sums authorized by section 2101 to be appropriated for any fiscal year, in addition to amounts otherwise available therefor, not more than $10,000,000 shall be appropriated for purposes of paragraph (1).

"(b) The Secretary of Labor shall, in conducting the activities provided for in subsection (a) (1), utilize the data collection, processing, and retrieval system established for use in the operation and administration of the program under this part.

"(c) The Secretary of Labor shall make an annual report to the President and the Congress on the operation and administration of the program under this part, including an evaluation thereof in carrying out the purpose of this title and recommendations with respect thereto.

"PART B—FAMILY ASSISTANCE PLAN

"PAYMENT OF BENEFITS

"SEC. 2131. Every eligible family in which there is no member available for employment who has registered pursuant to section 2111 shall, in accordance with and subject to the other provisions of this title, be paid benefits by the Secretary of Health, Education, and Welfare as provided in part C.

"REHABILITATION SERVICES FOR INCAPACITATED FAMILY MEMBERS

"SEC. 2132. (a) In the case of any individual who is a member of a family receiving benefits under this part and who is not required to register pursuant to section 2111 (a) solely because of his incapacity under section 2111 (b) (1), the Secretary of Health, Education, and Welfare shall make provision for referral of such individual to the appropriate State agency administering or supervising the administration of the State plan for vocational rehabilitation services approved under the Vocational Rehabilitation Act, and (except in such cases as he may determine) for a review not less often than quarterly of such individual's incapacity and his need for and utilization of the rehabilitation services made available to him under such plan. An individual who is not required to register pursuant to section 2111 (a) because he meets the description of paragraphs (2), (3), (4), or (5) of section 2111 (b) and who is also incapacitated within the meaning of paragraph (1) of such section may, if he wishes, request the Secretary of Health, Education, and Welfare to refer him to such State agency, and such individual shall, until he notifies the Secretary of Health, Education, and Welfare that he wishes to withdraw his request, be considered an individual with respect to whom the Secretary of Health, Education, and Welfare is required to make provision for referral under this subsection.

"(b) Every individual with respect to whom the Secretary of Health, Education, and Welfare is required to make provision for referral under subsection (a) shall accept such rehabilitation services as are made available to him under the State plan for vocational rehabilitation services approved under the Vocational Rehabilitation Act, except where good cause exists for failure to accept such services; and the Secretary of Health, Education, and Welfare is authorized to pay to the State agency administering or supervising the administration of such State plan the costs incurred in the provision of such services to such individuals.

"(c) (1) The Secretary of Health, Education, and Welfare shall pay to each family member with respect to whom the Secretary of Health, Education, and Welfare is required to make provision for referral under subsection (a) and who is receiving vocational rehabilitation services pursuant to such provision an incentive allowance of $30 per month.

"(2) The Secretary of Health, Education, and Welfare shall also pay, to any member of an eligible family with respect to whom the Secretary of Health, Education, and Welfare is required to make provision for referal under subsection (a) and who is receiving vocational rehabilitation services pursuant to such provision, allowances for transportation and other costs to such member which are reasonably necessary to and directly related to such member's participation in such services.

"CHILD CARE AND OTHER SUPPORTIVE SERVICES

"SEC. 2133. (a) (1) The Secretary of Health, Education, and Welfare shall make provision for the furnishing of child care services in such cases and for so long as he deems appropriate (subject to section 2178) for individuals who are currently referred pursuant to section 2132(a) for vocational rehabilitation (or who have been so referred within such periods or periods of time as the Secretary of Health, Education, and Welfare may prescribe) and who need child care services in order to be able to participate in the vocational rehabilitation program.

"(2) In making provision for the furnishing of child care services under this subsection, the Secretary of Health, Education, and Welfare shall arrange for the purchase, from whatever sources may be available, all such necessary child care services, including necessary transportation, placing priority on the use of facilities developed pursuant to section 2134.

"(3) Where child care services cannot as a practical matter be made available in facilities developed pursuant to section 2134, the Secretary of Health, Education, and Welfare may provide such services, by grants to public or nonprofit private agencies or contracts with public or private agencies or other persons, through such public or private facilities as may be available and appropriate (except that no such funds may be used for the construction of facilities (as defined in section 2134(b) (2)). In addition to other grants be or contracts made under the preceding sentence, grants or contracts under such sentence may be made to or with an agency which is designated by the appropriate elected or appointed official or officials in such area and which demonstrates a capacity to work effectively with the manpower agency in such area (including provision for the stationing of personnel with the manpower team in appropriate cases.) To the extent appropriate, such care for children attending school which is provided on a group or institutional basis shall be provided through arrangements with the appropriate local educational agency.

"(4) The Secretary of Health, Education, and Welfare may require individuals receiving child care services made available under paragraph (2) or provided under paragraph (3) to pay (in accordance with the schedule or schedules prescribed under section 2134 (a)) for part or all of the cost thereof, and may require (as a condition of benefits under this part) that individuals receiving child care services otherwise furnished pursuant to provision made by him under paragraph (1) shall pay for the cost of such services if such cost will be excludable under section 2153(b) (3).

"(b) In addition, the Secretary of Health, Education, and Welfare shall make provision for the offering, to all appropriate members of families receiving benefits under this part, of family planning services, the acceptance of which by any such member shall be voluntary on the part of such member and shall not be a prerequisite to eligibility for or receipt of benefits under this part or otherwise affect the amount of such benefits.

"STANDARDS FOR CHILD CARE; DEVELOPMENT OF FACILITIES

"SEC. 2134. (a) In order to promote the effective provision of child care services, the Secretary of Health, Education, and Welfare shall (1) establish, with the concurrence of the Secretary of Labor, standards assuring the quality of child care services provided under this title (including child care to which section 2153(b) (3) applies), (2) prescribe such schedule or schedules as may be appropriate for determining the extent to which families are to be required (in the light of their ability) to pay the costs of child care for which provision is made under section 2112 (a) (1) or section 2133(a) (1), and (3) coordinate the provision of child care services under this title with other child care and social service programs which are available.

"(b) (1) The Secretary of Health, Education, and Welfare, taking into account the requirement of section 2112(a) (7), is authorized to provide for (and pay part or all of the cost of) the construction of facilities, through grants to or contracts made with public or private nonprofit agencies or organizations, in or through which child care services are to be provided under this title.

"(2) For purposes of this subsection, the term 'construction' means acquisition, alteration, remodeling, or renovation of facilities, and includes, where the Secretary finds it is not feasible to use or adapt existing facilities for use for the provision of child care, construction (including acquisition of land therefor) of facilities for such care.

"(3) If within twenty years of the completion of any construction for which Federal funds have been paid under this subsection—

"(A) the owner of the facility shall cease to be a public or nonprofit private agency or organization, or

"(B) the facility shall cease to be used for the purposes for which it was constructed, unless the Secretary determines in accordance with regulations that there is good cause for releasing the owner of the facility from the obligation to do so.

the United States shall be entitled to recover from the owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of construction of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

"(4) All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this subsection shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276(a)–276(a)-5). The Secretary of Labor shall have with respect to the labor standards specified in this subsection the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276(c)).

"(5) Of the sums authorized by section 2101 to be appropriated for any fiscal year, not more than $100,000,000 shall be appropriated for purposes of the provisions of this subsection.

"(c) The Secretary of Health, Education, and Welfare is authorized to make grants to any public or nonprofit private agency or organization, and contracts with any public or private agency or organization, for part or all of the cost of planning; establishment of new child care facilities or improvement of existing child care facilities, and operating costs (for periods not in excess of 24 months or for such longer periods as the Secretary finds necessary to insure continued operation) of such new or improved facilities; evaluation; training of personnel, especially the training of individuals receiving benefits pursuant to part A and registered pursuant to section 2111; technical assistance; and research or demonstration projects to determine more effective methods of providing any such care.

"(d) (1) The Secretary of Health, Education, and Welfare shall, directly or through grant or contract and on a continuing basis, evaluate the child care services provided with assistance under section 2112, 2133, of this section, or in facilities constructed with assistance under this section, to assure that such services comply with the quality standards established under subsection (a) and to review the adequacy of such standards in light of the needs and particular circumstances of the children (and their families) receiving such services.

"(2) Of the sums authorized by section 2101 to be appropriated for any fiscal year, not more than $25,000,000 shall be appropriated for purposes of the provisions of this subsection.

"EVALUATION AND RESEARCH; REPORTS

"SEC. 2135. (a) (1) The Secretary of Health, Education, and Welfare shall provide for the continuing evaluation of the program conducted under this part and of activities conducted under parts C and D insofar as they involve or are related to such program, including the effectiveness of such program in achieving its goals and its impact on other related programs. The Secretary of Health, Education, and Welfare may conduct research regarding, and demonstrations of, ways to improve the effectiveness of the program conducted under this part, and in so doing may waive any requirement or limitation imposed by or pursuant to this title to the extent he deems appropriate. The Secretary of Health, Education, and Welfare may, for these purposes, contract for evaluations of and research regarding such program.

"(2) Of the sums authorized by section 2101 to be appropriated for any fiscal year and in addition to funds otherwise available therefore, not more than $10,000,000 shall be appropriated for purposes of paragraph (1).

"(b) The Secretary shall, in conducting the activities provided for in subsection (a) (1), utilize the data collection, processing, and retrieval system established for use in the operation and administration of the program under this part.

"(c) The Secretary of Health, Education, and Welfare shall make an annual report to the President and the Congress on the operation and administration of the program under this part, including an evaluation thereof in carrying out the purposes of this title and recommendations with respect thereto.

"PART C—DETERMINATION OF BENEFITS

"DETERMINATIONS; REGULATIONS

"SEC. 2151. Except as otherwise specifically provided in this title, detterminations under this part and part D shall be made—

"(1) by the Secretary of Labor with respect to benefits payable under part A and families claiming or receiving such benefits (and the term 'Secretary' means the Secretary of Labor when used in this part and part D with respect to such benefits and families), and

"(2) by the Secretary of Health, Education, and Welfare with respect to benefits payable under part B and families claiming or receiving such benefits (and the term 'Secretary' means the Secretary of Health, Education, and Welfare when used in this part and part D with respect to such benefits and families);

but in either case such determinations shall be made under and in accordance with regulations which shall be prescribed by the Secretary of Health, Education, and Welfare with the concurrence of the Secretary of Labor and which shall be designed to assure that such determinations will be made uniformly by the two Secretaries, so that to the maximum extent feasible any such determination made by either such Secretary (including any interpretation of law or application of fact made by either such Secretary as a basis for such a determination) will be the same as the determination which would be made by the other such Secretary on the same facts and under the same circumstances.

"ELIGIBILITY FOR AND AMOUNT OF BENEFITS

"Definition of Eligible Family

"SEC. 2152. (a) Each family (as defined in section 2155)—

"(1) whose income, other than income excluded pursuant to section 2153(b), is at a rate of not more than—

"(A) $900 per year for each of the first two members of the family, plus

"(B) $400 per year for each of the next three members, plus

"(C) $300 per year for each of the next two members, plus

"(D) $200 per year for the next member, plus

"(E) $100 per year for each additional member, and

"(2) whose resources, other than resources excluded pursuant to section 2154, are not more than $1,500,

shall be an eligible family for purposes of this title.

"Amount of Benefits

"(b) The benefit for a family under part A or part B shall be payable at the rate—

"(1) $900 per year for each of the first two members of the family, plus

"(2) $400 per year for each of the next three members, plus

"(3) $300 per year for each of the next two members, plus

"(4) $200 per year for the next member, plus

"(5) $100 per year for each additional member, reduced by the amount of income, not excluded pursuant to section 2153(b), of the members of the family.

"Exclusion of Certain Family Members

"(c) The amount of benefits which is payable to a family as determined in accordance with subsection (b) shall with respect to each family member (whether or not taken into account under subsection (b) in determining such amount) who is available for employment and fails to register as required by section 2111(a), or fails to accept manpower services or accept or continue in employment or participate in training as required by section 2111(c), or refuses to accept or continue to participate in rehabilitation services as required by section 2117 (b) or 2132(b), be reduced by—

"(1) $900 per year in the case of each of the first two such members,

"(2) $400 per year in the case of each of the next three such members,

"(3) $300 per year in the case of the next two such members,

"(4) $200 per year in the case of the next such member, and

"(5) $100 per year in the case of each additional such member,

or by proportionately smaller amounts for shorter periods.

"Period for Determination of Benefits

"(d)(1) The amount of benefits payable shall be determined in any month for the preceding month on the basis of the Secretary's determination of the family's income in such preceding month and any income which the Secretary determines pursuant to paragraph (2) should be treated as if it had been received in such preceding month.

"(2)(A) The Secretary shall prescribe the cases in which and the extent to which income received in one month shall be treated as if it were received in the month for which a determination is made pursuant to paragraph (1), and in any case in which he prescribes that income shall be so treated, he shall also prescribe the extent to which the provisions of section 2153(b) shall apply to such income.

"(B) In any case in which the Secretary determines that a family member receives income on a regular or predictable basis during a calendar year but in amounts which vary from month to month during such year, he shall treat the total amount of the annual income of such a member which is received on such basis as if one-twelfth of such total amount had been received in each month of such year and the provisions of section 2153 (b) shall be applied in like manner.

"(C) Notwithstanding any other provision of this paragraph, the Secretary shall only apply subparagraph (A) with respect to any month to—

"(i) the income of an individual who is not incapacitated and who was a member of the family both at the time the income was received and in the month for which the determination is made;

(ii) any family which received benefits under this title in any of the sixty months preceding such month (while the same individual was the head of the household in the month in which the benefits were previously received and in the month for which the determination is made) and in which, in any of the months for which it received benefits and in the month for which the determination is made, the head of the household was available for employment (as defined in section 2111(b)); and

"(iii) income received in one of the eleven months immediately preceding such month.

The Secretary may make an exception pursuant to any of the types of cases he prescribes pursuant to paragraph (A) where he finds that failure to do so would clearly be against equity or good conscience or would work extreme hardship on the family.

"(3) For purposes of paragraph (2), income not excluded under section 2153(b) with respect to the month for which a determination is made shall be considered first, to reduce the amounts described in subsection (b); if benefits are payable thereafter, they shall be reduced by applying income not so excluded with respect to the first preceding month, then with respect to the second such month, and so on through the eleventh such month, in that order. In the case of a family which did not receive benefits in each of the eleven preceding months, the Secretary may estimate (in the absence of satisfactory evidence) any amount which is needed for the determination of benefits under paragraph (2).

"(4) For purposes of this subsection an application shall be considered to have been filed on the first day of the month in which it was actually filed.

"Study of the Problems of the Long-Term Poor

"(e)(1) The Secretary shall conduct a study of a representative number of families who have been paid benefits under this title for 24 consecutive months in order to determine the causes of the problems of the long-term poor.

"(2) The Secretary shall also conduct a study of the desirability of including married couples without children and single individuals who are not members of families under the programs operated pursuant to this title and include in his report his findings on matters such as the effectiveness of such programs for such couples and individuals and the feasibility and cost of so expanding the programs.

"(3)(A) The Secretary shall also conduct a study or studies of the effects of the provision of section 2153(b)(3) upon families described in part A, and in particular shall study the effect of excluding from earned income, for purposes of determining eligibility for and amount of benefits under this title (including payments under section 2156), one-half, one-third, or other percentages of such income, in lieu of excluding two-fifths of such income, and shall include in his report his findings on the effectiveness of excluding such alternative amounts of earned income upon the effectiveness of the program in assisting families to become economically self-sufficient, and upon the costs of the program.

"(4) The Secretary shall include, in his second annual report to the Congress pursuant to section 2135(c), his findings and recommendations in regard to each of the matters upon which he has conducted studies pursuant to this subsection.

"(5) Of the sums authorized by section 2101 to be appropriated for the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, not more than $1,000,000, in the aggregate, shall be appropriated for purposes of this subsection except that amounts of benefits payable by reason of excluding, in connection with a study under paragraph (3), amounts of earned income in excess of the amount which would be excluded pursuant to section 2153(b)(3), shall not be subject to the limitation of this paragraph.

"Special Limits on Gross Income

"(f) The Secretary may prescribe the circumstances under which, consistently with the purposes of this title, the gross income from a trade or business (including farming) will be considered sufficiently large to make such family ineligible for such benefits. For purposes of this subsection, the term 'gross income' has the same meaning as when used in chapter 1 of the Internal Revenue Code of 1954.

"Certain Individuals Ineligible

"(g) Notwithstanding subsection (a), no individual shall be considered a member of a family for purposes of determining the amount of such family's benefits if, after notice by the Secretary that it is likely that such individual is eligible for any payments of the type enumerated in section 2153(a) (2)(A), such individual fails within 30 days to take all appropriate steps (including acceptance of any employment offered under any of the conditions specified in subparagraphs (A) through (D) of section 2111(c) (2)) to apply for and (if eligible) obtain any such payments and the benefits payable with respect to such family shall be reduced by reason of such individual's failure in the same fashion as that prescribed in subsection (c).

"Puerto Rico, the Virgin Islands, and Guam

"(h) For special provisions applicable to Puerto Rico, the Virgin Islands, and Guam, see section 1108(e).

"INCOME

"Meaning of Income

"SEC. 2153. (a) For purposes of this part, income means both earned income and unearned income; and—

"(1) earned income means only—

"(A) wages as determined under section 203(f)(5)(C);

"(B) net earnings from self-employment, as defined in section 211 (without the application of the second and third sentences following subsection (a)(10), and the last paragraph of subsection (a)), including earnings for services described in paragraphs (4), (5), and (6) of subsection (c); and

"(2) unearned income means all other income, including support and maintenance furnished in cash or otherwise and including—

"(A) any payments received as an annuity, pension, retirement, or disability benefit, including veterans' compensation and pensions, workmen's compensation payments, old-age, survivors, and disability insurance benefits, railroad retirement annuities and pensions, and employment insurance benefits;

"(B) prizes and awards;

"(C) the proceeds of any life insurance policy to the extent that they exceed the amount expended by family members for expenses of the insured individual's last illness and burial or $1,500, whichever is less;

"(D) gifts (cash or otherwise), support and alimony payments, and inheritances, except that gifts or inheritances received by a family member in a form not readily convertible to cash (as determined in accordance with criteria prescribed by the Secretary) may, at the option of such family member, be considered as resources for purposes of this title; and

"(E) rents, dividends, interest, and royalties.

"Exclusions From Income

"(b) In determining the income of a family there shall be excluded (in the same order as the numbered paragraphs of this subsection)—

"(1) subject to limitations (as to amount or otherwise) prescribed by the Secretary, the earned income of each child in the family who is, as determined by the Secretary under regulations, a student regularly attending a school, college, or university, or a course of vocational or technical training designed to prepare him for gainful employment;

"(2)(A) the total unearned income of all members of a family in a calendar quarter which, as determined in accordance with criteria prescribed by the Secretary, is received too infrequently or irregularly to be included, if such income so received does not exceed $60 in such quarter, and (B) the total earned income of all members of a family in a calendar quarter which, as determined in accordance with such criteria, is received too infrequently or irregularly to be included, if such income so received does not exceed $30 in such quarter;

"(3) the first $720 per year (or proportionately smaller amounts for shorter periods) of the total of earned income of all members of the family plus two-fifths of the remainder thereof;

"(4) an amount of earned income of a member of the family equal to all, or such part (and according to such schedule) as the Secretary may prescribe, of the cost incurred by such member for child care which the Secretary deems necessary to securing or continuing in manpower training, vocational rehabilitation, employment, or self-employment;

"(5) an amount of earned income which in accordance with a scheduled prescribed by the Secretary which takes into consideration only the family's total earned income which is not excluded by other paragraphs of this subsection and the number of members in the family, in order to take appropriate account of Federal taxes which are withheld from or must be paid on such earned income;

"(6) subject to section 2156, any assistance (except veterans' pensions paid by the United States) which is based on need and furnished by any State or political subdivision of a State or any Federal or other public agency (including relocation assistance under section 2114(b)(3)), or by any private agency or organization exempt from taxation under section 501(b) of the Internal Revenue Code of 1954 as an organization described in section 501(c) (3) or (4) of such Code;

"(7)(A) allowances under section 2115(a), 2117(c), or 2132(c);

"(B) allowances of the types described in such sections which are paid by a State or political subdivision thereof to a member of a family receiving benefits under this title, to the extent that such allowances do not exceed $30 per month;

"(8) any portion of any grant, scholarship, or fellowship received for use in paying the cost of tuition and fees at any educational (including technical or vocational education) institution;

"(9) home produce of a member of the family utilized for its own consumption;

"(10) one-third of any payments received for the support of children who are family members, or as alimony paid to family members; and

"(11) any amounts received for the foster care of a child who is not a member of the family but who is living in the same house as the family and was placed in such home by a public or nonprofit private child-placement or child-care agency; and

"(12) any amounts paid to or on behalf of a member of the family because of or to be used for meeting the health care costs of such member.

Notwithstanding any other provision of this part, the total amount which may be excluded under paragraph (4) in determining the income of any family for any year shall not exceed the lesser of—

"(i) $2,000 plus $200 for each child who is a family member in excess of three such children, or

"(ii) $3,000,

or a proportionately smaller amount for a shorter period.

"RESOURCES

"Exclusions From Resources

"SEC. 2154. (a) In determining the resources of a family there shall be excluded—

"(1) the home, to the extent that its value does not exceed such amount as the Secretary determines to be reasonable;

"(2) household goods and personal effects, to the extent that their total value does not exceed such amount as the Secretary determines to be reasonable; and

"(3) other property which, as determined in accordance with and subject to limitations prescribed by the Secretary, is so essential to the family's means of self-support or to the self-care of a member of such family as to warrant its exclusion.

In determining the resources of a family an insurance policy shall be taken into account only to the extent of its cash surrender value; except that if the total face value of all life insurance policies on any person is $1,500 or less, no part of the value of any such policy shall be taken into account.

"Disposition of Resources

"(b) The Secretary shall prescribe the period or periods of time within which, and the manner in which, various kinds of property must be disposed of in order not to be included in determining a family's eligibility for benefits. Any portion of the family's benefits paid for any such period shall be conditioned upon such disposal.

"MEANING OF FAMILY AND CHILD

"Meaning of Family

"SEC. 2155. (a) Two or more individuals—

"(1) who are related by blood, marriage, or adoption,

"(2) who are living in a place of residence maintained by one or more of them as his or their own home, or who live together as a family although not in a fixed or permanent place of residence,

"(3) all of whom are residents of the United States, and at least one of whom is either (A) a citizen or (B) an alien lawfully admitted for permanent residence, or lawfully present in the United States pursuant to section 212(d)(5) of the Immigration and Nationality Act of 1952, as amended (8 U.S.C. 1182(d)(5)), and

"(4) at least one of whom is a child who is in the care of or dependent upon another of such individuals,

shall be regarded as a family for purposes of this title and part A of title IV. A parent (of a child living in a place of residence referred to in paragraph (2)), or a spouse of such a parent, who is determined by the Secretary to be temporarily absent from such place of residence for the purpose of engaging in or seeking employment or self-employment (including military service) shall nevertheless be considered (for purposes of paragraph (2)) to be living in such place of residence. Notwithstanding any other provision of this title—

"(A) no two or more individuals in any household shall be considered a family for purposes of this title if the individual who is the head of such household attends a college or university on a full-time basis (other than such an individual who is a student as part of an employability plan developed by the Secretary of Labor pursuant to section 2114(a)); and

"(B) no individual shall (except as provided in the preceding sentence) be considered a member of a family for any of the purposes of this title with respect to any month during all of which such individual is outside the United States; and for purposes of this clause after an individual has been outside the United States for any period of 30 consecutive days, he shall be treated as remaining outside the United States until he has been in the United States for a period of 30 consecutive days.

"Meaning of Child

"(b) For purposes of this title, the term 'child' means an individual who is neither married nor (as determined by the Secretary) the head of a household, and who is (1) under the age of eighteen, or (2) under the age of twenty-two and (as determined by the Secretary) a student regularly attending a school, college, or university, or a course of vocational or technical training designed to prepare him for gainful employment.

"Income and Resources or Noncontributing Individual

"(c) For purposes of determining eligibility for and the amount of benefits for any family there shall be excluded the income and resources of any individual, other than a parent of a child, or a spouse of a parent, who is a family member, which, as determined in accordance with criteria prescribed by the Secretary, is not available to other members of the family; and for such purposes such individual—

"(1) in the case of a child, shall be regarded as a member of the family for purposes of determining the family's eligibility for such benefits but not for purposes of determining the amount of such benefits, and

"(2) in any other case, shall not be considered a member of the family for any purpose.

"United States

"(d) For purposes of this title, the term 'United States', when used in a geographical sense, means the States and the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

"Recipients of Assistance for the Aged, Blind, and Disabled Ineligible

"(e) If an individual is receiving benefits under title XX, then, for the period for which such benefits are received, such individual shall not be regarded as a member of a family for purposes of determining the amount of the benefits of the family under this title and his income and resources shall not be counted as income and resources of a family under this title.

"STATE SUPPLEMENTATION

"SEC. 2156. (a) If, in any State, the amount which a family of a given size with no other income would receive as benefits under this title, is less than the adjusted payment level applicable to a family of the same size under the plan of such State approved under part A of title IV, for January 1971 or the month prior to the month of enactment of this title, such State shall make a supplementary payment to each family described in subsection (c)(2)(D). The amount of such supplementary payment shall be computed as prescribed in subsection (b)(1).

"(b)(1) The amount of the supplementary payment made pursuant to subsection (a) shall not be less than the difference between—

"(A) the adjusted payment level applicable to such family for January 1971 or, if higher, the month preceding the month of enactment of this title under the State plan approved under part A of title IV, and

"(B)(i) the benefits, if any, paid to such family under this title, plus (ii) any income not excluded under section 2153(b) in determining such benefits (or which would not be excluded if the provisions of such section were applicable to such income).

"(2) For the purposes of this section, the 'adjusted payment level' under the State plan approved under part A of title IV with respect to any month means the amount of the money payment which a family (of a given size) with no other income would have received under such State plan plus—

"(A) the bonus value of food stamps available to a family (of the same size) in such State for such month, as defined in paragraph (3), and

"(B) at the option in the State, a payment level modification, as defined in paragraph (4).

"(3) For purposes of this section, the term 'bonus value of food stamps available to a family' of a given size with respect to any month means—

"(A) the face value of the coupon allotment which would have been provided to a family (of the same size) under the Food Stamp Act of 1964 for such month, reduced by

"(B) the charge which such family would have paid for such coupon allotment.

if the income of such family, for purposes of determining the charge it would have paid for its coupon allotment, had been equal to the adjusted payment level under the State plan (including any payment level modification with respect to the plan adopted pursuant to paragraph (2) (but not including any amount under this paragraph)). The total face value of food stamps and the cost thereof in any month shall be determined in accordance with rules prescribed by the Secretary of Agriculture in effect for such month.

"(4) For purposes of this section, a 'payment level modification' with respect to any State plan approved under part A of title IV means that amount by which a State which for January 1971 made money payments under such plan to families with no other income which were less than 100 per centum of its standard of need could have increased such money payments without increasing (if it reduced its standard of need under such plan so that such increased money payments equaled 100 per centum of such standard of need) the non-Federal share of expenditures as aid for such month (as defined in paragraph (5)) under the plan of such State approved under such part A.

"(5) For purposes of this section, the 'non-Federal share of expenditures as aid' for any specified period under the plan of a State approved under part A of title IV is the difference between—

"(A) the total expenditures in such period under such plan for aid (excluding emergency assistance under section 406(c)(1)(A) of this Act, foster care under section 408 of this Act, and expenditures authorized under section 1119 of this Act for repairing the home of an individual who was receiving aid under such plan (as such sections were in effect prior to the enactment of this title)), and

"(B) the total of the amounts determined under section 403 and section 1118 of this Act, and under section 9 of the Act of April 19, 1950, for such State with respect to such expenditures in such period.

"(c)(1) Each State which is required by subsection (a) to make supplementary payments shall enter into an agreement which satisfies paragraph (2) and which may, at the option of the State, provide that the Secretary will, on behalf of such State, make such supplementary payments to all families described in paragraph (2)(D) (or to all such families and to any other families specified by the State who are or, but for their income or resources, would be eligible for benefits under this title).

"(2) Any agreement between the Secretary and a State entered into pursuant to paragraph (1) shall specify the level of payment up to which families will be supplemented and shall provide that—

"(A) in determining the eligibility of any family for supplementary payments on the basis of the income of the family, all the provisions of section 2153(b) will apply, except that, with respect to any quarter, if benefits are paid to such family for such quarter under this title, such benefits will not be excluded from income in applying paragraph (5) of such section,

"(B) the determination of the amount of supplementary payments for which a family is eligible will be made without regard to any reduction in benefits under this title by reason of the application of section 2151 (c) or (g), and

"(C) in the case of any family whose benefits under this title have been reduced, by reason of the application of section 2151 (c) or (g), the supplementary payments for which such family is eligible will be reduced by an amount which bears the same ratio to such payments as such reduction bears such benefits (if they had not been so reduced),

"(D) such payments will be made to all families residing in the State who are receiving, or would, but for their income or resources, be eligible to receive benefits under this title, except that the State may, at its option, exclude—

"(i) families in which both parents of the child or children are present, neither parent is incapacitated, and the male parent is not unemployed, or

"(ii) if families in which both parents of the child or children are present, neither parent is incapacitated, and the male parent is employed would not have been eligible for payment under part A of title IV as in effect prior to the enactment of this title, such families and families described in clause (i), and if the agreement provides that the Secretary will, on behalf of the State, make the supplementary payments to families receiving benefits under this title, shall also provide—

"(E) such other rules with respect to eligibility for or amount of the supplementary payments, and such procedural or other general administrative provisions, as the Secretary finds necessary to achieve efficient and effective administration of both the program which he conducts under this title and the State supplementation.

"(d) Any State which has entered into an agreement with the Secretary under this subsection which provides that the Secretary will, on behalf of the State, make the supplementary payments required by subsection (a), shall, subject to section 503 of the Social Security Amendments of 1971, at such times and in such installments as may be agreed upon between the Secretary and such State, pay to the Secretary an amount equal to the expenditures made by the Secretary as such supplementary payments.

"(e) If any State, which is required by subsection (a) to make supplementary payments, does not make such payments in accordance with the provisions of subsections (b) and (c), or fails to make payments to the Secretary in accordance with subsection (d), the Secretary shall make such supplementary payments and, for this purpose, may withhold such amounts otherwise due such State under section 1903 as are necessary, in addition to the amounts, if any, such State is expending for supplementary payments, so that payments may be made in the amount prescribed in subsection (b) to all families described in subsection (c)(2)(D).

"PART D—PROCEDURAL AND GENERAL PROVISIONS

"PAYMENTS AND PROCEDURES

"Payment of Benefits

"SEC. 2171. (a)(1) Benefits under this title shall be paid at such time or times and in such installments as will best effectuate the purposes of this title, but in no event will such benefits be paid less often than monthly.

"(2)(A) Payment of the benefit of any family may be made to any one or more members of the family, or, if the Secretary finds, after reasonable notice and opportunity for hearing (which shall be held in the same manner and subject to the same conditions as a hearing under subsection (c) (1) and (2)) to the family member or members to whom the benefits are (or, but for this provision, would be) paid, that such member or members have such inability to manage funds that making payment to such member or members would be contrary to the welfare of the child or children in such family, he may make payment to any person (including an appropriate public or private agency) who is interested in or concerned with the welfare of the family. The Secretary shall investigate each case in which he has reason to believe that a family receiving payments under this title is unable to manage such payments in accordance with its best interest.

"(B) If the Secretary makes payment under subparagraph (A) to a person who is not a member of the family, he shall review his finding under the preceding sentence periodically to determine whether the conditions justifying such finding still exist, and, if they do not, he shall discontinue making payments to any person who is not a member of the family. If it appears to the Secretary that such conditions are likely to continue beyond a period specified by him, he shall take any steps he may find appropriate to protect the welfare of the child or children in the family.

"(C) No part of the benefits of any family may be paid to any member of such family who has failed to register as required by section 2111(a), or who fails to accept services or employment or participate in training as required by section 2111(c), or who refuses to accept rehabilitation services as required by section 2117(b) or section 2132(b); and the Secretary may, if he deems it appropriate, provide for the payment of such benefits during the period of such failure to any person (including an appropriate public or private agency) who is interested in or concerned with the welfare of the family, without making the finding required by subparagraph (A).

"(3) The Secretary may establish ranges of incomes within which a single amount of benefits under this title shall apply.

"(4) The Secretary may make, to any family initially applying for benefits under this title which is presumptively eligible for such benefits and which is faced with financial emergency, a cash advance against such benefits in an amount not exceeding $100, or the amount of the benefits, with respect to a period of one month, for which such family is presumptively eligible, which is greater.

"Overpayments and Underpayments

"(b) Whenever the Secretary finds that more or less than the correct amount of benefits has been paid with respect to any family, proper adjustment or recovery shall, subject to the succeeding provisions of this subsection, be made by appropriate adjustments in future payments to the family under part A or part B or by recovery from or payment to any one or more of the individuals who are or were members thereof. The Secretary shall make such provision as he finds appropriate in the case of payment of more than the correct amount of benefits with respect to a family with a view to avoiding penalizing members of the family who were without fault in connection with the overpayment, if adjustment or recovery on account of such overpayment in such case would defeat the purposes of this title, or be against equity or good conscience, or (because of the small amount involved) impede efficient or effective administration of this title.

"Hearings and Review

"(c)(1) The Secretary shall provide reasonable notice and opportunity for a hearing to any individual who is or claims to be a member of a family and is in disagreement with any determination under this title with respect to—

"(A) eligibility of the family for benefits, the number of members of the family, or the amount of the family's benefits, or

"(B) the refusal of such individual to register for or participate or continue to participate in manpower services, training, or employment, or to accept employment or rehabilitation services,

if such individual requests a hearing on the matter in disagreement within thirty days after notice of such determination is mailed or otherwise given, except that the Secretary may extend the time for requesting a hearing if he finds that good cause exists therefor.

"(2) Determination on the basis of such hearing shall be made within ninety days after the individual requests the hearing as provided in paragraph (1), or within thirty days following the final day of the hearing, whichever is sooner.

"(3) The final determination of the Secretary after a hearing under paragraph (1) shall be subject to judicial review as provided in section 205(g) to the same extent as the Secretary's final determination under section 205.

"Procedures; Prohibition of Assignments; Representation of Claimants

"(d)(1) The provisions of section 207, section 206(a) (other than the fifth and sixth sentences thereof), and subsections (a), (d), (e), and (f) of section 205 shall apply with respect to this part to the same extent as they apply in the case of title II.

"(2) To the extent the Secretary finds it will promote the achievement of the objectives of this part, qualified persons may be appointed to serve as hearing examiners in hearings under subsection (c) without meeting the specific standards prescribed for hearing examiners by or under subchapter II of chapter 5 of title 5, United States Code.

"Applications and Furnishing of Information by Families

"(e)(1) The Secretary shall prescribe such requirements in the case of families or members thereof for the filing of applications, the suspension or termination of benefits, the furnishing of other data and material, and the reporting of events and changes in circumstances, as may be necessary to determine eligibility for and amount of family assistance benefits. A determination of the eligibility for and amount of benefits payable to any family shall be made, and notice of such determination provided to such family, within 30 days after application therefor has been filed in accordance with such requirements.

"(2) Each family who received benefits under part A or part B in a quarter shall be required, not later than 30 days after the close of such quarter, to submit a report to the Secretary containing such information and in such form as he may prescribe in order to enable him to determine eligibility for and the amount of the benefits payable to such family with respect to such quarter as provided in section 2152(d).

"(3) In order to encourage prompt reporting of events and changes in circumstances relative to eligiblity for or amount of family assistance benefits, and more accurate estimates of expected income or expenses by members of families for purposes of such eligibility and amount of benefits, the Secretary shall prescribe the cases in which and the extent to which failure to so report or delay in so reporting shall result in a reasonable penalty.

"Furnishing of Information by Other Agencies

"(f) The head of any Federal agency shall provide such information as the Secretary needs for purposes of determining eligibility for or amount of benefits, or verifying other information with respect thereto.

"PENALTIES FOR FRAUD

"SEC. 2172. Whoever—

"(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in any application for any benefit under this title,

"(2) at any time knowingly and willfully makes or causes to be made any false statement or representation of a material fact for use in determining rights to any such benefit,

"(3) having knowledge of the occurrence of any event affecting (A) his initial or continued right to any such benefit, or (B) the initial or continued right to any such benefit of any other individual in whose behalf he has applied for or is receiving such benefit, conceals or fails to disclose such event with an intent fraudulently to secure such benefit either in a greater amount or quantity than is due or when no such benefit is authorized, or

"(4) having made application to receive any such benefit for the use and benefit of another and having received it, knowingly and willfully converts such benefit or any part thereof to a use other than for the use and benefit of such other person,

shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

"ADMINISTRATION

"SEC. 2173. The Secretary of Health, Education, and Welfare and the Secretary of Labor may each perform any of his functions under this title (or section 1124) directly through arrangements with each other or with other Federal agencies, or by contract with public or private agencies providing for payment in advance or by way of reimbursement, and in such installments, as he may deem necessary.

"ADVANCE FUNDING

"SEC. 2174. (a) For the purpose of affording adequate notice of funding available under this title, appropriations for grants, contracts, or other payments under part A and part B (other than benefits under section 2113 or 2131) are authorized to be included in an appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

"(b) In order to effect a transition to the advance funding method of timing appropriation action, subsection (a) shall apply notwithstanding that its initial application will result in enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

"OBLIGATION OF DESERTING PARENTS

"SEC. 2175. In any case where an individual is separated from his spouse or has deserted or abondoned his spouse or his child or children and such spouse or any such child (during the period of such separation, desertion, or abandonment) is a member of a family which receives (as a consequence of such separation, abandonment, or desertion and during such period as the Secretary may specify) benefits under this title, such individual shall be obligated to the United States in an amount equal to—

"(1) the total amount of the benefits paid to such family during such period with respect to such spouse and child or children, reduced by

"(2) any amount actually paid by such individual to or for the support and maintenance of such spouse or child or children during such period, if and to the extent that such amount is excluded in determining the amount of such benefits;

except that in any case where an order for the support and maintenance of such spouse or any such child has been issued by a court of competent jurisdiction, the obligation of such individual under this subsection (with respect to such spouse or child) for any period shall not exceed the amount specified in such order less any amount actually paid by such individual (to or for the support and maintenance of such spouse or child) during such period. The amount due the United States under such obligation shall be collected (to the extent that the claim of the United States therefor is not paid by such individual or otherwise satisfied), in such manner as may be specified by the Secretary from any amounts otherwise due him or becoming due him at any time from any officer or agency of the United States or under any Federal program. Amounts collected under the preceding sentence shall be deposited in the Treasury as miscellaneous receipts.

"REPORTS OF IMPROPER CARE OR CUSTODY OF CHILDREN

"SEC. 2176. Whenever the Secretary, in the performance of his functions under this title, obtains or comes into possession of information which indicates or gives him reason to believe that any child is being or has been subjected to neglect, abuse, exploitation, or other improper care or custody, he shall so advise the appropriate State or local child welfare agency and the head of the Federal department or agency (if such department or agency is not the Department of which the Secretary is head) which is most directly concerned with or exercises primary Federal jurisdiction over factual situations of the type involved.

"ESTABLISHMENT OF LOCAL COMMITTEES TO EVALUATE EFFECTIVENESS OF MANPOWER AND TRAINING PROGRAMS

"SEC. 2177. (a) The Secretary of Health, Education, and Welfare and the Secretary of Labor (in this section referred to as the 'Secretaries') shall jointly establish or designate such local advisory committees throughout the United States as may be necessary or appropriate to assist them in evaluating the effectiveness of the training and employment programs under this title, together with related child care, family planning, and other services, in helping needy families to become self-supporting and in otherwise achieving the objectives of this title. Each such local committee shall perform its functions within an area specified by the Secretaries at the time of its establishment or designation; but at least one such committee shall be established or designated in every State.

"(b) Each local advisory committee established or designated under subsection (a) shall, as specified by the Secretaries, consist of persons representative of labor, business, the general public, recipients of benefits under this title, and units of local government (including Indian tribal organizations, where appropriate) not directly involved in administering employment and training programs under this title, and shall have a chairman elected by the committee from among its members. Members of each local committee shall be selected in such manner, and serve for such terms, as may be specified by the Secretaries.

"(c) Each local advisory committee established or designated under subsection (a) shall submit to the Secretaries at regular intervals a report on the effectiveness of the programs and services referred to in subsection (a) in the area within which it performs its functions, together with its recommendations for improving such effectiveness and such additional information as the Secretaries may request in connection with such programs and services.

"(d) The Secretaries shall provide each local advisory committee established or designated under subsection (a) with the funds necessary for the reasonable expenses of its members in the performance of its functions. There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

"INITIAL AUTHORIZATION FOR APPROPRIATIONS FOR CHILD CARE SERVICES

"Sec. 2178. Of the sums authorized by section 2101 to be appropriated for the fiscal year ending June 30, 1974, not more than $1,500,000,000 in the aggregate shall be appropriated to the Secretary of Labor to enable him to carry out his responsibilities under section 2112(a) and to the Secretary of Health, Education, and Welfare to enable him to carry out his responsibilities under sections 2133(a) and 2134(ac)."

CONFORMING AMENDMENTS RELATING TO ASSISTANCE FOR NEEDY FAMILIES WITH CHILDREN

Sec. 402. (a) The heading of title IV of the Social Security Act is amended to read as follows:

"TITLE IV—GRANTS TO STATES FOR FAMILY AND CHILD-WELFARE SERVICES"

(b) The heading of part A of title IV of such Act is amended to read as follows:

"Part A—Services to Needy Families With Childrfn".

(c) Section 401 of such Act is amended—

(1) by striking out "financial assistance and", and "dependent" each place it appears, in the first sentence; and

(2) by striking out "aid and" in the second sentence.

(d)(1) Section 402(a) of such Act is amended—

(A) by striking out "AID AND" in the heading;

(B) by striking out "aid and" in the matter preceding clause (1);

(C) by striking out "with respect to services" in clause (1) (as amended by section 522(b) of this Act);

(D) by striking out "aid to families with dependent children" in clause (4) and inserting in lieu thereof "services to needy families with children";

(E)(i) by striking out "recipients and other persons" in clause (5)(B) and inserting in lieu thereof "persons", and

(ii) by striking out "providing services to applicants and recipients" in such clause and inserting in lieu thereof "providing services under the plan";

(F) by striking out clauses (7) and (8);

(G)(i) by striking out "applicants or recipients" in clause (9) and inserting in lieu thereof "persons seeking or receiving services under the plan"; and

(ii) by striking out "aid to families with dependent children" in such clause and inserting in lieu thereof "the plan";

(H) by striking out clauses (10), (11), and (12);

(I)(i) by striking out "section 406(d)" in clause (14) and inserting in lieu thereof "section 405(d)",

(ii) by striking out "for children and relatives receiving aid to families with dependent children and appropriate individuals (living in the same home) whose needs are taken into account in making the determination under clause (7)" in such clause (as amended by section 524(a) of this Act) and inserting in lieu thereof "for members of a family receiving assistance to needy families with children and individuals who would have been eligible to receive aid to families with dependent children under the State plan (approved under this part) as in effect prior to the enactment of title XXI", and

(iii) by striking out "such children, relatives, and individuals" each place it appears in such clause (as so amended) and inserting in lieu thereof "such members and individuals";

(J) by striking out clause (15) and inserting in lieu thereof the following: "(15) provide (A) for the development of a program, for appropriate members of such families and such other individuals, for preventing or reducing the incidence of births out of wedlock and otherwise strengthening family life, and for implementing such program by assuring that in all appropriate cases family planning services are offered to them, but acceptance of family planning services provided under the plan shall be voluntary on the part of such members and individuals and shall not be a prerequisite to eligibility for or the receipt of any other service under the plan; and (B) to the extent that services provided under this clause or clause (8) are furnished by the staff of the State agency or the local agency administering the State plan in each of the political subdivisions of the State, for the establishment of a single organizational unit in such State or local agency, as the case may be, responsible for the furnishing of such services;"

(K) by striking out "aid" in clause (16) and inserting in lieu thereof "assistance to needy families with children";

(L)(i) by striking out "aid to families with dependent children" in clause (17)(A)(i) and inserting in lieu thereof "assistance to needy families with children",

(ii) by striking out "aid" in clause (17)(A)(ii) and inserting in lieu thereof "assistance", and

(iii) by striking out "aid" in clause (17)(A)(iii) (as added by section 525(a) of this Act) and inserting in lieu thereof "assistance";

(M) by striking out "clause (17)(A)" in clause (18) and inserting in lieu thereof "clause (11)(A)";

(N) by striking out clause (19);

(O) by striking out clause (20);

(P)(i) by striking out "aid is being provided under the State plan" in clause (21)(A) (as amended by section 525(b) of this Act) and inserting in lieu thereof "assistance to needy families with children or foster care under the State plan is being provided", and

(ii) by striking out "section 410" in clause (21)(C) and inserting in lieu thereof "section 407";

(Q) by striking out "aid is being provided under the plan of such other State" in each place it appears in clause (2) (as amended by section 525(e) of this Act) and inserting in lieu thereof "assistance to needy families with children or foster care payments are being provided in such other State"; and

(R) by striking out "and (23)" and all that follows and inserting in lieu thereof "and (23) provide that, to the extent services under the plan are furnished by the staff of the State or local agency administering the plan in any political subdivision of the State, such staff will be located in organizational units (up to such organizational levels as the Secretary may prescribe) which are separate and distinct from the units within such agencies responsible for determining eligibility for any form of cash assistance paid on a regularly recurring basis or for performing any functions directly related thereto, subject to any exceptions which, in accordance with standards prescribed in regulations, the Secretary may permit when he deems it necessary in order to ensure the effective administration of the plan."

(2) Clauses (5), (6), (9), (13), (14), (15), (16), (17), (18), (21), (22), and (23) of section 402(a) of such Act, as amended by paragraph (1) of this subsection, are redesignated as clauses (4) through (15), respectively.

(e) Section 402(b) of such Act is amended to read as follows:

"(b) The Secretary shall approve any plan which fulfills the conditions specified in subsection (a), except that he shall not approve any plan which imposes, as a condition of eligibility for services or foster care payments under it, any residence requirement which denies services or foster care payments with respect to any individual residing in the State."

(f) Section 402 of such Act is further amended by striking out subsection (c), and by striking out subsection (d) (as added by section 523(b) of this Act).

(g)(1) Section 403(a) of such Act is amended—

(A) by striking out "aid and" in the matter preceding paragraph (1);

(B) by striking out paragraph (1);

(C) by striking out paragraph (2);

(D)(i) by striking out "in the case of any State," in the matter preceding subparagraph (A) in paragraph (3),

(ii) by striking out "child or relative who is receiving aid under the plan, or to any other individual (living in the same home as such relative and child) whose needs are taken into account in making the determination under clause (7) of such section" in clause (i) of subparagraph (A) of such paragraph and inserting in lieu thereof "member of a family receiving assistance to needy families with children",

(iii) by striking out "child or relative who is applying for aid to families with dependent children or" in clause (ii) of subparagraph (A) of such paragraph and inserting in lieu thereof "member of a family",

(iv) by striking out "likely to become an applicant for or recipient of such aid" in clause (ii) of subparagraph (A) of such paragraph and inserting in lieu thereof "likely to become eligible to receive such assistance",

(v) by striking out "(17), (18), (21), and (22)" in clause (iv) of subparagraph (A) of such paragraph (as adde by section 527(a) of this Act) and inserting in lieu thereof "(11), (12), (13), and (14)", and

(vi) by striking out "(14) and (15)" each place it appears in subparagraph (A) of such paragraph and inserting in lieu thereof "(8) and (9)";

(E) by striking out all that follows "permitted" in the last sentence of such paragraph and inserting in lieu thereof "by the Secretary; and";

(F) by striking out "in the case of any State," in the matter preceding subparagraph (A) in paragraph (5);

(G) by striking out "section 406(e)" each place it appears in paragraph (5) and inserting in lieu thereof "section 405(e)"; and

(H) by striking out the sentences following paragraph (5).

(2) Paragraphs (3) and (5) of section 403(a) of such Act, as amended by paragraph (1) of this subsection, are redesignated as paragraphs (2) and (3), respectively.

(h) Section 403(b) of such Act is amended—

(1) by striking out "(B) records showing the number of dependent children in the State, and (C)" in paragraph (1) and inserting in lieu thereof "and (B)"; and

(2) by striking out "(A)" in paragraph (2), and by striking out ", and (B)" and all that follows in such paragraph down through "under the State plan".

(i) Section 404 of such Act is amended—

(1) by striking out "(a) In the case of any State plan for aid and services" and inserting in lieu thereof "In the case of any State plan for services";

(2) by striking out clause (1) and inserting in lieu thereof the following:

"(1) that the plan no longer complies with the provisions of section 402; or"; and

(3) by striking out subsection (b).

(j) Section 405 of such Act is repealed.

(k) Section 406 of such Act is redesignated as section 405, and as so redesignated is amended—

(1) by striking out subsections (a), (b), and (c) and inserting in lieu thereof the following:

"(a) The term 'child' means a child as defined in section 2155(b).

"(b) The term 'needy families with children' means families who are eligible for benefits under part A or part B of title XXI, other than families in which both parents of the child or children are present, neither parent is incapacitated, and the male parent is not unemployed and, for purposes of title XIX, shall also include, as a member of such family, any child receiving foster care in the home of such family pursuant to placement in such home by a public or nonprofit private child-placement or child-care agency.

"(c) The term 'assistance to needy families with children' means benefits under part A or part B of title XXI, paid to needy families with children as defined in subsection (b)."; and

(2)(A) by striking out "living with any of the relatives specified in subsection (a)(1) in a place of residence maintained by one or more of such relatives as his or their own home" in paragraph (1) of subsection (e) and inserting in lieu thereof "a member of a family (as defined in section 2155(a))",

(B) by striking out "because such child or relative refused" in such paragraph and inserting in lieu thereof "because such child or another member of such family refused", and

(C) by striking out "the household in which he is living" in subparagraph (A) of such paragraph and inserting in lieu thereof "such family".

(l) Section 407 of such Act is repealed.

(m) Section 408 of such Act is repealed.

(n) Section 409 of such Act is repealed.

(o) Section 410 of such Act is redesignated as section 406 and subsection (a) of such section (as so redesignated) is amended by striking out "section 402(a)(21)" and inserting in lieu thereof "section 402(a)(14)".

(p)(1) Section 422(a)(1)(A) of such Act is amended by striking out "section 402(a)(15)" and inserting in lieu thereof "section 402(a)(9)".

(2) Section 422(a)(1)(B) of such Act is amended—

(A) by striking out "provided for dependent children" and inserting in lieu thereof "provided with respect to needy families with children", and

(B) by striking out "such children and their families" and inserting in lieu thereof "such families and children".

(q) Part C of title IV of such Act is repealed.

(r) References in any law, regulation, State plan, or other document to any provision of part A of title IV of the Social Security Act which is redesignated by this section shall to the extent appropriate (from and after the effective date of the amendments made by this section) be considered to be references to such provision as so redesignated.

TITLE V—MISCELLANEOUS

PART A—EFFECTIVE DATES AND GENERAL PROVISIONS

EFFECTIVE DATE FOR TITLES III AND IV

SEC. 601. The amendments and repeals made by titles III and IV of this Act and by this part and parts B and E of this title shall become effective (and section 9 of the Act of April 19, 1950 (25 U.S.C. 639), is repealed effective) on January 1, 1974, except as otherwise specifically indicated, and except that—

(1) sections 2133 and 2134 of the Social Security Act, as added by section 401 of this Act, shall be effective upon the enactment of this Act,

(2) nothing in this Act or the amendments made thereby shall be construed to authorize any Federal payments under title XXI of the Social Security Act, as added by this Act, with respect to any family in which both parents of the child or children are present and neither parent is incapacitated—

(A) for any period prior to July 1, 1974; or

(B) for any period after July 1, 1974, if either House of the Congress, at any time after December 31, 1973, and before March 31, 1974, passes a resolution stating in substance that the Congress does not favor the making of such Federal payments; and

(3) appropriations for administrative expenses incurred during the fiscal years ending June 30, 1973, and June 30, 1974, in developing the staff and facilities necessary to place in operation the programs established by titles XX and XXI of the Social Security Act, as added by this Act, may be included in an appropriation Act for such fiscal year.

PROHIBITION AGAINST PARTICIPATING IN FOOD STAMP OR SURPLUS COMMODITIES PROGRAM BY RECIPIENTS OF PAYMENTS UNDER FAMILY AND ADULT ASSISTANCE PROGRAMS

SEC. 602. (a) Section 3(e) of the Food Stamp Act of 1964 is amended by adding at the end thereof the following new sentence: "No person who is determined to be an eligible individual or eligible spouse under section 2011(a) of the Social Security Act, and no member of a family which is determined to be an eligible family under section 2152(a) of such Act, shall be considered to be a member of a household or an elderly person for the purposes of this Act."

(b) Section 3(h) of such Act, is amended to read as follows:

"(h) The term 'State agency', with respect to any State, means the agency of State government which is designated by the Secretary for purposes of carrying out this Act in such State, or, if and to the extent that the Secretary so elects, the Federal agency administering title XX or XXI of the Social Security Act in such State."

(c) Section 10(c) of such Act is amended by striking out the first sentence.

(d) Clause (2) of the second sentence of section 10(e) of such Act is amended by striking out "used by them in the certification of applicants for benefits under the federally aided public assistance programs" and inserting in lieu thereof the following: "prescribed by the Secretary in the regulations issued pursuant to this Act".

(e) Section 10(e) of such Act is further amended by striking out the third sentence.

(f) Section 14 of such Act is amended by striking out subsection (e).

(g) Section 416 of the Act of October 31, 1949, is amended by adding at the end thereof the following new sentence: "No person who is determined to be an eligible individual or eligible spouse under section 2011(a) of the Social Security Act, and no member of a family which is determned to be an eligible family under section 2152(a) of such Act, shall be eligible to participate in any program conducted under this section (other than nonprofit child feeding programs or programs under which commodities are distributed on an emergency or temporary basis and eligibility for participation therein is not based upon the income or resources of the individual or family)."

(h)(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on January 1, 1974.

(2) The Secretary of Health, Education, and Welfare may by regulation provide that the amendments made by subsection (a) and (g)—

(A) shall not apply with respect to individuals and families in any State until the expiration of such period of time (not exceeding 30 days) after December 31, 1973, as he finds necessary to avoid the interruption of such individuals' and families' income in the transition from the programs of assistance under prior law to the programs of assistance under title XX or XXI of the Social Security Act (as added by this Act); and

(B) shall not apply (in such cases as he may specify) with respect to individuals and families first becoming eligible for benefits under title XX or XXI of the Social Security Act after December 31, 1973, until the expiration of such period of time (not exceeding 30 days) after the first day of such eligibility as he finds necessary to avoid the interruption of such individuals' and families' income.

(3) In any case where the Secretary postpones the application of the amendment made by subsection (a) for a period of time as provided in subparagraph (A) or (B) of paragraph (2), each individual or family with respect to whom the postponement applies (and who had been certified to receive a coupon allotment under the Food Stamp Act of 1964, or who had been found eligible to participate in any program conducted under the Act of October 31, 1949, for the month immediately preceding the first day of such period) shall be authorized to purchase during such period the same coupon allotment (at the same charge therefor) or to receive for such period the same amount of food commodities which such individual or family had been certified to receive for such month immediately preceding the first day of such period.

LIMITATION ON FISCAL LIABILITY OF STATES FOR STATE SUPPLEMENT

SEC. 603. (a) The amount payable to the Secretary by a State for any fiscal year pursuant to its agreement under section 2156 of the Social Security Act shall not exceed the non-Federal share of expenditures as aid for quarters in the calendar year 1971 under the plan of the State approved under part A of title IV of the Social Security Act (as defined in section 2156(b) (5) of such Act, as amended by this Act).

(b) Subsection (a) shall only apply with respect to that portion of the supplementary payments made by the Secretary on behalf of the State in any fiscal year which are required to be made pursuant to section 2156.

SPECIAL PROVISIONS FOR PUERTO RICO, THE VIRGIN ISLANDS, AND GUAM

SEC. 604. (a) Section 1108 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(e) (1) In applying the provisions of—

"(A) subsections (a), (b), and (e) (1) of section 2011,

"(B) subsections (a) (2) (D) and (b) (2) of section 2012,

"(C) subsection (a) of section 2013.

"(D) subsections (a), (b), and (c) of section 2152,

"(E) subsections (a) (2) (C) and (b) (2) of section 2153, and the last sentence of subsection (b) of such section, and

"(F) the last sentence of section 2154(a), with respect to Puerto Rico, the Virgin Islands, or Guam, the dollar amounts to be used shall, instead of the figures specified in such provisions, be dollar amounts bearing the same ratio to the figures so specified as the per capita incomes of Puerto Rico, the Virgin Islands, and Guam, respectively, bear to the per capita income of that one of the States which has the lowest per capita income; except that in no case may the amounts so used exceed the figures so specified.

"(2)(A) The amounts to be used under such sections in Puerto Rico, the Virgin Islands, and Guam shall be promulgated by the Secretary between July 1 and September 30 of each odd-numbered year, on the basis of the average per capita income of each State for the most recent calendar year for which satisfactory data are available from the Department of Commerce. Such promulgation shall be effective for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation.

"'(B) The term 'State', for purposes of subparagraph (A) only, means the fifty States and the District of Columbia.

"(3) If the amounts which would otherwise be promulgated for any fiscal year for any of the three States referred to in paragraph (1) would be lower than the amounts promulgated for such State for the immediately preceding period, the amounts for such fiscal year shall be increased to the extent of the difference; and the amounts so increased shall be the amounts promulgated for such year."

(b)(1) The Secretary shall make the promulgation described in section 1108(e)(2) of the Social Security Act, as amended by subsection (a), between January 1 and March 31, 1973, which promulgation shall be effective for the fiscal year beginning July 1, 1973.

(2) This subsection shall become effective upon enactment.

(c)(1) Section 248(b) of the Social Security Amendments of 1967 (Public Law 90-248) is repealed.

(2) The amendment made by this subsection shall apply to expenditures made in quarters following the quarter in which this subsection is enacted.

(d)(1) Section 1108(a) of the Social Security Act is amended by—

(A) striking out "and each fiscal year thereafter" in clause (1)(E) thereof and inserting the following new subclause immediately below such clause (1)(E):

"(F) $30,000,000 with respect to the fiscal year 1973 and each fiscal year thereafter;" and

(B) striking out "and each fiscal year thereafter" in clause (2)(E) thereof and inserting the following new subclause immediately below such clause (2)(E):

"(F) $1,300,000 with respect to the fiscal year 1973 and each fiscal year thereafter;"

(2) Section 1108(b) of such Act is repealed.

(3) The amendments made by this subsection shall become effective upon enactment.

DETERMINATIONS OF MEDICAID ELIGIBILITY

SEC. 605. Title XI of the Social Security Act (as amended by sections 221(a) and 241 of this Act) is amended by adding at the end thereof the following new section:

"DETERMINATIONS OF MEDICAID ELIGIBILITY

"SEC. 1124. The Secretary of Health, Education, and Welfare may enter into an agreement with any State which wishes to do so under which he (or the Secretary of Labor with respect to individuals eligible for benefits under part A of title XXI) will determine eligibility for medical assistance in any or all cases under such State's medical assistance in any or all cases under such State's plan approved under title XIX. Any such agreement shall provide for payment by the State, for use by the Secretary in carrying out the agreement, of an amount equal to one-half of the cost of carrying out the agreement, but in computing such cost with respect to individuals eligible for benefits under title XX or under part A or part B of title XXI the Secretary shall include only those costs which are additional to the costs incurred in carrying out such title or such part."

ASSISTANT SECRETARY OF LABOR FOR THE OPPORTUNITIES FOR FAMILIES PROGRAM AND CHANGE IN THE EXECUTIVE SCHEDULE—COMMISSIONER OF SOCIAL SECURTIY

SEC. 606. (a)(1) There shall be in the Department of Labor an Assistant Secretary for the Opportunities for Families Program, who shall be appointed by the President by and with the advice and consent of the Senate and shall be the principal officer of the Department in carrying out the functions, powers, and duties vested in the Secretary of Labor by part A of title XXI of the Social Security Act (and by parts C and D of such title with respect to the families and benefits to which part A of such title relates), including the making of grants, contracts, agreements, and arrangements, the provision of child care services, the adjudication of claims, and the discharge of all other authority vested in the Secretary by such parts. The Assistant Secretary for the Opportunities for Families Program shall have sole responsibility within the Department of Labor, subject to the supervision and direction of the Secretary of Labor, for the administration of the program established by part A of such title.

(2) Section 2 of the Act of April 17, 1946 (29 U.S.C. 553), is amended—

(A) by striking out "five" in the first sentence and inserting in lieu thereof "six"; and

(B) by inserting before the period at the end of the last sentence the following: ", and one shall be the Assistant Secretary of Labor for the Opportunities for Families Program".

(3) Paragraph (20) of section 5313 of title 5, United States Code, is amended by striking out "(5)" and inserting in lieu thereof "(6)".

(b)(1) Section 5316 of title 5, United States Code (relating to positions at level V of the Executive Schedule), is amended by striking out:

"(51) Commissioner of Social Security, Department of Health, Education, and Welfare.".

(2) Section 5315 of title 5, United States Code relating to positions at level IV of the Executive Schedule), is amended by adding at the end thereof the following:

"(96) Commissioner of Social Security, Department of Health, Education, and Welfare.".

(3) The amendments made by the preceding provisions of this section shall take effect on the first day of the first pay period of the Commissioner of Social Security, Department of Health, Education, and Welfare, which commences on or after the first day of the month which follows the month in which this Act is enacted.

TRANSITIONAL ADMINISTRATIVE PROVISIONS

SEC. 607. (a) In order for a State to be eligible for any payments pursuant to title IV, V, XVI, or XIX of the Social Security Act with respect to expenditures for any quarter in the fiscal year ending June 30, 1973, and for the purpose of providing an orderly transition from State to Federal administration of assistance programs for adults and families with children, such State shall enter into agreements with the Secretary of Health, Education, and Welfare and the Secretary of Labor under which the State agencies responsible for administering or for supervising the administration of the plans approved under titles I, X, XIV, and XVI and part A of title IV of the Social Security Act will, on behalf of the Secretaries, administer all or such part or parts of the programs established by sections 301 and 401 of this Act (other than the manpower services, training, employment, and child care provisions of the program established by part A of title XXI of the Social Security Act as added by section 401 of this Act), during such portion of the fiscal year ending June 30, 1973, as may be provided in such agreements; except that no such agreement shall apply, in the administration of the program established by section 401 of this Act, with respect to any family in which both parents are present, neither parent is incapacitated, and the male parent is not unemployed.

Federal Employment of Certain State and Local Employees

Employee eligibility for appointment

(b)(1)(A) During the period described in subparagraph (C) of this paragraph, a department or agency of the United States may appoint to perform its authorized functions under this Act any individual described in subparagraph (B) of this paragraph to a position in the competitive service of the United States, without regard to the provisions of title 5, United States Code, otherwise governing such appointment, except that an appointment to a position in grade GS-16, GS-17, or GS-18 shall not be made without the approval of the Civil Service Commission. Except as this subsection may otherwise provide, an appointment hereunder shall be subject to regulations of the Civil Service Commission pertaining to the appointment of incumbents of positions brought into the competitive service.

(B) An individual is eligible for appointment under subparagraph (A) if, within the ninety-day period preceding the date of that appointment—

(i) he was an employee of a State or any political subdivision of a State who was compensated in whole or in part from sums paid under title I, X, XIV, or XIX, or part A of title IV, of the Social Security Act, or under an agreement entered into in accordance with subsection (a); and

(ii) he was the incumbent of a position all or a major part of the duties of which (I) were directly related to determining on behalf of the State or political subdivision the eligibility of persons for assistance payments from sums paid to the State under such provisions of the Social Security Act or such agreement, or directly related to the making of such assistance payments (other than medical assistance payments) or (II) were in support of such determinations or the making of such assistance payments (other than medical assistance payments) and the department or agency making the appointment finds that the individual was or will be separated from employment with the State or political subdivision, or has suffered or will suffer a loss or reduction of pay or grade in that employment, because of the enactment of this Act.

An individual who meets the requirements of the preceding sentence because he is or was the incumbent of a position all or a major part of the duties of which are directly related to, or in support of, the determination of eligibility of persons for medical assistance payments shall, notwithstanding the preceding sentence, be ineligible for appointment under subparagraph (A) unless, prior to his appointment, the State by which he is or was employed has entered into an agreement with the Secretary of Health, Education, and Welfare under section 1124 of the Social Security Act (as added by section 505 of this Act).

(C) An individual shall also be eligible for appointment under subparagraph (A) if, within the ninety-day period preceding the date of that appointment, he was an employee of a State or any political subdivision of a State and was the incumbent of a position all or the major part of the duties of which were related to determining eligibility for—

(i) food stamps made available under the Food Stamp Act of 1964, or

(ii) assistance payments to individuals under the program of assistance and services to Cuban refugees operated pursuant to the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601, et seq.).

(D)(i) In the case of an individual described in subparagraph (B), the period referred to in subparagraph (A) shall begin with the date of enactment of this Act and end, except as provided by clause (ii) of this subparagraph, with the close of the ninetieth day after the amendments and repeals to which section 501 is applicable become effective with respect to the program or part of a program in which the individual is employed.

(ii) In the case of an individual who is employed in a program or part of a program administered by a State under an agreement entered into under subsection (a), the period established by clause (i) shall end with the close of the ninetieth day after the date upon which the agreement expires.

(E) The Civil Service Commission may extend any period established by this paragraph (1) insofar as necessary to complete the transition for which subsection (a) provides.

(F) An individual appointed under subparagraph (A) who is required by that appointment to change his place of employment may be paid, in accordance with regulations of the appointing agency prescribing criteria for payment, such as travel, transportation, and related expenses and allowances (or any portion thereof) as would be provided under subchapter II of chapter 57 of title 5, United States Code, in the case of an employee of the United States transferred in the interest of the Government.

Conditions of appointment in special cases

(2) (A) Except as provided by subparagraph (B) of this paragraph, an individual appointed under paragraph (1) (hereinafter in this subsection referred to as the "appointee") may receive, at such time as Civil Service Commission regulations may provide, a career or career-conditional appointment to the competitive service without regard to the duration of his service immediately prior to his appointment if, on the last day of his employment described in paragraph (1) (B) prior to that appointment, he held a status comparable to that of a career or career-conditional employee under a merit system of a State or political subdivision of a State.

(B) An individual who is not a citizen of the United States may be appointed under paragraph (1) and retained without competitive status for not more than 5 years if, prior to his appointment, he has filed a petition for naturalization under section 334 of the Immigration and Nationality Act. If he acquires citizenship within the 5-year period, he shall thereafter become eligible to acquire competitive status subject to applicable Civil Service Commission regulations.

Compensation of appointees

(3) (A) (i) Notwithstanding section 5333 of title 5, United States Code (pertaining to new appointments) and section 5334 of title 5, United States Code (pertaining to pay on change of position), the basic pay of an appointee shall be at that rate of the grade of his position, or of a prevailing wage schedule if applicable, which is equal to his rate of compensation from a State or political subdivision of a State on the last day of the employment described in paragraph (1) (B) prior to his appointment under paragraph (1), or, if there is no such rate, at that rate which exceeds his former rate by the least amount.

(ii) If there is no rate within the grade of his position, or under a prevailing wage schedule if applicable, which equals or exceeds his former rate, he shall receive basic pay at his former rate (but not to exceed the rate for GS–18 as limited by 5 U.S.C. 5308) for a period of 2 years from the date of his appointment, subject to conditions equivalent to those set forth in clauses (A), (B), and (C) of section 5337(a) of title 5, United States Code. If such equivalent conditions continue to obtain at the end of that 2-year period, the rate of basic pay of the appointee shall be reduced to the maximum rate prescribed for the grade of his position by section 5332 of title 5, United States Code, or by the prevailing wage schedule applicable to it.

(B) The period of service required for an appointee to qualify for the benefits of section 5335 of title 5, United States Code (pertaining to periodic step-increases), or for comparable benefits under an applicable prevailing wage schedule, shall be computed from the date of his appointment under paragraph (1).

Credit for prior service

(4) In determining the length of an appointee's service to be credited for purposes of Civil Service Commission regulations pertaining to career tenure, probationary period, rate of annual leave accrual, group life or health insurance, and retention credit in reductions-in-force, credit shall be given for service with the State or political subdivision of the State by which the appointee was employed on the last day of his employment described in paragraph (1) (B) prior to his appointment under paragraph (1).

Sick leave

(5) (A) Subject to subparagraph (B) of this paragraph, an appointee shall be credited with sick leave equal to the balance of sick leave outstanding, in the service of the State or political subdivision by which the appointee was employed, on the last day of his employment described in paragraph (1) (B) prior to his appointment under paragraph (1), except if he has been compensated for that sick leave, or if it has been applied so as to increase the actuarial value of any vested interest of the employee in a retirement system of that State or political subdivision.

Sick leave credited under subparagraph (A) shall not be credited as unused sick leave for purpose of section 8339(m) of title 5, United States Code (pertaining to computation of annuity), and shall be available for use as sick leave by an appointee only after he has exhausted any accruals of sick leave under section 6307 of title 5, United States Code. An appointee who is separated from the Federal civil service with a balance of sick leave credited under subparagraph (A) shall not, during any subsequent period of Federal civil service employment, be recredited with any portion of that balance.

Retirement annuity

(6) The annuity, computed under subsection (a), (b), (c), or (d) of section 8339 of title 5, United States Code, of an appointee eligible thereof shall be increased by $10 for each full month of service credited for retirement annuity purposes, by the State or political subdivision by which the appointee was employed, on the last day of his employment described in paragraph (1) (B) prior to his appointment under paragraph (1), except if (A) the appointee has qualified for or is eligible to qualify for an annuity or other payment on account of retirement (for reasons of age or disability) from such State or political subdivision in consideration of such service, or (B) the appointee is credited for retirement annuity purposes, by such State or political subdivision, with less than 24 full months of such service. The term "annuity" as used in the remainder of section 8339, and the other sections of chapter 83 of title 5, United States Code, to apply to the annuity of an appointee entitled to the increased annuity provided by the preceding sentence, or that of his survivors, shall be deemed to describe an annuity as so increased.

STATE SUPPLEMENTARY PAYMENTS DURING TRANSITIONAL PERIOD

SEC. 608 (a) In order to be eligible for any payments pursuant to title IV, V, XVI, or XIX of the Social Security Act with respect to expenditures for any quarter beginning after December 31, 1973, and for the purpose of assuring that needy families will not suffer an automatic reduction in their aid by reason of the enactment of this Act, any State which as of January 1, 1974, does not have in effect agreements entered into pursuant to section 2156 of the Social Security Act which either specifies the payment levels thereunder or are federally administered shall, for each month beginning with January 1974 and continuing until the close of June 1973 or until the State (whether before or after the close of December 1974) enters into (and has in effect) an agreement pursuant to such section which specifies such levels or is so administered, or otherwise takes affirmative action to the contrary on the basis of legislation (other than legislation which prevents the State from entering into such agreement), make supplementary payments meeting the requirements of such sections to each family which is eligible for benefits until title XXI of such benefits and such supplementary Act, to such extent and in such amounts as may be necessary to assure that the total of such benefits and such supplementary payments is at least equal to—

(1) the amount of the aid which would be payable to such family under the plan of such State approved under part A of title (as so in effect) had continued in effect in June 1971, or if the State by affirmative action modifies such plan after June 1971 and before January 1974, as in effect after such modification becomes effective, if such plan (as so in effect) had continued in effect through such month after December 1973, plus

(2) the bonus value of the food stamps which were provided (or were available) to such family under the Food Stamp Act of 1964 for June 1971 or for the month in which a modification referred to in paragraph (1) becomes effective.

For purposes of this subsection, an agreement entered into pursuant to section 2156 of the Social Security Act is federally administered if it provides that the Secretary of Health, Education, and Welfare will, on behalf of the State, make the supplementary payments under such agreement to families eligible therefor.

(b) Supplementary payments made as provided in subsection (a) shall be considered as assistance excludable from income under section 2154(b) (6).

PRETESTING AND EVALUATION

SEC. 609. (a) (1) For the purpose of developing the most effective, economical, and efficient administration of the Opportunities for Families Program established by the amendments made by section 401, the Secretary of Health, Education, and Welfare and the Secretary of Labor shall jointly conduct programs of pretests and evaluations of the Opportunities for Families Program in accordance wtih the succeeding provisions of this section.

(2) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

(b) (1) The Secretary of Health, Education, and Welfare, after consultation with the Secretary of Labor, shall establish pretest programs under which payments will be made to families, as defined in section 2155(a) of the Social Security Act, as amended by this Act, under the conditions and in the amounts that would be applicable to such families under title XXI of the Social Security Act (as so amended). Any such program may be established in any one or more States or political subdivisions of a State. In the case of any such program, such families shall include and be limited to families (as defined in such section 2155(e))—

parent is incapacitated or

(B) which have previously participated in such program under this subsection and in which the father is present and is not incapacitated, and the members of which would be eligible for payments under title XXI of such Act (as so amended).

(2) The Secretary of Health, Education, and Welfare may, in the case of a State in which he intends to establish a program under this subsection and whose State plan approved under part A of title IV of the Social Security Act provides aid to families with dependent children in which the father is unemployed, enter into an agreement with such State which will specify the circumstances, if any, and conditions under which payments will be made to such families un-

der such plan notwithstanding the conduct of such program. To the extent that any action (or failure to take action) by such State or a political subdivision thereof is specified under the agreement, such action (or inaction) shall not constitute noncompliance with any requirement of part A of title IV of the Social Security Act, or with its State plan approved thereunder.

(3) In any program established under paragraph (1), the Secretary of Labor shall, after consultation with the Secretary of Health, Education, and Welfare, provide or assure the provision of any manpower services, training, or employment programs, or child care, family planning, or supportive services, as authorized to be established or provided by title XXI of the Social Security Act, as amended by this Act.

(4) The Secretary of Health, Education, and Welfare and the Secretary of Labor may carry out their functions under paragraphs (1) and (3) directly or through contracts with (A) the State or local agency administering, in the political subdivision or subdivisions involved, a State plan approved under part A of title IV of the Social Security Act, or (B) any other public (Federal or non-Federal) or private agency.

(c) In determining the States or political subdivisions to which programs under subsection (b) will apply, the Secretary of Health, Education, and Welfare and the Secretary of Labor shall consider the relative effectiveness of a program in that location in achieving the purposes of this section.

(d)(1) If a program is established under subsection (b) in any political subdivision of a State which makes payments under its State plan approved under part A of title IV of the Social Security Act with respect to families with dependent children in which the father is unemployed, the State shall pay to the Secretary, for each quarter of a calendar year in which such program is conducted, an amount equal to the average quarterly non-Federal share of such payments (as defined in paragraph (2)) made in such political subdivision for the second, third, fourth, and fifth quarters immediately preceding the quarter in which such program is initiated.

(2) For purposes of this section, the term "non-Federal share of payments with respect to families with dependent children in which the father is unemployed", in the case of any State, means the defference between—

(A) expenditures under the State's plan approved under part A of tittle IV of the Social Security Act as aid to such families and

(B) the amount determined under section 403 or section 1118 of of such Act and under section 9 of the Act of April 19, 1950, for such State with respect to such expenditures.

(3) The Secretary of Health, Education, and Welfare may reduce any amount due a State under such section 403 or such section 9 by the amount such State is required by paragraph (1) to pay him.

(e)(1) The sums appropriated pursuant to subsection (a) shall also be available to enable the Secretary of Health, Education, and Welfare and the Secretary of Labor to evaluate, directly or by grant or contract, the programs carried on pursuant to subsection (b).

(2) The Secretary of Health, Education, and Welfare and the Secretary of Labor shall jointly submit to the President and the Congress, before December 31, 1973, a report of their evaluations under this subsection. Such report shall include a description of the extent to which such programs were successful in achieving the purposes of title XXI with respect to families included in such programs, including details as to changes in income of such individuals, the numbers of such families applying for benefits, employment experience of eligible family members, an analysis of administrative experience under such programs, and any other data and material which they may consider appropriate and of assistance in implementing the provisions of such title.

(f) In the administration of thest programs under this section, the Secretary of Health, Education, and Welfare and the Secretary of Labor shall provide safeguards which restrict the use or disclosure of information identifying participants in such programs to purposes directly connected with the administration of such programs.

FACILITIES AND EQUIPMENT

Exemption From Certain Provisions of the Economy Act During the Implementation of Title XX and XXI

SEC. 610. (a) Section 322 of the Act of June 30, 1932 (47 Stat. 412), shall not apply to any lease made by the General Services Administration within three years after the date of enactment of this Act for the purpose of acquiring space for any Federal department or agency in connection with the implementation or administration of title XXI of the Social Security Act, as amended by this Act.

AUTHORITY TO ACQUIRE TEMPORARY FACILITIES

(b) In addition to any other authority the Administrator of General Services may have, he is authorized, for a period of three years after the date of enactment of this Act, to enter into agreements, upon such terms and conditions as he deems to be in the interest of the United States, to acquire, by purchase, lease (with or without an option in the Government to purchase), or deferred payment purchase contract, personal property consisting of movable, modular, or prefabricated structures, buildings, facilities, or similar property to be placed on Government-owned or leased land for the purpose of providing space for any Federal department or agency in connection with the implementation or administration of title XXI of the Social Security Act, as amended by this Act. No such lease agreement or deferred payment purchase contract shall bind the Government for a period in excess of ten years. All such deferred payment purchase contracts shall provide that title to the property shall vest in the United States at or before the expiration of the purchase contract term, and that any installment payment made under the contract shall be applied to the contract price, including any interest specified therein.

ACCOUNTABILITY FOR EQUIPMENT AND OTHER PROPERTY PURCHASED UNDER CERTAIN SOCIAL SECURITY ACT PROGRAMS

(c) The Secretary may, in such cases and subject to such conditions as he determines appropriate, waive any obligation that would otherwise exist to account to the United States for equipment or other property purchased in whole or in part with Federal funds made available under section 3, 403, 1003, 1403, or 1603 of the Social Security Act because of the provisions of this Act amending part A of title IV of the Social Security Act to delete the provisions therein pertaining to money payments.

COST-OF-LIVING ADJUSTMENT OF BENEFITS UNDER TITLE XXI OF THE SOCIAL SECURITY ACT

SEC. 610A. (a) In accordance with the succeeding provisions of this section, the Secretary of Health, Education, and Welfare shall adjust the amounts prescribed for determining eligibility for and the amount of benefits payable to families under title XXI of the Social Security Act in order to compensate for annual increases in the cost of living.

(b)(1) Between July 1 and September 30 of each calendar year, beginning with 1974, the Secretary shall increase the dollar amounts prescribed in subsections (a)(1) and (b)(1) of section 2152 of the Social Security Act (as added by this Act) by the percentage by which the average level of the price index for the months in the calendar quarter beginning April 1 of such year exceeds the average level of the price index for months in 1973, and such amounts, as so increased, shall be the amounts employed in carrying out such subsections in months in the following calendar year.

(2) As used in this subsection, the term "price index" means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

(c) The amounts prescribed in section 2152(c) of such Act (as so added) shall be similarly increased for months in each year (and, as so increased shall be the amounts employed in carrying out section 2152(g) for months in such year).

(d) In the case of any State which is required to make supplementary payments to families pursuant to section 2156 of the Social Security Act (as added by this Act), the adjusted payment level (as defined in subsection (b)(2) of such section) applicable to a family of a given size, shall, in the case of any calendar year, be increased by the same dollar amount as amounts in subsections (a)(1) and (b)(1) of section 2152 of such Act (as so added) with respect to a family of the same size are increased pursuant to subsection (b) for such year, and the adjusted payment level (as so increased) shall be in effect for purposes of carrying out section 2156 of such Act (as so added) for months in such year.

PART B—NEW SOCIAL SERVICES PROVISIONS

ADOPTION AND FOSTER CARE SERVICES UNDER CHILD-WELFARE SERVICES PROGRAM

SEC. 611. Effective July 1, 1973, part B of title IV of the Social Security Act is amended by adding at the end thereof the following new section:

"ADOPTION AND FOSTER CARE SERVICES

"SEC. 427. (a) For purposes of this section—

"(1) the term 'foster care services', with-respect to any State, means—

"(A) payments for foster care (including medical care not available under the State's plan approved under title XIX or under any other health program within the State) of a child for whom a public agency has responsibility, made to any agency, institution, or person providing such care, but only if such foster care meets standards prescribed by the Secretary, and

"(B) services and administrative activities consistent with such standards as the Secretary may provide, related to the foster care of children, such as finding, evaluating, and licensing foster homes and institutions, and providing services to enable a child to remain in or return to his own home; and

"(2) the term 'adoption services' means—

"(A) services and administrative activities, consistent with such standards as the Secretary may prescribe, related to adoptions, including activities related to judicial proceedings, determinations of the amounts of the payments described in subparagraph (B), location of homes, and all activities related to placement, adoption, and post-adoption services, with respect to any child, and

"(B) payments (subject to such limitations as the Secretary may by regulation prescribe) to a person or persons adopting a child who is physically or mentally handicapped and who, for that reason, may be difficult to place for adoption, based on the financial ability of such person or persons to meet the medical and other remedial needs of such child.

"(b) In the case of any State which is eligible for payments under section 422, the Secretary shall, from the amounts allotted therefor, make payments to such State in an amount equal to 75 per centum of any expenditures for adoption services or foster care services.

"(c) There are authorized to be appropriated, in addition to sums appropriated for purposes of this section pursuant to section 421, for grants to States for adoption services and foster care services, $275,000,000 for the fiscal year ending June 30, 1974, the sum of $300,000,000 for the fiscal year ending June 30, 1975, and the sum of $320,000,000 for the fiscal year ending June 30, 1976, and each fiscal year thereafter.

"(d) From the sum appropriated pursuant to subsection (c), for any fiscal year, there shall be allotted to each State an amount which bears the same ratio to such sum as the number of children under age 21 in such State bears to the number of such children in all the States.

"(e) Notwithstanding the provisions of this section, the allotment to any State for any calendar quarter beginning on or after July 1, 1973, will be reduced by an amount equal to any reduction in expenditure of State funds for child welfare services under part B of title IV in that quarter below the average State expenditure under this part for the four quarters in the fiscal year ending June 30, 1972."

PART C—PUBLIC ASSISTANCE AMENDMENTS EFFECTIVE IMMEDIATELY

ADDITIONAL REMEDIES FOR STATE NONCOMPLIANCE

SEC. 621. (a) Section 1116 of the Social Security Act is amended by adding at the end thereof the following new subsections:

"(e) In any case in which the Secretary determines that a State has failed in a substantial number of cases—

"(1) to make payments as required by title I, X, XIV, XVI, or XIX or part A of this title IV, or

"(2) to make payments in the amount prescribed under the appropriate State plan (which complies with the conditions for approval under such title or part), he may require the State to make retroactive payment to all persons affected by such failure in order to assure, to the maximum extent possible, that with respect to each such person the sum of the aid or assistance actually received during the period in which such failure occurred plus such retroactive payments are equal to the amount of aid or assistance he would have received for such period had such failure not occurred, but such payments shall not be required with respect to any period prior to the date of the enactment of the Social Security Amendments of 1971. Expenditures for such retroactive payments shall be considered to have been made under the State plan approved under such title or part for purposes of determining the amount of the Federal payment with respect to such plan. In any case in which the Secretary does add such a requirement for retroactive payments pursuant to the preceding provisions of this subsection, the State shall disregard the amount of such retroactive payments for purposes of determining the amount of aid or assistance payable to such persons after such failure has been corrected. The Secretary may prescribe such methods of administration as he finds necessary to carry out a requirement for retroactive payments imposed under this subsection and such requirement and methods shall be deemed necessary for the proper and efficient operation of the plan under which such failure occurred.

"(f) In any case in which the Secretary has found, in accordance with the procedures of title I, X, XIV, XVI, or XIX, or part A of title IV, that in the administration of the State plan approved under such title or part there is a failure to comply substantially with any provision which is required by such title or part to be included in such plan, the Secretary may prescribe such methods of administration as he finds appropriate to correct such administrative noncompliance within a reasonable period of time, and upon obtaining assurances satisfactory to him that such methods will be undertaken (including a timetable for implementation of such methods which specifies a date by which there will no longer exist such administrative noncompliance), he may, instead of withholding payments under the title or part with respect to which such failure occurred, continue to make payments (in accordance with such title or part) to such State with respect to expenditures under such plan (for so long as he remains satisfied that the timetable is being substantially followed).

"(g) If the Secretary has reason to believe that a State plan which he has approved under title I, X, XIV, XVI, or XIX, or part A of title IV, no longer complies with all requirements of such title or part, or that in the administration of such plan there is a failure to comply substantially with any such requirements, the Secretary may (in addition to or instead of withholding payments under such title or part) request the Attorney General to bring suit to enforce such requirements."

(b) The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

STATEWIDENESS NOT REQUIRED FOR SERVICES

SEC. 622. (a) Section 2(a) of the Social Security Act is amended by inserting "except to the extent permitted by the Secretary with respect to services," before "provide" at the beginning of paragraph (1).

(b) Section 402(a) of such Act is amended by inserting "except to the extent permitted by the Secretary with respect to services," before "provide" at the beginning of clause (1).

(c) Section 1002(a) of such Act is amended by inserting "except to the extent permitted by the Secretary with respect to services," before "provide" at the beginning of clause (1).

(d) Section 1402(a) of such Act is amended by inserting "except to the extent permitted by the Secretary with respect to services," "provide" at the beginning of clause (1).

(e) Section 1602(a) of such Act is amended by inserting "except to the extent permitted by the Secretary with respect to services," before "provide" at the beginning of paragraph (1).

(f) The amendments made by this section shall take effect on the date of the enactment of this Act.

INDIVIDUAL PROGRAMS FOR FAMILY SERVICES NOT REQUIRED

SEC. 624. (a) Section 402(a)(14) of the Social Security Act is amended—

(1) by striking out "a program for";

(2) by striking out "for each child and relative who receives aid to families with dependent children, and each appropriate individual (living in the same home as a relative and child whose needs are taken into account in making the determination under clause (7))" and inserting in lieu thereof "for children and relatives receiving aid to families with dependent children and appropriate individuals (living in the same home) whose needs are taken into account in making the determination under clause (7)"; and

(3) by striking out "such child, relative, and individual" each place it appears and inserting in lieu thereof "such children, relatives, and individuals".

(b) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, or, in the case of any State, on such later date (not after January 1, 1974) as may be specified in the modification made in the State's plan approved under section 402 of the Social Security Act to carry out such amendments.

ENFORCEMENT OF SUPPORT ORDERS AGAINST CERTAIN SPOUSES OF PARENTS OF DEPENDENT CHILDREN

SEC. 625. (a) Section 402(a)(17) of the Social Security Act is amended—

(1) by striking out "and" at the end of clause (i), and

(2) by adding after clause (ii) the following new clause:

"(iii) in the case of any parent (of a child referred to in clause (ii) receiving such aid who has been deserted or abandoned by his or her spouse, to secure support for such parent from such spouse (or from any other person legally liable for such support) utilizing any reciprocal arrangements adopted with other States to obtain or enforce court orders for support, and".

(b) Section 402(a)(21) of such Act is amended—

(1) by striking out "each parent" in clause (A) and inserting in lieu thereof "each person who is the parent",

(2) by inserting "or is the spouse of the parent of such a child or children" after "under the State plan" in clause (A),

(3) by inserting "or such parent" after "such child or children" in clause (A)(i), and

(4) by striking out "such parent" each place it appears in clause (b) and inserting in lieu thereof "such person".

(c) Section 402(a)(22) of such Act is amended—

(1) by striking out "a parent" each place it appears and inserting in lieu thereof "a person",

(2) by striking out "a child or children of such parent" each place it appears and inserting in lieu thereof "the spouse or a child or children of such person", and

(3) by striking out "against such parent" and inserting in lieu thereof "against such person".

(d) The amendments made by this section shall take effect on the date of the enactment of this Act, or, in the case of any State, on such later date (not after January 1, 1974) as may be specified in the modification made in the State's plan approved under section 402 of the Social Security Act to carry out such amendments.

SEPARATION OF SOCIAL SERVICES AND CASH ASSISTANCE PAYMENTS

SEC. 626. Title XI of the Social Security Act (as amended by sections 221(a), 241, 505, and 512 of this Act) is amended by adding at the end thereof the following new section:

"SEPARATION OF SOCIAL SERVICES AND CASH ASSISTANCE PAYMENTS

"SEC. 1125. Each State, in the administration of its State plans approved under section 2, 402, 1002, 1402, or 1602, shall develop and submit to the Secretary on or before January 1, 1972, a proposal (1) providing that, to the extent services under any such State plan are furnished by the staff of the State or local agency administering such plan in any political subdivision of such State, such staff will be located, by July 1, 1972, in organizational units (up to such organizational levels as the Secretary may prescribe) which are separate and distinct from the units within such agencies responsible for determining eligibility for any form of cash assistance paid on a regularly recurring basis or for performing any functions directly related thereto, but subject to any exceptions which, in accordance with standards prescribed in regulations, the Secretary may permit when he deems it necessary in order to insure the efficient administration of such plan, and (2) indicating the steps to be taken and the methods to be followed in carrying out the proposal."

INCREASE IN REIMBURSEMENT TO STATES FOR COSTS OF ESTABLISHING PATERNITY AND LOCATING AND SECURING SUPPORT FROM PARENTS

SEC. 627. (a) Section 403 (a) (3) (A) of the Social Security Act is amended by striking out "or" at the end of clause (ii), by striking out "; plus" at the end of clause (iii) and inserting in lieu thereof ", or", and by inserting after clause (iii) the following new clause:

"(iv) the cost of carrying out the requirements of clauses (17), (18), (21), and (22) of section 402 (a); plus".

(b) The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

FISCAL RELIEF FOR STATES

SEC. 628. Title XI of the Social Security Act (as amended by sections 221(a), 241, 505, 512, and 526 of this Act) is further amended by adding at the end thereof the following new section:

FISCAL RELIEF FOR STATES

"SEC. 1126. (a) The Secretary shall, subject to subsection (c), pay to any State which has a State plan approved under title I, X, XIV, or XVI, or part A of title IV, of this Act, for each quarter beginning after June 30, 1971, in addition to the amounts (if any) otherwise payable to such State under such titles, such part, section 1118, and section 9 of the Act of April 19, 1950, on account of expenditures as cash assistance, an amount equal to the excess (if any) of—

"(1) an amount equal to the lesser of—

"(A) the non-Federal share of the expenditures, under the State plans approved under such title or such part A (as the case may be), as cash assistance for such quarter (not counting any part of such expenditures which is in excess of the amount of the expenditures which would have been made as cash assistance under such plans if such plans had remained as they were in effect for January 1971, or

"(B) an amount equal to 120 per centum of the amount referred to in clause (2), over

"(2) an amount equal to 100 per centum of the non-Federal share of the total average quarterly expenditures, under such plans, as cash assistance during the 4-quarter period ending December 31, 1970.

"(b) For purposes of subsection (a), the non-Federal share of expenditures for any quarter under State plans approved under title I, X, XIV, or XVI, or part A of title IV, of this Act as cash assistance, referred to in subsection (a)(1), means the excess of—

"(1) the total expenditure for such quarter under such plans as (A) old-age assistance, (B) aid to the blind, (C) aid to the disabled, (D) aid to the aged, blind, or disabled, and (E) aid to families with dependent children, over

"(2) the amounts determined for such quarter for such State with respect to such expenditures under sections 3, 1003, 1403, 1603, 403, and 1118 of this Act and (in the case of a plan approved under title I or X or part A of title IV) under section 9 of the Act of April 19, 1950.

"(c) No payment under this section shall be made for any quarter to any State on account of expenditures, as cash assistance, under a State plan of such State if the standards, under any plan of such State approved under title I, X, XIV, or XVI, or part A of title IV, for determining eligibility for, or the amount of, cash assistance to individuals under such plan have been so changed as to be less favorable, to all (or any substantial class or category) of the applicants for or recipients of such assistance under the plan, than the standards provided for such purpose under such plan as in effect for January 1971, or, if more favorable to any such applicants or recipients, for any month after January 1971, and prior to the month in which this section is enacted."

PAYMENT UNDER AFDC PROGRAM FOR NONRECURRING SPECIAL NEEDS

SEC. 629. (a) Section 406(b) of the Social Security Act is amended by striking out "and includes" and inserting in lieu thereof "and, in the case of nonrecurring special needs (as determined in accordance with regulations prescribed by the Secretary) which involve a cost of $50 or more, includes a payment with respect to a dependent child (and the relative with whom he is living) which is made directly to the person furnishing the food, living accommodations, or other goods, services, or items necessary to meet such needs. Such term also includes".

(b) The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

PART D—LIBERALIZATION OF INCOME TAX TREATMENT OF CHILD CARE EXPENSES AND RETIREMENT INCOME

LIBERALIZATION OF CHILD CARE DEDUCTION

Increase in Dollar Limits

SEC. 631. (a) Paragraph (1) of section 214 (b) of the Internal Revenue Code of 1954 (relating to expenses for care of certain dependents) is amended to read as follows:

"(1) DOLLAR LIMIT.—

"(A) Except as provided in subparagraphs (B) and (C), the deduction under subsection (a) shall not exceed $750 for any taxable year.

"(B) The $750 limit of subparagraph (A) shall be increased (to an amount not above $1,125) by the amount of expenses incurred by the taxpayer for any period during which the taxpayer had 2 dependents.

"(C) The dollar limits of subparagraphs (A) and (B) shall be increased (to an amount not above $1,500) by the amount of expenses incurred by the taxpayer for any period during which the taxpayer had 3 or more dependents."

Liberalization of Income Test for Working Wives and Husbands With Incapacitated Wives

(b) Paragraph (2)(B) of section 214(b) of such Code is amended by striking out "$6,000" and inserting in lieu thereof "$12,000".

Effective Date

(c) The amendments made by this section shall apply to taxable years beginning after December 31, 1971.

LIBERALIZATION OF RETIREMENT INCOME CREDIT

In General

SEC. 632. (a) Section 37 of the Internal Revenue Code of 1954 (relating to retirement income) is amended to read as follows:

"SEC. 37. CREDIT FOR THE ELDERLY.

"(a) GENERAL RULE.—In the case of an individual—

"(1) who has attained the age of 65 before the close of the taxable year, or

"(2) who has not attained the age of 65 before the close of the taxable year but who has public retirement system pension income for the taxable year,

there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 15 percent of such individual's section 37 amount for such taxable year.

"(b) SECTION 37 AMOUNT.—For purposes of subsection (a)—

"(1) IN GENERAL.—An individual's section 37 amount for the taxable year is the applicable initial amount determined under paragraph (2), reduced as provided in paragraph (3).

"(2) INITIAL AMOUNT.—The initial amount is—

"(A) $2,500 in the case of a single individual,

"(B) $2,500 in the case of a joint return where only one spouse is eligible for the credit under this section,

"(C) $3,750 in the case of a joint return where both spouses are eligible for the credit under this section, or

"(D) $1,875 in the case of a married individual filing a separate return.

"(3) REDUCTION.—Except as provided in paragraphs (4) and (5)(B), the reduction under this paragraph in the case of any individual is—

"(A) any amount received by such individual as a pension or annuity—

"(i) under title II of the Social Security Act,

"(ii) under the Railroad Retirement Act of 1935 or 1937, or

"(iii) otherwise excluded from gross income, plus

"(B) in the case of any individual who has not attained age 72 before the close of the taxable year—

"(i) except as provided in clause (ii), one-half the amount of earned income received by such individual in the taxable year in excess of $2,000, or

"(ii) if such individual has not attained age 62 before the close of the taxable year, and if such individual (or his spouse under age 62) is eligible for a credit by reason of subsection (a)(2), any amount of earned income in excess of $1,000 received by such individual in the taxable year.

"(4) SPECIAL RULES FOR DETERMINING THE REDUCTION PROVIDED IN PARAGRAPH (3).—

"(A) JOINT RETURNS.—In the case of a joint return, the reduction under paragraph (3) shall be the aggregate of the amounts resulting from applying paragraph (3) separately to each spouse.

"(B) SEPARATE RETURNS OF MARRIED INDIVIDUALS.—In the case of a separate return of a married individual, paragraph (3)(B)(i) shall be applied by substituting '$1,000' for '$2,000', and paragraph (3)(B)(ii) shall be applied by substituting '$500' for '$1,000'.

"(C) NO REDUCTION FOR CERTAIN AMOUNTS EXCLUDED FROM GROSS INCOME.—No reduction shall be made under paragraph (3)(A) for any amount excluded from gross income under section 72 (relating to annuities), 101 (relating to life insurance proceeds), 104 (relating to compensation for injuries or sickness), 105 (relating to amounts received under accident and health plans), 402 (relating to taxability of beneficiary of employees' trust), or 403 (relating to taxation of employee annuities).

"(5) SPECIAL RULES FOR INDIVIDUAL ELIGIBLE UNDER SUBSECTION (a)(2).—

"(A) Except as provided in subparagraph (B), the section 37 amount of an individual who is eligible for a credit by reason of subsection (a)(2) shall not exceed such individual's public retirement system pension income for the taxable year.

"(B) In the case of a joint return where one spouse is eligible by reason of subsection (a)(1) and the other spouse is eligible by reason of subsection (a)(2), subparagraph (A) shall not apply but there shall be an additional reduction under paragraph (3) in an amount equal to the excess (if any) of $1,250 over the amount of the public retirement system pension income of the spouse who is eligible by reason of subsection (a)(2).

"(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) EARNED INCOME.—The term 'earned income' has the meaning assigned to such term in section 911 (b), except that such term does not include any amount received as a pension or annuity. The determination of whether earned income is the earned income of the husband or the earned income of the wife shall be made without regard to community property laws.

"(2) MARITAL STATUS.—Marital status shall be determined under section 153.

"(3) JOINT RETURN.—The term 'joint return' means the joint return of a husband and wife made under section 6013.

"(4) PUBLIC RETIREMENT SYSTEM PENSION INCOME.—An individual's public retirement system pension income for the taxable year is his income from pensions and annuities under a public retirement system for personal services performed by him or his spouse, to the extent included in gross income without reference to this section, but only to the extent such income does not represent compensation for personal services rendered during the taxable year. The amount of such income taken into account with respect to any individual for any taxable year shall not exceed $2,500. For purposes of this paragraph, the term 'public retirement system' means a pension, annuity, retirement, or similar fund or system established by the United States, a State, a possession of the United States, any political subdivision of any of the foregoing, or the District of Columbia.

"(d) Nonresident Alien Ineligible for Credit.—No credit shall be allowed under this section to any nonresident alien."

Technical Amendments

(b)(1) Section 904 of the Internal Revenue Code of 1954 (relating to limitation on foreign tax credit) is amended by redesignating subsection (g) as subsection (h), and by inserting after subsection (f) the following new subsection:

"(g) Coordination With Credit for the Elderly.—In the case of an individual, for purposes of subsection (a) the tax against which the credit is taken is such tax reduced by the amount of the credit (if any) for the taxable year allowable under section 37 (relating to credit for the elderly)."

(2) Section 6014(a) of such Code (relating to tax not computed by taxpayer) is amended by striking out the last sentence thereof.

(3) Section 6014(b) of such Code is amended—

(A) by striking out paragraph (4),

(B) by redesignating paragraph (5) as paragraph (4), and

(C) by inserting "or" at the end of paragraph (3).

(4) Sections 46(a)(3)(C), 56(a)(2)(A)(ii), and 56(c)(1)(B) of such Code are each amended by striking out "retirement income" and inserting in lieu thereof "credit for the elderly".

(5) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by striking out the item relating to section 37 and inserting in lieu thereof the following:

"Sec 37 Credit for the elderly."

Effective Date

(c) The amendments made by this section shall apply to taxable years beginning after December 31, 1971.

Part E—Miscellaneous Conforming Amendments

CONFORMING AMENDMENT TO SECTION 228(d)

Sec. 641. Section 228(d)(1) of the Social Security Act is amended by striking out "receives aid or assistance in the form of money payments in such month under a State plan approved under title I, X, XIV, or XVI, or part A of title IV" and inserting in lieu thereof "receives payments with respect to such month pursuant to title XX or part A or part B of title XXI".

CONFORMING AMENDMENTS TO TITLE XI

Sec. 642. Title XI of the Social Security Act is amended—

(1)(A) by striking out "I,", "X,", and "XIV," in section 1101(a)(1),

(B) by striking out "and XIX" in such section and inserting in lieu thereof "XIX, XX, and XXI", and

(C) by inserting "(and when used in part C or D of title XXI)" after "requires" in section 1101(a)(6);

(2) by striking out "I, X, XIV, XVI," in section 1106(c)(1)(A) and inserting in lieu thereof "XVI";

(3)(A) by striking out "and each fiscal year thereafter" in paragraphs (1)(E), (2)(E), and (3)(E) of section 1108(a), and

(B) by striking out section 1108(b);

(4) by striking out the text of section 1109 and inserting in lieu thereof the following:

"Sec. 1109. Any amount which is disregarded in determining the eligibility for and amount of payments to any individual pursuant to title XX or any family pursuant to part A or B of title XXI, shall not be taken into consideration in determining the eligibility for or amount of such payments to any other individual or family under such title XX or part A or B of title XXI.";

(5) by striking out "title I, X, XIV, and XVI, and part A of title IV" in section 1111 and inserting in lieu thereof "title XX or part A or B of title XXI";

(6)(A) by striking out "I, X, XIV, XVI," in the matter preceding clause (a) in section 1115, and inserting in lieu thereof "XVI",

(B) by striking out "of section 2, 402, 1002, 1402, 1602, or 1902" in clause (a) of such section and inserting in lieu thereof "of section 402, 1602, or 1902,", and

(C) by striking out "under section 3, 403, 1003, 1403, 1603, or 1903" in clause (b) of such section and inserting in lieu thereof "under section 403, 1603, or 1903,";

(7)(A) by striking out "I, X, XIV, XVI," in subsections (a)(1), (b), and (d) of section 1116 and inserting in lieu thereof "XVI",

(B) by striking out "under section 4, 404, 1004, 1404, 1604," in subsection (a)(3) of such section and inserting in lieu thereof "under section 404, 1604,",

(C) by striking out "I, X, XIV, XVI, or XIX or part A of title IV" in subsection (e) of such section (as added by section 521 of this Act) and inserting in lieu thereof "XIX",

(D) by striking out "I, X, XIV, XVI," in subsection (f) of such section (as so added) and inserting in lieu thereof "XVI", and

(E) by striking out "I, X, XIV, XVI," in subsection (g) of such section (as so added) and inserting in lieu thereof "XVI";

(8) by repealing section 1118;

(9)(A) by striking out "aid or assistance, other than medical assistance to the aged, under a State plan approved under title I, X, XIV, or XVI, or part A of title IV" in section 1119 and inserting in lieu thereof "services under a State plan approved under part A of title IV or under title XVI", and

(B) by striking out "under section 3(a), 403(a), 1003(a), 1403(a), or 1603(a)" in such section and inserting in lieu thereof "under section 403(a) or 1603(a)";

(10) by repealing section 1125 (as added by section 526 of this Act); and

(11)(A) by striking out "section 3(a)(4) and (5), 403(a)(3), 1003(a)(3) and (4), 1403(a)(3) and (4), or 1603(a)(4) and (5)" in subsection (a) of section 1130 and inserting in lieu thereof "section 403(a)(2) or 1603(a)(1) and (2),"

(B) by striking out "(other than the services provided pursuant to section 402(a)(19)(G))" in such subsection,

(C) by striking out "(as defined in section 408)" and "(as defined in such section)" paragraph (2)(E) of such subsection, and

(D) by striking out "aid or assistance (under State plans approved under titles I, X, XIV, XVI, or part A of title IV)" in the portion of such subsection which follows paragraph (2) and inserting in lieu thereof "benefits under title XX or XXI" and by striking out "aid or assistance" and inserting "benefits" in lieu thereof in such portion of such subsection.

CONFORMING AMENDMENTS TO TITLE XVIII

Sec. 643. (a) Section 1843 of the Social Security Act is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a) Subject to section 1902(e), the Secretary at the request of any State shall, notwithstanding the repeal of titles I, X, and XIV by section 303 of the Social Security Amendments of 1971 and the amendments made to title XVI and part A of title IV by sections 302 and 402 of such amendments, continue in effect the agreement entered into under this section with such State insofar as it includes individuals who are eligible to receive benefits under title XX or XXI or are otherwise eligible to receive medical assistance under the plan of such State approved under title XIX.

"(b) The provisions of subsection (h)(2) of this section as in effect before the effective date of the repeal and amendments referred to in subsection (a) shall continue to apply with respect to the individuals included in any such agreement after such date."

(b) Section 1843(c) of such Act is amended by striking out the semicolon and all that follows and inserting in lieu thereof a period.

(c) Section 1843(d)(3) of such Act is amended to read as follows:

"(3) his coverage period attributable to the agreement with the State under this section shall end on the last day of any month in which he is determined by the State agency to have become ineligible for medical assistance."

(d) Section 1843(f) of such Act is amended—

(1) by striking out "receiving money payments under the plan of a State approved under title I, X, XIV, or XVI or part A of title IV, or";

(2) by striking out "if the agreement entered into under this section so provides,";

(3) by striking out "I, XVI, or"; and

(4) by striking out "individuals receiving money payments under plans of the State approved under titles I, X, XIV, and XVI, and part A of title IV, and".

(e) Section 1843 of such Act is further amended by striking out subsections (g) and (h).

CONFORMING AMENDMENTS TO TITLE XIX

Sec. 644. Title XIX of the Social Security Act is amended—

(1) by striking out "families with dependent children" in clause (1) of the first sentence of section 1901 and inserting in lieu thereof "needy families with children", and by striking out "permanently and totally" in such clause;

(2) by striking out ", except that the determination of eligibility for medical assistance under the plan shall be made by the State or local agency administering the State plan approved under title I or XVI (insofar as it relates to the aged)" in section 1902(a)(5);

(3) by striking out "effective July 1, 1969," in section 1902(a)(11)(B);

(4) by striking out section 1902(a)(13)(B) and inserting in lieu thereof the following:

"(B) in the case of individuals described in paragraph (10) with respect to whom medical assistance must be made available, for the inclusion of at least the care and services listed in clauses (1) through (5) of section 1905(a), and";

(5)(A) by striking out "receiving aid or assistance under a State plan approved under title I, X, XIV, or XVI, or part A of title IV, or who meet the income and resources requirement of the one of such State plans which is appropriate" in the matter in section 1902(a)(14)(A) (as amended by section 208(a) of this Act) which precedes clause (i) and inserting in lieu thereof "receiving assistance to needy families with children as defined in section 405b) or assistance for the aged, blind, and disabled under title XX, or who meet the income and resources requirements for such assistance", and

(B) by striking out "who are not receiving aid or assistance under any such State plan and who do not meet the income and resources requirements of the one of such State plans which is appropriate" in the matter in section 1902(a)(14)(B) which precedes clause (i) and inserting in lieu thereof "who are not receiving assistance to needy families with children as defined in section 405(b) or assistance for the aged, blind, and disabled under title XX and who do not meet the income and resources rquirements for such assistance";

(6)(A) by striking out "who are not receiving aid or assistance under the State's plan approved under title I, X, XIV, or XVI, or part A of title IV", in the portion of section 1902(a)(17) which precedes clause (A) and inserting in lieu thereof "other than those described in paragraph (10) with respect to whom medical assistance must be made available,", and

(B) by striking out "or is blind or permanently and totally disabled" in clause (D) of such section;

(7) by striking out "or is blind or permanently and totally disabled" in section 1902 (a) (18);

(8) by striking out "section 3(a) (4) (A) (i) and (ii) or section 1603(a) (4) (A) (i) and (ii)" in section 1902(a) (20) (C) and inserting in lieu thereof "section 1603(a) (1) (A) and (B)";

(9) by striking out "effective July 1, 1969," in sections 1902(a) (24) and 1902(a) (26);

(10) by striking out "(after December 31, 1969)" in section 1902(a) (28) (F) (i);

(11) by striking out the last sentence of section 1902(a);

(12) by striking out section 1902(b) (2) and inserting in lieu thereof the following:

"(2) any age requirement which excludes any individual who has not attained age 22 and is or would, but for the provisions of section 2155(b) (2), be a member of a family eligible for assistance to needy families with children as defined in section 405(b); or";

(13) by striking out section 1902(c);

(14) (A) by striking out "and section 1117" and ", beginning with the quarter commencing January 1, 1966" in the matter preceding clause (1) of section 1903(a), and

(B) by striking out "money payments under a State plan approved under title I, X, XIV, or XVI, or part A of title IV" in clause (1) of such section and inserting in lieu thereof "assistance to needy families with children as defined in section 405(b) or assistance for the aged, blind, and disabled under title XX,";

(15) by striking out section 1903(c);

(16) effective July 1, 1973, by striking out "each of the plans of such State approved under titles I, X, XIV, XVI, and XIX" in section 1903(j) (2) (as added by section 225 of this Act) and inserting in lieu thereof "the State plan";

(17) by striking out "has been so changed that it" in section 1904(1);

(18) (A) by striking out "not receiving aid or assistance under the State's plan approved under title I, X, XIV, or XVI, or part A of title IV, who are—" in the matter preceding clause (i) in section 1905(a) and inserting in lieu thereof "who are not receiving assistance to needy families with children as defined in section 405(b) or assistance for the aged, blind, and disabled under title XX, who are—",

(B) by striking out clause (ii) of such section and inserting in lieu thereof the following:

"(ii) members of a family, as described in section 2155(a), except a family in which both parents of the child or children are present, neither parent is incapacitated, and the male parent is not unemployed,",

(C) by striking out clauses (iv) and (v) of such section and inserting in lieu thereof the following:

"(iv) blind as defined in section 2014(a) (2),

"(v) disabled as defined in section 2014 (a) (3), or",

(D) by striking out "aid or assistance under State plans approved under title I, X, XIV, or XVI" in clause (vi) of such section and inserting in lieu thereof "benefits under title XX", and

(E) by striking out "aid or assistance furnished to such individual (under a State plan approved under title I, X, XIV, or XVI), and such person is determined, under such a State plan," in the second sentence of section 1905(a) and inserting in lieu thereof "benefits paid to such individual under title XX, and such person is determined"; and

(19) by striking out the semicolon and everything that follows in the second sentence of section 1905(b) and inserting in lieu thereof a period.

EFFECTIVE DATE OF CERTAIN PROVISIONS

SEC. 650. Notwithstanding any other provision of this Act, sections 410 and 411, parts B, C, D, and E of title IV, and title V of this Act shall be effective at such time as the Congress may determine in subsequent legislation.

On page 8, line 18, strike out "402" and insert in lieu thereof "410".

On page 10, line 21, strike out "403" and insert in lieu thereof "411".

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

Mr. LONG. Mr. President, reserving the right to object, I am not sure I want to object, but I would like to familiarize myself with the amendments prior to that time.

Mr. RIBICOFF. This is the basic Ribicoff proposal I spoke of last week. It is my amendment No. 1614, which I intended to call up today. It is being put in as a substitute to the amendment offered by the Senator from Virginia, and this will join the issue of the entire welfare proposal in title 4.

Mr. LONG. I must object for the record, but I believe in due course after I study the amendments I will be willing to agree to the consent request. I simply want to reserve my rights at this point.

Mr. RIBICOFF. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Objection is heard.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order of the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, following my earlier colloquy with the distinguished Senator from Utah (Mr. BENNETT), I modify my amendment to H.R. 1 to permit a test of the House version of the family assistance plan as well as the version in the Ribicoff amendment.

I send to the desk a modification of my amendment, and ask that it be so modified.

The PRESIDING OFFICER. The amendment will be so modified.

The modifications are as follows:

1. Section 401(a) (1) as added by the amendment is modified to read:

(1) The term "family assistance test program" means (A) a program patterned after that contained in title IV of H.R. 1, 92d Congress, 1st session, as passed by the House of Representatives, or (B) a program patterned after that contained in amendment No. 1614, 92d Congress, 2d session, introduced in the Senate on September 28, 1972,

2. Section 401(b) (1) as added by the amendment is modified so that the last sentence thereof reads as follows:

One of such programs shall be a family assistance test program as defined in subsection (a) (1) (A) of this section, one of such programs shall be the family assistance program defined in subsection (a) (1) (B) of this section, and two of such programs shall be workfare test programs.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from Connecticut, as modified.

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the amendment as notified which is the pending business, submitted by the Senator from Virginia this past Saturday be withdrawn and in its place there be substituted a similar amendment to be offered by the distinguished Senator from Delaware (Mr. ROTH) that the Senator from Virginia has cosponsored.

Mr. RIBICOFF. Mr. President, reserving the right to object—and I shall not object—would the distinguished Senator from Virginia also include in his unanimous consent request that my substitute proposal for the Senator from Virginia's become the substitute proposal for the amendment of the Senator from Delaware, so that we can have the same chronology as now pertains?

Mr. HARRY F. BYRD, JR. Yes. I include that as a part of my unanimous consent request. I may say that the proposal which will be offered by the Senator from Delaware is virtually identical, I might say it is identical, to my own amendment. It is identical in principle and virtually identical in language to the one I offered, Saturday. I merely want to make it the Roth-Byrd amendment, rather than the Byrd-Roth amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. RIBICOFF. Mr. President, one more request. I ask unanimous consent that my amendments to the substitute amendment be considered en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. RIBICOFF. Now can we get back on the track?

Mr. ROBERT C. BYRD. Mr. President, may I ask the distinguished Senators whether or not in their opinions there will be a disposition of the substitute, or both the substitute and the amendment in the first degree, today?

Mr. LONG. Mr. President, it is impossible to say at this point. We will simply have to see how the debate goes, and see if the Senate seems to be ready to vote before the day is over.

Mr. PASTORE. Mr. President, reserving the right to object, it is my understanding that there cannot be a vote on this amendment or the substitute today. I was wondering, inasmuch as we have the Defense appropriation bill, if we could not have a discussion on this amendment for a reasonable time and then, if it is not culminated by that time, we ought to go on to the Defense appropriation bill.

Mr. LONG. We are not asking unanimous consent to vote or not to vote. It seems to me we just ought to debate the amendment and the substitute for the amendment, and after we have debated for a while, we can see whether the Senate appears to be in a mood to vote on this issue, and if not we will go to the Defense bill.

Mr. PASTORE. That is exactly the point I am making. I thought I had made it very clear. But I hope we will not dillydally here all day without accomplishing anything. There is not going to be a vote on it today, and here we are: We have the Defense bill that is ready to move, and I was wondering if we cannot get going on the things where we can get results.

Mr. LONG. Frankly, Mr. President, I hope we can vote on this amendment today, but we will have to wait and see.

Mr. PASTORE. I do, too.

Mr. LONG. First, though, the Senator wants to discuss his amendment.

Mr. PASTORE. But I hope we will find out about 1 o'clock, and not at 6 o'clock this evening.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. ROBERT C. BYRD. Mr. President, I think both Senators have put their finger on the point here that I wanted to develop. If it is possible to vote on the substitute and the amendment in the first degree today, I would hope that we could do so. I realize we will not know that until there has been some debate. But once debate has been completed on those two amendments, possibly we can vote on them today. That is my understanding. If not, it may be possible, I would hope, to reach an agreement today to vote on those two amendments at a certain hour tomorrow. I would hope that would be the case. I know that Senators at the moment are not ready to respond to that, and I am not stating it as a question at this time; but I would hope that it could be developed later.

Mr. RIBICOFF. Mr. President, may I respond to the distinguished assistant majority leader and the distinguished Senator from Rhode Island?

I think we are approaching the moment of truth on welfare reform. We have been with it for 3 years. I do not see in this body great interest in welfare reform, nor do I see great interest in welfare reform in the executive branch. My feeling is that the Senate has made up its mind as to what it wants to do.

I doubt whether we are going to be able to get enough people on this floor to listen, or enough Senators to become involved to discuss this amendment with the completeness it deserves. I think the point made by the distinguished Senator from Rhode Island is well taken. I would suggest for consideration by the chairman of the Finance Committee, the Senator from Delaware, the Senator from Virginia, and the Senator from Utah that we discuss this amendment and welfare reform as far as we can go today; it will be in the Record; I would hope that Senators who are not here during the day will have an opportunity to look at the Record and read the debate tomorrow morning; and I would foresee a strong possibility of reaching an agreement sometime to vote by mid-Tuesday afternoon on the various proposals. At that stage, I would say the voting should go comparatively rapidly.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. ROBERT C. BYRD. Do I understand the Senator to say he hopes an agreement will be reached today?

Mr. RIBICOFF. Today.

Mr. ROBERT C. BYRD. To vote tomorrow?

Mr. RIBICOFF. To vote tomorrow. I think that would be better for the Senate and better for the country, because, as I say, I am a realist, and when I look around this floor, I realize the complications. I regret to say I believe most Senators are going to vote on the issue viscerally instead of intellectually.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. PASTORE. I want to compliment the Senator from Connecticut. He has never indulged in dilatory practices on this floor. I know he has a very earnest amendment; in fact, I believe I voted for it last time, and I shall vote for it again. I think most of us are familiar with it, and he is quite right.

What I was trying to obviate was the idea that there would just be discussion today. Any time that word gets out, you know what happens on the floor. The absenteeism is almost staggering.

I would hope Senators would get the impression that those of us who come here at 9 o'clock on Monday morning and leave here at 8 o'clock on Friday night ought to be considered, too.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. ROBERT C. BYRD. I wonder if it would be a reasonable request that no later than 1 p.m. today—and it could be much earlier, depending on whether or not Senators wish to talk on the pending question—the pending business be laid aside and the Senate proceed to the consideration of the defense appropriation bill.

Mr. HARRY F. BYRD, JR. Mr. President, reserving the right to object, this is a vitally important piece of legislation. There are billions of dollars involved. It is a very complicated piece of legislation, and a very technical piece of legislation. I am just wondering whether the Senate wants to, in a matter of 2 hours and 10 minutes, cease debate on a matter of this magnitude and go on to something else.

Mr. BENNETT. For today only.

Mr. PASTORE. For today only.

Mr. HARRY F. BYRD, JR. But then I assume we would want to devote a great deal of time tomorrow to debate. If Senators do not want to do that, we will be getting this down to a piece of major legislation, passed twice by the House, considered by the Senate Finance Committee in 1970, 1971, and 1972, and brought here to the Senate floor with the idea of just a very brief debate.

If that is what the Senate wants to do, I do not think I shall object, but I just want to point out that I think we are dealing pretty cavalierly with a very important subject.

Mr. ROBERT C. BYRD. Mr. President, who has the floor?

Mr. RIBICOFF. I am pleased to yield to the distinguished Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, may I say that if my request is acceded to, we would go on to the Defense appropriation bill no later than 1 o'clock today, or possibly earlier, and at some point toward the end of the day, if Senators wished to again debate the now pending question, they would have the opportunity to do so, even if the Senate had to stay in session late for them to debate the question, without any votes, of course.

Mr. HARRY F. BYRD, JR. Mr. President, if the Senator will yield, we are on this question now. The Senator from Virginia wants to discuss it.

Mr. ROBERT C. BYRD. And may do so.

Mr. HARRY F. BYRD, JR. I want adequate time to discuss it.

Mr. ROBERT C. BYRD. How much time would the Senator like?

Mr. HARRY F. BYRD, JR. I probably will not use it, but I would like to have an hour.

Mr. PASTORE. Mr. President, will the Senator yield? There is no criticism of the Senator from Virginia.

Mr. HARRY F. BYRD, JR. I did not take it as criticism.

Mr. PASTORE. Well, I mean he got a little heated up, which he usually does not do. Something rubbed him the wrong way.

But that is apart from the question. We are here, and we want to listen to what he has to say. The Senator is absolutely right; this is an important question. But he will recall that we all stayed here Saturday afternoon on the Defense bill, and we stayed and we stayed and we stayed. Then something happened, and around 4 o'clock we were sent home. That was the pending business. That has been taken off, and we have come back to H.R. 1, which is fine. I am not finding any fault. All I am saying is that we should begin to think in terms of getting our work done.

Mr. HARRY F. BYRD, JR. That is exactly what the Senator from Virginia was suggesting, that we stay on this bill and try to get it handled.

Mr. PASTORE. We have been on this bill for 2 weeks, and we have not reached the other end of the tunnel. I think we have been at the Rubicon here for a couple of months, but nobody has ever crossed it, and I am trying to cross the Rubicon; that is all.

Mr. HARRY F. BYRD, JR. The bill just came in 2 days ago.

Mr. RIBICOFF. Mr. President, may I say to my distinguished colleague, for whom I have the highest respect, that, frankly, we have on the floor today just about the Senators who are interested in one phase or another of welfare reform. I wish 100 Members of the Senate were interested in welfare reform. But, unfortunately, from 3 years of experience, living with this matter and working with it, the Senators on the floor today represent the interest of the U.S. Senate in what happens to 25 million people.

What has happened is that welfare

reform has become another code word in America. It was busing, now it is welfare, and the Senate of the United States and the administration are taking a powder. They are afraid to discuss this issue. It is an issue that everybody wants to hide under the sheets.

What I am saying is that I would hope that we would be debating this important issue for one solid week. But as I look around the Chamber, I do not hear any speeches, any discussion, beyond the Senators who are on the floor today.

So far as I am concerned, I am ready to vote at any time. But I would not deny a moment of time to the concerned Senators, with different philosophies, who have worked so hard on welfare reform.

I have the highest respect for the Senator from Virginia, for the chairman, for the ranking minority member, for the Senator from Arizona, and for the Senator from Delaware, all of whom have worked hard on different phases of this program.

But we can add it up, I say to the distinguished Senator from Rhode Island: We have the Senator from Virginia for an hour, the Senator from Delaware for an hour, and I have another three-quarters of an hour. I can answer questions, if anyone has them. I suppose the distinguished chairman has an hour. The distinguished Senator from Utah might have an hour. And that is it. And yet we are talking about the future of 25 million people.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. ROBERT C. BYRD. Mr. President, my request was not made with any desire to deny any Senator an opportunity to speak at whatever length he wishes to speak.

I ask unanimous consent that, at no later than 2 p.m. today, the pending bill be set aside and that the Senate proceed to the consideration of the Defense appropriation bill, the time to be equally divided between the Senator from Louisiana, the manager of the bill——

Mr. HARRY F. BYRD, JR. I did not think we were going to have a time limitation.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the pending bill be set aside no later than 2 p.m. today and that the Senate proceed then to the consideration of the Defense appropriation bill.

Mr. McCLELLAN. Mr. President, reserving the right to object, can the Senator make it definitely at 2 p.m., so that we will know?

Mr. ROBERT C. BYRD. No, because the debate might peter out earlier, as they say in West Virginia, and it could then come to a close and the bill laid aside.

Mr. McCLELLAN. So we all have to sit around and wait for something to peter out that may not peter out?

Mr. ROBERT C. BYRD. No. If we made it precisely at 2 p.m. and it petered out by 12:30, we would then have to sit around and wait an hour and a half.

Mr. McCLELLAN. I will be amenable.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, at the request of the distinguished junior Senator from Virginia (Mr. Spong) that he, Mr. Spong, be added as a cosponsor of the amendment jointly sponsored by the distinguished Senator from Delaware (Mr. Roth) and the distinguished Senator from Virginia (Mr. Harry F. Byrd, Jr.)

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Would the Senator from Delaware send his amendment to the desk?

Mr. ROTH. Yes.

The amendment reads as follows:

Beginning on page 689, line 11, strike out through page 769, line 11, and insert in lieu thereof the following.

TITLE V—PROGRAMS FOR FAMILIES WITH CHILDREN

Part A—Testing of Alternative Proposals for Assistance to Families With Dependent Children

AUTHORIZATION FOR CONDUCT OF TEST PROGRAMS

Sec. 401. (a) For purposes of this part—

(1) The term "family assistance tests" means (A) the programs contained in title IV of H.R. 1, 92d Congress, 1st Session, as passed by the House of Representatives, or (B) the program referred to in clause (A) as amended by amendment No. 1614, 92d Congress, 2d Session, introduced in the Senate on September 28, 1972,

(2) the term "workfare test program" means the program contained in parts A and B title IV of H.R. 1, 92d Congres, 2d Session, as reported to the Senate by the Committee on Finance on September 26, 1972, and

(3) the term "family" means a family with children.

(b) '1) The Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") is authorized, effective January 1, 1973, to plan for and conduct, in accordance with the provisions of this section, not more than three test programs. One of such programs shall be the family assistance test program defined in subsection (a)(1)(A) of this section, one of such programs shall be the family assistance program defined in subsection (a)(1)(B) of this section, and one of such programs shall be the workfare test program.

(2) Whenever the workfare test program is commenced, there shall commence, on the same date as such program, both family assistance test programs. Except as may otherwise be authorized by the Congress, no test program under this section shall be conducted for a period of less than 24 months or more than 48 months, and to the maximum extent practical each such test program shall be conducted for the same length of time.

(3) Any such test program shall be conducted only in and with respect to an area which consists of one or more States, one or more political subdivisions of a State, or part of a political subdivision of a State, and shall be applicable to all the individuals who are residents of the State or the area of the State in and with respect to which such program is conducted.

(4) During any period for which any such test program is in effect in any State or in any area of a State, individuals residing in such State or the area of the State in which such program is in effect shall not be eligible for aid or assistance under any State plan or program for which the State receives Federal financial assistance under part A of title IV of the Social Security Act.

(5) The Secretary, in determining the areas in which test programs under this section shall be conducted, shall select areas with a view to assuring—

(A) that the number of participants in any program will (to the maximum extent practicable (be equal to the number of participants in any other such program; and

(B) that the area in which any family assistance test program is conducted shall be comparable (in terms of size and composition of population, of average per capita income, rate of unemployment, and other relevant criteria) to an area in which a workfare test program is conducted.

(c)(1) No test program under this section shall be conducted in any State (or any area thereof) unless such State shall have entered into an agreement with the Secretary under which the State agrees—

(A) to participate in the costs of such test program; and

(B) to cooperate with the Secretary in the conduct of such program.

(2) Under any such agreement, no State shall be required to expend, with respect to any test program conducted within such State (or any area thereof), amounts greater than the amounts which would have been expended with respect to such State or area thereof (as the case may be), during the period that such test program is in effect, under the State plan of such State approved under part A of title IV of the Social Security Act. For purposes of determining the amount any State would have expended under such a plan during the period that any such test program is in effect within such State (or any area thereof), it shall be assumed that the rate of State expenditure (from non-Federal funds) under such plan would be equal to the average rate of State expenditure (from non-Federal funds) under such plan for the 12-month period immediately preceding the commencement of such test program.

(d)(1) The Secretary shall, upon completion of any plans for and prior to the commencement of any test program under this section, submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a complete and detailed description of such program and shall invite and give consideration to the comments and suggestions of such committees with respect to such program.

(2) During the period that test programs are in operation under this section, the Secretary shall from time to time (but not less frequently than once during any 6-month period) submit to the Congress a report on such programs. Each such report shall contain full and complete information and data with respect to such programs and the operation thereof, together with such recommendations and comments of the Secretary with respect to such programs as he deems desirable.

(3) At the earliest practicable date after the termination of all test programs authorized to be conducted by this section, the Secretary shall submit to the Congress a full and complete report on such programs and their operation together with (A) the Secretary's evaluation of such programs and such comments or recommendations of the Secretary with respect to such programs as he deems desirable and (B) his recommendations (if any) for legislation to revise or replace the provisions of part A of title IV of the Social Security Act.

(e)(1) The Secretary shall—

(A) in the planning of any test program under this section; or

(B) in assembling information, statistics, or other materials, to be contained in any report to Congress under this section;

consult with, and seek the advice and assistance of, the General Accounting Office and the General Accounting Office shall consult with the Secretary and furnish such advice and assistance to him upon request of the

Secretary or at such times as the Comptroller General deems desirable.

(2) The operations of any test program conducted under this section shall be reviewed by the General Accounting Office, and the books, records, and other documents pertaining to any such program or its operation shall be available to the General Accounting Office at all reasonable times for purposes of audit, review, or inspection. The books, records, and documents of each such program shall be audited by the General Accounting Office from time to time (but not less frequently than once each year).

(3) During the period that test programs are in operation under this section, the Comptroller General shall from time to time (but not less frequently than once during any 6-month period) submit to the Congress a report on such programs which shall contain full and complete information and data with respect to such programs and the operation thereof, together with such recommendations and comments of the Comptroller General with respect to such programs as he deems desirable.

(4) At the earliest practicable date after the termination of all test programs authorized to be conducted by this section, the Comptroller General shall submit to the Congress a full and complete report on such programs and their operation together with his evaluation of, and comments and recommendations (if any), with respect to such programs.

(f) In the admiration of test programs under this section, the Secretary shall provide safeguards which restrict the use or disclosure of information identifying participants in such programs to purposes directly connected with the administration of such programs (except that nothing in this subsection shall be construed to prohibit the furnishing of records or information concerning participants in such programs to the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives).

(g) For the purpose of enabling the Secretary to formulate operational plans and to conduct test programs under this section, there are hereby authorized to be appropriated for each fiscal year such sums as may be necessary.

(h) Nothing in this Act shall be construed as a commitment, on the part of the Congress, to enact (at any future time) legislation to establish, on a permanent basis, any program tested pursuant to this section or any similar program.

PART B—EMPLOYMENT WITH WAGE SUPPLEMENT

SEC. 420. The Social Security Act is amended by adding after title XIX thereof the following new title:

On page 769, line 12, strike out "subpart 2" and insert in lieu thereof "title XX".

On page 769, line 15, and on page 771, line 19, strike out "2030" and insert in lieu thereof "2001."

On page 769, lines 16 and 21, on page 770, line 5, and on page 771, line 21, strike out "2071" and insert in lieu thereof "2003".

On page 770, line 11 and lines 21 and 22, and on page 771, lines 5, 6, and 11, strike out "Work Administration" and insert in lieu thereof "Secretary".

On page 770, lines 12 and 23, strike out "it" and insert in lieu thereof "him".

On page 771, line 13, strike out "2031" and insert in lieu thereof "2002".

Beginning on page 772, line 3, strike out through page 797, line 25, and insert in lieu thereof the following:

"DEFINITIONS

"SEC. 2003. For purposes of this title—

"(a) The term "Secretary" means the Secretary of Labor.

"(b) The term 'regular employment' means any employment provided by a private or public employer.

"(c) The term 'United States', when used in a geographic sense, means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

On page 799, line 18, strike out "Work Administration" and insert in lieu thereof "Secretary":

Beginning on page 800, line 8, strike out through page 803, line 23.

On pages 804 through 827, strike out "402(h)" each itme it appears and insert in lieu thereof "402(a)(26)".

On page 823, srike out lines 5 through 11 and insert in lieu thereof "to such State or political subdivision from amounts which would otherwise represent the Federal share of assistance to the family of the absent parent."

Beginning on page 825, line 11, strike out through page 826, line 3.

On page 829, between lines 2 and 3, insert the following:

AMENDMENTS TO PART A OF TITLE IV

SEC. 430A. (a) Section 402(a)(8)(A) of the Social Security Act is amended—

(1) by striking out "and" at the end of clause (i);

(2) by striking out the semicolon at the end of clause (ii) and inserting in lieu thereof a comma; and

(3) by adding at the end of clause (ii) the following new clause:

"(iii) $20 per month, with respect to the dependent child (or children), relative with whom the child (or children) is living, and other individual (living in the same home as such child (or children)) whose needs are taken into account in making such determination, of all income derived from support payments collected pursuant to part D; and".

(b) Section 402(a)(9) is amended to read as follows: "(9) provide safeguards which permit the use of disclosure of information concerning applicants or recipients only to (A) public officials who required such information in connection with their official duties, or (B) other persons for purposes directly connected with the administration of aid to families with dependent children;".

(c) Section 402(a)(10) is amended by inserting immediately before "be furnished" the following: ", subject to paragraphs (24) and (26),".

(d) Section 402(a)(1) is amended to read as follows: "(11) provide for prompt notice (including the transmittal of all relevant information) to the Attorney General of the United States (or the appropriate State official or agency (if any) designated by him pursuant to part (D)) of the furnishing of aid to families with dependent children with respect to a child who has been deserted or abandoned by a parent (including a child born out of wedlock without regard to whether the paternity of such child has been established);".

(e) Section 402(a) is further amended—

(1) by striking out "and" at the end of paragraph (22); and

(2) by striking out the period at the end of paragraph (23) and inserting in lieu thereof a semicolon and the following: "(24) provide (A) that, as a condition of eligibility under the plan, each applicant for a recipient of aid shall furnish to the State agency his social security account number (or numbers, if he has more than one such number), and (B) that such State agency shall utilize such account numbers, in addition to any other means of identification it may determine to employ, in the administration of such plan; (25) contain such provisions pertaining to determining paternity and securing support and locating absent parents as are prescribed by the Attorney General of the United States in order to enable him to comply with the requirements of part D; and (26) provide that, as a condition of eligibility for aid, each applicant or recipient respect will be required—

"(A) to assign to the United States any rights to support from any other person he may have (i) in his own behalf or in behalf of any other family member for whom he is applying for or receiving aid, and (ii) which have accrued at the time such assignment is executed, and which will accrue during the period ending with the third month following the month in which he (or such other family members) last received aid under the plan or within such later month as may be determined under section 455(b), and

"(B) to cooperate with the Attorney General or the State or local agency he has delegated under section 454, (i) in establishing the paternity of a child born out of wedlock with respect to whom aid is claimed, and (ii) in obtaining support payments for herself and for a child with respect to whom such aid is claimed, or in obtaining any other payments or property due herself or such child."

(f) Sections 402(a) (17), (18), (21), and (22), and section 410 of such Act are repealed.

(g) The amendments made by this section shall become effective on January 1, 1973.

On page 829, line 1, strike out "(d)" and insert in lieu thereof "(e)".

On page 830, lines 19 to 21, strike out "as a division of the Work Administration (established under title XX of this Act)".

On page 833, line 3, strike out "the Work Administration" and insert in lieu thereof "recipients of assistance under title IV of this Act, and persons who have been or are likely to become applicants for or recipients of such aid,".

On page 834, line 17, strike out "title XX" and insert in lieu thereof "part A of title IV".

On page 836, lines 1 and 2, strike out ", in addition to the powers it has as a division of the Work Administration,"

On page 837, strike out line 19 and insert in lieu thereof "persons receiving assistance under part A of title IV".

On page 851, strike out lines 17, 18, and 19.

On page 851, line 20, strike out "(b)" and insert in lieu thereof "Sec. 2114(a)".

On page 852, line 4, strike out "(c)" and insert in lieu thereof "(b)".

ORDER FOR RECOGNITION OF SENATORS WEICKER, BROOKE, BUCKLEY, BOGGS, AND ROTH TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on tomorrow, after the 2 leaders have been recognized under the standing order, the following Senators be recognized, each for not to exceed 15 minutes, and in the order stated:

Senators WEICKER, BROOKE, BUCKLEY, BOGGS, and ROTH.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (H.R. 1) to amend the Social Security Act, to make improvements in the medicare and medicaid programs, to replace the existing Federal-State public assistance programs, and for other purposes.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that Mr. Sidney Johnson, a member of the staff of the Committee on Labor and Public Welfare, be permitted the privilege of the floor during consideration of H.R. 1.

Mr. ROBERT C. BYRD. Will the Senator please repeat that? What committee was that?

Mr. RIBICOFF. The Committee on Labor and Public Welfare. We would like to have Mr. Johnson here, on behalf of the Senator from Minnesota (Mr. MONDALE) during discussion of the child care provisions in title I.

Mr. ROBERT C. BYRD. Is this just for that?

Mr. RIBICOFF. During consideration of title I.

Mr. ROBERT C. BYRD. Just for today?

Mr. RIBICOFF. This was requested by the Senator from Minnesota (Mr. MONDALE).

Mr. ROBERT C. BYRD. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. I ask unanimous consent that my staff member, Mrs. Marilyn Koester be permitted on the floor during debate and voting on H.R. 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, today I am calling up my welfare reform proposal as a substitute for Senator HARRY BYRD's pilot project proposal now pending before the Senate.

I fully agree with the distinguished Senator from Virginia that innovative programs should not be implemented on a nationwide basis until they are tested on an experimental basis.

But the proposal of the distinguished Senator from Virginia would leave the present welfare system intact for 2 to 4 years while different programs are being tried out. Allowing the present welfare system to continue for that length of time is intolerable. The present welfare system is bankrupting State and local governments and is not helping the truly needy.

We can all agree that we must help those who are unable to work. Millions of young children and their mothers, together with the blind, the disabled, and the elderly need help and they need it now. Pilot programs relating to those able to work will tell us nothing more about those who cannot work. Delaying reform for this part of the welfare system would be indefensible.

Therefore, under my proposal the program for unemployables would commence on January 1, 1974 and much of the existing cumbersome and inefficient welfare structure in this country would be swept away at long last.

The area where experimentation is needed is in the new area of Federal aid to the working poor. This is the question that has troubled many Americans and hamstrung our attempts at welfare reform. Scare stories have circulated about millions of new people added to the welfare rolls—suggesting that millions of bums and freeloaders will be milking the Government and the taxpayer of money. It is time to face this issue squarely.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from Connecticut yield at that point?

Mr. RIBICOFF. I yield.

Mr. HARRY F. BYRD, JR. I do not like to interrupt the Senator but I should like to clarify one point. The Senator from Connecticut mentioned the blind and disabled. They are in a different section. They would not be affected by my proposal.

Mr. RIBICOFF. That is correct, but I think that what we must make sure of is, when we are talking about piloting out, we are piloting out the phases of welfare that have been proposed by the distinguished Senator from Louisiana (Mr. LONG) and myself and the administration. The pilots would deal with the so-called working poor which is a new category. Keeping in mind that there are now 14 million people on the welfare rolls, we must make sure in the process that we are doing whatever we can to alleviate their problems and working whatever welfare reform we can on the system that now exists.

This is what troubles me.

Under all three proposals for welfare reform—the Finance Committee's, H.R. 1 and mine—there is a separation of employables from unemployables. Since the Finance Committee bill and my proposal essentially agree on who is unemployable—aged, ill, incapacitated persons and mothers with preschool children—our proposals for unemployables would cover the same numbers of people—about 10 million persons. These people essentially are present AFDC recipients who numbered 10.6 million people—7.7 million children and 2.9 million adults—in calendar 1971. The President's plan, mainly because it requires mothers with children over age 3 rather than 6 to work, would cover about 9 million people under FAP.

All three proposals would also assist those already working or able to work, but only mine would test this concept out before full national implementation. In any event, since these people would be working and receiving benefits they should not be characterized as on welfare. They are workers receiving additional assistance while they worked.

While it is clear by now that these millions of people receiving benefits should be characterized as workers rather than on welfare, it is also clear that we are all talking about helping millions of additional people. Such programs should be tried out first. And that is why I have proposed to pilot out the OFF program. If it does not work we can stop it from going into effect.

Therefore my new welfare reform amendment—No. 1614—provides for pilots to be carried out by the Secretaries of Health, Education, and Welfare and Labor. They would be designed to test out the basic features of the opportunities for families program which provides income supplements to the working poor.

Under the provision of amendment 1614 the Secretaries of HEW and Labor would establish pilot projects immediately upon enactment.

They would be required to report their findings to Congress and the President by December 31, 1973. Congress would then have until the end of March—90 days—to disapprove the OFF program. If either House of Congress passed a resolution stating that Congress does not favor the making of such payments, the OFF program would not be implemented. Absent congressional disapproval, however, the OFF program would go into effect on July 1, 1974. Such a trigger mechanism is similar to the congressional veto power contained in the Legislative Reorganization Act of 1946.

It is time for Congress to take a hard look at just what is being proposed in this opportunities for families program. It is designed to assure that it is always more profitable to work than to remain on welfare.

Under present law there is an incentive to remain on welfare rather than go to work. This is because the low-income family headed by the father is not eligible for assistance if he is working full time but is poor.

Thus a family on welfare knows that if a member of the family goes to work it will lose all its welfare benefits. Under the present system, then, going to work often provides less income than welfare.

OFF is designed to end that problem which is a key element in the present welfare mess.

INADEQUACIES OF THE FINANCE COMMITTEE BILL

The Finance Committee bill separates the employables from the unemployables. There is a remarkable similarity between the definitions of the Finance Committee bill and mine as to who is considered unemployable. Basically the elderly, ill, incapacitated and their caretakers would be eligible for AFDC under the committee bill and FAP under my proposal.

The Finance Committee proposal retains the existing, widely discredited State AFDC programs for mothers with young children, and adds on top of it another program for families with an overlapping jumble of wage subsidies, social security tax rebates, work disincentives and subpoverty wage programs.

Rather than coordinate and improve the operation of our welfare program, the committee proposal compounds the lack of coordination by scattering new programs throughout the Federal Government. The new workfare programs would be administered by the Departments of Health, Education, and Welfare, Treasury and a new Federal Work Administration in addition to the 1152 administrative units at the State and local level which already handle the AFDC program.

ADMINISTRATION OF THE PROGRAM

The committee proposal would create an administrative nightmare—a welfare bureaucracy of gigantic proportions. Under the present AFDC system which would continue under the Finance Committee plan some 86,000 persons are employed in State and local governments to administer payments. Under present law the figure is projected to reach 100,000 by the end of calendar 1973.

The committee would add to this huge system a Work Administration which, according to the Finance Committee report (p. 350):

> Will also use 150,000 participants in the guaranteed employment program to perform administrative tasks.

The Works Administration would have to establish new local offices across the country. Additional thousands of employees would have to be employed in the Internal Revenue Service because it is that agency which administers the 10% work bonus. Under my proposal with its centralized network, uniform procedures and economies of scale, the manpower estimate is around 80,000—6,000 less than under present law.

For those unable to work, the Finance Committee would retain the AFDC system with all its flaws. But a guaranteed annual income concept is included in the committee proposal. Instead of receiving matching grants each State would receive a bloc grant. States would be required to provide a benefit level of $2,400 for a family of four, $2,000 for a family of three and $1,600 for a family of two. States with benefit levels below these levels would simply be required not to reduce payments below present levels. Thus southern States could continue to pay families $700 and $800 a year.

For those able to work a three-part system would be established. First, a Work Administration to administer a wage subsidy would be established. Second, a 10-percent work bonus under IRS direction would be created and thirdly, a guaranteed job program at very low wages would be created.

WAGE SUBSIDY

A wage subsidy would be paid by the newly created Work Administration equaling three-fourths of the difference between a low wage in private industry and the minimum wage. Thus, if the minimum wage is $1.60, an employee making $1.20 would get an additional 30 cents in wages, which is three-fourths of the difference between $1.20 and $1.60. The language of the committee bill always refers to three-fourths of the minimum wage. Yet, the committee report indicates that the bill would pay three-fourths of the difference between $1.50 and $2 an hour. They are making the assumption that the Federal minimum wage is $2. If the Federal minimum wage were actually $2 an hour, the employee making $1.50 an hour would get approximately 38 cents additionally from the Government. In either case such a subsidy would encourage employers to pay low wages since they could expect the Federal Government to pick up the cost of higher wages.

One strange thing about this provision is that there would be no subsidies provided to wages that were less than three-quarters of the minimum wage. Thus the lowest income members of the working poor would not be aided by this provision.

10-PERCENT PAYMENT

Participants referred to private sector jobs would receive an additional subsidy of 10 percent of wages covered by social security. This payment, made by the Internal Revenue Service, would only apply to the base hourly wage, not to the wage subsidy portion of hourly income. This payment would be phased out as income rises above the poverty line at a 25-percent rate, dampening any incentives to move above the poverty line. Thus the breakeven point for this provision—that is, that point of income where no more benefits are available—is $5,600. This provision alone could make at least 20 million people eligible for the "work" bonus. The breakeven point of $5,600 is about the same as the breakeven point under my original proposal—amendment 559—which received no sympathy from my colleagues on the Finance Committee.

Such a proposal rewards a family with $4,000 of earnings twice as much as a family with $2,000 and thus provides the least to those with the greatest need.

Administratively this proposal would involve the keeping of a huge volume of records and the maintenance and transfer of records between IRS, the Work Administration, and perhaps other agencies. Millions of tax records would become a part of the welfare maze.

The wage subsidy and the work bonus would be lumped on top of each other.

Thus a worker making $1.20 would first receive a 30-cent wage subsidy to make up three-quarters of the difference between his earnings—$1.20—and the minimum wage—$1.60. Then an additional 10-percent "bonus" computed on the base wage of $1.20—12 cents in this case—the employee's total hourly wage would then be $1.20 plus 30 cents plus 12 cents or $1.62.

This seems like a cumbersome and inefficient way to get to the minimum wage. It would be easier and less costly from an administrative viewpoint to just require all jobs to pay the minimum wage or at least combine the wage subsidy and the work bonus into one larger subsidy.

While I share the view of the committee that it is desirable to relieve the poor of the burden of paying social security taxes—I have publicly supported a social security rebate to impoverished working Americans—I cannot accept the committee proposal since it is part and parcel of an unworkable and inequitable overall plan.

The legislation I have developed would provide relief from both social security and income taxes through the earnings disregard feature. That is, in determining what is income for the purposes of computing the welfare payment, my proposal disregards the first $720 of income, 40 percent of additional income, and amounts paid for social security and income taxes.

May I say to the distinguished chairman of the Committee on Finance that I think the most imaginative and constructive part of his suggestion is a rebate of social security taxes. He and I have no disagreement. I am sure both of us could easily work out a proposal where we could assure that those on welfare and the working poor would be rebated the social security taxes they pay. This is the least we could do. I hope before this legislation is finished, no matter what course it takes, that our distinguished chairman and I can work out this particular proposal because it is constructive. I commend him for his thoughts and ideas.

GUARANTEED JOB OPPORTUNITY

The third provision of the Finance Committee bill would establish a new Federal bureaucracy—the Work Administration—to create very low-wage jobs.

The Work Administration would attempt to provide job placement, job development, employability plans and manpower training. All employable adults registering for welfare would be required to become employees of the Work Administration as a condition of receiving assistance. The Work Administration would attempt to place registrants in private jobs.

Those not so placed in "regular" jobs would become direct employees of the Work Administration at $1.20 an hour, far less than either the poverty line or the Federal minimum wage. These employees would receive no wage subsidy or 10 percent supplement. In fact, the Work Administration employees would be in limbo between Federal and private employment—ineligible for social security, unemployment compensation or workmen's compensation.

The people placed in these guaranteed jobs would only be allowed to work up to a maximum of 32 hours a week at a wage rate of $1.20 an hour. That works out to a weekly wage of $38.40 or $1,920 a year. This is less than half the poverty level. Even if the jobs paid $1.50 an hour—three-quarters of a possible new minimum wage—the weekly wage would only be $48 or $2,400 a year. This is $1,600 less than the poverty level.

It intrigues me, Mr. President, when one considers the conservative cast of the Committee on Finance, to contemplate that they would set up this Government corporation with the responsibility over 1 million people; it is a bureaucracy of such magnitude we cannot contemplate it.

Furthermore, I cannot imagine how anyone, industry or labor, could countenance a work pool of some 1 million people. It would completely shatter the wage structure we have built over a period of years. To think that this Work Administration then would be farming out in a subservient position to employers who are looking for labor would be almost equivalent to slave labor. It is impossible for me to contemplate how conservative, liberal, or moderate Members of this body could countenance such a system as that. It would completely shatter the wage structure in America.

What are we going to do if a person of moderate means wants to hire a maid? She is going to apply to the Work Administration to send in a maid for $1.20 an hour—I am going to pay and the Government is going to subsidize the wealthier members of our society.

I can imagine the horror that would prevail in this country to think that the more affluent members of our society could get domestic maids from this Work Administration pool to work in the homes of the more affluent, to be subsidized at a rate of 30 cents an hour by the Federal Government, to ease the work on the daily basis of housewives of America. It is a shocking thing to contemplate that this country would go back to the indentured employee.

It is shocking to contemplate that under the committee bill sweatshops would arise, people paying substandard wages would arise, industries would flee from the sections of the country that paid decent living wages; employers who want to avoid the minimum wage law of the State or the Nation would go into areas where there would be large pools of labor and get labor for $1.20 an hour.

Frankly, anybody that cannot pay the minimum wage has no right to even be in business in America today.

These direct Work Administration employees would be required to perform "useful work which can contribute to the betterment of the community." For mothers with younger children, training to improve the quality of life—improve homemaking, beautifying apartments, acquiring consumer skills—would be provided. The Work Administration would also provide temporary employment with reimbursement to the Work Administration. In effect, the Federal Government would be maintaining a subpoverty wage manpower pool at the disposal of the business community.

The concepts embodied in the Work Administration are confused and often erroneous. While the basic idea of making the Federal Government the employer of last resort is a sound one, the down-grading of public service jobs relative to private sector employment is unfortunate. The emphasis on providing "incentives" for workers to move into "regular" private employment by paying Work Administration employees only $1.20 an hour is misplaced at best.

A major problem with the committee's proposal is that the private sector does not have sufficient jobs. In fact, over 5 million Americans are unemployed. Thus, even with extraordinary motivation, a Work Administration employee cannot escape his $1.20-an-hour job if there are no other jobs. He is doomed to remain at a menial $1.20-an-hour salary—$1,500 below a poverty-level wage on an annual basis. And the Work Administration by paying only $1 an hour for those in manpower training, is discouraging rather than encouraging participants to upgrade their skills and increase their income.

Rather than discouraging public service employment, we should be fostering it. It has been estimated that State and local government could utilize as many as 4 million people in public service activities of all kinds—conservation, education, health, consumer protection, recreation, sanitation, criminal justice, child care. It should be obvious to all that our inner cities are decaying, our air and water getting dirtier and our public services becoming increasingly unable to meet the challenge of providing us with the manner of existence we as Americans desire.

Public service jobs should provide workers with at least a poverty-level wage, In this way we can both fight poverty and improve our communities.

The proposal that I submitted, that I thought had been worked out with the administration, consists of two facets: aid to those unable to work; and aid to the working poor including a preliminary pilot program of this concept.

ASSISTANCE FOR THOSE WHO CANNOT WORK

This category includes children under 16, mothers with children under age 6, the elderly, ill or incapacitated, or their caretakers, caretakers of a child where the father or other adult relative in the home is working or registered for training, the caretakers of a child where suitable day care is unavailable, and unemployed, male-headed families for whom jobs are unavailable.

PAYMENT LEVEL

Those unable to work will be assured a basic Federal payment to a family of four of $2,600. The payment will increase as the cost of living rises.

MAINTENANCE OF BENEFITS

In those States where payment levels exceed $2,600, States would be required to make supplemental payments to assure that no recipient receives a smaller payment than he or she receives under the present law. To alleviate the harmful effects of State welfare cutbacks of the last few years, the States would be required to supplement up to the higher of their January 1971 level or any higher previous or subsequent level.

STATE FISCAL RELIEF

Under the provisions of my amendment, every State would receive substantial fiscal relief. Under present law States receive matching funds from the Federal Government ranging from 50 percent to 83 percent of a State's costs. Under my proposal the Federal Government will pay 100 percent of the first $2,600 of cost.

If we are talking about relief to States or revenue sharing, there could not be a more important, significant revenue-sharing proposal than for the Federal Government to pick up the first $2,600 of welfare costs of the States. Almost one-half of the total number of States would find themselves out of the welfare business when it came to actual costs.

In addition, while my amendment requires a State with a higher payment level to make supplements, the States would be "held harmless" from additional costs once their payments reached the levels for calendar year 1971.

Total savings to State and local governments in the first fiscal year will amount to $2.8 billion compared to $2.4 billion under H.R. 1 and $2.3 billion under the committee proposal. Fiscal relief would also be provided on an emergency interim basis. The States would receive $1 billion in fiscal relief in the interval before the new welfare program takes effect.

In other words, every State in the Nation has been begging for relief from its welfare costs, and since this program would not go into effect until January 1, 1974, provision is made for relief to the States in the interim period. The total emergency relief proposal is $1.2 billion.

I ask unanimous consent at this point in the RECORD to insert a table of interim relief to all States.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

EMERGENCY FISCAL RELIEF UNDER THE RIBICOFF-ADMINISTRATION AGREEMENT

This provision provides that once a state reaches its calendar 1971 AFDC cost levels, the federal government will assume all cost rises up to 20% above fiscal 1971 levels. States would receive regular matching funds for cost rises above that level. As a condition of fiscal relief states would have to maintain payment levels at the January 1971 level.

This program is an interim measure pending the effective date of FAP. Retrospective fiscal relief in fiscal 1972 and 1973 would amount to $1.2 billion as follows:

	1972	*1973*
Alabama	$5.9	$5.9
Alaska	1.5	1.7
Arizona	1.7	2.3
Arkansas	2.6	3.0
California	98.6	167.4
Colorado	4.1	8.0
Connecticut	9.7	9.7
Delaware	1.3	1.3
District of Columbia	5.3	5.3
Florida	6.6	6.6
Georgia	8.2	8.2
Hawaii	2.9	2.9
Idaho	.6	1.0
Illinois	40.7	40.7
Indiana	5.3	5.3
Iowa	1.7	4.9
Kansas	2.4	5.2
Kentucky	2.9	5.3
Louisiana	.0	8.7
Maine	2.5	2.5
Maryland	9.8	9.8
Massachusetts	33.1	33.1
Michigan	34.7	34.7
Minnesota	8.5	10.3
Mississippi	2.9	2.9
Missouri	6.1	10.2
Montana	.2	.5
Nebraska	2.2	2.2
Nevada	.2	.6
New Hampshire	1.3	1.7
New Jersey	24.0	30.6
New Mexico	.4	1.0
New York	78.3	127.4
North Carolina	6.0	6.0
North Dakota	.6	.6
Ohio	21.1	21.1
Oklahoma	8.0	8.0
Oregon	2.6	4.8
Pennsylvania	38.1	47.5
Rhode Island	3.8	3.8
South Carolina	1.5	1.5
South Dakota	1.0	1.0
Tennessee	2.0	3.9
Texas	2.7	15.0
Utah	1.7	1.7
Vermont	1.3	1.3
Virginia	6.0	6.0
Washington	1.1	7.3
West Virginia	2.6	2.6
Wisconsin	8.7	8.7
Guam	.4	.4
Puerto Rico	.1	.1
Virgin Islands	.0	1.6
Total	515.6	704.5

(Figures are in millions of dollars and may not add due to rounding.)

Source: Senate Finance Committee.

4. UNIFORM STANDARDS AND PROCEDURES

Mr. RIBICOFF. Mr. President, national, uniform benefit levels, eligibility rules, and Federal administration would be established by the Ribicoff-administration agreement.

Procedures of the original Ribicoff amendment to assure fairness, including right to counsel, written opinions in welfare adjudication, elimination of punitive and cumbersome reporting and checking procedures are also included as are protection of employee rights, elimination of State residency requirements and determination of eligibility based on current need.

5. CHILD CARE

The proposal I introduce today provides $1.5 billion for the creation of child-care services and $100 million for the construction of child-care facilities to assist working mothers.

Mothers with children under age 6 are exempt from the work requirements. Mothers with children over age 6 would register for work only if adequate day care were available and close to their place of residence or employment. Adequate day care is defined to mean child care services no less comprehensive than those provided for by the 1968 Federal interagency day care requirements.

B. ASSISTANCE TO THOSE ABLE TO WORK: A PILOT PROGRAM

The most innovative portion of our welfare reform proposal is the opportunities for families—OFF—program. It would provide income supplements to those people who work but still have low incomes to insure that it is always financially more profitable to work than simply receive welfare. Such a proposal would also remove the incentive for fathers to leave their families.

In addition, one of the basic tenets of this proposal is that all those who are able to work should be required to do so. Every able-bodied applicant who applies for welfare, including those already on welfare, would have to register for employment or training with the Department of Labor.

I know this is one of the provisions that the distinguished Senator from Wisconsin (Mr. NELSON), who is now occupying the Chair, is concerned with.

The only exemption from this requirement would be for those responsible for the care of aged, ill, or incapacitated family members or children under age 6. Failure to report for work or training would result in a loss of benefits unless the recipient could show that jobs or day care were unavailable.

Those deemed employable would immediately be referred to suitable employment paying at least the federal minimum wage. If no jobs were available the Department of Labor would develop employability plans and provide the necessary job training. In addition, in recognition of the fact that the private job market does not have sufficient jobs available for all those able to work, my proposal creates 300,000 meaningful public service jobs in the first year of the program.

Because of the innovative nature of the OFF program, my amendment would require that aid to the working poor be tried out on a limited basis to test out its structure and theories. It is time to try out on a pilot basis any new major social program before committing the resources of the Federal Government to total implementation.

We need to know more about the effect of various earnings disregards on those who work as well as the effect of OFF on work habits, and families. We also need to study the possibility of covering single people and childless couples under the OFF program and to develop appropriate administrative procedures.

Upon completion of the pilot programs and an evaluation of its results, the full OFF program would be implemented unless either House of Congress objected within 90 days.

Full implementation of the OFF program would ensure that those able to work would always find it more profitable to do so rather than to rely solely on public assistance.

All of us can find parts of this program we would change or vary to some extent. However, I firmly believe that this entire proposal makes a significant step forward in our fight to eliminate poverty in this country and I urge the Senate to adopt it.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point various tables, explanations, and questions and answers to clarify and explain many of the different facets of the three proposals now before the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROGRAMS FOR THOSE UNABLE TO WORK

ELIGIBILITY

Ribicoff-administration agreement

1. Elderly, ill or incapacitated.
2. Mother or other relative caring for a child under age 6.
3. Caretaker of an ill or disabled family member.
4. Child under 16, or a student.
5. Mother or other female caretaker of a child where father or other adult male in the home is registered or has accepted work/training.
6. Family headed by mother too remote from employment program.
7. Caretaker of a child where adequate day care services (i.e., meeting 1968 Federal Interagency Day Care Requirements) are unavailable or remote.

Finance

1. Same as Ribicoff.
2. Same as Ribicoff.
3. Same as Ribicoff.
4. Child living with neither parent, together with his caretaker relatives.
5. Family headed by incapacitated father where mother is not home or is caring for father.
6. Same.

Generally, the AFDC law is followed, limiting eligibility to needy families containing at least one child under 18 who is living at home and has been deprived of support because of the death, absence from home or incapacity of a parent.

President

1. Same as Ribicoff.
2. Mother or other relative caring for a child over age 3.
3. Same as Ribicoff.
4. Same as Ribicoff.
5. Same as Ribicoff.

PAYMENT LEVEL

Ribicoff

$2600 plus mandatory state supplementation plus escalator based on rises in cost of living.

Finance committee

States cannot reduce AFDC payment levels below $1600 for two-member family, $2000 for three member family and $2400 for four-member family. If payment levels are already below these levels, no reduction in payments is allowed.

President

$2400 plus incentives for states to make supplemented payments.

ADMINISTRATION

Ribicoff

National uniform administration, payments eligibility standards and other rules. Efficiency through centralized computer process at a national level.

Finance committee

Retention of AFDC state system with 54 different jurisdictions and 1152 local administrative units independent of each other. Continued split of authority between federal and state guidelines.

Guaranteed job to be provided at ¾ of the minimum wage for 32 hours a week. Thus the wage is $38.40 a week under present minimum wage law. This comes to $1920 per year—less than half the poverty level. If the minimum wage law changed to $2.00, the worker in a guaranteed job would get $1.50 an hour—only $2400 a year or $1600 less than the poverty level.

If an employer pays $1.20 per hour (¾ of the minimum wage) the government will provide a subsidy to raise the wage ¾ of the rest of the way to the minimum wage. In this case ¾ of the difference is 30¢. So the employee would get an additional 30¢ from the government, making his $1.50. Note that the Committee is assuming that a $2.00 minimum wage is in effect for its purposes.

Such workers would not even be eligible for the 10% work bonus or the wage subsidy.

President

Same as Ribicoff.

FULL-YEAR COSTS, PAYMENTS AND SERVICES: 1 FISCAL YEAR

[In billions of dollars]

	Current law	H.R. 1	Ribicoff-administration agreement	Finance Committee Bill
Payments to families	5.3	6.2	7.2	[1] 6.7
Payments to adults	2.4	4.6	4.6	4.2
Payments for food stamps	2.9	.2	.1	1.8
Hold-harmless; fiscal relief		1.1	.8	
Subtotal: Payments	10.6	12.1	12.7	12.7
Child care	.6	.9	.9	.8
Training	.3	.5	.5	
Public jobs		.8	1.2	4.1
New employment service		.1	.1	
Administration	.6	1.1	1.1	1.3
Support services				.7
Subtotal: Related and support activities	1.5	3.4	3.8	6.9
Impact on other programs		−.1	−.1	−.1
Grand total	12.1	15.4	16.4	19.5

[1] Includes: wage subsidy, 1.9; 10 percent rebate, 1.1; residual AFDC, 3.7; total, 6.7.

ELIGIBLES

Ribicoff

FAP—10 million.
OFF—14 million.

Finance Committee

AFDC—10 million.
Workfare—20 million.

President

FAP—9 million.
OFF—10 million.

CHRONOLOGY OF RIBICOFF BILL

FAP goes into effect January 1, 1974.

OFF—Immediately upon enactment, the Secretaries of HEW and Labor shall establish pretest programs. A report shall be issued to Congress and the President by December 31, 1973 on the success or failure of the program and the relevant findings.

The OFF program automatically triggers into effect on July 1, 1974 unless either House of Congress between January 1974 and March 31, 1974 passes a resolution stating in substance that the Congress does not favor the making of such payments.

QUESTION

Wouldn't the Ribicoff-Administration welfare proposal create a giant welfare bureaucracy?

RESPONSE

No.

1. Current—86,000

To pay benefits to the present caseload, state and local governments employ an estimated 86,000 people. This is compared to a total of 203,000 welfare agency personnel assigned to both payments and services.

2. Projected Under Existing Law—100,000

By the end of calendar 1973, it is projected that the number of employees needed to administer assistance payments alone under the payment system will rise to approximately 100,000.

3. H.R. 1 and Ribicoff Estimate—80,000

Our preliminary manpower estimate for H.R. 1 is 80,000 even though there will be one-third more cases under H.R. 1.

This is 6,000 less than current staffing, attributable to economies of scale achievable with more productive methods under new uniform federal claims and payments procedures.

4. Finance Committee Bill—150,000

According to page 550 of the Finance Committee report: "The Work Administration will also use 150,000 participants in the guaranteed employment program to perform administrative tasks." The Work Administration would be headed by a three-man board appointed by the President. New local offices would have to be established across the country to administer the program. This is in addition to the 86,000 employees under present law and the IRS personnel.

Under my proposal the present facilities of local HEW and Labor branches would be used.

5. Conclusion

We believe federal administration is a means, not only of modernizing and consolidating, but it also offers us an opportunity to achieve management efficiencies in an area in which staffing (50% federally funded) has risen very rapidly.

QUESTION

Does the Ribicoff bill have provisions to assure against fraud and other forms of abuse.

RESPONSE

Yes. While the proposal assures recipients of due process, right to counsel, hearings, written opinions and all the protections of the Administrative Procedure Act it is careful to assure that the system is run efficiently.

New Applicant

When the new applicant applies in the local office for assistance, he is pre-screened for the services needed. He is given a complete interview, fills out an application and presents any evidence he may have as to his need. He is eligible for any emergency payment if necessary. And the initial payment is determined.

Since the system will be run on a national computer set-up, the national master file will be screened. This will prevent the present mess in which people can apply for benefits in many different jurisdictions.

The national office will make a 100% review of key items on the application and a computer check run through the Social Security Administration and the Internal Revenue Service will determine if the applicant's stated earnings are correct. This information is quickly relayed via computer to the local office where payment is made.

Continuing Beneficiary

Beneficiary:

(1) Beneficiary required to report major changes in income immediately.

(2) Beneficiary required to file a full report quarterly.

Local Office:

(1) Receives and checks change reports and quarterly reports.

(2) Conducts sample investigations on a spot-audit basis.

(3) Analyzes status of applicants who have been on the welfare rolls for two years or more to determine the causes of the plight of the long-term poor.

National Office:

(1) Checks on earnings and other benefits received.

(2) Screens national file for duplicates.

(3) Requests quarterly reports and sample investigations.

(4) Compiles statistics.

(5) Adjusts payment if necessary.

QUESTION

Senator Long suggests that welfare reform has to start by separating employables from unemployables and affording different treatment to each group, especially providing "work, training, child care, and any other service needed."

RESPONSE

This idea is basic in any welfare reform plan. The current welfare reform bill would separate families with as few as one employable member into a program separate from that for families with no employable members. The program for families with unemployable members would principally be administered by the Labor Department so that the main emphasis will be on job training, employable services, and job placement. Job training will be expanded, including public service jobs program—to provide on-the-job training in useful work when not enough regular jobs are available; child care will be expanded to enable parents to work; and the Labor Department will upgrade employment services provided to assistance beneficiaries.

QUESTION

Does the Ribicoff bill have penalties to assure that rules are being complied with?

RESPONSE

Yes.

(1) All employables are required to register for work and training and to accept suitable jobs. Refusal to comply with this requirement results in the loss of benefits to that member of the family who refuses to comply.

(2) A deserting parent would be civilly liable to the federal government for support and maintenance. The Ribicoff proposal also permits amounts due the federal government to be deducted from any benefits due the deserting parent under any federal program.

(3) Makes interstate flight to avoid parental responsibilities a misdemeanor punishable by a fine up to $1000, one year, or both.

(4) Consistent with equity and good conscience any overpayments made could be recovered by the government.

(5) Penalty for fraud-making any knowing and willful false statements or representation of a material fact in application or receipt of benefits or failing to disclose knowledge of his own or other person's fraud is a misdemeanor—fine of $1,000, one year, or both.

QUESTION

Senator Long says that if a person is employable he should not draw a welfare check, but should work or be trained for work.

RESPONSE

I agree with Senator Long in principle, but find major obstacles to putting this principle into practice: first, lack of enough jobs for the employables to take; second, lack of sufficient skills among the employables to take jobs that are available; third, the lack of sufficient training capacity to upgrade all employables at once (and the great expense of building up such training capacity); and fourth, the lack of sufficient child care capacity to take care of the children of employables and the near impossibility of creating such capacity at one fell swoop. Even if all these obstacles could be overcome and all employable recipients could be put in job training or in jobs, this in itself would not assure their families of income adequate to meet their basic needs. Under my plan, placement efforts will be stepped-up, training programs will expand, child care capacity will increase, and incentive payments will be made to encourage continued work effort.

Under my proposal 300,000 public service jobs payable at the minimum wage level would be made available in the first year.

QUESTION

Senator Long states that under his bill the Labor Department decides who is "employable" and who "unemployable."

RESPONSE

My plan provides that HEW and Labor will jointly develop regulations for operating the new welfare system. Under jointly developed regulations, local federal offices would determine who must register for employment training services, and placement, in accordance with the law, which provides very specific and limited exemptions (basically the aged, children, disabled persons, and mothers of small children). The registration will be with the Labor Department which will then decide who is ready for immediate job placement and who needs training or other services. There is very little basic difference between this approach and Senator Long's.

Both the Finance Committee version and my own plan recognize that there are some people who are employable and some who are not.

Under both bills the categories of those exempt from work requirements are similar:

Ribicoff

(1) Elderly, ill or incapacitated.

(2) Mother or other relative caring for a child under age 6.

(3) Caretaker of an ill or disabled family member.

(4) Child under 16, or a student.

(5) Mother or other female caretaker of a child where father or other adult male in the home is registered or has accepted work/training.

(6) Family headed by mother too remote from employment program.

(7) Caretaker of a child where adequate day care services (i.e., meeting 1968 Federal Interagency Day Care Requirements) are unavailable or remote.

Long

(1) Same as Ribicoff.

(2) Same as Ribicoff.

(3) Same as Ribicoff.

(4) Child living with neither parent, together with his caretaker relatives.

(5) Family headed by incapacitated father where mother is not in home or is caring for father.

(6) Same as Ribicoff.

In both bills exempt individuals may voluntarily register. Past studies indicate that some 80% of people such as welfare mothers with small children will want to work.

QUESTION

Senator Long says that the Family Assistance Plan increases costs and caseloads just as the present system does and that a family assistance system will be easy to get into and hard to get out of.

RESPONSE

The best way to get people off welfare and into jobs is obviously to get them jobs and train and encourage them to work. In order to encourage work, my welfare reform plan would permit recipients to work and keep a part of their earnings. It would also allow a male-headed family in which the father works full-time to receive supplemental assistance, if his income is small enough. This removes the strong economic incentive in the present system for fathers to desert their families in order to qualify them for welfare.

It is true that because of the damage done by the present system, the cure for it will be costly to begin with, but as fewer families are broken up to go on welfare, and more people return to work, long-run welfare costs will be reduced.

As for being easy to get on, the new welfare system would be very tightly administered, following the successful methods used in social security programs, and it will be *easy*, rather than hard, to get off because of the work incentives in the program. My whole reform program is based on the fundamental principle of encouraging a return to work.

QUESTION

Senator Long charges that FAP includes a "guaranteed annual" income which adds to the welfare problem rather than reforming it.

RESPONSE

To be eligible to receive assistance under the new programs, applicants would be *required* to register for work training and placement, and would be *required* to accept training and jobs or required to accept vocational rehabilitation if appropriate. In other words, anyone who is able to work but refuses to do so would be guaranteed exactly *nothing*. The so-called working poor are not guaranteed anything either. Many working poor families would become *eligible* for the program, but it should be kept in mind that most working poor families will receive only an income supplement, not a full assistance payment, and that many such families' payments will be very small.

Senator Long's bill does provide a guaranteed income in that it requires that states do not reduce their AFDC payments below $1600 for a two-member family, $2000 for a three-member family and $2400 for a four-member family.

States with payment levels below these levels would not reduce at all.

DESCRIPTION OF FAP-OFF INTERRELATIONSHIP AND EXAMPLES OF EARNINGS DISREGARD

Under present law there is an incentive to remain on welfare rather than go to work. This is because the low-income family headed by the father is not eligible for AFDC if he is working full-time. On the other hand, the family headed by a female is eligible for assistance whether she is working full-time, part-time, or not at all. (This results from 1967 amendments which created a feature like OFF under females heading a family could work and retain a part of their earnings under a monthly earnings disregard of $30 plus ⅓ of remaining income).

The OFF program for the working poor is really an extension of the $30 plus ⅓ program. It provides that in both male and female-headed families a participant in the program can go to work and not be entirely cut off from welfare. Thus it simply adds to present law a provision that a male-headed family in which the father works full-time and is poor should receive supplemental assistance. Its purpose then is to assure that a beneficiary is always better by working than by simply receiving public assistance.

If determined eligible for FAP, a recipient would be entitled to the assistance payment provisions which provide $2600 a year for a family of four with no employable member.

If eligible for OFF, an applicant would be provided with a job and income supplements or if already working, an income supplement. Under the OFF plan, the recipient would be able to continue working and receive benefits—benefits phased out gradually as earnings increased, thereby preventing a "notch" problem in which benefits terminate abruptly upon going to work. Benefits would be determined by disregarding a portion of income earned. Under my proposal the first $720 of earned income (representing work-related expenses) would be disregarded and an additional 40% of income would be ignored.

EXAMPLES OF BENEFITS PAYABLE UNDER THE $2,600 PROPOSAL

Example A: Family of 4 earning $1,000:

Earnings	$1,000
Disregard	−720
	280
Disregard 40% of remaining income	−112
Countable income in determining benefits	168

Amount needed to reach $2,600=$2,432=OFF payment

To compute the payment needed to reach the $2,600 level you deduct the countable income ($168) from $2,600.

Total Income=Earnings $1,000, plus OFF $2,432=$3,432.

Example B: Family of 4 earning $2,000:

Earnings	$2,000
Disregard	−720
	1,280
Disregard 40 percent of remaining income	−512
Countable income in determining benefits	768

Amount needed to reach $2,600=$1,832=OFF payment.

Total Income (Earnings $2,000+OFF $1,832)=$3,832.

Example C: Family of 4 earning $2,600:

Earnings	$2,600
Disregard	−720
	1,880
Disregard 40 percent of remaining income	−752
Countable income in determining benefits	1,128

Amount needed to reach $2,600=$1,472=OFF payment.

Total Income (Earnings $2,600+OFF $1,472)=$4,072.

Example D: Family of Four Earning $3,000:

Earnings	$3,000
Disregard	−720
	2,280
Disregard 40% of Remaining Income	−912
Countable Earnings in determining benefits	1,368

Amount needed to reach $2,600=$1,232=OFF Payment.

Total Income (Earnings $3,000+OFF $1,232)=$4,232.

Example E: Family of Four Earning $4,000:

Earnings	$4,000
Disregard	−720
	3,280
Disregard 40% of remaining income	−1,312
Countable earnings in determining benefits	1,968

Amount needed to reach $2,600=$632=OFF Payment.

Total income (Earnings $4,000+OFF $632)=$4,632.

Example F: Family of Four Earning $5,055:

Earnings	$5,055
Disregard	−720
	4,335
Disregard 40% of remaining income	−1,734
Countable earnings in determining benefits	2,600

Amount needed to reach $2,600=0=OFF Payment.

Total Income (earnings $5,055+OFF $0)=$5,055.

Thus $5,055 is the breakeven point at which families would receive no benefits.

DAY CARE UNDER THE FINANCE COMMITTEE BILL

A Bureau of Child Care is established as part of Title IV in Senator Long's workfare proposal. It contains the following provisions:

1. A BROAD ELIGIBILITY

While it places priority on child care needs of low income individuals working under the provisions of this bill, it is also available to non-welfare recipients and seeks to meet, to the extent feasible "the needs of the nation for child care services." The Committee report states that this Bureau of Child Care has "the goal of making child care services available throughout the nation to the extent that they are needed and not supplied under other programs."

2. STANDARDS

Its emphasis on custody is clear from the way in which the adult-child ratios are defined. Under the Mondale Comprehensive bill, limits are set on the *maximum* number of children per adult. This bill sets limits on the *minimum* number of children per adult. For example, the Mondale Comprehensive bill would require that for three year olds in a day care center, there be no more than a 5 to 1 child-adult ratio. In the same case, the Long bill would require *no less* than a 10 to 1 ratio. And that is just the minimum. The Long bill gives the director the authority to define this ratio so there could be 15 to 1, 20 to 1, or worse. Last year you introduced an amendment to the Mondale bill which required that day care standards be no less than the 1968 Federal InterAgency Day Care Requirements. Since this bill provides much lower standards than the requirements, it would seem to be at odds with our position.

3. PARENT PARTICIPATION

Parent participation is limited to a requirement that parents be given the opportunity to meet from "time to time", the staff, and observe, from time to time, the children receiving care in a facility. Nothing about parent participation in decision making, policy formation, choice of curriculum, etc. is provided.

4. DELIVERY SYSTEM

The Bureau of Child Care is part of a newly created Work Administration—separate from any existing Department. It has the authority to purchase or provide child care in any way it wishes. No role is assured for states or localities. This has been a major issue in the child care battle of last year. The

Bureau offices would be established in all major cities and simply purchase services from whoever it wished (including profit makers) or provide them itself.

5. FEE SCHEDULE

The bill provides that some kind of graduated fee schedule be established by the director but gives no hint of up to what level the services will be free or how fast the fees will rise. Under the provisions of Senator Long's original Child Care Corporation the understanding was the program would be totally financed by fees imposed on the participants—those least able to afford them.

6. DEVELOPMENTAL PROGRAMS

It would be permissible to place children in developmental programs such as Head Start, "if the parents of such children agree", but many other kinds of custodial care are authorized, including the opportunity to according to the Committee report "use facilities of low quality . . . . with the understanding that the facilities will be promptly improved."

7. LICENSING

Any facility in which the child care services are provided by the Bureau "shall not be subject to any health, fire, safety, sanitary or other requirements imposed by states or localities" on the grounds that this bill contains some vague requirements in these areas and state and local requirements are unnecessarily rigid.

8. AUTHORITY

$800 million is authorized for FY 73, with such funds as necessary in succeeding years and the authority to sell up to $50 million a year in revenue bonds beginning in 1975.

9. NATIONAL ADVISORY COUNCIL

Establishes National Advisory Councils including Secretary of HEW, HUD and Labor, welfare workers and consumers provided that not more than one individual represent welfare recipients.

10. MODEL PROGRAMS

Contains a provision providing up to $400,000 a year to each state to develop model child care, whatever that means.

11. LACK OF COORDINATION AMONG DAY CARE PROGRAMS

The Bureau of Child Care, which is virtually identical to Senator Long's Child Care Corporation, would not draw together the many child care services now funded and operated by federal and state governments. It would just add one more program on top of a system which is now confused. In hearings before the Finance Committee last September on child care, Elliot Richardson strongly opposed the provisions of the Child Care Corporation. Senator Mondale, in testimony before the Committee, also opposed the concept of the Child Care Corporation. He pointed out that the Child Care Corporation provisions ran directly counter to the 1970 White House Conference on Children which selected as their number one priority the provision of "comprehensive family oriented child development programs including health services, day care and early childhood education." All of the major child care organizations.

[From the Washington Post, Oct. 1, 1972]

THE SENATE VOTES ON WELFARE REFORM

Over thee years ago, President Nixon made a welfare reform proposal to which he appeared fully committed and which we believed had many good features. The President's plan put a federal floor under the incomes of families with children and extended assistance for the first time to the working poor. Although we thought the federal minimum was to low and objected to some coercive features of the bill, we believed it represented a major step in the right direction—a step toward a fair national system that would protect those who could not work and provide incentives for those who could.

This week in the hectic atmosphere of an election campaign, the Senate must act on that proposal—or what is left of it. The senators are now faced with three choices. The first is the administration-backed bill which passed the House as H.R. 1 but failed to get a serious hearing in the ultra-conservative Senate Finance Committee. In our opinion, this bill is now far less desirable than President Nixon's original proposal. Indeed, it is a travesty on the intentions he expressed three years ago. The bill would still put a federal floor under welfare benefits ($2,400 a year for a family of four), but would, in effect, tax the earnings of the poor at confiscatory rates and provide no guarantee or even encouragement to states to maintain benefits above the meager federal minimums. It seems likely that passage of this bill would both lower the amounts that welfare families were forced to live on in many states, and make it even less attractive for them to increase their earnings than under present laws. We believe the Senate should reject it.

A second version, supported by Senator Ribicoff seems to us to preserve the sound features of the President's original proposal and to avoid some of its more serious pitfalls. The Ribicoff version would given recipients only slightly more money ($2,600 for a family of four which still seems to us too low), but it would require states that now pay more than that to maintain their benefits and would provide more safeguards for recipients against being forced into exploitative jobs without adequate provision for the care of their children. This version was actually worked out by Senator Ribicoff in collaboration with Secretary Richardson of HEW, but the President has refused to support it. The President's intransigence appears to indicate that he finds more political advantage in blaming the opposition for not passing his bill than in working for a constructive solution—along lines originally proposed by him—that would improve the lives of millions of people.

Finally, there is Senator Long's version supported by a majority of the Senate Finance Committee, but officially opposed by the administration. The Long bill is an extraordinarily complex amalgam of a good idea with some dangerously coercive features bordering on slave labor for the poor. The good idea is creating public service jobs for people who are now forced onto welfare because they cannot find employment. We support the general concept of public service job creation with enthusiasm. Indeed, we do not see how even stringent "work requirements" can result in employment for the poor if no jobs are available. Unfortunately, however, the jobs that would be created under the Long bill would be at substandard wages. Moreover, all welfare benefits would be abolished for families headed by an able-bodied adult, except women with children under six. This kind of coercion seems to us demoralizing and very close to publicly approved servitude.

We hope that despite the lateness of the hour and the administration's unconstructive attitude, the Senate will pass the Ribicoff version of welfare reform. If it does not, perhaps some sort of a test program—which several senators have proposed—would be better than nothing. We would urge the senators, however, to view with great skepticism any attempt to work out a last-minute compromise between the administration and Senator Long. Job creation for the poor is a sound idea, but the Long bill is so complex and fraught with dangers for the poor that the probability of hastily turning it into a constructive piece of welfare legislation seems to us virtually zero.

Mr. RIBICOFF. Mr. President, I yield the floor.

Mr. HARRY F. BYRD, JR. Mr. President, I think it is very important that there be a reform, a change, in the present welfare system. It is outdated, it is being mishandled, it is being badly administered, and I favor a change in the present program.

But, Mr. President, in considering changing the present program, it is important that Congress be sure that it is going to something better, and not to something worse, something more expensive, something less desirable.

I want to recap for just a moment the situation in which the Senate finds itself.

Three different programs have been considered by Congress. First is the one known as H.R. 1, which has passed the House of Representatives twice. That program has been under consideration by the Senate Committee on Finance in 1970, 1971, and 1972. The committee refused to approve that program, even though it is an administration measure.

One of its chief architects was Dr. Moynihan, Special Counsel to the President, who made this statement in regard to the family assistance plan, the H.R. 1 proposal:

> This bill provides a minimum income to every family, united or not, working or not, deserving or not.

I invite the attention of the Senators to page 1950 of the committee hearings.

The second proposal is the one offered by the able and distinguished Senator from Connecticut (Mr. RIBICOFF). It is similar in nature to H.R. 1. It is a more expensive, expanded version of H.R. 1.

The third proposal is the one developed by the committee and supported by a majority of the members of the Committee on Finance, and known as the workfare proposal.

Of the three plans, it seems to me that the concept of the third plan; namely, workfare, is the concept which the American people want. This provides a marked contrast to the other two plans with regard to work incentives and with regard to whether the principle of a guaranteed annual income should be written into law.

The workfare program does not provide for a guaranteed annual income; it does provide for guaranteed job opportunities. That is the direction it seems to me we ought to go in revising our welfare laws.

The aspect of the workfare plan I am not totally in accord with is its cost. I feel that we do not have an adequate estimate as to the cost of that program.

Certainly it would be less expensive than the program offered by the distinguished Senator from Connecticut, and would be no more expensive, than that provided by H.R. 1. Nevertheless, I am not satisfied as to the accuracy of the estimates of what that program could cost.

What would the first two programs do to the welfare rolls? I call attention, in the CONGRESSIONAL RECORD of September 30, 1972, at page 33017, to a statement by the distinguished chairman of the Committee on Finance, the senior Senator from Louisiana (Mr. LONG), in which he says that the number of people who would be on the welfare rolls if we went to the $3,000 provided in Ribicoff Amendment No. 559 would be 40 million persons on the welfare rolls. If we went to the Harris proposal—that is another plan that has been floating around—which is $4,000 a year, the poverty level, then 81 million people would be on the welfare rolls.

Then there is another plan floating around called the McGovern proposal, for $6,500; and, according to the chairman of the Senate Finance Committee, if that proposal were enacted 104 million persons would go on the welfare rolls.

So, with the exception of the workfare plan, all of the plans that are being considered provide for a substantial increase in the number of individuals drawing public assistance.

Under H.R. 1, the House-passed proposal and the proposal backed by the Secretary of Health, Education, and Welfare, Mr. Richardson, it was testified that the number of welfare recipients would double. At that point, there were about 12 million persons on welfare, and under the H.R. 1 proposal the number would go to 24 or 25 million persons.

What the American people need to ponder and need to understand, as I see it, is that all of the proposals with the exception of the committee workfare proposal provide for a very substantial increase in the number of individuals drawing public assistance.

To my way of thinking, that is going in the wrong direction.

To my way of thinking, what we want to do is get people off of the welfare rolls and into jobs.

I have found it impossible to support H.R. 1, even though it has passed the House twice and even though it has the strong support of the administration. Before giving my reasons, let me quote three words from the sponsor of this legislation in his official testimony before the Committee on Finance. In that official testimony, Secretary Richardson termed his welfare proposal "revolutionary and expensive."

Mr. President, I hope that Congress will heed those words. Those are not the words of the senior Senator from Virginia. Those are not the words of one who is opposed to H.R. 1, the administration-backed plan. Those are the words of the Secretary of Health, Education, and Welfare, the chief sponsor of the proposed legislation.

He terms it revolutionary and expensive. Most certainly, that proposal is revolutionary and expensive. Those are about the only three words of all the testimony given by the distinguished Secretary of Health, Education, and Welfare with which the senior Senator from Virginia can fully agree.

I cannot support that proposal, and what I say in regard to that proposal applies in the main to the Ribicoff proposal.

I cannot support that proposal because it is lacking in work incentives, because it would write into law the principle of a guaranteed annual income, because it would cost at least $5 billion more than the present program. I cannot support that program because 80,000 new Federal employees would be required to administer it. Above that, I cannot support that revolutionary and expensive program because it would add millions of people to the public assistance rolls.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. RIBICOFF. When the distinguished Senator talks about 80,000 new employees, are these not basically substitute employees for those who are operating the welfare system in 1,154 jurisdictions? In other words, we have some 86,0000 people now engaged in administering welfare throughout the Nation. Under my proposal, the 80,000 would not be added to the 86,000 but would be a substitute for the 86,000. So that if my proposal were adopted and we nationalized welfare under a Federal system, the total number of employees would be 80,000 as against the 86,000 now administering welfare throughout the Nation. In many cases the new Federal employees will simply be existing State employees transferred to Federal employment. Incidentally, all of the accrued rights such as pensions would be preserved.

Mr. HARRY F. BRYD, JR. I was speaking specifically of H.R. 1. The Senator is correct that under H.R. 1 many of those 80,000 presumably would be those who are now handling a State program. But the point I am suggesting is that there would be 80,000 new Federal employees.

I am concerned about the fact that the Department of Health, Education, and Welfare is so gigantic now—it has 102,000 to 110,000 employees—that it cannot effectively administer the welfare program now. For that reason, I am very much opposed to 80,000 new employees being put on the Federal rolls to handle the welfare program. I would prefer that they continue—such portion of them as there are—on the State's payroll, rather than on the Federal payroll.

Mr. RIBICOFF. I just wanted the record to be straight.

As I understand the objection of the distinguished Senator from Virginia, he objects to these employees being shifted from State, county, and local administration to Federal administration. But in the total, overall number of employees, there will not be 80,000 new employees on top of the 86,000.

Mr. HARRY F. BYRD, JR. There will be new Federal employees. There would be less persons—I do not know about the precise figure—employed by State and local communities. But there would be 80,000 more Federal employees.

Mr. RIBICOFF. Since the distinguished Senator has stressed the number of new Federal employees under H.R. 1 and my proposal, I wonder how the Senator from Virginia feels about the committee proposal for a Works Administration.

I read from page 550 of the Finance Committee report:

> The Work Administration will also use 150,000 participants in the guaranteed employment program to perform administrative tasks.

So, in addition to the 86,000 people now involved in welfare, the Finance Committee says that their proposal will take an additonal 150,000. Additional thousands of personnel would be needed by the IRS to administer the work bonus. Would the Senator comment on that phase of the committee proposal?

Mr. HARRY F. BYRD, JR. That was a part of my reservation in regard to the committee plan. It ties in with my reservation as to what the plan will cost. I have not come to the pilot tests that the amendment offered by the Senator from Delaware and myself calls for, but that is an additional reason why I think the workfare program should be piloted out before being put into effect nationwide, just as I think there should be a pilot project and pilot tests of the so-called Ribicoff proposal and the H.R. 1 proposal.

My proposal is that before putting any of these into effect nationwide—because they are new programs, they are gigantic programs, they are expensive programs, all of them—we ought to know what we are doing and ought to have a pilot test. That is the reason why the Senator from Delaware and I have presented the proposal for pilot projects.

Mr. RIBICOFF. I should like to comment to the distinguished Senator that at least he has been consistent throughout the 3 years of consideration and discussion of this entire program. From its inception, the Senator from Virginia has been against the policy and the philosophy and the theories and the details of H.R. 1 and all substitutes to that program. At least, he is one of the few consistent members of the Committee on Finance; and he was not taken in by this new "work administration" program, with its many pitfalls.

I understand what the Senator from Virginia is trying to achieve with the assistance of the distinguished Senator from Delaware. The Senator from Virginia may recall that in September 1970, in the Finance Committee, I proposed that we pilot this whole thing out, similar to the philosophy and thinking of the Senator from Virginia and the Senator from Delaware.

Mr. HARRY F. BYRD, JR. If the Senator will yield at that point, I might say that, so far as the Senator from Virginia is concerned, he got this idea from the able Senator from Connecticut, who first suggested that to the committee; and the Senator from Connecticut suggested it to the President of the United States at a meeting some of us attended with him in San Clemente, in September 1970.

Mr. RIBICOFF. This is the irony of the situation we are in now. I had felt that the entire committee, by December 1970, was more than willing to have a pilot program go into effect to try out the administration thinking. The administration at that time vigorously and vehemently opposed piloting out these programs. If the program had been piloted out on January 1, 1971, we would now be in a position to have all the information available and to determine whether the proposals worked or did not work. I worked in combination with the administration over the intervening 2 years, and we finally came forth with the amendment that I put in the other day, and is now pending as a substitute for the Roth-Byrd proposal, only to find that the administration has changed its mind. After 2 years of work in trying to find a solution, I find myself alone and completely bereft of administration support.

As I look back on the 3 years it would have been much better for all of us on the Finance Committee not to have accommodated ourselves to the importunities of the administration but instead to have insisted on the floor of the Senate that the programs be piloted. In December, 1970, we could have probably had a unanimous vote in this body to pilot out the program, this brings me to a thought that I wonder whether the distinguished Senator from Virginia might agree with; from now on, when HEW comes before the Finance Committee with any proposal, should not view it with great skepticism because it has proven over the past 3 years, the way HEW has handled the entire problem of welfare has been unreliable and that we must be skeptical and question the bona fides, the knowledge, and the intentions of the Department of Health, Education, and Welfare.

Mr. HARRY F. BYRD, JR. Mr. President, I concur in the statement made by the distinguished Senator from Connecticut who himself served with such great distinction and ability as Secretary of HEW some 10 years ago. I find it very difficult and time consuming to draw out from the witnesses, or from Secretary Richardson, the needed information.

I think that this might be a good time to quote several sentences in the committee hearings dealing with the cost of the new program.

I refer to page 114 of the committee hearings in which I invited the attention of the committee and the Secretary to page 2 of his statement that day

> Now, Mr. Secretary, on page 2 of your statement you say that during the decade of the sixties, the AFDC rolls increased by 4.4 million people, a 147 percent increase. Then you say further in the year following the President's initial call for welfare reform, in August, 1969, the rolls increased an additional 50 percent.
>
> So over a 10-year period the rolls increased by 147 percent, but over a 1-year period they increased by an additional 50 percent.

Incidentally, that was subsequently corrected where, instead of a year from August 1969 it was 18 months from August 1969 that the rolls increased by 50 percent.

So the Secretary says in a 10-year period the rolls increased by 147 percent but he says in an 18-month period beginning August 1969 they increased by 50 percent.

So I say that there is something the matter with the administration of this law by the Department of Health, Education, and Welfare. It has been lax in handling it. They do not seem to have any interest in holding down the welfare rolls. I cannot see any evidence that they have such an interest. The welfare rolls by the Secretary's own testimony increased 50 percent in 18 months; beginning August 1969.

I submit that it can be held down if those administering the laws both here in Washington and in the States will make an effort to hold down the welfare rolls. I think a great many of those people are placed on welfare rolls for political purposes.

Today's New York Times, in column 8 on page 1, states that a dramatic decrease in welfare case load persons and expenditures for July is to be announced by the Human Resources Administration.

That is good news. Finally the people themselves, the taxpayers, are waking up to the fact that the politicians and the administrators have been squandering and wasting their money and putting people on welfare rolls who have no right to be there and, in many cases, as has been brought out a number of times by the Senator from Louisiana (Mr. LONG) where the same person has drawn four, five, or six welfare checks. So I think it is very important that the administrators tighten up on the administration of the laws. It is good to know that New York State at long last is beginning to do this.

I want to bring out two other points in that regard.

Speaking now of H.R. 1, on page 287 of the committee hearings, a question by me to Secretary Richardson:

> Senator BYRD. So we have established the costs for fiscal 1972 at $10 billion for welfare plus $3.4 billion for medicaid.
>
> Secretary RICHARDSON. Yes.

Now, I refer the Senate to page 225 of the committee hearings:

> Secretary BYRD. What will be the total costs of the welfare programs, the Federal share, for fiscal year 1973. That is, total costs.
>
> Secretary RICHARDSON. The total cost is, as I said, $14.9 billion, the cost of H.R. 1. Table one of the report of the Committee on Ways and Means on H.R. 1. gives these figures, and they are also reproduced in the Senate Finance Committee print "Welfare Programs for Families" in chart 7.
>
> Senator BYRD. Let me ask you this question to be sure I understand your response. The total cost of the welfare program, the Federal share, plus the cost of medicaid, the two items together, will total $19.4 billion for the Federal Government. Is that correct?
>
> Secretary RICHARDSON. Yes it is.

Mr. President, what those pages of this committee hearing bring out is this, that on page 287 the welfare cost for fiscal year 1972 leaving out medicaid, was established at $10 billion and then on page 225, the welfare costs for fiscal year 1973, leaving out medicaid, if we go to H.R. 1 and accept that proposal, would be $14.9 billion. That is a 49-percent increase in 1 year if the proposal of HEW were adopted.

The able Senator from Connecticut mentioned the fact that more than 2 years ago the Senate Committee on Finance was favorable to a pilot project to test the merits or demerits of H.R. 1.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. Mr. President, I am glad to yield to the distinguished Senator from Arizona.

Mr. FANNIN. Mr. President, I am glad that the Senator from Virginia has taken the position that he has. I support it completely.

I want to bring out that when we refer to a pilot program, I refer back to the former Senator from Delaware, Mr. Williams, who very ably worked in this legislation for a pilot program and then for writing the legislation.

I ask the distinguished Senator from Virginia if it is his idea of a pilot program that we should determine from the pilot program the proper way in which to write the legislation.

Mr. HARRY F. BYRD, JR. Yes, the Senator is correct. It seems to me that before we embark on a nationwide program, which everyone will agree, I think, is revolutionary and expensive, that we ought to have a pilot project, the result of which could advise the Congress what legislation would be needed and what should be included in the legislation to make it the most effective type possible for the recipients, those needy people who deserve and ought to have welfare, and also the best way to protect the taxpayers.

Mr. FANNIN. Mr. President, I wholeheartedly agree with the distinguished Senator from Virginia. I ask the distinguished Senator from Connecticut if it is not true that at the time he offered his recommendation of a pilot program, it was his intention to have the legislation rewritten and approved, and then they would come back to the legislation after the pilot program had been tested, and we would then make changes. We would write the legislation before we had our experience with the pilot program and would not be waiting for the results of the pilot program before going forward with the legislation.

Mr. RIBICOFF. No. My original proposal was for a pilot program before writing the legislation. In discussions with the administration, I was importuned zealously to try to come to the opposite position—to oppose any pilots. Compromise and have a pilot program and have it go into effect unless their plan was rejected by Congress.

What I want to point out is that in the original contemplation and discussion with former Senator Williams—who opposed the legislation deeply, sincerely, and strongly—he had agreed with me and was very sympathetic to the approach to have purely a pilot program first.

I had argued long and hard with various representatives of this administration that they ought to accept this approach because it became very apparent to me in 1970 that this body would not under any circumstances go along with welfare reform. Therefore, since they would not go along with it, we were losing valuable time and that what we should do was to have a pilot program since the chairman of the Finance Committee and the ranking minority member of the committee at that time, former Senator Williams, would go along with it, and former Senator Williams assured me that as far as he was concerned he would be willing to give a blank check to HEW for the authorization they would want for a full fledged pilot program in different sections of the country. If my original position had been adopted, we would be in a position now—knowing the results of the pilots and ready to enact a meaningful reform proposal.

It was and is a deep source of regret to me now that at that time I did not follow my better judgment and refuse to listen to the demands of the administration and stay with the distinguished chairman of the committee and former Senator John Williams, and write our own pilot program for legislation irrespective of the administration.

That is why it is such a disillusioning experience, after having worked for 3 years to try to find a basis of compromise and adjustment with the administration, to suddently find that the rug is pulled out from under us.

Mr. ROTH. Mr. President, will the Senator yield?

Mr. FANNIN. I will in a moment.

I think the record will show, certainly to my knowledge, that the distinguished Senator from Connecticut did not offer a pilot program before the Senate other than the one that would have a test program. Is that not correct?

Mr. RIBICOFF. That is absolutely correct. However, the Senator, having been in Government for a long time, is certainly not under any illusion that that is now it worked out. I did not offer it, because I was working with the administration that I trusted, and I must confess that my trust was misplaced.

I had urged this matter upon the administration during this period of time. I had discussed this with our distinguished chairman, and I am sure that he will be willing to tell the Senate that this is the case and will confirm it. And I also discussed it with former Senator Williams of Delaware, for whom I had the highest respect, although we disagreed philosophically on many issues.

I had discussed this time and time again with him. We had come to an agreement between ourselves, the Senator from Louisiana, the Senator from Delaware, and myself. And I had urged upon the administration that if they would accede to such a program, it could be achieved. They practically begged me not to do this, but to stay with their program. They said this would kill their program. They said that next year would be a different year and they would be able to achieve reform.

I agreed, contrary to my better judgment, I must confess. And I am sure that the distinguished chairman of the committee will confirm the statements I make, because I kept him completely informed on what was going on. He knew that we were trying to work this out. And I know that we told the administration in no uncertain terms that the only way we could get H.R. 1 passed would be through a pure pilot program basis. And I regret that that plan was not adopted.

Mr. FANNIN. All I am trying to establish, and I think the RECORD will show this, is that former Senator Williams explained on the floor of the Senate that he was willing to allow any amount of money that would be necessary, $2 billion or whatever the amount was that would be necessary.

Mr. RIBICOFF. We talked about $500 million at that time.

Mr. FANNIN. He said he was perfectly willing to go forward. However, he was deeply disappointed when this did not take place. He had the support, as I remember it, of every committee member on this side of the aisle as far as the Finance Committee was concerned. This was something that he was very desirous of placing into effect.

When the legislation came to the floor, the Senator from Connecticut will remember that it contained a test program, but with a stipulation that it would go ahead and be improved and changes made, which would be very difficult to bring about if those changes were necessary.

Mr. RIBICOFF. That is absolutely correct. But I am giving the Senator the background on how this took place. There is no question in my mind that this was being fought on the other side constantly. The great irony was to have the Senator from Connecticut, a Democrat, carry the banner for a Republican administration, because the administration could not find a Republican to carry the ball for them, until toward the end, in a legislative maneuver, I was able to enlist the minority leader, the Senator from Pennsylvania (Mr. SCOTT), who joined with me at that time. The administration could not find a Republican member of the Committee on Finance. I was carrying on this battle for the administration as if I were the spokesman for the administration—and I was the spokesman for the administration for 3 years. The only voice that kept H.R. 1 alive in the Senate was the Senator from Connecticut because I felt deeply that the President was on the right track.

I felt this was an innovative program he had given to Congress and the American people. I had many conferences with Mr. Moynihan, Mr. Finch, Mr. Richardson, and Mr. Veneman.

For 3 years two members of my personal staff, not the staff of the Committee on Finance, have worked full time on welfare legislation. They had little time for anything else. I refer to Taggart Adams, who worked for me until the end of 1970 and is now assistant U.S. attorney for New York, and Jeff Peterson, my special assistant who is now on the floor with me. They know more about welfare than anyone else in the Nation. Jeff has spent the better part of the last 2 years working on this legislation. Between them they spent 3 years working on this legislation with people all over the country. No stone was left unturned as Mr. Peterson and Mr. Adams developed ideas and sought suggestions from people in every facet of the welfare field.

If the distinguished Senator from Virginia is interested in cost, as his father before him was, I think he would be very interested in asking the question: How much money has HEW spent in 3 years tooling up for H.R. 1, what has been the advice of their staff working at HEW on H.R. 1, and how much money has been spent working this out? I think he would be shocked at how much money has gone down the drain on a measure they have not wholeheartedly supported.

Mr. HARRY F. BYRD, JR. I think that is an excellent question. I will prepare a letter today for Mr. Richardson, have it in the RECORD tomorrow, and get it to his office. I hope we will have a forthright answer.

Mr. RIBICOFF. I think the Senator will be shocked.

Mr. FANNIN. I remind the Senator that he was not the only one who attended the meeting at the western White House. He was working with Senator Bennett. He will recall at the time the workfare program started with that meeting in California. It was discussed and that is where the first idea of the workfare program was finally brought to the surface. He will rceall this was something that was considered and that now it is under consideration, and if we had had the test program that the distinguished Senator from Delaware, then Senator John Williams had insisted upon, we would be further along today.

Mr. RIBICOFF. No question about that. I think the 100 men and women on this floor must contemplate the irony of how we have gone around this circle at the expense of energy and time of the Committee on Finance, the hours spent by members of the Committee on Finance, the hours every member spends, the commitment of our staff, as well as the committee staff. Fabulous amounts of money have been used, because HEW has tooled up on the basis of this program going through. They have a welfare structure ready to put into effect. When the history of this is written it will be an interesting story of, "Who killed Cock Robin?"

Mr. HARRY F. BYRD, JR. Mr. President, I think the Senator from Arizona has raised an important point. If we are going to have a pilot program and test these programs, the purpose of the test should be to inform Congress and to furnish information to Congress on which Congress can subsequently act.

I would be as strongly opposed now as I was 2 years ago to say to HEW, "You can have these pilot projects and put them into effect if, in your judgment, they turn out satisfactorily." I do not think that is the way to do it.

As the Senator from Arizona developed today, many of those who favor the pilot program want it to go into effect automatically. That would be like another Gulf of Tonkin resolution, giving unspecified power to the executive branch. I think it would be a grave error; it would be foolhardy. I cannot imagine Congress doing something like that, saying in effect: "Here are three programs. After you test them, take the one you prefer and do not bother us with them." We will get into more of a welfare mess if Congress has no more interest in protecting the taxpayers than that.

That is not the proposal offered by the distinguished Senator from Delaware, and it is not the proposal the Senator from Arizona proposed.

Mr. ROTH. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. ROTH. I would like to point out that in the Roth-Byrd amendment it very explicitly states that this legislation is not to be construed as a commitment on the part of Congress to establish any particular plan. The basic purpose of my amendment is to test the various approaches so that Congress can then intelligently determine what the best approach is.

Of course, we have three different proposals before us: the so-called Ribicoff proposal, H.R. 1, and the workfare plan of the Committee on Finance. To me it would be completely inconsistent to try to give authority to the executive branch to put any one of the plans into effect. Instead, what will happen is that both HEW and GAO will report on a regular basis to the Ways and Means Committee in the House and the Committee on Finance in the Senate on, one, how they intend to test, and, two, every 6 months the results of the tests up to that time.

I strongly agree with those who said that the executive branch should be required to come back here and make recommendations based on these tests, and that is the time when Congress should decide what is the soundest approach.

I might also point out that the junior Senator from Delaware was a Member of the House of Representatives when this legislation was first considered. In April 1970 he proposed in the House that the President's program should be tested. It was my feeling at that time that the existing tests were inadequate and that Congress should authorize a major pilot program before taking any definitive action. I so proposed on the floor of the House.

I agree that we find ourselves not much further along the road at this time despite the need for welfare reform. I believe the need for testing is as great today as it was in 1970.

Perhaps one advantage is that we do have three approaches; the Ribicoff approach which differs from H.R. 1 in detail and we have the workfare program which very substantially differs from H.R. 1. So we have the advantage of testing three different approaches. I think this is sound, but as I stated earlier, it would be a mistake to let the executive branch have the authority to establish any one of the three plans without returning to Congress. After all, sound testing may show it desirable to adopt a combination of ideas from these plans or some of them.

Mr. HARRY F. BYRD, JR. I certainly agree with the able Senator from Delaware. I cannot conceive, frankly, how the House of Representatives twice passed H.R. 1. It is just unbelievable to me that the House could have passed that legislation.

I want at this time to pay tribute to the members of the Senate Finance Committee. Had it not been for the members of that committee, this legislation probably would have been enacted several years ago, and as a result of that, the welfare costs would have skyrocketed and it would have doubled the number of people drawing public assistance.

The able chairman of the committee and the ranking Republican member of the committee, the Senator from Utah (Mr. BENNETT) both were convinced, and their colleagues on the committee subsequently became convinced, that a workfare program could be developed and could be brought to the floor of the Senate. The committee did just that.

I favor the concept of the workfare program. I think it is the appropriate concept for the Congress to consider. As I said earlier, there are some aspect of it that I have some doubts about. I am not completely clear as to the cost. For that reason, I think that it, along with the other two programs, should undergo a pilot test, prior to being put into execution.

I think the best argument for the proposal of the Senator from Delaware (Mr. ROTH) has been given by the Secretary of Health, Education, and Welfare himself. The best argument was in three words which were his official words in his original statement to the Finance Committee, that this proposal is "revolutionary and expensive."

Is it not logical that before the Congress embarks on a program which its chief proponent says is "revolutionary and expensive," we should know more about it, we should know how it is going to work in practice, we should have the benefit of a test, and then let Congress decide which aspects of it will be helpful and which aspects should not be approved.

The American people are very sensible, intelligent people. Besides that, they are very compassionate people.

The American people want to help those in need, and every Member of the Senate wants to help those in need; but I think that the American people have seen such abuses of the welfare programs throughout our Nation that they expect the Congress to take some action to correct those.

So far as the Senator from Virginia is concerned, I favor welfare reform. But I want to emphasize that the proposals before us are not welfare reform. At least two of the three proposals are welfare expansion, doubling the number of people drawing public assistance. I do not call that welfare reform.

Somewhere along the line some consideration has got to be given to the wage earners of this Nation, those who, by the sweat of their brow, earn the taxes to pay for what we in Congress spend.

H.R. 1 is a proposal lacking in work incentive, very costly, $5 billion more than the present program. It would substantially increase the number of people drawing public assistance, and it would write into law the principle of a guaranteed annual income. Once you write that principle into law, then it is Katie-bar-the-door. There is no stopping then.

The able senior Senator from Louisiana (Mr. LONG), chairman of the committee, put into the RECORD Saturday figures that I think the American people should acquaint themselves with.

I refer to page 33017 of the CONGRESSIONAL RECORD of September 30, 1972, in which the Senator from Louisiana points out that if we approve the $3,000 proposed in the Ribicoff Amendment No. 559, there would be 40 million people on welfare.

If we went to the proposal of the Senator from Oklahoma (Mr. HARRIS), which is $4,000, the poverty level, there would be 81 million people on welfare. If we went to the proposal of the Senator from South Dakota (Mr. MCGOVERN) for $6,500, there would be 104 million people on welfare.

Of course, when we deal with any of those figures, whether it be 40 million or 81 million or 104 million, it is utterly fantastic and could not be supported by the Federal Treasury or by the taxpayers of this Nation.

So I think the more the people understand these proposals—that is why I want to see some discussion of this matter in the Congress—the more the American people understand H.R. 1, the more the American people understand what a guaranteed annual income means over a period of time, the more determined they will be that there shall be no such program.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. LONG. The Senator well knows that it takes a certain amount of political courage for a Senator to risk being misunderstood by even opposing the family assistance plan as advocated by the President of the United States. People are led to believe that if a Republican President would recommend it, it must mean it is somewhat moderate or conservative in nature. So with a Republican President recommending it, the public would be led to think that it could not have the dire results that some of us fear.

I was perhaps the strongest welfare advocate in the Senate, advocating more welfare benefits than any Member in this body, at the time President Nixon served as a Senator.

My views have not changed with regard to the problem, but I would point out that when we increase the number of people on welfare from 15 million even to 26 million, which would result from the family assistance plan being enacted, we add 11 million more people to the welfare rolls.

If Senators are afraid now to vote against ever-increasing welfare expenditures and against expanding welfare rolls, they will be far more fearful and much more subject to intimidation when there are 26 million people on those rolls than when there are 15 million.

Furthermore, no one can logically argue that we should guarantee an annual income to people and then advocate a level of income which would be below the poverty level. That is almost axiomatic—so much so that the Senator from Connecticut has advocated proposals that would move the guarantee on up to the poverty level. Even the administration, in its press coverage in initiating H.R. 1, apologized, in effect for the low level of benefits and said that in due course it ought to go up to the poverty level, which would be $4,000, and that the only reason they were not advocating that was that to do so would greatly increase the cost, as indeed it would.

Now, S. 2747, introduced by the Senator from Oklahoma (Mr. HARRIS) embodies that position, which has compelling logic; that is, that if we are going to have a guaranteed income, we ought to guarantee people an amount equal to the poverty level. That is the Harris bill, and this is the official HEW estimate for the number of people we would then have on the welfare rolls: 81 million.

If Senators have difficulty mustering the political courage to vote against something they think is unsound when we have 15 million people on the welfare rolls, how much more difficult are they going to find it to vote against an unsound proposal to increase welfare benefits when we have 81 million on the welfare rolls? I would venture to say it would be virtual political suicide, unless an overwhelming taxpayer revolt should sweep the country, to vote out all those who had taken us that far down the road.

I would assume, if Congress had gone that far, Senators would feel constrained to go along with it as the pressure rolls along. The Senator knows how constituents react: they tend to look at the one vote most important to them and ignore all the others. And a Senator would hardly wish to have 81 million people against him.

Then we have the proposal of the National Welfare Rights Organization, the bill introduced by the Senator from South Dakota (Mr. McGovern), S. 2372. The estimate on that is that it would put 104 million people on the welfare rolls.

That is the position that mustered the votes of one-third of the Democratic National Convention at Miami. So a Senator can see how, when we have all these pressure groups being built up, that we would have enormous numbers of working poor who would want to be on the welfare rolls.

I say we can help them most, as we do in this bill, by providing what amounts to tax relief for them, by helping them increase their income in the most dignified possible way by in effect refunding some of the taxes collected on their behalf, or by providing some type of tax incentives for these poor people, or incentives to bring their income up if they are in a low paying job. Those are ways that preserve the dignity of the people. But as the Senator from Virginia well knows, those who organized the National Welfare Rights Group and those associated with them feel that the way to solve the problem is to make the low-income working persons a part of the welfare group and put them all under the same program.

I can tell the Senator—and I am positive I am right about this—that low-income working persons would prefer that we help them in a way that would preserve their dignity, by giving them what amounts to a tax cut, raising the minimum wage, or providing some supplement or some subsidy to add to what they can earn, and not by putting them on the welfare and then reducing their payments as they increase their work effort.

There is no doubt in my mind that that would tend to set up the wrong incentives. I am not saying this just about the Ribicoff amendment; the same is true of the family assistance plan, and that is one of the things wrong about the welfare system now which we ought to be changing rather than doing more of it. It would give them the incentive, in taking a job, for example, as is happening today in too many cases, for saying, "I will take the job if you pay me in cash, with no records kept." This can happen in rural areas, and in urban areas also, that when one seeks to find an employee to work on a short-term basis, he is frequently confronted with the proposition to pay in cash, with no records kept, for the simple reason that the person is drawing welfare money and does not want a reduction in his welfare check.

Whether you have a welfare system on the basis that they lose 67 cents out of every dollar they earn, or whether you use the Ribicoff feature of a reduction of 60 cents on each dollar they earn, there will still be an enormous pressure upon people not to report their earnings, and the pressure will be on the employers to go along with the sort of arrangement where they hire these people and pay them in cash without reporting the earnings.

To make the enforcement of such a program effective, we might need a million investigators. And then the people will complain that the welfare workers are coming around harassing them; and they will be insulting the welfare workers and the social workers because they do not want them to find out about their earnings, knowing that if they do, 60 percent of what they earn will be taken away from them.

I say it is far better to follow the approach of just giving them back their social security tax money. Then low-income working persons will be getting as much through this social security tax refund mechanism as they would have been getting if they had the welfare benefits. Is it not a far better approach to give a working man the equivalent of a tax cut to increase his income, rather than to put him on welfare, when he wants to be proud and self-reliant?

Mr. HARRY F. BYRD, JR. I think it is, and I think it is also better to guarantee job opportunities than it is to guarantee an annual income to individuals whether they work or whether they refuse to work.

Mr. LONG. Well, at least if you guarantee the job opportunity you solve one problem, and that is a problem that is becoming altogether too prevalent, at least in Louisiana: that people get on the rolls more times than once. At least you know, if you guarantee him an employment opportunity, he cannot be working on two jobs at two places at the same time. That is something you cannot say with any certainty or assurance when you are talking about just a check.

We would like to think of everyone as being completely honest, but when we make it so easy for people to get on those rolls, and it becomes so prevalent, and the accepted thing, where it is no longer a matter that a person feels reticent to apply for, but is led to believe it is his right, a right that everyone is entitled to, to draw this income without working, and a right not to work and to live on the taxpayer without working, once you establish that right in the minds of people and it becomes prevalent, I fear for the future of this country, because at some point we are going to have to find the power to turn it around and make it head the other way, with tens of millions of people, perhaps 70 or 80 million people, conducting marches and protests here in the Nation's Capital to try to keep us from bringing this thing back under control. If we cannot do that, it just means an end to this form of Government, because that is the only way we will ever get back out of that trap. When we have more people on the taking down end and being supported by the Government than we have supporting the Government, when we get to that point, the only way I see ever to get out of the trap is for the whole Government to come down like a house of cards and start over again.

Mr. HARRY F. BYRD, JR. And if we write into law the principle of a guaranteed annual income, as the Senator from Louisiana has pointed out, how can we, as a matter of principle and as a matter of conscience, make the figure less than the poverty level?

If we are going to write into law that the American Government has the obligation to provide a guaranteed annual income, then it seems to me we cannot appropriately make it less than the poverty level. If we put it at the poverty level as it is today, as the Senator from Louisiana has pointed out, it would put 81 million persons on the public assistance rolls.

Mr. LONG. Those assumptions, of course, do not take into account what people do when they react to a program such as this. For example, those assumptions are based on what people are earning now. But they do not take into account what happens when these enormous subsidies are placed on not marrying.

For example, the problem that exists in many areas is not so much that a father being encouraged to leave his family so they can go on the welfare rolls. The problem is that the family units are not forming in the first place. The children are being born out of wedlock. We are paying welfare money to bring that about, and it would be much worse if we were to adopt the family assistance plan or the Ribicoff amendment.

For example, here is an illustration that I am going to give later, and I have given illustrations such as this before. If a mother in New York City has 3 children today and she is not married to the father of those children—she sees him from time to time; he could spend every night in the apartment and get by with it, without being married—if the father is earning $7,000, the mother can be receiving $4,000 in welfare payments, plus $1,100 in public housing benefits, plus $900 value for medicaid, which means a gross family income of $13,000.

Suppose the father marries the mother. Then all they get is the $7,000 that the father can earn. That is how it would work under the Ribicoff amendment as well. That means that they get a $6,000 cash advantage for not marrying.

So the Government is subsidizing illegitimacy and is giving a tremendous bonus to people for not marrying, and for children being born out of wedlock.

That would be continued under this plan, except that more money would be paid for not marrying. For example, in the State of Louisiana, where payments would be lower because they are lower today, a father earning $5,000 could be seeing the mother of his three children, who is drawing $2,600 in welfare, as often as he wished. The value of the medicaid benefits would be $250, or a total cash income, cash plus benefits, worth $7,850. If he married the mother, they would not get the $2,600 and would not get the $250. So in Louisiana, under this plan, the bonus for not marrying would be $2,850, more than a 50-percent increase in income for not marrying.

As this thing moves on up and you bring the level up, you would wind up having more people on the taking down end than you would have on the putting up end, and that does not even begin to take into account all the people who would decline to marry because it would be so lucrative to have the children born out of wedlock.

So when we take those human factors into account, we are not talking about having less people but perhaps twice as many people on the taking down end as would be on the putting up end. How long could Government support that kind of abuse?

Frankly, I say to the Senator that when we get to where we have 70 million people on the welfare rolls, someone will have to have the courage to try to turn the whole thing around; and I suspect that there would be virtually a revolution in this country if one tried to do it. The only way that could be restored, where the Government could be solvent and could stay in operation, would be for the whole government to come down. Of course, that is something the Senator and I would like to avoid.

I came here as an old share-the-wealth man, and I am still for the share-the-wealth idea. If I could cast the deciding vote for it, I would be happy to do so, to establish everybody with his own home, his own automobile, furniture, some conveniences, and a lot of other things, and tax those best able to pay in order to do it.

But that would just be a one-shot proposition; and after the Nation was over the shock of it, things would tend to settle back to normal. However, under the pending proposal, things would keep getting worse and worse, until the Government simply came to an end.

I do not relish the position of looking like a reactionary, a conservative. I want to do everything that can be done to help the poor; but I want to do it in ways in which they will be helped to help themselves, and ways in which they will be encouraged to do the right things, the things that are good for them and for society. I do not want to do it in ways that encourage them to do all the wrong things.

I regret to say that when I first read of the family assistance plan, I thought I could support it enthusiastically. I went down and told the President what I have told the Senator on other occasions, that I thought just one little thing ought to be straightened out about it: These people ought to be paid for working rather than for not working. That is the one thing we never could get straightened out, and that is what threatens to destroy this country if we enact H.R. 1 as suggested or if we adopt the Ribicoff amendment, which takes us a few steps on down the road farther than H.R. 1 would take us. That is what I find so upsetting, to such an extent that I would be willing to vote for something that cost as much as the Senator is talking about, provided it could be said that that was going to be the end of it and that was going to turn us around and head us in the other direction.

Can the Senator tell us how anybody can expect to put this guaranteed income into effect and expect to keep it under the poverty level?

Mr. HARRY F. BYRD, JR. It cannot be done. It will be a political football in every campaign. Every candidate will say, "It's now $3,000. You elect me, and I'll make it $3,600." His opponent will say, "$4,000." In the next campaign, they will start from that point and go on.

Mr. LONG. The last time I heard the National Welfare Rights Organization testify on the bill, directly and explicitly directing their testimony to H.R. 1, they were asking us to vote the bill down. Why? Because they said it did not pay enough. It is going to put another 11 million people on the welfare rolls. That would be all right with them. But they were against the bill even though it would cost approximately $5 billion more than the present law.

Mr. HARRY F. BYRD, JR. Last year, their slogan was "$5,400 or Fight." This year, they have gone up to $6,500—in just 1 year.

Mr. LONG. When they came here and testified at a hearing, they were asking me to vote the bill down, to defeat it, because it did not pay enough.

How anyone can expect to put this guaranteed income approach into effect for these families and have control of it thereafter, I cannot understand it, when even the people who would benefit from it start out by saying it is not enough, and the people who sponsor it say it is not enough and apologize for the low figure.

How can you hope to hold the cost down when you start on that basis and when you build this great power structure? Those who want to build the National Welfare Rights Organization would like to have more members, and they would like to include all the low-income working persons in their movement. These working people are a different sort from those persons who have never worked at all.

The working persons are reluctant to participate in some arrangement whereby they would become a part of the welfare crowd, yet that is what is being sought by this legislation, to make them, against their will and their better judgment, a part of the welfare crowd.

Has the Senator been requested by any working poor man to vote for this, so that he can be added to the welfare rolls?

Mr. HARRY F. BYRD, JR. No, but I have tested out the sentiment in the State of Virginia quite a bit. I cannot say that Virginia is necessarily typical of the entire United States, but I find that sentiment in Virginia is strongly opposed to the principle of a guaranteed annual income.

The people of Virginia are sensible and sound-thinking people and they know what that would lead to.

I think that the best comment on this legislation other than Secretary Richardson's assertion that it is revolutionary and expensive—which is certainly an accurate statement—is another accurate statement by Dr. Moynihan, one of the chief architects:

> The bill provides a minimum income to every family, united or not, working or not, deserving or not.

Here is a man who favors it. He is the foremost advocate, he and Secretary Richardson.

Mr. LONG. Mr. President, did I understand the Senator from Virginia correctly to say that the Secretary of Health, Education, and Welfare said this would provide a guaranteed income, deserving or not?

Mr. HARRY F. BYRD, JR. No, not the Secretary of Health, Education, and Welfare but Dr. Moynihan.

Mr. LONG. Dr. Moynihan.

Mr. HARRY F. BYRD, JR. Dr. Moynihan, who lobbied this thing from the White House. He was one of the chief proponents of it.

Here is what he said, and I read it again: It appears on page 1950 of the committee hearings:

> The bill provides a minimum income to every family, united or not, working or not, deserving or not.

That is Dr. Moynihan's appraisal of his own bill and I concur in that appraisal.

Mr. LONG. I have here a table on the House bill prepared by the Department of HEW. According to this table, in Louisiana, where they have estimated the number of recipients for 1973 at 473,000, that that number is to be increased to 823,000. Imagine that. Our State has about 3,800,000 people in it which has on occasion been referred to as the welfare State because we have a liberal welfare program there, and sometimes the people in the State refer to Louisiana as a welfare State because we have so many liberal welfare benefits, which members of my family have sponsored and I have worked on. We have advocated and been more liberal on welfare proposals than almost any other State in the Union—at one time we had more people on old-age assistance rolls than in New York, even though New York has several times the population Louisiana has.

Yet I am not aware that any of these 400,000 proposed additional beneficiaries are asking to be put on the welfare rolls. I assume the majority of them are the working poor.

I subscribe to the idea that low-income working persons are being taxed too heavily and I would like to help them, but I would much prefer to give them Louisiana's share of that money through what is in effect a tax reduction.

Mr. HARRY F. BYRD, JR. We are not

going to get tax reduction or help the working poor by increasing the cost of government by the tremendous figure it would have to be increased by.

Mr. LONG. So far as low-income working persons are concerned, they might as well get ready, because they are going to be in for a big tax increase if a program like this amendment goes into effect. The Senator knows that as well as I do.

Mr. HARRY F. BYRD, JR. It is bound to be.

Mr. LONG. We cannot continue to burden the Government with deficits, especially the one it has now, and then add $70 billion to it. But that is where we are headed if we undertake to have a guaranteed income for not working.

I completely subscribe to the Senator's position that we cannot afford to start this Nation down that path. I am not so upset about the cost as I am about the fact that we are heading in the wrong direction.

Mr. HARRY F. BYRD, JR. It would be absolutely in the wrong direction.

Mr. LONG. And that when we head down that path, we may not be able to get it turned around and head in the right direction. It might be irreversible until such time as the whole Government goes under.

Mr. HARRY F. BYRD, JR. That is why we should be aware of what is going on, whether it be the H.R. 1 program, the Ribicoff program, the Harris program, or the McGovern program. Any of those programs are tremendously costly. I sort of think of along this line, that H.R. 1 says we will give a Chevrolet to everybody; then the Ribicoff proposal would say, "No, we have got to do better than that, we will give them a Buick"; and then the Harris program comes along and says, "No, we have got to do better than that, we will give them a Cadillac"; and then the McGovern program comes along and says, "No, that is not good enough, we must give them a Rolls Royce."

Mr. RIBICOFF. What does Senator Long want to give them?

Mr. HARRY F. BYRD, JR. He can speak for himself.

Mr. LONG. I want to give them a job. [Laughter.]

Mr. RIBICOFF. I am curious, because Senator Long's proposal is not only more expensive than my proposal as modified, and not only more expensive than the Nixon proposal, but it also includes many more people than either the Nixon or the Ribicoff proposals. So, as I listen to these great giveaways that everyone is being charged with, I am curious: What is the distinguished chairman giving away?

Mr. LONG. Will the Senator from Virginia yield at that point?

Mr. HARRY F. BYRD, JR. I yield.

Mr. LONG. When the Senator says my proposition would cost more than what he has proposed, he is using the HEW figures. The Senator knows, as I do, that when HEW came up with its estimate of what the original family assistance plan would cost for the guaranteed income scheme, they asked Robert Myers, the best regarded actuary that has served in HEW, in my judgment, and in the judgment of the business community who should know about it, as to what he thought it would cost. He estimated $3 billion more than they estimated. They were estimating about $5 billion, and it looked to him, he said, as through it would cost $8 billion. In other words, they estimated it on the low side, even though their best actuary thought the cost estimate was too low. Frankly, every welfare administratator I discussed it with told me that was a low estimate, which is what we certainly could expect from HEW.

Then they took what we suggested in terms of a work program and estimated that $3 billion on the high side. The committee proceeded to hire the very same man, Robert Myers, and he gave us his estimate. His estimate at the time was $4.3 billion for workfare, billions less than the HEW estimate. We know how HEW always puts their costs low when they want to sell us a program.

When they first brought in the social services fiasco, they said it would cost $40 million a year, and it wound up threatening to cost over $4 billion a year, or 100 times what they estimated it would cost. When they brought in the medicaid program, they said it would cost $200 million a year, and it is costing over $3 billlion, about 15 times what the estimated cost was.

Mr. HARRY F. BYRD, JR. $4.5 billion, according to Secretary Richardson's own testimony.

Mr. LONG. Which puts it about 22 times what the estimate was that it would cost. So we know how, in that Department, they have a way of putting a low cost estimate on something that they are for, and they put a ridiculously high cost estimate on something they are against. And with medicaid, they estimate the cost to be 1 to 15. And with the social services program, they underestimated that 1 to 100. We can take that into account and study it. The man we thought would be the best man to study it and give us an estimate estimated the cost at $2 billion less than the Ribicoff proposal.

Mr. HARRY F. BYRD, JR. Mr. President, the HEW estimates have proven at times to be highly inaccurate in the past. I know of no reason why we should accept their figures on this proposal. The Senate Finance Committee thought it would be wise and appropriate to go outside of the Government and get an expert to analyze it and give us an estimate.

I am frankly not clear in my mind what this program would cost. That was one reason that I wanted to pilot it out before I supported it, even though I support the committee concept.

Mr. RIBICOFF. Mr. President, if the Senator will yield, I am sure that contained in the figures cited by the distinguished chairman of the committee are other factors.

Mr. LONG. Mr. President, I am looking at an estimate that has to do with amendment No. 1614, the $2,600 level. And our estimate is $6.8 billion more than present law.

We estimate that the committee proposal would be $4.3 billion more than present law. In both cases we are not estimating the cost for the aged, the blind, and the disabled. We are only looking at the cost for families.

Mr. RIBICOFF. Mr. President, I think for the purpose of the record, whether right or wrong, I should read at this time the full year cost of payment of services. These figures have been supplied by HEW. Under the current law, it is $12.1 billion. H.R. 1 is $15.4 billion.

Under my proposal of $2,600, it is $16.4 billion. And may I point out that it includes public service jobs.

Under the Finance Committee proposal, it would be $19.5 billion.

We should also have some figures on the President's proposal, which contemplates 19 million people involved. My proposal contemplates 24 billion people involved.

Then the conservative Finance Committee proposal includes 30 million people.

Mr. President, I think for the purpose of the record that we ought to have those figures in the Record at this time. And I ask unanimous consent that the full year cost for payments of services compiled by HEW be printed at this point in the Record.

Mr. HARRY F. BYRD, JR. Mr. President, before the Senator from Connecticut sends those figures to the desk, would he withhold that so that I could query him about one or two matters?

Mr. RIBICOFF. Yes. However, I think it should be pointed out, too, that on our program 14 million are people who are actually working today. They are people who are not on welfare. These people are trying to keep body and soul together, whether they are receiving $2,000 or $2,200. They are not on welfare. These are people who are working, and I am trying to bring them in to make sure they are not worse off working than they would be on welfare.

Mr. HARRY F. BYRD, JR. Mr. President, after I have yielded to the Senator from Louisiana, I would like to query the Senator from Connecticut about this matter, because these figures seem different than the figures that Secretary Richardson put in the Record.

Mr. LONG. Mr. President, I am sure the figures the Senator refers to make the same mistake with regard to the Ribicoff proposal that they do with regard to ours. HEW estimates that though they are giving the money away for nothing, yet a great number of people will not come in and ask for it. But as far as our workfare program is concerned, they proceed to give estimates that would claim that when people are offered opportunities to take Government jobs, everybody who is eligible will come in and ask for a low-paying Government job. They assume that people will break the doors down to ask for those jobs.

How ridiculous can we get? Can we get so ridiculous as to assume that if we are going to give someone $2,400 for doing nothing and mail him a check every month, that great numbers of people will not apply—however, if we ask them to work for the $2,400, although all over the country there are jobs that pay more and they do not take them, nevertheless everyone eligible will come charging in here to take a job and that even those who have jobs will quit those jobs to go to work for the Government?

What kind of sense does that make?

They say that everyone will come in to work for the Government, but they will not take the money if we just mail them a check for doing nothing.

Mr. RIBICOFF. Mr. President, in view of what the chairman has stated, I think he has great responsibility, as do all Senators who serve on the Finance Committee. We constantly come before the Senate with proposals based on estimates and figures that are supplied by HEW. If the figures supplied by HEW are inaccurate, then we on the Finance Committee are begging our colleagues and the country to proceed to pass legislation based on inaccurate figures. That is a travesty on our responsibility as Senators.

How do we overcome this situation if we cannot rely upon a department of the executive branch? How do we make up our minds whether to pass the legislation if we do not know the basis upon which we ourselves are acting and asking our colleagues to follow our recommendations.

Mr. HARRY F. BYRD, JR. Mr. President, I think the Senator from Connecticut raises a good point. Let us get at the figures he mentioned a moment ago. Would the Senator give us the date of the letter or memorandum that he has?

Mr. RIBICOFF. The figures here were obtained within the last 4 weeks. They were obtained by my assistant, Mr. Jeff Peterson in consultation with the staff of HEW.

Mr. HARRY F. BYRD, JR. They deal with fiscal 1973?

Mr. RIBICOFF. Fiscal 1974, because the plan does not go into effect until then. We are dealing with figures that go into effect, as the Senator will recall, on January 1, 1974.

Mr. HARRY F. BYRD, JR. Mr. President, would the Senator give the figure for the cost of H.R. 1?

Mr. RIBICOFF. The cost of H.R. 1 is $15.4 billion.

Mr. HARRY F. BYRD, JR. That is for fiscal 1974?

Mr. RIBICOFF. That is for fiscal 1974.

Mr. HARRY F. BYRD, JR. Mr. President, does that include medicaid?

Mr. RIBICOFF. It does not. May I read what it includes. It includes payments to families, $6.2 billion; payments to adults, $4.6 billion; payments for food stamps, $2.2 billion; hold harmless fiscal relief, $1.1 billion; child care, $0.9 billion; training, $0.5 billion; training proposed, $0.8 billion; new service jobs, $0.1 billion; administration, $1.1 billion; impact of other programs, minus $1.1 billion; for a grand total of $16.4 billion.

Mr. HARRY F. BYRD, JR. That is the total cost of welfare under H.R. 1?

Mr. RIBICOFF. Under current law, the total cost would be $12.1 billion, under the current law as it now stands.

Mr. HARRY F. BYRD, JR. Under the current law, on page 287 of the committee report, the Secretary gives the cost for fiscal year 1972 at $10 billion for welfare, plus $3.4 billion for medicaid.

Mr. RIBICOFF. I would say that this is 1972. That would be almost another 2 years. And we know that the welfare rolls have gone up astronomically. This is to be done in 1974. My hunch is that for 1974, we will probably find that welfare costs will exceed $12.1 billion if it keeps going up the way it has in the last 2 years.

Mr. HARRY F. BYRD, JR. Mr. President, if the Department of HEW does not tighten up and do the job it is supposed to do, and if it is not willing to check out these matters and do a little about some of these welfare situations, costs will certainly go up.

Mr. LONG. Mr. President, if the Senator will yield, the Senator in his estimate has included the cost for the aged, the blind, and the disabled.

In order to compare the Ribicoff amendment with the committee proposal, the amount for the aged, blind, and disabled should be subtracted from that figure and then it would put the two on a comparable basis.

I would point out that the Senator from Connecticut himself felt we should not take these HEW estimates because of our disappointment on medicaid, social services, and things of that sort. He suggested we employ a competent actuary, and I am sure he would agree that Robert Myers is as good an actuary as anyone in the Senate might suggest.

The Senator will see at pages 561 through 579 of the committee report the estimate of Robert Myers, hired by the Committee on Finance, on the basis of which he estimated HEW's of their own proposal was altogether too low by about $2 billion and that their estimate of the committee proposal was on the high side by even more.

I do not see any point in burdening the RECORD, but I would urge the Senate to look at those figures. They appear in the committee report at page 561 and the pages thereafter.

Mr. RIBICOFF. I wish to respond to one point my distinguished chairman raised. He raises the question about the adult categories. He is correct, but if we eliminate payments to adults they would have to be eliminated across the board. H.R. 1 would have $4.6 billion deducted, my proposal would have $4.6 billion deducted, and the Finance Committee bill would have deducted $4.2 billion. That would be about equal all the way across the board and that would be a subtract from the set of overall figures.

But the chairman is correct that during discussions in the Committee on Finance the chairman and I see eye to eye on many things and in many things on the floor of the Senate.

I raise this question with our chairman because we have this delay and we are going to be forced to come to grips with it when we come back in the next Congress. If we have figures none of us can rely on, if we ask for information that none of us receive, and if we are asked to make judgments and those judgments are to be relied on, we have a duty to make sure our sources are independent.

Mr. HARRY F. BYRD, JR. Is that not why the Committee on Finance, under the leadership of the Senator from Louisiana (Mr. LONG), went outside of Government to get an expert who would be objective to give us an estimate of what the program would cost? That is why we went outside of Government.

Mr. RIBICOFF. What is going to be necessary in the future for all of us—and I think the chairman will recognize—the recommendation came from me originally—in another amendment of mine to H.R. 1—to get an independent expert such as GAO to analyze the cost of legislative proposals. If we are going to be faced with this in health reform proposals and trade proposals, when we sit down in committee we should have a confrontation, whether in public or in private session, between the department actuaries and our independent actuaries so that we can come to an independent conclusion.

As the chairman realizes, as well as the Senator from Virginia, I have the highest regard and respect for every member of the Committee on Finance, even though I may disagree with them philosophically. We are all trying to do the best job we can within the scope of our differing philosophies. But we should be able to approach the problem with an accurate set of figures and statistics. Otherwise, we are operating in the dark in trying to discuss matters or come to a definitive conclusion.

Mr. HARRY F. BYRD, JR. I think the Senator is correct and I feel that the evidence over a period of years is that one cannot rely too heavily on the estimate submitted by the Department of HEW on programs they want Congress to enact, in the same way we cannot rely too heavily in the Committee on Armed Services on estimates submitted by the Department of Defense.

Mr. RIBICOFF. Which leads me to believe that we have a very definite responsibility to have an agency under control of the legislative branch that can compete with the Office of Management and Budget and the different departments—to ride herd for us on the figures we get. And the GAO, which is the agency of this body, should be given the authority, staff, and the auditors and accountants made available to the chairman and members of our respective committees to give us the facts and figures, as analyzed by them, the executive branch. Otherwise we are flying blind with very expensive and important programs and unable to make the judgments which we have a responsibility to make.

Mr. HARRY F. BYRD, JR. Regardless of what the precise figures may be, I think all of us will agree that H.R. 1 is what its chief opponent, Secretary Richardson, declared it to be: Revolutionary and expensive.

I think all of us will agree, including the able author, that the Ribicoff amendment also is an expensive program.

Mr. RIBICOFF. It is, and also the Long proposal is an expensive program. At least the Senator from Virginia has something that neither the chairman nor I have, in that he is consistently against all of them. The only person who is consistent is the Senator from Virginia.

Mr. HARRY F. BYRD, JR. I am consistent against——

Mr. RIBICOFF. All of them.

Mr. HARRY F. BYRD, JR. I am consistent against the high cost of programs and against a Government-guaranteed annual income. I am consistent against programs which, in my judgment, are too costly for the American people.

I am not against welfare reform. I am not against welfare for those people who need it.

I am against programs which this body consistently passes and which the House passes, and that the administration recommends, huge and new spending programs, because in many cases—I am not speaking of the Senator from Connecticut in this case—but in many cases it seems good politics to do so.

I favor the concept of the Long proposal, and if I can get my mind clear as to the cost of it I would support it, but because I cannot get my mind clear on the cost, I think it should be pilot tested, the same as I feel about the Richardson program and the expanded HEW program advocated by the Senator from Connecticut.

Mr. RIBICOFF. I wonder if I may ask the Senator from Louisiana and the Senator from Virginia a question. Do the Senator from Louisiana and the Senator from Virginia have any idea what the administration's game plan is? They always use game plans down at the White House. What is it for this legislation, H.R. 1, and for welfare reform?

I know what my game plan is. As far as I am concerned, if the administration believes that if my proposal, which I had come to an understanding on with the administration, fails that I will then vote for H.R. 1, I want to tell my colleagues that they could not be more mistaken. I think their program is so bad and so defective that if the program I have advocated, after months of work with the administration, does not pass in this body and a substitute is then put onto the Senator from Virginia's amendment encompassing H.R. 1, I will vote against H.R. 1, as the administration contemplates in title IV, and try to use whatever influence I may have on this floor to have other Senators vote against H.R. 1.

So if the administration's game plan is to let the Ribicoff proposal be defeated and then feel that the supporters of the Ribicoff proposal will then support title IV as in House-passed H.R. 1, I think they are sadly mistaken. If that is their game plan, I want to announce now that that does not happen to be mine.

Mr. HARRY F. BYRD, JR. Mr. President, I hope the Senate will have an opportunity to vote on the Ribicoff proposal, which is now the pending business. I personally will vote against it, but I hope the Senate will have the opportunity to express itself—and then, from what I read in the newspapers, the distinguished minority leader (Mr. SCOTT) will offer an amendment in the nature of a substitute for the amendment offered by the Senator from Delaware (Mr. ROTH) and myself, namely, H.R. 1.

I hope that is done so that the Senate can express itself on both of these proposals.

I want to see how many Senators here really believe this country should embark on the principle of a guaranteed annual income. I want to see how many Senators will vote for H.R. 1 which Dr. Moynihan, one of the chief architects and one of the strongest proponents of this proposal—sums up in these words:

> This bill provides a minimum income to every family, united or not, working or not, deserving or not.

I would like to see the Senate have an opportunity to vote on H.R. 1. Let each Member of the Senate record himself "yea" or "nay" as to whether he wants a program that provides a "minimum income to every family, united or not, working or not, deserving or not."

We will have an opportunity to vote on the proposal offered by the Senator from Connecticut, which is an expanded form, in my judgment, of H.R. 1, and I hope we shall have an opportunity to vote on H.R. 1.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. LONG. I just want to clear up some of the talk on this matter. I think it is important to point out that when the committee employed Mr. Myers to make this study, he gave us a memorandum, to which I have referred—and I would urge Senators to look at it—which indicated that, basically, where he found fault with the administration is that they failed to do what they have repeatedly failed to do when they want something enacted by Congress—to take into account how people react when the law is changed. For example, when they gave us an estimate that was wrong by 15 to 1—an estimate of $200 million for medicaid which next year will cost $4.5 billion—they assumed that the States, even though the law provided for Federal matching, anywhere from 50 to 83 percent, would not put up any more money, that they would continue to put up the same amount of money that they had been putting up.

Anyone in his right mind would assume that if the Federal Government was going to pay half the cost, a State would shift money from some programs where it was not getting Federal matching money to a program that was. The administration did the same thing with reference to social services. They assumed that where there was a 3-to-1 Federal matching, the States would not put up that money and that they would not shut down programs so that they could get those 3-to-1 matching funds, as they did with social services. The result was that the program ended up much more expensive than it was estimated it would.

In this case they assumed that under the family assistance plan, when so many people would be made eligible, many of those people would fail to ask for the money, even though they would be eligible, and that they would not change their way of doing business. Let us assume that a family would get $2,600 for doing nothing and that the man would have his income drastically reduced if he went to work so that, let us say, after the first $60 monthly he would lose 67 cents of every dollar he made off his welfare check. For example, under H.R. 1 the way it passed the House, if a man worked half time in many States he would have more income than if he worked full time. The administration assumed he would not change his ways when he could make more money working half time than if he worked full time. They did not take into account human tendencies. The administration made the same mistake in the case of medicaid and social services.

When they looked at the program in which a person would be offered a low-paying job, the administration assumed that everybody eligible would come in and get work, even though there are want ads for jobs in the community paying more than that. They assumed that people would ask for Government jobs even though the people had to quit the jobs they had. They assumed that people would quit a job if they would make 5 cents more on a Government job than on the job they had.

It just shows that for anything the Department of Health, Education, and Welfare wants adopted, they put a low estimate on it. If they do not want it adopted, they will put a high estimate on it. That is the most irresponsible Department in Government in that respect.

I read from Robert Myers' memorandum to the Finance Committee, reprinted on page 563 of the committee report on the bill:

> In summary, I believe that the HEW estimates for FAP are significant understatements of cost, despite the assertions that they are "conservative." On the very surface, it is just not reasonable that such an expansion of the number of welfare recipients will result in so little an increase in cost.

This estimate is that it would cost $2 billion more than the HEW estimate. He also estimated that the HEW workfare cost estimate is on the high side.

Mr. HARRY F. BYRD, JR. Mr. President, following the suggestion of the able Senator from Connecticut, I have drafted a letter to the Secretary of Health, Education, and Welfare, and I would appreciate it if the Senator from Connecticut would listen as I read this, to see if it is in line with the suggestion he threw out earlier:

> MY DEAR MR. SECRETARY: I would be most appreciative if you would provide me, at the earliest possible time, with the following information: 1, the amount of expenditures in FY 1970, 1971, and 1972 in support of and in anticipation of the passage of the Family Assistance Program.

Mr. RIBICOFF. And would the Senator add the OFF program as well?

Mr. HARRY F. BYRD, JR. I beg the Senator's pardon?

Mr. RIBICOFF. Opportunity for families. That should be in there, too.

Mr. HARRY F. BYRD, JR. And opportunity for families.

> 2. The number of employees in each year whose duties are in support of and in anticipation of the passage of the Family Assistance Program.

Mr. RIBICOFF. And OFF.

Mr. HARRY F. BYRD, JR. And:

> 3. The number of employees at this date whose duties are in support of and in antici-

pation of the passage of the Family Assistance Program, and the payroll cost of those employees on a monthly basis.

Mr. RIBICOFF. And OFF.

Mr. HARRY F. BYRD, JR. Including OFF.

Mr. RIBICOFF. Including OFF in each one of the three categories.

I would say a similar letter should also go to the Secretary of Labor, because, as the Senator realizes, the Labor Department is deeply involved in welfare reform, and they, too, have had a considerable staff working on these programs. So a letter should go to the Secretary of HEW, and a similar letter to the Secretary of Labor.

Mr. HARRY F. BYRD, JR. The Senator from Virginia will endeavor to have a letter hand-delivered to the Secretary of HEW and the Secretary of Labor today, with the hope that a prompt reply could be received for the consideration of the Senate. I do hope we would not have the length of time involved in getting this information that the able Senator from Connecticut encountered in trying to get some information on the number of programs a few months ago; as I recall, it took some 4 to 6 months, was it not?

Mr. RIBICOFF. As the Senator knows, they have never really given the Committee on Finance a priority listing. I think we were interested in getting a priority listing as to how they figured, themselves, what the order of priority of that list was, which they have never given to us, and I want to say to the Senator from Virginia that I wish him a lot of luck in getting replies to those letters.

Mr. HARRY F. BYRD, JR. I appreciate the comment of the Senator from Connecticut. We will have this hand-delivered today, and I shall attempt to keep the Senate advised as to progress.

Mr. President, I want to conclude my remarks today in opposing the amendment offered by the distinguished Senator from Connecticut (Mr. RIBICOFF) that is the pending business.

I support the amendment offered by the distinguished Senator from Delaware (Mr. ROTH). It seems to me that it is a sound proposal. What it does is say that before any of these three new programs that have been suggested will be put into effect, pilot tests should be run by the Department of Health, Education, and Welfare, and then HEW shall report back to Congress the results of those tests, and Congress at that point would be in a position to make a decision as to which direction it wanted to go.

In connection with the pending amendment—the one offered by the Senator from Connecticut—I want to read into the record again the statement by Dr. Moynihan in his support of H.R. 1. The Ribicoff proposal, while not identical, is similar in nature. The Ribicoff proposal is, I think it would be fair to say, an expanded and more costly version of H.R. 1.

Mr. RIBICOFF. Mr. President, if the Senator will yield, I hope he is not attributing to me or assuming the adoption by me of the words of Dr. Moynihan.

Mr. HARRY F. BYRD, JR. No, I most certainly do not.

Mr. RIBICOFF. I just want to make that clear. I can make my own arguments why I think my proposal is good, but that does not necessarily mean that my proposal is the Moynihan proposal, or the Moynihan philosophy.

Mr. HARRY F. BYRD, JR. No, I do not wish to imply that and do not imply that. The Moynihan statement is in reference to H.R. 1, and this is what Dr. Moynihan, one of the chief architects of the proposal and one of the foremost advocates of H.R. 1, said about it:

> The bill provides a minimum income to every family, united or not, working or not, deserving or not.

That is Dr. Moynihan's statement in arguing in behalf of the family assistance plan, H.R. 1.

The other very pertinent comment or official statement that I want to conclude with is the three words which Secretary of Health, Education, and Welfare Elliot Richardson used to describe H.R. 1, the family assistance plan. He said that this plan is "revolutionary and expensive."

Mr. President, it is revolutionary. It is expensive. I agree thoroughly with that comment by the Secretary of Health, Education, and Welfare, that H.R. 1 is "revolutionary and expensive." That is why I think that before Congress goes into a new program which its author terms "revolutionary and expensive," we should follow the suggestion and adopt the amendment offered by the distinguished Senator from Delaware and cosponsored by the senior Senator from Virginia, to have pilot projects on the three major pieces of legislation in the welfare field; namely, H.R. 1, the Ribicoff proposal, and the Finance Committee proposal dealing with workfare—a proposal that seeks, instead of a guaranteed annual income, guaranteed job opportunities.

I commend the able and distinguished Senator from Delaware, and am happy to join with him as cosponsor of this proposal.

Mr. LONG. Mr. President, I might be able to somewhat abbreviate the speech I was planning to make on this subject if it would accommodate the Senator from Delaware. May I ask the Senator how much time he thinks he will require?

Mr. ROTH. Five minutes, or I could even take less if the Senator wishes.

Mr. LONG. Then I will yield the floor, so that the Senator can make his speech at this time.

Mr. ROTH. I thank the distinguished chairman of the Finance Committee.

Mr. President, I would further like to modify the so-called Roth-Byrd amendment by adding the following:

> At the end of section 401(h) as added by the amendment, add the following new subsection:
>
> "(i) Section 204(c)(2) of the Social Security Amendments of 1967 is repealed."

Mr. President, I think it would be worthwhile at this time——

The PRESIDING OFFICER (Mr. HUGHES). Is the Senator so modifying his own amendment?

Mr. ROTH. That is correct.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. ROTH. Mr. President, as I said, I think it would be worthwhile at this time to review for the benefit of the Senate the Roth-Byrd amendment to H.R. 1. I think the discussion today has shown more clearly than almost anything else a lack of information as to how any of the three proposals would actually work. The proposals of H.R. 1 and the so-called Ribicoff proposal, as well as the Finance Committee proposal, all believe that they are the answer to the welfare mess. Speaking for myself, I can say that I think reform is necessary. But what does concern me is that we do not go off on a new direction without some better information as to how we are proceeding.

For that reason, the Roth-Byrd amendment would call for a pilot test of the three welfare reform proposals—H.R. 1, title IV, as passed by the House; AFDC and workfare as reported by the Finance Committee; and amendment 1614 to H.R. 1, as offered by Senator RIBICOFF—as a compromise with the administration—last Thursday, September 28.

Each of these proposals would be tested for 2 or more years in demographically representative and meaningful areas of the country in order to gain practical knowledge of the ways in which these efforts will effect the current tragic situation of welfare.

Before the tests commenced, the administration would be required to submit its plans to the Finance and Ways and Means Committees, and after their initiation, reports by the administration and the GAO would be submitted to Congress every 6 months. These are temporary measures though, and at the end of the test period, final reports would be sent to Congress for consideration of some new permanent legislation.

I have also included the authorizations for the 10 percent work bonus, tightened legislation on child support, and liberalized child care language as adopted by the Finance Committee. Unlike the welfare and workfare test portions of this measure, these last three will become permanent statutes, if passed by Congress and signed by the President.

It seems to me that the current welfare problems need major improvements, but without better knowledge of actual reform effects, the Congress is faced with the dilemma of choosing between several very different proposals. Statistically significant tests of the three major bills would help the Congress gain valuable insight into the most effective ways to improve our deteriorating welfare system.

Mr. President, I ask unanimous consent that my entire amendment as modified be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 1668

Beginning on page 689, line 11, strike out through page 769, line 11, and insert in lieu thereof the following:

"TITLE IV—PROGRAMS FOR FAMILIES WITH CHILDREN

"PART A—TESTING OF ALTERNATIVE PROPOSALS FOR ASSISTANCE TO FAMILIES WITH DEPENDENT CHILDREN

"AUTHORIZATION FOR CONDUCT OF TEST PROGRAMS

"SEC. 401. (a) For purposes of this part—

"(1) The term 'family assistance tests' means (A) the programs contained in title IV of H.R. 1, 92d Congress, 1st Session, as passed by the House of Representatives, or (B) the program referred to in clause (A) as amended by amendment No. 1669, 92d Congress, 2d Session, introduced in the Senate on October 2, 1972.

"(2) the term 'workfare test program' means the program contained in parts A and B, title IV of H.R. 1, 92d Congress, 2d Session, as reported to the Senate by the Committee on Finance on September 26, 1972, and

"(3) the term 'family' means a family with children.

(b) (1) The Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") is authorized, effective January 1, 1973, to plan for and conduct, in accordance with the provisions of this section, not more than three test programs. One of such programs shall be the family assistance test program defined in subsection (a) (1) (A) of this section, one of such programs shall be the family assistance program defined in subsection (a) (1) (B) of this section, and one of such programs shall be the workfare test program.

"(2) Whenever the workfare test program is commenced, there shall commence, on the same date as such program, both family assistance test programs. Except as may otherwise be authorized by the Congress, no test program under this section shall be conducted for a period of less than 24 months or more than 48 months, and to the maximum extent practical each such test program shall be conducted for the same length of time.

"(3) Any such test program shall be conducted only in and with respect to an area which consists of one or more States, one or more political subdivisions of a State, or part of a political subdivision of a State, and shall be applicable to all the individuals who are residents of the State or the area of the State in and with respect to which such program is conducted.

"(4) During any period for which any such test program is in effect in any State or in any area of a State, individuals residing in such State or the area of the State in which such program is in effect shall not be eligible for aid or assistance under any State plan or program for which the State receives Federal financial assistance under part A of title IV of the Social Security Act.

"(5) The Secretary, in determining the areas in which test programs under this section shall be conducted, shall select areas with a view to assuring—

"(A) that the number of participants in any such program will (to the maximum extent practicable) be equal to the number of participants in any other such program; and

"(B) that the area in which any family assistance test program is conducted shall be comparable (in terms of size and composition of population, of average per capita income, rate of unemployment, and other relevant criteria) to an area in which a workfare test program is conducted.

"(c) (1) No test program under this section shall be conducted in any State (or any area thereof) unless such State shall have entered into an agreement with the Secretary under which the State agrees—

"(A) to participate in the costs of such test program; and

"(B) to cooperate with the Secretary in the conduct of such program.

"(2) Under any such agreement, no State shall be required to expend, with respect to any test program conducted within such State (or any area thereof), amounts greater than the amounts which would have been expended with respect to such State or area thereof (as the case may be), during the period that such test program is in effect, under the State plan of such State approved under part A of title IV of the Social Security Act. For purposes of determining the amount any State would have expended under such a plan during the period that any such test program is in effect within such State (or any area thereof), it shall be assumed that the rate of State expenditure (from non-Federal funds) under such plan would be equal to the average rate of State expenditure (from non-Federal funds) under such plan for the 12-month period immediately preceding the commencement of such test program.

"(d) (1) The Secretary shall, upon completion of any plans for and prior to the commencement of any test program under this section, submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a complete and detailed description of such program and shall invite and give consideration to the comments and suggestions of such committees with respect to such program.

"(2) During the period that test programs are in operation under this section, the Secretary shall from time to time (but not less frequently than once during any 6-month period) submit to the Congress a report on such programs. Each such report shall contain full and complete information and data with respect to such programs and the operation thereof, together with such recommendations and comments of the Secretary with respect to such programs as he deems desirable.

"(3) At the earliest practicable date after the termination of all test programs authorized to be conducted by this section, the Secretary shall submit to the Congress a full and complete report on such programs and their operation together with (A) the Secretary's evaluation of such programs and such comments or recommendations of the Secretary with respect to such programs as he deems desirable and (B) his recommendations (if any) for legislation to revise or replace the provisions of part A of title IV of the Social Security Act.

"(e) (1) The Secretary shall—

"(A) in the planning of any test program under this section; or

"(B) in assembling information, statistics, or other materials, to be contained in any report to Congress under this section;

consult with, and seek the advice and assistance of, the General Accounting Office and the General Accounting Office shall consult with the Secretary and furnish such advice and assistance to him upon request of the Secretary or at such times as the Comptroller General deems desirable.

"(2) The operations of any test program conducted under this section shall be reviewed by the General Accounting Office, and the books, records, and other documents pertaining to any such program or its operation shall be available to the General Accounting Office at all reasonable times for purposes of audit, review, or inspection. The books, records, and documents of each such program shall be audited by the General Accounting Office from time to time (but not less frequently than once each year).

"(3) During the period that test programs are in operation under this section, the Comptroller General shall from time to time (but not less frequently than once during any 6-month period) submit to the Congress a report on such programs which shall contain full and complete information and data with respect to such programs and the operation thereof, together with such recommendations and comments of the Comptroller General with respect to such programs as he deems desirable.

"(4) At the earliest practicable date after the termination of all test programs authorized to be conducted by this section, the Comptroller General shall submit to the Congress a full and complete report on such programs and their operation together with his evaluation of, and comments and recommendations (if any), with respect to such programs.

"(f) In the administration of test programs under this section, the Secretary shall provide safeguards which restrict the use of disclosure of information identifying participants in such programs to purposes directly connected with the administration of such programs (except that nothing in this subsection shall be construed to prohibit the furnishing of records or information concerning participants in such programs to the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives).

"(g) For the purpose of enabling the Secretary to formulate operational plans and to conduct test programs under this section, there are hereby authorized to be appropriated for each fiscal year $200,000,000.

"(h) Nothing in this Act shall be construed as a commitment, on the part of the Congress, to enact (at any future time) legislation to establish, on a permanent basis, any program tested pursuant to this section or any similar program.

"(i) Section 204(c) (2) of the Social Security Amendments of 1967 is repealed.

"PART B—EMPLOYMENT WITH WAGE SUPPLEMENT

"SEC. 420. The Social Security Act is amended by adding after title XIX thereof the following new title:"

On page 769, line 12, strike out "SUBPART 2" and insert in lieu thereof "TITLE XX".

On page 769, line 15, and on page 771, line 19, strike out "2030" and insert in lieu thereof "2001".

On page 769, lines 16 and 21, on page 770, line 5, and on page 771, line 21, strike out "2071" and insert in lieu thereof "2003".

On page 770, line 11 and lines 21 and 22, and on page 771, lines 5, 6, and 11, strike out "Work Administration and insert in lieu thereof "Secretary".

On page 770, lines 12 and 23, strike out "it" and insert in lieu thereof "him".

On page 771, line 13, strike out "2031" and insert in lieu thereof "2002".

Beginning on page 772, line 3, strike out through page 791, line 25, and insert in lieu thereof the following:

"DEFINITIONS

"SEC. 2003. For purposes of this title—

"(a) The term 'Secretary' means the Secretary of Labor.

"(b) The term 'regular employment' means any employment provided by a private or public employer.

"(c) The term 'United States', when used in a geographic sense, means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam."

On page 799, line 18, strike out "Work Administration" and insert in lieu thereof "Secretary".

Beginning on page 800, line 8, strike out through page 803, line 23.

On pages 804 through 827, strike out "402 (h)" each time it appears and insert in lieu thereof "402(a) (26)". On page 823, strike out lines 5 through 11 and insert in lieu thereof "to such State or political subdivision from amounts which would otherwise represent the Federal share of assistance to the family of the absent parent."

Beginning on page 825, line 11, strike out through page 826, line 3.

On page 829, between lines 2 and 3, insert the following:

"AMENDMENTS TO PART A OF TITLE IV

"Sec. 430A. (a) Section 402(a)(8)(A) of the Social Security Act is amended—

"(1) by striking out 'and' at the end of clause (i);

"(2) by striking out the semicolon at the end of clause (ii) and inserting in lieu thereof a comma; and

"(3) by adding at the end of clause (ii) the following new clause:

"'(iii) $20 per month, with respect to the dependent child (or children), relative with whom the child (or children) is living, and other individual (living in the same home as such child (or children)) whose needs are taken into account in making such determination, of all income derived from support payments collected pursuant to part D; and'.

"(b) Section 402(a)(9) is amended to read as follows: '(9) provide safeguards which permit the use or disclosure of information concerning applicants or recipients only to (A) public officials who required such information in connection with their official duties, or (B) other persons for purposes directly connected with the administration of aid to families with dependent children.'.

"(c) Section 402(a)(10) is amended by inserting immediately before 'be furnished' the following: ', subject to paragraphs (24) and (26),'.

"(d) Section 402(a)(11) is amended to read as follows: '(11) provide for prompt notice (including the transmittal of all relevant information) to the Attorney General of the United States (or the appropriate State official or agency (if any) designated by him pursuant to part (D)) of the furnishing of aid to families with dependent children with respect to a child who has been deserted or abandoned by a parent (including a child born out of wedlock without regard to whether the paternity of such child has been established);'.

"(e) Section 402(a) is further amended—

"(1) by striking out 'and' at the end of paragraph (22); and

"(2) by striking out the period at the end of paragraph (23) and inserting in lieu thereof a semicolon and the following: '(24) provide (A) that, as a condition of eligibility under the plan, each applicant for or recipient of aid shall furnish to the State agency his social security account number (or numbers, if he has more than one such number), and (B) that such State agency shall utilize such account numbers, in addition to any other means of identification it may determine to employ, in the administration of such plan; (25) contain such provisions pertaining to determining paternity and securing support and locating absent parents as are prescribed by the Attorney General of the United States in order to enable him to comply with the requirements of part D; and (26) provide that, as a condition of eligibility for aid, each applicant or recipient will be required—

"'(A) to assign to the United States any rights to support from any other person he may have (i) in his own behalf or in behalf of any other family member for whom he is applying for or receiving aid, and (ii) which have accrued at the time such assignment is executed, and which will accrue during the period ending with the third month following the month in which he (or such other family members) last received aid under the plan or within such later month as may be determined under section 455(b), and

"'(B) to cooperate with the Attorney General or the State or local agency he has delegated under section 454, (i) in establishing the paternity of a child born out of wedlock with respect to whom aid is claimed, and (ii) in obtaining support payments for herself and for a child with respect to whom such aid is claimed, or in obtaining any other payments or property due herself or such child '

"(f) Section 402(a) (17), (18), (21), and (22), and section 410 of such Act are repealed.

"(g) The amendments made by this section shall become effective on January 1, 1973."

On page 829, line 1, strike out "(d)" and insert in lieu thereof "(e)".

On page 830, lines 19 to 21, strike out "as a division of the Work Administration (established under title XX of this Act".

On page 833, line 3, strike out "the Work Administration" and insert in lieu thereof "recipients of assistance under title IV of this Act, and persons who have been or are likely to become applicants for or recipients of such aid,".

On page 834, line 17, strike out "title XX" and insert in lieu thereof "part A of title IV".

On page 836, lines 1 and 2, strike out ", in addition to the powers it has as a division of the Work Administration,".

On page 837, strike out line 19 and insert in lieu thereof "persons receiving assistance under part A of title IV".

On page 851, strike out lines 17, 18, and 19.

On page 851, line 20, strike out "(b)" and insert in lieu thereof "Sec. 2114(a)".

On page 852, line 4, strike out "(c)" and insert in lieu thereof "(b)".

Mr. LONG. Mr. President, I think that down through the years there have been many times when the Senator from Louisiana probably could be regarded as in favor of higher welfare benefits than any other Member of this body. I have been something of a welfare advocate as long as I have been in public life, and I will continue to be, so long as we have a program which helps people in ways that encourage them to help themselves, particularly so long as the program would encourage people to do the right things and discourage them from doing the wrong things.

I am concerned about the cost of this bill; but with regard to this phase of it—the family assistance plan, the workfare plan, the Ribicoff substitute—it is far more important to me that we be headed in the right direction. I have no doubt that if we depart in the wrong direction, particularly if we depart in the area of a guaranteed income for doing absolutely nothing, for able-bodied people who should be encouraged to take a job and go to work, it will be a long time before we will ever get the welfare program back under control.

For that reason, Mr. President, I have become extremely concerned about the problems that have grown up in the welfare program, and even more so about the fact that the administration proposal as well as the Ribicoff suggestion, which is an expanded view of the guaranteed income concept, move us in the wrong direction. It would tend to bring the program into even worse disrepute than it is at the present time, and in the long run it is something that we will have to reverse, if we can. Otherwise, I believe it would continue to grow until it would bring the entire Government to an end, and that might happen sooner than anyone can estimate.

I note, for example, that in Louisiana, even under the family assistance plan, which is the most modest of the guaranteed income plans, according to HEW estimates the number of welfare recipients would be increased from 473,000 to 823,000, an increase of 350,000.

Insofar as one would seek to provide assistance for low-income working persons, it is far more dignified and it is work-oriented to give them the sort of advantage that was provided by the work bonus for which we voted the other day, or to provide the wage supplement that the committee recommended for those working in low-paying jobs. This way we increase the income of people in a way that is work-related, but encourage people to take a job and keep a job, and for which a father, in order to claim the benefit, must claim his own children, admit that those are his children, and to accept the responsibility for helping to support those children.

Unfortunately, under the family assistance plan, as would be the case under the Ribicoff amendment, it would be to the enormous cash advantage of the father—and would be even more so in the future—for him to decline to marry the mother of his children and to decline to admit paternity of his children. That is the one big element of the welfare riddle that those who advocate the guaranteed annual income simply have not been able to come to grips with; because when you face up to it, you recognize that the guaranteed annual income scheme simply will not work. It will not work because it provides a tremendous cash advantage for a father to deny paternity of his own children, to make himself unavailable for the support of his offspring, and to remain outside the bounds of a legal marriage.

We have struggled with this problem, and we have concluded that the answer to it is to increase the income of a man who comes forth and says that he has a family to support and faces his duty and responsibility. The difference is that they would be benefited by giving them what amounts to a tax refund, which, with regard to a great number of them, would cause them to have more income than they would have under the family assistance plan or the Ribicoff amendment. But they would be helped in ways that would encourage them to do the right things instead of the wrong things.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. PASTORE. I agree with everything the Senator from Louisiana has said. I am curious to ask him this question, however: Let us assume that the man about whom the Senator is talking, the man who disclaims his family and disclaims his children, is not attracted by this. What happens?

Mr. LONG. I am not sure I understand.

Mr. PASTORE. I will be more explicit.

The complaint is being made that some women are having illegitimate children—not one, sometimes many. In some instances, they do not even know who the father is. I am not saying that that is the rule; that may be the exception. But it is the predicate for the question I am asking. I understand that the Senator said that the bill that was reported by the committee means you are making it attractive enough for a man to take a job which will be more remunerative than if he took social welfare. Let us assume he happens to be a person——

The PRESIDING OFFICER (Mr. HUGHES). Under the previous order——

Mr. PASTORE. May I have 1 more minute——

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time be extended for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Let us assume he happens to be the kind of individual that does not want to work at all and does not claim paternity for his children, what happens to the children? I am curious to know that.

Mr. LONG. The answer would be that the family would be eligible for welfare benefits as long as there is a child 6 years or younger in the household, on the theory that a mother is entitled to be in the home with the young child who needs care. The bill would then say that when the child goes to school and the mother's presence is not necessary in the home to look after the child, the mother would be expected to take a job, and the committee bill would provide the job that would assure her as much money——

Mr. PASTORE. Are we talking about a widow, or a married woman who has a husband that is able to work?

Mr. LONG. I assume we are talking about a situation where the mother has been deserted or she is a single woman who had children, but whom the father never married in the first place. It is rarely a widow we are talking about, because she has social security available to her. In many cases it is a mother who has never married.

Mr. PASTORE. This whole thing started out as an AFDC proposition. When I was Governor of my State, when this program was first initiated, its purpose was to allow a widowed mother who had a number of children to stay home and take care of the household so that the children could be brought up in respectable fashion.

Now the argument is being made here that we are expecting that a widow—I am talking about a legitimate widow, not some girl running around with every Tom, Dick, and Harry and having illegitimate children—not talking about a woman living with a man not her husband—I am talking about a legitimate widow. The Senator says he will make it attractive so that a woman who has four children and whose husband is dead, for that woman to go out to work rather than to stay at home and take care of her children. If the children go to school from 9 until 2 and the mother works until 5 or so, who would take care of the children? That is where the dilemma is, as against some other girl who never married at all and has four children, but whose father will not admit their paternity. We have quite a problem here on that. I realize that is where the abuses sometimes lie. When we try to do something about it the question arises, what about the children, how do we take care of them? We must not allow the kids to go hungry, and I agree with that, of course.

Now we are talking about a common-law marriage, where the man has never married the woman, and for some reason he leaves the house every time the social worker comes along so that the social worker does not know there is a man in the house.

Is that the man we are trying to get a job for?

Personally, the way the Senior Senator from Rhode Island feels, every man that will not support his own children, would be put in jail.

Mr. LONG. First, referring to the widow where the father has died, the widow is eligible for social security. That is not our problem.

Mr. PASTORE. That is a legitimate case.

Mr. LONG. That is a case for social security. With regard to the AFDC case load, we find these proportions: Where the father is dead, roughly 4.3 percent; where the father is incapacitated, 9.8 percent; that is not our problem.

Mr. PASTORE. I would say so. That is right.

Mr. LONG. There is the program for the disabled when the father is incapacitated, and we take care of that. That is supported at a generous level. Then we have some cases where the father is unemployed, and that is 6 percent; of the caseload; 76.2 percent of the cases are cases where the father is absent from the home: 14 percent divorced; legally separated, roughly 3 percent; separation without a court order, 13 percent; deserted, 15 percent; not married 28 percent; in prison, 2 percent; for other reasons 1.2 percent.

Mr. PASTORE. Are we trying to find a job for all those fellows that ran away from their wives and children? We are not talking about them, I hope. Those are the ones that should be in jail.

Mr. LONG. We certainly have some provisions in present law for the States to pursue those fellows and make them support their children, but those provisions are not working very well. We have cases where the mother will not tell who the father is or cooperate in any way with us.

Mr. PASTORE. That is my question. Let us assume that she does not tell us what happens——

Mr. LONG. If she says, "I don't know who," then during the time her children are in school, she is expected to do some work. She is expected to earn $2,400 instead of having $2,400 given to her for doing nothing. But we propose to subsidize the jobs in private employment.

The Senator referred to school hours being between 9 and 2. My impression was that it is 9 to 3, more or less, at least that is what it is in Louisiana and in most other States. We would expect, during the time the children were in school, to provide for the welfare of the child, or the children, if it is in the plural, and that the mother would, in turn, do something for the benefit of society in return for what she is to be paid. We would like to see her take the best job possible, say as a nurse's aide, or keeping the place safe, or helping to report any violations of the law in her area, or helping in child care, or helping in a child care center, or looking after the children of a working mother, so that that mother does not need to take a job.

Mr. PASTORE. All right. Now we get to the $64 question. What if she refuses to take a job? What happens to the four children?

Mr. LONG. Then we would pay somebody else to provide for the children.

Mr. PASTORE. Does the bill provide that?

Mr. LONG. It does.

Mr. PASTORE. What would you do, take the children away from her? Then have every church after you.

Mr. LONG. We would try to do it through a protective payment. In an extreme case, we would have to provide for foster care, as we do now.

Mr. PASTORE. What do you call an extreme case?

Mr. LONG. Cases where a mother is abusing the child or simply not taking care of it.

Mr. PASTORE. That has nothing to do with children taken care of under a court order. I am talking about a woman who refuses to take a job. I am talking about what happens then. Do we cut off the money? Do we not cut off the money, or do we still give her the money?

Mr. LONG. We would not pay the money to her if she was offered a job and she said no.

Mr. PASTORE. To whom would you pay it then?

Mr. LONG. To some relative or someone in the immediate vicinity; perhaps the fellow who owns the corner grocery store, or a nextdoor neighbor, or who lives in the same apartment building, to provide that money for the children, if they need it.

We are entitled to assume, Senator, with regard to some of these people who do not want any job——

Mr. PASTORE. I realize that.

Mr. LONG. That they have an income from somewhere else. Some of these people have a man coming around every night, sleeping in the same bed——

Mr. PASTORE. I know that.

Mr. LONG. We are entitled to assume that if these people do not want to work or take a job, it is likely they are getting income from somewhere else. For example, in Louisiana, we had a 50-percent increase in the welfare load when the court struck down the man in the house rule. I know that the man in the house rule can be abused, but I am also aware of the fact that if there is a man in the house, and if he has a job and he is able to support his family, that man should be made to support that family. Look at how it works out the other way around. Here is an example I have given before, since it illustrates the point. In New York City right now if a father is earning $7,000 a year, and if he is not married to the mother, he can be spending every night in the same house with the mother, and the mother can be receiving $4,000 roughly in cash, $1,100 in public housing benefits, $900 in medicaid benefits—and that is the average value of medicaid to a person.

Mr. President, I yield myself 2 additional minutes.

There is a combined value of $13,000. If we assume that father marries that mother, he will get only the $7,000 he earns. So, there is a $6,000 cash advantage to that family to continue this relationship.

And there is no way that we can get ourselves out of that trap. There is no way that we can prevent them from beating the system in that fashion unless we ask someone to go to work.

If we do not do so, the mother has a more certain source of income than she would otherwise. Their combined income would be $13,000 under the law as it is today, if they are to live out of wedlock, compared to an income of only $7,000 if they are married. So we set the stage for the father refusing to marry the mother.

Incidentally, Mr. Moynihan, the architect of this program, told us individually that the problem is not that the father is leaving the mother so that the family can go on welfare, but the problem is that he is not marrying her because they can have almost twice the income by not marrying and by not assuming the obligations of a legal marriage.

As long as we have a system that is as advantageous as it is and allows people to have twice as much income by not marrying because they are then eligible for welfare, then we will have the fathers not marrying these mothers.

Mr. PASTORE. Mr. President, I wish the Senator a lot of luck. Anyone who does not have the nobility to marry the woman with whom he has had children certainly does not have the nobility to do anything else. And I do not think it will work out.

Mr. LONG. Mr. President, we would provide that mother with local assistance from both U.S. attorneys and district attorneys to help obtain support money from that father. We would make it unlawful for a father to abandon his family to the welfare rolls. However, as long as we make it profitable for them so that they will have twice the income, that leaves us in the situation that we are in today.

Mr. PASTORE. The Senator from Louisiana is now cooking with gas. That has been a laxity on the part of law enforcement. There has been a laxity on the part of authorities in getting after the mothers and fathers. We could cut down the expense of this program tremendously if we could enforce the law and make it work.

Mr. MONTOYA. Mr. President, it is with a great deal of pride and accomplishment that I rise today to commend the distinguished chairman and the members of the Finance Committee for their diligence and determination in reporting out this comprehensive reform bill. I know personally that many long hours were spent in developing language which would result in meaningful reforms and not empty promises. The committee deserves the thanks of the Senate and of the country for their efforts.

Mr. President, title II of H.R. 1, as amended by the Senate Finance Committee, contains provisions which provide certain kinds of outpatient drugs for 20 million elderly citizens now eligible for medicare benefits. The Members of this body know that since 1965 I have strived to have this concept enacted into law. The inclusion of this proposal in H.R. 1 is gratifying to me and my sincere thanks are extended to the Finance Committee. I was also pleased to see the Senate overwhelmingly approve the maintenance drugs amendment by a vote of 54 to 0 on September 30, 1972.

We in the Congress are well aware of the economic plight of our senior citizens. The often-cited figures show that more than 4.7 million older Americans fall below the poverty line; one out of every four of these elder citizens lives in poverty. Of these unfortunate older Americans living alone, six out of every 10 were classified as poor or near poor; and nearly five of eight women 65 or older and living alone are classified as poor or near poor.

We know that while the average income of all family heads is about $7,500, families headed by individuals 65 or older must survive on incomes of $3,600. One must remember that with these resources, food, shelter, clothing, and other necessities must be met.

The figures are startling, Mr. President, yet even more alarming is the fact that prescription drugs now represent the largest single health expenditure that the aged must meet from their own resources, some 20 percent of their personal health expenditures. The conclusion is obvious, Mr. President. The cost of medication has a severe impact on the meager resources of our older Americans.

The relationship of the economic position of our elderly citizens to their ability to provide themselves with adequate health care was best described by the Task Force on Prescription Drugs when it said:

> Requirements for appropriate drug therapy by the elderly are very great, far greater in fact than any other group, and that many elderly men and women are now unable to meet these needs with their limited incomes, savings or present insurance coverage. Their inability to afford the drugs they require may well be reflected in needless sickness and disability, unemployability, and costly hospitalization which could have been prevented by adequate out-of-hospital treatment.

The concept for an outpatient drug program is by no means a novel suggestion, Mr. President. Since 1965, similar proposals have come before the Senate and each time, this body has felt that the concept was in need of further study.

A program for out-patient drugs has been studied and restudied with the last task force report being issued in 1969 by the so-called Dunlap committee. This task force sought and received the advice, guidance, support, and criticism of more than 160 nongovernmental experts representing clinical medicine, pharmacology, pharmacy, medical and pharmacy teachers, professional health organizations, drug manufacturers, drug distributors, health insurance executives, and representatives from other fields. After these extensive consultations, it concluded:

> In order to improve the access of the elderly to high quality care, and to protect them wherever possible against high drug expenses which they may be unable to meet, there is a need for an out-of-hospital drug insurance program under Medicare.

The task force further concluded that such a program would be both "economically and medically feasible and should be instituted." These, Mr. President, were the conclusions reached by the task force created by Secretary of Health, Education, and Welfare, Robert Finch.

Several recommendations were made by the Dunlop committee with respect to certain features that should be contained in any out-patient drug program. These included: financing the program under part A of title XVIII of the Social Security Act—medicare program—so that an individual would pay for his drug insurance during his working years, rather than later when his income is sharply reduced due to retirement; inclusion of a copayment feature of at least $1 for each prescription to remind the beneficiary that he is sharing in the cost of the program and to prevent abuses; creation of a formulary committee composed of persons of recognized standing in the fields of medicine, pharmacy, and pharmacology to select the drugs to be covered. The formulary would be available to physicians and pharmacies and would provide a list of these qualified drugs, arranged alphabetically by their established, or generic, names, as well as—

An indexed listing of the trade or other names by which these drugs are known, together with the maximum allowable cost for various quantities, strengths, or dosage forms;

Supplemental lists arranged by diagnostic, therapeutic, or other classifications; and

Information which promotes—under professional supervision—the safe and effective use of these drugs.

The beneficiary simply goes to the participating pharmacy of his choice. If the drug prescribed for him is listed in the formulary, he pays the pharmacist $1 to fill the prescription. If the prescribed drug is not listed in the formulary, he pays for it the same way he does now—out of his own pocket. Finally, pharmacist and other vendors, rather than beneficiaries, would be reimbursed based upon practice in the locality by type of outlet added to the acquisition cost of the drug product.

Mr. President, the prescription drug program which I introduced as S. 936 contained most of these productive changes recommended by the many years of study and deliberation. The committee version of this proposal also retains a majority of the task force's suggestions and also makes further modifications so as to make the legislation more economically feasible.

Specifically, the committee has provisions which limit the coverage under the act to so-called "maintenance drugs," or drugs generally associated with chronic illnesses. This modification will reduce the anticipated cost of the program to $700 million thus making it more acceptable to many who, while favoring the concept, were forced to vote against the program on fiscal grounds. Mr. President, I am not opposed to this change. In fact, I welcome it, for I consider it to be essential if the program is to be approved. Once in operation, it will be easy to determine if expansion is needed and if expansion is economically feasible.

Now, Mr. President, I do not take credit for the provisions of the drug program as contained in H.R. 1. In point of fact, credit must duly be given to the distinguished chairman of the Finance Committee, Senator LONG, whose similar proposal was before the committee, and Senator HARTKE, whose version of this legislation contained the "maintenance drugs" limitation which made the concept more acceptable. The drug program now in H.R. 1 is, in fact, a combination of all these proposals and credit must thus be given to all of the members of the Finance Committee on both sides of the aisle for their efforts in combining all of these suggestions into a workable and economically feasible drug program.

As a result of their courageous and diligent efforts, 20 million of our elderly citizens who buy nearly 25 percent of the 1.7 billion prescriptions filled annually in the United States will have access to the kind of health care which they need and which they deserve. Mr. President, the battle has been long and hard fought. I am pleased to have played a small part in its success. I urge members of the committee to hold steadfast to any efforts to delete this much-needed program when H.R. 1 is sent to a House-Senate conference.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on September 29, 1972, the President had approved and signed S. 2478, an act to provide for the disposition of funds to pay a judgment in favor of the Shoshone-Bannock Tribes of Indians of the Fort Hall Reservation, Idaho, as representatives of the Lemhi Tribe, in Indian Claims Commission docket numbered 326–I, and for other purposes; and S. 2575, an act for the relief of William John West; and on September 30, 1972, the President had approved and signed S. 3442, an act to amend the Public Health Service Act to extend and revise the program of assistance under that act for the control and prevention of communicable diseases.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. TUNNEY) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 345. An act to authorize the sale and exchange of certain lands on the Coeur d' Alene Indian Reservation, and for other purposes; and

H.R. 14537. An act to amend section 703 (b) of title 10, United States Code, to extend the authority to grant a special thirty-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. ROBERT C. BYRD).

The message also announced that the House had passed without amendment the following Senate bills:

S. 722. An act to declare that certain federally owned lands shall be held by the United States in trust for the Stockbridge Munsee Indian Community, Wisconsin;

S. 2441. An act to authorize the Secretary of the Interior to conduct a study to determine the feasibility and desirability of protecting and preserving the Great Dismal Swamp and the Dismal Swamp Canal; and

S. 3129. An act to authorize the establishment of the Longfellow National Historic Site in Cambridge, Mass., and for other purposes.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1973

The PRESIDING OFFICER (Mr. WEICKER). Under the previous order, the Chair lays before the Senate the pending business which the clerk will report.

The assistant legislative clerk read as follows:

Calendar No. 1186, H.R. 16593, a bill making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes.

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The question is on agreeing to Amendment No. 1666. On this amendment the time is under the control of the Senator from Wisconsin (Mr. PROXMIRE) and the Senator from Arkansas (Mr. MCCLELLAN).

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays were ordered.

Mr. PROXMIRE. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 10 minutes.

Mr. PROXMIRE. Mr. President, the pending amendment would knock out about $60 million from the bill—$32 million of Army funds, $6.65 million from Navy O. & M. funds, $1.3 million from the Marine Corps funds, and $20 million from the Air Force funds. It would knock out funds that were provided in the bill to provide for extended civilianization of KP. In other words, it would delete funds to hire civilians to do the jobs which traditionally, until 2 or 3 years ago, the military did for themselves.

What is the present situation? First of all, the KP has nothing to do with the preparation of food. It has to do only with the serving of food and the cleaning up afterwards. This amendment does not affect food preparation.

Second, at the present time the Marine Corps has no civilian KP. They do their own. The Army has a test program. Otherwise they do their own. And in the Navy and the Air Force, present programs provide for about 90 percent of the KP to be done by civilians.

The military services now want to universalize this.

This would not provide for civilian KP for men in combat. It would not provide for civilian KP for men when they first come in for training, for the first 6 or 8 weeks.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. PROXMIRE. I yield for a question.

Mr. ERVIN. Mr. President, I served in the Army in the First World War. We were in an area on one occasion in which the shelling from the Germans was such that we could not have food brought to us in the daytime. So the men had to bring up food during the nighttime. And, of course, the men who cooked the food for us and the men who brought us the food under the cover of darkness were soldiers.

If the Army has its way and we abolish military KP and have civilians prepare and serve the food to the soldiers, who in the world is going to bring food to combat soldiers in the middle of the night under shelling when that is the only time the food can safely be brought to them?

Mr. PROXMIRE. Mr. President, the Senator from North Carolina makes a good point. I understand that under combat conditions KP would not be civilianized. That service would be conducted as it always has been in the past, by the military. In basic training, that goes on the basis that when men are stationed in posts around the country under peaceful conditions, KP would be provided by civilians.

This is one of the ironies. I can understand why we would like to provide for men in combat. However, in relatively peacetime conditions at Army posts, a man should do as much as his mother or wife would do and take care of things and clean up afterward.

Mr. ERVIN. Mr. President, if military cooks are only going to cook in combat, they will be relatively inexperienced in cooking. And we would have soldiers with dispepsia or something.

Mr. PROXMIRE. This would not affect the cooking or preparation of food. That would be taken care of by mess sergeants, as it has always been done. This would be in cleaning up and waiting on the tables and washing the dishes afterward.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. PASTORE. Is this not a function ordinarily performed by very small minority groups, people who would be classified in the area of the poor?

Mr. PROXMIRE. This is a function ordinarily performed by people in the military. The Senator from North Carolina said it was his experience in World War I and it was my experience in World War II.

Mr. PASTORE. We discovered in committee that that was only in the case of war. Today we have millions of poor people and if they are driven out of these jobs—and most of them are blacks—then you would put them on welfare rolls. That is what we were just talking about. We are trying to alter welfare to give people jobs.

Mr. PROXMIRE. Mr. President, I do not yield further.

Mr. PASTORE. I will await my turn.

Mr. PROXMIRE. This is no way to take care of minority groups. Many people say it is a demeaning business.

Mr. PASTORE. I did not say that.

Mr. PROXMIRE. If we cannot provide these people with jobs, other than cleaning up after the military, whether they are blacks, Chicanos, or whatever they may be, there is something wrong with our system.

Mr. ERVIN. Mr. President, will the Senator yield for one more question?

Mr. PROXMIRE. Very well. I yield.

Mr. ERVIN. If the Army is to be maintained for the purpose of giving civilians jobs, would it not be in order to hire a civilian to clean and carry the soldier's rifle until he has to fire it at the enemy and another civilian to operate some kind of cart, like those carts used on golf courses, to carry his pack and his other equipment for him when he goes on a hike? I think it a grave mistake to use the Army, whose function it is to defend our country, as a make-work organization for civilians.

Mr. PROXMIRE. Yes; you could "WPAize" the Army and provide make-work jobs, but this is not the way the military should operate.

My amendment would provide for the orderly discontinuance of this program and do what the House does, and what the Subcommittee on Defense Appropriations recommended. It would phase out the present KP program in an orderly way.

Mr. President, I wish to make two other points.

Soldiers in combat will continue to do their own KP in any event. Men aboard fighting ships will continue to do their own KP, but this program, unless my amendment were agreed to, would provide that while men in combat do KP, those behind the lines would have their KP done for them, with the exception of those in basic training. That is how ridiculous this program is.

What about the arguments? Let us study them squarely.

The Committee on Appropriations states that those who favor civilianizing KP say that "Performing KP is beneath the dignity of the enlisted man today." That is an amazing argument. Every housewife does KP; she does it three times a day. Most husbands do KP. Most Senators do KP, including this one. Most people in this country do KP. There is no reason why men in the services cannot do that. We all do it. If that is beneath the dignity of Americans, then this country is further down the road to ruin than this Senator believes.

Tell the taxpayer in Milwaukee or the steamfitter in Los Angeles or the housewife in New York that KP is below the dignity of men in the military today. Tell that to the ex-serviceman. Tell that to the combat marine.

And tell that housewife and taxpayer as she cooks her meals and serves her food and washes the dishes that her tax money and the tax money of her husband are going to be used to provide civilian KP's for the men in the military.

Why should the taxpayers pay for servants for the noncombat troops?

NOT MORE EFFICIENT

Next, we are told it is more efficient and would save money. I doubt that.

That presumes that no serviceman will have any free time. That presumes that the military will keep him busy, full time, 8 hours a day.

Mr. President, how do you explain the fact that we need $60 million more in this bill if it will save money paying this bill? If it will save money, we should be taking money out.

The problem in the military today is that they do not have enough to do. They have idle time and idle hands. That is one of the basic reasons for the drug problem.

If it is going to save money, why is that not reflected in the appropriations bill? The committee report states:

> The request of the services for military personnel do not reflect any identifiable savings or reduction in military personnel resulting from this (civilian KP) program.

There are no savings through civilianizing KP.

I wish to make one further point. Those who do KP in the service are usually those with disciplinary problems. Surely the new Army will have disciplinary problems. People are bound to be late and get into trouble. Why should they not continue to be used for KP as a means of working off their disciplinary action?

I did KP when I was in the Army because I made mistakes. Almost everyone who served as a noncommissioned officer or in the enlisted ranks has done it when casual, minor infractions came about.

Now, the big argument is that it will mean jobs. That is what we will hear. That is what the telephone calls are about. The lobbyists have been at work hot and heavy.

Already I have gotten a number of calls asking me to vote against the Proxmire-Cooper amendment, although I am author of the amendment; that is how far it has gone. I have had four or five labor organizations call me and minority groups call me. We should face the situation. Are we going to use the military as a gigantic WPA project? When a weapon does not work, costs too much, and fails to meet its requirements, someone cries, "Do not cut it; jobs are at stake."

Now, we hear, "Do not let the GI's serve food or take out the garbage. Jobs are at stake." Those who argue that should take the money in this bill and build pyramids. That would make as much sense. Having GI's behind the lines free from KP, while those in combat have to do their own makes no sense at all. It makes no more sense than spending money to dig holes and fill them in. It makes no sense to the housewife and taxpayer that money is paid out so that their sons do not have to do KP in the service.

They had to do KP at home. But it is beneath their dignity in the service, so the advocates tell us. Military men should continue to do their own KP. Why should the taxpayers who do their own KP at home, pay for KP to be done for servicemen in the military.

Why should the combat GI do KP, but his behind-the-lines staff or supply soldier have his KP done by civilians?

Why should a sailor on a destroyer in the Pacific or on an aircraft carrier in the Mediterranean do his KP, while his shore-based buddy on the Riviera or in San Francisco Bay have his KP done by civilians?

The services say it will cost them more money if they do not civilianize KP. But there are no savings shown in the bill as a result of the military services having KP done by civilians. I think that is a one-way argument. The fact is while saying they will save money, they are asking for $60 million more.

Furthermore, KP is done by two groups—those who have disciplinary problems and those who are not busy. No one can tell me that the new Army will not have disciplinary problems and that in the new Army everyone will be busy everyday and all the time. We know that is not true. If ever a frill—that is it.

I ask the question, what kind of a namby pamby military are we going to have where they do not have to get their hands dirty and they do not have to do KP? The combat troops will, but the supply sergeants will not.

Tell the American taxpayer as he is washing his dishes that it is beneath the dignity of enlisted men—some of whom may be his own sons—to do KP.

Let us save some money and keep the military fit.

Mr. McCLELLAN. Mr. President, I yield 5 minutes to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PASTORE. Mr. President, I think the Senator from Wisconsin put his finger on an important element of why this amendment should be defeated. He said he received a telegram from the minority groups. That is the point the Senator from Rhode Island was making.

What are we up against here? Already we have said we are going to discontinue the draft. We are going to discontinue the draft because we want a Volunteer Army. The trouble with the draft has been we are always drafting more men than we need. The result was that they had to keep the young man who was an accountant or a lawyer busy picking up butts and painting flagpoles and sometimes just doing menial work that was absolutely unnecessary because we had to keep them busy.

We went to a Volunteer Army, and the reason we went to a Volunteer Army is that we are going to do away with the draft, and we are going to do away with the draft because we feel we can cut down the number of men under arms, and we want these men, if they are to volunteer as soldiers, to be soldiers, not to wait on tables, not to wash pots and pans, not to wash out latrines, not to scrub floors. We are not talking about when they go on bivouac. We are not talking about in time of war. Everybody understands that. There is a misconception here. The Senator from North Carolina said, "How about the cooks?" The cooks are not included in this. Everybody admits that.

This is a program that has been in existence for a long time. Here we are going to tell the sailor in Rhode Island who has not been washing somebody else's pots and pans, "Beginning tomorrow, you are going to do it." What is going to happen? When his term is up, he is going to quit, because he did not join the Navy to wash pots and pans.

Yes; I do KP. I do my own. But I do not do the Senator's KP, and that is what this is all about.

In my State this program has been in existence for 7 years. We have 600 people. Most of them come from the disadvantaged. We are talking about making jobs. Senator McGovern is going around the country saying, "If they cannot get jobs, the Government will give them jobs." Here is one way a man can keep his job. Are we going to put them out on the streets?

If a soldier does not have to wash a pan, he will do soldiering work. That is what we are talking about—costs, keeping down the costs by keeping down the number of men under arms. If we are going to have a Volunteer Army, this becomes necessary in time of peace. In time of war, we are going to have to go back to the draft and go back to the old way of doing things.

This program has worked well. I have telegrams. Yes; they come from the labor unions. Who do we expect to talk for these people? We do not expect the chamber of commerce to be talking for them. We do not expect the National Association of Manufacturers to be talking for them. As a matter of fact, I doubt very much that even the White House would be talking for them.

The point is, these are the disadvantaged. If 600 people are thrown out of work in Rhode Island, they will have to go on relief. We are talking about getting jobs and living in respect and dignity. That is what we are talking about. These are people who do not have skills. That is the reason why they take the jobs. They would rather have jobs than be on relief. If we embark on a new program, and cut out a program which has already been in existence, we can see how demoralizing it will be. How are we going to get the people to volunteer when the Army runs ads saying, "Join the Army and go to Hawaii. Join the Army and go to California," and then put them to washing somebody else's pots and pans and washing somebody else's toilet? That is what we are talking about, and these are the jobs we are talking about.

When some Senators say, "Well, if you do away with all the jobs, look at the money you will save for the taxpayer," that is pure nonsense. This does not cost that much as against $74 billion that we spend for defense. If Senators want to cut it down, cut it somewhere else. Cut it out of other programs. We will save more money when a young man who has volunteered is allowed to work as a soldier. It is like expecting Senators to come up here and use the vacuum cleaner on the floor just because we walk on it. We are being paid $42,500, and we are not expected to do that. We are expected to come here and pass some good laws and not repeal the good ones, and I hope we do not repeal this provision.

Mr. PROXMIRE. Mr. President, I yield 3 minutes to the Senator from Kentucky (Mr. Cooper).

Mr. COOPER. Mr. President, I was glad to join the Senator from Wisconsin (Mr. Proxmire) in sponsoring his amendment. I may say that in reading the report, when I came across the word "civilianization," I recognized it as another one of those strange words that we see develop in our Government. I looked at it very closely. Then I found it referred to establishing a policy or continuing a policy respecting the abolition of KP in the military services.

I take issue directly with the argument made by the Senator from Rhode Island, Senator Pastore. He is interested in the employment of private persons, those he says would be on welfare but for "civilianization." Actually, such an argument should be directed to the debate we have been having for the past few days on the welfare and work bills, about those who cannot get jobs and those who are not working because they will not take jobs. We are not talking about welfare. We are talking about the military services, their proper development, and its relation to pots and pans and KP in the Army, and not about welfare.

If we intend to have—and must have—an effective military service, our policy must build that military service. There are many unpleasant jobs in the military services which all have experienced—pots and pans, KP, picking up trash around the barracks. Someone has said that corporals and sergeants were really the first environmentalists in our land against solid waste. These duties teach men to work together. They teach men to do necessary and dirty jobs, even in peacetime, and to inculcate discipline. Taking down a pistol and cleaning a rifle are not the most pleasant and easiest jobs, but they do teach men to work together, so that if combat ever comes—and we hope and pray it will not—they will be ready and know how to work together. As Senator Ervin pointed out, what are they going to do when they are in combat or on maneuvers or in difficult terrain and the army of KP does not follow them?

I remember reading that during the Civil War people called sutters followed the armies and provided them with provisions.

I have received letters and telegrams, and I have talked to nice ladies, not addressing the excellence of the military service, making it a tough and faithful military service for the protection of the country in case of war, but talking about providing work for several thousand who might be on welfare. I want to suggest that there are thousands of housewives all over this country who are looking for help in their housework, and they cannot get that kind of help.

I want us to toughen up our Armed Forces so that it can be an effective military force for our country to deter war, or in case of war, and not be continually loaded down with frills, as is happening every year.

I urge support of the amendment, in which I have joined with the Senator from Wisconsin.

Mr. BENTSEN. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield 5 minutes to the Senator from Texas.

Mr. BENTSEN. Mr. President, as chairman of the Subcommittee on a Volunteer Army of the Armed Services Committee, I am extremely concerned with whether or not we are going to be able to fulfill our quotas by a Volunteer Army next June 30 or whether we are going to be right back here on this floor deciding whether to extend the draft.

I wonder whether it is just rhetoric when we talk about an All-Volunteer Army or whether we are ready to put into effect things necessary to make it work.

I think there is a serious question whether we are going to be able to proceed next June 30 without an extension of the draft.

Mr. President, the civilianization of KP is one of the most promising and readily attainable programs to be included in our efforts to achieve an all-volunteer military force. The Navy and Air Force have both made extensive use of contract KP for a number of years and have both achieved significant manpower reductions as a result. Let me make that point clear. All three branches of the service have already established contract KP programs at nearly all of their nonbasic training installations in the United States.

If we kill this program, we will not only be eliminating a program that is important to the future of an all-volunteer force but will be likewise faced with the need for an immediate increase in military manpower levels.

As chairman of the Subcommittee on the All-Volunteer Force of the Senate Armed Services Committee, I have heard time and again from top Defense Department officials and from lowest rank GI's that the performance of such nonmission duties as KP is one of the major stumbling blocks in the road toward an all-volunteer force. It is essential that the Senate view carefully the details of this civilianization program and that every Member understand the effect of killing this program. I feel there are some persuasive arguments in favor of civilianization and I would like to share a few of them with you now.

The simple fact is that KP duties can be performed both more economically and effectively by civilian contractors than by part-time military personnel. The average cost per year of an enlisted man performing KP is about $8,300 as compared to about $5,000 for the contract personnel who would do the same job. In addition, civilian personnel are hired and trained solely for the purpose of performing these KP duties. The military man, on the other hand, is assigned KP on an irregular basis without any relationship to his regular service duties. As a result, military personnel views KP as an unprofessional duty to be performed in as little time and with as little concern as possible.

So on both counts—cost and effectiveness—civilian KP comes out ahead.

Some have criticized this civilianization program as making life too easy for the military man and they feel that a little drudgery such as KP somehow makes a man a better soldier. Mr. President, I simply cannot buy that line of argument.

The purpose of this civilianization program is not to make military life a bed of roses at the taxpayer's expense but rather it is to eliminate a nonessential requirement from the enlisted man's duties and to free his time for more career-related endeavors. As we move toward an all-volunteer force, the training and educational requirements for all military personnel will increase. The time spent by an enlisted man scouring a garbage can or cleaning a grease trap could be much better spent pursuing additional training or education.

The civilianization of KP represents a logical step in the modernization of our Armed Forces. The Armed Forces of today require sophisticated equipment and trained personnel that were not even thought of 20 years ago. We want to train the modern soldier to meet the needs of the modern Army and KP simply does not fit that need.

Finally, Mr. President, I think we are faced with the question of whether or not we really intend to treat all levels of our military personnel as professionals and achieve an all-volunteer force or whether we intend to cling to the past and place unreasonable burdens on our military men that destroy any hope of reaching an all-volunteer force. If we are serious about a professional military force then we cannot be blind to the basic requirements for attracting top-level personnel. I know of no company competing for personnel that requires its employees, as a condition of employment, to peel potatoes in the company cafeteria or clean pots and pans back in the kitchen. Particularly when the company can get the same job done better for less through outside contract services.

Mr. President, I think this amendment is a test of our genuine commitment to the concept of an all-volunteer military force. It raises the question of whether we are serious about our intentions to achieve an all-volunteer force and whether we are willing to back the programs which are necessary to implement the rhetoric concerning an All-Volunteer Army.

Mr. President, recently a member of my staff visited several military installations which are participating in the new Volunteer Army project and visited with these new men who have chosen the military for their careers. His conversations with these young men illustrate better than anything I can say the need to carry on this civilianization program. To a man, these Volunteers emphasized that one of the principal improvements that had attracted them to the Army as a career was the elimination of such nonprofessional requirements as KP and the commitment made by the Army to train them and treat them as skilled professionals. Their enlistment in the military is a statement of faith in their country and in the concept of a volunteer force. We are called on here to show a similar commitment and to give this volunteer force the chance that it deserves.

We were speaking earlier of the welfare program in this country. Yet we have, under the KP program, civilians employed — low-income people — who, if they did not have these jobs, might well be on the welfare rolls. So if we discharge the civilians, we will have a situation that is going to cost the taxpayers more money. We are going to increase the welfare rolls, and we are going to do the job on a less efficient and more expensive basis.

This amendment is the test of our commitment, of our support for the Volunteer Army. And I think that the Senate has made that commitment. I think the Senate believes in it. This amendment would be turning back the clock, and would make the task immeasurably more difficult. I hope that the Senate, in its wisdom, will defeat the amendment.

Mr. McCLELLAN. Mr. President, I yield 3 minutes to the distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in opposition to the Proxmire amendment.

I have talked with Gen. George Blanchard, who is very much interested in this program, and he is convinced that the Army can handle the matter more economically by civilianization of kitchen police duties. I believe the figures submitted by the Senator from Texas show that civilianization will cost less. These figures reveal that it costs about $8,300 per soldier when performed by uniformed personnel whereas for $5,500 the same job can be handled by civilian KP's.

So according to those figures it will cost more if we allow the soldiers, who we are now paying more, to perform that function.

But aside from that, men and women entering service now have a different attitude toward the military. They go into it as a profession, and if they go into it as a profession they do not want to have to perform KP. Here are men who are experts in artillery, experts in handling tanks, experts in handling modern weapons of all kinds. Are we going to let them take the time to go out and do KP, when we can get someone who has fringe training or can accept a fringe salary to do it?

Mr. President, this is an irritant to these trained military people. If we are going to have an all-volunteer armed service, then it has to be held up as a profession. We have got to attract people. We cannot do that when we have something going on that is an irritant to the soldier; and, in my judgment, it would be a mistake if we do not civilianize the mess duties.

I have also talked with a number of sergeants and also Pfc.'s who would actually be performing the KP duty. The sergeants say, "Of course, our men can do it, and they will do it," but they are also telling me, "We can give our country better service and you can get more for your money if you civilianize the KP."

Mr. President, I am convinced that any way you look at it, from the standpoint of getting more volunteers if we want a Volunteer Army, from the standpoint of irritants to the soldiers, from the standpoint of improved food service to the soldier, from the standpoint of the cost, or from any angle you look at it, to my way of thinking, it is better if we civilianize the KP and give the services the status they ought to have as a profession, make their members proud of their profession, and not enlist them to do KP work.

Mr. President, I ask unanimous consent to have a statement by the distinguished Senator from Colorado printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR ALLOTT

I believe full civilianization of KP services is essential for three basic reasons:

(1) If we are to move to an all-volunteer military force we must make the military attractive. Civilianization of KP furthers this goal.

(2) In places where this program is in progress it means jobs, we cannot deprive these people of their jobs at a time we are trying to lower our Nation's unemployment. What are these people to do?

(3) By engaging the employment of civilians on our bases we are involving the community. This promotes and enhances good will in communities in which military bases are located.

For these sound reasons alone the Senate should defeat the amendment of the Senator from Wisconsin (Mr. Proxmire).

The PRESIDING OFFICER. Who yields time? Is all remaining time yielded back?

Mr. McCLELLAN. Mr. President, I have no further requests for time. Therefore, if there is no further request for time, I would like to yield myself about 2 minutes. Then, I assume, the Senator from Wisconsin would like to conclude.

Mr. President, I occupy a position in which I almost find myself persuaded in both directions. As I recall, in the subcommittee we voted unanimously to strike the kitchen police provision from the Senate bill. There may have been one or two votes in opposition to it; as I recall, however, the vote was unanimous.

Thereafter, when the matter came before the full committee, there were those who served on the subcommittee who changed their position and, on a rollcall vote in the full committee, the result was substantially in favor of civilianization of KP.

Mr. PROXMIRE. As I recall, 14 to 9.

Mr. McCLELLAN. The vote was 14 to 9. So, as chairman of the subcommittee, having reported the bill to the full committee with a vote on my part sustaining the majority of the subcommittee, I voted accordingly in the full committee.

However, in view of the action of the full committee in overruling the subcommittee, I think I shall vote against the amendment. Although there may be exceptions, I feel that I should generally follow the action of the full committee unless there is some fundamental principle involved to which I could not with good conscience subscribe.

I think there have been exaggerated statements made here with respect to the great benefit that is supposed to come about as a result of this change. The argument that weighs heavily in determining how I shall vote is the fact that this practice has been followed for a number of years in the Navy and Air Force and is now being initiated in the Army.

On reflection, I think if we are going to make this a real issue and are going to discontinue this service which has been provided for a short time in the Army, we should also discontinue it for the other services. We should be consistent about it. Therefore, I think we should give notice, in a sense, that this vote today perhaps does not settle the issue. I believe it should receive further study. I am not sure that the next time I shall not vote according to my original conviction about it, and that is to do away with this practice in all the services.

I am not fully convinced in that respect, nor am I persuaded that we are going to save any money by hiring civilians to perform full time what someone in the service does occasionally and who is paid $8,000 a year for his military work. He would do on a part-time basis what somebody would be hired to do full time at approximately $5,000 a year. The argument that civilianization will save money does not stand up. I do not think there is a saving in it. It will be an added expenditure.

I know that conditions have changed, that we are living in a changing society, and that changes are occurring in the Defense Establishment. It may be that in order to secure and maintain a Volunteer Army, this concession is necessary. It may be that it would prove a persuasive fringe benefit, so to speak, that an enlistee might treasure, so that he might be more willing to volunteer if he felt that he did not have to perform this menial service.

On the other hand, I am also persuaded that performing a little menial service may do him some good, just as it has done for many of us who have had that experience in the past. I do not think it is degrading.

If some people are going to be hired to do this job who otherwise would be on relief, it should be remembered that many of these volunteers are people who possibly would be on relief if they did not volunteer for military service. I think that argument cuts both ways.

If it is our purpose to provide this kind of service to all branches of the service with any thought of saving money, I think we are pursuing an illusion. I do not think it will save anything.

If I vote against this amendment today, I shall do so with some misgivings, because, fundamentally, I am persuaded that the better policy might be to let the regular military forces themselves provide for this responsibility instead of hiring special people to do it. They perform this function when they are out in the field anyway. Rather ironically, this service is being provided where there are modern barracks, modern conveniences, electrical equipment—almost everything to make the job easy.

I hear some discussion about cleaning latrines. Not much effort is involved in this duty in these modern establishments. They have the same accommodation that one has in his home and that we have in the Capitol. So that does not appeal to me as a valid argument, either.

However, if this is the price we have to pay to secure and to maintain a Volunteer Army, then I might be willing to pay that price. Again, I think this matter needs further study, and I hesitate to vote either way. In voting against this amendment, I do so for two reasons: First, it is the sentiment and the judgment of the full committee. Second, the two other services provide this function on a civilian basis, and I do not think it is fair to let the Navy and the Air Force provide a civilian service and not permit the Army to have it. I think there is inequity that should be corrected, and therefore the whole subject needs further consideration.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. FULBRIGHT. I was going to ask the Senator to elaborate, because it occurs to me that the only real excuse for this is the prospect of having a professional Army and doing away with the draft. That matter, as the Senator knows, has been before the Senate; we have had votes on it. Up to now, I have taken a position which I believe was the same as the position taken by the chairman of the Committee on Armed Services, of being against the abolition of the draft.

Mr. McCLELLAN. I am not the chairman of that committee but I have taken the same position.

Mr. FULBRIGHT. That being so, I felt that I could not vote for it.

The only excuse I could see for it was that if we were going to move to a professional Army and have no more draft, then I suppose it would not be suitable to expect those people to cook. You would have professional cooks as you have professional maids, and everything else. But so long as we have a draft Army, a citizens' Army, as we always have had, which I still favor, I do not see how I would be justified in voting for this proposal, especially in light of the chairman's view that it would not save any money.

Mr. McCLELLAN. I do not think it will.

Mr. FULBRIGHT. I agree completely with the chairman. That argument has been advanced, however, as one of the excuses for the proposal. I feel that I would not vote for this amendment, and I am glad to see the chairman is not very certain, either.

Mr. McCLELLAN. I have been very candid about my view about the matter.

I point out, further, that if we strike it from the Army appropriation, we do an injustice to the other services. I think the matter needs an overall study, and the same treatment should be applied to all services.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield 3 minutes to the Senator.

Mr. YOUNG. Mr. President, as the ranking minority member of the Appropriations Committee and the Subcommittee on Defense Appropriations, I find myself in much the same position as the chairman (Mr. McCLELLAN).

This is not an issue that is all black or all white. A pretty good case can be made on both sides.

I feel that there is a considerable difference between an enlisted man of today and one of 15, 20 or 40 years ago. In the modern, mechanized, highly complicated Army of today, we have people who are more educated and who are higher salaried. When we pay these bigger salaries, it is much cheaper to hire someone to do the KP work than it is to have the higher salaried persons do it. We require more educated people in the Army now than ever before.

I find myself in the same position as the chairman. It is not easy to disagree with the committee that has studied this question for a long time, and to disagree with my earlier vote to eliminate KP. I now find myself in the position of supporting the committee.

Mr. STAFFORD. Mr. President, for some reason this year, the program to civilianize KP in the armed services has been surrounded by misunderstanding and misconception as it has moved through the appropriation process. I would like to summarize for the Senate 14 arguments which favor the continuation of a program begun 3 years ago in the Air Force, last year in the Navy, and now this year in the Army. It is my strong belief that the elimination of KP would be in the best interests of the armed services and the Nation. It would save us money; it would improve the quality and quantity of manpower in the all-volunteer environment; it would increase effectiveness and professionalism in the services; and it would serve useful employment purposes domestically.

COST

A vote to restore the funds means that total budgetary costs will eventually decrease. Now the services must not only pay a highly competitve wage to first-termers, but they must pay the costs of training, feeding, clothing, and housing these young men to do a job which should be done by a civilian at a cheaper total cost.

A vote to restore the funds is fully consistent with the President's budget request and overall defense program. These funds were spelled out in the original budget request and approved by OMB and the President as an integral part of professionalizing the Armed Forces.

A vote to restore the funds means eventual reduced costs. Because every study shows that reenlistment is lower because of the displeasure with KP and other menial work, the services must then spend additional funds in recruiting and training new individuals for the military.

QUANTITY AND QUALITY OF MANPOWER

A vote to restore the funds should not be predicated on the Administration's failure to spell out which military positions would be terminated under a full civilianization program. Apparently, reducing the forces from 3.5 million men to 2.3 million (and possibly lower) is not sufficient. Would the Appropriations Committee have Defense name the specific few thousand men out of that 1.2 million man reduction that would make up for the full cost of this program?

A vote to restore funds means that the services will be in a better position to attract the quality men it is seeking. By forcing recruits to do excessive menial work, we are insuring that bright, energetic men will not join the service. So much has been said about assuring the proper quality of men, but civilization of KP is one program which will help assure that the services attract that quality.

EFFECTIVENESS AND PROFESSIONALISM

A vote to restore the funds means that our armed forces will be more effective. Currently, the training of units is regularly interpreted by the certain absence of one or two individuals from each working team. With a program of civilianization, each unit will stay together, work together and train together to operate together.

A vote to restore the funds means that our armed forces will be more effective. Now each member loses valuable time from training or advancing his education while doing irrelevant, menial, nonproductive details.

A vote to restore the funds does not mean that GI's will not be doing their own policing. Barracks and unit areas will still be, and are expected to remain, a part of the unit's policing duty. All cleaning that is required for these areas will still be a part of the daily chores of the servicemen. What is covered here is the requirement that a soldier leave his unit area and his unit for a day or part of a day to go elsewhere on base—to a common area—and clean.

A vote to restore the funds means increased professionalism for the armed services. This program makes the military job a professional one where an individual's talents are used to the fullest in the work he has chosen—it makes him a soldier.

A vote to restore funds will increase morale among the first-termers. The Congress has never retrained itself when it comes to giving the services the tools they need in order to maintain morale among the higher grades—an excessively costly retirement system or generous veterans' benefits. But, how about the man who is presently serving his country at the lower levels. Is he not entitled to lead a dignified, professional life?

A vote to restore funds will eliminate the single most noted irritant in first-term military life. Every study, both inside and outside the services have shown KP and other menial chores to be the greatest single draw-back of military service.

ALL-VOLUNTEER FORCE

A vote to restore the funds will mean that the Army did not break its word to the young recruits and potential recruits who are impressed with the modernization of our armed services. To revert back to the old system now will take much of the momentum out of modernization of the forces and deal a severe blow to progress towards an All-Volunteer Force.

A vote to restore funds is a demonstration that the Congress is willing to give an end-to-the-draft a chance to prove itself. While a small investment, the ramifications for the success of the all-volunteer force are broad. The public ought to be shown that Congress is either behind the President's program to end the draft or against it. Elimination of this request by the President is just such a measure. There has yet to be an up or down vote on a program to end the draft. Let us see who will stand up for an end to the draft or who will attempt to scuttle it through the appropriations process.

EMPLOYMENT

The Air Force has civilianized approximately 99 percent of its KP functions, the Navy some 60 percent, and the Army 46 percent through fiscal year 1972. All of these civilians would lose their jobs were this program discontinued. DOD-wide KP and nonservice related menial tasks—janitorial, for instance—provide employment for some 50,000 individuals across the country. About 85 percent of these jobs are held by minority group members. There are some $22 million worth of contracts to minority owned and operated businesses.

Most of these individuals are the least employable in our society and loss of employment would certainly mean a return to the welfare roles, thus saving the country little in the way of real dollars.

Furthermore, there are many of these jobs which are part time and held by service dependents to supplement their income. Denying this employment may make it difficult for the servicemen whose dependents these are to stay in the service.

Mr. President, I urge defeat of the amendment to strike funds from this program.

Mr. HOLLINGS. Mr. President, I did not support the civilianization of KP duty before the Appropriations Committee. The Defense Department in its presentation for civilianization of KP glamorized this as a new project to make the volunteer Army succeed, saying overall it would cost $156 million. I was not about to launch out upon a new $156 million expenditure when apparently we had expended that amount for the military and the dishes were being done by those we were already paying in the military. Since opposition appeared and the bill is now presented on the floor, the Defense Department presents new facts. For one thing, the Air Force civilianized their KP in 1952 and it has been civilianized at the airbase in my hometown since 1957. The Navy civilianized their KP in 1962 which is approximately the time it was done at the Charleston Naval Shipyard. Accordingly, this has been the established practice in the Air Force and the Navy in my area and the question is not whether it shall commence but rather whether the Army will be granted the same treatment as the Air Force and the Navy. The Department of Defense further assures us that KP will be required in recruit training, in regular combat areas. I see no chance of rolling back and getting the Air Force and the Navy to begin doing the dishes again and I am not going to discriminate against the Army. Therefore, I will vote against the Proxmire amendment to strike.

Mr. PROXMIRE. Mr. President, let us make clear what the situation is.

At the present time, the Marine Corps has no civilian KP. The bill without my amendment would provide them with civilian KP. The Army has a test program, a modest program, and the bill without my amendment would provide that they would be on their way to a full civilian KP. The Navy and Air Force have had a rather comprehensive KP program.

My amendment would knock it all out and treat everybody alike, and it would provide that the military would have to clean up their own mess.

Two possible arguments have been made: One is that it is necessary, in order to have a volunteer army. We have more educated people coming in and more higher salaried people coming in, that is true. The present Army requires a higher degree of technological skill. So does our whole economy. So does our whole society. The fact is, even though we have better educated people and more highly skilled people coming in, it should not be beneath their dignity to clean up, to wash the pots and pans, and do the things everyone does for himself these days. Very few people have servants.

The fact that a man has to do occasional KP is not the kind of thing that will keep him from volunteering.

The argument is made that this will save money. I have heard many arguments in the 15 years I have served in the Senate, but this is the first time I have heard anyone argue that we will save money by appropriating an additional $60 million.

My amendment would take $60 million plus out of the bill. In doing that, it will eliminate the KP program. People on the other side of this issue say that by taking the $60 million plus out of the appropriation, we will appropriate less, but it will cost more. That does not make any sense. If that is the case, why do we not reduce the program by providing for the civilianization of KP, by providing for a lower manpower level? Obviously, it will cost more money to bring civilians into a job that military men should do for themselves.

I hope very much that this amendment will be agreed to.

I am happy to yield back the remainder of my time as I understand the opponents have used up all their time. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. PROXMIRE. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. PROXMIRE. I thank the Chair.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. Richard N. Perle may have the privilege of the floor during consideration of the defense appropriation bill today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Wisconsin, No. 1666.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT F. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Virginia (Mr. SPONG) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I further announce that, if present and voting, the Senator from Virginia (Mr. SPONG) would vote "nay."

Mr. SCOTT. I announce that the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. CURTIS), the Senator from Michigan (Mr. GRIFFIN), the Senator from New York (Mr. JAVITS), the Senator from Iowa (Mr. MILLER), the Senator from Ohio (Mr. TAFT), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. CURTIS), the Senator from New York (Mr. JAVITS), the Senator from Iowa (Mr. MILLER), and the Senator from Texas (Mr. TOWER) would each vote "nay."

The result was announced—yeas 11, nays 69, as follows:

[No. 492 Leg.]

YEAS—11

Bayh
Burdick
Cooper
Ervin
Fulbright
Kennedy
Mansfield
Nelson
Proxmire
Stevenson
Weicker

NAYS—69

Aiken
Allen
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cotton
Cranston
Dole
Eagleton
Fannin
Fong
Gambrell
Goldwater
Gravel
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mathias
McClellan
Mondale
Montoya
Moss
Muskie
Packwood
Pastore
Pearson
Pell
Percy
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Stafford
Stennis
Stevens
Symington
Talmadge
Thurmond
Tunney
Williams
Young

NOT VOTING—20

Allott
Anderson
Baker
Curtis
Dominick
Eastland
Edwards
Griffin
Harris
Javits
McGee
McGovern
McIntyre
Metcalf
Miller
Mundt
Sparkman
Spong
Taft
Tower

So Mr. PROXMIRE's amendment (No. 1666) was rejected.

TIME LIMITATION AGREEMENT ON MILITARY CONSTRUCTION APPROPRIATION BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as H.R. 16754, the military construction appropriation bill, is laid before the Senate, there be a time limitation of 1 hour on the bill, to be equally divided between and controlled by the Senator from Montana (Mr. MANSFIELD) and the Senator from Massachusetts (Mr. BROOKE); that time on any amendment be limited to 30 minutes; that time on any amendment in the second degree, debatable motion, or appeal be limited to 20 minutes; and that the agreement be in the usual form.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1973

The Senate continued with the consideration of the bill (H.R. 16593) making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes.

The PRESIDING OFFICER (Mr. WEICKER). The bill is open to further amendment. Who yields time?

AMENDMENT NO. 1665

Mr. PROXMIRE. Mr. President, I call up my amendment No. 1665 on behalf of myself and my colleague, Senator NELSON.

The PRESIDING OFFICER. The clerk will report the amendment.

The second assistant legislative clerk read as follows:

H.R. 16593

At the appropriate place in the bill insert a new section as follows:

SEC. . None of the funds appropriated by this Act may be expended for the purpose of conducting aerial bombing in or over Vietnam, Laos, or Cambodia by United States military forces and that the total appropriations provided in this Act are hereby reduced by $2,000,000,000.

Mr. MANSFIELD. Mr. President, will the Senator yield to me without any time being allotted against anyone, if there is any time to be allotted?

Mr. PROXMIRE. Mr. President, I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, under the terms of the agreement made Saturday last, it was stated that there would be 1 hour on all amendments and ½ hour on amendments, motions, and appeals, but that the time limitation which was agreed to did not apply to end-the-war amendments or cuts-across-the-board amendments.

This seems to be a combination of both an end-the-war amendment, because if you stop the bombing you, in effect, end the war, and a $2 billion slash is across the board. So I raise the question now only in the hope it might be possible with 79 or 80 Senators present. I ask that there be considered the possibility of a time agreement on this amendment.

Does the chairman of the committee or the distinguished ranking Republican member, or the distinguished Republican leader have any comments or suggestions to make on this proposal?

Mr. SCOTT. Mr. President, if the Senator will yield, I think just for the sake of the record it should be clear it does fall within the category of a so-called end-the-war amendment, and being across the board, therefore, would not ordinarily be included in the previous unanimous-consent agreements or discussions about them. I have no objection to a time agreement being worked out if it is satisfactory to the distinguished ranking member of the committee on this side and the distinguished chairman.

I think it is only fair to serve notice there may be a motion to table—a motion to table is reserved.

Mr. MANSFIELD. I understand.

Mr. SCOTT. So that it is a matter to shorten debate. Senators are here. Unless there is objection on this side, if the distinguished majority leader wants to try to reach an agreement I am willing. I speak only for myself.

Mr. MANSFIELD. Mr. President, does the distinguished chairman of the committee or the ranking Republican member have any suggestions?

Mr. McCLELLAN. Mr. President, may I say I have no idea how many Senators may want to speak on this issue. I have not been advised whether it will be a long debate or a short debate. I do not think it is something you want to settle in 1 hour's time on either side.

My original thought was—and I throw this out as a suggestion at the moment—will we have more people here tomorrow when we approach the time for a vote? I have no objection to voting this afternoon, if the distinguished Senator from Wisconsin wants to agree to a vote this afternoon. That would depend on how the minority may feel about it. I think it is probably something that they will want to debate, but if they do not, I am ready to vote now.

Mr. MANSFIELD. Does the distinguished Senator from North Dakota wish to make a suggestion?

Mr. YOUNG. I would think we can

vote this afternoon unless someone may want to debate it at some length. This is a familiar issue to all Senators. We have been talking about this war for the last year, and for many years before.

Mr. MANSFIELD. That is correct.

Mr. YOUNG. I think everyone knows how he will vote. I am willing to vote at any time this afternoon.

Mr. SCOTT. Mr. President, I have checked as far as I could on this side. As far as we are concerned this has been debated over and over so many times, for so many weeks and months, I do not see any need for much debate. I think we should terminate debate as soon as we can, perhaps by a motion to table.

Mr. PROXMIRE. I agree with what has been expressed. I am willing to vote with 1 hour's debate for a side.

But I think the Senator from Maryland (Mr. MATHIAS) has pointed out that any end-the-war amendment should not be limited. I would like to give him the courtesy of expressing his views on a time limitation agreement. I am willing now to agree to a time limitation, whatever time the leader suggests.

Mr. SCOTT. The distinguished Senator from Maryland is here.

Mr. PROXMIRE. I did not see him.

Mr. SCOTT. We will defer to his views and if he has no comment I guess we will let the debate go on.

Mr. McCLELLAN. Mr. President, I make this suggestion on any limitation of time. I would certainly insist it be done without any amendments to the pending amendment. I do not know what might be offered. But on an up and down vote, I have no objection to a limitation of time. But I do not want to have amendments offered that really should be debated. I would not want to be in a box like that.

Mr. MANSFIELD. I understand the Senator's feelings. I think what the Senator said is most appropriate and fair. I have heard of no amendments to the pending Proxmire amendment.

Any agreement entered into would be on the basis of the Proxmire amendment, on the basis of that amendment.

Mr. McCLELLAN. That would be my desire. I think on that basis we can reach a definite understanding.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I am delighted to yield to the Senator from Maryland.

Mr. MATHIAS. My only reservation was that we should act at a time when we have a large number of Senators present.

Mr. MANSFIELD. We have them; the best in a week.

Mr. MATHIAS. We have them. As long as there is reasonable opportunity to discuss the issue I have no objection.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a vote occur on the pending amendment at the hour of 4:30 p.m., and that the vote be on the Proxmire amendment, as is.

Mr. SCOTT. Or on any motion to table.

Mr. MANSFIELD. That includes that, yes.

The PRESIDING OFFICER. Does the majority leader include in his request the right to table?

Mr. SCOTT. I understand the distinguished majority leader has already indicated his request includes the right of any Senator to move to table just prior to the expiration of that time.

The PRESIDING OFFICER. Under those circumstances, is there objection?

Mr. FULBRIGHT. Reserving the right to object, I want to be sure I have 10 minutes.

Mr. PROXMIRE. Yes, indeed.

Mr. STEVENS. How about the yeas and nays.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. McCLELLAN. I do not object, but I want to understand what is before us.

Mr. MANSFIELD. I ask unanimous consent that the vote occur at 4 o'clock rather than 4:30 p.m.

Several Senators. No, no, no.

Mr. MANSFIELD. Then, 4:30 stands.

Mr. HART. Mr. President, reserving the right to object, is there any indication as to how many Senators would intend to speak? I would like 5 minutes. I wonder if 1 hour would accommodate us.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. PROXMIRE. The Senator from Arkansas wants 10 minutes, the Senator from Massachusetts wants 10 minutes, the Senator from Michigan wants 5 minutes, which would make 25 minutes. I would like 10 minutes. If we have 45 minutes on a side that would accommodate me.

Mr. MANSFIELD. Very well. That would bring it up to 5 o'clock. I change my request accordingly.

Mr. McCLELLAN. Mr. President, reserving the right to object, does the Senator's unanimous-consent request preclude any amendments being presented to the Proxmire amendment?

Mr. MANSFIELD. Yes, but not a tabling motion.

Mr. McCLELLAN. But amendments could not be offered to it; that would not be in order.

Mr. MANSFIELD. That is correct.

The PRESIDING OFFICER. As the Chair understands the request of the Senator from Montana, it is that the vote on the Proxmire amendment shall occur at the hour of 5 p.m., with the right to make a motion to table reserved. Is that the request?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. And no other amendments would be in order.

Mr. MANSFIELD. Except the motion to table.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time be equally divided between the distinguished Senator from Arkansas (Mr. McCLELLAN), the manager of the bill, and the distinguished Senator from Wisconsin (Mr. PROXMIRE).

The PRESIDING OFFICER. Without objection, it is so ordered.

Several Senators requested the yeas and nays.

The yeas and nays were ordered.

WHY FUNDS IN THIS BILL SHOULD NOT BE USED FOR BOMBING

WHAT THE AMENDMENT DOES

Mr. PROXMIRE. Mr. President, my amendment limits the funds in the defense appropriation bill by preventing any of them to be expended for the purpose of conducting aerial bombing in Indochina that is North and South Vietnam, Laos, and Cambodia.

It cuts $2 billion from this appropriation to reflect the savings from stopping the bombing.

WHY THE AMENDMENT SHOULD PASS

We have now dropped 7 million tons of bombs on Indochina. This is three and a half times all the bombs dropped in World War II. It is 7 times the number dropped on Korea.

Of the 7 million tons—more than half, or at least 3.6 million tons were dropped on South Vietnam.

WRONG AND INEFFECTIVE

There are two things wrong with the bombing. First, it is wrong, immoral, and senseless. Second, it does not work, has not worked, and will not work in the future.

Our B-52's are now flying some 3,000 missions a month. Last week there were 300 a day on most days. Our tactical fighter bombers fly 15,000 sorties a month.

We are now doing what is called "mass carpet bombing," which is a euphemism for "bombing them back to the stone age."

Tens of thousands of civilians have died, hundreds of thousands have been wounded, and millions have been made homeless, both by the war and as a result of actions by both sides, and especially by the bombing.

THE WAR GOES ON

But the bombing has not worked. The war goes on and on and on. After 7 years and three and a half times the amount of bombs dropped in World War II, the fighting continues.

Back in 1967 we were urged to bomb—to "put the pressure on the enemy." We did it, and the war goes on.

We should have known this. We should have learned from the past.

The Strategic Bombing Survey after World War II told us that "the attacks did not so reduce German war production as to have a decisive effect on the outcome of the war."

The Jason report in the Pentagon papers told us that the bombing:

First, did not reduce the ability of the North to fight;

Second, did not raise the morale of the South permanently; and

Third, did not weaken the will of the North to fight.

Yet the bombing goes on and on and on.

The enemy has not cried "Uncle." He is not hurting enough to bring the war to a close.

We have "unleashed" the military, and the war goes on.

It is a hard lesson to learn but bombing has not and will not end the war. All it has done is to give the United States a terrible black eye in the opinion of the world.

What is the point of pouring out $2 billion in a useless, senseless bombing of a primitive economy which does not have enough military or industrial targets to justify half the bombing we are doing.

WHAT BENEFIT FOR AMERICAN TAXPAYER?

What does the American taxpayer get for this $2 billion expenditure? Does this little North Vietnam with its wagon and wheelbarrow economy constitute a threat to the United States of America? Where? In this hemisphere? In the Pacific?

Mr. President, our Government has reached a detente with what we used to call Red China—Communist China. Our President's visit paved the way to admission of Communist China to the United Nations. The administration's policies have just resulted in a new era of cooperation between the two great powers of Asia: Japan and Red China. We are discussing trade with China and a huge sale of wheat to help the Communist Chinese, just as we concluded a sale to the Russians. All this may or may not be wise.

But, Mr. President, if we are so unconcerned about any Asiatic threat from Communist China that we work and trade and cooperate with them, why are we unleashing the most powerful bombing attack on little North Vietnam the world has ever seen?

COMMUNIST CHINA MAY BE REAL THREAT?

Someday, somehow, in some way Communist China could indeed constitute a threat to our interests in the Pacific. It could conceivably sometime in the future, in concert with the Japanese, virtually exclude American influence in Asia.

Communist China does indeed constitute at least a potential, distant military threat.

But how does little North Vietnam, with one-fourth of 1 percent of the population of Communist China, with about one-tenth of 1 percent of American economic strength threaten us?

Let me repeat that, Mr. President. North Vietnam has less than one-tenth of 1 percent of our American economic production. In other words, about one one-thousandths of our economic production. It has no Navy to speak of, a pitiful little Air Force, not even the suggestion of a whisper of a dream for any nuclear power.

Now how can this little dwarf of a fifth-rate country constitute the kind of a threat to our interests in the Pacific, in Asia, or anywhere else in the world that justified our spending $2 billion of the taxpayers' money in a wasteful, useless, aimless waste to endless bombing?

COMMUNIST CHINA BENEFITS FROM BOMBING

For a moment forget the morality of the bombing, forget the deep embitterment and hatred the bombing is driving into the souls of people throughout the world. For a moment assume what the facts clearly deny—assume that it is having great military success, what is the purpose of it? What can it possibly accomplish? Does it in any way reduce the power of Communist China now or in the future? Of course not.

If North Vietnam is blasted to kingdom come, Communist China wins in two ways:

First. An independent little country that has resisted China for a thousand years is eliminated and a power vacuum is created on the southern border of China.

Second. A record of inhumanity perpetrated by the United States of America against the yellow man; that is, the most powerful aerial bombardment in world history, and this is just what the U.S. bombing of Vietnam is, is riveting into the consciousness of Asians for generations the planned, premeditated cruelty of the United States of America.

We hope and pray we may live at peace with Communist China and the other Asian nations, but if in the future we face the Chinese in a Pacific war, the record of our endless bombing of Vietnam could serve as an immensely valuable rallying point for the Communist Chinese to appeal to all Asian nations against this country.

So again I ask, What do we get for this terrible waste of $2 billion except a vast strengthening of our potential adversary in the Far East?

The bombing makes no sense from a moral standpoint, from a military standpoint, or from a foreign policy standpoint. It is a total waste of $2 billion.

I reserve the remainder of my time.

Mr. McCLELLAN. Mr. President. I yield 5 minutes to the distinguished Senator from South Carolina (Mr. THURMOND).

Mr. THURMOND. Mr. President, amendment 1665 would limit the funds in the defense bill from being used by the United States for the purpose of conducting aerial bombing in or over Vietnam, Laos, or Cambodia, and I understand this includes South Vietnam.

Adoption of this amendment by the Senate would be a serious blow to all of the progress we have made in Vietnam in the past few years. Further, it would damage or possibly scuttle the current hopes for a negotiated settlement in Vietnam and the return of American prisoners of war.

Mr. President, to place this amendment in its proper perspective, it is necessary to go back to this time 4 years ago. About 1 week before the 1968 presidential election President Johnson terminated the bombing of North Vietnam based upon certain understandings with the Communists.

This bombing restriction was honored by President Nixon for 3 years when only protective reaction strikes in southern North Vietnam were allowed. These strikes were limited despite a huge Communist buildup culminating in the March 30 invasion of South Vietnam by regular North Vietnamese divisions supported by tanks and heavy artillery. This aggressive act was a clear violation of the agreement with Hanoi, and President Nixon responded properly by allowing U.S. aircraft to strike military targets throughout the North.

Thus, we can see that the present bombing was a defensive act by the United States to protect our own remaining forces in South Vietnam. In fact, Mr. President, the military situation became so serious it was also necessary for the President to order the mining of North Vietnam's harbors.

Since the resumption of bombing the North Vietnamese have done nothing to justify changing this policy. Anytime they wish the bombing to stop, they can order their divisions back into their own territory.

This would be a small concession, but the power-mad warlords in Hanoi refuse to give up even 1 yard of South Vietnam's land which they have taken at great loss of human life.

Mr. President, this is the background for the present policy of hitting military targets in North Vietnam. This bombing has helped slow the North Vietnamese offensive. Also, it has saved the lives of thousands of civilians and soldiers in South Vietnam who have faced the brutal attacks of the North Vietnamese forces since the March 30 invasion.

There are other good reasons for the bombing to continue. For instance, if the bombing stopped, this would permit the Communists to send more troops and supplies into the sanctuaries from which they would renew the bloodshed in the South.

Also, a removal of the bombing pressure could result in military attacks by the Communists which would endanger the few remaining U.S. military personnel in the South.

Finally, the peace efforts undertaken by President Nixon aimed at obtaining the release of our prisoners and reaching a negotiated settlement would be weakened.

Mr. President, the bombing is about the only lever this country has to make the North Vietnamese see the light and sue for peace.

If the Senate desires to stop the bombing, the most effective way would be to pass a unanimous resolution calling upon the Communists to withdraw their divisions from South Vietnam. Such a resolution would serve the cause of peace and help hasten the end to this bloody conflict in Indochina.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. Mr. President, I yield the Senator from Massachusetts such time as he may require.

Mr. KENNEDY. Mr. President, I rise to support the amendment of the Senator from Wisconsin. One of the tragedies we are faced with today is that we really do not know what the cost of this war is in terms of the civilian population of Indochina, particularly to the North Vietnamese. This was brought into critical relief last week in hearings before the Judiciary Subcommittee on Refugees. We had representatives of the State Department and the Defense Department appear before the committee, and we asked the representatives——

Mr. PROXMIRE. Mr. President, will the Senator yield very briefly?

Mr. KENNEDY. I yield.

Mr. PROXMIRE. Is it not also true that we do not know the cost of the bombings to South Vietnam, and that we have dropped more bombs on South Vietnam than North Vietnam?

Mr. KENNEDY. The Senator is correct. We have tried to develop material on the number of civilian casualties and damage to the civilian population of all of Indochina, and we have been able to develop to some extent the materials on that particular question for South Vietnam, Laos, and Cambodia.

One of the bitter ironies of this whole debate is that the administration is prepared to plan and to set a time definite for the halting of humanitarian aid and medical supplies to the civilian population of South Vietnam, but is refusing to set a time definite for the withdrawal of American troops and military aid. They have set the time for the end of humanitarian dollars, and it is next year; that is when we will have the end of direct refugee support and assistance for the people of the South. But we see an absolute refusal to set a time limitation on the implementation of the war or military dollars.

But to get back for a moment to the impact of the war on the North Vietnamese, on the civilian population—the women, children, and innocents in North Vietnam—we found that the State Department and the Defense Department could give us with precision the number of bridges knocked out, the number of trucks on the Ho Chi Minh trails knocked out, the POL's knocked out, how many strikes were made on particular bridges, where napalm was dropped, or where antipersonnel bombs were dropped. But when I asked them if they could tell us how many churches were destroyed, or how many hospitals had been destroyed—which is not difficult to tell from the kind of photo reconnaissance we have—when I asked how many hospitals have been destroyed in North Vietnam during the increased air war over North Vietnam, the response that came from administration officials was that these are nonmilitary targets, and that if there was any destruction to those targets, it was incidental to destroying some military objective; because we do not intend to hit them, we do not hit them.

Yet, Mr. President, when we presented to administration officials a list which was developed by the committee, listing the various facilities, the various churches, housing projects, hospitals, and all the rest, and indicated the location, the date reportedly struck, whom they were observed by, and the nature of the observation, and challenged the administration to make a public response, no response was forthcoming.

We have pictures taken which show enormous damage to hospitals, schools, and all the rest, and I say that the administration ought to be prepared, if the situation is as they suggest it is, to show that the kind of damage that has been done to North Vietnamese civilians and civilian installations is really incidental, they ought to be able to rebut this by producing photographs that show it is not true. I think the best way to rebut the North Vietnamese propaganda about American bombardment destroying schools and hospitals is by releasing and showing photographs taken of the schools and hospitals of North Vietnam which show those schools still standing, those dikes untouched, and all the rest. But this they are apparently unprepared to do.

I ask unanimous consent to have printed in the RECORD an exchange of correspondence with the general counsel of the Defense Department about the rules of engagement, the kinds of military policies we are pursuing in Indochina, and the response we eventually received from Mr. J. Fred Buzhardt. In the final paragraph of his letter he points out:

> The correct rule of international law which has applied in the past and continued to apply to the conduct of our military operations in Southeast Asia is that "the loss of life and damage to property must not be out of proportion to the military advantage to be gained."

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, D.C., September 22, 1972.

Hon. EDWARD M. KENNEDY,
Chairman, Subcommittee on Refugees, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATOR KENNEDY: The Secretary of Defense has asked that I respond to your letter of 19 August 1972 pertaining to the Subcommittee on Refugee's inquiry into war-related civilian problems in Indochina.

The Rules of Engagement are highly sensitive documents which set the criteria and specify in detail the permissible offensive and defensive actions which US forces may undertake under any given set of circumstances. They are very closely controlled because of their obvious and inestimable value to the enemy. To expose the rules governing the conduct of combat operation is to risk jeopardizing the lives of US personnel charged with the responsibility for conducting those operations and would otherwise be detrimental to national security.

The President and the Secretary of Defense have repeatedly stated that our attacks upon North Vietnamese targets are and have been limited to military objectives. Any damage done to civilian areas adjacent to these targets is unintended and results not from any action on our part, but from the Government of North Vietnam's refusal to live in peace with her neighbors. A public listing of specific targets would permit the enemy to either move or better protect those targets and would result in the loss of American lives and make the destruction of these targets more difficult.

With regard to the allegations made by Mr. Clark and the enemy's strident assertions that we have a concerted and intentional campaign of bombing the dike system, the following appears appropriate. Several Congressional Committees including the Senate Foreign Relations Committee have been thoroughly briefed on this subject. The few dikes that have been hit are immediately adjacent to readily identified military-associated targets. The observable damage is minor and no major dike has been breached or functionally damaged. It further appears that even the minor collateral damage could be repaired in less than a week without the employment of machinery of any kind. The enemy has intentionally placed anti-aircraft sites, supply depots and essential lines of communication upon the dike system in an effort to immunize these military functions.

In fact, severe floods occurred last year in North Vietnam in the absence of bombing, whereas the high water season has now virtually passed without significant flooding.

Major General Pauly will accompany Ambassador Sullivan to the Subcommittee's hearing on 28 September 1972. If, at that time, the Committee wishes to inquire further and is prepared to go into executive session, General Pauly will be prepared to provide, on a classified basis, additional information.

In earlier inquiries, you had requested a complete glossary of terms which have been used officially and unofficially to describe American or American supported military activities in Indochina. In response to your request, you were provided with a copy of MACV Directive 525–13, "Rules of Engagement for the Employment of Fire Power in the Republic of Vietnam." To the best of our knowledge, this contains a complete glossary of terms which are used officially. As to unofficial terms, we have never compiled, or attempted to compile, a listing of Southeast Asia lexicon. If you would care to submit a listing of such unofficial terms in which you are interested, we will be glad to provide you with an opinion, to the extent we can obtain adequate information upon which to base an opinion, as to the prevalent usage of such terms.

With respect to your request for a copy of the full text of the "Report of the Department of Army Review of the Preliminary Investigation into the My Lai Incident," commonly referred to as the "Peers Report", I would again suggest that this is an investigative report not subject to the requirements for public disclosure under the Freedom of Information Act. As you may be aware, the demand for disclosure of the so-called Peers Report was litigated in the case of *Aspin* v. *The Department of Defense*, et. al., Civil Action No. 632–72, U.S. District Court for the District of Columbia. The court ruled that this report was not subject to the requirement for public disclosure.

We have previously provided you with statistics on U.S. military air operations in Southeast Asia, as will appear from the charts to which you were previously referred, which appear at pages 9069 *et seq*, of the hearings of the Armed Services Committee of the House of Representatives on H. Res. 918 held on April 18, 1972. The latest available update of this releasable material is as follows:

"Allied air munitions expenditures in Southeast Asia are released on a monthly basis. Compilation time results in lag time of approximately 15 days following end of month. Preliminary figures are usually available by the 15th of each month."

Annual tonnage figures since 1966:

1966	496, 319
1967	932, 119
1968	1, 437, 370
1969	1, 387, 259
1970	977, 446

Monthly tonnages for 1971–72:

	1971	*1972*
January	70, 792	56, 790
February	66, 510	67, 536
March	92, 191	70, 694
April	85, 000	91, 670
May	76, 463	105, 729
June	60, 863	112, 460
July	49, 196	99, 066
August	51, 171	98, 182
September	51, 177	
October	47, 315	
November	50, 644	
December	61, 838	

U.S. Strike Sorties in South Vietnam are released daily by the U.S. Military Assistance Command Vietnam in its daily press communique. These same communiques are made available to the press corps by the DoD in Washington. Audited U.S. strike sortie figures in South Vietnam are also available for public release on a monthly basis.

Since the resumption of bombing over

North Vietnam in early April in response to the North Vietnamese invasion of the RVN, MACV is also reporting approximate strike sortie figures over North Vietnam in its daily press communiques.

U.S. AIR STRIKE SORTIES FOR 1972

	Republic of Vietnam	North Vietnam
January	416	
February	1,856	
March	1,088	
April	12,267	[1] 1,550
May	14,855	[1] 7,650
June	11,764	[1] 10,380
July	11,528	[1] 8,195
August	([2])	[1] 7,225

[1] Approximately.

[2] Not available.

As I am sure you are aware, the Department of Defense has no personnel on the ground in the combat areas in Laos, Cambodia or North Vietnam and, consequently, has no reliable basis to make estimates of the casualties of the conflict. As we have previously reported, our attacks upon enemy targets are and have been limited to military objectives. Any damage done to civilian areas adjacent to these targets are unintended.

The Department of Defense, represented in this opinion by the Offices of General Counsel, and the Judge Advocates General of the Army, Navy and Air Force, does not accept the resolutions adopted by the Institut de Droit International at its Session at Edinburgh, 1969, as an accurate statement of international law relating to armed conflict.

The law between States applicable to armed conflict reflects the willingness of States to accept legal restraints on their conduct or the weapons to be used in such conflicts. A substantial body of the laws of armed conflict is to be found in the widely accepted Hague Conventions of 1907 and the Geneva Conventions of 1949, and in customary international law (i.e. rules that are accepted as law in the practices of States in armed conflict). Particular emphasis for present purposes must be accorded the Annex to Hague Convention #IV of 1907, referred to as the Regulations Respecting the Laws and Customs of War on Land.

A summary of the laws of armed conflict, in the broadest terms, reveals certain general principles including the following:

(a) That the right of the parties to a conflict to adopt means of injuring the enemy is not unlimited;

(b) That it is prohibited to launch attacks against the civilian population as such; and

(c) That a distinction must be made at all times between persons taking part in the hostilities and members of the civilian population to the effect that the civilians be spared as much as possible.

These general principles were recognized in a resolution unanimously adopted by the United Nations General Assembly in its Resolution dated 13 January 1969 (Resolution 2444 (XXIII). We regard them as declaratory of existing customary international law.

The principle in (a) restates the humanitarian principle codified in Article 22 of the Hague Regulations. The principle in (b) is to be found in the universally accepted customary international law of armed conflict to the effect that attacking forces are to refrain from making civilians as such the object of armed attack. They are not, however, restrained from attacking military targets necessary to attain a military objective even though there is a risk of incidental casualties or damage to civilian objects or property situated in the vicinity of a legitimate military target.

The principle in (c) addresses primarily the Party exercising control over members of the civilian population. This principle recognizes the interdependence of the civilian community with the overall war effort of a modern society. But its application enjoins the party controlling the population to use its best efforts to distinguish or separate its military forces and war making activities from members of the civilian population to the maximum extent feasible so that civilian casualties and damage to civilian objects, incidental to attacks on military objectives, will be minimized as much as possible.

In the application of the laws of war, it is important that there be a general understanding in the world community as to what shall be legitimate military objectives which may be attacked by air bombardment under the limitations imposed by treaty or by customary international law. Attempts to limit the effects of attacks in an unrealistic manner, by definition or otherwise, solely to the essential war making potential of enemy States have not been successful. For example, such attempts as the 1923 Hague Rules of Air Warfare, proposed by an International Commission of Jurists, and the 1956 ICRC *Draft Rules for the Limitation of the Dangers Incurred by the Civilian Population in Time of War* were not accepted by States and therefore do not reflect the laws of war either as customary international law or as adopted by treaty.

However, by way of acceptance analogy, reference can be made to the Hague Convention No. IX of 1907 concerning Bombardment by Naval Forces in Time of War. Articles 1 and 2 of that Treaty would, *prima facie*, be applicable to air warfare as well as to naval bombardment, providing, in part, that bombardment of "undefended ports, towns, villages, dwellings, or buildings is forbidden," but that:

"Military works, military or naval establishments, depots of arms or war materiel, workshops, or plant which could be utilized for the needs of the hostile fleet or army, and the ships of war in the harbor are not, however, included in this prohibition," and the commander of an attacking force "incurs no responsibility for any unavoidable damage which may be caused by a bombardment under such circumstances."

An additional example of a customary rule of international law, applicable by analogy to air warfare, appears in Article 8 of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of May 14, 1954. Under that Article the Contracting Parties recognize that points vulnerable to armed attack in the event of armed conflict include "any large industrial center or . . . any important military objective constituting a vulnerable point, such as, for example, an aerodrome, broadcasting station, establishment engaged upon work of national defense, a port or railway station of relative importance or a main line of communication."

The test applicable from the customary international law, restated in the Hague Cultural Property Convention, is that the war making potential of such facilities to a party to the conflict may outweigh their importance to the civilian economy and deny them immunity from attack.

Turning to the deficiencies in the Resolutions of the Institut de Droit International, and with the foregoing in view, it cannot be said that Paragraph 2, which refers to legal restraints that there must be an "immediate" military advantage, reflects the law of armed conflict that has been adopted in the practices of States. Moreover, the purported legal restraints in paragraphs 7 and 8 on weapons *per se* and on the use of weapons do not accurately reflect the existing laws of armed conflict nor can they find support in the practices of States from which that law might be said to be emerging.

The existing laws of armed conflict do not prohibit the use of weapons whose destructive force cannot be limited to a specific military objective. The use of such weapons is not proscribed when their use is necessarily required against a military target of sufficient importance to outweigh inevitable, but regrettable, incidental casualties to civilians and destruction of civilian objects.

The major preambular paragraph of the Resolution proclaiming that recourse to force is prohibited in international relations is incorrect, and is inconsistent with the United Nations Charter as well.

As in other branches of international law, the law applicable to armed conflict develops only to the extent that Governments are willing to accept new binding restraints. In the search for such a consensus which is now in progress by the International Committee of the Red Cross as well as by the United Nations, resolutions such as those of the Institute of International Law form a valuable basis for discussion and consideration. But, as indicated here, it cannot be said that all of the provisions of these resolutions reflect the practice of States under the belief that international law demands such practice.

These, like many similar statements, ignore the variable factors of military necessity. Real protection of civilians and the civilian population in time of armed conflict will come from realistic restraints, widely accepted and practiced by the world community, reflecting in their formulation informed analyses of military and political strategies, tactics and technology.

With reference to your inquiry concerning the rules of engagement governing American military activity in Indochina, you are advised that rules of engagement are directives issued by competent military authority which delineate the circumstances and limitations under which United States Forces will initiate and/or continue combat engagement with the enemy.

These rules are the subject of constant review and command emphasis. They are changed from time to time to conform to changing situations and the demands of military necessity. One critical and unchanging factor is their conformity to existing international law as reflected in the Hague Conventions of 1907 and the Geneva Conventions of 1949, as well as with the principles of customary international law of which UNGA Resolution 2444 (XXIII) is deemed to be a correct restatement.

The draft proposals prepared by the International Committee of the Red Cross were submitted for consideration and are presently being considered in the on-going process of debate, discussion and conference which has taken place in two major conferences of governmental legal experts in Geneva in 1971 and 1972 and by a separate panel of independent experts in 1970. The positions of the United States delegations to these conferences take into account the position of other governments as they are presented.

The fragmentary information relayed through you by Mr. Clark from the North Vietnamese purporting to identify locations where collateral damage is alleged to have been done to other than military targets is generally too vague and imprecise to facilitate a meaningful search of records of air operations in North Vietnam. For example, the "map" provided by the North Vietnamese through Mr. Clark to you is in fact no more than a free-hand sketch, with the alleged damage areas shown by splotches measuring about 10 kilometers across. It is indicated in the letter from Mr. Clark to you, we note, that he has provided to you so far only partial data in his possession. Under these circumstances, particularly in view of the patently propagandistic character of the allegations by the North Vietnamese with reference to bombing of dikes, as noted above, it would appear to serve no useful purpose on the basis of such fragmentary data to further pursue an extended study of photography, which for military security reasons, would mostly not be releasable to the public even if identified.

I would like to reiterate that it is recognized by all states that they may not lawfully use their weapons against civilian population or civilians as such, but there is no rule of international law that restrains them from using weapons against enemy armed forces or military targets. The correct rule of international law which has applied in the past and continued to apply to the conduct of our military operations in Southeast Asia is that "the loss of life and damage to property must not be out of proportion to the military advantage to be gained." A review of the operating authorities and rules of engagements for all of our forces in Southeast Asia, in air as well as ground and sea operations, by my office reveals that not only are such operations in conformity with this basic rule, but that in addition, extensive constraints are imposed to avoid if at all possible the infliction of casualties on noncombatants and the destruction of property other than that related to the military operations in carrying out military objectives.

Sincerely,

J. FRED BUZHARDT.

AUGUST 19, 1972.

Hon. MELVIN R. LAIRD,
Secretary of Defense,
Department of Defense,
Washington, D.C.

DEAR MR. SECRETARY: As you probably know, the Subcommittee on Refugees resumed last week its public inquiry into war-related civilian problems in Indochina, focusing its attention on conditions within North Vietnam.

In connection with the record of these hearings, and as a follow-up to my letters of May 3, June 26, and August 9, I would like to request the current rules of engagement governing air activities and naval gunfire in North Vietnam, and a series of aerial photographs of civilian populated areas allegedly subject to American air strikes. It would be helpful if these photographs could include shots of specific locations in or near these areas, both before and after the date they have been reportedly hit. It would also be helpful for the Department to identify what military targets were in, or near, these civilian populated areas. Hopefully, materials forwarded to the Subcommittee will include photographs of the sites listed in the testimony submitted to the Subcommittee by the Honorable Ramsey Clark, a copy of which I have attached to this letter, and of the following:

1. *Haiphong City*—photos taken prior and subsequent to the April 15–16, 1972, bombing raids on Haiphong, particularly the Ngo Quyen district, the central market place (hit on July 31st), and the so-called Vietnamese-Czechoslovak Friendship Hospital. Western observers also report that a housing and school complex consisting of three four-story apartment buildings and one two-story senior high school, located 2½ kilometers east of the harbor area, was struck three times on April 16, 1972: at 2:15 a.m., 9:00 a.m., and 4:00 p.m. Is this information, submitted to the Subcommittee, correct, and what military targets were in the area?

2. *Nam Dinh*—photos prior to May 23rd and subsequent to June 23rd showing the central city area, specifically the hospital, and the Chung Dang Ling secondary school.

3. *Han Gai*—photos before and after June 7th–9th, showing the Ha Long quarter.

4. *Hanoi*—reports to the Subcommittee report heavy bomb damage since April 16th to such civilian installations as the Bach Mai hospital (hit on June 27th); the Truong Dinh workers housing apartments (hit on June 27th); and civilian housing on Ming Khai Street (hit on July 4th).

Your assistance in this matter is greatly appreciated.

Sincerely,

EDWARD M. KENNEDY,
Chairman, Subcommittee on Refugees.

WASHINGTON, D.C.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: As I testified before your Subcommittee on August 15, I visited North Vietnam between July 29 and August 11, 1972. During this period, I traveled over 1200 kilometers between cities and provinces and many more miles within those places. I visited six provinces, five major cities, and numerous villages, towns and dike sites.

Bomb damage to what appeared to be purely civilian targets was extensive. I personally observed schools, hospitals, churches, residential quarters of cities and whole villages, dike sections and water control facilities which had been damaged or destroyed by bombing. I also visited children and old people in hospitals who stated they had been wounded by bombing, and talked with other civilians who described losing members of their families because of bombing raids.

The bombing of civilian targets in North Vietnam must be a subject of great concern to every American. It is intolerable that a rich, powerful, technologically advanced nation should bomb villages, hospitals and dikes killing women and children in a poor, undeveloped country simply because it has the power. It is incredible that we should do so when we are withdrawing ground troops and say we are "winding down" the war. The implications for the future are ominous.

It is imperative that this controversy over whether we deliberately bomb civilians be resolved in a way which will give the American people the facts and let them judge for themselves.

For this reason, I am attaching a partial list of structures and areas which I personally observed to have been bombed. I include here but a few of the more striking examples of what I saw. Of course, the Department of Defense knows what targets it intends to hit and what targets it does hit. If the Department of Defense will disclose the facts as to these places I list, I can send a full list of what I observed in North Vietnam at a later date. Extensive aerial photo reconaissance is made of North Vietnam and often planes on bombing missions photograph as they bomb. I hope you will be able to obtain aerial reconnaissance photographs from the Department of Defense of the bombed places listed here. Ideally, every existing photo of each target would be obtained. The most important are those taken on the day of the bombing, then the days before and finally the days after.

The disclosure of such aerial reconnaissance photographs to the American people is clearly an essential step to open, informed consideration of our bombing policy in Vietnam and its effects on the civilian population. Citizens of a free democratic society are entitled to such data. Indeed, our system cannot work without an informed public.

Of this list, the most critical set of targets are the dikes because they sustain the agriculture of the people and retain waters that could drown hundreds of thousands. I am therefore appending a list of dike sections which have reportedly been bombed, some of which I saw and some which I did not see.

In view of the world-wide controversy over the bombing of the dikes, Administration officials should produce aerial reconnaissance photographs of these specific dike sections, taken both before and after they were reportedly struck. Their failure to do so will imply to many a fear of the truth on their part. I include here a United States Army map to aid in identifying these dike sections more precisely.

You will recall I showed two small bombs to your Committee. The bomb I called a penetrating bomb was given to me by the Mayor of Haiphong. He said it was found after an attack on his City on June 26 in Lach Tray Street where much damage was done. The round bomb I described as an anti-personnel bomb was given to me by the Mayor of Hanoi. He said only that it was dropped on the southern part of his city on June 8, 1972. I would be interested in the legal justification by the Department of Defense for dropping such bombs outside of combat zones and military encampments if it concedes these bombs were dropped as described.

I hope you can secure an early response from the Department of Defense. If the American people and the Congress are to have a say in determining this country's policies, they must have the facts.

Thank you for your efforts on behalf of peace and humanity.

Sincerely,

RAMSEY CLARK.

Mr. KENNEDY. Mr. President, that is a part of the administration's statement of policy, that the loss of life and damage to property must not be out of proportion to the military advantage to be gained.

Mr. President, how do we know what the loss of life is when they refuse to provide the kind of information that would indicate to us the damage to civilian areas in North Vietnam? We ought to be able to have that material, and then let the American people make a judgment as to how effective this bombing of the North is, and what its human costs are.

Finally, Mr. President, I am mindful, as I am sure the Senator from Wisconsin is, of the analysis that was done on the whole bombing policy in the Kissinger memorandum of 1969, and where, in that memorandum, they outlined the reasons for the bombing policy as follows:

PURPOSES OF THE BOMBING: WHAT THE KISSINGER MEMO OF 1969 SAYS

1. The Kissinger memorandum drew together a list of all the reasons cited during the Johnson Administration as to the purpose and affect of bombing North Vietnam. Principal reasons cited, and the degree of success achieved, included the following; (quotes are from the 1969 Kissinger memo):

PURPOSE

Destroy the war-making potential and materiel coming South.

RESULT

Never succeeded in significantly halting the flow Southward: "The North Vietnamese have continually increased the volume of supplies moving into the southern provinces."

PURPOSE

Make the "cost" of the war too high, and greater than the input.

RESULT

"While air strikes destroyed about $770 million worth of capital stock, military facilities, and current production (as of 1969), North Vietnam received about $3,000 million worth of foreign economic and military aid from Communist bloc countries. Thus in terms of total economic and military resources available to support the war, North Vietnam is better off today than it was in 1965."

PURPOSE

Cripple the transport system.

RESULT

"Despite heavy damage to the transport network throughout the bombing, effective countermeasures kept the system operable."

PURPOSE

Divert manpower.

RESULT

"Extra manpower demands induced by the bombing brought about some tightening of the over-all manpower availabilities, but never reached proportions significant enough to limit Hanoi's support of the war."

PURPOSE

Destroy the economy.

RESULT

"The bombing was having a cumulative impact on the economy, resulting in the appearance of widespread black market activity ... growing shortages in consumer goods and foodstuffs persistent agricultural shortfalls.... A general tightening of the belt." But while North Vietnam's economy was severely disrupted and its economic growth, it did not destroy its economic capacity to continue the war.

PURPOSE

Harm morale in the North.

RESULT

"The bombing imposed severe hardships on the people by the constant threat to life, by the disruption of personal routines and by the dispersal of industry and evacuation of urban centers.... However, the regime was quite successful in using the bombing threat as an instrument to mobilize people behind the ... war effort."

SUMMARY CONCLUSION OF ONE MEMO TO KISSINGER:

The North Vietnamese surprised many observers, and confounded many predictions, by holding the North together and simultaneously sending ever-increasing amounts of supplies and personnel into the South during 3½ years of bombing (as of 1969). It is clear that the bombing campaign, as conducted, did not live up to the expectations of many of its proponents. With this experience in mind, there is little reason to believe that new bombing will accomplish what previous bombings failed to do, unless it is conducted with much greater intensity and readiness to defy criticism and risk of escalation.

Mr. President, I think the burden is on the administration, in requesting these funds for war from Congress, that they be able to present to Congress and the American people conclusive evidence that this bombing policy has really been an effective policy and, in addition to being an effective policy, that its advantage in military terms outweighs the damage to the civilian population. I challenge them to produce that evidence. I do not believe it can be produced, and I think the amendment of the Senator from Wisconsin is well-founded and should be agreed to.

I ask unanimous consent, Mr. President, that material prepared by the subcommittee staff on the civilian areas—the hospitals, schools, housing projects, churches—bombed in North Vietnam, and the identification of them, be printed in the RECORD. I think it might be interesting, because here is the documentation, and I believe it would be useful and helpful for Senators who are interested in this problem to have an opportunity to examine the matter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIST OF CIVILIAN DAMAGE WITNESSED IN NORTH VIETNAM, AS COMPILED FROM TESTIMONY AND REPORTS TO THE JUDICIARY SUBCOMMITTEE ON REFUGEES

Place	Location	Date reportedly struck	Observed by	Observations
CITY AREAS				
Ha Ly District	Haiphong City	July 31, 1972	Ramsey Clark	Acres of destruction to residences, business area, hundreds allegedly killed.
Truong Chinh Workers	Hanoi City	June 27, 1972	Ramsey Clark, John Sullivan	Total destruction of large housing development and damage to nearby school.
Lac Vun secondary high school	Haiphong City	Apr. 16, 1972; 2:20 a.m.	Paul Mayer, William Zimmerman	2 buildings totally demolished.
Lac Vun suburb housing project	do	Apr. 16, 1972	do	Several 2-3 story buildings (apartments) totally demolished.
Hang Sat St	Nam Dinh City	May 23, 1972; 12:05 a.m.	do	Several blocks of small workers' houses in total ruin.
Hang Dong St	do	do	do	Several blocks of small workers' houses in total ruin (ruins still smoking from day before); also high school.
Textile factory	do	do	do	Roof damaged, etc.
Guest house	do	do	do	Roof damaged, windows broken; also several unexploded "perforating bomblets" in ground near building.
Gia Lam suburb	Hanoi City		do	Outdoor motion picture hit (Peoples' Theatre)—unexploded bomb. Residential area near bridge, ruins of buildings and several huge bomb craters.
Minh Khai St	do	July 4, 1972	George A. Perera, John Sullivan	One bomb crater seen, 33 homes damaged; told 1 dead, 4 hurt.
Textile workers homes	do	Mar. 8, 1972	do	Moderate to extensive damage told 4 dead, 15 hurt.
Nam Dinh City	80 kilometers south of Hanoi	Many times in 1972	do	Damage and destruction to hospital, school, cultural center, bakery, textile factory, homes, etc, city largely evacuated.
Hang Tien St	Nam Dinh City	May 23, 1972	Jane Fonda	3 families killed, 3 homes destroyed.
Hoang Va Tung St	do	June 20, 1972	do	Many homes destroyed, blast bombs used.
Cultural complex (children's center, workers and people's cultural center and large pagoda).	do	May 23, June 11, June 20, 1972	do	Destroyed completely, 2,000 pound bomb used.
HOSPITALS				
Thanh Hoa Hospital	Approximately 6 kilometers from Thanh Hoa City.	Apr. 27, 1972 (0850); Dec. 26, 1971.	Ramsey Clark, Banning Garrett	6 buildings demolished; others extensively damaged. Facility out of operation.
Vinh Phong Leprosarium	Near Vu Van village	July 31, 1972	Ramsey Clark	Administration building and medical treatment facility destroyed; barracks-like housing for patients damaged.
Bach Mai	On highway to Ninh Binh, 6 kilometers south of center of Hanoi City.	June 27, 1972 (0900)	Ramsey Clark, Jane Fonda	Large crater in a courtyard destruction; of 1 wing of hospital; damage to other wings and adjacent buildings.
Vietnamese-Czech Friendship Hospital	Haiphong City	Apr. 16, 1972 (0900)	William Zimmerman, Paul Mayer	Surgical ward and operating room hit.
Ky Dong Hospital	do	do	do	Fragmentation bombs used.
University of Hanoi Medical School Clinic	Outskirts of Hanoi		do	Various clinic buildings leveled.
Soviet-Vietnam Friendship Hospital	1 kilometer from center of Hanoi		Jane Fonda	Large part of hospital hit.
Main hospital	Nam Dinh City	June 20, 1972	do	Pediatric ward, first aid center and medical supply ward destroyed.
Number One Hospital	Nam Dinh		George A. Perera	Almost total destruction; no longer in use; identified as large general hospital.
CHURCHES				
3 churches near Vu Van	Within 2 kilometers of Vu Van village in Thai Binh Province.	July 31, 1972	Ramsey Clark	All badly damaged from bombing.
Along Route No. 1	50 kilometers south of Hanoi		George A. Perera	2 or 3 churches seen within a kilometer of road which appeared extensively damaged.

Place	Location	Date reportedly struck	Observed by	Observations
SCHOOLS				
3 in Haiphong	Haiphong City	July 12, 1972	Ramsey Clark	Destroyed.
1 in Hanoi	Hanoi City	May (?), 1972	do	2-story building, extensively damaged, unusable.
Vu Van secondary school	Vu Van village	July 31, 1972	do	6 classrooms destroyed; other classrooms damaged.
Senior high school	Haiphong	Apr. 16, 1972	William Zimmerman	Destroyed.
Polytechniqueinstitute	Hanoi		Jane Fonda, George A. Perera	Parts destroyed; windows broken.
Thiang Dang Ling secondary school	Nam Dinh City	May 23, 1972	do	School destroyed; surrounding houses destroyed; many people wounded.
VILLAGES				
Phuc Loc	Approximately 7 kilometers east southeast of Haiphong City.	Apr. 16, 1972 (0230)	Ramsey Clark, William Zimmerman	142 bomb craters, much destruction in village.
Thieu Hoa	Approximately 25 kilometers from Thanh Hoa City.	Apr. 13, 1972 (0245)	Ramsey Clark	Total destruction of Xan Ai; damage to remainder of village; allegedly 23 killed, 33 wounded.
Vu Van	Approximately 6 kilometers southwest from Thai Binh.	July 31, 1972	do	Homes, school, dike hit. 3 churches nearby badly damaged.
Bao Ngu	20 kilometers from Nam Dinh	May 12, 1972 (1200)	William Zimmerman, Paul Mayer	Demolition and fragmentation bombs used.
Phu Ly			Jane Fonda, George A. Perera	Town of 6,000 totally flattened; antipersonnel bombs used; entire hydraulic system destroyed.
Nam Sach		July 11, 1972	Jane Fonda	8 bombs dropped; many houses destroyed; 2 people killed.
DIKES				
Lan sluice and gates	Approximately 25 km. east southeast of Thai Binh City within several kilometers of sea.	May 19, 24; June 15; July 2, 8, 11, 12; Aug. 4.	Ramsey Clark	Extensive damage to adjacent diking, concrete base, destruction of lifts, housing, gates, superstructure.
Vu Dong dike	Approximately 10 km. south of Thai Binh City.	July 20, 1972	Ramsey Clark, Jane Fonda	Extensive damage to dike, 28 bomb craters on and near dike, adjacent huts destroyed.
Nam Sach dike	40 km. eaxt of Hanoi	July 9, 11, 1972	do	Extensive damage visible though largely repaired by Aug. 6. Severed in two on July 9. This is the dike location which the French newspaper reporter Jean Thoraval says he saw attacked.
Nam Dinh dike	Nam Dinh	June 18, 1972	Jane Fonda, George A. Perera	Repairs in progress on 1 primary dike adjacent to Re River; 2 alleged craters seen in secondary dike; road nearby but not on dike.

[From the New York Times, Oct. 2, 1972]

THE NONWHITE WAR

(By Herbert Mitgang)

WASHINGTON.—There is one human matter that is virtually unmentionable in the official American pronouncements about the Vietnam war. It concerns the casualties and refugees—practically none of whom are white—caused by present bombing policies over allied, enemy and neutral countries in Indochina.

Repeatedly, the Administration has emphasized that the war was inherited and that a half-million ground troops have been withdrawn from South Vietnam. True enough, but a big omission here is that, because of expansion of the war theater with Air and Navy units and their deep infrastructure, there are still a half-million Americans supporting Vietnam hostilities across the wide Pacific command.

President Nixon's declaration that there will be only 27,000 Americans in South Vietnam by Dec. 1 is more than a concealment of the actual military manpower engaged in the war. It plays down the risks run daily by carrier pilots off the Gulf of Tonkin and fighter pilots taking off from Thailand bases against Soviet MIG's and missiles; and it withholds their role from public attention.

But the greatest omission of all concerns the nonwhite people on the receiving end of the terror falling from the skies. Watching Senator Kennedy's subcommittee on Refugees attempt to extract the facts from Administration spokesmen is a despairing sight. A few days ago, in the old Senate Office Building, he asked: Why is it easy for you to tell us how many bridges have been destroyed in North Vietnam and the precise number of trucks hit along the Ho Chi Minh Trail but not how many hospitals, schools, churches and other civilian installations have been hit by our bombs? The evasive response by an Assistant Secretary of State was that these were not deliberate military targets but only "regrettable by-products" of the violence of warfare.

Nevertheless, the subcommittee on Refugees has been able to assemble the human cost of the expanded Vietnam war. Sources include church, medical and voluntary groups, United Nations agencies, the General Accounting Office and field observers reporting to the subcommitee's counsel, Dale S. De Haan, plus whatever information is made available by the Government's intelligence and military groups—which do not have civilian refugees and casualties high on their lists of concern.

The "regrettable by-products" include these statistics: In the last two years about 400,000 people have been killed throughout Indochina—a frightening number that is an actual "bloodbath," as distinct from the theoretical one predicted by President Nixon in the event that American support was withdrawn from the Thieu Government. Since the North Vietnamese do not divulge their casualties, the real figures could well exceed this estimate.

The people displaced from their homes by the war's continuation in the last two years include: 1,850,000 South Vietnam refugees; 2,000,000 Cambodian refugees; 250,000 Laotian refugees and an unknown number of North Vietnamese. South Vietnam has suffered the most; the Refugees subcommittee estimates that the total number of refugees since the war began is 8,000,000, almost one-half of the South Vietnamese population.

The military and civilian dead, wounded and displaced throughout Indochina will only be known when the war finally ends. In the meantime, there is little preparation by the United States to alleviate the suffering of the nonwhite people whose governments have been supported and whose bases have been used as airstrips to launch new casualties, new refugees among the civilian populations. Efforts to pay for the suffering, as distinct from the armaments, have been cut in Administration budgets.

Based on hospital records, about one-fourth of the wounded civilians in South Vietnam are children under 12. Most of the South Vietnamese doctors go into military service, leaving hospitals understaffed. Some hospitals have been destroyed, others no longer function. And the wounded and refugees still run at the rate of several thousand every day the war goes on. They run to Saigon's side when North Vietnam's shells burst and run again when American bombs fall. But the Senate subcommittee's analysts report a new development in recent months: Hundreds of thousands in the northern provinces chose to remain under North Vietnamese rule and did not "vote with their feet" for Saigon.

Bombing from on high, obeying the call of the sensors and unloosing the smart bombs, American fliers fortunately are sustaining few casualties. The same cannot be said for the nonwhite civilian populations of Indochina, about whom the American public does not hear in its Presidential bulletins.

[From the Washington Post, Sept. 27, 1972]

INSIDE NORTH VIETNAM: FACTORY CENTER SURVIVES BOMBINGS

(NOTE.—This is one of a series of articles by Richard Dudman, chief Washington correspondent of the St. Louis Post-Dispatch, who has just returned from two weeks in North Vietnam.)

The ruined city of Namdinh is an object lesson in how not to destroy an enemy industrial center.

American bombs have wrecked most of the city, once the third largest in North Vietnam, not only the big textile mill that supposedly was the principal target but also commercial shops, schools, houses, apartment buildings, most of the civic center and parts of a 300-bed hospital.

But the mill continues to operate, at least on a reduced scale. So do the shops, the schools and the hospital.

All have been moved out into the villages and hamlets and along the city roads of the surrounding countryside, together with most of the city's population.

The U.S. bombing policy has brought pain and misery to many civilian bystanders in and around Namdinh and has provided an anti-American show-place to which the North Vietnamese take foreign visitors.

But it has been a substantial failure in its apparent chief objective, to halt the operation of the textile industry there. In a dispersed and largely bomb-proof fashion, the industrial community continues to operate. Even the passenger train to and from Hanoi continues to run, slipping in and out of the bombed-out Namdinh station after nightfall.

Namdinh, built under the French in 1900, lies in the midst of the rice paddies of the Red River delta, 45 miles southeast of Hanoi in Namha province. Its normal population of 120,000 now is 90 per cent evacuated, officials said.

The factory was designated a military target in the Johnson administration and again in the Nixon administration. North Vietnamese officials said its 13,000 workers produced canvas, poplin, blankets as well as sheeting, tablecloths, silk goods and cotton material for civilian clothing. Canvas is needed for covers for the guns and supply trucks moving down the Ho Chi Minh trail and across the Demilitarized Zone into South Vietnam. Poplin is needed for military uniforms. All armies need blankets.

U.S. bombers did a thorough job on the factory. The five-story main building was gutted, with gaping holes in its roof and brick walls. Some of the floors had collapsed Wreckage of nearby sheet metal factory sheds was torn and twisted among the rubble of what used to be brick walls.

Shattered textile machinery could be seen in the wreckage of what officials said had been a vocational school for training textile workers.

Within a block or two of the factory, officials pointed out the wreckage of what they said had been a municipal cultural center, a workers' club, an open-air bandstand, a Buddhist pagoda, an exhibition hall, a post office and a library. They said those buildings were destroyed by bombing attacks May 13, June 11 and June 20 of this year.

A three-story building several blocks away, described as part of a workers' housing project, was wrecked by a bomb which they said hit it July 28 of this year.

Farther from the factory, at a distance of perhaps half a mile, stood the remains of the hospital. Two buildings described as the pediatrics department were wrecked, one of them apparently by a direct hit. Officials said it was struck by one of 10 bombs dropped on the area June 20.

"The staff and the patients had already been evacuated two days before the bombs hit," a member of a 20-man hospital militia unit said. The group, armed with rifles, was all that had remained behind.

"We went into the shelter when we heard the planes. No one was injured," he said.

The nearest antiaircraft artillery had been outside the hospital grounds, he said. None could be seen inside the compound.

The chief of the foreign affairs bureau of the provincial administrative committee, Tran Hung, said that the factory and the city had been bombed 40 times in the Johnson administration, starting June 8, 1965.

"After Johnson stopped, we began to rebuild," he said. "But we were always on guard and did not concentrate all the machinery back in the factory.

"On May 6, 1972, Nixon sent his planes to attack the city of Namdinh as well as the factory. Since then they have attacked the city on 20 different days. On only three of those days were the attacks against the factory."

He said that the city was 60 per cent destroyed by the Johnson bombing, partly rebuilt, and then 70 per cent destroyed by the Nixon bombing campaign.

"Nixon is crueler," Hung said. "In only four months he has caused more destruction and suffering than Johnson did in four years."

A drive through the battered city showed the 70 per cent figure for destruction to be a reasonable estimate. Although total casualties appeared to have been relatively light, whole areas were levelled. Many buildings still standing had cracked walls and boarded-up broken windows.

Across the street from where one bomb had destroyed a house, a man and his niece stood in the doorway of their damaged home. She said that a bomb struck last June 20. Most of the neighborhood already had been evacuated, and only seven persons were injured, she said. She said that she continued to work in the silk department of the mill. Her uncle is a construction worker.

Under the ruins of another building, three clerks operated a makeshife basement store, their rifles hung on the wall behind them among a display of washpans. The sparse stock included cotton yard goods, rationed and unrationed, fountain pens, plastic shower slippers, candles and toiletries.

Another underground establishment was a one-chair barber shop. The barber said a shave and a haircut was 40 XU (12 cents).

Many of the wrecked buildings were stripped of rubble. Salvaged bricks were stacked along the street ready for rebuilding. Ten-inch iron pipe was laid out along the streets—ready for installation whenever the bombing halted, an official said.

Later, he conducted a tour of the paddy land where nearly 95 per cent of the province's 1,750,000 population lives even in normal times.

Evacuated shops from the provincial capital lined the road for five miles out of the city, taking up almost every square inch of the narrow strip beneath a line of trees between the pavement and the flooded rice fields.

Signs of the mud and grass huts identified many bicycle repair shops, many tailor shops, barber shops, opticians, a locksmith, some photographic studios, a sewing machine repair shop, a dentist, a watch repair shop, a dog meat market, and, logically enough, a sign shop.

Crowds of people in and around the shops seemed confident that the strung-out community was no longer much of a bomb target. The road-side one-man bomb shelters appeared unused, and many had been washed half full of mud.

The tour included a visit, to the village of Trucchinh, six miles southeast of Namdinh. The chairman of the village administrative committee, Tran Van Chinh, showed where he said a dike had been bombed on July 6 and repaired by hand by 2,000 villagers working for two days.

He disputed President Nixon's boast that he could destroy North Vietnam's dike system in a week if he wanted to. He contended that the earthworks could be repaired as fast as they were hit if the rivers were not too high. Flood stage this year was said to be the lowest in six years.

The chairman showed off banners for record rice production, an award named for a Communist victory at Apbac in South Vietnam in 1963. He said that the village militia, armed with a heavy machine gun, rifles, hand guns, grenades, scimitars and spears, had shot down one U.S. plane in 1967 and another on Aug 24 of this year.

The village of 8,000 was a quiet, peaceful place, except for several hundred little boys who raced ahead of the visitors and peered into the windows at every stop. The chairman showed off a pig farm, proud of its high production, cleanliness and absence of flies. In the late afternoon, buffalo boys perched on the backs of water buffaloes and wearing blue plastic rain capes against the frequent showers, brought the animals in from the fields along the dikes.

One section of the evacuated textile mill was operating in a series of one-story thatch-roofed buildings in another village in the area. Officials asked that its location not be reported and prohibited photographs, since "Nixon hasn't been able to find it."

At one of the wooden looms, a woman worker held her 5-month-old baby with one arm while running the machine with the other hand on a seven-hour shift. An older daughter stood behind her to hold the baby part of the time and operate the machine when it was time for her mother to nurse the baby.

The 400 employees were making patterned Turkish towelling. If they had time for that, it seemed probable that other sections of the dispersed mill were making more essential fabrics.

The Namdinh hospital had been converted into a mobile hospital and was quartered temporarily in peasant houses in another village. Its location also was secret.

"Our staff of eight doctors, three assistant doctors and 18 nurses can look after 60 bombing victims at one time," said Dr. Nguyen Tich Y the medical director. "We rely on the peasants to carry the wounded on stretchers and do the cooking and washing. It takes only two of our hospital workers to wash the medical linen."

Dr. Y said that the staff and patients had been evacuated from Namdinh on two hours' notice two days before the hospital was bombed. In the short time, they removed all the patients, much equipment, and even french doors and flagstones, which had been installed in the village houses to provide daylight and clean flooring.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, I have a request for time, but I do not see the Senator here at the moment. Will someone send for the Senator from North Dakota?

Mr. President, I yield myself 1 minute until the distinguished Senator from North Dakota (Mr. YOUNG) arrives.

Mr. President, the pending amendment would cut off all funds included in this bill to support bombing operations in North Vietnam, Laos, and Cambodia. In my opinion, this amendment would, if adopted, do grave damage to our national interests in Southeast Asia, and I urge the Senate to reject it.

Every American whom I know, both in private life and in Government, yearns for an end to the years of conflict in Southeast Asia. We are all looking, searching, and even struggling to reach a solution to the complex problems this war presents. We should not, however, let our intense desire to solve this great national problem cause us to act precipitately and do something contrary to our best interests.

The PRESIDING OFFICER. The time if the Senator has expired.

Mr. McCLELLAN. I yield myself 1 additional minute.

In commenting on this amendment last Saturday, I stated:

> This war can end any day the enemy will agree to a cease fire.

This is the basic fact that we must keep in mind during the consideration of this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENSON. Mr. President, will the Senator from Wisconsin yield for a question?

Mr. PROXMIRE. Yes. I yield myself 2 minutes.

Mr. STEVENSON. I agree with the Senator from Wisconsin that the bombing is barbaric and does not work. All the evidence at this painful point in our history indicates that, far from breaking the back of the enemy, it only redoubles the determination of the enemy to fight on against the United States and against its vassal in South Vietnam. The bombing also heaps the contempt of the world on the United States.

I want to ask the Senator from Wisconsin whether the effect of the amendment would be to end bombing in direct support of friendly ground forces in Indochina. I believe the Senator would agree that we do bear some responsibility for the plight of ground forces in Indochina. We have armed them; we have Americanized the war. Many of them, from time to time, find themselves in desperate military situations.

If the effect of the amendment is to prohibit the expenditure of funds even for such missions in direct support of American forces as well as friendly forces in South Vietnam, Laos, and Cambodia, I wonder whether the Senator would consider a modification to——

Mr. PROXMIRE. May I say to the Senator from Illinois that this is a very limited amendment. It provides that aerial bombardment by U.S. forces in North Vietnam, South Vietnam, Laos, and Cambodia will stop. However, it does not eliminate more than $4 billion or the $6.3 billion we are now spending as the incremental cost to us of the Vietnam war. We provide for more than $2 billion of free world forces assistance. We continue to help South Vietnam and our friendly forces in Laos, Cambodia, and Thailand.

Of course, they have a million-man army, with their own air force, with their own ground forces. It is one of the most formidable armies—at least, in terms of equipment and manpower—in the world. So they would be able to continue to protect themselves and protect our troop evacuation.

Furthermore, we provide close support—strafing, and so forth—for their troops. We would simply stop the aerial bombardment.

It seems to me that this amendment is sufficiently limited so that in the event the South Vietnamese have the will to resist, they certainly ought to be able to do it.

May I just add that the testimony before our Subcommittee on Foreign Operations by the Secretary of State earlier this year was to the effect that we are providing four times as much assistance to South Vietnam as Russia and China are providing to North Vietnam. Not even 1 pound of bombs in aerial bombardment has been dropped by either the Russians or the Chinese.

It seems to me, on the basis of everything we have done for South Vietnam—the Senator from Illinois knows it as well as the Senator from Wisconsin—the tremendous sacrifice we have made, the great advantage we have given South Vietnam, if they cannot pull it out now, with the assistance we would continue to give them if this amendment were adopted, then the situation really is hopeless for them.

Mr. STEVENSON. I should like to pursue the question with the Senator. He has said, if I understand him correctly, that the effect of the amendment would not be to interfere with ground support actions by the Vietnamese, nor with such missions by American aircraft. If that is the case, would the Senate agree to the addition of a provision to make it explicit in the amendment, simply providing an exception that appropriations can continue to be used for the direct support of American and friendly ground forces?

Mr. PROXMIRE. The yeas and nays have been ordered on this amendment. There is no way by which the amendment can be modified without unanimous consent. I would doubt very much that unanimous consent would be given.

Furthermore, I do not think it is necessary, because there have been previous appropriations which are available to the President for troop support.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. I yield 5 minutes to the Senator from Michigan.

Mr. HART. Mr. President, normally, we ask leave to have printed in the RECORD material we think is useful and informative for ourselves and those who follow the proceedings of Congress. Over the past weekend I read a rather brief article. Perhaps reading it in the quiet of a farm sitting room made it more powerful than it will strike any Member of the Senate who hears it read in this Chamber. Nonetheless, it struck me forcefully. It is in direct comment on the amendment of the Senator from Wisconsin, an amendment for which I rise to voice support. I should like to read the article. It is published in the New Yorker magazine, under "The Talk of the Town." Incidentally, a publication among few which consistently, month in and month out, year in and year out, so far as I am aware, has never gone to press without at least one reminder to its readers that this war is hurtful and wrong.

The issue of September 23, 1972, puts it this way:

> A Harris poll published last week showed that fifty-five per cent of the American people are in favor of our bombing Vietnam. Thirty-two per cent are against it. The others do not know what they think. In short, it appears that the majority of the people in our country believe it is right, or necessary, for us to go on killing the Vietnamese people—North Vietnamese and South Vietnamese alike—because, according to the poll, "it is important that South Vietnam not fall into the control of the Communists." No matter that Russia and China, giants among nations, long ago fell into the control of the Communists, and that it is now our government's policy not only to coexist with Russia and China but to attempt to establish friendly relations with them. What matters is not to let this tiny, once obscure semi-nation become Communist. So, in a stupor, with scarcely a thought, we drop our thousands of pounds of explosives every day, and wipe out those nameless, faceless, distant creatures who in our bleary minds are not quite human beings. And it is not our President who is doing the killing, it is not our bomber crews, it is we the American people. We are the ones—the fifty-five per cent who say yes and the rest who say so little—who keep the bombs falling. Now that our ground troops are withdrawn our casualty rate is down to almost nothing, now that the lives that are being lost in ground combat are Vietnamese lives (why die if we can pay someone else to do our dying for us?), we blithely take to the air. Just in case we might still have qualms about the bombing, our government tells us, over and over, why we do it. We seek, the government tells us, some geopolitical advantage in Vietnam; *that* is why we are bombing. We, the most powerful nation in the world, waging a strange, vertical war against one of the world's least powerful nations, seek a balance of power; *that* is why we are bombing. By killing and maiming our friends in South Vietnam, by ravaging their land, by destroying their society, we seek to convince our friends in Europe and the Middle East that they can count on us to stand by them; *that* is why we are bombing. We seek to impress our potential enemies with our might and courage by recklessly spending Vietnamese lives in a fratricidal struggle that could not go on without us and by carrying out air attacks on people who cannot defend themselves or retaliate; *that* is why we are bombing. We are bombing them in Hanoi so that we won't have to fight them in the streets of San Francisco: we seek a generation of peace. We are fighting a token war now so that we won't have to fight the real power, the ultimate war, later: we seek survival. We draw closer to Russia and China, but we must stop Communism in Vietnam, for it is there that our national security lies, and we seek national security. *That* is why we are bombing. Why are we bombing Vietnam? As we put off the one day that might bring our prisoners of war home, we seek the return of our prisoners of war. *That* is why. We seek prestige. We seek respect. We seek credibility. We seek honor. *That* is why. And in the course of all this seeking, all this bombing, our souls have withered. Day by day, we are turning into monsters. For a hundred reasons, and for no reason whatever, we are blowing men, women, and children to bits with our bombs, and we can't feel a thing.

Mr. President, that is from the Talk of the Town in the New Yorker magazine. I suspect that most Americans, if they heard that, whether or not in the 55 percent who thought they wanted to go on with the bombing, would say was a rather harsh indictment, which may be true. In any event, an awful lot of people who read the New Yorker cannot do a blessed thing about it. There are people who have written us, and then came down to Washington to see us, marched on Congress, and then marched on the Pentagon, who have gone to jail for doing it, and despair of ever correcting it. They are resigned, apparently, to the inevitability of once again funding the bombing. They cannot do much about it. A few, in utter despair, refuse to pay their taxes—at least they will not contribute to them.

We in the Senate, more than most of the people in this country, can do something about it.

The Proxmire amendment gives us an opportunity to do something about it.

I hope very much that we will accept the opportunity and stop that killing, for all of these reasons, none of which any more make any sense.

Stop it.

Mr. SYMINGTON. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. SYMINGTON. I would ask the distinguished Senator from Wisconsin (Mr. PROXMIRE) a question, but before doing so, would mention the fact to the best of my knowledge I have voted for every end-the-war amendment to come before Congress.

This one worries me, because we still have thousands of Americans in Vietnam and hundreds of Americans in Laos and Cambodia. In addition, there are our prisoners of war. We are told we have taken out all our combat troops.

Would the Senator from Wisconsin consider the possibility of saying this money could not be spent for bombing at a date certain, for example, 90 days from now, or any practicable date, so we get back to the idea of ending the war on the basis of a date certain?

Mr. PROXMIRE. That may be an excellent amendment—maybe a better amendment than I have, but as I have indicated, there is no way I can modify the amendment without unanimous consent and I doubt very much that there is any prospect of getting that.

What the Senator from Missouri could do would be to offer an amendment after this one, to reflect that view, and I will be happy to support it. I am not sure, however, that even that kind of amendment would not be subject to a point of order because I found, in conferring with the Parliamentarian, that it is extremely hard to draft an amendment on this appropriation bill without it being subject to a point of order except by the simple limitation of funds for this particular purpose.

Mr. SYMINGTON. My apprehension is that we still have many thousand Americans over there, in all three services. We are told we have taken out all our combat troops——

Mr. PROXMIRE. On that point, I would say that we do have a great preponderance of naval strength, that we do have a great preponderance of artillery power, and great fire power vastly superior. This amendment does not proscribe other funds from being appropriated. There are funds in this particular bill. It seems to me that there are difficulties and limitations and problems involved in such an amendment and this is the best we could do under the circumstances.

Mr. SYMINGTON. Let me assure the able Senator from Wisconsin that I fully sympathize with his thinking and desire in this matter and hope it can be discussed in the Senate, if necessary every day.

I also read the article in the New Yorker magazine read by the distinguished Senator from Michigan (Mr. HART). It is pertinent. My apprehension is we are told that we have taken out our combat ground troops, and ships, of course, cannot go on the land. We have more Americans in Laos than the people have ever been told about, and the same thing may be true of Cambodia. We have thousands of people in Vietnam, even though they are not combat troops.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. PROXMIRE. Mr. President, I do not have much time, but I would be happy to yield to the Senator from Maine.

Mr. MUSKIE. Mr. President, I want to make an observation in response to the distinguished Senator from Missouri. I understand his reservations and doubts. Similar reservations and doubts prompted me about a year ago to vote against a stop-the-bombing amendment introduced by the Senator from Alaska (Mr. GRAVEL). However, I resolved those doubts in this way. First of all, I am moved by the considerations that the Senator from Michigan, referring to the New Yorker article, so eloquently stated.

The PRESIDING OFFICER (Mr. HANSEN). The Senator's time has expired.

Mr. PROXMIRE. Mr. President, has all my time expired?

The PRESIDING OFFICER. The Senator from Wisconsin is already 1 minute over on his time.

Mr. PROXMIRE. Mr. President, has all my time on the bill been used up?

The PRESIDING OFFICER. The Senator has 15 minutes remaining.

Mr. PROXMIRE. Mr. President, I yield 1 additional minute to the Senator from Maine.

Mr. MUSKIE. Second, Mr. President, I say that no vote we take today will stop the bombing tomorrow. We have an opportunity in the Senate to indicate our revulsion against this continued bombing. If we act affirmatively today, there would be ample opportunity to make a response to the Senate initiative to protect our troops and to do whatever is necessary to bring them home.

The presence of our troops there has been used as an excuse for continued bombing now for 8 years. It was 8 years ago, in another presidential year, that those bombings began. They have been continued ever since for the same reasons that are now implicit in the opposition to the Proxmire amendment.

[Applause in the gallery.]

Mr. President, I, for one, am going to join the Senator from Wisconsin, the Senator fom Massachusetts, and the Senator from Missouri in opposing the continuation of the murderous bombing in Vietnam.

Mr. PROXMIRE. Mr. President, I thank the Senator for having given a better answer than I could have made.

Mr. McCLELLAN. Mr. President, I yield 5 minutes to the Senator from North Dakota.

Mr. YOUNG. Mr. President, it would have been nice to have heard many of the kind of speeches that have been given today, 8 or 10 years ago, when we got involved in this war. I am not one who favored this war.

I ask unanimous consent that my views expressed in the CONGRESSIONAL RECORD on June 16, 1971, be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. YOUNG. Mr. President, I spoke out against this war as far back as 1954. So, I do not speak out as one who favored this war. How we got involved in the war is now a moot question. We did get involved in it. At one time our casualties were as high as 550 a week and the cost was as high as $28 billion a year. Casualties are now down very low. I think that about 2 weeks ago there were not any casualties that week.

Many cities in South Vietnam have now been completely destroyed by invasion from the north. Millions of South Vietnamese were killed, crippled, and made homeless. That destruction is not mentioned here today.

We went over there under a previous administration and talked the South Vietnamese into fighting this war.

At that time Secretary of Defense McNamara told them we could win this war in a matter of a few months. In fact, he made a speech on the streets of Saigon and urged them to an extra effort to fight the war, because he thought we could win the war by Christmas time.

We did not tell those in South Vietnam who are now suffering heavy casualties that when we turned this war over to them, we would stop our support as far as bombing is concerned. If it had not been for that bombing support, the South Vietnamese would not have been able to stand up against the North Vietnamese with their new tanks, mortars, rockets and all the other modern equipment furnished them by the Russians and Chinese. They would have lost the war by now.

Mr. President, after all the blood and money that we have spent there, now at a time when the North Vietnamese are hurting and we are negotiating a settlement for the return of our soldiers and when a return of our soldiers is a real possibility, I do not think that we ought to be telling the South Vietnamese or the North Vietnamese that we are going to quit bombing and no longer going to help them in this war.

Mr. President, I do not believe that now, after we have spent a lot of blood and money over there, we should take away from the South Vietnamese the last defense we are giving them. It would be disastrous.

EXHIBIT 1.

SENATOR YOUNG'S POSITION ON VIETNAM WAR, 1954 TO 1971

(Speech of Hon. MILTON R. YOUNG, of North Dakota in the Senate of the United States, June 16, 1971)

Mr. President, no one in the U.S. Senate has been more opposed to the war in Vietnam than I. I thoroughly disagree with those who have claimed this is the right war in the right place. It is the wrong war in the wrong place. This has been my position from the beginning.

All but two Members of the U.S. Senate voted for the Tonkin Gulf resolution. I was one of those who voted for it. That resolution was considered by almost every Member of the Senate to only authorize President Johnson to take retaliatory action against the North Vietnamese who had previously attacked our destroyers in the Tonkin Gulf. It was no more an authorization to take us into a major war than was the Quemoy-Matsu resolution affecting those islands off the coast of Communist China.

Mr. President, I have a long record of opposing this war. As far back as April 27, 1954, in a press release to more than 50,000 North Dakotans, and carried by most of the press in North Dakota as well as Washington, I stated:

"We must count our foreign policy as a failure if nine years after World War II we cannot find enough people among the teeming millions of the Far East willing to fight the battle against Communist aggression. . . . I am unalterably opposed to sending our troops to another 'Hell hole' on the Continent of Asia. (This was when the French were losing their war in Indochina.)"

Eleven years later, on March 24, 1965, in a news release with the same coverage, I stated:

"It would be courting disaster to become involved in a jungle war with the hordes of Asiatic Communists in this, the most militarily untenable area in the entire world for us to fight."

I cite these quotes, and more to follow, to indicate that, unlike many of the doves of today who once thought this war was a great idea, I always thought, and still do, that our involvement in this war was one of the great tragedies of our time.

I doubt if there was any period in history when our foreign policymakers and some of our military leaders used worse judgment. Former Secretary of Defense McNamara under President Johnson, as well as a few military men associated with him, actually thought we could win this war in a matter of a few months just using American troops and without making any attempt to train and equip the South Vietnamese so they could fight their own war.

In another news release I said on June 30, 1965:

"After all, it is the Vietnamese people who will have to win this war . . . We will have to fight Communism for many years to come. The problem is so serious and the struggle so desperate that we simply cannot afford to dissipate our strength in areas such as Vietnam or the emerging nations in the jungle area of Africa."

I think most people have at long last come to the conclusion that if this war ever was to be won in Vietnam and Southeast Asia it would have to be won on the ground in the jungles. No war we have fought in the past 50 years involved more vicious ground fighting.

After we become involved in this war against my many protestations, I supported the President of the United States in his efforts to fight this war to a successful conclusion. For far too many years the policy of the Government of the United States was to try and win this war alone without the Vietnamese. Only in recent years—in fact, since the Nixon administration—has there been a real effort to train and equip the South Vietnamese to fight their own war. They have come a long way in building a strong military force and many of their divisions can be rated as good fighting units. They still face a very difficult military situation. The North Vietnamese main army is still virtually intact and they have more than 110,000 crack troops in Laos. Most authorities, I believe, will agree that the North Vietnamese are the best and toughest jungle fighters in Asia.

With all of the training and equipment we have provided the South Vietnamese and with the more than 1 million men they have under arms, they are now in a position to hold most if not all of their country if we were to withdraw. This is a very different situation than if we had withdrawn 2 or 3 years ago. Thus a bloodbath such as occurred when the Communists took over North Vietnam has been prevented. The Nixon Administration's policy has, to a considerable exextent, been successful.

How to vote with respect to several of the amendments now pending in the Senate designed to terminate this war in one way or another involves some of the toughest decisions I have ever had to make. After all the blood and money we have spent in South Vietnam, I had hoped that we could salvage something out of this war and end it in a way we could live with in the years to come. In a large measure President Nixon's policy has accomplished this. His Vietnamization of the war has in a very large measure been successful and they are now in a strong position to defend themselves.

Mr. President, because of President Nixon's policy to deescalate this war our combat losses now have reached the lowest level in more than 4 years. They are still too high. What concerns me most, however, is the escalation of drug addiction among our troops in South Vietnam. It is reliably estimated that 35,000 to 40,000 of our troops are using drugs, and mostly heroin, and many of them have already become addicts. There is practically no return for a heroin addict—probably not more than 5 percent are able to shake this curse. I would rather have a son or grandson serving in South Vietnam be a combat fatality than to return a heroin addict to live the rest of his life with all the torture and misery that an addict must endure.

This situation is not going to get better in South Vietnam. Heroin is as easily obtained by our servicemen in Vietnam as is candy here in the United States. It is much purer and more powerful than anything obtainable here. The same is true of marihuana. Dope pushers in Vietnam even resort to such devilish practices as inserting a few heroin-loaded cigarettes in a package of regular brand cigarettes available on the market. Because of this, many of our Government officials, especially in the Embassy, are prohibited from buying cigarettes any place except in the Embassy compound. The South Vietnamese Government has done nothing to decrease the availability of heroin.

The people of South Vietnam have many, many fine qualities. They are a good-natured people and very intelligent. One of the most difficult problems we face in Vietnam, however, is that graft and corruption among their leaders is an accepted way of life. This has been a fact of life for centuries in Southeast Asia.

It is with great reluctance and after long, thoughtful, and prayerful considerations that I have decided to vote for one or more of the amendments now pending which could with all of their undesirable features hasten the end of this war.

President Nixon is to be commended for all he has done to bring our troops back from this unfortunate war and for the great strides he has made in training and equipping the South Vietnamese to fight their own war. While the main Army of North Vietnam is virtually intact and, even though they have at least 110,000 troops in Laos—soldiers who are the best jungle fighters in Asia—I still believe that the South Vietnamese in the past 2 years through President Nixon's efforts of Vietnamization are now in a position to hold most if not all of their country, even though we withdraw. There will be no bloodbath in South Vietnam such as occurred in North Vietnam when the Communists took over.

With the ever-increasing opposition to this war by our people, President Nixon or any other President would find it difficult if not impossible to accomplish more in bringing this war to an honorable conclusion. This has been a very difficult decision for me. One of the major reasons for my action at this time is the alarming increased drug use and addiction among our troops in Southeast Asia.

Mr. President, I ask unanimous consent to have inserted in the RECORD a recent news release of mine and other documents indicating my opposition to our becoming involved in a war in Southeast Asia dating as far back as 1954.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADDITIONAL QUOTES FROM NEWS RELEASES OF SENATOR MILTON R. YOUNG

January 26, 1966. "It is entirely possible that our forces will have to be expanded to 500,000 or possibly even more, depending on how deeply involved Communist China may become in this war. (This was at a time when we had 200,000 troops in Vietnam.) . . . There is probably no place in the world where the Communists have more advantages and we more disadvantages. This is one of the reasons why I was opposed to becoming involved in this jungle war. We must oppose the spread of Communist aggression, but I have always strongly felt that, with our limited manpower and financial resources, we should be more selective as to whom we help and where we fight the Communists. I have expressed my views through these newsletters and even in a personal visit with President Johnson early last year.

"I am very much opposed to the President's request for $3.25 billion more than Congress provided last year for the Great Society Programs. Sacrifices will have to be made if we are to successfully prosecute this war and not have run-away inflation or excessive new taxes."

April 13, 1966. "Those who advocate that we must seek out and fight Communists in every rathole in the world should consider what importance it may have to our own national security, the cost involved, and our limited manpower and economic resources."

February 7, 1968. "Our role in trying to police the entire world is getting us more deeply and seriously involved, and particularly in Southeast Asia and Korea . . . Our military force there is one of the best the United States has ever put on a battlefield. They are doing a superb job under impossible circumstances. As important as the bombing is, this war will have to be won on the ground in the jungles of South Vietnam. Our peace offensive has not been as aggressive or as effective as our military efforts. While I was strongly opposed to our involvement in this war, I am not one who believes we can just walk away from it."

[From the Minot Daily News, Sept. 27, 1967]

JOHNSON "BRAINWASHED"

WASHINGTON, (AP)—Republican Sen. Thruston B. Morton said today President Johnson was "brainwashed" by U.S. military and defense industry leaders into believing the United States could achieve a military solution to the Vietnam war.

The former Republican national chairman said Johnson in turn "brainwashed" the American people during the 1964 presidential campaign by saying the Southeast Asian war should be fought by Asians.

The Kentucky senator, regarded as a foreign policy spokesman for GOP Senate moderates, leveled his strongest attack to date on administration Vietnam policies at the organizational meeting of Business Executives Move for Vietnam Peace.

He continued a slashing Republican attack on Johnson's policies that touched off an uproar in the Senate Tuesday.

The Business Executives Move for Vietnam Peace claims a membership that includes business leaders from 44 states.

Noting that former President Dwight D. Eisenhower warned before leaving office in 1961 of the growing power of a "military-industrial complex," Morton added: "I believe that President Johnson was brainwashed by this power center as early as 1961 when, as vice president, he ventured to Saigon on a fact-finding mission."

Morton said he originally backed Johnson's escalation of U.S. troop involvement in the war. But today he said, "I have grave doubts that any military action, then or now, would have decisively influenced the conflict."

Contending a political solution in South Vietnam may already be out of reach, Morton called for a unilateral reduction of the U.S. military involvement, if necessary, to halt the fighting.

Morton's assertion that a political victory may be out of reach in Vietnam was echoed independently by Sen. Milton R. Young, R-N.D., a member of the select committee which oversees the operation of the Central Intelligence Agency.

"There is no possibility of etablishing a sound, strong and responsible central government in South Vietnam in the foreseeable future, "Young said in a report to his constituents.

Young said "corruption is an accepted way of life there," and added that American officials "can be expected as they have in the past to tolerate this dishonesty and corruption."

He said "these top American officials do a pretty good job of defending everything in Vietnam, including rigged elections."

NEWS RELEASE OF SENATOR MILTON R. YOUNG, MAY 18, 1971

Limiting the power of the President to take us into major wars without a declaration of war by Congress is long overdue. I strongly support a proposal now pending in the Senate which would sharply limit our involvement in such wars in the future. The President has had almost unlimited authority in this respect since our nation was founded, but it was only in recent years that it was used to take us into two major wars—Korea and Vietnam.

As the greatest nation in the free world, we do have a responsibility to try and prevent major conflicts in other areas of the world. We do not have the capability, however, to be the policeman for the whole world. President Nixon has wisely initiated a new policy—that of helping nations with financial and military assistance but without involving our troops. This more limited role of the United States is long overdue. Secretary of State William Rogers—the best Secretary of State in my time—is desperately trying to prevent another war in the Middle East and without committing U.S. military forces. Our involvement in a Middle East war would be even more far-reaching and potentially disastrous than Southeast Asia. Among other things, we would be directly involved in a confrontation with Russia.

For most of my life I have been a strong isolationist and, in a large measure, I still am. We just have to reduce our military expenditures. I strongly support legislation to sharply decrease our military forces in Europe and elsewhere. We have over 525,000 servicemen and their dependents in Europe now. This, and a sizable over-all reduction in our military personnel, would sharply decrease our defense expenditures and make more money available to modernize our military forces and to meet some of our more urgent needs at home. We can have an adequate defense with a smaller but more modern Army.

Even with a major war on our hands we are decreasing the percentage of our tax dollars for defense purposes, while Russia continues to increase their military expenditures. In many categories Russia is now militarily superior to the United States. They have always had a much larger Army. This is an area in which we cannot compete. They have built a large, strictly modern Navy since World War II, while much of ours is becoming obsolete. For the first time in their history they have a powerful fleet in the Mediterranean with bases in Egypt. They have more submarines and are building nuclear submarines at a much faster rate than we are. They continue to increase their number of intercontinental nuclear missiles. The nuclear warheads on their ICBM's (SS–9) are 25 megatons (the equivalent of more than 25 million tons of TNT). Our newest missiles (multiple warheads), which we believe are more accurate and effective, only carry about one-eighth of the Soviet megatonnage.

Russia has also made great advances in air power. They flew the first supersonic commercial aircraft (SST) in the world and will soon put it into commercial operation. Their new Foxbat fighter plane, some of which are now deployed in Egypt, is the hottest fighter in the world today. It flies faster and higher than anything we will have until our new F–14's are available, hopefully in three years.

When we faced a showdown with Russia in Berlin in 1948, Russia backed down only because of our military superiority. When President Kennedy forced a showdown with Russia on their deployment of intermediate range nuclear missiles in Cuba, Russia backed down again only because of our superiority. Russia may well force a similar showdown in the Middle East. It is questionable whether Russia would back down again. They are at least close to being as strong militarily as we are. Certainly if the present trend of Russia's accelerated buildup and our decrease in the development of new modern weapons continues, they will be a mightier nation than we are in the near future. That would be disastrous for us and the rest of the free world. We would be subjected to every conceivable blackmail and humiliation which is a major part of Communist strategy.

I am not a militarist, but I always believed in having the most modern military equipment. That is not inconsistent with my strong opposition to the war in Southeast Asia and in our involvement in other very possible wars in other areas of the world.

Mr. SCOTT. Mr. President, will the Senator from Arkansas yield me 8 minutes?

Mr. McCLELLAN. Mr. President, I yield 8 minutes to the Senator from Pennsylvania.

EXCUSATIO BELLI EORUM

Mr. SCOTT. Mr. President, the most famous of the Sherlock Holmes stories, I suppose, is the one where Sherlock Holmes asked Watson, "What of the watchdog in the night?" Watson did not know. And Sherlock Holmes said that the fault of the watchdog was that the dog did not bark.

There is one voice which is not here today. There is one voice which is silent in this Chamber. There is one voice which was heard recently, the voice of the leader of the opposition party, who explained his decision not to be here to vote on the last so-called end-the-war amendment by saying that Congress cannot end the war and that, therefore, it was not necessary for him to be here.

He must have made the same judgment today. I might say that I agree with him. I have been saying all along that Congress cannot end the war. This is a war that began 8 years or more ago. It has come down from over 500 casualties a week to none or one a week. It has come down from a cost of $28 billion a year to $6 billion a year or less.

The war is nearly ended as far as American involvement is concerned.

I have pointed out over and over again that when Senators offer these bootless, useless, so-called end-the-war amendments, they are merely trying to ride the emotion of some of those people in the country, who are quite rightly saying, "Let us end the killing." However, that implies that the rest of the Americans do not share that sentiment. Of course we do. We all do. We all want to end the killing.

We all pray that this Nation and the people of the world may enjoy peace.

The Senator from Wisconsin says that there is no reason for not taking his amendment seriously, because they would always find the money somewhere else and keep right on supporting the bombing activity.

Then we have the party champion saying that he does not have to be here because the end-the-war amendments do not mean anything.

Moreover, this amendment in no way protects the POW's. This amendment has no relationship to the proposals contained in some of the other amendments.

Then we hear the plea which is a cri de coeur, and that cry from the heart is to stop the killings. "Is it necessary to go on killing?" asks the New Yorker, that magazine of prime entertainment in this country, as a spokesman for foreign policy and expert analysis. It repeats what nearly everyone else would like to know. Is it necessary to go on killing?

I submit that this is a self-serving declaration rather than one responsive to the issues, because it could, indeed, apply to World War II. And I ask whether anyone got up on the floor of the Senate then to ask, "Is it necessary to go on killing the Germans and the Japanese?" Everybody would have preferred to have it over with.

Did anyone get up on the floor during the Korean war, and say, "Is it necessary to go on killing the North Koreans and Chinese?" They make a distinction between the two and say that some wars are moral and some are not. But all war is immoral. War is a last resort. It should not be necessary to go on killing except where someone makes it necessary.

Now, who is making it necessary? Mr. President, you never learn from those who propose the end-of-the-war amendments. You could not ascertain who is making the killing necessary. Oh, these noble Romans; not one of them rises to condemn the aggressor. They do not rise to say the killing is necessary because once before when we stopped the bombing Hanoi came down with three divisions, across the demilitarized zone, into Laos, Cambodia, and South Vietnam, and killed everybody they could find, military and civilian alike. They killed refugees, refugees who were trying to vote with their feet and get out, refugees who always go South rather than North, which should be some indication of where they lay the blame.

Is it necessary to go on killing?

None of these noble Romans rise to say the killing results from the aggression of a ruthless, determined, zealous enemy, dedicated to dispose of as many of their people as they can find to kill on the field of battle or helpless in their homes. That is why there is killing.

Is it necessary to go on killing? Not for 1 minute if this war can be ended, and we, the United States, have proposed honest and decent means to end this war.

They could discuss the President's proposal: An immediate cease-fire. Nobody among the noble Romans gets up and pleads for a cease-fire. That is the way to stop the killing. If the guns are silent people do not die from the guns. If the rockets do not fire people do not have their flesh torn and their bodies scattered by the horrors of war. That is the way to end the killing.

Is it necessary to go on killing? No; not if the North will accept the cease-fire, together with the exchange of prisoners of war.

It is not only some Senators whose

hearts bleed for the prisoners of war, but all Members of the Senate.

The withdrawal of all forces within 4 months—if that were accompanied by peace that would stop the killing. A new, internationally supervised election in Vietnam with the President of South Vietnam resigning 1 month before the election—these proposals would stop the killing.

But for heaven's sake, in the name of that holy justice which should guide and direct deliberation of us all, let us here condemn the aggressor, let us here condemn the guilty, let us shift the weight on the scales of justice to the bloody hand of the killer, and not the defender. Let us have an end to this kind of posturing that says, "Because I offer an amendment to end the war, all who do not vote for my amendment must want the war to continue." What pious nonsense that is. There is no good in it.

If this war is to be ended it can be ended in two ways: Direct negotiations at Paris, which are going on, and quite seriously, or on the field of battle.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCOTT. May I have 1 additional minute?

Mr. McCLELLAN. I yield 1 minute to the Senator from Pennsylvania.

Mr. SCOTT. Either way is an honorable way. Either way respects the wish of all persons of good will to end this war. Either way respects the fact that the South no less than the North is entitled to an honorable way toward a decent, fair, and mutually acceptable solution. That is the way to end the war.

But, Mr. President, you do not end it, even in the absence of your leader who found another field of combat, and leaves it to other field marshals.

You do not end it on the floor of the Senate in a resolution that says we want to end the war because we want to stop the killing. America wants to stop the war; the Senate and the House want to stop the war; and we should stop it through the only means available to us, through supporting the President in his efforts to end it.

Mr. President, this amendment should be defeated.

Mr. COOPER. Mr. President, will the Senator yield to me for 5 minutes?

Mr. McCLELLAN. I yield 2 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, I remember several years ago, and I think I was the first one, or at least among the first ones, to urge cessation of the bombing of North Vietnam, with the hope and belief that it would bring about negotiations. It did not and they never came until recently between Dr. Kissinger and the North Vietnamese.

I have to agree with my colleague, the Senator from Pennsylvania, that there is a silence in this land on the part of those who protest the war. I must say, and I do not want to be too political about the war, the candidate for the Democratic Party, the antiprotesters who sit in our galleries and applaud, the demonstrators never mention the fact this war could end immediately if the North Vietnamese would agree to it.

I have offered and voted for a number of end-the-war amendments. I finally stopped doing so because I thought they were illusory, always with some condition, which meant that even under their terms they would direct the continuance of the war.

I do not believe the amendment before us will end the war and I do not think it has anything to do with ending the war. The President has the authority constitutionally to protect the troops and no statutory amendment can prohibit his authority. I believe that only the President can end the war.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOPER. Will the Senator yield to me for 1 additional minute?

Mr. McCLELLAN. I yield 1 minute.

Mr. COOPER. I have been worrying about how to vote. I shall vote for the amendment even though the fault is with the North Vietnamese. I vote for the amendment to express my feeling that I deplore this bombing and killing on both sides and I must say this as a human being. That is my only statement.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, how much time is remaining on both sides?

The PRESIDING OFFICER. The Senator from Wisconsin has 12 minutes remaining and the Senator from Arkansas has 21 minutes remaining.

Mr. PROXMIRE. Mr. President, I would like to reserve 4 minutes for the majority leader and 8 minutes for the Senator from Arkansas. I yield 8 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, I sympathize with the position of the Senator from Kentucky and the Senator from Pennsylvania. Of course, the war would end if the North Vietnamese would surrender. It would have ended long ago if they would have surrendered. They are not disposed to surrender because it is their country they are fighting for.

The Senator from Pennsylvania, I think, is not quite in as good form as usual. He protesteth too much. He is usually appealing to us for bipartisanship and not making partisanship out of these debates.

Today he takes the occasion to very slyly condemn Senator McGovern, who is not here.

I agree with him that this is not going to end the war. In the first place, it has not the votes. This Senate time and again has demonstrated it is in support of the President's policy. I regret that. The Senate, and Congress as a whole, has become recently the mouthpiece of the Executive, and no longer finds itself capable in the field of foreign policy, and asserting its influence in any respect, whether it be on amendments of this kind or on appropriations for making the war, or elsewhere. I recognize this was not likely to succeed because I cannot recall any vote that has carried in this body against the wishes of the administration, and particularly the Pentagon.

Nevertheless, it is worthy and I approve of the Senator from Wisconsin offering this amendment in the hope that the discussions which it precipitates, including that of the Senator from Pennsylvania, will open the eyes of the people of this country.

After all, during the past several years, when I was asked, "Why cannot the Senate stop the war? Why can it not influence the policy?" even before this administration came into power, "The ultimate power," I always said, "was an election."

We have an election coming up. We know what the polls indicate. It may be that the great majority of the people of this country believe in and support the concept of victory and to make the North Vietnamese surrender, as the Senator from Kentucky just suggested. Maybe they will have to surrender.

It was not too long ago that one of the candidates for public office in this country suggested that we "bomb them into the Stone Age," he suggested with nuclear weapons. At that time, when our people were a little more sensitive to matters of this kind, that suggestion was ridiculed. Now we find ourselves actually bombing them into the Stone Age, and that people approve that apparently. I think that is regrettable.

I think that is a good reflection upon the sensitivity of this country, upon the degree of civilization which we have achieved. But it is there. I only say a word in the history of this matter. This body has made some valiant efforts to influence our foreign policy, going back some 7 or 8 years. I think one of the turning points is in the attitude toward the Communist world which arose from hearings which began in this body, and there was widespread discussion of it.

The President's policy, in the last year at least, evidenced by his travel to Moscow and to Peking, has changed with regard to the question of living with, coexisting with, the Communist world. It seems to me this is a very significant change, and how the administration can reconcile the continuation of this war against a small Communist country when it has changed its attitude toward a great Communist country is beyond my comprehension. If there is any reason for continuing it, other than pride and vanity, I do not know what it is.

In any case, as we have seen this progress, the acceptance of what we are doing in Vietnam has become greater than it was a year ago, or 2 years ago. I suppose people become accustomed to anything, even to the killing of other human beings, and it no longer offends them and it does not affect them.

I think the Senator from Wisconsin does a great service in simply advising the country again that this killing goes on and that we ought to consider a change in our policy to stop it. I do not think it is going to stop it simply by bombing them. Nothing indicates that. There is much evidence that it will not. What will change will be a compromise very much on the basis of the principles accepted in 1954 when the French settled their argument, their war, with the Vietnamese in a very short time and on very civilized and decent principles.

I ask unanimous consent to have printed at the end of my remarks two articles bearing upon this subject, one of them called "The Kissinger Mystery," by Anthony Lewis, and an article entitled "The Nonwhite War," by Herbert Mitgang, which appeared in this morning's New York Times.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **FULBRIGHT**. Mr. President, the significance of the Kissinger article is that it again traces the change in the situation since the administration in which Mr. Kissinger plays such an important part came into power. At that time, almost immediately after President Nixon took office, I had occasion to discuss the matter with him, in the presence of Mr. Kissinger. They assured me that it would be a matter of only a few months until the war was ended; they had no idea of carrying it on. They recognized its significance. They recognized its significance to the country as a whole, not only what it was doing to us, but also the physical reality.

We must remember that President Johnson had retired from public life. Most people, including myself, believed that the principal reason was that he sensed that at that time the people did not approve of the war which was then in progress, and which he had done so much to escalate.

Today, nearly 4 years after that, it still goes on. Only its character has changed. It has changed in the transfer of our men, manpower, and upon the high seas, but we are still engaged in a search for victory in a war that has become completely discredited. I do not think there is any validity whatever to the reasons given by the Senator from Pennsylvania for the pursuing of this war. That is the most superficial attitude I think we could have—that the North Vietnamese are responsible for the killing. They are in their own country. Of course they are involved, and of course they have been involved, in a civil war for many years, but the intruder clearly is the United States, just as it was the French, both foreign, white, alien countries intervening to try to determine the course of events and who rules Vietnam.

EXHIBIT 1

THE KISSINGER MYSTERY

(By Anthony Lewis)

In Richard Nixon's Washington, Henry Kissinger stands out like Kilimanjaro on an arid plain. He is a man of broad intellect in a narrow and anti-intellectual world, a self-confident man with a sense of humor among the defensive and the humorless.

His accomplishments assure him a place in the history of American foreign policy. His clear vision of great-power relationships, however flawed by inadequate economic interest or understanding, has begun to make possible a new realism in American dealings with China and the Soviet Union. And he has done an extraordinary amount of the work himself: advice to the President, administration, negotiation.

All this makes Kissinger a fascinating figure, not least to the liberal intellectuals otherwise alienated from Washington. But with them more than curiosity is involved. There is pain, and disappointment, and mystery: How can a man as sensitive and intelligent as Kissinger have let our Government say nothing for months while its Pakistani allies raped and slaughtered the people of Bengal? How, above all, can he justify the continuing American destruction of Indochina?

The mystery is explored in a new book, "Kissinger: The Uses of Power.' It is by David Landau, who developed his interest at Harvard College before graduation last June. Landau is misled into a little parlor psychoanalysis, perhaps an irresistible temptation with this subject. But he comes back to solid ground in his exploration of the problem to which he wisely devoted half the book: Vietnam.

When Kissinger left Cambridge in 1969, he assured friends that he would have the United States out of that war in months. When his Harvard colleagues came to see him in protest at the invasion of Cambodia in April, 1970, he told them to come back in a year—"you will find your concerns are unwarranted." That confidence about ending the war is a repeated theme. On what was it based?

Kissinger believed in 1969—and made no secret of his view—that Vietnam had proved to be a poor place for the exercise of American power. He understood that the United States could not "win" over a tenacious nationalist force. He thought the U.S. should get out, preserving its credibility as a world power merely by obtaining an assurance from the Communists of a "decent interval" before they took over in Saigon.

The trouble with that theory was that it took too little account of recent Vietnamese history. Twice before the Communists had been offered a deal and believed it: in 1946 when France promised a Vietnam under their leadership, in 1954 at Geneva. Both times they were betrayed.

It has always been unlikely that the Communists would believe another unsupported promise to keep hands off Vietnam, least of all from a President whose rhetoric seems constantly to escalate the American interest in a non-Communist Saigon. That is why Hanoi has sought formal agreement with the U.S. on the political future of Vietnam—as an assurance against renewed intervention.

When the Kissinger negotiating theory did not work, the United States turned to threat and to force. And so today the man who was a skeptic about America's involvement in Vietnam serves an Administration which has intensified the involvement and the destruction, paying an ever more terrible price for whatever end is reached.

How did it happen? Landau suggests that Kissinger had "an obsession with U.S. credibility" that obscured his original understanding of realities in Vietnam, and a deep fear of reaction from the right in the U.S. Landau may overestimate Kissinger's ability to influence the President on this issue. And there is the factor of time: As Kissinger said when he went to Washington, he probably had only two years until his ability to innovate faded and he found himself defending policy.

Still, the questions about Henry Kissinger remain: If all he wanted was that facade of a "decent interval" in Vietnam, how could he keep working for a Government that killed so many people for such a shadowy cause? And if the aim was really to crush Hanoi into submission, how could he of all people support such an old misconception?

It is as if there were a gap in his intellect or character. One person who has known Kissinger says that in his focus on the application of power in the world: He fails to understand that foreign policy has moral consequences—for one's self as for others. Another puts it more bluntly: "He does not care enough about killing people."

A year ago Kissinger told some reporters: "What we are doing now with China is so great, so historic, that the word 'Vietnam' will be only a footnote when it is written in history." His tragedy, and ours, is that he was wrong. The United States has been more deeply affected by the disaster of Vietnam, and will be, than by any other contemporary event. Kissinger must know that, and accordingly must yearn for a settlement as much as anyone. The alternative is to believe that a brutal, unending use of force to make one small country conform is Henry Kissinger's *Pax Americana*.

THE NONWHITE WAR

(By Herbert Mitgang)

WASHINGTON.—There is one human matter that is virtually unmentionable in the official American pronouncements about the Vietnam war. It concerns the casualties and refugees—practically none of whom are white—caused by present bombing policies over allied, enemy and neutral countries in Indochina.

Repeatedly, the Administration has emphasized that the war was inherited and that a half-million ground troops have been withdrawn from South Vietnam. True enough, but a big omission here is that, because of expansion of the war theater with Air and Navy units and their deep infrastructure, there are still a half-million Americans supporting Vietnam hostilities across the wide Pacific command.

President Nixon's declaration that there will only be 27,000 Americans in South Vietnam by Dec. 1 is more than a concealment of the actual military manpower engaged in the war. It plays down the risks run daily by carrier pilots off the Gulf of Tonkin and fighter pilots taking off from Thailand bases against Soviet MIG's and missiles; and it withholds their role from public attention.

But the greatest omission of all concerns the nonwhite people on the receiving end of the terror falling from the skies. Watching Senator Kennedy's Subcommittee on Refugees attempt to extract the facts from Administration spokesmen is a despairing sight. A few days ago, in the old Senate Office Building, he asked: Why is it easy for you to tell us how many bridges have been destroyed in North Vietnam and the precise number of trucks hit along the Ho Chi Minh Trail but not how many hospitals, schools, churches and other civilian installations have been hit by our bombs? The evasive response by an Assistant Secretary of State was that these were not deliberate military targets but only "regrettable by-products" of the violence of warfare.

Nevertheless, the subcommittee on Refugees has been able to assemble the human cost of the expanded Vietnam war. Sources include church, medical and voluntary groups, United Nations agencies, the General Accounting Office and field observers reporting to the subcommittee's counsel, Dale S. De Haan, plus whatever information is made available by the Government's intelligence and military groups—which do not have civilian refugees and casualties high on their lists of concern.

The "regrettable by-products" include these these statistics: In the last two years about 400,000 people have been killed throughout Indochina—a frightening number that is an actual "bloodbath," as distinct from the theoretical one predicted by President Nixon in the event that American support was withdrawn from the Thieu Government. Since the North Vietnamese do not divulge their casualties, the real figures could well exceed this estimate.

The people displaced from their homes by the war's continuation in the last two years include: 1,850,000 South Vietnam refugees; 2,000,000 Cambodian refugees; 250,000 Laotian refugees and an unknown number of North Vietnamese. South Vietnam has suffered the most; the Refugees subcommittee estimates that the total number of refugees since the war began is 8,000,000, almost one-half of the South Vietnamese population.

The military and civilian dead, wounded and displaced throughout Indochina will only be known when the war finally ends. In the meantime, there is little preparation by the United States to alleviate the suffering of the nonwhite people whose governments have been supported and whose bases have been used as airstrips to launch new casualties, new refugees among the civilian populations. Efforts to pay for the suffering, as distinct from the armaments, have been cut in Administration budgets.

Based on hospital records, about one-fourth of the wounded civilians in South Vietnam are children under 12. Most of the South Vietnamese doctors go into military service, leaving hospitals understaffed. Some hospitals have been destroyed, others no longer function. And the wounded and refugees still run at the rate of several thousand every day the war goes on. They run to Saigon's side when North Vietnam's shells burst and run again when American bombs fall. But the Senate subcommittee's analysts report a new development in recent months: Hundreds of thousands in the northern provinces chose to remain under North Vietnamese rule and did not "vote with their feet" for Saigon.

Bombing from on high, obeying the call of the sensors and unloosing the smart bombs, American fliers fortunately are sustaining few casualties. The same cannot be said for the nonwhite civilian populations of Indochina, about whom the American public does not hear in its Presidential bulletins.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, I yield 2 minutes to the distinguished Senator from Tennessee (Mr. BROCK).

Mr. BROCK. Mr. President, there is an old trick in southern politics of raising up a straw man and then knocking him down. I think the Senator from Arkansas has again demonstrated his competence in that field. Nobody has asked for a surrender. I would say, for myself, that no one here is speaking as a mouthpiece of the executive branch.

If I remember correctly, the candidate in 1964 to whom the Senator alluded made no such plea as a request for the nuclear bombing of Vietnam. The fact of the matter is that this amendment is, in effect, a mortgaging of the lives of the thirty-plus-thousand American troops remaining in Vietnam.

The Senator from Wisconsin's saying that bombing was totally irrelevant and unnecessary in World War II is a denial of the record of his own candidate. Why does he not suggest that we simply eliminate manned aircraft, if that is the case? I have not heard him do it.

The fact of the matter is that he does, with this amendment, place a mortgage on thirty-plus-thousand American lives remaining in Vietnam, not in a combat status. There are no combat troops there. Without air power they remain without adequate protection. I am not willing to play that kind of game. I am not willing to put a price on the lives of Americans. I do not know whether it costs us $2 billion or not to be doing that, but any dollar figure does not exceed the value of the life of one American soldier.

I support the amendment.

Mr. McCLELLAN. Mr. President, I yield 2 minutes to the Senator from Maryland (Mr. MATHIAS).

Mr. MATHIAS. I thank the chairman for yielding me the 2 minutes.

I just want to say that if the inner struggle that this amendment has caused me is illustrative of the struggle of the mind and spirit it has caused most Americans, I think we can appreciate the necessity of ending this war.

I view this amendment not only as a military and political decision, but as a human and moral decision, and I think the Congress of the United States has to address itself to human and moral decisions as well as political and military decisions.

There is an old law of Israel which says, "An eye for an eye and a tooth for a tooth," and sometimes that law has been misread as a law of vengeance—"An eye for an eye and a tooth for a tooth"—but in fact it was a law of mercy—not more than an eye for an eye, and not more than a tooth for a tooth.

I say that in the extent the bombing by this country is being inflicted on Indochina today we are exacting far more than an eye for an eye and a tooth for a tooth.

Mr. President, with some reluctance, I feel compelled to support this amendment.

Mr. GOLDWATER. Mr. President, will the Senator yield to me?

Mr. McCLELLAN. I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I was not in the Chamber when, as I understand it, the Senator from Arkansas (Mr. FULBRIGHT) alluded to something he thought I might have said in 1964 with reference to using nuclear bombs in North Vietnam.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. FULBRIGHT. I was referring to General LeMay's statement, not that of the Senator from Arizona.

Mr. GOLDWATER. I was informed that the Senator was referring to me. So I apologize; I thought the Senator referred to me, and I wanted to make it perfectly clear that I have never advocated the use of a nuclear bomb in any place, at any time, nor would I ever, under the circumstances that we are in.

I was engaged as a Reserve officer at the time in the problems of defoliating the forests in that part of the world, where I had served in World War II and which I knew something about, and I made the statement that many things had been discussed, including an atomic device. The press picked that up before I got out of the studio and said I had advocated nuclear bombing. I just want to say that that is not so.

I further want to oppose this amendment. I listened to the statistics given by my friend from Wisconsin, and I have to say they are impressive. But we did not use the weight of our bombs when we should have. When you give an enemy as clever, as industrious, and as resourceful as the North Vietnamese, which defeated France for much the same reasons, almost 4 years of unrestricted use of highways and rails to get the supplies down South, all the bombing we have done, I do not think, could even have begun to knock out the supplies they have amassed. Our bombing should have begun the day we entered the war some 8 or 9 years ago. At that time we should have used all of our resources with conventional bombs, and I do not think the war would have lasted 3 months.

Mr. McCLELLAN. Mr. President, I yield 4 minutes to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I thank the Senator, and I shall probably not use all that time.

We have been over the general subject matter of this debate many times and on many votes. I shall not detain the Senate now, except to cover two points:

I think this is the most dangerous amendment of all that we have considered so far, because it cuts off the funds, not after 90 days or at any specific time such as 4 months after its effective date, but when the bill is signed, that would automatically cut off all the funds in this bill, in the current year, for paying for this war.

We still have, in round numbers, 21,000 Army men over there in Vietnam itself, and an Air Force of around 11,000 men, most of whom would be left virtually unprotected if the President of the United States should have to suddenly stop all of this bombing, not only of Vietnam but through Indochina. Certainly we do not want to solemnly pass a drastic provision such as we find here, according to the words of this amendment, on that account alone.

Furthermore, there is no reference, no protection, and no consideration whatsoever given in this amendment to the POW's. As one who has taken part in these debates heretofore, that was the part of the other amendment that was most difficult to answer, the most difficult to argue against, and the most difficult to get votes against.

This amendment, as I say, leaves them out altogether, leaves them totally defenseless, those POW's and the missing in action, against whatever treatment might come from the enemy, which is one of the toughest if not the toughest we have ever faced.

So I think we must realize what we are doing here, and drop all other considerations. I see no point in trying to blame anyone for the war, or argue which presidential candidate might be right and which might be wrong. I do not think that has any place here.

But we are dealing with a serious matter, Mr. President. We cannot desert the men we sent out in uniform, representing our flag and our Nation. This amendment, even though not intended that way, would have that effect, which is no position for us to take.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 11 minutes remaining.

Mr. McCLELLAN. Very well. Mr. President, I have no other requests for time at the moment.

Mr. PROXMIRE. Mr. President, do I understand the Senator from Arkansas might speak now, and then the last speaker would be the majority leader?

Mr. McCLELLAN. I have no further requests for time at the moment. I understood that the Senator from Wisconsin wanted the majority leader to conclude the debate.

Mr. PROXMIRE. Yes; that is right.

Very well, Mr. President, I yield the remainder of my time to the majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. McCLELLAN. Understand, I have not yielded back my time.

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. Mr. President, the debate this afternoon has been carried out in a most somber manner, worthy of the situation which confronts this Nation today and has confronted the country for the last 11 years.

May I say to my friend the distinguished Senator from Tennessee that Vietnam and Indochina are not strawmen, as far as both the U.S. Senate and the American people are concerned. And may I say to my good friend the distinguished Republican leader that there are no noble Romans in this Chamber; we just happen to be a bunch of ordinary garden variety Americans who happen to have been able to achieve a degree of confidence in the people of our States, so that they were willing to send us here to speak our consciences as we saw fit.

As far as the fault is concerned, it is in all of us, and therefore we should not raise the finger against one another, but should recognize that because of actions taken by this institution and because of actions taken by administrations past and present, 45,858 Americans are now dead as a result of combat activity, 10,276 Americans are dead from noncombat causes, and 303,400 Americans are wounded.

The total dead is 56,134 Americans; the total casualties 359,534 Americans.

For the South Vietnamese, our allies, dead 181,000 plus. For our free world allies, dead, 5,000 plus. For the other side, dead, 895,260.

It does not make any difference what the color of a man's skin is, when he is dead he is dead. Nor does his background make any difference. But for 10 years we have participated in what was basically a civil war, in a country which would probably be considered sixth rate among the nations of the world. The casualties and the costs have been tremendous. I have tried to enumerate the figures.

The cost in money has been somewhere in the vicinity of $130 billion. But the greatest costs were the divisions at home, the problems which remain unsolved, and the questions which our people asked which we could not answer.

We have ruined four countries: North Vietnam, South Vietnam, Laos, and Cambodia. It has been estimated that there are in excess of 15 million craters in Indochina because of bombings—bombings which have been 3½ times greater in times greater in tonnage than all the tonnage than all the tonnage dropped in the Second World War and Korea.

Two million, five hundred thousand refugees have been created in Vietnam, 500,000 in Cambodia, and 750,000 in Laos—a country of 3 million people, according to the best estimates.

Well, I do not know what is going to wake this country up, because we have become apathetic. We have paid little attention to what is happening 10,000 miles away, because our casualties have been reduced—and I am grateful for that—because our men in large numbers have been withdrawn, and I am grateful for that. But in Thailand today we have 45,000 Americans.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCLELLAN. I yield the Senator 1 minute.

Mr. MANSFIELD. In Laos we have mercenary troops from Thailand, and we have Americans in small numbers in as well.

We have about 40,000 men manning the Yankee Station in the South China Sea, stations for the 7th Fleet, and backup forces in the Philippines, Okinawa, and Guam.

This is a serious question which confronts this Nation. I know that every Senator, no matter how he votes on this amendment, feels this deeply and hopes devoutly that this barbaric war, this American as well as Vietnamese and Cambodian and Laotian tragedy, will soon be brought to an end.

We started this war, supposedly, to contain China, to stop the spread of communism, and now we are friends with China and the Soviet Union. The opposed menace has gone, but we are not.

Mr. CHILES. Mr. President, while I have consistently supported the efforts to cut off all support funds for the war in Vietnam and Indochina, contingent upon a resolution of the POW/MIA question, I cannot support the amendment by the Senator from Wisconsin (Mr. PROXMIRE) which would cut funds for bombing activities alone in Indochina.

It just seems to me to be the wrong way to seek an end to this war. We still have troops there which must be protected, and to cut off funds supporting the bombing does not answer the central question of seeking a final and total withdrawal of our military activity in Indochina.

With our troop withdrawal continuing, it seems that the bombing remains as the lever or tool to get our POW's back and our MIA's accounted for. I have a strong feeling that with the troop pullout our bargaining position was lessened in this regard. Now that the bombing activity appears to be our strongest bargaining device, to unilaterally cut this off without getting a commitment concerning the POW's/MIA's from the other side would seem to jeopardize our chances and would not be proper.

Mr. HATFIELD. Mr. President, 4,000 tons of bombs are being dropped every day on North Vietnam.

In South Vietnam, as of June 30, 1972, we have flown 38,055,349 sorties by our planes and helicopters. As the air war has intensified, these sorties have increased, while our troops have been gradually reduced.

Since we began this war, we have exploded a total 6,824,139 tons of explosives from the air. That is more than twice the total we used in World War II and the Korean war, combined.

And in the recent years of the air war, the intensity of our bombing has been extended over Cambodia and Laos as well.

The toll has been nearly beyond comprehension. Eight million refugees have been created. And in North Vietnam, Cambodia, and Laos, all we know is that tens of thousands have died or been wounded by our bombs.

The air war alone costs us $15 to $20 million each day.

Mr. President, all this bombing is not necessary to protect the few remaining troops in South Vietnam.

All this bombing will not return our prisoners. It has only been creating more.

We are now bombing North Vietnam as intensely as during any time of this war.

The bombing did not end the war in 1965, when it began, or in 1966, or in 1967.

And the bombing will not end the war now.

Mr. President, our bombing, and the casualties that it causes, are eroding any claim we might have to moral leadership in the eyes of the world.

It totally defiles any belief in the sanctity of human life.

We must end it now, and for this reason I shall support the amendment.

Mr. McCLELLAN. I yield myself such time as I may use.

Mr. President, earlier, when I spoke briefly, I concluded my remarks by pointing out that, although we all want the war ended, we know that this amendment would not end the war. The way to end this war is to cease fire. We have offered that to the enemy. They have declined. We have offered exchange of prisoners. They have declined.

Who wants the war to continue? Not the Senate, not the United States, not Americans, but the North Vietnamese. They are the ones who want this war to continue. They are continuing it every day they refuse to agree to a cease-fire.

Let me point out something else. We are concerned about women and children being killed by our bombing. I am sure that happens sometimes. That is not by design. It is bound to happen in war. Sometimes women and children are hit.

Let me point out that I have not heard anybody here this afternoon—and I have listened to all the debate—say one word of concern for the women and children in South Vietnam. I have not heard one word said about the immorality of the bullets and the rockets and the cannon shells bursting in the cities and villages of South Vietnam, killing innocent children and women, destroying hospitals and schools and churches. I have not heard one word said here about that this afternoon.

War is a two-way operation. We want it to stop. We are trying to stop it. There is some doubt as to whether it was right for us to send forces to Vietnam initially.

I have said one thing repeatedly, and I say it again: We have learned one thing from this war. When we become involved in war again, let us fight to win. We have not done that in this instance. If we had fought to win, the blockade we have now imposed would have been imposed long ago, and the bombing now taking place, which this amendment would profess to stop, would have been begun long ago.

It is said that the bombing will not end the war. I will tell the Senate what it has done. It has stopped a drive that was intended to end the war by the other side, by conquest. That drive has been slowed down. It has not succeeded. South Vietnam has been able to repel it. I doubt whether the North Vietnamese today are able to mount another extensive assault, because the logistic situation is not as favorable to them as we permitted it to be for many, many years.

Mr. President, there are two other features about this matter: This amendment would stop the bombing which protects our soldiers in Vietnam. Our planes could not drop a bomb, even if the enemy was marching in its assault on the very position where our soldiers are located; our aircraft would not be permitted to drop a bomb. We could not defend our own forces.

Also, this amendment is offered on an appropriation bill. It is offered by a member of the Appropriations Committee. He has that right, and I would not deny him that right. I do not say this so much in criticism as I do in the hope that we can establish a policy by which we can operate more efficiently in the Appropriations Committee. I believe that those Members, or others, if they have the opportunity to do so, should offer amendments such as this before the committee, so that we can get an expression of the views of the committee, and thus bring the committee's recommendation to the Senate.

In this instance, however, this issue has been debated time and time again on the floor. As my distinguished colleague from Arkansas has said, other amendments that had far more merit than this, in my judgment, and ones that contained conditions that were more palatable have been rejected.

Here is an amendment in the raw. No committee has considered it. What this amendment would do has not been debated here before. It is here in the raw. There has been no hearing on it before the Appropriations Committee. It was not even offered before the Appropriations Committee. It has been offered on the floor of the Senate.

I suggest that an amendment of this import deserves more consideration than just an hour and a half debate on the floor of the Senate. It deserves hearings as to what impact it would have on our forces in Laos, Cambodia, and Vietnam, the disadvantages it would impose upon them, the danger to which it would expose them, and the jeopardy that would be incurred by any action such as this. This amendment deserves profound consideration, not just precipitate action such as this.

Mr. President, this amendment should be rejected. This amendment will not end the war. This amendment can serve only one purpose, in my judgment, and that is to aid the enemy. The enemy wants the bombing stopped. Militarily, the enemy is hurt by it. But it has not agreed to stop throwing the shells and the rockets and the bullets into the cities and villages of South Vietnam. It wants to continue the war in South Vietnam. The enemy does not want war made against it, but it wants to continue the war—and it will continue the war. The adoption of this amendment would aid the enemy in continuing the war; whereas, if this amendment is rejected, the bombing action that is being taken, and which this amendment would prohibit, is making it more and more difficult every day for the enemy to continue its invasion involving the destruction of homes and the killing of innocent people in South Vietnam.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The hour of 5 p.m. having arrived, the Senate, under the previous order, will proceed to vote on the amendment.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Mississippi (Mr. Eastland), the Senator from Louisiana (Mrs. Edwards), the Senator from Oklahoma (Mr. Harris), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee) and the Senator from Hawaii (Mr. Inouye) are absent on official business.

I further announce that, if present and voting the Senator from South Dakota (Mr. McGovern) and the Senator from Hawaii (Mr. Inouye) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senator from Nebraska (Mr. Curtis), the Senator from Michigan (Mr. Griffin), the Senator from New York (Mr. Javits), the Senator from Iowa (Mr. Miller), the Senator from Ohio (Mr. Taft), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. Abbott), the Senator from Nebraska (Mr. Curtis), the Senator from Iowa (Mr. Miller) and the Senator from Texas (Mr. Tower) would each vote "nay."

The result was announced—yeas 26, nays 55, as follows:

[No. 493 Leg.]

YEAS—26

Bayh
Case
Church
Cooper
Cranston
Eagleton
Fulbright
Gravel
Hart
Hartke
Hatfield
Hughes
Humphrey
Kennedy
Mansfield
Mathias
Mondale
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Ribicoff
Tunney
Williams

NAYS—55

Aiken
Allen
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cook
Cotton
Dole
Dominick
Ervin
Fannin
Fong
Gambrell
Goldwater
Gurney
Hansen
Hollings
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
McClellan
Montoya
Packwood
Pearson
Percy
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Weicker
Young

NOT VOTING—19

Allott
Anderson
Baker
Curtis
Eastland
Edwards
Griffin
Harris
Inouye
Javits
McGee
McGovern
McIntyre
Metcalf
Miller
Mundt
Sparkman
Taft
Tower

So Mr. Proxmire's amendment (No. 1665) was rejected.

Mr. SCOTT. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. McCLELLAN. Mr. President, I move to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. FULBRIGHT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> On page 30, lines 8 and 9, strike out "$2,152,100,000" and insert in lieu thereof "$2,025,100,000".
>
> On page 30, after the period in line 19, insert the following: "None of the funds appropriated by this Act may be used for the purpose of procuring any Advanced Airborne National Command Post aircraft (AABNCP).
>
> On page 34, lines 9 and 10, strike out "$3,161,040,000" and insert in lieu thereof "$3,189,740,000".

The PRESIDING OFFICER. Does the Senator from Arkansas wish to have his amendments considered en bloc?

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that my amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SCOTT. Mr. President, would the Senator yield so that I might ask the distinguished majority leader a question as to the program, with the understanding that the time not be taken out of the Senator's time?

Mr. FULBRIGHT. Mr. President, for that purpose.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished Republican leader, the pending amendment will have a time limitation of not to exceed 1 hour. I understand that the distinguished Senator from Massachusetts (Mr. KENNEDY) has one and possibly two amendments today that, I think, will also be under a time limitation.

Mr. President, I further understand that the distinguished Senator from Illinois (Mr. STEVENSON) will have an amendment that is somewhat comparable to the amendment just disposed of. And if the interested parties could agree, I wonder if I might ask unanimous consent that there be a time limitation of 30 minutes on the Stevenson amendment, the time to be equally divided as heretofore?

Mr. SCOTT. Mr. President, reserving the right to object, we do not know what the Stevenson amendment is. If it is another so-called end-the-war amendment, we might need more time. I do not know, because we do not know how many Senators wish to be heard. The Senator from Michigan (Mr. HART) made that same point the last time.

Mr. MANSFIELD. Mr. President, could the Senator from Illinois give us a brief explanation of his amendment?

Mr. STEVENSON. Mr. President, the purpose of my amendment is to cut off all funds for aerial bombardment in Indochina except for direct ground support missions.

Mr. SCOTT. Mr. President, we reserve all points of order.

Mr. McCLELLAN. Mr. President, we reserve all points of order and agree to a half-hour time limitation.

Mr. MANSFIELD. Mr. President, I renew my request.

Mr. McCLELLAN. Mr. President, that is with the understanding, of course, that no amendments will be added to it, on the same basis as the others.

Mr. MANSFIELD. The Senator is correct.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, so far as I know those are all the amendments. And to reiterate, the same stipulation applies to the Stevenson amendment as to the Proxmire amendment, just rejected.

The PRESIDING OFFICER. Will the Senate be in order? The Senate will please be in order. The Senate is not in order.

Mr. SYMINGTON. Will the Senator yield for an observation?

Mr. FULBRIGHT. I yield.

Mr. SYMINGTON. It is my understanding that the senior Senator from Maryland also has an amendment he plans to offer to the bill. I have seen the amendment and I hope he does.

Mr. FULBRIGHT. Mr. President, this is a simple amendment. It will take only a few minutes to explain. It is very simple in its purpose.

Mr. BIBLE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator will suspend.

The Senate is not in order. The Senate is not in order. The Senator will not proceed until the Senate is in order. Senators will please take their seats and clear the aisles.

The Senator may proceed.

Mr. FULBRIGHT. Mr. President, the Committee on Appropriations has included in the Department of Defense appropriation bill (H.R. 16593) a recommendation for $127 million for the procurement of four aircraft for the Advanced Airborne National Command Post—AABNCP—and $24.5 million for research and development on this project—a total of $151.5 million.

I offer amendments which would have the effect of reducing the appropriation by $98.3 million. I would strike the $127 million appropriation from the bill, while adding $28.7 million to the Air Force R. & D. account for one "test-bed" aircraft. This would bring the Senate appropriation in conformity with that of the House of Representatives, which approved a total of $53.2 million, all under the category of "Research, Development, Test, and Evaluation, Air Force."

I believe the full $151.5 million expenditure would be unwise and unwarranted, particularly at a time when the country has serious financial difficulties and there is a strong need to limit spending. I support the view of the Committee on Appropriations of the House of Representatives, which rejected the procurement request for the Airborne Command Post on grounds that it is "premature and cannot be justified."

Under consideration here is the procurement of four Boeing 747 aircraft for use by the President and other members of the National Command Authority. The Air Force proposes to buy an eventual total of seven Boeing 747's for this purpose.

However, the Department of Defense already has a sizable fleet of airborne command posts, having spent nearly $550 million and perhaps more for them. The Strategic Air Command alone has 29 EC-135 aircraft serving as airborne command posts, auxiliary command posts, communications relay aircraft, and airborne launch control centers.

The House Appropriations Committee makes a strong case against the full appropriation, and I would like to quote from that committee's report:

> There is no assurance that any President will use the NCA airborne command post. There have been no studies made to determine what Presidents have done in the past during times of tension or crisis. There have been no studies made to determine how many and what types of advisers Presidents have utilized, as opposed to those made available to them, in times of tension or during crisis periods. Such studies would dictate the size of the aircraft needed and the validity of the concept as an important enhancement to command and control for the NCA.
>
> DOD is beginning with the largest aircraft available and developing lists of people to populate the aircraft as advisors. The lists provided during testimony by the Secretary of Defense and by the Air Force differ materially in a number of respects. All admitted that the list of advisors is still under development and coordination, but it has been estimated that of the 1,775 square feet of area required for the NCA function, 81 percent of the floor plan is devoted to NCA advisors. It is difficult to understand how this determination can be made at this time without the benefit of the above-described studies.

The House committee's report further states what seems to be obvious here:

> It would appear, therefore, that large numbers of 747 aircraft were budgeted with only minimal planning.

The complete committee report of the House on the subject states:

> ADVANCED AIRBORNE COMMAND POST
>
> On January 24, 1972, $113,800,000 was included in a fiscal year 1972 urgent supplemental budget request for the procurement of four Boeing 747 aircraft for an Advanced Airborne Command Post program. In addition, the basic fiscal year 1973 budget had $103,800,000 for two additional Boeing 747 aircraft for the same program. On March 29, 1972, the four 747 aircraft in the urgent supplement were withdrawn and made a part of a fiscal year 1973 budget amendment. Of the total $217,600,000 for six Boeing 747 aircraft, only four aircraft in the total amount of $127,000,000 were recommended for authorization.
>
> The airborne command post concept was developed by the Joint Chiefs of Staff in the early 1960s as part of an overall plan to establish a number of alternate command posts for use by the President and other members of the National Command Authority (NCA). In about 1964, the airborne command posts became operational at Andrews Air Force Base. Other alternate command posts were established, including the National Emergency Command Post Afloat, which has since been terminated. The NCA airborne command post currently consists of three EC-135 aircraft on strip alert at Andrews Air Force Base.
>
> The Department of Defense (DOD) presently has a sizeable fleet of airborne command posts. From fiscal year 1962 through fiscal year 1971, DOD has spent about $538,000,000, and perhaps more, for airborne command posts for the Commander in Chief, Strategic Air Command; Commander in Chief, Pacific; and Commander in Chief, Europe. The Strategic Air Command (SAC) alone has 29 EC-135 aircraft serving as airborne command posts, auxiliary command posts, communication relay aircraft, and airborne launch control centers. The Commander in Chief, Atlantic, and Commander in Chief, North American Air Defense Command have also indicated a desire for airborne command posts. In addition, there are five command post aircraft in Pacific Air Forces, five at U.S. Air Force, Europe, and three in Headquarters Command, all in the Air Force.
>
> The Air Force proposes to buy a total of seven Boeing 747 aircraft. One will be used as a test bed platform to develop the optimum airborne command post configuration, to test the command control and communications equipment to be developed, and to test for electromagnetic pulse effects; three for replacement of current EC-135 airborne command posts at Andrews Air Force Base for the NCA; and three to replace five EC-135 SAC "Looking Glass" airborne command posts. The NCA and SAC aircraft will be identically configured.
>
> The C-5A and Boeing 747 have about 3,500 square feet (SF) of floor area. The DC-10/30 and L-1011 have about 2,500 SF of floor area. The current EC-135s have about 830 SF of floor area.
>
> The NCA aircraft are said to require 1,775 SF of which only 325 SF is for equipment and 1,450 SF is for people. In the 747, this would leave 1,725 SF for growth; in the L-1011/DC-10, it would leave 725 SF for growth.

> SAC says it required between 1,270 to 1,420 SF for equipment and people. In the 747, this would leave between 2,100 and 2,200 SF for growth. In the L–1011/DC–10 aircraft, this would leave between 1,100 and 1,200 SF for growth.
>
> SAC has spent some $33 million in developing operational doctrine and exploring automation requirements for an upgraded SAC "Looking Glass" airborne command post. SAC had looked at the 747, the DC–10, and the L–1011 as aircraft candidates, and seemed to prefer the 747, although the L–1011/DC–10 more nearly would meet SAC requirements as to floor space and growth potential, according to Air Force witnesses.
>
> The proposed plan is to transfer the equipment in the current EC–135 NCA aircraft to the first three 747 aircraft. This will provide no additional command post automation or command communications capability beyond what they already have in the present EC–135 airborne command post. The 747 aircraft will provide four hours longer flight endurance and space for additional people. The current NCA aircraft have a crew of seven, a battle staff of 17, and 13 to 16 spaces for NCA advisors. The proposal would increase the battle staff to 39 and provide space for upwards of 100 other NCA advisors.
>
> The single test bed aircraft will be used to develop, test, and evaluate an improved command control and communications equipment package for the ultimate NCA and SAC aircraft. The fiscal year 1973 RDT&E budget contains $53,200,000, of which $3,000,000 is for design of the 747 modifications, $2,000,000 is to cover contractor and other support costs, and $1,000,000 is for lease of another 747 for a low-level EMP test. The EMP facility for the full test will not be available until fiscal year 1975. Operational tests of the NCA/SAC command control and communications package will not be completed until October 1975 (fiscal year 1976). Floor plan layouts for the ultimate airborne command post will be developed with the test bed aircraft.
>
> There is no assurance that any President will use the NCA airborne command post. There have been no studies made to determine what Presidents have in the past during times of tension or crisis. There have been no studies made to determine how many and what types of advisors Presidents have utilized, as opposed to those made available to them, in times of tension or during crisis periods. Such studies would dictate the size of the aircraft needed and the validity of the concept as an important enhancement to command and control for the NCA.
>
> DOD is beginning with the largest aircraft available and developing lists of people to populate the aircraft as advisors. The lists provided during testimony by the Secretary of Defense and by the Air Force differ materially in a number of respects. All admitted that the list of advisors is still under development and coordination, but it has been estimated that of the 1,775 SF of area required for the NCA function, 81 percent of the floor plan is devoted to NCA advisors. It is difficult to understand how this determination can be made at this time without the benefit of the above-described studies.
>
> The current plan of having NCA airborne command posts on strip alert at Andrews Air Force Base so near the coast is contrary to the SAC satellite basing program of moving B–52s in-land to protect them from a surprise SLBM attack. The Air Force proposed to further accelerate the satellite basing program as a SALT related requirement in the fiscal year 1973 budget amendment.
>
> DOD is in the process of upgrading the command/control/communications of its ground command posts. Much of the ADP and other equipment for this effort is in the fiscal year 1972 and 1973 budgets. It must be installed, tested, interfaced, and doctrine established for the data base required. The NCA aircraft require only a summary of this data base to be identified and established and in some cases, none of it.
>
> It would appear, therefore, that large numbers of 747 aircraft were budgeted with only minimal planning. A reasonable evolutionary program should dictate that the ground command posts and the SAC airborne command posts be upgraded and exercised before a determination can be made as to what kind and how much data will be required for an NCA airborne command post.
>
> Three Boeing 747 aircraft are not required "to provide operational experience needed to properly define the command, control, and communications package to be installed and tested in the fourth (test bed) aircraft", as was testified. DOD has been operating NCA airborne command post aircraft since the early 1960's and this "operational experience" should already be available. DOD can draw upon the SAC Airborne Data Automation aircraft experience of several years, the NCA aircraft experience since 1964 and incorporate and further develop this know-how in the test bed aircraft.
>
> In summary, the request for three operational aircraft, in addition to the test bed aircraft, is premature and cannot be justified. A large aircraft populated with significant numbers of advisors does not appear to enhance command and control for the NCA function to any appreciable extent. They are currently somewhat limited in their advisory role by the amount and timeliness of the information that can be made available to them. What is required is automation along with the communications necessary to interface with automated ground command posts, and this is to be developed using the proposed test bed aircraft. Our worldwide military command and control system is currently being upgraded, and the test bed aircraft should be able to take advantage of this experience as the ground command posts are improved. In the meantime the current EC–135 aircraft are sufficiently capable of performing the NCA airborne command post mission until the advanced capability is developed. The Committee recommends, therefore, approval of only the single test bed aircraft for funding in the RDT & E appropriation.

Mr. NELSON. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield.

Mr. NELSON. The Senator from Arkansas is referring to the appropriations described on page 28 of the appropriation bill?

Mr. FULBRIGHT. The Senator is correct.

Mr. NELSON. At first I was a little puzzled about this. The House committee makes a very compelling argument against proceeding with more than one 747. I think it is a very compelling argument that they do not proceed with any of them.

It is usually the House that is spending more money on defense than the Senate; we are always cutting back on the House. But in this case the Senate is increasing the appropriation over the amount the House requested.

Mr. FULBRIGHT. It is one of the few times I have ever seen in which the Senate committee increased the amounts in the appropriation bill for the Department of Defense over the amount approved by the House. The House committee report includes a very strong statement about the lack of preparatory study and, as I said, they do not know who would populate these huge airplanes. They feel it is premature to proceed.

There is some confusion because the House carried both the procurement and R. & D. in one item, one category, which includes one 747. The Senate divides it into two categories and would provide procurement funds for the four 747's and then has R. & D. separate.

My amendment would make it conform to the House action.

Mr. NELSON. If the Senator's amendment prevails, the House appropriations then would appropriate procurement of what they call one "test-bed" aircraft, and that means one Boeing 747 aircraft. Is that right?

Mr. FULBRIGHT. The Senator is correct.

Mr. NELSON. Then, the House's provision also includes funds for research and development for the electronics equipment to equip one 747.

Mr. FULBRIGHT. Yes, $53.2 million.

Mr. NELSON. I do not really understand why we should even do that, given the argument that the House made against going any further than they do. Do I understand this correct? The EC–135 is really what we call commercially a 707.

Mr. FULBRIGHT. That is right.

Mr. NELSON. The Strategic Air Command alone has 29 707's serving as airborne command posts and various other purposes around the world.

Mr. FULBRIGHT. That is correct. There are now 29 for this purpose.

Mr. NELSON. And so the committee is saying to us that the 707, which will carry—how many passengers with regular seating? 150?

Mr. FULBRIGHT. More than that, I think. The 707 has close to 200; does it not?

Mr. NELSON. It has over 100.

Mr. FULBRIGHT. Oh, yes.

Mr. NELSON. One hundred fifty or thereabouts. So what they are saying to us is that we already have 29 707's stationed at various commands in the United States and elsewhere, and now they want to move to a bigger plane. And the purpose, as I understand it from the Senate report, is that—

> This system will significantly improve our capability to control and direct our strategic forces during a nuclear conflict.

Is that it?

Mr. FULBRIGHT. Yes.

Mr. NELSON. So we are going to take the President of the United States, if he is willing to go, and haul him over to Andrews Air Force Base, stick him in a 747 with the Joint Chiefs of Staff in a plane big enough to haul 350 people. And they are all going to go up in a plane whose flying time is 2 hours longer than the 707's, 11 hours instead of 9. And then, as the bombs are dropping all over this country, they are going to run the show from up there in the air, Is that the purpose of it?

Mr. FULBRIGHT. That is the purpose of it. I thought the House very appropriately said:

> There is no assurance that any President will use the NCA airborne command post. There have been no studies made to determine what Presidents have done in the past

> during times of tension or crisis. There have been no studies made to determine how many and what types of advisors Presidents have utilized, as opposed to those made available to them, in times of tension or during crisis periods. Such studies would dictate the size of the aircraft needed and the validity of the concept as an important enhancement to command and control for the NCA.

They point out there is no information to indicate that the President would want it or use it.

My amendment would save $98 million, while leaving $53 million-plus in the program.

I agree with the Senator that I see no use for one, but I thought it was utterly unrealistic for us to go below the House figure. I think the most the Senate could possibly be persuaded to do would be not to be more extravagant than the House. I thought that was all I could realistically hope to get, although it is a faint hope. In any case, I agree with the Senator that there is nothing to support the procurement of one 747.

After all, China is going to be sold Boeing planes. Perhaps this was done before there was an agreement to sell them to China and the idea was to keep the plant going.

Mr. NELSON. I am glad to say the 707 is a good plane.

Mr. FULBRIGHT. It is a good plane.

Mr. NELSON. But, as I understand it, the Senator cannot understand any reason for buying even one 747 and equipping it with $32 million worth of research and development to fly up there; but he has despaired of getting a really rational decision out of the Senate. So he just wants to waste a little less money out of the money we might otherwise waste.

Mr. FULBRIGHT. I thought it might appeal to the Senate, that there might be some faint possibility of carrying an amendment that would reduce the appropriation to the same amount as the House. That was the only reason. Otherwise I would not bring it up, because I do not remember when the Senate has agreed to vote against the Armed Services Committee.

Mr. NELSON. The fact is that we do not know whether the President wants to get up in that plane once the nuclear bombs start to drop.

Mr. FULBRIGHT. No studies have been made.

Mr. NELSON. Let me ask the Senator this question. Once the President is up in that 747, which will hold 400 people—I do not know how many they will have—and all the command personnel are in the plane, what happens so far as the decisions of this Government and the military? Whom are they going to be calling down here to find out what is going on so they will know what to do up there? What are they going to do up there?

Mr. FULBRIGHT. I do not know about that.

Mr. NELSON. If it did not cost us so much, I would laugh. But I would like to know what the President of the United States does when he is up there. Does he call some janitor in the Pentagon to tell him what is happening? I am totally dismayed by these incredible Rube Goldberg projects that somebody dreams up to run a war out of a 747. The committee report says:

> This system will significantly improve our capability to control and direct our strategic forces during a nuclear conflict.

This is going to enhance our capability of what? Telling them how to shoot the missiles over to Russia, or wherever it is? I simply do not understand this scheme.

Mr. FULBRIGHT. I assume those are already programed, if we are to believe what we have been told in the past. I had never heard of this project for new airborne command posts until it was called to our attention earlier this year. The smaller command posts, which are scattered around the world, I assume are being used, not for nuclear conflicts, but, for example, in Vietnam. We have said we will not have any more Vietnams. We hope not. But I assume they are using something like this in Vietnam for just ordinary commands. The EC–135 is certainly adequate for it. This report sets out where those command posts are today. Whether they are very useful, I do not know.

Mr. NELSON. If this is useful, I would like an explanation of what it is useful for. What can they do out of a 747 that they cannot do out of a 707? I noticed, from reading the House report, that they say this is such a marvelous toy that the commanding officers in the Pacific theater and the European theater say, "This is great. How about getting us a couple?" Is that not in there somewhere?

Mr. FULBRIGHT. Yes.

Mr. NELSON. They would like one, too.

Mr. FULBRIGHT. The Air Force proposal was to buy seven of these aircraft, although the bill provides for only four. So they will have three later.

Mr. NELSON. If the Senator read the same report, I am sure he will remember that they have received requests from the Pacific and European commands that, if the President can have one of these things, they would like one, too.

Mr. FULBRIGHT. The House report says:

> SAC has spent some $33 million in developing operational doctrine and exploring automation requirements for an upgraded SAC "Looking Glass" airborne command post. SAC had looked at the 747, the DC–10, and the L–1011 as aircraft candidates, and seemed to prefer the 747, although the L–1011/DC–10 more nearly would meet SAC requirements as to floor space and growth potential, according to Air Force witnesses.

That is not the one, I believe.

Mr. NELSON. Here it is on page 148, where it states:

> The Commander in Chief, Atlantic, and the Commander in Chief, North American Air Defense Command, have also indicated a desire for airborne command posts.

Mr. FULBRIGHT. Oh, yes.

Mr. NELSON. They would like to have one of those things, too. Well, if that is all we have to spend our money on, heaven save us.

Mr. FULBRIGHT. It strikes me it would be a substantial saving, $98 million, in a context other than military.

Under all the conditions, I would hope the Senate would agree to cut this amount back to the figure of the House of Representatives.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, I yield 4 minutes to the Senator from South Carolina.

Mr. THURMOND. I thank the Senator from Arkansas.

Mr. President, I rise in opposition to the pending amendment which would strike from the Air Force procurement account $127 million to finance three new airborne command post aircraft and a fourth testbed aircraft.

Adoption of this amendment would prevent the Air Force from attaining an immediate increase in capability in the vital airborne command post field.

Presently the Air Force is using the old EC–135 aircraft for the national command post job. This aircraft is currently deficient in its ability to handle data for command decisions. The larger 747 aircraft requested by the Air Force would help reduce this deficiency. Later the same planes will house the more modern computers being developed in the research program.

Furthermore, the three 747's called for in the bill approved by the Appropriations Committee would give immediate improvements in our airborne command post capability because of four factors not available in the EC–135, which I call to the attention of the Senate.

These characteristics offered by the 747 and not available in the EC–135 include the 747's longer range, better survivability, greater endurance and shorter takeoff requirements.

Mr. President, the committee approved program provides $127 million for purchase and conversion of three 747 aircraft with currently available equipment from the EC–135. Also provided is a research and development testbed aircraft, which will contain more modern computers.

Under the proposed amendment only $53 million would be allowed, with these funds going toward the testbed aircraft and the research and development program.

The current program, as approved by the Appropriations Committee, was studied very carefully by both Armed Services Committees of the House and Senate. The Senate Appropriations Committee joined the two military authorizing committees in support of the program, and only the House Appropriations Committee favored the approach called for in the pending amendment.

Mr. President, few systems are more important than the one which enables the President of the United States to have all the data available, if it ever becomes necessary to use the airborne command post.

There is no question that approval of the committee bill will give the President an early increase in capability in this vital area. I urge my colleagues to reject this amendment and thereby support the full committee action in this important program.

The PRESIDING OFFICER. Who yields time?

Mr. JACKSON. Mr. President, I ask unanimous consent that there be a quorum call, not to be charged to either side.

The Senator from Mississippi (Mr. STENNIS) is to speak next, and he will be right back.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington? The Chair hears none, and it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. I yield the distinguished Senator from Mississippi 5 minutes.

Mr. STENNIS. Mr. President, may we have order in the Senate? I can assure every Member that this amendment presents one of the more serious matters that we have in connection with command and control and proper communications.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. This is not a new gimmick. It is nothing to be laughed at, I say with all deference to my fine friend from Wisconsin. This is already a necessary, going concern that has been in use now for years.

May we have order, Mr. President, so that we may have a chance to get the attention of Senators?

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. We have had this advance communications and control center in effect for years, because it is necessary. This is merely an updating. It concerns what is called loosely the "black box," because much of it is so sensitive and so highly classified. We cannot go into the details here of what all is involved in this communications system, but we have these planes flying now with the old equipment, or I should say the present equipment in them, at SAC out in Omaha and in that area, and we have the one that the President will occupy, necessarily, out here at Andrews Air Force Base. That is in operation now, and a highly important one.

I have been involved with this subject matter for several years. We have studied in depth the command posts here, but they are not advanced enough to be acceptable. We had also developed the ABM command post. That was deferred; but this is a matter that has been going on all the time, and is absolutely essential.

Our committee went into this matter in January of this year with the most minute proof and requirements, and we deferred until we could hear additional proof about it. The request was for seven planes, three for the Omaha area, three for the Washington area, and one extra. We went into all the discussions about the delay. This new equipment is not yet effective. It is not yet in operation, and not quite ready.

There was some disposition to defer this matter until all this new equipment was ready. But this thing is so urgent and so necessary, in our opinion and that of most of the committee, that by the time the hearings were over we decided we would recommend the four, and let that money be used just as rapidly as possible, and even put some of the new equipment in the old planes to start with.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. STENNIS. I just have 5 minutes. I am inclined to yield to the Senator, but I just must use my time.

So this was debated over at great length and subjected to extensive proof by the very best available witnesses that we could find, and we went into it the second time and put it into the regular bill for four of these planes, even though some of this equipment is going to be rushed into the old planes. That will necessarily cost a little extra money, but it shows how necessary it is.

We decided that instead of the seven, we would authorize the four. We considered getting another kind of plane, to see if we could save any money, but buying these 747's off the shelf was the best thing, we decided, after all.

Having this new equipment is highly important. It includes new devices to prevent detection. It involves matters concerning the black box, that can be used but not talked about here, but I assure the Senate that it would protect our security.

This matter they are asking about, where the President is going to be and how he is going to communicate with them, is the very thing we want. We want him in some place where he can be communicated with with the least delay possible, and have the most modern equipment that can be made, and also have enough others with him to advise him militarily and otherwise about that kind of decision which, God forbid, he will never have to make. Surely we do not want him to ever have to use it, but we have one sitting out yonder at Andrews right now that is not modern any more.

These planes are incidental, in a way, to the new equipment that we just must have. So I base the whole thing on that point alone. But when we really did get into this matter fully, it was agreed that it was necessary.

Also, we have to remember this: We are going to have the Polaris, the Trident, and so forth, at sea; we are going to have the ICBM's, the bombers, and everything else; and if that emergency should come, we do not want to fail to have the most modern and best communication equipment for the Commander in Chief, the man who will have to make the final decision.

Of course, we want to save this money. With all deference to the House, I doubt that they had time in which to go into this matter as fully as we could find the time early in the year to get into it with a double look.

I do not think there is anything more important or necessary in this bill than this communication system. We have to compete with the very best that the Soviets have. So anything short of the best in this field—and enough of it and in time—means that we will fail to perform a simple duty.

Mr. President, no element of our national security posture is more crucial than the structure of command and control that directs and coordinates our strategic defense capability in time of war or crisis. If our nuclear deterrent is to be credible—if it is to defend this Nation by deterring aggression or containing an accident—it is vital that it be capable of surviving a preemptive attack. And if the deterrent is to survive it is essential that we assure the survivability of the men charged with the Constitutional responsibility to command our Armed Forces, and the equipment they require to communicate effectively. That is the issue before the Senate: can we assure that the President and the National Command Authority will be available to direct the defensive and diplomatic actions of this Nation in the event of war or in a time of deep crisis?

Mr. President, there are basically three ways to protect the vital command and control link of our strategic deterrent forces. To assure that the National Command Authority is survivable, we could build deep underground shelters adequate to accommodate the President and his principal diplomatic and defense advisors, the communications specialists and battle staff needed to execute our strategic plans and the equipment and supplies necessary to support the command and control function. We in the Congress have, in the past, debated the wisdom of developing and constructing such facilities as well as the feasibility of achieving the sort of blast-resistant shelter that would be required. We have rejected proposals along these lines and we have done so for reasons that, in recent years, have become even more compelling. The simple fact is that the improvement in ICBM accuracy is such that it is virtually impossible to secure any such facility against the effects of a multimegaton nuclear detonation.

Any fixed installation capable of withstanding the highest blast over-pressures we can build against can be destroyed by a handful of Soviet SS–9 missiles delivered with the sort of accuracy we now have in our own missile forces. I find it curious that the very individuals who were so conscious of the vulnerability of fixed installations in the case of missile silos are so dimly aware of the compounded vulnerability of a single, fixed underground facility for the protection of the NCA. Not the least of the reasons for rejecting the option of an underground facility is the enormous cost that would be involved, running to billions of dollars. Some years ago the estimates were put at over $1 billion—and that was at a time when the inaccuracy of Soviet missiles was such as to limit greatly the expected blast overpressures to which such an installation might be subjected.

A second option for defending the NCA will, I am sure, be fresh in the minds of Members of this Senate. It was, after all, the Senate that acted to delete the request from the administration for an ABM defense of the NCA. As Senators know we were asked to approve a multibillion-dollar program to deploy Safeguard radars and interceptors around Washington, D.C., with the purpose of protecting the National Command Authority from attack. Now, I went into conference with the House Committee on Armed Services with a mandate from the

Senate to require the deletion of funds the House had approved for an NCA defense. As Senators know, the House receded and the defense of the NCA by the use of an ABM system was dropped from the authorization bill. This, it seems to me, Mr. President, places a particular responsibility on the Senate to assure that we have provided prudently and properly for the survival of the national decisonmaking authority in the event of war or severe crisis. And our action in rejecting the other two courses of action—deep underground facilities and ABM—forces us to focus on the option now before us with an unusually severe obligation to act with great care.

Mr. President, I do not want to rehearse here the arguments on both sides of the Washington ABM question. But it is worth noting that the NCA defense proposed in the administration's program this year would have cost at least $2 billion to acquire and very likely much more, depending on the precise configuration of components eventually selected.

Now the third option, Mr. President, in providing for the security of the President, his diplomatic and defense advisers, the battle team and communications specialists is to make this vital NCA mobile so that it will survive attack. And the only feasible way to accomplish this lifesaving mobility is by the use of aircraft to carry the essential apparatus away from the national capital in the event of attack or extreme crisis.

This third option—airborne command—is in fact the method we now rely upon. What is at issue before the Senate now is whether we ought to sustain the judgment of the Committee on Armed Services and the Committee on Appropriations by supporting approval for the procurement of aircraft, equipment, research, development and testing for the new, advanced airborne command post. This program, building on the experience of the present program which relies on the use of EC–135 aircraft based at Andrews Air Force Base, represents a vital improvement in our existing capabilities. Particularly in the light of the SALT accords it is vital insurance that we can preserve the integrity of our command and control structure and the necessary communications equipment.

There are three principal reasons why the acquisition of the new airborne command post program, which is based on 747 aircraft, is required.

First, it will enable us to provide adequate space aboard the command authority aircraft, space that is not available on the much smaller EC–135. For example, the space allotted to the President on board the EC–135 is only slightly larger than the elevators in the old Senate Office Building. In these cramped quarters the President and his advisers would be expected to make and order the crucial diplomatic and military decisions of life and death that are associated with the sort of crisis or war situation in which the airborne command post functions.

In addition space on board the 747 would enable the President to have available to him approximately three times the number of key advisers as can be accommodated on board the EC–135. Using the EC–135, not more than a dozen or so Presidential civilian and military advisers can be on board—and even then no more than a handful could be in direct and immediate consultation with him owing to the smallness of the quarters in which he could meet with his key staff. No decisions ever made are likely to be more important to the future of the world than the decisions made on board an NCA aircraft in time of war. History will give us no excuse for having failed to provide adequately for the space and personnel with which to make such decisions wisely.

Additional communications and operations personnel could be accommodated by the 747, an important addition in capability in view of the severe limitations on handling capacity of the EC–135. It is the best judgment of the responsible agencies that the present aircraft are inadequate in this regard.

Second, the use of the 747 rather than the EC–135 will mean improved endurance and survivability. The 747 can remain aloft some 6 to 8 hours longer than the EC–135 without refueling, an important capability in the event of a widespread attack. Moreover, certain improvements in the survivability of the aircraft itself will be incorporated in the 747 which, by the way, can take off and land at many more potential sites than the EC–135. These factors combine to give us greater assurance that the essential command and control functions will be carried out in the event of need.

Third, the communications and data handling capacity of the 747 will be very much greater than that of the EC–135. Much of the information on this is technical and confidential, but suffice it to say that the 747 is large enough to incorporate vital new technology, the development of which is a principal part of the program. During the development of these advances in communications and handling capability we can use the present equipment from the EC–135 on board the 747 on a transitional and evolutionary basis.

Mr. President, the decision of the two responsible Senate committees on this matter is persuasive and prudent. We have rejected two alternative approaches to the defense of the national command authority, underground installations and active city defenses. I believe that we have the most modern and survivable version of the third alternative, an airborne command post. I strongly urge the Senate to support its committees and to reject this last-minute effort to delete this essential program and thereby commit us to an increased risk that the vital command and control link will become insecure.

This program has already been thoroughly examined and debated by this body in connection with the fiscal year 1973 Defense authorization. And the procurement of four 747 aircraft for the Airborne Command Post program has already been approved and authorized by this body.

The program in this bill is the same that has already been authorized by the Congress. The Appropriations Committee has examined the Airborne Command Post program and has arrived at the same conclusion as the Armed Services Committee. Mr. President, I see no reason why the Senate or the Congress should change their mind on this vital strategic program.

Let me speak directly to what this amendment will do.

The amendment would limit the program to one test aircraft and funds to commence development of an advanced command, control, and communications system for the use of the National Command Authority in directing our strategic forces in time of emergency or attack. However, the availability of that advance system is some years away.

What the amendment does preclude is an immediate increase in survivability and capability by denying three additional 747 aircraft. I want to emphasize that these three aircraft will not solve all the problems—that is the purpose of developing new systems—but they do permit a vital and immediate increase in suvivability and capability.

Defense officials were unanimous in their statements that the current EC–135 command post aircraft has serious deficiencies.

I do not need to remind you of the importance of assuring that the President and the National Command Authority have the ability to command and control our national resources in an emergency situation. If there are critical deficiencies, they must be eliminated.

Let me describe briefly what the three aircraft that are in dispute will accomplish.

First. The 747 aircraft will provide added space in the plane for increased staffing of the National Airborne Command Post. This increase is necessary to properly analyze and present data for intelligent decisionmaking.

Second. The 747 is a more survivable aircraft. The 747 can remain airborne some 6 to 8 hours longer than the current aircraft—which contributes to a more survivable system. The 747 can also take off and land at many more airfields than the current EC–135, and this increases operational flexibility.

Third. The size of the 747 is large enough to handle increased communications and data handling equipment. Mr. President, this is a highly sensitive area, but I am sure all are aware that significant advances have been made in the past few years. The current EC–135 aircraft is simply too small to accommodate any additional growth in equipment.

Mr. President, the decision of two responsible Senate committees on this program is persuasive and prudent. Immediate improvement is required for an assured capability for the National Command Authority to control and direct our strategic forces.

I strongly urge the Senate to reject this amendment which fails to provide an essential improvement in the strategic area.

At page 22 of the report of the Committee on Armed Services on fiscal year 1973 Defense authorization, there appears the following:

> The committee initially had reservations about the advisability of modifying the three aircraft with old equipment. However, the

> committee was advised that an immediate improvement in survivability and capability will be realized by the increased performance of the aircraft itself; by the replacement of unreliable equipments and augmentation with new equipments; and by the increase in the size of battle staff and advisors. In order to obtain maximum benefit from this interim step, and to avoid the expense of installing equipment of marginal utility, the Air Force should replace as much of the EC-135 equipment as practicable during the modification of the three aircraft.
>
> The committee's recommendation is predicated upon recognition of the fact that the President must be provided with an effective and modern Command and Control System for use in a general war that is as survivable as the weapons it serves and sufficiently capable to provide the President with strategic options other than massive retaliation. The Advanced Airborne National Command Post will meet these requirements.

I hope this amendment is rejected and that we will work out something in conference.

Mr. McCLELLAN. I yield the Senator from Mississippi 2 minutes.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. STENNIS. I yield.

Mr. FULBRIGHT. The report of the House says that no studies have been made to determine what Presidents have done in the past in times of crisis:

> There have been no studies made to determine what Presidents have done in the past during times of tension or crisis.

Is the Senator saying that he has made such studies?

Mr. STENNIS. Yes, the Armed Services Committee is satisfied. The House went into it, and they approved it.

I am not critical of the Appropriations Committee, but I am fully satisfied, after a very minute examination of the matter, that, yes, they have the plans, and I want this equipment to move as fast as possible. I wanted them even to put it in the old planes, which will be inadequate. The space is not sufficient.

Mr. FULBRIGHT. The Senator mentioned the Soviets. Does he have information that the Soviets have such a plan?

Mr. STENNIS. I am not going into what the Soviets have. I tell Senators that I think this matter is urgent.

Mr. FULBRIGHT. Then, will the Senator tell me what is so urgent in the present situation? Does he anticipate nuclear war with the Soviet Union?

Mr. STENNIS. I heard the talk here about nuclear war, in the previous argument. That is what we are trying to avoid.

Mr. FULBRIGHT. The Senator believes it is urgent. Why does he believe it is urgent?

Mr. STENNIS. It is urgent that we be prepared and let them know, and anyone else coming along, that we are prepared. Certainly, we are not going to be a 5-mile runner and then stumble at the very last because we put an old barrier up that we cannot get through ourselves.

Mr. FULBRIGHT. The Strategic Air Command alone has 29 of these planes now. What is so urgent about the new one?

Mr. STENNIS. That is old equipment. We have looked into this matter, I say to the Senator.

I yield whatever time I have remaining to the Senator from Washington.

Mr. FULBRIGHT. Does the Senator decline to yield any further?

Mr. STENNIS. No. I will yield to the Senator any time I have the time. I want the Senator from Washington to have the remainder of my time.

Mr. FULBRIGHT. I will yield the Senator my time, if he wishes.

The PRESIDING OFFICER. Who yields time?

Mr. JACKSON. Mr. President, will the Senator yield me 3 minutes?

Mr. McCLELLAN. I yield 3 minutes to the Senator.

Mr. JACKSON. I inquire of the Senator from Mississippi, is it not a fact, first, that the central issue here is effective command and control in a crisis?

Mr. STENNIS. Absolutely.

Mr. JACKSON. Command and control by the Commander in Chief. People are concerned about constitutional control. It is obvious that you have to decide how you preserve command and control in a crisis.

Mr. STENNIS. That is the only issue.

Mr. JACKSON. That is the issue.

Mr. STENNIS. That is the only purpose.

Mr. JACKSON. Mr. President, the Senate has before it an amendment that seeks to overturn the technical judgment of both the Armed Services and Appropriations Committees. I refer to the judgment involved in this amendment as technical because the distinguished chairman of the Armed Services Committee, Mr. STENNIS, has already argued, in a very convincing manner, that an airborne command post is the only alternative we have if we reject deep shelters and ABM defenses of the NCA. In that judgment I most certainly concur. Thus, it would seem to me that the issue resolves into whether the KC-135 airborne command post is adequate to the present and planned requirements for a survivable command and control structure or whether—as I and the committee believe—it is inadequate and ought to be replaced by a more modern aircraft with better equipment and greater operating space.

As many Senators know, I have been a vigorous opponent of the use of an ABM system around Washington as a means of defending the NCA from an attack that might leave the vital command and control link inoperable or severely degraded. Quite apart from cost considerations, which are important, I have doubted whether a Safeguard deployment around Washington would in fact be capable of blunting an attack to the extent that the national command authority could survive.

These doubts have in no way led me to a sense of complacency about the adequacy of our present measures to assure the survivability of the NCA. I share the concern of the chairman that the present reliance on EC-135 aircraft has meant too little space and too few personnel either to advise the President adequately on critical diplomatic and military decisions or to carry out the complex data processing and command functions.

Particularly in view of the SALT agreements with their acknowledged disparity between ourselves and the Soviets, I believe it is vital that we modernize the airborne command post as soon as practicable. The decision of the Armed Services Committee to proceed with the provision of 747 aircraft and a program to modernize and improve the command and control function is a most welcome and timely one. I believe this decision deserves the support of the Senate.

Mr. President, I am amazed at two Senators who get up as if this airborne command proposal is something new. It is not new. What is proposed here involves new equipment and more space. It involves something that is very sensitive and cannot be brought out on the floor of the Senate. The chairman knows this. It involves new equipment which can be put into this plane which will protect further the security of those aboard the plane in a crisis. That is the sole issue—it is command and control. Command and control is one of the key issues involved in the SALT Agreements that were emphasized.

I am amazed that someone said here today that this is something that was dreamed up in the Pentagon. This is a request of the President. All Presidents have found it necessary to rely on this kind of safeguarded command and control. That is the issue.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. HUMPHREY. I think this is an item on which economy is not the question. I am somewhat familiar with this argument from other days. I think that command and control, as the Senator from Washington has indicated, is absolutely of essential importance. Arguing about amounts of money we ought to spend for particular systems is another question.

Mr. JACKSON. But it also goes to the constitutional question of whether you are going to have civilian control. Under the present setup, there is room—about the size of a Senate elevator—for about five people with the President in the event of a crisis. So we have the opportunity here of having a larger facility with more people and more equipment aboard than can be handled with the existing facility.

After turning down the underground facility, after turning down the ABM for Washington—which I supported turning down because I do not think it would be effective—it seems to me that the obvious logic of beefing up the present command and control is absolutely necessary. It goes to the heart of the whole constitutional system.

Mr. HUMPHREY. Otherwise, why appropriate all this money?

Mr. JACKSON. That is correct.

Mr. HUMPHREY. I think this argument is perfectly clear.

Mr. FULBRIGHT. I yield myself 5 additional minutes.

Mr. President, this passion over command and control is very instructive. It is very odd that the committee in the House that has responsibility for this matter says that it has not been studied, that there is nothing to indicate that the President would even use the command post. They say there is no assurance that any President will use the NCA airborne command post.

I can imagine now how it would affect the country if there were an alert, and the next thing they heard was that danger was threatening the country, that the President and all his staff had boarded a plane and taken off and left the United States to whatever fate it may suffer.

I am sure that in England, during World War II, when Churchill was standing there, trying to encourage his people to resist, it would have been a strange sight if he had taken off in a plane instead.

It is a fantastic idea. The committee in the House, I think, has an unanswerable argument—that no studies have been made to determine who he would take with him or that he would go at all. There is nothing in the record to indicate that there is any urgency about this matter.

The House committee says in no uncertain words that the request for three operational aircraft is premature and cannot be justified. I think everything indicates that. To be told, if you only knew as much as we do about a little black box, then you would not have any question about it, I do not think is a very good answer. The committee of the House of Representatives which passed on this subject and which has heard about the little black box was clearly opposed to this funding. We have seen them every now and then, and we had much testimony about the black boxes on the *Maddox* at the time of the Gulf of Tonkin, so that it is not all that mysterious. I do not know how much money has already been spent on a command control center out in NORAD, and we have an enormous center in Omaha, and all kinds of other centers, for that matter. It is premature, that there is no evidence other than just the word, that if we knew all the secrets the chairman of the committee knows, we would approve.

I think it should be struck.

Mr. YOUNG. Mr. President, will the Senator from Arkansas yield me 2 minutes?

Mr. McCLELLAN. I yield 2 minutes to the Senator from North Dakota.

The PRESIDING OFFICER (Mr. HART). The Senator from North Dakota is recognized for 2 minutes.

Mr. YOUNG. Mr. President, I rise in opposition to the amendment to reduce funds for an advanced airborne command post.

The Department of Defense Procurement and Research and Development Authorization Act, now public law, was based on action by this Congress to include $127 million for four 747 aircraft, and $32 million for research and development. This is almost identical to that recommended by our committee.

Now, Mr. President, when the President's budget was presented to Congress in January of this year, a strong case was made for this program. That case was further supported by testimony from Secretary Laird, Admiral Moorer, Mr. Moot, and by witnesses from the Air Force, who would manage the acquisition of this program. Later, in direct support of the SALT accords submitted to the Senate by the President on June 10, 1972, Secretary Laird again came to the Congress and emphasized, in connection with support for the Moscow SALT accords, the importance of improving our capability, to command and control our strategic forces. The Congress has now ratified the ABM treaty and approved the SALT interim agreement.

This body should not now start action, which would erode and dilute the important implications of the Moscow accords. As the Senator from Mississippi pointed out, the Congress has deleted the proposed authorization, in the Safeguard program, for an active ABM defense of the National Command Authority here in Washington, D.C., which at its most optimistic estimate, would have exceeded $2 billion in cost, and would have probably substantially exceeded that figure.

We are all aware of the accuracies of today's large nuclear weapons, and the newer versions, now being developed in the Soviet Union. Unfortunately, one cannot take comfort in the thought of going underground. In the case of deep underground command and control centers, one must be able to communicate with the outside world. It is this communication network that is absolutely vital, and yet in the case of underground centers, it is this aspect that is so vulnerable. In today's environment—and tomorrow's—the command and control center should be airborne so that it is mobile and survivable.

During the early 1960's when the requirement for an airborne command post emerged, KC–135's, the largest available aircraft at that time, provided adequate space to do the job. Our strategic forces were basically the manned bomber and tanker fleets plus a few Atlas and Titan ICBM's. Today the situation is dramatically different and much more complex. We now have a thousand Minuteman missiles plus Polaris and Poseidon fleet ballistic missiles, and a big quantum jump in space requirements has taken place. Technology has also changed other aspects of this complex management job. Satellite systems and automatic data processing systems which allow rapid retargeting are two examples.

It is urgent we give to our President—Commander in Chief—the best management control tools available, and a survivable, flexible airborne command post has to be one of our top priorities. We are fortunate to have the 747, a well-developed, tested, proven aircraft available to provide the needed advantages in space, endurance, and flexibility.

I urge the strong support of this body of the recommendation made on the airborne command post by the Appropriations Committee.

Mr. President, we have been discussing the need for a command post for 10 to 15 years. We were first going to have an underground command post system. That was not approved. Now we have larger airplanes, as has been pointed out, which can carry more sophisticated intelligence equipment.

Unfortunately, we cannot disclose what that equipment will do. However, that is information that Russia would like very much to have. It would be valuable information for them to have. Those of us who have made a study of it know that the equipment will be far more advanced than what we have at present.

On the assumption that we need to have an effective command post for the President of the United States, the present airplanes, of course, will carry the kind of equipment that we have now, but they do not have the space that is necessary for the more modern equipment, we will soon have ready.

Mr. MAGNUSON. Mr. President, I want to associate myself with the remarks of the distinguished chairman of the Senate Armed Services Committee. He is a man committed to providing this Nation with a strong defense but he is also committed to cutting out any project that is not absolutely necessary. The evidence he has presented clearly indicates that this airborne command and control system would significantly improve our capability to control and direct our strategic forces during a nuclear conflict between the United States and other major powers.

The Senate is well aware of the underground command post in West Virginia. Previously, this command post was considered safe, but this is no longer true because of the destructive power and accuracy of the Soviet Union's SS–9 ICBM. Even if the President's underground command post were not destroyed, the communications systems would be devastated. This fact dictates that the President use an air command post in order to carry out his responsibilities as Commander in Chief.

An airborne command post will have the best chance for survivability and will also leave the President with a communication system to command nuclear forces. Defense officials, testifying before Congress, were unanimous in their statements that the current command post aircraft—EC–135—has serious deficiencies.

To spend billions for sufficient strategic forces and yet be unable to adequately command and control the responses of these forces cannot be tolerated. Congress has cut out $4 billion for an ABM site in Washington, D.C. I believe we acted responsibly in taking that action, but I also feel that because of that decision, we need to upgrade the emergency command and control of our strategic forces.

This new system is required because the current airborne command posts cannot accommodate the additional communications, surveillance and warning systems, and equipment and the additional people needed to effectively manage the strategic forces.

The existing EC–135 fleet was deployed in 1964 with equipment dating back to the early 1960's. By 1969, the EC–135 had reached its space and payload limits. National policy dictates that, during an emergency, we be in the position of responding to a wide range of options. The current EC–135 cannot carry sufficient personnel to receive and process the quantity of incoming data currently available. When the small battle staff is processing incoming data, they cannot support nuclear war decisionmaking and vice versa, according to the Department of Defense. This saturated condition does not permit detailed review of numerous response actions. Currently, the manpower and manual information processing methods on the existing EC–135 airborne command posts—ABNCP—permit execution of only very limited options if the soft, ground-buried command posts are incapacitated or destroyed.

The Air Force, after extensive review, has selected the Boeing 747 for this mission because it provides advantages in space, endurance, and flexibility which potentially competing aircraft could not match. The 747 provides an additional 1,000 square feet of floor area and 35,000 pounds of additional payload capability over the DC–10 and the L–1011. The 747 provides more gross space for growth to meet requirements of the future.

Far more persuasive, however, is the fact that the 747 provides approximately 3 hours more endurance time than the DC–10 or the L–1011 and requires 2,000 feet less runway under identical conditions. This latter advantage means that there are many more fields from which the 747 could operate. This fact compounds the targeting problem for our adversaries.

Since its unique mission requires the aircraft to carry the President or other designated national command authorities, it should include those capabilities which will enhance its successful operation and its survivability. The Senate Armed Services Committee, in approving this program said:

> The President must be provided with an effective and modern command and central system for use in a general war that is as survivable as the weapons it serves and sufficiently capable to provide the President with strategic options other than massive retaliation.

I hope the Senate will support the decision made by both the Senate Armed Services Committee and the Senate Appropriations Committee.

Not going ahead with this important program would be pennywise and pound foolish.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement entitled "The Case for the Advanced Airborne Command Post."

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE CASE FOR THE ADVANCED AIRBORNE COMMAND POST

1. Description/Mission—The AABNCP would provide the National Command Authorities (NCA) with an Airborne Command Post system with significantly greater physical size, endurance, flexibility, and Nuclear War Command and Control Capability than the current EC–135 aircraft. This Airborne Command and Control system would significantly improve our capability to control and direct our strategic forces during a nuclear conflict between the U.S. and other major powers.

Basis for F.Y. 1973 budget request—The growing threat from Soviet ICBM's and the rapidly dwindling warning time make early improvements to our airborne command and control system imperative. Early deployment of a larger ABNCP will demonstrate U.S. resolve to maintain an adequate capability to execute the surviving nuclear forces following an attack on the U.S. and/or its allies.

II. General Glasser—The advanced airborne command post program will replace the EC–135 airborne command posts of the national military command system and the Strategic Air Command to provide them with larger aircraft capable of improved emergency command and control of our strategic forces.

This new system is required because the current airborne command posts cannot accommodate the additional equipment and people needed to manage effectively the forces using information from improved communication, surveillance, and warning systems.

The growing threat from ICBM's and SLBM's together with reductions in warning time have made the early acquisition of an improved airborne command and control capability essential to obtain the maximum effectiveness from our strategic forces in the minimum time even though the ground based national command authority command and control centers are destroyed.

III. Senator Symington—The 747 will be more convenient to use but what is it that the 747 can do that the KC–135 can't do that would force us to put another half billion dollars in it?

General Glasser.—There are three primary areas where this comes about.

The first is in the floor space and payload capability. There are a number of improvements, primarily in the communications area and in the data processing and display area which simply cannot be accommodated on the 135's as they exist today. They are too crowded. There are things that people want on board that they can't put on board.

The second is the numbers of personnel. The (deleted) would be unable to bring on (deleted) simply because of lack of space.

Thirdly is the flight duration of the aircraft. The KC–135 is good at best around 10 hours whereas with the 747 we can extend it to 16-plus hours and we propose to put a refueling capability on it so that at any particular time you could keep it up to that (deleted) the full duration of the emergency.

IV. Retaining assured command and control by such means as the AABNCP is crucial to the deterrent capability of our strategic forces. The need for such airborne command and control has increased as the warning time on strategic missiles has been reduced over the years.

It is the view of the Committee that such benefits as may be gained from the Strategic Arms Limitation Agreement with the Soviets require that even greater importance be placed on the reliability of communications, command and control capability in regard to our strategic forces.

V. *A comparative* analysis by the Air Force indicated that the 747 provided advantages in space, endurance, and flexibility which potentially competing aircraft could not match. The 747 provides an additional 1,000 square feet of floor area and 35,000 pounds of additional payload capability over the DC–10 and the L–1011. Therefore, though other aircraft could meet present space requirements, the 747 provides more gross space for growth to meet requirements of the future.

Far more persuasive, however, is the fact that the 747 provides approximately 3 hours more endurance time than either the DC–10 or the L–1011 and requires 2,000 feet less runway under identical conditions. This latter advantage means that there are many more fields from which the 747 could operate. Since its unique mission requires the aircraft to carry the President or other designated National Command Authorities, it should include those capabilities which will enhance its successful operation and its survivability.

VI. *The Senate* Armed Services Committee's recommendation is predicted upon recognition of the fact that the President must be provided with an effective and modern Command and Control System for use in a general war that is as survivable as the weapons it serves and sufficiently capable to provide the President with strategic options other than massive retaliation. The Advanced Airborne National Command Post will meet these requirements.

VII. *Defense officials were unanimous in their statements that the current command post aircraft has serious deficiencies.* The committee is greatly concerned that such a situation exists in our vital strategic forces. To spend billions for sufficient strategic forces and yet be unable to adequately command and control the responses of these forces cannot be tolerated.

VIII. *The planned* Advanced Airborne National Command Post program of seven aircraft ultimately will replace the EC–135 Airborne Command Posts (ABCP) of the National Military Command System (NMCS) as well as those of the Strategic Air Command. The larger Boeing 747 aircraft, with improved command and control systems, will provide significant improvements in the emergency command and control of our strategic forces. This new system is required because the current Airborne Command Posts cannot accommodate the additional communications, surveillance and warning systems and equipment and the additional people needed to effectively manage the strategic forces.

IX. *National* policy dictates that we be in the position of responding to a wide range of options. The current EC–135 Command Post aircraft cannot carry sufficient personnel to receive and process the quantity of incoming data currently available. When the small battle staff is processing incoming data, they cannot support nuclear war decisionmaking and vice versa. This saturated condition does not permit detailed review of numerous response actions. Currently, the manpower and manual information processing methods on the existing EC–135 Airborne Command Posts (ABNCP) permit execution of only very limited options when the soft, groundbased command posts are incapacitated or destroyed.

Mr. MAGNUSON. Mr. President, the statement was made a little while ago that the President may never use this. There is not a person within the sound of my voice that does not hope "a President will never have to use it." The answer to all this is that although the Appropriations Committee did not have as much time as it would have liked to review this item, the Armed Services Committee went into the matter in detail. It also went in detail into some of the classified aspects of it that we cannot talk about.

I know that we have been trying for years to defend the President in an emergency and have spent much money in West Virginia on this project. That command post is now in jeopardy because of the existence of the SS–9 ICBM.

The existing EC–135 fleet was deployed in 1964 with equipment dating back to the early 1960's. By 1969, the EC–135 had reached its space and payload limits. National policy dictates that, during an emergency, we be in the position of responding to a wide range of options. The current EC–135 cannot carry sufficient personnel to receive and process the quantity of incoming data currently available.

Mr. FULBRIGHT. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I have only 1 minute to speak. I want to say one other thing then I will be glad to yield. The Senator from Arkansas suggests that this might have been concocted for some reason, to produce employment at the Boeing Co. Of course part of this money is for electronic equipment and engines with which Boeing has nothing to do. It is true, however, that they will buy planes off the rack——

Mr. FULBRIGHT. Four, I believe.

Mr. MAGNUSON. Yes; this act provides for the purchase of four off the rack. We are very happy about that. We would not deny that. But this was not concocted for that purpose at all. It happened that they found an airplane that was big enough to take care of what they thought would be their needs today and in the foreseeable future. This plane allows for growth because it has 4,600 square feet of floor space.

Mr. FULBRIGHT. Could I ask the Senator from Washington a question: We have only one President. Under my amendment we would get one 747 for the President. We are not going to have four Presidents. The President is not going to be in four places at one time. Are we going to use a 747 for colonels and generals? There is only going to be one President at any one time. Under my amendment, which conforms to the House bill, we will have one 747 and it will be at Andrews or wherever the President goes and can go, because he goes in his big plane, too. I do not understand why we have got to have four or seven. Because the President is not going to be in seven different places at one time. If the mission the Senator has described is the correct one, why do we need more than one?

Mr. MAGNUSON. If the Senator will read the Armed Services testimony, we need four planes for the National Command Authority. We will need three for SAC in the future.

This is a total of seven airplanes. Only four are sought in the fiscal year 1973 Department of Defense Appropriation Act. The fourth would be used for R.D. T. and E.

Mr. FULBRIGHT. I still do not see why we need more than one, with one President.

Mr. JACKSON. Mr. President, I think the point here needs to be made, that at the present time they are using about 30 to 35 EC–135's. That is a converted tanker. There will be three at Andrews, three out at Omaha at SAC, and one for R.D.T. and E. It will have the advantage of being able to pull together in one of the individual planes the new equipment which involves space. That is what it all boils down to, space for the equipment and for the personnel. Seven planes are involved.

Mr. MAGNUSON. The EC–135's will be used for some other purpose. That is my understanding of their plan.

Mr. JACKSON. Mr. President, I now yield 4 minutes to the Senator from Missouri (Mr. SYMINGTON).

The PRESIDING OFFICER. The Senator from Missouri is recognized for 4 minutes.

Mr. SYMINGTON. Mr. President, I thank the able Senator from Washington. Along with him in executive session, I heard much of the testimony on this matter in the Armed Services Committee. I have read the report since then of the House Appropriations Committee.

May I read what the report says:

> The C–5A and Boeing 747 have about 3,500 square feet (SF) of floor area. The DC–10/30 and L–1011 have about 2,500 SF of floor area. The current EC–135s have about 880 SF of floor area.
>
> The NCA aircraft are said to require 1,775 SF of which only 325 SF is for equipment and 1,450 SF is for people. In the 747, this would leave 1,725 SF for growth; in the L–1011/DC–10, it would leave 725 SF for growth.
>
> SAC says it required between 1,270 to 1,420 SF for equipment and people. In the 747, this would leave between 2,100 and 2,200 SF for growth. In the L–1011/DC–10 aircraft, this would leave between 1,100 and 1,200 SF for growth.
>
> SAC has spent some $33 million in developing operational doctrine and exploring automation requirements for an upgraded SAC "Looking Glass" airborne command post. SAC has looked at the 747, the DC–10, and the L–1011 as aircraft candidates, and seemed to prefer the 747, although the L–1011/DC–10 more nearly would meet SAC requirements as to floor space and growth potential, according to Air Force witnesses.

That is a quotation from the House Appropriations Committee on September 11, 1972.

I would ask my able colleague, a member of the Armed Services Committee, if he does not think there should be some argument or, at least, merit in the position taken on the DC–10, if that is the position of the Air Force.

Mr. JACKSON. Mr. President, I think the Senator asks a very appropriate question.

The Air Force made a critical evaluation of equipment available. They approached it on the basis that the Senator from Washington (Mr. MAGNUSON) mentioned of buying it off the shelf, so that they would not have to buy a special aircraft. They made an analysis that started out by finding that, for example, the C–5A or Boeing 747 have 3,400 square feet and the DC–10 and the L–1011 have about 2,500 square feet of floor area and that the DC–135's have about 800 square feet of floor area.

A comparable analysis by the Air Force indicates that the 747's provide advantages, as I understand it, in space, endurance, and flexibility which potentially competing aircraft cannot match. The 747 provides, as the Senator indicated, 1,000 additional square feet of floor area and 35,000 pounds of additional payload capability over the DC–10 and L–1011.

The PRESIDING OFFICER. The time has expired.

Mr. JACKSON. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. JACKSON. Mr. President, therefore the 747 provides more gross space for growth to meet requirements of the future.

As outlined by the Air Force, something that is far more persuasive is the fact that the 747 provides approximately 3 hours more endurance time than the DC–10 or the L–1011 and requires 2,000 feet less runway under identical conditions. This latter advantage means that there are many more fields from which the 747 could operate. This fact compounds a targeting problem for our adversaries. Since its unique mission requires the aircraft to carry the President or other designated national command authorities, it should include those capabilities which will enhance its successful operation and survivability.

So, I say to the Senator further in response to his question that they did review the requirements as against the planes available commercially, and they came to the conclusion I mentioned.

The PRESIDING OFFICER. All time of the Senator has expired.

Mr. SYMINGTON. Mr. President, will the Senator from Arkansas yield me 1 minute?

Mr. FULBRIGHT. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Four minutes remain to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I yield 1 minute to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, I ask the Senator from Washington if it is not true that the price is somewhat comparable to the price air transport companies get and that the additional cost involved is in the new technical equipment which is judged necessary because of advanced technology.

Mr. JACKSON. The Senator is correct. They sell exactly on the same basis.

Mr. MAGNUSON. And it comes off the rack, so to speak, just the way it is.

Mr. FULBRIGHT. Mr. President, I was very interested in listening to the colloquy. Is the DC–10 made by McDonnell Douglas, being built at the same location where McDonnell makes the F–15?

Mr. SYMINGTON. Mr. President, the plane is not made in St. Louis at all.

Mr. FULBRIGHT. The fact is that we only have one President, and all we need is one 747, if we need that. It is very doubtful if we need it at all. There is no evidence that any President would ever order it out in such a strange way to command. If a nuclear war gets underway there will not be much left to command. Everyone admits that. If these debates on nuclear war mean anything at all, it would be too late for a command or for anything else.

Mr. President, if we get into a nuclear exchange with Russia, it would be too late to do anything. The whole purpose of what the President has been doing in the SALT talks or the talks about the interim agreement has been based upon the assumption that deterrents must be maintained and that we cannot afford to have a nuclear war.

What is leading to a bad case of schizophrenia and terrific frustration is this inherent inconsistency between producers who build under a conventional warfare basis, the same old equipment we had in World War II and the Korean war, being confronted from time to time by such expeditions as the President's trips to Moscow and Peking, which we approve of. In view of these developments, and of the SALT talks, which we also approve of, the conventional approach is utterly inconsistent. If there is anything at all in the SALT talks—

and I hope and believe that there is—then all of this talk about command persons to preside over a nuclear war in process does not make much sense. The talks that are in process and would avoid a nuclear war do make sense, and I am for them.

If this had any relation whatsoever to being able to avoid a nuclear attack, I would be for it. However, I do not think it makes a great deal of sense to say that we are giving the President the capacity at least to supervise this, although there is no indication that he wants it.

The PRESIDING OFFICER. The time has expired.

Mr. MANSFIELD. Mr. President, for the information of the Senate, the attachés have notified all Senators that from now on the rollcall votes will take 10 minutes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Alabama (Mr. SPARKMAN), the Senator from California (Mr. TUNNEY), and the Senator from Alaska (Mr. GRAVEL) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) and the Senator from Hawaii (Mr. INOUYE) are absent on official business.

Mr. SCOTT. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. CURTIS), the Senator from Michigan (Mr. GRIFFIN), the Senator from New York (Mr. JAVITS), the Senator from Iowa (Mr. MILLER), the Senator from Ohio (Mr. TAFT), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also the Senator from Maryland (Mr. BEALL), the Senator from Arizona (Mr. GOLDWATER), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from Maryland (Mr. BEALL), the Senator from Nebraska (Mr. CURTIS), the Senator from Iowa (Mr. MILLER), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "nay."

The result was announced—yeas 14, nays 62, as follows:

[No. 494 Leg.]

YEAS—14

Aiken
Bayh
Burdick
Case
Church
Cranston
Fulbright
Hart
Hartke
Kennedy
Nelson
Proxmire
Saxbe
Stevenson

NAYS—62

Allen
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cook
Cooper
Cotton
Dole
Dominick
Eagleton
Ervin
Fannin
Fong
Gambrell
Gurney
Hansen
Hatfield
Hollings
Hruska
Hughes
Humphrey
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McClellan
Mondale
Montoya
Moss
Muskie
Packwood
Pastore
Pearson
Pell
Percy
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevens
Symington
Talmadge
Weicker
Williams
Young

NOT VOTING—24

Allott
Anderson
Baker
Beall
Curtis
Eastland
Edwards
Goldwater
Gravel
Griffin
Harris
Inouye
Javits
McGee
McGovern
McIntyre
Metcalf
Miller
Mundt
Sparkman
Taft
Thurmond
Tower
Tunney

So Mr. FULBRIGHT's amendment was rejected.

Mr. KENNEDY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendments, as follows:

> On page 21, beginning with line 6, strike out all down through line 17 on page 21.
>
> On page 51, beginning with line 18, strike out all down through line 5 on page 52, and insert in lieu thereof the following:
>
> SEC. 729. No appropriation contained in this Act shall be available for the payment of any expenses in connection with any program administered by the National Board for the Promotion of Rifle Practice.

Mr. KENNEDY. Mr. President, I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, with the understanding that no time will be taken out of the time of the Senator on his amendment, for the benefit and information of the Senate, so that we will know how long we will have to stay tonight to finish the pending business, we know at the present time we have one and possibly two amendments to be offered by the distinguished Senator from Massachusetts, one by the distinguished Senator from Illinois (Mr. STEVENSON), one, I believe, by the distinguished Senator from Michigan (Mr. HART). Are there any others?

Mr. MATHIAS. I have one.

Mr. COTTON. Mr. President, was there one by the distinguished Senator from Minnesota (Mr. HUMPHREY)?

Mr. MANSFIELD. Not that I know of. I understand that the Senator from Michigan is prepared to agree to a very short time limitation. Is the Senator from Maryland—I did not know he was going to offer an amendment until just now—prepared to do the same? I want the Senate to know how to proceed. If it is going to be too late, we are not going to keep Senators around here. They have had a long day.

Mr. MATHIAS. Mr. President, to respond, my amendment will be in the nature of an antiwar amendment. It will require some study of the legislative history of the last session of Congress, at which time the Mansfield amendment, which has since been signed by the President, was adopted. I would think Senators would want to be very careful in their analysis of that language and how it might apply to this legislation. I would not think it wise at this moment to accept any time limitation.

Mr. MANSFIELD. The Senator, then, does not see any possibility of finishing the pending business this evening?

Mr. MATHIAS. I shall be glad to discuss it with the majority leader, but I do think it may take more than just an hour.

Mr. MANSFIELD. Mr. President, could the distinguished Senator from Michigan give the leadership some idea as to what his amendment will encompass?

The PRESIDING OFFICER (Mr. HART). The amendment, which I have not yet had printed, is an across-the-board 5-percent cut. It will not take very long to explain. There may be other Senators who want to react to it, but, in my case, I can describe it in very brief time. The Pentagon would be told to take 5 percent less than the $74.6 billion, applying the cut of $3.6 billion in areas to be decided by the Defense Department.

Mr. MANSFIELD. I thank the Senator. We will try to work it out a little later.

Mr. KENNEDY. Mr. President, just for the information of the Senate, I have two amendments. I am hopeful one will be accepted. I am doubtful that one of them will be. I do not think either of them will take prolonged discussion or debate, just for the information of the majority leader.

The PRESIDING OFFICER. Will the Senator indicate whether he desires his amendments to be considered en bloc?

Mr. KENNEDY. I so desire.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, there are two parts to the amendment I have proposed this evening. They refer to the part of the defense bill that provides resources and funds to the National Board for the Promotion of Rifle Practice, which is housed in the Pentagon.

The first part of the amendment would strike the section of the defense appropriation that would provide $100,000 which is used in the Pentagon to make recommendations of how best to transfer military weapons to civilian use.

The other part of the amendment refers to that section of the defense appropriation bill on page 51, line 18, which reads that—

> During the current fiscal year, the Secretary of Defense shall, upon requisition of the National Board for the Promotion of Rifle Practice, and without reimbursement, transfer from agencies of the Department of Defense to the Board ammunition from stock or which has been procured for the purpose in such amounts as he may determine.

This is a general, open-ended appropriation, actually—under which money is being used for the purchase of and supply of ammunition to countless gun clubs in this country, at taxpayers' expense. For example, amounts used in the past, to support the world target-shooting contest of 1970. I think we ought to understand completely the amount of money which is being appropriated under that second section.

If we are going to underwrite and support the international competition for target shooting, I think the American people might wonder why we are not supporting international competition for baseball or other items which are included in the Olympics.

I think we ought to be able to have the figures outlined for us and exactly how much of the taxpayers' funds are being used for these various programs.

I have looked through the report and have been unable to find those figures listed anywhere.

I would like to request from the manager of the bill how much has been included under section 729, how much has been used for the purchase of ammunition, what the procedures are that are being followed in supplying that ammunition to gun clubs, and whether other people outside the National Rifle Association are going to be able to take advantage of such ammunition that is going to be available through this program, and what the procedures are that are going to be followed.

Then I would be interested in the justification of the $100,000 that will be expended under the section on page 21 of the bill that provides for necessary expenses of construction, equipment, and maintenance of rifle ranges under the National Board for the Promotion of Rifle Practice. I understand that a principal function of that Board is to conduct research and engineering studies to find out how we can convert hundreds of thousands, even millions, of defense weapons and turn them into civilian use.

I would be interested in what response we might have with respect to those particular sections so that we can find out exactly what amounts of the taxpayers' funds are being used in this area, so we will all understand the policies which guide us.

I take this opportunity to offer an amendment to H.R. 16593, the appropriations for the Department of Defense, in order to eliminate the functions of the Army National Board for the Promotion of Rifle Practice.

My reason for moving to delete this activity from the appropriations for our vast military organization is straightforward—Federal support of civilian rifle practice is an absolete anachronism that cannot be justified in our modern society.

The Congress created the National Board for the Promotion of Rifle Practice in 1903 to carry out four missions:

First, to promote practice in the use of military type individual small arms among civilians;

Second, to promote small arms matches and competitions;

Third, to issue arms, ammunition, targets, and other supplies to competitors paritcipating in these activities; and

Fourth, to procure and award to winning competitors, trophies, medals, badges, and other insignia.

According to the legislation creating the board, the basic purpose of these activities is to encourage and to support small arms target practice, presumably so that in time of war the Nation would have a trained corps of riflemen and rifle instructors.

Perhaps in 1903 that was not only a noble goal, it was also a predictable result of the lingering frontier ethic.

At the turn of this century, the need for a prepared civilian force of riflemen may have been important. But if there is any one thing that our enormous military training system has mastered—it has mastered the technique for teaching raw recruits how to shoot. And I seriously doubt that the funds appropriated for the civilian marksmanship program have contributed substantially, if at all, to the development of proficient marksmen in today's army.

Indeed, the visible and obvious result of those Pentagon-sponsored shooting matches is to provide a Federal subsidy for people who derive recreational enjoyment and personal satisfaction from the use of firearms.

Every Member of this Senate is fully aware of my earnest demand to establish a nationwide Federal firearms control system. I believe that only with such a system can we begin to stem the bloody flow of firearms killings in this country. Until a standardized system to restrain firearms abuse is enacted, I can see no reason why the Federal Government should be involved in paying for people to take target practice in military firing ranges or anywhere else, for that matter.

Lt. Col. Frank Lohman, director of the civilian marksmanship program, asked the House Appropriations Committee, earlier this year, for $126,000 to maintain the program at its 1972 level during the 1973 fiscal year. He also requested $284,000 for the Army to purchase some 20 million rounds of .22 caliber ammunition. According to the colonel, that ammunition would be consumed in the many practice and competitive matches conducted by civilian shooting organizations, including the National Rifle Association.

Mr. President, I find it difficult to understand why the Defense Department should buy 20 million bullets for civilians to use in 1 year.

Furthermore, I am considerably more troubled by the apparent duplicity demonstrated by the managers of the Department in the way they finally recommended appropriations under this authority. It is intriguing to observe that the bill passed by the House of Representatives appropriates $159,000 for the National Board for the Promotion of Rifle Practice to add three staff members, but the bill does not specifically provide funds for the purchase of 20 million bullets. Instead, that bill gives the Secretary of Defense authority to transfer from other accounts almost any amount he desires for the purchase of bullets to be used in this program. Thus, the Defense Department almost has carte blanche authority to spend unlimited funds in order to keep the guns of civilian shooters loaded at all times.

It is encouraging to see that the Senate Appropriations Committee is moving in the right direction by cutting the funding to $100,000. I intend to carry that reduction all the way and to eliminate all funds for this unnecessary program.

In 1967, when I first brought the details of this program to public attention, annual expenditures for the civilian marksmanship program amounted to over $3 million. Today, the appropriations bill before the Senate specifically denotes $100,000 for support personnel and an undisclosed sum for ammunition and supplies.

During that timespan, we seem to have produced a substantial reduction in this program. But I am currently alarmed by the Department's actions which reveal two blatant assaults on the integrity of the public trust:

First, Secretary Laird began in 1970 to reverse the trend that had consistently restrained the scope of this program. In that year, he overruled Army Undersecretary Thaddeus Beal and agreed to provide $70,000 in military support for the 1970 world shooting championships. Thus, the Department of Defense elected to underwrite a worldwide shooting contest sponsored by the country's most active gun lobby—the National Rifle Association. And last year, the department provided support for the national shooting matches for the first time since 1968. So it can fairly well be claimed that while our Government denies assistance for Americans to compete in athletic contests like the Olympic games, the administration openly subsidizes competition among people from around the world who demonstrate an interest in shooting guns.

Second, because the National Rifle Association exercises nearly exclusive control over the eligibility of participants in these programs, the fundamental legality of the programs is in doubt. For, participants in these subsidized programs must show allegiance to and negotiate through National Rifle Association affiliates in order to gain access to the Federal arms supply. If the Defense Department can justify a subsidy for those who enjoy shooting guns, why cannot the Department of Transportation subsidize people who enjoy racing automobiles; or why should not the Agriculture Department subsidize people who derive pleasure and satisfaction from cultivating and raising roses or camellias; or, why cannot the Interior Department provide subsidies for young boys who yearn to play the wholesome sports of baseball, football, or basketball?

I am particularly dismayed with the thrust and direction of this program because it serves to validate the role of firearms as an acceptable and attractive part of our daily life. Yet, the administration has chosen to oppose measures that would discourage the abuse and misuse of guns. Each year the count of gun deaths on America's domestic battlefields leaps beyond the death toll of the year before. Instead of actively seeking to stop killing over 21,000 civilians with guns each year, the administration is vigorously spending tax dollars to encourage people to do even more shooting.

Proudly, the National Rifle Association boasted in the May 1972 issue of the American Rifleman that the Army is using its Fort Benning, Ga., training unit to investigate and to research ways to sidestep the provisions of existing Federal gun laws.

The American Rifleman admits, that under "the strict construction of the 1968 Federal Gun Control Act" private possession or even the firing of fully automatic arms by civilians is outlawed. But the Pentagon is efficiently pursing every possible approach that will enable the Army to convert its basic small arms weapon—the M–16—for use by civilian target shooters.

American households comprise the largest civilian-owned arsenal in the history of mankind. Between 100 million and 150 million rifles and shotguns are owned by our citizens. And another 30 million handguns are believed to be privately owned by the American people.

With such an enormous civilian arsenal what rationale justifies a Government subsidy aimed at the development of yet another potentially deadly firearm?

Why should the citizens of this country contribute their tax dollars for the production of a device that could ultimately fall into the hands of those who might abuse such a powerful and threatening weapon?

Mr. President, while I seek to delete $100,000 from this appropriations measure, it is important to remember that the money amount is much less significant than the overall impact of this program.

My amendment not only would abolish the program by deleting the $100,000 appropriation, it would also deny the use of other Defense Department funds to National Board for the Promotion of Rifle Practice.

There is clearly no justification for the Department to continue this activity. And certainly there is no reason why the Department should expand its subsidy in this area.

Indeed, the Senate has, for too long, struggled with the broader issue of funding the burdensome costs of a war in Indochina that nobody wants. Clearly, there should be less anguish about continuing Federal support for civilian firearms activities on the home front.

I therefore urge the Senate to strike the appropriation for the civilian marksmanship program, and to abolish the National Board for the Promotion of Rifle Practice. Continued Federal support of this privately operated recreational pursuit contributes little, if any good, to the welfare of our citizens. There is no room in our Federal Establishment for programs that may serve to embellish the public appeal for activities that can lead to the abuse or the misuse of firearms.

I am hopeful that the chairman can provide answers to the questions I have raised about this matter.

Mr. McCLELLAN. Mr. President, what, specifically, is the Senator's question?

Mr. KENNEDY. There are two parts of the amendment. One would be to strike section 729, which provides an open-ended appropriation, really, for the Secretary of Defense to respond to requests from the National Board for the Promotion of Rifle Practice such amounts as the Secretary of Defense may determine, and also reimbursement for traveling expenses for various military personnel to go to various international rifle matches.

I would be interested in knowing how much money is intended to be appropriated under that section, or whatever information the chairman could give us as to how much was appropriated last year or in previous years, so that we could have some explanation of the item. We are interested in ascertaining how the taxpayers' funds are used for rifle target practice. I think we ought to know how much is being actually used for that purpose so we may have some idea of the intention of the committee with respect to that particular section.

Mr. McCLELLAN. Mr. President, does the Senator want me to speak on my time?

Mr. KENNEDY. I was interested in having the Senator respond to that question, or I will reserve the remainder of my time if the Senator wishes to make a statement.

Mr. McCLELLAN. I am sorry, Mr. President, I probably cannot respond as fully as I would desire. I had no idea the Senator was going to ask the question or offer the amendment. Had I been given a little notice, I would have had full information on any question he might have asked.

May I say to the Senator, however, that on this particular item, we reduced the amount provided by the House of Representatives from $159,000 to $100,000. I had some misgivings about the entire program. I had in mind making a study of activities of this agency prior to next year, with a view to possible reduction or phasing out the program.

I understand the program has been carried on for many years. I can see there is some justification for having the military encourage rifle practice if that might contribute to young people being better soldiers if they should be called into service. I think it has some merit. But at the same time, I remain committed to discovering any and all ways of making reductions in military expenditures where we can do so without placing in jeopardy our military posture. I feel that this might be an area where we could very well do that.

I did not know this question was going to be asked, as I say to my distinguished friend, but I would be happy to respond to any degree possible. I might say to the Senator that while the committee voted $100,000 for the National Board for Promotion of Public Practice, I do not feel strongly about this item. We reduced the amount somewhat to indicate to our friends in the other body that we have some misgivings about it, and unless they can convince us otherwise, we would insist on the reduced amount. Needless to say, I shall defend the action of the committee until the Senate has voted otherwise.

I say to my distinguished friend from Massachusetts that I had in mind, personally, going into it next year with a possible view to eliminating all of it. But I would like, this year, to take it to conference. There has been no advance warning about it. We had no issue connected with it before the committee. But, again, I think we ought to place the House on notice of our thinking and what we are doing, and that is one thing I had in mind in asking for a reduction in this item.

I think my views are shared by the distinguished Senator from North Dakota, who is the ranking minority member of the Defense Subcommittee.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes.

Mr. McCLELLAN. I am happy to yield the Senator whatever time he wants.

Mr. KENNEDY. I regret not being able to bring this to the chairman's attention. As he knows, the bill came up on Saturday, and my presentation was only prepared over the course of the week end, and therefore we were unable to do so.

I appreciate the attitude of the chairman of the committee. I think the two parts which I have the greatest interest in are the section which the Senator has mentioned, and then the section—as I understand, section 729—which is really an open ended kind of appropriation.

Mr. McCLELLAN. I would be willing to take that part of the Senator's amendment to conference. I have no objection to doing that.

Mr. KENNEDY. Fine.

Mr. McCLELLAN. I do not know what kind of a case can be made for it. If the Senator will offer his amendment in two parts, I would be glad to accept that one, if the Senator will withdraw the other, so that we may again initiate action leading to the possible elimination of this whole program.

I do not make this as an irrevocable statement. Maybe I can be convinced otherwise by Senators and a full disclosure of the facts. But I am looking for areas where this defense appropriation can be reduced. I think we must search for such areas, and eliminate every bit of surplus that we can.

Mr. KENNEDY. Could I have the suggestion of the Senator from Arkansas, then, that we divide it into two parts?

Mr. McCLELLAN. I would suggest that. I would be glad to take the second amendment to conference, if the Senator will leave the other one as it is. In that way we can be certain that no money will be expended therein, except the amount in the bill. That will keep it from being open ended.

Mr. KENNEDY. It is open ended now, and the thrust of my amendment would be to strike that section.

Mr. McCLELLAN. That would place it in conference.

Mr. KENNEDY. It would place it in conference; and what the Senator would attempt to do is reach at least some type of figure so that we would know what that figure was?

Mr. McCLELLAN. I am advised by the staff that the amount requested for fiscal year 1973 was $126,000. The House raised this to $159,000 and the committee reduced it to $100,000.

Mr. KENNEDY. The Senator is quite correct about the first section.

Mr. McCLELLAN. On the 729 item, the amount heretofore utilized has been in the neighborhood of $100,000.

Mr. KENNEDY. All right.

Mr. McCLELLAN. I am willing to take that to conference, so that both sides of the argument can be fully developed.

Mr. KENNEDY. If the Senator will do that——

Mr. McCLELLAN. We have it in the

bill. We can have an issue in the conference about it.

Mr. KENNEDY. I myself think it would be enormously useful at the conference that we set some kind of figure and have some kind of indication about how those resources are being expended. This is really blind here at the present time.

Mr. McCLELLAN. I agree with the Senator.

Mr. KENNEDY. There have been a number of requests with specific reference to this title, and I think it is important that we understand how much money is actually in that section, and what it is being used for, and I hope the committee will use a sharp pencil in terms of the justification for those provisions.

Mr. President, I modify——

Mr. McCLELLAN. May I say this before the Senator makes his motion? I said earlier, in my opening remarks on this bill and also before the Appropriations Committee that the manager of the bill, the senior Senator from Arkansas, is laboring under some disadvantages in presenting this bill, as the Senator may know. During all of the hearings except that on the supplemental request, I was engaged in a political campaign, and was not able to attend the hearings. Subsequently, most regrettably, the chairman of the committee, who would normally have handled it, passed away. Now it has fallen into my lap, and I am not as completely knowledgeable on some of these items as I would like to be. I hope to have acquired a fuller background on defense matters if I continue as chairman of the committee.

I thought at the time we considered the item that it should be reduced, and thus we took the action we did in reducing it to $100,000.

The PRESIDING OFFICER (Mr. HART). The Senator from Massachusetts has obtained unanimous consent to have the amendments considered en bloc. Does he now ask unanimous consent that they be modified and treated separately?

Mr. KENNEDY. The Senator from Massachusetts so requests.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask that the Senate proceed to the consideration of the second section of the amendment, which refers to section 729.

Mr. McCLELLAN. Mr. President, unless there is objection on the part of my colleague the ranking minority member of the Appropriations Committee——

Mr. YOUNG. Mr. President, I have no objection.

Mr. McCLELLAN. Without objection, then, I am glad to accept the Senator's amendment as modified.

Mr. KENNEDY. I appreciate that.

I know that when you have a bird in the hand, you should not keep talking; but I would call the attention of my colleague from Arkansas to a study done by the Arthur D. Little Co. in 1966 concerning the subject matter of the first part of this amendment. I think the Senator from Arkansas would be interested in their evaluation of this whole program, and I would hope that during his deliberations he would give some consideration to that study. I think it is extremely revealing, and that the Senator would find it informative.

I am prepared to yield back the remainder of my time.

Mr. McCLELLAN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the amendment, as modified, of the Senator from Massachusetts.

The amendment, as modified, was agreed to.

THE HUMAN EXPERIMENTATION AMENDMENTS TO THE DEFENSE APPROPRIATIONS BILL

Mr. KENNEDY. Mr. President, I have another amendment which I think will be accepted. I send it to the desk.

The PRESIDING OFFICER (Mr. HOLLINGS). The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

> At the appropriate place in the bill insert a new section as follows:
>
> SEC. —. None of the funds appropriated by this Act shall be available for any research involving un-informed or non-voluntary human beings as experimental subjects.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Mr. Ellis Mottur be permitted the privilege of the floor during the discussion of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, if I may have the attention of the chairman of the committee, the Senator from Arkansas, and of the ranking minority member of the committee, I will explain the amendment. This amendment was initially offered in the military authorization bill and was accepted by the chairman, the distinguished Senator from Mississippi. It was adopted by the Senate on a voice vote without opposition, but it was dropped in conference. I raise it again at this time, and the reason why I raise it is that I think we need to develop a clarification of policy with respect to human experimentation.

At the present time the Defense Department spends approximately $10 million per year for human experimentation. When properly carried out, human experimentation is well justified and can be extremely important and useful. There are a number of Defense Department programs, in which varying standards have been used for regulating the participation of the different individuals who have served as the experimental subjects of those programs. What we are trying to achieve here is the development of a uniform set of standards by the Defense Department which will govern the use of funds for human experimentation.

I have taken the opportunity of making an inquiry to the Defense Department about this, and the Department has indicated that it has no objection to this amendment.

Human experimentation has been conducted by the Defense Department for some time; but I am not making any allegations or charges on the basis of the information that I have, or that our Health Subcommittee has, that any of those experiments have violated the kinds of criteria which have been established to date. What we are trying to accomplish here is to assure that as we move ahead with Defense Department sponsored human experimentation, we will develop a set of detailed standards which respect the rights of the individual—which assure he has knowledge of what risk are involved in the experiment and that he freely volunteers to participate after being informed of those risks.

As I have said, the Armed Services Committe accepted a more sweeping and detailed form of this amendment; and the Senate adopted it by a voice vote on August 1. I hope that the chairman of the Appropriations Committee feels that he can accept the more limited form of the amendment before us today.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. STENNIS. For the information of the Senate, we accepted the amendment, exactly as the Senator from Massachusetts has said, and it provides as he has said. It was rejected in the conference, largely on a jurisdictional point. It was objected to very strenuously. It was really a health measure, they thought, and should go before their Committee on Health.

Mr. McCLELLAN. Mr. President, this is another of those amendments which comes up on the floor and which I have not had an opportunity to consider. I did not know it was going to be brought up. I do not know the full impact of the amendment. I do not know whether it has merit. Apparently, the House will not take it. If the Senator wants me to take it to conference, I will do so and have them consider it again.

Mr. KENNEDY. Perhaps the Senator from Mississippi can clarify the matter. The amendment we had offered on the authorization bill covered all Federal agencies. This amendment applies only to the Defense Department. I would think it would meet some of the objections that were voiced at that time. Am I correct?

Mr. STENNIS. I think it would perhaps meet part of their objections, at least, and would be a different amendment from what we had to deal with. They made the point about so many agencies being affected. I think it could be taken to conference. It is worthy subject matter.

Mr. McCLELLAN. I will take it to conference, but I do not want that action to be taken as an irrevocable commitment to support it. I have to understand more about it. I will be pleased to take it to conference.

Mr. KENNEDY. That would be acceptable.

Mr. President, we really did not have—at least, some of us—adequate notification about the full implications of this most expansive legislation. These points were raised Saturday. I attended the Saturday session, and there are a number of extremely important provisions in this measure.

It is my practice to notify the members of the committee or the floor manager of any amendment. But I would hope the chairman would take it to conference.

It would be extremely difficult for me to understand why this type of amendment would be unacceptable. It just prohibits the use of Defense Department funds for human experimentation, except when the individuals have been fully informed of any physical or mental health risks involved, and freely volunteer to participate in such a program. I would think it would be acceptable to the Senate and, hopefully, to the House. I hope the Senator will take it to conference. We will take it upon ourselves to provide some additional information and justification for these programs to the chairman of the committee.

DESIGNATION OF STRATIFIED PRIMITIVE AREA—A PART OF THE WASHAKIE WILDERNESS—CONFERENCE REPORT

Mr. JACKSON. Mr. President, I submit a report of the committee of conference on S. 166, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. Hollings). The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 166) to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore Shoshone National Forest, in the State of Wyoming, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the Congressional Record of September 25, 1972, at p. 31981.)

Mr. JACKSON. Mr. President, the House amendment to S. 166 consisted of striking all after the enacting clause and substituting in lieu thereof new text which varies from the Senate bill in one significant way. The committee of conference accepted the Senate version which provided for the protection of the DuNoir area to the west of the main Washakie Wilderness by the creation of a special management unit, but added a new subsection to the bill directing the Secretary of Agriculture to initiate a continuing study of this area and at the end of a 5-year period following the enactment of this act to recommend to the President and the Congress what he considers to be the area's highest and best public use.

Mr. President, I am satisfied that the agreement reached by the conference committee is a reasonable compromise and I move the adoption of the conference report.

The motion was agreed to.

Mr. JACKSON. Mr. President, I ask unanimous consent that a statement by the distinguished Senator from Wyoming (Mr. Hansen) on this subject be printed in the Record at this point.

The PRESIDING OFFICER (Mr. Hollings). Without objection, it is so ordered.

Statement by Senator Hansen

Mr. President, the approval of the Senate of the Conference Report on legislation to establish the Washakie Wilderness within the Shoshone National Forest culminates an effort that first began with my introduction of the original legislation in 1967.

Since that time, there has been a continued effort to try to reach some permanent solution which would provide for the statutory protection of the area.

Hearings were held on this legislation in 1968. In the 91st Congress, two bills were introduced, one by myself and one by my colleague, Senator McGee. The major difference between the two bills was that Senator McGee's bill would have increased my proposal by about 30,000 acres by inclusion as wilderness of an area commonly referred to as the DuNoir.

In 1970, Senator McGee and I met to try to work out the differences between the two pieces of legislation. As passed by the Senate, the Washakie Wilderness legislation represents the compromise that we reached.

In effect, we took the area of dispute, the DuNoir, and agreed to put it under a special management status spelled out in Section 5 (a) of the legislation. In reaching the solution which is encompassed in Section 5(a) of the pending legislation, every word was carefully picked so as to represent exactly what Senator McGee and I intended.

There is no need to try to interpret the meaning of the Congress in approving the special management provisions of Section 5. The meaning is clear from the actual working of the provision.

Section 5(a) was agreed to by Senator McGee and myself, the Governor of Wyoming, various state agencies, and numerous local interests. Originally, the Wyoming Outdoor Cordinating Council, representing various environmental factions throughout the state, agreed to the provisions. Apparently, this was later withdrawn.

Mr. President, I want to acknowledge the tremendous help and cooperation which I received from my colleague, Senator McGee. His support enabled favorable consideration of the special management provision of S. 166 here in the Senate, and this was sustained through Conference.

Although differences existed in the House and Senate passed versions of the bill, the Conference Committee accepted the Senate bill with a new provision to authorize the Secretary of Agriculture to restudy the DuNoir and report back to Congress.

Approval of the Conference Report by the Senate today will pave the way for the President's signature. Statutory protection of over 230,000 acres of prime land in northwestern Wyoming will become a reality following six years' effort.

I urge the approval of this Report.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1973

The Senate continued with the consideration of the bill (H.R. 16593) making apppropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes.

Mr. KENNEDY. Mr. President, on August 1, the Senate passed an amendment to the military procurement bill which prohibited the use of Federal funds for human experimentation, except when the human beings involved had been fully informed of any physical and mental health risks involved and had freely volunteered to participate after being so informed.

That amendment set forth certain procedures for implementing the policy with respect to military procurement research contracts. The staff of the Armed Services Committee discussed the amendment with the Department of Defense and reported that DOD had no objection to the amendment. The amendment, which I introduced, was cosponsored by 16 other Senators, including Senator McIntyre, the chairman of the Armed Services Subcommittee on Research and Development.

The distinguished chairman of the Armed Services Committee, Senator Stennis, agreed to accept the amendment; and it was adopted by the Senate on a voice vote without opposition.

In the conference on the bill, however, the House conferees felt the amendment was not germane to the House bill because its policy provision applied to all Federal agencies. In addition, as stated in the conference report:

> The House conferees, while not opposed in principle had no time to study the ramifications of the provision or its full effect upon the defense establishment. The Senate conferees, therefore, reluctantly recede.

The amendment I am offering today is aimed at the same problem as the amendment adopted by the Senate on August 1; but its scope is limited solely to the Department of Defense. In addition, it does not set forth any procedures for implementation, but merely states that:

> None of the funds appropriated by this Act shall be available for any research involving un-informed or non-voluntary human beings as experimental subjects.

I believe this is a requirement which almost no one would quarrel with. The rationale for it is set forth in detail in the Record of August 1, pages 26229 to 26330; and I ask unanimous consent that the record of that debate be reprinted in the Record at this point.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Department of Defense Appropriations, 1973

Mr. Kennedy. Mr. President, I send to the desk an amendment and ask that it be stated.

The Presiding Officer. The amendment will be stated.

The second assistant legislative clerk proceeded to read the amendment.

Mr. Kennedy. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The Presiding Officer. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

"On page 13, between lines 7 and 8, insert a new section as follows:

"Sec. 203. (a) It is hereby declared to be the policy of the United States that Federal funds may be used to conduct research involving human beings as experimental subjects only when each participant has freely volunteered to participate after having been fully informed of any physical or mental health risks which may be incurred as a result of participating in such research.

"(b) In order to carry out the policy stated in subsection (a) of this section with respect to the Department of Defense, none of the funds authorized by this or any other Act may be used by the Department of Defense to contract with any individual, corporation, institution, organization, or other entity, for the purpose of carrying out any research project which uses human beings as experimental subjects unless—

"(1) the Secretary of Defense has determined that such project is essential to the national defense;

"(2) the Secretary of Health, Education, and Welfare has been informed of the project and he has either (A) indicated in writing to the Secretary of Defense whether the research project is one which will involve substantial risk of serious injury to the physical or mental health of the human subjects to be used and whether the research project is one which will involve substantial risk of resulting in any genetic change in such subjects, or (B) permitted forty-five days to elapse after having been officially informed of such project without having submitted to the Secretary of Defense a written notice as described in subclause (A) of this clause;

"(3) the human subjects to be used have been fully informed of the nature and purposes of the research project and of any possible physical and mental health consequences that may result from participation in such research project, including any physical and mental health consequences included in the report of the Secretary of Health, Education, and Welfare submitted pursuant to clause (2); and

"(4) each person participating in such project has freely volunteered to participate after he has received the information referred to in clause (3)."

The Presiding Officer. The Chair reminds Senators that, under the previous agreement, there is 1 hour for debate on this amendment, to be equally divided between the Senator from Massachusetts and the manager of the bill.

Mr. Stennis. Mr. President, in the name of membership, I ask that the Chair maintain order to the extent that we can at least hear.

The Presiding Officer. The Senate will be in order. The Senator will suspend until Senators have taken their seats and ceased audible conversation.

HUMAN EXPERIMENTATION AMENDMENT TO MILITARY PROCUREMENT AUTHORIZATION BILL

Mr. Kennedy. Mr. President, advances in modern medical sciences have lengthened the span and changed the quality and very meaning of human life. But at the same time, these advances have opened a Pandora's box of ethical, social, and legal issues in areas such as heart transplants, artificial kidneys, test tube babies, genetic intervention, behavior modification, and experiments on human beings.

For example, recently a hospital has been sued for allegedly allowing a black laborer to die so that his heart could be used in a transplant operation. I would not want to comment on the merits of that particular case, but it illustrates the range of difficult questions which must be faced: When heartbeat and other vital signs can be maintained by artificial means, how is death to be defined? Under what circumstances may the organs of the deceased be used for transplant? Who should give permission for such transplant? Did racial considerations affect the decision to use this heart, as was alleged in the suit?

Medical science advances pose many other difficult ethical and social questions:

Should carriers of hereditary diseases, like sickle cell anemia, be prohibited from having children? Should they be counseled against having them?

Should retarded persons be segregated from members of the opposite sex? Should they be sterilized?

What are the ethical implications of test tube babies? What will happen to our population when men and women are free to determine the sex of their children? Or to fabricate babies with pre-established characteristics?

How should society regulate the use of behavior modification drugs and other techniques to control human behavior? How can we control the controllers?

How should the Nation allocate scarce medical resources between organ transplants for a few individuals versus research and services which can help many?

Which individuals should receive the life and death benefit of artificial kidney facilities? How should we choose among those who need this help?

How long will the Nation tolerate a situation in which 50,000 need kidney services, and only 2,000 can receive them because of financial limitations?

The solutions to these sorts of problems cannot be found within science alone. As Dr. Jerome Wiesner said, "Science is no substitute for thought." These issues cannot be resolved by complex mathematical formulas or high speed computers.

They fundamentally involve questions of ethics and social responsibility. To come to grips with them, we must focus the full range of human talent and imagination—from the natural and social sciences, the arts and humanities, religion and philosophy, and the professions of law, medicine, and public service. We must draw on all the resources mankind has to offer; for after all it is the quality of man's life which is at stake.

Obviously the solution to these problems will not come overnight. The Senate has already taken a major step toward the solution of these problems. On November 9, 1971, as chairman of the Health Subcommittee, I held hearings on these issues and specifically focused on Senate Joint Resolution 75, to establish a National Advisory Commission on Health, Science, and Society. This resolution had been introduced by the distinguished Senator from Minnesota (Mr. Mondale). The hearings record provided overwhelming support for this resolution, and on December 2, 1971, the Senate passed Senate Joint Resolution 75. The resolution is now before the Health Subcommittee in the House, and I am hopeful that it will receive hearings and House action this year.

But even if the resolution is passed, and the National Advisory Commission on Health Science and Society is established, it will be 2 years before the Commission presents its final report to the President and the Congress. And then it will undoubtedly take additional time before the recommendations of the Commission are incorporated in appropriate legislation and executive action.

It is fitting and necessary that this Commission activity occur. For these problems will confront mankind for the foreseeable future. Developing lasting solutions to the problems must require considerable thought and effort.

But while these long-term efforts are underway, it is equally important that we move ahead and take whatever constructive steps are possible now to cope with the existing problems in these areas.

One of the most significant problems in this entire area is that of human experimentation. Historically the advance of modern medical science has traditionally made use of human experimentation, frequently with the scientists using themselves as experimental guinea pigs. Without some human experimentation it would not have been possible to develop the smallpox vaccine or to begin to cope with malaria. And the development of modern drugs is dependent on a certain amount of experimental drug use among special patient groups. Such drug testing has to be much more closely monitored and regulated than it has been in the past, but under the proper controlled conditions it has to occur; for human experimentation is an essential requirement for medical progress.

The thrust of my remarks today is not that human experimentation is inherently bad or that it should be banned or prohibited. Human experimentation is essential in a balanced program of medical research. But the problems posed by human experimentation—in medicine, ethics, law, and social policy—are enormous. How we resolve these issues will have a major impact on the lives of millions of Americans over the coming years.

The kind of impact human experimentation can have has been dramatically demonstrated in recent days with revelation of the tragic syphilis project at Tuskegee. The disclosure of a 40-year experiment on hundreds of poor, black men stricken with syphilis in Alabama, raises the specter of an Orwellian nightmare. Because we now have complex devices like kidney machines, and because we can now transplant a man's heart; and because we have now ended the deathly plagues of smallpox and polio—too many Americans have been lulled into a false sense of security about the powers and practices of medical science. But the news that a Federal agency—the Public Health Service—has used taxpayers' dollars to conduct a program to experiment on poor, sick, black people—without their knowing it—is an alarming revelation at best.

Many questions leap to mind with that outrageous news:

Why were not the patients treated with penicillin after that "wonder" drug had been discovered?

Why did the experiment include only men? And why were only black men included?

How many of those men are now in mental institutions, because the syphilis infection caused irreversible brain damage?

How many of those test patients fathered children who contracted congenital syphilis?

Are Federal agencies conducting any other such experiments?

And, why has the news of the Tuskegee experiment come to light right at this time?

Current Public Health Service figures show that nearly 100,000 new cases of syphilis were reported nationwide in 1971. During 1970 and 1971, the increase in reported cases rose 8 percent and 15 percent respectively. Those alarming rates definitely suggest that syphilis has reached epidemic proportions. Health authorities are particularly concerned at the fact that especially high rates are reported among our Nation's young people.

Can it be that the news about the 40-year-old Tuskegee experiment is intended to appease the national concern over the current syphilis epidemic? Since some health officials insist that treatment of the few Tuskegee survivors is useless—do they also plan to announce that treatment of today's teenagers is not required?

Mr. President, there is an almost endless stream of questions raised by the announcement that syphilis experiments on hundreds of black men have been sponsored by the Public Health Service. The amendment I have offered today is but one small step in coping with these problems. But it does establish as national policy that Federal funds can be used for human experimentation only when the participants have freely volunteered after knowing the risks involved.

The Tuskegee case is perhaps the most striking and heart-rending instance of human experimentation which has yet been brought to light. But many other cases exist.

Some involve clearcut violations of human rights, as in Tuskegee. But many others involve complex problems of fact, of law, of medical judgment, of ethics, and social policy. The range of issues involved can be seen from the following examples:

At an institution for the mentally retarded, children were deliberately exposed to hepatitis to study the problems involved in developing immunity to the disease. The issues in this case are complex. The families of the children apparently did give their consent to the procedure, but many authorities on medical ethics question whether parents have the moral right to "volunteer" their children for experiments. And even when parents do volunteer their children in such a case, are they doing so under some subtle pressure which prevails when children are inmates of such an institution?

Another factor in this case was the fact that almost all children in this particular institution would contract hepatitis sooner or later, whether or not they were deliberately exposed. So the doctor in charge of the research asserted that deliberately exposing them under controlled conditions did not increase the danger to them. Others have argued, however, that the problem lies with the inadequate conditions at the institution. If proper sanitation were maintained, they would not contract the disease as a normal matter of course. I think this case illustrates the kind of problems we have to face in this area.

Another case involves experimenting with prisoners. In one case, prisoners who were particularly prone to serious violence have been subjected to brain surgery to try to alter their behavior characteristics and inhibit or destroy their tendency toward violence. Some medical authorities argue that this is a perfectly acceptable procedure for such cases. But others assert that it is merely a way of turning the prisoners into vegetables who will not have the capacity for violence after their operation. Even if the medical profession were to determine that this is a sound procedure in certain cases, who is to determine which individuals have a strong-enough tendency to violence that can only be treated by surgery? And what procedures are they to follow in making that decision? And even if certain individuals were singled out by such a procedure, how would they volunteer to have the operation? In their situation could they really understand all the facts involved? And can any prisoner, who is in an inherently coercive situation, really "volunteer" for anything? In this connection it is worth noting that in Great Britain the use of prisoners in human experimentation is prohibited by law, on the grounds that prisoners cannot really volunteer, in the true sense of volunteering. This problem of "what it means to volunteer" also applies to individuals in mental institutions and to patients with a terminal illness, who may be desperate to try anything.

Another case, which was the subject of a recent Washington Post editorial, involved 398 women who were mostly Mexican-Americans. In a study funded by AID, the women were divided into three groups. One group was given regular commercially marketed birth control pills. Another group was given an experimental pill which had not yet been tested out in terms of its effectiveness or its safety. The third group was given a placebo or fake pill with no effect. The startling point about this experiment, however, was that the women were not told they were participating in an experiment. Thus all the women thought they were taking birth control pills which were effective. The sad result of this experiment was that a number of the women who took the placebo or fake pill gave birth to unwanted children, with all the potential tragedy that that portends. And the experimental pill was later declared to be unsafe for human use by FDA, so that the women in that group were using a dangerous medication without knowledge that it was being administered to them.

One of the AID officials involved in dealing with the study was quoted in the press as commenting:

"The potential benefits to humanity in this kind of study outweigh the potential risks to the individual subjects."

Perhaps there is someone wise enough to make such judgments, but the essence of democracy is that we do not delegate to any officials the right to make such decisions for others. Free choice is at the basis of our Nation, and if we once allow that right to be eroded—regardless of for what purported humanitarian purposes—we have lost one of our most precious rights.

We cannot permit Government bureaucrats to make decisions which place others into experimental situations without their full knowledge and without their volunteering to participate. We must establish a national policy for human experimentation which safeguards this right and which provides Government officials with procedures to guide their actions on such matters.

Another case involving 525 members of the Air Force who had strep sore throats. It was common medical knowledge at the time of this incident that treatment with penicillin could prevent strep throat from developing into rheumatic fever; but that without penicillin some of the airmen would be likely to develop rheumatic fever. The doctors running this experiment were aware of these facts; yet they wanted to learn what the effects of withholding penicillin would be. So none of the 525 airmen received penicillin, and at least 25 of the airmen contracted rheumatic fever. According to the testimony we received at our hearing last November, none of these airmen knew they were being experimented on; they were certainly not volunteering with awareness of what was involved.

Another case of a group of 80 to 100 terminal cancer patients who were being treated with whole-body radiation at a civilian general hospital. The hospital had a contract with the Defense Department to study the effects of the whole-body radiation on the cancer patients. The results were provided to DOD for use in planning with respect to nuclear warfare; for the whole-body radiation which the patients received had some similarity to what soldiers would experience on a battlefield if they were exposed to radiation from a nuclear explosion.

There is nothing inherently wrong with such a project provided that the radiation dosage which the patients received was not affected by the requirements of the DOD contract; and that the patients knew the nature of the research they were participating in and freely volunteered to do so, after having a thorough explanation of what was involved. However, because there was considerable confusion about the facts of the case, a controversy developed with charges and countercharges being made about the project. As a result of this controversy the institution at which this treatment occurred has since suspended the project, and indicated that if it is resumed in the future it will not be with defense department funds.

I have no intent in mentioning this case to criticize the Defense Department or the institution involved. The point is that adequate policies and procedures were lacking for handling such a situation, and as a result controversy and confusion developed which were certainly not beneficial to DOD, to the institution involved, or to the individual patients who participated in the research. The purpose of my amendment is to prevent such situations from developing in the future.

A final illustration of the problems involved in human experimentation also involves DOD funding of a project at a civilian medical institution. This case involves patients who have cancer of the eye, and whose eyes are going to be removed in an operation. Shortly before they are due for the operation, their diseased eye is subjected to an intense beam of radiation, similar to what military personnel would receive if they witnessed a nuclear explosion in the distance. After the diseased eye is removed, the tissue is studied to help in military planning with respect to nuclear conflict. Again the case is not cited in a critical vein, but merely to indicate the existence of such projects and the need to assure that there are adequate policies and procedures to safeguard the rights of the individuals involved.

I think the foregoing examples show the range and complexity of the problems involved in human experimentation. We cannot solve these problems overnight. The Health Subcommittee has been studying these problems, with the aim of determining what legislation may be necessary in this area. And I am considering the need for hearings on human experimentation to aid in the development of such legislation.

But while we are working on the more fundamental problems and trying to develop lasting solutions to them, there is an important constructive step which the Senate can take today in its consideration of the military procurement bill.

Let me reemphasize the point that human experimentation under appropriate safeguards is an essential part of medical research. And the Defense Department has many legitimate requirements to conduct and sponsor human experimentation.

For example, when military test pilots test a new aircraft, they may have their physiological responses monitored to help in evaluating the plane and in preparing for its use in normal operations. This is a form of human experimentation, and it is of course fully justified, even though the subject's participation may involve serious risk of substantial injury or death to himself. He volunteers for such service with full knowledge of what is involved.

Similarly, testing out new undersea vehicles or deepsea diving techniques can involve substantial danger to the volunteers involved, and is a form of human experimentation, but again is fully justified. And in more conventional terms, the military has to experiment with human reactions to night combat, to undue stress and strain, and to a host of other situations which occur in military activity. Similarly, DOD runs vast educational and training programs, and needs the benefits of research on training methods, like computer assisted instruction.

So there are many areas of legitimate, necessary research on human beings which DOD carries out. It is not my purpose to attempt to delineate these or in any way circumscribe them. The purpose of my amendment is merely to assure that basic national policy is established and followed to protect the rights of the human beings involved in the research.

This is a goal with which I think there should be little, if any, disagreement. In this connection, it is my understanding, as indicated by the staff of the Armed Services Committee, that the Department of Defense does not oppose this amendment.

I am also delighted that the distinguished Senator from New Hampshire has decided to cosponsor this amendment. As chairman of the Armed Services Subcommittee on Research and Development, he is an authority on such matters; and I welcome his support for this measure.

Incidentally, I should mention that 16 Senators have cosponsored the amendment. In addition to Senator McINTYRE, they include Senators BAYH, BROOKE, CRANSTON, HARRIS, HART, HUGHES, HUMPHREY, INOUYE, JAVITS, McGOVERN, MONDALE, RANDOLPH, RIBICOFF, TUNNEY, and WILLIAMS.

The purpose of the amendment is to help in clarifying national policy on human experimentation, and particularly to assist DOD in implementing this policy with respect to human experimentation which is carried out under DOD contract. The present DOD policies in this regard are not entirely comprehensive and clear; so I believe this amendment can be of considerable help to DOD. The staff of the Armed Services Committee was helpful in obtaining for us copies of DOD regulations on human experimentation; and at my request the Comptroller General also made a survey and summary of the situation. I shall ask that the material they provided be inserted in the Record at the conclusion of my remarks. But the major point is that the regulations are not entirely uniform or comprehensive so that my amendment should prove helpful to DOD in establishing clear policies on human experimentation.

The substance of the amendment is simple. Subsection (a) establishes as national policy that Federal funds will be used for human experimentation only when the participants have freely volunteered after being fully informed of the risks involved. This subsection applies to all Government agencies. Subsection (b) applies this policy to the Defense Department. It says that DOD can contract for research on human beings only when: First, it is essential to the national defense; second, when HEW has indicated whether substantial risk of serious injury is involved; third, when the participants have been fully informed of what is involved; and fourth, when they freely volunteer to participate.

To summarize my remarks, the problem of human experimentation is enormous. My amendment is only a small, but I believe significant step to move forward on this front. It would clarify national policy on human experimentation. And it would assist the Department of Defense in implementing that policy.

I am convinced it would be of great help to the Defense Department, to the institutions which perform the research, and above all, it would help protect the human rights of the individuals involved in the experiments.

I urge each Senator to support this amendment.

Mr. President, at my request the General Accounting Office studied the policy of the Department of Defense regarding the protection of human beings used in medical research projects under DOD contracts. The Comptroller General of the United States wrote me summarizing the GAO findings, and I ask unanimous consent that his letter be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Comptroller General of the
United States,
Washington, D.C., May 26, 1972.

Hon. Edward M. Kennedy,
Chairman, Subcommittee on Health, Committee on Labor and Public Welfare, U.S. Senate.

Dear Mr. Chairman: Pursuant to your request of December 23, 1971, and discussions with your office, we obtained documents relating to . . . the policy of the Department of Defense on the subject of the protection of humans used in medical research projects under contract. . . .

Concerning the policy on the subject of the protection of humans used in medical research projects, an official of the Department advised us that the policy of the Department was set forth in Department of Defense Instruction 5030.29, dated May 12, 1964. The instruction, which is applicable to all components of the Department and to its contractors or grantees, states that:

"The Department of Defense assumes full responsibility for the protection of humans involved in research under its sponsorship whether this involves investigational drugs or other hazards.

"Each Military Department will establish within the office of its Surgeon General a formal Review Board of professional personnel to consider each research proposal from within that Military Department or from its contractors or grantees which may involve the use of human subjects in the clinical investigation of new drugs. Before a clinical test with an investigational drug may be performed under the sponsorship of a Military Department—

"1. the plan of the test and other pertinent details must be submitted to the appropriate Review Board.

"2. the Board must indicate its approval, and

"3. the approval must be confirmed by the respective Surgeon General."

With the exception of certain reports that were required to be filed with the Food and Drug Administration of the Department of Health, Education, and Welfare in the case of investigational new drugs, no procedures were specified in the instruction with regard to the use of human subjects for other research purposes. The reports to be filed with the Food and Drug Administration were set forth in a Memorandum of Understanding between the Department of Health, Education, and Welfare and the Department of Defense, dated February 1964, which contained the procedures to be followed to ensure that the requirements of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 355), and the regulations issued under the act are fully met.

Although the instruction appeared to be directed primarily toward the investigational use of drugs, an official of the Department of Defense advised us that the instruction applied to all medical research projects. He stated also that each service directed its own research projects without control from the Department.

We contacted officials of the Departments of the Army, Navy, and Air Force and of the Defense Nuclear Agency . . . to determine whether they had any instructions or regulations that were applicable to the use of humans in medical research work under contract. The officials were not aware of any instructions or regulations, other than the instructions and regulations implementing human subjects that would apply to contractors conducting medical research for their organizations.

An official of the Department of the Air Force advised us that the Air Force did not conduct medical research under contract. Officials of the Department of the Army and Navy stated that, although most medical research had been conducted in-house, some had been performed under contract. They stated also that, when work is to be performed under contract, they must be satisfied that patient consent forms will be used and that human subjects will be adequately protected before a contract is executed.

An official of the Defense Nuclear Agency advised us that, although the Defense Nuclear Agency did not have any contracts for the use of human subjects for medical research, the following language had been included in all medical contracts after August 1971:

"The COR [Contracting Officer's Representative] shall be informed in writing of any project plans on the part of the Contractor to employ new, experimental, and investigational drugs or other hazards in research involving human subjects, and such experimentation shall be specifically authorized by the Contracting Officer in writing prior to the prosecution of such research. Without the concurrence and authorization by the Contracting Officer for the specified drug or other hazard involved, such research shall not be performed. (The purpose of this clause is to insure compliance with the Department of Defense Instruction, 5030.29, 1964 May 12, entitled 'Investigational Use of Drugs or Other Hazards by the Department of Defense', a copy of which is furnished to the Contractor with this Contract)." . . .

We plan to make no further distribution of this report unless copies are specifically requested, and then we shall make distribution only after your agreement has been obtained or public announcement has been made by you concerning the contents of the report. We trust these comments will serve the purpose of your inquiry.

Sincerely yours,
Elmer B. Staats,
Comptroller General of the United States.

Mr. Kennedy. Mr. President, at the request of the staff of the Health Subcommittee, the staff of the Armed Services Subcommittee on Research and Development contacted the Defense Department to inquire about their policies and procedures regarding human experimentation. Attached is the DOD response including copies of applicable regulations. I ask unanimous consent that this information be printed in the Record.

There beng no objection, the material was ordered to be printed in the Record, as follows:

Office of the Director of
Defense and Engineering,
Washington, D.C., February 18, 1972.

Mr. Hyman Fine,
Professional Staff Member, Committee on Armed Services, Old Senate Office Building, Washington, D.C.

Dear Mr. Fine: Enclosed are preliminary answers to your questions of 14 February 1972. We hope they will be of help to you.

To provide full answers to your questions, particularly number 1, will involve considerable effort for us; may I receive from you confirmation that such detail is necessary?

Since the medical field is somewhat sensitive about the use of the term "guinea pig" for human subjects, I've taken the liberty to slightly reword your questions.

Sincerely,
Gus D. Dorough,
Deputy Director, (Research & Advanced Technology).

Attachments.

Questions and Answers

Question 1. Is the Defense Department spending any money or asking for any money for research purposes which would use military or civilians as "experimental subjects" in medical research (include all funds spent to date, broken out by fiscal year, by appropriation, and by program and project)?

Answer: The answer is yes, but to determine the amount with the kind of detailed breakdown your request will require considerable collating effort. We believe the dollar value is a relatively small percentage of the total medical R&D. A very common area of human personnel use involves studies on the medical effects of certain military environments (high performance aircraft, submarines, and other climatic and underwater environments). Another use is in the final stages of development of vaccines against infectious diseases.

Question 2. If the Defense Department is using, or should plan to use human beings in medical research, what authority, if any, is necessary for them to undertake such research? Secretary of Defense approval, etc.? Is Surgeon General or anyone in HEW involved? Is the Environmental Protection Agency involved?

Answer: The authority necessary to undertake research varies with the DoD agency and the nature of the research. In general it requires the approval of a major laboratory director as a minimum, and more commonly requires the review and authority of the Surgeon General of a Military Department and frequently is restricted to the authority of the Secretary of a Military Department.

The main guides in this area are a DoD

instruction and Army, Navy and Air Force regulations and instructions. Copies of these are enclosed.

The Surgeon General and HEW are definitely involved in all research pertaining to the investigational use of new drugs. This is a result of an interagency agreement, a copy of which is enclosed.

As far as we can tell the Environmental Protection Agency is not directly involved in any DoD research with human volunteers, unless the research itself has an environmental implication.

Question 3. What information is given to those who may participate in such research as "experimental subjects"? Are they fully informed as to all of the risks or possible consequences of the testing on themselves?

Answer: Informed consent is a primary ethical and legal requirement for all DoD use of human volunteers. The enclosed instructions and regulations describe this in some detail. We will provide amplifying information if you so desire.

Question 4. What controls exist within the Department of Defense to ascertain the needs for these projects, the impact on the patients, and the adherence to accepted medical standards for the programs?

Answer: The most important control does not exist in any regulation or bureaucratic procedure. It exists in the integrity and ethical standards of the physicians charged with conducting and supervising such research.

No regulation requires that the principal investigator and his professional co-workers be the first humans to receive a new vaccine or explore a new part of an acceleration profile, but they usually are.

The formal controls are outlined in the enclosed documents, but we will provide you with amplifying information if you so desire.

Question 5. Are there different standards applied to military personnel than to civilians?

Answer: In terms of supervision, volunteering, informed consent, freedom to terminate, there is no difference between military and civilian standards.

Professionals and technicians in the Armed Forces traditionally have voluntarily accepted higher degrees of risk to obtain vital information, than would be regarded as appropriate to ask of civilian volunteers. Examples are the Army Yellow Fever Volunteers. Colonel W. R. Lovelace (MC) U.S. Air Force-High Altitude Parachute Research in World War II and Lt. Carter Collins, MSC USN centrifuge demonstration that men could tolerate the G forces of reentry from space.

MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, AND THE DEPARTMENT OF DEFENSE CONCERNING INVESTIGATIONAL USE OF DRUGS BY THE DEPARTMENT OF DEFENSE

BACKGROUND

Section 505(a) of the Federal Food, Drug and Cosmetic Act, as amended by Section 104 of P.L. 87–781, 76 Stat. 784, 21 U.S.C. 355, (1962 Supp.) established new procedures for the approval required before the new drug can be introduced into interstate commerce. Section 355(i) of Title 21, United States Code (1962 Supp.) establishes exemptions from the new approval procedures for drugs which will be used only for manufacture of other drugs or for investigational purposes. That section establishes the general basis for exemption and provides that the Secretary of Health, Education, and Welfare shall promulgate regulations to give effect to the general guidance of the statute.

On January 8, 1963, the Secretary published the regulations in 28 Federal Register 179 (1963); the regulations will eventually appear in Title 21, Part 130, Section 130.3 of the Code of Federal Regulations. These regulations establish the procedure and prescribe the necessary forms to be filed in order to exempt drugs to be used only for investigational purposes from the approval procedures of the Food, Drug and Cosmetic Act.

PURPOSE

The purpose of this memorandum of understanding is to state the procedures that will be followed by the Departments of Defense and Health, Education, and Welfare to insure that the requirements of the Federal Food, Drug, and Cosmetic Act and the investigational drug regulations issued under that act are fully met without jeopardizing or impeding the requirements of national security or the requirements of Federal laws and regulations relating to such use of drugs.

The Surgeon General of each Military Department has established within his office a formal "Review Board" which carefully considers each research proposal from its own agency or from outside contractors which may involve the use of human subjects in the clinical investigation of new drugs. Each "Review Board" is staffed with professional people capable of performing competent review of such research proposals to insure adequate protection of human subjects. The Department of Defense assumes full responsibility for the protection of humans involved in research under its sponsorship whether this involves investigational drugs or other hazards.

Before a clinical test may be performed with an investigational drug, the plan of the test and other pertinent details must be submitted to the appropriate "Review Board," the Board must indicate its approval, and the approval must be confirmed by the appropriate Surgeon General.

AGREEMENT

Under these circumstances, the Departments of Defense, and Health, Education, and Welfare agree that the following procedure meets the requirements of the Food, Drug, and Cosmetic Act:

1. Clinical investigations that are classified for reasons of national security will not require the filing of a formal "Claim for Exemption" to the Department of Health, Education, and Welfare. Approval of the test by the appropriate Review Board and Surgeon General will automatically exempt the drug being employed from the application of the new drug section of the Food, Drug, and Cosmetic Act during the investigational study. The Department of Defense will report to FDA findings associated with such studies which FDA should be aware of in order to make a sound evaluation of nonclassified studies proposed on the same or similar drugs. Additionally, the Department of Defense will discuss its classified investigations of drugs periodically with FDA personnel who have proper security clearance.

2. In the case of non-classified security research programs sponsored by the Department of Defense and conducted within its research facilities or for the Department upon contract, copies of the request for approval submitted to the appropriate DOD Review Board, the Review Board's evaluation and approval, and notice of approval by the appropriate Surgeon General will be filed with the FDA as the claim for exemption for the investigational drug.

3. When the Department of Defense performs clinical tests upon new drugs being sponsored by the pharmaceutical industry, the ordinary claim for exemption (Form 1571 of the Investigational Drug Regulations) will be filed with the Food and Drug Administration.

ANTHONY J. CELEBREZZE,
The Secretary of Health, Education and Welfare.
CYRUS VANCE,
The Deputy Secretary of Defense.
February 18, 1964.

QUESTIONS

1. Is the Defense Department spending any money or asking for any money for research purposes which would use military or civilians as "guinea pigs" in medical research (include all funds spent to date, broken out by fiscal year, by appropriations, and by program and project)?

2. If the Defense Department is using, or should plan to use human beings in medical research, what authority, if any, is necessary for them to undertake such research? Secretary of Defense approval, etc.? Is Surgeon General or anyone in HEW involved? Is the Environmental Protection Agency involved?

3. What information is given to those who may participate in such research as "guinea pigs"? Are they fully informed as to all of the risks or possible consequences of the testing on themselves?

4. What controls exist within the Department of Defense to ascertain the needs for these projects, the impact on the patients, and the adherence to accepted medical standards for the programs?

5. Are there different standards applied to military personnel than to civilians?

RESEARCH AND DEVELOPMENT—USE OF VOLUNTEERS AS SUBJECTS OF RESEARCH

HEADQUARTERS,
DEPARTMENT OF THE ARMY,
Washington, D.C., March 26, 1962.

1. PURPOSE

These regulations prescribe policies and procedures governing the use of volunteers as subjects in Department of the Army research, including research in nuclear, biological, and chemical warfare, wherein human beings are deliberately exposed to unusual or potentially hazardous conditions. These regulations are applicable worldwide, wherever volunteers are used as subjects in Department of the Army research.

2. DEFINITION

For the purpose of these regulations, unusual and potentially hazardous conditions are those which may be reasonably expected to involve the risk, beyond the normal call of duty, of privation, discomfort, distress, pain, damage to health, bodily harm, physical injury, or death.

3. EXEMPTIONS

The following categories of activities and investigative programs are exempt from the provisions of these regulations:

a. Research and nonresearch programs, tasks, and tests which may involve inherent occupational hazards to health or exposure of personnel to potentially hazardous situations encountered as part of training or other normal duties, e.g., flight training, jump training, marksmanship training, ranger training, fire drills, gas drills, and handling of explosives.

b. That portion of human factors research which involves normal training or other military duties as part of an experiment, wherein disclosure of experimental conditions to participating personnel would reveal the artificial nature of such conditions and defeat the purpose of the investigation.

c. Ethical medical and clinical investigations involving the basic disease process or new treatment procedures conducted by the Army Medical Service for the benefit of patients.

4. BASIC PRINCIPLES

Certain basic principles must be observed to satisfy moral, ethical, and legal concepts. These are—

a. Voluntary consent is absolutely essential.

(1) The Volunteer will have legal capacity to give consent, and must give consent freely without being subjected to any force or duress. He must have sufficient understanding of the implications of his participation to enable him to make an informed decision, so far as such knowledge does not compromise the experiment. He will be told as much of the nature, duration, and purpose of the experiment, the method and means by which it is to be conducted, and the inconveniences

and hazards to be expected, as will not invalidate the results. He will be fully informed of the effects upon his health or person which may possibly come from his participation in the experiment.

(2) The consent of the volunteer will be in writing. A document setting forth substantially the above requirements will be signed by the volunteer in the presence of at least one witness not involved in the research study who will attest to such signature in writing.

(3) The responsibility for ascertaining the quality of the consent rests upon each person who initiates, directs, or conducts the experiment. It is a personal responsibility which may not be delegated.

b. The number of volunteers used will be kept at a minimum consistent with *c* below.

c. The experiment must be such as to contribute significantly to approved research and have reasonable prospects of yielding militarily important results essential to an Army research program which are not obtainable by other methods or means of study.

d. The experiment will be conducted so as to avoid all unnecessary physical and mental suffering and injury.

e. No experiment will be conducted if there is any reason inherent to the nature of the experiment to believe that death or disabling injury will occur.

f. The degree of risk to be taken will never exceed that determined to be required by the urgency or importance of the Army program for which the experiment is necessary.

g. Proper preparations will be made and adequate facilities provided to protect the volunteer against all foreseeable possibilities of injury, disablity, or death.

h. The experiment will be conducted only by scientifically qualified persons. The highest degree of skill and care will be required during all stages of the experiment of persons who conduct or engage in the experiment.

i. The volunteer will be informed that at any time during the course of the experiment he will have the right to revoke his consent and withdraw from the experiment, without prejudice to himself.

j. Volunteers will have no physical or mental diseases which will make the proposed experiment more hazardous for them than for normal healthy persons. This determination will be made by the project leader with, if necessary, competent medical advice.

k. The scientist in charge will be prepared to terminate the experiment at any stage if he has probable cause to believe, in the exercise of the good faith, superior skill, and careful judgment required of him, that continuation is likely to result in injury, disability, or death to the volunteer.

l. Prisoners of war will not be used under any circumstances.

5. ADDITIONAL SAFEGUARDS

As added protection for volunteers, the following safeguards will be provided:

a. A physician approved by The Surgeon General will be responsible for the medical care of volunteers. The physician may or may not be the project leader but will have authority to terminate the experiment at any time that he believes death, injury, or bodily harm is likely to result.

b. All apparatus and instruments necessary to deal with likely emergency situations will be available.

c. Required medical treatment and hospitalization will be provided for all casualties.

d. The physician in charge will have consultants available to him on short notice throughout the experiment who are competent to advise or assist with complications which can be anticipated.

6. APPROVAL TO CONDUCT EXPERIMENT

It is the responsibility of the head of each major command and other agency to submit to The Surgeon General a written proposal for studies which come within the purview of this directive. The proposal will include for each study the name of the person to be in charge, name of the proposed attending physician, and the detailed plan of the experiment. The Surgeon General will review the proposal and forward it with his comments and recommendations on medical aspects to the Chief of Research and Development for approval. When a proposal pertains to research with nuclear, biological, or chemical agents, the Chief of Research and Development will submit the proposal, together with The Surgeon General's review, to the Secretary of the Army for approval. No research with nuclear, biological, or chemical agents using volunteers will be undertaken without the consent of the Secretary of the Army.

7. CIVILIAN EMPLOYEES

When civilian employees of the Department of the Army volunteer under this program, the following instructions will be observed:

a. Any duty as a volunteer performed during the employee's regularly scheduled tour of duty will be considered as constructive duty for which straight time rates are payable. Time spent in connection with an experiment outside the employee's regularly scheduled tour will be considered as voluntary overtime for which no payment may be made nor compensatory time granted. The employee will be so informed before acceptance of his volunteer services.

b. Claims submitted to the Bureau of Employees' Compensation, U.S. Department of Labor, because of disability or death resulting from an employee's voluntary participation in experiments, will include a citation to title 10, United States Code, section 4503 as the Department of the Army authority for the use of such volunteer services.

c. All questions concerning hours of duty, pay, leave, compensation claims, or application of other civilian personnel regulations to volunteer employees will be presented through channels to the Deputy Chief of Staff for Personnel, ATTN: Office of Civilian Personnel.

8. IMPLEMENTING INSTRUCTIONS

Heads of major commands and other agencies will issue necessary implementing instructions to subordinate units. Copies of implementing instruction will be furnished to the Chief of Research and Development.

[Appendix]

LEGAL IMPLICATIONS

The following opinions of The Judge Advocate General furnish specific guidance for all participants in research using volunteers:

1. Authority. The Secretary of the Army is authorized to conduct research and development programs including the procurement of services that are needed for these programs (10 U.S.C. 4503). The Secretary has the authority to "assign detail and prescribe the duties" of both members of the Army and civilian personnel (10 U.S.C. 3012(e)).

2. Military personnel and Department of the Army civilian employees. Compensation for the disability or death of a civilian employee resulting from personal injury or disease proximately caused by his employment is payable under the Federal Employees Compensation Act (39 Stat. 742 et seq.), as amended (5 U.S.C. 751 et seq.), regardless of whether his employment was of a hazardous nature. The amount and type of disability compensation or other benefits payable by reason of the death or disability of a member of the Army resulting from injury or disease incident to service depends upon the individual status of each member, and is covered by various provisions of law. It may be stated generally that under present laws no additional rights against the Government will result from the death or disability of military and civilian personnel participating in experiments by reason of the hazardous nature of the operations.

3. Private citizens. It is the policy of the United States to prohibit the acceptance of voluntary services particularly when they may provide a basis for a future claim against the Government. (R.S. 3679, as amended; 31 U.S.C. 665(b)).

4. Use of appropriated funds for the purchase of life insurance. As the payment of insurance premiums on the life of an officer or employee of the United States is a form of compensation which is not currently authorized, payment of those premiums is prohibited (R.S. 1765; *Commissioner of Internal Revenue* v. *Bonwit*, 87 F 2d 764 (2d Cir. 1937); *Canaday* v. *Guitteau*, 86 F 2d 303 (6th Cir., 1936); 24 Comp. Gen. 648 (1945)).

5. Contractor's employees. There appears to be no legal objection to the use of employees of contractors in research and development experiments. It is the responsibility of the contracting officer to determine whether the terms of the contract are sufficiently broad to permit the participation of these employees. Generally, benefits to which private employees may become entitled by reason of death or disability resulting from their employment are payable under State law except persons covered by the survivors insurance provisions of the Social Security Act (49 Stat. 623, as amended (42 U.S.C. 402)). Reimbursement of the employer for additional costs by reason of this liability of his employees will depend upon the terms of each contract. These employees are not disqualified from prosecuting claims against the Government under the Federal Torts Claim Act (28 U.S.C. 2671 et seq., see AR 25–70). In cost reimbursement type research contracts with commercial organizations the cost of maintaining group accident and life insurance may be reimbursed to the contractor (subject to certain exceptions) under ASPR 15–205.16 provided that the approval of the head of the Procuring Activity is obtained (APP 10–551).

6. Irregular or fee-basis employees. Intermittent services of such employees are authorized. (For experts and consultants see Sec. 15, Act of 2 Aug. 1946 (60 Stat. 810; 5 U.S.C. 55a); Sec. 501, DoD Appropriation Act, 1961 (74 Stat. 349); note APP 30–204.1, CPR A7; Sec. 710 Defense Production Act of 1960 (64 Stat. 819; 50 U.S.C. App. 2160); and for architects, engineers, and other technical and professional personnel on a fee basis, see 10 U.S.C. 4540.). Whether these employees can be detailed or assigned to the proposed experiments will depend upon the statutory authority for employment and the provisions of their employment agreement in each case. The Federal Employees Compensation Act, *supra*, in all probability applies with respect to these irregular and fee-basis employees for any injury or disease resulting from their employment, although a final determination in such cases will have to be made by the Bureau of Employees Compensation, Department of Labor. Subject to such restrictions and limitations as may appear in the statutory authority under which he is employed, it would appear that the Government may legally bear the expense of premiums upon the life of an irregular or fee-basis employee whose rate of compensation is not fixed by law or regulations. In this regard, it may be advisable for the Government to provide an additional allowance to the employee for financing such private insurance arrangements as he may wish to make rather than to undertake direct negotiations with insurance carriers for the desired coverage.

7. Conclusion. Subject to the above conditions, Armed Forces personnel and/or civilians on duty at installations engaged in research in subject fields will be permitted

to actively participate in all phases of the program.

By order of the Secretary of the Army:

G. H. DECKER,
General, United States Army,
Chief of Staff.
J. C. LAMBERT,
Major General, United States Army,
The Adjutant General.

DEPARTMENT OF THE NAVY,
Washington, D.C., April 28, 1969.

SECNAV Instruction 3900.39.
From: Secretary of the Navy.
To: Distribution List.
Subj: Use of volunteers as subjects in research, development, test, and evaluation.
Ref: (a) Manual of the Medical Department Chapter 20, Research and Development, Paragraph 20-8, Use of Volunteers in Harzardous Experiments.
Encl: (1) Sample Human-Volunteer Consent Document.

1. *Purpose.* To prescribe policies and procedures of the Department of the Navy governing the use of volunteer subjects in research, development, test, and evaluation (RDT&E) conducted by, within, or for the Naval Establishment wherein human beings are experimentally exposed to hazardous conditions or materials. This Instruction does not apply to the use, in the treatment of individual patients, of drugs approved by the Federal Drug Administration for investigational use only. It does apply to the use of investigational drugs under an approved RDT&E project or task in a volunteer population of healthy persons or a volunteer population of patients in which the experimental drug testing has no relationship to the cause of their being on the sick list.

2. *Background.* In the use of volunteers as subjects in hazardous experimental situations, it is obvious that military R&D commanders, scientific and technical program managers, and project directors have special responsibilities both moral and legal in nature. It has long been recognized that hazardous experiments utilizing human test subjects are absolutely necessary to extend the frontiers of medical science, aerospace flight, and undersea exploration. The atrocities which were committed against human beings during the Second World War served as a decisive factor in the adoption by the World Medical Association of a clearly stated code of medical ethics. It is accepted United States national and Department of Defense policy that the use of human subjects be based upon voluntary, informed consent and be confined to experiments or tests which are necessary, scientifically sound, and reasonably safe.

3. *Definitions.* For the purpose of this Instruction, hazardous conditions or materials are those which present risk of privation, discomfort, distress, pain, physical or mental injury, or death greater than the hazards inherent in training or work within accepted occupational parameters.

4. *Policy.* Certain basic principles must be observed to satisfy moral and legal concepts. These are:

(1) The volunteer must have legal capacity to give consent. He will be so situated as to be able to exercise free power of choice, without the intervention of any element of force, deceit, duress, or ulterior form of constraint or coercion. He will have sufficient knowledge and comprehension of the elements of the subject matter involved to enable him to make an understanding and enlightened decision. Such knowledge will be provided to the volunteer in such a manner as not to compromise the experiment. Thus he will be told, prior to acceptance of his consent, the nature, approximate duration, and purpose of the experiment; the method and means by which it is to be conducted; and the inconveniences and hazards entailed—all in such a way as not to invalidate the results. He will be fully informed of the effects upon his health or person which may possibly result from his participation in the experiment. He will be made to understand clearly that, at any time during the course of the experiment, he will have the right to revoke his consent and to withdraw from the experiment without prejudice to himself.

(2) The document of consent will be in writing, setting forth the above requirements and containing, or having attached and referenced, a summary of the information given to the volunteer pursuant to the foregoing requirements. It shall also contain a statement by the volunteer that he is not relying upon any information or representation not set forth in the document of consent and that his consent is given as an exercise of free will, without any force or duress of any kind. The document will be signed by the volunteer—over his full name; his rank, rate, grade, or title; and his date of birth—in the presence of at least one witness who is not directly involved in the experiment or test and who will attest to such signature in writing. Enclosure (1) provides a sample of an acceptable volunteer consent document, the original of which will remain in the records of the activity conducting the RDT&E.

(3) The responsibility for ascertaining the validity of the consent rests upon the person who directs the experiment or test. It is a personal responsibility which may not be delegated.

b. The number of volunteers used will be kept at a minimum consistent with sample-size requirements necessary for scientifically valid conclusions.

c. The experiment must be such as to contribute to an approved naval RDT&E project. In addition, the experiment or test should be such as to yield fruitful results for the good of society, unobtainable by other methods or means of study, and not random and unnecessary in nature. There will be reasonable anticipation that the results will justify the performance of the experiment or test. Accordingly, all experiments and tests will be based upon prior study or experimentation and designed to accomplish this objective. All medical experiments or experiments involving the use of an experimental drug should be based upon the results of animal experimentation and a knowledge of the natural history of the disease or other problem under study.

d. The experiment or test will be conducted so as to avoid unnecessary physical or mental stress. No experiment or test will be conducted if, upon careful consideration by the person who directs the experiment, there is reason to believe that death or disabling injury will occur. The degree of risk to be taken will never exceed that determined to be justifiable by the humanitarian importance of the problem to be solved by the experiment. Proper preparations will be made under the supervision of a qualified physician, knowledgeable in the test field, and with adequate medical facilities and safety equipment being provided to protect the volunteer against the possibilities of injury, disability, or death. Adequate and complete medical treatment will be available for treatment of casualties. The physician-in-charge will have consultants, available on short notice, who are competent to advise or assist with unexpected complications.

e. The experiment or test will be directed only by scientifically qualified persons with a high degree of technical and professional competence in conducting such procedures. All personnel supervising or participating in such procedures must be adequately trained to perform their duties reliably in foreseeable circumstances. The highest degree of care will be required at all stages of the experiment or test.

f. Volunteers will have no physical or mental diseases which will make the proposed experiment more hazardous for them than for normal healthy persons. This determination will be made by the experiment or test director on the basis of competent medical advice.

g. The experiment or test director, or his acting subordinate, will exercise careful judgment, superior skill, and good faith at all times during the course of the experiment or test. The director will terminate the procedure at any stage if it is likely that continuation will result in injury, disability, or death to a volunteer. During the course of an experiment or test, a volunteer shall be at liberty to revoke or withhold his consent and to withdraw, without prejudice to himself, from the experiment or test, or from a portion thereof. New dangers and adverse developments arising during the course of the experiment or test, about which the volunteer has not been briefed or warned, shall be reported to the volunteer in a timely manner unless such communication would pose an immediate threat to his safety.

h. Prisoners of war will not be used under any circumstances.

5. PROCEDURES

a. The experiment or test director will prepare a written request for approval of the use of volunteers in any proposed procedure coming within the purview of this Instruction. The request will include the names of the director and the conducting activity and the identity of the responsible supporting medical activity. It will speak appropriately to the principles of policy guidance expressed in paragraph 4 of this Instruction. The request will enclose a plan of the experiment or test consistent with security requirements.

b. The request will be forwarded via (1) the appropriate military chain of command; (2) the Chief, Bureau of Medicine and Surgery; (3) the Chief of Naval Personnel/Commandant of the Marine Corps, or both, as appropriate; and (4) the Chief of Naval Operations (DCNO(DEV)) to the Secretary of the Navy (ASN(R&D)).

(1) The RDT&E chain of command endorsements are to be directed primarily to the technical soundness and program importance of the experiment or test for which the use of human volunteers is proposed.

(2) The Chief, Bureau of Medicine and Surgery, will direct his endorsement specifically to the degree of hazard inherent in the test, the adequacy of safety measures, the adequacy of medical supervision and support, and the adequacy of the human-volunteer consent statement to be utilized.

(3) The Chief of Naval Personnel/Commandant of the Marine Corps will direct their respective endorsements in particular to the utilization of active-duty military personnel in existing billets for voluntary duty as experimental subjects, and to other aspects as they deem appropriate.

(4) The Chief of Naval Operations (DCNO (DEV)) will direct his endorsement to the validity of the requirement for doing the experiment; the adequacy of the certification by BUMED on pertinent medical aspects; the approved utilization of personnel in the manner proposed; and the statement of program need by the sponsoring command. Administrative and coordination action will be assigned to the Staff Assistant for Medical and Allied Sciences.

(5) The Assistant Secretary of the Navy (Research and Development) will act as approving authority for the Secretary of the Navy. Review of legal aspects will be accomplished by the Office of the Judge Advocate General.

6. *Management.* Since the use of volunteers in experimental or test situations is an integral part of the conduct of the RDT&E Program and does not involve the establishment of additional manpower billets, action on such requests, including coordination of

manpower and legal aspects, will be through the RDT&E chain of command.

7. *Implementation.* Addressees are authorized to take such action as is necessary to assure compliance with this Instruction throughout the Naval Establishment.

JOHN W. WARNER,
Under Secretary of the Navy.

[Sample form]

APRIL 28, 1969.

CONSENT TO PARTICIPATE VOLUNTARILY IN A RESEARCH, DEVELOPMENT, TEST, OR EVALUATION (R.D.T. & E.) PROCEDURE

Date ------.

1. I hereby volunteer to participate as a subject in a RDT&E procedure being conducted under Element No. ----, Project No. ----, Work Unit Title "------," which has been approved by ------ (sponsoring command). I understand that the adequacy of safety measures has been certified by the Chief, Bureau of Medicine and Surgery, and that authority to use human volunteers has been granted by the Secretary of the Navy.

2. The nature and purpose of the procedures have been explained to me as follows: (See attached summary.)

3. In making my decision to volunteer, I am not relying upon any information or representation not set forth in this document, or attached summary. My consent is given as an exercise of free will, without any force or duress of any kind. I understand that my consent to participate does not constitute a release from any possible future liability by the United States attributable to the experiments.

Signed: --------------------------------
(Typed name, rank, rate, or grade)
Date of birth---------------------------
Witnessed: ----------------------------
(Not directly involved in test)
Approved: ------------- (Test Director).

DEPARTMENT OF THE AIR FORCE
Washington, D.C., August 28, 1969.

RESEARCH AND DEVELOPMENT—USE OF VOLUNTEERS IN AEROSPACE RESEARCH

(This regulation establishes the policy and assigns the responsibility for using volunteer test subjects in aerospace research, development, test and evaluation (RDT&E). It applies to the use of humans in studies conducted in facilities where the subjects are Government employees and where there is a risk of health damage.)

1. APPLICATION OF THIS REGULATION

The provisions of this regulation:

a. Apply to RDT&E procedures in which human subjects are used and in which there is inherent risk of distress, pain, damage to health, physical or emotional injury, invasion of privacy, surrender of autonomy or death. Such tests usually are conducted to determine either the level of human tolerance/performance for a condition that may be imposed by Air Force operations or the adequacy of equipment designed for human use (see AFR 80–14). This includes tests and experiments conducted within a Federal Government installation or facility regardless of the composition of the investigating team (contractor personnel, military personnel, civil service personnel or a mixture thereof) or at contractor facilities when the human subjects are Government employees, either military or civilian.

b. Do not apply to:

(1) Investigations conducted under the provisions of AFRs 169–6 and 169–8.

(2) RDT&E that involves inherent occupational hazards to health, or exposure to potentially hazardous situations such as those encountered in training or other duties requiring orders for regular and frequent performance of hazardous duty; for example: flight training, jump training, pressure chamber indoctrination, and handling of explosives, etc.

(3) The human engineering portions of a research project when they involve only hazards encountered in normal training or other normal military duties and when disclosure of the research conditions would defeat the purpose of the investigation by revealing the artificial nature of the experiment.

(4) Experiments using human subjects that are judged to be nonhazardous on the basis of meeting *all* of the following criteria:

(a) They are conducted in the usual ambient environment of the laboratory, office, or in moderate weather outdoors.

(b) They involve only the application to the subject of stimuli to the communication senses (sight, hearing, touch, and smell) at energy levels and durations known to be well within commonly experienced and tolerated ranges.

(c) They do not involve the planned applications of unusual or known to be harmful physical or chemical energy to the subject, such as noise, vibration, barometric pressure alternations, declaration or acceleration, immersion in water, chemical agents, or drugs, etc.

(d) They do not involve unusual physical exertion or application of force by the subject.

(e) The experimental environments have no ground safety hazards, such as electrical shock, sharp objects, slippery floors, or obstacles not readily visible.

(f) Have no combinations of conditions which are expected to produce any of the adverse effects covered in paragraph 1a.

2. OBTAINING VOLUNTARY CONSENT

a. The principal investigator must insure that the volunteer (or the person acting for him) has the legal capacity to consent, is able to exercise true freedom of choice without overt or hidden persuasion, and is fully informed. The fact that a member of the Armed Forces is less than 21 years of age does not impair his legal capacity for this purpose.

b. Before a volunteer (or the person acting for him) is permitted to give his consent, the investigator must give him an accurate explanation of the research study that he can and does understand. The explanation shall include at least:

(1) The purpose, nature, and duration of the study.

(2) The methods and means by which the study will be conducted.

(3) Foreseeable inconveniences, hazards, and effects upon the volunteer's health that could result from his participation in the experiment.

(4) An identification of any parts of the test program that neither the volunteer nor the individual conducting the test can stop immediately.

c. The volunteer (or the person acting for him) must give his consent in writing as shown by attachment 1; when a person is acting for the volunteer, the wording will be appropriately modified. He must sign the consent in the presence of at least one witness who will then attest to the volunteer's signature by signing in the place provided. In addition, the investigator who advised of possible consequences must also sign the consent in the presence of the same witness.

3. Use of Volunteers in RDT&E. The following criteria apply to all RDT&E efforts which involve volunteers as subjects:

a. All necessary preliminary tests with laboratory animals and human simulators must have been conducted and evaluated before a human subject is used. Hazardous research that uses volunteers will be performed only to validate important data essential to a project, development, system or Air Force mission.

b. Research studies using volunteers will be conducted to avoid all unnecessary physical or mental discomfort. Before the investigation or test begins, a physician will conduct, and record such examinations and evaluations of the volunteer as his professional judgment dictates. Permanent records of these examinations will be maintained as part of the project record, as required in AFR 161–2, and also in the volunteer's DD Form 722, "Health Record."

c. A physician, other than the principal investigator will be designated to be responsible for the professional care and safety of the volunteer during the project. This physician will *not* be involved in the research or test in any way other than to be the protector of the life and health of the volunteer. This physician or the investigators may terminate the study at any time.

d. The volunteer, at any time, has the right to revoke his consent and withdraw from the experiment without prejudice. The volunteer must be fully informed of these facts and procedures.

e. Before being a subject of RDT&E, the consent of the volunteer, or his legal representative, must be obtained and placed in the records of the project. (See attachment 1.)

f. If the volunteer has taken medication or received medical or dental treatment since last used as a subject, it is mandatory that he inform the principal investigator and the physician of this fact before the conduct of the next experiment.

g. For each RDT&E project, the Laboratory or Test Director and a physician must examine a protocol submitted by the project/task scientist to determine:

(1) The necessity to use volunteers.
(2) The safety precautions.
(3) The protective measures.
(4) The adequacy of medical surveillance.

Both the Laboratory or Test Director and a physician will sign a certification attesting to the above conditions. These documents will become permanent records in the RDT&E protocol.

4. COMMAND RESPONSIBILITIES

a. Major commands will establish suitable procedures to insure compliance with the policies stated in this regulation.

b. Laboratory commanders will approve or disapprove all RDT&E protocols involving the use of volunteer subjects and are responsible for basing this decision upon appropriate medical review and advice.

5. PUBLICATIONS PERTAINING TO HUMAN VOLUNTEERS

All printed papers or articles reporting research in which volunteer subjects are used will contain the following footnote: "The voluntary informed consent of the subjects used in this research was obtained in accordance with AFR 80–33.

By order of the Secretary of the Air Force.

JOHN D. RYAN,
General, USAF, Chief of Staff.
JOHN F. RASH,
Colonel, USAF, Director of Administration.

AUGUST 28, 1969.

VOLUNTEER'S CONSENT

Subject: Consent of Volunteer.

1. I hereby volunteer to participate as a test subject in the following (insert "investigation" or "test" as appropriate) which has as its purpose (state the purpose in sufficient detail to assure that it will be clearly understood by both the medical review authority and the volunteer). (Insert rank, name, component, and corps) has discussed with me to my satisfaction the reasons for this (insert "investigation" or "test" as appropriate) and its possible adverse and beneficial consequences.

2. This consent is voluntary and has been given under circumstances in which I can exercise free power of choice. I have been informed that I may at any time revoke my consent and withdraw from the experiment without prejudice and that the investigator

or physician may terminate the experiment at any time regardless of my wishes.

3. I understand that before my use as a test subject, I must inform the principal investigator and project physician of any change to my medical status. This information will include any medications I have taken and any medical or dental care/treatment received since my last use as a test subject.

(Signature of Volunteer.)

(Signature of Officer who Advised of Possible Consequences.)

(Signature of Witness.)

Department of Defense Instruction,
May 12, 1964.

Subject: Investigational Use of Drugs by the Department of Defense.

Reference: (a) Drug regulations published by Department of Health, Education and Welfare (21 CFR 130.3).

I. PURPOSE

This Instruction specifies the manner in which the regulations cited in reference (a) will be applied to the investigational use of drugs by the Department of Defense.

II. APPLICABILITY

The provisions of this Instruction apply to all DOD Components and their contractors or grantees engaged in the investigational use of drugs.

III. RESPONSIBILITIES

A. The Department of Defense assumes full responsibility for the protection of humans involved in research under its sponsorship whether this involves investigational drugs or other hazards.

B. Each Military Department will establish within the office of its Surgeon General a formal Review Board of professional personnel to consider each research proposal from within that Military Department or from its contractors or grantees which may involve the use of human subjects in the clinical investigation of new drugs. Before a clinical test with an investigational drug may be performed under the sponsorship of a Military Department—

1. the plan of the test and other pertinent details must be submitted to the appropriate Review Board.

2. the Board must indicate its approval, and

3. the approval must be confirmed by the respective Surgeon General.

IV. REPORTS

A. Clinical investigations that are classified for reasons of national security will not require the filing of a formal "Claim for Exemption" to the Department of Health, Education, and Welfare Approval of the test by the appropriate Review Board and Surgeon General will automatically exempt the drug being employed from the application of the new drug section of the Food, Drug, and Cosmetic Act during the investigational study. The Military Departments will report to the Food and Drug Administration (copies to OSD unnecessary) findings associated with such studies which FDA should be aware of in order to make a sound evaluation of non-classified studies proposed on the same or similar drugs. Additionally, the Military Departments will discuss their classified investigations of drugs periodically with FDA personnel who have proper security clearance.

B. In the case of non-classified security research programs sponsored by the Department of Defense and conducted within its research facilities or for the Department upon contract, copies of the request for approval submitted to the appropriate Review Board, the Review Board's evaluation and approval, and notice of approval by the appropriate Surgeon General will be filed with the FDA as the claim for exemption for the investigational drug.

C. When the Department of Defense performs clinical tests upon new drugs being sponsored by the pharmaceutical industry, the ordinary claim for exemption (Form 1571 of the Investigational Drug Regulations) will be filed with the FDA.

V. EFFECTIVE DATE AND IMPLEMENTATION

This instruction is effective immediately. Two copies of implementing instructions shall be forwarded to the Director of Defense Research and Engineering within sixty days.

Harold Brown.
Director of Defense Research and Engineering.

Mr. Dominick. Mr. President, will the Senator from Massachusetts yield for a question?

Mr. Kennedy. I yield.

Mr. Dominick. Does the Senator have any programs he knows of that are being started now, or are being conducted now, which will be inviolation of the proposal he has made?

Mr. Kennedy. No. I have been careful not to identify any of the existing programs, because we are not seeking to ascribe blame or criticize particular programs. The amendment is addressed at the general problem. The problem, as suggested by the Comptroller General, is that there is no single standard, no uniform or comprehensive policy to cover all DOD contracts for human experimentation, which amount to approximately $10,000,000 per year. So it seems to me, in order to establish a uniform policy, this amendment is worthwhile.

Mr. Dominick. I believe the Senator has a perfectly good amendment. The only thing I was wondering about was whether there was anything we could do immediately. I gather that hearings will be held.

Mr. Kennedy. That is right. The Senator from Colorado is familiar with some of the matters which have been brought to the attention of the committee as a result of newspaper reports and others, but I am not prepared at this time to get into an evaluation of the programs. We need more time for that. Staff studies are being made on some of the programs. I do not want to identify them at this time. But there is justification, given the facts, to establish a uniform policy. I would hope this amendment would meet that need.

Mr. Dominick. I thank the Senator from Massachusetts.

Mr. Allen. Mr. President, will the Senator from Massachusetts yield for a further question?

Mr. Kennedy. I yield.

Mr. Allen. Does the Senator's amendment guard in some way against the kind of program such as the U.S. Public Health Service inaugurated back in the early 1930's at Tuskegee, Ala., where some 400 poor, black, uneducated citizens of that area were drawn into an experimental program under which they were hospitalized for a given treatment for every ailment that they had except the real one that they had, which was syphilis; and this program continued up to the present time, even though a cure for syphilis was developed many years ago, in the early 1940's, I believe. The medicine and the treatment for cure of syphilis was withheld from these 400 citizens under that early program, with these people not being advised of the nature of the program that they were participating in, the agreement being that they would stay under the program for the remainder of their lives, and that at the end of their lives, they would be subject to an autopsy to determine the debilitating effect of the disease.

Would the Senator's amendment ward off a program of that sort?

Mr. Kennedy. I believe that it would. Quite clearly, it is intended to encompass that kind of program. I fail to see how, if those individuals had been notified and made aware of the dimensions of that program, if they had been made aware of the fact that a cure for syphilis had been developed—through penicillin—how there would have been any further justification to continue that program.

Mr. Allen. They were not advised.

Mr. Kennedy. No, they were not advised or notified. This amendment would apply to such cases in the future. Furthermore, let me say that I was very much distressed to read the newspaper accounts of that program.

We had Dr. Du Val, Assistant Secretary of Health, Education, and Welfare, before our committee and we asked him to make a complete report on this, as well as other human experimentation programs conducted by the HEW. He will submit them to our Health Subcommittee and we intend to conduct our own investigation, not only into that one, but other kinds of human experimentation programs.

This amendment would obviously address itself to that particular development, and others; I was horrified to read about that particular program the Senator mentioned.

Mr. Allen. When did Dr. Du Val say that this report or investigation of this program would be made available to the general public?

Mr. Kennedy. We asked him on Thursday of last week, and if my memory serves me correctly, he said it would take about 4 to 6 weeks, and, in the meantime, what he did say was that procedures will be followed in HEW to insure, during the time they are conducting this study, that this will not happen again. The report will be printed in the Record as soon as we receive it, for the benefit of all Senators.

Mr. Allen. I thank the Senator from Massachusetts very much. I want to assure him that I support his amendment.

Mr. Stennis. Mr. President, I yield 5 minutes to the Senator from New Hampshire.

The Presiding Officer. (Mr. Stafford). The Senator from New Hampshire is recognized for 5 minutes.

Mr. McIntyre. Mr. President, I am pleased to speak in support of the human experimentation amendment which it is my privilege to cosponsor with my distinguished colleague from the State of Massachusetts. Senator Kennedy's amendment to the military procurement authorization bill is another clear indication of his concern with matters involving the health of our population.

The declaration of policy which is contained in the proposed amendment is much broader in its meaning than is involved in the operations of the Department of Defense. However, it should serve as a basis for providing the impetus to all Federal agencies which are engaged in research involving the citizenry of our country to insure that their physical and mental health is adequately protected.

There have been instances reported in the press involving the Department of Defense and the Department of Health, Education, and Welfare where some doubts were raised concerning the procedures employed in the conduct of research on human beings. It is important that when the Department of Defense undertakes to contract for such research with individuals, corporations, institutions, or other organizations outside the Federal Government, any risks to the physical or mental health of the subject be made known to that subject before research is conducted. In that case, the person involved will have an opportunity to have considered all aspects of the research before he agrees to participate.

The additional provision which would establish a formalized procedure involving the Secretary of Health, Education, and Welfare, who will review such proposed research before the Department of Defense may proceed, represents another positive means for insuring the intent of this amendment is being properly implemented.

I am informed that the Department of

Defense has reviewed the language of the proposed amendment and has no objection. I urge my colleagues, therefore, to join with me in agreeing to this amendment.

Mr. STENNIS. Mr. President, I yield myself 1 minute before I yield to the Senator from Ohio (Mr. TAFT) to say that I have been over this amendment as it now stands, and even though I do not like the idea at all of putting a primarily health provision into a military hardware bill, I do recognize its merits, as a regulation only, dealing with human beings. Those purposes being set forth clearly and reasonably, in its present form, I do not think I could oppose the amendment or that I should oppose it. So I am going to agree, in its present form, to support the amendment. But there will be some further debate on it and I make that announcement now.

Mr. President, I am glad to yield 10 minutes to the Senator from Ohio. And I can yield him additional time if he requires it.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 10 minutes.

Mr. TAFT. Mr. President, I thank the distinguished chairman for yielding to me at this time.

I bring up the matter that really lies behind this amendment with some qualms. I think it is unfortunate, as the chairman has stated, that this issue is raised on a military authorization bill. It should, I certainly think, receive the attention of the Senate and should receive the attention of the House and should become law, or a provision similar to this should become law.

I have no arguments with the merit of the language in the amendment. However, there are inherent dangers involved in this situation that the Senate ought to consider very carefully.

I have no desire today, as I have indicated, to go into any great detail with regard to the rather protracted discussion and exchange of correspondence that I have had with the Senator from Massachusetts on this subject relating to the investigation by the subcommittee of an institution in my State.

I am not going to belabor that and go into that in any great detail. As a matter of fact, a good deal of the correspondence is already in the Record. It is contained in the Record of December 15, 1971, from page 47049 on and in the Record of January 19, 1972, from page 250 on. It goes into some detail with regard to the entire problem.

The difficulty that arose in connection with this related to a project in which total body radiation was already being studied as a research activity by an institution and by professional men in the medical profession of the highest reputation and ability, in my opinion.

The matter was brought under the scrutiny of the staff of the committee without any action by the subcommittee itself. Investigators were sent out and a demand was made for information relating to the individual patients involved.

I have not explained that the financing of it by defense in this connection related to a report on what the effects of the particular program that was under way and was already being studied might be.

A refusal was made by the medical men involved to reveal the information, and I think very properly. And they have been upheld in this matter by legal opinion as to what the doctor-patient relationship is.

I feel that we ought to make some safeguards about this entire area.

I think that prior to that time in the Record I had asked for an investigation to go on. And as a matter of fact, there were a number of investigations. One of them was by a special committee appointed by the American College of Radiology. They went into the matter and gave the program a clean bill of health and also as to the health of the individuals involved.

The people involved tell me that the publicity given to the program was unauthorized by the committee. At least, it was unauthorized by me. I am a member of that committee. This had a very deleterious effect on at least one patient involved.

Mr. President, when all time is yielded back on this amendment, I hope to offer a further amendment to the amendment which will have the effect of providing that no Federal money will be used to violate the doctor-patient privilege or require the disclosure of confidential information by other doctors engaged in any such research project.

I think this safeguard is overdue and necessary. I think that if we go the one step, in view of the track record that already exists on this particular case, we ought to go that additional step.

Mr. STENNIS. Mr. President, I yield myself one-half minute because of the importance of these proceedings. I hope that we can have quiet so that the Senators will have a chance to understand the discussion and maybe the conversations here can cease.

The PRESIDING OFFICER. The Senate will please be in order.

Mr. KENNEDY. Mr. President, I would be willing to modify my amendment to include the language requested by the Senator from Ohio if we could add at the end, "except as may be required by law."

Would the Senator be willing to include those words? I am advised by legislative counsel that this would achieve, I believe, what he is attempting to achieve. It is certainly important. We definitely want to protect the confidentiality of the doctor-patient relationship. If I correctly understand the trust of the Senator's amendment, it is to protect those rights. And I share with him the desire to achieve the goal of his amendment to my amendment.

If the Senator remembers, in the recent Communicable Disease Act that we just passed, the second title referral to a special health problem as it applied to syphilis. The question came up there as to how we were going to keep and maintain records.

I believe that we worked out a compromise in the Committee on Labor and Public Welfare that was satisfactory. I have received information by way of a telephone call to my staff that this language follows that very closely, and it would be acceptable to me if we could add the additional words.

Mr. TAFT. Mr. President, I am not sure that I understand the intent of the Senator. I understand the import of the language he suggests adding to my amendment. Is the import intended to specify that the requirement of law be one of protecting the confidential relationship between the doctor and the patient, or is it the intention that if there is a Federal law that requires the production of information, even though it violates that relationship, the information would have to be given?

Mr. KENNEDY. Mr. President, I had not seen the Senator's amendment until a few minutes ago. Since we do not want to modify or adjust or change the patient-doctor relationship, we do not want to write in something here which would vitiate what we did in the Communicable Disease Act and perhaps in other disease programs which may already be in existence.

As I say, title II of the Communicable Disease Act considered the whole question as applied to one particular disease.

I do not want in the amendment, which was a very carefully worked out by those doing the research for that particular disease, and also with legal authority and with all doctors who are working on it, to vitiate what we did in the other act, or what has previously been done in similar acts.

It is identical to the language which would protect the doctor-patient relationship and would provide sufficient information necessary to develop a comprehensive kind of program with which to attack syphillis.

Mr. President, I am sympathetic to what the Senator is attempting to do. There is no intention in my amendment to violate the doctor-patient relationship. I would have no objection to accepting the Senator's amendment, provided it includes the change I proposed.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. KENNEDY. Mr. President, I yield to the Senator from Ohio.

Mr. TAFT. Mr. President, I have heard the Senator from Massachusetts. It is not the intent of the Senator in any way to affect the Communicable Disease Act.

I think with his explanation of his intention in this connection of the change he is proposing would be appropriate and my amendment could be offered when time is yielded back. I would be willing to include my remarks on the bill. I understand it is a parliamentary matter.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TAFT. Mr. President, as I understand the situation, the Senator from Massachusetts has to yield back his time before my amendment could be called up.

The PRESIDING OFFICER. All the time would have to be yielded back before the Senator from Ohio could offer his amendment.

Mr. TAFT. The other question I wish to ask the Senator from Massachusetts. Would the Senator amend his amendment to include the language I have proposed, since that might be a shorter route?

Mr. KENNEDY. Mr. President, I move to amend my amendment as suggested by the amendment of the Senator from Ohio, and to add the additional language "except as may be required by law."

The PRESIDING OFFICER. Does the Senator from Massachusetts make that a unanimous-consent request?

Mr. KENNEDY. Mr. President, I have not asked for the yeas and nays. I believe that it is in order to make the request.

The PRESIDING OFFICER. Does the Senator make a unanimous-consent request to amend his amendment?

Mr. KENNEDY. I will, if necessary, but as I understand it, if the yeas and nays have not been ordered I can amend the amendment at any time. Is that correct?

The PRESIDING OFFICER. The Chair is informed by the Parliamentarian that in this case modification takes unanimous consent because of a previous unanimous-consent agreement on this particular amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent to modify my amendment, as expressed in the amendment of the Senator from Ohio, with the additional language I proposed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

"On page 13, between lines 7 and 8, insert a new section as follows:

"SEC. 203 (a) It is hereby declared to be the policy of the United States that Federal funds may be used to conduct research involving human beings as experimental subjects only when each participant has freely volunteered to participate after having been fully informed of any physical or mental health risks which may be incurred as a result of participating in such research.

"(b) In order to carry out the policy stated in subsection (a) of this section with respect to the Department of Defense, none of the funds authorized by this or any other Act may be used by the Department of Defense to contract with any individual, corporation, institution, organization, or other entity, for the purpose of carrying out any research project which uses human beings as experimental subjects unless—

"(1) the Secretary of Defense has determined that such project is essential to the national defense, and no federal employee violates the doctor-patient privilege or requires confidential information developed because of the doctor-patient relationship in any such research project, except as may be required by law;

"(2) the Secretary of Health, Education, and Welfare has been informed of the project and he has either (A) indicated in writing to the Secretary of Defense whether the research project is one which will involve substantial risk of serious injury to the physical or mental health of the human subjects to be used and whether the research project is one which will involve substantial risk of resulting in any genetic change in such subjects, or (B) permitted forty-five days to elapse after having been officially informed of such project without having submitted to the Secretary of Defense a written notice as described in subclause (A) of this clause;

"(3) the human subjects to be used have been fully informed of the nature and purposes of the research project and of any possible physical and mental health consequences that may result from participation in such research project, including any physical and mental health consequences included in the report of the Secretary of Health, Education, and Welfare submitted pursuant to clause (2); and

"(4) each person participating in such project has freely volunteered to participate after he has received the information referred to in clause (3)."

Mr. KENNEDY. I am prepared to yield back my time.

Mr. STENNIS. I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 2 minutes.

Mr. STENNIS. Mr. President, it has been impossible for those of us not familiar with the amendment to get the full significance of what it might mean. I have not seen the Taft amendment. I think the amendment of the Senator from Massachusetts was well placed, as far as this bill is concerned.

I have a verbal, oral report that the Department of Defense said the Kennedy amendment was workable, and so forth. I have nothing from them on the Taft amendment.

I mention that because sometimes it is possible to run into strong opposition to an amendment that has not been referred, and it becomes all but impossible to handle. However, I still feel as I did about the Kennedy amendment, which is now modified.

Mr. BAYH. Mr. President, I am pleased to cosponsor this important amendment to the military procurement authorization bill by my good friend, the Senator from Massachusetts (Mr. KENNEDY). It is only fitting that when we authorize many billions of dollars for the procurement of weapons designed to destroy human life that we at the same time express our concern for the sanctity of human life and the respect that we have for individual human beings.

The purpose of this amendment is to see to it that human beings involved as subjects in research and experimentation are not treated as mere laboratory specimens. This amendment establishes as national policy "that Federal funds may be used to conduct research involving human beings as experiment subjects only when each participant has freely volunteered to participate after having been fully informed of any physical or mental health risks which may be incurred as a result of participating in such research."

I am sure that none of our colleagues could quarrel with such a purpose, especially with the knowledge of the kind of experiments that have been conducted using human subjects—without these subjects having been informed of the possible risks and dangers involved in the experiments. It has long been a fundamental tenet of our law that an uninformed consent is no consent at all. Therefore when we read stories of how mentally retarded chilrden are injected with hepatitis—children whose capacity to consent is questionable—and whose parents were not fully apprised of the risks involved; when we read of uneducated women in Texas who are deceived as to the nature of experimentation with contraceptives in which they are involved; when we are all too aware of the many abuses of prisoners with regard to their participation in often hazardous experiments—conducted at times under the most questionable of circumstances; and most recently when we all learned of the shocking and outrageous revelations regarding the Tuskegee study of syphilitic patients—when we are made aware of these trespasses against human dignity, all of which purported to be carried out only with the consent of the subjects, then it is time that we begin to define just what the elements of this consent must be.

This amendment writes into law the kind of safeguards that should have been carried out all along in every branch of the Government. We are finding out, tragically, now, that these safeguards may not have been carried out in all instances. Now at least the Department of Defense and its contractors will be required to comply with basic elements of decency: subjects must be fully informed of the possible risks to their physical and mental health, including such risks as the Secretary of Health, Education, and Welfare may report to the Department of Defense; and each subject must have freely volunteered to participate after he has received the information concerning the possible risks to his mental and physical health. And while this amendment by its terms applies only to the Department of Defense and its contractors, it is my hope that such regulation of human experimentation will be established in all the departments and agencies of this Government as a mark of the respect for human life which is the hallmark of a civilized nation.

I join Senator KENNEDY and the other cosponsors of this amendment in urging its adoption this afternoon.

Mr. KENNEDY. I am prepared to yield back the remainder of my time.

Mr. STENNIS. I am prepared to yield back the remainder of my time. But before I do so I imagine we can have a voice vote.

Mr. KENNEDY. Yes.

Mr. STENNIS. I yield back my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Massachusetts, as modified.

The amendment, as modified, was agreed to.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on table was agreed to.

Mr. KENNEDY. Mr. President, the rationale for this amendment can be briefly summarized as follows: The Health Subcommittee's study of medical research involving human experimentation has indicated a need for the development of national policy and procedures to safeguard the rights of the human subjects involved in such experimentation. The Defense Department sponsors about $10 million a year of contract research involving human subjects, and also conducts additional in-house research involving human subjects. The General Accounting Office has surveyed DOD regulations with respect to human experimentation and indicated that there is a lack of uniformity and comprehensiveness in these regulations, among the three armed services and the various defense agencies.

Accordingly, I believe the adoption of this amendment would aid the Defense Department in developing general policy for human experimentation projects, and would stimulate DOD to develop clearcut, consistent procedural guidelines for the implementation of such policy throughout the Department.

At this time I want to reiterate the point I made in the debate on August 1st: that in offering this amendment, I intend no criticism of the way in which DOD has handled its human experimentation projects in the past. The purpose of this amendment is to help DOD in clarifying its policies and protecting the rights of persons involved in such experiments.

As I stated in the earlier debate, the Defense Department has many legitimate requirements to conduct and sponsor human experimentation. For example, when military test pilots test a new aircraft, they may have their physiological responses monitored to help in evaluating the plane and in preparing for its use in normal operations. This is a form of human experimentation; and it is, of course, fully justified, even though the subject's participation may involve serious risk of substantial injury or death to himself. He volunteers for such service with full knowledge of what is involved.

Similarly, testing out new undersea vehicles or deepsea diving techniques can involve substantial danger to the volunteers involved, and is a form of human experimentation, but again is fully justified. And in more conventional terms, the military has to experiment with human reactions to night combat, to undue stress and strain, and to a host of other situations which occur in military activity. Similarly, DOD runs vast educational and training programs, and needs the benefits of research on training methods, like computer assisted instruction. So there are many areas of legitimate, necessary research on human beings which DOD carries out.

This amendment is in no way intended to circumscribe legitimate military research involving human subjects. When the military has a need to observe a soldier's or sailor's reactions to certain situations which arise in the course of normal military operations, in order to improve operational effectiveness. DOD would continue to have the freedom to carry out such studies, with appropriate safeguards for the individuals involved.

This amendment is aimed at those situations in which specific research projects are set up, involving human beings as experimental subjects. In those cases, the amendment would require that DOD establish clearcut consistent policy and procedures which safeguard the rights of the individuals involved.

The problem of human experimentation is enormous, involving complex issues of law, ethics, and public policy—and cutting across the fields of medicine, psychology, sociology, law, public administration, theology, and others. The Health Subcommittee is studying these issues and hopes to develop legislation in the next Congress to help delineate national policy in this regard.

But at this point in time we can make a constructive step forward in one specific area: the clarification of DOD policy and procedures regarding human experimentation. I am convinced that adoption of this amendment would be of help to the Defense Department, to the institutions which perform such research, and to the individuals involved in the experiments.

I urge each Senator to support this amendment.

Mr. President, I yield back the remainder of my time.

Mr. McCLELLAN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Massachusetts (Mr. Kennedy).

The amendment was agreed to.

Mr. HART. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 51, between lines 11 and 12, insert a new section as follows:
>
> Sec. 803. Notwithstanding the foregoing provisions of this Act, the aggregate amount appropriated by this Act is hereby reduced by 5 per centum.

Mr. HART. Mr. President, as I indicated when questioned by the distinguished majority leader earlier, this amendment is as simple and as straightforward as any proposal we shall face, and I would anticipate, if it is agreeable to the chairman of the Appropriations Committee, that 15 minutes be allotted to the amendment to be equally divided, that that much time would be adequate.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on this amendment be limited to 15 minutes, to be equally divided between the distinguished Senator from Michigan (Mr. Hart) and the distinguished manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 minutes.

Mr. HART. I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered.

Mr. HART. Mr. President, the report by the Senate proposes the spending of $74,604,000,000-plus. The committee is to be commended, I believe, for the care that clearly it has applied in refusing the budget request which was in the range of $79.5 billion. The Senate committee has increased somewhat the figure proposed to be spent by the House. In the consideration of the authorization bill, several efforts were made to reduce the authorization.

We will recall the nuclear attack aircraft carrier and its elimination as proposed by the distinguished Senator from Ohio (Mr. Saxbe) which drew about 30 votes; the Navy missile firing submarine, the *Trident* and the proposal to cut that drew some 39 votes; and we have heard the discussion about the extra 747's. These and similar votes show a desire to cut this Defense appropriation but disagreement as to what specific items should be eliminated. We can achieve a cut in the total appropriation by adopting the pending amendment, leaving the specific items to be determined by Defense officials most familiar with the competing claims.

It is my feeling that the Pentagon is not vastly different in its experience and performance than we are as individuals. Unless a person is in hard core poverty, except for someone in raw poverty, is it not our own experience that not every dollar we ask for is needed, not every dollar given us is essential?

We can survive, as individuals and as families, usually with less than we are given. We may not find it as rewarding, as comfortable, as convenient, or as satisfying, but we can survive. It may be a child away at school, who is given an allowance to cover rent, books, clothing, travel, extracurricular activities, entertainment, and so forth, to be provided for. Cut that allowance by 5 percent, 5 percent less for that child, and provided he is allowed to determine what areas he will reduce spending, and it will be sufficient for him to survive.

I am proposing that this family we call the Pentagon over at the Department of Defense, if it is permitted to make its own judgment as to where it shall reduce by 5 percent this almost $75 billion that we are giving it, can make a prudent judgment, apply the reduction and our national security will not be jeopardized. Indeed, our national security, might well be strengthened by using the $3.7 billion saved by this amendment to meet some of the domestic threats to our security—and I am not talking about Communist cells, I am talking about decaying cities, or you name any of the other threats, Mr. President. Maybe it is health care. Maybe it is food for hungry children. Maybe it is educational programs. Save $3.7 billion and apply it to these internal needs. That will strengthen our Nation and better serve our people.

So I suggest that if we are about to appropriate in the range of almost $75 billion to the Pentagon, we say, "Less 5 percent." That is the purpose of my amendment.

I have an inconsistent record on this kind of proposal. In my earlier years here I thought it was an unwise thing to do. I thought it was better that the committee system respond, to make selections among the competing Pentagon programs. But the longer I watch this business it seems to me more prudent when we are dealing with a sum in the range of $75 billion, to say "less 5 percent, and you, the Department of Defense, determine where that $3.7 billion less shall be taken from and what programs." It is as we do with the child in school, "You will get 5 percent less allowance, but you figure out from where you best can to take it, out of travel, entertainment, clothing, food, rent, or books. You figure it out."

I am sure that the Pentagon can survive with 5 percent less, they will still have more than $70 billion, and I think the country would be stronger for it.

Finally, Mr. President, unless we can add a "stop the bombing," or "stop the war" amendment, an antiwar amendment, I should feel compelled to work against passage of this bill, even if my 5 percent cut has been incorporated.

Mr. President, I yield to the distinguished Senator from Wisconsin (Mr. Proxmire) the remainder of my time.

Mr. PROXMIRE. Mr. President, I enthusiastically support the Senator from Michigan's (Mr. Hart) amendment. I have often asked the experts of the Department of Defense whether a general cut of this kind or a specific one that deleted funds for a particular purpose was better or more responsible, and they have uniformly told me that this, the way Senator Hart has proposed, was the way to make the cut. Let the Pentagon exercise the priorities. That is their business. Tell them to make a cut of $3.7 billion, which this amendment would provide, and they will be able to do it in a way that will not weaken our Armed Forces.

Mr. President, there are all kinds of places where cuts can be made. We have $28 billion overruns in our procurement, $28 billion in our major weapons system. In the Vietnam war we have an incremental cost of $6.1 billion. We can decide to get out of there. Or we can decide to get out more than we have.

One of the areas that can certainly save money is with respect to the proliferation of bases that we have all over the world. We can withdraw our troops and pull our troops back from some of the 3,000 installations we have spread all over the world. Certainly some can be phased out.

If we do not act tonight, the Senate will probably tell the President of the United States to do something like this in a few days when we act on the debt ceiling bill. Many Senators will vote for that bill, who will oppose the Hart amendment.

If we delete $3½ billion from this bill, we will not pass the buck to the President to determine where he wants to cut. If Congress would exercise any kind of judgment on this matter, it seems to me that the Hart amendment is the place to do it.

I thank the Senator.

The PRESIDING OFFICER (Mr. Hollings). The time of the Senator from Michigan has expired.

The Senator from Arkansas is recognized.

Mr. McCLELLAN. Mr. President, I do not think we should abrogate our responsibility at this time of great stress with respect to our financial situation. I am as cognizant of that as anyone else. However, if this were the procedure we were going to follow hereafter, it seems to me that we should say that we will not provide more than $65 billion for the Defense Department, then make a lump sum appropriation, permitting the Defense Department to spend the money according to their own priorities.

However, I think we have a responsibility to determine where the priorities are. A Senator who thinks the funds should be cut has the opportunity to offer an amendment in this bill. That is the proper procedure that I would hope would be followed. But if we start to turn over to the military a lump sum and say, "You cut it wherever you want, and you may use it in what manner you wish"—that is bad practice. It is not sound.

The Senator talks about bases. I believe in bringing the soldiers home from the bases. However, if the Senator thinks the military officials will bring them home, he is dreaming. They will keep them there as long as they can. The only way we can accomplish that is to pass a law and make them do it and not leave it to them to decide.

If the Senate thinks cuts should be made, they should be made where we think they should be made.

I serve notice that I voted for the Mansfield amendment at one time to bring our troops home. I have said it in public speeches that I think most of them ought to be brought home. I say it again now, and I will vote to bring them home if a proper amendment were presented. But this amendment will not bring them home, for it will not work.

If we are going to do it in the manner proposed, there is no use in the Appropriations Committee being meticulous in attempting to determine where the money should and should not be spent. We should just appropriate the money.

We have cut the bill $5 billion under the President's budget. I think we have made some very real progress in economizing. I think it will be cut some more next year. I am dedicated to that for I am committed to reducing defense appropriations. At the same time, I do not want to impair the country's needs with respect to military posture.

I will search the bill next year from one end to the other with the idea of finding places where we can reduce the amount.

Mr. President, I yield to the Senator from North Dakota such time as he might require.

Mr. YOUNG. Mr. President, I will take only a few minutes. This bill is approximately $75 billion. Fifty-six percent of it is for personnel, or nearly $40 billion, that leaves a balance of $35 billion.

I might say in regard to personnel that under the statutory requirements there is very little that the Defense Department can do about the amount of compensation for personnel.

There is, also, the question of pay for retired personnel. This amounts to nearly $4 billion. They cannot do anything about that.

There is more than $1 billion for pollution and environmental matters. They cannot do anything about that.

We got to a place where we cannot cut any more. There are only a few places where we could apply the $3.5 billion reduction contained in this amendment. A 5-percent cut in the remaining funds in this bill would equal approximately a 15-percent reduction in vital programs.

The chairman of the Appropriations Committee has pointed out that a cut of $5 million has already been made.

I do not see how a cut like this could be made without serious injury to our national security.

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired or been yielded back. The question is on agreeing to the amendment of the Senator from Michigan.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. MATHIAS (when his name was called). On this vote I have a live pair with the Senator from Texas (Mr. Tower). If he were present he would vote "nay." If I were free to vote, I would vote "yea." I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Mississippi (Mr. Eastland), the Senator from Oklahoma (Mr. Harris), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Alabama (Mr. Sparkman), the Senator from California (Mr. Tunney), the Senator from Alaska (Mr. Gravel), and the Senator from Louisiana (Mr. Edwards) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee) and the Senator from Hawaii (Mr. Inouye) are absent on official business.

Mr. SCOTT. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senator from Nebraska (Mr. Curtis), the Senator from Michigan (Mr. Griffin), the Senator from New York (Mr. Javits), the Senator from Iowa (Mr. Miller), the Senator from Ohio (Mr. Taft), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

Also, the Senator from Maryland (Mr. Beall), the Senator from Kansas (Mr. Dole), the Senator from Arizona (Mr. Goldwater), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

If present and voting, the Senator from Colorado (Mr. Allott), the Senator from Maryland (Mr. Beall), the Senator from Nebraska (Mr. Curtis), the Senator from Kansas (Mr. Dole), the Senator from Iowa (Mr. Miller), and the Senator from South Carolina (Mr. Thurmond) would each vote "nay."

The pair of the Senator from Texas (Mr. Tower) has been previously announced.

The result was announced—yeas 28, nays 46, as follows:

[No. 495 Leg.]

YEAS—28

Burdick
Church
Cook
Cranston
Eagleton
Fulbright
Hart
Hartke
Hatfield
Hughes
Humphrey
Kennedy
Mansfield
Mondale
Montoya
Moss
Muskie
Nelson
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Stevenson
Symington
Williams

NAYS—46

Aiken
Allen
Bayh
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Cooper
Cotton
Dominick
Ervin
Fannin
Fong
Gambrell
Gurney
Hansen
Hollings
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
McClellan
Packwood
Pastore
Percy
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevens
Talmadge
Weicker
Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mathias, for.

NOT VOTING—25

Allott
Anderson
Baker
Beall
Curtis
Dole
Eastland
Edwards
Goldwater
Gravel
Griffin
Harris
Inouye
Javits
McGee
McGovern
McIntyre
Metcalf
Miller
Mundt
Sparkman
Taft
Thurmond
Tower
Tunney

So Mr. Hart's amendment was rejected.

Mr. PELL. Mr. President, I have voted in favor of this amendment to reduce defense appropriations this fiscal year by 5 percent as a matter of conscience and conviction, realizing that the amendment would be defeated.

The amount of the reduction involved is less than the estimated incremental costs of our continued military involvement in Southeast Asia this year.

The Defense Department, with its cost overruns and expensive contracting out procedures, could easily stand this modest reduction if it were to end our bombings, shelling, and expenditures in support of the Saigon government.

I cast this vote in favor of the amendment as a vote of protest against our continued military activities in Southeast Asia.

Morever, I cast this vote as an indication of a way that our spending could be kept under the $250 billion spending ceiling.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. MATHIAS. Mr. President, I have an amendment at the desk, and I call it up at this time.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

At the appropriate place in the bill insert a new section as follows:

Sec. ——. None of the funds appropriated by this act may be expended in Indochina for military operations not in accordance with any legal provisions of Section 601(a) of Public Law 92-156 of November 17, 1971.

Mr. STENNIS. Mr. President, may we have quiet? This is important.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MATHIAS. Mr. President, I ask unanimous consent to have printed in the Record the language of section 601(a) which was referred to in the amendment.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

[Public Law 92-156, 92nd Congress, H.R. 8687, November 17, 1971]

TITLE VI—TERMINATION OF HOSTILITIES IN INDOCHINA

Sec. 601. (a) It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces at a date certain, subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces. The Congress hereby urges and requests the President to implement the above-expressed policy by initiating immediately the following actions:

(1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.

(2) Negotiate with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President pursuant to paragraph (1) hereof or by such earlier date as may be agreed upon by the negotiating parties.

Approved November 17, 1971.

Mr. McCLELLAN. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. MATHIAS. I am happy to yield to the distinguished Senator for that purpose, without losing my right to the floor.

Mr. McCLELLAN. I want to ascertain whether this amendment comes under the unanimous-consent agreement limiting time.

The PRESIDING OFFICER. The Parliamentarian has ruled it would appear to be an effort to terminate the war and would not be under the restriction of time.

Mr. McCLELLAN. This is not?

The PRESIDING OFFICER. This is not.

Mr. McCLELLAN. There is no limitation of time?

The PRESIDING OFFICER. No limitation of time.

The Senator from Maryland is recognized.

Mr. MATHIAS. Mr. President, I shall be very brief and I will not hold the Senate long.

My purpose in offering this amendment is very simple. It merely incorporates into the Defense appropriation bill by reference the policy adopted by Congress, which was approved by the President of the United States on November 17, 1971.

I will say that the language as then approved was precatory. In this amendment it becomes executory. The purpose of the amendment to declare policy of the U.S. operations in Indochina was fully discussed in the Senate at the time of the adoption, and that discussion need not be repeated here. It is a part of the RECORD, and the RECORD is an integral part of this debate. I believe that is the law of the land, and that we should reinforce it by reenacting it as a part of this legislation.

My intention in offering this amendment is very simple. It is to incorporate into the defense appropriation bill by reference the policy adopted by the Congress and approved by the President on November 17, 1971.

That language was precatory. When this amendment becomes law it will be executory.

It was a pious hope, we can now make it mandatory.

The purpose of this resolution embodying a declaration of policy for the U.S. operations in Indochina was fully discussed in the Congress at the time of its adoption and that discussion need not be repeated here. It is all a part of the record and the record is an integral part of this debate.

Specifically, the purpose of the amendment I have offered is to reaffirm the policy of the United States set forth in Public Law 92–156 last November. My amendment states that no funds can be expended for any activities not in accordance with the policies declared in section 601(a) of that law. My amendment thus puts teeth into that policy declaration; it means that we are serious about what we enacted last November and that all military activities are to be consistent with the law—without exception.

Section 601(a)—known as the Mansfield amendment—states that all U.S. military operations are to be terminated at the earliest practicable date; all U.S. military forces are to be withdrawn promptly and orderly "at a date certain." These actions are made subject to the release of all American POW's and an accounting of all Americans missing in action.

The section urges and requests the President to undertake specific action to implement this policy including the establishment of a final date for our withdrawal from Indochina contingent upon the release of our POW's and an accounting of Americans missing in action.

It is my expectation in offering this amendment that such a date should be announced without delay, and it is my hope that the negotiations urged in section 601(a) will be pursued with vigor publicly and privately and will yield the peace for which Americans have longed for so many years.

My amendment will foster such a peace by making it the law of the land that none of the $75 billion of taxes paid by American citizens and appropriated in this bill will be used for any purpose inconsistent with these policies which this Senate approved almost a year ago.

Mr. COTTON. Mr. President, will the Senator yield for a question?

Mr. MATHIAS. I am happy to yield.

Mr. COTTON. I believe the Senator obtained unanimous consent to insert that resolution into the RECORD. How long is that resolution?

Mr. MATHIAS. It is not very long, and I shall be very happy to read it.

I have copies of it here that I would like to have distributed.

I read from the resolution:

SEC. 601. (a) It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces at a date certain, subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government of such forces. The Congress hereby urges and requests the President to implement the above expressed policy by initiating immediately the following actions:

(1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war was held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.

(2) Negotiate with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President pursuant to paragraph (1) hereof or by such earlier date as may be agreed upon by the negotiating parties.

Approved November 17, 1971.

Mr. COTTON. I thank the Senator.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield.

Mr. SYMINGTON. As I read the amendment of the distinguished Senator from Maryland, his amendment simply states that nothing in the legislation we are considering should violate the law that has been passed by the Congress and signed by the President. Is that correct?

Mr. MATHIAS. The Senator is correct. That is my intention.

Mr. McCLELLAN. Mr. President, I see nothing in this proposal except that it reenacts a statute. It is completely redundant as far as I am concerned. If certain Senators want this, it is all right with me. It does not add anything to the law of the land as it is today, nor does it detract from it.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Maryland (putting the question).

The amendment was agreed to.

Mr. STEVENSON. Mr. President, I had intended to offer an amendment cutting off appropriations for bombing in Indochina, except for aerial support of ground combat operations. Senator MATHIAS offered his amendment with the purpose of ending all bombing in Indochina. His amendment was adopted, and so I will not, at this late hour, offer my amendment. If, as I fear, the Mathias amendment does not fulfill its purpose and the bombing continues, I will offer my amendment another time on another bill.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. NELSON. Mr. President, while I would support a substantial portion of the appropriations in this bill, I intend to vote against it, because it appropriates $6.1 billion to continue war operations in Southeast Asia. I have opposed this war since the beginning and voted against the first supplemental appropriations for the Vietnam war in the spring of 1965. As we stand here today debating this additional Vietnam appropriations, I cannot get over the feeling that "I have been here many times before." Requests for more funds keep coming up year after year. The only way to stop this war is to stop spending money on it.

I warned at the time of my 1965 vote that such an investment would lead to a long war. Sadly, this prediction came true. The tragic loss of life and the human misery this war has caused is incalculable. The cost of the war in dollars is staggering. The total cost of the war between fiscal years 1965 and 1973, according to the Senate Appropriations Committee report, is about $110 billion. The Appropriations Committee report documents in detail the dollar cost of this mistaken enterprise.

Mr. President, I request unanimous consent that the table entitled Southeast Asia Operations from Report No. 92–1243 be entered in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SOUTHEAST ASIA OPERATIONS

[Outlays in millions of dollars

Fiscal year	Full costs	Incremental costs	Number of U.S. forces in South Vietnam—end of year	Number of U.S. forces in Southeast Asia other than South Vietnam—end of year[1]
1965	$103	$103	59, 900	42, 900
1966	5, 812	5, 812	267, 500	54, 200
1967	20, 133	18, 417	448, 800	80, 300
1968	26, 547	20, 012	534, 700	87, 400
1969	28, 805	21, 544	538, 700	82, 900
1970	23, 052	17, 373	414, 900	57, 200
1971	14, 719	11, 542	239, 200	48, 200
1972	9, 261	7, 346	[2] 48, 005	84, 700
1973 budget estimate	7, 063	5, 821	[3] 39, 000	NA

[1] Figures used are a combination of Thailand and off-shore naval forces as of the end of periods indicated.

[2] Preliminary estimate.

[3] Planned authorized strength to be obtained by Sept. 1, 1972, as announced by the President on June 28, 1972.

Note.—Combined strength of U.S. military personnel in Cambodia and Laos was under 1,000 during these periods except for increased military activities in Cambodia in 1971. The number of U.S. military personnel in Cambodia at that time was included in the totals for South Vietnam.

Mr. NELSON. Mr. President, the State of Wisconsin has picked up the bill for the Vietnam war since 1965 to the tune of approximately $2,156,000,000. That means a cost of almost $500 for every man, woman, and child in Wisconsin. And each family has been taxed over $1,800 for this bankrupt military policy.

Recently, the "Citizens' Organization for a Sane World" completed a study comparing the Wisconsin State revenues allocated to the Indochina war and the budgets of Federal programs conducted in Wisconsin during fiscal year 1971. That study and a Madison Capital Times Special feature on war costs demonstrates the perverse priority placed on the Indochina war at the expense of badly needed domestic programs. According to the Sane study, in the State of Wisconsin the average taxpayer contributed $54 in tax revenues for the war in 1971 alone; Wisconsin taxpayers paid a total of over $238 million.

Wisconsin revenues for the Indochina war exceeded the combined budgets of all fiscal year 1971 programs conducted in the State of Wisconsin by the Department of Agriculture, the Department of Commerce, and the Office of Economic Opportunity. Wisconsin revenues which could have been used for research at the Department of Agriculture's Forest Products Laboratory in Madison instead were used in Vietnam pacification programs.

Milwaukeeans' tab for the war was double the budget of the Environmental Protection Agency for the entire State of Wisconsin. Water pollution programs that are of vital importance to Wisconsin rivers including the Upper Fox and the Pecatonica are dependent on EPA funds. To ignore the pollution in these and other rivers across the United States costs the Nation an estimated $12 million in property damage annually. Milwaukee revenues that could have been used to insure the protection of these natural resources instead were diverted to programs like the Rome Plow land clearance campaign which has stripped bare over 750,000 acres of Vietnam, an area the size of Rhode Island, and produced major soil erosion and flood damage in South Vietnam.

In 1971, the Madison community's contribution to the Indochina war budget equaled the budget for Department of Labor programs conducted in Madison. Madison revenues which might have gone for Job Corps programs to reduce unemployment were used instead for a futile war effort that has produced over 4 million homeless Indochinese refugees.

These comparisons reveal that the Indochina war has cost Wisconsin—on all levels, individual, community, and State—dearly. Yet this diversion of badly needed funds from such critical areas as the economy and the environment has gained us nothing militarily in the war. The cruel irony is that it has produced senseless destruction of once fertile land of our allies in Southeast Asia.

The most graphic example of distorted priorities is that part of the war which continues unabated and is actually spiralling to even higher levels than in the past—the air war. The Cornell University air war study group lead by Dr. Raphael Littauer has recently published the results of a comprehensive study in a book entitled "The Air War in Indochina." Using such sources as the National Security Council study memorandum on Vietnam to corroborate the Littauer study, Mr. Robert Kleiman reviewed "The Air War in Indochina" in the August 13, 1972, "New York Times Book Review." The results depict the air war as an exercise in futility. The National Security Council memorandum points out that the enemy's needs are so small that even unlimited bombing—the current strategy of this administration—will not seriously hamper North Vietnam's shipment of war supplies. The study of the Cornell group further shows that close air support during the period of U.S. ground troop involvement accounted for only 10 percent of all fixed wing activity. The remaining 90 percent of all air sorties were for some vague policy of interdiction. The indiscriminate dropping of over 6 million tons of bombs—50 percent of all bombs dropped fell outside the intended target area—has created a monumental catastrophe.

When I introduced the Vietnam Ecological Damage Assessment Act of 1972 in January, I discussed the cruel irony of this situation which has done far greater damage to our ally, South Vietnam, than to the enemy. Yet it is sadly apparent that the spurious reasoning which has led to the expenditure of billions of dollars for a counterproductive bombing campaign continues to prevail. This irrationality is present not only in Vietnam, but is reflected in soaring defense spending outside of Vietnam as well.

The great waste involved in the Indochina war is only the tip of the iceburg. We are involved in a global arms race which increasingly diverts bady needed resources from such areas as health and education. This fiscal year's increase in funding for the F–15 Air Force fighter plane surpasses the entire Federal aid budget for Wisconsin in fiscal year 1971. It is not only the major weapons systems such as planes and tanks that dwarf our serious domestic needs. Even the expendable ordnance delivered by the weapons themselves overshadows the cost of many critical State programs. A single Navy F–14 carries six air-to-air missiles at a total cost of $1.5 million. The price of just three of these missiles exceeds the Department of Interior's fiscal year 1971 budget for land and water conservation in Wisconsin. On the national scale, the eventual cost of all U.S. weapons systems now in development or procurement is $105.2 billion. This amount of money could cover the total cost in every area of environmental cleanup.

Mr. President, I ask unanimous consent that the Capital Times feature, and Mr. Kleiman's article in the New York Times be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NELSON. The cost of the recent escalation in Indochina is measurable in terms of dollars. The number of B–52's has increased four times, with up to 100 B–52 sorties daily at the cost of $41,000 per sortie. Our tactical aircraft have been tripled with as many as 800 sorties daily at the cost of $8,500 for each flight of a fighter-bomber. One day's worth of sorties, it figures, comes close to $10 million. The cost of the war is even measurable in manpower—our naval manpower in the Gulf of Tonkin, for example, has been doubled to 40,000. But the cost of this escalation in human misery is incalculable—and tragically unnecessary.

The end of this war is long overdue. On July 2, 1966, I stated—and I also reaffirm that position today—that—

> We have had a fair trial of the theory that our massive military might can force the

enemy to the bargaining table. It has not worked.

What we have instead is:

The death of 56,000 Americans.

The death of more than 150,000 South Vietnamese and other allies.

The death of around 800,000 on the other side.

The wounding of 300,000 Americans.

The imprisonment of at least 500 Americans.

The loss of 1,100 Americans missing in action.

Obviously, this war has gone on too long and has cost too much in money and misery. Congress must not pay 1 more cent for this investment in political bankruptcy.

It is shocking to think that this administration, which came on the scene 4 years ago with a secret plan to end this war, is still asking the taxpayer to pay for the folly of pursuing an illusory military victory in Southeast Asia. It is incredible to think that this administration is asking Congress to appropriate for a war that it rejected in the Mansfield amendment of the Military Procurement Act. That act, which passed both Houses and was signed by the President last year, declared it to be "the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina."

It is time to stop this mistaken war policy. I intend to vote against this bill which contains funds for the Vietnam war as a protest, even though there are funds for other projects in the bill which merit affirmative action.

To repeat what I said when I voted against the first supplemental appropriation to start the ground war in 1965:

You need my vote less than I need my conscience.

Exhibit 1

[From the Capital Times, Madison, Wis., Aug. 17, 1972]

TRANSPORTATION

This

Nuclear aircraft carrier and its aircraft, guided missiles, frigates and other support costs.

Could buy this

Construction of Washington, D.C. subway system. (Price: $2.98 billion.)

Proposal of Mayor Thomas Lukens, Cincinnati, for federal subsidies for urban transportation systems to pay deficits and operating costs. Price: $150 million per year.

HOUSING

This

One Huey Helicopter.

One Navy A–6E "Intruder" aircraft.

One Vulcan 20 mm. cannon used extensively in Indo-China.

Could buy this

Sixty-six low-cost houses with two bedrooms each. Price: $1 million.

Construction of 257 average New York City apartments at $35,000 each. Price: $9 million.

Average cost of eight single family houses at $25,000 each. Price: $200,000.

ENVIRONMENT

This

Overrun to date on the F–111 aircraft program.

Overrun of current Pentagon cost estimates above original planning estimates for 45 weapons systems as of June 30, 1971.

Possible total cost of the B–1 bomber program to completion with fully equipped planes.

Eventual cost of all weapons systems now in development or procurement.

Could buy this

Unfunded applications for Department of Housing and Urban Development water and sewer grants. Price: $4 billion plus.

Estimated cost of abatement of water pollution between 1970 and 1975 by President's Council on Environmental Quality. Price: $38 billion.

Estimated cost of adequate solid waste treatment programs by President's Council on Environmental Quality. Price: $43.5 billion.

Total cost of environmental cleanup. Price: $105.2 billion.

RURAL DEVELOPMENT

This

The amount Lincoln County, Oregon, paid to support military spending in fiscal year 1971.

Ten Sprint missiles in the Safeguard ABM system at $2 million each.

Could buy this

New high school for Toledo-Newport, Ore. Price: $62,250,000.

Unfunded applications for assistance in housing programs in Arkansas, as of November, 1971.

IMPOUNDED FUNDS

This

The combined overruns to date on the main battle tank, the M60 tank, Safeguard ABM, B–1 bomber, F–111, Cheyenne, DD–963 destroyer, and the C–5A.

Could buy this

Congressionally authorized funds for highway construction, low-rent public housing, model cities, water and sewer grants, urban renewal, regional economic development, farm credit, and transportation impounded by President Nixon in 1971. Price: $12 billion.

HEALTH SERVICES

This

The operating costs of ten Huey helicopters in Indochina for one year.

$404 million 1973 funding for converting Polaris submarines to Poseidon MIRVed configuration.

One DE–1052 destroyer escort and one DD–963 destroyer.

Fifteen Air Force F–15 fighters.

Office of Management and Budget estimate of ultimate cost of one B–1 bomber with its bombs.

One C–5A.

Two Huey Helicopters.

Four main battle tanks.

One Huey Helicopter.

One B–1 bomber.

Three Huey helicopters and one Air Force F–15 fighter.

Four C–5A's.

One Navy F–14.

Approximate cost of ten B–52 bombing sorties in Indochina, or approximate operating costs of three Huey helicopters in Southeast Asia for one year.

Could buy this

Health center in Baton Rouge, La. Price: $1.5 million.

Federal heart disease prevention program to establish research centers and clinics. Price: $425 million over 5 years.

Decrease in funds for education and training of health personnel from 1972 to 1973 budget: $140.9 million.

Decrease in funds for health services planning and development: $139.5 million.

Cuts in Hill-Burton hospital construction grants: $72 million.

Four 300 bed hospitals. Price: $60 million.

Fifty bed hospital at $47,000 per bed.

100 bed hospital at $44,000 per bed.

Construction of two-story public health center in Decatur, Ala. Price: $1 million.

Construction of a 584 bed general hospital in San Francisco. Price: $41 million.

Construction of a 228 bed general hospital in Granite City, Ill. Price: $12 million.

Funds for medical facilities construction grants at 1972 level to rebuild and renew hospital physical plants: $230 million.

Construction of a 300 bed general hospital, $15,600,000.

Construction of a 22 bed nursing home in Estill, S.C. Price: $446,000.

INCOME SECURITY

This

Three nuclear power attack submarines.

Two DE–1052 Destroyer escorts.

One Main Battle Tank.

Current estimate of the total final cost of the C–5A construction program.

Could buy this

Decrease in grants to states from the Department of Health, Education and Welfare for public assistance in the proposed 1973 budget: $567 million.

Decrease in funding of the Child Nutrition program of the Department of Agriculture in the proposed 1973 budget: $69 million.

Decrease in funding of the Special Milk program of the Department of Agriculture in the proposed 1973 budget: $1 million.

Elimination of hunger in the United States; estimate of the Urban Coalition. Price: $4 to $5 billion per year.

DAY CARE

This

Overrun to date on the B–1 bomber program in which not even one prototype has been completed yet.

Could buy this

Federal Child Care program for child nutrition, health, and day care approved by Congress but vetoed by President Nixon in December, 1971. Price: $2.1 billion.

EDUCATION

This

Construction costs of one nuclear powered aircraft carrier, minus equipment.

The cost of current loaning of Navy destroyers and submarines to Turkey, Greece, Spain and Korea.

Pentagon estimate of the cost of one B–1 bomber.

Approximate operating costs of six Huey helicopters for one year in Indochina.

Approximate cost of one Huey helicopter.

One Navy F–14 air superiority fighter.

Five Air Force F–15 air superiority fighters.

Five Boeing 747's for the President's Airborne Command Post to be used by Executive Staff in nuclear war.

1973 Safeguard funding.

Projected cost of one Air Force F–15 fighter.

Projected cost of proposed new "tactical cruise-missile attack submarine."

Four Spartan missiles for the Safeguard ABM system.

The operating cost of each B–52 sortie in Southeast Asia (sortie—one plane, one mission).

One nuclear powered attack submarine.

Seven Sprint missiles for the Safeguard ABM system.

Could buy this

A $10,000 salary for 100,000 elementary school teachers. Price: $1 billion.

Construction of two suburban high schools in the Midwest. Price: $32 million.

Deficit of Philadelphia school board for running their school system in 1971. Price: $40 million.

Cost to reopen the main branch of the New York Public Library on Saturdays, Sundays and holidays for one year: Price: $900,000.

Keeping the New York Public Library's science and technology division, now threatened with closing, open to the public. Price: $1 million.

Construction of 28 school projects in Philadelphia, shelved for lack of funds. Price: $17 million.

School system budget of Gary, Ind. Price: $42 million.

School system budget for Washington, D.C. Price: $141.7 million.

School system budget for New York City. Price $1.7 billion.

School system budget of Independence, Mo. Price: $10 million.

School system budget of Philadelphia, Pa. Price: $330 million.

Dayton, Ohio needed $12.6 million to reopen its schools in November, 1971.

College scholarships of $2,050 to 20 American students. Price: $41,000.

Decrease in 1973 federal funding for graduate fellowships. Price. $175 million.

Decrease in 1973 federal funding for library acquisitions: $14 million.

URBAN DEVELOPMENT

This

Increase in funding in 1973 for the F–15 Air Force fighter plane.

Three Navy F–14's.

Low range estimate of possible total cost of the Underwater Long-range Missile System (ULMS).

Three Air Force F–15's.

$491 million increase in funding for Air Force F–15's.

$800 million increase in ULMS.

$44 million increase in funding for the Cheyenne helicopter.

$74 million increase in funding for the B–1 bomber.

$9.3 million funding for procurement of Vulcan 20 mm. cannons for fiscal year 1973.

Could buy this

Nixon administration's shortfall in requests for urban renewal below 1972 congressional authorization. Price: $465 million.

Funds impounded in 1972 by Nixon for housing rehabilitation. Price: $50 million.

League of Cities and U.S. Conference of Mayors estimate of urban centers' needs for modernizing hospitals and building new ones. Price: $18 million.

Detroit's budget deficit for 1971: $30 million.

Cuts in urban categorical grants managed by HUD in President Nixon's proposed 1973 budget:

Urban renewal: $465 million.
Water and sewer: $700 million.
Section 236 housing: $50 million.
Rehabilitation Loans: $90 million.
Rent supplements: $7 million.

THE AIR WAR IN INDOCHINA

(By Robert Kleiman)

One of the indestructible myths about the Vietnam war is that the nation's leaders drifted into it, unaware of where step-by-step decisions were leading. But as the scenario starts to unroll all over again, with massive bombing mounting toward the peak levels of the past, the myth needs close reexamination.

It was the introduction in February, 1965, of American air power on a large scale into the guerrilla war within South Vietnam that first transformed the role of the United States, from giving arms and the advice of a 24,000-man military mission into direct involvement in combat. Within weeks there began the sustained bombing of North Vietnam; organized units of the North Vietnamese Army invaded the South, and the United States committed ultimately more than half a million ground troops.

The week the American air war began, a visitor asked Gen. William C. Westmoreland, the United States military commander in Vietnam, whether the death and destruction already inflicted on the South Vietnamese countryside by American-built planes, some with American pilot-advisers aboard, would not escalate enormously now and prove self-defeating. Could the oft-proclaimed American objective of "winning the hearts and minds of the people"—in what was more a political than a military conflict—be achieved through the application of murderous firepower, which inevitably would kill innocent civilians as well as Vietcong?

"We've looked into that problem," the General replied, "with the help of a study group sent out by Rand [the civilian research organization]. Our conclusion was nutshelled at lunch the other day by the head of the team:

" 'We've got the onus; let's get the bonus.' "

Seven years and almost seven million tons of bombs later—more than three times the tonnage dropped by American planes in all theaters during World War II—the undoubted onus and the alleged bonus can be evaluated.

The Cornell University Air War Study Group, a team of 21 scholars of many disciplines led by Raphael Littauer, professor of physics at Cornell, analyzed all the significant official and unofficial reports available on the American air war in Southeast Asia, its policies, its methods, its effectivness—and its cost, both to the United States and the peoples of Indochina. They distributed their findings privately in November, 1971, and then revised and updated them for this publication by Beacon Press.

"The Air War in Indochina" is a cold, clinical study. But its revelations—many extrapolated from piecemeal data, then assembled like a jigsaw puzzle—are startling. Some of its most striking estimates were recently corroborated by a leak of the secret 548-page National Security Council study memorandum on Vietnam (NSSM–1)—drafted in 1969 for President Nixon by eight Government agencies and coordinated by Henry Kissinger and his staff. NSSM–1 was printed in the Congressional Record of May 10 (p.E.–4975) and May 11 (p.E.–5009).

Mr. Littauer and his colleagues devote considerable attention to the bombing of North Vietnam. But what stands out in their study even more than the damage done to the enemy in the North is the devastation inflicted on our friends in the South.

Of the 6,300,000 tons of bombs dropped on Indochina from 1965–71, the Cornell group estimates that 600,000 tons were dropped on North Vietnam, while 3,900,000 were dropped on the South. (The remainder went into Cambodia and Laos, much of it on the Ho Chi Minh trail.) Allied artillery, mortars, rockets, other ground weapons and naval guns pounded Indochina with an added seven million tons of munitions in the same period, most of it in South Vietnam. South Vietnam is smaller than the state of Missouri.

The number of civilian casualties in North Vietnam was estimated by a 1967 C.I.A. study cited in the Pentagon Papers at 29,000 for 1965–66. Two years later, in 1969, the Defense Department said in NSSM–1 that "it has been stimated that approximately 52,000 civilians were killed in North Vietnam by U.S. air strikes."

In South Vietnam the casualties have been much higher. Senator Edward Kennedy's Subcommittee on Refugees, relying on official reports, has estimated noncombatant casualties through April, 1971, from military action by the United States and the Saigon Government at a minimum of half a million persons, about one-third of them killed, a percentage of population that is more than double that suffered by German civilians under Allied bombing in World War II.

Vietnamese society has been completely dislocated by the bombing. In the North, urban populations have had to disperse. In the South more than six million (about one-third of the population) are estimated to have become refugees. The number of urban Southerners (including those in squalid refugee shantytowns) has almost trebled to an estimated 40 per cent of the population, making South Vietnam more urbanized than Sweden, Canada, the Soviet Union, Austria, Switzerland, Italy and all other Southeast Asian states.

The original rationale for the large-scale use of air power was that it would save the lives of Allied troops. Army Brig.-Gen. Glenn D. Walker said, "You don't fight this fellow rifle to rifle. You locate him and back away. Blow the hell out of him and then police up."

Close air support of troops in action, often decisive in a conventional battle, can even be effective against guerrillas. But civilian casualtes then mount. Guerrilas are highly mobile and hard to distinguish from the population—especially from fast-moving jet aircraft. Intelligence is often faulty. The Air Force is under pressure from ground units to use area weapons, such as napalm and cluster-bomb units, even against snipers. Area weapons, by definition, are indiscriminate.

Nevertheless, efforts were made, at the start, to limit civilian casualties. In August, 1966, after revelation of a dozen bombings of friendly troops and villages, General Westmoreland appointed a board of senior officers to improve control procedures. "One mishap—one innocent civilian killed, one civilian wounded or one dwelling needlessly destroyed—is too many," his directive stated.

But long before this review, which led to no known result, the whole character of the air war had been altered by its sheer volume. From about 1,000 sorties in the month of January, 1965, before American air units were engaged, the tempo had soared more than tenfold by the end of that year, and then doubled again by 1968 to over 20,000 a month.

What was being struck?

One of the extraordinary discoveries of the Cornell researchers was that in the end *less than 10 per cent* of the United States fixed-wing air activity in South Vietnam went into close air support of troops in combat. More than 90 per cent was used for "interdiction," a term that has been stretched far beyond attacks on supply routes to encompass harassment, reprisal, area saturation in Communist staging zones and, in regions where the Vietcong has been predominant, attacks "to influence the population: to cause them to move into areas under government control, or to make them stop supporting the insurgency."

In a guerrilla war, the study points out, the enemy "may live intermingled with the population or may actually *be* the population. . . . To interdict such an enemy means to blanket all possible areas with firepower. . . . Seen in this light, generalized interdiction in Vietnam takes on the character of *strategic* warfare. The targets are not well enough defined to qualify as tactical objectives. Rather, the attacks are directed against the over-all reserves of the insurgents, which are in the population itself, and against the will to continue the fight."

During the peak years of the air war in South Vietnam, when fighter bombers accounted for as many as 20,000 strike sorties a month, B–52's flew less than 1,600 sorties monthly. But the Cornell team discovered that about half the actual tonnage of aerial munitions dropped on South Vietnam was delivered by B–52's. (It undoubtedly is far higher now, with some 200 B–52's [about half the Strategic Air Command (SAC) force] now engaged in bombing Indochina—a fivefold increase since February and twice the peak number engaged pre-1972).

The penultimate in indiscriminate bombing is the area obliteration attack by giant B–52 stratofortresses of the SAC, each dropping about one hundred 500-pound bombs within a fraction of a minute. Four typical six-plane missions can demolish an area equal to that destroyed by the Hiroshima atom bomb.

Information from the Cornell study and NSSM–1 on the civilian devastation inflicted by the air war is fragmentary but revealing:

By the end of 1967 some 70 per cent of the villages in Quang Ngai province in South Vietnam had been destroyed. During at least one period in 1968–69, about 90 per cent of I Corps—the five northernmost provinces of South Vietnam—became a free fire zone.

Between 1966 and 1969, according to NSSM–1, the United States Navy alone reported that it had destroyed almost 35,000 "structures" and damaged about 43,000.

The C.I.A. in NSSM–1 complained about the lack of systematic information on civilian damage but concluded on the basis of limited data that, "the rural hamlets take a tremendous beating." It noted that one extended series of reports covering 5,870 of South Vietnam's hamlets revealed that each month 4 per cent "are either bombed, strafed, defoliated or otherwise harmed during the course of friendly military operations. A higher percentage of hamlets would appear to experience one or more of these phenomena in a minor form." Extrapolation of these figures could suggest that the total number of hamlet attacks over 12 months, including repetitions, may have exceeded 96 per cent of the number of hamlets in those regions, if not in the country as a whole.

Mr. Littauer and his colleagues asserted that deliberate attacks on the civilian population were not part of the official policy," but evolved from a variety of "special situations." The military wanted to make selective attacks on the guerrillas while depriving them of the recruits, food and shelter provided by the population.

"The problem is often attacked in reverse," the study notes. "Rather than driving the guerrillas away from the population, the population is moved away from those areas in which the insurgents are established. . . . Adopting Mao Tse-Tung's simile that a guerrilla lives among the population 'like a fish in the sea,' this tactic has been described as 'draining the sea away from the fish.' " This "refugee generation" permits the creation of "free fire zones" in which anyone remaining is considered the enemy. (Criticism has brought an order to call free fire zones "specified strike zones," but the practice continues.) In other areas, after hostile sniper fire—sometimes from small marauding Vietcong units long since departed—villages are warned by leaflet or loudspeaker, then bombed in reprisal and inundated with "I-told-you-so" leaflets. The pro forma advance approval of the Saigon-appointed Province Chief, usually an Army officer, covers the operation with a fig leaf of propriety.

By the very nature of air warfare, human error and a wide variety of technical factors take their toll. A major element is euphemistically called "contingent ordnance," bombs dropped outside the target area. "Contingent ordnance" includes "navigational errors" common during bad weather and instrument bombing; "target misidentification" that sometimes destroy a friendly village (indicating that the planned target itself was a village); "surplus ordnance," left after the primary target has been attacked, that is used against secondary targets, less carefully selected; "antipersonnel weapons" that are the most effective means of suppressing antiaircraft fire in North Vietnam, but which wreak heavy civilian damage; and "emergency dumping" of ordnance when planes are attacked by hostile fighters or damaged by ground fire. Finally, there is the "armed reconnaissance" mission, trying to hit "targets of opportunity" at high speed.

All in all, it is estimated that *more than half the ordnance delivered falls outside the intended target area.*

Ironically, greater precautions were taken at one time to avoid civilian damage in North Vietnam than in the South. Targets in the North were approved by the White House. No attacks in 1965 were permitted within a 30-mile radius of Hanoi and a 10-mile radius of Haiphong. Attacks on minor military facilities in populated areas were barred. In the month-long campaign in July, 1966, that destroyed 70 per cent of North Vietnam's oil storage capacity, much of it in urban areas, Washington insisted on extraordinary precautions: use of the most experienced pilots; visual identification of targets in good weather; an axis of attack that avoided the most populated areas; maximum electronic countermeasures against antiaircraft fire to limit pilot distraction; use of weapons of high precision delivery; and limitation of SAM and AAA suppression to sites outside populated areas. But such careful restrictions were rarely applied after that. Last December's five-day, 1,000-sortie, series of "protective reaction" strikes against North Vietnam, in retaliation for the downing of four Phantoms over northern Laos, was almost entirely in bad weather with the ground invisible. Pilots later called it "a farce" and "sheer insanity" not to await better weather. President Nixon called it "very successful."

"When North Vietnam was first targeted, the Joint Chiefs of Staff found only eight industrial installations worth listing," the Defense Intelligence Agency reported to Secretary McNamara in November, 1965. Military-Congressional pressure later made the target list a political football in what the Cornell study describes as a "highly cynical numbers game." Early in 1967, on Joint Chiefs of Staff urging, President Johnson added a number of industrial targets within urban areas previously barred, and the Chairman of the Joint Chiefs reported that there were no important military targets left in the North; the only escalation possible would be the mining or bombing of ports and irrigation dikes and a land invasion of North Vietnam. Nevertheless, in July-August, 1967, presumably to blunt criticism from the Senate Armed Services Committee, President Johnson expanded the area subject to armed reconnaissance and somehow found 44 new fixed targets.

The Air Force and Navy each were allotted a number of sorties fortnightly to avoid interservice rivalry. As a result, many missions evidently have been flown in poor weather to secondary targets to meet that "quota." The list of fixed targets usually was exhausted quickly, and pilots then worked off their quotas on armed reconnaissance missions against trucks, railroad cars, barges and even less important targets—rather than dump their bombs in the ocean before landing. With worthwhile fixed targets scarce, such armed reconnaissance missions made up nearly three-fourths of the sorties over the North flown in 1965 and 90 per cent by 1967.

Of all the tragedies in the devastation of Indochina from the air, perhaps the deepest lies in its overwhelming futility. The impact on the war of most of the bombing has been marginal at best and, more often, self-defeating.

The Joint Chiefs and the United States Command in Saigon claim in NSSM–1 that the bombing of North Vietnam and Laos was effective because it destroyed 12 to 14 per cent of the trucks and 20 to 35 per cent of the supplies on the infiltration trails. But the C.I.A. and the Office of the Secretary of Defense punctured that claim. The Kissinger summary noted: "OSD and CIA find that the enemy needs in South Vietnam—10 to 15 trucks of supplies per day [carrying 30 to 50 tons of weapons and ammunition]—are so small and his supply of war materiel so large that the enemy can replace his losses easily, increase his traffic flows slightly, and get through as much supplies to South Vietnam as he wants to in spite of the bombing." A study by the Pentagon's Office of Systems Analysis showed that while American attack sorties against North Vietnam increased about fourfold between 1965 and 1968, Communist main forces in South Vietnam increased 75 per cent in strength and ninefold in overall activity.

That the bombing stiffened North Vietnam's will to fight and reduced dissent at home is something on which all analysts agree. Economically, North Vietnam paradoxically also gained. Official Pentagon and C.I.A. estimates that aid from other Communist countries totaled four to six times as much as was destroyed. With vigorous road and rail building, even the capacity of the North Vietnamese transport network—a main target—increased under the bombing, the C.I.A. reported in NSSM-1. But the dollar cost to the United States in lost aircraft alone (almost 1,100 planes) was ten times the damage inflicted on North Vietnam by the 1965–68 bombing. And many crews were lost as well.

The military advised that a gloves-off bombing policy would solve the problem—advice President Nixon now has adopted. The mining of Haiphong and other ports and the removal of bombing restrictions on overland transport from China (accepting "high risks of civilian casualties") would have a decisive effect on the war, the Generals insisted in NSSM–1. But the C.I.A. and the Office of the Secretary of Defense argued that "the overland routes from China alone could provide North Vietnam with enough material to carry on, even with an unlimited bombing campaign." Events seem to have proven them right, despite the laser bombing devices and other "smart bombs" that recently have knocked out bridges and other difficult targets.

President Johnson was shown in the Pentagon Papers to have received similar cautions about his military advice as early as the fall of 1965 from Defense Secretary McNamara and in 1966–67 from the Jason study group of 47 of America's most distinguished weapons scientists. After analyzing nine alternative bombing strategies, which included mining the ports and attacking the irrigation and flood-control dikes, the Jason study concluded: "We are unable to develop a bombing campaign in the North to reduce the flow of infiltrating personnel into South Vietnam."

Some dikes now are being hit, since bombing restrictions have been removed for targets nearby—an ominous hint that bombing could flood much of the country. The air war imposes other substantial strains on North Vietnam and a heavy penalty of human suffering on its population. Although Hanoi Politburo suffers less, President Nixon may be gambling that Sino-Soviet feuding will hamper the flow of supplies and that the desire for accommodation with the United States may lead Moscow and Peking to exert enough leverage on Hanoi to bring about a negotiated settlement. But this has not succeeded in the past despite some Soviet help in the Paris talks in 1968.

In South Vietnam, the bombing has also been marginal in value or self-defeating, except for the 10 per cent or less devoted to close air support. The latter evidently has been decisive in enabling the South Vietnamese Army to avoid a major defeat in the recent Communist offensive. A particularly futile use of air and artillery power has been in "unobserved fire," bombs and shells used against places where the enemy might be, but without reliable information that he was there. Thus two of the Pentagon's former top systems analysts, Alain and Enthoven and K. Wayne Smith disclosed in their "How Much Is Enough?" (Harper & Row, 1971) that probably fewer than 100 Communist troops were killed by unobserved fire in 1966, when 65 per cent of the total tonnage of bombs and artillery shells was expended against such nontargets—at a cost of $2 billion and significant alienation of Vietnamese civilians.

For irony, one systems analysis study calculated that the 27,000 tons of dud bombs and shells from such attacks could have provided the enemy wtih more explosives than he used in the mines and booby traps that killed more than 1,000 American troops that year. But Enthoven and Smith report that the only effect on the military of the study—and the later capture of a Communist training film on turning American duds into grenades—was an effort to improve munitions and reduce the dud rate.

The military uselessness of most of the bombing bears directly on the issue of American war crimes, something the Cornell scholars discuss but leave to the reader to judge. They note that detailed international law is lacking or outdated for air warfare. But grave violations can be inferred from the principles that govern the agreed rules of land and naval warfare. The most serious such violation, they point out, is of the rule requiring a reasonable "proportionality" in warfare between the damage caused and the military gain sought or anticipated. There is no sign in the air war report of the fear, hatred and racial contempt for the Asian that played a role in the Mylai massacre by American ground troops. Nevertheless, the unstated conclusion that shrieks out of Cornell's deadpan study is that the American air war in South Vietnam has included a long list of both officially-sanctioned and officially-ignored aerial Mylais.

How did this abuse of air power originate? Professor Littauer and his colleagues believe it was not deliberate decisions that led to the vast overemployment of American airpower in Vietnam as much as it was a case of the vast "availability of airpower . . . setting the U.S. on the path it has followed." The historic evolution of strategic air warfare has also been a factor.

Attacks by the United States and its allies on the enemy's population are not new in warfare. They were frequent in the strategic bombing of World War II, but a pretense was made then that the targets were essentially military. Today, in the age of mutual nuclear deterrence, the main task of strategic air planners is to prepare openly to destroy the enemy's cities and urban population. All this undoubtedly has contributed to the ease with which the nation's leaders, its military commanders and its young airmen have drifted into attacks on predominantly civilian targets in Vietnam. Killing from the air is a distant, impersonal affair to the plot, not to mention the whole chairborne chain of command, back to the White House.

Somehow, even as the ferocity of the air war has mounted, the military and civilian leaders of the United States have managed to look the other way. A news report noted as early as mid-1966 that no regular tabulation of civilian casualties was being kept in South Vietnam. In early 1969, when the Kissinger staff drafted the 28 questions that produced the NSSM–1 study for President Nixon, Question 19 asked: "How adequate is our information on the over-all scale and incidence of damage to civilians by air and artillery?" The responses from the eight agencies questioned took up less than six pages of the 548-page document. The summary stated: "Every agency except MACV/JCS [the U.S. military command in Saigon and the Joint Chiefs of Staff in Washington] agree that the available data on war damage to the civilian population is inadequate. . . . The responses received suggest that this is a very serious problem in need of further U.S. government attention and analysis."

Now, three years later—with civilian casualty estimates in South Vietnam exceeding the top figures of 1967–68—it is evident from the Cornell study that the indifference continues. "There are no spaces on bomb-damage assessment forms for reporting civilian damage," the Cornell study states. "The targets hit are assumed to be those described in the original briefing for the mission, however tentative their identification may have been. Jargon proliferates. A hootch (house) destroyed becomes a 'military structure,' a sampan is a 'waterborne logistic craft.' The jargon pervades the reports, invades the intelligence accounts and finally comes to influence even the policy thinking. . . . Many of the participants eventually come to accept the view that everything on the ground (at least in some regions) is 'the enemy' and that all ordnance expended helps to 'save the lives of our boys.' "

Mr. Littauer and his colleagues finished their book before the case of Gen. John D. Lavelle exposed the repeated bombing of North Vietnam—perhaps with wider military complicity—in violation of Presidential orders. But it would be unlikely to alter their conclusion that official American policy, rather than the aberrations of individuals, is primarily to blame for the air war's "unjustified devastation, reprisals, collective penalties, and grave breaches of the proportionality rule, as well as widespread destruction of food crops"—all war crimes in land battle. The Cornell scholars urge a public investigation of bombing policy, rather than war crimes trials.

Congressional hearings on the Lavelle case could provide an opportunity for this wider inquiry. Beyond the war crimes issue, there is a crucial Constitutional question that is pointed sharply in a brilliant preface to the Cornell study by Neil Sheehan, The Times reporter who brought the Pentagon Papers to publication. He notes that the low visibility of the air war (no journalists accompany the planes), its relatively low cost in dollars and American casualties, its responsiveness to centralized control and its enormous destructive force have now made it possible for an American President "to conduct war with little reference to the wishes of the body politic at home."

More than Indochina is involved. The 1969 Nixon Doctrine for all of Asia seeks to fulfill military commitments with air and sea power in support of local ground forces. Sound though this strategy may be for conventional war, it has little value in an insurgency. It can only lead again to the kind of tragedy whose epilogue is being acted out in this year's re-escalation of the air war: the destruction of Vietnam in the effort to "save" it. The bonus, so far, has proved illusory. The onus we will all live with for the rest of our lives.

DOD'S CONTINUED LEASING OF BULK MILK DISPENSERS

Mr. PEARSON. Mr. President, for several years it has been the policy of the Department of Defense and the Congress, as stated in the Record and committee reports, that dairies serving the military be required to furnish bulk milk dispensers. As a result, very large investments were made in these dispensers, specifically to serve the military. This investment would be destroyed if the Government purchased its own dispensers. This would also be an inexcusable and uneconomic waste of Government funds.

The Department has informally agreed heretofore not to purchase bulk milk dispensers for use in the continental United States.

I am making this statement, Mr. President, to record the committee's understanding that this agreement will continue and that no funds appropriated under this act will be used to purchase bulk milk dispensers to replace those now in use or in connection with any new construction of military facilities.

Mr. McCLELLAN. Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. McCLELLAN. Mr. President, I yield myself 2 minutes on the bill, and I yield to the Senator from Mississippi.

Mr. STENNIS. I invite the Senator's attention to page 188 of the committee report, next to the last paragraph which begins on that page, entitled, "Advanced ballistic reentry system." I note here that the Senate bill leaves out $10 million that was included in the House bill.

My question is very simple and direct. As I understand, that $10 million was put in for what we call a reentry vehicle.

Mr. McCLELLAN. That is in the House bill. It is my understanding that is what it is.

Mr. STENNIS. It was left out of the Senate bill, however, and it was $10 million for what we call a reentry vehicle, which is a new version of a missile. I wanted to make the record clear on it.

Mr. McCLELLAN. That is what the report says.

Mr. STENNIS. For what reason did the committee leave it out?

Mr. McCLELLAN. My understanding is that it was not authorized. That is one reason. There may have been others, but that was the compelling reason.

Mr. STENNIS. That is correct. That is the point I wanted to make.

Mr. McCLELLAN. That was the compelling reason.

Mr. STENNIS. I want to compliment the chairman of the committee for recognizing the fact that it was not authorized. That matter was in debate here and was considered in our authorization bill this year. It was not in the Senate bill. It was in the House bill. We had a very good conference on it, and it was agreed that it would be carried over and would be considered in January of next year. But it was not authorized in the authorization bill. I bring that up.

I want to point out that I will raise very serious objection in conference to this item on the point already mentioned—that it has not been authorized. If we do not respect and live up to our authorization bills—barring some extraordinary, unusual happening—why, it makes a mockery of our law which requires authorization and the process to go through.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. MANSFIELD. I want to commend the Senator for driving through that point and emphasizing and reemphasizing what we discussed in committee.

Mr. McCLELLAN. Mr. President, I was going to say I am sure the Senator is going to have considerable support among the conferees.

Mr. STENNIS. I hope so. I am just putting this in the Record.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. SYMINGTON. I respectfully commend the statement made by the distinguished Senator from Mississippi. Every Senator, I am sure, realizes that what he is doing is protecting the dignity of the U.S. Senate as a whole, and I am grateful to him for what he just said.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. YOUNG. I would say that every conferee will be in favor of adopting this amendment. It was unanimous in the committee that it should not be approved because of not being authorized.

Mr. McCLELLAN. I think the committee was unanimous.

Mr. STENNIS. Mr. President, if the Senator will yield further, I do not say it was not unanimous. I want to make the point that they are overstepping when they keep pressing for this missile when it was not authorized. I doubt if there would have been an authorization bill yet if we had not taken this course.

Mr. McCLELLAN. Mr. President, if there are no other requests for time, I yield back the remainder of my time.

Mr. YOUNG. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the bill has been yielded back.

The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Mississippi (Mr. Eastland), the Senator from Louisiana (Mrs. Edwards), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Alabama (Mr. Sparkman), and the Senator from California (Mr. Tunney) are necessarily absent.

I further announce that the Senator from Hawaii (Mr. Inouye), and the Senator from Wyoming (Mr. McGee) are absent on official business.

Mr. SCOTT. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senator from Nebraska (Mr. Curtis), the Senator from Michigan (Mr. Griffin), the Senator from New York (Mr. Javits), the Senator from Iowa (Mr. Miller), the Senator from Ohio (Mr. Taft), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

Also, the Senator from Maryland (Mr. Beall), the Senator from Kansas (Mr. Dole), the Senator from Arizona (Mr. Goldwater), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

If present and voting, the Senator from Colorado (Mr. Allott), the Senator from Maryland (Mr. Beall), the Senator from Nebraska (Mr. Curtis), the Senator from Kansas (Mr. Dole), the Senator from Iowa (Mr. Miller), the Senator from South Carolina (Mr. Thurmond), and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 70, nays 5, as follows:

[No. 496 Leg.]

YEAS—70

Aiken
Allen
Bayh
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Dominick
Eagleton
Ervin
Fannin
Fong
Gambrell
Gurney
Hansen
Hart
Hartke
Hollings
Hruska
Humphrey
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McClellan
Mondale
Montoya
Moss
Muskie
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Weicker
Williams
Young

NAYS—5

Fulbright
Hatfield
Hughes
Mansfield
Nelson

NOT VOTING—25

Allott
Anderson
Baker
Beall
Curtis
Dole
Eastland
Edwards
Goldwater
Gravel
Griffin
Harris
Inouye
Javits
McGee
McGovern
McIntyre
Metcalf
Miller
Mundt
Sparkman
Taft
Thurmond
Tower
Tunney

So the bill (H.R. 16593) was passed.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLELLAN. Mr. President, before making the final unanimous consent request, I want to thank my colleagues on the Appropriations Committee, and particularly the ranking minority member on the committee, and the Senators who worked with me in helping us bring out a bill that has actually evoked less opposition or fewer requests for amendments than we had anticipated. I am glad that we have been able, within less than 5 hours' time since we started consideration of this bill, to bring it to final passage.

I want to thank all Members of the Senate for their tolerance and their understanding, and for the confidence they have evidenced in the work of the committee with respect to this bill, in view of the very few amendments that were offered. Most of them—all but one or two—were not very controversial.

Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical corrections and renumber sections of the bill in preparing the Senate amendments to the Department of Defense Appropriation Act of 1973 (H.R. 16593).

The PRESIDING OFFICER (Mr. Burdick). Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I move that the Senate insist on its amendments and request a conference with the House on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McClellan, Mr. Stennis, Mr. Pastore, Mr. Magnuson, Mr. Mansfield, Mr. Symington, Mr. Young, Mrs. Smith, Mr. Allott, and Mr. Hruska conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, I wish to commend the distinguished Senator from Arkansas (Mr. McClellan) for his outstanding efforts in managing this bill to completion in such a short period of time. His mastering of the subject matter was evident both in the committee and here on the floor of the Senate. When one considers that Senator McClellan only assumed the chairmanship of the Subcommittee on Defense Appropriations last August after the sudden and untimely death of the late distinguished chairman of the Appropriations Committee, Mr. Ellender, his accomplishment here today is all the more noted. A measure of the magnitude of over $75 billion is difficult for any American or any Senator to imagine. But Senator McClellan is not only able to imagine it but to master it in this short period of time.

In addition, I would like to commend the distinguished Senator from North Dakota (Mr. Young) the ranking minority member on this committee for a contribution of equal note. As always the distinguished Senator from North Dakota provides a learned and thoughtful contribution to each effort he undertakes. To the Senate as a hole I wish to express the leadership's gratitude for the expeditious handling of this measure. It is achievements in expediting the business of the Senate like the one that was exhibited here today that make realistic a sine die adjournment by the end of next week.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 9501. An act to amend the North Pacific Fisheries Act of 1954, and for other purposes; and

H.R. 14915. An act to amend chapter 10 of title 37, United States Code, to authorize at Government expense, the transportation of house trailers or mobile dwellings, in place of household and personal effects, of members in a missing status, and the additional movement of dependents and effects, or trailers, of those members in such a status for more than 1 year.

The enrolled bills were signed by the Acting President pro tempore (Mr. Robert C. Byrd).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, October 2, 1972, he presented to the President of the United States the following enrolled bill:

S. 345. An act to authorize the sale and exchange of certain lands on the Coeur d'Alene Indian Reservation, and for other purposes.

ESTABLISHMENT OF THE GATEWAY NATIONAL RECREATION AREA

Mr. BIBLE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1852.

The PRESIDING OFFICER (Mr. HOLLINGS) laid before the Senate the amendments of the House of Representatives to the bill (S. 1852) to provide for the establishment of the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes, which were to strike out all after the enacting clause, and insert:

That in order to preserve and protect for the use and enjoyment of present and future generations an area possessing outstanding natural and recreational features, the William Fitts Ryan Gateway National Urban Recreation Area (hereinafter referred to as the "recreation area") is hereby established.

(a) The recreation area shall comprise the following lands, waters, marshes, and submerged lands in the New York Harbor area generally depicted on the map entitled "Boundary Map, Gateway National Urban Recreation Area," numbered 951–40017 sheets 1 through 3 and dated May, 1972:

(1) Jamaica Bay Unit—including all islands, marshes, hassocks, submerged lands, and waters in Jamaica Bay, Floyd Bennett Field, the lands generally located between highway route 27A and Jamaica Bay, and the area of Jamaica Bay up to the shoreline of John F. Kennedy International Airport;

(2) Breezy Point Unit—the entire area between the eastern boundary of Jacob Riis Park and the westernmost point of the peninsula;

(3) Sandy Hook Unit—the entire area between Highway 36 Bridge and the northernmost point of the peninsula;

(4) Staten Island Unit—including Great Kills Park, Miller Field (except for approximately 26 acres which are to be made available for public school purposes), Fort Wadsworth, and the waterfront lands located between the streets designated as Cedar Grove Avenue, Seaside Boulevard, and Drury Avenue and the bay from Great Kills to Fort Wadsworth;

(5) Hoffman and Swinburne Islands; and

(6) All submerged lands, islands, and waters within one-fourth of a mile of the mean low water line of any waterfront area included above.

(b) The map referred to in this section shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, Washington, District of Columbia. After advising the Committees on Interior and Insular Affairs of the United States House of Representatives and the United States Senate in writing, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to make minor revisions of the boundaries of the recreation area when necessary by publication of a revised drawing or other boundary description in the Federal Register.

SEC. 2. (a) Within the boundaries of the recreation area, the Secretary may acquire lands and waters or interests therein by donation, purchase or exchange, except that lands owned by the States of New York or New Jersey or any political subdivisions thereof may be acquired only by donation.

(b) With the concurrence of the agency having custody thereof, any Federal property within the boundaries of the recreational area may be transferred without consideration to the administrative jurisdiction of the Secretary for administration as part of the recreational area.

(c) Within the Breezy Point Unit, (1) the Secretary shall acquire an adequate interest in the area depicted on the map referred to in section 1 of this Act to assure the public use of and access to the entire beach. The Secretary may enter into an agreement with any property owner or owners to assure the continued maintenance and use of all remaining lands in private ownership as a residential community composed of single-family dwellings. Any such agreement shall be irrevocable, unless terminated by mutual agreement, and shall specify, among other things:

(A) that new construction will be prohibited on any presently undeveloped lands between the line of existing dwellings and the beach area to be acquired by the Secretary;

(B) that all construction commencing within the area, including the conversion of dwellings from seasonal to year-round residences, shall comply with standards to be established by the Secretary;

(C) that additional commercial establishments shall be permitted only with the express prior approval of the Secretary or his designee.

(2) If a valid, enforceable agreement is executed pursuant to paragraph (1) of this subsection, the authority of the Secretary to acquire any interest in the property subject to the agreement, except for the beach property, shall be suspended and the Secretary is authorized to designate, establish, and maintain a buffer zone on Federal lands separating the public use area and the private community.

(3) The Secretary is authorized to accept by donation from the city of New York any right, title, or interest which it holds in the parking lot at Rockaway which is part of the Marine Bridge project at Riis Park. Nothing herein shall be deemed to authorize the United States to extinguish any present or future encumbrance or to authorize the State of New York or any political subdivision thereof to further encumber any interest in the property so conveyed.

(d) Within the Jamaica Bay Unit, (1) the Secretary may accept title to lands donated by the city of New York subject to a retained right to continue existing uses for a specifically limited period of time if such uses conform to plans agreed to by the Secretary, and (2) the Secretary may accept title to the area known as Broad Channel Community only if, within five years after the date of enactment of this Act, all improvements have been removed from the area and a clear title to the area is tendered to the United States.

SEC. 3. (a) The Secretary shall administer the recreation area in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented. In the administration of the recreation area the Secretary may utilize such statutory authority available to him for the conservation and management of wildlife and natural resources as he deems appropriate to carry out the purposes of this Act: *Provided*, That the Secretary shall administer and protect the islands and waters within the Jamaica Bay Unit with the primary aim of conserving the natural resources, fish, and wildlife located therein and shall permit no development or use of this area which is incompatible with this purpose, except as provided in subsection 2(d).

(b) The Secretary is authorized to enter into cooperative agreements with the States of New York and New Jersey, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.

(c) The authority of the Secretary of the Army to undertake or contribute to water resource developments, including shore erosion control, beach protection, and navigation improvements, pertaining to the deepening of the shipping channel from the Atlantic Ocean to the New York harbor, on land and/or waters within the recreation area shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and which are consistent with both the purpose of this Act and the purpose of existing statutes dealing with water and related land resource development.

(d) The authority of the Secretary of Transportation to maintain and operate existing airway facilities and to install necessary new facilities within the recreation area shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of Transportation and which are consistent with both the purpose of this Act and the purpose of existing statutes dealing with the establishment, maintenance, and operation of airway facilities: *Provided*, That nothing in this section shall authorize the expansion of airport runways into Jamaica Bay or air facilities at Floyd Bennett Field.

(e) In the Sandy Hook and Staten Island Units, the Secretary shall inventory and evaluate all sites and structures having present and potential historical, cultural, or architectural significance and shall provide for appropriate programs for the preservation, restoration, interpretation, and utilization of them.

SEC. 4. (a) There is hereby established a William Fitts Ryan Gateway National Urban Recreation Area Advisory Commission (hereinafter referred to as the "Commission"). Said Commission shall terminate ten years after the date of the establishment of the recreation area.

(b) The Commission shall be composed of eleven members each appointed for a term of two years by the Secretary as follows:

(1) two members to be appointed from recommendations made by the Governor of the State of New York;

(2) two members to be appointed from recommendations made by the Governor of the State of New Jersey;

(3) two members to be appointed from recommendations made by the mayor of New York City;

(4) two members to be appointed from recommendations made by the mayor of Newark, New Jersey; and

(5) three members to be appointed by the Secretary to represent the general public.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibility under this Act upon vouchers signed by the Chairman.

(e) The Commission established by this section shall act and advise by affirmative vote of a majority of the members thereof.

(f) The Secretary or his designee shall, from time to time, consult with the members of the Commission with respect to matters relating to the development of the recreation area.

SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not more than $11,450,000 for the acquisition of lands and interests in lands and not more than $92,813,000 (July, 1971 prices) for development of the recreation area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in the construction costs as indicated by engineering cost indices applicable to the type of construction involved herein.

And amend the title so as to read: "An Act to establish the William Fitts Gateway National Urban Recreation Area in the States of New York and New Jersey, and for other purposes."

Mr. BIBLE. Mr. President, I move that the Senate disagree to the amendment of the House to the bill and request a conference with the House thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Mr. Jackson, Mr. Bible, Mr. Moss, Mr. Jordan of Idaho, and Mr. Hansen conferees on the part of the Senate.

PROTECTION OF FOREIGN OFFICIALS—CONFERENCE REPORT

Mr. HRUSKA. Mr. President, I submit a report of the committee of conference on H.R. 15883, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. Burdick). The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15883) to amend title 18, United States Code, to provide for expanded protection of foreign officials, and for other purposes having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report as follows:

Conference Report

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15883) to amend title 18, United States Code, to provide for expanded protection of foreign officials, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, and 20, and agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(b) Whoever willfully intimidates, coerces, threatens, or harasses a foreign official or an official guest, or willfully obstructs a foreign official in the performance of his duties, shall be fined not more than $500, or imprisoned not more than six months, or both.

And the Senate agree to the same.

Mr. John L. McClellan,
Mr. James O. Eastland,
Mr. Quentin N. Burdick,
Mr. Roman L. Hruska,
Mr. Marlow W. Cook,
Managers on the Part of the Senate.
Mr. Emanuel Celler,
Mr. Harold D. Donohue,
Mr. Henry P. Smith III,
Managers on the Part of the House.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15883) to amend title 18, United States Code, to provide for expanded protection of foreign officials, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the Managers and recommended in the accompanying conference report:

OFFICIAL GUESTS

Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 16, 17, 18, 19, and 20: These amendments expand the coverage of the House bill to apply to official guests in the same manner as the bill applies to foreign officials. Official guests are defined in Senate amendment numbered 6 as citizens or nationals of a foreign country present in the United States as an official guest of the Government of the United States pursuant to designation as such by the Secretary of State. The House recedes.

OBSTRUCTION, ETC. OF OFFICIALS AND GUESTS

Amendment No. 12: The House bill provided a $500 fine or six months imprisonment or both for the willful intimidation, coercion, threatening, or harassment of a foreign official and for the willful obstruction of a foreign official in the performance of his duties. The Senate amendment numbered 12 would extend this protection to official guests without requiring that either the foreign official or official guest be engaged in the performance of his duties in order for the provision relating to obstruction to apply. Under the conference agreement, the Senate amendment is concurred in with an amendment providing that the obstruction of a foreign official is punishable only if he is engaged in the performance of his duties.

FIRST AMENDMENT RIGHTS

Amendment No. 15: Section 301 of the House bill provides certain provisions prohibiting the assault, striking, wounding, imprisoning, offering violence to, intimidation of, coercion of, threatening of, or obstruction of a foreign official and prohibiting certain public displays and other actions within one hundred feet of certain buildings and premises. Senate amendment numbered 15 would provide that nothing in these provisions shall be construed or applied to abridge first amendment rights. The House recedes.

Mr. HRUSKA. Mr. President, the differences between the two bills of the House and the Senate were very small. The addition of protection extended to official guests was inserted in the Senate bill. It was accepted by the other body. On all other points, agreement was had.

Mr. President, I move the adoption of the conference report.

The motion was agreed to.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the printing of the report as a Senate report be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS TO MEET ON OCTOBER 3, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be permitted to sit in executive session commencing at 10:30 a.m. on October 3, 1972, to consider housing legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR WEICKER TOMORROW VACATED

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order previously entered for the recognition of Mr. Weicker on tomorrow morning be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the recognition of the Senators for 15-minute orders on tomorrow, there be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO PROCEED TO THE CONSIDERATION OF H.R. 1 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of routine morning business on tomorrow, H.R. 1 be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, tomorrow the Senate will convene at 9 a.m.

The following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. Brooke, Mr. Buckley, Mr. Boggs, and Mr. Roth.

Following the recognition of the foregoing Senators under the 15-minute orders previously entered, there will be routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

Following routine morning business on tomorrow, the consideration of H.R. 1, the welfare bill, will be resumed. The pending question will be on the adoption of the substitute by Mr. Ribicoff for the amendment offered jointly by Mr. Roth and Mr. Harry Byrd, Jr.

There may be yea-and-nay votes tomorrow prior to 1 p.m. That remains to be seen.

At 1 p.m., the Senate will proceed to

debate the cloture motion with respect to S. 3970. There will be 1 hour of debate, running from 1 p.m. to 2 p.m., on the motion to invoke cloture. At 2 p.m., there will be an automatic quorum call, under rule XXII; and thereafter, or circa 2:10 p.m., a yea-and-nay vote will occur on the motion to invoke cloture. As to what will happen beyond that, I cannot say. It will depend upon whether or not cloture is invoked.

I might say, however, that the HEW appropriations bill and the military construction appropriations bill are available to be taken up at any time, and a time limitation agreement has been entered on both.

Suffice it to say, in closing, that there will likely be several yea-and-nay votes tomorrow.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m. tomorrow.

The motion was agreed to; and at 7:54 p.m. the Senate adjourned until tomorrow, Tuesday, October 3, 1972, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate October 2, 1972:

U.S. COAST GUARD

The following officers of the U.S. Coast Guard for promotion to the grade of commander:

Donald M. Thomson, Jr.
Harry A. Rowe
James H. Costich
Robert S. Palmer, Jr.
George W. Conrad
Alfred F. Parker
Claud V. Oneal
Frank H. Carman, Jr.
Edward C. Pangrass
George M. Heinrich
Carlton F. Meredith
James L. Haas
Bobby G. Kingery
William P. Hewel
Alan B. Smith
Richard C. Walton
George A. Saunders
James F. Coen
Thomas B. Lain
William H. Goetz
Warren K. Wordsworth
Emanuel Schneider
Russell A. Cahill
Robert D. Askew
William J. Irrig
Edwin M. Custer, Jr.
Jimmie J. Davis
Hugh J. Milloy
James L. Webb
David H. Freeborn
Horton E. Gafford III
Garret T. Bush III
Charles S. Loosmore
Geoffrey T. Potter
Jack C. Goldthorpe
William G. Walker
Robert R. Wells
Ronald M. Polant
James T. Montonye
Stephen J. T. Masse
John R. Edwards
David L. Pepple
John T. Howell
Gerald R. Foster
Joseph E. Vorbach
Donald L. Hoffer
James W. Coste, Jr.
Floyd W. White, Jr.
John Deck III
Peter A. Bunch
John W. Gerometta
James L. McDonald
Richard L. Andrews
Harold F. Norton, Jr.
Robert E. Shenkle
William B. Howland
George E. Krietemeyer
Albert J. Allison III
Robert B. Workman, Jr.
Frank W. Olson
Garald H. McManus
William M. Devereaux
Peter C. F. Lauridsen, Jr.
William P. Leahy, Jr.
Walter S. Rich
James G. Heydenreich
John W. Klotz
Jason M. Bowen
Joel D. Sipes
Paul A. Welling
James E. Foels
William N. Schobert
James A. Chappell
Daniel C. Mania
Richard H. Hicks
Bruce G. Lauther
Harold E. Stanley
Carl W. Snyder, Jr.
Philip M. Lebet
James M. Mullen
Danny M. Brown
Cameron A. Hatfield
Robert T. Morhard
Lawrence Graham
Max H. Casper
Louis R. McDowell
Howard W. Barkell
Joseph H. Martin
James F. Eckman
James A. Blake
Joseph M. Tanguay
Ronald H. Youngman
Dean L. Webster
Hubert T. Bloomquist
John D. Brewer
Jackie R. Gore
James E. Mitts
Francis J. Honke
Richard H. Hill
Raymond H. Spoltman
Richard C. Tims
Thomas F. Tutwiler
Kenneth E. Wadman
Stewart A. Walker
Marshall H. Shytle
John H. Holmead III
Allen J. Taylor
David H. Freese, Jr.
William H. Hayes, Jr.
William H. Wilson, Jr.
William H. Tydings

The following Reserve officers to be permanent commissioned officers in the regular Coast Guard in the grade of lieutenant:

Michael A. Vance.
Steven A. McCall.
Robert V. Fischer.

IN THE AIR FORCE

The following-named Air National Guard of the United States officers for promotion in the Reserve of the Air Force, under the appropriate provisions of section 593(a), title 10, United States Code, as amended.

LINE OF THE AIR FORCE

Major to lieutenant colonel

Robert H. Boehringer, [redacted].
Joseph C. Cimmino, [redacted].
William J. Dickinson, [redacted].
Melvin E. Gourdin, [redacted].
John M. Marvin, [redacted].
Palmer E. McCoy, [redacted].
Harold E. Nelson, [redacted].
Edward O. Potts, Jr., [redacted].
Jerral V. Skinner, [redacted].

IN THE ARMY

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of Title 10, Section 3370:

ARMY PROMOTION LIST

To be colonel

Barrett, P. L., Jr., [redacted].
Bufkin, Cary E., [redacted].
Cliette, Alfred, [redacted].
Dawsey, Joseph V., Jr., [redacted].
Dunn, Walter P., [redacted].
Farmer, John O., [redacted].
Garbee, Wesley E., Jr., [redacted].
Hansen, Warren E., [redacted].
Henderson, C. B., [redacted].
Lane, Robert L., [redacted].
Moorhead, Samuel L., [redacted].
Parsons, Boyd D., Sr., [redacted].
Pryor, Henry T., [redacted].
Sexton, Leon D., [redacted].
Skinner, Stanford J., [redacted].
Smith, Richard B., [redacted].
Tagawa, Walter K., [redacted].

CHAPLAIN CORPS

To be colonel

Ballinger, Malcolm B., [redacted].
Brown, Melvin R., [redacted].

DENTAL CORPS

To be colonel

Arnold, Paul J., [redacted].

MEDICAL CORPS

To be colonel

Allen, George L., [redacted].
Brady, Anna M., [redacted].
Burka, Edward R., [redacted].
Hall, David G., III, [redacted].
Lindsay, Kenneth E., [redacted].

The following-named officers for promotion in the Reserve of the Army of the United States, under the provision of title 10, sections 3366 and 3367:

ARMY PROMOTION LIST

To be lieutenant colonel

Adams, James R., [redacted].
Allred, Warren D., [redacted].
Anderson, William T., [redacted].
Anhaeuser, Erwin B., [redacted].
Arras, Robert G., [redacted].
Atwater, Melvin G., [redacted].
Baker, James R., [redacted].
Bardos, Phillip G., [redacted].
Barry, Peter R., [redacted].
Beckman, Paul B., [redacted].
Bennett, Frederick, [redacted].
Bice, James F., [redacted].
Bickford, William M., [redacted].
Bilyeu, Rolland R., [redacted].
Blocher, Philip H., [redacted].
Bowen, Dell R., [redacted].
Bowman, Gregory R., [redacted].
Boyer, Kenneth W., [redacted].
Brege, George L., [redacted].
Brett, Charles E., [redacted].
Brown, F. C. Jr., [redacted].
Brown, Needham A., [redacted].
Bugg, Robert O., [redacted].
Burton, Paul S., [redacted].
Califano, Leonard E., [redacted].
Campbell, Donald C., [redacted].
Carlson, Don Andrew, [redacted].
Carter, Thomas E. Jr., [redacted].
Churchill, Norman L., [redacted].
Clark, Thomas M., [redacted].
Clark, William B., [redacted].
Clepper, Walter D., [redacted].
Coffey, Francis J., [redacted].
Cole, John A., [redacted].
Collier, William, [redacted].
Corrigan, Robert J., [redacted].
Craft, Roy G., Jr., [redacted].
Creger, C. R. Jr., [redacted].
Crumley, Monte G., [redacted].
Dahlin, Roland E. 11, [redacted].
Deede, Marvin J., [redacted].
Delsandro, A. J., [redacted].
Dickman, Irwin S., [redacted].
Donadio, A. T. Jr., [redacted].
Donovan, Jerome J., [redacted].
Dowless, Herbert F., [redacted].
Dung, Wallace S. H., [redacted].
Durnin, George W. Jr., [redacted].
Elder, Charles A., [redacted].
Erb, Charles D., [redacted].
Estes, Leland L. Jr., [redacted].
Fader, Wesley, [redacted].
Falcone, Ernani C., [redacted].
Farner, Frank, [redacted].
Ferguson, Robert W., [redacted].
Ficks, Filmore L., [redacted].
Fitchett, Royal N. Jr., [redacted].
Folluo, Charles M. III, [redacted].
Fordice, Daniel K., [redacted].
Forster, Merlin H., [redacted].
Fries, Charles J. V. III, [redacted].
Frischknecht, Clair, [redacted].
Gaston, Joseph E., [redacted].
Gilreath, Joseph M., [redacted].
Gleason, H. W., Jr., [redacted].
Godwin, Gaylord K., [redacted].
Gore, Charles G., Jr., [redacted].
Gray, John D., [redacted].
Guzzi, Joseph L., [redacted].
Hampton, Donald J., [redacted].
Hanson, Richard E., [redacted].
Harris, Bobby L., [redacted].
Harvey, Norman L., [redacted].
Haze, Theodore M., [redacted].
Hennessy, Richard F., [redacted].
Hester, John F., [redacted].
Hogan, Max R., [redacted].
Honesty, Charles C., [redacted].
Hubbell, Robert D., [redacted].
Ishikawa, Richard M., [redacted].

Jackson, Leonard L., [redacted].
Jenkins, Kennedy A., [redacted].
Jenkins, Robert D., [redacted].
Jones, Louis I., Jr., [redacted].
Kankowski, Walter J., [redacted].
Kassed, Marvin W., [redacted].
Kell, Grady E., [redacted].
Kennealy, James E., [redacted].
Knox, Dale E., [redacted].
La Kier, Saul W., [redacted].
Lamb, John T., [redacted].
Landis, William B., [redacted].
Lantz, James W., [redacted].
Larks, Jack, [redacted].
Larsen, Arthur M., Jr., [redacted].
Larson, William R., [redacted].
Leavey, T. C., Jr., [redacted].
Lo Paul, P. C., [redacted].
Loader, Marcus G., [redacted].
Looney, Daniel J., [redacted].
Lopez, Vincent C., [redacted].
Lyons, William F., [redacted].
Malcolm, Ronald A., [redacted].
Mallett, Edmund I., [redacted].
Malone, Douglas J., [redacted].
Maurer, George M., Jr., [redacted].
McKinney, Gerald R., [redacted].
McKinney, T. R., Jr., [redacted].
McLaughlin, D. J., [redacted].
McMillan, William, [redacted].
McMurtry, John H., [redacted].
McKillip, Milton R., [redacted].
McMahon, R. J., Jr., [redacted].
McManus, W. R., Jr., [redacted].
McPherson, Grover C., [redacted].
Metallo, Vincent J., [redacted].
Meyers, S. E., Jr., [redacted].
Miller, James V., [redacted].
Miller, Norman L., [redacted].
Miner, James O., [redacted].
Moore, Richard M., [redacted].
Moran, Arthur T., [redacted].
Morris, Charles M., [redacted].
Mott, Charles J., [redacted].
Mularcik, Albert A., [redacted].
Murdock, Alan G., [redacted].
Nabors, Alphonso W., [redacted].
Nash, John N., [redacted].
Neidhart, Robert G., [redacted].
Neufeld, Stanley W., [redacted].
Newcomb, L. T., [redacted].
Nienhuis, Earl J., [redacted].
Oliver, James R., [redacted].
O'Reilly, Donald F., [redacted].
Padavan, Frank, [redacted].
Palus, Edward M., [redacted].
Pape, Philip E., [redacted].
Paulson, Theodore W., [redacted].
Pavlow, George, [redacted].
Perkins, John P., [redacted].
Poffenberger, A. E., [redacted].
Pollack, Erwin E., [redacted].
Poynton, Brian A., [redacted].
Pringle, Homer S., [redacted].
Reagan, James J., [redacted].
Reichert, W. F. Jr., [redacted].
Riddle, Eugene N., [redacted].
Robinson, Thomas F., [redacted].
Roe, James William, [redacted].
Roland, Virgil B., [redacted].
Ross, Thomas E., [redacted].
Rozycki, Bogart G., [redacted].
Ruvolo, John J., [redacted].
Salter, Robert M., [redacted].
Schulz, Kaye R., [redacted].
Schwartz, Jules, J., [redacted].
Seidner, Burton V., [redacted].
Seroski, Clem S., [redacted].
Seymour, David E., [redacted].
Skeens, James K., [redacted].
Slyman, Samuel, [redacted].
Smith, Frank H. Jr., [redacted].
Smith, Lyle C., [redacted].
Stankewich, J. A., [redacted].
Stefanic, Louis A., [redacted].
Steward, Warren V., [redacted].
Sullivan, Caleb P., [redacted].
Sutera, Angelo M., [redacted].
Sween, Harlan G., [redacted].
Sweeney, John A., [redacted].
Szabo, Steve S., [redacted].
Taddeo, Philip A., [redacted].
Tauber, Richard L., [redacted].
Taylor, Blaine G., [redacted].
Tune, Howard H., [redacted].
Turner, Thomas E., [redacted].
Ussery, Albert T., [redacted].
Vass, Stanley C., [redacted].
Venanzini, Sante P., [redacted].
Wagoner, Robert B., [redacted].
Waite, John R., [redacted].
Waller, Thomas N., [redacted].
Warner, Richard M., [redacted].
Washington, C. Jr., [redacted].
Watson, Richard C., [redacted].
Wehner, Russell L. Jr., [redacted].
Weiss, Gerhard H., [redacted].
Whypp, David A., [redacted].
Williamson, Ramon N., [redacted].
Witte, Harold W., [redacted].
Wright, Gerald L., [redacted].
Yaich, Branislav, [redacted].
Yamanaka, Edward T., [redacted].
Yaw, Herbert W., [redacted].
Zellem, Steven, [redacted].
Zimakas, T. Trefon, [redacted].
Zimmerman, George F., [redacted].
Zimmerman, Thomas L., [redacted].

CHAPLAIN CORPS

To be lieutenant colonel

Wood, Thomas E., [redacted].

ARMY NURSE CORPS

To be lieutenant colonel

Gaudes, Flora A., [redacted].
Kubiak, Arthur S., [redacted].
Randall, Mary T., [redacted].

DENTAL CORPS

To be lieutenant colonel

Bolinger, G. F. Jr., [redacted].
Restarski, T. E., [redacted].

MEDICAL CORPS

To be lieutenant colonel

Blackmon, James T., [redacted].
Buttery, C. M. G., [redacted].
Christian, C. F., [redacted].
O'Brien, William H., [redacted].
Slusher, Ralph C., [redacted].

MEDICAL SERVICE CORPS

To be lieutenant colonel

Bowling, Hollis H., [redacted].
Collins, Charles M., [redacted].
Fodero, S. D., [redacted].
Goeppner, Joe, [redacted].
Hanson, Philip J., [redacted].
Harris, Howard D., [redacted].
Murphy, Thomas W., [redacted].
Nowak, Maryan L., [redacted].
Taylor, Alvin N., [redacted].
Tomimatsu, Louis, [redacted].
Weeks, Thomas H., [redacted].

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

MacKnight, Nancy E., [redacted].

VETERINARY CORPS

To be lieutenant colonel

Norcross, M. A., Jr., [redacted].

The following-named officers for appointment in the Reserve of the Army of the United States, under the provisions of Title 10, U.S.C. Sections 591, 593, and 594:

MEDICAL CORPS

To be lieutenant colonel

Barnhart, Roger A., [redacted].
Bove, Victor M., [redacted].
Dierdorff, Edwin P., [redacted].
Eichman, Otto K., [redacted].
Jones, Ralph W., [redacted].
Skamas, Demetrios C., [redacted].
Smith, Milton P., [redacted].

The following-named Army National Guard officers for appointment in the Reserve of the Army of the United States, under the provisions of Title 10, U.S.C., section 3351:

ARMY PROMOTION LIST

To be colonel

Alencastre, Melvin, [redacted].
Carey, Willard K., [redacted].
Fairfield, George H., [redacted].
Frye, William S., [redacted].
Gayle, Charles N., Jr., [redacted].
Lala, Henry J., [redacted].
Lamoreaux, Charles E., [redacted].
Lankford, Lewis H., [redacted].
Rutkowski, Edmund A., [redacted].
Southerland, George E., [redacted].
Stanko, John J., Jr., [redacted].
Wayt, David W., [redacted].
Williams, Robert E., [redacted].
Zalmas, George W., [redacted].
Zanetti, Leonard J., [redacted].

MEDICAL CORPS

To be colonel

Cook, Malcolm C., [redacted].

The following-named Army National Guard officers for appointment in the Reserve of the Army of the United States, under the provisions of Title 10, U.S.C., section 3351:

ARMY PROMOTION LIST

To be lieutenant colonel

Bennett, James W., [redacted].
Bishoff, Wilbur C., [redacted].
Browning, Wilmer, [redacted].
Buitrago-Gonzalez, Jose A., [redacted].
Coates, Allan R. Jr., [redacted].
Dennen, David W., [redacted].
Dennis, James T., [redacted].
Dexter, Hale G., [redacted].
Dezarn, Robert L., [redacted].
Dodge, Galen W., [redacted].
Doyle, Henry A. Jr., [redacted].
Duckworth, Norman E., [redacted].
Duralde, Joseph M., [redacted].
Farnsworth, Harlan R., [redacted].
Forrey, Robert M., [redacted].
Friend, Cletus W., [redacted].
Green, Guy R. Jr., [redacted].
Henderson, Lee A., [redacted].
Hernandez-Marrero, A., [redacted].
Herzinger, Stanley J., [redacted].
Kane, Frank E., [redacted].
Keefe, Bernard J. Jr., [redacted].
Kiefner, Charles M., [redacted].
Lewis, Richard W., [redacted].
Lewis, Robert O., [redacted].
McClellan, Robert G., [redacted].
McGough, Donald R., [redacted].
MacDonald, John K., [redacted].
Merchant, Robert L., [redacted].
Miller, Walter W., [redacted].
Morrison, Donald B., [redacted].
Pettit, Clarence A., [redacted].
Puzio, Thaddeus A., [redacted].
Racca, Ralph A., [redacted].
Roberts, Thomas P., [redacted].
Robinson, Guy W., [redacted].
Smith, Jesse M., [redacted].
Thompson, Charles B., [redacted].
Townley, James R., [redacted].
Watley, Norman E., [redacted].

DENTAL CORPS

To be lieutenant colonel

Warren, Ross W., [redacted].

MEDICAL CORPS

To be lieutenant colonel

Cline, David W., [redacted].
Fraiser, Lacy P., [redacted].
Pingree, James H., [redacted].

MEDICAL SERVICE CORPS

To be lieutentnant colonel

White, William K., [redacted].

HOUSE OF REPRESENTATIVES—*Monday, October 2, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

I will trust and will not be afraid; for the Lord God is my strength, my song, and my salvation.—Isaiah 12: 2.

Eternal Father of us all, in this quiet moment of prayer we come to dedicate ourselves anew to Thee and to the service of our country. Warm our hearts with such love for Thee that we may love our fellowmen as ourselves—a love that leaps over the boundaries of race, color, and creed and extends to all mankind.

Teach us to serve Thee and our Nation fully and faithfully, "to give and not to count the cost, to fight and not to heed the wounds, to toil and not to seek for rest, to labor and not to ask for any reward—save that of knowing that we do Thy will."

"O master, let me walk with Thee
In lowly paths of service free;
Tell me Thy secret, help me bear
The strain of toil, the fret of care."

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 2895. An act to provide for the conveyance of certain real property in the District of Columbia to the National Firefighting Museum and Center for Fire Prevention, Incorporated;

H.R. 9501. An act to amend the North Pacific Fisheries Act of 1954, and for other purposes;

H.R. 14537. An act to amend section 703 (b) of title 10, United States Code, to extend the authority to grant a special thirty-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas; and

H.R. 14915. An act to amend chapter 10 of title 37, United States Code, to authorize at Government expense, the transportation of house trailers or mobile dwellings, in place of household and personal effects, of members in a missing status, and the additional movement of dependents and effects or trailers, of those members in such a status for more than one year.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 9463. An act to prohibit the importation into the United States of certain pre-Columbian monumental or architectural sculpture or murals exported contrary to the laws of the countries of origin, and for other purposes;

H.R. 11032. An act to enable the blind and the otherwise physically disabled to participate fully in the social and economic life of the District of Columbia;

H.R. 11773. An act to amend section 389 of the Revised Statutes of the United States relating to the District of Columbia to exclude the personnel records, home addresses, and telephone numbers of the officers and members of the Metropolitan Police Department of the District of Columbia from the records open to public inspection;

H.R. 14909. An act to amend section 552(a) of title 37, United States Code, to provide continuance of incentive pay to members of the uniformed services for the period required for hospitalization and rehabilitation after termination of missing status;

H.R. 16705. An act making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1973, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 16705) entitled "An act making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1973, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. INOUYE, Mr. PROXMIRE, Mr. MAGEE, Mr. MCCLELLAN, Mr. FONG, Mr. BROOKE, and Mr. HATFIELD to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 56) entitled "An act to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data System."

The message also announced that the Senate insists on its amendments numbered 1, 2, 16, 21, 44, 65, 66, 67, and to the title amendment to the foregoing bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7378) entitled "An act to establish a Commission on Revision of the Judicial Circuits of the United States."

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 345. An act to authorize the sale and exchange of certain lands on the Coeur d'Alene Indian Reservation, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 16029) entitled "An act to amend the Foreign Assistance Act of 1961, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FULBRIGHT, Mr. CHURCH, Mr. SYMINGTON, Mr. AIKEN, and Mr. CASE to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 8395) entitled "An act to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CRANSTON, Mr. RANDOLPH, Mr. WILLIAMS, Mr. PELL, Mr. KENNEDY, Mr. MONDALE, Mr. STEVENSON, Mr. STAFFORD, Mr. TAFT, Mr. JAVITS, Mr. SCHWEIKER, and Mr. BEALL to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the joint resolution (H.J. Res. 984) entitled "Joint resolution to amend the joint resolution providing for U.S. participation in the International Bureau for the Protection of Industrial Property," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FULBRIGHT, Mr. SPARKMAN, and Mr. AIKEN to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 3358. An act to prohibit the use of certain small vessels in U.S. fisheries;

S. 3994. An act to assure that the public is provided with an adequate quantity of safe drinking water, and for other purposes; and

S. Con. Res. 100. Concurrent resolution requesting the President to consider sanctions against any nation that provides sanctuary to terrorists.

THE LATE HONORABLE KARL MILES LE COMPTE

The SPEAKER. Without objection, the Chair is going to recognize the gentleman from Iowa (Mr. SMITH) ahead of the call of the Consent Calendar, to announce the death of a former Member of the Congress.

Mr. SMITH of Iowa. Mr. Speaker, Karl Miles Le Compte was a Member of Congress from Iowa from 1939 through 1958. He did not run for reelection in 1958 and retired to his home in Iowa where he had been a newspaper publisher at Corydon and lived until last Saturday. On Saturday, Centerville held its 24th Annual Pancake Day Festival including one of the best parades one can witness anywhere, including 21 bands and many floats. While I was walking down the street near the curb, Karl called to me. He was sitting on the curb in his folding chair enjoying a very beautiful fall day with a front row seat for the parade. I sat beside him and visited with him for 15 or 20 minutes. He told me he had passed his 85th birthday and was thoroughly enjoying his retirement. He mentioned having recently received a letter from our Speaker CARL ALBERT and inquired about several other Members of Congress. He was very keen and alert, recalled many details of events and was obviously enjoying himself.

A few minutes later, he walked to his automobile where he suffered a heart attack. Karl earned and maintained a very good reputation as an honest, conscientious, and diligent public servant and he will be missed by his many friends both in Iowa and Washington. While it is some consolation to know that he enjoyed life to the very end and did not suffer, I am sure all my colleagues who knew him are sorry to hear of his passing and join me in extending our condolences to his loved ones.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I am glad to yield to the distinguished Speaker.

Mr. ALBERT. I thank the gentleman for yielding, and I thank him for the beautiful tribute he has paid to an old friend, Karl Le Compte, who served with great distinction here in the House.

It was my privilege as a young Member to know him, who at that time was a senior Member. I am happy he has been able to live such a long and useful life both in public service and in retirement.

I am happy that I have had recent correspondence with my old friend, Karl Le Compte.

I join with my colleague, the gentleman from Iowa (Mr. SMITH) in extending my sympathy to his loved ones. He was a fine, decent, and wonderful man.

Mr. ARENDS. Mr. Speaker, I was saddened to learn of the death of my good friend, the Honorable Karl Le Compte, formerly a Member of Congress from Iowa.

I had the privilege of serving with Karl for several years and we became warm friends. I can attest to what a fine gentleman he was. He was a dedicated public servant; he served his district and his State and the Nation extremely well.

Karl was one of those individuals with whom it was always a pleasure to sit down and visit. He was indeed friendly and helpful to any Member, regardless of which side of the aisle he was on.

I am sorry to learn of his death, and I extend to his family my most heartfelt sympathy.

Mr. ZABLOCKI. Mr. Speaker, it is with sadness that we receive the news of the passing away of our former colleague from Iowa, the late Honorable Karl Le Compte.

It was my privilege to serve with him on the Committee on Foreign Affairs and, for a time, on the Subcommittee on Europe, of which I was then chairman.

I always had high regard for Congressman Le Compte. He was a sincere, quiet, gentle man, whose modest demeanor clothed considerable strength of character, and far-ranging knowledge of national and international affairs.

I remember his particular interest in Europe and issues relating to the then new organization, the North Atlantic Treaty Organization. In addition, he seemed to have a special concern for our country's position in the Pacific—both in the Pacific territories which came under United States control after World War II, and in the independent nations of that area, including Australia, New Zealand, and the Philippines.

Mr. Le Compte was a conscientious, hard worker who always had something of value to contribute to our committee's deliberations.

In addition, of course, he served on other House committees and played a leading part in their affairs.

Although some years have passed since Congressman Le Compte served in the Congress, he is warmly remembered in these halls.

His State and country have lost an important and valued citizen in his death.

To Congressman Le Compte's family, I wish to convey my sincere condolences.

GENERAL LEAVE

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the life, character, and service of the late Honorable Karl Le Compte.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar. The Clerk will call the first bill on the Consent Calendar.

USE OF HEALTH MAINTENANCE ORGANIZATIONS IN PROVIDING HEALTH CARE

The Clerk called the bill (H.R. 14546) to amend title 10, United States Code, to authorize the use of health maintenance organizations in providing health care.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I would like to repeat the statements that I made in the RECORD last September 18, when we put this bill over without prejudice simply on the basis that it was premature, and that at that time the Department of Health, Education, and Welfare and this Congress had not effectuated any action authorizing HMO's as either a pilot or experimental project. There has apparently been much misunderstanding of this action as well as how the Consent Calendar works. If, and when, HMO's become a way of health care, I will be among the leaders for entitlement of CHAMPUS. As of now I predict no HMO pilot project bill in this Congress. To say the least, it is "old wine in new bottles," and a costly, controversial experiment.

If and when there are such existing organizations, in fact, that could be tested under the CHAMPUS organization, which cares for, in service and out, the dependents of active—and even retired—military personnel; this would be apt but expensive legislation for consideration under the consent or any appropriate calendar.

Pending that, Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

JUDGMENT FUNDS OF MISSISSIPPI SIOUX INDIANS

The Clerk called the bill (H.R. 6067) to provide for the disposition of funds appropriated to pay judgment in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets Nos. 359, 360, 361, 362, and 363, and for other purposes.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

CALL OF THE HOUSE

Mr. DRINAN. Mr. Speaker, I make a point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 392]

Abourezk
Abzug
Anderson, Tenn.
Baker
Baring
Bell
Bevill
Biaggi
Blatnik
Bolling
Brown, Mich.
Broyhill, Va.
Buchanan
Byron
Cabell
Caffery
Casey, Tex.
Chisholm
Clark
Clay
Collins, Ill.
Conte
Corman
Culver
Dennis
Dingell
Dow
Dowdy
Dwyer
Edmondson
Erlenborn
Evans, Colo.
Fish
Flynt
Ford, William D.
Galifianakis
Gallagher
Giaimo
Goldwater
Gray
Green, Oreg.
Gross
Hagan
Halpern
Hanna
Harvey
Hébert
Helstoski
Hogan
Hull
Kastenmeier
Landgrebe
Link
Lujan
McCloskey
McClure
McCormack
McDonald, Mich.
McKinney
McMillan
Mallary
Metcalfe
Mikva
Mink
Minshall
Mollohan
Moorhead
Murphy, N.Y.
Nichols
O'Hara
Passman
Pelly
Pepper
Peyser
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Rees
Rodino
Roe
Rooney, N.Y.
Runnels
Scheuer
Schmitz
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shriver
Stanton, James V.
Stokes
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Van Deerlin
Vander Jagt
Waldie
Winn

The SPEAKER. On this rollcall, 328 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONVEYING TRUST TITLE TO LAND WITHIN THE DEVILS LAKE SIOUX RESERVATION TO THE DEVILS LAKE SIOUX TRIBE

The Clerk called the bill (H.R. 9294) to authorize the Secretary of the Interior to convey trust title of U.S. Government land within the Devils Lake Sioux Reservation to the Devils Lake Sioux Tribe.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, on the last occasion of the call of the Consent Calendar, September 18, 1972, I asked that this bill be put over without prejudice, on the basis that it was difficult to understand why we should first convey this land to the Indian tribe, as deserving as it might be; secondly, provide from taxpayers' funds sufficient money with which to build a building on the land thus conveyed; third, of all things, pay $55,000 a year rent, which will more than amortize it in a very short time.

Since that time, Mr. Speaker, I am delighted to say I have had a letter explaining the situation from the distinguished chairman of the Committee on Interior and Insular Affairs, except that it still leaves unresolved in my mind, even though fair market value may be recouped in the form of taxes, as the letter explains, the logic of another agency of the Government, which also uses taxpayers' fund, providing the building—which the letter states will be built in any event—and then paying rent for the Government offices using the building.

Mr. Speaker, I would be delighted to yield to my friend from Colorado (Mr. ASPINALL) the chairman of the committee, to explain further the import of this bill.

Mr. ASPINALL. Mr. Speaker, H.R. 9294 conveys to the Devils Lake Sioux Tribe a trust title to 5.3 acres of Federal land which the United States purchased from the tribe in 1904 for $3.25 per acre, a total of about $17. The land is now worth $2,500.

The tribe is in the process of constructing a community center on the land, at a cost in excess of $1,000,000, with loan and grant funds from OEO and HUD. After the building is completed, the tribe expects to rent space in the building to the Bureau of Indian Affairs and to the Indian Health Service. The annual rent that has been negotiated is $55,554. Under the terms of the bill as amended by the Committee, the value of the land will be deducted from the first year's rental.

The tribe will therefore pay the United States the full market value of the land conveyed to it by this bill.

The construction of the community center is being handled under other Federal programs, and the financial assistance extended under those programs should have no relevance to this bill, which sells the Federal land at its full market value.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's statement. He has finger-pointed the area of our disagreement forthrightly. Even though another agency of Government without the jurisdiction of the Committee on Interior and Insular Affairs is furnishing the money for building the building, it is from the taxpayers' pockets.

This is my area of concern, plus the fact they then are planning on paying rent. I quite agree we should not be judge and jury as to the amount of rent, and I compliment the committee on getting back the fair market value.

Now, did the gentleman tell me in a personal conversation that our Government had originally given this land to this Indian tribe, and that they would build in any event?

Mr. ASPINALL. Will the gentleman yield?

Mr. HALL. I yield to the gentleman.

Mr. ASPINALL. Our Government bought this land from the Indian tribe, and it was originally their land, and with their consent we purchased it, and now we are selling it back to them, and that is the reason why we feel we should recover at least the value of the land at the present time, which is $2,500.

Mr. HALL. Certainly, I think this is true, and although I believe OEO is giving the taxpayers' money to them, and that perhaps it is going to the "chieftains" and not necessarily getting down to the "braves" in this as in other instances.

With the gentleman's letter and with his personal intercession, Mr. Speaker, I withdraw my reservation.

There being no objection, the Clerk read the bill as follows:

H.R. 9294

A bill to authorize the Secretary of the Interior to convey trust title of United States Government land within the Devils Lake Sioux Reservation to the Devils Lake Sioux Tribe

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to convey trust title to the Devils Lake Sioux Tribe on the following described property now held by the United States Government within the Devils Lake Sioux Reservation:

Commencing at the southwest corner of section 16–T152N, R65W, thence east along the section line a distance of 396.4 feet, thence north 1 degree 25 minutes 35 seconds east a distance of 2064.2 feet to the point of beginning, thence north 1 degree 30 minutes 25 seconds west a distance of 540 feet more or less to the intersection with the north side of the southwest quarter of section 16, thence east along the quarter line to the intersection with the meander line of Devils Lake, thence southeasterly along said meander line to the intersection with a line bearing north 83 degrees 04 minutes 35 seconds east of the point of beginning, thence south 83 degrees 04 minutes 35 seconds west to the point of beginning. All of the above tract is located in the southwest quarter of section 16–T152N, R65W.

With the following committee amendments:

Page 1, strike out all of lines 3 through 6 and insert in lieu thereof "That subject to valid existing rights all right, title, and interest of the United States in and to the following described land are hereby declared to be held by the United States in trust for the Devils Lake Sioux Tribe of the Devils Lake Sioux Reservation:".

Page 2, line 11, strike out "the southwest quarter of section 16—T152N." and insert in lieu thereof " Lots 2 of the southwest quarter of section 16–T152N,".

Page 2, following line 12, insert a new section 2 as follows:

"SEC. 2. The current market value of the beneficial interest conveyed by this Act, which is hereby determined to be $2,500, shall be deduced from the rental payable by the United States under any lease of space in the building constructed on the land by the Tribe: *Provided,* That the deduction shall not exceed one-fifth of the rental payable in any 1 year."

The committee amendments were agreed to.

The title was amended so as to read: "To declare that the United States holds certain federally owned land in trust for the Devils Lake Sioux Tribe, North Dakota."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING THAT THE UNITED STATES DISCLAIMS ANY INTEREST IN A CERTAIN TRACT OF LAND

The Clerk called the bill (H.R. 11449) to provide that the United States disclaims any interest in a certain tract of land.

Mr. HALL. Mr. Speaker, for the same reason that I stated on September 18, plus the fact that the sponsor of this legislation and the committee have listed it under suspension of the rules today, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DECLARING CERTAIN FEDERALLY OWNED LAND HELD BY UNITED STATES IN TRUST FOR STOCKBRIDGE-MUNSEE COMMUNITY

The Clerk called the bill (H.R. 4865) to declare that certain federally owned land is held by the United States in trust for the Stockbridge-Munsee community, and to make such lands parts of the reservation involved.

Mr. HALL. Mr. Speaker, reserving the right to object, I would like to ask why it is stated that there is no Federal expenditure involved in the cost of this bill, inasmuch as it was bought or purchased from private owners and given to the Indian tribes listed, and inasmuch as the bill and the report specifically state that hereafter they will benefit from all the timber rights which prior to this time have been recovered to the Treasury or at least to the Department.

Mr. ASPINALL. If the gentleman would yield, I will reply.

Mr. HALL. I yield to the gentleman.

Mr. ASPINALL. Mr. Speaker and Members of the House, the land was purchased by the United States for $69,346 and was purchased from non-Indians during the depression under a program to remove some marginal land from production and to be devoted to conservational purposes.

Under the contract under which the land is acquired the Administrator does not authorize the land to be reconveyed to private ownership, so what has happened, I may say to my friend from Missouri, is that the Indians have been using this land throughout these years; most or some of it they live upon, and having lived upon it, it now seems to them and to the Bureau of Indian Affairs and to our committee the best thing we can do for this land is to permit them to have it in trust as a part of their tribal operations, thereby making it at least an economic unit for this particular group of Indians which tribe is comprised of a very small number.

The reason we say, of course, it does not cost the Federal Government any money is because the Federal Government has already spent the money and the Indians are not in position to purchase the land, and neither is anybody else going to take the land, because it is submarginal.

On the other hand, it does appear to me, my colleagues, that the Federal Government does have an investment although it was under the Depression days that this was done to help non-Indians. This is not really an investment, as such, of the Federal Government in any lands, and we are really not giving value to compare at all with what we paid for it in those Depression days.

Mr. HALL. Mr. Speaker, I appreciate the distinguished gentleman's explanation, and I withdraw my reservation of objection.

There being no objection, the Clerk read the bill as follows:

A bill to declare that certain federally owned land is held by the United States in trust for the Stockbridge-Munsee community, and to make such lands parts of the reservation involved

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right, title, and interest of the United States of America in the lands, and the improvements thereon, that were acquired under title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the Act of August 24, 1935 (49 Stat. 750, 781), and that are now under the jurisdiction of the Department of Interior for administration for the benefit of the Stockbridge Munsee community are hereby declared to be held by the United States in trust for this Indian tribe, and the lands shall be parts of the reservation heretofore established for the tribe.

SEC. 2. Nothing in this Act shall deprive any person of any right of possession, contract right, interest, or title he may have in the land involved.

With the following committee amendment:

Page 1, beginning on line 3, strike all after the enacting clause and insert in lieu thereof the following:

"That, subject to valid existing rights, all the rights, title, and interest of the United States, except all minerals including oil and gas, in the submarginal lands and federally owned improvements thereon, which are identified below, are hereby declared to be held by the United States in trust for the Stockbridge Munsee Indian Community, and the lands shall be a part of the recreation heretofore established for this community: Stockbridge Project LI-WI-11 Shawano County, Wisconsin, comprising thirteen thousand and seventy-seven acres, more or less, acquired by the United States under title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the Act of August 24, 1935 (49 Stat. 750, 781), administrative jurisdiction over which was transferred from the Secretary of Agriculture to the Secretary of the Interior by Executive Order 7868 dated April 15, 1938, for the benefit of the Stockbridge Munsee Indian Community.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the beneficial interest conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission."

The committee amendment was agreed to.

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 4865 is to donate to the Stockbridge Munsee Indian Community, Wis., approximately 13,077 acres of Federal land. The land was purchased by the United States for $69,346 from non-Indians during the depression of the 1930's under a program to remove submarginal land from production and devote it to conservation purposes. The statute under which the land was acquired and is administered does not authorize the land to be reconveyed into private ownership.

At the same time this land was purchased for conservation purposes, the Secretary of the Interior purchased 1,250 acres of land under the Indian Reorganization Act, and he declared that land to be a new Indian reservation for the Stockbridge Munsee Community.

The 13,077 acres of submarginal land, and the 1,250 acres of land purchased for the Indians, are intermingled, and the Secretary has administered the submarginal land as though it were a part of the reservation.

The Indian use of the land for the past 35 years, the improvements made, the relationship of the submarginal lands to the tribal lands, the low economic status of the Indians, and the economic benefits that will accrue to the Indians warrant the enactment of this bill. The Department of the Interior, in its report said:

> The most logical use of this submarginal land is in conjunction with the tribal land. Conversely, proper planning and development of the tribal land is dependent upon the submarginal land, and the planning that has taken place heretofore has been on the basis of the integrated use of submarginal and tribal lands. In view of the Indian improvements that have already been placed on this land, and the many advantages that the Stockbridge-Munsee Community will derive from this transfer of the submarginal land to it, we urge that these lands be held in trust for the Community.

Mr. CONTE. Mr. Speaker, I rise in support of H.R. 4865. This bill would authorize the Federal Government to hold some 13,077 acres of what the U.S. Department of Agriculture calls submarginal timber land in permanent trust for the Stockbridge-Munsee Community in Wisconsin. Passage of this legislation would insure that the land would be reserved for the Indians for as long as the tribe exists.

The Stockbridge Indians hold a unique place in the history of this country. The original inhabitants of the Stockbridge area in my district in Massachusetts, they were the only tribe to serve with the colonists in both the French and Indian and Revolutionary Wars. They also were the first Indians to be granted U.S. citizenship.

Despite their contributions, they were unfortunately forced out of the Berkshires by the influx of white settlers. They then migrated to central New York in the 1780's. Continued pressure from white immigrants forced the Indians to settle eventually in central Wisconsin.

The land which this legislation deals with is adjacent to the 2,250-acre reservation set aside for the Stockbridge Munsee Community, Inc., the corporate name for the Stockbridge tribe. The Agriculture Department acquired title to this land during the 1930's when the Farm Security Administration went out of existence. Administrative jurisdiction of the lands has since been transferred from the Secretary of Agriculture to the Secretary of the Interior.

The Indian community is heavily dependent upon this submarginal land, even more so than its tribal land.

Still, not all the receipts from the lumbering business benefit the tribe. Stumpage fees which the Agriculture Department receives from the Indians for cutting operations have totaled more than $70,000 since 1960. According to Aught Coyhis, Stockbridge Tribal Council president, this is more than the value of the land. Should this legislation be passed, the stumpage fees would be paid to the tribe. Considering the dire economic straits of the Indians, these funds are desperately needed.

Moreover, development and real estate plans for each of the tracts have been held up because of uncertainties as to the status of the 13,000-acre tract. Because of the uncertainties, the Bureau of Indian Affairs discouraged the Indians from building on the land or using it for nontimber purposes.

To permit the coordinated development of both tracts and to allow the Stockbridge Munsee Community to reap the economic benefits from land which is morally theirs, I would urge the Members of the House to endorse this vitally needed legislation.

My friend and colleague, Mr. OBEY, the distinguished gentleman from Wisconsin, has worked diligently on behalf of the tribe's legitimate claim to these lands. I have been pleased to join him in this effort. Passage of this legislation would be an affirmation of the contributions this tribe has made to our country and a small measure of atonement for the many hardships that the white settlers of the United States have imposed upon their Indian brothers. Thank you, Mr. Speaker.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to declare that certain federally owned lands shall be held by the United States in trust for the Stockbridge Munsee Indian Community, Wisconsin."

A motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 722) to declare that certain federally owned lands shall be held by the United States in trust for the Stockbridge Munsee Indian Community, Wis.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate bill as follows:

S. 722

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to valid existing rights, all the right, title, and interest of the United States, except all minerals including oil and gas, in the submarginal lands and federally owned improvements thereon, which are identified below, are hereby declared to be held by the United States in trust for the Stockbridge Munsee Indian Community, and the lands shall be a part of the reservation heretofore established for this community: Stockbridge Project LI–WI–11 Shawano County, Wisconsin, comprising thirteen thousand and seventy-seven acres, more or less, acquired by the United States under title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the Act of August 24, 1935 (49 Stat. 750, 781), administrative jurisdiction over which was transferred from the Secretary of Agriculture to the Secretary of the Interior by Executive Order 7868 dated April 15, 1938, for the benefit of the Stockbridge Munsee Indian Community.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the beneficial interest conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 4865) was laid on the table.

DESIGNATING CERTAIN LANDS IN THE LAVA BEDS NATIONAL MONUMENT, CALIF., AS WILDERNESS

The clerk called the bill (H.R. 5838) to designate certain lands in the Lava Beds National Monument in California as wilderness.

There being no objection, the Clerk read the bill as follows:

H.R. 5838

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(c) of the Wilderness Act of September 3, 1964 (78 Stat. 890; 892; 16 U.S.C. 1132(e)), certain lands in the Lava Beds National Monument which comprise about nine thousand one hundred and ninety-seven acres and which are depicted on a map entitled "Recommended Wilderness, Lava Beds National Monument, California", numbered NM LB 3227E and dated August 1967, are hereby designated as wilderness. The map and a description of the boundary of such lands shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

SEC. 2. (a) The area designated by this Act as wilderness shall be administered by the Secretary of the Interior pursuant to the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented and the applicable provisions of the Wilderness Act.

(b) Only those commercial services may be authorized and performed within the wilderness area designated by this Act as are necessary for activities which are proper for realizing the recreational or other wilderness purpose thereof. There shall be no permanent road therein and, except as necessary to meet minimum management requirements in connection with the purposes for which the area is administered (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment, or other form of mechanical transport, no structure or installation and no landing of aircraft within the area designated as wilderness by this Act.

With the following committee amendments:

Page 1, strike out all of lines 3 through the period on line 10 and insert in lieu thereof:

"That in accordance with section 3(c) of the Wilderness Act (78 Stat. 892; 16 U.S.C. 1132(c)), those lands within the area generally known as the Black Lava Flow in the Lava Beds National Monument comprising about ten thousand acres, as depicted on the map entitled 'Wilderness Plan, Lava Beds National Monument, California', numbered NM–LB–3227 H and dated August, 1972, and those lands within the area generally known as the Schonchin Lava Flow comprising about eighteen thousand four hundred and sixty acres, as depicted on such map, are hereby designated as wilderness."

Page 2, lines 3 through 20 strike out all of Section 2 and insert in lieu thereof the following:

"SEC. 2. As soon as practicable after this Act takes effect, a map of the wilderness area and a description of its boundaries shall be filed with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such map and description shall have the same force and effect as if included in this Act: *Provided however,* That correction of clerical and typographical errors in such map and description may be made."

Page 2, following line 20, insert a new section 3 as follows:

"SEC. 3. The area designated by this Act as wilderness shall be known as the 'Lava Beds Wilderness' and shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior."

The committee amendments were agreed to.

Mr. ASPINALL. Mr. Speaker, H.R. 5838 which was introduced by our colleague from the State of California provides for the establishment of the Lava Beds Wilderness Area in the State of California.

LEGISLATIVE BACKGROUND

This proposed new wilderness area would comprise 28,460 acres of land within the Lava Beds National Monument which is located in northeastern California. Originally, it was suggested that this area should be limited to a single 9,179 acre unit; however, during the hearings on this subject testimony revealed that the basic reason for excluding another large roadless area from the wilderness designation involved the existence of a lifetime grazing permit which is held by an elderly permittee. Since grazing is not an adverse activity in wilderness areas within our national forests, the committee agreed that this activity should not preclude an area from being designated as wilderness in our national park units; consequently, the committee amended the bill to include a second unit totaling 18,460 acres.

In addition, the committee recommendation includes amendments which require the final boundary map and description to be filed with the House and Senate Committee on Interior and Insular Affairs and which require this wilderness area to be administered in accordance with the statutory rules applicable to other wilderness areas.

COST

Mr. Speaker, all of the lands involved in the proposal are already federally owned and they are already administered by the National Park Service. It is not anticipated that any new development will be undertaken that would add to the cost of maintaining or administering this wilderness area.

RECOMMENDATION

In conclusion, let me say that the Subcommittee on National Parks and Recreation examined this matter thoroughly both in public hearings and during its markup sessions. We feel that this area qualifies under the standards of the Wilderness Act for wilderness designation. H.R. 5838, as amended, is sound legislation and I commend it to my colleagues and urge its adoption by the House.

Mr. TAYLOR. Mr. Speaker, H.R. 5838 was introduced by Representative HAROLD "BIZZ" JOHNSON—our friend and colleague from California. It provides for the establishment of a new wilderness area in the Lava Beds National Monument in the State of California.

LAVA BEDS AREA

The Lava Beds National Monument is primarily a scientific area containing significant volcanic features which are of interest to students, scientists, and the general public. In addition to its scientific values, it features natural, wildlife, and historical resources which provide interpretative opportunities for the National Park Service and add to public enjoyment of the area.

WILDERNESS PROPOSALS GENERALLY

While this is only one of several wilderness proposals before the Congress, it demonstrates the importance of carefully reviewing each proposal on its own merits. In this case, the recommendation of the committee expands this proposed wilderness area from 9,179 acres to 28,460 acres. This expansion was undertaken after careful review of the circumstances involved and after public hearings were conducted on the subject.

Under the terms of the Wilderness Act, the National Park Service is responsible for examining roadless areas in the various units of the national park system in order to formulate recommendations concerning the suitability or nonsuitability of designating all or part of such areas as wilderness. The Wilderness Act requires these reviews to be undertaken systematically and reported on a periodic schedule to the Congress. For various reasons, it has been difficult to comply with the procedural requirements and the recommendations have not been routinely forwarded to the Congress. In fact, in just the last few days a large number of recommendations were transmitted with an urgent appeal that they be promptly approved.

It will not be possible for the Subcommittee on National Parks and Recreation to begin the consideration of these matters in these last few days of this session, because time does not permit them to be adequately considered. There is no intent on the part of any member of the committee to unduly delay any of these proposals, but it is difficult to perceive how any emergency could exist since all of these areas are already under the protective custody of the National Park Service and are not likely to be violated in any way.

In my opinion, the Members of the House deserve to have the advantage of careful committee review and complete legislative consideration of each of these proposals. Each proposed wilderness area should be as carefully reviewed as the bill now before the House, because it is conceivable that some of them might require some alterations or amendments before they should be approved. In the case at hand, Mr. Speaker, the proposed Lava Beds Wilderness Area will be expanded from a single unit totaling 9,197 to a double unit totaling 28,460 acres, if enacted as recommended. This is the purpose of the legislative process—to review these proposals constructively and thoroughly in an effort to assure the protection of the public interest.

CONCLUSION

Mr. Speaker, H.R. 5838, as amended, recognizes the inherent wilderness values of certain portions of the Lava Beds National Monument. At the same time, it leaves an adequate amount of land available for use by those visitors who may not have the time, the stamina, or the desire to walk into some of the remote areas of the monument. In other words, we think that the committee recommendation serves the total public—the weak and the strong, the young and the old, the casual visitor, the picnicker, and the ardent backpacker.

I am pleased to join my colleague in support of H.R. 5838, as amended, and I urge its approval by the Members of the House.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DESIGNATING CERTAIN LANDS IN LASSEN VOLCANIC NATIONAL PARK, CALIF., AS WILDERNESS

The Clerk called the bill (H.R. 10655) to designate certain lands in the Lassen Volcanic National Park, Calif., as wilderness.

There being no objection, the Clerk read the bill as follows:

H.R. 10655

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(c) of the Wilderness Act (78 Stat. 892; 16 U.S.C. 1132(c)), certain lands in the Lassen Volcanic National Park, which comprise about seventy-three thousand three hundred and thirty-three acres, and which are depicted on the map entitled "Wilderness Plan, Lassen Volcanic National Park, Californa", numbered 111–20,002 EPD–WSC, and dated September 1971, are hereby designated as wilderness. The map and the description of the boundaries of such lands shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

SEC. 2. As soon as practicable after this Act takes effect, a map of the wilderness area and a description of its boundaries shall be filed with the Interior and Insular Affairs Committee of the United States Senate and House of Representatives, and such map and description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The wilderness area designated by this Act shall be known as the "Lassen Volcanic Wilderness" and shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

With the following committee amendments:

Page 1, strike out all of lines 6 through 9 and insert in lieu thereof: "seventy-eight thousand nine hundred eighty-two acres, and which are depicted on the map entitled "Recommended Wilderness, Lassen Volcanic National Park, California" numbered NP–LV–9013C and dated August, 1972, are".

Page 2, following line 20, insert a new section as follows:

"SEC. 4. Section 1 of the Act of August 9, 1916 (39 Stat. 443; 16 U.S.C. 201) is amended by deleting the words "that the United States Reclamation Service may enter upon and utilize for flowage or other purposes any area within said park which may be necessary for the development and maintenance of a Government reclamation project" and the semicolon appearing thereafter."

The committee amendments were agreed to.

Mr. ASPINALL. Mr. Speaker, the next bill on the calendar is also one which was introduced by our colleague from California (Mr. JOHNSON). As recommended by the committee, H.R. 10655 provides for the establishment of a two-unit wilderness area in the Lassen Volcanic National Park in northern California.

DESCRIPTION AND BACKGROUND

The Lassen Volcanic National Park is an interesting natural area consisting of many forms of active and inactive volcanism and containing some outstanding scenic areas. Because of its location and general attractiveness for a variety of outdoor recreation uses, it draws about 500,000 days of visitor use annually at the present time. While hikers and backpackers benefit from about 150 miles of developed trails, the area also provides opportunities for skiing, picnicking, and driving for pleasure.

Pursuant to the provisions of the Wilderness Act, the roadless areas of the park were reviewed for possible designation as wilderness. The committee considered the recommendations of the Secretary of the Interior and concurred with his basic proposal; however, a few boundary modifications are recommended in conformity with testimony taken by the Subcommittee on National Parks and Recreation.

Basically the committee amendment adds slightly more than 5,000 acres to the wilderness area originally proposed in the legislation. This includes the so-called buffer zones and certain lands in the vicinity of the Old Emigrant Trail which seemed suitable for wilderness designation. The committee also agreed to a recommended departmental amendment which would repeal an obsolete provision of the original authorizing statute for the park providing for the use of parklands for a future reclamation project. The committee was advised by the witness for the Interior Department that there are no active or potential reclamation projects planned which would affect this area.

RECOMMENDATION

Mr. Speaker, this area, like the one we have just considered, meets the standards required for wilderness designation. It provides adequate space for those seeking a backcountry experience and it reserves the remainder of the park for the large number of visitors who come to see, experience, and enjoy a reasonably pleasant and simple park experience.

As chairman of the Committee on Interior and Insular Affairs, I am pleased to recommend the enactment of H.R. 10655 by my colleagues in the House.

Mr. TAYLOR. Mr. Speaker, the Lassen Volcanic National Park features a variety of outdoor values of interest to the general public—hiking, picnicking, driving for pleasure, skiing, ice skating, camping, and backpacking are all activities generally enjoyed by the visiting public during various seasons of the year.

For this reason, the members of the Committee on Interior and Insular Affairs wanted to give the proposal to establish a wilderness area in the park its careful consideration. Our colleague on the committee and the sponsor of the legislation—the Hon. HAROLD "BIZZ" JOHNSON—recommended its approval and advised us of the character and use of the area.

The terrain contains an interesting diversity of features including old volcanoes, cinder cones and many active forms of volcanism—including boiling lakes, hot springs, steam vents, and mud pots. Part of the area is undoubtedly suitable for wilderness designation, and part of it should remain under the normal rules for park administration which will protect it in perpetuity for the use and enjoyment of the public.

COMMITTEE RECOMMENDATION

The committee recommendation expands the original proposal by designating an additional 5,000 acres of land as wilderness. The revised boundaries recognize that buffer zones should not be arbitrarily established around wilderness areas, but in future instances, where circumstances warrant them and where the need can be substantiated, buffer zones will not be automatically foreclosed.

CONCLUSION

Mr. Speaker, H.R. 10655 will establish a 78,982 acre wilderness area in the Lassen Volcanic National Park if it is approved in the form recommended by the committee. This will constitute a significant addition to the national wilderness system and it will assure the future protection of the area indefinitely. As recommended by the committee, I believe that H.R. 10655 merits the favorable consideration of the Members of the House.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING SECRETARY OF THE INTERIOR TO CONDUCT A STUDY CONCERNING THE GREAT DISMAL SWAMP

The Clerk called the bill (H.R. 11369) to authorize the Secretary of the Interior to conduct a study to determine the best and most feasible means of protecting and preserving the Great Dismal Swamp and the Dismal Swamp Canal.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that a similar Senate bill (S. 2441) be considered in lieu of the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There being no objection, the Clerk read the Senate bill, as follows:

S. 2441

An act to authorize the Secretary of the Interior to conduct a study to determine the feasibility and desirability of protecting and preserving the Great Dismal Swamp and the Dismal Swamp Canal

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to conduct an investigation and study to determine the feasibility and desirability of protecting and preserving the Great Dismal Swamp and the Dismal Swamp Canal, in the States of North Carolina and Virginia. The Secretary shall consult with other interested Federal agencies, and the State and local bodies and officials involved, and shall coordinate the study with applicable outdoor recreation plans, highway plans, and other planning activities relating to the region. Such investigation and study shall be carried out for the purposes of determining (1) the desirability and feasibility of protecting and preserving the ecological, scenic, recreational, historical, and other resource values of the Great Dismal Swamp and the Dismal Swamp Canal, with particular emphasis on the development of the Dismal Swamp Canal for recreational boating purposes, (2) the potential alternative beneficial uses of the water and related land resources involved, taking into consideration appropriate uses of the land for residential, commercial, industrial, agricultural, and transportation purposes, and for public services; and (3) the type of Federal, State, or local program, if any, that is feasible and desirable in the public interest to preserve, develop, and make accessible for public use the values set forth in (1) including alternative means of achieving these values, together with a comparison of the costs and effectiveness of these alternative means.

SEC. 2. Upon the completion of the investigation and study authorized by this Act, but in no event later than two years following the date of the enactment of this Act, the Secretary of the Interior shall report to the Congress the results of such investigation and study, together with his recommendations with respect thereto.

SEC. 3. There is authorized to be appropriated not to exceed $50,000 to carry out the provisions of this Act.

Mr. ASPINALL. Mr. Speaker, the legislation now before the House—H.R. 11369—by our colleagues from the State of Virginia (Messrs. DOWNING, WHITEHURST, SATTERFIELD, ABBITT, DANIEL, POFF, ROBINSON, SCOTT, WAMPLER, and BROYHILL)—provides for a study of the possible recreation uses of the area known as the Great Dismal Swamp in the States of Virginia and North Carolina.

OBJECTIVES OF THE LEGISLATION

Under the terms of the bill, the Secretary of the Interior would conduct a study of the area involved in order to determine the desirability and feasibility of protecting and preserving the Great Dismal Swamp for recreational purposes. In making this study, the Secretary would also undertake an examination of the alternative uses of the area prior to forwarding his recommendations to the Congress. The bill requires the study to be completed and forwarded no later than 2 years after the date of enactment of the act.

As everyone knows, the Secretary has general authority to study the areas for potential consideration as a part of the national park or wildlife refuge systems. More often than not, he exercises that authority without regard to the areas which the Congress might wish to consider. The only meaningful way that the Congress can anticipate in the initiation of a project of this kind is to authorize and direct the Secretary to make such a study. This we have done on previous occasions—the Lake Tahoe and Cherokee Strip studies are presently underway pursuant to specific legislative authorization. Until the Congress has the specific data which is developed in a study of this kind, it is impossible to properly consider any authorization for a potential project.

COST

Mr. Speaker, the estimated cost of the study involved in H.R. 11369 is $50,000 and the legislation limits the authorization for appropriations to that amount.

CONCLUSION

The committee amendment brings the bill into conformity with the Senate approved bill so that if this legislation is approved, the Senate bill, S. 2441, can be considered and forwarded to the President for his approval.

Mr. Speaker, as chairman of the Committee on Interior and Insular Affairs, I am pleased to support this legislation and I commend it to my colleagues for their favorable consideration.

Mr. TAYLOR. Mr. Speaker, H.R. 11369 by our friend from Virginia (Mr. DOWNING) and the other Members of the Virginia delegation provides for a study of the Great Dismal Swamp Area to determine whether this area contains adequate outdoor values to merit its protection and preservation.

Under the terms of the bill, as amended, this study is to be made under the auspices of the Secretary of the Interior. He is to take into consideration all of the relative values and needs—including alternative beneficial uses—before submitting his report and recommendations to the Congress.

The report is to be completed within 2 years after the date of enactment of this legislation and the options available to the Secretary are unlimited. He may recommend that some part of the area be preserved as a part of the National Park System or as a wildlife refuge or he may recommend that no Federal action be taken. In any event, the Congress is in no position at this time, without the detailed background data which will be developed by this study, to make any determination with respect to the ultimate use of this area.

COST

Mr. Speaker, the Secretary could conduct this study without specific authority, but this legislation expresses the interest of Congress in this area and will result in the development of the data which we need within a reasonable period of time. Appropriations to cover the cost of the study are limited by the bill to no more than $50,000.

RECOMMENDATION

Mr. Speaker, I recommend this approval of H.R. 11369 by my colleagues in the House.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 11369) was laid on the table.

AUTHORIZING CERTAIN ADDITIONS TO THE SITKA NATIONAL MONUMENT, ALASKA

The Clerk called the bill (S. 1497) to authorize certain additions to the Sitka National Monument in the State of Alaska, and for other purposes.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve in public ownership for the benefit and inspiration of present and future generations of Americans an area which illustrates a part of the early history of the United States by commemorating czarist Russia's exploration and colonization of Alaska, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange, for addition to the Sitka National Monument, the lands and interests therein, and improvements thereon, including the Russian mission, as generally depicted on the map entitled "Proposed Additions, Sitka National Monument, Sitka, Alaska" numbered 314–20,010–A, in two sheets, and dated September 1971, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. Lands and interests in lands within such area owned by the State of Alaska or any political subdivision thereof may be acquired only by donation.

SEC. 2. The Sitka National Monument is hereby redesignated as the Sitka National Historical Park, and it shall be administered, protected, and maintained by the Secretary in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

SEC. 3. There are hereby authorized to be appropriated not to exceed $140,000 for land acquisition and $691,000 (June 1971 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein.

With the following committee amendments:

Page 1, lines 9 and 10, delete "purchase with donated or appropriated funds," and insert "purchase,".

Page 2, line 9, after the period insert: "Notwithstanding any other provision of law, the Secretary may erect permanent improvements on lands acquired by him from the State of Alaska for the purposes of this Act."

The committee amendments were agreed to.

INTRODUCTION AND BACKGROUND

Mr. ASPINALL. Mr. Speaker, S. 1497 is comparable to legislation sponsored by our colleague from Alaska (Mr. BEGICH), which provides for the addition of certain lands to the area presently known as the Sitka National Monument and which redesignates the area as a national historical park.

The Sitka site is one of the most historically significant areas in the State of Alaska. It was here that the Tlingit Indians stood their ground and attempted to retain control of their lands against the Russian colonizers in 1804. Following the battle, this area became the center of Russian influence on this continent until 1867 when the United States purchased Alaska from the Russian Government.

OBJECTIVES OF THE LEGISLATION

Presently, the Sitka site does not include the tidelands where the actual combat took place, because the Alaska Statehood Act transferred jurisdiction to almost all of the tidelands to the State of Alaska. It is now felt that these lands should be administered in conjunction with the historical park complex so that they could contribute to the interpretation of the events which took place there at the turn of the 19th century.

Another parcel of land which this legislation would add to the existing park unit is located along the present boundary. It is considered important to the protection and security of present facilities during nonvisitor-use hours.

The most important addition to the area, however, is the inclusion of a noncontiguous property which contains the Old Russian Mission School and Orphanage. Constructed in 1842, the Russian Mission is the oldest surviving building associated with the Russian dominance of Alaska. It was continuously occupied by the Russian Orthodox Greek Catholic Church until 1969, but since that time it has not been used. It is recognized as an authentic example of Russian architecture of the period and it has been designated as a national historic landmark by the Secretary of the Interior upon the recommendation of the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments.

No other site exists which could better illustrate the period of Russian control of Alaska and certainly no other unit of the national park system offers an opportunity to interpret this phase of our history for the American people. To aid in the interpretive value of this property, the church has agreed to make available on a long-term arrangement some of the original furnishings which were used in the building. It has also offered to assist the Park Service in obtaining other furnishings and artifacts which will enhance this component of the historical park.

COST

Mr. Speaker, most of the lands involved in the proposal are publicly owned lands. All of the city lands are to be donated and the fee or a leasehold interest in the State lands is expected to be conveyed without cost; however, the acquisition of the church property is contemplated. The estimated value of the land and improvements involved totals $140,000.

Development costs are estimated at $691,000. Most of this money, when appropriated, will be used to rehabilitate and restore the mission and associated buildings, to remove nonhistoric structures from the scene, to obliterate existing city streets within the grounds, and to landscape the area. Of the total amount authorized, about $60,000 is to be used for the construction of a seawall in front of the existing visitor center.

COMMITTEE AMENDMENTS

Two relatively technical amendments are recommended by the committee. The first deletes language in the bill which the Parliamentarian of the House has advised constitutes a direct appropriation. The other provides authority for the Secretary to construct the seawall on lands in which the Federal Government has less than a fee interest. This language is required, because present State law precludes the conveyance of fee title and existing rulings of the Department of Justice preclude the construction of permanent improvements on any lands in which the United States has less than a fee interest, unless specifically excepted by act of Congress. We expect this problem to resolve itself if the commitment to seek legislative action to donate the State lands is approved.

CONCLUSION

Mr. Speaker, that concludes my remarks on this legislation. I am in full support of S. 1497, as amended, and I urge its approval by the House.

Mr. BEGICH. Mr. Speaker, it is a pleasure to rise in support of S. 1497, the amended version of my own bill, H.R. 8270, which makes certain additions to the Sitka National Monument and redesignates it as the Sitka National Historical Park. More precisely, the legislation would extend the boundaries of the new park to afford protection against commercial encroachment and would add a new segment which contains the old Russian Mission, including the Russian School and Orphanage. This structure, dating from 1842, is thought by many to be the most important remaining Russian structure in Alaska.

Allow me to place this legislation in its proper historical perspective. Sitka, besides being one of the most beautiful scenic areas in the world, is a historical site of major importance. It was Sitka where Vitus Bering first came in 1841, and where ships from France, Spain, and England followed in later years to seek the rich resources of Alaska. In 1799, the Russians came to Sitka, led by Alexander Baranof, to establish a fort and a center for fur trading.

This early Russian settlement was contested by the Tlingit Indians of southeastern Alaska, a proud people having a rich and valuable culture for 8,000 years. After a series of battles in which the Russians were at one time driven from the area, a final settlement was established at Sitka in 1805. This was the beginning of a unique period in American history—the period of Russian America.

That period saw the struggle of Russian and Tlingit cultures, the establishment of the Russian Orthodox Church in North America, and finally in 1867, the purchase of Alaska from Russia for $7,200,000. The bargain was closed in Sitka on October 18, 1867, and Sitka was the territorial capital until 1906.

During the period of Russian America, many important buildings and sites were established in Sitka. Among them were the old Sitka townsite—1799; St. Michael's Cathedral—1844; the Russian Mission School and Orphanage—1842; and the Castle Hill area, site of Lord Baranof's castle, which was the headquarters of the Russian American Co. and the site of the transfer of Alaska to the United States.

The Sitka National Monument was established some years ago to preserve the site of the 1804 Battle of Alaska in which the Tlingits fought a last battle to forestall foreign domination of Alaska. Protection of all the other sites I have mentioned has been done by the city of Sitka, the Russian Orthodox Church, the State of Alaska, private citizens, and other individual efforts. Now, the time is at hand where action must be taken immediately just to save what is left of some of these historical sites.

This bill protects the most valuable and the most immediately threatened of these sites—the old Russian Mission, which was the location of the Russian School and Orphanage. In recent years this building has deteriorated since it is no longer used by the members of the Russian Orthodoxy clergy in Sitka. This deterioration now threatens the structure seriously, and it is essential that action be taken quickly, as the building cannot survive without immediate help.

I might add here that the people of Sitka have sad memories of unprotected historical sites, as the original St. Michael's Cathedral, built in 1844, was destroyed by fire in January of 1966. This loss can never be replaced, and it must not be repeated.

The legislation at hand is a crucial step in offering full protection to what is left of Russian Alaska. As the Interior Committee was aware, this bill has been considered carefully by all parties concerned, and it is unanimously endorsed.

The endorsement includes the Park Service, the State of Alaska, the city and borough of Sitka, in addition to others. To these endorsements, I enthusiastically add my own as the sponsor of the legislation.

Mr. TAYLOR. I want to take a moment to express my support for the enactment of S. 1497, as amended. This legislation, which has the same objective as H.R. 8270 by our colleague from Alaska (Mr. BEGICH), would enlarge and improve the historical value of the Sitka National Monument in the State of Alaska. The bill would also redesignate the area as an historical park.

HISTORICAL SIGNIFICANCE

The city of Sitka has played an extremely important role in Alaskan history. At the beginning of the 19th century, this city was the scene of the first Russian colony in North America. When the Russians came, the Tlingit Indians fought valiantly to retain control of their land, but ultimately the power of the colonizers prevailed. After Russian dominance was established, Sitka—or New Archangel as it was called—became the capital of Russian America and, through it, Russian control of all of Alaska was maintained.

In 1867, the Russian flag was lowered in Alaska for the last time and Alaskans proudly became Americans. The site of the raising of the American flag was the Russian Governor's Mansion which burned in 1894 so that only a bronze plaque now marks this historic spot. Another important Russian-built structure—the St. Michael's Cathedral—was destroyed by fire in 1966. The oldest and most important remaining building associated with this phase of the history of this part of the Nation is the Old Russian Mission and Orphanage which would be included in the Sitka National Historical Park if S. 1497 is enacted.

The architectural integrity of this building is unquestioned and its historical significance has been recognized by the National Parks Advisory Board, but it remains a privately owned property under the control of the Russian Orthodox Greek Catholic Church. The church needs to dispose of the property and needs the proceeds for its church functions, but sale to any nongovernmental entity would undoubtedly result in its destruction since it is located on a valuable parcel of land.

The members of the committee generally agreed that the loss of this remnant of early Alaskan history should be avoided because it is the only place where the period of Russian influence can be explained and interpreted for the public.

COST

Mr. Speaker, S. 1497 authorizes $140,000 for the acquisition of lands. This money, when appropriated would be used to acquire the Russian Mission and associated properties and scenic easements which are needed for protection of the integrity of the area.

Development costs attributable to this legislation total $691,000. Most of this—$631,000—would be used to restore, rehabilitate, and protect the historical structures at the Old Russian Mission location, but a portion of the authorization—$60,000—would be used to construct a seawall in front of the present visitor center.

CONCLUSION AND RECOMMENDATION

Mr. Speaker, S. 1497 adds two other parcels to the existing monument area which contribute to the values found there, but no additional land acquisition costs are anticipated with respect to them and their importance is fully explained in the Committee report.

I am pleased to join my colleague from Alaska in supporting the enactment of S. 1497 and urge its approval by the Members of the House.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 8270) was laid on the table.

LONGFELLOW NATIONAL HISTORIC SITE, CAMBRIDGE, MASS.

The Clerk called the bill (H.R. 3986) to authorize the establishment of the Longfellow National Historic Site in Cambridge, Mass., and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I would like to ask my distinguished friend and colleague, the gentleman from Colorado, who is the chairman of the Committee on Interior and Insular Affairs, a question regarding the bill before us, which I regard as a worthwhile bill, and which, as I understand it, will consist of the United States accepting the donation of an historic site in Cambridge, Mass., the Henry Wadsworth Longfellow home; to the Department of the Interior and the United States, I nevertheless believe it is excessive in its development fund authorized herein.

I understand that there is nothing for acquisition, and my question is a simple one, and that is whether or not it might not be overlavish with the taxpayers' funds in the development and restoration of this historic site?

Mr. ASPINALL. Mr. Speaker, would the gentleman yield?

Mr. HALL. I will be glad to yield to the gentleman from Colorado.

Mr. ASPINALL. May I say in answer to the question asked by the gentleman from Missouri (Mr. HALL) that the organization that now has control of the property can see that in the not too far distant future that it is not going to be able to carry on with the handling of the property, and that it would be in the long-term public interest for the property to be operated immediately by the United States as a national shrine. As I understand, they do have some moneys in the trust that they have, and these moneys will come to the Department of the Interior.

So it seems to me, and to the committee, that this is the only way that we could keep this treasured home of one of the great American poets intact and in good condition, as we all desire. Our committee has spent considerable time in figuring out the necessary expenditures, and we feel that everything that is involved in this is necessary. This will be a place which will be visited by countless thousands of people.

Mr. HALL. Mr. Speaker, in view of the words of the distinguished chairman, the gentleman from Colorado, which are very reassuring to me, and in view of the fact that the father of our country used this home as his headquarters during the siege of Boston, and again occupied the home at a much later date, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that a similar Senate bill (S. 3129) be considered in lieu of the House bill.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There being no objection, the Clerk read the Senate bill as follows:

S. 3129

An act to authorize the establishment of the Longfellow National Historic Site in Cambridge, Massachusetts, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve in public ownership for the benefit and inspiration of the people of the United States, a site of national historic significance containing a dwelling which is an outstanding example of colonial architecture and which served as George Washington's headquarters during the siege of Boston in 1775–1776, and from 1837 to 1882 as the home of Henry Wadsworth Longfellow, the Secretary of the Interior is authorized to acquire by donation the fee simple title to the real property and improvements thereon together with furnishings and other personal property, situated at and known as 105 Brattle Street, Cambridge, Massachusetts, for establishment as the Longfellow National Historic Site.

SEC. 2. The Secretary of the Interior is further authorized to accept the donation of not less than $200,000, and such other sums of money as may be tendered from time to time by the Trustees of the Longfellow House Trust, established pursuant to indentures dated October 28, 1913, and November 18, 1914, and such funds or any part thereof and any interest thereon, may be used exclusively for the purposes of administration, maintenance, and operation of the Longfellow National Historic Site.

SEC. 3. The Longfellow National Historic Site shall be established when title to the real and personal property described in section 1 of this Act and the sum of $200,000 as set forth in section 2 of this Act have been accepted by the Secretary of the Interior, and upon such establishment, the Longfellow National Historic Site shall be administered by the Secretary of the Interior in accordance with the Act approved August 25, 1916 (39 Stat. 535), as amended and supplemented, and the Act approved August 21, 1935 (49 Stat. 666).

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, not to exceed, however, $586,600 (May 1971 prices) for development of the area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

Mr. ASPINALL. Mr. Speaker, it is a pleasure for me to bring to the floor of the House a bill sponsored by our friend and colleague from the State of Massachusetts (Mr. O'Neill). This legislation (H.R. 3986) provides for the establishment of the Longfellow National Historic Site.

HISTORICAL SIGNIFICANCE

Few places in the Nation would cover such a long span of significant and diversified historical events as this important Cambridge, Mass., mansion. Constructed in 1759, it is considered to be one of the best examples of late Georgian period architecture in the Nation. In addition to its architectural values, however, it has been the scene of many important historical events.

During the turbulent pre-Revolutionary War period, it served as a hospital for colonials wounded at Lexington, Concord, and Bunker Hill and later, in 1775, it became the headquarters of Gen. George Washington during the seige of Boston.

In the years after the conclusion of the war, ownership of the property shifted from family to family, but in 1837, the committee was told, Henry Wadsworth Longfellow rented a room there and later, after he was married, made it his family home until his death in 1882.

Presently, the property is owned and administered by the Longfellow House Trust and is open to the public; however, testimony indicated that it appears that it would be in the long-term public interest for the property to be operated and maintained by the United States as a national historic site. If accepted, the Longfellow trustees have agreed to donate the entire property, including all of the priceless furnishings and trust funds totaling $200,000. This disposal of the trust corpus has been adjudicated so that there is no question about the legality of the transfer of the property to the Government for this purpose.

COST AND RECOMMENDATION

Mr. Speaker, it would be difficult to estimate the value of this property to the American people, because a dollar amount cannot be placed on the intangible historical values involved. Its association with George Washington and Henry Wadsworth Longfellow alone make it an invaluable national treasure, because history was made there. Fortunately we need not try to evaluate this well-preserved, historic property since it will be donated to the Government and no land acquisition costs will be involved. It should also be noted that $200,000 in cash will be given with the property for the benefit of the house. These funds will help to offset some of the costs normally associated with operating and maintaining a property of this kind.

Estimates supplied to the committee suggested that $586,600 would be needed over the next several years to develop the property in a manner suitable for public use and enjoyment. It may seem that these costs are high, but it should be remembered that these development costs contemplate converting the property to a full-time public use facility. It will be necessary to provide the usual visitor-related necessities and the installation of interpretive facilities will help make a visit a meaningful experience. In addition, the property must be protected from potential hazards and some normal rehabilitation, restoration, and landscaping will be required.

Mr. Speaker, I believe that the value of this property to present and future generations of Americans far exceeds this modest investment, and I am happy to be associated with my friend from Massachusetts in support of this legislation. I urge my colleagues in the House to approve the enactment of H.R. 3986, as amended.

Mr. TAYLOR. Mr. Speaker, I want to take just a moment to add my voice to those who are speaking in behalf of H.R. 3986 by our colleague, the Honorable Thomas P. O'Neill, Jr.

COMMITTEE CONSIDERATION

Public hearings were held on the legislation earlier this year by the Subcommittee on National Parks and Recreation. At that time, we learned about the historic events which occurred at this well-preserved mid-18th century structure.

I regret that it was impossible for members of the subcommittee to visit this site prior to its authorization, but I can assure the Members of the House that we were reliably informed that it is in basically sound condition and that it has been maintained without substantial alteration since it was occupied by Henry Wadsworth Longfellow.

CULTURAL IMPORTANCE

Mr. Speaker, this property is steeped in history. Not only is it significant because of its architectural integrity, but it is important because of those who used and occupied the residence. Here, George Washington established his headquarters during the siege of Boston in 1775–1776 and here Henry Wadsworth Longfellow wrote some of his best and most famous works about a century later.

Americans will be proud of the fact that the Congress has taken action to assure the integrity of this amazing property in perpetuity. I am convinced that we can all benefit by recognizing the contributions of our past. In this one small area, people can experience a real lesson in American history—they can develop a better understanding of the meaning of the Revolutionary War—and they can expand their appreciation of one of America's greatest—if not the greatest—poets. I believe that we need to encourage pride in our past and I think that proposals like H.R. 3986 helps us to accomplish that objective.

CONCLUSION

Mr. Speaker, it gives me a great deal of pleasure to rise in support of this legislation and I want to commend Congressman O'Neill for bringing it to our attention.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 3986) was laid on the table.

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to insert their remarks in the Record on the various bills just passed on the Consent Calendar.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

RESTRAINTS ON TRAVEL TO HOSTILE AREAS

Mr. ICHORD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 16742) to amend section 4 of the Internal Security Act of 1950, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4 of the Internal Security Act of 1950 (50 U.S.C. 783) is amended by adding immediately following subsection (c) of such section the following new subsection:

"(d) The President may restrict travel by citizens and nationals of the United States to, in, or through any country or area whose military forces are engaged in armed conflict with the military forces of the United States. Such restriction shall be announced by public notice which shall be published in the Federal Register. Travel to such restricted country or area by any person may be authorized by the President when he deems such travel to be in the national interest. It shall be unlawful for any citizen or national of the United States willfully and without such authorization to travel to, in, or through any country or area to which travel is restricted pursuant to this subsection."

(b) Section 4 of such Act is further amended by redesignating existing subsections (d) through (f) as (e) through (g).

CALL OF THE HOUSE

Mr. EDWARDS of California. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 393]

Abourezk
Abzug
Addabbo
Baker
Baring
Bell
Bevill
Blatnik
Bolling
Cabell
Caffery
Chisholm
Clay
Cleveland
Collins, Ill.
Conte
Culver
Dennis
Dingell
Dow
Dowdy
Dwyer
Edmondson
Erlenborn
Evans, Colo.
Flowers
Flynt
Fraser
Frenzel
Gallagher
Giaimo
Gray
Green, Oreg.
Green, Pa.
Gross
Hagan
Halpern
Hanna
Harvey
Hawkins
Hébert
Hull
Jarman
Kastenmeier
Kyl
Link
Lujan
McClure
McCormack
McDonald, Mich.
McMillan
Matsunaga
Metcalfe
Mikva
Miller, Calif.
Mink
Minshall
Mollohan
Moorhead
Murphy, N.Y.
Nichols
Passman
Pepper
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Rees
Rodino
Rooney, N.Y.
Runnels
Scheuer
Schmitz
Schwengel
Scott
Shipley
Springer
Stanton, James V.
Stokes
Talcott
Teague, Calif.
Thompson, N.J.
Van Deerlin
Waldie
Widnall

The SPEAKER. On this rollcall 345 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

RESTRAINTS ON TRAVEL TO HOSTILE AREAS

The SPEAKER. Is a second demanded?

Mr. ASHBROOK. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ICHORD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill under consideration (H.R. 16742) is direct and forthright in its provisions. It is moderate in its terms. It is in the national interest that the bill be enacted promptly, and I have accordingly sought to bring it before you under the expedited procedures so wisely provided by the Rules of the House.

The bill would amend section 4 of the Internal Security Act of 1950 by adding a new subsection by which the Congress would authorize the President to restrict travel to countries whose military forces are engaged in armed conflict with the military forces of the United States. It is expressly provided that travel to such restricted areas may be authorized by the President when he deems it to be in the national interest. Travel without authorization to restricted areas is made subject to the penal sanctions now provided by section 4(d) of the act which would make the offense punishable by a maximum fine of $10,000 and 10 years imprisonment. Moreover, persons violating the restraint shall thereafter be ineligible to hold any office created by the Constitution or laws of the United States.

I should at the outset emphasize that the bill does not in itself prohibit travel or impose any inflexible duties upon the President to restrict all travel. While he is authorized to restrict travel to the designated areas, the President is at the same time authorized to permit it when in the national interest. Hence the bill does not, as some have erroneously suggested, impose any blanket prohibition on travel of all members of the press or of other persons whose travel to any such restricted area will either serve or have the purpose of advancing the national interest.

I also want to make clear that the bill under consideration is not intended to limit, expressly or by implication, such constitutional power to restrict travel as the President may now possess in his capacity as Commander in Chief or as the principal organ for the conduct of the Nation's international affairs. His power, of course, is not without limitation. Whatever its full extent may be, it is now undeniable that he possesses the constitutional power to restrict travel to a country with which we are involved in armed conflict. By authorizing the President to impose such restrictions, it is understood that the Congress does not thereby implicitly assert any claim that only the Congress may authorize the exercise of such power. What the bill does is to give necessary support to the exercise of the President's authority by authorizing penal sanctions to be applied for violation of such restraints in the limited instance set forth in the bill.

The present inability of the President to enforce his authority to restrain travel to countries with which we are engaged in actual armed conflict has resulted in a situation where a number of our citizens, on an ever-increasing scale, are traveling to hostile areas, particularly North Vietnam, and there engaging in activities which obstruct the execution of the President's constitutional duties and cause great damage to the Nation's security interests. While thus abroad we must take note of the fact that a number of our citizens are giving aid and comfort to the enemy. They thus encourage the enemy and prolong the war.

Yet, in the face of all of this I have heard said in opposition to the measure, and you are likely to hear it said again, that nevertheless the bill is unconstitutional, that it violates first amendment and fifth amendment liberties, and that it should not therefore be passed. Very frequently, when all other arguments fail, such argument is made. Suffice to say that whatever vitality an argument of that sort may have in other circumstances, it has been laid to rest in the most recent decisions of the U.S. Supreme Court itself. They are noted in the committee's report which you have before you.

We share with all citizens their concern to retain liberty of action and the many liberties which the Constitution was adopted to insure, including freedom of travel. We must conclude, however, as has the court, that on the point of travel this liberty, like other forms of liberty, are in our concept of an ordered society subject to restrictions under some circumstances and for some reasons. The question is whether the liberty of travel, to North Vietnam for example, has been so abused, with consequences so harmful to our national interest, as to require some reasonable measures of limitation on its exercise.

The measure before us is not a new effort to restrict such travel. It is simply a measure to make existing restrictions effective in the limited area of travel to countries with which we are engaged in armed conflict. Legislation even more comprehensive than this has long been pending before the Congress. A number of bills which would authorize restrictions upon various grounds, independently even of the existence of a state of war, have been considered over the years. The urgency of the situation was early brought to our attention in a message of President Eisenhower to the 85th Congress following the June 1958 decisions of the court in *Kent* v. *Dulles* (357 U.S. 116) and *Dayton* v. *Dulles* (357 U.S. 144). In emphasizing the need for congressional action, he then told us that "each day and each week that passes without it exposes us to a great danger." He said he hoped the Congress would move promptly toward the enactment of supporting legislation.

I would like to say one final word in connection with our prisoners of war in light of the recent publicity attending the return of a selected three. I think this bill will also serve a useful purpose in contributing to the expeditious return, not of three of our captured personnel whom the enemy sought to break in body and spirit to do their bidding, but of all of our men in the service. Its passage will demonstrate to the enemy that this Government, the Congress, and this Nation stand united behind its military forces, that we have not abandoned them to destruction in the field of battle or as captives of the enemy, and that their comrades who have died with their faces turned toward the enemy shall not have died in vain. I, therefore, urge that the House enact this bill with such overwhelming support that this message will be conveyed to the North Vietnamese in clear terms.

Mr. Speaker, the bill we bring before you today is both precise and concise. The intent of the legislation is clear; it is very specific; it contains adequate standards.

It is moderate, and I have no doubt about its reasonableness and constitutionality.

As the distinguished Washington news correspondent, David Lawrence, has stated, this is a measure which is long overdue. The President's existing authority to impose area restrictions as an instrument to conduct foreign affairs is unenforceable because of the absence of penal sanctions.

H.R. 16742 would authorize penal sanctions for 10 years' imprisonment or a $10,000 fine or both fine and imprisonment. The bill would authorize the President to restrict travel to a country with which the United States is in armed conflict without prior authorization. Therefore, the measure, insofar as its penal sanctions are concerned, would apply presently only to the country of North Vietnam.

Let me make it clear, Mr. Speaker, that the power given to the President is intended to be delegable to the Secretary of State, pursuant to title III, United State Code, sections 301 and 303.

Presently, Mr. Speaker, under existing authority travel is restricted by the State Department for the countries of North Vietnam, Cuba, and North Korea. However, the restrictions are almost totally ineffective. The State Department may not validate a passport to North Vietnam, but this does not mean that the citizen may not travel to North Vietnam without fear of punishment, because, as the U.S. Court of Appeals held in *Lynd* v. *Rusk*, 398 Fed. 2d, page 940, travel restrictions are only on the passport. The Secretary is not given authority to control the travel of the person. Thus the person can obtain a passport validated for travel to France, to Sweden, to Russia, or some other country to which travel is not restricted, then obtain a visa from North Vietnam and travel then to North Vietnam without fear of penalty.

It might be possible to violate the law, the present law, if the passport itself was used. But it would indeed be a dense person who came under the present penal sanctions regardless of the intent and the purpose of the person so traveling.

The gentleman from Massachusetts, Mr. Speaker, contended that H.R. 16742 is unconstitutional. In my opinion, his contention is totally without merit.

CALL OF THE HOUSE

Mr. MITCHELL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. One hundred eighty-nine Members are present, not a quorum.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 394]

Abourezk
Abzug
Baker
Baring
Bell
Bevill
Bolling
Bow
Brotzman
Cabell
Carey, N.Y.
Chisholm
Clay
Collins, Ill.
Conte
Coughlin
Culver
Davis, Wis.
Devine
Dickinson
Dingell
Dow
Dowdy
Dwyer
Edmondson
Erlenborn
Evans, Colo.
Flynt
Frey
Fulton
Gallagher
Giaimo
Gibbons
Green, Oreg.
Gross
Hagan
Halpern
Hanna
Harvey
Hastings
Hawkins
Hébert
Horton
Hull
Jarman
Kyl
Landrum
Link
Lujan
McClure
McCormack
McMillan
Metcalfe
Miller, Calif.
Mink
Minshall
Mollohan
Monagan
Murphy, N.Y.
Nichols
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Railsback
Rees
Reid
Riegle
Rodino
Rooney, N.Y.
Runnels
Scheuer
Schmitz
Schwengel
Scott
Seiberling
Shipley
Springer
Stokes
Talcott
Teague, Calif.
Thompson, N.J.
Van Deerlin
Vander Jagt
Waldie
Wilson, Charles H.

The SPEAKER. On this rollcall, 344 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

RESTRAINTS ON TRAVEL TO HOSTILE AREAS

Mr. ICHORD. Mr. Speaker, if this is an attempt to filibuster H.R. 16742, I would announce to the Members that I consider this a serious imposition upon those who have bills upon the calendar which they would like to have considered.

Therefore, I would announce that if there is one more point of order made, my thinking would be, in fairness to all the Members, to yield back my time and proceed to a vote on this matter. However, many people have requested floor time, and I would like to acquiesce in yielding freely to the Members.

Before the last point of order, Mr. Speaker, I was making the point that the contention of unconstitutionality on the part of the gentleman from Massachusetts is totally without merit. In fact, the leading case cited by the gentleman from Massachusetts, *United States* v. *Laub*, 385 U.S. 475, a 1967 case, practically pleads for this legislation. At page 486 the Court had this to say:

> The Government, as well as others, has repeatedly called to the attention of the Congress the need for consideration of legislation specifically making it a criminal offense for any citizen to travel to a country as to which an area restriction is in effect, but no such legislation was enacted.

I would reiterate, Mr. Speaker, that this measure is very limited. It is approved by the Department of Justice, but it is more limited than that recommended by the Department of Justice under this and other administrations.

The measure is in line with the recommendation of a special committee of the Bar Association of New York City which was appointed in 1958 to study the matter.

David Lawrence was indeed right; this legislation is long overdue.

Some of the opponents to the measure, who I would hope are very few in number, have referred to the measure as the Fonda bill, because the bill was born out of, and I quote, "emotionalism surrounding the recent travel and the actions of Jane Fonda in North Vietnam."

Let me say I do not care what one calls the bill. As one of its authors, may I state that the measure is born out of sanity rather than emotionalism.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield for a question?

Mr. ICHORD. I yield to the gentleman from Texas.

Mr. GONZALEZ. According to the explanation, this would empower the President to restrict travel outside the continental United States?

Mr. ICHORD. I would say to the gentleman it gives the President no additional power, but it would add penal sections to the restrictions already in operation.

Mr. GONZALEZ. That is what I mean. It would empower the President to restrict subject to penal action.

Mr. ICHORD. Travel would be illegal without prior authorization, if the President issues an order or his representative issues an order restricting such travel.

Mr. GONZALEZ. The areas prohibited are defined as those areas in which we find ourselves in armed conflict?

Mr. ICHORD. In armed conflict.

I would state to the gentleman that presently this would only apply to the country of North Vietnam.

Mr. Speaker, I decline to yield further at this point until I finish my statement.

It is true, Mr. Speaker, Jane Fonda's recent travels to Vietnam underscored the necessity for this legislation, but Jane Fonda is not the first to travel to Hanoi and she is not the first to make radio propaganda broadcasts in Hanoi. Personally I feel very strongly that Miss Fonda violated existing law, but I am also equally confident that there will never be a prosecution.

I cannot fault the Department of Justice altogether, because there are very serious evidentiary difficulties involved. There is also the question of making a martyr out of a person who I believe does not deserve to be a martyr.

There is also the probability of bringing a trial into the political arena much as we had with the Chicago Seven trial.

So I contend, Mr. Speaker, that the only way to solve this problem is to specifically authorize area restriction, as proposed in this bill and recommended by the New York City Bar Association.

The gentleman from Massachusetts and a few others may vote against this bill in the name of liberty, but I say, my friends, that the true champions of liberty are among those who support this legislation.

In my opinion, it is one of the clear choices between freedom and anarchy if we are going to remain a free society. How we feel about the war in Vietnam should be immaterial. I would have grave doubts about the future of any nation as a free society that would hold that a private citizen shall have the unrestricted right of travel to a nation in armed conflict with the United States, for the purpose of negotiation, for the any purpose to serve the cause of the enemy.

This, I submit, Mr. Speaker, is the true purpose of propaganda broadcasts or for issue in this measure: A choice between liberty and anarchy.

Mr. GONZALEZ. Will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Texas.

Mr. GONZALEZ. I thank the gentleman, because I do, of course, want to present one or two precedents.

First, as to your statement that at the present time under present conditions, as you visualize them, this would affect only Vietnam: Well, now we read in the newspaper that lately some of the assaults on American men and personnel have been made by virtue of airplanes that the Chinese have supplied the North Vietnamese.

But now we have the President visiting in China, and he wined and he dined with them and he was cheek-by-jowl with those who are supplying the North Vietnamese.

He did the same thing in Moscow. And now you are going to give the President the right to say who shall and shall not go under penalty for doing less. Would this include the members of the press?

Mr. ICHORD. Mr. Speaker, I would state to the gentleman that this would not enlarge the power of the President whatsoever; it would only provide a penal sanction.

Now specifically, in answer to the gentleman's question, as far as China is concerned, travel is not now restricted to the country of China.

Insofar as the travel of newsmen is concerned, they can still travel to North Vietnam if they obtain prior authorization. In fact, there are reporters in North Vietnam at the present time with validated passports to travel to North Vietnam, and the same situation would prevail.

Mr. GONZALEZ. Would the gentleman yield further?

Mr. ICHORD. I would be happy to yield further to the gentleman, but I promised other Members I would yield time, so I am limited in my time.

Mr. Speaker, at this time I yield 2 minutes to the distinguished chairman of the Committee on Rules, the gentleman from Mississippi (Mr. COLMER).

Mr. COLMER. Mr. Speaker, I really did not intend to use this time, but since it has been given to me, I want to endorse this proposed legislation to the fullest extent possible.

I think it has been nothing short of disgraceful that some of the people who differ with other people here about the justice and the injustice of this war over there in Vietnam have gone to North Vietnam, the enemy, and have used that country as a platform to belittle and to besmirch and to castigate the majority of the people of the United States who are in favor of a position which is different from their own.

The case of this actress Jane Fonda going over there and castigating the people of the United States, not only the President of the United States and others responsible for the conduct of this war but everybody who differs with her on this situation, is a case in point.

If this had been in any previous war, it is likely that these people would have been charged and prosecuted for treason.

I think it would be a grave mistake if this bill did not pass, and I urge its adoption.

Mr. ASHBROOK. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. Zion).

Mr. ZION. Mr. Speaker, during World War II, I guess we were amused a little by the antics of people like Tokyo Rose and Axis Sally who were trying to discredit our activities. Now such statements are much more vicious.

Several people who have long been associated with revolutionary activities and who have been working for a victory for the Communists in Southeast Asia have made statements which are much more inflammatory and much more help to the enemy and much more discouraging to our own fighting men.

When people like Jane Fonda, Ramsey Clark, David Dellinger, and Cora Weiss go to Vietnam and do these things, I think we have to take action. I have felt the sting of Cora Weiss' pen. A little over a year ago when I was calling on the nations of Europe to support the provisions of the Geneva Convention as it applies to prisoners of war, while we were working one side of the street trying to bring about an honorable victory these people worked the extreme left side of the street prolonging the war and demanding a Communist victory.

I would say that this bill is long overdue. I share the sentiment of many, that it would be quite all right to let these people go to North Vietnam if we can prevent their coming back.

The war has been going on for a long time. There is little question but much of its length has been as a result of these revolutionaries who are working for a Communist victory.

If this bill would prevent revolutionaries from going to those countries where our troops are in armed conflict, I hope that it will pass.

Mr. ASHBROOK. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. Goodling).

Mr. GOODLING. Mr. Speaker, I am a cosponsor of legislation (H.R. 16866), which is companion to H.R. 16742, the bill now before us for consideration.

Simply put, this legislation prevents any American citizen and nationals of the United States from going into a country whose military forces are engaged in armed conflict with the military forces of the United States; that is, unless such individuals have the authorization of the President of the United States. The President would, of course, grant privilege if he thought such travel would be in the national interest.

Legislation like H.R. 16742 is essential because the Federal courts have invalidated the restrictions that have been placed by the State Department on travel by American citizens to certain foreign countries. If such a prohibition on travel is to become a fact, then, it has to be provided by law. Regulations will not be able to do the job.

The question arises as to why travel to countries engaged in conflict with the United States should be denied to American citizens and nationals. The answer resides in the realization that under the U.S. Constitution, the President is designated as the Commander in Chief. As an official elected by the people, he must deal with foreign complications in a manner he considers to be in our best national interest.

While private citizens have a right to express themselves in the American society with respect to their feelings on war or any other issue of government, they cannot very well establish themselves as authorities to deal with foreign officials in the conduct of complicated foreign affairs. They have neither the authority nor training experience to represent the interests of America in complicated international relations.

As a practical consideration, permitting citizens without authority or skill to carry on negotiations with foreign officials would only invite chaos. The United States has a population of approximately 205 million. It can readily be seen what confusion would result were the right to conduct foreign affairs extended to the general citizenry of the country. Theoretically, we could have as many foreign policies as we have mature people.

Another positive aspect associated with this legislation is that it will prevent American citizens who do not agree with the policy of the President from going abroad and pleading with American forces under the President's command to abandon their military efforts. This was manifested when Jane Fonda went to North Vietnam and over Radio Hanoi addressed American servicemen in the following manner:

> I know that if you saw and if you knew the Vietnamese under peaceful conditions, you would hate the men who are sending you on bombing missions—if they told you the truth, you wouldn't fight, you wouldn't kill—you have been told lies so that it would be possible for you to kill.

Let us keep our foreign affairs in tune with the constitutional mandate. Let us not permit the popular "do-it-yourself" vogue to extend itself to the highly important and complicated area of foreign affairs. Let us support this bill, H.R. 16742.

Mr. ASHBROOK. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. Thompson).

Mr. THOMPSON of Georgia. Mr. Speaker, I would like to congratulate the chairman of the committee for the most responsible manner in which he has responded to my call to make an investigation of Jane Fonda's activities in North Vietnam. This legislation is in part a response to my request.

I truly believe, Mr. Speaker, that Jane Fonda has committed treason. After a very thorough and searching investigation and after having looked over a number of the transcripts and indeed listened to the recordings that have been sent to me by servicemen who recorded her messages on radios and tapes and sent them to me, I am convinced that her messages transmitted over Radio Hanoi do constitute treason.

After looking into some of these cases such as the Axis Sally case, and the Tokyo Rose case, it becomes evident that in order to obtain a conviction for treason there must be two eyewitnesses. That is required by the Constitution of the United States, because our Founding Fathers wanted to be very certain that no one was accused of treason, and then "railroaded" to the gallows without complete and adequate proof. In the Axis Sally and Tokyo Rose cases the courts held that eyewitness meant just exactly that, an eyewitness, and not an earwitness. We actually had to obtain witnesses who were in the studios at the time, and who saw the broadcasts.

It is obvious that the North Vietnamese are not about to provide two eyewitnesses to us who saw and listened to Jane Fonda make her broadcast.

This bill is a means whereby we can protect our own self-interest. We are a civilized society, one governed by rules, and we cannot allow license, whether it is in the international sphere or in the domestic sphere, to take place.

The SPEAKER. The time of the gentleman has expired.

Mr. ASHBROOK. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. Mizell).

Mr. MIZELL. Mr. Speaker, I thank the gentleman for yielding, and I rise in strong support of this legislation.

Mr. Speaker, I rise at this time to add my strong endorsement to the Internal Security Committee's bill forbidding travel by an American citizen to a country engaged in armed conflict with the United States, unless the President deems such travel in the national interest.

Legislation of this kind could not be more timely or more immediately needed, Mr. Speaker, in view of the recent exploits of Jane Fonda, or Hanoi Hanna as my colleague from Georgia (Mr. Thompson) has nicknamed her, and Ramsey Clark, both of whom have traveled to Hanoi and both of whose actions there have served to undermine the morale of the American soldier while implicitly condoning, perhaps even encouraging, acts of aggression and terror by the North Vietnamese.

These people's actions have not advanced the cause of peace in Vietnam, a cause they claim to espouse. Their actions have instead impeded the cause of peace, by giving aid and comfort to the enemy, by strengthening the enemy's will to fight, by endorsing the North Vietnamese propaganda line rather than condemning it.

Miss Fonda and Mr. Clark should be

held accountable for their actions, which only serve to prolong the war rather than end it.

But more to the point, Americans should not be engaged in this kind of amateurish and damaging personal "diplomacy" with an enemy nation in the first place.

This legislation before us today is designed to place just such prohibitions on those who have no business dealing with countries in armed conflict with the United States.

My preference is to permit travel if there is some way to keep these people from coming back. But while serious and substantive negotiations are being conducted by responsible emissaries of this country, those efforts should not be compromised or made any more difficult by a pernicious parade of irresponsible and traitorous people roaming at will in the enemy camp.

Mr. ICHORD. Mr. Speaker, I have only 5 minutes left, but I yield 2 of those minutes to the gentleman from Massachusetts (Mr. DRINAN), a member of the committee, and I understand that the gentleman from Ohio has very generously offered to yield some of his time to the gentleman.

Mr. ASHBROOK. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Speaker, and Members of the House, I thank the gentleman for yielding me this time.

Mr. ANNUNZIO. Mr. Speaker, will the gentleman yield?

Mr. DRINAN. I yield to the gentleman from Illinois.

Mr. ANNUNZIO. Mr. Speaker, I thank the gentleman for yielding, and in the gentleman's explanation of the bill would he go into the censorship of the press?

Mr. DRINAN. I will.

Mr. ANNUNZIO. So that it would be clear to the Members of the House as to whether newspapermen need permission to travel to the Far East.

Mr. DRINAN. The gentleman from Illinois has asked me a question with regard to the freedom of the press, and freedom of newspapermen to travel, and I would state that this is restricted in this bill.

Mr. Speaker, on Friday, September 22, after I had left my office, my receptionist received a phone call at 5:43 p.m. to the effect that this bill would be acted upon the following Monday by the House Internal Security Committee, of which I am a member. On Monday, September 25, at 11 o'clock a 45-minute hearing was held, all the witnesses were favorable, and the vote was taken. The vote was 5 to 0. The other four members of the committee were absent.

The rules of this House say this, Mr. Speaker:

> Each committee of the House (except the Committee on Rules) shall make public announcement of the date, place and subject matter of any hearing to be conducted by the committee on any measure or matter at least one week before the commencement of that hearing, unless the committee determines that there is good cause to begin such hearing at an earlier date. If the committee makes that determination, the committee shall make such public announcement at the earliest date.

The taking up of this bill did not comply with that rule, and I urge the Members that a vote on procedural grounds can justify a vote of "no" on this bill.

This bill, furthermore, is not within the jurisdiction of the House Committee on Internal Security. The Committee on the Judiciary has had exclusive jurisdiction over passport legislation, and all matters related to that area.

Legislation similar if not identical to the bill before you today was referred to the Committee on the Judiciary in the 90th, 91st, and in this Congress.

This bill is unconstitutional on a number of grounds—perhaps most importantly because it restricts the right of Americans to travel. This bill applies to all Americans—including journalists—without any provision for substantive or procedural due process.

This bill is specifically contrary to a long series of Supreme Court decisions over the past 2 decades.

One of those decisions said:

> The right to travel is a part of that liberty of which citizens cannot be deprived without due process of law.

There are no procedural safeguards in this bill. There are no standards in this bill by which the President, or those whom he designates, can judge.

I would call this bill the Anthony Lewis bill. I would call it the Richard Dudman bill. I would call it the John Hart of CBS bill. Because if this were now the law none of those individuals would have been allowed to go to North Vietnam.

I think we have learned from the Pentagon papers that when the Government is the only source of news the people are not told the truth.

The United Nations' Universal Declaration of Human Rights sets forth very clearly that every person has a basic individual freedom to leave any country, including his own—and to return to that country.

Members of the House have rightly been outraged that the Soviet Union has denied that right of emigration to Soviet Jews. How can we be outraged at the performance of another nation and consistently say that we can delegate this power to the President, without any safeguards or without any procedural due process?

I suggest to you Members of the House that if any American citizen does in fact go to some other country freely utilizing his right, and there commits some act contrary to American law, he can be punished by the Department of Justice—and should be.

But this is not an antitreason bill. This is a bill which is contrary to the freedom of travel. It is a bill that fundamentally violates the right of speech of all American citizens.

This is a bill that is consistent with the view that the President and the State Department should be able to dictate foreign policy without the Congress or the people knowing what if any reasons are behind that policy.

I suggest too that the House should not act on this matter on a suspension. We should not act with virtually no hearings and without a rule—without going into this complex matter at length. We should not on this particular Monday shortly before an election, take up this matter and vote favorably.

The SPEAKER. The time of the gentleman has expired.

Mr. ASHBROOK. Mr. Speaker, I yield 2 additional minutes to the gentleman.

Mr. DRINAN. Mr. Speaker, I urge in conclusion that calm and reason and more than an hour and a half for consideration are essential.

None of the elements indispensable to the passage of sound legislation are present in the bill before this House today. The bill before us is not sound legislation, and I urge its defeat.

Mr. ZION. Mr. Speaker, will the gentleman yield?

Mr. DRINAN. I yield to the gentleman.

Mr. ZION. Back in November of 1969 Jane Fonda in a speech at Michigan University said:

> I would think if you understood what communism was, you would hope, you would pray on your knees that we would some day become communist.

Would the gentleman feel that if we become Communist that many people would be permitted actually to pray on their knees?

Mr. DRINAN. I am not opposed to people praying on their knees or off their knees. But I am afraid that this question is not relevant to the matter before the House.

Mr. BURTON. Mr. Speaker, will the gentleman yield?

Mr. DRINAN. I yield to the gentleman.

Mr. BURTON. Mr. Speaker, I would like to commend the gentleman in the well.

I know it is election time when some time after Labor Day, in an even-numbered year, this committee brings before the House either a contempt citation that is going to be thrown out by the courts, because it exceeds our constitutional authority and mandate—or legislation that the Senate ignores. Once every 10 years a proposal of HISC becomes law, and the courts strike it down, because it violates the Bill of Rights.

This is another such folly. It simply ought to be rejected.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. DRINAN. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I am appalled both by the procedural and the substantive aspects of this legislation. As an expert on foreign affairs Jane Fonda is a good actress. Outside of that the lady is a much misguided emotional person.

But I am beginning to wonder whether we in the Congress are not also misguided and emotional. More and more we are governed by fear, fear of a wretched little country of not more than 15 million, fear most of all that we will go back home in the next few weeks before election and be accused of being somehow disloyal to our own country if we vote against this abandonment of our own powers and the turning over of more war powers to the President, in a time when war has not even been declared.

Lest anybody accuse me of being tainted with Communists, let me point out that my son was one of fewer than 2 dozen sons of Members of Congress in the 10 years of that war who fought in Vietnam, and the only one I believe who was wounded there. I am sick and tired of this type of legislation based on fear in an election year. I hope we can get enough votes to defeat it.

Mr. EDWARDS of California. Mr. Speaker, will the gentleman yield for a unanimous-consent request?

Mr. ICHORD. I yield to the gentleman from California.

Mr. EDWARDS of California. Mr. Speaker, I rise in opposition to this appalling bill.

Mr. Speaker, I find myself called upon as chairman of the Subcommittee on Civil Rights, as a Member of the House of Representatives, and as a concerned citizen to speak out against the actions of the House Internal Security Committee, specifically H.R. 16742. Over the years, I have repeatedly questioned the existence of HISC as a functionary of the legislative branch of a democratic government. I have also repeatedly opposed every attempt by the committee and the House to broaden its scope. I have found it necesary, too many times, to object to actions of the committee which threaten the first amendment and constitutional rights of Americans.

Characteristically, H.R. 16742, "Restrictions on Travel to Hostile Areas," is representative of the unacceptable manner in which HISC operates. In drafting this bill, HISC has gone beyond its scope. Jurisdictionally, according to the rules and traditions of the House, it has usurped the area of passport legislation which falls under the Judiciary Committee's jurisdiction. It has violated its own jurisdictional area of control which encompasses only matters of internal security, not those involving travel to foreign countries. In further violation of House procedures, this bill was heard—without critical witnesses—marked-up, discussed, and voted on in less than 2 hours—record time considering the significance of the problems involved and the questionable tone of the proceedings.

Additionally, H.R. 16742 is unconstitutional. The Supreme Court has stated in a number of cases that the right to travel is one of which a citizen of the United States cannot be deprived without due process of law. This very argument is the basis for the outraged opposition of most Americans to restrictions on emigration of Soviet Jews from Russia.

Typical of actions initiated by the committee, this bill allows HISC to crack down on those they do not like, the antiwar movement and its leaders, while at the same time endangering the rights of every American. H.R. 16742 would provide the President with a tool for control of citizen actions which is more usually associated with repressive governments. Clearly, the intention and the actions of HISC with respect to this bill are "un-American." I urge my colleagues to protest this violation of civil liberties and to vote against H.R. 16742.

Mr. ICHORD. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Carolina, a former Federal district judge and a great libertarian, Mr. PREYER.

Mr. PREYER of North Carolina. Mr. Speaker, I would like to put my remarks in the form of some questions and answers on H.R. 16742.

Question. Is not this bill just a peevish act of revenge against Jane Fonda?

Answer. Jane Fonda's trip was probably the last straw that prodded Congress into action. But it would be unfortunate to let the timing of the bill obscure the important and unresolved policy question that is involved.

Question. Did the committee only conduct 1 day of hearings on the bill? Is this sufficient consideration?

Answer. In the best of all legislative worlds, where adjournment time never approaches, there would have been more extensive hearings. But this bill did not come full-blown from the brow of the committee on the spur of the moment. The subject of travel restrictions has been discussed since 1950. There were a series of regulations by the Secretary of State as well as Supreme Court rulings on the subject from 1950–58. A special committee of the Association of the Bar of the City of New York filed a report in 1958 that concluded:

> That the authority to prohibit travel by all U.S. citizens in areas designated by the Secretary of State is a necessary instrument to advance the national interest, and it recommends legislation to clear up any doubts as to the possession by the Secretary of State of such authority.

Shortly thereafter President Eisenhower sent a message to the Congress requesting such legislation. He said:

> I wish to emphasize the urgency of the legislation I have recommended. Each day and week that passes without it exposes us to a great danger. I hope that Congress will move promptly toward its enactment.

This legislation was not enacted, nor were any of a number of bills submitted by subsequent administrations and supported by the State Department and the Justice Department. There have been numerous hearings on these bills before the House Foreign Affairs Committee, the Judiciary Committee, and the Internal Security Committee. Probably the reason none of these bills was reported out was because they were too sweeping in their scope. The present bill is much more limited in its reach.

Question. But Vietnam is an undeclared war and an unpopular war. Besides it is drawing to an end. Is not there a difference from World War II and the Korean war? Might there not be other more limited armed conflicts where we would not want to restrict travel?

Answer. This bill does not mandate that no U.S. citizen can travel to a country with which we are engaged in armed conflict. It delegates authority to the President—with the intention that he delegate it to the State Department to restrict such travel when he deems it in the national interest. In the case of the Vietnam conflict he might deem it to be a case of locking the barn door after the horse has gone and not invoke the restriction. Likewise, he is not compelled to invoke the restriction because of a minor skirmish.

Question. Is it constitutional to restrict travel?

Answer. The right to travel is a part of the "liberty" of which the citizen cannot be deprived without due process of law under the fifth amendment. But this does not mean that it can under no circumstances be restricted. Just as the right of free speech is not absolute—you cannot cry "fire" in a crowded theater—so travel can be prohibited within a country—areas quarantined because of flood, fire, or pestilence—and abroad, because of the interests of national security.

There can be little doubt about the constitutionality of the present bill. It is a reasonable delegation of authority to the President. It is based on an objective standard—armed conflict—and not on personal characteristics, beliefs, or associations of the would-be traveler. The present bill is far more limited in scope than the bills recommended by the State Department and the Justice Department. It is much less sweeping than the delegation of authority to the Secretary of State that was upheld by the Supreme Court in Zemel against Rusk, 1965.

Question. Would this not prevent the kind of valuable news reporting we have had from members of the press who have traveled in North Vietnam like Harrison Salisbury, Joe Kraft, and Richard Dudman?

Answer. No. All of these reporters traveled to North Vietnam under valid U.S. passports, even though under our present policy such passports could have been denied. It is established State Department policy to allow reputable and accredited newsmen to accompany our troops and to travel in countries with whom we are engaged in armed conflict. There is no intention to change our policy by this bill. Should the President attempt to change this understood policy or abuse it, he could expect prompt action from Congress, and prompt criticism from the press. As far as I know, there has been no complaint about the present policy. This bill makes no change in present policy but simply provides a sanction for its violation. As a practical matter the only significant restriction on the press' freedom to travel comes from the North Vietnam Government itself.

Question. If this is so, why do we not write into the bill an exception to exclude newsmen?

Answer. I am for it if a meaningful exception could be drafted. It is too easy to become "accredited" to a paper—as our recent national conventions showed—or to claim that one is a "reporter." The exception would end by eating up the rule.

Question. But should not the bill contain more definite standards for the formulation of travel controls by the executive?

Answer. Chief Justice Warren in Zemel against Rusk answered this:

> Finally, appellant challenges the 1926 act on the ground that it does not contain sufficiently definite standards for the formulation of travel controls by the Executive. It is important to bear in mind, in appraising this argument, that because of the changeable and explosive nature of contemporary international relations, and the fact that the Executive is immediately privy to information which cannot be swiftly presented to, evaluated by, and acted upon by the legislature, Congress—in giving the Executive authority over matters of foreign affairs—must of necessity paint with a brush broader

> than that it customarily wields in domestic areas.
>
> Practically every volume of the United States Statutes contains one or more acts or joint resolutions of Congress authorizing action by the President in respect of subjects affecting foreign relations, which either leave the exercise of the power to his unrestricted judgment, or provide a standard for more general than that which has always been considered requisite with regard to domestic affairs.

Question. Are not there existing laws on the books to deal with travelers who actually harm the interests of the United States?

Answer. None that are realistically enforceable. There has never been a successful prosecution under the Logan Act. The treason and sedition statutes are extraordinarily difficult of proof—and properly so. These laws are not designed to reach the kind of intermeddling that can seriously affect our national interests without being treasonous.

18 U.S.C. 1544—for use of a passport in violation of the restrictions contained therein—is, the Justice Department says, "as a practical matter, almost impossible to obtain sufficient evidence to sustain a prosecution." The statute is simply avoided by going to a country to which travel is not restricted and obtaining a separate visa to the restricted country. For example, Jane Fonda goes to France, Russia, then North Vietnam. Nothing on her passport when she returns indicates she has ever been to North Vietnam.

Question. If we restrict travel to North Vietnam, how can we complain about Russia restricting the travel of Jews to Israel? Is not it the same thing?

Answer. No. The Russian restriction on travel is based on belief and associations. It is applied only against Jews. Such a restriction would clearly be unconstitutional in the United States. The U.S. restriction is based on an objective consideration—armed conflict between the military forces of the United States and the country involved.

Question. Does not H.R. 16742 represent a major change in national policy?

Answer. No. It is our present policy, as expressed in our laws and regulations relating to passports, to forbid travel of U.S. citizens to Cuba, North Vietnam, and North Korea. But there are no realistic means of enforcing the policy. This bill does not introduce a sweeping new policy; it simply provides a sanction to enforce our existing policy. Actually the proposed sanction—since it applies only to those countries with which we are engaged in armed conflict, which would not include Cuba and North Korea—is more limited than our present policy.

Question. The sanction provides for 10 years in prison or a $10,000 fine. Is not this too severe?

Answer. It probably is. The State Department recommended 1 year in prison or a $1,000 fine.

Question. Is not the policy, whether old or new, of restricting travel in any way a bad policy? Do we have something to hide? We are an open society; why should not any citizen travel wherever he wishes? Has Jane Fonda really done any harm?

Answer. It depends on your view of the national interest. I personally would favor a reasonable and limited restriction on the freedom to travel where the national security is involved.

The matter of private citizens attempting unauthorized negotiations and transactions with a foreign power contrary to the national interest has caused serious problems since the founding of the Nation. Before the end of the 18th century, Congress passed the Logan Act to forbid such transactions.

In Vietnam the question has arisen again, with a stream of unauthorized U.S. citizens going to North Vietnam for a variety of purposes, such as POW negotiations, POW interviews, bombing inspections, and broadcasts to U.S. troops.

These trips can affect our national interests by misrepresenting American opinion to our adversaries; by providing misinformation to the American public; by providing propaganda opportunities for our adversaries; and by making the attainment of peace more difficult by interfering with private negotiations and other foreign policy activities.

Question. But should not that be balanced against information we obtain from these trips? Would we have been deprived of any information about Vietnam if none of these visits had been made?

Answer. Probably not. Our information—much of it highly critical of our policy—has come from authorized visitors to North Vietnam, especially our press corps.

S. L. A. Marshall, speaking of these unauthorized visitors, has said:

> There is something about peace-seeking that too often is as corrupting to the mind of the self-starting peace seeker as any vice identified with war. It can justify willful and dangerous meddling . . . and it may even make a virtue out of the betrayal of one's country.

Because warmaking is evil does not mean that anything done in the name of peacemaking is necessarily good. Because we might feel, as I do, that the Vietnam war was a tragic mistake does not mean that intermeddling by amateurs will hasten its end.

Question. Is not this bill based on outmoded cold war thinking?

Answer. Some American intellectuals are arrogant toward all existing authority, as representing nothing but a petrified form of yesteryear's vital forces. They are more interested in the morality of their own actions, in purification of self in opposition to policy, rather than in analyzing the policy itself. These people feel that it is their constitutional right, as well as a matter of their life style, to be given a totally unrestricted forum from which to give Uncle Sam the elbow.

But the idea that Government has a right to protect its national interests abroad, and that this might involve some reasonable restrictions on travel, should not upset any well-balanced mind.

As a great and liberal judge, Chief Judge Barrett Prettyman said in Worthy against Herter:

> Indeed it is quite clear that those who cry the loudest for unrestricted individual freedom of action would be the loudest in bemoaning their fate if their plea were granted.

Mr. ASHBROOK. Mr. Speaker, I yield such time as he may consume to the gentleman from New York.

Mr. KING. Mr. Speaker, I rise in support of this legislation. I cosponsored similar legislation. I congratulate the committee for bringing it to the House today.

Mr. Speaker, this legislation is sorely needed. People who go abroad to deal with a country or government with which the United States is in armed conflict are giving aid and comfort to our enemies. No one should negotiate with our enemies except official representatives. There is nothing political in my position but if every Senator, every Congressman, every publicity seeker is permitted such latitude then we are lost. No wonder we are in such trouble today. Our divisiveness has encouraged the North Vietnamese to continue the war. They still hope to beat us not in Vietnam but Paris.

Mr. ASHBROOK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there are approximately 10 minutes remaining on this side. I do not intend to take that time myself. I think everybody in this body has their mind made up. We have endeavored to give all the time requested to those who oppose the bill.

There are several points that were raised, however. I should like to point out to the gentleman from Massachusetts, who repeatedly referred to the theory that our passport legislation should go to the Committee on the Judiciary, if he would examine this bill very carefully, he would find that in no place does it mention passport. This deals with travel and not the issuance of passports. The Supreme Court has been brought into debate. The Supreme Court in the past has repeatedly struck down passport regulations issued by the State Department.

The gentleman from Missouri (Mr. ICHORD) stated that in their opinions Justices of the High Court have almost invited, urged indeed, the Congress to enact legislation. For that and many other good reasons I urge Members to support this legislation.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, I have not had an opportunity, and I regret it very much, to listen to all of this debate this afternoon because of the necessity of my attending another meeting, but I just heard the gentleman from Ohio say that some of the statements have referred not to Supreme Court decisions or to statutes but I think to regulations by the State Department.

I have been sitting here reading an opinion in the case of Aptheker et al. against the Secretary of State which was decided June 22, 1964. I would assume that the gentleman from Ohio is familiar with that case, which as I understand it did strike down on the grounds that it was unconstitutional section 6 of the Subversive Activities Control Act of 1950, which had provided that once a Communist organization was registered or ordered to register, that it was unlawful for any person to apply for a passport to travel abroad. As I interpret the decision in that case the Supreme Court did strike down that particular section of the law. Am I correct?

Mr. ASHBROOK. The gentleman is correct. I think in that case the Congress did enact too broad a proscription. In this legislation, if the gentleman will look at the legislation, the President must have regulations placed in the Federal Register. Due process will be observed. I think in that particular case the gentleman is correct.

Mr. ANDERSON of Illinois. If the gentleman will yield further, there is one passage in that opinion of the Supreme Court to which I would like to call the gentleman's attention where the Court says this:

> Since this case involves a personal liberty protected by the Bill of Rights, we believe that the proper approach to legislation curtailing that liberty must be that adopted by this Court in *NAACP* v. *Button*, 371 U.S. 415, and *Thornhill* v. *Alabama*, 310 U.S. 88. In *NAACP* v. *Button* the Court stated that:
>
> "In appraising a statute's inhibitory effect upon such rights, this Court has not hesitated to take into account possible applications of the statute in other factual contexts besides that at bar."

What troubles me about the bill the gentleman has brought before the House this afternoon—I hold no brief for Jane Fonda and Ramsay Clark and others that I think have transcended not just the bounds of good taste but also commonsense in some of the trips they have taken and statements they have made—but again referring to the language of the Court we have to consider this as a general statute and the inhibitory effects of this statute certainly go far beyond the context of even our present involvement in a conflict with North Vietnam. This is what bothers me about the very broad sweep of this statute that is brought to us under those procedures of calling for a suspension of the rule.

Mr. ASHBROOK. If I may reply to the gentleman, I think the statute to which the gentleman referred did have a broad sweep. It referred to all Communists and all travel of all Communists. In this case we are not talking about all travel, we are not talking about prohibition. We are talking about restricting, which is clearly a different legal category.

I think the gentleman can be assured that due process will be followed. I think that decision clearly held that bill was too broad, too sweeping because it referred to all travel by all Communists. Here we are talking only about travel to an area where there is armed conflict. We are talking about restricting travel, not prohibiting.

Mr. ICHORD. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Speaker, this can be distinguished from the Aptheker case because in that case the denial of issuance of passport was attempted upon the ground of a personal belief. I agree with that decision, but this calls for a restriction on the basis of objective consideration, that is, travel to a country with which the United States is in armed conflict. I do not know how we can be more specific in delegating this power to the President of the United States.

Mr. LEGGETT. Will the gentleman yield further?

Mr. ASHBROOK. I yield to the gentleman from California.

Mr. LEGGETT. As I understand it, the Supreme Court has indicted those statutes which carry a criminal sanction, which have a broad, cutting swath at this time.

In this legislation we have here, I understand that this bill grants a criminal sanction. What you say is that any country whose forces are engaged in any armed conflict with the military forces of the United States, travel can be banned to those particular countries.

We have got a $800 million military loan program in Israel. Does that put us in the position, since it is handled by the Pentagon and the military forces, has that not put us then in some kind of direct armed conflict with the Arab nations? You do not have to answer that.

Are we in armed conflict with the Vietcong since they are in South Vietnam and they claim to own and occupy that country, to represent that country? Would this apply to South Vietnam as well as North Vietnam since we have got a massive program of military assistance?

Would this apply to Taiwan, and since the military assistance is aimed not at Taiwan, but indirectly at their conflict with mainland China, then does not that cover that situation?

Then, could we not be precluded from traveling to China under the same terms? I say that the bill is vague and creates a criminal sanction which is utterly meaningless as covered by the Atwood case. For that reason, I am going to vote against it.

Mr. ASHBROOK. I would say to my colleague that the answer to his question would be no. You are talking about defensive, multilateral security and aid programs. In no sense does that put us in a situation of armed conflict with those nations.

I can see no way in which these cases would be construed to be an armed conflict.

Mr. DRINAN. Will the gentleman yield?

Mr. ASHBROOK. Let me just make one last point.

It has been alluded to several times that the Supreme Court would find this legislation unconstitutional. The truth, I feel, is just exactly the opposite. The Court in at least three cases has urged the Congress to act in this area. In United States against Laub, in 1967, the Court said:

> The Government, as well as others, has repeatedly called to the attention of the Congress the need for consideration of legislation specifically making it a criminal offense for any citizen to travel to a country as to which an area restriction is in effect, but no such legislation was enacted.

I yield to the gentleman from Indiana.

Mr. JACOBS. I want to ask the gentleman, and I think I am in sympathy with the criticism of Miss Fonda and some of the activities which she carried on in North Vietnam, but my question is, why was not the bill drawn to that we can proscribe that kind of activity, to prevent that kind of activity?

It strikes me that we do not need news gatherers. I am rapidly coming to the conclusion that the Government is the biggest liar in the United States.

If you are going to restrict that, why not write that down? I do not like that at all. It applies to anyone as we have it, a restriction on travel. Why have that apply to anybody when you can write the law exactly?

Mr. ASHBROOK. I would say to the gentleman from Indiana that my friend from Massachusetts (Mr. DRINAN) indicated that this bill would prohibit newsmen from going to North Vietnam. This is not accurate. We are talking about restricting travel and it is stretching the truth to flatly say that newsmen would be prohibited travel in all cases.

Mr. ICHORD. Mr. Speaker, the point has been made by the gentleman from Massachusetts and others that this bill is unconstitutional, and the case of Zemel against Rusk has been cited as authority for that contention. Let me read from the case of Zemel against Rusk:

> The right to travel within the United States is, of course, also constitutionally protected. See Edwards v. Calif. 314 U.S. 160, 86 L. Ed. 119, 62 S. Ct. 164. But that freedom does not mean that areas ravaged by flood, fire or pestilence cannot be quarantined when it can be demonstrated that unlimited travel to the area would directly and materially interfere with the safety and welfare of the area or the nation as a whole.

My friends, if one can restrict travel to an area where there is a flood surely one can restrict travel to a country in armed conflict with the United States of America.

I would point out, Mr. Speaker, that the gentleman from New York, the distinguished chairman of the Judiciary Committee, has introduced a bill in past Congresses that would not only do what this bill would do but go much, much further. I renew my motion.

Mr. SIKES. Mr. Speaker, I fully support the bill now under consideration, H.R. 16742, which would place restraints on travel by Americans to hostile areas.

In recent weeks we have seen Americans wandering in and out of North Vietnam almost at will, some of them repeating Communist propanganda, negotiating for the release of prisoners, discussing peace terms with the leaders in Hanoi, and in general, acting as though they were official spokesmen for our Government. Statements have been made which must be called treasonable. This confusing situation muddles America's efforts toward a consistent foreign policy. It plays directly into the hands of the enemy, who invaraibly exploit the opportunity to portray a divided and confused America.

It is proper that travel to nations which are engaged in armed conflict with the United States be restricted to those whom the President or his designee believes will act in the best interests of this Nation.

At present, the President has the authority to restrict such travel, but this provision is unenforceable. There is no penalty connected with violation of the law. H.R. 16742 rectifies that shortcoming and imposes a fine of up to $10,000 or a jail term of up to 10 years, or both. In addition, it would prohibit anyone convicted under this law from holding Federal office, place of trust, or place of honor in the Government.

This is as it should be. Only America would tolerate having citizens lend their voices to enemy propaganda efforts or their support to enemy objectives. It is time to stop it. The bill is necessary, because of recent Supreme Court decisions restricting the Secretary of State from limiting passports to matters spelled out in existing law. There is no enforceable existing law on this point now before us.

Mr. Speaker, we need to fill the hole in existing law. We need to make certain that those who forsake their native land and go to enemy nations to give aid and comfort to that enemy be punished. We need to make certain that only those persons acting on authority from the President of the United States are allowed to go abroad and appear to negotiate terms of peace and prisoner exchange.

It is clear that the North Vietnamese Communists used this loophole in the recent prisoner release when the Red leaders ignored the U.S. Government and negotiated instead with the likes of David Dellinger who has no official or unofficial standing in the U.S. Government.

When the laws of our Nation provide our enemies with the opportunity to do as they have done in this instance, it is time for Congress to act.

H.R. 16742 will do what is needed. I urge its speedy enactment into law and vigorous enforcement of its provisions.

Mr. PICKLE. Mr. Speaker, I think all of us here recognize the disservice done to our national policy by self-appointed diplomats. The conduct of international relations is not for amateurs. The world of diplomacy is complex and sometimes requires secret flexibility while a firm public stance is maintained.

So, Mr. Speaker, I do not support travel that could unnecessarily weaken our bargaining position with a nation with which we are engaged in hostilities.

A second point I make is that when this Nation is engaged in hostile activities, I cannot condone American citizens becoming voices for our foes' propaganda machine. I do not usually use personal names in debate, but all of us know that the trip of Miss Jane Fonda inspired the bill we are debating today. In principle, I would support legislation that could somehow stop self-proclaimed foreign policy experts from using enemy media facilities to smear American policy, American soldiers, and American citizens.

But, Mr. Speaker, H.R. 16742 goes beyond what I think would be good legislation in this area.

In fact, serious constitutional questions come to mind over the provisions of this bill.

Freedom of travel is a well-recognized freedom in our Constitution. Recent Supreme Court decisions have reemphasized that travel restrictions on individuals cannot be imposed without due process. The due process provisions of H.R. 16742 are nonexistent.

Second, this bill bothers me because it is so broad in its application. It could apply to newsmen and the innocent travelers who, with good intentions, may find himself in a country the President has declared off-limit. The limitation on newsmen also raises freedom of the press questions.

Third, I wonder how wise it is to give the President these far-reaching powers to restrict travel.

Mr. Speaker, no one can question my support for the President's prerogatives to make foreign policy decisions. At the same time, I do not see the prudence in hastily giving the President unilateral powers to restrict travel when constitutional questions are involved.

The 92d session of Congress is quickly coming to a close. This does not mean that next session further study and review cannot be made in the 93d Congress on the questions raised by H.R. 16742. Under the supreme rules, no amendments can be made. In my mind, H.R. 16742 is not legislation to pass hurriedly.

In conclusion, Mr. Speaker, I realize that we are debating a question that involves the Nation's security. This is also a very emotional question. My experience as a legislator and American citizen is that sometimes when emotions are high, some restraints in the Constitution may be overlooked. I say, let us allow emotions to cool and see if further study might enable a bill to be suggested that does not raise as many constitutional questions as H.R. 16742. I think that can be done.

Because of the reservations I have mentioned, Mr. Speaker, I vote not to suspend the rules to pass H.R. 16742 although I am highly in favor of the principle involved.

Mr. BENNETT. Mr. Speaker, I rise to voice strong support for the passage of H.R. 16742, a bill to amend section 4 of the Internal Security Act of 1950. This bill is intended to fill a broad gap in the Nation's protective armor by providing penal sanctions in support of the President's existing authority to impose travel restrictions to countries with which we are engaged in armed conflict. While the President under existing law possesses authority to withhold passports for travel to restricted areas pursuant to the Passport Act of 1926, and has been authorized under certain circumstances to prohibit a departure from the United States without a passport pursuant to the provisions of the Immigration and Nationality Act of 1952, he is unable to apply penal sanctions for unauthorized travel to, in, or through restricted areas. This failure has seriously affected the President's capacity to protect our Nation's security interests.

In upholding the President's authority to impose restraints on travel to Cuba by withholding passports for such travel, the U.S. Supreme Court in *United States* v. *Laub*, 385 U.S. 475 at 486 (1967), had occasion to advert the existing gap in our laws, and noted the President's efforts to enact legislation of this type. It said:

> Government, as well as others, has repeatedly called to the attention of the Congress the need for consideration of legislation specifically making it a criminal offense for any citizen to travel to a country as to which an area restriction is in effect, but no such legislation was enacted.

The bill before us would fill this urgent requirement with respect to a situation most deeply affecting the conduct of our foreign relations, and for the defense of the Nation and the prevention of full-scale international war.

I introduced a bill which had a related purpose of prohibiting and penalizing certain intentional misconduct obstructing the military forces of the United States. This bill, H.R. 959, subsequently reported by the committee, dealt with this general subject. I then likewise proposed an amendment which was intended to accomplish a purpose similar to that addressed by the present bill before us. I noted then that a great deal of support had been rendered to Communist countries engaged in armed conflict with the United States by a number of U.S. citizens who have actually traveled to such enemy territory and engaged in friendly communication with a government actually at war with us.

Such activities impair the execution of our national policies and endanger the lives of our young men and women in the military services. It must be evident that neither the patience nor the tolerance of the vast number of our patriotic citizens should be tested by any further postponement in the enactment of necessary legislation designed to cope with activities which are an obvious affront to their patriotic sensibilities.

The power of Congress to enact the proposed legislation is no longer open to question. That the President of the United States and the Congress, acting together, may validly impose such travel restraints in the regulation of the Nation's foreign affairs is the effect of the most recent decisions of the judicial branch on the subject. The passage of this legislation will demonstrate our will to persevere in maintaining vital national policies, while at the same time allaying those misapprehensions now shared by many of our citizens as to the Government's capacity to fulfill its mission. I urge immediate passage of H.R. 16742.

Mr. FRENZEL. Mr. Speaker, the proposed amendment to the Internal Security Act which gives the President authority to restrict travel to countries in which we are engaged in combat seems to me to be an overreaction to several recent incidents of such travel. While I personally was not pleased with the actions of, and statement by, Jane Fonda and Ramsey Clark in North Vietnam, it seems unfortunate that these incidents would provoke travel restrictions that may be unconstitutional. The Constitution already has provision for prosecution of treasonous activities, thus making this amendment redundant.

Mr. Speaker, we have seen some interesting, and hopefully factual, reports from the war zone, and I would hate to see the public possibly deprived of such reporting by the passage of this amendment. It seems to me that this would put our President in the very difficult position of deciding who is worthy of such travel and who is not, and I would, therefore, urge my colleagues to defeat this amendment.

Mr. MONTGOMERY. Mr. Speaker, I appreciate this opportunity to lend my support and to urge my colleagues to support H.R. 16742, the limited travel ban bill.

There is little doubt that the Vietnam war has created great controversy in our country. There is little that has not been said about our participation and involvement in it, but Mr. Speaker the recent activities of Jane Fonda, broadcasting specifically to U.S. servicemen who are serving the United States in that war is the most despicable act that has yet been committed by anyone who advocates our withdrawal from this frustrating and expensive war. Mr. Speaker, as you know I have a deep personal interest in the plight of our POW's. I have been to Southeast Asia on seven separate occasions in attempts to gain information regarding the condition of our POW's. Included in these trips have been three visits to Vientiane Laos, but every trip I have kept the Department of State and the Department of Defense fully apprised in my trip and intentions. However, the situation of American citizens traveling with apparent impunity to North Vietnam and broadcasting propaganda messages from Hanoi to Americans fighting that foreign government is incomprehensible. I believe Mr. THOMPSON is to be commended for raising this issue that reveals a serious deficiency in our present statutes.

I am unable to see how any purpose can be served or any good can result from permitting American citizens to privately take it upon themselves to travel to the enemy's capital to condemn our involvement in this or any other war. Whatever the motives may be of those citizens on our soldiers', sailors', and airmen's morale, and will, to accomplish their assigned missions when they listen to the messages of the enemy being broadcast by a fellow citizen from the enemy's stronghold. That effect can only be compounded when that citizen has the identity and fame that Fonda possesses. If the situation is as it appears to be that present statutes designed to prevent this type of activity on behalf of an enemy, are unenforceable, then it is clear that we in Congress must take the responsibility to equip the President with the tools he needs to carry out those measures necessary to our national interest. It certainly is not in the interest of this country to permit and allow any citizen to traffic with an enemy with which we are engaged in open hostilities. The enactment of H.R. 16742 will prevent the unilateral involvement of citizens with an enemy, whoever it happens to be. I believe the travel restrictions imposed under authority of this measure are reasonable and necessary. I hope that there will not be any future occasion in which it is necessary to impose this travel ban, but if that time comes, with this bill as law, the President will have the resources to conduct foreign policy without having to compete with conflicting efforts of private citizens, or to contend with efforts to subvert, from an enemy's capital, the loyal servicemen and women attempting to accomplish the tasks assigned to them.

Mr. MIKVA. Mr. Speaker, I rise in opposition to H.R. 16742, a hastily contrived bill which would interfere with the right of Americans to travel abroad and the right of American newsmen to inform the American people about events in foreign countries engaged in hostilities with the United States.

The bill was hastily reported out of the Internal Security Committee after only cursory hearings at which only friendly witnesses spoke.

It would have the effect of authorizing Government censorship of news from areas of the world where no war has been declared but where the President has committed U.S. troops to armed conflict No newsman could travel to North Vietnam, North Korea, or other hostile areas without special Presidential authorization, under the terms of this bill. It does not take much foresight to figure that a President is likely to grant permission to "friendly" journalists, and refuse permission to newsmen who tend to be critical of the Government's policy. It is an insult to the fundamental principles on which our democracy is based for Congress to be asked to approve of such a scheme of official censorship of news.

H.R. 16742 would also interfere with the efforts of families and friends of prisoners of war to seek information about our POW's and even to secure their release, as in the most recent release of three American prisoners. I am confident that this House of Representatives will not vote to obstruct the avenue of release of our POW's.

As if censorship of the news and continued imprisonment of our POW's were not enough, H.R. 16742 would have yet another pernicious effect, even more serious perhaps in the long run. It marks a further abdication of power to the President, at a time when the balance of power between Congress and the Executive is already dangerously lopsided. If there is a real problem posed by travel of American newsmen and citizens to North Vietnam and North Korea, then surely Congress can deal with that problem in a more responsible fashion than simply authorizing the President to do whatever he feels is necessary. It is not surprising that the Internal Security Committee was unable to do a more satisfactory legislative job, in view of the fact that they spent only an hour or so on the effort.

Mr. Speaker, I urge my colleagues to join me in voting to send this outrageous bill back to the drawing board.

Mr. WRIGHT. Mr. Speaker, this bill—coming as it does at this particular time and under a suspension of the rules—disturbs me. It presents us with a conflict in deeply cherished principles and confronts us with a procedural and constitutional dilemma.

As I understand its provision and the manner in which this would alter existing law, it might or might not be held to be a constitutional exercise. If we assume that it probably would be held to be constitutional, we still face the question of whether, as a long-term general proposition it is wise.

Surely every Member of this body knows of my long-held position with respect to the conflict in Vietnam. I have supported the President in his efforts to negotiate a peace based on principle. I still do. I have neither affinity nor respect for those who are trying to embarrass him in that endeavor. I am appalled by the activities of some Americans who have gone to North Vietnam with the express intention of undermining our national position and our Government's attempt to negotiate a just peace. I deeply and profoundly disagree with them.

Yet we are presently considering legislation which would grant to the Chief Executive powers which never have been given to a President under similar circumstances. Such powers, once granted, almost invariably remain and inure to all future Presidents.

Freedom of travel is an important right. As the Supreme Court has declared:

> The right to travel is a part of the liberty of which the citizen cannot be deprived without due process of law.

The bill would permit the President to make a unilateral determination. It provides no process of judicial review. Apparently the President's determination in a given case would be final.

The presidentially exercised prohibition against travel could be applied against "all citizens and nationals" of the United States. It could be invoked against newsmen and against Members of Congress. I do not say that it would be. I simply point out that it could be. And even if we are confident that this power would not be abused by the present President, it conceivably could be used by a future President to choke off access to world news and to stifle dissent.

We in this Congress have been critical—and rightly so—of actions on the part of such countries as the Soviet Union and mainland China to prohibit international travel on the part of their citizens. This is one of the hallmarks of a totalitarian regime. We shall never triumph over totalitarian ideology by adopting its practices.

The great strength of America has always been that it can tolerate dissent. Voltaire said it well. While I deeply and profoundly disagree with all that is being said by those who travel to North Vietnam and return to criticize this country, I feel that I must defend their right to do so, however, abhorrent their position is to me. This is part of the price we pay for being a democracy. Even the foolish abuse of freedom in which I feel that some of them have engaged is in my opinion preferable to the denial of freedom.

Judge Learned Hand once pointed out that society has never discovered a way to make wisemen free without making all free, and he concluded that—

> Freedom for the wise is so supremely important that it is worth making the silly free, too.

While I basically agree with the end being sought by the sponsors of this legislation and strongly disagree with the objectives of those at whom it is ostensibly aimed, I feel that the more fundamental and more ultimate question of individual freedom is so indispensably important that I shall—with an admitted sense of conflicting emotions—vote against this bill.

Mr. ASHLEY. Mr. Speaker, I am opposed to the measure before us, H.R. 16742, essentially on procedural grounds.

It is said that this bill does nothing to expand existing authority of the President to impose area travel restrictions on U.S. citizens and nationals to any country or area whose military forces are engaged in armed conflict with the military forces of the United States. The purpose of the legislation, we are told, is simply to provide penal sanctions, which presently do not exist, in support of existing restraints on travel to countries engaged in hostilities with the United States.

I agree with the necessity of providing penalties for people who violate existing law with respect to these travel restraints. I vigorously defend the right of our citizenry to travel but clearly this individual freedom is not absolute. During periods of hostility, the unfettered right of U.S. citizens and nationals to visit countries with whom the United States is engaged in armed conflict most certainly raises the most serious possible questions of national security.

My reason for voting against this bill today is simply that I consider the subject matter far too important to be considered under a House rule which limits debate to 40 minutes and prevents so much as a single amendment from being offered. The questions of both substantive and procedural due process are real ones and so is the issue relative to the appropriateness of the penalties involved for violation of travel constraints. It is not right, in my view, to limit consideration of these issues to a scant few minutes and to preclude the consideration of any amendments, no matter how meritorious.

Mr. DAVIS of South Carolina. Mr. Speaker, I am in full support of the bill, H.R. 16742. It is a reasonable measure to stop the despicable conduct which is occurring with increasing frequency on the part of U.S. citizens inside North Vietnam.

We are told that as long as a passport of the United States is not used, no criminal penalty can attach for travel to North Vietnam. For a wide variety of reasons which result in injury to the United States, numerous individuals have undertaken travel to North Vietnam. While some persons have gone there for reasons consistent with the national interests of the United States, the record shows that many of the travelers have used the occasion to team up with the enemy. Many have been members of subversive organizations within the United States. Numerous members of the Communist Party, U.S.A., the Black Panther Party, Students for a Democratic Society, and so forth, have crossed the border into North Vietnam. Are we to assume that they have intended to advance the best interests of the United States? Of course, we cannot know all of what they have done there. We cannot know what commitments have been given by them, or what commitments have been received by them from the North Vietnamese. We do know that their visits have provided the North Vietnamese with an abundant supply of fodder for their propaganda machine.

No witness can be expected to step forward from North Vietnam to prove the necessary elements of treason, or sedition, or of the Logan Act prohibiting unauthorized negotiations with another nation. The Department of Justice indicates that the evidentiary difficulties are insurmountable. But we need not stand by helplessly when persons who owe allegiance to this country engage in activities so notoriously disloyal, and so clearly inimical to the conduct of foreign affairs as well as the military effort. The broadcasts of Jane Fonda to American servicemen in Southeast Asia have been said by experts in psychological warfare to be more devastating than were the broadcasts of Tokyo Rose in World War II.

Instead of taking a negative attitude that nothing can be done about the problem, the distinguished chairman of the Committee on Internal Security has produced a bill which will simplify the Justice Department problem of evidence by making a violation of crossing the border into a country engaged in armed conflict with the United States. Still, the President will have discretion to make exceptions deemed to be in the national interest.

The argument that journalists will be forbidden to travel to North Vietnam, and that the bill is an infringement upon freedom of the press is not valid. North Vietnam is one of three countries to which travel under passport is restricted under present regulations. But journalists are freely granted exceptions. There is no reason to assume such policy will change, and the law does not enlarge the powers of the President, it only adds penal sanctions to his restrictions.

This is a good bill. It is necessary. It is constitutional. It is overdue. I commend the chairman for expediting the legislative process so that the House may express its will.

Mr. VANIK. Mr. Speaker, I oppose this legislation because it is presented to the House on a closed rule basis, which prohibits any amendments. Under a more considered and openly debated legislative procedure, a more acceptable bill could be developed. I oppose closed rules offered by my own Ways and Means Committee. There is no justification for a closed rule on this bill. With an opportunity for amendment, a more satisfactory legislative approach might be developed.

While this legislation is directed in passion toward one or two persons, it will become—if enacted—a permanent law of the land—affecting the rights and liberties of Americans to learn the facts on which they must base their support of or opposition to governmental policies.

A future president—using his own definition of what constitutes an armed conflict in another time or place—may use this power to suppress facts by limiting the right to travel to those who support his position. It could spell the end to one of our most cherished American freedoms—the right to be informed—the right to know. In its present form, the legislation would constitute an assault on a vital American freedom.

Mr. CONYERS. Mr. Speaker, this is a bad bill and I urge its defeat. First of all, the legislation is a classic case of overreaction by the House Internal Security Committee. It has been characterized as a "get Jane Fonda and Ramsey Clark" bill designed to prevent American citizens from visiting Hanoi. Yet, the legislation not only gives the President the power to forbid certain foreign travel at his discretion, but it would allow him to authorize visits that would otherwise be forbidden. These matters rightly belong within the jurisdiction of the Judiciary Committee which has the staff and the expertise to study them in depth.

Second, consistent with the tradition of House Internal Security Committee, the bill is very likely unconstitutional. As has been noted, it appears to run afoul of a Supreme Court decision striking down travel restrictions. As the Supreme Court stated in United States against Laub—1967:

> The right to travel is a part of the liberty of which the citizen cannot be deprived without due process of law.

Third, it should be remembered that no legal state of war exists between the United States and Vietnam and, therefore, the ostensible purpose of the bill—to stop the Fonda's and the Clark's from their peaceful journeys—is unconscionable. After all, we must remember, as Tom Wicker pointed out in the New York Times—

> Civilians who would be stopped from going to Hanoi are the only people who have ever brought any prisoners out, and the only people who have ever informed the American public about the effects of the American bombing and blockade.

I wish to commend my colleague for his efforts in bringing this odious legislation to our attention and to urge that this House promptly return it to the originating committee.

Mr. MATHIS of Georgia. Mr. Speaker, I rise in complete and enthusiastic support of this legislation, and to urge the House to suspend the rules and adopt this bill. The distinguished chairman of the Committee on Internal Security (Mr. ICHORD) is to be commended for the major role he has played in bringing this legislation to the floor for consideration. Mr. Speaker, I believe that this legislation is, in fact, past due. We should have had these provisions written into the laws of this Nation long ago. It is almost unbelievable that we have stood by and allowed a procession of unsavory characters whose sympathies lie with the enemies of this Nation to beat a path to the door of our enemy.

I firmly believe that the actions of individuals such as Jane Fonda and Ramsey Clark are harmful, at the very least, to the efforts of this Nation's foreign policy. The radio broadcasts made by Fonda, according to the transcripts I have seen, are at the best nonpatriotic, at the worst, bordering on treason. Ramsey Clark, who was best described by the late J. Edgar Hoover, served no American, in my opinion, by his visit to Hanoi.

Mr. Speaker, I believe that there is wide support among the American people for this legislation. I believe that a vast majority of Americans are concerned over the recent actions of Fonda, Clark, and company. I know that a great majority of those citizens I am privileged to represent will support it, and I urge all Members to join me in voting to suspend the rules and pass this urgently needed legislation.

Mr. ROYBAL. Mr. Speaker, I rise in opposition to H.R. 16742 because this bill represents a grave incursion on the right of every resident of the United States to travel abroad and is a surreptitious attempt to strangle the free flow of conflicting ideas within our country.

The bill gives the President the power to restrict the travel privilege of citizens and nationals of the United States to any country whose military forces are engaged in armed conflict with the forces of this country. A person could travel to such a country only if he was specifically authorized to do so by the President who made a finding that such travel would be in the national interest.

This bill strikes at the foundation of the emerging constitutional doctrine of the right to travel and is a frontal assault on the first amendment rights of freedom of press and association. The bill would have the effect of overturning more than 30 years of consistent Supreme Court doctrine which has said that the sovereign may not infringe upon a citizen's right to travel freely throughout this country and the world. It would give the President the sole power to determine the breadth of a person's constitutional freedoms.

Our history is fraught with attempts to stop the free movement of people. In the 1930's California sought to exclude Oklahoma farmers from entering its borders. In the 1950's and 1960's, the Federal Government attempted to punish those who traveled to Communist countries. But the decisions in Edwards and Apthekar have indelibly delineated a right to travel and this Congress may not abridge that constitutional right by the legislation before us.

This bill also represents an infringement of the first amendment rights of freedom of the press and association. It acts as a prior restraint to the gathering of news and information by reporters because its broad sweep recognizes no exceptions of extenuating circumstances. The President would be the sole arbiter as to which reporters and papers would have access to the internal events of countries that are engaged in military activities against us. In a society like ours, it is essential that all segments of the press have equal access to the vital information which is necessary to keep the public informed and knowledgeable. If we allow the President to pick and choose who will cover the news we will be taking another long step down the road of managed news reporting.

Lastly this bill has an ideological aspect which is at odds with the fundamental ideals of this country. The freedom to travel is inextricably intertwined with the spread of ideas—ideas which may be complimentary or abrasive, satisfying or discordant. Our society prides itself on being the forum for every conceivable strain or thought. America draws its strength from the dialog of competing ideas. A bill such as this which would constrain the movement of people and bring about a stagnation of the intellectual currents should not become the law of our land. At a time when people have begun to turn in upon themselves rather than expand the breadth and depth of their vision, it is time for the Members of this House to assume leadership that will expand the intellectual horizons of this Nation.

The SPEAKER. The question is on the motion offered by the gentleman from Missouri (Mr. ICHORD) that the House suspend the rules and pass the bill H.R. 16742, as amended.

Mr. DRINAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 230, nays 140, not voting 60, as follows:

[Roll No. 395]

YEAS—230

Abbitt
Abernethy
Alexander
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Aspinall
Belcher
Bennett
Betts
Biaggi
Blackburn
Blanton
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Caffery
Camp
Carlson
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Cotter
Crane
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Dent
Derwinski
Devine
Dickinson
Dorn
Downing
Dulski
Duncan
Edwards, Ala.
Eilberg
Eshleman
Fascell
Fisher
Flood
Flowers
Ford, Gerald R.
Fountain
Frey
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Goldwater
Goodling
Grasso
Griffin
Grover
Gubser
Haley
Hall
Hammerschmidt
Hansen, Idaho
Harsha
Hastings
Hays
Henderson
Hicks, Mass.
Hillis
Hogan
Horton
Hosmer
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Kee
Kemp
King
Kluczynski
Kuykendall
Landgrebe
Latta
Lennon
Lent
Long, La.
McClory
McCollister
McDade
McDonald, Mich.
McEwen
McKevitt
Mahon
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Michel
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mizell
Monagan
Montgomery
Morgan
Myers
Natcher
Nelsen
O'Konski
Passman
Patman
Patten
Pelly
Pepper
Pike
Pirnie
Poage
Powell
Preyer, N.C.
Quie
Quillen
Railsback
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Roe
Rogers
Rooney, Pa.
Rousselot
Roy
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Taylor
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wolff
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—140

Abourezk
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Annunzio
Ashley
Aspin
Badillo
Barrett
Begich
Bergland
Biester
Bingham
Blatnik
Boggs
Boland
Brademas
Brasco
Brooks
Burke, Mass.
Burton
Carey, N.Y.
Carney
Celler
Conover
Conyers
Corman
Coughlin
Curlin
Danielson
Dellums
Denholm
Diggs
Donohue
Drinan
du Pont
Eckhardt
Edwards, Calif.
Esch
Evins, Tenn.
Findley
Fish
Foley
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Fulton
Gibbons
Gonzalez
Gray
Green, Pa.
Griffiths
Gude
Hamilton
Hanley
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Wash.
Holifield
Howard
Hungate
Jacobs
Karth
Kastenmeier
Keith
Koch
Kyros
Leggett
Lloyd
Long, Md.
McCulloch
McFall
McKay
McKinney
Macdonald, Mass.
Madden
Mailliard
Mallary
Matsunaga
Meeds
Melcher
Mikva
Miller, Calif.
Mitchell
Moorhead
Mosher
Moss
Murphy, Ill.
Nedzi
Nix
Obey
O'Hara
O'Neill
Perkins
Pettis
Pickle
Podell
Price, Ill.
Rangel
Reid
Reuss
Riegle
Robison, N.Y.
Rodino
Roncalio
Rosenthal
Rostenkowski
Roush
Roybal
St Germain
Sarbanes
Scheuer
Seiberling
Smith, Iowa
Stanton, James V.
Stokes
Sullivan
Symington
Thompson, N.J.
Tiernan
Udall
Ullman
Vanik
Vigorito
Whalen
Wiggins
Wilson, Charles H.
Winn
Wright
Yates

NOT VOTING—60

Abzug
Baker
Baring
Bell
Bevill
Bolling
Cabell
Chisholm
Clay
Collins, Ill.
Conte
Culver
Dingell
Dow
Dowdy
Dwyer
Edmondson
Erlenborn
Evans, Colo.
Flynt
Gallagher
Giaimo
Green, Oreg.
Gross
Hagan
Halpern
Hanna
Harvey
Hébert
Hull
Kyl
Landrum
Link
Lujan
McCloskey
McClure
McCormack
McMillan
Metcalfe
Mink
Minshall
Mollohan
Murphy, N.Y.
Nichols
Peyser
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Rees
Rooney, N.Y.
Runnels
Schmitz
Schwengel
Scott
Shipley
Talcott
Teague, Calif.
Van Deerlin
Waldie

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert and Mr. Nichols for, with Mr. Waldie against.

Mr. Hagan and Mr. Edmondson for, with Mr. Culver against.

Mr. Bevill and Mr. McMullan for, with Mrs. Chisholm against.

Mr. Baring and Mr. Cabell for, with Mr. Dingell against.

Mr. Flynt and Mr. Hull for, with Mr. Dow against.

Mr. Landrum and Mr. Mollohan for, with Mrs. Abzug against.

Mr. Purcell and Mr. Runnels for, with Mr. Metcalfe against.

Mr. Baker and Mr. Price of Texas for, with Mr. Collins of Illinois against.

Mr. McClure and Mr. Schmitz for, with Mr. Clay against.

Mr. Scott and Mr. Kyle for, with Mr. Rees against.

Mr. Dowdy and Mr. Gallagher for, with Mr. Hanna against.

Until further notice:

Mr. Rooney of New York with Mr. Gross.
Mr. Giaimo with Mr. Conte.
Mr. Van Deerlin with Mr. Schwengel.
Mr. Shipley with Mr. Erlenborn.
Mr. Murphy of New York with Mr. Peyser.
Mr. Pucinski with Mr. Harvey.
Mr. Pryor of Arkansas with Mr. Talcott.
Mrs. Green of Oregon with Mrs. Dwyer.
Mrs. Mink with Mr. Teague of California.
Mr. McCormack with Mr. Minshall.
Mr. Link with Mr. Lujan.
Mr. Evans of Colorado with Mr. McCloskey.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. ICHORD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

Mr. SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORITY FOR SPEAKER TO ENTERTAIN MOTIONS TO SUSPEND THE RULES AND SUSPENSION OF REQUIRING A TWO-THIRDS VOTE FOR CONSIDERATION OF REPORTS FROM RULES COMMITTEE SAME DAY REPORTED, OCTOBER 10 AND REMAINDER OF WEEK

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 1142, Report No. 92-1483), which was referred to the House Calendar and ordered to be printed:

H. RES. 1142

Resolved, That on Tuesday, October 10, 1972, and for the remainder of that week, it shall be in order (1) for the Speaker at any time to entertain motions to suspend the rules, notwithstanding the provisions of clause 1, Rule XXVII; and (2) to consider reports from the Committee on Rules as provided in clause 23, Rule XI, except that the provision requiring a two-thirds vote to consider said reports on the same day reported is hereby suspended during that period.

AMENDING TITLE 18, UNITED STATES CODE, RELATING TO GOVERNMENT CONTRACTORS

Mr. HAYS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15276) to amend section 591(g) of title 18, United States Code, in order to exclude corporations and labor organizations from the scope of the prohibitions against Government contractors in section 611 of title 18.

The Clerk read as follows:

H.R. 15276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 591(g) of title 18, United States Code, is amended by striking out the semicolon immediately after "persons" and inserting in lieu thereof a comma followed by "*Provided,* That with respect to section 611 this definition shall not include a corporation or labor organization;".

The SPEAKER. Is a second demanded?

Mr. DEVINE. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. HAYS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is simply a clarifying amendment to the so-called elections reform law that passed this body some time ago. In that act was the section 610 which provided that the prohibition against corporations or labor organizations making contributions or expenditures in connection with Federal elections does not include: First, communications by corporations to their stockholders and their families or by labor organizations to their members and their families; second, nonpartisan registration and get-out-the-vote campaigns by corporations aimed at their stockholders and their families or by labor organizations aimed at their members and their families; or third, the establishment, administration, and solicitation of contributions to a separate segregated fund to be used for political purposes by a corporation or labor organization, provided that such contributions are entirely voluntary.

Mr. Speaker, if I may have the attention of the distinguished minority leader for a minute, it is my understanding he is concerned because he made a commitment to Common Cause that no legislation about this bill would be passed without hearing. May I say to the gentleman we had a long hearing about another amendment to this bill in which this particular subject was brought up and at which time Mr. Gardner made the statement, if my memory serves me correctly, that he would object to any change of a comma, period, paragraph, or what have you to this bill.

May I say to the gentleman that if a decision had not been made which I think was contrary to the intent of Congress by some people that voluntary contributions by members or a corporation or a labor organization were illegal, and suits being brought, and a great deal of confusion created, we would not have brought this bill out, but the bill was brought out by unanimous vote of the committee.

All the bill does is simply clarify that such funds can be accumulated provided they are kept segregated and administered separately and provided they are purely voluntary.

This is no change, may I say to the House, from the preceding law and it is no change from the very specific language in section 610 of the present law. The problem arose, and then I am finished, because section 611, which prohibits political contributions by Government contractors, is somewhat contradictory. Now they are saying that an employee of a corporation which has a Government contract or a member of a union which may have a training contract to train apprentices cannot make a voluntary contribution because their corporation for which they work or labor union of which they are a member has a contract in which there are Government funds. All this does is clarify that and I think it should be clarified.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, I will say to the gentleman from Ohio, and I intend to take 5 minutes to explain the situation in which I find myself, I believe that the legislation the committee has recommended is meritorious. However, through a series of letters I have made my position clear, and I think it is a sound one, that no such changes in the Election Reform Act of 1972 should be recommended by the committee without an opportunity for a public hearing.

Having made that commitment, I find myself in an embarrassing situation and will therefore vote no because no such public hearings have been held by the committee on this proposed change.

Mr. HAYS. The only thing, I suppose, I could say to the gentleman is, never write letters to John Gardner. I do not.

Mr. DEVINE. Mr. Speaker, H.R. 15276 is before the House of Representatives today for the purpose of correcting an oversight and an inequity in the law occurring as a result of passage of the Federal Election Campaign Act of 1971 (Public Law 92-225).

Technically, the bill amends the definition of the words "person" and "whoever" in 18 U.S.C. 591(g) so that as applied to section 611 of title 18, United States Code, those words will not include corporations or labor organizations. Section 611 of title 18 prohibits political contributions by Government contractors.

To understand how the present situation developed and its significance it is necessary to look first at a closely related provision of the law, section 610 of title 18, the law which contains the prohibitions on corporations and labor organizations making contributions or expenditures in connection with political campaigns, and to see what has taken place in this regard.

For a long while before the enactment of the Federal Election Campaign Act of 1971, the language of section 610 of title 18, contained a total ban on political spending by corporations or labor organizations. Those restrictions, however, were challenged based on the free speech guarantee of the first amendment and various decisions were handed down which had the result of allowing certain limited political activities by labor organizations and corporations. When the Federal Election Campaign Act was being acted on last year these judicial interpretations were "codified" as part of section 610 by adoption of what is known as the Hansen amendment.

The effect of this action is that while under section 610 corporations and labor organizations, broadly speaking, may not contribute to or make expenditures for political campaigns, this prohibition does not include: First, communications with their stockholders or their families or members and their families on any subject; second, conducting of nonpartisan registration and get-out-the-vote campaigns aimed at their stockholders and their families and at their members and their families; and, third, the establishment, administration, and solicitation of contributions to a separate segregated fund to be used for political purposes, provided that such contributions are entirely voluntary.

On the basis of the debate and the other legislative history on this legislation it is clear that Congress intended that section 610, as changed by the Hansen amendment to codify into law the judicial interpretations of section 610, should contain the definitive law concerning political contributions by corporations and labor organizations.

When section 611 was originally enacted, it was done so on the theory that those who contract with the Government should be under the same kind of restrictions that are placed by section 610 on corporations, and later extended to labor unions, against making political contributions or expenditures. Corporations were specifically not included in section 611 since they were already prevented from spending for political campaigns by section 610.

Unfortunately, however, as a result of the way developments occurred on this legislation there was a failure to realize the full impact of a little noticed part of the legislation that modified and gave broader coverage to section 611. As a result the constraints of that section, forbidding political contributions by Government contractors, for the first time may have been made applicable to corporations and labor organizations.

The result had been that a serious inconsistency had been placed in the law that needs correcting. For example, as a general proposition, a stockholder or a union member may make a voluntary contribution to a separate segregated political fund operated by his company or union. But the legality of such a fund is questionable if the corporation or the union has a Government contract, no matter how insignificant the contract is in the total overall structure of the organization.

Since various corporations and union locals contract with the Government, the existing law is totally unfair to large numbers of stockholders and union members. The legislative history does not indicate that a substantive change or impact of this nature or extent was intended under the act. Beyond that, no attention at all was given to the very serious constitutional issues that would be involved under an outright prohibition against corporate and union political activities for their employees and members and their families, such as codified in section 611.

H.R. 15276 remedies this serious inconsistency and inequity. As the author of H.R. 15276, I want to commend Chairman HAYS and the leadership for acting on and scheduling this bill to come before the House today and urge its speedy passage.

Finally, let me say that if Members will look at the committee report, pages 2 and 3, they will see the Department of Justice supports the enactment of this bill. It would resolve constitutional uncertainties in existing provisions and clarify ambiguities which make effective enforcement difficult.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the administration's program.

Finally, I would say to those who panic or get panic stricken when they get a communication from such persons as Common Cause or John Gardner or Ralph Nader, they may have some second thoughts about this bill. I am sure all Members received a telegram from Mr. Gardner about this.

As the gentleman from Ohio (Mr. HAYS) said, Mr. Gardner, at the time we had hearings on the overall revisions to the Election Reform Act, said that the bill was sacrosanct, that the act was sacrosanct, that we did not dare to touch a comma, a period, a paragraph, or a line in the bill.

Hence, those Members who are very timid about doing anything which would offend Mr. Gardner probably will not want to support this bill.

Mr. DENNIS. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Indiana.

Mr. DENNIS. I was opposed to the so-called Hansen of Idaho amendment. If I recall correctly, the gentleman in the well was, also.

Mr. DEVINE. The gentleman is exactly right. The record will bear that out.

Mr. DENNIS. Are we now amending the act so as to conform to that amendment which the gentleman and I both opposed, and more or less give it a blessing of permanency?

Mr. DEVINE. No. I would say to the contrary to the gentleman from Indiana. I did, yes, oppose the amendment when offered by the gentleman from Idaho (Mr. HANSEN). At that time he said it was intended to codify existing law. I took exception to that. What I am now trying to do is to clarify the meaning of the law as ultimately passed, to make the best of a bad situation.

Mr. DENNIS. I might say to the gentleman that I am, frankly, still a little unclear about just what we are doing. There may be something to be said for hearings on something this important. If we are giving a blessing to the so-called Hansen of Idaho amendment either directly or indirectly, then I could not agree with what the gentleman is trying to do.

Mr. DEVINE. I thank the gentleman.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Ohio.

Mr. HAYS. Perhaps I could clarify a little more what is involved. I certainly hope so. The Supreme Court has already ruled on section 610, on the 22d of June.

And they have said that the old law and the new law did not apply to contributions or expenditures from voluntary funds either by corporations or unions, and then they went on to say that the so-called Hansen amendment, I believe—they do not call it that, but that is what they are referring to—clarifies it.

What we are trying to do here is simply to say this should be applied, and whether we agree with it or not, I think the gentleman will agree it should be applied evenhandedly.

And if a corporation, a big corporation, we will say, or some subsidiary of that corporation, happened to have a contract or a subcontract in which there was Federal money, their employees should not be precluded from giving to a campaign fund, when, with a corporation in the next city which did not, their employees would be free to contribute.

The same thing applies to unions. A few unions have a small apprenticeship contract with some entity in which there is Federal money to help pay the bill, and their employees are precluded, or maybe Common Cause is suing in the courts and some people think they are precluded.

So all this does is provide that section 610 applies to everybody, and if it is a voluntary thing and your employees contribute voluntarily, it is a voluntary thing in the union, the union members contribute voluntarily and it does not apply, that is all.

Mr. Speaker, the gentleman from Arizona (Mr. UDALL) has asked me to yield him some time. I will yield the gentleman 5 minutes.

Mr. UDALL. I thank the gentleman for yielding, and I rise to clarify, if I can, the purpose and intention of this legislation.

As some of the Members know, I worked on this problem at some length at the time the legislation was before us last year.

I do not think we can resolve this merely by deciding whether or not we like John Gardner. I have not agreed with him in respect to Common Cause on everything, but I think John Gardner is one of the great Americans of our time, and his organization has done much to bring hope to a lot of people, and promote programs to allow this country to get itself together.

I came back from campaigning last night, and I read in the paper about this terrible outrage of the new campaign finance bill that was going to come up before us. I have had a number of calls about this today, and I was concerned. So I began to study the language of the bill before us. I took a careful look at the report. I sincerely regret we did not have public publicized hearings on this so that Mr. Gardner and others would have felt they had due process, and so some of the rest of us who were not on the committee might have had a chance to study this proposed amendment to the act very carefully. But I must say this—and I will say this to Mr. Gardner if I have the opportunity—that I find nothing in this amendment that alarms me.

I am a person who happens to think the legislation we passed last year is good legislation, and that it will serve this country well in the generations ahead.

If the legislation does only what the two gentlemen from Ohio have outlined here, and what it seems to me to say, I cannot see any objection to it.

Let me ask the gentleman from Ohio (Mr. HAYS) the chairman of the committee, a couple of things, if I may.

As I understand it, under the law today, if company A is on one side of the street, and it is a large company, but has no Federal contract, that company can set up one of these voluntary citizenship funds and can provide an office in the company plant for the administration of it, and as long as contributions are voluntary it can proceed with this kind of political activity. But if company B across the street, 100 yards away, has exactly the same kind of business, but also has one small Federal contract, that company is totally prohibited under the present interpretation of the law from having any kind of activity which is permitted every other corporation and labor union and every citizen in America.

Mr. HAYS. I hope I can answer the gentleman's question precisely and accurately.

It is a matter that is being litigated now, as I understand it, and the litigants are saying that exactly what you are saying is true.

What we are trying to do here is to see that both of those companies should be treated exactly alike, no more and no less.

Mr. UDALL. And further we have the same situation with regard to a labor union.

Some of us think that labor union members and in fact all kinds of citizens ought to have a right to express their opinions in politics, and make contributions, as long as they are voluntary. One labor union which happens to have a small manpower training contract with the Federal Government would be totally prohibited from having a voluntary, decent, honorable, political operation, and another labor union of the same size and nature, which did not have any Federal contract could go right ahead with the kind of voluntary labor-political organization we have seen in the past; is that right?

Mr. HAYS. Yes, that is correct. That is what the litigants believe.

I think it was the intent of the House that it did not apply and it was certainly the intent of the amendment that it did not apply, but now people are going to court to have them say it does apply. We are simply trying to make it evenhanded and do exactly what the gentleman says.

Mr. UDALL. Would not the gentleman agree with me that 60 or 70 or 80 percent of the employees of businesses of this country work for corporations which probably have some kind of Government contract; and is it not true that most labor unions probably have some kind of manpower training contracts? If we leave the law the way the courts are being urged to interpret it, we are outlawing the kind of decent, honorable activity labor unions have undertaken and which many business employees have undertaken in recent years.

Mr. HAYS. I think the gentleman is exactly right. That is why the committee was unanimous in voting this out. It is so concise and simple and so to the point.

Mr. UDALL. Will the gentleman assure me on this one point? The gentleman has always been honorable and fair and square with me. I am told that there are fears of some gimmick in here and that the bill may be written in a way that it will do a lot of things that we cannot now understand. Will you assure the House it is taking care of this narrow thing and nothing else?

Mr. HAYS. I am not a lawyer, but I can read and understand the English language. I cannot for the life of me, by reading the bill and putting the language in the present act, which is in the report, see that it does anything except a simple thing, which is to say, in effect, it was not the intent of the Congress to bar voluntary contributions even though they may have had a small or any kind of Government contract.

Mr. UDALL. Before my time runs out, let me say this: One of the reasons why I am standing here today is I have made a lot of speeches about the Hughes Aircraft Co. and its "good citizenship" program at its plant in Tucson, Ariz., my hometown.

The SPEAKER. The time of the gentleman has expired.

Mr. HAYS. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. UDALL. They have one of the finest programs in America. They appoint a Democrat and a Republican chairman in their plant and they go through the assembly line getting small contributions from the employees and urging political participation. Each party group in the plant is given company facilities to hold rallies, and so forth. I have always recommended to business people and to labor union people to get politically involved. If we are going to discourage and perhaps make unlawful the kind of voluntary systems that Hughes and other companies have established, then I am concerned about it, and think we are making a mistake.

I thank the gentleman for yielding to me and giving the House an opportunity to clarify the intent and scope of this bill.

Mr. NELSEN. Will the gentleman yield for a question?

The SPEAKER. The time of the gentleman has expired.

Mr. HAYS. I yield the gentleman 1 additional minute, Mr. Speaker, and I yield to the gentleman for a question.

Mr. NELSEN. I am wondering about a farmer who has a contract with the Government in a farm program. Under the definition of the administration of this bill, would he be barred?

Mr. HAYS. I am sure if Mr. Gardner thought he could get some publicity, he would file a lawsuit against him, and that is what this is all about.

Mr. DEVINE. Mr. Speaker, I have two requests for time.

I yield 5 minutes to the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, as I indicated a few moments ago in colloquy with the gentleman from Ohio, the chairman of the committee, on the substance, I am convinced this legislation is good legislation, and I urge the Members on both sides of the aisle to vote for it.

The colloquy between the gentleman from Arizona and the gentleman from Ohio has clearly indicated that this is legislation that ought to be approved. It certainly corrects, in my judgment, a mistake that was made in the base legislation as it was passed.

Having said that, let me explain the unfortunate situation in which I find myself.

In that explanation I would hope that in the future whenever this committee or any other committee proposes to change a law on the statute books that public hearings would be held.

On March 10 of this year the Speaker and I received a letter from Mr. John W. Gardner indicating that rumors had been heard that there might be a change in the law that had just been passed on election reform. This letter is as follows:

COMMON CAUSE,
Washington, D.C., March 10, 1972.

Hon. CARL ALBERT,
Speaker of the House, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: We have reports from reliable sources that Representative Wayne Hays has proposed that the House Administration Committee be designated as Supervisor of reports from House candidates, on contributions and expenditures in their political campaigns.

We have written to Representative Hays to inquire if he intends to introduce legislation to this effect.

The proposal would assign to a Congressional committee responsibility for enforcing a law that directly affects the political fortunes of incumbent members of Congress. That would raise even graver questions of conflict of interest than does the new law's assignment of responsibility to the Clerk of the House. It would raise suspicions that no candidate opposing an incumbent Congressman could expect fair enforcement of the law. Colleagues are notoriously loath to put blame on their peers.

During debate on the new election financing law you said, "There are too many signs of a loss of faith in government for us not to . . . take positive action to restore public confidence in the political process . . . The American people expect us to enact significant reform."

We are hopeful that the new Act, which closes so many loopholes in the reporting of campaign finances, will prove in practice to represent significant reform. We are concerned it will be a sham if steps are taken to place Members of Congress in the judge's seat.

Sincerely,

JOHN W. GARDNER.

On March 20 of this year the Speaker and I in a joint letter responded. It is about a two-page letter, and it is as follows:

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., March 20, 1972.

Hon. JOHN W. GARDNER,
Chairman, Common Cause,
Washington, D.C.

DEAR MR. GARDNER: In your letter of March 10, 1972, you state that you have reports that Representative Wayne Hays of Ohio has proposed that the Committee on House Administration, rather than the Clerk of the House, be designated as supervisor of reports from House candidates concerning contributions and expenditures in their political campaigns required by the Federal Elections Campaign Act of 1971 (Public Law 92–225). You set forth your opposition to the transfer of such supervisory officer authority and express concern that if such steps were taken it would "place Members of Congress in the judge's seat."

We understand discussions have taken place among members of the House Committee on House Administration to effect such a change in supervisory officer authority under the Act. However, no such legislation has been introduced in the House. The argument has been advanced that since the Clerk is a partisan officer, the nominee of the political party in control of the House, the supervisory authority should be elsewhere to avoid any allegations of partisanship in handling such a responsibility. And, on the other hand, since the Clerk is an employee of the House he should not be charged with the responsibility of supervising Member's campaign reports.

By enacting the Federal Election Campaign Act of 1971, the Congress has taken significant steps toward reform in the reporting of campaign funds. The House has also established a special committee to investigate campaign receipts and expenditures (H. Res. 819, February 28, 1972). That special committee has been given subpoena powers (not given the Clerk by the Act) and authorized to cooperate with the Clerk in performance of his responsibilities under the Act (see §§ 8 and 9 of the resolution). We intend to see that the reporting requirements of the law are enforced on a non-partisan basis.

Responsible Members of the House have indicated to us that they do not share your view, that the right of all Congressional candidates and of the public to have access to contribution and expenditure information would necessarily be impeded by reposing such supervisory function in a committee of the House. If further analysis indicates that the new legislation would be improved by having the supervisory officer authority removed to a standing or select committee of the House, composed of Members of both political parties and armed with subpoena powers, legislative action will be required. Any such provision would necessitate public hearings. Of course, you and other interested parties would have an opportunity to present your views and we hope you would do so for the Committee record.

Your concern about this matter is appreciated. We assure you that the House intends to rigorously enforce the provisions of the Federal Election Campaign Act.

Sincerely,

Carl Albert,
Speaker, U.S. House of Representatives.
Gerald R. Ford,
Minority Leader, U.S. House of Representatives.

On May 26, Mr. Gardner again wrote me, and I believe he wrote the Speaker, again as a result of proposed changes in the Federal Election Campaign Act of 1971, and he reminded me that any change in the law should require public hearings.

His letter is as follows:

Common Cause,
Washington, D.C., May 26, 1972.

Hon. Gerald Ford,
Minority Leader, U.S. House of Representatives, Washington, D.C.

Dear Mr. Ford: It is our understanding that Chairman Wayne Hays of the House Administration Committee is proposing legislation to make a number of changes in the Federal Election Campaign Act of 1971, which became effective only two months ago. It has been reported that these changes would include reducing the present requirement for quarterly disclosure reports, requiring a contributor's occupation to be disclosed only "if known", and redefining "filed" to mean a report is filed in a timely manner so long as it is mailed on the day it is due.

We believe these proposed changes would gravely damage the new campaign finance law and severely undermine its basic intention to provide the public with campaign finance disclosures during the course of the elections.

It has been reported that Chairman Hays intends to ask the House Administration Committee to take final action on these legislative proposals in the near future. To our knowledge, no public hearings have been scheduled on these highly significant and highly questionable changes in the law.

In March of this year I wrote to you and Speaker Carl Albert, objecting to the proposal of Chairman Hays to take jurisdiction for supervising the new law away from the Clerk of the House and to give it to the House Administration Committee. In response you and Mr. Albert wrote that any such action would require legislation, that any provision of that nature "would necessitate public hearings" and that Common Cause and other interested parties would of course have the opportunity to present their views.

The most recent proposal by Chairman Hays to change the new law similarly calls for public hearings and the development of a public record.

Common Cause therefore calls upon you to again assure that public hearings will be held prior to any Committee action on the Hays proposal. We further request the opportunity for the Director of our Campaign Monitoring Project to appear before the Committee and present our views in opposition to the Hays proposals.

Sincerely,

John W. Gardner,
Chairman.

On June 5 of this year in response to that letter I wrote Mr. Gardner, and the letter is as follows:

June 5, 1972.

Mr. John W. Gardner,
Chairman, Common Cause,
Washington, D.C.

Dear Mr. Gardner: Your letter of May 26 concerning several rumored changes in the Federal Elections Campaign Act of 1971 has been received.

I reiterate what Speaker Albert and I said in our joint letter to you of several months ago. In the consideration of any amendments to the 1971 Act the House Committee on House Administration should hold public hearings and you and your associates should be given an opportunity to testify. Any other interested individual or group, pro or con, should also be accorded the privilege of appearing.

I thank you for your continuing interest in this matter.

Sincerely,

Gerald R. Ford,
Member of Congress.

Mr. Speaker, on the basis of that exchange of correspondence, and because no hearings were held, I find myself in an embarrassing position. To keep my word to Mr. Gardner in writing, I intend to vote against the motion to suspend the rules and pass the bill, but I add as a final observation and comment I believe that the substance of this bill is meritorious, and I think it is an attempt to correct an inadvertent error in the basic law.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Speaker, I want to say to the gentleman from Michigan that we did have a hearing on the only substantive change that was proposed, and this came up as a final effect—and I do not want to be technical about it—but I think that we have complied with Mr. Gardner's request. This is merely a short clarifying sentence to clarify what the bill says in plain English, and what Mr. Gardner is trying to obscure and make out as though we did not know what we were doing, and did not know how to do what we thought we were doing.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. HAYS. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma, our distinguished Speaker (Mr. Albert).

Mr. ALBERT. Mr. Speaker, I thank the gentleman for yielding, and I would like to comment regarding the correspondence of the gentleman from Michigan (Mr. Gerald R. Ford) and I had with Common Cause. In the first letter the main question was should the House Committee on House Administration be the supervising body, or should the Clerk of the House, and we agreed that there should be hearings. But then when another point came up, the gentleman from Michigan apparently answered it as he explained to the House, but I did not make that answer.

I made no clear-cut commitment on the issues he is talking about other than to state that hearings should be held on the question of whether the Committee on House Administration or the Clerk should handle the administration of the act. I thought that was important enough that hearings should be held by the Committee or House Administration. I have not made any commitment to Mr. Gardner on this particular issue.

Although I agree with the minority leader that generally speaking there should be hearings on legislation, particularly legislation that affects the House of Representatives, I would not ever bind myself or promise anybody that in considering general corrective legislation I would insist that a Committee of the House go through the formalities of committee hearings unnecessarily on something that had been handled in separate hearings previously.

Mr. HAYS. Mr. Speaker, I yield to the gentleman from Illinois for a question.

Mr. ANNUNZIO. I appreciate the gentleman from Ohio yielding. As a member of the committee, I would like to ask this question: Is it true that we did have 2 days of hearings on legislation affecting the Election Reform Act and that John Gardner was a witness and as a direct result of those hearings which I attended for 2 days, and I sat through the hearings—this is the only recommendation that was a by-product of the hearings that was called to the attention of the committee and we recommended it as a clarifying change to the full Committee on House Administration, and it did pass the full committee unanimously?

Mr. DEVINE. I would say to the gentleman that we did hold 2 days of public hearings and that John Gardner was in attendance and was a witness at great length, and the only recommendation that did rise out of those hearings resulted in the legislation that we have here today, and it did pass out of the House Administration Committee by a vote of 16 to 0.

Mr. ANNUNZIO. I thank the gentleman.

Mr. DEVINE. Mr. Speaker, I yield to the gentleman from California (Mr. Gubser) for a question.

Mr. GUBSER. I would like to ask a question of either the gentleman from

Ohio (Mr. DEVINE) or the distinguished chairman of the committee. It has already been established that Mr. Gardner was present at the public hearings just referred to in the previous colloquy. It is my recollection that orally he admitted he had made false statements regarding certain Members of the House in their reporting procedure. I would like to know if Mr. Gardner who admitted this during the course of the hearings has ever retracted that statement that he made about those Members?

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman.

Mr. HAYS. If he has, I have never heard about it. His organization is strong on making charges and short on backing them up, I can say to the gentleman.

Mr. DEVINE. Mr. Speaker, I yield 4 minutes to the gentleman from Delaware (Mr. DU PONT).

Mr. DU PONT. Mr. Speaker, I rise in opposition to the legislation. Some months ago I introduced the bill H.R. 14589, which also would amend section 610 of the law, but in an opposite direction.

My proposal is that we tighten it up—that we get corporations and labor unions out of the political business. I recognize, as the gentleman from Ohio pointed out, that there is inequity in the law as it has evolved in the recent changes that we made in the Congress. But I do not think this is the time to be trying to correct them. We are in the middle of the election campaign. Who will be affected by the bill? There are, perhaps, some corporations and unions which have these funds, and some which do not. How will the law apply?

There are serious questions in my mind as to whether labor unions and corporations should be involved at all, and whether they ought to be able to make indirect contributions to political parties—or deduct contributions they make for political advertising.

I think it is much more appropriate to consider this question after the elections are over when we will have an opportunity to look at all of them, and we will look at the big picture.

We speak here as if employees of corporations and members of labor unions had no other way of contributing their money to candidates and campaigns. That clearly is not the case. Anyone can make a contribution simply by calling up the local county or local political party. By keeping labor unions and corporations out of the political process, we are not going to deny anybody any right.

No matter how fair and no matter how honest the programs are, the suspicion is still there that "voluntary" contributions really are not "voluntary" at all. This is reflected in recent polls, which have shown that 60 percent of the American people have lost confidence in their elected officials; that they believe we are serving special interest groups and not the broad interests of our constituents. Part of the reason is because corporations and labor unions are involved in the political process. I believe we ought to keep them on the outside, and not on the inside. I urge a vote against this legislation.

Mr. HAYS. I yield myself 30 seconds, Mr. Speaker, to say to the gentleman that, of course, I understand he would like to preclude all contributions, and I guess if my name were DU PONT, I would, too, but since it is not, I do not feel that way.

I yield 1 minute to the gentleman from California.

Mr. BURTON. Mr. Speaker, I rise in support of the legislation. I should like to commend the House Administration Committee for making this key clarification in our election reporting law. The law as written, as I understand it, resulted in some interpretations that none of us intended, and this is a thoughtful solution to what otherwise could be somewhat of a difficult problem.

I urge a yea vote on the bill.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield for a question?

Mr. HAYS. I yield to the gentleman from Texas.

Mr. GONZALEZ. I am quite puzzled here. This has been presented as a minor procedural amendment, but in the course of discussion apparently what is involved is—check me if I am wrong in my interpretation—the difference would be that if we approve this, a corporation that presently is prohibited from making a contribution because it has a Federal attachment in the way of a contract would thereby now be permitted to make a contribution.

Mr. HAYS. Only the employees voluntarily, not the corporation.

Mr. GONZALEZ. The analogy that was presented by the gentleman from Arizona about the corporation in his district is an ideal situation. What about the case of a corporation that has been formed specifically, that has been chartered specifically for the purpose of contracting with the Government? Would you not say that there we should keep some kind of restriction?

Mr. HAYS. There is a restriction. That corporation cannot out of corporate funds contribute any more than any other corporation, but if their employees are going to contribute, they should not be prohibited, in my judgment, any more than the gentleman's employees should be prohibited—and they are not.

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Arizona.

Mr. UDALL. Under the old law or new law or the law as it would be adjusted by this bill, no corporation can make a corporate contribution, and no union can make a union treasury contribution. All that is involved here would be corporate or union sponsorship of an arrangement to permit and handle voluntary contributions by members of a corporation or members of a labor union.

Mr. GONZALEZ. That is true, but what I am afraid of is we are not taking into consideration the real situation we face today, and have faced for the last 5 or 6 years, in which we have had entire industries built up merely for the purpose of contracting with the Government. Now we cannot say that the employees of 100 percent federally funded activities, even though they are incorporated as a private corporation, would not really be in a different position than a fully-funded type of corporation.

Mr. HAYS. I can say to the gentleman you cannot say that exactly, because in my opinion if you have an amendment that would prohibit that—and again I am not a lawyer—you would be discriminating against employees of one corporation as against another, as you would be against a union. All we are trying to do is clarify this. I think the gentleman's fears are completely unfounded.

Mr. GONZALEZ. I thank the gentleman.

Mr. BINGHAM. Mr. Speaker, I am opposed to the motion to suspend and pass H.R. 15276. My opposition is not based on any serious qualms about the substantive result of this bill, which is apparently intended to carry out the intention of the Congress in enacting Public Law 92-225 that corporations and labor unions, whether or not they have Government contracts, should be free to carry on the kind of voluntary activities that are specified in section 610 of the act. I am disturbed, however, by the procedure followed in this case. I believe that public hearings should have been held on this proposal and that the bill should have come before the House in the normal way, so as to be subject to amendment.

I believe the purpose of the legislation could have been accomplished better than by excluding corporations and labor unions altogether from the coverage of section 611. The Congress virtually makes itself ridiculous if, having enacted legislation earlier this year to apply certain restrictions to Government contractors, it then proceeds late into the year to exclude corporations, which hold the vast majority of Government contracts, from the provisions of the law. It would have been preferable to make clear what section 611 was intended to prohibit.

I do not believe that any corporations or labor organizations carrying on the types of activities permitted under section 610 will be prosecuted for violations under section 611, and accordingly I see no urgency about the present bill. In any case, since the present bill is not retroactive in its effect, if there were violations during the months since April 7 when Public Law 92-225 went into effect, they will remain as violations whether or not the bill before us today is enacted.

I should add that, because of the conflict of committee business, I was not able to attend the meeting of the House Administration Committee at which this legislation was considered. Since I was absent from the meeting, I do not wish my remarks to appear as a reflection on what the committee did. However, my negative vote reflects my view that this matter could have been handled in a more normal way.

Mr. VANIK. Mr. Speaker, at a time when this Congress has made positive steps in campaign reform—it would be a tragic step backward to pass H.R. 15276. This bill adds a provision to title 18, section 591 to specify that the words "person" and "whoever" do not mean a corporation or a labor union with respect to section 611.

This would in effect gut the entire section of the code which prohibits solicitation and payment of contributions by those who benefit from congressional appropriations or Government largess.

The passage of this bill would pave the way for wholesale payoffs in the way of political contributions by those who have benefited by congressional appropriations. The Congress must be made independent of these influences and must remain a "free agent" of the American people.

Passage of this bill would be a great disservice to both the American people and the democratic process.

The SPEAKER. The question is on the motion offered by the gentleman from Ohio (Mr. HAYS) that the House suspend the rules and pass the bill H.R. 15276.

The question was taken.

Mr. ECKHARDT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 249, nays 124, not voting 57, as follows:

[Roll No. 396]

YEAS—249

Abbitt
Abernethy
Abourezk
Adams
Alexander
Andrews, Ala.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspinall
Barrett
Begich
Belcher
Bergland
Betts
Biaggi
Blackburn
Blanton
Blatnik
Boggs
Boland
Bow
Brademas
Brasco
Bray
Brooks
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Caffery
Camp
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Collier
Collins, Tex.
Colmer
Conable
Corman
Cotter
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dent
Devine
Dickinson
Diggs
Donohue
Dorn
Downing
Duncan
Eckhardt
Edwards, Ala.
Eilberg
Erlenborn
Evins, Tenn.
Fascell
Fisher
Flood
Foley
Ford, William D.
Forsythe
Frelinghuysen
Frey
Fulton
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Goodling
Gray
Griffin
Griffiths
Grover
Gubser
Haley
Hall
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Hawkins
Hays
Hébert
Henderson
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Kee
Keith
King
Kluczynski
Kyros
Landgrebe
Leggett
Lennon
Lloyd
Long, Md.
McClory
McCollister
McCulloch
McEwen
McFall
McKay
Madden
Mahon
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Meeds
Melcher
Miller, Calif.
Mills, Ark.
Mills, Md.
Mizell
Monagan
Montgomery
Moorhead
Morgan
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nix
O'Hara
O'Neill
Passman
Patten
Pelly
Pepper
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Price, Ill.
Quie
Quillen
Railsback
Randall
Rangel
Rhodes
Roberts
Robinson, Va.
Rodino
Rogers
Roncalio
Rooney, Pa.
Rostenkowski
Rousselot
Roybal
Ruth
St Germain
Sandman
Satterfield
Scherle
Shoup
Sikes
Sisk
Slack
Smith, Calif.
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steiger, Ariz.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Udall
Ullman
Veysey
Waggonner
Wampler
Ware
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wyman
Yatron
Young, Tex.
Zablocki
Zion

NAYS—124

Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Aspin
Badillo
Bennett
Biester
Bingham
Brinkley
Brotzman
Broyhill, Va.
Buchanan
Cleveland
Conover
Conte
Conyers
Coughlin
Crane
Dellenback
Dellums
Denholm
Dennis
Derwinski
Drinan
Dulski
du Pont
Edwards, Calif.
Esch
Eshleman
Findley
Fish
Flowers
Ford, Gerald R.
Fountain
Fraser
Frenzel
Fuqua
Gonzalez
Grasso
Green, Pa.
Gude
Hamilton
Harrington
Harsha
Hastings
Hathaway
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hillis
Hutchinson
Ichord
Jacobs
Kastenmeier
Keating
Kemp
Koch
Latta
Lent
Long, La.
McCloskey
McDade
McDonald, Mich.
McKevitt
McKinney
Macdonald, Mass.
Mailliard
Mallary
Mayne
Mazzoli
Michel
Mikva
Miller, Ohio
Minish
Mitchell
Mosher
Nelsen
Obey
O'Konski
Patman
Perkins
Powell
Preyer, N.C.
Rarick
Reid
Reuss
Riegle
Robison, N.Y.
Roe
Rosenthal
Roush
Roy
Ruppe
Sarbanes
Saylor
Scheuer
Schneebeli
Sebelius
Seiberling
Shriver
Skubitz
Smith, Iowa
Smith, N.Y.
Snyder
Steele
Steiger, Wis.
Thomson, Wis.
Thone
Tiernan
Vander Jagt
Vanik
Vigorito
Whalen
Whalley
White
Whitehurst
Wydler
Wylie
Yates
Young, Fla.
Zwach

NOT VOTING—57

Abzug
Baker
Baring
Bell
Bevill
Bolling
Cabell
Chisholm
Clay
Collins, Ill.
Culver
Davis, S.C.
Dingell
Dow
Dowdy
Dwyer
Edmondson
Evans, Colo.
Flynt
Galifianakis
Gallagher
Green, Oreg.
Gross
Hagan
Halpern
Hanna
Harvey
Hull
Kuykendall
Kyl
Landrum
Link
Lujan
McClure
McCormack
McMillan
Metcalfe
Mink
Minshall
Mollohan
Murphy, N.Y.
Nichols
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Rees
Rooney, N.Y.
Runnels
Schmitz
Schwengel
Scott
Shipley
Talcott
Teague, Calif.
Van Deerlin
Waldie

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Talcott.
Mr. Bevill with Mr. Grasso.
Mr. Dingell with Mr. Minshall.
Mr. Nichols with Mr. Baker.
Mr. Shipley with Mr. Schwengel.
Mr. Mollohan with Mr. Bell.
Mr. Murphy of New York with Mr. Halpern.
Mr. Flynt with Mr. Scott.
Mrs. Green of Oregon with Mrs. Dwyer.
Mr. Evans of Colorado with Mr. Lujan.
Mr. Davis of South Carolina with Mr. Teague of California.
Mr. Culver with Mr. McClure.
Mr. McCormack with Mrs. Chisholm.
Mr. Cabell with Mr. Hagan.
Mr. Hanna with Mrs. Abzug.
Mr. Metcalfe with Mrs. Mink.
Mr. Dow with Mr. Clay.
Mr. Purcell with Mr. Schmitz.
Mr. Runnels with Mr. Harvey.
Mr. Link with Mr. Kyl.
Mr. Hull with Mr. Kuykendall.
Mr. Waldie with Mr. Galifianakis.
Mr. Pucinski with Mr. Dowdy.
Mr. Edmondson with Mr. Price of Texas.
Mr. Collins of Illinois with Mr. Gallagher.
Mr. Landrum with Mr. Pryor of Arkansas.
Mr. Rees with Mr. McMillan.
Mr. Van Deerlin with Mr. Baring.

Messrs. DANIELSON, PODELL, and WOLFF changed their votes from "nay" to "yea".

Mr. DENHOLM and Mr. FOUNTAIN changed their votes from "yea" to "nay".

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANTIHIJACKING ACT OF 1972

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 16191) to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended, to implement the Convention for the Suppression of Unlawful Seizure of Aircraft; to amend title XI of such act to authorize the President to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking by acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft; and to authorize the Secretary of Transportation to suspend the operating authority of foreign air carriers under certain circumstances.

The Clerk read as follows:

H.R. 16191

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Anti-Hijacking Act of 1972".

SEC. 2. Section 101(32) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(32)), is amended to read as follows:

"(32) The term 'special aircraft jurisdiction of the United States' includes—

"(a) civil aircraft of the United States;

"(b) aircraft of the national defense forces of the United States;

"(c) any other aircraft within the United States;

"(d) any other aircraft outside the United States—

"(i) that has its next scheduled destination of last point of departure in the United States, if that aircraft next actually lands in the United States; or

"(ii) having 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft, committed abroad, if that aircraft lands in the United States with the alleged offender still aboard; and

"(e) other aircraft leased without crew to a lessee who has his principal place of business in the United States, or if none, who has his permanent residence in the United States;

while that aircraft is in flight, which is from the moment when all external doors are closed following embarkation until the moment when one such door is opened for disembarkation, or in the case of a forced landing, until the competent authorities take over the responsibility for the aircraft and for the persons and property aboard."

SEC. 3. Section 902 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472), is amended as follows:

(a) By striking out the words "violence and" in subsection (i)(2) thereof, and by inserting the words "violence, or by any other form of intimidation, and" in place thereof;

(b) By redesignating subsections (n) and (o) thereof as "(o)" and "(p)", respectively, and by adding the following new subsection:

"AIRCRAFT PIRACY OUTSIDE SPECIAL AIRCRAFT JURISDICTION OF THE UNITED STATES

"(n)(1) Whoever aboard an aircraft in flight outside the special aircraft jurisdiction of the United States commits 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft, and is afterward found in the United States shall be punished—

"(A) by death if the verdict of the jury shall so recommend, or, in the case of a plea of guilty, or a plea of not guilty where the defendant has waived a trial by jury, if the court in its discretion shall so order; or

"(B) by imprisonment for not less than twenty years, if the death penalty is not imposed.

"(2) A person commits 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft when, while aboard an aircraft in flight, he—

"(A) unlawfully, by force or threat thereof, or by any other form of intimidation, seizes, or exercises control of, that aircraft, or attempts to perform any such act; or

"(B) is an accomplice of a person who performs or attempts to perform any such act.

"(3) This subsection shall only be applicable if the place of takeoff or the place of actual landing of the aircraft on board which the offense as defined in paragraph 2 of this subsection is committed is situated outside the territory of the State of registration of that aircraft.

"(4) For purposes of this subsection an aircraft is considered to be in flight from the moment when all the external doors are closed following embarkation until the moment when one such door is opened for disembarkation, or in the case of a forced landing, until the competent authorities take over responsibility for the aircraft and for the persons and property aboard."

(c) By amending redesignated subsection (o) thereof by striking out the reference "(m)", and by inserting the reference "(n)" in place thereof.

SEC. 4. (a) Title XI of the Federal Aviation Act of 1958 is amended by adding a new section 1114 as follows:

"SUSPENSION OF AIR SERVICES

"SEC. 1114. (a) Whenever the President determines that a foreign nation is acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft, he may, without notice or hearing and for as long as he determines necessary to assure the security of aircraft against unlawful seizure, suspend (1) the right of any air carrier and foreign air carrier to engage in foreign air transportation, and any persons to operate aircraft in foreign air commerce, to and from that foreign nation and (2) the right of any foreign air carrier to engage in foreign air transportation, and any foreign person to operate aircraft in foreign air commerce, between the United States and any foreign nation which maintains air service between itself and that foreign nation. Notwithstanding section 1102 of this Act, the President's authority to suspend rights in this manner shall be deemed to be a condition to any certificate of public convenience and necessity or foreign air carrier or foreign aircraft permit issued by the Civil Aeronautics Board and any air carrier operating certificate or foreign air carrier operating specification issued by the Secretary of Transportation.

"(b) It shall be unlawful for any air carrier or foreign air carrier to engage in foreign air transportation, or any person to operate aircraft in foreign air commerce, in violation of the suspension of rights by the President under this section."

(b) Title XI of the Federal Aviation Act of 1958 is amended by adding a new section 1115 as follows:

SECURITY STANDARDS IN FOREIGN AIR TRANSPORTATION

"SEC. 1115. (a) Not later than 30 days after the date of enactment of this section the Secretary of State shall notify each nation with which the United States has a bilateral air transport agreement or, in the absence of such agreement, each nation whose airline or airlines hold a foreign air carrier permit or permits issued pursuant to section 402 of the Federal Aviation Act of 1958, of the provisions of subsection (b) of this section.

"(b) In any case where the Secretary of Transportation, after consultation with the competent aeronautical authorities of a foreign nation with which the United States has a bilateral air transport agreement and in accordance with the provisions of that agreement or, in the absence of such agreement, of a nation whose airline or airlines hold a foreign air carrier permit or permits issued pursuant to such section 402, finds that such nation does not effectively maintain and administer security measures relating to transportation of persons or property or mail in foreign air transportation that are equal to or above the minimum standards which are established pursuant to the Convention on International Civil Aviation or, prior to a date when such standards are adopted and enter into force pursuant to such convention, the specifications and practices set out in appendix A to Resolution A17–10 of the Seventeenth Assembly of the International Civil Aviation Organization, he shall notify that nation of such finding and the steps considered necessary to bring the security measures of that nation to standards at least equal to the minimum standards of such convention or such specifications and practices of such resolution. In the event of failure of that nation to take such steps, the Secretary of Transportation, with the approval of the Secretary of State, may withhold, revoke, or impose conditions on the operating authority of the airline or airlines of that nation."

SEC. 5. Section 901(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1471(a)) is amended by inserting the words "or section 1114" before the words "of this Act" when those words first appear in this section.

SEC. 6. Section 1007(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1487(a)) is amended by inserting the words "or, in the case of a violation of section 1114 of this Act, the Attorney General," after the words "duly authorized agents,".

SEC. 7. That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading

"Sec. 902. Criminal penalties.",

is amended by striking out the following items:

"(n) Investigations by Federal Bureau of Investigation.

"(o) Interference with aircraft accident investigation.";

and by inserting the following items in place thereof:

"(n) Aircraft piracy outside special aircraft jurisdiction of the United States.

"(o) Investigations by Federal Bureau of Investigation.

"(p) Interference with aircraft accident investigation.";

and that portion which appears under the heading

"TITLE XI—MISCELLANEOUS"

is amended by adding at the end thereof the following:

"Sec. 1114. Suspension of air services.

"Sec. 1115. Security standards in foreign air transportation.".

The SPEAKER. Is a second demanded?

Mr. SPRINGER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. STAGGERS. Mr. Speaker, the basic purpose of this bill is to provide additional improvements to legislation directed toward the curtailment of aircraft hijacking. Specifically, this bill will bring into force as a matter of U.S. law the security provisions of the Convention on International Civil Aviation. The Hague Convention and the security provisions are set forth in the committee report. The Hague Convention has been in effect since October of 1971, and the United States is a party to it.

The bill also creates new sanctions through which the United States may combat hijacking. They are as follows:

First. Section 1114—Suspension of air services: This section vests the President with permissive powers to suspend the right of any U.S. air carrier or foreign air carrier to operate to and from a foreign nation that is acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft. It also gives the President a second permissive power to suspend the operations of any foreign air carrier between the United States and the foreign nation which continues air commerce between itself and a nation which is acting inconsistent with the Convention.

Second. Section 1115—Security standards in foreign air transportation: This section grants permissive power to the Secretary of Transportation, with the approval of the Secretary of State, to withhold, revoke, or impose conditions on operating authority of the airline or airlines of a nation that fails to meet the security measures at or above the minimum standards under the Convention.

Third. Civil penalties: Civil penalties up to $1,000 per day are applicable to violations of suspensions imposed by the President, and the Attorney General is authorized to seek judicial enforcement of suspensions.

Mr. Speaker, I yield to the gentleman from New York.

Mr. REID. Mr. Speaker, I thank the chairman for yielding.

First, I should like to commend the distinguished chairman for his leadership and the work of his great committee in getting out this legislation so promptly.

Mr. Speaker, it is my understanding that the Anti-Skyjacking Act of 1972 now before the House contains the basic and essential provisions of a bill I introduced with 52 cosponsors, H.R. 16164, relative to implementing The Hague Convention in connection with the extradition or prosecution of a skyjacker, that is to say, that this bill clearly authorizes the President, at his discretion to suspend the right of any airlines, foreign or domestic, to operate between the United States and any country which is acting in a manner inconsistent with The Hague Convention; and, second, it authorizes the President to suspend the right of any foreign airline to operate between the United States and any foreign country which maintains air service between itself and a country which is acting in a manner inconsistent with The Hague Convention.

My question, therefore, is, Does not this legislation embody the principle that I and my colleagues have previously introduced?

Mr. STAGGERS. I would say to the gentleman from New York (Mr. REID) that does embody the basic principles he introduced in his bill. We had contemplated taking up his bill in the committee, and another bill, not only to implement The Hague Convention, but also to give the President power to revoke the license and the right to land in this country of any airline in violation, as well as give the Secretary of Transportation, with the approval of the Secretary of State, the right to suspend or impose conditions if other nations do not meet our standards of security.

I wish to compliment the gentleman from New York because he did come to me several times and ask for a hearing. I know that he has been very interested in the legislation, and this probably is a consequence of part of the bill that he did introduce.

Mr. REID. Mr. Speaker, I have two other basic questions. Does not the legislation today complement the action of the House previously in the foreign aid bill where the President was given discretionary power to withhold foreign aid funds from any country that harbors a skyjacker and refuses at the request of the President of the United States to either expedite the return of or prosecute the said hijacker?

Mr. STAGGERS. It does, but we do not send aid to many nations, and this covers all of them.

Mr. REID. Mr. Speaker, another point I know the Chairman is deeply interested in, and one I am hopeful he will act on, should the bill go to conference, would be legislation dealing with metal sensing to make sure that all U.S. carriers, foreign or domestic, obtain necessary metal-sensing and X-ray equipment to detect all weapons and in particular nonferrous weapons.

As the chairman is well aware, according to a recent report of the FAA, there are only 5 out of 36 major U.S. air carriers which presently have metal-sensing equipment, and the Airline Pilots Association thinks such equipment is a necessary safeguard both for passengers, airmen, stewardesses, and the flying public.

Mr. STAGGERS. I would say to the gentleman this is essential. If this legislation does not pass the Congress this year and become law, the committee will hold hearings on this. It is essential to the security of our people who are flying.

Mr. REID. Mr. Speaker, in my opinion, this legislation is of the utmost importance if we are to halt the growing menace of air piracy.

We will not be able to end skyjacking until every potential skyjacker knows that he will be dealt with to the full extent of the law no matter where in the world he seeks refuge.

Under this bill, if Algeria continues to harbor skyjackers, the President could shut-down air service between the United States and Algeria—if any existed—and also between the United States and a nation such as France, until France terminated its air service to and from Algeria.

The severe economic pressure thus imposed on the offending country would almost surely encourage if not mandate its eventual cooperation in the international crackdown on skyjackers. Once an offending country began acting consistently with the terms of the Hague Convention on air piracy—by either prosecuting or extraditing accused skyjackers—the sanctions imposed by this measure would be lifted.

As my colleagues know, the Senate antiskyjacking bill, which recently passed in the other body by 75 to 1, contains the same provisions as in the bill before us. But it goes farther and attacks the skyjack problem from yet another direction.

The Senate bill includes provisions to establishing an air transportation security program in the FAA, authorizing $35 million to provide a law enforcement capability and presence at U.S. airports in order to deal with potential skyjackers.

Additionally, it would require the screening of all passengers and carry-on baggage by means of weapons-detecting devices—to be supplied by the Government.

If the rules permitted the offering of amendments to the bill before us, I would seek to have the House adopt similar provisions today. In my judgment, the FAA and the airlines have been shamefully derelict in their responsibility to the traveling public by not already having instituted weapons-screening procedures on an across-the-board basis.

Recently, 28 of my colleagues joined me in sponsoring a bill which would require inspection of all passengers and baggage by means of advanced metal detection devices or X-ray devices by January 1, 1973.

The Air Lines Pilots Association strongly supports this kind of legislation. I wish to invite attention to the following letter which I have just received from ALPA:

AIR LINE PILOTS ASSOCIATION,
Washington, D.C., September 28, 1972.

Hon. OGDEN REID,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN REID: We again want to thank you for your interest in introducing strong, realistic, and necessary antihijacking legislation.

We are hopeful that the Staggers bill, H.R. 16191, will be before the House Monday and will be passed by that body. The Air Line Pilots Association strongly urges the conferees to include the provisions contained in the Senate bill calling for a security force within the FAA and adequate screening of all passengers and luggage on board airplanes. Such legislation will serve as a strong deterrent to the heinous crime of aerial piracy. We hope that sufficient funds can be authorized and appropriated to provide metal detection devices at every airport gate used in commercial aviation.

Sincerely,

J. J. O'DONNELL,
President.

It is my hope that the House conferees on this legislation will see fit to agree to the substance of the Senate provisions on airport security and passenger screening. Skyjacking can only be eliminated by multipronged measures. We must effectively deal with skyjackers before they get a chance to board an aircraft, as well as after they have committed this terrible crime. This is the only approach that holds any promise of eradicating the problem altogether.

(Mr. REID asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. SISK. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from California.

Mr. SISK. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, I do this simply to commend the gentleman and his committee on the action taken. I hope this bill is passed today and that there is agreement between the House and the Senate so this legislation may go to the President. I recently introduced legislation which goes even further than this in both areas, but again I commend the committee on what they have done because I think this is one of the greatest problems that we face in our transportation industry.

Mr. Speaker, I express appreciation to the chairman and the Committee on Interstate and Foreign Commerce for the action they have taken.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I have heard the chairman say he hopes the other body will accept this bill so we will not have to go to conference. We do not know what action the other body will take. I do point out since the Senate version did not provide for mandatory screening and that the search is to be carried out by airline personnel, in the event they do not accept this and we go to conference that would be open to negotiation in the conference committee. The contention by the airlines is that personnel of the airlines are not well equipped to act against a person who might have a psychiatric problem and I can see their viewpoint. If the other body does not accept this, then this is something we can work on early next year.

Mr. STAGGERS. If we do have to go to conference it is very doubtful that this legislation will ever see the light of day, so for the sake of getting the legislation passed I do hope this will be accepted.

Mr. PICKLE. I thank the gentleman from West Virginia.

Mr. STAGGERS. Mr. Speaker, I yield to the chairman of the subcommittee which handled this legislation, the gentleman from Oklahoma (Mr. JARMAN).

Mr. JARMAN. Mr. Speaker, I thank

the gentleman from West Virginia for yielding.

Mr. Speaker, this bill modifies and expands existing law to implement provisions of the Hague Convention. It also adds new discretionary powers to the United States which are vested in the President and the Secretary of Transportation. A brief description of the more substantive changes follows:

SECTION 1114—SUSPENSION OF AIR SERVICES

This section vests the President with permissive powers to suspend the right of any U.S. carrier or foreign air carrier to operate to and from a foreign nation that is acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft. It also gives the President a second permissive power to suspend the right of any foreign air carrier to provide service to and from the United States when such foreign nation continues air commerce between itself and a nation which is acting inconsistent with the Convention.

SECTION 1115—SECURITY STANDARDS IN FOREIGN AIR TRANSPORTATION

This section grants permissive power to the Secretary of Transportation, with the approval of the Secretary of State, to withhold, revoke, or impose conditions in operating authority of the airline or airlines of a nation that fails to meet the security measures at or above the minimum standards set forth in appendix A to Resolution A17-10 of the seventeenth assembly of the International Civil Aviation Organization.

3—CIVIL PENALTIES

Civil penalties up to $1,000 per day are applicable to violations of suspensions imposed by the President and the Attorney General is authorized to seek judicial enforcement of suspensions.

Mr. Speaker, I urge the passage of H.R. 16191.

Mr. SPRINGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I take this time to give the Members the technical part of what this bill does and I think it is rather important that Members be acquainted with where we are in this field. In 1971, in October, the United States agreed first of all to the international convention for the suppression of unlawful seizure of aircraft which became effective in that month.

The important point is that this convention calls for uniformity in definitions so that we have a uniform law applicable to all countries who become a part of the convention, and also what happens by virtue of the fact that an aircraft is in flight is defined. Then we also have uniformity with reference to what the penalties shall be for these acts with reference to hijacking.

To implement these requirements we did make necessary changes and additional definitions of an offense against an aircraft and of the term "in flight."

If Members turn to page 3 of the report, to the section entitled "Aircraft piracy" the Members can see very readily that there are a total of 10 various changes which I will not go into. There are 10 specific changes which bring uniformity into this field and which provide a complete umbrella coverage for all types of hijacking. I will not detail those but it is in substance what section 3(a) under "Aircraft piracy" on page 3 of the report does, and it extends over to "Suspension of air services" on page 4, if Members want a complete explanation of what this does.

Some of them are substance, and some of them are technical amendments, but we knew that all these were necessary if we were to give uniformity under our law, and when we became a part of the air piracy convention.

Next, the President is given the additional power to cut off service to or from any country which harbors hijackers. A specific example of that would be in the fall of 1970 when, Members will recall, two of our own aircraft were seized in Florida. One was Pan American, and one was United. One of them was flown into the desert, as I recall in Syria or Jordan, and burned. The other one was burned after it landed in Cairo. These are what we are attempting to get at so that we do have authority to cut off air flights from those countries which violate this convention and our law.

Next, the Department of Transportation may bar airlines coming into this country. Naturally, we regulate our own, and would bar airlines from sending aircraft into this country which do not meet the minimum security measures set out under the convention. We do not make up those minimum security requirements. All we say is that any airline which flies into the United States must meet the convention's minimum security measures.

With those points, the Members have the amendments to our present law which are in order to make us conform to the criteria set up in the International Convention for the suspension of unreasonable seizure of aircraft which became effective in October 1971.

May I say just this so that Members will know: the Senate bill has put on a lot of other items. The chairman has said that he will ask unanimous consent, at the end of this discussion, to strike out all the language in the Senate bill and insert the provisions of our bill in the Senate bill. I think that is for a good reason.

We could not agree in conference to these four items that are set up. There are four objections we would have. We could not consent to that, so there was no reason for us to go to conference. I think the Senate will take our bill. At least, they ought to, because I do not believe we are going to have enough time to do anything else. There is no reason for us to go to conference if we do not have time to complete the conference, and come back here, so we think it is better to send our bill over to the Senate and let them pass our bill. Then, there is no necessity for going to any conference of any kind.

In substance, I think those are the provisions that we have in our bill. I have not outlined the items in the Senate bill, but I do not think that is necessary, because we are discussing really what is in our bill at this time.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. REID).

Mr. REID. I wanted to point out to the House that presently there are 100 fugitives in Cuba; seven in Algeria; three in Egypt; two in Syria; and two in Jordan. As yet, the majority of the nations of the world have not yet signed the Hague Convention or the Montreal Convention, nor have they acceded to it. Hence, I think this legislation is necessary. I hope the President will use this authority vigorously.

Mr. STAGGERS. I yield 3 minutes to the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Speaker, not only the American public but, indeed, people throughout the entire world are incensed at the terrorism and aircraft hijacking which has been occurring in recent years. This bill is, I believe, a very reasonable, a very responsible manner for this Congress to approach this problem.

I certainly feel that it is within our right and our authority as a nation to determine whether or not we are going to allow airlines of other nations to come into this country who continue to serve those nations who harbor aircraft hijackers. We must, if we are to stop this problem, if we are to provide a solution to the aircraft hijacking problem, take strong measures.

This bill is a strong bill; there is no question about it. I submit it is in the best interests of all air travelers and in the best interests of the United States. I urge its passage.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of Georgia. I yield to the gentleman from Illinois.

Mr. SPRINGER. Mr. Speaker, I want to congratulate the gentleman upon his interest in this subject for such a long period of time. He has talked with me on several occasions. I know of no Member of the subcommittee who has a better knowledge of the intricacies of the problem of air piracy than he has. He has made a detailed study of it. I commend him for his interest in the problem and his diligence in trying to get this legislation on the floor. The gentleman is to be congratulated on his effort, as this bill finally comes before this body today.

Mr. THOMPSON of Georgia. I thank the gentleman.

Mr. ROYBAL. Mr. Speaker, even though I support H.R. 16191 I wish to point out to my colleagues that the bill does not provide for all the safeguards that are necessary to combat the problems associated with air piracy.

The bill now under consideration authorizes the President to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking, makes technical changes to implement the Convention for the Suppression of Unlawful Seizure of Aircraft and authorizes the Secretary of Transportation to suspend the operating authority of foreign air carriers if they fail to establish safety procedures which are equal to or above the minimum standards established pursuant to the Convention on International Civil Aviation. However, the bill neglects to improve the day to day surveillance mechanisms which are necessary to protect our air passenger system.

On September 14, 1972, I introduced H.R. 16698 which provides that after December 31, 1972, all air carriers must inspect all passengers and passenger baggage with a metal detection or X-ray system. Such systems are now used by the airline airports of most major cities. But many of our recent hijackings have taken place on flights originating from airports in smaller cities. We must realize that the airline pirate may strike from any point and that the most sophisticated devices are necessary to protect the existence and integrity of our air transport system.

Finally, it has become apparent that the next Congress will have to consider a plethora of problems which have arisen from the skyjacking phenomenon. For instance, is it constitutionally permissible under the fourth amendment to allow airline employees to search for and seize alleged contraband which is detected by the metal detection devices? Do they have the right and/or power to arrest or detain a person once alleged contraband is found or there is probable cause to suspect that a person is carrying such contraband? Is there a need for some type of Federal security force to operate the detection equipment? Who will foot the bill for the additional security procedures—the airlines, the Government, or the public? Although these questions are lightly brushed aside today by this legislation, they are questions which will have to be met head on and resolved in the future if the safety and dependability of air travel is to be preserved.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS) that the House suspend the rules and pass the bill H.R. 16191.

TELLER VOTE WITH CLERKS

Mr. BINGHAM. Mr. Speaker, I demand tellers.

Tellers were ordered.

Mr. BINGHAM. Mr. Speaker, I demand tellers with clerks.

Tellers with clerks were ordered; and the Speaker appointed as tellers Messrs. STAGGERS, SPRINGER, BINGHAM, and CAFFERY.

The Committee divided, and the tellers reported that there were—ayes 354, noes 2, not voting 74, as follows:

[Roll No. 397]

[Recorded Teller Vote]

AYES—354

Abbitt
Abernethy
Abourezk
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Caffery
Camp
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Conte
Cotter
Coughlin
Crane
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hastings
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kyros
Landgrebe
Latta
Lennon
Lent
Lloyd
Long, La.
Long, Md.
McClory
McCloskey
McCollister
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mitchell
Mizell
Monagan
Montgomery
Moorhead
Morgan
Mosher
Moss
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Reid
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Ruppe
Ruth
St Germain
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Sebelius
Seiberling
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NOES—2

Burton
Conyers

NOT VOTING—74

Abzug
Baker
Baring
Bell
Bevill
Biaggi
Blanton
Bolling
Cabell
Chisholm
Clay
Collins, Ill.
Corman
Culver
Davis, S.C.
Dingell
Donohue
Dow
Dowdy
Dwyer
Edwards, Calif.
Evans, Colo.
Evins, Tenn.
Flynt
Forsythe
Galifianakis
Gallagher
Green, Oreg.
Gross
Hagan
Halpern
Hanna
Harvey
Hawkins
Henderson
Hull
Jacobs
Kuykendall
Kyl
Landrum
Leggett
Link
Lujan
McClure
McCormack
Metcalfe
Mink
Minshall
Mollohan
Murphy, Ill.
Murphy, N.Y.
Nichols
Pepper
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Rees
Rooney, N.Y.
Runnels
Sandman
Schmitz
Schwengel
Scott
Shipley
Stanton, James V.
Talcott
Teague, Calif.
Teague, Tex.
Terry
Van Deerlin
Waldie
Wiggins
Wilson, Bob

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 2280) to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended to implement the Convention for the Suppression of Unlawful Seizure of Aircraft and to amend title XI of such Act to authorize the President to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking by acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft and to authorize the Secretary of Transportation to revoke the operating authority of foreign air carriers under certain circumstances.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—ANTI-HIJACKING ACT OF 1972

SECTION 1. This title may be cited as the "Anti-Hijacking Act of 1972".

SEC. 2. Section 101(32) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(32)), is amended to read as follows:

"(32) The term 'special aircraft jurisdiction of the United States' includes—

"(a) civil aircraft of the United States;

"(b) aircraft of the national defense forces of the United States;

"(c) any other aircraft within the United States;

"(d) any other aircraft outside the United States—

"(i) that has its next scheduled destination or last point of departure in the United States, if that aircraft next actually lands in the United States; or

"(ii) having 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft, committed aboard, if that aircraft lands in the United States with the alleged offender still aboard; and "(e) other aircraft leased without crew to a lessee who has his principal place of business in the United States, or if none, who has his permanent residence in the United States;

while that aircraft is in flight, which is from the moment when all the external doors are closed following embarkation until the moment when one such door is opened for disembarkation, or in the case of a forced landing, until the competent authorities take over the responsibility for the aircraft and for the persons and property aboard."

SEC. 3. Section 902 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472), is amended as follows:

(a) By striking out the words "violence and" in subsection (i)(2) thereof, and by inserting the words "violence, or by any other form of intimidation, and" in place thereof;

(b) By redesignating subsections (n) and (o) thereof as "(o)" and "(p)", respectively, and by adding the following new subsection:

"Aircraft Piracy Outside Special Aircraft Jurisdiction of the United States

"(n)(1) whoever aboard an aircraft in flight outside the special aircraft jurisdiction of the United States commits 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft, and is afterward found in the United States shall be punished—

"(A) by death if the verdict of the jury shall so recommend, or, in the case of a plea of guilty, or a plea of not guilty where the defendant has waived a trial by jury, if the court in its discretion shall so order; or

"(B) by imprisonment for not less than twenty years, if the death penalty is not imposed.

"(2) A person commits 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft when, while aboard an aircraft in flight, he—

"(A) unlawfully, by force or threat thereof, or by any other form of intimidation, seizes, or exercises control of, that aircraft, or attempts to perform any such act; or

"(B) is an accomplice of a person who performs or attempts to perform any such act.

"(3) This subsection shall only be applicable if the place of takeoff or the place of actual landing of the aircraft on board which the offense as defined in paragraph 2 of this subsection is committed is situated outside the territory of the State of registration of that aircraft.

"(4) For purposes of this subsection an aircraft is considered to be in flight from the moment when all the external doors are closed following embarkation until the moment when one such door is opened for disembarkation, or in the case of a forced landing, until the competent authorities take over responsibility for the aircraft and for the persons and property aboard."

(c) By amending redesignated subsection (o) thereof by striking out the reference "(m)", and by inserting the reference "(n)" in place thereof; and

SEC. 4. (a) Title XI of the Federal Aviation Act of 1958 is amended by adding a new section 1114 as follows:

"SUSPENSION OF AIR SERVICES

"SEC. 1114. (a) Whenever the President determines that a foreign nation is acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft, or if he determines that a foreign nation is used as a base of operations or training or as a sanctuary or which arms, aids, or abets in any way, terrorist organizations which knowingly use the illegal seizure of aircraft or the threat thereof as an instrument of policy, he may, without notice or hearing and for as long as he determines necessary to assure the security of aircraft against unlawful seizure, suspend (1) the right of any air carrier and foreign air carrier to engage in foreign air transportation, and any persons to operate aircraft in foreign air commerce, to and from that foreign nation, and (2) the right of any foreign air carrier to engage in foreign air transportation, and any foreign person to operate aircraft in foreign air commerce between the United States and any foreign nation which maintains air service between itself and that foreign nation. Notwithstanding section 1102 of this Act, the President's authority to suspend rights in this manner shall be deemed to be a condition to any certificate of public convenience and necessity or foreign air carrier or foreign aircraft permit issued by the Civil Aeronautics Board and any air carrier operating certificate or foreign air carrier operating specification issued by the Secretary of Transportation.

"(b) It shall be unlawful for any air carrier or foreign air carrier to engage in foreign air transportation, or any person to operate aircraft in foreign air commerce, in violation of the suspension of rights by the President under this section.".

(b) Title XI of the Federal Aviation Act of 1958 is amended by adding a new section 1115 as follows:

"SECURITY STANDARDS IN FOREIGN AIR TRANSPORTATION

"SEC. 1115. (a) Not later than 30 days after the date of enactment of this Act the Secretary of State shall notify each nation with which the United States has a bilateral air transport agreement or, in the absence of such agreement, each nation whose airline or airlines hold a foreign air carrier permit or permits issued pursuant to section 402 of the Federal Aviation Act of 1958, of the provisions of subsection (b) of this section.

"(b) In any case where the Secretary of Transportation, after consultation with the competent aeronautical authorities of a foreign nation with which the United States has a bilateral air transport agreement and in accordance with the provisions of that agreement or, in the absence of such agreement, of a nation whose airline or airlines hold a foreign air carrier permit or permits issued pursuant to such section 402, finds that such nation does not effectively maintain and administer security measures relating to transportation of persons or property or mail in foreign air transportation that are equal to or above the minimum standards which are established pursuant to the Convention on International Civil Aviation or, prior to a date when such standards are adopted and enter into force pursuant to such Convention, the specifications and practices set out in Appendix A to Resolution A17-10 of the 17th Assembly of the International Civil Aviation Organization, he shall notify that nation of such finding and the steps considered necessary to bring the security measures of that nation to standards at least equal to the minimum standards of such Convention or such specifications and practices of such Resolution. In the event of failure of that nation to take such steps, the Secretary of Transportation, with the approval of the Secretary of State, may withhold, revoke, or impose conditions on the operating authority of the airline or airlines of that nation."

SEC. 5. Section 901(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1471(a)) is amended by inserting the words "or section 1114" before the words "of this Act" when those words first appear in this section.

SEC. 6. Section 1007(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1487(a)) is amended by inserting the words "or, in the case of a violation of section 1114 of this Act, the Attorney General," after the words "duly authorized agents,".

SEC. 7. That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading

"Sec. 902. Criminal penalties.",

is amended by striking out the following items:

"(n) Investigations by Federal Bureau of Investigation.

"(o) Interference with aircraft accident investigation.";

and by inserting the following items in place thereof:

"(n) Aircraft piracy outside special aircraft jurisdiction of the United States.

"(o) Investigations by Federal Bureau of Investigation.

"(p) Interference with aircraft accident investigation.";

and that portion which appears under the heading

"TITLE XI—MISCELLANEOUS"

is amended by adding at the end thereof the following:

"Sec. 1114. Suspension of air services.

"Sec. 1115. Security standards in foreign air transportation.".

SEC. 8. The last sentence of section 403(b) of the Federal Aviation Act of 1958 is amended by inserting after "ministers of religion" the following: "or individuals who are twenty-one years of age or younger or sixty-five years of age or older".

SEC. 9. Sections 403(b) of the Federal Aviation Act of 1958 is amended (1) by inserting after "persons in connection with such accident;" the following: "and handicapped persons and persons traveling with and attending such handicapped persons when the handicapped person requires such attendance;", and (2) by inserting at the end thereof the following: "As used in this section the term 'handicapped persons' means the blind and other persons who are physically or mentally handicapped, as further defined by regulations of the Board."

SEC. 10. The second sentence of section 403(b) of the Federal Aviation Act of 1958 is amended by inserting after "in the service of such air carrier or foreign air carrier;" the following: "widows, widowers, and minor children of employees who have died while employed by such air carrier or foreign air carrier after twenty-five or more years of such employment;".

TITLE II—AIR TRANSPORTATION SECURITY ACT OF 1972

SEC. 21. This title may be cited as the "Air Transportation Security Act of 1972".

SEC. 22. The Congress hereby finds and declares that—

(1) the United States air transportation system which is vital to the citizens of the United States is threatened by acts of criminal violence and air piracy;

(2) the United States air transportation system continues to be vulnerable to violence and air piracy because of inadequate security and a continuing failure to properly identify and arrest persons attempting to violate Federal law relating to crimes against air transportation;

(3) the United States Government has the primary responsibility to guarantee and insure safety to the millions of passengers who use air transportation and intrastate air transportation and to enforce the laws of the United States relating to air transportation security; and

(4) the United States Government must establish and maintain an air transportation security program and an air transportation security-law enforcement force under the direction of the Administrator of the Federal Aviation Administration in order to adequately assure the safety of passengers in air transportation.

SEC. 23. (a) Title III of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new section:

"SCREENING OF PASSENGERS IN AIR TRANSPORTATION

"SEC. 315. (a) The Administrator shall as soon as practicable prescribe regulations requiring that all passengers and all property intended to be carried in the aircraft cabin in air transportation or intrastate air transportation be screened by weapon-detecting devices operated by employees of the air carrier, intrastate air carrier, or foreign air carrier prior to boarding the aircraft for such transportation. One year after the effective date of such regulation the Administrator may alter or amend such regulations, requiring a continuation of such screening by weapon-detecting devices only to the extent deemed necessary to assure security against acts of criminal violence and air piracy in air transportation and intrastate air transportation. The Administrator shall submit semiannual reports to the Congress concerning the effectiveness of this screening program and shall advise the Congress of any regulations or amendments thereto to be prescribed pursuant to this subsection at least thirty days in advance of their effective date.

"(b) The Administrator shall acquire and furnish for the use by air carriers, intrastate air carriers, and foreign air carriers at airports within the United States sufficient devices necessary for the purpose of subsection (a) of this section, which devices shall remain the property of the United States.

"(c) The Administrator may exempt, from provisions of this section, air transportation operations performed by air carriers operating pursuant to part 135, title 14 of the Code of Federal Regulations."

(b) Notwithstanding any other provision of law, there are authorized to be appropriated from the Airport and Airway Trust Fund established by the Airport and Airway Revenue Act of 1970 such amounts not to exceed $5,500,000 to acquire the devices required by the amendment made by this section.

SEC. 24. Title III of the Federal Aviation Act of 1958 is further amended by adding at the end thereof the following additional new section:

"AIR TRANSPORTATION SECURITY FORCE

"Powers and Responsibilities

"SEC. 316. (a) The Administrator of the Federal Aviation Administration in administering the air transportation security program shall establish and maintain an air transportation security force of sufficient size to provide a law enforcement presence and capability at airports in the United States adequate to insure the safety from criminal violence and air piracy of persons traveling in air transportation or intrastate air transportation. He shall be empowered, and designate each employee of the force who shall be empowered, pursuant to this title, to—

"(1) detain and search any person aboard, or any person attempting to board, any aircraft in, or intended for operation in, air transportation or intrastate air transportation to determine whether such person is unlawfully carrying a dangerous weapon, explosive, or other destructive substance;

"(2) search or inspect any property, at any airport, which is aboard, or which is intended to be placed aboard, any aircraft in, or intended for operation in, air transportation or intrastate air transportation to determine whether such property unlawfully contains any dangerous weapon, explosive, or other destructive substance;

"(3) arrest any person whom he has reasonable cause to believe has (A) violated or has attempted to violate section 902 (i), (j), (k), (l), or (m) of the Federal Aviation Act of 1958, as amended, or (B) violated, or has attempted to violate, section 32, title 18, United States Code, relating to crimes against aircraft or aircraft facilities; and

"(4) carry firearms when deemed by the Administrator to be necessary to carry out the provisions of this section,

and, at his discretion, he may designate and deputize State and local law enforcement personnel to exercise the authority conveyed in this subsection.

"Training and Assistance

"(b) In administering the air transportation security program, the Administrator may—

"(1) provide training for State and local law enforcement personnel whose services may be made available by their employers to assist in carrying out the air transportation security program, and

"(2) utilize the air transportation security force to furnish assistance to an airport operator, or any air carrier, intrastate air carrier, or foreign air carrier engaged in air transportation or intrastate air transportation to carry out the purposes of the air transportation security program.

"Overall Responsibility

"(c) Except as otherwise expressly provided by law, the responsibility for the administration of the air transportation security program, and security force functions specifically set forth in this section, shall be vested exclusively in the Administrator of the Federal Aviation Administration and shall not be assigned or transferred to any other department or agency."

SEC. 25. Section 1111 of the Federal Aviation Act of 1958 is amended to read as follows:

"AUTHORITY TO REFUSE TRANSPORTATION

"(a) The Administrator shall, by regulation, require any air carrier, intrastate air carrier, or foreign air carrier to refuse to transport—

"(1) any person who does not consent to a search of his person to determine whether he is unlawfully carrying a dangerous weapon, explosive, or other destructive substance, or

"(2) any property of any person who does not consent to a search or inspection of such property to determine whether it unlawfully contains a dangerous weapon, explosive, or other destructive substance;

Subject to reasonable rules and regulations prescribed by the Administrator, any such carrier may also refuse transportation of a passenger or property when, in the opinion of the carrier, such transportation would or might be inimical to safety of flight.

"(b) Any agreement for the carriage of persons or property in air transportation or intrastate air transportation by an air carrier, intrastate air carrier, or foreign air carrier for compensation or hire shall be deemed to include an agreement that such carriage shall be refused when consent to search persons or search or inspect such property for the purposes enumerated in subsection (a) of this section is not given."

SEC. 26. Section 902(l) of the Federal Aviation Act of 1958 is amended to read as follows:

"Carrying Weapons Aboard Aircraft

"(l)(1) Whoever, while aboard, or while attempting to board, any aircraft in or intended for operation in air transportation or intrastate air transportation, has on or about his person or his property a concealed deadly or dangerous weapon, explosive, or other destructive substance, or has placed, attempted to place, or attempted to have placed aboard such aircraft any property containing a concealed deadly or dangerous weapon, explosive, or other destructive substance, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(2) Whoever willfully and without regard for the safety of human life or with reckless disregard for the safety of human life, while aboard, or while attempting to board, any aircraft in or intended for operation in air transportation or intrastate air transportation, has on or about his person or his property a concealed deadly or dangerous weapon, explosive, or other destructive substance, or has placed, attempted to place, or attempted to have placed aboard such aircraft any property containing a concealed deadly or dangerous weapon, explosive, or other destructive substance shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"(3) This subsection shall not apply to law enforcement officers of any municipal or State government, or the Federal Government, while acting within their official capacities and who are authorized or required within their official capacities, to carry arms, or to persons who may be authorized, under regulations issued by the Administrator, to carry concealed deadly or dangerous weapons in air transportation or intrastate air transportation."

SEC. 27. To establish, administer, and maintain the air transportation security force provided in section 316 of the Federal Aviation Act of 1958, there is hereby authorized to be appropriated for fiscal year 1973 the sum of $35,000,000, and for each succeeding fiscal year such amounts, not to exceed $35,000,000, as are necessary to carry out the purpose of such section.

SEC. 28. Section 101 of the Federal Aviation Act of 1958, as amended, is amended by adding after paragraph (21) the following:

"(22) 'Intrastate air carrier' means any citizen of the United States who undertakes, whether directly or indirectly or by a lease or any other arrangement, solely to engage in intrastate air transportation.

"(23) 'Intrastate air transportation' means the carriage of persons or property as a common carrier for compensation or hire, by turbojet-powered aircraft capable of carrying thirty or more persons, wholly within the same State of the United States."

and is further amended by redesignating paragraph (22) as paragraph (24) and redesignating the remaining paragraphs accordingly:

SEC. 29. That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading

"TITLE III—ORGANIZATION OF AGENCY AND POWERS AND DUTIES OF ADMINISTRATOR"

is amended by adding at the end thereof the following:

"Sec. 315. Screening of passengers in air transportation.
"Sec. 316. Air transportation security force.
  "(a) Powers and responsibilities.
  "(b) Training and assistance.
  "(c) Overall responsibility."

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STAGGERS moves to strike out all after the enacting clause of S. 2280 and insert in lieu thereof the provisions of H.R. 16191, as passed.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 16191) was laid on the table.

THE ANTIHIJACKING ACT OF 1972

Mr. PEPPER. Mr. Speaker, due to having to be downtown at one of the departments on a matter very vital to my district this afternoon I did not get back until just after the vote was taken on H.R. 16191, the antihijacking bill. I have long supported and introduced bills providing for an all-out effort on the part of our Government to stop hijacking. It has already caused many tragedies and I am afraid will cause many more of far more serious proportion if it is not stopped. This bill imposing severe penalties upon hijackers committing acts of hijacking abroad and found in this country also later authorizes the President to stop any American airline from going into any country which does not live up to the terms of the Convention for the Suppression of Unlawful Seizure of Any Aircraft and to prevent the airline of any country which does not live up to that Convention from coming into the United States. It also authorizes the President to prevent any airline of any nation which does not adopt proper security measures in its own territory to prevent hijacking from coming into this country. That is authority the President should have and should exercise. I would have preferred, however, the bill on this subject which has passed the Senate which not only provides the authority of this measure but also provides for the installation of adequate detection devices and for police measures which will be helpful in combating hijacking. However, in conference I hope the strongest possible bill will be developed and reported to the House and the Senate. Nothing short of the firmest determination on the part of our Government and the other civilized governments of the world, and all of us acting in concert, can effectively stop this dangerous menace of hijacking.

CONFERENCE REPORT ON H.R. 15883, PROTECTION OF FOREIGN OFFICIALS

Mr. CELLER submitted the following conference report and statement on the bill (H.R. 15883) to amend title 18, United States Code, to provide for expanded protection of foreign officials, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92–1485)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15883) to amend title 18, United States Code, to provide for expanded protection of foreign officials, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, and 20, and agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(b) Whoever willfully intimidates, coerces, threatens, or harasses a foreign official or an official guest, or willfully obstructs a foreign official in the performance of his duties, shall be fined not more than $500, or imprisoned not more than six months, or both.

And the Senate agree to the same.

EMANUEL CELLER,
HAROLD D. DONOHUE,
HENRY P. SMITH III,
Managers on the Part of the House.
JOHN L. MCCLELLAN,
JAMES O. EASTLAND,
QUENTIN BURDICK,
ROMAN L. HRUSKA,
MARLOW W. COOK,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15883) to amend title 18, United States Code, to provide for expanded protection of foreign officials, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

OFFICIAL GUESTS

Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 16, 17, 18, 19, and 20: These amendments expand the coverage of the House bill to apply to official guests in the same manner as the bill applies to foreign officials. Official guests are defined in Senate amendment numbered 6 as citizens or nationals of a foreign country present in the United States as an official guest of the Government of the United States pursuant to designation as such by the Secretary of State. The House recedes.

OBSTRUCTION, ETC. OF OFFICIALS AND GUESTS

Amendment No. 12: The House bill provided a $500 fine or six months imprisonment or both for the willful intimidation, coercion, threatening, or harassment of a foreign official and for the willful obstruction of a foreign official in the performance of his duties. The Senate amendment numbered 12 would extend this protection to official guests without requiring that either the foreign official or official guest be engaged in the performance of his duties in order for the provision relating to obstruction to apply. Under the conference agreement, the Senate amendment is concurred in with an amendment providing that the obstruction of a foreign official is punishable only if he is engaged in the performance of his duties.

FIRST AMENDMENT RIGHTS

Amendment No. 15: Section 301 of the House bill provides certain provisions prohibiting the assault, striking, wounding, imprisoning, offering violence to, intimidation of, coercion of, threatening of, or obstruction of a foreign official and prohibiting certain public displays and other actions within one hundred feet of certain buildings and premises. Senate amendment numbered 15 would provide that nothing in these provisions shall be construed or applied to abridge first amendment rights. The House recedes.

EMANUEL CELLER,
HAROLD D. DONOHUE,
HENRY P. SMITH III,
Managers on the Part of the House.
JOHN L. MCCLELLAN,
JAMES O. EASTLAND,
QUENTIN BURDICK,
ROMAN L. HRUSKA,
MARLOW W. COOK,
Managers on the Part of the Senate.

EMERGENCY MEDICAL SERVICES ACT OF 1972

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15859) to amend the Public Health Service Act to authorize assistance for planning, development, and initial operation, research, and training projects for systems for the effective provision of health care services under emergency conditions, as amended.

The Clerk read as follows:

H.R. 15859

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Emergency Medical Services Act of 1972".

EMERGENCY MEDICAL SERVICE SYSTEM

SEC. 2. Title III of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART K—EMERGENCY MEDICAL SERVICE SYSTEMS

"DEFINITION; AGREEMENTS

"SEC. 399e. (a) For purposes of this part, the term 'emergency medical service system' means a system for the arrangement of personnel, facilities, and equipment for the effective delivery of health care services under emergency conditions (occurring either as a result of the patient's condition or of natural disasters or similar situations), which system (1) is administered by a public, or other nonprofit private entity, which has the authority and the resources to provide effective administration, and (2) to the maximum extent feasible—

"(A) includes an adequate number of health professions and allied health professions personnel who meet such training and experience requirements as the Secretary shall by regulation prescribe and provides such training and continuing education programs as the Secretary shall by regulation prescribe;

"(B) joins the personnel, facilities, and equipment of the system by central communications facilities so that requests for emergency health care services will be handled by a facility which (i) utilizes or, within such period as the Secretary prescribes, will utilize a universal emergency telephone number, and (ii) will have direct communication connections with the personnel, facilities, and equipment of the system;

"(C) includes an adequate number of vehicles and other transportation facilities (including such air and water craft as are necessary to meet the individual characteristics of the area to be served)—

"(i) which meet such standards relating to location, design, performance, and equipment, and

"(ii) the operators and other personnel who meet such training and experience requirements,

as the Secretary shall by regulation prescribe;

"(D) includes an adequate number of hospitals, emergency rooms, and other facilities for the delivery of emergency health care services, which meet such standards relating to capacity, location, hours of operation, coordination with other health care facilities of the system, personnel, and equipment as the Secretary shall by regulation prescribe;

"(E) provides for a standardized patient recordkeeping system meeting standards established by the Secretary in regulations, which records shall cover the treatment of the patient from initial entry into the emergency medical service system through his discharge from it, and shall be consistent with ensuing patient records used in follow-up care and rehabilitation of the patient;

"(F) is designed to provide necessary emergency medical services to all patients requiring such services;

"(G) provides for transfer of patients to facilities and programs providing such followup care and vocational rehabilitation as is necessary to effect the maximum recovery of the patient;

"(H) provides programs of public education and information in the area served by the system, taking into account the needs of visitors to that area to know or be able to learn immediately the means of obtaining emergency medical services; and

"(I) provides for periodic, comprehensive, and independent review and evaluation of the extent and quality of the emergency health care services provided by the system.

"(b) The Secretary shall prescribe the regulations required by subsection (a) after considering standards established by appropriate national professional or technical organizations.

"(c) The Secretary of each military department (or his designee) is authorized to enter into agreements with emergency medical service systems under which agreements equipment and personnel of the armed force under the Secretary's jurisdiction may, to the extent it will not interfere with the primary mission of that armed force, provide transportation and other services in emergency conditions. If the Coast Guard is not operating as a service of the Navy, the Secretary of Transportation (or his designee) may enter into such agreements with emergency medical service systems for the provision of such services by Coast Guard equipment and personnel.

"GRANTS AND CONTRACTS FOR PLANNING AND FEASIBILITY STUDIES

"SEC. 399f. (a) The Secretary may make grants to public and other nonprofit entities, and may enter into contracts with public and private entities and individuals, for (1) projects to study the feasibility of establishing (through expansion or improvement of existing services or otherwise) and operating an emergency medical service system for an area, and (2) projects to plan the establishment and operation of such a system for an area. The Secretary may not make more than one grant or enter into more than one contract under this section with respect to any area. Reports of the results of any study or planning assisted under this section shall be made at such intervals as the Secretary may prescribe and a final report of such results shall be made not later than one year from the date the grant was made or the contract entered into, as the case may be.

"(b) (1) (A) No grant for planning may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary. Such an application shall be in such form, and submitted to the Secretary in such manner, as he shall by regulation prescribe, and shall—

"(i) demonstrate to the satisfaction of the Secretary the need of the area for which the planning will be done for an emergency medical service system,

"(ii) contain assurances satisfactory to the Secretary that the applicant is qualified to plan for the area to be served by such a system,

"(iii) contain assurances satisfactory to the Secretary that the planning will be conducted in cooperation (I) with the planning entity referred to in subparagraph (B) (i) or if there is no such planning entity, with the planning entity referred to in subparagraph (B) (ii), and (II) with the emergency medical service council or other entity in such area responsible for review and evaluation of the provision of emergency medical services in such area, and

"(iv) contain such other information as the Secretary shall by regulation prescribe.

"(B) The Secretary may not approve an application for a grant under this section for planning unless—

"(i) the public or nonprofit private agency or organization which has developed the comprehensive regional, metropolitan area, or other local area plan or plans referred to in section 314(b) covering the area for which the planning for an emergency medical service system will be done, or

"(ii) if there is no such agency or organization, the State agency administering or supervising the administration of the State plan approved under section 314(a) covering that area,

has, in accordance with regulations of the Secretary, been provided an opportunity to review the application and to submit to the Secretary for his consideration its recommendation respecting approval of the application.

"(2) No grant for a feasibility study may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(c) The amount of any grant under this section shall be determined by the Secretary. Payments under grants under this section may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretary finds necessary.

"(d) Contracts may be entered into under this section without regard to sections 3648 and 3709 of the Revised Statutes of the United States (31 U.S.C. 529, 41 U.S.C. 5).

"(e) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, and $10,000,000 for the fiscal year ending June 30, 1974.

"GRANTS FOR ESTABLISHMENT AND INITIAL OPERATION

"SEC. 399g. (a) The Secretary may make grants to public and nonprofit private entities for the establishment and initial operation for an area of an emergency medical service system.

"(b) (1) No grant may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary. Special consideration shall be given to applications for grants for systems which will be part of a statewide emergency medical service system.

"(2) (A) An application for a grant under this section shall be in such form, and submitted to the Secretary in such manner, as he shall by regulation prescribe and shall—

"(i) set forth the period of time required for the establishment of the emergency medical service system,

"(ii) demonstrate to the satisfaction of the Secretary that existing facilities and services will be utilized by the system to the maximum extent feasible,

"(iii) provide for the making of such reports as the Secretary may require, and

"(iv) contain such other information as the Secretary may by regulation prescribe.

"(B) The Secretary may not approve an application for a grant under this section unless—

"(i) the public or nonprofit private agency or organization which has developed the comprehensive regional, metropolitan area, or other local area plan or plans referred to in section 314(b) covering the area which will be served by the proposed emergency medical service system, or

"(ii) if there is no such agency or organization, the State agency administering or supervising the administration of the State plan approved under section 314(a) covering that area,

has, in accordance with regulations of the Secretary, been provided an opportunity to review the application and to submit to the Secretary for his consideration its recommendation respecting approval of the application.

"(c) The amount of any grant under this section for establishment of an emergency medical service system shall be determined by the Secretary. Grants under this section for the initial operation of such a system shall be available to a grantee over the two-year period beginning on the date the Secretary determines that the system is capable of operation and shall not exceed 50 per centum of the costs of the operation of the system (as determined under regulations of the Secretary) during the first year of such period, and 25 per centum of such costs during the second year of such period.

"(d) For the purpose of making payments pursuant to grants under this section, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, $100,000,000 for the fiscal year ending June 30, 1974, and $40,000,000 for the fiscal year ending June 30, 1975. Funds appropriated for the fiscal year ending June 30, 1975, may be used only for grants to those entities which received a grant under this section for the preceding fiscal year.

"GRANTS FOR RESEARCH AND TRAINING

"SEC. 399h. (a) The Secretary may make grants (1) to schools of medicine, dentistry, and osteopathy for projects for research in the techniques and methods of medical emergency care and treatment, and (2) to such schools, schools of nursing, training centers for allied health professions, and other educational institutions for training programs in the techniques and methods of medical emergency care and treatment.

"(b) No grant may be made under this section unless (1) the applicant is a public or nonprofit private entity, and (2) an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(c) The amount of any grant under this section shall be determined by the Secretary. Payments under grants under this section may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretary finds necessary. Grantees under this section shall make such reports at such intervals, and containing such information, as the Secretary may require.

"(d) For the purpose of making payments pursuant to grants under this section, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973, and $20,000,000 for the fiscal year ending June 30, 1974.

"GRANTS FOR EXPANSION AND IMPROVEMENT

"SEC. 399i. (a) The Secretary may make grants to public and nonprofit private entities for projects for the acquisition of equipment and facilities for emergency medical service systems and for other projects to otherwise expand or improve such a system.

"(b) No grant may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information as the Secretary shall by regulation prescribe.

"(c) The amount of any grant under this section for a project shall not exceed 50 per centum of the cost of that project, as determined by the Secretary. Payments under grants under this section may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretary finds necessary. A project may receive grants under this section for a period of up to two years. Grantees under this section shall make such reports at such intervals, and containing such information, as the Secretary may require.

"(d) For the purpose of making payments pursuant to grants under this section, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973, and $10,000,000 for the fiscal year ending June 30, 1974.

"INTERAGENCY TECHNICAL COMMITTEE ON EMERGENCY MEDICAL SERVICES

"SEC. 399j. (a) The Secretary shall be responsible for coordinating the aspects and resources of all Federal programs and activities which relate to emergency medical services. In carrying out his responsibilities under the preceding sentence, the Secretary shall establish an Interagency Technical Committee on Emergency Medical Services.

The Committee shall evaluate the adequacy and technical soundness of such programs and activities and provide for the communication and exchange of information that is necessary to maintain the necessary coordination and effectiveness of such programs and activities.

"(b) The Secretary or his designee shall serve as Chairman of the Committee, the membership of which shall include (1) appropriate scientific, medical, or technical representation from the Department of Transportation, the Department of Justice, the Department of Defense, the Veterans' Administration, the National Science Foundation, the Office of Science and Technology, the Federal Communications Commission, the Office of Emergency Preparedness, and such other Federal agencies, and parts thereof, as the Secretary determines administer programs directly affecting the functions or responsibilities of emergency medical service systems, and (2) five individuals from the general public who by virtue of their training or experience are particularly qualified to participate in the performance of the Committee's functions. The Committee shall meet at the call of the Chairman, but not less often than four times a year.

"ADMINISTRATION

"SEC. 399k. The Secretary shall administer the program of grants and contracts authorized by this part through an identifiable administrative unit within the Department of Health, Education, and Welfare."

STUDY

SEC. 3. The Secretary of Health, Education, and Welfare shall (1) conduct a study to determine the legal barriers to the effective delivery of medical care under emergency conditions, and (2) within twelve months of the date of the enactment of this Act, report to the Congress the results of such study and recommendations for such legislation as may be necessary to overcome such barriers.

The SPEAKER. Is a second demanded?

Mr. BRAY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. STAGGERS. Mr. Speaker, I rise in support of H.R. 15859, a bill to give to the Secretary of the Department of Health, Education, and Welfare new authority to support the development and expansion of emergency medical services.

This bill is designed to provide new authority for the support and expansion of emergency medical services and related research and training throughout this Nation.

The Subcommittee on Public Health and Environment held hearings on this legislation and related bills with similar purposes on June 13, 14, and 15, 1972. And the testimony received was practically entirely favorable to the objectives of the bill except for that of witnesses from the administration. They felt that new authority was unnecessary because it would duplicate existing authority. Following the hearings a clean bill was introduced and ordered reported to the House by the full committee by a voice vote.

This legislation defines the characteristics of emergency medical service systems and provides the Secretary of Health, Education, and Welfare with authority to support these systems using grants and contracts for planning and feasibility studies; grants for the establishment and initial operation of the systems; and grants for their expansion and improvement. In addition, the Secretary is given authority to make grants for needed research and training in methods and techniques of emergency medical services.

This bill will authorize $255 million in appropriations over a 3-year period with all but $40 million to be expended in fiscal years 1973 and 1974.

Mr. Speaker, our committee found in its hearings that one of the most visible and unnecessary parts of our country's health care crisis is the present deplorable way in which we care for medical emergencies. Fifty-five thousand people die every year in automobile accidents. Sixteen thousand children die every year in accidents. Two hundred and seventy-five thousand people die every year from heart attacks before they reach the hospital. Our committee believes that as many as 35,000 of these deaths could be prevented by adequate, effective emergency medical services. In addition, untold injury and unnumbered dollars could be saved by these same services. Experts have estimated, for instance, that the cost of accidental death, disability, and property damage is $28 billion a year. This legislation would create the kinds of emergency medical services which we are already capable of delivering and thus stop these unnecessary deaths, and I, therefore, urge its passage.

Mr. KOCH. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman.

Mr. KOCH. Mr. Speaker, I am informed by the American Academy of Pediatrics that it is possible to reduce infant mortality among low-birth-weight infants by as much as 50 percent through the application of medical knowledge in the field of pediatrics and its new subspecialty of neonatology. Infants at risk are sent to regional newborn intensive care centers where special teams provide necessary medical attention. Since such medical personnel are scarce the regionalized approach appears a very practical course. Although centers are being established in selected locations throughout the Nation, transportation is a key to the success of these programs.

Newborn intensive care units are to infant mortality what the coronary care unit is to heart disease. I would like to ask the gentleman from West Virginia (Mr. STAGGERS) to clarify whether transportation of high risk infants would be included within the intent of this bill.

Mr. STAGGERS. The answer to the gentleman from New York would be, yes where it is appropriate and where they can do the job. So the answer is an unequivocal yes.

Mr. KOCH. I thank the gentleman.

Mr. BUCHANAN. Mr. Speaker, will the distinguished Chairman yield?

Mr. STAGGERS. I yield to the gentleman from Alabama.

Mr. BUCHANAN. Mr. Speaker, I would commend the chairman and the subcommittee for bringing this legislation to the floor. Following what might well have been a fatal heart attack, the mayor of my city, Birmingham, had his life almost certainly saved because there was in operation at least the nucleus of such a system in our city. However, it cannot be fulfilled without funds, and I rise in support of this legislation.

Given the large number of Americans killed in accidents—traffic and otherwise—every year and the large number of individuals who died suddenly from catastrophic illnesses, can we afford not to take steps which could greatly reduce such deaths?

We have the technology and medical knowledge to provide lifesaving, rapid efficient medical-care in emergency situations. What is needed is the additional funding to speed up the development of emergency systems.

That is what H.R. 15859 would help to do. This legislation would appropriate some $225 million to help train individuals, coordinate, and equip programs across the country, thereby saving thousands of lives every year.

An effective, efficient emergency medical services program capable of providing immediate care and treatment of accident and illness victims has, for some time, been the dream of a number of very dedicated individuals in Birmingham, Ala., which it is my privilege to represent in the Congress.

Recently, this goal moved a little closer to fruition through the awarding of a $300,000 Federal grant to the University of Alabama in Birmingham for a pilot program to coordinate efforts of the city of Birmingham and four suburban communities to handle medical emergencies, including major disasters.

This is a beginning, but a substantially larger investment is needed to complete this program in our area and to establish it statewide.

Unfortunately, many other portions of the country are not as far along as the Birmingham area and many Americans will continue to die despite our capabilities in this field unless we develop the resources we do have.

The lack of emergency care, training and facilities is shocking, in my judgment, but these deficiencies can be overcome and this legislation would assist in so doing.

Mr. STAGGERS. I thank the gentleman from Alabama for his contribution.

I urge the passage of the bill. I think it is highly needed and a bill that is worthwhile and one that has been long coming to the attention of the American people, to save lives in this country.

Mr. BRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is not a matter of giving proper medical service through transportation. I wish to point out to the Members what this is all about. This new section authorizes the Secretary of each military department to enter into agreements with emergency medical service systems under which equipment and personnel of the Armed Forces will provide transportation and other services in emergency conditions to the extent that it will not interefere with the primary mission of the Armed Forces.

First, this matter has already been gone into by Congress in this session in the military authorization bill. This matter was brought up in a Senate amendment. In the conference between the House and the Senate it was unanimously agreed to. that this was not the province of the military.

For many years whenever emergencies came up where military service was needed with helicopters, planes, or river boats, or anything else, the military always has assisted; but this legislation would necessitate placing military helicopters all over the country for medical use, in many ways the military would be taking over from the Department of Health. I do not believe anyone here really wants that.

Also it has not been mentioned by the proponents of the bill that the executive branch opposes this legislation as being unnecessary. I want to read what the Bureau of the Budget said in commenting on this matter:

> We believe it would be unwise and inappropriate at this time to establish in law specific and detailed Federal programs of the types envisioned in the subject bills.
>
> In light of the foregoing, the Office of Management and Budget recommends that H.R. 12563, H.R. 12787, and H.R. 9876 not be enacted.

The military has the job of defending our country, and I think it is doing a good job. I think the medical profession is doing a good job in their field. I simply do not want either one to start butting into the affairs of the other, and the Armed Services Committee has already considered this matter in considering an amendment by the Senate to the authorization bill. Every member of the House conferees was against it, and soon the Senate in conference agreed and eliminated that provision.

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. BRAY. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, I want to join with the gentleman from Indiana in reluctantly opposing this bill. I do not think that anybody is opposed, certainly, to providing helicopter service, or rescuing people injured, or the sick, but the last few days it seems as though every committee in this House has decided to intrude on the special authority of the Armed Services Committee.

This bill provides for agreements to be drawn up by the Secretaries in the military forces and the other agencies to provide helicopter service for transporting wounded or injured people.

I talked to one member of the committee. He said this would cost $25 million. We get complaints from the Armed Services Committee all of the time that the Defense budget is going up, and here it is going up by authorization for agreements that have not even been looked at by our committee.

As the distinguished gentleman from Indiana says, this is a matter which the Armed Services Committee has been studying.

We had a bill in the committee. The other body in fact added an amendment to the defense authorization bill this year amending this kind of program, and the conferees decided that nobody knew what it was going to cost and nobody knew how many helicopters were going to be involved and nobody knew to what extent it was going to interfere with the other missions of the Armed Forces to provide this civilian service. So in the conference report we indicated that the conferees did not believe it was appropriate to put the proposal in the law without adequate study of the demands that would result on the resources of the Department of Defense and the liabilities which might be placed on the Government.

So how can we mandate something or even authorize it for the armed services without having it go through the Committee on Armed Services, which is the responsible body in this House for dealing with such matters?

Today it is the armed services' jurisdiction which is being eroded away, as was tried last week with regard to Gateway East. Tomorrow it might be some other committee. If we are going to run this body, Mr. Speaker, in an orderly fashion, it seems to me that matters relating to the armed services should come through the Committee on Armed Services. Therefore, I join the distinguished gentleman in opposing this legislation. If we turn this down I think there can be no doubt that our committee will look into this and we will have a report from the Defense Department and next year we can handle this kind of thing—on a rational basis and not on the crash basis of 20 minutes under suspension of the rules.

Mr. BRAY. Mr. Speaker, I thank the gentleman from New York for his contribution.

Mr. Speaker, I want to say further in discussion of this matter in the committee we observed that every time the military had been asked for assistance they always attempted to respond. I have called them two different times myself and they have responded. But if this bill would go through, they would have to have additional helicopters and planes and I do not know where they would get the money to obtain them. It would be a duplication of interest certainly and that does not make for efficiency or economy.

Mr. STRATTON. Mr. Speaker, if the gentleman will yield further, I would like to read from the hearings on this matter:

> Mr. ROGERS. So we had better be thinking along those lines.
>
> Mr. SYMINGTON. I think a question I put may have been lost in the general confusion which was, if, given that Scott Air Force Base is not one of the extra 25 sites, would it qualify under the criteria that have been used to select the extra 25?
>
> General EDWARDS. No, it would not because there are no Army helicopter aeromedical evaculation units or Air Force helicopter rescue detachments programed to be assigned Scott Air Force Base in the DOD 5-year program.
>
> Mr. ROGERS. But if we give it a directive, it could be, there could be one assigned there.

In other words Mr. Speaker, the gentleman from Florida is suggesting in the colloquy that the Committee on Interstate and Foreign Commerce should determine which bases shall be available and which bases shall not be. That obviously goes beyond the jurisdiction of that distinguished committee.

Mr. BRAY. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. GUBSER).

Mr. GUBSER. Mr. Speaker, I call attention to page 4 of the bill, line 21, which states:

> The Secretary of each military department . . . is authorized to enter into agreement . . .

Mr. Speaker, I call attention to the language in the report which states, and I do not have it immediately before me, that the Secretary of Transportation and the Secretary of Defense are authorized—and this is a clear-cut invasion of the legislative prerogative of the House Committee on Armed Services. The Committee on Interstate and Foreign Commerce has no right to authorize the Secretary of Defense to do anything.

But, Mr. Speaker, I oppose this bill on grounds other than those just mentioned. As the gentleman from New York has stated so clearly, this was in the procurement bill as a Senate amendment. It was rejected by the conferees after long and lengthy discussion and for a very good reason.

Do not get the idea that if we do not pass this bill, there will not be mercy flights flown by the military and that paramedical authorities of the Department of Defense will not be available to assist heart patients and those in need of medical care on an emergency basis. This is being done today, and is being done all the time. I doubt that there is a Member of this House who has not at some time seen to it that the military flew a mercy flight for a patient, a civilian who was in need. But, if the House puts this requirement into law, if the House mandates it by law, then are we not leaving ourselves wide open to possible lawsuits if the service rendered does not happen to meet with the approval of those involved in the accident or the emergency, whatever it might have been?

Is not the House buying much, much more than just spreading goodwill and making it possible for mercy flights to be conducted under law when they are already being conducted by the military on numerous occasions? May I ask where the money is going to come from if we are going to mandate this in law? Must it become a line item in the budget? Have we voted money to take care of this extra responsibility which we mandate to the military today?

The House would ask us on the Armed Services Committee to do everything that we possibly could to create an all-volunteer military service, and we are doing just that. By next June 30, I predict that we will have done the job, but if the House is going to come along, if every committee in this Congress is going to impose extra requirements upon the military which cost money and take up manpower which is so precious, then we jeopardize the chance for an all-volunteer military service. I ask, let the jurisdiction remain where it belongs.

I am happy to yield to my chairman.

Mr. HÉBERT. Mr. Speaker, I commend the gentleman from California for the forceful and direct statement which he has made in connection with the attempt to bypass the Armed Services Committee.

This seems to be increasing. Why, I do not know. Every time the committee has come to this floor, it has come to the floor almost with a unanimous vote from the committee. This House has been very generous with the Armed Services Committee. It has supported it, and yet from out of nowhere, all of a sudden, comes this effort to bypass the committee.

Not only in this instance; we will have another one today; we had one last week, and unless we assert our rights and insist upon the proper conduct by the rules of this House, there will be another committee tomorrow.

The gentleman from West Virginia knows what regard and affection I have for him. I do not think he is doing anything intentional, but the fact remains that it is before us today. We thoroughly object to this bill, but let us go about it in a proper manner and conduct the proper hearings in the proper committee without attempting to disavow the Armed Services Committee which is always called upon to come up with money, to be frugal. Yet, these matters are thrust upon us.

Mr. GUBSER. I thank the gentleman. I heartily agree with him. Does the distinguished chairman not agree with me that in the next year manpower in the military service is going to be a very precious thing and a very crucial factor in deciding whether or not we do have an all-volunteer military service? We could treat that as an additional obligation upon the manpower which we now have available.

Mr. BRAY. I yield 3 minutes to the gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. Mr. Speaker, I rise to make only two points.

First of all, I think the Members of the House might want to know the position of the administration on this. The administration feels it already has the needed power to do this. That is a question of dispute. I would assume that the administration is not opposed to the bill, but it does believe that it has this power now, but not nearly the amount of money voted in this bill. That is the first position.

I personally will vote for the bill.

The second thing I wish to mention is that I will object when the chairman makes a request to take the Senate bill, strike out all of the Senate language, and send the bill back to the Senate for passage. My reason is it is my understanding of the parliamentary situation, if we do that, that the Senate bill has in it a total of $4,948.3 million. In other words, it is a $5 billion bill, almost, which covers nine matters not covered in our bill. Our bill calls for $300 million.

If we strike out the Senate language and put our language in the Senate bill then if we go to conference all of these matters are subject to conference. If we pass our bill and make it stand alone, if we are forced to a conference the only matter that will be under conference consideration will be Emergency Medical Services and Transportation Services.

This is a technical matter, but I wanted to be sure the Members understood I was not opposed to the bill. I am opposed to making this technical change because of what it will throw up for consideration in the conference. Instead of of $300 million we would have under consideration in the conference a total of almost $5 billion.

I just want to be sure my colleagues understand that, when I make that objection.

May I say that my distinguished chairman believes if we send it over there they will pass it. I do not have any guarantee they will, and for this reason I cannot afford to take the chance of going to conference with $5 billion under consideration instead of $300 million.

I have explained that to my distinguished chairman, and he understands why I will object at that time.

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from New York.

Mr. STRATTON. The gentleman is aware that in the hearings on page 161 are set forth the details of the program which is already in existence. We have at the present time in the Directorate of Military Support a program called the MAST program, the Department of Defense military assistance safety and traffic. That is proceeding now wherever military forces and military equipment can be made available. When they can be made available for this kind of a need they are made available.

If we pass some new program, it could exceed the financial provisions, as the gentleman has indicated, and it could exceed the manpower available to the military and the requirements. That would be counter productive, it seems to me, so I believe we ought to vote down this program and allow the MAST program to continue.

Mr. SPRINGER. I understand what the gentleman is talking about.

I believe the justification of the chairman and those who brought the bill out is that the administration is spending at this time something between $15 and $18 million a year, whereas this bill calls for approximately $300 million.

Mr. STAGGERS. Mr. Speaker, I yield 5 minutes to the gentleman from Kentucky, Dr. CARTER, a member of the submittee and a member of the full committee.

Mr. EDWARDS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. Mr. Speaker, I rise in favor of H.R. 15859, the Emergency Health Services Act of 1972. This bill will authorize grants for planning, development, and initial operation, expansion, and improvement of emergency medical service systems. It also calls for training and research in this vital area.

Our Nation is blessed with the best medical and scientific knowledge in the world. But in far too many cases, this expertise is of little use because of the absence of emergency health care. It does the accident victim little good to reflect on the many medical wonders of our day as his life or health slips away while waiting on the sluggish emergency care of today.

As we are considering this bill today, emergency medical services are totally inadequate. There is no coordinated, systematic attack being made on the problem.

At the present time, the Federal effort is scattered among many agencies and departments. What little Federal assistance there is must soak through many layers of bureaucracy. This bill will streamline our effort and will enable us to close the gap between our medical knowledge and our ability to deliver adequate emergency care.

I urge passage of H.R. 15859.

Mr. CARTER. Mr. Speaker, permit me at this time to rise in support of the Emergency Medical Services Act of 1972, H.R. 15859.

For too many years, we have tended to view the ambulance as nothing more than a taxi, and we have looked upon skilled emergency treatment as a process that need only to begin at the emergency room door. As a physician who has spent many long hours assisting accident victims in a rural area where immediate emergency care facilities were not available, I know only too well the great need for a coordinated emergency medical services program combined with adequately trained personnel. I believe that my colleagues and I of the Public Health and Environment Subcommittee have developed an effective measure that would assist us in taking a great forward stride toward this goal.

It is my feeling that this legislation would help us to establish a unified system from the present confusion. It would also clearly point out the fact that emergency medical services is a system of treatment beginning with the initial call for help, continuing with proper treatment during the period of transportation, and including all activities taking place after the patient enters a hospital or receiving center.

Today, more persons in the productive age group—1 to 37—are killed by accident than any other single cause. Indeed, this is the fourth most common cause of death.

When we view the situation in regard to sudden illness, we find equally distressing figures. The American Heart Association has estimated that approximately 10 percent of the 275,000 yearly prehospital coronary deaths could be prevented if proper care were administered at the scene and on the way to a medical facility. If we include the deaths from drug overdoses, drownings, and so forth, we could save approximately 60,000 lives a year through coordinated, efficient, and proper emergency medical care.

I submit that the time has come for us to establish the type of coordinated program that we seek in this legislation. I urge my distinguished colleagues to look favorably upon this measure and vote for its passage.

As far as armed services are concerned this is a time for them to save lives.

Mr. ROBISON of New York. Mr. Speaker, I congratulate the gentleman for the fine statement he has made on behalf of this legislation.

As one of the coauthors thereof, I also urge a favorable vote on it.

Mr. Speaker, for the last 15 years I have been known to my constituents as a Congressman. This privileged designation describes a lot of duties in day-to-day practice, but I have always felt that preeminent among them were my responsibilities as a legislator. It is not often that many of us in this body have the opportunity to exercise the full meaning of that term—and certainly it is more than a one-man effort when anyone of us succeeds in initiating a proposal which is brought to a vote before the House of Representatives. Yet, there remains a considerable sense of satisfaction as I join my colleague from West Virginia (Mr. MOLLOHAN) in support of final passage of the Emergency Medical Services Act.

Even though this Congress has devoted considerable time to the study and debate of health care legislation—to excess, according to some—we have not, until today, looked at this area of emergency health care in any extensive manner. For precisely that reason I joined the gentleman from West Virginia (Mr. MOLLOHAN) in introducing the Emergency Medical Services Act, and this is why I ask that my colleagues do not neglect this essential area of health care delivery, and the clear inadequacies which exist there. The statistics which you read in the report on this measure provide clear evidence that both Federal and local government have failed in their oversight of emergency medical services. So many dead, who should not be dead; so many maimed who might not have been; so many who can be returned to a full life if we here dictate that the Federal Government has important responsibilites in assisting States and localities to institute emergency health services which will save the lives of the injured, not further jeopardize them.

The only objection raised to this bill so far does not challenge its purpose or design. Rather some have said that the Federal Government is already doing what this measure seeks to legislate. Well, I have a volume of hearings with me. They are a testimony to the skills and diligence of the chairman of the Public Health and Environment Subcommittee, and the testimony within this volume shows to the satisfaction of the most hidebound cynic that the job is not being done.

I have explained in past statements to my colleagues why the Federal Government does not, and cannot, act sufficiently under the strictures of present program and budgeting priorities. That is why this bill was introduced, and that is why we are here today.

We can provide the right approach and the right means to see that literally tens of thousands of persons do not die within the coming years because of nonexistent or inadequate emergency health services. I would, therefore, urge my colleagues to give close consideration and a favorable vote to the Emergency Medical Services Act. It is a carefully drawn piece of legislation, which has undergone the scrutiny of virtually all of the Nation's experts in the field of emergency medical health care. Medical professionals and pertinent Federal officials were consulted at every stage of the drafting of this bill. It is a well-designed tool to meet Federal responsibilities in assuring the best possible emergency health services.

I would also point out that full consideration was given to the many volunteer ambulance corps throughout the country which have long done an admirable job in providing emergency medical response for the best possible motives. A careful reading of this bill and accompanying report should convince volunteer corpsmen that the special conditions under which they operate have been acknowledged, and that the Federal Government will give them the special consideration they deserve. No provision in this bill is intended to inhibit the work of the volunteer corps in any way. Rather, there is new and expanded authorization for the Federal Government to assist these volunteer organizations, should they choose to make use of that assistance.

Before I conclude these remarks, Mr. Speaker, I would like to add to the praise which the esteemed chairman of the Interstate and Foreign Commerce Committee has received for his legislative efforts during this Congress. Also, I would like to express my high respect for the gentleman from Florida, who devoted so much of his effort and talent to the hearings which produced this legislation. I now ask that my colleagues finish this work by suspending the rules to pass the Emergency Medical Services Act.

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from New York.

Mr. STRATTON. I would like to ask the distinguished gentleman this question:

The bill itself, on page 4, at the bottom of the page, provides that the military departments can enter into agreements "under which agreements equipment and personnel of the armed force under the Secretary's jurisdiction may, to the extent it will not interfere with the primary mission of that armed force, provide transportation and other services in emergency conditions."

Can the gentleman tell me, what in his judgment are the limits under this particular bill to which each department should go in determining whether this does or does not interfere with the mission?

Mr. CARTER. I think that I could answer the gentleman's question.

I think commonsense tells us that when helicopters are not in use any place in our country, they could be used to carry people who have been injured on the highways from the highway immediately to a hospital. I see no reason why they should not, if they are used in this way.

Mr. STRATTON. Mr. Speaker, will the gentleman yield further?

Mr. CARTER. I yield to the gentleman.

Mr. STRATTON. Does the gentleman not think if the legislation were really going to be effective, that some guidelines ought to be set out in the legislation so that we can make sure that the interference that the bill refers to does not occur?

Mr. CARTER. I feel sure that there would be very little interference. As has been stated on the floor, the military seems always to be ready to do these things. Now we have an opportunity to continue them and to improve their services to the people of this country, and further improve the image of the military.

Mr. STAGGERS. Mr. Speaker, I yield 2 minutes to a member of the subcommittee, Mr. SYMINGTON.

Mr. SYMINGTON. I thank the gentleman.

Mr. Speaker and colleagues, some of you may have been here the day we were discussing military appropriations. I attempted at that time to argue for a few millions of dollars, something like one-three thousandths of the budget in the military, to be designated for the purpose of saving American citizens at home, and many Members came up to me and said, "When we get to that point, we will do it."

Secretary Laird wrote me a letter and said, "When we have the authority we can do it." They have 25 cities planned and are ready to go once we give them the authority.

I am talking about the Congress. I do not care what committee it is, nor should you. I voted recently against taking KP out of military lift. But the House decided otherwise. It was strongly argued that we must not waste the soldier's time, that we should give him something technical to do. We just do not want them sitting around peeling potatoes. Well, here is the something technical: save American lives, save heart patients and traffic victims. This is a permissive authority, not a directive. I say it is time for the Department of Defense of this country to be given a mandate that it truly wants, or ought to want; indeed has welcomed in many cases. It is time to create an attitude in this country toward the military, which is, "Thank God your skills are employed to save lives right here at home."

Mr. BRAY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Minnesota [Mr. NELSEN].

Mr. STAGGERS. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. NELSEN. Mr. Speaker, I rise today to speak on H.R. 15859, the Emergency Medical Services Act of 1972. I am sure that we all share the concern for saving American lives not only in the battle fields, but also in the American home, on the highways, in schools, and on the farm.

In his state of the Union message, the President of the United States directed the Department of Health, Education, and Welfare to develop new ways of organizing emergency medical services and providing care to accident victims. The President, in his health message to Congress, further directed the DHEW "to develop methods of applying new technology to improve emergency medical services and to develop methods of utilizing new and better trained people in an effort to save the lives of heart attack victims and victims of auto accidents."

To respond to the President's initiative, the Department of Health, Education, and Welfare has launched a special project on emergency medical services and in June of 1972 funding five demonstration programs for total emergency medical service systems. These systems are directed toward the purpose of demonstrating that existing technology and current management concepts can be used to improve the delivery of emergency health services to the American people involved in all types of emergencies, be it the traumatic injury resulting from automoble accidents, the physilogic injury resulting from heart attack, or the psychiatric emergency resulting from acute alcoholism or mental disturbance. The demonstration contracts in Florida, Ohio, Illinois, Arkansas, and California will serve as models for other communities in the development of emergency medical service systems.

Also, under the Presidential initiative the DHEW has taken actions to establish an EMS Data Resource which will utilize the results of the demonstration systems and the results of performance by other communities currently involved in emergency medical service systems, implementation and operation. Work has also been initiated to establish a National EMS Information Center.

Finally, work is beginning toward development of the overall goal, strategy and approach to be used in the development of a Federal-wide program plan for emergency medical services. As part of this activity, Secretary Richardson, in July of this year, established an Interdepartmental Committee to assist in the coordination of emergency medical service activities among the numerous governmental units that are currently involved in the many aspects of the total EMS system.

I think it is important to note Mr. Speaker that the actions which have been taken and the actions which will have to be taken to move from initial models or demonstration programs into the continuing programs for planning, training and implementation, could and should be undertaken within the existing legislation which has been previously enacted by Congress.

I do, however, intend to vote for this bill, if this legislation becomes law, by being duplicative, it may require the DHEW to set up a new separate bureaucracy to implement it. I would hope that we could avoid adding to our existing bureaucracy at all costs.

In summary, as a result of the activities of many people within the public sector, the Congress, and the executive branch, the DHEW, at the direction of the President is currently working toward the needed improvement of emergency medical services within the Nation.

Mr. HÉBERT. Mr. Speaker, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman.

Mr. HÉBERT. If it had been more clear, perhaps we would not be here protesting, but the gentleman from Missouri (Mr. SYMINGTON) a few minutes ago used the word in connection with the military "mandate." I do not know what stronger language you would use than "mandate."

Mr. NELSEN. I think the bill reads "to authorize."

Mr. HÉBERT. I know what the bill reads, but unfortunately, as the gentleman knows—and he has been here a long time—he well knows any similarity between what we pass and HEW administers is entirely different and coincidental. That is what we have to be careful of. That is why we are acting as we are. Some people may think we are a little petty in bringing this up, but we are not. We are just trying to protect the rules of this House.

Mr. NELSEN. I have no quarrel with the gentleman's attempt to guard the jurisdiction of his committee.

Mr. HÉBERT. We will leave it in the bill as the objective of the bill, but let us do it in a proper fashion.

Mr. NELSEN. I thank the gentleman.

Mr. STAGGERS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. ROGERS) the chairman of the subcommittee.

Mr. ROGERS. Mr. Speaker, I rise in support of this legislation to provide increased emphasis in the area of emergency medical services.

Emergency medical services represent a missing link in this Nation's total health care delivery system. We have too long looked upon EMS as simply a horizontal taxi service, with medical treatment beginning on the other side of the hospital door. One of the goals of the legislation we are now considering is to bring an effective and unified system out of the chaos which characterizes our present system, and make it clear that EMS is a system which begins with a call for help, includes proper treatment during transportation in a properly equipped vehicle and also includes the activities which take place after the patient is taken into a hospital or receiving center.

During hearings on this legislation beforce the Subcommittee on Public Health and Environment, it was pointed out that as many as 20 percent of the 55,000 Americans who die each year in highway accidents could be saved from death if we had a proper emergency medical service system. Even more appalling is the estimate by the Ambulance Association of America that as many as 25,000 Americans are permanently injured or disabled each year by untrained ambulance attendance and rescue workers. The President has recently signed into law the National Heart, Blood Vessel, Lung, and Blood Act of 1972 which has as one of its goals reducing the tremendous mortality from heart attack, yet with a properly equipped and properly trained emergency medical service system, we have the ability to prevent an estimated 30,000 prehospital coronary deaths each year.

The idea of a comprehensive system of emergency medical services is not an untried, unknown quantity. There are several excellent examples of the value of such a coordinated system among them. Jacksonville, Fla., recognized by many as one of the finest systems in the country. At a time when the No. one killer in the 1 to 37 age bracket is accidental death, emergency medical services should be a high priority indeed. We have the ability to each year save more lives through proper emergency care, than are killed in all of the automobile accidents in the country.

More important than what we could do, is what we have failed to do under the present patchwork system of Federal assistance and direction in the field of emergency services.

During testimony by the Department of Health, Education, and Welfare, it was noted that nearly every Federal agency has one or more programs which touch on the area of emergency medical services. Yet with all this attention most emergency medical systems are woefully incomplete. I was shocked to find that only 5 percent of ambulance drivers have completed even the minimum 80-hour training course recommended by the Department of HEW and the American College of Surgeons, and as many as one-third of our ambulance drivers have had nothing more than a basic first-aid course. These are shocking statistics and something must be done to correct them, but experience has shown that the present Federal effort is inadequate and fragmented.

Mr. Speaker, the legislation before us today would address these problems in a number of ways. The bill would establish a grant program within the Department of Health, Education, and Welfare for the establishment and initial operation of emergency medical service systems, and grants for the upgrading of existing systems. In addition there would be available grants for planning and feasibility studies. This program would be administered by an identifiable administrative unit within the Department and there would be established an Interagency Technical Committee to coordinate the efforts of the Federal Government in the area of emergency medical services and to eliminate the duplication and waste in present Federal programs which were brought to the attention of the subcommittee during public hearings on this issue.

Mr. Speaker, the President recognized the importance of this problem when he announced an initiative in this area last January. This legislation would carry out that intent to insure proper emergency medical care for all Americans. We can no longer ignore those 60,000 Americans whose lives are needlessly lost each year due to deficiencies in our emergency medical services system.

In this debate we have lost sight of the purpose of this bill, which is to provide emergency medical services to the people of this Nation. And what are we doing? All we are talking about is a small provision that would say that a medical group could go to the armed services of their area and work out an agreement, saying, "Yes, if it does not interfere with anything, if you could supply or help us with a surplus helicopter that is not being used for any purpose, and it will save lives, can you not help us?"

The bill does not say that they have to do this, and they will not, if they do not want to. Right now there are five places where they are currently working in this manner, and the armed services are cooperating.

We have not objected to the Committee on Armed Services going into the jurisdiction of our committee. If the gentlemen would refer to the Consent Calendar today they will see where they brought out a bill saying they are going to use HMO's. Our committee is considering that legislation right now, and they know it is in our jurisdiction. We did not object. Here is a bill that will help save thousands of lives every year.

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. If the gentleman will permit me to conclude.

Do you know how many people have heart attacks and do not get to the hospital? One hundred thousand die because they do not get to the hospital. We can do something about that. We are not depending on the military to do that; it is just a little provision in which we say they can cooperate as they are now doing in five instances.

You are trying to throw this whole thing out of perspective, and are losing sight of the fact that it is a bill that is designed to save lives in America.

Let me tell you some other things——

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. I cannot yield for the moment. The gentleman from New York has used his time, and I apologize for not yielding, but I hope that the gentleman will permit me to finish.

This bill would help to train ambulance drivers, and do you know how many ambulance drivers have had some training? They estimate about 5 percent. So that when your family is involved in an accident, and an ambulance pulls up, they do not know what to do.

Do you know that 52 percent of the doctors who were questioned about emergency medical service said they did not want to treat them themselves, because they do not know enough about it. But this bill provides some training, and we have to do something.

Mr. BRAY. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Speaker, in spite of all the oratory on those with conscience, here we are again considering a premature and ill-drawn sacred cow. If I might paraphrase the chairman of the Committee on Appropriations—how much more of the taxpayers' funds must we authorize to prove that we are against accidents, injury, and death?

A point of order would have been raised against this bill had it not been under suspension of the rules, a system to which I objected on last Thursday very much.

The Department is strongly against this bill as duplicative and states it is a matter for local governments and States which should handle such services.

The fact of the matter is that conscience is gnawing away at us because with the Fair Labor Standards Act we alone have eliminated all ambulance service in the States and municipalities of this country by eliminating trained ambulance drivers and part-time personnel who were in college.

This is an important bill but it is ill timed and it is out of place. I take no back seat to anyone so far as trying to save lives is concerned. Indeed Mr. Speaker, in 1947 I wrote the Emergency Medical Service Manual for Roosevelt Hospital in Manhattan in New York, which is still in use.

The mission and objective of the armed services is the one in question and the Secretary of Defense in a violent report against this has said that it would require a new mission. It would divert strength without concurrence of the Department of Defense. There is an established memorandum which says that this bill should not pass in its present form. It is too costly Mr. Speaker, and it is already being practiced through the Economic Development Association through the excellent regional medical programs and many other programs where ambulance services are being trained and instituted.

Mr. Speaker, I recommend against the passage of this bill.

Mr. STAGGERS. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I would take these 2 minutes to bring to the conscience of the House what we are doing today. We are not in our committee trying in any way to come in conflict with the authority of the Committee on Armed Services. In fact later on they can rescind this in any legislation that they want to and say that they will not allow the Armed Forces to cooperate in this way. All that we are asking is cooperation of the military to save lives in America. I want to say to the chairman that we are not encroaching—and that is the last thing that I would want to do—on this great committee. All we are asking is to get cooperation and we get this by authorizing them to do it. We are trying to save lives and I think it is the conscience of this Congress that we do this.

The men who appeared from the armed services, Brig. Gen. Edmund Edwards, never once said that they were against this bill. They told how successful the pilot, MAST program was. They tried it in civilian life and demonstrated what they could do to help all America to save lives.

That is all we are asking. It need not cost the military 1 cent. What we are asking will not interfere with the armed services at all in any way.

As I say I am one of the last ones that would even want to encroach on the jurisdiction of any committee. And I do not believe that this does. All we are asking for is cooperation. I think that this is one of the troubles of our Government—we are not cooperating together and we need to cooperate to save lives in America and that is a job of the Members of this Congress.

I am asking every Member of this House to vote affirmatively for this bill. I think they should because it has been estimated we could save anywhere from 35,000 to 100,000 or more lives each year if we had men who are adequately trained with adequate equipment. That is all we are trying to do—to save lives.

Mrs. GRASSO. Mr. Speaker, emergency medical care often means the difference between life and death, and the difference between a lifetime of suffering and speedy recovery.

For this reason, I support passage of H.R. 15859, the Emergency Medical Services Act, as legislation vital to the well-being of the people of this Nation.

This bill provides $255 million over a 3-year period to develop planning and feasibility studies of the emergency medical services system, to establish emergency medical services system, to provide for research in emergency medical care techniques and training of badly needed emergency medical personnel, and to assist in the expansion and improvement of existing emergency care systems.

The shocking statistics on the deficiencies of existing emergency medical programs makes passage of this bill imperative. Each day people die unnecessarily or become maimed for life because of inadequate equipment, in efficient care, and poorly trained personnel.

Studies have demonstrated that 15 to 20 percent of the 55,000 annual accidental highway fatalities could be prevented if better emergency medical care were easily available.

Approximately 10 percent of the 275,000 annual prehospital coronary deaths could be prevented by immediate medical care.

Another 5,000 deaths from drowning, poisoning, and other causes could be prevented.

The most disturbing figures concern ambulances and their personnel. Only 5 percent of these attendants have completed the recommended 80-hour instruction course and as many as 33 percent had had only basic first aid, with sometime serious results from well meaning but untrained efforts.

Finally, another 7,000 physicians are needed to supplement the 15,000 who now devote all or most of their time to emergency medicine.

I am grateful that the Interstate and Foreign Commerce Committee has reported a comprehensive bill. I echo the committee's comments that this Nation possesses the expertise and ability to provide efficient and effective emergency medical services for its citizens.

The emergency medical services bill is an essential one. Immediate resolution of the differences between this version and the provision passed by the Senate must be our next step. The development of improved emergency medical services in this Nation is a matter of utmost urgency, for the lives of many of our citizens hang in the balance.

Mr. GALIFIANAKIS. Mr. Speaker, the Emergency Medical Services Act of 1972 is a bill that deserves this distinguished body's enthusiastic support. It is a bill that contains many fine features that substantially boost this country's capabilities for dealing with emergency medical situations. And one of the most laudable aspects of this bill is that the military assistance to safety and traffic program will finally be officially recognized as an integral partner in providing emergency care for our rural areas.

Earlier in this session, when this body passed the Rural Development Act of 1972, we did so in order that our rural areas would soon be able to offer itself as a positive, productive alternative to the chaos of our growing urban centers. We recognized then that there are problems unique to rural America, and that unique solutions must be found. We recognized in 1971 when this body passed the Community Health Act as part of the Health Manpower Training Act that medical care in our rural areas was and continues to be in desperate need of Federal assistance. The military assistance to safety and traffic program constitutes another positive step in coping with the unique problems involving medical care to our rural citizens.

Imagine if you will an automobile accident resulting in serious injury to one or more passengers occurring on a mountain road 100 miles away from the nearest hospital. Now imagine the time lapse between the moment of impact and the arrival of a ground ambulance. I have known of instances where this delay had to be calibrated in hours not minutes, delays that resulted in fatalities, not relief. The MAST program is designed to eliminate such incidents. It is designed to supplement, not subvert, the local emergency medical services systems in a manner that has distinct advantages to both the local community and the military.

I would like to quote for you some passages in the Interagency Study Group report of the test program involving MAST and I quote:

> Although operational experience was limited by the short period of the test program and the limited number of test sites, it demonstrated that the concept of using military helicopters and paramedical personnel in an air ambulance role to respond to civilian medical emergencies is entirely feasible from both the military and civilian viewpoint.
>
> The military services possess a significant capability for providing assistance to civilian emergencies in terms of helicopters particularly suitable as air ambulances, trained paramedical personnel, immediate round-the-clock response, communications, and related support. This capability does not exist to the same-degree in the civilian community at present, owing largely to financial considerations.
>
> Army medical air ambulance units are particularly well suited for supporting civilian medical emergencies. Such missions provide realistic training, experience, and motivation for assigned personnel.
>
> No additional men, money, or aircraft were required by the military units supporting MAST operations.

The MAST program is clearly highly desirable. As of this moment nine military bases are ready to commence operations. Nine others are submitting their plans shortly. Secretary Laird has indicated that congressional approval is necessary if this program is to continue. Let us not fail our rural citizens. Let us pass this vital piece of legislation.

Mr. DRINAN. Mr. Speaker, I rise in strong support of H.R. 15859, the Emergency Medical Services Act of 1972. This bill will provide desperately needed improvement in the administration and delivery of emergency medical services. As a sponsor of a virtually identical bill, I am pleased to have the opportunity to vote for this bill today.

Over the past few years we have seen a renewed interest in measures to lower the cost of medical care, to extend the availability of medical care more equitably throughout our society, and to conquer such dreaded diseases as cancer, multiple sclerosis, and heart disease.

Yet, one assumption remains not only unchallenged but virtually unnoticed among all but a few members of the medical profession; that assumption is that emergency medical services in general and ambulance services in particular are somehow secondary or temporary services to be rendered before real medical care is available. Americans have paid a terrible price for this attitude. The Department of Health, Education, and Welfare estimates that 60,000 lives are lost each year because of the inadequacy of our Nation's emergency medical services.

A report of the American College of Surgeons 4 years ago stated that accidents accounted for 100,000 deaths, 10 million cases of temporary disability and 40,000 cases of permanent disability in 1968, at a total cost to the public of $18 billion. The report concluded:

> To treat that problem we have virtually the same emergency medical system that we had fifty years ago.

Two factors account for these shocking figures. The first is the national shortage, in terms of both manpower and equipment, of ambulance and hospital emergency services. The American Ambulance Service has estimated that 25,000 persons are injured or disabled every year by inadequately trained ambulance attendants and rescue workers. In fact, there is evidence that 50 percent of the ambulance attendants in this country receive no first aid training whatsoever. In New York State, for example, where barbers must have at least 1 year of formal training and another year of apprenticeship, only 30 hours of training are required to qualify as an ambulance attendant.

In addition, a survey of ambulance services compiled by HEW in 1971 indicated that an overwhelming majority of ambulances were poorly equipped. Some lacked proper oxygen equipment, others lacked bandages, splints, adhesive tape, and other necessities. Similarly, many hospital emergency rooms do not have physicians available 24 hours a day, rely on substandard equipment and undertrained personnel, and must process a staggering number of emergency cases.

The second factor accounting for the shocking number of preventable deaths in the United States is the lack of coordination between the many local, State and Federal agencies which administer emergency medical services. There are 25 agencies of the Federal Government responsible for some aspect of emergency care, including the National Highway Administration, the Social Security Administration, the Office of Economic Opportunity, and the Departments of Justice, Labor, Defense, and Housing and Urban Development. Coordination between these many agencies is virtually nonexistent, and the result is costly duplication of effort in some areas and neglect in others.

H.R. 15859 provides for the establishment of three funding mechanisms to assist emergency medical service systems, each mechanism corresponding to the differing needs of various communities, regions, and States. The bill authorizes for $5 million in fiscal year 1973 and $10 million in fiscal year 1974 for emergency medical service system planning and feasibility grants. These grants would go to those communities which are just beginning to establish emergency medical service programs. The bill also authorizes $50 million for fiscal year 1973, $100 million for fiscal year 1974, and $40 million for fiscal year 1975 for grants for establishment and initial operation of emergency medical care systems. These grants are to be made for 2 years, with costs shared equally between the Government and the grantee during the first year, with the grantee bearing at least three-quarters of the cost during the second year. Finally, the bill authorizes $10 million each year for fiscal years 1973 and 1974 for grants for expansion and improvement of existing but limited systems. These grants are not to exceed 50 percent of the costs of the local project.

This bill also addresses the great need for improved training for emergency medical service personnel, and the importance of increased research into the field, by authorizing $10 million for fiscal year 1973 and $20 million for fiscal year 1974 for research and training in emergency medical services. In addition, it provides for the establishment of an Interagency Technical Committee on Emergency Medical Service and Program Administration, to be composed of representatives from the appropriate Federal agencies as well as individuals from the general public who are particularly qualified in the field. This body should be of great assistance in solving the interagency coordination and communication problems that have hampered existing emergency medical service efforts.

I strongly hope that Congress will seize this opportunity to turn the country's emergency medical system into a rapid response system that saves lives instead of wasting them.

As Dr. Henry Huntley, Director of the Public Health Service's Emergency Division, has stated:

> A dollar spent in this area would bring a greater return in the prevention of death and disability than a dollar spent in any other way.

Mr. MOLLOHAN. Mr. Speaker, emergency medical services represent our first line of defense against accidental death and sudden illness. They include ambulance services and hospital emergency departments, the personnel that staff them and the equipment they use. These are the vital components that are called into action to save the life of the traffic accident victim, the heart attack patient, or the victims of hurricanes, fires, floods, industrial, and mine accidents.

One of the greatest problems with this system is that, in most cases, it really is not a system at all. There is no cooperation and no communication between the various elements.

Let us look at the hospital side of the picture. Hospital emergency rooms are frequently overcrowded. Many, as pointed out by Medical World News are mere facades masking a shameful disgrace of inadequate equipment and inadequate staffing by physicians and other personnel trained in emergency lifesaving medicine.

Meanwhile, outside the hospital door, the situation with our ambulance services is more critical. Only 37 percent of all ambulances in the Nation meet the minimum standards established long ago by the American College of Surgeons, and these standards for vehicle design and equipment have been adopted by the National Highway Traffic Safety Administration. Furthermore, recent surveys indicate, that 33 percent of all ambulance personnel have had no more medical training than basic first aid, and only 5 percent have completed the minimum 80-hour instruction course, as recommended by the Academy of Orthopedic Surgeons and the American College of Surgeons.

Those figures may sound like cold statistics, but far too many people are cold dead because ambulance and hospital emergency room care is not as good as it should and can be. With accidents the leading cause of death of persons between 1 and 37—traffic accidents alone account for 55,000 each year—and with 275,000 persons dying of heart attacks each year before even reaching a hospital, I say there is cause for congressional action. Especially when medical experts warn that at least 60,000 lives are lost unnecessarily each year due to poor emergency care.

The Emergency Medical Services Act will end this needless loss of life.

Primarily the legislation will assist financially communities and nonprofit organizations across the Nation to establish coordinated medical rescue systems, systems that will be staffed by professional paramedics and emergency physicians, systems that will use helicopters for rapid evacuation in mountainous and isolated areas as well as on our congested urban highways, systems that will, in short, save countless numbers of American lives.

My fellow colleagues, far too often we in the Congress are accused of acting only under pressure and passing laws only after public outcries for change have become so strong they cannot be ignored. But such accusations do not take into account that the Congress, its committees, and its professional staff grapple each day for solutions to problems not fully appreciated by the public.

Just such an example is the Emergency Medical Services Act. This legislation is truly a bipartisan effort, stretching over many months from July of last year when I introduced my first bill in this field.

In this regard, I am indebted to the very able assistance of my honorable Republican colleague, HOWARD ROBISON, who joined me in cosponsoring H.R. 12787 and offered invaluable technical advice.

The problems this legislation will correct have not gained widespread publicity. They have not become the battle cries of any citizens group. Indeed, until the subcommittee began its work on this legislation, most of the medical profession was totally silent on the really shameful condition of emergency medical services in the Nation.

So, in a very real sense, the House of Representatives stands today in a unique position of leadership and foresight. I urge my colleagues to approve the Emergency Medical Services Act and to begin a new initiative in this long-neglected field of health care, for literally the lives of tens of thousands of persons, who might otherwise be written up as "dead on arrival" are at stake.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia that the House suspend the rules and pass the bill H.R. 15859, as amended.

The question was taken.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 244, nays 122, not voting 65, as follows:

[Roll No. 398]

YEAS—244

Abourezk
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Archer
Ashley
Aspinall
Badillo
Barrett
Begich
Bergland
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Mass.
Burlison, Mo.
Burton
Byron
Camp
Carey, N.Y.
Carney
Carter
Celler
Chamberlain
Chappell
Clark
Clausen, Don H.
Cleveland
Conover
Conte
Conyers
Corman
Cotter
Coughlin
Daniels, N.J.
Danielson
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Derwinski
Diggs
Donohue
Downing
Drinan
Dulski
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford, William D.
Fountain
Fraser
Frey
Fulton
Fuqua
Garmatz
Gaydos
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Giaimo
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Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Grover
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hillis
Hogan
Holifield
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Jacobs
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Johnson, Calif.
Jones, Ala.
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Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kluczynski
Koch
Kyl
Kyros
Leggett
Lent
Long, Md.
McClory
McCloskey
McCollister
McDade
McEwen
McFall
McKevitt
McKinney
Macdonald, Mass.
Madden
Mailliard
Mann
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Mikva
Miller, Calif.
Mills, Ark.
Minish
Mitchell
Mizell
Moorhead
Morgan
Mosher
Moss
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Nedzi
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Perkins
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Peyser
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Roybal
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Staggers
Stanton, James V.
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Stephens
Stokes
Stuckey
Sullivan
Symington
Taylor
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Terry
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Thompson, N.J.
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Thone
Tiernan
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Vanik
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Abernethy
Andrews, Ala.
Arends
Ashbrook
Aspin
Belcher
Bennett
Betts
Blackburn
Boland
Bow
Bray
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Byrne, Pa.
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Caffery
Carlson
Casey, Tex.
Cederberg
Clancy
Clawson, Del
Collier
Collins, Tex.
Colmer
Conable
Crane
Curlin
Daniel, Va.
Davis, Ga.
Davis, Wis.
Dennis
Devine
Dickinson
Dorn
Duncan
Evins, Tenn.
Fisher
Ford, Gerald R.
Frelinghuysen
Frenzel
Goldwater
Griffin
Gubser
Gude
Haley
Hall
Harsha
Hébert
Hicks, Wash.
Hutchinson
Ichord
Johnson, Pa.
Jonas
Kemp
King
Landgrebe
Latta
Lennon
Lloyd
Long, La.
McDonald, Mich.
McKay
Mahon
Mallary
Martin
Mathias, Calif.
Mayne
Michel
Miller, Ohio
Mills, Md.
Monagan
Montgomery
Myers
Natcher
Passman
Pelly
Pickle
Pike
Pirnie
Poage
Powell
Price, Ill.
Railsback
Rarick
Rhodes
Roberts
Robinson, Va.
Saylor
Scherle
Schneebeli
Sebelius
Shoup
Shriver
Sikes
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Snyder
Spence
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Steed
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Stubblefield
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Veysey
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Bell
Bevill
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Cabell
Chisholm
Clay
Collins, Ill.
Culver
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Dingell
Dow
Dowdy
Dwyer
Edmondson
Evans, Colo.
Flynt
Forsythe
Galifianakis
Gallagher
Goodling
Green, Oreg.
Gross
Hagan
Halpern
Hanna
Harvey
Henderson
Hull
Hungate
Hunt
Kuykendall
Landrum
Link
Lujan
McClure
McCormack
McCulloch
McMillan
Metcalfe
Mink
Minshall
Mollohan
Murphy, N.Y.
Nichols
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Rees
Rooney, N.Y.
Rousselot
Runnels
Sandman
Schmitz
Schwengel
Scott
Shipley
Talcott
Teague, Calif.
Van Deerlin
Waldie
Wiggins

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. ALBERT, and he answered "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Hunt.
Mr. Bevill with Mr. Baker.
Mr. McCormack with Mr. Sandman.
Mr. Nichols with Mr. Kuykendall.
Mr. Murphy of New York with Mr. Forsythe.
Mr. Dingell with Mr. Harvey.
Mr. Flynt with Mr. Goodling.
Mr. Evans of Colorado with Mr. Lujan.
Mr. Waldie with Mr. Bell.

Mr. Shipley with Mr. Gross.
Mr. Hanna with Mr. Rousselot.
Mr. Henderson with Mr. McClure.
Mr. Mollohan with Mr. Schmitz.
Mr. Culver with Mr. Halpern.
Mr. Cabell with Mr. Price of Texas.
Mr. Hull with Mr. McCulloch.
Mrs. Chisholm with Mr. Gallagher.
Mr. Landrum with Mr. Minshall.
Mr. Baring with Mr. Collins of Illinois.
Mr. Dow with Mr. Metcalfe.
Mr. Purcell with Mr. Schwengel.
Mrs. Green of Oregon with Mrs. Dwyer.
Mr. Runnels with Mr. Scott.
Mr. Hungate with Mr. Talcott.
Mr. Van Deerlin with Mr. Clay.
Mrs. Mink with Mr. McMillan.
Mr. Link with Mrs. Abzug.
Mr. Davis of South Carolina with Mr. Teague of California.
Mr. Edmondson with Mr. Wiggins.
Mr. Pucinski with Mr. Pryor of Arkansas.
Mr. Rees with Mr. Galifianakis.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 3716) to amend the Public Health Service Act to provide for continued assistance for health facilities, health manpower, and community mental health centers.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. SPRINGER. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

CONFERENCE REPORT ON H.R. 10420, MARINE MAMMAL PROTECTION ACT OF 1972

Mr. DOWNING (on behalf of Mr. GARMATZ) filed the following conference report and statement on the bill (H.R. 10420) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92-1488)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10420) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act with the following table of contents, may be cited as the "Marine Mammal Protection Act of 1972".

TABLE OF CONTENTS

Sec. 2. Findings and declaration of policy.
Sec. 3. Definitions.
Sec. 4. Effective date.

TITLE I—CONSERVATION AND PROTECTION OF MARINE MAMMALS

Sec. 101. Moratorium and exceptions.
Sec. 102. Prohibitions.
Sec. 103. Regulations on taking of marine mammals.
Sec. 104. Permits.
Sec. 105. Penalties.
Sec. 106. Vessel fine, cargo forfeiture, and rewards.
Sec. 107. Enforcement.
Sec. 108. International program.
Sec. 109. Federal cooperation with States.
Sec. 110. Marine mammal research grants.
Sec. 111. Commercial fisheries gear development.
Sec. 112. Regulations and administration.
Sec. 113. Application to other treaties and conventions; repeal.
Sec. 114. Authorization of appropriations.

TITLE II—MARINE MAMMAL COMMISSION

Sec. 201. Establishment of Commission.
Sec. 202. Duties of Commission.
Sec. 203. Committee of Scientific Advisors on Marine Mammals.
Sec. 204. Commission reports.
Sec. 205. Coordination with other Federal agencies.
Sec. 206. Administration of Commission.
Sec. 207. Authorization of appropriations.

FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress finds that—

(1) certain species and population stocks of marine mammals are, or may be, in danger of extinction or depletion as a result of man's activities;

(2) such species and population stocks should not be permitted to diminish beyond the point at which they cease to be a significant functioning element in the ecosystem of which they are a part, and, consistent with this major objective, they should not be permitted to diminish below their optimum sustainable population. Further measures should be immediately taken to replenish any species or population stock which has already diminished below that population. In particular, efforts should be made to protect the rookeries, mating grounds, and areas of similar significance for each species of marine mammal from the adverse effect of man's actions;

(3) there is inadequate knowledge of the ecology and population dynamics of such marine mammals and of the factors which bear upon their ability to reproduce themselves successfully;

(4) negotiations should be undertaken immediately to encourage the development of international arrangements for research on, and conservation of, all marine mammals;

(5) marine mammals and marine mammal products either—

(A) move in interstate commerce, or

(B) affect the balance of marine ecosystems in a manner which is important to other animals and animal products which move in interstate commerce,

and that the protection and conservation of marine mammals is therefore necessary to insure the continuing availability of those products which move in interstate commerce; and

(6) marine mammals have proven themselves to be resources of great international significance, esthetic and recreational as well as economic, and it is the sense of the Congress that they should be protected and encouraged to develop to the greatest extent feasible commensurate with sound policies of resource management and that the primary objective of their management should be to maintain the health and stability of the marine ecosystem. Whenever consistent with this primary objective, it should be the goal to obtain an optimum sustainable population keeping in mind the optimum carrying capacity of the habitat.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "depletion" or "depleted" means any case in which the Secretary, after consultation with the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals established under title II of this Act, determines that the number of individuals within a species or population stock—

(A) has declined to a significant degree over a period of years;

(B) has otherwise declined and that if such decline continues, or is likely to resume, such species would be subject to the provisions of the Endangered Species Conservation Act of 1969; or

(C) is below the optimum carrying capacity for the species or stock within its environment.

(2) The terms "conservation" and "management" mean the collection and application of biological information for the purposes of increasing and maintaining the number of animals within species and populations of marine mammals at the optimum carrying capacity of their habitat. Such terms include the entire scope of activities that constitute a modern scientific resource program, including, but not limited to, research, census, law enforcement, and habitat acquisition and improvement. Also included within these terms, when and where appropriate, is the periodic or total protection of species or populations as well as regulated taking.

(3) The term "district court of the United States" includes the District Court of Guam, District Court of the Virgin Islands, District Court of Puerto Rico, District Court of the Canal Zone, and, in the case of American Samoa and the Trust Territory of the Pacific Islands, the District Court of the United States for the District of Hawaii.

(4) The term "humane" in the context of the taking of a marine mammal means that method of taking which involves the least possible degree of pain and suffering practicable to the mammal involved.

(5) The term "marine mammal" means any mammal which (A) is morphologically adapted to the marine environment (including sea otters and members of the orders Sirenia, Pinnipedia and Cetacea), or (B) primarily inhabits the marine environment (such as the polar bear); and, for the purposes of this Act, includes any part of any such marine mammal, including its raw, dressed, or dyed fur or skin.

(6) The term "marine mammal product" means any item of merchandise which consists, or is composed in whole or in part, of any marine mammal.

(7) The term "moratorium" means a complete cessation of the taking of marine mammals and a complete ban on the importation into the United States of marine mammals and marine mammal products, except as provided in this Act.

(8) The term "optimum carrying capacity" means the ability of a given habitat to support the optimum sustainable population of a species or population stock in a healthy state without diminishing the ability of the habitat to continue that function.

(9) The term "optimum sustainable population" means, with respect to any population stock, the number of animals which will result in the maximum productivity of the population or the species, keeping in mind the optimum carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element.

(10) The term "person" includes (A) any private person or entity, and (B) any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government.

(11) The term "population stock" or "stock" means a group of marine mammals of the same species or smaller taxa in a common spatial arrangement, that interbreed when mature.

(12) The term "Secretary" means—

(A) the Secretary of the department in which the National Oceanic and Atmospheric Administration is operating, as to all responsibility, authority, funding, and duties under this Act with respect to members of the order Cetacea and members, other than walruses, of the order Pinnipedia, and

(B) the Secretary of the Interior as to all responsibility, authority, funding, and duties under this Act with respect to all other marine mammals covered by this Act.

(13) The term "take" means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.

(14) The term "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, the possessions of the United States, and the Trust Territory of the Pacific Islands.

(15) The term "waters under the jurisdiction of the United States" means—

(A) the territorial sea of the United States, and

(B) the fisheries zone established pursuant to the Act of October 14, 1966 (80 Stat. 908; 16 U.S.C. 1091–1094).

EFFECTIVE DATE

SEC. 4. The provisions of this Act shall take effect upon the expiration of the sixty-day period following the date of its enactment.

TITLE I—CONSERVATION AND PROTECTION OF MARINE MAMMALS

MORATORIUM AND EXCEPTIONS

SEC. 101. (a) There shall be a moratorium on the taking and importation of marine mammals and marine mammal products, commencing on the effective date of this Act, during which time no permit may be issued for the taking of any marine mammal and no marine mammal or marine mammal product may be imported into the United States except in the following cases:

(1) Permits may be issued by the Secretary for taking and importation for purposes of scientific research and for public display if—

(A) the taking proposed in the application for any such permit, or

(B) the importation proposed to be made, is first reviewed by the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals established under title II of this Act. The Commission and Committee shall recommend any proposed taking or importation which is consistent with the purposes and policies of section 2 of this Act. The Secretary shall, if he grants approval for importation, issue to the importer concerned a certificate to that effect which shall be in such form as the Secretary of the Treasury prescribes and such importation may be made upon presentation of the certificate to the customs officer concerned.

(2) During the twenty-four calendar months initially following the date of the enactment of this Act, the taking of marine mammals incidental to the course of commercial fishing operations shall be permitted, and shall not be subject to the provisions of sections 103 and 104 of this title: *Provided*, That such taking conforms to such conditions and regulations as the Secretary is authorized and directed to impose pursuant to section 111 hereof to insure that those techniques and equipment are used which will produce the least practicable hazard to marine mammals in such commercial fishing operations. Subsequent to such twenty-four months, marine mammals may be taken incidentally in the course of commercial fishing operations and permits may be issued thereof pursuant to section 104 of this title, subject to regulations prescribed by the Secretary in accordance with section 103 hereof. In any event it shall be the immediate goal that the incidental kill or incidental serious injury of marine mammals permitted in the course of commercial fishing operations be reduced to insignificant levels approaching a zero mortality and serious injury rate. The Secretary shall request the Committee on Scientific Advisors on Marine Mammals to prepare for public dissemination detailed estimates of the numbers of mammals killed or seriously injured under existing commercial fishing technology and under the technology which shall be required subsequent to such twenty-four-month period. The Secretary of the Treasury shall ban the importation of commercial fish or products from fish which have been caught with commercial fishing technology which results in the incidental kill or incidental serious injury of ocean mammals in excess of United States standards. The Secretary shall insist on reasonable proof from the government of any nation from which fish or fish products will be exported to the United States of the effects on ocean mammals of the commercial fishing technology in use for such fish or fish products exported from such nation to the United States.

(3) (A) The Secretary, on the basis of the best scientific evidence available and in consultation with the Marine Mammal Commission, is authorized and directed, from time to time, having due regard to the distribution, abundance, breeding habits, and times and lines of migratory movements of such marine mammals, to determine when, to what exent, if at all, and by what means, it is compatible with this Act to waive the requirements of this section so as to allow taking, or importing of any marine mammal, or any marine mammal product, and to adopt suitable regulations, issue permits, and make determinations in accordance with sections 102, 103, 104, and 111 of this title permitting and governing such taking and importing, in accordance with such determinations: *Provided, however*, That the Secretary, in making such determinations, must be assured that the taking of such marine mammal is in accord with sound principles of resource protection and conservation as provided in the purposes and policies of this Act: *Provided further, however*, That no marine mammal or no marine mammal product may be imported into the United States unless the Secretary certifies that the program for taking marine mammals in the country of origin is consistent with the provisions and policies of this Act. Products of nations not so certified may not be imported into the United States for any purpose, including processing for exportation.

(B) Except for scientific research purposes as provided for in paragraph (1) of this subsection, during the moratorium no permit may be issued for the taking of any marine mammal which is classified as belonging to an endangered species pursuant to the Endangered Species Conservation Act of 1969 or has been designated by the Secretary as depleted, and no importation may be made of any such mammal.

(b) The provisions of this Act shall not apply with respect to the taking of any marine mammal by any Indian, Aleut, or Eskimo who dwells on the coast of the North Pacific Ocean or the Arctic Ocean if such taking—

(1) is for subsistence purposes by Alaskan natives who reside in Alaska, or

(2) is done for purposes of creating and selling authentic native articles of handicrafts and clothing: *Provided*, That only authentic native articles of handicrafts and clothing may be sold in interstate commerce; *And provided further*, That any edible portion of marine mammals may be sold in native villages and towns in Alaska or for native consumption. For the purposes of this subsection, the term "authentic native articles of handicrafts and clothing" means items composed wholly or in some significant respect of natural materials, and which are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or other mass copying devices. Traditional native handicrafts include, but are not limited to weaving, carving, stitching, sewing, lacing, beading, drawing, and painting; and

(3) in each case, is not accomplished in a wasteful manner.

Notwithstanding the preceding provisions of this subsection, when, under this Act, the Secretary determines any species or stock of marine mammal subject to taking by Indians, Aleuts, or Eskimos to be depleted, he may prescribe regulations upon the taking of such marine mammals by any Indian, Aleut, or Eskimo described in this subsection. Such regulations may be established with reference to species or stocks, geographical description of the area included, the season for taking, or any other factors related to the reason for establishing such regulations and consistent with the purposes of this Act. Such regulations shall be prescribed after notice and hearing required by section 103 of this title and shall be removed as soon as the Secretary determines that the need for their imposition has disappeared.

(c) In order to minimize undue economic hardship to persons subject to this Act, other than those engaged in commercial fishing operations referred to in subsection (a) (2) of this section, the Secretary, upon any such person filing an application with him and upon filing such information as the Secretary may require showing, to his satisfaction, such hardship, may exempt such person or class of persons from provisions of this Act for no more than one year from the date of the enactment of this Act, as he determines to be appropriate.

PROHIBITIONS

SEC. 102. (a) Except as provided in sections 101, 103, 104, 111, and 113 of this title, it is unlawful—

(1) for any person subject to the jurisdiction of the United States or any vessel or other conveyance subject to the jurisdiction of the United States to take any marine mammal on the high seas;

(2) except as expressly provided for by an international treaty, convention, or agreement to which the United States is a party and which was entered into before the effective date of this title or by any statute implementing any such treaty, convention, or agreement—

(A) for any person or vessel or other conveyance to take any marine mammal in waters or on lands under the jurisdiction of the United States; or

(B) for any person to use any port, harbor, or other place under the jurisdiction of the United States for any purpose in any way connected with the taking or importation of marine mammals or marine mammal products; and

(3) for any person, with respect to any marine mammal taken in violation of this title—

(A) to possess any such mammal; or

(B) to transport, sell, or offer for sale any such mammal or any marine mammal product made from any such mammal; and

(4) for any person to use, in a commercial fishery, any means or methods of fishing in contravention of any regulations or limitations, issued by the Secretary for that fishery to achieve the purposes of this Act.

(b) Except pursuant to a permit for scientific research issued under section 104(c) of this title, it is unlawful to import into the United States any marine mammal if such mammal was—

(1) pregnant at the time of taking;

(2) nursing at the time of taking, or less than eight months old, whichever occurs later;

(3) taken from a species or population stock which the Secretary has, by regulation published in the Federal Register, designated as a depleted species or stock or which has been listed as endangered under the Endangered Species Conservation Act of 1969; or

(4) taken in a manner deemed inhumane by the Secretary.

(c) It is unlawful to import into the United States any of the following:

(1) Any marine mammal which was—

(A) taken in violation of this title; or

(B) taken in another country in violation of the law of that country.

(2) Any marine mammal product if—

(A) the importation into the United States of the marine mammal from which such product is made is unlawful under paragraph (1) of this subsection; or

(B) the sale in commerce of such product in the country of origin of the product is illegal;

(3) Any fish, whether fresh, frozen, or otherwise prepared, if such fish was caught in a manner which the Secretary has proscribed for persons subject to the jurisdiction of the United States, whether or not any marine mammals were in fact taken incident to the catching of the fish.

(d) Subsections (b) and (c) of this section shall not apply—

(1) in the case of marine mammals or marine mammal products, as the case may be, to which subsection (b)(3) of this section applies, to such items imported into the United States before the date on which the Secretary publishes notice in the Federal Register of his proposed rulemaking with respect to the designation of the species or stock concerned as depleted or endangered; or

(2) in the case of marine mammals or marine mammal products to which subsection (c)(1)(B) or (c)(2)(B) of this section applies, to articles imported into the United States before the effective date of the foreign law making the taking or sale, as the case may be, of such marine mammals or marine mammal products unlawful.

(e) This Act shall not apply with respect to any marine mammal taken before the effective date of this Act, or to any marine mammal product consisting of, or composed in whole or in part of, any marine mammal taken before such date.

REGULATIONS ON TAKING OF MARINE MAMMALS

SEC. 103. (a) The Secretary, on the basis of the best scientific evidence available and in consultation with the Marine Mammal Commission, shall prescribe such regulations with respect to the taking and importing of animals from each species of marine mammal (including regulations on the taking and importing of individuals within population stocks) as he deems necessary and appropriate to insure that such taking will not be to the disadvantage of those species and population stocks and will be consistent with the purposes and policies set forth in section 2 of this Act.

(b) In prescribing such regulations, the Secretary shall give full consideration to all factors which may affect the extent to which such animals may be taken or imported, including but not limited to the effect of such regulations on—

(1) existing and future levels of marine mammal species and population stocks;

(2) existing international treaty and agreement obligations of the United States;

(3) the marine ecosystem and related environmental considerations;

(4) the conservation, development, and utilization of fishery resources; and

(5) the economic and technological feasibility of implementation.

(c) The regulations prescribed under subsection (a) of this section for any species or population stock of marine mammal may include, but are not limited to, restrictions with respect to—

(1) the number of animals which may be taken or imported in any calendar year pursuant to permits issued under section 104 of this title;

(2) the age, size, or sex (or any combination of the foregoing) of animals which may be taken or imported, whether or not a quota prescribed under paragraph (1) of this subsection applies with respect to such animals;

(3) the season or other period of time within which animals may be taken or imported;

(4) the manner and locations in which animals may be taken or imported; and

(5) fishing techniques which have been found to cause undue fatalities to any species of marine mammal in a fishery.

(d) Regulations prescribed to carry out this section with respect to any species or stock of marine mammals must be made on the record after opportunity for an agency hearing on both the Secretary's determination to waive the moratorium pursuant to section 101(a)(3)(A) of this title and on such regulations, except that, in addition to any other requirements imposed by law with respect to agency rulemaking, the Secretary shall publish and make available to the public either before or concurrent with the publication of notice in the Federal Register of his intention to prescribe regulations under this section—

(1) a statement of the estimated existing levels of the species and population stocks of the marine mammal concerned:

(2) a statement of the expected impact of the proposed regulations on the optimum sustainable population of such species or population stock;

(3) a statement describing the evidence before the Secretary upon which he proposes to base such regulations; and

(4) any studies made by or for the Secretary or any recommendations made by or for the Secretary or the Marine Mammal Commission which relate to the establishment of such regulations.

(e) Any regulation prescribed pursuant to this section shall be periodically reviewed, and may be modified from time to time in such manner as the Secretary deems consistent with and necessary to carry out the purposes of this Act.

(f) Within six months after the effective date of this Act and every twelve months thereafter, the Secretary shall report to the public through publication in the Federal Register and to the Congress on the current status of all marine mammal species and population stocks subject to the provisions of this Act. His report shall describe those actions taken and those measures believed necessary, including where appropriate, the issuance of permits pursuant to this title to assure the well-being of such marine mammals.

PERMITS

SEC. 104. (a) The Secretary may issue permits which authorize the taking or importation of any marine mammal.

(b) Any permit issued under this section shall—

(1) be consistent with any applicable regulation established by the Secretary under section 103 of this title, and

(2) specify—

(A) the number and kind of animals which are authorized to be taken or imported,

(B) the location and manner (which manner must be determined by the Secretary to be humane) in which they may be taken, or from which they may be imported,

(C) the period during which the permit is valid, and

(D) any other terms or conditions which the Secretary deems appropriate.

In any case in which an application for a permit cites as a reason for the proposed taking the overpopulation of a particular species or population stock, the Secretary shall first consider whether or not it would be more desirable to transplant a number of animals (but not to exceed the number requested for taking in the application) of that species or stock to a location not then inhabited by such species or stock but previously inhabited by such species or stock.

(c) Any permit issued by the Secretary which authorizes the taking or importation of a marine mammal for purposes of display or scientific research shall specify, in addition to the conditions required by subsection (b) of this section, the methods of capture, supervision, care, and transportation which must be observed pursuant to and after such taking or importation. Any person authorized to take or import a marine mammal for purposes of display or scientific research shall furnish to the Secretary a report on all activities carried out by him pursuant to that authority.

(d)(1) The Secretary shall prescribe such procedures as are necessary to carry out this section, including the form and manner in which applications for permits may be made.

(2) The Secretary shall publish notice in the Federal Register of each application made for a permit under this section. Such notice shall invite the submission from interested parties, within thirty days after the date of the notice, of written data or views, with respect to the taking or importation proposed in such application.

(3) The applicant for any permit under this section must demonstrate to the Secretary that the taking or importation of any marine mammal under such permit will be consistent with the purposes of this Act and the applicable regulations established under section 103 of this title.

(4) If within thirty days after the date of publication of notice pursuant to paragraph (2) of this subsection with respect to any application for a permit any interested party or parties request a hearing in connection therewith, the Secretary may, within sixty days following such date of publication, afford to such party or parties an opportunity for such a hearing.

(5) As soon as practicable (but not later than thirty days) after the close of the hearing or, if no hearing is held, after the last day on which data, or views, may be submitted pursuant to paragraph (2) of this subsection, the Secretary shall (A) issue a permit containing such terms and conditions as he deems appropriate, or (B) shall deny issuance of a permit. Notice of the decision of the Secretary to issue or to deny any permit under this paragraph must be published in the Federal Register within ten days after the date of issuance or denial.

(6) Any applicant for a permit, or any party opposed to such permit, may obtain judicial review of the terms and conditions of any permit issued by the Secretary under this section or of his refusal to issue such a permit. Such review, which shall be pursuant to chapter 7 of title 5, United States Code, may be initiated by filing a petition for review in the United States district court for the district wherein the applicant for a permit resides, or has his principal place of business, or in the United States District Court for the District of Columbia, within sixty days after the date on which such permit is issued or denied.

(e)(1) The Secretary may modify, suspend, or revoke in whole or part any permit issued by him under this section—

(A) in order to make any such permit consistent with any change made after the date of issuance of such permit with respect to any applicable regulation prescribed under section 103 of this title, or

(B) in any case in which a violation of the terms and conditions the permit is found.

(2) Whenever the Secretary shall propose any modification, suspension, or revocation of a permit under this subsection, the permittee shall be afforded opportunity, after due notice, for a hearing by the Secretary with respect to such proposed modification, suspension, or revocation. Such proposed action by the Secretary shall not take effect until a decision is issued by him after such hearing. Any action taken by the Secretary after such a hearing is subject to judicial review on the same basis as is any action taken by him with respect to a permit application under paragraph (5) of subsection (d) of this section.

(3) Notice of the modification, suspension, or revocation of any permit by the Secretary

shall be published in the Federal Register within ten days from the date of the Secretary's decision.

(f) Any permit issued under this section must be in the possession of the person to whom it is issued (or an agent of such person) during—

(1) the time of the authorized or taking importation;

(2) the period of any transit of such person or agent which is incident to such taking or importation; and

(3) any other time while any marine mammal taken or imported under such permit is in the possession of such person or agent.

A duplicate copy of the issued permit must be physically attached to the container, package, enclosure, or other means of containment, in which the marine mammal is placed for purposes of storage, transit, supervision, or care.

(g) The Secretary shall establish and charge a reasonable fee for permits issued under this section.

(h) Consistent with the regulations prescribed pursuant to section 103 of this title and to the requirements of section 101 of this title, the Secretary may issue general permits for the taking of such marine mammals, together with regulations to cover the use of such general permits.

PENALTIES

SEC. 105. (a) Any person who violates any provision of this title or of any permit or regulation issued thereunder may be assessed a civil penalty by the Secretary of not more than $10,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Each unlawful taking or importation shall be a separate offense. Any such civil penalty may be remitted or mitigated by the Secretary for good cause shown. Upon any failure to pay a penalty assessed under this subsection, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action.

(b) Any person who knowingly violates any provision of this title or of any permit or regulation issued thereunder shall, upon conviction, be fined not more than $20,000 for each such violation, or imprisoned for not more than one year, or both.

VESSEL FINE, CARGO FORFEITURE, AND REWARDS

SEC. 106. (a) Any vessel or other conveyance subject to the jurisdiction of the United States that is employed in any manner in the unlawful taking of any marine mammal shall have its entire cargo or the monetary value thereof subject to seizure and forfeiture. All provisions of law relating to the seizure, judicial forfeiture, and condemnation of cargo for violation of the customs laws, the disposition of such cargo, and the proceeds from the sale thereof, and the remission or mitigation of any such forfeiture, shall apply with respect to the cargo of any vessel or other conveyance seized in connection with the unlawful taking of a marine mammal insofar as such provisions of law are applicable and not inconsistent with the provisions of this title.

(b) Any vessel subject to the jurisdiction of the United States that is employed in any manner in the unlawful taking of any marine mammal shall be liable for a civil penalty of not more than $25,000. Such penalty shall be assessed by the district court of the United States having jurisdiction over the vessel. Clearance of a vessel against which a penalty has been assessed, from a port of the United States, may be withheld until such penalty is paid, or until a bond or otherwise satisfactory surety is posted. Such penalty shall constitute a maritime lien on such vessel which may be recovered by action in rem in the district court of the United States having jurisdiction over the vessel.

(c) Upon the recommendation of the Secretary, the Secretary of the Treasury is authorized to pay an amount equal to one-half of the fine incurred but not to exceed $2,500 to any person who furnishes information which leads to a conviction for a violation of this title. Any officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall not be eligible for payment under this section.

ENFORCEMENT

SEC. 107. (a) Except as otherwise provided in this title, the Secretary shall enforce the provisions of this title. The Secretary may utilize, by agreement, the personnel, services, and facilities of any other Federal agency for purposes of enforcing this title.

(b) The Secretary may also designate officers and employees of any State or of any possession of the United States to enforce the provisions of this title. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes, but they shall not be held and considered as employees of the United States for the purposes of any laws administered by the Civil Service Commission.

(c) The judges of the district courts of the United States and the United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in United States district courts, as may be required for enforcement of this title and any regulations issued thereunder.

(d) Any person authorized by the Secretary to enforce this title may execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this title. Such person so authorized may, in addition to any other authority conferred by law—

(1) with or without warrant or other process, arrest any person committing in his presence or view a violation of this title or the regulations issued thereunder;

(2) with a warrant or other process, or without a warrant if he has reasonable cause to believe that a vessel or other conveyance subject to the jurisdiction of the United States or any person on board is in violation of any provision of this title or the regulations issued thereunder, search such vessel or conveyance and arrest such person;

(3) seize the cargo of any vessel or other conveyance subject to the jurisdiction of the United States used or employed contrary to the provisions of this title or the regulations issued hereunder or which reasonably appears to have been so used or employed; and

(4) seize, whenever and wherever found, all marine mammals and marine mammal products taken or retained in violation of this title or the regulations issued thereunder and shall dispose of them in accordance with regulations prescribd by the Secretary.

(e)(1) Whenever any cargo or marine mammal or marine mammal product is seized pursuant to this section, the Secretary shall expedite any proceedings commenced under section 105 (a) or (b) of this title. All marine mammals or marine mammal products or other cargo so seized shall be held by any person authorized by the Secretary pending disposition of such proceedings. The owner or consignee of any such marine mammal or marine mammal product or other cargo so seized shall, as soon as practicable following such seizure, be notified of that fact in accordance with regulations established by the Secretary.

(2) The Secretary may, with respect to any proceeding under section 105 (a) or (b) of this title, in lieu of holding any marine mammal or marine mammal product or other cargo, permit the person concerned to post bond or other surety satisfactory to the Secretary pending the disposition of such proceeding.

(3)(A) Upon the assessment of a penalty pursuant to section 105(a) of this title, all marine mammals and marine mammal products or other cargo seized in connection therewith may be proceeded against in any court of competent jurisdiction and forfeited to the Secretary for disposition by him in such manner as he deems appropriate.

(B) Upon conviction for violation of section 105(b) of this title, all marine mammals and marine mammal products seized in connection therewith shall be forfeited to the Secretary for disposition by him in such manner as he deems appropriate. Any other property or item so seized may, at the discretion of the court, be forfeited to the United States or otherwise disposed of.

(4) If with respect to any marine mammal or marine mammal product or other cargo so seized—

(A) a civil penalty is assessed under section 105 (a) of this title and no judicial action is commenced to obtain the forfeiture of such mammal or product within thirty days after such assessment, such marine mammal or marine mammal product or other cargo shall be immediately returned to the owner or the consignee; or

(B) no conviction results from an alleged violation of section 105(b) of this title, such marine mammal or marine mammal product or other cargo shall immediately be returned to the owner or consignee if the Secretary does not, within thirty days after the final disposition of the case involving such alleged violation, commence proceedings for the assessment of a civil penalty under section 105 (a) of this title.

INTERNATIONAL PROGRAM

SEC. 108. (a) The Secretary, through the Secretary of State, shall—

(1) initiate negotiations as soon as possible for the development of bilateral or multilateral agreements with other nations for the protection and conservation of all marine mammals covered by this Act;

(2) initiate negotiations as soon as possible with all foreign governments which are engaged in, or which have persons or companies engaged in, commercial fishing operations which are found by the Secretary to be unduly harmful to any species of marine mammal, for the purpose of entering into bilateral and multilateral treaties with such countries to protect marine mammals. The Secretary of State shall prepare a draft agenda relating to this matter for discussion at appropriate international meetings and forums;

(3) encourage such other agreements to promote the purposes of this Act with other nations for the protection of specific ocean and land regions which are of special significance to the health and stability of marine mammals;

(4) initiate the amendment of any existing international treaty for the protection and conservation of any species of marine mammal to which the United States is a party in order to make such treaty consistent with the purposes and policies of this Act;

(5) seek the convening of an international ministerial meeting on marine mammals before July 1, 1973, for the purposes of (A) the negotiation of a binding international convention for the protection and conservation of all marine mammals, and (B) the implementation of paragraph (3) of this section; and

(6) provide to the Congress by not later than one year after the date of the enact-

ment of this Act a full report on the results of his efforts under this section.

(b) (1) In addition to the foregoing, the Secretary shall—

(A) in consultation with the Marine Mammal Commission established by section 201 of this Act, undertake a study of the North Pacific fur seals to determine whether herds of such seals subject to the jurisdiction of the United States are presently at their optimum sustainable population and what population trends are evident; and

(B) in consultation with the Secretary of State, promptly undertake a comprehensive study of the provisions of this Act, as they relate to North Pacific fur seals, and the provisions of the North Pacific Fur Seal Convention signed on February 9, 1957, as extended (hereafter referred to in this subsection as the "Convention"), to determine what modifications, if any, should be made to the provisions of the Convention, or of this Act or both, to make the Convention and this Act consistent with each other.

The Secretary shall complete the studies required under this paragraph not later than one year after the date of enactment of this Act and shall immediately provide copies thereof to Congress.

(2) If the Secretary finds—

(A) as a result of the study required under paragraph (1) (A) of this subsection, that the North Pacific fur seal herds are below their optimum sustainable population and are not trending upward toward such level, or have reached their optimum sustainable population but are commencing a downward trend, and believes the herds to be in danger of depletion; or

(B) as a result of the study required under paragraph (1) (B) of this subsection, that modifications of the Convention are desirable to make it and this Act consistent;

he shall, through the Secretary of State, immediately initiate negotiations to modify the Convention so as to (i) reduce or halt the taking of seals to the extent required to assure that such herds attain and remain at their optimum sustainable population, or (ii) make the Convention and this Act consistent; or both, as the case may be. If negotiations to so modify the Convention are unsuccessful, the Secretary shall, through the Secretary of State, take such steps as may be necessary to continue the existing Convention beyond its present termination date so as to continue to protect and conserve the North Pacific fur seals and to prevent a return to pelagic sealing.

FEDERAL COOPERATION WITH STATES

SEC. 109. (a) (1) Except as otherwise provided in this section, no State may adopt any law or regulation relating to the taking of marine mammals within its jurisdiction or attempt to enforce any State law or regulation relating to such taking.

(2) Any State may adopt and enforce any laws or regulations relating to the protection and taking, within its jurisdiction, of any species or population stock of marine mammals if the Secretary determines, after review thereof, that such laws and regulations will be consistent with (A) the regulations promulgated under section 103 of this title with respect to such species or population stock, and (B) such other provisions of this Act, and any rule or regulation promulgated pursuant to this title, which apply with respect to such species or population stock. If the Secretary determines that any such State laws and regulations are so consistent, the provisions of this Act, except this section and sections 101 (except to the extent that the Secretary waives the application of section 101 to permit such State laws and regulations to take effect) and 110 of this title, and title II of this Act, shall not apply with respect to the species or population stock concerned within the jurisdiction of the State.

(3) Notwithstanding the preceding provisions of this subsection and the provisions of subsection (c) of this section, the Secretary shall continuously monitor and review the laws and regulations of any State which has assumed responsibility for marine mammals as provided for in paragraph (2) of this subsection. Whenever the Secretary finds that the laws and regulations of any such State are not in substantial compliance with either paragraph (1) or (2), or both, he shall resume responsibilities under this Act for the marine mammals concerned within the jurisdiction of that State, superseding such State laws and regulations to the extent which, after notice and opportunity for hearing, he deems necessary.

(4) Nothing in this Act shall prevent a State or local government official or employee, in the course of his duties as an official or employee, from taking a marine mammal in a humane manner if such taking (A) is for the protection or welfare of such mammal or for the protection of the public health and welfare, and (B) includes steps designed to assure the return of such mammal to its natural habitat.

(b) The Secretary is authorized to make grants to each State whose laws and regulations relating to protection and management of marine mammals which primarily inhabit waters or lands within the boundaries of that State are found to be consistent with the purposes and policies of this Act. The purpose of such grants shall be to assist such States in developing and implementing State programs for the protection and management of such marine mammals. Such grants shall not exceed 50 per centum of the costs of a particular program's development and implementation. To be eligible for such grants, State programs shall include planning and such specific activities, including, but not limited, to research, censusing, habitat acquisition and improvement, or law enforcement as the Secretary finds contribute to the purposes and policies of this Act. The Secretary may also, as a condition of any such grant, provide that State agencies report at regular intervals on the status of species and populations which are the subject of such grants.

(c) The Secretary is authorized and directed to enter into cooperative arrangements with the appropriate officials of any State for the delegation to such State of the administration and enforcement of this title: *Provided*, That any such arrangement shall contain such provisions as the Secretary deems appropriate to insure that the purposes and policies of this Act will be carried out.

MARINE MAMMAL RESEARCH GRANTS

SEC. 110. (a) The Secretary is authorized to make grants, or to provide financial assistance in such other form as he deems appropriate, to any Federal or State agency, public or private institution, or other person for the purpose of assisting such agency, institution, or person to undertake research in subjects which are relevant to the protection and conservation of marine mammals.

(b) Any grant or other financial assistance provided by the Secretary pursuant to this section shall be subject to such terms and conditions as the Secretary deems necessary to protect the interests of the United States and shall be made after review by the Marine Mammal Commission.

(c) There are authorized to be appropriated for the fiscal year in which this section takes effect and for the next four fiscal years thereafter such sums as may be necessary to carry out this section, but the sums appropriated for any such year shall not exceed $2,500,000, one-third of such sum to be available to the Secretary of the Interior and two-thirds of such sum to be made available to the Secretary of the department in which the National Oceanic and Atmospheric Administration is operating.

COMMERCIAL FISHERIES GEAR DEVELOPMENT

SEC. 111. (a) The Secretary of the department in which the National Oceanic and Atmospheric Administration is operating (hereafter referred to in this section as the "Secretary") is hereby authorized and directed to immediately undertake a program of research and development for the purpose of devising improved fishing methods and gear so as to reduce to the maximum extent practicable the incidental taking of marine mammals in connection with commercial fishing. At the end of the full twenty-four calendar month period following the date of the enactment of this Act, the Secretary shall deliver his report in writing to the Congress with respect to the results of such research and development. For the purposes of this section, there is hereby authorized to be appropriated the sum of $1,000,000 for the fiscal year ending June 30, 1973, and the same amount for the next fiscal year. Funds appropriated for this section shall remain available until expended.

(b) The Secretary, after consultation with the Marine Mammal Commission, is authorized and directed to issue, as soon as practicable, such regulations, covering the twenty-four-month period referred to in section 101(a) (2) of this title, as he deems necessary or advisable, to reduce to the lowest practicable level the taking of marine mammals incidental to commercial fishing operations. Such regulations shall be adopted pursuant to section 553 of title 5, United States Code. In issuing such regulations, the Secretary shall take into account the results of any scientific research under subsection (a) of this section and, in each case, shall provide a reasonable time not exceeding four months for the persons affected to implement such regulations.

(c) Additionally, the Secretary and Secretary of State, are directed to commence negotiations within the Inter-American Tropical Tuna Commission in order to effect essential compliance with the regulatory provisions of this Act so as to reduce to the maximum extent feasible the incidental taking of marine mammals by vessels involved in the tuna fishery. The Secretary and Secretary of State are further directed to request the Director of Investigations of the Inter-American Tropical Tuna Commission to make recommendations to all member nations of the Commission as soon as is practicable as to the utilization of methods and gear devised under subsection (a) of this section.

(d) Furthermore, after timely notice and during the period of research provided in this section, duly authorized agents of the Secretary are hereby empowered to board and to accompany any commercial fishing vessel documented under the laws of the United States, there being space available, on a regular fishing trip for the purpose of conducting research or observing operations in regard to the development of improved fishing methods and gear as authorized by this section. Such research and observation shall be carried out in such manner as to minimize interference with fishing operations. The Secretary shall provide for the cost of quartering and maintaining such agents. No master, operator, or owner of such a vessel shall impair or in any way interfere with the research or observation being carried out by agents of the Secretary pursuant to this section.

REGULATIONS AND ADMINISTRATION

SEC. 112. (a) The Secretary, in consultation with any other Federal agency to the extent that such agency may be affected, shall prescribe such regulations as are necessary and appropriate to carry out the purposes of this title.

(b) Each Federal agency is authorized and directed to cooperate with the Secretary, in such manner as may be mutually agreeable, in carrying out the purposes of this title.

(c) The Secretary may enter into such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the purposes of this title and on such terms as he deems appropriate with any Federal or State agency, public or private institution, or other person.

(d) The Secretary shall review annually the operation of each program in which the United States participates involving the taking of marine mammals on land. If at any time the Secretary finds that any such program cannot be administered on lands owned by the United States or in which the United States has an interest in a manner consistent with the purposes of policies of this Act, he shall suspend the operation of that program and shall forthwith submit to Congress his reasons for such suspension, together with recommendations for such legislation as he deems necessary and appropriate to resolve the problem.

APPLICATION TO OTHER TREATIES AND CONVENTIONS; REPEAL

SEC. 113. (a) The provisions of this title shall be deemed to be in addition to and not in contravention of the provisions of any existing international treaty, convention, or agreement, or any statute implementing the same, which may otherwise apply to the taking of marine mammals. Upon a finding by the Secretary that the provisions of any international treaty, convention, or agreement, or any statute implementing the same has been made applicable to persons subject to the provisions of this title in order to effect essential compliance with the regulatory provisions of this Act so as to reduce to the lowest practicable level the taking of marine mammals incidental to commercial fishing operations, section 105 of this title may not apply to such persons.

(b) The proviso to the Act entitled "An Act to repeal certain laws providing for the protection of sea lions in Alaska water", approved June 16, 1934 (16 U.S.C. 659), is repealed.

AUTHORIZATION OF APPROPRIATIONS

SEC. 114. (a) There are authorized to be appropriated not to exceed $2,000,000 for the fiscal year ending June 30, 1973, and the four next following fiscal years to enable the department in which the National Oceanic and Atmospheric Administration is operating to carry out such functions and responsibilities as it may have been given under this title.

(b) There are authorized to be appropriated not to exceed $700,000 for the fiscal year ending June 30, 1973, and not to exceed $525,000 for each of the next four fiscal years thereafter to enable the Department of the Interior to carry out such functions and responsibilities as it may have been given under this title.

TITLE II—MARINE MAMMAL COMMISSION

ESTABLISHMENT OF COMMISSION

SEC. 201. (a) There is hereby established the Marine Mammal Commission (hereafter referred to in this title as the "Commission").

(b)(1) The Commission shall be composed of three members who shall be appointed by the President. The President shall make his selection from a list, submitted to him by the Chairman of the Council on Environmental Quality, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, and the Chairman of the National Academy of Sciences, of individuals knowledgeable in the fields of marine ecology and resource management, and who are not in a position to profit from the taking of marine mammals. No member of the Commission may, during his period of service on the Commission, hold any other position as an officer or employee of the United States except as a retired officer or retired civilian employee of the United States.

(2) The term of office for each member shall be three years; except that of the members initially appointed to the Commission, the term of one member shall be for one year, the term of one member shall be for two years, and the term of one member shall be for three years. No member is eligible for reappointment; except that any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed (A) shall be appointed for the remainder of such term, and (B) is eligible for reappointment for one full term. A member may serve after the expiration of his term until his successor has taken office.

(c) The President shall designate a Chairman of the Commission (hereafter referred to in this title as the "Chairman") from among its members.

(d) Members of the Commission shall each be compensated at a rate equal to the daily equivalent of the rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of duties vested in the Commission. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(e) The Commission shall have an Executive Director, who shall be appointed (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service) by the Chairman with the approval of the Commission and shall be paid at a rate not in excess of the rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code. The Executive Director shall have such duties as the Chairman may assign.

DUTIES OF COMMISSION

SEC. 202. (a) The Commission shall—

(1) undertake a review and study of the activities of the United States pursuant to existing laws and international conventions relating to marine mammals, including, but not limited to, the International Convention for the Regulation of Whaling, the Whaling Convention Act of 1949, the Interim Convention on the Conservation of North Pacific Fur Seals, and the Fur Seal Act of 1966;

(2) conduct a continuing review of the condition of the stocks of marine mammals, of methods for their protection and conservation, of humane means of taking marine mammals, of research programs conducted or proposed to be conducted under the authority of this Act, and of all applications for permits for scientific research;

(3) undertake or cause to be undertaken such other studies as it deems necessary or desirable in connection with its assigned duties as to the protection and conservation of marine mammals;

(4) recommend to the Secretary and to other Federal officials such steps as it deems necessary or desirable for the protection and conservation of marine mammals;

(5) recommend to the Secretary of State appropriate policies regarding existing international arrangements for the protection and conservation of marine mammals, and suggest appropriate international arrangements for the protection and conservation of marine mammals;

(6) recommend to the Secretary of the Interior such revisions of the Endangered Species List, authorized by the Endangered Species Conservation Act of 1969, as may be appropriate with regard to marine mammals; and

(7) recommend to the Secretary, other appropriate Federal officials, and Congress such additional measures as it deems necessary or desirable to further the policies of this Act, including provisions for the protection of the Indians, Eskimos, and Aleuts whose livelihood may be adversely affected by actions taken pursuant to this Act.

(b) The Commission shall consult with the Secretary at such intervals as it or he may deem desirable, and shall furnish its reports and recommendations to him, before publication, for his comment.

(c) The reports and recommendations which the Commission makes shall be matters of public record and shall be available to the public at all reasonable times. All other activities of the Commission shall be matters of public record and available to the public in accordance with the provisions of section 552 of title 5, United States Code.

(d) Any recommendations made by the Commission to the Secretary and other Federal officials shall be responded to by those individuals within one hundred and twenty days after receipt thereof. Any recommendations which are not followed or adopted shall be referred to the Commission together with a detailed explanation of the reasons why those recommendations were not followed or adopted.

COMMITTEE OF SCIENTIFIC ADVISORS ON MARINE MAMMALS

SEC. 203. (a) The Commission shall establish, within ninety days after its establishment, a Committee of Scientific Advisors on Marine Mammals (hereafter referred to in this title as the "Committee"). Such Committee shall consist of nine scientists knowledgeable in marine ecology and marine mammal affairs appointed by the Chairman after consultation with the Chairman of the Council on Environmental Quality, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, and the Chairman of the National Academy of Sciences.

(b) Except for United States Government employees, members of the Committee shall each be compensated at a rate equal to the daily equivalent of the rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of duties vested in the Committee. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(c) The Commission shall consult with the Committee on all studies and recommendations which it may propose to make or has made, on research programs conducted or proposed to be conducted under the authority of this Act, and on all applications for permits for scientific research. Any recommendations made by the Committee or any of its members which are not adopted by the Commission shall be transmitted by the Commission to the appropriate Federal agency and to the appropriate committees of Congress with a detailed explanation of the Commission's reasons for not accepting such recommendations.

COMMISSION REPORTS

SEC. 204. The Commission shall transmit to Congress, by January 31 of each year, a report which shall include—

(1) a description of the activities and accomplishments of the Commission during the immediately preceding year; and

(2) all the findings and recommendations made by and to the Commission pursuant to section 202 of this Act, together with the responses made to these recommendations.

COORDINATION WITH OTHER FEDERAL AGENCIES

SEC. 205. The Commission shall have access to all studies and data compiled by Federal agencies regarding marine mammals. With the consent of the appropriate Secretary or Agency head, the Commission may also utilize the facilities or services of any Federal agency and shall take every feasible step to avoid duplication of research and to carry out the purposes of this Act.

ADMINISTRATION OF COMMISSION

SEC. 206. The Commission, in carrying out its responsibilities under this title, may—

(1) employ and fix the compensation of such personnel;

(2) acquire, furnish, and equip such office space;

(3) enter into such contracts or agreements with other organizations, both public and private;

(4) procure the services of such experts or consultants or an organization thereof as is authorized under section 3109 of title 5, United States Code (but at rates for individuals not to exceed $100 per diem); and

(5) incur such necessary expenses and exercise such other powers, as are consistent with and reasonably required to perform its functions under this title. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of General Services.

AUTHORIZATION OF APPROPRIATIONS

SEC. 207. There are authorized to be appropriated for the fiscal year in which this title is enacted and for the next four fiscal years thereafter such sums as may be necessary to carry out this title, but the sums appropriated for any such year shall not exceed $1,000,000. Not less than two-thirds of the total amount of the sums appropriated pursuant to this section for any such year shall be expended on research and studies conducted under the authority of section 202(a) (2) and (3) of this title.

And the Senate agree to the same.

EDWARD A. GARMATZ,
JOHN D. DINGELL,
GLENN M. ANDERSON,
GEO. A. GOODLING,
PAUL N. MCCLOSKEY, Jr.,
Managers on the Part of the House.

JOHN O. PASTORE,
ERNEST F. HOLLINGS,
DANIEL K. INOUYE,
PHILIP A. HART,
TED STEVENS,
MARLOW W. COOK,
L. P. WEICKER, Jr.,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10420), to protect marine mammals, to establish a Marine Mammal Commission and for other purposes, submit the following joint statement to the House and to the Senate in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate struck out all of the House bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the House bill and the Senate amendment. Except for technical clarifying and conforming changes, the following statement explains the differences between the House bill and the Senate amendments thereto.

PROVISIONS OF THE CONFERENCE SUBSTITUTE

TITLE I—CONSERVATION AND PROTECTION OF MARINE MAMMALS

Section 3. Definitions

To a large extent, the Senate amendment's definition of "depleted" is similar in scope to the language of the proposed Administration amendment to the Endangered Species Act of 1969. The House bill would have allowed a species or stock to be termed depleted and become protected before becoming threatened with extinction. The conference substitute requires consultation with the Marine Mammal Commission and the Committee on Scientific Advisors on Marine Mammals before a designation of a "depleted" species or stock is made. The conference substitute will allow species or stocks to be protected before they have reached endangered status.

The designation of a species or stock as depleted under the conference substitute, however, will not automatically qualify an animal for protection under the Endangered Species Act of 1969 and will not expand that Act, as it is presently written, to cover endangered stocks within otherwise abundant species.

Section 101. Moratorium

The House bill included a five-year moratorium, with certain exceptions (scientific research, commercial fishing, Alaska fur seals and processing of skins). The Senate amendment provided for a permanent moratorium, except for scientific research and commercial fishing, and added a provision that allows the Secretary to waive the moratorium when such waiver would be compatible with the Act. The effect of the Senate amendment is to allow the Secretary to make a determination, species by species, that a waiver is appropriate; once that determination has been made, he would then be in a position to set general regulations on the taking of mammals, subject to the protective devices incorporated into both the House bill and the Senate amendment, involving public review and participation, before any permits might be issued. The conference substitute adopts the Senate approach. The conferees declined to follow the precise formula adopted in the Senate version, however, which mandated public hearings on the Secretary's decision to waive the moratorium. Since Section 103 requires those procedures to be followed in any case before general regulations are issued, it seemed duplicative to require that the same steps be taken. By the same token, the Secretary's decision to waive the moratorium would not be a final action, from which appeal might be taken: recourse to the courts must await action under Section 103 of the Act. The conference substitute requires that the hearings to be held by the Secretary on the regulations which he proposes to adopt would also encompass his decision to waive the moratorium.

The House bill required permits (in almost every case general permits) covering commercial fishing operations to insure minimal risk to marine mammals. The Senate allowed regulations by the Secretary to the same end without the formal issuance of permits during the two-year period after date of enactment of the Act, and expressed a general goal that damage to marine mammals shall be "reduced to insignificant levels approaching a zero mortality and serious injury rate." The Senate amendment also provided that during and after this two-year period, the objective of regulation would be to approach as closely as is feasible the goal of zero mortality and injury to marine mammals. The conferees agreed to the Senate approach. It may never be possible to achieve this goal, human fallibility being what it is, but the objective remains clear.

The House bill exempted Alaskan Indians, Aleuts and Eskimos from the moratorium and the permit requirements to the extent they take an animal for subsistence purposes, not wastefully and not for direct or indirect commercial sale. The Senate amendment extended the exemption to allow for the so-called "cottage industries" of the Alaskan natives. The House bill would prohibit the taking, by natives or anyone else, of animals belonging to an endangered species, whereas the Senate amendment would allow such animals to be taken by natives. The conferees essentially adopted the provisions of the Senate amendment.

The conferees were aware of the relatively small amount of solid data on the effects of native taking of marine mammals, and given that lack of information were not disposed unilaterally to terminate the present levels of taking by Alaskan Indians, Aleuts and Natives of marine mammals, including endangered species such as bowhead whales. The Secretary is given the authority to curtail or to terminate the native taking whenever he concludes that such taking is endangering, depleting or inhibiting the restoration of endangered or depleted stocks. The actions of the Secretary in administering the provisions relating to taking by natives will be subject to review by the public and by the Congress, in order to see that his responsibilities have adequately been met.

By retention of the phrase permitting "subsistence" taking by Alaska Natives, the conferees intend to permit taking not only for food but also for clothing, shelter, transportation, and the other necessities of life.

The Senate amendment provided a one-year exemption for reasons of financial hardship for persons other than commercial fishermen (who have a two-year exemption, already described) in language similar to that in the Endangered Species Act. The House has no such exemption. The conference substitute adopts the Senate language.

Section 102. Prohibitions

The House bill provided that no permits might be issued during the sixty-day period following the date of enactment of the Act; the Senate amendment indicated, on the other hand, that the Act itself would not be effective for sixty days, in order to allow the agencies involved time to prepare to administer the Act. The Conference substitute followed the Senate bill, but provided that the one year period allowed for hardship and the two-year period for research purposes should begin at the date of enactment, since as of that date those involved will have been put on notice that the Act will affect them.

The conferees discussed the provision prohibiting importation of any pregnant marine mammal. It is known that some marine mammals are technically pregnant almost year-round, and in the cases of others, it is extremely difficult for even trained observers to detect pregnancy except in the latter stages or in seasons when such animals are known to give birth. It is the intent of the conferees that the term "pregnant" be interpreted as referring to animals pregnant near term or suspected of being pregnant near term as the case may be.

Section 103. Regulations on taking of marine mammals

The Senate amendment requires an annual report from the respective Secretaries on the marine mammal stocks within their jurisdiction and on steps taken to implement the Act. The conferees accepted the Senate version with the understanding that it would not require a complete restudy each year of every species and stock covered, but would rather permit the Secretary to update, where appropriate, what had been done since the last report was filed.

As a prerequisite to the issuance of regulations and the subsequent issuance of permits under the Act, the House bill required the Secretary to make a finding that the taking of marine mammals pursuant to such regulations would not be to the disadvantage of the species or stocks involved and would be consistent with the purposes and policies of this Act. The conferees accepted the House language. While clearly it would not be to the advantage of an individual animal to be removed from a population, the evidence was clear that in some circumstances it would be to the advantage of a species or stock to allow taking as part of a scientific management program. An obvious example would be the taking of animals from an overpopulated group, or removal of animals surplus to breeding needs.

Section 104. Permits

Under both the House bill and the Senate amendment, hearings must be held on the establishment of general regulations affecting a given category of marine mammals. However, the House version made hearings discretionary with relation to the subsequent issuance of permits while the Senate amendment required hearings on permits as well. The conference substitute adopted the House version. The agencies have indicated that the costs of compliance with the Senate version would perhaps double the cost of the program, to no purpose. In addition, the conference substitute adopts House language on general permits which the Secretary may issue as class permits to groups of persons such as commercial fishermen or non-Native Alaskans who depend on marine mammals for subsistence.

Section 106. Vessel fine, cargo forfeiture, and rewards

The House bill allowed the forfeiture of a vessel involved in the illegal taking of marine mammals, while the Senate amendment allowed cargo forfeiture, but restricted the liability of vessel owners to not more than $25,000. The conference substitute adopts the Senate provision.

An "unlawful taking," for the purposes of this section, would involve an intentional or wanton taking of a marine mammal by a vessel operator. It is not intended to mean the killing of a marine mammal by a vessel or its appurtenances as the result of an accident or Act of God, as for example, in the case of a steamship accidentally running into a marine mammal and injuring or killing it with its propellers. Careless operations of motorboats, on the other hand, in waters where mammals such as manatees or sea otters are known to exist, could constitute an unlawful taking within the meaning of the section.

Section 108. International program

Both the House and Senate versions required that the Secretaries initiate international negotiations in order to expand the principles of H.R. 10420 to the high seas and to other countries. In general, the Senate version was more explicit in its requirements and was adopted by the conferees.

The House bill required permits to take Alaska fur seals, whereas the Senate bill did not; instead, it required a study of the problem in the light of the purposes and effects of the Interim Convention for the Conservation of the North Pacific Fur Seal. The conference substitute follows the Senate version, but amplifies the study to include ways in which the Act may be modified to meet the convention, or the convention to meet the Act. At the conclusion of this study, the Secretary is expected to report back to Congress with recommendations.

Section 109. Federal cooperation with States

The House bill preempted State law, but allowed cooperative agreements with the States in harmony with the purposes of the Act. The Senate amendment allowed the Secretary to review State laws and to accept those that are consistent with the policy and purpose of the Act. The conference substitute clarifies the Senate version to assure that the Secretary's determination will control as to whether or not the State laws are in compliance. Once granted authority to implement its laws relating to marine mammals, the State concerned may issue permits, handle enforcement, and engage in research.

The precise point at which State programs may take effect will vary with the requirements imposed by the Act; where a permit must be issued for an animal to be taken or imported, approved State programs may be implemented following opportunity for public hearings and the issuance of regulations under section 103, and, where appropriate, waiver of the moratorium under section 101 (a) (3). Where no permit is required, State programs may be approved without prior Federal compliance with section 103 or waiver of the moratorium. Because of the special nature of the programs involved, however, it is not contemplated that the States will issue permits for scientific research or display under section 101(a) (1), or authorize hardship exemptions from the Act under section 101(c). It is contemplated, however, that the Secretary could issue general permits to State agencies which would, in turn, be authorized to assign, for example, scientific research permits to State employees or representatives of State universities for the taking of marine mammals.

The Secretary would not in any case, however, thereby waive all subsequent Federal jurisdiction over any such marine mammals. He must continue to monitor State programs to make sure the purposes and policies of the Act continue to be fulfilled, and be prepared to reassert Federal control if he deems it appropriate to accomplish these purposes and policies.

Section 111. Commercial fisheries gear development

The Senate amendment authorized $1 million annually for two years for research on improved fishing methods which will minimize hazards to marine mammals. It also authorized the Secretary to regulate commercial fishing operations (and to board and observe vessels), to enter into negotiations with the Inter-American Tropical Tuna Commission and to guarantee private loans to private fishermen for the purpose of equipment to meet the requirements of the Act. The House bill had no comparable provisions. The conference substitute adopts the Senate version, but eliminates the loan-guarantee program because it duplicates existing law.

TITLE II MARINE MAMMAL COMMISSION

The House bill would establish a three-member Commission, appointed by the President from a list submitted by the Council on Environmental Quality, and would give the Commission various powers, including the power to undertake studies on problems within its jurisdiction. The House bill authorizes funds of $1 million annually with no more than one quarter for administrative expenses. The Senate amendment would create a five-member commission, would require a list of members recommended by CEQ and other agencies, would not provide research authority and would limit annual authorizations to $500,000. The conference substitute follows the House version generally, although a widened list provision is included and the funds available for internal administration are increased to one-third of up to $1 million, with the balance to be spent on research purposes.

EDWARD A. GARMATZ,
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GLENN M. ANDERSON,
GEO. A. GOODLING,
PAUL N. MCCLOSKEY, JR.,
Managers on the Part of the House.

JOHN O. PASTORE,
ERNEST F. HOLLINGS,
DANIEL K. INOUYE,
PHILIP A. HART,
TED STEVENS,
MARLOW W. COOK,
L. P. WEICKER, JR.,
Managers on the Part of the Senate.

THE FLOOD CONTROL ACT OF 1972

Mr. ROBERTS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 16832) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sentences in section 203 of the Flood Control Act of 1968 shall apply to all projects authorized in this Act. The following works of improvement for the benefit of navigation and the control of destructive floodwaters and other purposes are hereby adopted and authorized to be prosecuted by the Secretary of the Army, acting through the Chief of Engineers, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated.

MIDDLE ATLANTIC COASTAL AREA

The project for hurricane-flood protection at Virginia Beach, Virginia, authorized by the River and Harbor Acts approved September 3, 1954, and October 23, 1962, as amended and modified, is hereby modified and expanded substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-365, at an estimated cost of $17,010,000.

WATER RESOURCES IN APPALACHIA

The plan for flood protection, navigation, and other purposes in Appalachia is hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in his report on the Development of Water Resources except that the Secretary of the Army, acting through the Chief of Engineers, shall modify the project for Whiteoak Dam and Reservoir on Whiteoak Creek, Ohio, Ohio River Basin, to conform substantially to the physical works of plan A in the Report for Development of Water Resources in Appalachia, Office of Appalachian Studies, Corps of Engineers, November 1969, part III, chapter 14. Not to exceed $25,000,000 is authorized for initiation and partial accomplishment of the plan.

PASCAGOULA RIVER BASIN

The project for flood protection and other purposes on Bowie Creek, Mississippi, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-359, at an estimated cost of $32,410,000.

PEARL RIVER BASIN

The project for flood control and other purposes on the Pearl River, Mississippi, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-282, at an estimated cost of $38,146,000.

GULF COASTAL AREA

The project for flood control and other purposes on the Blanco River in the Edwards Underground Reservoir Area, at Clopton Crossing, Guadalupe River Basin, Texas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-364, at an estimated cost of $42,271,000.

SPRING RIVER BASIN

The project for flood control and other purposes on Center Creek near Joplin, Missouri, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-361, at an estimated cost of $14,600,000.

FALL CREEK BASIN

The project flood control and other purposes on Fall Creek in the vicinity of Indianapolis, Indiana, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated September 25, 1972, at an estimated cost of $57,930,000.

UMPQUA RIVER BASIN

The project for Days Creek Dam, on the South Umpqua River, Oregon, for flood protection and other purposes, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated September 15, 1972, except that not to exceed $30,000,000 is authorized for initiation and partial accomplishment of such project.

Lower Mississippi River

The West Tennessee tributaries feature, Mississippi River and Tributaries project (Obion and Forked Deer Rivers), Tennessee, authorized by the Flood Control Acts approved June 30, 1948, and November 7, 1966, as amended and modified, is hereby further amended susbtantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-367, at an estimated cost of $6,600,000.

The Cache River Basin feature, Mississippi River and tributaries project, Arkansas, authorized by the Flood Control Act approved October 27, 1965, is hereby amended substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-366, at an estimated cost of $5,232,000.

Sec. 2. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to remove from Manistee Harbor, Michigan, the sunken steamer Glen.

Sec. 3. (a) The costs of operation and maintenance of the general navigation features of small boat harbor projects shall be borne by the United States.

(b) The provisions of this section shall apply to any such project authorized under the authorty of this Act, section 201 of the Flood Control Act of 1965, or section 107 of the River and Harbor Act of 1960, and to each project which heretofore was authorized in accordance with the policy set forth in this section, and to any such project hereafter recommended for authorization.

Sec. 4. (a) Section 116(a) of the River and Harbor Act of 1970 (Public Law 91-611) is amended by inserting before the period the following: ", and thereafter to maintain such channel free of such trees, roots, debris, and objects".

(b) Section 116(c) of the River and Harbor Act of 1970 (Public Law 91-611) is amended by inserting before the period the following: "to clear the channel, and not to exceed $150,000 each fiscal year thereafter to maintain such channel".

Sec. 5. The Secretary of the Army, acting through the Chief of Engineers, is authorized to operate and maintain the San Francisco Bay-Delta Model in Sausalito, California, for the purpose of testing proposals affecting the environmental quality of the region, including, but not limited to, salinity intrusion, dispersion of pollutants, water quality, improvements for navigation, dredging, bay fill, physical structures, and other shoreline changes which might affect the regimen of the bay-delta waters.

Sec. 6. The requirement in any water resources development project under the jurisdiction of the Secretary of the Army, that non-Federal interests hold and save the United States free from damages due to the construction, operation, and maintenance of the project, does not include damages due to the fault or negligence of the United States or its contractors.

Sec. 7. Section 113 of the River and Harbor Act of 1968 (82 Stat. 731, 736) is hereby amended to read as follows:

"Sec. 113. Those portions of the East and Hudson Rivers in New York County, State of New York, lying shoreward of a line within the United States pierhead line as it exists on the date of enactment of this Act, and bounded on the north by the north side of Spring Street extended westerly and the south side of Rutgers slip, extended eastwardly, are hereby declared to be nonnavigable waters of the United States within the meaning of the laws of the United States. This declaration shall apply only to portions of the above-described area which are bulkheaded and filled, or are occupied by permanent pile-supported structures. Plans for bulkheading and filling and permanent pile-supported structures shall be approved by the Secretary of the Army, acting through the Chief of Engineers, on the basis of engineering studies to determine the location and structural stability of the bulkheading and filling and permanent pile-supported structures in order to preserve and maintain the remaining navigable waterway. Local interests shall reimburse the Federal Government for any engineering costs incurred under this section."

Sec. 8. The McClellan-Kerr Arkansas River navigation system, authorized by the Act entitle "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1215), as amended and supplemented, is hereby further modified to include alteration at Federal expense of the municipal water supply facilities of the city of Conway, Arkansas, by the construction of water supply impoundment facilities at a location outside the flat flood plain of Cadron Creek, together with interconnecting pipeline and other appurtenant work, so that the water supply capacity of the resultant municipal facilities is approximately equivalent to that existing prior to construction of the navigation system.

Sec. 9. (a) The Secretary of the Army is hereby authorized and directed to cause surveys to be made at the following locations for flood control and allied purposes, and subject to all applicable provisions of section 217 of the Flood Control Act of 1970 (Public Law 91-611):

East Two Rivers between Tower, Minnesota, and Vermilion Lake.

Alice, Texas.

Buffalo River Basin, New York (wastewater management study).

(b) The Secretary of the Army is hereby authorized and directed to cause surveys to be made at the following locations and subject to all applicable provisions of section 110 of the River and Harbor Act of 1950:

Miami River, Florida, with a view to determining the feasibility and advisability of dredging the river in the interest of water quality.

Port Las Mareas, Puerto Rico, with a view to determining the feasibility and advisability of assumption of maintenance of the project by the United States.

Corpus Christi Ship Cannel, Texas, with particular reference to providing increased depths and widths in the entrance channels from the Gulf of Mexico to a deeper draft inshore port in the vicinity of Harbor Island, Texas.

Saint Marys River at and in the vicinity of Sault Sainte Marie, Michigan, with a view to determining the advisability of developing a deep draft navigation harbor and international port.

Sec. 10. (a) As soon as practicable after the date of enactment of the section and at least once each year thereafter, the Secretary of the Army, acting through the Chief of Engineers, shall review and submit to Congress a list of those authorized projects for works of improvement of rivers and harbors and other waterways for navigation, beach erosion, flood control, and other purposes which have been authorized for a period of at least eight years and which he determines, after appropriate review, should no longer be authorized. Each project so listed shall be accompanied by the recommendation of the Chief of Engineers together with his reasons for such recommendation. Prior to the submission of such list to the Congress, the Secretary of the Army, acting through the Chief of Engineers, shall obtain the views of interested Federal departments, agencies, and instrumentalities, and of the Governor of each State wherein such project would be located, which views shall be furnished within sixty days after requested by the Secretary and which shall accompany the list submitted to Congress.

(b) Such list shall be delivered to both Houses on the same day and to each House while it is in session. A project on such list shall not be authorized at the end of the first period of one hundred and eighty calendar days of continuous session of Congress after the date such list is delivered to it unless between the date of delivery and the end of such one hundred and eighty-day period, either the Committee on Public Works of the House of Representatives or the Committee on Public Works of the Senate adopts a resolution stating that such project shall continue to be an authorized project. For the purposes of this section continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the one hundred and eighty-day period. The provisions of this section shall not apply to any project contained in a list of projects submitted to the Congress within one hundred and eighty days preceding the date of adjournment sine die of any session of Congress.

(c) Nothing in this section shall be construed so as to preclude the Secretary from withdrawing any project or projects from such list at any time prior to the final day of the period provided for in subsection (b).

(d) This section shall not be applicable to any project which has been included in a resolution adopted pursuant to subsection (b).

Sec. 11. Section 207(c) of the Flood Control Act of 1960 (33 U.S.C. 701r-1(c)) is hereby amended to read as follows:

"(c) For water resources projects to be constructed in the future, when the taking by the Federal Government of an existing public road necessitates replacement, the substitute provided will, as nearly as practicable, serve in the same manner and reasonably as well as the existing road. The head of the agency concerned is authorized to construct such substitute roads to the design standards which the State or owning political division would use in constructing a new road under similar conditions of geography and under similar traffic loads (present and projected). In any case where a State or political subdivision thereof requests that such a substitute road be constructed to a higher standard than that provided for in the preceding provisions of this subsection, and pays, prior to commencement of such construction, the additional costs involved due to such higher standard, such agency head is authorized to construct such road to such higher standard. Federal costs under the provisions of this subsection shall be part of the nonreimbursable project costs."

Sec. 12. The project for the Sandridge Dam and Reservoir, Ellicott Creek, New York, for flood protection and other purposes as authorized by the Flood Control Act of 1970, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to undertake the minor channel improvements, or portions thereof, recommended by the Chief of Engineers in his report dated November 25, 1970, independently of the investigation of alternative methods called for by such Act, such work to be subject to the items of local cooperation required for similar projects and such work to be limited to areas downstream from Maple Road in the town of Amherst, New York, and such other areas as such Secretary may deem necessary.

Sec. 13. The project for flood protection at Saint Louis, Missouri, authorized by the Act of August 9, 1955 (69 Stat. 540), is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to reconstruct the existing service and access roads along the line of protection so as to adequately carry present and anticipated traffic loads, at an estimated cost of $1,300,000. The conditions of local cooperation recommended by the Chief of Engineers in Senate Document Numbered 57, Eighty-fourth Congress, shall be applicable to the reconstructed access roads.

Sec. 14. (a) The comprehensive plan for flood control and other purposes in the White River Basin, as authorized by the Act of June 28, 1938 (52 Stat. 1215), and as modified and amended by subsequent Acts, is further modified to provide for a free highway bridge built to modern standards over the Norfolk Reservoir at an appropriate location in the area where United States Highway 62 and Arkansas State Highway 101 were inundated as a result of the construction of the Norfolk Dam and Reservoir. Such bridge shall be constructed by the Chief of Engineers in accordance with such plans as are determined to be satisfactory by the Secretary of the Army to provide adequate crossing facilities. Prior to construction the Secretary of the Army, acting through the Chief of Engineers, shall enter into an agreement with appropriate non-Federal interests as determined by him, which shall provide that after construction such non-Federal interests shall own, operate, and maintain such bridges and approach facilities free to the public.

(b) The cost of constructing such bridge shall be borne by the United States except that the State of Arkansas shall, upon completion of such bridge, reimburse the United States the sum of $1,342,000 plus interest for the period from May 29, 1943, to the date of the enactment of this Act. Such interest shall be computed at a rate determined by the Secretary of the Treasury to be equal to the average annual rate on all interest-bearing obligations of the United States forming a part of the public debt on May 29, 1943, and adjusted to the nearest one-eighth of 1 per centum.

Sec. 15. The projects for Melvern Lake and Pomona Lake, Kansas, authorized as units of the comprehensive plan for flood control and other purposes, Missouri River Basin, by the Flood Control Act approved September 3, 1954, are hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to improve surface roads in the vicinity of such projects which he determines to be necessary for appropriate utilization of such projects. There is authorized to be appropriated to the Secretary not to exceed $500,000 to carry out this section.

Sec. 16. The project for Tuttle Creek Reservoir, Big Blue River, Kansas, authorized as a unit of the comprehensive plan for flood control and other purposes, Missouri River Basin, by the Flood Control Act approved June 28, 1938, as modified, is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, in his discretion to improve that portion of FAS 1208 extending from the intersection with Kansas State Highway 13 in section 5, township 9 south, range 8 east, thence north and west to the intersection with county road in section 14, township 8 south, range 7 east, approximately 5.78 miles, and there is authorized to be appropriated to the Secretary not to exceed $500,000 to carry out this section.

Sec. 17 (a) The project for flood control below Chatfield Dam on the South Platte River, Colorado, authorized by the Flood Control Act of 1950 (64 Stat. 175), is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to participate with non-Federal interests in the acquisition of lands and interests therein and in the development of recreational facilities immediately downstream of the Chatfield Dam, in lieu of a portion of the authorized channel improvement, for the purpose of flood control and recreation.

(b) Such participation shall (1) consist of the amount of savings realized by the United States, as determined by the Secretary of the Army, acting through the Chief of Engineers, in not constructing that portion of the authorized channel improvement below the dam, together with such share of any land acquisition and recreation development costs, over and above that amount, that the Secretary of the Army determines is comparable to the share available under similar Federal programs providing financial assistance for recreation and open spaces, (2) in the instance of the aforementioned land acquisition, be restricted to those lands deemed necessary by the Secretary of the Army for flood control purposes, and (3) not otherwise reduce the local cooperation required under the project.

(c) Prior to the furnishing of the participation authorized by this Act, non-Federal interests shall enter into a binding written agreement with the Secretary of the Army to prevent any encroachments in needed flood plain detention areas which would reduce their capability for flood detention and recreation.

Sec. 18. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to convey to the Andrew Jackson Lodge Numbered 5, Fraternal Order of Police, of Nashville, Tennessee (hereafter in this section referred to as the "lodge"), all right, title, and interest of the United States in and to that real property consisting of thirty-eight acres, more or less which is located within the Old Hickory lock and dam project and which is presently leased to the lodge under lease numbered AA-40058-CIVENG-60-431, dated December 1, 1959.

(b) The cost of any surveys necessary as an incident of the conveyance authorized by this section shall be borne by the lodge.

(c) Title to the property authorized to be conveyed by this section shall revert to the United States, which shall have the right of immediate entry thereon, if the lodge shall ever use, or permit to be used, any part of such property for any purpose other than as a youth camp facility for disadvantaged children.

(d) The conveyance authorized by this section shall be made upon payment by the lodge to the Secretary of the Army of an amount of money equal to the fair market value of the property. The fair market value of such property shall be determined by an independent qualified appraiser acceptable to both the Secretary of the Army and the lodge. No conveyance may be made pursuant to this section after the close of the twelfth month after the month in which this section is enacted.

Sec. 19. The project for flood protection on the North Branch of the Susquehanna River, New York and Pennsylvania, authorized by the Flood Control Act of 1958 (72 Stat. 305, 306) is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to pay the J. P. Ward Foundries, Incorporated, of Blossburg, Pennsylvania, such sum as he determines equitable to compensate said foundry for long-term economic injury through increased costs as the result of the abandonment or cessation of rail transportation to the foundry due to the construction of the Tioga-Hammond Lakes project. Such payment shall be made only on condition that such foundry continues to do substantial business at such location. The Secretary of the Army shall pay such sum in five annual installments as determined equitable by him, including an initial payment sufficient to cover the costs of converting from rail to truck shipment facilities. There is authorized to be appropriated not to exceed $1,100,000 to carry out the purpose of this section.

Sec. 20. Subsection (f) of section 221 of the Flood Control Act of 1970 is amended by striking out "January 1, 1972" and inserting in lieu thereof "January 1, 1974".

Sec. 21. Section 213 of the Flood Control Act of 1970 (84 Stat, 1824, 1829) is hereby amended by (1) inserting before the period at the end of the first sentence the following: ", at an estimated cost of $11,400,000" and (2) striking out the last sentence.

Sec. 22. The project for flood protection on the Minnesota River at Mankato and North Mankato, Minnesota, authorized by the Flood Control Act of 1958 and modified by section 207 of the Flood Control Act of 1965, is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to relocate at Federal expense that portion of the existing Mankato interceptor sewer extending approximately two thousand feet upstream of the Warren Creek Pumping Station. Such relocation interceptor sewer shall be designed and constructed in a manner which the Secretary of the Army determines best serves present and future municipal needs.

Sec. 23. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with any State in the preparation of comprehensive plans for the development, utilization, and conservation of the water and related resources of drainage basins located within the boundaries of such States and to submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out such plans.

(b) There is authorized to be appropriated not to exceed $2,000,000 annually to carry out the provisions of this section except that not more than $200,000 shall be expended in any one year in any one State.

Sec. 24. The project for flood protection on the Pequonnock River, Connecticut, authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1405) is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to advance to the town of Trumbull, Connecticut, such sums as may be necessary to provide, prior to construction of the project, municipal sewage disposal service to the St. Joseph's Manor Nursing Home. Such advance, less the amount determined by the Secretary of the Army as representing increased costs resulting from construction of such service out of the planned sequence, shall be repaid by the town within ten years of the date of enactment of this Act.

Sec. 25. The project for flood protection on the Rahway River, New Jersey, authorized by the Flood Control Act of 1965 (Stat. 1073, 1075) is hereby modified to provide that the costs of relocations of utilities within the channel walls shall be borne by the United States.

Sec. 26. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to make a complete study of the items of local cooperation involving hold and save harmless provisions which have been required for water resources development projects under his jurisdiction, and his reasons for such requirements, and to report thereon to the Congress not later than June 30, 1974, together with recommendations as to those items of local cooperation which should appropriately be required for various types of water resources development projects.

Sec. 27. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to study land use practices and recreational uses at water resource development projects under his jurisdiction, and to report thereon to the Congress not later than June 30, 1974, with recommendations as to the best use of such lands for outdoor recreation, fish and wildlife enhancement, and related purposes.

Sec. 28. Section 208 of the Flood Control

Act of 1954 (68 Stat. 1256, 1266) is hereby amended by striking out "$2,000,000" and inserting in lieu thereof "$5,000,000", and by striking out "$100,000" and inserting in lieu thereof "$250,000".

SEC. 29. Section 14 of the Act approved July 24, 1946 (60 Stat. 653), is hereby amended by striking out "$1,000,000" and inserting in lieu thereof "$5,000,000", by inserting after the words "public works," "churches, hospitals, schools, and other nonprofit public services," and by striking out "$50,000" and inserting in lieu thereof $250,000".

SEC. 30. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to provide a perimeter access road, utilizing existing roads to the extent feasible, surrounding Lake Texoma, Texas and Oklahoma. There is authorized to be appropriated not to exceed $3,000,000 to carry out this section.

SEC. 31. The project for Kehoe Lake located on Little Sandy River and Tygarts Creek, Kentucky, authorized by the Flood Control Act of 1966, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to acquire, as a part of such project, in fee simple an area consisting of approximately four thousand acres extending from the presently authorized project to Interstate Highway 64; to maintain such area in its natural state; and to conduct environmental investigations and provide access control facilities to assure appropriate protection and enhancement of this unique resource. Acquisition of these lands shall not be commenced until an agreement satisfactory to the Secretary of the Army has been entered into with the appropriate non-Federal interests to manage the area.

SEC. 32. The project for enlargement of Lavon Reservoir on the East Fork of the Trinity River, Texas, authorized by the Flood Control Act of 1962, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to provide a crossing and approaches at Tickey Creek and suitable surfacing to permit all-weather use of Collin County Road 115, at a cost not to exceed $600,000.

SEC. 33. Clause (3) of subsection (b) of the first section of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426e(b)), is amended to read as follows: "(3) Federal participation in the cost of a project providing significant hurricane protection shall be, for publicly owned property, 70 per centum of the total cost exclusive of land costs.".

SEC. 34. The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to provide bank protection works along the Ohio River from New Matamoras to Cincinnati, Ohio, to protect public and private property and facilities threatened by erosion. Prior to construction, local interests shall furnish assurances satisfactory to the Secretary of the Army that they will provide without cost to the United States lands, easements, and rights-of-way necessary for construction and subsequent operation of the works; hold and save the United States free from damages due to construction, operation, and maintenance of the works, and operate and maintain the works upon completion.

SEC. 35. The flood control project for the Scioto River, Ohio, authorized by section 203 of the Flood Control Act of 1962, as modified, is hereby further modified (1) to permit the construction of local protection works at Chillicothe, Ohio, prior to commencement of construction of the Mill Creek Reservoir, and (2) to permit the plan for such works to be revised by the Chief of Engineers so as to provide a degree of protection substantially equivalent to that provided by the project as originally authorized.

SEC. 36. The Secretary of the Army, acting through the Chief of Engineers, is authorized to initiate the second phase of the bank erosion control works and setback levees on the Sacramento River, California, authorized by the Flood Control Act of 1960, and not to exceed $10,000,000 is authorized for such purpose.

SEC. 37. The project for Newburgh lock and dam, authorized under authority of section 6 of the River and Harbor Act approved March 3, 1909, is hereby modified to direct the Secretary of the Army, acting through the Chief of Engineers, to perform bank protection works along the Ohio River at Newburgh, Indiana. Prior to construction, local interests shall furnish assurances satisfactory to the Secretary of the Army that they will provide without cost to the United States lands, easements, and rights-of-way necessary for construction and subsequent operation of the works; hold and save the United States free from damages due to construction, operation, and maintenance of the works, and operate and maintain the works upon completion.

SEC. 38. The project for flood control and improvement of the lower Mississippi River, adopted by the Act of May 15, 1928 (45 Stat. 534), as amended and modified, is hereby further amended to authorize the Secretary of the Army, acting through the Chief of Engineers, to undertake a demonstration pilot study program of bank stabilization on the delta and hill areas of the Yazoo River Basin, Mississippi, substantially in accordance with the recommendations of the Chief of Engineers in his report dated September 23, 1972, at an estimated cost of $9,500,000.

SEC. 39. Section 222 of the Flood Control Act of 1970 (Public Law 91–611) is amended by inserting at the end thereof the following: "The Secretary may also provide for the cost of construction of a two-lane, all-weather paved road (including appropriate two-lane bridges) extending from Old United States Highway 40, near Weimar across the North Fork and Middle Fork of the American River to the Eldorado County Road near Spanish Dry Diggings, substantially in accordance with the report of the Secretary entitled, 'Replacement Alternative Upstream Road System, Auburn Reservoir—June 1970'."

SEC. 40. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to review the requirements of local cooperation for the Santa Cruz Harbor project, Santa Cruz, California, authorized by the River and Harbor Act of 1958, with particular reference to Federal and non-Federal cost sharing, and he shall report the finding of such review to Congress within one year after the date of enactment of this section.

SEC. 41. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to review the requirements of local cooperation for the project for Anaheim Bay, California, authorized by the River and Harbor Act of 1954 for Seal Beach, California, with particular reference to Federal and non-Federal cost sharing, and he shall report the finding of such review to Congress within one year after the date of enactment of this section.

SEC. 42. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake such emergency bank stabilization works as are necessary to protect the Sacred Heart Hospital in Yankton, South Dakota, from damages caused by bank erosion downstream of Gavins Point Dam, Missouri River.

SEC. 43. The project for navigation at Port San Luis, San Luis Obispo Harbor, California, authorized by the River and Harbor Act of 1965, Public Law 89–298, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to accept in annual installments during the period of construction the required local interest's share of the cost of constructing the general navigation features of such project.

SEC. 44. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to make a detailed study and report of the total benefits and costs attributable to the water resources development projects undertaken in the Ohio River Basin by the Corps of Engineers. The evaluation of benefits and costs attributable to such projects shall include consideration of the enhancement of regional economic development, quality of the total environment, the well-being of the people, and the national economic development.

(b) The Secretary, acting through the Chief of Engineers, shall report the finding of such study to Congress within two years after funds are made available to initiate the study.

(c) There is authorized to be appropriated to the Secretary not to exceed $2,000,000 to carry out this section.

SEC. 45. The comprehensive plan for flood control and other purposes in the Missouri River Basin authorized by the Flood Control Act of June 28, 1938, as amended and supplemented, is further modified to provide for emergency bank stabilization works in that reach of the Missouri River between Gavins Point Dam and Sioux City, Iowa, as determined to be necessary by the Secretary of the Army, acting through the Chief of Engineers. Such determination shall be made in cooperation with the Governors of South Dakota and Nebraska with regard to priority of locations to be protected and the nature of the protective works. Provisions (a), (b), and (c) of section 3 of the Act of June 22, 1936, shall apply to the work undertaken. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to prepare and submit to the Congress a report recommending such additional bank stabilization measures as he deems necessary for construction below Gavins Point. There is hereby authorized $5,000,000 to carry out this section.

SEC. 46. The project for the Beaver Brook Dam and Reservoir, Keene, New Hampshire, authorized by the Flood Control Act of 1968 (82 Stat. 739) is hereby modified to provide that the cash contribution required of local interests, as their share of the costs of lands, easements, rights-of-way and relocations allocated to flood control, shall be 13.9 per centum of the total project cost.

SEC. 47. The Cave Run Lake project-authorized by the Flood Control Act approved June 22, 1936 and June 28, 1938, is modified to provide that the construction of any proposed road to the Zilpo Recreation Area shall not be undertaken until there is full opportunity for public review and comment on the environmental impact statement pertaining to such proposed road.

SEC. 48. That portion of the Hudson River in New York County, State of New York, bounded and described as follows is hereby declared to be not a navigable water of the United States within the meaning of the laws of the United States, and the consent of Congress is hereby given to the filling in of all or any part thereof or the erection of permanent pile-supported structures thereon: Beginning at a point on the United States bulkhead line lying southerly one hundred forty feet from the intersection of said bulkhead line and the northerly line of West Forty Seventh Street extended westerly; thence westerly along a line perpendicular to said bulkhead line to a point one hundred feet easterly of the United States pierhead line; thence southerly along a line parallel to said bulkhead line eight hundred eighty-six feet three inches; thence easterly along a line perpendicular to said bulkhead line to a point on said bulkhead line; thence northerly along said bulkhead line to the point of beginning. This declaration shall apply only to portions of the above described area which are bulkheaded and filled or occupied by permanent pile-supported structures. Plans for bulkheading and filling and permanent pile-supported structures shall be approved by the Secretary of the Army, acting through the Chief of Engineers, on the basis of engineering studies to determine the location and structural stability of the bulkheading and filling and permanent pile-supported structures in order to preserve and maintain the remaining navigable waterway. Local interests shall reimburse the Federal Government for any engineering or other costs incurred under this section.

Sec. 49. (a) Subject to the provisions of subsection (b) of this section, the Secretary of the Army is authorized and directed to lease to the Mountrail County Park Commission on Mountrail County, North Dakota, the following described tracts of land:

TRACT NUMBER 1

All of the land which lies landward of a line, which line is 300 feet above and measured horizontally from contour elevation 1850 mean sea level of old Van Hook Village in the northwest quarter of section 32, township 152, range 91 west of the fifth guide meridian.

TRACT NUMBER 2

All of the land which lies landward of a line, which line is 300 feet above and measured horizontally from contour elevation 1850 mean sea level of Olson's first addition, part of the southwest quarter of section 29, township 152, range 91 west of the fifth guide meridian.

TRACT NUMBER 3

Hodge's first addition, part of the northeast quarter of section 32, township 152, range 91, west of the fifth guide meridian.

(b) (1) The lease of such portion of the lands described in subsection (a) as is being used by the North Dakota State Game and Fish Department for wildlife management purposes shall not become effective until the termination of the license granted to such department for such use either in accordance with its original terms on October 31, 1980, or at any time prior thereto.

(2) The lands leased pursuant to this section shall be used by the Mountrail County Park Commission, Mountrail County, North Dakota, solely for public park and recreational purposes, and if such lands are ever used for any other purpose, such lease shall immediately terminate.

(3) The lease authorized by this section shall be for such period, at such rental and subject to such other terms and conditions as the Secretary of the Army deems to be in the public interest.

Sec. 50. (a) Section 252 of the Disaster Relief Act of 1970 (Public Law 90–606, 84 Stat. 1757) is amended by adding at the end thereof the following:

"(d) For the purposes of this section, 'net cost' and 'net costs' of repairing, restoring, reconstructing, or replacing any such facility shall include the costs actually incurred in replacing the facility's services with services from other sources during the period of repair, restoration, reconstruction, or replacement of such facility, to the extent such costs exceed the costs which would have been incurred in providing such services but for the disaster."

(b) The amendment made by section (a) of this section shall take effect as of August 1, 1969.

Sec. 51. (a) "Policies, Standards and Procedures in the Formulation, Evaluation, and Review of Plans for Use and Development of Water and Related Land Resources" approved by the President on May 15, 1962, and published by the Senate in Senate Document 97 on May 29, 1962, and the interest rate formula amendment issued by the Water Resources Council effective December 24, 1968, shall remain in effect until December 31, 1973, unless changed prior to that date by an Act of Congress.

(b) No action by the President, the Water Resources Council, or by any other officer or employee in the executive branch of the Government after September 26, 1972, to establish principles, standards, or procedures for the formulation and evaluation of Federal water and related land resources projects pursuant to section 103 of the Water Resources Planning Act (Public Law 89–80; 79 Stat. 244; 42 U.S.C. 1962 et seq.), or pursuant to any other provision of law shall be effective prior to December 31, 1973.

Sec. 52. This Act may be cited as the "Flood Control Act of 1972".

The SPEAKER. Is a second demanded?

Mr. DON H. CLAUSEN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ROBERTS. Mr. Speaker, on behalf of the Public Works Committee, I am proud to bring to the floor for consideration H.R. 16832, authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, as amended.

There are a total of nine projects plus the Appalachian water resources plan in section 1, recommending urgently needed flood and hurricane protection works and multiple-purpose reservoirs for flood control, water supply, recreation, and other water uses:

Middle Atlantic coastal area, Virginia (92–365)	$17,010,000
Water Resources in Appalachia	25,000,000
Pascagoula River Basin, Mississippi (92–359)	32,410,000
Pearl River Basin, Mississippi (92–282)	38,146,000
Gulf Coastal Area, Texas (92–364)	42,271,000
Spring River Basin, Missouri (92–361)	14,600,000
West Tennessee Tributaries, Tennessee (92–367)	6,600,000
Cache River Basin, Arkansas (92–366)	$5,232,000
Fall Creek Basin, Indiana	57,930,000
Umpqua River Basin, Oregon	30,000,000
Total	269,199,000

The total estimated cost of these projects is $269,199,000. I would like to compare this act with the 1968 Flood Control Act where we authorized 40 projects estimated to cost $1.1 billion. The Flood Control Act of 1972 surely is one of the smallest that we have had over the past decades. This is a "bobtailed" bill. The committee did not get clearance on other worthy projects.

Each project was examined carefully. The joint subcommittee heard testimony from Members of Congress, the Corps of Engineers, local citizens, and other people interested in the total development of America's water resources.

The benefit cost ratio that has been developed for each project clearly shows the need for it. An environmental impact statement for each project has been filed in accordance with the National Environmental Policy Act.

Although this bill contains over 50 sections, generally providing for minor modifications of existing projects and programs, I would like to specifically note two of the most important sections of the bill. The first is the Appalachian water resources plan that is included in section 1. In 1965, Congress passed the landmark Appalachian Regional Development Act. Section 206 of the act directed the Secretary of the Army:

> To prepare a comprehensive plan for the development and efficient utilization of the water and related resources for the Appalachian region, giving special attention to the need for an increase in the production of economic opportunities and thus enhancing the welfare of its people . . .

Given this charter, the Army Corps of Engineers, along with other Federal agencies, the Appalachian Regional Commission, and representatives of the 13 Appalachian States, began, in May 1965, to develop a plan for the development of water resources in Appalachia.

H.R. 16832 authorizes $25,000,000 for initiation of construction of 10 projects on nine States which will help redevelop the entire Appalachian area.

Section 51 concerns the Water Resources Council proposed principles, standards, and procedures for planning water and related land resources. This report must receive the final approval by the President, before it is submitted. This report will change standards that have been used since 1962 and radically alter water resources development in the future.

The committee considered language for this bill that would legislatively set standards dealing with water resources projects. However, the committee felt that it would be better if extensive hearings were held early in the next Congress before any action was taken. Therefore, what we have done is place a moratorium on any change in the existing standards until December 31, 1973, unless the standards have been specifically changed prior to that date by an act of Congress.

I am, as always deeply appreciative of the splendid leadership of the chairman of this committee, the gentleman from Minnesota (Mr. Blatnik), the able chairman of the Subcommittee on Flood Control and Internal Development, the gentleman from Alabama (Mr. Jones), and the cooperation given by the ranking minority member of the committee, the gentleman from Ohio (Mr. Harsha), and the ranking minority member of the Subcommittee on Flood Control, the gentleman from California (Mr. Don Clausen), and the ranking minority member of the Rivers and Harbors Subcommittee, the gentleman from Kentucky (Mr. Snyder).

Mr. DON H. CLAUSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation, H.R. 16832, and to join in complimenting my colleagues Mr. Roberts of Texas and Mr. Snyder of Kentucky for their extra efforts during the lengthy hearings, the drafting and markup sessions and for their excellent cooperation with Mr. Jones and myself who share the primary responsibility for the flood control provisions of this Flood Control and Rivers and Harbors Act of 1972.

With Mr. Jones and myself heavily involved in water pollution conference meetings, the extra burden was placed on the shoulders of Mr. ROBERTS and Mr. SNYDER, as chairman and ranking minority member of the Rivers and Harbors Subcommittee to develop the hearing record for this act. We are all deeply grateful to them for a job well done.

In addition to the explanation of the bill by Mr. ROBERTS and Mr. JONES, I would simply add that some additional project modifications, survey and feasibility review directives, navigation and environmental quality control provisions amounting to an estimated $120 million over the $269 million for basic project authorizations brings to the total authorization figure of the legislation to $390,815,000.

This figure is substantially lower than similar omnibus bills of previous years.

We specifically did not include the projects eligible for authorization by our committee in the omnibus bill, under section 201 of the 1965 act, because we feel very strongly that this procedure should be adhered to and retained in order to expedite emergency projects costing under $10 million, when required.

Today I will address myself to a matter that is of a very serious nature and needs the attention of the Congress and the executive branch if we are to carry out our responsibilities in an effective and responsive manner.

I refer of course to the question of water resource project benefit-to-cost ratio criteria and where I as a member of the committee believe we must direct our efforts toward.

H.R. 16832 is a product of detailed hearings by our Public Works Committee and investigations conducted by the Corps of Engineers. The water resource development projects contained in the bill are sound, needed proposals, that will provide protective works and protect the environment plus serve the communities and people surrounding these areas. A total of seven States and many thousands of people will benefit from these projects.

The Appalachia projects recommended by the Secretary of the Army offers an innovative measure to the question of project criteria. Eight Appalachian States will benefit from these recommended project. More importantly, the Secretary of the Army recognized that the traditional benefit-to-cost ratio is not enough in determining a project justification.

The Appalachia Regional Development Act of 1965 directed the Secretary of the Army to prepare a water plan for Appalachia which gives special attention to the need to increase the production of goods and services within the region. The Flood Control Act of 1970 stated further that it was the intent of Congress that evaluation of water resource projects take into account, in addition to the familiar national economic effects, other environmental, social, and regional economic effects not currently included in the benefit/cost ratio.

The outcome of this congressional mandate is that projects with a significant regional, as distinct from national, economic effect have been recommended for authorization. More specifically, this means that projects having a high regional expansion index—that is, a high potential for stimulating the production of goods and services within the Appalachian Region—should be recommended for authorization.

Those projects contained in the bill are part of the early action program, whose initiation and completion will contribute most to the development of Appalachia.

The Appalachia projects raises an important issue, an issue that has concerned me ever since my election to Congress. I am proud to say I have long advocated the need to change the methodology and the so-called "benefit-to-cost ratio" criteria for evaluating and justifying federally financed water resource and water related projects. As we develop the record and experience in these areas. I believe the potential for application of the concept will and can be advanced in other sections of the United States.

What has happened in the 35 years which have elapsed since the act authorizing the policy of the benefit-to-cost ratio criteria was signed into law? Many procedures, yardsticks, and formulas have been advanced and adopted to evaluate the many benefits and costs of our water and water-related federally financed projects. Each one of these efforts recognized that all benefits and all costs must be taken into account. But, we all recognize that it was the signs of the times that dictated that far more attention was given to monetary considerations; with all too little consideration given to the so-called "intangible benefits." One of the things that has transpired, of course, is that what we were calling "intangible" just a few years ago, have since become very tangible in many areas.

During the 35 years since 1936, I believe it is fair to say that our national priorities, and thus most of our major planning and programing, was tied almost exclusively to economic factors . . . jobs, industrial expansion, economic growth. And, in our quest, we, as a nation, turned to our land and water resources to provide the stimulus to meet this national commitment to economic growth.

The previously established benefit/cost ratio criteria included certain primary and secondary benefits and confined the economic justification of projects primarily to flood control, irrigation and reclamation, municipal and industrial water supplies, hydroelectric power, and recreation.

I, for one, have constantly stated, "Let's tell it like it is." I want to change project evaluation criteria, recognize and expand the project purposes to give more consideration to other factors, such as watershed stabilization, water quality enhancement, fish and wildlife enhancement, esthetics and environmental quality control, economic impact, welfare and unemployment compensation factors, population balance, and so forth.

Let us discard the reference to primary and secondary benefits and establish a new set of guidelines and criteria where we consider the total environment, and define and quantify total benefits.

Yes, times have changed and let us not delude ourselves—our priorities are shifting. Americans have not given up on economic growth as a national priority, but they are becoming very concerned—and, in some cases alarmed—about the quality of the air we breathe, the water we drink, the management of our natural resources, the protection of our fish and wildlife, the preservation of our scenic beauty including our rivers, and the growing need for recreational opportunities.

And, what the responsible American people are telling us, is that all of us who are engaged in this water and land resources planning business—must strive for a better balance and a more realistic compromise between these concerns and the monetary return these projects will provide. This can and will provide the economic justification to do a better job.

With this in mind the committee took action and included a provision in the pending bill to, in effect, call for a moratorium on any establishment of principles, standards, or procedures for the formulation and evaluation of Federal water and land resources projects pursuant to section 103 of the Water Resources Planning Act—Public Law 89–80—until December 31, 1973, unless Congress acts to change these guidelines.

Thus far, I have addressed myself only to those factors involved in project evaluation. But, as we all know, it is the matter of project justification which the Federal Register of December 21 addressed itself to, that has generated serious concern within the water resource community and, specifically, the matter of the interest or discount rate.

And the first point I want to make—is that the arbitrary 7-percent figure is by no means the last word. The Public Works Committee is just as concerned as every affected person over the possible impact the 7-percent discount rate could have on future water resource and water-related projects.

We, in the Congress, must not be streamrolled into accepting anything in the way of a discount rate until we have had a chance to hold hearings and look into this question in depth.

In my view, there is wide latitude for consideration and interpretation of how one arrives at the proper discount rate that should apply to projects.

The primary reason for this is that we are dealing with arbitrary and variable factors that relate to future or deferred benefits. All these are subject to interpretation, but in the final analysis—the ultimate determining factor will be the acceptance of the public and John Q. Taxpayer.

For those of you who have had an opportunity to read the statement of "Proposed Principles and Standards for Planning Water and Related Land Resources" in the December 21 Federal Register—I believe you will agree with me that, in many respects, the information is, to me, ambiguous, disconnected, and requires clarification. This no doubt was the result of the various impacts that it suffered from the time of its preparation by the task force, its review by the Water Resources Council, its submission to the Office of Management and Budget, its review by Government officials, and its ultimate return to the Water Resources Council.

As you all know, the present interest rate is 5⅜ percent—which the task force conceded could well be rounded out to 5½ percent—the rate originally proposed by OMB was 10 percent which they described as an "opportunity cost" which roughly equates to the cost of what all private investments return. This very oversimplified expression should, never the less, indicate where and how the 7 percent rate was arrived at. There is no question in my mind that it was a somewhat reluctant compromise between the other two rates cited.

And, like many of you, I am getting just a little bit tired of those—including some in our Federal Government—who are trying to make water resources a "whipping boy." I think a lot of people better start realizing that water projects have made California the Nation's leading agricultural State, that water resource projects provide a virtual recreational wonderland for millions of Americans, that water resource projects in sparsely populated areas can help resolve many of our Nation's domestic problems, including the population crunch, that water projects protect Americans from disastrous floods, and that future water projects are essential if we are to head off an impending water shortage crisis in our State and in this country.

Many sections of the bill contains provisions for bank stabilization works along rivers where bank erosion threatens towns, communities, and farmlands. Much of the bank erosion may be a result of water resource project work, work that is necessary but has, in the process, altered the streamflow and velocity of the water, thus disturbing the natural stream course of a river. We of the committee recognize this to be a serious problem. I, as ranking minority member of the Flood Control Subcommittee, hope that we can address bank erosion on a national basis and arrive at a uniform manner to justify streambank erosion mitigation efforts. As the Federal, State, and local agencies complete their data collection we in the Congress must be prepared to move with dispatch because the problems are many and varied.

The problem of river mouth stoppages and blockages concerns me greatly. In my district in California many of the rivers flowing into the Pacific, flow into deltas which are adversely affected during high river-water periods. When the velocity reaches high levels, the delta channel breaks and the river creates a new stream course, adding to the overall problems of bank erosion. The land and homes lost by the constant erosion can never be replaced. We must begin to approach this problem on a preventive, rather than partial cure-all level.

I wish to thank all of the Members who took an interest to request needed project modifications. Their efforts and cooperation made much of the legislative language possible.

In conclusion, Mr. Speaker, I would like to comment more specifically on one particular provision in this bill—the authorization for the San Francisco Bay Delta hydraulic model which the Corps of Engineers operates in Sausalito, Calif. Maintenance of the model will be an invaluable environmental tool whose use will not be limited to the Federal Government. It can be used by State, local, regional, and private bodies as it has been in the past. Its use has already resulted in the development of master planning on a regional scale which has prevented continuing degradation of many areas of San Francisco Bay.

If we expect to be able to prevent further environmental degradation of the bay and if we hope to move now to permit the bay to achieve its full environmental, economic, recreational, asthetic, and natural potential it is important that we have the means to assess scientifically every proposal for use or protection of the bay that is made. The bay delta model will provide the means to this end.

(Mr. DON H. CLAUSEN asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. DON H. CLAUSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. BROTZMAN).

Mr. BROTZMAN. Mr. Speaker, I rise in support of H.R. 16832, and particularly in support of section 17 of that bill. This section embodies a proposal I introduced in February as H.R. 13184, and I want to commend the distinguished members of the Public Works Committee for including it in this year's omnibus bill.

Briefly stated, section 17 would allow the Army Corps of Engineers to participate with the city of Littleton, Colo., in developing a flood plain park in connection with the Chatfield Dam and Reservoir project now under construction on the South Platte River. There is existing authorization for the construction of a relatively straight and deep channel to carry high discharges down the South Platte River following the closure of Chatfield Dam in late 1973. The provisions of section 17 of H.R. 16832 would enable the corps to utilize a part of the already authorized channelization funds for the acquisition of lands necessary to make the flood plain park a reality. The area—which encompasses some 475 acres and the first 2 miles of the proposed 6.4-mile channelization—would be retained in a wild state as a natural park. The corps' financial support would be the amount saved by not digging a part of the channel. During infrequent periods of high water, the park simply would be closed and the South Platte River could spread out of its current channel with little or no damage.

The Corps of Engineers has assured me that the flood plain park proposal is sound from both hydrological and engineering standpoints. It represents a proper balance of environmental preservation and engineering advancement. In fact, approval of the Littleton plan would allow for the preservation of a resource which is becoming increasingly rare: a natural streambank in an urban area which does not pose a threat to people and property.

Last November, the people of the city of Littleton evidenced their overwhelming support of the proposal by approving a $400,000 bond issue for a local match in the development of the park. Since that time, the Colorado General Assembly has appropriated $200,000 for the project and several grants from the Bureau of Outdoor Recreation and the Department of Housing and Urban Development have been made for land acquisition purposes. The modification in the original authorizing legislation to allow the Corps of Engineers to participate represents the final hurdle in the efforts to make the flood plain park a reality.

Virtually every conservation organization in the State of Colorado has endorsed this project. Also, the State's water and conservation officials support it. In fact, the Littleton plan, which has been developed with great care and thought by local officials, embodies a very futuristic concept of flood plain management, providing both protection from flood damage and a precious heritage of relaxation and recreation for the people of the entire metropolitan Denver area. I believe the flood plain park actually may herald a new philosophy in flood plain management. It is a project which is certain to serve as a model for flood control and park planners across the Nation.

Again, Mr. Speaker, I urge a favorable vote on H.R. 16832.

Mr. HAMMERSCHMIDT. Mr. Speaker, as a member of the House Committee on Public Works, which reported the Omnibus Rivers and Harbors and Flood Control Act (H.R. 16832), I rise in support of the measure and would like to particularly call to the attention of my colleagues a provision of great importance to the citizens of Arkansas.

Section 14 of H.R. 16832 authorizes the construction of a highway bridge across the Norfolk Reservoir in north central Arkansas in the area where U.S. Highway 62 and Arkansas State Highway 101 were inundated as a result of the construction of the Norfolk Dam and Reservoir. The bridge would be constructed by the U.S. Army Corps of Engineers in accordance with plans determined to be satisfactory by the Secretary of the Army in order to provide adequate crossing facilities.

The cost of construction of the bridge would be borne by the United States, except that the State of Arkansas shall be required to pay as its share of the cost of construction the sum of $1,342,000 plus interest for the period from May 29, 1943 to the date of enactment. The interest would be computed by the Secretary of the Treasury at a rate determined by him to be equal to the average annual rate on all interest-bearing obligations of the United States forming a part of the public debt on May 29, 1943, and adjusted to the nearest one-eighth of 1 per centum. The share to be paid by the State of Arkansas represents the amount paid by the United States to the State as insufficient compensation in the original bridge compensation suit.

As reported from the House Committee on Public Works, the bill provides that prior to construction the Secretary of the Army, acting through the Chief of Engineers, shall enter into an agreement with appropriate non-Federal interests as determined by him whereby after construction such non-Federal interests shall own, operate toll free, and maintain the bridge and approach facilities.

The Senate version of this legislation (S. 4018), passed by that body on September 27, contains a similar authorization for this important project. The authorization contained in section 202 of S. 4018 differs from the House committee bill only with respect to maintenance and operation of the bridge after construction. S. 4018 provides that the bridge shall be constructed, maintained, and operated by the Chief of Engineers, Department of the Army, in accordance with such plans as are determined to be satisfactory by the Secretary of the Army.

Mr. Speaker, approval of this provision by the Congress would not only rectify a long-standing inequity, but would bring about long-overdue relief to a growing transportation and developmental problem that has existed for the citizens of Arkansas for almost three decades. The problem originated in 1943 when the construction of the Norfolk Dam and Reservoir caused the inundation of the bridge serving U.S. Highway 62 and Arkansas State Highway 101. This bridge had been constructed, at a cost of $135,000, just 9 years before the dam project was completed.

U.S. Highway 62 is a major route roughly east-west across northern Arkansas, while State Highway 101 goes north into Missouri from Henderson Ark., along the eastern edge of Lake Norfolk. Thus, the inundation of these two highways interrupted traffic flow in both directions. Since 1943 transportation along these two routes has been dependent upon what has long since become a totally inadequate and outdated ferry service.

The ferry service was provided under agreement with the U.S. Government during the 2 years of construction on the Norfolk Dam, but was continued thereafter because the settlement amount with the State was inadequate to construct a bridge or relocate routes after the critical material ban of the war years was lifted. During these years the State highway department has spent in excess of $4 million in operating two ferries across Lake Norfolk. The ferry service has become increasingly inadequate, however, with the traffic generated by development along both of these routes.

The need for the bridges across Norfolk Lake has been especially notable in recent years with the traffic generated by economic development along the lake. The average daily account of vehicles has increased over 100 times since 1944, from 105 to almost 1,300; and research by the State highway department indicates this growth trend is expected to continue. The situation is particularly acute on holiday weekends, when serious traffic tieups have been experienced.

In this regard, it is also significant to note that public transportation in the Norfolk Lake area is limited to highway forms. There is no publicly available regularly scheduled alternate media in the area.

The interdiction of the U.S. 62 and State Highway 101 corridors during the post-World War II era has also been a serious handicap to overall economic development in north central Arkansas and has definitely retarded the development of the area's greatest available asset, the recreational potential of the lake itself. This unfortunate fact was illuminated by an August 1963, report of the Bureau of Outdoor Recreation of the U.S. Department of Interior on the "Tourist and Recreation Potential, Arkansas Ozark Region." This report found the Bull Shoals-Norfolk Reservoir area in many ways to be still in the early development "fisherman" stage of normal patterns of development of reservoir areas. The report stated:

> The highways leading into the Bull Shoals-Norfolk areas are satisfactory for present day traffic; however, they are not conducive to full-scale development of the tourist-recreation potential of the area. For one thing, there are no bridges connecting either the north-south shores of Bull Shoals Lake or the east-west shores of Norfork Lake.

The potential for growth and development in the Mountain Home and Baxter County area remain in the highest category, but the above observation on the retarded development in the Norfork Lake area and its stagnation in the first phase of its development is even truer today. The Lake Norfork area has not advanced into the much more productive luxury-resort type economic asset as reservoirs of much more recent construction are already doing to the west and north where the road networks are not rendered archaic by ferry crossings in major arterial corridors.

The Norfork Dam was originally planned as a flood control project, pursuant to the provisions of the 1928 Flood Control Act, and was expected to result in the inundation of the U.S. 62 bridge only a few days at a time on an occasional basis when required for flood protection. In 1939 the U.S. Corps of Engineers estimated the relocation costs of the highways to be inundated at $1,300,000 and offered to operate a standby ferry service for the expected occasional floodings. The Arkansas State Highway Commission regarded this as reasonable and approved it.

In 1941, however, the Congress added hydroelectric power to the Norfolk project. This required the permanent inundation of the U.S. 62 bridge in a much deeper pool. Although the corps wanted a relocation of U.S. 62 down river across the new dam, an agreement was reached in a 1942 conference involving U.S. Corps of Engineers, U.S. Public Roads Administration, and State highway department personnel. The plan agreed upon for U.S. 63 consisted of construction within the succeeding 12 months of new bridge piers near the present bridge above maximum pool elevation, with the superstructure to be completed after the war as soon as materials shortages were over. The plan also included operation of a ferry during the interim by the State highway department to be reimbursed by the U.S. Government.

Notwithstanding the above plan, the bridge piers were not built in 1942. In 1943 the Arkansas Director of Highways was notified by the Corps of Engineers that it was now too late to construct the piers and that construction of the Norfork project was being accelerated. The local people and highway commission appealed to the Arkansas congressional delegation for help, but they were unsuccessful in halting the corps' eminent domain proceedings. During this same period, the War Production Board, which had eased restrictions or reinforcing steel, denied approval for the bridge piers.

On May 29, 1943, the United States filed a Declaration of Taking and deposited in the registry of the U.S. District Court, Western District of Arkansas, the sum of $1,422,000 an estimated just compensation for the taking of the highways. On November 1, 1944, however, the United States filed a motion requesting the court to enter judgment that no compensation was due the State of Arkansas for the taking of the lands. Although it was overruled in 1945, the disquieting effect of this motion was apparently sufficient to cause the State highway department to enter into stipulation filed with the court. In these stipulations the department agreed upon $1,342,000 on the funds needed to construct an alternate highway, with an additional $80,000 provided as reimbursement for providing temporary ferry service.

The records reflect that the Federal judge before whom the condemnation suit was tried expressed amazement that the State highway department would enter into such stipulations and that it provided, in his opinion, much less compensation than that to which the State was entitled. The court felt, however, that it was bound by the stipulation. The highway department had, by the stipulations, precluded itself from showing that the rerouting of traffic over the substitute highways and across the dam would not provide the same facilities for the traveling public that existed prior to the taking. Thus the highway department prevented itself from showing or offering evidence of the true measure of compensation. The 1947 decision handed down by the Eighth Circuit Court of Appeals, furthermore, clearly stated that the cost of the inundated U.S. 62 bridge was not included in the sum paid the highway department by the corps.

What caused the officials of the highway department to enter into each stipulations can only be surmised, but there is some speculation that the Highway Department was afraid that it would receive no compensation due to the mood of a nation fighting an oll-out war. Regardless of what the motivation of the department was, however, it is certainly clear that the compensation received by the Highway Department was completely inadequate in preparation to the loss suffered by the State.

It is important to remember that the reimbursement for the State highway system rights-of-way, roads, and bridges inundated by the Norfolk project was premised upon conditions and costs prevailing during the closing years of the Great Depression prior to World War II. The U.S. Public Roads Administration personnel maintained throughout the the relocation cost estimates were much too low and urged the ultimate provision of the bridge near Henderson, Arkansas.

When the cost-benefit analyses of the Project were made in 1939, furthermore, it was impossible to accurately evaluate the extent of the contingencies involved in the construction of the Norfolk Dam, particularly with respect to the impact which Norfolk Lake would have on the area durng succeeding decades. The annual visitation to Norfolk Lake, for example, is 56¼ times greater than the Corps of Engineers' 1939 estimates.

The authorization contained in section 14 of the bill before us today was originally called for in legislation, H.R. 11901, which my distinguished colleagues in Arkansas' House delegation joined with me introducing earlier this year. A companion bill, S. 2881, was introduced in the Senate by Arkansas' two Senators. I am very gratified by the approval of the important Norfolk bridge authorization which has already been given by the Senate and by the House Public Works Committee. It is my profound hope that it will receive like approval by the House of Representatives in its consideration of H.R. 16832 today.

Mr. WRIGHT. Mr. Speaker, today I introduced, on behalf of the committee, a bill to reclaim to the Congress its rightful prerogative in establishing the rules for determining benefits-costs ratios in the planning and evaluation of water resources projects. Originally we had planned to make those provisions a part of this bill, but because of the enormous importance of this matter, we decided to introduce it this year as separate legislation.

In 1936, the Congress established a general policy that money to be expended on flood control projects must yield economic benefits at least equal to the costs. While it seems somewhat ironic that we would make this broad requirement applicable only to water resource projects when it does not apply to other things such as welfare, defense expenditures, highways, education, or any of the other broad activities of government, it probably was a pretty good rule in principle.

The problem is that Congress never really defined benefits and costs. As a result, the administrative arm of Government has almost entire usurped the congressional prerogative in this extremely vital matter. Throughout this particular year, the Water Resources Council at the direction of the Office of Management and Budget has been going through some perilous exercises in proposing new criteria which for all practical purposes would bring the development of our vital water resources development to a grinding halt.

Among other things, this administrative group has been talking of applying an arbitrary discount rate of 7 percent or 10 percent to each such project in evaluating its economic benefits. Such a standard if applied to already authorized projects, those on which Congress already has affirmatively acted, would disqualify approximately one-half of them if the 7 percent figure were applied and approximately three-fourths if the 10 percent figure were employed.

Congress, in my very firm opinion, does not desire to see any such regressive action brought about as result of executive fiat, and I should like to commend to the serious consideration of my colleagues the bill which I have introduced today. So long as Congress sees fit to make a rule of costs-benefits ratios applicable to water resources development, then it is clearly incumbent on us in the Congress to reassert our own legislative prerogatives in establishing the rules for evaluating these projects.

Meanwhile, the committee wishes to direct the attention of all concerned to section 51 of the present bill which directs that the administrative agencies shall not apply or implement any new rules until Congress shall have had an adequate opportunity to act in this regard.

Mr. SNYDER. Mr. Speaker, I rise in support of H.R. 16832, the Flood Control Act of 1972. As ranking minority member of the Rivers and Harbors Subcommittee, I am proud to have taken an active role in writing this biannual authorization of water resources projects.

The bill is the smallest in recent years, authorizing $390,815,000 over the next 6 fiscal years. The dollar amount is reasonable, but the expenditures are needed and the returns will save lives and thousands of dollars averted flood damages.

Let me thank the chairman (Mr. BLATNIK), the Flood Control Subcommittee chairman (Mr. JONES), the Rivers and Harbors Subcommittee chairman (Mr. ROBERTS), my counterpart (Mr. DON H. CLAUSEN), the ranking member on the Flood Control Subcommittee, and the committee staff for the diligent and thorough efforts on behalf of H.R. 16832.

Mr. JONES of Alabama. Mr. Speaker, I rise to commend the gentleman from Texas (Mr. ROBERTS) on the excellent job that he has done as chairman of the joint Subcommittee on Rivers and Harbors and Flood Control and Internal Development for the purpose of bringing to the floor H.R. 16832. I also wish to commend the entire membership of both subcommittees on the legislation that they recommended to the full committee.

The bill includes $269,000,000 in badly needed flood control projects. However, this legislation is smaller than most flood control acts over the past years. It is only one-third the size of the $1 billion 1968 act, the most recently considered Flood Control Act.

Although it may be confined to a river basin or a localized area at various times, flooding is a national problem. Few sections are immune to the death and human suffering which can result from inadequate flood control measures.

The people of the country have always opened their hearts to provide relief to their fellow citizens when major flooding occurs. This is needed and encouraged.

A more rewarding approach, however, is the prevention of flooding through control measures.

This legislation does just that. It is an example of the concern and interest in dealing with this national problem in appropriate terms.

For example, the bill provides for a plan for the water resources development of the Appalachia area. The proper development of this great region of our country has been recognized as a national concern for several years, and important progress is being made through the efforts of the model State-Federal partnership, the Appalachian Regional Commission.

A plan of action for development of the water resources of the region is still badly needed if the people are to realize the economic benefits they require to fully participate in our national life. This legislation authorizes a plan that will go a long way to assist the people of the Appalachian area in achieving a goal of a better life.

The project authorizations in this legislation are essential for control of destructive flooding and the loss of life and property which results from raging waters in some 15 States.

Each has been examined in great detail by the committee. Earlier, the projects were reviewed by the involved States and the departments and agencies of the Federal Government.

These protection projects are anxiously sought by the people who know firsthand of the grant need for flood control. Other advantages will accrue from this effort in the form of recreation benefits, fish and wildlife enhancement, water supply, economic development, and erosion control.

I urge passage of H.R. 16832.

The SPEAKER. The question is on the motion offered by the gentleman from Texas that the House suspend the rules and pass the bill H.R. 16832, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 4018) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 4018

An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—RIVERS AND HARBORS

SEC. 101. That the following works of improvement of rivers and harbors and other waterways for navigation, flood control, and other purposes are hereby adopted and authorized to be prosecuted under the direction of the Secretary of the Army and supervision of the Chief of Engineers, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated: *Provided*, That the provisions of section 1 of the River and Harbor Act approved March 2, 1945 (Public Law Numbered 14, Seventy-ninth Congress, first session), shall govern with respect to projects authorized in this title; and the procedures set forth with respect to plans, proposals, or reports for works of improvement for navigation or reports for works of improvement for navigation or flood control and for irrigation and purposes incidental thereto, shall apply as if herein set forth in full:

NAVIGATION

Little River Inlet, North Carolina and South Carolina: House Document Numbered 92–362, at an estimated cost of $6,271,000;

Texas City Channel, Texas: House Document Numbered 92–199, at an estimated cost of $2,302,000;

Kansas River Channel, Kansas City, Kansas: report of the Board of Engineers for Rivers and Harbors dated March 29, 1972, at an estimated cost of $3,028,900, except that no funds shall be appropriated for this project until approved by the Secretary of the Army and the President;

Hoonah Harbor, Alaska: House Document Numbered 92–200, at an estimated cost of $3,710,000;

Metlakatla Harbor, Alaska: Senate Document Numbered 92–64, at an estimated cost of $2,160,000.

BEACH EROSION

North Shore of Long Island, New York: House Document Numbered 92–199, at an estimated cost of $3,000,000;

That the authorization for the beach erosion control project for Presque Isle Peninsula, Erie, Pennsylvania, as provided in section 101 of the River and Harbor Act of 1960 (74 Stat. 480) is reinstated and extended, under the terms existing immediately prior to the termination of such authorization, for a period of five years from the date of enactment of this Act, or if the review study of such project being carried out by the Secretary of the Army is not completed prior to the end of such period until such study is completed and a report thereon submitted to the Congress. There is authorized to be appropriated not to exceed $3,500,000 to carry out this provision.

SEC. 102. At any water resources development project under the jurisdiction of the Secretary of the Army, where non-Federal interests are required to hold and save the United States free from damages due to the construction, operation, and maintenance of the project, such requirement shall not include damages due to the fault or negligence of the United States or its contractors.

SEC. 103. (a) This section may be cited as the "Shoreline Erosion Control Demonstration Act of 1972."

FINDINGS AND PURPOSE

(b) The Congress finds that because of the importance and increasing interest in the coastal and estuarine zone of the United States, the deterioration of the shoreline line within this zone due to erosion, the harm to water quality and marine life from shoreline erosion, the loss of recreational potential due such erosion, the financial loss to private and public landowners resulting from shoreline erosion, and the inability of such landowners to obtain satisfactory financial and technical assistance to combat such erosion, it is essential to develop, demonstrate, and disseminate information about low-cost means to prevent and control shoreline erosion. It is therefore the purpose of this Act to authorize a program to develop and demonstrate such means to combat shoreline erosion.

SHORELINE EROSION PROGRAM

(c) (1) The Secretary of the Army shall establish and conduct for a period of five fiscal years a national shoreline erosion control development and demonstration program. The program shall consist of planning, constructing, operating, evaluating, and demonstrating prototype shoreline erosion control devices, both engineered and vegetative.

(2) The program shall be carried out in cooperation with the Secretary of Agriculture particularly with respect to vegetative means of preventing and controlling shoreline erosion, and in cooperation with Federal, State, and local agencies, private organizations, and the Shoreline Erosion Advisory Panel established pursuant to subsection (d).

(3) Demonstration projects established pursuant to this section shall emphasize the development of low-cost shoreline erosion control devices located on sheltered or inland waters. Such projects shall be undertaken at no less than two sites on the shoreline of the Atlantic, gulf, and Pacific coasts, at not less than one site on the Great Lakes, and at locations of serious erosion along the shores of Delaware Bay, particularly at those reaches known as Pickering Beach, Kitts Hummock, Bowers, Slaughter Beach, Broadkill Beach, and Lewes in the State of Delaware. States selected should, to the extent possible, reflect a variety of geographical and climatic conditions.

(4) Such demonstration projects may be carried out on private or public lands except that no funds appropriated for the purpose of this Act may be expended for the acquisition of privately owned lands. In the case of sites located on private or non-Federal public lands, the demonstration projects shall be undertaken in cooperation with a non-Federal sponsor or sponsors who shall pay at least 25 per centum of construction costs at each site and assume operation and maintenance costs upon completion of the project.

SHORELINE EROSION ADVISORY PANEL

(d) (1) No later than one hundred and twenty days after the date of enactment of this Act the Secretary of the Army shall establish a Shoreline Erosion Advisory Panel. The Secretary shall appoint fifteen members to such Panel from among individuals who are knowledgeable with respect to various aspects of shoreline erosion, with representatives from various geographical areas, institutions of higher education, professional organizations, State and local agencies, and private organizations: *Provided*, That such individuals shall not be regular full-time employees of the United States. The Panel shall meet and organize within ninety days from the date of its establishment, and shall select a Chairman from among its members. The Panel shall then meet at least once each six months thereafter and shall expire ninety days after termination of the five-year program established pursuant to section 3.

(2) The Panel shall—

(a) advise the Secretary of the Army generally in carrying out provisions of this Act;

(b) recommend criteria for the selection of development and demonstration sites;

(c) recommend alternative institutional, legal, and financial arrangements necessary to effect agreements with non-Federal sponsors of project sites;

(d) make periodic reviews of the progress of the program pursuant to this Act;

(e) recommend means by which the knowledge obtained from the project may be made readily available to the public; and

(f) perform such functions as the Secretary of the Army may designate.

(3) Members of the Panel shall, while serving on business of the Panel be entitled to receive compensation at rates fixed by the Secretary of the Army, but not in excess of $100 per day, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in Government service employed intermittently.

(4) The Panel is authorized, without regard to the civil service laws, to engage such technical and other assistance as may be required to carry out its functions.

PROGRAM AND PROGRESS REPORT

(e) The Secretary of the Army shall prepare and submit annually a program progress report, including therein contributions of the Shoreline Erosion Advisory Panel, to the chairman of the Senate and House of Representatives Committees on Public Works. The fifth and final report shall be submitted sixty days after the fifth fiscal year of funding and shall include a comprehensive evaluation of the national shoreline erosion control development and demonstration program.

APPROPRIATIONS

(f) There is authorized to be appropriated for the fiscal year ending June 30, 1973, and the succeeding four fiscal years, a total of not to exceed $6,000,000 to carry out the provisions of this Act. Sums appropriated pursuant to this section shall remain available until expended.

SEC. 104. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to investigate, plan, and construct projects for the control of streambank erosion in the United States, its possessions, and the Commonwealth of Puerto Rico, in the interests of reducing damages from erosion, the deposition of sediment in lakes and waterways, the destruction of channels and adjacent lands, and other adverse effects of streambank erosion, when in the opinion of the Chief of Engineers such projects are consistent with the objectives of sound flood plain management and will result in substantial public benefits through the provision of needed protection to public, residential, and commercial properties.

(b) No such project shall be constructed under this section if the estimated Federal first cost exceeds $250,000. Any such project shall be complete in itself and not commit the United States to any additional improvement to insure its successful operation, except as may result from the normal procedure applying to projects authorized after submission of survey reports.

(c) For all projects undertaken pursuant to this Act, appropriate non-Federal interests shall furnish assurances satisfactory to the Secretary of the Army that they will—

(1) provide without costs to the United States all lands, easements, and rights-of-way necessary for the construction of the project;

(2) hold and save the United States free from damages due to construction;

(3) operate and maintain all the works after completion in accordance with regulations prescribed by the Secretary of the Army; and

(4) contribute 25 per centum of the first cost of the project.

(d) The authority contained in this section is supplemental to, and not in lieu of, the authority contained in section 14 and of the Act approved July 24, 1946 (60 Stat. 653), as amended.

(e) There is authorized to be appropriated not to exceed $10,000,000 per annum for the construction of the projects authorized by this section.

SEC. 105. (a) The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized and directed to (1) make an intensive evaluation of streambank erosion along the Ohio River with particular emphasis on the reach from Chester to Kenova, West Virginia, with a view to determining whether bank protection works should be provided at this time; (2) develop and evaluate new methods and techniques for bank protection, conduct research on soil stability, identify the causes of erosion, and recommend means for prevention and correction of the problems; and (3) report to Congress the results of the studies together with his recommendations in connection therewith.

(b) In view of the serious bank erosion problems along the Ohio River, the Secretary of the Army is authorized to undertake measures to construct and evaluate demonstration projects as determined by the Chief of Engineers: *Provided*, That, prior to construction, local interests furnish assurances satisfactory to the Secretary of the Army that they will provide without cost to the United States lands, easements, and rights-of-way necessary for construction and subsequent operation of the projects; hold and save the United States free from damages due to construction, operation, and maintenance of the projects, and operate and maintain the projects upon completion.

SEC. 106. (a) The project for navigation in the Atchafalaya River and Bayous Chene, Boeuf, and Black, Louisiana, authorized by the River and Harbor Act of 1968 (82 Stat. 731) is hereby modified to provide that the local interests shall contribute 25 per centum of the costs of areas required for initial and subsequent disposal of spoil, and of necessary retaining dikes, bulkheads, and embankments therefor.

(b) the requirements for appropriate non-Federal interest of interests to furnish an agreement to contribute 25 per centum of the construction costs as set forth in subsection (a) shall be waived by the Secretary of the Army upon a finding by the Administrator of the Environmental Protection Agency that for the area to which such construction applies, the State or States involved, interstate agency, municipality, and other appropriate political subdivisions of the State and industrial concerns are participating in and in compliance with an approved plan for the general geographical area of the dredging activity for construction, modification, expansion, or rehabilitation of waste treatment facilities and the Administrator has found that applicable water quality standards are not being violated.

SEC. 107. That portion of the Hudson River in New York County, State of New York, bounded and described as follows is hereby declared to be not a navigable water of the United States within the meaning of the laws of the United States, and the consent of Congress is hereby given to the filling in of all or any part thereof or the erection of permanent-pole-supported structures thereon:

Beginning at a point on the United States bulkhead line lying southerly one hundred forty feet from the intersection of said bulkhead line and the northerly line of West Forty-seventh Street extended westerly;

thence westerly along a line perpendicular to said bulkhead line to a point one hundred feet easterly of the United States pierhead line;

thence southerly along a line parallel to said bulkhead line eight hundred eighty-six feet three inches;

thence easterly along a line perpendicular to said bulkhead line to the point of beginning.

This declaration shall apply only to portions of the above-described area which are bulkheaded and filled or occupied by permanent pile-supported structures. Plans for bulkheading and filling and/or permanent pile-supported structures shall be approved by the Secretary of the Army, acting through the Chief of Engineers, on the basis of engineering studies to determine the location and structural stability of the bulkheading and filling and/or permanent pile-supported structures in order to preserve and maintain the remaining navigable waterway. Local interests shall reimburse the Federal Government for any engineering costs incurred under this section.

SEC. 108. Section 113 of the Rivers and Harbors Act of 1968 is hereby amended to read as follows:

"SEC. 113. Those portions of the East and Hudson Rivers in New York County, State of New York, lying shoreward of a line within the United States pierhead line as it exists on the date of enactment of this Act, and bounded on the north by the north side of Spring Street extended westerly and the south side of Rutgers Slip extended eastwardly, are hereby declared to be nonnavigable waters of the United States within the meaning of the laws of the United States. This declaration shall apply only to portions of the above-described area which are bulkheaded and filled or are occupied by permanent pile-supported structures. Plans for bulkheading and filling and permanent pile-supported structures shall be approved by the Secretary of the Army, acting through the Chief of Engineers, on the basis of engineering studies to determine the location and structural stability of the bulkheading and filling and permanent pile-supported structures in order to preserve and maintain the remaining navigable waterway. Local interests shall reimburse the Federal Government for any engineering costs incurred under this section."

SEC. 109. Notwithstanding section 105 of the Rivers and Harbor Act of 1966 (80 Stat. 1406) or any other provision of the law, the States of Illinois and Missouri, which are connected by the bridge constructed by the city of Chester, Illinois, pursuant to Public Law 76–751 and Public Law 85–512, are authorized to contract individually or jointly with the city of Chester, Illinois, on or before June 1, 1974, to assume responsibility for the operation, maintenance, and repair of the Chester Bridge and the approaches thereto and lawful expenses incurred in connection therewith (exclusive of principal, interest, and financing charges on the outstanding indebtedness on such bridge and approaches). When either or both States enter into such an agreement, all tolls thereafter charged for transit over such bridge shall, except as provided in the last two sentences of this section, be used exclusively (a) to retire outstanding indebtedness (including reasonable interest and financing charges) on the bridge and approaches thereto and (b) credited into a sinking fund established for such bridge. No tolls shall be charged for transit over such bridge after the outstanding indebtedness on the bridge and approaches (including reasonable interest and financing charges) has been retired, or sufficient funds are available through the sinking fund to pay off all outstanding indebtedness (including reasonable interest and financing charges) on such bridges and approaches. If a State declines or is unable to participate in the agreement authorized by this section, the other State may assume the responsibilities such State would have assumed under such an agreement. In that event, the assuming State shall be entitled to receive from toll revenues, after provision is made for principal and interest payments on any indebtedness then outstanding on the bridge and its approaches, as reimbursement, an amount of money (no less often than annually) which is equal to the nonparticipating State's fair share of the operating, maintenance, repair, and other lawful costs incurred in connection with the bridge and its approaches.

SEC. 110. Notwithstanding any other provision of law, the States of Illinois and Iowa, which are connected at Keokuk, Iowa, by the bridge constructed by the Keokuk and Hamilton Bridge Company pursuant to Public Law 63–342 and at Burlington, Iowa, by the bridge constructed by the Citizens' Bridge Company, pursuant to Public Law 64–1, are authorized to contract individually or jointly with either or both of the cities of Keokuk, Iowa, and Burlington, Iowa, on or before June 1, 1974, to assume responsibility for the operation, maintenance, and repair of the bridges at Keokuk and Burlington and the approaches thereto and lawful expenses incurred in connection therewith. When either or both States have entered into such an agreement any outstanding principal and interest indebtedness on account of a bridge shall be paid from reserve funds accumulated for that purpose and the balance of said funds, if any, shall be used to defray costs of operating and maintaining the bridge. After such an agreement is entered into with respect to a bridge, that bridge shall thereafter be free of tolls.

SEC. 111. Title I of this Act may be cited as the "River and Harbor Act of 1972".

TITLE II—FLOOD CONTROL

SEC. 201. Sections 201 and 202 and the last three sentences in section 203 of the Flood Control Act of 1968 shall apply to all projects authorized in this title. The following works of improvement for the benefit of navigation and the control of destructive floodwaters and other purposes are hereby adopted and authorized to be prosecuted by the Secretary of the Army, acting through the Chief of Engineers, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated.

POTOMAC RIVER BASIN

The project for Verona Dam and Lake, Virginia, for flood protection and other purposes is hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in House Document Numbered 91–343, at an estimated cost of $34,350,000.

The project for Sixes Bridge Dam and Lake, Maryland, is hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in House Document Numbered 91–343, at an estimated cost of $30,700,000.

SANTEE RIVER BASIN

The project for Clinchfield Dam and Lake on Broad River, North Carolina and South Carolina, Santee River Basin, for flood protection, and other purposes, is hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in his report on the Development of Water Resources in Appalachia, dated April 1971, at an estimated cost of $58,565,000, except that no funds shall be appropriated for this project until is it approved by the Appalachian Regional Commission and the President.

MIDDLE ATLANTIC COASTAL AREA

The project for hurricane-flood protection at Norfolk, Virginia, authorized by the River and Harbor Acts approved September 3, 1954, and October 23, 1962, as amended and modified, is hereby further modified and expanded to provide for beach erosion control and hurricane-flood protection between Rudee Inlet and Eighty-ninth Street of Virginia Beach substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–365, at an estimated cost of $17,010,000.

JAMES RIVER BASIN

The project for flood protection for the city of Buena Vista on the Maury River, Virginia, is hereby authorized substantially in accordance with the recommendations of the Board of Engineers for Rivers and Harbors in its report dated August 30, 1972, at an estimated cost of $11,539,000, except that no funds shall be appropriated for this project until it is approved by the Secretary of the Army and the President.

DELAWARE RIVER BASIN

The project for Tamaqua Local Protection Project on Wabash Creek, Pennsylvania, Delaware River Basin, for flood protection, and other purposes, is hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in his report on the Development of Water Resources in Appalachia, dated April 1971, at an estimated cost of $2,355,000, except that no funds shall be appropriated for this project until it is approved by the Appalachian Regional Commission and the President.

YADKIN RIVER BASIN

The project for flood protection and other purposes on the Roaring River, Yadkin River Basin, in the area of Winston-Salem, North Carolina, is hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in his report on the Development of Water Resources in Appalachia, dated April 1971, at an estimated cost of $10,758,000, except that no funds shall be appropriated for this project until it is approved by the Appalachian Regional Commission and the President.

POCATALICO RIVER BASIN

The project for flood control, water supply, and related purposes, in the Pocatalico River Basin, West Virginia, is hereby authorized substantially in accordance with the recommendations contained in the Pocatalico River Basin Joint Study Interim Report prepared by the Corps of Engineers and the Soil Conservation Service, at an estimated cost of $7,545,400, except that no funds shall be appropriated for this project until it is approved by the President.

SALT RIVER BASIN

The project for Camp Ground Lake on Beech Fork in the Salt River Basin, Kentucky, for flood protection and other purposes, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated September 25, 1972, at an estimated cost of $50,800,000, except that no funds shall be appropriated for this project until it is approved by the Secretary of the Army and the President.

LICKING RIVER BASIN

The project for flood protection on the Licking River, Falmouth, Kentucky, is hereby authorized substantially in accordance with the levee plan considered during the 1971 studies (directed by House of Representtives Report (Numbered 91-697) as contained in the Special Report of the Corps of Engineers (Senate Committee on Public Works print numbered 92-26).

That the Midland Local Protection Project, in Kentucky, for flood protection and other purposes, is hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in his report on the Development of Water Resources in Appalachia, dated April 1971, at an estimated cost of $8,230,000, except that no funds shall be appropriated to carry out this section until the project is approved by the Appalachian Regional Commission and the President. Planning and construction shall also be coordinated and compatible with the Midland New Community plans recognized in preapplication approval by the Office of New Communities, Department of Housing and Urban Development.

LOWER MISSISSIPPI RIVER

The West Tennessee Tributaries Feature, Mississippi River and Tributaries project (Obion and Forked Deer Rivers), Tennessee, authorized by the Flood Control Acts approved June 30, 1948 and November 7, 1966, as amended and modified, is hereby further modified and expanded to provide for the acquisition and development of approximately fourteen thousand and four hundred acres of land for fish and wildlife management purposes, development of the Gooch and Tigrett Wildlife Management Areas, and minor channel modifications substantially in accordance with the recommendations of the Chief of Engineers in his report dated March 28, 1972, at an estimated cost of $6,600,000.

The project for flood control for Perry County Drainage and Levee Districts Numbered 1, 2, and 3, Missouri, authorized by the Flood Control Act approved July 24, 1946, is hereby modified and expanded to provide for interior flood control substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-360, at an estimated cost of $2,698,000.

The Cache River Basin Feature, Mississippi River and Tributaries project, Arkansas, authorized by the Flood Control Act approved October 27, 1965, is hereby modified and expanded to provide for acquisition by fee or by environmental easement of not less than 70,000 acres for mitigation lands for fish and wildlife management purposes at an estimated cost of $5,232,000. Local interests shall contribute 50 per centum of any costs incurred in excess of $4,740,000 in acquiring such property rights. An environmental easement shall prevent clearing of the subject land for commercial agricultural purposes or any other purpose inconsistent with wildlife habitat and shall allow any landowner to manage the subject lands to provide a perpetual, regularly harvested hardwood forest, which may be harvested in such a manner as to provide food and habitat for a variety of wildlife. No action may be initiated for any other taking of prospective mitigation lands until an offer has been made to the land owner thereof to take an environmental easement: *Provided*, That no less than 30,000 acres shall be open for public access. If any landowner commences the clearing of prospective mitigation land, condemnation proceedings may be commenced at any time after an offer to take an environmental easement has been made but not accepted. No more than $25 per acre shall be paid for environmental easements. Easement-taking offers shall allow the landowner the choice of keeping access subject to private control or allowing public access. The price paid for easements not allowing public access shall take account of the value of hunting and fishing rights not included in the taking and be reduced accordingly.

PASCAGOULA RIVER BASIN

The project for flood protection and other purposes on Bowie Creek, Mississippi, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-359 at an estimated cost of $32,410,000.

PEARL RIVER BASIN

The project for flood control and other purposes on the Pearl River, Mississippi, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-282, at an estimated cost of $38,146,000.

UPPER MISSISSIPPI RIVER BASIN

The project for reducing flood damage at Prairie du Chien, Wisconsin, by floodproofing or evacuation and relocation of structures in the flood plain, and management of the evacuated flood plain in accordance with applicable State laws and adopted city codes is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated February 9, 1972, at an estimated cost of $2,300,000, except that no funds shall be appropriated for this project until it is approved by the Secretary of the Army and the President.

DES MOINES RIVER

The improvements to the local flood control project at Ottumwa, Iowa, on the Des Moines River to increase the discharge efficiency of the city's North Side interceptor serves to reduce flood damage are hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-197, at an estimated cost of $76,000.

SPRING RIVER BASIN

The project for flood control and other purposes on Center Creek near Joplin, Missouri, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-361, at an estimated cost of $14,600,000.

GRAND RIVER BASIN

The project for Pattonsburg Dam and Lake on the Grand River, Missouri, for flood protection and other purposes authorized by the Flood Control Act, approved August 13, 1968, is hereby modified to include hydroelectric power generating facilities during initial construction of the project, substantially in accordance with the recommendations of the Board of Engineers for Rivers and Harbors in their report dated August 30, 1972, at an estimated additional cost of $28,620,000; except that no funds shall be appropriated until the modification is approved by the Secretary of the Army and the President.

GREAT LAKES BASIN

The project for flood protection at Point Place, Toledo, Ohio, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-363, at an estimated cost of $960,000.

COLORADO RIVER BASIN

The project for flood control on Beals Creek, Texas, in the Colorado River Basin is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-115, at an estimated cost of $2,526,000.

PEYTON CREEK

The project for the improvement of Peyton Creek and tributaries, Texas, for flood control and major drainage is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-341, at an estimated cost of $8,490,000.

GUADALUPE RIVER BASIN

The project for flood control and other purposes on the Blanco River in the Edwards underground reservoir area, Guadalupe River Basin, Texas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-364, at an estimated cost of $42,271,000.

UMPQUA RIVER BASIN

The project for Days Creek Dam, on the South Umpqua River, Oregon, for flood protection and other purposes, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated September 15, 1972, at an estimated cost of $113,000,000, except that no funds shall be appropriated to carry out this section until the project is approved by the Secretary of the Army and the President.

SEC. 202. (a) The comprehensive plan for flood control and other purposes in the White River Basin, as authorized by the Act of June 28, 1938 (52 Stat. 1215), and as modified and amended by subsequent Acts, is further modified to provide for a free highway bridge built to modern standards over the Norfolk Lake at an appropriate location in the area where United States Highway 62 and Arkansas State Highway 101 were inundated as a result of the construction of the Norfolk Dam and Lake. Such bridge shall be constructed, maintained, and operated by the Chief of Engineers, Department of the Army, in accordance with such plans as are determined to be satisfactory by the Secretary of the Army in order to provide adequate crossing facilities over such lake for highway traffic in the area.

(b) The cost of constructing the bridge authorized in this section shall be borne by the United States except that the State of Arkansas shall be required to pay as its share of the cost of constructing such bridge the sum of $1,342,000 plus interest for the period from May 29, 1943, to the date of the enactment of this Act. Such interest shall be computed at a rate determined by the Secretary of the Treasury to be equal to the average annual rate on all interest-bearing obligations of the United States forming a part of the public debt on May 29, 1943, and adjusted to the nearest one-eighth of 1 per centum. The share to be paid by the State of Arkansas represents the amount paid by the United States to the State of Arkansas as insufficient compensation for the highways inundated as a result of the construction of the Norfolk Dam and Lake plus interest from the date of payment.

SEC. 203. (a) The project for flood control below Chatfield Dam on the South Platte River, Colorado, authorized by the Flood Control Act of 1950 (64 Stat. 175), is hereby modified to authorize the Secretary of the Army, in his discretion, to participate with non-Federal interests in the acquisition of lands and interests therein and in the development of recreational facilities immediately downstream of the Chatfield Dam, in lieu of a portion of the authorized channel improvements, for the purpose of flood control and recreation.

(b) Such participation shall (1) consist of the amount of savings realized by the United States, as determined by the Secretary of the Army, in not constructing that portion of the authorized channel improvement below the dam, together with such share of any land acquisition and recreation development costs, over and above that amount, that is comparable to the share available under similar Federal programs providing financial assistance for recreation and open spaces; (2) in the instance of the aforementioned land acquisition, be restricted to those lands deemed necessary by the Secretary of the Army for flood control purposes, and (3) not otherwise reduce the local cooperation required under the project.

(c) Prior to the furnishing of the participation authorized by this Act, non-Federal interests shall agree to prevent any encroachments in needed flood plain detention areas which would reduce their capability for flood detention and recreation.

SEC. 204. (a) Subject to the provisions of subsection (b) of this section, the Secretary of the Army is authorized and directed to convey to the Mountrail County Park Commission of Mountrail County, North Dakota, all rights, title, and interest of the United States in and to the following described tracts of land:

TRACT NUMBER 1

All of the land which lies landward of a line, which line is 300 feet above the measured horizontally from contour elevation 1850 mean sea level of old Van Hook Village in the northwest quarter of section 32, township 152, range 91 west of the fifth guide meridian.

TRACT NUMBER 2

All of the land which lies landward of a line, which line is 300 feet above and measured horizontally from contour elevation 1850 mean sea level of Olson's first addition, part of the southwest quarter of section 29, township 152, range 91 west of the fifth guide meridian.

TRACT NUMBER 3

Hodge's first addition, part of the northeast quarter of section 32, township 152, range 91 west of the fifth guide meridian.

(b) (1) The conveyance of such portion of the lands described in subsection (a) as is being used by the North Dakota State Game and Fish Department for wildlife management purposes shall not become effective until the termination of the license granted to such department for such use either in accordance with its original terms on October 31, 1980, or at any time prior thereto.

(2) The lands conveyed pursuant to this section shall be used by the Mountrail County Park Commission, Mountrail County, North Dakota, solely for public park and recreational purposes, and if such lands are ever used for any other purpose, title thereto shall revert to, and become the property of, the United States which shall have the right of immediate entry thereon.

(3) The conveyance authorized by this section shall be subject to such other terms and conditions as the Secretary of the Army deems to be in the public interest.

(c) The Mountrail County Park Commission shall pay the costs of such surveys as may be necessary to determine the exact legal description of the lands to be conveyed and such sums as may be fixed by the Secretary of the Army to compensate the United States for its administrative expenses in connection with the conveyance of such lands, which sum shall be covered into the Treasury into miscellaneous expenses.

SEC. 205. Section 208 of the Flood Control Act of 1954 (68 Stat. 1256, 1266) is hereby amended by striking out "$2,000,000" and inserting in lieu thereof "$5,000,000", and by striking out "$100,000" and inserting in lieu thereof $250,000".

SEC. 206. Section 14 of the Act approved July 24, 1946 (60 Stat. 653) is hereby amended to read as follows:

"SEC. 14. The Secretary of the Army is authorized to allot from any appropriations heretofore or hereafter made for flood control, not to exceed $5,000,000 per year, for the construction of emergency bank protection works to prevent flood damage to highways, bridge approaches, public works, churches, hospitals, schools, and other nonprofit public services, when in the opinion of the Chief of Engineers such work is advisable: *Provided*, That not more than $250,000 shall be allotted for this purpose at any single locality from the appropriations for any one fiscal year."

SEC. 207. The project for flood protection on the Pequonnock River, Connecticut, authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1405) is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to advance to the town of Trumbull, Connecticut, such sums as may be necessary to provide, prior to construction of the project, municipal sewage disposal service to the Saint Joseph's Manor Nursing Home. Such advance, less the amount determined by the Secretary of the Army as representing increased costs resulting from construction of such service out of the planned sequence, shall be prepaid by the town, with interest, within ten years of the date of enactment of this Act.

SEC. 208. Section 213 of the Flood Control Act of 1970 (84 Stat. 1824, 1829) is hereby amended to read as follows:

"SEC. 213. The Secretary of the Army, acting through the Chief of Engineers, is authorized to resolve the seepage and drainage problem in the vicinity of the town of Niobrara, Nebraska, that may be related to operation of Gavins Point Dam and Lewis and Clark Lake project, Nebraska and South Dakota, subject to a determination by the Chief of Engineers with the approval of the Secretary of the Army, of the most feasible solution thereto, at an estimated cost of $11,400,000."

SEC. 209. Subsection (f) of section 221 of the Flood Control Act of 1970 is amended by striking out "January 1, 1972" and inserting in lieu thereof "January 1, 1974".

SEC. 210. The portion of the project for flood protection on Chartiers Creek that is within Allegheny County, Pennsylvania, authorized by section 204 of the Flood Control Act of 1965 (Public Law 89–298), shall be designated as the "James G. Fulton Flood Protection Project". Any reference to such project in any law, regulation, map, document, record, or other paper of the United States shall be held to be a reference to the "James G. Fulton Flood Protection Project".

SEC. 211. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake such emergency bank stabilization measures as are necessary to protect the Sacred Heart Hospital in Yankton, South Dakota, from damages caused by bank erosion downstream of Gavins Point Dam, Missouri River.

SEC. 212. The Beaver Dam in the State of Arkansas shall hereafter be known as the James W. Trimble Dam, and any law, regulation, document, or record of the United States in which such dam is designated or referred to shall be held to refer to such dam under and by the name of "James W. Trimble Dam."

SEC. 213. The Secretary of the Army, acting through the Chief of Engineers, is authorized to amend the contract between the city of Aberdeen, Washington, and the United States for use of storage space in the Wynoochee Dam and Lake on the Wynoochee River, Washington, for municipal and industrial water supply purposes so as to provide that the initial and subsequent payments for the present demand water supply storage under the contract may be deferred for a period of up to ten years.

SEC. 1214. The project for Wynoochee Dam and Lake, Wynoochee River, Washington, authorized by the Flood Control Act approved October 23, 1962 (76 Stat. 1193), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to transfer to the State of Washington, as a part of project costs, an amount estimated at $664,000 for construction of fish hatchery facilities for mitigation of losses of natural spawning areas for anadromous trout occasioned by project construction.

SEC. 215. Section 7 of the River Basin Monetary Authorization and Miscellaneous Civil Works Amendment Act of 1970 (84 Stat. 310) is hereby amended to read as follows:

"SEC. 7. That the project for Libby Dam, Kootenai River, Montana, is hereby modified to provide that funds available for such project, in an amount estimated at $4,000,000, may be used in the construction of fish hatchery facilities and the performance of related services, for mitigation of fish losses occasioned by the project, in a manner deemed appropriate by the Secretary of the Army, acting through the Chief of Engineers."

SEC. 216. (a) The project for Libby Dam, Kootenai River, Montana, authorized by the Flood Control Act approved May 17, 1950 (64 Stat. 170) is hereby modified to provide that the Secretary of the Army, hereinafter designated as the "Secretary", in order to conform with the purposes of the Fish and Wildlife Coordination Act of August 12, 1958 (72 Stat. 563) is authorized to acquire not more than twelve thousand acres of land for the mitigation of wildlife grazing losses caused by the project, and to participate with the State of Montana in the maintenance of such lands for wildlife grazing purposes.

(b) The Secretary is further authorized and directed to convey without monetary consideration, to the State of Montana all right, title, and interest of the United States in the land acquired under subsection (a) above, for use for wildlife grazing purposes, and to execute such other documents and perform such other acts as may be necessary or appropriate in connection with the operation and maintenance of the lands by the State of Montana for wildlife grazing purposes. The deed of conveyance shall provide that the land shall revert to the United States in the event it ever ceases to be used for wildlife grazing purposes.

SEC. 217. The project for Libby Dam (Lake Koocanusa), Montana, authorized by the Flood Control Act approved May 17, 1950 (64 Stat. 170), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized to compensate the drainage districts and owners of levied and unlevied tracts, in Kootenai Flats, Boundary County, Idaho, for modification to facilities including gravity drains, structures, pumps, and additional pumping operational costs made necessary by, and crop and other damages resulting from, the duration of higher flows during drawdown operations at Libby Dam.

SEC. 218. The project for Libby Dam (Lake Koocanusa), Montana, authorized by the Flood Control Act approved May 17, 1950 (64 Stat. 170), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized to reimburse Boundary County, Idaho, for the cost incurred to elevate, relocate, or reconstruct the bridge, located at the mouth of Deep Creek as it joins the Kootenai River, made necessary by the duration of higher flows during drawdown operations at Libby Dam.

SEC. 219. The project for hurricane-flood control protection from Cape Fear to the North Carolina-South Carolina State line, North Carolina, authorized by the Flood Control Act of 1966 (80 Stat. 1418, 1419) is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, may enter into an agreement with non-Federal public bodies to provide for reimbursement of installation costs incurred by such bodies, or an equivalent reduction in the contributions they are otherwise required to make, or a combination thereof, in an amount not to exceed $2,000,000, for work to be performed in the project, subject to the provisions of subsections (b) through (e) of section 215 of the Flood Control Act of 1968.

SEC. 220. The bridge to be built as a part of Interstate Route 35 in the State of Missouri over the Grand River shall be constructed at an elevation sufficient to allow for a maximum pool elevation of eight hundred and thirty-six feet above mean sea level in the proposed Pattonsburg Dam and Lake project.

SEC. 221. Section 205 of the Flood Control Act of 1948 (62 Stat. 1182), as amended (33 U.S.C. 701s), is amended by deleting "$25,000,000" and inserting in lieu thereof $50,000,000", and is further amended by deleting "$1,000,000" and inserting in lieu thereof "$2,000,000".

SEC. 222. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to perform channel clean-out operations and snagging and clearing for selected streams where chronic and persistent flood conditions exist in the lower Guyandot River Basin, West Virginia, for the purpose of improving channel capacities, visual environment, and human well-being all in the interest of flood control. Such operations shall be performed as an interim measure pending completion of the R. D. Bailey Lake project at a total cost not to exceed $2,000,000. Appropriate non-Federal public interests as determined by the Secretary of the Army, acting through the Chief of Engineers, shall, prior to initiation of remedial operations, furnish assurances satisfactory to the Secretary of the Army that they will furnish the necessary lands, disposal areas, easements and rights-of-way, and hold and save the United States free from damages due to the clean-out operations.

SEC. 223. Section 224 of the Flood Control Act of 1970 (84 Stat. 1824, 1832) is hereby amended by deleting the comma following "$10,000,000", inserting a period in lieu thereof, and deleting the remainder of the section.

SEC. 224. (a) The Secretary of the Army, acting through the Chief of Engineers is authorized to perform such work as may be necessary to provide for the repair and conversion to a fixed-type structure of dam numbered 3 on the Big Sandy River, Kentucky and West Virginia.

(b) The work authorized by this section shall have no effect on the condition that local interests shall own, operate, and maintain the structure and related properties as required by the Act of August 6, 1956 (70 Stat. 1062).

SEC. 225. (a) The Secretary of the Army (hereinafter the "Secretary") through the Chief of the Corps of Engineers and in accordance with the national recreation area concept included in the interagency report prepared pursuant to section 218 of the Flood Control Act of 1968 (Public Law 90–483) by the United States Army Corps of Engineers, the Department of the Interior, and the Department of Agriculture as modified by this Act, is authorized and directed to establish on the Big South Fork of the Cumberland River in Kentucky and Tennessee the Big South Fork National River and Recreation Area for the purposes of conserving and interpreting an area containing unique cultural, historic, geologic, fish and wildlife, archeologic, scenic, and recreational values, preserving as a natural, free-flowing stream the Big South Fork of the Cumberland River, major portions of its Clear Fork and New River stems, and portions of their various tributaries for the benefit and enjoyment of present and future generations, the preservation of the natural integrity of the scenic gorges and valleys, and the development of the area's potential for healthful outdoor recreation. The boundaries shall be as generally depicted on the drawing entitled "Big South Fork National River and Recreation Area" numbered CSF–1 and dated September 26, 1972, which shall be on file and available for public inspection in the offices of the United States Army Corps of Engineers.

(b) The Secretary shall establish the Big South Fork National River and Recreation Area by publication of notice thereof in the Federal Register when he determines that the United States has acquired an acreage within the boundaries of the National River and Recreation Area that is efficiently administrable for the purposes of this Act. The Secretary may revise the boundaries from time to time, but the total acreage within such boundaries shall not exceed one hundred and twenty-five thousand.

(c) (1) Within the boundaries of the Big South Fork National River and Recreation Area, the Secretary may acquire lands and waters or interests therein by donation, purchase with donated or appropriated funds, or exchange or otherwise except that lands owned by the States of Kentucky and Tennessee or any political subdivisions thereof may be acquired only by donation and may exercise the power of eminent domain when necessary. When an individual tract of land is only partly within the boundaries of the national river, the Secretary may acquire all of the tract by any of the above methods in order to avoid the payment of severance costs. Land so acquired outside of the boundaries of the national river and recreation area may be exchanged by the Secretary for non-Federal lands within the national river and recreation area boundaries, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U.S.C. 471 et seq.), as amended. Notwithstanding any other provision of law, any Federal property within the boundaries of the national river and recreation area shall be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of this Act.

(2) With the exception of property or any interest in property that the Secretary determines is necessary for purposes of administration, preservation, or public use, any owner or owners (hereinafter in this section referred to as "owner") of improved property used solely for noncommercial residential purposes on the date of its acquisition by the Secretary may retain the right of use and occupancy of such property for such purposes for a term, as the owner may elect, ending either (A) upon the death of the owner or his spouse, whichever occurs later, or (B) not more than twenty-five years from the date of acquisition. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the term retained by the owner. Such right (i) shall be subject to such terms and conditions as the Secretary deems appropriate to assure that the property is used in accordance with the purposes of this Act, (ii) may be transferred or assigned, and (iii) may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential purposes, and upon tender to the holder of the right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

Any person residing upon improved property, subject to the right of acquisition by the Secretary, as a tenant or by the sufferance of the owner or owners of the property may be allowed to continue in said residence for the lifetime of said person or his spouse, whichever occurs later, subject to the same restrictions as applicable to owners residing upon such property, and provided that any obligation or rental incurred as consideration for said tenancy shall accrue during said term to the Department of the Army to be used in the administration of this Act.

(3) As used in this subsection the term "improved property" means a detached year-round one-family dwelling which serves as the owner's permanent place of abode at the time of acquisition, and construction of which was begun before January 1, 1972, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use: *Provided*, That the Secretary may exclude from any improved property any waters or land fronting thereon, together with so much of the land adjoining such waters or land as he deems necessary for public access thereto.

(4) In any case where the Secretary determines that underlying minerals are removable consistent with the provisions of subsection (e) (3) of this Act, the owner of the minerals underlying property acquired for the purposes of this Act may retain said interest. The Secretary shall reserve the right to inspect and regulate the extraction of said minerals to insure that the values enumerated in subsection (a) are not reduced and that the purposes declared in subsection (e) (1) are not interfered with.

(d) The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the Big South Fork National River and Recreation Area in accordance with applicable Federal and State laws, except that he may designate zones where and establish periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any rules and regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State agency responsible for hunting, fishing, and trapping activities.

(e) (1) It is the intent of Congress that the establishment and management of the Big South Fork River and Recreation Area shall be for the purposes of preserving and interpreting the scenic, biological, archeological, and historical resources of the river gorge areas and developing the natural recreational potential of the area for the enjoyment of the public and for the benefit of the economy of the region. The area within the boundary of the river and recreation area shall be divided into two categories; namely, the gorge areas and adjacent areas as hereinafter defined.

(2) (A) Within the gorge area, no extraction of or prospecting for minerals, petroleum products, or gas shall be permitted. No timber shall be cut within the gorge area except for limited clearing necessary for establishment of day-use facilities, historical sites, primitive campgrounds, and access roads. No structures shall be constructed within the gorge, except for reconstruction and improvement of the historical sites specified in subsections (5) and (6) of this subsection and except for necessary day-use facilities along the primary and secondary access routes specified herein and within five hundred feet of such roads, and except for primitive campgrounds accessible only by water or on foot. No motorized transportation shall be allowed in the gorge area except on designated access routes.

(B) Primary access routes into the gorge area may be constructed or improved upon the general route of the following designated roads: Tennessee Highway Numbered 52, FAS 2451 (Leatherwood Ford Road), the road into the Blue Heron Community, and Kentucky Highway Numbered 92.

(C) Secondary access roads in the gorge area may be constructed or improved upon the following routes: the roads from Smith Town, Kentucky to Worley, Kentucky, the road crossing the Clear Fork at Burnt Mill Bridge, the road from Goad, Tennessee to Zenith, Tennessee, the road from Co-Operative, Kentucky to Kentucky Highway Numbered 92, the road entering the gorge across from the mouth of Alum Creek in Kentucky, the road crossing the Clear Fork at Peters Bridge.

(D) All other existing roads in the gorge area shall be maintained for nonvehicular traffic only: *Provided*, That nothing in this subsection shall abrogate the right of ingress and egress of those who remain in occupancy under subsection (c) (1) of this section.

(E) Road improvement or maintenance and any construction of roads or facilities in the gorge area as permitted by this subsection shall be accomplished by the Secretary in a manner that will protect the declared values of this unique natural scenic resource.

(3) In adjacent areas: the removal of timber shall be permitted only where required for the development or maintenance of public use and for administrative sites and shall be accomplished with careful regard for scenic and environmental values; prospecting for minerals and the extration of minerals from the adjacent areas shall be permitted only where the adit to any such mine can be located outside the boundary of the recreation area; no surface mining or strip mining shall be permitted; prospecting and drilling for petroleum products and natural gas shall be permitted in the adjacent area under such regulations as the Secretary may prescribe to minimize detrimental environmental impact, such regulations shall provide among other things for an area limitation for each such operation, zones where operations will not be permitted, safeguards to prevent air and water pollution; no storage facilities for petroleum products or natural gas shall be located within the boundary of the project; the Secretary is authorized to construct two lodges with recreational facilities within the adjacent areas so as to maximize and enhance public use and enjoyment of the entire area; construction of all roads and facilities in the adjacent areas shall be undertaken with careful regard for the maintenance of the scenic and esthetic values of the gorge area and the adjacent areas.

(4) The gorge area as set out in subsections (1) and (2) of this section shall consist of all lands and waters of the Big South Fork and its primary tributaries that lie within the gorge or valley rim on either side, excepting that no lands or waters north of Kentucky Highway Numbered 92 shall be included. Where the rim is not clearly defined by topography, the gorge boundary shall be established at an elevation no lower than that of the nearest clearly marked rim on the same side of the valley. The designated adjacent areas shall consist of the balance of the project area.

(5) The Secretary shall consult and cooperate with the Tennessee Historical Commission and the Rugby Restoration Association and with other involved agencies and associations, both public and private, concerning the development and management of the Big South Fork River and Recreation Area in the area adjacent to Rugby Tennessee. Development within this area shall be designed toward preserving and enhancing the historical integrity of the community and any historical sites within the boundary of the project.

(6) The Secretary shall provide for the restoration of the Blue Heron Mine community in a manner which will preserve and enhance the historical integrity of the area and will contribute to the public's understanding and enjoyment of its historical value. To that end the Secretary may construct and improve structures within and may construct and improve a road into this community notwithstanding any other provision of this Act.

(7) The Secretary shall study the desirability and feasibility of reestablishing rail transportation on the abandoned O&W railbed or an alternative mode of transportation within the national river and recreation area upon the O&W roadbed, and shall report his recommendation with regard to development of this facility.

(8) The Secretary shall consult with the Bureau of Outdoor Recreation in the development of a recreation plan for the Big South Fork National River and Recreation Area.

(f) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063) as amended (16 U.S.C. 791a et sec.), on or directly affecting the Big South Fork National River and Recreation Area and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary. Nothing contained in the foregoing sentence however, shall preclude licensing of, or assistance to, developments below or above the Big South Fork National River and Recreation Area or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreation, and fish and wildlife values present in the area on the date of approval of this Act. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary, or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the national river and recreation area and the values to be protected by it under this Act.

(g) The Secretary shall study transportation facilities in the region served by the national river and recreation area and shall establish transportation facilities to enhance public access to the national river and recreation area. In this connection the Secretary is authorized and directed to acquire the ownership and custody of all public roads required to serve the public use area other than State highways and to establish, operate, maintain, and control at Federal cost an interior and circulating road system sufficient to meet the purposes of this Act: *Provided, however*, That any existing public road, which at the time of its acquisition continues to be a necessary and essential part of the county highway system at large, may at the discretion of the Secretary, be relocated outside of said area upon mutual arrangements with the owning agency or else said road shall remain in place and shall be maintained at Federal expense and kept open at all times for general travel purposes. *Provided further*, That nothing in this section shall abrogate the right of egress and ingress of those persons who may remain in occupancy under section c of this section, nor preclude, notwithstanding section c, the adjustment, relocation, reconstruction, or abandonment of State highways situated in the area, with the concurrence of the agency having the custody thereof upon such arrangements as the Secretary deems appropriate and in the best interest of the general welfare.

(h) In furtherance of the purposes of this Act the Secretary, in cooperation with the Secretary of Agriculture, the heads of other Federal departments and agencies involved, and the State of Tennessee and its political subdivisions, shall formulate a comprehensive plan for that portion of the New River that lies upstream from United States Highway Numbered 27. Such plan shall include, among other things, programs (1) to enhance the environment and conserve and develop natural resources; and (2) to minimize siltation and acid mine drainage. Said plan, with recommendations, including as to costs and administrative responsibilities, shall be completed and transmitted to the Congress within one year from the date of this Act.

(i) The Secretary shall consult and cooperate with other departments and agencies of the United States and the States of Tennessee and Kentucky in the development of measures and programs to assure the highest water quality within the Big South Fork National River and Recreation Area and to insure that such programs for the protection of water quality do not diminish other values that are to be protected under this Act.

(j) (1) For the purpose of financially assisting the States of Tennessee and Kentucky, McCreary County, Kentucky, and Scott, Morgan, Pickett, and Fentress Counties in Tennessee, because of losses which they may sustain by reason of the fact that certain lands and other property within them may be included within the national river and recreation area established by this Act and shall thereafter no longer be subject to real and personal property taxes levied or imposed by them, payments shall be made to them on an annual basis and in an amount equal to that which they would have received from such taxes, at the time of the acquisition of such property, but for the establishment of the national river and recreation area.

(2) For the purpose of enabling the Secretary to make such payments during the fiscal years ending June 30, 1973, June 30, 1974, June 30, 1975, June 30, 1976, and June 30, 1977, there are authorized to be appropriated such sums as may be necessary.

(k) There are authorized to be appropriated $32,850,000 to carry out the provisions of this Act.

SEC. 226. Subsection (b) of the first section of the act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426e(b)), is amended in paragraph (3) to read as follows: "Federal participation in the cost of a project providing significant hurricane protection shall be, for publicly owned property, 70 per centum of the total cost exclusive of land costs".

SEC. 227. The project for flood protection on the North Branch of the Susquehanna River, New York and Pennsylvania, authorized by the Flood Control Act of 1958 (72 Stat. 305, 306) is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to pay the J. P. Ward Foundries, Incorporated of Blossburg, Pennsylvania, such sum as he determines equitable to compensate said foundry for long-term economic injury through increased costs as the result of the abandonment of cessation of rail transportation to the foundry due to the construction of the Tioga-Hammond Lakes Project. There is authorized to be appropriated not to exceed $1,100,000 to carry out the purpose of this section.

SEC. 228. The Cave Run Lake Project authorized by the Flood Control Act approved June 22, 1936 and June 28, 1938, is modified to provide that the construction of any proposed road to the Zilpo Recreation Area located in Bath and Menifee Counties, Kentucky, shall not be undertaken until there is full opportunity for public review and comment on the environmental impact statement pertaining to such proposed road.

SEC. 229. In honor of the late Richard B. Russell, and in recognition of his long and outstanding service as a member of the United States Senate, the Trotters Shoals Dam and Lake, Savannah River, Georgia and South Carolina, shall hereafter be known and designated as the Richard B. Russell Dam and Lake, and shall be dedicated as a monument to his distinguished public service. Any law, regulation, map, document, or record of the United States in which such project is referred to shall be held and considered to refer to such project by the name of the Richard B. Russell Dam and Lake.

MOTION OFFERED BY MR. ROBERTS

Mr. ROBERTS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Roberts moves to strike out all after the enacting clause of S. 4018 and insert in lieu thereof the provisions of H.R. 16832, as passed.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 16832) was laid on the table.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to S. 4018 and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. Roberts, Dorn, Henderson, Don H. Clausen, and Snyder.

GENERAL LEAVE

Mr. DON H. CLAUSEN. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

EXTENDING CERTAIN HOUSING PROGRAMS

Mr. PATMAN. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 1301) to extend the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages under the National Housing Act, as amended.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2 (a) of the National Housing Act is amended by striking out "October 1, 1972" in the first sentence and inserting in lieu thereof "June 30, 1973".

(b) Section 217 of such Act is amended by striking out "October 1, 1972" and inserting in lieu thereof "June 30, 1973".

(c) Section 221(f) of such Act is amended by striking out "October 1, 1972" in the fifth sentence and inserting in lieu thereof "June 30, 1973".

(d) Section 235(m) of such Act is amended by striking out "October 1, 1972" and inserting in lieu thereof "June 30, 1973".

(e) Section 236(n) of such Act is amended by striking out "October 1, 1972" and inserting in lieu thereof "June 30, 1973".

(f) Section 809(f) of such Act is amended by striking out "October 1, 1972" in the second sentence and inserting in lieu there- "June 30, 1973".

(g) Section 810(k) of such Act is amended by striking out "October 1, 1972" in the second sentence and inserting in lieu thereof "June 30, 1973".

(h) Section 1002(a) of such Act is amended by striking out "October 1, 1972" in the second sentence and inserting in lieu thereof "June 30, 1973".

(i) Section 1101(a) of such Act is amended by striking out "October 1, 1972" in the second sentence and inserting in lieu thereof "June 30, 1973".

The SPEAKER. Is a second demanded?

Mr. WIDNALL. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. PATMAN. Mr. Speaker, House Joint Resolution 1301 will extend the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages provided under the National Housing Act. The extension of this authority to June 30, 1973, is vitally important if our Federal housing programs are to continue. The authority of the Secretary to insure mortgages expired Sunday, October 1. No mortgage insurance can be written until this House Joint Resolution 1301 is passed by the Congress and signed by the President. So, it is imperative that we act speedily today in adopting this measure.

As all of the members are aware, the Rules Committee declined to grant a rule on H.R. 16704, the 1972 omnibus housing and urban development bill. I regret the decision of the Rules Committee in refusing to provide us with a rule for consideration of this big housing bill, but the decision has been made and I, as chairman of the Committee on Banking and Currency, must abide by that decision. The Committee on Banking and Currency met Thursday and unanimously agreed to direct the chairman to offer an amendment to House Joint Resolution 1301 to continue the insuring authorities of the Secretary until June 30, 1973. House Joint Resolution 1301 extends these authorities only until November 1, 1972. The amendment I am offering extends these authorities to June 30, 1973. Since there will be no housing bill this year, we must act at least to continue the FHA insuring authorities.

The Committee on Banking and Currency will continue its deliberations in these waning days of the 92d Congress and into the 93d Congress on ways to improve and reform our Federal housing and urban development programs.

Mr. Speaker, I wish to impress upon this House that it is urgent that we adopt promptly House Joint Resolution 1301.

Mr. WIDNALL. Mr. Speaker, I rise in support of House Joint Resolution 1301 and urge that the House do adopt it.

This resolution is necessary in order to extend the basic FHA mortgage insurance programs which expired yesterday. It is necessary to extend the date until June 30 of next year in order to give Congress an opportunity to deal with a more comprehensive housing bill early in the next Congress.

Mr. PATMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. Boland).

Mr. BOLAND. Of course, I support the extension of the insurance programs under the National Housing Act. But having said that, I want to raise a flag of warning with respect to the housing programs in which this Nation is now engaged.

Four years ago, with the passage of the Housing Act of 1968, we all had high hopes that such legislation would provide the means by which low- and moderate-income families could be assured of decent, safe, and sanitary housing. Today our best hopes have degenerated into a nightmare of bureaucratic abuse, corruption, and inefficiency. In fact, the subsidized housing programs have turned out to be a bonanza in too many instances for just about everyone except those the Congress intended to help—and for some of them it has been a disaster.

Speculators, real estate brokers, builders, and appraisers have all done pretty well while too often the poor have inherited new ghettos in exchange for the old. Many of these families do not have the means to maintain a shoddily constructed new house or an old home with balky plumbing and faulty wiring. It is no surprise that in their disillusionment they have walked away in droves—leaving HUD with a substantial inventory of defaulted and foreclosed mortgages.

Current estimates are that the HUD owned housing inventory will climb to more than 100,000 by the end of this fiscal year—an increase of 65,000 above the 1971 level—and what is significant is that in Detroit, for example, the pattern of foreclosures has changed from being predominantly in the suburbs to predominantly in the central city. Before this change 80 percent of the foreclosed properties were in the suburbs—now 80 percent are in the central city.

This crisis has been an expensive lesson. Even if we put a stop to these programs tomorrow it could cost the American taxpayer as high as $100 billion just to meet commitments for projects already completed or funded.

Let me hasten to add that these programs are not all bad. Hundreds of thousands—yes, millions—of Americans are enjoying safe, clean, and decent housing because this legislation is on the books. More than 3 million units will be supported under subsidized housing from the inception of these programs through fiscal year 1973. But I do not think we can turn away from the facts.

We have a very expensive housing scandal on our hands, and I know it was not the intention of the Congress to finance a host of "fast buck" artists. What we want to do was to help poor people get decent housing—and what we have gotten in too many cases is a mess that is an embarrassment to the Government, a burden to the taxpayer, and a disaster to the poor.

The time has come to take a hard look at all of the subsidized housing programs and decide whether we ought to adjust or abandon some of these concepts and turn to new programs that will help the poor get a safe, low cost, and decent place to live.

I would suggest that the Department of Housing and Urban Development in its next annual report on national housing goals include a review of the original 1968 housing objectives. Is the 10-year goal of 26 million housing units still valid? Is the goal beyond our reach—or unattainable? Are the right kinds of homes being built?

Recently, we are beginning to get some evidence that the housing industry may be overbuilding. This could lead to a recession and serious consequences in the next year's production. I think it is time that we take a fresh look at current population trends and find out what national housing goals are appropriate for the second half of this decade.

Another of the major faults of administration in the current subsidized housing programs has been an insufficient number and proper usage of personnel with funds made available by the Congress to administer these programs. The Secretary has been battling within the hierarchy for months to get the funds for his department properly apportioned. This has only been done now, and the folly of the delay continues to haunt us.

Finally, we should ask if we have gone too far with the concept of Federal responsibility? Should the Federal Government tell a local authority what rent it should charge in a community—yet exclude a local government from any participation in fiscal and management responsibility for housing in their community?

This last question is one we need to take an especially close look at. Take, for example, the problem of providing Federal operating subsidies for local public housing. I wonder if we are not beginning to kill them with kindness. I have no doubt that current economic realities coupled with maximum rent provisions in the law may require the Congress to provide some public housing authorities with help in the form of operating subsidies. But I am not sure it makes sense for the Federal Government to provide a blank check to cover all operating deficits of these local housing authorities. HUD admits that the LHA's may be inflating their operating budgets to obtain more subsidy payments—and even if this is not the case—I can imagine that a public housing manager would not have much incentive to get the best price on a painting job or a new roof if he knows that Uncle Sam is going to finance any operating deficits incurred. So maybe we should begin thinking about requiring that the local government put up a part of these subsidies—maybe as part of any new revenue sharing or block grants that are under consideration—hopefully, a move that would stimulate local incentive to insure better management and operation of housing projects.

This is just one small aspect of the total subsidized housing picture, but I think this illustrates the kind of rethinking these programs deserve.

As I said, in their operation, these programs have not worked as well as we hoped. It may be possible to salvage their worthy goals through better administration. But if these programs are basically unworkable, it is time we tried something new. Backing away from a poverty program is always politically difficult—and I am not backing away from these problems—but we must muster our courage and begin to weed out what is unproductive and substitute something that works. To do less is to offer false hopes to thousands of Americans and leave the taxpayer holding the bag.

Mr. STEPHENS. Mr. Speaker, I regretfully support House Joint Resolution 1301, a measure to extend the authority for existing housing programs through June 30, 1973. This resolution is necessary in view of the fact that the House of Representatives apparently will not have an opportunity to consider this session H.R. 16704, the omnibus Housing and Urban Development Act of 1972. Although this measure was reported by the House Banking and Currency Committee, it has not been possible to obtain a rule on the bill so that it may receive floor consideration.

I particularly regret that the House of Representatives has been unable to work its will on chapter IX of the bill, dealing with the regulation of settlement charges and practices. These provisions deal directly and, in my view, effectively with abuses which have grown up in settlement procedures. In view of the antiabuse, disclosure, and other reform provisions of chapter IX, the chapter also repealed the existing authority of the Department of Housing and Urban Development and the Veterans' Administration to establish standards governing settlement costs allowable in connection with FHA and VA transactions. Chapter IX was adopted by the Banking and Currency Committee by a bipartisan 28-to-8 vote.

I am confident that, had it been given the opportunity, the House of Representatives would have enacted chapter IX in the form proposed by the committee. I intend to reintroduce these provisions early next session in the hope that the Congress will give them favorable consideration prior to the expiration of this joint resolution next June 30.

In view of the action taken by the House committee and since the House of Representatives has not yet had an opportunity to express its judgment on the matter, it is my hope that the Department of Housing and Urban Development and the Veterans' Administration will take no action in the interim that will prejudice the opportunity of the Congress to reconsider the desirability of the 1970 legislation and select the most efficient and effective approach to unnecessarily high settlement costs. Federal rate regulation in this new and uncharted area—one traditionally left to State regulation and the forces of competition—should not be undertaken during the pendency of congressional consideration. It is wasteful and disruptive to regulate for a few months and then terminate the activity. Accordingly, I call on HUD and the VA to refrain from making effective a system of maximum charges which might be at odds with ultimate congressional action, and to suspend the current rulemaking proceedings until the Congress has had an opportunity to clarify its wishes in this area.

Mr. FRENZEL. Mr. Speaker, since the failure of the Housing Act of 1972 in the Rules Committee, it is absolutely imperative that House Joint Resolution 1301, the extension of FHA mortgage insurance authority, be passed.

The FHA authority expired this week. The housing needs of this country demand an extension now. I only wish we could have acted on a comprehensive housing act this session, but since that is not now possible, speedy passage of House Joint Resolution 1301 is the next best thing we can do.

Mr. MONAGAN. Mr. Speaker, today's New York Times article entitled "Abandoned Homes Shelter Urban Crime," is clear and compelling evidence of the need for immediate and effective action by the President of the United States in this field with the fullest support and cooperation of the Congress.

In my remarks on the floor last Thursday, I stressed that none of us can take comfort in the failure of the Housing Act of 1972 to receive the approval of the Rules Committee and thus to reach the floor for none of the basic and critical problems in our housing legislation have been solved by this negative action.

The Times' story has restated in dramatic terms the tragic consequence of administrative incompetency and indifference, first brought to light by the Subcommittee on Legal and Monetary Affairs of the House Committee on Government Operations through its investigative hearings in the city of Detroit last December.

The Government Operations Committee on June 14, 1972, upon approving the subcommittee report on Detroit directed a series of specified recommendations to the Department of Housing and Urban Development, the Department of Justice the Office of Management and Budget, and the Federal National Mortgage Association—House report No. 92-1152; June 20, 1972.

The principal recommendations follow:

The committee recommends:

1. That without regard to executive branch "ceilings" on personnel levels—

(*a*) HUD review staffing needs in all area offices and seek authorization from OMB to hire such additional personnel as are needed to handle properly HUD's mortgage insurance operations;

(*c*) All HUD area offices be given hiring authority by HUD and OMB sufficient to permit area office appraisal staffs to respond to the regular workload of the area offices without reliance upon fee appraisers in accordance with departmental policy.

(*d*) HUD appraisers working in declining, inner city neighborhoods be trained to inspect properties for structural and mechanical soundness and durability;

(*e*) The Secretary and OMB authorize all HUD area offices to increase their counseling and credit review staffs for the purpose of screening and counseling of applicants for home mortgage insurance under all HUD home ownership programs, not only applicants for 235 home ownership assistance. Preferably HUD area offices should develop "in-house" counseling capabilities rather than rely on outside agencies for this purpose and should coordinate the activities of the counseling, appraisal, and credit review divisions within the area office to insure that home purchasers have the capability to pay for and maintain the homes they purchase.

2. That all fee and staff appraisers employed by HUD be required to make regular disclosures of their related outside interests.

4. That area office directors take prompt action to dismiss those appraisers or supervisory personnel who have consistently recommended overvalued or unsound houses for mortgage insurance.

5. That the Secretary of HUD monitor the implementation of the Department's revised instructions regarding the modified cost approach to assure that they are not misapplied, as were initial instructions on this subject in Detroit

9. That where State agencies have consistently failed to regulate the real estate industry and the consumer as well as HUD have been hurt as a result, HUD itself take steps to regulate that part of the real estate industry which makes use of Federal housing programs.

11. That HUD, LEAA, and the city of Detroit coordinate their efforts to develop new approaches to security in inner city neighborhoods, particularly in the experimental vestpocket renewal projects.

12. That FHA and FNMA suspend mortgagees who through imprudent mortgage lending practices have developed huge portfolios of defaulted mortgages which HUD is committed to acquire.

13. That the Attorney General study the need for the expansion of the fraud section of the Criminal Division of the Department of Justice so that it can effectively assist U.S. attorneys in the preparation of cases against persons who have defrauded the the Government by abusing the Federal housing programs.

14. That the Department of Justice institute urban housing strike forces, modeled after the organized crime strike forces, to combine, on a concentrated basis, the investigative and prosecutive resources of cognizant Federal agencies in selected cities where defaults and acquisitions are high. Agencies represented on the housing strike forces should include the FBI, IRS, the Criminal Division of the Department of Justice, the U.S. attorney, and the Department of Housing and Urban Development.

15. That all referrals from HUD to the Department of Justice be centralized in the Office of the Inspector General of HUD until the Inspector General has determined that such referrals are being handled uniformly by regional personnel. An adequate, central, recordkeeping system with complete cross indexing is essential to assure the integrity of HUD's system of referrals for prosecution and uniformity in the national application of HUD's administrative sanctions against those who have abused the Federal housing programs.

16. That the Secretary of HUD take administrative action to protect the public by barring undesirable brokers and mortgagees from doing business with the Department whether or not indictments have been returned against such individuals. Where months elapse between referral of cases to the Justice Department and a decision on whether to prosecute, the public is left exposd to the depredations of unscrupulous operators. Even if prosecution is declined, HUD has the authority and the duty to refuse to process applications involving parties whom the Department has determined are undesirable risks.

In discharge of my duty to this House, I must report that over 2 months have elapsed since the report was formally transmitted to the affected departments and agencies. To this date, no reply has been received from the Director of the Office of Management and Budget, and the reply from the Department of Justice received on September 27 failed to respond to recommendation No. 11, particularly significant in the light of the increased crime due to abandonment.

Mr. Speaker, the Government Operations Committee has no legislative jurisdiction over the field of policy concerning our housing laws. The Legal and Monetary Affairs Subcommittee, however, does have oversight jurisdiction over both the Department of HUD and the Department of Justice and has been closely scrutinizing the administration of the Federal housing and law enforcement programs. Both the Law Enforcement Assistance Administration and the Department of HUD are administering programs which have had far too much inefficiency, waste, mismanagement, and corruption. The present administration's apparent inability effectively to spend the amounts appropriated by Congress to deal with the problems of crime and housing decay in our cities is graphically demonstrated by the article from today's New York Times, which I am submitting for the consideration by my colleagues.

Mr. Speaker, today we adopt a resolution merely extending various insuring authorities of the Federal Housing Administration. As I stated earlier, this action in no way comes to grips with the basic and critical problems relating to the laws which have permitted undenied profiteering and victimizing of those we sought to help. I strongly urge a resumption of hearings by the House Banking and Currency Committee coupled with a thorough study of all aspects of this complex problem so that statutory weaknesses can be dealt with forthrightly.

Mr. Speaker, I reiterate our pledge as a subcommittee to continue to seek out the facts, to make our recommendations, and to continue to evaluate the effectiveness of administration efforts. I call upon the Congress to commit itself to an approach now that will deal with the facts of crime, the facts of administrative indifference, the facts of insufficient resources, including an inadequate number of trained, dedicated, career employees or incompetent leadership at the area office level.

For this Congress to abandon our cities today would constitute a retreat from one of our basic national problems.

I earnestly commend Mr. Salpukas' article to the attention of my colleagues:

ABANDONED HOMES SHELTER URBAN CRIME

(By Agis Salpukas)

DETROIT, October 1.—Thousands of abandoned houses owned by the Federal Government here and in other major cities have been taken over by narcotics addicts, rapists and muggers.

Thus the program that was pushed in the late nineteen-sixties as a way to solve inner city problems is now contributing to the blighting of still viable, mostly black middle-class neighorhoods.

Under the program, administered by the Department of Housing and Urban Development, inner city poor were given an opportunity through Federal subsidies to buy private, single-family houses.

Many thousands did so, but the program soon became a target of speculators. They would buy the houses at depressed prices, make a few cosmetic repairs, then sell them at a big profit to subsidized families who, when the houses began falling apart, could not afford repairs and simply moved out.

About 10,000 of the houses sold in Detroit have now reverted back to H.U.D. Many of them stand empty and wrecked by vandals, the scenes of crime and violence.

Not long ago, Mrs. Louise Cooper, a nurse at the Detroit General Hospital, drove through a mostly middle-class neighborhood in the northwest section of Detroit and pointed out some of the 127 homes that had been abandoned in her 100-block area in the last few years.

Last February, while on her way to a bus stop shortly after 5 A.M., a young man stopped from an alley, put a gun to her head and dragged her into one of the abandoned houses where he robbed and raped her. "That was the third time I've been robbed this year," she said.

Although the problem of abandoned homes is concentrated mainly in Detroit, cities like New York, St. Louis, Philadelphia and Chicago are also affected, but on a smaller scale.

In New York, H.U.D. holds about 3,000 abandoned homes mostly in Queens and Brooklyn. Many have become hangouts for addicts, who often cause fires when they cook heroin.

In Chicago, H.U.D. owns 830 abandoned houses; in St. Louis, 265, and in Philadelphia, 1,700.

Mrs. Cooper, who works as a nurse in Detroit General Hospital, said: "Our young children come home from school and some can't resist going into those homes and playing. Some have gotten hurt and some have been grabbed in there and molested."

She and 100 other volunteers in the Fifth Legislative District in Detroit made a survey of their neighborhood recently and counted 986 abandoned houses, about 560 of which are now owned by H.U.D.

In many of the houses they found that the wire mesh and boards that were used to keep intruders out had been broken and that the insides were filled with garbage, dead dogs and broken furniture. On the outside, there were often abandoned cars and weeds that reach waist level.

As in other parts of the city, the police report that the houses are used as dope pads, places to hide stolen goods and scenes of rape. They are often stripped of plumbing and fixtures by addicts and are a favorite target of children for vandalism.

IT TAKES ONLY ONE

Mrs. Mari Van Meer, one of the volunteers who this week made a report at a community meeting to officials of H.U.D. said: "I just couldn't believe what happened in my community. The debris, the rats."

William C. Whitbeck, the director of the Detroit area H.U.D. office who has taken the wrath of many neighborhoods over the abandoned homes, agreed in an interview that the houses "contribute to neighborhood deterioration. One abandoned home on a block can do it. It just blows a hole in the block."

He also said that they contributed to crime and were a danger to children. The most severe incident in Detroit has been a murder in one of the houses. A 15-year-old last May cut himself on a jagged piece of window glass and bled to death in one of the houses.

The rate of repossession is now running at about 500 homes a month, while the rehabilitation and reselling is running at about 100 a month.

The rehabilitation effort has been hampered by abuses by contractors. According to an investigation ordered by H.U.D. contractors up to last spring were often paid two or three times for the same work. The report by the National Association of Housing and Rehabilitation Officials found that H.U.D. was cheated out of about $1 million in the repair of 105 homes in Detroit.

The agency is trying to avert further abuses by expanding its staff and imposing strict controls.

This, however, has slowed the rehabilitation effort. Sales of revamped homes were suspended for three months this summer after it became clear that contractors were cheating.

H.U.D. now has only 12 homes for sale, but hopes to have 300 to 400 on the market by the end of the year.

3,000 HOMES LEVELED

At the moment H.U.D. owns about 7,000 abandoned homes in the city itself. As vandalism and fires continue, H.U.D. has been forced to simply bulldoze the homes and hope that it can sell the empty lots to neighbors. By Jan. 1, Mr. Whitbeck estimated about 3,000 homes will have been leveled in the Greater Detroit area.

In some areas, such as the lower east side, large empty spaces have been left in residential areas because often up to half a block is made up of abandoned homes.

There is little likelihood that these areas will be renewed in the near future, since all new urban renewal projects have been held up by H.U.D. until Detroit completes projects already under way.

Mr. Whitbeck said, however, that in the better areas, where block clubs have prevented vandalism, most of them will be rehabilitated.

SPECULATORS BLAMED

In Mrs. Cooper's neighborhood, for example, residents have cut the grass, kept a lookout for intruders and swept the sidewalks. Such upkeep is actually the responsibility of H.U.D., which gets about $2 a day per home for maintenance.

There are many causes for the abandonments, some unique to Detroit, some applicable to other cities.

The main one was the dealings of speculators, who often bought houses for $4,000 or $5,000, made some cosmetic repairs, and then offered them for sale under the H.U.D. program for $10,000 to $15,000.

Federal Housing Administration appraisers often made only cursory inspections of the homes and guaranteed the mortgages for the selling price.

A few months later, however, the buyer often found that the ceilings were caving in, the furnace was broken, the roof leaked and the cheap paint was peeling off the walls.

The owners, often welfare recipients with little savings, could not afford repairs and often just moved out, leaving the Government with the property while the speculators made huge profits.

In Detroit, the situation was aggravated after the riots by pressure on H.U.D. to put as many people into houses as quickly as possible with little thought about the risks. Some 12,000 people on welfare bought homes.

In 1970, the auto industry also went into a slump and thousands of hard core unemployed who had been hired were laid off and many were never rehired. Mr. Whitbeck maintains that this was the main reason for the abandonment—the drying up of incomes—rather than the actions of real estate speculators.

The result has been a slow destruction of property in the city that could surpass the $70-million riot damage of 1967. There are estimates that H.U.D. will lose about $200-million in Detroit.

Mrs. SULLIVAN. Mr. Speaker, in his remarks for the Record on House Joint Resolution 1301, the gentleman from Georgia (Mr. Stephens) advocated what is, to say the least, a novel approach to laws enacted by Congress. In effect, he recommended that the Department of Housing and Urban Development not implement a law which has been on the books for 2 years, authorizing maximum settlement charges on FHA and VA mortgage loans, because Congress may, at some unknown time in the future, rescind or otherwise change that law.

No legal significance or legislative intent is of any value or importance to any administrative official or court unless it is part of the consideration of legislation that subsequently becomes law. Uncompleted action on legislation really means nothing, and should mean nothing in enforcing existing law.

House Joint Resolution 1301, to extend authorization of various Federal housing programs, must be passed because the Rules Committee declined to grant a rule on H.R. 16704, the Housing and Urban Development Act of 1972, which provides extensions of authority for these various housing programs. There is no controversy about House Joint Resolution 1301. However, the gentleman from Georgia has introduced controversy in his discussion of the circumstances surround chapter IX of H.R. 16704.

Chapter IX constituted the response of the Banking and Currency Committee to widespread settlement transaction abuses which have bilked homebuyers throughout the Nation of millions of dollars. The provisions of the chapter were based on several extensive investigations and hearings conducted by the Banking and Currency Committee and the House Government Operations Committee and an exhaustive series of articles in the Washington Post—all dealing with fraudulent and deceptive real estate settlement practices.

SUBCOMMITTEE BILL WOULD HAVE COVERED ALL RESIDENTIAL MORTGAGE SETTLEMENTS

The heart of chapter IX, as I proposed it, and as it was adopted by the Housing Subcommittee, authorized and directed the Secretary of Housing and Urban Development to establish maximum settlement charges for virtually all residential mortgage loan transactions—conventional as well as federally insured and guaranteed. Of all the provisions of the Housing Subcommittee's draft of the chapter dealing with settlement reform, the required establishment of maximum charges was the most important.

During markup of H.R. 16704 in the full committee, a substitute chapter IX was offered by Mr. Stephens and was adopted. The substitute was described by him as being a truly effective approach to settlement reforms, one which fully protected the interests of the homebuying public.

Mr. Speaker, these assertions by the gentleman from Georgia are difficult to understand let alone accept in view of what would have been the immediate effect of his substitute chapter IX. The Stephens substitute deleted the provision requiring the Secretary of Housing and Urban Development to establish maximum settlement charges for virtually all residential real estate transactions. In its place is substituted a provision which simply calls on the Secretary to conduct a study of the need for establishing maximum settlement charges, something the Secretary has already done—and I might add has done thoroughly.

SUBSTITUTE CHAPTER WOULD REPEAL SETTLEMENT PROVISIONS OF 1970 ACT

Of more immediate concern, however, the Stephens substitute rescinds section 701 of the Emergency Home Finance Act of 1970 which authorized and directed the Secretary to determine whether maximum settlement charges should be established for FHA and VA federally insured and guaranteed mortgage transactions and to implement such maximums if he finds they are needed. As I said, such a study has been completed on FHA and VA mortgages and the Secretary, after determining that such a step is needed, issued proposed maximum settlement charges. It is expected that they will be implemented some time this fall.

When fully established, maximum settlement charges issued by HUD on FHA and VA mortgages will benefit one-third of the Nation's housing market and allow home buyers to save 50 to 75 percent of the settlement costs that are now charged in some sections of the country. The effect of the Stephens substitute would be to leave the home buyers of the Nation right where they are—forced to pay exorbitant, unjustified and often fraudulent settlement charges on FHA and VA mortgages.

The Stephens substitute, therefore, would not only deprive conventional home buyers of the opportunity to benefit from maximum settlement charges that would be required under chapter IX as adopted by the Housing Subcommittee, but would also deprive FHA and VA home buyers of the savings that they are now about to achieve under maximum settlement charges for FHA and VA mortgages mandated by Congress 2 years ago. Under these circumstances, the claim by Mr. Stephens that his substitute deals "effectively" with settlement abuses can only be described as effectively taking several giant steps backward.

Against this background, the remarks in the Record by Mr. Stephens on House Joint Resolution 1301, to extend authority for various Federal housing programs, in which he declared that he intended to use his substitute chapter IX as a model for a bill which he will introduce next year, and that therefore HUD should ignore the directive of Congress in the 1970 Act and refuse to implement mandated maximum settlement charges in view of the fact that the Banking and Currency Committee on the divided vote adopted his substitute for chapter IX, indicate Mr. STEPHENS is trying to convince HUD that a vote in the House committee is tantamount to congressional approval to be formally given at some unspecified time in the future.

A NOVEL NEW "RULE" FOR AGENCY ACTION

This would be an entirely new and rather alarming approach to administration of the laws of the Nation. If this view were to be accepted, leading HUD to ignore a 2-year-old law directing HUD to establish maximum settlement charges for FHA and VA mortgage transactions, then the reasoning could properly be applied to all existing laws. Under what might be described as the "Stephens Rule," no law should be implemented or enforced by a Government agency so long as any committee of the Congress recommends, or even plans to consider, legislation which would eliminate the provision in question or alter it. In such a situation, the agency which followed such advice would be ignoring the Constitution, which requires the executive branch of government to carry out laws enacted by Congress and signed by the President.

The facts of the matter are that the Secretary of Housing and Urban Development is required under a 2-year-old law to establish such maximums on FHA and VA settlement charges if they are excessive—as the Secretary has found them to be—and there should be no further delay in doing so. To delay further action on this matter in HUD because Congress might decide next year to change the law—and I doubt that Congress will do so once the facts in this controversy become known—is to mock the authority of Congress and withhold urgently needed assistance from those home buyers most in need of help, those buying homes under the FHA and VA programs.

Mr. STEPHENS has made clear that he believes we should repeal the authority of the Secretary to establish maximum settlement charges for federally insured and guaranteed mortgage transactions. He is certainly free to make the attempt. But until and unless he can persuade Congress to change the law, the Secretary is required to carry out the will of Congress as the 1970 act provides.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on House Journal Resolution 1301.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. PATMAN) that the House suspend the rules and pass the joint resolution (H.J. Res. 1301), as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. McCLOSKEY. Mr. Speaker, I was unavoidably detained during the rollcall on H.R. 16742, to restrict travel to certain countries. Had I been present I would have voted "nay."

NIXON'S FALSE PROMISES TO SPANISH-SPEAKING

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, after nearly 20 years in public office, President Nixon seems suddenly to have "discovered" the Spanish-speaking.

He has not discovered that the Spanish-speaking suffer one of the highest unemployment rates in this country.

He has not discovered that the average Spanish-speaking family earns $3,500 per year less than other American families or that one of every four Spanish-speaking persons lives below the poverty level.

He has not discovered that the Spanish-speaking child is deprived of a decent education, that when he enters first grade the chances are even that he will not speak English as well as his Anglo counterparts, and that he has only a 60-percent chance of ever graduating from high school.

But Richard Nixon has discovered that 12 million Spanish-speaking persons in this country represent a large potential voting block.

In 1968, Nixon campaigned throughout the Southwest seeking votes from the traditionally Democratic Spanish-speaking community. In return for their votes, Richard Nixon promised that immediately after taking office in January he would convene a White House Conference on the problems of Spanish-speaking Americans.

No White House conference took place in January 1969, and none has taken place in the 3 years since. Like so many of his campaign pledges, the promise to hold a special White House conference was soon forgotten.

In 1972, the President is again promising the Spanish-speaking that he will give special attention to the problems of their community.

The President has had 4 years to demonstrate his commitment to the needs of Chicanos and he has chosen instead to ignore those needs.

For the last 4 years Nixon has made hollow promises and now he is asking for 4 more years in which to prove he really means what he says.

But the Nixon record speaks for itself.

In 1969, in 1970, and again in 1972, Nixon vetoed the appropriations bill for HEW. The 1970 veto meant a reduction of $25 million in funds for bilingual education. In my own State of California, only 1.7 percent of Mexican-American students are enrolled in bilingual education classes. Yet, one in three Chicanos does not speak English well enough to effectively compete with Anglo children when he enters first grade.

The need for bilingual education is great, yet the President's response has been to deny funds for bilingual education programs.

When he campaigned in 1968, Richard Nixon promised to curb inflation without increasing unemployment. Yet, today the unemployment rate hovers at 5.5 percent for all Americans, and in the Mexican-American and Puerto Rican communities, the official unemployment rate is 10.1 percent. Nixon's economic policies have created a rise in unemployment in the barrios and ghettos of this land as they have in all sectors.

In 1968, Nixon promised to open the doors of the Federal Government by hiring more Spanish-speaking employees. On November 5, 1970, the President announced a 16-point program which he said would bring new Spanish-speaking persons into the Federal Government. But as chairman of the Civil Rights Oversight Subcommittee of the House Judiciary Committee, I heard testimony on the Federal employment problems of the Spanish speaking which clearly proves that there has been no progress under the Nixon administration. When the President announced his 16-point program, 2.9 percent of Federal employees were Spanish speaking. Today, nearly 2 years later, there are still only 2.9 percent of Federal employees who are Spanish speaking. Even the administration's own spokesmen were forced to admit in testimony before the subcommittee that there has been no substantial progress under the 16-point program and that in some areas of the country, regional directors of Federal agencies are not aware of the existence or purpose of the 16-point program.

If the gap between Nixon's promise and performance is great in bilingual education and employment, it is perhaps greatest in the area of poverty. In his first year in office, 1.2 million new persons entered poverty. Today, 13 percent of the American population lives in poverty, 25.5 million people.

In his 1972 budget message to Congress, the President said that his administration had "taken decisive steps to feed the hungry and eliminate malnutrition in America." Yet, last year alone, the U.S. Department of Agriculture returned $699 million in unspent money for Federal programs to feed the hungry. While the administration refused to spend money allocated by the Congress for Federal food assistance, 43 percent of those living in poverty received no benefits.

Although the President has promised to address himself to the needs of the Spanish speaking, he has certainly neglected the needs of the one-fourth of the Latin community which lives in poverty.

President Nixon's "discovery" has meant little to the average Mexican-American and Puerto Rican family. Although the President has made a handful of high-ranking Federal appointments in the Chicano community, he has been unwilling to authorize the kind of social spending which would benefit the vast majority of that community.

In 1968, when Richard Nixon sought the votes of Mexican Americans and other Latins, he was willing to promise them anything. Now, in 1972, the President is again addressing the Spanish-speaking community, and he is again making promises.

But the President has waited until the end of his 4-year term to discover the Chicano.

He has waited 4 years to begin talking about the problems of education, employment, and housing in the Spanish-speaking community.

The Spanish-speaking community of this Nation deserves more than election time promises.

Promises will not educate Spanish-speaking children.

Promises will not feed hungry people.

Promises will not provide jobs and a decent living wage for Spanish-speaking workers.

From Union City to the Southside of Phoenix, from East Los Angeles to the west side of San Antonio, from Sal Si Puedes to Spanish Harlem, from the San Joaquin to the Imperial Valley, the cry goes up: Basta. Enough. The Spanish speaking cannot afford 4 more years of Richard Nixon.

THE HIGHWAY TRUST FUND AND MASS TRANSIT

The **SPEAKER.** Under a previous order of the House, the gentleman from Illinois (Mr. ANDERSON) is recognized for 30 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, later this week when the House begins consideration of the Federal Aid to Highways Act of 1972, an amendment will be offered by my colleague from California (Mr. ANDERSON), designed to provide local officials in urban areas a new measure of flexibility over the manner in which highway trust fund moneys are spent in their communities. This proposal is very similar to the Cooper-Muskie amendment approved by more than a 2-to-1 margin in the Senate a few weeks ago, and its practical effect would be to authorize for the first time expenditure of Federal highway funds for a broad range of mass transit alternatives. I intend to strongly support this amendment and want to take time this afternoon to spell out in more detail than the 5-minute rule will permit when the highway act is actually under consideration, the reasons why I believe that congressional approval of this watershed proposal is so essential to the future health, prosperity, and quality of life in our cities and suburbs alike.

By way of preface let me first say a few words about the spirit in which I approach the heated contest that will no doubt ensue over this proposal. Most certainly some will be tempted to construe the division in our ranks that will be manifested when the tellers take their positions on Thursday as a kind of penultimate political litmus test: Those reaching for a green card will be crowned with a white hat, and those taking a red one will be branded as hidebound defenders of the status quo or servants of some infamous highway lobby intent on enveloping every green space yet remaining in the land under a sea of earthmovers and asphalt. If this amendment should fail to carry, it will likely be charged that the old politics of special interest influence, mindless pursuit of economic growth, and unresponsiveness to public needs and interests will have once again prevailed; that when presented with an opportunity to atone for alleged past derelictions of duty and abuses of the public trust, this body will have remained unpurged of its folly and unrepentant for its sins.

Mr. Speaker, let me say that as strongly as I support this crucial amendment, I nevertheless want no part of such airy moralizing. One need be neither a fool nor a supine handmaiden of the highway interest to conclude that the limited diversion of trust fund moneys called for by this amendment may not be in the best interest of the Nation or that an alternative means ought to be found to meet the unquestionable need for higher levels of mass transit investment. Indeed, I have been a strong supporter of the Interstate Highway System from the very beginning of my service in this body, have seen and appreciated the economic and social benefits that it has conferred on my own district and State, and for that reason have until now had strong reservations about hastily broadening the range of purposes for which highway users taxes may be spent.

It is therefore unfortunate that some elements of the press and the Nation's growing posse of professional crusaders and congenital fault finders have chosen to bill this amendment as a decisive blow against the "highway complex"; it is properly no more that than it is some kind of ominous "raid" on the trust fund, as is so incessantly declaimed by those who oppose it. The truth of the matter is that the angels are hovering above neither side in this debate, nor is the color of one's hat likely to be much affected by the outcome. In my view, the sooner we recognize that, the better. The sooner we dispense with inflated rhetoric and grave warnings of calamity just around the corner if one or the other course is taken, the more likely we will be able to consider this question in the deliberate and objective manner it requires.

I can also certainly understand the fears expressed by some of my friends from nonmetropolitan areas of the country, where there is still great need for new or improved highways, that diversion of funds to mass transit will mean these improvements will not be forthcoming. So, too, I acknowledge the concern of those on the Public Works Committee who have so conscientiously guided and nursed the Federal highway program along through the years, that the step we are proposing may jeopardize the completion of their handiwork. But in response to those fears and concerns let me make this observation: There is no iron law in our politics which ordains that once breached, the citadel is destined inexorably toward collapse and destruction. Indeed, it is precisely such inflexible deterministic thinking on both sides of the political spectrum that has done so much to overcharge and debase political discourse in this country over the past few years.

The fact is that this Nation has again and again, under both Republican and Democratic leadership, proven itself capable of making limited innovations and modest departures from past practices and principles in response to new needs and conditions, without thereby destroying or subverting the solid underlying platform from which those new steps were launched. A decision by Congress this year to make the trust fund moneys available for financing new transportation programs need not mean the end of the highway program, nor need it preclude us from going ahead with those construction plans already on the drawing board for which clear need or benefits have been demonstrated. I certainly intend to continue to fully support such programs.

Indeed, if there is any substance to the forebodings of those friends of the highway program who have now dug in their heels against this amendment, it is surely the possibility that their own recalcitrance will one day give birth to the very menace they now only imagine; that through the rigid and unyielding insistence that this Nation must spend $5 billion a year, come rain or come shine, whether needed or not, for new highways, they may unleash a wave of popular revulsion that truly will bring the great highway machine to a halt. I do not believe that for at least the foreseeable future such an outcome would be in the best interest of our economy or the American people. But in light of our growing national determination to halt the deterioration of the environment, the cooling of America's great love affair with the automobile, and rising demands by citizens of all walks of life that the quality of life in our urban areas be improved, that now remote possibility may yet become a real threat as we move down the road toward the end of this decade.

Fortunately, we still have time to arrive at a reasonable accommodation between the need for more highway construction on the one hand, and the goal of enhancing the environment and building more rational, efficient urban transportation systems on the other. To borrow a concept from the game theorists, this need not be a "zero-sum" game in which highway losses are mass transit gains or vice versa, but rather a "mixed interest" conflict in which the right combination of actions and compromises can accrue to the benefits of both sides over the long haul. I believe that the amendment to be offered by my colleague from California with the strong backing of Secretary Volpe and President Nixon embodies this kind of careful resolution of potentially conflicting objectives. By limiting the diversion of highway funds to only the most critical point of conflict—urban systems—it allows for continuation of the Interstate System toward completion on schedule as well as the other nonurban programs, and at the same time defuses, at least for the present, the ever-intensifying conflict between mass transit and highways for the limited resource that the Nation has available for transportation investment.

I hope that my colleagues who have championed the highway program in the past, as have I, will find it possible to recognize the promising solution that is within our grasp. I hope they will have the foresight to recognize that by adopting this amendment this year we can be done with what will otherwise become an increasingly bitter biennial struggle over the trust fund; a struggle in which calmer voices on both sides will be most likely drowned out by the shrill charges and countercharges of the extremists, and one in which the real task of fashioning carefully balanced transportation priorities will be submerged beneath a largely symbolic battle.

The great imperative for transportation policy during the next decade will be the careful, deliberate balancing of public investments between various transportation modes and between the need for continued economic growth and the equally important goal of environmental restoration. So long as the field is cluttered with a symbolic struggle over the trust fund it will be most difficult to meet these high standards. In my remaining moments, then, I want to lay out in more concrete detail the reasons why I believe that friends of the highway program ought to take the initiative toward creation of a political environment in which rational decisions are possible by supporting the Anderson amendment to the 1972 highway bill.

INTEGRITY OF THE HIGHWAY TRUST FUND

Mr. Speaker, perhaps the single most important obstacle to the adoption of the kind of reasonable compromise embodied in the Anderson amendment is the persistent notion that highway-derived taxes should be used only for explicit highway construction purposes. The arugment with which we are all fully familiar is that the Federal highway system is self-financing because users pay for the services they derive from the system by means of the various user taxes and charges that are funneled into the trust fund. Yet, if we stop to examine that argument for just a moment it becomes obvious that its apparent persuasive power is more a function of the regularity with which it is intoned than of its inherent logic.

For one thing, I know of no maxim of sound governmental finance requiring that taxes levied on specific products or activities be expended for directly related purposes. Indeed, if that were the case would it not be appropriate that all revenues derived from the alchohol tax be earmarked for the various Federal alcohol abuse prevention and rehabilitation programs? Or that the cigarette tax be channeled to the Cancer Institute to fund its activities?

In 1971, there were more than 30 specific product or excise taxes on the books that brought in over $10 billion in revenue to the Federal Government—all of which was channeled into the general fund and used to finance the entire range of government activities. If you look at the State and local tax structure you will find many similar product or excise taxes used for general revenue purposes. Yet what real conceptual difference is there between the alcohol excise tax which goes into the general fund, and the gasoline excise tax which goes into the highway trust fund? Obviously, there is none. The fact that one is earmarked and the other is not has nothing to do with the nature of the tax itself, and everything to do with expenditure decisions that have been made by Congress over the years, which like any other actions by this body are reversible when changed conditions warrant it.

Of course, it will be argued that it would somehow be a breach of faith with gasoline taxpayers to spend their contributions for purposes other than highway construction. But again, the fact is that 95 percent of the receipts of the highway trust fund in fiscal year 1972 were derived from taxes which were on the books long before the trust fund was created, and which prior to that time were used for general revenue purposes. Specifically, the gasoline tax, which accounted for 67 percent of trust fund receipts in fiscal year 1972 was enacted in 1932. The tire and inner tube tax and the lubricating oil tax, which together accounted for another 15 percent of receipts, were enacted in 1919 and 1932 respectively. Another 10 percent of receipts was accounted for by the user tax on trucks, buses, and trailers, enacted in 1941.

During the period between 1933 and July 1957 when the trust fund began functioning, more than 30 billion in 1971 dollars were generated by these taxes. Yet, nearly every penny of that amount—a sum large enough to finance the highway program for 6 years at current expenditure levels—flowed into the general fund and was used for a whole host of nonhighway purposes.

Thus, while it might have been a wise decision on the part of Congress to earmark all of these taxes for a new trust fund to finance the ambitious program of highway construction launched in 1956, it is clear that these taxes were enacted, billions were collected, and the levies were borne without any serious objection by taxpayers long before that program was even conceived. To pretend that the very legitimacy or viability of these levies depends on their expenditure for concrete and asphalt, then, is more an ex post rationalization than a meaningful guide to public policy decisions in 1972.

If the alleged unbreakable tie between highway related taxes and highway construction expenditures is open to question, so is the notion that the Federal highway program is completely self-financing. The truth of the matter is that only the construction end of the program is self-financing. Governmental units at all levels must make large outlays each year for servicing and maintaining these highways, a large part of which derives from general revenue funds; that is, from taxes contributed by all citizens whether or not they are highway users. In fiscal year 1972 for example, the units of government listed below laid out more than $4 billion for highway purposes from general revenue sources:

Amount from general revenue sources

[In billions]

Cities	$1.8
Counties	1.3
States	.4
Federal	.7
Total	4.2

To be sure, not all of these outlays are for the upkeep of federally funded highways, but certainly a very large share is. And to the extent that these general revenue taxes are attributable to nonhighway users such as the aged, the poor, and those who rely primarily on mass transit it can be hardly maintained that highway users pay the entire fare for the services they receive.

There are yet a number of additional variations on this point. For one, highway users pay a flat 4 cents per gallon Federal gas tax whether they intend to use the most modern link in the Interstate Highway System or a nonfederally funded county road or city street. Yet that 4 cents gas tax goes into the trust fund to be used for Federal highways in all three cases, though some taxpayers may never really recoup a commensurate share of the benefits.

This is particularly true of urban highway taxpayers. Less than 10 percent of Federal aid mileage is found in urban areas; yet urban areas accounted for more than 51 percent of all vehicle miles traveled in 1969 and thereby for more than half of all Federal gas tax revenues. To the extent that a large share of this urban traffic is on non-Federal highways, users are paying for services from which they derive little direct benefits.

General taxpayers, whether or not they are Federal highway users, absorb still another substantial indirect highway cost as a result of erosion of the tax base due to highway preemption of taxable land. There are now almost 4 million miles of road in the United States which consumes approximately 35,000 square miles, an area equal to the size of Connecticut, Massachusetts, New Hampshire, Vermont, and Rhode Island combined. In addition, highways leading into urban areas make it necessary to devote large amounts of otherwise taxable land to interchanges, parking facilities, and the like. The percentage of urban land devoted to streets and parking is now probably over 50 percent in the central business districts of most major U.S. cities. All of this property, with the exception of some parking facilities, is removed from the tax roles. While economists are not in agreement as to the portion of this lost tax revenue that is offset by higher land values and tax payments due to highway related property appreciation, most believe that even after this offset is accounted for the burden on general property taxpayers remains substantial.

Finally, it should be noted that even mass transit riders contribute a small though not negligible sum toward financing the Federal highway program, although most local bus systems rely primarily on nonfederally funded routes. Even after the rebate is accounted for, the data shows that mass transit riders have contributed more than $100 million to the highway trust fund since 1957. This amounts to 10 percent of the entire Federal contribution for mass transit prior to fiscal year 1973.

Thus, it can hardly be maintained that the Federal highway program has operated on the kind of neat public enterprise basis often supposed in which highway taxes are the equivalent of prices paid for services or value received. Instead of a clear-cut relationship between user charges and user benefits, the system involves a whole, complicated maze of cross subsidies, indirect or hidden contributions by nonhighway users and a substantial degree of direct general revenue support. To pretend, therefore, that the system is entirely self-financing and that the diversion of trust funds to nonhighway purposes would constitute a form of political robbery from highway users is hardly very defensible.

THE HIGHWAY USER INTEREST IN UPGRADING MASS TRANSIT

Mr. Speaker, the case for the Anderson amendment does not rest alone on the fact that highway users really do not pay the entire cost of the services they receive. Even if the Federal highway program were the kind of neat, closed, self-financing system that its proponents would have us believe, there would nevertheless be a strong highway user interest in permitting urban roads funds to be used for support of mass transit alternatives. The reason for this is simply that our interstate highways and federally supported urban freeways have become so clogged and backlogged with commuters and other short haul passenger traffic that those using them for the primary purpose for which they were intended suffer hundreds of millions per year in efficiency losses, to say nothing of frustration and frayed nerves.

As I am sure my colleagues recall, the major intent of the Federal highway program was to speed intercity travel and to eliminate the major transportation problem we faced at that time: The fact that whole sections of the country were isolated, and that the efficient movement of goods and people from one area to another was impeded by an inadequate and disjointed network of State and local highways. Well, on paper anyway we have come a long way toward the solution of that problem as the Interstate System nears completion. Unfortunately, though, the efficiency gains and the real economic benefits that we expected from completing the Interstate System have not been entirely realized due to the monumental traffic tie-ups that these same highways have induced in our major metropolitan areas. Stated differently, we built these highways to speed intercity and long-haul traffic, not the least the rapid shipments of goods via trucks, only to find that the increase in suburbanization and commuting, the switch from mass transit to private autos, and from city streets to freeways, induced by these highways have precluded the original objective from being fully realized.

It makes little difference whether truckers or intercity passenger driving vehicles designed to travel 60 miles an hour are reduced to speeds of 10 to 20 miles an hour because modern multilane thruways are not available, or because such routes are available but so congested with traffic that no greater speeds are possible. In both cases the result is the same: Travel time costs are high, operating efficiency is low, and nerves are frayed. Ironically, one study shows that traffic during peak periods in the central business district in New York actually moved faster in 1900 than it did in 1971. While this may be a somewhat extreme case, the phenomena is approximated in metropolitan areas all over the country.

Though no reliable figures are available on the nationwide costs of congestion it has been estimated that the direct economic loss due to ineffciency in the movement of goods just in the New York metropolitan area alone approaches more than $100 million annually. And this figure says nothing about the real costs to commuters and individual drivers resulting from congestion, though estimates range as high as several billion dollars.

For the sake of illustration consider the case of the New York central business district. Motorists travel at an average of 7 miles per hour and are estimated to spend 165,000 hours traveling 1.2 million miles in the CBD each day. If time is valued at a minimum of $2 an hour and running costs at 9 cents a mile, a mere doubling of this speed to 14 miles per hour could reduce daily costs from $660,000 to $485,000—a decrease of nearly 30 percent. The resulting savings would amount to more than $50 million annually just for the New York CBD alone. Multiply that by a parallel figure for the remaining 268 SMSA's and it is apparent that we are talking about billions of dollars annually in improving transportation efficiency and real economic benefits if only means could be found to reduce urban traffic congestion.

Mr. Speaker, I would certainly hope that we have learned enough by now to agree that the kind of reduction in congestion and improved transportation efficiency that I have been alluding to will not be provided by more urban highways alone. Study after study demonstrates that new urban freeways merely induce additional traffic. For example, transportation specialist Wilfred Owens of the Brookings Institution reported in his study of the Interstate Highway System that the Hollywood Freeway, designed to reach a capacity of 100,000 vehicles per day within 10 years, actually had reached a rate of 168,000 vehicles per day in just 1 year. When the Congress Street Expressway was opened in Chicago during the late fifties "before" and "after" studies showed that traffic on it increased almost 11 percent annually, although the normal Chicago area increase at that time was only 3.5 percent.

Finally, a 1970 Federal Highway Administration study showed the new freeways, on the average, generate an annual 7-percent increase in traffic, although the national average increase in vehicle miles over the last decade has been just over 5 percent. As I have indicated above, the reason for this phenomena is simply that urban freeways alter commuter and residential patterns and divert traffic from other modes and routes, and, because of this, the congestion problem will never be solved by construction of more freeways alone.

I think the public is beginning to recognize this. An opinion poll commissioned by the Highway Users Federation, for example, showed a growing conviction that downtown automobile traffic must be curbed—exactly the kind of result we could expect from improvement and expansion of alternative mass transit systems. When asked whether it would be a good idea to limit traffic in downtown areas more than two-thirds of the respondents living in large metropolitan areas—where the problem is most severe—answered in the affirmative. Even more significantly, 60 percent indicated a willingness to accept such limitations even if it affected their own driving options.

Thus, when we add together the efficiency losses, the growing public frustration with congested urban routes, and the environmental costs of such patterns which I will turn to more fully in a moment, it is clear that the highway program and highway users themselves have much to gain from improved mass transit facilities in urban areas. By relieving congestion, effective public transportation systems would enable our expensive urban highways—some of which cost as much as $50 million per mile as for example the mixing bowl on I–95 here in Washington—to perform their intended tasks of moving people and goods efficiently and safely, with a minimum of external social, economic and environmental costs.

TRANSPORTATION POLICY AND THE GROWING ENERGY SHORTAGE

Mr. Speaker, there is little question that by the end of this decade the United States will be confronted with a severe energy shortage; one that may take on crisis proportions by the mid-1980's if appropriate adjustments in policy are not made in the interim. To some important degrees, these adjustments will have to be concentrated on the supply side of the question, and as a member of the Joint Committee on Atomic Energy I am hopeful that we will have made sufficient progress with both the conventional and fast breeder nuclear power program by that time to at least partially compensate for the looming deficit in traditional fossil fuels. But as much as I support our national atomic energy program, I am realistic enough to recognize that important roadblocks and unresolved difficulties still remain, and that nuclear power will not be a real answer to the entire range of our energy needs for many decades to come.

Since there are at the same time important limitations on our ability to increase the supply of fossil fuels, most notably the lack of sufficient domestic supplies of petroleum, our only alternative will be to find ways of adjusting and limiting energy demand. Specifically, we will have to find means to use the supplies that we do have more efficiently and effectively. And it is at this point, I believe, that the transportation system enters the equation in a very critical manner.

According to a recent comprehensive study of future energy needs by the Chase Manhattan Bank, automobiles—passenger cars only—account for almost 43 million barrels of oil demand daily or 30 percent of the total U.S. daily consumption of 14.7 million. By 1985, the study projects that automobile daily consumption will increase by more than 72 percent to almost 7.4 million. During the same period oil demand from all sources is expected to increase by about 50 percent to more than 30 million daily. However, estimates of supply indicate that only 16 million will be available from domestic sources.

Now the obvious implication of those latter startling figures is that we will have to substantially increase our importation of oil from areas like the Middle East, with all the potential uncertainties associated with that area of the world. Moreover, if such increased imports are not forthcoming, and certainly there is more than a remote chance that they will not, there can be only one possible result: The projected 15 million barrel deficit between daily production and demand will drive petroleum prices right through the ceiling as users bid for scarce supplies. To use a colloquial expression, such a development could make the 35-cent gallon of gasoline as much a relic of the past as is the 5-cent cigar today.

Now we obviously cannot solve the entire problem merely by shifting some of the expected growth in auto travel onto more energy efficient mass transit. Nevertheless, such a shift could play an important role in a total energy conservation strategy, as is indicated by the figures in the table below. These figures express the efficiency of various modes of surface transportation in terms of passenger-miles per gallon of gasoline, or its equivalent energy content. The table indicates that commuter rail systems are seven times more energy efficient than autos, that commuter buses are more than four times as efficient, and that even local intracity buses are almost twice as energy efficient as passenger automobiles.

On the basis of these figures it can be roughly calculated that just a 25-percent diversion of this expected auto traffic growth from private passenger cars to the three transit modes listed in the table—and we are here talking only about the growth increment, not 25 percent of all current auto travel—could reduce petroleum demands by the equivalent of almost one-half million barrels daily:

Passenger miles/gasoline gallon equivalent

Transportation mode:	
Autos	30
Local bus	59
Commuter bus	120
Commuter rail	200

Source: Department of Transportation Professor Richard Rice, Carnegie Mellon University.

I should mention in closing on this point that if we do not begin to move toward more energy efficient forms of transportation in our urban areas in situations where mass transit alternatives are feasible, it is the highway user who will once again end up bearing an important part of the cost. As I mentioned above, the price of gasoline and petroleum products is bound to rise substantially if means are not found to both increase supplies and more efficiently allocate demand. Yet, by opposing effort to infuse new life into mass transit now for fear that diversion will mean fewer highways and thereby increased operating costs, highway users will most likely only end up incurring far greater costs over the long run due to the upward pressure on petroleum prices—increases which may result in some part from their own shortsighted behavior today.

POLLUTION CONTROL AND THE HIGHWAY AUTO SYSTEM

Mr. Speaker, in the past 3 years we have passed a number of far-reaching measures designed to halt the deterioration of our environment, including a $24 billion, 10-year water pollution control bill just this week. For the most part, these measures have centered on what might be called the "abatement" approach, in which efforts are made to transform, purify or dilute emissions from our current productive apparatus before they pass into the air, water and land; for example, stack scrubbers on industrial plants, emission control devices on autos, cooling towers, et cetera. While this approach certainly promises to yield important improvements as new air and water standards are implemented, I think we are beginning to recognize that the "abatement" approach alone will not be sufficient to do the entire job.

As we have begun to understand the complexity and enormity of pollution control problems, it has become increasingly more apparent that changes will have to be made in the production system itself, in certain instances, if these problems are to be adequately coped with. This will mean, for example, new energy conversion processes such as the coal gasification process now in the development stage, altered industrial production methods designed to reduce emissions per unit of output, or shifts in product mixes from those which are accompanied by high pollution emissions to those with lower associated pollution levels.

Now this is again extremely pertinent to the question of urban transportation investment because it is clear that autos are far more damaging to the environment than are other transit modes. According to the EPA, the highway-auto system is directly responsible for at least 40 percent of the Nation's air pollution and up to 80 percent of the air pollution in some of our major cities. Autos account for nearly two-thirds of all carbon monoxide emissions, more than one-half of hydrocarbons, and two-fifths of nitrogen oxide. The percentages for other modes of ground transportation are negligible in comparison.

Even when the tough auto emission standards of the Clean Air Act takes full effect, simple abatement measures will not be sufficient. According to EPA Administrator Ruckleshaus, "drastic measures" will have to be taken to limit the number of automobiles entering such major cities as Chicago, Denver, Los Angeles, New York, Philadelphia, and Washington, D.C., if ambient air standards mandated by the Clean Air Act are to be achieved. In short, in the case of these cities and presumably many others, we will not be able to achieve our environmental objectives merely by grafting abatement devices onto current transportation and production systems, but rather we will have to make changes in the underlying systems themselves; changes designed to reduce the amount of pollutants emitted per unit of productive activity or output. Obviously, this means a fundamental altering of priorities in our urban transportation systems.

The table below indicates emissions ratios per passenger mile for the three major types of surface transportation. The figures for buses and rail are expressed as a proportion of those for autos which have been given a value of 1. It is obvious from this table that greater use of alternative transportation modes in our urban areas, where auto pollution is the primary source of the problem, could make a substantial difference in air quality levels:

RATIO OF BUS AND RAIL EMISSIONS PER PASSENGER TO AUTOS

Type of emission	Automobile	Buses	Rail
Lead	1	0	0
Organic compounds	1	0.053	0.027
Carbon monoxide	1	.005	.002
Nitrogen oxide	1	.13	.069
Carbon dioxide	1	.20	.09
Sulfur dioxide	1	1.060	.53

Source: EPA.

THE NEED TO CHANGE URBAN TRANSPORTATION PRIORITIES

Mr. Speaker, I hope that the points I have made thus far underscore the need to substantially upgrade and expand mass transit facilities in our major urban areas. As I stated at the outset of my remarks, none of this need be viewed as a call for termination of the highway program, nor should it be interpreted as a wholesale condemnation of one of the greatest and most beneficial public investment programs ever undertaken by this Nation. Rather, I would simply hope that those who have long supported the highway program, like I have, will begin to recognize that changing needs and conditions—especially with respect to our metropolitan centers—require that we begin to rethink our transportation investment policies.

As I have tried to outline this afternoon, we are confronted with a new set of facts and conditions as we enter the decade of the 1970's that were dimly if at all perceived at the time the interstate highway program was launched in 1956. At that time energy supplies were abundant, urban air pollution had not yet reached really serious levels, the great suburban migration had just begun to take on its current dimensions, the traditional transit industry was still healthy if not robust, and few of us were farsighted enough to see that merely expanding the mileage of modern urban freeways would be a treadmill like proposition due to the increased traffic that we now know such routes inevitably generate. Yet, if we could not know these things then, we are aware of them now. Therefore, to persist as if nothing has changed, whether out of nostalgia for bygone days, out of inflexible adherance to programs or principles that may have served the Nation will in the past but which are now of much more limited applicability, or for any other reason is surely a recipe for failure. A failure, however, that we nevertheless need not suffer if we will now only muster the good sense to get on with business of fashioning a new set of urban transportation priorities.

A BILL TO PROTECT THIS NATION'S ARTS AND CRAFTS—ITS IMPORTANCE IN ALASKA

The SPEAKER. Under a previous order of the House, the gentleman from Alaska (Mr. BEGICH) is recognized for 10 minutes.

Mr. BEGICH. Mr. Speaker, earlier this week I introduced a bill, H.R. 16792, to promote the development of American arts and handicrafts within the United States and foreign countries.

The purpose of this bill was to fill the large gap in our existing crafts programs and to aid our citizens and the citizens of other nations to better understand and appreciate our American culture.

Alaska has long had a rich tradition of exceptional arts and handicraft production. The goat wool and cedar bark ceremonial blanket of the Tlingits, perfected by the Chilkats of Klukwan, has always been in great demand as a trade item. Each clan house of the Tlingit had its own design, and all blankets produced were similar. Designs varied from clan to clan, frequently illustrating a story or part of a story important to the history of that family or clan. Colors also figured prominently in the design. Nearly a year was required to produce a Chilkat blanket, including the transfer of the design, which first had to be carved in a pattern board of yellow cedar.

Totem poles were also important to the culture of both the Tlingit and the Haidas. These totem poles served as a decorative record of the outstanding events in the life of a family or clan. Selecting and cutting a red cedar, transporting it to the village, and carving it often took many workers several years to complete. The pole was then raised by the owner at a huge celebration feast.

Early missionaries and teachers, mistakenly believing the totems to be pagan idols, induced the Indians to destroy many of these works of art. The Indians, however, assisted by the Civilian Conservation Corps in the 1930's preserved many of the finer poles and they are prized possessions today. Large poles are seldom carved now, but smaller sizes are available for purchase as souvenirs from Indian carvers. Wooden bowls, beautiful carvings in bone, horn, or shell, and ornamental baskets of spruce root and grass fibers are other examples of the beautiful handicrafts made by these talented people.

Aleutian grass basketry, once classed with the world's finest, was produced from a type of grass that grows only on Attu Island. Since World War II, when all Attu people were resettled, basketry has become less important to the Attu culture and only a small quantity is still woven today.

The Eskimos, the best known and most numerous of the Native Alaskans, are known for their skill and craftsmanship. Their exceptional carving ability in wood, jade, and ivory is known to enthusiastic handicraft collectors around the world.

Still a familiar part of Alaskan life is the beautiful and extremely functional fur parka and mukluk of the Eskimo. Unfortunately, the making of these furcoats is a fast disappearing art, known only to the older Eskimo women. More and more, this type of clothing is being replaced by items chosen from a mail-order catalog.

The importance of arts and handicrafts in Alaska cannot be minimized. For some these ancient crafts are a revered tradition passed from generation to generation; for many others, it is an important source of income to supplement meager earnings, or even a primary source of income.

The legislation I introduced provides for the establishment and administration by the Secretary of Commerce, in cooperation with the Interagency Crafts Committee, of a program to insure a lasting supply of authentic American arts and handicrafts. Previously, a similar piece of legislation had been introduced in the Senate by Senator MATHIAS. The program would provide assistance to skilled craftsmen in advertising, conducting market research, shipping, display, and selling crafts within the United States and other countries. This Office of American Arts and Handicrafts could provide the expertise, the guidance, and the coordination so badly needed by the many producers of American arts and handicrafts, while also offering assistance in the training of persons to design and produce quality handicrafts. Hopefully this Office would aid in the revitalization and perpetuation of the American arts and handicrafts which are in danger of being lost forever.

TO PRESERVE THE GLORY THAT WAS ROME

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 10 minutes.

Mr. PODELL. Mr. Speaker, Montaigne wrote of Rome in the 16th century:

> There is no place here on earth that the heavens have embraced with such influence of favors and grace, and with such constancy. Even her ruin is glorious with renown and swollen with glory.

The glory and renown of those ruins is a precious ingredient in the life of the Eternal City in every age. They speak to each generation of the greatness of the past; they summon powerful memories of the common heritage of Western civilization.

Today, however, the people of Rome are faced with a challenge of unprecedented seriousness if the magnificent antiquities of that city are to be saved from destruction. Having survived centuries of war and upheaval, the ruins of Rome's past are now threatened with destruction at the hands of the elements. The "acids of modernity," aggravated by vandalism, bureaucratic neglect, and the impact of the city traffic, are steadily and inexorably at work, undermining the monuments of what a Latin poet once called "first among cities, home of the gods, golden Rome."

The crisis which confronts Rome is not only a crisis for that city and for the Government and people of Italy, but for all of the civilized community in this Nation, in Europe, and throughout the world. Napoleon of St. Helena said:

> The history of Rome is pretty much the history of the world.

Certainly there can be no understanding of the story of Western culture through the ages apart from the crucial role of Rome—classical, medieval, and renaissance. Present-day Rome is largely the creation of the era of the baroque, with all its creative energies and splendid ideals.

The ruins of Rome have touched the hearts and minds of innumerable visitors, past and present, recalling for them the words of the greatest Latin poet Virgil:

> Here are the tears of things; mortality touches the past.

The rediscovery of the classical past in the 18th century aroused a romantic enthusiasm for the ruins of ancient Rome, the enthusiasm which moved Gibbon to write his masterpiece on the "Decline and Fall of the Roman Imperium," and which later moved Lord Byron to write:

> "O Rome! My Country! City of the soul!
> The orphans of the heart must turn to thee,
> Lone mother of dead empires! . . .
> The Niobe of nations! There she stands,
> Childless and crownless, in her voiceless woe . . ."

Yet the preservation of Rome's heritage is far more than romanticism. As the Italian writer, Georgio Bassani, president of Italia Nostra, an organization for the protection of Italian art treasures, has said:

> Monuments are not decoys to attract the tourist and keep him awed while the innkeepers and boutique owners despoil him of his pennies . . . . They are reminders of what we still are, in spite of television and cars, and we very much need them in order to remain what we are and not become savages again.

As long ago as the eighth century of the Christian era, the Venerable Bede spoke those words of warning familiar to lovers of Rome everywhere:

> While stands the Colosseum, Rome shall stand;
> When falls the Colosseum, Rome shall fall;
> And when Rome falls, with it shall fall the world.

Our own American poet, Poe wrote of "the grandeur that was Rome," a grandeur whose character is vividly represented in the ruins of her monuments, a grandeur whose imprint has shaped our laws, our religion, and our whole cultural inheritance. The art treasures of Rome alone are sufficient cause for preservation efforts on a grand scale.

The task of saving the Roman heritage demands the concern and support of all who cherish those values and ideals which give dignity and glory to man. "It is not a question of saving one statute or one column," wrote the editor of Milan's respected Corriere della Sera, "(it) is an entire archaeological complex, unique in the world. The Forum is in agony."

As Americans, as members of a world community which honors the artistic patrimony of Rome, Italy, we must find ways to act now if the process of destruction is to be stopped. Too much damage, much of it beyond repair, has already been done. The hour is late. May we respond to Rome's agony, mindful of the praise spoken long ago by the last great poet of Latin antiquity, Claudian:

> She (Rome) alone has received into her bosom those whom she has conquered, and has cherished all humanity as her sons, and not as her slaves.

MANPOWER PROGRAM A FAILURE

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, the Labor Department's $675 million program to find jobs for long term, low income unemployed individuals has been a dismal failure.

In New York City, mismanagement, poor planning and a high turnover in staff have all combined to make the program nothing less than a total disaster. Only 40 percent of those actually enrolled in the New York City program ever found a job.

About half of those who actually found jobs kept their positions for more than 3 months, according to a General Accounting Office sample. In addition, about 70 percent of one group of participants were either ineligible for the program or their eligibility could not be determined.

The purpose of the Labor Department's program, known as the concentrated employment program, is to train and then find work for poor, chronically unemployed individuals living in low income areas.

The CEP program is currently operating in 69 urban and 13 rural locations and has attempted to train and find work for more than 380,000 individuals.

If the experience in New York is any indication, then this program has been a bureaucratic nightmare that has done practically nothing to alleviate high unemployment among low income, unemployed people.

The GAO concludes that the program in New York City has been unsatisfactory and supervision of the administration of CEP has been inadequate.

Unless this program is immediately reorganized and strengthened, then hundreds of millions of dollars will be wasted and little will be done to alleviate the crisis of unemployed amongst the chronically unemployable.

CONGRESSMAN GIAIMO REPORTS TO CONNECTICUT'S THIRD CONGRESSIONAL DISTRICT

The SPEAKER. Under a previous order of the House, the gentleman from Connecticut (Mr. Giaimo) is recognized for 30 minutes.

Mr. GIAIMO. Mr. Speaker, at the conclusion of each session of Congress, I have customarily reported to my constituents in Connecticut's Third Congressional District, summarizing the major actions taken by the Congress during the past 2 years and the problems still to be faced. Along with many of my colleagues on both sides of the aisle, I believe these summations should be part of the public record—open to the scrutiny of all. For this reason, I take this opportunity to insert these remarks in the Congressional Record.

In my view, these past 2 years have been a time of transition for both the Congress and the Nation. Some old solutions are no longer working; yet, few new remedies have appeared, and many major tasks are yet to be faced.

Legislation passed by the Congress and invoked by the President has been used to control inflation; regretfully, the methods used leave much to be desired, and so, more must be done. Because of pressure from the people and the Congress, U.S. involvement in the Vietnam conflict is winding down; here again, however, more must be done because we are not yet out of this foreign entanglement. With the help of legislation passed by Congress, we are trying to meet new and growing needs of our country while remaining ever mindful of the damaging inflation that runaway Government spending can cause.

Because of my position on the House Appropriations Committee, I have been in the center of these and other complex issues. None of them, I believe, are susceptible to easy solutions. Our National Government and the programs it has undertaken have grown immensely in recent years. In many respects, what is needed now are not new programs and agencies, but better administration and greater efficiency in the activities already undertaken.

APPROPRIATIONS COMMITTEE WORK

In my Appropriations Committee, which passes on funds for the operation of the Housing and Urban Development Department, NASA, the National Science Foundation, and the Veterans' Administration, I have insisted that the Congress—comprising the elected representatives of the people—must exercise closer scrutiny of the nonelected administrators of the bureaus and agencies so that the interests of the people are better served. I am proud of the fact that my committee has helped to reverse the trend of deteriorating airport-airway safety by encouraging the installation of new safety equipment at our airports and in our aircraft. I remember quite vividly the tragedy at New Haven Airport last year in which many people lost their lives. As air traffic increases, such accidents will occur with greater frequency unless something is done about it. In my committee, which controls the purse strings of the agencies that govern our airports and airways, we have been able to force corrective action and, hopefully, prevent many such tragedies.

In this same committee, we have been taking a very hard look at the Nation's housing programs because we realize that, over the years, what was originally pioneering legislation is now obsolete. Our basic housing programs must now be reevaluated and, wherever necessary, revamped so that the Nation can get on with the task of providing Americans with decent, adequate, private and public housing. We have made a start along these lines, but I believe much more needs to be done.

Another one of my committee assignments is on the subcommittee which oversees funds for the District of Columbia—our Nation's Capital City. Working on this subcommittee, I have become very familiar with many of the major problems that afflict not only the city of Washington but all of our urban areas. Many of my subcommittee colleagues and I have insisted that the administrators of the Nation's Capital prudently balance municipal economy with the need to build for the future. In this respect, I am pleased that I was able to play a major role in the development of a modern metropolitan rapid transit system that will not only provide jobs in Washington but in manufacturing plants throughout the country and, when completed, will serve as a model for mass transportation in other congested areas.

NATIONAL HEALTH NEEDS

Because the Appropriations Committee is in such a key position to oversee all of the work of the Federal Government, I have found my position on it extremely useful in helping to meet what I consider some of the more pressing needs of our citizens. Among these is the need to improve greatly the manner in which we guard the health of our individual citizen. I am extremely pleased that I was able to convince the Congress, through an amendment to the Labor-Health, Education, and Welfare appropriation measure for fiscal year 1972, of the need to provide additional funds to help in the rehabilitation of crippled children and adults. Through this amendment, which I sponsored, we have made an investment in those who want to help themselves but are physically unable—an investment which I believe will be repaid many times with the increased earning power of the handicapped that will, under my program, be rehabilitated and trained for useful jobs. In addition, I have taken an active part in the development of other critical health programs, including those intended to provide preventative measures that will eliminate costly diseases from our society. One such program which I sponsored will combat the genetic blood disorder commonly known as Cooley's Anemia.

These programs to strengthen the health of our society will benefit the people of my district and the people of the entire Nation. Knowing this gives me great satisfaction.

THE AGED, EDUCATION, JOBS, AND THE ENVIRONMENT

The 92d Congress, of course, had to deal with a great number of issues, and it is impossible in this brief report to touch upon them all. I will, therefore, single out but a few that my mail and conversations indicate are of major concern to the people of my district.

One such issue involves the well-being of the aged in our population. Too often, the special needs of the elderly are ignored. I am pleased, therefore, that this Congress has taken great strides to improve the economic situation confronting our senior citizens by increasing social security pensions to conform with rising costs and has also moved to assist the elderly in special ways such as a new plan to help satisfy their basic need for wholesome food at a price they can afford. In this area, as in some others I have mentioned, a great deal more must be done. For example, I have worked for legislation that would extend medicare coverage to help pay for costly prescription drugs needed by the many elderly citizens who are ill but are not hospitalized. Right now, as I write this report, I am working for legislation to make sure that when the recently enacted 20 percent social security increase goes into effect, it will not result in the deprivation of other benefits for some 190,000 aged, blind, and disabled people. This can happen unless legislation is enacted to prevent it, because many of the special programs cease when the income of the recipient goes up—even though the increase stems from a rise in social security benefits.

Another area of great concern to all Americans always has been and still is civil rights and civil liberties. Here I believe the 92d Congress has made a good record, particularly with regard to the achievement of the vote for 18-year-olds and the passage in the House of a constitutional amendment guaranteeing equal rights for women and equal employment opportunities for all Americans. I supported these measures, along with legislation that provides a long overdue reform of the language requirements for naturalization.

Education was another area where Congress was active during the past few years. Unfortunately, I found it necessary to oppose one major education funding measure, primarily because I believe it did not contain adequate safeguards against unreasonable and unnecessary busing of elementary and secondary schoolchildren. Another very important bill which I have supported is aimed at easing the burden on families who send their children to college, private or parochial schools. The bill would provide a measure of tax relief to compensate partly for rising tuition costs. The bill constitutes another piece of unfinished business which I believe Congress must under take in the very near future.

Environmental protection continued to win much attention in the Nation and in the Congress. Measures were approved by the House that would further control water pollution, air pollution, dangerous pesticides, excessive noise, and polluting of our oceans through indiscriminate dumping. While I firmly believe that we must act to protect our environment before it is too late, I insist that such controls be responsible—that is, that the benefits to our environment be clear and that they outweigh any hardships that may be imposed on communities, businesses, employees, and others who are required to conform.

Numerous attempts have been made in this Congress to provide emergency employment for the victims of a recession which, in many instances, can be traced to the sudden and drastic curtailment of Federal contracts for defense and space activities. Unemployment is a tragedy for the individual involved and an awful loss to the Nation as well. Manpower is our most vital resource. When it is underutilized or unemployed, it is being wasted. I believe the National Government has a role to play in preventing such waste—particularly when the unemployment is due to the actions of the Federal Government itself. For this reason, I have actively supported various pieces of legislation that would help get our unemployed back to work at jobs that must be done if the quality of life in our Nation is to be improved.

Other key House actions during the past 2 years that had my support are those that have reformed our campaign financing and reporting laws, improved consumer protection programs, and increased the minimum wage.

RELATIONS BETWEEN THE CONGRESS AND THE PRESIDENT

Moving from specific legislation to a more general view, I would like to comment upon a largely unnoticed trend in this 92d Congress. I refer to the growing impatience of Representatives from both parties with the rapidly growing power of the Office of the President and a corresponding decline of congressional authority and the authority of our State and local governments.

A strong and independent-minded Congress as conceived by the authors of our Constitution is essential to the well-being of our democracy. This 92d Congress has insisted on a greater voice in foreign policy and military affairs, and it is fully justified in doing so because the Constitution says that the power to declare war and raise armies shall rest with the Congress, and not with the President. This Congress has begun to look more intensively at wasteful practices in Federal programs, and I believe it should do more in this regard because the Constitution says that it is the Congress that has the responsibility to raise and appropriate funds, not the President. I think it is time to right the balance between the powers of the President and the powers of our National Legislature, the Congress. An all-powerful Executive is a danger to our Republic no matter who he may be and no matter what his policies. The concept of checks and balances in Government has worked well for our Nation. I sincerely hope that the next Congress will continue efforts to reassert the authority of Congress which were begun in this 92d Congress.

CONCLUSION

I have tried to touch upon some of the highlights, some of the issues which are most pressing, and some of the thoughts that have governed my actions. I hope that those of you who read this report will write me if there are matters which you would like to discuss in greater detail.

It is a great honor to serve in the Congress. It is also a great responsibility. I have earnestly attempted to fulfill this responsibility in such a way as to justify the honor inherent in the support I have received from the people of my district. In this effort, I have been guided by the thoughts of Thomas Jefferson who once described a wise government as one—

> Which shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry and improvement and shall not take from the mouth of labor that which it has earned.

"This," said Jefferson, "is the sum of good government." It was in his time, and I believe it is still today.

SUMMARY OF BILLS DURING 92d CONGRESS

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. SMITH) is recognized for 10 minutes.

Mr. SMITH of Iowa. Mr. Speaker, I have compiled a summary of some of the bills passed during this 92d Congress on certain subjects and would like to list them.

HEALTH AND WELFARE

Public Law 92-255 establishes a Special Action Office for Drug Abuse Prevention in the Federal Government and contains other provisions for developing a national program to coordinate drug abuse control.

Public Law 92-258 amends the Older Americans Act to provide low-cost meals to the elderly through community center programs.

Public Law 92-153 was passed by Congress to prevent an effort in 1971 by the administration to reduce financial support for the school lunch program and to reaffirm the policy, established by Congress in 1970, that the program should provide meals to as many needy children as possible.

Public Law 92-32 amends the Child Nutrition Act to continue and expand the program under which the Federal Government provides financial assistance to States and local school districts for breakfasts for needy children.

Public Law 92-5 includes a provision increasing social security benefits by an average of 10 percent, effective January 1, 1971.

Public Law 92-336 also includes a provision for a 20-percent increase in social security benefits, effective September 1972.

Public Law 92-218, the National Cancer Act, specifically declares that additional Federal resources will be used to aid in the search for a cure for cancer and authorizes the National Cancer Institute to establish 15 new centers for clinical research, training, and advanced diagnostic and treatment methods relating to cancer.

ENVIRONMENT

Public Law 92-7, which provided appropriations for the Department of Transportation, includes a provision cutting off funds for further development of the supersonic transport plane. Work on the American SST has now been halted.

Public Law 92-288 provides additional funding authorization for Federal assistance in forest improvement and includes a provision for technical assistance to urban areas to protect trees and open spaces.

Public Law 92-32 amends the Child struction standards for ships carrying oil and similar cargoes to protect against pollution of the marine environment.

Public Law 92-347 extends indefinitely the Golden Eagle passport program under which persons may purchase an annual permit for admission to national parks and certain other recreation areas.

Public Law 92-195 gives the Department of Interior authority to protect wild and free-roaming horses and burros in the Western United States to save them from extermination.

EDUCATION

Public Law 92-318 is a far-reaching bill to assist higher education. It continues and expands many of the existing programs for assistance in college facilities and programs and for aid to students, and also includes a provision for Federal assistance to institutions of higher education based on the number of federally assisted students. In addition, it contains some provisions designed to restrict the busing of students to achieve racial balance.

Public Law 92-157, the Health Manpower Training Act, continues and expands the Federal programs for assistance to students preparing for a career in the medical profession and for grants to schools of medicine for the construction of teaching and other facilities. The law provides for Federal assistance in starting new schools and also grants to schools of dentistry, osteopathy, veterinary medicine, optometry, podiatry, and pharmacy in ratio to the number of students.

Public Law 92-158, the Nurse Training Act, provides for continuation of the Federal student assistance program for nurses and establishes new programs for startup grants for schools of nursing, loans for construction assistance and for grants to schools of nursing based on the number of attending students. It is hoped that the law will increase the number of nurses in this country by about 300,000 in the next 10 years.

I have proposed that new health care legislation permit payments to nurses—practitioners who provide services delegated by or under the direction of a physician even though the physician is not present at all times. This would permit them to operate a well baby clinic, make house calls on the elderly, give penicillin shots and do many things, provided they have access to a physician's advice at all times by telephone, radio or other modern means.

ECONOMIC POLICY

Public Law 92-15 includes a provision extending until May 1972, the authority contained in the Economic Stabilization Act of 1970 giving the President standby authority to impose wage and price controls.

When the President signed the 1970 law, he said he was against the use of wage and price controls and would not exercise the standby authority. However, in August 1971, the President used this authority to establish a 90-day wage-price freeze.

Public Law 92-210 continues the provisions of the Economic Stabilization Act, with some changes, through April 1973. This legislation was requested by the administration in connection with phase two.

VIETNAM

Public Law 92-156, the military procurement law, includes a modified version of the so-called Mansfield amendment which declares it to be the "policy of the United States" to end all U.S. military operations in Indochina as soon as possible. The amendment also calls upon the President to set a final date for withdrawal of all U.S. troops from Indochina, provided North Vietnam agrees to release U.S. prisoners of war.

The President signed this legislation into law, but said he would ignore the provisions of the Mansfield amendment.

FOREIGN AFFAIRS

Congress approved a 5-year interim agreement with the Soviet Union on limiting nuclear weapons. The agreement was recommended by the President after returning from Moscow and is designed as a first step toward a permanent nuclear arms control treaty.

The Senate adopted an amendment calling for numerical missile equality in the permanent treaty. The administration gave its support to this amendment, even though it had not proposed it and despite fears of some that the amendment would make a final arms control treaty more difficult to achieve.

The Senate ratified a treaty under which the United States and the Soviet Union agree to limit ABM installations to two sites in each country.

The Senate ratified a treaty with Japan returning Okinawa to Japan in 1972 but permitting the United States to retain its military bases on the island.

TAXATION AND REVENUE

Public Law 92-178, the Revenue Act of 1971, increased the personal exemption for Federal income tax purposes, liberalized deductions for child care expenses, repealed the excise tax on cars and light-duty trucks, provided a 7-percent investment tax credit to encourage purchase of new machinery and estabilshed a tax credit for employers who hire persons on a long-term basis through the work incentive program.

AGRICULTURE

Public Law 92-181 the Farm Credit Act, seeks to aid the farmer-owned cooperative system which makes credit available to farmers and farm cooperatives by modernizing and consolidating the existing farm credit laws to assure an adequate and flexible flow of money into rural areas.

Public Law 92-12 amends the Rural Electrification Act to establish a Rural Telephone Bank to finance rural telephone cooperatives by selling obligations to the public, instead of through direct appropriations by Congress.

Public Law 92-152 authorizes the Department of Agriculture to cooperate with other Western Hemisphere nations to control livestock epidemics such as the epidemic of sleeping sickness in horses.

Public Law 92-138 extends the Sugar Act. The purpose of this law is to authorize entering into contracts guaranteeing both the price and supply of sugar for U.S. consumers. Although the price fluctuates, world market sugar not under contract is considerably higher than our contract price at the present time.

CIVIL RIGHTS

Senate Joint Resolution 7 provides that persons 18 years or older shall have the right to vote in Federal, State and local elections. This bill, which is now the 26th amendment to the Constitution, was approved by Congress in early 1971 and ratified by the necessary number of States on July 1, 1971.

House Joint Resolution 208, which would amend the Constitution to provide that equality of rights shall not be denied on account of sex, was approved by Congress and sent to the States for ratification. This is generally referred to as the women's rights amendment.

Public Law 92-269 provides that persons 18 years or older may serve on juries in Federal courts.

Public Law 92-261 provides additional authority to the Equal Employment Opportunities Commission to prohibit discrimination in hiring.

Public Law 92-128 repeals a provision of the Internal Security Act under which the Government had authority to establish so-called emergency detention camps. This authority was never used and many felt that the law which was repealed was unconstitutional.

Public Law 92-64 increases the amount of money which may be appropriated for activities by the U.S. Civil Rights Commission.

CONGRESSIONAL REFORM

At the beginning of this Congress, the Democratic majority caucus in the House which selects the chairmen of the various committees, adopted the recommendations of a special 11-member committee, of which I am a member, dealing with changes in the rules concerning the seniority system. The new rules require that each committee chairman be elected by a vote of the members, and that seniority need not be followed in selecting the chairman of a committee. Specific provisions were made to assure a secret ballot and that any member can be a candidate. Also, in order to spread the work of the House, the new rules prohibit a Member from being chairman of more than one subcommittee.

NATIONAL DEFENSE

Public Law 92-129 extends the Selective Service Act until July 1973, and provides for a $2.4 billion increase in pay and allowances for members of the Armed Forces, including a 100 percent increase in basic pay for those just entering the service. It is directed at recruiting enough volunteers so the draft will not be used.

CONSUMER PROTECTION

Public Law 92——— includes a provision authorizing the Department of Transportation to establish regulations requiring auto manufacturers to construct front and rear bumpers that will withstand low-speed collisions.

Public Law 92-75 establishes a new national program to promote safety in pleasure boating and authorizes the Department of Transportation to regulate safety in the construction and operation of pleasure boats.

LABOR

Congress in 1971 passed, but the President vetoed, a bill that would have established an accelerated public works program to reduce unemployment by providing Federal assistance for the construction of such public works facilities as sewage treatment plants.

Public Law 92-54, the Emergency Employment Act of 1971, establishes a 2-year program to reduce unemployment by providing Federal assistance to finance public service jobs with State and local agencies. The law requires that the jobs involve services that are needed and that the make work approach be avoided.

Public Law 92–203 extends benefits to certain coal miners with black lung disease and also establishes a more equitable procedure to determine if miners are entitled to benefits.

Public Law 92–46 provides for a 10 percent increase in railroad retirement benefits, retroactive to January, 1971.

Public Law 92– ——— provides for a 20-percent increase in railroad retirement benefits from September 1973 through June 1973. The increase was not extended for a longer period at this time because of a need to assure that the system is actuarially sound in the future.

ELECTION REFORM

Public Law 92–225, the Federal Election Campaign Act, is the first important effort to control spending in Federal elections in more than 40 years. The law contains limitations on spending for those running for Congress and President and also establishes certain requirements with respect to disclosure of the source of campaign funds.

BUSINESS AND FINANCE

Public Law 92–412 extends until 1974 the authority to control exports of strategic materials to Communist bloc nations. It also includes an amendment, which I promoted and supported, to revoke the administration's July 1972, order imposing restrictions on exports of cattle hides. If the order had remained in effect, it would have reduced money received by farmers and probably raised retail met prices as well.

Public Law 92–70 authorized the Federal Government to guarantee loans not to exceed a total of $250 million to the Lockheed Aircraft Corp.

Public Law 92–268 authorizes the Treasury Department to establish a lower international valuation of the dollar. This law was requested by the administration in accordance with an international agreement concluded earlier.

GENERAL GOVERNMENT

Public Law 92–271 provides that the territories of Guam and the Virgin Islands shall be represented by nonvoting delegates in the House of Representatives.

Public Law 92–203 establishes a program to settle the century-old claims of native Alaskans to the lands in and about their villages.

TRANSPORTATION

Public Law 92–316 provides increased funding authority for the National Railroad Passenger Corp., popularly called Amtrak, and established to provide intercity rail passenger service in certain areas.

Public Law 92–348 provides for research by the Department of Transportation into high-speed ground transportation.

VETERANS

Public Law 92–197 provides an increase in dependency and indemnity compensation benefits to widows, children, and needy parents of veterans who died as a result of service-incurred disabilities.

Public Law 92–95 provides mortgage protection life insurance for service-connected disabled veterans who have received Veterans' Administration grants for specially adapted housing.

Public Law 92–198 provides for an average increase of 6.5 percent in nonservice connected disability benefits for about 1.1 million veterans and veterans' dependents. The law also provides for an increase in outside income limitations for these beneficiaries.

SMALL BUSINESS

Public Law 92–16 increases by about $900 million the total amount of loans, guarantees and other obligations which the Small Business Administration may have outstanding at any one time.

RECOGNITION OF NEW POSTAL SERVICE FOR SOCIAL SECURITY ADMINISTRATION MAIL

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, I wish to take this opportunity to congratulate Mr. Robert Rota, the newly elected Postmaster of the House of Representatives for working out a new system for the mail delivery between the House of Representatives and the Social Security Administration in Baltimore.

For some time there has been great concern on the part of many Members regarding the lag time in getting replies from the Social Security Administration.

On Wednesday of this week all Members and their staffs will be advised of a new system to send correspondence directly by messenger from the House of Representatives to the congressional section of the Social Security Administration Office in Baltimore, Md. This new service will eliminate as much as a week's delay in the delivery of this critically important mail, and an absolute minimum of elapsed time will now be assured.

On or after the effective date, correspondence addressed to the Social Security Administration headquarters in Baltimore may be sent through this messenger system by showing on the envelope, in addition to the typewritten address, this legend "Special Messenger Service—to S.S.A. Baltimore", above the regular address. When this correspondence is collected it will be placed in a special box in the Postmaster's office. All correspondence handled in this manner will be picked up by Social Security Administration messengers twice a day. The same messengers will also bring mail back from Baltimore and deposit it directly in the Postmaster's office. This procedure will not result in any additional cost to the Government as we are taking advantage of the regular shuttle service between the Social Security Administration in Baltimore and HEW in Washington, D.C.

This procedure was developed with the fine cooperation of Chairman WAYNE L. HAYS, of the House Administration Committee, the staff of the Special Subcommittee on Personnel, of which I am chairman, and Mr. Hugh Johnson, assistant to the Commissioner of the Social Security Administration and members of his staff.

This system outlined herein will provide all Members with greatly improved response time on all Social Security Administration—Baltimore—correspondence. This system will enable all Members to better service their constituents on social security matters.

I again want to congratulate Mr. Robert Rota, our Postmaster, Chairman WAYNE HAYS, Hon. Robert Ball, Commissioner of Social Security Administration, and everyone else who made this worthwhile change possible.

STATEMENT ON H.R. 16732

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, it is generally agreed that institutional sources of short-term credit are more widely available today than they were 20 years ago. Commercial banks, finance companies, and other channels of financial assistance are usually better geared to meet the particular needs of the smaller company than they were in 1952. The operations of the Small Business Administration over the past 19 years have certainly expanded and, in many parts of the country, have encouraged private sources of credit to take a closer look at the needs of new and independent firms, and at the fine record of repayment these companies have compiled.

On the other hand, equity capital is still hard to raise. The potential entrepreneur has few institutional sources of venture capital. The SBIC program has partially filled the equity gap we have long talked about, but the needs of the new business and of the growth company far outstrip the resources of our present SBIC's.

It is for that reason I support this legislation. H.R. 16732 recognizes this shortcoming in our financial structure and encourages the formation and growth of SBIC's to meet the shortages of equity capital which exist today. I believe H.R. 16732 is a good bill for all segments of our small business community and I hope it will pass unanimously.

THE POLICY OF SOVIET UNION TOWARD RUSSIAN JEWISH EMIGRANTS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, it is now a matter of world concern that the Soviet Union has put a price on the head of every educated Russian Jew who wants to emigrate from that country to Israel. This shocking and callous disregard for human rights tells us once more that there is no place for freedom, justice, and human dignity in the Communist program. Soviet actions toward the Jewish people follow the same pattern as that of the North Vietnamese who for years have held American prisoners of war and

MIA's for ransom at a constantly increasing price.

Without a doubt this is a matter of serious import to our own Government. However, it is questionable that adequate steps have been taken by the U.S. Government to reflect the real thinking of the people of our country or our Nation's insistence upon a reversal of Russian policies toward the Jews. We cannot let it be said that we are so anxious to achieve happier relationships with Russia that we are willing to overlook whatever policies that nation adopts toward captive peoples within Russia's borders. We can deal much more firmly with Russia than we now are doing. For instance, we are told new trade agreements are in the offing. The American Government should take a new look at any trade agreements which are now in negotiation. It would be fully consistent with U.S. policy to withhold trade and other economic and diplomatic advantages to the Russians until they rescind their policy of demanding ransom for the right of Jewish people to leave that country.

In the meantime, Congress can act and Congress should act. For instance, we can pass resolutions expressing the sense of the Congress toward the Russian Government and their leaders on the issue of Jewish emigration. We can make it very clear that we condemn these and similar policies by the Russian Government. Toward this goal the House should move without delay.

SOVIET JEWS NEED PRESIDENT NIXON'S HELP NOW

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the plight of the Soviet Jews has reached a critical state. Indeed, there is now apparent physical danger to that community. I have written a letter to the President which I would like to bring to the attention of my colleagues with the hope that those who feel as I do will advise him of their concern.

The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 2, 1972.

The Honorable RICHARD M. NIXON,
President,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I know that you have already received the report authored by Leonard W. Schroeter, who recently returned from the Soviet Union. Most alarming was his statement that "there is grave danger of government inspired and/or spontaneous physical attacks upon the Jewish population."

The validity of his warning is reinforced by the news reports appearing in today's papers, that Soviet officials have imposed new restrictions on the Moscow Jewish community and have prevented the customary celebration of the Simchus Torah holiday in front of the Moscow Synagogue. According to the news reports, Moscow officials refused to close the street in front of the Moscow Synagogue, which I visited in April, 1971 and which would be the place for hora dancing on this holiday. To thwart that holiday expression, the police prohibited people from stopping outside the synagogue and even more cruelly, diverted traffic onto the street, which is only occasionally used by cars, so that traffic was quite heavy. These same news reports state that Jewish sources in the Soviet Union claim that more than thirty Jews have been apprehended in the last two weeks and that six are still being held, two of them in mental hospitals.

All of these repressive actions are intended to intimidate the Jewish community and add to the already exhorbitant and heinous exit visa fees imposed on those wishing to emigrate. These exit fees, which if paid, would total half a billion dollars, can be compared to the fine imposed by Nazi Germany on the Jewish community after the infamous "crystal nacht." There are some who feel that the United States is lending its support to this exit fee operation by selling wheat to the Soviet Union under the recent agreement entered into with the USSR. They alleged that it will be, in fact, the worldwide Jewish community, interested in saving their brethren, who will be compelled to raise the ransom and that these monies will then be used by the Soviet Union to pay for the wheat.

Mr. President, such a situation is intolerable. I respectfully suggest to you that it is not sufficient from a moral point of view for our country to take less than affirmative leadership action in this matter. The world community must be alerted to the frightening and appalling treatment of the Jewish community in the Soviet Union. And further, it is imperative that we exercise whatever economic measures are available to us vis-a-vis the Soviet Union to make its leadership realize that they cannot with impunity continue on this course of action.

I urge you to speak out on this matter using your leadership position to assist those forces in the world who consider the Soviet action to be barbaric. One immediate way that you could demonstrate your opposition to the Soviet action would be to state publicly your support of the congressional efforts to bar most favored nation privileges to the Soviet Union unless it lifts from the necks of these Soviet Jews wishing to leave the USSR, the requirements that ransom be paid.

Sincerely,

EDWARD I. KOCH.

U.S. EXERCISES COMPASSION AND ADMITS 1,000 STATELESS UGANDANS

(Mr. KOCH asked and was given perpermission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I have been advised by the State Department that Attorney General Kleindienst has informed the Department that he will authorize the admission of up to 1,000 stateless Asian Ugandans and that action will be announced at noon today. I want to take this opportunity to commend both the Attorney General and Secretary of State William Rogers for their compassion and leadership in this matter. On September 1, I wrote to Secretary Rogers urging that this country admit 5,000 Asian Ugandans.

Maj. Gen. Idi Amin of Uganda, the dictator of that African state, has threatened the security and indeed, the lives of approximately 90,000 Asian Ugandans. He has directed the explusion of those holding British passports, approximately 55,000, and his racist statements directed to those of Asian ancestry living in that country have made untenable the continued residence of even those Asians who became Ugandan citizens in 1962 when that country was founded. General Amin's statements vis-a-vis Asians rival those of Adolph Hitler. Indeed, General Amin has specifically stated his support of the Nazi regime and its destruction of 6 million Jews.

Today I have contacted the International Rescue Committee, United HIAS, the U.S. Catholic Conference, and the Church World Service and received assurances that they will assist in the resettlement of these immigrants in the United States. In addition, the Intergovernmental Committee for European Migration has indicated that it will assist in the airlifting of the Ugandans to this country, as well as other countries giving refuge to them.

There are those who say that so long as we have unemployed, we should not accept these refugees. But I say there is a morality and Judao-Christian ethic which requires us to extend our help to those who are in such great physical danger. Hopefully, every country appalled by the racist actions of Uganda will similarly open its doors so as to permit the ultimate exodus of approximately 90,000 Asians from Uganda, which will ultimately rue their loss, to friendly countries willing to receive them. These men and women with their children, are educated and skilled in so many professions and occupations that they will not be a burden to our society. They will make contributions far surpassing the cost of the assistance that we extend at this time. But even if that were not the case, it would be incumbent upon us not to repeat the grievous sin which we committed in the late thirties and early forties when we refused to permit Jews then able to leave Nazi Germany to come to this country and instead left them to perish.

Today's announcement by the State Department is as gratifying for me as the statement issued by the Attorney General and the Secretary of State in September 1971 when they agreed to permit the entry of Soviet Jews into this country without regard to quota restrictions, a proposal I had first made in March 1971.

PERSONAL ANNOUNCEMENT

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MIKVA. Mr. Speaker, I regret that I was necessarily absent last week when the House voted on several matters. Had I been present, I would have voted as follows:

Yes on roll 386, final passage of H.R. 1121 establishing the William F. Ryan Gateway National Seashore;

Yes on roll 387, final passage of House Joint Resolution 1306, continuing appropriations resolution for fiscal year 1973;

Yes on roll 388, final passage of H.R. 16012, Reclamation Project Authorization Act;

No on roll 390, adoption of an amendment to H.R. 13694 continuing for 6 months the American Revolution Bicentennial Commission;

Yes on roll 391, final passage of H.R.

13694, continuing for 6 months the American Revolution Bicentennial Commission.

GENERAL LEAVE

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to insert their remarks on the bill H.R. 15276 that was passed earlier today.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

LEAVE OF ABSENCE

By unanimous request, leave of absence was granted to:

Mr. Murphy of New York (at the request of Mr. O'Neill), for today, on account of a death in the family.

Mr. Culver (at the request of Mr. O'Neill), for today and October 3, on account of illness.

Mr. Hagan (at the request of Mr. O'Neill), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Anderson of Illinois (at the request of Mr. Landgrebe), for 30 minutes, on October 2.

(The following Members (at the request of Mr. James V. Stanton) and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 5 minutes, today.
Mr. Begich, for 10 minutes, today.
Mr. Podell, for 10 minutes, today.
Mr. Aspin, for 10 minutes, today.
Mr. Roybal, for 5 minutes, today.
Mr. Giaimo, for 30 minutes, today.
Mr. Smith of Iowa, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Aspinall, on S. 1497 on the Consent Calendar today.

Mr. Aspinall, on H.R. 3986 on the Consent Calendar today.

Mr. Pepper to extend his remarks immediately following vote on the antihijacking bill, H.R. 16191.

(The following Members (at the request of Mr. Landgrebe) and to revise and extend their remarks and include additional matter:)

Mr. Mailliard in two instances.
Mr. Springer in four instances.
Mr. Carlson.
Mr. Esch.
Mr. Findley in five instances.
Mr. Derwinski in three instances.
Mr. Wyman in two instances.
Mr. Hosmer in three instances.
Mr. Smith of New York.
Mr. Widnall in two instances.
Mr. Young of Florida in five instances.
Mr. Ashbrook in three instances.
Mr. Veysey.
Mr. Goldwater in two instances.
Mr. Crane in five instances.
Mr. Collins of Texas in four instances.
Mr. Bray in three instances.
Mr. Duncan.
Mr. Wydler.
Mr. Steiger of Wisconsin.
Mr. Keith.
Mr. Whitehurst.
Mr. Thompson of Georgia.
Mr. McCloskey.

(The following Members (at the request of Mr. James V. Stanton) and to revise and extend their remarks and include additional matter:)

Mr. Carney in two instances.
Mr. Reuss in six instances.
Mr. Montgomery in two instances.
Mr. Conyers in 10 instances.
Mr. Gonzalez in three instances.
Mr. Rarick in three instances.
Mr. Vanik in three instances.
Mr. Mathis of Georgia.
Mr. Abourezk in three instances.
Mr. Mollohan in three instances.
Mr. Long of Maryland.
Mr. Jones of Tennessee.
Mr. Clark.
Mr. Annunzio in three instances.
Mr. Daniel of Virginia.
Mr. Fraser in five instances.
Mr. Ashley.
Mr. Helstoski in 10 instances.
Mr. Jacobs.
Mr. Evins of Tennessee in six instances.
Mr. Danielson.
Mr. Johnson of California.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3994. An act to assure that the public is provided with an adequate quantity of safe drinking water, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. Con Res. 100. Concurrent resolution requesting the President to consider sanctions against any nation that provides sanctuary to terrorists; to the Committee on Foreign Affairs.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 9501. An act to amend the North Pacific Fisheries Act of 1954, and for other purposes;

H.R. 14537. An act to amend section 703(b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas;

H.R. 14891. An act to amend title 14, United States Code, to authorize involuntary active duty for Coast Guard reservists for emergency augmentation of Regular Forces; and

H.R. 14915. An act to amend chapter 10 of title 37, United States Code, to authorize at Government expense, the transportation of house trailers or mobile dwellings, in place of household and personal effects, of members in a missing status, and the additional movement of dependents and effects, or trailers, of those members in such a status for more than 1 year.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 345. An act to authorize the sale and exchange of certain lands on the Coeur d'Alene Indian Reservation, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On September 28, 1972:

H.R. 3337. An act to authorize the acquisition of a village site for the Payson Band of Yavapai-Apache Indians, and for other purposes.

H.R. 3808. An act to increase the size and weight limits on military mail and for other purposes;

H.R. 6467. An act for the relief of Harold J. Seaborg;

H.R. 6797. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission dockets Nos. 316, 316–A, 317, 145, 193, and 318;

H.R. 7742. An act to provide for the disposition of funds to pay a judgment in favor of the Yankton Sioux Tribe in Indian Claims Commission docket No. 332–A, and for other purposes;

H.R. 7946. An act for the relief of Jerry L. Chancellor;

H.R. 8694. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission dockets Nos. 22–E and 22–F, and for other purposes;

H.R. 10012. An act for the relief of David J. Foster;

H.R. 10363. An act for the relief of Herbert Improte;

H.R. 10858. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Pubelo de Acoma in Indian Claims Commission docket No. 266, and for other purposes;

H.R. 12099. An act for the relief of Sara B. Garner;

H.R. 15376. An act to amend the Service Contract Act of 1965 to revise the method of computing wage rates under such act, and for other purposes; and

H.J. Res. 1306. A joint resolution making further continuing appropriations for the fiscal year 1973, and for other purposes.

On October 2, 1972:

H.R. 14537. An act to amend section 703(b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile areas; and

H.R. 14891. An act to amend title 14, United States Code, to authorize involuntary active duty for Coast Guard reservists for emergency augmentation of regular forces.

ADJOURNMENT

Mr. JAMES V. STANTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Tuesday, October 3, 1972, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

(Pursuant to the order of the House on September 28, 1972, the following report was filed on September 29, 1972)

Mr. MILLS of Arkansas: Committee on Ways and Means. S. 3001. An act to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes; with amendments (Report No. 92-1478). Referred to the Committee of the Whole House on the State of the Union.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2384. A letter from the Deputy Secretary of Defense, transmitting a report on disbursements made against the appropriation for "Contingencies, Defense" as included in the Department of Defense Appropriation Act, fiscal year 1972 (Public Law 92-204); to the Committee on Appropriations.

2385. A letter from the Secretary of the Army, transmitting a report on Army military construction contracts awarded without formal advertisement for the period January 1—June 30, 1972, pursuant to section 704 of Public Law 92-145; to the Committee on Armed Services.

2386. A letter from the Chairman, Foreign Claims Settlement Commission of the United States, transmitting the Annual Report of the Commission for calendar year 1971, pursuant to 79 Stat. 1312, 50 U.S.C. App. 2008, and 22 U.S.C. 1622(c); to the Committee on Foreign Affairs.

2387. A letter from the vice president for public affairs, National Railroad Passenger Corp., transmitting a financial report of the corporation covering the month of June 1972, pursuant to section 308(a)(1) of the Rail Passenger Service Act; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 14628. A bill to amend the Internal Revenue Code of 1954 with respect to the tax laws applicable to Guam, and for other purposes; with amendments (Rept. No. 92-1479). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 15735. A bill to authorize the transfer of a vessel by the Secretary of Commerce to the Board of Education of the City of New York for educational purposes (Rept. No. 92-1480). Referred to the Committee of the Whole House on the State of the Union.

Mr. FULTON: Committee on Ways and Means. H.R. 15795. A bill to extend for 3 years the period during which certain dyeing and tanning materials may be imported free of duty; with amendments (Rept. No. 92-1481). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 15442. A bill to continue for a temporary period the existing suspension of duty on certain istle; with an amendment (Rept. No. 92-1482). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolution 1142. Resolution conferring authority on the Speaker to entertain motions to suspend the rules and waiving the rule requiring a two-thirds vote for consideration of reports from the Committee on Rules on the same day reported during the period October 10, 1972 through the balance of that week (Rept. No. 92-1483). Referred to the House Calendar.

Mr. POAGE: Committee on Agriculture. House Joint Resolution 1300. Joint resolution providing for a special deficiency payment to certain wheat farmers. (Rept. No. 92-1484). Referred to the Committee of the Whole House on the State of the Union.

Mr. CELLER: Committee of Conference. Conference report on H.R. 15883. (Rept. No. 92-1485). Ordered to be printed.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 15627. A bill to amend the Oil Pollution Act, 1961 (75 Stat. 402), as amended, to implement the 1969 and the 1971 amendments to the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended; and for other purposes; with amendments (Rept. No. 92-1486). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 14385. A bill to amend section 7 of the Fishermen's Protective Act of 1967 (Rept. No. 92-1487). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee of Conference. Conference report on H.R. 10420 (Rept. No. 92-1488). Ordered to be printed.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 14384. A bill to extend the provisions of the Commercial Fisheries Research and Development Act of 1964, as amended; with an amendment (Rept. No. 92-1489). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 16074. A bill to authorize appropriations to carry out jellyfish control programs until the close of fiscal year 1977 (Rept. No. 92-1490). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARRETT:

H.R. 16921. A bill to expand the national flood insurance program by substantially increasing limits of coverage and total amount of insurance authorized to be outstanding and by requiring known flood-prone communities to participate in the program, and for other purposes; to the Committee on Banking and Currency.

By Mr. DENT:

H.R. 16922. A bill to provide reimbursement to State accounts in the unemployment trust fund for extraordinary unemployment compensation outlays resulting from the effects of hurricane and tropical storm Agnes, and for other purposes; to the Committee on Ways and Means.

By Mr. FISH:

H.R. 16923. A bill to make permanent the existing temporary provision for disregarding income of social security and railroad retirement recipients in determining their need for public assistance, and to provide that no individual presently eligible for medical assistance under a State plan approved under title XIX of the Social Security Act shall lose such eligibility by reason of the recent 20-percent increase in social security benefits; to the Committee on Ways and Means.

By Mr. FISHER (for himself and Mr. BRAY):

H.R. 16924. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes; to the Committee on Armed Services.

H.R. 16925. A bill to amend title 37, United States Code, to extend the authority for special pay for nuclear-qualified naval submarine officers, authorize special pay for nuclear-qualified naval surface officers, and provide special pay to certain nuclear-trained and qualified enlisted members of the naval service who agree to reenlist, and for other purposes; to the Committee on Armed Services.

By Mr. FLOOD:

H.R. 16926. A bill to amend the Housing and Urban Development Act of 1968 with respect to flood insurance by establishing the national disaster insurance fund, and for other purposes; to the Committee on Banking and Currency.

By Mr. FRASER (for himself and Mr. RANGEL):

H.R. 16927. A bill to amend the Social Security Act to make certain that recipients of aid or assistance under the various Federal-State public assistance and medicaid programs (and recipients of assistance under the veterans' pension and compensation programs or any other Federal or federally assisted program) will not have the amount of such aid or assistance reduced because of increases in monthly social security benefits; to the Committee on Ways and Means.

By Mr. FRENZEL:

H.R. 16928. A bill to amend the Occupational Safety and Health Act of 1970 to provide additional assistance to small employers; to the Committee on Education and Labor.

By Mr. HECHLER of West Virginia:

H.R. 16929. A bill to amend the Internal Revenue Code of 1954 to permit the deduction of a portion of State sales taxes on motor vehicles which are imposed at a rate higher than the general sales tax rate; to the Committee on Ways and Means.

By Mr. HOWARD:

H.R. 16930. A bill to amend the act providing an exemption from the antitrust laws with respect to agreements between persons engaging in certain professional sports for the purpose of certain television contracts in order to terminate such exemption when a home game is sold out; to the Committee on the Judiciary.

By Mr. PERKINS:

H.R. 16931. A bill to authorize appropriations for construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

By Mr. RODINO (for himself, Mr. EILBERG, Mr. FLOWERS, Mr. SEIBERLING, Mr. DANIELSON, Mr. HOGAN, and Mr. MCKEVITT):

H.R. 16932. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty; to the Committee on the Judiciary.

By Mr. ROGERS (for himself, Mr. SATTERFIELD, Mr. KYROS, Mr. PREYER of North Carolina, Mr. SYMINGTON, Mr. ROY, Mr. NELSEN, Mr. CARTER, and Mr. HASTINGS):

H.R. 16933. A bill to amend the Public Health Service Act to extend for 1 fiscal year the authorizations of appropriations for programs of assistance under that act for medical libraries, to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL (for himself, Mr. Begich, Mr. Blatnik, Mr. Burton, Mr. Danielson, Mr. Dingell, Mr. Melcher, Mr. Mitchell, Mr. O'Konski, Mr. Podell, Mr. Rees, Mr. Rosenthal, Mr. Roush, Mr. Symington, Mr. Thompson of New Jersey, Mr. Widnall, Mr. Charles H. Wilson, Mr. Yates, and Mr. Brademas):

H.R. 16934. A bill to require States to pass along to public assistance recipients who are entitled to social security benefits the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. SCHNEEBELI:

H.R. 16935. A bill to revise and simplify the Federal disaster relief program, to assure adequate funding for such program, and for other purposes; to the Committee on Public works.

By Mr. SEIBERLING:

H.R. 16936. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes; to the Committee on Armed Services.

H.R. 16937. A bill to amend section 269(d) of title 10, United States Code, to authorize the voluntary assignment of certain Reserve members who are entitled to retired or retainer pay to the Ready Reserve, and for other purposes; to the Committee on Armed Services.

By Mr. STUCKEY:

H.R. 16938. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. THOMPSON of Georgia:

H.R. 16939. A bill to amend title 23 of the United States Code to provide that certain highways in the economic growth center development highway program be built to Interstate System standards, to provide that highways not on a Federal-aid system may participate in such development program, to provide that such program be permanent, and for other purposes; to the Committee on Public Works.

By Mr. WHALLEY:

H.R. 16940. A bill to amend title II of the Social Security Act to increase to $3,600 the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. WRIGHT:

H.R. 16941. A bill to establish policy and principles for planning and evaluating flood control, navigation, and other water resource projects and the use of the water and related land resources of the United States and setting forth guidance for the benefit-cost determinations of all agencies therein involved; to the Committee on Public Works.

By Mr. ANDERSON of California (for himself and Mr. Anderson of Illinois):

H.R. 16942. A bill to authorize appropriations for construction of certain highway projects in accordance with title 23 of the United States Code, and for other purposes, to the Committee on Public Works.

By Mr. GUBSER:

H.R. 16943. A bill to authorize the Secretary of the Army and the Secretary of the Navy to make certain property under their jurisdiction available for transfer for national park purposes; to the Committee on Armed Services.

By Mr. BURKE of Massachusetts (for himself and Mr. Wolff):

H.R. 16944. A bill to amend the Trade Expansion Act of 1962 to prohibit the application of the most-favored-nation principle to certain countries; to the Committee on Ways and Means.

By Mr. FRASER:

H.R. 16945. A bill to strengthen interstate reporting and interstate services for parents of runaway children; to conduct research on the size of the runaway youth population; for the establishment, maintenance, and operation of temporary housing and counseling services for transient youth, and for other purposes; to the Committee on Education and Labor.

By Mr. MOSS (for himself, Mr. Broyhill of North Carolina, Mr. Stuckey, Mr. Eckhardt, Mr. Carney, Mr. Ware, and Mr. McCollister):

H.R. 16946. A bill to amend the Securities Exchange Act of 1934 to provide for the regulation of securities depositories, clearing agencies, and transfer agents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR:

H.R. 16947. A bill to provide for the establishment of the Clara Barton House National Historic Site in the State of Maryland, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ANDERSON of California (for himself and Mr. Anderson of Illinois):

H.R. 16948. A bill to authorize appropriations for construction of certain highway projects in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

By Mr. CELLER:

H.J. Res. 1317. Joint resolution authorizing the procurement of an oil portrait and marble bust of former Chief Justice Earl Warren; to the Committee on House Administration.

By Mr. KEITH (for himself, Mrs. Hicks of Massachusetts, Mr. Burke of Massachusetts, Mr. Collins of Texas, Mr. Fisher, Mr. Begich, Mr. Van Deerlin, Mr. Eilberg, Mr. Ware, Mr. Brasco, Mr. Sikes, Mrs. Heckler of Massachusetts, Mr. Gibbons, Mr. Matsunaga, Mr. Cleveland, Mr. Kemp, Mr. Landgrebe, Mrs. Grasso, Mr. Ichord, Mr. Mann, Mr. Fraser, and Mr. Stuckey):

H.J. Res. 1318. Joint resolution authorizing the President to proclaim 1973 as "America the Beautiful Year"; to the Committee on the Judiciary.

By Mr. BRADEMAS:

H.J. Res. 1319. Joint resolution expressing the sense of the Congress with respect to the foreign economic policy of the United States in connection with its relations with the Soviet Union and any other country which uses arbitrary and discriminatory methods to limit the right of emigration, and for other purposes; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

424. The SPEAKER presented a memorial of the Legislature of the State of New York, requesting the Congress to call a Constitutional Convention for the purpose of proposing an amendment to the Constitution of the United States relative to the use of public funds for secular education, which was referred to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FISHER:

H.R. 16949. A bill for the relief of Pike Sales Co. and Pike Industries, Inc.; to the Committee on the Judiciary.

By Mr. FREY:

H.R. 16950. A bill for the relief of Robert J. Pitman, Jr.; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

287. The SPEAKER presented a petition of the City Council, Rochester, N.Y., relative to the city of Rochester's share of revenue sharing, which was referred to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

JOSEPH F. LIZZADRO—OUTSTANDING CITIZEN

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. ANNUNZIO. Mr. Speaker, I would like to call to the attention of my colleagues the passing of Mr. Joseph F. Lizzadro of Elmhurst, Ill.

Mr. Lizzadro, an immigrant who came to the United States in 1909, rose to become chairman of the board of one of the largest electrical companies in my State, the Meade Electric Co. in Chicago.

I have known Joe Lizzadro personally for over 25 years. He was a tower of strength in our community having given generously of his time and money to Villa Scalabrini, the Italian old peoples home in Melrose Park, Ill.

He established and directed the operation of the Lizzadro Museum of Lapidary Art in Elmhurst, Ill. Mr. Lizzadro's extensive private collection of lapidary art was on display at this unique museum which first opened in 1962, and which is believed to be the only museum in America solely devoted to the display of lapidary art, including precious and semiprecious stones, minerals, fossils, carvings of jade and ivory, and other items relating to stone.

Only 3 months ago Joe Lizzadro sponsored a special exhibit at the Museum of Lapidary Art of a moon rock from the Apollo 11 space flight. The moon rock was released for this purpose by the National Aeronautics and Space Administration.

Joe Lizzadro was a compassionate, generous, and gentle man who supported every worthwhile cause to make America strong and a better place in which to live for all our citizens. He will be missed not only by his many friends but by all those who had the opportunity of becoming acquainted with him.

I know that all of my colleagues on the board of Villa Scalabrini, where I serve as chairman of the development fund, join me in extending to Mrs. Lizzadro, their two sons, John and Joseph, Jr., and their four daughters, our deepest sympathy on the loss of their beloved husband and father.

An article from the Chicago Tribune about Mr. Lizzadro follows:

LIZZADRO DIES; BUILT MUSEUM

Mass for Joseph F. Lizzadro, 74, of Elmhurst, who died late Wednesday, will be said at 10 a.m. tomorrow in Immaculate Conception Catholic Church, York Road and Arthur Street, Elmhurst.

Mr. Lizzadro, who was chairman of the board of Meade Electric Co., one of the largest electrical contractors in Illinois, had been active in a number of civic programs in recent years.

In 1962, he built and opened the Lizzadro Museum of Lapidary Arts in Elmhurst. The museum is famous for its jade collections and art pieces from mainland China.

FLED ITALY IN 1909

A native of Italy, Mr. Lizzadro and his father fled political persecution there in 1909. He became an electrician's helper at Meade Electric Co. at the age of 16.

He worked his way up thru the electrician's trade, was graduated from high school, and was appointed the company's board chairman in 1958 when the owner, Thomas Meade, died.

In recent years, Mr. Lizzadro served as co-chairman for Chicago Medical School fund-raising dinners and helped train veterans for electrical and lapidary work.

HONORED BY ITALY

Mr. Lizzadro also was active in the Villa Scalabrini old people's home for those of Italian descent and the Hoosier Boys Town of Schererville, Ind. He recently received the Order of Merit from the Italian government.

He is survived by his widow, Mary; four daughters, Teresa, Mrs. Angela Anderson, Mrs. Diana Nicholas, and Mrs. Bonita Hay; two sons, Joseph Jr. and John S.; three sisters; one brother; and 23 grandchildren.

IS AMERICA WEAKENING ITSELF TO SOVIET ADVANTAGE?—EDITORIAL BY ADM. ARLEIGH BURKE

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Monday, October 2, 1972

Mr. THURMOND. Mr. President, Adm. Arleigh Burke, former Chief of Naval Operations, recently authored a guest editorial which was published in the Los Angeles Times of August 8, 1972.

The editorial, entitled "Is America Weakening Itself to Soviet Advantage?", deserves the attention of the Congress and the Nation.

Admiral Burke notes that while various developments such as the Strategic Arms Limitation Treaty may be seen as a step toward peace, this agreement could work to our disadvantage.

Mr. President, I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IS AMERICA WEAKENING ITSELF TO SOVIET ADVANTAGE?

(By Adm. Arleigh Burke, retired)

With the five-year SALT interim agreement and protocol and the ABM Treaty, the two "superpowers" are entering into a new era fraught with both opportunities and perils.

The basic question is, in my view, will America be the author of its own weakness and thus be Soviet opportunity?

From World War II to the late 1960s the United States had overwhelming superiority in strategic weapons systems. During that time there were many serious crises between the United States and the Soviet Union. Berlin, Lebanon and Cuba, the most crucial confrontations, were all finally settled by non-nuclear means, but with Russian awareness of the vast American strategic weapons superiority. The Soviet political leadership was constrained in the range of moves it made by the knowledge that the United States could not be pushed too far without increasing the possibility of nuclear counteraction. Nuclear power did not decide the outcome, but it did inhibit Soviet actions.

Premier Nikita Khrushchev probably decided that Russia should never again be confronted by such a situation and he initiated a vast and very expensive rapid expansion of all elements of the Russian strategic weapons systems and the navy. Their rate of production and deployment of strategic weapons in the past few years has been prodigious, much greater than the United States has ever achieved.

The SALT interim agreement and ABM Treaty are based on weapon launchers deployed and under construction by each nation. The basis of negotiations was the number, type and estimated capability of weapons actually on hand or under construction, and, surely further negotiations will concern these same factors. In order to reach agreement the United States made significant concessions to the Soviet Union—even allowing for the fact that the technical composition of the forces and the specific capabilities of individual weapons are so different that any analysis of the comparative effectiveness of the strategic forces of each nation can be but a very crude approximation.

It is not possible to weigh definitely the relative effectiveness of various weapons systems with the numerous variables involved, such as throw-weight, precision, reliability, vulnerability, range, etc. But gross calculations do indicate the Russians did not give up many advantages they held prior to the negotiations. Still, the agreement does provide some limits on present weapons. It could lead to further limitations on nuclear weapons and still maintain the security of the United States and its global influence. Whether it will or not depends on the strength of the United States in the future.

Numerically the current approximate authorized force-levels are:

U.S.A.	
"Light" ICBMs	1,000
"Old" ICBMs	54
"Heavy" ICBMs	0
Total	1,054
SLBM tubes on nuclear-powered submarines	656
U.S.S.R.	
"Light" ICBMs	1,039
"Light" ICBMs (under construction)	66
"Old" ICBMs	200
"Heavy" ICBMs	288
"Heavy" ICBMs (under construction)	25
Total	1,618
SLBM tubes on nuclear-powered submarines	740

Note that the numbers and size of fixed-site ICBM launchers and numbers of deployed missile tubes on nuclear-powered submarines are limited. But the jointly agreed interpretations and unilateral statements are so complex, with so many pertinent factors not covered, that future unilateral interpretations on matters such as cruise missiles, manned aircraft and ballistic missiles on mobile platforms other than on nuclear-powered submarines will permit development and production of additional nuclear capability.

The rough comparison of present SALT authorized force levels indicates that the Russians probably have a slight but meaningful edge on the United States in strategic nuclear power.

The questions now are:

1. Is there any advantage to having a significant superiority in strategic nuclear power?

2. Of what value is this superiority?

3. What will each nation do about it by 1977?

The vast overall throw-weight of the heavy Russian ICBMs enables the Russians to develop many more multiple warheads (MIRV) than the United States can. They already have a nearly 10 to 1 margin in raw nuclear megatonnage. If they choose to act, the American Minuteman force would be highly vulnerable, nearly eliminating that force as a viable deterrent. If the Soviets increase their superiority enough, they will likely attempt to extract major political gains from the United States because in a showdown of nuclear exchange they would have some surviving forces and the United States would not.

If the Soviets choose to improve their nuclear capability and the United States does not, it will not be difficult for them to convince third parties that they are the dominant power and third parties will no doubt accommodate themselves to Soviet demands. Russia has used threats of nuclear attacks before and future threats without American nuclear guarantees of the past can have powerful political impact.

If the United States chooses not to improve its nuclear capability within the SALT agreements, the realities of global political competition will some day become apparent to Americans and, in an atmosphere of national insecurity, crash programs will be instituted with little prospect of regaining strategic stability or negotiating an equitable arms agreement.

For the past 10 years the Soviets have devoted their maximum effort to increasing their nuclear capability and developing a powerful Navy. It is likely they will continue to do so. Their words confirm that these are exactly their intentions. Mikhail A. Suslov very carefully explained to the Soviet Znanye Society that regardless of the SALT agreement the United States remains the enemy. Suslov justified the SALT agreement in terms of the Soviets needing an easing of tensions to develop still greater strength for the long and fierce battles ahead.

There is little doubt that the Soviets will develop many MIRVs, increase their guided missile force, improve their present weapons systems and continue maximum research efforts of weapon technologies, both nuclear and non-nuclear, in preparation for an intensified round of political competition with the United States.

The Soviets have already been firm, unyielding negotiators, unwilling to compromise their predetermined fixed positions. They capitalize on their opponent's weakness.

The basic quesion is, therefore, will America be the author of its own weakness and thus of Soviet opportunity?

REMARKS OF CONGRESSMAN CLARK CONCERNING FAIR INTERNATIONAL TRADE ACT

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. CLARK. Mr. Speaker, the last trade bill, the Trade Expansion Act of 1962, was passed 10 years ago. It expired in October 1967. Therefore, we have been without trade legislation for 5 years.

Yet, Mr. Speaker, the trade front has changed drastically since 1967. Indeed, it was in 1968 that imports started on their sharp upward climb that has resulted in the past few years in our rising trade deficits.

This year we have already suffered a deficit of $4.3 billion through August. It looks as if the deficit for the year would be $6 billion or more. This is a tremendous swing around since 1967 when the official trade balance was over $4 billion in our favor. By the end of this year the turnabout will be some $10 billion, that is, from a surplus of $4 billion in 1967 to a deficit of $6 billion.

In actuality, our real deficit is much higher than our official statistics indicate. This is because the Department of Commerce includes our AID and subsidized exports of cotton, wheat, and dairy products as exports. Yet we would not be exporting these products if we did not give them away in whole or in great part. Exports of this kind have been averaging about $2 billion in recent years and should be subtracted before striking a balance of trade. These exports do not reflect our ability to compete.

While thus inflating our exports the Department of Commerce has systematically undervalued our imports. It continues to value them, not on what they cost us laid down at our ports, but on their foreign value at the point of shipment. The result is that ocean freight, marine insurance, and other shipping costs are not added as they should be.

Nearly all other countries do include these shipping charges in their imports.

The Tariff Commission found from a sample study a few years ago that these ocean shipping and handling charges average about 10 percent of the foreign value of our imports. Therefore, it would be desirable to add 10 percent to our official import statistics if we want to arrive at the actual cost of total imports.

If our exports for 1971 are stripped of the foreign aid, food for peace and similar shipments they would drop from $43.60 billion to $41.60 billion. The 1971 imports of $45.53 billion, on the other hand, would rise by 10 percent to $50.08 billion. This would leave a deficit of $8.48 billion for the calendar year of 1971.

The deficit for the first 8 months of 1972 would rise from the officially reported level of $4.3 billion to about $9 billion and could well reach $11 to 12 billion for the whole year.

Mr. Speaker, this represents a shocking state of affairs that cries out for correction. Our country has in recent years encountered world competitive conditions that have worsened year after year instead of improving. After we made our technology available to the industrial countries after World War II they improved their productivity so sharply that in many instances it now rivals ours. At the same time their wages still lag far behind those paid in this country. This fact gives them a sharp competitive edge.

As a result many of our industries have invested heavily abroad in order to take advantage of the lower labor costs. This has meant employing workers in a variety of foreign countries instead of employing more workers here. Our unemployment is still much too high; but if this situation is not corrected by import controls we will continue to run deficits in our trade and the larger employment we need will continue to take place abroad rather than here. There is very little unemployment in Japan, West Germany, and so forth.

I have introduced a bill, H.R. 16835, that would control imports both by import quota limitations and by holding down imports of products that are under patent protection in this country.

My bill would allow imports to supply a reasonable share of our market, but would limit the increase in imports to the growth of our own consumption. This would prevent imports from doing what they have done in so many instances, which is to say, to capture a rising share of our market without restraint. Good examples are footwear, specialty steel, textiles, automobiles, and many other products. We cannot hope to overcome our excessive unemployment unless we control these imports.

If we put on these limitations the outward flow of foreign investments will moderate because the investment climate in this country will be greatly improved. Those who bring new products on the market or greatly improve existing products will then be assured that the home market will be theirs if they develop it. It will not be taken away from them by imports. The investment capital that was lured overseas will be much more willing to stay here and thus contribute to increasing employment in this country.

It is not generally known that we are in a deficit in nearly all our exports with the exception of machinery, including such items as aircraft and computers, chemicals, and a few other scattered items. We have swung from an export to an import position in many items including automobiles, steel, textiles, typewriters, sewing machines, cameras, petroleum, and other goods.

It is time that we took the steps necessary to halt the erosion of our employment through the imposition of import controls.

THE BURDEN OF PROPERTY TAXES

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, October 2, 1972

Mr. HARRY F. BYRD, JR. Mr. President, the Wall Street Journal of September 29 contains an excellent editorial on the proposals to ease the burden of property taxes through Federal action.

The points brought out in the editorial show clearly that we must proceed with caution when making major changes on the tax structure. Efforts at "reform" could well have the effect of increasing rather than reducing inequities in the system.

It is essential that Congress look closely at proposals for Federal legislation which would have a major impact on State and local taxation.

I ask unanimous consent that the editorial, entitled "Property Tax Puzzles," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PROPERTY TAX PUZZLES

Discussions of taxation often take on a never-never-land quality in an election year, what with promises of reform, closed loopholes, holding the line and the like—yet the discussion can hardly be ignored or classified as unimportant.

One of the most puzzling propositions is President Nixon's proposal that the federal government can and should deal with the inequities of the property tax. As everyone knows, property taxes are an instrument of state and local government, and a few years ago it might have required some audacity for a federal administration to openly suggest that it intended to dictate the revenue policies of lower level governments. But then, as the country has moved ever further towards a national society and a centralized political system, old ideas of federalism have been changing.

However, it is one thing to promise to do something about the property tax and to get by with it without drawing fire from mayors and governors; it is quite another thing for a federal administration to figure out just how it can keep the promise. A commission appointed by the President has recently completed a draft report which suggests that federal intervention might prove to be easier said than done.

The problem, in essence, is that there is nothing resembling uniformity in state and local taxation. Property tax rates vary widely from state to state and locality to locality—which is one reason they have been under legal attack as allegedly violating the equal protection clause of the federal constitution.

Sales, income and other types of state and local taxes sometimes balance out property tax disparities among states; thus, the total state and local tax burden on individuals is not quite so uneven, in some comparisons at least, as the property tax burden.

The problem for a national administration that seeks to give property tax relief is to figure out a way of doing so without making the disparities a part of the federal system as well. Assume, for example, that the federal government attempted to provide such relief by permitting individuals to simply deduct half of their property tax bill from their federal income tax bill. (Currently they can deduct property and other state and local taxes from income in computing federal income taxes.)

Obviously, this type of direct attack on the property tax burden—one of the few obvious lines of attack the federal government could take—would be of greater benefit to taxpayers in states and localities where property taxes are proportionately heavy. In states and localities with proportionately heavy sales and income taxes, the taxpayers would get short shrift. Further, this form of attack would be of relatively little benefit to retired persons with low incomes (and thus low federal taxes) who are said to be most in need of property tax relief. And the federal benefit might even encourage low property tax states to raise property taxes.

It is hard to imagine, in purely arithmetical terms, a federal approach to fulfilling the promise of property tax relief that would not perpetuate existing tax inequities or create new ones.

All of which suggests that this proposed element of the "new federalism" may need some rethinking. Such proposals, it would appear, steadily reduce the policy's quotient of federalism.

It may well be that there is a historical movement away from federalism that no administration can resist and that state and local governments no longer attempt to resist. The ultimate result of this movement may be a future system in which all revenues funnel through Washington and are parcelled out to states and cities in an effort at national uniformity and equity.

But we are not convinced that such an objective is either attainable or desirable. There are good reasons to fear that further movement towards it will bring fiscal and administrative chaos. We would prefer to see the national administration put more faith in state rather than federal solutions to property tax inequities. The initial puzzlement of the President's commission over what federal approach to take would seem to offer very good reasons for doing just that.

NATIONAL LITTLE BLACK PEOPLE CAUCUS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. DELLUMS. Mr. Speaker, although the media pays a great deal of attention to problems of several minority groups, there are still those that remain unorganized, and therefore open to excessive oppression and discrimination.

Recently I met with Mr. Kenneth Brown, who is active in organizing black people between the height of 2 feet 6 inches and 4 feet 10 inches. Mr. Brown, an employee of the Civil Service Commission, came to my office urging me to help his group gain the recognition that they have long needed.

The National Little Black People's Caucus was established for the dual purpose of informing the people of America of problems of the little black people and to assist little black people in obtaining equality under the law. I endorse and fully support Mr. Brown's efforts in obtaining equality for these people.

For the benefit of my colleagues I place into the RECORD the following statement of Mr. Kenneth Brown:

NATIONAL LITTLE BLACK PEOPLE CAUCUS

(By Kenneth L. Brown)

(Motto: To love one another and to help others.)

I would like to call attention to all little Black people of America (Midget), height from 2′6″ to 4′10″, to become part of a group that I am forming as an organization for us. We are little people who God made—you and I.

To overcome our handicaps, I feel that it is urgent for us to organize as a group so we can help fight each other's battle. In unity there is strength.

The reason why I would like to form an organization is because "The Lord is so Good to Me" I want to help my little people (Midget). I am one of the little people and I am familiar with the problems that exist for little people.

By having an organization you will be able to get help for yourself and to know that opportunity is there for you on information concerning solutions to problems like employment (jobs), education (school scholarship), medical research (size, health); last and most important of all is our faith which is christian life.

So I feel now it is time for us to get together and with God's help let's have a group where we can commune fellowship with a warm relationship with one another with God's love.

If any of you reading this message know of any little people (Midget) please have them drop me a card or letter. You are doing me and them a great favor.

LONG LIFE IN ABKHASIA AND AZERBAIJAN, IN THE U.S.S.R.

HON. J. W. FULBRIGHT

OF ARKANSAS

IN THE SENATE OF THE UNITED STATES

Monday, October 2, 1972

Mr. FULBRIGHT. Mr. President, all of us are interested in good health and long life, even thought we spend a major part of our resources in developing weapons of destruction and in poisoning the air and water about us.

Recently, the New York Times published a remarkable article, written by Sula Benet, about the people of Abkhasia, in the Caucasus, which I believe will interest Senators.

Mr. Lloyd Shearer in another article, published in Parade magazine, describes a man in Russia who is said to be 167 years old.

I ask unanimous consent that both articles be printed in the Extensions of Remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

LONG-LIVED ABKHASIANS CONSIDER AGE AN ASSET, CITE SELF-DISCIPLINE

(By Sula Benet)

Two summers ago, in the village of Tamish in the Soviet Republic of Abkhasia, I raised my glass of wine to toast K. L. Zantari, a man who looked no more than 70. "May you live as long as Moses (120 years)," I said. Mr. Zantari was not pleased. He was 119.

For centuries, the Abkhasians and other Caucasian peasants have been mentioned by travelers amazed at their longevity and good health. Even now, on occasion, newspaper reports in the United States and elsewhere will tell of an Abkhasian who says he is 120, sometimes 130.

Abkhasia is a hard land—the Abkhasians, expressing more pride than resentment, say it was one of God's afterthoughts—but it is a beautiful one. It is subtropical along the Black Sea and Alpine straight back from the sea, through the populated lowlands and valleys, to the main range of the Caucasian Mountains.

After spending months with them, I still find it impossible to judge the age of older Abkhasians. Their appearance does not provide a clue: Their gray hair and the lines on their faces show they are old, but are they 70 or 107?

It is as if the physical and psychological changes which signify the aging process stop at a certain point for the Abkhasians. Most work regularly. They have good eyesight, and most have their own teeth. Their posture is unusually erect, even into advanced age; many walk more than two miles a day and swim in the mountain streams. They look healthy, and they are a handsome people. Men show a fondness for enormous mustaches. There is an old saying that when a man lies on his side, his waist should be so small a dog can pass beneath it. The women are dark haired and also slender, with fair complexions.

There are no current figures for the total number of aged in Abkhasia, but in the village of Dzhgerda, which I visited last summer, there were 71 men and 110 women between 81 and 90 and 19 persons over 91—15 per cent of the village population of 1,200. In 1954, the last year for which over-all figures are available, 2.53 per cent of the Abkhasians were over 90. The roughly comparable figures for all of the Soviet Union and the United States were 0.1 per cent and 0.4 per cent respectively.

Since 1932, the longevity of the Abkhasians has been studied on several occasions by Soviet and Abkhasian investigators. These studies show that, in general, signs of arteriosclerosis, when they occurred at all, were found only in the extremely aged. One researcher who examined a group of Abkhasians over 90 found that close to 40 per cent of the men and 30 per cent of the women had vision good enough to read or thread a needle without glasses, and that more than 40 per cent had reasonably good hearing. There were no reported cases of either mental illness or cancer in a nine-year study of 123 people over 100. All showed clear and logical thinking, and most correctly estimated their physical and mental capacities. They showed a lively interest in family affairs, in their collective and in social events. All were agile, neat and clean.

For the rest of the world, disbelief is generally the response to how long Abkhasians live. There should no longer be any question about their longevity. The Soviet medical investigators took great care to crosscheck the information they received in interview.

But why do they live so long? The absence of a written history, and the relatively recent period in which medical and anthropological studies have taken place, preclude a clear answer. Genetic selectivity is an obvious possibility. Constant hand-to-hand combat in the early centuries of Abkhasian existence may have eliminated those with poor eyesight, obesity and other physical shortcomings, producing healthier Abkhasians in each succeeding generation. But documentation for such a theory is lacking.

The Abkhasians say they live as long as they do because of their traditions in sex, work and diet.

The Abkhasians, because they expect to live long, healthy lives, think it is necessary self-discipline to postpone and conserve their energies, including their sexual energy. They say regular sexual relations usually do not begin before the age of 30 for men, the traditional age of marriage; it was once considered unmanly for a new husband to exercise his sexual rights on his wedding night. (If they are asked what is done for gratification of normal sexual needs before marriage. Abkhasians smile and say, "Nothing," but it is fair to speculate that they, like everyone else, find substitutes. Today, some persons marry in their mid-twenties, to the consternation of their elders.)

However, one medical team investigating the sex life of the Abkhasians concluded that many men retain sexual potency long after the age of 70, and 13.6 per cent of the women continue to mensurate after the age of 55.

Kutzba Murat, 101, confided to me that he had waited until he was 60 to marry because while he was in the army, "I had a good time right and left." At present, he said with some sadness, "I have a desire for my wife but no strength." One of his relatives had nine children, the youngest born when he was 100. Doctors obtained sperm from him when he was 119, in 1963, and he still retained his libido and potency. The only occasions on which medical investigators found discrepancies in the stated ages of Abkhasians were when men insisted they were younger than they actually were. One said he was 95, but his daughter had a birth certificate proving she was 81, and other information indicated he was really 108. When he was confronted with the conflict, he became angry and refused to discuss it, since he was preparing to get married. Makhti Harki, 104, with whom I spoke in the village of Duripsh, said the explanation was obvious in view of the impending marriage: "A man is a man until he is 100, you know what I mean. After that well, he's getting old."

WOMEN'S ROLE DEPENDENT, SECONDARY

Abkhasian culture provides a dependent and secondary role for women; when they are young, their appearance is stressed, and when they are married, their service in the household is their major role. In order to narrow her waist and keep her breasts small, she wears a leather corset around her chest and waist; the corset is removed forever on her wedding night.

Virginity is an absolute requirement for marriage. If a women proves to have been previously deflowered, the groom has a right to take her back to her family and have his marriage gifts returned. He always exercises that right, returning the bride and announcing to the family, "Take your dead one."

Despite the elaborate rules, sex in Abhkasia is considered a good and pleasurable thing when it is strictly private. And, as difficult as it may be for the American mind to grasp, it is guiltless. It is not an evil to be driven from one's thoughts. It is a pleasure to be regulated for the sake of one's health—like a good wine.

An Abkhasian is never "retired." From the beginning of life until its end, he does what he is capable of doing because both he and those around him consider work vital to life. He makes the demands on himself that he can meet, and as those demands diminish with age, his status in the community increases.

In a nine-year study, a detailed examination was made of the work habits of the aged. One group included 82 men, most of whom had been working as peasants from the age of 11, and 45 women who, from the time of adolescence, had worked in the home and helped care for farm animals. The study found that the work load decreased considerably between the ages of 80 and 90 for 49 men, and between 90 and 100 for the rest. Among the women 80 and 90, and the others slowed down after 90.

Also, 21 men and 7 women over 100 worked an average of a four-hour day on the collective farm—the men weeding and helping with the corn crop, the women stringing tobacco leaves. Under the collective system, members of the community are free to work their own gardens, but they get paid in what are, in effect, piece work rates for work for the collective.

Competitiveness in work is not indigenous to Abkhasian culture, but it is encouraged by the Soviet government for the sake of increased production. It is too soon to predict whether this seemingly fundamental change in work habits will affect Abkhasian longevity.

OVEREATING CONSIDERED DANGEROUS

Overeating is considered dangerous in Abkhasia, and fat persons are regarded as ill. When the aged see a younger Abkhasian who is even a little overweight, they inquire about his health. "An Abkhasian cannot get fat," they say. "Can you imagine the ridiculous figure one would cut on horseback?" But to the dismay of the elders, the young eat much more than their fathers and grandfathers do.

The Abkhasian diet, like the rest of life, is stable: Investigators have found that persons 100 years and older eat the same foods throughout their lives. They show few idiosyncratic preferences, and they do not significantly change their diet when the economic status improves. Their caloric intake is 23 per cent lower than that of industrial workers, though they consume twice as much vitamin C; the industrial workers have a much higher rate of coronary insufficiency and a higher level of cholesterol in the blood.

The Abkhasians eat without haste and with decorum. No matter what the occasion, Abkhasians take only small bites of food and chew those very slowly, a habit that stimulates the flow of ptyalin and maltese, insuring proper digestion of the carbohydrates which form the bulk of their diet.

The Abkhasians eat relatively little meat—perhaps once or twice a week—and prefer chicken, beef, young goat and, in the winter, pork. They do not like fish and, despite its availability, rarely eat it. The meat is always freshly slaughtered and either broiled or boiled to the absolute minimum—until the blood stops running freely or, in the case of chicken, until the meat turns white.

At all three meals, the Abkhasians eat abista, a corn meal mash cooked in water without salt, which takes the place of bread. Abista is eaten warm with pieces of homemade goat cheese tucked into it. They eat cheese daily, and also consume about two glasses of buttermilk a day.

The other staples in the Abkhasian diet include fresh fruits, especially grapes; fresh vegetables, including green onions, tomatoes, cucumbers and cabbage; a wide variety of picked vegetables, and baby lima beans, cooked slowly for hours, mashed and served flavored with onions, peppers, garlic, pomegranate juice and pepper. That hot sauce, or a variant of it, is set on the table in a separate dish for anyone who wants it. Large quantities of garlic are also always at hand.

Although they are the main suppliers of tobacco for the Soviet Union, few Abkhasians smoke. They drink neither coffee nor tea. But they do consume a locally produced, dry, red wine of low alcholic content. Everyone drinks it, almost always in small quantities, at lunch and supper, and the Abkhasians call it "life giving." Absent from their diet is sugar, though honey, a local product, is used. Toothaches are rare.

Soviet medical authorities who have examined the Abkhasians and their diet feel it may well add years to their lives: the buttermilk and pickled vegetables, and probably the wine, help destroy certain bacteria and, indirectly, prevent the development of arteriosclerosis, the doctors think. In 1970, a team of Soviet doctors and Dr. Samuel Rosen of Mount Sinai of New York, an ear surgeon, compared the hearing of Muscovites and Abkhasians, and concluded that the Abkhasians' diet also accounted for their markedly better hearing.

GROUP IDENTITY PROVIDES SECURITY

Although the Abkhasians attribute their longevity to their work, sex and dietary habits, there is another, broader aspect of their culture that impresses an outsider: The high degree of integration in their lives, a sense of group identity feeling of personal security and continuity, and permits the Abkhasians to adapt themselves, to the changing conditions imposed by the larger society.

Their kinship structure is literally the Abkhasians' all-encompassing design for living: It regulates relationships between families, determines the settlement of disputes, defines the position of women and marriage rules. Through centuries of nonexistent or ineffective centralized authority, kinship was life's frame of reference, and it still is. In times of crisis, sickness or death, all kinsmen are informed and immediately converge on the stricken homestead offering help and automatically taking over the responsibilities that have been left unfilled.

Kinship in Abkhasia is an elaborate, complicated set of relationships based on patrilineage. At its center is the family, extended through marriage; it is then extended to include all those families which can be traced to a single progenitor; and finally to all persons with the same surname, whether the progenitor can be traced or not. As a result, an Abkhasian may be "kin" to several thousand persons, many of whom he does not know.

Abkhasian life shows general continuity, the absence of limiting, defining conditions of existence like "unemployed," Abkhasians are a life-loving, optimistic people, and unlike so many very old "dependent" persons in the United States who often wish for death so they will no longer be a burden to themselves and their families, they want to go on living. One 90-year-old Abkhasian, Akhba Suleiman of the village of Achandara, told his doctor 'It isn't time to die yet. I am needed by my children and grandchildren, and it isn't bad in this world—except that I can't turn the earth over and it has become difficult to climb trees.'

The extraordinary attitude of the Abkhasians—to feel needed at 99 or 110—is not artificial or self-protective. It is the natural expression of a consistent outlook that begins in childhood.

There are no separate "facts of life" for children and adults: the values given children are the ones adults live by, and there is no hypocritical disparity (as in so many other societies) between adult words and deeds. Since what they are taught is considered important, and the work they are given is considered necessary, children are neither restless nor rebellious. As they mature, there are easy transitions from one status to another.

From the beginning, there is no gap between expectation and experience. Abkhasians expect a long and useful life and look forward to old age with good reason: in a culture which so highly values continuity in its traditions, the old are indispensable in their transmission. They are the opposite of burdens; they are highly valued resources.

My own view is that Abkhasians live as long as they do primarily because of the extraordinary cultural factors that structure their existence: The standardization and certainty of both individual and group behavior, the unbroken continuum of life's activities—the same games, the same work, the same food, the same self-imposed and socially perceived needs. And the increasing prestige that comes with increasing age.

Is This Man 167 Years Old?

(By Lloyd Shearer)

Kiev, U.S.S.R.—The Soviets claim that Shirali Mislimov is 167 years old, that he was born in the high mountain settlement of Lerik in Azerbaijan, a constituent republic of the Soviet Union, west of the Caspian Sea, on May 19, 1805, one year after Napoleon I became Emperor of France.

"What is most important about Mislimov" explains Alexander Katkow of Tass, the Soviet news agency, "is that he is really no great exception.

"In two of our republics, Azerbaijan and Abkhasia, approximately one out of every 300 persons is at least 100 years of age. Down there in the Caucasus and around the Caspian," he exclaims, "those people know how to live! We Russians and you Americans—all of us—we burn ourselves out long before our time."

NO BIRTH CERTIFICATE

Shirali Mislimov has no birth certificate and no irrefutable documentation to support the Soviet claim that he is indeed the world's oldest man—but he clearly recalls the distant past and claims to remember his father talking to him about Napoleon's invasion and retreat from Russia "when I was just a little boy." The Academy of Sciences of the U.S.S.R., according to Katkow, says it has corroborated Mislimov's birth date through medical investigation and research of historical military records.

Over the years the academy has invited anthropologists of many nations to study the longevity of citizens in Azerbaijan and Abkhasia and has made available to them the findings of the Institute of Gerontology at Kiev and other cities.

Like other centenarians of his region, Mislimov attributes his longevity to long-lived parents, his delayed sex life—he was not married until he was 65—and to an active and serene life both as farmer and carpenter.

Never obese, competitive, or ambitious, never gluttonous for the delights of food and flesh, convinced that a thin horse is necessary to run a long race, Mislimov tells researchers that he has always been satisfied with his role in life, and that he has always practiced self-control.

In the town of Barzava, he works daily in the fruit orchard he planted more than 100 years ago, he takes long walks always with his grand- or great-grandchildren. He eats sparingly, mostly vegetables and fruit, drinks wine, abstains from tobacco, rarely worries.

He says he is by now accustomed to his wife (age 120) and that "life is too short to quarrel with her."

Unlike many Western cultures, the culture of Azerbaijan respects and honors its elders, according them prestige and deference for their opinions and experience. Its old men are not made to feel useless, unwanted, or burdensome.

By virtue of being the oldest and thus the most photographed man in Barzava Mislimov, of course, is the community celebrity, a personage of serenity, peace of mind, and an apparently endless will to live.

TRIBUTE TO JIM BUSH

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. MATHIS of Georgia. Mr. Speaker, the career of a longtime public servant in my home county is coming to a close, and he is being accorded the public praise that he so richly deserves. Mr. Jim Bush has served the citizens of Dougherty County, Ga., long and well. His career sets a standard that all of us as public servants can reach for. The citizens whom he served with such dedication and integrity will miss his performance of duties, his advise, and counsel. I extend to him my best wishes for his retirement years, and include for the examination of all the Members of this House two recent articles concerning this remarkable man.

[From the Albany, Ga., Herald, Sept. 12, 1972]

VETERAN DOUGHERTY SUPERIOR COURT CLERK HONORED

In an emotion-choked voice J. W. Bush, retiring clerk of the Dougherty Superior Court, for 28 years, told an admiring audience this morning in Superior Court "It has been a pleasure for me to serve the people of Dougherty County."

Mr. Bush, after serving "faithfully and unselfishly" since 1944 as clerk, received an engraved silver serving tray for his years of service.

City Court Judge Rosser Malone said, "At times words fail to express what our hearts want to say. I can pay no higher tribute to Jim Bush than to say that it has been an honor to know him these many years."

NO OPPOSITION

Bush, who maintained an automobile dealership here before running for clerk of court in 1944, has been uncontested in his office through his service.

Albany Attorney Walter Burt, Sr. said of this record, "The fact that J. W. Bush has run uncontested since 1944 exemplifies the efficiency with which he performed his duties and the faith the people of this county have placed in him. We will miss him."

SILVER TRAY

Bush's wife sat in a jury box with glistening eyes as Albany attorney and friend H. H. Perry presented him with the engraved tray saying "J. W. Bush has conducted the office of clerk of the Superior Court as it should have been conducted, with efficiency and dignity. We will always remember J. W. Bush."

Bush, former president of the Albany Chamber of Commerce and president of Albany First Federal Savings & Loan Assn., is a former Albany City Commissioner and a long-time civic and business leader here.

[From the Albany, Ga., Herald, Sept. 11, 1972]

J. W. BUSH'S SIGNAL SERVICE

(EDITOR'S NOTE: "Jim" Bush was born and reared in Miller County; he is the son of the late Isaac B. and Minnie Hays Bush, prominent, influential, and beloved citizens of this county. He married his childhood sweetheart, Miss Annie Lou Fudge, also a native of Colquitt. They have one son, James W. Bush, also of Albany.

"Jim" Bush is the embodiment of dignity and integrity and it is such men as he, who gives majesty to cities, counties, states, and nations.

Throughout his life he has been kind, considerate, gentle, courageous, and has attained great heights. He earned immense respect, prestige, and power because he was a gentleman. To fully assess the greatness of "Jim" Bush, one need only to examine the 28 years of his life that he gave to public service. He has truly given a life of service to his community and more men of such iron will and devotion to duty are needed in the world today. He served in private and public life with exceptional and outstanding distinction.)

Outstanding men in public office are, as most citizens will agree, hard to come by in these times. That is why the retirement of one such constitutes a distinct loss. Certainly this is true in the case of J. W. Bush, for 28 years clerk of Dougherty Superior Court. His decision not to seek reelection, and his forthcoming retirement at the end of his term in December, is contemplated with a certain sense of resigned acceptance by his constituency and his community.

As high-level attestation bore witness in courtroom special ceremonies yesterday, Mr. Bush has been an exemplar to those who hold public office. He has, as his colleagues in office, at the bar and personal friends remarked discharged the duties of his public trust "faithfully and unselfishly" throughout his tenure. Assuredly, the fact that he was never once opposed after having won election to his initial term in 1944 speaks volumes concerning his capabilities, to say nothing of his personality.

But "Jim" Bush has meant much more to this community than as a mere court official. Through his private as well as his public life, the latter also having embraced a term on the City Commission of Albany, the former having encompassed the presidency of the Albany Chamber of Commerce and all manner of service on various boards, committees and other worthwhile endeavors, he has typified that indefinable quality which has come to be known as "The Albany Spirit."

Fundamentally, that has made Albany what it is today—the unquestioned socioeconomic leader of our South Georgia region. It constitutes, in essence, an unquestioning investment by the individual of his talents and time and treasure for the common weal. It has yielded tremendous dividends for us all. Jim Bush has given more than most. That is why he is being saluted so generously as he ends a distinguished career in the public service.

DOMESTIC ISSUES

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. FINDLEY. Mr. Speaker, 1 year ago, President Nixon imposed a freeze on wages and prices. Since that time, economists have argued whether the guidelines established by the Cost of Living Council have really been effective in fighting inflation.

Nothing causes prices to soar so much as Government spending which exceeds revenue. Last year the Government spilled $25 billion in red ink; the year before the figure was $23 billion. This year the figure is projected at about the same amount. We cannot expect the private sector—the wage earner, the businessman, the housewife—to fight inflation if the Federal Government is unwilling to set an example.

To bring budgetary responsibility into the Halls of Congress, I have proposed amending the rules of the House to require the adoption of an annual budget for the Federal Government before appropriations can begin. After the budget is adopted, it would require a two-thirds vote to pass any money bill in excess of its budget allocation. President Nixon's Budget Director, Caspar Weinberger, assigned a member of his staff to work with me on it. Early in the 93d Congress I am hopeful it will be adopted.

SENIOR CITIZENS

Throughout last year, I worked on a bill to give senior citizens of limited income a Federal income tax credit to offset State and local property taxes. The tax credit would apply equally to homeowners and renters. When a person's income is so low that he pays no Federal income taxes, he would be eligible for a payment from the U.S. Treasury equal to the amount of his property taxes paid, up to $300.

Old age is difficult enough in familiar surroundings. It can be unbearable for people torn from these surroundings by the rising burden of real estate taxes.

THE CARVER HOME FIRE

In the early morning hours of May 6, 1972, a tragic fire snuffed out the lives of 10 elderly patients at the Carver Nursing Home in Springfield. According to a study of the fire, no loss of life would have occurred if the building had been equipped with a fire sprinkler system. To help prevent such fires I introduced a bill to guarantee loans to substandard facilities for the purpose of installing fire safety equipment. This proposal has now been approved by the House Banking and Currency Committee and awaits final congressional action.

FIREARMS AND THE LAW

Congress is once again being urged to control strictly the ownership of firearms by ordinary citizens. In my view, to do so would be unfair to the law-abiding gun owner and do nothing to deter the criminal. I oppose such proposals. Instead, I have proposed stiff mandatory penalties for possession of firearms by criminals who use guns to commit other crimes. This would place the burden where it belongs.

THE LINCOLN HOME

For years, the home of Abraham Lincoln in Springfield—the only home he ever owned—was threatened by commercialism, deterioration, and urban blight. To protect this historic monument for the inspiration of future generations and to give Illinois its first national park, I introduced a bill to establish the Lincoln home as a national historic site under the jurisdiction of the National Park Service. It passed the House unanimously, and President Nixon flew to Springfield to sign it into law in the Old State Capitol Building. It was a historic moment for Springfield and for the Lincoln saga.

A PARENT'S CONCERN ABOUT BUSING

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. MIZELL. Mr. Speaker, I have spoken in this Chamber on many occasions in the past about what I have termed the "madness of busing."

I recently received a letter from a constituent of mine, Mrs. Clifford B. Julen of Route 1, Winston-Salem, N.C., who is concerned as I am and as millions of parents throughout America are about the effects of massive long-distance busing on the public school children of the Nation.

The Senate has yet to act on the strong antibusing legislation recently passed by the House, and until our Senate colleagues act, there is no relief for Mrs. Julen's son, or for millions of other children in similar circumstances.

I urge the Senate to act immediately on this legislation, and submit Mrs. Julen's excellent letter as further proof of the need for this legislation. The text follows:

WINSTON-SALEM, N.C.,
September 26, 1972.

Hon. WILMER MIZELL,
House of Representatives,
Washington, D.C.

DEAR MR. MIZELL: I am writing to you again in regard to the very serious situation we have in our schools here.

Most of the people here are heart sick and really wonder which way to turn in this cross busing of the Winston Salem/Forsyth County school children.

From the reports in the newspaper we read the busing is running smooth with no unusual problems.

The newspapers do not give the fact that the children are so tired and exhausted from one day to the next that they do not feel like concentrating especially on school work. Their joy and happiness is completely gone. The newspapers do not tell you about the 7 to 15 buses you meet on Interstate 40 between Kernersville and Winston Salem each morning between 7:30 and 8:00 AM. Nor do they explain the number of accidents behind the buses due to their slow pace.

We do not read about the little black child with a fever of 103° that stays in school all day 12 to 15 miles from home because no one can be reached to pick him up, nor could his Mother find the school if she knew how to drive.

All of these are problems that are desperately hurting our children and our hands are completely tied. I can readily understand the reasons for this not being published as I am sure it would only cause more trouble.

However, I feel that I must ask your help as my son gets on his bus each day in front of our house at 7:05 AM. He returns back to the front of our house between 3:15 and 3:45, depending on the traffic on Expressway 52 North. It is nearly dark in the morning now when he leaves home and in another couple of weeks it will be completely black each morning. Can you see the danger that he is involved in now? All I can do is give you the actual facts that we are facing in our family.

My son is only supposed to be in school six hours each day. You can see the time that he is away and what a two and one-half hour bus ride daily could do to a 10 year old child.

Mr. Mizell, I am afraid if this continues in this manner, our country will fall faster than ever recorded in history. Then where will my sons be. Personally, I feel the present rulings of our Supreme Court will be responsible for this failure.

In our family we work daily to give the best we possibly can for our children. We now feel that the education we desperately want for our sons is being denied us.

We sincerely appreciate the work that you have already done on the cross busing. We also know that you can only do so much yourself, however, please do not forget the difficult circumstances in which we are involved. If there is anything that can be done to eliminate this cross busing, please do not hesitate to do so.

Thank you again for listening and for any help that you can give us.

Very truly yours,

MRS. CLIFFORD B. JULEN.

PERSONAL EXPLANATION

HON. CLIFFARD D. CARLSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. CARLSON. Mr. Speaker—because of prior commitments I could not be present for the votes in regard to H.R. 13694, to amend the joint resolution establishing the American Bicentennial Commission.

I would have voted "nay" on rollcall No. 390, an amendment that specified that all decisions would be made by the full Commission in lieu of an executive committee and I would have voted "yea" on rollcall No. 391, final passage of H.R. 13694.

NATIONWIDE "RENT WATCH" ORDERED BY COST OF LIVING COUNCIL TO PROTECT SENIOR CITIZENS

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. WIDNALL. Mr. Speaker, today the Cost of Living Council has instituted a "rent watch" designed to protect renters who are on social security from illegal rent practices. This is a particularly timely action, as the social security checks to be mailed tomorrow to 28 million beneficiaries will reflect income increases of 20 percent.

In pursuit of its goal of economic stabilization, the Cost of Living Council has been resourceful and effective in establishing anti-inflationary procedures. This latest example displays an awareness of possible sources of inflation and a willingness to put forth the necessary effort to protect the consumer—and especially the consumer with a relatively fixed income. A broader benefit is also to be gained from the Council's action, that of assuring that all rental housing is administered in compliance with stabilization regulations.

I applaud the Council in its efforts to hold the line on rents. For the information of my colleagues, I am submitting the text of the Council's release of Friday, September 29, for reprint in the RECORD:

NATIONWIDE "RENT WATCH" ORDERED BY COST OF LIVING COUNCIL TO PROTECT SENIOR CITIZENS

Following a meeting with President Nixon today, the Cost of Living Council has ordered a nationwide "rent watch" aimed at preventing landlords from boosting rents to take advantage of increased Social Security payments to the elderly, the handicapped, children and widows.

The program will be implemented October 2, the day before checks reflecting income increases of 20 percent will be mailed to 28 million Social Security beneficiaries.

It is designed to protect renters who are on Social Security from illegal rent practices, and assure that Economic Stabilization Program regulations are not being violated by landlords.

The rent watch will be conducted by 58 Internal Revenue Service district offices across the country and coordinated by stabilization officials in Washington, D.C.

Key elements of the program include: An Internal Revenue Service "rent sweep" audit of older persons' housing; expedited rent complaint services for Social Security recipients; and new Internal Revenue Service authority to administer sanctions and levy financial penalties on violators.

In announcing the rent watch, Cost of Living Council Director Donald Rumsfeld commented: "There are two important reasons for ordering this program in behalf of the Economic Stabilization Program.

"First, the elderly and others who must rely upon fixed Social Security payments spend a greater percentage of their disposable income on housing than most other Americans. These people are extremely vulnerable to the damaging effect of inflation, and it is our job to try to help protect their income position.

"Secondly, we hope that landlords are voluntarily complying with stabilization program guidelines, as are the majority of Americans. But this program, for those who are not in compliance, should serve as a notice. The presence of Internal Revenue Service officers in rental housing across the nation is a reminder that landlord violators are subject to sanctions and financial penalties administered by the IRS, and to litigation and possible prosecution by the Department of Justice."

The four-part rent watch action includes:

1. RENT SWEEP

The Internal Revenue Service has begun to conduct a "rent sweep" from each of its 58 district offices. This compliance audit of rental units will concentrate on apartment buildings which house high percentages of older persons on Social Security. The IRS estimates that over 50,000 rental units will be involved in this investigation. Special emphasis will be exerted in areas which have large populations of older persons.

2. EXPEDITED RENT COMPLAINT SERVICE FOR SOCIAL SECURITY BENEFICIARIES

A rent watch program is in force in over 300 local Internal Revenue Service offices across the nation to expedite rent inquiries and complaints submitted by any Social Security beneficiary. The handling of walk-in and telephone calls, as well as mail inquiries, will be given top priority. Followup investigation in cases involving possible landlord violations also will be given quick action. Persons contacting the IRS with a rent inquiry or complaint should identify himself, or herself, as a Social Security beneficiary.

3. ADMINISTRATIVE SANCTIONS AND PENALTIES ON LANDLORDS FOUND IN VIOLATION

The Internal Revenue Service has been granted for the first time new administrative sanction powers. This gives the IRS authority to administer sanctions and allocate penalties to landlords who have illegally overcharged rents. Landlords in violation of stabilization program rent regulations can be ordered to restore overpayments to tenants, rollback rents to legal limits, and pay a penalty of an amount double an overcharged rent.

Cases in which flagrant and willful violation of rent rules occur will be turned over to the Justice Department for litigation action and possible prosecution.

4. PUBLIC EDUCATION EFFORT

The Cost of Living Council and the Internal Revenue Service have prepared and will distribute materials designed to educate landlords and tenants about their rights and responsibilities under the Economic Stabilization Program. Some rent increases are permissible if they are consistent with the rent regulations. In addition, certain types of units are exempt from the controls. It is expected that the effort to hold down rent increases in those units subject to controls will encourage exempt landlords to exercise restraint.

Some Social Security recipients are subject to Department of Housing and Urban Development controls requiring rents to adjust with changes in income. Although some HUD-controlled rents will now increase, in no case will the percentage of income spent on rent by a Social Security beneficiary exceed the percentage presently paid for rent.

HON. CHARLES R. JONAS: CHAMPION OF FISCAL INTEGRITY

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. EVINS of Tennessee. Mr. Speaker, I want to take this means of according a well deserved tribute to my colleague, Hon. CHARLES R. JONAS, the gentleman from North Carolina who is retiring at the end of this session following his 20 years of distinguished service in the Congress.

During most of his career in the House, CHARLIE JONAS has served on the Committee on Appropriations where he has championed the cause of fiscal integrity and economy in Government.

One of the great pleasures of my service in Congress has been the privilege of serving with CHARLIE JONAS for some 16 years on the old Subcommittee on Independent Agencies and HUD, now the Subcommittee on Housing-Space-Science and Veterans Appropriations.

During my period of service as chairman of this subcommittee CHARLIE JONAS was ranking minority member and I always found him to be unfailingly cooperative, courteous, considerate and helpful. He has strong convictions and is firmly committed to the need and necessity of fiscal integrity and his dedication and devotion to those ideals contributed greatly to our subcommittee's work and a record for economy and fiscal prudence.

Another highly commendable trait of CHARLES JONAS is the fact that he does his homework. His arguments and positions are invariably well reasoned and fully documented. His thorough and careful preparation and study brought to our subcommittee a wealth of recommendations, advice, and counsel that have been of incalculable value in reaching decisions. As a lawyer, he has distinguished himself in committee examination work.

During his outstanding record of service he has risen to become second ranking member of the full Committee on Appropriations. I am advised that during CHARLIE JONAS' 20-year tenure on the Committee on Appropriations, the committee has recommended cuts and reductions totaling more than $90 billion. This excellent record is no small achievement and a monument to the skill, knowledge, hard work, and dedication of CHARLIE JONAS.

Excellence has been the hallmark of his life and career. At the University of North Carolina he was the president of the student body, captain of the track team, president of his class, and editor-in-chief of the North Carolina Law Review.

When elected to the House in 1952, he was the first Republican Congressman elected from North Carolina since his father served in the Congress in 1929–31; and the crowning tribute was his unopposed candidacy in 1968, one of the greatest tributes from the people any elected official can receive.

CHARLIE JONAS is an able, personable, and congenial gentleman. He will be greatly missed. For me his retirement will be a personal loss because I consider him one of my most valued friends in the Congress.

My wife joins me in wishing for CHARLIE JONAS and his wife, Mrs. Annie Elliott Jonas, every good luck, success, and happiness in their richly deserved retirement.

EULOGY TO FRED KEY

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. MONTGOMERY. Mr. Speaker, a few months ago the Nation lost a great aviation pioneer with the death of Fred Key of Meridian, Miss. It was in the 1930's that he and his brother, Al, who is now mayor of Meridian, set the world endurance flying record in their plane, the "Ole Miss." I would like to share with my colleagues an eulogy to Fred Key. This eulogy is especially significant since it was composed and delivered by the Honorable Aubert C. Dunn of Meridian, who served as a Member of the U.S. House of Representatives from Mississippi in the 73d Congress. The eulogy is as follows:

EULOGY TO FRED KEY

(By Aubert C. Dunn)

The death of every person is a commencement exercise held in the invisible halls of eternity. There are no exceptions in the call of graduates.

These last rites for Fred Maurice Key can be only a symbol, or tender gesture from each of us to edify our sacred tradition of love to one whose epitaph has long since been written upon the bosoms of the sky and on the paths and highways of mortal honor.

To eulogize one who has caressed the wild blue yonder with courageous enthusiasm mid the convulsive perils of war, is simply to try and understand and marvel at the depth of man's sacrificial humanity to man when the fires of life burn low, and deepening dusk gathers for its own sad bounty eternity claims for its sons of glory.

Yet, Fred lived far and above the heart-aching experiences of war. When the shouting and the tumult ceased; when the Captains and Kings of war departed, he sought at once the rod and staff of his nativity, his home, his community, the people he knew and loved best. And to Meridian and its genial warmth of cordial love and welcome, he planted his heart and soul to follow through, with the challenge of the sky and space upper-most in his scientific and adventuresome nature. That he conquered in his conquest, along with his brother Al, is a statistic of wonderment known to all the world. His signature and trophy reposes in splendor for all to see in the nation's Smithsonian Institute, Washington, D.C. and is the everlasting monument known as the "Ole Miss."

Fred's long-suffering, like unto every raging storm of life, proved again and again his sturdiness of character and hardiness of heritage, comparable, indeed, to the full bloom of a night flower in its patience with the realm of silence.

Always a friend whose loyalty was unshakeable, he believed that his life-work was a service station of deepening joy. That true love in the dancing shadows of domestic tranquility and an abiding faith in the unborn tomorrows, were the morning stars of human hope.

It is good, and it is inspiring for me to remember Fred in the ruddy zest of his young manhood. Never a prisoner of indecision, a dutiful companion of tolerance, humble in the presence of kindness, yet ready and eager to toy and play with the golden threads upon the spool of high adventure, he recognized early that reward and success come only to those who understand best the cruel orders that life prescribes for each of us.

A great man said many years ago that the past rises before us like a dream, and it does, indeed. We are all weak, incurably delicate in the flesh, torn always between the good and the unacceptable, and utterly dependent upon a God for love for our sustenance. And we know we shall never, never be able to measure our faith by the invisible yardstick of infinity, for man can never exceed the limitations of his own being. Like the soft and misty formations of the gathering clouds, configuring the cosmic heavens in grotesque, yet marbled beauty of iridescent shades, trailing the hues and spendor of an arched rainbow, we all stand helplessly in the mortal void of the will of God.

As I humbly said at the last sad farewell to both Doctor and Mrs. Key, father and Mother to Fred, Al and Ben, no man weeps alone when he weeps in the corridors of memories, and there is no end to the sweetened memories of life. And here now, in these services for Fred, new memories are embroidered for our pillow of love, and here also, for a little while, all is peace. This, at least, is the sum total of spiritual joy.

And what shall I say to all of the loved ones during these death filled hours? To Al and to Ben, their families, and their kin—to Fred's loving and wifely companion, Louise and the children left behind—only this—may the memory of Fred fill your soul with solid peace and thanksgiving for having been a part of his life, even as I, a friend, who will remain behind for yet awhile, to recall the everlasting gratitude in my heart for his brotherhood and love for me in a time of need and affliction.

HEROIC DEEDS OF VOLUNTEER FIRE DEPARTMENTS

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. HOGAN. Mr. Speaker, the Prince Georges County volunteer fire departments have been criticized quite often in recent months, and at this time I would like to point out the heroic deeds that critics seem to have carefully avoided when denouncing the volunteer fire departments.

In addition to their normal duties, which include risking their lives to save others in fires, automobile accidents and other emergencies, 396 volunteer firemen worked continuously during and after tropical storm Agnes to help people in distress. These men, along with 55 career firemen, saved the lives of 648 persons and assisted 2,966 other victims of the flood.

Such heroism should not go unheralded. The Prince Georges County volunteer firemen performed these deeds and they deserve the enduring gratitude of the county's citizens. If these brave men had not volunteered their strength and courage, who would have come to the aid of the flood victims? Furthermore, who would continue to rescue people from fires and other tragedies?

The citizens of my home county should not only be aware of these acts of heroism, but the millions of dollars which these volunteer firemen donate in service to their fellow citizens.

Mr. Speaker, it is my hope that citizens of Prince Georges County and counties across the Nation will give their thanks to the volunteer firemen who give their time and energy—without pay—to protect their neighbors.

BELL AIRCRAFT'S OCTOBER CONTRIBUTIONS TO THE HISTORY OF FLIGHT

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. SMITH of New York. Mr. Speaker, two significant anniversaries in the history of flight take place in October—man's first trip beyond the sound barrier and the first flight of the United States first jet airplane.

Both were achievements of the former Bell Aircraft Corp., which today is Textron's Bell Aerospace Division.

It was 30 years ago, on October 2, 1942, that Bell's XP–59A Airacomet officially flew for the first time at an Army Air Force testing base at Muroc, Calif.—now Edwards Air Force Base.

Five years later, on October 14, 1947, the rocket-powered Bell X–1 made history by flashing through the California skies faster than sound.

The X–1 and the XP–59A were far more than aircraft powered by new types of engines. They were research vehicles in which the foundations were laid for jet flight.

Built as a super secret project for the Army Air Corps, the XP–59A was designed and fabricated by Bell at a secret facility that today is Trico Products Corp.'s Plant No. 2, 2495 Main Street, Buffalo, N.Y.

Construction work on the first Airacomet began in January 1942, less than 9 months before its first flight. Surrounded by armed Military Police, the secret airplane was fitted with a mock wooden propeller and shipped to the west coast crated on a flat car.

To prevent possible damage to the bearings in its two jet engines, they were run slowly by compressed air throughout the trip. Following the first flight, hundreds of other flights were made at what is now Edwards Air Force Base in California before a public announcement of the radically new airplane was made in 1943.

The Airacomet had a speed of more than 400 miles per hour and a service ceiling of 40,000 feet, but while it was developed for combat in World War II, the war ended before it could be put in service.

Engines for the first U.S. jet were built by the General Electric Co. after a jet engine designed by a Royal Air Force officer, Group Capt. Frank Whittle. Designated the I–A, the GE engine delivered 1,250 pounds of thrust and burned the same fuel as today's jets—kerosene.

At Edwards, preliminary taxi tests were conducted on September 30. Bell's test pilot, Robert M. Stanley, also made several "high taxis," lifting the airplane a foot or two off the runway.

The next day, Stanley flew the airplane 25 feet off the ground, and then flew it to 100 feet. On October 2—the official first flight date—he made two more flights, to 6,000 and 10,000 feet.

Since then, Bell has built three other unique jet airplanes, the X–5, variable-swept-wing aircraft, the world's first jet vertical takeoff airplane—VTOL, and the X–14 jet VTOL. And Bell has worked with the U.S. Air Force's Aerospace Research Laboratory, Wright-Patterson Air Force Base, Dayton, Ohio, for 5 years in helping develop cold thrust augmentation—CTA—a system that substantially increase the lift of an aircraft's wings for STOL flight.

Even though the X–1 was envisioned during World War II, it was brought into being not as a weapon of war but as a tool of research.

Bell sent its initial three-view drawings of the X–1 to the National Advisory Committee for Aeronautics—now known as the National Aeronautics and Space Administration—on April 14, 1944.

Originally, engineers hoped that the X–1 could be jet-powered. But no jet engines powerful enough were available, and the aircraft finally was equipped with a 6,000-pound-thrust rocket engine designed and built by Reaction Motors, Inc.

With Col. Charles Yeager at the controls, the X–1 broke the sound barrier at 670 miles per hour over Edwards Air Force Base on October 14, 1947. The airplane set an altitude record of 73,000 feet in 1949.

Bell went on to build 14 "X" series airplanes, all powered by the same rocket engine, and continued to break speed and altitude records for 13 years.

Bell built 66 XP–59's, and the first of the series—the airplane that became the first U.S. jet—is on display in the Smithsonian Institution, as is the original X–1.

Building the first jet and supersonic airplanes was only one of a long line of aviation and space "firsts" for Bell, which is 37 years old this year. Other contributions by Bell include:

First. The first practical tricycle landing gear for aircraft.

Second. Bell's Model 47 helicopter was the world's first commercial helicopter licensed by the Civil Aeronautics Administration.

Third. In 1951, the jet-propelled Bell X–5 became the first airplane to vary the degree of wing sweepback during flight, a concept being utilized in the F–111 tactical fighter.

Fourth. The world's first jet-propelled vertical takeoff and landing airplane, called the air test vehicle—ATV—was designed and built by Bell.

Fifth. The Bell X–1A became the highest and fastest flying airplane in the world when it reached an altitude of 90,000 feet and flew 1,600 miles an hour.

Sixth. Bell developed the first all-weather, automatic aircraft landing system for aircraft carriers which is presently in use on the Nation's major carriers.

Seventh. In 1956, the Bell X–2 rocket research airplane flew faster—2,148 miles per hour—and higher—126,200 feet—than ever before attained by man.

Eighth. In 1957, Bell flew its X–14, the first VTOL jet airplane to use the deflected thrust principle.

Ninth. The largest and most powerful air cushion vehicle, the U.S. Navy's 30-ton Hydroskimmer, was designed and built by Bell.

Tenth. The world's first air cushion landing gear—ACLG—which allows airplanes to land without wheels or pontoons on a cushion of air, was flown by Bell in 1967.

Eleventh. A sister company, Textron's Bell Aerospace Canada, Grand Bend, Ontario, Canada, has developed and is building the Voyageur air cushion vehicle—a modular-constructed, 15-ton craft that is possibly the world's most versatile ACV.

Mr. Speaker, the Bell Aircraft Corp., now Bell Aerospace, has truly been a leader in the development of aviation in the United States. We in western New York hope that it may continue to be a leader in the development of the medium short takeoff and landing—MSTOL—for the U.S. Air Force, and thus for civilian and commercial aviation in the near future.

PATROLMAN JOSEPH MALLOY, OF WARREN, OHIO, RECEIVES RED CROSS CERTIFICATE OF MERIT

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. CARNEY. Mr. Speaker, I wish to bring to your attention a noteworthy act of mercy undertaken by Patrolman Joseph Malloy, of 1334 Bradford Street, Warren, Ohio.

On May 21, 1972, Patrolman Malloy, who has been trained in Red Cross first aid, was called to attend a young man who had apparently suffered a drug overdose, had gone into shock, and had stopped breathing. Officer Malloy immediately gave mouth-to-mouth artificial respiration, revived the victim, and had him taken to a hospital for further treatment. There is no doubt that the patrolman's first aid knowledge and skill saved the victim's life.

As a result of this heroic act, Patrolman Malloy has been named to receive the Red Cross Certificate of Merit. This is the highest award given by the American Red Cross to a person who saves a life by using skills learned in a Red Cross first aid, small craft, or water safety course. The certificate bears the signatures of the President of the United States, honorary chairman, and E. Rowland Harriman, chairman of the American National Red Cross. Presentation will be made by the Trumbull County Chapter in Warren.

Mr. Speaker, all too often the good deeds of police officers go unrecorded and unrewarded. Therefore, I would like to take this opportunity to personally commend Officer Joseph Malloy for this action, which exemplifies the highest ideal of the concern of one human being for another who is in distress.

OUR NATION SALUTES THE LADIES AUXILIARY OF THE FIREMEN OF THE STATE OF NEW JERSEY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. ROE. Mr. Speaker, I ask you and my colleagues here in the Congress to join with me in saluting the Ladies Auxiliary of our firematics public safety officers—the firemen of our State of New Jersey—who are holding their convention next week, during Fire Prevention Week dedicated to citizen awareness of fire hazards and purposeful action in eliminating fire hazards and preventing fires, where the Ladies Auxiliary's continuing efforts, working side-by-side with the firefighters of America, will be expressed and coordinated in mutual concern for improving our Nation's fire protection.

Mrs. Dorothy Saunders, of my hometown of Wayne and the Eighth Congressional District of New Jersey, who is a trustee of the Ladies Auxiliary and a delegate to the convention, has advised me of their interest in legislative proposals to improve fire regulations, fire prevention methods, and other fire safety measures, as well as legislation to extend Federal injury and death benefits to firemen, volunteer firemen, ambulance teams, and rescue squads who are killed or totally disabled in the line of duty—my bills H.R. 10746 and H.R. 15513 on which the House Judiciary Committee recently concluded public hearings.

Today I am joining with Congressman ROBERT H. STEELE, of Connecticut, in cosponsoring his most comprehensive series of firematics legislation to provide our country's firefighters with a national commitment to help reduce the risk to the lives of our firemen and the ever-mounting stagggering toll of life and property to fire victims which has been increasing at an alarming rate, threatening every man, woman, and child throughout the length and breadth of our land.

Hopefully, next week when our Committee on Science and Astronautics hold their scheduled hearings on this legislation, the wisdom of enacting such measures to provide our fire service with urgently needed financial assistance, expanded educational and training opportunities, development of adequate fire protective cloth, and modernized firefighting apparatus and equipment, will receive overwhelming approval and we can move with dispatch in applying the tools of the 21st century to help our firematics public safety officers in achieving optimum fire protection, prevention, and control measures for the safety of our people.

Mr. Speaker, a synopsis of this omnibus firematics legislation is as follows:

NATIONAL FIRE EDUCATION AND TRAINING ACT OF 1972

Establishes the National Academy on Fire Prevention and Control for fire research with emphasis on educating the public and the firefighter and providing direction to the efforts of all fire service oganizations and fire personnel. The National Fire Academy would function as any public or private college or university with authority to accept grants and contracts from industry, all levels of government, and organizations to conduct research and studies. Briefly, the academy's functions are:

(a) to recommend actions which can be taken by Federal, State, and local government, and private individuals and organizations to improve and strengthen fire protection, fire prevention, and fire suppression;

(b) encourage individuals to pursue careers as administrators of fire service organizations at all levels;

(c) develop a curriculum, carry out programs of instructional assistance, and conduct seminars, conferences, and workshops to introduce and disseminate information gained from investigation research and development concerning the areas of fire protection, fire prevention and fire suppression;

(d) develop fire service extension programs to assist States, counties, and local communities in providing continuous training and operational programs;

(e) to assist institutions of higher education in planning, developing, and improving programs and projects concerning fire administration;

(f) assist States, counties and local communities in the development of training programs for firefighters;

(g) to establish and maintain educational programs for the purpose of informing the public of fire hazards and fire safety techniques;

(h) establish a voluntary uniform national testing program to evaluate the skills level of firefighters and fire administrators.

The academy will have contact with salaried and volunteer firefighters, fire service organizations, the public, private organizations and businesses, fire departments, and educational institutions, thus forging new channels of communication for the exchange of ideas and facilitating the introduction of technical breakthroughs.

The Firemen's Training Act of 1972: Provides the Secretary of Commerce with the authority to make matching grants up to 50 percent for firefighter training programs. This will bring both volunteer and salaried firefighters into continuous operational training programs, similar to the ones currently available to law enforcement personnel.

The Fire Science Education Act: Provides the Secretary of Commerce to make grants to accredited institutions of higher education for up to one-half of the costs of two or four-year fire science programs with particular emphasis on fire research, investigation, prevention, and suppression.

Amendment to the Flammable Fabrics Act: The Scope of the present Act will be expanded by adding the definition "interior finishing material"—any material made (in whole or in part) of fabric or related material and used in the construction of the interior walls, floors or ceilings in homes, offices, or other places of assembly or accommodation. Furthermore, it would require toxicity standards or other regulations that would require labeling for a fabric, related material, or product that may be needed to protect the public against unreasonable risk of death or personal injury from toxic byproducts by the burning of thermal degradation of the fabric, related material or product. In this age of increasing production and use of synthetic plastics, our concern for the flammability of such products is inadequate. This legislation would provide the means, for not only safeguarding the public from the occurrence of fire, but also address itself to the clear and present dangers associated with the burning of today's highly toxic materials.

National Fire Data and Information Clearinghouse of 1972: Before the identification and evaluation of this country's fire problem can be attempted seriously, we must have a sound and thorough informational data base. The Clearinghouse, by cataloguing data on fire research and development, property loss, death and injury statistics, causes, locations, and number of fires, will provide such a base. Also, a 24-hour emergency information center responsible for information related to hazardous materials will be available.

Amendment to the Hazardous Transportation Control Act: Requires the Secretary of Transportation to issue regulations providing for the placarding of vehicles transporting hazardous materials in interstate and foreign commerce. This Act, in conjunction with the 24-hour emergency information center, greatly aids firefighters, law enforcement personnel, and shippers in protecting the public's general welfare.

General Aid to Local Fire Departments: The Secretary of Commerce is authorized and directed to make grants to local fire departments to pay up to one-half the costs of purchasing equipment for fire investigation, suppression, and extinguishment, or emergency first-aid. This grant system will act as an incentive to industry, inducing strong research and development programs that have been lacking up to now.

Financial Aid to Local Fire Departments: Provides grants to local fire departments to pay up to 90 percent of the cost of purchasing heat protective fire-fighting suits and breathing apparatus.

Extension of Fire Research and Safety Programs: Provides the Secretary of Commerce with the authority to continue vital fire research and safety programs and for such purposes, authorizes $35,000,000 over fiscal years 1973–1975.

Mr. Speaker, I wholeheartedly concur with Messrs. William Howard McClennan, president, and Jack A. Waller, legislative representative, of the International Association of Firefighters that we should view the serious losses from fire in the same light and with the same attention as losses to crime and I am privileged and honored to vigorously and affirmatively respond to their communique seeking my active support of the foregoing legislation.

Fully recognizing the increasing and ever-mounting hazards in the profession of firefighting and being highly aware of the outstanding public service, personal commitment and sacrifice being extended by our firemen, volunteer firemen, and other dedicated members of our public safety corps throughout the Nation, I have also been assiduously pursuing the development and enactment of legislation that will afford our public safety officers every type of protection we can give to them and their families.

As you know, the Judiciary Committee has concluded its hearings on death and disability benefits for policemen and firemen including my bills H.R. 10746 which I introduced on September 16, 1971, and H.R. 15513 which I introduced on June 14, 1972, to extend the Federal injury and death benefits of section 8191 of title 5, United States Code to non-Federal law enforcement officers, firemen, volunteer firemen, ambulance teams, and rescue squads—and their survivors—who are killed or totally disabled in the line of duty. Benefits would include medical, surgical, and hospital services and supplies; compensation for disability; and up to $50,000 in death benefit gratuity.

In addition, on September 16, 1971, I introduced H.R. 10747 to provide a penalty for unlawful assault upon policemen, firemen, and other law enforcement personnel and under date of June 26, 1972, I introduced H.R. 15684 to, among other things, provide group life insurance and group accidental death and dismemberment insurance for State and local public safety officers, their families, and dependents. Insurance coverage would be extended to public safety and criminal justice personnel, including police, sheriffs, deputy sheriffs, highway patrolmen, firemen, volunteer firemen, parole and probation officers, investigatory and correctional personnel, judges, magistrates, justices of the peace, other officers of the court, and members of volunteer ambulance teams or rescue squads.

Mr. Speaker, the continuing support and endorsement of the ladies auxiliary of our fire service in a broad spectrum of firematics will provide far-reaching encouragement and action in achieving the goals we all seek for our Nation's fire service and we do indeed salute their outstanding public service as they work in concert with our firemen in maintaining the volunteer concept of the fire and rescue service so vital to the protection of the health and safety of the people throughout our community, State, and Nation.

"AMERICA THE BEAUTIFUL" YEAR RESOLUTION

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. KEITH. Mr. Speaker, next year will mark the 80th anniversary of Katherine Lee Bates' famous hymn, "America the Beautiful." This song has special significance to my district, for its author was born and brought up there, in Falmouth on Cape Cod. But it also has great significance to the Nation, for it articulates, with unparalleled grace and simplicity, just what America is all about.

To commemorate this anniversary, I am today introducing a joint resolution, designating 1973 as "America the Beautiful Year." I am pleased to say that I have been joined by 20 cosponsors in this action—members from a dozen different States of the Union.

The resolution does not involve setting up committees, or appropriating money, or establishing governmental programs. After all, the America Miss Bates wrote about was not built by commission, or appropriations, or programs. What it calls for, instead, is individual efforts—by churches, businesses, towns, industries, and institutions—embodying "the principles of conservation, historic preservation, and enlightened planning" America was built by such individual effort and if we are ever to reach the ideals expressed so eloquently in "America the Beautiful," this is how it will be done.

STATEMENT BY MR. BLATNIK ON NATIONAL HIGHWAY WEEK

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. BLATNIK. Mr. Speaker, all across America we have just marked the observance of National Highway Week as a tribute to the many industries and the countless thousands of workers who have played a part in the building of the largest and most effective road system in the world.

It is most fitting, therefore, that this week the House takes up the Federal Highway Act of 1972, a bill developed by members of our Committee on Public Works over many months of involved and arduous deliberation.

This is a far-reaching legislative act that looks toward completion of the Interstate Highway System by the close of this decade and beyond the interstate to the building and improvement of many thousands of miles of primary and secondary roads throughout urban and rural America.

We embarked on the construction of the Interstate System in 1956, with the announced goal of completing all 42,500 miles by 1972. For many valid reasons, notably the fiscal constraints imposed on this project, and the press of other national needs, we have deemed it prudent to move this target date further into the future. Now, however, the system is two-thirds of the way toward completion and the financing aids authorized in this 1972 act should see us through to the last triumphant mile by 1979.

This year, we are laying greater stress than ever before on the needs of our urban and rural areas for highway development outside the system, on new and better roads that will link countryside America more effectively with our great metropolitan areas and that will ease our critical urban traffic congestion.

Perhaps more importantly, because human lives are involved, we are authorizing unprecedented Federal aids to increase the safety of America's highways, to reduce the appalling toll of death and injury that has bloodied our roads for all too many years. The Interstate System, while far from perfect, has demonstrated that our highways can be made safer, and the lessons we have learned in the building of the interstate can and will be applied to our other roads.

In that connection, I call the attention of the House to a dramatic and compelling motion picture that has just been produced by the Insurance Institute for

Highway Safety. This film in which the Public Works Committee cooperated, points up most vividly many of the mortal hazards that have unwittingly been built into some of our very newest highways and demonstrates simple measures to eliminate them. I hope it will be viewed and taken to heart by every highway engineer in every State of the Union.

In marking the observance of National Highway Week, Mr. Speaker, I should like also to call attention to the regional highway development that has taken place in my own northern country. Beginning some 15 years ago, great progress has been achieved in tying the tri-State area together through an integrated highway complex designed to join the Minnesota iron range communities with Duluth, the north shore, the twin cities to southern Wisconsin and Chicago, and eastward through northern Wisconsin and the upper peninsula of Michigan.

The east-west Cross Range Expressway, which is considered to be the most important long range element of the transportation program in the upper Great Lakes regional development plan, is well underway, stimulated by the taconite industry.

The dual laning of highway 53 from Duluth north to Virginia is nearing completion, and the I-35 south from Duluth to the twin cities is the longest continuous completed stretch of Interstate Highway in all of Minnesota. There are now some 128,000 miles of roads in Minnesota, of which 914 miles are on the Interstate System.

We are demonstrating in Minnesota, and elsewhere throughout the United States, that a good transportation system complements the economic development and growth of a region. Tremendous shifts in economic activity have followed closely behind advances in the technology and use of various modes of transportation.

A community cannot attract business if it does not have the roads to transport the products of industry to the marketplace and the workers to their jobs. Hospitals and schools will not be constructed if easy access to their facilities is not available.

The excellent highways we are projecting for all sections of America will permit workers to commute easily to and from their jobs, without disrupting their present way of life, will give them a choice of life styles, and will help maintain the strength of our small towns, and hopefully, reverse the migration of people and services from the countryside to the large population centers.

The key factor is planned and coordinated development which will combine highway and economic development into a mutually compatible and mutually reinforcing structure.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

AGRICULTURE

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. FINDLEY. Mr. Speaker, Illinois 20th District is composed of a few cities, many small towns, and much rural countryside. Because of this, agriculture is vitally important to all my constituents. A high percentage of them are engaged in crop production, preparing agricultural produce for market, selling the produce, or serving those that are engaged in these activities.

I have maintained close interest in all legislation relating to agriculture since coming to Congress a decade ago. During my first 6 years, I served on the House Committee on Agriculture. Between 1966 and 1970, I moved to the Foreign Affairs Committee to help our expanding foreign agricultural markets. At the beginning of the 92d Congress I was able to return to the Agriculture Committee and retain my seat on the Foreign Affairs Committee.

As a result of my two committee assignments, I have been able to work to improve farm legislation and expand foreign markets for agricultural produce, an effort that has seen real success in recent months.

AGRICULTURE ACT OF 1970

The Agriculture Act of 1970 has been in effect for 2 years and will expire at the end of 1973. Hence, no comprehensive legislation drastically changing farm programs was passed during this Congress. There were, however, several efforts to amend the act.

The most notable of these were attempts both in 1971 and 1972 to limit the Federal payments any one farmer could receive to $20,000. The act of 1970, which limited payments to $55,000 was riddled with loopholes which permitted many farmers to continue receiving hundreds of thousands of dollars.

My annual surveys of 20th Congressional District opinion in both 1971 and 1972 clearly indicate that farmers and nonfarmers alike prefer a lower limit than $55,000. Over 90 percent in both years said the limit should be placed at $20,000 or less.

In June of 1971, I strongly supported an amendment to the appropriations bill to limit payments to $20,000. The House approved this measure but it was defeated in the Senate.

In March of 1972, I placed in the CONGRESSIONAL RECORD the names of all those farmers receiving more than $20,000. A week later I made public the results of a Government study showing how many farmers evaded the $55,000 limit and received much more than Congress had intended.

Except for the failure of the payment limitation, the act of 1970 has been well received. The "freedom to plant after set aside" provisions of the bill have helped farmers improve efficiency, also moved farmers in the direction of getting more of their income from the marketplace and less from Government payments.

The expansion of foreign markets, particularly the sale of grains to Russia and China, have further added to the move in this direction. During the 92d Congress, I supported all legislation strengthening the market-price system and opposed regressive legislation that increased farmer dependence on Government programs and payments.

FOOD PRICES

Higher food prices, particularly for meat, prompted some individuals to urge that price controls be extended to agricultural products. I strongly oppose price controls on food. On the House floor, and again before the Price Commission in March, I stated that—

> Price controls on food "predictably would bring forth a quick issue of shortages, black marketeering and favoritism in the butcher shop. Inevitably, supermarkets would be driven to practices like leaving excess fat on meat cuts. The government would have to expand the bureaucratic network to check grades and cuts, chase black marketeers, file legal actions and fill the Federal Register with new regulations.

Fortunately, President Nixon refused to impose price controls on food.

RURAL DEVELOPMENT AND CONSERVATION

As a member of the Agriculture Committee, I helped draft the Rural Development Act of 1972 which has been signed into law by President Nixon. This measure will provide over $5 billion during the coming years for farm and small business loans, rural public works projects, and research programs for redevelopment. With adequate funding, rural areas and small towns can attract and develop new business and employment opportunities breathing new life into these areas of our country which have for too long been ignored.

AGRICULTURAL RESEARCH AND DEVELOPMENT

At my request, the agricultural appropriations bill for 1971 contained $400,000 earmarked for research into a cure for transmissible gastroenteritis—TGE—the baby pig killer that costs Illinois hog producers over $10 million annually. The funds have now been awarded and research begun at the University of Illinois.

During the 92d Congress I undertook two studies that could possibly result in additional legislation to solve farmer problems. The first focuses on soybean research. Despite huge markets and increasing demand for beans, little research has been done to improve soybean yields. Of course, much has been spent on improving corn and other grain yields, and my study may show that additional expenditures for soybeans is justified.

The other study involves the problem of farmer losses when grain elevators fail. I am surveying the opinion of experts to determine the feasibility of creating a Federal grain-in-storage insurance corporation modeled after the Federal Deposit Insurance Corporation.

I am also urging the Department of Agriculture to begin a program to eradicate tuberculosis in swine similar to their effective cholera eradication program. Although TB has been on the decline in recent years, hog producers still suffer severe losses and are denied many foreign markets.

DOCK STRIKES

Last November, during the long dock strike that cost Illinois farmers millions of dollars, I wrote an urgent plea to President Nixon, which 27 of my colleagues cosigned, requesting that he invoke the Taft-Hartley law and impose an 80-day cooling-off period to end the strike. The telegram stated:

> The dock strike at Gulf ports has caused a grave crisis in marketing in our record grain harvest. Grain is being piled on the ground. The backup caused by the strike is costing farmers at least $1 million a day in depressed prices. We respectfully ask that you order dock strikers at Gulf ports back to work.

Shortly thereafter, the President ordered the workers back on the job, and at least temporarily, the Port of Chicago was back in operation.

SOVIETS AND UNITED STATES DISAGREE ON INTERPRETATION OF SALT AGREEMENTS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. RARICK. Mr. Speaker, the SALT agreement passed Congress and the ink was barely dry on the paper at the President's history-laden White House press conference where he signed the congressional resolution when it was reported that the Soviets had already disagreed with the intent and interpretation of the agreement as presented to the American people by the administration.

The Soviet Defense Minister has indicated that Russia does not intend to limit her research and experimental work directed toward improving the existing Soviet missiles. Such an interpretation shatters the U.S. argument that while the Russians are allowed more missiles, the U.S. missiles were said to be superior, thus the United States was to make up in quality for the treaty-approved quantitative inequality.

The Soviet Defense Minister advanced the Communist interpretation when he stated that the SALT agreements are not to be interpreted as preventing the Communists from working to improve the defense of their country from nuclear attack. On the other hand, the interpretation given by the U.S. experts is that the treaty called for the mutual acceptance of "total vulnerability"; that neither the Soviets nor the United States can defend their people against a nuclear missile attack.

While there can be interpretative differences in the translation of treaties into Russian and English, it is highly doubtful that the differences can be this pronounced. It is more likely that the Soviets have already walked out on the agreement and will continue to interpret it only to their advantage and as they see fit.

I include a related newsclipping:

SOVIET UNION RATIFIES TREATY LIMITING ABMs

(By Robert G. Kaiser)

> MOSCOW, September 29.—The Soviet Union today ratified its treaty with the United States limiting the number of antiballistic missiles each country may deploy.
>
> The Presidium of the Supreme Soviet, this country's highest state body, ratified the treaty unanimously. It also endorsed the temporary agreement on offensive weapons which was signed with the ABM treaty last May, during President Nixon's visit to Moscow.
>
> Ratification was a formality. It was withheld here until the Soviets were certain that the U.S. Congress would also ratify the treaty and support the temporary agreement.
>
> The discussion preceding ratification, published here tonight, reveals little new in the Soviet position on the treaties. Speeches by senior officials, led by President Nikolai Podgorny, all described the treaty as a victory for Soviet foreign policy, and an important step toward controlling the arms race.
>
> Soviet Defense Minister A. A. Grechko took the occasion to emphasize that the SALT agreements "do not put any limits on the carrying out of research and experimental work that is directed toward solving the problems of the defense of the country from nuclear rocket attack."
>
> Literally, this appears to be correct. The treaty does not rule out research and development or qualitative improvements in the limited ABM installations which it authorizes. But if Grechko meant to imply that the Soviet Union might still find ways to protect this country from nuclear missile attack, that would contradict the American understanding of the treaty.
>
> U.S. officials have emphasized that as they understand it, the treaty amounts to a recognition that neither super power can defend itself against a nuclear missile attack. The mutual acceptance of total vulnerability, U.S. officials have said, is one of the keystones of the treaty.
>
> Grechko's curt remark does not provide enough evidence to say whether the Soviets now have another interpretation. It is possible that the Soviet defense minister was only reassuring hardliners here that research and development on all kinds of weapons will continue. Grechko may have talked about the "problems of defense of the country" only because Soviet officials never discuss their own offensive weapons publicly.
>
> Grechko's and other speeches reported in tonight's Izvestia, the government newspaper, hinted at a dialogue inside the Soviet government that closely parallels debate over arms control in the United States. All speakers emphasized that the treaty did not jeopardize national security, and that the Soviet Union would continue to protect itself and its allies.
>
> Vasily Kuznetsov, first deputy foreign minister, emphasized that the only alternative to the SALT treaty was a new and intensified round in the arms race.
>
> Several speakers emphasized that by signing this treaty the United States had recognized Soviet equality in nuclear arms. Equality has long been regarded as a Major Soviet objective.
>
> Kuznetsov also criticized—without naming it—the Jackson amendment to the SALT treaty that was approved by the Senate. The amendment, proposed by Sen. Henry Jackson (D-Wash.), asked the administration to seek parity in all weapons systems during the next round of SALT negotiations.
>
> Those who "proposed various far-fetched 'conditions' and 'interpretations' to the SALT treaty," Kuznetsov said, were trying to get a one-sided advantage for the United States.

ENDING THE DRAFT

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. ESCH. Mr. Speaker, in July of this year I sent a letter to President Nixon urging him to announce that the administration would not support the extension of the draft. Some 3 weeks later the President made just such an announcement—backed up with detailed briefings from Secretary of Defense Laird that the military fully expects to be able to maintain adequate manpower levels on a totally volunteer basis.

These announcements culminate 6 years of struggle to end the draft. When I first came to Congress in 1967, one of the first major issues to reach the House of Representatives was the extension of the draft for 4 years. At that time there were only a handful of us who were fighting for the volunteer military. The Johnson administration was strongly opposed to the concept of a volunteer army, and they vehemently opposed us in the debate. The leaders in the House were so adamantly against it that they refused to hold a record vote on the question. We were soundly defeated at every turn.

This being the case, we increased our efforts to inform the public about the issues and to enlist their support for our cause. In 1968, for instance, I was a contributor to the book "How To End the Draft: The Case for an All-Volunteer Army." I wrote an extensive defense of the volunteer military, which was widely used as an information guide for high school debate teams. Many others, in Congress and out, joined me in writing articles, speaking before civic groups, and arguing against the draft.

By the end of 1968, the draft had become a major national issue. Shortly after President Nixon was inaugurated, he named a high-level Commission to study the draft and the alternative of establishing an all-volunteer military. The Commission was headed by the distinguished former Secretary of Defense Thomas Gates, and included as its youngest member a former member of my congressional staff. The Gates Commission undertook an exhaustive study of the Selective Service System and military manpower policy.

The report provided us with the ammunition we needed to prove our case. It unanimously recommended that we move to an all-volunteer Army through a system of improved personnel policies and greatly increased pay, especially in the lower ranks.

The changes in personnel policy can perhaps be best typified by the men who are being promoted to the top. Recently the President appointed Gen. Alexander M. Haig as Vice Chief of Staff of the Army, promoting him over some 240 senior officers. Adm. Elmo Zumwalt was promoted over 33 senior officers when he was named Chief of Staff of the Navy. Also, Gen. Robert E. Cushman was promoted over other senior officers when he was named Commandant of the Marine Corps.

The point is really not the lack of seniority of these men—but that they were chosen for their abilities, not their length of service. One of the problems which has been most discouraging to men in the military is that promotions came almost entirely on the basis of time served, not ability. The change in this system at the top signals a healthy new attitude toward promotion and toward making use of the best talent available.

It should also be noted that the promotion of these men has been at least partially due to their responsiveness to the civilian authority. Promotions of this nature should certainly be helpful in overcoming any tendency of the military to override civilian control.

At the same time these men have initiated numerous new programs to break the old stereotypes in the military. Hair length more closely approximates civilian standards, and beards and mustaches are no longer forbidden. Basic training systems using merit points have been initiated. Recruits can frequently choose their initial assignments. Efforts are being made to fit civilian skills with military assignments.

More than $4.1 billion has been added to the salaries of military personnel—with special emphasis being placed on personnel in the lower ranks, bringing many of them above the poverty level for the first time. Additional salary increases will come next January, which will improve the competitiveness of the military service once again.

However, while these increases in salary increase costs in the short run, I am convinced that in the long run the volunteer military will decrease manpower costs. British experience with a volunteer armed force has found that the better trained and motivated volunteers can replace drafted soldiers at a rate of two to one. Several experts have estimated that 10 to 15 percent of our manpower costs could be reduced with better personnel management—which hopefully will result from the new leadership; that means a savings of between $4 and $6 billion which more than covers the costs of attracting the volunteers.

The events of the past few months have proved conclusively that the volunteer military can work—but we must recognize that there will be some problems—especially during the next 2 years as those who were previously drafted are being discharged. Our Reserve and National Guard forces are under intense pressure and it is now time for us to give a full review to their importance for the military defense of the Nation, their training and its usefulness, incentives for enlistment, et cetera. It seems clear that major changes are going to be necessary to make them more relevant to their new military missions as well as more attractive to volunteers. If we delay action on this important question, it will serve as a significant deterrent to the successful management of a volunteer military system.

It is imperative that we give full consideration to the manpower proposals that the President and Secretary Laird requested at the time they announced the end of the draft.

The end of the draft is a symbol to all America, both the young and the old, that change can come through the system. It shows that the system can be responsive. It enhances our national ideals of democracy and individual freedom.

SENATOR HARRY FLOOD BYRD, JR., HOLDS DOWN FEDERAL SPENDING

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. DANIEL of Virginia. Mr. Speaker, for some years now, the name of HARRY FLOOD BYRD has been synonymous with fiscal prudence, in the halls of Congress and in the Commonwealth of Virginia.

The people of this country should applaud the efforts of the Senior Senator from Virginia, the Honorable HARRY FLOOD BYRD, JR., for his efforts to hold down Federal spending, dampening the fires of inflation and thereby increasing the purchasing power of the workingman's dollar.

That his efforts have not gone unnoticed is evidenced by clippings which have recently come to my attention from the Mobile, Ala., Press, the Holyoke, Mass., Transcript-Telegram, and the Vancouver, Wash., Columbian.

Mr. Speaker, I should like to share these with my colleagues, and respectfully request that they be reprinted in the RECORD at this point:

[From the Holyoke (Mass.) Transcript-Telegram, Aug. 15, 1972]

NO ACCIDENT

No one has a ring in the nose of Senator Harry F. Byrd, Jr., of Virginia. He was re-elected in 1970 as an independent and neither party can claim him. He is defying the establishments of both parties by opposing the revenue sharing plan and in so doing asks where is there revenue to share?

[From the Mobile (Ala.) Press, Aug. 19, 1972]

DOING GYMNASTICS TO SHARE REVENUE

If you have an itch to get into deep water, try to make federal finance take on the simplicity of an exercise in mathematics that would not so much as baffle a kindergarten pupil.

Revenue-sharing by the federal government is a good place to start. As Sen. Harry F. Byrd Jr. of Virginia has reminded, it has the endorsement of President Nixon, the support of "most, if not all of the governors" and "most of the mayors."

The idea is for the federal government to distribute an additional $30 billion to the 50 states and 39,000 units of local government over a period of five years, with $8.1 billion designated as the share of this total to be distributed in the fiscal year which began July 1.

With state and local governments feeling a money pinch, along with the money pinch felt by consumers from inflation and taxes, little wonder that the prospect of receiving an additional $30 billion from the federal treasury within the next five years has a strong appeal to so many governors and mayors.

But what about the money pinch felt by the federal government itself?

In fact the federal money pinch is so severe that Senator Byrd would like to know: "Where is the revenue to share?"

You can't find the answer to the senator's question in the federal budget deficits. Instead of having huge surpluses such as $30 billion to give state and local governments, the federal government is up to its eyebrows in budget deficits.

Examples cited by Senator Byrd: "The federal funds deficit for fiscal year 1971 was $30 billion; for fiscal year 1972, the deficit was $32 billion; the administration estimates that the deficit for the current fiscal year will be at least $38 billion."

And what does this add up to: "In three fiscal years," according to Senator Byrd's arithmetic, "the federal funds deficit will equal or exceed $100 billion." And "this means that more than 20 percent of the total national debt will have been incurred during this three-year period."

But don't become discourteous, impolite or anything like that and fly off the handle to call Uncle Sam a penny pincher.

Give him credit for bigheartedness in a big way by indicating readiness to give away $30 billion he does not have at his fingertips—unless you can stretch your imagination enough to believe fiscal year 1971's $30 billion deficit is actually $30 billion of revenue lying around the federal treasury waiting for the nation's governors and mayors to cart off in their tin cups.

Don't get us wrong by interpreting our words as an attack on revenue sharing. But no less than Senator Byrd's, our curiosity has been aroused: "Where is the revenue to share?"

Yet, after all, isn't that Uncle Sam's problem? And up to now, he has managed some way to come up with money for handouts, even though it puts him deeper and deeper into the financial hole he should know so well from his long experience of being in it.

And try to remember, if Uncle Sam should approach you on a street corner one day to ask, "brother can you spare a dime?" you shouldn't rudely turn him down—unless he had already drained you of your last dime to finance his bigheartedness.

[From the Vancouver (Wash.) Columbian, Aug. 16, 1972]

INFLATED PLANKS

Considering the millions that will be spent in campaigning before we finally elect a president in November, it is discouraging to hear that it will cost another $650,000 just to inaugurate the winner.

That amount in a congressional appropriation bill caught the eye of economy-minded Sen. Harry F. Byrd, Jr. of Virginia, who notes that the bill for inaugurating President Nixon in 1968 was only $348,000.

Most of the expense lies in building the platform and seats for the inauguration ceremony on the east steps of the Capitol. When the next president stands on those planks to deliver his inaugural address their cost should make him mindful that keeping inflation under control is an all-important goal.

CARL HAYDEN

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. RHODES. Mr. Speaker, October 2 was Carl Hayden's birthday. Today he would have been 95 years old.

For 57 years his fellow Members of the U.S. Congress shared Carl's birthdays. Then, in retirement since 1969, this great Arizonan was remembered by his friends and former colleagues. It is difficult to realize that this great man is no longer with us.

Carl Hayden's career began when he became a member of the Temple Town Council—the town in which he was born. Then he served in Maricopa County as treasurer and, later, sheriff. Arizona was then admitted to statehood in 1912 and Carl came to Washington as a Member of the House of Representatives. He served in the House from 1912 to 1927, and then as a Member of the U.S. Senate from 1927 to 1969. The span of years that Carl Hayden served is the longest in the history of the Congress—and every one of those years was a year of dedicated service to his State and country.

Carl Hayden was a gentleman with great wisdom and with deep honesty and integrity. Arizona and our Nation are better places, because of his life and work; we are all poorer, because of his death.

I miss Carl, but always will treasure my friendship and association with him.

NORMA L. YOCUM, ALHAMBRA'S FORMER MAYOR, IS NAMED BY BPW AS "WOMAN OF THE YEAR"

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. DANIELSON. Mr. Speaker, I am pleased today to join in tribute to Mrs. Norma L. Yocum, a dedicated public servant, who is receiving the "Woman of the Year" award from the Business and Professional Women's Club of Alhambra.

A banquet will be held in her honor on Tuesday, October 10, 1972, and presentation of the annual award will be made at that time. This award emphasizes the contributions of women to business and the country, and Mrs. Yocum was chosen for her many contributions to the city of Alhambra and for her stature as a woman.

Norma Yocum has distinguished herself not only by her various volunteer and charitable activities, and numerous previous awards, but in her civic career. She began her first term as a city councilwoman in 1955 and served Alhambra for 16 years on the council. For three terms, from 1964 to 1967, she was Alhambra's mayor.

At this point in the RECORD I would like to attach an article from the Alhambra Post-Advocate of Wednesday, September 20, 1972, that details some of Norma Yocum's many accomplishments and awards:

FORMER MAYOR IS "WOMAN OF YEAR"

(By Richard Dore)

ALHAMBRA.—The Business and Professional Women's Club of Alhambra has announced the selection of Mrs. Norma L. Yocum, former mayor, as "Woman of the Year."

The annual award, designed to dramatize the contributions of women to business and the country, will be presented at a banquet in her honor Tuesday, Oct. 10, at the Alhambra Elks Club, 201 N. First St., at 6:30 p.m.

According to Agneta Wetzel, publicity chairman, a committee of professional women chose Mrs. Yocum for her "many contributions made to the city of Alhambra and her stature as a woman."

Currently active in several volunteer charity groups, Mrs. Yocum said she appreciated the honor and that it would "call attention to the contributions women can make when allowed."

"Many women can make contributions if they can only find a channel to do so," said Mrs. Yocum, a resident of Alhambra for 40 years.

Starting her civic career as a councilman in 1955, Mrs. Yocum served three terms as mayor before retiring in June, 1971, after 16 years of service. She was mayor from 1964 to 1967.

The 61 year-old businesswoman, former president of Sam Yocum Inc., retired from her position on the city council because she "had it long enough."

"My opportunity to do something was well satisfied," said Mrs. Yocum, "and Alhambra has many talented people that would like the opportunity to serve."

In the future, Mrs. Yocum plans to continue volunteer work with charities and service groups in the area, and hopes to be spending more time at her "next to heaven" mountain cabin.

Mrs. Yocum's past includes an impressive list of civic and charitable services and awards.

In 1965, she was the first woman named "Man of the Year" in Alhambra by B'nai B'rith, and in 1966, the California Federation of Business and Professional Women's Clubs honored her as "Civic Participation Women of the Year in Government."

That same year, Mrs. Yocum was named "Mother of the Year" by the Downtown Businessmen's Association of Los Angeles and Chamber of Commerce, and "Jaycee of the Year" by the Alhambra Junior Chamber of Commerce.

Mrs. Yocum was president of the Soroptomist Club of Alhamba-San Gabriel, secretary of the 1968 Republican State Platform Convention, member of the Alhambra Library Board of Trustees for seven years, and was on the Parks and Recreation Commission.

During her terms as mayor, Mrs. Yocum instituted the Mayor's Prayer Breakfast, which has since become the YMCA's annual Easter Businessmen's Breakfast, the Tri-city Youth in Government program, and an agricultural fair in conjunction with National Agriculture Week.

HON. FLETCHER THOMPSON'S LATEST NEWSLETTER

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. THOMPSON of Georgia. Mr. Speaker, I believe it is important that everyone be fully informed about the views of all of the Congressmen in their State. From time to time I send out newsletters. Set forth below is the text of information which I intend to include in the newsletter to the people of my State. I insert it in the RECORD:

NEWSLETTER

DEAR FRIEND: Fair play: Americans believe in fair play and when it comes to electing a person to office, they want to be fully informed about him. However, some newspapers deliberately either do not report or underreport the activities of the candidate they want to see defeated, while at the same time, they build up "their man" by giving him front page and headline coverage on every little thing he does. This is their right, guaranteed by the Constitution under Freedom of the Press. Many have written asking that I do something about it. No one likes receiving such treatment, but I will never support legislation which lets the Federal Government tell the press what news to report and whether it should be big or little, front page or back page. Even though it hurts to be treated shabbily by the press, the people can usually sense when a newspaper is being unfair and set things right at the ballot box.

President Nixon has had a very difficult time in getting the House and Senate, which are controlled by the opposition party, to enact legislation he feels will help the people. For example, the opposition leaders in control of the Senate have not scheduled a vote on his anti-busing bill. Much of the excessive Federal spending has been caused by the House and Senate adding billions of dollars to the President's budget for new spending and give-away programs. This causes more inflation. An example: In the Fiscal Year ending 1971, the President presented a balanced budget to the Congress, but we ended up in debt by $23.6 billion. The House and Senate increased every budget request of the President with one exception which was national defense, which they cut by $7 billion. If the President had more help from the Senate and House, he could do a better job in preventing inflation.

Gun Control: It appears to me the best gun control would be sure and positive punishment for people who commit crimes with guns. For example: If a person robs a filling station with a gun and knew that he would go to jail with no time off for good behavior, no parole, no probation, fewer crimes would be committed with guns. But, too many people say that's not fair because the purpose of our jails is to rehabilitate and not punish and if a person is rehabilitated after one year, he should be released. The problem is that records show that most of them only go out and repeat the crime again. I have introduced a bill to put stiffer penalties on those who commit crimes with guns and I believe this is the real answer rather than creating a new government bureau to license and register guns.

Retired Vets: The Congress should keep faith with those who have served our country and retired after completing a military career. Those who entered military service in World War II or the Korean War were told that their retirement pay would keep pace with active duty pay. In recent years this has not occurred. Correcting this matter is now under consideration by the Congress. As a Veteran of two wars, I support recomputation for veterans and am using my influence as a Congressman for the benefit of Veterans.

Anti-Busing Constitutional Amendment: As the original author of the language of the Anti-Busing Constitutional Amendment now pending before the House of Representatives, I am disturbed that the groups who favor busing are more interested in achieving a social goal or racial balance than quality education. These people use every trick in the book to try to prevent the Congress from acting on this legislation. Please write to the leadership of the Senate and House . . . Senators Kennedy, Mansfield and McGovern . . . and Representatives Hale Boggs and Carl Albert, and urge them to allow Congress to vote on the Anti-Busing Constitutional Amendment.

Better Highways: Because Interstate Highways are safer and wherever good highways go, business prospers and jobs are created, I have introduced legislation in the U.S. Congress to connect medium and small cities within a state by four lane, Interstate type, highways. Such highways will not only save lives, but will help small cities to get industry and help people to go safely and quickly from one part of the state to another. The money for this program will come from the Highway Trust Fund rather than using Trust Fund money for low income housing and rapid transit as some have suggested. The present Interstate Highway Act authorization expires shortly, if enacted by Congress, this program will assure better highways for all of Georgia.

DEAR FRIEND: It is very important to me to keep informed about your views and opinions. I want my votes and actions in the U.S. Congress to truly represent the views of the people of Georgia such as yourself.

Will you please give me your opinions on the questions below and send them to me in Washington. You will be helping me to serve you if *you* do.

It is an honor to serve you,
Sincerely,
FLETCHER THOMPSON,
Member of Congress.

[Provision made for "his" and "hers" and "yes," "no," and "undecided"]

Do you favor:

a. Mandatory retirement of all Federal employees including Supreme Court Justices at age 70?

b. College students being allowed to vote in the city where they attend school other than their homes?

c. Tax credits for children attending private schools?

d. Military assistance to friendly foreign governments?

e. Economic assistance to friendly foreign governments?

f. Continued U.S. participation in the United Nations?

g. Elimination of school tax for retired people over age 60 on their homesteads?

h. Wheat sales to Russia rather than paying for subsidies and grain storage?

Which of the following do you want your Congressmen and Senators to spend most of their time on (please rate on a scale of 1 to 11, with 1 being the most time and 11 the least time).

Better highways.
Rural business development.
Agriculture and farm problems.
Local control of schools.
Problems of the elderly.
Taxpayer-subsidized housing for low-income families.
Property tax reduction.
Foreign aid.
National defense.
Crime and drug prevention.
Preserving environment.
Other.

1. Do you favor:

a. Stronger restrictions on the ownership of firearms?

b. No restrictions on the ownership of firearms?

c. Strong mandatory penalties for anyone committing a crime with a firearm?

2. Do you favor:

a. Appointment of Federal Judges for life as it now done?

b. Appointment for a 4 year term then reviewed by the U.S. Senate for another term?

c. Direct election of Federal Judges by the people?

3. Do you believe present wage-price controls are:

a. Helping against inflation?

b. Having little effect?

c. Worth continuing?

d. Useless and should be abandoned?

4. Do you approve of Government regulation of:

a. Truth in consumer advertising?

b. Guarantees offered by manufacturers?

c. Safety standards for household products?

5. U.S. policy toward countries who harbor terrorists should be:

a. No change?

b. Economic and political sanctions?

c. To encourage their expulsion from the United Nations?

6. Israel's response to terrorist killings should be:

a. No action outside of Israel?

b. Military retaliation against terrorist bases in other countries?

c. Seek United Nations censorship of terrorist groups?

7. U.S. policy concerning import quotas should be:

a. No restrictions to keep prices down?

b. Restrictions to protect American jobs from competition of cheap foreign products?

CREDIBILITY IN ELECTION YEAR 1972

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. SPRINGER. Mr. Speaker, I have never seen the American public as volatile as they are in 1972.

Credibility seems to be, if not the issue, certainly an important issue in 1972. For those of us who have been in politics a long time, credibility is hard to assess but most of us would feel that credibility is the confidence of the electorate or constituents in the kind of a job they think we are doing or the kind of job we would do if we were elected. This has been an unusual year in that many things have happened which usually do not occur in a presidential election year.

It seems that candidates win or lose credibility upon every turn of the issue. However, it is certain that no candidate for President this year can say something in the early part of the year and take a different position later on. Shifting in position is called "waffling." The sure sign of a loser in 1972 is to waffle on any important issue of which the public has general knowledge.

I attach herewith two articles from the Washington Post from Monday, October 2. The first article is titled "McGovern Lost Credibility Asset" by William Chapman, a Washington Post staff writer, and the second article titled "Public Sees McGovern Image Slipping" is by Haynes Johnson of the same newspaper.

It is interesting to see how candidates are compared and that these writers have accurately portrayed their interesting examples of credibility and how it arises and the extent of credibility as an issue in 1972.

I am sure my colleagues will want to read both of these articles:

MCGOVERN LOST CREDIBILITY ASSET

(By William Chapman)

A year ago, it was common to hear people say that it was too bad George McGovern couldn't be the Democratic presidential nominee because he was such a sincere, straightforward guy.

He wasn't like all those other politicians who waffled constantly and seemed about as trustworthy as the ticket seller in a porno movie house.

McGovern, it was said, was honest and believable. Perhaps he was saying unpopular things, but he wasn't afflicted with the credibility problem that seemed to plague everyone else in national politics.

Today, the public opinion polls record a drastic change in the public's perception of George McGovern. He is viewed as untrustworthy and indecisive, a non-leader in whom less than a third of the people place confidence. By the pollsters' scales, there has been no more decisive turnabout in public attitudes this year.

Last May, for example, Louis Harris and Associates found in a national survey that about one-third of the likely voters agreed with the view that McGovern did not "inspire confidence as a President should." At the same time, half the people thought President Nixon did not inspire confidence.

The most recent Harris Survey shows those positions reversed. Now, 55 per cent say McGovern does not inspire confidence as a President should and only one-third say the same thing about Mr. Nixon.

Half of the people interviewed by Harris's organization agreed with the view that McGovern "seems indecisive and unable to make up his mind." Nearly six out of 10 believe that he "seems to be making too many mistakes that raise doubts about his judgment."

A similar poll taken by the Gallup organization a month ago turned up a staggering gap between McGovern and Mr. Nixon on the credibility issue. Asked which man seemed to them to be more sincere and believable, 59 per cent picked the President and only 20 per cent chose McGovern. The rest had no opinion.

Mr. Nixon's lead was almost as wide among young voters as it was within the whole electorate. Of those under 30 years of age, Mr. Nixon was more sincere and believable to 57 per cent and McGovern to only 28 per cent.

Even among Democrats, who collectively are supposed to harbor the suspicion that the President is still "Tricky Dick," McGovern is only able to break even with Mr. Nixon on the sincerity scale. Thirty-eight percent of the Democrats in Gallup's poll named the President and 37 percent named McGovern.

For 20 years, Gallup has been using a tool to test a candidate's personal popularity. It is called a "charisma scale" and is supposed to measure the voter's enthusiasm for a candidate. This year, McGovern was awarded the highest rating on that 10-point scale by only 23.4 percent of the probable voters. It was the lowest score in 20 years for any candidate except Sen. Barry Goldwater in 1964.

One can only speculate about the causes of McGovern's precipitous drop in the polls that measure voters' reactions to his trustworthiness and believability. Voters draw their conclusions from a combination of elements—the candidate's personal appearance, his "strong" or "weak" demeanor on television, his position on controversial issues.

The Harris Survey suggests that one particular incident—dropping Sen. Thomas Eagleton from the ticket—may account for a good deal of McGovern's problem. It seems to have had a disastrous impact on the public's confidence in the senator's judgment.

The Harris organization asked likely voters to comment on the statement that McGovern "handled the dropping of Senator Eagleton as his vice presidential running-mate with good judgment and good taste."

Almost half the people interviewed—48 percent—disagreed with that statement. Only 32 percent agreed McGovern had used good judgment and taste.

If the polls are right—and Gallup and Harris have made strikingly similar findings—McGovern has lost what probably was his finest asset in a year of campaigning.

Gallup summed it up in a conversation recently with a group of reporters. McGovern, he observed, initially was attractive because he seemed not to be the garden-variety politician in a year when people don't much like the type. "McGovern," said Gallup, "was doing better when he was an anti-politician."

PUBLIC SEES MCGOVERN IMAGE SLIPPING

(By Haynes Johnson)

Night, prime time, Cleveland, the TV sets are on. The camera pans a group of faces and finally settles on one citizen. He speaks, "Politician after politician, candidate after candidate comes forth and says well before they get in: 'This is what we are going to aim at.' And nobody has ever delivered. I think we have been duped by phonies and phoniness and I think we are sick and tired of it."

The camera pans again and zooms in on the face of George McGovern. He responds, earnestly:

"You know, politics is my profession and I am embarrassed when it doesn't work. It hurts me when I see people in government betraying their public trust just like you would be embarrassed if somebody in your plant laid down on the job. I want to say to everybody in this room that while I don't expect you to agree with everything I say, you are going to know when I say something it is what I honestly believe. There will never be a time when I am sneaking around advocating something in secret behind closed doors that I am ashamed to defend in public."

For George McGovern, that precisely is the problem.

McGovern, the presidential candidate of candor and a different approach throughout the long primary season, is now regarded by many Americans as a man who lacks conviction, changes his mind, goes back on his word, says one thing in public and follows another course in private. He is, in this view, merely another politician after all—and you can't trust the breed.

Seldom has the public perception of a major political figure changed so rapidly. George McGovern's political problem stems not from the belief that he is a dangerous radical and unpatriotic American. His trouble lies in the way people feel about him personally. Many who were attracted to him earlier this year because of his freshness and promise now express strong disillusionment.

"I think McGovern lost a lot of ground when he started shifting his positions," said the 45-year-old wife of a German-born doctor in Edgeworth, Pa., to the north of Pittsburgh. "In the primaries he had kind of a white knight image and you felt he was idealistic but sincere. Now you think that anytime somebody criticizes one of his programs he'll change it to suit his needs.

"He's not a white knight any more. He's tarnished. He's just another politician."

That voter now thinks of McGovern as a man who isn't "sticking to his guns" and who is "changing his positions on the issues for political reasons." To her, he now seems "naive, impractical and vacillating." Although she does not like Nixon, she says, with an air of resignation, "I have to vote for Nixon again, because once again he's just the better of the two men."

The Washintgon Post reporters who traveled across the country talking to voters for these articles came back with similar impressions about the current reaction to McGovern. He is criticized not only for changing his mind—the most common reaction—but for promising too much, for being unrealistic, indecisive and "wishy-washy." Even among voters who will support McGovern, there are deep reservations about his ability to control situations.

What is more striking is the degree of personal hostility toward him. A scornful, hostile attitude often characterizes their response. Perhaps The Post's Mary Russell captured the deeper reasons for the strong reaction.

"It appears," she reported, "that people were looking for something else, but after McGovern's stumblings they don't think he's it. The searching and seeking may explain the hostility. They expected more from McGovern—and they didn't get it."

The Tom Eagleton case seems to lie at the heart of the changing attitudes about McGovern. Even mention of the name Eagleton often brings an emotional response. In some cases, it literally brings people out of their chairs almost before the question about Eagleton is completed.

There are many layers to the Eagleton incident and the impact it has had on this presidential campaign. It is impossible to exaggerate how severely it has hurt McGovern.

There is no question that McGovern would have fared better politically had he stayed with the Missouri Senator. Once he committed himself publicly and uttered the now famous phrase that he was behind Eagleton "1,000 per cent"—a phrase, by the way, that continually comes up in conversation and is now the subject of gallows-type humor around the country—it was politically untenable to change.

Not only was McGovern viewed as having rejected a pledge of personal loyalty, but he opened up the long period when no one seemed to want to be on the ticket with him. That, too, is often mentioned by voters. Another element in the Eagleton incident says more about the people than the politicans.

We all were struck with the sympathetic responses to Eagleton and his family. But it was more than sympathy that people were expressing; it was a level of sophistication about the problems of mental health coupled with the strong belief that no one should be disqualified because he has suffered mental illness in the past.

To a striking degree, the voters we met talked openly and frankly about similar problems in their own experience, often in their own families or own lives. Some tended to regard what happened to Eagleton as a threat to themselves. If that could happen to a prominent American, they would say in effect, then they too could be dropped from their jobs or responsibilities in their families.

Beyond that, there was a shrewd appreciation that pressures can build on any man—and they admire someone who has the character to recognize his problems, seek help, and surmount them.

It was not uncommon to hear people volunteer the thought that many men high in public life might well need the help of a psychiatrist, but don't have the courage to seek assistance. Sometimes a voter would even draw a political lesson from this. "I think you're safer with someone who's seen a psychiatrist than one who hasn't," said a New York housewife after referring specifically to the personalities of two high public officials.

The Eagleton case came at a critical moment for McGovern's campaign. Instead of moving forward after his nomination, he was deeply bogged down. When he finally began again, he went through a long period of trying to placate the various factions of his party. It was in this period, while memories of the Eagleton incident were fresh in the public mind, that McGovern came to be viewed as a man who changes his position not only on a man but on the issues.

By redefining his positions on such issues as welfare and tax reform and defense cuts, McGovern added to the generally unfavorable impression.

Our survey, beginning as it did in early September, caught McGovern at his lowest point up to that time. The reaction to McGovern in the 10 states was uniformly critical and, as we have said, often hostile. Of the areas we sampled, McGovern was far behind in traditional Democratic sections, sometimes by as much as 5 to 1.

He was ahead in our sample in only two states, Massachusetts and California. The rest of the results could only be viewed as disastrous at that point. He was trailing far behind President Nixon among men, women, blue collar workers, Catholics, Protestants, union members and older voters.

Among Jewish voters, in traditional Democratic areas, he was also slightly behind. He was losing the 1968 Wallace vote to Mr. Nixon by as much as 7 to 1. He was also losing nearly half of those who said they voted for Hubert Humphrey four years ago. McGovern even was behind among Democrats and independents.

In only two areas—young voters between the ages of 18 and 24 and blacks—was McGovern in a solid position. He also was doing substantially better than the President among voters with annual incomes of $10,000 and below.

That last area of lower-income voters is one of the most interesting elements in this election. What McGovern seems to have working for him most positively is the state of the economy. Strong complaints were voiced about jobs, inflation and the unemployment rate. These conditions, of course, normally work to the Democrats' advantage. And despite the blurring of party differences in the voter's mind and the doubts about McGovern, Americans in our sample still think the Democrats are generally better for the working man.

The voters rated the Democrats far and away better than the Republicans in helping poor people, blacks, the working man, holding down unemployment and doing a more effective job of appealing to young people. The Republicans, by contrast, are still solidly identified with big business. Of all voters interviewed, for instance, 67 per cent thought Republicans did more for business, while only 9 per cent felt the Democrats were business-oriented. The rest either had no answer or didn't see any difference between the parties in that category.

And although our voters said they favored Nixon over McGovern by a 59-to-31 per cent margin, they responded to another political question quite differently. When asked whether they thought it would be better for them and their families if the Democrats or Republicans were in power in Washington, the Democrats got the lead by 5 percentage points.

In other words, these voters still prefer the Democrats in Washington.

That, it would seem, offers the best hope for McGovern to recover and create what now would be the greatest upset in American political history.

These articles are not intended to forecast that November outcome, but it should be said that McGovern was doing his best at the end of September and in the last state surveyed, California. There we found strong evidence that some traditional Democratic voters who do not admire McGovern are going to vote for him nevertheless.

Listen for a moment, to Raymond Heaton, 49, who works in an auto factory in Los Angeles and lives in the Belle Gardens section. Four years ago Heaton voted for George Wallace.

When asked for his impression of McGovern, he instantly snapped, "Rotten." But by the end of the interview he was saying unequivocally that he will vote for the South Dakotan. Asked to explain, he said simply: "55,000 is enough." He was referring to the American dead in Vietnam.

Then he went on to say:

"I don't believe Nixon's going to do anything. He's for the rich, he's for the big man. At work, most of our people are for McGovern. They can't see putting Nixon back in for another four years. He's not helped our nation out. In fact, it's worse today."

Our sample of that working class section showed strong McGovern strength—or, more properly, strong Democratic strength. And if those voters, could be said to have come around for McGovern, there are others we met who are wrestling with themselves about what to do on election day.

One of the most thoughtful among the undecided was a Jewish businessman who lives in Great Neck, on Long Island.

"On the face of it" he said, "McGovern should be a good candidate—a doctor of philosophy, a compassionate man, a good record from a relatively small and conservative state, indicating excellent possibilities of uniting the country. Somewhere, I'm afraid, he's gotten lost. He apparently won the nomination by manipulation. It was because he was the one responsible for building a new Democratic set of rules and was more alert to the manner in which to control the convention. Muskie probably would have done a better job in holding the party together, but he didn't get it.

"So McGovern's got it—and doesn't know what to do with it. In the process he has alienated the party and shown a great deal of political stupidity by making statements that alienate so many wealthy people and middle class people.

"And by making such an obvious pitch to the Jewish vote he's becoming as pragmatic in his approach as Nixon. He has been giving up so many of his professed ideals to win votes. And basically he hasn't done his homework. He has failed to surround himself with a proper staff and is shooting from the hip too often. The whole thing is falling flat from day to day.

"The whole middle class people that should be compelled to respond to a compassionate point of view don't see that in him. People today squirm. They don't care. They are interested only in the pocketbook nerve. McGovern's not giving them a chance to lift their heads up to the stars. So no one is leading them.

"And yet for all his faults he has the potential of being a unifying force, an inspirational force in the minds of the people. But I don't think from the way he's going he can come over as an inspirational type of leader in the way of a Roosevelt or a Kennedy."

He says he doesn't know what to do on Nov. 7, and will be listening and watching the campaign as it progresses to make up his mind. Obviously, McGovern needs that kind of voter, but to win his ballot he will have to succeed in creating a different impression about himself.

At this stage George McGovern has succeeded only in making himself, rather than Richard Nixon, the issue.

URUGUAY UNDER ATTACK BY WORLD COUNCIL OF CHURCHES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. RARICK. Mr. Speaker, now that those extremists who masquerade as churchmen prepare their world public opinion assault on Uruguay—without comment on the domestic problems which face that nation not unlike others since our new United States-Communist detente—I think our colleagues should find of interest a documented report on the World Council of Churches and their nefarious activities so as to judge the purpose of the accuser.

I ask that a news clipping and the Herald of Freedom for September 15, 1972 follow:

[From the Washington Post, Oct. 1, 1972]

CHURCHMEN FAULT URUGUAY

(By Marjorie Hyer)

A World Council of Churches report charges that the present government of Uruguay has engaged in "widespread violation of basic human rights," including both physical and psychological torture of political prisoners, in its current efforts to wipe out Tupamaro revolutionaries.

A State Department official who confered recently with the three-man team which compiled the report said that the churchmen drew a grimmer picture of the situation in Uruguay than was generally reflected in diplomatic sources.

"They portray a deeper area of concern than I was aware of," said Charles A. Meyer, assistant secretary of state for inter-American affairs.

The churchmen say in their report that "thousands" of Uruguayan citizens have been arrested and held incommunicado without trial since April 15, when the Uruguayan Congress approved a 30-day "internal state of war" against the Tupamaros. The state of war and its accompanying suspension of civil rights have been extended to Sept. 30.

"Persons arrested and held indefinitely are presumed to be guilty of subversion and possible complicity with the Tupamaro urban guerrilla movement and are subjected to military justice which is very slow (only three military judges in the country) and from which there is no appeal," the report says.

The report cities "impressive evidence" of the use of torture by both police and the military. While such measures are "purportedly aimed at the Tupamaros," the churchmen charge, they are "in fact extended widely to broad segments of the population for political reasons."

The World Council of Churches report was compiled by three U.S. churchmen who spent five days in Uruguay in June investigating. They are Dr. William P. Thompson, chief executive officer of the United Presbyterian Church, the Rev. Dr. Eugene L. Stockwell, assistant general secretary of the World Division of the United Methodist board of missions, and the Rev. Dr. Thomas J. Liggett, president of the United Christian Missionary Society of the Christian Church (Disciples of Christ).

The latter two are former missionaries in Latin America and speak fluent Spanish.

In their report they note "strong suspicion that military and police assistance given to Uruguay (by the United States) helps to buttress the repression . . ."

Dr. Stockwell said in an interview that during their visit to the State Department the churchmen urged "immediate cancellation of all police and military aid to Uruguay as a minimum" and consideration of ending economic aid as well.

His impression that "we didn't get very far" in that request appeared to be borne out by the State Department's Meyer.

While stating that, "any program we have anywhere is susceptible to constant re-evaluation," he said of the U.S.-funded police training program: "I still believe in a program designed to teach police efficiency, in the best sense of that word, which includes moderation."

Characterizing the interview with the churchmen as a "very useful conversion," Meyer said he was "very grateful" when groups such as the World Council "come and tell us what they find."

Earlier, however, Meyer asserted that the churchmen had gleamed their facts largely from "talking to the political outs" of Uruguay.

Among those interviewed in Uruguay by the World Council of Churches team are the president of the Uruguayan supreme court of justice, the minister of interior, the president of the Uruguayan house of representatives, the president of the nation's largest labor union and several Uruguayan senators as well as church and academic leaders.

The churchmen praised "the courage and the forthrightness of many leading political and public figures who, at considerable personal risk, denounce the current repression."

[From the Herald of Freedom, Sept. 15, 1972]

WORLD COUNCIL OF CHURCHES

The ultimate objective of those who direct the International Communist Conspiracy is the establishment of a world government under the United Nations with world courts and U.N. peace-keeping force. In order to accomplish their objectives they have also been working towards a world religion which is to be a "brotherhood of man" through which all religions can be merged under the World Council of Churches.

A report issued from Geneva by the Religious News Service late in July 1972 reveals that a joint Working Group (set up in 1965) after seven years labor has issued a report dealing with the Roman Catholic Church becoming a member of the W.C.C. The report indicates some "practical difficulties" but suggests that the disparity between the Catholic Church and the W.C.C. gives rise to the possibility of a new Christian fellowship differently constituted. The W.C.C. is currently made up of 255 Protestant and Orthodox churches functioning throughout the world.

In its issue of July 1972 the authoritative Intelligence Digest of England, published since 1938, sets forth a detailed report entitled "The World Council of Churches: a subversive body." Because of its importance we quote the article in its entirety. (Quote)

The World Council of Churches receives a great deal of publicity nowadays. Consisting as it does, of the principal Christian Churches (except the Roman Catholic Church), it naturally commands considerable respect among those who are unaware of its background and outlook. A very large number of people listen to its voice as that of ecumenical Christianity and esteem it as such. It therefore has considerable influence on the thoughts of many Christians.

It is time for the truth to be told about this organization. This Service has therefore commissioned an observer who has made a close study of the WCC to provide a report.

Our observer writes:

Communist and fellow-travellers did not lose much time before trying to infiltrate and manipulate the WCC after this multi-denominational body was founded in Amsterdam in 1948. They are still warmly welcomed by Dr. Eugene Blake, WCC Secretary-General at Geneva, a minister of the United Presbyterian Church of the U.S.A.

Again and again, the infiltrators have aimed—and are still aiming—at making Marxism-Leninism, Russian or Chinese type, acceptable to Christians all over the world and at mobilizing them against what they call western imperialism, colonialism, racism and suppression—handy and tempting catchwords for the unaware.

What follows in this report is a summary of facts containing evidence of the influence of Communist agents and sympathizers on the deeds and resolutions of the WCC, of which about 240 Anglican, Protestant, Orthodox and other non-Roman Catholic observers attend WCC meetings.)

The initiating body organizing this international council was the National Council of Churches of Christ in the U.S.A. The NCC invited British and other Euporean Churches to the first assembly in the Dutch capital.

The NCC of the U.S.A. was—or should have been—suspect from the start. Several persons connected with it had Communist front records, and the organization became so heavily infiltrated with pro-Communists that an intelligence agency of the U.S. Government declared it to be a subversive group.

Throughout, the NCC-U.S.A. has promoted Communism in a number of different ways—urging clemency for convicted Communist spies, and opposing loyalty oaths and anti-Communist security laws in the U.S.A.

The Council demanded abolition of Congressional committees set up to investigate

Communism, and lobbied for the admission of Communist China to the United Nations—long before President Nixon decided to do this and even before the Soviet-Chinese quarrel started.

All this can be documented from the NCC-U.S.A.'s own publications.

However, not only was—and still is—this founding father of the WCC corrupted by Communist influence, but the same applies to several Churches in western Europe. For example, the West German Evangelical Church (Lutheran) and the Netherlands Reformed Church (partly Calvinist). Both these Churches are infiltrated. The same thing is true about a number of emerging African, Asian and Latin American Churches.

During the WCC world conference held in Geneva in 1968, the leaders—nicknamed the "Geneva Curia"—openly excused or even praised Marxism in the context of their theme "Christians in the technical and social revolutions of our time."

It is worth quoting some of the unequivocally leftist statements.

Dr. M. M. Thomas, Chairman of the Central Committee, Mar Thoma Syrian Church of Malabar, Bungalore, India:

"The concern of the revolution for the human being should be held in tension with the strategy of the revolution, even when certain dimensions of the human are denied in certain stages of the strategy."

(These words are very similar to those spoken by Lenin when explaining the plans of Communism to dominate the world.)

Bole Igi, Nigeria:

"The revolution our people desire is one that will completely knock out all existing, suffocating constitutions, systems and the powers that keep them going. What do the nations have to look at now—that which symbolizes the best amongst themselves? They have the Chinese People's Republic—nationalistic, militant, economically free, and at the same time unyielding in its commitment to the freedom and full emancipation of the nations of Africa, Asia and Latin America."

Charles C. West, U.S.A.:

"Marxism is still, as everyone knows, an ideology based on a faith . . . in many societies of great social injustice its analysis seems closest to human need and hope."

Archpriest Waronov, Russian Orthodox Church, USSR:

"As early as 1951, it was acknowledged by the Executive Committee of the WCC that the motto of Communist society, formulated by Karl Marx, 'to each according to his needs, from each according to his ability,' is rooted in the teaching of our Lord Jesus Christ."

In 1959, Metropolitan Nicolai (replaced after his death by Metropolitan Nikodim) of the Russian Orthodox Church and later representative of that Church in the WCC, was identified under oath before the Un-American Activities Committee of the U.S. Congress as a KGB agent "since World War II." (This information was published in LIFE magazine in March 28, 1959.)

Metropolitan Nikodim (then Archbishop) in 1963 at a press conference in Denver, Colorado, spoke enthusiastically about the Russian Socialist State, declaring that "the state does not interfere in the internal affairs of our Churches." He stated, moreover, that his Orthodox Church "fully supports the aspirations of all our people for peace."

Everybody knows, however, that true Christians in Russia cannot openly worship God according to their consciences and that the Soviet Union does not seek for peace, but for trouble wherever it is in its interest.

Under this direct Communist influence, it is easy to understand that the WCC grants large amounts of money to known anarchist and revolutionary movements in Africa, and other places. The WCC has departed from Christian principles and adopted atheist humanism as taught by Marx, Engels, and Lenin.

The WCC's Church and Society Conference of 1966 declared:

"Revolution should be actively promoted and supported by Christians."

They made it clear that this "revolution" means "violent overthrow of an existing political order" (page 143, Official Report).

Last year the WCC had a gathering in Sofia and decided to enlarge its subversive activities by financing terrorist groups in both Africa and Latin America.

Early this year the Executive Committee met in Auckland, New Zealand, from February 8 to 12. WCC headquarters released a list of 39 persons who attended. Among the seven Presidents was Patriarch German (71) Serbian Orthodox Church, a loyal and obedient admirer of the Yugoslav Communist regime.

The others included Metropolitan Nikodim of Moscow, a willing instrument of the Kremlin, and Professor T. Sabev, Bulgarian Orthodox Church.

In May the WCC's anti-racialist committee asked the Council to intensify the WCC campaign against southern Africa by urging investors to withdraw all their capital from South Africa, Rhodesia and the Portugese territories.

The committee decided to choose its targets among the big companies with international interests, and now wants to take measures to compel these firms to cut off relationships with the "doomed" subcontinent, strategically so important to the West.

Of course, this form of blackmail can suit only the purposes of the Soviet Union. However, unfortunately for the WCC conspirators, this effort to boycott and isolate white-ruled countries in southern Africa has so far failed. A lot of American, British and continental concerns have refused to give up their promising investments in these lands full of precious and useful minerals and other natural riches. The more so as both the Russians and the Chinese try to get strong footholds there.

The other day the General Synod of the Reformed Churches in Netherlands (nominally Calvinist) asked the WCC Secretary-General, Dr. Blake, how the Churches have to react to the violation of human rights in eastern Europe. The Synod's second thoughts were that the WCC criticizes only "abuses" in the West, but never those behind the Iron Curtain.

The Synod got a public answer—an answer full of tolerance for Communism. Dr. Blake said that:

1. In eastern Europe the Churches are an important channel for reliable information.

2. The ecumenical movement is offering a great chance for visits and exchanges.

3. Each Church has to protest at the right place as effectively as possible when she feels called upon in conscience.

Dr. Blake: "The western Churches have to occupy themselves intensively with the eastern European situation, for the Marxist view is growing more and more important in the Churches of the West.

"It is evident that of all the secular philosophies Marxism is going to be the most popular and the most convincing one among our young intellectuals.

"This development deserves—however critically or positively we experience it—more attention than it has had so far. The theological reflection on Marxism has now become a common necessity for all Churches, notwithstanding the form of government they have to live with."

Moreover, Dr. Blake pretends that religious liberty is guaranteed in eastern Europe, apart from some restrictions with a view to western ideas.

"Keeping in touch with eastern European Churches is more important than complaints or protests addressed to them," he says.

In conclusion, Dr. Blake has written to the Reformed Churches in the Netherlands that "apart from eastern Europe, there are a large number of discrimination spots which the Churches cannot fail to notice."

It is clear that the WCC's Secretary-General tries to whitewash the suppression of Christian believers who do not want to mix their faith with atheist Marxism-Leninism, and that he prefers to sustain revolutions against the western establishment.

The WCC may be a powerful body and the "Geneva Curia" may rule millions of still-believers, but their social gospel and perversion of the Christian faith has opened more and more eyes amongst those who see the real danger of this "ecumenical" movement, in America and Europe as well as in southern Africa.

As a matter of fact, ethical and liberal pastors preaching hatred and turbulence instead of the Grace of God and the love of Christ find a growing number of churches becoming empty. This has led the American author Dean M. Kelly to investigate this development and to write a sociological study called Why Conservative Churches are Growing.

The book has recently been published and it shows that religious people in the U.S.A. are tired of anti-western propaganda from the pulpit. They prefer the real gospel they were used to listening to and they leave the corrupted clergy alone.

The old-fashioned Presbyterian Churches and other fundamentalist denominations are growing. An increasing number of people want to learn about life with Christ, about loving their neighbors, and not about frustrating law and order. The same applies to many circles of Christians in western Europe. (End of Quote)

Eugene Carson Blake, the leftist President of the WCC, was awarded the Lenin Peace Prize by the Soviet Government. He has long favored the recognition of Communist China and its admission to the U.N., the latter having already been accomplished. Mr. Blake was the signer of a petition to Congress in 1959 urging the elimination of the House Committee on Un-American Activities. He is also past president of the National Council of Churches whose pro-Communist activities have been outlined in previous issues of this publication.

BUDGET WILL BE DOUBLED IF SPENDERS PREVAIL

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. COLLIER. Mr. Speaker, a table which I will insert in the RECORD at the conclusion of my remarks shows how difficult it is going to be to limit spending by the National Government to $250,000,000,000 for a single fiscal year.

Bills have been introduced during the present Congress that would, if all were enacted into law, call for the spending of an additional quarter of a trillion dollars per year. Fifty-one of these measures bear billion dollar price tags. In other words, each of them would cost that much or more for every year of the program. Forty-one other bills would each cost a billion dollars by the time they had been in effect for 2, 3, 4, or 5 years.

Total spending for the first fiscal year would be $319,427,433,000 if all of these bills became law. This figure includes some duplication, as many of the bills contain provisions that also appear in other measures. On the other hand, a good many of the bills would cost considerably more than the table indicates.

For example, the words "such sums as may be necessary," appear 14 times in one bill. The staggering costs of its numerous programs can therefore be measured only in part.

While most of the spending measures will die in committee as far as this Congress is concerned, many of them, along with some new ones, will be dropped in the hopper during the next Congress. As time goes on, a lot of them will become law and the burdens on the taxpayers will be increased.

Mr. Speaker, I am making this data available for the benefit of my colleagues in the Congress, the taxpayers who must, sooner or later, provide the money to defray the costs of such programs as they become law, and the voters who have the power to replace profligate spenders with men who will exercise fiscal responsibility. The latter two groups, taxpayers and voters, are, of course, synonymous.

The table follows:

Number and title of measure	Amounts in thousands of dollars by years—				
	1st	2d	3d	4th	5th
S. 3—Health Security Act	77,000,000	77,000,000	77,000,000	77,000,000	77,000,000
S. 2747—Family Income and Work Incentive Act, excess over H.R. 1	56,121,000	56,121,000	56,121,000	56,121,000	56,121,000
H.R. 13853—Emergency Community Facilities and Public Investment Act	15,000,000				
S. 3651—State-Local Fiscal Assistance Act	5,915,000	5,915,000	5,915,000	5,915,000	5,915,000
H.R. 12479—Intergovernmental Fiscal Coordination Act	5,300,000	5,300,000	5,300,000	5,300,000	5,300,000
S. 3779—Elementary and Secondary Education Assistance Act	5,250,000	5,250,000	5,250,000		
H.R. 128—School Children's Assistance Act	5,200,000	5,356,000			
H.R. 6722—Water Pollution Control Act Amendments	5,030,000	5,030,000	5,030,000	5,030,000	5,030,000
S. 1781—Clean Water Financing Act	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000
H.R. 13273—Small Communities Planning, Development, and Training Act	5,000,000	12,000,000	12,500,000	8,000,000	
H.R. 13534—Public School Improvement and Desegregation Act	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000
H.R. 11207—Surface Transportation Act	5,000,000				
H.R. 12209—Surface and Air Transportation Act	5,000,000				
S. 703—Minimum Health Benefits and Health Services Distribution and Education Act	4,900,000	4,900,000	4,900,000	4,900,000	4,900,000
H.R. 16241—Small Business Pollution Abatement Loan Assistance and Worker's Readjustment Assistance Act	4,000,000				
H.R. 1—Family Assistance Plan (only)	3,800,000	3,800,000	3,800,000	3,800,000	3,800,000
H.R. 13461—Comprehensive Manpower and Employment Act	3,250,000	5,000,000	5,000,000		
S. 3311—Public Service Employment Act	3,000,000	7,000,000	10,000,000	10,000,000	10,000,000
S. 241—State and Local Government Modernization Act	3,000,000	5,000,000	7,000,000	9,000,000	
S. 3365—Employment Opportunities Act	3,000,000	6,000,000	6,000,000		
S. 3366—Transportation Systems Improvement Act	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000
H.R. 9335—Grants to cities in fiscal crises	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000
H.R. 16092—Regional Development Act	3,000,000	2,500,000	3,000,000		
H.R. 13021—Transportation Revenue Sharing Act	2,800,000	2,800,000	2,800,000	2,800,000	
H.R. 40—Economic Opportunity Extension Act	2,525,050	2,777,555	3,055,310	3,360,841	3,696,926
S. 523—National Water Quality Standards Act	2,520,000	2,520,000	2,520,000	2,520,000	2,520,000
H.R. 15829—Comprehensive Manpower Act	2,500,000	4,000,000	4,500,000	5,000,000	
S. 1773—Adequate Nutrition Act	2,500,000	3,500,000	3,500,000		
S. 2333—Community Development Act	2,500,000	2,900,000	3,400,000		
H.R. 16202—Public and Private Education Assistance Act	2,250,000	4,000,000	6,000,000	10,000,000	10,000,000
S. 1512—Comprehensive Child Development Act	2,065,000	4,070,000	7,050,000		
S. 1143—Clean Water Commitment Act	2,025,000	2,525,000	3,025,000	3,525,000	4,025,000
S. 1283—Urban Education Improvement Act	2,025,000	2,025,000	2,000,000	2,000,000	2,000,000
H.R. 246—Comprehensive Community College Act	2,010,000	2,000,000	2,000,000		
S. 530—Universal Child Care and Child Development Act	2,000,000	4,000,000	6,000,000		
H.R. 15441—Police Manpower Act	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000
S. 2708—Special employment assistance	2,000,000	2,000,000			
S. 19—Export-Import Bank	1,625,000	1,625,000	1,625,000	1,625,000	
H.R. 9688—Housing and Urban Development Act	1,500,000	1,500,000	1,500,000		
S. 3092—Public service employment	1,250,000	3,000,000			
H.R. 12012—Emergency Employment Act amendment and expansion	1,250,000	3,000,000			
H.R. 13431—Economic Disaster Area Assistance Act	1,250,000				
H.R. 17—Employment Act	1,100,000	1,100,000	1,100,000	1,100,000	
H.R. 12642—Rehabilitation of the severely handicapped	1,035,000	1,485,000	1,755,000		
H.R. 8724—Manpower Training and Employment Act	1,017,000				
S. 1161—Student Assistance Act	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
H.R. 346—Self-Help Manpower Act	1,000,000	1,250,000	1,250,000		
S. 3927—Full Employment and Job Development Act	1,000,000				
H.R. 9494—Aircraft noise-suppression devices	1,000,000				
H.R. 14122—Rural Economic Development Act	1,000,000				
H.R. 15765—Prison Reform Act	1,000,000				
S. 3492—Omnibus Criminal Justice Reform Amendment	1,451,500	1,050,000	550,000	250,000	250,000
H.R. 16042—Public Works and Economic Development Act Amendments	1,050,000	700,000			
S. 3421—Community Manpower Training and Employment Act	100,000	2,500,000	3,000,000	3,500,000	
S. 3381—Public Works Development Act	2,500	2,277,500	2,802,500	3,327,500	
S. 3617—Comprehensive Headstart, Child Development, and Family Services Act	150,000	1,200,000	1,600,000		
S. 195—Emergency School Aid Act	500,000	1,000,000			
S. 683—Quality Integrated Education Act	500,000	1,000,000			
H.R. 10779—Emergency School Assistance and Construction Act	500,000	1,000,000			
H.R. 15650—Vietnam Era Veterans' Readjustment Assistance Act	500,000	1,000,000			
S. 2279—National Transportation Act	200,000	500,000	2,000,000	2,000,000	2,000,000
H.R. 13538—Omnibus Highway Safety Act	858,000	845,000			
S. 3462—Rural Development Act	750,000	750,000			
S. 2536—Housing Opportunities Act	650,000	800,000	800,000		
H.R. 14235—Small Farm Development Act	600,000	600,000	600,000	600,000	600,000
S. 1832—Economic Disaster Area Relief Act	505,000	505,000	505,000	505,000	
S. 2135—Mothers' and children's health programs	500,000	500,000	500,000	500,000	500,000
S. 2223—Consolidated Farm and Rural Development Act	500,000	500,000	500,000	500,000	500,000
S. 2897—Emergency Rural Housing Act	500,000	500,000	500,000	500,000	500,000
S. 2148—Juvenile Delinquency Prevention and Rehabilitation Act	500,000	500,000			
H.R. 14306—Older persons' transportation	500,000	500,000			
H.R.13451—Older Americans Act Amendments	450,000	450,000	450,000	450,000	450,000
S. 3046—National Heart, Lung, and Blood Act	445,000	465,000	490,000	525,000	575,000
H.R. 12460—National Heart and Lung Diseases Act	420,000	530,000	640,000		
H.R. 12571—Heart, Lung, and Neurological Diseases and Stroke Amendments	420,000	530,000	640,000		
H.R. 13362—Emergency Mass Transit Passenger Act	400,000	400,000	400,000	400,000	400,000
S. 935—Physician Manpower Support and Service Act	396,000	498,000	689,000	658,000	180,000
S. 1017—Clean Lakes Act	375,000	375,000	375,000	375,000	
S. 1331—Nurse Manpower Training Act	355,000	417,000	479,000		
S. 3600—National Growth Policy Planning Act	330,000	330,000	330,000	330,000	330,000
H.R. 13191—Mothers', infants', and crippled children's health services	280,000	280,000	280,000	280,000	280,000
S. 2324—National Power Grid Act	250,000	250,000	250,000	250,000	250,000
S. 3521—Juvenile Delinquency Prevention Act	250,000	250,000	250,000	250,000	250,000
S. 1113—National Environmental Laboratory Act	250,000	250,000	250,000	250,000	
S. 2958—Urban Transportation Emergency Relief Act	200,000	200,000	200,000	200,000	200,000
S. 3769—Interstate Railroad Act	200,000	200,000	200,000	200,000	200,000
S. 3148—Juvenile Justice and Delinquency Prevention Act	165,600	320,000	475,000	630,000	
S. 1777—National Youth Service Act	152,000	502,000	902,000		
S. 3364—Comprehensive Home Health and Preventive Medicine Act	150,000	175,000	200,000	250,000	300,000
S. 3327—Health Maintenance Organizations and Resources Development Act	143,315	250,220	388,200	603,940	928,690
H.R. 12070—Drug Abuse Office and Treatment Act	125,000	250,000	352,000	500,000	500,000
H.R. 13552—National Educational Opportunities Act	100,000	500,000	500,000	500,000	500,000
359 other measures—Total costs	21,236,968	14,792,535	11,644,035	4,809,156	4,176,456
Total	319,423,933	317,691,810	312,638,045	259,140,437	223,178,072

Note: Years are 1st, 2d, 3d, 4th, and 5th fiscal years, but not any particular years, as the measures have been introduced over a period of 20 months. Bills that have passed both houses in identical form have been omitted. Bills on which action has been taken may have been amended. No bill that would cost less than $1,000,000 for a year has been included.

"PACE" PROGRAM AIDS INMATES IN COOK COUNTY JAIL

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. MIKVA. Mr. Speaker, I would like to bring to the attention of my colleagues a highly successful program which is operating at the Cook County Jail in Chicago. Programed Activities for Correctional Education, better known as PACE, provides inmates who want to change their lives with educational and vocational opportunities which will help them to do that. In addition to programs within the jail, PACE assists inmates during the critical period immediately following their release, with job placement assistance and other supportive services.

The project is funded jointly by the Federal Government, private industry, and private citizens. It has been highly successful in reducing recidivism, and hopes to do an even better job as more funding makes it possible to serve more inmates with better facilities.

I would like to insert several articles describing the PACE program, as well as a copy of a recent application for continued funding under the Manpower Development and Training Act. As these materials show, PACE merits continues and expanded support in its efforts to assist corrections administrators in providing realistic rehabilitation opportunities to inmates:

OCTOBER 2, 1972.

Mr. PAUL J. FASSER, Jr.,
Manpower Administrator, Department of Labor, Washington, D.C.

DEAR MR. FASSER: I am writing to urge your continued funding of the PACE program operating at the Cook County Jail in Illinois (Programmed Activities for Correctional Education).

The PACE program has been most successful in reaching inmates and in providing them with the basic educational and vocational skills needed to move away from crime upon their release.

If I can be of any assistance in your consideration of the attached application for continued funding of this important and worthwhile program, please let me know.

Thank you for your consideration.

Sincerely,

ABNER J. MIKVA,
U.S. Congressman.

[From the Chicago Tribune, Sept. 17, 1972]

BENEFACTOR OF JAIL SETS $1 MILLION GOAL

(By Robert Nolte)

The sugar daddy of Cook County Jail has dollar signs in his eyes. In three months, he raised $145,000 to help jail inmates. Now he's shooting for $1 million to build a halfway house outside the walls of County Jail.

The 75-year-old multimillionaire has never been in jail and, according to Winston Moore, he's "the last guy in the world you'd expect to be interested in criminology."

Moore is director of the county's Department of Corrections, which operates County Jail, with its 2,000 inmates.

Oscar Getz, chairman of the board of Barton Brands, Inc., worked with boys' clubs when he was a young man, and seldom gave County Jail a thought until last October, when he heard Winston Moore describe the problems of running a jail.

REPEATERS REDUCED

Less than a year later, Getz had raised $145,000 to finance an educational and vocational training program in County Jail that Moore says has reduced inmate repeaters from 70 per cent to 14 per cent in the first 18 months PACE [Programmed Activities for Correctional Education] has operated. Because of its record, PACE has received nationwide acclaim.

With one success under his belt, Getz is ready to tackle another. He wants to raise $500,000 from Chicago area businessmen to finance construction of a three-story halfway house for PACE graduates.

"Under PACE, inmates learn a skill, a trade, and many who never learned how to read are getting basic grammar and reading lessons," Getz said. "This halfway house is not a pipe dream. It would house about 100 ex-jail inmates who want to further their vocational training."

Getz said his Committee of 100—the same group that raised $145,000 to finance PACE this summer—would raise $500,000 on the promise that the federal government would match that amount.

FEW PROBLEMS SEEN

Getz and the founder of PACE, the Rev. John R. Erwin, are going to Washington this week to arrange for a government grant. State officials close to the funding of PACE say there will be little difficulty in getting it because of PACE's remarkable reputation.

If a grant of $500,000 is approved, it would be funneled thru state agencies for use by County Jail.

Getz forsees few problems in raising his share of the million dollars.

IMPRESSED BY SPEECH

Preliminary plans call for a new building that will house offices, classrooms, and dormitory facilities. It would become a national showcase. Halfway houses are in common use by large state prisons but are believed to be nonexistant for ex-inmates of county jails.

Getz's role as a sugar daddy for the jail and its PACE program began last October at a luncheon where Moore told members of the City Club of Chicago that the major problem facing County Jail was a lack of funds to teach inmates vocations so they can find meaningful employment in society. Moore talked about PACE and how its goal was "rehabilitation, not revenge."

"The name of the game was 'reduce repeaters,'" Getz said. "PACE did it, but PACE was expensive. It meant buying high-cost teaching machines and the latest in books, equipment, and the best of personnel.

"I asked Moore what a guy like me could do about it. He told me I could help by raising money. I said, 'Okay, but I can't help until March.' I am sure they thought, 'Well, that's the last we'll hear from Getz'".

But it wasn't. During March and April, Getz mobilized a Committee of 100. Their job was not to make donations. Their job was to raise money from other businessmen and big corporations.

In three months, Getz has raised $145,000 that the federal government has matched. The $290,000 is now being used to expand PACE facilities at County Jail into a new building that is nearing completion.

Getz says the Committee of 100 has met the test and succeeded. The biggest contributor was Ray Kroc, chairman of the board of the McDonald Corp., who wrote a check for $28,000. The Archdiocese of Chicago made a $15,000 contribution. A housewife gave $5 after she heard Getz tell about the PACE program on a radio show.

If Getz and the Committee of 100 raise their share of the $1 million for a halfway house, PACE, which will serve 400 inmates next year, will be able to offer an additional 100 prisoners a chance to make it in society without carrying a gun.

[From the New York Times, July 6, 1972]

INMATES TRAINED FOR LIFE OUTSIDE

(By Seth S. King)

CHICAGO, July 5.—In air-conditioned rooms off a brightly painted corridor, 60 young men were ranged along the walls, each seated in a learning cubicle with his name printed above it and his books or tape recorder in front of him.

The area was an oddly quiet and purposeful island, and the rooms were certainly the only cool places in the ancient, crowded Cook County Jail.

The young men at the desks were prisoners. But they were also participants in an unusual prison program, officially called Program Activities for Correctional Education but better known in the jail as Pace Institute.

For the last three months or longer, most of these Pace students have been spending their mornings studying mathematics, grammar and reading. Some others are taking high school courses leading to a general education diploma.

Their afternoons are spent in prevocational courses that introduce them to training in automobile mechanics, electronics, drafting or carpentry.

REFERRED FOR TRAINING

Once his jail sentence has been served, a Pace "graduate" is referred for further job training in private industry. Or, if he enters a vocational training school or takes an academic course at night for the next 27 months, he will receive a weekly stipend of $50 to $75, depending on his family's needs.

If he has no family resources, volunteer counselors in Pace's "support program" will help him find a place to live in Chicago, offer periodic counseling, or even, especially during the critical first three months after his release, help him get up in the morning and get to work.

Prison rules forbid a former inmate to return to the jail as a visitor for a year after his release. But Pace now provides desk space outside the jail once a week where the former trainee may meet with Pace "job developers" for help in finding employment if he does not have a promised job when he leaves the jail.

Of the more than 15,000 men each year who spend time in the Cook County jail, either awaiting trial or serving sentences, 70 per cent are recidivists, who, within 90 days or less are in trouble again and back in jail.

15 PERCENT BACK IN JAIL

But in the two and a half years the Pace program has been in effect, only 15 per cent of its trainees have been returned to jail.

Of the 244 who have been released after participating in the program, 71 are now employed, 13 are in vocational training and seven are in high school or college. The rest are unemployed or could not be found, or are in jail again.

"All it takes to get into Pace, provided we have an opening, is for an inmate to want to change his life-style and to have at least three months left in his Cook County jail sentence," said Jack Solomon, the bustling coordinator of the program.

Three months is considered the minimum needed for one to benefit from the program, Mr. Solomon said.

A Pace trainee is tested and his academic training is started at the level these tests indicate, whether it is high school, third grade, or even illiteracy.

The Pace trainee learns at his own rate. Each signs a contract specifying what he intends to complete in the three months or longer, and each signs a daily contract of what he intends to accomplish that day.

UP TO THE PRISONER

"We've already found that 90 days of concentrated work in Pace brings these boys up at least a grade level above where they started," Mr. Solomon said.

Pace was the brainchild of John R. Erwin, once a ward in a number of juvenile homes, who has served as the jail's chaplain for the last 17 years.

"These boys come in here angry, frightened and frustrated and convinced nobody cares anything about them," Mr. Erwin said. "Pace has been an answer to that. It's up to them to want to get in. It's up to them to take advantage of the support program after release. Nobody pushes them now or later."

Winston E. Moore, executive director of the Cook County Department of Correction, said. "We're teaching men to read and write as adults, giving them an introduction to future job training and the necessary character strength to hold down a job on the outside."

The program has required more than $300,000 a year to build and equip the modern classrooms, pay the special teaching staff and provide the funds for the support program after a trainee is out—a program that Mr. Moore believes is even more important than the in-jail training.

PACE FACT SHEET

Pace Institute was founded in Cook County Jail, Chicago, on June 7, 1967. In February, 1970. Pace began to train sentenced inmates under the Federal Manpower Development and Training Act.

For trainees, Pace provides basic education pre-vocational training, and intensive counseling. It also works to develop job opportunities. Upon a trainee's release, Pace refers him either to a job or to regular vocational training, unless he returns to school or enters college. Afterward, Pace makes every effort to maintain follow-up communication with him.

Here are some facts about Pace and its alumni:

Trainees enrolled since February 27, 1970	350
Trainees currently enrolled	60
Alumni (trainees who have been released)	290
In high school or college	5
In vocational training	14
In project support	10
1—Employed	
1—College	
1—Vocational school	
Employed	68
Unemployed	71
Returned to jail	54
Sent to prison	11
Cannot be located	37
Deceased and out of labor market	7
Trainees dropped from program	27

(Listed below are breakdowns of the above figures.)

Out of 290 Pace alumni:

61 took the high school G.E.D. examination.

48 passed the high school G.E.D. examination.

21 took the elementary school G.E.D. examination.

16 passed the elementary school G.E.D. examination.

3 passed both examinations in a seven-month period.

9 entered high school or college.

2 graduated from high school.

72 entered vocational training.

20 completed vocational training.

23 dropped out of vocational training.

15 are currently in vocational training.

55 were placed in jobs—still employed.

PACE INSTITUTE

WHAT IS PACE INSTITUTE?

PACE Institute was founded in 1967 by John R. Erwin, Chaplain of Cook County Jail, and represents the combined efforts of government, industry and private citizens in achieving the goal of providing meaningful education, which enables offenders to become productive members of society. It is located behind the walls of Cook County Jail, sandwiched between two tiers of cells and staffed by a group of trained, dedicated teachers and counselors, under the direction of Jack Solomon, Coordinator for the Chicago Board of Education. It has the full support of Sheriff Richard J. Elrod and Winston E. Moore, Executive Director, Cook County Department of Corrections.

The only requirements for an inmate to become a trainee at PACE are a desire to change his life style and at least 3 months remaining of his sentence in Cook County Jail. Upon entering the Program, he is given the Stanford Achievement Test, the revised Beta I.Q. Test and the General Aptitude Test Battery developed by the United States Department of Labor, to indicate his level of achievement, thus enabling the establishment of a program tailored to meet his individual needs.

He then begins to progress, at the speed at which he can function best, in a very unique study program, which uses modern educational machines in conjunction with professional teachers who guide, motivate, encourage and evaluate progress. He is tested monthly by the California Achievement Test, which enables the Staff to adjust his program as his needs vary. There are frequent individual, group and staff counseling sessions and meetings at which the entire Staff evaluates the trainee's academic, vocational and attitudinal progress. Basic educational levels improve dramatically, frequently leading to eighth grade and high school equivalency certificates and sometimes, college.

PACE trainees also spend two hours a day in a pre-vocational shop where they can explore vocational interests and capabilities and be channeled into more formal training upon release. During the entire program, volunteers bring the Community behind the walls and provide expert counseling and training, which often leads to enduring, friendships.

Through a Job Developer and a Counselor and the combined efforts of the entire Staff, a program is chartered for the release of the trainee into vocational school, college, on-the-job training or job placement. Community Counselors maintain contact with the trainee to give him supportive services, particularly during the first three months after release, which is the most critical period. Eventually, however, the trainee is weaned from the Staff to the community, where he can become a productive member of society—the goal of PACE Institute.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE,
Washington, D.C.

COST OF OCCUPATIONAL TRAINING MANPOWER AND TRAINING ACT: PART B

Signature and title of local official responsible for funds itemized below: Assistant Superintendent Government Funded Programs.

1. Name and address of local public training agency responsible for this: Chicago Board of Education, City of Chicago, 205 W. Wacker Drive, Chicago, Illinois.

Name and address of institution or agency (school) that will carry out this training course: Cook County Dept. of Corrections, 2600 S. California Avenue, Chicago, Ill.

3. Facility costs total	$2,040
1. Facility charges (includes rent)	None
2. Utilities (Includes telephone)	2,040
3. Minor remodeling	None
4. Administrative salaries total	$64,154
1. Administration	20,271
2. Clerical and accounting	14,070
3. Custodial	None
4. Other administrative costs	1,926
5. Employer share of employee benefits	37,304
5. Instructional and educational counseling salaries total	$223,109
1. Supervisors salaries	22,896
2. Guidance counselors salaries	33,540
3. Instructors salaries	97,500
4. Other instructional personnel	67,184
5. Travel	1,989
6. Equipment total	$5,095
1. Major instructional equipment	4,103
2. Repair and servicing	600
3. Minor equipment and tools	192
4. Rental of instructional equipment	200
5. Other capital expenditures	None
6. Other maintenance and repair	Do
7. Instructional materials and supplies total	$6,049
1. Audio visual aids	3,192
Textbooks and reference books	281
3. Workbooks and paperbacks	164
4. Supplies and materials	2,412
8. Other costs not elsewhere classified total	None
1. Tuition	Do
2. Trainee transportation	Do
3. Other miscellaneous costs	Do
10. Total cost	309,864

JOHN DAVIES HONORED

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. ABOUREZK. Mr. Speaker, this past week official Washington gave a distinguished service award to Mr. John Davies, an employee of the Department of Housing and Urban Development from Rapid City, S. Dak.

John was in charge of providing temporary housing to the 1,500 families left homeless by the June 9 flood in Rapid City. Under his direction, the people in Rapid City set new records in providing emergency shelter for disaster victims. In the time that I have worked with him, and in the time that I have known him, John has always proven himself to be an extraordinary individual.

Mr. Speaker, I am downright proud of the people of Rapid City for the spirit they have shown in getting the town back on its feet. Of course, we have had our share of misunderstandings, mistakes, and fast-buck artists. You always do in something like this. But that side is far outweighed by the monumental contributions of good people like John Davies.

With more people like John Davies in Government, we could begin to restore some of the confidence which the public seems to have lost in its Government. An award is always a nice thing. In this case, it could not be more deserved. But the real reward, and the real gratitude, and I know that John feels this way too, comes from the people you help.

Mr. Speaker, I simply cannot find adequate words to thank John for his help in getting Rapid City back on its feet.

DEFICIT SHARING

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. JACOBS. Mr. Speaker, the following are recent editorials from the Indianapolis Star and the Indianapolis News.

They state the truth.

Deficit sharing is the tragedy of our time.

I did not think grownups believed in Santa Claus.

The articles follow:

[From the Indianapolis Star]

EXPERIMENTING WITH AMERICA

When the United States Senate passed its version of the revenue-sharing bill last week, Majority Leader Mike Mansfield (D-Mont.) termed the action a "precedent-shattering breakthrough in the American government experiment."

While we should think that after almost two centuries the American government is out of the experiment stage, Mansfield hit the nail on the head. Revenue-sharing will indeed be precedent-shattering. It does tinker with the system of government in a fundamental way. And it may well be a breakthrough into a new era of experiment with government.

To the extent that revenue sharing does hand Federally raised tax money over to states and local governments with no strings attached—which is the declared aim—it alters the structure of government responsibility to and responsiveness to the people.

When state and local governmental units acquire unencumbered funds for which they levied no taxes, to whom are they responsible for its use? While their own local constituents pay taxes to supply the money, the taxes are levied by the distant Congress.

This is the shattering of precedent—the separation of responsibility for spending taxpayers' money from the responsibility to levy taxes to raise the money.

The enthusiasm of so many state and local officials for this scheme is understandable. It will enable them to embark on new spending projects without having to face their voters and say, "You must pay for them." Yet of course those same voters will pay for them.

What will this innovation do to the American system of government? It can only weaken the people's control of it.

[From the Indianapolis News, Sept. 22, 1972]

IT'S A LOSER

Indiana mayors attending a two-day convention here this week were joyous about the prospects of getting their hands on revenue-sharing money from Washington.

In their role as politicians, the mayors have every reason to be happy about this expected bonanza, since it will enable them to disburse more dollars without the responsibility of raising taxes to pay the bills. But for just about everyone else in Indiana, the revenue-sharing finagle is a loser. It is wrong for Hoosierland on just about any grounds you can imagine. Some of the more obvious are these:

1. Since the Federal government is already deeply in debt and running a mammoth deficit in the current year's budget, it has no revenue to share. The extra $5.3 billion to be passed around under this legislation will simply be tacked on to an already enormous deficit—meaning still more inflation and still more price hikes. The only other alternative, which seems increasingly likely, is a post-election Federal tax hike.

2. Revenue-sharing is the opposite of responsible financial policy in government. As we have seen for years in state government, the technique of raising dollars at one level and spending them at another is tailor-made for fiscal irresponsibility. The people spending the money have every incentive to dish it out, and none to conserve it since the political heat for taxing is focused elsewhere.

3. Because of these big-spending incentives, such techniques do not and cannot produce "property tax relief." New money derived from the higher level of government is invariably used to augment the spending—a fact of life made clear in the general history of state return of moneys for schools and other local functions and reinforced by the recent performance of the Lugar administration and the City-County Council here in Indianapolis.

4. To hear the politicians tell it, the urgent need of the hour is how to get more revenue for government—revenue which, in one fashion or another, comes out of the taxpayer's hide. From the taxpayer's point of view, the problem is just the reverse: How to keep government from getting more revenue. In our own city, for example, it can hardly be supposed that a city government which has increased spending 65 per cent in four short years "needs" to engage in still more spending.

5. Federal aid dollars on the average cost Hoosiers $1.61 apiece, so adding another program on top of those already existing means Hoosiers will pay far more in Federal levies (and/or inflation) than they can possibly get back. The $12.8 million anticipated by Indianapolis would on this reading cost us $20.6 million. And this does not compute the enormous financial costs imposed upon us by the controls and guidelines which accompany Federal programs.

So let the mayors rejoice if they will. For the rest of us, mourning would be more appropriate.

BOYS CLUBS OF AMERICA REACHES MILESTONE

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. DUNCAN. Mr. Speaker, in 1964, prior to his death, Herbert Hoover challenged the Boys Club of America to reach a goal of establishing 1,000 Boys Clubs for 1 million boys. This former President who served for 28 years as board chairman of the Boys Club of America will have his challenge fulfilled on October 8, 1972 when the 1,000th Boys Club opens in Indianapolis.

This accomplishment gives us good reason to pause for a moment and thank the Boys Clubs of America for the inspiration, moral guidance, and leadership which they have given to thousands of Boys Clubs members over the past 66 years. Certainly my district is a better community as a result of the days, months, and years given to youth development by the dedicated staff of the Boys Club of Knoxville.

I am proud to honor our Boys Club in Knoxville and throughout the Nation upon the attainment of this historic milestone.

BAY AREA RAPID TRANSIT SYSTEM

HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. MAILLIARD. Mr. Speaker, I would like to bring to my colleagues's attention a statement made recently by the President regarding the Bay Area Rapid Transit System—a system having great impact upon the area which I represent, the Sixth District of California. As the House is expected to vote on the Federal Aid Highway Act, H.R. 16656, this week, special note should be made of the President's approval of opening up the highway trust fund to permit urban areas to use money from the fund for public transportation if they so choose.

The statement follows:

STATEMENT BY THE PRESIDENT, SEPTEMBER 27, 1972

Though the Bay Area Rapid Transit System has been in operation only a few days, it already appears that the San Francisco Bay Area may become as widely renowned in the future for the space age efficiency of BART as it has been in the past for the romance of the cable car. I congratulate all the Bay Area communities that have taken part in this trail-blazing achievement in modern metropolitan transportation. The people of this area are setting an example for the nation.

The foresight, initiative, and constructive partnership demonstrated by the cities and counties which have joined in planning and building BART over the past two decades prove that workable new answers can be found for urban problems. Government support from the state and federal levels, under administrations of both political parties, has also been important. So has private sector participation, particularly that of California's own industrial community, with contractors like the Rohr Corporation supplying aerospace technology to the work of meeting human needs here on earth.

The federal goal in BART underscored the commitment I made in 1969 to treat public transportation as one of the chief domestic priorities of this Administration. Through 1972, federal funds for BART have totaled $181 million—about 13 per cent of overall cost. I am pleased to be able to announce today a further federal capital grant for an additional $38.1 million to BART from the Urban Mass Transportation Administration, to help complete the remaining forty-seven miles of the basic BART system.

Not only here in California, but all across the nation, the urban transportation picture is brightening as we move into the 1970s. Not only are some cities, such as Washington, following San Francisco and the installation of fixed rail systems, but others are meeting their transportation needs through innovations such as exclusive use rights-of-way for buses.

I have sought to speed these developments by pushing for passage of the $10 billion Urban Mass Transportation Assistance Act of 1970, and by increasing the federal budget for mass transit from the previous high of $175 million in one year to $1 billion this year. The better transportation balance which we are striving for is indicated by the fact that in fiscal year 1973, for the first time, federal funds for urban mass transit will surpass spending on urban highways.

My general revenue sharing program, which I soon hope to sign into law, would further increase the ability of cities and states to deal with their own transportation problems in their own way. And one other piece of legislation now nearing passage would address this need even more specifically: the Federal-Aid Highway Act of 1972 which recently passed the Senate and is now under consideration by the House.

I am most gratified—as were city officials across the country, and the millions of citizens they serve—that in passing this bill the Senate accepted my Administration's proposal that the highway trust fund be opened up to permit urban areas to use money from the fund for public transportation if they so choose. This provision would not in itself take a cent away from the highway needs—in fact, it scrupulously plays more favorite among the various alternative answers for urban transportation problems. What it would do is to give the people at the local level—the people who know best—a freer hand than they have had before in choosing the combination of answers which best suits their own particular needs.

I hope that this sensible provision, together with the Administration's proposal provides funds directly to metropolitan transportation agencies for the first time, remain in the bill which both houses finally approve. Certain other features of the present Senate and House bill are much less desirable; but I hope that these can be eliminated, the strong features retained, and a sound bill sent to my desk for signature before the Congress adjourns.

Now that BART is demonstrating how pleasant and convenient movement within our urban centers can be, we should be less disposed than ever to be patient with how congested and difficult it all too often is. The speedy resolution of America's chronic and worsening traffic jams is far too urgent a matter to be stalled any longer by legislative or bureaucratic logjams, and I will continue my own determined effort to keep it moving ahead.

FOREIGN POLICY

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. FINDLEY. Mr. Speaker, major changes in U.S. foreign policy have taken place during the last 2 years. As a member of the House Foreign Affairs Committee, and as the ranking Republican on the National Security Policy Subcommittee, I have had the opportunity to participate in these changes.

In each case, it has been my goal to strengthen the position of the United States as the leader of the free world.

CHINA

Six years ago, I urged President Johnson to take a new look at mainland China. I recommended that the United States end its embargo on trade and travel with the Chinese and begin diplomatic contact.

In part, I hoped that this new policy would hasten the release of Maj. Philip E. Smith of Roodhouse, who has been imprisoned in Peking as a result of the Vietnam war since 1965. Beyond that, I felt that mainland China had long been overrated as a threat to the national security of the United States. It was the Soviet Union, not China, which was providing the bulk of supplies and aid to Hanoi; it was the Soviet Union, not China, which had nuclear missiles aimed at the United States.

In January 1969, just after President Nixon assumed office, I met with Dr. Henry Kissinger at the White House. I presented to him a memorandum detailing the steps I thought should be taken.

He promised me, "one day we will take up China policy again." The administration did just that.

Nearly all of the recommendations I made to him then and since have now been adopted as official U.S. policy, including: First, an end to the embargo on trade with China; second, reduction of U.S. Armed Forces stationed on Formosa; third, ending passport restrictions on travel to China; fourth, establishment of regular diplomatic contacts with the Chinese through our embassy in Paris; fifth, beginning trade with the Chinese who have recently purchased 15 million bushels of U.S. wheat worth $25 million.

Although Major Smith is not yet home, I am encouraged that he has recently been taken to visit the same sights in Peking which President Nixon saw in May. Hopefully, one day soon, he will be able to rejoin his family in Roodhouse.

SOUTHEAST ASIA

The domestic crisis over Vietnam which brought about President Johnson's decision not to seek reelection signaled the urgent need for a new policy.

On March 24, 1969, just 2 months after President Nixon took office, I urged him immediately to begin troop withdrawals and to carry them forward at the fastest possible rate until no American combat troops remain in Vietnam.

At the same time, I placed the Vietnam Roll of Honor in the CONGRESSIONAL RECORD—a listing of names of 31,379 Americans killed in hostile action in Vietnam at that time. The Roll of Honor pays tribute to the courage of those Americans who truly gave the last full measure of devotion for their country.

Since the original listing, I have updated the Vietnam Roll of Honor eight times. I have also worked to hasten the withdrawal of U.S. troops and to write legislation which will make it more difficult for the United States to get pulled into another quagmire like Vietnam.

On the floor of the House, I offered an amendment to the military procurement bill setting as U.S. policy in Vietnam:

> The safe withdrawal of all remaining U.S. combat forces by the earliest practicable date.

Pleading for my amendment, I stated:

> Of the millions upon millions of words which have been uttered on the subject of Vietnam withdrawal, the President still has not received one word of guidance from the Congress.

Although my amendment did not prevail, President Nixon has resolutely carried forward with the withdrawal policy—now totaling more than half a million men brought home.

WAR POWERS OF CONGRESS

The silence of the Congress on Vietnam war policy shows how important it is for the legislative branch of Government to participate in initial warmaking decisions, rather than to be brought into the picture only after the guns are blazing.

That is why I drafted a bill to require the President to report immediately to Congress any commitment of U.S. combat troops to foreign territory. The bill specifies that the President must give his reasons for committing U.S. troops, the expected duration, and the legislative or constitutional justification for his action. The administration has publicly stated its support for such a clarification of the constitutional relationship between the President and the Congress, and the bill has passed the House.

PRISONERS OF WAR

The release of Air Force Maj. Edward Elias of Jacksonville by the North Vietnamese has rekindled the deepest emotion of the Nation. To protect the POW's remaining behind, Elias observed the conditions placed upon his release until he touched down on American soil. He and the two men released with him then donned their military uniforms and returned to their military posts. Major Elias' patriotic and courageous display of respect and devotion to country deserves the commendation of all Americans.

Early in 1971, I personally delivered an appeal for information about our POW's to North Vietnamese Minister Xuan Thuy in Paris:

"Nothing has so served to maintain American public sentiment in support of the war as the lack of progress on the prisoner-of-war issue," my letter stated. My pleas fell on deaf ears.

In March, 1971, 57 of my colleagues and I decided to attempt to bring the North Vietnamese before the bar of world opinion. With bipartisan support, I introduced a resolution calling upon allied leaders to release unconditionally a number of enemy prisoners held in South Vietnam equal to the number of Americans missing in action or held prisoner. The bill was unanimously passed by the House.

THE MIDDLE EAST

During a recent congressional recess, I visited both Israel and Egypt to get a firsthand look at the sometimes bloody conflict that has been going on in the Middle East for decades. The peoples of both countries retain a great friendship for Americans, and I was warmly received everywhere I went.

Israel has been under military threat in the past and may be again. Arab governments must recognize the right of Israel to exist as a nation. The United States has a special responsibility to Israel in this regard.

Our Government also has a similar responsibility to the Arab nations. Just as the territorial integrity of Israel must be assured, so must Israel agree to withdraw from territories it occupied in 1967.

The greatest need today in Arab-Israel relations is for moderation in public utterances and demands. This is the point I tried to make in all my talks with officials in each country.

MINE SAFETY

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. MOLLOHAN. Mr. Speaker, many of us in this Chamber are seriously concerned over the energy crisis which faces the Nation. If present trends are not reversed the cost of electric power to private and industrial consumers will spiral to an extent that is unprecedented. This threat is real and it is now. Coal is a major source of electric power and the coal industry has problems of its own. Surface mining is under attack, and safety in deep mines is a burning issue. These problems need to be addressed logically and effectively. Irresponsible actions and inflammatory statements do not contribute, and in fact detract from, the exercise of the considered judgment that must be applied.

Congress has come to grips with the problem of mine safety by passing the Coal Mine Health and Safety Act of 1969, which I supported wholeheartedly. No one would suggest that this legislation is perfect but it at least has provided the basis for the protection of mine workers. How well it works is dependent upon the execution by the Bureau of Mines of its inherent responsibilities to supervise the operations of our coal mines. I am deeply concerned, therefore, when it comes to my attention that the U.S. Bureau of Mines has recently issued a press release on the subject of mine safety that I consider to be irresponsible. The Wheeling News-Register on Sunday, September 24, published an editorial on this press release which reflects my views precisely. I commend that editorial to the attention of the Members of the Congress and the American public, and insert it in full in the RECORD:

MINE SAFETY

The U.S. Bureau of Mines' release last week of the safety rating of the nation's underground mines raises some very serious questions about the operations of this important government agency.

Is the Bureau of Mines more interested in gaining highly emotional newspaper headlines or truly working to make the mines safer? We wonder after seeing the questionable manner by which the listing of the "unsafe" mines was handled.

Why was the listing of the "ten worst" mines released publicly even before the mine owners and operators had been given the report? Why is the listing used at all, if as Mine Bureau Director Elburt E. Osborn warned that the severity points for violations given during inspections and used to compile the report does not necessarily reflect the safety or lack of safety in the Mine? Even more shocking was the admission by Mr. Osborn that the new list can't be expected to be completely free of error, but "as long as we consider it useful we will compile a new one every quarter working out the bugs as we go along."

The mining industry is being badgered to death today and we cannot understand why the Mines Bureau would want to become involved in such unfair treatment of the industry. This use of the listing is a negative approach that hardly does anything to improve safety conditions in the mines. If the quarterly listing of so-called "unsafe" mines does not accurately reflect the safety of these operations why is it released publicly?

Unfortunately this report by the Bureau of Mines may have given an inaccurate impression of the safety conditions at Valley Camp Coal Company's No. 3 mine at Triadelphia which was listed in fourth place among the ten least safe mines. We are sorry that the News-Register's account of last Tuesday evening helped circulate this story even though we did include in the article a statement by Executive Vice President Alvey C. Rushton of the Valley Camp mine pointing out that the statistics were not a true indication of the relative safety of the mine. He was further quoted as stating that based on his experience Valley Camp Mine No. 3 is as safe as any mine in the area.

In the future we will take a closer look at the news releases from the Bureau of Mines so as to avoid becoming involved in tactics that do nothing to improve mine safety but add only to the confusion surrounding this troubled industry which is so important to our own area.

SECURITY COUNCIL VETO BY THE UNITED STATES

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. STEIGER of Wisconsin. Mr. Speaker, on September 13, the Appleton, Wis., Post-Crescent published the following statement in its editorial column. It points out the justification for Ambassador George Bush's recent veto in the Security Council of the one-sided resolution concerning terrorist actions in the Middle East.

I would like to take this opportunity to share this with my colleagues and add my personal thanks to Ambassador Bush for his forceful representation in the U.N. of the interests of the United States and international justice.

The article follows:

OUR VETO WAS JUSTIFIED

In casting only its second veto in the history of the United Nations, the United States made it clear that the terrorism perpetrated by various groups around the world cannot be completely separated from the responsibilities of legitimate governments.

The resolution before the Security Council which U.S. Ambassador George Bush vetoed merely demanded a halt in the Israeli air raids over Syria and Lebanon obviously carried out in reprisal for the atrocity at Munich when 11 members of Israeli Olympic teams and staff were murdered by Arab terrorists. Of course the raids and the Munich incidents are related as are a great many things that happened in various parts of the world concerning Arabs and Jews and events in the Middle East.

Whether the air raids can lead to a decrease in terrorist activities is questionable. On the one hand, Arab governments which have paid lip service only to criticism of terrorists might be encouraged to take more effective measures against terrorists. On the other, the lines may merely harden and it is that much easier to portray the enemy as a monster who bombs innocent children. Arab leaders, in part because of the rhetoric by which some of them came to power, are hoist by their own petard. Israel can be the scapegoat for all the problems, whether those of the displaced Palestinian refugees, the hunger of the fayadeen, or bungling in government offices. Beyond that the reins of authority and the very lives of many Arab leaders may depend upon how often they denounce Israel. Only King Hussein of Jordan has really dared to defy terrorist organizations.

But while the United States was quite right in pointing out the myopic approach of the Soviet Union, for instance, in recognizing violence only on one side, it has been able to ignore its own somewhat similar nearsightedness even in Mr. Bush's remarks, "We do not countenance violations of international law. We do not countenance terrorist acts." Our continued bombing of North Vietnam is a form of terrorism whether or not civilian targets are intentionally hit.

Indirectly many governments condone terrorist activities. Communists generally are tolerant of groups which call themselves national liberation fronts. But terror can also come from the arbitrary acts of dictatorial regimes which do not have to fear objections from a cowed or an agreeing population.

The action of the United States in the Security Council was justified as far as the problems of the Middle East are concerned. Only by a reduction of tensions—or by all-out war—can there be a reasonable solution.

TENNESSEE'S FOURTH DISTRICT PAYS TRIBUTE TO CONGRESSMAN JOE L. EVINS WITH "THIS IS YOUR LIFE" PROGRAM

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. JONES of Tennessee. Mr. Speaker, recently friends and constituents in the Fourth Congressional District of Tennessee paid a well-deserved and appropriate tribute to our colleague, Congressman JOE L. EVINS, dean of the Tennessee House delegation, with a special "This Is Your Life" program at Tullahoma, Tenn.

Some 800 constituents and friends assembled in the auditorium of the Tennessee Space Institute for the program, "This Is Your Life", as boyhood schoolmates, teachers, and friends paid tribute to the Congressman.

Because of the interest of the people of Tennessee and others in our colleague, Congressman EVINS, I wish to place in the RECORD an article from the Tullahoma News concerning this fine tribute.

The article follows:

'THIS IS YOUR LIFE' TRIBUTE IS GREATEST HONOR YET, REP. EVINS SAYS

Rep. Joe L. Evins, one of the most powerful members of the Democratic bloc in Congress, hasn't always been a Democrat.

He was born half-Democrat and half-Republican, and it was only a compromise by his parents that he grew up in DeKalb County as a Democrat.

That's one fact about the life of Congressman Evins that more than 800 of his constituents learned in "The Joe L. Evins Story" Friday night at the University of Tennessee Space Institute, along with other "secrets."

And the congressman loved every minute of it from the time he and Mrs. Evins were escorted onto the stage by W. D. Parham, Tullahoma postmaster and former mayor; William Parker, a Shelbyville banker; Bill Frame, a retired Lebanon newspaperman, and State Rep. Jim Cummings of Woodbury, dean of the State Legislature, to the closing tribute.

"This evening has been filled with surprises—delightful surprises," Rep. Evins said after several of his former teachers, boyhood chums, college roommates and staff members in Washington had helped him relive about 60 years.

"I have received many honors . . . but I assure you that no honor has been more great than the one I have received here tonight. This has been a memorable evening and I will treasure it all of my life. It has been a great evening and I appreciate it immensely."

For more than one hour, Rep. Evins and delegations from all 25 counties in his district that filled practically every seat in the UTSI auditorium, including the balcony, had listened with amusement and amazement as voices from off-stage helped him relive the past.

The congressman, now ranked 17th seniority in the House, laughed with everyone when a boyhood chum told how they had slept in a hog pen while on a camping expedition.

And he joined a former college roommate in refusing to tell what happened in Paris when they took a freighter for a tour of Europe.

But everything else came out into the open under the prodding of James H. Henry, a master of ceremonies for "The Joe L. Evins Story."

It was Mr. Henry who let the cat out of the bag about the congressman's birth as half-Democrat and half-Republican on Oct. 24, 1910, in the community of Blend in DeKalb County, where his father, the late J. Edgar Evins, was a grocer and later became a political leader at Smithville, the county seat.

"As the 'boy from Blend' you were destined to move out into the world and figure prominently in the tradition of your state and nation," Mr. Henry said. "Your mother was Myrtie Goodson Evins. Apparently, you inherited your ability to compromise which has contributed immeasurably to your many legislatve successes from your mother and father.

"She was the daughter of Andrew Jackson Goodson and notwithstanding his famous Democratic namesake, Mr. Goodson was a staunch Republican. Your father, on the other hand, was a staunch Democrat.

"Such a political difference did not seem conducive to a harmonious relationship, so your mother joined your father's political party and your father joined your mother's church, the Church of Christ, and from that time forward there was bliss in Blend.

"By birth you were one-half Republican and one-half Democrat, but by virtue of a monumental parent compromise, you became a whole Democrat."

The revelation came after the program had been opened with a welcome by Dr. B. H. Goethert, director and dean of UTSI, and a prayer by Charles Gentry, mayor of Smithville and a Church of Christ minister.

And it was followed by more unveiling of what Mr. Henry termed "everything you have always wanted to know about Joe L. Evins but were afraid to ask."

The first voice from off-stage was that of Miss Willie Gist, now living in Sparta, who had taught Rep. Evins in the third grade.

A PINK BLOUSE

"I remember the first time I ever saw him," Miss Gist said. "He was wearing a pink blouse, white trousers and a skull cap. He liked to make speeches, even then. I knew he would turn out to be something good."

Rep. Evins greeted her with a hug and a kiss.

Miss Gist said she never had to spank the congressman, who would shine her shoes when she visited in the Evins' home.

Dr. Phil Turner, a Lebanon cardiologist, a boyhood pal and classmate with Rep. Evins at Vanderbilt University, told the story about sleeping in the pig pen.

"Joe and I did many things together," he said from off-stage. "If anybody thinks we are not good enough to sleep with the pigs, they are wrong because we did just that."

EARLY ITCH

After receiving a joyful greeting from Rep. Evins, Dr. Turner explained that "the pigs had been moved but the fleas remained and I'll never forget all that scratching." He said the two boys were on a camping trip when the incident occurred.

Mrs. Herman Pinkerton, now living in Cookeville, was the next voice from the past.

"Joe was an above-the-average student," she said. "He skipped an entire grade in elementary schools. He was one of my best students."

Mr. Henry took Rep. Evins through high school at Smithville, where the congressman was the only substitute at right end on the football team at 135 pounds, and into Vanderbilt University where he was manager of the football team and was student agent for a laundry.

"Joe and I went to Europe—aboard a freighter," came the voice of William S. Givan of Nashville from off-stage.

After an embrace from Rep. Evins, Mr. Givan, now an executive of Genesco, revealed that although the two young men had planned a tour of Europe, they spent two months in Paris.

BOTH MUM

But he refused to reveal why they decided to see only Paris with a short side trip to Europe, and Rep. Evins also declined to shed any light on the subject.

After graduating from Vanderbilt and receiving a law degree from Cumberland University at Lebanon in 1934, Rep. Evins returned to Smithville to practice law.

He met a newcomer, Ann Smartt, who had moved to Smithville to teach French at the high school.

"Being a muchly traveled man of the world and an expert on France, she invited you to speak to her French class," Mr. Henry reminded Rep. Evins. "You impressed this young lady, as she was to say in later years, as being debonair, gay, light-hearted and rather daring. With characteristic tenacity of purpose, you wooed and won this lovely and attractive lady."

THEY MARRIED

The French teacher, daughter of the late Judge Robert S. Smartt of near McMinnville, and the young attorney were married June 7, 1935.

Then came a job on the legal staff of the Federal Trade Commission in Washington through a friend, the late Ewin L. Davis of Tullahoma, chairman of the commission.

"Promptness is an attribute of the menial," said Haskell Jacques of Washington from off-stage. "Executives come and go at their pleasure."

On-stage, Mr. Jacques explained that Rep. Evins lectured him because he (Mr. Jacques) wanted to sleep late instead of getting up and going to work.

He also told of how he and Rep. Evins made a game of looking at expensive apartments for rent in the nation's capital. He explained that they looked at apartments renting for $500 to $600 per month while they were only paying $40 per month for their quarters.

The first child of Rep. and Mrs. Evins was born in 1939. Joanna Evins Carnahan and her husband, Malcom, and their daughter, Elizabeth Ann, came from Chicago for the tribute to her father.

Jane Evins Leonard, the second daughter, was born in 1940. She and her husband, Robert of Philadelphia, also were introduced during the program.

"Wait a minute," came a voice from off-stage. "Before you go any further, let's skip over a few years to Feb. 24, 1949, and let me come on stage."

Mary, youngest daughter of the Evinses, received a big kiss from her father.

JOINED ARMY

Came World War II, and Rep. Evins resigned from the Federal Trade Commission and volunteered for the Army, serving in England, France and Germany.

Mr. Henry explained that Theo Cangelosi, a Baton Rouge attorney and war-time buddy of the congressman, had planned to attend the program but couldn't because of a case coming up in Federal Court.

"He had his tickets and I was to pick him up at the airport," Mr. Henry said, "but he called and said the governor of Louisiana had asked him to stay in Baton Rouge for the lawsuit."

"The governor told me," Mr. Henry quoted Mr. Cangelosi, "that he needs me; that Joe Evins is the 17th ranking member of Congress and doesn't need me."

After the war, GI Joe returned to Smithville and became a candidate for Congress, defeating the incumbent, H. H. (Doc) Earthman of Murfreesboro, in 1946. His campaign manager in Marshall County was Buford Ellington, later to become governor of Tennessee and a member of President Johnson's cabinet in Washington.

"You took your seat in Congress with two other freshmen who were likewise to leave their imprint on American history," Mr. Henry said, referring to the late President Kennedy and President Nixon.

SOUGHT SPURS

"You also soon learned that it takes time to get your spurs. When you asked a senior congressman on the floor of the House if he would yield in order that you might speak on a TVA appropriation bill, he replied: 'Yes, that is if the gentleman from Tennessee has anything to offer.'

"But you did get your spurs and soon commanded the respect of all your colleagues. Your long and quick strides have become a familiar and well-known sight in the capitol corridors. As one Washington television commentator said, 'he moves as fast as a lead-off batter trying to beat out an infield hit.' "

Then came Knox Pitts of Shelbyville, who was the congressman's first administrative assistant.

"I was the first one, but I didn't stay too long," Mr. Pitts said. "I had rather sit on a nail keg in Shelbyville than on a powder keg in Washington."

He said Rep. Evins worked six days a week.

Bill Keel, the congressman's present administrative assistant, was introduced.

FIRST SECRETARY

Then came Mrs. Rebecca Johnson, Rep. Evins' first secretary, who headed his office staff for 19 years before retiring to Madeira Beach, Fla.

"Nothing was more important to Congressman Evins than the people he represented," she said. "He saw to it that they were promptly and properly taken care of."

Mrs. Johnson received a warm welcome from Rep. and Mrs. Evins.

"Shortly after taking office you were called upon to make your first major appointment," Mr. Henry reminded Rep. Evins. "The man you selected for your first appointment was a candidate for a county office at the same time you were making your first race for Congress. Notwithstanding the fact that this man was soundly defeated in his race, you appointed him as a postmaster."

Ross Bass, who later became a U.S. senator, identified himself as the man Rep. Evins named postmaster at Pulaski. Under questioning by Mr. Henry, he revealed that another applicant for the postmaster's job was Mr. Henry's mother.

"I will always be grateful to Joe Evins for appointing me as postmaster in Pulaski," Mr. Bass said. "It was one of the outstanding events of my life."

He said one reason why he was selected over Mrs. Henry was that he "wore a ruptured duck"—the lapel button given discharged veterans of World War II.

Mr. Bass pointed out Mr. Earthman, who Rep. Evins replaced in Congress, in the spectators at the tribute.

Mr. Henry listed numerous accomplishments of Rep. Evins during his 25 years in Congress, including Arnold Center, UTSI, and 13 dams.

UNDER INFLUENCE

"The extent of your influential position is fully recognized by your constituents," Mr. Henry said. "As an example, on one visit home, a slightly inebriated gentleman came by your house at six o'clock in the morning and asked that you obtain for him a free pass to the DeKalb County Fair. Now that is influence."

A statement by President Johnson and telegrams from Congressional leaders were read. Several photographs of Rep. Evins at events in Washington and in the Fourth District were shown on a large screen.

President Johnson said of Rep. Evins: "Generations of Americans yet unborn will benefit from the labor of this man." One of the last official acts of President Johnson was to write a letter to Rep. Evins thanking him for his support.

Telegrams were from Rep. Carl Albert, speaker of the House; Rep. Hale Boggs, majority leader in the House; Rep. George Mahon, chairman of the House Appropriations Committee, and Rep. Jamie Whitten, second ranking member on the appropriations committee.

LOOKING AHEAD

"Now, before we close this program, for those of you who think there will not be another Joe L. Evins, I have a surprise," Mr. Henry said, and Joe L. Evins II was escorted onto the stage by State Rep. J. Stanley Rogers of Manchester, who assisted Mr. Henry.

The youngster is the son of Dan Evins, a nephew of the congressman.

Rep. Evins was presented an album of prints of pictures shown during the program, including his parents. He also was shown a large framed board signed by persons attending the tribute. Pictures taken during the program will be added to the center of the board.

"Joe Landon Evins, the boy from Blend, who became a legend in his own time, a Christian gentleman, a real American, an able congressman, a valued friend, a man with the heart for small things and the mind for large ones," Mr. Henry concluded the tribute, "we thank you for making this night necessary."

ZEAKE W. JOHNSON

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. JOHNSON of California. Mr. Speaker, on September 30, 1972, a friend to all of us, Zeake W. Johnson, retired, and I would like to join my colleagues in paying tribute to Zeake, who since 1955 has served admirably as Sergeant at Arms of the House of Representatives.

As we all know so well Zeake's job was not an easy one. However, he performed his duties in a courteous, efficient manner, and was always willing to lend a helping hand when needed.

As he retires he can do so knowing that he did his job well, that he had the friendship, admiration, and respect of those he worked with, and he will certainly be missed by all of us.

Mrs. Johnson joins me in extending best wishes to Zeake for a long, healthy, and happy retirement, as well as our congratulations on a job well done.

NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. WHITEHURST. Mr. Speaker, I am inserting in the RECORD the September 25, 1972, edition of the News Bulletin of the American Revolution Bicentennial Commission—ARBC. I take this action to help my colleagues be informed of actions being taken across the country in preparation for the Nation's 200th anniversary in 1976. The bulletin is compiled and written by the communication committee staff of the ARBC:

BICENTENNIAL BULLETIN

The U.S. Mint and the ARBC are coordinating efforts on a National Program to announce the availability of the first Bicentennial Medal as a single commemorative in a black display case. The program will commence in October, and all orders will be filled starting early in November.

State Representative Floyd M. Sack, Chairman of the Colorado Centennial-Bicentennial Commission and J. R. Albi, Executive Director, of the Commission, have sent the ARBC a most informative and all-inclusive Status Report covering the first eight months the Commission has been in operation. This thorough report includes information on all planned phases of the Colorado Bicentennial plans.

William L. Barry, Chairman of the Tennessee ARBC has announced the appointment of David W. Bowen as the Commission's Executive Director. Mr. Bowen assumed his duties September 1, 1972 in the Cordell Hull State Office Building (C2-215), Nashville. A native Tennessean, Bowen worked with the *Andrew Johnson Papers* project and was formerly an editorial assistant for the Publications of the East Tennessee Historical Society.

Steve Zumbach, 22, youngest member of the Iowa ARBC and also president of the Iowa State University Student Body, was a featured speaker with U.S. Secretary of Agriculture Earl L. Butz at an annual meeting of the American Institute of Cooperation in Ames. The occasion was the "Banquet of Generations" attended by 2,500 national farm cooperative leaders.

New Appointments: W. Keith Weekly has been appointed by Florida Lieutenant Governor Tom Adams to serve as assistant director of the Florida Bicentennial Commission . . . Leslie C. Peacock has been named chairman of the Mayor's Bicentennial Committee for San Francisco, California . . . Donald Searcy, associate professor of geography at Kearney State College, has been selected chairman for the "Horizons '76" Committee of the Nebraska ARBC . . . Murray Goodman has been employed as program director for the Iowa ARBC.

Walter Brahm, State Librarian of Connecticut in Hartford, is requesting information on the 1,000 trees planted in 1876 to commemorate the nation's 100th anniversary. Such trees may be used as part of the Bicentennial celebration in 1976.

The Michigan Bicentennial Commission has officially requested that Michigan be designated the "Transportation State" for the Bicentennial. Lieutenant Governor James H. Brickley, Chairman of the Commission, stated that acquiring the transportation designation for Michigan is of utmost importance in calling attention to all of the contributions Michigan has made in this area. "But more importantly, I see the designation as an opportunity to develop new modes of transportation to meet the future needs of the State of Michigan," said Lieutenant Governor Brickley.

Those of you who have requested the official ARBC film, "A Call to Action," have been placed on a waiting list. Please be patient. Although the supply of prints is limited and demands have increased, the Office of Communications will make every effort to service the requests as quickly as possible.

Item from the Summer Issue of the *Connecticut Bicentennial Gazette* headlined "British and Americans to Shoot with, Not at Each Other at Blue Trail"—The Blue Trail Range Corporation which has facilities in East Wallingford for shooting any type of firearm from an 18th century musket to a cannon has issued as invitation to the competitive shooters of Great Britain to gather with the group in 1976. Plans are also being made to tour the guests from Great Britain about the State during their visit.

The Virginia Independence Bicentennial Commission met in Williamsburg on September 11th. The Commission members discussed the form of a proposed VIBC film which will be produced with Federal grant money. The Commission's first film, by Andre de la Varre Productions, deals with sites of Revolutionary significance in Virginia as they appear today. The film should be available for showing this fall.

At the Full Commission Meeting in Washington, D.C. on September 7 and 8, the Commission Members adopted the following resolution:

Whereas, the national direction of the ARBC will affect the philosophy and the programs of the regional and State Bicentennial commissions; and

Whereas, the ARBC is morally and legally mandated to recognize and involve *all* American citizens; and

Whereas, many American citizens today feel not recognized and not involved; and

Whereas, the true spirit of democracy assures participation to each individual citizen.

Now therefore be it reiterated and resolved:

1. That the ARBC acknowledge the ethnic and cultural diversity of our citizenry and the contribution of this pluralism to America.

2. That the ARBC encourage and enhance this pluralism in the observation of the 200th Anniversary.

3. That the ARBC, as a Commission and through its program committees, actively and consistently seek the participation of all constituencies in the planning, development and implementation of our Nation's Bicentennial.

The Idaho ARBC recently endorsed an oral history program as one part of its Bicentennial activities. Mr. Meredith Neil, Executive Director of the Commission, commented that there are still many pioneers in their 80's and 90's who should be taped as soon as possible.

Mr. Meredith said, "The program has tremendous popular appeal." The IARBC will also gather existing tapes from all areas of Idaho and plans to recruit volunteers to assist in the enormous task of transcription.

EUGENE C. PULLIAM WRITES ON THREATENED GOVERNMENT CONTROL OF TELEVISION

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. BRAY. Mr. Speaker, Mr. Eugene C. Pulliam, publisher of the Indianapolis News, Indianapolis Star, Phoenix Republic, and Phoenix Gazette, has turned his attention to encroachment of the Federal Government into television and radio that threatens Government control in a few years.

Following is his front-page editorial from the Monday, October 2, 1972, edition of the Indianapolis News:

We Can't Tolerate Government Control of TV

Unless the Congress of the United States takes decisive action to halt it, the total takeover of U.S. radio and television by the government will be finalized within the next few years. There will be but one radio and TV system. It will be operated, censored, programmed—in short, completely dominated—by an elite group of Washington bureaucrats.

Television cannot fight this battle alone because it has one hand tied already by severe governmental restrictions and the power to put TV completely out of business. So it is up to the newspapers to lead this fight and to make every American realize that his own individual freedom is in danger as it never has been before. Do we want a dictatorship of TV or do we want to preserve our system of free enterprise in the communications industry?

A spate of governmental rulings is eroding the economic base of American journalism. The American communications industry is struggling for its very survival in a web of government regulations. None of these regulations is a decree. None has ever been presented to Congress. Nevertheless they have the full force and effect of law.

In a recent ruling by the District of Columbia Court of Appeals the judge's decision said that commercials for big automobiles can be answered by anti-big automobile advertising lambasting the big ones for creating pollution; and the station to which the complaint is made must carry the "anti" comment free of charge, giving it the same amount of time as was used in the paid advertisement of the big car. The same court ruled that no TV station can refuse to accept free controversial advertising. These rulings are part of the so-called "fairness doctrine."

The Federal Communications Commission is now deliberating a plan to require all TV outlets to spend two hours a day broadcasting programs, specifically for children, without charge. It is obvious that if this idea is put into effect there will be virtually no limit to the demands of special interests insisting on free TV time.

Pressure groups are demanding that licenses be taken away from stations that don't match up with their ideological position. Nation's Business reports that "petitions to deny license renewals are being filed with the FCC in behalf of Negroes, Mexican Americans, Puerto Ricans, Indians, Orientals, Gay Liberation, Women's Lib and various other groups and causes." Nation's Business predicted that TV probably is a dying industry because of FCC restrictions.

The results of all this will be the destruction of the American system of television. It will automatically pave the way for government operation of all TV and radio stations. This is exactly what the bureaucrats in Washington are hell-bent on accomplishing.

Dean Burch is chairman of the Federal Communications Commission. He believes in the Constitution and free enterprise but is outvoted by the holdover members of the Commission who have become ambitious bureaucrats.

One member of the FCC has suggested that the media be made legally liable for alleged harmful effects from the use of products advertised on a TV station. It was suggested that the same rule should apply to newspapers, should there be any harmful effects from the use of products advertised by them.

Probably the most inconsistent of all FCC rulings is that which concerns cigarette advertising. The Federal government spends between $35 and $50 million dollars a year to promote and sell tobacco. It subsidizes tobacco growers to the tune of at least $405 million dollars a year. Yet the government prohibits the advertising on TV of cigarettes. If tobacco is harmful, then the growth and manufacture of tobacco should be prohibited by law. But so long as the government itself encourages the growth and development and sale of tobacco, it certainly has no business telling manufacturers and TV stations they cannot advertise tobacco. This is only one more instance of how powerful the Washington bureaucrats have become.

The so-called "fairness doctrine" has nothing whatever to do with fairness, but it has everything to do with the power of government to harass people whose opinions the bureaucrats don't like.

Compounding the problem of bureaucratic bias is the history of "public broadcasting" which operates by virtue of millions of dollars of taxpayers' money but which regularly tends to favor the radical, the socialist, the activist element in the country. President Nixon has wisely vetoed a request for a large increase for "public broadcasting," but this is only a partial answer. The real issue here is that the taxpayer should not be obliged to subsidize any sort of one-sided opinion. The "public broadcasting" system to which you listen is financed by government subsidies. Hundreds of programs have been broadcast which not only assailed the administration but were actually anti-American in content. Yet you, the taxpayers, are paying the bill for this.

To be sure there are thousands of capable, honest and dedicated men and women in government service, but they are dominated by the ambitious bureaucratic leaders who can make life miserable for any one of them who opposes the bureaucratic line. These men and women cannot be fired, but they can be shunted from department to department and be passed over for promotion. Consequently they remain silent and "go along."

Concerned Americans who oppose government ownership of the communications system should demand corrective action by Congress. All efforts to impose government controls on American TV and the American press should be resisted. There is absolutely no excuse for anti-business and anti-freedom bureaucrats to be allowed to use the medium of "public broadcasting"—paid for by the public—as a weapon to destroy TV and the free press. One of the wisest of American statesmen long ago said, "Government is always the enemy of the people, never the friend."

What is happening to TV and the American press is chilling proof that property rights and human rights cannot be separated and that where bureaucrats control the first they have the power to destroy the second.

If freedom and liberty are to survive in this country the Federal bureaucrats must be deprived of their self-assumed power over the economy. The Congress should deny bureaucrats the right of tenure which gives them a lifetime job. They never run for office. They are never elected. They never can be fired—even by the President of the United States—except for moral misconduct. Every country which has ever succumbed to the dictates of a Federal bureaucracy has either perished or been taken over by tyrannical dictators.

What can you do? You can write your candidate for Congress immediately and ask him to pledge himself to vote against any further intrusion by the FCC into the American economy. Under no circumstances should the rules and regulations of the FCC be given the force of law without the consent of Congress.

The American people must understand that their individual freedom—and especially their right of free expression, which is the fundamental right of all liberty—is at stake and only affirmative action by the Congress will stop the bureaucrats.

The United States is the greatest and best country in the world and she is the greatest and the best only because she is free.

(Editor's Note.—Mr. Pulliam has no financial interest directly or indirectly in any TV or radio station or system.)

THE 25TH ANNIVERSARY OF THE MONT PELERIN SOCIETY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. CRANE. Mr. Speaker, one of the unfortunate trends of this century has been the decline of the individual and the growth of huge institutions, particularly the expanded state, which have tended to control and regulate him, depriving him of the dignity which Western civilization previously believed was both his birthright and legacy.

Discussing this unfortunate trend the distinguished Spanish philosopher, Jose Ortega y Gasset in his volume, "The Revolt of the Masses," wrote:

> Society, that it may live better, creates the State as an instrument. Then the State gets the upper hand and society has to begin to live for the State. But for all that, the State is still composed of the members of that society . . . This is what State intervention leads to: The people are converted into fuel to feed the mere machine which is the State. The skeleton eats up the flesh around it. The scaffolding becomes the owner and tenant of the house . . . Society begins to be enslaved, to be unable to live except in the service of the State. The whole of life is bureaucratized. What results? The bureaucratization of life brings about its absolute decay in all orders.

Twenty-five years ago a group of distinguished men who believed in the freedom of the individual, in the free market economy, in fighting the forces which seek to oppress man and control him, formed the Mont Pelerin Society. From a group of 36 economists, political scientists, and historians from throughout the Western World, the group has grown and has become a significant intellectual and moral voice in behalf of freedom.

Recently, the Mont Pelerin Society met in Montreaux, Switzerland, to celebrate its 25th anniversary and to consider the state of today's world.

Many distinguished speakers participated in this meeting. Prof. Irving Krisol of New York University said that the once popular idea of the centrally planned economy is now thoroughly discredited, so that to think economically has come to mean thinking along the lines of the so-called "Chicago School" of Milton Friedman, Friederich Hayek, and George Stigler, all of whom arranged the meeting and are long-time members of the Mont Pelerin Society.

Prof. P. T. Bauer of the London School of Economics declared in an address to the group that—

> The market system delivers the goods people want, but its supporters cannot explain why. The Socialist system does not deliver the goods, but its supporters readily explain why it does not, cannot, or should not do so. The one system is long on desired goods and short on effective arguments. The other system is short on desired goods but long on successful arguments.

If freedom ever dies, it will not be because it did not have capable, articulate, and dedicated defenders and advocates.

I wish to take this opportunity to congratulate the Mont Pelerin Society upon its 25th anniversary, and to share with my colleagues a report of its recent meeting written by Edwin McDowell, a member of the editorial department of the Wall Street Journal, and a member of the Mont Pelerin Society.

Mr. McDowell's article, which appeared in the Wall Street Journal of September 20, 1972, follows:

A MOUNTAIN WHERE THINKERS DWELL

(By Edwin McDowell)

MONTREUX, SWITZERLAND.—The first time economist Milton Friedman traveled to Europe, in 1947, he omitted from his itinerary the usual haunts favored by tourists.

Instead, he was one of 36 economists, political scientists and historians from throughout the Western world also gathered atop Mont Pelerin, less than 10 miles from here, to discuss the future of the free society in the post-war era.

That future may still be in doubt, but the Mont Pelerin Society, which recently celebrated its 15th anniversary here along the shores of beautiful Lake Geneva, is more robust than ever. It has met almost every year since that initial meeting, most often in Europe but also in Tokyo, Caracas and Princeton. And membership, which a dozen years ago was opened to non-Westerners, has grown to 372 persons from 32 nations.

Approximately 150 members, plus as many spouses and guests, were in attendance at this anniversary session, which included a nostalgic outing to Mont Pelerin. There, amid a gathering in the garden at the Hotel du Parc, Professors Friedman and F. A. Hayek reminisced about the post-war years when, because wartime central planning was carried over into peacetime, prospects for an end to big government looked bleak.

Professors Friedman and Hayek tend to disagree whether those prospects still look bleak, but disagreement is neither unexpected nor unwelcomed in a loose-unit organization of diverse scholars, lawyers, journalists and entrepreneurs who frequently are united only by a belief in the importance of preserving individual freedom within the framework of the free market. For the most part, they tend to be deviationists from all party lines, and they could well fit George Bernard Shaw's description of economists—people who, if they were laid end to end, would not reach a conclusion.

But not for lack of trying. For five successive days, in as many as 18 formal and impromptu meetings, members discussed and debated such wide-ranging issues as trade unions and economic democracy, the economic theory of political behavior, the ideological basis of historical controversy, the mass media and the trend to collectivism. They heard non-member Sir Karl Popper, the philosopher and social scientist considered by some colleagues to be the preenlistment philosopher of his generation, discuss the insufficiency of indeterminism (free will).

AN ACCOMPLISHED AGENDA

Social hours, dinners, and coffee breaks were enlivened by the same sorts of discussions, which, like the formal presentations, generally managed to be provocative without being glib, scholarly without being pedantic, assertive without being merely tendentious.

It was, as the Hoover Institution's Prof. Roger Freeman put it, a living example of the leisure of the theory class.

It is always difficult to know exactly what is resolved in such gatherings, since it is virtually impossible to determine how an idea is annealed into conviction. But once again, as during the MPS meeting in Munich in 1970, the question arose whether labor unions cause inflation. And once again it was a focal point for wide-ranging disagreement.

Professor Friedman denied it categorically, as did University of Chicago colleague Prof. Harry G. Johnson (a guest at the meeting). Friedman warned members not to look for "the devil theory of wicked trade unionists." Prof. W. H. Hutt, the noted South African, anti-Keynesian economist, insisted that union-imposed wage rates above the free market level exert pressure on governments to increase the money supply, and thereby contribute to inflation.

The union-inflated controversy will probably endure, as no doubt will the suspicion that classical liberals are intellectual anachronisms.

At the time of the first MPS meeting, Harvard economist Joseph Schumpeter remarked that all the surviving liberals of the world were meeting at that very moment on a mountain top in Switzerland. But Milton Friedman laughingly recalls the time in the University of Chicago faculty club when Prof. Hans Morgenthau asked where he had been. When Friedman said he had just returned from a meeting of the Mont Pelerin Society, Morgenthau replied: "Ah, yes, that meeting of the veterans of the intellectual wars of the 19th Century."

That is a common attitude, particularly on college campuses, where collectivist beliefs have held sway for several decades. Prof. Ludwig von Mises, at age 91 the oldest living MPS member, once noted that the few citizens who dare to criticize the growing trend toward administrative despotism "are branded as extremists, reactionaries, economic royalists, and Fascists."

What makes that observation all the more interesting is that it was written in 1926.

In a very real sense, the MPS legacy is a paradox: It has enjoyed success out of all proportion to its numbers, yet its prospects for the future were a subject of considerable debate here. Perhaps this can best be understood by citing the accomplishments of some of its members.

For example, MPS member Ludwig Erhard, former West German chancellor and economics minister, is perhaps more responsible than any other single person for West Germany's unprecedented post-war recovery, a *Wirtshaftswunder* that had major impact throughout Europe and indeed throughout the world. By his own admission, Erhard learned his economics at the feet of the late Prof. Wilhelm Roepke, another early MPS member who for many years held the chair of international economics at Geneva's Graduate Institute of International Studies and who was Erhard's principal economics adviser.

Roepke, on the other hand, frequently credited MPS member Von Mises as having been an important mentor and influence. Professor Hayek, whose seminal "The Road to Serfdom" was credited by Dr. Friedman as the book most instrumental for having transformed free market critics into free market champions, said that Von Mises' "Socialism" was responsible for changing his economic thinking. And Friedman, the leading exponent of the monetarist school, is widely credited with being one of the most influential economists of our age.

As non-member Irving Kristol said during his address to the MPS meeting, primarily because of Hayek and Friedman—the former because he showed why large scale government planning doesn't work as intended, the latter because he showed how it often has precisely the opposite effect—economists rarely ever boast any more that they are all Socialists or Keynesians. Indeed, Kristol, Henry Luce Professor of Urban Values at New York University, said that the once-popular idea of the centrally planned economy is now thoroughly discredited, so that to think economically has come to mean thinking along the lines of the so-called "Chicago School" of Friedman, Hayek, George Stigler (who arranged the Montreux program) and the late Frank Knight, all of them MPS members.

Obviously, the scholars of the MPS have had wide influence, which is all the more remarkable in that they have accomplished it over the opposition of entrenched intellectual fashion. Yet the nagging paradox that hovers over MPS meetings is that, although Western governments backed away from controls in the post-war era, they are increasingly imposing them once again.

PROFESSOR HAYEK REMINISCES

"In 1947," reminisced Professor Hayek, who holds three earned doctorate degrees and, although ostensibly retired, still teaches five hours a week as Visiting Professor at the University of Salzburg, "the task was essentially one of gaining influence on public opinion, of reuniting a Europe divided in spirit and reconstructing a common set of values." Today, he added, the same problems remain. But he now fears that public opinion will force governments to adopt inflationary policies that will lead to controls of production and prices, which in turn will eventually destroy the free market.

Professor Friedman, on the other hand, doubts that any of the original founders of the MPS (nine of whom were in attendance here) would have thought that the role of government, "although it is still too big, would today be as small as it is."

Yet he questions whether those committed to the free society could persuade a sufficient number of their fellow men to accept the underlying shared values necessary for preserving that society. "Nevertheless," he added at the farewell banquet, striking what is the underlying theme of MPS meetings, "let us do our task in good cheer and tolerance toward those who don't agree with us."

It remained for Irving Kristol to address himself to the question of why, if the free market system is so successful, it has such a bad political reputation; why the Mont Pelerin movement, in its wider sense, has won such a series of impressive battles yet is in danger of losing the war.

A principal reason, he offered, in a speech greeted with lusty applause, is that whereas the Old Left chose economics as its principal ideological battleground, the Newer Left refuses to think economically and has contempt for individuals or societies that do.

New Leftists simply do not believe that consumption ought to be a function of relative income, and they are trying to shape civilization along lines that will free them from having to think in economic terms.

In short, not only do the new collectivists dispute Adam Smith's contention that man, "by pursuing his own interest . . . frequently promotes that of society more effectually than when he really intends to promote it," but they seem to be unconcerned with the Scottish economist's concern with the wider problems of free choice.

What of the future of the Mont Pelerin Society?

Professor Friedman, who recently stepped down as the Society's eighth president after serving two terms, opened a special meeting of the board of directors past year by arguing that they consider disbanding after the 25th anniversary meeting. "Organizations have a tendency to persist after they have outlived their function," he said. "Unlike old soldiers, they generally do not even fade away.'

But he was outvoted. For it is the belief of most MPS board members, and even of the anti-organizational Mr. Friedman himself, that it is important for people from throughout the world, joined by a broad ideological bond, to meet regularly to question society's fundamental values. If they agree with John Maynard Keynes about little else (although shortly before his death, Lord Keynes praised Hayek's "The Road to Serfdom"), they agree with him that: "The ideas of economists and political philosophers, both when they are right and when they are wrong, are more powerful than is commonly understood. Indeed, the world is ruled by little else."

"AN UNREPENTANT OLD WHIG"

In his brilliant "The Constitution of Liberty," published in 1960, Professor Hayek (who calls himself "an unrepentant Old Whig) wrote: ". . . the ideas which are changing our civilization respect no boundaries. But refusal to acquaint oneself with new ideas merely deprives one of the power of effectively countering them when necessary." And the MPS affords a unique opportunity to examine and discuss those ideas in an atmosphere of tolerance, an atmosphere that does not always prevail in the world of ideas.

There will be regional MPS meetings in 1973 and1975 in Europe and Central America. And the site for the 1974 general meeting has not yet been decided. But 1976, America's bi-centennial year, also marks the bi-centennial of the publication of Adam Smith's "The Wealth of Nations." And while the exact meeting place has not yet been nailed down, the odds are good that it will take place somewhere in Scotland, a nation whose native son provided a foundation of moral and economic philosophy that, with amendations made necessary by the passage of time, endure to this very day.

McGOVERN TO CLARIFY HIS VIEWS—BUT HOW CAN HE?

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. SPRINGER. Mr. Speaker, as many Members of Congress know, it is always difficult to keep a record straight and, above all, to try to clarify views.

However, it is always difficult to clarify views when statements have been made approximately the same year which are directly contrary to statements made in the campaign. This also goes back to the question of creditability which seems to be the overriding issue in the 1972 election.

Because of the nature of the Michigan primary in which George Wallace secured roughly 51 percent of the popular vote, Michigan is looked upon as a State which is making a great shift in 1972 from liberal to conservative views. Nowhere is this more reflected than in an editorial from the Detroit News of Thursday, September 21, 1972, titled, "McGovern To Try To Clarify Views—But How Can He?" I am sure that all of us want to know where the candidates stand because we are getting constant inquiries from back home on questions which I will admit I am unable to answer at times. People do want to clarify their views and to consolidate their thinking and come to a positive result before election day.

We will probably hear a lot from both candidates between now and November 7. This editorial from the Detroit News does ask some very pertinent questions about clarification of views which I am sure not only those in this body who are interested but people all over the country would like to have answered.

The editorial follows:

McGOVERN TO TRY TO CLARIFY VIEWS—BUT HOW CAN HE?

Senator George McGovern, apparently feeling that he has been misunderstood, now is reported to be considering a national TV address to clarify his views on amnesty and other controversial issues. We think this would be a good idea for both McGovern and the public—assuming the Democratic nominee can decide where he stands.

Early this year, McGovern supported a proposal for an automatic unconditional general amnesty for draft resisters, deserters and those who violated laws as anti-war protesters "except where significant personal injury or substantial property damage to others was caused."

Later McGovern expressed support for a program of unconditional amnesty for those who became draft evaders because of moral objections—but said he would permit the military system of justice to deal with deserters. Still later he explained he would favor granting amnesty only after the war is over.

With respect to bussing, McGovern said early this year that "bussing and redistricting as ordered by the federal courts are necessary prices we are paying for a century of segregation in our housing standards." He issued the statement in denying he planned to take a stand against bussing.

Later he said: "We're going to use bussing to break down the walls of segregation. We're going to try to create at least within the schools for a few hours a day the kind of society where humans treat each other as equals. And I think that is a concept worthy of our support."

When he came to Michigan, however, he attempted to play down the issue and avoid talking about it. When pressed by reporters, he said he was "sympathetic" toward parents concerned about having their children bussed to inferior schools. And he conceded that the federal judge in Richmond, Va., who had ordered cross-district bussing earlier this year, possibly may have gone "too far."

McGovern's welfare proposals, too, have undergone a number of revisions. His widely publicized $1,000-a-person grant plan was recently scrapped in favor of a liberalized welfare program intended to lift all families above the poverty line but providing no aid to people who refuse to work.

On tax reform, which is tied to his welfare program, McGovern also has shifted ground. He still favors some redistribution of wealth through the tax system and would raise $22 billion from corporations and the wealthy individuals to pay for his welfare plan and other schemes. In short, he would impose heavier taxes on investment income and risk takers at the very time he is calling for the creation of more jobs for the poor and unemployed.

McGovern says he's taking the "high road" in the campaign and Mr. Nixon is on the "low road." But the Democratic candidate is making new charges every day and seldom backs up any of them with specifics.

Instead, he indulges in name-calling, epithets and character assassination, including, on at least three occasions, making comparisons between President Nixon and Adolf Hitler. So who's following the low road in this campaign?

McGovern's major problem is that he won the nomination by appealing to the New Left and then belatedly discovered it is only a minority inside the Democratic Party. So now he waffles back and forth in an effort to please both his New Left backers and the regular Democrats who have been deserting his cause.

Yes, the Democratic nominee ought to go on national TV to clarify his views—but don't expect him to do so. He can't do it without losing support either from the New Left, or the traditional Democrats whose views on many issues are incompatible.

WE CANNOT TOLERATE GOVERNMENT CONTROL OF TV

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. RHODES. Mr. Speaker, in his usual incisive way, Mr. Eugene C. Pulliam, publisher of the Arizona Republic and the Phoenix Gazette, in an editorial entitled "We Can't Tolerate Government Control of TV," which appeared in the Republic of October 1, has put his finger on a very real problem facing our Nation. I thought Members of the House and Senate should have the opportunity to read this important editorial and I am pleased, therefore, to insert it in today's CONGRESSIONAL RECORD. The editorial follows:

WE CAN'T TOLERATE GOVERNMENT CONTROL OF TV

Unless the Congress of the United States takes decisive action to halt it, the total takeover of U.S. radio and television by the government will be finalized within the next few years. There will be but one radio and TV system. It will be operated, censored, programmed—in short, completely dominated—by an elite group of Washington bureaucrats.

Television cannot fight this battle alone because it has one hand tied already by severe governmental restrictions and the power to put TV completely out of business. So it is up to the newspapers to lead this fight and to make every American realize that his own individual freedom is in danger as it never has been before. Do we want a dictatorship of TV or do we want to preserve our system of free enterprise in the communications industry?

A spate of government rulings is eroding the economic base of American journalism. The American communications industry is struggling for its very survival in a web of government regulations. None of these regulations is a decree. None has ever been presented to Congress. Nevertheless they have the full force and effect of law.

In a recent ruling by the District of Columbia Court of Appeals the judge's decision said that commercials for big automobiles can be answered by anti-big automobile advertising lambasting the big ones for creating pollution; and the station to which the complaint is made must carry the "anti" comment free of charge, giving it the same amount of time as was used in the paid advertisement of the big car. The same court ruled that no TV station can refuse to accept free controversial advertising. These rulings are part of the so-called "fairness doctrine."

The Federal Communications Commission is now deliberating a plan to require all TV outlets to spend two hours a day broadcasting programs, specifically for children, without charge. It is obvious that if this idea is put into effect there will be virtually no limit to the demands of special interests insisting on free TV time.

Pressure groups are demanding that licenses be taken away from stations that don't match up with their ideological position. Nation's Business reports that "petitions to deny license renewals are being filed with the FCC in behalf of Negroes, Mexican Americans, Puerto Ricans, Indians, Orientals, Gay Liberation, Women's Lib and various other groups and causes." Nation's Business predicted that TV probably is a dying industry because of FCC restrictions.

The results of all this will be the destruction of the American system of television. It will automatically pave the way for government operation of all TV and radio stations. This is exactly what the bureaucrats in Washington are hell-bent on accomplishing.

Dean Burch is chairman of the Federal Communications Commission. He believes in the Constitution and free enterprise but is outvoted by the holdover members of the Commission who have become ambitious bureaucrats.

One member of the FCC has suggested that the media be made legally liable for alleged harmful effects from the use of products advertised on a TV station. It was suggested that the same rule should apply to newspapers, should there be any harmful effects from the use of products advertised by them.

Probably the most inconsistent of all FCC rulings is that which concerns cigarette advertising. The Federal government spends between 600 and 800 million dollars a year to promote and sell tobacco. It subsidizes tobacco growers to the tune of at least 400 million dollars a year. Yet the government prohibits the advertising on TV of cigarettes. If tobacco is harmful, then the growth and manufacture of tobacco should be prohibited by law. But so long as the government itself encourages the growth and development and sale of tobacco, it certainly has no business telling manufacturer and TV stations they cannot advertise tobacco. This is only one more instance of how powerful the Washington bureaucrats have become.

The so-called "fairness doctrine" has nothing whatever to do with fairness, but it has everything to do with the power of government to harass people whose opinions the bureaucrats don't like.

Compounding the problem of bureaucratic bias is the history of "public broadcasting" which operates by virtue of millions of dollars of taxpayers' money but which regularly tends to favor the radical, the socialist, the activist element in this country. President Nixon has wisely vetoed a request for a large increase for "public broadcasting," but this is only a partial answer. The real issue here is that the taxpayer should not be obliged to subsidize any sort of one-sided opinion. The "public broadcasting" system to which you listen is financed by government subsidies. Hundreds of programs have been broadcast which not only assailed the administration but were actually anti-American in content. Yet you, the taxpayers, are paying the bill for this.

To be sure there are thousands of capable, honest and dedicated men and women in government service, but they are dominated by the ambitious bureaucratic leaders who can make life miserable for any one of them who opposes the bureaucratic line. These men and women cannot be fired, but they can be shunted from department to department and be passed over for promotion. Consequently they remain silent and "go along."

Concerned Americans who oppose government ownership of the communications system should demand corrective action by Congress. All efforts to impose government controls on American TV and the American press should be resisted. There is absolutely no excuse for anti-business and anti-freedom bureaucrats to be allowed to use the medium of "public broadcasting"—paid for by the public—as a weapon to destroy TV and the free press. One of the wisest of American statesmen long ago said, "Government is always the enemy of the people, never the friend."

What is happening to TV and the American press is chilling proof that property rights and human rights cannot be separated and that where bureaucrats control the first they have the power to destroy the second.

If freedom and liberty are to survive in this country the Federal bureaucrats must be deprived of their self-assumed power over the economy. The Congress should deny bureaucrats the right of tenure which gives them a lifetime job. They never run for office. They are never elected. They never can be fired—even by the President of the United States—except for moral misconduct. Every country which has ever succumbed to the dictates of a Federal bureaucracy has either perished or been taken over by tyrannical dictators.

What can you do? You can write your candidate for Congress immediately and ask him to pledge himself to vote against any further intrusion by the FCC into the American economy. Under no circumstances should the rules and regulations of the FCC be given the force of law without the consent of Congress.

The American people must understand that their individual freedom—and especially their right of free expression, which is the fundamental right of all liberty—is at stake and only affirmative action by the Congress will stop the bureaucrats.

The United States is the greatest and best country in the world and she is the greatest and the best only because she is free.

EUGENE C. PULLIAM,
Publisher, Phoenix Republic and Gazette Indianapolis Star and News.

EDITOR'S NOTE.—Mr. Mulliam and no financial interest directly or indirectly in any TV or radio station or system.

FOREIGN TRADE

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. FINDLEY. Mr. Speaker, one of the most dynamic changes in foreign policy in the last 2 years, and one which holds significant promise for Illinois agriculture, has been in the area of foreign trade. American farmers are finding new markets all over the world. In every possible way, I am trying to help.

In February 1971, I received the personal assurance from West German Agriculture Minister Josef Ertl that the Common Market would not impose a tax harmful to U.S. soybean exports.

In October, the United States became embroiled in a controversy over textile imports from Japan, at that time the only billion-dollar-a-year customer for our ag products. I warned the administration:

> If we force Japan to bow to textile quotas, the American farmer, already hurt by depressed grain prices, could suffer lost markets.

The most significant developments have been in East-West trade. President Nixon called for passage of my Romanian Trade Relations Act, and the State Department is currently reviewing our trade policy toward all Eastern European countries and the Soviet Union. Next year, hopefully, Congress will end tariff discrimination against these countries, as called for in my comprehensive East-West Trade Relations Act. Already the embargo against China has been ended and the sale of U.S. grain begun.

MISSIONS TO MOSCOW

Twice this year, I have knocked on the Kremlin door to persuade the Soviets to buy U.S. agricultural products.

My soybean mission to Moscow in January resulted from an invitation from the Soviet Minister of Agriculture, Vladimir Matskevich. Armed with a case of sample soybean food products, I called on several prominent Soviet agriculture and foreign trade officials, and also took part in a luncheon where soybeans were served as the vegetable dish.

Seven months to the day after my mission, the Soviets purchased 1 million tons—worth $100 million—of U.S. soybeans.

Gov. Richard B. Ogilvie later asked me to head the Illinois Agricultural Trade Mission to Moscow, which has just now returned. As a gift from the people of Illinois to the people of the Soviet Union, we took with us the prize winning barrow hog, "Ambassador", from the Illinois State Fair.

In addition to seeing Matskevich once again, I also met with Foreign Trade Minister Nikolai S. Patolichev. This time, my purpose was to persuade the Soviets to buy Illinois grains and livestock in addition to soybeans. Russians eat much less meat than Americans, and the Soviet Government has just started to build its livestock herds in order to increase meat consumption. That means that they must buy not only animals, but also animal feed. The Russian harvest failure this year adds to their need for feed grains and wheat.

Our reception was cordial, and the outlook for expanded trade promising.

WINNER OF MISSISSIPPI'S MAGNOLIA CROSS

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. MONTGOMERY. Mr. Speaker, I am pleased that one of my constituents has been chosen as the recipient of Mississippi's highest decoration, the Magnolia Cross. Sp4c. Modis A. Smiley of Philadelphia and a member of the Mississippi National Guard was awarded the medal for his heroic efforts in pulling three people from a burning car following an automobile accident and saving their lives. I am truly honored to represent Specialist Smiley and commend him for his valiant actions without thought of danger to himself. He is a credit to the National Guard and the people of Mississippi. The article describing Specialist Smiley's actions, which appeared in his hometown newspaper, the Neshoba Democrat, is as follows:

MODIS SMILEY RECEIVES STATE'S HIGHEST AWARD

Spec. 4 Modis A. Smiley of Philadelphia Monday became the first black Mississippi National Guardsmen to receive the state's Magnolia Cross award and he is believed to be the first to get the medal for an act of valor.

Gov. William L. Waller was joined by Maj. Gen. E. A. Beby Turnage, the adjutant general of Mississippi, for the presentation during ceremonies at the capitol.

Smiley, a veteran of the Korean War, was honored for rescuing three persons from a burning automobile following a two-car collision on Aug. 12 south of Philadelphia. The man in the other car who perished after Smiley tried in vain to get him out, was one of his fellow Guardsmen.

Smiley, an employee of Wells Lamont Corp. in Philadelphia, also pastors the Bakley Avenue Church of Christ in Philadelphia. As a member of Headquarters and Headquarters Detachment, 298th Composite Battalion, he serves as the chaplin's assistant.

The citation accompanying the meal stated that Smiley arrived on the wreck scene almost immediately after the accident. Without regard to his personal safety, he pulled Jesse Hardy Jr. and his two daughters, Robin, 15, and Brenda, 24, from the flames just before the gasoline tank exploded engulfing both cars.

Awards are not new to Smiley. He holds the Korean Service Medal with three bronze stars, the United Nations Service Medal, and National Defense Service Medal. He joined the Mississippi National Guard in 1970. He and his wife, Patsy Ruth, have four sons, Ralph, Moses, Carl and James, and a daughter, Carylin.

His parents, Mr. and Mrs. Ralph Smiley, reside at Rt. 2, DeKalb.

TIM SOWELL CONDEMNS THE OLYMPIC GAMES

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. DELLUMS. Mr. Speaker, as witness to the recent Olympic travesty, I was outraged and appalled by the tragic events which transformed the games into a horrifying nightmare.

From the senseless killings of the 14 Israeli hostages to the expulsion of brothers Vince Matthews and Wayne Collett, and the Pakistani soccer team, the games have transgressed the realm of friendly competition to a political battlefield for the world's social ills and horrors—murder, discrimination, and barbarism, and so forth. The International Olympic Committee and the media continually ignored the atrocities by reporting the games in its traditionally festive spirit.

For the benefit of my colleagues, I want to place in the RECORD, an article by Mr. Tim Sowell, Jr., which appeared in the September 14 issue of the California Voice, a paper noted for its liberal and impartial factual reportings of today's relevant issues. I would like to commend Mr. Sowell for his incisive commentary and "for telling it like it is."

The article follows:

FROM SOWELL TO SOUL

(By Tim Sowell, Jr.)

Whether or not Avery Brundage, Howard Cosell or anyone else likes it, the Olympic Games have become—maybe always have been—one of the best occasions through which world political sentiment can be measured in regards to the issues of the day. The officials of world government and the officials of the Olympic Committee have recognized this, and as long as they do all the political maneuvering, it's A-ok.

But now that some of the pawns of this cold war maneuvering—the athletes—have begun showing their awareness and attitudes we get this holier-than-thou flap about the Olympic spirit and tradition. A bunch of bunk!

The selection of judges and officials for the Games, their assignments to particular events, the decisions they render—all involve political considerations. This fear, hate and ignorance which heads of state promote when it comes to the people and politics of other nations certainly takes its toll on impartiality in the Games. And, finally, if the communications media people of other countries handle their assignments as pietistical patriots, as we have experienced in this country, then there can be little hope that the world sees the Olympics as anything but an extension of the political insanity which grips the world.

When Vince Matthews and Wayne Collette strolled to the platform to receive their medals for coming out on top of the world in the 400 meter dash, all of those forces were at play. And, in addition, the ghastly incident which left 16 persons dead and the Games in chaos, was sapping the emotional stability of fans and officials alike.

If they had been almost any other athletes the awards ceremony would have gone as usual, with the recipients being proud to have won for their country and proud to honor their flag and anthem. But for these two Black men, and many others, who live in the United States, there is much in the history and present course of events in this country that justifies the mixed feelings they must have had while standing before the world.

The indifference displaced by Matthews and Collette while Francis Scott Key's hawkish composition was played was mild compared to what they could have done, what many people would liked to have seen them do. Although their action brought proud visions of the clenched fist demonstrations of Carlos and Smith (John and Tommie) to many minds, it was not of that variety (contrived) nor that strong.

It may have reflected an internalization of the ideals put forth by Carlos, Smith, et al in 1968, and by many Blacks before and since that day in Mexico City: That America has failed (if she/he ever tried) to recognize and understand the nightmarish conditions imposed upon Blacks while she/he goes flaunting the "American Dream" fairytale before the world, and that many of us will not live a lie by behaving in a manner which will falsely lead others to think we have been included in the "Dream."

In 1968 when the female athlete from Czechoslovakia turned away while the Russian song and colors were being honored few if any negative words were spoken. After all, those bad Russians had done a mean thing to the Czechs, hadn't they? And while there wasn't a great deal of difference between that incident and this latest one, the action of the Olympic Committee shows an extreme inconsistency.

The expulsion of Matthews and Collette from the Games showed that a majority of the members of the Olympic Committee either have little or no compassion for Blacks in this country or little understanding of what it is really like to live Black in the U.S.A. surrounded by white hostilities. If that decision is widely favorable around the world then it means Washington has done an effective job in convincing people that Blacks are quite happy with their lot in the U.S. and that brothers like Matthews and Collette are out of step.

VIEWS OF CZECHOSLOVAK NATIONAL COUNCIL

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. DERWINSKI. Mr. Speaker, an organization which consistently speaks in a strong voice for the captive peoples in Eastern Europe, and especially for the people in Czechoslovakia, is the Czechoslovak National Council.

On September 15, they submitted to the President a letter of recommendations for proper positions to be taken by the American participants in the forthcoming Conference on European Security and Cooperation. This letter, I believe, contains very pertinent and sound suggestions. Recognizing this interest that the Members of Congress have in the efforts the President has made to achieve peace throughout the world, I insert the letter into the RECORD at this point.

CZECHOSLOVAK NATIONAL COUNCIL
OF AMERICA,
Cicero, Ill., September 15, 1972.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We all know and applaud your quest for a generation of peace. The proposed Conference on European Security and Cooperation seems to be a possible path leading in this direction. We consider it the duty of every citizen to assist you in your quest for peace. Thus, the Czechoslovak National Council of America, speaking on behalf of Americans of Czech and Slovak descent, submits the following for your consideration:

We believe that the position taken by the American delegation, and indeed all western delegations at the onset of the Conference should be to insist on the

(1) Withdrawal of all Soviet military and police units and Soviet advisers from all occupied nations west of the Soviet Union proper.

(2) Neutralization of the same area and the establishment of a nuclear free zone, both under international guarantees;

(3) Free elections under international control.

The establishment of such a cordon sanitaire would tend to

Eliminate the danger of inadvertent confrontation between the armed forces of the two atomic super-powers.

Mitigate the fears of Western Europe concerning further military penetration of the Soviet Union into Western Europe;

Curtail alleged suspicion on the part of the Soviet Union of Western aggressive intentions and German revanchism;

Increase the chances for an agreed balanced reduction of the armed forces of the East and West;

Make possible the organization of a viable economic community comparable to EEC (Common Market);

Meet the requirement of self-determination, political independence and territorial integrity of the supposedly sovereign nations living between the Soviet Union and non-Communist Western Europe, stipulated by the United Nations Charter;

Satisfy the wish of the people concerned who have manifested on many occasions their desire for neutrality, such as enjoyed by Austria since 1955.

The achievement of these goals would increase the likelihood of lasting stability, peace and security in all of Europe.

The eagerness now manifested by the Soviet Union to conclude a European security pact leads one to believe that the pressure of circumstances, the unreliability of the satellite armies, the discontent of the satellite people, as well as the good will of the United States might produce an unprecedented degree of willingness on the part of the Soviet Union to agree to thesse demands.

Very respectfully yours,
Prof. Vratislav Busek,
President.
Prof. Francis Schwarzenberg,
Vice-President.
Dr. Mikulas Ferjencik,
Acting Vice-President.

REPORT FROM CONGRESS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. HOSMER. Mr. Speaker, there follows below the text of my report from Congress for October. The absentee ballot request forms referred to were for Los Angeles and Orange Counties and were printed in this Record previously on May 22, at page 18333, and which are hereby updated by reference to the November 7 general election and specifying the first and last days of acceptance for mailing as September 8 and October 31, respectively:

Report

Dear Friends: Over the years this Report from Congress has posted you on events in Washington, my work and my views. It has stimulated many of you to participate in government and express your ideas to me. Here's hoping that trend continues. *Inputs by all of us in our own ways are vital to representative government.* That's what orders and reorders national priorities. Example 5 years ago we spent 45% of the federal budget on defense and 34% on human needs. *Today those percentages are reversed!*

ADJOURN

After Congress leaves Washington in mid-October it may come back for a rump session after the Election. Many Congressmen are anxious to be on the campaign trail. *Meanwhile they must do the job for which they were elected last time—representing constituents in Washington.* But towards weekends it's now hard to do much with so many Members home campaigning. My own attendance record is about 85%, with most absences due to conflicting official duties on the Interior and Joint Atomic Committees.

ECOLOGY

I give my sincere thanks to the many local citizens and organizations who expressed their views and supported my bill to create the Seal Beach National Wildlife Refuge. *because we were all working toward a common goal, we were able to get this legislation passed and signed by the President in almost record time.* We are now assured that this ecologically unique area will be protected for all time. Recently I've introduced legislation to create the San Joaquin Wilderness Area in the Sierras where, as with the Wildlife Refuge area, the road-builders want to carve the unnecessary Trans-Sierra Highway through an unspoiled area. *We'll try to block that one, too.*

CRIME

One of the major efforts of President Nixon and the Congress over the last four years has been anti-crime legislation. Tough new laws have been aimed at drug pushers, organized crime, overburdened courts and other factors contributing to our soaring crime rate. I am encouraged with the results of these new laws. *The national crime rate increase has dropped to only 1%—the lowest in 10 years.* Half the major U.S. cities have experienced net crime decreases. And the Washington, D.C. crime rate has been cut in half since 1969. There's still much room for improvement, but at least we're making progress toward a return to law and order.

ECONOMY

The same goes for the economic picture. *For the first time since 1965, workers' raises are not being gulped up by inflation.* Unemployment is still too high, but the employment trend is now up instead of down, a remarkable fact in light of 500,000 Vietnam GI's returning to the labor market. *Here in the 32nd District, the award of the Space Shuttle contract will mean 1600 new jobs at North American Rockwell's Seal Beach plant.* McDonnell–Douglas will play a key subcontracting role in Long Beach. In recent months, I've been involved in efforts to generate new business and employment for small business aerospace subcontractors, and my maneuver to kill a "rider" costing Long Beach Navy Yard jobs also was successful.

DEFENSE

At the Munich Olympic Games, there was an object lesson for all of us. Time and time again, we saw judges and officials from the Communist bloc countries sticking it to Uncle Sam. *To one degree or another, they will do the same thing diplomatically or militarily if given a chance.* Detente is one thing, but we must never become weak.

Cordially,
Craig.

P.S.—As in the past years, an absentee ballot request form is printed on the reverse side for your convenience. If you will be home and voting in your precinct on Election Day, Nov. 7, please pass it on to someone who may need it.

A. H. GALLOWAY OF R. J. REYNOLDS INDUSTRIES

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. MIZELL. Mr. Speaker, in the September issue of North Carolina, a magazine of business, government, and public affairs, there appears an excellent profile of one of the Nation's finest business leaders—Mr. A. H. Galloway, chairman and chief executive officer of R. J. Reynolds Industries.

Mr. Galloway has distinguished himself not only as an outstanding member of the business community, but as a valuable and active citizen of his native community, Winston-Salem, N.C., the major city of the Fifth Congressional District, which I am honored to represent.

The article in North Carolina is informative; it is interesting; and it is well worth the reading. At this point I insert the text of the article in the Record and invite my colleagues' attention to it:

A. H. Galloway of R. J. Reynolds Industries

On the summer day in 1970 that Alex Galloway was elected as chairman and chief executive officer of the newly created R. J. Reynolds Industries, Inc., he attended the weekly meeting of the Winston-Salem Rotary Club.

After the meeting Mr. Galloway forgot to remove his member identification badge. He walked back upstreet to the Reynolds Building and into the lobby, unaware of the accompanying badge. A secretary, noting the name prominently displayed on his lapel, told him jokingly: "Mr. Galloway, you don't need to wear that badge just because you got promoted. We all know you.

Indeed they do. Alexander Henderson Galloway has spent his entire professional life with R. J. Reynolds, beginning just out of the University of North Carolina in 1929. He is a Winston-Salem native, well-born and well-bred, a nephew of Bowman and James Gray. the brothers who were among the leaders of the company after the death of founder R. J. Reynolds, and a cousin of Bowman Gray, Jr., who was the tobacco company's board chairman for several years prior to his death in 1969.

Although no relation to the founding Reynolds clan (the only blood relative now active on the company's executive level is William Reynolds Lybrook), Mr. Galloway grew up as a neighbor and playmate of Josh Reynolds' four children; Reynolds Tobacco was an important part of his life from childhood onward.

Chairman Galloway's business residence is a spacious but by no means tremendous office on the Reynolds Building's 10th floor. The office is free of ostentatious trappings, reflecting the personality of the man himself: warm and courteous, tempered by a subtle touch of patrician restraint, containing a natural dignity which is neither formidable nor stuffy.

Some of his friends describe Alex Galloway as the most even-tempered business executive of their acquaintance. "I never saw him bless anybody out but once," says a close associate. "When he did, it was done in a quiet voice and was over in a hurry. But the object of Alex's temper was well aware that he'd better not make the same mistake again."

Like many of Reynolds' veteran executives Mr. Galloway smokes a steady succession of Camels, working in an occasional Salem. He talks with a hint of nostalgia of the days when Camel was the only cigarette which R. J. Reynolds made and sold, and which was smoked by more Americans than any other. Those were the days when Alex Galloway was sitting on an old-fashioned high stool in the company's accounting department, and later pounding the Manhattan pavements between New York banks in search of cash to finance Reynolds' vast summer-fall purchases of tobacco on hundreds of warehouse floors.

Today the R. J. Reynolds world over which Alex Galloway presides has a new landscape. Tobacco remains the chief income producer with about 72 per cent of total revenues. Camels are still made and sold, but Winstons, introduced in the early Fifties with their famous ungrammatical slogans, are now smoked by more Americans than any other cigarette. And the names of such Reynolds brands as Salem, Doral and Vantage would fall strangely upon the ears of the company's founder.

What might sound even more strange to Josh Reynolds would be a listing of the other businesses engaged in by the company bearing his name: prepared foods, containerized shipping, packaging and wrapping materials, oil and steamships. Just turned two years old is R. J. Reynolds Industries, the parent company of all those enterprises including R. J. Reynolds Tobacco Company, a business child whose age exceeds that of its parent by 96 years.

By the time Reynolds launched its program of diversification in the Fifties Mr. Galloway was the company's chief financial officer and very much involved in the plans for acquiring non-tobacco businesses. He disclaims any prescience by himself or the Reynolds officials at the time over the tobacco-health scare that would break across the nation a few years later. The diversification movement was not launched as a means of avoiding possible disaster to the tobacco industry.

"It happened that tobacco had become a slow-growth industry—its rise in consumption pretty well locked into the rise in population," he says. "We had funds to invest in new consumer enterprises and we simply considered it good business and an obligation to our stockholders to do so."

By the late 1960's Reynolds had acquired Hawaiian Punch, Chun King Foods, College Inn Foods and Filmco Packaging. Sea-Land Service, the first and foremost containerized shipping line created by former Winston-Salem resident (and close friend of Alex Galloway) Malcom McLean, moved into the Reynolds family in 1969. In 1970 Reynolds acquired control of American Independent Oil Company which operates in the oil-rich Middle East. By 1970 when the holding company was formed tobacco was but one of many ventures bearing the R. J. Reynolds name. And the diversification seemed inevitably destined to broaden.

But 1971 brought some setbacks. The Justice Department finally had its way and its antitrust action against Reynolds forced the sale of Penick & Ford, a corn wet milling and potato starch business acquired in 1965. Then a Maritime Commission examiner blocked Reynolds' plans to acquire a fleet of container ships owned by United States Lines for use in the Sea-Land operation. Finally, the devastating West and East Coast dock strikes last year drove down Sea-Land's and RJR's revenues.

In spite of those misfortunes RJR Industries finished the year with new records in sales and revenues of more than $2.5 billion and net earnings which were 12 per cent above those of the previous year. And neither the above-mentioned difficulties—nor the voices of Reynolds critics who deplored the moves into transportation and oil—have discouraged Mr. Galloway and the executive echelon at RJR from seeking further growth and diversification.

"We're always on the lookout for further growth opportunities," he asserts. "Of course there's no lack of opportunities to acquire new companies, but you don't just rush out and buy any firm that might be for sale. We have a diversification committee and staff who spend a lot of time examining possible acquisitions. One of the principal criteria is whether a company we might be looking at has good management—not only to give proper direction to the business if we should acquire it, but also to add to the pool of managerial talent which we can draw on for the entire Reynolds operation."

Does R. J. Reynolds Industries hope to make other significant acquisitions in the non-consumer business area? "I wouldn't rule out the possibility at all," Mr. Galloway answers.

In Fortune Magazine's 1971 rankings of the nation's 500 largest industrials RJR Industries held the 59th spot—down one place from 1970. Except for the dock strike and the divestiture of Penick & Ford, Reynolds would no doubt have ranked several notches higher last year. Nevertheless, it remains the largest North Carolina-based corporation (Burlington Industries, the national runner-up, finished in 65th spot).

Winston-Salem native Alex Galloway pays due respect to his home state. "I've never seen a state in which I would rather live or do business," he offers. "We have had good and honest state government for the most part and a generally beneficial business climate over the years and I hope it never changes."

The son of an insurance executive, Alexander Galloway was born in 1907. He attended the Winston-Salem public schools and Woodberry Forest School in Virginia. He graduated from UNC-Chapel Hill in 1929 with a Phi Beta Kappa key and an A.B. degree. For a while after finishing school he debated between job offers from a large New York bank and from R. J. Reynolds Tobacco Company, settling finally on the latter. Although his uncle, Bowman Gray, was president of the company at the time, Mr. Galloway's opening position on the corporate ladder was atop that high stool as a clerk in the accounting department. He took naturally to the financial end of the business and in 1937 he became assistant treasurer. His next promotion came in 1951 when he was made treasurer and elected to membership on the board of directors. In 1955 he was elected a vice president, became president in 1960, president and chairman of the executive committee in 1962 and chief executive officer in 1967—all with the tobacco company; the holding company had not yet been formed.

Plans were already underway for the corporate reorganization in 1969 when R. J. Reynolds Chairman Bowman Gray, Jr., died. The directors agreed to vest the presidency and the chairmanship of the tobacco company temporarily in Mr. Galloway; he held both posts until the following year when RJR Industries came into being and he became its chairman and chief executive officer.

No corporate leader has to go out looking for problems, especially the leader of a corporation whose principal business is tobacco. Among many others, Mr. Galloway mentions the federal price restrictions which require an agribusiness like Reynolds tobacco to hold down increases in the prices of its manufactured product while seeking to acquire its raw material in a market where the prices have no ceiling. Tobacco on the warehouse floors of all the bright leaf markets is selling at record high prices this year; Reynolds and the other buyers have to pay the going rate without the freedom to pass along all the increased production costs to the consumer.

While describing that dilemma Mr. Galloway is quick to add that R. J. Reynolds, a century-old patron of the tobacco farmer, is keenly aware of his problems and of the need to maintain tobacco farming as a means of livelihood for thousands of people—and, needless, to say, for the tobacco manufacturers.

Despite all the years of government campaigns against tobacco—campaigns which Mr. Galloway describes as "largely politically motivated"—cigarette sales continue to gain ground. Even the heavy blow of banishing cigarette advertising from the airwaves has not halted the climb in sales.

"Of course there's no way of knowing how much more sales might have gone up if we had been allowed to continue radio-TV advertising," he points out. He prophesies a good future for tobacco, barring some sort of outright government ban or federal-state-local cigarette taxes which rise to the point at which smoking will become prohibitively expensive.

"I think it is a disgraceful thing that cigarette taxes are now so high in New York City that one out of three packs coming in there finds its way into the underworld," he observes. "It's a pity that a product which no one has conclusively proved harmful to human health is so heavily taxed that it now provides a good business for smugglers."

As a parting observation on tobacco's vicissitudes Mr. Galloway notes a couple of ironies with regard to the government's war against the plant: the schizophrenic policy of damning the product on one hand and supporting its cultivation economically with price supports on the other; and the fact that government's investment in smoking-health research is less than the amount the tobacco industry itself has spent in seeking answers to the controversy.

Mrs. Galloway is the former Martha Erckman of Hendersonville. They have three sons: A. H., Jr., who is in the securities business in Winston-Salem; James, who works in real estate there; and Robert, who is the golf professional at Lake Norman's Westport Country Club. Playing as Bobby Galloway, he followed the PGA tour as a tournament competitor for several months a few years ago. Mr. Galloway was himself a dedicated golfer until a back problem forced him off the fairways except for an occasional game. Swimming is now his principal exercise. He has held membership in the Augusta National Golf Club for several years and a photograph of the late President Eisenhower, a frequent player on the Augusta course, hangs on an office wall. Whenever they can, Mr. and Mrs. Galloway spend their summer weekends at a family cottage at Roaring Gap.

Business and civic-charitable affiliations are predictably numerous for Alex Galloway. In addition to his chairmanship of RJR Industries, he is a director of three Reynolds affiliates: Reynolds Tobacco, American Independent Oil Company (Aminoil) and McLean Industries, Inc. (Sea-Land Service). He also serves on the board of directors of Wachovia Bank and Trust Company, N.A., and its parent company, The Wachovia Corporation. He's a director of Piedmont Aviation, Inc., and Allendale Mutual Insurance Company of Providence, R.I.

In the public area, Mr. Galloway sits on the executive committee of the Medical Foundation of North Carolina. He is a past president and now vice president of the North Carolina Traffic Safety Council (highway safety is one of his consuming interests); he serves as a vice president, director, and member of the executive committee, Business Foundation of North Carolina. He is a member of the Governor's Council for Economic Development; a trustee of the North Carolina Foundation of Church-Related Colleges; a member of the North Carolina Advisory Committee on Public Education; a founding member of the National Business Committee for the Arts; a director of the Grocery Manufacturers of America, Inc.; and he serves on the National Industrial Pollution Control Council of the U.S. Department of Commerce. Mr. Galloway describes as one of the most challenging of his current non-business duties his membership on the President's Business Council in Washington, a panel of businessmen serving the government in advisory roles. Mr. Galloway also serves as a director of the Research Triangle Foundation.

On the local level Mr. Galloway is a Trustee of Old Salem, Inc., and a past president of the Winston-Salem YMCA and Rotary Club. He has worked actively with the Community Chest and its successor organization, the United Fund and is a former president of the local Community Chest. The Galloway's church is St. Paul's Episcopal.

"Alex is so quiet and unassuming that if you met him on the street without knowing who he was you'd probably never guess he headed one of the country's biggest corporations," says a friend.

"He's kind of a soft touch for any sort of hard-luck story. And above all, he's a real gentleman."

EMIGRATION OF SOVIET JEWS

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. ANNUNZIO. Mr. Speaker, it has only been a few weeks since I spoke here on the House floor in condemnation of increased exit fees which the Soviet Union has imposed upon prospective emigrants. This new schedule of fees, as we all know, is aimed mainly at Jews wishing to leave the Soviet Union, and the fees range from $5,000 to $37,000 depending on the prospective emigrants' level of education.

The Soviets call this an educational reimbursement, but in reality it can be regarded as nothing less than extortion. This most recent Soviet injustice comes in the midst of increased American-Russian trade activity. Perhaps the Soviets are convinced we will not let human rights stand in the way of making a few dollars in wheat and other trade deals.

The Congress of the United States must make it unmistakably clear that we value human rights—including the right of emigration—more than the dollars we stand to make as a result of these new trade deals.

We have successfully existed without trading with the Soviet Union for decades. We can certainly wait a little longer and insist upon some standards of human decency on the part of those with whom we intend to trade in the future. I, for one, can never condone a governmental policy of extortion for human freedom, and the time has arrived to draw the line on this moral question. A nation which demands extortion for human beings must not be rewarded with increased trade, increased credit, or any of the other amenities involved in international trade and investment financing.

It is my feeling that so long as the Soviets insist on these new and exorbitant exit fees, the United States must withhold favored nation status as far as trading is concerned. It is our moral responsibility to use all the power that we possess to influence the Soviet Government to stop its reprehensible policy of harassment and persecution against the Soviet Jews who wish to leave the U.S.S.R.

Consequently, a few days ago I joined many of my colleagues in introducing a resolution expressing the sense of the Congress urging suspension of trade with the Soviet Union until such time as that country does away with its arbitrary and discriminatory methods of limiting the right of emigration. The text of my resolution follows:

HOUSE JOINT RESOLUTION 1315

Expressing the sense of the Congress with respect to the foreign economic policy of the United States in connection with its relations with the Soviet Union and any other country which uses arbitrary and discriminatory methods to limit the right of emigration, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress that the President should suspend all steps taken or contemplated to expand trade and other economic activities with the Soviet Union, and with any other country which uses arbitrary and discriminatory methods to limit the right of emigration, until the President determines that the Soviet Union, or such other country, as the case may be, is no longer using such methods to limit emigration.

SEC. 2. The President shall report to the Congress, not later than thirty days after the date of enactment of this joint resolution and at least annually hereafter, on steps he has taken to carry out the first section of this joint resolution.

HANOI GETS JETS FROM PEKING

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. RARICK. Mr. Speaker, now that we have induced the Soviets to slow down their anti-Americanism in trade for more American business, Red China is now supplying the Soviet MIG fighters to the North Vietnamese forces.

Ironically, as the Red Chinese are delivering military aircraft to the Communist forces killing our Vietnamese and Korean allies as well as American men, we are selling the Chinese 10 Boeing commercial jet airliners.

A related newsclipping is following:

[From the Sunday Star and Daily News, Oct. 1, 1972]

HANOI GETS JETS FROM PEKING

(By Henry S. Bradsher)

SAIGON.—About one dozen MIG 19 jet fighter planes were delivered by China to North Vietnam early last week. At the time Hanoi was down to fewer than two dozen jet fighters and was losing them in dogfights with American attacking aircraft at such a rate that they would have been out within two weeks.

The fact that China came through with help at a time when the flow of Soviet aid has been greatly reduced by the U.S. blockade of North Vietnam emphasizes the increased importance of Peking to Hanoi.

China has since 1965 supplied mostly light weapons and bulk civilian goods to North Vietnam while the Soviet Union provided sophisticated heavy weaponry and technical goods. But now with roles shifting, the blockade is only one reason.

Another, perhaps equally important, is the change in attitudes of the two big Communist powers toward the Vietnam war. There are a number of indications that Peking is more willing to see it continue indefinitely than Moscow.

The situation as viewed by analysts here is complex.

The Soviets are continuing to provide some aid to North Vietnam and seem unlikely to want to push Hanoi very hard toward a settlement which leaders there find unacceptable or less than they had hoped for. And the Chinese probably do not care to see the war continue at the intensive level of last spring's North Vietnamese offensive. But the increased willingness of Peking to provide heavy equipment for major North Vietnamese army actions rather than just light weapons for guerrilla-style warfare is a shift in support. At the time the offensive began last spring there was a widespread assumption that the Soviet Union had sent North Vietnam all kinds of heavy equipment which gave it a new character of frontal warfare. The arms included 130-mm. heavy artillery, heavier and with longer range than the Communists had previously used in Vietnam, and medium tanks in significant numbers.

Close examination by intelligent experts has revealed, however, that many of the heavy artillery pieces were a Chinese-made variation of the Soviet 130 gun and what had been reported originally as Soviet T54 tanks turned out when experts climbed inside to be almost identical to Chinese T59s.

Since such equipment had begun moving into position long before the offensive perhaps as much as a year or more earlier for use of tanks in the Saigon area the Chinese obviously had been playing a heavy equipment role for a long time.

China has over the years also provided jet fighters to North Vietnam. The MIG 19s which China now is making at a rate of 450 a year is a modified copy of a Soviet design. The Soviets have provided later and better MIG 21s to Hanoi. But the North has been running out of them. Delivery of planes early last week was a Chinese effort to keep the North Vietnamese air defenses viable.

China has also provided North Vietnamese with Chinese produced copies of Soviet bombers. These are stationed in Southern China to protect them from U.S. air raids and not been used against South Vietnam.

Immediately after President Nixon declared Naval closure of North Vietnamese ports on May 8 there were signs of tension between China and the Soviet Union on how to get Soviet aid through to North Vietnam. But by July 9 transshipment agreement apparently had been reached for rail movements across China.

In addition, Soviet tankers have been discharging petroleum products at Shanghai and other Chinese ports.

Analysts here guess that Chinese are sending their own petroleum to Hanoi on a flexible pipeline which has defied American bombers knockout efforts. But Russia provides some of this by replenishing Chinese supplies. In any event, North Vietnam's petroleum needs are less than 5 percent of China's production so there is no great strain in providing it.

Hanoi has been worried ever since Dr. Henry Kissinger's secret trip to China in July, 1971, that both its major Communist allies might put good relations with the United States ahead of helping North Vietnam.

There have been fluctuations in Hanoi's worry since then as first China and then Russia seemed to be moving closer toward U.S. thinking on the world situation.

Nixon is seeking to create "a balance of forces among the big powers and the division of Socialist countries . . . as a shield to give the U.S. complete freedom of action . . ." a leading Hanoi newspaper, Nhan Dan, charged six weeks ago.

When Hanoi's top negotiator Le Duc Tho was en route to Paris recently for his current visit there he stopped in Peking and Moscow. The difference in treatment in the two capitals was noticeable. Hanoi's official news agency reported he met Premier Chou En-lai "in an atmosphere ever beaming with solidarity and fraternal friendship." But in Moscow Le Duc Tho saw only First Deputy Premier Kirill T. Mazurov "in a fraternal and cordial atmosphere".

At the same time top Soviet leaders were talking with Kissinger in Moscow.

North Vietnam still needs Soviet supplies—some are being flown in besides what comes across China—but appears uncertain about the ardency of Moscow's commitment to an ultimate Communist victory in Indochina.

China, however, seems to be going to greater lengths now, while observing some restraints, to insure that its influence in North Vietnam is not eroded by lack of help.

NEW YORK, CONNECTICUT, AND NEW JERSEY SWING TO THE RIGHT

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. SPRINGER. Mr. Speaker, a newspaper which has always taken a liberal viewpoint and is nationally known finds it difficult to understand that this country in 1972 is basically conservative or moderate.

There is no doubt the New York Times has had a great influence in the tristate area of New York, Connecticut and New Jersey. It may not be the most widely distributed newspaper but it is influential with many people.

New York is probably one of the most liberal States in the Union. However, the Daniel Yankelovich, Inc., polling service employed by the New York Times finds that two-thirds of New York Staters are conservative or moderate and only 24 percent consider themselves liberal.

The Times itself believes that this represents a continuing swing to the right which was evident in a 1970 Yankelovich survey of the gubernatorial and senatorial election. This swing is having a definite effect on the 1972 presidential election. Four out of five of those surveyed considered President Nixon conservative or moderate and thus in tune with their thinking. In contrast, three out of five considered Senator MCGOVERN either liberal—35 percent—or radical—25 percent. This poll indicates a swing and in some ways will have an effect on the 1972 election.

For those of us who have been watching the polls over the past several years, this swing has been evident in many ways. It was certainly evident in 1970 when Senator BUCKLEY, while running on the conservative line—defeated both the Democratic and Republican candidates.

It is interesting to learn that the principal issues in the country are crime, law and order, drugs, taxes, and unemployment, and these issues are far ahead of such traditional liberal issues as equality and poverty. The issues predominantly in the minds of people are those that directly affect them or their dear ones in everyday life. The electorate has never before voted on issues on which they will have a direct effect. I know my colleagues will be interested in this poll which indicates a trend which many of us have known has been going on for the past 4 to 6 years.

I herewith include the article by Frank Lynn from the New York Times of September 29:

(By Frank Lynn)

Although New York is one of the most liberal states in the union, two-thirds of the New Yorkers interviewed in the latest Presidential campaign survey for The New York Times classified themselves as conservative or moderate.

The survey, by Daniel Yankelovich, Inc., indicated that the conservatives are the predominant group not only in New York but also in the tristate area that includes New Jersey and Connecticut.

Conservatives accounted for 38 per cent of the New Yorkers polled, while 29 per cent classified themselves as moderates. Only 24 per cent considered themselves liberal in a state with a liberal tradition dating back at least 50 years.

The total tristate figures were comparable: conservative, 37 per cent; moderate, 32 per cent, and liberal, 21 per cent. A New York City breakdown was not available.

CANDIDATES ARE RATED

Significantly, four out of five of those surveyed considered President Nixon conservative or moderate and thus in tune with their thinking.

In contrast, three out of five considered Senator George McGovern, the Democratic Presidential candidate, either liberal (35 per cent) or radical (25 per cent). About 19 per cent considered him conservative or moderate, while the remaining 21 per cent did not answer the question.

The questions posed were: "Do you think of yourself as a conservative, moderate, liberal or radical?" and "Do you think of McGovern as conservative, moderate, liberal or radical? And how about Richard Nixon?"

The significance the survey of 670 registered voters by random telephone interviews during the period Aug. 25 to Sept. 12 extends beyond the Presidential election.

It represents a continuation of the swing to the right in the state, which was evident in a 1970 Yankelovich survey of the gubernatorial and senatorial election. At that time, two-thirds of those surveyed rated themselves conservative or moderate, but moderates predominated.

In the 1970 election, Governor Rockefeller, taking the most conservative stance of his political career, was re-elected in a landslide and James L. Buckley, the Conservative party candidate, was elected to the United States Senate.

INFLUENCE ON LEADERS

The continuing rightward shift will inevitably influence political leaders, who will be picking candidates for mayoral, gubernatorial and senatorial elections next year and in 1974.

One of the more powerful of these leaders, Meade H. Esposito, the Brooklyn Democratic chairman, noted in a breakfast interview that the Presidential election results in the state would be reflected in the choice of a mayoral candidate next year.

"Suppose it goes conservative," Mr. Esposito said. "You can't come up with a liberal candidate for Mayor." However, he declined to discuss specific candidates. "Let the electorate speak first," the Brooklyn leader said.

Two prospective mayoral contenders, Representative Edward I. Koch and Assemblyman Albert H. Blumenthal, both liberal Manhattan Democrats, agreed that there had been a shift to the right in the electorate.

"It's based on pure and simple fear—fear for personal safety, economic security ethnic competition for jobs and rising prices," Mr. Blumenthal said. "I haven't seen this kind of fear since the first atomic bomb scare."

Mr. Koch hinted at the current political climate in his own classification of himself as "a liberal with common sense" who had, for example, opposed a $6,500 family assistance welfare plan and advocated a scaled down housing project in Forest Hills.

"I'm not an idealogue," said the Congressman, a product of one of the most liberal political clubs in the city, the Village Independent Democrats.

Another mayoral prospect, Representative Herman Badillo, disputed the survey results. "I ran as a liberal in 1969 and I wouldn't change my style," he said. Mr. Badillo finished third in the mayoral primary behind Mario A. Procaccino, a conservative Democrat, and Robert F. Wagner, who ran as a moderate.

Evidence of the conservative drift abounds in the latest Yankelovich survey.

Ten per cent of the New Yorkers polled said they would vote for Gov. George C. Wallace of Alabama if he were a candidate—twice his actual percentage in the state four years ago.

Better than half those surveyed answered "very well" or "fairly well" to the question "How do you feel things are going in the country these days—very well, fairly well, pretty badly or very badly?

Two years ago, only a third of the Yankelovich respondents took this optimistic stance.

DOMESTIC ISSUES IN LEAD

As for "the main issues or problems facing the country today," such domestic problems as crime, law and order, drugs, taxes and unemployment ran far ahead of such traditional liberal issues as equality and poverty.

Only 4 per cent of those polled thought poverty, urban problems and problems of the aged was a main issue or problem and only one per cent rated equality for minorities, civil rights and integration as a main issue or problem.

In contrast, better than two-thirds agreed that they were "totally opposed to busing children for the purpose of achieving racial balance in the schools." A similar number said they were "sick and tired of hearing peo-attack patriotism, morality and other traditional American values."

CONFERENCE ON EQUAL OPPORTUNITY FOR WOMEN IN HIGHER EDUCATION

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. MIKVA. Mr. Speaker, I would like to bring to the attention of my colleagues a conference which will be held in New York City on October 25–27, concerning equal opportunity for women in higher education.

The conference has been organized by the Urban Research Corp., of Chicago, and is cosponsored by the American Association of Colleges, Brown University, Oberlin College, the University of California at Berkeley, and the University of Wisconsin.

An outstanding group of speakers and workshop leaders from across the country will be participating in discussions on hiring practices, compensation and benefits, curriculum, child care, and other issues involving the status of women in the field of higher education.

A summary of the schedule for the conference follows:

EQUAL OPPORTUNITY FOR WOMEN—UNIVERSITY AFFIRMATIVE ACTION PROGRAMS

October 25–27 at the Hotel Americana, New York City.

Sponsored by Urban Research Corporation in cooperation with American Association of Colleges, Brown University, Oberlin College, University of California at Berkeley, and University of Wisconsin.

University administrators across the country have begun responding to the wide range of demands put forward by feminists to provide equal opportunity for women. From continuing education to promoting women to top administrative posts, these suggestions are seen, in light of the current underutilization of women, as being in the university's self-interest and the public good. Feminist advances aside, a phalanx of laws now require extensive "affirmative action" for women on the part of universities: The Higher Education Bill of 1972, the Equal Pay Act as amended to include professional women, Revised Order 4, the Civil Rights Act of 1972, and the Equal Employment Opportunity Act of 1972. Faced with this wide range of demands and requirements for policy changes, many university administrators feel the need for qualitative information.

To meet this need, Urban Research Corporation will present a national conference in New York drawing together more than 100 resource people who have a track record in university affirmative action.

Small workshops form the core of the conference. During the first afternoon, each participant will be assigned to one of 12 simultaneous workshops to methodically examine the provisions of the equal opportunity laws. Each workshop will be led by a team: a university administrator, a government official, and a feminist, all knowledgeable and especially trained for these workshops. The second day, participants can choose four from among 21 workshops which deal with specific components of affirmative action, from setting goals and timetables to the problems and structures of the equal opportunity function. (See list below).

Because of the concentrated nature of the two-day program, both in workshops and resource people, universities are urged to send teams of people (encouraged by a price break). This is important so that when participants return to campus they can operate as support groups in trying to implement affirmative action programs and policies at their institution.

This conference is the first of a proposed series sponsored by Urban Research in different areas of the country dealing with university affirmative action. In the last year, four similar meetings have been sponsored for corporations. Urban Research Corporation is an urban affairs research and publishing company whose work is based on a national monthly information service called NewsBank.

AGENDA

Wedneesday, October 25

6:45: Registration: Conference materials will be distributed.

9:00: Cocktails (cash bar). Conference program participants will be honored guests.

Thursday, October 26

7:00–9:00: Registration: Conference materials will be distributed.

9:00: Keynote: Dr. Bernice Sandler, Executive Associate and Director of Project on Status and Education of Women, American Association of Colleges.

10:00: Plenary Session: What the Government Will Require.

Address—J. Stanley Pottinger, director, Office of Civil Rights, U.S. Dept. of Health, Education and Welfare.

Address—Morag Simchak, special assistant to the Secretary of Labor for Employment Standards, U.S. Dept. of Labor (former chief, Equal Pay Division).

Address—Chester Gray, district director, Equal Employment Opportunity Commission (Cleveland).

Noon: Film: "Crisis: Women in Higher Education," filmed at U.S. Office of Education Institute at the University of Pittsburgh.

12:30: Luncheon: Eleanor Holmes Norton, Chairman of the New York City Commission on Human Relations.

2:00: Workshops: What the Government Will Require.

WORKSHOP LEADERS

James C. Allison, Massachusetts Institute of Technology.

Martha Begalla, University of Tennessee (Knoxville).

Rose Brock, U.S. Dept. of Health, Education and Welfare.

Barbara Buoncristiano, Columbia Women's Affirmative Action Coalition.

Annie Chamberlin, Columbia Women's Affirmative Action Coalition.

Ruth Cowan, CUNY Women's Coalition.

Jean Danielson, Newcomb College, Tulane University.

Margaret Dunkle, Association of American Colleges.

Catherine East, U.S. Dept. of Labor.

Konnilyn Feig, University of Maine (Portland).

Yolande Forde, University of Maryland.

Arvonne Fraser, Women's Equity Action League.

Carolyn Griffis, University of Florida (Gainesville).

Sylvia Huber, University of Miami.

Jean King, FOCUS.

Lucille Kuehn, University of California (Irvine).

George la Noue, Equal Employment Opportunity Commission.

Esther Lardent, U.S. Dept. of Health, Education and Welfare.

Jacqueline Mattfeld, Brown University.

Joseph H. McMillan, Michigan State University.

Anne Miner, Stanford University.

Jacqueline Mintz, Yale University.

Vickie Neiberg, Alliance to End Sex Discrimination, Michigan State University.

Harriet Rabb, Columbia University Law School [invited].

Geraldine Rickman, University of Cincinnati.

Susan Ritner, Columbia University.

Sylvia Roberts, National Organization for Women.

Ann Scott, National Organization for Women.

Colette M. Seiple, University of California (Berkeley).

Morag Simchak, U.S. Dept. of Labor.

Adele Simmons, Princeton University.

Althea T. L. Simmons, NAACP.

Elizabeth Stakelton, U.S. Dept. of Labor.

Marian Swoboda, University of Wisconsin.

Sheila Tobias, Wesleyan University.

Isabelle Welsh, League of Academic Women, University of California (Berkeley).

Pat Williams, Equal Employment Opportunity Commission.

Doris Wooten, Office of Federal Contract Compliance.

Friday, October 27

9:00: Workshops on Cases and Issues. There will be two sessions in the morning, two in the afternoon. Each session will be 1½ hours. (See below for listing).

Noon: Luncheon: Dr. B. A. Barringer, President, Catonville Community College.

2:00: Workshops on Issues and Cases.

WORKSHOPS ON ISSUES AND CASES, OCTOBER 27

9:00–10:30: University of Pittsburgh: A Case Study, Janet Feagans.

Salary Equalization: Cyrena Pondron, University of Wisconsin (Madison); Maxine McKay, University of South Florida; Morag Simchak, U.S. Dept. of Labor.

Continuing Education: Bernice Miller, Harvard Graduate School of Education; Kathryn Clarenbach, University of Wisconsin Extension; Elizabeth Kaynor, Greater Miami Council for the Continuing Education of Women.

Psychological Barriers to Equal Employment: Lenore Weitzman, University of California (Davis); Catharine Stimpson, Barnard College; Jessie Bernard, Pennsylvania State University.

Problems of the Equal Opportunity Function: Structure Staffing, Authority and Budget: James Allison, Massachusetts Institute of Technology; Konnilyn Feig, University of Maine (Portland).

10:30–12:00: HEW's Women's Action Program, Florence Hicks, Director; Rose Brock, Assistant Director.

Writing an AAP: Basic Steps, Konnilyn Feig, University of Maine (Portland); Bernice Sandler, American Association of Colleges; Doris Wooten, Office of Federal Contract Compliance.

Part-Time Full-Status Faculty, Sheila Tobias, Wesleyan University; Adele Simmons, Princeton University.

Minority Women and the University, Jacqueline Jackson, Duke University Medical Center; Constance Carroll, University of Maine (Portland); Electa de Rodriguez, Richmond College (CUNY).

Support Services (Women's Centers, Health Services, and Guidance), Catharine Stimpson, Barnard College; Mary Howell, Harvard University Medical School; Martha Begalla, University of Tennessee (Knoxville).

2:00–3:00: Women's Studies, Catharine Stimpson, Barnard College; Juanita Williams, University of South Florida; Judith Stacey, Richmond College (CUNY) [invited].

Women and Minorities: Allies or Antagonists? Yolande Forde, University of Maryland; Wilma Scott Heide, National Organization for Women; Kay Whitmore, Old Westbury College (SUNY).

Compensation and Benefits, Morag Simchak, U.S. Dept. of Labor; Esther Lardent, Office of Civil Rights, U.S. Dept. of Health, Education, and Welfare.

Professional Schools, Barbara Babcock, Stanford University Law School; Julia Apter, Rush Medical College; Catherine East, Citizen's Advisory Council on the Status of Women; Sharon Connelly, Vanderbilt University Graduate School of Management.

Goals and Timetables, Cyrene Pondron, University of Wisconsin (Madison); Bernice Sandler, American Association of Colleges; Colette Seiple, University of California (Berkeley).

Model Affirmative Action Programs, Stanford University (Ann Miner); SUNY (Ann Scott); Yale University (Carolyn Whitbeck); American Association of University Women (Ruth Oltman); CUNY (Dee Alpert).

3:30–5:00: University-supported Child Care, Adele Simmons, Princeton University; Mary Rowe, Abt Associates.

Problems of University Office and Blue Collar Workers, Anne Chamberlin, Columbia University Women's Affirmative Action Coalition; Jan Goodman, Center for Constitutional Rights.

Grievance Procedures, Ruth Cowan, CUNY; Harry Edwards, University of Michigan Law School; Rita Tallent, University of Wisconsin (Parkside).

Internal Data Gathering and Building a Reporting System, Ann Truax, University of Minnesota; Marian Swoboda, University of Wisconsin; James Bond, American Association of State Colleges [invited]; Kay Klotzburger, CUNY.

Recruiting Women Faculty, Lili Hornig, Higher Education Resources Service (HERS);

Brown University; Phyllis Zatlin Boring, Rutgers University and WEAL; Sheila Tobias, Wesleyan University.

In addition, selected films will be shown in the Monte Carlo Suite, fourth floor, during each workshop period.

REGISTRATION

Please cooperate in avoiding scheduling confusion by circling the four workshops you wish to attend from this list; *please be sure that you choose only one workshop from each group.*

Group A

University of Pittsburgh: A Case Study (Regency Ballroom, 3).

Salary Equalization (Regency Foyer, 3).

Continuing Education (Loire 2, 3).

Psychological Barriers to Equal Employment (Loire 3, 3).

Problems of the Equal Opportunity Function (Malmaison 6, 3).

Group B

HEW's Women's Action Program (Vendome 11, 3).

Writing an AAP (Vendome 12, 3).

Part-time, Full-status Faculty (Malmaison 7, 3).

Minority Women and the University (Regency Foyer, 3).

Support Services (Regency Ballroom, 3).

Group C

Women's Studies (Regency Foyer, 3).

Women and Minorities (Loire 2, 3).

Compensation and Benefits (Loire 3, 3).

Professional Schools (Malmaison 6, 3).

Goals and Timetables (Vendome 11, 3).

Model Affirmative Action Programs (Vendome 12, 3).

Group D

University-supported Child Care (Malmaison 7, 3).

Problems of University Office and Blue Collar Workers (Loire 3, 3).

Grievance Procedures (Regency Ballroom, 3).

Internal Data Gathering (Regency Foyer, 3).

Recruiting Women Faculty (Loire 2, 3).

Name ----------------------------------
Institution ------------------------------
Address --------------------------------
City---------------- State------ Zip------

Registration fee: $135. Cost is $95 for each additional person from the same campus. Special fee of $95 for all government officials and feminist organizations. Fee includes luncheon both days and special materials on affirmative action selected by Urban Research Corporation.

Registration will not be accepted unless accompanied by check or official purchase order. Space limited. Registration closes October 16.

(NOTE.—Cancellations received after October 20 will be refunded on a pro-rata basis only. Any non-appearance without prior notification will be billed at the conference rate.)

Register now! Mail this form and check to: Urban Research Corporation, Conference Division, 5464 South Shore Drive, Chicago, Illinois 60615 (Tel: 312-955-3050).

TRIBUTE TO HON. WAYNE ASPINALL

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. EVINS of Tennessee. Mr. Speaker, I want to take this means of paying a brief but sincere tribute to my friend and colleague, WAYNE N. ASPINALL, the distinguished gentleman from Colorado, who is retiring from the Congress after almost a quarter-century of distinguished and dedicated public service in the Congress.

As chairman of the Committee on Interior and Insular Affairs, WAYNE ASPINALL has built a splendid record of achievements and accomplishments. Under his leadership Congress has added more than 100 new units to the National Park System. He is known and recognized as a developer and defender of our Nation's natural resources.

He has guided more than 40 important park and major recreation bills through the House and has been instrumental in the enactment of many additional park and conservation measures.

WAYNE ASPINALL is recognized as one of the Nation's leading authorities on water resource policy and in the fields of public lands, minerals and mining, and related areas.

WAYNE ASPINALL has served his district, State and Nation faithfully and well and can enter retirement secure in the knowledge that future generations of Americans will enjoy and benefit from his great work.

WAYNE ASPINALL was elected to Congress following a distinguished career in the State Legislature of Colorado where he served in leadership capacities—including those of whip and speaker of the house.

During World War II he served in the Armed Forces and was subsequently elected to the 81st Congress in November 2, 1948.

WAYNE ASPINALL is an outstanding, personable, and able gentleman and legislator. He will be greatly missed in the Congress.

Certainly I wish for WAYNE ASPINALL the very best of good luck, health, and happiness in his richly deserved retirement.

WYDLER RESOLUTION CALLS FOR HALT TO WHEAT DEAL

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. WYDLER. Mr. Speaker, the attitude of the Soviet Government asking ransom for Soviet citizens wishing to emigrate to Israel indicates a knowledge that in one way or another the citizens of America will have to pay the bills for the wheat that Russia is purchasing from us. Such a situation is intolerable. For that reason I have introduced the following resolution which would be a clear sign to the Soviet Union of congressional anger and strengthen the President's hand in negotiation. The resolution follows:

H.J. RES. 1315

Joint resolution expressing the sense of the Congress with respect to the foreign economic policy of the United States in connection with its relations with the Soviet Union and any other country which uses arbitrary and discriminatory methods to limit the right of emigration, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress that the President should suspend all steps taken or contemplated to expand trade and other economic activities with the Soviet Union, and with any other country which uses arbitrary and discriminatory methods to limit the right of emigration, until the President determines that the Soviet Union, or such other country, as the case may be, is no longer using such methods to limit emigration.

SEC. 2. The President shall report to the Congress, not later than thirty days after the date of enactment of this joint resolution and at least annually thereafter, on steps he has taken to carry out the first section of this joint resolution.

"PASS THROUGH" LEGISLATION AND THE SOCIAL SECURITY INCREASE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. FRASER. Mr. Speaker, on October 3, millions of Americans will receive 20-percent increases in their social security benefits. Many of these people, the elderly and the poor, will discover the increases are largely a myth. In many cases, their higher income will result in the loss of other vital benefits.

For example, a doctor in my district sent me a copy of this letter directed to the welfare department:

> Mrs. H. told me that she recently received a letter from you stating that her medical assistance for drugs will be discontinued as of October 1st. She states that this letter indicated an increase in social security was the reason for this. I do not know the amount of money involved in her increase in social security but I do know that along with this she is also getting an increase in her rent.
>
> Mrs. H. uses a large amount of medicine each month, the amount of which exceeds the amount of her social security increase.

On September 26, the Ways and Means Committee ordered reported favorably H.R. 16811, a bill that would alleviate one of the immediate problems resulting from the social security increase. The bill would insure that no individual presently eligible for medical assistance under a State plan provided under title XIX of the Social Security Act could lose eligibility by reason of the 20-percent increase. If H.R. 16811 is adopted, my constituent would continue receiving assistance for her medication.

Mrs. H.'s case illustrates the interlocking nature of the various social programs. The erratic impact of changes in them on the elderly is one of the country's most troubling social issues.

SENATE—*Tuesday, October 3, 1972*

The Senate met at 9 a.m. and was called to order by Hon. DAVID H. GAMBRELL, a Senator from the State of Georgia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, infinite and eternal, who art above all that is best in human and finite beings, we rejoice that Thou art always ready to make known Thy will to those of humble and contrite heart who call upon Thee in sincerity and truth. Once more, in this hushed moment, we thank Thee for Thy guiding light in days past, for the accomplishments of this body, and for the promise of the future. Open our hearts and minds to Thy guidance this day. May our faith never be shadowed by doubt or fear. May the sense of Thy presence be as clear in the halls of governments as in the temples of worship. In all our striving, our aspiring, and our working may we be sustained by the radiant vision of the ultimate triumph of justice and peace of Thy coming kingdom.

And to Thee we shall ascribe all honor and glory. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The second assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, D.C., October 3, 1972.*
>
> *To the Senate:*
>
> Being temporarily absent from the Senate on official duties, I appoint Hon. DAVID H. GAMBRELL, a Senator from the State of Georgia, to perform the duties of the Chair during my absence.
>
> JAMES O. EASTLAND,
> *President pro tempore.*

Mr. GAMBRELL thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, October 2, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs; the Committee on Commerce; the Committee on the District of Columbia; and the Committee on Foreign Relations may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

DEPARTMENT OF STATE

The second assistant legislative clerk read the nomination of Kenneth Franzheim II, of Texas, now serving as Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand, to Western Samoa, and to Fiji, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Tonga.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE DIPLOMATIC AND FOREIGN SERVICE

The second assistant legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service, which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

NOTICE OF INTENTION TO BRING UP FOUR TREATIES FOR CONSIDERATION AND FINAL DISPOSITION TODAY

Mr. MANSFIELD. Mr. President, for the information of the Senate, if conditions work out approximately right, it is the intention of the joint leadership during the morning hour to call up three or possibly four treaties for consideration and final reading. There is no opposition to them. They were reported from the committee unanimously.

Therefore, if the proposals of the joint leadership hold up, it would be anticipated that votes on these treaties will occur immediately after the vote on the cloture motion.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Massachusetts (Mr. BROOKE) is now recognized for not to exceed 15 minutes.

NORTHERN IRELAND

Mr. BROOKE. Mr. President, in February, the distinguished junior Senator from New York (Mr. BUCKLEY) and I took the floor and engaged in a colloquy concerning the deterioration of peace in Ulster.

Since that time, we have talked on many occasions and have followed very closely the progress and the problems in Northern Ireland.

Last year my distinguished colleague introduced a resolution, in which I joined to extend the good offices of the United States in resolving the Northern Ireland crisis.

We were both aware, as we are today, that it is U.S. policy not to become involved in the internal problems of another nation.

But, so concerned were we with the killings, the discrimination in Northern Ireland, and the denial of civil rights and civil liberties, that we felt it incumbent on the United States of America to offer its good offices in resolving a conflict which has involved not only the people of Northern Ireland, but two longtime allies of the United States—Great Britain and Ireland.

We also are mindful of the fact that there are more than 13 million Americans of Irish descent, many of them with families still living in Ireland and all of them concerned about the problems which have faced that nation for centuries.

Since our colloquy in February, there have been some changes. In February, there were 15,000 British troops in Northern Ireland. Today there are more than 20,000 British troops in Northern Ireland.

When we spoke in February, 272 people had been killed since the outbreak of the conflict in 1969.

Today, 592 persons have been killed. There are approximately 240 suspected IRA internees.

When we spoke in February, the Stormont government was still in office. On March 8, the British Government dissolved the Stormont government, the elected government of Northern Ireland, and appointed William Whitelaw to act as Secretary of State for Northern Ireland, responsible directly to Westminster.

This is progress, because the Stormont government was a symbol of oppression to the Catholic citizens of Northern Ireland.

The removal of the Stormont government was an attempt to ease the tensions. Mr. Whitelaw, the appointed administrator, has been acceptable in the main to both the Protestants and the Catholics.

Under Mr. Whitelaw, the British have abolished the gerrymandered districts and have set up civil service governments in all six counties of Northern Ireland. They have promised local elections sometime this fall, accompanied by a referendum on unification. The actual date of the election will be set by an act of the British Parliament.

Mr. President, it is also hoped that a new national Parliament can be elected before the 1-year suspension of elected government expires in March 1973. It would appear that the British Government is determined that the local elections will take place.

In addition, "special tribunals" were established 2 weeks ago, to try all of those suspected of terrorism who are now interned.

Mr. President, it is not known at this time whether the appointment of the tribunals is a step forward or a step backward, because it could simply finalize the internment process by exchanging indefinite sentences for definite ones. But I do believe the promise of trials is certainly a step in the right direction, for internment was one of the more serious problems that confronted the Catholics in Northern Island.

Under existing procedure, a British soldier could stop a suspect, search him, arrest him, and hold him without making any charges against him whatsoever. There was no definite sentence imposed. So he could remain in jail for an indefinite period of time. This, of course, is foreign to everything we here in the United States understand to be equal justice under the law. And this was a procedure which created more tension and, I am sure, contributed to much of the terrorism that has gone on in Northern Ireland.

We can commend the fact that the internment was stopped. And we hope that the establishment of regular procedures for dealing with the internees will not just exchange an indefinite sentence for a definite one. We hope that fair trials will be conducted. If a person is found guilty of an offense or of a crime, he should be punished. But those who are merely suspected of a crime without the evidence which is essential for a successful prosecution and conviction should be set free.

In addition, Mr. President, the Darlington conference took place last week. And though it was not a great success in the opinion of many, it did have some positive aspects. First of all, although three of the seven parties attended, and only one of the three major parties, every party at least put its blueprint for the future of Ireland down on paper in preparation for the conference. For the first time it is possible to determine where every party stands. It is therefore the beginning of a dialog. Then, too, there is the fact that some constructive dialogs occurred among the Catholics and Protestants attending the conference.

Mr. President, this past Sunday, the Protestants and the Catholics joined together in a pray-in in Belfast. Roman Catholic and the Church of Ireland, or Episcopalians, participated. Most Protestant churches in Northern Ireland are Presbyterian. However, what is more important is that Catholic and Protestant clergymen, including William Cardinal Conway, Primate of all Ireland, took the initiative in holding such an event, and 4,000 people of different faiths joined in prayer.

We can also take some comfort in the fact that Irish Prime Minister Edward Hillary meets in New York with Secretary Rogers on Thursday. And Northern Ireland, of course, will be one of the topics that will be discussed.

As I said earlier in my remarks, Mr. President, my distinguished colleague, the Senator from New York (Mr. BUCKLEY), and I and many other Members of the Senate are very much concerned about the problems of Northern Ireland. I think much more would have been said on the floor of the Senate if it were not for the fact that our colleagues are somewhat conscientious about discussing internal affairs of another nation. However, certainly when we consider not only the present, but also the future, of the people of Northern Ireland, and of Ireland as a whole, one must be concerned about what will be their place in the peace of the world.

I read a very discouraging article in the Washington Post on October 1 of this year. The title of that article is "Northern Ireland's Prejudices and Hatreds are Formed in Childhood." It is an article which sets forth the problems that confront young children in Northern Ireland, the psychological impact upon these children, the bitterness and hatred, both among the Catholic and Protestant children. The article describes very vividly what the future can only be if this continues.

Time will not permit me to discuss the article in great length. I, therefore, ask unanimous consent, Mr. President, that this article, written by Peter Chippendale, be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BROOKE. Mr. President, in conclusion let me merely say that even though the Senator from New York (Mr. BUCKLEY) and I talked on the floor in February 1972, and some progress has been made, the war still rages on in Northern Ireland.

I call it war because when men and women are dying and in conflict with one another, it is war. And even though progress has taken place, there are still 500,000 people who, in the main, are being denied basic civil rights and civil liberties, are being exposed to discrimination in employment and in housing, among other things. And even though progress has taken place, terrorism still reigns in Northern Ireland.

Mr. President, I think it is still incumbent upon us as friends of both Northern Ireland and the nations of Ireland and Great Britain to urge upon them to work either with the Commission on Human Rights which was established by 17 Western European nations, or to use the good offices of some neutral nation, as suggested in the resolution of my colleague, the Senator from New York (Mr. BUCKLEY), in which I join. Good conscience and the peace of the world demand a resolution to this conflict.

EXHIBIT 1

[From the Washington Post, Oct. 1, 1972]

NORTHERN IRELAND PREJUDICES AND HATRED ARE FORMED IN CHILDHOOD

(By Peter Chippendale)

LONDON.—A Catholic is feckless, lazy, dirty, and over-sexed. A Protestant is a member of a master race determined to hold down the inferior Irish. The British army is an armed aggressor similar to the Nazi German forces.

These, according to Dr. Morris Fraser, are the kinds of attitudes which have been implanted in an Ulster child's mind by the time he or she leaves primary school.

Dr. Fraser is a psychiatrist from Scotland who has lived and worked in Northern Ireland for the past 20 years. He has just completed a book entitled "Children in Conflict" to be published in the spring.

It promises to be depressing reading for the few optimists left about Ulster. Dr. Fraser is not concerned with the day-to-day ups and downs of political and military events in the province nor does he isolate it from the rest of the world.

In fact, he draws parallels from racial and cultural conflicts in other countries, particularly the United States, where he worked for several months. The parallel he says is realized by people themselves. Protestant children sometimes call Catholics "niggers" and have a song which starts I'd rather be a nigger than taig (Catholic)."

He has culled his material from his work with youth organizations and schools and at the child guidance clinic at Belfast's Royal Victoria Hospital. The conclusions he comes to are chilling.

CULTURAL MYTHS

A split between the two communities he says is already formed by the time children leave primary school. First in their upbringing and then in their schooling, they are taught cultural myths and stereotypes which they quickly come to believe.

The child first becomes indoctrinated through his parents and family, and this is followed by the bias to one side or another in the rigidly segregated schools.

Catholics are fed great lumps of Irish folklore and Protestants great lumps of British folklore. The almost complete lack of contact between children from the two communities helps to give credence to the myths. As a result, the children begin to forget the individual behind the religious label and expect him or her to behave as they have been taught the stereotypes do.

Into this belief is then injected the fear that comes when there are two rival communities, neither of which is able to dominate the other, and the aggression starts. The fear, like folklore, has little basis in truth but becomes reality.

Dr. Fraser cites an occasion when he was taking three Catholic children in a car past a Protestant Vanguard rally. The children were so frightened they were going to be killed by murdering Protestants that they hid under the seats.

On top of this is the army, which both sides believe is biased toward the other. Even before the army moved in 1969, Dr. Fraser saw children drawing soldiers with horns on their heads, devils' tails and breathing flames—the result of 50 years of folklore.

ENGLISH HORROR

People in England expressed horror recently when children killed a soldier by stoning his vehicle and making him crash. When other soldiers came to take the body away, the children continued throwing stones and started jeering. To some people, it seemed inexplicable. Dr. Fraser thought it was perfectly explicable.

The children, injected with the terrifying cult of the army as villain, were not concerned about the individual soldier. They were attacking their enemy and not the person behind the uniform.

In a situation like this, the children are ripe for use by organizations like the IRA. Dr. Fraser says he knows of children from the age of eight upwards being taught how to make petrol and nail bombs, stone troops to provide cover for gunmen and handle gelignite. He once met a 10-year-old boy who had sat through an entire school day with three sticks of gelignite taped to his chest to hide it from an army search.

As the children get older and leave school, they become increasingly attracted by the glamor and glory of an organization like the Provos or joining a gang. Often, faced with an endless prospect of ghetto living and welfare queues, it seems the only way to have any excitement.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from New York (Mr. Buckley) is recognized for not to exceed 15 minutes.

Mr. BUCKLEY. Mr. President, I am delighted to have the opportunity once again to join in colloquy with my good friend from Massachusetts (Mr. Brooke) on the subject of the continuing tragedy in Northern Ireland.

Seven months have elapsed since the distinguished Senator from Massachusetts, discussed that troubled area.

At that time I stated:

> The important thing at this moment is to offer hope to [the Catholic Minority] that they can achieve justice, that they can achieve true economic and social and political equality, without a resort to demonstrations, without a resort to force.

As much as I would like to be able to report that justice and peace have been achieved in this troubled land, such is not the case. As of today there have been over 584 deaths in the fighting in Northern Ireland since August of 1969. Terror has continued to leave its bloody mark upon the populace and the violence bred of longstanding hatred has not abated.

However, it would be false to conclude that no progress has been made. There have been changes in the situation in Northern Ireland that I feel are welcome: The dissolution of the Stormont Parliament, a gradual, slow, but continuing attempt at dialog; the end to the hated policy of internment in a manner which was, admittedly, not completely endorsed by Catholic leaders, but which is at least a first step; the acceptance of a cease-fire by, among others, the official IRA; the release, since Mr. William Whitelaw became administrator of Ulster, 557 internees—these have been welcome signs, if not of optimism, then at least of hope.

The recent conference held in Darlington is illustrative of both the difficulties and the progress that are part of the story of Northern Ireland today. The very fact that a conference could be held is in and of itself a mark of progress. While it is true that the conference was boycotted by the Social Democratic and Labor Party, the major Catholic party, and that only three of the seven major political parties attended, the Darlington Conference was important simply because it was held. The symbolic rather than the substantive meaning of Darlington is, in my opinion, of great importance. A "valuable and constructive dialog"—to use Mr. Whitelaw's phrase—is a sign of progress amidst what often appears to be continuing signs of despair.

Never during the course of the conference, however, were we allowed to forget that there is still terror in Northern Ireland. I believe the terror of the provisional branch of the Irish Republican Army—IRA—has been condemned—among others by every responsible leader of the Catholic minority in Northern Ireland and by Prime Minister John Lynch in the South—often enough that it would be superfluous to dwell on the group here today. But there are other terrorist organizations operating in Northern Ireland, organizations which for some reason do not get the kind of attention devoted to the IRA.

I noted for example a recent report of a British raid on a training camp of the illegal, militant Ulster volunteer force. The raid uncovered more than 6,000 rounds of ammunition, five rifles, a Sten gun, six revolvers and a quantity of hand grenades and other terrorist devices. This underground group has not received the notoriety of the IRA but it is just as deadly in its methods. The Catholic minority has felt for a long time that there has not been a sufficient crackdown on this group and I hope that the raid I have described is representative of the policy of the British Government. Questions remain to be answered concerning this group. Where does it receive its funds? From whom does it receive its illegal weapons? A full investigation of the Ulster volunteer force would certainly appear to be in order and a determined effort to stop shipments of arms to this group must be made with the same zeal and determination now used to stop shipments of guns to the IRA.

Perhaps we are now beginning to see the start of a time in which reason can replace violence as a means of solving the problems of the people of Northern Ireland. These problems, however, cannot be properly understood or their permanent solution charted without a knowledge of the historical events reaching back three centuries which ultimately led to the partition of Ireland in 1920. Nor can the bitterness which now infects Northern Ireland be understood or an evaluation made of the specific steps which are required to defuse it without a knowledge of the monolithic control which the Unionist Party, representing the Protestant majority, has maintained over Northern Ireland from 1920 until the Stormont was dissolved earlier this year.

The historical context of the division and the hatred which are tormenting Northern Ireland today is succinctly summarized in an article by Mr. Jack Lynch, Prime Minister of Ireland, which appeared in the July 1972 issue of Foreign Affairs. The article also presents a thoughtful program for the ultimate reunification of Ireland in a manner which would assure justice and equality to all its constituent segments. I think the article is so reasonable in its approach and civil in its tone—a far cry from most of the polemics and demagoguery that have been the hallmark of the debate so far—that I ask unanimous consent that it be printed in the Record at the conclusion of this colloquy.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BUCKLEY. I urge those Members of the Senate who wish to have a better grasp of the root causes for the violence which has erupted in Ulster to read Mr. Lynch's article—both for its summary of the relevant historical events and for its suggestion, from the Irish point of view, of the basis on which a permanent solution can be constructed.

Mr. Lynch raises six major points which I would like to summarize at this time.

First, the decision of the British Government to exercise its full responsibilities in Northern Ireland is welcome but only as a necessary preliminary to a solution and not as the solution itself.

Second, integration of Northern Ireland into the United Kingdom, under any pretense, would be disastrous.

Third, no encouragement should be offered to those in Northern Ireland who feel they are entitled, by history or social and economic power, to a permanent veto on harmony in Anglo-Irish relations.

Fourth, while the unity of Ireland is a difficult goal, it is the only one offering any real, long-term solution. Unity of Ireland should therefore be the aim of the British Government.

Fifth—and I personally consider this a very important point made by the Prime Minister—a unified Ireland should not be thought of as one in which the present state in the south takes over the state in the north and assimilate its exising structures. There should be negotiation, but it must be about a new Ireland, not simply one in which one of the existing states dominates the other.

Finally, there should be no leveling down of existing social and economic standards. A strong, united, prosperous Ireland for all Irishmen must be a definite part of any solution.

Mr. President, I think Mr. Lynch's suggestions are as worthy of attention as his essay is refreshing to read, given its calm, lucid, dispassionate examination of this confused and difficult affair. He has offered suggestions for the achievement of a long-range solution which are deserving of the most thoughtful consideration by every responsible party-in-interest.

The question remains, however, as to how to restore an environment freed of provocative acts of terror which will make it possible to take the first difficult steps toward a permanent resolution of the problems which have plagued the people of Northern Ireland.

Last year I suggested that the United States offer its good offices to help the British and the Irish to bring about a settlement of the tragedy in Northern Ireland. The United States has historic ties of friendship with the peoples of both Ireland and England. If they, and the peoples of Northern Ireland should feel that the United States could play a useful role in providing a forum for negotiations which is one step removed from the passions which make the discussion of a political solution so difficult, then I believe that the United States, as a friend of all the parties, should be willing to assume the role.

At the time that I made the proposal, the situation in Ulster appeared to be deteriorating to the point where I and others felt that the involvement of a third party might be the only way to interrupt the cycle of events which was accelerating the killings and playing into the hands of terrorists in both the Protestant and Catholic factions.

I also would want to echo the opinion just expressed by the Senator from Massachusetts that we should still offer our good services or encourage others to do so if the parties directly involved feel that such intervention would be an aid to them in accelerating political discussions.

Since I first made my proposal, however, a number of events have transpired which suggest that some small gains have been made despite the escalation in the number of acts of terror which we have witnessed this year. As the Senator from Massachusetts summarized, in the intervening time, the Stormont has been dissolved, a halt made to further internments, and the majority of those already held in detention have been released. Finally, there was last week's conference at Darlington to consider the political future of Northern Ireland.

I know that press reports on the conference have been highly pessimistic in tone. I believe, however, that it is much too easy to dismiss it as a venture in futility. The pessimists point out that the principal Catholic party, the Social Democratic and Labor Party, boycotted the conference because the British Government still holds 241 men in the Long Kesh Internment Camp where they are still denied the normal protections of the law. They point out that the killings still go on; that no consensus was reached at Darlington on any substantive matter; and that the principal parties have given no visible indication that they are softening their positions. Yet the fact that the meeting could take place at all is deeply significant.

The fact that the principal political parties in Northern Ireland—whether or not they were participants—reduced to writing and submitted their own proposals for the structure of a new government for Ulster; the fact that there was a consensus as to the desirability of encouraging social and economic intercourse between Ulster and the rest of Ireland; the fact that last Sunday joint Protestant and Catholic church services were held in Belfast and elsewhere in Ireland to pray for an end to the violence and a just solution to the problems of Northern Ireland—all these suggest that the forces of reason may overcome those of violence and fear.

It is certainly deeply disappointing that more positive results could not have been achieved at Darlington, yet the conference does mark a beginning. Let us pray that nothing will be done on either side to snuff out this first light of hope. Let us hope that we are beginning to witness a chain of events, each linked to the other and each dependent on the others in building for a just and stable future.

The first link in the chain must be the total cessation of terrorist activities on both sides, combined with an effective end to the internment without due process of the 200 remaining prisoners. It seems clear that some terrorism will continue so long as any vestige of the internment policy remains under whatever name. A cessation of terrorism will also require the cessation of those demonstrations and public gatherings whose sole purpose is to taunt the other side or to inflame the populace. Those who goad persons into acts of terrorism must share the guilt for those acts.

Second, all parties to the conflict can then pursue a solution to the immediate problem of how the people of Northern Ireland are going to govern themselves with justice and peace, as a prerequisite for any longer range solution to the basic problems which have beset the Irish people for so long a period.

Once there has been the establishment of a government for and by the Irish people in Northern Ireland, talks can then go forward toward exploring the possibilities of creating a new, free, united Ireland. For those of us who believe that the historical logic of the Irish situation requires such a unity, there is no better way to achieve it than to encourage a return to stability within Northern Ireland under conditions which will spell the end of the grievances which the Catholic minority has endured for so many years.

The one thing that is clear is that terror cannot be condoned as an instrument either for the continued denial of basic rights to the Catholics or for their assertion.

The shock of the Munich massacre has, perhaps, caused the world to take another look at the tragedy of Ireland, with new insight and new understanding. What happened in a few hours in Munich has been happening for 3 years in Northern Ireland with all of the physical and psychological suffering such terrorist intimidation can cause.

If we have learned anything at all from the recent acts of terrorism, it is this: There is no cause sacred enough to justify the systematic, random murder of innocent human beings as a means of political action. There has been too much demagoguery already about the events in Northern Ireland and excuses for terror—on either side—cannot be condoned. Terror is terror. It is not political protest. It is not self-defense. It is bloody murder and once we have said that we have said everything that needs to be said.

EXHIBIT 1

[From Foreign Affairs, July 1972]

THE ANGLO-IRISH PROBLEMS

(By John M. Lynch)

In the late nineteenth and twentieth centuries, when it was fashionable to speak of international problems in terms of "Questions" to be solved, the "Irish Question" proved particularly intractable for successive British governments. For Gladstone in 1886 it was "the long vexed and troubled relations between Great Britain and Ireland which exhibit to us the one and only conspicuous failure of the political genius of our race." He devoted much of his later political life to the question but his attempts to solve it were unsuccessful.

Lloyd George, a generation later, believed that he had found the answer. But his belief was tempered with caution. "I am not going to say that we have found the specific at last. This has been said too often. But we must try; at any rate I can see nothing better." Lloyd George's first attempt at a solution—the Government of Ireland Act, 1920—divided Ireland into two locally autonomous regions within the United Kingdom. "Northern Ireland" came into existence; but "Southern Ireland" was stillborn. So he negotiated with Irish nationalists (whose acceptance led to a civil war in their ranks) the Anglo-Irish Treaty of 1921. The Treaty provided that Ireland should have a status within the Commonwealth like that of Canada and other dominions but allowed Northern Ireland to opt out within a month and retain its existing status within the United Kingdom. Since Northern Ireland did opt out, the effect of his solution was the partition of Ireland.

After 50 years it is evident that Lloyd George's solution was not the right one. Partition shelved, but did not solve, the "Irish Question." Northern Ireland, one of the two entities which it brought into being, was never stable and it eventually became unworkable within its existing framework. In March of this year the British government prorogued its regional Parliament for a year and resumed responsibility for the region by appointing a Secretary of State with legislative and executive functions for which he is responsible to the Westminister Parliament.

The failure of Northern Ireland cannot be treated in isolation. Since it was one of the twin foundations of Lloyd George's answer to the "Irish Question," its breakdown reopens that question as a whole; and Britain and Ireland today must face again many of those issues which made it such a complex and difficult one for generations of British statesmen. But a wrong answer, which is seen to be wrong, may help to clarify the question.

It is necessary first to look back—to identify the problem and see why past solutions have gone wrong, but not to dwell on history for its own sake or to use it, in Edmund Burke's words, as "a magazine, furnishing offensive and defensive weapons." Then it is necessary to look clearly at the present situation to see what has changed over 50 years. And finally to look forward—to see the outline and general direction of a solution, but not to insist on precise and rigid proposals which might make it more difficult to achieve. This stage of transition, when the institutions of Northern Ireland have been suspended but not yet replaced and both Britain and Ireland are about to join the EEC, is a particularly suitable time for such an overall view.

To speak of the "Irish Question," as I have done so far, is to see the issue from the British viewpoint, as a major problem in British politics for generations. For Ireland, on the other hand, the problem could probably be called the "English Question"—though the issue was too basic, too fundamental to the very notion of a separate Irish identity, ever to be described in such a way. In the main, the issue is the relationship between Britain and Ireland; and to understand the present problem of Northern Ireland it is necessary to examine that relationship.

Britain and Ireland are two neighboring islands which have been deeply involved with one another for much of their history. The relationship began before either country had come to full conscious nationhood. For centuries it was one of half-successful conquest and its aftermath—as the larger island tried to establish its hegemony in the smaller. As Sir John Davies, an Englishman who was Attorney-General of Ireland under King James I, wrote in 1612, "the conquest of Ireland was made peece by peece, by slow steppes and degrees, and by seuerall attempts, in seuerall ages. There were sundry reuolutions, as well of the English fortunes, as of Irish; some-whiles one preuailing, some-whiles the other. . . ." He explained that "euer since Our Nation had any footing in this Land, the State of England did earnestly desire, and did accordingly endeuour from time to time, to perfect the Conquest of this kingdom, but that in euery age there were found such impediments and defects in both Realmes, as caused almost an impossibility, that thinges should haue bin otherwise then they were." But Davies thought that the conquest had been completed in his own day. Three hundred years later, however, it was still not "perfected" and the "impediments" of which he spoke were still evident.

In the early period the conquest was a colonial one in the sense that its effect was to establish in Ireland an English colony, a "Pale," which varied in extent with the degree of assimilation by the native population of each successive influx of colonists and the attention which successive Kings of England could afford to devote to it. In Davies' own day colonization took a more determined form. Loyal English and Scottish settlers were settled on land confiscated after a series of unsuccessful Irish rebellions. Davies himself was deeply involved in the most successful and lasting of these settlements—the plantation of Ulster. By his time, too, a religious aspect had complicated matters and this was accentuated by the Cromwellian and Jacobite wars of the seventeenth century. The new settlers were largely Protestant, and the native population which they partly supplanted were generally unwilling to accept the reformed faith of those who had displaced them.

By the eighteenth century, however, what began as an English colony based in Dublin and the Pale was willing to identify itself as Irish; and Dean Swift and others of its writers asserted the Irish interest vigorously in some of their writings. Toward the end of that century it asserted the independence of its existing parliament in Dublin against the Westminster Parliament which had earlier assumed powers to legislate for Ireland. Unlike the American colonies, however, this "colony" had no thought of repudiating the Crown and it continued to accept the King as King of Ireland.

But there was a certain ambivalence in its sense of identity. Its parliament in its last years tried to follow the call which Henry Grattan, one of its leading members, made in a speech in 1780, "be a Parliament, become a nation." But it was still something less than a nation—an Ascendancy perhaps, but not a people. Its parliament had no place for the depressed mass of the native population, who were still largely Roman Catholic, and no place for those among the scarcely less depressed descendants of the seventeenth-century settlers in Ulster, who were Protestant dissenters from the Established Church and who had tenaciously held their position through the wars of the previous century.

Where the Ascendancy had looked to the American example, the two excluded groups—between them the great majority of the population—looked to the much more radical French Revolution. Under its influence, and with its help, they combined in temporary alliance in 1798 in a rebellion which tried to break the English connection and assert, for the first time in Irish history, a separate Irish Republic. The rebellion of 1798 in Ulster and elsewhere in Ireland was unsuccessful. But it led Pitt, the British Prime Minister of the day, to end the inconvenience and the dangers of a separate Irish parliament and bring both countries under a single government and parliament.

The Union took effect in 1801 and through the nineteenth century both countries formed the "United Kingdom of Great Britain and Ireland." But almost from the outset there were demands on the Irish side for "Repeal." By the 1880s, under the leadership of Parnell, the well-organized and vociferous Irish Parliamentary Party, overwhelmingly victorious at each election, was pressing the case for "Home Rule" for Ireland in the House of Commons at Westminister. Pitt, in bringing about the Union, had found in Virgil a text to explain his policy:

Paribus se legibus ambae Invictae gentes aeterna in foedera mittant." (Let both peoples, unconquered, join in an eternal union under common laws.)

But he was too optimistic—the majority of the Irish people whose wishes had not been consulted in 1800 were now asserting their opposition to the Union.

By the latter part of the nineteenth century, the "Irish Question" was a complex one. A union of the two islands in a single kingdom had been tried for most of a century. But Irish separatist feeling had increased, not diminished. Government of Ireland direct from Westminister was clearly unacceptable to a majority of the Irish population, and it seemed to require a constant cycle of coercion and concession. The British Liberal Party, under Gladstone, saw that this could not continue. Gladstone, as Prime Minister in 1886, introduced a Bill to grant Home Rule, having come to accept that the interest of both countries required a separate, if subordinate, legislature for Ireland. But any change in the Union—even the limited separation which Gladstone's Home Rule would involve—evoked vehement opposition from a temporary coalition of two other forces. The British Conservative Party saw any weakening of the Union as a threat to the basis of the Empire. When out of office it also saw political advantage in the issue, so it encouraged, and allied itself with, minority opposition to Home Rule within Ireland.

In Ireland the issue divided the population largely on religious lines. Protestants of various denominations tended to favor the Union while Catholics were generally opposed to it. Two elements in the Irish population—the Ascendancy and the descendants of the Ulster "dissenters"—whose ancestors had been antagonistic to one another in 1798 were now against Home Rule and for the Union. But the population was not altogether divided on religious lines: some Roman Catholics were "Unionists;" and many of the prominent "Home Rulers," including Parnell, the leader of the Irish Party, and its founder, Isaac Butt, were Protestants.

Unionists claimed that Home Rule would prove to be "Rome Rule" since the majority of the population was Roman Catholic; and an economic interest in free trade, as well as imperialist sentiment, strengthened their opposition. The Industrial Revolution had come to Ireland since the Union but its effects had been largely confined to the North East which now feared that Home Rule for Ireland might eventually lead to tariffs between Britain and Ireland. The Home Rule issue aroused strong feelings for a generation, but no party to the controversy wished to partition Ireland. The issue was whether Ireland as a whole should have limited autonomy or whether it should remain an integral part of the United Kingdom.

At one stage, despite the forces ranged against it, a Home Rule settlement of the Anglo-Irish relationship did seem possible—though historians may speculate whether it would have fully satisfied Irish nationalist aspirations in the long term. Parnell at least was willing to settle for such an answer. He told the House of Commons on June 8, 1886, just before the crucial vote on the first Home Rule Bill: "I accept this Bill as a final settlement of our national question and I believe the Irish people will accept it." But the opportunity passed. Home Rule bills were defeated in 1886 and 1893. Although a Home Rule bill was enacted in 1914, just after the outbreak of the First World War, it was agreed, in deference to Unionist and Orange threats of rebellion, that it would not take effect until the war was over—and then only if it were amended.

At the end of the First World War, therefore, the "Irish Question" was still a conundrum for British politicians. But events no longer waited on a solution. Nationalist Ireland had despaired of Home Rule. It was now encouraged to seek change by force because it saw that the threat of force by the Unionist side had power to prevent change. So it took steps to solve the "English Question" for itself—by seeking complete separation. Two years after the Easter Week Rising of 1916 in Dublin, the separatist Sinn Féin party overwhelmed the old Irish Parliamentary Party of the Home Rule tradition at the 1918 general election. Sinn Féin captured 73 out of 105 parliamentary seats in all of Ireland while the Irish Parliamentary Party retained six. But the Sinn Féin members elected were pledged not to take their seats at Westminster. Instead, in January 1919, they established in Dublin an independent Irish parliament. This parliament—Dáil Eireann—set itself to make good its claim to be the parliament of an independent Ireland. A guerrilla war ensued against the British administration in Ireland over the next two years.

The British government of the day found itself facing a critical situation, and in the Prime Minister, Lloyd George, it had a Solomon who was prepared, in the event, to carry out a judgment which would mean dividing Ireland at least temporarily. The settlement which Lloyd George negotiated was, he believed, a pragmatic one. As he explained to the Irish delegation to the treaty negotiations in London on October 14, 1921: "It is no use ignoring facts however unpleasant they may be. The politician who thinks he can deal out abstract justice without reference to forces around him cannot govern."

He looked at the relative strength of the forces around him. The Conservatives and the Irish Unionists were no longer allied against Home Rule. The Conservative Party was now a partner in the government with Lloyd George's own party, the Liberals; their imperial sentiment had also weakened; and in the postwar period at the Versailles Peace Conference there was a more general acceptance of the principle of national self-determination. For these reasons the Conservatives had ceased to oppose some kind of Irish evolution and, handled with care, they might have been brought along in a settlement if Britain's strategic interests, as then understood, were maintained. But the other element of the old alliance against Home Rule—the Unionist minority in Ireland, which had been encouraged to believe that its armed opposition to self-government for Ireland could succeed—maintained its position. Conservative opinion would accept that such a minority could not forever obstruct a settlement. But it would not wholly abandon its former ally.

So Lloyd George treated with each of the two elements which he discerned in the Irish population. Since the Irish Unionists were concentrated in, though not confined to, the North East, he decided to meet their position by dividing Ireland and creating a separate region covering six counties, in which, taken as a whole (though not in each county), they would have an assured local majority. The Government of Ireland Act, 1920, divided Ireland into two parts—"Northern Ireland" and "Southern Ireland." Each part was to have local autonomy within the United Kingdom. A Council of Ireland would act as a link between them and provision was made so that it could ultimately lead to a single Irish parliament. The Unionists had not sought this settlement, but they accepted it. So "Northern Ireland" came into being. But "Southern Ireland" did not. Irish nationalism had long since gone beyond a limited devolution which also involved internal division. So guerrilla fighting against the British administration in Ireland continued.

By the end of 1921, when Northern Ireland was already functioning as a partly autonomous region within the United Kingdom, Lloyd George and his cabinet negotiated the Anglo-Irish Treaty with a declaration of Irish nationalist representatives from Dail Eireann. The delegation pressed strongly against partition and for recognition of full Irish independence. But the treaty, signed on December 6, 1921, while granting Ireland the status of a dominion within the Commonwealth, allowed Northern Ireland, as already established, to opt out and remain as an area of limited local autonomy within the United Kingdom. There was henceforth a Unionist majority in Northern Ireland. The Unionists in that part of Ireland which became independent were left to adjust to life in the new "Irish Free State" (which later became a republic outside the Commonwealth). The treaty provided for a boundary commission to determine the boundaries between Northern Ireland and the rest of Ireland. Before the commission reported, its conclusions became known and were deemed unacceptable. The commission was wound up and so Northern Ireland has since remained a region covering six counties—Antrim, Armagh, Derry, Down, Fermanagh and Tyrone.

II

Pragmatism such as that of Lloyd George has its attractions—if it works. Since Lloyd George's settlement has obviously failed to work, one must ask how it went wrong and why it was the wrong approach to solving a difficult problem. A principal reason for its failure was the nature of the new entity of Northern Ireland which it created. I believe we can see three aspects of Northern Ireland which made it unsuitable from the outset.

Firstly, the area was not homogeneous. The border drawn by the 1920 Act had no basis in geography or history; it did not include the nine counties of the old province of Ulster. The six counties chosen constituted the maximum area in which the Unionist community would be assured of maintaining a majority. The aim, in the words of its first Prime Minister, Sir James Craig was "to save as much of Ulster as we could hold." But to draw the border in this way was to include in the new area a substantial minority who were opposed to the settlement which made them permanently a minority under an unsympathetic government and who, though a minority in the six-county population as a whole, were a local majority in more than half of its area.

Secondly, in the creation of Northern Ireland, religious differences were publicly accepted as a basis for political division. This gave such differences a fundamental political importance from the outset because they became the symbol of loyalty or disloyalty.

Thirdly, the new local Parliament at Stormont was poorly designed to meet the difficult situation of a divided community. It was modeled on the British Parliament at Westminster where the government of the day has a virtual monopoly of power. At Westminster such a system works well because power changes hands at intervals as one party or the other gains a majority at the polls. But Northern Ireland had been so constituted as to ensure that there was a permanent Unionist majority in the area. The belief that the minority were a threat to the whole settlement and the politicization of religious differences gave that majority cohesiveness, so that the Unionist Party was always the majority party at Stormont and therefore always the "government of the day." The natural balance of the Westminster system did not exist—and no other restraint replaced it.

There were regular elections. But Unionist government, unlike most parliamentary governments, never faced an *effective* challenge at the polls over its 51-year history. Its leaders, however, were under constant pressure from their own right wing, which had real power to topple a leader if he seemed to be weak in dealing with minority "subversion." Such a system—which became in practice permanent one-party government, never free of hard-line pressures, and not subject to effective restraint on behalf of the minority community—could increase but not ease the division and bitterness between the communities. The British government at Westminster for its part, having created the subsidiary parliament in 1920, left Northern Ireland to a great extent to its own devices. This was to abdicate in practice the residual responsibility which it retained in principle. I do not believe it is unfair to describe such a settlement as a recipe for slow disaster. It created in Northern Ireland an inherently unstable region, politicized religious differences within it, gave it a parliamentary system which institutionalized community animosities, and left it to run its own local affairs for half a century.

If such an area were to work at all the minority had to be brought to acquiesce in what had happened. But instead of being brought fully into public affairs in order to win their consent they were discriminated against as disloyal and systematically excluded from influence and office. Even if Roman Catholics accepted Northern Ireland as a *fait accompli* they were barred from effective membership in the governing Unionist Party. They should, it appeared, know their place as part of a passive minority, but not try to leave its ranks to seek a share in power within the party which controlled the state. A Roman Catholic, in effect, could be a "unionist" but not a "Unionist."

Despite its instability, Northern Ireland withstood sporadic and futile violence in almost every decade from those who refused to accept the Lloyd George settlement. But it did not withstand equally well demands for civil rights which followed in the 1960s. Its immediate response to the civil rights movement was repressve and sometimes violent. When the Northern Ireland Prime Minister of the day, Terence O'Neill, tried to respond in a moderate fashion, he was forced to resign by rightwing pressures within his own party. It seemed as if demands for full equality of treatment by the minority challenged the assumption underlying the state—that it was to be a Unionist state with permanent Unionist control.

When the need for basic reforms became evident to British and world opinion in 1968 and 1969, reform was promised and slowly begun. But the real need was not simply to end the obvious abuses but to heal the deeper community divisions. Generous, speedy and effective reform might have done this; not slow and reluctant change after 50 years. The expectations of the minority were aroused but not met; and there was violence between groups on either side of the community divide. The British Army was introduced in 1969 in an active peacekeeping role, mainly to protect the minority. But because there was no thorough reform of structures at the same time, it tended, as time went on, to defend existing political structures because they represented "legality" in the area. The effort to repress minority violence by detention or internment without trial from August 1971 increased the violence and the alienation of the minority as a whole. It was because they accepted that a fresh beginning must be made that the British government prorogued the Stormont Parliament for a year as from March 1972.

III

The 1920–21 settlement also had an important effect on the nature of that part of Ireland which later became independent. Precisely because a separate area was created to accommodate most of the Irish Protestant community, the rest of Ireland came to independence with a largely Roman Catholic population—so that it is sometimes described in the press today as the "Catholic" Irish Republic. It was ironic that it should be so, since the Irish Republican tradition from which it derived had been explicitly nonsectarian in its origins and its founder and many of its most prominent leaders for over a century had been Protestant. But that it was so was an inevitable consequence of Lloyd George's whole approach.

Historians may argue as to how far the twin foundations of his settlement—the 1920 Act and the 1921 Treaty—were part of a single deliberate policy and how far the second stage—the Anglo-Irish Treaty—was an improvisation. What matters today is their effect—a division of Ireland on largely confessional lines. The independent Irish State, while most of its population is Roman Catholic, is also heir to the nonsectarian principles of Irish republicanism. But, to some people today, it may be that Irish nationalism, as expressed in laws and in the present Irish Constitution, seems narrower and less generous than these principles promised.

These, then, were the unhappy results for Ireland of the 1920–21 settlement. But 50 years' experience has also shown some issues in a new light. First, it is now clear that, once they are freed of constraint, relations between Britain and Ireland are friendly. Historical passions quickly cool or dissipate when not inflamed by political institutions; and Britain and Ireland are not hostile to one another or embittered by history as might have been feared before Irish independence. The two countries have similar political institutions; they operate a passport-free common travel area and an Anglo-Irish Free Trade Area; 56 percent of the total trade of the Irish Republic is with Britain; the Republic is Britain's third largest customer; and as from January 1, 1973, the relationship will be closer as both countries join the enlarged European Communities. Only the "untied ends of England's Treaty settlement," as a recent English writer calls Northern Ireland, come between the two islands as a major divisive political issue.

Secondly, it is clear by now that this issue will not simply "go away" or "solve itself." Time will not settle the problem unless it is properly dealt with. Benign neglect by either side will not help to ease tensions in Northern Ireland or lessen the dangers of a serious explosion; nor will simply military repression or extremist "gunmen."

Thirdly, it is now evident that the minority is too large a proportion of the population in Northern Ireland to be governed without its consent. Even if repression of any violence coming from the minority could work for a time, the problem would recur again within a few years when the children of violence grow a little older. So we must face the problem now and try to settle it on a lasting basis.

What precisely is the problem? And how should we try to solve it? Before answering these questions we must clarify some misapprehensions so that we will at least see what it is not.

A first mistake is to assume that the issue is primarily a religious one. The divisions in Northern Ireland are not *about* religion; they cannot be accounted for as an anachronistic remnant of the religious wars of seventeenth-century Europe. Indeed the fundamental mistake underlying the partition of Ireland was that it tended to treat the majority and minority religious communities in Ireland as if each were monolithic and then politicized religion by trying to divide the island between them. What has mattered most in Ireland's political history and what matters still today in Northern

Ireland is not religion as such but the sense of the majority or minority community identity. There is no doubt that this is often determined by religious affiliation. But it can come about in other ways; and where it does, it is simplistic to think that the mere appointment of a Catholic as such to government could have lessened the alienation of the "Catholic" minority; or that Protestantism or agnosticism as such is a bar to leadership within that minority.

A second misapprehension is to treat the issue purely in colonial terms and to see the Unionist minority in Ireland as a community of "colons" to be provided for in a separate enclave linked with the motherland while the majority enjoy independence. It is questionable, to say the least, whether such a solution of a problem of decolonization is ever politically wise. But whatever the origins of the "Irish Question," such a view of it is no longer valid. No group or part of the population in Ireland—whether or not identifiable as to ancestry or antecedents—can be regarded as the "authentic" Irish; and, conversely, no group, whatever its present loyalties and attitudes, can be regarded as "colons." In any case, to treat in colonial or quasi-colonial terms the complex relationship between these two islands of Western Europe, which lie so close to one another physically, whose history is so intertwined and which still have so many lasting and growing interests in common, is to fail completely to understand it.

It has sometimes been suggested, however, that there be a partition of the present six-county area so as to cede the areas where the anti-Unionist population is strongest to the Irish Republic and to integrate the remainder fully into the United Kingdom. Such a settlement would still be unstable since there is no area of Northern Ireland which is homogeneously Unionist. But, beyond this, an attempt now to assert that any part of Ireland is irretrievably British would, as a former British Home Secretary said in the British House of Commons as recently as March 1972, be "an historical blunder of the first magnitude;" it would thoroughly alienate the majority in Ireland and would bring Ireland directly into conflict with Britain.

I wonder if those Unionist politicians who seek the full integration of Northern Ireland into the United Kingdom, following the shock of the loss of their Parliament and government, realize the folly of their demand. In asserting that being British is more important to them than being Irish, they risk recreating a colonial frame of reference and identifying themselves as "colons" in Ireland. Nor can Northern Ireland be regarded as in any sense a "disputed territory." Its future is not one to be settled by arbitration by an international court, by re-partition, by population shifts or otherwise between two contending parties.

When the issue is seen in these terms it is evident that it is no solution to deal with Northern Ireland in isolation on the grounds that its 50 years of existence have given it permanence. It is true that as Sir Lewis Namier said, "it serves no purpose to expostulate with history." But to face this problem as it must be faced is not to expostulate with history but to try to change present realities which dam up historical passions in a way which menaces both Britain and Ireland.

The real issue to be settled is not that of Northern Ireland. That was never the question—it was an answer, or part of an answer, to a larger question. Now that it has been proved inadequate that larger question remains. That larger and still outstanding question is how to achieve a settlement between the two islands which will ensure good relations between them—granted that Union did not work; that the division of Ireland has not worked; and that the incorporation of Northern Ireland, or any part of it, fully within the United Kingdom cannot work.

IV

I consider that the solution is an Ireland united by agreement, in independence; an Ireland in a friendly relationship with Britain; an Ireland which will be a member with Britain of the enlarged European Communities. I hold this view because I believe that there is no other way to dispose of the contentious and difficult legacy which history has left to our two islands—certainly no way which will not compound the problem for our children. I shall try to be more specific. The points I set out below are an attempt to outline some of the views which I believe any realistic observer who studies the problem in any depth would come to.

Firstly, I consider that the decision by the British government to exercise its full responsibility for Northern Ireland directly for one year from March 1972 was a positive step because it meant a recognition that it was not possible to work through the existing structures. But that step was presented only a necessary preliminary to a solution and not as itself a solution.

Secondly, I consider that any attempt to follow it up by integrating Northern Ireland fully into the United Kingdom would be disastrous. A substantial minority in the North would permanently resist it with the support of the great majority of the people of Ireland. Such an attempt would drive a wedge between the majority populations of the two islands; and, as I have explained, Northern Ireland cannot be dealt with without reference to the Anglo-Irish relationship as a whole.

Thirdly, Britain should recognize that the more intransigent among the Unionist minority in Ireland are not entitled to a permanent veto on harmony in Anglo-Irish relations; and recognizing this, should begin to work toward a real settlement. Such a settlement should not impose unity by force. But where the earlier settlement tended to encourage continuing division, this new settlement should offer positive and direct encouragement to unity, accepting that the fears of a community of less than one million should not stand permanently in the way of reconciliation between all the peoples of both islands. Many of the Unionist community realize that Irish unity is inconceivable and are increasingly willing to consider the idea. They should be offered positive and direct encouragement in that direction.

Fourthly, while I consider that the division of Ireland was misguided from the outset, I recognize that obtaining unity is a difficult process. There has to be a growth of trust and reconciliation on all sides. But I believe that Irish unity should be the aim, and a commitment should be made by the British government to its achievement.

Fifthly, it should be clear that a united Ireland will not be an Ireland in which the present state in the "South" takes over the "North" and assimilates it into its existing structures. There should be negotiation, but it should be a *new* Ireland.

Sixthly, the new Ireland to which I have referred should not involve any levelling down, on either side, of existing social or economic standards. There *are* discrepancies at present but they are not insurmountable and they are lessening. The real dividing line in Ireland so far as economic prosperity is concerned has always been an East-West and not a North-South one. At present the link with Britain provides substantial direct and indirect subsidies to Northern Ireland. In any settlement arrangements these subsidies would no doubt eventually have to be phased out; but this should be done over a period. Growing integration of the economies of all EEC member countries should help. Regional development policies of the EEC will also be helpful to each part of what is largely a single region—as will the general increase in prosperity of all within the EEC. Beyond this, however, the aspect of a united Ireland which would be most conducive to long-term economic prosperity would be its ability to concentrate its energies on building a better life for its people—instead of dissipating them, as at present, in division and recrimination.

V

What should be the constitution of this new Ireland? Obviously it must reflect the values and meet the legitimate interests of all sections of its population.

A constitution can take a number of forms. The British Constitution, for example, is not a single written document but a whole structure of conventions, laws, political institutions and established practices. What has often been referred to as the "Constitution of Northern Ireland" was simply an Act of the Westminster Parliament—the Government of Ireland Act, 1920, as amended by subsequent enactments. The Irish Constitution on the other hand, like that of the United States, is a written one. It was adopted by referendum in 1937 and its provisions require any amendments to be adopted first by Parliament and then submitted to the people in referendum.

The 1937 Constitution as it stands is not suitable for a new Ireland. My own view is that it would be better to regard the new Ireland as an entirely new political entity which should work out and enact for itself its own constitution. I do not say this because of reluctance to consider the changes necessary for a new Ireland but on the contrary because I believe that a fresh start could be a better approach. This would not, however, exclude preparatory work being undertaken now.

Parnell said in 1886 that, "the best system of Government for a country [is] . . . one which requires that that Government should be the resultant of all the forces within that country." I think something similar is true of the final working out of a constitution and system of government for a new Ireland. These are matters best worked out by the representatives of all those who are to live under the new structures. A philosopher or a constitutional lawyer may advise or draft a constitution; but he should not, I think, attempt to write the final version, at least not in a situation such as ours in Ireland, where the building up of trust and the overcoming of fears are so important.

The constitution of the new Ireland would have to be a written one with firm and explicit guarantees for the rights and liberties of all who live under it. I would tend to favor the view that these guarantees should relate to the individual citizen rather than to institutions as such. The constitution makers should perhaps take a "minimal" approach, *i.e.* not start from broad philosophical assumptions but, instead, try to piece together an agreement on what is necessary for government to function while ensuring rights and liberties to the individual.

VI

Thought I have frequently referred in this article to the "Irish Question" it is no longer fashionable, as it once was, to speak of international problems in terms of "Questions." Perhaps to do so implies that "answers" exist, and there is a pessimistic tendency today to accept that some questions are unanswerable. But I do not believe that either Britain or Ireland can accept this kind of thinking. In the Anglo-Irish relationship Northern Ireland is a problem to which there is a solution; it is not an unanswerable question.

The solution which I have outlined is that Ireland as a whole should assert a new and more comprehensive identity.

What is it exactly that gives a people a sense of national identity? What is it that determines how the first person plural—the "we"—shall be used when a nation speaks of its history? In Ireland, the majority—probably quite unhistorically—refer their sense of a common origin to a particular wave of early Celtic settlers in the island in pre-Christian times, while the Protestant-Unionist community in the North generally refer theirs to the settlements and religious-political wars of the seventeenth century.

No section of the Irish population today can afford to assert its identity in such terms as these, if to do so means excluding another section or regarding it as alien. Ireland's greatest need today is that all who live in the island should live and work in harmony. I quote once more from Parnell: "No Sir; we cannot give up a single Irishman. We want the energy, the patriotism, the talents, and the work of every Irishman."

An English observer in Ireland more than 300 years ago remarked that: "In kingdoms conquered, nothing but time, and that also must be the flux of hundreds of years, has power to unite the conqueror's issue and the ancient inhabitants in perfect amity." In Ireland time *has* passed. But we see now that Lloyd George's solution did not ease, but rather blocked, the effect of its flux. It was a solution which seemed to him to respond best to the exigencies of British policies at the time—which had earlier encouraged intransigence on the part of a minority in Ireland. But, based as it was on such considerations, it was unlikely to meet the best long-term interests of both islands. It is obvious now that it has not done so. In face of its evident failure, the British government today must respond to the real and pressing imperative—which is to encourage and assist a settlement among Irishmen about Ireland, and not to obstruct it nor to be merely neutral about it.

Mr. BUCKLEY. Mr. President, I am delighted to be able to join the distinguished Senator from Massachusetts in expressing our concern for the plight and the problems that still hang over Ulster. I do believe that it is characteristic of my friend from Massachusetts that he should feel so deeply about the condition of other human beings anywhere in the world. I think he understands the meaning of John Donne's words, "Send not to know for whom the bell tolls. It tolls for thee."

Mr. BROOKE. I thank the distinguished Senator from New York. As he was talking, I began to think of what, perhaps, is the immediate cause of the conflict. I, for one, have never really been ready to accept the belief that what is taking place in Northern Ireland in the year 1972 is a religious war. I am mindful of what happened when partition came to Ireland in the early 1920's. Instead of granting independence to Ireland as a whole, the British Government gave in to the pressures of its citizens who had migrated to Ireland and concentrated in the northern part of the island.

The six counties of Ulster had no basis for a separate existence either in history or geography. They were simply the largest single unit in which the Scotch and English Protestants constituted a majority.

But what is the immediate cause of the conflict? I think it is rooted in a shift in the economy. Many traditional industries, such as the linen industry, have died out in the rural areas, and there has been much migration from the rural areas into the cities. Young Catholics and young Protestants are coming into competition for jobs. The majority, of course, is Protestant, and they are in control. So what has happened is that many of the young Catholics are not getting jobs. This, naturally, causes great conflict.

I was wondering, as the Senator from New York was talking, what could be done to improve the industrial and business climate in Northern Ireland. We are aware of the friction between Catholics and Protestants. Generally, when there are problems of discrimination in employment, discrimination in housing, discrimination even in the enjoyment of recreational facilities, and the like, we find it rooted, somewhat, in economics.

I feel that we might, perhaps, look in depth into the possibilities of providing more investment and industry in the area, industry which would employ Catholics and Protestants without discrimination. This, in my opinion, would begin to alleviate some of the difficult economic conditions which I feel are at the root of the conflict.

Mr. BUCKLEY. Mr. President, I believe that the Senator from Massachusetts has put his finger on one of the important points in analyzing the situation. The problem is really not so much one of religious demonstration as such. Its basis is not religious; it is more economic in origin. It happens that the class which has been discriminated against in terms of participation——

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. BROOKE. Mr. President, I ask unanimous consent that we may have an additional 3 minutes.

Mr. ROBERT C. BYRD. Mr. President, I shall have to object. I say most respectfully to the Senator from Massachusetts that the leadership has said, for the last 2 years, that if this Senator or any other Senator could be recognized, he could yield some of his time.

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware (Mr. BOGGS) is recognized for not to exceed 15 minutes.

Mr. BOGGS. Mr. President, I yield 3 minutes of my time to the distinguished Senator from Massachusetts.

Mr. BROOKE. I am grateful to the Senator from Delaware.

Mr. BUCKLEY. The discrimination, in my opinion, has been at heart economic and political in nature. However, because the class discriminated against has largely been Catholic and the discriminators Protestant, it has been too easy to describe the problems in terms of religious bigotry. The fact is that the class which is largely Catholic has been discriminated against in terms of employment, housing, and—through outrageous gerrymandering—full participation in the political process.

I think the fact that the Republic of Ireland and Great Britain are both entering the Common Market will in itself begin to stimulate economic growth of the kind which could expand employment opportunities. Certainly Northern Ireland has the facilities and the work force to make the area a logical place in which to locate plants, and thus expand the economy.

We can take some encouragement from the fact that the need for basic reforms in housing, education, job opportunities, and other areas is now widely recognized. This has been a positive result of the nonviolent protests of the past 3 years. I believe too, that there was evidence in the Darlington discussions of a better appreciation of the need for the minority to have a meaningful part of the political action in the future. Different techniques for proportional representation were proposed. Thus it is possible that we will see political reforms which will eliminate this basic source of irritation and give to all segments a sense of meaningful participation in the political process.

Mr. BROOKE. I thank my distinguished colleague. I quite agree that political equality will end political discrimination. Let us hope and pray that the elections will be fair; that there will be no discrimination in any of the elections. We all deplore, as we have in the past and will continue to deplore, discrimination and terrorism. We hope that we might begin to see what, if anything, we can do to improve the economy of Northern Ireland, because that is bound to have a very sizable effect upon the expansion, as I see it, in the hiring and promotion of workers within Ulster. This has been one of the most serious problems.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. BROOKE. I thank the distinguished Senator from New York for the colloquy, and I thank the distinguished Senator from Delaware (Mr. BOGGS) for yielding us the time to conclude our colloquy.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Delaware (Mr. BOGGS) is recognized.

THE NEED TO CONTROL OCEAN DUMPING

Mr. BOGGS. Mr. President, within a few hours of this moment, a barge will leave a pier in Philadelphia to begin its journey down the Delaware River. The barge, loaded with over half a million gallons of Philadelphia sewage sludge, is destined for an ocean site about 12 miles off Rehoboth, Del.

When the barge arrives, it will discharge the sludge, possibly damaging the marine life in the vicinity of the dump site. But the localized danger is not the only danger. From the dump site, currents may carry the sludge onto the beaches of Delaware, the same beaches where thousands of Americans swim during the summer months.

Our Nation confronts a real danger over the pollution of the oceans. I cannot detail for my colleagues the exact extent of the damage caused by Philadelphia's sludge dumping—it has not been fully studied. But it is clear that we must halt the dumping immediately if it proves to be dangerous to either man or the marine environment. Yet we have no legal way to do that.

My distinguished colleague (Mr. Roth) recently visited Philadelphia's sludge-dumping site off Rehoboth. As a result of that visit and other investigations, it appears likely that the sludge materials are being carried away by the currents, probably toward the Delaware shoreline.

Two of Delaware's most respected legislators, Senator Thomas E. Hickman and Representative Harry E. Derrickson, recently conducted an experiment at the dumping site. They dropped 20 special markers within the dumping area. The markers were identified, and the finders were requested to contact either Senator Hickman or Representative Derrickson.

Within 4 days, nine of the 20 markers had washed ashore between Dewey Beach and Fenwick Island, Del.

To me, this experiment indicates the obvious danger that exists when many hundreds of thousands of gallons of sewage and sewage solids are dumped near the Delaware shore.

Just last week the President's Water Pollution Control Advisory Board met in New York City to evaluate the environmental effects of offshore dumping. It recommended strong State action, as well as passage of new laws by the Congress. Mr. President, I ask unanimous consent that a newspaper article on the Board's recommendations be printed in the Record at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROTH. A system of legal contrcls on dumping was the subject of an intensive investigation by the Senate Subcommittee on Air and Water Pollution more than a year ago in Rehoboth. Later today, or tomorrow, the Senate will consider the conference report on the new water pollution control legislation. As I will point out during that debate, the Water Pollution Control bill may go far toward solving our problem in Delaware.

Yet the challenge our Nation faces extends far beyond the shores of Delaware.

When the President's Council on Environmental Quality issued its excellent study on ocean dumping 2 years ago, CEQ identified more than 250 disposal sites along our coasts.

The water pollution control legislation could have the effect of forcing dumpers to move farther out to sea. Yet there are obviously ill effects from unregulated dumping anywhere.

For that reason, I hope this Congress can adopt tough, new legislation to control ocean dumping wherever it occurs, if those wastes originate in the United States.

The greatest concern among the citizens of Delaware has been the disposal of sewage. Yet many other problems exist as a result of increased industrial dumping at sea.

For example, once the phased controls of the proposed amendments to the Federal Water Pollution Control Act take effect, a far greater volume of industrial wastes may be hauled to sea for disposal, unless an ocean-pollution law is enacted.

In other words, the Congress may halt one danger to foster another, if we do not adopt effective ocean dumping legislation.

I recently noticed that a chemical plant had been forced to halt the discharge of waste sulfuric acid, contaminated with heavy metals, into the Savannah River. The alternative that plant chose was to agree to haul the wastes to sea, off the coast of Georgia and South Carolina.

Because of my strong feelings on this issue, I have tried to express my sense of urgency for legislation this year. Last year, I introduced legislation to establish a permit system controlling ocean dumping anywhere at sea. Similar legislation passed the Senate and House last year. I understand the conference agreement has been successfully concluded.

It is my hope that the Congress will have the opportunity to vote on the conference report before adjourning this year.

We need effective legislation to control ocean dumping—whatever its source and whatever its destination—and we need it this year.

[From the Wilmington (Del.) Morning News, Sept. 30, 1972]

Exhibit 1

States Urged To Take Initiative in Ocean Dumping

(By Wally Judd)

A presidential panel on ocean dumping believes the states must take the initiative to protect their coasts.

The President's Water Pollution Control Advisory Board yesterday presented a 12-point list of recommendations after a week-long meeting in New York.

Although it recommends that proposed legislation on ocean dumping and water pollution be approved by Congress as quickly as possible, it apparently thinks Congressional legislation is not enough.

"State governments must intensify their efforts to enhance the quality of their own shoreline and not depend solely on federal legislation," the group's report said.

While many experts are seeking some federal policy to regulate ocean dumping, the board members apparently feel that statutes like Delaware's coastal zoning law, California's ocean dumping, the board members apparently feel that statutes like Delaware's coastal zoning law, California's ocean dumping law, and New Jersey's wetlands protection law are a quicker and more effective way to protect the coast.

The board also recommends that when the federal policy emerges, it be considered only as a minimum standard. Regional policies based on the characteristics of the various oceans involved should be established with standards at least as strict as the federal standards.

One recommendation that might benefit Delaware is the suggestion that the Environmental Protection Agency establish water-quality standards for the ocean between the 3-and-12-mile limits.

It concludes that nobody has the authority to do this and the EPA should seek "remedial legislation" as quickly as possible to set the standards.

If the EPA, after setting the standards, finds an area of the ocean to be substandard, presumably it could do something about it.

The major dumping issue in Delaware is Philadelphia's dumping of sewage sludge 12 miles off Cape Henlopen, causing an area within 8 miles of the Delaware coast to be labeled "contaminated" by the Food and Drug Administration.

The board also recommends that industries discharging wastes with heavy metals be required to treat them before discharging them.

And the board recommends several studies be completed to gather data on the scientific hazards of ocean dumping, the hazards of the alternatives, and possible sites where some form of ocean dumping might continue.

It suggests that the federal government make available federal lands of low quality for experimental programs of dumping sewage sludge on land.

And, because the city of New York dumps most of the raw sewage from Manhattan into New York harbor, it urged a ban on construction on Manhattan until the city can handle the sewage.

"Construction of facilities to end raw sewage dumping into any harbor is mandatory," the report said.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Delaware (Mr. Roth) is recognized for not to exceed 15 minutes.

Mr. ROTH. Mr. President, I am happy to have the opportunity today to join my distinguished senior colleague from Delaware in a colloquy on the great need for final action to be taken on ocean dumping. No one has worked longer or provided greater leadership in protecting our environment than Senator Boggs. Long before it was popular to be against the pollution of our environment he was providing leadership in this area of activity. As Governor of Delaware, the Senator created in the 1950's a State agency to promote clean air.

As Senator, Cal Boggs has been one of our most effective spokesmen on pollution problems. He has initiated far-reaching ocean-dumping legislation as well as coastal zone legislation. I have been happy to support him in these efforts as I am happy to join him today in calling for final action on ocean dumping.

I cannot express too strongly how important this legislation is to Delaware. Thousands upon thousands of Americans come to Delaware every year to enjoy our beautiful beaches and coastal areas. In fact, the imperiled natural beauty of the Rehoboth area has become known as the Summer Capital, because so many Washingtonians spend their summer vacations there.

I want to protect that beach area, not only for ourselves, but our children and future generations. Yet, action is being taken, week by week that threatens our coastline; action over which we have no control. Cities in other States are using our coastal area to dump their sewage sludge. Delaware is helpless to prevent this despite the fact our State, through the leadership of our Governor, Russell W. Peterson, has taken unprecedented action to protect our coastal shores. The cities of Philadelphia and Camden are dumping approximately 121 million gallons of sewage sludge 12½ miles off our coast each year.

Despite claims to the contrary, no one but us knows the impact of this act on our shoreline. We do know, however, that the Food and Drug people have forbidden the sale of commercial shellfish from the area. This is the reason I call for action in ocean dumping now, and why I say action is so important.

Mr. President, the following statement outlines the action taken by the Senate.

Ten months ago, on November 24, 1971, by a vote of 73 to 0, the Senate passed the ocean dumping bill—the Marine Protection and Research Act of 1971. Similar action occurred in the House a little more than a year ago: On September 9, 1971, by a vote of 304 to 3, the House passed its own version of this legislation. The conference to reconcile the differences in the two versions was originally convened in December of last year, but unfortunately agreement on the final language was not reached until last month.

The legislation to control and regulate ocean dumping, which as I say has passed both Houses by overwhelming majorities, was based on a report on ocean dumping prepared by the Council on Environment Quality—CEQ—issued in October of 1970. That report is a sensible and reasonable document. It examines the situation dispassionately and makes several important recommendations.

First, the CEQ recommended a comprehensive national policy which would ban unregulated dumping of all materials and strictly limit the ocean disposal of any material found to be harmful to the marine environment. It recommended that the Administrator of the Environmental Protection Agency be authorized to issue permits for the transportation and dumping of all materials in the oceans, estuaries, and the Great Lakes, with stiff penalties for violation of the law or the regulations issued pursuant to the law.

Under the CEQ proposals, the Administrator of the EPA would be guided by these principles:

First. The dumping into the ocean of materials clearly identified as harmful to the marine environment should be stopped immediately. When existing information on the effects on ocean dumping are inconclusive, such dumping should be phased out. In other words, where our data is incomplete, we should err on the side of caution. That makes a lot of sense to me. If further information conclusively proves that such dumping does not damage the marine environment, including cumulative or long-range damage, ocean dumping could be conducted under a permit system with close agency supervision.

Second. The criteria for setting standards for disposing of material in the ocean and for determining the urgency of terminating the disposal operation should include:

Present and future impact on marine environment, human health, welfare and amenities;

Irreversibility of the impact of dumping;

The volume and concentration of materials involved;

The location of disposal, that is, the depth and potential impact of one location relative to others.

CEQ said that high priority should be given to protecting those portions of the marine environment which are biologically most active, namely the estuaries and the shallow, nearshore areas in which many marine organisms breed or spawn. These biologically critical areas should be delimited and protected. This, again, is an imminently practical and common sense suggestion.

The Council on Environmental Quality also recommended that policies be adopted concerning specific types of wastes currently being dumped in the ocean and in the Great Lakes: For example, the dumping of undigested sewage sludge should be stopped as soon as possible and no new sources should be allowed.

CEQ wants the ocean dumping of digested and other stabilized sludge phased out with no new sources allowed. In cases where substantial facilities or significant commitments exist, CEQ recognized that continued ocean dumping may be necessary until alternatives can be developed. But, CEQ made it clear that continued dumping should be considered an interim measure only.

Ocean dumping of polluted dredge spoils which now takes place under a permit system run by the Army Corps of Engineers, should be phased out as alternatives are developed. In the interim, dumping should minimize ecological damage. The current policy of the Corps of Engineers on dredging highly polluted areas only when absolutely necessary should be continued, the CEQ said, and even then the navigational benefits should be weighed carefully against the damages.

The current prohibition on ocean dumping of high level radioactive wastes, CEQ said, should be continued. And it recommended a prohibition on ocean dumping of chemical warfare materials and biological warfare materials. Ocean disposal of explosive munitions should be terminated as soon as possible. The report urged that the dumping of toxic industrial wastes should be terminated immediately, except in those cases in which no alternative offers less harm to man or the environment.

The CEQ report candidly admits that our information concerning the long-term effects of ocean dumping are fragmentary. It, therefore, recommended broad-based, long-term ecological research to help us understand the pathways of waste materials in marine ecosystems. It recommends that these studies be directed to achieve a better understanding of the food chain from microscopic plants and animals to high predators.

The substance of these recommendations, Mr. President, will become law if the bill now in conference becomes law. It calls for a new permit system with stiff penalties, civil and criminal, for any violation.

Mr. President, as I say, the conference committee originally convened last December, but its meetings did not really begin in earnest until June of this year. I understand that the conferees have recently agreed on a final language of the bill. There was a dispute between the House and the Senate versions, with the Senate version recommending a permit system controlled by the Environmental Protection Agency.

The House version on the other hand, directed that the permit system remain with the U.S. Army Corps of Engineers. The conference language, I have been told, calls for a general permit system run by EPA with an important but secondary role played by the Corps of Engineers, particularly where dredge spoils are concerned.

As the CEQ reported, the largest single item by volume dumped in the ocean surrounding the United States today is dredge spoil. It represents 80 percent of all ocean dumping. The Corps of Engineers estimated that in 1969 34 percent of this dredge spoil was polluted. The CEQ report also pointed out that much of this dredge spoil was generated by the Corps of Engineers in widening and deepening our rivers and harbors and assuring that rivers remain navigable. Spoils are generally disposed of in ocean coastal waters less than 100 feet deep.

In 1968 they amounted to 38 million tons of material with the great bulk dumped on the east coast, in the Atlantic and the Gulf of Mexico. The figures are 15,800,000 tons in the Atlantic and 15,300,000 tons in the Gulf. I am confident that those figures will drop substantially when the bill becomes law.

Mr. President, that legislation in this field is vitally need by our country at this time. Marine pollution has seriously damaged the environment and poses a very real and a very substantial danger to human health. Many species of shellfish along our eastern coast and in the Chesapeake Bay have been found to be contaminated by hepatitis and by polio virus. The CEQ estimated that pollution in our coastal waters has closed one-fifth of the Nation's commercial shellfish beds. All over the eastern seaboard, particularly in the New York area, we see beaches and bays that have been closed to swimming and other recreational use, because of the filth in the water.

Actually, lifeless zones have been created in many areas, particularly the New York Bight. There have been fish kills off Florida and other areas off the east coast. Heavy metals have been found in toxic concentrations in seaweed and shellfish along many of our coasts. Copper has been found in the waters of the New York Bight in concentrations greater than 0.120 milligram per liter, which is an extremely high level. Pesticides and other toxic materials which find their way into the waters by indiscriminate dumping, have been listed as a major cause of the fish kills in the Great Lakes and other coastal waters around the United States.

The CEQ informs us that cancer in fish is a likely result of contact with certain kinds of wastes, such as polluted oil refinery wastes. There have been studies of cancerous growths on white seabass and dover sole, which links the cancer to pollution from chemical and petroleum wastes.

The indiscriminate dumping of the filth and sludge and toxic wastes, Mr. President, has seriously depleted the levels of oxygen in many places along our coasts. Organic wastes, when dumped, demand oxygen in the decomposition process, and this destruction of, or lowering of the oxygen levels in the waters necessarily affects the ability of marine organisms to survive.

In the Potomac River estuary, the CEQ reports, because of pollution from municipal wastes, "dissolved oxygen levels approach zero in some reaches during the low flow periods in the warm summer months." When all the oxygen is gone, the organisms die and the bacteria produce hydrogen-sulfide and methane gas. These malodorous gases make the ocean or river environment esthetically unacceptable.

I think we have all experienced those terrible odors along the Georgetown waterfront or driving along Rock Creek Parkway. We can experience the same dreadful odors along great stretches of our coast and bays.

Mr. President, it makes good, practical sense to control indiscriminate ocean dumping. The CEQ has estimated that the potential value of the shellfish catch in the United States in 1969 was $320 million. And they estimated that the loss from pollution was $63 million. This I stress is an estimate. We really do not know what the loss would be because there are so many intangibles here.

Certainly, the displacement of fisherman because the catches are now smaller adds to the welfare role of the States involved. This is another factor on which we have no solid figures. The figures we do have are very distressing. The CEQ reports, for instance, that prior to 1935 the annual commercial harvest of soft-shell clams in and around San Francisco bay was between 100,000 and 300,000 pounds annually. Today clam digging in the west coast, San Francisco Bay area, is virtually nonexistent.

The CEQ report told us that the annual commercial landings of shrimp fishery, prior to 1936, were has high as 6.5 million pounds. Landings in 1965 were only 10,000 pounds. While some of this loss might be attributable to overfishing and other factors, certainly a substantial portion of this loss is attributable to the filth and the toxic material which we dispose of in our coastal waters.

What I am saying, Mr. President, is that time is wasting and that there is a pressing need for this legislation. My earnest hope is that the leadership will bring his bill to a vote. I think it would be very unfortunate if all the work and the effort that has gone into this legislation goes down the drain because of an ability to bring it to the floor before we recess or adjourn.

One other point I would like to make, Mr. President, is that in the long run national efforts are not enough to assure that the oceans will be preserved and protected. Clearly international efforts are required. If tomorrow we were able to completely halt ocean dumping from our shores, we could still not guarantee that our coastal waters would be pure. They could be fouled by the material dumped into the oceans by other countries.

For example, it was pointed out in Stockholm last June, at the time of the United Nations Conference on the Human Environment, that many of the beaches in Stockholm were closed. This was not because of the negligence of Swedish authorities, but because the city of Leningrad, across the Baltic from Sweden and Stockholm daily dumps large amounts of untreated sewage directly into the Baltic where it is carried by the prevailing currents directly to the Swedish shores.

Clearly, Mr. President, international steps are called for. The legislation which has passed both Houses calls for increased international activity in this area. There are encouraging signs which suggest that the international community is beginning to realize the enormity of the problems involved and how great the stakes are. The International Maritime Consultative Organization, a grouping of international maritime powers in which the United States has taken an active role, has scheduled a meeting next month in London at which time a draft convention on ocean dumping will be presented to the delegates. The convention is concerned primarily with oil spills in international waters but there will be a framework created there which can, if properly nurtured, lead to an international convention regulating the disposal by signatories of all toxic and dangerous materials in international waters.

Mr. President, I repeat that this is vital legislation. It transcends partisan considerations as we can see by the votes that have already occurred in both Houses. It is a matter which concerns not only the coastal States and States bordering the Great Lakes but all the States and all of our citizens.

The oceans, as Capt. Jacques Cousteau has said in his very eloquent testimony before the Senate Commerce Committee, are the source of all life:

> The cycle of life—

Captain Cousteau said—

> is intricately tied with the cycle of water. Anything that is done against the water is a crime against life. The water system has to remain alive if we are to remain alive on this earth. (Committee on Commerce, International Conference on Ocean Pollution, October 18, 1971. Stenographic transcript, at p. 10.)

In his transmittal message at the time the CEQ's ocean dumping report to Congress in 1970, President Nixon said:

> The oceans which cover nearly three-quarters of the world's surface are critical to maintaining our environment. They contribute to the basic oxygen-carbon dioxide balance upon which human and animal life depends. Yet man does not treat the oceans well. He has assumed that their capacity to absorb wastes is infinite and evidence is now accumulating on the damage that he has caused. Pollution is now visible on the high seas—long believed beyond the reach of man's harmful influence. In recent months, world-wide concern has been expressed about the dangers about dumping toxic wastes in the ocean. (Quoted in Report No. 92–451, p. 11.)

The President was right, of course, and his concern is well founded. It seems to me that we can do a great deal in this Congress to correct the mistakes and undo the damage that has been done in the past, to reclaim and restore the beautiful waters that surround our country. The ocean dumping legislation will go a long way toward this goal. I have never been able to find out precisely what it is that is preventing the legislation and the conference report from coming to a vote. I hope that whatever the difficulty is it can be disposed of so that we have an opportunity to vote on the ocean dumping bill and enact it into law. I earnestly appeal to the leadership to have this measure brought up before we adjourn.

Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has until 10 o'clock.

Mr. ROTH. I thank the Chair. I ask unanimous consent to have printed in the RECORD at this point a statement that I submitted to the President's Water Pollution Control Advisory Board, dated September 27, 1972.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR WILLIAM V. ROTH

Mr. Chairman, I appreciate your courtesy in allowing me to submit these remarks for your consideration. I know you are all busy, and I thank you for taking the time to read what I have to say.

My purpose in submitting these remarks is, quite frankly, to ensure that the interests of my small State of Delaware are not overlooked during your consideration of this problem. While ocean dumping concerns all Coastal States, Delaware's interest is, I believe, more intense for two reasons: first, because we have exercised more restraint in the development of our coastal areas than some States, we believe Delaware has more to lose than many of our neighbors; and, second, because Delaware is surrounded by great metropolitan areas over which we have little or no control, we feel more threatened.

As you may know, the Cities of Philadelphia and Camden annually barge about 120 million gallons of treated sewage to an ocean site 14 miles off the coast of Rehoboth Beach, Delaware's principal recreation area. Although the impact of such dumping is scientifically undetermined at present, I personally believe that while doubts remain, Delaware should not be compelled to bear the risk so that other States can save money by dumping sewage in the nearby coastal waters rather than disposing of it through other costlier, but safer, methods. The citizens of Delaware have sacrificed a great deal to preserve our coastal areas, and we believe that the off-shore disposal of sewage and other waste matter jeopardizes what we have consciously fought to retain: a relatively clean and pure environment.

I must admit that a scientific study commission by the City of Philadelphia purports to show that there is no environmental or ecological damage as a result of the City's dumping practices. But, as far as I am concerned, Mr. Chairman, this study is grossly inadequate. As a matter of fact, one scientist with whom I spoke (who is associated with neither Delaware nor Philadelphia, but who is an acknowledged expert on the effects of ocean dumping) told me that the study was "fast and dirty." Yet, despite its inadequacies, the study's results are widely and highly touted as firm scientific proof of the safety of ocean dumping. Specifically, Mr. Chairman, I have these criticisms of the study conducted by the Franklin Institute:

The focus of the report was on conditions in and around the dump site itself. The most important conclusion was that the dump site is almost completely free of sludge. But for Delaware's purposes this means only that the material has been swept away by currents at the dump site; we must know where it goes.

Because the sludge dumped by Philadelphia is highly resistant to further decomposition (it is the residue of attack by extremely high concentrations of bacteria at temperatures around 100° F. for about 30 days) it is likely to persist in the natural marine environment. To ensure that it presents no danger to Delaware, we must know where it is transported by the dump site currents and its ultimate fate. These are questions which the study has not considered, but there is some evidence from the study itself, that the ultimate fate of some sludge is to be washed up on Delaware's ocean beaches.

Page A-1 of the study reports the results of sea bed drifter recovery. Since sea-bed drifters move with the currents within one or two feet of the bottom, when they are washed up on shore their distribution gives a rough idea of how sludge particles might be expected to move. Of 180 drifters released at the dump site, 33 (or 18 percent) were recovered. The others either drifted out to sea or were trapped in low places or deposition sites between the dump location and the coast. Some drifters may be dislodged during storms and washed up at a much later date, but of the 33 that were recovered, 17 (or 52 per cent) were found on Delaware's Atlantic Coast; and, 14 of these 17 were found on the 14 mile stretch between Cape Henlopen and Indian River inlet. Thus, 43 percent of the drifters recovered were found in an area that includes some of Delaware's principal bathing beaches. On pages 4–2 of the report, the author states, "There is no specific section of the shoreline that receives more than its share of drifter recoveries." Clearly, this is not so.

The City of Philadelphia dumps approximately 500,000 tons of sludge every year. (Reference page 4–16 of Report dated February 1972.)

If we assume (and this correlation is by no means certain) that the amount of sludge washed up between Cape Henlopen and the Indian River Inlet is proportionate to the number of drifters washed ashore, then 39,000 tons of sludge are deposited along this stretch of beach each year. (If 14/180's of the drifters wash ashore at this point, then 14/180's of 500,000 tons of sludge should also come ashore.) This would mean that over 1,000 pounds of liquid sludge per linear foot of beach is deposited. And, if the liquid sludge is 10.8 per cent solids, then 108 pounds of solid sludge a year are deposited on every linear foot of beach between Cape Henlopen and the Indian River Inlet. I should add that the behavior of drifters in the surf zone can be expected to differ from the behavior of sludge particles. Therefore, it is likely that an unknown fraction of the 108 pounds per linear foot is carried north toward Cape Henlopen by the longshore drift.

If dumping is to continue at the present site, we determine where the sludge is going, since it seems quite likely that an appreciable portion moves toward shore. To do this, we must find some unique chemical or physical characteristics of the sludge, so we can differentiate it from the natural sediments and trace its movements after being dumped. Heavy metal concentration (i.e. lead, copper, silver) were found to be useful for this purpose in a similar study in the New York Bight.

Some work which bears directly on this problem has been carried out in the College of Marine Studies of the University of Delaware, and other work is presently in progress. When we have found a unique "fingerprint" for the Philadelphia sludge, we can begin to look for it in a much wider area along the Delaware Coast where sludge particles might be expected to settle. In addition, long term current meter measurements (on the order of one year due to seasonal current variations) should be made at and around the dump site to see where the sludge moves when currents carry it from the site. If a unique fingerprint for the sludge can be found, the first part of a study could begin to yield results within about three months. The current meter study would require at least one year.

At present, there is not enough information about the behavior of digested sludge in general, and about Philadelphia sludge in particular, to assess its danger. We must know the levels of heavy metals, pesticides, and other harmful substances in the sludge and their rate of release in the marine environment. Further, we must know where the majority of the sludge is deposited, and what marine animals metabolize it. Finally, the effects on Delaware's beaches and human users must be ascertained if sludge dumping is not to harm the tourist industry by real or imagined sludge contamination.

I should point out, Mr. Chairman, that I am a layman and the preceding analysis of the Franklin Institute's findings was provided by a group of scientists at the University of Delaware. I have included this analysis, not to generate a scientific dispute, but to illustrate the pitfalls of accepting the conclusions of a scientific study merely because it is "scientific." I personally have discussed the scientific aspects of ocean dumping on numerous occasions with men whom I respect highly. Based on these discussions, I am satisfied that until we are able to obtain conclusive scientific evidence, ocean dumping practices should be modified substantially or halted completely. Ocean dumping should certainly be banned off recreational areas while study is proceeding.

I could say much more on this subject, but I know you all have great demands on your time. I appreciate your consideration of my comments.

Mr. ROTH. Mr. President, I also ask unanimous consent to have printed in the RECORD in its entirety the conclusions and recommendations of the President's Water Pollution Control Advisory Board on Ocean Disposal of September 29, 1972.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

CONCLUSIONS AND RECOMMENDATIONS OF THE PRESIDENT'S WATER POLLUTION CONTROL ADVISORY BOARD ON OCEAN DISPOSAL

The President's Water Pollution Control Advisory Board met in New York City from September 26–29, 1972 to explore and make recommendations to the Administrator of the Environmental Protection Agency, and in turn the President on the subject of ocean disposal as a national issue. Based on comprehensive briefings by representatives of Federal, State and local agencies, a flyover to view the sewage sludge dumping, dredge spoil dumping and acid waste dumping in the New York Bight and a full day of public testimony from experts in the field of ocean disposal and alternatives the Board has reached the following conclusions and recommendations:

I. CONCLUSION

The Board recognizes that unrestricted ocean dumping poses real and potential pollution problems to the marine environment and its resources. At the same time there is evidence which indicates possible beneficial uses of some wastes and dredge spoils under carefully selected and controlled conditions.

Recommendation

The Board recommends immediate Congressional Action in its current session on enactment of the Marine Protection Research, and Sanctuaries Act of 1972 (Ocean Dumping Bill) which has been agreed to by the House and Senate Conferees. It is important that the U.S. demonstrate its earnest intention to control ocean dumping prior to the forthcoming International Ocean Dumping Convention. At the same time, the Board recognizes that the present version of this legislation will likely create a duplication of responsibilities in EPA and the Department of Commerce for research and monitoring and for seeking alternatives to ocean dumping, assuming passage of the 1972 Amendments to the Federal Water Pollution Control Act. Accordingly, it is recommended that this apparent redundancy be eliminated and all responsibilities for establishment, and enforcement of marine water quality criteria and associated research and monitoring activities be centered in EPA.

II. CONCLUSION

The Board concludes that ocean dumping is only one of many pathways through which wastes reach the marine environment, and that effective control of marine pollution requires legal authorities beyond those provided by the Ocean Dumping bill.

Recommendation

The Board recommends enactment during the current session of Congress of the proposed 1972 amendments to the Federal Water Pollution Control Act as reported out this week by the joint Senate-House conference committee.

III. CONCLUSION

The Board concludes that under the existing Federal Water Pollution Control Act no agency has the authority to establish Water Quality Standards in the area between the 3-mile and the 12-mile line in the so-called contiguous zone. Neither the new Water Bill nor the Ocean Dumping Bill remedies this, although each requires discharge permits to be issued to protect the Water Quality in the contiguous zone.

Recommendation

The Board therefore recommends that E.P.A. seek remedial legislation to require the establishment of Federal Water Quality Standards for the waters of the contiguous zone.

CONCLUSION

The Board has heard convincing evidence that the presence of toxic substances, primarily the heavy metals, in municipal sewage creates special problems in the ultimate disposal of the resulting sludge from treatment plants. These substances have an adverse effect through their possible entry into the marine food chain when ultimate disposal of sludge is to the ocean. Similarly, adverse effects follow from discharge to the atmosphere of these substances if incineration is selected as the method of sludge disposal. Even when sludge disposal is to land, the presence of these toxic materials complicates the problem and introduces difficulties in the ultimate use of the land.

The Board has learned that the heavy metals in municipal sewage derive from a wide variety of sources within the cities, but that the most concentrated source and the one that lends itself principally to control is through the components of industrial waste in municipal sewage.

Recommendation

The Board recommends that the E.P.A. press for a requirement that all industrial wastes containing significant amounts of toxic substances, including heavy metals, be pretreated for the removal of such substances before being discharged to municipal sewerage systems.

V. CONCLUSION

After hearing a presentation upon the known and speculative effects of emissions from sewerage sludge incinerators as an alternate to ocean dumping, the Board at this time has reservations about the recommended approval of such incinerators pending the development of more sophisticated type of equipment for the measurement of the emissions of toxic discharges.

Recommendation

The Board recommends that EPA actively pursue the development of more accurate emission measuring equipment so as to provide adequate assurance that such incinerators not pose unacceptable threats to human health or to air quality.

CONCLUSION

The Board concludes that considerably more and better scientific data and information are needed to establish ocean disposal criteria and guidelines to safeguard the marine environment.

Recommendation

The Board recommends all deliberate speed in the completion of an inventory of the ocean bottom and the coastal waters (territorial and contiguous seas) of the United States and its territories in order to establish base-line data to which future comparisons can be referred. The inventory, or base-line data, should include, but not be limited to, the subsurface and bottom ocean currents, upwelling, temperatures and chemical composition of the waters, seasonal changes, distribution of existing aquatic life food chains and aquatic migration patterns.

The Board further recommends that EPA take the lead and in cooperation with NOAA, The Corps of Engineers, Coast Guard and other interested agencies plan and conduct a program of research and monitoring which will lead to improvement of marine water quality criteria, selection and use of ocean dumping sites, provision of guidelines for proposed disposal operations, and assurance of non-degradation and enhancement of environmental quality of the oceans.

CONCLUSION

The Board's discussions frequently focused on the fact that the United States has become an urban society. More than thirty percent of our population lives in the large metropolitan centers. Many cities are located on large rivers, lakes or oceans. The problems of sewage sludge disposal are compounded because of lack of suitable disposal sites.

Usually within a reasonable distance sometimes across state lines there are areas of low quality land, abandoned strip mines, or other low value areas with potential for enhancement that could be used for sludge disposal.

Proper use of sludge disposal could reclaim these lands and make them available for future food production or recreation.

Recommendation

The Board recommends that where available Federal or State lands of relatively low value be utilized for experimental sludge spreading programs.

CONCLUSION

The Board recognizes the necessity for dredging to maintain navigational channels.

At the same time, testimony has been presented indicating that a number of environmental problems are associated with the practice of indiscriminate dredging and the ocean disposal of polluted dredge spoils.

Recommendation

In many areas there are continuing approved coastal land development projects. Where possible or feasible, dredge spoils should be used as fill in such land acreation projects. The Board suggests cost benefit studies to ascertain the value of environmental enhancement resulting from containment versus dumping of dredge spoil. Studies should also be undertaken to determine the feasibility of treating dredge spoils to remove solids and other components, which might be deleterious to the ecosystem, prior to ocean disposal.

CONCLUSION

The Board recognizes that the oceans are a food source and may benefit from some by-products of our present civilization that may be thought of at present as pollution material. It further recognizes that some of these substances may be utilized as nutrients for the ocean and may enhance or revitalize certain areas of the ocean. The Board also recognizes the recreational value of the ocean and has observed the value of reef building by selected material being placed in known barren areas to enhance the marine environment.

Recommendation

The Board recommends that the Federal Government's research activities include efforts to explore more fully those conditions under which nutrient-rich wastes can be effectively utilized to improve the marine environment.

X. CONCLUSION

The coastal waters of various regions of the U.S.A. vary greatly as to physical and ecological characteristics (such as currents, temperatures, bottom geology, etc.) as well as in their proximity to population concentrations. The continental shelves represent the most fertile locations for marine resources development and recreational purposes; yet here are located the waters most apt to be subject to effluent discharges and ocean dumping. Also the geography of our nation finds at many locations state and various municipal jurisdictions closely grouped at or on concentrated harbor, river and other disposal locations.

Recommendation

The Board recommends that the Federal government continue to insist on regional approaches and insure consistency in the application of standards of treatment, disposal and controlled dumping procedures applicable to all state and local agencies in the coastal region and/or on the river or estuarine systems. Separate regional standards must also be applied to such divergent coastal conditions as exist in the N.E., S.E., gulf states, California, Northwest, Alaska and Hawaii.

XI. CONCLUSION

Certain coastal states have presented to the Board substantial evidence they have recently enacted stringent State environmental standards for shoreline protection.

Recommendation

The Board recommends that State governments should intensify their efforts to enhance the quality of their own shoreline and depend not solely on Federal legislation.

Federal encouragement of, and priority cooperation with all such States, should hasten the time otherwise required to correct the current abuse of the nation's coastal waters.

XII. CONCLUSION

The Board heard testimony on the wastewater management problems of the City of New York, specifically noting that 480 million gallons/day of raw sewage and another 620 mgd of inadequately treated sewage are discharged to the Hudson River, East River and harbor waters. In addition to public health hazards and general environmental degradation, the raw sewage discharges result in the annual deposition of 2/3 million cubic yards of sludge which must be dredged and removed from the harbor bottom. From existing plants, the city barges large quantities of digested and undigested sludge each day for disposal in the New York Bight. The City has developed engineering plans to build two new secondary treatment plants and upgrade existing plants and may construct an additional plant in Staten Island. The City estimates that it can end sludge dumping at sea in from 10 to 15 years, but in the interim as its treatment plants go on stream, the quantity of digested sludge is expected at least triple.

Recommendation

The Board recommends that the construction of facilities to end the unacceptable practice of discharging raw sewage into any harbor is mandatory. While the Board cannot condone years of failure to comply with acceptable health and welfare standards, we recognize the funding limitations available to the City and urge as a priority the construction of sewage treatment plants with sludge digestion. Federal assistance for such plants must be contingent upon EPA approval of the ultimate method of sludge disposal to assure non-violation of environmental protection regulations—whether disposal is through incineration, marine disposal, land disposal, or other means.

In the absence of an immediate solution to the present practice of raw sewage discharge, a moratorium on new building construction should be enforced to the extent that increased raw sewage discharges, and overloading of sewers and treatment plants will not occur.

Mr. ROTH. I should like to read in part some of these recommendations:

RECOMMENDATIONS

The President's Water Pollution Control Advisory Board met in New York City from September 26–29, 1972 to explore and make recommendations to the Administrator of the Environmental Protection Agency, and in turn the President on the subject of ocean disposal as a national issue. Based on comprehensive briefings by representatives of Federal, State and local agencies, a flyover to view the sewage sludge dumping, dredge spoil dumping and acid waste dumping in the New York Bight and a full day of public testimony from experts in the field of ocean disposal and alternatives the Board has reached the following conclusions and recommendations:

I. CONCLUSION

The Board recognizes that unrestricted ocean dumping poses real and potential pollution problems to the marine environment and its resources. At the same time there is evidence which indicates possible beneficial uses of some wastes and dredge spoils under carefully selected and controlled conditions.

RECOMMENDATION

The Board recommends immediate Congressional Action in its current session on enactment of the Marine Protection, Research, and Sanctuaries Act of 1972 (Ocean Dumping Bill) which has been agreed to by the House and Senate Conferees. It is important that the U.S. demonstrate its earnest intention to control ocean dumping prior to the forthcoming International Ocean Dumping Convention. At the same time, the Board recognizes that the present version of this legislation will likely create a duplication of responsibilities in EPA and the Department of Commerce for research and monitoring and for seeking alternatives to ocean dumping, assuming passage of the 1972 Amendments to the Federal Water Pollution Control Act.

The fourth conclusion:

The Board has heard convincing evidence that the presence of toxic substances, primarily the heavy metals, in municipal sewage creates special problems in the ultimate disposal of the resulting sludge from treatment plants. These substances have an adverse effect through their possible entry into the marine food chain when ultimate disposal of sludge is to the ocean.

I have already made reference to the fact that shell fishing near Rehoboth is no longer permitted on a commercial basis.

Finally—

The Board concludes that considerably more and better scientific data and information are needed to establish ocean disposal criteria and guidelines to safeguard the marine environment.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter I sent to the President of the United

States with respect to the ocean dumping legislation, a letter to Mr. William D. Ruckelshaus, Administrator of EPA, and a letter to Mr. Russell E. Train.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SEPTEMBER 22, 1972.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As you may be aware, H.R. 9727, the Marine Protection and Research Act, has been before the Congress for quite some time. Even though basically similar versions have been passed by both Houses and a compromise version has been informally agreed to by conferees, it is my understanding that the bill is being further delayed because of a jurisdictional disagreement involving another bill. This letter is to request your assistance in resolving the jurisdictional dispute, thus freeing H.R. 9727 for Senate consideration.

I recognize that normally such matters as this would be entirely within the cognizance of the Legislative Branch and therefore beyond the scope of your direct official power. In this particular instance, however, it is my understanding that delay of H.R. 9727 is a direct result of an impasse between members of the Executive Branch responsible for environmental matters and the Chairman of the Subcommittee on Oceans and Atmosphere of the Senate Commerce Committee. Whether this is, in fact, true I am unable to say. However, I am told that H.R. 9727 is being delayed to ensure that at least some jurisdiction over the Coastal Zone Management bill is given to the National Oceanic and Atmospheric Administration, rather than the Department of the Interior. While I do not doubt that this jurisdictional question is of great consequence I personally believe that passage of H.R. 9727 is too important to be impeded by a jurisdictional dispute.

I have taken a personal interest in the resolution of this matter because of the importance of the Marine Protection and Research Act to all of our coastal States, including my home State of Delaware. Without reciting the details of my State's particular problems, I should point out that one of the two major ocean dumping sites in the Eastern United States is located off the coast of Delaware's principal recreational areas and close to large shellfishing sites. Since the other dump site—the Bight area off New York—has been characterized as a "Dead Sea", my constituents are understandably concerned over the possible impact of the dumping off our coast. Because H.R. 9727 is the principal means of solving this problem, I am personally anxious that it be enacted as soon as possible. Although I have spoken on the Senate floor in order to expedite Congressional action, I am also taking this opportunity to request your assistance. I know this problem may not be susceptible to easy solution, but I hope you can appreciate my concern over the unnecessary delay of H.R. 9727.

Sincerely,

WILLIAM V. ROTH, Jr.,
U.S. Senate.

SEPTEMBER 22, 1972.

Mr. WILLIAM D. RUCKELSHAUS,
Administrator, Environmental Protection Agency, Washington, D.C.

DEAR MR. RUCKELSHAUS: I am enclosing for your information and possible action my letter to the President with regard to the Marine Protection and Research Act.

While I believe the letter is self explanatory, I would like to emphasize my personal commitment to doing everything I can to ensure that H.R. 9727 is enacted within the very near future. As you are undoubtedly aware, this bill represents the culmination of several years effort and embodies most of the recommendations contained in the report on ocean dumping prepared by the Council on Environmental Quality. For coastal states, H.R. 9727 represents a reasonable and sensible solution to the ocean dumping practices which threaten their beaches and estuaries.

While I understand that disputes which are impeding the progress of H.R. 9727 probably involve difficult problems, I urge you to assist me in clearing the way for Senate consideration of this bill.

Sincerely,

WILLIAM V. ROTH, Jr.,
U.S. Senate.

SEPTEMBER 22, 1972.

Mr. RUSSELL E. TRAIN,
Chairman, Council on Environmental Quality, Washington, D.C.

DEAR MR. TRAIN: I am enclosing for your information and possible action my letter to the President with regard to the Marine Protection and Research Act.

While I believe the letter is self explanatory, I would like to emphasize my personal commitment to doing everything I can to ensure that H.R. 9727 is enacted within the very near future. As you are undoubtedly aware, this bill represents the culmination of several years' effort and embodies most of the recommendations contained in the report on ocean dumping prepared by the Council on Environmental Quality. For coastal states, H.R. 9727 represents a reasonable and sensible solution to the ocean dumping practices which threaten their beaches and estuaries.

While I understand that disputes which are impeding the progress of H.R. 9727 probably involve difficult problems, I urge you to assist me in clearing the way for Senate consideration of this bill.

Sincerely,

WILLIAM V. ROTH, Jr.,
U.S. Senate.

Mr. ROTH. Mr. President, I yield to the Senator from New York.

Mr. BUCKLEY. Mr. President, it is with a sense of urgency that I join my colleagues here today in an effort to highlight the importance of completing action on the Marine Protection and Research Act of 1972 before the adjournment of the 92d Congress. As members of this body know, we are tantalizingly close to enactment of essential legislative authority to regulate the dumping of waste materials into the oceans and for accelerated research into the effects such dumping has on marine ecosystems. The House and Senate conferees announced on July 27, 1972, that they had reached agreement on differences between their respective versions of H.R. 9727. Yet, for some unexplained reason, no report has been filed in the 2 months which have since expired. Mr. President, it may only be a matter of days before this Congress adjourns. In view of the critical importance of this bill and in view of the overwhelming support which it enjoys, it would be nothing less than irresponsible to allow this important legislation to die of neglect.

In view of the tremendous workload facing Congress, there is a real danger that this is exactly what might happen. Therefore, I, too, urge the leadership to help resolve whatever problems exist in getting this conference agreement reported, so that it will be enacted within the next month.

All Members of the Senate participating in the unanimous vote to approve this bill on November 24, 1971, are aware of the reasons which make the passage of ocean dumping legislation so pressing. My colleagues from Delaware have made an excellent summarization of those reasons.

As the ranking member of the Public Works' Subcommittee on Air and Water Pollution, the senior Senator from Delaware will recall vividly the hearings we attended in Rehoboth Beach, Del., in March 1971. Reports of the devastating impact of digested and undigested sewage sludge on marine life in the vicinity of disposal sites off the populous east coast were detailed by scientists and civil administrators; but none more dramatically than the testimony provided by the fishermen and shell fishermen whose livelihoods were utterly dependent on a secure supply of safe, plentiful living marine resources.

Their plight highlighted the economic tradeoffs implicit in arriving at a national ocean dumping policy. While we know that the costs of waste disposal will continue to grow as other environmental controls are implemented and as available land disposal sites in our coastal cities become filled, we must also understand that indiscriminate dumping into the oceans, however vast they may appear to be, can have immense economic and environmental costs. We are only beginning to learn the dimension of those costs.

Just last week, the President's Water Pollution Control Advisory Board concluded after 4 days of hearings that:

> Unrestricted ocean dumping poses real and potential pollution problems to the marine environment and its resource.

And recommended that public lands such as abandoned strip mines be used for experimental sludge disposal to avoid using the ocean as a dump.

Municipalities are not the only potential sources of great volumes of harmful substances for dumping into the oceans. The Washington Star-News reported on September 26, 1972, that a major chemical firm had applied to the Army Corps of Engineers for a permit to build a pier from which to load ocean-going barges in order to take waste sulfuric acid contaminated with heavy metals to a site 87 miles off the coast of Georgia for dumping into 600 feet of ocean. This is the alternative sought because the company was under administrative orders to stop dumping the acid into the Savannah River. Without the passage of the Marine Protection and Research Act of 1972, the United States cannot effectively control such practices. If they become widespread, the consequences may be disastrous. At best they are unknown.

This legislation is urgently needed now not only because of our own pressing need for effective legislative tools to control dumping in our own coastal waters, but because of the international implications of our failure to adopt effective measures at this time. In recent years the United States has taken the lead in urging other countries to begin to control ocean dumping from ships originating in their ports.

On May 23, 1970, President Nixon announced a new oceans policy for the United States and recommended new agreements in order to establish international protection for the marine environment. In early 1971 this recommendation took form through a specific proposal set forth by the United States before the Preparatory Committee for the 1973 Law of the Sea Conference. The United States recommended that the drafting of articles begin "promptly" to create:

> (1) such international machinery as may be required for determining marine pollution research priorities, for coordinating research efforts, and for collecting research information and arranging for its exchange and (2) regulating of deliberate disposal of materials into the ocean.

Furthermore, in June 1971, the United States laid a draft convention for the prevention of pollution of the sea by dumping before the Intergovernmental Working Group on Marine Pollution. This body was established in accordance with a recommendation of the Preparatory Committee for the 1972 United Nations Conference on the Human Environment to examine proposals for an international convention to regulate ocean dumping.

At the Stockholm Conference this past June the following recommendation, interalia, with respect to ocean dumping was adopted:

> RECOMMENDATION 86
>
> (d) Before the draft articles and annexes contained in the report of the intergovernmental meetings at Reykjavik, Iceland, in April 1972 and in London in May 1972 to the United Nations Committee on the Peaceful Uses of the Seabed and the Ocean Floor beyond the Limits of National Jurisdiction at its session in July/August 1972 for information and comments and to a conference of Governments to be convened by the Government of the United Kingdom of Great Britain and Northern Ireland in consultation with the Secretary-General of the United Nations *before November 1972* for further consideration, with a view to opening the proposed convention for signature at a place to be decided by that Conference, preferably before the end of 1972.

Mr. President, the determination with which the United States has shepherded its proposals through this international maze is testimony to the kind of commitment this country has represented that it is prepared to make to prevent serious deterioration of this world's oceans. We have stated our determination to avoid repeating the shortsightedness which has characterized our own past perceptions of the environment. We have told others that we have learned the hard way that our natural resources are not infinite; that the vastness of the oceans must not deceive us into thinking that they are capable of absorbing and diluting into harmless concentrations all of the wastes we pour into them; that while we do not know nearly enough about the full impact of various pollutants on the marine environment, there is sufficient evidence of deterioration to suggest that mankind can no longer permit widespread indiscriminate dumping.

If, in the face of these initiatives, the United States does not take the affirmative action to secure authority to control ocean dumping from its own shores, we cannot expect to be persuasive or to maintain the credibility of our leadership on this issue at the international meeting in London on October 30 just 4 weeks hence.

Other nations have accepted their responsibilities in this area. The Oslo Convention, a regional agreement among a number of European nations to protect the North Sea and the Northeast Atlantic from the dumping of shore-generated wastes, was adopted in February 1972. Many of the signers of this convention have enacted national legislation to implement this agreement. Western Mediterranean countries are progressing in another regional convention. Japan has appropriate ocean dumping legislation.

Is the United States, then, to be among the last of the industrialized nations to act in this vital area?

The Senate Committee on Commerce is more aware than most of us of the international impact of this legislation. It was this committee, and its Subcommittee on Oceans and Atmosphere, which has focused the attention of the Congress and the Nation on the importance of the oceans as a national resource. In its report on H.R. 9727, the committee states:

> The present U.S. efforts [in negotiating an international convention to deal with ocean dumping on a global scale] would be materially aided by *prompt* passage of a separate ocean dumping bill along the lines of H.R. 9727, as reported by the Committee. (p. 16, Senate Report No. 92–451).

I heartily agree.

Mr. President, I hope that this colloquy in which I join the distinguished Senators from Delaware will help to focus the attention of Congress on the need to act promptly on this important legislation. My colleagues and I have identified compelling reasons, both domestically and internationally, for the U.S. Government to secure the authority and the research capability which this bill provides. I again urge our committee and Senate leadership to help clear the way for the release of the conference committee's report so that we may secure the early enactment of the Marine Protection and Research Act of 1972.

Mr. BOGGS. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield.

Mr. BOGGS. Mr. President, I take this opportunity to compliment the distinguished Senator from New York on the statement he has just presented to the Senate. It is a very valuable contribution to bring out the urgency of Congress meeting its responsibility to the Nation and to the world in taking up and acting on the conference report on ocean dumping. I cannot think of a more impressive or more constructive statement that could have been made as to the urgency of acting on this measure.

I compliment the distinguished Senator from New York, who has worked consistently and persistently in this field as a member of the Committee on Public Works and the Subcommittee on Air and Water Pollution. He has been working on this matter from the initial hearings which were held in Rehoboth, Del., some time ago.

I also compliment my colleague, Senator ROTH, who has been a staunch supporter of the ocean dumping legislation. He has worked on it very constructively and faithfully and certainly is doing a good job for the citizens of Delaware and of the Nation in this field. We are all very appreciative of his efforts.

Mr. BUCKLEY. Mr. President, I join the junior Senator from Delaware in expressing my appreciation to the senior Senator from Delaware for his leadership in this vital field.

I recall the meetings in Rehoboth, when we heard firsthand testimony as to what is being done to the marine environment, to our fisheries, and to our shell fisheries as a result of this indiscriminate dumping of our industrial and municipal waste.

It is an urgent matter that is before Congress. I can see no roadblocks. Both Houses have passed measures. The differences in the measures have been ironed out. It has been announced that the conference committee is ready to report something. Yet time moves on. I thank my colleague.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

Is there morning business?

AUTHORIZATION FOR ESTABLISHING STRENGTH OF CERTAIN GRADES IN THE NAVAL RESERVE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1174, S. 3310.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

> S. 3310, to amend title 10, United States Code, to establish the authorized strength of the Naval Reserve in Officers in the Judge Advocate General's Corps in the grade of rear admiral, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) clause (3) of section 5457(a) of title 10, United States Code, is amended to read as follows:
>
> "(3) Supply Corps—7.".
>
> (b) Section 5457(a) of such title is further amended by redesignating clause (6) as clause (7) and adding after clause (5) a new clause (6) as follows:
>
> "(6) Judge Advocate General's Corps—1.".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-1228), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to establish an authorized strength of one rear admiral of the Naval Reserve in the Judge Advocate General's Corps of the Navy. This would be accomplished by reducing the authorized rear admiral strength of the Supply Corps of the Naval Reserve by one (from eight to seven), and authorizing, in its place, a rear admiral strength of one in the Judge Advocate General's Corps of the Naval Reserve. The purpose of the bill would thus be accomplished without altering the current total authorized rear admiral strength of the Naval Reserve as provided for by section 5457 (a) of title 10, United States Code.

BACKGROUND

The Judge Advocate General's Corps was established by law in 1967 as a staff corps of the Navy. Upon creation of the new Corps, Regular and Reserve officers who were law specialists in the line of the Navy became members of the Judge Advocate General's Corps by operation of the new law. Before passage of the law, these officers could aspire to flag rank as line officers. The new law, however, was unaccompanied by a statutory authorization for Naval Reserve rear admirals in the new staff corps, thus depriving Naval Reserve judge advocates of any possibility of promotion to flag rank.

Section 5457(a) of title 10, United States Code, contains statutory authorization for Naval Reserve rear admirals in the line and various staff corps of the Navy. For example, the Supply Corps, with over 4,500 Naval Reserve officers, is authorized to have eight Naval Reserve rear admirals, and the Chaplain Corps, with fewer than 1,000 Naval Reserve officers, is authorized to have one Naval Reserve rear admiral. Section 5457(a) makes no provision, however, for a Naval Reserve rear admiral in the Judge Advocate General's Corps, which has more than 1,500 Naval Reserve officers.

NEED FOR LEGISLATION

Authorization for a Naval Reserve rear admiral in the Judge Advocate General's Corps is thus necessary to provide a degree of parity between the various staff corps in the area of Naval Reserve career opportunity and incentive. Furthermore, it is planned that the flag officer authorized by this bill will occupy a high level mobilization billet in the Office of the Judge Advocate General. The importance of such a billet in the event of mobilization warrants flag rank for the incumbent.

The establishment of an authorized strength of one rear admiral of the Naval Reserve in the Judge Advocate General's Corps would be accomplished by reducing the authorized rear admiral strength of the Supply Corps of the Naval Reserve by one (from eight to seven), and authorizing, in its place, a rear admiral strength of one in the Judge Advocate General's Corps of the Naval Reserve. Thus, the bill would not alter the current total authorized rear admiral strength of the Naval Reserve.

QUORUM CALL—ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. RANDOLPH). Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time on each yea-and-nay vote today, after the first yea-and-nay vote, be limited to 10 minutes, with the warning bells to be sounded after the first 2½ minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO VOTE ON TREATIES FOLLOWING VOTE ON CLOTURE TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the vote on the motion to invoke cloture, regardless of the outcome of that vote, the four treaties be scheduled for votes back to back, immediately following that vote on cloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

REQUEST FOR CONSIDERATION OF H.R. 1 FOLLOWING VOTE ON FOURTH TREATY TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that regardless of the outcome of the vote on the motion to invoke cloture today, immediately following the yea-and-nay vote on the fourth treaty the Senate return to the consideration of H.R. 1 for not to exceed 1 hour.

Mr. HARRY F. BYRD, JR. Mr. President, reserving the right to object, may I ask the distinguished assistant majority leader what the future plan is in regard to H.R. 1.

Mr. ROBERT C. BYRD. I cannot speak beyond what I have just indicated by my request.

Mr. HARRY F. BYRD, JR. No objection.

Mr. RIBICOFF. Mr. President, I want the leader to understand that as far as this Senator is concerned I am not going to devote any time on either my substitute or any other amendment to H.R. 1. I want that understood, that any delay is not at my request.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. HARRY F. BYRD, JR. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HARRY F. BYRD, JR. Mr. President, at what time and date was H.R. 1 made the pending business?

The PRESIDING OFFICER. The Chair will check that. The Chair is unable to answer at the moment.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. LONG. Mr. President, permit me to say that this Senator would like to get on with the business of the Senate. However, even with all the many good things in this bill, the Senator from Louisiana could not vote for this bill if it included a guaranteed annual income for doing nothing in any respect whatever, other than on a test basis.

As far as I am concerned, I am willing to give the opposition the right to prove I am wrong, but I would like to have an alternative proposal considered if there be such a test because it would tend to prove this Senator to be right in the position he has taken.

But as a Member of this body I well recognize what the parliamentary situation would be if the Ribicoff amendment were agreed to. It would mean we would be locked into a parliamentary situation where we could not amend it and it would be a more or less foregone conclusion that the Senate would be expected to agree to it.

The Senate does not know enough about this proposal and the danger embraced in it. In my judgment, proceeding down that path could destroy this form of government.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may be recognized for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, it could destroy this democratic and republican form of government. It seems to this Senator that this matter should not be permitted to be voted into this bill without the Senate fully understanding what is involved here.

The Senator from Connecticut pointed out that there are very few Senators available to hear the debate. Right now there is a sparse attendance. That is typical when someone anticipates that a long speech will be made in this body. But the Senate cannot escape its duty. If the Senate wants to go down the road to guaranteed annual income it will have to do so knowing the consequences of its vote.

So I would propose sometime this afternoon to move to table the Ribicoff amendment, to see if the Senate wants to consider this matter further. If the Senate should decline to table the amendment then I think that those of us who have been studying this matter for years now and see the dangers in it owe it to the Senate and the country to discuss this matter for some time, at least a week or two, or longer, until the Senate does understand that matter thoroughly. Sometimes in order to do that it has to be done with no more than five or six Senators in the Chamber to hear the colloquy. I have done that before. That is an inefficient way to educate people desperately in need of learning, but it is better than none at all; and we would be forced to debate this matter and explain it and provide chapter and verse for a minimum of a week, and more likely two weeks, in justice to ourselves and our convictions. We would like to discuss this matter long enough that we are satisfied individual Senators understand what they are voting on.

I regret to say that in discussing this matter with Senators individually I find that even some Senators who are members of the Committee on Finance, who theoretically should know everything in this bill and know it thoroughly, because of their responsibilities in other committees and elsewhere, they do not understand either the committee bill or the Ribicoff amendment.

The country is entitled to expect better of us, and the country is entitled to expect that we fully understand what we are voting on and that we understand the consequences of it. I want the Senate to arrive at the wisest decision. I am convinced beyond any peradventure of a doubt that we should not proceed down the road of guaranteed annual income, although I am perfectly content to offer those who think otherwise the opportunity to provide themselves right; and I am willing to provide them all the money it takes to prove themselves right in a metropolitan area as large as the District of Columbia. I proposed that sort of thing before, and the evidence that I am right about the matter is the fact that the administration does not want to try that matter here in the District of Columbia where it would be right beneath the nose of Congress so we could see whether or not it is a good proposition; but they do not want to try it here. I am not aware they want to try it anywhere. But they have the opportunity to have the test, pick their own States and metropolitan communities to prove it. They turned it down. That adds support for our position that this is a matter the Senate would never vote and the House would never vote, if you had a vote on it strictly on its merits and had the opportunity to debate it adequately so it is fully understood.

My point is that I would like to find out some time today if the majority of the Senate feels the way I do, that this should not be added to this bill, although we would be willing to provide them any sort of a test they want on a sufficiently broad basis and in a place where those who would favor the proposal would think it proved their point.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I yield to the Senator from Louisiana.

Mr. LONG. But I think it should be made clear that those of us who oppose the guaranteed annual income are not willing to let that plan be voted in this bill with 3 or 4 hours of debate. That is the sort of thing that if it is to be added to a measure it would have to have a week, 2 weeks', or a month's debate.

I think it would be highly irresponsible for the Senate to adjourn sine die without giving the Nation an answer to this question. If we have to come back in November, so be it. We are paid by the year anyway. If need be, we can come back and take the time required to do this job. I have been thinking for some time that that is what we ought to do with this bill anyway. We should go home and let Senators take care of their political commitments, make the speeches they promised their constituents they would make, and then come back in November and stay here from then until New Year's if need be in order to adjust the bill.

Although the Senators I see in the Chamber have managed to familiarize themselves with what is in the bill and I see four Senators in the Chamber who thoroughly understand the bill from cover to cover—I regret to say that that is not typical of the entire membership of the Senate.

So we will just have to see how the Senate wants to proceed with the matter. If it wants to debate it for a couple of weeks again, I am perfectly willing and prepared to make my contribution. Then we can judge how the Senate wants to proceed. I say this not as one who is planning to conduct a filibuster, although I reserve the right to do whatever my conscience dictates. I am fully satisfied that the Senate could not accept embarking upon a proposal to provide a guaranteed annual income.

The PRESIDING OFFICER. The time of the Senator from Louisiana has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senator may have 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I am satisfied that the Senate would not proceed down a path that could lead to a dissolution of the Nation, or at least that might end this form of government, if the Senate understood that. Therefore, I believe it to be my duty to make the Senate understand that, if it is within my power to do so, before the Senate enters upon such a directive.

The PRESIDING OFFICER. The Chair wishes to respond to the request that was made earlier. H.R. 1 came before the Senate at 10:55 a.m. on Wednesday last.

Mr. LONG. That was September 27.

Mr. ROBERT C. BYRD. Mr. President, I now yield to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, this is the first ray of hope I have seen for welfare reform in 3 years. I never thought that during this 3-year period I would see our distinguished chairman (Mr. LONG) so frightened of my proposal that he is unwilling to have the Senate vote on it. Frankly, I have been wracked with pessimism concerning my ability to get a majority of the Senate to vote for this proposal. But as I listened to the distinguished chairman, apparently he and his staff have taken some nose counts that seem to indicate to him that this proposal has more strength than I myself thought it had.

I say to the Senate that I do not think the bill should be voted up or down merely because one Member of the Senate, no matter how distinguished he may be, stands before the Senate and threatens a filibuster. If it is a filibuster, so be it. But I have never been so lacking in self-doubt as to say that I have the only answer. I am intrigued that our distinguished chairman feels that only he is the savior of the Republic. There are 100 Members of this body, and I think their judgment should be considered along with the Senator from Louisiana.

I have no reluctance to have this debate go on as long as it has to go on. I have no fear of debate. It is apparent to me that the Senate has made up its mind. It is apparent to me that the Senate has read enough, has heard enough, and has studied enough. I have the feeling that they have nothing to learn from further debate. I cannot quarrel if a Senator does not want talk. I have been in situations during my years in the Senate that I have not come to the floor to hear other Senators talk. I do not intend to bring them here to listen to my words of wisdom. If I say something that is worthwhile, they will listen to me; or if I have said something worthwhile, they can read it in the RECORD in the morning, or their staffs can pick out the pertinent sections.

We have had this matter before us for 3 years. The House has debated it, and the Senate has debated it at various times. Volumes of reports have been published. It has been the subject of articles in the press, and there have been editorial comments. So I do not downgrade the intelligence of the Senate. I think the Senate is very well aware of what the issues are. I would say today that each one of the 100 of us knows how he is going to vote on the Ribicoff proposal, the administration proposal, the Long proposal, or the Byrd of Virginia proposal.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. RIBICOFF. May I have 2 more minutes?

Mr. ROBERT C. BYRD. Mr. President, I wonder if the Senator from Connecticut will allow my request to be acted upon. We are still operating on the time for morning business, not on H.R. 1.

I ask unanimous consent that to proceed for 2 more minutes under morning business. I will yield to the Senator from Connecticut; then I would hope that my request would be acted upon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, I think it should be made very clear that the Senator from Connecticut, who is not supposed to have the votes, is more than willing to have his proposal voted up or down at any time the leadership requests. It should be made perfectly clear that the chairman of the committee, who is supposed to have the votes to defeat the Ribicoff proposal, does not want this proposal to come to a vote.

Mr. LONG. Mr. President, reserving the right to object—and I shall not object—I will find the place in the RECORD where the Senator from Connecticut yesterday noted that he was explaining his proposal with very few Senators present. It is unfortunate that Senators do not understand this measure better than they do. I would not want to proceed on that basis, but maybe we will. Frankly, I think that the Senator does not have the votes for his amendment. I am frank to say it. I have not said I am going to filibuster the Senator's amendment. I have never said that. But I will do what my conscience dictates, and I will speak as my conscience dictates.

There are several Senators who do not understand the amendment and do not, I am frank to say, understand the committee's position. I have discussed it with a number of them, not only on the floor of the Senate, but just by talking with a Senator in his office, or talking with him in a corridor, and discussing the issue. He would start out by asking, "What does the Ribicoff amendment do? What does the committee amendment do?"

The PRESIDING OFFICER. The time of the Senator has again expired.

Mr. ROBERT C. BYRD. Mr. President, I shall ask for 1 or 2 more minutes; then I will ask that morning business be closed and that the Senate proceed to the consideration of H.R. 1.

The PRESIDING OFFICER. Does the acting majority leader ask for action on the unanimous-consent request?

Mr. HARRY F. BYRD, JR. Mr. President, reserving the right to object—and I shall not object—at a later date I shall address a parliamentary inquiry to the Chair, and that is: How many hours have been spent on H.R. 1 since it was laid before the Senate? I do not make that request now, but I shall do so at a later time.

The PRESIDING OFFICER. The Chair will obtain the information requested.

Mr. ROBERT C. BYRD. Mr. President, what was the request?

Mr. HARRY F. BYRD, JR. I stated to the Chair that I planned at a future time to propound a parliamentary inquiry as to the number of hours that the Senate has debated H.R. 1.

Mr. ROBERT C. BYRD. I thank the Senator from Virginia.

The PRESIDING OFFICER. Without objection, the request is agreed to.

Morning business is concluded.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. GAMBRELL) laid before the Senate the following letters, which were referred as indicated:

REPORT ON DEPARTMENT OF THE ARMY CONTRACTS FOR MILITARY CONSTRUCTION AWARDED WITHOUT FORMAL ADVERTISEMENT

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on Department of the Army contracts for military construction awarded without formal advertisement, for the six-month period ended June 30, 1972 (with an accompanying report); to the Committee on Armed Services.

REPORTS RELATING TO THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATION FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classification for certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. GAMBRELL):

A petition, signed by sundry citizens of the State of Utah, praying for the enactment of legislation to grant tax credits to parents of nonpublic school children; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with amendments:

H.J. Res. 1268. Joint resolution calling for an immediate and appropriate moratorium on the killing of polar bears (Rept. No. 92–1259).

By Mr. HARTKE, from the Committee on Veterans' Affairs, without amendment:

H.R. 13780. An act to authorize the Administrator of Veterans' Affairs to convey certain property in Canandaigua, New York, to Sonnenberg Gardens, a nonprofit, educational corporation (Rept. No. 92–1260).

SUPPLEMENTAL REPORT ON PESTICIDE CONTROL BILL—PART 2 OF SENATE REPORT NO. 92–838

Mr. ALLEN. Mr. President, on July 19 the Committee on Agriculture and Forestry ordered the filing of a supplemental report on H.R. 10729, the pesticide control bill. A committee print of that report was prepared and formed part of the basis for the negotiations that resulted in the substitute text adopted by the Senate on September 26.

In order to provide a complete legislative history on that bill, I ask unanimous consent to file this supplemental report on H.R. 10729 and that it be printed as part 2 of Senate report No. 92–838.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. COOK, from the Committee on the Judiciary:

Frederick Pierce Lively, of Kentucky, to be a United States circuit judge of the Sixth Circuit.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CRANSTON:

S. 4056. A bill to amend section 302(b)(2) of the National Housing Act. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. INOUYE:

S. 4057. A bill for the relief of Tomas A. Ouiocho. Referred to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself and Mr. TOWER):

S. 4058. A bill to expand the national flood insurance program by substantially increasing limits of coverage and total amount of insurance authorized to be outstanding and by requiring known flood-prone communities to participate in the program, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BENTSEN (for himself and Mr. HUMPHREY):

S.J. Res. 273. A joint resolution to authorize the Secretary of Agriculture to correct certain inequities in the wheat certificate program. Referred to the Committee on Agriculture and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRANSTON:

S. 4056. A bill to amend section 302 (b)(2) of the National Housing Act. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. CRANSTON. This bill would increase the dollar limit on the conventional mortgages that the Federal National Mortgage Association may buy from $33,000, as authorized by law, to $45,000.

There are several reasons for this bill. First, $45,000 is the figure now in the existing law applicable to conventional mortgages made by federally chartered savings and loan associations. Second, it is a figure set by the Congress. In addition, a $45,000 limit is more in line with the price of conventionally financed new housing.

This bill does not involve the expenditure of any Federal moneys.

When this committee and the Congress authorized FNMA to buy conventional mortgages in the Emergency Home Finance Act of 1970, the legislative history made clear that FNMA's first concern should be federally insured or guaranteed mortgages. FNMA continues to live up to this requirement and to its responsibility to aid low- and moderate-income housing. In 1970–71, FNMA committed $5.9 billion for low- and moderate-income housing. At the present time, FNMA's portfolio and oustanding commitments total $25.7 billion. Over 30 percent, or $7.8 billion, is in section 235 and section 236 mortgages.

The volume of FHA-insured mortgages has now dropped off considerably. As of the end of August 1971, almost $8 billion in home mortgages were offered to FNMA for purchase, as compared to only $2.7 billion for the same period this year. Applications for FHA mortgage insurance in the second quarter of 1972 were down 42 percent from the comparable period in 1971; FHA mortgage insurance issued was down 27 percent.

With the present dollar ceiling of $33,000 in its conventional program, FNMA at this point is simply not competitive. The recent move by FNMA to buy 95 percent conventional mortgages is a step in the right direction. But, in today's mortgage market, an increase in the dollar limitation is absolutely essential if FNMA is to remain viable so that, if, when, and as a residential mortgage credit crunch recurs, it will again be able to keep money flowing into the residential mortgage market as it did in 1969–70.

This bill is fully supported by all segments of the housing industry.

This bill is identical to section 720(d) of the Senate-passed housing bill (S. 3248) and to section 1106(d) of the House-reported housing bill (H.R. 16704).

By Mr. SPARKMAN (for himself and Mr. Tower):

S. 4058. A bill to expand the national flood insurance program by substantially increasing limits of coverage and total amount of insurance authorized to be outstanding and by requiring known flood-prone communities to participate in the program, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SPARKMAN. Mr. President, I am introducing for myself and the Senator from Texas (Mr. Tower) a bill, the Flood Disaster Protection Act of 1972.

I am also presenting remarks by Senator Tower who is unavoidably absent. I ask unanimous consent that it be printed in the Congressional Record at this point. I further ask unanimous consent that there be printed in the Record the bill and a section-by-section analysis.

There being no objection, the material was ordered to be printed in the Record, as follows:

Statement by Senator Tower

Mr. President, I am joining today with the distinguished Senior Senator from Alabama (Mr. Sparkman) in introducing the "Flood Disaster Protection Act of 1972," legislation designed to substantially broaden the scope of insurance coverage available under the National Flood Insurance Program as administered by the Department of Housing and Urban Development.

Floods thus far in 1972 have proved disastrous for countless American families. The extensive flooding which followed in the wake of Tropical Storm Agnes wreaked havoc throughout the East with damage estimates exceeding $3 billion. Of that total only about $100 million was covered by insurance, and but approximately $5 million in losses were payable under the federally subsidized National Flood Insurance Program.

Prior to enactment of the National Flood Insurance Act of 1968, there was no insurance coverage available to those seeking it. The private property insurance industry had concluded that it could not provide flood insurance on an economically feasible basis—at least during the early years of such a program—without government assistance. Congress, therefore, recognizing the pressing need for flood coverage, enacted the 1968 Act, embodied within the Housing and Urban Development Act of 1968 as Title XIII.

The flood insurance program enables property owners to buy insurance against losses resulting from physical damage to, or loss of, real or personal property arising from floods occurring within the United States. The program is carried out in cooperation with private property insurance companies and through existing agents, brokers and adjusting organizations. This joint effort, the Federal government working in concert with the insurance industry, enables individuals to purchase policies at premium levels which they can better afford.

Mr. President, despite the availability of flood insurance, many homeowners and businessmen have not availed themselves of the opportunity to purchase the valuable protection. To date, there are but approximately 90,000 policy holders scattered throughout the Nation. On more than one occasion George Bernstein, the Federal Insurance Administrator, has expressed his concern, a concern which I share, that more public interest in the coverage has not materialized. To was being reduced by nearly 40 percent. On make the program more attractive, Mr. Bernstein announced on June 26, 1972, that the cost of subsidized flood insurance August 11 he formally asked each State insurance commissioner to require all property insurance companies to notify their policyholders of the availability of flood insurance at the time of each solicitation, issuance, and renewal of fire and homeowners policies.

Likewise, Congress has acted to make the program more palatable to the general public. The original Act contained a provision under which persons in flood-prone communities who could have purchased flood insurance for more than a year but did not do so would be denied disaster relief to the extent that they could have been protected by insurance. Fearing that the program had not been sufficiently publicized, I introduced legislation, later enacted by the Congress, which retroactively deferred the denial of disaster relief for those who had failed to purchase whatever flood insurance was available. This was an important step. The joint efforts by the Congress and the Federal Insurance Administration have resulted in an increase in the number of new policyholders; however, the response has been less than overwhelming. This legislation should provide an important boost to the program and greatly enhance its attractiveness to America's homeowners and businessmen.

Mr. President, we have worked with the White House in the formulation of this legislation. President Nixon has personally appealed to the Congress to amend the Federal Flood Insurance Act so as to make it more responsive to the needs of those who live in flood-prone areas, and he has urged adoption of this legislative package we have introduced today.

The proposed Amendments to the National Flood Insurance Act would expand program coverage in the following ways: (1) double the insurance limits on single family residential structures and on all residential contents; (2) triple the limits on all other structures and contents, except non-residential contents which would increase from $10,000 to $200,000; and (3) raise the limit on the total amount of flood insurance coverage authorized from the present $2.5 billion to $10 billion.

Incentives for community and individual participation would be strengthened by this legislation. With regard to communities, effective July 1, 1975, the following forms of federal assistance would not be available to individuals and businesses in identified flood prone areas unless the community has qualified for the program by adopting effective land use controls: Federal mortgage insurance on guarantees; lending by federally insured or regulated financial institutions; and other forms of federal assistance for financing the capital cost of construction and equipment. Incentives for individual participation would be strengthened as, upon enactment, individuals and businesses in flood prone areas in participating communities would be required to purchase flood insurance as a condition of eligibility for: Federal mortgage insurance or guarantees; lending by federally insured or regulated financial institutions; and other forms of federal assistance for financing the capital cost of construction and equipment.

These amendments would retain the key concepts of the present law which are designed to minimize losses due to flood disaster. Each community will still be required to adopt effective land use measures before individuals in that community may purchase flood insurance.

The incentives for participation which I have outlined are far-reaching indeed; some will no doubt consider them overly harsh in their intended purpose. They will require careful examination and study by the Committee on Banking, Housing and Urban Affairs. Less than two months ago, on August 15, our Housing Subcommittee conducted a public hearing for the purpose of focusing upon the current operation of the National Flood Insurance Program, and at that time, Mr. Bernstein urged adoption of incentives similar to those spelled out in this legislation. His arguments were most persuasive; nevertheless, I feel further investigation mandatory. I would hope that those few reservations I have today would be resolved by additional hearings and the submission of supporting data by the Department of Housing and Urban Development.

Mr. President, I have noted the attempts which have been made to make the insurance program more attractive to prospective policyholders. Administrator Bernstein and Assistant Administrator Richard Krimm are to be commended for their efforts in this regard. Under their leadership, rates have been lowered, flood coverage has been extended to almost all types of properties, and efforts have been exerted to provide the publicity so vital to the eventual success of the program. Despite these efforts, the need is great for more to be done. Congressional action is required, and this measure we introduce today has the potential for fulfilling that need.

S. 4058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Flood Disaster Protection Act of 1972."

FINDINGS AND DECLARATION OF PURPOSE

Sec. 2. (a) The Congress finds that (1) annual losses throughout the nation from floods and mudslides are increasing at an alarming rate, largely as a result of the accelerating development of, and concentration of population in, areas of flood and mudslide hazards; (2) the availability of Federal loans, grants, guaranties, insurance, and other forms of financial assistance are often determining factors in the utilization of lands and the location and construction of public and of private industrial, commercial, and residential facilities; (3) Federal instrumentalities insure or otherwise provide financial protection to banking and credit institutions whose assets include a substantial number of mortgage loans and other indebtedness secured by property exposed to loss and damage from floods and mudslides; (4) the nation can no longer afford the tragic losses of life caused annually by flood occurrences, nor the increasing losses of property suffered by flood victims, most of whom are still inadequately compensated despite the provision of costly disaster relief benefits; and (5) it is in the public interest for persons already living in flood-prone areas to have both an opportunity to purchase flood insurance and access to more adequate limits of coverage, so that they will be indemnified for their losses in the event of future flood disasters.

(b) The purpose of this Act, therefore, is to (1) substantially increase the limits of coverage available under the National Flood Insurance Program; (2) provide for the expeditious identification of, and the dissemination of information concerning flood-prone areas; (3) require States or local communities, as a condition of future Federal financial assistance, to participate in the flood insurance program and to adopt adequate flood plain ordinances with effective enforcement provisions consistent with Federal standards to reduce or avoid future flood losses; and (4) require the purchase of flood insurance by property owners located in identified areas of special flood hazards who are being assisted in the acquisition or improvement of land or facilities by Federal programs.

DEFINITIONS

Sec. 3. (a) As used in this Act, unless the context otherwise requires, the term—

(1) "Act" means the National Flood Insurance Act of 1968, 42 U.S.C. 4001–4127;

(2) "Community" means a State or any other political subdivision containing a unit

of general local government or other authority having zoning and building code jurisdiction over a particular area having special flood hazards;

(3) "Federal agency" means any department, agency, corporation, or other entity or instrumentality of the Executive Branch of the Federal Government, and shall include the following Federally-sponsored agencies: Federal National Mortgage Association and Federal Home Loan Mortgage Corporation;

(4) "Financial assistance" means any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal financial assistance, other than general or special revenue sharing or formula grants made to States;

(5) "Financial assistance for acquisition or construction purposes" means any form of financial assistance which is intended in whole or in part for the acquisition, construction, reconstruction, repair, or improvement of any publicly or privately owned building or mobile home, and for any machinery, equipment, fixtures, and furnishings contained or to be contained therein, and shall include the purchase or subsidization of mortgages or mortgage loans but shall exclude assistance for emergency work essential for the protection and preservation of life and property performed pursuant to the Disaster Relief Act of 1970.

(6) "Federal instrumentality responsible for the supervision, approval, or regulation of banks, savings and loan associations, or similar institutions" means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation, and the National Credit Union Administration; and

(7) "Secretary" means the Secretary of Housing and Urban Development.

(b) The Secretary is authorized to define or redefine, by rules and regulations, any scientific, technical, or other term used in this Act, insofar as such definition is not inconsistent with the purposes of this Act.

TITLE I—EXPANSION OF NATIONAL FLOOD INSURANCE PROGRAM

INCREASED LIMITS OF COVERAGE

SEC. 101. (a) Section 1306(b)(1)(A) of the National Flood Insurance Act of 1968 is amended to read as follows:

"(A) in the case of residential properties—

(i) $35,000 aggregate liability for any single-family dwelling, and $100,000 for any residential structure containing more than one dwelling unit, and

(ii) $10,000 aggregate liability per dwelling unit for any contents related to such unit;"

(b) Section 1306(b)(1)(B) of such Act is amended by striking out "$30,000" and "$5,000" wherever they appear and inserting in lieu thereof "$100,000".

(c) Section 1306(b)(1)(C) of such Act is amended to read as follows:

"(C) in the case of church properties and any other properties which may become eligible for flood insurance under section 1305—

(i) $100,000 aggregate liability for any single structure, and

(ii) $100,000 aggregate liability per unit for any contents related to such unit; and".

REQUIREMENT TO PURCHASE FLOOD INSURANCE

SEC. 102. (a) No Federal officer or agency shall approve any financial assistance for acquisition or construction purposes on and after July 1, 1973, for use in any area that has been identified by the Secretary as an area having special flood hazards and in which the sale of flood insurance is authorized under the Act, unless the building or mobile home and any personal property to which such financial assistance relates is, during the anticipated economic or useful life of the project, covered by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage authorized for the particular type of property under the Act, whichever is less: *Provided*, that if the financial assistance provided is in the form of a loan or an insurance or guaranty of a loan, the amount of flood insurance required need not exceed the outstanding principal balance of the loan and need not be required beyond the term of the loan.

(b) Each Federal instrumentality responsible for the supervision, approval, regulation, or insuring of banks, savings and loan associations, or similar institutions shall by regulation direct such institutions on and after July 1, 1973, not to make, increase, extend, or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary as an area having special flood hazards and in which the sale of flood insurance is authorized under the Act, unless the building or mobile home and any personal property securing such loan is covered for the term of the loan by flood insurance in an amount at least equal to the outstanding principal balance of the loan or to the maximum limit of coverage authorized for the particular type of property under the Act, whichever is less.

FINANCING

SEC. 103. Subsection (a) of section 1309 of the National Flood Insurance Act of 1968 is amended by—

(a) inserting "without the approval of the President" after the words "such authority", and

(b) inserting a period in lieu of the comma after the figure "$250,000,000" and striking out all of the words that follow.

INCREASED LIMITATION ON COVERAGE OUTSTANDING

SEC. 104. Section 1319 of the National Flood Insurance Act of 1968 is amended by striking out "$2,500,000,000" and inserting in lieu thereof "$10,000,000,000".

TITLE II—DISASTER MITIGATION REQUIREMENTS

NOTIFICATION TO FLOOD-PRONE AREAS

SEC. 201. (a) Not later than six months following the enactment of this title, the Secretary shall publish information in accordance with subsection 1360(1) of the Act, and shall notify the chief executive officer of each known flood-prone community not already participating in the National Flood Insurance Program of its tentative identification as a community containing one or more areas having special flood hazards.

(b) After such notification, each tentatively identified community shall either (1) promptly make proper application to participate in the National Flood Insurance Program or (2) within six months submit technical data sufficient to establish to the satisfaction of the Secretary that the community either is not seriously flood-prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The Secretary may, in his discretion, grant a public hearing to any community with respect to which conflicting data exist as to the nature and extent of a flood hazard. Whether or not such hearing is granted, the Secretary's final determination as to the existence or extent of a flood hazard area in a particular community shall be deemed conclusive to the purposes of this Act and shall not be subject to judicial review unless arbitrary and capricious.

(c) As information becomes available to the Secretary concerning the existence of flood hazards in communities not known to be floodprone at the time of the initial notification provided for by subsection (a) of this section, he shall provide similar notifications to the chief executive officers of such additional communities, which shall then be subject to the requirements of subsection (b) of this section.

(d) Formally identified flood-prone communities that do not qualify for the National Insurance Program within one year after such notification or by the date specified in section 202, whichever is later, shall thereafter be subject to the provisions of that section relating to flood-prone communities which are not participating in the program.

EFFECT OF NON-PARTICIPATION IN FLOOD INSURANCE PROGRAM

SEC. 202. (a) No Federal officer or agency shall approve any financial assistance for acquisition or construction purposes on and after July 1, 1975, for use in any area that has been identified by the Secretary as an area having special flood hazards unless the community in which such area is situated is then participating in the National Flood Insurance Program.

(b) Each Federal instrumentality responsible for the supervision, approval, regulation, or insuring of banks, savings and loan associations, or similar institutions shall by regulation prohibit such institutions on and after July 1, 1975, from making, increasing, extending, or renewing any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary as an area having special flood hazards, unless the community in which such area is situated is then participating in the National Flood Insurance Program.

REPEAL OF DISASTER ASSISTANCE PENALTY

SEC. 203. Section 1314 of the National Flood Insurance Act of 1968 is repealed.

ACCELERATED IDENTIFICATION OF FLOOD-RISK ZONES

SEC. 204. (a) Section 1360 of the National Flood Insurance Act of 1968 is amended by inserting the designation "(a)" after "Sec. 1360." and adding new subsections "(b)" and "(c)" at the end thereof to read as follows:

"(b) The Secretary is directed to accelerate the identification of risk zones within flood-prone and mudslide-prone areas, as provided by subsection (a)(2) of this section, in order to make known the degree of hazard within each such zone at the earliest possible date. To accomplish this objective, the Secretary is authorized, without regard to Sections 3648 and 3709 of the Revised Statutes, as amended (31 U.S.C. 529 and 41 U.S.C. 5), to make grants, provide technical assistance, and enter into contracts, cooperative agreements, or other transactions, on such terms as he may deem appropriate, or consent to modifications thereof, and to make advance or progress payments in connection therewith.

"(c) The Secretary of Defense (through the Army Corps of Engineers), the Secretary of the Interior (through the U.S. Geological Survey), the Secretary of Agriculture (through the Soil Conservation Service), the Secretary of Commerce (through the National Oceanic and Atmospheric Administration), the head of the Tennessee Valley Authority, and the heads of all other Federal agencies engaged in the identification or delineation of flood-risk zones within the several States, shall, in consultation with the Secretary, give the highest practicable priority in the allocation of available manpower and other available resources to the identification and mapping of flood hazard areas and flood-risk zones, in order to assist the Secretary to meet the deadline established by this Section.

AUTHORITY TO ISSUE REGULATIONS

SEC. 205. (a) The Secretary is authorized to issue such regulations as may be necessary to carry out the purpose of this Act.

(b) The head of each Federal agency that administers a program of financial assistance relating to the acquisition, construction, reconstruction, repair, or improvement of publicly or privately owned land or facilities, and each Federal instrumentality responsible for the supervision, approval, or regulation of banks, savings and loan associations, or similar institutions, shall, in cooperation with the Secretary, issue appropriate rules and regulations to govern the carrying out of the agency's responsibilities under this Act.

FLOOD DISASTER PROTECTION ACT OF 1972

SECTION-BY-SECTION SUMMARY

Sec. 1. Enacting clause.

Sec. 2. *Findings and declaration of purpose.*

Sec. 3. *Definitions.*

Sec. 101. *Increased limits of coverage.* Amends section 1306(b) of the Act to provide increased limits of coverage as follows:

	Subsidized coverage		Total coverage	
	Old limit (1)	New limit (2)	Old limit (3)	New limit (4)
Single-family residential	$17,500	$35,000	$35,000	$70,000
Other residential	30,000	100,000	60,000	200,000
Nonresidential	30,000	100,000	60,000	200,000
Contents, residential	5,000	10,000	10,000	20,000
Contents, nonresidential	5,000	100,000	10,000	200,000

Sec. 102. *Requirement to purchase flood insurance.* (a) Prohibits Federal financial assistance for acquisition or construction purposes for projects within special hazard areas previously identified by HUD and made eligible for flood insurance, unless the project will be covered by such insurance for its full development cost (less land cost) or the new limit of coverage (Col. 2 or 4 above), whichever is less. (b) Federal instrumentalities responsible for the supervision of lending institutions must direct such institutions to require flood insurance in connection with their real estate or mobile home and personal property loans in such identified areas, up to the same maximum limit or the balance of the loan, whichever is less. Both subsections would take effect July 1, 1973.

Sec. 103. *Financing.* Restores authority contained in 1956 Flood Insurance Act which permits Treasury borrowing authority to exceed $250 million with the approval of the President.

Sec. 104. *Increased limitation on coverage outstanding.* Amends section 1319 of the Act to raise limit on total amount of coverage outstanding from $2.5 billion to $10 billion.

Sec. 201. *Notification to flood-prone areas.* (a) Requires HUD to publish information on known flood-prone communities and to notify them within six months of their tentative identification as such. (List initially used would probably be Corps of Engineers list, based on 1960 Census data). (b) Upon notification, community must either (1) promptly apply for participation in flood insurance program or (2) satisfy the Secretary within six months that it is no longer flood prone. A hearing may be granted to resolve disputed cases, but Secretary's decision is final unless arbitrary and capricious. (c) Additional flood-prone communities subsequently notified of their status must then meet the requirements of subsection (b) but are allowed at least one year in which to qualify for the flood insurance program before section 202 applies.

Section 202. *Effect of non-participation in flood program.* (a) Prohibits Federal financial assistance for acquisition or construction purposes within the identified flood-prone areas of communities that are not participating in the flood insurance program by July 1, 1975 (in most cases, about 18 months after the identification is made).

(b) Directs Federal instrumentalities responsible for the supervision of lending institutions to prohibit such institutions from making real estate or mobile home loans after July 1, 1975, in areas identified as having special flood hazards unless the community in which the area is situated is participating in the flood insurance programs.

Sec. 203. Repeals provision of existing Flood Insurance Act that would deny disaster assistance after December 31, 1973, to persons who for a period of a year or more could have purchased flood insurance but did not do so.

Sec. 204. *Accelerated identification of flood-risk zones.* (a) Adds a new subsection (b) to section 1360 of the Act directing HUD to accelerate hazard area identification and rate studies. Specifically authorizes the Secretary to make grants, provide technical assistance, eliminate competitive bidding requirements, and make progress payments, if necessary to accomplish that objective. (b) Directs the agencies doing the technical work for HUD to give highest practicable priority to these studies, in order to assist the Secretary to meet existing August 1, 1973, statutory area identification deadline.

Sec. 205. *Authority to issue regulations.* Authorizes (a) the Secretary, and (b) Federal agencies administering financial assistance programs and those supervising lending institutions, to issue any regulations necessary to carry out the Act.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 3598

At the request of Mr. WILLIAMS, the Senator from Massachusetts (Mr. BROOKE), the Senator from North Dakota (Mr. BURDICK), the Senator from Florida (Mr. CHILES), the Senator from Kentucky (Mr. COOPER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Illinois (Mr. PERCY), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Alabama (Mr. SPARKMAN) were added as cosponsors of S. 3598, the Retirement Income Security for Employees Act of 1972.

S. 4004

At the request of Mr. HARTKE, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of S. 4004, a bill to promote safety on the importation of compressed gas cylinders.

SENATE JOINT RESOLUTION 264

At the request of Mr. DOLE, the Senator from Oregon (Mr. Packwood), the Senator from Wyoming (Mr. HANSEN), the Senator from Ohio (Mr. TAFT), the Senator from Colorado (Mr. ALLOTT), the Senator from New Hampshire (Mr. COTTON), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Maryland (Mr. BEALL), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Nevada (Mr. BIBLE) were added as cosponsors of Senate Joint Resolution 264, to authorize and request the President to issue a proclamation designating a week as "National Welcome Home Our Prisoners Week" upon the release and return to the United States of American prisoners of war in Southeast Asia.

SENATE RESOLUTION 374—ORIGINAL RESOLUTION REPORTED AUTHORIZING SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY (S. REPT. 92–1258)

(Referred to the Committee on Rules and Administration.)

Mr. EASTLAND from the Committee on the Judiciary, reported the following resolution:

S. RES. 374

Resolved, That Senate Resolution 256, 92d Congress, agreed to March 6, 1972, is amended as follows:

(1) In section 2, strike out "$3,647,700" and insert in lieu thereof "$3,657,700".

(2) In section 17, strike out "$192,000" and insert in lieu thereof "$202,000".

SOCIAL SECURITY AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 1677

(Ordered to be printed and to lie on the table.)

Mr. CASE. Mr. President, I wish to submit an amendment to H.R. 1 (for myself, and Senators HUMPHREY, MONDALE, HOLLINGS, and PERCY) and I ask that it be printed. My amendment would strike sections 508 and 509 of title V, part A, in H.R. 1, which make recipients of cash benefits ineligible for food assistance.

The need for this amendment was documented earlier this year. In February the Select Committee on Nutrition and Human Needs issued a staff study which reviewed the commitment to insure nutritional adequacy for all Americans. In particular the study examined the relationship between proposed welfare reform measures, specifically H.R. 1, and that commitment. Eliminating the food assistance programs while benefits to poor individuals and families remain below the poverty line would put those persons at "nutritional risk." H.R. 1, as reported to the Senate floor, eliminates the food stamp and surplus foods programs for welfare recipients.

Today there are some 12 million persons using the food stamp program, and another 3.5 million using surplus foods. Better than 7 million food stamp users and as many as 2 million surplus foods users are recipients of welfare. Yet under H.R. 1, individuals and families who receive cash benefits would no longer be eligible to choose participation in a food program in order to obtain an adequate diet. For their part, the States would be free to choose whether or not their needy citizens would receive additional cash benefits to compensate them for the loss of food assistance; the States would not be required to make up that loss.

The Senate will be voting on titles IV and V separately. Thus it is possible that even if title IV is not accepted in the Senate, needy persons will still lose the food stamp and surplus food benefits on which they now rely. It is necessary to strike sections 508 and 509—whatever action is taken on title IV—to preserve food assistance benefits for 7 to 9 million needy persons.

The elimination of the food stamp and surplus foods programs for welfare recipients raises many questions regarding the national commitment, expressed by the President, the Congress, three distinguished White House conferences, and numerous private organizations, to end hunger and malnutrition among America's poor. Therefore, I ask unanimous consent that the text of my amendment together with a brief explanation be printed at this point in the Record.

There being no objection, the amendment and explanation were ordered to be printed in the Record, as follows:

Amendment No. 1677

Beginning on page 926, line 18, strike everything through page 932, line 24.

Explanation of Amendment to Sections 508 and 509

Title V of H.R. 1 contains two sections which concern the food stamp program, Sections 508 and 509. Section 508 would eliminate the food stamp program (as well as the surplus foods program) for anyone receiving welfare. Some provisions in Title V have already come to a vote, and the food stamp provisions could easily come up independent of any action on Title IV—the title commonly associated with "welfare reform."

That means that the result of Senate action could be to make no changes in the welfare program, except to eliminate the food stamp program for people now using it. Clearly, it is also possible to have Senate action that would result in major or minor welfare reforms, or the passage of "pilot" programs, AND the end of the food stamp program for welfare recipients now using them.

Earlier this year the Select Committee on Nutrition and Human Needs issued a report detailing the history of the Administration's pledge, and the Congress' actions, to insure that the food stamp program would be retained until welfare benefits were equal to the poverty line.

The passage of Sections 508 and 509—with or without Senate action on Title IV—would mean the loss of eligibility for food stamps and surplus foods for 15 million welfare recipients, without mandating any compensating increase in welfare benefits. The amendment introduced by Senators Case, Humphrey, Mondale, Hollings, Percy, and others, would strike Sections 508 and 509, retaining the food stamp and surplus foods programs for welfare recipients. It would not result in additional benefits or increased expenditures.

AMENDMENT NO. 1679

(Ordered to be printed and to lie on the table.)

Mr. TUNNEY submitted an amendment intended to be proposed by him to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

AMENDMENT NO. 1680

(Ordered to be printed and to lie on the table.)

Mr. KENNEDY (for himself, Mr. Moss, Mr. Percy, Mr. Brooke, Mr. Javits, and Mr. Humphrey) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 1), supra.

AMENDMENT NO. 1685

(Ordered to be printed and to lie on the table.)

Mr. MOSS (for himself, Mr. Percy, and Mr. Tunney) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 1), supra.

CONSUMER PROTECTION ACT—AMENDMENT

AMENDMENT NO. 1678

(Ordered to be printed and to lie on the table.)

TECHNICAL AMENDMENT TO SUBSECTION 208(a)

Mr. BROCK. Mr. President, on September 22, we agreed to a clarifying amendment to subsection 208(a).

Upon further scrutiny, I am sure that we would all agree that the clarifying amendment is in need of further clarification if it is to accomplish the wishes of those who favor this bill.

Prior to the September 22 amendment, subsection 208(a) would have authorized the CPA to disclose to the public any appropriate information, but—and I quote—"subject to the provisions of this section [208]."

The September 22 amendment added the word "only" after the word "subject," thus making the CPA's information dissemination power—and I quote—"subject only to the provisions of this section."

The expressed intent of the amendment was to "make certain that no other limitation in other laws apply." However, the provision as amended could be interpreted to mean that other related provisions of this bill would no longer be applicable to the CPA information dissemination powers.

I am sure such an interpretation was not intended after reading the brief explanation of the amendment. This conclusion is further supported by statements of the major supporters of this bill in relation to safeguards within the bill.

For example, section 206 provides for disclosing complaints, and certain safeguards providing for protection both of complainants and innocent persons complained against are included. Section 203 (f) provides that the Administrator shall make a written reply when declining to represent a consumer interest after receipt of a petition. The amended section 208(a) could provide a shield for his refusal to give a substantive reply.

It is even possible to interpret the amended section 208 as prohibiting the Administrator from participating in public hearings pursuant to section 203 or court proceedings pursuant to section 204 because of the nature of the information which would be developed at such hearings and proceedings.

This amendment which I submit now would make the limitations on public disclosure of information provided for in this bill—not just section 208—the exclusive limitation. It would further continue the protections and safeguards contained in other sections of the bill, while excluding constrictions contained in other laws not referenced in the section.

Thus, my technical, clarifying amendment would achieve the intent of the sponsors of the original technical amendment.

SURFACE TRANSPORTATION ACT—AMENDMENTS

AMENDMENTS NOS. 1681 THROUGH 1684

(Ordered to be printed and to lie on the table.)

Mr. HARRIS. Mr. President, I have very serious objections to S. 2362, the Surface Transportation Act, as reported to the Senate.

If and when the bill comes up for consideration, I intend to offer certain amendments to it.

I ask unanimous consent that these amendments be printed and lie at the desk—and that they be printed at this point in the Record.

There being no objection, the amendments were ordered to be printed in the Record, as follows:

Amendment No. 1681

In Title I, Section 109, create a new subsection (d) and renumber the current subsections (d) and (e) as (e) and (f), respectively. Add the new subsection (d) as follows:

(d) Before approving a loan guarantee to any carrier, the Secretary shall consider the feasibility of requiring the carrier to dispose of nontransportation assets as a condition to the guarantee. A memorandum shall be placed in the loan guarantee docket setting forth the Secretary's reasons for requiring, or not requiring, such disposal.

Amendment No. 1682

In Title I, Section 109, create a new subsection (e) and renumber the current subsection (e) as (f). Add the new subsection (e) as follows:

(e) All carriers for which loans have been guaranteed under this title shall provide to the Secretary, who shall make them readily available to the public, the name and address of—

(1) each holder of record and each proprietary owner of 1 per centum or more of any class or series of common or preferred stock in the company;

(2) each holder of record and each proprietary owner of 1 per centum or more of any issue of long-term debt of the company;

(3) each holder of record and each proprietary owner of 5 per centum or more of the outstanding short-term debt of the company at any time during the reporting year;

(4) any person controlling, directly or indirectly, 5 per centum or more in the aggregate of the voting rights of the company.

Amendment No. 1683

In Title I, Section 109, Subsection (e) delete existing subsection (e) and create new subsection (f) identical to that of deleted subsection (e) add:

(e) Any carrier, prior to accepting a loan which has been guaranteed under this title, shall submit to the Secretary and release to the public the following information with regard to land (other than that presently used for railroad right-of-ways) which was originally granted to such carrier or any predecessor in interest by the federal government in aid of or in connection with the construction of any line of railroad.

(1) Concise and complete description of patented lands still retained by the carrier, or by any subsidiary, affiliate, or related entity, and

(2) Concise and complete description of unpatented lands still retained by the carrier, or by any subsidiary, affiliate, or related entity.

AMENDMENT No. 1684

After Title III—AGREEMENTS BETWEEN CARRIERS, add a new Title IV—ABOLISHMENT OF INTERSTATE COMMERCE COMMISSION, and renumber the subsequent titles as V, VI, VII, and VIII:

TITLE IV—ABOLISHMENT OF INTERSTATE COMMERCE COMMISSION

SEC. 401. Effective eighteen months after the date of enactment of this Act the Interstate Commerce Commission is abolished.

ESTABLISHMENT OF COMMISSION TO MAKE RECOMMENDATIONS

SEC. 402. (a) There is hereby established a National Commission on Transportation Regulation (hereinafter referred to as the "Commission") which shall be composed of fifteen members appointed as follows:

(1) six appointed by the President of the Senate, three from the membership of the Senate, two from the majority party and one from the minority party, and one each to represent carriers subject to regulation pursuant to the Interstate Commerce Act, shippers regularly using such carriers, and consumers generally;

(2) six appointed by the Speaker of the House, three from the membership of the House of Representatives, two from the majority party and one from the minority party, and one each to represent carriers subject to regulation pursuant ot the Interstate Commerce Act, shippers regularly using such carriers, and consumers generally; and

(3) three appointed by the President to represent the executive branch of the Government.

(b) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment. The Commission shall elect a Chairman and a Vice Chairman from among its members. Eight members of the Commission shall constitute a quorum.

(c) The Commission shall make a full and complete investigation and study for the purpose of determining and making recommendations with respect to (1) what should be done with the functions of the Interstate Commerce Commission after the abolishment of such Commission pursuant to section 1 of this Act, and (2) what other actions should be taken to best carry out the national transportation policy as set forth in the Interstate Commerce Act.

(d) The Commission shall submit to the President and to the Congress a report with respect to its findings and recommendations not later than one year after the Commission has been fully organized.

(e) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this section, hold such hearings, take such testimony, and sit and act at such times and places as the Commission, subcommittee, or member deems advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission, or any subcommittee or member thereof.

(f) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this section.

(g) Subject to such rules and regulations as may be adopted by the Commission, the Chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power—

(1) to appoint and fix the compensation of such staff personnel as he deems necessary, and

(2) to procure temporary and intermittent services to the same extent as it authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

(h)(1) Any member of the Commission who is appointed from the executive or legislative branch of the Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reinbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of duties vested in the Commission.

(2) Members of the Commission, other than those referred to in paragraph (1), shall receive compensation at the rate of $100 per day for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

(i) There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this section.

(j) The Commission shall cease to exist ninety days after the submission of its report.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO 1533

At the request of Mr. HARTKE, the Senator from California (Mr. CRANSTON), the Senator from Michigan (Mr. HART), and the Senator from Oklahoma (Mr. HARRIS) were added as cosponsors of amendment No. 1533 intended to be proposed to the bill (H.R. 1), the Social Security Amendments of 1972.

AMENDMENT NO. 1623

At the request of Mr. HARTKE, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of amendment No. 1623, intended to be proposed to the bill (H.R. 1), supra.

ADDITIONAL STATEMENTS

NATIONAL EMPLOY THE HANDICAPPED WEEK

Mr. DOLE. Mr. President, the first week of October marks the 27th annual observance of "National Employ the Handicapped Week." This time is set aside by act of Congress and proclamation of the President for us to recognize our fellow citizens who are physically and mentally handicapped. And this week provides an opportunity for us to rededicate ourselves to the year-round effort of achieving full equality for the handicapped in every aspect of their lives.

In observing this very special week, we seek to break down the barriers still keeping the deserving handicapped from achieving the goals they have set for themselves and thereby enhance the prospects that they may enjoy rewarding and fulfilling lives. This effort touches every element of society and involves business, industry, labor organizations, and every variety of civic, fraternal, and professional group.

We recognize that great progress has been made over the 27 years that this week has been observed. The number of handicapped persons who have found employment through the Federal-State Vocational Rehabilitation Program has increased from nearly 44,000 in 1947 to more than 291,000 in 1971. Total annual earnings of rehabilitated handicapped persons have increased from $68.1 million in 1947 to $863 million in 1971. The Federal-State Employment Service has steadily increased the numbers of handicapped persons it has been able to place in successful employment over the years, from 236,601 in 1947 to 319,136 in 1969.

But even though we have made great strides, regrettably, there is still much left to do. Many capable handicapped persons have not been able to benefit from adequate rehabilitation, training, or job placement. Too many employers are still reluctant to hire the handicapped and look first to disabilities rather than the skills and talents the handicapped possess. Many disabled Vietnam veterans have come home to take up civilian life again but found doors shut to them and opportunities foreclosed.

So it is fitting and, indeed, essential that we dedicate this week to the work yet unfinished and to those handicapped who are still searching for their role in this world. Let us devote this week to renewing our commitment and working harder in the year ahead to assure the potential and the promise that no handicapped person's life goes unfulfilled for want of opportunity.

ALABAMA TRADE GATHERING RESPONDS TO NATIONAL NEEDS

Mr. SPARKMAN. Mr. President, the international balance of trade is running strongly against the United States in 1972. For the 8 months of January–August, the excess of imports over imports—that is, the trade deficit—totaled more than $4.3 billion. Moreover, in 1971 the merchandise trade balance, which has been a consistent money earner for the United States, was in the red for the first time since 1893. In fact, we have not seen a trade surplus for any month since September of last year.

This trend is causing me increasing concern and I addressed the Senate about another aspect of the problem earlier this year—August 18, 1972, CONGRESSIONAL RECORD, page 29049. Many other observers, including the Committee for Economic Development are recognizing the urgent need to readjust American-foreign economic policy to the changing realities of international competition.

I therefore believe it is appropriate to call the attention of this body to the conference on Export-Import Opportunities for Small Business scheduled to take place in Mobile, Ala., on October 18–19, 1972.

I would like to commend this effort by Alabama business, banking, and academic institutions as well as State, local, and Federal government. Their program is designed to respond to the international challenges indicated by the figures which I reviewed by exploring the profit opportunities open to U.S. firms in world markets.

The following list of sponsoring agencies indicates the scope of this endeavor:

Alabama Association of County Commissioners;
Alabama Bankers Association;
Alabama Chamber of Commerce;
Alabama Coordinating Council for Minority Economic Development;
Alabama Export-Import Expansion Council;
Alabama Jaycees;
Alabama Labor Council, AFL-CIO;
Alabama League of Municipalities;
Alabama Office of Development;
Alabama Railroad Association;
Alabama Savings and Loan League;
Alabama Small Business Advisory Council;
Alabama Trucking Association, Inc.;
Alabama World Trade Association;
Associated Industries of Alabama;
Mobile Area Chamber of Commerce, and
U.S. Department of Commerce.

Eminent speakers at this meeting include my colleague, the junior Senator from Alabama (Mr. ALLEN); Hon. JACK EDWARDS, U.S. Representative from Mobile; Hon. Henry Kearns, Chairman of the U.S. Export-Import Bank; Hon. Jere Beasley, Lt. Governor of Alabama; Hon. W. L. Noonan, Alabama State Senator, Marshall Parker, Associate Administrator of SBA; and Gayle C. Shelton, Jr., Director, U.S. Department of Commerce, Birmingham field office.

The proceedings will also benefit from guidance by District Director of the SBA in Alabama, Paul R. Brunson. I will be among the Federal Government people participating, because of what I consider to be the importance of the subject.

The objectives of the conference have been described as follows:

> Development of world trade by small businesses is dependent upon proper identification, analysis, and solutions to problems impeding comprehensive growth (and) to identify meaningful directions for growth and to evaluate progress and point to future action.

Hearings conducted in the past by the Select Committee on Small Business, including a session at Mobile, Ala., on November 10, 1967, have highlighted the fact that only about 5 percent of U.S. business firms engage in international trade, even though many more produce fine-quality goods and services which are in demand in other parts of the world.

Mr. President, the international trade situation is a national challenge which affects business and government at every level. We need the kind of teamwork reflected in the Alabama Export-Import Conference if we are to rise to this challenge and preserve our economic position in the world.

I certainly wish this gathering every success, and hope that it may serve as a model for others to follow throughout the country.

A PRISON SUCCESS STORY

Mr. BURDICK. Mr. President, the problems of America's prisons, and all of our correctional facilities and services, are receiving increasing attention, most of it centered on their failure to correct the criminal offender. The recent anniversary of the tragedy of Attica has renewed in the minds of many the difficulties and frustrations of the correctional system, but the leadership of all of the branches of our government has for some time been speaking out on our national needs in corrections.

For these reasons, I am pleased to be able to call the attention of my colleagues to a prison success story—to a newspaper article about an individual who has made use of an institutional program and appears to have moved himself a giant step toward his rehabilitation.

An inmate at the Federal Penitentiary, Marion, Ill., has received a college degree, which in itself is not unique. Victor Taylor is one of many inmates who has earned credit for college courses taken while a prisoner. What is unique is the fact that this man who had a record of assaultive and dangerous behavior participated in a creative program of behavioral therapy, and now he has thoroughly committed himself to improving himself.

The final chapter in the story of Victor Taylor, Marion inmate, has not been written. We will not know for certain of his rehabilitation until he has earned his release from imprisonment. His record to date, however, gives us reason to be encouraged that good programs can rehabilitate offenders, and can ultimately reduce the toll of recidivistic crime in our Nation.

I ask that the article from the New York Times of October 2, 1972, be reprinted at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A SCHOLAR IN THE NEW ALCATRAZ

(By George Vecsey)

MARION, ILL., Sept. 30.—Victor Taylor did not wear a cap and gown to his college graduation. He wore a white shirt and slacks instead. That is about as formal as they dress at the United States Penitentiary here, the one they call "the new Alcatraz," where the toughest Federal prisoners go.

Taylor, who is serving 61 years for armed robberies and once scaled a 40-foot prison wall in a desperate bid to escape, has completed a normal four years of college work in the last 21 months, earning A grades in everything but French. His cumulative grade point average was 4.89 out of a possible 5.00.

Officials at Southern Illinois University say they have never heard of a student earning his degree in less than two full years, not at S.I.U., not anywhere. And the diploma Victor Taylor received last night in an emotional ceremony in a prison cafeteria carried the words "magna cum laude."

"There are Vic Taylors at every institution," said Dr. Walter G. Robinson Jr. of the Black American Studies program at S.I.U. in nearby Carbondale. "There is an abundance of brain power sitting out there behind those walls."

The United States Bureau of Prisons estimates that from 6 to 10 per cent of the nation's 400,000 prisoners are currently taking some college courses. Supporters say that prison education programs have sharply reduced recidivism.

Taylor, himself a repeat offender, now wants to pursue a career in psychology working with young blacks with disadvantaged backgrounds like his own.

"The diploma . . ." Taylor began slowly at the ceremony. "Pardon my French, but this diploma means a hell of a lot to me. I'll take credit for it. I deserve it. I paid my dues."

He glanced around the room at the brightly dressed "outsiders" who had been allowed to enter his life for a few brief hours.

"This diploma makes me feel I can do anything with my life. Everyone in this room makes me feel that way."

YEARS OF ENVY

The graduation was a surprising twist in the life of a man who spent many of his 28 years courting a violent death. It was not until he was sent to Marion, after two escape attempts, that he gave himself to the prison psychotherapy program that helped him.

In his talk, Taylor recalled family fights, frequent separations and constant poverty. He also recalled the torment of integrating a posh Jesuit high school in Dallas, spending three years envying his classmates' convertibles while he rode public buses—and then quitting school.

He recalled how he wanted to be a Navy pilot but was disqualified because of his slight color-blindness. Feeling that the Navy had deceived him, he and a buddy held up a Navy bank and were caught in Mexico. After four years in jail, he was paroled back to Dallas, where his peers "already had college degrees, wives and families, embarked on successful careers."

2 CHOICES AT MARION

Within 90 days he went on a robbing spree ("I guess I was trying to get myself killed"). The resultant jail term was so long that he tried to escape twice. The second time he was shipped to Marion, the newest Federal prison, situated among the strip mines and cornfields and a lovely forest preserve in southern Illinois—an inland Devil's Island.

When he arrived here, Taylor was "ready to do a George Jackson number," inspecting the double fences with the barbed wire in between, weighing the rumors that the guards here "shoot better than in Atlanta." Jackson, one of the California Soledad Brothers, was killed at the San Quentin Prison in what the authorities said was an escape attempt.

A man can go either way in Marion. A few of the prisoners serve their time grudgingly, a constant look of hatred on the face. Others cheerfully push themselves into top condition, like the man running barefoot on a cinder track the other day, perhaps getting himself in shape for some special effort.

In the confinement wing of the prison, several dozen prisoners mutter threats when any man walks past, and would probably kill if given the chance, according to officials. There is enough hatred around to reinforce the kind of feeling Taylor brought to Marion.

PROGRAMS MATCH FACILITIES

But Taylor began to notice other things about Marion, which was built in 1963 as a model Federal institution, with single cells for most of its 526 prisoners, sparkling facilities, a pastel cafeteria (with four-man tables) and gleaming factory shop. It is possible that the worst at Marion is better than the best at many prisons.

More important, Marion had the programs that seemed to match its facilities. One was called asklepieion, a version of transactional analysis organized by Dr. Martin Groder, a disciple of Dr. Eric Berne, author of "The Games People Play."

At Dr. Groder's sessions there was "the game"—passionate confrontations where 15 men would strip down the ego of one man, staff included—for spilling coffee or lying in his teeth. Taylor said these sessions had made him want to win instead of lose the games he played.

"PERMISSION TO WIN"

"I was the type of guy who always placed or showed but never won," he said. "In addition to that, almost every project that I ever undertook, I'd get very close to finishing it and then abandon it. I'd never even read a book all the way through, until I bumped into Dr. Groder. In essence, what Dr. Groder did was give me permission to win."

At first he read detective books. Then someone suggested that he take courses offered inside the prison by instructors from John A. Logan Junior College. He took 18 credits the first semester and 21 the second. Then he took 21 at Logan and 21 at S.I.U. in the same term, without informing officials of his double load. He got straight A's.

About this time he was converted to the Bahai faith, evolving the feeling that "black is indeed beautiful (but) no more beautiful than red, white, yellow."

He performed his regular prison duties during the day, with a bountiful supper his only meal. That was followed by sleep from 5:30 P.M. until 1 A.M., while other prisoners talked or played or listened to music. When the prison felt quiet, Taylor awoke and studied until the prison workday began all over again.

GOAL WAS CLEAR

Sometimes the load became too much. He feigned illness in order to study full time in the hospital, and was punished with a spell in the confinement block (before a quick reprieve from a concerned prison official). Around this time he broke with the encounter group, leaving some bruised feelings that are still evident. His eye was on the diploma.

Because of his escape record, Taylor has not left the prison, as many other prisoner-students are allowed to do at non-maximum-security institutions. And he was not permitted to attend the regular S.I.U. graduation earlier this month. So S.I.U. and prison officials brought the graduation to Taylor.

At 6 P.M. Friday the steel gates swung open for Dr. Walter G. Robinson Jr. and Dr. David Ehrenfreund and other officials of S.I.U., who joined Associate Warden Fred A. Frey and Superintendent of Education Glenn L. Henrickson in the cafeteria.

About two dozen people from S.I.U. were also allowed to be present—three black women from the Black American Studies Department, glowing with pride for their brother, white students who brought gaily wrapped books and embraced the man who had outstudied them all.

Holding his diploma, Taylor found that tears ran easier than words for a long time. He said he had not cried since he was 13.

"But this year I cried when my father died. I cried when I tried to tell a beautiful young woman she didn't need a lot of make-up on her to be beautiful. I cried when I pretended to be sick, so I could study. And now this. I used to have this thing that a man didn't cry. This must be my year for crying."

The friends looked—and some cried, too. Then after coffee and cake, laughs and handshakes, the guests checked out through the steel gates. Victor Taylor (B.A.: Psychology) went back to his cell.

He is not eligible for parole until 1976, and other sentences await him in other states.

F. BRADFORD MORSE'S SPEECH TO CONGRESSIONAL INTERNS

Mr. CASE. Mr. President, this summer the 1,200 college students working on Capitol Hill as interns for us and our colleagues in the House of Representatives took part in an unusual dialog.

Over a period of weeks they examined their own attitudes toward our Nation's priorities and their role in the making of foreign policy, and in particular, focussed on the future role of multilateralism.

This program, sponsored by the Bipartisan Intern Committee of the Congress, the House Foreign Affairs Subcommittee on International Organization, and the United Nations Association of the U.S.A., culminated in a 1-day conference in Coolidge Auditorium on the relevance of the United Nations.

The Senator from Wyoming, (Mr. McGee) also spoke, examining the circumstances leading up to congressional action permitting the importation of Rhodesian chrome. I supported him in this effort to keep Rhodesian chrome out of the United States, and I shall do so in the future.

One of the high points of the day was the welcome return to the Capitol of a former colleague—the Honorable F. Bradford Morse, former Congressman from Massachusetts who is now distinguishing himself as the new U.N. Undersecretary-General for Political and General Assembly Affairs.

For many of these interns, students who were not even born when the U.N. was created in 1945, listening to Brad describe the realities of the U.N. was their first exposure to the organization that hopefully may still unite our global village.

Mr. President, I ask unanimous consent that the text of F. Bradford Morse's speech be inserted in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Speech by F. Bradford Morse

Members of Congress, ladies and gentlemen. It is a very high honor for me to be here with all of you and to join you in thanking Don Fraser's Subcommittee, the United Nations Association, the Bipartisan Intern Committee and Mr. Edward Lamb for making this occasion possible.

I have with me today a young man who four years ago was also an intern. And after he finished school he joined my staff and became my administrative assistant. Now he is my special assistant in New York—Mr. Tim Rothermel.

I think this is a very significant, indeed potentially an historic occasion today, because we gather at a time when the United Nations has reached a low point in public opinion. It's become a scapegoat for the world's irritations and for our impatience with the present state of affairs. I think it's an appropriate time for us to think together as to what the organization is, what it isn't, and what we can do to make it more effective.

We still have a system of nation states, and the United Nations Charter recognizes that system. Clearly the UN is not a world government. It has no executive authority, and what it can accomplish depends in principal measure upon the member states.

We think far too frequently of the failures of the United Nations, but upon analysis I think you will discover that the failures are not of the Organization itself, but rather of the positions and the attitudes of member states which, for one reason or another, have prevented the UN from taking action. But I think we can look at a long list of achievements of the United Nations, and I'd like to share these with you.

The United Nations has made possible a dialogue between the East and the West throughout the period of the Cold War. It's assisted over a billion people in the last generation to gain their independence from colonial status. It has settled or brought to a standstill a number of conflicts that have been placed before it. It's helped defuse the North/South tensions which continue to arise from the development gap. It's provided the world with information and with analyses in practically every conceivable subject.

The UN has promoted and continues to promote human rights, racial equality, human dignity. It's an important observation instrument where future world trends are concerned. It's developed a consciousness of our world-wide interdependence. It's provided a forum for the aspirations of people from all lands.

It's developed global institutional services in a number of fields which require international cooperation: outer space, aviation, health, industry, trademarks, to name but a few. It has provided an important channel for international economic and humanitarian assistance. It's fostered world law.

It's provided active cooperation among governments on a number of new global problems including population control, outer space and the problems of the environment.

And the UN certainly has exercised a definite moral influence on governments and on world public opinion toward greater peace, toward greater justice, and greater progress. And most important of all, in the 27 years since the organization was established, there has been no world war.

Now indeed, there have been failures. The United Nations has never become involved in the problem of Southeast Asia. There are unresolved conflicts on the books today: for instance, Cyprus, even though progress has been made recently with the resumption of the talks; and the Middle East, where an uneasy cease-fire still prevails.

Neither has the United Nations been able by itself to halt the arms race, and it has been unable to deal with serious remnants of colonization and of racial discrimination, although progress there, too, has been made with the recent announcement by the Secretary-General of a Special Representative to visit Namibia, and hopefully work toward the independence of the people of Namibia. Much also remains to be done in the field of economic development, and in the field of world-wide justice.

The UN today, indeed, is at a critical point. We face a financial crisis of significant proportions, aggravated indeed by some in the Congress who are unilaterally attempting to reduce the United States' contribution to the UN in the next calendar year.

I think the balance sheet is clearly a positive one. I think the achievements of the United Nations far outweigh its failures.

Even the failures, as I said, are not upon analysis, really the failures of the United Nations, because the institution can do only what the member states want it to do.

We're coming, it seems to me, into a new era in the relations of the nations of the world and the people of the world.

For the last 2 or 3 years, there has been a great movement toward a re-arrangement of the relationships among the great powers. The admission of Peking and the interaction between the United States and the People's Republic of China certainly are important steps. The Moscow talks have contributed to better understanding between the two superpowers.

We have seen progress in Germany with the initiatives of Mr. Brandt. We have seen progress in Korea, where the talks which were undertaken under the auspices of the Red Cross have a chance to develop into a significant political achievement. We note the recent talks between the Prime Minister of India and the President of Pakistan, hopefully the beginning of the resolution of difficulties that have plagued the subcontinent for the last 20-odd years.

We do, however, face a crisis of commitment. And you, all of you, who are here in the Congress of the United States as interns—most of you who were not born at the time the UN was founded—belong to a truly unique generation. Because, never before have young people all over the world crossed political boundaries and the boundaries of culture and tradition; felt themselves so intensely linked together in common hopes, in common ideals, in common aspiration.

It's natural for you to think of what unites the world, rather than what divides it. The United Nations is the one mechanism that can ultimately unite this world.

ARE FEDERAL EMPLOYEES SECOND-CLASS CITIZENS?

Mr. MOSS. Mr. President, the Federal Government's own employees continue to bear the heaviest burden of President Nixon's economic "game plan."

President Nixon has declared that the Federal pay comparability adjustments scheduled for October will be "frozen" until January, 1973.

This marks the third time in less than a year that Government pay increases, provided by Congress, have been turned into a political football by the incumbent administration.

Like everyone else, Federal employees felt the impact of last year's freeze on this Nation's wages and prices. Within-grade promotions, to be received by qualified general schedule employees on the basis of experience and performance, were suspended for the entire 90-day period.

Unlike other wage earners, however, the Federal employees were singled out for a special sacrifice. Under an administration order, all comparability adjustments scheduled for January 1972, were to be frozen for an additional 16 months.

Fortunately, Congress intervened. After a long legislative battle, the Government pay hikes went through as scheduled.

Federal employees were assured equitable treatment with workers in private industry under the wage-price controls program.

The attempted freeze on comparability adjustments, however, is only one example of the Nixon administration's treatment of the Federal employees as second-class employees.

In a broad range of areas, including health benefits, wage grade reform, and job security, Government workers have gotten what must be considered a raw deal.

HEALTH BENEFITS

The 1972 Blue Cross-Blue Shield rates are up almost 30 percent for the Nation's Federal employees. This 1-year hike in the cost of medical insurance, exorbitant by any standards, is especially unacceptable at a time when salaries and wages are being held under strict control.

Despite growing evidence that Blue Cross is rolling up a multimillion-dollar surplus on the Federal employee health program, the Nixon administration refuses to take action on the matter. To make matters worse, they have resisted every effort by Congress to increase the Government's contribution to the employees' health insurance premium. Instead, Federal employees are being asked to dig deeper and deeper into their pockets to make up for the administration's own economic bungling.

Here again, is another bold example of the administration's second-class treatment of Federal employees. On February 18 of last year President Nixon proposed that private industry should pay at least 65 percent toward their employees' health insurance program for the next two and a half years, and a minimum of 75 percent thereafter. When it comes to the Federal Government's own employee health benefit program, however, the administration's double standard is self-evident. President Nixon has threatened to veto any move by Congress to increase the Government's contribution to the health premium beyond its current level of 40 percent.

WAGE GRADE REFORM

On January 2 of last year, President Nixon vetoed a long-awaited measure to insure equitable pay standards for the Government's wage grade employees.

Until a few weeks ago, the President continued to delay action on meaningful wage grade reform. As recently as June 15, the administration's floor leader in the Senate attempted to table H.R. 9092, a modified version of the bill which President Nixon had vetoed last year.

Up to the very eve of this year's Presidential campaign, the threat of a veto was ever-present. Were it not for the national elections, wage board reform could well have been dead in this session.

JOB SECURITY

When President Nixon announced his new economic policy last August 15, Federal employees were the first to get the ax. With the Nation suffering from its worst unemployment in 10 years, the President announced a 5 percent across-the-board cut in Federal manpower levels, throwing thousands of Government workers onto an already overcrowded job market.

The President continues to show little interest in providing jobs for millions of employees who were riffed as a result of defense and aerospace cutbacks.

Two million American workers released from wartime activities were denied employment opportunities in the peacetime economy.

Ignoring the plight of these men, President Nixon vetoed two major jobs bills, the Manpower Act of 1970 and the Accelerated Public Works Act of 1971, measures which would have provided hundreds of thousands of jobs, especially for those who found themselves displaced by the peacetime transition.

As an attempt to cover up for this dismal record, the Republican administration has resorted to scare tactics concerning the Democratic candidate for President. As a supporter of Senator George McGovern, I feel it is my responsibility to come to Senator McGovern's defense on this matter.

George McGovern is the only candidate for President this year with a comprehensive program to guarantee job security of the Defense Department's civilian employees. Unlike President Nixon, who showed little concern for the millions of riffed defense and aerospace workers, Senator McGovern has given high priority to a nationwide program to devote the skills and experience of these workers to the real domestic challenges of our Nation. The development of mass transportation systems, environmental protection facilities, demand the best of our technically-skilled manpower. Senator McGovern intends to create 1 million new jobs in these areas with the displaced defense workers receiving the first consideration.

It would be a mistake, however, to accept the administration's charges that Senator McGovern intends to "dismantle" the Nation's defense program. In actuality, the cuts proposed by Senator McGovern would have little impact on most of the Nation's defense installations. The Senator has proposed cutting expenditures on new weapons development, not on the maintenance of existing programs. Since most defense installations have as their primary mission the maintenance of existing weapons programs, they should not expect substantial manpower reductions.

Overall, Senator McGovern has an excellent record regarding Federal employee legislation. Last December, McGovern joined in the successful effort to crack the President's arbitrary freeze on Federal salaries. A long-time supporter of the principle of equitable treatment for Federal employees, McGovern was an early supporter of legislation creating the pay comparability system. When President Nixon attempted to interfere with the scheduled adjustments, Senator McGovern stood with the employees and supported an amendment to the Economic Stabilization Act defending the Federal employees' right to the pay increase.

This was not the first time Senator McGovern moved to guarantee progressive treatment for Government workers. On October 3, 1969, McGovern helped overcome a Republican attempt to weaken long-awaited retirement benefits reform. His actions saved the important high-three provision.

Today, many Federal employee issues remain unresolved. Due largely to the delaying tactics of the Nixon administration, many employee rights and benefits have yet to be guaranteed at an acceptable standard. Health benefits have yet to be extended on par with private industry; retirement annuities remain short of acceptable standards; pay comparability remains vulnerable to political manipulation; and a truly independent prevailing wage advisory board has yet to be established. On all of these questions Senator McGovern has taken the fair and understanding position. President Nixon, on the other hand, has thrown up roadblocks to progress.

As a member of the Senate Committee on Post Office and Civil Service, I have had a unique opportunity to measure the record of both of these men on issues of vital importance to the Nation's Federal employees. I believe that this year's Presidential election offers these Government workers the clearest possible choice between progress and stand pat, between first-class and second-class citizenship. Where McGovern supports, and has always supported, the principle of pay comparability, Nixon manipulates Federal salaries for short-term political gain. Where McGovern supports progressive health and retirement benefits, Nixon urges an inferior status for Federal employees. Where McGovern states, loud and clear, his support for full collective bargaining recognition for all public employees, Nixon opposes. Where McGovern supports modernization of the Hatch Act, Richard Nixon devotes his energies to keeping Federal employees politically helpless. Nixon is bad news for Federal employees.

NBC-TV DOCUMENTARY ON PENSION REFORM

Mr. SCHWEIKER. Mr. President, one of the most important bills to be reported to the Senate this year is S. 3598, to provide for reforms and improvements in private pension systems.

This bill, the Retirement Income Security for Employees Act of 1972, has been drafted after more than 2 years of hearings and study by the Subcommittee on Labor, on which I am privileged to serve.

Existing laws are simply not adequate to protect the lifelong investment a worker makes, through his labor, in his pension plan. It has been estimated conservatively that between one-third and one-half of all workers now covered by pension plans will not realize a nickel from their pension plans when they retire. There is a particularly serious problem of workers losing their pension rights, and their hard-earned pension savings, when their companies go bankrupt, merge with other companies, or simply go out of business.

The pension reform bill, which I strongly support, would help correct this situation of retired workers being left with no pension whatsoever through four major features: First, it would guarantee a vested pension right after an employee has worked 8 years for a company; second, it would require pension plans to have a sound funding schedule, to guarantee that the pension funds actually have the money to pay their pensions; third, it would provide insurance for vested pensions in plans that are terminated; and, fourth, it would encourage businesses to institute "portable pensions" so that employees with vested pensions who change jobs can take their pension plans right with them.

Mr. President, the need for pension reform, and the serious problem of breakdown in our private pension systems, was dramatically shown to the entire Nation on September 12, 1972, on the NBC-TV national documentary, "Pensions: The Broken Promise."

This outstanding television special portrayed vividly the plight of the individual worker who is faced with the loss of expected pensions because of situations totally beyond the worker's control. Every Member of the Senate and the House of Representatives should see, or read, this important television documentary. NBC-TV is to be commended for its important public service in airing this issue for all Americans, and I ask unanimous consent that the entire transcript of the show be printed at this point in the Record so that my colleagues will have the opportunity to review this vital message.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

Pensions: The Broken Promise

September 12, 1972

Announcer. Tonight NBC reports on Pensions: The Broken Promise.

Man. I figure I had twenty-three years seniority filled up, possibly last up until I was in my forty year sometime at least before I retired and then to look back and see it all fallen away. Everything that you planned on. Just seems like a waste of time.

Woman. There must be thousands maybe millions of them that's getting the same song and dance that my husband got. When they reach their time for retirement there is no funds to pay them.

Man. This man, Hoffa, on there, retired with a one point seven million dollar lump sum pension. And I can't get three hundred dollars a month out of them on there for my retirement.

Man. Where does all this money go that's been paid into these pensions?

Man. The pension system is essentially a consumer fraud, a shell game and a hoax. As a matter of fact, when you say it's a consumer fraud, you pay it an undue compliment, because typically, you think of consumer frauds in terms of short transactions, the purchase of an automobile, the purchase of a pair of pants, but with the pension system you really have a long term contract that may run fifty or a hundred years that's designed to guarantee the security of our population. Essentially, you have an insurance contract that doesn't perform. You have an insurance contract that can't be relied on. You have an insurance contract that can't be trusted.

Man. And I think it's a terrible thing in this country where men who work forty-five years have to eat yesterday's bread. And I don't want to compete on my old age against other old men on old age running down a supermarket aisle to get dented cans and stale bread. I don't want to look forward to it. So I really have nothing to look forward to at sixty-five.

[Dance music.]

Edwin Newman. This is a story about ordinary people with the modest hope to finish their working careers with enough money to live in dignity. That is a modest hope but it's one that is all too often not realized.

* * * * *

Newman. There is a widely held belief in this country that public disclosure is a good thing that it inhibits misconduct and helps to keep people honest. That's why these files are full of pension plans, private pension plans. Under the law, all such plans must submit annual reports on their activities to the Department of Labor. And these annual reports wind up here, roughly thirty-four thousand of them in a building in Silver Spring, Maryland, just outside Washington.

The Labor Department has the right to audit them and to a limited extent, where wrongdoing is discovered, the government may prosecute. Also, the reports are available to anybody who asks to see them, but as it works out that is a meager protection for the twenty-five million Americans who are in private pension plans.

There are millions of hopes and dreams in these files. If experience is any guide, very many of the hopes will prove to be empty and dreams will be shattered and the rosy promises of happy and secure retirement and a vine covered cottage will prove to be false.

Understandably, there's a good deal of bewilderment about this and bitterness among those who find nothing where they thought that pension plan payments were going to be. The Labor Department therefore receives in addition to the annual reports of pension plans complaints about them and appeals for help. A lot of these are passed along by members of Congress.

For example:

Woman. I understood that I was covered under a very good pension plan to which I did not contribute. It was a hundred percent paid by the company. But it did mean a lot to me and I had several other job offers which I refused or didn't even consider because I knew I had security to build up for the future.

Man. I started when I was nineteen years old.

Newman. Stephen Duane(?) used to be a warehouse foreman for the A&P supermarket people in New Jersey. Eighteen months ago the A&P closed the warehouse and discharged the men who worked there. Duane lost all his years of pension credits.

Duane. . . . in my old age I would be happy and secure in the pension and the benefits that I thought I had with the A&P.

Woman. At the end of these fifteen years, the company was bought out and the new owners decided to close down the air(?) division so I had less than a week's notice and I was let go as well as everybody else in the air division with no severance pay, nothing, absolutely out in the street, after fifteen years with nothing.

Duane. When the time came to talk about the pension, we were (unclear) . . . we did have books but nobody took bother in looking at the book, so you feel you're going to be pensioned and that's it. So when they finally told us that the men had to be fifty-five years and over to collect a pension, I was the big loser. I had a brother the same time as me down there. We were the big losers. Thirty-two years of our life was given up and we had nothing, absolutely nothing to show for it.

Newman. Duane discovered what a lot of other people have, that it's not easy for a man in his fifties to find a new job. He wound up as a laborer in another warehouse, where he has to compete with much younger men. But no matter how hard Duane works, it's almost certainly too late for him to start building pension credits again.

Duane. It's a terrible experience, an experience I would never like to see anybody else go through. That is why I feel so deep about this pension so that future men won't feel like I do. You wake up in the middle of the night, in a cold sweat, knowing all our work, all your life has gone down the drain. I was just a number, number seventy-two was my number. No Stephen Duane or a worker. I worked, I remember, I had seventeen years with only four days out. But what does that mean to them? That means nothing. They just turn you out in the street because it's an economy move. I personally wrote a letter to the president of the A&P, not yelling at him, I want to discuss some kind of moral obligation, just me and him, how does he feel, how does he put his head on the teller(?) knowing you have men walking the streets. I don't know. It's very—it's a deep emotional thing with me. Sometimes I'm ahead of it. Sometimes I'm not. That's my feelings on the thing.

Ralph Nader. We've come across in our questionnaires and other surveys, some of the most tragic cases imaginable. Where people who worked for twenty-five, thirty years and just because of a tiny quirk in the pension plan's fine print, they don't get anything.

Herbert Denenberg. When you get to be sixty-five, you're out of work and you need a source of money and that's what a pension plan is supposed to do. Unfortunately, it's woefully inadequate. Over half the people have nothing at all from pension plans and those that do typically have only a thousand dollars a year so even if you have social security, most pension funds are inadequate.

Sam Zagoria. And there are a lot of people who just believe because something is printed and because they've heard some glowing words about it, that that means it's a lead pipe thing, that they're actually going to have it when they need it. It may not be so.

Newman. Many employees form their ideas about pensions by reading the slick brochures that their company or union gives them. Most of these booklets do make a pension seem a sure thing. The many restrictions and exclusions are buried in fine print or concealed by obscure language.

The Senate Labor Committee has been looking at these brochures as part of its general study of the pension problem. Senator Harrison Williams is chairman of the committee.

Senator Williams. I have all kinds of description of plans here and all of them just suggest the certainty of an assured benefit upon retirement. Here's a man—this was from a brewery, sitting relaxed with a glass of beer and checks coming out of the air; well, you see, this gives a false hope, a sense of false security.

Newman. Senator, the way private pension plans are set up now, are the premises real?

Williams. The answer is, they are not.

Newman. So you want to get some reality behind the premise, Senator?

Williams. Exactly. We don't want just these golden general descriptions of what can be expected under the plan; we want clear and precise and understandable descriptions of the reality. The worst example that I've seen is this description that is wholly unintelligible to anybody but an advanced lawyer.

Newman. If an employee makes the election provided for, is that the one?

Williams. Yes.

Newman. If an employee makes the election provided for in Subparagraph two of Paragraph B of this Section Six, his monthly pension is determined under either Section Three or Subparagraph One of Paragraph A of Section Four whichever applies, shall be reduced by the percentage set forth in Paragraph C of this Section Six as if the employee has made the election provided for in Subparagraph One of Paragraph B of this Section Six and shall be further reduced actuarily on the basis of the age of the employee and his spouse at the time such election shall become effective. The sex of the employee and the spouse and the level of benefits payable to the employee's spouse in excess of the level of benefits in the election provided in Subparagraph One of Paragraph B of this Section Six.

Maybe I didn't read it very well.

Williams. Well, of course, you understand it though.

Denenberg. It's almost an obstacle course and the miracle is when someone actually collects with the plan. There have been studies that indicate that most people won't collect. I think we need controls of the same type we apply to insurance companies, your money should be funded so it's going to be there at age sixty-five. Today, it's almost a miracle if it's there at age sixty-five.

You have to go to work for an employer, you have to stay with him, you have to stay in good health, you have to avoid layoffs, you have to take your money, turn it over to the employer, hope that he invests it safely and soundly, you have to hope that when you're age sixty-five the employer is still around and he's not likely to be in terms of the high mortality of business, so there's almost a sequence of miracles which you're counting on.

Senator Richard Schweiker. In one study made by our subcommittee of fifty-one pension plans, covering six point nine million workers since 1950, ninety-two percent of the workers in these plans left without any benefits whatsoever.

Workers are losing their pension rights when their companies go bankrupt, merge with other companies or simply go out of business. Workers are losing their pension rights when they are forced to leave one job to find another. We will hear testimony from five retired employees at Horn & Hardart, men and women in their sixties and seventies who have worked an average of forty years or more for the company. Today they are retired and forced to keep working because the company has hit financial difficulty and has had to give up its pension plan.

Man. They called me into the office, they say, Grimes, you almost about time for you to go ahead. I say, is that so, well, I said, go out for what. I heard of people retiring, I mean, but they say, well, you know, everybody got to retire. And I say, I didn't know that. I say, I'm not ready to retire. I have no money. I say, I owe everybody in Philadelphia which I did. I said,—I told them, I'm not ready to retire.

Woman. They made me retire on account of the age. They call me in and Mr. Downey(?) was the man over the place at the time. And he said, (unclear) . . . what I would get and after taking out other compensations, I got fifty dollars and forty-eight cents a months.

Man. They claim that this plan would make us financially independent along with our Social Security and whatever income we might have saved. They said that this plan, you will not have to worry about anything. Then all of a sudden, they said, we can't pay you anymore, cause the funds has run out. And we have to sell some properties in order to recuperate and get some more funds into this . . .

Schweiker. And then that was cut off in October of '71 when they went into bankruptcy.

Woman. That's right. As Mr. Grimes said, we stop and then we started it again. And they finished it in November 1971 and that was it. I don't get anything at all. Nothing at all. For all of those years.

Man. When I retired in '56, I was getting fifty-five dollars in pension money. I could make it with that with my Social Security.

Schweiker. Had you expected to get a full pension for the rest of your life?

Man. Yes, sir. At the time the pension plan was established, we got literature stating what we were going to get and I was satisfied with my—at that time I was satisfied with Social Security. I suppose I knew I could sort of make it like that. But when it collapsed, I collapsed with it.

Schweiker. I have here a booklet called Horn & Hardart Retirement Pension Plan. I assume this was something that was passed out to the employee. No doubt you all have one. I'm sure that it spells out what you expected to get in terms of your benefits. I think significant on the inside back cover, it says: Happy Retirement to you when your turn comes.

(Laughter and applause.)

Announcer. Pension: The Broken Promise will continue after this message.

Newman. This was the Baldwin-Lima Hamilton Heavy Equipment Plant near Philadelphia where thirteen hundred men used to work. They were the sort of people who thought security was important and they had passed up bigger wage increases in favor of a better pension plan.

When the plant closed in April, many of the men discovered their pension rights had disappeared.

Man. I heard a lot of guys say, the only reason I stayed with it, for my pension. Now there is no pension. So in order to have all this go down the drain, let's face it, it affected every one of us in one way or another.

Man. What's going to happen to me? Here I am. I'm now fifty-nine years old. When people get up in age and the bottom drops out, like what happened to us. It's a crime. After thirty years and I've got nothing. I mean, it's gone down the drain, thirty years of service. Now I can make up—I can get up into another place and I'll get fifteen years, but that's not going to amount to anything.

Man. So there goes my future plans. I mean, I figure, well, I'd like to put the boys through college but what can I do now? I'm afraid to.

Man. A younger person does have some chance to do it but at my age, you've made that round, there's no more. In other words, I missed the pension here by about four months.

Man. Everybody was just relying on a pension and if they knew today all the stuff, they would have never stayed there.

Man. Yeah, but George, you realize that there's so many people, working people under the impression that they've got a pension coming they don't even realize it they could be in the same fix . . .

Man. . . . complacency. They don't realize that this can happen. They think, oh, I'm doing all right, I've got my paycheck and I've got a pension but he didn't read the fine print.

Man, Well, we felt that way ourselves two years ago.

Man. This is where I thought I had it. I thought when I reached the age of sixty-five or even sixty-two, I'd have approximately forty-five to forty-seven years with the company. And I could turn around and retire at six dollars (sic) for every year of service.

(Cross talk.)

Man. As the years went on, that figure would have increased.

Man. I lose faith in a government that allows things like this. Not long ago I was in New York and I saw that inscription on the Statue of Liberty. And it sounded wonderful, you know. Give us your tired and so on. But what it actually said was, give us your labor; get those honkies here where we can put them to work for nothing. That's what it amounted to.

Newman. An employee becomes much more expensive to a company once he has been vested, that is guaranteed a pension. This man, Alan Sorenson says he helped to prove that point in a study he did for a large department store chain. After the study was made, so Sorenson says, the company got rid of many long service employees before they could achieve vested pension rights.

Sorensen himself was transferred out of company headquarters winding up in Salt Lake City as a store manager, that is Sorensen was a store manager until he was fired last year after twenty-two years of service. He now works as a check-out clerk in this Salt Lake City store.

Sorensen told us he had been only a few years away from his vested pension rights.

Alan Sorensen. I definitely feel that I was terminated because I was approaching an age when I would have vesting and they had terminated so many long service employees just prior to terminating me that it all seemed to fall into a very definite pattern.

Interviewer. And the reasons you were given for being let go? How did they seem to you?

Sorensen. They seemed very shallow. Because my past record was such that it was above reproach. I had never had a serious shrinkage in the total time that I had been a store manager. Within the last two or three years before I was terminated, they terminated a great many store managers with long service with the company.

Interviewer. People who would be approaching the . . .

Sorensen. Approaching the age of vesting and retirement. See, by terminating these people before they reached age sixty-five, this cuts their pension benefits back drastically.

Earl Schroeder. Out in Chicago. I worked for twenty-four years for the Kelly Nut Company. And . . .

Newman. Earl Schroeder was a corporate executive in a company that had been taken over by a large conglomerate. Several other executives had been fired and Schroeder was worried about what promised to be a substantial pension.

He was only six months away from his

Schroeder. . . . a retirement plan at age sixty by having put twenty years service with the company. I had put in my twenty years, in fact twenty-four years with the company, but I did not have the age requirement of sixty. I was called from my office to a lunch with one of the executives of Kelly Nut Company, Corn Products Company, our vice president for finance. And informed that henceforth I would no longer be with the company.

And I said, Walter, what do you mean? He says, well, Earl, I hired you twenty-four years ago, today I'm firing you. Why? Well, we decided you're too good for the company. And we have no other spot for you.

I was at the time assistant secretary of the company, the secretary of the company he was lopped off at thirty years' service. I had a warehouse manager in Albany, Georgia, Howell Free who was lopped off two months before he would be vested in the plan; he had his time, he had his age, this poor individual became so ill and upset over it that he shot himself, took his own life.

Newman. Driving a truck in Chicago wears a man down fast, so the truck drivers have always been concerned about pensions. And in most respects, the pension programs run by the Chicago teamsters union locals are among the best. Benefits are generous and a teamster can retire as early as age fifty-seven. Many feel that after twenty or thirty years behind the wheel retirement can't come soon enough.

Man. When I was young, I was like a bull. I thought I was big and tough. Then I started in the taxicab. Driving a cab. You sit. Your kidneys, your back, everything just goes.

Man. Every truck driver I think thinks forward to the day that they're going to retire. And if you got the seniority you think you're well established. You're not thinking about somebody cutting, shooting you down or something. About cutting your pension off.

Newman. The trouble is, every teamster local in the Chicago area runs its own pension plan. And it's common practice for a man to be forced to transfer from one local to another, every time he changes job. From driving to the loading dock, for example. Or from loading to checking weigh(?) bills. Or from an outside to an inside job.

Sometimes, different group of teamster members working for the same company or even in the same garage will be in different teamster locals.

A teamster must have twenty years of membership in one local to draw a pension. His pension rights are not portable. He cannot take them with him from one local to another.

A lot of drivers don't know that until it's time for them to retire. And when they do find out, they can't understand why it should be so.

Man. When they started up this pension plan, I don't think they were strictly honest with people. I mean, with the people, I mean the truck drivers. They didn't come out in detail and say, you got to have twenty years in this local only that you can get a pension.

Man. As far as I'm concerned, with the amount of years that I have with the company, I should get a full pension. I've got my twenty years with the company, but you got ten years over here, I got eleven years over here.

Man. It's the same thing on there as you would put money in one bank and then go on the west side and put another part of your money into another bank on there and when it comes time to draw it out down there, they tell you, we're sorry on there, you put your money in two banks. We refuse to give it to you. This is the same principle. I have money in two different locals.

Man. Almost twenty-one years with one outfit and I can't see why one local can't get together with the other local which I'm in and there is nothing to it, this one has to give me half, the other one gives me half and they make a whole out of it, all right, so, whats hard about that?

Man. You go down to the unions, you beg, you talk to the people, they give you deef ear. Yeah, we'll take care of it. We'll take care of it. They don't.

Man. The union was to me a brother. And that they wouldn't sell me down the river. They wouldn't deprive me of something on there that was paid for that I was looking forward to by a little technicality on there.

Man. They're taking away by lying to the men, they're taking away by pulling out the fine print in their pension programs. They're taking away by keeping the men ignorant of these pension programs. Of these pension rules.

Man. You cannot change unions. So what do you do then? If you can't change unions, if you have to get another job, and you have to go in another union, what are you going to do then? Do you start all over again? Are you going to go ahead and build up time time time? You can't do it.

Interviewer. What are your plans for the future?

Man. I have no plans. What can I do? I'm just going to have to live out my time and do the best I possibly can with (cross talk) . . . from Social Security.

Woman. And what we have in the bank.

Man. That's all I can look forward to. Nothing else.

Man. You've got people driving those trucks that are as high as sixty-eight years old. Sixty-eight years old driving a seventy-two or a seventy-three thousand pound unit. With such commodities as explosives, jet fuels, gasolines, oils, plastics, sixty-eight year old man driving this truck. They're not going to last. Somebody's going to get killed. They should have been pensioned about ten or twelve years ago.

Man. That's the way I figured it was going to be. And that's the way we all figured. All the old timers, we figured that if we put in twenty or twenty-five years, when we retired, we would get a pension. But no because they got cheated they still have to work. But can you imagine a sixty-eight year old man on an interstate with anywhere from seventy-two to seventy-four thousand pounds coming at you?

Announcer. Pensions: The Broken Promise will continue after this message.

Newman. The flaws in the private pension system have hurt middle class and working class people most. Rich people don't need pensions and the very poor never build up any pension rights they can lose.

People don't get the pensions they expect for many reasons. One is that most plans require you to work in the same place for twenty-five or thirty years or more. A lot of people lose their pensions because the plan runs out of money. At this moment the Coal Miners Fund is operating in the red and the Railway Retirement System is running an annual deficit.

It's also common for workers to get smaller pensions than they expect, partly because many plans treat highly paid executives much better than lower and middle level employees.

Women get the worst treatment. They seldom work in one place long enough to qualify. And the wife of a pensioner usually gets nothing after her husband dies.

What's wrong with the system is most evident to the social workers helping the aged and to a few labor leaders who take an interest in retirement problems.

Victor Gotbaum. In the United States we have a magnificent ability to cover up our own diseases especially the disease of big business. Pensions in the private area are a mockery. They're a national disgrace. We know this.

Man. The place where it gets very difficult is with your fairly average middle income middle class person. Who arrives somewhere between sixty-two and sixty-five at retirement, finds their income cut sometimes as much as seventy percent. These are the folk that I think have the most difficult time. They're sometimes our most difficult client because they're bitter. They're resentful. Our society being what it is they postpone thinking about old age and its problems. And all of a sudden, they find themselves old and poor.

Edward Kramer. These people feel who worked all their lives and let's say they worked thirty-five forty years, and many of them have worked for one employer for all these years, are, they feel that now that they've retired, they're going to live a better life. They won't have to get up early in the morning. They won't have to work and they'll be able to do all the things that they couldn't do when they were working. And then they find themselves in the position that they have no money, they have no friends. And they live in squalor and they can't do these things. So what—they've really been cheated, cheated by the pension system, cheated by social security, cheated by their employer and they feel very angry at themselves because I think in the back of their mind, they knew this was going to happen. They knew that when the day came that they would retire, they would be worse off than when they were working. But they're afraid to admit it.

Gotbaum. They don't eat meat. It's soup. It's lower economic. When they go into the supermarket, something of a thing you discover is that they're the special hunters. Their housing situation is an atrocity. We know this. We've now discovered them so we're trying to build housing for the aged. And there's a thrust in this direction. The aged poor. Well, there's not enough housing, there's not enough housing for the aged poor. So that, you'll find that the ghettos, interestingly enough, fascinating area, the ghettos are composed mainly of the black and Puerto Rican poor and then you will find spotted throughout aged whites as well as the black and Puerto Rican. This is integration of the poor, integration based on lower economic status.

Kramer. They're kind of waiting around. See, what we've done in our country is create God's waiting rooms all over the country, in Miami, New York, and Boston, and Los Angeles, and Philadelphia, where old people kind of wait around for the day to come when they're going to die.

Man. We're living too long. I some area if we could just disappear, it would be very nice to the community at large. But we are not disappearing, we're still here. And we're growing older and older. The aged now are ninety and ninety-five is not too uncommon. Even a hundred is not too uncommon. And the result is this, that we have made no plans to retire.

Man. You can't make it on social security, maybe after that twenty percent increase we can. Far as I'm concerned. If you had just say a hundred and a half more a month, we could make it pretty good. But now when a bill comes up, you gotta figure how you're gonna meet it. See, if the car breaks down for a hundred dollars, you gotta start skimping or go to the bank—you got two, three hundred left in there and draw one of them out. And that's like pulling teeth.

Woman. We'll get by, we'll just have to get by, we'll have to eat less. If we had any indebtedness at all, we'd never make it. Makes you feel bad and a lot of times you just sit there and think, at my age, what am I going to do, where am I going to? (unclear) . . .

Man. The average person—elderly person who lives on social security, old age assistance and perhaps some money they've been able to save. Income runs about a hundred and eighty dollars a month. They've literally got to watch every nickel and penny.

Kramer. Going to a movie is a big expense, taking a bus to a clinic to visit a doctor is a big expense, buying a new pair of shoes is a big expense, getting ill and having to get medicine is a big expense. This is where, if there was an adequate pension system in the United States, along with Social Security, some of these problems could be avoided.

Newman. Retired people like to live in places that are warm and cheap. There are towns in California and Florida where more than half the adult population is retired. Years ago, older people lived with their working age children. Now, in our mobile society, the elderly have taken to living in trailer parks filled with other retired people.

That means retirement is a lot more expensive than it used to be. And the elderly are complaining much more about needing money.

The average retired person depends on Social Security for most of his income, so the big day is the third of the month, the day the Social Security checks arrive.

Man. Everybody's out, they're standing at the door for the mailman, they grab this little check and they haul off to the bank with it. And we get in line up there to get your check. And we try to let it go till the next day because it takes too much of your time standing there. And then you run off to the grocery store. And the grocery stores all run big sales. On the day they're going to have this—you can get yourself a steak. If you're lucky for a dollar and a half. But retirement's not, unless you can adapt yourself, it's not for the lively person, somebody that's sickly, he can't enjoy it, there's nothing to enjoy about it. But if you can prepare yourself to accept a quiet life and you and your wife figure what you want to do with yourself during the day, then you can make it.

We have fishing and take an umbrella and a couple of chairs and go down to the beach and sit there for the early part of the day before it gets too hot and then we come back and turn the air conditioner on, spend the afternoon in the house. We have a couple of friends around here we visit with, but it's nothing exciting. And you don't have the money to get exciting. I mean, the wife likes to go and I would love to go too but you can't afford to drop ten or twenty dollars. You go down to these restaurants, none of them have a meal less than three dollars. But they got some beautiful malls and one thing and another, you can loaf around in air conditioned. We went in one yesterday, Ma's, I think it was, and . . . pull about four bolts of material there . . . how do you like this and I go through the routine, it's a litle loud, or a little conservative and she throws them back in the pile and walks on. And the girls follow around (UNCLEAR). . . .

But that keeps them busy, you know, they got something to do. I imagine all these old people do that, I don't know.

Newman. The crux of the matter now is that increasing numbers of Americans are reaching retirement age, they should not be expected to live in poverty or near poverty or a cut or two higher, lead a drab, penny-pinching sort of existence. Nor, obviously, is that anything the rest of us would want to look forward to. The refrain that runs through what we've been hearing is a kind of incomprehension. What emerges over and over again is that these people played the game. They did what Americans are expected to do: they worked and met their obligations. But at the end of their working lives, they found that they were in trouble. Put simply, they did not have enough money. The pension plans that they thought were going to take care of them didn't. Now, it may be that some of them did not save as much money as they might have. The urge to consume in American life is very strong. Also inflation played its part and maybe they were careless about what the pension plans they were in actually could do.

In any case, at the end of their working lives, they feel cheated and cast aside.

Announcer. Pensions: The Broken Promise will continue after this message.

Franklin D. Roosevelt. This social security measure gives at least protection to fifty millions of our citizens who will . . .

Newman. Most people didn't have any sort of steady retirement income until the first Social Security law was passed. Social Security was to take care of working people when they got old. At least that was the impression given by this government publicity film but no one who ever had to live on Social Security alone has ever considered the monthly benefit to be enough. It was enough perhaps where people also saved money for their old age or got help from their children.

The private pension system really got started when wage controls were put into effect during World War II. Fringe benefits were exempt from controls and since labor and management couldn't talk about much else, they began to negotiate pension plans. Companies also started using pension plans as a way to keep skilled employees. The idea was that a man would not be tempted to look for another job if he had a paid retirement to look forward to.

Today labor unions consider pension benefits to be part of the wage package, higher income workers now want more insurance that they'll actually get their pensions. Lower income workers think they have a right to better pensions than they get now.

For that matter, major league baseball players struck last spring for improved pensions.

In New York, not long ago, angry municipal workers paralyzed the city by opening drawbridges and blocking highways. They wanted their pensions improved to match the gains made by policemen and firemen. And by some workers in private industry.

If there is a pension crisis, it is, at least, in part, a crisis of rising expectations.

Another crisis of sort involves the vast amounts of pension fund investments. James Hoffa was convicted of criminally mishandling pension fund investments. So was the leader of a Chicago barbers union.

Pension funds have outgrown the laws regulating them. No government agency has enough staff or authority to control them. The Justice Department's labor section believes it's common for pension money to be incompetently or dishonestly invested.

Richard Benvinisti. Well, we've prosecuted cases involving embezzlement of pension funds, misuse of pension funds, for the personal benefit of the labor union officials who are charged with administering these funds. We've also prosecuted cases involving the receipt of kickbacks by pension fund employees and trustees for the granting of loans and for the use of this pension fund money.

Benjamin Schenck. It could be something as simple as using the money to buy a new vacation home for one of them, it could be more complex, more subtle situations where the money in the trust fund is for example loaned to the employer, to build him a new factory or loaned to the union to finance a new recruiting campaign.

Charles Ruff. We have no real idea of how much fraud there may be in the pension plan area. But you're talking about an institution, the pension plan area, generally, that deals in hundreds of billions of dollars. And when you have that much money involved, the federal government ought to take a more active role than it does.

Denenberg. We regulate insurance completely. We regulate the agent, the contract, reserve, the policies, the sales technique, the investment, we regulate insurance companies from birth to death. And yet we have a gigantic pension system, almost the size of the insurance industry, a hundred and fifty billion dollar business that's essentially unregulated.

Can you imagine what would happen if we would let insurance companies do whatever they wanted to? We can't even protect the public with full regulation in insurance, but essentially we have a pension system which is precisely an insurance plan and which is almost unregulated.

Newman. This is where most of the pension money now goes. To Wall Street. To be invested.

It's estimated that private pension fund assets now amount to something like a hundred fifty-three billion dollars. The way they're growing, they very likely will amount to two hundred fifty billion dollars by the end of this decade.

Pension funds are now the largest institutional investors in the country; they've passed the mutual funds and there is no end in sight.

Typically, the management of pension fund money is handed over to banks, mostly very big banks. Banks for the piling up of pension fund money. A few banks may administer significant and even controlling amounts of the common stock of very big corporations.

An example:

More than ten percent of such companies as IBM, Ford, IT&T, J. C. Penney, Westinghouse, and Boise-Cascade is held by three banks. Fifteen percent of Trans World Airlines is held by two banks. Morgan Guaranty Trust and Chase Manhattan.

Man. We remain confident beyond 1973 on a . . .

Newman. There is so much pension fund money to invest, that just finding productive uses for it can be a problem.

This is something few outsiders see, an investment meeting at Bankers Trust Company in New York.

Man. One of our major concerns is to protect our accounts against risk, risk being defined as underperforming the market in a down market which it is true we do not forecast. My question is, how do you think the chemical stocks would fare in the event we do have a weak market over the next six months?

Man. Jerry, I was just talking this morning . . .

Newman. Critics of the big banks claim that they stick too much to safe investments in big corporations. The bankers insist that their industry is competitive and that all banks seek the highest return with the least risk.

Bankers and critics agree that the trust and investing industry has grown tremendously. The institutions managing trust funds have become so big that they often prefer to trade large blocks of stocks among themselves by computer, rather than using the stock exchange.

Pension fund money has become so important to the economy that nobody knows what would happen if the system were to be drastically changed. Incorporated in social security, for example.

Ralph Nader opposes that. Nader wants to take pension funds away from the banks and have the government set up new set of institutions, responsible only to the pensioners.

Other critics would concentrate on insuring pension benefits and making it possible to take pension rights from one job to another. But almost everybody agrees that some changes are needed.

Ralph Nader. I think time is running out. On the private pension system. And if its abuses continue to pile up, and if its enormous popular disappointments begin to be more and more revealed, it might collapse of its own weight, and social security will have to take up the slack.

Russell Hubbard. Over a good number of years, the track record is excellent. It's unfortunate that every now and then some of the tragic cases make the newspapers and the headlines. But it's a question of perspective and balance. When you consider that there are thirty million people covered by the plans, that there are five million people receiving about seven billion dollars in benefits. I think that's a pretty good record. That's not to say that there aren't a few remaining loopholes that need closing. But we ought to make sure that we don't throw out the baby with the wash water.

Victor Gotbaum. The solutions in the wealthiest country in the world is not to do what they've been doing in terms of pensions. You fund a pension. You fund it on the basis of men's ability to live. You tie it into cost of living. The wealthiest country in the world ought to be able to do it.

Kenneth Anderson. You must remember that the corporation has set this plan up voluntarily. They have not been required by law to set it up.

Interviewer. So that it gets from the employer to the employee?

Anderson. That's what it amounts to.

Denenberg. I say it's the employee's money and I think that is the economic fact of life and I think in terms of the morals of the problem and in terms of the economics of the problem, that anyone would conclude that it does belong to the employee and yet it's not being used for his benefit.

Anderson. These pension plans are a part of a fringe benefit package. Like hospitalization insurance and so forth, but it's still a voluntary thing on the part of the corporation.

Gotbaum. So all I can say is my God, how can you hold to that view? Do you mean, people are supposed to starve, that people are supposed to live on a subsistence money because they are not unique, and that, by the way, is the same attitude. That gives top management stock options, gives them retirement after a small serving period whereas the middle worker, the lower economic worker takes a terrible beating.

Senator **Schweiker.** What we're proposing to do a little bit what was done with the bank failure problem. We didn't go in and take over the banks but we did, by means of insurance and federal deposit insurance corporation come in and guarantee that no depositer would lose his savings under a certain point. And I think that's what we're saying here, that once a worker has put in eight years time, once he's reached a certain age, once his company's reached a certain point, then he doesn't lose it, regardless of what happens to his company or the country.

Man. What are they waiting for? What the hell are they waiting for? Do they have to give us a certain quota, a certain number of people that have to be victims? Do they have to give us a certain amount of money? How many billions must it take before they do something about this? How many people have to starve? How many people have to lay on the sidelines and just hope and pray. How much misery do they want before they actually act upon it?

Newman. This has been a depressing program to work on but we don't want to give the impression that there are no good private pension plans. There are many good ones. And there are many people for whom the promise has become reality. That should be said.

There are certain technical questions that we've dealt with only glancingly, portability, which means, being able to take your pension rights with you when you go from one job to another, vesting, the point at which your rights in the pension plan become established and irrevocable.

Then there's funding, the way the plan is financed so that it can meet its obligations. And insurance, making sure that if plans go under, their obligations can still be met.

Finally, there's what is called the fiduciary relationship, meaning, who can be a pension plan trustee? And requiring that those who run pension funds adhere to a code of conduct so that they cannot enrich themselves or make improper loans or engage in funny business with the company management or the union leadership.

These are matters for Congress to consider and, indeed, the Senate Labor Committee is considering them now. They are also matters for those who are in pension plans. If you're in one, you might find it useful to take a close look at it.

Our own conclusion about all of this, is that it is almost inconceivable that this enormous thing has been allowed to grow up with so little understanding of it and with so little protection and such uneven results for those involved.

The situation, as we've seen it, is deplorable.

Edwin Newman, NBC News.

A CONSUMER GUIDE FOR AIR TRAVELERS

Mr. CANNON. Mr. President, as chairman of the Subcommittee on Aviation, I am well aware of the problems of some air travelers due to the lack of adequate information as to their rights and obligations.

The Civil Aeronautics Board is moving to help solve this problem through a publication to be issued by its Office of Consumer Affairs.

Entitled, "A Consumer Guide for Air Travelers," the booklet will answer many of the questions posed by air travelers who have problems dealing with denied boarding, baggage loss, charters, and so forth. This is a matter of deep interest to Senators as well as to the traveling public, and accordingly, I ask permission that a copy of the CAB's booklet be printed in the Record.

There being no objection, the booklet was ordered to be printed in the Record, as follows:

Consumer Guide for Air Travelers

What does consumerism mean in air travel? Simply stated, it is the customer receiving what he pays for, no more, no less. It is the holder of a transportation ticket expecting and receiving certain minimum standards of service en route to his destination and an uneventful reunion with his baggage once he arrives there.

As in any other contractual arrangement between the consumer and the provider of the product or service he buys, the airline passenger has a right to know, in advance, the service he can expect, the cheapest available fare, the restrictions and conditions applicable to the fare, and any additional charges he will have to pay for audio and visual entertainment and beverages he may consume. He has the right to be fully informed, in advance, of the carrier's limit of liability for damaged or lost baggage, and of the alternatives open to him to protect his possessions beyond those liability limits. The oversold passenger has the right to be fully apprised of the carrier's obligations to him. And he has the right to expect his complaints to be handled with the same kind of speed to which we have become accustomed in this air age.

On the other side, the consumer has obligations to act with the same honesty and fairness that he expects of the airline—to book only flights which he actually intends to take and to submit honest and unexaggerated claims for loss or damage.

It is for this purpose—to increase the consumer's knowledge of what he can expect from an airline, and what the airline expects of him—that this booklet is written.

INTRODUCTION

If you have a problem with an airline—whether fares, baggage, poor service, delayed flights, or any kind of treatment which you feel was unfair or discourteous—your first action should be to report the difficulty to the airline. The field of air travel is a competitive business, and airlines are anxious to provide service that is satisfactory to the customers. Some have even established consumer offices to handle problem situations.

If the airline does not respond or fails to settle your claim within a reasonable period of time, write the CAB Office of Consumer Affairs for assistance. Any member of the public who feels he has a grievance against a CAB-regulated air transport organization may file an informal complaint.

The CAB regulates the economic activities of all U.S. certificated airlines providing domestic, overseas or international service, and regulates the economic activities of foreign airlines to the extent that these carriers operate to and from the U.S. Intrastate carriers and air taxis including commuter carriers, are exempt from most CAB regulation. Air taxis are small operators flying small aircraft ordinarily with a maximum of 30 seats.

Complaints submitted to CAB must be in writing, but no special format is required. They should be addressed to:

Office of Consumer Affairs
Civil Aeronautics Board
Washington, D.C. 20428

Transportation analysts review every complaint received and contact the airline involved to request that the company settle the matter promptly and report back to CAB on the action taken.

The Board does not have the authority to adjudicate claims for damages, require the airlines to pay refunds or otherwise settle such disputes with their customers. If an airline is found to be violating provisions of its tariff, regulatory action is taken; and new regulations are proposed when the volume of complaints in a specific area indicate a need.

I. FARES

All air fares are approved by CAB. Every airline is required to file a tariff, and keep it open to public inspection at every location where tickets are sold. The tariff contains the airline's schedule of rates, charges and rules pertaining to air transportation. Any passenger may inspect the tariff at any time. If you wish to see the tariff, ask the airline personnel. If you don't understand it, ask for an explanation.

Changes in air fares

You must pay the fare in effect on the day you fly. If the fare has been increased since you purchased the tickets, you will have to pay additional money. If the fare has decreased, you will get a refund.

Unless you buy your ticket more than a month in advance of your trip, this should not be a problem since most changes in air fares are made effective only on 30 days notice to the public.

Special fares

It's a good idea to check with the airline when planning a trip to see if you qualify for a special fare. A number of special fares are available, and you can save yourself a sizeable amount of money by taking advantage of them.

Make sure that you know in advance all the conditions which apply to a special fare. For example, excursion rates apply at only certain times of the day, and certain days of the week. And the length of the period of travel is specified by the airline.

You must comply with conditions *exactly* in order to qualify for the special fare. If you violate the conditions—by staying a day longer than planned, for instance—you will have to pay the additional charges for regular fare.

Extra charges in flight

As a minimum, the price you pay for an airline ticket includes transportation from airport-to-airport for one passenger and a limited amount of baggage. It may also include a meal and nonalcoholic beverages served in flight, but additional charges may be made for beverages or in-flight movies. The airline sometimes provides additional services at no extra cost, such as arranging for rental cars at your destination.

II. DENIED BOARDING COMPENSATION

This is what is meant by denied boarding compensation: The CAB's regulations require certificated carriers to offer compensation to passengers holding confirmed reservations for a particular flight who have been denied boarding because that flight has been oversold. Generally, foreign, intrastate, and Alaskan carriers, as well as air taxis, are exempt from this requirement.

In short, if you get bumped, under certain conditions specified by CAB, you are entitled to a payment from the airline equal to the cost of your first flight coupon.

The conditions which must be met in order for the passenger to be eligible for denied boarding compensation are as follows:

1. The passenger must have a confirmed reservation. A reservation is not confirmed unless there is an "OK" written in the "Status" column on the airline ticket.

2. The passenger must comply with the airline's check-in requirements. He must be at the airline's check-in point at the required time, which is usually 10–20 minutes prior to the scheduled departure. Required check-in time and location of the check-in point are often printed on the inside of the ticket envelope; if not, the information can be obtained from the ticket agent.

3. The airline is unable to book the passenger on another flight scheduled to arrive at the destination of the particular flight from which he was bumped within 2 hours of the originally scheduled arrival for domestic flights or 4 hours of scheduled arrival for international flights.

If the airline is unable to honor your reservation when these conditions are met, it is required to offer you compensation equal to the price of the flight for which you are checking in, but not less than $25 nor more than $200. However, acceptance of such payment is optional with the passenger; any passenger may refuse the offer and seek other avenues of redress.

If you are bumped, do not leave the check-in area. Airline personnel are required to give you a written statement of the CAB provisions for denied boarding compensation immediately after the denied boarding occurs, and to offer you compensation as noted above. Airline personnel also will assist you in reaching your ultimate destination. Don't walk away and try to make your own arrangements.

CAB regulations state that the airline must pay you the money for denied boarding compensation within 24 hours. If you have not received the payment within that period of time, you have 90 days to file a claim. The airline is required to keep ticket records only three months, and if you delay you may not get the money due you.

To avoid getting "bumped"

Arrive at the airport early. Allow yourself sufficient time to check in and get to the gate. If you are in a strange city, consult the airline system timetable. Often it will show the length of time it takes to get to the airport, and the transportation available.

Allow extra time during the hours of heaviest traffic at airports, which are usually 7–9 a.m., and 4:30–7:00 p.m., on weekdays; evening hours on Sunday, Thursday, and Friday, and morning hours on Monday and Saturday.

III. FLIGHT DELAYS AND CANCELLATIONS

Airlines do not guarantee arrival and departure times—some delays are unavoidable due to weather conditions, airport congestion or mechanical problems. An airline's obligations to its passengers in situations involving delay or cancellation are largely controlled by the carrier's applicable tariff rules. These generally provide that if a flight is cancelled, airline personnel will assist you in reaching your destination. If they cannot arrange to do so, you may have your money refunded.

Generally speaking, complimentary services will be provided when the passenger holds a confirmed reservation and the flight delay involves a period of 4 or more hours. Airlines are required to list in their tariffs the expenses they will cover for all delayed passengers.

IV. RECONFIRMING

Airlines largely set their own rules with respect to reconfirmation. These rules may of course be found with the applicable tariff. Generally, on most U.S. flights reconfirmation is not required. Exceptions are flights to Miami, Puerto Rico, the Virgin Islands, and other points as specified by the airline.

It's a good idea to reconfirm domestic flights, just to make certain your reservation is in order, and to leave a telephone number where the airline can reach you in case there is any change in the flight schedule.

However, most international flights must be reconfirmed at least 72 hours before the scheduled departure of the return flight (whenever you have a stopover longer than 72 hours). Reservations not reconfirmed within the time limit are cancelled.

The ticket agent will usually remind you of the reconfirmation regulation when you purchase tickets, and the regulation is printed on the ticket coupon.

However, the responsibility for reconfirming rests with you, the passenger. If you fail to reconfirm and are cancelled, you have no recourse.

V. BAGGAGE

One of the most irritating of all problems that can beset the air traveler is the loss of his baggage. Statistics show that the percentage of pieces of baggage lost or delayed is very small compared to the total number shipped, but statistics mean very little to the person who is inconvenienced because his baggage did not arrive at the same time he did. What he wants to know is what he can do to get his baggage as quickly as possible.

First—report lost baggage immediately.

If you are still waiting at the baggage claim area after everyone else from your flight has picked up their baggage, notify the airline personnel immediately. It is possible that your baggage may still be aboard the plane you arrived on, and if you report your loss in time, the plane will be searched before it takes off again.

Second—see that airline personnel fill out a "loss or damage" report form on your baggage.

Each airline has a special form made up for reporting lost or damaged baggage. Airline personnel will usually fill out the form for you. You will be asked to describe the bag and its contents, the date each item was purchased, original cost, and value when lost.

The airline ordinarily has three days to find your baggage. If they cannot find it, they will then evaluate your claim and determine how much to pay you for your loss.

The money usually should be paid to you within two to four weeks.

Report your loss accurately and honestly—don't exaggerate.

Exceptionally large claims which exaggerate the value of baggage contents—claiming large amounts of cash or jewelry, for example—are checked by the airlines, and phony claims are usually detected.

Hold on to your baggage claim check—don't surrender it until you have received your baggage.

If your baggage is found, the airlines will notify you so that you can pick it up. Many airlines deliver delayed baggage to your home but this is a courtesy on their part.

Baggage allowances

Baggage allowances may differ for some airlines, but most U.S. airlines allow you to check two pieces of baggage on domestic flights at no additional cost. In addition, you may carry on board one piece of baggage if it will fit under the seat. If you try to carry on anything too large, the airlines may ask you to check it through and pay excess baggage charges.

On overseas flights, you are allowed 44-pounds of baggage if traveling economy, 66-pounds if traveling first-class. Your flight bag and any additional large carry-on luggage are weighed and included in this limit.

When arranging for an overseas flight, ask the airline personnel of the carrier you are using about what you will be allowed to carry on board as hand luggage.

Be careful when packing for overseas trips. Have your baggage weighed to see that you do not exceed the weight limits allowed on international flights, and leave some room for any additional items you plan to purchase while overseas.

How you can help minimize the danger of lost or damaged baggage

1. Put your name, address, and telephone number on the outside and inside of each piece of baggage. If the outside label is torn off accidentally, airline personnel will be able to identify your baggage from the inside label.

2. Lock luggage.

3. Don't overpack. If you have to sit on a piece of luggage to close it, it's too full. Airline companies will not pay for damage to overstuffed luggage that breaks.

4. Don't pack—

Glass or breakable items

Fragile items are not covered by the carrier's liability. You will not receive any reimbursement for breakage. If you must take fragile items on board, pack them in a small box and place them under your plane seat.

Damaged baggage

If the airline damages your baggage by dropping it, tearing off handles, or damaging it in any other way which could have been prevented, they will pay for the damage. They will not pay for damages for which you are responsible, such as breakage of fragile items packed in your baggage, or damages caused by packing luggage too full.

Report Damaged Baggage as Soon as You Discover it—Airlines will not honor damage claims if you wait too long to report them. Report the damage to airline personnel at the airport, or ticket office. The agent will complete a Baggage Damage Report form, and ask you to describe the bag and the damage.

Carriers liability

Misunderstanding on the part of consumers as to the limits of an air carrier's liability for lost or damaged baggage accounts for a large number of complaints received by the CAB. Briefly on domestic flights, the carrier's liability is $500 per fare-paying passenger. Liability on international flights is based on baggage weight, not value.

To say that the carrier's liability is $500 does not mean that your baggage is insured for that amount. It means simply that the maximum the airline will pay is $500, but the company may pay you any amount from $1–$500 based on their assessment of your loss. CAB does not tell airline companies how much to pay to settle a claim.

According to CAB regulations, the carrier's liability limit must be printed on every ticket and on every published schedule. You will also see liability limit signs posted in ticket offices.

If your baggage is worth more than $500, you may insure against loss above that amount by declaring excess value and paying an additional fee for additional coverage. That fee is approximately 10 cents per $100 valuation. Ask the ticket agent for an Excess Value Declaration at the time you check in for your flight.

Cash, jewelry, or other valuables

Carry these items with you.

Medicines

Carry any essential medicines with you, such as insulin or digitalis.

5. Remove baggage checks at the end of a trip.—Don't try to collect labels on your baggage showing all the places you have traveled—it only confuses the baggage handlers and increases the probability that your baggage will be sent to the wrong destination. The only label on your baggage should be the one for the current trip.

VI. CHARTER FLIGHTS

Certain kinds of charter flights are legal—other kinds are illegal. Thousands of Americans have been stranded in Europe as a consequence of taking an illegal charter flight.

When a travel agent arranges an overall tour, which includes hotel costs, entertainment, sight-seeing, and charter air transportation, that is known as an "inclusive tour charter", and such charters are permitted under the Boards' rules. Of course, you should make certain that you are dealing with a reputable travel agent when arranging such a tour. Also, be sure to get a brochure from the charterer that explains in detail what you will receive for your money.

A charter flight which includes air transportation only must comply with the following regulations established by CAB:

Charters for transportation only, or "Travel Group Charters" are permitted under CAB regulations made effective in September 1972. These regulations permit groups of 40 or more persons to be formed for the purpose of chartering all or part of an airplane providing that the charter and the charter organizer comply with prescribed conditions. These include:

The members of the groups must share equally in the cost of charter.

The charter must be round trip and for a minimum period of 10 days, in most of the world, or at least 7 days within North America.

Participants must sign charter contracts and pay at least a 25 per cent *nonrefundable* deposit at least three months before the scheduled flight departure date. (The deposit is refundable under certain circumstances in case a charter participant becomes ill or dies.)

The organizer must safeguard the participants' payments through bonding or escrow arrangements with a bank.

The organizer must file Travel Group Charter papers with CAB no later than three months before the scheduled departure date, and only those persons whose names are included in the TGC papers will be permitted to fly with the group.

These regulations permit charter organizers to advertise in mass media, which is a change from previous charter regulations. If you see a charter advertised, try to learn something about the organizers before you send them any money.

Illegal charter organizers, who do not comply with the CAB requirement of placing advance payments in escrow, may take your money and skip out without ever providing any transportation. Or, they may send you on a charter flight to your destination, but leave you stranded there with no way to get home.

One indication that a charter may not be completely on the up-and-up is the refusal of the promoter to tell you the name of the airline on which you will travel. It may mean that he does not have a contract with any airline, and is waiting until he signs up enough passengers to fill a plane before he arranges for the plane. He may take your money but never arrange a flight.

If you are considering signing up for a charter flight, and you have questions about whether or not it is legal, check with CAB before you sign any papers or pay out any money. Remember that CAB can do little to help you recover money you have paid to an illegal charter.

The Board and its staff, particularly the Office of Consumer Affairs, are available to protect the air traveler and promote air transportation consistent with the public convenience and necessity. If you have a problem or a question, contact the Board's Office of Consumer Affairs.

FLOOD CONTROL BELOW CHATFIELD DAM ON SOUTH PLATTE RIVER, COLO.

Mr. DOMINICK. Mr. President, during the session on September 27, 1972, the Senate passed, S. 4018, a bill reported by the Committee on Public Works, which has as its purpose the authorizing of construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control and related purposes. A portion of that bill concerns the subject of flood control below Chatfield Dam on the South Platte River in Colorado. This portion of the bill is identical to provisions of a bill, S. 3226, which I had previously introduced on behalf of myself and my colleague from Colorado (Mr. ALLOTT) on February 23 of this year. That bill and now section 203 of S. 4018 amend prior legislation which authorized a flood control project below Chatfield Dam. Under the amended legislation a portion of the authorized funds can be used for acquisition of lands for a flood plain park.

Pursuant to the Flood Control Act of 1950, 6.4 miles of channelization had been authorized to prevent down stream flooding during periods of high discharge after completion of Chatfield Dam.

The city of Littleton, Colo., through which the South Platte flows, has proposed a natural flood plain park as an alternative to channelization for a portion of the 6.4 miles segment. Under this alternative, the first 2 miles would be left in its natural state. Approximately 475 acres along the river would be acquired and used as a park. In times of high water, the park would be closed. Since there would be no development, little damage would occur. At the end of the 2-mile stretch, dikes are provided to direct the river back into its channel.

S. 4018 allows the Corps of Engineers to utilize the already authorized channelization funds for purchase of the required lands. The voters of Littleton have already approved a $400,000 bond issue for use in the acquisition of this land. The bill reaffirms my conviction that the authorization for the channelization is broad enough to permit use of corps funds for acquisition of the flood plain lands.

The alternative plan by the city of Littleton is an imaginative concept in flood control and will demonstrate that concrete is not necessarily the only answer to flood control.

Many of my constituents in Colorado have expressed concern about the environmental effects of channelization projects. The plan which I am describing as the Littleton plan is a creative alternative to the typical channelization project and I am pleased that the Public Works Committee has seen fit to incorporate this legislation in the Omnibus Flood Control bill, which has now passed the Senate.

NEW U.S. SUBMARINE BASE IN ITALY

Mr. FULBRIGHT. Mr. President, I was disappointed but not surprised to read in the New York Times this morning a report upon the proposed accord with Italy for a new base for nuclear submarines on the island of Maddalena, off the coast of Sardinia.

A few years ago, before the abdication of the Congress from its role in the making of foreign policy, the Congress would have been informed about proposed new submarine bases in the Mediterranean and there would have been some discussion of the matter, and the advice and consent of the Senate requested by the Executive.

Today, so far as I am aware, there has been no information about the matter given to Congress. How much it will cost and how useful it will be is not for the Congress to decide or even be told.

What a travesty of our constitutional system we have now achieved. There are hard-fought elections for places in the Congress, giving the public the impression it is a position of significance; some propagandists pretend the Republican National Committee is trying to win a party majority in the Congress, as if that is important.

The President is reported not to be very interested in joining in the effort to obtain Republican Party control of Congress.

The President recognizes that he does not need and probably does not want a Republican majority in the Congress.

Such a majority would deprive him of the convenient excuse of blaming the Democratic Congress for his failures, which are many.

And perhaps most important of all, the nominal Democratic Party majority is as subservient on most issues, especially in foreign policy, as a Republican majority would be.

The so-called joint leadership speaks of bipartisanship—which is no-partisanship—and is a denial of the basic duty of the opposition party to discuss and refine issues and thereby inform and educate the public.

The Congress, on a joint, bipartisan basis, has simply surrendered to the Executive all pretense of independence, as an institution coequal with the executive branch.

As matters now stand, the Democratic

Party has the responsibility in the Congress without power, and the President has power to do as he pleases without responsibility.

With further reference to the submarine base in Italy, it is a major political issue, widely discussed in Rome. In Washington, where it will be paid for, we have a bipartisan blackout, a moratorium on news and discussion. It is for us to vote the money, and ask not the reason why.

I ask unanimous consent that the New York Times article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Italians Debate U.S. Port Plan—Navy Wants a Submarine Facility Near Sardinia

(By Paul Hofmann)

ROME, October 1—A proposed accord that would allow the United States Navy to acquire a home port for a submarine tender on a small island off Sardinia's northern coast is becoming a major political issue here.

Although no one has said so officially, the tender is presumably meant to service nuclear submarines as well as conventional ones. The prospect is frightening many Sardinians and other Italians.

The Communist party and other left-wing groups have seized on the draft agreement as proof of Government subservience to the United States. Communist members of Parliament have submitted requests to Premier Giulio Andreotti to provide official explanations on the proposed agreement to the Chamber of Deputies and the Senate.

The regional government of Sardinia, which has just resigned for reasons of local politics, in one of its last official actions appealed to the central Government in Rome to re-examine the proposed agreement with the United States. A parliamentary debate is scheduled for next Friday and the Government is withholding information until then.

The United States Navy announced earlier this month that an agreement between the United States and Italy to assign the submarine tender Howard W. Gilmore from Key West, Fla., to the island of Maddalena off Sardinia was "in the final stages of completion."

NAVY GIVES ASSURANCES

Navy officials have privately given assurances to Italian authorities that no nuclear submarine or missile would ever come close to Maddalena, and that the tender would be permanently stationed well off the island. Some stores and other installations will reportedly be located on the small island of Santo Stefano, south of Maddelena.

The accord described as a home-port arrangement, will enable some 800 dependents of officers and enlisted men serving aboard the Gilmore to live on the island.

Maddalena is the main island of an archipelago between Sardinia and Corsica. The rocky island, which has long been an Italian naval base, has fine bathing beaches and has lately become a favorite of scuba divers. Maddalena is linked by a causeway and bridge with Caprera Island, where Giuseppe Garibaldi, the 19th-century hero of Italy's unification, is buried.

RADIATION IS STRESSED

The Communist compaign against the proposed home port at Maddalena emphasizes dangers of atomic radiation in an already heavily polluted sea. Misgivings are also shared by non-Communists. Corriere Della Sera of Milan, Italy's largest newspaper and a constant critic of Communism, wrote last week that "in a few months Italy will have the doubtful privilege of hosting the first base for American nuclear submarines in the Mediterranean."

Another Milan newspaper, Il Giorno, asserted that the United States had pressed for Italian facilities for submarines 10 years ago, but had "met with the resistance by the government of that time, headed by Amintore Fanfani." The newspaper said that later Italian governments had diminished their opposition to an agreement, and that the Andreotti Cabinet at last gave its consent two months ago.

The people of Maddalena are divided in their reaction. The local Communist party organization has started a drive to arouse the islanders. But Giuseppe de Ligia, a Christian Democrat and Mayor of the island's only town—La Maddalena—says: "I don't believe that the Americans in a sinister plot to contaminate our coastline and endanger our health will expose themselves and their families to the same horrendous threats."

TODAY'S "CRISES"

Mr. FANNIN. Mr. President, the explosive growth of America in the past quarter century has given us many benefits and many problems. Each of these problems, in today's high speed era, is a "crisis." So we have an "environmental crisis," a "pollution crisis," a "transportation crisis," and an "urban sprawl crisis."

The objective of militant groups obviously is to turn every problem into a crisis, and then advocate extreme measures to correct the situation. Certainly we have plenty of extreme remedies being proposed every day for various problems, real and imagined.

Americans are being bombarded with propaganda based more on emotion than on fact.

If we are to benefit from the great progress of our time, and if we are to solve the problems we and our children face, then we must take a much more realistic look at the facts.

Mr. President, some very interesting and informative facts were published in the Washington Post on September 26, 1972. The article, in an advertising supplement, consisted of quotations from an excellent speech by Francis Turner, the Federal Highway Administrator, last May 31. The speech punctures many myths manufactured by certain of the so-called consumer advocates, environmental extremists, and others who would take America back to "the good old days" of horse-and-buggy technology. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Thirty Handy Facts on Safety, Highways and Emissions

The following quotes from a speech by Francis Turner, Federal Highway Administrator, on May 31, 1972.

1. Maximum carbon monoxide levels measured in ambient air in heavy traffic situations, such as a traffic policeman directing traffic in downtown Manhattan in an 8-hour period, have less effect on a human being than does the smoking of two cigarettes in one hour.

2. Total man-made pollution, especially the kind of pollutants coming from automobiles, is small compared to the amount of those same pollutants given off by natural sources, i.e. vegetation, ocean organisms, etc. Currently, it has been estimated that natural sources of hydrocarbon going into the air give off over fifteen times as much as do total man-made sources. In the case of carbon monoxide, recent researchers estimate that twenty-five times as much carbon monoxide goes into the air from natural sources as it does from man-made sources. As for oxides of nitrogen, over fifteen times as much is given off by natural sources as man-made sources and over one hundred times as much ammonia goes into the air from natural sources, which results in subsequent formation of oxides of nitrogen.

3. According to government figures, transportation sources, principally the automobile, account for 42% of total man-made air pollution on a weight basis. On the other hand, on a toxicity basis, transportation sources account for 5%–12% of total air pollution. This is because some pollutants, notably sulfur dioxide and particulates, are much more harmful than others on a weight basis, and the automobile is a very small contributor of these harmful pollutants.

4. The 1970 Clean Air Act Amendments (the Muskie Bill) actually requires reductions in unburned hydrocarbons of 97% compared to those from uncorrected cars. The carbon monoxide reduction required is 96% and the oxides of nitrogen reduction is 93%. Controlling pollutants gets increasingly expensive as the amount of reduction approaches 100%, so that the last 5% of control usually costs ten to twenty times as much as the first 20%. This is what we mean when we say that the required amount of control for automobile pollutants has gone far past the point of diminishing returns with the 1970 Clean Air Act Amendments.

5. Measured maximum concentrations of carbon monoxide in busy traffic situations, such as the Chicago Loop and downtown Manhattan, are less than a third of the concentrations measured in the same locations back in the early 1930's.

6. Air pollution from automobiles is decreasing at an increasing rate as new cars replace old cars and will continue to decrease until 1980, even if car pollution is never reduced beyond the amount required by the 1973 Federal Standards.

7. The degree of control required by unburned hydrocarbons for 1975 is such that if those levels are reached more unburned hydrocarbons will be given off into the air during the filling of the gas tank than will be given off through the car exhaust while that same gasoline is being burned in the engine.

8. We don't know how to meet the 1975 Standards yet over the five-year or 50,000 mile period. Nor do we know yet how to meet the 1976 Standards with individual, specially-adjusted laboratory cars. But the extra cost to the customer for the devices that we anticipate having to put on these cars in hope of meeting these standards will run from $300 to $500, excluding what we might have to charge for maintenance and warranty.

9. Questions concerning the advisability of our current vehicle emissions policy were raised by the RECAT Committee report prepared for the Office of Science and Technology. The report stated, "It appears, therefore, that the nation is embarked on an air-pollution-control program of enormous scope, complexity, and cost, with little measure of the relative harmfulness to health of the several pollutants being considered."

10. More unburned hydrocarbons are given off from the grass and bushes in a normal 100′ x 100′ backyard than would be given off by an automobile meeting the 1975 Standards running average mileage during a comparable period of time.

11. The RECAT report concluded, "The imposition by statute of arbitrary time deadlines may not only impose unnecessary short-term costs on the public, but it may also

postpone or foreclose research into alternative means of providing more efficient long-term solutions to the public. The 1975–1976 motor vehicle emission requirements of the Clean Air Act may have just such an unfortunate effect."

12. The RECAT report states that the average retail price of an automobile by 1976 resulting from compliance with already planned regulations for safety damage-limiting design and emission controls is expected to increase by about $873. They estimate $350 of that amount would be for emissions and $523 for safety.

13. In comparing the costs versus benefits of the 1976 emission controls, the RECAT Committee estimated that the net excess costs over benefits for the ten-year period, 1976–1985, would be anywhere from $49 billion to $76 billion to the car buyer, with the difference being due primarily to problems assessing the dollar benefits from such controls.

14. All the air pollution man has produced doesn't equal the amount of particulates and gases from just three major volcanic eruptions (Krakatoa, Mt. Katmai, and Hekla).

15. The United States has the lowest fatality rate per 100 million miles of any country in the world, and the fatality rate continues to decrease. The fatality rate in West Germany is about twice as great and in Japan it's over three times as great as in the United States. The next best accident rate of any country is in Sweden, where it is still about 35% higher than the United States.

16. The 1974 bumper standards require that front and rear bumpers for all cars meet each other (be similar in height). They further require that the bumper systems be able to take 5 mph pendulum impacts at any point along the bumper face. These bumpers will be over three times as strong as the bumpers we used to have in the "good old days".

17. Accident statistics show that heavier cars are much safer than lighter cars. If a car is involved in an accident, the chances of a serious or fatal injury are 2½ times as great if the car is a subcompact car weighing less than 2,000 pounds as they are if the car is a full-size domestic car. The heavier the car, the less chance of a serious or fatal injury.

18. If we exclude fatalities to pedestrians, motorcyclists, and bicyclists, the number of U.S. fatalities due to automobiles is reduced from 55,000 to less than 35,000.

19. Australia recently enacted mandatory use of lap and shoulder belts laws (first for the State of Victoria and now for all Australia). The latest reports from New South Wales (Sydney) indicate that serious injuries and fatalities have been reduced by about 24% since enactment of the mandatory belt usage law—and less than 50% of the cars on their roads have belts installed! Thus, the outlook is that serious injuries and fatalities may be reduced by 48% when the entire car population is equipped with belts.

20. 50% of the accidents which result in serious injuries or fatalities in the United States involve drivers who are legally intoxicated. Stiff penalties (including jail sentences) for driving while intoxicated in Sweden have resulted in a substantial decrease of serious injuries and fatalities.

21. In 1901, when 26 million horses traveled some 12 billion miles, some 3,850 people were killed in accidents involving horse-drawn vehicles. Then we had a death rate of over 30 per 100 million miles traveled. Our latest figures for the automobile show a death rate of 4.7 per 100 million miles traveled.

22. Completely ban the automobile from the city, they say, or the city is dead. The fact is, if we ban the automobile from all of downtown, then downtown is going to be dead. We should, of course, experiment as we are doing with auto-free pedestrian malls or zones, accessible to close-by transportation, either by auto or mass transit. People and automobiles are synonymous, and people and life, economic or social, are synonymous. Without people, downtown would quickly lose its reason for being.

23. They say highways and the automobiles have caused "urban sprawl." The fact is that the automobile didn't cause people to move from the center city to low-density single family residential developments in the suburbs—it enabled them to. And in so doing, it permits us to enjoy that life-style which the vast majority of Americans today prefer.

24. They say that we must stop building new freeways in our urban areas. The fact is that we must continue to provide our urban areas with the modern highway systems that are their lifelines—because for the vast majority of American cities, due to economic, geographic and population reasons, highways will continue for as far as we can see into the future to serve as the principal or sole means of transportation, including bus mass transit, which is the major part of all mass transit.

25. They say our cities are continuously enmeshed in hopeless traffic jams. The fact is that, generally speaking, except for the morning and afternoon rush hour, there is no real problem—people can travel quite freely in their cars in all directions throughout the entire metropolitan areas. The problem is to reduce the rush hour congestion. . . . Overall, our highway system works at only about 25 percent of its theoretical capacity. During many hours of the day and night, it has large amounts of capacity not being used. We need to recognize this fact and build a solution on it.

26. They say, too, that we are paving over our cities. The fact is that as much area was used in cities for horses and wagons and buggies in pre-automobile days as is being used today. Right here in Washington, D.C., for example, a higher percentage of the city was devoted to streets when L'Enfant planned it almost two centuries ago than is used for streets today.

27. They say that highway construction adversely affects land values. The fact is that owners of property adjacent to improved highways almost always benefit in terms of land value gains; and improved highways—freeways in particular—exert a very favorable influence on urban and suburban property values in general.

28. They say that highway construction results in ratables being removed from the tax rolls. The fact is that long-range effects of highway construction on tax rolls is generally very favorable. Highway improvements almost always result in the development of vacant and other unproductive land. Thus, the loss of some property from the tax rolls is offset by increased assessments on property which benefits from highway improvement or construction, and thus there is in the big majority of cases a net gain rather than a loss.

29. They say new freeways bring more air pollution to a city. The fact is just the opposite. Freeways tend to reduce stop-and-go driving, and this, in turn, greatly reduces the emission of air pollutants and the production of undesirable noise.

30. They say that automobiles have no redeeming social values. The fact is that the automobile has vastly expanded the horizons and the freedom of the working man, and has opened up to him wide new recreational vistas.

STANDARDS TO IMPROVE STRUCTURAL INTEGRITY OF SCHOOLBUSES

Mr. NELSON. Mr. President, 1 year ago yesterday the School Bus Safety Act (S. 2582) was introduced in the Senate by my colleague from Wis[illegible]nsin (Mr. PROXMIRE) and me, calling [illegible]r the Department of Transportation [illegible] set minimum construction standards [illegible] improve the structural integrity of [illegible]choolbuses.

On September 22, the National Transportation Safety Board—after investigating a Congers, N.Y., schoolbus-train collision in which five persons died—called for the same thing the bill would accomplish.

The Board report states:

> We believe that standards should be established for the basic school bus structure.

Secretary of Transportation John Volpe, however, in a May 26, 1972, letter to Representative JOHN E. MOSS, chairman of the House Subcommittee on Commerce and Finance, stated that he believed the bill to be "unnecessary," and that "enactment of specific vehicle requirements would not be desirable."

Department of Transportation General Counsel John W. Barnum, in a February 14, 1972, letter to the Senator from Washington (Mr. MAGNUSON), chairman of the Commerce Committee, stated that the:

> Department does not favor the enactment of this legislation.

Both letters say the existing law gives the Department sufficient authority to do what the bill calls for.

If this is so, why have some 16 proposed regulations affecting the construction and performance of schoolbuses still not been issued, after years of bureaucratic preparation? It has taken 6 years for the Department to reach the point of preparing a proposal for more protective seat standards for schoolbuses. That standard will not be implemented for months.

One thing must be made clear: The bill we propose would not write into law specific design or construction standards. It would require the Secretary of Transportation to set minimum standards for schoolbus construction. These could be changed with changing technology.

As Secretary Volpe wrote Representative Moss:

> Current legislative proposals regarding school bus safety underline the need for action in this area.

The fact that the Department of Transportation has only one individual in charge of pupil transportation safety gives some measure of the priority afforded school bus safety.

In 1971, the National Safety Council says 150 children were killed in schoolbus accidents; 31 actually inside buses, the others approaching or leaving the bus. While this number is small compared to the blood bath from automobile use on our highways, everyone agrees that the potential for tragedy is great.

In New York State in 1971, there were more than 900 schoolbus accidents, resulting in eight deaths and 402 injuries.

In Wisconsin last year, schoolbuses were involved in 564 accidents—five of them fatal.

In Prince Georges County, Md., a schoolbus overturned when the left rear wheels fell off—"due to apparent wear" and poor maintenance, according to the police accident report.

The School Bus Safety Act also would require that buses be test driven and inspected by manufacturers and dealers before they are used to transport children. It requires investigation into the causes of schoolbus accidents resulting in fatalities; and it calls for building a prototype schoolbus.

The same bill has been introduced in the House by Representative Les Aspin of Wisconsin and 80 cosponsors.

The National Transportation Safety Board has finally recognized what the bill proposes to do: insure that stronger, more crashworthy schoolbuses transport the Nation's 18 million children in the 20,000 school districts across the country.

The technology exists, and the cost of improving the structural integrity of schoolbuses is estimated to be $400 per bus—a small price for improving the safety of schoolbus transportation.

Mr. President, I ask unanimous consent that an article in the Evening Star and Daily News, September 22; Secretary Volpe's and Mr. Barnum's letters; and the Safety Board report be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Evening Star and Daily News, Sept. 22, 1972]

New Alarm Rises on Strength of Structure of School Buses

(By Miriam Ottenberg)

On a sunny October morning in 1967, a Waterloo, Neb., schoolbus was hit by a train. Four children were killed and nine others injured. Investigators found that the bus seemed to have pulled apart at the seams.

That triggered the first alert from the National Transportation Safety Board that the structure of school buses needed to be strengthened. Despite the alert, no official action was taken to require stronger construction standards.

The board has no regulatory authority itself but gets its clout from publicizing its recommendations.

Today, five years and a number of fatal schoolbus accidents later, the NTSB issued its third and most urgent call for immediate corrective action to strengthen schoolbus bodies.

Meanwhile, children have been cut, maimed and killed by the sharp edges of bus panels pulled from inadequate mooring in crashes. Children have fallen through the floors of buses disintegrating in collisions, and trees have penetrated bus walls.

When NTSB sounded its second alarm on schoolbus structures in 1970 after investigating two fatal 1968 accidents in Alabama, it noted that in both cases the interior panels of the buses presented "exposed, sharp edges because of widely spaced and inadequate fastenings . . . ."

The board reported that far more fasteners are used in commercial buses than in schoolbuses and joints are stronger. The failure of the structural parts to support each other in crashes, the board warned in its 1970 report "is an implied threat in future schoolbus crashes."

All the calls for action have been addressed to the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) or its predecessor agency. Each time, NTSB urged adoption of a standard requiring schoolbus manufacturers to strengthen their vehicles, particularly at the joints.

"This critical weakness of schoolbus bodies must be eliminated as quickly as possible," the NTSB wrote Douglas W. Toms, administrator of NHTSA.

For one reason and another, Toms' agency has failed until now to take action.

Agency spokesmen have argued that working on standards for schoolbus bodies had a low priority since so few children are killed on school buses compared to the many thousands killed in other forms of transportation.

National Safety Council figures for 1971 showed 150 children killed in schoolbus accidents but only 31 actually being killed inside the bus. The rest were hit approaching or leaving the bus.

Another reason for inaction offered by NHTSA officials is that school boards must consider costs in buying school buses and NHTSA has to weigh costs against benefits to be derived from stricter requirements.

Commenting on that argument, NTSB Chairman John H. Reed told The Star-News: "The Safety Board did consider whether the cost of better structural joints should be measured in terms of the number of children's lives to be saved. But it wasn't really a matter of choosing the best way to save lives. Weak joints are simply not acceptable when children have been entrusted to public care."

Another argument advanced by NHTSA officials was that the agency had decided to give priority consideration to proposing strong seats with higher backs to protect children in buses.

In a few more weeks, the agency said, it will have a notice of proposed standards for stronger, safer seats. Then, in a few months, a hearing will be held and eventually a seat standard will be announced.

It has taken six years to get this far on a seat standard. No one will venture to guess how long it will take to get a standard on a safer bus structure.

The NTBS's latest call for action was prompted by its investigation of a March 24 collision between a train and a school bus at Congers, N.Y., when five children were killed and 45 injured.

The rear third of the bus was pulled away from the forward portion, some of the bus body pulled away from the chassis frame, a large portion of the roof was separated from the remainder of the body, the side walls separated from the floor and the floor sections separated from the chasis frame, the report said.

The construction method which employed relatively few widely spaced rivets and other fasteners throughout the body of the school bus "appears to have contributed to the large-scale disintegration of the bus body and chassis," the report contended.

This is the same criticism offered after the 1967 crash, after the two Alabama incidents and again in today's report—too few fasteners too far apart to keep the school bus in one piece in a crash.

The board pointed to structural improvements voluntarily made by two bus manufacturers in response to the safety board's earlier recommendations. There are six major schoolbus manufacturing companies.

It also noted that in January 1971 the Vehicle Equipment Safety Commission (VESC), a safety standards unit participated in by most of the states, proposed a regulation which, when implemented by individual states, would require that all school buses under local purchasing authority have substantially strengthened structural joints.

One way of getting this increased strength, according to VESC and testimony before the House Government Operations Committee, is by vastly increasing the number of rivets in the body of the school-bus.

The bus company which has added the most rivets is Ward School Bus Mfg. of Conway, Ark. Company President Charles D. Ward told The Star-News his 66-passenger safety bus has 10,572 rivets compared to 2,790 in his standard bus and 1,714 in a competitor's bus.

ADDITIONAL $390

Another method of achieving the goal of stronger bus structure apparently is through fewer but larger panels—the theory being that with larger panels, there would be fewer "seams" and less likelihood that parts of the bus would separate from each other.

That is the method used by the Wayne School Bus Co. of Wayne, Ind. Its sales manager, John Eggemeyer, said the Wayne safety bus eliminates 60 percent of the seams.

The Ward bus is already in production and Wayne expects to start production the first of next year. Ward's many-riveted bus will cost school boards $390 more than his regular bus. Wayne hasn't figured the cost yet but hopes to make up most of it.

Some 80 congressmen have joined in pushing for stronger schoolbuses, led by Rep. Les Aspin, D-Wis., who has been calling for safer buses since a Kenosha, Wis., child was killed in a bus crash last year.

PERFORMANCE TESTS

On the other hand, the School Bus Manufacturers Institute said it had been unable to get an interpretation of the method used to measure or test compliance with the new VESC standard.

NTSB Chairman Reed predicts "Eventually schoolbus structural safely will have to be controlled by full-scale crash performance tests. The board's recommendation would solve a major structural shortcoming more quickly by controlling the performance of weak joints."

The Committee on Government Operations warned after hearing NTSB testimony: "Because schoolbus bodies differ, the children who ride in them are exposed to a greater degree of risk and a greater chance of severe injury and death, than if they were riding in the family automobile . . . It does not seem fair to provide school children with an inferior and inherently more dangerous form of transportation."

Secretary of Transportation,
Washington, D.C., May 26, 1972.

Hon. John E. Moss,
Chairman, Subcommittee on Commerce and Finance, House of Representatives, Washington, D.C.

Dear Mr. Moss: Thank you for your letter of May 4, 1972, concerning school bus safety.

The National Highway Traffic Safety Administration is in the process of preparing rulemaking actions to provide improved safety for bus passengers. Two new standards which apply directly to bus passenger safety were published earlier this month. Highway Safety Standard No. 17, "Pupil Transportation Safety," is intended to improve State programs for transporting pupils safely by setting requirements for proper equipment; maintenance of equipment; and selection, training, and supervision of drivers and maintenance personnel. Federal Motor Vehicle Safety Standard No. 217, "Bus Window Retention and Release," establishes minimum requirements for strength of window glazing and frames in all buses to prevent passenger ejection during crash situations—a critical problem in many rollover crashes. A third rulemaking action relating to bus passenger safety is underway. A notice of proposed rulemaking is slated to be published in the next few weeks, titled, "Bus Passenger Seating and Crash Protection." This notice will propose greatly improved passenger protection in the form of strong, well-padded, high-backed seats to form passenger compartments which will restrain and protect passengers in most crash situations.

We are aware of the structural inadequacies in school bus bodies and have conducted preliminary studies. School bus manufacturers are developing some very promising approaches. In January of this year, Wayne Corporation of Richmond, Indiana, displayed a new prototype school bus at Department of Transportation headquarters. This prototype had full length side and roof panels with a minimum of joints to separate under impact.

I am enclosing (1) a summary of our recent preliminary analysis of school bus body joint design, (2) a copy of the comments we made to the Vehicle Equipment Safety Commission on their proposed standard for school bus construction and equipment, and (3) a copy of "Special Study—Inadequate Structural Assembly of School Bus Bodies," by the National Transportation Safety Board. Four additional enclosures describe the present status of rulemaking activity affecting school buses.

Current legislative proposals regarding school bus safety underline the need for action in this area. Our comments on individual items of such legislation submitted to us by your Committee either have been already furnished the Committee or are in the process of being completed. In general, I believe that these proposals may be unnecessary. Our existing authority enables us to regulate school buses to the extent necessary to ensure passenger safety. As I mentioned above, this authority is being utilized to establish standards that will secure increased passenger protection in the most critical areas of school bus safety.

Further, I believe that enactment of specific vehicle requirements would not be desirable. Such enactment would be incompatible with our need to be responsive to the constantly changing technology in the area of motor vehicle safety. If specific requirements were incorporated into the Act, they could not be amended or replaced except by further legislative action. As a consequence, the institution of a more effective school bus safety program would be delayed.

Careful consideration is being given to all aspects of the bus passenger protection problem. We should be frank to recognize, however, that strong support for the costly and difficult steps needed to be taken in school bus safety must extend far beyond Washington. The public should realize that those responsible for manufacture, procurement and operation of school buses will have to depart from past practices largely guided by cost and economic factors and give greater heed to the technical and management safety requirements. I enlist your help in getting that message to the American public.

Your interest and involvement in this important transportation safety problem are greatly appreciated.

Sincerely,

JOHN VOLPE.

SECRETARY OF TRANSPORTATION,
Washington, D.C., Feb. 14, 1972.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response for the views of the Department of Transportation on S. 2582, a bill

"To amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize design standards for schoolbuses, to require certain standards be established for schoolbuses, to require the investigation of certain schoolbus accidents, and for other purposes."

This bill would require the Secretary of Transportation to issue, within 18 months after the enactment of this bill, minimum design or performance standards covering specified aspects of schoolbus safety performance. "Schoolbus", as defined in this bill, includes any motor vehicle designed primarily for the purpose of transporting children to and from schools. The aspects of performance would be (1) emergency exits, (2) interior protection for occupants (including restraint systems), (3) floor strength, (4) seat anchorages, (5) crash worthiness of body and frame, (6) vehicle operating systems, (7) windows and windshields, (8) fuel systems, (9) exhaust systems, and (10) flammability of interior materials.

The Secretary would be required to procure an experimental safety schoolbus not later than three years after the enactment of this bill.

Schoolbus manufacturers and distributors would be required to follow special certification procedures in addition to those presently specified in the Act. The manufacturers and distributors would be required to certify that each new schoolbus had been individually inspected and test driven for the purpose of determining its conformity with all applicable safety standards. Further, dealers would be required to certify that they had test driven each new schoolbus.

This bill would also require the Secretary to investigate and report to the public the probable cause of each fatal schoolbus accident and of each fatality in such accidents.

The Department recognizes the need to ensure the well-being of school children while they are being transported to and from school in schoolbuses. To this end, the Department is working to improve schoolbus safety under both the National Traffic and Motor Vehicle Safety Act and the Highway Safety Act. Under the former Act, the Department has issued or is developing standards relating to eight of the ten schoolbus performance areas specified in section 3 of this bill. A complete list of these standards is attached to this letter.

Among the proposed standards are ones relating to bus seating, window retention and release, and tires. The proposal on bus seating would require stronger seats and seat anchorages, substantial padding in the immediate seat area, and increased seat back height for improved occupant protection. It would also require the elimination of lethal surfaces. A notice of proposed rulemaking on the proposal will be issued next year.

Notices of proposed rulemaking have already been issued with regard to the other two proposals. The window notice proposes minimum escape criteria and requirements for the integrity of the structure and latching mechanisms of bus windows. The tire notice proposes performance requirements for pneumatic tires. Final rules with respect to both notices will be issued early next year.

Under the Highway Safety Act, the Department is nearing issuance of a Highway Safety Program Standard on Pupil Transportation. The standard is intended to improve State programs for transporting school children safely by setting requirements for safe routing; proper and safe schoolbus equipment; maintenance of schoolbuses; and selection, training and supervision of schoolbus drivers and maintenance personnel. Implementation of this standard will improve the already good safety record of the schoolbus. The fatality rate (based on each hundred million hours of travel) for schoolbuses is approximately 1 as compared to 96 for passenger cars.

In view of the Department's rulemaking activity on schoolbus safety, the requirement for the promulgation of standards covering specific performance areas appears unnecessary. The authority clearly exists for promulgating standards with respect to the specified performance areas and is being so used.

The authorization in section 1 of this bill for the formulation of safety standards for schoolbuses in terms of either design or performance is also unnecessary. We understand the present Vehicle Safety Act as conferring authority to set performance standards which affect design so long as they are stated in objective terms and regulate only those features of vehicles and equipment which bear on their safety performance.

The value of performance standards is that they provide the manufacturer with latitude in his choice of a method of compliance. In addition, they permit him to innovate and adopt superior methods of compliance as they are developed. This opportunity enables the manufacturers to compete with each other in the extent to which their vehicles exceed the level of safety performance required by the standards.

Design standards, i.e., standards that contain a detailed description of every significant aspect of a product, including materials and processes used, would unduly inhibit innovation and competition. If several methods of providing a particular type of safety performance were available, the Department would probably be compelled to issue a design standard for each of them. Further, new methods of compliance could not be adopted until the Department had had an opportunity to evaluate them and then promulgate additional design standards for those methods providing the necessary level of safety.

Issuance of performance standards would obviate the necessity for issuing multiple standards for the same aspect of vehicle performance. A well-drafted performance standard would also make generally unnecessary amendments or new standards as new methods of providing the required level of safety were developed. Only when the technology of the new methods had advanced substantially beyond that of the methods existing at the time of the drafting of the standard might an amendment be necessary.

The additional certification procedure specified in section 5 of this bill is unnecessary and impracticable. Manufacturers and distributors of schoolbuses are already required by section 114 of the Vehicle Safety Act (15 U.S.C. 1403) to certify the conformity of each schoolbus with all applicable safety standards. Failure to issue such a certification is a violation of the Act and punishable by a civil penalty of up to $1,000 per violation. Further, the issuance of a certification by a person who, in the exercise of due care, has reason to know such certification is false or misleading in a material respect is also a violation of the Act. While testing of a vehicle in accordance with the test procedures specified in the safety standards is not required under the Act, it is the best method for establishing the requisite care.

Several bus safety standards which have been issued or are being developed specify destructive test procedures, such as a collision into a fixed barrier. Thus, the testing by manufacturers and distrbutors of each new schoolbus in accordance with such test procedures would clearly be impossible.

Furthermore, even as to those procedures which are nondestructive, no guidance is provided in this bill as to what conduct would satisfy the inspection and test driving requirements in section 5. While the ambiguity might be eliminated by promulgation of interpretive regulations under section 119 of the Act (15 U.S.C. 1407), such rulemaking would duplicate the effort expended in devising the test procedures in the standards. More importantly, such regulations might, by specifying requirements other than the complete test procedures in the standards, dilute the due care provision. Instead of establishing minimum requirements for the measures which would have to be taken to satisfy the due care provision in the case of schoolbuses, this section and the regulations might be construed as establishing maximum requirements.

Section 7 of this bill, which would require the investigation of all fatal schoolbus accidents, may also be unnecessary. The Department has already been directed under section 106 of the Act (15 U.S.C. 1395) to investigate motor vehicle accidents to collect data on the relationship between vehicle performance and accidents and deaths and injuries resulting from such accidents. Pursuant to that authority, the Department has established multi-disciplinary accident investigation teams to collect the necessary data. This data is invaluable in identifying the need for developing new safety standards. It is also useful in verifying the efficacy of existing safety standards.

In selecting schoolbus accidents to be investigated, we give special attention to those accidents likely to yield the most new knowledge on schoolbus safety. We believe that this practice of selective investigation should be continued since it permits us to maximize the amount of new knowledge on the safety performance of different types of vehicles.

In view of the foregoing discussion, the Department does not favor the enactment of this legislation.

The Office of Management and Budget advises that there would be no objection from the standpoint of the Administration's program to the submission of this report to the Congress.

Sincerely,

JOHN W. BARNUM,
General Counsel.

[Adopted by the National Transportation Safety Board at Its Office in Washington, D.C., on the 30th Day of August 1972]

SAFETY RECOMMENDATION H-72-30

The National Transportation Safety Board is investigating an accident involving the collision between a train and a schoolbus at Congers, New York, on March 24, 1972. This accident resulted in five fatalities and injuries to 45 occupants of the schoolbus.

The performance of the schoolbus in the crash has been initially observed and analyzed by the Safety Board, assisted by the Cornell Aeronautical Laboratory, the latter agency acting under its contract with the National Highway Traffic Safety Administration (NHTSA). Both agencies have tentatively concluded that the gross disintegration of the schoolbus body was made possible by widespread failures of the schoolbus body at the joints. Approximately the rear one-third of the bus was separated from the forward portion, with failures occurring at joints within the body and also at joints between the body and the chassis frame. A large portion of the roof was separated from the remainder of the body, the side walls on the right side were separated from the floor, and the floor sections were separated from each other and from the chassis frame. The construction method employing relatively few widely spaced rivets and other fasteners throughout the body of the schoolbus appears to have contributed to the large-scale disintegration of the schoolbus body and chassis.

In addition, the window columns failed in one portion of the schoolbus which was inverted after being torn away, and there were widespread failures of seats at their fastenings to the floor.

Analysis of the fatality and injury causation is not yet complete; however, some very evident factors appear to justify immediate corrective action by NHTSA standards. The seat anchorage failures and other seating factors are already the subject of NHTSA standards proposals. We believe that standards should be established for the basic schoolbus structure. The Safety Board has analyzed the problem of extensive failures of structural joints in schoolbuses in a special study, "Inadequate Structural Assembly of Schoolbus Bodies," issued July 29, 1970. The Board also recommended on September 18, 1968, that the National Highway Safety Bureau, predecessor to NHTSA, ". . . consider the need for requirements for structural strength of schoolbus bodies in connection with its study of desirable standards for protection of schoolbus occupants. In particular, the Board recommends that program A.1.1.4 of the National Highway Safety Bureau titled 'Design, Fabrication, and Test of a Safe Schoolbus Interior,' be expanded in scope to include consideration of structural integrity and intrusion into the school interior."

As stated above, there are indications in the Congers accident that the failures of structural joints contributed to the injuries of the occupants. The speed of the schoolbus was slow and the speed of the train was moderate, apparently not more than 30 miles per hour. Although about two-thirds of the bus structure was accelerated to the full speed of the train by the impact, a majority of the schoolbus occupants survived and some received only relatively minor injuries. However, the penetration of the gross structure of motor vehicles in crashes, or the disintegration of the structure, generally does tend to reduce the probability of survival and increase the probability of injury.

In this connection, structural improvements which have been made by other agencies and private manufacturers in response to the Safety Board's earlier recommendations are important. In January 1971, the Vehicle Equipment Safety Commission (VESC) adopted a regulation which, when implemented by the States, would require that all schoolbuses under State purchasing authority have substantially increased strength of structural joints. The exact wording of this part of the regulation is attached as Appendix A. At least two schoolbus manufacturers have built and exhibited prototype buses which apparently meet this requirement. These prototypes are constructed of much larger steel sheets to reduce the number of joints, in effect providing 100-percent joint efficiency wherever a joint was eliminated. In addition, many more rivets are used to join sheets and structural members. An analysis by one manufacturer indicated that approximately half the joints have been eliminated and that about six times as many rivets are used in meeting the VESC specification than were used in the earlier designs which had unspecified joint strength. It appears that changes in the VESC specification increases the strength of the joints in a schoolbus body approximately fivefold.

The technical feasibility of implementing the VESC structural specification appears to be well established by these prototype buses. One of the manufacturers has stated that the change in sale price of a bus having more complete assembly of structural joints was only approximately 5 percent of the total cost.

The Safety Board is aware that the VESC specification does not insure the structural strength of schoolbus bodies. It is, no doubt, preferable to control the structural strength of bus bodies and chassis as a unit through the development and application of large-scale crash tests. However, the development of such tests and their use as standards have been very slow, as even passenger cars are not yet subjected to such testing. This critical weakness of schoolbus bodies must be eliminated as quickly as possible. Additionally, the VESC specification, in part, meets the statutory requirement of DOT that safety characteristics be controlled by performance rather than design.

It is the Board's opinion that the very high value that society places upon the protection of children riding in schoolbuses establishes the need for improvement in structural design. The adoption of a standard to control the assembly of structural joints in schoolbuses should not be regarded as a novel initiative to reduce schoolbus fatalities, but as correction of a long-standing failure to employ normal engineering practices in schoolbus construction. Many existing schoolbuses do not meet rivet-spacing recommendations of SAE Standard J-492, Rivets and Riveting, June, 1961.

While NHTSA is taking steps to correct the structural inadequacies of schoolbus bodies through the establishment of standards to control strength of joints, they should resolve the problem of the column strength of schoolbuses. The failure of the window columns is very evident in the accident at Monarch Pass, Colorado, as well as in this accident at Congers, New York. Because of the similarity in construction methods used for domestically produced schoolbuses, the overall strength of schoolbus bodies possibly could be controlled through performance requirements of individual structural elements prior to the development of the full-scale tests which are more technically complete.

For the above reasons, the National Transportation Safety Board recommends that:

"The National Highway Traffic Safety Administration expeditiously adopt a Federal Motor Vehicles Safety Standard to control the strength of structural joints of schoolbuses. In this connection careful consideration should be given to requirement 5.6 Body Structure, of the Vehicle Equipment Safety Commission. This standard should also apply to the strengthening of the window columns of schoolbuses."

This recommendation will be released to the public on the issue date shown above. No public dissemination of the contents of this document should be made prior to that date.

Reed, Chairman; McAdams, Burgess, and Haley. Members, concurred in the above recommendation. Thayer, Member, was absent, not voting.

JOHN H. REED,
Chairman.

Issued on September 22, 1972.

APPENDIX A

(Vehicle Equipment Safety Commission, Regulations VESC-6, Minimum Requirements for Schoolbus Construction and Equipment, Approved January 1971, Revised February 1972, Washington, D.C.)

5. Body Structure:

5.6 Strength of structural joints of Schoolbus bodies. It is the intent of of this section to insure that all structural joints within bus bodies which employ discrete fasteners, including those between heavy guage members and those which join panels to panels or panels to heavier structures, achieve a significant proportion of the strength of the parent metal, so that all available panel materials are capable of serving as part of the structure. Accordingly, in all joints of the above named types which employ discrete fasteners such as rivets, screws or bolts, the pitch of fasteners shall not exceed 24 times the thickness of the thickest material used in the joint. Alternatively, for any method of joining such structural members, it shall be demonstrated by calculation that the strength of such joints is at least 60% of the tensile strength of the thinnest joined members.*

A MATTER OF INTERNATIONAL CONCERN: THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the Genocide Convention was unanimously adopted by the General Assembly of the United Nations in Paris on December 9, 1948. In June of the following year President Harry S. Truman transmitted this Convention on the Prevention and Punishment of the Crime of Genocide to the U.S. Senate. And here it has languished for almost 24 years.

The basic purpose of the convention is the prevention of the destruction of any human group. The convention defines genocide to mean certain acts, enumerated in article II, committed with the intent to destroy, in whole or in part, a national, ethical, racial, or religious group, as such. The first resolution of the General Assembly on this subject stated:

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*(Board Comment: This sentence states the requirement in terms of performance.)

> Genocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings.

The distinction between those two crimes, therefore, is not a difference in underlying moral principles, because in the case of both crimes, moral principles are equally outraged. The distinction is that in homicide, the individual is the victim; in genocide, it is the group. The General Assembly also at this time pointed out in a resolution that the physical extermination of human groups is of such grave and legitimate international concern that civilized society is justified in branding genocide as a crime under international law. On September 23, 1948, Secretary of State Marshall said:

> Governments which systematically disregard the rights of other nations and other people are likely to seek their objectives by coercion and force in the international field.

To say that genocide is a matter of international concern is to understate its importance. Yet for 23 years this Genocide Convention has lain dormant in the Committee on Foreign Relations, and the Senate has done nothing toward ratification of this very basic declaration of human rights—the right to live. The time is now long overdue for the Senate to ratify this most important treaty.

ADMIRAL McCAIN SEES VIETNAMIZATION A SUCCESS

Mr. SCOTT. Mr. President, the New York Times of September 28, 1972, contains an excellent article by Adm. John S. McCain, Jr., who for the last 4 years was chief of U.S. forces in the Pacific. Shortly he will retire. The article, in which he sees Vietnamization as being successful, is brought to the attention of the Senate, because of the importance Admiral McCain places on a strong defense and the examples he uses in what this strong defense has accomplished.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Former Commander of all U.S. Forces in the Pacific, Just Retired, Sees Vietnamization as a Success and Holds It "Absolutely Essential" To Remain a Power in the Pacific

(By John S. McCain, Jr.)

Honolulu.—Viewing my tenure as commander in chief of Pacific forces, I am struck by the realization that there have been tremendous changes in this vast area within these four years. The United States has made great strides in attaining the goals of the Nixon Doctrine, which call for continued United States leadership in the Pacific—but with reduced American forces.

Under the Nixon Doctrine, foreign policy and our national security strategy of realistic deterrence, we have carefully and safely reduced our military manpower in the Pacific command from a high of more than one million servicemen and servicewomen to less than 500,000. United States military withdrawals are continuing as our friends and allies assume ever greater responsibility for their own defense.

In South Vietnam, successful Vietnamization has permitted continued disengagement and redeployment of United States forces, so that by Dec. 1 we will have reduced our commitment there from over half a million men to less than 27,000. From a military viewpoint, I feel this is a sound figure. Were it not for the hordes of new North Vietnamese invaders into South Vietnam this spring, the United States military presence throughout South Asia could have been even further reduced.

President Nixon's plan to reduce the total United States troop commitment in South Vietnam is a result of our confidence that the South Vietnamese can continue to improve their capability for their own defense. We are seeing a much-improved South Vietnamese fighting force. The South Vietnamese are doing sound military planning; the South Vietnamese Army has come of age; and the South Vietnamese Air Force is performing a steadily growing role in support of South Vietnamese Army ground forces. Vietnamization is successful.

During the last four years South Vietnam has survived two major offensives from the North. The first was the Tet offensive of 1968. The second came last Easter weekend.

Many factors contributed to the halt of this most recent North Vietnamese invasion. The most important is the gallant manner in which the South Vietnamese armed forces rose to stop the enemy. They have shown the enemy and themselves they can succeed. They are good. The second most important resulted from the President's decision to mine the port of Haiphong and other North Vietnamese waterways, and to attack North Vietnam's logistics lines and war-making capability.

The President's decision to mine the harbors and renew the air attacks was a most courageous one. All of the ports have been mined, and the minefields have not been crossed or breached since then by any merchant ships. While we have seen some minor lightering activities, this has been minimal; and we have destroyed many of the small craft involved in that lightering activity. The effect of the mining will be most apparent as the stockpiles of the North Vietnamese are depleted and her ability to mount major military activities on strict timetables is thereby denied.

The United States forces have fulfilled their role in supporting the South Vietnamese in a superb manner. Particularly noteworthy and effective have been the United States air operations against the invading enemy forces. The B–52's, naval surface ship gunfire, the Air Force and Navy tactical air support aircraft, the gunships and air transports working on a round-the-clock basis in conjunction with the growing Vietnamese Air Force—all contributed a decisive role in beating the enemy invaders in Kontum, in Anloc, and now in Quangtri. This United States naval and air power has assisted the South Vietnamese ground forces in taking the initiative on the battlefields against a highly mobile invading force of superior numbers and sophisticated firepower.

Two other factors have a direct influence on the North Vietnamese failure. First, North Vietnam's leaders had counted on a general uprising among the populace of South Vietnam. It did not take place. The South Vietnamese people, unwilling to go over to the other side, moved south by the hundreds of thousands to avoid coming under control of the northern forces, just as they did in 1954.

Another area of significant change in the Pacific came on May 15, 1972, with the reversion of Okinawa to Japanese prefectural status. Since the end of World War II, Okinawa had been under United States control. Planning for this reversion began in 1969, and culminated last May. The agreements with Japan provide that the United States may retain military bases there, a key requirement for the United States deterrent posture in the Pacific.

Korea is a third area of dramatic change. The conflict that had dominated that area for more than 25 years began to be eased in July as the Governments of North and South Korea began bilateral talks. These talks, coming on the heels of twenty years of vituperation and conflict, directly reflect the wisdom of President Nixon's policy of normalizing our relations with all nations, particularly the People's Republic of China.

As commander in chief of all United States Pacific forces, I have had the responsibility for the defense of our national interest and our deterrent posture from Arctic to Antarctica and across the broad expanse of the Pacific from California to the western Indian Ocean. Indicative of this great expanse and indicative of the importance of even the most remote parts of this broad area of United States interest, we are building a communications facility on the island of Diego Garcia in the middle of the Indian Ocean. This facility is being built wth the cooperation of the United Kingdom, and the United States will continue to operate ships in the Indian Ocean periodically.

Free world security throughout East Asia continues to rest on a combination of United States defense treaties, such as the Southeast Asia Treaty Organization (SEATO) and ANZUS; the other strong regional agreements among Asian nations; and the five-power defense arrangement for Malaysia and Singapore, which involves forces from Great Britain, New Zealond and Australia.

I have regularly and strongly upheld the wisdom of maintaining adequate military defense in the Pacific through collective security during my four years as commander. Lately, I find it necessary to remind my countrymen that the finest weapons systems won't mean a thing if we don't support the men who defend our people and our soil.

I visited Vietnam on a regular basis as commander in chief in the Pacific. I have been out in the heartlands to the tiny base camps and fire-support bases. I have visited the major military installations. Throughout these visits, I have talked with hundreds of our soldiers, sailors, marines and airmen. I find this group of American youn men as outstanding as any youth I have known anywhere any time. They are intelligent, dedicated to the performance of their duties, and a credit to our country. I am exteremly proud of them. Our nation can be proud of them.

Looking to the future, the strength of our United States air and naval forces in Southeast Asia will depend on the political actions taken to resolve the conflict, and on the enemy's military actions. I am convinced the months immediately ahead are critical for the preservation of all that the United States and allied forces have achieved thus far in Indochina.

Our ultimate goal in the Pacific is the encouragement of strong, viable economies and the right of self-determination for all the peoples of the region. I have no doubt that our assistance will be required and will be forthcoming in Asia in the years ahead. It is absolutely essential for the stability of the free world that the United States remain a Pacific power.

THE SPACE SHUTTLE

Mr. MONDALE. Mr. President, the National Journal of August 12, 1972, contains an article by Claude E. Barfield, entitled "Intense Debate, Cost Cutting Precede White House Decision To Back Shuttle."

The article documents the strong reservations of high-level Nixon administration officials concerning NASA's multi-billion-dollar space shuttle. According to this article, Donald B. Rice—Assistant Director of the Office of Management and Budget until April 1, 1972—"fought to the very end" against the shuttle configuration approved by the President on January 5, 1972. And the OMB's Evaluation Division "never was convinced that the shuttle would be cost effective as opposed to current or upgraded expendable rocket systems." Based on interviews with William A. Niskanen, the former OMB Assistant Director who headed the Evaluation Division, and other OMB officials, Mr. Barfield observed that the Evaluation Division "posed questions about the—shuttle—that were strikingly similar to those raised by shuttle opponents in Congress."

As this article points out, opposition to the shuttle from within the Nixon administration was not limited to the Office of Management and Budget. In the summer of 1971, Edward E. David, Jr., President Nixon's science adviser, appointed a special panel of the President's Science Advisory Committee to review the arguments for and against proceeding with development of the shuttle.

This panel, which was presided over by Alexander H. Flax, president of the Institute for Defense Analyses, and which included space scientists, engineers, economists, and specialists in systems development and analysis, met monthly with NASA officials and shuttle contractors.

On October 19, 1972, Mr. Flax submitted a confidential interim assessment of the panel's collective views on the shuttle. According to Mr. Barfield's summary, this report concluded:

> That on the basis of prior experience, a 30% to 50% cost overrun on the shuttle should be anticipated, thus making the total nonrecurring costs for the shuttle $15 billion;
>
> That "the scientific community in the large doubts that the potential benefits of the space shuttle will be significant for science in relation to the large costs involved;"
>
> That a decision to proceed with the shuttle would demand a national commitment equal to that of the Apollo program and would require "expanding rather than level space budgets . . . over the next 10 years;
>
> That the space shuttle cannot be justified on a purely economic basis for the unmanned part of the space program in view of the marginal benefits which can be shown and the high risks (that) both recurring costs and operational costs may be sufficiently in excess to cause economic losses rather than savings in the 13-year period of operation 1978–90.

As Mr. Barfield noted, this report, which reflected many of the points made by those of us opposed to the shuttle, "challenged some of the basic arguments that have been advanced by shuttle proponents."

The contents of this report, Mr. Barfield continued:

> Had opponents of the project seen, the document would certainly have become a center of controversy during the 1972 Congressional debates on the shuttle.

Needless to say, we were not aware of this crucial document during the recent debate on the shuttle.

Mr. President, I ask unanimous consent that Mr. Barfield's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TECHNOLOGY REPORT/INTENSE DEBATE, COST CUTTING PRECEDE WHITE HOUSE DECISION TO BACK SHUTTLE

(By Claude E. Barfield)

The outcome of this year's Presidential election could determine the fate of the largest civilian high-technology program now under development in the United States—the National Aeronautics and Space Administration's space shuttle.

While President Nixon on Jan. 5 said that "the United States should proceed at once" with this "entirely new type of space transportation system," Sen. George S. McGovern, D-S.D., has called the shuttle "an enormous waste of money" and a "Nixon boondoggle."

These statements cast in stark relief the differing points of view that exist within the federal government about the merits of the shuttle system, on which the Nixon Administration plans to spend $5.15 billion over the next six years.

The space shuttle—a two-stage rocket-propelled system whose orbiting component would fly back to earth like an airplane—is justified as an economical means of sending men and satellites into each orbit.

It already has passed the most detailed scrutiny within the executive branch, and easily overcame, challenge in the Senate this year.

But should McGovern be elected to the Presidency in November, NASA could expect once again to be questioned closely on its arguments for a project that holds the key to its future as an important government agency.

Contracts: Although NASA officials deny that there is a political as well as a programmatic timetable for the space shuttle, the awarding of huge development contracts has been well orchestrated for maximum impact on the elections of 1972.

Thus, on July 26, the space agency announced that the biggest shuttle prize of all—a $2.6-billion contract for orbiter development and integration of the orbiter with other shuttle systems—would go to California's North American Rockwell Corp.

North American Rockwell will begin hiring additional personnel immediately, and NASA officials say the orbiter contract will generate some 15,000 jobs during the peak employment years, 1976 and 1977. In those years, all elements of the shuttle project will provide jobs for 50,000 persons, they estimate.

Most of the in-house work performed by North American Rockwell will be located at its plant in Mr. Nixon's home state. About 53 per cent of the work—worth some $1.4 billion—will be subcontracted, and company executives project that 48 of the 50 states will get a piece of the action and that a number of states, including New York and Pennsylvania, will benefit from contracts worth well over $100 million.

On July 31, the new Democratic national chairman, Jean M. Westwood, issued a statement attacking the contract award and saying: "I regard this decision as the latest, and perhaps most blatant example of President Nixon's calculated use of the American taxpayers' dollars for his own reelection purposes."

Administration divisions: The President's decision to go ahead with the shuttle project was by no means favored unanimously by his top advisers.

Donald B. Rice, who was an assistant director of the Office of Management and Budget until April 1, fought to the very end against the configuration finally chosen. And the OMB's Evaluation Division never was convinced that the shuttle would be cost-effective as opposed to current or upgraded expendable rocket systems; it posed questions about the project that were strikingly similar to those raised by shuttle opponents in Congress.

Alexander H. Flax, the chairman of a prestigious panel of the President's Science Advisory Committee, reported to Presidential science adviser Edward E. David Jr., last fall that his group disagreed with some of the most important assumptions behind the justification for shuttle development. Flax argued that the shuttle could never make its way on purely economic grounds and that it would have to be justified in part for other reasons—advancing technology, boosting national prestige, or fostering international cooperation.

Some of these skeptics argued against development of any flyback shuttle vehicle, saying that upgraded Gemini capsules would suffice for missions that really needed men in space. Although they lost on that point, the arguments they raised helped justify a big reduction in the development costs of the shuttle.

A year ago, NASA was hoping to build a shuttle with two components, each capable of flying back to earth. That system's costs over a six-year period were estimated at $9.92 billion. Costs of the system now under development are projected at $5.15 billion over the next six years, and only the orbiting component of the shuttle will fly back.

Arguments: NASA and its supporters argue that the shuttle is well worth the investment—that it will save the nation billions of dollars by 1990. Because it is reusable, the shuttle will reduce the costs of launches, and payloads can be produced at reduced cost since they will be carried into orbit by the shuttle, and thus will not have to withstand the direct battering of an ascent through the atmosphere.

Said Sen. Howard W. Cannon, D-Nev., one of the shuttle's leading proponents in the Senate: "I know of no other civilian development project that has been subjected to the kind of close analysis that went before the decision to go ahead with the shuttle. The process cut development costs in half, and resulted in a lean and fully defensible system. I honestly can't see what more shuttle opponents could want."

Political opposition to the space shuttle is centered in the Senate and is led by Sen. Walter F. Mondale, D-Minn.

A bipartisan coalition of 61 Senators handed Mondale a convincing defeat this year, when Mondale attempted to kill the project on May 11. Only 20 of his colleagues voted with Mondale. (See Senate vote 179, Vol. 4, No. 22, p. 922.)

Opponents of the shuttle challenge NASA's cost-benefit analysis, contend that the shuttle should not be produced until a comprehensive plan for space activity in the next three decades has been developed, and they attack the expenditure of billions of federal dollars that could be devoted to other domestic needs.

Mondale and his allies vow to continue their fight. Mondale predicts that during peak-funding years, when NASA's shuttle budget will exceed $1 billion annually, "we'll get a better hearing." But he adds, "I'm afraid that as with the SST (the Administration-backed supersonic transport aircraft killed by Congress last year) the country is going to waste a lot of money before Congress wakes up."

OPTIONS

In the complicated debate that has emerged in the last two years over NASA's plans to develop a space shuttle, several fundamental facts have tended to become obscured.

Use of space: The first, and most important, is that while Mondale and NASA Administrator James C. Fletcher disagree on many things, they do not disagree on one premise: that the United States cannot turn its back on the potential of space.

Mondale says: "I don't know of a single opponent of the space shuttle in the Senate who wants to do away with the entire space program or even abolish NASA for that matter."

With the exception of one crucial area, also, the two sides do not disagree on the prospective uses of space. The most fruitful opportunities, both would agree, are found in the sciences, including physics, astronomy, the life sciences and planetary (unmanned) probes; in space applications, including already substantial benefits from communications, navigation, weather observation and earth resources satellites; and in enhanced defense capabilities.

The clash comes over the place of man in space. Mondale argues that it "is a colossal waste of money and a distortion of national priorities to build a multibillion-dollar vehicle just to keep men in space. The United States can fulfill all the potential benefits without manned space flight."

Fletcher argues, on the other hand, that "the shuttle's basic economic justification is grounded on its utility for unmanned missions; but at the same time it also affords easy and flexible access to space for men."

Launch systems: Interestingly, none of the three launch systems that the Administration and NASA considered as the space transportation system for the future would have absolutely precluded manned space flight; the differences concerned the relative ease and cost of manned space missions.

Current expendable rocket system: The United States over the past decade has built up a sizable stable of expendable booster rockets, from the small Scout at one end of the spectrum through the Atlas, Titan and Saturn rockets at the other end. That stable could have been used indefinitely and manned missions could have been flown in upgraded Gemini capsules launched by Titan III rockets.

New expendable rocket system: Research and development funds could have been used to improve the reliability and cost-efficiency of existing rocket systems, and to develop new expendable rocket technology. Once again, a manned vehicle could have been lofted on expendable boosters. Last year, the idea of placing a space glider—an unpowered fly back orbiter—attracted a lot of interest.

Space shuttle: The most technologically advanced system that was explored was a man-operated, fully reusable two-stage system. Although it would have been expensive to develop ($9.9 billion), its proponents argued that ultimately it would make space transportation much cheaper than expendable systems, that it had a greater capability to perform space tasks and that it would continue manned space flight without interruption. Because of budget considerations and uneasiness over the high technical risks associated with this system, the Administration opted for a compromise shuttle configuration: an unmanned, recoverable booster, coupled with a manned orbiter with expendable fuel tanks.

This system will be considerably cheaper in the development phase ($5.15 billion). It will retain the mission capabilities of the more expensive system, but costs per flight will be more expensive than with the more advance system.

SETTING THE STAGE

For NASA, the first year of the Nixon Administration was marked by a superb technological achievement and by high hopes for the future of U.S. activity in space.

In July 1969, Neil A. Armstrong landed on the moon and took his "one small step for a man, one giant leap for mankind."

At the same time, a high-level Administration Space Task Group, chaired by Vice President Spiro T. Agnew, was charting the future of NASA activities in terms that foresaw a space program exceeding the Apollo program in scope and expense.

The Agnew group's report, published in September 1969, listed three main program options for the 1970s and 1980s.

All three options included plans for the development of a small 12-man space station, a space shuttle, a 100-man space base, and lunar orbiting and surface stations. Two of the three foresaw the first manned expedition to Mars in the mid-1980s and projected funding levels of $8 billion to $10 billion for NASA by the late 1970s. The less ambitious third option—which included simultaneous development of the space station and shuttle—peaked at just under $6 billion in fiscal 1977. NASA's top budget during the Apollo years was $5.9 billion, in fiscal 1966.

These expansionary projections did not seem unrealistic to NASA, elated as it was at the time with the success of its moon-landing program.

NASA, moreover, believed it had an ally in President Nixon, who always has shown a keen personal interest in the space program and has often welcomed astronauts to the White House.

Budget difficulties: But the President's enthusiasm was not shared by his closest political and budgetary advisers, who argued successfully that the political climate in the country and the keen competition for federal dollars would not allow for a space program approaching the scope of NASA's ambitions.

William E. Kriegsman, who from 1969 to 1971 was the Domestic Council staff member most deeply involved with space issues, and Clay T. Whitehead, another key aide on the council (who now is director of the White House Office of Telecommunications Policy), were among those who pressed the cautionary view in the White House. The two prepared the President's major statement on the U.S. space program in 1970. Delivered to Congress on March 7 of that year, the document alluded favorably to the shuttle but carefully stopped well short of an endorsement.

The most insuperable and unfamiliar difficulties for NASA came in its dealings with the President's budget office. Accustomed during the peak Apollo development years of the 1960s to carte blanche treatment of its budget requests, the agency was shocked when, in the summer of 1969, its fiscal 1971 budget submission was rejected out of hand.

In an interview last year, said Dale D. Myers, NASA associate administrator for manned space flight, "we were still planning in terms of concentric circles—first the space station, supplied by the shuttle, then a lunar station and base and finally planetary exploration."

But the fiscal 1971 budget request was cut back substantially, and, said Myers, "by early 1970 we had begun to lower our sights."

It had become clear that the Administration judged that post-Apollo lunar missions and manned expeditions to Mars were simply too expensive to undertake in the foreseeable future.

Space station, shuttle: That left the space station and shuttle, and of the two, the station was much the furthest along in design definition. NASA had planned to develop both systems concurrently, at a cost of about $5 billion each.

But this hope, too, soon went aglimmering. Julian E. Franklin, vice president for space systems and applications at North American Rockwell, gave this explanation of the process by which the shuttle came to the fore: "The space station development program had a good head of steam up in 1969 and a hell of a lot of supporters, but in 1970 it became very evident that there wasn't going to be enough money to develop the station and the shuttle simultaneously. At that point, an ominous fact took over—that unless you had some kind of low-cost logistical supply system, you'd eat up all of your budget just supplying the station. Economically, NASA couldn't afford to delay the development of the shuttle five or six years after the station as it first thought of doing.

"Thus, a great reversal of priorities took place; and the shuttle, which hadn't received much attention previously, came out the top space development program for the 1970s."

Shuttle alone: Not only did the shuttle come out the top-priority item, but since 1970 it also has been decoupled from the space station and other manned ventures almost completely. It is now justified mainly as a utilitarian, cost-effective transportation system for placing into orbit, retrieving and repairing satellites designed for civilian space sciences and applications and for Pentagon missions. In the two years since the shuttle came to the fore, NASA has constructed a wholly new rationale for its development.

There were two important outside factors behind NASA's new justification:

The clear indication that the OMB would not approve the shuttle unless it passed a rigorous cost-benefit test to prove its worth in a future space program dominated by unmanned space science and applications missions, Pentagon flights and commercial traffic;

The realistic political judgment that neither the 91st nor the 92nd Congress was willing to fund expensive new starts in manned space flight. In the first big congressional debate that erupted over the shuttle in 1970, Mondale's most potent argument was that the system "will be the initial phase of a program with an estimated cost of $50 billion to $100 billion over the next 15 years." Had he and other opponents been able to tie the shuttle to the station, the space base or planetary expeditions, there is little doubt Congress would have rejected the project.

Shuttle planning: Detailed planning of the space shutle began in January 1969, when NASA awarded so-called Phase A feasibility study contracts to four companies—General Dynamics Corp., Lockheed Aircraft Corp., North American Rockwell Corp. and McDonnell Douglas Corp.

In November 1969, after getting the results of these preliminary assessments, NASA established a fully reusable, two-stage shuttle as the baseline configuration. The first-stage booster was to be approximately the size of a Boeing 747; the orbiter about the size of a Boeing 707. Both vehicles were to be piloted by two-man crews and capable of landing on conventional runways. Both would be reusable for a minimum of 100 flights over a 10-year lifetime.

At this point, NASA was projecting development costs of $5.2 billion for the fully reusable shuttle.

The President's budget office believed this estimate to be unrealistically low—with good reason for, by the spring of 1971, the fully reusable system's development costs were put at $9.9 billion. Budget officials also were by no means persuaded that the reusable shuttle would be cheaper in the long run than existing or improved expendable rockets systems.

In the spring of 1970, the OMB directed the space agency to conduct an in-house cost-benefit analysis of the shutle, and at the same time strongly urged NASA to contract out a much more detailed independent study.

Shortly thereafter, in June, NASA awarded one-year Phase B detailed design contracts for the full reusable shuttle to two teams of companies, one headed by North American Rockwell and the other by McDonnell Douglas.

But in recognition of the trend in Administration thinking, the agency also took two actions in June that eventually helped lead to the decision to scrap the fully reusable shuttle:

Following the OMB'se advice, NASA signed a contract with Mathematica Inc. of Princeton, N.J., to conduct a one-year study of the economic merits of three alternate space transportation systems, a new group of expendable rockets and the space shuttle system.

It extended its Phase A feasibility studies, awarding contracts to investigate less complicated and expensive shuttle designs to three companies: Lockheed, Grumman Aerospace Corp. and Chrysler Corp.

Grumman received the largest extended Phase A contract, and it joined forces with Boeing Co. to complete the work.

Among the alternatives the Grumman-Boeing team looked at was an orbiter configuration with expendable fuel tanks and several phased-development approaches, including one in which the orbiter would be developed first and coupled initially with an expendable booster—a Titan III or Saturn IC stage. Later a fully reusable booster would be developed.

The aim of the phased approach was to lower peak funding costs in the mid-1970s.

Funding: While awaiting the results of the economic analyses, NASA chafed to get forward with the program, but the budget office kept a tight rein.

In fiscal 1971, NASA asked the Administration for $170 million for the shuttle and was allowed $80 million; in fiscal 1972 the space agency wanted $190 million and got only $100 million.

CHANGE OF RULES

In June of last year, with negotiations about to begin on the shape of the fiscal 1973 budget that the Administration would recommend to Congress seven months later, the stage seemed set for a straight up-or-down decision on the fully reusable, two-stage shuttle.

But then NASA drastically changed the ground rules of the competition for the shuttle design contracts and sent the companies back to the drawing boards.

Said one aerospace executive whose company was a major competitor for the orbiter contract: "Some people saw it coming and some didn't—but whatever the case we all knew by July that the whole damned system had suddenly gone up for grabs."

New instructions: The new instructions directed the companies to reduce peak-annual-funding requirements.

As a means of accomplishing this, they were to explore the use initially of existing hardware and materials for the shuttle engines, avionics (electronic guidance control) and thermal protection. That baseline orbiter became a vehicle with an expendable hydrogen-oxygen fuel tank.

NASA and the contractors looked at substitutes for the advanced orbiter engines, but their main attention centered on alternative, "off-the-shell" propulsion for the booster.

The favored candidates during most of the fall for a manned, flyback booster were the F-1 engine that had been used in the Saturn V and a modified version of the Saturn IC.

One effect of the new ground rules was to catapult the Grumman-Boeing team back into the center of the competition. For a full year, Grumman had been studying alternate, less expensive approaches, and Grumman the fuel tank outside the orbiter.

In addition, Boeing was the developer of the Saturn IC stage, one of the main candidates for the initial booster engines.

Reasons for change: NASA's aboutface, representing a reluctant admission by the agency that its hopes were dead for immediate development of an advanced fully reusable two-stage shuttle system, had three basic causes:

The results of the Mathematica study, which seemed on the surface to justify the advanced fully reusable system but actually amounted to a solid warning against proceeding with that advanced design.

Increasing uneasiness among NASA officials and executives of contractor companies about the sizable technical risks involved in the advanced shuttle, particularly with the booster;

NASA's discovery in the first fiscal 1973 budget sessions that the OMB, with full backing from the White House, had no intention of approving a space budget over the next decade that would support the advanced system.

Mathematica conclusions—Using the most conservative assumptions, the Mathematica report pronounced the fully reusable two-stage system cost-effective if the U.S. space program launched 566 flights between 1978 and 1990, for an average of about 44 flights a year.

At that level of activity, Mathematica figured, the shuttle could incur $12.8 billion in cost-effective as compared with expendable systems.

(Non-recurring costs include research, development, testing and evaluation as well as procurement of an operating fleet for the 13-year period and construction of two shuttle bases.)

In its directions to Mathematica, NASA had postulated that the shuttle would be used 736 times from 1978 to 1990, a level of activity that could have supported $15.4 billion in nonrecurring expenditures.

But Mathematica judged that NASA's mission model was unrealistically high. It substituted a model that assumed 600 missions during the 13-year span, and found that nonrecurring expenditures of $12.9 billion could be justified on that basis.

This calculation meant that the shuttle would be barely cost-effective.

But Mathematica spokesmen readily admit that inevitable cost overruns would have made the shuttle system diseconomic at the level of activity the company projected.

(In making its analysis, Mathematica used a social-discount rate of 10 per cent. The social-discount rate is the interest rate charged by the government to new development projects to justify tying up federal money that could be used for other purposes.)

Technical risks—Linked to the question of cost overruns were problems associated with the technical risks involved in the advanced fully reusable system. By the spring of last year, some government officials and executives of contracting companies had developed nagging doubts about the chances of completing the system without encountering time-consuming and costly technological obstacles.

NASA Administrator Fletcher says that "worries about the technical risks were not a major concern to me personally, although I may have been somewhat naive in that regard." But Fletcher admits he feels "much less pressure with the simpler design we're now building."

Much of the anxiety centered on the design of the huge booster, which was to be 296 feet long, or the size of a Boeing 747, and which had to combine the liftoff capability of a huge rocket with the aerodynamic qualities of an airplane.

Said Charles J. Donlan, acting director of NASA's space shuttle office: "In retrospect, I think, 'Thank God we didn't have to build that design.' Flying the booster would have been a thankless and even potentially dangerous task for the flight crew."

"At best," said George J. Vila, manager of space systems for General Dynamics Corp., "it was a lousy airplane."

And William A. Anders, the former astronaut who is executive secretary of the interagency National Aeronautics and Space Council, says he "was no great fan of the original configuration."

"It wasn't anything you could really put your finger on, but I thought we were pushing the state of the art and with so many things to keep moving there was a good chance something would go wrong . . . I guess I sort of got to the point of intuitively feeling 'big is bad,' in both costs and designs."

Budget—The final and perhaps the most important nail driven in the coffin of the advanced fully reusable system came from the OMB. The budget office, reinforced by the Mathematica conclusions arrived at the negotiating table determined to pull NASA back from its ambitious plans.

"When we first sat down with them in the summer to discuss fiscal 1973," said William E. Lilly, who is NASA's chief budget officer, "they told us that our total budget in fiscal 1973 and for the next few years would not go much above its present level ($3.3 billion). When we calculated it out, it meant that if the Administration approved the shuttle project, we'd have to live with about a $1-billion peak funding figure."

The fully reusable shuttle configuration would have required a federal outlay of at least $2 billion in peak funding years.

Congressional reaction: Congressional supporters of the space program also had been worrying about the costs of the fully reusable system.

A blunt warning was delivered to NASA in a May 18, 1971, speech by Rep. Joseph E. Karth, D-Minn., who was then a member of the House Science and Astronautics Committee. He said that NASA funding estimates of $12 billion to $13 billion for shuttle development were subject to a wide margin of error, and predicted that cost overruns would eventually bring expenditures to between $15 billion and $20 billion. Karth told a gathering of key federal space officials and NASA contractor executives at the National Space Club: "I would predict that the politics—if not the economics—will not justify a $20-billion figure or even one approaching that amount."

Yet many members of the congressional space committees also were deeply disturbed when NASA changed the rules of the game—just at the time when the panels were reciting the virtues of the fully reusable two-stage shuttle for the fiscal 1972 NASA authorization and appropriations bills.

Rep. Don Fuqua, D-Fla., says there was "great consternation" among House space committee members. "We had just finished defending one configuration on the floor and then suddenly they announced they were going to change it. Tiger Teague (Rep. Olin E. Teague, D-Tex.) got the top brass from NASA over here and raked them over the coals.

"We all wanted to know how long they had known they were going to change and how much of this kind of thing was going on behind the committee's back. They explained the reasons behind the changes, and everybody calmed down.

"After that, though events moved pretty fast, they did try to keep us reasonably well informed."

On the Senate space committee there was also a "good deal of anxiety," said Sen Cannon, "but there was a great deal more worry about the peak-annual-funding question—authorizations of $2 billion would have been a lot tougher than the scaled-down system we finally got."

Start of the scramble: The decision in early summer to scrap the design targets of the last 18 months did not alter the December deadline the Administration had set for a final determination on a Presidential endorsement.

The result was a six-month frantic search for the most cost-effective and technically sensible alternate configuration.

The Nixon Administration, NASA and the strong proponents of the shuttle in Congress all felt compelling pressures to get a decision by the end of the negotiations leading to publication in January 1972 of the Administration's fiscal 1973 budget.

NASA worried that stretchout costs would begin to plague the program and that for financial and psychological reasons it would have trouble holding its industrial teams together if the shuttle were deferred for another year.

In an interview, Donlan said: "We were worried as hell that we'd lose the momentum the program had gained, and beyond this we seriously doubted that the prime contractors could, or would, continue to pump in their own dollars."

Congressional proponents of the shuttle likewise feared stretchout problems, but they worried more that indecision would allow opponents in Congress to argue that there were serious, unacknowledged flaws in the shuttle.

Rep. Louis Frey Jr., R-Fla., said: "The deferral of a decision would have been just the opening shuttle opponents were looking for. We'd beaten them easily for two years, but we'd have had a lot of trouble this year if the President had sent NASA back to the drawing boards."

For the President, 1972 was clearly the year for the announcement of full-scale development if he decided to go ahead. The continuing depression in the aerospace industry and the relatively high unemployment rate among the nation's scientists and engineers were sure to become Presidential-election issues.

In interviews with *National Journal* during the fall, John D. Ehrlichman, executive director of the Domestic Council Staff, on several occasions cited the situation in the aerospace industry as an area of "deep concern" to the Administration.

Concurrently with the final evaluation of the shuttle project, the Administration mounted a major drive, under Presidential special assistant William M. Magruder, to come up with a package of civilian-oriented new technological initiatives.

Although Administration officials emphatically deny there was any connection, the failure of the Magruder operation to produce important new technology projects undoubtedly increased the political pressure for a go-ahead on the shuttle project. (*For a report on the Magruder operation, see Vol. 4, No. 19, p. 756*).

But the change of signals on the shuttle configuration not only meant that a whole new look at a bewildering array of shuttle designs was necessary but also raised anew broad questions about the basic value of the project itself, the shape and scope of the future U.S. space program. NASA's future as an important government agency, and funding priorities among domestic programs.

The Nixon Administration was obliged to consider whether it could defend such an expensive development project at a time when it was holding the line on other domestic programs for fear that federal outlays were getting out of control.

In these deliberations leading to a final decision, the OMB and the President's Office of Science and Technology played crucial roles, as did Mathematica. And while NASA thus was required to submit its decision-making to the intense scrutiny of other parties—and was forced to compromise severely its original goals—Fletcher indicated that he is glad that the exercise was undertaken.

"I knew there were dangers in opening up the whole project to basic questions again," he said, "but I intuitively felt that we'd be better off in the end."

FLETCHER AND NASA

Administration officials and NASA contractors give Fletcher much of the credit for persuading the space agency's key administrators of the necessity to plan for alternate, less expensive configurations.

Had NASA not done that, they say, the result might well have been deferral or even death for the space shuttle.

New approach: An executive for one of the companies that competed for the orbiter contract said: "Well into the spring of 1971 the top brass at NASA refused to consider contingency planning. They were still adopting an adversary approach to the OMB and making it clear to us that they would not take kindly to suggestions for substantially different configurations."

That attitude began to change a few months after Fletcher took over at NASA in March 1971. His "basic approach," said William Lilly, NASA's top budget officer, "was summed up in a sentence that became famous around here: I just don't buy your assumptions on this.' . . . He even asked why we need manned space flight at all."

There were, however, limitations to Fletcher's acquiescence to the OMB's economic pressure. One Administration official, who was deeply involved in the final negotiations put it this way: "He brought a lot of common sense to his job. But the fact remains he is the head of a mission agency. He's bound to be concerned with the continuation of that bureaucracy. What would happen, for instance, to the huge space centers at Houston and Huntsville if there were no space shuttle? And it's the manned space program that has given the agency its high visibility and public acclaim—could he really allow that to expire? Finally, NASA's a high-technology agency—Fletcher could curb but he couldn't eradicate the desire to go for a complicated new technology 'because it's there.' "

Basic posture: Possibly it was this combination of factors that produced NASA's basic posture during the fall negotiations. The space agency, while accepting the funding constraints imposed by the OMB, tried to retain as much as possible of the advanced two-stage system—at least as a concrete goal within a stated time frame. This led NASA to press upon its contractors a number of phased development schemes, which would have provided initially for two manned vehicles, employing, however, less advanced technology than NASA originally wanted, especially in the case of the booster. Development work would have continued into the mid-1980s under these schemes, and NASA at the end would be rewarded with advanced vehicles for both of the shuttle stages.

The OMB and the OST were attracted to less expensive and technologically simpler configurations. The two groups seriously examined the possibility of using upgraded rockets—particularly among the Titan III family—as the basic launch system.

Says Klaus P. Heiss, who directed Mathematica's cost-benefit analysis: "It's amazing how configurations appeared and disappeared. And those which some people thought had the best chance were dismissed by others out of hand or in some cases never even looked at."

THE OMB

The Office of Management and Budget, aided by arguments articulated by Mathematica and by the panel of the President's Science Advisory Committee (PSAC), succeeded in cutting development cost estimates for the space shuttle nearly in half during the last six months of fiscal 1973 budget negotiations.

The budget office's top leadership now argues that there was little thought given to completely scrapping the shuttle project and no dissent within the agency to the configuration finally agreed upon. But in fact some elements within the OMB expressed severe doubts as to the basic merits of the space shuttle.

Weinberger: Caspar W. Weinberger was deputy director of the OMB during the time the shuttle decisions were being made. (He now is the director of the office, succeeding George P. Shultz, who became Secretary of the Treasury.)

In an interview, Weinberger said that his own approach to the shuttle decision "probably wasn't typical of the narrowly cost-conscious stereotype of a budget officer."

"My feeling is that we have to use some imagination in assessing research and development projects like the shuttle," said Weinberger. "Just as we do with basic scientific research, there are some things about the shuttle we have to take on faith. For instance, as to what exactly it is the shuttle will be taking up and back to orbit, I must say I don't know. But I start with the presumption that the nation has a future in space, and that being the case we'll need the shuttle."

Sensitive to the political problems an open admission of dissent within his agency could cause, Weinberger said, "There was no disagreement among my people at the end. Everyone thought the system we settled on was the best compromise."

Weinberger's assertion, however, glosses over the fact that during the fall hard questions and serious reservations about the shuttle surfaced from two centers within the OMB: from Rice and the staff he directed and from the Evaluation Division, then headed by OMB assistant director William A. Niskanen.

Many of the questions raised and the doubts expressed—particularly by the Evaluation Division—were striking similar to those of opponents of the shuttle in Congress and outside the government.

Evaluation Division: The OMB, established under an executive reorganization plan in 1970, gave to its Evaluation Division a broad mandate to scrutinize federal programs to determine costs and payoffs. The division, however, has had no line responsibilities in the actual budget process. One OMB official told *National Journal* some months ago, "Those guys over there have only a marginal impact on the budget itself because they're not wired directly to the negotiations."

Under the direction of Niskanen, who is a disciple of Chicago economist Milton Friedman, the division consistently took a skeptical view of large government development projects. Niskanen, for instance, publicly registered a strong dissent to the Administration's ambitious drive in the fall to develop a program to subsidize civilian R and D projects—a dissent which prompted his superiors to order him to avoid the press.

And NASA officials still have not quite recovered from a memorandum they received from the Evaluation Division requesting them to explore the possibiilty of turning over the entire civilian space program to private enterprise—which then would sell launch-and-recovery services to government agencies and commercial enterprises.

On June 1, Niskanen resigned from the OMB to join the faculty of the University of California. His staff is being dispersed and the division phased out.

Niskanen views—In an interview, Niskanen stressed that his own views of what had taken place and the causes for it were "highly individual." For instance, he said: "My impression looking back on it all is that the Administration some time before the negotiations last fall had made a commitment to go ahead with some kind of shuttle. . . . However, even people on my staff didn't agree with me on this."

Niskanen then added: "It certainly was different from the SST fight where early on the Administration told us to stop studying the economic pros and cons. In this instance, a window remained open until December, and they were willing to listen at least to a restricted range of arguments."

Issues—Niskanen said he wanted the OMB to take a tougher line with NASA than did Rice, to challenge the basic assumptions and premises that underlay NASA's rationale for development of the shuttle.

In dealing with the space agency's carefully prepared arguments. Niskanen said, "I'd like to have seen us not shy away from questions that went to the heart of the issue of whether or not we really needed the shuttle."

He listed a number of areas in which shuttle proponents' arguments are weak in his view:

Mission model: "My impression is that the mission models that NASA is projecting for the 1980s, are unrealistic. They start at a number that strains credibility and go up from there."

Payload cost reductions: "'A large part of the presumed savings comes from relaxed design, repair and refurbishment of satellites. I was struck, however, with the fact that payload design is so far down the road—in miniaturization, sophistication and reliability—that you wouldn't get manufacturers or users to go for much relaxation."

High-altitude missions: "NASA never talks about it but more than half of the shuttle missions will end up in orbits beyond the near-earth shuttle operating orbit. This means you need expendable rockets or the space tug. Nobody ever explained the tug technology or economics satisfactorily. How many satellites, for instance, would you really want to retrieve or repair?" (The space tug is a reusable vehicle that will be used to transfer payloads from low-earth to high-altitude orbits.)

Expendable systems: "There were and are a number of people who think this alternative always looked better than either NASA or Mathematica were willing to admit."

Alternatives—In meetings with NASA and the PSAC panel, the Evaluation Division put forward two alternatives: new expendable rockets or a space glider.

The more expensive of the two ($3 billion in development costs) was the glider—an unpowered, manned orbiter that would have been placed atop a Titan III missile.

The expendable system also could have provided for manned space flight—by placing an upgraded Gemini capsule on a Titan rocket.

But both NASA and Mathematica insist that the shuttle is a better deal in terms of performance and economics.

Rice: Donald Rice was the central figure for the OMB in the shuttle negotiations—at least until the final meetings when Fletcher refused to deal with him and would talk only to Shultz and Weinberger.

Rice, who left the OMB on April 1 to become president of the Rand Corp., never allowed interviews while he was in government and he continues to decline comment on the shuttle decision.

There are, today, varying views about his personal opinion of the shuttle and of the instructions he had been given by the Administration.

A high NASA official who was deeply involved in the talks with the OMB said, "My own belief is that he was never convinced of the economic utility of the shuttle. But he saw the tide running against him, that gradually the idea of a shuttle was gaining acceptance. Then, with input from dissident industry sources and some members of the PSAC committee, he started raising new questions and new problems. I think he and those feeding him information hoped that the whole thing would get bogged down and the decision postponed for another year."

Conversely, a White House staff aide, argued: "I think Rice was just determined to get the cheapest and simplest system possible and not get snowed by NASA's quest for advanced technological challenges. . . . To accomplish this, he kept after them to provide data and cost out alternatives they really preferred not to discuss."

Niskanen maintains that the tactical path Rice chose led him inevitably "to get clobbered at the end with massive attack of technical briefmanship from NASA."

In October and November, Rice and the PSAC panel actively explored new expendable systems and variations like the space glider. But in December, possibly fighting a rearguard action as the NASA official indicated, Rice got deeply involved in the design of the shuttle itself. He suggested a smaller payload capacity, smaller weight capacity, less advanced engines and raised other possibilities designed to reduce the over-all costs.

It was this last series of questions that so incensed NASA officials. Recalls Fletcher: "There's always a tendency when you throw open the decisions on a big project like this for everyone to want to go back and reinvent the wheel. In this case, I finally had to say to the OMB: 'We know the technology and you the economics.' I think they had overstepped the bounds and told them so."

Late in December, Fletcher appealed directly to Shultz, and the final decisions were made at meetings between Shultz and Weinberger (in consultation with Edward David, the President's science adviser) on the one hand and Fletcher and George M. Low, associate NASA administrator on the other).

Says Weinberger: "The final design was not what Rice's people wanted, but it wasn't what NASA original recommendations suggested either."

Looking back on it all, an OMB staff member said: "Our best bet was to hammer away at the total development costs and their impact on the budget. When you consider that we cut the shuttle R and D cost by half, you can see that we carried those arguments a long way."

OST, FLAX PANEL

To help him advise decision makers on the matters of the space shuttle, Presidential science adviser David in mid-summer of 1971 established a high-level independent scientific panel to study the issues.

It was composed of experts in space systems development and management, aeronautics, space science and engineering, and was chaired by Alexander Flax of the Institute for Defense Analyses.

The panel held its first meeting in August and from then until December met at least once a month with space agency officials and representatives of the leading contractors in the shuttle-design competition.

Views of panel: Navy Capt. Russell D. Drew, who until July 1 was technical assistant for space in the OST, said that the group "was given an open-ended mandate to explore anything from hardware design to launch costs and payload savings."

Drew, who is now chief of the Navy Department's Office of the Naval Operations in London, had been the OST's space expert since 1967 and followed the shuttle development since its inception.

"They did not adopt an adversary approach," said Drew, "but they did challenge some assumptions and press NASA for alternatives. They continually asked the 'what if' questions, and I am sure to some of the program managers at NASA they seemed like provocateurs."

The panel worked closely with the OMB, and budget office staff members attended all of its meetings. "Their questions illuminated and clarified a lot of issues for the staff people and for Rice," Drew said.

"I don't think they had much influence on the final determinations," said Fletcher, "but from the tenor of their questions I suspect that—like Rice—they hoped for an even less expensive shuttle than the one we chose. Whatever their views, though, Dr. David fully concurred with the decisions we made at the end of December."

Oct. 19 report: Like Rice, the Flax panel got deeply involved in shuttle design; but like Niskanen and the OMB's Evaluation Division, it also at one point in the fall raised more fundamental questions that go to the heart of the controversy over the shuttle.

On Oct. 19, Flax, in an interim assessment for David, summed up the thinking of the group. He stressed in a covering letter that other members of the panel had had no opportunity to review his conclusions. But subsequently, members of the group were given copies and no dissents were registered.

Although the report did not recommend a negative decision on the shuttle, it challenged some of the basic arguments that have been advanced by shuttle proponents. And had opponents of the project seen its contents, the document would certainly have become a center of controversy during the 1972 congressional debates over the shuttle.

Among other things, Flax said that:

Cost overruns of 30 per cent to 50 per cent could be expected from past experience, and thus a shuttle system now estimated at $6.5 billion might cost $10 billion before completion—and up to $15 billion if one took into account all non-recurring costs.

The scientific community doubted that the "potential benefits of the space shuttle will be significant in relation to the large costs involved.

To justify the shuttle, it is "necessary to postulate expanding rather than level space budgets for the Defense Department and NASA over the next 10 years."

It is "unlikely" that reduction in space-program costs or solid rate of return on investment "could be more than a minor factor" in justifying a commitment to the shuttle.

While making no single recommendation, Flax said that at that date the panel found three options attractive: defer a decision, go to a ballistic recovery system (new expendables) or develop a winged orbital vehicle (glider).

Drew: Drew claims the report represents "a kind of snapshot" of the panel's collective mind which was in process of changing—particularly in regard to configurations and options, while conceding that some of the general views expressed in the report raised questions much beyond the choice of configuration.

Drew maintained that "most of the panel" fully supported the shuttle configuration President Nixon endorsed on Jan. 5. He also personally took issue with the views of OMB's Evaluation Division, saying: "I think those guys raised excellent questions at the beginning of the discussions; but I also think NASA came up with good answers."

MATHEMATICA

Inevitably as the desperate search for the right combination of design and economics developed during the fall, the Mathematica staff was called upon for quick analyses and advice. Though he had no official function or authority, Heiss, who directed the Mathematica study, became deeply involved with contractors, NASA and OMB and OST staff members.

Key fact: Heiss says that by the end of the summer Mathematica's analyses were showing one important fact and pointing to one or two configurations as clearly the most cost-effective.

Heiss says that Mathematica's studies had revealed "one important thing"—that even if per-launch costs rose to $10 million, all but 5 per cent of the shuttle's planned missions would be cost-effective as compared with similar missions using expendable rocket systems.

(The $9.9-billion fully reusable, two-stage shuttle system would have had a projected per-launch cost of $4.6 million.)

"If you could go to $10 million," Heiss said, "then some kind of thrust-assisted orbiter shuttle beat out all other systems. It had the lowest development costs of any system capable of sustaining continuous manned flight."

It was a thrust-assisted-orbiter shuttle. (TAOS) system—an unmanned booster and a manned, flyback orbiter—that the Nixon Administration finally chose in January.

Confusion: According to Heiss, it was difficult to get a serious hearing late in the summer, because "everybody in Washington was designing a shuttle."

"There seemed to be a hundred pet ideas about the design, and for a while nobody listened to anybody else," he said.

Working behind the scenes, Heiss pressed the case for the TAOS system. Helping him was a NASA official, Robert N. Lindley, who, said Heiss, "was one of the few people over there to grasp clearly the real economic and design tradeoffs."

Lindley, at the time was director of engineering and operations in NASA's Office of Manned Space Flight. He had done NASA's 1970 in-house cost-benefit analysis, and he formed the liaison with Mathematica during the course of their studies. He is now director of projects at NASA's Goddard Space Flight Center.

NASA resistance: For some months key officials at NASA resisted the TAOS configuration in favor of phased approaches that would produce two-stage flyback systems of some sort.

Heiss thinks there were two reasons for this: "In the first place, there was the irresistible urge to go for the most advanced design and technology possible. And then there was a deep-seated bureaucratic bias for two manned vehicles. When we pressed the TAOS, for a long time some people over there kept seriously telling us—'We can't go that route, because we've got to have something for the Marshall Space Center as well as something for the Houston Space Center."

(The George C. Marshall Space Flight Center at Huntsville, Ala., was slated to handle the difficult problems of manned booster development, while the Houston Manned Spacecraft Center is to supervise orbiter development and systems integration.)

Heiss and Lindley pressed McDonnell, Douglas and Grumman throughout September and October to include the TAOS design in their presentations to NASA, but, said Heiss, "some NASA officials kept telling them to forget it, the configuration had no chance."

(As late as Oct. 15, NASA failed to include the TAOS configuration in its presentation to the PSAC panel.) OST, OMB: Meanwhile, Heiss said, the "OST and OMB were going off on all kinds of dead ends and design tangents of their own. Flax even had his own staff at IDA design a shuttle."

Heiss dismisses the space-glider concept, which attracted much support from the two agencies, as "making no sense at all when closely examined."

He flatly denies also the contention of some OMB officials that the new expendable system looked better than the TAOS system economically.

Oct. 28 memo: "At the end of October, said Heiss, "we thought the whole program was on a catastrophic course. There were still many people in NASA who believed they could sell the Administration an $8-billion to $10-billion two-stage flyback system. At the other end of the spectrum, the OST and OMB seemed to be drawing back toward some kind of advanced expendable system . . . We decided to try to get to Fletcher before the major November design review."

On Oct. 28, Mathematica sent Fletcher a strongly-worded memorandum stating that its studies showed the TAOS to be the "economically preferred choice."

Among the reasons given for its economic superiority were:

Lower development costs—less than $6 billion;

Lower development risks;

Equal capability with the originally proposed orbiter in payload bay size and payload weight carrying capacity;

Abolition of the need for an immediate decision on a reusable booster;

Opportunity to fund early development of the space tug, which is necessary to achieve full cost benefits.

"TAOS assures NASA an *early program definition*, and a purpose to the agency."

Mathematica's memo also contained an admonition—and an implied warning—that has appeared in every report of the corporation to the space agency. The "key question," said the memo, is "Does there exist a precise and detailed NASA and national space program for the 1980's?"

Shuttle mission profiles, it said, "continue to change substantially. . . .

"The point is sometimes made by NASA that technological possibility of a space shuttle program suffices by itself to justify its construction, independent of the economic analysis . . . (However) it is difficult to see how a program like the space shuttle can be undertaken without a complete economic justification."

Mathematica is uncertain of the impact of its memo. Heiss said: "Fletcher seemed glad to get it; but whatever was their attitude, we made it clear that this would be our conclusion when we published our final report in January."

Fletcher said that the "Mathematica memorandum was only one of a number of important facts we took into account during November and December." But it is quite likely that when Rice and the OMB began pressing for simpler designs—either space glider or smaller orbiter—Mathematica findings constituted a significant ace in the hole.

FINAL DECISION

According to Fletcher, the debate over the nature of the configuration went almost to the time of the President's announcement.

"We probed for weak spots right up to the very end," Fletcher said.

On Jan. 5, after a 45-minute meeting with Fletcher, Mr. Nixon issued a statement giving the go-ahead for thrust-assisted-orbiter shuttle system. Still left up in the air at the time was the question of propulsion for the booster. In March, the space agency chose solid-fueled rocket engines for the booster over pressure-fed liquid rockets.

SHUTTLE ECONOMICS: A SKEPTICAL VIEW

Last fall, in the midst of the most intense deliberations over the development of a new space transportation system, a prestigious panel of the President's Science Advisory Committee challenged some of the major arguments advanced in favor of NASA's space shuttle.

Presidential science adviser Edward E. David Jr. had appointed the panel to advise him on the difficult and complex issues raised by the shuttle project. The group was chaired by Alexander H. Flax, president of the Institute for Defense Analyses, and included space scientists, engineers, economists and specialists in systems development and analysis. Beginning in August, it met monthly with NASA officials and shuttle contractors.

The PSAC panel never made a final recommendation to David, but on Oct. 19 Flax submitted a confidential interim assessment of the group's views on the project. In a covering letter he stressed that the full panel had not participated in writing the analysis and that it represented his perceptions of their collective views. But panelists later were shown copies of the Flax document and no dissents were registered.

Flax assessment: Following are key points raised in the Flax document:

Costs—Flax criticized Mathematics Inc., a consulting firm hired by NASA to provide an independent appraisal of the project, for dismissing too lightly the likelihood of cost overruns. "Prudent extrapolation of prior experimence would indicate a 30-per cent to 50-percent overrun," he said.

Thus, Flax projected that a shuttle whose development costs were now estimated at $6.5 billion could be expected ultimately to cost $8.5 billion to $10 billion in the development phase. He said additional overruns might occur after development had ended and that total non-recurring costs for this system might reach $15 billion.

Role of man—"No significant role for manned spaceflight has been identified in (civilian or military) space applications or scientific experimentation," Flax wrote. NASA's talk of a space laboratory had "evoked no enthusiasm" among space scientists, he said, although he conceded that this might change once the shuttle was completed.

The panel felt, Flax said, "That, at least at present, the scientific community in the large doubts that the potential benefits of the space shuttle will be significant for science in relation to the large costs involved."

Economic justification—A decision to go ahead with the shuttle, Flax wrote, would demand a national commitment equal to that which underwrote the Apollo budget and would require "expanding rather than level space budgets for the (Defense Department) and NASA over the next 10 years. . . . It seems unlikely that the aim of reducing space program costs and achieving a return on the investment 10 to 20-years hence could be more than a minor factor in sustaining such a commitment."

The panel believed, Flax said, that "the space shuttle cannot be justified on a purely economic basis for the unmanned part of the space program in view of the marginal benefits which can be shown and the high risks (that) both recurring costs and operational costs may be sufficiently in excess to cause economic losses rather than savings in the 13-year period of operation 1978–90."

The shuttle thus "must be justified," the panel said, on the non-economic criteria of: introducing a new capability for more effective utilization of space; contributing to the retention of national leadership and prestige in space and advancing technology; and providing an easy, safe and flexible access to space for men "if a program involving intensive and frequent manned space flight is to be undertaken."

David response: Although the views expressed by Flax on the role of man in space, on cost overruns and on other points would seem to be applicable to any space shuttle system, David argues that the group's comments were directed primarily at the expensive configurations that NASA was advocating last fall, not at the configuration finally agreed upon.

He said also that not all panel members agreed with the Flax assessment and that "several came to me later to express their dissent."

CHARACTERISTICS AND MISSION OPERATION

The shuttle configuration President Nixon endorsed on Jan. 5 includes four elements: a large expendable propellant tank, twin recoverable solid-fueled rocket motors and a manned orbiter vehicle.

Orbiter: The orbiter will be about the size of a DC–9 aircraft (120 feet long). It will have a cargo compartment 15 feet in diameter and 60 feet long, and will be capable of carrying 65,000 pounds of payload up to low-altitude easterly orbit. Each vehicle will be reusable for at least 100 space missions.

Like commercial airplanes, the orbiter will be designed to survive malfunctions of many of its systems and return safely to earth.

The orbiter will be equipped with two turbojet engines for use during the latter phases of reentry. It will be able to maneuver laterally during reentry over a distance of 1,100 miles.

The orbiter crew will consist of a pilot, copilot, systems monitor and specialist to check out and deploy satellites.

Operation: At launch, twin solid-fueled rocket motors will ignite simultaneously with the three liquid-fueled orbiter engines and burn in parallel with the orbiter engines up to an altitude of about 25 miles.

The rockets then will detach and descend by parachute to the ocean, to be recovered, refurbished and reused. They are expected to be capable of at least 10 reuses.

After the detachment of the rockets, the orbiter, powered by its own engines, will proceed to a low-earth orbit (100 to 600 nautical miles of altitude). When the orbit is achieved, the propellant tank will be expended into water (most likely in the Indian Ocean).

When the mission is completed, the orbiter will return to earth, landing as a conventional airplane.

NASA projects that the cost permission of sending a payload to low-earth orbit is $10.5 million.

Space tug: It is likely that more than half of the satellites carried into space by the shuttle will be placed in orbits higher than the shuttle can reach.

To accomplish these missions, NASA plans to build eventually an orbit-to-orbit transfer vehicle, known as the space tug. In the interim, existing rockets will be used to propel the satellites from the shuttle into a higher orbit.

Use of the space tug will add between $500,000 and $700,000 to the cost per flight; the expendable rockets will add between $500,000 and $5.5 million per flight.

FOOD AND THE CONSUMER

Mr. HARTKE. Mr. President, oftentimes the press of business causes us to lose sight of the importance of certain issues to the average American man and woman. This is a year when crippling unemployment and inflation made pocketbook issues of paramount importance.

Earlier during the session, I introduced the Truth in Food Labeling Act (S. 3083). Cosponsored by the distinguished Senator from Utah (Mr. Moss), the Truth in Food Labeling Act is designed to provide for full disclosure of supermarket information. Among its provisions are sections dealing with quality-grade labeling, nutritional labeling, content labeling, and open dating of perishable foods.

Clearly, complete labeling is information which the consumer wants and needs to know—a fact which is brought out by an address by Miss Lorna Opatow before the annual conference of the American Marketing Association earlier this year.

Mr. President, I ask unanimous consent that Miss Opatow's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

CONSUMER OPINIONS OF OPEN DATING, NUTRITIONAL LABELING, PACKAGING, AND POLLUTION (RESULTS OF A PRELIMINARY STUDY)

(Presented by Lorna Opatow)

This session is concerned with Full Disclosure in Packaging and my job is to present the consumer point of view—not the view of the professional consumer, not the views of the people charged with safeguarding the consumer, not the views of those whose business it is to serve the consumer whether they are in the government or the private sector—but the general public.

By all rights, there should be a great deal of information about public awareness and reaction to open-dating, nutritional labeling and packaging and pollution. Certainly, there is no lack of media coverage in regard to these subjects. Coverage is practically guaranteed through the sheer volume of pending legislation and regulations on the federal, state and municipal levels; through the activities of university, citizen and governmental study groups, through the activities of consumer advisory groups both private and public, and even through industry-sponsored advertising and merchandising efforts.

Given the volume of messages beamed to the public, it seemed not unreasonable to assume that at least a modicum of information might be available dealing with what messages had been received, what people thought about the subjects and, regardless of their opinions, what actions they had taken.

Perhaps when this presentation is released, some additional information will come to light. Very little appeared to be available just three months ago when my company decided to invest in a preliminary study to cover three general topics: Pollution, Open-dating and Nutritional Labeling.

Today, I would like to share with you that portion of the study results dealing with Open-Dating, Nutritional Labeling and Packaging and Pollution. This presentation, then, is in the nature of a survey report.

To briefly describe the study method, telephone interviewing was conducted among a probability sample of male and female household heads in both listed and unlisted telephone homes in the Philadelphia Standard Statistical Metropolitan Area. The sample was selected from each of the eight counties comprising this SMSA, in direct proportion to the distribution of households according to the 1970 U.S. Census. The following counties were included: Philadelphia, Montgomery, Chester, Bucks and Delaware in Pennsylvania; and Camden, Burlington and Gloucester in New Jersey.

In all, 407 interviews were completed: 210 with women and 197 with men. The results are based on the responses of these individuals.

The study must be considered preliminary for three reasons. First, the subject matter covered is limited. Further, this study is no different from any other in that the results answered the questions we asked and then raised a few new ones which should be answered in subsequent surveys. Those of you who use survey research know that this is par for the course.

Second, the geographic area is limited. The questionnaire was pre-tested in Manhattan and a comparison of Manhattan with City of Philadelphia responses show that there are some striking differences. As a minor example, close to three out of ten Manhattan respondents specifically included "dog litter" among their list of factors which contribute to pollution. In the City of Philadelphia, only 6% mentioned it. In any case, we know that there are differences between the two cities and assume that there would be some differences among various metropolitan areas across the country.

The third limitation is in the number of people interviewed—the sample size—which was adequate for our purposes but small in terms of examining detailed segments of the population within the study area.

Keeping these limitations in mind, what kinds of people were interviewed? About four out of ten claimed to live in a city and half in a suburban community. Close to three out of ten city dwellers and four out of ten who live outside of the city had continued their educations beyond high-school graduation. About half of the city dwellers lived in households with annual family incomes below $10,000, compared with about one-third of those who lived outside of the city. Eight out of ten respondents were married. Among those who lived outside of the city, nine out of ten were married. While only seven out of ten of the women interviewed described their occupations as "homemaker", 94% stated that they were responsible for the household shopping. By the way, one-fourth of the men interviewed claimed to be responsible for the household shopping.

Close to three out of ten males respondents and one out of ten female respondents were employed in professional, executive or technical occupations. The occupational relationships were roughly the same for blue-collar workers. Close to six out of ten engaged in some outdoor recreational activity and men, those who were educated beyond high-school, those under 55 years of age and those with incomes above $10,000 were more likely to do so for all of the obvious reasons. As far as we have been able to tell, this description is similar to data from other sources in regard to the household population of this particular area.

So much for the people we spoke to, now for a look at what they had to say. Information in regard to Open-Dating was elicited only from the 248 respondents who claimed to do most of the household shopping, 20% of whom were men. Six out of ten of these respondents had heard of Open-Dating. Just to get the cliches out of the way, younger respondents and those who were better-educated were somewhat more likely to have heard of it.

However, awareness was exceptionally high regardless of age or income:

Aware of Open-Dating

(Based on chief marketers—248)

[In percent]

All respondents	61
High school graduate or less	58
More than high school graduate	67
Under 35 years of age	65
35 to 54 years	59
55 years or over	58
Live in a city	66
Live outside of a city	57

The differences in awareness between those who live in a city and those who do not may be partially a function of differences in education between the two groups and perhaps differences in Open-Dating regulations and enforcement within these particular cities.

Regardless of whether or not they had heard of Open-Dating, those responsible for the household shopping were given the following description of it: "Where there is open-dating, a specific day, month and year is printed on the package. This is the last date when the package can be used and the contents will still be fresh."

They were then asked to indicate how important this information was to them *personally* and results were as follows:

Importance of Open-Dating

(Based on Chief Marketers—248)

[In percent]

Pre-Designated Levels of Importance:	
Extremely important	45
Very important	40
Somewhat important	9
Not too important	4
Not at all important	2
Don't know (less than .5)	0
Total	100

Obviously, these respondents did not agree with the manufacturers and retailers who claim that Open-Dating is of little importance to the consumer and an unnecessary expense to business. Surprisingly, those with educations beyond high-school were somewhat *less* likely to state that Open-Dating was "Extremely important" than were other respondents. About half of those under 35 years of age indicated that open-dating was extremely important compared with only four out of ten of their older counterparts in the survey group. (Throughout this presentation, I will mention differences in the responses of various sub-groups, but will not mention factors where there are no differences.)

The questions regarding Nutritional Labeling followed those about Open-Dating and this question order seemed to have influenced some of the results. Those responsible for the household shopping were asked the following: "Some food or beverage products have information on the package about the nutritional value—the amount of vitamins, iron, protein, etc. the product contains. Do you look for this kind of information on any of the food products you buy?" Seven out of ten claimed that they do look for information on the package but responses to a subsequent question indicated that only a portion of the information sought has to do specifically with nutrition. Based on the results of this study, we believe the whole subject of labeling requires a more extensive series of questions than those we asked in order to get a better picture of what kinds of information the consumer seeks and for which product categories.

Again, the younger and better-educated shoppers were more likely to seek information on the package but proportions among all groups were exceptionally high:

Seek Information on Food Packages

(Based on Chief Marketers—248)

[In percent]

All respondents	69
High school graduate or less	65
More than high school graduate	79
Under 35 years of age	73
35 to 54 years	72
55 years or over	53

The 171 shoppers who claimed to look for nutritional information were asked to describe the kinds of products. Responses were revealing in several respects. First of all, Mr. Choate has been quite successful in getting his message across. About half of these respondents stated that they look for nutritional information on cereals; 61% of those under 35 years of age. Second, while only 15% of these shoppers specifically stated that they check for ingredients, additives, calories, nutrition, size, date—"everything"—a number of the products mentioned indicated a search for information other than nutrition. Milk, bread, soft-drinks, margarine, eggs might fall in this category. Some respondents explained exactly what kinds of information they were looking for on each of the products mentioned; others did not. In any case, we did not specifically ask for this information and were unable to construct it from the responses to the question we did ask.

Regardless of whether or not they claimed to look for nutritional information on the products they bought, shoppers were asked to indicate how important nutritional information on packages was to them personally. The assigned level of importance was considerably lower than that given to open-dating, but higher than we had anticipated based on other studies we have seen.

Importance of Nutritional Information

(Based on Chief Marketers—248)

[In percent]

Pre-Designated Levels of Importance:	
Extremely important	25
Very important	38
Somewhat important	20
Not too important	13
Not at all important	4
Don't know (less than .5)	0
Total	100

While we did not determine which of our respondents had children and which did not, we believe this factor might influence the degree of importance attached to nutritional information. Women, those respondents with incomes of $10,000 or less, and city-dwellers attached more importance to nutritional information than did others among those surveyed.

While there seems to be no wild clamoring for nutritional information on food packages, we believe there is solid evidence of the acceptability and desire for information of varying kinds. In other words, there is a climate of acceptance which may presage a welcome for those who provide the information, whether it be by government regulation or by industry fiat. In fact, for some producers, there may be merchandising advantages in full disclosure.

Up to this point in the presentation, we have been discussing information which appears on the package. And, to date, the bulk of packaging legislation has concerned itself with words. Certainly there is ample evidence that words can be powerful. Given their demonstrated power, it is surprising that more attention is not paid to packaging copy beyond the satisfaction of legal requirements. If a manufacturer must feature net weight on the front panel of his package, perhaps he should examine that information in terms of its possible marketing advantages. After all, Pepsi-Cola initially built a substantial franchise on a net weight proposition.

As each packaging copy requirement has been announced by local, state and federal authorities, industry has moaned and then complied. Compliance has been costly—more so to some than to others—but to date it has simply required changes on the surface of the package. We are now starting to witness a wave of pending legislation which deals with the package itself and the bulk of this new legal front is geared to the solution of environmental problems—specifically waste disposal.

Some segments of industry have also become involved in the search for solutions to our waste disposal situation primarily through labeling programs designed to inform the consumer of the re-cyclable nature of certain containers and the fact that others are constructed of re-cycled material. There have also been a number of programs designed to reduce littering. Not as obvious, but perhaps more important, producers are seeking to improve the disposability of packaging materials.

Based on a number of studies, we have evidence that consumer concern for the ecology is increasing. There have also been hypotheses that consumer attention to packaging has increased as packaging has become a more visible component of our staggering quantities of personal garbage, and the pressure of efficiently and safely disposing of municipal wastes mounts. The time is long past when business can ignore environmental problems and attribute the fuss to a "small group of nuts."

To date, we have little information about how the public looks at or talks about the problem. We do not know how packaging relates to total environmental concern and we should. We should have some idea of what people think pollution is, what factors they think contribute to it, what they think the individual can do about the problem and what changes, if any, they are making in their purchasing habits.

It was in an initial attempt to help fill this information gap that we included the subject of pollution in the Philadelphia SMSA survey. Only those findings relating to packaging and pollution have been abstracted for this presentation.

In order to lead into the subject, respondents were asked if they had heard or read anything about pollution during the six months preceding the interview. Regardless of the response, they were asked how they would describe pollution to someone who had never heard of it. Only 5% of the 407 household heads interviewed could not provide a description and these 22 people were not asked any further questions about the subject. Responses ranged from a simple "pollution is something you shouldn't eat or breathe" to fairly complex descriptions of our current energy crisis. Packaging per se was not mentioned and only 15% of the respondents made any reference to "Waste, Trash or Litter"—references we later discovered are associated with packages. Those who lived outside of the cities were far more likely to mention these items than were other respondents.

Those respondents who could provide some description of pollution were told that "there are many things which may contribute to pollution" and were asked to name all of the things they could think of. The responses were recorded in the order in which they were mentioned. Only 2% of the respondents mentioned packaging or packages first and only 7% specifically mentioned it at all. However, half of the respondents mentioned "Waste, Trash or Litter," with younger respondents somewhat more likely to include these items than the older counterparts.

Those interviewed were asked to indicate the importance of eleven specific pollution contributors. The order in which the pollution contributors were presented was rotated and the following introductory statement was used: "Here are some things that other people across the country have mentioned that they think contribute to pollution. I'd like to know how important you think each of these are in contributing to pollution—extremely important?, very important?, somewhat important?, not too important? or not important at all?" Of the eleven contributors included, litter was considered seventh in importance and empty packages, bottles, cans and other containers was ninth. Responses in regard to these two factors were as follows:

IMPORTANCE OF LITTER AND EMPTY PACKAGES, BOTTLES, CANS, AND OTHER CONTAINERS (BASED ON THOSE WHO DESCRIBED POLLUTION—385)

[In percent]

Predesignated levels of importance	Litter	Packages
Extremely important	34	27
Very important	33	36
Somewhat important	19	22
Not too important	11	12
Not at all important	3	3
Don't know		(1)
Total	100	100

[1] Less than 0.5 percent.

Later in the interview, three groups of respondents were identified who might be expected to have a higher level of concern for the environment than others. These were: individuals who belonged to or contributed to organizations which are working toward reducing pollution (24% of the total sample), individuals who engaged in outdoor recreational activities (57% of the total sample), and shoppers who claimed to have made changes in their buying which might help to reduce pollution (57% of those responsible for the household shopping). When we examined responses to the questions regarding the importance of litter and packaging, we found a high degree of association between the two in that a high proportion of those who indicated that one was important tended to assign the same level of importance to the other. Women assigned more importance to both Litter and Packaging than did men. Those involved in an organized effort to reduce pollution, those 35 years of age or over, those in middle and lower income groups were all more likely to state that litter was an "extremely important" contributor than were others in the survey sample.

When we asked respondents if they believed people like themselves could do something about pollution, no matter how small, 89% answered "yes." Those interviewed were then asked to indicate what people can do or their reasons for believing that nothing could be done. Surprisingly, even those who had stated that the individual could do nothing had some suggested action which could be taken. On the average, each respondent made 2.5 suggestions and only 5% of these had to do with activities beyond the scope of the individual. Although the question was specifically related to the individual, 2% of those interviewed mentioned "inventions or research", a far lower proportion than we are accustomed to seeing. This may be an indication of an erosion in the old commonly-held belief that "science and technology will provide".

Here is a re-cap of the grouped responses in regard to what the individual can do about pollution:

What People Can Do About Pollution

(Based on those who described pollution—385)

[Total includes multiple answers, in percent]

Net Grouped Responses:	
Individual actions requiring no change in purchasing	57
Political/group-oriented action	37
Individual actions requiring changes in purchasing	33
All mentions of packaging	18

Packaging-related responses increased across income groups with only 13% of those with incomes below $10,000 mentioning it, compared with 20% of those in the $10,000 to $15,000 income group and 27% of those with incomes of $15,000 or over.

We believe that what people think they can do is important because it indicates a willingness to consider action. The next question is whether or not action will, in fact, be taken. We were specifically interested in actions related to changes in purchasing. Those respondents who claimed responsibility for the household shopping were asked if they had made any changes at all in their buying of food, beverages or household supplies which they believed might help to reduce pollution. Close to six out of ten had made some changes; 71% had changed their detergent and 37% had made some packaging-related change.

Those buying changes related to packaging were as follows:

Buying Changes Related to Packaging

(Based on Chief Marketers who changed buying—140)

[Total, includes multiple mentions, in percent]

Changes in Buying Related to Packaging:	
Am buying/trying to buy re-cyclable containers	26
Cut down use of canned goods, use more fresh/frozen fruit/vegetables	4
Buy things in containers that are easy to breakup/flatten	4
Try not to buy things in plastics	3
Cut down on use of soft drinks	1
Don't use "over-packaged products"	1
Buy larger sizes	1
Net mentions related to packaging	37

In all, one out of five of those responsible for the household shopping have made some change in purchasing which is related to packaging. We do not believe these changes are all passing fancies but only time will tell.

Based on all of the information presented, we draw the following preliminary conclusions:

1. Open-Dating is considered desirable, by those interviewed. The level of importance attached to it suggests that it may become an integral part of many shippers' buying decisions, especially for products which are considered to have some perishability.

2. Nutritional labeling appears to be somewhat related to the whole question of what is "healthy" and what is not. A substantial number of these shoppers seek information of all kinds on the package and a high proportion specifically look at nutritional information on cereal. Above and beyond nutrition, there appears to be a desire for more, rather than less product information on packages. Again, we have a factor which may influence consumer buying decisions.

3. There is an awareness of, and concern for the environment. While packaging is low on the list of perceived items which contribute to pollution, it was mentioned second most often by those shoppers who had already made changes in buying that they believed might reduce pollution. So that we have a third dimension for possible addition to the buying decision process.

4. In the abstract, "Full Disclosure" in consumer terms appears to be all-inclusive.

Hopefully, these data will be of some help to those who set packaging policy and those who must implement it. At the least, the information should provide a starting point for examining individual product packages in terms of what is now on them, what may be required in the future and whether or not any of this information can provide an advantage in the market place.

DELAY IN ACTION ON CONFERENCE REPORT ON OCEAN DUMPING BILL—THE MARINE PROTECTION AND RESEARCH ACT

Mr. CASE. Mr. President, on November 24, 1971, by a vote of 73 to 0, the Senate passed an ocean dumping bill known as the Marine Protection and Research Act of 1971. This bill contained strengthening amendments I had offered in an effort to bring all ocean dumping to a halt more quickly.

The House passed a similar bill on September 9, 1971, by a vote of 304 to 3, and a conference committee was convened in December to reconcile differences between the two measures.

Unfortunately, agreement on the final language was not reached until last month. But what is still more unfortunate is that this conference agreement still has not been called up for a vote.

While ocean dumping is a national and even an international problem, those of us from New Jersey have a special concern with the practice of disposing of wastes at sea.

New Jersey is the most urbanized and the most densely populated State in the Nation. It is surrounded by such densely populated areas as Metropolitan New York and Greater Philadelphia. This concentration of population generates huge amounts of wastes and places premium values on land areas suitable for disposal of these wastes.

As a result, an estimated 88 percent of all dumping by the United States occurs along the New Jersey coast.

The President's Council on Environmental Quality has warned that ocean dumping will become an increasingly serious problem on a nationwide basis in the future if something is not done to halt it now.

This is especially true if we do not immediately begin work on an international basis to halt the pollution of the oceans. But we cannot begin an effective campaign for international controls until we have an effective program of our own.

I do not know what is preventing the conference report on this legislation from coming to a vote. But whatever the difficulty is, I hope it can be disposed of quickly so that we can act on this legislation in this session. I urge the leadership to do whatever it can in this regard.

OLMSTED SESQUICENTENNIAL EXHIBITION

Mr. KENNEDY. Mr. President, beginning on October 21 the National Gallery of Art will be host at a major exhibition honoring Frederick Law Olmsted, the father of city planning and landscape architecture. I ask unanimous consent that the announcement from the National Gallery describing this exhibit be printed at this point in the Record.

There being no objection, the announcement was ordered to be printed in the Record, as follows:

Olmsted Exhibition on National Scope to Open in Nation's Capital in Fall

The National Gallery of Art will hold a major exhibition this fall illustrating some of Frederick Law Olmsted's finest aesthetic achievements in city planning and landscape architecture, it was announced today by J. Carter Brown, Director of the Gallery.

The exhibition will be national in scope and will cover Olmsted's visionary work in the West with natural parks as well as his work in numerous major cities throughout the country. It will be on view at the Gallery from October 21 through January 7, 1973.

Entitled "Frederick Law Olmsted/U.S.A.," the exhibition will appear simultaneously with another at the Whitney Museum of American Art which will focus principally on Olmsted's work in and around New York. Organized for the National Gallery by the American Federation of Arts and the Olmsted Sesquicentennial Committee, it will subsequently be circulated to major museums nationwide by the American Federation of Arts.

Olmsted is most known for his successful landscape architecture, best expressed in city parks from Boston to San Francisco, and his advanced theories on city planning, widely used in urban community development today.

Motivated by a passionate humanism and as deeply concerned with preserving the city as the center of civilization, Olmsted was nevertheless looked upon in his own day as an artist with a fashionable picturesque view of nature, complete with bosky dells, rippling streams, meandering drives, promenades, meadows and lakes.

Less well known but of comparable significance, are Olmsted's pioneering efforts for national parks which began with Yosemite and led to the founding of the National Park Service; also, his enchantment of the United States Capitol's west front and his many private commissions, such as Arnold Arboretum in Boston and the Biltmore House gardens in Asheville, North Carolina.

"The intent of the National Gallery's exhibition," Mr. Brown said, "is to emphasize Olmsted's extraordinary contribution to the Nation's visual heritage. We wish to salute Olmsted during his sesquicentennial year as one of America's most prescient and sensitive artists.

"This show will mark the eighth exhibition in our series honoring American artists, and will be the first devoted to a designer/landscape architect," he added.

In addition to drawings and other original Olmsted materials, the exhibition will dramatically focus attention on his work in parks and cities by means of Circle-Scan photography. More than 50 panoramic images of Olmsted's work will be projected on a screen 34 feet in diameter and ten feet high.

David W. Scott, Consultant to the National Gallery's East Building project, is coordinating the exhibition for the Gallery. The exhibition director is William Alex, programmer and designer of numerous exhibitions on architecture and urban design and an ardent Olmsted student. Mr. Alex's last major exhibition. *Back Bay Boston: The City as a Work of Art,* opened the Boston Museum of Fine Arts centennial celebration.

Mr. KENNEDY. Mr. President, perhaps here in Washington we are most familiar with Olmsted's efforts to enhance the west front of the Capitol, but his achievements extend from one end of the country to another. Olmsted is responsible for Central Park in New York and Yosemite National Park. Largely because of Olmsted's tremendous efforts in the field of public park planning and resource preservation, we are the beneficiaries of a National Park Service.

As we increasingly feel the pressures of urban sprawl and metropolitan living, Olmsted's ideas of urban green spaces and places of relaxation and enjoyment of nature within our urban centers has even more meaning for us. In Boston and Brookline, Mass., from the Arnold Arboretum to Franklin Park, the beautiful "Emerald Necklace" of parks from the Charles River through the Fenway represent Olmsted's finest achievements in city planning and landscape architecture.

I ask unanimous consent that the memorandum of the Olmsted Sesquicentennial Committee on their program for Massachusetts be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

THE OLMSTED SESQUICENTENNIAL PROGRAM IN MASSACHUSETTS

Olmsted lived and worked in Brookline, Massachusetts. His home and office there is now a National Historic Landmark. He laid out along its Brookline border to the Arnold which winds its way from downtown Boston out along its Brookline border to the Arnold Arboretum and further to Franklin Park. Not only did this system provide the region with a unique variety of activity settings, but it also established a special urban identity. In addition, and actually foremost in Olmsted's intentions, it rid the area of dangerous nuisances and public health hazards through proper design and drainage. Beyond this "Emerald Necklace," as the system is called, Olmsted planned housing subdivisions, street layouts, and numerous other projects. It is no wonder, then, that the Greater Boston community is responding enthusiastically to the Sesquicentennial.

The Conservation Commissions of both Brookline and Boston have jointly submitted proposals for the Ford Foundation for planning. Ford has offered funds, up to $5,000, to local conservation commissions in New England for open space planning. Together Brookline and Boston have developed a proposal for a major park extension, using the Olmsted system as its starting point. The proposed extension will actually take the park "from Charles to Charles," from the Charles River link-up near the Fenway on the north, to Jamaica Pond, then down the Boston/Brookline boundary to the boundary of Newton and down the Boston/Newton boundary to the Charles River on the south. It will incorporate hiking and biking facilities, and represents a timely investment in an already highly urbanized area.

Francis X. Meaney is the Chairman of the Brookline Conservation Commission. As a result of the great community interest in environmental quality and the Olmstead dimension, Meaney is coordinating the development of a Sesquicentennial Committee. This Committee, now in formation, will have a broad community base. (It will soon be announced formally, with a number of prominent leaders as sponsors.)

The local committee in the Greater Boston area will sponsor a local program, including:

1. An exhibition in Boston City Hall, and possibly other locations, being planned now by Hideo Sasaki of Sasaki, Dawson, DeMay, and Charles Harris of the Harvard Graduate School of Design, and others;
2. Olmsted tours and hikes throughout the park and open space system, this summer and fall. These will also highlight major Olmsted landmarks in Brookline, including his subdivision plans for Fisher Hill and plans for Beacon Street, which is now to receive new plantings as part of the celebration.

The Olmsted Sesquicentennial gives the Conservation Commission proposals special significance. In addition, 1972 marks the centennial of the Arnold Arboretum, a key feature of the Olmsted park design. A week of special events will highlight the Arboretum Centennial, May 21 through May 28.

Recognizing that a quality open space system depends on maintenance and rehabilitation as well as acquisition, the Boston Redevelopment Authority has proposed an extensive rehabilitation of the park system established by Olmsted. This would encompass an area from the Charles River at Charles Gate to Franklin Park with a target date for completion of 1975. Further, this would involve a cooperative venture between the City of Boston, the Town of Brookline, the Commonwealth of Massachusetts, and the Metropolitan District Commission.

Franklin Park, the largest park in the Boston system, has been singled out for special attention by Joseph Curtis, Commissioner of Parks and Recreation, in Boston. Curtis is developing a high priority program for the rehabilitation of this enormous park, which has fallen into such poor condition and which is the subject of such great community concern. The Boston Zoological Society, which operates the Metropolitan Zoo in Franklin Park, is also assessing its role in improving the park and its community role as it plans for its own improvements and rehabilitation. Franklin Park, designed by Olmsted in 1886, thus faces major adaptations to modern urban conditions.

The Bicentennial program for 1975-1976 for Greater Boston is called Prologue. Already an extension of the Olmsted inspiration to the planning for that historic observance is underway.

HOW TO REDISTRIBUTE INCOME AND WEALTH

Mr. HARRIS. Mr. President, as public understanding of the concentration of income and wealth in this country grows, the need for ideas and proposals for ways to redistribute income and wealth in a more equitable way grows as well. During the last few years, a number of congressional committees, academics, citizens groups and others have studied various aspects of the problem—the regressivity of our tax system, the overcharges by utilities and other "regulated" industries, the corporate bias of farm and other subsidy programs, the costs of monopoly power in the marketplace, and the costs of pollution, accidents and other externalities—that ought to be internal corporate costs.

Now Beverly C. Moore, Jr., a member of the advisory board of the New Populist Institute and a lawyer with Corporate Accountability Research Group, has drawn together scores of these studies to calculate total cost of the current income redistribution from millions of ordinary Americans to the wealthy and powerful.

Basing his estimates on existing studies by experts in each field, Mr. Moore concludes that the total amount of income taken from the majority of our people every year in unfair taxes, monopoly overcharges, unneeded auto repairs, et cetera, is a staggering $391 billion.

On the question of redistributing wealth—as opposed to just income—Mr. Moore points out that—

> If wealth were redistributed not even as equally as income, so that the top 5% received 20% instead of 53%, $1.2 trillion would be freed up for dispersal among the bottom 95%.

Mr. Moore himself admits his figures are "ballpark" estimates. His is only a first effort to add up all the causes of the maldistribution of income and wealth in the country. But his paper does indicate the size and the importance of the problem. And the variety of potential solutions.

Mr. President, I ask unanimous consent that Mr. Moore's paper be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

BEYOND MCGOVERN'S "RADICAL" ECONOMICS—THE $300 BILLION HE MISSED

(By Beverly C. Moore, Jr.)

George McGovern once favored a scheme whereby every citizen would receive a "demogrant" tax credit averaging $1000. Under one version of the plan for 1970, the demogrants would have redistributed $54 billion to the lower and middle incomes classes.[1] It would have been simple to explain: the cost borne entirely through a 33⅓ per cent federal income tax rate, rising to 40 and 50 percent, respectively, at the $50,000 and $100,000 brackets, levied on an expanded tax base reflecting the elimination of personal exemptions, standard deductions, and all other tax loopholes. It would have been easy to defend: the $4000 tax liability of the 60 percent of families with incomes of $12,000 or less at worst being exactly offset by $4000 in untaxed demogrants, wiping out their federal income tax liabilities altogether. The 79 percent of families with incomes of less than $16,000 would have more money after taxes than under the present system.[1a] Even a family in the top 5 percent of income brackets, with an income of $25,000, would find its taxes increased by only $1083—hardly an inequitable burden considering that loopholes presently reduce that bracket's effective tax rate from 50 to 13 per cent.[1]

But George McGovern stood by passively as others ridiculed this simple, sellable idea. Humphrey, in a demonstrable falsehood, said it would cost $210 billion. Agnew referred to "the absolute unworkability of the program." It "insults the intelligence of the American

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Footnotes at end of article.

voters" and "would add 82 million people to the welfare rolls" said Nixon of a program designed for income redistribution rather than "welfare".[2] No one knows whether ignorance or timidity or both prompted McGovern's embarrassing silence in the face of these absurd charges and his later substitution for demogrants of an income guarantee program that would redistribute only $8 billion more income annually than present welfare programs.[2a] One thing is perfectly clear—that Nixon, if "republigrants" were in his platform, would have dispatched a legion of his ex-Madison Avenue advisors to tout this "exciting and progressive reform."

Apart from the confusion borne of inarticulation, the real defect in the "radical" McGovern economic programs is that they barely scratch the surface of the fundamental problem, which is the creation and distribution of wealth. The private net wealth of the United States is in the range of $3.7 trillion.[3] In 1962, when the most recent government survey was conducted, one percent of the nation's households held 33 percent of that wealth, five percent held 53 percent, and 20 percent held 77 percent. At the bottom of the scale, 40 percent of the households shared 23 percent of the wealth, with 44 percent of all households having net assets of less than $5000.[4] What is the purpose of millions toiling long hours to create this enormous wealth if the fruits are not to be enjoyed by these millions? [5] Certainly a maldistribution of this magnitude manifests far more inequality than is necessary for economic incentives. Note that if wealth were redistributed not even as equally as income, so that the top five percent received 20 percent instead of 53 percent, $1.2 trillion would be freed up for dispersal among the bottom 95 percent.

Nor is this excessive concentration of wealth the inevitable outcome of a competitive capitalist economy (were we to have one). The prime determinants are tax loopholes, regressive taxes, inheritance, subsidies to special interest groups, racism, private monopoly and oligopoly, monopoly promoted by government regulation and protectionism, and economic waste in government and non-competitive business on a massive scale. If McGovern's program sought to eliminate all of these evils, he would not have to worry about critics who quibble over the arithmetic of his budget projections.

The notion advanced here may be "radical," but the vast majority of the American people would receive radically higher incomes. I refer to a specific program to increase aggregate annual personal income by 43 percent, or $400 billion, most of it landing in the pockets of the bottom 80–90 percent of the income classes, being transferred there both from the excessively wealthy and from a higher gross national product achieved by eliminating economic waste. The lower the income bracket, the greater would be its share of the proceeds, so that a considerable majority of voters would find their incomes increased by more than 50%. Here's how: [6]

Taxes We begin with an increase in personal income of $58 billion through a demogrant redistribution. (An economist would say that this is not an increase in, but a transfer of income. It is defined here as an increase because of its being a transfer from those deemed not entitled to receive it on account of their already sufficient incomes.) That this degree of redistribution can be achieved by closing all the tax loopholes, with nearly 80 percent of families receiving higher after-tax incomes, is indicative of the magnitude of tax welfare received primarily by the wealthy.

Despite McGovern's vigorous advocacy of tax justice, his proposals would close but $12.6 billion in personal income tax loopholes.[6a] Nixon's chief economist, Herbert Stein, and even many "liberals," would have us believe that there are not even that many loopholes. The truth is that if present rates (14–70 percent) were applied to a "comprehensive income tax base"—i.e., no preferences or deductions at all—the Treasury would pull in $77.3 billion more in income taxes.[7]

It is said that the middle classes would not stand for closing *all* the tax loopholes, because they, too, benefit from some loopholes—e.g., the deduction for mortgage interest. But wealthy people with more expensive houses and higher tax brackets benefit even more. Another example is that $21 billion of the $21.5 billion yearly tax welfare from the income splitting provisions for married couples goes to the top 5 percent of income brackets.[7a] Even the popular $750 personal exemption and the $1300–$2000 standard deduction have curious consequences. They reduce the taxes of an individual with a $3000 income by $287; but if his income exceeded $100,000, he would receive $1,925 in tax welfare. These deductions are tantamount to an implicit demogrant program for the wealthy.[7b] Of the additional $77.3 billion in tax revenues generated by the comprehensive base, over 70 percent would be paid by the top 20 percent of the income brackets.[8] Of course the bottom 80 percent would recoup their loophole closing losses (and more) through demogrants.

McGovern would raise corporate taxes by $9.4 billion annually. Instead, the corporate income tax should be abolished and stockholders taxed directly by including corporate earnings per share, whether or not fully paid out in dividends, in stockholders' personal incomes. Such corporate profits accounting loopholes as Nixon's accelerated depreciation would go, and so would corporations' passing on perhaps $7.5 billion of their annual taxes to consumers in higher prices.[9] Bigness-minded corporations would no longer be encouraged to plow earnings back into inefficient expansion for expansion's sake rather than pay dividends.[10] The loss to the Treasury would be only about $2 billion,[11] but taxes on corporate earnings would fall almost exclusively on the wealthy who own most of the stock—primarily the 1.6 percent who own 82.2 percent of it, according to one study.[12]

The best way to wrest that excess $1.2 trillion from the top five percent of wealth-holders is through a progressive wealth tax. In accomplishing only 3.75 percent of that task in its first year, such a tax would raise $45 billion in revenue. Applying this tax to the top 20 percent who hold 77 percent of the wealth and raising $91 billion could, through revenue sharing, replace entirely $46 billion in state and local property taxes, $19 billion of which falls upon the bottom 80 percent of the income classes.[13] The rates could be structured so that, when the progressive wealth tax had taken its full toll on existing wealth concentration, no individual could own more than a certain amount—say $1 million—for very long.[14]

To complete the switch to progressive taxation, a total of $129.6 billion annually in regressive taxes should be repealed: $25 billion in state and local sales taxes;[16] $66.2 billion in payroll taxes, as demogrants replaced the Social Security system;[17] $9.2 billion in federal exicse taxes, such as the 10 percent telephone tax; $2.7 billion in import duties.[18] $7.5 billion in higher prices from passed-on corporate income taxes;[19] and $19 billion in property taxes.

What would be the total impact of these tax proposals on the Treasury? [20] By cutting defense waste by $30 billion, as McGovern has proposed, and eliminating $25 billion in federal subsidies,[21] including $1 billion to the maritime industry and $5 billion to farmers (most of that going to the wealthiest ones),[22] and assuming a $71 billion revenue sharing program as a substitute for state sales and property taxes, the federal deficit would increase by only $7.6 billion.[23]

The adoption of these proposals would enable the middle classes to bear a more substantial share of further progressive taxes in return for more government benefits. Additional tax revenues could supplement the demogrant incomes of the disabled, the elderly and those in the defense and other industries who are or become temporarily unemployed.[24] The remainder could be applied to 1971's $145 billion in public and private expenditures for health and education. Universal government-financed voucher systems covering tuition and prepaid health insurance premiums could for the first time introduce vigorous competition for patient and student voucher-dollars to doctors, hospitals, schools, and colleges. The result would be much lower costs, better performance, and free basic medical and educational services for all.[25]

Monopoly Overcharges. Theory and experience tell us that competition keeps prices down by limiting profits, forcing efficiency, and encouraging innovation.[26] While spokesmen for business and the Nixon Administration are quick to praise these benefits, they fail to point out the general absence of competition in the American economy. Upwards of 60 percent of manufacturing flows from oligopolistic (shared monopoly) industries, where four or fewer companies control at least 50 percent of the market.[27] This year $25 billion will be transferred from relatively impecunious consumers to affluent stockholders and corporate managers through profits and executive compensation that are to high because competition in price and quality has been curtailed.[28]

When there are too many competitors to keep the cartel intact, corporations, farmers, workers, and professionals seek monopoly privileges from the Government. Uncle Sam has been so obliging as to raise suspicions that these special economic interests *are* the Government. The federal subsidies which overcharge taxpayers $25 billion annually have already been mentioned. Through tariffs, import quotas, "Buy American" requirements, and other trade restrictions the Government enables business to overcharge consumers by more than $20 billion annually.[29] The most glaring example is the oil import quota which raises fuel prices by $6 billion a year. The United States imposes import quotas on a larger relative volume of goods than any other nation by far.[30] We should unilaterally repeal all import restrictions.

Many of the import restrictions on agricultural products are designed to protect the elaborate system of price supports and crop reductions which raise food prices by $6 billion annually—on top of the $5 billion in taxpayer farm subsidies required to achieve this effect.[31] George McGovern wants to dramatically increase farm price supports (and consumer food prices).[32] For example, just days after Ralph Nader sued the Agriculture Department for raising the milk price support level in return for $322,000 in dairymen contributions to the Nixon re-election campaign, McGovern (already a candidate himself) took to the Senate floor to urge that milk price supports be raised *even higher.*[33] Equity and the public interest demand that all farm subsidies be ended and that farmers receive no more welfare than the demogrants that others would receive.

Utilities such as telephone, gas, electric, and pipeline companies, with assets of $210 billion, are regulated by the Government as "natural monopolies". Their profits are supposedly limited to a fixed percentage return on the value of their assets. The insurmountable difficulty with this approach is that as long as the regulated monopoly is guaranteed a certain profit, there is no incentive to limit expenses, overcapacity, wasteful additions to assets, or laggard innovation—es-

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Footnotes at end of article.

pecially when regulatory agencies almost never check into such matters.[34] In any event, many utilities consistently earn—and keep—more than their allowable rates of return. For example, in 1961 the FCC fixed AT&T's profit rate at 7.5 percent, but in 1966 Ma Bell earned 9.3 percent. A one percent increase in AT&T's after tax profit rate costs consumers $1 billion annually. Another trick that AT&T and oil pipelines use are high debt-equity ratios. To illustrate, the assets of the huge Colonial Pipeline consisted originally of 10 percent stockholder's investment and 90 percent debt put up by banks and insurance companies. In 1970, while Colonial's profits on total assets were under 10 percent, its pre-tax return on stockholder's investment was 95 percent.[35] Excess utility profits overcharge consumers by perhaps $1.5 billion a year.[36]

The theory of capitalism assumes not only competition but also the "rational economic man"—consumers who know everything about the value (to them) of purchases and their alternatives. The prevailing situation, however, is consumer ignorance—not because consumers are dumb, but because in an increasingly complex economy consumers must rely heavily on purchasing information supplied by the seller. Of course, full and honest disclosure is not always or even often in the seller's interest. The clearest cases are outright consumer fraud. Senator Hart concluded from hearings of his Antitrust and Monopoly Subcommittee that consumers spend $10 billion yearly on auto repairs that are improperly done, unneeded, or not performed at all.[37] A House Subcommittee estimated that elderly citizens are bilked of $1 billion annually through medical quackery.[38] The President's Crime Commission estimated a $500 million to $1 billion annual bill for fraudulent home improvement schemes.[39] The Michigan Department of Agriculture found shortages in 15 percent of 50,000 food packages.[40] The list is endless. The total yearly cost of consumer fraud is perhaps $20 billion.[41]

It is not the crooked TV repairman or the ghetto merchant, but the largest and most respectable corporations who are the chief culprits. Their main weapons are advertising and packaging. The FTC recently asked 32 corporations to document 282 advertising claims. Sixty percent of the responses either raised serious questions as to the claims' truthfulness or were too technical to be understood. Only a small percentage were deemed adequately documented.[42] In a *Harvard Business Review* poll of business executives themselves, 85 percent thought that advertising *often* persuades people to buy things they don't need and, in the opinion of 51 percent, things they don't even want.[43]

Notwithstanding affirmative deceptions, the more pervasive defect in modern advertising and marketing techniques is that they omit rather than inform. This is a fundamental shortcoming since advertising's sole justification in capitalist theory is to provide consumers with the purchasing information they need to maximize the utility of their dollars. Consumers adequately informed by advertising would presumably force sellers to price products in relation to quality. Yet studies correlating Consumers Union product quality ratings with the prices of the rated products have found very little relationship—an average correlation of .35 on a scale of .00 to 1.00, when one would expect a .80–.90 result if consumers were fully informed of quality differences.[44] In one fourth of the cases the cheaper products were of higher quality than the more expensive ones. This prompted one of the authors to comment: "The basic tenet of a free enterprise system—that consumers will direct production into channels that yield them maximum satisfaction . . . is hardly valid." [45]

Because of advertising's failure to inform, consumer ignorance rivals lack of competition as a source of monopoly power and profit.[46] For example, although effectively implemented unit pricing could reduce consumers' supermarket bills by $5 billion a year, nationally advertised brands continue to sell for 20 percent more than store brands, even though the contents of both packages are virtually identical and are usually manufactured by the same company. A similar relationship holds for Esso, Gulf, and Texaco vs. unbranded gasolines, generic vs. nongeneric prescription drugs, Bayer aspirin vs. A&P aspirin, the large variation in premiums for identical life insurance policies, and a host of other products.[47]

Monopoly Waste. Thus far the discussion has focused on certain taxes (and the absence of others), subsidies, profits and other income transfers which cumulatively reduce consumer purchasing power by $173.4 billion annually.[48] Eliminating the root cause of many of these transfers, especially those associated with monopoly, also eliminates economic waste, producing a further gain—indeed, usually a double gain. For example, by cutting out an unnecessary $30 billion from the defense budget, taxpayers' incomes are correspondingly increased. In addition, however, perhaps $25 biillion in heretofore wasted economic resources are freed up for uses which, unlike the defense spending, have real value. The "true" GNP is thereby increased by $25 billion, and about 80 percent of that, or $16 billion, flows back into the pockets of consumers.[48a]

Perhaps $12.5 billion worth of economic resources are wasted producing goods and services marketed fraudulently.[49] Probably half of annual advertising expenditures, or $10 billion included in the prices of advertised products, convey no consumer purchasing information.[50] The $3 billion annual cost of trading stamps, sweepstakes, and similar promotions likewise increase prices but impart no value.[51] And a conservative guesstimate is that consumers could achieve $25 billion more satisfaction from their purchasing power if their true preferences were not distorted by advertising and packaging and if these marketing tools supplied the full information needed to compare alternative purchase values and to select the lowest cost item in relation to its quality.[52]

Monopoly pricing also entails great waste. Monopoly profits, by raising prices above competitive levels, reduce the monopolists' output because consumers purchase less at higher prices. Accordingly, consumers shift the dollars that they would have preferred to spend on the monopolized products (if they were priced competitively) to consumption of other but less satisfying products. A net and irretrievable loss in total consumer satisfaction of perhaps $40 billion annually flows from the resources misallocation that accompanies prices distorted by monopoly, inefficiency, trade barriers, subsidies, and the like.[53]

A second type of monopoly waste is internal inefficiency. Where profits are monopolistically high, and also where they are regulated but guaranteed, the competitive necessity and primary incentive to keep costs down is substantially diminished.[54] Labor union work stoppages and featherbedding[55] add to these inflated costs which are passed on to consumers through prices $25 billion higher annually than those reflecting competitive costs.[56]

Though too complex for adequate explanation here, economist F. M. Scherer points to additional monopoly wastes of $12.1 billion annually: operations at less than the minimum optimum scale ($3.3 billion),[57] excess capacity due to market-dividing cartelization ($6.6 billion),[58] and wasteful cross-hauling and locational decisions due to "basing point" transportation schemes used to orchestrate parallel oligopoly pricing ($.2.2 billion).[59]

Next there is the waste resulting from the notorious manner in which the regulatory agencies seek to insulate their client corporations from competition. The FCC's VHF television channel allocation scheme is illustrative. Instead of allocating seven channels to each region, such as the Baltimore-Washington area, three channels are allocated to Baltimore and four to Washington. Consequently, only three national networks instead of seven are economically feasible. Wholly apart from the sociocultural ramifications of the restricted program diversity attendant to a three network system, the purely economic value of the other four potential networks (i.e., what consumers would be willing to pay for them) is $8 billion annually. Meanwhile, in 1969 the networks and the stations they own earned a pre-tax profit of 129 percent on assets, and FCC rulings have shut out effective competition from cable and pay TV.[60]

The ICC gets the award for the most desperately hopeless regulatory agency. It views competition between trucks and trains as "unintended and unwarranted." [61] Minimum rates, designated routes, and rules restricting particular carriers to certain commodities protect the competitors from each other. These devices also result in enormous unused capacity, diversion of freight to the least efficient carriers, and other wastes totaling $6.5 billion annually.[62] For example, a carrier providing service between eastern Pennsylvania and eastern Virginia may be forced to travel an indirect route through *western* Virginia, doubling the mileage.[63] Comparable philosophies of the Civil Aeronautics Board and the Federal Maritime Commission cause the annual waste of $3 billion [64] and $2.5 billion,[65] respectively.

Pollution and Accident Waste. Pollution is bad because it causes damage to property, health, recreation, aesthetics, and ecosystems. Pollution is inexcusable when it persists even when the technology to prevent it is or could be less costly than the pollution damage itself. Unfortunately, this is the case. Air pollution alone costs at least $16.0 billion annually, but at least two thirds of the damage could be eliminated at a yearly cleanup cost of $3.9 billion, with a net savings of $6.8 billion.[66] Applying the same analysis of damages and cleanup costs to air, water, noise, solid waste, land, and all other pollution would produce a combined net annual savings of perhaps $20 billion.[67] The primary reason why this has not happened is that the polluters are not required to pay for the damage they cause. If they were, the burden of damage payments would force them to raise prices, causing sales to decline. This would create a strong profit incentive to cut damages, reduce prices, and recoup lost sales by introducing and/or inventing pollution control technology.[68]

The same approach would be effective in reducing nearly $70 billion in annual costs of transportation, work-related, and household product accidents.[69] If the auto industry were forced to shell out $46 billion each year to accident victims, the price of the average car would have to increase by $4,000,[70] and sales and profits would decline dramatically. In those circumstances one can be sure that safe automobiles resistant to drunk drivers, equipped with airbags or some less costly but equally effective substitute, and devoid of ornamental bumpers and other expensive to repair features would soon be on the market at much lower prices than the industry currently estimates.[71] One might expect a net annual reduction in the combined costs of accidents and their prevention costs of $18 billion,[72] including a $5 billion saving from the elimination of the fault system for litigating accident compensation claims.[73]

The foregoing adds up to $391 billion increase in annual personal income, yet much more could be included. For example, the adverse health consequences of improper and inadequate nutrition, if quantifiable, would

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run into the tens of billions of dollars annually. These affect the affluent as well as the poor, and include substantial associations with heart disease, dental caries, obesity, infant mortality, learning disability, anemia, diabetes onset, and possibly even cancer and aging. The prime culprit is food advertising's failure to impart nutritional education.[74] Then there is racial discrimination in employment, more prevalent in concentrated than in competitive industries.[75] It has been estimated that if non-whites were upgraded to the same employment levels as whites annual productivity would be increased by $30 billion.[76] Also not included in the $391 billion total is the unquantifiable gain from more rapid development and introduction of technological innovations if competition were restored to the economy.[77]

Perhaps the reader will now have a clearer understanding of Ralph Nader's remark that "it used to be that a man had to come up to you to steal from you." The waste and income transfer described above are equivalent to massive institutionalized theft of the property, health, and even the life expectancies of the vast majority of Americans by a small minority. The distribution of wealth in the U.S. is not that much better than in a Banana Republic. That we are wealthier than other nations is no excuse for not living up to our full potential. Yet President Nixon tells us to be "very grateful" that "the people on welfare in America would be rich in most of the nations of the world today."

Those who say that economic concentration and uninformed consumers are inevitable or necessary for progress are wrong. Corporations do not have to be big to be efficient. Breaking up oligopolistic industries would lead to more, not less efficiency.[78] (When recently queried by a reporter, George McGovern did not even recall that he had co-sponsored deconcentration legislation introduced by Senator Fred Harris.[79] And we can dismantle the costly regulatory apparati of the FCC, ICC, CAB, FMC, etc. Where "natural" monopolies or oligopolies remain, we can force them to bid for contracts before a Natural Monopoly Regulation Commission under which they can make all the profits they want as long as they do so by reducing prices through efficiency and innovation.[80]

We can inform consumers through advertiser-financed counteradvertising by consumer and other public interest groups;[81] by uniform grading and rating of all significant products and services and their warranties;[82] by mandatory labeling, such as unit pricing[83] and nutritional[84] and percentage ingredient labeling[85] in the supermarket; and through the development of a competitive consumer product information industry to relay price, quality, and place of purchase data to consumers.[86] Private citizens can police the economy through class action damage suits against antitrust violators, deceptive advertisers, product warranty breachers, polluters, and employment discriminators.[87] And private citizens can invoke the ultimate sanction by suing to revoke a federal corporation charter granting the right to engage in interstate commerce. This charter would require all large corporations to maintain competitive market structures, to disclose numerous varieties of important information heretofore labeled "trade secrets," to afford employees due process and refrain from reprisals against "whistleblowers," and to submit to the inquiries of public directors.[88]

What are the objectives? Certainly not the potential for rekindling inflation—with the elimination of massive waste and protectionism and the infusion of competition, prices would fall, not rise. We can count full employment as another benefit worth tens of billions of dollars anually not included in the $391 billion total.[89] What about jobs? True, large numbers of particular jobs in protected industries would be lost, but even larger numbers of new and more productive jobs would be created in their place as consumer purchasing power is dramatically increased.

But the existence of large numbers of protected, *vested* jobs is the key obstacle to change. Through labor unions, farm subsidies, professional associations, corporations secure in oligopolistic markets, the tenure of professors, the pacification of television, the indoctrination of the public schools—the masses are given a small piece of the action and are thereby coopted into participating in a system in which a much larger piece of the action flows inexorably to the large corporations and the small wealthy minority. A parasitic elite wastes over $200 billion of the people's wealth in order to gain $200 billion annually in monopoly profits, fraud, and escape from progressive taxes and a demogrant system.[90]

"I believe in the American system," exclaims the deceptive advertiser who is our President. Nixon could not cast the proposals advanced herein as "a sharp detour to the left which would lead to a dead end for the hopes of the American people." For these proposals consist largely of a return to principles of competitive capitalism and progressive taxation. No polls would reveal the voters rejecting a proposed 50 percent increase in most of their incomes.[91] The primary reason why the present system is tolerated is that the vast majority are unaware of how much better off they would be if special interest privileges (including their own) were rescinded. Only by telling them could George McGovern have averted a landslide defeat at the polls. Now it is too late.

FOOTNOTES

[1] Okner, "The Role of Demogrants as an Income Maintenance Alternative," (Preuiminary Draft, Brookings, July 1972) ("Plan D" with a comprehensive tax base). Actually, the degree of redistribution would be greater if graduated 33⅓, 40, and 50% rates had been employed instead of a flat proportional levy.

[1a] McGovern's early position favoring demogrants is reported in his "On Taxing and Redistributing Income," *New York Review of Books*, May 4, 1972 at 7, 10–11. The demogrant proposals originated in Tobin, "Raising the Incomes of the Poor," in K. Gorden, ed., *Agenda for the Nation* (Brookings, 1968). *See also* Tobin & Ulmer, "McGovern's Economics: An Exchange of Views," *New Republic*, July 22, 1972, at 30.

Different plans are discussed in Okner, *supra* note 1. Variations include increasing the amount of the $1000 average demogrant with the recipient's age, as reported in Washington Post, June 26, 1972, at A2, and variations in benefits according to family size. Additionally, the level of income demarcating after tax losers and gainers varies depending on the extent to which the tax base is expanded by eliminating loopholes and deductions. *Cf.* Pechman & Okner, *infra* note 7.

The reference in the text to a $16,000 after tax break-even point does not refer to the specific program involving a $54 billion redistribution. *See* text *supra,* at note 1. Extrapolating from the Okner Plan D appears to produce a break-even point close to $15,000. But that plan was for 1970, when 77 percent of families had incomes of less than $15,000, close to the 79 percent 1971 figure in the text. The remaining 2% discrepancy would be more than eliminated by applying the 33⅓%, 40%, and 50% rates suggested in the text to Okner's Plan D.

The demogrant program proposed to McGovern by his advisors would have had a break-even point of $20,000 see *Business Week,* July 15, 1972, at 20, which would presently benefit 89% of families, but that plan applied to 1975 rather than 1971. Because the "poverty" level of income would have increased substantially by 1975, the necessary increase in individual demogrant payments, if they were geared to official poverty definitions, would increase the "cost" of a 1975 program by decreasing the total amount redistributed and increasing the number of persons above the break-even point. A McGovern advisor has informed the author that this particular program, the details of which were not publicly released, would have redistributed $40 billion, with ⅔ of families being after tax income gainers. However, the smaller redistribution and larger number of after-tax losers is partially attributable to the fact that this program would not have incorporated a fully comprehensive income tax base. The most significant factor, however, is the inflation in demogrant benefits to correspond with official poverty definitions. This factor would not apply if the comprehensive, deflationary reforms proposed in this article were adopted.

[1b] Under the present effective rate of 13%, *see* Pechman & Okner, *infra* note 7, at 71, Table I, a family of four with adjusted gross income of $25,000 would pay $3,250 in taxes. Under the demogrant program, that family's $8,333 tax liability (applying a 33⅓% rate) would be offset by $4,000 in demogrants, leaving a net decrease of $1,083 in after tax income.

Those who are more eager to apply their upper middle class "liberalism" to civil liberties and foreign policy than to economic matters have more fundamental objections to the McGovern program. What Mr. Ulmer really wants is a *welfare* program to eliminate "poverty," not an *income redistribution* program to give the middle classes a more equitable share of the wealth. He persists in the belief that the work ethic functions not merely as a moral imperative to ensure economic production but also as the only path to individual self-fulfillment. *He* presumes to decide for millions whether jobs which *he* deems meaningful are preferable to incomes which would allow each individual to choose his own life style—be it the grudging blue and white collar tasks which presently occupy the middle class, more rewarding labor at less or no pay, or no work at all. It is time that the new liberal began pondering whether, in an age of increasing affluence, automation and cybernation, the next desirable stage in the progress of humanity is to devise new means of keeping mankind in slavery to economic toil. *See* R. Theobald, ed., *The Guaranteed Income* (1965).

There are many perplexing questions about the nature and consequences of work as an institution that should be answered before more work, or more work of certain kinds, should be affirmatively encouraged by the Government regardless of the work's economic productivity. A strong argument can be made, for example, that the economy's need for workers with certain socialized attitudes and behavior traits has had a strong distorting effect upon the nature and quality of the educational system and its ability to foster egalitarian social mobility. *See* Bowles, "Getting Nowhere: Programmed Class Stagnation," *Society*, June 1972, at 42.

[2] In Tobin & Ulmer, *supra* note 1a, Melville J. Ulmer, contributing editor of the *New Republic,* referring to McGovern advisor Tobin's demogrant plan for 1966, cries "waste" at the prospect of spending $43 billion to eliminate $14 billion of poverty. Worse yet, "the bulk of this burden . . . would fall on those making between $12,000 and $50,000 a year, the middle class." As already stated, the after-tax losers will be families with incomes exceeding $20,000, not $12,000, although the figure was $16,000 at the time Ulmer registered his complaint. It is astounding that a "liberal" would equate the 21 percent of families with incomes above $16,000 with the "middle" class.

Mr. Ulmer insists that a cheaper way to eliminate poverty would be for the Federal Government (in which he has consummate faith) to create millions of "public service" jobs. The "underprivileged . . . one-fifth of the population" would find "decent pay, rewarding duties, and . . . an opportunity to enjoy a sense of worth, to learn and participate, to live a useful life." I do not know what vocations he has in mind to fit these lofty qualifications. I do know that, in part because private economic forces have not already created such jobs, their cost to the taxpayer will far outweigh their combined economic and spiritual value, as did the make-work depression tasks of sweeping leaves from one side of the street to the other and back. While recent experience with public employment does not necessarily rule out its entire potential, that experience has not been good. *See, e.g.*, "NAACP Aide Calls U.S. Job Training a Waste of Money," Washington Post, July 7, 1972, at 2; "A Plan to Put Jobless on Municipal Payrolls Isn't Working Out Well," Wall Street Journal, May 9, 1972, at 1. McGovern proposed that $10 billion in taxpayer money be funneled through contracts with private industry to create jobs and that $6 billion more be applied to new public service jobs. "A Balanced Full Employment Economy," remarks of Sen. George McGovern before the New York Society of Security Analysts, New York City, August 29, 1972 (McGovern's major campaign speech on tax and welfare policy).

Of course the economic boom resulting from a $43 billion redistribution of income to those who would spend rather than save it would create more than enough *productive* jobs for relatively unskilled, low income workers. On the one hand, the demogrants would effectively raise the minimum wages for which people would be willing to work and enable job seekers to resist menial offerings such as emptying bed pans in hospitals (unless, like President Nixon's mother, they were so nobly inclined). On the other hand, private business would have an economic incentive to train and equip persons for more meaningful work in order to procure the extra manpower for increased output. And the demogrant program provides stronger work incentives than other income maintenance proposals. A federal job guarantee program which cannot pay for itself wastes scarce economic resources, leaving a smaller economic pie to be divided among us all, while the demogrant program does not use up wealth but instead redistributes it.

[2a] This includes an additional $5 billion for a $4000 per family of four guaranteed income program and $3 billion annually in increased Social Security benefits financed through general revenues, but not the funds McGovern would pour into job subsidies. *See* "A Balanced Full Employment Economy," *supra* note 2.

[3] This includes only private wealth, excluding wealth owned by government, foundations, religious and educational institutions. The $3.7 trillion estimate is the unpublished projection of Dr. James D. Smith of Pennsylvania State University, based upon earlier data contained in Smith, "Distribution of Wealth in the 20th Century," in *Expanded Ownership* (Sabre Foundation 1972).

[4] Federal Reserve System—Bureau of the Census, *Survey of Financial Characteristics of Consumer* (August 1966), discussed in E. Budd, ed., *Inequality and Poverty* xxi-xxiii, 87–90 (1967). *See also* R. Lampman, *The Share of Top Wealth-Holders in National Wealth* (1962); Smith & Calvert, "Estimating the Wealth of Top Wealth-holders from Estate Tax Returns," Proceedings of the American Statistical Association, Philadelphia Annual Meeting, September 1965; F. Lundberg, *The Rich and the Super-Rich* 11–36 (1968); "Who Has the Wealth in America," *Business Week*, Aug. 5, 1972, at 54. There is some reason to believe that the figures cited in the text tend to understate the concentration of wealth, on account of underreporting, *see* Budd, *supra* at xxii n. 4, which includes such "income-in-kind" as expense accounts and other executive benefits. *See* G. Kolko, *Wealth and Power in America* 17–20 (1962). *See generally* S. M. Miller & P. Roby, *The Future of Inequality*, esp. 67–84 (1970).

[5] The operative assumption is that, in general, the marginal utility of wealth declines as individual wealth increases. Thus, assuming also that all individuals should be considered equally, the more equal the distribution of wealth, the greater the total satisfaction of society's members.

I define the essential purpose of economic toil to be the creation of wealth *for the purpose of maximizing the collective satisfaction of equal individuals*. Consequently, the retention of wealth by a few whose marginal satisfaction is relatively minor is treated as a waste of wealth. The mere transfer of wealth from these few to the masses, who would thereby reap relatively large gains in marginal satisfaction, is therefore treated as an increase in total wealth. Many economists, on the other hand, in their narrow concern for "value neutrality", characterize increases in real wealth almost exclusively in terms of eliminating resource misallocation and other forms of "pure economic waste," regardless of the distributive outcome.

The rule for the wealthy is that there is zero marginal utility of wealth in excess of that to which they are entitled under a system of perfect competition, progressive taxation, and that distribution of wealth which maximizes total utility consistent with economic incentives which also maximize total utility. While utility derived from excess wealth would not in reality be zero, it would be less than that of those with less wealth than that to which *they* are entitled in order to maximize total satisfaction. Thus the appropriateness of a fixed rule in pursuit of utilitarian goals.

[6] The reader is promptly reminded that the writer is not an economist, a statistician, or a computer expert. The $400 billion total is only a ballpark estimate which hopefully will generate efforts at refinement by those possessing the requisite technical expertise. However, the bulk of the total is derived from careful economic studies. The magnitude of a few of the components are arrived at through educated guesses only because a combination of pervasive corporate secrecy and government disinterest in such subjects as wealth distribution have made unavailable the data on which careful economic studies could be based. *See* Appendix A for margin of error estimates.

Bearing that in mind, Tables I, IA, II, III and IV summarize the components of this $391 billion program.

Table I.—*Progressive income redistribution*

[In billions]

Demogrants	$58.0
Regressive Federal taxes	85.6
Excises	9.2
Import duties	2.7
Social security and payroll	66.2
Corporate income	7.5
Regressive State Taxes	44.0
Sales taxes	25.0
Property taxes	19.0
Monopoly Profits, Excess Executive Benefits	25.0
Regulatory Transfers	7.5
Farm price supports	6.0
Utility overcharges	1.5
Import Barriers	9.8
Tariffs	$8.5
Quotas, voluntary restraints, buy American, etc	12.0
Duties already included	−2.7
Inclusion in monopoly and farm programs	−8.0
Consumer fraud	20.0
Auto repairs	10.0
Income losses to bottom 80 percent	68.9
Federal welfare payments	−10.0
Social security benefits	−58.9
Total	181.0

TABLE 1A.—*Waste overcharges*

Regulatory waste	$12.0
ICC	6.5
CAB	3.0
FMC	2.5
Internal inefficiency from lack of competition	25.0
Excess capacity due to cartelization or Regulatory Protectionism	6.6
Basing point cross hauling and distorted locational decisions	2.2
Less than efficient scale operations due to protectionism and wasteful practices	3.3
Advertising, packaging, promotions	13.0
Consumer information system costs	−4.0
Subtotal	58.1
Nonregressive Waste Transfers from Labor Factors	−7.0
Total	51.1

TABLE II.—*Increased G.N.P. from elimination of waste*

[In billions]

Welfare (deadweight) loss from resource misallocation	$40.0
Regulatory waste	20.0
ICC	6.5
FCC TV channel scarcity	8.0
CAB	3.0
FMC	2.5
Internal inefficiency from lack of competition	25.0
Excess capacity due to cartelization or regulatory protectionism	6.6
Basing point cross hauling and distorted locational decisions	2.2
Less than efficient scale operations due to protectionism and wasteful practices	3.3
Advertising, packaging, promotions	13.0
Consumer Information System costs	—4.0
Total	9.0
Manipulation of consumer preferences	25.0
Production of goods and services marketed fraudulently	12.5
Accidents, pollution, externalities	40.0
Accident costs	67.0
Household products cost	8.0
Work-related costs	13.0
Motor vehicle costs	46.0
Net gain from cost internalization	18.0
Pollution costs	19.5
Air and water	27.2
Cleanup costs	−10.2
Total	17.0
Noise, solid waste, other (net)	2.5
Other externalities (net)	2.5
Defense waste	25.0
Total	$208.1

80 percent times $208.1 billion equals gain in personal income for a total of $166.5 billion.

TABLE III.—*Gains and losses to U.S. Treasury*

[In billions]

Gains	$148.0
Spending cuts	55.0
Defense	30.0
Subsidies	25.0
Tax reform	93.0
Progressive wealth tax	91.0
Taxing inheritance and gifts as income	3.0
Losses	156.6
Regressive Federal taxes	85.6
Revenue sharing to replace State sales and property taxes	71.0
Taxing corporate earnings as stockholders' personal income	2.0
Net loss	−7.6

TABLE IV.—*Summary of increase in real personal income*

Progressive income redistribution (Table 1)	$181.0
Waste overcharges (Table IA)	51.1
Increased G.N.P. from elimination of waste (Table II)	166.5
Net loss to Treasury (Table III)	−7.6
Total	391.0

As indicated in the text, the incomes of those in the lower brackets would be increased by percentages substantially higher than the aggregate 43 percent increase. This follows from (1) the progressive character of the totals in Tables I, IA and III and the permanently more progressive income distribution patterns that would emerge if the proposals in the text were implemented, and (2) the present distribution of income:

Percentage share of aggregate before tax income going to families, 1969

Lowest Fifth	5.6
Second fifth	12.3
Middle fifth	17.6
Fourth fifth	23.4
Highest fifth	41.0
Top fifth	14.7

U.S. Bureau of the Census, "Current Population Reports, Consumer Income, 1969" 56 (1970), reproduced in Thurow & Lucas, "The American Distribution of Income: A Structural Problem" 7 (Joint Economic Committee 1972).

The totals in Tables I–IV have not been adjusted to reflect the impact of each component on the others, although care has been taken to eliminate double-counting. For example, eliminating monopoly profits would diminish the tax base. These ramifications have not entered into the calculations.

[6a] "A Balanced Full Employment Economy," *supra* note 2.

[7] Hearings before the Subcommittee on Priorities and Economy in Government of the Joint Economic Committee, *The Economics of Federal Subsidy Programs*, 92nd Cong., 1st sess., at 59, 68 (1972) (Statement of J. Pechman & B. Okner, Brookings Institution). The $77,3 billion figure assumes retention of personal exemptions and a flat $1300 standard deduction (low income allowance), items which would further increase the tax base by $178.8 billion ($750 × 200 million exemptions + $1300 × 22 million low income allowances) but are eliminated in a demogrant system. The $77.3 billion does not include the revenue losses from marginal rates and the interest costs between gain and realization.

[7a] Pechman & Okner, *supra* note 7, at 108–110 (remarks of P. Stern). One theme that these hearings and current literature stress is the gross inefficiency with which tax preferences accomplish their designated purposes as compared to direct subsidies. See particularly the testimony of S. Surrey, *id.* at 43. For example, Senator Proxmire recalled a Treasury study showing that the $1.5 billion revenue loss from the oil depletion allowance stimulates only $150 million in new oil findings. *Id.* at 85. With this type of performance, any direct subsidies needed to replace those eliminated tax loopholes which purport to encourage socially desirable activities would be small in amount. Moreover, demogrants, by increasing consumer purchasing power, are a sufficient substitute for most of the direct subsidies that would be proposed.

[7b] Okner, *super* note 1. The cherished deduction for medical expenses has similar consequences. In 1970, the average tax benefits from medical deductions to those in the $10,000–$15,000 bracket was $33; but the average benefit for those in the over $100,000 bracket was $499. The comparable figures for mortgage interest deductions are $50.96 and $410.78. "Treasury Tax Deduction Data Misleading, Nader Unit Says," Washington Post, Aug. 29, 1972, at A2.

[8] Pechman & Okner, *supra* note 7, at 72, Table 3.

[9] The literature on corporate tax incidence is reviewed in Mieszkowski, "Tax Incidence Theory: The effects of Taxes on the Distribution of Income," 7 *J. Econ. Lit.* 1103 (1969). The thesis that corporate taxes are largely shifted to consumers, M. Krzyzaniak & R. A. Musgrave, *The Shifting of the Corporation Income Tax* (1963), has been criticized by Gordon, Harberger, Hall and others. Nevertheless, it still seems reasonable to assume that some shifting does occur, especially in the regulated industries. AT&T, for example, is guaranteed a certain *after* tax return on rate base. Although we do not know the magnitude of this shifting, I have assumed 25% of the $30 billion 1972 federal corporate tax revenues. Professor Musgrave, observing that the economics profession is split about half and half between the positions of substantial and zero shifting, still insists that at least half of the tax is regressively shifted, and possibly more than 100% of it as a result of interaction with price leadership in concentrated industries. The 25% shifting I have assumed is therefore a compromise which assumes both positions to be half right.

[10] M. Friedman, *Capitalism and Freedom* 130 (1962).

[11] The calculations, though crude, are as follows: Applying a 40 percent average demogrant tax rate to $85 billion in pre-tax corporate profits produces $34 billion. The 40 percent rate is a guesstimate based on the following factors: (1) Ownership of corporate stock is highly concentrated, the top 1% of wealth holders owning from 62% (Budd, *supra* note 4, also indicating that 5% own 86% and 20% own 97%) to 75% (Lampmann, *supra* note 4). (2) Those with incomes of $50,000 or more constitute 0.6% of the population. (3) The concentration of taxable income would be significantly increased if retained corporate earnings were attributed to individual stockholders' personal incomes.

From this $34 billion is subtracted $6 billion already raised through personal income taxes on dividends. In 1969 dividends of $24.7 billion were paid on after-tax corporate profits of $48.5 billion, though only $15.7 billion from dividends were included in Adjusted Gross Income. (The difference is apparently attributable to the dividend exclusion and to intercorporate dividend payments). On the basis of 1972 after-tax corporate profits of $55.4 billion, dividend AGI would be $18 billion, to which is added a $2 billion increase in taxable income as a result of the comprehensive tax base (Pechman & Okner, *supra* note 7, at 71, Table 2). Applying a present marginal rate of 30% produces $6 billion, which subtracted from $34 billion leaves $28 billion in total corporate profits tax revenues, $2 billion less than the current $30 billion revenue from the corporate income tax.

[12] R. Lampman, *supra* note 4, at 23, 192–193.

[13] Property taxes have at least three regressive aspects: (1) They are usually levied only on real estate (and improvements thereto) and not on durables, intangibles, and other property which together with real property make up individual net worth. *Cf.* Snyder, "Taxing the Unlanded Gentry," 4 *Conn. L. Rev.* 310 (1971); Hagman, "VIT for VAT" (UCLA Institute of Gov't. and Public Affairs MR–172). This exclusion, as in the case of the limitation on earnings subject to Social Security taxes, is regressive. (2) Many businesses and individuals, but especially the former, have received exemptions or reduced assessments. *See* Nader, "The Property Tax Gyp," *New Republic*, Mar. 4, 1972. (3) Some portion of those property taxes levied on the non-land value of business and apartment dwelling properties is passed on to consumers and renters in higher prices and rents. Although the property tax is or at least could be generally progressive, see Gaffney, "The Property Tax is a Progressive Tax" (Paper presented at 64th Annual Conference, Nat'l. Tax Ass'n., Kansas City, Sept. 28, 1971), a progressive wealth tax is more progressive. An advantage both of a progressive wealth tax and of taxing corporate profits directly to shareholders (as partnerships are taxed) is that such taxes have less of a distorting effect on the efficient allocation of capital and on business decisions. The federalization aspect of the progressive wealth tax also eliminates jurisdictional differences in property tax rates which distort locational decisions of both business and homeowners.

The allocation of $19 billion of $46 billion in property taxes to the bottom 80% of the income classes is computed from Schultze, *et al., Setting National Priorities: the 1973 budget* 445, Table 14–6 (1972). Assuming that the tax is entirely borne by the holders of capital (including homeowners) results in $14 billion being absorbed by the bottom 80% of income brackets. The contrary assumption, that the tax is passed on through higher rents and prices, produces a $24 billion figure. Averaging the two, assuming each thesis is half right, gives a $19 billion compromise figure.

The possible constitutional prohibition against a federal progressive wealth tax as a direct tax not apportioned among the states by population is discussed in Hagman, *supra*. One alternative would be actually to apportion the progressive wealth tax revenues as constitutionally indicated, but to employ differential revenue sharing to eliminate the distorting effect of the apportionment.

Note that Table I of note 6 includes only the $19 billion in property taxes currently paid by the bottom 80% of income classes, not the entire $46 billion that would be repealed. One reason is that the $27 billion property taxes paid by the top income quintile would be paid instead through a progressive wealth tax bringing in $91 billion in its first year. Yet note that income gains from the repeal of regressive taxes and monopoly profits, for example, are reflected in full in Table I. These sums obviously include amounts paid by persons in the upper quintile. They, too, pay sales taxes and buy from concentrated industries. However, the bulk of these regressive income transfers involve persons in the bottom four income quintiles. The property tax is not on the whole a regressive tax. The entire $46 billion was not included in Table I for this reason, the rule being that Table I includes transfers moving primarily from the upper to lower income or wealth brackets. Where this is not the case, as with the property tax, only that portion of the transfer representing gain to the bottom 80 percent ($19 billion) is included. Another way of reaching this result is that as long as the wealthy pay the full progressive taxes that they should, and receive no other windfall gains, their wealth is deemed to generate utility. They then have the same right to be free from regressive levies as the lower and middle income groups. See the rule in note 5 *supra*.

[14] After the first year, when $91 billion is collected, progressive wealth tax revenues would gradually decline as wealth concentration was reduced to equitable levels. But by the time the revenue stabilization point was reached, economic growth would have expanded both the income and wealth tax bases to an extent sufficient to make up for the deficit.

The operative assumption is that the right to retain personal wealth declines as a substantial incentive to economic productivity as an individual's wealth increases, particularly when it exceeds, say, the $1 million mark. It is at least arguable that the wealth of those in the high brackets, to the extent that it has been earned, serves as a disincentive to their further economic productivity, and that taxing some of it away would prod top wealth-holders to continue in those economic pursuits which enabled them to become wealthy.

In any event, significantly increased disincentives would apply, if at all, to a very small percentage of the population.

Instead of reforming the persent gift and estate tax structures, these accessions should be taxed as income to the recipients, with a cumulative lifetime exemption of $25,000. Unpublished calculations by Jerald R. Jantscher of the Brookings Institution suggest that applying current income tax rates would raise $9 billion, compared with the present $3.7 billion from gifts and estates. To be conservative, $2.3 billion is arbitrarily deducted from this $5.3 billion gain to reflect the lower demogrant income tax rates, income averaging, greater dispersal of gifts and inheritances, and Jantscher's 20% margin of error. This produces the $3 billion gain shown in Table III of note 6.

[15] Footnote not supplied.

[16] This figure excludes motor vehicle fuel taxes on the theory that these are user taxes.

[17] Under the Okner Plan D demogrant program an elderly couple would receive $2600 annually, slightly less than the average $2664 Social Security benefit (prior to the recently legislated increase). A single elderly person would receive a $200 demogrant under Plan D, however, compared with $1596 in average Social Security payments. Under a plan whereby demogrants would increase with the recipient's age, *see* Washington Post, *supra* note 1a, a retired couple would receive $3,120 per year. Age variations could be applied to Plan D so that a majority of present Social Security beneficiaries would more than recoup their replaced benefits.

The $66.2 billion includes Fiscal Year 1972 receipts from OASDI, Health Insurance, Unemployment, and Railroad and Federal Employees Retirement Trust Funds. The remaining surplus in these trust funds would also be disbursed to beneficiaries. Since the $58 billion increase in real income from demogrants has already been included in Table I of note 6, an offset of $58.9 billion is also included to reflect loss of Social Security benefits by the bottom 80 percent of the income brackets. The Social Security Administration has no current figures for the distribution of the $62 billion in total benefits among income classes and has never had such data for benefit distributions among the non-elderly. An assumption that 5% of total benefits go to recipients in the top 20% of income brackets produces a residual of $58.9 billion ($62 billion-$3.1 billion).

The $58.9 billion entered in Table I of note 6 does not include the remaining $3.1 billion which makes up the total income loss from repeal of Social Security benefits of $62 billion, because a transfer loss among the upper income quintile equalizes the distribution of income. Transfers from the top quintile to the remainder of the population are one of the major objectives, *see* note 5 *supra*, and are counted as increases in aggregate income notwithstanding that they are transfers. It would be incongruous to include such losses to the top quintile as losses in aggregate income.

[18] The regressivity of tariffs is demonstrated in Fieleke, "The Cost of Tariffs to Consumers," *New England Econ. Rev.*, Sept.–Oct. 1971, at 13.

[19] This does not include any passed-on portion of nearly $4 billion in state and local corporate income taxes.

[20] The demogrant estimates include the gain to the Treasury from eliminating present federal welfare programs. But state welfare payments (and taxes to finance them) are not considered.

[21] Subcommittee on Priorities and Economy in Government of the Joint Economic Committee, *The Economics of Federal Subsidy Programs* (Staff Report), 92nd Cong., 1st Sess. at 4 (1972). The $25 billion total covers major cash, credit, and benefit-in-kind subsidies. Since the beneficiaries generally appear to be in the upper income brackets, and since the total completely omits state subsidies and is by no means all-inclusive of federal subsidy costs, adjustment in real income for the lower and middle income brackets attending the elimination of these subsidies is not included in Table I of note 6. The source defines subsidies so as to exclude welfare payments and other "real income transfers" by requiring performance by the recipient as a condition precedent.

[22] In 1969, 62.8% of government farm benefits went to the top 19.1% of farms (and a smaller percentage of farm owners) with sales of $20,000 and over. Schultze, "The Distribution of Farm Subsidies" 30 (Brookings, 1971).

[23] *See* note 6 *supra*, Table III.

[24] *See* R. Theobald, *Committed Spending* (1971).

[25] The reader's suspicion that the text suggests placing public schools and hospitals on a profit-making basis is correct. Whether one should take the next step of placing the ownership of these institutions in private hands is immaterial. The outcome of "market socialism" and private competitive capitalism (not monopoly capitalism) would in most respects be identical as long as publicly owned schools and hospitals had to compete to survive and the Government imposed no protectionist restraints.

Contrary to the prevailing apprehension, a voucher system can encourage racial and economic class school integration through economic incentives. To be accredited, any school's enrollment could be required to contain at least 50 percent of the proportion of each racial and economic group within a reasonable geographic radius. If blacks comprised 10% of the surrounding community population, their enrollment would have to be at least 5% or the school would lose accreditation. If an insufficient number of blacks enrolled, the school would have to discriminate in price to attract the requisite number. To encourage further integration, the reimbursement value of the students' vouchers could increase as the degree of racial and class balance rose from 50% to 100%.

The value of vouchers could also vary according to the school's educational performance, as measured by "unbiased standard tests. In general voucher values would be set high enough to ensure an adequate education, but to encourage price shopping and cost reduction parents could retain the difference if they placed their children in accredited schools charging less than the voucher value.

There is now a substantial literature, including the Carnegie Commission Report, demonstrating that the public schools are woefully inefficient in educating children. Similarly, it is clear that our health delivery system is in shambles, especially since the economic incentives for the practice of preventive medicine are largely non-existent and the medical profession has stymied prepaid group health programs. Vast savings can be expected from voucher systems and competition. Prepaid legal and day care services are other areas to which voucher systems should be applied.

[26] For an overview of the benefits of competition *see* M. Green, B. Moore & B. Wasserstein, *The Closed Enterprise System*, ch. I (1972). *See also* J. Blair, *Economic Concentration* (1972); W. Mueller, *A Primer on Monopoly and Competition* (1970).

[27] V. Shepherd, *Market Power & Economic Welfare* 104–108, 263–267 (1970).

[28] Scherer estimates monopoly profits to be 3% of GNP, or $31 billion. F. Scherer, *Industrial Market Structure and Economic Performance* 409 (1970). Shepherd, *supra* note 27, at 208–213, estimates monopoly profits to be 3% of National Income. *Cf.id* at 186–194; N. Collins & L. Preston, *Concentration and Price-Cost Margins in Manufacturing Industries* (1968), and references discussed therein. Excessive executive compensation in concentrated industries is described in Williamson, "Managerial Discretion and Business Behavior," 52 *Am. Econ. Rev.* 1040–1047 (1963); Shepherd, *supra* note 27, at 212 n. 13. The $25 billion estimate is reasonably conservative since it includes both monopoly profits and executive compensation. Internal FTC data was recently leaked showing a $15 billion annual monopoly overcharge from 100 manufacturing industries alone, although the figure includes internal inefficiency as well as monopoly profits. Scanlon, "FTC and Phase II: the McGovern Papers," 5 *Antitrust Law & Econ. Rev.* (1972).

[29] Bergsten, "The Cost of Import Restrictions to Consumers" (American Importers Association 1972) (Bergsten is a guest scholar at the Brookings Institution) estimates the cost of tariffs and quotas at $10–$15 billion annually. His tariff component is only $2 billion, although he characterizes the implicit $10 billion estimate of Fieleke, *supra* note 18, as "a plausible maximum." An arbitrary downward adjustment to $8.5 billion for tariffs appears in Table I of note 6 in order to make Fieleke's total even more plausible.

That leaves Bergsten's estimate for quota costs at $8–$13 billion. American Importers Association, "Statement *re* United States Non-Tariff Barriers to Trade," U.S. Tariff Commission Investigation No. 332–66 under provision of Sec. 332 of Tariff Act of 1930, March 1972, at 7, tabulates the costs of some of the major formal and "voluntary" quotas:

	Billion
Petroleum	$5.90
Textile and apparel	1.00
Sugar	0.50
Fresh & Frozen Meat	0.35
Dairy Products	0.50
	8.25

These are only a few of the items subject to quotas. The voluntary quotas on steel imports recently negotiated by the Nixon Administration cost consumers an additional $1 billion annually, "The Case Against Oil and Steel Quotas", 37 *Consumers Reports* 528, 529 (1972).

No current estimates exist for the costs of interstate trade barriers and state and federal Buy American programs. *Cf.* Watkins, "Effects of the Buy American Act on Federal Procurement," 31 Fed. Bar J. 191 (1972); Comptroller General Rep. B–162222, Dec. 9, 1971, at 12, 22, 28; Richardson, "The Subsidy Aspects of a Buy American Policy in Government Purchasing," in *The Economics of Federal Subsidy Programs* (A Compendium of Papers), Joint Economic Committee, 92nd Cong., 2d. Sess., pt. 2 (International

Subsidies), at 220 (1972). But the $12 billion figure in Table I of note 6 reflecting the costs of quotas plus these latter trade barriers seems reasonable.

The $20.5 billion cost of trade barriers partially reflects their effect in protecting monopoly power of American business and the domestic agricultural price support program. Since these latter costs have already been counted in Tables I, IA and II of note 6, an offset of $8 billion has been applied to the trade barrier total of $20.5 billion. The $8 billion is a guesstimate, for no economist has undertaken any analysis that sheds light on what the proper offset should be. It is clear, however, that not employing such a guesstimate would result in even greater inaccuracy.

[30] American Importers Association, *supra* note 29, at 3.

[31] Schultze, *supra* note 22, at 1. The $6 billion includes $1.5 billion in higher prices that farmers must pay for feed, seed, and livestock. It is assumed that the additional expense is passed on to consumers. Excluded are $1 billion in higher prices for farm exports. The $6 billion figure is an understatement of the full costs of farm programs because it excludes (1) marketing orders which raise the price of milk, fruits, vegetables and other products, *Cf* Kessel, "Economic Effects of Federal Regulation of Milk Prices," 10 *J. Law & Econ.* 51 (1967); (2) welfare losses from resource misallocation, although these are included in the $40 billion total in Table II of note 6; and (3) the increase that would be reflected in 1972 compared with 1969 data.

[32] *See* his remarks in 118 *Cong. Rec.* (Apr. 21, 1972) urging 100 percent of parity.

[33] *Cong. Rec.*, Feb. 7, 1972 at S. 1264. The Nader suit was filed Jan. 23, 1972, and the contributions were publicized in *The Washington Post*, Sept. 27, 1971, at A1.

[34] The classic statement is Averch & Johnson, "Behavior of the Firm under Regulatory Constraint," 52 *Am. Econ. Rev.* 1052 (1962). *See also* W. Capron, ed., *Technological Change in Regulated Industries* (1971); Alchian & Kessel, "Competition, Monopoly, and the Pursuit of Money," in *Aspects of Labor Economics* (Nat'l. Bureau of Economic Research, 1962).

[35] Hearings before the Subcommittee on Priorities and Economy in Government of the Joint Economic Committee, *Oil Prices and Phase II;* 92nd Cong., 1st sess., at 164, 166–167 (1972) (Testimony of B. Moore).

[36] The $1.5 billion figure is a guesstimate inasmuch as calculating "excess" utility profits hinges upon the perplexing task of defining what level of profit is proper. Reported annual after tax utility profits approximate $10 billion. The fact that regulated utilities are generally insulated from competitive entry regardless of whether they are truly natural monopolies argues for a low "proper" rate of profit. Since even excess profits would usually be low compared with competitive profits of other firms, the $1.5 billion is not included in the $25 billion figure for monoply profits in Table I of note 6. Of general interest *re* utility profits are J. Goulden, *Monopoly* (1968) (AT&T); L. Metcalf & V. Reinemer, *Overcharge* (1965) (electric utilities).

[37] *See* Hearings before the Subcomm. on Antitrust and Monopoly of the Senate Judiciary Comm., *Automotive Repair Industry,* 91st Cong., 1st Sess., pts. 1&2 (1969).

[38] Comment, "Translating Sympathy for Deceived Consumers into Effective Programs for Protection," 114. *U. Pa. L. Rev.* 395 (1966) (discussing 1965 report of House Subcommittee on Fraud and Misrepresentation Affecting the Elderly). *See also* Hearings on S. 2246, S. 3092, and S. 3201 before the Consumer Subcomm. of the Senate Commerce Comm., 91st Cong., 1st sess., pt. 1 at 14 (1969) (Estimate of V. Knauer that Americans are defrauded of $1 billion annually by misrepresented quack devices, drugs, foods, and cosmetics).

[39] *President's Commission on Law Enforcement and Administration of Justice. Task Force Report: Crime and Its Impact—An Assessment* 104 (1967).

[40] "One of Our Billion Cubes (Pizzas, Bologna, Giblets, Tea Bags) is Missing," 35 *Consumer Reports* 249–250 (1970).

[41] Some additional examples are contained in a March 7, 1970 speech by Senator Philip A. Hart to the New York Consumer Assembly, reproduced in 452 *BNA Antitrust & Trade Reg. Rep.* (March 10, 1970). The $20 billion consumer fraud transfer appearing in Table I of note 6 consists of $11.75 in specific fraud costs listed in the text and $9.25 billion in the following guesstimated frauds: (1) those rather blatant specific practices such as package shortweighting, ghetto merchandising, TV and other non-auto repairs, shoddy wares pedaled by high pressure door-to-door salesmen, airline connecting flight overcharges and numerous similar breach of contract and warranty frauds, items specified in Senator Hart's speech *supra* and in W. Magnuson & J. Carper, *The Dark Side of the Marketplace* (1968), etc.; (2) affirmatively deceptive advertising and packaging; and (3) advertising which omits material facts and results in consumer purchases based on product value that would be differently perceived but for the lack of full disclosure. The $20 billion total seems conservative, especially if stated as representing that consumers received 97.4% value (expectation) from $725 billion in purchases. *Staff Report to the Federal Trade Commission on the Ad Substantiation Program,* Senate Commerce Comm., 92nd Cong., 2nd Sess., (1972).

[42] Footnote not supplied.

[43] Greyser Reece, "Businessmen Look Hard at Advertising," *Harv. Bus. Rev.*, May-June 1971, at 18, 158.

[44] Oxenfeldt, "Consumer Knowledge: Its Measurement and Extent," 32 *Rev. Econ. & Stat.* 300 (1950); Morris & Bronson, "The Chaos of Competition Indicated by Consumer Reports," 33 *J. Marketing* 26 (1969); Friedman, "Quality ond Price Considerations in *Consumer Affairs* 13 (197–). And, as usual, overcharges due to lack of information fall most heavily upon the poor. *Cf.* D. Caplowitz, *The Poor Pay More* (1963). Precise generalization cannot be based on these studies alone, although they consist of some of the best data available. One could question whether consumers really perceive quality in the same manner as Consumer's Union does. However, Oxenfeldt, *supra,* at 323 n.9, to experiments in which college students invariably preferred Consumer's Union properties and weights over their own. Other difficulties are that the products tested by Consumer's Union are not a representative sample and that, even if they were, brand name sales data are unavailable for accurate weighting of the losses in consumer satisfaction due to ignorance of quality factors. Bearing in mind these deficiencies, Oxenfeldt's results, *supra* at 325, indicated that "the average consumer of these products could have increased his satisfaction by fifty percent if he had bought the best product rated by Consumer's Union."

[45] *Id.* at 332.

[46] The classic statement is Scitovsky, "Ignorance as a Source of Oligopoly Power," 40 *Am. Econ. Rev.* 49 (1950). *See also* Federal Trade Commission, "Self-Regulation—Product Standardization, Certification and Seals of Approval," 5 *Antitrust Law & Econ. Rev.* 79 (1972); Mueller, "Sources of Monopoly Power: A Phenomenon called 'Product Differentiation'," 2 *Antitrust Law & Econ. Rev.* 59, 66–68 (1969), reviews some evidence demonstrating that recent increases in concentration have taken place primarily in consumer goods industries characterized by high advertising outlays and artifical product differentiation. *See also* J. Bain, *Industrial Organization,* ch. 7 (1965); Blair, *supra* note 26, at 331–334; Scherer, *supra* note 28, ch. 14.

[47] Nat'l Commission on Food Marketing, *Special Studies in Food Marketing* 65 (Technical Study No. 10, 1966). More comprehensive and sophisticated surveys by Mark Frederickson by the Center for Study of Responsive Law show private brand differentials averaging 25%. For an economic analysis of factors underlying price spreads between branded and unbranded gasolines, *see* F. Allvine & J. Patternson, *Competition Limited: The Marketing of Gasoline* (1972). For an analysis of the price differences between generic and non-generic prescription drugs, *see* James R. Green, "The Welfare Effects of an Antisubstitution Law in Pharmacy on the State of Oklahoma" (Ph.d. Dissertation, Oklahoma State University, 1972). For information concerning price differentials in insurance and health fields, *see* "Pa. Commissioner Claims Consumers Saved $500 million," *Washington Post,* July 30, 1972, at G4. *See generally* Maynes, "The Payoff for Intelligent Consumer Decision-Making," 61 *J. Home Econ.* 97 (1969).

[48] Summing the totals of Tables I and III of note 6.

[48a] Table II of note 6 sums the items of "pure economic waste." All of these, however, do not appear in Table IA as regressive waste transfers through higher prices paid by consumers. For simplicity and because of contract obligation considerations, the entire expectation loss from consumer fraud ($20 billion) appears in Table I, rather than being separated into waste and profit transfer components. The net loss from not internalizing the costs of externalities ($40 billion) is excluded on the assumption that the loss would be wiped out if internalization actually occurred. Welfare loss ($40 billion), the analogous concept of utility losses due to manipulation of consumer preferences ($25 billion), and the value of four additional television networks ($8 billion) are excluded because these wastes reflect foregone value rather than actual transfers through higher prices.

As distinguished from the profit and overcompensation transfers in Table I, the waste transfers in Table IA are transfers from consumers to factors of production when such factors are present in a non-optimal (inefficient) mix. For example, suppose that Jones, a consumer, buys one widget for a $10 price which includes $1 of monopoly profit (Table I) and $1 of internal inefficiency (Table IA) brought about by the monopoly widget manufacturer's penchant for thick carpets, extra parking lots, lax work pace, union featherbedding, etc. If the widget industry were deconcentrated through antitrust prosecution or otherwise subjected to vigorous competition which eliminated monopoly profits and internal inefficiency, the price would fall to $8. Jones would have his widget plus $2 (Tables I and IA).

In addition, however, the resources that were wasted in the $1 of internal inefficiency, material for carpets, concrete for parking lots, etc., would be freed up for productive use elsewhere in the economy, thus increasing the "real" GNP. (The GNP figure that Jones reads in the newspaper improperly includes that $1 that he paid for internal inefficiency because the GNP calculators recorded the full price, including waste, as "value.") It is assumed that, on the average, each dollar of waste (Table II) avoided increases real GNP by $1, although in any particular instance the increase might be more or less than $1 because of complex factors that are beyond the scope of this discussion. When the GNP is increased by $1, the aggregate personal income component of GNP rises by approximately 80 cents. Thus, in addition to the $2 he has already saved, Jones (or some other indeterminate consumer) will gain another 80 cents in higher personal income, for a total gain of $2.80.

There is one exception to Jones' bonanza. Suppose that the $1 he paid for internal inefficiency were attributable to the widget monopolist's hiring Smith to do work which was unnecessary. When competition forced the widget monopolist to cut costs, Jones' gain would be at the expense of Smith's wages. Since this would not generally be a progressive transfer, and might often be a regressive one, it cannot be included in the totals for Table IA. In fact, when the GNP is increased by $1 as Smith's labor is diverted to productive use, it will be Smith, not Jones, who receives the 80 cent increase in personal income (through new wages replacing his old ones). Thus, only $25 billion in new resources is assumed from a $30 billion cut in defense spending.

To reflect non-regressive transfers from wasteful use of labor inputs, a $7.0 billion offset appears in Table IA. A difficult econometric analysis of the items in Table IA might produce no better results than this guesstimate. The nature of these wastes is such that transfers from labor are likely to be greatest in x-inefficiency, small in advertising (e.g., copywriters), less than optimum scale (employees of small liquor and drug stores protected by professional restrictions or resale price maintenance), and cross hauling (transport workers' excess labors), and relatively insignificant in the other items. A 12% offset ($7.0 billion) seems plausible. Note that the waste due to non-optimal labor inputs does not include overpayments to optimum labor inputs, as when unions force up wages through collective bargaining. This is not "waste" (except for resource misallocation) but an income transfer which would be included in the $25 billion monopoly profit figure (Table I) were it a regressive one.

To the extent that there is unemployment and idle capacity, a multiplier should be applied as the wasted resources (Table II) that are freed up for productive uses reverberate throughout the economy. *E.g.*, P. A. Samuelson, *Economics*, ch. 13 (7th ed., 1967). With "true" unemployment of at least 7.5% instead of the 5.5% reflected in the Government's definition, *see* Tella, *infra* note 89, and excess capacity of more than 20% during the past decade, the multiplier would not be exceedingly small. That no multiplier has been applied renders the total in Table II more conservative—and possibly avoids an increase in the $391 billion total that, though reasonably accurate, would strain its credulity in the eyes of laymen.

[49] This is a guesstimate that $12.5 billion of resources are devoted to effecting the $20 billion annual transfer, reflected in Table I of note 6, from fraudulent transactions.

[50] This is the estimate of Scherer, *supra* note 28, at 326, although later, *id.* at 406, he ventures that only 25% of advertising expenditures "served little function but to mislead the consumer or cancel out rival messages." Tentative indications from the author's to be published content analysis of approximately 1,000 television network food advertisements suggest that Scherer's estimate may be conservative. *Cf.* Peter F. Cuozzo, "An Inquiry into the Image of Food and Food Habits as Presented by Television Food Commercials," (Unpublished Master's Thesis, Annenberg School of Communications, University of Pennsylvania, 1971). The estimate that approximately $20 billion annually is spent on advertising, International Advertising Association International Research Association ($19.5 billion in 1970), *reported in Advertising Age*, Apr. 24, 1972, at 2, does not include indirect and other expenditures associated with direct advertising outlays and excludes entirely the costs associated with non-informational and non-functional packaging. *Cf.* The extensive hearings on deceptive packaging conducted during the 1960's by the Senate Antitrust and Monopoly Subcommittee, the Senate Commerce Committee, and the House Committees on Government Operations and on Interstate and Foreign Commerce.

[51] Scherer, *supra* note 28, at 337 n. 44, cites an Associated Press release citing a premium industry newsletter, "$3 Billion Spent Yearly for Premiums," *Ann Arbor News*, Apr. 27, 1967.

[52] Conceptually, this effect includes information-related purchasing distortions among (a) brands of a single product type and (b) alternative product choices. These are distinct from and in addition to the transfer aspects of fraud and unrealized expectations discussed in note 41 *supra*. There, the transfer loss is a function of contract law—the seller is deemed bound by the reasonable consumer expectations his conduct creates. There, a material omission in advertising is one sufficiently severe to be actionable. The line between that case and the loss of utility through "manipulation of consumer preferences" among brands of a single product is a blurred one. The subject matter here is to what extent could consumers stretch the value of their dollars in a world of fully adequate, impartial, accessible information relative to all alternative purchasing choices, less the cost of that information. In such a world consumers would no doubt purchase not only different brands but different products. It is unlikely, for example, that sales of feminine hygiene deodorants would have boomed. *See* "Feminine Hygiene Deodorants Are Criticized by Doctors Due to Alleged Skin Irritation," *Wall Street Journal*, Nov. 1, 1971, at 30. It is unlikely that planned obsolescence, *see* Note, "Annual Style Change in the Automobile Industry as an Unfair Method of Competition," 80 *Yale L. J.* 567 (1971), or, as Ralph Nader describes it, "an economy increasingly built on defects in prior goods and services" (e.g., "the bumper, a sub-industry of the bumper repair industry" inflating auto repair costs by $1 billion annually, according to insurance industry estimates) would prosper if consumers were armed with such purchasing information.

The concept is one of utility maximization. The loss from manipulation of consumer preferences is in addition to the consumer overcharges reflected in the monopoly profits and wasteful advertising transfers in Tables I and IA of note 6, although all may have the same origin in distorted consumer information. *See* note 44 *supra*. Among the concept's implications are at least two types of significant waste of a different nature than that generally recognized. First is the case in which the profits, advertising, and costs of two brands are equal, but informed consumers would determine that one is superior in quality. "X-inefficiency in quality" is to be distinguished from traditional x-inefficiency, *see* text *infra*, at notes 54–56, which refers to waste external to the inherent characteristics of the product. In the case at hand, certain products exhibit less value (to consumers) in relation to price than other products. In the usual case the former are more expensive than the latter because of, e.g., extravagant design or material (offset by aesthetic value), inefficient construction, planned obsolescence, or built-in frills or non-cost effective functions.

A second type of waste bears resemblance to a multiplier concept. *See* note 48a *supra*. It corresponds with the secondary effects and subindustries sustained by the process of waste. The secondary effects of resources devoted to "x-inefficiency in quality" are only one component of this "network of sub-industries" waste. Consider, for example, the contract and warranty expectation frauds referred to in note 41 *supra*. Would as many consumers purchase automobiles if they knew at point of purchase what the repair costs would be ($25–$30) billion annually, almost as much as the total annual receipts from new car sales)? Even superficial reflection forces the conclusion that there are numerous industries devoted to servicing waste and to repairing unexpected defects in prior goods and services. Take the case of air pollution. Would not some portion of the jobs, income, and resources devoted to the production and sale of "Murine" or laundry equipment be freed for other uses if cost internalization, *see* text *infra*, at notes 66–68, reduced air pollution to a level which produced less eye irritation and soiled clothing?

The non-inclusion of "network" and "x-inefficiency in quality" wastes renders the totals of Tables IA and II more conservative. A guesstimate of $25 billion appearing in Table II of note 6 for "manipulation of consumer preferences" through inadequate or distorted information seems conservative, since it represents a potential increase in consumer satisfaction of only 4%. *See* note 44 *supra*.

[53] Early estimates found the welfare loss from monopoly quite small—less than 0.1% of GNP. Harberger, "Monopoly and Resource Allocation," 44 *Am. Econ. Rev.* 77 (1954); Schwartzman, "The Burden of Monopoly," 68 *J. Pol. Econ.* 627 (1960). Scherer, *supra* note 28, at 400–404, discusses some flaws in previous methodologies and estimates a monopoly welfare loss of 1.05% of GNP. However, Scherer overlooks other factors: *see* Kamerschen, "An Estimation of the 'Welfare Losses' from Monopoly in the American Economy," 4 *W. Econ. J.* 221 (1966) (inclusion of certain costs as part of monopoly profits, including advertising outlays and monopoly rents capitalized in the form of royalties, good will, etc.); Tullock, "The Welfare Costs of Tariffs, Monopolies, and Theft," 5 *W. Econ. J.* 224 (1967) (tendency of the potential for monopoly profits to direct resources toward obtaining them); Bell, "The Effect of Monopoly Profits and Wages on Prices and Consumer's Surplus in American Manufacturing," 6 *W. Econ. J.* 233 (1968) (inclusion of costs of monopoly union gains as part of monopoly profits); *cf.* Worcester, "Innovation in the Calculation of Welfare Loss to Monopoly," 7 *W. Econ J.* 234 (1969) Kamerschen concludes that monopoly welfare losses are 6% of national income, although his use of the Lerner index of monopoly power to calculate elasticities has been criticized by Worcester, among others.

All of the estimates substantially understate the magnitude of the welfare losses by failure to include the cost of internal inefficiency, *see* note 54 *infra*, as part of monopoly profit. Comanor & Liebenstein, "Allocative Efficiency, X-Efficiency and the Measurement of Welfare Losses," 49 *Economica* 304 (1969). Another deficiency in most estimates is the use of aggregated industry and profit data. Shepherd, *supra* note 27, at 196–198, though not taking into account the additional factors listed above, uses adjusted concentration ratios which produce a welfare loss of 3.1% of national income for the manufacturing sector and 2.5% for the entire economy.

It is emphasized that the $40 billion figure for welfare loss in Table II of note 6 is not limited to monopoly but encompasses all other pricing distortions—(1) tariffs, *see* Mishan, "A Note on the Costs of Tariffs, Monopolies, and Thefts," 7 *W. Econ. J.* 230 (1969), and other import barriers, (2) the often gross pricing distortions in the regulated industries, including rate averaging and cross-subsidization, *cf., e.g.,* Posner, "Taxation by Regulation," 2 *Bell J. Econ. & Mgt. Sci.* 22 (1971); Report of the Telephone and Telegraph Committee of the Federal Communications Commission in the Domestic Telegraph Investigation, Dkt. 14650 (1965) (seven-way cost study of AT&T services); (3) subsidies, *cf. The Economics of Federal Subsidy Programs, supra* note 21, at 69–71, 214; and (4) other price distortions, including underpricing, predation, loss leaders.

[54] The classic is Liebenstein, "Allocative Efficiency vs. 'X-Efficiency,' 56 *Am. Econ. Rev.* 392 (1966).

[55] Ironically, corporate management has not financed comprehensive scholarly studies of the costs of work stoppages and feather-

bedding. It is sufficient to note here that labor unions probably exert substantial costs on consumers and, in the view of many economists, on unorganized workers as well. Union featherbedding is especially costly in the printing, railroad, and construction industries. The tendency of unionization, especially in concentrated industries as union members share monopoly profits, *cf.* Scherer, *supra* note 28, at 298–303, to raise wages has not been included as an income transfer in Table I of note 6 for the obvious reason that the transfer is not at the expense of the upper brackets.

If all the reforms proposed herein were adopted, including corporate deconcentration and demogrants, there would remain little justification for the antitrust exemption of labor unions, except perhaps on a plant or possibly a single company level to neutralize labor immobility. The Davis-Bacon Act and even relatively high minimum wages would be of questionable validity. Compulsory arbitration as a substitute for the costly strike (not limited to "national emergency" situations) would deserve serious consideration.

The professions are a notable yet often overlooked case of substantial labor waste. *See The Closed Enterprise System, supra* note 26, at 265–273. The *modus operandi* of the guild-cartel is generally the same whether the case involves lawyers, doctors, architects, pharmacists, optometrists, undertakers, or any of a large and incredible number of other "professions." First comes licensure and state sanctioned control over entry into the trade by the profession's members. Then usually there are prohibitions on advertising or soliciting for clients, or even price posting, *see, e.g.*, "Rx Police State," 37 *Consumer Reports* 136 (1972), often accompanied by minimum fee schedules which, together with the resulting consumer ignorance, fix prices. Access to professional services by low and middle income clients is severely limited by consumer ignorance, distrust of professional authority, and most importantly, the high prices reflected in a service delivery system which, as in the case of lawyers, is little more efficient than it was 200 years ago. Codes of ethics inhibit such innovations as prepaid group legal and health services and, in general, the application of mass production and specialization of labor to the delivery of professional services.

The bulk of services provided to the middle classes by lawyers can properly be termed "legal featherbedding": auto accident claims, which could be handled instead through no-fault insurance; real estate title searches, which could be supplanted by computerized land registration systems; divorce proceedings, which could be substantially curtailed, at least in uncontested situations, through no-fault divorce reform; and will drafting, which in most cases could be performed by lay specialists.

[56] Scherer's estimate is 2% of GNP, or $21 billion. *Id.* at 404–405, 408, but he does not include labor featherbedding and strikes. *See* Liebenstein, *supra* note 54; Williamson, *supra* note 28, at 1051–1053; Shepherd, *supra* note 27, at 195–196. Organizational slack and cost padding are probably most flagrant in the regulated industries. See Alchian & Kesselfi *supra* note 34. *See also* "America's Growing Antibusiness Mood," *infra* note 91, reporting Gallup Poll finding that 57% of public and 70% of businessmen, professionals, and white collar workers say they could produce more each day if they tried.

[57] Scherer, *supra* note 28, at 406–407, 408. *See also* F. Fletcher, *Market Restraints in the Retail Drug Industry* (1967).

[58] Scherer, *supra* note 28, at 407, 408.

[59] *Id.* at 407, 408.

[60] McGowan, Noll & Peck, "Subsidization Through Regulation: The Case of Commercial Television Broadcasting" 17, 35 (Brookings mimeo, Dec. 1971). *See also* Moore, "The Marketplace of Ideas: Competition, Communications, and the FCC," in M. Green, ed., *The Monopoly Makers* (to be published, Grossman 1973). The economic costs of deliberate FCC policies and copyright exclusivity which restrict cable TV may be enormous. While probably optimistic, the Electronics Industries Association has forecast a potential "wired nation" saving of $50 billion annually—in air travel ($6 billion) and highways ($6 billion), as cable communication supplants transportation needs, police ($3 billion) and fire ($1 billion) protection, postal service ($6 billion), and increased opportunities and leisure time for recreation ($28 billion). Industrial Electronics Division/The Electronics Association Response to the CATV Inquiry, "The Future of Broadband Communications" 32, Proposed Rule Making and Notice of Inquiry, FCC Dkt. 18397, (submitted Oct. 29, 1969).

[61] Fox-Smythe Transportation Coextension Oklahoma, 106 F/C/C/1.

[62] T. G. Moore, "The Feasibility of Deregulating Surface Freight Transportation," paper presented at the Brookings Institution Conference on Antitrust and the Regulated Industries, Oct. 28–29, 1971. Moore's cost estimate is $4.02–$8.7 billion annually.

[63] R. Fellmeth, *The Interstate Commerce Omission* 130 (1970).

[64] Levine, "Is Air Regulation Necessary? California Air Transportation and National Regulatory Policy," 74 *Yale L. J.* 1416 (1965). Levine's cost estimate is $2–$4 billion annually.

[65] Maritime Transportation Research Board, *Legal Impediments to International Intermodal Transportation* 421 (1971).

[66] *Second Annual Report of the Council on Environmental Quality* 104–121 (1971).

[67] Damage and clean-up cost data are at best rudimentary. According to *id.*, annual water pollution cleanup costs through 1976 will be $6.3 billion, with reductions in water pollution damages of 90 percent. Unfortunately, EPA studies are only now getting underway to estimate what the damages from water pollution are. The only previous estimate was $12.8 billion annually, but that was based haphazardly, to say the least, on an economist's guess as to how much individual Americans would be willing to pay for unpolluted water. There are numerous individual cases of damages, however. For example, over one-fifth of the nation's shellfish beds have been closed on account of pollution. Because of increased water salinity, farmers may experience decreased crop yields and housewives may have to use more detergents. A 1966 study concluded that pollution of the Delaware estuary damaged recreational values by $350 million. The Council on Environmental Quality extrapolated that "water pollution may cause recreational losses extending into many billions of dollars nationwide." *Id* at 108. The ultimate spectre is, of course, the death of the oceans. The Mediterranean Sea already appears to be dying.

Assuming, then, that the $12.8 figure for annual water pollution damage is in the ballpark, and adding the $16.1 billion damage and $3.9 billion annual cleanup costs for air pollution, there is a net gain of $18.7 billion, adjusted downward to a more conservative $17.0 billion. *See* "Hidden Savings from a Cleaner America," *National Wildlife*, Feb.-Mar., 1972, at 14. It is assumed that these cleanup cost levels will reduce damages to zero. Moreover, data from the Second Annual CEQ Report covering the period 1970–1976 is used, although the recently released Third Annual Report claims annual cleanup costs for 1971–1980 that would be $9.1 billion higher ($10.6 billion annually for air pollution and $8.7 billion annually for water pollution).

These departures from Government estimates are warranted for a variety of reasons. First, the damage estimates are inevitably biased downward on account of the exclusion of such intangibles as aesthetic damage, the intrinsic value of lives lost due to pollution's health consequences, and the unpredictable consequences of ecosystem disruptions. Second, the damage estimates are not adjusted upward to correspond with inevitably greater losses and net cleanup savings in the future as economic growth continues. The cleanup cost estimates, however, do increase dramatically in future years. Third, once pollution control is fully integrated into the nation's technology—i.e., in the long run—further expenditures would be relatively marginal. But the net saving—in the year 2000, for example—would be very large indeed compared with the levels of pollution that would then exist but for previous years' technological changeovers. In other words, a discounted present value concept should be introduced.

Fourth, and most important, the CEQ cost figures are overstated because they represent costs, directly or indirectly supplied by the polluters themselves, associated with deployment of present technology. If polluters were forced to pay full damages *now* one suspects that the technology for pollution control would improve radically and rapidly in cost efficiency. In short, the present level of cleanup costs is in no small measure due to the manner in which polluters are regulated.

EPA has certainly not led the way in new technology. The land disposal method of attaining almost zero discharge of water pollutants is a case in point. In land disposal, a city's wastewater is piped to outlying agricultural areas where it is sprayed on the soil, which in the process of being enriched with nutrients filters the water to drinking quality before it rejoins groundwater stores. Extrapolating from the results of a Corps of Engineers' land disposal project in Chicago, a nationwide system would cost $60 billion over 20 years, or $3 billion annually, compared with the $8.7 billion figure in the Third Annual CEQ Report. *See Cong. Rec.*, Mar. 27, 1972, at 10238–10240, 10252–10253, 10264–10268.

Table II of note 6 lists a $2.5 billion net annual savings from levying damage assessments for other types of pollutants—solid waste, noise, strip mining, soil erosion, radiation, scenic impairment, pesticides, etc. While we know the general dimensions of these problems, we know very little of their costs in economic terms. One study estimates the extra taxpayer-borne collection and disposal costs of beer and soft drink containers due to oligopolistic non-price packaging competition to range between $150 million and $640 million annually. Kenneth C. Fraundorf, "Social Costs Imposed by Containers for Beer and Soft Drinks," ch. 6 (Unpublished Phd. Dissertation, University of Akron, 1972). But one-way beverage containers are only 3.5% of all solid waste, which averages 5.5 lbs. per person per day at an annual collection and disposal cost of $4.5 billion, not counting the dwarfing costs of materials not recycled and the eyesores from litter uncollected. The issue here is what net saving in collection, disposal, aesthetic, and materials costs would be achieved if the price to the consumer included the cost of collection and disposal, rather than those costs being borne largely by taxpayers.

Similarly, we do not know with substantial certainty the full health ramifications of noise pollution. But we do know that noise has a significant impact of 80 million Americans and that 40 million risk adverse health consequences. The Environmental Protection Agency tells us that 1.25% of the population already have noise-related hearing defects. Studies indicate substantial associations between increased noise levels and headaches, tension, emotional outbursts, mental illness, and fetal damage in animals. The World Health Organization has estimated the annual cost of noise in the United States to be $4 billion in compensation payments, accidents, inefficiency and absenteeism. See Hill, "Clamor Against Noise Rises Around Globe," New York Times, Sept. 3, 1972, at 1, 24. Again, aside from numerous instances of unimplemented cost-effective noise reducing technology, we do not know the extent of savings that would accrue from imposing economic disincentives on noise-making machinery and procedures. The same analysis could be applied to the three million acres that have been strip-mined and the 8 million acres over underground mines subject to cave-ins. It seems not unreasonable to guesstimate the net savings from economic incentives for these other pollutants at $2.5 billion annually.

[68] Absent bargaining and transaction costs, the impact of pollution, accidents, and other "externalities" (social costs not included in the firm's balance sheet) would be adjusted through market forces—either the victims would pay the polluter not to pollute or vice-versa, depending upon which party the laws afforded the property right. Coase, "The Problem of Social Cost," 3 *J. Law & Econ.* 1 (1960). Because bargaining and transaction costs do exist, the optimum economic solution is to place the cost (the absence of the legal property right) on the party who is in the best position to avoid the risk. See G. Calabresi, *The Costs of Accidents* (1970); Note. "The Cost-Internalization Case for Class Actions," 21 *Stan. L. Rev.* 383 (1969). *Cf.* Roberts, "River Basin Authorities: A National Solution to Water Pollution," 83 *Harv. L. Rev.* 1527 (1970). But *cf.* Michelman, Book Review, 80 *Yale L.J.* 647 (1971). *See generally* Mishan, "The Postwar Literature on Externalities: An Interpretive Essay," 9 *J. Econ. Lit.* 1 (1971).

[69] The annual cost of motor vehicle accidents has been estimated at $46 billion. Nat'l Highway Traffic Safety Adm., "Societal Costs of Motor Vehicle Accidents," (April 1972). This estimate, though not inclusive of all types of costs, is approximately triple the estimates of the National Safety Council and the Insurance Information Institute which do not attempt to measure minor accidents, pain and suffering, and a host of other accident losses. The same flaw of underreporting is reflected in available cost estimates of household product accidents ($5.5 billion annually), *Final Report of the National Commission of Product Safety*, ch. 6 (1970), and work-related accidents ($8.0 billion annually, not including motor vehicle accidents), National Safety Council, *Accident Facts* 24 (1971). Among other gross deficiencies, these data for work-related accident costs entirely omit occupational diseases, which may entail 100,000 deaths and 390,000 disabilities each year. National Institute of Occupational Safety and Health, *President's Report on Occupational Safety and Health* 111 (May 1972). *Cf. also* J. Page, M. O.'Brien & Sellars, *Occupational Epidemic*, ch. 1 & 2 (Preliminary Draft, Center for Study of Responsive Law, 1972). To correct the understated "official" data, the annual costs of household product and work-related accidents and diseases are adjusted upward conservatively to $8.0 billion and $13.0 billion, respectively, in Table II of note 6.

[70] A $4,000 price increase per *new* car would be necessary for the auto industry to absorb accident costs of *all* vehicles.

[71] See Moore, "Product Safety; Who should Bear the Cost," *Trial*, Jan.-Feb., 1972 at 26.

[72] This is necessarily a guesstimate, although a plausible one in light of what is presently known about economically feasible accident prevention measures. For example, the National Commission on Product Safety, *supra* note 69, at 67, suggested that significant reductions in household accidents could be achieved through virtually costless design changes. Yet we still know less than we should about the overall prevention costs of household product accidents. Except for a Brookings Institution Study based on DOT data showing air bags to be substantially cost effective, we likewise know little about the prevention costs of auto accidents. *But cf.* Office of Science & Technology, "Cumulative Regulatory Effects on the Cost of Automotive Transportation (RECAT)" 50, 58 (Feb. 28, 1972), concluding that net benefits per car would be $334 for passive restraint systems and $99 for improved bumpers at 5 m.p.h. crashes.

See also "Statement of Ralph Nader on the White House RECAT Report," (Public Interest Research Group, Mar. 20, 1972) criticizing the findings, particularly with respect to air bags, as industry-biased. *See also* Grieder, "The Economics of Death," Washington Post, April 9, 1972, at B1. The National Highway Traffic Safety Administration refuses to release internal cost-benefit studies on other safety devices. Similarly, enforcement of the infant Occupational Health and Safety Act has thus far produced little useful, publicly available prevention cost data. It is clear, though, that workmen's compensation has been a very poor cost internalizer. *See Report of the National Commission on State Workmen's Compensation Laws* (1972). Nevertheless, after deducting the estimated $5 billion in auto insurance costs, *infra* note 73, the guesstimated $13 billion net saving from accident cost internalization is only 21 percent of the remaining $62 billion in annual accident costs. Even if the net savings were small, shifting the accident costs to the manufacturers does not increase the real costs of automobiles. Rather, it spreads otherwise hidden future accident costs equitably among all consumers.

[73] Again, no precise estimates of the net savings are available. The reductions are in legal fees, judicial resources (11.4% of federal court time, 17% of state court time) and insurance overhead. Consumers paid $14.1 billion for auto insurance premiums in 1970. Only 42% of the $5.7 billion 1969 premium cost for bodily injury coverage was paid out to accident victims. No-fault insurance savings, if extended to the enterprise liability concept advocated in the text, would also reduce costs of non-auto accident litigation and insurance. Not mentioned in the text but reflected in Table II is a guesstimated $2.5 billion annual saving from internalizing the cost of other externalities. These are quite numerous, and include adverse drug side effects, food impurities, zoning, location of government facilities, airplane crashes, and the health consequences of alcohol and tobacco consumption.

To the contention that higher prices resulting from cost internalization would be regressive, it is pointed out that the damage impact of these externalities is usually at least equally regressive. Moreover, the higher prices resulting from cost internalization are regressive only in the sense that all prices are inherently regressive—i.e., the price of bread does not vary with the purchaser's income.

[74] For some health consequences of improper nutrition, *see e.g.*, R. Williams, *Nutrition Against Disease* (1971); J. Mayer, *Overweight* ch. 8 (1968); C. Weir, *An Evaluation of Research in the United States on Human Nutrition: Benefits from Nutrition Research* (U.S. Dept. of Agriculture, Human Nutrition Research Division, Aug. 1971) (although the estimates of potential benefits therein are often overstated). A partial estimate placing the cost of inadequate nutrition at $30 billion annually has been made by Dr. George Briggs, Editor of *The Journal of Nutrition Education*. For the effect of television food advertising, *see, e.g.*, Cuozzo, *supra* note 50.

[75] Shepherd, *supra* note 27, at 213–220.

[76] Equal Employment Opportunity Comm'n, *Second Annual Report*, H.R. Doc. No. 326, 90th Cong., 2d Sess. 1 (1968). This figure was not included in Table II of note 6 because several factors are unattainable: (1) the extent to which inferior employment positions of non-whites are in part attributable to inferior education, housing, and racism in general, as opposed to the discriminatory policies of employers; (2) the cost of overcoming those deprivations in order to upgrade non-whites to the same employment levels as whites; and (3) the net gain in productivity, as non-whites might to some extent substitute their productivity for that of whites instead of adding to it.

[77] *See, e.g., The Closed Enterprise System, supra* note 26, at 22–25; Shepherd, *supra* note 27, at 204–208; Scherer, *supra* note 28, at 363–378; Blair, *supra* note 26, at 199–227. Compulsory patent and copyright licensing would be necessary to disperse the potentials of new technologies. Economic incentives need not be impaired. See *The Closed Enterprise System, supra at* 316–317; Moore, *supra* note 60.

[78] *See* text *supra* at note 56. The pervasive myth that corporations must be as large as they are to meet minimum economies of scale has been soundly refuted: J. Bain, *Barriers to New Competition* 111 (1956); Saving, "Estimation of Optimum Size of Plant by the Survivor Technique," 75 *Q.J.Econ.* 569 (1961); Comanor & Wilson, "Advertising, Market Structure, and Performance," 49 *Rev. Econ. & Stat.* 423 (1967); Mann, "Seller Concentration, Barriers to Entry, and Rates of Return in Thirty Industries," 48 *Rev. Econ. & Stat.* 296 (1966); Sherman & Tollison, "Public Policy Toward Oligopoly: Dissolution and Scale Economies", 4 *Antitrust Law & Econ. Rev.* 77 (1971); Esposito, Noel & Esposito, "Dissolution and Scale Economies: Additional Estimates and Analysis, 5 *Antitrust Law & Econ. Rev.* 103 (1971); Kottke, "Dissolution and Scale Economies: A Comment," 5 *Antitrust Law & Econ. Rev.* 55 (1972); *The Closed Enterprise System, supra* note 26, at 309–313.

In a poll taken in 1969 by the Opinion Research Corporation, 85% of the public thought that "large companies are essential for the nation's growth and expansion," although 88% thought so in 1965 when that view reached peak acceptance. Opinion Research Corp., "Public Relations: Industry Takes a Fall on its Public Image," 28 *Public Opinion Index* (Feb. 28, 1970). It may be that the public is not referring to companies as "large" as those which presently dominate American industry. The same poll found that 65% agreed that "in many of our largest industries, one or two companies have too much control of the industry;" 61% agreed that "there's too much power concentrated in the hands of a few large companies for the good of the nation," and 45% (up from 36% in 1967, probably substantially higher now, and a majority of those having opinions on the subject) agreed that "for the good of the country, many of our large companies ought to be broken into smaller companies."

[79] Although earlier, in a Feb. 8, 1972 letter to Mark Green and Ralph Nader, Senator McGovern said he "emphatically support[s] Senator Harris' bill, S. 2614, and will work for the deconcentration of large shared monopolists."

[80] Briefly, such a Commission would negotiate a contract every ten years with the monopolists (or oligopolists) setting rates according to a "sliding scale" mechanism. The contract would fix a grade of service, compliance with which would be systematically tested and failures to attain would be penalized financially, so that profits could not be increased at the expense of service. No regulatory entry barriers would be allowed, and there would be competitive bidding, including participation by government-owned corporations, at contract renewal time. Rates could not increase during the contract period except by, say, 90 percent of a material's cost increase, an adjustment comparable to the cost of living index. Through the sliding scale device, profits could increase

only if rates were held constant or reduced. The concept of rate of return on rate base would be eliminated. *See* Rosenbaum, "The Structure is the Policy," (Mitre Corporation M72–74, June 1972). Concerning administration, Posner, "Natural Monopoly and its Regulation," 21 *Stan. L. Rev.* 548, 620 n. 148 (1969), projects a total cost of perhaps $5 billion as a result of present regulatory efforts. The deregulation suggested in the text would probably redirect rather than save these resources. The contract negotiation responsibilities of a Natural Monopoly Regulation Commission would be substantial. In addition, such an agency would be called upon to auction rights to the electro-magnetc spectrum, air travel routes, government owned mineral resources, etc. Antitrust enforcement, including deconcentration, *see* note 78 *supra*, would be expanded where anticompetitive regulation is eliminated.

[81] *See* Scanlon, "The FTC, the FCC, and the 'Counter-Ad' Controversy: An Invitation to Let's You and Him Fight?", 5 *Antitrust Law & Econ. Rev.* 43 (1971). The primary purpose of counter-advertising would be to deter omissions of material information—i.e., that Bayer aspirin is in most relevant respects practically identical to A&P aspirin, except that the former's cost is a multiple of the latter's. *See* note 44 *supra*. In the course thereof, the advertising *per se* of products about which there is little to say would be deterred by the probability of a back-to-back countercommercial. Counterads would, of course, be directed at affirmative claims as well as omissions.

Approximately 20% of all advertising space would be set aside, 15% for free counterads and 5% for free counterculture messages directed at the social effects of advertising. In addition, a fund to finance the minimum production costs of counterads fixed at some percentage of the average production costs of commercial ads, would be created either through an excise tax on advertisements or the sale of a specified block of commercial space. All media would be subject to counter-advertising requirements in order not to encourage media switching by advertisers. A schedule of rebates would ensure that those companies whose ads were selected for counteradvertising ultimately bore most of the cost of the system.

The only weakness of the device is that there is no market test of which counter-advertisements should have priority over competing applicants. Screening and selection by a government agency such as the Federal Trade Commission would probably make matters worse. Thus, at present all that can be suggested is that counteradvertisers be required to be certified according to a few simple and neutral criteria such as being a "going concern" research or other organization for a certain period of time prior to certification and having no ties with advertisers. All certified counteradvertisers would be allotted equal amounts of space. They would then choose the commercials at which their own counterads would be directed. Where the FTC held a counterad to be deceptive, the advertiser would be afforded a rebuttal out of the counteradvertiser's future free time. Three deceptive counterads would require de-certification. *See* B. Moore, "The Case for Counteradvertising (unpublished, 1972).

[82] The bulk of consumer purchases are of products that are already graded—but the ultimate consumers never see the grade. An estimated 20,000 sets of detailed product standards have been developed by more than 400 private organizations, ranging from trade associations to Underwriters Laboratories and the American Society of Testing and Materials. These are intended not for ultimate consumers, but for large institutional buyers such as department stores and other producer corporations who, unlike the average consumer, have the resources and the expertise to penalize those who would not supply such product information by purchasing from competitors who do. *See* Federal Trade Commission, *supra* note 46. Most of the existing standards involve construction criteria rather than the performance criteria that would be directly pertinent to consumer price/quality evaluations. However, Sears, Roebuck & Co. told FTC investigators that their present standards-setting operation could be converted to one which produced product grades meaningful to consumers with only a small increase in total cost.

The potential effectiveness in eliminating oligopoly power due to consumer ignorance is indicated by experience with food grading, although other causal factors were probably involved. Concentration and excess profits declined substantially after the introduction of beef and veal grading, although ungraded pork was relatively unaffected. *Cf.* Nat'l Comm. on Food Marketing, Tech. Study No. I, *Organization and Competition in the Livestock and Meat Industry* 7–10, II (1966). Similar effects can be seen from the grading of milk and butter. *See* Nat'l Comm. on Food Marketing, Tech. Study No. 3, *Organization and Competition in the Dairy Industry* 143, 293–300 (1966).

In addition to meat, dressed poultry, milk and butter, USDA grades the following: some fish and shellfish; eggs; ice cream and other frozen desserts; cheese; fresh, dried and frozen fruits and vegetables; nuts; honey; peanut butter; syrups; and rice. Unfortunately, the grades are seldom passed on effectively to consumers. The Food, Drug and Cosmetic Act of 1938 originally contained a provision requiring quality grade labeling of foods, *see* S. 1944, 73 Cong., 1st Sess., §II (1933), but it was deleted because of intense industry pressure. *See* Coles, *Standards and Labels for Consumer Goods* 348 (1949).

Not only should the quality of products be graded but services should also be rated. These include doctors' and lawyers' and other professional services as well as auto and TV repairs.

Likewise, warranties, which now generally consist of unread and unreadable legal fine print stacked against the consumer, should be graded and conspicuously disclosed. *Of.* Federal Trade Commission, *Staff Report on Automobile Warranties* (1968). An example, in the area of warranties against defect or malfunction, is in Hearings of the Consumer Subcommittee of the Senate Commerce Committee on S. 986, 92nd Cong. 1st Sess. (1971); Hearings of the Consumer Subcommittee of the Senate Commerce Committee on S 3074, 91st Cong., 2nd. Sess. (1970); Hearings of the Subcommittee on Commerce and Finance of the House Committee on Interstate and Foreign Commerce on HR 6313, 6314, 261, 4809, 5037, 10673, 92nd Cong., 1st Sess. (1971). Warranties for appliances and similar items should state an estimated average life expectancy and aggregate repair cost. The consumer would be entitled to a pro-rata rebate if his product survived, say, less than 75% of the predicted life and/or if his repair costs were more than, say, 125% of the average.

[83] *See, e.g.,* Friedman, "Dual Price Labels: Usage Patterns and Potential Benefits for Inner-City and Suburban Supermarkets (A Summary Report)," (Center for the Study of Contemporary Issues, Eastern Michigan University, 1970).

[84] *See, e.g.,* the FDA proposal for a voluntary program, discussing evidence that food consumption patterns would change in the direction of significantly better nutrition, in 37 *Fed. Reg.* 6493 (March 30, 1972). Before it introduced an experiment in nutritional labeling, the Washington, D.C.-based Giant Food Stores' bakeries were baking 400 loaves of whole wheat bread a day. Afterwards, they were baking 1700 loaves a day.

[85] *Cf. generally,* S. Margolius, *The Great American Food Hoax* (1971). Grading, Unit Pricing, Percentage Ingredient Labeling, Open Dating, and Producer of Origin Labeling (to identify sources of private label products) have been incorporated in comprehensive legislative proposals. *See, e.g.,* The Food Labeling Information Act of 1972, *Cong. Rec.,* May 4, 1972, at 15854 (Remarks of Rep. Bingham).

[86] Implementation of grading and labeling programs has seldom provided consumers with information in a clear and conspicuous manner. It is no surprise, therefore, that studies show relative non-use of these aids by consumers. *See, e.g.,* Ronald Savitt, "Unit Pricing: Does it Serve Consumers?" (Boston University College of Business Administration, March 20, 1972). A USDA Study of its grading systems found that "the most frequent awareness score was zero." Economic Research Service, "Consumer Knowledge and Use of Government Grades for Selected Food Items, (USDA Marketing Research Report No. 876, 19). Undoubtedly, dramatic improvements in consumer use of unit pricing, grading, and labeling systems would result from improved implementation, including larger and more conspicuous wording and color coding. Still these devices cannot be the total answer, especially since improvements in communicating their messages to consumers are not generally in the sellers' interest. *Cf.* Moran, "Formulating Public Policy on Consumer Issues" (Marketing Science Institute Working Paper, Sept. 1971). Consumers are being called upon to make an increasing number of choices among increasingly complex products in increasingly limited time with relatively constant purchasing skills. These trends bear out the need for a competitive consumer product industry which, for a small charge, would supply a consumer with quick and very specific information about the availability of products and services tailored to his precise desires. Such an industry would also service retailers in point of purchase information systems. The primary reason for the present non-existence of this industry is that most of the basic information it needs for its performance is locked in secret corporate files or is not even known to the corporations because they have no profit incentives to conduct the requisite studies. Many of the proposals contained herein would supply those incentives—e.g., internalizing the costs of accidents, pollution, and other externalities. Counter-advertising would force disclosure of relevant information in ads. Mandatory pre-publication ad substantiation requirements would expose the basis for that information. Potential class action damage liability for deceptive advertisements based on inadequate prior documentation of claims would ensure full disclosure. Other information, such as employment, financial, and antitrust related data, would be required to be systematically disclosed by the terms of federal corporate chartering legislation now being developed by the Corporate Accountability Research Group.

An offset of $4 billion for the annual cost of a consumer information system is contained in Tables IA and II of note 6. Of this amount, counteradvertising would probably consume less than $2 billion, since perhaps 50% of counteradvertising space could be taken from programming time or public service messages (television and radio) or conveyed through increased lineage (print media). Grading and labeling should not, when implemented, require substantially more resources than presently devoted, though in a different manner, to those activities, except that a substantial federal bureaucracy would be required to determine relevant product characteristics and the weights they should be afforded in arriving at an overall grade. Perhaps the dimensions of a consumer product information industry would be such as to render the $4 billion figure low. It may be somewhat reassuring that the 1970 budget of Consumers Union was a paltry $12 million. Nevertheless, it can probably be assumed that any consumer information costs in excess of $4 billion would increase total consumer utility in excess of the $25 billion in Table II.

[87] *See* Senate Commerce Committee, *Staff Review of Class Action Legislation,* 92d Cong., 2d Sess. (April 1972).

[88] *See* Address of Ralph Nader to the Corporate Accountability Research Group Conference on the Federal Chartering of Corporations, "The Case for Federal Chartering," Mayflower Hotel, Washington, D.C., Oct. 30, 1971.

[89] One way to measure the cost of inflation is in terms of the magnitude of unemployment necessary to control it through slowing down the economy. When the "hidden" unemployed and underemployed are counted, unemployment has recently been at a level of 7.5% of the workforce. Tella, "Unofficial Unemployment Fills Out Jobless Picture," *Washington Post,* Aug. 13, 1972, at G1. A. Okun, "The Gap Between Actual and Potential Output," in *The Battle Against Unemployment* (1965) points out that each 1% drop in unemployment would have increased GNP by $20 billion in the early 1960s. To the extent that inflation results not from excess demand but from sellers (including labor unions) with market power, *see, e.g.,* Mueller, *supra* note 26, ch. 7; Blair, *supra* note 26, at 544–549, the GNP losses entailed in the inflation-unemployment trade-off can be eliminated by eliminating market power.

The text does not imply that such one-shot price-lowering actions as the elimination of the oil import quota would lead to permanent deflation. The potential for renewed demand pull inflation would of course remain even in a fully competitive economy. Fiscal and monetary controls would still have utility. There will be those, however, who will argue that such a massive redistribution of wealth as is suggested would inevitably reduce the level of aggregate savings and investment as lower and middle income groups continued to spend their increased incomes at a high rate. This is tantamount to the position that extreme concentration of wealth is necessary for economic growth and price stability—the dismal science at its most dismal. It would be quite surprising if fiscal and monetary measures, including innovations as drastic as "forced saving" devices if necessary, were not equal to the task.

[90] As the Tables in note 6 show, primarily the wealthy annually reap $25 billion in monopoly overcharges, $20 billion from fraud, $58 billion from absence of a demogrant system, $9.8 billion from import restrictions, $64 billion in escape from progressive wealth ($91 billion less $27 billion property taxes paid by the top 20% of income brackets) taxes, $7.5 billion in utility and farm price overcharges, and $25 billion in federal subsidies. Total: $209.3 billion. The total is $191 billion even if one deducts $5 billion from monopoly overcharges, $5 billion from fraud, $1.5 billion from farm and utility overcharges, $1.8 billion from import barriers, and $5 billion from subsidies to reflect sharing of these benefits by the non-wealthy. In the process, they waste the $208.1 billion totaled in Table II.

[91] The polls indicate that the voters would be roused by such explanations. *See* note 78 *supra;* "America's Growing Antibusiness Mood," *Business Week,* ——, ——, 1972, at ——. *See also* Opinion Research Corp., "Consumer Protection: Which Products and Services Are the Chief Targets of Consumer Complaints," 28 *Public Opinion Index* (Mid-June, 1970).

(Working Draft No. 2, August 20, 1972)

ERRATA

1. P. 1, fn. 1—The Okner paper, cited also in notes 7b and 17 *infra,* is a preliminary analysis and the figures may change after final revisions.

2. P. 1, l. 10–11—change "the $4,000 tax liability . . . exactly" to "the tax liability of $4,000 or less for the 60 percent of families with incomes of less than $12,000 being at least exactly . . ."

3. P. 10, l. 2—after "redistribution.", add fn. 6x, which reads as follows:

This is a ball park estimate for the application of 33%, 40%, and 50% rates to Okner Plan D, *supra* note 1. This formulation, however, is not crucial. There are other means that demogrants to redistribute income—a negative income tax, for example. The essential point is that the substantial expansion of the tax base through loophole closing, *see* note 7 *infra,* and the fact that the bulk of the new revenues raised would come from the top 20% of income brackets, *see* text at note 8 *infra,* make possible a redistribution of at least $58 billion to the bottom 80%, which can be accomplished by a number of alternative devices.

4. P. 10, l. 15–16—change "no preferences . . . at all" to "with most preferences and deductions eliminated,".

5. P. 10, fn. 7—after "interest costs" on l.11, add: "of taxes deferred." After "realization in l. 12, add: "The Pechman-Okner comprehensive tax base does not even eliminate all itemized deductions. Such deductions as those for medical expenses, charitable contributions, mortgage interest, and state income taxes are retained, although in a form that substantially diminishes their revenue loss effects." In line 8, change "$178.8" to "$178.6."

6. P. 10, l. 22–24—Due to a misprint in Congressional hearings, strike the sentence "Another example . . . income brackets." In lieu thereof, insert: "The cherished deduction for medical expenses has similar consequences. In 1970, the average tax benefits from medical deductions to those in the $10,000–$15,000 brackets were $33; but the average benefits for those in the over $100,000 bracket were $499."

7. P. 10, fn. 7a—On l. 1–2 strike "Pechman & Okner . . . hearings" and in lieu thereof insert "Treasury Tax Deduction Data Misleading, Nader Unit Says," Washington Post, Aug. 29, 1972, at A2. One theme the hearings, *see* Pechman & Okner, supra note 7."

8. P. 11, fn. 76—Beginning at l. 2 strike "The cherished deduction . . . Aug. 29, 1972, at A2" and in lieu thereof insert "In 1970, the average tax benefits from mortgage interest deductions to those in the $10,000 to $15,000 brackets were $50.97; but the average benefits for those in the over $100,000 bracket were $410.78. *See* "Treasury Tax Deduction Data Misleading," *supra* note 7a.

9. P. 12, fn. 11—at l. 17 after "exclusion," insert ", dividends paid to tax exempt organizations,".

COMMENDABLE RECORD OF SENATOR SPONG IN EDUCATION

Mr. PELL. Mr. President, the junior Senator from Virginia (Mr. Spong) has a history of involvement in efforts to enrich education at all levels. As a member of the Virginia State Senate, he was chairman of a commission which conducted a detailed study of the Virginia public school system and made major recommendations for improvement and expansion of school offerings. During his 6 years in the U.S. Senate, Bill Spong has continued to work for advances in education. He has been a particularly strong supporter of the impact aid program, of efforts to obtain advanced or early funding of education programs so that school officials can plan, and of programs to increase the types and quality of school offerings. He has also constantly sought to represent and assist local school officials in their dealings with the Federal Government. As chairman of the Subcommittee on Education, I know Senator Spong to be an able and stanch supporter of increased Federal assistance to education. Virginia has an able advocate, one whose positive support I have come to rely upon. I believe Bill Spong's record in education is a commendable one. I ask unanimous consent to have printed in the Record a chronology of his activities on behalf of excellence in education.

There being no objection, the chronology was ordered to be printed in the Record, as follows:

Chronology of Actions by U.S. Senator William B. Spong, Jr., on Elementary and Secondary Education Matters

August 2, 1967—Voted for Labor-Health, Education and Welfare Appropriations Bill providing $1.7 billion for the Elementary and Secondary Education Act and $472 million for impacted areas aid in fiscal 1968.

October 2, 1967—Speech to convocation at Radford College in which Senator Spong noted, "Because of the fast-paced change in our nation and world, education—education in the sense of analyzing and evaluation alternatives and choosing wisely—must be a continuous pursuit, from the . . . classrooms to the halls of Congress.

October 27, 1967—Voted for conference report on education appropriations bill.

November 3, 1967—Speech to Virginia Education Association in which Senator Spong stressed the importance of education in equipping Americans to understand complicated problems in foreign affairs.

December 11, 1967—Voted to extend through fiscal 1971 the authorization for elementary and secondary education programs. In a Senate floor speech in support of the bill, Senator Spong said, "I have long felt that education is the single most important factor in enabling a person to share in the affluence of our nation and to make rational choices for his life."

February 20, 1968—Co-sponsored amendment to provide an additional $91 million for impact aid in fiscal 1968.

March 11, 1968—Passage of amendment introduced February 20. (See previous entry.)

March 25, 1968—Testified before Education Subcommittee of Senate Labor and Public Welfare Committee in support of more equitable distribution of National Defense Education Fellowships. Such fellowships he characterized as "seed" factors, producing college and university instructors who help educate public elementary and secondary school teachers.

April 10, 1968—Senate floor speech criticizing House rejection of impact aid amendment. (See February 20, 1968.) Senate then voted not to go along with House action. Amendment later enacted.

July 15, 1968—Senate adopted Spong amendment requiring that population be included as factor in determining allotment of NDEA fellowships. (See March 25, 1968.)

July 17, 1968—Voted for expanded school lunch program and for bill to extend and expand the Vocational Education Act of 1963.

July 25, 1968—Senate floor speech criticizing the Bureau of the Budget for not releasing the additional impact funds. (See April 10, 1968.)

July 26, 1968—Letter to President requesting release of impact funds. (See previous entry.)

September 6, 1968—Co-sponsored amendment to reappropriate $91 million in fiscal 1968 impact aid and exempt the appropriation from spending limitations imposed by the Revenue and Expenditure Control Act. Bill being amended also contained $505 million in fiscal 1969 impact funds. The $91 million was later released.

February 10, 1969—Release of results from poll of Virginia school superintendents, principals and school board chairmen on the effectiveness and flaws of federal education programs.

February 28, 1969—Senate floor speech in support of advance funding, i.e. funding of programs a year in advance of the year in which the money is to spent, and in support of impact aid. Speech included information derived from poll. (See previous entry.)

June 18, 1969—Voted for amendment to exempt Office of Education from general spending limitations imposed by Revenue and Expenditure Control Act.

June 19, 1969—Testified before Education Subcommittee in support of certain elementary and secondary education programs, including impact aid.

September 30, 1969—Testified before Senate Agriculture Committee in support of an expanded school lunch program, as proposed by a bill he was co-sponsoring.

February 4, 1970—Adoption by Senate of Spong amendment to create an 18-member commission to study and recommend ways of implementing and operating advance funding for education.

February 19, 1970—Voted for extension of Elementary and Secondary Education Act.

February 19, 1970—Voted for resolution creating a Senate Select Committee on Equal Educational Opportunity. Committee was given broad authority which led to consideration of school finances, educational television and compensatory education as well as problems of segregation and desegregation. Senator later appointed to Committee.

February 24, 1970—Participated in floor debate on bill expanding national school lunch program and voted for passage of bill.

March 2, 1970—Spoke to Danville Education Association regarding educational needs.

April 28, 1970—Testified before Education Subcommittee in opposition to proposed changes in impact aid program which were designed to reduce authorizations for "B" category children.

June 25, 1970—Voted for amendment providing $150 million in emergency school aid for desegregating school systems.

July 13, 1970—Questioned Mr. Jerris Leonard, Assistant Attorney General for Civil Rights, who appeared before the Senate Select Committee on Equal Educational Opportunity, concerning desegregation efforts in the North versus those in the South. The Justice Department, at this time, was involved in more cases in each of 10 Southern states than in all other states throughout the nation.

July 20, 1970—Senate floor speech outlining conflicting court decisions over school desegregation and the hypocritical distinction between de facto and de jure segregation, which discriminates against the South.

August 3, 1970—Senate floor speech discussing ambiguities of Congressional action in the field of school desegregation and introduction of S. 4167, to protect the neighborhood school, reduce disparities among schools and permit majority-to-minority transfers.

August 6, 1970—Examined Elliot Richardson, Secretary of Health, Education and Welfare, who appeared before the Senate Select Committee on Equal Educational Opportunity, on the distinction between de facto and de jure segregation and the need for a single, national desegregation policy, which treats the South as other areas are treated.

August 13, 1970—Questioned Attorney General John Mitchell, who appeared before the Select Committee on Equal Educational Opportunity, about the "expertise" of persons sent by the Justice Department and Department of Health, Education and Welfare to assist local school personnel in desegregation procedures.

August 18, 1970—Letter to Senator Claiborne Pell (D. R.I.), Chairman of the Senate Education Subcommittee, pointing out conflicts in existing education policy and requesting hearings on S. 4167. (See August 3, 1970).

August 18, 1970—Voted to override Presidential veto of appropriations bill for elementary and secondary education.

August 27, 1970—Senator Spong; Congressman Richardson Preyer; Vincent Thomas, Chairman of the Norfolk School Board; A. C. Epps, Jr., Vice-Chairman of the Richmond City School Board and Dr. Brank Profitt, Superintendent of Burlington, N.C. City Schools, testifys before the Senate Education Subcommittee on S. 4167.

September 16, 1970—Requested permission from the U.S. Supreme Court to file an amicus curiae brief in the Charlotte-Mecklenburg school case. The Virginia Senator noted that the decision in that case would affect urban school districts in Virginia. Permission received. Brief later filed.

September 24, 1970—Participated in hearing before Senate Select Committee on Equal Educational Opportunity at which Dr. Alexander Bickel of Yale Law School, who helped prepare S. 4167, testified.

April 26, 1971—Voted to authorize $1.5 billion to assist desegregating school districts.

May 16, 1971—Speech in Chesapeake on need to help handicapped children.

July 15, 1971—Voted for amendment to increase school lunch facilities funds by $16 million.

July 30, 1971—Voted for appropriations bill for educvation programs.

September 1–3, 1971—Conducted hearings on problems and prospects of rural education.

October 1, 1971—Supported Senate Joint Resolution 157, expanding guidelines to provide additional school children with free or reduced-price meals.

October 8, 1971—Letter to Office of Emergency Preparedness (OEP) requesting clarification on effect of wage and price freeze on teachers' salaries.

October 15, 1971—Followup telegram to OEP requesting additional information. (See previous entry.)

October 27, 1971—Senate speech on inequities of pay freeze on teachers' salaries.

SOVIET EXIT FEES FOR JEWS

Mr. MONTOYA. Mr. President, my concern for the dignity and rights of all men compels me today to denounce the Government of the Soviet Union for the latest act of cruel injustice that it has perpetuated upon its Jewish citizens.

The free world has long known of the Kremlin's relentless efforts to eradicate the cultural consciousness of Russian Jewry. Most of their places of worship have been closed. Many of their cemeteries have been desecrated. The manufacture or importation of their religious articles is forbidden. Study of Hebrew is punished by imprisonment. Accusations of subversion, economic trials, and harassment by the secret police are commonplace.

Yet this was still not enough for the Kremlin authorities. Just a few weeks ago, the Soviet Government added another monstrous deed to its long list of crimes against its Jewish community. It demanded that those educated Jews who wish to escape from their cultural prison pay "exit fees." The latest information indicates that these fees range from $4,320 for trade school graduates to $37,440 for scholars with doctoral degrees. It is virtually impossible for the prospective emigrants to raise such huge sums in the Soviet Union, especially since they are usually fired from their jobs as soon as they apply for exit visas.

The intent of the Soviet Government is shamefully clear. With utter disregard of the most basic rights of men, the Kremlin is holding its Jewish technicians, scientists, and educators for ransom. The Communist leaders greedily hope that the free world, which has been so moved by the plight of Soviet Jewry, will agree to traffic in human beings and pay the enormous sums demanded. "Buy a scientist for $37,440. Teachers sold for even less," is the abhorrent cry of the Soviet authorities.

To the Jewish people who have known so much suffering, Russia's "new" exit fees are agonizingly familiar. Medieval tyrants regularly demanded ransoms of helpless Jewish communities. The Nazis were notorious for their trade in Jewish hostages. This is the infamous heritage which the Soviets have adopted as their own.

The Soviet Government's callous disregard for human dignity and freedom is an insult to all free men, and to those who yearn to be free. It is a clear slap in the face to this distinguished body, which has repeatedly called upon the Soviet rulers to halt their persecution of their Jewish citizens. It is in this light that any Soviet protestations of detente with the West must be assessed.

The Soviet Government must have hoped that the free world would quietly pay the ransom that it demands. Yet I cannot remain silent. Not while human beings are bartered for rubles. Not while the ransoms of men are coldly figured into a nation's balance of payments. I will never remain silent when any government attempts to destroy the dignity and rights of its people.

I most strongly urge the Soviet Government to rescind the hateful ransoms it has set on the educated Jews who wish to leave Russia.

NATIONAL CEMETERY SYSTEM ACT

Mr. PELL. Mr. President, the men and women who have served in the Armed Forces of the United States have earned through their service the gratitude and thanks of all Americans. In no small measure, we owe to the veterans of military service the very survival of our country and the preservation of the freedoms we cherish as Americans.

In appreciation for their service, the people of the United States have tried through their Government to make certain that the veterans who have survived the conflicts and wars of this century are not disadvantaged in civilian life as a result of their military service.

Through the GI bill, through our veterans' hospitals, through special employment and training programs, we have attempted to ease the burdens a veteran carries as a result of his service to his country. I believe it is the least the people can do through their Government for the veterans of service in the Armed Forces.

One effort we have undertaken on behalf of our veterans is to assure them a final resting place—a place of honor where they may, if they choose, rest with their fellow Americans who served in the armed services.

Unfortunately, this privilege, deeply cherished by many veterans, often is not readily available to the veterans of my own State of Rhode Island. There is no national cemetery within Rhode Island. Many veterans have spoken to me of their concern that the distance to a national cemetery is discriminatory and often prohibits the burial of Rhode Island veterans in a national cemetery.

To meet this problem, several veterans organizations in Rhode Island have recommended establishment of a national cemetery system, as provided in the legislation being considered today. Formal resolutions to this effect have been adopted by the Department of Rhode Island Veterans of Foreign Wars and the Department of Rhode Island Amvets. In addition, the 43d Signal Co. Veterans Association in Rhode Island has for several years conducted an active campaign on behalf of establishment of a national cemetery within our State.

I take this opportunity to commend these organizations and their members for their perseverance and their patience in pursuing their goal.

The legislation I speak of directs that a study be conducted of the needs for additional burial space and additional national cemeteries with a report to be submitted to the Congress.

I believe this is an important step toward more equitable treatment of the veterans of my own State. I would hope and expect that the study will give priority consideration to the proposal that at least one national cemetery be established within each State. I think the veterans of Rhode Island deserve that consideration and it is my intention to see that the needs of our Rhode Island veterans are given full study and consideration and, ultimately, favorable action.

Mr. President, I commend the chairman and members of the Veterans Committee for their attention to this problem and I am pleased to support the legislation they have recommended to the Senate.

UTAH LEN ALLEN DAY

Mr. MOSS. Mr. President, I wish to draw attention to the designation of October 5, 1972, as Len Allen Day in my home State of Utah.

Today Mr. Allen is celebrating his 25th year in broadcasting at radio station KLO in Ogden, Utah, and the entire State has chosen to honor him for the many contributions he has made during that time to people of his community.

Len Allen has served as the kingpin for a number of years in the activities of the Odgen Chamber of Commerce, Jaycees, Hill Air Force Base, Internal Revenue Service, Defense Depot Odgen and whenever and wherever called upon by other community organizations.

Mr. Allen has received three major Air Force Association and Utah Air Force Association Awards for his outstanding support, and received citations as 2701st Explosive Ordnance Squadron Honorary Detachment Commander and Honorary Executive Officer of the 145th Military Air Lift.

In recognition of his service to his community, Mr. Allen received the Distinguished Service Award of Ogden in 1955. He has served as vice president, State president, and on the national board of the Jaycees.

And it is because of hundreds of donated hours of Mr. Allen's talents that his community has been able to claim so many public-benefiting events.

Mr. President, I am sure that Senators join in sending to Mr. Allen the congratulations of the Senate on this his 25th year in broadcasting and public service.

AUTHORSHIP OF THE PLEDGE OF ALLEGIANCE

Mr. PELL. Mr. President, I have long had a very warm regard for Miss Louise Harris, who has done a great deal of thorough and scholarly research concerning our flag, and various matters concerning our flag and the Pledge of Allegiance.

In this regard, I believe that Senators might find of interest the enclosed memorandum which, at my request, she sent to me. I ask unanimous consent that it be printed in the Record.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

Authorship of the Pledge of Allegiance

(By Louise Harris)

I would like to call to the attention of the Congress of the United States of America page 76 of the Library of Congress report on the authorship of the Pledge of Allegiance. While the authorship was given to Francis Bellamy, there is still some doubt since a request is made for more evidence to fill in the gaps. My book, "The Flag Over the Schoolhouse," contains this information not known before for the simple reason the original source has never been explored but always discarded. This material is in The Youth's Companions from 1888 through 1926. Here is set forth the Flag Program which led to the writing of the Pledge of Allegiance for the School Celebration for the 400th Anniversary of Columbus coming to America. Tracing this program through The Companions there is no doubt that James Bailey Upham wrote the Pledge and is the true author.

In addition to this evidence in The Companion pages, a card in Bellamy's handwriting has been found stating he "wrote it in August 1892." This date is found in the records of every committee formed to determine the correct authorship. It has been completely overlooked and neglected. When a search is made of the time element for printing, it will be found to be an impossibility to write a statement in August and have it in print and in the homes for September 8 on today's huge roll stock presses.

There is another proof in the 1893 Souvenir Booklet, written and published by The Youth's Companion. The new presses, much inferior to today's, in the new Companion Building located on Columbus Avenue, Boston, Massachusetts, were not in use until *December 1892*. This fact means The Companion material for the September 8, 1892 issue had to be taken downtown to the old "flat beds", which were much slower, housed in the Pearl Street building.

Chapters two and three in "The Flag Over the Schoolhouse" give the development of the Flag Program step by step. Chapter four traces all the other patriotic programs Mr. Upham planned and carried out, while chapter five follows the controversy with definite, concrete proof that James Bailey Upham is the true author of the Pledge of Allegiance. This serious wrong should be corrected before 1976, the year of the 200th birthday of this Great Nation.

I wish to extend my thanks to Senator Claiborne Pell for making it possible for me to present this evidence to the entire Congress of the United States of America. I also wish to thank Mr. St Germain for his deep interest in my work and ideas.

MISLEADING THE PUBLIC AT PUBLIC EXPENSE—THE NIXON RECORD ON AGING

Mr. WILLIAMS. Mr. President, the Nixon administration apparently has decided to feed the public a diet of misinformation about its record on aging.

On September 19, Senator Frank Church led a Senate discussion of the administration's intentions to cloud the facts surrounding the enactment of a 20-percent social security increase on July 1.

His feeling was that social security checks scheduled for delivery today will be accompanied by an anouncement which, by saying that President Nixon had signed the bill calling for the 20-percent increase, suggested that he was responsible for it.

Nothing, of course, could be further from the truth. President Nixon opposed that increase and would have settled for 5 percent. Even at the signing ceremony, he expressed his opposition to a 20-percent increase, despite the clear need of the elderly for higher benefits. It is a matter of record that the President also opposed other successful congressional initiatives for social security increases in 1969 and 1971.

It seems to me that the mailing of the announcement to 28 million social security beneficiaries is the height of hypocrisy, a misuse of the Government's responsibility to give accurate information to the public, and another blow to the credibility of the Nixon administration.

Today I find it necessary to inform the Senate that Government money is being used for the preparation of political documents and that the U.S. mails are being used for the delivery of millions of misleading publications about the Nixon performance on aging.

While we are not certain exactly how many of these publications have been sent through the mail, we believe the number is large, and we know these publications are going to people who did not ask for them. Clearly, they are political documents rather than public information pamphlets but they have been prepared, printed, and distributed at public expense.

On September 15, Senator Church requested the Government Accounting Office to investigate the mailings. Today, eight other Senators have joined me in a letter to the GAO indicating their support of his position. These are Senators Edmund S. Muskie, Alan Cranston, Edward M. Kennedy, Hubert H. Humphrey, Abraham Ribicoff, Warren G. Magnuson, Birch Bayh, and Frank E. Moss.

Our concern is based upon two major considerations:

Millions of these items have been published, all of them since June 30. We cannot help wondering why the President waited until the seventh month of the final year of his term in office to see a need for issuing them.

The publications are misleading in the worst degree: They attempt to provide substance where none exists; they quite often give credit to the administration for legislative accomplishments which the administration opposed.

On the matter of quantity, I have been able to obtain preliminary information which I will subject to GAO scrutiny. It appears clear, however, that the following items were printed on the following dates:

A Report to Older Americans (Department of Housing and Urban Development) Dated (30 June 72) HUD Publication, 1½ million copies printed.

The Veterans' Administration and Older Americans Dated (17 July 1972) 1½ million copies printed.

U.S. Department of Labor Reports to Older Americans Dated (17 July 1972) 1½ million copies printed.

Food and Housing for the Elderly (Agriculture Dept.) Dated (17 July 1972) 1,250,000 copies printed.

Opportunities for Older Americans in Action Dated (8/23/72) 1,550,000 copies printed.

Dignity Instead of Destitution—OEO's Programs for Elderly Poor 1½ million copies printed.

We are still trying to determine the number of publications mailed and the approximate cost of the Government. About 1½ million of each of these six publications were printed. Assuming that only one-third of them were mailed, that would be 3 million publications at 8 cents a letter or $24,000.

On the matter of quality—in terms of accuracy and service to the public—the pamphlets are almost completely useless.

I will analyze one of them—the U.S. Department of Labor Reports to Older Americans—to make my point about the low standards of accuracy.

Mr. President, I ask unanimous consent to have inserted in the RECORD a statement which describes, in some detail, the wide gap between administration claims—as expressed in the Department of Labor pamphlet—and actual performance.

Without objection, the following statement was ordered to be printed in the RECORD, as follows:

THE U.S. DEPARTMENT OF LABOR REPORTS TO OLDER AMERICANS: A REBUTTAL

Nixon Administration's Claim: President Nixon has stated that "This Administration is deeply committed to involving older citizens as actively as possible in the life of our Nation—by enhancing their opportunities both for voluntary service and for regular employment."

In Fact: By whatever barometer one would choose to use, older workers have been scandalously ignored in manpower programs conducted by Richard Nixon's Administration. Persons 45 and older now account for 22 percent of the total unemployment in the United States; 39 percent of all joblessness for 15 weeks or longer; 40 percent of all unemployment for 27 weeks or longer; and 36 percent of the civilian labor force. Yet, they constitute less than 4 percent of all first-time enrollees in work and training programs.

Nixon Administration's Claim: The number of job and training opportunities under Operation Mainstream has doubled from 5,000 to 10,000 and funding increased from $13 million to $26 million because of President Nixon's directive at the White House Conference on Aging.

In Fact: Expansion of Mainstream was achieved only after a long and bitter struggle with an Administration which has treated older workers like "step-children." For nearly three years, the Nixon Administration stubbornly opposed legislation—the Older American Community Service Employment Act—to establish the Mainstream pilot projects on a permanent, ongoing national basis.

But, even Richard Nixon was forced to admit at the White House Conference on Aging:

"Some of the best service programs for older Americans are those which give older Americans a chance to serve.

"Federal programs to provide such opportunities have proven remarkably successful at the demonstration level. But now we must move beyond this demonstration phase and establish these programs on a broader, national basis."

Yet, his Administration still resists the creation of a national senior service corps. In a letter sent to me in April, 1972, Secretary of Labor James Hodgson said:

"Despite the apparent success of several of the categorical programs such as the Community Senior Service Program, it is clear that, as a whole, because of the multiplicity of separate and distinct programs each vying for a share, the categorical approach of recent years has not fulfilled the expectations of manpower programs for older people or for anyone else. We believe it is time to stop proliferating categorical programs."

Nixon Administration's Claim: President Nixon has termed discrimination based on age "cruel and self-defeating; it destroys the spirit of those who want to work and it denies the nation the contribution they could make if they were working."

In Fact: Despite the rhetoric, President Nixon has consistently failed to take to heart Congressional demands that the Age Discrimination in Employment Act should be enforced, instead of thwarted. It took his Administration until late in 1969 to file its first age discrimination suit. Without Congressional pressures, the Administration surely would have allowed the Act to lapse into dead letter law.

And then when the Democratic Congress insisted that he take action, his response was timid. Only 116 suits have been filed, less than 30 a year. Yet, more than 2,500 violations were found under the Act for fiscal 1971 alone, for a 14 percent jump. In practically every category the number of infractions shot upwards. And these figures probably only represent a tiny fraction of the violations, since many illegal acts simply go unreported.

Moreover, persons 40 and above have become the scapegoat class for the Nixon Administration. Thousands have been coerced into earlier retirement under pressure tactics. Ironically, the Federal Government, which ought to be a model employer, has become a leading offender in the discriminatory treatment of older workers.

Nixon Administration's Claim: "Only half the Nation's work force is presently covered by private pension plans. Consequently, the President has submitted to Congress a five-point program to expand and reform our private pension system.

Tax deductions to encourage independent savings toward retirement;

More generous tax deductions for pension contributions by self-employed persons;

A requirement that all pensions become vested;

A requirement that pension funds be administered according to strict fiduciary standards with full information regarding rights and benefits to be made available to employees and beneficiaries;

A special study of pension plan terminations to provide needed information on which to base future recommendations regarding ways to provide protection without reducing benefits because of increased costs."

In Fact: The vast majority of all persons participating in private pension plans will never collect on their promised benefits. Over half of all private pensioners receive less than $1,000 a year.

But, Richard Nixon has proposed a watered down pension reform package, which offers precious little hope for today's workers.

Despite the need for fundamental change, Richard Nixon has countered with tax "incentives" which are likely to be a bonanza for the rich, at the expense of moderate and low-income workers. His "more generous tax deductions for pension contributions by self-employed persons" will provide an additional $5,000 tax write-off for individuals who make $50,000. But the wage earner with an income of $7,500 is likely to be left out in the cold because he will not have a sufficient margin between income and outgo to permit "independent savings toward retirement."

The Nixon "Rule of 50" for partial vesting of pensions will still provide little or no protection for millions of workers. And it may even intensify the reluctance of employers to hire older workers because the new rule will add to their pension costs.

Another Nixon study—this time, on pension plan terminations—is unlikely to shed any new light because pension failures have been studied for years. What is needed now is a genuine effort to provide pension plan reinsurance to protect against terminations—such as occurred at Studebaker nearly a decade ago—instead of more studies.

Let's Set the Facts Straight: Masked in all this deception is a massive cover-up for the Nixon Administration's empty "game plan" for older workers. But, the selective use of figures, legerdemain tactics, wild "guesstimates", and misleading statements cannot conceal the truth: Richard Nixon's economic and manpower policies have failed older workers and their families.

Nearly 1.1 million persons 45 and older are unemployed, almost ½ million more than when Richard Nixon took office. If the "hidden unemployed" were also counted, the "real" unemployment for mature workers would probably be approaching 2.3 million.

Yet, President Nixon has opposed virtually every constructive Democratic initiative to establish a clear-cut national policy to maximize job opportunities for older Americans. He vetoed a comprehensive manpower bill (the Employment and Manpower Act) in 1970, at a time when the unemployment rate was 6 percent. His Administration also opposed a Middle-Aged and Older Workers Employment Act, even though this measure can provide training and job opportunities for nearly 140,000 persons 45 and older.

Obstructionism and deception are not the answers for the unique and growing employment problems for mature workers. These severe problems demand a serious response, instead of hollow promises and twisted facts. And the record is all too clear that middle-aged and older workers will need a change if they are to receive fair treatment.

Similar misstatements appear in other publications. Some may be classified as outright deceptions. Others might be categorized as puffery, whatever the description, the U.S. Government has no business sending them out as factual reports to the public.

And to whom are these items being sent? The Committee on Aging has already received reports from individuals who have received more than one pamphlet. One man, a non-veteran has received both the Department of Labor and the Veterans Administration publication, and he didn't ask for either. I can't help wondering how the Administration decided upon its distribution for each item. Here again, I hope that the GAO can provide useful information.

Other decisions about distribution are equally mysterious. For example, Blue Carstenson at the Farmers Union has received bulk mailings of hundreds of the pamphlets. Neither he nor the Farmers Union had requested them, and I suspect that they do not know what constructive use can be made of them.

I think I must ask once more: why after 3½ years does an Administration resort to such tactics?

The answer is simple and disquieting: the Nixon Administration has accomplished so little on aging that it has nothing else to offer.

H.R. 1—SOCIAL SECURITY AND WELFARE REFORM

Mr. HATFIELD. Mr. President, before us during these closing weeks of the 92d Congress is H.R. 1, a bill to reform two significant institutions of our society: Social security and welfare. This bill, well over 950 pages in length, has been under consideration for almost 4 years and has been the focus of much public debate. I have reached several conclusions about our social security and welfare systems which I would like to share with you today.

There is no question that social security and welfare have needed signficant alteration. The question has been how to go about it. Today, social security is neither equitable nor just. It is not equitable in that not everyone can equally participate. Nor is it just for some are excluded and many are paid too little on which to retire. Furthermore, the trust fund concept is a sham that has little relationship to insurance principles.

Today, the payroll tax is the second largest source of Federal revenues next to the income tax. By next year, its costs will exceed that of the income tax for many. For instance, under the Senate Finance Committee's provisions of H.R. 1, social security taxes will be raised for the family of four with one wage earner whose income is $13,900 or less. This reflects increasing benefits under social security as well as across-the-board benefit increases recently voted. With the increase voted last June and the one approved by the Senate Finance Committee, the maximum social security payroll tax will raise 38 percent in 1973—from $468 at present to $648—raising the effective payroll tax rate from 5.5 to 6 percent by January 1973.

On the face of it, this would present no problems, but at closer examination the present social security system is revealed to be a regressive tax system, representing a transfer of income from lower- and middle-income workers to the elderly unemployed. In fact, for such a level of contributions workers could get three times the benefits from a private plan. Under the Senate version of H.R. 1 the payroll tax rate decreases as income increases. For instance, the worker earning $3,000 per year faces an increase of 9.1 percent; the $10,000 worker a rise of 3.4 percent; and the $50,000 wage earner an increase of 0.4 percent. This is a far cry from the original measure 36 years ago which taxed each employee and employer 1 percent on the first $3,000 of wage earnings.

Having established that the social cost of providing for the elderly is borne inequitably by the lower- and middle-income working people, what should be done?

The Senate Finance Committee has reported out a bill that includes proposals to:

Raise the minimum benefits to $200 per month for low-income workers who have worked for at least 30 years;

Increase widows' cash benefits from the present 82.5 percent to 100 percent;

Make disabled workers under 65 eligible for medicare;

Increase from $1,680 to $2,400 the amount an elderly person can earn.

I have introduced a number of amendments to H.R. 1 to improve the benefits of our social security system including:

Removing the $255 limit per month on the lump-sum death payment so that these payments would vary with the past earnings of the worker;

Allowing children's insurance benefits on the basis of wages and self-employment income of certain relatives with whom a child is living and from whom he receives support;

Eliminating recent work tests as a condition of insured status for disability insurance benefits, a test that does not have to be met to qualify for other social security benefits;

Qualifying a worker aged 55 or over as disabled for purposes of social security, if he meets the test of disability now applicable to older blind workers;

Allowing disabled widows and widowers to receive unreduced widows' and widowers' insurance benefits without regard to age;

Allowing disabled wives and husbands to receive unreduced wives' and husbands' insurance benefits without regard to age;

Providing coverage for out-of-hospital prescription drugs with a copayment of $2.

But much more than this needs to be done. On November 17, 1971, I introduced a bill which I believe must be implemented before significant reform and broader benefits can be effected. Briefly, the legislation would put social security on a voluntary basis: Employees would have the choice of contributing to social security or to a comparable private pension or insurance plan. Second, it would provide for the funding of the first $100 of monthly benefits to be paid out of general revenues. Third, it provides for the funding of medicare out of the general revenues. And finally, it would put social security on a pay-as-you-go basis. This would drastically alter the financing structure of social security and medicare, while making it equitable and just for those presently contributing.

Mr. President, the second major portion of H.R. 1 deals with welfare reform. And while I believe that it would be much better to consider this matter separately from social security—a very complex issue in itself—I would like to describe the direction in which I believe we should move in the area of welfare.

To date there are really no criteria to judge the success or failure of the present system. There is a great deal of evidence indicating much needs to be done, and the present debate is focused on what kind of action should be taken. Governor Reagan, of California, presented testimony before the Senate Finance Committee earlier this year detailing specific legislative and regulatory action to be taken at the State and Federal levels to clean up the present system. While I am not in total agreement with all the Governor's proposals, I believe they can be of significant value in straightening out the present welfare mess. Governor Reagan advocated the following legislative measures, many of which I believe should be adopted:

I ask unanimous consent that a statement of the proposals be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REAGAN PROPOSALS

1. State Option for Administration: To allow each state to choose whether it wishes to provide for administration of public assistance programs by the state, designated local governmental units, or by the Federal-government. Strong fiscal incentives—or disincentives—in connection with various options to be included.

2. Relief to Low-Income Families: Exempt low-income families from the Federal and state income tax (including withholding) and provide them a rebate of their social security taxes, including the employer's contribution thereto.

3. Overall Limit on AFDC Family Income: In determining eligibility, apply a gross income limitation of 150% of the state's standard of need. This will require an amendment to Social Security Act Section 402(a) (8) in order to place a realistic ceiling on the amount of income a recipient may receive and still remain eligible for welfare.

4. One-Third Income in AFDC: Section 402 (a) (8) should be amended to expressly require this earned income deduction to be made from "net income rather than "gross" income.

5. Community Work Programs: To require employable AFDC recipients not working full time or participating in a work or training program, to work in essential community improvement projects as a condition of receiving welfare. Title IV of the Social Security Act should be amended to expressly require federal financial participation in aid payments to recipients participating in such programs.

6. Employables Program: To place employable AFDC recipients into self-sustaining employment. Emphasis to be placed on furtherance of Section 402(a) (14) and (15) of the Social Security Act. It is difficult to promulgate such programs without securing waivers to the single-state agency requirements.

7. Fiscal Incentives for Efficient Management: Federal matching formulae providing incentives toward attainment of certain goals, previously limited to assistance or service aspects, should be extended to provide for attaining a goal of simplified and more efficient management.

8. Increased Federal Reimbursement for Child Support Activities: No federal participation is presently available for "preventative welfare". (A) The Federal government should give the states and counties a bonus to spur collection efforts. A federal support enforcement incentive should be created to allow the state or local jurisdiction to retain money saved by its collection. (B) The Federal government should ease up participation restrictions on child support activities and accord the same priority as the items listed in Section 402(a) (3) (A).

9. District Attorney Costs in Enforcing Family Support: To allow full costs of law enforcement agencies in enforcing family support. There is a need for a clear expression of congressional intent that there will be federal reimbursement for all expenditures by the district attorney and other law enforcement agencies in obtaining absent parent child support. Such amendments should be made to the Social Security Act.

10. Recipient's Failure to Cooperate with Law Enforcement Agencies: The Federal government should adopt the "debt to the government" concept in all cases where welfare is paid because of a person's failure to support where he is liable for support. To avoid constitutional problems, the amount of the debt should be limited by the ability to pay of the debtor at the time the debt arises.

11. Federal Participation in Costs of District Attorney Welfare Fraud Investigation and Collection. (A) The Federal government

should allow reimbursement of state costs of fraud prosecutions in the same priority as the items listed in Section 402(a)(3)(A) of the Social Security Act. (B) A Fraud Prevention Incentive Fund should be established that would return to the counties any federal money collected in fraud prosecutions. The fund should not be based on convictions, but should reflect actual funds collected. (C) The Federal Statutory approach should not be based on convictions but on actual funds lost due to fraud.

12. Aliens on Welfare: The support of citizens of other countries shall be a fiscal obligation of the Federal government. States should not be required to support citizens of another country, when the state and county governments have no effective voice in determining admission standards.

13. Fair Hearings: Amend the appropriations sections of the Social Security Act, to provide for an evidentiary hearing by a local welfare agency as a required preliminary to a hearing conducted by the state agency. Include the specific criteria which determines under which circumstances it is proper to continue aid payments pending a decision in an appealed case. It would be necessary to amend the fair hearing requirements in each of the Public Assistance Titles to permit states to meet these requirments through a two-step hearing process the first of which could be less than a full blown fair hearing but would meet the test of an evidentiary hearing in accordance with the Goldberg decision.

14. The 18- to 21-Year Old Adult: Limit the AFDC program to legally defined children. The limited resources available for this program should be limited to those persons who have been defined legally as children in order to maximize protection.

15. Modify Statewideness Requirements of Social Services: Amend the Social Security Act to clearly permit a state to provide social services in such counties, areas, or districts, as the states or counties deem necessary.

16. Vendor Payments for Non-Recurring Items of Special Need in AFDC: Amend the Social Security Act to provide appropriate exceptions to the "money payment" principle. It would be more efficient and better for the recipient if the money payment principle were waived in these situations and the agency permitted to pay a vendor directly for the full cost, with such cost reported on claims as an assistance payment eligible for federal matching.

17. Simplified Eligibility: The requirements in the various titles governing "proper and efficient administration" should be revised so as to make the use of "simplified methods" in determining eligibility optional rather than mandatory with the states.

18. Denial of AFDC Where There is a Continuing Child-Parent Relationship with Nonrelated Adult: Permit a state to deny aid to a child where the child is living in a parent-child relationship with a nonrelative adult, e.g., child whose father/mother has deserted and where child is living with his father/mother and his/her unmarried partner (MARS). Proposed changes in Section 406 of the Social Security Act would provide that when a nonrelated adult assumes the role of parent the child shall not be considered deprived nor a "dependent child" within the federal definition.

19. Wage Attachment for Federal Employees: To allow attachment of wages of federal employees including the military. To increase the collection of absent parent child support funds and thereby reduce the public assistance support.

20. Dependents of Military Personnel on Welfare: Eliminate the inefficient and inappropriate inclusion of families of military personnel among those eligible for public assistance payments. (Not to be paid by the states, but by the federal government.)

21. Marital and Community Property Resources: Allow a state to consider the income of a non-adoptive step-parent in determining eligibility for and the amount of grants of AFDC to the non-adopted stepchildren. Proposed changes would provide: (A) that in family groups living together, income of the spouse is considered available for his spouse. Since Federal regulations require that income of a natural parent be considered available to children, it would follow that the income of a spouse would be considered available to all the family's children for eligibility and grant determination. (B) that where natural parents have vested interest in the (right to manage and control of) income of their spouses, that portion vested in (under the management and control of) the natural parent could be considered available to that parent's children for eligibility and grant determination.

22. Confidentiality: Legislation is needed to provide that such records are available to all public authorities for any legitimate public purpose, and to eliminate impediments to cross-checking with state and Federal tax authorities. To accomplish this, several sections of the Social Security Act would have to be amended.

23. Work-Related Expenses: Provide a flat standard allowance of $50 to cover reasonable costs of employment, plus reasonable and necessary standard amounts for child care where applicable. In the Welfare Reform Act of 1971 California included a provision to cover reasonable and necessary amounts for child care.

24. Sanctions Imposed for Refusal to Work or Train: Social Security Act should be amended to expand the sanctions so that acceptance and participation in job search, work and training is thereby encouraged. Legislation should provide that a range of sanctions could be imposed by the states including removal from public assistance for a period of up to one year.

Mr. HATFIELD. Mr. President, I believe that many of Governor Reagan's proposals should be seriously considered, and many implemented, as the first stage of welfare reform. I would further propose, however, that the Federal Government give the States the choice of Federal financing of the entire welfare system, or shared costs as under the present system. This option should be available after the State has indicated compliance with the new laws and regulations listed above. At the same time, Federal and State governments should undertake model development of neighborhood welfare corporations. Local community corporations could experiment in the takeover of financing as well as administration of the various welfare functions.

As you know, Mr. President, there are presently two distinct classifications of welfare recipients: Those perpetually in need—for example, the children of those with no, or very low, incomes, the blind, disabled, and elderly—and those temporarily in need who would be employable if given the training or job opportunity. It is obvious that some form of support will always be needed for the first category, whether it is called welfare or something else. The second group, those who are employable—only a small portion of those presently eligible for welfare—will also need assistance through training, job placement counseling, and the like. The neighborhood welfare corporation can be a vehicle for handling either or both, and the models developed should explore such possibilities.

For several reasons, I feel the eventual focus of our national welfare efforts should be at the neighborhood and local community level. Those who most need community support—those who cannot help themselves—are most in need of a sense of caring and belonging. Certainly every community cannot have the facilities to handle all of the disabled, for example. But to the extent that day care, health facilities or home where the elderly can be properly attended to are placed at the local level, the more "at home" and healthy these individuals will become.

In many such cases, being close to home and near loved ones in familiar surroundings can make a critical difference. Furthermore, and H.R. 1 moves in this direction, the administration of such a program can be much more effective at the local level than through the State or Federal Government. Also, the opportunity should be provided for individuals and communities to take care of themselves and their own to the greatest extent possible—even to the point of being able to finance the programs themselves. This might seem farfetched to some, but there is growing evidence that neighborhoods and communities have the potential financial base to fund their own programs if they are properly constructed.

This can be done a step at a time. If the model development of neighborhood welfare corporations proceeds well, the Federal and State Governments can give increasing responsibility to the neighborhoods. Hopefully, they could eventually be independent of Federal and State administration and funding. Financing could come from various sources, perhaps on the basis of tax credits, as suggested in legislation I introduced last year. Whether this concept can become a reality depends on the success of the models developed; the interest evidenced by those involved, particularly at the local level; and the experience and assistance made available by State and Federal Government.

In summary, I would like to see three basic welfare reforms instituted: First, dealing with problems in the present system through the implementation of many of Governor Reagan's recommendations; second, providing the States with a choice of funding of welfare costs, after they have adopted those recommendations; and third, the development of model neighborhood welfare corporations which may eventually assume the administrative, programmatic and financial functions of both State and Federal Government.

PREDATOR CONTROL

Mr. BAYH. Mr. President, on August 7, I had the opportunity to testify before the Subcommittee on the Environment of the Committee on Commerce, on the question of predator control.

Most interested groups now agree that general poisoning programs create unnecessarily widespread destruction of nontargeted animals; however, an effective alternative has not been approved yet. Of course, there are a number of possible alternative methods of predator control: my bill, S. 2083, would establish local programs of selective trapping similar to those which have been so successful in Missouri; other alternatives include chemical repellents which were documented in a Wall Street Journal article of September 18. Mr. President, I have spoken out on this issue many times. There is a crucial need for effective legislation and I hope active debate will continue until that legislation is passed.

I ask unanimous consent that my testimony and the Wall Street Journal article be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

PREDATOR CONTROL

Mr. Chairman, I appreciate the opportunity to appear today before this Subcommittee. Our struggle toward balanced predator control has been long and difficult but I trust that under the leadership of the Senator from Utah, we will realize positive legislative results this year. I have been interested in this problem for some time. As one who has viewed first-hand the wonder and glory of the natural wildlife in the untamed American West, I shared the sense of national outrage which erupted last year in response to the reports of airborne hunting of eagles.

But I soon became far more disturbed by a greater threat to our wildlife—the national predator control program, an eight million dollar a year Federal effort managed by the U.S. Interior Department's Bureau of Sports, Fisheries and Wildlife. The linchpin of this program has been the widespread and indiscriminate use of extremely potent poisons on publicly owned land throughout our Western states. As a result, I introduced legislation on June 17 of last year to prohibit the use of poisons on public lands, to prohibit the interstate shipment of thallium and Compound 1080, and to establish effective alternative programs for predator control, rather than predator eradication. Many members of Congress have repeatedly drawn public attention to this outrage; one very satisfying result was the President's Executive Order of February 8, 1972 to restrict the use of chemical toxicants on Federal lands.

Mr. Chairman, unfortunately Executive Orders are often short-lived. Therefore, it is imperative that an unequivocable ban on use of poisons on our public lands be enacted into law. I say this because the enforcer of this Order—the Interior Department—has perfected the very poisoning program which we are now trying to discontinue. For the last decade, the Division of Wildlife Services of the Department of the Interior probably has been the greatest indirect killer of the very endangered species which it is supposed to be protecting.

Let's look for a moment at the history of this country's thoughtless and tragic destruction of its animals. As of 6 months ago, the Division of Wildlife Services had 700 agents who had placed 2,300,000 pounds—more than a thousand tons—of poisoned meat on public land in the past five years. The main poisons are compound 1080, of which more than 100,000 pounds has been used annually for two decades, and thallium sulfate. The legal poisoners have used three million strychnine tablets and tons of poisoned grain. Not only has the Interior Department engaged in its own massive poisoning program, but states have subsidized similar programs by local governments and private organizations, often duplicating and aggravating the destructive impact of federal programs. Given the previous popularity of the program, the pressures on that Department to relax the restrictions on poisoning will no doubt continue to be great.

In fact, it is my understanding that Compound 1080 is still being used as a rodenticide —for rabbits, gophers, and other non-predators whose populations have mushroomed as retribution for the elimination of their natural predators. Mr. Chairman, Friends of the Earth reports that a decision on the question of a complete ban on compound 1080 will be postponed until late autumn to permit the processing by EPA of two agency petitions to permit continued use of 1080. I believe the continued use of this poison for any purpose is contrary to the public interest and flies in the face of the recent national outcry against poisoning. First of all, a single ounce of the compound 1080 could kill 200 adult humans.

Secondly, the poison is not biodegradable. It has a cumulative effect which means that great amounts of poison, harmful to humans, can accumulate in our food and water supplies. Because many of the poisons are placed near streams, there is special reason to be concerned about the long-range impact on the water supply.

Mr. Chairman, I have received a wide variety of reports about the effectiveness of the recent Executive Order: some say past stocks of poison are still being used, others believe that local authorities with the assistance of the 700 former poisoning agents have quickly shifted to intensive trapping, and others believe animals are sufficiently protected. I look forward to studying testimony on the effectiveness of the ban. At any rate, the consensus that intensive, non-targeted trapping is being used leads to my strong concern that within a few years, this substitute program could come under criticism as strong as that for poisoning. Therefore, I would urge that two priorities of any legislation this year be the unambiguous declaration in law that poisoning of animals shall not occur on public lands and the formulation of, and full funding for, a constructive method of predator management.

In the crucial search for a reasonable predator control technique, I believe that my bill, S. 2083 provides an ecologically sound alternative in the form of selective trapping, performed by local farmers and agents. I believe a variation of this method, combined with the use of non-lethal methods such as fences, could be used quite effectively on the wide-open, Western lands. We cannot afford to support or encourage programs of random trapping or killing; such programs inevitably escalate into the wanton destruction of wildlife and invite continued public outrage.

This alternative to poisoning—known as the extension predator control program—is based on the belief that only a small number of the animals now being killed are truly a threat to livestock. For instance, extension agents have found that the majority of coyotes live some distance from ranches and feed on wild rodents. Careful trapping near chicken coops or livestock watering areas can effectively deal with those coyotes that actually pose a threat.

Under the extension predator control program, as implemented in my bill, federal mammal control agents would instruct farmers and ranchers in techniques of trapping the individual mammals causing depradations of domestic livestock. There are careful studies which indicate that selective trapping by the farmers themselves would reduce damage from predators by 80 percent, while cutting sharply into the number of man days and costs per catch. I was particularly pleased that endorsement of these techniques formed one of the 15 recommendations of the January 1972 report on the Nixon Administration's Advisory Committee on Predator Control.

Extension predator control began in Missouri in September, 1945 and has been very effective. Since 1957, one federal control agent has been able to handle all requests for trapping demonstrations or training service by holding an annual meeting for about 2,000 farmers and then meeting individually with 400–700 farmers on their own land. Written statements from the farmers who received training indicate that they have reduced their damage losses an average of 80 percent—in other words, each farmer has realized savings of about $100 per year. In addition, the cost per animal taken decreased from $116 when federal agents were doing the trapping to $6.99 when the farmer trapped. The combined livestock and program savings present a strong argument for shifting to this system.

Mr. Chairman, a simple application of logic demonstrates that hidden costs accumulate rapidly with extensive destruction of the predator population.

In an attempt to destroy all potential ranch predators, ranchers are only upsetting a natural balance of wildlife and are creating ripples of new economic losses for themselves. As I mentioned, elimination of wild predators will likely lead to mushrooming of small rodents who then strip the grazing lands intended for livestock. In fact, in 1970, Division of Wildlife Services designated a cumulative 223,019 acres for separate rodent-poisoning programs. Of course the inevitable result of expanding the circle of extermination to include rodents is that too great a decrease in rodent population will force previously innocent predators toward captive livestock. In either case, upsetting the natural balance of predators and prey will only lead to economic loss and to increased pressure for more of the poison which caused the problem.

I suggest we should listen to naturalists like Dr. Frank C. Craighead, Jr., who has stated, "Coyotes are a desirable and indispensable part of a collective predator population which serves to regulate prey populations on wild lands. They perform a useful function as scavengers and they do more good as rodent destroyers than harm as livestock killers." Even the U.S. Public Land Law Review Commission has recommended that predator control programs be eliminated or reduced on public lands, noting in its 1970 report: "While these programs may have been of some benefit to livestock operators in reducing cattle and sheep depredations by coyotes, puma, cougar, and bear, they have upset important natural mechanisms for the population control of other species."

[From the Wall Street Journal, Sept. 18, 1972]

SEARCH FOR WAYS TO DISCOURAGE THE WILY COYOTE WITHOUT POISONS OCCUPIES AN ARMY OF SCIENTISTS

(By Mike Tharp)

LARAMIE, WYO.—How do you make a sheep taste like a toad?

Who would want to?

Robert McColloch, that's who. Mr. McColloch is a University of Wyoming biochemist, one of a group of scientists thrown into a battle to prevent the West's major predator, the wily coyote, from hamstringing production of the nation's sheep.

This task got top priority in recent months after President Nixon signed an executive order forbidding the use of predator poisons on public lands, which takes in much of the West. Livestock men long regarded these toxicants as their best weapons against livestock losses supposedly inflicted by coyotes. Environmentalists claim the poisons are nonselective and decimate rare and innocent animals.

Somewhere between the feuding factions are the research scientists engaged in major, federally financed projects concocting toad-flavored sheep and other techniques to reduce coyote attacks on the 18.5 million sheep grazing throughout the country. Figures on losses from coyote predation vary according to who reports them, but the U.S. Department of Agriculture reported that in 1971 in Texas alone some 269,000 sheep, about

7% of the flocks of the nation's biggest mutton-producing state, were killed by predators, mostly coyotes.

TRAP-WARY VETERANS

Common control devices effective on other predators, such as bobcats, don't work well on the crafty coyote. A coyote is instinctively trap-vary, and one that has had his toes pinched by the near-miss of a steel trap is virtually uncatchable, professional trappers say. So with poisons sharply curtailed and traps ineffective, the search for alternatives is focused on scientific schemes aimed at dissuading the coyote from partaking of his beloved lamp chops.

That won't be easy. Coyotes are as notorious for their sly adaptability as for their penchant for mutton. Says one veteran trapper: "If you put a coyote on a tennis court with nothing else in there, he could hide behind the ball."

An initial step in the research is to determine exactly how many sheep are actually killed by coyotes and the circumstances involved. At the federal government's wildlife research center in Denver, Donald Balser directs a project to equip sheep with domino-sized, wax-encased circuitry on collars that emits signals only when a sheep hasn't moved for several hours, a fair indication that it's dead. By dashing to the scene from listening posts in aircraft and land stations, Mr. Balser says he hopes to come up with "the true cause of death and the total losses."

Mr. McColloch and his associates also are conducting research with telemetry. One scenario calls for temperature-sensitive devices to be placed beneath a sheep's skin to register its body temperature. Once its temperature falls below a certain level, as in death, a signal goes off, probably at a monitoring station in a researcher's home. In theory, the researcher leaps immediately into a pickup truck, drives 3 miles into the snowy mountains to the university's flock and discovers whether a coyote killed the sheep or whether the sheep died of other causes and the coyote merely ate it as carrion.

Which brings us to toads. Almost nothing eats toads, particularly coyotes, because a certain chemical in the amphibian's skin gives it a revolting taste. Mr. McColloch, graduate student Douglas Crowe and other researchers are trying to extract this and similar aversive agents, then apply them to sheep to make them disgusting to your average coyote.

They will test such mundane compounds as cinnamon oil and Tabasco sauce along with more exotic distillates like skunk spray and cougar urine. In the field tests, they will rig "training" sheep with the various unpleasant substances in microencapsulated form on the animal's wool. When bitten by a coyote attacking the sheep, the capsules are supposed to burst, releasing the chemical and giving the coyote a repulsive, sickening taste in his mouth. After that, scientists theorize, the keen-witted coyote will quickly decide to avoid all sheep and teach its young to do the same. Ideally, the scientists hope to create a new generation of coyotes that would shudder at the sight of a sheep, which is far from the situation now.

Meantime, a crew at Colorado State University is searching for a chemical that would make the coyote turn up its nose at the mere whiff of a sheep on the same range. The scent would repel the coyote either by being excruciatingly foul-smelling or by triggering the animal's fear mechanism.

MERCAPTANS AND MOTH CRYSTALS

Skunk mercaptans (the malodorous musk of that mammal), other animal scents and moth-crystal derivatives will be wafted toward coyotes from areas where rabbits and sheep are. The coyotes' reaction time will be gauged on an automatic recorder.

Already discarded, at least for now, is one federal experiment involving the lacing of baits wtih birth-control agents to limit reproduction of the coyote. Results weren't commensurate with the efforts, says Mr. Balser of the federal wildlife research center.

Two scientists at South Dakota State University are trying to discourage coyotes with ultrasonic transmitters implanted in the lead sheep of a flock. These "bleepwethers" emit high-pitched sound that, it's hoped, will prove too painful for sensitive coyote ears.

Already there is a slight obstacle. "We can't drive the sheep, herders, dogs and horses nuts, too," frets wildlife scientist Arthur Dracy.

Other techniques being considered range from fencing (though sheep men cringe at the prospective cost of fencing thousands of acres of rugged grazing lands) to trying to change the timid, docile nature of sheep. "Coyotes are very aware of the odds," says Mr. McCulloch. "There's no reason to think LSD would cause aggressiveness in sheep, but if we don't find anything else we may have to try it."

BITTER BUT HELPFUL

Many sheep raisers, bitter over the band on poisons, view the various research efforts with something of a jaundiced eye, although they have vowed to help and are even donating sheep to the tests. William Simms, president of the Texas Sheep and Goat Raisers Association, asks: "Who's going to be out there to put this repellant on the lamb when it's born? The mother?"

But Jack Berryman, director of the wildlife services division of the Interior Department, defends predation-control research as "desperately needed" and refuses to take sides in the ranchers-vs-environmentalists fight. "We can have coyotes in abundance, and we can protect the sheep industry," he says. "We don't have to make that choice."

Douglas Crowe, the Wyoming graduate student, who is a seasoned trapper, guide and naturalist, believes the research is needed because one method alone won't work against the coyote. "We need an arsenal of different management tools, including olfactory, gustatory and reproductive," he says.

Even then, he says, man may just have to learn to live with the coyote. "When the last man on earth chokes on his own garbage and falls over dead," says Mr. Crowe, "there's going to be a coyote there chewing on his tibia."

CURRENT U.S. POPULATION

Mr. PACKWOOD. Mr. President, according to current Census Bureau approximations, the total population of the United States as of October 1 was 209,803,487. This represents an increase of 194,241 since September 1. This is roughly the equivalent of the population of Syracuse, N.Y. It also represents an addition of 1,713,932 since October 1 last year, an increase which is roughly the equivalent of twice the population of Baltimore, Md.

ANNOUNCEMENT BY SENATOR HUMPHREY OF REVENUE SHARING GRANTS TO STATE AND LOCAL GOVERNMENTS IN MINNESOTA

Mr. HUMPHREY. Mr. President, the Joint Committee on Internal Revenue Taxation has recently made available the dollar allocations that local and State governments will receive under the revenue sharing legislation approved by the House-Senate conference committee.

Under the conference bill, Minnesota will receive $103.9 million in revenue sharing funds. This money will be split among State and local governments with $34.6 million going to the State and $69.3 allocated to local governments.

Mr. President, I ask unanimous consent that the data outlining Minnesota's allocation—among the State and local units of government—be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Revenue sharing funds for Minnesota

[In dollars]

Total State grant to all locals	69, 628, 819
Amount returned to Minnesota State government is	0
Aitkin County area	360, 979
Aitkin County govt	246, 411
Total to all cities over 2,500	0
Total to all cities under 2,500	22, 994
Total to all townships	31, 574
Anoka County area	1, 445, 562
Anoka County govt	827, 963
Total to all cities over 2,500	583, 989
Total to all cities under 2,500	17, 605
Total to all townships	16, 006
Anoka City	12, 089
Blaine City (part)	75, 125
Circle Pines Village	24, 767
Columbia Heights City	120, 466
Coon Rapids Village	119, 658
Fridley City	116, 918
Linolakes Village	13, 441
Springlake Park (part)	41, 525
Becker County area	632, 603
Becker County govt	432, 430
Total to all cities over 2,500	63, 260
Total to all cities under 2,500	27, 249
Total to all townships	109, 664
Detroit Lakes City	63, 260
Beltrami County Area	556, 005
Beltrami County Govt	380, 728
Total to all cities over 2,500	131, 090
Total to all cities under 2,500	14, 900
Total to all townships	29, 287
Bemidji City	131, 090
Benton County Area	403, 156
Benton County Govt	223, 403
Total to all cities over 2,500	122, 401
Total to all cities under 2,500	23, 960
Total to all townships	33, 391
Sauk Rapids Village	56, 468
St. Cloud city (part)	65, 933
Big Stone County Area	209, 600
Big Stone County Govt	126, 176
Total to all cities over 2,500	34,349
Total to all cities under 2,500	27, 106
Total to all townships	21, 969
Ortonville City	34, 349
Blue Earth County Area	981, 956
Blue Earth County Govt	455, 211
Total to all cities over 2,500	380, 468
Total to all cities under 2,500	85, 748
Total to all townships	60, 528
Mankato City	380, 468
Brown County area	739, 880
Brown County government	422, 402
Total to all cities over 2,500	234, 590
Total to all cities under 2,500	14, 857
Total to all townships	68, 031
New Ulm City	131, 630
Sleepy Eye City	61, 170
Springfield City	41, 790
Carlton County area	737, 878
Carlton County government	456, 208
Total to all cities over 2,500	154, 966
Total to all cities under 2,500	81, 767
Total to all townships	44, 937
Cloqjet City	154, 966

Carver County area	338, 916
Carver County government	227, 754
Total to all cities over 2,500	38, 315
Total to all cities under 2,500	20, 217
Total to all townships	52, 631
Chanhassen Village	4, 103
Chaska City	26, 291
Cass County area	457, 235
Cass County government	373, 481
Total to all cities over 2,500	0
Total to all cities under 2,500	40, 260
Total to all townships	43, 495
Chippewa County area	398, 798
Chippewa County government	257, 228
Total to al lcities over 2,500	54, 764
Total to all cities under 2,500	26, 721
Total to all townships	50, 085
Montevideo City	55, 405
Granite Falls City (part)	9, 358
Chisago County area	281, 187
Chisago County government	188, 179
Total to all cities over 2,500	0
Total to all cities under 2,500	51, 602
Total to all townships	41, 406
Clay County area	657, 475
Clay County government	383, 573
Total to all cities over 2,500	182, 377
Total to all cities under 2,500	47, 015
Total to all townships	39, 511
Moorhead City	182, 377
Clearwater County area	211, 501
Clearwater County government	167, 500
Total to all cities over 2,500	0
Total to all cities under 2,500	18, 118
Total to all townships	25, 883
Cook County area	52, 667
Cook County government	47, 738
Total to all cities over 2,500	0
Total to all cities under 2,500	4, 929
Total to all townships	0
Cottonwood County area	326, 603
Cottonwood County government	206, 805
Total to all cities over 2,500	37, 514
Total to all cities under 2,500	37, 875
Total to all townships	44, 408
Windom city	37, 514
Crow Wing County area	829, 390
Crow Wing County government	568, 585
Total to all cities over 2,500	121, 681
Total to all cities under 2,500	88, 015
Total to all townships	51, 109
Brainerd city	121, 681
Dakota County area	1, 187, 997
Dakota County government	625, 624
Total to all cities over 2,500	513, 040
Total to all cities under 2,500	11, 732
Total to all townships	37, 601
Lakeville Village	14, 500
Hastings City (part)	76, 571
Lakeville Village	14, 500
Mendota Heights Village	22, 445
South St. Paul City	194, 988
West St. Paul City	68, 441
Inver Grove Heights	44, 227
Burnsville Village	12, 595
Dodge County Area	316, 443
Dodge County Govt	161, 443
Total to all cities over 2,500	0
Total to all cities under 2,500	86, 406
Total to all townships	68, 594
Douglas County Area	561, 339
Douglas County Govt	394, 053
Total to all cities over 2,500	69, 119
Total to all cities under 2,500	36, 210
Total to all townships	61, 958
Alexandria City	69, 119
Faribault County Area	551, 544
Faribault County Govt	323, 832
Total to all cities over 2,500	80, 756
Total to all cities under 2,500	57, 715
Total to all townships	79, 242
Blue Earth City	49, 327
Wells Village	31, 429
Fillmore County area	578, 466
Fillmore County government	330, 459
Total to all cities over 2,500	28, 200
Total to all cities under 2,500	108, 237
Total to all townships	111, 571
Spring Valley Village	28, 200
Freeborn County area	783, 981
Freeborn County government	512, 439
Total to all cities over 2,500	132, 500
Total to all cities under 2,500	57, 720
Total to all townships	81, 322
Albert Lea City	132, 500
Goodhue County area	821, 554
Goodhue County government	396, 075
Total to all cities over 2,500	176, 365
Total to all cities under 2,500	146, 788
Total to all townships	102, 327
Red Wing City	176, 365
Grant County area	196, 957
Grant County government	131, 408
Total to all cities over 2,500	0
Total to all cities under 2,500	44, 735
Total to all townships	20, 814
Hennepin County area	12, 449, 574
Hennepin County government	5, 751, 059
Total to all cities over 2,500	6, 584, 025
Total to all cities under 2,500	104, 710
Total to all townships	9, 780
Bloomington City	298, 424
Brooklyn Center Village	127, 651
Brooklyn Park Village	95, 494
Crystal City	112, 587
Deephaven Village	14, 027
Edina Village	160, 356
Excelsior Village	9, 331
Golden Valley Village	88, 271
Hopkins City	59, 128
Maple Grove Village	22, 347
Minneapolis City	4, 814, 471
Minnetonka Village	130, 248
Mound Village	27, 587
Osseo Village	13, 994
New Hope Village	20, 000
Orono Village	24, 709
Plymouth Village	64, 050
Richfield City	171, 951
Robbinsdale City	61, 801
St. Anthony Village (part)	25, 070
St. Louis Park City	177, 966
Shorewood Village	15, 374
Wayzata City	13, 470
Minnetrista Village	10, 478
Eden Prairie Village	25, 259
Houston County area	376, 801
Houston County govt	215, 179
Total to all cities over 2,500	67, 332
Total to all cities under 2,500	43, 268
Total to all townships	51, 022
Caledonia Village	17, 193
La Crescent Village	50, 140
Hubbard County area	279, 335
Hubbard County govt	221, 350
Total to all cities over 2,500	23, 408
Total to all cities under 2,500	7, 853
Total to all townships	26, 723
Park Rapids Village	23, 408
Isanti County area	227, 447
Isanti County govt	158, 062
Total to all cities over 2,500	28, 316
Total to all cities under 2,500	11, 622
Total to all townships	29, 446
Cambridge Village	28, 316
Itasca County area	937, 804
Itasca County govt	605, 537
Total to all cities over 2,500	115, 563
Total to all cities under 2,500	141, 189
Total to all townships	75, 515
Grand Rapids Village	115,563
Jackson County area	378, 817
Jackson County govt	242, 504
Total to all cities over 2,500	43, 561
Total to all cities under 2,500	38, 592
Jackson City	43, 561
Kanabec County area	196, 590
Kanabec County govt	143, 855
Total to all cities over 2,500	25, 377
Total to all cities under 2,500	6, 192
Total to all townships	21, 166
Mora Village	25, 377
Kandivohi County area	780, 590
Kandivohi County govt	500, 862
Total to all cities over 2,500	162, 722
Total to all cities under 2,500	57, 419
Total to all townships	59, 587
Willmar City	162, 722
Kittson County area	180, 883
Kittson County govt	112, 321
Total to all cities over 2,500	0
Total to all cities under 2,500	49, 607
Total to all townships	18, 955
Koochiching County area	379, 592
Koochiching County govt	298, 159
Total to all cities over 2,500	49, 091
Total to all cities under 2,500	32, 341
Total to all townships	0
International Falls City	49, 091
Lac qui Parle County area	294, 670
Lac qui Parle County government	200, 632
Total to all cities over 2,500	0
Total to all cities under 2,500	59, 041
Total to all townships	34, 997
Lake County area	271, 828
Lake County government	181, 542
Total to all cities over 2,500	73, 970
Total to all cities under 2,500	3, 372
Total to all townships	12, 944
Two Harbors City	32, 294
Silver Bay Village	41, 676
Lake of the County area	105, 236
Lake of the County government	97, 747
Total to all cities over 2,500	0
Total to all cities under 2,500	7, 489
Total to all townships	0
Le Sueur County area	459, 522
Le Sueur County government	284, 668
Total to all cities over 2,500	45, 902
Total to all cities under 2,500	93, 558
Total to all townships	35, 394
Le Sueur City	45, 902
Lincoln County area	214, 932
Lincoln County govt	147, 255
Total to all cities over 2,500	0
Total to all cities under 2,500	30, 120
Total to all townships	37, 557
Lyon County area	617, 069
Lyon County govt	400, 438
Total to all cities over 2,500	178, 742
Total to all cities under 2,500	37, 888
Total to all townships	0
Marshall City	112, 333
Tracy City	66, 409
McLeod County area	423, 769
McLeod County govt	243, 280
Total to all cities over 2,500	102, 664
Total to all cities under 2,500	40, 938
Total to all townships	36, 886
Glencoe City	53, 751
Hutchinson City	50, 914

Revenue sharing funds for Minnesota—Con.

[In dollars]

Mahnomen Couny area	148,813
Mahnomen County govt	115,350
Total to all cities over 2,500	0
Total to all cities under 2,500	13,779
Total to all townships	19,684
Marshall County area	344,715
Marshall County government	243,722
Total to all cities over 2,500	0
Total to all cities under 2,500	59,258
Total to all townships	41,735
Mariin County area	446,337
Mariin County government	228,241
Total to all cities over 2,500	105,934
Total to all cities under 2,500	50,735
Total to all townships	61,428
Fairmont City	105,934
Meeker County area	489,553
Meeker County government	327,589
Total to all cities over 2,500	58,485
Total to all cities under 2,500	45,692
Total to all townships	57,788
Litchfield City	58,485
Mille Lacs County area	387,763
Mille Lacs County government	255,388
Total to all cities over 2,500	36,178
Total to all cities under 2,500	56,232
Total to all townships	39,904
Princeton Village	36,178
Morrison County area	711,311
Morrison County govt	434,091
Total to all cities over 2,500	106,276
Total to all cities under 2,500	61,799
Total to all townships	109,145
Little Falls City	106,276
Mower County area	953,970
Mower County govt	444,385
Total to all cities over 2,500	355,973
Total to all cities under 2,500	75,116
Total to all townships	78,496
Austin City	355,973
Murray County area	316,423
Murray County govt	211,645
Total to all cities over 2,500	0
Total to all cities under 2,500	48,386
Total to all townships	56,392
Nicollet County area	415,146
Nicollet County govt	253,208
Total to all cities over 2,500	112,488
Total to all cities under 2,500	10,154
Total to all townships	39,296
North Mankato City	67,819
St. Peter City	44,669
Nobles County area	560,987
Nobles County govt	295,365
Total to all cities over 2,500	135,678
Total to all cities under 2,500	62,847
Total to all townships	67,097
Worthington City	135,678
Norman County area	264,158
Norman County govt	199,706
Total to all cities over 2,500	0
Total to all cities under 2,500	26,352
Total to all townships	38,100
Olmsted County area	1,296,901
Olmsted County govt	525,574
Total to all cities over 2,500	676,515
Total to all cities under 2,500	28,451
Total to all townships	66,361
Rochester City	664,696
Stewartville Village	11,819
Ottertail County area	1,216,717
Ottertail County govt	740,801
Total to all cities over 2,500	177,319
Total to all cities under 2,500	135,038
Total to all townships	163,559
Fergus Falls City	177,319
Pennington County area	188,427
Pennington County government	131,416
Total to all cities over 2,500	41,795
Total to all cities under 2,500	2,333
Total to all townships	12,884
Thief River Falls City	41,795
Pine County area	424,975
Pine County government	316,156
Total to all cities over 2,500	0
Total to all cities under 2,500	48,364
Total to all townships	60,455
Pipestone County area	337,615
Pipestone County government	275,490
Total to all cities over 2,500	69,181
Total to all cities under 2,500	40,187
Total to all townships	22,757
Pipestone City	69,181
Polk County area	908,902
Polk County government	534,040
Total to all cities over 2,500	206,762
Total to all cities under 2,500	74,384
Total to all townships	93,715
Crookston City	133,391
East Grand Forks City	73,371
Pope County area	182,904
Pope County govt	115,072
Total to all cities over 2,500	21,586
Total to all cities under 2,500	19,598
Total to all townships	26,648
Glenwood City	21,586
Ramsey County area	8,280,922
Ramsey County govt	3,193,350
Total to all cities over 2,500	5,032,324
Total to all cities under 2,500	45,979
Total to all townships	9,269
Blaine City (part)	18
Arden Hills Village	20,490
Falcon Heights Village	21,484
Little Canada Village	12,673
New Brighton Village	71,018
North St. Paul Village	52,545
Roseville Village	125,668
St. Paul City	4,450,117
St. Anthony Village (part)	8,566
White Bear Lake City (part)	84,791
Springlake Park (part)	608
Maplewood Village	95,467
Mounds View Village	36,363
Shoreview Village	40,171
Vadnais Hgts Village	12,345
Red Lake County area	142,215
Red Lake County govt	110,443
Total to all cities over 2,500	0
Total to all cities under 2,500	18,912
Total to all townships	12,860
Redwood County area	528,528
Redwood County govt	350,975
Total to all cities over 2,500	45,029
Total to all cities under 2,500	58,253
Total to all townships	74,274
Redwood Falls City	45,029
Renville County area	557,958
Renville County govt	373,117
Total to all cities over 2,500	30,093
Total to all cities under 2,500	97,610
Total to all townships	57,138
Olivia Village	30,093
Rice County area	696,259
Rice County govt	313,879
Total to all cities over 2,500	299,579
Total to all cities under 2,500	22,019
Total to all townships	60,782
Faribault City	228,673
Northfield City	70,905
Rock County area	253,256
Rock County govt	149,298
Total to all cities over 2,500	47,657
Total to all cities under 2,500	16,142
Total to all townships	40,158
Luverne City	47,557
Roseau County area	305,360
Roseau County government	224,752
Total to all cities over 2,500	22,188
Total to all cities under 2,500	20,301
Total to all townships	38,120
Roseau Village	22,188
St. Louis County area	5,825,126
St. Louis County government	3,260,120
Total to all cities over 2,500	2,441,450
Total to all cities under 2,500	123,556
Total to all townships	0
Aurora Village	51,232
Babbitt Village	19,916
Chisholm City	156,072
Duluth City	1,212,570
Ely City	129,440
Eveleih City	122,082
Hibbing Village	332,374
Hoyt Lakes Village	70,624
Proctor Village	18,526
Virginia	328,614
Scott County area	545,235
Scott County government	279,792
Total to all cities over 2,500	156,671
Total to all cities under 2,500	68,802
Total to all townships	39,970
New Prague City	52,500
Savage Village	25,069
Shakopee City	79,101
Sherburne County area	276,538
Sherburne County govt	168,375
Total to all cities over 2,500	42,430
Total to all cities under 2,500	42,365
Total to all townships	23,368
St. Cloud City (part)	42,430
Sibley County area	418,224
Sibley County govt	294,942
Total to all cities over 2,500	0
Total to all cities under 2,500	66,479
Total to all townships	56,804
Sterns County area	2,063,208
Stearns County govt	882,109
Total to all cities over 2,500	693,562
Total to all cities under 2,500	324,984
Total to all townships	162,553
St. Cloud City (part)	654,054
Sauk Centre City	16,524
Waite Park Village	22,984
Steele County area	483,173
Steel County govt	274,886
Total to all cities over 2,500	143,763
Total to all cities under 2,500	28,704
Total to all townships	35,820
Owatonna City	143,763
Stevens County area	296,096
Stevens County government	174,981
Total to all cities over 2,500	64,788
Total to all cities under 2,500	19,958
Total to all townships	36,369
Morris City	64,780
Swift County area	347,803
Swift County government	245,508
Total to all cities over 2,500	30,203
Total to all cities under 2,500	29,579
Total to all townships	425,512
Benson City	30,203
Todd County area	528,453
Todd County government	241,443
Total to all cities over 2,500	60,497
Total to all cities under 2,500	124,728
Total to all townships	101,785
Staples City	60,497
Traverse County area	165,072
Traverse County government	111,227
Total to all cities over 2,500	0
Total to all cities under 2,500	35,081
Total to all townships	18,764
Wabasha County area	403,896
Wabasha County government	246,920
Total to all cities over 2,500	38,062
Total to all cities under 2,500	69,325

Total to all townships	49,589
Lake City	38,062
Wadena County area	311,605
Wadena County government	225,396
Total to all cities over 2,500	44,616
Total to all cities under 2,500	21,366
Total to all townships	20,228
Wadena Village	44,616
Waseca County area	372,726
Waseca County government	222,447
Total to all cities over 2,500	83,606
Total to all cities under 2,500	36,391
Total to all townships	30,282
City of Waseca	83,606
Washington County area	912,552
Washington County government	579,460
Total to all cities over 2,500	219,838
Total to all cities under 2,500	53,902
Total to all townships	59,352
Bayport Village	28,464
Forest Lake Village	17,298
Hastings City (part)	108
Lake Elmo Village	8,000
Mahtomedi Village	19,678
Newport Village	19,292
St. Paul Park Village	44,106
Stillwater City	82,608
White Bear Lake City (part)	84
Watonwan County area	350,997
Watonwan County govt	229,035
Total to all cities over 2,500	41,831
Total to all cities under 2,500	40,533
Total to all townships	39,598
St. James City	41,831
Wilkin County area	247,820
Wilkin County govt	167,562
Total to all cities over 2,500	41,379
Total to all cities under 2,500	14,985
Total to all townships	23,894
Breckenridge City	41,379
Winona County area	1,150,629
Winona County govt	445,922
Total to all cities over 2,500	515,495
Total to all cities under 2,500	135,884
Total to all townships	53,327
Winona City	515,496
Wright County area	688,935
Wright County govt	436,230
Total to all cities over 2,500	34,202
Total to all cities under 2,500	133,193
Total to all townships	85,310
Buffalo Village	34,202
Yellow Medic County area	380,559
Yellow Medic County govt	250,396
Total to all cities over 2,500	33,103
Total to all cities under 2,500	59,487
Total to all townships	37,573
Granite Falls City (part)	33,103

RETIREMENT OF THE HONORABLE WILLIAM M. COLMER

Mr. ALLEN. Mr. President, retirement is often a time of mixed feelings—both for those who are retiring and for those who have come to know and appreciate the one who is leaving. Such is indeed the case with the Honorable WILLIAM M. COLMER, of Mississippi, who is retiring at the end of this session of Congress.

Congressman COLMER came to the House of Representatives in 1932, and the people of the Fifth District of Mississippi—and the Nation, I might add—have been well and faithfully served by him during all these long and eventual years.

He has seen national administrations come and go. He has seen the rank and file and leadership of the Congress change as the Nation passed through the trials of World War II, the Korean war, and the long conflict in Indochina. He has seen and heard the loud and persistent needs of a great land, and he has not hesitated to respond both on the floor of the House and in committee to meet those needs.

BILL COLMER has been a stabilizing influence on the House Rules Committee, where he serves as chairman of that most prestigious and important group. And, we need only think of the vast changes that have taken place in the world—indeed, in our own States—to truly appreciate how important a strong and resolute spokesman for orderly change and stability can be to the the effective functioning of that great deliberate body that is the Congress—the Nation's legislature.

Congressman COLMER has brought to his committee assignments broad knowledge and vast and valuable experience. This, powered by the intensity of his convictions, has made the Rules Committee a byword for hard work and integrity.

Now, after all these years of dedicated effort on behalf of his home district, his State, and his Nation, WILLIAM M. COLMER will retire. While I know that all of us in the Congress wish him well in the years ahead, I also know that we will miss the face and voice that have become so familiar and respected.

While wishing Godspeed to BILL COLMER, I hope that the years of retirement will prove as rewarding to him as his years here have been to all of us.

MILITARY CONSTRUCTION APPROPRIATIONS 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 1192, H.R. 16754.

The **PRESIDING OFFICER.** The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 16754) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time for the quorum call not be charged against either side.

The **PRESIDING OFFICER.** Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider treaties on the executive calendar.

I make this request at this time pending the arrival of other Senators who are interested and who should be here during the consideration of the military construction bill.

The **PRESIDING OFFICER.** Is there objection?

There being no objection, the Senate proceeded to consider executive business.

PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES RELATING TO AMENDMENTS TO THE CONVENTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate Executive C, 92d Congress, first session.

The **PRESIDING OFFICER.** Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider Executive C, 92d Congress, first session, the protocol to the International Convention for the Northwest Atlantic Fisheries relating to amendments to the convention, which was read the second time, as follows:

PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES RELATING TO AMENDMENTS TO THE CONVENTION

The Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949, which Convention, as amended, is hereinafter referred to as the Convention, desiring to facilitate the entry into force of amendments to the Convention, agree as follows:

ARTICLE I

Article XVII of the Convention is renumbered "Article XVIII" and a new Article XVII is inserted to read as follows:

"ARTICLE XVII

"1. Any Contracting Government or the Commission may propose amendments to this Convention to be considered and acted upon by a regular meeting of the Commission or by a special meeting of the Commission called in accordance with the provisions of paragraph 6 of Article II of the Convention. Any such proposed amendment shall be sent to the Executive Secretary at least ninety days prior to the meeting at which it is proposed to be acted upon, and he shall immediately transmit the proposal to all Contracting Governments and to all Commissioners.

"2. A proposed amendment to the Convention shall be adopted by the Commission by a three-fourth majority of the votes of all Contracting Governments. The text of any proposed amendment so adopted shall be transmitted by the Depository Government to all Contracting Governments.

"3. Any amendment shall take effect for all Contracting Governments one hundred and twenty days following the date on the notification by the Depositary Government of receipt of written notification of approval by three-fourths of all Contracting Governments unless any other Contracting Government notifies the Depositary Government that it objects to the amendment, within ninety days of the date on the notification by the Depositary Government of such receipt, in which case the amendment shall not take effect for any Contracting Government. Any Contracting Government which has objected to an amendment may at any time withdraw that objection. If all objections to an amendment are withdrawn, the amendment shall take effect for all Contracting Governments one hundred and twenty days following the date on the notification by the Depositary Government of receipt of the last withdrawal.

"4. Any Government which becomes a party to the Convention after an amendment has been adopted in accordance with paragraph 2 of this Article shall be deemed to have approved the said amendment.

"5. The Depositary Government shall promptly notify all Contracting Governments of the receipt of notifications of approval of amendments, the receipt of notifications of objection or withdrawal of objections, and the entry into force of amendments."

Article II

1. This Protocol shall be open for signature and ratification or approval or for adherence on behalf of any Government party to the Convention.

2. This Protocol shall enter into force on the date on which instruments of ratification or approval have been deposited with, or written notices of adherence have been received by, the Government of the United States of America, on behalf of all Governments parties to the Convention.

3. Any Government which becomes a party to the Convention after this Protocol has been opened for signature shall at the same time adhere to this Protocol.

4. The Government of the United States of America shall inform all Government signatory or adhering to the Convention of all ratifications and approvals deposited and adherences received and of the date this Protocol enters into force.

5. Any Protocol amending the Convention which has been signed but which has not entered into force at the date of entry into force of the present Protocol shall thereafter enter into force in accordance with the provisions of the present Protocol; provided, however, that, if instruments of ratification or approval or notices of adherence with respect to such Protocol have been received by the Depositary Government from three-fourths of all Contracting Governments at the time of entry into force of the present Protocol, the date on which the ninety, and one hundred and twenty, day periods specified in the first sentence of paragraph 3 of Article XVII shall commence with regard to such amendment shall be the date of entry into force of the present Protocol.

Article III

1. The original of this Protocol shall be deposited with the Government of the United States of America, which Government shall communicate certified copies thereof to all the Governments signatory or adhering to the Convention.

2. This Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter, following which period it shall be open for adherence.

In witness whereof the undersigned, having deposited their respective full powers, have signed this Protocol.

Done at Washington this sixth day of October 1970, in the English language.

For Canada:
——— ———
For Denmark:
Torben Rφnne
Oct. 16, 1970
For France:
Charles Lucet
Oct. 12th 1970
For the Federal Republic of Germany:
Rolf Pauls
Oct. 9, 1970
For Iceland:
Magnús V. Magnússon
Oct. 6, 1970
For Italy:
Egidio Ortona
Oct. 16—1970
For Japan:
——— ———
For Norway:
Arne Gunneng
October 6, 1970
For Poland:
Jerzy Michalowski
October 20th 1970
For Portugal:
Vasco Vieira Garin
October 20th 1970
For Romania:
Corneliu Bogdan
Oct. 19, 1970
For Spain:
Jaime Arguelles
19–Octubre–1970
For the Union of Soviet Socialist Republics:
Yuly M. Vorontsov
[Romanization]
20.10.70
For the United Kingdom of Great Britain and Northern Ireland:
John Freeman
Oct. 15, 1970
For the United States of America:
Burdick H. Brittin
Oct. 6, 1970

I certify that the foregoing is a true copy of the Protocol to the International Convention for the Northwest Atlantic Fisheries relating to Amendments to the Convention, which Protocol was signed at Washington under date of October 6, 1970 in the English language, the signed original of which is deposited in the archives of the Government of the United States of America.

In testimony whereof, I, William P. Rogers, Secretary of State of the United States of America have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Authentication Officer of the said Department, at the city of Washington, in the District of Columbia, this sixteenth day of November, 1970.

[seal]

William P. Rogers,
Secretary of State.
By Barbara Wartman,
Authentication Officer,
Department of State.

Mr. PELL. Mr. President, this treaty is designed to provide a more expeditious method of amending the 1949 Convention for the Northwest Atlantic Fisheries. Under the terms of the 1949 Convention, amendments can be achieved only by means of a treaty requiring affirmative action by all the contracting governments. This protocol is designed to remedy the situation by allowing an amendment to enter into force 120 days after the approval of only three-fourths of the contracting governments. The entry into force will automatically occur without the advice and consent of the Senate unless the Secretary of State files an objection within 90 days of the date of the notification by the depository government.

However, the Secretary of State's letter of submittal specifically affirms that:

> It would be the duty of the Secretary of State to register an objection to any proposed amendment if upon approval of it by ¾ of the contracting governments, approval of the proposed amendment had not been completed in accordance with the U.S. constitutional process.

During the recent hearings conducted by the Subcommittee on Oceans and International Environment of the Senate Foreign Relations Committee, Ambassador Donald L. McKernan stated that the Department of State would have no objection to a statement of interpretation embodying the language of the Secretary of State's letter of submittal. The committee in attaching this statement of interpretation believes that such an interpretation would protect and strengthen the Senate's constitutional role in the treaty-making process.

Therefore, Mr. President, I urge the Senate to grant its advice and consent to ratification of this protocol, subject to this statement of interpretation and understanding.

The PRESIDING OFFICER. Without objection, the treaty will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will read for the information of the Senate.

The assistant legislative clerk read as follows:

Resolved (two-thirds of the Senate concurring therein), That the Senate advise and consent to accession to the Protocol to the International Convention for the Northwest Atlantic Fisheries Relating to Amendments to the Convention, dated October 6, 1970 (Executive C, 92d Congress, 1st session), with the understanding, which shall be made a part and condition of the resolution of ratification, that in accordance with Article I of the Protocol, it shall be the duty of the Secretary of State to register an objection to any proposed amendment if, upon approval of it by three-fourths of the Contracting Governments, action on the proposed amendment has not been completed in accordance with Article 2, Section 2 of the United States Constitution, which states that the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur."

AMENDMENTS TO THE CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1960

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate Executive O, 92d Congress, second session.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider Executive O, 92d Congress, second session, amendments to the Convention for the Safety of Life at Sea, 1960, which was read the second time, as follows:

AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1960

RESOLUTION A.146(ES. IV) adopted on 26 November 1968

The Assembly,

Recognizing the need to improve safety of life at sea,

Noting Article 16(i) of the Convention on the Inter-Governmental Maritime Consultative Organization, concerning the functions of the Assembly with regard to regulations relating to maritime safety, Noting further that Article IX of the International Convention for the Safety of Life at Sea, 1960 in paragraphs (b), (d), (e), (g) and (h), provides for procedures of amendment involving participation of the Organization,

Having considered certain amendments to the International Convention for the Safety of Life at Sea, 1960, forming the subject of a recommendation adopted by the Maritime Safety Committee at its seventeenth session, and directed towards improvement of safety of navigation.

Adopts the following amendment to Chapter V of the Regulations annexed to the International Convention for the Safety of Life at Sea, 1960, which shall be communicated for acceptance to Contracting Governments in accordance with Article IX(d) of the Convention:

"The replacement of Regulation 12 by a new Regulation and the addition of new Regulations 19 and 20. The text of this amendment appears in the Annex to this Resolution,"

Requests the Secretary-General of the Organization, in conformity with Article IX(b) (i), to communicate for purposes of acceptance, certified copies of this Resolution and the Annex to all Contracting Governments of the International Convention for the Safety of Life at Sea, 1960, together with copies to all Members of the Organization, and

Invites all Governments concerned to accept the amendment at the earliest possible date.

ANNEX

Regulation 12—Shipborne Navigational Equipment

(a) All ships of 1,600 tons gross tonnage and upwards shall be fitted with a radar of a type approved by the Administration. Facilities for plotting radar readings shall be provided on the bridge in those ships.

(b) All ships of 1,600 tons gross tonnage and upwards, when engaged on international voyages, shall be fitted with radio direction-finding apparatus complying with the provisions of Regulation 11 of Chapter IV. The Administration may, in areas where it considers it unreasonable or unnecessary for such apparatus to be carried, exempt any ship under 5,000 tons gross tonnage from this requirement, due regard being had to the fact that radio direction-finding apparatus is of value both as a navigational instrument and as an aid to locating ships, aircraft or survival craft.

(c) All ships of 1,600 tons gross tonnage and upwards, when engaged on international voyages, shall be fitted with a gyro-compass in addition to the magnetic compass. The Administration, if it considers it unreasonable or unnecessary to require a gyro-compass, may exempt any ship under 5,000 tons gross tonnage from this requirement.

(d) All new ships of 500 tons gross tonnage and upwards, when engaged on international voyages, shall be fitted with an echo-sounding device.

(e) Whilst all reasonable steps shall be taken to maintain the apparatus in an efficient condition, malfunction of the radar equipment, the gyro-compass or the echo-sounding device shall not be considered as making the ship unseaworthy or as a reason for delaying the ship in ports where repair facilities are not readily available.

Regulation 19—Use of the automatic pilot

(a) In areas of high traffic density, in conditions of restricted visibility and in all other hazardous navigational situations where the automatic pilot is used, it shall be possible to establish human control of the ship's steering immediately.

(b) In circumstances as above, it shall be possible for the officer of the watch to have available without delay the services of a qualified helmsman who shall be ready at all times to take over steering control.

(c) The changeover from automatic to manual steering and vice versa shall be made by or under the supervision of a responsible officer.

Regulation 20—Nautical Publications

All ships shall carry adequate and up-to-date charts, sailing directions, lists of lights, notice to mariner, tide tables and all other nautical publications necessary for the intended voyage.

Certified a true copy of the English and French text of Resolution A.146(ES.IV) adopted by the Assembly of the Inter-Governmental Maritime Consultative Organization on 26 November 1968 and of the English and French texts of the Annex thereto comprising an amendment to the International Convention for the Safety of Life at Sea, done in London on 17 June 1960, which amendment was recommended and adopted in conformity with Article IX(b)(i) of the aforesaid Convention, the original of which is deposited with the Inter-Governmental Maritime Consultative Organization.

[SEAL]

THOMAS MENSAH,
Secretary-General of the Inter-Governmental Maritime Consultative Organization.

London, 31 December 1968.

AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1960

RESOLUTION A.174(VI) ADOPTED ON 21 OCTOBER 1969

The Assembly,

Recognizing the need to improve safety of life at sea,

Noting Article 16(i) of the Convention on the Inter-Governmental Maritime Consultative Organization, concerning the functions of the Assembly with regard to regulations relating to maritime safety,

Noting further that Article IX of the International Convention for the Safety of Life at Sea, 1960, in paragraphs (b), (d), (e), (g) and (h), provides for procedures of amendment involving participation of the Organization.

Having considered certain amendments to the International Convention for the Safety of Life at Sea, 1960, forming the subject of recommendations adopted by the Maritime Safety Committee at its seventeenth and nineteenth sessions in accordance with Article IX of that Convention, and directed towards improvement of requirements for firemen's outfits and personal equipment in cargo ships, or the specification of a lifebuoy and/or lifejackets, for radio installations and shipborne navigational equipment.

Adopts the following eight amendments to the Regulations and Safety Certificates annexed to the International Convention for the Safety of Life at Sea, 1960, each of which amendments shall be communicated for acceptance to Contracting Governments in accordance with Article IX(d) of the Convention:

(a) The replacement of Regulation 65(j) of Chapter II by a new Regulation, the text of which is at Annex I to this Resolution;

(b) the replacement of Regulation 21(f) of Chapter III by a new Regulation, together with a footnote to that Regulation, and the replacement of Regulation 22 of Chapter III by a new Regulation. The text of this amendment is at Annex II to this Resolution;

(c) the replacement of Regulation 2(c) of Chapter IV by a new Regulation, the text of which is Annex III to this Resolution;

(d) the replacement of Regulations 9(c), 9(h)(i), 13(c), 13(f), 15(a), 15(b), 15(f) and 15(g) of Chapter IV by new Regulations. The text of this amendment is at Annex IV of this Resolution;

(e) the renumbering of existing paragraphs(a)-(g) of Regulation 11 of Chapter IV to (a)(i)-(a)(vii), and the addition of a new paragraph (b) to this Regulation, and the addition of a new paragraph (f) to Regulation 12 of Chapter V. The text of this amendment is at Annex V to this Resolution;

(f) the addition of a new Regulation 21 of Chapter V, the text of which is at Annex VI to this Resolution;

(g) the replacement of sub-paragraphs (i) and (ii) of paragraph (b) of Regulation 7 of Chapter I by new sub-paragraphs, and the replacement of Regulations 8 and 9 of Chapter I by new Regulations. The text of this amendment is at Annex VII to this Resolution;

SAFETY OF LIFE AT SEA, 1960

(h) the replacement of Parts VI and VIII of the Passenger Ship Safety Certificate, Part V of the Cargo Ship Safety Equipment Certificate, Part I of the Cargo Ship Safety Radiotelegraphy Certificate, Parts VII and IX of the Nuclear Passenger Ship Safety Certificate and Parts VII and IX of the Nuclear Cargo Ship Safety Certificate by new Parts. The text of this amendment is at Annex VIII to this Resolution,

Requests the Secretary-General of the Organization, in conformity with Article IX (b)(i), to communicate, for purposes of acceptance, certified copies of this Resolution and its Annexes, to all Contracting Governments to the International Convention for the Safety of Life at Sea, 1960, together with copies to all Members of the Organization, and

Invites all Governments concerned to accept each of the amendments at the earliest possible date.

Annex I

AMENDMENT TO REGULATION 65 OF CHAPTER II OF THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1960

Regulation 65

Paragraph (j) is replaced by the following:

(j) *Fireman's Outfits and Personal Equipment:*

(i) A cargo ship, whether new or existing, shall carry at least two fireman's outfits complying with the requirements of Regulation 63 of this Chapter. Furthermore, Administrations may require in large cargo ships additional sets of personal equipment and in tankers and special ships such as factory ships, additional fireman's outfits.

(ii) For each fireman's outfit which includes a self-contained breathing apparatus as provided in Regulation 63(b) of this Chapter, spare charges shall be carried on a scale approved by the Administration.

(iii) The fireman's outfits and personal equipment shall be stored so as to be easily accessible and ready for use and, where more than one fireman's outfit and set of personal equipment are carried, they shall be stored in widely separated positions.

Annex II

AMENDMENTS TO CHAPTER III OF THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1960

Regulation 21

Paragraph (f) is replaced by the following text and footnote.

(f) The self-igniting lights required by paragraph (e) of this Regulation shall be such that they cannot be extinguished by water. They shall be capable of burning for not less than 45 minutes and shall have a luminous intensity of not less than 2 candelas in all directions of the upper hemisphere. The lights shall be kept near the lifebuoys to which they belong, with the necessary means of attachment. Self-igniting lights used in tankers shall be of an approved electric battery type.*

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* The following ranges of visibilities of the light might be expected in given atmospheric conditions:

Atmospheric transmissivity factor	Meteorological range of visibility (nautical miles)	Range of visibility of the light (nautical miles)
0.3	2.4	0.96
0.4	3.3	1.05
0.5	4.3	1.15
0.6	5.8	1.24
0.7	8.4	1.34
0.8	13.4	1.45
0.9	28.9	1.57

Regulation 22

Regulation 22 is replaced by the following:

(a) Ships shall carry for every person on board a lifejacket of an approved type and, in addition, unless these lifejackets can be adapted for use by children, a sufficient number of lifejackets suitable for children. Each lifejacket shall be suitably marked showing that it has been approved by the Administration.

(b) In addition to the lifejackets required by paragraph (a) there shall be carried on passenger ships lifejackets for 5 per cent of the total number of persons on board. These lifejackets shall be stowed in a conspicuous place on deck.

(c) An approved lifejacket shall comply with the following requirements:

(i) It shall be constructed with proper workmanship and materials.

(ii) It shall be so constructed as to eliminate so far as possible all risk of its being put on incorrectly, except that it shall be capable of being worn inside out.

(iii) It shall be capable of lifting the face of an exhausted or unconscious person out of the water and holding it above the water with the body inclined backwards from its vertical position.

(iv) It shall be capable of turning the body in the water from any position to a safe floating position with the body inclined backwards from its vertical position.

(v) It shall not be adversely affected by oil or oil products.

(vi) It shall be of a highly visible colour.

(vii) It shall be fitted with an approved whistle, firmly secured by a cord.

(viii) The buoyancy of the lifejacket required to provide the foregoing performance shall not be reduced by more than 5 per cent after 24 hours submergence in fresh water.

(d) A lifejacket, the buoyancy of which depends on inflation, may be permitted for use by the crews of all ships except passenger ships and tankers provided that:

(i) It has two separate inflatable compartments;

(ii) It is capable of being inflated both mechanically and by mouth; and

(iii) It complies with the requirements of paragraph (c) with either compartment inflated separately.

(e) Lifejackets shall be so placed as to be readily accessible and their position shall be plainly indicated.

Annex III

AMENDMENT TO REGULATION 2 OF CHAPTER IV OF THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1960

Regulation 2

Paragraph (c) is replaced by the following:

(c) "Radio Officer" means a person holding at least a first or second class radiotelegraph operator's certificate, or a radiocommunication operator's general certificate for the maritime mobile service, complying with the provisions of the Radio Regulations, who is employed in the radiotelegraph station of a ship which is provided with such a station in compliance with the provisions of Regulation 3 or Regulation 4 of this Chapter.

Annex IV

AMENDMENTS TO REGULATIONS 9, 13 AND 15 OF CHAPTER IV OF THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1960

Regulation 9

Paragraphs (e) and (h) (i) are replaced by the following:

(e) The main and reserve transmitters shall be capable of transmitting on the radiotelegraph distress frequency using a class of emission assigned by the Radio Regulations for that frequency. In addition, the main transmitter shall be capable of transmitting on at least two working frequencies in the authorized bands between 405 kc/s and 535 kc/s, using classes of emission assigned by the Radio Regulations for these frequencies. The reserve transmitter may consist of a ship's emergency transmitter, as defined in and limited in use by the Radio Regulations.

(h) (i) The main and reserve receivers shall be capable of receiving the radiotelegraph distress frequency and the classes of emission assigned by the Radio Regulations for that frequency.

Regulation 13

Paragraphs (c) and (f) are replaced by the following:

(c) The transmitter shall be capable of transmitting on the radiotelegraph distress frequency using a class of emission assigned by the Radio Regulations for that frequency, and, in the bands between 4,000 kc/s and 27,500 kc/s, of transmitting on the radiotelegraph frequency, and of using a class of emission, assigned by the Radio Regulations for survival craft. However, the Administration may permit the transmitter to be capable of transmitting on the radiotelephone distress frequency, and of using a class of emission, assigned by the Radio Regulations for that frequency, as an alternative or in addition to transmission on the radiotelegraph frequency assigned by the Radio Regulations for survival craft in the bands between 4,000 kc/s and 27,500 kc/s.

(f) The receiver shall be capable of receiving the radiotelegraph distress frequency and the classes of emission assigned by the Radio Regulations for that frequency. If the transmitter is capable of transmitting on the radiotelephone distress frequency the receiver shall also be capable of receiving that frequency and a class of emission assigned by the Radio Regulations for that frequency.

Regulation 15

Paragraphs (a), (b), (f) and (g) are replaced by the following:

(a) The radiotelephone installation shall include transmitting and receiving equipment and appropriate sources of energy (referred to in the following paragraphs as "the transmitter", "the receiver" and "the source of energy" respectively).

(b) The transmitter shall be capable of transmitting on the radiotelephone distress frequency and on at least one other frequency in the bands between 1,605 kc/s and 2,850 kc/s, using the classes of emission assigned by the Radio Regulations for these frequencies. In normal operation a double sideband transmission or a single sideband transmission with full carrier (i.e. A3H) shall have a depth of modulation of at least 70 percent at peak intensity. Modulation of a single sideband transmission with reduced or suppressed carrier (A3A, A30) shall be such that the intermodulation products shall not exceed the values given in the Radio Regulations.

(f) The receiver required by paragraph (a) of this Regulation shall be capable of receiving the radiotelephone distress frequency and at least one other frequency available for maritime radiotelephone stations in the bands between 1,605 kc/s and 2,850 kc/s, using the classes of emission assigned by the Radio Regulations for these frequencies. In addition the receiver shall permit the reception of such other frequencies, using the classes of emission assigned by the Radio Regulations, as are used for the transmission by radiotelephoning of meteorological messages and such other communications relating to the safety of navigation as may be considered necessary by the Administration. The receiver shall have sufficient sensitivity to produce signals by means of a loudspeaker when the receiver input is as low as 50 microvolts.

(g) The receiver used for maintaining watch on the radiotelephone distress frequency shall be preset to this frequency, or so arranged that setting to the frequency may be carried out in a rapid and precise manner and that, when set to this frequency, the receiver shall not easily be detuned accidentally. The use of a separate single channel watch receiver for the radiotelephone distress frequency fulfills this requirement.

Annex V

AMENDMENTS TO REGULATION 11 OF CHAPTER IV AND REGULATION 12 OF CHAPTER V OF THE INTERNATIONAL CONVENTION FOR THEIR SAFETY OF LIFE AT SEA, 1960

Regulation 11 of Chapter IV

Existing paragraphs (a)–(g) are renumbered (a) (i)–(a) (vii) and a new paragraph (b) is added as follows:

(b) (i) Radio equipment for homing on the radiotelephone distress frequency shall be capable of taking direction-finding bearings on that frequency without ambiguity of sense within an arc of 30 degrees on either side of the bow.

(ii) When installing and testing the equipment referred to in this paragraph due regard should be given to the relevant recommendation of the International Radio Consultative Committee (CCIR).

(iii) All reasonable steps shall be taken to ensure the homing capability required by this paragraph. In cases where due to technical difficulties the homing capability cannot be achieved, Administrations may grant to individual ships exemptions from the requirements of this paragraph.

Regulation 12 of Chapter V (as amended by Resolution A.146 (ES.IV))

A new paragraph (f) is added as follows:

(f) All ships of 1,600 tons gross tonnage and upwards, the keel of which is laid on or after the date of coming into force of this paragraph, when engaged on international voyages, shall be fitted with radio equipment for homing on the radiotelephone distress frequency complying with the relevant provisions of Regulation 11, paragraph (b) of Chapter IV.

Annex VI

AMENDMENT TO CHAPTER V OF THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1960

A new Regulation is added as follows:

Regulation 21—International Code of Signals

All ships which in accordance with the present Convention are required to carry a radiotelegraph or a radiotelephone installation shall carry the International Code of Signals. This publication shall also be carried by any other ship which in the opinion of the Administration has a need to use it.

Annex VII

AMENDMENTS TO REGULATIONS 7, 8, AND 9 OF CHAPTER I OF THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1960

Regulation 7

Paragraphs (b) (i) and (b) (ii) are replaced by the following:

(b) (i) The survey before the ship is put in service shall include a complete inspection of its structure, machinery and equipments, including the outside of the ship's bottom and the inside and outside of the boilers. This survey shall be such as to ensure that the arrangements, material, and scantlings of the structure, boilers and other pressure vessels and their appurtenances, main and auxiliary machinery, electrical installation, radio installation, radiotelegraph installations in motor lifeboats, portable radio apparatus for survival craft, life-saving appliances, fire detecting and extinguishing appliances, radar, echo-sounding device, gyro-compass, pilot ladders and other equipments, fully comply with the requirements of the present Convention, and of the laws, decrees, orders and regulations promulgated as a result thereof by the Administration for ships of the service for which it is intended. The survey shall also be such as to ensure that the workmanship of all parts of the ship and its equipments is in all respects satisfactory, and that the ship is provided with the lights, means of making sound signals and distress signals as required by the provisions of the present Convention and the International Collision Regulations.

(b) (ii) The periodical survey shall include an inspection of the structure, boilers and other pressure vessels, machinery and equipments, including the outside of the ship's bottom. The survey shall be such as to ensure that the ship, as regards the structure, boilers and other pressure vessels and their appurtenances, main and auxiliary machinery, electrical installation, radio installation, radiotelegraph installations in motor lifeboats, portable radio apparatus for survival craft, life-saving appliances, fire detecting and extinguishing appliances, radar, echo-sounding device, gyro-compass, pilot ladders and other equipments, is in satisfactory condition and fit for the service for which it is intended, and that it complies with the requirements of the present Convention, and of the laws, decrees, orders and regulations promulgated as a result thereof by the Administration. The lights and means of making sound signals and the distress signals carried by the ship shall also be subject to the above-mentioned survey for the purpose of ensuring that they comply with the requirements of the present Convention and of the International Collision Regulations.

The existing text of Regulation 8 is replaced by the following:

Regulation 8—Surveys of Life-Saving Appliances and Other Equipment of Cargo Ships

The life-saving appliances, except a radiotelegraph installation in a motor lifeboat or a portable radio apparatus for survival craft, the echo-sounding device, the gyro-compass, and the fire extinguishing appliances of cargo ships to which Chapters II, III and V of the present Regulations apply shall be subject to initial and subsequent surveys as provided for passenger ships in Regulation 7 of this Chapter with the substitution of 24 months for 12 months in sub-paragraph (a) (ii) of that Regulation. The fire control plans in new ships and the pilot ladders, lights and means of making sound signals carried by new and existing ships shall be included in the surveys for the purpose of ensuring that they comply fully with the requirements of the present Convention and, where applicable, the International Collision Regulations.

The existing text of Regulation 9 is replaced by the following:

Regulation 9—Surveys of Radio and Radar Installations of Cargo Ships

The radio and radar installations of cargo ships to which Chapters IV and V of the present Regulations apply and any radiotelegraph installation in a motor lifeboat or portable radio apparatus for survival craft which is carried in compliance with the requirements of Chapter III of the present Regulations shall be subject to initial and subsequent surveys as provided for passenger ships in Regulation 7 of this Chapter.

Annex VIII

AMENDMENTS TO CERTAIN SAFETY CERTIFICATES APPENDED TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1960

Passenger Ship Safety Certificate

Parts VI and VIII are replaced by the following:

VI. That the ship complied with the requirements of the Regulations as regards radiotelegraph installations, viz.:

Requirements of regulation and actual provision

Hours of listening by operator ------
Number of operators------
Whether auto alarm fitted ------
Whether main installation fitted------
Whether reserve installation fitted------
Whether main and reserve transmitters electrically separated or combined ------
Whether direction-finder and/or radio equipment for homing on the radiotelephone distress frequency fitted------
Whether radar fitted------
Number of passengers for which certificated------

VIII. That the ship complied with the requirements of the Regulations as regards fire-detecting and fire-extinguishing appliances, radar, echo-sounding device and gyro-compass and was provided with navigation lights and shapes, pilot ladder, and means of making sound signals, and distress signals in accordance with the provisions of the Regulations and also the International Collision Regulations.

Cargo Ship Safety Equipment Certificate

Part V is replaced by the following:

V. That the inspection showed that the ship complied with the requirements of the said Convention as regards fire-extinguishing appliances and fire control plans, echo-sounding device and gyro-compass and was provided with navigation lights and shapes, pilot ladder, and means of making sound signals and distress signals, in accordance with the provisions of the Regulations and the International Collision Regulations.

Cargo Ship Safety Radiotelegraphy Certificate

Part I is replaced by the following:

I. That the above-mentioned ship compiles with the provisions of the Regulations annexed to the Convention referred to above as regards radiotelegraphy and radar:

Requirements of regulation and actual provision

Hours of listening by operator ------
Number of operators------
Whether auto alarm fitted ------
Whether main installation fitted------
Whether reserve installation fitted------
Whether main and reserve transmitters electrically separated or combined ------
Whether direction-finder and/or radio equipment for homing on the radiotelephone distress frequency fitted------
Whether radar fitted------

Nuclear Passenger Ship Safety Certificate

Parts VII and IX are replaced by the following:

VII. That the ship complied with the requirements of the Regulations as regards radiotelegraph installations, viz.:

Requirements of regulations and actual provision

Hours of listening by operator------
Numbers of operators------
Whether auto alarm fitted------
Whether main installation fitted------
Whether reserve installation fitted------
Whether main and reserve transmitters electrically separate or combined------
Whether direction-finder and/or radio equipment for homing on the radiotelephone distress frequency fitted------
Whether radar fitted------
Number of passengers for which certificated ------

IX. That the ship complied with the requirements of the Regulations as regards fire-detecting and fire-extinguishing appliances, radar echo-sounding device and gyro-compass and was provided with navigation lights and shapes, pilot ladder, and means of making sound signals and distress signals in accordance iwth the provisions of the Regulations and also the International Collision Regulations.

Nuclear Cargo Ship Safety Certificate

Parts VII and IX are replaced by the following:

VII. That the ship complied with the requirements of the Regulations as regards radiotelegraph installations viz.:

Requirements of regulations and actual provision

Hours of listening by operator------
Numbers of operators------
Whether auto alarm fitted------
Whether main installation fitted------
Whether reserve installation fitted------
Whether main and reserve transmitters electrically separated or combined------
Whether direction-finder and/or radio equipment for homing on the radiotelephone distress frequency fitted------
Whether radar fitted------

IX. That the inspection showed that the ship complied with the requirements of the said Convention as regards fire-extinguishing appliances, radar, echo-sounding device and gyro-compass and was provided with navigation lights and shapes, pilot ladder, and means of making sound signals and distress signals in accordance with the provisions of the Regulations and the International Collision Regulations.

Certified a true copy of the English and French text of Resolution A.174(VI) adopted by the Assembly of the Inter-Governmental Marine Consultative Organization on 21 October 1969 and of the English and French texts of Annexes I to VIII thereto comprising eight amendments to the international Convention for the Safety of Life at Sea, done in London on 17 June 1960, which were recommended and adopted in conformity with Article IX(b) (i) of the aforesaid Convention, the original of which is deposited with the Inter-Governmental Maritime Consultative Organization.

[SEAL]

THOMAS MENSAH,
Head of Legal Division
London, 15 January 1970
(For the Secretary-General
of the Inter-Governmental
Maritime Consultative Organization).

Mr. PELL. Mr. President, I am particularly proud to have chaired the hearings in this matter. The 11 amendments to the Convention for the Safety of Life at Sea, 1960, were negotiated by the U.S. Coast Guard, of which I am the only Active Reserve officer now serving in Congress and am, in fact, the third senior captain in the service.

These 11 amendments are designed to improve the standard of safety provided by the technical regulations annexed to the 1960 convention by: First requiring that specified navigational equipment be carried aboard certain vessels; second, specifying conditions of operation that must be made by vessels using automatic pilot; third, requiring that all ships subject to the Convention carry adequate and up-to-date nautical publications; and fourth, improving the requirements for firemen's outfits and personal equipment in cargo ships, as well as requirements for lifebuoys, lifejackets, radio installations, and ship-borne navigational equipment. These changes will require other nations to conform to a standard of safety which the U.S. merchant marine vessels already adhere to.

The United States participated in the formulation and eventual adoption of all these amendments, after full consultation with the American maritime interests, including management, labor, and other governmental and nongovernmental offices. This consultation was very extensive, and involved working groups in various technical areas. The Shipping Coordinating Committee which advises the Department of State on U.S. positions prior to meetings such as the IMCO assembly also participated in the development of the provisions of these amendments. The United States fully supported all these amendments at the IMCO assembly meetings, and recommends strongly that the Senate give its advice and consent to the acceptance of these amendments.

The PRESIDING OFFICER. Without objection, the treaty will be considered as having passed through its various parliamentary stages, up to and including the presentation of the resolution of ratification, which the clerk will read for the information of the Senate.

The assistant legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the accession of the United States of America to the Eleven Amendments to the Convention for the Safety of Life at Sea, 1960 (Executive O, 92d Congress, 2d session).

AGREEMENT WITH BRAZIL CONCERNING SHRIMP

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate Executive P, 92d Congress, second session.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider Executive P, 92d Congress, second session, the agreement with Brazil concerning shrimp, which was read the second time, as follows:

Agreement Between the Government of the United States of America and the Government of the Federative Republic of Brazil Concerning Shrimp

The Parties to this Agreement,

Note the position of the Government of the Federative Republic of Brazil,

that it considers its territorial sea to extend to a distance of 200 nautical miles from Brazil's coast,

that the exploitation of crustaceans and other living resources, which are closely dependent on the seabed under the Brazilian territorial sea, is reserved to Brazilian fishing vessels, and

that exceptions to this provision can only be granted through international agreements,

Note also the position of the Government of the United States of America that it does not consider itself obligated under international law to recognize territorial sea claims of more than 3 nautical miles nor fisheries jurisdiction of more than 12 nautical miles, beyond which zone of jurisdiction all nations have the right to fish freely, and that it does not consider that all crustaceans are living organisms belonging to sedentary species as defined in the 1958 Geneva Convention on the Continental Shelf, and further

Recognizing that the difference in the respective juridical positions of the Parties has given rise to certain problems relating to the conduct of shrimp fisheries,

Considering the tradition of both Parties for resolving international differences by having recourse to negotiation,

Believing it is desirable to arrive at an interim solution for the conduct of shrimp fisheries without prejudice to either Party's juridical position concerning the extent of territorial seas or fisheries jurisdiction under international law,

Concluding that, while general international solutions to issues of maritime jurisdiction are being sought and until more adequate information regarding the shrimp fisheries is available, it is desirable to conclude an interim agreement which takes into account their mutual interest in the conservation of the shrimp resources of the area of this Agreement,

Have Agreed as Follows:

ARTICLE I

This Agreement shall apply to the fishery for shrimp (*Penaeus* (M.) *duorarum notialis, Penaeus braziliensis* and *Penaeus* (M.) *aztecus subtilis*) in an area of the broader region in which the shrimp fisheries of the Parties are conducted, hereinafter referred to as the "area of agreement" and defined as follows: the waters off the coast of Brazil having the isobath of thirty (30) meters as the south-west limit and the latitude 1° north as the southern limit and 47°30′ west longitude as the eastern limit.

ARTICLE II

1. Taking into acount their common concern with preventing the depletion of the shrimp stocks in the area of agreement and the substantial difference in the stages of development of their respective fishing fleets, which results correspondingly in different kinds of impact on the resources, the two Parties agree that, during the term of this Agreement, the Government of the Federative Republic of Brazil is to apply the measures set forth in Annex I to this Agreement and the Government of the United States of America is to apply the measures set forth in Annex II to this Agreement.

2. The measures set forth in Annexes may be changed by agreement of the Parties through consultation pursuant to Article X.

ARTICLE III

1. Information on catch and effort and biological data relating to shrimp fisheries in the area of agreement shall be collected and exchanged, as appropriate, by the Parties. Unless the Parties decide otherwise, such exchange of information shall be made in accordance with the procedure described in this Article.

2. Each vessel fishing under this Agreement shall maintain a fishing log, according to a commonly agreed model. Such fishing logs shall be delivered quarterly to the appropriate Party which shall use the data therein contained, and other information it obtains about the area of agreement, to prepare reports on the fishing conditions in that area, which shall be transmitted periodically to the other Party as appropriate.

3. Duly appointed organizations from both Parties shall meet in due time to exchange scientific data, publications and knowledge acquired on the shrimp fisheries in the area of agreement.

ARTICLE IV

1. The Party which under Article V has the responsibility for enforcing observance of the terms of the Agreement by vessels of the other Party's flag shall receive from the latter Party the information necessary for identification and other enforcement functions, including name, port of registry, port where operations are usually based, general description with photograph in profile, radio-frequencies by which communications may be established, main engine horsepower and speed, length, and fishing method and gear employed.

2. Such information shall be assembled and organized by the flag Government and communications relating to such information shall be carried out each year between the appropriate authorities of the Parties.

3. The Party which receives such information shall verify whether it is complete and in good order, and shall inform the other Party about the vessels found to comply with the requirements of paragraph 1 of this Article, as well as about those which would, for some reason, require further consultation among the Parties.

4. Each of those vessels found in order shall receive and display an identification sign, agreed between the Parties.

ARTICLE V

1. In view of the fact that Brazilian authorities can carry out an effective enforcement presence in the area of agreement, it shall be incumbent on the Government of Brazil to ensure that the conduct of shrimp fisheries conforms with the provisions of this Agreement.

2. A duly authorized official of Brazil, in exercising the responsibility described in paragraph 1 of this Article may, if he has reasonable cause to believe that any provision of this Agreement has been violated, board and search a shrimp fishing vessel. Such action shall not unduly hinder fishing operations. When, after boarding or boarding and searching a vessel, the official continues to have reasonable cause to believe that any provision of this Agreement has been violated, he may seize and detain such vessel. In the case of a boarding or seizure and detention of a United States vessel, the Government of Brazil shall promptly inform the Government of the United States of its action.

3. After satisfaction of the terms of Article VI as referred to in paragraph 4 of this Article, a United States vessel seized and detained under the terms of this Agreement shall, as soon as practicable, be delivered to an authorized official of the United States at the nearest port to the place of seizure, or any other place which is mutually acceptable to the competent authorities of both Parties. The Government of Brazil shall, after delivering such vessel to an authorized official of the United States, provide a certified copy of the full report of the violation and the circumstances of the seizure and detention.

4. If the reason for seizure and detention falls within the terms of Article II or Article IV, paragraph 4 of this Agreement, a United States vessel seized and detained shall be delivered to an authorized official of the United States, after satisfaction of the terms of Article VI relating to unusual expenses.

5. If the nature of the violation warrants it, and after carrying out the provision of Article X, vessels may also suffer forfeiture of that part of the catch determined to be taken illegally and forfeiture of the fishing gear.

6. In the case of vessels delivered to an authorized official of the United States under paragraphs 3 or 4 of this Article, the Government of Brazil will be informed of the institution and disposition of any case by the United States.

ARTICLE VI

In connection with the enforcement arrangements specified in Article V, including in particular any unusual expenses incurred in carrying out the seizure and detention of a United States vessel under the terms of paragraph 4 of Article V, and taking into account Brazil's regulation of its flag vessels in the area of agreement, the Government of Brazil will be compensated in an amount determined and confirmed in an exchange of notes between the Parties. The amount of compensation shall be related to the level of fishing by United States nationals in the area of agreement and to the total enforcement activities to be undertaken by the Government of Brazil pursuant to the terms of this Agreement.

ARTICLE VII

The implementation of this Agreement may be reviewed at the request of either Party six months after the date on which this Agreement becomes effective, in order to deal with administrative issues arising in connection with this Agreement.

ARTICLE VIII

The Parties shall examine the possibilities of cooperating in the development of their fishing industries; the expansion of the international trade of fishery products; the improvement of storage, transportation and marketing of fishery products; and the encouragement of joint ventures between the fishing industries of the two Parties.

ARTICLE IX

Nothing contained in this Agreement shall be interpreted as prejudicing the position of either Party regarding the matter of territorial seas or fisheries jurisdiction under international law.

ARTICLE X

Problems concerning the interpretation and implementation of this Agreement shall be resolved through diplomatic channels.

ARTICLE XI

This Agreement shall enter into force on a date to be mutually agreed by exchange of notes, upon completion of the internal procedures of both Parties, and shall remain in force until January 1, 1974, unless the Parties agree to extend it.

In witness whereof the undersigned Representatives have signed the present Agreement and affixed thereto their seals.

Done in duplicate, this ninth day of May, 1972, in the English and Portuguese languages, both texts being equally authoritative.

For the United States of America:
William M. Rountree
For the Federative Republic of Brazil:
Mario Gibson Barboza

ANNEX I

(a) Prohibition of shrimp fishing activities, for conservation purposes, in spawning and breeding areas;

(b) Prohibition of the use of chemical, toxic or explosive substances in or near fishing areas;

(c) Registry of all fishing vessels with the Maritime Port Authority (Capitania dos Portos) and with SUDEPE;

(d) Payment of fees and taxes for periodical inspections;

(e) Use of the SUDEPE fishing logs to be returned after each trip or weekly;

(f) Prohibition of the use of fishing gear and of other equipment considered by SUDEPE to have destructive effects on the stocks;

(g) Prohibition of discharging oil and organic waste.

ANNEX II

(a) Not more than 325 vessels flying the United States flag shall fish for shrimp in the area of agreement and the United States Government undertakes to maintain a presence of no more than 160 of those vessels in the area at any one time. Such vessels shall be of the same type and have the same gear as those commonly employed in this fishery in the past, noting that electric equipment for fishing purposes has not been commonly employed by boats in this fishery in the past.

(b) Shrimp fishing in the area of agreement shall be limited to the period from March 1 to November 30.

(c) Shrimp fishing in that part of the area of agreement southeast of a bearing of 240° from Ponta do Ceu radio-beacon shall be limited to the period March 1 to July 1.

(d) Transshipment of catch may be made only between vessels authorized under this Agreement to fish in the area of agreement.

Agreed Minute Relating to the Agreement Between the Government of the United States of America and the Government of the Federative Republic of Brazil Concerning Shrimp

The Delegations of the Government of the United States of America and the Government of the Federative Republic of Brazil consider it desirable to record the points set out below relating to the Agreement between the two Governments concerning shrimp signed on this ninth day of May, 1972:

The Brazilian Delegation informed the United States Delegation that the portion of the area of agreement between the true bearing of 240° and 225°, drawn from the Ponta do Ceu radio-beacon, has a special interest to the Brazilian shrimp vessels, in view of its vicinity to both the port and the industries existing in Belem, State of Para. Under these circumstances, the Brazilian Delegation informed the United States Delegation that it was not the intention of the Brazilian Government to re-include such region in agreements it might conclude after 1973.

The United States Delegation stated its view to the Brazilian Delegation that the area of the Agreement between the true bearing of 240° and 225°, drawn from the Ponta do Ceu radio-beacon, lies on the high seas and is thus open to fishing by all nations.

Both the United States and the Brazilian Delegations agreed that, based on the available information, the expression "of the same type", included in item a of Annex II in relation to United States vessels that have in the past fished in the area of the Agreement, means vessels having a length up to approximately eighty-five feet.

With respect to item a of Annex II, both Delegations agreed that an excess of up to 15 vessels in the area of agreement over the figure of 160 shall constitute, during the first fishing season of the Agreement, a situation requiring consultations between the Parties within the scope of Article X with a view toward arriving at as promptly as possible the agreed figure. In view of the special nature of the arrangements contained in item a of Annex II, both Delegations understand that consultations referred to in paragraph 2, Article II will be held as soon after the close of the current fishing season as possible, to examine the operation of this provision with a view toward revising, if necessary, the meaures outlined in item a of Annex II or revising the procedures necessary to achieve better compliance with them.

Done in duplicate, this ninth day of May, 1972, in the English and Portuguese languages, both texts being equally authoritative.

For the United States of America:
William M. Rountree
For the Federative Republic of Brazil:
Mario Gibson Barboza

Embassy of the
United States of America,
Brasilia, May 9, 1972.

No. 150.
His Excellency Mario Gibson Barboza,
Minister of Foreign Affairs, Brasilia.

Excellency: I have the honor to refer to the Agreement on Shrimp signed today by the Governments of the Federative Republic of Brazil and the United States of America and to confirm, on behalf of my Government, the following:

(a) The Government of the United States of America shall, after the appropriation of funds by Congress, compensate the Government of Brazil in an annual amount of U.S. $200,000 (two hundred thousand dollars) pursuant to the terms of Article VI;

(b) The Government of the United States of America shall, after the appropriation of funds by Congress, further compensate the Government of Brazil in the amount of U.S. $100.00 (one hundred dollars) for each day a United States flag shrimp fishing vessel is under the control of Brazilian enforcement authorities pursuant to the terms of paragraph 2 of Article V.

I have the honor to propose that this Note and Your Excellency's reply confirming the above points of understanding on behalf of your Government shall be regarded as constituting satisfaction of the terms of Article VI of the aforementioned Agreement between the two Governments.

Accept, Excellency, the renewed assurances of my highest consideration.

William M. Rountree.

[Translation]

DPB/DAI/DAS/67/562.8(22)

May 9, 1972.

His Excellency William Manning Rountree,
Ambassador Extraordinary and Plenipotentiary of the United States of America.

Mr. Ambassador: I have the honor to acknowledge the receipt of Your Excellency's Note dated today, the text of which, translated into Portuguese, reads as follows:

[The Portuguese translation of Note No. 150 agrees in all substantive respects with the original English text.]

In reply, I wish to confirm, in the name of the Brazilian Government, that the points of understanding mentioned above be considered as fulfilling the terms of Article VI of the Agreement on Shrimp signed today by the two Governments.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

(S) Mário Gibson Barboza.

No. 151

The Embassy of the United States of America presents its compliments to the Ministry of External Relations of the Federative Republic of Brazil, and with reference to the Agreement Concerning Shrimp signed on this date, as well as the accompanying exchange of Notes related to Article VI of that Agreement, has the honor to inform the Ministry of the following:

Pending the entering into force of the Agreement as provided for in Article Eleven, the Government of the United States of America is prepared to make every effort to encourage the voluntary compliance by its industry of the provisions of the Agreement so as to ensure that events in the interim period do not prejudice the successful implementation of those provisions. It is the understanding of the Government of the United States of America that the Government of the Federative Republic of Brazil intends also to abide by the spirit of the proposed interim Agreement.

Following the entering into force of the Agreement as provided for in Article Eleven, but prior to the passage of enabling legislation, the Government of the United States of America proposes to continue its efforts to encourage voluntary compliance.

In the period between the completion of internal procedures as noted in Article Eleven and the entering into force of the Agreement, the Government of the United States of America will seek, *inter alia*, with the voluntary cooperation of U.S. flag vessel owners,

1. To achieve the objectives of Article II
2. To institute appropriate Article III procedures
3. To achieve the intent of Articles IV and V.

In stating its willingness to encourage the voluntary compliance with appropriate provisions of the Agreement so that the intent of the accord may be achieved while awaiting its entering into force, it is the understanding of the Government of the United States of America that the Government of the Federative Republic of Brazil agrees that in this same interim period both Parties should have as their objective the achievement of the intent of the Agreement.

With specific reference to Article III, paragraph 2, the Government of the United States of America shall treat the information obtained from individual fishing logs as confidential.

The Embassy takes the opportunity to renew to the Ministry the assurance of its highest consideration.

W. M. R.

Embassy of the United States of America
Brasilia, May 9, 1972

[Translation]

DPB/DAI/DAS/68/562.8(22)

BRASILIA, *May 9, 1972.*

The Ministry of Foreign Relations presents its compliments to the Embassy of the United States of America and has the honor to acknowledge the recepit of the Embassy's note dated today, the text of which, translated into Portuguese, reads as follows:

[The Portuguese translation of Note No. 151 agrees in all substantive respects with the original English text.]

2. In reply, the Ministry of Foreign Relations wishes to confirm that the understanding, referred to in the penultimate paragraph of the Embassy's note, is also that of the Brazilian Government.

3. Furthermore, the Ministry of Foreign Relations wishes to declare that, while awaiting the entry into force of the Agreement, it is the intention of the Brazilian Government to apply its provisions, insofar as possible, beginning today, so as to ensure that the events in the interim period do not prejudice the successful implementation of those provisions.

4. With specific reference to Article 3, paragraph 2, the Government of the Federated Republic of Brazil will treat as confidential the information obtained from the individual fishing logs.

GIBSON.

Mr. PELL. Mr. President, fisheries disputes between the United States and certain countries of Latin America have been a disturbing element in our relations with the hemisphere for almost 20 years. These disputes arise from differences regarding the breadth of the territorial sea and coastal State rights over the resources of the waters adjacent to their coasts. The United States recognizes a 3-mile territorial sea and, by statute—Public Law 89-658—claims a 9-mile contiguous zone of exclusive jurisdiction over fisheries. On the other hand, 10 Latin American countries claim fishing rights or territorial jurisdiction over 200 miles of their coastal seas.

Over the years these claims have come into conflict with the interests of the U.S. distant-water fishing fleets. Subsequently, the United States has been involved for over a decade in an effort to peacefully negotiate some mutually acceptable solution to this problem.

The United States-Brazil shrimp agreement is an attempt to establish a regulatory system which will provide for the conservation of the shrimp resources and forestall any problems which might arise because of the differences in the views of the governments concerning the justification of these fisheries. This agreement seeks to accomplish this objective without prejudice to the legal position maintained by the United States and Brazil with respect to the breadth of the territorial sea or fisheries jurisdiction under international law. Representatives of the U.S. shrimp industry accompanied Government negotiators in the capacity of advisers and were satisfied with the terms of the agreement.

Mr. President, I believe that the U.S. shrimp agreement is a reasonable solution to a rather difficult and sensitive problem. In addition, the State Department hopes that this agreement will provide a useful precedent for resolving similar, but more volatile situations on the west coast of Latin America.

The PRESIDING OFFICER. Without objection, the treaty will be considered as having passed through its various parliamentary stages, up to and including the presentation of the resolution of ratification, which the clerk will read for the information of the Senate.

The assistant legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the accession of the United States of America to the Agreement between the Government of the United States of America and the Government of the Federative Republic of Brazil concerning shrimp, together with an Agreed Minute and with a Related Exchange of Notes concerning compensation, signed at Brasilia on May 9, 1972; and a Related Exchange of Notes concerning interim undertakings (Executive P, 92d Congress, 2d session).

SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVILIAN AVIATION

Mr. MANSFIELD. Mr. President, it is not very often that a Member of this body has the opportunity to call up and to explain three treaties; but at this time the distinguished Senator from Rhode Island, after the next item is brought to final reading, will have the distinct honor of being the only Senator I know of who has called up four treaties on one occasion.

So at this time, Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Executive T, 92d Congress, 2d session, Convention for the Suppression of Unlawful Acts Against the Safety of Civilian Aviation, which likewise was reported unanimously by the Committee on Foreign Relations.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider Executive T, 92d Congress, 2d session, Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, which was read the second time, as follows:

CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION

The States Parties to this Convention—

Considering that unlawful acts against the safety of civil aviation jeopardize the safety of persons and property, seriously affect the operation of air services, and undermine the confidence of the peoples of the world in the safety of civil aviation;

Considering that the occurrence of such acts is a matter of grave concern;

Considering that, for the purpose of deterring such acts, there is an urgent need to provide appropriate measures for punishment of offenders;

Have agreed as follows:

ARTICLE 1

1. Any person commits an offence if he unlawfully and intentionally;

(a) Performs an act of violence against a person on board an aircraft in flight if that act is likely to endanger the safety of that aircraft; or

(b) Destroys an aircraft in service or causes damage to such an aircraft which renders it incapable of flight or which is likely to endanger its safety in flight; or

(c) Places or causes to be placed on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft, or to cause damage to it which renders it incapable of flight, or to cause damage to it which is likely to endanger its safety in flight; or

(d) Destroys or damages air navigation facilities or interferes with their operation, if any such act is likely to endanger the safety of aircraft in flight; or

(e) Communicates information which he knows to be false, thereby endangering the safety of an aircraft in flight.

2. Any person also commits an offence if he:

(a) Attempts to commit any of the offences mentioned in paragraph 1 of this Article; or

(b) Is an accomplice of a person who commits or attempts to commit any such offence.

ARTICLE 2

For the purposes of this Convention:

(a) An aircraft is considered to be in flight at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation; in the case of a forced landing, the flight shall be deemed to continue until the competent authorities take over the responsibility for the aircraft and for persons and property on board;

(b) An aircraft is considered to be in service from the beginning of the preflight preparation of the aircraft by ground personnel or by the crew for a specific flight until twenty-four hours after any landing; the period of service shall, in any event, extend for the entire period during which the aircraft is in flight as defined in paragraph (a) of this Article.

ARTICLE 3

Each Contracting State undertakes to make the offenses mentioned in Article 1 punishable by severe penalties.

ARTICLE 4

1. This Convention shall not apply to aircraft used in military, customs or police services.

2. In the cases contemplated in subparagraphs (a), (b), (c) and (e) of paragraph 1 of Article 1, this Convention shall apply, irrespective of whether the aircraft is engaged in an international or domestic flight, only if:

(a) The place of take-off or landing, actual or intended, of the aircraft is situated outside the territory of the State of registration of that aircraft; or

(b) The offense is committed in the territory of a State other than the State of registration of the aircraft.

3. Notwithstanding paragraph 2 of this Article, in the cases contemplated in subparagraphs (a), (b), (c) and (e) of paragraph 1 of Article 1, this Convention shall also apply if the offender or the alleged offender is found in the territory of a State other than the State of registration of the aircraft.

4. With respect to the States mentioned in

Article 9 and in the cases mentioned in subparagraphs (a), (b), (c) and (e) of paragraph 1 of Article 1, this Convention shall not apply if the places referred to in subparagraph (a) of paragraph 2 of this Article are situated within the territory of the same State where that State is one of those referred to in Article 9, unless the offence is committed or the offender or alleged offender is found in the territory of a State other than that State.

5. In the cases contemplated in subparagraph (d) of paragraph 1 of Article 1, this Convention shall apply only if the air navigation facilities are used in international air navigation.

6. The provisions of paragraphs 2, 3, 4 and 5 of this Article shall also apply in the cases contemplated in paragraph 2 of Article 1.

ARTICLE 5

1. Each Contracting State shall take such measures as may be necessary to establish its jurisdiction over the offences in the following cases:

(*a*) When the offence is committed in the territory of that State;

(*b*) When the offence is committed against or on board an aircraft registered in that State;

(*c*) When the aircraft on board which the offence is committed lands in its territory with the alleged offender still on board;

(*d*) When the offence is committed against or on board an aircraft leased without crew to a lessee who has his principal place of business or, if the lessee has no such place of business, his permanent residence, in that State.

2. Each Contracting State shall likewise take such measures as may be necessary to establish its jurisdiction over the offences mentioned in Article 1, paragraph 1 (a), (b) and (c), and in Article 1, paragraph 2, in so far as that paragraph relates to those offences, in the case where the alleged offender is present in its territory and it does not extradite him pursuant to Article 8 to any of the States mentioned in paragraph 1 of this Article.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

ARTICLE 6

1. Upon being satisfied that the circumstances so warrant, any Contracting State in the territory of which the offender or the alleged offender is present, shall take him into custody or take other measures to ensure his presence. The custody and other measures shall be as provided in the law of that State but may only be continued for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

2. Such State shall immediately make a preliminary enquiry into the facts.

3. Any person in custody pursuant to paragraph 1 of this Article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national.

4. When a State, pursuant to this Article, has taken a person into custody, it shall immediately notify the States mentioned in Article 5, paragraph 1, the State of nationality of the detained person and, if it considers it advisable, any other interested States of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary enquiry contemplated in paragraph 2 of this Article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

ARTICLE 7

The Contracting State in the territory of which the alleged offender is found shall, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case to its competent authorities for the purpose of prosecution. Those authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State.

ARTICLE 8

1. The offences shall be deemed to be included as extraditable offences in any extradition treaty existing between Contracting States. Contracting States undertake to include the offenses as extraditable offences in every extradition treaty to be concluded between them.

2. If a Contracting State which makes extradition conditional on the existence of a treaty receives a request for extradition from another Contracting State with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of the offences. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. Contracting States which do not make extradition conditional on the existence of a treaty shall recognize the offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

4. Each of the offences shall be treated, for the purpose of extradition between Contracting States, as if it had been committed not only in the place in which it occurred but also in the territories of the States required to establish their jurisdiction in accordance with Article 5, paragraph 1 (b), (c) and (d).

ARTICLE 9

The Contracting States which establish joint air transport operating organizations or international operating agencies, which operate aircraft which are subject to joint or international registration shall, by appropriate means, designate for each aircraft the State among them which shall exercise the jurisdiction and have the attributes of the State of registration for the purpose of this Convention and shall give notice thereof to the International Civil Aviation Organization which shall communicate the notice to all States Parties to this Convention.

ARTICLE 10

1. Contracting States shall, in accordance with international and national law, endeavour to take all practicable measures for the purpose of preventing the offences mentioned in Article 1.

2. When, due to the commission of one of the offences mentioned in Article 1, a flight has been delayed or interrupted, any Contracting State in whose territory the aircraft or passengers or crew are present shall facilitate the continuation of the journey of the passengers and crew as soon as practicable, and shall without delay return the aircraft and its cargo to the persons lawfully entitled to possession.

ARTICLE 11

1. Contracting States shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offences. The law of the State requested shall apply in all cases.

2. The provisions of paragraph 1 of this Article shall not affect obligations under any other treaty, bilateral or multilateral, which governs or will govern, in whole or in part, mutual assistance in criminal matters.

ARTICLE 12

Any Contracting State having reason to believe that one of the offences mentioned in Article 1 will be committed shall, in accordance with its national law, furnish any relevant information in its possession to those States which it believes would be the States mentioned in Article 5, paragraph 1.

ARTICLE 13

Each Contracting State shall in accordance with its national law report to the Council of the International Civil Aviation Organization as promptly as possible any relevant information in its possession concerning:

(a) The circumstances of the offence;

(b) The action taken pursuant to Article 10, paragraph 2;

(c) The measures taken in relation to the offender or the alleged offender and, in particular, the results of any extradition proceedings or other legal proceedings.

ARTICLE 14

1. Any dispute between two or more Contracting States concerning the interpretation or application of this Convention which cannot be settled through negotiation, shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State may at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by the preceding paragraph. The other Contracting States shall not be bound by the preceding paragraph with respect to any Contracting State having made such a reservation.

3. Any Contracting State having made a reservation in accordance with the preceding paragraph may at any time withdraw this reservation by notification to the Depositary Governments.

ARTICLE 15

1. This Convention shall be open for signature at Montreal on 23 September 1971, by States participating in the International Conference on Air Law held at Montreal from 8 to 23 September 1971 (hereinafter referred to as the Montreal Conference). After 10 October 1971, the Convention shall be open to all States for signature in Moscow, London and Washington. Any State which does not sign this Convention before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Convention shall be subject to ratification by the signatory States. Instruments of artification and instruments of accession shall be deposited with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, which are hereby designated the Depositary Governments.

3. This Convention shall enter into force thirty days following the date of the deposit of instruments of ratification by ten States signatory to this Convention which participated in the Montreal Conference.

4. For other States, this Convention shall enter into force on the date of entry into force of this Convention in accordance with paragraph 3 of this Article, or thirty days following the date of deposit of their instruments of ratification or accession, whichever is later.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession, the date of entry into force of this Convention and other notices.

6. As soon as this Convention comes into force, it shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations and pursuant to Article 83 of the Convention on International Civil Aviation (Chicago, 1944).

ARTICLE 16

1. Any Contracting State may denounce this Convention by written notification to the Depositary Governments.

2. Denunciation shall take effect six months following the date on which notification is received by the Depositary Governments.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their Governments, have signed this Convention.

DONE at Montreal, this twenty-third day of September, one thousand nine hundred and seventy-one, in three originals, each being drawn up in four authentic texts in the English, French, Russian and Spanish languages.

The PRESIDING OFFICER. Without objection, the treaty will be considered as having passed through its various parliamentary stages, up to and including the presentation of the resolution of ratification, which the clerk will read for the information of the Senate.

The assistant legislative clerk read as follows:

> Resolved, (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation signed at Montreal on September 23, 1971 (Executive T, 92d Congress, 2d Session).

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order, at an appropriate time, to request that the vote on the four treaties be taken en bloc and that each vote be considered a separate vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate return to legislative session.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

MILITARY CONSTRUCTION APPROPRIATIONS, 1973

The Senate continued with the consideration of the bill (H.R. 16754) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. MANSFIELD. I ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TUNNEY). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the unfinished business remain in a temporarily aside status today until the military construction appropriation bill is disposed of, or until the hour of 12:50, whichever is the earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY CONSTRUCTION APPROPRIATIONS, 1973

The Senate resumed the consideration of the bill (H.R. 16754) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order, at an appropriate time, to request the yeas and nays on final passage of the pending bill, the military construction appropriation bill for fiscal year 1973.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I present today for the consideration of the Senate, H.R. 16754, making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes.

May I say, Mr. President, that the subcommittee was unanimous in its final recommendations on this bill and the full Appropriations Committee accepted what the subcommittee did without question and no amendments were offered in the full committee. Therefore, the bill was able to come to the floor in a reasonably good period of time.

The Military Construction Subcommittee of the Appropriations Committee again held joint hearings this year with the Military Construction Subcommittee of the Armed Services Committee chaired by the able Senator from Missouri (Mr. SYMINGTON). The joint hearings were most productive in saving the time of both Senators and witnesses from the Department of Defense. Additional hearings by the Appropriations Subcommittee were held to hear testimony on items in the bill which were previously authorized, and on the American barracks rehabilitation in Germany which is being constructed and paid for by the Federal Republic of Germany.

It is not my intention in presenting the bill to give detailed figures concerning each item. The line item breakdown and explanations are contained in the construction report on each Senator's desk and further information is contained in the hearings.

Before going into the recommendations of the Appropriations Committee, I would like briefly to summarize the pertinent figures pertaining to the bill. The fiscal year 1973 estimates for new obligational authority, as submitted to the Congress for military construction, were $2,661,384,000, broken down as follows:

Army	$619, 207, 000
Navy	554, 200, 000
Air Force	357, 200, 000
Defense agencies	48, 200, 000
Army National Guard	40, 000, 000
Army Reserve	38, 200, 000
Naval Reserve	16, 000, 000
Air Reserve	7, 000, 000
Air National Guard	10, 600, 000
Family housing	1, 067, 268, 000

The total for the military construction bill as reported by the Committee on Appropriations is $2,337,726,000. This is an increase of $56,942,000 over the $2,280,784,000 provided by the House. The total of the bill as reported to the Senate is $323,658,000 under the budget estimate of $2,661,384,000.

GENERAL STATEMENT

For military construction for the Active Forces of the Department of the Army, the committee has approved an amount totaling $421,879,000. This is an increase of $16,615,000 over the amount of $405,264,000 approved by the House, and a reduction of $197,321,000 below the budget estimate of $619,200,000.

For military construction for the Active Forces of the Department of the Navy, the committee has approved an amount totaling $520,612,000. This is an increase of $19,741,000 over the $500,871,000 allowed by the House and a decrease of $33,588,000 below the budget estimate of $554,200,000.

For military construction for the Active Forces of the Department of the Air Force, the committee has approved an amount totaling $269,169,000. This is an increase of $18,686,000 over the $250,483,000 allowed by the House and a decrease of $88,031,000 below the budget estimate of $357,200,000.

For the Army National Guard, the committee has approved $40 million, and approval was given for the Army Reserve in the amount of $38,200,000, the budget estimate.

For the Naval Reserve, the committee recommends an appropriation of $20,500,000, an increase of $4,500,000 above the budget estimate.

For the Air Force Reserve, the committee recommends an appropriation of $7 million.

For the Air National Guard, the committee recommends an appropriation of $16,100,000.

For the Department of Defense agencies, the committee recommends an appropriation of $36,704,000. This is $11,496,000 below the budget estimate of $48,200,000, and is $1,900,000 above the House allowance.

The appropriation breakdown is as follows:

Defense Nuclear Agency, $2,596,000; National Security Agency, $5,221,000; Defense Supply Agency, $6,087,000; and, the Defense Intelligence Agency, $1,600,000. The committee also recommends for the Department of Defense general support programs a total of $3,700,000, including planning and design; and, for the Office of the Secretary of Defense emergency fund, $17,500,000.

ARMY

The largest single item included in this bill for the Army is $238,444,000 for the construction of 15,901 new enlisted barracks spaces and 458 bachelor officer quarters at permanent installations in the United States. The Army, in locating this new construction, has placed emphasis on those Army bases which have shown the largest deficits in permanent construction, and the Army is making a real effort in furthering an overall plan to take World War II temporary barracks out of service as rapidly as possible. I would like to point out that the Army has assured the committee that none of the barracks spaces provided for in this bill are in Europe or Okinawa, where alternative methods of funding have become available. The Army has assured the committee that the Federal Republic of Germany is making a very determined effort to upgrade the living conditions for our troops in Germany. In fact, in the so-called "Offset Agreement Program" the Federal Republic of Germany is providing 600 million deutsche marks over a 2-year period for modernization, construction, and improvement of barracks. The Army's allocation of deutsche marks is 576 million, and the Air Force will receive 24 million deutsche marks for the improvement of Air Force barracks.

The committee has been informed that a similar program is being worked out with the Japanese for the improvement of barracks spaces in Okinawa.

Mr. President, I would like to point out that this certainly is in keeping with the policy enunciated last year by the Senate Appropriations Committee in advising the military services that they should seek greater financial construction aid from our allies in Europe.

The committee has approved $35,712,000 for medical facilities. This constitutes another large portion of the Army budget. However, I would like to point out that this is a significant reduction from last year's Army hospital program, when an appropriation of $101,670,000 was made for the construction of a new Walter Reed Army Hospital. I am pleased to inform the Senate that this project is now underway and excellent progress is being made to provide this new facility for the Army. A contract award was made within the available money and completion of the Walter Reed Main Hospital facility is projected for year 1976.

The largest single project in the hospital category this year is $16,757,000 to expand the Wood Army Hospital at Fort Leonard Wood, Mo. Also included are clinic expansions for the permanent hospitals at Fort Eustis, Va., and Benning, Ga., and construction of new clinics at Seneca and Sierra Army Depots, as well as new dental clinics at Fort Gordon, Ga., and Fort Hood, Tex.

The Army's program for community facilities, amounting to $61,600,000, is a decided increase over the $11,600,000 approved by the Congress in last year's appropriation bill. The Army is making a determined effort to upgrade its bases by building new community facilities and to demolish the temporary World War II structures that are no longer adequate to support community programs. The remoteness and large populations of the majority of Army installations in the United States generally preclude utilization of civilian facilities as a substitute. During our hearings, the Army pointed out that new community facilities are necessary "to provide for a quality of life which will attract and obtain personnel to man a modern volunteer army."

The Army is making a continued effort to provide adequate aviation facilities for its helicopters and fixed-wing aircraft. This bill contains $16,484,000 which is directly related to aviation operational activities. The projects include expansion of air fuel facilities at Fort Hood, Tex., Fort Campbell, Ky., and Fort Eustis, Va., plus the improvement of aviation fuel facilities at two locations in Germany. The bringing of the troops home from Vietnam, with accompanying aviation activities, has created a problem for the Army in providing adequate aviation maintenance facilities and the committee has been assured by the Army that they are outlining a continuing program for future years to upgrade aviation facilities. The Army today maintains some 12,000 rotary and fixed-wing aircraft. This is a tripling of the number of aircraft in the Army in the last 12 years.

During fiscal years 1968–72, $805 million was made available for planning and construction of the Safeguard sites. Of this amount, as of July 31, 1972, $525 million had been obligated and $401 million expended. These funds have been used primarily for major construction of the Grand Forks, N. Dak., site and Malmstrom, Mont., site; community impact assistance in the vicinity of these two sites; advanced preparation for the Whiteman, Mo., and Warren, Wyo., sites; essential research and development construction at the Kwajalein Missile Range; construction of a central training facility at Fort Bliss, Tex.; and construction of a Safeguard dedicated mission depot at Glasgow Air Force Base, Mont.

The committee understands that construction at the Grand Forks site is proceeding on schedule. The beneficial occupancy date for the perimeter acquisition radar building occurred in August 1972. Beneficial occupancy dates for the perimeter acquisition radar powerplant and supporting facilities, and for the missile site radar site and remote launch sites will occur during the remainder of 1972 and through the first half of 1973.

As a result of the Anti-Ballistic Missile Treaty signed May 26, 1972, in Moscow, the original fiscal year 1973 military construction, Army budget request of $390 million has been reduced to zero. Planning for the Whiteman and Warren sites and construction of the Malmstrom site have been suspended and will be terminated consistent with the authority of the fiscal year 1973 Defense Procurement Authorization Act. Sunk costs at the Whiteman and Warren sites are estimated to total around $8 million. At the Malmstrom site, where considerable construction had been accomplished prior to May 26, preliminary estimates indicate that total sunk costs could be as high as $175 million. This includes $77 million expended to date; the cost to terminate the suspended construction effort; and the cost to dismantle and restore the site.

The Army pollution abatement program contained in this bill is the largest ever requested by the Army. Over a period, fiscal year 1968 to fiscal year 1972, the committee has approved appropriations in the amount of $49.6 million for air pollution abatement projects and $78.2 million for water pollution abatement projects. This year's Army program includes an additional $31.7 million for air pollution abatement projects and $39.5 for water pollution abatement projects. These projects will reduce particulate and gaseous emissions, provide treatment of industrial wastes, provide incinerators for waste disposal, provide connections to regional sewage systems, and upgrade existing sewage treatment plants to conform with local, State, and Federal standards. The Army informed the committee that all the pollution abatement projects have been coordinated with the other Federal agencies involved in pollution abatement and are generally in phase with the environmental improvement plans of the local communities.

The total obligational authority requested for the U.S. share of the common-funded NATO infrastructure program for fiscal year 1973 is $48 million and new obligational authority is $38 million. These funds are required to meet U.S. obligations during fiscal year 1973. These projects were previously approved by NATO in the NATO annual programs—slices—and receive final approval for construction and funding from the NATO Payments and Progress Committee. It is anticipated that recoupments from projects prefinanced will total $10 million in fiscal year 1973.

NAVY

Mr. President, the Navy and the Marine Corps have all types of military projects and operational facilities in this year's, fiscal 1973, construction bill. I will not attempt to go into an explanation of each project. I will, for the sake of brevity, limit my remarks to some particular significant portions of the Navy construction program.

Testimony of naval witnesses for the last several years shows that the Navy is making a determined effort to upgrade its facilities for naval personnel. Significant emphasis is again being placed on bachelor housing and messing facilities. This year's program will provide 12,725 new spaces and will modernize 9,058 spaces for bachelor enlisted personnel. For bachelor officers, this year's program will provide 195 new spaces and the modernization of 563 spaces.

If the Navy were to obtain in future programs the average funding of approximately $82 million requested for the last 3 years for bachelor enlisted housing, it would take 10 years to eliminate the deficiency. Similarly, if the average funding for bachelor officers quarters of the last 3 years of approximately $9 million were obtained in future programs, it would take 22 years to eliminate the stated deficiency. The committee concurs with the emphasis placed on solving the enlisted quarters problem at a faster rate than the officers' quarters problem.

The Navy's hospital program for this year plans for the replacement of World War II-type substandard medical facilities. Specifically, funds have been approved to construct new hospitals at Pensacola, Fla., and New Orleans, La. Existing facilities at these locations are overcrowded, substandard, and incapable providing the required medical services. Other hospital projects include air conditioning at the Naval Station, Guam, and the Naval Air Station at Lakehurst, N.J.; the dispensary at Exmouth, Australia, and at the Naval Air Station, Sigonella, Sicily. The Navy still has a number of hospitals that are World

War II structures which will have to be replaced in future years.

In this year's program, the Navy included only $10,621,000 for community facilities programs. The approved projects included enlisted men's clubs, theaters, post offices, commissaries, gymnasiums, and recreational buildings. The Navy contends that with the approach of the all-volunteer forces, improved community support facilities comparable to those available in civilian communities are necessary. Information from the Navy indicates a huge backlog of community facilities will have to await future year appropriations.

Significant increases for the Navy's pollution abatement program have occurred during the last several years. In this year's program, approximately 15.1 percent of the Navy's program is for pollution abatement. With respect to the water pollution abatement deficiency, approximately one-third of the deficiency is associated with the provision of ship to shore sewage systems for handling sanitary waste products. Another significant portion of the deficiency is associated with elimination of the pollution associated with oily waste discharges. The expected imposition of more restrictive standards by the host countries will generate a requirement to upgrade sanitary sewage disposal systems at overseas installations. Approximately 10 percent of the deficiency is associated with this requirement.

The termination of deep water dumping as a means of disposal of unserviceable ammunition requires facilities to break down the ammunition into its component parts and the disposition of the explosive components. For large ordnance items, the metal casings will be emptied by a water or steam jet system. Facilities will be required to process the wash water contaminated by these explosive chemicals. The remaining portion of the deficiency is for industrial waste treatment projects such as discharge water from cooling towers and maintenance and production facilities.

Operational facilities represent about 9.5 percent of the appropriations request. It contains 38 projects for essential aviation, communications, and waterfront operational facilities. Major aviation projects included in this category are aircraft parking improvements at the Naval Air Station, Whidbey Island, Wash.; runway and taxiway extension at the Naval Air Station, Meridian, Miss.; flight control and rescue facilities at the Naval Air Station, North Island, Calif.; and runway navigational aids at the Naval Station, Keflavik, Iceland. Other important projects in this category are the $2.8 million meteorological building at the Fleet Numerical Weather Central, Monterey, Calif.; and pier improvement projects and associated "Cold Iron" facilities at nine naval installations in the amount of $19.7 million.

Training facilities included this year's construction program cover a wide range of naval training activities for officers and enlisted personnel. Approximately $55 million has been approved by the committee for these facilities. Major training facilities proposed are the $9.3 million phase III of the engineering studies complex at the Naval Academy and the $8.5 million academic instruction building at the Naval War College, Newport Rhode Island. Both projects are vital or strengthening and modernizing programs for training officer personnel. Other important projects in this category are the $3.7 million applied instruction building at the Naval Air Station, Jacksonville, Fla., required for operational and air maintenance training; the $5.2 million combat systems maintenance school, Naval Schools Command, Mare Island, Calif., needed for integrated command, control, and weapons-systems training; the $5.2 million applied instruction buildings at Naval Air Station, Memphis, Tenn.; and the $5 million electronics warfare training facilities, Naval Communication Training Center, Pensacola, Fla., for the training of electronic warfare technicians. At the Naval Training Center, Great Lakes, Ill., the $6.2 million recruit processing facility will provide a suitable environment for the processing of new recruits. The training category represents 10.3 percent of the authorization request and contains 18 projects.

The maintenance and production facilities requested in this year's Navy program amount to approximately $60 million. The committee has approved facilities to support aircraft-oriented engine and avionics maintenance facilities, mine assembly, and torpedo overhaul shops, as well as shops to support maintenance of station facilities.

Mr. President, I would like to point out that the Senate has not approved the $14.3 million which is the first phase of the undersea long-range missile system, commonly known as the Trident system. This $14.3 million was to begin construction of a new base for the Trident submarine. The Navy thus far has been unable to inform the Senate as to where this new base will be located. Thus, until the Navy informs the Senate of its plans and intentions, construction money for the new base will not be approved. However, I would like to point out that there is contained in this bill $13 million which will allow the Navy to go ahead with construction planning for the new base.

AIR FORCE

The committee has approved for the Air Force approximately $35 million for community facilities. This includes schools, commissaries, gymnasiums, and open messes for airmen and officers. The Air Force testified that they maintain 111 dependents' schools worldwide to provide education for eligible dependent children of the U.S. military and Department of Defense civilian employees through 13 years of school. The Air Force stated that they plan in future years to carry on a balanced program to update inadequate community facilities on their air bases in the United States.

Under administrative facilities, the committee did not approve the three-phase project to construct the Defense Office Building in the Bolling Air Force Base-Anacostia Naval Station area. The committee contends that the Department of Defense should be certain of how many Defense employees will be continued in the Washington area before undertaking this expensive construction project which could cost approximately $174 million.

The committee approved for the Air Force Academy two projects totaling $3,212,000. Part of this money was for the flight indoctrination support facilities at the Air Force Academy, which will enable a considerable savings in time for the cadets. At the present time, the cadets have to travel a distance of some 15 miles to Peterson Field for flight indoctrination courses. Now, a short airstrip will be available on the academy grounds for the light planes in which the cadets take their instructions.

An additional $848,000 was approved for a noncommissioned officers open mess. The present building which houses the open mess is completely inadequate. Testimony during the hearings indicated that the Air Force Academy has about completed all of its construction requirements and that little or no funds will be needed in the foreseeable future. In fact, the Air Force declared that in the next 4 years they could see only about $4.9 million being needed for construction projects at the Academy. The total investment to date at the Air Force Academy is $205,426,000.

The Air Force, like the other services, has allocated a large amount of fiscal year 1973 construction funds for bachelor housing. Approximately $43 million has been approved for Air Force bachelor housing—both enlisted and officer quarters. This year's appropriation will provide 6,412 new dormitory spaces and 220 officer quarters. Also, the Air Force will modernize 8,996 existing dormitory spaces and 180 officer quarters. The Air Force states that this program is a continuation of a phase program to replace the old World War II barracks with modern composite structures. The Air Force, in its bachelor housing program, is also air conditioning a number of airmen's dining halls at eight locations.

The committee has approved approximately $10 million for Air Force research, development, test, and evaluation. This segment of the Air Force construction request provides the buildings, laboratories, and specialized test structures that are required in the conduct of a quality R. & D. program. A flight control development laboratory for $4.5 million, an electronic warfare systems integration/evaluation facility for $4.8 million, and a minor alteration and expansion of the human impact lab are located at Wright-Patterson AFB, Ohio.

The Air Force has, since 1967, spent over $93 million from all accounts on pollution abatement at fixed facilities. Of this, the military construction program totaled $23 million for air pollution abatement projects and $43 million for water pollution abatement projects. This year, we propose projects for air pollution and water pollution control totaling $21.7 million.

The $21.7 million proposed in this year's bill consists of 46 line items of which $14.2 million is for control of water pollution and $7.5 is for air pollution control. Air pollution projects are in those areas where standards have been established. They include projects for proper disposal of solid waste—so that open burning is avoided—conversion of heating plant fuels from coal to oil and gas, and a firefighting training facility at Hill Air Force Base which will meet the State standards.

The water pollution control projects will bring all Air Force installations in the continental United States into compliance with water pollution control standards which were established when the program was initially presented. These provide for sanitary and industrial waste treatment and connection to municipal or regional systems where feasible. The committee anticipates many future projects of this nature as the several States establish more stringent air and water pollution control standards. The committee has been advised that all projects included in the bill have been coordinated with the Environmental Protection Agency.

MILITARY FAMILY HOUSING

The committee has approved a construction program of 12,181 military family housing units for fiscal year 1973—4,409 units for the Army; 4,600 units for the Navy, including the Marine Corps; 3,168 units for the Air Force and four units for the Defense Intelligence Agency.

Approval for construction of 1,403 spaces for mobile homes owned by military personnel has been approved as follows: 421 spaces for the Army, 432 for the Navy and Marine Corps, and 550 for the Air Force. The committee is aware that mobile home ownership is increasing, especially on the part of military personnel, and that military families are experiencing more and more difficulty in finding suitable parking accommodations for their mobile homes, because of high rentals and restrictions on children and pets.

Continuing and increasing attention has been given by Defense to improving older existing public quarters and $43,587,000 has been proposed for this purpose as follows: $22,511,000 for the Army; $9,121,000 for the Navy and Marine Corps, and $11,955,000 for the Air Force. This is considerably above the amount for last year, but the need is urgent because of the estimated backlog of about $588 million in necessary improvements to upgrade the military family housing inventory.

Mr. President, may I say that there is nothing in this appropriation bill which has to do with Southeast Asia, that it is confined almost entirely to housekeeping matters such as housing facilities and the like which are needed for the upkeep and the care of troops in various parts of the world.

The important thing I want to say to the Senate is that my distinguished colleague, the ranking Republican member of the subcommittee, the Senator from Massachusetts (Mr. BROOKE) was a tower of strength in the preparation of the bill. And the important thing in both of our minds is not only that we have taken care of the troops—and that includes the Army, Air Force, and the Navy—but, that what we have done is to bring about a reduction under the budget estimate of $323,658,000. And this is a reduction of 12.1 percent. That is no small achievement. And I think that since the distinguished Senator from Massachusetts (Mr. BROOKE) and I have been heading this particular subcommittee over the past 4 years, what we are doing today is in accord with the savings which we have made in the past.

Mr. President, I ask unanimous consent that there be printed in the RECORD a comparative statement of the new budget obligational authority for fiscal year 1973 and the amounts recommended in the bill for fiscal year 1973.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1972 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1973

					Senate committee bill compared with—		
Item	New budget (obligational) authority, fiscal year 1972	Budget estimates of new (obligational) authority, fiscal year 1973	New budget (obligational) authority recommended in the House bill	Amount recommended by Senate committee	New budget (obligational) authority, fiscal year 1972	Budget estimates of new (obligational) authority, fiscal year 1973	House allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Military construction, Army	[1] 536, 816, 000	[2] 619, 200, 000	405, 264, 000	421, 879, 000	−114, 937, 000	−197, 321, 000	+16, 615, 000
Military construction, Navy	355, 500, 000	554, 200, 000	500, 871, 000	520, 612, 000	+165, 112, 000	−33, 588, 000	+19, 741, 000
Military construction, Air Force	[3] 289, 851, 000	[4] 357, 200, 000	250, 483, 000	269, 169, 000	−20, 682, 000	−88, 031, 000	+18, 686, 000
Military construction, Defense agencies	[3] 14, 139, 000	48, 200, 000	34, 804, 000	36, 704, 000	+22, 565, 000	−11, 496, 000	+1, 900, 000
Transfer, not to exceed	(20, 000, 000)	(20, 000, 000)	(20, 000, 000)	(20, 000, 000)			
Military construction, Army National Guard	29, 000, 000	40, 000, 000	40, 000, 000	40, 000, 000	+11, 000, 000		
Military construction, Air National Guard	10, 600, 000	10, 600, 000	16, 100, 000	16, 100, 000	+5, 500, 000	+5, 500, 000	
Military construction, Army Reserve	33, 500, 000	38, 200, 000	38, 200, 000	38, 200, 000	+4, 700, 000		
Military construction, Naval Reserve	10, 900, 000	16, 000, 000	20, 500, 000	20, 500, 000	+9, 600, 000	+4, 500, 000	
Military construction, Air Force Reserve	6, 581, 000	7, 000, 000	7, 000, 000	7, 000, 000	+419, 000		
Family housing, defense	[5] 945, 025, 000	[6] 1,067,268,000	1, 064, 046, 000	1, 064, 046, 000	+119, 021, 000	−3, 222, 000	
Portion applied to debt reduction	−94, 152, 000	−96, 484, 000	−96, 484, 000	−96, 484, 000	−2, 332, 000		
Homeowners assistance fund, defense	7, 575, 000				−7, 575, 000		
Subtotal, family housing	(858, 448, 000)	(970, 784, 000)	(967, 562, 000)	(967, 562, 000)	(+109, 114, 000)	(−3, 222, 000)	
Grand tota. new budget (obligational) authority	2, 145, 335, 000	2, 661, 384, 000	2, 280, 784, 000	2, 337, 726, 000	+192, 391, 000	−323, 658, 000	+56, 942, 00

[1] Includes $98,500,000 contained in Defense appropriation bill for Safeguard construction.

[2] Budget estimate of $1,009,200,000 amended by H. Doc. 92-321 to delete $390,000,000 for Safeguard construction.

[3] Reflects $662,000 transferred to military construction Air Force from military construction, Defense Agencies.

[4] Budgt estimate of $317,200,000 amended by H. Doc. 92-321 to add $40,000,000 for satellite basing.

[5] Includes $11,070,000 contained in Defense appropriation bil! for Safeguard family housing.

[6] Budget estimate of $1,073,681,000 amended by H. Doc. 92-321 to delete $6,416,000 for Safeguard family housing at Malmstrom ABM Site, Mont.; retains $6,004,000 for Safeguard family housing at Grand Forks ABM site, N. Dak.

Mr. BROOKE. Mr. President, I thank my distinguished majority leader for his very kind and generous words.

Mr. President, I wish to commend the distinguished chairman of the Subcommittee on Military Construction, Committee on Appropriations, on his deep interest and thorough development of this bill.

The bill provides $2,337,726,000 for military construction for our Armed Services in the continental limits of the United States and U.S. bases located on foreign soil. This sum provides $192,391,000 more than was appropriated in the fiscal year 1972 bill. This is $323,658,000 less than the budget request sent to the Congress. Funds are provided for those items on which agreement has been reached by the conference on authorization.

The subcommittee investigated and reported those areas stressed by the respective service. These included bachelor housing, community support, hospitals, military academies, pollution abatement, maintenance and production facilities, strategic arms limitation agreement, and the offset agreement with the Federal Republic of Germany. I invite the attention of my colleagues to these items as well as others contained in the report on this bill.

This bill provides $13,000,000 for Trident planning, and defers the additional requested funds until the Navy identifies where Trident faciilties will be built and provides the necessary supporting detail for such construction.

Mr. President, I support and recommend the support of the other members of this body in the passage of the bill.

Mr. President, I thank the distinguished chairman of the subcommittee for all of the splendid work he has done in reporting out the bill.

Mr. MANSFIELD. Mr. President, may I say that if it were not for the distinguished Senator from Massachusetts (Mr. BROOKE), we would not have been able to have cooperated so closely and I think, speaking for myself, so effectively in taking care of the needs which had to be taken care of and at the same time bringing about a substantial reduction under the estimates, which I think should be emphasized and reemphasized. As a matter of fact, I would anticipate that with this reduction in the military construction appropriations bill, what the Congress will have accomplished this year before it adjourns sine die—hopefully around the middle of the month—will be a savings of somewhere in the neighborhood of $5 billion reduction under the Department of Defense budget estimate presented to the Congress earlier this year.

I think that is an accomplishment in which the Congress—and I emphasize the Congress—can take great satisfaction and great credit.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be regarded for the purpose of amendment as original text, providing that no point of order shall be waived by reason of agreement to this request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, at the beginning of line 4, strike out "$405,264,000" and insert $421,879,000."

On page 2, line 14, after the word "appropriation," strike out "$500,871,000" and insert "$520,612,000".

On page 2, line 22, after the word "Code", strike out "$250,483,000" and insert $269,169,000'.

On page 3, line 2, after the word "the", where it appears the second time, strike out "Office of"; in line 3, after the word "Defense", insert "Preparedness Agency"; and, in line 6, after the word "Code", strike out "$34,804,000" and insert "$36,704,000".

Mr. MANSFIELD. Mr. President, I know of no amendments. The Senator from Massachusetts (Mr. BROOKE) and I have received no indication that any Senator wishes to offer amendments. However, just to play it safe, I suggest the absence of a quorum briefly.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 16754) was read the third time.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished majority leader yield to me for 1 minute?

Mr. MANSFIELD. Yes, indeed.

TIME LIMITATION AGREEMENT ON BILL TO STRENGTHEN AND IMPROVE THE OLDER AMERICANS ACT OF 1965 (S. 4044)

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as Calendar Order No. 1185, S. 4044, a bill to strengthen and improve the Older Americans Act of 1965, is called up and made the pending business before the Senate, there be a time limitation thereon of one-half hour, to be equally divided between the distinguished Senator from Missouri (Mr. EAGLETON) and the distinguished Senator from Maryland (Mr. BEALL), but at the moment I will say the distinguished Republican leader or his designee; that time on any amendment in the first degree and/or the second degree be limited to 20 minutes, with the exception of an amendment in the first degree to be offered by Mr. BEALL, on which there be a time limitation of 40 minutes; that time on any debatable motion or appeal be limited to 10 minutes, and that the agreement be in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR SECRETARY OF SENATE TO MAKE CORRECTION IN ENGROSSMENT OF H.R. 16593, THE DEPARTMENT OF DEFENSE APPROPRIATION BILL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized in the engrossment of the bill H.R. 16593, defense department appropriation bill, to strike section 729 from the amendment by the Senator from Massachusetts (Mr. KENNEDY) which was adopted last night on page 51, line 18, down through line 5 on page 52. Through a misunderstanding, this language was retained in the amendment when it had been agreed by the manager of the bill to take the amendment if that were eliminated.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR YEAS AND NAYS ON FOUR TREATIES AND MILITARY CONSTRUCTION APPROPRIATION BILL (H.R. 16754)

Mr. MANSFIELD. Mr. President, I ask unanimous consent that with one show of hands it may be in order at this time to ask for the yeas and nays on the four treaties, which will be voted on en bloc, with the single vote to be shown as four separate votes in the RECORD; and also for the yeas and nays on the Military Construction bill, which is now the pending business, and in this connection that rule XII be waived.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second, and the yeas and nays are ordered.

ORDER FOR VOTE ON PENDING BUSINESS

Mr. MANSFIELD. Mr. President, for the further information of the Senate, the pending business, the Military Construction Appropriations bill for fiscal year 1973, which has now had a third reading, will be voted on immediately following the disposition of the four treaties. I ask unanimous consent that the Senate be granted that permission at this time.

The PRESIDING OFFICER (Mr. TUNNEY). Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT ON SALARIES OF OFFICERS AND EMPLOYEES OF ORGANIZATIONS FUNDED UNDER THE ECONOMIC OPPORTUNITY ACT—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. TUNNEY) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I am submitting the accompany report on salaries of officers and employees of organizations funded under the Economic Opportunity Act as required by Section 610-1(b) of the Economic Opportunity Act of 1964, as amended. The report was prepared by the Office of Economic Opportunity and covers the fiscal year that ended on June 30, 1972.

Richard Nixon.

The White House, *October 3, 1973.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Tunney) laid before the Senate a message from the President of the United States submitting sundry nominations, which was referred to the Committee on Armed Services.

(The nominations received today are printed at the end of Senate proceedings.)

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OLDER AMERICANS COMPPREHENSIVE SERVICES AMENDMENTS OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1185, S. 4044, with the understanding that at no later than 1 p.m. today the Senate will proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 4044) to strengthen and improve the Older Americans Act of 1965, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. EAGLETON. Mr. President, this legislation extends and expands the Older Americans Act of 1965 to enlarge the scope of the services provided therein; it improves the organizational structure at the Federal, State and local level of the agencies having responsibility for the delivery of such services; and it creates new programs to meet the demonstrated needs of older Americans. In addition, the bill creates an advocate for older persons to act on their behalf with all departments and agencies of the Federal Government whose policies and programs relate to or affect the particular problems and needs of the aging. More specifically, S. 4044 contains the following provisions:

The Older Americans Advocacy Commission is created, composed of six members serving on a part-time basis and appointed by the President with the advice and consent of the Senate, no more than three of whom may be members of the same political party. The Commission is to—

Act as an advocate for the aging throughout the Federal Government with respect to policies and programs relating to their particular needs and problems;

Evaluate existing programs intended to benefit the aging;

Make recommendations to the President, Congress, and to the heads of Federal departments and agencies regarding policies and programs affecting the aging;

By means of hearings, studies, publications, etc. inform the public about the problems and needs of the aging and activities of the Federal Government designed to meet these problems and needs.

I might add, Mr. President, that this is the one section of the bill that is subject to some contention; and it is expected that the junior Senator from Maryland (Mr. Beall) will offer an amendment with respect to this provision.

The Administration on Aging is reorganized within the Department of Health, Education, and Welfare by removing it from its present location in the Social and Rehabilitation Service—which is oriented primarily toward income maintenance programs—and placing it in the Office of the Secretary of Health, Education, and Welfare and assigning primary responsibility for carrying out the Act to the Commissioner on Aging. In addition to his other duties, the Commissioner is directed to establish and operate a National Older Americans Information Clearinghouse to collect, maintain and disseminate information relating to the needs and interest of older persons and to render technical assistance to similar clearinghouse operations operated by state and local governments for the purpose of providing information and referral services related to the needs and interests of the aging in their respective jurisdictions.

The existing program of formula grants to the states is substantially expanded and reorganized to provide that funds shall be granted the states to provide a range of social services to the aging in accordance with approved state plans. The legislation provides further that the delivery of such services shall be accomplished primarily by area planning and service agencies to be designated by the State agencies and operated in accordance with area plans approved by the state agencies. State agencies are required to designate those area agencies of highest priority, in order to concentrate limited resources, and in such priority areas 90 percent Federal funding is provided while 75 percent Federal funding is authorized for projects in non-priority areas. Area agencies are intended, primarily, to coordinate and fund existing service providers rather than to establish themselves as now providers of services to the aging.

In addition to formula grants to states, funds are authorized for direct grants by the Commissioner on Aging to model projects which will expand or improve social services for the aging. In making such grants, the Commissioner is directed to give priority consideration to projects in the areas of housing, transportation, continuing education, pre-retirement training and services to the physically and mentally handicapped elderly.

The Commissioner is authorized to make grants and contracts to conduct research in the field of aging and for training personnel for programs for the aging, including the establishment of multidisciplinary centers of gerontology. A special program of grants and contracts is authorized for the conduct of special demonstration programs for meeting the transportation needs of older Americans.

Funds are authorized to make grants to pay up to 75 percent of the cost of acquiring or renovating facilities for use as multipurpose senior centers. Also authorized is Federal loan insurance and interest subsidies to assist in such acquisition or renovation, and funds are authorized for initial staffing grants for the operation of such centers.

The authorization for the Foster Grandparent and RSVP programs—previously conducted by the Administration on Aging and since transferred to the ACTION agency—is extended for an additional three years and a new program is established to permit the provision of services to individuals other than children.

Title VII of the Older Americans Act, which provides nutrition services for the elderly, is amended to expand the range of surplus commodities available for the use in such programs, and to consolidate the state administration of Title VII and Title III programs.

The Commissioner is authorized to make grants to the states for special library and education programs for the elderly.

New programs are created in the Department of Labor to provide for the employment of individuals 55 and older in community service activities, and to provide special counseling and training programs for middle-aged and older workers.

Mr. President, I would now like to consider in more elaborate detail title I, the older Americans' advocacy commission, anticipating the amendment to be offered by the distinguished Senator from Maryland (Mr. Beall).

America's older citizens occupy a unique position. With some exceptions, they are not actively discriminated against. Rather, they are often subjected to an even more cruel condition—they are ignored. In a society which is preoccupied with concerns about youth, at the other end of the age spectrum the needs of the elderly tend to be overlooked by our public and private institutions. With respect to the Federal government, the elderly are also unique in that nearly every department or agency conducts some program or programs which relate directly to the needs and concerns of the aging.

Mr. President, I ask unanimous consent that a partial list of such activities be printed in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

LIST OF ACTIVITIES

1. Department of Health, Education and Welfare:

(a) Social and Rehabilitation Service:

(1) Administration of Aging—State and community service programs, training in the field of aging, nutrition services.

(2) Assistance Payments Administration—old age assistance payments.

(3) Medical Services Administration—medical payments for people with low incomes under the Medicaid program.

(4) Community Services Administration—social services for recipients of old age assistance and other needy individuals.

(5) Rehabilitation Services Administration—vocational rehabilitation services.

(6) Office of Research, Planning, and Training—research and demonstration projects in a wide range of areas.

(b) Public Health Service:

(1) National Institutes of Health—research into the biological and psychological aspects of aging.

(2) Health Services and Mental Health Administration—health services and mental health programs.

(c) Social Security Administration—benefits under the old-age, survivors, and disability insurance program, health insurance protection under the Medicare program, research relating to economic security for the aged.

(d) Office of Education—research and training activities, Library Services, University Community Services, and Adult Education.

2. Department of Labor:

(a) Manpower Administration—jobs for low-income older persons in Operation Mainstream.

(b) Employment Standards Administration—enforces the Age Discrimination in Employment Act.

3. Department of the Treasury: Assistance relating to the tax problems of senior citizens provided by the Internal Revenue Service.

4. Department of Defense: Payments under the military retirement program.

5. Department of the Interior: Issues a Golden Eagle Passport.

6. Department of Agriculture—

(a) Food and Nutrition Service—Food Stamps and Food Distribution Program.

(b) Extension Service—educational programs including nutrition education, housing and continuing education.

(c) Farmers House Administration—loans for housing.

7. Department of Housing and Urban Development:

(a) Office of Housing Production and Mortgage Credit—low-rent public housing, section 236 program, rent supplements, congregate housing, section 235 program, nursing and intermediate care facilities.

(b) Office of Housing Management—services in housing for the elderly.

(c) Office of Community Development—programs for the elderly in Model Cities and grants for neighborhood centers under the Neighborhood Facilities program.

(d) Office of Community Planning and Management—development of a national urban growth policy and new community projects.

8. Department of Transportation: Urban Mass Transportation Administration provides funding to assist in providing mass transportation facilities and service for elderly persons.

9. Federal Trade Commission: Action against unfair and deceptive practices such as in the sale of hearing aids.

10. Office of Economic Opportunity—

(a) Office of Operations: Senior Opportunities and Services and Community Action agency multi-generational programs.

(b) Office of Legal Services: Legal problems of the elderly poor.

(c) Office of Health Affairs: Emergency Food Assistance and Comprehensive Health Services.

11. Veterans' Administration:

(a) Department of Medicine and Surgery—comprehensive health care for older veterans.

(b) Department of Veterans' Benefits—compensation, pension, and dependency and indemnity compensation.

12. Action: volunteer service opportunities through VISTA, Peace Corps, SCORE (Service Corps of Retired Executives), ACE (Active Corps of Executives), Foster Grandparents Programs, RSVP (Retired Senior Volunteer Program).

13. Railroad Retirement Board: payments under the Railroad Retirement program.

14. General Services Administration: enforcement of Architectural Barriers Act requiring Federal buildings and structures built with Federal aid to have ready access by handicapped.

15. Civil Service Commission: administers the Civil Service Retirement program and provides protection of older workers from age discrimination.

16. Department of Commerce: enforces the Flammable Fabrics Act.

17. Advisory Commission on Intergovernmental Relations: property tax relief studies.

18. Library of Congress: Division for the Blind and Physically Handicapped provides talking books and braille books.

Mr. EAGLETON. Mr. President, despite this display of seemingly active involvement with older persons by the Federal government, it is a commonplace that, "What is everyone's business is no one's business." This maxim is applicable to the Federal programs regarding the aging for they are spread thinly over virtually the entire range of the Federal establishment and too often fall between the cracks.

Efforts have been underway for some time to provide a spokesman for the aging in the Federal government in an effort to overcome the diffusion of responsibility and corresponding lack of performance. At the time of the enactment of the Older Americans Act of 1965, it was anticipated that the Administration on Aging (AOA), created thereby, would serve as the long-sought advocate for the aging at the Federal level.

Unfortunately, this expectation has not been fulfilled by AOA. Testimony before this committee and before the Special Committee on Aging, as well as the proceedings of the White House Conference on Aging, reflect a widespread disillusionment with the activities of AOA in the advocacy role originally intended for it. The committee recognizes that the failure of AOA to act as an effective advocate stems largely from unrealistic expectations and structural infirmities. Quite clearly, a relatively low level agency within one department (HEW) has little standing in influencing the activities of other Cabinet level departments and independent agencies.

Moreover, the principal task of AOA in the years since 1965 has necessarily been the operation of programs under the Older Americans Act. Inevitably, an organization charged with the operation of such programs—particularly greatly expanded programs of the kind authorized by this bill—becomes a captive of those programs and its scope is limited by them. The bulk of the manpower, energy, and creative ideas available within the agency is directed toward the successful operation of the programs for which it is responsible.

As stated, the shortcomings of the Administration on Aging in fulfilling its advocacy role have been stressed by witnesses before this committee representing a wide range of organizations devoted to improving the lot of America's older citizens. The White House Conference on Aging emphasized the need to "pursue more vigorously the advocacy of older people interests" and urged that that public agencies be empowered to fill this function.

The Older Americans Advocacy Commission created by Title I of this bill is designed to meet these demonstrated needs. The bill provides that the Commission shall be composed of six members, appointed by the President with the advice and consent of the Senate, serving three-year staggered terms. Not more than three of the members are to be of the same political party and at least two of the members are themselves to be older persons. While the Commission is lodged in the executive branch, it is intended that it retain the independence necessary to fill its advocacy responsibility and thus it is empowered to employ its own staff.

As its name denotes, the Commission is charged, first and foremost, with the duty of advocating the interests of older Americans throughout the whole range of the Federal government. At those critical points in the development of policies and programs when older peoples' needs are so often ignored at present, the Commission should speak out.

Moreover, it is directed to evaluate and review existing programs affecting the aging to appraise their value and impact upon the lives of those who are intended to be benefitted by them. In connection with both its advocacy and evaluate functions, the Commission is empowered to request information in writing from the heads of Federal departments and agencies, which requests generally shall be answered within thirty days, unless the release of the requested information is barred by law or executive order.

It is also intended that the Commission shall serve to inform the public about the needs and concerns of the aging and about Federal activities concerning them. The Commission is further directed to make specific recommendations to the President, the Congress, and the heads of Federal departments and agencies with respect to aging problems.

In brief, the Older Americans Advocacy Commission is intended to be the principal spokesman in the executive branch for America's older citizens and to provide the visibility, identification, and advocacy that have so long been lacking in the relations between the elderly and their government.

The Administration has opposed the establishment of the Commission on several grounds. Primary reliance has been placed on the proposition that the establishment of such a spokesman for the aging creates a precedent that soon will be seized upon by other interest groups, resulting in a proliferation of such agencies. However, as pointed out above, the aging are indeed *sui generis* in this regard. No other group is affected by the activities of so many departments and agencies—with so few results. The committee considers that, in general, the needs of other groups can be met by a single department or agency administering the programs related to them. Quite clearly, this is not the case with regard to the aging.

The Administration contends further that the Commission will absorb funds that could be used for needed services to the elderly and will function as simply another layer of bureaucracy impeding the delivery of such services. It is not the committee's intention that large sums of money be devoted to the Commission's operations. While the authorization of appropriations is left open because of a lack of information about precise funding needs, the committee anticipates that the Commission should be able to operate effectively at a funding level of less than $2 million. Further, the Commission will have no programs to operate, nor is it charged with a coordinating function; hence, it will not serve to hinder the operation of programs for the aging but rather to comment on their scope and effectiveness.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). The time of the Senator has expired.

The Senator from Maryland is recognized.

Mr. BEALL. Mr. President, to clarify the groundrules under which we are operating, how much time is there on the bill?

The PRESIDING OFFICER. There is 30 minutes on the bill, 15 minutes to each side.

Mr. BEALL. Then, if I offer an amendment, which I am going to do, there will be 40 minutes on that amendment, 20 minutes to the side.

The PRESIDING OFFICER. The Senator is correct. There will be 40 minutes on the amenndment of the Senator from Maryland, the time to be equally divided.

Mr. EAGLETON. Mr. President, I yield 10 minutes of my 20 minutes on the amendment to the Senator from Maryland so that he will have 30 minutes.

Mr. BEALL. Mr. President, the Senator from Missouri is always most generous. I appreciate it.

Mr. President, it is a pleasure for me to join the distinguished chairman of the Labor and Public Welfare Committee's Subcommitee on Aging in managing Senate consideration of S. 4044, the comprehensive older Americans services amendments. The distinguished junior Senator from Missouri has diligently overseen the deliberations of this committee throughout the last 6 months and as a result of his efforts, we have brought forth a bill that, with one reservation, I believe is worthy of prompt and favorable consideration on the part of the full Senate. This bill reflects many of the ideas that were contained in the testimony of expert witnesses, the advice and guidance of the appropriate officials from the various Government agencies involved, as well as inputs from Senators on both sides of the aisle. In addition, I believe that we should mention that the chairman of the full committee (Mr. WILLIAMS) and the able junior Senator from Vermont (Mr. STAFFORD) put forth a proposal which is incorporated into this bill which will provide for an extensive series of demonstration projects in the field of transportation. The distinguished senior Senator from West Virginia (Mr. RANDOLPH) has long worked for the enactment of legislation designed to provide for a job training program to open new employment opportunities to middle-aged and older workers. This concept is embodied in title X of the legislation that is presently pending before the Senate.

The senior Senator from Massachusetts (Mr. KENNEDY), whose interest in the nutrition program for the elderly is well known, continued to make a valuable contribution as we sought to coordinate the nutrition and social service programs embodied in the Older Americans Act. Senator KENNEDY's community service employment program for older Americans, which was recently passed by the Senate as a separate measure, appears as a title IX of the Older Americans Act, reflecting the committee's hope that we can, in fact, make additional job opportunities available to older Americans without further delay. The distinguished senior Senator from California (Mr. CRANSTON) was most helpful in developing the language contained in title VI which covered the older American volunteer programs which are administered by the Action Agency. Senator PACKWOOD's interest in home health services is likewise reflected in this bill. Senators SCHWEIKER and STEVENSON were most helpful as the committee sought to resolve the language regarding the status of large cities in the administrative structure which we are mandating in this bill. I would be remiss, Mr. President, if I did not publicly thank the ranking member of the full commitee (Mr. JAVITS) for his support and advice and counsel throughout the deliberations on this measure. I believe that we should also note that a number of Senators, not on the committee, also made valuable inputs of information. The able chairman of the Special Committee on Aging (Mr. CHURCH), the ranking Republican on that committee (Mr. FONG), the senior Senator from Indiana (Mr. HARTKE) and the junior Senator from Texas (Mr. BENTSON), all made significant contributions to this bill.

Mr. President, throughout the past several months, an effort was made by all Senators involved to produce a bill that would achieve the fundamental objective of delivering social services to our older Americans in a prompt, efficient, and effective manner. I would once again simply say that Senator EAGLETON is to be commended for the open and bipartisan manner in which this subcommittee processed this legislation, and I would hope, Mr. President, that that spirit will prevail during the floor debate on S. 4044.

Mr. President, before proceeding with the debate on S. 4044, I would like to briefly summarize some of the accomplishments we have seen in recent years in our efforts to improve the well-being of our older citizens. Since I first came to Congress in January of 1969, I have had the pleasure of working with two Secretaries of Health, Education, and Welfare, Robert Finch and Elliot Richardson, both of whom are men of great ability, great sensitivity, and great compassion for our aging Americans as well as the other recipients of services in the area of their responsibility. Commissioner Martin, is a man widely respected in the field of aging and I believe that he is a dedicated public servant who has done everything in his power to see that the Administration on Aging fulfills its mandate.

One could hardly comment on the progress we have made in understanding and meeting the needs of the elderly without mentioning the role of Dr. Arthur S. Flemming. Dr. Flemming is a distinguished public servant and academician who has served his Nation in a variety of capacities during the last four decades. As the Chairman of the White House Conference on Aging—1971—Dr. Flemming brought together thousands of delegates and experts from across our Nation. Dr. Flemming oversaw an immensely successful and productive White House Conference which has generated the type of momentum needed to bring the problems of our Nation's senior citizens to the attention of all of our people. Even though the final reports and recommendations of this conference are not yet in, the President and the Congress have both taken decisive action aimed at resolving these problems. Now, as the Special Consultant to the President on Aging, Dr. Flemming is in an excellent position to advocate the cause of senior citizens, coordinate interdepartmental governmental programs, and inform the public of the needs and possible solutions to the various problems confronting our Nation's older Americans. Assisting Dr. Flemming in coordinating domestic programs for the aging is the Committee on Aging within the Cabinet-level Domestic Council. The creation of a Domestic Council in general and the Committee on Aging specifically reflects President Nixon's commitment to coordinate and deliver services to older Americans in a coherent, efficient manner. It is now up to the Congress to take those decisive steps necessary to end the isolation, the neglect and the indifference which have plagued older Americans for far too long.

Mr. President, I believe that S. 4044 will make a very significant contribution to the well-being of older Americans. This legislation dramatically strengthens the Commissioner on Aging and the Administration on Aging, upgrades it by moving it to the Office of the Secretary, and expands its authority as well as its authorization levels. Under this bill, the Administration on Aging will foster the growth and development of State aging units, strengthen existing aging agencies, and provide them with the technical know-how needed to meet the requirements contained in this legislation. Within each State, areas selected for priority consideration, will receive funds to establish area planning and service units. These organizations will serve to coordinate existing social and nutritional services so that they can be efficiently delivered to the senior citizens who are in need of such services. It is not envisioned, that these regional planning units will actually deliver services to the elderly unless the needed services are not available from other sources. Thus, we are talking about an apparatus that will coordinate programs conducted under the Social Security Act, within the Department of Transportation, and other agencies of the Department of Health, Education, and Welfare, Department of Housing and Urban Development, and so forth. In addition, these area aging units will draw upon existing State and local services as well as nonprofit organizations designed to assist the elderly. At the present time, AOA lacks the authority to coordinate the delivery of various social services and I believe that this reform is one of the most significant contained in this legislation. In addition, this bill will provide for a comprehensive national information clearinghouse as well as State and local information and referral systems that will serve to place much-needed information in the hands of our senior citizens, so that they can resolve many of their problems by their own initiatives.

The subcommittee sought to touch as many bases as possible with regard to the problems facing senior citizens. This bill will enable us to expand and improve our system of senior citizen centers, expand the volunteer programs for the elderly which are administered by the Action Agency, provide employment programs and job training programs, promote expanded library reading and educational programs for senior citizens. Train personnel to meet the needs of older Americans, undertake various gerontological research projects, as well as a variety of demonstration projects designed to further our knowledge with regard to the problems of the aging.

Mr. President, I am an enthusiastic supporter of the initiatives contained in this legislation, and I am firmly of the opinion that a significant corner has been turned in our efforts to make life a little better for our Nation's 20 million senior citizens.

Mr. EAGLETON. Mr. President, will the Senator yield?

Mr. BEALL. I yield to the distinguished Senator from Missouri.

Mr. EAGLETON. Mr. President, do I understand that the Senator from Maryland desires the yeas and nays on his prospective amendment?

Mr. BEALL. Mr. President, I do desire the yeas and nays on my prospective amendments, and I ask for the yeas and nays.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. BEALL. Mr. President, I do not intend to offer the amendment as yet.

Mr. JAVITS. Mr. President, I ask unanimous consent that it may be in order to ask for the yeas and nays on the amendment which is at the desk, although it has not yet been called up.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object—and I shall not object—I ask unanimous consent that one show of seconds may authorize the yeas and nays on both the amendment and the passage of the bill, and that rule XII be waived.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The yeas and nays were ordered on the Beall amendment and on the bill.

EXHIBITION OF THE GUNBOAT "CAIRO"

Mr. BIBLE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1475.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.) laid before the Senate the amendment of the House of Representatives to the bill (S. 1475) to authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat *Cairo*, and for other purposes, which was to strike out all after the enacting clause, and insert:

That in order to preserve an object having national significance as part of the history of the Civil War, for the benefit and inspiration of the people of the United States, the Secretary of the Interior shall, in such manner as he deems advisable, utilize the authorities contained in the Act of August 21, 1935 (49 Stat. 666) to provide for the restoration and reconstruction on the gunboat "Cairo", formerly of the Union Navy, sunk in action in the Yazoo River, Mississippi, and for its exhibition at the Vicksburgh National Military Park.

SEC. 2. At such time as the restoration and reconstruction of the "Cairo" shall have been completed, and it has been located within the boundaries of the Vicksburgh National Military Park, the "Cairo" shall be administered in accordance with all laws, rules, and regulations applicable to such park.

SEC. 3. There are hereby authorized to be appropriated not more than $4,500,000 for the restoration of the "Cairo" and for the development of protective and interpretive facilities associated therewith.

Mr. BIBLE. Mr. President, the Senate passed S. 1475 last December 6, 1971. At the time of our consideration of this measure, it was the opinion of the Senate Interior Committee as expressed in our report on the legislation that a replica of the entire original ship would be adequate to explain the historic significance of this vessel in the history of the Civil War in this area of the Nation.

The House of Representatives took the position when they amended S. 1475 that the ship should be restored by utilizing the original materials to the greatest extent possible. This position was prompted by the feeling on the part of the House Interior Committee that the greatest degree of historic integrity would be achieved, even though the cost would be almost twice as much as that contemplated by the Senate.

Since the House has acted on the Senate bill, I have held several discussions with the distinguished Senators from Mississippi, representatives of the National Park Service, and my colleagues in the House of Representatives in an effort to find a meaningful compromise between the different positions taken by each body on this legislation. I believe that an acceptable alternative to the plans that have been discussed in the past is to restore the starboard half of the vessel while leaving port half in its present severely damaged condition. This is acceptable to the National Park Service. Visitors could thereby view essential parts of the boat as they originally appeared, as well as the ravages caused by the mine that sank her and the salvage operation that recovered her.

This compromise position would cost about $1.3 million less than the House-passed bill authorized and approximately $700,000 more than the Senate-passed bill. I believe that this approach would be in the public interest to adequately preserve an important historic object and is a reasonable accommodation of the different points of view.

Therefore, Mr. President, I move that the Senate concur in the amendment of the House with an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

In section 3 strike the sum "$4,500,000" and insert in lieu thereof "$3,200,000".

Mr. BIBLE. Mr. President, I move that the Senate concur in the House amendment, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

Mr. BIBLE. Mr. President, I ask unanimous consent that the official position of the National Park Service under date of September 27, 1972, in a letter signed by Acting Director Stanley Hulett be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, D.C., September 27, 1972.
Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The National Park Service has reassessed the plans and estimates presented to your committee in support of S. 1475 and H.R. 6618, legislation to provide for the rehabilitation of the gunboat "Cairo." We have consulted closely in this process with Commander J. Delano Brusstar, Naval Architect and Marine Consultant, who has been intimately involved with the "Cairo" project from the beginning.

We believe that an acceptable alternative to the plans that have been discussed in the past is to restore the starboard half of the vessel while leaving the port in its present severely damaged condition. Visitors could thereby view essential parts of the boat as they originally appeared, as well as the ravages caused by the mine that sank her and the salvage operation that recovered her.

This approach will allow us to construct an exhibit building containing fewer cubic feet and thus less expensive. Moreover, it is now our view, based on a recent examination of the "Cairo's" resistance to weather over the past decade, that it will survive adequately without precise temperature and humidity controls.

We believe this plan could be carried out within a cost ceiling of $3.2 million—$1.3 million less than authorized in the House-passed bill. We estimate the cost of restoration of the vessel and its transfer to Vicksburg National Military Park at $1.5 million and the cost of construction of an exhibit building at $1.7 million.

Sincerely yours,
STANLEY W. HULETT,
Acting Director.

OLDER AMERICANS COMPREHENSIVE SERVICES AMENDMENTS OF 1972

The Senate resumed the consideration of the bill (S. 4044) to strengthen and improve the Older Americans Act of 1965, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. BEALL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BEALL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BEALL. Mr. President, how much time is remaining on the bill?

The PRESIDING OFFICER. The Senator from Maryland has 7 minutes remaining on the bill and the Senator has time on the amendment.

Mr. BEALL. I thank the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. BEALL. Mr. President, as I indicated earlier, I am an enthusiastic supporter of the initiatives contained in S. 4044 and I believe that they will go a long way toward meeting the pressing needs of our senior citizens. I have, however, continued to express reservations about the Older Americans Advocacy Commission contained in title I. The House bill, H.R. 15657, contains a provision creating a National Advisory Council on the Aging. This Council would advise the President, the Secretary of Health, Education and Welfare, the Commissioner on Aging, and the Congress on programs and activities involving senior citizens. An advisory council such as this would serve to provide both the executive and legislative branches of our Government with a steady input of information regarding the problems of senior citizens. Such a council would serve to give the problems of the aging maximum visibility, guarantee the attention of the occupant of the White House, as well as promoting coordination between various Federal departments and agencies responsible for delivering services to senior citizens. I believe that this is a constructive approach that would serve to reinforce the commitment on the part of both the executive branch, as well as Congress, and thus assure that our commitment to resolving these problems will not flag.

The amendment which I am offering at this time, would have the effect of deleting the National Advocacy Commission and replacing it with the House approved National Advisory Commission on Aging. My fundamental opposition to the inclusion of the Advocacy Commission is based on the following points:

First. One of the persistent problems with the Administration on Aging, stemmed from the decision made in 1967 to "bury it" deep within the administrative structure of the Department of Health, Education, and Welfare. To be more explicit, AOA was incorporated into the Social and Rehabilitation Services—SRS—which is primarily responsible for the income maintenance programs of the Department of Health, Education, and Welfare. This decision served to dramatically reduce AOA's visibility and effectiveness. In fact, the Commissioner on Aging, who is appointed by the President and confirmed by the Senate, was made answerable to the Administrator of SRS who is appointed by the Secretary without the need for congressional confirmation.

In the ensuing years, those organizations primarily concerned with the welfare of senior citizens became increasingly critical, and rightly so, of AOA's reduced stature. This is certainly a criticism which I share, and in fact I said during my introductory remarks for S. 3391 last March that "I believe that it was the intention of Congress, upon the enactment of the original legislation, that the Administration on Aging would be a strong separate entity directly answerable to the Secretary of Health, Education, and Welfare." I went on to say that, "I do not believe that we should ask our senior citizens to 'wait in line' before their advocates within the Department of Health, Education, and Welfare are given the authority, the status, and the stature needed to effectively coordinate and implement the many programs needed to come to grips with the problems confronting our senior citizens." My views have not changed in the intervening months, and I am pleased that S. 4044 legislatively upgrades the Administration on Aging by removing it from SRS and placing it in the Office of the Secretary. In addition, the Administration on Aging is clearly designated as the "principal agency" for the carrying out of the provisions of this act.

I believe, that the creation of an independent advocacy commission would tend to negate the efforts of this subcommittee to upgrade and strengthen the Administration on Aging. The mere creation of such an independent advocacy commission imparts the belief that those who manage AOA are of questionable competence and possibly even guilty of malfeasance in the performance of their responsibilities. This approach would clearly contradict the entire thrust of title II, if we do not trust AOA to carry out the mandate Congress has given it, then why upgrade and expand its authority?

I believe that the record of the Administration on Aging is a relatively impressive one in spite of its limited manpower and very limited resources. Last year 800,000 older persons were served by 1,721 projects funded under title III. I believe that the creation of such an oversight commission would be ill-advised and ill-timed and perhaps more importantly would create a spirit of negativism that is totally inconsistent with our efforts to strengthen and make more visible the administrative structure responsible for delivering services to older Americans.

Second. Title I, which creates the advocacy commission, contains no specific authorization, but it is estimated that between $1 and $2 million a year will be "bled away" from vital nutritional and social services. While this may not sound like a great deal of money, we should remember that the average grant under the existing title III program is $14,000. If one stops to think how many small, but significant, grants would be eliminated by the deletion of $1 to $2 million one realizes that a great many meals will not be served, transportation services will not be rendered, senior citizen centers will not be manned, and so forth. When one examines this proposition from the point of view of service to needy senior citizens that will not be rendered, one is inclined to believe that at best this is a very dubious proposal.

Third. While its proponents envision a very positive reaction to such an advocacy commission within the various executive departments, I am far more inclined to believe that a very negative and permanently disruptive reaction would be likely to set in. Tensions and disharmony would exist within the Administration on Aging and other agencies designed to carry out the programs for the benefit of the elderly. Under the impact of a "institutionalized surveillance system" one might well expect the administrators responsible for the conduct of such programs to become very defensive, very cautious, and very unimaginative. I believe that we need a creative and innovative approach to the problems of senior citizens and I am firmly convinced that this is exactly what we will not get if we incorporate such an advocacy commission into this legislation. If the programs authorized in this legislation are to work as Congress intended them to, then we must have cooperation and coordination in the delivery of social and nutritional services. We must always remember that our goal is to deliver services in a responsive way and such an operation is not an adversary function. In the long run, the creation of disruptive tension will prove to be counterproductive to the well-being of our 20 million senior citizens.

Fourth. The Federal Government operates many hundreds of programs designed to render a variety of social services to a specific constituency. The creation of such a specialized advocacy commission would clearly establish a precedent for similar oversight organizations designed to supervise other Government programs. As Secretary Richardson pointed out in his letter:

> A proliferation of such bodies would not improve services to people. It would only further defuse responsibility for real results and it would represent a major step away from the kind of Executive consolidation proposed by the long series of bi-partisan studies culminating in the Ashe Council Report and Embodied in the Administration's Executive Re-organization bills.

Mr. President, I ask unanimous consent that the full text of Secretary Richardson's letter be printed in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the Record, as follows:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C.

Hon. J. GLENN BEALL, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BEALL: On Friday, September 22, the Labor and Public Welfare Committee reported favorably the Comprehensive Older Americans Services Amendments of 1972. While I am pleased that the bill incorporated most of the provisions of the Administration's bill, S. 3391, I am very much concerned that the reported bill would create another agency with responsibilities for programs for the aged.

Title I would establish an Older Americans Advocacy Commission, a body of six members with permanent staff outside the Department of HEW, to act as an independent advocate on behalf of older Americans, to review and evaluate programs for the aged, and to disseminate information relevant to them. The proposed Commission would thus duplicate many of the functions already assigned by law to the Administration on Aging (AOA), which Title I would also upgrade organizationally within this Department.

The Federal government now has authority to mount programs to provide virtually every type of service older persons may need, and we also have significantly enlarged resources for fiscal year 1973 for these programs. What is needed now is effective management of these programs and resources. The proposed Commission would, instead, further fragment responsibility for these programs and make sound management more difficult. The bill explicitly lodges authority for policy development, program evaluation and information dissemination with both the Secretary of HEW (or the Commissioner of the AOA) and the new proposed Commission. The bill would thus fragment responsibility and result in less accountability to the public for these activities than at present. In addition, the duplication of authority is likely to result in wasted resources.

The creation of the proposed Commission will also set a dangerous precedent. Every interest group which is the beneficiary of a Federal program will demand the establishment of a similar independent advocacy body. Yet a proliferation of such bodies would not improve services to people. It would represent a major step away from the kind of Executive consolidation proposed by the long series of bipartisan studies culminating in the Ashe Council Report and embodied in the Administration's Executive reorganization bills.

I would strongly urge you and your colleagues to support deletion of this provision from the bill.

Sincerely,

ELLIOT RICHARDSON,
Secretary.

Mr. BEALL. Mr. President, my next point is:

Fifth. Although, on paper, this advocacy commission would not have any coordinating or administrative functions, I think it is almost impossible for it not to become deeply involved in the workings of the various agencies it is called upon to oversee. Administrators in various Government agencies, and especially AOA, would have to anticipate a possible complaint to the advocacy commission every time they make a determination as to who will receive a specific grant. If the advocacy commission became involved in every decision such as this, and there is nothing in this legislation that precludes it, then the potential is there for divisions between groups representing older Americans, the possible paralysis of AOA, and the distinct possibility that the advocacy commission would "assume" an extra-legal place in the bureaucracy.

Mr. President, this legislation constitutes an almost revolutionary new approach to Federal programs on behalf of senior citizens. Our goal is to deliver services and to deliver them effectively. I believe that this bill establishes an apparatus that can do that, for it is based on the experience we have gained during the 7 years which have elapsed since the enactment of the original Older Americans Act and it would appear to me that the goal is far to important for us to distract our attention away from the job that must be done. I believe that this provision decreases rather than increases the likelihood that we can achieve the goal all of us want to achieve, and for that reason I would urge my colleagues to support this amendment that would restore the language contained in the House bill, and I believe remove a provision which could seriously jeopardize the effectiveness of this bill.

As an aside, the members of the Subcommittee on Aging had before them the House passed version of this bill, thus we were able to gain from the benefit of the thinking and the effort of the Members of the other body. I personally believe, with the exception of title I, that the Senate bill is an excellent bill that would be largely upheld in conference.

In fact, I would not be too surprised if the House were to accede to Senate changes and not require a conference at all. Thus, I think it would improve the ability to have the bill pass both Houses before Congress adjourns if we were to accept title I as my amendment. The likelihood of such an occurrence would be greatly enhanced if my amendment were adopted.

In closing, Mr. President, I would like to personally assure my colleagues that if, after this new apparatus has had an appropriate period of time in which to function, there is an obvious need to consider additional steps to promote the needs of the elderly, I would be more than willing to consider whatever steps we might need to take to fulfill that need. But I think that, in light of the changes made in this legislation, such an action at this time would be unwise and premature.

Mr. JAVITS. Mr. President, will the Senator from Maryland yield?

Mr. BEALL. I yield.

Mr. JAVITS. I think it is critically important to make it clear, if it is the fact—and I have been trying to ascertain that—that the amendment of the Senator from Maryland does not simply strike out all participation by the nongovernmental element in the administration of the bill, but substitutes an advisory group for the so-called advocacy commission.

Mr. BEALL. The Senator is exactly correct. As a matter of fact, the substitute amendment would allow for greater participation by senior citizens and senior citizen groups, who need service and deserve service. I have the greatest concern about service.

Mr. JAVITS. So what the Senator is in effect saying to the proponents of the advocacy commission is: We ask you to bear the burden of providing that such an "ombudsman" is necessary in this field, whereas in most others it is handled by an advisory committee. Is that not so?

Mr. BEALL. The Senator is exactly correct.

Mr. JAVITS. I thank the Senator, because I think it will help to give Senators a clear view of what the Senator from Maryland is seeking to effect.

Mr. BEALL. I think it is fair to point out also that nowhere else in our Government has an independent commission been used in the deliverance of service. Usually it is called in on regulatory matters, and there is no regulatory matter involved in this particular piece of legislation.

Mr. JAVITS. Is the Senator prepared to yield any time on the amendment? Or I could offer an amendment to the amendment, since I have not yet spoken on the bill and would like to do so.

Mr. BEALL. I would be happy to yield to the distinguished Senator from New York, the ranking Republican member of the Committee on Labor and Public Welfare.

Mr. JAVITS. Mr. President, will the Senator yield me 10 minutes?

Mr. BEALL. I yield 10 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I ask unanimous consent that what I shall now say may be a part of the general debate on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, this is a very carefully drawn, bipartisan bill. We are generally agreed on the major outlines of it. Most older people hope for a chance to remain participating, self-sustaining, and respected individuals. The traditional expression in the geriatrics field is: "Keep them walking," which is a euphemism for the kind of thing which we are trying to effect by this bill.

I hope, however, that the various points of view with regard to the advocacy commission, and the substitution of an advisory council, will not distract us from the broader legislative intentive initiative to provide greater visability and leadership capability with respect to the aged.

It is our hope that this bill will provide the essential framework for enabling older Americans to fully participate in our society with the maximum degree of independence. The life of older Americans, as for all Americans, should be a life filled with hope, confidence, and freedom to act. In my judgment, the bill provides one of the basic tools for assisting our older people to secure equal opportunity for the full and free enjoyment of their golden years.

I am particularly gratified that the bill upgrades and strengthens the Administration on Aging by placing it in the office of the Secretary of the Department of Health, Education, and Welfare and assigning primary responsibility for carrying out the act to the Commissioner on Aging. The administration is to be commended for supporting this initiative which will provide greater visibility and leadership capability to the Administration on Aging and which will remove it from conflicting tendencies generated as a result of its present location in the Social and Rehabilitation Service. In addition, the bill directs the Commissioner to establish and operate a National Older Americans Information Clearinghouse which I believe can play a vital role in serving as a focal point for information relating to the needs and interests of older persons. Again, the administration and Senator BEALL are to be complimented for promoting this very useful concept, and, of course, the author of the bill, the Senator from Missouri (Mr. EAGLETON), and his associates on the Democratic side.

One out of every 10 Americans is age 65 or older. By the year 2000 it is projected that more than 30 million Americans will be of age 65 or over. If we are to provide older Americans with opportunities and programs which will enable them to sustain their independence and the effectiveness of their contributions to the society, it is clear we must provide the knowledge necessary to adequately meet the physical, mental, social and environmental problems and needs of this rapidly growing segment of our population. S. 4044 recognizes this need by establishing a more adequate and coordinated program of research and training related to the aging processes and the diseases of aging in order that we may specially deal with the needs of the elderly. The bill will develop the leadership, technical specialists, and facilities from which to understand very thoroughly the impact of various disciplines on the aging processes, and this includes special provisions for study and demonstration projects on the transportation problems of older Americans. The current lack of effective approaches to this transportation is a serious impediment to meeting the mobility requirements of the elderly.

Finally, I applaud the intent of S. 4044 to expand and improve social services for the aging by more generous formula grants to the States and for the initiating of model projects which will more fully test the best delivery system for dealing with the problems of the elderly in the areas of housing, continuing education, free retirement training, and services to the physically and mentally handicapped elderly. I also note that title VII of the Older Americans Act, which provides nutritional services for the elderly, is expanded and that the authorization for the Foster Grandparents of RSVP programs, which have continued to grow and develop since their transfer to the ACTION agency, is extended for an additional 3 years with new programs established to permit the provision of expanded services.

Mr. President, most older Americans seek from the Government only that which they cannot obtain for themselves. They want to be treated as full citizens and welcomed as participants in the mainstream of American life. S. 4044 is a salutory effort to restore first class citizenship to all older Americans, by strengthening the Older Americans Act and providing adequate financial support for ongoing and future programs under the act, we will have made a great stride forward to assure that quality of life that we owe to our elderly citizens.

I invite the attention of the Senate to a basic concern in respect to the two-manpower program titles of this bill which should be mentioned:

> Title IX, "The Older Americans Community Service Employment Act", which passed the Senate on September 21, 1972, as a separate measure, would authorize $100 million in fiscal year 1973 and $150 million in fiscal year 1974 for programs under which low-income persons 55 years or older would be employed in rendering community service activities in social, health, welfare, education and other vital fields; it is estimated that as many as 40,000 and 60,000 jobs could be funded in fiscal year 1973 and fiscal year 1974 respectively.
>
> Title X, "The Middle-aged and Older Workers Training Act", previously reported by the Committee as a separate measure, would authorize $100 million in fiscal year 1973 and $150 million in fiscal year 1974 for training opportunities and related activities for persons 45 years or older.

We are hopeful that we may soon have a general comprehensive manpower training bill, which we do not have now. It would be very seriously duplicative of everything we are trying to do for the aged if we do not make provision in this bill for that general expectation. Accordingly, there are provisions in this bill—which I am proud to say the minority sponsored—which provide that when we do have a general manpower program, the duty of the Secretary will be to integrate these programs under the new measure, so that they will fit fully into the broader outline which has been established.

Mr. President, I ask unanimous consent that the letter of Malcolm R. Lovell, Jr., Assistant Secretary for Manpower, regarding S. 1307, which is the basis for title X, be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> U.S. DEPARTMENT OF LABOR, OFFICE
> OF THE ASSISTANT SECRETARY FOR
> MANPOWER,
> *Washington, D.C., September 22, 1972.*
> Hon. JACOB K. JAVITS,
> *U.S. Senate,*
> *Washington, D.C.*
>
> DEAR SENATOR JAVITS: I wish to communicate to you the views of the Department of Labor on S. 1307, a bill to provide increased employment opportunities for middle-aged and older workers, and for other purposes.
>
> Title II of S. 1307, providing for a Mid-career Development Service Program, is largely duplicative of efforts now maintained under the Manpower Development and Training Act, the Economic Opportunity Act, and the Wagner-Peyser Act. These laws now authorize work experience, training, counseling and other supportive services for middle-aged and older persons. Moreover, this past fiscal year, the Manpower Administration obligated over $260 million to provide work and training opportunities for enrollees 45 years of age and over. In our judgment, the categorical centralized approach of this title is highly undesirable, for it further impairs our efforts to obtain comprehensive manpower planning for all who require such services.
>
> Likewise, Title III of S. 1307, Special Reports and Studies, overlaps existing authority. Most of the reports and studies required in this section are currently being made under the authority granted in the Manpower Development and Training Act, the Economic Opportunity Act, and the Wagner-Peyser Act.
>
> Sincerely,
> MALCOLM R. LOVELL, Jr.,
> *Assistant Secretary for Manpower.*

Mr. JAVITS. The department has expressed the same objection with respect to title IX.

Mr. President, the general thrust of the objection, which is, incidentally, a perfectly proper one, although I may not agree with it, is one which the Senate should have very much in mind. It makes the point that the mid-career development service program is duplicative of what is now provided in the Manpower Development and Training Act, the Economic Opportunity Act, and the Wagner-Peyser Act. It is pointed out that as a result of those acts and other services for the middle aged, $260 million was provided in the past fiscal year, dealing with persons who were 45 years of age and over.

Therefore, the letter concludes:

> In our judgment, the categorically centralized approach of this title is highly undesirable, for it further impairs our efforts to obtain comprehensive manpower planning for all who require such services.

Mr. President, I believe the minority has done its best to honor—as far as it could—any such views by making provision in section 1033(c)(2), contained at page 97, lines 16 to 21, in which the Secretary is authorized:

> (2) The Secretary is authorized to make whatever arrangements that are necessary to carry out the programs assisted under this title as part of any general manpower legislation hereafter enacted, except that appropriations for programs assisted under this title may not be expended for programs assisted under that title.

A similar provision is contained in the other title.

In other words, the appropriation cannot be pulled out.

Second, I wish to point out that at my strong urging a very material reduction was effected in the authorization part of the bill which related to title X. The Senator from West Virginia (Mr. RANDOLPH), who authored that particular amendment, cut the amount for fiscal 1973, from $140 million to $100 million; and for fiscal 1974, from $210 million to $150 milion, to comport in each case with the amounts authorized under the title XI.

We have put a very serious caveat there. The administration is now expending given sums of money for public service employment under the Emergency Employment Act of 1971, a special bill which we passed. The number of workers that are engaged approximates 170,000.

I should like to ask the Senator from Missouri (Mr. EAGLETON), if I may have his attention, a question that he may not wish to answer, but which may cause a dilemma. If we pass this bill, and it becomes law, the administration might say to us for example, "Look, that is fine—that is, if you want to spend money for those who are 45 years old or 55 years old and over, and forget all about the other categories contained in the Public Service Employment Program, we will simply devote the money for that purposes."

So I think that if we—I say this to the Senator from Missouri (Mr. EAGLETON) as one who is very sympathetic to the bill, and joined with him, indeed, in sponsoring it—had some expression of view on the part of the managers, to wit, the Senator from Missouri (Mr. EAGLETON) and the Senator from Maryland (Mr. BEALL) as to how we face that kind of contingency, it would be very helpful. What do we really have in mind?

We can answer two ways. We can say, "Yes, we want this to take priority, and if we do not have enough money for this—quite outside of the other—we want the money put into this effort prorated." Or we can say, "We expect separate appropriations for whatever we do in respect of this particular act," or make some other answer. But I do believe this bill should not leave here, passed by the Senate, without some expression of view by the managers on that particular subject.

Mr. EAGLETON. Mr. President, I do not have a utopian answer to the dilemma raised by the Senator from New York, but it would be my personal judgment that the area he discusses would deserve separate appropriations, and that considerable support from mayors, Governors, and others interested in this area could be mobilized to support such separate appropriations.

Mr. JAVITS. I am delighted with the Senator's answer. I thoroughly agree with him.

We have to fight for both, and we do not want to negate either. But we think they should stand on their own feet; and I think that is an honorable, sensible course. On that basis, I do not see how any of us could be against this bill.

Mr. EAGLETON. I thank the Senator from New York.

Mr. BEALL. Mr. President, I yield myself 1 minute to concur in the statement made by the chairman of the subcommittee in response to the question of the Senator from New York that there should be separate appropriations on these matters, and it ought to be perfectly clear that there is unanimity of opinion throughout both parties that this should be the case. I hope the record is very clear on that.

Mr. JAVITS. I think it is now, and I thank both my colleagues very much.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). Who yields time?

Mr. BEALL. Mr. President, I reserve the remainder of my time.

Mr. EAGLETON. Mr. President, I shall be very brief with respect to the amendment of the Senator from Maryland, which, on an anticipatory basis, I discussed somewhat earlier.

It is my opinion that doing away with the advocacy commission and creating an advisory commission would not provide the visible identification and the advocacy which have so long been lacking between the elderly and their Government.

It is my position that only an advocacy commission can give such visible identification and advocacy. Further, let me say that the following national organizations are in vigorous and enthusiastic support of an Older American Advocacy Commission:

The National Council of Senior Citizens.
The American Association of Retired Persons.
The National Council on Aging.
The Retired Federal Employees Association.
The American Gerontological Society.

Mr. President, I am prepared to yield back the remainder of my time on the amendment.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. BEALL. Mr. President, I am almost prepared to yield back the remainder of my time, since there is no one else here that I can convince. The Senator from Missouri is not thoroughly convinced, but I assume that the Senator from Virginia is already convinced.

I would just like to say that I think what we are all concerned about is delivery of services to the elderly. There is no more deserving constituency in America today than our senior citizens, who have devoted their lives to building the kind of amenities and opportunities we all enjoy today. I think we are all concerned that our senior citizens get the proper services from their Government at this stage in their lives.

I am concerned, however, that if we try to create an advocacy commission, we are showing some lack of enthusiasm for what we seek to do in this bill, because, on the one hand, we have said that one of the problems facing the elderly today is the fact that the bureaucratic administration set up to deal with their problems has not had the kind of visibility it deserves and the authorization it deserves, so in this act today we are giving it the visibility; we are seeing that COA gets into the office of the Secretary of Health, Education, and Welfare, right next to the man who makes the decisions.

We know that the President has created a special assistant to deal with the problems of the elderly, Dr. Arthur Flemming.

So what we are doing, I think, in seeking the establishment of an advocacy commission, is saying that in doing the things we have done in this bill, we do not have much confidence in ourselves because we feel what we have created will not be responsive to the needs of the aging.

I do not think we do justice to the Commission on Aging if we take that position. I think we have given them the visibility to allow them to do the job, and I do not think we ought to create another level of bureaucracy to make it that much more difficult for senior citizens to get to the programs designed to do the job.

Mr. President, in our society today senior citizens are unique, because they have the energy, the time, and the concern to deal with their own problems, and they are expressing that concern very vocally these days. I think it is unnecessary to create another level of bureaucracy to provide a thicket in which they might get caught as they try to get to the program.

I think if we substitute for the advocacy commission this kind of advisory council, it will provide the opportunity for senior citizens to have an overview of all governmental programs and, through their own abilities, to be vocal and to bring the kind of attention that is necessary to the bureaucratic difficulties that may arise from time to time. So, Mr. President, I certainly hope the Senate will adopt the amendment I have proposed, and I am prepared to yield back the remainder of my time.

Mr. FONG. Mr. President, I believe that the needs of older Americans deserve the very highest priority. The contributions made by our older citizens in the growth of our Nation are so great that it is almost impossible for us to pay our debt to them.

It is my hope that every Member of the Congress, sensitive to what we owe older Americans, will continue to serve as faithful advocates to be sure that the problems they face will be met as fully as possible. I am confident that every Member of this legislative body shares my hope.

I believe, too, that it is most desirable for the various organizations of senior citizens, such as the American Association of Retired Persons, the National Retired Teachers Association, the National Council of Senior Citizens, the National Association of Retired Federal Employees, to be strengthened in their legitimate efforts on behalf of themselves and other older people.

These organizations and others active on behalf of older persons deserve the highest tribute for the tremendous progress we have seen during the past several years in meeting needs of our aged population. The progress in health services, income, housing, and other concerns of older people which we have seen would never have occurred had it not been for their dedication and hard work.

It is my hope that they will continue to grow and expand their proven abilities to act as advocates for their own constituencies and all older persons. From what they have done in the past, I am sure they will do so.

In the achievement of their objectives, however, I believe it would be undesirable to create, at taxpayer's expense, a Federal Government agency responsible for preempting their advocacy role.

Senator BEALL and others have given serious reasons why creation of an Older American's Advocacy Commission within the Administration on Aging would constitute a disservice to older Americans. I agree with their observations, including the fact that such a Commission would tend to divert badly needed money from service programs.

Beyond this I have two special reservations, however, about the propriety of an Older American's Advocacy Commission.

In the first instance, it seems to me that such a tax-supported Federal agency might tend to supplant the existing, and effective organizations of older persons who have done so well as advocates up until now.

Second, I have serious questions about the legitimacy of using tax dollars for an agency whose responsibilities include advocating legislation. The legislation so advocated may be highly desirable, but should the tax dollar be used to pay for any special plea?

If we approve an Older Americans Advocacy Commission, how can we legitimately refuse to do the same for education, housing, health, and other special interests?

For these reasons, I feel I must join in support of Senator BEALL in this amendment to delete the committee provision for an Older Americans Advocacy Commission, and to replace it with a National Advisory Commission on Aging as provided for in H.R. 15657, the House version of this bill.

It is most important that the Older Americans Act be extended without delay. I would not want to risk loss of this important legislation through a Senate-House conference. I believe that support of this amendment on this ground alone is sufficient.

Mr. BENTSEN. Mr. President, the Older Americans Comprehensive Services Amendments of 1972, is a landmark piece of legislation. It combines and strengthens many of our currently existing programs for the elderly and adds several new programs which give evidence of a new commitment from this Congress to give special attention to the needs of our 20 million citizens over the age of 65.

The measure clarifies the role of the Administration on Aging as the principal spokesman for older Americans. It expands the programs under title III, which provides grants to States and communities for programs on the aging. It offers new initiatives in setting up centers of gerontology. It gies new emphasis to our national volunteer program for older Americans, such as the Foster Grandparent program and the Older Americans Community Service program.

I support this legislation.

I am particularly gratified, Mr. President, by the inclusion of a new title VIII, the Older Readers Services Act, a measure which I authored and introduced in the Senate on February 18 of this year.

A similar measure was introduced in the House and was incorporated in the House Older Americans amendments under the gifted leadership of Congressman JOHN BRADEMAS of Indiana. When the President signs this bill, for the first time we will have earmarked funds to enable libraries to serve the needs of America's elderly.

It is no small accomplishment.

America's older citizens have a wide variety of needs which are properly addressed by this comprehensive bill; they need more adequate income, better transportation, better housing, more of a voice in Government.

But they also need to overcome the isolation which is so prevalent in their lives. The Older Readers Services Act can offer them the opportunity to escape isolation, can give them emotional and intellectual stimulation, and can provide them with meaningful employment opportunities.

For the elderly man or woman confined to a nursing home or confronted with a daily routine lacking in emotional or intellectual stimulation, the delivery of books or other library materials and the visit of a librarian can be a window to the outside world. For the elderly who have some mobility, special library programs provided by public libraries can be an equally valuable experience.

The delegates to the White House Conference on the Aging recognized the untapped potential of library services for the elderly, and this legislation closely corresponds to their recommendations for a new Federal program in this field.

The citizens of Detroit, Cleveland, and San Francisco have already participated successfully in programs which have provided direct library service to nursing homes, bookmobile services for the homebound aged, and special reading programs at public libraries.

Unfortunately, these are the exceptions. A recent study of public libraries revealed that a majority give lowest priority to the aging, with less than 0.5 percent of all funds being budgeted for programs in this special field.

Now, with this legislation, the Federal Government can offer an incentive to libraries to expand their programs for the elderly. The bill provides for the training of librarians to work with older citizens; special library programs for the aged; the purchase of special library materials—including page turners, prism glasses, large print materials—for use by older readers; salaries for older persons who wish to work on library programs for the elderly; in-home visits by librarians and other library personnel to the homebound elderly; outreach programs to notify the elderly of available library programs; transportation to enable older citizens to utilize library services.

In brief, Mr. President, it authorizes a series of programs designed to bring the resources of the library to those who have no mobility and to bring the elderly person within the reach of programs that may be offered within the walls of the library itself.

I believe that this program will provide both stimulation and serenity for thousands of our older citizens. I urge the Appropriations Committee to fund it at a significant level so that the promise of the Older Readers Services Act can be fulfilled.

And I want to express my gratitude to the distinguished chairman of the Subcommittee on Aging, Senator EAGLETON, for incorporating my bill into the comprehensive legislation he offers to the Senate today.

Mr. CRANSTON. Mr. President, as ranking majority member of the Subcommittee on Aging of the Labor and Public Welfare Committee, I would like to extend my congratulations to the distinguished Senator from Missouri (Mr. EAGLETON) who as chairman of the Subcommittee on Aging has led in the development of S. 4044, the Older Americans Comprehensive Services Amendments of 1972. This legislation reflects a significant move toward government that is truly responsive to the needs of older Americans—particularly those nearly 20 million citizens living on fixed incomes. I would also like to extend my appreciation for the excellent work of Jim Murphy, subcommittee counsel, and the many other majority and minority staff people involved in the development of this bill.

ADVOCACY COMMISSION

S. 4044 differs from the House version in many important areas, but the most important is the addition of the Older Americans Advocacy Commission. Over 10 years ago the first White House Conference on Aging recommended a strong Federal commission, responsible to the President, with powers and authority similar to the Civil Rights Commission, to investigate what was being done—and not being done—by Federal agencies on behalf of elderly citizens. That recommendation has finally been implemented in S. 4044. People like Dr. Arthur Flemming, the Special Adviser on Aging to the President, are owed a great debt of public gratitude for the excellent job they have done in the past years. But opportunities have been limited by organizational restraints imposed on the Administration on Aging. We cannot expect that the Administration on Aging act as an effective advocate for older Americans submerged within the Social and Rehabilitation Services Administration at HEW.

To expect an agency within HEW to push the Department of Transportation toward addressing the impediments of elderly mobility, or effectively to influence HUD in the development of adequate housing for the elderly, or to motivate the Department of Labor to act against the frequent job discrimination faced by the elderly worker, is to expect that a deputy administrator—for that has been, if not in name, at least in practice, the role of the Director of the Administration on Aging—to influence Cabinet-level policy decisions. That approach to administrative organization has never worked in the past, and there is no reason to expect it to suddenly begin to work now. For this reason, I wholeheartedly support the Advocacy Commission as contained in S. 4044.

HOME HEALTH CARE

I was pleased that the subcommittee adopted a suggestion which I offered with the cosponsorship of Senator PACKWOOD to include specifically the provision of home health services in the definition of social services. It is imperative, I think, that we do all we can to provide these essential services to the elderly to enable them to avoid institutionalization. The recent report of the Special Subcommittee on Aging on home health services quoted one physician as follows:

> We are warehousing thousands of functioning human beings because they need some relatively inexpensive health care; they can't change their own bed linen; carry the groceries upstairs; wash their own hair; occasionally need a little help getting in and out of the bathtub and aren't able to take a bus ride to the doctor. The same fragile, but psychologically and socially functioning individual who is lucky enough to have a good doctor, a family and friends or is able to buy a little help for himself doesn't have to give everything up and share a hole in the wall with a stranger and become a vegetable because nobody there is much interested in doing those things for him either. And the worst of it is, there's no return.

In the coming weeks the Subcommittee on Aging will be holding hearings on alternatives to institutional care, and I am particularly pleased that S. 4044 recognizes the importance of the development of adequate home health care services for the elderly.

AREA AGENCIES DESIGNATION

Another amendment which I strongly urged, along with several other members of the full committee, including the distinguished Senator from New York (Mr. JAVITS), to spell out procedures for the designation of area agencies was adopted in the full committee. This amendment mandates the designation as an area agency of any unit of local government containing either 15 percent of the State's elderly population or 50,000 elderly citizens. In my view, any unit of government with an elderly population of that size should be automatically designated, and not have to await the possibly unreasonable decision of State governments. This amendment affects about 33 areas in the entire country, including four—Long Beach, ad San Diego—in my home State of California.

AUTHORIZATION

In keeping with the significantly increased authorization levels in this legislation, I offered an amendment with Senator EAGLETON which increased from $12 million to $20 million the authorization for administrative expenses contained in section 306 of the bill. The legislation had originally contained an authorization of $12 million with a minimum allocation of $200,000 to any one State. Even if most of the States were able to administer programs effectively at the minimum allocation level, it would leave less than $2 million to be allocated among the larger States—most definitely an inadequate amount. And this would have been true only if the full authorization amount was appropriated. By increasing the total authorization we are able to insure that adequate financing for all the States will be available before the $200,000 minimum will be applicable, and I would hope that during conference on this measure, the Senate conferees will be able to convince the House Members on the merits of this increase.

OLDER AMERICANS VOLUNTEER PROGRAMS

As chairman of the Special Subcommittee on Human Resources, I have had ample opportunity to note the important effects of the volunteer programs contained in the Older Americans Act, and heard numerous knowledgeable witnesses testify to the effectiveness of these programs. Programs like Foster Grandparents and RSVP have allowed older people to utilize a lifetime of experience in helping others. During the hearing which I chaired on the proposed ACTION Act earlier this year, many of the witnesses from both the administration and senior citizens groups testified to the need for two improvements in the legislation, which have now been incorporated in S. 4044 on the basis of amendments I offered to title VI of the bill.

First, many individuals recommended lowering the eligibility age for participation in the Foster Grandparents and RSVP programs. Present law limits participation in these programs to those 60 and over. In today's job market, if an individual 55 or over chooses to retire—and he is more often than not forced to do so—or for some other reason leaves his place of employment, the chances of he or she finding other employment are very slight, though his or her ability to contribute to the development of our society is still significant. In light of limited employment opportunities for older workers, and the growing trend to retire voluntarily at an earlier age, the committee has agreed to lower the entry age to 55 for both the Foster Grandparents and RSVP programs.

The second concern of many witnesses, including those within the ACTION agency who administer the Foster Grandparents program, was a desire to expand the Foster Grandparents program to include services to people other than children. At the same time, there was great concern among many senior citizens groups that this expansion not occur at the expense of the present Foster Grandparent program.

In order to meet both these concerns, I offered an amendment, which was adopted in subcommittee, creating another category of volunteer service—with special emphasis on older volunteers serving as senior companions and senior health aides, with a separate authorization of appropriations of $6 million in 1973, $7 million in 1974, and $8 million in 1975. It is my hope that by expanding the program in this manner, those older citizens who wish to do so will be able to work directly with other elderly citizens—and other persons with special needs—in their homes as well as in institutions, while fully preserving the integrity and purpose of the Foster Grandparent program.

Mr. President, at my request, certain language was included in the committee report—No. 92-1242—to clarify the present title VI of the Older Americans Act and my amendments in the committee bill revising that title, at pages 17 through 19. Mr. President, I ask unanimous consent that these excerpts be set forth in the RECORD at this point.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

TITLE VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

In retaining the basic language of Section 611(a) of the Older Americans Act (in Section 603(b) of this bill), the Committee bill made two changes: First, it dropped the 90 percent limitation on the Federal Share so that in exceptional cases 100% funding would be permissible at the discretion of the program head. Second, the age of eligibility for entry into the program was reduced from 65 to 55, to reflect testimony before the Subcommittee on Aging, and the Special Subcommittee on Human Resources which indicated the desire and ability of persons 55 to 59 to participate in Foster Grandparent, RSVP, and Senior Companion-type programs, and in accordance with the manpower provisions of Title IX of this bill.

The Committee recognizes that not all persons between the age of 55 and 59 seeking to participate will be able to do so, any more than there are opportunities for all those 60 and over to participate under present law. But the Committee thinks that the lower eligibility age is more realistic in today's job market and retirement situation.

In addition, there are two matters regarding language retained from the present law in Section 611(a) which require further clarification: the effect of the "person-to-person" provision and the language '·including services as 'Foster Grandparents' to children receiving care in hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs.".

The Committee does not intend "person-to-person" services which Foster Grandparents are authorized to provide under this section to be limited to those in a direct one-to-one relationship with a particular child. Rather, it would be consistent with the Committee's intention for a Foster Grandparent to serve in a project or program where he or she inter-relates with several children. The Committee expects, however, that the major thrust of the subsection (a) program—bringing older persons in direct and personal contact with a child or several children with the purpose of developing an enriching relationship between them, as in a surrogate grandparent/grandchild relationship—will be carried out in programs conducted under this subsection.

Second, the Committee wishes to make clear that it does not agree with the restrictive interpretation apparently given by ACTION to the "including" clause at the end of the subsection. The Committee's view is that this language is not, and was not, exclusive with respect with respect to the places where Foster Grandparents could serve children and that service in a private home or other non-institutional setting, as well as in "hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs" is permissible as long as the other basic requirements of the Title are satisfied.

SPECIAL EMPHASIS CATEGORIES

In adding the special category in Section 611(b) of the Older Americans Act (in Section 603(b) of this bill), it is the intent of the Committee to expand volunteer opportunities for persons fifty-five and over to include situations where persons other than children are involved and to stress two special emphasis programs—Senior Companions and Senior Health Aids.

The Committee also wishes to make clear its intention with regard to the language "including services as 'senior companions' to persons having developmental disabilities". The Committee does not regard this language as being exclusive or limiting the programs conducted under section 611(b) to non-institutional settings. The Committee expects, however, in conjunction with the recommendations of the White House Conference on Aging—which stressed the importance of older persons staying in their own homes and in familiar surroundings—that the programs conducted under section 611(b would be conducted with an emphasis on volunteer services directed toward preventing institutionalization.

In addition, the Committee's intention is that the language "developmental disabilities" be interpreted to include physical or mental disabilities, and the Committee does not construe developmental disabilities to be limited specifically to mental or physical disabilities, but rather intends volunteer services from "senior companions" and "senior health aids" to be available to all "persons (other than children having exceptional needs", as is stated in the new section 611(b).

CONTINUATION OF DELEGATION OF AUTHORITY

Section 605 is intended to make clear the Committee's intention that nothing in this Act shall in any way modify, repeal or affect the continuation in full force and effect of delegations of authority, transfers, or reorganizations made effective before the effective date of this Act with respect to functions carried out under Title VI of the Older Americans Act of 1965.

OTHER MAJOR PROVISIONS

Mr. CRANSTON. I would also like to mention, briefly, my strong support for both title IX of the committee bill, the Community Service Employment for Older Americans, authored by Senator KENNEDY, and title X, the Middle Aged and Older Workers Training title, authored by Senator RANDOLPH. Both of these provisions, now incorporated in S. 4044, represent a recognition of the important contributions which can be made to the Nation's economy by middle-aged and older workers, while also recognizing the difficulty older workers are often faced with in finding meaningful employment.

Mr. President, I urge the Members of the Senate to join with me and the members of the subcommittee and the full committee in adopting this most important measure.

Mr. EAGLETON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Maryland.

Mr. JAVITS. Mr. President, I would suggest, or perhaps the assistant majority leader would suggest, that in view of the fact that other business is taking place elsewhere, the rollcall votes on this amendment and on the bill occur after the votes already scheduled for 2 p.m. today.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator for his suggestion. I ask unanimous consent that immediately following the vote which will occur on the passage of the military construction appropriation bill, and prior to the Senate's resumption of the consideration of H.R. 1 under the previous order, the Senate proceed to vote on the pending amendment offered by the Senator from Maryland (Mr. BEALL), and that immediately following that vote, the Senate proceed to vote on passage of the bill, S. 4044.

The PRESIDING OFFICER. Without objection, it is so ordered. Does the Senator——

Mr. ROBERT C. BYRD. Mr. President, I think I know what the Chair is about to say: that immediately following the vote on the pending amendment, the Senate proceed to vote on the comparable House bill to S. 4044.

The PRESIDING OFFICER. Does the Senator from West Virginia want the yea-and-nay vote on passage transferred to the House bill?

Mr. ROBERT C. BYRD. I ask unanimous consent, Mr. President, that that also be done.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I want to be sure that all Senators understand that no other amendment would be in order following the disposition of the amendment by Mr. BEALL, under this order.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, reserving the right to object, I do not quite understand the reasons for shutting off any Senator's opportunity to amend.

Mr. ROBERT C. BYRD. Mr. President, the Senator makes a very legitimate point. May I revise the unanimous-consent request to include a request that if any other amendments are offered, they be voted on immediately, without time for debate?

Mr. JAVITS. Mr. President, again reserving the right to object, we have been through this before, and Senators have become very dissatisfied. I am the ranking Republican member of this committee; I respectfully suggest to the Senator that he make it 5 minutes on a side. It does not matter how long, so long as a Senator can explain his amendment. Will the Senator do that?

Mr. ROBERT C. BYRD. Yes, I will do that, Mr. President. The Senator's request is a reasonable one.

I think I should explain why I made the request that I did. The order is that once we get through with this succession of rollcall votes, the Senate will return to the consideration of H.R. 1.

I just do not want to get into a situation in which we have several amendments coming one after the other, with time on those amendments, because that would push further consideration of H.R. 1 into the late, late afternoon.

So, Mr. President, I modify my request to ask that if any other amendments are offered to the Older Americans Act, time on any such amendment be limited to 10 minutes, to be equally divided between the mover of such and the distinguished manager of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, reserving the right to object—and I shall not object—what would this do to the vote on cloture? Would it in any way affect that vote?

Mr. ROBERT C. BYRD. It would not in any way affect the vote.

Mr. JAVITS. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, do I correctly understand that the earlier unanimous consent request of the distinguished Senator from West Virginia included a request that the Committee on Labor and Public Welfare be discharged from further consideration of H.R. 15657, which is the House passed companion measure to the Older Americans Act amendments, to be voted on by the Senate? Also, did his unanimous-consent request contain the provision that the Senate proceed to the consideration of H.R. 15657? If so, I would move to strike out all after the enacting clause.

Mr. ROBERT C. BYRD. I did not include that in my request. I do not think it would be a timely request at this point. However, I think it is proper at this time to ask unanimous consent that the committee be discharged from further consideration of the House bill at this point.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Now the other will come, without debate, after the amendment by Mr. BEALL.

Mr. EAGLETON. May I ask unanimous consent to move to strike out all after the enacting clause?

Mr. ROBERT C. BYRD. Not at this point. Not until all amendments have been disposed of.

Am I correct, I ask the Chair?

The PRESIDING OFFICER. The Senator from West Virginia is correct, unless the Senate were to follow an unusual unanimous-consent procedure.

Mr. ROBERT C. BYRD. A very unusual one.

The PRESIDING OFFICER. A very unusual one.

Mr. EAGLETON. I thank the Senator.

Mr. BEALL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 35, insert after line 8 the following:
>
> "(d) The allotment of a State under this section for the fiscal year ending June 30, 1973, shall remain available until the close of the following fiscal year.

The PRESIDING OFFICER. The Chair must say to the Senator from Maryland that the amendment is not in order until the previous amendment is disposed of, unless the Senator from Maryland would want to ask unanimous consent that the previous amendment be laid aside.

Mr. BEALL. Mr. President, I ask unanimous censent that the pending amendment, upon which we have agreed to vote after the vote at 2 p.m., be temporarily laid aside, and that the Senate proceed to the consideration of the amendment I have just offered.

Mr. MANSFIELD. Mr. President, reserving the right to object, I believe the time on the cloture petition starts at 1 p.m.

Mr. EAGLETON. We will accept this amendment.

Mr. MANSFIELD. All right.

The PRESIDING OFFICER. Without objection, the Senator from Maryland will proceed.

Mr. BEALL. Mr. President, this is in the form of a technical amendment, and its purpose is to permit a carryover of funds from the fiscal year 1973 appropriation for planning, coordination, evaluation, and administration of State plans similar to the carry-over provision for area planning and service programs contained in section 303(d). Since the Older Americans Act amendments and the fiscal year 1973 Labor-HEW appropriations bill will be enacted after the first quarter of the year, this provision will protect the States from loss of formula funds.

I understand that there is no objection to the amendment.

Mr. EAGLETON. Mr. President, we have no objection, and we accept the Senator's amendment.

Mr. BEALL. Mr. President, I yield back the remainder of my time.

Mr. EAGLETON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the Senate revert to the consideration of the amendment previously offered by the distinguished Senator from Maryland and that the vote thereon come as aforesaid under the unanimous-consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, I ask unanimons consent that a later time this afternoon when the Senate reverts to the consideration of the Older Americans Act and amendments thereto, my aide. Mr. Murphy, have the privilege of the floor during that debate and the vote thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BEALL. Mr. President, I ask unanimous consent that during the debate and the vote on the Older Americans Act and my amendment thereto, my assistant, Mr. David Rust, be permitted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BEALL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Harry F. Byrd, Jr.). Without objection, it is so ordered.

CONSUMER PROTECTION ORGANIZATION ACT OF 1972

The PRESIDING OFFICER. The Chair now lays before the Senate the unfinished business which the clerk will state.

The legislative clerk read as follows:

S. 3970, to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The hour between now and 2 p.m. is to be equally divided between the distinguished Senator from Connecticut (Mr. Ribicoff) and the distinguished Senator from North Carolina (Mr. Ervin).

Who yields time?

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Connecticut yield?

Mr. RIBICOFF. I yield.

ORDER FOR ADJOURNMENT TO 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 9 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR WEICKER TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following the remarks of the two leaders under the standing order, the distinguished Senator from Connecticut (Mr. Weicker) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSUMER PROTECTION ORGANIZATION ACT OF 1972

The Senate continued with the consideration of the bill (S. 3970) to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes.

Mr. RIBICOFF. Mr. President, we are in the midst of a filibuster against a most important measure, a bill to protect the interests of 210 million American consumers.

It has now been debated off and on for several days. It has been thoroughly considered in the subcommittee on Executive or reorganization and in the Government operations committee for the past 3 years.

The distinguished Senator from New York (Mr. Javits), the distinguished Senator from Illinois (Mr. Percy), myself, and other members of the committee have been most thoughtful and careful to assure that we would have a fair bill, one which would treat every consumer and every business with fairness and justice. We believe we have achieved this purpose.

So I would hope that the Senate would have an opportunity to vote on the pending amendments and then to vote the bill up or down. That is the right thing to do. There is nothing to be gained by further dilatory tactics. The time has come to settle the issue which has been hanging over the Senate and the country for 3 years.

Mr. President, though this is a technical bill, the basic issue is simple—should the consumer interest be represented within the Federal regulatory process in the same manner as the interest of private business concerns and trade associations?

This is not a revolutionary idea. The bill seeks to establish a rough equality for the consumer with the businesses and trade associations which are now well represented. I believe that fundamental fairness to the consumer demands that his economic, health, and safety interests be represented, just as the interests of General Motors and the pharmaceutical manufacturers are.

Mr. President, throughout the debate on this bill, a number of straw men have been raised as arguments for opposing it. One of them was that CPA intervention would lead to guerrilla warfare between the agencies, but this was refuted by the American Bar Association memorandum and endorsement of just such interagency litigation.

Another hollow objection is that the definition of the "interests of consumers" contained in the bill is too broad. But the definition merely reflects a basic fact—the interests of consumers is a dynamic, growing concept. It should not be narrowly defined. Twenty-five years ago, the consumer interest was thought to extend only to the price and quality of the goods and services we buy. But now we realize that it includes the chemical ingredients in the food we eat and the safety of the automobiles we drive. Undoubtedly, this concept will continue to evolve in the years ahead.

Moreover, such broad definitions are not unique in the law. Section 1 of the Sherman Act outlaws "every contract, combination . . . or conspiracy in restraint of trade." Section 5 of the Federal Trade Commission Act prohibits "unfair methods of competition . . . and unfair or deceptive acts or practices." Section 7 of the Clayton Act forbids corporate mergers which "may substantially lessen competition or tend to create a monopoly." And many statutes are patterned after section 20 of the Interstate Commerce Act, which authorizes the ICC to issue certificates for rail service on "such terms and conditions as in its judgment the public convenience and necessity may require." This law has been on the books since 1887, and the Commission and the courts have had no difficulty applying it. These laws show it is common for Congress to legislate in broad terms, leaving the agencies and the courts to apply them in a rational manner. Accordingly, there is nothing unusual in the broad definition included in the bill.

Further, it is important to understand that unlike the substantive provisions quoted, which regulate individual and corporate conduct, the CPA's rights are procedural only. Its authority is limited to representing the consumer interest. Each agency will continue to decide every case before it on the applicable statutory law. S. 3970 does not change those rules in any way. Thus, this definition will have no regulatory impact. And if any person believes that the intervention or participation of the CPA resulted in prejudicial error to him, he may appeal the case—section 210(e)(1)(B).

Mr. President, this bill is broad in scope but it is moderate in application. It contains effective safeguards to protect legitimate business practices and assure that agency decisionmaking will not be disrupted. If cloture is invoked, we will have an opportunity to consider amendments which will further limit and refine the bill. Some of these amendments are agreeable to the sponsors of this legislation, and we will accept them.

But first cloture must be obtained. Mr. President, this is a bill which all those who believe in justice for the consumer can support. I urge a "Yes" vote on the cloture petition, and ask unanimous consent that several endorsements of the Consumer Protection Agency be printed at this point in the Record.

There being no objection, the endorsements were ordered to be printed in the Record, as follows:

Endorsements of the Consumer Protection Agency

The executive branch must use its powers to expand consumer intervention and protection:

(We) Support the development of an independent consumer agency providing a focal point on consumer matters with the right to intervene, before all agencies and regulatory bodies.—Democratic Party Platform.

We support the establishment of an independent Consumer Protection Agency to present the consumers' case in proceedings before Federal agencies.—Republican Party Platform.

May I emphasize, Mr. Chairman, there is an urgent need for a permanent agency to serve as the consumers' advocate. For government to act effectively on behalf of all our Nation's actions, it must listen to all those who may be affected by a new rule, a new regulation, a new policy.—Virginia Knauer, Special Assistant to the President for consumer affairs. Senate hearings.

I very thoroughly support the concept. I support the bill. I think it is badly needed to organize our consumer protection activities within the federal government.—Dr. Charles C. Edwards, Commissioner of the Food and Drug Administration.

The administration of government undoubtedly suffers when important interests, such as those of consumers, cannot make their voices heard on actions that affect them. More effective consumer participation in the administrative process will lead to wiser and more informed decisions.—Roger C. Cramton, Chairman, Administrative Conference of the United States Senate hearings.

We therefore conclude (a) that no new problems, either doctrinal or practical, are presented by the proposal to give the Consumer Protection Agency the right to initiate or intervene in proceedings for judicial review of other agencies' actions, and (b) that the feasibility and desirability of interagency litigation should accordingly be recognized in this context as readily as elsewhere.—American Bar Association Endorsement of Consumer Protection Agency intervention.

Let there be no mistake about one fundamental point: the bill we have drafted, which the House passed by an overwhelming majority, guarantees that the consumers' voice will be heard in the councils of government. —Congressman Holifield, Chairman, House Government Operations.

We also believe that it is important to pass into law the Consumer Protection Agency bill this year as to strengthen protection for consumers and public confidence in business now. We are pleased to announce our support for Senate passage of S. 3970. What's good for the consumer is not only good for business, it's the best for business. Only when the consumer believes his rights are adequately protected will public confidence in, and the health and vigor of, the competitive free enterprise system be fully restored.—Leo H. Schoenhofen, Chairman and Chief Executive Officer, MARCOR Corp.

The enactment of this bill, reported out by the Senate Government Operations Committee, would represent an extremely important step forward in the efforts of our government to meet the serious problems facing our nation's consumers.—John W. Gardner, Chairman, Common Cause.

The PRESIDING OFFICER (Mr. Chiles). Who yields time?

Mr. JAVITS. Mr. President, will the Senator from Connecticut yield me 2 or 3 minutes?

Mr. RIBICOFF. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, the distinguished Senator from Connecticut (Mr. Ribicoff) has clearly and eloquently—as is always the case with him—explained our situation. I would have only one other thing to add.

I hope that Senators will understand this is not some new agency to undertake a new function and graft it onto the Federal Government. The classic example used by the opponents of the bill is that every government agency is duty bound to protect the interests of the consumer. So it gets down to the old story of what is everyone's business is no one's business and, hence, the interests of the consumers have not been sharply and decisively—and with an eye single to their interests as such—represented in many Government agencies.

What we are doing, therefore, is not engrafting some new function onto government and establishing a bureaucracy, but we are extracting the responsibility which is in every government agency and department and are consolidating that responsibility in a single agency. Having done that, we are surrounding the agency with many safeguards and precautions against impositions on business, which is not now present in the consumer protection functions of every department and agency. The bill, therefore, becomes a material improvement over the present situation.

It is significant that one of the great merchandising companies in the country, Montgomery Ward, has endorsed the bill because they can see that it is an excellent buffer for them with respect to the consumer. Once this agency has dealt with a consumer problem, then that problem is settled and we do not go wandering around to a dozen other agencies to settle it, to get guidelines, or standards of ethics, or whatever else might be required in a given situation for the consumer, for business regulation and concentration in one place. The conditions, rules, and safeguards which we have worked into the bill are a splendid way out in respect of relations with the consumer.

I repeat what I have said before, that the consumers are sometimes wrong. They may often be wrong, as many merchandisers will tell us. This kind of agency would stand as a safeguard to business against imposition by consumers who may be unreasonable, or wrong, or have no conception of what it takes to run a corporation and make a reasonable profit.

For all these reasons, and because of the overwhelming majority of Senators who have demonstrated that they want this bill, I hope that the Senate will today vote cloture.

Mr. ERVIN. Mr. President, I yield myself such of the time allotted to the opposition as I may use.

There has been very little debate on this bill. Of 100 Members of the Senate, only eight have spoken in favor of the bill, and only eight against it.

The number of pages in the Congressional Record devoted to a bill which would shake the country to its economic foundations has been 9,139 lines or 34 pages in advocacy of the bill, and 10,974 lines, or 41 pages, in opposition to the bill. For a bill of this importance, that is very little debate.

Mr. President, so far as I am concerned, I am like my friend Wiltz Collett, who was a resident of my county when I was beginning the practice of law. He had the biggest feet of any human being I ever saw. On one occasion, he was testifying as a witness in a criminal prosecution which involved an affray between some youths near a country church one Sunday afternoon. One of the defendants was represented by an old lawyer, Mr. Isaac T. Chery, a famous barrister down in my section.

Wiltz Collett was on the witness stand. He had his legs crossed. He would raise his uppermost from time to time. When he did so he obstructed the view of the courtroom from himself, and the view of himself from those in the courtroom.

Wiltz had been giving answers that were quite favorable to Mr. Avery's client. But when Mr. Avery asked him the crucial question in the case, Wiltz gave him an answer which was disastrous to Mr. Avery's client. Mr. Avery was so surprised and so taken aback that he sat in silence a couple of minutes without asking any question. Then Wiltz raised his foot up and down saying, "Come on with the conversation, Mr. Avery. Come on with the conversation."

So I say to the Senate, this petition for cloture should be voted down so those Senators who think that this bill would establish a government of men in the economic life of this Nation can engage in enough conversation to bring enlightenment to those Senators who have not studied the bill with particularity.

The other day the Senate rejected the cloture motion. And since that time, the only opportunity we have had to debate the bill or to point out the innumerable legal inequities in it was a relatively short time on Saturday afternoon after a quorum of the Senate had departed the Capitol.

Mr. President, the Declaration of Independence, now almost two centuries old, gave us some precious advice about oppressive government when it said, in complaining of the acts of the King of Great Britain:

> He has erected a multitude of New Offices, and sent hither swarms of officers to harass our people, and eat out their substance.

And when it declared that all men:

> Are endowed by their creator with certain inalienable rights . . . That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed, that whenever any form of government becomes destructive of these ends it is the right of the people to alter or to abolish it, and to institute new government.

Mr. President, as we debate this bill we are warned by the words and wisdom of our own Founding Fathers that the people have an inalienable right to throw off a government which becomes oppressive and destructive and which creates a multitude of new offices and sends its minions to harass our people and eat out their substance. We will be creating such a cause for discontent if we adopt this bill in its present form.

I do not argue against the need for legislation which will protect the consumer. What I argue against is legislation which will create oppression, and that is what this bill does. The vice of this legislation is not that it creates a Consumer Protection Agency to advocate the interests of consumers, but that it creates oppression by creating as of right a government double-whammy. It will give this new, untried agency equal rights with the Department of Justice, the Federal Trade Commission, the Federal Power Commission, the Food and Drug Administration, the Federal Communications Commission, and all the other agencies of the Government to which we have given particular duties to prosecute a citizen with all of the majestic power of an agency of the Federal Government.

It should be enough that the Department of Justice with its thousands of employees and hundreds upon hundreds of lawyers is entitled to represent the Government of the United States against someone charged with a violation of the antitrust laws. But this bill would give the new Consumer Protection Agency equal rights with the Department of Justice to hammer on the defendant or to force the Department of Justice to hammer where the Department had decided it had no case. Indeed, it would even give the new Consumer Protection Agency the right to ask the court to reverse the Department of Justice decision in an immigration case. Should those who enter our borders illegally be entitled to stay because their presence benefits the consumers through low labor costs? The Consumer Protection Agency might say so in a deportation case.

Should electric utility rates be reduced to consumers even though the Federal Power Commission has determined that it will mean inadequate revenues to supply necessary power to the people of this country? This bill would give the Consumer Protection Agency the right to take that position and even the right to ask a court to reverse the Federal Power Commission for protecting the long-term interests of all the people, of our children and their children, in the benefits of electric and other sources of power.

Should the goals of the Occupational Safety and Health Act be perverted by the new Consumer Protection Agency? The Congressional Record on September 14, 1972, contained the statement of Congressman Wiley Mayne before the Select Labor Subcommittee on the impact of regulations which had been issued under that statute. He pointed out that the equipment repairman reporting to a farm for a 2½-hour repair job must before starting the job ascertain if toilet facilities are within 200 feet of the worksite, and gather information on telephone numbers of the nearest fire station, hospital, and ambulance service. If he has a crew of men, no work can begin until this is done. But the time of these men is valuable and must be paid for. Naturally, the consumer pays.

This is just one of the many examples cited by Congressman Mayne, and I use it to show that almost every activity of the Federal Government can be construed as involving the interests of consumers. Thus, under this bill as it now stands, the Consumer Protection Agency would have a right either to seek to overturn the decision of any Government agency or department with which it did not agree and to subject all of those affected to the double-whammy of different Government agency decisions. Or, if the CPA agreed with the agency having the role by statute of dealing with such matters, the poor defendant could get the Government double-whammy from the same side instead of from the opposite side.

I am going to speak at length about this problem until this point is clear because the Federal Government should only have one voice as of right in such proceedings, particularly with all of the powers that go with such a right. The committee report, to which I filed minority views, spelled out these rights so that we are all on notice of what we will be doing to make Government oppression possible if we adopt the bill in its present form. These rights include giving regard to the convenience of the Consumer Protection Agency in the fixing of a time and place for hearing; the right of the new Agency to subpena for documents and individuals; its right to demand a hearing; its right to cross-examine witnesses; in short, its right to oppress with what I call a double-whammy because the same rights are already possessed by the very agency of the Federal Government which is conducting the proceeding.

Two prosecutors, that is what the bill creates. Two prosecutors which may have the same views or different views. It is not a fair fight. The majority views in the committee report fail to recognize this fact when they argue for two Government prosecutors on the ground that the courts have held that consumer groups have a right to party status in agency proceedings affecting consumers. Why, of course, individuals and groups of individuals who are affected by a Government agency proceeding should have a right to participate. That is people versus people with different viewpoints, and very different from the power to oppress held by two Federal agencies in the proceeding with the same rights.

I have long fought for the rights of the public against the oppression of government, for the rights of government employees against their government employer, for protections of individual privacy against intrusion by the Government, and I fight now for the protection of the people against two Government prosecutors.

There is a place, and a proper place, for the input of the Consumer Protection Agency in both administrative and court proceedings. It can and should present its views and its special knowledge in any proceeding which will substantially affect the interests of consumers, but it should stop there. After all, even the majority report states that the consumer agency will have neither the authority nor the responsibility of deciding what solutions are in the best interest of the public at large, nor will it have the authority and responsibility to balance the consumer interests against any other interests in order to reach a policy position. Because those are the functions of already duly established Federal agencies, we should not, in creating a Federal Government consumer voice, create an agency which has the right not only to express the consumer interest but to add its subpena demands to those of the duly delegated Federal agency, and even to seek to overturn the decision of that agency if it is not in accord with the narrow interests of consumers as envisioned by the Consumer Protection Agency. Those special interests may not be the total interest of the Government in the proceeding.

It is not likely that anyone would propose to pit such special interests against the already legislated public interest if they would take the time to read the replies which Senator Allen has received in his effort to determine the extent of the impact of this bill on Federal deliberations. I am going to list just some of the affected deliberations in which we are asked to unleash special interest watchdogs with unprecedented powers:

1. The allocation of imports based on importers' applications under the oil import program.

2. The modification, suspension or revocation of allocations for licenses under that program.

3. Determinations of the Bureau of Mines regarding mine health and safety requirements.

4. Decisions relating to public land and related resources, such as timber sales, transactions in environmental requirements relating to mineral leases and the adequacy of bonus bids on mineral, oil and gas lease offers.

5. Review of applications for oil imports.

6. Generation and sale of electric power.

7. Construction and operation of water resource projects for agricultural, industrial, and municipal purposes.

8. The processing of applications for foreign trade zones.

9. The processing of applications for adjustment systems under the Trade Expansion Act.

10. The processing of loans to fishermen for new vessel construction, old vessel repair or the acquisition of new fishing gear.

11. The materials set aside for programs under the Defense Production Act of 1950.

12. The invoking or implementing of the short supply provisions of the Export Administration Act of 1969.

13. The activities of the Department of Commerce in preparing for trade negotiations with foreign governments.

14. The activities of the Department of Commerce in preparing for the negotiation for international fishing conventions.

15. The action on applications to charter national banks and to relocate the offices of national banks.

16. Proceedings with respect to bank ownership and operation, including the results of detailed examinations of bank records.

17. The establishment of air quality control regions.

18. The standards for the registration of pesticides.

19. The pay raise proceedings of the cost of living council.

20. The proceeding to exempt foreign registration securities involving a pension, profit-sharing or annuity plan which covers employees.

21. Proceedings to define taking the trade and accounting terms in the regulation of securities.

22. Proceedings to permit unissued securities to be registered.

23. Proceedings to prescribe the form of notice of withdrawal of registered associations of brokers or dealers subject to regulation by the SEC.

24. Proceedings under the higher Education Facilities Act.

25. Proceedings for the determination of prototype cost limits for public housing.

26. Proceedings relating to food additive petitions and antibiotic regulations.

27. Proceedings regarding the procedure for establishing standards of quality and of testing imported tea.

28. Regulations establishing labor standards applicable to employees of National Park Service concessionnaires.

29. The appeal procedure for the revocation of a commercial fishing license.

30. Right of way applications for the use of federal park lands.

31. Receiverships and liquidations of banks insured by the Federal Deposit Insurance Corporation.

32. The application of a non-member insured bank to establish a new branch of change existing office location.

33. The issuing of agricultural marketing agreements and orders after notice of public hearing.

34. Proceedings before the Secretary of Agriculture to deny trade privileges on contract markets and to revoke or suspend registration of futures commission merchants and floor brokers.

35. Proceedings to suspend or exclude any person from practicing before the Plant Variety Protection Office.

36. Proceedings to determine the adequacy of accounts, records and memoranda of packers, live poultry dealers and handlers, stockyard owners, market agencies and dealers.

37. Appeals on decisions involving grazing permits and summer home site permits issued by the Forestry Service.

38. Proceedings for the suspension or revocation of accreditation of veterinarians.

39. Proceedings for a license to deposit waste radio active material.

40. Proceedings to determine reasonable royalty fees for patents affected by a public interest.

41. Government contractor selections.

42. The granting of certificates by the CAB.

43. The assignment of television stations.

44. TV programming for children.

45. The ownership of radio and television stations.

46. The mediation efforts of the Federal Mediation and Conciliation Service in labor disputes.

47. Operations of the Federal Reserve System.

I have selected only a very few of the thousands of instances confirmed in the responses of Federal departments and agencies to Senator ALLEN's inquiry, where there would be two agencies of the Federal Government with full rights if we give this new agency the powers in the bill as reported.

These powers are both oppressive to the citizens involved and unnecessary to reach the desired result. We have reposed in the agencies conducting such proceedings a responsibility and the discretion necessary to make a decision which will be in the interest of all the people, rather than in the interest of some special group. There is no need to permit a government agency representing the interest of a particular group to seek to overturn the decision of another Government agency which has the statutory responsibility of making its decision on the basis of the broader public interest involved.

Similarly, there is no justification for considering a Government agency, even the Consumer Protection Agency, to be the same as a private party. It is not. It is an agency of the Federal Government and that is a big difference. Let me point out just how big a difference it is. If another car hits your car, you can sue the other driver unless he is on Federal Government business in a Government car. If he is, you can only sue him to the extent that Congress has permitted it by waiving the Government's immunity against suit. That is what used to be called the Doctrine of Sovereign Immunity. That is why we give private parties all kinds of rights in proceedings in which Government agencies are involved. But it is dangerous to make the argument that the Government's interest must be protected the same way, or to say that the Government will exercise our private rights for us.

When this bill was before the committee I thought that since the Consumer Protection Agency could agitate and litigate, those people who were in danger of having their businesses destroyed when the Consumer Protection Agency exceeded the authority to be given it by this bill, those private businessmen should have the right to sue the Consumer Agency to keep it from violating the very law it was to enforce.

My amendment was overwhelmingly voted down on the ground that if the law subjects the Consumer Protection Agency to lawsuits it might be handicapped in carrying out its functions. In other words, the proponents of the bill were unwilling to permit the courts to give justice to people who are damaged or threatened with damages by the exercise of an excess of power by the Consumer Protection Agency, they were willing, however, to give the Consumer Protection Agency the right to agitate and litigate until hell freezes over. That is the concept underlying this bill. No protection whatever for those people who are injured by an excess of the exercise of the vast powers which would be given to the Consumer Protection Agency by this bill.

The Federal Government and its departments and agencies are big enough to take care of themselves. We do not have to worry about whether they have enough rights. What we must be concerned about is whether the people have enough protection from oppression by too much Government, even if it is well-meaning.

And we must also consider the nature of this Government agency interest. The real consumer, the public, has a personal interest in having enough rights to protect its interest as consumers. The new Consumer Protection Agency which would be created by this bill is no consumer. It has lost nothing as a consumer. It is not wronged. It is the consumer who has been wronged. All the new Federal agency can contribute to any proceedings is its views on what it believes is best for consumers. Once it has done that, it has done all it is able to do. Its proper function and role should be advisory. I said in my views that we should not confuse private rights with congressionally mandated duties of Federal agencies to protect the rights of the public.

I mean just that. One Government agency may advise another, may support or disagree with another agency, but where the public is concerned, it should be the agency which has the statutory duty to make a decision in the broad public interest which makes the final decision without threat of being attacked from within by a sister agency.

So far as I am concerned, the amicus proposal is not just a friend of the court or friend of the agency proposal, but a friend of the public proposal to protect against Government oppression by too many agencies with too much power.

This amendment is consistent not only with a one-government approach to the administration of laws, it is consistent with the concept of increasing present Federal, State, and local consumer protection efforts.

Senator ALLEN has described the amicus amendment in more detail.

Some people have said that it will take the fangs out of this bill. What are we creating here, a rattlesnake to strike at ourselves?

Why do we need something with fangs? Why must we delegate a negative power to handle problems in our own creations?

If you hear a report that your children are misbehaving in school, what do you do? Do you hire a Pinkerton guard to stand over them all day, club them in the head when he thinks they misbehave, and, when that fails, march them to the principal when he—the oversight guard—disagrees with their behavior? Or are your children important enough for you to spend some time in defining the problem and coming up with an answer yourself?

A vote for the amicus amendment will show you still have an interest in the agencies you have voted to create. A vote against it will be an abandonment of them to the toothful wolves this bill will generate.

To be sure, the amicus measure in its original form was voted down by the Senate, but it has been substantially modified by the distinguished Senator from Alabama (Mr. ALLEN), by the distinguished Senator from Florida (Mr. GURNEY), and by myself and reproposed, and the Senate will have an opportunity at a later date to vote on that amendment.

Virtually all of the agencies which have been created to protect the public interest are opposed to this bill, and in the interest of time, I ask unanimous consent that a memorandum prepared by me, quoting statements concerning the Consumer Protection Agency bill from officials of some of these other agencies, be printed at this point in the body of the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

QUOTES IN OPPOSITION TO THE CONSUMER PROTECTION AGENCY BILL—S. 3970

Statement of Nixon Administration, September 14, 1972: "As reported by the Committee on Government Operations on September 8, S. 3970 still contains several major defects which render it unacceptable to the Administration."

National Council of Farmer Cooperatives: "(S. 3970), a seriously anti-agriculture bill threatens to become law. . . . Farmer cooperatives generally support legislation of benefit to consumers. However, the CPA bill would cause havoc with the effective operation of the U.S. Dept. of Agriculture and its varied agricultural programs."

Professor Ralph K. Winter, Yale Law School: "The existence of the CPA will unquestionably make consumers relatively poorer. There will, of course, be the deprivation of income and benefits which will occur because of the massive bureaucratic delays caused by the CPA and because of the tax revenues needed to cover these delays and the cost of the CPA itself. Consumers would almost surely be better off without such regulation and with the money they pay in taxes to buy more safety and information."

Ralph E. Erickson, Deputy Attorney General, U.S. Department of Justice: "In the Department's view, the proposed Agency's powers of advocacy and intervention in Federal administrative agencies' decision-making are too broad, and pose a threat that the orderly and effective dispatch of the public business in the public interest might be significantly disrupted."

J. Curtis Counts, Director, Federal Mediation and Conciliation Service: "Since its inception in 1947, the Service has insisted on maintaining in the strictest confidence all case files and information disclosed in the course of its labor-management collective bargaining activities. . . . I have serious concern insofar as the proposed legislation may be interpreted in a way so as to grant the Consumer Protection Agency rights to intervene in these delicate negotiations. If this legislation were so interpreted, there is no doubt that S. 3970 would have an adverse impact on the mission of the Service."

John N. Nassikas, Chairman, Federal Power Commission: "The authority which the CPA bill would confer upon the Consumer Protection Agency, if improvidently exercised, could substantially hamper effective regulation by this Commission . . . by postponing finality of decision in matters of pressing public concern."

John W. Scott, Master, National Grange: "The National Grange for many years past has supported consumer protection legislation. . . . We are convinced, however, that S. 3970 goes too far and it would disrupt the orderly process of administration of Federal laws, result in damaging delays in necessary government regulation and on balance harm rather than help consumer interest."

U.S. Tariff Commission: "A final problem with CPA participation in Tariff Commission activities concerns the preservation of the Commission as an independent fact-finding body."

Aubrey J. Wagner, Chairman, Tennessee Valley Authority: "It would seem most undesirable for the proposed Consumer Protection Agency, whose interests would extend only to those of consumers, to become involved in the TVA Board's action . . . (it) could lead to public misunderstanding and dissatisfaction."

Miles W. Kirkpatrick, Chairman, Federal Trade Commission: We are somewhat reluctant to support the CPA's active intervention in the Commission's adjudicative proceedings."

William B. Camp, Comptroller of the Currency: "We believe that these two provisions (203(e) and 207(c)) present a potential serious problem. The banking agencies have virtually unlimited access to bank records for bank examination purposes. . . . The confidentiality of such records has in the past been carefully guarded by the Congress and the courts."

Frank Wille, Chairman, Federal Deposit Insurance Corporation: "Sections 203 and 204 seem sufficiently broad to encompass any action of the Corporation."

American Farm Bureau Federation: "We submit that the delegations of power granted to Consumer Protection Agency to intervene in agriculture alone are extraordinarily far-reaching and comprehensive. . . . We respectfully recommend your support of the Amicus Amendment and urge your opposition to the legislation if such amendment is not adopted."

John S. Zapp, Deputy Assistant, Secretary for Legislation, HEW: "Presence of a consumer representative could inhibit the free exchange in such informal hearings." (Referring to hearings to establish a possible criminal violation.)

Rogers C. B. Morton, Secretary of the Interior: "The term 'federal agency activity' as used in Section 203(b) of the committee print is indefinite enough to arguably embrace most functions of this Department and many such activities could be viewed as substantially affecting the interest(s) of consumers' as defined in Section 401(11)."

President John F. Kennedy, Message to Congress, April 13, 1961: "The Congress must see that the statutes under which the agencies are organized and under which they operate adequately set forth the goals that the Congress seeks to achieve. These statutes should neither place responsibilities upon agencies beyond the practical limits of administration, nor couch their objectives in such indecisive terms as to leave vast areas open for the free play of agency discretion."

Mr. ERVIN. Mr. President, in concluding these remarks, I want to commend the Senator from Alabama for the vast research he did in showing the vast powers which this bill would bestow on the Consumer Protection Agency with respect to other agencies of Federal Government. These are just a part of those powers, because the agency is given power to ride herd upon every business in the United States, and is given power to be a scandal-monger, if it wishes to, by publicizing the complaints it receives from consumers.

I sincerely hope the motion will be rejected.

Mr. RIBICOFF. Mr. President, I yield such time to the Senator from Utah (Mr. Moss) as he may require.

Mr. MOSS. Mr. President, I support S. 3970, as reported from the Committee on Government Operations. This is a stronger bill than the one passed by the House, H.R. 10835, but it is fair and well-balanced. Of course, some amending language is necessary to make this a better bill. If it were not necessary, we would not have Senate procedures which provide for debate, amendment, and votes for passage. We could just have committees report bills and forget about having the Senate act as a body in passing legislative measures.

But the prolonged and endless debate on the Consumer Protection Agency bill will only serve to do greater damage to the American public, both to us as consumers and to our system of commerce. Let us get on with the bill without these prolonged ramblings which are hardly germaine to the legislation. On Friday, the Senate's will was spoken when substantially more than half of those voting supported the termination of debate. Even among those who voted against cloture, a number have said they will vote for the legislation.

How many more years must we hold out a carrot to the American public, only to draw it in when the special interests start walking the halls of the Congress? How many more years can we keep the consuming public's voice out of administrative tribunals?

Mr. President, in order to expedite this legislation, the Senate Commerce Committee did not assert its right to take jurisdiction on this legislation. We felt that so few changes were necessary, it would be appropriate for committee members to offer amendments as they saw fit. The chairman of the Commerce Committee and I have offered seven amendments. Four of these amendments have already been accepted and I am confident the others three will be accepted if we can only get on with the bill and cut out these endless monologs.

This bill is the product of a great deal of thought and effort. The committee considered it in seven executive sessions covering more than 16 hours. The bill truly represents the distillation of a great deal of thought and effort. In 1970, the Senate passed a very similar bill by a vote of 74 to 4.

In 1971, the House passed a similar bill by a vote of 344 to 44. The committee had the opportuntiy to look at both those bills closely. In addition, the committee made over 50 amendments to the bill reported from its Subcommittee on Executive Reorganization and Government research. These amendments were arrived at after extensive discussion among all members of the committee, and nearly every Senator on the committee can point to several ideas in this bill that were specifically his. One of the results of this process was the committee vote of 15 to 2 to report S. 3970. Even the two Senators who opposed the bill, the distinguished chairman of the Government Operations Committee, Senator ERVIN, and the distinguished Senator from Alabama, Senator ALLEN, both supplied a number of important ideas that are already reflected in this bill and which greatly improve it.

After the extensive consideration given to this bill in committee, I am fully satisfied that S. 3970 represents an important balance and a fair piece of legislation that ought to be adopted. I urge its passage.

S. 3970 creates an agency to represent the interests of consumers before other Federal agencies and courts. Such an advocate is necessary because the interests of consumers have lacked the continuing effective representation that other interests have had before Federal agencies and courts. This imbalance in representation has resulted in a system of Federal regulation which has frequently given inadequate consideration to the interests of consumers.

Despite the existence of hundreds of regulatory programs and the passage of much new consumer protection legislation, consumers are not yet receiving the protection which they need and have been promised. Committees of Congress, Federal agencies, special commissions, consumer organizations, responsible business organizations, and newspapers every day document the failures of Federal programs to meet the needs of consumers. Repeated reports by the General Accounting Office, the investigative agency of Congress, have shown, for example, that deplorable sanitary conditions continue to exist in meat, poultry, and food processing plants; that tens of millions of doses of ineffective or subpotent vaccines have been administered;

that effective regulation of flammable fabrics does not yet exist, 5 years after Congress passed legislation requiring standards to be set and enforced.

Many Federal regulatory agencies were created to redress demonstrated imbalances of power between sellers and buyers in unregulated markets. When railroads were the Nation's most important and powerful industry, they were able to use the vast weight of their economic power to force farmers and other shippers to pay unreasonably high rates. Congress responded in 1887 by creating the Interstate Commerce Commission to regulate the rates which an interstate carrier could charge. When investigators discovered shocking conditions in food processing plants in 1906, Congress established an agency, now known as the Food and Drug Administration, to regulate the purity of food shipped in interstate commerce. When it was revealed that there had been widespread fraud in the sale and promotion of securities, Congress created the Securities and Exchange Commission in 1934 to regulate the securities market.

It has been widely argued that one reason for the failure of regulatory agencies to protect consumers adequately is that they have been too heavily influenced by the industries they are supposed to regulate. The committee recognizes that, to some degree, a close relationship between regulatory agencies and regulated industries is inevitable. This is true for many reasons.

First, industry often requires a close relationship with a regulatory agency. Regulatory policies can be a major factor in the success or failure of a business enterprise. Regulatory agencies may have the authority to provide pre-market clearance of a product, to set standards for the production, marketing, distribution, sale or labeling of a product, or to construe and enforce administrative standards.

Second, industry has the resources to maintain effective advocates. Many businesses are in a position to employ the best talent available in presenting their views to regulatory agencies.

Third, a regulatory agency may often need a close relationship with industry. In order to do its job well an agency must be familiar with the industry it is to regulate. This proximity usually results in daily contact between the agency and representatives of industry.

Fourth, the law mandates that the arguments of industry be heard. Constitutional and statutory requirements guarantee a regulated industry the right to seek to have its views heard in the agency's decisionmaking process and the right to appeal an adverse determination to the courts.

Fifth, many regulators are former businessmen, and vice versa. The value of an employee with Government experience to an industry and the corresponding value of an employee experienced in industry to an agency have worked to maximize mutual understanding and cooperation between regulatory agencies and regulated industries.

The committee does not regard the familiar close relationship between regulatory agencies and regulated industries as harmful per se to the public interest. Similar relationships exist in our judicial system between the bench and members of the bar without producing any systematic denial of justice. It is detrimental to the public interest, however, when the close relationship between a regulatory agency and a regulated industry is not balanced by effective representation of other affected interests.

It is this imbalance of representation which this bill seeks to redress.

Theoretically, access to an agency's decisionmaking process is open to consumers as well as to industry, but for many reasons consumers have not been able to have their interests adequately represented before decisionmakers.

First, the consumer interest is fragmented. Every consumer is exposed to thousands of different products and services. Government approved price increases may require a consumer to pay 2 or 3 percent more for a given product or service. That amount may not be significant to an individual consumer. Almost certainly, it will not be sufficient to justify his hiring an advocate to protest to a regulatory agency. For the seller, however, that 2 or 3 percent, multiplied by the number of products sold, may well be significant; it may represent millions of dollars. Consequently, it may be in the seller's interest to spend substantial resources to participate in regulatory decisions concerning that item, whereas it would not be economically feasible for any individual consumer to do so.

For each consumer, this process may be repeated with respect to thousands of products and services. In order to participate in the regulatory process in a way that will be of real economic benefit to himself, the consumer is faced with the impossible prospect of retaining an advocate for thousands of separate reggulatory decisions involving many different Federal, State, and local agencies. On the other hand, the seller, whose interest is concentrated on the item he is selling, is not required to spread his resources so thin. If he sells cereal, he does not have to participate in the regulation of automobiles; if he sells automobiles, he does not have to participate in the regulation of drugs. Yet, a consumer who has cereal for breakfast, drives his car to work, and stops at the drug store to pick up a prescription would have to participate in the regulations of all three items in order to protect his interests. Thus, effective representation for the wide spectrum of consumer interests involves more fragmented and complex considerations than does effective representation for a producer of a limited range of consumer products.

Second, professional representation is expensive. Since most consumers have jobs unrelated to their roles as consumers they are unable to devote the necessary time to participating in regulatory processes in order to protect their interests as consumers. Competent full time advocates command high fees. Regulatory proceedings often take months or years to complete, and follow-up monitoring of regulatory decisions is a continuing necessity. A regulated industry is often the only party with sufficient resources to pay for an effective advocate.

Third, the tax laws facilitate the representation of business interests. No one produces his income as a consumer. If a consumer hires an advocate to represent his interests as a consumer, the expense is not related to the production of income and is therefore not tax deductible. When an industry hires an advocate to represent its interests, however, the cost is related to the production of income and is therefore deductible.

For these and other reasons, the interests of consumers have never been represented adequately in the regulatory process. Representative ROSENTHAL stated the problem graphically in his testimony on S. 1177.

> There has been an empty chair for the consumer everywhere: The public utility companies have their hearings for rate increases, and they are supported by lawyers, economic investigators, and very skillful people, and the other seat for the consumer has obviously been empty. We have had an empty seat for some 30-odd years here in Washington.

In the FDA's lengthy proceeding to set standards for the content of orange juice, for example, many businesses were well represented by their advocates; but no one was an advocate for the interests of consumers. When the Department of Agriculture established the sanitation standards for meat and poultry plants, the industry is well represented by its advocates, but no one is an advocate for the interests of consumers. When the ICC set rates for the transportation of goods, shippers and carriers are well represented by their advocates; but no one is an advocate for the interests of consumers.

In addition, Federal departments often serve as advocates for particular interests. The Department of Agriculture commonly advocates the views of food producers and processors, the Department of Commerce advocates the views of industry, the Department of Labor advocates the workingman's interests. But no one is an advocate for the interests of consumers.

Yet, the interests of consumers are at least as important and as worthy of protection as those of regulated industries. The interests of consumers are not only monetary, but may involve the elimination of an automobile safety hazard which may endanger tens of thousands of lives, or the premarket clearance of a food additive which may cause cancer, birth defects, or genetic damage.

The vast majority of Federal regulators are honest and conscientious, and will respond to a reasonable argument on the merits, presented in an effective manner. The major purpose of this bill is to make possible that kind of representation for consumers. It is the view of the committee that the best way to achieve this purpose is the establishment of a Federal agency to advocate the interests of consumers.

The need for effective consumer advocacy cannot be satisfied merely by making improvements in existing Federal regulatory agencies. Congress has created many new regulatory agencies and programs in response to a conspicuous catastrophe or to meet an aroused public demand. Too often, however, Congress has failed to provide the funds needed to carry out regulatory programs well and neglected its responsibility to see that the agencies it had created were doing an effective job. As public pressure subsided and congressional interest was drawn elsewhere, too many regulatory programs have become ineffective.

Congress should improve the regulatory agencies by providing the necessary new authority, resources, and organization, as well as by overseeing the manner in which they carry out their statutory responsibilities. But, improving the regulatory agencies, while an important task, is not an alternative to creating a consumer advocate to appear before these agencies. The adversary system—the keystone of American justice—requires that all affected interests have a fair opportunity to express their views. As long as one interest lacks an effective means of presenting its position, no agency decisionmaker, however honest and competent, can be expected to take full and accurate account of that interest.

It is highly unlikely that the private sector will provide and sustain the necessary consumer advocacy. In recent years, a number of consumer-oriented organizations have been formed. They are few in number, however, and it is unlikely—given the fragmentation of consumer interests—that such organizations can receive adequate funding from nongovernmental sources to become an effective counterweight to the vast amount of talent and resources at the disposal of regulated industries.

Nor is it likely that regulatory agencies themselves can supply this advocacy. In some cases agencies have appeared to be genuinely unaware that important consumer interests are affected by their decisions. For example, the Civil Aeronautics Board recently dissolved its Consumer Advisory Committee because the agency felt the committee was involving itself in too many policy matters which the agency felt did not concern consumers. Among these matters cited was CAB approval of international air travel rates.

The only way to assure an effective voice for consumers in the regulatory process is to create an advocate for this important interest. The consumer advocate will improve the performance of all regulatory agencies by making them more aware of the variety of affected interests before them.

Mr. President, S. 3970 is a technical and complex bill. As a result there has been some misunderstanding about its provisions. Accordingly, I want to emphasize that: it does not alter the regulatory authority of any government agency; it does not create any new regulatory standard; it does not reduce the procedural rights of any other persons or parties.

Basically, S. 3970 represents a vote of confidence in the fundamental concept of American jurisprudence: the adversary system. Its supporters recognize as all of us do—that there are problems with our regulatory system. But to solve those problems, the authors of this legislation are not proposing any radical reordering of the regulatory system. Rather, they have sought to find solutions through the adversary system itself. By creating an advocate for the interests of consumers, this legislation will, for the first time, allow consumers to become a part of that system. It has long been clear that regulatory decisions profoundly affect consumers; but until now consumers have had no effective spokesmen to participate in the making of those decisions. It is not fair to have an adversary system if there is advocacy on only one side of an issue. This bill will give the adversary system a real chance to work for the consumer in the regulatory process. The sponsors of this legislation have faith in the fundamental tenets of American jurisprudence. If the adversary system is given a chance to work, we believe it will work. And the result will improve the American system of government.

Therefore, Mr. President, I urge that the Senate today terminate the discussion of this matter, with only 1 hour left to each Senator, and get on with the bill; because we must have this bill. If we delay much longer, our session days will run out, and we will be left without this fundamental advance on which we have been working for several years.

Mr. RIBICOFF. I thank the distinguished Senator from Utah, who has done much in the field of consumer protection, for his most persuasive argument.

Mr. FANNIN. I shall vote against the motion to invoke cloture on S. 3970, the Consumer Protection Organization Act of 1972. I do so for a number of reasons.

First, this is a measure which deserves considerable attention as it marks a significant change in the operation and organization of our National Government. To invoke cloture on such a significant proposal after less than a week of debate is wrong.

Second, S. 3970 is a bill which ultimately signifies that the Congress no longer has the ability to represent the people, the consumers. It further signifies a belief that the Federal bureaucracy lacks the capacity to advocate consumer interests within its own structure.

I cannot imagine that the Congress, by its own hand, intends to diminish its ability to represent consumer interests and to advocate those interests to the Federal bureaucracy. I cannot imagine the Congress taking the position that the bureaucracy itself is incapable of responding to consumer interests. To advocate the need for an agency to represent consumer interests is to argue that our present institutions, Congress included, have failed in representation. I cannot agree with that assumption and I have yet to hear a firm case to the contrary. If a case does exist, I doubt if it warrants the steps that S. 3970 contemplates.

Nevertheless, Mr. President, there is still much to discuss and motion to invoke cloture is not in the best interests of this bill nor in the tradition of the democratic process.

Third, one of the more vocal supporters of this measure has termed the opponents of S. 3970 as representing a "massive determination by special interest groups to defeat consumer representation in the Federal Government." If this means representing the many small businessmen who have written me in opposition to S. 3970, and the countless citizens, again consumers all, who are troubled by this monumental effort to erect a new agency with a vast array of arbitrary powers, then so be it.

I conclude, Mr. President, by reiterating my determination to see that this bill is fully discussed for this is not something that can be taken lightly. It requires our complete attention.

I ask unanimous consent that an article written by Spencer Rich and published in this morning's Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NADER TAKES CASE TO NIXON IN-LAW

(By Spencer Rich)

Consumer advocate Ralph Nader yesterday called upon Edward Cox, President Nixon's son-in-law and a former Nader associate, to appeal to the President to save the consumer protection bill from death by a Senate filibuster.

The Nader plea, in a letter addressed to Cox at the White House, came on the eve of today's second attempt to break the filibuster that is throttling the bill. The legislation creates an agency with powers to act as a consumer spokesman in proceedings before courts and regulatory agencies.

An initial move last week to cut off the filibuster fell four votes short of the required two-thirds.

Accusing White House legislative liaison aides Tom Korologos and Wallace Johnson of working to undermine the legislation and enocuraging the filibuster, in cooperation with industry lobbyists, Nader wrote Cox, "I ask you to appeal directly to the President today to support the consumer protection bill, or at a minimum, that you urge him to order a relaxation of obstructive efforts by his assistants."

Korologos said, "I have no comment on an irresponsible charge like that."

Nader recalled that Cox, as a law student, had worked with him in the summer of 1968 on a probe of the Federal Trade Commission which "documented epidemic-scale abuses by hazardous products, deceptive advertisements, monopolistic practices and other sophisticated swindles prohibited by law but nevertheless allowed by agency abdication of responsibility."

Nader said the filibuster, being led by Sen. Sam J. Ervin Jr. (D-N.C.) and a number of Republicans, to "as massive determination by special-interest groups to defeat consumer representation in the federal government."

White House aides have said the administration prefers the House-passed version of the bill, which gives narrower legal powers to the agency than the Senate version.

Mr. BENNETT. Mr. President, past experience has indicated that when those living on a fixed income, either welfare or social security, have received increases in their low and limited incomes, certain unscrupulous parties who provide necessary services to these individuals seek to raise the existing price of the services and thus offset all effects of the income increase.

The President and the Cost of Living Council have been very concerned that dishonest persons do not benefit at the cost of those whose limited incomes have been increased by the recent increase in social security. It is essential that these defenseless persons be protected from those who would take advantage of their increased incomes.

The Cost of Living Council has acted to prevent landlords from boosting rents to take advantage of tenants who have increased social security payments. The Council, through the Internal Revenue Service, has instituted a national "rent watch" to protect renters who are on social security from unwarranted rent practices and to insure that landlords comply with the stabilization regulations.

The national "rent watch" program went into effect on October 2, the day before checks with the 20-percent increase were mailed to 28 million Americans on social security.

The "rent watch" will consist of an IRS audit of older persons' housing to check on rent rates; second, special treatment for rent complaints involving social security recipients, and new authority for the Internal Revenue Service to administer rent control regulations and impose financial penalties on landlords who violate the regulations.

Elderly Americans and others who live on limited social security payments spend a much greater portion of their monthly income on housing than do most other Americans. People on fixed incomes are particularly vulnerable to inflation and it is necessary that steps be taken to protect their income position.

Most landlords, I am certain, will voluntarily comply with the rent stabilization program guidelines as the majority of American citizens have. But announcement of this "rent watch" program is notice to those who do not. The presence of Internal Revenue Service officers in rented housing across the Nation is to remind landlords that they are subject to official sanctions and penalties administered by IRS and to possible prosecution by the Justice Department if the regulations are violated.

As one who has been deeply involved in developing the legislation to provide for increased social security benefit payments I am very pleased that the administration has taken this action for the protection of social security recipients.

I ask unanimous consent that a portion of the Council's news release explaining the "rent watch" be included at this point in the Record.

There being no objection, the excerpt from the news release was ordered to be printed in the Record, as follows:

1. RENT SWEEP

The Internal Revenue Service has begun to conduct a "rent sweep" from each of its 58 district offices. This compliance audit of rental units will concentrate on apartment buildings which house high percentages of older persons on Social Security. The IRS estimates that over 50,000 rental units will be involved in this investigation. Special emphasis will be exerted in areas which have large populations of older persons.

2. EXPEDITED RENT COMPLAINT SERVICE FOR SOCIAL SECURITY BENEFICIARIES

A rent watch program is in force in over 300 local Internal Revenue Service offices across the nation to expedite rent inquiries and complaints submitted by any Social Security beneficiary. The handling of walk-in and telephone calls, as well as mail inquiries, will be given top priority. Followup investigation in cases involving possible landlord violations also will be given quick action. Persons contacting the IRS with a rent inquiry or complaint should identify himself or herself, as a Social Security beneficiary.

3. ADMINISTRATIVE SANCTIONS AND PENALTIES OF LANDLORDS FOUND IN VIOLATION

The Internal Revenue Service has been granted for the first time new administrative sanction powers. This gives the IRS authority to administer sanctions and allocate penalties to landlords who have illegally overcharged rents. Landlords in violation of stabilization program rent regulations can be ordered to restore overpayments to tenants, rollback rents to legal limits, and pay a penalty of an amount double an overcharged rent.

Cases in which flagrant and willful violation of rent rules occur will be turned over to the Justice Department for litigation action and possible prosecution.

4. PUBLIC EDUCATION EFFORT

The Cost of Living Council and the Internal Revenue Service have prepared and will distribute materials designed to educate landlords and tenants about their rights and responsibilities under the Economic Stabilization Program. Some rent increases are permissible if they are consistent with the rent regulations. In addition, certain types of units are exempt from the controls. It is expected that the effort to hold down rent increases in those units subject to controls will encourage exempt landlords to exercise restraint.

Some Social Security recipients are subject to Department of Housing and Urban Development controls requiring rents to adjust with changes in income. Although some HUD-controlled rents will now increase, in no case will the percentage of income spent on rent by a Social Security beneficiary exceed the percentage presently paid for rent.

Mr. HANSEN. Mr. President, today we are considering S. 3970, the Consumer Protection Organization Act. Strong supporters of this legislation state that a well-armed, activist Consumer Protection Agency is needed to intervene on behalf of the American consumer, through attacking various processes of the bureaucracy and challenging Federal agencies' actions, not to its liking, in the courts.

The basic assumption seems to be that the Federal Government will not act responsibly without the scrutiny of this procedurally powerful Agency acting as a consumer adversarial advocate.

I do not agree with this position for several reasons.

The bill before us today empowers the Consumer Protection Agency to intervene—not merely in providing information—but on a full-fledged participatory basis in judicial proceedings.

The Department of Agriculture has been mentioned as a prime target for attack. The areas of price supports, meat inspection, marketing orders, and market quotas would all be closely scrutinized in the name of consumer interest.

The concept of consumer interest is a nebulous one, implying a necessary conformity in consumer likes and dislikes. The Agency would in fact determine what consumers want or should want by its actions. It would dominate the very agencies that are already functioning under the authority of Congress to regulate business in the interest of the public. Existing independent regulatory agencies would come under its scrutiny and the Consumer Protection Agency would be empowered to take for example, the FCC to court if it disagreed with any of the FCC's decisions. It could also subpena for germane information. The bill grants the Consumer Protection Agency with sweeping authority.

The expense of creating this additional layer of bureaucracy is also noteworthy. While some are saying that this new Agency would assist the consumer and perhaps curb some of his consumer expenditures, they fail to recognize the backbreaking costs to the Government this Agency would mean. It would also mean additional redtape and a blizzard of necessary paperwork.

The potential further overload for our judicial system is another adverse ramification which passage of this bill would promote. Our courts would be burdened by the Agency's initial challenge cases, as well as by the ensuing appellate cases.

In passing such legislation as this, we would be assuming that we represent a naive and quasi-gullible electorate, whose consumer interests must be closely guarded and protected.

I cannot agree that this bill is a viable alternative for assistance.

Mr. RIBICOFF. Mr. President, I yield the remainder of my time to the distinguished Senator from Illinois (Mr. Percy).

Mr. PERCY. I thank the Senator. I commend the distinguished Senator from Connecticut and the distinguished Senator from New York for their leadership in this matter.

Mr. President, last week we had the makings of a filibuster on the pending Consumer Protection Agency legislation. Now we are muddied knee-deep in the middle of it, and it is becoming increasingly clear that the real victim is the Senate itself which is simply stuck in a morass of its own making.

The U.S. Senate is being prevented from working its will on the merits of legislation which for the first time in history will assure American consumers a consistent and effective voice in the deliberations of their government.

In 1970, when practically this same legislation was before us, 74 Senators cast their vote in favor of it and only four Senators voted disapproval. Since that time, and particularly during the last 8 months, Senators Ribicoff, Javits, and myself have worked tirelessly within the Government Operations Committee to refine this legislation further, to perfect it, to improve it. We now have a better bill. We now have a bill which incorporates a number of amendments specifically designed to preserve the orderly processes of existing agencies and to protect the legitimate interests of responsible American businesses.

Yet for some reason, despite our efforts, certain segments of the business community have chosen to cry "wolf," and in response, like the harpies of old, well-paid lobbyists have descended in droves upon our doorsteps—literally tripping over one another—in a calculated effort to kill or maim this legislation. From their lamentations, one would hardly know that the real intent and purpose of this legislation is to afford little more than a voice for harried and defrauded and injured consumers in the decisions of their own government that so vitally affect them.

What we are saying in this legislation is that if there are to be lobbyists for business interests—and there always will be—then why cannot the consumer have something of a lobbyist or an "advocate" of his own?

I use the word "lobbyist" in the best sense of that term. Many of them have useful and legitimate roles to play. Many times we have sought them out to get information that might not be available otherwise. But if we have them—and we do have them—why cannot the consumer have something of a lobbyist or an advocate of his own? Is that really so grossly unfair? Is that really so disruptive of the American system? Is that really going to lead to the downfall of the Republic or the full enterprise system as some of the apologists for special interests charge? I hardly think so, although I venture to say that a number of my colleagues appear to think so.

Fortunately, that number is few. On the two votes that have been taken thus far, the Senate has resoundingly turned down the so-called "amicus" amendment, which is a fraud if I ever saw one. And, too, the Senate just missed getting the necessary two-thirds margin for voting cloture last Friday. I say now that we have had enough of stall and delay and that the time is overdue for us to vote "up" or "down" on the pending amendments to this bill and on the bill itself. I have some amendments I would like to see considered, but the opposition—anxious over its defeat on the amicus amendment and concerned with respect to the imminent defeat of similar amendments which would cut the heart out of the bill—seems determined to prevent us from taking up this measure on its merits.

The administration is said to support this stall as a means for getting greater consideration for the five amendments that it has put forward. All I can say in that regard is that those amendments will get no consideration so long as this filibuster continues because those who are responsible for it have indicated as much by their actions. They refuse to permit a vote on any of their amendments or the amendments of other Senators. I hardly think this is fair play, and I call upon the administration, which supports the concept of an independent advocacy agency, to join in a bipartisan effort to halt this travesty now. Within recent months, both parties have voiced support in their platforms for an independent consumer agency. If the administration will take this first step, I will make sure that the amendments that it intends to offer will get every reasonable consideration with a view toward reconciling what differences we may have.

To continue in the vein in which we are going is to invite public ridicule. To continue to permit a small but highly vocal minority of Senators—very able Senators—to thwart the will of the full Senate is to engage in a kind of burlesque that the American people cannot and will not tolerate. It is an abdication of our responsibility to the public interest and to ourselves.

With so much vital legislation before us in these closing days of the 92d Congress, by engaging in legislative fun and games we do ourselves a real disservice. With so little time to deliberate on these other important measures, by filibustering the consumer protection bill we do the American society a real injustice.

The time to stop this nonsense is now. I urge support of cloture.

Mr. ERVIN. Mr. President, I yield my remaining time to the distinguished Senator from Alabama.

Mr. ALLEN. Mr. President, I hope the Senate will not vote to choke off debate on this subject. Last Friday, the Senate voted to allow the debate to continue, and I am hopeful that the vote will be the same today.

This is a bill to regulate the regulators. It imposes another layer, another echelon, of bureaucracy on top of the bureaucracy we already have. It is unwise, and it is not in the public interest, in my judgment. It will affect literally thousands of proceedings before the various agencies of Government. It is an agency that is appointed in the very same way that the existing agencies are appointed.

It is the judgment of the Senator from Alabama that if the agencies are not doing the job of regulation they are appointed to do, they should not be reappointed, and steps should be taken to see that they do their job and not impose another layer of bureaucracy on top of them.

This is a bad bill. I do not believe that the Senate should cut off debate on it. I submit, actually, from a practical point of view, there will be less time consumed by the Senate.

CLOTURE MOTION

The PRESIDING OFFICER (Mr. Chiles). The hour of 2 p.m. having arrived, under the unanimous-consent agreement, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

Cloture Motion

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (S. 3970), a bill to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants in order to protect and serve the interest of consumers and for other purposes.

1. Abraham Ribicoff.
2. Mike Mansfield.
3. Walter F. Mondale.
4. Fred R. Harris.
5. Philip A. Hart.
6. Edmund S. Muskie.
7. John O. Pastore.
8. Gaylord Nelson.
9. Warren G. Magnuson.
10. Robert C. Byrd.
11. Jacob K. Javits.
12. Charles H. Percy.
13. Edward W. Brooke.
14. Clifford P. Case.
15. Richard S. Schweiker.
16. James B. Pearson.
17. J. Glenn Beall.
18. Charles McC. Mathias, Jr.

CALL OF THE ROLL

The PRESIDING OFFICER (Mr. Buckley). Under rule XXII, the Chair directs the clerk to call the roll to ascertain the presence of a quorum.

The second assistant legislative clerk called the roll and the following Senators answered to their names:

[No. 497 Leg.]

Aiken
Allen
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Edwards
Ervin
Fannin
Fong
Fulbright
Gambrell
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Montana (Mr. Metcalf), the Senator from South Dakota (Mr. McGovern), and the Senator from New Hampshire (Mr. McIntyre) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee), is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senator from Arizona (Mr. Goldwater), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Ohio (Mr. Taft) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The PRESIDING OFFICER (Mr. Buckley). A quorum is present.

VOTE

The PRESIDING OFFICER (Mr. Buckley). Pursuant to rule XXII, a rollcall has been had, and a quorum is present. The question before the Senate is, Is it the sense of the Senate that debate on S. 3970, to establish a Council of Consumer Advisers in the executive office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will now call the roll.

Mr. COTTON. Mr. President, a point of order. May we have silence in the Chamber so that we can hear the responses?

The PRESIDING OFFICER. May we have quiet in the Chamber so that we may hear the responses?

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), and the Senator from Montana (Mr. Metcalf), are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. (Baker), the Senator from Arizona (Mr. Goldwater), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Ohio (Mr. Taft) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Texas (Mr. Tower) would vote "nay."

Mr. BIBLE (when his name was called). On this vote I have a pair with the Senator from Montana (Mr. Metcalf) and the Senator from New Hampshire (Mr. McIntyre). If they were present and voting, they would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. CANNON (after having voted in the negative). On this vote I have a pair with the Senator from Wyoming (Mr. McGee) and the Senator from South Dakota (Mr. McGovern). If they were present and voting, they would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

The yeas and nays resulted—yeas 55, nays 32, as follows:

[No. 498 Leg.]

YEAS—55

Aiken
Bayh
Beall
Bentsen
Boggs
Brooke
Burdick
Byrd, Robert C.
Case
Chiles
Church
Cook
Cranston
Eagleton
Gambrell
Gravel
Griffin
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Stafford
Stevenson
Symington
Tunney
Williams

NAYS—32

Allen
Bellmon
Bennett
Brock
Buckley
Byrd, Harry F., Jr.
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Edwards
Ervin
Fannin
Fong
Fulbright
Gurney
Hansen
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Sparkman
Spong
Stennis
Stevens
Talmadge
Thurmond
Weicker
Young

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Bible, against.
Cannon, against.

NOT VOTING—11

Allott
Anderson
Baker
Goldwater
McGee
McGovern
McIntyre
Metcalf
Mundt
Taft
Tower

The PRESIDING OFFICER (Mr. Buckley). On this vote there are 55 yeas and 32 nays. Two-thirds of the Senators present and voting not having voted in the affirmative, the cloture motion is not agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 2280) to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended to implement the Convention for the Suppression of Unlawful Seizure of Aircraft and to amend title XI of such act to authorize the President to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking by acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft and to authorize the Secretary of Transportation to revoke the operating authority of foreign air carriers under certain circumstances, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 4018) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigaton, flood control, and for other purposes, with an amendment, in which it requested the concurrence of the Senate; that the House insisted upon its amendment to the bill, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Roberts, Mr. Dorn, Mr. Henderson, Mr. Don H. Clausen, and Mr. Snyder were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H.R. 5838. An act to designate certain lands in the Lava Beds National Monument in California as wilderness;

H.R. 9294. An act to declare that the United States holds certain federally owned land in trust for the Devils Lake Sioux Tribe, North Dakota;

H.R. 10655. An act to designate certain lands in the Lassen Volcanic National Park, California, as wilderness;

H.R. 15276. An act to amend section 591(g) of title 18, United States Code, in order to exclude corporations and labor organizations from the scope of the prohibitions against Government contractors in section 611 of title 18;

H.R. 15859. An act to amend the Public Health Service Act to authorize assistance for planning, development and initial operation, research, and training projects for systems for the effective provision of health care services under emergency conditions; and

H.J. Res. 1301. Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages under the National Housing Act.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 166. An act to designate the Stratified Primitive Area as a part of the Washakie Wilderness heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes;

S. 722. An act to declare that certain federally owned lands shall be held by the United States in trust for the Stockbridge Munsee Indian Community, Wisconsin;

S. 2441. An act to authorize the Secretary of the Interior to conduct a study to determine the feasibility and desirability of protecting and preserving the Great Dismal Swamp and the Dismal Swamp Canal; and

S. 3129. An act to authorize the establishment of the Longfellow Historic Site in Cambridge, Massachusetts, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred, as indicated:

H.R. 5838. An act to designate certain lands in the Lava Beds National Monument in California as wilderness; and

H.R. 9294. An act to declare that the United States holds certain federally owned land in trust for the Devils Lake Sioux Tribe, North Dakota; to the Committee on Interior and Insular Affairs.

H.R. 15276. An act to amend section 591(g) of title 18, United States Code, in order to exclude corporations and labor organizations from the scope of the prohibitions against Government contractors in section 611 of title 18; to the Committee on Rules and Administration.

H.J. Res. 1301. Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages under the National Housing Act; to the Committee on Banking, Housing and Urban Affairs.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that today, October 3, 1972, he presented to the President of the United States the following enrolled bills:

S. 166. An act to designate the stratified primitive area as a part of the Washakie Wilderness heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes;

S. 722. An act to declare that certain federally owned lands shall be held by the United States in trust for the Stockbridge Munsee Indian Community, Wis.;

S. 2441. An act to authorize the Secretary of the Interior to conduct a study to determine the feasibility and desirability of protecting and preserving the Great Dismal Swamp and the Dismal Swamp Canal; and

S. 3129. An act to authorize the establishment of the Longfellow National Historic Site in Cambridge, Mass., and for other purposes.

EXECUTIVE SESSION

The PRESIDING OFFICER (Mr. BUCKLEY). Pursuant to the previous order, the Senate will now go into executive session to vote on the four treaties. The resolutions of ratification have already been reported and stated in the RECORD and the yeas and nays ordered on all four treaties.

PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES RELATING TO AMENDMENTS TO THE CONVENTION—AMENDMENTS TO THE CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1960—AGREEMENT WITH BRAZIL CONCERNING SHRIMP—CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION

Mr. MANSFIELD. Mr. President, for the information of the Senate, the Senate will now vote on four treaties at one time, but the single vote will be the equivalent of the four votes carried in the RECORD.

The PRESIDING OFFICER. The question is on agreeing to the respective resolutions of ratification.

PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES RELATING TO AMENDMENTS TO THE CONVENTION

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. MCINTYRE) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Ohio (Mr. TAFT) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Ohio (Mr. TAFT) and the Senator from Texas (Mr. TOWER) would each vote "yea."

The yeas and nays resulted—yeas 89, nays 0, as follows:

[No. 499 Ex.]

YEAS—89

Aiken
Allen
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Edwards
Ervin
Fannin
Fong
Fulbright
Gambrell
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—11

Allott
Anderson
Baker
Goldwater
McGee
McGovern
McIntyre
Metcalf
Mundt
Taft
Tower

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

AMENDMENTS TO THE CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1960

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I further announce that if present and voting, the Senator from New Hampshire (Mr. MCINTYRE) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Ohio (Mr. TAFT) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Ohio (Mr. TAFT) and the Senator from Texas (Mr. TOWER) would each vote "yea."

The yeas and nays resulted—yeas 89, nays 0, as follows:

[No. 500 Ex.]

YEAS—89

Aiken
Allen
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Edwards
Ervin
Fannin
Fong
Fulbright
Gambrell
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—11

Allott
Anderson
Baker
Goldwater
McGee
McGovern
McIntyre
Metcalf
Mundt
Taft
Tower

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

AGREEMENT WITH BRAZIL CONCERNING SHRIMP

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE, and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. MCINTYRE) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Ohio (Mr. TAFT) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Ohio (Mr. TAFT) and the Senator from Texas (Mr. TOWER) would each vote "yea."

The yeas and nays resulted—yeas 89, nays 0, as follows:

[No. 501 Ex.]

YEAS—89

Aiken
Allen
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Edwards
Ervin
Fannin
Fong
Fulbright
Gambrell
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—11

Allott
Anderson
Baker
Goldwater
McGee
McGovern
McIntyre
Metcalf
Mundt
Taft
Tower

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE), is absent on official business.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. MCINTYRE), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Ohio (Mr. TAFT) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Ohio (Mr. TAFT) and the Senator from Texas (Mr. TOWER) would each vote "yea."

The yeas and nays resulted—yeas 89, nays 0, as follows:

[No. 502 Ex.]

YEAS—89

Aiken
Allen
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Edwards
Ervin
Fannin
Fong
Fulbright
Gambrell
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—11

Allott
Anderson
Baker
Goldwater
McGee
McGovern
McIntyre
Metcalf
Mundt
Taft
Tower

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Pursuant to the previous order, the Senate will now return to legislative session and vote on final passage of H.R. 16754, the military construction appropriation bill. The yeas and nays have been ordered.

MILITARY CONSTRUCTION APPROPRIATIONS, 1973

Mr. MANSFIELD. Mr. President, is the Senate about to vote on the military construction appropriation bill?

The PRESIDING OFFICER. Yes.

Mr. MANSFIELD. I think this point should be brought home to the Senate, because this is what the Senate and the Congress have done: On the bill on which the Senate is about to vote, there has been a total reduction of $223,658,000, or 12.1 percent below the budget request. If we add that to what the Senate did yesterday, and what the Congress has done, we find that on the Department of Defense appropriation agreed to on yesterday there was a reduction of $4,989,518,000, so that on these two bills the total reduction will be $5,213,176,000, for which the Congress deserves some credit.

Mr. NELSON. Mr. President, may I ask a question? Is that amount below the request of the President?

Mr. MANSFIELD. That is correct.

The PRESIDING OFFICER. The question is on final passage of H.R. 16754. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. MCINTYRE) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Ohio (Mr. TAFT) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Florida (Mr. GURNEY) is detained on official business.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from Florida (Mr. GURNEY), the Senator from Ohio (Mr. TAFT), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 87, nays 0, as follows:

[No. 503 Leg.]

YEAS—87

Aiken
Allen
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Edwards
Ervin
Fannin
Fong
Gambrell
Gravel
Griffin
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—13

Allott
Anderson
Baker
Fulbright
Goldwater
Gurney
McGee
McGovern
McIntyre
Metcalf
Mundt
Taft
Tower

So the bill (H.R. 16754) was passed.

PUBLIC HEALTH SERVICE ACT; LASSEN VOLCANIC NATIONAL PARK—ORDER FOR BILLS TO BE HELD AT THE DESK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that H.R. 15859 and H.R. 10655 be held at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

OLDER AMERICANS COMPREHENSIVE SERVICES AMENDMENTS OF 1972

The PRESIDING OFFICER (Mr. BUCKLEY). Pursuant to the previous order, the Senate will resume consideration of S. 4044, which the clerk will state.

The legislative clerk read as follows:

A bill (S. 4044) to strengthen and improve the Older American Act of 1965, and for other purposes.

Mr. BEALL. Mr. President, I ask unanimous consent that the names of Senators JAVITS, DOMINICK, PACKWOOD, TAFT, FONG, PERCY, and HRUSKA be added as cosponsors of the amendment we are about to consider, and that the text of the amendment be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, insert after line 4 the following:

TITLE I—DECLARATION OF FINDINGS AND PURPOSES

Beginning with line 19 on page 2, strike out all down through line 15 on page 7.

On page 16, strike out lines 10 and 11 and insert in lieu thereof the following: current fiscal year and one for the succeeding fiscal year.

"NATIONAL ADVISORY COUNCIL ON THE AGING

"SEC. 210. (a) There is established a National Advisory Council on the Aging to be composed of fifteen members appointed by the President with the advice and consent of the Senate for terms of three years without regard to the provisions of title 5, United States Code. Members shall be appointed so as to be representative of older Americans, national organizations with an interest in aging, business, labor, and the general public. At least five of the members shall themselves be older persons.

"(b)(1) Of the members first appointed, five shall be appointed for a term of one year, five shall be appointed for a term of two years, and five shall be appointed for a term of three years, as designated by the President at the time of appointment.

"(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

"(3) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

"(4) Members of the Council shall, while serving on business of the Council, be entitled to receive compensation at rates not to exceed the rate specified at the times of such service for grade GS-18 in section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

"(c) The President shall designate the Chairman from among the members appointed to the Council. The Council shall meet at the call of the Chairman but not less often than four times a year. The Secretary and the Commissioner on Aging shall be ex officio members of the Council.

"(d) The Council shall—

"(1) advise and assist the President as he may direct on matters relating to the special needs of older Americans;

"(2) assist the Commissioner in making the appraisal of needs required by section 402;

"(3) review and evaluate programs and activities conducted or assisted by departments and agencies of the Federal Government with particular emphasis upon identifying unsolved special problems of older Americans; and

"(4) make recommendations to the President, to the Secretary, the Commissioner, and the Congress for the establishment of new programs and activities for older Americans in view of the evaluation conducted by the Council.

"(e) The Secretary and the Commissioner shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities.

"(f) Beginning with the year 1974, the Council shall make such interim reports as it deems advisable and an annual report of its findings and recommendations to the President not later than March 31 of each year. The President shall transmit each such report to the Congress together with his comments and recommendations.

"(g) The Council shall undertake a study of the interrelationships of benefit programs for the elderly operated by Federal, State, and local government agencies. Following the completion of this study, the President shall submit to Congress no later than eighteen months after the enactment of this Act recommendations for bringing about greater uniformity of eligibility standards, and for eliminating the negative impact that one program's standards may have on another.

"(h) The Council shall undertake a study of the combined impact of all taxes on the elderly—including but not limited to income, property, sales, social security. Upon completion of this study, but no later than eighteen months after enactment of this Act, the President shall submit to Congress, and to the Governors and legislatures of the States, the results thereof and such recommendations as he deems necessary."

SEC. 202. Title VIII of the Older Americans Act of 1965.

On page 13, strike out lines 3 and 4 and insert in lieu thereof the following:

(5) provide technical assistance to the National Advisory Council on the Aging.

On page 39, strike out lines 5 and 6 and insert in lieu thereof the following: "related information of the National Advisory Council on the Aging, the Department of Labor, the Veterans' Admin-".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland (Mr. BEALL). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Ohio (Mr. TAFT) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kentucky (Mr. COOPER) is detained on official business.

If present and voting, the Senator from Ohio (Mr. TAFT) and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 37, nays 51, as follows:

[No. 504 Leg.]

YEAS—37

Aiken
Allen
Beall
Bellmon
Bennett
Boggs
Brock
Buckley
Byrd, Harry F., Jr.
Cotton
Curtis
Dole
Dominick
Edwards
Ervin
Fannin
Fong
Griffin
Gurney
Hansen
Hruska
Javits
Jordan, N.C.
Jordan, Idaho
Long
Mathias
Miller
Packwood
Percy
Randolph
Roth
Saxbe
Scott
Stennis
Thurmond
Weicker
Young

NAYS—51

Bayh
Bentsen
Bible
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cranston
Eagleton
Eastland
Fulbright
Gambrell
Gravel
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jackson
Kennedy
Magnuson
Mansfield
McClellan
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Proxmire
Ribicoff
Schweiker
Smith
Sparkman
Spong
Stafford
Stevens
Stevenson
Symington
Talmadge
Tunney
Williams

NOT VOTING—12

Allott
Anderson
Baker
Cooper
Goldwater
McGee
McGovern
McIntyre
Metcalf
Mundt
Taft
Tower

So Mr. BEALL's amendment was rejected.

Mr. EAGLETON. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. EAGLETON. Mr. President, I have two technical amendments which I send to the desk and ask that they be stated, and ask unanimous consent that they be considered en bloc.

Mr. MANSFIELD. Mr. President, I would like to suggest the absence of a quorum because a Senator wanted to be here when those amendments were offered.

Mr. EAGLETON. I could not hear the Senator.

Mr. MANSFIELD. I would like to suggest a brief quorum call because a Senator wanted to be here when these amendments were called up.

Mr. EAGLETON. These technical amendments?

Mr. MANSFIELD. Yes.

Mr. EAGLETON. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BUCKLEY). The clerk will state the amendments.

The legislative clerk proceeded to read the amendments.

Mr. MANSFIELD. Mr. President, the absence of a quorum was suggested.

The PRESIDING OFFICER. On whose time?

Mr. MANSFIELD. I ask unanimous consent that the call for the quorum not be charged against anyone's time.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, I renew my request and ask unanimous consent that the amendments pending at the desk which are technical in nature be considered en bloc.

The PRESIDING OFFICER. Without-objection, the amendments will be considered en bloc, and will be stated by the clerk at this time.

The legislative clerk read as follows:

On page 14, strike our lines 1 through 7 and insert in lieu thereof the following:

"(b) The Commissioner may not make grants or contracts under section 308 or title IV of this Act until he has developed and published general standards to be used by him in evaluating the program and projects assisted under such section or title. Results of evaluations conducted pursuant to such standards shall be included in the reports required by section 207.

On page 58, strike out line 12 and insert in lieu thereof:

"SEC. 507. (a) To assist nonprofit

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. EAGLETON. Mr. President, these two amendments were suggested by the Administration as clarifying amendments and they meet with the approval of the distinguished Senator from Maryland.

Mr. BEALL. Mr. President, I yield back my time.

Mr. EAGLETON. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments were agreed to en bloc.

Mr. TUNNEY. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 5, following line 25, insert the following:
>
> (7) work specifically toward formulating recommendations to the Congress and to the President which will help implement the goal of increasing the income of older Americans.

Mr. TUNNEY. Mr. President, this is a very simple amendment and one which everyone in the Senate can vote for. It is quite clear that one of the most pressing problems for our senior citizens in the country today is an adequate income. There does not seem to be any doubt that the Commission on Aging should give specific attention to this inadequacy, to the needs of the elderly for health, nutrition, housing, transportation, all flowing from an inadequate income.

It seems to me clear that the Commission should be directing its attention to this very important problem of finding ways in which our senior citizens can develop higher incomes.

Mr. President, I have discussed the amendment with the able floor manager of the bill. It is my understanding that he is prepared to accept the amendment.

Mr. EAGLETON. Mr. President, I am prepared to accept the amendment and to take it to conference.

Mr. TUNNEY. Mr. President, I yield back the remainder of my time.

Mr. EAGLETON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California (putting the question).

The amendment was agreed to.

Mr. TUNNEY. Mr. President, I want to take a moment to comment specifically about what I deem to be one of the most critical sections of this important legislation. That is section 201(b) of title II of this act. That section directs the Commissioner, in executing his duties and functions under this act and carrying out the program's activities provided for by this act, to encourage and permit voluntary groups to assist in meeting the important needs of senior citizens.

I am certain that the able Senator from Missouri is aware of the deep concern which I share with him for activities such as those which are set forth in that section of this bill. I have long believed that one of the most important methods of helping to bridge the so-called generation gap is to involve our younger citizens in addressing the concerns of our older citizens.

I have introduced S. 3926, the National Senior Service Corps Act, in an effort to assist senior citizens in meeting their needs and in a further effort to provide a vehicle through which younger Americans can help older Americans to realize some of their most important needs. That bill would create a National Senior Service Corps, through which volunteers of all ages, but especially younger volunteers, can work toward meeting the needs of our senior citizens.

I believe, Mr. President, that section 201(b) of title II of the pending legislation is an important step in the right direction. I shall support it. I would hope that the able subcommittee chairman, in an effort to go beyond this step, will continue to pursue this matter early in the next session and that, pursuant to that objective, will schedule hearings at the earliest possible moment on S. 3926 as it will be reintroduced early next year.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 4044) was ordered to be engrossed for a third reading and was read the third time.

Mr. CHURCH. Mr. President, I strongly urge the adoption of S. 4044, the comprehensive older Americans services amendment.

At the outset, I wish to congratulate the chairman of the Subcommittee on Aging for his leadership in developing a comprehensive and effective bill which is responsive to the many service needs of older Americans.

This bill, it seems to me, is landmark legislation in many respects.

It would, for the first time, provide the wherewithal to launch vital services for the elderly on a much more realistic scale.

And the model programs—in housing, transportation, continuing education, preretirement counseling, and special services for the handicapped—offer fresh new approaches for meeting some of the elderly's most pressing problems.

The Senate bill strengthened the House-passed bill in several important respects.

Particularly significant is the measure which would upgrade the Administration on Aging by transferring it out of the Social and Rehabilitation Service to the Office of the Secretary.

For far too long, AOA has been buried in the welfare-oriented SRS, down deep in the vast bureaucracy at HEW.

Clearly, this is not what the Congress intended when it enacted the Older Americans Act in 1965.

Instead, the Congress, the elderly, and leaders in the field of aging wanted a high-level and visible spokesman.

Today's bill, I believe, represents a step in the right direction.

Another major improvement is the provision for a new Older Americans Advocacy Commission to act as a forceful advocate on behalf of the elderly in the highest councils of Government.

This independent Commission is long overdue. Today there are nearly 20 Federal departments and agencies with some jurisdiction in the field of aging. The new Commission can help assure that the elderly's interests are appropriately considered and represented.

This concept, I might add, is an offshoot of a proposal developed by an Advisory Council for the Senate Committee on Aging, of which I am chairman.

Members of the Advisory Council—which included outstanding leaders in the field of aging—made it clear that they were no longer satisfied with a flawed and feeble commitment on behalf of older Americans.

A number of their proposals—I am pleased to say—have been adopted in modified form in S. 4044.

Now, I would like to turn to titles IX and X, which are designed to maximize employment opportunities for workers.

As a cosponsor of both these measures, I heartily urge their adoption.

Title IX—the Older American Community Service Employment Act—would provide a basis for converting the successful pilot projects under Operation Mainstream, such as Green Thumb, Senior Aides, and others, into permanent, ongoing national programs.

These programs have clearly shown their effectiveness for the elderly and the communities being served. What is needed now is a genuine national commitment. And S. 4044 provides that commitment.

Additionally, title X—the Middle-Aged and Older Workers Training Act—would authorize midcareer services for unemployed or underemployed persons 45 or older.

Moreover, this measure would provide placement and recruitment services in communities where there is large scale unemployment because of a plant shutdown or other permanent reduction in the labor force.

Mr. President, I again urge the enactment of S. 4044.

Mr. RANDOLPH. Mr. President, I strongly support the enactment of S. 4044, the comprehensive older Americans services amendments.

This measure, I strongly believe, represents a major victory for nearly 21 million older Americans.

However, as the sponsor of the Middle Aged and Older Workers Training Act—title X of the bill—I shall direct my remarks to these provisions.

A major purpose of this title is to develop a clearcut and effective policy to maximize employment opportunities for persons 45 and older. To achieve this goal, title X would establish a comprehensive midcareer development services program in the Department of Labor to assist middle-aged and older workers to find employment by providing training, counseling, and special supportive services.

This proposal would also authorize the Secretary of Labor to recruit personnel for the purpose of training and retraining persons 45 and over to develop skills which are needed in their communities. This is essential to provide full-time older worker specialists to focus, in fact and not in theory, on the unique and growing unemployment problems of the mature individual.

Particularly significant, in my judgment, is a provision to make placement, recruitment, and counseling services available in communities where there is substantial unemployment because of a plant shutdown or other permanent reduction in the work force. Moreover, this proposal would authorize a number of special studies, including:

> Means to eliminate the lack of coverage and other inadequacies in workmen's compensation and disability insurance programs, health insurance, and pension plans, particularly as they adversely affect middle-aged and older workers; and
>
> The feasibility of establishing a program of extended unemployment compensation for workers 55 and older who have exhausted their benefits.

To carry out these purposes, this measure would authorize $100 million for fiscal year 1973 and $150 million for 1974. With this level of funding, it would be possible to assist 100,000 persons 45 and over locate new and more productive employment.

During fiscal 1971, by way of contrast, only about 46,000 persons in this age bracket participated in our Nation's manpower and training programs.

The need to act promptly on this legislation is particularly compelling. Today, 1 million persons 45 and older are unemployed, approximately 7 percent more than in January 1969.

Once unemployed, these mature workers face a substantially greater risk of being without work for a long period of time. Nearly 400,000 have been jobless for 15 weeks or longer, approximately 233 percent greater than 3 years ago. And their very long-term unemployment is even more serious. It has soared from 48,000 to 214,000 during the past 3 years.

Yet, the needs of mature workers have been largely overlooked or ignored under our present manpower efforts. By whatever barometer one would choose to use, they have been underrepresented.

Persons 45 and over, for instance, now account for less than 4 percent of all first-time enrollees in our Nation's work and training programs. Yet, they constitute 21 percent of all unemployment in the United States, 39 percent of all joblessness for 15 weeks or longer, and 40 percent of unemployment for 27 weeks or longer.

And this alarming trend seems to be moving steadily downward. According to Dr. Harold Sheppard, of the Upjohn Institute, the percentage enrollment of middle-aged and older workers in manpower programs hit an alltime low in 1971.

Without specific statutory authorization, the outlook for improvement for older persons is certainly not encouraging. But, my amendment can provide the legislative framework to establish a foundation for a new national policy to promote employment opportunities for older persons.

This measure represents a sound and sensible effort to help assure that persons 45 and older are fairly represented in our Nation's training programs.

And, it is urgently needed to respond to the widespread unemployment throughout our Nation. I again urge the adoption of this measure.

Mr. KENNEDY. Mr. President, I rise to speak in favor of the Older Americans Act extensions, S. 4044, of which I am pleased to be a cosponsor.

And at this time I want to commend the distinguished chairman of the Aging Subcommittee, Senator EAGLETON, for his leadership in developing this legislation to extend and expand the Older Americans Act of 1965 for 3 years.

And I am pleased as well that the committee has accepted my amendment to include S. 555, the Community Service Employment Act, which passed the Senate earlier this session, as a new title IX.

This title will provide $250 million over the next 2 years for community service employment for persons 55 and older. And we estimate that it will provide some 100,000 jobs during that period.

Unfortunately, it did not appear possible for action to occur in the House early enough to permit final passage of this program. Therefore, it has been accepted as part of the total Older Americans Act extension.

The urgency of action on this bill is clear. For during the past several years of rising unemployment, the impact on older workers has been particularly grim. From January 1969 to September 1971, unemployment for persons 45 and older jumped from 596,000 to 1,057,000, a 77-percent hike. And the large bulk of that increase fell on those individuals 55 and older.

What is perhaps even more of an indication of our failure to show a national sensitivity to the needs of these older workers is the recent reports from the Bureau of the Census. They show that some 6.8 million persons aged 55 and older are living in poverty, 25 percent of the Nation's 25.9 million poor. The impact of unemployed and poor older workers on the social service system of the Nation is increasing as a result with some 2.9 million Americans over 55 receiving public assistance. And the lack of income heightens the difficulties faced by older Americans in providing for their basic needs. The result of the lack of income and the absence of a meaningful role to play in society combine to propel older persons prematurely into custodial care institutions.

While the existing network of job opportunities for older workers in the private economy has been shrunk by the decline of our economy, the public service opportunities sponsored by Government have failed to fill the gap.

The Emergency Employment Act of 1971 was the major Federal effort to provide public employment opportunities to our citizens. Yet the older worker, despite representing 25 percent of the poor, has received only 6 percent of the available EEA job opportunities, according to the Department of Labor. The Labor Department's administration of this program unfortunately has continued the past pattern of neglect for these older workers.

The most successful Federal effort in providing job opportunities to older Americans has been the Economic Opportunity Act pilot program Operation Mainstream.

With Operation Mainstream support, the National Council of Senior Citizens has operated the senior aides project; the National Farmers Union has directed the Green Thumb and Green Light projects; the National Council on Aging has funded senior community service projects, and the AART/NRTA has administered the senior community service aides project.

All of these projects have met with enormous success, success documented in evaluations carried out under Labor Department contract and success documented in testimony before the Senate aging subcommittee.

And so I am pleased that this measure will now be part of the Older Americans Act extension and will be passed into law this session.

At the same time, I believe the other provisions in the measure, particularly the advocacy commission for the aging, represent new and impressive efforts to respond to the needs of the Nation's elderly citizens.

The measure also will provide for areawide planning areas to seek a coordinated approach to the provision of social services. This provision uses the areawide model project approach which has been operating on a demonstration basis for the past 3 years. This approach to the provision of social services is endorsed by the administration. This bill enables a first full-scale testing of the measure. Hopefully, it will result in greater coordination of existing services.

The bill also responds to the special needs of the elderly in housing and in transportation and in continuing education. And the measure establishes a national older Americans information clearinghouse which will seek to provide older Americans with information regarding programs of the Federal Government, consumer information, health care, as well as stimulating State and local clearinghouses as well.

The bill is another example of the conscious effort by the Congress to provide a Federal response to the needs of older Americans.

Mr. WILLIAMS. Mr. President, today the Congress has an opportunity to take a major step forward on behalf of the senior citizens of our Nation.

In 1965, we passed the Older Americans Act in hope that we had established a Federal agency on aging with enough power and visibility to shape coherent policy and programs of direct usefulness and assistance to the elderly.

Since then, however, it has become increasingly clear that Congress has additional work to do in this area.

For one thing, the Older Americans Act was not adequately funded in its earliest years.

For another, executive reorganizations had put it within the Social and Rehabilitation Service and had stripped it of some of its most challenging programs.

While I was chairman of the Senate Committee on Aging, I was keenly aware of the deterioration of the Administration on Aging.

I hoped that the White House Conference on Aging in 1971 would issue a clear call for a strengthened agency on aging, and this, indeed, was the case.

Now after meticulous and productive hearings before the Subcommittee on Aging in the Committee on Labor and Public Welfare, Subcommittee Chairman EAGLETON has succeeded in shaping a bill which would give the Older Americans Act new meaning, more adequate funding levels, and much more capacity to fulfill the mission assigned to it by Congress 7 years ago.

The Senator from Missouri is to be congratulated for placing this bill before the Senate, and I pledge it to my full support as chairman of the full committee and as ranking majority member of the Committee on Aging.

I would also like to offer for the record this analysis of the provisions of the bill.

First, it establishes a six-member Older Americans Advocacy Commission. The Commission would act as an advocate on behalf of the aged concerning legislation, investigations, or other matters before the Congress relating to the problems and needs of older Americans. Additionally, the Commission would act as an advocate in formulating policies and the operation of programs conducted by Federal agencies. As approved by the House, H.R. 15657 creates a 15-member National Advisory Council on Aging to advise and assist the President on matters relating to the special needs of older Americans.

Second, AOA would be elevated under the Senate bill by transferring it out of the Social and Rehabilitation Service to the Office of the Secretary of HEW. The House-passed legislation would make the Commissioner on Aging directly responsible to the Secretary.

Third, allocation of funds in the House bill for the new title III grants for State and area programs would be based on the ratio of the 60-and-over populations in each State to the total elderly population in the United States. However, no State would be allotted less than $250,000. Under the Senate version, the funding allocation would be based on the 60-plus population in each State with a minimum of 1 percent of the authorization for each State. However, if full funding is not provided, the minimum would be reduced pro rata by the difference in the authorization and the appropriation.

Fourth, the eligibility age to participate in the foster grandparent program would be reduced from 60 to 55 under the Senate bill.

Fifth. Under the House-passed measure, there would be, first, special programs to develop area model projects to expand or improve social services for older Americans—title III— and second, special impact programs in the areas of housing assistance, transportation, employment, continuing education, and preretirement counseling—title VIII. The Senate version would simply authorize model projects—in housing, transportation, continuing education, preretirement counseling, and special services for the handicapped.

In addition, the Labor Committee bill incorporates two earlier proposals to maximize job opportunities for older workers:

The Middle-Aged and Older Workers Training Act to authorize training, counseling, and special supportive services for unemployed or underemployed individuals 45 or older.

The Older American Community Service Employment Act which would help convert the Mainstream pilot projects into permanent, on-going national programs.

Mr. DOLE. Mr. President, I rise in support of S. 4044, the comprehensive older Americans services amendments, which I feel will provide programs and services which complement the President's efforts to improve the lives of older Americans.

President Nixon has stated:

> Any action which enhances the dignity of older Americans enhances the dignity of all Americans, for unless the American dream comes true for the older generation, it cannot be complete for any generation.

In the terms of the President's analysis, I feel passage of S. 4044 will be significantly beneficial to all Americans.

The purpose of S. 4044 is to expand the authority of the Administration on Aging, so it can more effectively and extensively deliver social and nutritional services to older Americans, while, at the same time, developing programs which use the abilities and skills of older citizens to the best advantage in the community.

S. 4044 authorizes comprehensive programs to deal with the problems of our older citizens. In addition to expanding the Administration on Aging, the bill will create a national older American information clearinghouse designed to collect, analyze, prepare, and disseminate information regarding the needs and interest of older Americans.

For improved delivery of services to the elderly, S. 4044 authorizes grants for research and development projects in the field of aging, and the establishment and support of multidisciplined centers of gerontology. Additional programs make available loans for the acquisition or renovation of multipurpose senior citizen centers and grants for the staffing of such centers.

Improved services to the elderly are made available through the Administration on Aging which would coordinate with State aging agencies to develop a statewide plan for delivery of services to senior citizens. Additional provisions provide for improved nutritional services and a special library program and reading service for the aging.

In the President's message on programs for older Americans, he emphasized the need to stop treating older Americans as a burden and to start treating them as a resource. In this regard, S. 4044 extends and expands the authorization for volunteer programs for older Americans such as the foster grandparents program and other older American community service programs. A community service employment program for older Americans is established, which provides community service jobs for low-income persons 55 years of age or older, and creates job training programs to increase employment opportunities for middle-aged and older Americans.

The programs will provide useful employment for older Americans and encourage the efficient use of an American manpower resource which has yet gone untapped.

I support S. 4044 because of the assistance its programs offer the over 266,000 senior citizens residing in Kansas, and urge my colleagues to join in support of this important step toward meeting America's responsibility to its older citizens who have contributed so much to the greatness of our Nation.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be discharged from further consideration of H.R. 15657, a companion bill, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bill (H.R. 15657) to strengthen and improve the Older Americans Act of 1965, and for other purposes.

Mr. EAGLETON. Mr. President, I move to strike out all after the enacting clause of H.R. 15657 and to substitute therefor the text of S. 4044, as reported and as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 15657) was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), and the Senator from Montana (Mr. Metcalf) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee) is absent on official business.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. McIntyre) and the Senator from South Dakota (Mr. McGovern) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senator from Arizona (Mr. Goldwater), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Ohio (Mr. Taft) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Ohio (Mr. Taft), and the Senator from Texas (Mr. Tower) would each vote "yea".

The result was announced—yeas 89, nays 0, as follows:

[No. 505 Leg.]

YEAS—89

Aiken
Allen
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Edwards
Ervin
Fannin
Fong
Fulbright
Gambrell
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye

Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—11

Allott
Anderson
Baker
Goldwater
McGee
McGovern
McIntyre
Metcalf
Mundt
Taft
Tower

So the bill (H.R. 15657) was passed.

Mr. JAVITS. I move to reconsider the vote by which the bill was passed.

Mr. EAGLETON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the Senator from Florida (Mr. CHILES), the Senator from Maine (Mr. MUSKIE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from California (Mr. TUNNEY), and the Senator from Wisconsin (Mr. NELSON) be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, I ask unanimous consent to indefinitely postpone S. 4044.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY AMENDMENTS OF 1972

The PRESIDING OFFICER. Under the previous order the Chair lays before the Senate H.R. 1, which the Senate will proceed to consider for not to exceed 1 hour.

The bill will be stated by title.

The bill was read by title as follows:

A bill (H.R. 1) to amend the Social Security Act, to make improvements in the Medicare and Medicaid programs, to replace the existing Federal-State Public Assistance programs, and for other purposes.

Mr. LONG. Mr. President, I believe the Senator from Alaska has an amendment he wants to offer. In due course I am going to make a motion to table the Ribicoff amendment, which is pending, so that we can have the Roth-Byrd amendment before us. I am not seeking to deny Senators the opportunity to debate the merits of the amendment. I simply think, if I am correct in my judgment, that the Senate is not going to be disposed to add to this bill one of the guaranteed income proposals.

Then, we would have the opportunity to consider other alternatives that could be suggested, such as the committee proposal or the Roth proposal, which would provide for a test, and keep some of the best provisions of the committee bill, or whatever else the Senate wanted to retain. But I am frank to say that some of us are convinced that any one of these guaranteed income for not working programs would destroy this country, and we propose to demonstrate why; and if the Senate is disposed to vote what I believe is the will of the majority and reject these guaranteed income for not working schemes, I believe we can go ahead and act on the bill.

If we cannot do that, I suppose again we will have to have a situation where all of these things that can be agreed on by unanimous vote, such as aid for the disabled, the sick, the aged, and the blind, as well as provisions we could agree on unanimously for the benefit of little children, would be held hostage, as happened 2 years ago, when the House refused to go to conference on benefits for the poor, the aged, the sick, and the needy, the whole bill being held hostage to a scheme to put millions of people on welfare for doing nothing.

We think there is grave danger to this Republic in doing that because we believe the only way in the world the country could get out of that trap would be for the Nation to find itself bankrupt, and our whole form of government would come down like a house of cards, because when you get started down that path and get 40 or 50 million Americans on the dole for doing nothing, you cannot vote against paying them more. We would have demonstrations here that would make the march on Washington look like a Sunday school picnic in comparison. You would have 25 to 50 percent of all the population descending on Washington for increased benefits.

To show Senators the kinds of things we could avoid, which the Ribicoff amendment would multiply, I refer to the chart in the back of the Chamber entitled "Bonus for Not Marrying under Amendment 1669 in New York," which is the Ribicoff amendment.

Mr. RIBICOFF. Mr. President, will the Senator yield at that point?

Mr. LONG. I yield for a question.

Mr. RIBICOFF. I do not have the slightest idea where the distinguished Senator got those figures because they have no basis. Under the Ribicoff amendment, a person phases out at earnings of $5,055. So if there is a father involved who is earning $7,000 he would not be eligible for any payments under my bill.

Mr. LONG. If the Senator will just read the red print on the chart, maybe that is not as clear to him as it is to some of us. There are two lines. One is where the father is married, and the Senator is correct that he would not get any welfare money where he is married to the mother. But if he is not married to the mother, that is where he gets the big benefit. If he is making $7,000 a year, all he has to do is make himself unavailable. Then the mother with three children would get $4,000. That is the welfare payment in New York. The Senator's amendment would guarantee to continue that they would get it without working, and in addition they could get a public housing benefit of $1,100 and medicaid coverage worth $900.

So as long as they remain outside of marriage and bring the children up outside of marriage, their income and benefits total $13,000 a year.

Mr. RIBICOFF. If the Senator will yield, he is assuming you are able to find the father of these children. In the case of the unmarried mother with children based on illegitimacy, it is almost impossible to determine who the father is. It will be just as difficult to find the father under the Senator's proposal as under mine. My bill also has penalties for the deserting father when he is found.

Mr. LONG. Mr. President, I had yielded to the Senator for a question but I decline to yield for a speech on my time. I would be happy to yield so the Senator can explain his views later on.

Mr. RIBICOFF. What bothers me about the charts——

Mr. LONG. Mr. President, I decline to yield further. I do not mind yielding for a question, and I shall be happy to yield time to the Senator later, but I would like to explain my position.

Mr. RIBICOFF. May I ask a question, then?

Mr. LONG. I will yield for a question, but not for a statement or a speech.

Mr. RIBICOFF. On the Senator's chart, why has he failed to include the figures in the pending Ribicoff proposal of $2,600?

Mr. LONG. We did not have the numbers on that, but we have the numbers for proposals guaranteeing $2,400, $3,000, $4,000, and $6,500, this last one being the McGovern proposal.

Mr. RIBICOFF. The McGovern proposal is not before us, but the $2,600 figure is, and with the resources of the staff of the Finance Committee, I do not see why they do not have the figures before us.

Why has not the chairman included the figures of how many people are involved in the committee bill? If we are going to be fair with this body, let us have all the figures.

Mr. LONG. Because at this particular time we are not talking about the committee bill; we are talking about the Ribicoff amendment.

Mr. RIBICOFF. The Senator is in the process of comparing the costs. He is running down a comparison of all the proposals. In all fairness, the committee proposal should be before the Senate at the same time, so we know what we are talking about. The truth is that the committee proposal involves more people than the Ribicoff proposal.

Mr. LONG. Under the committee bill, the number of people in families eligible to get their basic income from welfare would be about 8 million, because we reduce the number rather than increase the number.

Mr. RIBICOFF. No——

Mr. LONG. Mr. President, I do not yield further. I am going to insist on my right to the floor.

The committee amendment would include finding the father and making the father do what he should do for his children. It is frustrating to try to go to the father if a mother is unwilling to cooperate, and when she finds it to her cash advantage not to have him identified. So we change those incentives in the committee bill.

Mr. President, I ask unanimous consent that a chart on this matter be inserted at this point in the RECORD.

There being no objection, the chart

was ordered to be printed in the RECORD, as follows:

FAMILY INCOME AND MARITAL STATUS UNDER THE RIBICOFF AMENDMENT IN NEW YORK

Father not married to mother:	
Father's earnings	$7,000
Welfare payment to mother and three children	4,000
Public housing bonus	1,100
Value of medicaid benefits	900
Total	13,000
Father married to mother:	
Father's earnings	7,000
Welfare payment to mother and three children	0
Value of medicaid benefits	0
Total	7,000
Bonus for not marrying	6,000

Mr. LONG. Mr. President, one of the problems in what we regard as the "welfare mess" is that in some areas in this Nation, including Washington, D.C., more than 50 percent of the children are being born out of wedlock. This is not too surprising, since families can get almost twice as much income by having the children outside of wedlock. Why do we want to have a program that places an enormous advantage, that pays people almost as much money to have children without a father, and to teach children, "This is your papa, but don't tell anybody"? Why should we have a program that pays as much as a man earns in a middle-income bracket, and which encourages women not to marry, and which pays people not to have a father accept his paternal responsibility for children? It is absolutely idiotic. In doing so, it is encouraging corruption. It is teaching children to deceive and misrepresent.

It is teaching people who are making a few honest dollars to decline reporting that income by telling an employer, "I am willing to work for you provided you pay me in cash without records kept," so that people can get income without having their income reduced by taxes.

Take another example. Here is one family in which the father makes $7,000 in income and there are $6,000 in additional benefits. The father spends the night at that house month after month, sometimes every day of the month, in the same house as the mother of the children. The children look exactly like him. But, taking full advantage of the welfare situation, they have $6,000 of income plus the $7,000 he earns.

The family next door is doing what we would like them to do. The man is married. He accepts his responsibilities. He brings his paycheck home, and he claims those children as his dependents. What reward do we give him? We give him a small tax deduction, whereby he can claim those children as his dependents. As far as welfare benefits are concerned, no reward is his if he does the honorable, decent thing.

We should not spend any more money on programs which encourage people to do all the wrong things, which encourage fathers not to admit the paternity of their children, which encourage children to deny their father, if they know who he is, and which encourage people, when they go to work, not to admit they earn anything because if they did, something would be deducted from their welfare income.

For example, under that situation, if a mother went to work and earned something, 60 cents out of every dollar she earned would be deducted from her welfare check. Therefore, it is to her advantage not to report her earnings, since she can keep more that way than she can make by telling the truth. So it is to her advantage to get employment under an assumed name or to earn money with the understanding that no record will be kept and no social security tax will be paid.

When we do that, we are encouraging employers to become a party to this mischief, where they avoid paying the social security tax, and to engage employees who ordinarily would like to be honest, in order to obtain help, let us say, in their homes or for housewives. We encourage such persons to enter into an arrangement whereby they do not pay a social security tax and do not report, for withholding purposes, income paid to an employee.

We can do something to put this situation back in order, to stop encouraging the spending of billions of dollars in ways that encourage people to do all the wrong things. At a minimum we should not put more money in such programs. If we are going to spend money to help the poor, we ought to spend it to encourage people to be honest. We ought to do what we agreed to do, by a vote of 49 to 5, where, instead of encouraging someone to deny his children, he ought to be encouraged to admit they are his children, and claim them as dependents. So if he is working and getting $4,000 a year, which is about $2 an hour, we would pay him 10 percent of the 12 percent which is collected in social security taxes, so as to pay him up to $400 to help increase the income of that family, where a man would report that he has children to support, that he does have a family, that he does have a family responsibility. So we pay what amounts to a tax refund to this family of the social security money collected so as to increase the income of those people and encourage people to work.

When the average American citizen has heard talk about welfare reform, he has been led to believe that people who were deserving, were going to get some help, and the people who were not deserving would be removed from the rolls, or else they would get less. Instead, we find that the so-called welfare reform proposal puts more people on the rolls who are not deserving and adds more for those who are not deserving and creates discrimination against people of this Nation who are doing the honorable, decent thing. That is not what we want.

This proposal doubles the number of people who are on the welfare rolls. Just look at how the number works in some cases.

Louisiana, on some occasions, has been described as the welfare State, because we had some of the most liberal welfare programs. I guess, as an employee of the State government, I helped to get the welfare program into effect in Louisiana. I was proud that in our State the old age program resulted in more people drawing welfare checks than New York State, which had five times the population we had.

Mr. RIBICOFF. Mr. President, will the Senator yield for a question?

Mr. LONG. I yield.

Mr. RIBICOFF. Would the Senator tell us what a family of four receives from public assistance in Louisiana?

Mr. LONG. It is a lot less than it ought to be, for a lot of good reasons. For example, court decisions and HEW decisions have loaded the rolls with so many people that should not be on the rolls that the only way we could find money to pay them was by reducing the overall level by 50 percent.

In 1960, there were 3 million people in this country under this AFDC program. Between 1960 and 1970, it went to 10 million. And how did it do it? Well, the No. 1 achievement was the victory of these so-called poverty lawyers in striking down the-man-in-the-house rule.

Suppose there would be a man living in the house, the children looked exactly like him, and he had a job, well able to support the family. The case workers would say, "In view of the fact that you are living in the home, and the children look just like you, we would assume, even if you are not married to mama, that the income you are making must be available to help that family." So it would be felt that that family should not be on the rolls, because this was something similar to a common law marriage, and the availability of that father's income ought to be attributed to that family's support. They would say, "We do not think that family belongs on the rolls."

But a Supreme Court decision—which was a great victory for the poverty lawyers—said, "You cannot hold that man responsible for the support of that family unless you can prove they are getting that money."

Who would know that, except papa and mama? And both of them would have a cash advantage not to reveal it.

That decision was one of the principal causes, that plus the decision to eliminate duration of residency requirements, that moved that figure from 3 million up to 10 million on the welfare rolls.

Mr. RIBICOFF. Mr. President, first, the Senator has not answered the question as to what a family of four gets in Louisiana.

Mr. LONG. I will tell the Senator. About $1,200.

Mr. RIBICOFF. It is $1,248.

Mr. LONG. And that is about two-thirds of what they were getting prior to the time we got our rolls loaded down with all those people who did not belong on there.

Mr. RIBICOFF. Will the Senator give us his opinion as to whether he thinks four people in the State of Louisiana can live on $1,248 a year?

Mr. LONG. I can tell the Senator they are not starving, and perhaps a number of them have other income that they are not reporting. That is a part of the mess that we have, and that is why, as far as this Senator is concerned, I would be tickled pink to provide them the $2,400, or more than that, provided that we were paying that money in ways that encouraged them to do the right thing instead of encouraging them to do the wrong thing.

I will tell the Senator one thing: I am not willing to put any more money into the kind of things of which I could give examples, where people are on the rolls more times than one. If you are on there five times, like one of these ladies in Baton Rouge, for example, it is not too difficult to get by.

Mr. RIBICOFF. Let me ask the Senator from Louisiana another question. In Louisiana, in January 1972, 241,250 people were on AFDC. Does the Senator contend that 241,250 people in Louisiana were crooks who were cheating the Federal and State governments?

Mr. LONG. In the family category, according to our figures—this is an HEW estimate—we will have an average of 323,000 on the welfare rolls in the family category in 1973.

Mr. RIBICOFF. Well, it may be more than that.

Mr. LONG. I would be first to agree that there are a great number of them. If you look at that chart there, when we had 3 million on those rolls before they started doubling and redoubling these numbers and loading the rolls down with people the State did not think ought to be on there, I would be willing to concede, for the sake of argument, that every last one of them belonged on those rolls; but when they start providing that you cannot attribute that income of that father to that family, even though the children look exactly like him, because he is not married to the mother, and start striking down every effort of the State to make the father do something for the support of the children, and to require the mothers to pursue the fathers to try to make them contribute to the support of their children, and they start calling it harassment when you try to find out about people who are on the rolls five times when they are only supposed to be on there one time, I would have to say definitely there are people on those rolls who do not belong there.

Most of them, I am sure, are on there legally. As far as I am concerned, it is as bad——

Mr. RIBICOFF. I wonder whether the distinguished Senator——

Mr. LONG. Why do you not let me make my speech? I let you make yours.

Mr. RIBICOFF. I thought I would ask the Senator some questions on the figures he quoted. He talked about a number of people cheating.

Mr. LONG. Mr. President, I decline to yield to the Senator from Connecticut any further. I just want to make my speech. I let the Senator make his speech, and now I am ready to make mine.

Mr. President, there in the rear of this Chamber is a chart showing what we can expect if we pursue that plan of a guaranteed income for not working. Pat Moynihan said about the plan, as quoted several times by the Senator from Virginia, that this is a plan to put people on the rolls whether they are deserving or not. And under this plan, Mr. President, these people have every excuse the mind of man can conceive to enjoy the full benefits of the welfare payroll and decline employment or avoid taking employment all at the same time.

So what do we have? We found that while we had about 3 million recipients in 1960, when John Kennedy became President, by the time the welfare lawyers and poverty lawyers got through running their cases and HEW got through promulgating regulations to say we would put people on the rolls just on their own applications through the mail or by telephone, they built those rolls up to 10 million people.

Should all those people be on those rolls? All you have to do is go into the areas where we have large rolls and talk with their neighbors, and the neighbors are utterly outraged about it, because they say they are aware of the fact that many of these people should not be receiving welfare payments.

Here will be a father who knows just exactly when the next welfare check will show up, so he shows up the same day as the check, helps mama spend the money, and then he is gone until the next welfare check shows up.

The next door neighbors know about it, and they are resentful about it.

The expansion of the welfare program in New York State elected a mayor of New York City and helped elect a Governor of New York State, until they got a taxpayer revolt on their hands that just will not quit. The result is that they are trying to put some of those people to work up there to earn some of the money they are getting.

What happens? Again, the same people who are trying to get the Ribicoff amendment through are trying to keep them from putting people to work, when Governor Rockefeller tries to see to it that they have to do a little something to help justify the welfare payments they are receiving.

What happens if we put into effect the family assistance plan? I do not have the figures of the specific amounts set forth by the Senator from Connecticut, but I do have figures available on what the family assistance plan would do. It would not cost as much as the Ribicoff amendment, but where we in Louisiana have a total of about 400,000 people on the welfare rolls today, with a very generous set of eligibility rules, this family assistance plan alone would increase that number to 823,000 people on the welfare rolls.

If one were to ask the people of Louisiana, "What do you need least in Louisiana," they would say, "The last thing on earth we need is 400,000 more people on the welfare rolls. It is hard enough to get people to work the way it is now."

I have had the experience, and so has everyone else, of trying to find someone to do some work, willing to pay the minimum wage or whatever it takes to get somebody to come and do some work. So have my neighbors.

What happens? You drive down the road, and there is a man sitting there on a porch, with little children running around.

You ask him, "Do you want to go to work?"

"Nothing doing."

That man was once a good worker, but since the day that family was added to the welfare rolls, he just has not been able to turn to, and those big muscles are going to waste.

You drive on down the road, and you see another fellow sitting on the porch, and ask him to do some work.

"Sorry, can't be bothered." You try to get somebody to work—"Thanks just the same. I think I can find something better to do with my time." They have plenty of time to go fishing and do everything except work. Why? Because work has so little reward left to these people when you are going to reduce their welfare check by the amount they earn—at least, until their earnings exceed a certain amount.

We in Louisiana, a little State of 3,700,000 people, would have 825,000 people on the welfare rolls, about twice the number we think we should have on the welfare rolls—at least, twice the number that could be justified by any standard at all, and that figure includes the aged, blind, and disabled.

In the family category, it would be more than twice the number we think should be on the welfare rolls.

But do not think you can stop there. Read the press releases when the administration proposed a family assistance plan. It sounded great to me at that time. As Governor Hearnes of Missouri said:

> If you read the press releases, you would vote for it. If you read the bill, you would vote against it.

That was my experience. I read the press release, and it seemed to me that it was wonderful. The President was going to guarantee very poor family of four $2,400, and they were apologetic that they could not guarantee them $4,000 to put them up to the poverty level, but the Government did not have that much money. It would progress to the $4,000 level. So even the initial proposal contemplated going up to the poverty level, so much so that others suggested the same thing.

The Senator from Connecticut (Mr. RIBICOFF) suggested that we ought to guarantee going up to $5,150 by the fifth year under the program. Under the amendment of the Senator from Oklahoma (Mr. HARRIS) the proposal was for the poverty level of $4,000. If you advance this to the poverty level, how many do you have on the welfare rolls? You then have 67 million Americans on the welfare rolls.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. SYMINGTON. Would the Senator tell his colleagues what the estimated difference in cost is to the American people as between his proposal and the proposal in the Ribicoff amendment?

Mr. LONG. According to our estimate, what we would suggest would cost $2.5 billion less. That is not counting the value you get for the work somebody does. When you put a million people to work, society should be getting some benefits from it. But even without putting any value at all on what society gets from the work people do, such as hospital aides, working in day-care centers, helping to keep a place clean, it is our estimate—this is the estimate of Mr. Robert Myers, who was formerly chief actuary in the social security setup—that this would cost approximately $2.5 billion less than the Ribicoff proposal.

Mr. RIBICOFF. Mr. President, will the Senator——

Mr. LONG. Please understand this: I would not be exercised about the $2.5 billion difference if I thought the Ribicoff amendment was proceeding on the right basis. What concerns me and makes me tremble in fear for the fate of this Republic is to see a proposal receive the kind of support this matter has received from the press, when nobody on earth can stop at the $2,400 or the $2,600 proposed by the Ribicoff amendment.

Mr. RIBICOFF. Mr. President——

Mr. LONG. How could anybody here buy the argument that we ought to guarantee every family a certain minimum level of income whether they work or not, reserving to them the right not to work, which is implicit in every one of these proposals? How could anyone buy that argument and then proceed to argue that you ought to hold it below the poverty level? You would have to go to the poverty level, in logic and conscience; and everybody who has proposed it, so far as I know, has conceded that sooner or later you ought to at least advance it to the poverty level. When you do, you then have 67 million people on the welfare rolls. I do not think you can stop there; because when you have 67 million Americans drawing those payments, it is my contention that anybody who knows the first thing about politics would know that so far as those people are concerned, they are going to ask one question when they go to vote next time: "How did you vote on our increase?"

Every Congress will see those who speak for these people—probably the National Welfare Rights Organization, a very effective group—leading demonstrations. We have had some of it. The demonstrations we have had are nothing compared with what we can expect when they have 67 million people to organize, coming before us, conducting sitdown strikes, conducting demonstrations, holding marches on Washington, and saying, "We want our check increased to the poverty level."

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. LONG. At the Democratic National Convention, the Senator from Missouri had a chance to see how easily some of these programs can be sold. At that convention, one-third of the delegates, knowing no more about it than they did, voted to say that it ought to be $6,500. When you come to the $6,500 figure, which is advocated by the National Welfare Rights Organization, that gives you 97 million Americans on the welfare rolls; and if you include in the generality of that program the aged and disabled, that will give you more than half of all Americans on the welfare rolls, which means at that point you then have more people on the taking down end in America than you have on the putting up end.

Mr. RIBICOFF. Mr. President, the Senator from Missouri asked a question. I think he ought to be able to get an answer on the other side.

Mr. LONG. I thought that in due course——

Mr. RIBICOFF. No——

Mr. LONG. I am willing to yield later for a question.

Mr. RIBICOFF. The distinguished Senator from Missouri, for whom I have the highest——

Mr. LONG. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. LONG. Mr. President, from time to time I have sat in my seat and heard a speech with which I did not agree, and I wish the Senator from Connecticut would accord me that courtesy, or if he prefers, simply not bother to listen to the speech. I want to tell my side of the argument for a change.

Mr. RIBICOFF. The Senator from Louisiana answered the distinguished Senator from Missouri in comparing figures of his proposal and mine.

The PRESIDING OFFICER. The Senator has declined to yield.

Mr. LONG. Mr. President, the Senator can answer on his time, and in due course I will be happy to yield for further questions.

Just take a look at how far you are down the road when you buy the $2,400 figure. I do not have the figures on the $2,600 proposed by the Ribicoff amendment, but Senators will have a chance to vote on the $2,400, too.

In the State of Mississippi, 13 percent of the population is on the welfare rolls. At the $2,400 figure, 29 percent would be on the welfare rolls. Move that up to $3,000, and it becomes 44 percent on the welfare rolls. Move it up to the poverty level, and more than half the population of Mississippi would be on the welfare rolls.

One would think that Mississippi would be in here beseeching us to pass this. You are not going to get any votes out of Mississippi for this proposal, for the simple reason that they would not be able to get anybody to go to work. All their industry would have to shut down. Welfare would provide so much payment and work would have so little reward left that people would rather go fishing than work at a shipyard, a cotton gin, a shoe factory, a hosiery mill, or any place else there that would provide an opportunity for earning a living.

In the State of Alabama, approximately 12 percent of the population is on welfare. The family assistance plan would put 22 percent on welfare, and the Ribicoff amendment would move it up to 24 or 25 percent. Move it up to the $3,000 figure, and 35 percent would be on the welfare rolls. Move it up to the poverty level, and 45 percent of the population of that State would be on the welfare rolls.

Look at how it would work in State after State. In Louisiana, it is about 13 percent. The family assistance plan would move it up to 22 percent. The Ribicoff amendment would probably double it, to about 24 percent. Move it up to the $3,000 level, and it would be 32 percent.

Mr. President, when we put these people on the rolls we have so many on the rolls as when we find someone like this lady who showed up the other day on the welfare rolls four times and was trying to go on a fifth time, or like the delegate that went to the Democratic National Convention under an indictment for being on the rolls twice—we would have so many people on the rolls that did not belong there that when we tried to investigate, they would all rise up with a hue and cry that they were being harassed; and to prosecute them for being on the rolls twice or getting more money than they were entitled to, we would have to have a trial by jury of their peers, but with half the population on the rolls, heaven knows how difficult that would be to get a jury to be convinced of their wrongdoing, so that the whole thing would get into a total impossibility. This means the only way on earth we can hope to help vast numbers of people and hope to benefit our country at the same time would be to pay people in a way where we would look at what they can earn and increase the reward for going to work.

Another point which has been subject to some criticism—and it is a good idea and all the ladies' organizations support it—we would then propose that we do everything the Federal Government and the State government can do to provide a mother with all the assistance that can be provided for her to pursue the father who departs from that community or that State, leaving his family destitute so that they must apply for welfare, and provide her with a lawyer at State expense to pursue the father and make him contribute to the support of his children.

Following that approach, we would have some hope of getting the genie back in the bottle, but if we double the money we pay people to do the wrong things, or we are going to double it again and move up from 10 million of those now on the welfare rolls, to 12 million in 1973, and then we move it on up to 21 million, which the family assistance program would do, and then move it up to 25 million, which the RIBICOFF amendment would do, we will not be able to stop going to the $3,000 level and eventually we will go up to 67 million, and then to 97 million, and taking into account the other categories like the welfare caseload, we would have more than half the population of the United States on the welfare rolls.

That, Mr. President, is something that must not be permitted to happen in this country.

I am persuaded that if that does happen, there will be a taxpayers' revolt, or there will not be enough votes coming from the taxpayers who will have to pay to support the beneficiaries who would be getting it, with a probability that the Government would come to an end in one fashion or another.

Goodness knows what would happen

to our country then. I do not want to be around to find out.

I propose that we start instead to move this thing in the right direction.

Senators should be concerned about the increase in births out of wedlock, particularly teenage mothers. The number of families headed by women increased by 15 percent between 1970 and 1971—1 year, where the number of families of both father and mother has declined. Mr. President, can you imagine that? The number of families with a mother and father declined while the number of families headed by the mother increased 15 percent—in a single year, between 1970 and 1971.

And why not? We pay these billions of dollars to bring that result about and we are now being asked to spend additional billions of dollars.

That is not what I call reform.

That perhaps explains why the family assistance plan did not muster one single Republican vote in the Committee on Finance, where the President has some of his best friends, after they had studied the implications and the problems involved here.

That would also explain why there was no support from the supporters of the New Deal like Senator ANDERSON, the man who helped Harry Hopkins put over a program to help people back in the days of the Depression, a program that now looks mighty good nowadays compared to the program for a guaranteed wage for doing nothing. Also along with the oldtimers who were in favor of share the wealth programs, have found that they simply could not support the kind of thing that encouraged people to do all the wrong things, and pay them more and more for doing less and less, and encouraging people to engage in the sort of corruption and immorality that this Nation seeks very much to avoid.

There are people who talk about how much they are against corruption and then they come forward with proposals which will create corruption in numbers running beyond the millions, and would proceed to put more money into something that will achieve that result while declining to support what should be put into it.

It is for that reason that we should not proceed with the family assistance plan, or with the Ribicoff amendment, or with any of these other things that will take us in the wrong direction.

I am frank to say that, in the spirit of compromise, I would be willing to support, if it is the will of the Senate, the suggestion of the Senator from Delaware (Mr. ROTH) and the Senator from Virginia (Mr. HARRY F. BYRD, JR.) that we give the Ribicoff plan a try and give them whatever resources they need to give it a fair try, and that we give even the workfare proposal that the committee made, the guaranteed work program, a test and see how it works out, and give the family assistance plan an adequate try to see how it works out.

Two years ago, I was willing to try the family assistance plan proposal, but the Secretary of HEW did not want it. They wanted to hold all the benefits for the aged, the blind, and the sick. It is a program which could very well destroy this form of government. HEW has not been willing to have a fair test of it. Why not, it is hard to say, but I would be willing to propose it and to vote for it and to try it, all for the opportunity to prove me wrong, if I am wrong. But I would also like the opportunity to prove them wrong if they are wrong.

But again, as long as I have any influence in this body, I intend to speak out against going along with any kind of arrangement that would make for the dissolution of our form of government by paying to encourage people to do all the wrong things that in the end the Government could no longer sustain the burden of paying.

Mr. NELSON. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield for a question.

Mr. NELSON. I wonder whether we could clarify a point or two here. It is correct that the Senator from Connecticut strongly advocated the concept of a pilot program to test out the administration's proposal 2 years ago, is it not?

Mr. LONG. The Senator from Connecticut has suggested that several times, and he has made that statement on the floor, so that I do not believe I am violating any confidence when I state that the Senator is correct and has many times said he thought the administration was foolish that it did not accept the proposition made by them to put their family assistance plan to a fair test to show what would happen. He has indicated to some of us that if he had that same opportunity, he would have jumped at it, had he been the Secretary of HEW, as, indeed, once he was.

Mr. NELSON. The administration would not agree to the pilot project?

Mr. LONG. That is right, the administration would not agree to it. They cooperated and encouraged the House not to go to conference with us on a proposal that would have provided benefits for the aged and the sick.

Mr. NELSON. Is it not correct that if we had followed the suggestion made by the Senator from Connecticut we would now have a good 2 years of experience to look at and use as a basis for legislation at this time?

Mr. LONG. I suggested to him that we try it in the District of Columbia, where every Senator and Representative could take a look and see how it works and judge whether we wanted to make that momentous a decision, to embark down that road.

I say to the Senator now that if he can persuade me that I am wrong about it, more power to him and I will support his position, but it will take a lot to persuading to do it. If they would try that in the District of Columbia where we could go and see and be convinced it was working, I would support it. I have been told by the Department that this is the last place we would test it. I admit that this would be a tough testing ground, in the District of Columbia. I would be willing to afford them that right.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. NELSON. Mr. President, I was not through.

Mr. BENNETT. I am sorry.

Mr. NELSON. Is it on the same point?

Mr. BENNETT. It is on the point of a pilot test 2 years ago.

Mr. NELSON. The Senator may go right ahead.

Mr. BENNETT. Does the Senator remember that 2 years ago the administration wanted to run a test and then automatically put it into effect and not come back to the Congress and tell us what the results of that test were? They were not willing to give us a chance to look at the results after the test. That was the reason I was against their testing proposal of 2 years ago.

Mr. LONG. That was the problem. Those in the majority on the committee were willing to go along and have a real test. But the Department insisted, and they were dogged in their determination, that if there was to be a test, the program would go into effect automatically. And this ties in with the remark of the Senator from Virginia when he said, "Suppose the test is not a failure. We still would like to see the results before the program goes into effect. Why shouldn't you bring it back and show it to us and let us decide whether it is a success?"

If we value the independence of the legislative branch, we would have to say, "Why should we buy a pig in a poke? If they are to run a test, why can they not bring the results back and then let us make up our own minds?"

Mr. NELSON. Mr. President, I agree with that. I intend to vote for a pilot project if such an amendment is offered, and I understand that it will be.

Mr. President, I do not happen to think that anyone has discovered the solution to this problem. I think that the chairman of the Finance Committee and the members of that committee who have worked on the bill, have put in a tremendous amount of thought and energy in an attempt to come up with something that is better than the administration offered. I happen to prefer the proposal of the Senator from Connecticut a bit more than the committee proposal, but I am not really happy with either one. I do not think we have the answer, and I do not think we will have it until we have job opportunities and can get the unemployment rate down to about 2 percent. We have to have real jobs for people.

Mr. LONG. Mr. President, the Senator's proposal was a step in the right direction. He wanted to provide about 400,000 good jobs for people. It is not a bad idea, of course.

The House had something that was somewhat similar in their bill. We will be in conference, if we ever get that far.

I voted for the tax reduction concept. So did a majority of the Senate, as the Senator knows. While we may differ with respect to what jobs ought to pay and what kind of jobs they should be, there is no doubt in my mind that the Senator from Wisconsin agrees with a majority of the committee that a job comes nearer to being the answer than to offer someone a guaranteed income for loafing for his lifetime. That just does not make too much sense, certainly not to the majority of the committee, and I do not think it does to the Senator from Wisconsin.

Mr. NELSON. It does not. I will vote for the pilot project. I am not happy with anything else that is pending. However, just to conclude this and for the clarification of the Record, that proposal of the administration for a $2,400 guaranteed annual income means—if the statistics are correct—under the President's proposal, almost one-third of the people in the State of Mississippi, for example, would go on the dole—29 or 30 percent.

Mr. NELSON. I think that is correct. And that is a large percentage of the population.

What I would like to have clarified in my mind is whether the distinguished chairman of the Finance Committee knows where the President now stands on this whole welfare business, because as the Senator knows, it is a guaranteed annual income. Mr. Moynihan—a fine Democrat and a good friend—came in to see me a year ago. He made it clear then that it was a guaranteed annual income.

He was an influential force in getting administration approval of this plan for a guaranteed annual income. The President has never wanted to use that phrase, but that is what it is. However, what puzzles me is that the President sent the House of Representatives his proposal for an annual income of $2,400 for everyone and now talks as though he has repudiated his own plan. In fact, Pat Moynihan, in explaining it, said:

> Now, Gaylord, you and your wife and your three children can go up here—

And he pointed to the St. Croix River in a picture on the wall—

> get a cabin there and move in. And if I came out there and offered you the job of President of Harvard at $50,000 a year, and you say, "No, I don't want that job," you can still draw your guaranteed annual income minus a certain amount for your refusal to work.

There simply is no doubt that the President's proposal is for a guaranteed income.

I now refer to the Republican platform. The President sent to Miami a group of his representatives so that he would be sure they did not put something in the platform that he did not approve.

As the political reporters pointed out in their articles, the President's people were there dictating the platform. I do not question that. The President wants the best platform he can get.

So the history is that he sent a bill to the House of Representatives that provided for a guaranteed income and several times criticized Congress for not passing it. Yet in San Clemente he said in effect: "They are sitting on my legislation and will not give me my guaranteed annual income legislation," although he did not use that phrase. The platform, dictated by the President's representatives said:

> We flatly oppose programs or policies which embrace the principle of a government guaranteed income.

On which proposition does the President stand? Can the distinguished Senator explain that to me?

Mr. LONG. Mr. President, the best I can tell the Senator is that the President favors H.R. 1 and does not favor the committee amendment.

Mr. NELSON. Would that not be a repudiation of the platform plank?

Mr. LONG. I do not doubt the Senator's word. The Senator read it out of the platform. I do not doubt that is correct. I do not doubt that Mr. Moynihan told the Senator what the Senator said he told him. He told me things that persuaded me not to vote for the program but to vote against it.

I must say that every time I talk to the President, he sounds as though he agrees with me 100 percent on this proposal. But I regret to say that when one reads the bill and gets down to the specifics, it does not work out the way that the press releases say.

The President said in a speech at Williamsburg that everyone should take a job, that no job should be too menial. And he was quoted in the press as saying that. He said that everyone should take a job and no one should be on welfare that would not work. However, I would be the first to say that either he does not understand this bill or he is recommending something on the one hand and favoring something else on the other.

It is obvious that anyone on the committee who has studied this bill—as I think it is obvious that anyone who has studied the matter as much as the Senator has—will find implicit in this bill his guarantee of $2,400 to a person for doing absolutely nothing. And we see all the dangers that go along with it. That is what the program was as it came from the House. We recognize these dangers and we agree with what the President says in all of these declarations, that people should work, that he believes in the work ethic, that people should take jobs and people should not be on welfare if they do not take a job. Those problems are there, but the President is not supporting the Ribicoff amendment. He is standing on the $2,400, under the terms and conditions in H.R. 1, as it passed the House.

The best I can make of it is I do not think the President would be unhappy, from talking to him, if we passed a bill to make work more attractive than welfare or to make welfare less attractive than working.

Mr. NELSON. If the Senator will bear with me for 1 additional minute, I do not suggest that I, out of hand, reject the proposition there should be some kind of guaranteed support. In fact, I think there should be for those who are unable to support themselves; and I am going to vote for the Ribicoff amendment.

I want to clarify the record on the kind of propaganda that has been spread around the country by the President, his supporters, and the administration that the President does not support guaranteed annual income. I have the highest regard for Professor Moynihan, who is one of the ablest, most delightful, and thoughtful men I know. When he was in my office he was honestly explaining the bill. I had just gone on the Committee on Finance and I did not know anything about it. He gave me an explanation of the bill and said that it is guaranteed annual income. When I got around to studying the bill, I discovered I had been given an accurate, concise explanation of what the bill did in fact provide.

I think the record should be clear that the President has been supporting a guaranteed annual income, and yet that is what he has been attacking through the Republican platform and in speeches around the country. I do not think the country should be misled on the position the President has taken in support of his own bill. Yet, in his own recent rhetoric he is repudiating what he has criticized us for not passing.

I thank the Senator.

Mr. LONG. Mr. President, I regret to say that the hour that was allotted I have consumed. I would like to ask unanimous consent that the time be extended by an additional half hour, that the Senator from Connecticut be recognized, and that at the conclusion of that 1½ hour I be recognized so that I might make a motion to table the pending amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. RIBICOFF. Mr. President, first, I would like to answer a few questions that have been raised by some of my colleagues. The distinguished Senator from Wisconsin asked why the President's position is as it is today. Secretary Richardson happened to be in Bridgeport, Conn., on September 23, 1972, when the Bridgeport Post stated:

> Asked why Mr. Nixon had not bought Senator Ribicoff's compromise on the matter, Richardson candidly admitted the President owed more politically to some of the Finance Committee conservatives who might have felt he was going over their heads in supporting Mr. Ribicoff.

So much for Presidential principle.

The distinguished Senator from Missouri (Mr. Symington) asked a question regarding cost. I regret he is not here.

Mr. President, so many misstatements have been made—I am sure not deliberately—that the true figures and costs are hard to find. If one subtracts payments to adults who have been otherwise provided for in the committee bill, the following data applies to the various welfare proposals:

The family assistance program under H.R. 1 would cover 10 million people. The family assistance program under the Ribicoff amendment would cover 10 million people. The Finance Committee bill on AFDC would cover 10 million people. Basically there are the same 10 million people and they are all unemployable.

May I point out that the committee bill does not alter the present AFDC system, which is inefficient and ineffective.

Under H.R. 1's OFF proposal, which means Opportunities for Families and applies to the working poor and those employable, the number of people covered would be 9 million people. Added to the unemployables, this gives you a total of 19 million people. Under the $2,600 proposed by the Ribicoff-administration program, OFF would involve 14 million people for a total of 24 million people.

But I think all of us would be most interested, since the distinguished Senator from Louisiana talks about the fantastic rise in the welfare rolls, in the fact that under the committee's "workforce" proposal, 20 million people would be added to the 10 million for a total of 30 million people covered by their program.

Mr. LONG. Is the Senator from Connecticut including in that figure the 20 million persons who would benefit from the refund of the social security tax?

Mr. RIBICOFF. That is so. The working poor would be covered by the proposal.

Mr. LONG. I do not regard a person as being on the welfare rolls if he is getting a refund of social security taxes. Maybe the Senator does.

Mr. RIBICOFF. No; but those on the OFF program are not "on welfare" either. They are working men and women who receive income supplements. Let us dispel a basic myth. We have two types of people in America today who are poor—those people who are unemployable and those who work. The unemployable include the sick, the disabled, the incapacitated, and mothers with young children. Ten million people are included in this category and are unemployable under anybody's definition—mine, Senator LONG's and President Nixon's.

It is one of the great tragedies of the President's term that, having developed a sound proposal, he did not have the courage of his own convictions to support it. He ran away from it. The President said to America, "We have serious problems here. We are putting people on welfare who do not work and we do nothing to encourage people to work who should be working. We want to be sure someone who works gets more than someone who does not work."

So, he proposed a floor under income of $2,400 and he developed an income supplement for those who can work.

Let me give an example of what the President and I are talking about. Assume a family of four earns $1,000. Under my proposal he could receive supplemental benefits. To compute his payment the Ribicoff bill would disregard a part of his earnings—namely $720 plus 40 percent of additional income. Thus, from $1,000 would be deducted $720, leaving $280. Then deduct 40 percent of the remaining income, the countable income of the recipient would be $168. The difference between $168 and the $2,600 benefit is the OFF payment—$2,432. This family's income would be $1,000 of earnings plus $2,432 in OFF payments—a total of $3,432.

If the family had been under the program for unemployables its payments would have been $2,600. Clearly, then, it is better to work than to remain solely on public assistance.

In the few minutes remaining, I have a very concise explanation explaining what the Ribicoff-administration program is all about. I shall be pleased to answer any questions or be interrupted at any time.

The Ribicoff-administration agreement consists of two facets: Aid to those unable to work; and aid to the working poor including a preliminary pilot program of this concept.

Under my proposal, the family assistance plan—FAP—for those unable to work would go into effect on January 1, 1974.

For the opportunities for families program—OFF—pilot programs would be established by the Secretaries of Health, Education, and Welfare and Labor. The report of findings would be submitted to Congress and the President by December 31, 1973. If either House of Congress passed a resolution within 90 days thereafter expressing disapproval of the OFF program, it would not go into effect. But if Congress did not take any action, the OFF program would trigger into effect on July 1, 1974.

A. ASSISTANCE FOR THOSE WHO CANNOT WORK

This category includes children under 16, mothers with children under age 6, the elderly, ill or incapacitated, or their caretakers, caretakers of a child where the father or other adult relative in the home is working or registered for training, the caretaker of a child where suitable day care is unavailable, and unemployed, male-headed families for whom jobs are unavailable. The Finance Committee's definition of who is unemployable is virtually identical to that in my bill.

1. PAYMENT LEVEL

Those unable to work will be assured a basic Federal payment to a family of four of $2,600. The payment will increase as the cost of living rises.

2. MAINTENANCE OF BENEFITS

In those States where payment levels exceed $2,600, States would be required to make supplemental payments to assure that no recipient receives a smaller payment than he or she receives under the present law. To alleviate the harmful effects of State welfare cutbacks of the last few years, the States would be required to supplement up to the higher of their January 1971 level or any higher previous or subsequent level.

3. STATE FISCAL RELIEF

Under the provisions of my amendment, every State would receive substantial fiscal relief. Under present law States receive matching funds from the Federal Government ranging from 50 to 83 percent of a State's costs. Under my proposal the Federal Government will pay 100 percent of the first $2,600 of cost.

In addition, while my amendment requires a State with a higher payment level to make supplements, the States would be "held harmless" from additional costs once their payments reached the levels for calendar year 1971.

Total savings to State and local governments in the first fiscal year will amount to $2.8 billion compared to $2.4 billion under H.R. 1 and $2.3 billion under the committee proposal. Fiscal relief would also be provided on an emergency interim basis. The States would receive $1 billion in fiscal relief in the interval before the new welfare program takes effect.

4. UNIFORM STANDARDS AND PROCEDURES

National uniform benefit levels, eligibility rules, and Federal administration would be established by the Ribicoff-administration agreement.

Procedures of the original Ribicoff amendment to assure fairness, including right to counsel, written opinions in welfare adjudication, elimination of punitive and cumbersome reporting and checking procedures are also included as are protection of employee rights, elimination of State residency requirements and determination of eligibility based on current need.

5. CHILD CARE

My proposal provides $1.5 billion for the creation of child-care services and $100 million for the construction of child-care facilities to assist working mothers.

Mothers with children under age 6 are exempt from the work requirements. Mothers with children over age 6 would register for work only if adequate day care were available and close to their place of residence or employment. Adequate day care is defined to mean child-care services no less comprehensive than those provided for by the 1968 Federal Interagency Day Care Requirements.

B. ASSISTANCE TO THOSE ABLE TO WORK: A PILOT PROGRAM

The most innovative portion of our welfare reform proposal is the opportunities for families—OFF—program. It would provide income supplements to those people who work, but still have low incomes to insure that it is always financially more profitable to work than simply receive welfare. Such a proposal would also remove the incentive for fathers to leave their families.

In addition, one of the basic tenets of this proposal is that all those who are able to work should be required to do so. Every able-bodied applicant who applies for welfare, including those already on welfare, would have to register for employment or training with the Department of Labor. The only exemption from this requirement would be for those responsible for the care of aged, ill, or incapacitated family members or children under age 6. Failure to report for work or training would result in a loss of benefits unless the recipient could show that jobs or day care were unavailable.

Those deemed employable would immediately be referred to suitable employment paying at least the Federal minimum wage. If no jobs were available the Department of Labor would develop employability plans and provide the necessary job training. In addition, in recognition of the fact that the private job market does not have sufficient jobs available for all those able to work, my proposal creates 300,000 meaningful public service jobs in the first year of the program.

Because of the innovative nature of the OFF program, my amendment would require that aid to the working poor be tried out on a limited basis to test out its structure and theories. It is time to try out on a pilot basis any new major social program before committing the resources of the Federal Government to total implementation.

The pilots of OFF will test the following:

First, the work experience of participants—the types of jobs they have, their hours and earnings;

Second, the effect of the program on the composition and structure of families;

Third, the types of services that are needed for the working poor;

Fourth, the extent to which families who are eligible for the program actually participate; and

Fifth, the administrative provisions of the program.

FISCAL RELIEF UNDER RIBICOFF-ADMINISTRATION AGREEMENT

There are two types of fiscal relief under the Ribicoff-administration agreement:

First. The first is emergency fiscal relief for the States. This is the so-called Percy amendment. Under this provision States would receive retrospective relief for fiscal 1972 and fiscal 1973. Once a State's costs rise above its calendar 1971 AFDC cost levels, the Federal Government will assume all cost rises up to 20 percent above that level. Above a 20-percent rise in costs the regular matching formula for the State would again be in effect. Such a provision will save the States $515 million for fiscal 1972 costs and $704 million for fiscal 1973—a total savings of $1.2 billion.

Second. The second and most important element of fiscal relief takes place once the FAP–OFF program goes into effect. Under this program the Federal Government assumes 100 percent of the costs for the first $2,600. Under present law, costs are shared between State and Federal Government on a matching basis—usually a 50–50 matching.

The 27 States whose payments exceed $2,600 would have to make supplemental payments to bring payments up to January 1971, levels. These States would be assured, however, that their costs would not have to rise above calendar 1971. In other words, a State would be "held harmless" from additional costs once it reached 1971 levels. This program for families alone would save the States almost $1.9 billion.

While the Ribicoff bill does not legislate for the adult categories, it does have a "hold harmless" clause in its miscellaneous provisions to provide fiscal relief to the States for their costs above 1971 levels for the aged, blind, and disabled.

I ask unanimous consent to have printed in the Record certain charts, an editorial and a news release.

There being no objection, the material was ordered to be printed in the Record, as follows:

STATE FISCAL RELIEF UNDER THE RIBICOFF-ADMINISTRATION AGREEMENT FISCAL YEAR 1974

[In millions of dollars]

	Family program savings	Administrative savings	Total savings
Alabama	12.9	6.6	19.5
Alaska	2.6	.6	3.2
Arizona	38.9	3.5	42.4
Arkansas	7.5	2.7	10.2
California	148.7	96.9	245.6
Colorado	12.6	1.8	14.4
Connecticut	14.3	12.6	26.9
Delaware	6.3	.7	7.0
District of Columbia	45.4	.5	45.9
Florida	110.2	6.0	116.2
Georgia	40.5	9.8	50.3
Hawaii	8.1	1.1	9.2
Idaho	1.6	.5	2.1
Illinois	145.3	18.7	164.0
Indiana	25.2	3.5	28.7
Iowa	8.9	3.2	12.1
Kansas	9.6	3.6	13.2
Kentucky	6.0	5.6	11.6
Louisiana	39.5	11.7	51.2
Maine	2.3	1.2	3.5
Maryland	53.1	5.7	58.8
Massachusetts	52.4	12.8	65.2
Michigan	90.0	17.0	107.0
Minnesota	16.5	3.8	20.3
Mississippi	5.5	6.5	12.0
Missouri	8.8	9.1	17.9
Montana	.7	1.1	1.8
Nebraska	5.9	1.7	7.6
Nevada	2.2	.9	3.1
New Hampshire	1.5	.4	1.9
New Jersey	43.0	12.2	55.2
New Mexico	.9	1.6	2.5
New York	102.7	114.0	216.7
North Carolina	10.3	4.8	15.1
North Dakota	2.0	.7	2.7
Ohio	73.3	7.3	80.6
Oklahoma	22.5	6.6	29.1
Oregon	12.5	3.0	15.5
Pennsylvania	66.0	13.2	79.2
Rhode Island	8.6	2.8	11.4
South Carolina	7.0	4.5	11.5
South Dakota	1.4	1.1	2.5
Tennessee	19.7	3.0	22.7
Texas	22.2	11.4	33.6
Utah	4.0	.7	4.7
Vermont	3.1	.4	3.5
Virginia	17.2	3.3	20.5
Washington	9.7	2.8	12.5
West Virginia	8.4	1.8	10.2
Wisconsin	35.0	9.7	44.7
Wyoming	.7	.7	1.4
Guam	.5	.02	.5
Puerto Rico	18.2	4.6	22.8
Virgin Islands	.7	.2	.9
Total	1,412.6	460.2	1,872.8

EMERGENCY FISCAL RELIEF UNDER THE RIBICOFF-PILOT FISCAL RELIEF PLAN

This provision provides that once a state reaches its calendar 1971 AFDC cost levels, the federal government will assume all cost rises up to 20% above fiscal 1971 levels. States would receive regular matching funds for cost rises above that level. As a condition of fiscal relief states would have to maintain payment levels at the January 1971 level.

This program is an interim measure pending the effective date of FAP. Retrospective fiscal relief in fiscal 1972 and 1973 would amount to $1.2 billion as follows:

[In millions of dollars]

	1972	1973
Alabama	5.9	5.9
Alaska	1.5	1.7
Arizona	1.7	2.3
Arkansas	2.6	3.0
California	98.6	167.4
Colorado	4.1	8.0
Connecticut	9.7	9.7
Delaware	1.3	1.3
District of Columbia	5.3	5.3
Florida	6.6	6.6
Georgia	8.2	8.2
Hawaii	2.9	2.9
Idaho	.6	1.0
Illinois	40.7	40.7
Indiana	5.3	5.3
Iowa	1.7	4.9
Kansas	2.4	5.2
Kentucky	2.9	5.3
Louisiana	0	8.7
Maine	2.5	2.5
Maryland	9.8	9.8
Massachusetts	33.1	33.1
Michigan	34.7	34.7
Minnesota	8.5	10.3
Mississippi	2.9	2.9
Missouri	6.1	10.2
Montana	.2	.5
Nebraska	2.2	2.2
Nevada	.2	.6
New Hampshire	1.3	1.7
New Jersey	24.0	30.6
New Mexico	.4	1.0
New York	78.3	127.4
North Carolina	6.0	6.0
North Dakota	.6	.9
Ohio	21.1	21.1
Oklahoma	8.0	8.0
Oregon	2.6	4.8
Pennsylvania	38.1	47.5
Rhode Island	3.8	3.8
South Carolina	1.5	1.5
South Dakota	1.0	1.0
Tennessee	2.0	3.9
Texas	2.7	15.0
Utah	1.7	1.7
Vermont	1.3	1.3
Virginia	6.0	6.0
Washington	1.1	7.3
West Virginia	2.6	2.6
Wisconsin	8.7	8.7
Guam	.4	.4
Puerto Rico	.1	.1
Virgin Islands	0	1.6
Total	515.6	704.5

Note: Figures may not add due to rounding.

Source: Senate Finance Committee.

FULL-YEAR COSTS, PAYMENTS, AND SERVICES: 1ST FISCAL YEAR

[In billions of dollars]

	Current law	H.R. 1	Ribicoff-administration agreement	Finance Committee bill
Payments to families	5.3	6.2	7.2	[1] 6.7
Payments to adults	2.4	4.6	4.6	4.2
Payments for food stamps	2.9	.2	.1	1.8
Hold-harmless; fiscal relief		1.1	.8	
Subtotal: Payments	10.6	12.1	12.7	12.7
Child care	.6	.9	.9	.8
Training	.3	.5	.5	
Public jobs		.8	1.2	4.1
New employment service		.1	.1	
Administration	.6	1.1	1.1	1.3
Support services				.7
Subtotal: Related and support activities	1.5	3.4	3.8	6.9
Impact on other programs		−.1	−.1	−.1
Grand total	12.1	15.4	16.4	19.5

[1] Includes: Wage subsidy, 1.9; 10-percent rebate, 1.1; residual AFDC, 3.7; total, 6.7.

[From the Washington Post, Oct. 3, 1972]

MR. NIXON, WELFARE, AND THE SENATE

So long as there was no danger of enacting it, President Nixon was 1,000 per cent behind welfare reform. His speeches a short while back would make exquisite reading on the Senate floor today, hailing (as they invariably did) Mr. Nixon's own contribution to the cause of welfare reform, immodestly suggesting (as they invariably did, too) that the President's own proposal was the most important legislation to come before the Congress in nearly four decades. Important to whom, one now must ask? To those welfare recipients whose plight under our present inhumane system he seemed to describe with such conviction? To the left-out working poor who were—and are—victimized by laws Mr. Nixon professed to find so inequitable and so urgently in need of change? To the put-upon taxpayer who was footing the bill for this basically unfair and ineffective system of public aid? The answer seems to be that is wasn't important at all in Mr. Nixon's opinion. For the President, faced with a choice between passage of a good version of the bill (worked out by his top aides) and no bill at all, has opted for no bill. And the best explanation you can get for this from those in the know around him is that politically a decent version of his welfare reform bill wouldn't be helpful in this campaign year. Better to have the "issue," whatever that may mean—better to pretend you tried and failed.

That is the background to the vote that will probably be taken today on the Ribicoff-Administration welfare bill. We hyphenate the name of the bill and decline to drop the word "administration," because, despite the political decision in the White House to reject this proposal after a good deal of work on it by administration agents, it remains the fruit of that joint effort and the measure most deserving bipartisan support. In testimony to this fact, some 19 Republican senators not long ago urged just such an effort. In the absence of the President's approval, however, they are not expected to vote for the measure today, or at least most of them are not expected to. So Mr. Nixon held the key to reform of this nation's scandalous, costly and self-defeating welfare system—and he has tossed it away.

Only a miracle—or a sudden access of independence on the part of those Republicans who know the bill's merits—could possibly save it today. At the same time, the Senate is likely to vote as well on a so-called "pilot" measure, which is the work of Senator Byrd of Virginia and Senator Roth of Delaware. This is a mischievous bill and it should be defeated. For under the guise of merely "trying out" different versions of welfare reform for the next several years, it would leave intact some of the most objectionable features of the Senate Finance Committee "welfare" bill including its dangerous child care provisions and its blood-testing, fingerprinting, sleuthing features. It is not a mere exercise in experimentation and program testing: it is an attempt to enact far-reaching law.

Today, of course, would have been a good time to enact far-reaching law of another kind—to enact the genuine reforms of the genuinely terrible system of which Mr. Nixon has spoken so often and so eloquently in the past three years. We were among those who took him at his word. And, having gone so long and so far on faith, it does not seem to us that this is a particularly apt moment to abandon all faith. In that spirit we express the frail and probably doomed hope that the Senate will pass the Ribicoff-Administration welfare bill today—with or without the administration's help.

THE LEAGUE OF WOMEN VOTERS OF THE UNITED STATES NEWS RELEASE

WASHINGTON, D.C.—The League of Women Voters of the United States today charged that the Administration had pulled the skids out from under efforts to pass welfare reform legislation this year.

League President Lucy Wilson Benson stated, "The Administration's lack of support for the compromise Ribicoff package—which they helped shape—is a shocking example of duplicity. It looks as though the only recourse for those who support progressive reform will be to actively campaign in this Congress to defeat welfare reform provisions affecting families."

The League stated that both the House passed version of Title IV and the Senate Finance Committee version now before the Senate are blatantly inadequate and would only compound the nation's existing welfare mess.

Mrs. Benson said, "The legislation under consideration by the Senate would neither provide for the legitimate needs of welfare recipients or provide employment for those who could work. The best thing that the Senate can do is to delete Title IV from the bill entirely."

Mrs. Benson said, "Election year politics have completely distorted the welfare issue. Now that the Administration has repudiated Senator Ribicoff's compromise package, which the League supports, the chances for meaningful reform are pretty slim. The enactment of either the Long or House provisions would be a disaster and the League will work for their defeat."

Contact: Carl Ericson, Assistant Public Relations Director, 296-1770.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. NELSON. The Senator referred to the Ribicoff-administration position. Is this the proposal the Senator worked out with the Secretary of Health, Education, and Welfare?

Mr. RIBICOFF. For 3 years we were in constant communication with the Department of Health, Education, and Welfare. Two of my staff were assigned full time for 3 years to work on this issue. We finally came to agreement on the $2,600 proposal now before the Senate. We thought we had reached an agreement at that time. The Secretary of Health, Education, and Welfare and the Secretary of Labor sent down a recommendation to the President to accept it.

If Senators want to know about the sad and sorry state of Government in America today, the Secretaries at all departments are figureheads. The staff in the White House runs the show. It has been practically the same in every administration. I experienced it myself, under President Kennedy. I found myself advocating programs I did not believe in, and being against programs that I did believe in. I found that everything has to be cleared through the staff of the White House.

Under the present administration, all domestic decisions in the White House are made by Mr. Ehrlichman, and every Secretary of every department is an errand boy often for some kid on the staff of the White House who has had no experience, and who tells experienced people what to do.

So the President of the United States ran away from the agreement we worked out with the staffs of HEW and the Labor Department.

Now, I would like to remind my colleagues that we have two parts under my proposal. One is the family assistance plan for people who are not able to work, and which goes into effect on January 1, 1974. For the opportunities for families program—these are people who can work—I have a pilot program until January 1, 1973.

I am not going to stand on this floor and say I have all the answers and my program is the only program. I do not know whether my program will work. So I have said, "Look, if we are going to fold some 14 million people into the welfare program, let us try it out and see if it works. And let us have a program that improves the lot of people on welfare now."

As to the costs, the proposal of $2,400, which was originally proposed by the President, would cost $8.4 billion. My proposal would cost $11.8 billion. The proposal of the Finance Committee, under the chairmanship of the Senator from Louisiana (Mr. LONG), would cost $15.8 billion. These are HEW figures.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. TUNNEY. I dislike to interrupt the eloquent exposition being made by the Senator from Connecticut. I had a question to ask the Senator, and I know time is running out. I understand that under the parliamentary situation it is impossible to offer an amendment to the amendment that the distinguished Senator from Connecticut has offered. However, I am very deeply concerned about the question of people who are able-bodied, women who do not have children 6 and under, working for the money they are receiving from the Government. I for one believe that every able-bodied person should have a minimum income, but that minimum income should be a result of work.

I recognize it is difficult, in one fell swoop, to create sufficient jobs to employ all able-bodied people who are presently on welfare.

Would the Senator from Connecticut be amenable to a proposal that would require all able-bodied people presently on welfare and with children not under 6 to be phased into a public service work program, say over a period of 3 years, one-third, one-third, and one-third?

I realize I cannot offer this proposal as an amendment to the Senator's amendment, but it could be offered as an amendment to the Roth-Byrd amendment.

Mr. RIBICOFF. May I comment? First, the proposal that I have makes provision for 300,000 public service jobs. My proposal is more expensive than the House bill, because the House bill provides for 200,000 public service jobs, and I have proposed 300,000 public service jobs. That is about all the Department can handle in the first year.

But I know the Senator's concern, and eventually, if we are going to pay people to work, we are going to have to create sufficient public service jobs. The weakness of the Senator from Louisiana's proposal is that under his "work fare" proposal people would be forced to go to work for $1.20 an hour.

Mr. TUNNEY. I could not think any proposal would be better for the first year. I was wondering if the Senator would be agreeable, after that first year, to having a phased-in program, for instance, one-third 1 year, then the second third the following year, and eventually all able-bodied people on welfare would be required to work at a public service job.

Mr. RIBICOFF. Without question, but in order to do that we would have to create the public service jobs. The Senator is absolutely correct. As a matter of fact, in America today we could provide 3 to 4 million public service jobs in needed employment for the public benefit.

The Senator is on the right track. I know his concern, and commend him. But once we get into the second year or the third year, the type of program that he suggests would certainly have my support.

Mr. TUNNEY. I appreciate the Senator's comment. I was just wondering, if the Senator from California could find the parliamentary machinery to offer such an amendment after the amendment of the Senator from Connecticut is passed, would the Senator from Connecticut be willing to support it?

Mr. RIBICOFF. Well, I would say thanks for the optimism, but if my program passed I would be more than willing to support almost any amendment the Senator might propose.

I would like to point out that the amendment specifically provides that every able-bodied person who applies for welfare would have to register for work or training with the Department of Labor. The only exceptions would be those responsible for the care of an ill or aged family member, or mothers with children under the age of 6. Failure to report for work or training would result in loss of benefits unless the person could show that a job or day-care services were unavailable.

Mr. TUNNEY. Mr. President, the crux of the enormous welfare problem which this country now faces is embarrassingly simple. The basic cause and the only genuine solution to the welfare mess lie in jobs—meaningful jobs, jobs with enough pay to keep a family going, jobs to make a contribution to society and at the same time provide the means for the individual self-support and self-reliance on which our country depends.

Lack of jobs is the prime cause of the welfare mess.

And providing jobs is the only solution to that mess.

In 1971, 14.8 million people received some form of welfare payments. Of that number, 4.2 million received aid under programs for the elderly, blind, and disabled. The balance, 10.6 million, received AFDC payments: 7.7 million children and 2.9 million parents. By 1974, it is estimated that there will be at least 3.3 million families receiving AFDC payments. Of these, approximately 40 percent will be headed by employable adults who could hold down a job. Under the Finance Committee bill, all of these people about 1.3 million, will be required to register for work.

I have no quarrel with that requirement. I believe that those who can work should work, and what is more, I believe that most of them want to work.

But the fundamental question we face is how we get from here to there—requiring a man to take a job is one thing when there is a job to be had, and another thing when there are no jobs because 5.6 percent of our work force is unemployed.

The Ribicoff amendment in its revised form is a beginning of a solution to this problem. It does so both by requiring all able-bodied welfare recipients to work and by establishing a system to provide that work.

It calls for the establishment of the system in 1974, with a 2-year period in the meantime for pilot projects to test its effectiveness. After those 2 years, the full program would go into effect unless the House or Senate elects to exercise the veto power provided by the amendment.

Unfortunately, however, the amendment is deficient because it provides for only 300,000 public service jobs for persons who have registered for work but cannot find a job.

Mr. President, this provision is a crucial one in my mind. If we really want people to get off the dole and back to work, then we have got to provide the jobs. And to provide those jobs it is going to take a substantial commitment of public funds for public jobs, because they are not going to be found in the private sector by itself.

Let is not kid ourselves on this—if we invest only a token amount in public service jobs, then only a token number of jobs are going to be available—and we will still pay the rest of the cost through the same old welfare mess.

And let us get another thing straight—a public service job is just that—a job. It is a man or woman working with dignity; it is not a dole, and it is not welfare. And, at least, society will get some return for the money it invests.

Mr. President, I believe that what the taxpayers of this country—what all our people—are demanding from us is not that we somehow punish welfare recipients but that we provide a means so that men and women work to support their families. If they are able-bodied, they should work, and I believe they want to work. Most of the intolerable pressure on the present welfare system comes from people who need jobs, who want jobs, who are willing to work hard to support themselves and their families, who want to be rid of welfare every bit as much as the rest of us.

Some of them are given training to meet the demands of the modern labor market. Yet when they finish training, they face the demoralizing reality that there is still no job for them to go to.

Unless we make the effort to provide these jobs, we are perpetrating a hoax on the taxpayers who foot the bill for a bloated welfare system.

If welfare reform is going to have any meaning at all, if it is going to offer any hope of solving the welfare mess, we cannot avoid the ultimate issue—a job for every able-bodied American. We must provide those jobs, and where needed, we must pay for them.

We are not going to solve the welfare problem unless we are prepared to accept the fact that once more, as in past times of economic hardship, the Federal Government must be the employer of last resort.

The Ribicoff amendment attempts to deal with this problem in a limited fashion by providing some jobs—jobs which would benefit the community in fields like health, education, urban and rural development, recreation, environment, public safety, and other forms of needed public services.

Unfortunately, the number of jobs it provides is small in proportion to the need, only 300,000 by 1974, of the estimated 1.3 million jobs which must be found. And therefore, I do not see how I could support it unless it is altered to provide a more realistic and longer term commitment to public service jobs.

I recognize that this number was selected on that assumption that a greater number of useful and meaningful public jobs would be difficult to create in the first year. But the amendment in its present form makes no commitment beyond the initial year, and it is therefore inadequate.

I believe we should strengthen substantially the public service job section to provide public jobs for at least one-third of all those required to register for work by 1975, for two-thirds by 1976, and for all such persons by 1977.

And frankly, unless a provision of this kind is included, I cannot see how the present version of this amendment would do the job adequately.

The fact that the Ribicoff amendment contains a 2-year period for pilot projects confirms this belief.

Given that period for testing the system which is contained in the amendment, it is my belief that the next 2 years should be used to test a system in which every person in the test area is guaranteed a public job as a last resort. In that way, we can learn in very practical terms the relative costs and benefits of those jobs.

If it turns out that such an extensive public job program is not workable, we can vote to change it or abolish it at the end of the test period, using the veto provision contained in the Ribicoff amendment.

One thing we do know—the need for improved public services has never been greater. No one who has seen the deterioration of services in our major cities can dispute the work that needs to be done—roads go without patching, buildings go without painting, parks go without cleaning. Our police and firemen lack adequate support. And needed new facilities languish on the drawing boards.

And the irony is that we know from direct and recent experience that public service jobs can be created and implemented swiftly and effectively. After only a few months' experience with the meagerly funded Emergency Employment Act which created only 150,000 jobs—the Nation's mayors asked for a million more. And a recent survey of the program by a Senate committee shows that there were five applicants for every one job, and that the cities and States could have created twice as many jobs immediately if more money were available.

My own belief is that we will find that the cost to the American taxpayer of such a system is far, far less than continuation of the present hoax which tells a man he must work but denies him a job. Furthermore, the dividend to a better life for all of us through the public services provided by those workers is vastly more valuable than the continued drain in money and personal dignity from the present mess.

The cost of such a program is not going to be cheap. The best estimates are that it costs approximately $400 million for every 100,000 public service jobs to be created. Thus if we were to guarantee a job for each of the 1.3 million able-bodied welfare recipients required to work, the cost could run as high as $5.2 billion.

But by using the time for testing provided in the Ribicoff amendment, we could learn on a limited basis whether the cost is one which we should be prepared to pay.

And frankly, Mr. President, that is my quarrel with the Nixon administration. We are here today trying to make decisions about reforming a welfare system which has cost us billions upon billions of dollars, with only the barest of guess-work about the effect of what we are doing. Three years ago we had the chance to try out some of these proposals on a pilot basis. Such was the proposal put to President Nixon, and back came his answer: All or nothing—enact my proposal in its entirety, with only guesses as to what its effect will be, but do not try it out in advance. And so here we are, 3 years later still trying to guess what is best for the country. We could have completed the 2-year test which was proposed by Senator RIBICOFF and others and been ready now to pass a law based upon hard data and experience. But instead, we are confronted with three camps, equally divided, and each as uncertain of the long-term effects as the others.

I cannot and will not support the President's proposal, because it is fundamentally a fraud upon both taxpayer and welfare recipient. It purports to put people to work yet does nothing to provide the jobs for them to work at. Nor can I support the present Finance Committee version, because it is fundamentally a cruel and punitive measure which would create a vast new category of subpoverty employment.

And so I am left with the Ribicoff proposal. My own position is that it must give greater emphasis to public jobs if it is to have any hope of succeeding in practice and if it is to get my vote.

But I will vote against tabling it today if I believe, after asking the Senator from Connecticut a few questions, that he would support an adequate number of public service jobs phased over a period of 4 years to provide a job for able-bodied welfare recipients.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. NELSON. This is predicated on the proposition, however, that there is a job available to be supplied either in public service employment or in the private sector, is that correct?

Mr. RIBICOFF. That is absolutely correct. I cannot imagine anything worse than to say someone has to work and then not have a job for him, or to train him for a job that does not exist.

Mr. NELSON. So that, in the circumstances where someone registers for work who needs welfare in order to feed the children and pay the rent, and no job is available, then he will still receive welfare support for the family, is that correct?

Mr. RIBICOFF. Yes, without question. I cannot follow the reasoning of the distinguished chairman. I hope the day never comes when I am willing to say that $1,248 is enough to support a family of 4 anywhere in America. I do not think that anyone in this body could make it any place in America on the sum of $1,248.

Mr. NELSON. Will the Senator yield further?

Mr. RIBICOFF. I am pleased to yield.

Mr. NELSON. In the Senator's amendment, was he dealing solely with the question of public service jobs, or are prospective recipients to be registered with the employment service as available for other jobs in the private sector?

Mr. RIBICOFF. Everyone who is on welfare, unless incapacitated by blindness, ill health, or caring for children under the age of 6, must register. Anyone who applies for welfare with the Welfare Department and says he is available for a job, the Labor Department lists and classifies him. The job should provide the minimum wage——

Mr. NELSON. That is not required, though?

Mr. RIBICOFF. My amendment requires that the minimum wage be paid. I would certainly hope that we do not take people on welfare and put them to work at less than the minimum wage. This would destroy the wage structure in America.

In other words, what we would be doing under the committee bill is subsidizing the sweat shop, subsidizing the individuals who want to get cheap labor, and destroying the structure of the American labor market.

Mr. NELSON. Does the Senator mind yielding further?

Mr. RIBICOFF. No, I am pleased to yield to any Senator on the floor who has any question.

Mr. NELSON. In distinguishing between the private employment field and the public service, is it clear in the Senator's amendment that of the 300,000 public service jobs—is it 300,000?

Mr. RIBICOFF. That is correct.

Mr. NELSON. That anyone who accepts a public employment job or service in public employment must be paid the same wage as anyone else in that municipal or State jurisdiction is paid for the same job?

Mr. RIBICOFF. Let me respond to the Senator by saying that he or she must be paid the prevailing wage or the minimum wage, whichever is higher. In other words, if the prevailing wage in an area is $2 an hour——

Mr. NELSON. No, I am talking about public service, first.

Mr. RIBICOFF. Public service jobs would also provide prevailing wage or the minimum wage, whichever is higher.

Mr. NELSON. That puzzles me a little bit. Does the Senator mean the prevailing wage within municipal employment in that area for that kind of a job?

Mr. RIBICOFF. For that kind of a job.

Mr. NELSON. He would not say that if the prevailing rate for a stenographer or a truck driver was higher outside the governmental sector——

Mr. RIBICOFF. No, within that category.

Mr. NELSON. Within the governmental sector?

Mr. RIBICOFF. The Senator is absolutely correct. That is what the amendment provides.

Mr. NELSON. Within the private sector, are there any limitations on the kind of job?

Let me give an example. Suppose the head of a family, let us in this case a mother with no spouse and with children 6 or over, is offered a job at the minimum wage; does she have to take it, regardless of what the job is?

Mr. RIBICOFF. No; she does not. If there is a job offered to go across town, without any public transportation, and she does not have means of transportation and adequate day care then she does not have to take that particular job.

Mr. NELSON. This is one of the points frequently raised, as the Senator from Connecticut knows. It has been mentioned on a number of occasions, I believe, by witnesses at the hearings as well as in discussions in executive sessions: Here is a mother with three children 6 or older; she now cleans house, now does all the cooking, now supervises her children, she is there to get them off to school, she is there to receive them when they come back from school, but she is offered a job at the minimum wage to do housekeeping for someone else across town. Is she required to take it? Will they provide the transportation to get her there?

Mr. RIBICOFF. If there is no transportation to her job or no day care facilities for her children, then she does not have to take that job.

Mr. NELSON. I know it is very difficult, as the Senator from Connecticut and everyone here does, to draft a general section in a statute without it appearing to authorize certain requirements that no one would intend.

Would it make any sense at all to the Senator, in any event, if, say, it was summertime and the children were not in school, so the mother has to leave her three children at a day care center, which is available, and then go someplace across town to work at the minimum wage, doing housekeeping, when, in fact, it would cost more to have the children in the day-care center than the mother could earn working at housekeeping across town? Certainly, it is not the intent of the Senator's proposal to write that kind of requirement into the bill; is it?

Mr. RIBICOFF. You are correct that it would be self-defeating to require someone to work when it would be more expensive to provide day care than to pay public assistance.

The expenses of day care are excluded from the benefits that the person receives.

Mr. PASTORE. Mr. President, will the Senator yield so that I may ask a question on that point?

Mr. RIBICOFF. I yield.

Mr. PASTORE. Is it not going to be cheaper and better to keep that home intact by keeping the mother home with the children, rather than putting the children in a day-care center, which is going to be much more expensive, and have the mother go to work? That was the whole principle of aid to dependent children. The only trouble is that this program became expanded and expanded. I think what we are trying to do here is to get after the rascals. I hope we are not getting after the legitimate mothers.

Mr. RIBICOFF. Not at all. In our proposal, we have been very careful to make sure that there are penalties for desertion. If the father can be found, he will be brought to either civil or criminal justice and made to pay his share.

The weakness of the proposal and the arguments of the distinguished chairman is the assumption that you can find the father.

If a father can be found and it can be proved that he is the father, we make provision that under those circumstances the person who so avoids his responsibility is subject to criminal prosecution and is required to make payments for the support of his children.

Mr. PASTORE. Is that a Federal offense?

Mr. RIBICOFF. That is a Federal offense.

The PRESIDING OFFICER. The hour of 4:53 p.m. having arrived, under the previous order the Senator from Louisiana (Mr. Long) is recognized for the purpose of moving to table the pending amendment of the Senator from Connecticut.

Mr. LONG. Mr. President, I move that the pending amendment of the Senator from Connecticut be laid on the table.

I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MAGNUSON (when his name was called). On this vote I have a pair with the Senator from Mississippi (Mr. Eastland). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withhold my vote.

Mr. INOUYE (when his name was called). On this vote I have a pair with the Senator from Colorado (Mr. Allott). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withhold my vote.

Mr. GRAVEL (after having voted in the negative). On this vote I have a pair with the Senator from Tennessee (Mr. Baker). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), and the Senator from Mississippi (Mr. Eastland) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senator from Arizona (Mr. Goldwater), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Ohio (Mr. Taft) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Texas (Mr. Tower) would vote "yea."

The respective pairs of the Senator from Colorado (Mr. Allott) and that of the Senator from Tennessee (Mr. Baker) have been previously announced.

The result was announced—yeas 52, nays 34, as follows:

[No. 506 Leg.]

YEAS—52

Allen
Anderson
Bellmon
Bennett
Bentsen
Bible
Brock
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Cook
Cotton
Curtis
Dole
Dominick
Edwards
Ervin
Fannin
Fong
Fulbright
Gambrell
Griffin
Gurney
Hansen
Harris
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
Mansfield
McClellan
Miller
Montoya
Packwood
Pearson
Proxmire
Randolph
Roth
Saxbe
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Young

NAYS—34

Aiken
Bayh
Beall
Boggs
Brooke
Case
Cooper
Cranston
Eagleton
Hart
Hartke
Hatfield
Hughes
Humphrey
Jackson
Javits
Kennedy
Mathias
Mondale
Moss
Muskie
Nelson
Pastore
Pell
Percy
Ribicoff
Schweiker
Scott
Smith
Stafford
Stevenson
Tunney
Weicker
Williams

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Magnuson, against.
Inouye, against.
Gravel, against.

NOT VOTING—11

Allott
Baker
Eastland
Goldwater
McGee
McGovern
McIntyre
Metcalf
Mundt
Taft
Tower

So Mr. Long's motion to lay Mr. Ribicoff's amendment on the table was agreed to.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1973

The PRESIDING OFFICER (Mr. Kennedy). Under the previous order, the unfinished business will now be laid aside temporarily until close of business today, and the Senate will now proceed to the consideration of Calendar No. 1189, H.R. 16654, which the clerk will state.

The legislative clerk read as follows:

H.R. 16654, making appropriations for the Departments of Labor, Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with an amendment, to strike out all after the enacting clause and insert:

That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

Manpower Administration

SALARIES AND EXPENSES

For necessary expenses for the Manpower Administration, $37,704,000; together with not to exceed $26,989,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which $2,640,000 shall be for carrying into effect the provisions of title IV (except section 602) of the Servicemen's Readjustment Act of 1944 (38 U.S.C. 2001–2002).

MANPOWER TRAINING SERVICES

For expenses necessary to carry into effect the Manpower Development and Training Act of 1962, as amended, and sections 326 and 328 of the Trade Expansion Act of 1962 (19 U.S.C. 1951 and 1961) $719,554,000, to remain available until June 30, 1974: *Provided,* That the amounts appropriated herein for title II, parts A and B of the Manpower Development and Training Act of 1962, as amended, for expenses of the Private Sector On-the-Job Training and the Special Targeting programs authorized under that title shall not be subject to the apportionment of benefits provisions of section 301 of the Manpower Development and Training Act.

EMERGENCY EMPLOYMENT ASSISTANCE

For expenses necessary to carry into effect the Emergency Employment Act of 1971, $1,250,000,000, of which not to exceed $91,766,000 shall be available for program direction and support, administration of the program at the local level, and for agent assistance and statistics, to remain available until June 30, 1974.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of benefits and allowances to unemployed Federal employees and exservicemen, as authorized by title 5, chapter 85 of the United States Code, and for trade adjustment benefit payments and allowances, as provided by law (19 U.S.C. 1941–1944 and 1952), $475,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of benefits for any period subsequent to June 15 of the current year.

ADVANCES TO THE EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT

For making repayable advances to the extended unemployment compensation account in the Unemployment Trust Fund, as authorized by section 905(d) of the Social Security Act, as amended, $120,000,000 to enable the Secretary of the Treasury to make such advances: *Provided,* That the Secretary of the Treasury shall make such repayable advances at such time as he may determine, in consultation with the Secretary of Labor, that the amount in the extended unemployment compensation account is insufficient for the payments required by law to be paid therefrom to States.

FEDERAL GRANTS TO STATES FOR EMPLOYMENT SERVICES

For grants as authorized by section 5(a) of the Act of June 6, 1933, as amended (29 U.S.C. 49–49n), including, upon the request of any State, the purchase of equipment, and the payment of rental for space made available to such State in lieu of grants for such purpose, $66,700,000: *Provided,* That any funds granted to a State in the current fiscal year from this appropriation and not obligated by the State in that year shall be returned to the Treasury.

LIMITATION ON GRANTS TO STATES FOR UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICES

For grants in accordance with the Act of June 6, 1933, as amended (29 U.S.C. 49–49n, 39 U.S.C. 3202(a)(1)(E)), and for carrying into effect section 602 of the Servicemen's Readjustment Act of 1944, for grants to the States as authorized in title III of the Social Security Act, as amended (42 U.S.C. 501–503), including, upon the request of any State, the purchase of equipment, and the payment of rental for space made available to such

State in lieu of grants for such purpose, and necessary expenses for carrying out 5 U.S.C. 8501–8523 and 38 U.S.C. 2003, $800,300,000 may be expended from the Employment Security Administration account in the Unemployment Trust Fund, of which $24,000,000 shall be available only to the extent necessary to meet increased costs of administration resulting from changes in a State law or increases in the number of unemployment insurance claims filed and claims paid or increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally over those upon which the State's basic grant (or the allocation for the District of Columbia) was based, which increased costs of administration cannot be provided for by normal budgetary adjustments: *Provided*, That any portion of the funds granted to a State in the current fiscal year and not obligated by the State in that year shall be returned to the Treasury and credited to the account from which derived.

Labor-Management Services Administration

SALARIES AND EXPENSES

For necessary expenses for the Labor-Management Service Administration, $25,202,000.

Employment Standards Administration

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $49,139,000, of which not to exceed $32,000 shall be transferred to the fund created by section 44 of the Longshoremen's and Harbor Workers' Compensation Act, as amended.

FEDERAL WORKMEN'S COMPENSATION BENEFITS

For the payment of compensation and other benefits and expenses (except administrative expenses) authorized by law and accruing during the current or any prior fiscal year, including payments to other Federal agencies for medical and hospital services pursuant to agreement approved by the Department of Labor; a continuation of payment of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the advancement of costs for enforcement of recoveries in third-party cases; the furnishing of medical and hospital services and supplies, treatment, and funeral and burial expenses, including transportation and other expenses incidental to such services, treatment, and burial, for such enrollees of the Civilian Conservation Corps as were certified by the Director of such Corps as receiving hospital services and treatment at Government expense on June 30, 1943, and who are not otherwise entitled thereto as civilian employees of the United States, and the limitations and authority formerly provided by the Act of September 7, 1916 (48 Stat. 351), as amended, shall apply in providing such services, treatment, and expenses in such cases and for payments pursuant to sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012), $81,992,000, together with such amount as may be necessary, to be charged to the subsequent year appropriation, for the payment of compensation and other benefits for any period subsequent to June 15 of the current year.

Occupational Safety and Health Administration

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $72,207,000.

None of the funds appropriated by this Act shall be expended to pay the salaries of any employees of the Federal Government who inspect firms employing fifteen persons or less for compliance with the Occupational Safety and Health Act of 1970.

Bureau of Labor Statistics

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursement to State, Federal, and local agencies and their employees for services rendered, $45,240,000, of which $10,216,000 shall be for expenses of revising the Consumer Price Index, including salaries of temporary personnel assigned to this project without regard to competitive civil service requirements.

Departmental Management

SALARIES AND EXPENSES

For necessary expenses for departmental management and $890,000 for the President's Committee on Employment of the Handicapped, $24,196,000, together with not to exceed $797,000 to be derived from Employment Security Administration account, Unemployment Trust Fund.

SPECIAL FOREIGN CURRENCY PROGRAM

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Department of Labor, as authorized by law, $100,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to such agency for payments in the foregoing currencies.

General Provisions

Sec. 101. Appropriations in this Act available for salaries and expenses shall be available for supplies, services, and rental of conference space within the District of Columbia, as the Secretary of Labor shall deem necessary for settlement of labor-management disputes.

This title may be cited as the "Department of Labor Appropriation Act, 1973".

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services and Mental Health Administration

MENTAL HEALTH

For carrying out the Public Health Service Act with respect to mental health, and except as otherwise provided, the Community Mental Health Centers Act (42 U.S.C. 2681, et seq.), the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (Public Law 91–616), and the Narcotic Addict Rehabilitation Act of 1966 (Public Law 89–793), (80 Stat. 1438), and the Drug Abuse Office and Treatment Act of 1972 (Public Law 92–255), $783,323,000, of which $75,000,000 shall remain available until June 30, 1974, for grants pursuant to parts A, C, and D of the Community Mental Health Centers Act.

SAINT ELIZABETHS HOSPITAL

For expenses necessary for the maintenance and operation of the hospital, including clothing for patients, and cooperation with organizations or individuals in the scientific research into the nature, causes, prevention, and treatment of mental illness, $30,664,000, or such amount as may be necessary to provide a total appropriation equal to the difference between the amount of the reimbursements received during the current fiscal year on account of patient care provided by the hospital during such year and $58,307,000.

HEALTH SERVICES PLANNING AND DEVELOPMENT

To carry out titles VI and IX, sections 314(a) through 314(c), and except as otherwise provided, sections 301, 304, 311, 402(g), 403(a)(1) and 433(a) of the Public Health Service Act; $489,573,000, of which $197,200,000 shall be available until June 30, 1975 for grants pursuant to section 601 of the Public Health Service Act for the construction or modernization of medical facilities, and $2,500,000 shall remain available without fiscal year limitation for payment of interest on guaranteed loans as authorized by section 626 of the Act.

HEALTH SERVICES DELIVERY

For carrying out, except, as otherwise provided, sections 301, 310, 311, 314(d), 314(e), 317, 321, 322, 324, 326, 328, 329, 331, 332, 502, 504, title X of the Public Health Service Act, the Act of August 8, 1946 (5 U.S.C. 7901), section 1010 of the Act of July 1, 1944 (33 U.S.C. 763c), section 1 of the Act of July 19, 1963 (42 U.S.C. 253a), and title V of the Social Security Act, $798,046,000, of which $1,200,000 shall be available only for payments to the State of Hawaii for care and treatment of persons afflicted with leprosy: *Provided*, That any allotment to a State pursuant to section 503(2) or 504(2) of the Social Security Act shall not be included in computing for the purposes of subsections (a) and (b) of section 506 of such Act an amount expended or estimated to be expended by the State: *Provided further*, That when the Health Services and Mental Health Administration operates an employee health program for any Federal department or agency, payment for the estimated cost shall be made by way of reimbursement or in advance to this appropriation: *Provided further*, That in addition, $4,719,000 may be transferred to this appropriation as authorized by section 201(g)(1) of the Social Security Act, from any one or all the trust funds referred to therein: *Provided further*, That amounts received for services rendered under section 329 of such Act shall be credited to this appropriation.

PREVENTIVE HEALTH SERVICES

To carry out, to the extent not otherwise provided, sections 301, 308, 311, 314(e), 315, 317, 318, 322(e), 325, 328, 353, and 361 to 369 of the Public Health Service Act, the functions of the Secretary under the Federal Coal Mine Health and Safety Act of 1969, as amended; the Lead-Based Paint Poisoning Prevention Act (Public Law 91–695) except section 301; and sections 6–8 and 18–27 of the Occupational Safety and Health Act of 1970; insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft; $209,372,000.

NATIONAL HEALTH STATISTICS

For carrying out, except as otherwise provided, sections 301, 305, 311, 312(a), 313, and 315 of the Public Health Service Act; $18,514,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retired pay of commissioned officers, as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and payments for medical care of dependants and retired personnel under the Dependents' Medical Care Act (10 U.S.C., Ch. 55), such amount as may be required during the current fiscal year.

BUILDINGS AND FACILITIES

For construction, alterations, major repair, improvement, extension, and equipment, of facilities of or used by the Health Services and Mental Health Administration, not otherwise provided, $19,457,000 to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For expenses necessary for the Office of the Administrator, $13,126,000.

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

There are hereby authorized to be deposited in the "Medical facilities guarantee and loan fund" amounts received by the Secretary from operations under part B of title

VI of the Public Health Service Act and such amounts shall be available to the Secretary without fiscal year limitation for carrying out his functions under section 626(a) (1) of the Act: *Provided*, That sums received from the sale of loans made pursuant to section 627 of the Act shall be available to carry out the purposes of that section.

National Institutes of Health

BIOLOGICS STANDARDS

To carry out sections 351 and 352 of the Public Health Service Act pertaining to regulation and preparation of biological products, and conduct of research related thereto, $9,528,000.

NATIONAL CANCER INSTITUTE

For expenses necessary to carry out title IV, part A, of the Public Health Service Act, including construction under grants and contracts and direct construction; $492,205,000 to remain available until June 30, 1974.

NATIONAL HEART AND LUNG INSTITUTE

For expenses, not otherwise provided for, necessary to carry out title IV, part B, and title XI of the Public Health Service Act, $320,000,000.

NATIONAL INSTITUTE OF DENTAL RESEARCH

For expenses, not otherwise provided for, to carry out title IV, part C, of the Public Health Service Act, $49,795,000.

NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES

For expenses necessary to carry out title IV, part D, of the Public Health Service Act with respect to arthritis, rheumatism, and metabolic diseases, and digestive diseases, $173,190,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE

For expenses necessary to carry out, to the extent not otherwise provided, title IV, part D, of the Public Health Service Act with respect to neurology and stroke, $136,403,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For expenses, not otherwise provided for, to carry out title IV, part D, of the Public Health Service Act with respect to allergy and infectious diseases, $122,048,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For expenses, not otherwise provided for, necessary to carry out title IV, part E, of the Public Health Service Act with respect to general medical sciences, including grants of therapeutic and chemical substances for demonstrations and research, $192,302,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

To carry out, except as otherwise provided, title IV, part E, and title X of the Public Health Service Act with respect to child health and human development, $142,257,000.

NATIONAL EYE INSTITUTE

For expenses necessary to carry out title IV, part F, of the Public Health Service Act, with respect to eye diseases and visual disorders, $41,137,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

To carry out, except as otherwise provided, sections 301 and 311 of the Public Health Service Act, with respect to environmental health sciences, $31,374,000.

RESEARCH RESOURCES

To carry out, except as otherwise provided, section 301 of the Public Health Service Act with respect to the support of clinical research centers, laboratory animal facilities and other research resources, $78,244,000.

JOHN E. FOGARTY INTERNATIONAL CENTER FOR ADVANCED STUDY IN THE HEALTH SCIENCES

For the John E. Fogarty International Center for Advanced Study in the Health Sciences, $5,200,000, of which not to exceed $500,000 shall be available for payment to the Gorgas Memorial Institute for maintenance and operation of the Gorgas Memorial Laboratory.

HEALTH MANPOWER

To carry out, to the extent not otherwise provided, sections 301, 306, 309, 311, and 422 with respect to training grants, title VII, and title VIII of the Public Health Service Act, $846,428,000; of which $2,000,000 shall be available for loan guarantees and interest subsidies under part B of title VII and part A of title VIII, $140,000,000 shall be for grants for construction of facilities (including $28,000,000 for dental teaching facilities) under part B of title VII, and $30,000,000 shall be for grants for construction of facilities under part A of title VIII: *Provided*, That the funds appropriated under part B of title VII and part A of title VIII shall remain available until expended.

Loans, grants, and payments for the next succeeding fiscal year: For making, after December 31 of the current fiscal year, loans, grants, and payments under section 306, parts C, D, F, and G of title VII, and parts B and D of title VIII of the Public Health Service Act for the first quarter of the next succeeding fiscal year, such sums as may be necessary, and obligations incurred and expenditures made hereunder shall be charged to the appropriation for that purpose for such fiscal year: *Provided*, That such loans, grants, and payments pursuant to this paragraph may not exceed 50 per centum of the amounts authorized in section 306, parts C, D, and G of title VII, and in part B of title VIII for these purposes for the next succeeding fiscal year.

NATIONAL LIBRARY OF MEDICINE

To carry out, to the extent not otherwise provided for, section 301 with respect to health information communications and parts I and J of title III of the Public Health Service Act, $28,818,000, of which $2,902,000 shall remain available until June 30, 1974.

BUILDINGS AND FACILITIES

For construction, major repair, improvement, extension, alteration, and equipment, including acquisition of sites, of facilities of or used by the National Institutes of Health, where not otherwise provided, $12,580,000, to remain available until expended.

OFFICE OF THE DIRECTOR

For expenses necessary for the Office of the Director, National Institutes of Health, $12,542,000.

Appropriations in this Act available for the salaries and expenses of the National Institutes of Health shall be available for entertainment of visiting scientists when specifically approved by the Surgeon General: *Provided*, That not to exceed $5,000 shall be used for this purpose.

Funds advanced to the National Institutes of Health management fund from appropriations in this Act shall be available for the expenses of sharing medical care facilities and resources pursuant to section 328 of the Public Health Service Act and for the purchase of not to exceed twelve passenger motor vehicles for replacement only.

SCIENTIFIC ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses for conducting scientific activities overseas, as authorized by law, $25,619,000, to remain available until expended: *Provided*, That this appropriation shall be available in addition to other appropriations for such activities, for payments in the foregoing currencies.

PAYMENT OF SALES INSUFFICIENCIES AND INTEREST LOSSES

For the payment of such insufficiencies as may be required by the trustee on account of outstanding beneficial interest or participation in the Health Professions Education Fund assets or Nurse Training Fund assets, authorized by the Department of Health, Education, and Welfare Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, $170,000, and for payment of amounts pursuant to section 744(b) or 827 (b) of the Public Health Service Act to schools which borrow any sums from the Health Professions Education Fund or Nurse Training Fund, $3,830,000: *Provided*, That the amounts appropriated herein shall remain available until expended.

HEALTH PROFESSIONS EDUCATION FUND

The Secretary is hereby authorized to make such expenditures, within the limits of funds available in the Health Professions Education Fund and the Nurse Training Fund, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year.

GENERAL RESEARCH SUPPORT GRANTS

For general research support grants, as authorized in section 301(d) of the Public Health Service Act, there shall be available from appropriations available to the National Institutes of Health and the National Institute of Mental Health for operating expenses, the sum of $60,700,000: *Provided*, That none of these funds shall be used to pay a recipient of such a grant any amount for indirect expenses in connection with such project.

Office of Education

ELEMENTARY AND SECONDARY EDUCATION

For carrying out, to the extent not otherwise provided, title I ($1,810,000,000), title III ($171,393,000), and title V, parts A and C ($53,000,000), of the Elementary and Secondary Education Act, $2,034,393,000: Provided, That the aggregate amounts made available to each State under title I–A for grants to local education agencies within that State shall not be less than such amounts as were made available for that purpose for fiscal year 1972: *Provided further*, That the requirements of section 307(e) of Public Law 89–10 as amended shall be satisfied when the combined fiscal effort of the local education agency and the State for the preceding fiscal year was not less than such combined fiscal effort in the second preceding fiscal year.

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), $681,405,000 of which $645,495,000, including $41,450,000 for amounts payable under section 6 and $10,000,000 for complying with section 403(1) (C) shall be for the maintenance and operation of schools as authorized by said title I of the Act of September 3, 1950, as amended, and $35,910,000, which shall remain available until expended, shall be only for providing school facilities as authorized by section 5 and subsections 14(a) and 14(b) of said Act of September 23, 1950: *Provided*, That none of the funds contained herein shall be available to pay any local educational agency in excess of 77 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(b) of title I: *Provided further*, That none of the funds contained herein shall be available to pay any local educational agency in excess of 90 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(a) of said title I if the number of children in average daily attendance in schools of that agency eligible under said section 3(a) is less than 25 per centum of the total number of children in such schools.

EDUCATION FOR THE HANDICAPPED

For carrying out, to the extent not otherwise provided, the Education of the Handicapped Act, and section 5 of Public Law 85–905, $162,359,000.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, section 102(b) ($29,898,000), parts B and C ($449,682,000), D, F ($8,388,000), G ($24,500,000), H ($10,524,000), and I of the Vocational Education Act of 1963, as amended (20 U.S.C. 1241–1391), and the Adult Education Act of 1966 (20 U.S.C. ch. 30) ($75,000,000), $659,162,000, including $20,000,000 for exemplary programs under part D of said 1963 Act of which 50 per centum shall remain available until expended and 50 per centum shall remain available through June 30, 1974, and not to exceed $23,000,000 for research and training under part C of said 1963 Act: *Provided*, That grants to each State under the Adult Education Act shall not be less than grants made to such State agencies in fiscal year 1971: *Provided further*, That grants to each State under the Vocational Education Act shall not be less than grants made to such States in fiscal year 1972.

LIBRARY RESOURCES

For carrying out, to the extent not otherwise provided, titles I ($62,000,000), II, and III ($7,500,000) of the Library Services and Construction Act (20 U.S.C. ch. 16); title II ($100,000,000) of the Elementary and Secondary Education Act; title III–A ($50,000,000) of the National Defense Education Act of 1958; and title VI ($12,500,000) of the Higher Education Act; $247,000,000, of which $15,000,000, to remain available through June 30, 1974, shall be for grants for public library construction under title II of the Library Services and Construction Act.

EDUCATIONAL RENEWAL

For carrying out, to the extent not otherwise provided, titles VII and VIII of the Elementary and Secondary Education Act, part B–1 of the Education Professions Development Act, section 309 of the Adult Education Act, as amended, part IV of title III of the Communications Act of 1934, the Cooperative Research Act (except section 4), the Drug Abuse Education Act of 1970, the Environmental Education Act, and sections 402 and 412 of the General Education Provisions Act, $238,315,000, of which $15,000,000 shall be for educational broadcasting facilities and shall remain available until expended.

EDUCATIONAL ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Office of Education, as authorized by law, $3,000,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to such office, for payments in the foregoing currencies.

SALARIES AND EXPENSES

For the necessary expenses of the Office of Education, not otherwise provided, including rental of conference rooms in the District of Columbia; and not to exceed $1,000 for official reception and representation expenses; $68,360,000.

STUDENT LOAN INSURANCE FUND

For the Student Loan Insurance Fund created by the Higher Education Act of 1965, as amended, $29,047,000, to remain available until expended.

PAYMENT OF PARTICIPATION SALES INSUFFICIENCIES

For the payment of such insufficiencies may be required by the trustee on account of outstanding beneficial interests or participations in assets of the Office of Education authorized by the Department of Health, Education, and Welfare Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(c)) $2,921,000, to remain available until expended.

Social and Rehabilitation Service

GRANTS TO STATES FOR PUBLIC ASSISTANCE

For carrying out, except as otherwise provided, titles I, IV, X, XI, XIV, XVI, and XIX of the Social Security Act, and the Act of July 5, 1960 (24 U.S.C. ch. 9), $13,344,704,000, of which $46,000,000 shall be for child welfare services under part B of title IV.

For making, after June 15 of the current fiscal year, payments to States under titles I, IV, X, XIV, XVI, and XIX, respectively, of the Social Security Act, for any period during the last fifteen days of the current fiscal year (except with respect to activities included in the appropriation for "Work incentives"); and for making, after April 30 of the current fiscal year, payments for the first quarter of the next succeeding fiscal year; such sums as may be necessary, the obligations incurred and the expenditures made thereunder for payments under each of such titles to be charged to the subsequent appropriations therefor for the current or succeeding fiscal year.

In the administration of titles I, IV (other than part C thereof), X, XIV, XVI, and XIX, respectively, of the Social Security Act, payments to a State under any such titles for any quarter in the period beginning April 1 of the prior year, and ending June 30 of the current year, may be made with respect to a State plan approved under such title prior to or during such period, but no such payment shall be made with respect to any plan for any quarter prior to the quarter in which such plan was submitted for approval.

Such amounts as may be necessary from this appropriation shall be available for grants to States for any period in the prior fiscal year subsequent to March 31 of that year.

WORK INCENTIVES

For carrying out a work incentive program, as authorized by part C of title IV of the Social Security Act, including registration of individuals for such program, and for related child care and other supportive services, as authorized by section 402(a)(19)(G) of the Act, including transfer to the Secretary of Labor, as authorized by section 431 of the Act, and $150,000 for transfer to the appropriation for "Departmental management", $455,133,000, which shall be the maximum amount available for transfer to the Secretary of Labor and to which the States may become entitled pursuant to section 403(d) of such Act, for these purposes for the current fiscal year.

GRANTS FOR THE DEVELOPMENTALLY DISABLED

For carrying out, except as otherwise provided, sections 301 and 303 of the Public Health Service Act, and parts B, C, and D of the Developmental Disabilities Services and Facilities Construction Act, $51,250,000, of which $32,500,000 shall be for grants under part C of the Developmental Disabilities Services and Facilities Construction Act, to remain available until June 30, 1975, and $9,250,000 shall be for grants under part B of the Developmental Disabilities Services and Facilities Construction Act, to remain available until expended: Provided, That grants made under part C of the Developmental Disabilities Services and Facilities Construction Act after June 30, 1973, shall be for construction only as specified in section 132(a)(2) of such Act: Provided further, That there may be transferred to this appropriation from the appropriation "Mental Health" an amount not to exceed the sum of the allotment adjustment, made by the Secretary pursuant to section 202(c) of the Community Mental Health Centers Act.

NUTRITION PROGRAM FOR THE ELDERLY

For carrying out title VII of the Older Americans Act of 1965, $100,000,000.

RESEARCH AND TRAINING ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Social and Rehabilitation Service, and the Social Security Administration, as authorized by law, $8,000,000, to remain available until expended: Provided, That this appropriation shall be available, in addition to other appropriations to such Service and Administration for payments in the foregoing currencies.

SALARIES AND EXPENSES

For expenses, not otherwise provided, necessary for the Social and Rehabilitation Service, $60,215,000, together with not to exceed $600,000 to be transferred from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as provided in section 201(g)(1) of the Social Security Act.

Social Security Administration

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance, the Federal Disability Insurance, the Federal Hospital Insurance, and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g), 228(g), 229(b), and 1844 of the Social Security Act, and sections 103(c) and 111(d) of the Social Security Amendments of 1965, $2,475,485,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, including necessary travel incident to medical examinations, reconsideration interviews, or hearings for verifying disabilities or for review of disability determinations, $1,526,500,000, to remain available until expended: *Provided*, That such amounts as may be agreed upon by the Department of Health, Education, and Welfare, and the Postal Service shall be used for payment, in such manner as said parties may jointly determine, of postage for the transmission of official mail matter by States in connection with the administration of said Act.

Benefit payments after April 30: For making, after April 30 of the current fiscal year, payments to entitled beneficiaries under title IV of the Federal Coal Mine Health and Safety Act of 1969, for the last two months of the current fiscal year, such sums as may be necessary, the obligations and expenditures therefor to be charged to the appropriation for the succeeding fiscal year.

Whenever the Commissioner of Social Security finds it will promote the achievement of the provisions of title IV of the Federal Coal Mine Health and Safety Act of 1969, qualified persons may be appointed to conduct hearings thereunder without meeting the requirements for hearing examiners appointed under 5 U.S.C. 3105, but such appointments shall terminate not later than December 31, 1973: *Provided further*, That no person shall hold a hearing in any case with which he has been concerned previously in the administration of such title.

LIMITATION ON SALARIES AND EXPENSES

For necessary expenses, not more than $1,256,498,000 may be expended as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That such amounts as are required shall be available to pay the cost of necessary travel incident to medical examinations, reconsideration interviews or hearings for verifying disabilities or for review of disability determinations, of individuals who file applications for disability determinations under title II of the Social Security Act, as amended: *Provided further*, That $25,000,000 of the foregoing amount shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), only to the extent necessary to process workloads not anticipated in the budget estimates and to meet mandatory increases in costs of agencies or organizations with which agreements have been made to participate in the administration of title XVIII and section 221 of title II of the Social Security Act, and after maximum absorption of such costs within the remainder of the existing limitation has been achieved: *Provided further*, That such amounts as may be agreed upon by the Department of Health, Education, and Welfare and the United States Postal Service shall be used for payment, in such manner as said organizations may jointly determine, of postage for the transmission of official mail matter in connection with the administration of the social security program by States participating in the program.

LIMITATION ON CONSTRUCTION

For construction, alterations, and equipment of facilities, including acquisition of sites, and planning, architectural, and engineering services, and for provision of necessary off-site parking facilities during construction, $1,000,000, to be expended as authorized by section 201(g)(1) of the Social Security Act, as amended, from any one or all of the trust funds referred to therein, and to remain available until expended.

Special Institutions

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101–105), $1,696,500.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For carrying out the National Technical Institute for the Deaf Act (20 U.S.C. 681, et seq.), $4,694,000.

MODEL SECONDARY SCHOOL FOR THE DEAF

For carrying out the Model Secondary School for the Deaf Act (80 Stat. 1027), $4,625,000, of which $1,000,000 shall be for construction and shall remain available until expended.

GALLAUDET COLLEGE

For the partial support of Gallaudet College, including repairs and improvements as authorized by the Act of June 18, 1954 (68 Stat. 265), $15,082,000, of which $5,460,000 shall be for construction and shall remain available until expended: *Provided*, That if so requested by the college, such construction shall be supervised by the General Services Administration.

HOWARD UNIVERSITY

For the partial support of Howard University, $58,881,000, including $8,408,000 to remain available until expended for planning and site development of buildings and facilities: *Provided*, That if requested by the University, such planning, site development, and construction of buildings and facilities shall be supervised by the General Services Administration.

Office of the Secretary

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $13,587,000, together with not to exceed $1,180,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

DEPARTMENTAL MANAGEMENT

For expenses, not otherwise provided, necessary for departmental management, $56,893,000, together with not to exceed $6,846,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein; and not to exceed $29,000 to be transferred from "Revolving fund for certification and other services," Food and Drug Administration: *Provided*, That the period of availability of funds under this title for the Commission on Medical Malpractice shall be extended from June 30, 1972, to June 30, 1973.

General Provisions

SEC. 201. None of the funds appropriated by this title to the Social and Rehabilitation Service for grants-in-aid of State agencies to cover, in whole or in part, the cost of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any States which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees.

SEC. 202. The Secretary is authorized to make such transfers of motor vehicles, between bureaus and officers, without transfer of funds, as may be required in carrying out the operation of the Department.

SEC. 203. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of a research project an amount equal to as much as the entire cost of such project.

SEC. 204. None of the funds contained in this Act shall be used for any activity the purpose of which is to require any recipient of any project grant for research, training, or demonstration made by any officer or employee of the Department of Health, Education, and Welfare to pay to the United States any portion of any interest or other income earned on payments of such grant made before July 1, 1964; nor shall any of the funds contained in this Act be used for any activity the purpose of which is to require payment to the United States of any portion of any interest or other income earned on payments made before July 1, 1964, to the American Printing House for the blind.

SEC. 205. Expenditures from funds appropriated under this title to the American Printing House for the Blind, Howard University, the National Technical Institute for the Deaf, the Model Secondary School for the Deaf and Gallaudet College shall be awarded to these institutions in the form of lump-sum grants and expenditures made therefrom shall be subject to audit by the Secretary of Health, Education, and Welfare.

SEC. 206. None of the funds contained in this title shall be available for additional permanent Federal positions in the Washington area if the proportion of additional positions in the Washington area in relation to the total new positions is allowed to exceed the proportion existing at the close of fiscal year 1966.

SEC. 207. Appropriations in this Act for the Health Services and Mental Health Administration, the National Institutes of Health, and Office of the Secretary shall be available for expenses for active commissioned officers in the Public Health Service Reserve Corps and for not to exceed two thousand eight hundred commissioned officers in the Regular Corps; expenses incident to the dissemination of health information in foreign countries through exhibits and other appropriate means; advances of funds for compensation, travel, and subsistence expenses (or per diem in lieu thereof) for persons coming from abroad to participate in health or scientific activities of the Department pursuant to law; expenses of primary and secondary schooling of dependents in foreign countries, of Public Health Service commissioned officers stationed in foreign countries, at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools available in the locality are unable to provide adequately for the education of such dependents, and for the transportation of such dependents between such schools and their places of residence when the schools are not accessible to such dependents by regular means of transportation; rental or lease of living quarters (for periods not exceeding five years), and provision of heat, fuel, and light, and maintenance, improvement, and repair of such quarters, and advance payments therefor, for civilian officers and employees of the Public Health Service who are United States citizens and who have a permanent station in a foreign country; not to exceed $2,500 for entertainment of visiting scientists when specifically approved by the Surgeon General; purchase, erection, and maintenance of temporary or portable structures; and for the payment of compensation to consultants or individual scientists appointed for limited periods of time pursuant to section 207(f) or section 207(g) of the Public Health Service Act, at rates established by the Surgeon General, or the Secretary where such action is required by statute, not to exceed the per diem rate equivalent to the rate for GS–18.

SEC. 208. No part of the funds contained in this title may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to force on account of race, creed, or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

SEC. 209. No part of the funds contained in this title shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

This title may be cited as the "Department of Health, Education, and Welfare Appropriation Act, 1973".

TITLE III—RELATED AGENCIES

Cabinet Committee on Opportunities for Spanish-Speaking People

SALARIES AND EXPENSES

For expenses necessary for the Cabinet Committee on Opportunities for Spanish-Speaking People, and the Advisory Council on Spanish-Speaking Americans, $1,000,000.

Commission on Railroad Retirement

SALARIES AND EXPENSES

For necessary expenses of the Commission on Railroad Retirement, established by the Act of August 12, 1970 (Public Law 91–337), $101,000: *Provided*, That the unobligated balance of the appropriation granted under this heading for the fiscal year 1972 shall remain available during the current fiscal year.

Fedreal Mediation and Conciliation Service

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor-Management Relations Act, 1947 (29 U.S.C. 171–180, 182), including expenses of the Labor-Management Panel and boards of inquiry appointed by the President; hire of passenger motor vehicles; not to exceed $500 for official reception and representation expenses; and rental of conference rooms in the District of Columbia; $10,650,000.

National Commission on Libraries and Information Science

SALARIES AND EXPENSES

For necessary expenses of the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345) $406,000.

National Commission on Marihuana and Drug Abuse

SALARIES AND EXPENSES

For necessary expenses of the National Commission on Marihuana and Drug Abuse, authorized by section 601 of the Act of October 27, 1970 (Public Law 91–513), as amended by the Act of May 24, 1971 (Public Law 92–13), $1,440,000 to remain available until expended.

National Labor Relations Board

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $50,456,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes.

National Mediation Board

SALARIES AND EXPENSES

For expenses necessary for carrying out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $2,888,000.

Occupational Safety and Health Review Commission

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, $5,979,000.

Railroad Retirement Board

PAYMENT FOR MILITARY SERVICE CREDITS

For payments to the railroad retirement account for military service credits under the Railroad Retirement Act, as amended (45 U.S.C. 228c–1), $21,645,000.

LIMITATION ON SALARIES AND EXPENSES

For expenses necessary for the Railroad Retirement Board, $19,822,000 to be derived from the railroad retirement accounts.

United States Soldiers' Home

OPERATION AND MAINTENANCE

For maintenance and operation of the United States Soldiers' Home, to be paid from the Soldiers' Home permanent fund, $12,591,000: *Provided*, That this appropriation shall not be available for the payment of hospitalization of members of the Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army, upon recommendations of the Board of Commissioners of the Home and the Surgeon General of the Army.

CAPITAL OUTLAY

For construction of buildings and facilities, including plans and specifications, and furnishings, to be paid for the Soldiers' Home permanent fund, $2,114,000, to remain available until expended.

Corporation for Public Broadcasting

PAYMENT TO THE CORPORATION FOR PUBLIC BROADCASTING

To enable the Department of Health, Education, and Welfare to make payment to the Corporation for Public Broadcasting, as authorized by section 396(k)(1) of the Communications Act of 1934, as amended, for expenses of the Corporation, $40,000,000, to remain available until expended: *Provided*, That, in addition, there is appropriated in accordance with the authorization contained in section 396(k)(2) of such Act, to remain available until expended, amounts equal to the amount of total grants, donations, bequests or other contributions (including money and the fair market value of any property) from non-Federal sources received by the Corporation during the current fiscal year, but not to exceed a total of $5,000,000.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Appropriations contained in this Act, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18.

SEC. 402. Appropriations contained in this Act available for salaries and expenses shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 403. Appropriations contained in this Act available for salaries and expenses shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

SEC. 404. The Secretary of Labor and the Secretary of Health, Education, and Welfare are each authorized to make available not to exceed $7,500 from funds available for salaries and expenses under titles I and II, respectively, for official reception and representation expenses.

SEC. 405. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 406. No part of any appropriation contained in this Act shall be used to finance any Civil Service Interagency Board of Examiners.

SEC. 407. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

SEC. 408. The Secretary of Labor and Secretary of Health, Education, and Welfare are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 409. Notwithstanding any other provision of law, the President is authorized to withhold from obligation and expenditure from the amounts contained in this Act, such sums as he may deem necessary; however, the amounts withheld shall not cause the total available for obligation to be less than $29,603,448,500 in the aggregate for the appropriations made herein: *Provided*, That no amount specified in any appropriation provision contained in this Act or any activity within such appropriation may be reduced by more than 10 per centum: *Provided further*, That the amount available for obligation for any appropriation provision determined pursuant to this section shall be substituted for the amount of such appropriation provision contained in this Act and for the application of any formula for the distribution of funds.

This Act may be cited as the "Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1973".

The PRESIDING OFFICER (Mr. KENNEDY). Debate on this measure is limited——

Mr. MANSFIELD. Mr. President——

Mr. MONTOYA. Mr. President, let me take this opportunity to congratulate all the members of the Finance Committee on the completion of this monumental legislative task. While the Senate has already spent many hours on this legislation, our job is not yet complete.

As the Members of the Senate are well aware, there are differences between the House and Senate versions. I particularly want to address myself to the treatment accorded members of the chiropractic profession under the House version.

Under the House-passed bill, the Secretary of HEW is directed to conduct further study concerning the inclusion of chiropractic services under medicare.

The Senate, realizing that further study was not necessary, wisely included chiropractic services that comply with HEW standards under medicare.

This inclusion of chiropractic services is essential if we are to maintain freedom of choice in the area of health care for all Americans. The right of a patient to choose his or her health care method is a cherished one, and must be retained. To exclude chiropractic services from a growing Government health program such as medicare is to deprive millions of Americans of their right to select the health care they prefer.

The crisis of health care in America requires that all branches of the health profession join in the common effort. To exclude chiropractic practitioners from this battle is to cripple our efforts on this front. We have a duty to assure adequate health care for all our citizens, and we cannot meet this responsibility if we continue to exclude recognized health care professionals from participation in federally assisted health programs.

If we continue to refuse to include certain classes of health care professionals, we will continue to fail our citizens, especially the elderly whose fixed incomes often preclude their receiving adequate health care without assistance. The availability of other avenues of care is not enough when we fully consider the important role that confidence and familiarity play in successful health treatment.

It is because I believe in the right of free choice, and I know that Senators share this belief, that I strongly urge the Senate conferees to continue firm in their support of this section of H.R. 1. The will of the Senate on this matter is clear, and meets a critical need for America's elderly. As this matter goes to conference, I again urge that the inclusion provision of the Senate bill be retained.

Mr. HARRIS. Mr. President, as a member of the Senate Finance Committee, I have long been of the opinion—as I have stated publicly several times—that it is totally impossible to get real welfare reform during this session of the Congress. The Senate Finance Committee has adopted a "Workfare" program which discriminates against poor people who are out of jobs and those who cannot work. It would, in virtually every aspect, make worse the present failures in the welfare system.

H.R. 1—the welfare bill adopted by the House of Representatives and generally supported by the Nixon administration—is a punitive and regressive measure. It is not welfare reform.

No welfare bill can measure up to the need for reform unless, among other things, it guarantees the rights of present recipients, provides for decent pay and jobs and sets an adequate standard of income. Everybody agrees that the present system traps people in poverty, that people need an adequate income if they are to have some chance to escape poverty—to be able to afford decent education, health, housing, and job opportunity.

Yet, most of the proposals—even the so-called liberal compromises—do not meet these standards.

Further, it is clear that, even if the Senate were to pass at this late date an acceptable welfare reform bill, there is almost no hope that the measure would come back from conference in an acceptable form.

I disagree with some well-intentioned organizations and Senators who believe that any bill that recognizes the rights of the "working poor" is better than nothing. I believe that any measure that compromises on basic principles will actually put off the day when we might have real welfare reform—a guaranteed income at a decent level for those who cannot find work or who are unable to work. Furthermore, I vigorously oppose any legislation that would make worse the already wretched lives of present recipients.

Consequently, I strongly feel that any present compromise on principle will not hasten the day of welfare reform—but will delay that just achievement. I believe the best we can do in this session of Congress is to act to protect the rights of those already receiving assistance and to give fiscal relief to the States. We must, then, continue to work for such education of the public and the Congress as will allow real welfare reform—not make the present welfare system worse.

Therefore, in line with my long-announced position on this matter, I intend to vote for the motion to table the Ribicoff amendment.

NEED FOR PASS-ALONG

Mr. WILLIAMS. Mr. President, for the vast majority of older Americans the 20-percent social security increase will bring long overdue and welcome relief.

It will remove almost 2 million persons from poverty, including 1.4 million aged 65 or older.

In terms of dollars and cents, the new law will boost monthly social security benefits:

From $133 to $161 for the average retired worker;

From $223 to $270 for the typical retired couple; and

From $114 to $137 for the average widow.

However, for some older Americans—particularly those who also receive old-age assistance—this raise may be neutralized because their walfare payments will be cut back by the amount of the 20-percent increase.

Others may actually be worse off because the new raise will make them ineligible for medicaid.

The Senate has taken action to assure that no one will be penalized because of the 20-percent increase.

The Senate has approved an amendment to pass along the 20-percent raise for persons who receive social security and old-age assistance. The effect of this measure is to assure a net increase in the limited incomes for the elderly poor.

Moreover, the Finance Committee has included a provision in H.R. 1 to protect the aged, blind, and disabled against loss of medicaid coverage because of the 20-percent increase. A similar provision has been incorporated in legislation recently reported out by the House Ways and Means Committee.

Both these provisions, in my judgment, are urgently needed now.

A recent article in the New York Times makes a compelling case for prompt action on these matters.

Mr. President, I comment this article—entitled "Social Security Rise Becomes a Nightmare for Many Elderly"—to my colleagues and ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOCIAL SECURITY RISE BECOMES A NIGHTMARE FOR MANY ELDERLY

(By David K. Shipler)

Like millions of other aged Americans, Marie Nashif of Denver will receive a 20 per cent increase in her Social Security check this month. But unlike most, she will not welcome the extra cash.

Mrs. Nashif is among the 187,000 or so elderly for whom Congressional election-year generosity has become a nightmare. The Social Security rise, voted by Congress June 30, has pushed her income just high enough to make her ineligible for the welfare and Medicaid benefits that she needs so desperately.

Mrs. Nashif, a small, alert, 74-year-old woman, suffers badly from arthritis. Until now, her heavy medical bills have been paid fully by Medicaid. But when her monthly Social Security check rises from $138.40 to $166.10, it will surpass the $147 figure that Colorado uses to divide those who are eligible from those who are not.

In exchange for her $27.70 additional from Social Security, Mrs. Nashif will have to pay $5.80 a month in medical insurance premiums, 20 per cent of all doctors, bills, the first $68 a year in hospital expenses, $17 a day after 60 days in the hospital, and the total amount of prescription drugs.

Further, she will lose $7 a month in welfare payments, she will probably become ineligible for food stamps, and her rent will rise, since she lives in Federally subsidized housing where rents are tied to income.

"When I take all this into consideration," she said, "I'll be a darn sight worse off than I am now."

Congressional action could eliminate such hardships, and several bills addressed to the problem are now pending. Last Friday, the Senate voted a solution for welfare recipients by passing a measure that would force states to raise the eligible income limits for welfare by the same dollar amount as the Social Security increases. Prospects for the bill in the House are uncertain.

Even if the bill becomes law, it will not help people who now collect Medicaid and are not welfare recipients, and there are thousands of those in New York City alone who risk losing their medical benefits. The bill addresses itself only to welfare recipients.

ACTION BY STATES

Some states have already taken action on their own. Gov. William T. Cahill of New Jersey has ordered Medicaid benefits continued for 4,000 elderly who would otherwise become ineligible.

Delaware has allocated $1-million to raise the eligibility income maximums. Gov. Winfield Dunn of Tennessee has changed administrative regulations to keep 7,500 people on the welfare rolls, Nebraska, Missouri, Iowa, Florida and Wyoming are among the states that have increased the income levels that determine eligibility.

No action has been taken in New York. The state's Department of Social Services contends that it has no power to make the necessary changes without approval from the Legislature, whose regular session begins in January.

New York City has already sent letters informing 6,000 elderly people that their welfare benefits will be halted. This means that they will have to begin paying 20 per cent of their medical expenses.

In addition, many aged New Yorkers who are not on welfare and are not addressed by the Senate bill will be hurt by the Social Security increases.

The city's Office For the Aging estimated that 14,696 persons who now receive 80 per cent of their medical expenses from Medicaid will be cut off altogether. In addition, 22,434 who are not on welfare but are fully covered by Medicaid will have until they have spent all their income above the welfare maximum on medical bills. At that point Medicaid will pick up the full burden again. This totals about 43,000 elderly affected adversely in New York City alone.

The figures elsewhere are smaller, ranging from about 10,000 in California to 400 in Vermont. The United States Department of Health, Education and Welfare calculates that nationwide, 187,000 people will become ineligible for welfare and 93,000 will lose Medicaid.

Even many who do not lose will not gain from the Social Security increase, since some states apply Social Security income against welfare payments. As Social Security rises, welfare decreases; the beneficiary is not the individual, but the state.

"I'm all for the increase," said John Maros, administrator of the Wyoming Division of Public Assistance. "The more Social Security they get the less public assistance is needed." The State of Washington estimates that it will save $2.3-million in welfare payments by next June 30.

"The average pensioner in Alabama won't gain a dime as a result of the increase," said Ruben K. King, Alabama director of pensions and security.

BAN UNDER SENATE BILL

"This is a form of psychological deceit practiced upon senior citizens," said C. Christophor Brown, head of the law reform unit of the Baltimore Legal Aid Bureau. "The government is giving with one hand and taking away with the other."

This cannot happen if the bill passed by the Senate is approved by the House and signed by President Nixon; Under the measure states would be prohibited from reducing welfare payments in response to the Social Security increase.

The bill would also cost the states additional money by requiring them to raise the income limits for eligibility, not merely for those welfare recipients who are on Social Security, but for all disabled, aged and blind. In New York, many in the disabled category are narcotics addicts.

In most states, elderly people on Social Security receive only small amounts of money from welfare, and their removal from the rolls is less of a hardship in terms of direct welfare payments than it is in terms of the services that are corollaries to a welfare status.

In many states, for example, Medicaid—whose cost is shared by the Federal and state governments—is available only to those whose incomes are low enough to qualify them for welfare, even though the Federal guidelines allow Medicaid benefits for those with incomes up to 133 per cent of the welfare maximum.

Other benefits, such as food stamps, legal help and homemaking services, are also often tied directly to welfare.

BRONX WOMAN HIT

Mrs. Elesabeth Miles of 1365 Finley Avenue, the Bronx, for example, faces the loss of a valuable homemaker because the Social Security rise will make he ineligible for welfare. She is 62.

"The letter came last Wednesday," she said, "and now I have nothing. I have been a widow for 29 years and am completely blind in the right eye and partially blind in the left eye. My son is unable to take care of me because he has eight children of his own."

Her monthly Social Security check, to rise from $133.10 to $159.70, will have to cover her $70.40 a month rent, as well as her food and other expenses.

"They say that they are giving me a 20 per cent increase, but they been taking everything back and all I get is nothing," Mrs. Miles said. "We worked hard to take care of ourselves and they just don't care if we live or die."

In a small, sad room on West 86th Street, Joseph Wolfson, 80, a frail, asthmatic man spoke with fear. "Most of the time I am in the hospital because of asthma," he said. "I feel all right now, but who knows what can happen next week? I just can't live with that little amount of money and no medicaid."

Eva Estelle Jackson, 70, lives alone in Montgomery, Ala., and has suffered from tuberculosis and ulcers. She now receives $132 a month in Social Security and $24 in welfare, but she has been told that the Social Security increase will raise her a few dollars above the welfare maximum she will therefore lose Medicaid, which paid several thousand dollars for three weeks she spent in hospitals last year.

"It's gonna hit me hard," Miss Jackson said. "If they'd just left me with a pension of $1 or $2, and Medicaid, I'd have been a lot better off. If I had some illness, I just don't know what I'd do. I'd just be in bad shape, because I've got nobody to fall back on."

Miss Jackson discovered that she will also have to pay a $2-a-month garbage collection fee to the City of Montgomery. Only those on welfare are exempted from the fee.

Another Montgomery resident, Emily Shepherd, 75, is now in the hospital, being treated for emphysema. When her $137-a-month Social Security check rises to $164, she will lose $66 in welfare from the state, ending up with $39 less a month than now, and no Medicaid.

At that point, her choices will be "either to go into a convalescent home or just go back to my apartment and die," she says. "It's the most ridiculous thing I ever heard of. They should have had a little forethought. They're just a bunch of meatheads in Congress."

In Las Vegas, the Social Security check of Henrietta G. Oberg, 78, will rise from $153 to $183 a month, but her $23 welfare payment will be eliminated as a result, leaving her $7 ahead, but without Medicaid. She is being treated for cancer. "What am I going to do?" she asked.

In Cedar Rapids, Iowa, Mary Wright also lost Medicaid. "It will take it all away from me," she said of the Social Security increase. "I can't afford it. I'm having it all canceled. I got to pay my rent, clothes, and feed myself. There's nobody else to do it for me. You can't get any glasses, can't get any teeth—anything you need you can't get."

The difficulties have also affected some younger people. Lennell Frison, 40, a father of 10 in Portland, Ore., is a former foundry worker whose arthritis put him out of a job two years ago. He and his wife, who has diabetes, were told recently that the Social Security rise would mean the end of welfare and the end of medical payments.

"Without that aid to the doctor, man, I don't know how we're going to make it." His wife, he says, works sometimes as a janitor at night, making about $100 a week. They had planned to try to buy the sixroom house they now rent, he said, "But we're probably gonna lose it."

Mr. Frison has considered sending his 17-year-old son to work, but he is torn by powerful doubts. "I hate to take my oldest boy out of school, because then he'd be where I am. I think I'd go back to work and punish myself instead. I can't stand up too long. My legs won't hold me. But it gets you. A man ain't nothing if he can't feed his children."

In Hazelwood, Mo., a suburb of St. Louis, Mr. and Mrs. Russell French face similar difficulties. Mr. French suffers from heart disease and diabetes, she from arthritis and rickets. Two of their children, Charles, 15, and Lorraine, 12, have rickets, and a third, Russell, is diabetic.

"It's the Medicaid that counts," said Mrs. French. "I figure it would cost us $100 a month just to keep my husband supplied with medicine." Neither she nor her husband can work; their Social Security comes to about $400 a month.

The family's physician, who asked not to be identified, confirmed that the French family needed constant medical attention. "Of all my families this is the one that is probably the most in need," he said.

When Mrs. French was 10 years old and living in Corning, Ark., she recalled, her mother died because she could not get medical help. "If anyone thinks things have changed, they haven't," she said, "because the same thing probably will happen to us."

The PRESIDING OFFICER. The Senate will be in order. The Senate is still not in order. Senators are requested to take their seats.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time on H.R. 1 be extended for 10 minutes so that the distinguished Senator from Delaware can withdraw his substitute and the distinguished Senator from Alaska may be recognized for not to exceed 10 minutes, with the time equally divided between the manager of the bill and the author of the amendment, and that at the conclusion of the 10 minutes, the Senate proceed to the consideration of the HEW appropriations bill under the previously agreed to order.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HUMPHREY. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUMPHREY. Mr. President, are we on controlled time on the HEW appropriations bill?

The PRESIDING OFFICER. The HEW appropriations bill is to be considered under controlled time.

Mr. HUMPHREY. Mr. President, what is the time situation on the HEW appropriations bill?

The PRESIDING OFFICER. The time on the HEW appropriations bill is 3 hours on the bill, 1 hour on any amendment in the first degree, and 30 minutes on other amendments.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 2895. An act to provide for the conveyance of certain real property in the District of Columbia to the National Firefighting Museum and Center for Fire Prevention, Incorporated; and

H.R. 10857. An act to authorize the Secretary of Agriculture to exchange certain national forest lands within the Carson and Santa Fe National Forests in the State of New Mexico for certain private lands within the Piedra Lumber Grant, in the State of New Mexico, and for other purposes.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. GAMBRELL).

SOCIAL SECURITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (H.R. 1) to amend the Social Security Act, to make improvements in the medicare and medicaid programs, to replace the existing Federal-State public assistance programs, and for other purposes.

Mr. ROTH. Mr. President, I intend to withdraw my amendment at this time. It is obvious that the Senate is not yet ready to vote upon it. In withdrawing it, I intend to withdraw it under a parliamentary situation where I can be sure that we get a vote.

Mr. President, I withdraw my amendment No. 1668.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. STEVENS. Mr. President, I call up the Metcalf amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to state the amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 935, between lines 8 and 9, insert the following new sections:

LIMITATION ON FISCAL LIABILITY OF STATES FOR OPTIONAL STATE SUPPLEMENTATION

Sec. 513. (a) (1) In any case where supplementary payments are made during any fiscal year with respect to Indians (within the meaning of section 1101(a) (9) of the Social Security Act) pursuant to a State's agreement under section 1616 of the Social Security Act (as in effect after December 31, 1973), the Secretary of Health, Education, and Welfare (subject to paragraph (2) of this subsection) shall—

(A) reduce the amount otherwise payable to him by the State for such fiscal year as provided in section 616(d) of such Act by an amount equal to the total of the supplementary payments so made with respect to all such persons (if and to the extent that such agreement provides that the Secretary will make the supplementary payments involved on behalf of the State (or political subdivision thereof)), or

(B) pay to the State (or political subdivision) which made the supplementary payments involved an amount equal to the total of such payments (if and to the extent that such agreements do not so provide).

(2) Paragraph (1) of this subsection shall apply with respect to the supplementary payments made during any fiscal year with respect to Indians (within the meaning of section 1101(a) (9) (i) of such Act) pursuant to any State's agreement or agreements only to the extent that—

(A) the total of such payments, when added to the total of the benefits payable for such fiscal year to those persons under title XVI of the Social Security Act, does not exceed

(B) the total expenditures made during the fiscal year ending June 30, 1973, for aid or assistance with respect to Indians (within the meaning of section 1101(a) (9) of such Act) under the plans of such State approved under titles I. X, XIV, XV, and XVI of such Act in such fiscal year (excluding expenditures authorized under section 1119 of such Act).

(b) (1) In the case of any State which has an approved plan, under part A of title IV of the Social Security Act, which provides for the furnishing of aid in accordance with a standard of need higher than that which would be required to furnish aid to families of various sizes in accordance with the dollar amounts referred to in clauses (1) through (4) of section 404(a) of such Act, there shall be paid to such State for each calendar quarter (commencing with the quarter ending March 31, 1973) an amount equal to 100 per centum of the difference between the cost incurred by such State in providing, to Indians (as defined in section 1101(a) of such Act), such aid for such quarter in accordance with such higher standard over the cost which would have been incurred in providing such aid for such quarter to such Indians in accordance with the standard which would be required to furnish aid to them in accordance with the dollar amounts referred to in clauses (1) through (4) of such section 404(a).

(2) Amounts payable to any State under this subsection shall be payable in like manner as were payments to which States were entitled under section 403 of the Social Security Act, as such section was in effect prior to January 1, 1973.

(3) There are hereby authorized to be appropriated such sums as may be necessary to make the payments authorized by this subsection.

ADDITIONAL FEDERAL PAYMENTS UNDER PUBLIC ASSISTANCE PROGRAMS ON ACCOUNT OF EXPENDITURES FOR AID OR ASSISTANCE TO INDIANS

Sec. 514. (a) (1) Section 9 of the Act of April 19, 1950 (64 Stat. 47; 25 U.S.C. 639), is amended to read as follows:

"Sec. 9. The Secretary of the Treasury shall pay to each State which has a plan approved under title I, X, XIV, XV, XVI, (or, after December 31, 1973, title VI) or XIX, of the Social Security Act, for each quarter, an amount equal to the excess of—

"(1) the total expenditures made during such quarter under such State plan as aid or assistance with respect to Indians (within the meaning of section 1101(a) (9) of such Act) (including amounts expended by reason of section 1119 of such Act, to the extent applicable, but not counting so much of any such expenditure as exceeds the limitations prescribed for purposes of determining the Federal share of such aid or assistance under the applicable provisions of such title or part), over

"(2) the amounts otherwise payable to such State under section 3, (or, effective for quarters beginning after the quarter ending December 31, 1973, section 603), 1003, 1403, 1505, 1603, or 1903 of such Act (including amounts determined under section 1119 of such Act, to the extent applicable) as the Federal share of aid or assistance under such plan with respect to such Indians."

(2) The amendment made by subsection (a) shall be effective with respect to calendar quarters beginning after the date of the enactment of this Act.

(b) Section 1101(a) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(9) The term 'Indian' means any individual who (a) is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (B) is considered by the Secretary of the Interior to be an Indian for any purpose or (C) is an Eskimo or Aleut or other Alaska Native, or (D) is determined to be an Indian under regulations promulgated by the Secretary after consultation with the Secretary of the Interior."

The PRESIDING OFFICER. The Senator from Alaska is recognized for 15 minutes, and the Senator from Louisiana is recognized for 15 minutes.

Mr. STEVENS. Mr. President, today I am offering an amendment for the distinguished Senator from Montana (Mr. Metcalf), which is cosponsored by myself, the distinguished Senator from North Dakota (Mr. Burdick), the distinguished Senators from Arizona (Mr. Goldwater and Mr. Fannin), the distinguished Senator from Alaska (Mr. Gravel), the distinguished Senator from Montana (Mr. Mansfield), the distinguished Senator from Kansas (Mr. Dole), the distinguishetd Senator from South Dakota (Mr. McGovern), the distinguished Senator from Minnesota (Mr. Mondale), the distinguished Senator from Utah (Mr. Moss), the distinguished Senator from West Virginia (Mr. Randolph), the distinguished Senator from New Jersey (Mr. Williams), and the distinguished Senator from New Mexico (Mr. Montoya).

Mr. President, the historical position of the Government of the United States is that it has a unique and undeniable responsibility to one segment of our society—the American Indians. We have taken much from these people, so much, in fact, that as a group the American Indians rank lowest on our economic scale—lower than the black and lower than the Spanish-speaking Americans.

Of the two Houses of Congress, the Senate, in particular, has most often accepted the Federal Government's duty to the Indians. In 1935 when the first Social Security Act was passed, there was a provision in the Senate bill that the Federal Government assume the full cost of providing pensions for Indians. On numerous occasions since 1935 the Senate has reaffirmed this position.

The Federal Government has seen fit in the past to resettle and relocate Indian tribes from reservation to reservation and from State to State. Having made that decision, the Government has then placed on the individual States most of the burden of providing these people the economic assistance they require to achieve a minimal standard of living.

The amendment I am proposing today to H.R. 1 would relieve the States and place the financial responsibility for assistance to the American Indians where it belongs—on the Federal Government.

At present two States, New Mexico and Arizona, receive substantial Federal support for welfare assistance programs for the Navajo and Hopi Tribes residing in those States. Public Law 474 was enacted during the 81st Congress primarily because the welfare agencies of these two States refused to accept responsibility for the Indian population residing within their borders. This amendment being offered today would extend to all States the relief now enjoyed by two.

This bill does not merely extend the provisions of Public Law 474, however. In fact, enactment of this measure would effect the repeal of that law. This bill, authored by Mr. Metcalf, would provide 100-percent Federal reimbursement for the costs of all welfare assistance programs, including medicaid, to American Indians, Aleuts, and Eskimos. It may be asked if the States should not assume some of the financial responsibility for these people—I contend that they will even with the enactment of this bill, as much of the land on which the Indians live is held in trust and thus not subject to State or local taxation. Additionally, because of the low economic status of the majority of our Indians, income tax revenues from this group are at a minimum. Thus, the States will still be sharing the financial burden with the Federal Government, but the costs will be more equitably shared than it is at present.

In 1970 when Senator Metcalf introduced a similar piece of legislation, he was questioned closely by the distinguished Senator from Connecticut (Mr. Ribicoff) as to the cost of this program to the Federal Government. No exact figures were available then and today I cannot give you an exact figure either. The reason for this is that the States do not keep a separate accounting of assistance programs to Indians. Very little information is available on this from either the Department of the Interior or the Department of Health, Education, and Welfare. However, the following figures will give some idea of the scope of the commitment which the Federal Government would assume.

In 1970 it was estimated that State and county welfare agencies assisted twice as many Indians as were assisted by the Bureau of Indian Affairs. The BIA caseload for 1968 was 53,770. In 1969, BIA expenditures for welfare payments to Indians totaled $9,179,000. Assuming that the States spend twice as much as the Bureau of Indian Affairs, we are talking of a commitment in the range of $30 million annually.

Because of the increased responsiveness of the Congress in recent years to the plight of Indians, I would foresee this figure declining in coming years in contrast with the rapidly spiraling costs of welfare payments taken as a whole. In my own State of Alaska, for example, the lot of the Natives will be greatly enhanced in coming years thanks to the passage of the Alaska Native Land Claims Settlement Act. Many other Indian groups are also beginning to develop business and industries which will allow them to become economically independent and to regain their pride and stature. In Alaska we do foresee a better day, but it is not here yet. And until that day comes for my State and for all other States, I urge the Federal Government to quit paying lip service to responsibility toward our aboriginal people and to put words into deeds by passage of Senator METCALF's amendment to H.R. 1.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. STEVENS. I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, does the Senator have the name of the distinguished Senator from Arizona (Mr. FANNIN) and my name listed as cosponsors?

Mr. STEVENS. The Senator is correct.

Mr. MANSFIELD. Mr. President, I thank the Senator.

Mr. LONG. Mr. President, with the endorsement of those prominent cosponsors, I have no doubt that the amendment will be agreed to. I think that has been somewhat evident.

Along with the Senator from Utah (Mr. BENNETT), I think we can agree with the amendment.

Mr. BENNETT. The Senator is correct.

Mr. MONDALE. Mr. President, I would like to indicate that I am a cosponsor of the amendment to H.R. 1 submitted by my colleague from Montana, Senator METCALF, who could not be here today. The amendment provides for Federal reimbursement for State expenditures on public assistance programs for Indians.

There is a precedent for this type of reimbursement. Under legislation passed in 1949, State welfare departments receive reimbursement for 80 percent of their share of the cost of old-age assistance, aid to dependent children, and aid to the blind in the Hopi and Navajo Indian tribes. In addition, the Senate agreed in 1970 to the 100-percent reimbursement, but the amendment was lost in conference.

Senator METCALF has proposed similar amendments to the Senate in the past and I have cosponsored them because I firmly believe that the problems of the Indians in this country are a national, rather than a State, responsibility.

To a large extent as a result of Federal policies, Indians have been forced to live in economically deprived jurisdictions which cannot meet welfare and other costs out of their local taxes. This is true in my own State of Minnesota, where 7,000 persons, or 40 percent of the Indian population is on public assistance. They are on public assistance because in many cases they are trapped in an environment completely lacking in economic opportunity.

Since our national policies have contributed so heavily to this economic segregation, I believe that the Federal Government has an obligation to eradicate the effects of the segregation. An estimated $6.5 million was spent on public assistance for Indians for Minnesota in 1970. About $3.5 million of that came from the State. Under my amendment the State would be reimbursed for that sum. In Beltrami County, in northern Minnesota—where Indians make up about one-quarter or one-fifth of the welfare case load—the savings from this measure would come to approximately $110,000. This figure includes $60,000 contributed from local funds to this year's welfare budget, as well as a $50,000 special contribution from the State approved by the legislature in recognition of this special financial burden placed on the county by the presence of the Red Lake Indian reservation.

I would like to note that this idea was endorsed by the National Governor's Conference this year. In that group's list of policy positions, it is stated:

> The federal government should administer the Social Security Act programs on the federal Indian reservations, or if the States are to discharge this function, the federal government should first grant adequate jurisdictional authority to the States thereby enabling them to properly discharge this function.

One final point that I would like to make is that this amendment is consistent with what has become one of the basic principles of welfare reform—that welfare is a national problem which, with a highly mobile population, transcends legal boundaries; and should be treated as such.

Mr. LONG. Mr. President, I yield back the remainder of my time.

Mr. STEVENS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Alaska (Mr. STEVENS) (putting the question).

The amendment was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COOK. Mr. President, I move to lay that motion on the table.

The motion was agreed to.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1973

The Senate continued with the consideration of the bill (H.R. 16654) making appropriations for the Departments of Labor, Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Washington yield me 2 minutes?

Mr. MAGNUSON. Mr. President, I yield 2 minutes to the Senator from West Virginia.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination at the desk which was reported earlier today by the committee, in which the distinguished Senator from Kentucky (Mr. COOK) is interested.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. CIRCUIT JUDGE

The legislative clerk read the nomination of Frederick Pierce Lively, of Kentucky, to be a U.S. circuit judge for the sixth circuit.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. COOK. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1973

The Senate continued with the consideration of the bill (H.R. 16654) making appropriations for the Departments of Labor, Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes.

Mr. COTTON. Mr. President, will the Senator yield me one-half minute?

Mr. MAGNUSON. Mr. President, I yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I ask unanimous consent that my legislative assistant, Warren Kane, be allowed to remain with me during the consideration of the bill, including the votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the committee amendment in the nature of a substitute be agreed to and that the bill as thus amended be considered as original text for purpose of further amendments and that no points of order be considered as waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, as usual, we are here late in the year with another HEW appropriations bill. It has been vetoed twice in the past 3 years. The Department of Education, which is part of the bill, was vetoed, too, but that veto was overridden by both the Senate and the House.

We now have to go back again to consider what we should do in view of the President's veto of the original bill. The original bill was somewhat over the budget. And as a matter of record, the House has taken up the bill after the veto and has now sent us a bill which substantially reduced the amount that was over the budget in the bill which the President vetoed.

We have before us today a compromise bill on appropriations for the health, education, and welfare of the American people. In all candor, I cannot tell the Senate that I am pleased with this bill. It is millions of dollars under what I consider the bare minimum for crucial health and education programs.

SENATE MUST COMPROMISE

It seems inconceivable to me that a nation as great as ours should be forced to compromise on such basic human needs as those covered in this bill. But we, in the Senate, are realists by nature, and compromise we must. As a matter of fact, all major legislation is a matter of intelligent compromise.

This is one of the great frustrations of politics. There are many days when I wish we could forgo the necessity of realism for the luxury of idealism. This is one of those days, because what is being done to this bill is somewhat a travesty. This kind of economy—in one of the most important appropriation bills to come before the Congress—is false economy and we will pay the price later. But political reality dictates a compromise today and so we must compromise.

THE EXECUTIVE MUST COMPROMISE

I sincerely hope that the same understanding of reality and the same spirit of compromise exists at the other end of Pennsylvania Avenue. However, we have no assurances that it does. In his veto message last month, the President called our original bill:

> A perfect example of reckless Federal spending.

There was no spirit of compromise in that veto message. Just the contrary.

> I know the usual practice is to repass such a bill with a slight reduction and assume that the second bill will have to be signed.

The President said:

> Such action would obviously not satisfy the objections to this measure which I have set forth.

ATTITUDE OF WHITE HOUSE

Frankly, I have gone beyond the point of outrage over the administration's cavalier attitude toward health and education. This is, after all, the second time in 4 years that the President has vetoed an HEW appropriations bill. He has made his position perfectly clear. As I say, I have gone beyond outrage. I feel despair and dismay over the attitude at the White House.

We are accused of "reckless spending" when we attempt to adequately fund programs that save lives and save minds. Mr. President, I say that is reckless rhetoric.

ESSENTIAL MONEY FOR HEALTH AND EDUCATION PROGRAMS

It never ceases to amaze me how we are accused as big spenders when we add absolutely essential money for health and education programs. Yet all we hear from the other end of Pennsylvania Avenue are squeals of pain and anguish when we cut outsize defense appropriations bills or balk at aid to mismanaged big businesses. What strange set of priorities—what twisted logic guides this kind of thinking? The problem, of course, is that there is no logic in it at all.

EXCESSIVE AND INFLATIONARY DEFENSE EXPENDITURES

Is it logical when, on the one hand, the President claims spending for health, education, and welfare beyond his own request is excessive, reckless, and inflationary, but similar—and far greater—expenditures for defense or foreign assistance apparently are not inflationary or excessive?

Since the President so obviously dominates the headlines, hardly allowing congressional pleas to be heard, the American public conceives the President as a one-man task force trying to curb a wasteful, spendthrift Congress.

But the truth of the matter is that it is the Congress that has cut inflation by curbing Presidential budget requests by $12.7 billion from 1970 through 1973.

CONGRESS CUT DEFENSE BUDGET

In 4 years the President has asked for $297.1 billion for defense, but Congress wisely curbed this spending spree to $281.5 billion—a saving of $15.6 billion. Congress was wise in doing that.

THE COUNTRY'S TRUE PRIORITIES

For HEW, the President asked for appropriations of $95 billion over 4 years, but Congress, sensing the country's true priorities far better than the President, granted $99.4 billion—an increase of $4.4 billion over the aggregate 4 years' requests.

CONGRESS CUT FOREIGN AID

For foreign aid, the President asked for $16.1 billion, but Congress granted $13.2 billion—a saving of $2.9 billion.

CONGRESS CUT APPROPRIATIONS BY $12.7 BILLION

So, with a combined savings of $18.5 billion from defense and foreign aid, Congress rightly sensed urgency in HEW and used $4.4 billion of this total savings for human resource needs. When all other departments of Government were considered over the 1970–73 period, another $1.4 billion was utilized for such areas as Agriculture and Interior, thus leaving an overall savings of $12.7 billion in the 4-year period.

I do not want to discuss at length what the priorities of America should be, but I have my opinion. The vetoed bill was the deliberate result of many, many days of hearings, listening to all kinds of people, experts, in the health, welfare, and education fields, and administration officials and Members of Congress. The Senate proposed some amendments and raised some amounts. I do not think the bill was excessive when it has only risen in 4 years by $4.4 billion due to congressional increases derived from savings made in the defense budget.

The administration talks a great deal about their devotion to the health and education needs of the country but when the budget comes up, after all the speeches are made, and, of course, there is intensive publicity given to those speeches, it is not what was said in the speech. There is no connection. As I said on the floor the other day, in this field they should get a stereo set where they have two speakers, one on each side, so they can talk both ways. But that is their privilege.

AMERICA'S PRIORITIES

I wonder what a historian will conclude when, at some future date, he looks back at the priorities of the American Government in 1972. He will see that we traded a 40-bed hospital for two Huey helicopters. He will see that we downplayed psychiatric research that would aid emotionally troubled Vietnam veterans, but wrote a blank check in the billions for the bombs to save our "honor" in North Vietnam. He will see that we in the Congress were asked by the Nixon administration to spend $1.7 billion for foreign military aid. But he also will see that we were vetoed when we asked the administration to spend exactly that same amount in extra aid for health, education, and welfare.

ADMINISTRATION'S ACTIONS SPEAK LOUDER THAN WORDS

Early in this administration we were advised by one of Mr. Nixon's aides to watch what the administration does, not what it says. That probably was the best advice we have received out of the White House in the past 4 years. We certainly are seeing that President Nixon's actions speak louder than his words on this bill.

THE PRESIDENT'S BUDGET FOR HEALTH AND EDUCATION IS LESS THAN LAST YEAR

The President said as he vetoed this bill: This administration is second to none in its concern for America's health, education and manpower program needs.

That, of course, is pure balderdash. In item after item in this bill the President's budget requested less money than was recommended by his own advisory committees—and less money than was sought by his own people in the Department of Health, Education, and Welfare.

Second to none? The request for the National Institutes of Health was almost $26 million lower than the previous year's level. The request for health manpower was down $140 million from the 1972 fiscal year.

The President's budget figures represent a reduction in real purchasing power for research into such serious diseases as arthritis, diabetes, stroke, epilepsy, multiple sclerosis, parkinonism, cerebral palsy, and cystic fibrosis.

In office of education programs the President's budget recommended a cut of more than $186 million.

CANCER RESEARCH

We have heard a lot from the Nixon administration about his so-called conquest of cancer. Yet the budget sought only two-thirds of the amount recommended by Mr. Nixon's own cancer advisory board for cancer clinical centers.

RESULTS OF THE VETO

The list goes on and on. The President says his administration is second to none in health, and education. Yet, by virtue of his veto, Mr. Nixon was asking for these perplexing results:

1. Approximately 150,000 fewer school-aged, handicapped children would be served and 1,500 fewer teachers of the handicapped would be trained.

2. Construction of 4,000 hospital beds in 8 public-health centers and 46 new general hospital projects would not be funded because the President's budget requested zero for hospital construction grants.

3. Construction of 2,400 beds in an estimated 39 nursing homes and chronic disease projects would not be funded because the President's budget requested zero for long-term construction grants.

We attempted to do something about that and that was vetoed. I could go on and on. I note in the Chair the distinguished Senator from Massachusetts (Mr. KENNEDY) who worked so hard through his Committee on Health to arrive at what we think is a decent sense of priorities in the health field.

4. Modernization of 4,000 hospital beds in an estimated 55 projects would not be funded because the President's budget requested zero for hospital modernization projects.

5. Construction of the experimental children's hospital in Washington, D.C. would be crippled by the loss of a special $12 million experimental hospital grant because the President's budget failed to seek funds for this important experimental facility which, when successfully proven, would provide a model than can be replicated throughout the Nation.

6. Grants which would produce an estimated 560 additional first year spaces in medical and related schools would not be funded because the President's budget requested zero for medical school construction grants even though there is a shortage of 50,000 doctors right now.

7. Grants which would produce an estimated 1,650 additional student first year places in nursing schools would not be funded because the President's budget requested zero for nursing school construction grants even though the shortage of nurses is many times greater than the shortage of doctors.

8. 600 fewer physicians would be trained in the new specialty of family medicine.

9. 10,500 nursing students could be turned away when they seek scholarship aid to continue their education.

10. Initiation of a "life plan" in the area of kidney disease that could result in saving the lives of 10,000 to 20,000 Americans each year who now die because of the lack of life-saving kidney machines and other therapy would not become a reality.

11. Hospitalization costs for migrant farm workers and their families would not be funded.

12. Approximately 30,000 fewer crippled children would be served.

13. 25 new specialized care units for premature babies would *not* be established even though this new development provides a most promising way of reducing infant mortality.

14. Approximately 250 fewer doctors and nurses would be sent to medically underserved areas where existing health manpower is either inadequate or nonexistent.

15. Several hundreds of thousands of men, women, and children would *not* receive medical and mental health attention.

16. Research funds on sickle cell disease ($5,000,000) and sudden infant death or "crib death" ($5,400,000) at the National Institutes of Health would not be made available.

17. Cancer research would be reduced by $60,000,000 below the vetoed bill.

SENATE COMPROMISE BILL

Now, as I said earlier, we have before us a compromise bill that restores about half of the money that the veto sought to eliminate. As we will get into later, this bill is somewhat different from a compromise bill approved earlier by the House. I believe that the Senate approach represents an improvement which we should approve here on the floor. But, even with these changes, and even with half of the vetoed money restored, I will not find myself very satisfied when our work is done here today, but circumstances require that we do something now and move ahead. Because of the President's veto, we will not have enough money for health, education, and welfare this year—regardless of what we do in these Chambers.

WILL REASON PREVAIL?

Nor, as I said earlier, can I offer any assurances that the White House will accept this compromise. There was no spirit of compromise in the President's veto message. I can only hope that, even in this election year, reason will prevail. There was not a frivolous nickel in the appropriations bill which we passed earlier. There surely is not a frivolous nickel in this one.

ADMINISTRATION'S BUDGET OUT OF BALANCE

We all know that Mr. Nixon's budget is badly out of balance. But we must ask why it is out of balance. Is it out of balance because we in the Congress added money to the President's woefully inadequate requests for training doctors and aid to emotionally disturbed children? Or is it out of balance because of the unnessary recession of the past 4 years, a recession that has put more than 2 million tax-paying Americans out of work and on the relief rolls? Is it out of balance because we added money to train nurses and teachers? Or it is out of balance because of ill-considered aid to big business, yawning tax loopholes and bombs to kill little people in black pajamas in Southeast Asia?

BASIC HUMAN NEEDS

There is perhaps no appropriations bill that deals with basic human needs more directly than this one. I think it is disgraceful that we must compromise on this bill. But we must. Then the shoe will be on the other foot. And we will see how it fits on an administration that proclaims that it is "second to none" in providing for the health and education of Americans.

We have before us in the Senate the vetoed bill that we passed, that went to conference, that was compromised a great deal, that was brought back, and that was agreed upon by both Houses of Congress.

THE NEW SENATE BILL

In developing a new measure to replace the vetoed bill, the committee started with the vetoed bill, and, as suggested in the veto message, the committee added a new general provision which would authorize the President to:

First. Reduce the amount available for obligation down to the total figure in the House bill, which was approximately, in round figures, $935 million.

Second. Apply the reduction so that no program is reduced by more than 10 percent below the amount in the vetoed bill.

That would be approximately $935 million. It would amount to a little over 3 percent in the total bill. Some items in the bill, vetoed or otherwise, are noncontrollable. That would mean the President could not take one program and say, "I am going to cut it out completely and substitute another." He will have the right, if the bill is passed and it is accepted by the House, to reduce any one program by up to 10 percent. That end result would put us right in line with the House figure.

Mr. DOMINICK. Mr. President, will the Senator yield for a question on that point?

Mr. MAGNUSON. Let me finish.

Mr. DOMINICK. I wanted to ask a question on that point.

Mr. MAGNUSON. I will yield later, as soon as I am through. We have plenty of time.

The committee evaluated several alternatives, but is recommending this approach for several reasons.

First, it will provide a bill that would contain a total figure which would possibly meet with the President's approval and that he would sign.

Second, the new bill would also recognize the priorities, limitations, and agreements of both House and Senate as agreed to in conference in the first Labor-Health, Education, and Welfare bill.

Third, the committee felt that the President ought to have the opportunity, if he so chooses, to spend the full amount of the vetoed bill. The legislative conferees have already closed the open end on social services for a saving of $2.5 billion.

This was a great part of the veto message, and with that part of the message I thoroughly agree with the President of the United States. The Senator from New Hampshire (Mr. COTTON) and I tried this for 3 years. We never got anywhere with it. The President's complaint on the social services part of the veto message was well taken, that program has gotten entirely out of hand.

Congressional actions will also result in reducing military spending levels several billions below that contemplated in the President's budget. These economy measures have occurred in the last month and have markedly changed the overall budget picture since the President formulated his position on the veto. The approach recommended by the committee is intended to afford the President the opportunity to reevaluate his spending plans and to encourage him to spend the full amount in the vetoed bill, but he may reduce it to the House figure.

I already mentioned a few of the individual programs in health and education that would be funded by the additional amounts provided in this bill. I will not take time to review them all.

When the Senate considered the first Labor-HEW bill on June 27, we discussed those programs at some length and they were all covered in our report 92-894 issued on June 21. On August 10, when the Senate approved the conference report on H.R. 15417, I again reviewed the major programs involved under the increased allowances provided for fiscal 1973.

Although the House and Senate reports on this bill, H.R. 16654, do not go into specific detail, the table in our report sets forth all of these programs and the amounts involved. The departments and agencies provided for in this bill are expected to be guided by the instructions, directions, and suggestions contained in the first House and Senate reports and the joint explanatory statement of the Committee on Conference on H.R. 15417.

I am not clear on all the reasons why the House cut our initial increase in half. I guess it is logical to assume that the House felt the budget was too stringent and cut out too much, and perhaps if we compromised by cutting the increases in half, either that the President would sign this bill or that there would be enough votes in the House to override the veto if the President vetoed it. I do not know. That will be brought out perhaps in conference.

I think this is a compromise that takes care of many of the needed programs. None of them can be shunted aside or put under the rug. Some of them could be frozen, but I doubt that they will be. We have arrived at what I think is a well-rounded bill that establishes the right kind of priorities in keeping with the needs of this Nation.

Now I am glad to yield.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield first to the majority leader.

FIVE-YEAR FUNDING FOR GLASGOW

Mr. MANSFIELD. The distinguished chairman of the subcommittee will recall that 2 years ago the Congress included $4 million in the education appropriations bill for fiscal year 1971 for the purpose of establishing an experimental residential training facility at Glasgow Air Base in Montana. The Defense Department, the Senator will recall, no longer needed the base for defense purposes and moved out, leaving a substantial asset worth $150 million. There was a great opportunity to put this facility to use serving the rural residents of the six Mountain-Plains States of Idaho, Montana, Nebraska, North Dakota, South Dakota, and Wyoming.

I am pleased to be able to report that this model facility is just entering its second year of funding. The first year has been devoted primarily to demothballing, setting up the corporation which manages the program, hiring personnel, and recruiting the families which will benefit from the training provided at the school. The program has been designed by the U.S. Commissioner of Education, Dr. Sidney Marland, as a model project for the Nation in residential occupational family development. The Mountain-Plains Education and Economic Development Program is being designed to develop, install, operate, and evaluate the effectiveness of residential career education. There are currently 107 participant families on site and it is expected that the program will be up to its full operating capacity of 200 families by the end of the calendar year. Each family is expected to complete its training in about a year and make way for a new family.

It is clear that an operation of this scope takes time to get established and produce results for the families being served and for the Nation for which it serves as a model. I understand that Office of Education officials are encouraged by the process to date. In view of this great investment in human and material resources, those close to the project believe that a 5-year funding commitment is essential. I would like to take this opportunity to inquire of the distinguished chairman if this was not the intent of the Appropriations Committee when it made funds available for this purpose?

Mr. MAGNUSON. I am glad to be able to assure the distinguished Senator on this point. It was our intention in approving the funds requested in the budget for this career education model that there be a commitment to this experiment for 5 years. It would be penny-wise and pound foolish to make an investment of this magnitude without allowing sufficient time to demonstrate its effectiveness and, hopefully, attract other sources of funds at the end of this period.

I would just like to mention, though, that funds for the third year of this project are not contained in the bill we are now debating. Under the new reorganization downtown resulting from enactment of the Education Amendments of 1972, this program, I understand, is being shifted organizationally from the Office of Education to the new research-oriented National Institute of Education. The funds for that new Agency are contained in the supplemental request we are waiting for the administration to submit on the education amendments. I can assure the distinguished Senator, though, that the committee's commitment to a 5-year project is there regardless of who operates the program.

The Senator from New Hampshire is familiar with this also.

Mr. COTTON. Yes. Mr. President, if the distinguished Senator from Montana will yield——

Mr. MANSFIELD. I shall be delighted.

Mr. COTTON. I would just like to confirm the views expressed by my chairman, the distinguished Senator from Washington (Mr. MAGNUSON). In approving funds for the Glasgow project—and incidentally, I was deeply interested in that project, as the Senator from Montana will remember.

Mr. MANSFIELD. I certainly do, and I appreciate the Senator's interest.

Mr. COTTON. In the last two appropriation bills, it was our understanding that what was involved was the initial funding of a 5-year demonstration project, and as far as I am concerned, I intend to adhere to that plan and will persist in efforts to see that it is implemented.

Mr. MANSFIELD. I thank the Senator from Washington and the Senator from New Hampshire for their comments on this matter. Although I am very pleased with the progress of this training program, a more immediate and critical concern to me is the lack of adequate health care services in the area of Glasgow Air Force Base. Only one hospital, the Francis Mahon Deaconess Hospital, with only 64 beds, exists in the town of Glasgow which has a population of 5,000. The population for the Glasgow Air Force Base is nearing another 5,000 already. Because of the distance from the hospital—about 20 miles—and the small number of hospital beds at Deaconess, it is clear that the hospital will not be able to adequately serve both the town of Glasgow and the airbase population. Even now, I am told, the training program has had to halt the arrival of trainees for the program, because of the lack of adequate health care capabilities.

It is my understanding that the HEW Department is now looking into the possibility of providing ambulatory care services to Glasgow Air Base at a cost of $300,000 yearly. They would provide these services by partially utilizing a vacated but well equipped 50-bed hospital facility on the base itself. However, word has reached me that some people at the Department are having difficulty identifying funding sources for the $300,000. I should hope, because of the critical nature of this situation, that the Department would give this "search for a funding source" a high priority status.

Could the distinguished manager of the bill comment on this matter?

Mr. MAGNUSON. Mr. President, I must confess that I was talking with the Senator from New Jersey, but I anticipated the Senator's question and am prepared to reply.

It seems to me that there is absolutely no reason to bring in all of these families, promise them that we will teach them a skill and better their opportunities for advancement in society—and then while we are doing all these great things, their children get sick and we cannot provide them with adequate health care. It just does not seem consistent to me.

I would hazard the guess, however, that if the Secretary or his appropriate agency head would decide to find that funding source within all of these funds we appropriate to the Department, that it would not be very long before the health care situation at Glasgow improves. As a matter of fact, I would like to see that entire 50-bed fully modern hospital developed into a health care center for the base population as well as any other use to assist the health programs in that rural region. The Senator from New Hampshire and I know about this matter, and will be as helpful as we can with the Department, to see that they do this. It is vitally necessary.

Mr. MANSFIELD. In other words, the distinguished manager of the bill hopes that the Secretary or some responsible official down in the Department will read this discussion tomorrow, as they read it last year and the year before?

Mr. MAGNUSON. I am sure they have

someone in the gallery right now who will do it.

Mr. COTTON. Mr. President, will the distinguished Senator yield again for a moment?

Mr. MANSFIELD. I would be delighted.

Mr. COTTON. I would like to add my support to the views expressed by the able Senator from Montana and the distinguished chairman of the subcommittee. When the conferees on the 1971 education appropriation bill agreed that this project should be funded, we expected that the Department which administers this program would make adequate preparation for the success of the training project. It disturbs me that the bureaucrats downtown would let a $300,000 item block the progress of a $4 million a year program. It is my position that somebody down there had better do something to solve the problem soon to include a plan for utilizing the entire hospital and its equipment which has been sitting idle for the last 5 years.

I would like to add that, if the distinguished majority leader recalls, someone else brought my own attention to the possibilities of making use of this very expensively built and abandoned Air Force base for this very necessary purpose. It appealed to me greatly, as it did to the chairman of the committee, and we supported it.

In view of the fact that it falls my lot sometimes, as ranking minority member of this committee, to try my very best, with proper friendly techniques toward the majority members who have the votes, to try to represent the viewpoint of the Department of Health, Education, and Welfare and of the White House, I just have the feeling that they would be helpful. I would expect that they would be helpful to all of us, and I would expect they would especially be helpful to me on this project, because I happen to be almost as interested in it as if it were in my own State, because it is such a worthy project and it has the advantage of utilizing this plant which had been given up; and it seems just a godsend and an opportunity for those children that it benefits. I shall certainly use all the influence I can to see that that is done.

Mr. MANSFIELD. Mr. President, neither the distinguished Senator from Washington, the manager of the bill, nor the distinguished Senator from New Hampshire, who has just spoken, will ever know the extent of my gratitude for once again giving me the encouragement necessary to look after the needs of the people in an isolated area, and to help rectify a situation brought about primarily because of the shutdown of a base which was the most modern in the United States, and which cost the U.S. Government in excess of $150 million. I thank both Senators, and express my apologies to the distinguished Senator from Florida for interrupting him.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. CRANSTON. I ask unanimous consent that Louise Ringwalt of my staff be accorded the privilege of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I ask unanimous consent that Stan Jones of my staff be accorded the same privilege.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. Mr. President, I make the same request for Steve Bryen of my staff and two staff members of the Committee on Labor and Public Welfare.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. MAGNUSON. Mr. President, I yield to the Senator from Florida on my time.

Mr. CHILES. Mr. President, recently I received a communication from Dr. Eugene L. Nagel of the Jackson Memorial Hospital in Miami and the University of Miami, who is also a member of the national committee on early coronary care. Since time is a key factor in heart attacks, Dr. Nagel and his associates have pioneered the system of rushing emergency care to the victim at the point of his or her collapse, and treating on the spot in the first critical minutes. This system has saved the lives of many persons who might otherwise have been dead on arrival at a hospital. The rescue vehicles and their equipment of defibrillators, emergency equipment, and special drugs, the radio communications, and the telemetry system for reading electrocardiograms at a distant hospital, and the paramedical attendants, especially trained by Dr. Nagel and his fellow specialists, are all run by the fire department. The same sort of municipal emergency medical systems have been set up elsewhere in my State of Florida, in Jacksonville—funded by HEW—in Tampa, Coral Gables, Hialeah, and Miami Beach.

These systems are based on municipal vehicles, and not on private ambulance companies, so I was astonished to read in Senate Report 92–894 on the HEW appropriations, at the top of page 28—and I understand that the same language is incorporated by reference in the report on the new HEW appropriation bill—that: "These funds shall not be utilized to duplicate, or compete with any existing private enterprise for emergency medical ambulance services."

May I ask, Mr. President, if the distinguished Senator in charge of the bill can reassure us that this sentence is not to be taken literally, and that, rather, the committee intends to expand and upgrade, with the help of Federal funds, these municipal emergency medical services so that the enormous potential of these systems for saving human lives may be continued and expanded?

Mr. MAGNUSON. I share the concern of the Senator from Florida in this field. This has been one field in which we have had the difficult problem of getting money for all these emergency services, whether it be the fire department or a nonprofit organization or a municipality. They save thousands of lives. It is not our intention to shut off or taper off any of these funds.

The sentence at the top of page 28 of our report should not be taken literally. I wish I had reworded it so that there would not be any confusion. It should be read in conjunction with the sentence at the bottom of page 27. We merely intended that no one should be put out of business or that their business should be damaged seriously, that the best overall use should be made of these medical assistance systems, whether they be private, nonprofit, or public, which meet the highest standards and needs, of the community and of the Federal Government for emergency services.

In fact, we intend that there should be an expansion and an upgrading, assisted by Federal funds, of emergency care systems, such as we have in Seattle, with the fire department and Medic One, as the Senator has in Florida. That is what we intend to do. I think the Department agrees with this. Secretary Richardson made a point about these ambulance services and what they do. They are very important in the regional medical programs.

Mr. CHILES. I thank the distinguished Senator.

Mr. CRANSTON. Mr. President, I would like to congratulate the chairman of the Appropriations Committee (Mr. McClellan) and the chairman of the Subcommittee on Labor-HEW appropriations (Mr. Magnuson) for the forthright stand they have taken in reporting out the Labor-HEW appropriations bill for fiscal year 1973. Their action in maintaining the level of support at the same level that both Houses reached in conference last summer but allowing the administration some leeway in reducing specific programs ensures that adequate funds can be made available where the need is most critical and that no program can be cut so severely it will be hindered in its operation.

The leadership offered by the Appropriations Committee members in this issue is outstanding. It is an imaginative solution to a very complex problem. I urge all Members of the Senate to support the bill as reported so that the Senate conferees will meet with the House in the full knowledge they have the backing of this body.

I have discussed with the distinguished Senator from Washington (Mr. Magnuson) a matter which has been brought to my attention by a number of individuals who are leaders in the development of comprehensive emergency medical service systems in their communities. This relates to the appropriation for regional medical programs for the support of emergency medical services systems. Needless to say I am delighted with the commitment which is being made to the development of these programs. I feel they are of critical importance and I have introduced legislation which passed the Senate recently to authorize a program of grant support to communities and to States for the development of comprehensive emergency medical services systems.

In the legislation I authored, and in the programs supported by the funds appropriated for regional medical programs in fiscal years 1972 and 1973, a basic principle has been to build these systems upon existing components, to coordinate to the utmost existing components where they meet quality standards, and, where it is feasible, to expand and improve existing components to meet recommended standards of quality health care and performance.

I believe that the Senator from Washington expressed this intent very clearly in the hearing record of the Subcommittee on Labor-HEW appropriations.

However, when H.R. 15417 was reported from committee, the committee report was not quite clear on this point, and is susceptible to a very restrictive interpretation. I refer specifically to pages 27 and 28 of S. Rep. 92–894. One interpretation which could be made of this report language is that it directs the utilization of private ambulance companies, in preference to vehicles, communication systems, and paramedical personnel involved in ambulance services operated by fire departments, or other public safety agencies, community health departments, or nonprofit organizations.

I discussed with the distinguished Senator from Washington (Mr. MAGNUSON) whether the intent of the committee, was rather to direct that emergency medical systems supported by these funds should be linked to and make the best use of, wherever practicable, existing emergency medical service components, whether private, nonprivate, or public, which meet acceptable standards of quality. I am delighted that the Senator from Florida (Mr. CHILES) in a colloquy with the Senator from Washington clarified that is the intent.

With this intent clearly expressed, I believe communities which develop coordinated systems will be able to provide the quality of care their residents want without disrupting existing services where such services—public, private, or voluntary—provide quality services to the community.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. KENNEDY. I have listened to the colloquy, and there is emergency medical services legislation now before the Senate which has been passed by the House. The Senate Health Subcommittee is studying it. I can assure the Senator from Florida and the Senator from Washington that we will definitely have some major legislation in the next few months. It is a matter of great importance to the Senate Health Subcommittee, as I know it is to the chairman of the Appropriations Committee.

Mr. President, let me say on the Labor/HEW appropriations bill, if the President had not vetoed the bill sent to him by Congress, we would not be dealing with this matter again today. Moreover, if he had not pointedly implied that he would veto the bill again were it not drastically cut, we would have a much easier job on our hands. Unfortunately, the President did veto the Labor-HEW appropriations bill, a bill which I considered one of the finest ever sent to the President by the Congress. In the area of health, this vetoed bill made long-needed research investments in developing health care resources in this country. The bill appropriated funds to train more doctors, nurses, dentists, and other health manpower. It appropriated funds to build necessary hospital beds. It also appropriated adequate funds for medical research, especially stepped-up efforts in the area of cancer and heart disease. It also increased funding for special priority programs to Americans who are most deprived of adequate health services. To this latter end, it appropriated more money for neighborhood health centers, for mental health centers, for maternal and infant care projects, and for a variety of other such efforts.

In all of these areas, it is true, the Congress' bill far surpassed the funding levels of the President's budget. But that was necessary, and intentional. It was necessary because the President's budget in the area of health, for example, essentially held the line on existing funding levels.

In fact, most of the institutes of the National Institutes of Health were not even given a cost-of-living increase under the President's budget. That budget would not offer additional health services to one additional expectant mother or newborn infant under maternal and infant care projects. It would not open a single new neighborhood health center. In addition, it made available only a portion of the funds needed by our medical, dental, and nursing schools to produce the health manpower our country so badly needs.

The Congress had to take issue with this budget; and I do not think we should be frightened by charges of "fiscal irresponsibility" into feeling apologetic for our earlier action. I firmly believe that the real fiscal irresponsibility is in the White House. It is fiscal irresponsibility to refuse to make investments that we know ultimately will help extinguish the fires of inflation in the cost of health care services.

The President speaks in his health messages about a balanced attack on health care problems in America, involving improvements in the financing system as well as in the Nation's capacity to supply health services. But when it comes down to the crunch, when it comes to facing the hard decisions of the budget, the President backs off from this commitment. He refuses to invest the funds required to create the personnel and other resources we need.

Perhaps the problem in the White House is more "loss of nerve" than fiscal irresponsibility. The effect, however, is the same—we would not get the doctors, dentists, and nurses we need if the President had his budget; we would not do the medical research we need to do; we would not supply the health services that the poor of our Nation need; and above all, we would do nothing to stop health care costs from taking bigger and bigger portions of every American's pocketbook.

The President's veto leaves the Congress in a very difficult position. It is growing late in fiscal year 1973, and an appropriation must be passed if we are not to bog down the support in DHEW programs by sheer delay. It is important to assure that programs which the Congress considers of highest priority be given the funds they need.

The House action is of little help to the Senate. They have responded quickly to the President's veto, and they have preserved the House priorities in their response, but they have done it by retreating to the original bill reported by the House Appropriations Committee. The House has totally ignored the actions taken by the Senate Appropriations Committee, the actions taken by the full Senate, and all of the agreements reached between the Senate and House in conference. Frankly, this response by the House is worse than unresponsive, it is an affront to the Senate Appropriations Committee and to the full Senate.

The Senate Appropriations Committee has responded to the President's veto in what I consider a statesmanlike manner. The bill before us attempts to cut the level of appropriations to one that the President must accept. It proposes an increase of over $800 million as compared to the $1,000,800,000 in the earlier vetoed bill. And it also incorporates deliberations of both House and Senate and the agreements of the House-Senate conferees.

As I understand the Senate proposal, it accomplishes both of these goals by allowing the President flexibility to reduce by 10 percent any item in the earlier vetoed bill in order to reduce the budget overall to the level of the original House-passed bill. Given the President's veto, and his stated intent to veto the bill again if it is not considerably reduced, and given the constraints on time, I consider the Senate bill to be acceptable, and I urge support of it.

The Congress, by passing this approach, however, takes upon itself an added burden for oversight of the executive branch's actions. The fact is, that by exercising this 10-percent cut option, the administration could reduce the budgets of seven of the 10 National Institutes of Health below a cost-of-living increase. It could also decrease mental health research beneath the fiscal year 1972 level. Other programs could likewise be damaged by this flexibility.

If circumstances permit it, I should certainly have preferred to see the Senate do the "fine tuning" that this budget so badly needs, in such areas as Federal programs for mental retardation, for example.

However, with the assurance that the Appropriations Committee will undertake this surveillance, and that we will have opportunity later in the year to redress any "fiscal irresponsibility" on the part of the administration in supplemental appropriations, I urge the Senate to support this bill.

I ask this of the chairman of the committee. Will he give careful oversight as these cuts take place? Can he give us some assurance that if some of these funds are moved back below the 1972 level, he will make appropriate recommendations in the supplemental appropriation bills?

I think it would be reassuring to the Members of the Senate who are distressed by the cuts made possible by this bill, but who have great confidence in the chairman, the Senator from Washington, and in Senator COTTON. I think they have exhibited their deep concern that appropriate resources be available in the areas of health and education.

Mr. MAGNUSON. I say to the Senator from Massachusetts—he knows this, because he knows this bill almost as well as we do because of his position in the health field—that, No. 1, there are very few items of major importance in this bill in which we did not go a little over the budget, and the cut might bring it down to the budget.

I have had some surprises in this field, but I do not think the President will cut his own budget in this field. I am hopeful that he will not. I am equally hopeful we can get that kind of accommodation if we can get this bill passed that way.

I do not think the 10 percent would be applied to all items. He would not need to take it on all items. It might be more with respect to amounts we raised considerably over the budget in the health field, that would be up to the President. I would hope that the President would not withhold any of the funds in this bill.

We have some problems here because of what the House did. Talk about adding to some of these needs that we thought were vital—the House took all those they had originally and cut out all of ours, and wanted us to have a conference just on ours. That would be some conference, would it not?

Mr. KENNEDY. I commend the Senator for pursuing the position that was accepted in the conference. I think the House bill is completely irresponsible, and, indeed, an affront to the Senate Appropriations Committee.

I do not want to delay the Senate. I am sure the Senator will review in careful detail the areas which are being cut, and I am sure he will take whatever action he feels necessary to restore those cuts in a supplemental, in order to protect programs which I think are of desperate importance.

Mr. MAGNUSON. We have another problem, also. There are some uncontrollable items in this bill. The House did not cut anything in impacted aid, and there we had substantially raised that amount, dollarwise. Under our proposal, the President could cut impacted aid 10 percent but he could not cut it all out together nor cut it back to his budget request, and he could not change the formula at all. This is the way we hope we can figure it out and work it out in a sensible way.

Several Senators addressed the Chair.

Mr. MAGNUSON. I told the Senator from Minnesota (Mr. HUMPHREY) that I would yield to him for a question.

Mr. HUMPHREY. I want to thank the Senator from Washington for yielding to me.

The reason I ask the Senator from Washington to yield to me is to discuss with him for a very few minutes a critical situation prevailing in Minnesota, relating to the University of Minnesota Medical School and the new medical school at Rochester, Minn., known as the Mayo Medical School. My colleague (Mr. MONDALE) and I have been contacted by our fellow citizens in Minnesota at the university and at Rochester relating to these two projects. I shall be brief about them.

The U.S. Public Health Service, the NIH, and the Department of Health, Education, and Welfare came to the University of Minnesota and asked it to expand its teaching program for doctors and assured the University of Minnesota that if they would add the additional physicians and the additional students for medical education, that funds would be forthcoming to provide the facilities and the space there.

The State Legislature of Minnesota has made its appropriate allocations on the amount of money required for each student. This expanded program of medical training requires the construction of a $20 million building for which the State is putting up $8 million and on which there was a request for slightly over $12 million under the medical school construction grant program, with respect to the University of Minnesota Medical School. The Mayo Medical School, which has just been authorized by our legislature, made a request for $4,600,000. This application was for an HEW facilities grant in support of the new medical school under the Health Manpower Training Act of 1971.

I should note for the record that the House committee report on the Comprehensive Health and Manpower Training Act of 1971 had this observation to make:

> The Committee is aware of proposals by several outstanding institutions—including the Mayo Clinic in Rochester, Minnesota—to establish new schools of medicine, osteopathy or dentistry. The bill (section 106) provides new authority for "start-up" grants to assist certain new schools in meeting their initial costs of operation.

The report goes on to say:

> The bill includes two companion provisions for new schools which, because of the use that will be made of existing facilities (including Federal medical or dental facilities) will be able to accelerate the date on which they can begin their teaching program. The bill provides that priority shall be given to applications for grants for *construction of teaching facilities* for such schools, and special consideration shall also be given to applications from such schools for *start-up grants.*

I have read those portions of the report because the Mayo Medical School, through the State of Minnesota, its legislature, and through the Mayo Clinic, has provided most of the facilities needed for this medical school. It seeks, under the terms of the Health Manpower Training Act, $4,600,000.

This request was turned down.

I am certain that my distinguished senior colleague (Mr. MONDALE), the Presiding Officer in the chair at this moment, would agree with me that we have made every solicitation we can on behalf of these two meritorious programs.

In the pending bill, there is money for medical school construction. As I recall it, the President, in his budget for fiscal 1973, did not ask for any such money but Congress did put it in. When the President vetoed the first Labor-HEW appropriations bill, the respective committees of the Senate and the House put the money back in the subsequent appropriations measure.

There is a variance between the House and Senate figures but, hopefully, the Senate figure will prevail.

I want the record to indicate, first, that the University of Minnesota was promised these lands by the Department of Health, Education, and Welfare and, therefore, the university appealed to the Minnesota State Legislature for the funds that the State had to put up. The State has responded. The students are enrolled. The medical school is an established and venerable institution.

The Government of the United States has broken faith with the University of Minnesota Medical School. It has broken its word. It has not permitted the grant to be made, despite the fact that the appropriate office of the Department of Health, Education, and Welfare has said this is one of the best applications filed. The same thing prevailed in the instance of the Mayo Medical School application for partial funding for construction and new facilities. I have a report of a conversation between Dr. Robert Knouss, Acting Chief, Physician Education Branch, Division of Physician and Health Professions Education, National Institutes of Health, and David Barnes. This is a report and conversation signed by Dr. Raymond D. Pruitt, dean of the Mayo Medical School, which reads in part:

> Mr. David Barnes and I participated in this conversation with Doctor Knouss, who provided us initially with this information: The Mayo application for a construction grant was an altogether acceptable application. The reviewing bodies, including the Health Manpower Council, found in it many good points; they felt that the success of the educational program, meaning the medical school, was assured. The proposal, which would "place all teaching functions under a single roof," would be a highly desirable development.

Mr. President, I shall ask to have printed in the RECORD this statement and the reports I have here relating to these two applications, and also a copy of a letter that I had written to the distinguished chairman, the Senator from Washington (Mr. MAGNUSON) and, if the chairman has no objection, his response as well.

My appeals to the Department of Health, Education, and Welfare have been essentially oral, over the telephone, and in personal visitations; but it would be the purpose of this statement on my part and on behalf of my colleague (Mr. MONDALE) to have the Department of Health, Education, and Welfare know that these are meritorious applications and they have been considered by the appropriate authority in government. They are applications which were originally initiated at the request of the Department of Health, Education, and Welfare. I want those responsible for making these grants to take note of this colloquy in the Senate and forthwith to provide the funds that they promised they would provide.

It was one thing when there were no funds, resulting from the full commitment of fiscal 1972 funds. However, under the pending legislation, fiscal 1973 funds will become available. I hope there will be as much interest in making these funds available for these important medical educational facilities as there must be if our national commitment to meeting the critical need for increased health manpower resources is to be carried out.

Now I should like to direct certain questions to the distinguished Senator from Washington (Mr. Magnuson).

Mr. President, am I correctly informed, may I say to the distinguished chairman, that of that appropriation, after the conference, of $125 to $130 million or more, that there will be funds available to take care of some of these projects that I have mentioned here?

Mr. MAGNUSON. Mr. President, may I state to both Senators from Minnesota that I know what has happened to them and what has happened to the University of Minnesota and the matter relating to the assurance that something will be done at Mayo. There is a long history in this particular field of broken commitments.

What happened was that we appropriated in fiscal 1972 $139 million.

Mr. HUMPHREY. The Senator is correct.

Mr. MAGNUSON. What did they do downtown? They stretched this out over a 2-year period. So, therefore, they had to come back and say to those people who went to all of this trouble because, in fact, they encouraged them to do so and told them to go ahead, that they did not have any money. That is because they requested zero for medical school and nursery school construction in the 1973 budget—even though we all know about the great need and the shortage of 50,000 doctors and even more nurses. So they turned this down. It has been done on other occasions.

I hope this changes it. I hope that someone is hearing what I have to say. I am sure that the rest of the members of the committee feel the same way. So, in 1973, what did they come up with in the budget. They came up with zero for the building construction grants.

The vetoed bill contains $140 million. The new bill that the House sent over does bring it down to $87.5 million. But when we talk about the chances of getting these things done where the people have made these commitments and everybody is ready to go—and they are probably the most needed projects in the United States for the future—all the President could do under this bill with the $140 million would be to cut it by up to $14 million and it would still put us, as the Senator says, in the ball park with respect to getting these needed things done. I hope the President does not cut it a nickel. After all, we just saved him $4 billion in defense apporiations.

I assure the Senator from Minnesota of my support.

Mr. HUMPHREY. Mr. President, I thank the Senator from Washington.

Mr. President, I ask unanimous consent that the letter from Dr. Emmerson Ward, chairman of the board of governors of the Mayo Clinic, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Mayo Clinic,
Rochester, Minn., September 15, 1972.
Hon. Hubert H. Humphrey,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

Dear Senator Humphrey: Mrs. Margaret Thompson, Registrar of Mayo Medical School, has told me about her conversation with you regarding the recent adverse decision on our $4,600,000 application for a Health Education Facilities Grant in support of our new medical school under the Health Manpower Training Act of 1971. Needless to say, we were extremely disappointed that our grant application was not funded. Of course, we realize what a difficult administrative decision it must have been, to try to allocate funds to the many health professional schools when the available funds were so limited. Our intent is not to criticize HEW in making these awards. However, we thought that you would be interested to know about our problems.

Mrs. Thompson has told me that you would like some supporting data regarding the medical school and the grant application; I have enclosed a number of references, among which is the Mayo Medical School brochure. When Mayo Medical School accepted its first class on Monday of this week, it did so with limited physical facilities. Nevertheless we are most enthusiastic about the future of Mayo Medical School, given the prospect of reasonable financial support from the public and private sectors. We have a fine class of 40 students.

Another enclosure is a brief summary of our grant application requesting $4,600,000 for partial funding of construction of medical school facilities. This will explain the nature of our program and may answer many questions regarding our physical facilities and plans for the future.

An enclosure from our annual report points out that Mayo has embarked upon a very ambitious development program of its own to raise funds to support medical education. We are certainly grateful that the Minnesota Legislature has seen fit to support our program by providing capitation of $8,000 per Minnesota student. Private individuals, corporations and foundations also have provided generous support. Thus you can see that we are not looking to federal sources for all, or even most, of our funding.

However, we were hopeful that we would receive assistance for construction of some of the needed facilities through the Health Manpower Act, and, as a matter of fact, we were led to believe that Mayo stood rather high on the priority list because it is a new school, it has some existing facilities and an existing faculty, and hence could be developed much more economically and expeditiously than would otherwise be so. You will note in the House Committee report on the Health Manpower Training Act, page 32 (enclosure), that Mayo was singled out by name as the kind of school that would have high priority. It only compounds our disappointment that Dr. Robert Knouss, Acting Chief, Physician Education Branch, NIH, acknowledged that our application was altogether acceptable and the design of our proposed facilities was regarded as excellent. A summary of this conversation between Dr. Raymond D. Pruitt, Mayo Medical School dean, and Doctor Knouss, is also enclosed for your information.

On reading in the *Rochester Post-Bulletin* your comments before the American Hospital Association in Rochester, we were pleased to learn of your concern about the funding of these grants. We certainly want you to know of Mayo's concerns as well, and will be grateful for any suggestions you might make.

Sincerely yours,
Emmerson Ward, M.D.,
Chairman.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that a copy of memorandum of conversation with Dr. Robert Knouss be printed in the Record, along with a summary of Mayo Medical School application for partial funding for construction of new facilities.

There being no objection, the material was ordered to be printed in the Record, as follows:

September 11, 1972.

Memorandum of conversation with Dr. Robert Knouss, Acting Chief, Physician Education Branch, Division of Physician and Health Professions Education, National Institutes of Health.

Mr. David Barnes and I participated in this conversation with Doctor Knouss, who provided us initially with this information: The Mayo application for a construction grant was an altogether acceptable application. The reviewing bodies, including the Health Manpower Council, found in it many good points; they felt that the success of the educational program, meaning the medical school, was assured. The proposal, which would "place all teaching functions under a single roof," would be a highly desirable development. That we would be providing 40 new positions for physician education was recognized. The modular design of the facility was regarded as excellent. In summary, there would have been no reason the program would not be funded had there been more dollars available.

Doctor Knouss then went on to say that there were a large number of meritorious projects with only $142 million to underwrite the costs. There is no single reason that he could define for our project receiving a lower priority than some of the others. He indicated that a simple ratio of number of new places in a medical school class to dollars requested for construction was not the answer, although it was indeed a very significant component of the grounds for decision.

As regards further grant funds in support of construction, Doctor Knouss was quite pessimistic. He emphasized the negative position of the Administration and presumably of the Office of Management and Budget. One might surmise that if Congress should appropriate additional construction funds and the President should sign the bill, perhaps there would be a revision in the position of the Division on this matter. At the moment that position is almost entirely a negative one.

We shall have to assess our position on the basis of this and other information and determine where we go from here. Obviously, Doctor Knouss can't be of any particular help to us. A protest is unlikely to carry much weight unless we have exhausted what the Federal Administration apparently thinks is an adequate response to the construction needs of the medical academic institutions, namely, guaranteed loans and perhaps interest subsidies.

Raymond D. Pruitt, M.D.

Summary of Mayo Medical School Application for Partial Funding for Construction of New facilities

This application is for a grant in aid of $4,600,000 under the authority of the Comprehensive Manpower Training Act of 1971 for partial support of the construction of a Life Sciences Building which is necessary to serve the health research and education requirements of Mayo Foundation. The need for this building is particularly evident with the decision to initiate a program of undergraduate medical education with an entering class of 40 students to start in September of 1972. Temporary accommodation of the educational activities of the entering class can be accommodated in a less than optimal manner in existing Mayo facilities; however, the proposed educational program anticipates, in the third and fourth years of the undergraduate curriculum, that there will be significant requirements for the undergraduate within the scientific laboratories of the institution. The proposed Life Sciences Building will provide space for relocation of approximately 30 members of our medical science faculty and provide unfinished space for approximately 25 new additions to that faculty to provide, in large part, facilities and teaching capability for undergraduates in the laboratory fields.

This building has been planned to accommodate the basic medical science departments of Biochemistry, Physiology and Biophysics, Microbiology and Immunology, Pharmacology and Endocrine Research, and provide space for the associated clinical investigative groups who relate intimately with these departments. In addition, the building provides space for the core, or first year program of undergraduate education, other health education research spaces in the building for the purpose of educational experiences for undergraduates, and anticipates the continuation and expansion of the Mayo graduate program within the new facilities made available to the faculty accommodated in the building. The building also contains certain other common spaces to serve all of the programs in the building, including the requirements for animal housing, spaces for human investigation, etc. The faculty located in this building will utilize their research programs and space to provide a meaningful educational experience for undergraduate and graduate medical students in the scientific disciplines of medicine and the health sciences. It should be recognized that similar activities will continue in other facilities in Mayo which may require a revision for their accommodation. This is true, particularly in the Medical Sciences Building, an existing research building in this institution, in the Alfred Building, a research building adjacent to St. Marys Hospital, and will also occur in new Laboratory Medicine Building which will be built from Mayo resources for the purpose of the practice of laboratory medicine, adjacent to the proposed Life Sciences Building. Funds for the revision of space to accommodate the needs of health related research in Medical Sciences and at the Alfred Unit for the conduct of educational programs, and for space in the new Laboratory Medicine Building, are not requested in this application, but it is fully expected that significant educational activities, both at the undergraduate and graduate level, will continue and be expanded in these facilities. Current faculty who will be moving to the Life Sciences Building are now housed in either the Medical Sciences Building or the Plummer Building of this institution. Space vacated by scientists in the Medical Sciences Building (13,000 net square feet) will continue to be used for research and for undergraduate and graduate education. These disciplines include the Neurosciences, the Department of Pathology and Anatomy, the activities of Surgical Research, certain of the elements of the Department of Physiology, the Orthopedic Research Unit, Section of Developmental Engineering and an arm of the discipline of Biochemistry. Others who will move to the Life Sciences Building from the Plummer Building include the Departments of Endocrine Research, Microbiology and Immunology. The space currently occupied by those groups will cease functioning as laboratory space on advice of architects and engineers concerning the structural integrity of the building, or will be reassigned for other institutionally approved purposes including research and education uses.

Information which follows in this application attempts to demonstrate a need for this building for the conduct of health research programs essential to health professions education.

The plan for construction of this building anticipates ground breaking by the end of September, 1972, with excavations, footing, erection of the structural members and enclosing of the building (Phase I) to be provided from Mayo resources and initiated simultaneously with the similar requirements for the Laboratory Medicine Building which will be fully funded by Mayo. The grant application requests funds for facilities for the programs necessary for health education to be accommodated in this building, with the federal funding to commence at the end of the structuring and enclosure phase of this building. The funding requested is for completion of space, all of which is fully dedicated to education programs and health research programs necessary for education. Federal funding will not be requested for Phase I or for the unoccupied space that will be available in this building. Under this proposal, federal construction funds for each new physician produced annually is approximately $115,000 for each of the first graduate class. It is expected that this facility, with the utilization of facilities currently existing in Mayo, will accommodate our educational requirements for the foreseeable future, including those for a new program of undergraduate medical education.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the exchange of correspondence with the distinguished chairman, who has been most helpful, be printed in the Record. And may I say that the distinguished ranking minority member of the committee, the Senator from New Hampshire (Mr. Cotton), has also been most helpful, and that I have also spoken with the ranking minority member, the Senator from North Dakota (Mr. Young). I thank all of them for their consideration and cooperation, and I want the Record to note that they have been exceedingly cooperative and helpful, for which I am extremely grateful.

There being no objection, the correspondence was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., September 15, 1972.
Hon. Warren G. Magnuson,
Chairman, Subcommittee on Labor, Health, Education, Welfare and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: I am writing to you on what I consider a high priority item for the people of Minnesota and states surrounding my state. I have been informed by some of my good friends in the medical school at the University of Minnesota that the University has been denied funding for a new medical building.

After hearing the facts surrounding this decision by the Department of Health, Education and Welfare, I am certain that you will agree with me it is another case of the federal left arm not knowing what the federal right arm is doing.

The University of Minnesota was pressured by the Public Health Service into increasing its medical student training program from 160 to 230. The University complied with this request under the clear assumption that it would receive funds for its new medical building. There was a clear indication from the Department of Health, Education and Welfare that such funds would be forthcoming on a first priority basis.

Now, I am told that the Department of Health, Education and Welfare has decided against funding the University medical building—a clear violation of what I understand to be a hard and fast promise by the Department. In other words, the federal government says on the one hand, increase the medical students and we will give you money for the building. But a little while later the federal government says now that you have increased students you can get along with the facilities you have. As one of my close friends in the medical school told me, 'it is like being told to practice and teach medicine on a curb stone."

The building in question is primarily a teaching building with class rooms, laboratories, faculty offices and an outpatient clinic. The University has applied for $12.8 million of the $19.8 million it would take to construct the building.

I do hope that you can help me in this matter. It is critical to my state and other states surrounding Minnesota. Our supply of doctors is short—especially in the rural areas. And, the University does a first rate job of medical training—both in paramedical programs and allied health professions.

Best wishes.

Sincerely,

Hubert H. Humphrey.

U.S. Senate,
Committee on Appropriations,
Washington, D.C., September 25, 1972.
Hon. Hubert H. Humphrey,
U.S. Senate,
Washington, D.C.

Dear Senator Humphrey: Thank you for your letter of September 15 regarding construction funds for the University of Minnesota medical school. I completely agree that it certainly does seem to be an inconsistent Federal policy which would, on the one hand, encourage medical schools to increase the capacity of their training programs—and then, with the other hand, fail to request funds for the necessary medical school construction grants. But that is exactly the policy proposed by this Administration in its FY 1973 President's budget request. Despite the overwhelming need for increased medical school capacity, the 1973 President's budget recommended zero — nothing — for construction of medical and related schools, a decrease of $140 million from the prior year's level.

In processing the first Labor-HEW bill, the Congress attempted to remedy this obvious discrepancy by including $140 million in the bill for medical school construction in order to continue the program at the previous year's level. But the President vetoed the bill which would have provided a more nearly adequate level of funding for medical school construction grants.

Moreover, the President in his veto message, indicated that the amounts in the new bill should not exceed his budget request—while at the same time and in the same document, you may recall that he makes the incredible assertion that this Administration is "second to none" in its concern for America's health.

As you may know, the House, in drawing up a new measure to replace the vetoed bill, has included $87.5 million for medical school construction grants.

Please be assured that your views regarding the need for medical school construction grants will be given very careful consideration when the Committee deliberates on the second Labor-HEW appropriation bill later this week.

Sincerely,

Warren G. Magnuson,
Chairman, Subcommittee on Labor, Health, Education, and Welfare.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

Mr. JAVITS. Mr. President, will the Senator yield me 3 minutes?

Mr. COTTON. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

Mr. COTTON. Mr. President, are we not on controlled time? I thought that the Senator from Washington and the

Senator from New Hampshire controlled the time on the bill. I think it is about time that I yield myself 2 minutes out of 1½ hours.

The **PRESIDING OFFICER.** I am advised by the Parliamentarian that the Chair was incorrect. The Senator from New Hampshire has yielded himself time.

Mr. **MAGNUSON.** Mr. President, we have 3 hours, and the Senator can yield himself such time as he wishes.

Mr. **COTTON.** Mr. President, I simply want to yield myself 2 minutes.

The **PRESIDING OFFICER.** The Senator from New Hampshire is recognized.

Mr. **COTTON.** Mr. President, I yielded myself the 2 minutes to say that while I know the Senator from New York wishes the floor and the Senator from New Jersey has an amendment which he wants to get action upon, at this time, I will be happy to step aside and make way for them. However, when we have finished considering those particular matters, I wish to point out that there are a few things that have been said about the President that I feel constrained to answer very briefly, which I can do on my own time and without delaying the Senate. However, because of the fact that there are those who have asked for an early vote on the amendment of the Senator from New Jersey, and possibly the amendment of the Senator from Indiana, I will do that later.

Does the Senator from New York have an amendment?

Mr. **JAVITS.** I do not have an amendment.

Mr. **COTTON.** Mr. President, I will wait until they have finished. I take these 2 minutes to say that after these matters have been disposed of, I might take 5 minutes to say that this President is not such a heartless creature that he tries to trample upon the lame, the halt, and the blind as one would gather from the comments of the last hour.

Mr. **JAVITS.** Mr. President, will the Senator yield me 2 minutes?

Mr. **COTTON.** Mr. President, I yield 2 minutes to the Senator from New York.

The **PRESIDING OFFICER.** The Senator from New York is recognized for 2 minutes.

Mr. **JAVITS.** Mr. President, I ask unanimous consent that Eugene Mittelman, who is minority counsel for the Labor and Public Welfare Committee, may have the privilege of staying on the floor while this mater is being debated.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **THURMOND.** Mr. President, I ask unanimous consent that Bill Hancock, one of my staff members, be allowed on the floor during the consideration of the bill.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **JAVITS.** Mr. President, I wish to indicate my general support for certain items in this bill relating to manpower training and employment programs and to commend the committee for maintaining the levels available in the House bill, in each case.

They are as follows: The amount of $719,554,000 for manpower training programs under the Manpower Development and Training Act of 1962. These programs include the JOBS program, New Careers, the Neighborhood Youth Corps, Operation Mainstream, Job Corps, and a number of other essential activities. If combined with the $829,862,000 requested by the administration under the Economic Opportunity Act— which I understand will be considered in a supplemental appropriation bill later this session—there will be available a total of $1,549,416,000 for the provision of 1,043,100 annual training slots.

Although by no means adequate to the overall need, this level of opportunity compares favorably with the number of opportunities made available during fiscal year 1972 under the two legislative authorities in the initial appropriation bill. In that year approximately 1,100,000 slots were funded under the initial bill.

The real deficiency will lay, as in past years, in the Neighborhood Youth Corps summer job program as we approach the summer months, and the needs of the cities and States are known more accurately. Under the administration's request I am advised that a minimum of $256.6 million will be available for the funding of 575,000 slots; this falls $14.2 million and 34,300 slots below the initial funding for last year, but I am informed that the States and the cities may decide to shift funds from other programs to maintain the initial 1972 level.

Thus it will be appropriate to consider these actions, as well as any additional needs for other programs, in the context of a subsequent supplemental appropriations bill.

Second, $1,250,000,000 for public service employment programs under the Emergency Employment Act of 1971. This is the full authorized amount as requested by the administration and it would fund approximately 225,000 jobs during the year for unemployed and underemployed persons in rendering vital public services in fields such as health, education and environmental control; a total of $1 billion was made available in fiscal 1972 for approximately 150,000 jobs.

The Emergency Employment Act is a most appropriate vehicle to deal with the continuing problem of employment and it is essential that it be maintained at the full level of funding. Even with the appropriation requested it can reach less than 5 percent of the more than 4 million persons currently unemployed.

Third, $66,700,000 for grants to the States for employment services and $445,133,000 for work and training for welfare recipients under the work incentive program.

Mr. President, the funds for manpower programs derive not only from the Manpower Development and Training Act and Emergency Employment Act, for which funds have been appropriated in this bill, but under the Economic Opportunity Act of 1964.

On September 19, President Nixon signed the Economic Opportunity Amendments of 1972, sponsored in the Senate by Senator NELSON, chairman of the Subcommittee on Employment, Manpower, and Poverty, and myself.

It contains an authorization of $900.3 million for manpower programs, most of which are delegated to the Department of Labor.

This exceeds by $70,438,000 the amount of $829,862,000 requested by the administration under that authority.

To the extent that there are further needs for these programs above the administration's requests, I reserve the right to seek additional funds in that context as a part of the supplemental bill for the OEO authorizations, which I understand will be considered shortly.

As the ranking minority member of the Committee on Labor and Public Welfare, I have had the opportunity both to contribute to the establishment of our major manpower training and related efforts and to assess their effectiveness. I believe that—although certain changes should be made in the means of administration—they continue to constitute a highly effective means of enabling our citizens to find self-sufficiency and thus to reduce the risk of welfare dependency and should be fully funded.

I shall view with great reservation any step taken by the President—pursuant to the general authority contained in this bill to reduce programs by 10 percent—having the effect of cutting back on these vital manpower efforts.

I ask unanimous consent that there be printed at this point in the RECORD a chart prepared by the Department of Labor indicating the levels of appropriation for manpower services for fiscal year 1973, broken down by legislative source and program and compared with fiscal year 1972.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF LABOR, MANPOWER ADMINISTRATION

MANPOWER TRAINING SERVICES—FISCAL YEAR 1973 LEVELS REFLECTING WIN-TALMADGE REDUCTIONS

	Fiscal year 1972 comparable			Fiscal year 1973 Appropriation Request		
	MDTA	EOA	Total	MDTA	EOA	Total
Private sector OJT	$194, 200, 000		$194, 200, 000	$194, 200, 000		$194, 200, 000
Public sector OJT	35, 400, 000	$26, 800, 000	62, 200, 000	35, 400, 000	$26, 800, 000	62, 200, 000
Institutional training	372, 452, 000	200, 097, 000	572, 549, 000	368, 410, 000	205, 715, 000	574, 125, 000
Regular classroom training	(372, 452, 000)		(372, 452, 000)	(368, 410, 000)		(368, 410, 000)
Job Corps		(200, 097, 000)	(200, 097, 000)		(205, 715, 000)	[1](205, 715, 000)

Footnote at end of table.

DEPARTMENT OF LABOR, MANPOWER ADMINISTRATION—Continued

MANPOWER TRAINING SERVICES—FISCAL YEAR 1973 LEVELS REFLECTING WIN-TALMADGE REDUCTIONS—Continued

	Fiscal year 1972 comparable			Fiscal year 1973 Appropriation Request		
	MDTA	EOA	Total	MDTA	EOA	Total
Inschool work support	$174,850,000	$232,600,000	$407,450,000	$18,300,000	$327,600,000	345,900,000
Postschool work support		209,420,000	209,420,000		208,128,000	208,128,000
Out of school		(125,520,000)	(125,520,000)		(124,228,000)	(124,228,000)
Operation Mainstream		(83,900,000)	(83,900,000)		(83,900,000)	(83,900,000)
Special targeting	52,000,000	102,600,000	154,600,000	51,971,000	102,419,000	154,390,000
Computerized job placement	22,274,000		22,274,000	32,000,000		32,000,000
Program support	54,173,000	5,200,000	59,373,000	58,273,000	5,200,000	63,473,000
Total	905,349,000	776,717,000	1,682,066,000	758,554,000	875,862,000	1,634,416,000

	WIN-Talmadge reductions			Revised level		
	MDTA	EOA	Tota	MDTA	EOA	Total
Private sector OJT	−$9,980,000		−$9,980,000	$184,220,000		$184,220,000
Public sector OJT	−1,820,000	−$1,408,000	−3,228,000	33,580,000	$25,392,000	58,972,000
Institutional training	−18,940,000	−10,804,000	−29,744,000	349,470,000	194,911,000	544,381,000
Regular classroom training	(−18,940,000)		(−18,940,000)	(349,470,000)		(349,470,000)
Job Corps		(−10,804,000)	(−10,804,000)		(194,911,000)	(194,911,000)
Inschool work support	940,000	−17,206,000	−18,146,000	17,360,000	310,394,000	327,754,000
Postschool work support		−10,930,000	−10,930,000		197,198,000	197,198,000
Out of school		(−6,524,000)	(−6,524,000)		(117,704,000)	(117,704,000)
Operation Mainstream		(−4,406,000)	(−4,406,000)		(79,494,000)	(79,494,000)
Special targeting	−2,670,000	−5,379,000	−8,049,000	49,301,000	97,040,000	146.341,000
Computerized job placement	−1,650,000		−1,650,000	30,350,000		30,350,000
Program support	−3,000,000	−273,000	−3,273,000	55,273,000	4,927,000	60,200,000
Total	−39,000,000	−46,000,000	−85,000,000	719,554,000	829,862,000	1,549,416,000

[1] Includes $1,050,000 Job Corps pay amendment.

Mr. MAGNUSON. Mr. President, the Senator from New Jersey has an amendment he wishes to offer.

Mr. CASE. Mr. President, I thank the manager of the bill and the ranking minority member of the subcommittee. I shall only take about 3 minutes. The Senator from Nebraska will take about 3 minutes.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. Mr. President, might I inquire who has charge of the time in opposition to the amendment?

Mr. MAGNUSON. Mr. President, I think I can clear that up. The distinguished Senator from New Jersey is proposing an amendment to strike a portion from the bill. The Senator who had the original amendment when the original bill was up for consideration is opposed to that amendment. Inasmuch as I am going to vote for the Case amendment, I would agree with the Senator from New Hampshire to let the Senator from Nebraska have control of the time.

Mr. COTTON. Mr. President, that is perfectly agreeable to me. I am also opposed to the amendment. However, I would be glad to let the Senator from Nebraska have control of the time.

Mr. CASE. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. CASE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed at this point in the RECORD and that the RECORD show that I have as cosponsors of the amendment the following Senators. Senators JAVITS, WILLIAMS, MATHIAS, HART, TUNNEY, HARTKE, MCGOVERN, BROOKE, and STEVENS. I announce that if any Senator would like to be added, if he would leave his name at the desk before the close of business todav, that will be done.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 48, after line 4, strike out: "None of the funds appropriated by this Act shall be expended to pay the salaries of any employees of the Federal Government who inspect firms employing fifteen persons or less for compliance with the Occupational Safety and Health Act of 1970."

Mr. CASE. Mr. President, my amendment would strike from the bill the restrictive language which exempts employers who employ fewer than 15 employees from the Occupational Safety and Health Act of 1970.

This provision, if it remains, will exempt more than 86 percent of all business establishments from coverage under the Occupational Safety and Health Act and thereby jeopardize the health and safety of a full one-fourth of the Nation's work force.

It is estimated that as many as 100,000 men and women will die this year of an occupational hazard or an occupational disease. Most of these women and men are employed in small business enterprises. That is why the full protection of the occupational safety and health measure is of critical importance.

My amendment has the full support of the Department of Labor and the administration. It has the full support of the legislative committees that proposed the occupational safety and health measure originally and recently held oversight hearings on the first year's experience under the law. And my amendment has the full support of working men and women who depend on the protection and relief afforded them by the law.

I regret the full Appropriations Committee failed to strike this provision. However, this action was based, I think, on the desire to limit the controversy with the House over the Labor-HEW appropriations bill.

I reject this view. The importance of this matter is great and I believe the chances are good to eliminate this restrictive language from the bill altogether.

Since the hasty Senate floor action on the occupational safety and health measure when the Labor-HEW appropriations bill was last considered, the Senate Labor and Public Welfare Committee has conducted oversight hearings on the occupational safety and health law. Similar hearings have been held in the House. These hearings reveal the law is sound and an exemption restricting application of the law would seriously erode the protection now given to the American worker.

Close scrutiny of the small-business exemption reveals basic flaws. It would create opportunities for evasion of safety rules, lead to confusion in some work situations and arbitrary discrimination in others.

In return for these large and small problems, exempting firms with less than 16 employees would not even meet the real desires of small business. Businessmen do not want a free ride, and they need the expertise and resources the Government can offer to help improve their performance on safety. What they ask is relief from inappropriate or harassing enforcement, and a chance to seek help and advice on reasonable terms.

First, let us consider the impact of the exemption rider on small businesses and their employees. A recent sampling showed that 24 percent of the inspections of small businesses came as a result of bona fide employee complaints or of fatalities and catastrophic accidents. If the rider remains, the Secretary of Labor will be powerless to investigate the conditions that kill employees, or to respond to complaints that might spotlight dangers in time to avoid future damage. I know that the distinguished Senators who have expressed sympathy for the exemption do not oppose inspections where death or catastrophe is involved, but unfortunately, the language we have before us would have the effect of barring such inspections.

There is another dimension to the harm this amendment would cause. Some of the industries that have been singled out for urgent attention because of their high injury rates are composed mostly of small businesses that would fall within the 15-or-less exemption. The logging industry, for example, is carried on in over 16,000 logging camps in this country; 96 percent of them have 20 employees or less. The workers in these camps suffer almost three times the disabling injury rate of all industrial employees. How can we justify withdrawing OSHA protections from them? The disabling injury rate in another "target industry" composed largely of small businesses, roofing and sheet metal work, is fractionally higher than in logging, and many other typically small-unit industries have high rates.

Representatives from the construction industry have given examples of the confusion and discord that an arbitrary cutoff on enforcement of responsibility for safety could cause.

I am well aware that small businessmen have some legitimate complaints about the way OSHA has affected them in these early stages of its administration. Together with other Senators, I have pursued these points and will continue to do so, through oversight of the Labor Department and, where appropriate, through amendments to the act. In this regard, it is worth noting that the rider does nothing to change the basic law. The obligations of the Government are left intact, but it is rendered incapable of carrying them out. This is bad lawmaking as well as bad policy.

While there is a solid core of reasonable criticism about OSHA to which we should respond, there has also been a great deal of overstatement that has alarmed the uninformed. A National Small Business Association representative, Mr. Carl Beck, testified before the Senate Labor Subcommittee that "the business community has fallen victim to a great many rumors and scare-stories which appear to have little foundation in fact." This statement was based on an intensive study of OSHA operations in one area of the country. The association found few fines or penalties of great size, and no confirmation that any firm had been forced out of business. The major problems it found were in making the OSHA requirements accessible to businessmen and providing them with help in compliance.

The Labor Department is improving its administrative efforts to meet these problems, and the Secretary of Labor has supported an amendment to permit onsite consultation with small employers which is expected to reach the floor of the House during this session.

In conclusion, I ask only that each Senator consider whether he has been given sufficient justification for abandoning a great portion of the Safety and Health Act and leaving one American worker in four unprotected. If the answer is "no," the exemption rider must be rejected.

Mr. President, the administration is in favor of my amendment.

Mr. CURTIS. Mr. President, will the distinguished Senator yield at that point?

Mr. CASE. Yes. I have a letter before me addressed to the Senator from Pennsylvania (Mr. SCOTT) from the Secretary of Labor, expressing that view.

Mr. President, I ask unanimous consent that the letter may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 27, 1972.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR HUGH: The Department of Labor notes with concern the efforts of various Senators to attach a provision to the Labor-HEW Appropriations bill which would exempt firms with fifteen or fewer employees from coverage under the Occupational Safety and Health Act of 1970. Such an amendment passed the House by nine votes on September 19.

I have written to Senator Magnuson urging that the Senate Appropriations Committee reject the House Floor amendment as an unwise approach to the problems raised by small employers who are endeavoring to comply with the Williams-Steiger Act. It is the position of the Administration that it would be unconscionable to exempt more than 86% of all business establishments from coverage under the Act and thereby deny the protection which this landmark legislation affords to a full one-fourth of all working men and women in America. We are supported in this view by organized labor as well as by many segments of industry. It should be noted that the vast majority of employers in the construction industry would be included in the exemption. This would be particularly unfortunate in view of the fact that construction is a target hazard industry due to its high accident frequency rate.

The Department has repeatedly stated that it recognizes the problems faced by small employers and is anxious to assist them in their compliance efforts. But to do this an amendment to the Williams-Steiger Act is required. Therefore, we have urged Congress to adopt an amendment which would permit the Department of Labor to provide on-site consultation to small employers, thereby easing the burden of compliance on small businesses while maintaining the basic integrity of the Act.

Such an amendment has recently been proposed by Congressman William Steiger in the form of H.R. 16508.

The Administration earnestly desires to continue, uninterrupted, its efforts to assure a safe and healthy workplace for all Americans. Your assistance at this vital crossroad in OSHA's history would be deeply appreciated.

Sincerely,

JIM HODGSON,
Secretary of Labor.

Mr. CURTIS. Mr. President, I hold in my hand a letter apparently sent to all colleagues signed by the distinguished Senator from New Jersey, who now has the floor. It says,

> My amendment has the full support of the Department of Labor and the administration.

Who speaks for the Department of Labor?

Mr. CASE. The Secretary of Labor.

Mr. CURTIS. Then, the Senator has the words "and the administration."

Mr. CASE. And I could add a half dozen others. The administration is the Secretary of Labor.

Mr. CURTIS. Does the Senator have any additional communications?

Mr. CASE. Yes.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. CASE. I am happy to yield at this point to the Senator from New York, the ranking Republican member of the Committee on Labor and Public Welfare.

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Secretary of Labor, dated September 29, 1972.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,
Washington, D.C., September 29, 1972.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: Yesterday, the Senate Appropriations Committee reported H.R. 16654, the Labor-HEW Appropriations Bill for fiscal year 1973. In adopting the conference version of H.R. 15417, the committee gave its approval to a provision which would exempt firms employing fifteen or fewer employees from coverage under the Occupation Safety and Health Act of 1970.

The Department of Labor is opposed to such a provision, which would exempt more than 86 percent of all business establishments from coverage under the Act and thereby jeopardize the health and safety of a full one-fourth of the Nation's work force.

This amendment was conceived last June at a time when OSHA was coming under heavy criticism from small business interests who claimed that the Department of Labor was not enforcing the Act in such a way as to give cognizance to the needs of small business.

These fears were based on a lack of knowledge regarding the Act's purpose and the Department's intent. Since June, OSHA has had an opportunity to testify before four Congressional Subcommittees where the concerns of small employers were met head on. At these hearings, the Department repeatedly stated that it recognizes the problem faced by small employers and is anxious to assist them in their compliance efforts. To this end, we have also stated that we would favor an amendment to the Williams-Steiger Act which would permit OSHA to provide on-site consultation to small employers.

Such an amendment has recently been proposed by Congressman William Steiger in the form of H.R. 16508. By adopting such an amendment Congress would be responding to the concerns raised by small employers, and at the same time the basic integrity of this landmark legislation would be preserved.

The Department of Labor earnestly desires to continue, uninterrupted, its efforts to assure a safe and healthful work place for all Americans, and we therefore strongly urge that the exempting language in H.R. 16654 be deleted.

Sincerely,

J. D. HODGSON,
Secretary of Labor.

Mr. JAVITS. Mr. President, I wish to read the first two paragraphs of the letter. The letter states in part:

> Yesterday, the Senate Appropriations Committee reported H.R. 16654, the Labor-HEW Appropriations Bill for fiscal year 1973. In adopting the conference version of H.R. 15417, the committee gave its approval to a provision which would exempt firms employing fifteen or fewer employees from coverage under the Occupational Safety and Health Act of 1970.
>
> The Department of Labor is opposed to such a provision, which would exempt more than 86 percent of all business establishments from coverage under the Act and thereby jeopardize the health and safety of a full one-fourth of the Nation's work force.

I shall hand a copy of the letter to the Senator from Nebraska.

The PRESIDING OFFICER. Who yields time?

Mr. CASE. Mr. President, I reserve the remainder of my time. I do yield 2 minutes to the Senator from New York and then I shall yield briefly to my colleague.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I was one of the main authors and conferees on the Occupational Health and Safety Act. It is simply appalling that we should consider the broad scale exemption which the Secretary of Labor said would take out 86 percent of all business establishments, and take out the most hazardous of all callings, the building trades, because of the small number of employees they have engaged on particular jobs in that particular trade at this particular time, when we are just getting started with the administration of the act.

There has been some argument about how this act is being administered. We heard testimony that was produced on that score. I was present at those hearings, as the Senator from Nebraska knows.

The Department of Labor letter which I just had printed in the RECORD also states it recognizes the problem faced by small employers, is anxious to assist in their efforts, and, therefore, is supporting an amendment to the law, the Steiger amendment which would permit OSHA to provide on-site consultation to small employers. I wish to assure the Senate I will make it my business to see that such an amendment is considered. I think we will have broad support in the Senate.

Mr. President, I hope very much the Senate will approve the pending amendment, and I commend Senator CASE for taking the initiative in offering it.

As the ranking minority member of the Labor and Public Welfare Committee, I am familiar with the problems which gave rise to the provision in the bill which exempts small businesses from OSHA inspections. I do not for a moment deny that there have been mistakes made by the Department of Labor in getting this monumental program off the ground; indeed, the Labor Committee has held 4 days of hearings in which the problems faced by small businessmen under this act have been explored in great depth. The hearings were extremely useful because while, on the one hand, they clearly showed the need for certain adjustments in the program to ease the impact of OSHA on small businssmen, they also demonstrated that many of the rumors which had circulated among the small business community about OSHA were completely false.

The main problems which have arisen for small businessmen under the OSHA program are: first, a lack of readily understandable information as to what standards they are expected to comply with; second, the lack of any on-site consultative services for small businessmen; and third, what appears to be a lack of simple commonsense on the part of inspectors and certain other OSHA officials.

Clearly, these are all problems which can be taken care of by appropriate administrative and legislative changes. They hardly justify a proposal which would emasculate enforcement of the law for 20 million employees of small businesses throughout the country, some of whom are employed in hazardous occupations. Thus, a majority of employers in the construction industry and the logging industry employ fewer than 15 workers and would be exempt from inspection if this amendment is not adopted. Yet, construction and logging are two of the five target industries selected by the Labor Department as the most hazardous industries in the Nation for priority consideration under OSHA.

Another reason why this amendment should be adopted is that if the exemption of small employers is permitted to remain in the bill, neither Federal or State occupational safety and health laws will apply to small employers in States which have not filed acceptable State plans with the Secretary because of the preemption provisions of section 18 of the Occupational Safety and Health Act. Thus, employees of small businesses in those States will be utterly bereft of any statutory health and safety protection while on the job.

In the last analysis, the question comes down to whether we really believe that all American workers need and deserve the protection of occupational safety and health standards. In my judgment, just to ask that question is to answer it. An employee of a small business is no less subject to occupational dangers to his health or even his life than an employee of a large business. If certain standards should be observed in order to protect a worker, there is no reason to say that they should be observed by a large employer but not a small employer. It also bears emphasis that the standards about which the small businessmen are now complaining are for the most part national consensus standards which have been developed with the approval and consent of the business community itself. The complaints we are now receiving about enforcement of these standards which the business community itself developed demonstrate the futility of a completely voluntary approach to health and safety standards.

Of course, many—perhaps most—small businesses in this country are engaged in essentially nonhazardous activities. To the extent that this is true, small business will be less affected by the provisions of the new law larger than businesses. In addition, the Labor Department's policy of concentrating on "target industries"—those with the worst injury record—will further reduce the impact of the new law on small businesses except those that are within the target industry group. Also, since the available manpower for enforcement purposes is extremely limited—only about 800 Federal inspectors are now in the field—it is to be expected that the Labor Department would focus most of its efforts on larger businesses as the way to get the most protection for the largest number of employees utilizing existing resources.

Finally, I would like to set the record straight on the matter of OSHA inspectors going around levying fines on small businessmen, as has been alleged. The record ought to be crystal clear on this point: OSHA inspectors do not levy fines. After an inspection, OSHA sends to the employer a citation and a notice of proposed penalty for any violations found during the inspection. The citation and notice of proposed penalty have exactly the same status as a traffic ticket issued by a policeman; every employer has an absolute right to contest the validity of the citation, the time specified for abatement, or the amount of the penalty, by filing a simple notice of intention to contest. Just as in the case of a traffic ticket it is the traffic court that has the actual power to impose any fine on an offender, so under OSHA it is the Review Commission, an autonomous body not part of the Labor Department, which has the power to levy penalties.

As many Senators will recall, the question of whether there should be an independent tribunal established for the purpose of adjudicating contested enforcement cases was one of the key issues when the OSHA legislation was considered by the Senate. I was the author of the amendment which created an autonomous review commission which was approved by the Senate and embodied in the law as finally enacted.

The purpose of creating a separate review commission was precisely to guard against possible abuses of the law by those responsible for enforcing OSHA requirements. I am pleased to say that the Commission has already acted to correct some of the problems about which small businessmen have complained, such as the levying of small penalties for violations which have very little or nothing to do with health and safety. It is also noteworthy that the Commission has bent over backwards to facilitate recourse by small businessmen to it. Among other things, they have published a very simple, easy to follow guide to their procedures which advise businessmen, in readily understandable language, of their rights at every step of a proceeding. I ask unanimous consent that the text of the guide be printed in the RECORD together with a letter to me from the Chairman of the Commission.

There being no objection, the materials are ordered to be printed in the RECORD, as follows:

A GUIDE TO THE PROCEDURES OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

INTRODUCTION

This pamphlet is an explanation of how proceedings are conducted in the Occupational Safety and Health Review Commission (OSAHRC). It is not an official supplement to the Commission's Rules of Procedure but is published as a guide so that some of the principal provisions of those Rules may be more readily understood.

The Commission's Rules of Procedure may be obtained by writing to: Executive Secretary, Occupational Safety and Health Review Commission, 1825 K Street, N.W., Washington, D.C.

They are also published in volume 29, Code of Federal Regulations, §§ 2200.1–2200.110.

1. The Commission

The Occupational Safety and Health Review Commission is an independent agency of the U.S. Government. It is not affiliated in any way with the Department of Labor. There are three Commission Members who are appointed by the President of the United States for six year terms, and forty-five or more judges who have career tenure. The judges hold hearings and adjudicate disputes under the Occupational Safety and Health Act of 1970. The Commission Members review the judge's decision, and have the authority to change such decisions.

Review Commission Judges are appointed by the Chairman of the Commission. Their offices are located in principal cities throughout the United States, but they generally travel to the community where an alleged violation of the Act has occurred to hold their hearings.

2. How OSHA cases are initiated by the Department of Labor

Cases which come before the Commission or its Judges begin with an inspection conducted by the Occupational Safety and Health Administration (OSHA), an agency of the United States Department of Labor.

When the OSHA inspector finds what he believes to be a violation of the Act, the employer is notified in writing of the exact nature of the alleged violation and the period of time OSHA deems reasonable for its correction. This document is called a *citation*. The period of time specified in the citation for the correction of the alleged violation is called the *abatement period*. The Act requires that the employer post a copy of the citation.

Within a reasonable time after the issuance of the citation, OSHA is required to notify the employer in writing of the penalty, if any, proposed to be assessed for each violation it has alleged. This document is called a *notification of proposed penalty*. It must be sent by certified mail.

Many times both the citation and notification of proposed penalty are mailed to the employer in the same envelope.

If neither the cited employer nor any affected employees take action to contest this action within fifteen working days (Mondays through Fridays, excluding Federal holidays), the citation and notification of proposed penalty will become the final order of the Commission and not subject to review by any court or agency.

COMMISSION PROCEDURES

3. How an employer contests an OSHA action

Initially there are 2 things to be done by an employer who wishes to contest the citation he has received from OSHA, or any part thereof, or the amount of any penalty proposed against him:

(a) Within fifteen working days from his receipt of the *notification of proposed penalty*, he must notify the Labor Department, in writing, of his intent to contest (this is called a *Notice of Contest*), and

(b) Upon receiving notice that the case has been docketed, he must notify his affected employees (and their union representative, if any) that he is contesting the case.

This latter requirement has been included so that affected employees will know of the case in the event they wish to avail themselves of the opportunity to participate as a party. The Commission will supply forms to the employer for this (further explanation is contained in section 11D of this Guide).

The notice of contest is a simple written statement by the employer or his representative that he intends to contest the action initiated against him by the Department of Labor. If the employer does not wish to contest everything in the citation and notification of proposed penalty, his letter should specify exactly what he is contesting. For example, there may be two citations and he wishes to contest only one of them. He should identify that one. Or there may be six different items alleged as violations in a citation and he only wishes to contest items 3, 4, and 6. He should so specify. If he wishes to contest the total amount of the proposed penalty or only the amount for one citation or specific items on one citation, or only the abatement period for some or all of the violations alleged, he should so state.

For any citation or items listed on a citation which the employer does *not* contest, the employer must comply with the abatement period and pay to the Department of Labor whatever monetary penalty is specified for such citation or items.

4. Where to send a notice of contest

The employer must mail his notice of contest to the Area Director of the OSHA office from which the citation came. Regular first class mail will be sufficient for this purpose. The appropriate Area Director's name and address will be listed on the citation. The employer must *not* send this notice to the Commission.

Note: The filing of this notice of contest in good faith and not solely for purposes of delay or avoidance of penalties tolls the abatement period. In other words, the time specified for correcting the violation alleged in the citation does not begin to run until the entry of a final order of the Commission for those alleged violations which are contested.

5. Procedures before hearing

Within seven days of receipt, the OSHA Area Director must forward the employer's notice of contest to the Commission. The Commission's Executive Secretary then notifies the employer, the Secretary of Labor, and all other parties to the case of the Commission's receipt of the notice of contest and the docket number assigned to the case. The Secretary of Labor then becomes the *Complainant* in that case, and the contesting employer is the *Respondent*.

At the time the employer is notified that his case has been docketed, the Commission will furnish him with a copy of a notice to be used in advising his affected employees and a return postcard so the Commission will know that this has been done.

Pleadings are then filed as specified below:

Within 20 days of the date on which OSHA receives the employer's notice of contest, counsel for the Secretary of Labor must file a written *complaint* with the Commission. A copy must be sent to the employer and all other parties to the case, if any (See section 11B of this Guide). The Complaint sets forth the alleged violation (or violations), which the employer is contesting, in more specific detail than was listed on the citation, and recites certain jurisdictional matters. It also relates the basis for the abatement period, and a justification of the proposed penalty.

The employer must file a written *answer* to the Complaint with the Commission within 15 days of the date the Secretary files the Complaint. A copy must be sent to counsel for the Secretary and to all other parties to the case, if any. The Answer must be either a general denial of the Complaint or specify those statements in the Complaint which the employer denies or wishes to explain. Any allegation in the Complaint not denied in the Answer will be deemed to have been admitted.

Between the filing of the Answer and the date of the hearing, various motions or petitions may be filed by any party. After all pleadings are completed, the parties will be notified of the assignment of the case to a Commission Judge. Prehearing conferences may then be scheduled by the Commission.

The parties will be notified of the time and place of the hearing at least 10 days in advance thereof. This notice must be posted by the employer. A form to accomplish this will be supplied by the Commission.

6. Withdrawal of notice of contest

An employer who has filed a notice of contest and later determines that he wishes to withdraw his case may do so at any stage of the proceedings if he:

1. Shows that the alleged violation has been abated (or shows when it will be abated.)
2. Pays the amount of the proposed penalty to the Secretary of Labor.
3. Serves notice thereof upon affected employees and their authorized representative, if any.

7. Settlement

The Commission encourages settlement at any stage of the proceedings. The Secretary of Labor must agree to the settlement terms and affected employees or their authorized representative must be advised of the terms thereof. The Commission must also approve.

8. Hearings

Hearings are adversary proceedings conducted like trials in court. The hearing is usually conducted in or near the community where the alleged violation occurred.

At the hearing, a Review Commission judge will preside. The Secretary of Labor has the burden of proof (except as stated in section 10 of this Guide). He must establish each contested violation through evidence introduced in open court. Each party to the proceeding may call witnesses, introduce evidence, and cross-examine opposing witnesses. In making his decision, the judge is only permitted to consider matters received during the hearing. Thus, each party must be sure to see that their case is fully presented.

After the hearing is over, and before the judge makes his decision, each party is given an opportunity to submit to the judge, written briefs and proposed conclusions of law.

9. Procedure after hearing

After the Judge has heard the evidence, he will issue a written decision and file it with the Commission. Each party will receive a copy. This decision becomes final 30 days after its receipt by the Commission, unless within that 30-day period any Commission member directs that the case be reviewed by the full Commission.

Review by the Commission is not a matter of right. It is solely within the discretion of the members of the Commission. However, any party may file a petition with the Commission during the 30-day review period requesting that the Commission review the decision of the Judge. The petition should state the reasons the petitioner believes the Judge's decision should be reviewed. It should be sent to the Commission in Washington, D.C. so that it will be received no later than 25 days after the judge's decision.

When the Commission does decide to review a judge's decision, the parties are notified and given an opportunity to submit written briefs and exceptions to the judge's decision. No party is required to appear in person before the Commission. However, the Commission may, on occasion, request an oral presentation.

Where the Commission does not grant review of a judge's decision, the judge's decision automatically becomes the final order of the Commission 30 days after it is filed. It may then be appealed by any aggrieved party to an appropriate U.S. Circuit Court of Appeals. This right of appeal also applies to Commission decisions issued after a direction for review.

10. Petition for modification of abatement

There are some instances where an employer has not contested an OSHA citation (or appealed a Commission order) but wishes to have a change in the abatement date with which he is required to comply. If the employer has made a good faith effort to comply with that abatement period but has not been able to do so by the prescribed date because of factors beyond his control, he may file a *petition for modification of abatement*. This Petition is filed with the OSHA Area Director in the same manner as a notice of contest and must be filed *no later* than the end of the next working day following the date on which abatement was to have been completed. It should state why the abatement is not completed. Affected employees and their union (if any) must also be notified (see section 11D of this guide).

OSHA is required to forward the Petition to the Commission within 3 days of receipt. Various pleadings are then filed as indicated below.

Within 10 days, the Secretary of Labor is required to file a Response. Procedures are otherwise the same as with a notice of contest, except that the employer must demonstrate that he could not complete abatement for reasons beyond his control.

In cases of this kind, the employer is called the *Petitioner*, and the Secretary is called the *Respondent*, and the burden of proof is upon the Petitioner.

Note: Where the abatement period has been prescribed by a Commission order after the citation has been contested, the proper procedure is to file a Petition with the *Commission* for modification of its order.

11. Other important matters

A. Definition of Affected Employee

The Commission's Rules of Procedure define an affected employee as "an employee of a cited employer who is exposed to the alleged hazard described in the citation, as a result of his assigned duties." *Any employee, including supervisors and company officers, can be affected employees.*

B. Election of Party Status by Others

Affected employees, or a union which represents affected employees, may elect to participate as parties in any proceeding before the Commission at any time before the commencement of the hearing. Such election is made by filing a *Statement of Intent to Participate* or a *Statement of position* which sets forth the affected employees' position with respect to the issues. A copy must be served on all other parties.

Where a proceeding has been initiated by an affected employee (or union which represents affected employees), the employer may elect to participate as a party at any time before the commencement of the hearing by filing a statement of intent to participate or a statement of position. A copy must be served on all other parties to the proceeding (for a fuller explanation of this type of proceeding see section 11L of this guide).

C. Service of Papers on Others

All papers filed with the Commission or a Judge must be served on all other parties to the case (see also the last sentence of section 11G of this Guide). Service is the delivery of copies of the papers to the other parties, either personally or by first class mail.

Note: When an employer initially files a notice of contest to an OSHA citation, the Labor Department and the employer are the parties. Others may join the case later. When this happens, the employer will receive appropriate notice.

In addition, a statement that service has been accomplished must be attached to any papers submitted for filing with the Commission. The statement must show the date and manner of service (mail or personal delivery) and the names of the persons served. Such a statement is called a certificate of service.

D. Notifying Employees of Case

An employer who files a notice of contest to an OSHA enforcement action (or petitions for modification of abatement) is *required* to give notice to all his affected employees in the manner specified below.

If there are any affected employees who are not represented by a union, the employer is required to do 2 things: (a) Post a copy of the notice of contest (or petition for modification of abatement) at each place where the OSHA citation is required to be posted, and (b) Post a notice informing the affected employees of their right to participate in the case (The Commission supplies forms for this).

If any of the affected employees are represented by a union for collective bargaining purposes, the employer is required to serve (see section 11C of this guide) such union with a copy of the notice of contest (or petition for modification) *and* with a copy of the notice supplied by the Commission (if more than one local union represents affected employees, each such union must be served).

If some affected employees are represented by a union and some are not, the employer must comply with *both* of the 2 preceding paragraphs.

The employer must also notify the Commission that he has complied with these requirements for notifying employees (The Commission will furnish a return postcard for this purpose).

E. Maintaining Copies of Pleadings

In order that affected employees may have the opportunity to keep abreast of the status of the case and other developments therein, the employer must keep available at some convenient place copies of all pleadings and other documents filed in the case so they can be read at reasonable times by affected employees or agents of unions representing affected employees.

F. Computation of Time

The Commission's Rules provide that in computing time, the day which starts the period shall not be included. The last day of the period is included, unless it is a Saturday, Sunday, or Federal holiday.

Example: The report of the Judge is filed Monday, July 3. In computing 30 days, July 3 is not included. Begin counting days on July 4. Thus, the review period ends on August 2. Since August 2 is not a Saturday, Sunday, or Federal holiday, it is included as the last day. However, were August 2 a Saturday the last day of the review period would be the next Monday—August 4.

Where the period of time prescribed is less than 7 days, intermediate Saturdays, Sundays, and Federal holidays are not included.

Example: A motion is mailed on Monday, July 3. Since the period of time to respond is 10 days, Saturdays, Sundays, and Federal holidays are counted, and July 4 is the first day of the Computation period. Since the motion was served by mail, 3 days are added to the time to respond. Thus, the last day of the period is July 16. However, since July 16 is a Saturday, the last day to respond is put over to the following Monday—July 18.

G. Appearances in Commission Proceedings

Any party may appear in a Commission proceeding either personally, through an attorney, or through any person of his choosing. Such person need not be an attorney at law. Where affected employees are represented by a union for collective-bargaining purposes, customarily only the union's designated representative may appear.

An attorney or other representative who files an appearance in a case for one of the parties controls the proceedings with respect to the party represented. That person is the one to whom all papers in the case are sent.

H. Penalties

OSHA only *proposes* penalties. Their proposals become penalties when the enforcement action is *not* contested within the time prescribed. Once a case is contested, the assessment of a penalty, if any, is a matter for the Commission.

When a case goes to hearing before a Review Commission Judge, the employer's evidence and argument on what penalty, if any, should be assessed, receives the same consideration as the evidence and argument of the Secretary of Labor on this matter.

The four factors which the law requires the Commission to consider in determining the appropriateness of civil penalties are:

The size of the business of the employer being charged;

The gravity of the violation;

The good faith of the employer; and

The employer's history of previous violations.

The amounts which may be assessed as penalties are set forth in Section 17 of the Act. All penalties assessed by the Commission are civil, not criminal.

I. Criminal Fines

The Commission has no jurisdiction to impose criminal fines or prison sentences.

J. Ex Parte Communication

Parties to cases before the Commission may not communicate *ex parte* with the Judge, a Commission member, or any employee of the Commission involved in a decisional process. In other words, no participant may discuss the merits of the case or make any argument with respect to a matter in controversy unless the other participants are present and given an opportunity to present their side or unless it is done in writing and copies are sent to all other parties. This prohibition does not, however, preclude asking questions with respect to the scheduling of a hearing or other procedural matters.

K. Court Review

Any person aggrieved by a final order of the Commission which was issued after a case has been initiated by the filing of a notice of contest, may petition for review in an appropriate United States Court of Appeals.

L. Employee Initiated Proceedings

Even if the employer does not file a notice of contest, affected employees may contest the reasonableness of the abatement period specified in the OSHA citation. They can do this by filing a notice of contest with the OSHA Area Director within 15 *working days* from the date the *citation* was issued.

The notice of contest need state only that the contestant is an affected employee (or a union which represents affected employees for collective bargaining purposes) and wishes to contest the reasonableness of the abatement period. In all such proceedings, the other affected employees and the employer may elect to participate as parties.

Note: Where affected employees are represented for collective bargaining purposes by a union, customarily only their union may file.

Within 7 days of receipt of such a notice of contest, OSHA must forward it to the Commission. Within 10 days, the Secretary of

Labor must file a statement with the Commission stating why the period prescribed for abatement is not unreasonable. No later than 10 days after service of this statement, the affected employees or their authorized representative must file a response, stating why the period prescribed by OSHA is unreasonable.

Procedures are similar to those for an employer notice of contest. The Secretary is the complainant, and he must establish that the period prescribed for abatement is not unreasonable.

Note: Where the case involves *only* an employee (or union) contest to the reasonableness of the abatement period specified in the Citation, that period is not tolled with a final order of the Commission.

M. Expedited Proceedings

In certain unusual situations, it may be necessary that the time allowed for the proceedings described in this Guide be expedited. The Commission's Rules of Procedure permit this upon the application of any party or intervenor, or upon the order of any member of the Commission. If an order is made to expedite proceedings, all parties and intervenors in the case will be specifically notified of the variances from what has been described in this Guide.

OCCUPATIONAL SAFETY AND
HEALTH REVIEW COMMISSION,
Washington, D.C., September 26, 1972.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: For your information, and as further amplification of my testimony during the oversight hearings on the Occupational Safety and Health Act, on September 19, 1972, I wish to advise that the Occupational Safety and Health Review Commission has adopted new Rules of Procedure to replace interim rules which have been in effect since October 1, 1971. These new rules, which simplify and streamline the system for contesting occupational safety and health enforcement actions become effective with their publication in the Federal Register on September 28, 1972.

In order to assist those who wish to contest OSHA enforcement actions, or better understand the procedures involved in doing so, the Commission is also publishing a Guide to its procedures, an early copy of which is enclosed herewith.

This Guide, written in plain non-legal language, is available to the public at the Commission's Washington office and, beginning on September 28th, will automatically be sent to all parties when their cases are docketed with the Commission.

Employers who contest OSHA actions will also be furnished with a notice to be used in informing their employees of the case and a return post card which will advise the Commission that they have done so. This will make it easier on employers to comply with a Commission rule requiring that affected employees, and unions representing them, be notified of the case so they can avail themselves of the opportunity to participate as parties.

In addition, the Commission has worked out an agreement with the Department of Labor under which each cited employer, at the time he is cited, will be supplied with written information explaining how to contest OSHA citations and penalty proposals. This will go into effect as soon as printing and distribution of the information to OSHA area offices can be accomplished.

With these changes, no one who is dissatisfied with an OSHA enforcement action affecting him, should have any trouble understanding what he must do to obtain a hearing on the matter, and, if he wants a hearing, there will no longer be any red tape or other legal barriers to achieving that desire.

Very truly yours,
ROBERT D. MORAN,
Chairman.

Mr. JAVITS. I hope this discussion will serve to put to rest, once and for all, the notion that under OSHA inspectors are authorized to go around the country slapping fines on small employers.

For all of these reasons, Mr. President, I hope very much the Senate will approve this amendment.

Mr. CASE. I thank the Senator.

I yield 2 minutes to the Senator from New Jersey.

Mr. WILLIAMS. Mr. President, I have cosponsored and strongly support the amendment to strike the provision exempting employers of 15 or less from Federal inspections under the Occupational Safety and Health Act of 1970.

While this exemption provision would leave such firms subject to the act's requirements, it would prevent Federal inspectors from enforcing those requirements—no matter how blatantly the act might be violated or how hazardous the working conditions that might exist—unless the Department of Labor enters into an agreement to use State inspectors under section 7(c) of the act.

Those advocating this type of exemption seem to assume that we are dealing with businesses comparable to mom-and-pop grocery stores, where employees suffer very little risk to safety or health. The fact is, however, that a great many high hazard activities are commonly performed by small firms.

Senator CASE has already discussed the logging industry. Mention may also be made of a host of other types of small establishments—construction firms, foundries, machine shops, print shops, electroplating shops, welding shops, stonecutting operations—where there are either above-average injury rates or where the health problems are severe.

I would point out that a 1970 study by the Department of Health, Education, and Welfare conducted in the Chicago metropolitan area, found that the smallest firms surveyed—those employing eight to 19 workers—had the highest percentage of employees exposed to one or more potential occupational hazards. In this group, 46.3 percent of the workers were so exposed, as against an overall average of 33.8 percent. This survey disclosed that these small firms had the highest concentration of health hazards, the fewest safeguards, and the least awareness on the part of management, of the dangers existing in the workplace.

I, of course, recognize that there have been many complaints regarding the implementation of the act. As chairman of the committee which has held oversight hearings on this subject, I want to discuss that aspect of this exemption issue.

The fact is that the effort to exempt small employers arises out of some real problems that have existed with the act's administration, as well as a great deal of exaggeration that surrounded those problems. As the National Small Business Association pointed out to us during our hearings:

> The business community has fallen victim to a great many rumors and scare-stories which appear to have little foundation in fact.

We have now had an opportunity to sift through the exaggerations and determine just what the real problems are. It is clear that the most basic problem is the fact that the standards issued by the Secretary of Labor were published in such form that many businessmen have had difficulty in determining just what standards might be applicable to their particular workplaces.

Since this problem first became evident, many of the trade associations have done an excellent job of sorting out the standards which apply to their members' activities and have distributed them with appropriate explanatory material.

In addition, it is clear that the Department of Labor has now recognized the need for making more meaningful information available to employers, and is preparing guides to the standards which will make it easier for a businessman to find the requirements to which he is subject, as well as detailed subject indices to each of the areas covered by the standards.

I would also point out that a number of the standards issued by the Secretary of Labor, which have been the subject of the greatest criticism, have been revoked or modified or are in the process of being so. These include:

The standards prohibiting ice in drinking water;

The standards relating to toilet facilities;

The standards requiring the use of boom-angle indicators, and weight-moment devices on cranes and derricks;

The inconsistent provisions relating to scaffolding which are now found in different sections of the standards.

In the area of enforcement, the Occupational Safety and Health Review Commission—the agency provided by the act to hear appeals from OSHA citations and to make final decisions with respect to the assessment of penalties—has issued a number of rulings relating to citations and penalties, which meet some of the criticisms most frequently voiced by businessmen.

For example, the Review Commission has made it clear that in the case of nonserious violations, it will not approve the type of small monetary penalties which many employers have come to regard as harassment and which the Commission has concluded do not really serve to encourage compliance.

The Commission has also ruled that an employer is not subject to citation because an employee, unknown to the employer, violates a safety requirement which the employer has made every effort to enforce.

I might add that the Review Commission itself, effective September 28, has adopted new procedures which simplify and streamline the system for employers who wish to contest safety and health enforcement actions. To further reduce any burden on employers, the Commission has assured our committee that its judges will come to the community where the alleged violation occurred;

there is no need for an employer to travel a great distance to avail himself of the due process provisions which the act incorporates.

These and other developments I have discussed more fully in a statement which I included in the CONGRESSIONAL RECORD for September 15. I cite them again now to underscore the point that the situation of small businesses under the act is not the same as it seemed some months ago when this exemption proposal was first conceived.

I think it important to note that although we heard from a great number of business organizations during our oversight hearings—including those having many small business members—there was very little support expressed for a small business exemption. Most of the organizations appearing recognized that employees of businesses of every size are subject to on-the-job hazards, and all are equally entitled to protection. It was also recognized that in some work situations, such as construction, the presence of exempt and nonexempt employers would present a chaotic situation. As was emphasized by the Associated General Contractors, an organization having many members with less than 15 employees:

> To exempt some firms without exempting others can create a confused and unsafe condition on every construction project. Job experiences indicate that the small firm should not be considered a "second-class citizen" by way of the inspection exemption; such firms are in need of safety assistance—frequently more so than large firms.

The testimony submitted by two organizations—the American Pulpwood Association and the Western Wood Products Association—is particularly instructive, for, coming as it does from industry groups heavily populated by very small employers, it indicates that small businessmen can readily live with the act as presently administered.

For example, the American Pulpwood Association told us that its members recognized that the OSHA standards simply told them to do what they should have been doing all along; that the act's enforcement had had a constructive impact on the small business members of the industry; and that if Congress adopted an exemption provision, "A real opportunity to improve logging safety will be lost."

Similarly, the Western Wood Products Association stated to us that it regards the Occupational Safety and Health Act "As a positive and progressive instrument" which "provides all industries with a working tool to modernize safety programs which, for whatever reason, might have been deficient." The association pointed out that while difficulties had been encountered with the form in which certain standards had been promulgated, these were being ironed out in cooperation with the Labor Department. But it emphasized that "We need no administrative reprives or changes in the law because of lack of information."

I should stress that because of the high work-injury record in the lumber and wood products industry, the members of these organizations have been singled out for special enforcement emphasis as one of the Labor Department's "target industries." If they can respond in such a positive fashion to the act's requirements, if is hard to believe that others cannot do so as well.

The fact that there is such a high proportion of small employers in the lumber and wood products industry underscores the point made earlier about the need to enforce the act against the small employers as well as the large. When an industry has been singled out by the Labor Department for target emphasis because its injury frequency rate is more than twice that of manufacturing generally, we are sadly deluding ourselves if we pretend that its members can be exempted without significant consequences.

And this observation is not confined to this particular industry. At least one of the other target industries—roofing and sheet metal work—is also largely composed of very small employers, and its injury frequency rate is even higher than that of lumber and wood products.

A look at the target health hazards identified by the Labor Department also attests to the error in thinking that we can exempt small businesses without undue concern for the results. The target health hazards include five toxic substances which the Labor Department has found to be not only particularly widespread and detrimental to life and health of workers, but also readily susceptible to enforcement effort. Four of these five: Asbestos, carbon monoxide, silica, and lead, are frequently found in very small establishments.

Asbestos, for example, is now known to induce lung disease and cancer which take at least 3,000 lives a year.

It is estimated that at least 50 percent of the more than 200,000 workers directly exposed to this hazard work in small firms—from construction companies to brake relining shops—that would be exempted by this provision.

I find it absolutely impossible to justify any exemption which would exclude these employees from the safeguards which, after so many years of tragic neglect, are just now being provided under the act.

I hope each Member of the Senate, before voting to sustain this exemption, will consider exactly what justification he can find for removing these and 15 million other workers from the long-sought protections of the act.

Mr. CASE. I thank the Senator for his statement.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CASE. Mr. President, I reserve the remainder of my time.

Mr. CURTIS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. CURTIS. Mr. President, this provision already has been adopted once by the Senate, by the House, and agreed upon in conference. I believe that we need to understand the situation just a little better.

The language in the bill does not exempt projects or job situations that have fewer than 15 employees. It would exempt firms that have 15 or fewer employees. So the assertion about the building trades is inapplicable. Even though they send a few men on the job, if the firm employs more than 15 they are under the act. That is one thing we should keep in mind. Another thing is that here all at once a health and safety law is applied all over the United States to all sizes of businesses. When they went to write the regulations they stated, "As provided by such and such a reference." When this matter was here before I had a partial set of those references. It was four stacks, this high. Had I been able to get all the books showing the regulations it would have been a stack 17-feet high.

There is scarcely a State in the Union that has a library that a small businessman can go to and find out what the regulation means.

Now, what are we talking about? The law just went into effect this year. We are asking for a small business exemption for the balance of this fiscal year—8 months or a little more.

I realize there has been a great lobby; it has been confusing people, stating it would take construction workers out of it, which is not true at all.

I submit that under these circumstances, applying the Federal law across the board, they could do a better job and hire more competent inspectors if they do not have to go in, right off, at least, and regulate every filling station with two employees, or every store with five, six, nine, or 10 employees, and that is the issue.

It has been said here that this is an attack on health and safety. Not at all. It will lead to better administration and mean that the inspectors can concentrate where the most people are employed and the most hazardous situations.

Now, I admit that the Secretary of Labor has written a letter in conformity with all the lobbies running up and down the hall here that want this provision wiped out, but I emphatically deny that anybody else in the administration is in agreement with the amendment.

Mr. President, the hour is late. I doubt if any minds can be changed, but the fact remains——

Mr. COTTON. Mr. President, will the Senator yield?

Mr. CURTIS. In just a moment.

The fact remains that if we are going to force the little people to comply with a law that is largely regulation, that has not even been published in the Federal Register, and it takes a stack of books 17-feet high to find out about, and we are asked to do that because of the misguided efforts of some of our labor leaders—I think they intend to do the right thing; I think they feel they are protecting the health and safety of the workers, but in reality they are not—they are spreading the efforts of the Government so we cannot get the inspectors to do the job. They are definitely wrong in their claims about the construction industry.

I hope, Mr. President, that the United States, which should believe in the rule of law, will not impose on little business people the requirement to live up to a stack of books 17-feet high, regulations that we cannot find in any library in any State.

Now I yield to the Senator from New Hampshire.

Mr. COTTON. I thank the Senator.

Mr. President, I wanted to merely give a word of corroboration to the Senator's statement that it is the Secretary of Labor, or the Labor Department, and not the administration, that objects to this provision. The Secretary of Labor wrote a letter to the chairman of the committee protesting this provision. The Secretary of Labor has written letters to the distinguished Senator from New York and the distinguished Senator from New Jersey and all the other distinguished Senators of his persuasion. I, as the senior Republican on this committee, have been in conference constantly with representatives of the administration, the Department of Health, Education, and Welfare, and the White House. Not one word has ever been said to me by any one of them that they were interested one way or the other in this particular provision.

I happen to know from experience, and I would like to get it in the RECORD so that there will be no chance of misunderstanding, that this Department of Labor, from top-to-bottom, are nothing but field representatives of the AFL–CIO, and I have found this from good experience, when early in this administration I recommended a man for, I think it was, a grade 11 position in the Labor Department Office, in Boston, and I found immediately that he was turned down. This man was a trusted employee of the Senate who served here on the floor for 12 years, under both Styles Bridges and myself. When I investigated this action I found that a labor leader in New Hampshire who dislikes me with a passion, had appealed to the Secretary to refuse this position to this man who enjoyed the trust of the Senate but was rejected for this subordinate position in their regional office.

So let there be no misunderstanding. I am going to support the provision because the Senate voted for it before and because I think it is a reasonable provision, but when anyone starts saying that the administration has indicated their opposition to this provision, I would like to have more proof, because I have not had any tangible proof brought to me. If it has, then I cannot read the signs of the times. I want that to be very, very clear.

Mr. CURTIS. I thank my distinguished colleague. I might say I have been involved in this matter for months and months, and never has any representative of the administration voiced any opposition to this small businessmen's exemption. I think the facts are that the original administration proposal, sponsored by the distinguished Senator from Colorado (Mr. DOMINICK) carried a small businessmen's exemption in it. I believe that is correct. The claims made here that the administration is involved here, beyond what might be carried by the Labor Department, I do not think can be substantiated.

Again I remind Senators that this provision does not eliminate the construction firms, because there are very few such firms that do not involve many, many more than 15. The notion that they would be sent out on jobs that were not covered is not in conformity with the language of the bill.

Mr. President, have my 5 minutes expired?

The PRESIDING OFFICER. The Senator from Nebraska has used 10 minutes.

Mr. CURTIS. Mr. President, I yielded myself 5 minutes. I do not know whose 5 minutes I used other than that.

Mr. WILLIAMS. Mr. President, will the Senator yield for a clarification?

Mr. CURTIS. I yield.

Mr. WILLIAMS. I would not want the RECORD to indicate that the bill introduced by the Senator from Colorado had an exemption. It did not. I am sure that has been clarified, as a matter of fact.

Mr. CURTIS. Mr. President, before I yield the floor, I just want to remind Senators that we are talking about just 8 months. This is a national law just getting started, and we ask for a breathing spell for small businessmen. They are on one side; the giant vested interests and the labor forces are on the other side.

I reserve the remainder of my time.

Mr. MOSS. Mr. President, with the passage of the Williams-Steiger Occupational Safety and Health Act, the Congress made a major commitment to assure, as far as possible, every working man and woman in the Nation safe and healthful working conditions.

The reason for this commitment is simple and compelling. In 1970 more than 14,000 Americans died as a result of accidents on the job. There were 2.2 million disabling injuries. In the decade of the 1960's, the reported accident frequency rate jumped nearly 20 percent.

These grisly statistics, and the human pain and suffering they represent, led to the enactment of the Occupational Safety and Health Act.

All of us are aware that this new law has had its share of criticism and complaint during the first year and a half of its implementation. This should not surprise us if we remember how comprehensive and innovative this legislation is.

Of course there will be improvements in the administration of the law. Many improvements have already been made. And undoubtedly the act itself will be improved and amended in the light of experience. Comprehensive oversight hearings are now underway by the responsible committees in both Houses to review the administration of the act. They will, I am sure, give careful consideration to all proposals for improving the implementation of the act, whether by legislative or administrative means.

But when we consider improvements in the Occupational Safety and Health Act, or when we consider the complaints we have heard concerning the administration of the act, we must not forget the commitment we made when passing this law or the reasons for that commitment. The difficulties encountered in administering this new law are trivial in comparison to the great accomplishment of putting the force of Federal law behind the safety and health of America's workers.

Today we are asked to use the appropriations process to rip the Occupational Safety and Health Act to shreds for millions of American workers. For in one rash action millions of workers—many of them in very hazardous occupations—would be placed beyond the jurisdiction of the law.

Let us consider the reasons behind this unfortunate proposal. Many small businessmen have complained that they have been subject to harrassment by compliance officers from the Occupational Safety and Health Administration. They have complained that the safety standards are too complicated. It is difficult, they have said, to obtain information and advice on how to comply with the law.

Many of these complaints are undoubtedly accurate. There have been compliance officers who have used their authority arrograntly. And the administration can and should improve its information and education program. But all of the problems we have heard about are essentially administrative problems and must be dealt with at that level.

We should recognize the burden we placed on the Occupational Safety and Health Administration to implement a full set of safety standards in the initial period of the act. We should also recognize the progress they have made in overcoming many of the administrative difficulties we have heard so much about. The causes of many of the complaints we have heard have already been eliminated.

Exempting small businesses from the act is not a solution for any of these problems. Responsible representatives of small businessmen realize this.

What would be the consequences of exempting small businesses from the act? First, millions of workers would be denied the protection of the law simply because they work for a small employer. This is a violation of fundamental equity in the application of the law.

Second, many of the employees who would be left without protection work in the most hazardous industries. Many industries, which we do not normally think of as small businesses, such as sawmills, logging operations, and construction, have extremely high rates of death and disabling injuries. Yet these industries, which require vigorous enforcement of the law, would be left without any enforcement at all.

Third, a blanket exemption of small employers would lead to increased administrative difficulties rather than administrative improvement. Compliance officers would be forced to spend much of their time and effort just determining where they had jurisdiction and where they did not.

Mr. President, crippling the enforcement of the Occupational Safety and Health Act through the appropriations process will not bring relief to the small businessman and it will not solve any administrative difficulties. Instead, it will represent a major reversal of the commitment of Congress to achieve safe and healthful working conditions for all American working men and women.

Mr. DOMINICK. Mr. President, I oppose this amendment. I cosponsored and spoke in support of my colleague from Nebraska's (Mr. Curtis) amendment to the Labor-HEW appropriations bill which was subsequently vetoed. That amendment was adopted by the Senate with a modification reducing from 25 to 15 employees, the size of the firms exempted. I am pleased to see that the Senate Appropriations Committee has seen fit to retain the 15-employee exemption which was adopted again by the House in the revised Labor-HEW appropriations bill. This issue has been debated thoroughly and approved by both Houses. Since the circumstances have not changed, I do not see why it should be necessary to rehash it again. If anything, the impact of this amendment has decreased, because it applies only to funds appropriated for this fiscal year, and we are already well into the fiscal year. I agree that it is not an adequate long-range solution. But it will give small employers a short respite—for the remainder of this fiscal year—from harassment under the Occupational Safety and Health Act while Congress decides what permanent changes should be made.

As I pointed out during debate on this issue when the first Labor-HEW appropriations bill was considered in June, rather than an instrument for the noble purpose of providing a "safe and healthy environment" for American workers, OSHA has been a device for the harassment of thousands of already harried small businessmen and farmers. This is due primarily to the punitive approach the act takes toward employers.

OSHA's first set of comprehensive standards came out 1 month after the law became effective. Many of these are supposed to reflect so-called national consensus standards. The problem with that is that there never has been any real consensus as to such standards, and there was not enough time to develop any kind of meaningful consensus. The act also required the new National Institute of Occupational Safety and Health to publish within 6 months of enactment a list of all known toxic substances and their tolerable concentration levels. Well, the deadline was met. But the list and concentration levels were based primarily on animal research rather than human exposure, and even officials of the Institute admit that they bear no relation to actual working conditions.

So it was no surprise to me when the OSHA standards turned out to be unrealistic. Many of my colleagues and I pointed out this danger before this legislation was enacted 2 years ago. The best evidence that we were not just making idle talk is that less than 25 percent of the employers inspected by OSHA in fiscal year 1972 were found to be in compliance. Spokesmen for OSHA point with pride to the speed with which they move to enforce the act, and boast about how enforcement will be stepped up next year. The OSHA budget for fiscal year 1972 was $35.9 million; the budget request for fiscal year 1973 is $69.2 million. The appropriations bill vetoed earlier this year increased that to $72.2 million, and I note this bill retains that level. In fiscal year 1972 OSHA conducted 32,701 inspections, resulting in 23,231 citations charging 102,861 violations, and imposing penalties totaling $2.3 million. Plans for fiscal year 1973 call for increasing the force of OSHA inspectors from 400 to 500, and a goal of 100,000 inspections.

Testimony taken in recent oversight hearings on OSHA indicates there is wide dissatisfaction both with existing standards and the way they are being enforced. OSHA standards are inflexible. They fail to take into account variations in working conditions in different industries, the size of the firms affected, or the cost impact of compliance. Employers, particularly small ones who cannot afford to retain full time legal counsel, are unable to understand complex and vague OSHA regulations. They are reluctant to seek advice from OSHA officials for fear that an inspection will be triggered before they are able to determine what action is necessary to comply. Moreover, once they do understand what the regulations require, they frequently are unable to see any relationship with better working conditions or improved safety.

OSHA is being enforced as if it were penal, rather than remedial legislation. The overbroad delegation of authority to OSHA inspectors permits them to exercise the powers of policeman, judge, and jury all rolled into one. They can make on-the-spot decisions to issue citations and levy immediate fines against employers for seemingly trivial violations. Employers wonder, if this legislation was intended to promote compliance with safety standards, why they are not given a reasonable period of time to comply before fines are levied. The way it is now, they are fined immediately for violations, and are subject to additional fines if they do not comply within a specified period of time. They are, in short, treated like criminals.

The police-oriented approach which permeates the legislation has gotten the administration of OSHA crosswise with what I thought was the original intent of Congress—to improve working conditions for all the workers in this country. Employers are punished for noncompliance with standards they know little about, rather than assisted in complying. For example, the act makes it a crime to give an employer advance notice of an inspection. It should be just the opposite. Employers should be notified in advance, told where they are in violation, and offered assistance in complying. Only then should fines for noncompliance be levied. OSHA is not a criminal statute, and administration of it as if it were simply is not going to work. Unfair regulatory procedures will only alienate employers from State and Federal officials who ought to be guiding employers toward compliance.

I can see why businessmen, particularly small businessmen, are losing their faith in Government. They pay taxes to establish a large bureaucracy which sets and enforces safety standards, and then they cannot get advice from the very officials whose salaries they are paying as to how they can comply with those standards. And they struggle under redtape and paperwork imposed by the OSHA bureaucracy. They wonder, and I do, too, whether the money to establish and enforce, against two- and three-employee firms, regulations doing everything from prohibiting ice in drinking water to requiring separate restrooms and split toilet seats, could not be better spent. I think it could, and I am confident that enough of my colleagues in Congress agree, so that improvements can be made next year.

Mr. President, I have an editorial from a small town Colorado newspaper which typifies the resentment small businessmen feel toward OSHA and the way it is being enforced. I ask unanimous consent that it be printed in the Record at this point.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Boulder, Colo., Daily Camera, Sept. 6, 1972]

OSHA OVERKILL

Arch N. Booth, executive vice president of the U.S. Chamber of Commerce, tells of an actual episode having to do with the new Occupational Safety and Health Administration.

One day a federal safety inspector showed up and looked over a small business with six employees. A few weeks later the owner was notified that he had violated a section of the Occupational Safety and Health Act.

The businessman asked for a copy of the regulation he had allegedly violated. He was told no copies were available. He was fined $16.

Two weeks later he received a 248-page list of OSHA regulations. There was nothing in the document about the violation he was charged with, so again he asked for a copy of the pertinent regulation.

After a month he received a 48-page supplement to the 248-page rule book. The new document covered his situation but did not indicate he was violating any rule. So the small businessman appealed the case.

After four hours of hearing with seven federal officials, the charge was dismissed—in a 19-page decision.

This is only one of scores of cases of bureaucratic overkill by the OSHA. We have mentioned some of them here before. Others:

The OSHA has 11 pages of rules on the construction and use of ladders. If a small businessman has one stepladder that he uses maybe once a year, he's got to wade through all those regulations to be sure he is in compliance.

On construction projects, even if the building is entirely of concrete and steel, contractors must have on the job fire extinguishers suitable for wood, cloth and paper.

Drinking water for workers on a construction job can't have ice in it—because ice from frozen rivers and ponds may be unsanitary. But who uses any but artificial ice today?

Many businessmen and others complain that a lot of the OSHA rules have no relation to real conditions. And these rules are only part of the voluminous regulations imposed by bureaucracies.

The Associated General Contractors estimates that a building contractor seeking to be fully informed on his responsibilities under various laws would have to spend $6,000 for a collection of documents that would stack 17 feet high. Big corporations have staffs of legal experts to keep abreast of government regulations.

The small businessman can't afford this. He would benefit by an emphasis on infor-

> mation rather than out-of-the-blue inspection and punishment. So would the goal of safety.
>
> Congress would do well to take a new look at the OSHA it has created and at its apparently harassing approaches. Evidently some changes are in order.

Mr. DOMINICK. Mr. President, I hope it will be possible to replace existing across-the-board OSHA standards with more flexible standards which would take into account different conditions in different industries. Where an employer is charged with violation of a regulation, I would like to see the burden shifted to OSHA to demonstrate that compliance will actually result in improved working conditions. Where the cost impact of compliance would impose an unreasonable burden on the employer, particularly a small businessman, there should be provision for a waiver, or financial assistance through the Small Business Administration. The power of OSHA inspectors to levy fines on the first inspection should be removed; and OSHA should be directed to help employers understand regulations, and to provide technical advice and assistance in complying. Finally, I would like to see more emphasis placed on shifting responsibility for enforcement of OSHA to States having safety and health programs with standards comparable to, but not necessarily identical to OSHA.

Mr. President, hopefully, these changes can be made early next year. In the meantime, though, I strongly urge my colleagues to retain the exemption for small firms in this bill by voting against my colleague from New Jersey's (Mr. CASE) amendment to strike it.

Mr. CHURCH. Mr. President, earlier this year, when the issue of exempting small businesses with 15 employees or less from coverage under the Occupational Safety and Health Act was before the Senate, I supported an amendment to do so. I voted for that amendment for several reasons.

To begin with, the recordkeeping requirements which had been imposed upon small businesses were costly and difficult. They were a serious source of concern.

In addition, I was fearful that many small businesses would be fined for violation of an extremely complicated law without notice or opportunity to discover that they were out of compliance with the act.

I was also advised, in numerous letters from Idaho, of enforcement that appeared to take the form of harassment of small businesses, including inordinate fines for minor violations.

On the basis of this information, I supported exempting small businesses with 15 employees or less from the act. At that time, however, I opposed an exemption for 25 employees, feeling it was too large, and I would have preferred an exemption limited to 10 or less. But when 15 became the compromise figure, I felt obliged to vote for it.

Since that time, several changes in the administration of the law and in the attitude of the Congress, taking into account the special needs of smaller business, have come about.

First of all, the Subcommittee on Labor of the Senate Labor and Public Welfare Committee has begun oversite hearings on the administration of the act. These hearings will help to gage the use of the act and make realistic recommendations for changes either in the law itself or in administrative procedures.

Second, the Occupational Safety and Health Administration is preparing guidelines which will make it easier for the businessman to find and apply the standards applicable to his operation.

Third, dubious rules issued by OSHA, which drew especially heavy criticism, have been revoked or modified. The ones I heard the most about—ice in drinking water, certain standards relating to restroom facilities and inconsistent provisions relating to scaffolding—fall in this category.

But perhaps most important to small businesses in my State have been the decisions rendered by the Occupational Safety and Health Review Commission, construing the law in a much more reasonable manner than some of the OSHA inspectors had done in certain cases. The Review Commission has held that the law does not require the assessment of monetary fines for each discovery of a nonserious violation of the act or the standards.

The Review Commission has also held that an employer is not subject to a citation because an employee, unknown to the employer, violates a safety requirement which the employer has made every effort to enforce. Additionally, the Review Commission has also held that a prime contractor on a construction project is not liable for a violation committed by a subcontractor, when the prime contractor has not exposed his own employees to the violation. The Commission has also undertaken an effort to simplify the process of appeal to make it less difficult for an employer to appeal a determination that he has violated the law.

As for the recordkeeping requirements of the law, I am pleased to say that OSHA has proposed modifications of the current regulations. Under the proposed modifications, most employers, hiring no more than seven employees at any one time in the prior calendar year, would normally not be subject to the recordkeeping requirements of the act.

It should also not be overlooked that one of the loudest outcries against the act related to alleged cases of outlandish fines and the closing of businesses. However, testimony from the National Small Business Association, which conducted its own investigation of the effects of the act, came to this conclusion:

> The business community has fallen victim to a great many rumors and scare-stories which appear to have little foundation in fact. . . . We could find no substantiation for any of the many stories circulating about firms being forced out of business as a result of OSHA inspections.

In addition to this testimony, a spokesman for the American Pulpwood Association stated:

> We certainly haven't heard of anyone going out of business because of the high cost of OSHA.

I have also reviewed the activities of the Occupational Safety and Health inspectors in my own State. The facts indicate that the businesses inspected had an average workforce of 110. This does not indicate an inordinate harassment of small businessmen. I ask that a press release and chart dealing with OSHA inspection appear at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LABOR DEPARTMENT ISSUES JOB SAFETY AND HEALTH INSPECTION DETAILS

The Department of Labor issued today breakdowns by State of compliance inspection activities of the Occupational Safety and Health Administration (OSHA) in its first fiscal year of operations.

George C. Guenther, Assistant Secretary of Labor for Occupational Safety and Health, said the itemized data show that 32,700 inspections were made by OSHA in establishments employing 5,987,000 workers between July 1, 1971 and June 30, 1972.

Average employment size of the establishments inspected was 180, Guenther said.

A total of 102,860 violations of standards were alleged in 23,230 citations to employers. The violations resulted in proposed penalties totaling $2,291,000. Employee complaints totaled 4,950.

Guenther gave the following breakdowns:

OSHA COMPLIANCE ACTIVITY REPORT BY STATE, FISCAL YEAR 1972

State	Inspections	Employees covered	Average employment size of establishment inspected	Citations	Violations	Penalties proposed	Complaints received
Alabama	540	166,000	310	430	1,870	41,000	70
Alaska	80	4,000	50	30	210	10,000	10
Arizona	180	115,000	640	140	380	14,000	30
Arkansas	90	20,000	230	60	510	12,000	10
California	2,950	414,000	140	2,480	8,640	120,000	150
Colorado	500	84,000	170	350	10,600	51,000	100
Connecticut	300	59,000	200	180	1,000	40,000	40
Delaware	20	7,000	380	(1)	10	2,000	(1)
District of Columbia	10	1,000	90	(1)	(1)	(2)	(1)
Florida	1,530	123,000	80	1,090	4,070	97,000	90
Georgia	1,240	113,000	90	1,030	2,830	51,000	50
Hawaii	90	9,000	100	60	380	11,000	10
Idaho	130	14,000	110	140	1,230	78,000	(1)
Illinois	860	216,000	250	1,020	3,510	97,000	170
Indiana	460	155,000	340	450	3,000	57,000	180
Iowa	110	16,000	150	100	360	36,000	30
Kansas	270	43,000	160	240	640	17,000	60
Kentucky	250	80,000	320	330	970	26,000	40
Louisiana	830	67,000	80	330	870	25,000	40
Maine	110	11,000	100	150	320	7,000	10
Maryland	230	171,000	740	70	100	23,000	50
Massachusetts	760	83,000	110	420	2,070	50,000	60
Michigan	450	364,000	810	670	1,900	90,000	1,130
Minnesota	410	65,000	160	270	1,770	25,000	70
Mississippi	180	88,000	490	150	660	19,000	10

Footnotes at end of table.

OSHA Compliance Activity Report by State, Fiscal Year 1972—Continued

State	Inspections	Employees covered	Average employment size of establishment inspected	Citations	Violations	Penalties proposed	Complaints received
Missouri	640	150,000	230	500	1,530	41,000	160
Montana	150	11,000	70	110	2,850	25,000	20
Nebraska	230	21,000	90	360	630	97,000	70
Nevada	50	1,000	30	60	140	4,000	(1)
New Hampshire	150	9,000	60	180	580	8,000	10
New Jersey	1,970	355,000	180	720	3,470	95,000	80
New Mexico	70	5,000	70	60	410	4,000	20
New York	5,010	787,000	160	3,130	8,550	201,000	160
North Carolina	880	73,000	80	560	2,630	22,000	90
North Dakota	70	4,000	50	20	450	5,000	(1)
Ohio	1,620	660,000	410	1,950	6,140	119,000	1,190
Oklahoma	130	38,000	290	50	510	9,000	40
Oregon	960	96,000	100	780	6,170	134,000	50
Pennsylvania	2,580	531,000	210	1,870	7,110	189,000	230
Puerto Rico	340	30,000	90	230	1,160	55,000	10
Rhode Island	180	12,000	70	70	200	2,000	10
South Carolina	490	46,000	90	150	630	14,000	30
South Dakota	60	8,000	140	10	540	4,000	10
Tennessee	510	106,000	210	380	1,590	60,000	40
Texas	1,710	225,000	130	560	2,040	67,000	150
Utah	130	29,000	220	50	1,390	8,000	10
Vermont	30	3,000	80	120	180	7,000	(1)
Virginia	580	82,000	140	210	470	44,000	70
Washington	1,160	92,000	80	540	2,730	40,000	60
West Virginia	30	21,000	730	30	70	3,000	(1)
Wisconsin	300	100,000	330	240	1,870	28,000	40
Wyoming	100	3,000	30	100	920	7,000	(1)
Total United States	32,700	5,987,000	180	23,230	102,860	2,291,000	4,950

[1] Less than 5.

[2] Less than 500.

Note: Employees, proposed penalties are rounded to the nearest thousand. All other figures are rounded to the nearest 10. Details may not add to totals because of rounding.

Mr. CHURCH. Mr. President, I believe that we who previously supported the exemption have made our point. The threat of the exemption has caused a needed review of the law and has resulted in reasonable changes in enforcement procedures. Therefore, I will vote against reinstating the exemption at this time.

In Idaho, it is estimated that 62 percent of all manufacturing establishments are engaged in the 10 most hazardous industries and employ 15 or fewer employees. They deserve a safe working place just as their employers deserve equitable treatment under the Occupational Safety and Health Administration. I cannot in good faith support an exemption which will deny them the protection of the act.

I ask unanimous consent that a chart which was prepared for me from figures supplied by the Bureau of Labor Statistics and Census of Manufacturers, regarding the number of employees in Idaho who would be denied protection under the proposed exemption, appear at this point in the Record.

There being no objection, the chart was ordered to be printed in the Record, as follows:

10 MOST HAZARDOUS INDUSTRIES, 1970: MANUFACTURING

S.I.C.	U.S. 1970		Idaho 1967 total establishments	Estimated percent establishments 15 and under
	Frequency	Severity		
24 Lumber and wood products	37.6	2,891	473	70
35 Machinery, except electric	35.4	583	71	72
30 Rubber and plastics	34.5	795	9	87
34 Fabricated metal	34.0	1,003	30	61
20 Food and kindred	27.1	1,156	215	52
32 Stone, clay, glass	29.2	1,540	69	70
37 Transportation equipment	19.7	488	30	51
27 Printing and publishing	16.5	411	110	83
39 Miscellaneous manufacturing	15.3	561	33	90
29 Petroleum and coal	13.8	1,116	1	0

NOTES

1970 figures from industry rates by industry 1970, (BLS 406).
1967 figures from Census of Manufacturers.

We estimate that 62 percent of all manufacturing establishments in Idaho are engaged in the 10 most hazardous industries and employ 15 or fewers employees.

Mr. CHURCH. Mr. President, these employees in my State deserve the protection the act will afford them and that reason alone is sufficient to support a vote against reinstating the exemption. But I would like to make one additional point.

Too often, Congress passes laws that promise much but, because of the cost and breadth of administration, deliver little. It is a process which has bred a great deal of disappointment. Too often, we have left it to an agency to institute a proceeding to cure a wrong and then found out that the agency has fallen down on the job. The Occupational Safety and Health Act has a mechanism to help remedy this weakness, for under OSHA any employee—or his representative—who believes that a violation of a job safety or health standard or generally unsafe or unhealthy conditions exist may request an inspection by the Department of Labor. He need not consult his employer. In making the complaint, he may request that his name not be furnished to the employer. Thus, under OSHA, the employee need not wait for years until the inspector gets around to his plant. The employee may, with the assurance that he will not be made the subject of reprisals, begin the process which triggers an inspection. We bring the worker into the process and help assure that the act will not be another empty gesture but a mechanism for achieving a safe working environment for every working man and woman in our Nation.

For these reasons, Mr. President, I will vote against reinstating the exemption as provided in the bill, and support the efforts by the Senator from New Jersey (Mr. Case) to strike the exemption from the bill.

Mr. DOLE. Mr. President, I feel that I must speak out in opposition to the amendment which has been offered to strike the 1-year Occupational Safety Health Act exemption for small business included in the 1973 Department of Health, Education, and Welfare appropriations bill as passed by the House and reported by the Senate Appropriations Committee.

The purpose of this exemption is to forestall immediate application of OSHA's arbitrary, confusing, and burdensome regulations against small businesses and provide a 1-year moratorium on enforcement. In adopting this provision it was felt that during this 1-year period OSHA regulations could be studied and corrected, and Congress can consider amending OSHA to insure its reasonable enforcement at all levels, thus promoting the act's goal of improved job safety and health.

The small business OSHA exemption is necessary because existing OSHA regulations often have no meaningful application in the small business setting, and the only result of their enforcement will be the creation of unreasonable burdens which would bring ruin to many small businesses.

It has long been recognized that small businesses are the backbone of the U.S. economy. They are essential to the Nation's economic health, because their vitality can insure the increased productivity and expanded employment that must underlie the growth and stability on which our social and economic systems depend. Therefore, it seems totally wrong to impose the unrealistically heavy costs of OSHA compliance on small business, since only a doubtful connection can be demonstrated between compliance with existing OSHA regulations and improved job safety and health for the employees of these small business concerns.

In considering this amendment it should be remembered that small businesses are highly vulnerable to the added costs of OSHA compliance, and the financial strains resulting from efforts to comply with OSHA can be overwhelming.

The interpretation of these regulations, their application, and the associated recordkeeping requirements necessitate the costly employment of additional personnel with special knowledge in this field. The resulting salary expense increases can be fairly easily absorbed by larger firms; but, for small businesses, this expenditure in many instances might consume a small business man's profit margin, destroying the employer's livelihood as well as the jobs of his employees.

The need for changes in the OSHA regulations governing small businesses is often admitted; however, many still question the propriety of a blanket exemption for any business having fewer than a certain number of employees. Statistics are often quoted to show that such an exemption would exclude 90 percent of the work places in the United States.

But it is important to realize that even if such statistics are accurate, more than three-fourths of the workers in the Nation would still be subject to OSHA coverage.

Retention of this exemption is important, but only as a stopgap measure to prevent serious impact upon the large and important class of businesses which will be most extremely affected by continued application of the existing OSHA regulations. What is needed for the long term is legislation to establish a mechanism for developing and enforcing reasonable health and safety standards; emphasize and encourage cooperation among labor, government, and management; and provide shared responsibility for occupational safety and health among these sectors. Such a measure has been introduced, and I would take this opportunity to call attention to S. 3263 now pending before the Committee on Labor and Public Welfare. This exemption will provide temporary relief from arbitrary application of OSHA regulations, but S. 3262 is needed to provide a permanent solution for the inequities of the 1970 act and to further the goal of improved occupational safety and health protection for all workers.

Mr. PACKWOOD. Mr. President, when Congress passed the Occupational Safety and Health Act, we intended to provide safe and healthful working places for all working men and women in this country. This is an objective which I have, and will continue to support.

However, Mr. President, the volumes and volumes of rules and regulations which have been published by the Occupational Safety and Health Administration have proven to be virtually unavailable to the vast majority of small businessmen, unintelligible when made available, and worst of all, nearly impossible to comply with. The American Society of Safety Engineers has reported to the Labor Subcommittee that even some individuals with safety backgrounds have had difficulty in interpreting the promulgated standards.

For the small business establishment, understanding the regulations is the first, and sometimes insurmountable, hurdle. If they reach the point of understanding what they are supposed to do to provide a safe and healthful environment for their employees, they must then be subject to the elaborate system of fines and penalties should their judgment prove faulty or at variance with the Federal inspector. Our Labor Subcommittee oversight hearings brought to light too many cases of arbitrary and dictatorial handling of this Nation's small businessmen, who are seeking help in providing the safe workplaces called for by the legislation, but instead of assistance in complying, are receiving the message that any call for help will result in an inspection leading to penalties.

Mr. President, large businesses can afford to hire safety experts and industrial hygienists to assist them in complying with this new statute and its endless rules, regulations, and standards. Our small businessmen cannot. As an interim measure, we have a right and an obligation to protect our small businessmen from the Rube Goldberg figure we have created and the bureaucracy we have established to man its operation until some more satisfactory and equitable solution can be worked out.

Mr. CASE. Mr. President, if the Senator is willing to yield back his time, I will yield back my time.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. CURTIS. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from New Jersey—No. 1667. The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. BEALL (when his name was called). Mr. President, on this vote I have a pair with the Senator from Texas (Mr. TOWER). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. SCOTT (when his name was called). Mr. President, on this vote I have a pair with the Senator from Colorado (Mr. ALLOTT). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. SPARKMAN (when his name was called). Mr. President, on this vote I have a pair with the Senator from New Hampshire (Mr. MCINTYRE). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. LONG (after having voted in the negative). Mr. President, on this vote I have a pair with the Senator from West Virginia (Mr. RANDOLPH). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON) the Senator from Mississippi (Mr. EASTLAND), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Virginia (Mr. SPONG) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I further announce that, if present and voting, the Senator from Virginia (Mr. SPONG) would vote" nay."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Ohio (Mr. TAFT) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Tennessee (Mr. BROCK) and the Senator from Michigan (Mr. GRIFFIN) are necessarily absent.

The respective pairs of the Senator from Colorado (Mr. ALLOTT) and that of the Senator from Texas (Mr. TOWER) have been previously announced.

The result was announced—yeas 47, nays 33, as follows:

[No. 507 Leg.]

YEAS—47

Aiken
Allen
Bayh
Bible
Boggs
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Church
Cooper
Cranston
Eagleton
Fong
Gravel
Harris
Hart
Hartke
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Percy
Proxmire
Ribicoff
Roth
Schweiker
Stafford
Stevens
Stevenson
Symington
Tunney
Weicker
Williams

NAYS—33

Bellmon
Bennett
Bentsen
Buckley
Byrd, Harry F., Jr.
Chiles
Cook
Cotton
Curtis
Dole
Dominick
Edwards
Ervin
Fannin
Fulbright
Gambrell
Gurney
Hansen
Hatfield
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
McClellan
Miller
Packwood
Pearson
Saxbe
Smith
Stennis
Talmadge
Thurmond
Young

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—4

Beall, for
Scott, for
Sparkman, against
Long, against

NOT VOTING—16

Allott
Anderson
Baker
Brock
Eastland
Goldwater
Griffin
McGee
McGovern
McIntyre
Metcalf
Mundt
Randolph
Spong
Taft
Tower

So Mr. CASE's amendment (No. 1667) was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HARTKE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PERCY. Mr. President, I think the bill before us today is a responsible attempt to fund adequately the vitally needed health and education programs. While containing the same amount of funds as the conference committee agreed on the first time, the bill does contain provisions to provide fiscal controls.

The bill provides funding for meeting our responsibilities in health and education activities. But to provide fiscal controls should the budgetary and economic situation warrant, the bill authorizes the President to withhold up to $935 million from this appropriation bill, allowing him if he wishes to bring the total appropriation down to the House-passed figure, provided that no more than 10 percent of any particular appropriation can be withheld. This allows additional flexibility for spending of funds, yet insures that the priorities and judgments of the Congress are basically maintained and respected.

Included in the bill also is a $2.5 billion ceiling for social services which further insures fiscal control of this program. A ceiling is vitally needed for this program and I support it.

In passing this new bill, the Senate will be reasserting its original recommendations, but will also be working with the President to allow him a reasonable degree of flexibility in working out actual spending levels.

I would like to comment briefly on some of the specific programs funded under this appropriations bill in which I have particular interest.

The impacted aid program in education has served a good purpose. Without impacted aid funds, we would also be denying our duty to provide just compensation for the burdens Federal facilities place on an area. These areas cannot collect property taxes from Federal facilities and yet they are expected to provide education facilities for the children of people working in those Federal installations. There is a need to provide compensatory funds to those areas whose tax base is eroded by Federal facilities, so that they can provide adequate educational services for all the children involved.

I am also pleased to see funds included for category C—funds to offset the tax revenues lost when public housing units are built—although I think the $10 million appropriated is inadequate.

BILINGUAL EDUCATION

There is no need at this time for me to reiterate my interest in and support for bilingual education programs to benefit this country's 9 million citizens of Spanish origin. My belief in the critical need for these programs has already been established, so I just want to express my support for the $60 million funding level provided here.

TITLE I

My colleagues are also well aware of my history of support for title I, ESEA, programs. In my opinion, the need for a decent, basic education is secondary in importance only to the need for food and shelter. Because of circumstances over which they have absolutely no control, millions of children in this country cannot obtain such an education without the assistance provided through title I. Their special education needs simply must be met through special educational programs such as those offered under title I.

Considering that the House and Senate both originally appropriated $1.8 billion for title I, ESEA, I think that congressional consensus has been expressed. Although the $1.8 billion appropriated in this bill is $.2 billion in excess of the 1973 budget estimate, I truly believe that this amount should be appropriated for title I, which is perhaps the one most deserving item in the appropriation.

EDUCATION OF HANDICAPPED CHILDREN

There are two remaining points on which I wish to comment that I have not mentioned in the context of appropriations before. One of these is the education of handicapped children. Public attention to the needs and the rights of America's handicapped citizens is just beginning to focus. Our society is gradually realizing that the handicapped have tremendous potential and that many of our handicapped citizens are capable of assuming an active and productive role. I feel that the Congress should encourage this budding acceptance of the handicapped as deserving of equal opportunity by providing adequate funding for education of the handicapped, one of the most basic of their special needs. I wish to express my intense hope that if the President feels the absolute necessity of making substantial cuts in spending that he not take one dollar from this vital area.

MENTAL HEALTH

The final point I wish to make regards the recent call for a new national commitment for mental health initiated by the National Association for Mental Health. No one will argue against such a national commitment, but some will argue against providing the necessary funds to take action on that commitment, This appropriation bill allots $783 million to the area of mental health, roughly only one-eighth of the total appropriation for health. One-eighth of our health appropriations devoted to mental health is not an overwhelming amount; I would say that it is barely a respectable amount. I only regret that the sum cannot be higher as evidence of Congress' commitment to the improvement of mental health programs.

Mr. President, I support this bill. The funds will enable us to meet our education and health needs, but there is also fiscal responsibility included in this bill. I support its passage.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H.R. 14909) to amend section 552(a) of title 37, United States Code, to provide continuance of incentive pay to members of the uniformed services for the period required for hospitalization and rehabilitation after termination of missing status.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1973

The Senate continued with the consideration of the bill (H.R. 16654) making appropriations for the Departments of Labor, Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes.

Mr. CURTIS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER (Mrs. EDWARDS). The amendment will be stated.

The assistant legislative clerk read as follows:

> At the appropriate place, insert the following:
>
> None of the funds appropriated by this Act shall be expended to pay the salaries of any employees of the Federal Government who inspect firms employing 7 persons or less for compliance with the Occupational Safety and Health Act of 1970.

Mr. CURTIS. Mr. President, I shall be very brief, if I may have the attention of the Senate.

When this matter was considered some weeks ago, we established very clearly that the laws they have to abide by are by regulation, and there is no place one can go and get a copy of the regulations, including all the things incorporated by reference. All the codes and formulas and guidelines would take a stack of books 17 feet tall, and we are imposing that on the small people.

There has been a great deal of misunderstanding about this matter. It has been said that when we asked to have a firm of 15 or fewer exempt from the law, it let out the building trades. That is not so at all, because it is not the number of persons on a job or on a project; it is the number employed by the firm.

There are those who want the Federal Government employees to come into a little corner store, into the garage and the filling station, and spread themselves out like that, when they should use the talent they have to inspect and administer this law where the greatest number work and where it is most hazardous.

I also want to state to those who were not here earlier that the letter passed around said that the Case amendment was supported by the Department of Labor and the administration. I stand on the fact that no one in the administration is supporting it besides the Secretary of Labor.

Madam President, at this time I ask that for the balance of this fiscal year, only 8 months, while this law is being inaugurated, we leave the little people, who employ seven or fewer, out of the jurisdiction of this law. Until recently, health and safety, with few exceptions, such as mines, were left to the States and the localities. Where on earth is the Labor Department going to hire inspectors who can go into highly dangerous places, installations of nuclear power and what not, and at the same time hire men to go in and torment some grocer because he does not have a coat hanger on the door of the washroom or does not have sufficient facilities there?

Madam President, I said earlier that on one side we have these small operators, unorganized, and on the other side we have the vested interests of the gigantic and powerful unions. Senators know who has filled the mail with letters in the last 3 weeks. Senators know who has been running up and down the Halls here. Those people have no interest in the survival of small business. They supplied the muscle to cripple the industrial development bonds, because they do not want industry in the rural areas. It was openly stated in the conference committee on rural development that concessions had to be made to the same group. Here they descend on this building and tell us that we should impose on a filling station operator that hires two people, or a grocer that hires one member of his family, should be subject to a Federal law and there is no place he can buy a book or his lawyer can buy a book to find out what the law is.

When I had this stack of records before me, I could not get them all. The Department of Labor said they had one set but they could not loan them out. I made a request of the Library of Congress for all the supporting material that had the force of law behind regulation, and after a 2-days' search they said it was too big a job and they could not do it. I sent a staff man over there who went through their indexes and we got about one-third of it. The other portion I had, I had to get from private sources. We could not get it all.

Madam President, there is going to be a rollcall in a little bit—I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CURTIS. Madam President, I do not know who will win, but I do know that if we are going to impose a law that can harass and penalize and fine small businesses of fewer than seven employees, it should be brief enough so that they can find out what the law is.

Mr. FULBRIGHT. Madam President, will the Senator from Nebraska yield?

Mr. CURTIS. I yield.

Mr. FULBRIGHT. I live in the Ozark Mountains in my State, where there are a number of small saw mills. They have been there traditionally and very often are family affairs. They have been the principal complainants in this matter. It is quite impossible for them to abide by the law, even to inform themselves on what the law is.

Some of the inspectors, in the beginning, in their eagerness, have been very harsh. But, after the law has been administered for a number of years, they are much less arbitrary in their attitudes.

I give the Senator one example. There is no way we know of yet, to operate a rotary saw in sawing a log that does not make quite a bit of noise. So the regulations require that one must put on ear muffs. Well, the people brought up in this business do not like ear muffs, especially in the summer, so the operators are threatened with a fine of $1,000. So they give up their sawmill and go off and find some other work to do. So this law does not accomplish its purpose. It is simply harassing people out of business.

There are many cases where they try to enforce the law, as the Senator has stated, and that is the complaint, the eagerness of the new people on the job to try to enforce the letter and not the spirit of the law. Eventually the people are going to abide by it, but it is unusually harsh on small operators. The larger ones can hire lawyers and accountants—we all know that. The Senator is quite right about small business.

Mr. CURTIS. I thank my distinguished colleague from Arkansas. After all, this is not a permanent exemption. This is an exemption written in the annual appropriation bill, and one-third of the year has already gone by. Yet we are asked to do an awful lot to keep our voting record with the union bosses. It is a ridiculous request. They should withdraw it.

Madam President, have the yeas and nays been ordered?

The PRESIDING OFFICER (Mrs. Edwards). Yes..

Mr. CURTIS. Madam President, I reserve the remainder of my time.

Several Senators addressed the Chair.

Mr. PASTORE. Madam President, will the Senator yield to me?

Mr. CASE. Madam President, does the Chairman yield? Would the Senator from Rhode Island like to address a question now? I will be glad to yield, if I have the time. Madam President, how much time remains to our side?

The PRESIDING OFFICER. Thirty minutes in opposition.

Mr. JAVITS. Madam President, who controls that?

The PRESIDING OFFICER. The manager of the bill, under the order.

Mr. CASE. Madam President, does the chairman want me to take the time?

Mr. MAGNUSON. Madam President, under the original amendment, time was under the control of the Senator from New Jersey (Mr. Case). I ask unanimous consent that the time for this colloquy not be taken out of the time on the amendment because he presented his amendment and now the Senator from Nebraska (Mr. Curtis) has presented an amendment, so obviously he controls the time for the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Madam President——

Mr. MAGNUSON. Madam President, in order to clarify this, the chairman will control the time against the amendment because he voted against the other amendment and will give this time. I yield 5 minutes to the Senator from Rhode Island (Mr. Pastore).

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes.

Mr. PASTORE. Madam President, this amendment brings me back to the days when I was Governor of the State of Rhode Island. When this matter first came to the Senate, I was one of those who said I regretted very much that a matter of this import should be delegated to the Federal Government, whereas I thought it was a matter that belonged under the control and supervision of the States.

When I was Governor of my State—and I am not bragging now—one of the prides of my administration was the fact that we had developed one of the best industrial safety records in the country, so much so that I was invited to come down here to Washington and address a symposium and tell it about our Rhode Island law.

I think maybe we did get off on the wrong foot in the beginning, when the Federal Government began to assume this responsibility. I quite agree with the Senator from Nebraska when he said that when we are talking about the little man we are not talking about General Motors, we are not talking about the ITT, we are not talking about the big industrial complexes of this country. But, after all, we have got to consider this: that when we talk about safety, we are talking about an individual human being.

I say that any man employed, or any woman employed in a factory that engages, let us say, five, six, or seven, is entitled to the same protection as a plant which employes maybe 1,000. Because we are talking about humanity here. We are not talking about the small businessman. That is not the purpose of this law. The purpose of this law is to institute those procedures which will protect life and limb of those who work for a living, whether it be one or two or 50 or 5,000. They are all entitled to the same protection.

Maybe the law is wrong in its constitution, because we are involving ourselves in something that belongs to the State, but the fact still remains that if I am to be for the protection of those who work in a factory employing 5,000, I have to have compassion for those who work in a little establishment as well which employs only seven.

The only trouble is that some of these men and some of these women who work for a bureaucracy in the Federal Government have gone a little haywire in the rules they have promulgated, so much so that now it has become ridiculous.

Why does an employer who has a woman and a man working in his establishment have to have two toilets? Maybe the regulations require that, but it must be that the spirit of the law is wrong because the enforcement of the law has gone haywire.

I say to my friends, that is the reason why I voted for the Case amendment and that is the reason why I shall vote against this one, because I do not want it to go on the record that I think less of the safety of a person who works in an establishment that employs 5 persons than for an establishment that employs 500. That is my argument. That is the reason for my position. When we talk about the safety of people who work, we are talking about an individual, whether it is one or one thousand. It does not make any difference. We have got to give them the equal protection of the law. That is the reason I shall vote against this amendment.

Mr. MAGNUSON. Madam President, I yield myself one-half a minute to say that one of the problems here that has got to be taken up by the legislative committees, is the instance where the Federal Government comes in, under present law with an inspector and sees something he thinks is wrong, he automatically must cite that person.

He cannot say to him—I guess he could, but he does not and did not in the beginning, because they were too eager as the Senator from Rhode Island pointed out—he could say "Why do you not fix this up and 2 weeks from now I will come back?" He should be able to do that, but under existing law he cannot. However, we have to change it.

In the meantime, as the Senator from Rhode Island has said, I do not know whether eight employees in a place should not be safe or five, I think they all should be. That is why we have this. However, I think the Senator from Nebraska has probably done a great service in all of this, in his prior amendment and his amendment now, in calling attention to some of these inequities.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. PASTORE. Mr. President, many of these people working for the Federal Government become rather arrogant, autocratic, and despotic. And that is the reason for this amendment.

It is the administration of the law that is wrong. It is not the spirit of the law that is wrong. And that is the reason that I cannot stand up and say here today that a person who happens to work for an establishment that employs less than seven deserves less protection than a person who works in a factory that employs 1,000.

I think the whole thing boils down to the proposition that the law should be administered with fairness and reasonableness.

Mr. MAGNUSON. And part of the law should be changed.

Madam President, I yield 3 minutes to the Senator from New York, unless the Senator from Nebraska wants time.

Mr. CURTIS. Madam President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 1 minute.

Mr. CURTIS. Madam President, what the distinguished Senator from Rhode Island has said would be relevant if we were asking for a permanent exemption. We are just getting this law started. We do not have enough inspectors to send them all over. This is just until we can get the regulations clarified and find out what the law is. We start out with a place where most of the people are working, where there is the greatest hazard to employees.

Madam President, I yield 5 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 5 minutes.

Mr. HANSEN. Madam President, let me make several points clear. First of all, no one opposes protecting the health and safety of all people everywhere. I quite agree with the Senator from Rhode Island that the life and safety of an employee who works for an employer who employs only one or two persons is just as important as that of the person who works for an employer who employs 5,000 people. However, bear in mind that what we are talking about is a law that is unprinted. We cannot find out anything about it. I have tried at the Department of Labor and have requested to see the regulations on the law so that we could inform the people in my State of Wyoming as to what the law says.

By reference, as the Senator from Nebraska has pointed out, the best answer we can get is that if all of the material incorporated by reference into this act were piled up, one on top of the other, we would have a stack not less than 17-feet high.

There are a lot of jobs in this country that are affected. A lot of people work for employers who employ seven or less people. And let it not go unnoticed that in these types of jobs more than likely the employer, the boss, is working alongside of the man who is employed. And that employer knows what the conditions are far better than does a foreman working for General Motors or some big corporation, because he is right there every day, every hour, and every minute and very likely is working alongside of his employees, and his life is just as much on the line as is the life of his employee or employees.

Let us understand that is the situation, and let us understand that this injunction against the spending of funds appropriated under this law applies for only 8 months.

I quite agree with my dear and cherished friend, the Senator from Rhode Island (Mr. PASTORE), that these laws need to be spelled out. I hope they will be. And when this law became implemented early this year we went to the Secretary of Labor and tried to get some changes made in the law.

We also went to the distinguished chairman of the Labor and Public Welfare Committee and asked that hearings be held. And some oversight hearings were held. But there has been no change at all in the law. I think it makes pretty good sense that we recognize what the situation is now, and adopt a very simple, commonsense amendment and then say to the Department of Labor, "Come up with some recommendations for something realistic and recognize what the facts are."

Let us see that what actions we take now do jeopardize the jobs of a lot of people who are working for employers who employ seven or fewer people working for them, because it is just a simple matter.

If an employer thinks that an opportunity for making a little profit is exceeded by the chances that he may be fined because of his failure to comply with a law that is not even printed, he will very likely do what many are doing in America today, and that is simply to close up shop.

Madam President, I do not think that is in the interest of the people who are working in the little shops in this country. I would hope very much that this amendment, which makes such great, good sense, would be agreed to.

Mr. CURTIS. Madam President, I yield 5 minutes to the Senator from Iowa (Mr. HUGHES).

The PRESIDING OFFICER. The Senator from Iowa is recognized for 5 minutes.

Mr. HUGHES. Madam President, I rise in support of the Curtis amendment. I want to say in the beginning that I disagree with many of the things the Senator from Nebraska said in offering his amendment. I also happen to disagree with some of the things said by the distinguished Senator from Rhode Island in opposing the amendment.

At the request of the chairman of the subcommittee of the committee on Labor and Public Welfare, the Senator from Iowa chaired the oversight hearings regarding this particular subject matter. I want to state very clearly that I do not need to defend the rights of labor to lobby and work in this country to protect the lives and limbs and health of the employees of this Nation. Not only do they have that right, but they also have the obligation to do it. Whether it is one or 10,000 employees, that is their right and their obligation, and they should be doing it.

Madam President, the way the present law is and the examples that were brought before the subcommittee of the Committee on Labor and Public Welfare show that some of the inspectors the Labor Department has hired not only did not know what the law was and did not know how to enforce it, but the evidence also indicated that they were completely nutty in their responses. Much of the evidence brought before that subcommittee indicated the filing of violations against employers that were not only minor but never should have been filed.

Employers cannot request or get an inspection so as to tell them what is wrong in their places without having charges filed against them.

We have not done anything in the nature of seeing that this law is properly carried out.

I happen to support this type of law and believe in it. However, I also happen to believe additionally that there is no ill in saying that we will take seven employees for a period of 8 months until the subcommittee of the Committee on Labor and Public Welfare has a chance to look into the matter and see whether we ought to go down to zero or not.

I do not know what the situation in the other States has been. However, in the State of Iowa, the Senator from Iowa has dozens of letters from small employers protesting, complaining, and demanding that something be done in relation to this law.

I supported the amendment of the Senator from New Jersey to reduce this to zero. I want to explain the reason I supported it lest I appear to be in contradiction here. First of all, I was surprised to see that kind of amendment offered. I expected to find an amendment to raise it to 25 employers rather than to reduce it to zero because of the tremendous outcry in this Nation against this type of law and the way it has been enforced. I say it is right and just for both the Department of Labor, employees, and management to pick some sort of abritrary in-between line.

The Senator from Nebraska said seven. I want to endorse that; halfway between 15 and zero; and say that for the next 8 or 9 months, until somehow the matter is determined, we abide by that number seven. We will not go into every little grocery store and we will not go into every little hotel in this country, and small business, and there happen to be 944 of them in the State of Iowa. I do not know how many tens of thousands of people it would involve, but let us not impugn the right that every employer's life and limb should be protected. We all believe that. Let us not impugn the right of labor to go out and work.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. CURTIS. I yield the Senator 2 additional minutes.

Mr. HUGHES. Madam President, I am willing, and the chairman of the Committee on Labor and Public Welfare is here if he wishes to take issue with me, to support further lowering this amendment next year if we can indicate the support that is needed in proper committee studies, but until that is done, I intend to support the amendment of the Senator from Nebraska.

Mr. PASTORE. The Senator has been very eloquent. Does he not believe that as far as small business is concerned that responsibility should be left in the States? Does the Senator not think the proper way to handle this is that we should reach a proper number of employees to constitute small business and leave that matter to the various States? I think we are getting mixed up a little too much in detail.

The point the Senator from Rhode Island wishes to make is this. If we are going to get into this field from the national level, you have to start from the top to the bottom, and there is no more logic in the number seven than there is the number 15, and the Senate voted against 15. This is a compromise, but what are we compromising? Is it supervision of the safety of an individual? That is my point. I agree with the Senator that the Federal Government is becoming too much involved in some of these matters and I think the Federal Government should keep its nose out of it.

If we want to protect small business I think we should have an amendment say that up to 50 employees, that responsibility of safety should be up to the various States because the States know what the responsibility is and every Governor knows what the responsibility is, and the people elected to the general assembly, as well.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. MAGNUSON. Madam President, I yield 2 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. WILLIAMS. In response to the last observation of the Senator from Rhode Island, the law provides the States an opportunity to offer a State plan for administering their own occupational safety and health programs. However, the reason the Federal Government was called upon to enact a law reaching out to assure safe and healthy conditions for our working people was that the States had defaulted. There were only a handful of States equal to Rhode Island in responding to this problem. That is why this measure was adopted to fill the vacuum.

Mr. PASTORE. I think the Senator implements the argument I made. The trouble is that Federal standards are predicated on General Motors, and General Motors standards should not apply to the little jewelry shop in Rhode Island only employing 10 people, because you are going to put him out of business. While General Motors has lots of money, that little fellow running the jewelry shop does not have that kind of money.

Mr. WILLIAMS. If that little jeweler is working with radium and if that radium is getting into his employee's system, and that employee of the jeweler is dying because of his employment, he should have a law protecting him.

Mr. PASTORE. Oh, they do not deal in radium in Rhode Island.

Mr. WILLIAMS. Let us get away from the jeweler, but that happens to be factual.

Here is another situation. The Senator from Iowa—and the committee is grateful to him—did undertake extensive oversight hearings and the Senator heard a lot of legitimate complaints about the administration of the act.

The PRESIDING OFFICER. The Senator's 2 minutes has expired.

Mr. MAGNUSON. I yield the Senator 2 additional minutes.

Mr. WILLIAMS. I understand how he reacts. I am not here to defend the administration except to say that out of the amendment offered by the Senator from Nebraska, and out of the oversight hearings we had, I hope this administration and its inspectors have learned something about the need to provide employers with more comprehensible information. I am told they have, and I am hopeful that as a result we will have greater assurance that the small guy with a brake relining business, who employs six people who are breathing asbestos, will change his method.

Mr. PASTORE. Does the Senator think the Governor of his State cares less about his State than the director of labor, whose name I do not know?

Mr. WILLIAMS. I do not get the point.

Mr. PASTORE. The point is that the Governor of a State is interested in that man whose health and safety they are trying to protect. What gives the Senator the idea that only Washington can do it?

Mr. WILLIAMS. I say each State can do that——

Mr. PASTORE. And we do not even know the name of the director of labor.

Mr. WILLIAMS. The Senator evidently did not hear me. If the State can demonstrate that it can do that effectively, it can go in with State inspectors, but where States have not done that then this Federal program applies.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PASTORE. But according to whose rules? According to Federal rules and they are predicated on the big complex. That is my point. Somehow Washington never understands the little man. They never did and they never will, and that is the problem in this country today.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WILLIAMS. I hope——

Mr. STENNIS. Madam President, I call for the regular order. I do not want to stop anyone from speaking but the Chair is entitled to respect.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS. I did not understand the point of order made.

I can understand a great deal of what the Senator from Iowa said. I know the administration has been faulty. I know it is improving. For the reasons expressed by the Senator from Rhode Island I think every worker should be protected. It should not be divided between an employer of seven and the employer of eight.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. CURTIS. Why have a "nutty" inspector to try to protect them when the owner of the business is working right there exposing himself. He is going to be more interested than any inspector. Furthermore, the workmen's compensation rates, insurance rates, and everything else compel him to do it. This is not a case where there should be imposed Gestapo-type methods on people.

Mr. MAGNUSON. Mr. President, may I ask how much time I have remaining?

The PRESIDING OFFICER. The Senator has 18 minutes remaining.

Mr. MAGNUSON. How much time does the Senator from Nebraska have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. MAGNUSON. Mr. President, I yield 3 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I, too, like the Senator from Iowa (Mr. HUGHES) sat in on these hearings, not as many as he, but a good many. I have come to quite a different conclusion.

I would like to tell the Senate why, because we dealt in a good deal of general rhetoric. Let us deal with some facts.

The fact is that 7 percent of the employment in the United States, or roughly 5 million workers, is in establishments under seven. The fact is that of the 3.5 million reporting units in the United States, 20 percent of those units, to wit, about 700,000, employ workers under seven. The fact is, for example, that in an extremely hazardous business like logging camps in the country, 96 percent—the best figure I have at the present time has 20 employees, but their minimum wage exemption is 12 employees or less. The fact is that when you see the incidence of accidents—and I ask unanimous consent that the chart I have immediately available, which compares the general average with New York, Wisconsin, Maine, and Florida, may be made a part of my remarks—you find there is a heavy incidence of accidents and injury among very small firms, to wit, seven or under.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

	Employment-size class							
	1 to 3	4 to 7	8 to 19	20 to 49	50 to 99	100 to 249	250 to 499	500 plus
Percent distribution of employment and reporting units by employment-size class, 1970 (County Business Patterns, U.S. Department of Commerce, Bureau of the Census):								
Reporting units (total, 3,422,034)	50	20	17	8	3	1	(1)	(1)
Employment (total, 56,830,198)	5	7	12	14	11	14	10	27

Note: By interpolation, about 74 percent of reporting units have 15 employees or less and 21 percent of employment is in reporting units of 15 employees or less.

[1] Less than 1 percent.

	1 to 3	4 to 7	8 to 19	20 to 49	50 to 99	100 to 249	250 to 499	500 to 999	1,000 to 2,499	2,500 plus
Injury-frequency rates, all manufacturing industries, New York State, 1970 ("Injury Rates in Factories," New York State Department of Labor, Division of Research and Statistics)	8.7			12.6	17.5	19.8	22.3	17.6	11.2	7.1
Injury-frequency rates in Maine manufacturing establishments, 1970 ("Maine Industrial Injuries," Maine Department of Labor and Industry, Division of Research and Statistics)	37.6			39.6	43.2	26.5	19.9	13.1	7.2	5.1

	1 to 3	4 to 9	10 to 19	20 to 49	50 to 99	100 to 249	250 to 499	500 to 999	1,000 to 2,499	2,500 plus
Wisconsin disabling work injury rates, 1970, all manufacturing ("Wisconsin Disabling Work Injury Rates," Wisconsin Department of Industry, Labor and Human Relations, Statistical Division)	14.4	17.9	21.9	27.8	30.4	33.3	25.0	16.6	11.6	7.8
Injury rates for manufacturing industries, 1970, Florida ("Florida Work Injuries," Florida Department of Commerce, Division of Labor)	18.5			22.6	25.6	21.3	22.1	10.6		

Note: As a generalization, rates for small manufacturing establishments are lower than those for medium-sized establishments, but higher than those for large establishments.

Mr. JAVITS. Now, Mr. President, we have to make our choice. Are we going to put an exemption in the law. You talk about small businessmen. What about the guy or girl who works for the small businessman? Is not he an even smaller person? How many millions of letters are we going to get if we take off this lid and people get hurt?

Talk about 17 feet of regulations or laws. What about the 150 feet of them that we are all subject to, whether we are small businessmen or not, and yet judges and lawyers expect everybody to know the law?

My friends, I am afraid we have gotten way off the beam. There was a crying need for this legislation. The States were not delivering. Altogether few States were. The fact that there were compensation laws and that the employer loved his employees was not, apparently, sufficient.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. May I have 1 more minute?

Mr. MAGNUSON. I yield 1 minute.

Mr. JAVITS. So we had to pass a law. Let us give this law a chance. Sure, there are dumb inspectors. There are a few dumb people in Congress. We are not immune. But let us not throw out the baby with the bath water. Shall we ignore the whole law, which is a law of decency, because we have not the wit or ability to control the administration? We have appropriation bills to give them money.

The Labor Department has just authorized me to state that it opposes this amendment and it is authorized by the administration to oppose it, for the reasons I have given.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. JAVITS. On the Senator's time.

Mr. CURTIS. Will the Senator produce something in writing for the administration authorizing the Department of Labor to say that?

Mr. JAVITS. The Under Secretary of Labor, I might say to my colleague, is outside——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MAGNUSON. I yield 30 seconds.

Mr. CURTIS. He is outside lobbying.

Mr. JAVITS. He is my authority. I feel he is a high enough official so that I had the right to state this to the Senate.

Mr. HUMPHREY. Mr. President, will the Senator from Washington yield 1 minute to me?

Mr. MAGNUSON. I yield 1 minute to the Senator.

Mr. HUMPHREY. Mr. President, I can clearly understand how my distinguished friends on the opposite side are somewhat dubious as to where the administration stands. This has been a matter of some complexity, but I would like at this particular moment to be an administration supporter. I think you have to rise above partisanship. I take the word of the Senator from New York, despite the comments of the Senator from Nebraska. I think it is time that we Democrats prove we can rise above partisanship, and since there is an official expression by the distinguished Secretary of Labor that this law must be kept intact, that there must not be exemptions, this time the man in the White House should know that the Senator from Minnesota will support him.

Mr. HANSEN. Mr. President, if the Senator would yield, does that go for the next 4 years?

Mr. HUMPHREY. Well, we will just take it day by day. This administration is too hazardous to predict anything like 4 years.

Mr. MAGNUSON. Madam President, may we have order?

I think we are getting pretty far off on this matter. As a matter of fact, this does not belong on the appropriations bill at all. It is a matter for the distinguished Labor and Public Welfare Committee to change the law. Despite the feelings of the Senator from Iowa, the Senator from New Jersey, and the Senator from New York, I wish that they, after this is over, would go back there and offer amendments to the law. It does not belong on this bill, and never was intended to be on this bill. We are writing legislation in this bill. I hope after this colloquy the Labor and Welfare Committee of the Senate will get the word, so that we will not have this same problem as we move along with future appropriations.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. Thirty seconds. And so, Madam President, the issue is whether a broad and humane law shall be reduced in size, or whether we shall deal with the imperfections in its administration; and I believe that on that ground, the latter view is the right one, and the amendment should be defeated.

Mr. COTTON. Madam President, one-half second. I think we had better go back on the bill. This is a rather childish exchange.

Mr. CURTIS. Madam President, I yield myself 30 seconds.

It was not the defenders of small business who quoted the President on this floor. We did not bring that in.

Also, it was represented here that these amendments would take out the construction industry, and that is not true, because it does not apply to how many men are working on the job, it is how many are employed by the firm.

Madam President, I yield back the remainder of my time.

Mr. MAGNUSON. Madam President, how much time would the Senator from New Jersey like?

Mr. CASE. Madam President, I would like a quarter of a minute to say that MAGGIE—the distinguished Senator from Washington, I beg the Senator's pardon—with his usual ability to go to the heart of a problem, has pointed out the real trouble here. The trouble started with the Senator from Nebraska, when he put on an appropriation bill in the first place a matter that should have been handled in a legislative way. This is legislation; it ought to go to the Committee on Labor and Public Welfare and be handled as such.

Mr. MAGNUSON. Madam President, I yield back the remainder of my time. Have the yeas and nays been ordered?

The PRESIDING OFFICER (Mrs. Edwards). The question is on agreeing to the amendment of the Senator from Nebraska (Mr. Curtis). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SPARKMAN (when his name was called). On this vote I have a pair with the Senator from West Virginia (Mr. Randolph). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Alaska (Mr. Gravel), the Senator from Mississippi (Mr. Eastland), the Senator from Oklahoma (Mr. Harris), the Senator from Rhode Island (Mr. Pell), the Senator from West Virginia (Mr. Randolph), the Senator from Virginia (Mr. Spong) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee) is absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel) would each vote "nay."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senator from Arizona (Mr. Goldwater) and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Tennessee (Mr. Brook) and the Senator from Michigan (Mr. Griffin) are necessarily absent.

If present and voting, the Senator from Colorado (Mr. Allott) and the Senator from Texas (Mr. Turner) would each vote "yea."

The result was announced—yeas 38, nays 43, as follows:

[No. 508 Leg.]

YEAS—38

Bellmon
Bennett
Bentsen
Buckley
Byrd,
Harry F., Jr.
Cannon
Chiles
Cook
Cotton
Curtis
Dole
Dominick
Edwards
Ervin
Fannin
Fulbright
Gambrell
Gurney
Hansen
Hatfield
Hollings
Hruska
Hughes
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Miller
Nelson
Packwood
Pearson
Saxbe
Smith
Stennis
Taft
Talmadge
Thurmond
Young

NAYS—43

Aiken
Allen
Bayh
Beall
Bible
Boggs
Brooke
Burdick
Byrd, Robert C.
Case
Church
Cooper
Cranston
Eagleton
Fong
Hart
Hartke
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
Mondale
Montoya
Moss
Muskie
Pastore
Percy
Proxmire
Ribicoff
Roth
Schweiker
Scott
Stafford
Stevens
Stevenson
Symington
Tunney
Weicker
Williams

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Sparkman, for.

NOT VOTING—18

Allott
Anderson
Baker
Brock
Eastland
Goldwater
Gravel
Griffin
Harris
McGee
McGovern
McIntyre
Metcalf
Mundt
Pell
Randolph
Spong
Tower

So Mr. Curtis' amendment was rejected.

Mr. PASTORE. Madam President, I move to reconsider the vote by which the amendment was rejected.

Mr. CASE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CURTIS. Madam President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

At the appropriate place, insert the following:

None of the funds appropriated by this Act shall be expended to pay the salaries of any employees of the Federal Government who inspect firms employing 4 persons or less for compliance with the Occupational Safety and Health Act of 1970.

Mr. CURTIS. Madam President, I am willing to release my time. I do yield myself just 1 minute to point out that this is not a ridiculous amendment. This is a very sensible amendment. This is preserving the family business or sending the Federal Gestapo in to tell them how many washrooms they must have in their own little family business.

I am prepared to yield back the remainder of my time.

I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DOMINICK. Madam President, will the Senator yield me 2 minutes?

Mr. CURTIS. I yield.

Mr. DOMINICK. Madam President, this debate has become spirited and very able all the way through. I was impressed with what the Senator from Nebraska, the Senator from Iowa (Mr. Hughes) and the other Senators had to say in going into the history of the legislation. I think it is worthy.

When the bill came from the committee, I offered an amendment asking that a panel be set up so that we could establish through that panel a separate set of standards, so that people would know in each industry, in each area, what they were going to do. That amendment was rejected by three votes.

Since that time, we have had more trouble with the standards, as everybody knows, whether they voted for or against the Curtis amendment, than anybody can think of, the reason being that there has been no disposition to do anything about regions or size.

It does not matter where I have been, whether it has been in my own State or in Chicago, where I was yesterday, or whether it has been anywhere else, people I have talked to have said, "Why don't you do something about that OSHA law?" These are not people who are big people but those who have found themselves suddenly in jeopardy of their jobs because of OSHA regulations. The OSHA regulations are designed to be national consensus standard regulations. No one ever heard of them in the particular industry before, particularly if almost no one knows how to move against them.

The inspector who comes in will not tell them what they are. We are not trying to do something which will imperil the safety of people. What we are trying to do is to give a person a chance to keep on doing what he has been doing until such time as the committee, on which I have the honor to serve as the number two member below Senator Javits, has a chance to look into this and see what we can do to change the law.

The Senator from Rhode Island—and I heard him very clearly—said on three occasions that there is no opportunity whatsoever for anyone to do anything except to blame the bureaucrats.

Well, frankly, Senator Pastore, with all due respect, you are wrong, plain wrong. You are wrong because the law does not give the bureaucrats a chance of flexibility. They have no chance. They have to come in on an inspection and when they see what they think is a violation of a rule or a regulation——

Mr. PASTORE. Madam President, will the Senator from Colorado yield?

Mr. DOMINICK (continuing). Which no one knows about, they have to go in and cite them.

Mr. PASTORE. Madam President, will the Senator from Colorado yield?

Mr. DOMINICK. I am happy to yield to the Senator from Rhode Island.

Mr. PASTORE. The Senator from Rhode Island has been predicting and sponsoring and advocating that we do give them flexibility——

Mr. DOMINICK. I know, but we cannot do it at this point.

Mr. PASTORE. Then why do we not amend the law and do it? Here we are passing all these amendments. Why does not the Senator suggest an amendment to give them flexibility?

Mr. DOMINICK. Because we cannot do it on an appropriation bill, as the Senator from Rhode Island well knows.

Mr. PASTORE. This is not legislation on an appropriation bill. It does not belong here.

Mr. DOMINICK. We cannot do it under this. We have already explored that effort in trying to go that way.

Mr. PASTORE. The Senator from Colorado is a member of the Committee on Labor and Public Welfare and he could have done it a long time ago. All the position the Senator from Rhode Island is taking is this, and there is a tremendous amount of logic to what the Senator from Nebraska said——

Mr. DOMINICK. Right.

Mr. PASTORE (continuing). The Senator from Rhode Island is very much disturbed about this despotism on the part of some of the bureaucrats——

Mr. DOMINICK. Right.

Mr. PASTORE (continuing). That walk into a plant, and they will not listen to the compassionate pleas made by small business when they think they are only talking to the poor little guy.

Mr. DOMINICK. Right.

Mr. PASTORE (continuing). Who has a small jewelry factory in Rhode Island, say. They do not understand his problem. All the Senator from Rhode Island is saying is that this should be returned to the responsibility of the States.

Mr. DOMINICK. The Senator from Rhode Island, for whom I have great respect—and I still have the floor—when I said that we should have a panel to set up the standards so that the inspectors would not be bound by the so-called national standards, voted against me.

So, with all due respect to the Senator from Rhode Island, he built into the law the very situation we are faced with here. And on an appropriation bill he knows as well as I do that we cannot legislate. We tried to get hearings. We did get hearings. And so did the chairman of the Committee on Labor and Public Welfare, but we did not have them bring any bill in which would change anything in the fundamental law.

So what I am saying is, the least we can do is to allow five persons employed by an employer, or four employees, which I understand is the present limit, and I say, let us not go forward this way until we have an opportunity within the next 8 months to look over the situation and make the changes which are needed.

I have been all over the country recently, and have missed a lot of votes in the process. But that is my problem. What I am talking about is that unless we do this, we will have plenty of people angry, and I mean really outrageously angry at the Federal bureaucracy. They will say, "You are saying you did not do anything about the people of this country. All you did is set up there, like Moses yourself, and say this is the rule and edict and I am not going to move on it."

I think you are wrong. Give them a break.

Mr. MAGNUSON. Madam President, I yield back the remainder of my time except for 1 minute to say that I still do not quite understand why members of the Committee on Labor and Public Welfare will not take this matter up and establish the policy. The Senator from Colorado is a member of that committee, and on the other side the Senator from New York (Mr. Javits). It does not belong here to begin with. But as long as it is here, we should start, I think, maybe from zero, and go up to 15, and see where we go from there. If this amendment carries we can go from two to 15. I do not know whether it will happen. Maybe two, seven, or 30, in a small business. But the legislative committee is the cause of all of this trouble and you put in the bill that the Federal inspector can cite a man when he finds something wrong.

Mr. DOMINICK. I will say to the Senator from Washington, in answer to his comments, that I have great respect for him and his position on the Appropriations Committee and the hard work he has put into it. I say that the legislative committee may have been wrong but we brought it to the floor. I have talked to others about the fact that you voted against it, and you put these in, and it is required as a matter of law—not in a bureaucracy. So it is not the committee. The committee did not agree with me, either. But the committee very seldom does. That is not your problem. But all I can say to you is that on the floor you voted against me.

Several Senators addressed the Chair.

Mr. CURTIS. Madam President, I yield myself 1 minute to say that I am not impressed by the idea of going to conference between zero and 15, because if they are resisting an amendment of only four, what hope do we have?

There is nothing unusual about this procedure. It is not legislation on an appropriation. It is a limitation. It is saying that for the next 8 months until you get your regulations for the people to read them and to carry them, to deal with the places where the most people are employed and where it is most hazardous and not in firms employing four or less.

Madam President, I realize that perhaps I have spoken unwisely and with too much feeling. But I feel strongly about this and I would hope that the Senate would accept this amendment.

I am willing to do away with a rollcall or anything else but I think it is right, it is just, and I do not believe that opposition to it can be defended.

Mr. MAGNUSON. Madam President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of——

Mr. PASTORE. Madam President, I move to lay the amendment on the table.

Mr. HANSEN. Madam President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mrs. Edwards). The question is on agreeing to the motion of the Senator from Rhode Island (Mr. Pastore) to table the amendment of the Senator from Nebraska.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Mississippi (Mr. Eastland), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Rhode Island (Mr. Pell), the Senator from West Virginia (Mr. Randolph), the Senator from Virginia (Mr. Spong), the Senator from Louisiana (Mr. Long), and the Senator from Maine (Mr. Muskie), are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee), is absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel), the Senator from West Virginia (Mr. Randolph), would each vote "yea."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senator from Arizona (Mr. Goldwater) and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

Also, the Senator from Tennessee (Mr. Brock), the Senator from Michigan (Mr. Griffin) is necessarily absent.

If present and voting, the Senator from Colorado (Mr. Allott) and the Senator from Texas (Mr. Tower) would each vote "nay."

The result was announced—yeas 39, nays 41, as follows:

[No. 509 Leg.]

YEAS—39

Aiken
Allen
Bayh
Beall
Boggs
Brooke
Burdick
Byrd, Robert C.
Case
Church
Cooper
Cranston
Eagleton
Hart
Hartke
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
Mondale
Montoya
Moss
Pastore
Proxmire
Ribicoff
Roth
Schweiker
Scott
Stafford
Stevens
Stevenson
Symington
Tunney
Weicker
Williams

NAYS—41

Bellmon
Bennett
Bentsen
Bible
Buckley
Byrd,
  Harry F., Jr.
Cannon
Chiles
Cook
Cotton
Curtis
Dole
Dominick
Edwards
Ervin
Fannin
Fong
Fulbright
Gambrell
Gurney
Hansen
Hatfield
Hollings
Hruska
Hughes
Jordan, N.C.
Jordan, Idaho
McClellan
Miller
Nelson
Packwood
Pearson
Percy
Saxbe
Smith
Sparkman
Stennis
Taft
Talmadge
Thurmond
Young

NOT VOTING—20

Allott
Anderson
Baker
Brock
Eastland
Goldwater
Gravel
Griffin
Harris
Long
McGee
McGovern
McIntyre
Metcalf
Mundt
Muskie
Pell
Randolph
Spong
Tower

So Mr. Pastore's motion to lay Mr. Curtis' amendment on the table was rejected.

Mr. CASE. Madam President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

Mr. MAGNUSON. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MAGNUSON. Madam President, am I correct that we will now proceed to vote on the amendment of the Senator from Nebraska?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. We are ready for the clerk to call the roll.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD: I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Mississippi (Mr. Eastland), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr.

Metcalf), the Senator from Rhode Island (Mr. Pell), the Senator from West Virginia (Mr. Randolph), the Senator from Virginia (Mr. Spong), the Senator from Louisiana (Mr. Long), the Senator from Hawaii (Mr. Inouye), the Senator from Maine (Mr. Muskie), are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee), is absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel), the Senator from West Virginia (Mr. Randolph), and the Senator from Hawaii (Mr. Inouye), would each vote "nay."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senator from Arizona (Mr. Goldwater) and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Tennessee (Mr. Brock), the Senator from Michigan (Mr. Griffin), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent. If present and voting, the Senator from Colorado (Mr. Allott), the Senator from South Carolina (Mr. Thurmond), and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 39, nays 39, as follows:

[No. 510 Leg.]

YEAS—39

Bellmon
Bennett
Bentsen
Bible
Buckley
Byrd,
  Harry F., Jr.
Cannon
Chiles
Cook
Cotton
Curtis
Dole
Dominick
Edwards
Ervin
Fannin
Fong
Fulbright
Gambrell
Gurney
Hansen
Hatfield
Hollings
Hruska
Hughes
Jordan, N.C.
Jordan, Idaho
McClellan
Miller
Nelson
Packwood
Pearson
Saxbe
Smith
Sparkman
Stennis
Taft
Talmadge
Young

NAYS—39

Aiken
Allen
Bayh
Beall
Boggs
Brooke
Burdick
Byrd, Robert C.
Case
Church
Cooper
Cranston
Eagleton
Hart
Hartke
Humphrey
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
Mondale
Montoya
Moss
Pastore
Percy
Proxmire
Ribicoff
Roth
Schweiker
Scott
Stafford
Stevens
Stevenson
Symington
Tunney
Weicker
Williams

NOT VOTING—22

Allott
Anderson
Baker
Brock
Eastland
Goldwater
Gravel
Griffin
Harris
Inouye
Long
McGee
McGovern
McIntyre
Metcalf
Mundt
Muskie
Pell
Randolph
Spong
Thurmond
Tower

So Mr. Curtis' amendment was rejected.

Mr. CURTIS. Madam President, I offer an amendment, send it to the desk, and ask that it be read.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read the amendment, as follows:

> At the appropriate place, insert the following:
>
> None of the funds appropriated by this Act shall be expended to pay the salaries of any employees of the Federal Government who inspect firms employing 3 persons or less for compliance with the Occupational Safety and Health Act of 1970.

Mr. CURTIS. Madam President, I hope we will not need to take very much time. I have a message, personally delivered to me by Mr. Larry Silverman, Under Secretary of the Department of Labor, that says he supports my amendment. [Laughter.] Here it is. And he further reminds me that the original bill sent here by President Nixon did carry a small businessmen's exemption of three.

I do not claim that I have a letter from the President, but I have more support than anyone else has had on this floor, because he did send a bill here for an exemption of three.

Seriously, Madam President——

Mr. HANSEN. Madam President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. HANSEN. Following the lead of a very prominent Democratic aspirant for high office, the Department of Labor wants to demonstrate how flexible we are.

Mr. CURTIS. Madam President, I am willing to yield back the remainder of my time.

Mr. MAGNUSON. Madam President, I yield back the remainder of my time——

Mr. HUMPHREY. Madam President, will the Senator yield? I wish to offer an amendment.

I move that the number be reduced from three to one.

Mr. CURTIS. Madam President, I rise in opposition to the amendment.

Mr. MANSFIELD. Madam President, will the Senator yield briefly, just a minute?

Mr. CURTIS. I yield.

Mr. MANSFIELD. I think we are getting into the silly season, and I wish we would recognize that this game, this charade, has gone on for too long. Let us get back to the business we are here for instead of playing games.

Mr. CURTIS. The Senator from Nebraska is not playing games.

Mr. HUMPHREY. Neither is the Senator from Minnesota.

Mr. CURTIS. I offered it in good faith and it was not allowed to be voted on its merits. It was not tabled. Now I offer an amendment for three, a little business of three, and it is ridiculed by suggesting that it be reduced to one.

After all, there are small enterprises in the country, and I make no apology for speaking for them. They need some protection from this octopus of a Federal Government. They are more interested in safety than all the bureaucrats in the world, because the boss is right there working. Chances are his son is working there, and he has very good economic reason for practicing safety, because of his insurance rates, his unemployment compensation, and everything else.

Madam President, I wonder if the distinguished Senator from Minnesota would let me have a vote on my amendment, and then he can offer his and let the Senate vote on it.

Mr. HUMPHREY and Mr. COOK addressed the Chair.

Mr. CURTIS. I yield to the Senator from Kentucky.

Mr. COOK. Madam President, I rise to a point of order. Does not the Senator's amendment have to be in writing?

The PRESIDING OFFICER. If the request is made, it must be in writing.

Mr. COOK. I ask that it be in writing.

Mr. CURTIS. Madam President, I ask for the yeas and nays.

Mr. HUMPHREY. Madam President——

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered.

Mr. HUMPHREY. Madam President, a Senator is permitted to offer an amendment from the floor. I know the rules of this body. If it has to be reduced to writing, I can write; and I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

Mr. HUMPHREY. And I am not playing games.

The assistant legislative clerk read as follows:

> The Senator from Minnesota (Mr. Humphrey) proposes an amendment, in lieu of the number "3" insert "1".

The PRESIDING OFFICER. The question is on the amendment. Does the Senator yield himself any time?

Mr. MAGNUSON. Madam President, what is the time situation?

Mr. HUMPHREY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second——

Mr. DOMINICK. Madam President, a point of order. Unless there is at least the requisite number of Senators who voted on the last rollcall asking for the yeas and nays, I suggest the yeas and nays are not in order.

Mr. MANSFIELD. Madam President, I ask for the yeas and nays, and there is a sufficient number.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. CURTIS. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. If the amendment to the amendment is voted down and the amendment the junior Senator from Nebraska has offered is likewise voted down, and an amendment to exempt a firm employing only two persons is voted down, will an amendment then be in order dealing with a firm employing only one?

Mr. MANSFIELD. It is in order now.

The PRESIDING OFFICER. If the Senate voted it down once, an amendment would not be in order again; the Senate would be voting on the same question.

Mr. HANSEN. Madam President, a parliamentary inquiry.

Mr. CURTIS. Madam President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. Is there a rule against offering a frivolous amendment?

The PRESIDING OFFICER. The Chair does not determine whether an amendment is frivolous or not. The Senate has to make that decision.

Mr. MANSFIELD. In other words, the answer is "No."

Mr. HANSEN. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HANSEN. Is not the amendment proposed by the distinguished Senator from Nebraska already an amendment in the second degree?

The PRESIDING OFFICER. No; that is an amendment in the first degree, and the amendment of the Senator from Minnesota is in the second degree.

Mr. HANSEN. An amendment, then, by the distinguished Senator from Minnesota is in order.

The PRESIDING OFFICER. Yes. It is already the pending question.

Do Senators yield time?

Mr. HUMPHREY. Madam President——

Mr. MAGNUSON. Madam President, the time situation is getting a little confusing to the manager of the bill. The Senator from Minnesota has offered an amendment; therefore he is in control of the time on his amendment.

The PRESIDING OFFICER. That is correct.

Mr. MAGNUSON. And the Senator from Washington is going to yield his time, if it is agreeable, to the Senator from New Hampshire and to those Senators who oppose the amendment; namely, the Senator from Nebraska, to those in charge of the time in opposition. I ask unanimous consent to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Madam President——

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. HUMPHREY. Five minutes.

Madam President, a parliamentary inquiry. Should the Senator from Minnesota move to table the amendment that is now before us, would that include both the amendment of the Senator from Nebraska and the amendment of the Senator from Minnesota?

The PRESIDING OFFICER. If the motion to table were made and carried, it would take both amendments.

Mr. HUMPHREY. I am not trying to be frivolous. I think this body tonight has had a bit of that. Any Senator is entitled to offer any amendment that he believes is relevant and worthy. We have had several votes before on whether or not this law for safety should be restricted in terms of numbers of employees.

I do not basically disagree with many of the things the Senator from Nebraska has said, or that the Senator from Iowa has said. As a matter of fact, I am deeply disturbed about it. I am one person in this body who runs a small business. It employs fewer than 10 people. I am responsible for that business. Regrettably, from my point of view at times, it is an absentee operation. But I know what it means to face Federal inspectors. Those Federal inspectors come into our drugstore just like they come into other places, and I do not like a lot of it, but I do not believe we ought to try to amend the law on an appropriation act. And while I realize that the amendment we are dealing with is within the Rules of the Senate—I have discussed this with the Parliamentarian—it is a backdoor way of amending the act.

I believe the law does need reexamination. I think a case has been made for it tonight. I am prepared to face that reexamination with objectivity.

The Senator from Nebraska knows I am very much concerned about the way the inspectors have operated. I have talked with him privately about it. I was in his State. I know he raises a point that is of critical importance to hundreds of people in his State and thousands across this country. I met some of those people when I was in Nebraska in the month of May.

So I know that the Senator from Nebraska is operating in good faith, but I say with all respect to all my colleagues, we have voted and voted and voted. The only reason why I raised this issue to put it at one is because otherwise the Senator will come down farther, 3 to 2 to 1. I do not mean to cut off debate here——

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. HUMPHREY. Yes.

Mr. CURTIS. Before the Senator makes his motion to table, and I hope he does not, I think we have a right to vote on an amendment where the Labor Department will have something to go on; and I hope before the Senator makes his motion to lay on the table he will give me an opportunity to yield to the distinguished minority leader.

Mr. HUMPHREY. Indeed I shall. I say to the distinguished Senator from Nebraska that I respect his words and his judgment, and I respect his argument. I just feel that we have argued it out and made our respective points. The Senator from Nebraska has been stalwart in fighting for what he believes is right. The votes have not been in his favor. I think to come down to three makes it really rather—I shall not say what I was about to say, but I do not think it matters very much, and therefore, to bring the issue to a conclusion, I shall move to table it at once, but I shall not cut off debate.

Mr. CURTIS. Madam President, I yield to the minority leader.

Mr. SCOTT. Madam President, at this juncture I do not know whether we may have two votes or may have three. I hope we will only have two. That could be accomplished by voting up or down on the amendment of the Senator from Minnesota, or, if that fails, voting up or down on the amendment of the Senator from Nebraska. But I have had the privilege of visiting the family drugstore of the distinguished Senator from Minnesta in Huron, S. Dak. It is an excellent drugstore, and well run. But it seems to me that in his absence he would be better protected if there were three people covered rather than just one, since the one sometimes has to run out to make some purchases or deliveries, and I really think he needs the people. I think the Senate wants to give that to him. Therefore, I hope the amendment of the Senator from Minnesota as well as his motion to table will be voted down, and that we can support the amendment of the Senator from Nebraska (Mr. Curtis); and I am sure that I am speaking with some knowledge when I say that there are a good many Senators who are in favor of this figure of three.

I recognize, with my party, the importance of healthy drugstores and pharmacists generally, particularly my friend from Minnesota and his family with their excellent drugstore at Huron, S. Dak.

Mr. HUMPHREY. Madam President, may I say this is the first time the administration has helped our business, and for that I am exceedingly grateful. I am aware, of course, that that is only a promise, but I live on promises, as the Senator knows.

Mr. SCOTT. I might say that the Senator has been selling promises for many years in a falling market.

Mr. HUMPHREY. And I say that, in a Democratic administration, we have been able to survive.

I thank the Senator. I am going to make the motion, and I say, with all respect to my colleague from Nebraska, this is one way to get at the issue.

What is the difference whether it is three or four or one? We are really voting on the principle, and if we vote on three, the Senator from Nebraska has indicated that if that does not pass he will go to two. I do not think that is going to make much sense, with all due respect, and I say to the Senator from Nebraska he has fought hard. I think he has made his point. I hope the chairmen and the subcommittee chairmen of the committees have listened well. I hope the administration has listened well. As a matter of fact, I am glad that we have had some debate on this issue, because maybe the administration will listen. This law is being foolishly administered, no doubt about it.

Madam President, I move——

Mr. SCOTT. Before the Senator makes his motion, may I make a correction? I had said there would be three votes, and I do mean there would be three votes, because there is a way by which we could have a vote on another part of this section, and some Senators have that in mind. But if the Senator moves to table, I understand it would have the effect of tabling both his amendment and the amendment to which he has offered it.

Mr. HUMPHREY. Yes, with the wisdom of Solomon, in an effort to take a balance here, we are going to table both.

I now move, Madam President, to lay on the table——

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. HUMPHREY. I yield back the remainder of my time.

Mr. CURTIS. I yield back the remainder of my time.

Mr. HUMPHREY. I move to lay on the table the amendment of the Senator from Nebraska (Mr. Curtis) as amended by the Humphrey amendment.

Mr. CURTIS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mrs.

EDWARDS). All remaining time having been yielded back, the question is on agreeing to the motion of the Senator from Minnesota (Mr. HUMPHREY) to lay on the table the amendment of the Senator from Nebraska (Mr. CURTIS) as amended by the Senator from Minnesota.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE) the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Virginia (Mr. SPONG) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE) and the Senator from West Virginia (Mr. RANDOLPH) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. GOLDWATER) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also, the Senator from Tennessee (Mr. BROCK), the Senator from Michigan (Mr. GRIFFIN), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "nay."

The result was announced—yeas 31, nays 47, as follows:

[No. 511 Leg.]

YEAS—31

Allen
Bayh
Beall
Brooke
Burdick
Byrd, Robert C.
Case
Church
Cranston
Eagleton
Hart
Hartke
Humphrey
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
Mondale
Montoya
Moss
Pastore
Pearson
Proxmire
Ribicoff
Schweiker
Stevenson
Symington
Tunney
Williams

NAYS—47

Aiken
Bellmon
Bennett
Bentsen
Bible
Boggs
Buckley
Byrd, Harry F., Jr.
Cannon
Chiles
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Edwards
Ervin
Fannin
Fong
Fulbright
Gambrell
Gurney
Hansen
Hatfield
Hollings
Hruska
Hughes
Jordan, N.C.
Jordan, Idaho
McClellan
Miller
Nelson
Packwood
Percy
Roth
Saxbe
Scott
Smith
Sparkman
Stafford
Stennis
Stevens
Taft
Talmadge
Weicker
Young

NOT VOTING—22

Allott
Anderson
Baker
Brock
Eastland
Goldwater
Gravel
Griffin
Harris
Inouye
Long
McGee
McGovern
McIntyre
Metcalf
Mundt
Muskie
Pell
Randolph
Spong
Thurmond
Tower

So Mr. HUMPHREY's motion to lay Mr. CURTIS' amendment on the table was rejected.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Senator from Nebraska, as amended.

Mr. HUMPHREY. Madam President, I want to expedite the business of the Senate. The Senate has expressed its will. Would it be all right if I were to ask unanimous consent to withdraw the Humphrey amendment and the yeas and nays on the amendment and we proceed to vote?

Mr. CURTIS. Yes.

Mr. HUMPHREY. Madam President, I ask unanimous consent to so do.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The question is on agreeing to the amendment of the Senator from Nebraska. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Virginia (Mr. SPONG) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), and the Senator from West Virginia (Mr. RANDOLPH) would each vote "nay."

I further announce that, if present and voting, the Senator from New Hampshire (Mr. MCINTYRE) would vote "yea."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also, the Senator from Tennessee (Mr. BROCK), the Senator from Michigan (Mr. GRIFFIN), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 50, nays 28, as follows:

[No. 512 Leg.]

YEAS—50

Aiken
Allen
Bayh
Bellmon
Bennett
Bentsen
Bible
Buckley
Byrd, Harry F., Jr.
Cannon
Chiles
Church
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Edwards
Ervin
Fannin
Fong
Fulbright
Gambrell
Gurney
Hansen
Hatfield
Hollings
Hruska
Hughes
Jordan, N.C.
Jordan, Idaho
McClellan
Miller
Moss
Nelson
Packwood
Pearson
Percy
Roth
Saxbe
Scott
Smith
Sparkman
Stafford
Stennis
Taft
Talmadge
Weicker
Young

NAYS—28

Beall
Boggs
Brooke
Burdick
Byrd, Robert C.
Case
Cranston
Eagleton
Hart
Hartke
Humphrey
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
Mondale
Montoya
Pastore
Proxmire
Ribicoff
Schweiker
Stevens
Stevenson
Symington
Tunney
Williams

NOT VOTING—22

Allott
Anderson
Baker
Brock
Eastland
Goldwater
Gravel
Griffin
Harris
Inouye
Long
McGee
McGovern
McIntyre
Metcalf
Mundt
Muskie
Pell
Randolph
Spong
Thurmond
Tower

So Mr. CURTIS' amendment was agreed to.

Mr. CURTIS. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. HANSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MAGNUSON. Now, Mr. President——

Mr. HARTKE. Mr. President——

Mr. MAGNUSON (continuing). I guess we can get on with the business of HEW, which is the major part of the bill.

Mr. MANSFIELD. Mr. President——

Mr. MAGNUSON. The Senator from Indiana (Mr. HARTKE), as I understand it, has two amendments to offer and I yield to him at this time.

Mr. MANSFIELD. Mr. President, will the Senator from Indiana yield?

The PRESIDING OFFICER (Mr. BURDICK). Does the Senator from Indiana yield to the Senator from Montana?

Mr. HARTKE. I yield.

Mr. MANSFIELD. Mr. President, would the distinguished Senator be susceptible to a limited time agreement on his two amendments?

Mr. HARTKE. I would like to say to my distinguished majority leader that I think we had better just not ask for any time. I feel that we will do it much more rapidly than if we are on limited time.

I do not intend to ask for a rollcall. I feel somewhat perplexed by the situation in view of the numbers game which got started here this evening.

I had yielded to the distinguished Senator from New Jersey (Mr. CASE) which permitted this numbers game to begin.

I yielded to him out of turn; otherwise I would have completed this business before now and brought it to a conclusion.

I ask, Mr. President, that the amendment I have at the desk be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 83, strike out all after line 16, over to and including line 6 on page 84.

Mr. HARTKE. Mr. President, the effect of this amendment would be to delete the provision in the Senate bill authorizing the President, at his discretion——

Mr. COTTON. Mr. President, may we have order in the Senate so that we can hear?

The PRESIDING OFFICER (Mr. BURDICK). The Senators will please take their seats. The Senate will be in order.

The Senator from Indiana may proceed.

Mr. HARTKE. Mr. President, the effect of the pending Hartke amendment would be to delete the provision in the Senate bill authorizing the President, at his discretion, to withhold from obligation an amount of $935,471,000, which is the amount the vetoed bill exceeds the new House bill. The Senate provision also states that, in the event the President should withhold any or all of the money from obligation, no single appropriation could be reduced by more than 10 percent from the level in the vetoed bill.

Now, the appropriations process should be a way for Congress to determine how national resources should be allocated. The Federal budget is supposed to reveal the essence of national policy. The provision in the pending bill, however, would be yet another in a long line of developments in the operational of our National Government which erode the powers of the legislative branch and contribute to the steady deterioration of the constitutional principles upon which this Nation rests.

Under the Constitution, all legislative power is vested in the Congress, including the power to appropriate money. Article I, section 9, provides that—

> No money shall be drawn from the Treasury but in consequence of appropriations made by law.

The President, on the other hand, is given no role in legislation save for the power to recommend "such measures as he shall judge necessary and expedient" provided in article II, section 3, of the Constitution, and the power granted him under article I, section 7, to veto measures passed by the Congress, subject to being overridden by a two-thirds vote of both Houses. He does have the clear responsibility to "take care that the laws be faithfully executed," as required by article II, section 3. Certainly, the Founding Fathers did not intend to give the President any discretion when they imposed that duty upon him.

On the contrary, they intended that he execute all laws passed by the Congress, irrespective of any personal, political, or philosophical views he might have. He has no authority under the Constitution to decide which laws will be executed or to what extent they will be enforced.

Yet, by allowing the President to cut the budget 10 percent at his discretion, he is able to do just that.

In this era, the powers of the executive branch have become dominant in the operation of the governmental structure. The power of the purse is one of the few remaining tools which Congress can use to oversee and control the burgeoning Federal bureaucracy. Congress is constitutionally obligated to make legislative policy and is accountable to the citizens for carrying out that obligation. This provision seriously interferes with the successful operation of that principle and places Congress in the paradoxical and belittling role of having to lobby the executive branch to carry out the laws it passes.

Mr. President, during the past year, I have urged this body to reassert its prerogative in the treatymaking process. For more than 30 years, there has been a trend to make Congress a mere appendage of the executive branch—a nodding head of automatic approval to executive policy decisions. It took the Gulf of Tonkin and its bloody aftermath to make Congress realize that we must share with the executive the responsibility for leadership.

Ours is the responsibility for establishing programs to meet the needs of the Nation. Ours is the responsibility to appropriate funds to make those programs work. Through the appropriations process, we express the national commitment to better schools, quality health care, and more job opportunities. That is our responsibility, and I strongly oppose any effort to turn over even one-tenth of that responsibility to the executive branch.

During the past few years, President Nixon has impounded millions of dollars appropriated by Congress. I believe that his action is a violation of the spirit and the substance of the separation of powers doctrine embodied in our Constitution. This Congress cannot give the President even greater authority to fly in the face of the Constitution.

Mr. President, I urge the adoption of the pending Hartke amendment because I believe that the programs listed in the Labor-HEW appropriations bill are already funded and should not be subjected to further cuts and because I believe that the future vitality and effectiveness of the Congress is at stake.

Mr. President, I know full well what the argument on the other side is. I understand full well that what this does is place the Senate in the position of going to the House of Representatives in conference on this matter. In my opinion that is far better than coming in on our hands and knees and allowing the President of the United States to control 10 percent of the Labor-HEW appropriations bill.

It is for this reason that I offer this amendment.

I hope that there will be enough voice votes to take the amendment to conference. I will not make any judgment on that. I ask for this in great seriousness. Otherwise, why do we not go ahead and abolish the Congress.

Mr. MAGNUSON. Mr. President, I yield myself 1 minute. I appreciate what the Senator from Indiana has stated. I think that maybe we should abolish the veto. We would not be in this trouble that we are in with this bill. But we are doing the best we know how to get a bill. I wish we could pass the bill over his veto. However, it turned out that we could not. So, we have to work our way through this. And the reason we did this is that if we did not do it in this way, all of the Senate programs are out and we will have a conference with the House. They put in all of theirs and threw out all of ours. And is that not some conference? That is like the situation on public works. We take all of their items and put their items in, and they want a conference on the other items. Congress had better adjust itself.

Mr. President, I yield back the remainder of my time.

This is not said with any feeling of disrespect for what the Senator from Indiana has said. However, I would hope that the amendment would be rejected.

Mr. HARTKE. Mr. President, all I can say is that I understand again that what we are saying is that we give up. I am ready to vote.

Mr. COOK. Mr. President, will the Senator yield me 5 seconds?

Mr. HARTKE. Mr. President, I yield to the Senator from Kentucky.

Mr. COOK. Mr. President, I ask for the 5 seconds only for the purpose of saying that regardless of how the voice vote comes out, I would like to be recorded as voting "yea."

Mr. HARTKE. Mr. President, I yield back the remainder of my time.

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Indiana (putting the question).

The amendment was rejected.

Mr. HARTKE. Mr. President, I call up amendment No. 1673 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 51, line 12, strike out "$798,046,000" and insert in lieu thereof "$801,296,000".

Mr. HARTKE. Mr. President, the pending Hartke amendment adds $3.25 million for health care for migrant and seasonal farmworkers.

No single group in our Nation is as exploited as migrant workers who harvest the food we eat. There is no working group in the United States which lives in worse housing than migrants. Wages received by migrants are among the lowest of the working poor. Federal child labor laws do not apply to migrants.

Constant mobility itself damages the physical and mental health of migrants. These people suffer from malnutrition. In fact, 25 percent of migrant children have anemia. Statistics document that infant mortality is 25 percent higher among migrants than the national average. Mortality rates for tuberculosis and other infectious diseases among migrants are 2½ times the national rate.

Mr. President, the per capita expenditure for migrant health is $12 compared to the national average of $250 per person. With all of the horrible living and working conditions which migrants must endure, the plain fact is that we are not spending enough money on health services for migrant workers. A November 1969 task force of the Department of Health, Education, and Welfare concluded that few States provide any medical assistance under medicaid for migrants. A 1971 report of the Office of Economic Opportunity found only 3.2 percent of migrants throughout the Nation covered by medicaid, with very few eligible for either medicare or private health insurance benefits.

Because of inadequate funding, the Federal migrant health program reaches less than 10 percent of the eligible migrant population. Present law authorizes a mere $30 million for migrant health. If that were distributed on a per capita basis among every migrant worker and dependent, it would come to only $30 per person per year in health expenditures for migrants. That is less than one-fourth the national average.

As meager as this expenditure is, the pending Senate bill appropriating funds for migrant health provides for only $26.75 million. The pending Hartke amendment would bring that appropriation up to the full authorization level of $30 million.

Mr. President, at this time I ask unanimous consent that an article from the Washington Post describing the plight of hungry migrant children be printed in the Record.

Mr. President, we have made many promises to the migrant workers of this Nation. The least we can do is to provide full funding for the one program we have to meet their health needs.

Mr. President, the pending amendment deals with migrant and seasonal farmworkers. It would add $3,250,000, up to the full amount of the authorization. In other words, what we do here is deal with those members of society who are our most poorly treated.

I ask unanimous consent to have printed in the Record an article published in the Washington Post of May 1, 1972, entitled "United States Bungling Food Aid for Migrants," written by Austin Scott.

There being no objection, the article was ordered to be printed in the Record, as follows:

After Many Promises, Kids Go Hungary: United States Seen Bungling Food Aid for Migrants

(By Austin Scott)

A food program specialist who quit the Agriculture Department as a "matter of conscience" charges that, largely through internal bungling, the department has made well-intentioned child nutrition programs "especially detrimental to migrant children, and probably . . . to most other needy children."

Marvin Levin, scheduled to fly to hunger-plagued Bangladesh Tuesday to set up food programs for CARE, is to testify before a joint session today of the special Senate committees on migrant workers and on nutrition and human needs. In prepared testimony, he draws a picture of hungry migrant children waiting in vain for help which the department should give, and could if it weren't constantly stumbling over its own philosophy and procedures.

Its failure to do what existing legislation and appropriations already allow, Levin said, has forced other government agencies to fill the gap, spending money on food that was supposed to educate or train poor families.

He estimated that $5.3 million to $7 million was diverted to food from its intended purposes in 1971.

The result, he said, has been detrimental to migrant worker programs run by other agencies, primarily Health, Education and Welfare, the Office of Economic Opportunity, and the Department of Labor.

Some of Levin's charges have been supported in the past few weeks by outside groups that reported on special summer feeding and school breakfast programs.

Levin worked for USDA from February, 1971, until last Friday, after spending five years in India with CARE, administering state child nutrition programs.

"The most obvious indication that the Food and Nutrition Service is not meeting the food needs of migrant children is that other U.S. agencies, concerned with non-food aspects of the migrant child, are diverting large portions of their budgets . . . into the food program," he said.

LEAD-ON TECHNIQUE

He estimated that 8 to 20 per cent of such budgets wind up being used for food, primarily because USDA lures program administrators right up to the last moment into thinking they will get the money they need.

"You lead them and you give them every indication, but you don't quite make that final commitment," Levin said.

He told of a series of meetings on migrant programs run primarily by HEW last summer, at which USDA's Food and Nutrition Service told state and federal agencies "Don't spend your own money (for food), put your money into education . . . We have plenty of money to pick up your needs."

"But we didn't have that money," Levin said in an interview, adding that he was one of the officials making such promises.

"We did not know the money wasn't there," he said. "We honestly thought at the time that the problem was non-participation, that they weren't applying (for food money). At no time were we ever corrected."

One complicating factor is that sometimes the money is there even when USDA thinks it isn't, Levin said.

Last October, his testimony said, the Texas Migrant Council headquartered in Laredo, applied to USDA's Texas regional office for money to fund a program.

"Although the regional office determined that the council was eligible, and needed assistance, it did not approve participation because they thought they had committed their $816,000 appropriation," he said.

Not until five months later, late last March, did USDA notify the regional office that the office had only committed $607,000 and therefore did have the money, he said.

"Thus for five months we withheld approval for a necessary program because we did not know how much money we were spending." About 650 migrant children were affected, he said.

"INSENSITIVITY" SEEN

Levin said he could give dozens more examples. He blamed such problems on the department's "insensitivity to the special problems of migrant children," its inadequate data, internal problems and attempts to serve the administration rather than the hungry.

But, he said, they produce "extremely adverse effects," such as:

In California, 22,000 migrant children paid 30 cents for lunches in 1971 instead of getting them free because their parents had not gone through USDA's required procedure of signing income statements, a procedure Levin called "not feasible" for migrant workers.

In New York, 5,500 migrant children were fed by diverting Title 1 funds intended for their education.

In Florida, about $160,000 last year, and an estimated $260,000 this year, will be diverted from Title 1 educational funds to pay for food that the Food and Nutrition Service should be paying for.

"The Food and Nutrition Service has been repeatedly advised that the parents of migrant children, in most cases, are functionally illiterate," Levin's testimony said, "that the parents do not know what their yearly income is . . .

"Therefore the department should authorize categorical (automatic) certification for migrant children."

"Migrancy is an occupational grouping with known income levels," he commented, but "the response from FNS has been silence."

By not recognizing migrants as a special group, he said, "the department has placed an extremely heavy administrative burden on migrant sponsors. Last year one local sponsor applied to 11 state and/or regional offices."

The department also frustrates attempts to learn more about its programs, Levin said:

"In August, 1971, I attempted to formally gather data on the number of migrant children participating in state programs . . . the information would have allowed us to plan a program based on probable needs.

"The letter requesting the data never left the department because, as the note attached to the letter indicated, 'the time is not right.' "

The note was signed by Herbert Rorex, chief of the Division of Child Nutrititon, Levin said.

His testimony offered several recommendations for USDA, including categorizing migrants "as a special target group," automatically certifying migrant children eligible for free school lunches, and submitting to Congress "a plan of operation specifying where it is, where it is going, how it plans to get there. . . ."

So far, Levin said, repeated criticism from inside and outside the department on its food programs has resulted only in patchwork, temporary fixes that don't prevent the problem from recurring.

What is needed, he said, is a basic change in the systems within the department.

Mr. HARTKE. Mr. President, I am fully aware again of what the end result of the amendment will be on the floor. All I can say to my distinguished chairman is that I do not think the Congress of the United States should just idly sit by and permit the President to tell us how the country should be run. It is a divided responsibility.

Not to exercise our responsibility to the Nation's most underprivileged group is just one more step down that road. I do not think, after we pass this bill and kick all of these people in the teeth, as we will do, that it would be proper for Congress to go back to ask for any impounded funds to be released again. We have solved our responsibility to the migrant workers by our action here, much to their detriment.

I know that the hour is late, and I will be satisfied with a voice vote out of respect for the Senator from West Virginia who asked me to cut off the debate. And I do so.

Mr. MAGNUSON. Mr. President, I yield myself 1 minute.

Mr. President, I do not want the Record to show that we did not do anything for the migrant workers. We have. There is a great deal of money in the bill for them. We can go back to the vetoed bill.

This is almost a 50-percent increase over last year.

I do not want to be here, and I do not think anyone else wants to be here much longer. But adding money above the level of the vetoed bill is unrealistic. We have to accommodate ourselves to a veto. Otherwise, it should be abolished.

I think we have tried to do that and retain the integrity of the Senate's decision on these items.

Mr. HARTKE. We are going back to the vetoed bill, but not the Senate-passed bill which contained only a portion of this amendment in spite of the need for an authorization level of $100 million as documented by the Labor and Public Welfare Committee's recent report.

Mr. MAGNUSON. Oh, well.

Mr. HARTKE. Yes.

Mr. MAGNUSON. The Senate-passed bill had to go to conference. The Senator would not abolish the conference would he?

Mr. HARTKE. If we have no more power with the House than we have with the President, I suggest that we let the President run the country, and the Senate adjourn sine die and abolish itself.

Mr. MAGNUSON. You cannot do business without a conference. The Senator from Indiana has been in many conferences with the House. I think we came out way on top in conference, and we are going back to conference maintaining the integrity of the Senate decisions and priorities.

Mr. President, unless another Senator wishes to speak I am ready to yield back my time.

Mr. COTTON. Mr. President, I yield myself 1 minute.

Mr. MAGNUSON. Excuse me.

Mr. COTTON. In the beginning when we took up the bill there was to be 3 hours on the bill equally divided between the chairman and me. The Senator from Washington made the necessary observations from his point of view, but the Senator from New Jersey was in a hurry to get to a vote on his amendment and Senators wanted to leave. I said I would wait and say what I had to say later. The result is that I would not for one moment keep one Senator here tonight to listen to anything. However, in view of some of the observations and some matters that went into the Record, and particularly in view of some of the observations made by my distinguished friend from Indiana, I would like to make the request of the leadership that I might have a special order for the day after tomorrow morning. At that time I would like to review the conduct of the President of the United States with regard to these matters, because I think I would not want to leave the inferences that I think are in the Record now.

Mr. MANSFIELD. The Senator will have a special order on Thursday morning.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. HARTKE. I yield back my time.

Mr. MAGNUSON. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana.

The amendment was rejected.

Mr. COTTON. Mr. President, third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 16654) was read the third time.

Mr. COTTON. I would like to raise the issue of brain disease and violent behavior with my distinguished colleague.

I want to reassure the Members of the Senate that any funds in this bill added by the Senate committee for research into brain disease and violent behavior will be awarded to competent scientists and only after such scientists meet the high ethical and medical science standards demanded by the established NIH peer review process which is used in awarding all the grants at NIH. Is that not correct, Mr. Chairman?

Mr. MAGNUSON. The Senator has stated it very well. At this point, Mr. President, I ask unanimous consent to place in the Record some pertinent correspondence with the Director of the National Institutes of Health which I believe will serve to further clarify the issue and reassure my colleagues in this matter.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., September 22, 1972.

Dr. Robert Q. Marston,
Director, National Institutes of Health,
Bethesda, Md.

Dear Dr. Marston: This is to call your attention to a passage on page 55 of the Senate report (92–894) accompanying the first 1973 Labor-HEW appropriation bill. The report had earmarked $1 million to continue and expand studies of violent behavior related to brain disease.

Subsequent to Senate action on the first 1973 Labor-HEW bill, the Committee has received several disturbing published reports regarding the use of an earlier appropriation of $500,000 for this work. Consequently, it would be appreciated if NIH would delay the funding of this work at this time. It is the desire of the Committee that, as a condition precedent to the award of any funds to continue such work, the NIH should thoroughly study the earlier work conducted with appropriated funds and determine that the adverse reports regarding this project are without merit.

In the interim, the Committee would also appreciate receiving from you a statement on NIH policy concerning research into the relationships between brain disease and violent behavior.

Thank you for your cooperation.

Sincerely,
Warren G. Magnuson,
Chairman, Subcommittee on Labor-Health, Education, and Welfare.

Department of Health,
Education, and Welfare,
Bethesda, Md., October 2, 1972.

Hon. Warren G. Magnuson,
U.S. Senate,
Washington, D.C.

Dear Senator Magnuson: Thank you for your letter of September 22 about the funding of research on the relationship of brain disease to violent behavior.

We are well aware of the criticism that has been directed toward earlier research projects in this field which were supported by other agencies. We are also, of course, anxious to ensure that there shall be no valid basis for similar criticism in any future work that NIH might support through the appropriation for the National Institute for Neurological Diseases and Stroke.

The policy of NIH, briefly stated, is as follows:

1. There is evidence that some kinds of uncontrolled violence and other forms of unacceptable human behavior are due to abnormal brain development or brain disease. However, the evidence is fragmentary, scattered, and equivocal. We believe that further research is necessary but that a first step should be to collect, correlate, and assess the evidence currently available in order to determine what direction further research should take.

2. Consequently, the National Institute of Neurological Diseases and Stroke has established a task force, as a subcommittee of its Advisory Council, to plan a series of workshops on brain disease in relation to violence. The National Institute of Mental Health—which is not part of NIH but which has previously supported research in this field—has set up a similar task force to study the more restricted topic of psychosurgery. Close liaison is being maintained between these two task forces.

3. Research projects on abnormal behavior and on the physiological factors affecting behavior in animals, including non-human primates, will be supported if they are of high scientific merit and appear to be relevant to the elucidation of behavioral problems in man.

4. Research projects on the genetic, hormonal, biochemical, and neurological factors in abnormal human behavior will be considered only if they conform to the established guidelines governing all research involving human subjects. These guidelines will be most rigorously enforced. The conditions include (a) a thorough initial review and continued surveillance by a multi-disciplinary committee at an institution of high repute that can, and does, accept responsibility for the protection of the subjects involved; and (b) specific grant or contract terms providing for the protection of human subjects including the right of privacy, and requiring their informed consent.

I can give you a firm assurance that no commitment to fund research projects using human subjects for the study of the relationship between brain disease and violent behavior will be made until the results of the discussions now being initiated by the NINDS task force have been completed and considered.

Please be assured of my personal concern in this matter and of my full appreciation of the committee's interest in it.

Sincerely yours,
Robert Q. Martson, M.D.,
Director.

Mr. BEALL. Mr. President, I wish to thank the distinguished chairman of the Appropriations Committee's Subcommittee on Labor, Health, Education, and Welfare, and Related Agencies, Mr. Magnuson, and the distinguished ranking minority member, Mr. Cotton, for engaging in a most fruitful colloquy designed to clarify the intentions of the committee with regard to the language appearing on page 55 of Senate Report No. 92–894—June 21, 1972.

I recently had an opportunity to meet with Dr. Peter R. Breggin who has, as many of us know, become an active and prominent spokesman in opposition to the use of brain surgery as a device to regulate behavior. As a layman, I am unable to pass judgment on a medical matter as complex and as specialized as psychosurgery, but I do share some of the concerns expressed by Dr. Breggin and his colleagues. Because nerve cells do not regenerate, psychosurgery produces a permanent and irrevocable change in the behavior of the individual. For this reason, Mr. President, I believe that we should move carefully and cautiously in this area. I would hope that the National Institute of Neurological Diseases and Stroke will not assume that the report language accompanying this bill constitutes a congressional directive that would override their normal peer review procedures. I believe that the remarks by the distinguished senior Senator from Washington and the distinguished senior Senator from New Hampshire have helped to still my concerns and clarified the congressional intent with regard to this matter.

Mr. CASE. I would like to direct a question to the manager of this bill. Is my understanding correct that, in its present form, the bill would provide funds for the impacted aid program for public housing students and that the amount provided could not be less than 90 percent of the $10 million that was provided in the vetoed bill?

Mr MAGNUSON. The Senator from New Jersey is correct.

Mr. COTTON. Mr. President. I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. MAGNUSON. I yield back the remainder of my time.

Mr. COTTON. I yield back my time.

The PRESIDING OFFICER. All time has been yielded back. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Virginia (Mr. SPONG), and the Senator from Florida (Mr. CHILES) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also, the Senator from Tennessee (Mr. BROCK), the Senator from Kansas (Mr. PEARSON), the Senator from South Carolina (Mr. THURMOND), and the Senator from Michigan (Mr. GRIFFIN) are necessarily absent.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from South Carolina (Mr. THURMOND) and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 75, nays 1, as follows:

[No. 513 Leg.]

YEAS—75

Aiken
Allen
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Edwards
Ervin
Fannin
Fong
Fulbright
Gambrell
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McClellan
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Percy
Proxmire
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Tunney
Weicker
Williams
Young

NAYS—1

Saxbe

NOT VOTING—24

Allott
Anderson
Baker
Brock
Chiles
Eastland
Goldwater
Gravel
Griffin
Harris
Inouye
Long
McGee
McGovern
McIntyre
Metcalf
Mundt
Muskie
Pearson
Pell
Randolph
Spong
Thurmond
Tower

So the bill (H.R. 16654) was passed.

Mr. MAGNUSON. Mr. President, on that hearty vote, I shall not ask to reconsider the vote or lay it on the table.

I move that the Senate insist on its amendments and requests a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. STENNIS, Mr. BIBLE, Mr. ROBERT C. BYRD, Mr. PROXMIRE, Mr. MONTOYA, Mr. HOLLINGS, Mr. MCCLELLAN, Mr. COTTON, Mr CASE, Mr. FONG, Mr. BOGGS, Mr. BROOKE, Mr. STEVENS, and Mr. YOUNG conferees on the part of the Senate.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make any technical corrections in the Senate bill that may be necessary.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, the passage this evening of the Labor-HEW appropriations marks the second time this year that the Senate has labored with a measure appropriating $30 billion to the health, education, and welfare of this country. Moneys appropriated by this bill affect the daily lives of every person living in this country. The laws are numerous and complex and it takes one with the mastery of the senior Senate from Washington (Mr. MAGNUSON) to shepherd a measure of this magnitude to such a swift decision. This measure represents in large measure the priorities of the U.S. Senate in allocating the resources of this country, including the added emphasis to these programs ratified today by the overwhelming vote of the Senate.

As I mentioned on the floor earlier today, the Senate in the past 2 days has eliminated over $5 bililon from the President's request for appropriations for the Department of Defense. This measure represents less than a 25-percent reallocation of that saving over and above the President's request in fields such as health, hospital construction, and education. It has been under the leadership of the Senator from Washington (Mr. MAGNUSON) and the ranking Republican member of this committee, the distinguished Senator from New Hampshire (Mr. COTTON) that the Senate has ventured forth to add the emphasis in these fields over and above the President's budget request.

To all Members of the Senate the leadership wishes to express its thanks for the cooperation in expediting the consideration of this measure for a second time this year. Progress of this nature demonstrates that an adjournment by the latter part of next week can be a reality.

TRIBUTE TO SENATOR CURTIS

Mr. HARRY F. BYRD, JR. Mr. President, the hour is late, and I shall not detain the Senate except for a few moments. I do want to say a few words, however, about a colleague for whom I have long had great admiration and for whom tonight I have even greater admiration. I am referring to the distinguished Senator from Nebraska (Mr. CURTIS).

For the past 3 hours Senator CURTIS has been on this floor fighting an uphill battle. He has been fighting for his convictions. He has been fighting for the small businessmen of his State and of the United States.

The Congress of the United States passed legislation several years ago, which legislation was too stringent, and it has been handled by the Washington bureaucracy to the detriment of the small business people throughout our Nation.

I do not blame the Washington bureaucracy, any more than I blame the Congress of the United States, because it is Congress that writes the laws, even though sometimes the administrators in Washington interpret those laws in a way which was not intended.

But Senator CURTIS stood here on this

floor tonight, late as it was, and tried to help the small business people with the great problem that they face in regard to the regulations which have been issued by the Federal Government with respect to the way they operate their businesses.

Senator CURTIS was beaten down on a number of votes, and each time he lost a vote, he would submit another amendment, in an effort to help the small businessman. In fighting tonight, he fought against great odds, including the leadership of his own party and the Secretary of Labor, who issued a letter in opposition to the cause for which Senator CURTIS was fighting.

The Senator from Virginia respects Senator CURTIS as one of the ablest Members of the Senate, and one of the most dedicated Members of the Senate, and one of the most courageous Members of the Senate. I salute tonight the distinguished Senator from Nebraska, and I applaud his courage in fighting as he has tonight in behalf of what he believes to be in the best interest of the citizens of our Nation and the small businessman who is trying to make a living and trying to give employment to his fellow citizens.

I salute Senator CURTIS, and I am very proud to be his colleague.

Mr. CURTIS. Mr. President, will the distinguished Senator yield?

Mr. HARRY F. BYRD, JR. I yield to the Senator from Nebraska.

Mr. CURTIS. I want to thank my distinguished colleague and very good friend. I do not believe I deserve his glowing words of praise, but being human, I do appreciate them very much; and I appreciate the thought that he has expressed.

If it were just one avenue of government that was descending upon small business, they could withstand it; but the small businessman has his problems with so many different branches of the government, including the State government and local government—inspections for this, reports for that, a special tax for something else, to meet the standards of another law, that the Occupational Safety and Health Act is just one more burden, and it could well be the straw that breaks the camel's back.

We have so much government, so many regulations, so much taxes, so many reports, that we could well be on the verge of driving out small businesses operated by individuals, by families, by small partnerships, and by fathers and sons, because they cannot cope with it. They cannot maintain the accounting departments, they cannot maintain the necessary computers, they cannot hire industrial engineers and engineers in sanitation and hygiene, and they cannot hire a battery of lawyers. With this tremendous plunge of the government just piling on regulations, requirements, and inspections, we could well drive from the American scene the thing that has made this country great: A great number of small businesses; and then we would hear a great cry about monopoly, lack of competition, and excessive power.

The antidote to excessive power on the part of big business is to create an atmosphere where small and middle-sized businesses can flourish, and they will give the large ones some real competition.

Again I thank the Senator for his kind words. I do appreciate them.

Mr. HARRY F. BYRD, JR. What the Senator from Nebraska has said about small business and medium-sized business is what the Senator from Nebraska was fighting for tonight. He was fighting for big business. He was fighting for small business. He was fighting for the small businessman, for the little man, that is who he was fighting for.

These regulations can be coped with, these regulations which are put on by the Government in Washington, and the oppression, in a sense, that is placed on the businessman from Washington can be coped with by the big businessman, by these big companies, by the conglomerates. It is the little guy employing 15 people or fewer who is having to fight for his life to survive.

The Senator from Nebraska stood here on this floor tonight for 3 hours and tried to help them, and he was voted down most of the time. But while he may have been voted down in the Senate, he is going to stand high, in my judgment, in the admiration and affection of small people all over our country, and in the hearts of his fellow citizens in Nebraska who, I feel sure, hold him in the same high esteem that we here in the Senate hold Senator CARL CURTIS.

H.R. 1

Mr. HARRY F. BYRD, JR. Mr. President, the Senate tomorrow or the day after—I would like to see it tomorrow, but tomorrow or the day after—will have an opportunity hopefully to vote on what is known as H.R. 1, the administration's welfare proposals.

Today the Senate was very wise, in my judgment, in defeating by a vote of 52 to 34 the proposal of the senior Senator from Connecticut (Mr. RIBICOFF) to expand the welfare program initiated by the administration. It seems clear that the Senate is overwhelmingly opposed to the Ribicoff approach and the Ribicoff proposal. Now, what I hope we will get a vote on is the proposal offered by the administration under the leadership of the Secretary of Health, Education, and Welfare, Mr. Elliot Richardson.

The chief architect of this proposal was Dr. Daniel Moynihan, special counsel to the President in the White House; and his proposal was submitted to Congress. It was passed twice by the House of Representatives. It has been considered by the Senate Finance Committee. It was considered in 1970, 1971, and 1972, and it was rejected.

I feel that there should be welfare reform, but the proposal submitted by the administration is not welfare reform; it is welfare expansion. I cannot support this proposal. I opposed this proposal in the Finance Committee for 3 years, and I am going to oppose it on the floor of the Senate as long as it is before the Senate.

I cannot support this proposal because it is lacking in work incentives, it writes into law the principle of a guaranteed annual income, it will cost at least $5 billion more than the present program, it will require 80,000 new Federal employees to administer, and it will double the number of people on welfare. I submit that you do not get welfare by doubling the number of people on welfare.

It seems that what we want to do in this country is to encourage people to work. We want to get people off welfare. We want to get them into jobs. That is the approach the Finance Committee took.

The bill reported by the Finance Committee is known as workfare. It encourages people to work. Instead of guaranteeing an annual income, it guarantees job opportunities; and I think that is what the people in this country want Congress to do—to guarantee our fellow citizens jobs, not to guarantee them an income whether they work or whether they refuse to work.

There are too many in this country who refuse to work and want to live off the taxpayers; and I think the time has come when Congress, when it considers legislation in regard to welfare, must enact legislation which will encourage people to work.

I think we need welfare reform. We need to change the outmoded system we have. But in changing it, let us be sure that we go to something better.

We are better off staying where we are than to go to something that is twice as bad. In my judgment, H.R. 1, the administration's welfare proposal, is twice as bad as the present system; and one reason is that it doubles the number of people who will be drawing public assistance.

I am very anxious that we get a vote on the proposal submitted by Secretary Richardson, because I want to see how many people in the U.S. Senate are willing to vote for a proposal which its chief architect, Dr. Daniel Moynihan, Special Counsel to the White House, when he was lobbying for this proposal, said:

> This bill provides a minimum income to every family, united or not, working or not, deserving or not.

When it comes time for the Senate to vote, I will be most interested to see how many Senators want to vote for a minimum income to every family, united or not, working or not, deserving or not.

Mr. President, I think this is one of the most far-reaching proposals that has ever been submitted to Congress. Once we embark on the course of a guaranteed annual income, once we say that Congress, that the Government of the American people, owes everyone a guaranteed annual income, then, as I see it, there is no stopping.

We know now that we have one proposal by the Nixon administration for a $2,400 guaranteed annual income. Senator RIBICOFF, whose proposal was defeated today, wants to start at $2,600 but go immediately to $3,000, and then go up to $6,100. The Senator from Oklahoma (Mr. HARRIS) has advocated a $4,000 minimum income, and the Senator from South Dakota (Mr. McGOVERN) has advocated a $6,500 minimum income.

I say that once we embark upon that path, there is no turning back. I submit that there is not enough money in the

Federal Treasury, and there is not enough money in the pockets of the hardworking wage earners of this country, to pay the bill once we embark on a policy of guaranteeing everybody in this country an income, even though they refuse to work.

I want to close by citing again Dr. Daniel Moynihan, who is a very brilliant man. I wish I had his brilliance. He is able to put into one sentence the gist of a very complicated bill. He sized it up well in one sentence:

> This bill provides a minimum income to every family, united or not, working or not, deserving or not.

Also a very smart administrator in Washington is Mr. Elliot Richardson, the head of the Department of Health, Education, and Welfare; and he summed up the bill in three words. He said in his official testimony before the Finance Committee:

> It is revolutionary and expensive.

So the Senate will have an opportunity, I hope tomorrow or the next day, to vote as to whether it wants a program which its chief sponsor, the Secretary of Health, Education, and Welfare, says is "revolutionary and expensive" and which one of the chief architects of the program says will guarantee a minimum income "to every family, united or not, working or not, deserving or not."

SUBSTITUTION OF A CONFEREE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on S. 1852, Mr. BUCKLEY be substituted as a conferee in lieu of Mr. HANSEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing, and Urban Affairs, with an amendment:

H.J. Res. 1301. A joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages under the National Housing Act) Rept. No. 92-1261).

SOCIAL SECURITY AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 1686

(Ordered to be printed and to lie on the table.)

Mr. STEVENSON submitted an amendment intended to be proposed by him to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 3785

At the request of Mr. MATHIAS, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3785, a bill to promote the development of American arts and handcrafts.

SENATE JOINT RESOLUTION 243

At the request of Mr. MATHIAS, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of Senate Joint Resolution 243, providing U.S. support to the U.N. Office of Disaster Relief Coordination.

CONSUMER PROTECTION ORGANIZATION ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of the unfinished business.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title.

The legislative clerk read as follows:

> A bill (S. 3970) to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes.

CLOTURE MOTION

Mr. ROBERT C. BYRD. Mr. President, I present a motion signed by 16 Senators to invoke cloture on S. 3970.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair without objection, directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (S. 3970), a bill to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants in order to protect and serve the interest of consumers and for other purposes.

Abraham Ribicoff.
Fred R. Harris.
Robert C. Byrd.
Warren Magnuson.
John O. Pastore.
Mike Mansfield.
Birch Bayh.
Edward Kennedy.
Thomas F. Eagleton.
Gaylord Nelson.
Charles H. Percy.
Edward W. Brooke.
Jacob K. Javits.
Mark O. Hatfield.
James B. Pearson.
Richard S. Schweiker.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the 1 hour under rule XXII begin running on Thursday next at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, the time for the vote on the motion to invoke cloture on Thursday morning next, would, under the request I have proposed and which has been agreed to, occur at around 11:15 a.m. following the establishment of a quorum.

However, this time may be changed on tomorrow.

I have merely proposed this time without discussing it with Senators on either side of the aisle. It may very well be that, on tomorrow, it would be deemed advisable to change the hour for the vote.

So the hour at the moment is tentative unless, on tomorrow, it is determined that it shall stand.

ALLOCATION OF TIME FOR A CLOTURE MOTION ON THURSDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for debate on the motion to invoke cloture be equally divided on Thursday morning next between the distinguished Senator from North Carolina (Mr. ERVIN) and the distinguished Senator from Connecticut (Mr. RIBICOFF).

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

READING REQUIREMENT OF AMENDMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all amendments at the desk at the time the vote occurs on the motion to invoke cloture on Thursday morning next be considered as having met the reading requirements under rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLOOD CONTROL ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 4018.

The PRESIDING OFFICER (Mr. BURDICK) laid before the Senate the amendment of the House of Representatives to the bill (S. 4018) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, which was to strike out all after the enacting clause, and insert:

> That sections 201 and 202 and the last three sentences in section 203 of the Flood Control Act of 1968 shall apply to all projects authorized in this Act. The following works of improvement for the benefit of navigation and the control of destructive floodwaters and other purposes are hereby adopted and authorized to be prosecuted by the Secretary of the Army, acting through the Chief of Engineers, in accordance with the plans and subject to the conditions recommended by

the Chief of Engineers in the respective reports hereinafter designated.

Middle Atlantic Coastal Area

The project for hurricane-flood protection at Virginia Beach, Virginia, authorized by the River and Harbor Acts approved September 3, 1954, and October 23, 1962, as amended and modified, is hereby modified and expanded substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–365, at an estimated cost of $17,010,000.

Water Resources in Appalachia

The plan for flood protection, navigation, and other purposes in Appalachia is hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in his report on the Development of Water Resources except that the Secretary of the Army, acting through the Chief of Engineers, shall modify the project for Whiteoak Dam and Reservoir on Whiteoak Creek, Ohio, Ohio River Basin, to conform substantially to the physical works of plan A in the Report for Development of Water Resources in Appalachia, Office of Appalachian Studies, Corps of Engineers, November 1969, part III, chapter 14. Not to exceed $25,000,000 is authorized for initiation and partial accomplishment of the plan.

Pascagoula River Basin

The project for flood protection and other purposes on Bowie Creek, Mississippi, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–359, at an estimated cost of $32,410,000.

Pearl River Basin

The project for flood control and other purposes on the Pearl River, Mississippi, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–282, at an estimated cost of $38,146,000.

Gulf Coastal Area

The project for flood control and other purposes on the Blanco River in the Edwards Underground Reservoir Area, at Clopton Crossing, Guadalupe River Basin, Texas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–364, at an estimated cost of $42,271,000.

Spring River Basin

The project for flood control and other purposes on Center Creek near Joplin, Missouri, is hereby authorized substantially in accordance with the recomendations of the Chief of Engineers in House Document Numbered 92–361, at an estimated cost of $14,600,000.

Fall Creek Basin

The project for flood control and other purposes on Fall Creek in the vicinity of Indianapolis, Indiana, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated September 25, 1972 at an estimated cost of $57,930,000.

Umpqua River Basin

The project for Days Creek Dam, on the South Umpqua River, Oregon, for flood protection and other purposes, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated September 15, 1972, except that not to exceed $30,000,000 is authorized for initiation and partial accomplishment of such project.

Lower Mississippi River

The West Tennessee tributaries feature, Mississippi River and Tributaries project (Obion and Forked Deer Rivers), Tennessee, authorized by the Flood Control Acts approved June 30, 1948, and November 7, 1966, as amended and modified, is hereby further amended substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–367, at an estimated cost of $6,600,000.

The Cache River Basin feature, Mississippi River and tributaries project, Arkansas, authorized by the Flood Control Act approved October 27, 1965, is hereby amended substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–366, at an estimated cost of $5,232,000.

Sec. 2. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to remove from Manistee Harbor, Michigan, the sunken steamer *Glen*.

Sec. 3. (a) The costs of operation and maintenance of the general navigation features of small boat harbor projects shall be borne by the United States.

(b) The provisions of this section shall apply to any such project authorized under the authority of this Act, section 201 of the Flood Control Act of 1965, or section 107 of the River and Harbor Act of 1960, and to each project which heretofore was authorized in accordance with the policy set forth in this section, and to any such project hereafter recommended for authorization.

Sec. 4. (a) Section 116(a) of the River and Harbor Act of 1970 (Public Law 91–611) is amended by inserting before the period the following: ", and thereafter to maintain such channel free of such trees, roots, debris, and objects".

(b) Section 116(c) of the River and Harbor Act of 1970 (Public Law 91–611) is amended by inserting before the period the following: "to clear the channel, and not to exceed $150,000 each fiscal year thereafter to maintain such channel".

Sec. 5. The Secretary of the Army, acting through the Chief of Engineers, is authorized to operate and maintain the San Francisco Bay-Delta Model in Sausalito, California, for the purpose of testing proposals affecting the environmental quality of the region, including, but not limited to, salinity intrusion, dispersion of pollutants, water quality, improvements for navigation, dredging, bay fill, physical structures, and other shoreline changes which might affect the regimen of the bay-delta waters.

Sec. 6. The requirement in any water resources development project under the jurisdiction of the Secretary of the Army, that non-Federal interests hold and save the United States free from damages due to the construction, operation, and maintenance of the project, does not include damages due to the fault or negligence of the United States or its contractors.

Sec. 7. Section 113 of the River and Harbor Act of 1968 (82 Stat. 731, 736) is hereby amended to read as follows:

"Sec. 113. Those portions of the East and Hudson Rivers in New York County, State of New York, lying shoreward of a line within the United States pierhead line as it exists on the date of enactment of this Act, and bounded on the north by the north side of Spring Street extended westerly and the south side of Rutgers slip, extended eastwardly, are hereby declared to be nonnavigable waters of the United States within the meaning of the laws of the United States. This declaration shall apply only to portions of the above-described area which are bulkheaded and filled, or are occupied by permanent pile-supported structures. Plans for bulkheading and filling and permanent pile-supported structures shall be approved by the Secretary of the Army, acting through the Chief of Engineers, on the basis of engineering studies to determine the location and structural stability of the bulkheading and filling and permanent pile-supported structures in order to preserve and maintain the remaining navigable waterway. Local interests shall reimburse the Federal Government for any engineering costs incurred under this section."

Sec. 8. The McClellan-Kerr Arkansas River navigation system, authorized by the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1215), as amended and supplemented, is hereby further modified to include alteration at Federal expense of the municipal water supply facilities of the city of Conway, Arkansas, by the construction of water supply impounded facilities at a location outside the flat flood plain of Cadron Creek, together with interconnecting pipeline and other appurtenant work, so that the water supply capacity of the resultant municipal facilities is approximately equivalent to that existing prior to construction of the navigation system.

Sec. 9. (a) The Secretary of the Army is hereby authorized and directed to cause surveys to be made at the following locations for flood control and allied purposes, and subject to all applicable provisions of section 217 of the Flood Control Act of 1970 (Public Law 91–611):

East Two Rivers between Tower, Minnesota, and Vermilion Lake.

Alice, Texas.

Buffalo River Basin, New York (wastewater management study).

(b) The Secretary of the Army is hereby authorized and directed to cause surveys to be made at the following locations and subject to all applicable provisions of section 110 of the River and Harbor Act of 1950:

Miami River, Florida, with a view to determining the feasibility and advisability of dredging the river in the interest of water quality.

Port Las Mareas, Puerto Rico, with a view to determining the feasibility and advisability of assumption of maintenance of the project by the United States.

Corpus Christi Ship Channel, Texas, with particular reference to providing increased depths and widths in the entrance channels from the Gulf of Mexico to a deeper draft inshore port in the vicinity of Harbor Island, Texas.

Saint Marys River at and in the vicinity of Sault Sainte Marie, Michigan, with a view to determining the advisability of developing a deep draft navigation harbor and international port.

Sec. 10. (a) As soon as practicable after the date of enactment of the section and at least once each year thereafter, the Secretary of the Army, acting through the Chief of Engineers, shall review and submit to Congress a list of those authorized projects for works of improvement of rivers and harbors and other waterways for navigation, beach erosion, flood control, and other purposes which have been authorized for a period of at least eight years and which he determines, after appropriate review, should no longer be authorized. Each project so listed shall be accompanied by the recommendation of the Chief of Engineers together with his reasons for such recommendation. Prior to the submission of such list to the Congress, the Secretary of the Army, acting through the Chief of Engineers, shall obtain the views of interested Federal departments, agencies, and instrumentalities, and of the Governor of each State wherein such project would be located, which views shall be furnished within sixty days after requested by the Secretary and which shall accompany the list submitted to Congress.

(b) Such list shall be delivered to both Houses on the same day and to each House while it is in session. A project on such list shall not be authorized at the end of the first period of one hundred and eighty calendar days of continuous session of Congress after the date such list is delivered to it unless between the date of delivery and the end of such one hundred and eighty-day period, either the Committee on Public Works of the House of Representatives or the Committee on Public Works of the Senate adopts a resolution stating that such project shall continue to be an authorized project. For the purposes of this section continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the one hundred and eighty-day period. The provisions of this section shall not apply to any project contained in a list of projects submitted to the Congress within one hundred and eighty days preceding the date of adjournment sine die of any session of Congress.

(c) Nothing in this section shall be construed so as to preclude the Secretary from withdrawing any project or projects from such list at any time prior to the final day of the period provided for in subsection (b).

(d) This section shall not be applicable to and project which has been included in a resolution adopted pursuant to subsection (b).

SEC. 11. Section 207(c) of the Flood Control Act of 1960 (33 U.S.C. 701r–1(c)) is hereby amended to read as follows:

"(c) For water resources projects to be constructed in the future, when the taking by the Federal Government of an existing public road necessitates replacement, the substitute provided will, as nearly as practicable, serve in the same manner and reasonably as well as the existing road. The head of the agency concerned is authorized to construct such substitute roads to the design standards which the State or owning political division would use in constructing a new road under similar conditions of geography and under similar traffic loads (present and projected). In any case where a State or political subdivision thereof requests that such a substitute road be constructed to a higher standard than that provided for in the preceding provisions of this subsection, and pays, prior to commencement of such construction, the additional costs involved due to such higher standard, such agency head is authorized to construct such road to such higher standard. Federal costs under the provisions of this subsection shall be part of the nonreimbursable project costs."

SEC. 12. The project for the Sandridge Dam and Reservoir, Ellicott Creek, New York, for flood protection and other purposes as authorized by the Flood Control Act of 1970, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to undertake the minor channel improvements, or portions thereof, recommended by the Chief of Engineers in his report dated November 25, 1970, independently of the investigation of alternative methods called for by such Act, such work to be subject to the items of local cooperation required for similar projects and such work to be limited to areas downstream from Maple Road in the town of Amherst, New York, and such other areas as such Secretary may deem necessary.

SEC. 13. The project for flood protection at Saint Louis, Missouri, authorized by the Act of August 9, 1955 (69 Stat. 540), is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to reconstruct the existing service and access roads along the line of protection so as to adequately carry present and anticipated traffic loads, at an estimated cost of $1,300,000. The conditions of local cooperation recommended by the Chief of Engineers in Senate Document Numbered 57, Eighty-fourth Congress, shall be applicable to the reconstructed access roads.

SEC. 14. (a) The comprehensive plan for flood control and other purposes in the White River Basin, as authorized by the Act of June 28, 1938 (52 Stat. 1215), and as modified and amended by subsequent Acts, is further modified to provide for a free highway bridge built to modern standards over the Norfolk Reservoir at an appropriate location in the area where United States Highway 62 and Arkansas State Highway 101 were inundated as a result of the construction of the Norfolk Dam and Reservoir. Such bridge shall be constructed by the Chief of Engineers in accordance with such plans as are determined to be satisfactory by the Secretary of the Army to provide adequate crossing facilities. Prior to construction the Secretary of the Army, acting through the Chief of Engineers, shall enter into an agreement with appropriate non-Federal interests as determined by him, which shall provide that after construction such non-Federal interests shall own, operate, and maintain such bridges and approach facilities free to the public.

(b) The cost of constructing such bridge shall be borne by the United States except that the State of Arkansas shall, upon completion of such bridge, reimburse the United States the sum of $1,342,000 plus interest for the period from May 29, 1943, to the date of the enactment of this Act. Such interest shall be computed at a rate determined by the Secretary of the Treasury to be equal to the average annual rate on all interest-bearing obligations of the United States forming a part of the public debt on May 29, 1943, and adjusted to the nearest one-eighth of 1 per centum.

SEC. 15. The projects for Melvern Lake and Pomona Lake, Kansas, authorized as units of the comprehensive plan for flood control and other purposes, Missouri River Basin, by the Flood Control Act approved September 3, 1954, are hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to improve surface roads in the vicinity of such projects which he determines to be necessary for appropriate utilization of such projects. There is authorized to be appropriated to the Secretary not to exceed $500,000 to carry out this section.

SEC. 16. The project for Tuttle Creek Reservoir, Big Blue River, Kansas, authorized as a unit of the comprehensive plan for flood control and other purposes, Missouri River Basin, by the Flood Control Act approved June 28, 1938, as modified, is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, in his discretion to improve that portion of FAS 1208 extending from the intersection with Kansas State Highway 13 in section 5, township 9 south, range 8 east, thence north and west to the intersection with county road in section 14, township 8 south, range 7 east, approximately 5.78 miles, and there is authorized to be appropriated to the Secretary not to exceed $500,000 to carry out this section.

SEC. 17. (a) The project for flood control below Chatfield Dam on the South Platte River, Colorado, authorized by the Flood Control Act of 1950 (64 Stat. 175), is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to participate with non-Federal interests in the acquisition of lands and interests therein and in the development of recreational facilities immediately downstream of the Chatfield Dam, in lieu of a portion of the authorized channel improvement, for the purpose of flood control and recreation.

(b) Such participation shall (1) consist of the amount of savings realized by the United States, as determined by the Secretary of the Army, acting through the Chief of Engineers, in not constructing that portion of the authorized channel improvement below the dam, together with such share of any land acquisition and recreation development costs, over and above that amount, that the Secretary of the Army determines is comparable to the share available under similar Federal programs providing financial assistance for recreation and open spaces, (2) in the instance of the aforementioned land acquisition, be restricted to those lands deemed necessary by the Secretary of the Army for flood control purposes, and (3) not otherwise reduce the local cooperation required under the project.

(c) Prior to the furnishing of the participation authorized by this Act, non-Federal interests shall enter into a binding written agreement with the Secretary of the Army to prevent any encroachments in needed flood plain detention areas which would reduce their capability for flood detention and recreation.

SEC. 18. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to convey to the Andrew Jackson Lodge Numbered 5, Fraternal Order of Police, of Nashville, Tennessee (hereafter in this section referred to as the "lodge"), all right, title, and interest of the United States in and to that real property consisting of thirty-eight acres, more or less which is located within the Old Hickory lock and dam project and which is presently leased to the lodge under lease numbered AA–40058–CIVENG–60–431, dated December 1, 1959.

(b) The cost of any surveys necessary as an incident of the conveyance authorized by this section shall be borne by the lodge.

(c) Title to the property authorized to be conveyed by this section shall revert to the United States, which shall have the right of immediate entry thereon, if the lodge shall ever use, or permit to be used, any part of such property for any purpose other than as a youth camp facility for disadvantaged children.

(d) The conveyance authorized by this section shall be made upon payment by the ledge to the Secretary of the Army of an amount of money equal to the fair market value of this property. The fair market value of such property shall be determined by an independent qualified appraiser acceptable to both the Secretary of the Army and the lodge. No conveyance may be made pursuant to this section after the close of the twelfth month after the month in which this section is enacted.

SEC. 19. The project for flood protection on the North Branch of the Susquehanna River, New York and Pennsylvania, authorized by the Flood Control Act of 1958 (72 Stat. 305, 306) is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to pay J. P. Ward Foundries, Incorporated, of Blossburg, Pennsylvania, such sum as he determines equitable to compensate said foundry for long-term economic injury through increased costs as the result of the abandonment or cessation of rail transportation to the foundry due to the construction of the Tioga-Hammond Lakes project. Such payment shall be made only on condition that such foundry continues to do substantial business at such location. The Secretary of the Army shall pay such sum in five annual installments as determined equitable by him, including an initial payment sufficient to cover the costs of converting from rail to truck shipment facilities. There is authorized to be appropriated not to exceed $1,100,000 to carry out the purpose of this section.

SEC. 20. Subsection (f) of section 221 of the Flood Control Act of 1970 is amended by striking out "January 1, 1972" and inserting in lieu thereof "January 1, 1974".

SEC. 21. Section 213 of the Flood Control Act of 1970 (84 Stat. 1824, 1829) is hereby amended by (1) inserting before the period at the end of the first sentence the following: ", at an estimated cost of $11,400,000" and (2) striking out the last sentence.

SEC. 22. The project for flood protection on the Minnesota River at Mankato and North Mankato, Minnesota, authorized by the Flood Control Act of 1958 and modified by section 207 of the Flood Control Act of 1965, is hereby further modified to authorize the

Secretary of the Army, acting through the Chief of Engineers, to relocate at Federal expense that portion of the existing Mankato interceptor sewer extending approximately two thousand feet upstream of the Warren Creek Pumping Station. Such relocated interceptor sewer shall be designed and constructed in a manner which the Secretary of the Army determines best serves present and future municipal needs.

SEC. 23. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with any State in the preparation of comprehensive plans for the development, utilization, and conservation of the water and related resources of drainage basins located within the boundaries of such States and to submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out such plans.

(b) There is authorized to be appropriated not to exceed $2,000,000 annually to carry out the provisions of this section except that not more than $200,000 shall be expended in any one year in any one State.

SEC. 24. The project for flood protection on the Pequonnock River, Connecticut, authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1405) is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to advance to the town of Trumbull, Connecticut, such sums as may be necessary to provide, prior to construction of the project, municipal sewage disposal service to the St. Joseph's Manor Nursing Home. Such advance, less the amount determined by the Secretary of the Army as representing increased costs resulting from construction of such service out of the planned sequence, shall be repaid by the town within ten years of the date of enactment of this Act.

SEC. 25. The project for flood protection on the Rahway River, New Jersey, authorized by the Flood Control Act of 1965 (Stat. 1073, 1075) is hereby modified to provide that the costs of relocations of utilities within the channel walls shall be borne by the United States.

SEC. 26. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to make a complete study of the items of local cooperation involving hold and save harmless provisions which have been required for water resources developed projects under his jurisdiction, and his reasons for such requirements, and to report thereon to the Congress not later than June 30, 1974, together with recommendations as to those items of local cooperation which should appropriately be required for various types of water resources development projects.

SEC. 27. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to study land use practices and recreational uses at water resource development projects under his jurisdiction, and to report thereon to the Congress not later than June 30, 1974, with recommendations as to the best use of such lands for outdoor recreation, fish and wildlife enhancement, and related purposes.

SEC. 28. Section 208 of the Flood Control Act of 1954 (68 Stat. 1256, 1266) is hereby amended by striking out "$2,000,000" and inserting in lieu thereof "$5,000,000", and by striking out "$100,000" and inserting in lieu thereof "$250,000".

SEC. 29. Section 14 of the Act approved July 24, 1946 (60 Stat. 653), is hereby amended by striking out "$1,000,000" and inserting in lieu thereof "$5,000,000", by inserting after the words "public works", "churches, hospitals, schools, and other nonprofit public services," and by striking out "$50,000" and inserting in lieu thereof "$250,000".

SEC. 30. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to provide a perimeter access road, utilizing existing roads to the extent feasible, surrounding Lake Texoma, Texas and Oklahoma. There is authorized to be appropriated not to exceed $3,000,000 to carry out this section.

SEC. 31. The project for Kehoe Lake located on Little Sandy River and Tygarts Creek, Kentucky, authorized by the Flood Control Act of 1966, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to acquire, as a part of such project, in fee simple an area consisting of approximately four thousand acres extending from the presently authorized project to Interstate Highway 64; to maintain such area in its natural state; and to conduct environmental investigations and provide access control facilities to assure appropriate protection and enhancement of this unique resource. Acquisition of these lands shall not be commenced until an agreement satisfactory to the Secretary of the Army has been entered into with the appropriate non-Federal interests to manage the area.

SEC. 32. The project for enlargement of Lavon Reservoir on the East Fork of the Trinity River, Texas, authorized by the Flood Control Act of 1962, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to provide a crossing and approaches at Tickey Creek and suitable surfacing to permit all-weather use of Collin County Road 115, at a cost not to exceed $600,000.

SEC. 33. Clause (3) of subsection (b) of the first section of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426e(b)), is amended to read as follows: "(3) Federal participation in the cost of a project providing significant hurricane protection shall be, for publicly owned property, 70 per centum of the total cost exclusive of land costs.".

SEC. 34. The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to provide bank protection works along the Ohio River from New Matamoras to Cincinnati, Ohio, to protect public and private property and facilities threatened by erosion. Prior to construction, local interests shall furnish assurances satisfactory to the Secretary of the Army that they will provide without cost to the United States lands, easements, and rights-of-way necessary for construction and subsequent operation of the works; hold and save the United States free from damages due to construction, operation, and maintenance of the works, and operate and maintain the works upon completion.

SEC. 35. The flood control project for the Scioto River, Ohio, authorized by section 203 of the Flood Control Act of 1962, as modified, is hereby further modified (1) to permit the construction of local protection works at Chillicothe, Ohio, prior to commencement of construction of the Mill Creek Reservoir, and (2) to permit the plan for such works to be revised by the Chief of Engineers so as to provide a degree of protection substantially equivalent to that provided by the project as originally authorized.

SEC. 36. The Secretary of the Army, acting through the Chief of Engineers, is authorized to initiate the second phase of the bank erosion control works and setback levees on the Sacramento River, California, authorized by the Flood Control Act of 1960, and not to exceed $10,000,000 is authorized for such purpose.

SEC. 37. The project for Newburgh lock and dam, authorized under authority of section 6 of the River and Harbor Act approved March 3, 1909, is hereby modified to direct the Secretary of the Army, acting through the Chief of Engineers, to perform bank protection works along the Ohio River at Newburgh, Indiana. Prior to construction, local interests shall furnish assurances satisfactory to the Secretary of the Army that they will provide without cost to the United States lands, easements, and right-of-way necessary for construction and subsequent United States free from damages due to construction, operation, and maintenance of construction, operation, and maintenance of the works, and operate and maintain the works upon completion.

SEC. 38. The project for flood control and improvement of the lower Mississippi River, adopted by the Act of May 15, 1928 (45 Stat. 534), as amended and modified, is hereby further amended to authorize the Secretary of the Army, acting through the Chief of Engineers, to undertake a demonstration pilot study program of bank stabilization on the delta and hill areas of the Yazoo River Basin, Mississippi, substantially in accordance with the recommendations of the Chief of Engineers in his report dated September 23, 1972, at an estimated cost of $9,500,000.

SEC. 39. Section 222 of the Flood Control Act of 1970 (Public Law 91-611) is amended by inserting at the end thereof the following: "The Secretary may also provide for the cost of construction of a two-lane, all-weather paved road (including appropriate two-lane bridges) extending from Old United States Highway 40, near Weimar across the North Fork and Middle Fork of the American River to the Eldorado County Road near Spanish Dry Diggings, substantially in accordance with the report of the Secretary entitled, 'Replacement Alternative Upstream Road System, Auburn Reservoir—June 1970'."

SEC. 40. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to review the requirements of local cooperation for the Santa Cruz Harbor project, Santa Cruz, California, authorized by the River and Harbor Act of 1958, with particular reference to Federal and non-Federal cost sharing, and he shall report the finding of such review to Congress within one year after the date of enactment of this section.

SEC. 41. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to review the requirements of local cooperation for the project for Anaheim Bay, California, authorized by the River and Harbor Act of 1954 for Seal Beach, California, with particular reference to Federal and non-Federal cost sharing, and he shall report the finding of such review to Congress within one year after the date of enactment of this section.

SEC. 42. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake such emergency bank stabilization works as are necessary to protect the Sacred Heart Hospital in Yankton, South Dakota, from damages caused by bank erosion downstream of Gavins Point Dam, Missouri River.

SEC. 43. The project for navigation at Port San Luis, San Luis Obispo Harbor, California, authorized by the River and Harbor Act of 1965, Public Law 89-298, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to accept in annual installments during the period of construction the required local interest's share of the cost of constructing the general navigation features of such project.

SEC. 44. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to make a detailed study and report of the total benefits and costs attributable to the water resources development projects undertaken in the Ohio River Basin by the Corps of Engineers. The evaluation of benefits and costs attributable to such projects shall include consideration of the enhancement of regional economic development, quality of the total environment, the well-being of the people, and the national economic development.

(b) The Secretary, acting through the Chief of Engineers, shall report the finding of such study to Congress within two years after funds are made available to initiate the study.

(c) There is authorized to be appropriated to the Secretary not to exceed $2,000,000 to carry out this section.

SEC. 45. The comprehensive plan for flood control and other purposes in the Missouri River Basin authorized by the Flood Control Act of June 28, 1938, as amended and supplemented, is further modified to provide for emergency bank stabilization works in that reach of the Missouri River between Gavins Point Dam and Sioux City, Iowa, as determined to be necessary by the Secretary of the Army, acting through the Chief of Engineers. Such determination shall be made in cooperation with the Governors of South Dakota and Nebraska with regard to priority of locations to be protected and the nature of the protective works. Provisions (a), (b), and (c) of section 3 of the Act of June 22, 1936, shall apply to the work undertaken. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to prepare and submit to the Congress a report recommending such additional bank stabilization measures as he deems necessary for construction below Gavins Point. There is hereby authorized $5,000,000 to carry out this section.

SEC. 46. The project for the Beaver Brook Dam and Reservoir, Keene, New Hampshire, authorized by the Flood Contol Act of 1968 (82 Stat. 739) is hereby modified to provide that the cash contribution required of local interests, as their share of the costs of lands, easements, rights-of-way, and relocations allocated to flood control, shall be 13.9 per centum of the total project cost.

SEC. 47. The Cave Run Lake project authorized by the Flood Control Act approved June 22, 1936 and June 28, 1938, is modified to provide that the construction of any proposed road to the Zilpo Recreation Area shall not be undertaken until there is full opportunity for public review and comment on the environmental impact statement pertaining to such proposed road.

SEC. 48. That portion of the Hudson River in New York County, State of New York, bounded and described as follows is hereby declared to be not a navigable water of the United States within the meaning of the laws of the United States, and the consent of Congress is hereby given to the filling in of all or any part thereof or the erection of permanent pile-supported structures thereon: Beginning at a point on the United States bulkhead line lying southerly one hundred forty feet from the intersection of said bulkhead line and the northerly line of West Forty Seventh Street extended westerly; thence westerly along a line perpendicular to said bulkhead line to a point one hundred feet easterly of the United States pierhead line; thence southerly along a line parallel to said bulkhead line eight hundred eighty-six feet three inches; thence easterly along a line perpendicular to said bulkhead line to a point on said bulkhead line; thence northerly along said bulkhead line to the point of beginning. This declaration shall apply only to portions of the above described area which are bulkheaded and filled or occupied by permanent pile-supported structures. Plans for bulkheading and filling and permanent pile-supported structures shall be approved by the Secretary of the Army, acting through the Chief of Engineers, on the basis of engineering studies to determine the location and structural stability of the bulkheading and filling and permanent pile-supported structures in order to preserve and maintain the remaining navigable waterway. Local interests shall reimburse the Federal Government for any engineering or other costs incurred under this section.

SEC. 49. (a) Subject to the provisions of subsection (b) of this section, the Secretary of the Army is authorized and directed to lease to the Mountrail County Park Commission of Mountrail County, North Dakota, the following described tracts of land:

TRACT NUMBER 1

All of the land which lies landward of a line, which line is 300 feet above and measured horizontally from contour elevation 1850 mean sea level of old Van Hook Village in the northwest quarter of section 32, township 152, range 91 west of the fifth guide meridian.

TRACT NUMBER 2

All of the land which lies landward of a line, which line is 300 feet above and measured horizontally from contour elevation 1850 mean sea level of Olson's first addition, part of the southwest quarter of section 29, township 152, range 91 west of the fifth guide meridian.

TRACT NUMBER 3

Hodge's first addition, part of the northeast quarter of section 32, township 152, range 91, west of the fifth guide meridian.

(b)(1) The lease of such portion of the lands described in subsection (a) as is being used by the North Dakota State Game and Fish Department for wildlife management purposes shall not become effective until the termination of the license granted to such department for such use either in accordance with its original terms on October 31, 1980, or at any time prior thereto.

(2) The lands leased pursuant to this section shall be used by the Mountrail County Park Commission, Mountrail County, North Dakota, solely for public park and recreational purposes, and if such lands are ever used for any other purpose, such lease shall immediately terminate.

(3) The lease authorized by this section shall be for such period, at such rental and subject to such other terms and conditions as the Secretary of the Army deems to be in the public interest.

SEC. 50. (a) Section 252 of the Disaster Relief Act of 1970 (Public Law 90-606, 84 Stat. 1757) is amended by adding at the end thereof the following:

"(d) For the purposes of this section, 'net cost' and 'net costs' of repairing, restoring, reconstructing, or replacing any such facility shall include the costs actually incurred in replacing the facility's services with services from other sources during the period of repair, restoration, reconstruction, or replacement of such facility, to the extent such costs exceed the costs which would have been incurred in providing such services but for the disaster."

(b) The amendment made by section (a) of this section shall take effect as of August 1, 1969.

SEC. 51. (a) "Policies, Standards and Procedures in the Formulation, Evaluation, and Review of Plans for Use and Development of Water and Related Land Resources" approved by the President on May 15, 1962, and published by the Senate in Senate Document 97 on May 29, 1962, and the interest rate formula amendment issued by the Water Resources Council effective December 24, 1968, shall remain in effect until December 31, 1973, unless changed prior to that date by an Act of Congress.

(b) No action by the President, the Water Resources Council, or by any other officer or employee in the executive branch of the Government after September 26, 1972, to establish principles, standards, or procedures for the formulation and evaluation of Federal water and related land resources projects pursuant to section 103 of the Water Resources Planning Act (Public Law 89-80; 79 Stat. 244; 42 U.S.C. 1962 et seq.), or pursuant to any other provision of law shall be effective prior to December 31, 1973.

SEC. 52. This Act may be cited as the "Flood Control Act of 1972".

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from West Virginia (Mr. RANDOLPH), I move that the Senate disagree to the amendment of the House and agree to the request for a conference with the House thereon and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to and the Presiding Officer (Mr. BURDICK) appointed Mr. JORDAN of North Carolina, Mr. BENTSEN, Mrs. EDWARDS, Mr. DOLE, and Mr. COOPER conferees on the part of the Senate.

PRIVILEGE OF THE FLOOR ON H.R. 1

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent on behalf of the distinguished Senator from Arizona (Mr. FANNIN), that a staff member, George Fritz be permitted the privilege of the floor during debate on H.R. 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

TWO-MINUTE RECESS

The PRESIDING OFFICER (Mr. BURDICK). The Senate will stand in recess for 2 minutes.

Whereupon, at 10:02 p.m., the Senate took a recess for 2 minutes.

The Senate reassembled at 10:04 p.m., when called to order by the Presiding Officer (Mr. BURDICK).

ORDER FOR RECOGNITION OF SENATORS WEICKER, WILLIAMS, CHURCH, EAGLETON, KENNEDY, HUMPHREY, ROBERT C. BYRD, AND SCOTT TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following the remarks of the two leaders under the standing order, the following Senators be recognized, each for not to exceed the time indicated and in the order stated:

Senator WEICKER, for 15 minutes.
Senator WILLIAMS, for 10 minutes.
Senator CHURCH, for 10 minutes.
Senator EAGLETON, for 10 minutes.
Senator KENNEDY, for 10 minutes.
Senator HUMPHREY, for 15 minutes.
Mr. ROBERT C. BYRD of West Virginia, for 10 minutes.
Senator SCOTT, for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the remarks of the Senators aforementioned, there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO LAY BEFORE THE SENATE H.R. 1 AT AN HOUR TOMORROW TO BE DETERMINED BY THE MAJORITY LEADER

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at the close of routine business on tomorrow, the Chair lay before the Senate H.R. 1, and that the unfinished business be temporarily laid aside and remain in a temporarily laid aside status until an hour during the day to be determined by the distinguished majority leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I believe that takes care of the various requests.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m. After the two leaders have been recognized under the standing order, the following Senators will be recognized, each for not to exceed the time indicated and in the order stated:

Senator Weicker, for 15 minutes.
Senator Williams, for 10 minutes.
Senator Church, for 10 minutes.
Senator Eagleton, for 10 minutes.
Senator Kennedy, for 10 minutes.
Senator Humphrey, for 15 minutes.
Mr. Robert C. Byrd of West Virginia, for 10 minutes.
Senator Scott, for 10 minutes.

There will then be routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the Senate will resume consideration of H.R. 1, with the unfinished business, S. 3970, being temporarily laid aside and remaining in a temporarily laid aside status until an hour during the day to be determined by the distinguished majority leader.

Yea-and-nay votes may occur on amendments to H.R. 1. Tabling motions will, of course, be in order.

Conference reports, being privileged matters, can be called up and yea-and-nay votes could occur thereon.

ADJOURNMENT TO 9 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m. tomorrow.

The motion was agreed to; and at 10:07 p.m. the Senate adjourned until tomorrow, Wednesday, October 4, 1972, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate October 3, 1972:

In the Army

The following-named officers to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Joseph Miller Heiser, Jr., [redacted] [redacted] Army of the United States (major general, U.S. Army).

Lt. Gen. Charles William Eifler, [redacted] [redacted] Army of the United States (major general, U.S. Army).

Lt. Gen. John Macnair Wright, Jr., [redacted] [redacted] Army of the United States (major general, U.S. Army).

Lt. Gen. Fillmore Kennady Mearns, [redacted] [redacted] Army of the United States (major general, U.S. Army).

CONFIRMATIONS

Executive nominations confirmed by the Senate October 3, 1972:

Department of State

Kenneth Franzheim II, of Texas, now serving as Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand, to Western Samoa, and to Fiji, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Tonga.

In the Diplomatic and Foreign Service

Diplomatic and Foreign Service nominations beginning Karl E. Sommerlatte, to be a Foreign Service Officer of class 2, and ending Paul B. Sullivan, Jr., to be a Consular Officer of the United States of America, which nominations were received by the Senate and appeared in the Congressional Record on September 19, 1972.

U.S. Circuit Courts

Frederick Pierce Lively, of Kentucky, to be a U.S. circuit judge, sixth circuit.

HOUSE OF REPRESENTATIVES—*Tuesday, October 3, 1972*

The House met at 12 o'clock noon.

Rev. Edgar E. Ferrell, Jr., First Baptist Church, Black Mountain, N.C., offered the following prayer:

Our Heavenly Father, we lift our hearts in gratitude for another day that brings opportunity to praise Thy name before men. We bow in earnest and sincere prayer to thank Thee for Thy blessing that we have known, as individuals and as a nation. We are grateful for the spiritual uplift that is ours as we rely upon Thee each day.

We recognize our shortcomings as we stand before Thee, that we are not always what we should be. We have neglected Thee; we have trusted in our own wisdom and strength; we have disobeyed Thy laws. For this we ask Thy forgiveness.

We remember the past as we look to the future, and we pray for Thy help to be able to build wisely upon the solid foundations of those who have gone before us. May that which we would claim for ourselves always be in subjection to Thy law, and may we seek in all things the righteousness of God that will exalt a nation.

In Thy holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On September 26, 1972:

H.R. 6503. An act for the relief of Capt. Claire E. Brou;

H.R. 7701. An act to amend the act of August 9, 1955, to authorize longer term leases of Indian lands located outside the boundaries of Indian reservations in New Mexico.

H.R. 10702. An act to declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian Community;

H.R. 13025. An act to amend the act of May 19, 1948, with respect to the use of real property for wildlife conservation purposes.

H.R. 14896. An act to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs;

H.R. 15495. An act to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes; and

H.R. 15577. An act to give the consent of Congress to the construction of certain international bridges, and for other purposes.

On September 29, 1972:

H.R. 2185. An act to declare that certain federally owned land is held by the United States in trust for the Lac du Flambeau Band of Lake Superior Chippewa Indians;

H.R. 2589. An act to amend section 1869 of title 28, United States Code, with respect to the information required by a juror qualification form;

H.R. 6204. An act for the relief of John S. Attinello;

H.R. 6575. An act to amend the act entitled "An act to provide for the disposition of judgment funds now on deposit to the credit of the Cheyenne-Arapaho Tribes of Oklahoma," approved October 31, 1967 (81 Stat. 337);

H.R. 7616. An act to amend section 715 of title 32, United States Code, to authorize the application of local law in determining the effect of contributory negligence on claims involving members of the National Guard;

H.R. 9032. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Havasupai Tribe of Indians in Indian Claims Commission docket No. 91, and for other purposes;

H.R. 9135. An act to amend the act of August 19, 1964, to remove the limitation on the maximum number of members of the board of trustees of the Pacific Tropical Botanical Garden;

H.R. 10436. An act to provide wtih respect to the inheritance of interests in restricted or trust land within the Nez Perce Indian Reservation, and for other purposes;

H.R. 12207. An act to authorize a program for the development of tuna and other latent fisheries resources in the Central, Western, and South Pacific Ocean;

H.R. 14173. An act for the relief of Walter Eduard Koenig;

H.R. 14974. An act to amend certain provisions of law relating to the compensation of the Federal representatives on the Southern and Western Interstate Nuclear Board;

H.R. 15865. An act for the relief of Richard L. Krzyzanowski; and

H.J. Res. 1306. Joint resolution making further continuing appropriations for the fiscal year 1973, and for other purposes.

On September 30, 1972:

H.J. Res. 1227. Joint resolution approval and authorization for the President of the United States to accept an Interim Agreement Between the United States of America and the Union of Soviet Socialist Republics on Certain Measures With Respect to the Limitation of Strategic Offensive Arms; and

H.J. Res. 1304. Joint resolution authorizing the President to proclaim October 1, 1972, as "National Heritage Day."

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 10857. An act to authorize the Secretary of Agriculture to exchange certain national forest lands within the Carson and Santa Fe National Forests in the State of New Mexico for certain private lands within the Piedra Lumbre Grant, in the State of New Mexico, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15883) entitled "An act to amend title 18, United States Code, to provide for expanded protection of foreign officials, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 166) entitled "An act to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes.' '

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1852) entitled "An act to provide for the establishment of the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Jackson, Mr. Bible, Mr. Moss, Mr. Jordan of Idaho, and Mr. Hansen to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 667. An act to designate certain lands in the Lassen Volcanic National Park in California as wilderness;

S. 3203. An act to amend the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, in order to extend under certain circumstances the expiration date specified in a power of attorney executed by a member of the Armed Forces who is missing in action or held as a prisoner of war;

S. 3959. An act to authorize the Secretary of the Interior to engage in feasibility investigations of certain potential water resource developments; and

S.J. Res. 265. Joint resolution to provide grants for Allen J. Ellender fellowships to disadvantaged secondary school students and their teachers to participate in a Washington public affairs program.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar Day. The Clerk will call the first individual bill on the Private Calendar.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2067) for the relief of Mrs. Rose Thomas.

Mr. ROUSSELOT. Mr. Speaker, at the request of the gentleman from Iowa (Mr. Gross), I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

MARIA LUIGIA DI GIORGIO

The Clerk called the bill (H.R. 2070) for the relief of Maria Luigia Di Giorgio.

Mr. ROUSSELOT. Mr. Speaker, at the request of the gentleman from Iowa (Mr. Gross), I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

MRS. ANNA MARIA BALDINI DELA ROSA

The Clerk called the bill (H.R. 3713) for the relief of Mrs. Anna Maria Baldini Dela Rosa.

Mr. ROUSSELOT. Mr. Speaker, at the request of the gentleman from Iowa (Mr. Gross), I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

CHARLES COLBATH

The Clerk called the bill (H.R. 4310) for the relief of Charles Colbath.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. CARMEN PRADO

The Clerk called the bill (H.R. 6108) for the relief of Mrs. Carmen Prado.

Mr. ROUSSELOT. Mr. Speaker, at the request of the gentleman from Iowa (Mr. Gross), I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

RENE PAULO ROHDEN-SOBRINHO

The Clerk called the bill (H.R. 5181) for the relief of Rene Paulo Rohden-Sobrinho.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentlemen from Missouri?

There was no objection.

CATHERINE E. SPELL

The Clerk called the bill (H.R. 7312) for the relief of Catherine E. Spell.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentlemen from Missouri?

There was no objection.

DONALD L. BULMER

The Clerk called the bill (H.R. 1994) for the relief of Donald L. Bulmer.

Mr. ROUSSELOT. Mr. Speaker, at the request of the gentleman from Iowa (Mr. Gross), I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

MRS. MARINA MUNOZ DE WYSS (NEE LOPEZ)

The Clerk called the bill (H.R. 5579) for the relief of Mrs. Marina Munoz de Wyss (nee Lopez).

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CARMEN MARIA PENA-GARCANO

The Clerk called the bill (H.R. 6342) for the relief of Carmen Maria Pena-Garcano.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

WILLIAM H. NICKERSON

The Clerk called the bill (H.R. 4064) for the relief of William H. Nickerson.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MARGARIDA ALDORA CORREIA DOS REIS

The Clerk called the bill (H.R. 6504) for the relief of Margarida Aldora Correia dos Reis.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over with prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

EMILIA RUFFOLO

The Clerk called the bill (H.R. 10142) for the relief of Emilia Ruffolo.

Mr. ROUSSELOT. Mr. Speaker, at the request of the gentleman from Iowa (Mr. GROSS), I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

DONALD P. LARIVIERE

The Clerk called the bill (H.R. 8952) for the relief of Donald P. Lariviere.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

MR. AND MRS. JOHN F. FUENTES

The Clerk called the bill (H.R. 11045) for the relief of Mr. and Mrs. John F. Fuentes.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to request of the gentleman from Missouri?

There was no objection.

ARLINE LOADER AND MAURICE LOADER

The Clerk called the bill (S. 341) for the relief of Arline Loader and Maurice Loader.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to request of the gentleman from Missouri?

There was no objection.

FREDI ROBERT DREILICH

The Clerk called the bill (H.R. 2725) for the relief of Fredi Robert Dreilich.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

DENNIS YIANTOS

The Clerk called the bill (S. 65) for the relief of Dennis Yiantos.

Mr. ROUSSELOT. Mr. Speaker, at the request of the gentleman from Iowa (Mr. GROSS), I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

MRS. GAVINA A. PALACAY

The Clerk called the bill (H.R. 4646) for the relief of Mrs. Gavina A. Palacay.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ANKA KOSANOVIC

The Clerk called the bill (H.R. 1777) for the relief of Anka Kosanovic.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

RESCUE MISSION ALLIANCE OF SYRACUSE

The Clerk called the bill (H.R. 10552) for the relief of the Rescue Mission Alliance of Syracuse.

There being no objection, the Clerk read the bill as follows:

H.R. 10552

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,935.28 to the Rescue Mission Alliance of Syracuse, Syracuse, New York, in full settlement of its claims against the United States for expenses and costs incurred in connection with preparations for new quarters and facilities in compliance with official notifications by the Government that its property was to be acquired for a United States postal facility. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FIRST LIEUTENANT THOMAS J. TREMBA

The Clerk called the bill (H.R. 11749) for the relief of 1st Lt. Thomas J. Tremba, U.S. Army.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

JORGE ORTUZAR-VARAS AND MARIA PABLA DE ORTUZAR

The Clerk called the bill (H.R. 14128) for the relief of Jorge Ortuzar-Varas and Maria Pabla de Ortuzar.

There being no objection, the Clerk read the bill as follows:

H.R. 14128

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of the Immigration and Nationality Act, Jorge Ortuzar-Varas and Maria Pabla de Ortuzar shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct two numbers from the total number of immigrant admissions authorized pursuant to the provisions of section 21(e) of the Act of October 3, 1965.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN P. WOODSON

The Clerk called the bill (H.R. 10638) for the relief of John P. Woodson, his heirs, successors in interest or assigns.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object——

The SPEAKER. The gentleman cannot reserve the right to object.

Mr. HALL. We do not have the material and information available on this bill.

The SPEAKER. The gentleman's statement is out of order.

Mr. HALL. Mr. Speaker, I therefore ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING SECRETARY OF THE INTERIOR TO SELL RESERVED MINERAL INTERESTS TO THOMAS A. BUSIO, RECORD OWNER OF SURFACE THEREOF

Mr. ROUSSELOT. Mr. Speaker I ask unanimous consent that the further call of the Private Calendar be dispensed with.

Mr. LANDRUM. Mr. Speaker, I ask unanimous consent, notwithstanding the fact that Calendar No. 204 has not been on the calendar for the 7 days required, that it may nevertheless be called.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. HALL. Mr. Speaker, reserving the right to object to the gentleman's request, I wonder if we could see a copy of the bill and the report. Are copies available?

Mr. LANDRUM. Yes, sir.

Mr. HALL. None of the official objectors have had an opportunity to see the report, inasmuch as it would ordinarily not be considered eligible, and therefore was understandably not distributed by the document room. This gives us a dilemma.

Although I appreciate the gentleman's request and am anxious to cooperate with him, I must determine, not only from the standpoint of the official objectors but also from that of an interested Member, if this involves any cost to the Federal Government, including the donation of land at other than fair market value.

Mr. LANDRUM. Will the gentleman yield?

Mr. HALL. I will be glad to yield to my friend.

Mr. LANDRUM. It involves absolutely no cost to the Federal Government, but, on the other hand, provides that all costs shall be borne by the purchaser and deposited with the Department of the Interior in advance of any consummation of the transaction. The Secretary of the Interior has made findings on several occasions that there are no minerals, and it is of the utmost importance in the getting title to the lands where considerable development is taking place outside of metropolitan Atlanta.

Mr. HALL. Mr. Speaker, further reserving the right to object, I will say that the gentleman did contact me personally about this bill and made a similar statement.

May I ask further if there are any unfavorable departmental reports or if there is any area in which it does not meet the House's agreed to criteria of objection?

Mr. LANDRUM. None whatever, I can assure my friend, the gentleman from Missouri.

Mr. ROUSSELOT. Will the gentleman yield?

Mr. HALL. I yield to the gentleman, my friend from California.

Mr. ROUSSELOT. May I direct a question to the gentleman from Georgia?

Is the gentleman from Georgia saying to us that the Secretary of the Interior does not object to this?

I would like to have the assurance of the gentleman that the Secretary of the Interior does not object to this transaction.

Mr. LANDRUM. That assurance is gladly given, because it has been provided by a statement from him and the Department of the Interior and the chairman of the committee and the Department of the Interior has prepared the committee amendment.

Mr. ROUSSELOT. I thank the gentleman for yielding.

Mr. HALL. I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk called the bill (H.R. 10556) to authorize the Secretary of the Interior to sell reserved mineral interests of the United States in certain land in Georgia to Thomas A. Buiso, the record owner of the surface thereof.

There being no objection, the Clerk read the bill as follows:

H.R. 10556

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to convey, sell, and quitclaim all mineral interests of the United States in and to the property situated in the State of Georgia and described in section 2 of this Act to Thomas A. Buiso, the record owner of the surface thereof.

SEC. 2. The property referred to in the first section of this Act is more particularly described as follows:

All that tract or parcel of land lying or being in the Hog Mountain District, Militia District, Gwinnett County, Georgia, in Georgia Tenant Security Project of Farm Security Administration, United States Department of Agriculture, bounded on the north by lands now or formerly owned by one Humphries; on the east by lands now or formerly owned by Josh Wite; on the south by land now or formerly owned by G. W. Thomas; on the west by lands owned and developed by the government and designated as Unit Numbered 86 of Georgia Farm Tenant Security Project and being Unit 87, Georgia Farm Tenant Security Project, and more particularly described as follows:

Beginning at a two-inch pipe with brass cap, being a common corner of a tract hereafter described, of lands owned and developed by the government and designated as Unit Numbered 86, of Georgia Farm Tenant Security Project and being the northwest property line of lands now owned or formerly owned by G. W. Thomas; thence running north 25 degrees 23 minutes and 17 seconds west, 305.70 feet; thence north 54 degrees 49 minutes and 17 seconds west, 677.10 feet; thence north 33 degrees 59 minutes and 47 seconds west, 363.60 feet; thence north 11 degrees, 37 minutes west 1178.20 feet; thence north 26 degrees 56 minutes and 58 seconds east, 391.70 feet; thence north 59 degrees 28 minutes and 28 seconds east, 590.40 feet; thence south 19 degrees, 2 minutes 2 seconds east, 1813.59 feet; thence north 59 degrees 23 minutes and 7 seconds east, 1446.72 feet; thence south 35 degrees 49 minutes and 8 seconds east, 330.44 feet to the center line of a dirt road; thence leaving said road and running south 45 degrees and 35 minutes and 13 seconds west, 2205.96 feet to the point of beginning. Except, however, that portion thereof lying within the right of way of State Highway Numbered 13. Said excepted portion containing 1.960 acres. The net acreage of this tract is 65.299 acres, more or less.

SEC. 3. In the event that the Secretary of the Interior determines that any land described in section 2 of this Act is not prospectively valuable for minerals, he shall convey the reserved mineral interests to the record owner of the surface rights referred to in the first section of this Act upon the payment of a sum of $200 to reimburse the United States for the administrative costs of the conveyance; otherwise, the mineral interests shall be sold to such record owner of the surface rights upon the payment of a sum equal to $200 plus the fair market value of the mineral interests as determined by the Secretary after taking into consideration such appraisals as he deems necessary.

SEC. 4. Proceeds from any sale made under this Act shall be covered into the Treasury of the United States as miscellaneous receipts.

With the following committee amendments:

Page 1, line 3, after "directed" insert ", in accordance with section 4 of this Act,"

Page 3, line 13 through Page 4, line 3, strike out all of Sections 3 and 4 and insert in lieu thereof the following:

"SEC. 3. The Secretary shall require the deposit of a sum of money which he deems sufficient to cover estimated administrative costs of this Act. If conveyance is not made pursuant to this Act, and the administrative costs exceed the deposit, the Secretary shall bill the applicant for the outstanding amount, but if the amount of the deposit exceeds the actual administrative costs, the Secretary shall refund the excess.

"SEC. 4. No conveyance shall be made unless application for conveyance is filed with the Secretary within six months of the date of approval of this Act and unless within the time specified by him payment is made to the Secretary of (1) administrative costs of the conveyance and (2) the fair market value of the interest to be conveyed. The amount of the payment required shall be the difference between the amount deposited and the full amount required to be paid under this section. If the amount deposited exceeds the full amount required to be paid, the applicant shall be given a credit or refund for the excess.

"SEC. 5. The term 'administrative costs' as used in this Act, includes, but is not limited to, all costs of (1) conducting such exploratory programs as the Secretary of the Interior deems necessary to determine the character of the mineral deposits in the land, (2) evaluating the data obtained under the exploratory programs to determine the fair market value of the mineral rights to be conveyed, and (3) preparing and issuing the instrument of conveyance.

"SEC. 6. Moneys paid to the Secretary for administrative costs shall be paid to the agency which rendered the service, and deposited to the appropriation then current. Moneys paid for the minerals or mineral interests conveyed shall be deposited into the general fund of the Treasury as miscellaneous receipts."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Private Calendar.

REPORT ON SALARIES UNDER ECONOMIC OPPORTUNITY ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor:

To the Congress of the United States:

I am submitting the accompanying report on salaries of officers and employees of organizations funded under the Economic Opportunity Act as required by Section 610–1(b) of the Economic Opportunity Act of 1964, as amended. The report was prepared by the Office of Economic Opportunity and covers the fiscal year that ended on June 30, 1972.

Richard Nixon.

The White House, *October 3, 1972.*

PEANUT DAY ON CAPITOL HILL

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, as I hope all the Members know by now, today is Peanut Day on Capitol Hill, and whether you call them "goobers," "ground peas," or "peanuts," they are delicious by any name.

As I have previously advised the Members, in the dining room today we are giving away peanut soup, peanut pie, and cookbooks setting out a thousand ways in which to prepare peanuts.

This is fun, and it is interesting, but it has a very serious note, too, because peanuts account for some $56 million of income in my district and in the State of Alabama, and they account for more than twice as much in Georgia. Peanuts are produced throughout the Southeast; Virginia, North Carolina, Oklahoma, and Texas also produce large quantities of peanuts.

In each of the cloakrooms there are also peanuts. This is a delicacy, and if the Members are not familiar with boiled peanuts, this is a golden opportunity you should not miss.

Mr. Speaker, I can only say that by eating more peanuts the Members will have more spring in their step, more twinkle in their eyes, whiter teeth, better bones, and curlier hair, and they will find that sundown will come later in life.

CONFERENCE REPORT ON S. 635, AMENDING THE MINING AND MINERALS POLICY ACT OF 1970

Mr. ASPINALL submitted the following conference report and statement on the bill (S. 635) amending the Mining and Minerals Policy Act of 1970:

Conference Report (H. Rept. No. 92–1491)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the Bill (S. 635) to amend the Mining and Minerals Policy Act of 1970, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House to the text of the bill, and agree to the same with an amendment as follows: In lieu of the matter inserted by the House amendment, insert the following:

That the Mining and Minerals Policy Act of 1970 (84 Stat. 1876) is amended by adding at the end thereof the following new sections:

"Sec. 3. In recognition of the fact that the prosperity and future welfare of the Nation is dependent in a large measure on the sound exploration, extraction, processing, and development of its unrenewable mineral resources, the Congress declares that the purpose of sections 4 to 18 of this Act is to stimulate, sponsor, provide for and/or supplement present programs for the conduct of research, investigations, experiments, demonstrations, exploration, extraction, processing, development, production, and the training of mineral engineers and scientists in the fields of mining, mineral resources, and technology.

"Sec. 4. (a) There are authorized to be appropriated to the Secretary of the Interior sums adequate to provide for each participating State $200,000 for fiscal year 1973, $300,000 for fiscal year 1974, and $400,000 for each fiscal year thereafter, to assist the participating State in establishing and carrying on the work of a competent and qualified mining and mineral resources research institute, center, or equivalent agency (hereinafter referred to as 'institute') at one college or university in that State, which college or university shall be the State tax-supported school of mines or a State tax-supported college or university which has or hereafter establishes an administrative unit such as a school or department wherein education and research are being carried out in the minerals engineering field: *Provided,* That (1) such moneys when appropriated shall be made available to match, on a dollar for dollar basis, non-Federal funds which shall be at least equal to the Federal share to support the institute; (2) if there is more than one such college or university in a State, funds under this Act shall, in the absence of a designation to the contrary by act of the legislature of the State, be paid to the one such college or university designated by the Governor of the State, to receive the same subject to the Secretary's determination that such college or university has, or may reasonably be expected to have, the capability of doing effective work under this Act; (3) two or more States may cooperate in the designation of a single interstate or regional institute, in which event the sums assignable to all of the cooperating States shall be paid to such institute; and (4) a designated college or university may, as authorized by appropriate State authority, arrange with other colleges and universities within the State to participate in the work of the institute.

(b) It shall be the duty of each such institute to plan and conduct and/or arrange for a component or components of the college or university with which it is affiliated to conduct competent research, investigations, demonstrations, and experiments on mineral resource problems having industry-wide application, of either a basic or practical nature, or both, in relation to mining and mineral resources and to provide for the training of mineral engineers and scientists through such research, investigations, demonstrations, and experiments. Such research, investigations, demonstrations, experiments, and training may include, without being limited to, exploration; extraction; processing; development; production of mineral resources; mining and mineral technology; supply and demand for minerals; conservation and best use of available supplies of minerals; the economic, legal, social engineering, recreational, biological, geographic, ecological, and other aspects of mining, mineral resources, and mineral reclamation, having due regard to the interrelation on the natural environment, the varying conditions and needs of the respective States, to mining and mineral resource research projects being conducted by agencies of the Federal and State governments, and others, and to avoid any undue displacement of mineral engineers and scientists elsewhere engaged in mining and mineral resources research.

"Sec. 5. (a) There is further authorized to be appropriated to the Secretary of the Interior for fiscal year 1973, and the four succeeding fiscal years thereafter, the sum of $5,000,000 annually, which shall remain available until expended. Such moneys when appropriated shall be made available to institutes to meet the necessary expenses of specific mineral research and demonstration projects of industrywide application, which could not otherwise be undertaken, including the expenses of planning and coordinating regional mining and mineral resources research projects by two or more institutes.

(b) Each application for a grant pursuant to subsection (2) of this section shall, among other things, state the nature of the project to be undertaken, the period during which it will be pursued, the qualifications of the personnel who will direct and conduct it, the estimated cost, the importance of the project to the Nation, region, or State concerned, and its relation to other known research projects theretofore pursued or being pursued, and the extent to which it will provide opportunity for the training of mining and mineral engineers and scientists, and the extent of participation by nongovernmental sources in the project. No grant shall be made under said subsection (a) except for a project approved by the Secretary of the Interior and all grants shall be made upon the basis of merit of the project, the need for the knowledge which it is expected to produce when completed, and the opportunity it provides for the training of individuals as mineral engineers and scientists.

"Sec. 6. Sums available to institutes under the terms of sections 4 and 5 of this Act shall be paid at such times and in such amounts during each fiscal year as determined by the Secretary, and upon vouchers approved by him. Each institute shall set forth its plan to provide for the training of individuals as mineral engineers and scientists under a curriculum appropriate to the field of mineral resources and mineral engineering and related fields; set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available for purposes of this title, and in no case supplant such funds; have an officer appointed by its governing authority who shall receive and account for all funds paid under the provisions of this Act and shall make an annual report to the Secretary on or before the 1st day of September of each year, on work accomplished and the status of projects underway, together with a detailed statement of the amounts received under any provisions of this Act during the preceding fiscal year, and of its disbursements on schedules prescribed by the Secretary. If any of the money received by the authorized receiving officer of any institute under the provisions of this Act shall by any action or contingency be found by the Secretary to have been improperly diminished, lost, or misapplied, it shall be replaced by the State concerned and until so replaced no subsequent appropriation shall be allotted or paid to any institute of such State.

"Sec. 7. Moneys appropriated pursuant to this Act, in addition to being available for expenses for research, investigations, experiments, and training conducted under authority of this Act, shall also be available for printing and publishing the results thereof and for administrative planning and direction. The institutes are hereby authorized and encouraged to plan and conduct programs under this Act in cooperation with each other and with such other agencies and individuals as may contribute to the solution of the mining and mineral resources problems involved, and moneys appropriated pursuant to this Act shall be available for paying the necessary expenses of planning, coordinating, and conducting such cooperative research.

"SEC. 8. The Secretary of the Interior is hereby charged with the responsibility for the proper administration of this Act and, after full consultation with other interested Federal agencies, shall prescribe such rules and regulations as may be necessary to carry out its provisions. The Secretary shall require a showing that institutes designated to receive funds have, or may reasonably be expected to have, the capability of doing effective work. The Secretary shall furnish such advice and assistance as will best promote the purposes of this Act, participate in coordinating research initiated under this Act by the institutes, indicate to them such lines of inquiry as to him seem most important, and encourage and assist in the establishment and maintenance of cooperation by and between the institutes and between them and other research organizations, the United States Department of the Interior, and other Federal establishments.

On or before the 1st day of July in each year after the passage of this Act, the Secretary shall ascertain whether the requirements of section 6 have been met as to each State.

The Secretary shall make an annual report to the Congress of the receipts, expenditures, and work of the institutes in all States under the provisions of this Act. The Secretary's report shall indicate whether any portion of an appropriation available for allotment to any State has been withheld and, if so, the reasons therefor.

"SEC. 9. Nothing in this Act shall be construed to impair or modify the legal relationship existing between any of the colleges or universities under whose direction an institute is established and the government of the State in which it is located, and nothing in this Act shall in any way be construed to authorize Federal control or direction of education at any college or university.

"SEC. 10. There is authorized to be appropriated to the Secretary of the Interior $10,000,000 in fiscal year 1973, increasing $2,000,000 annually for five years, and continuing at $20,000,000 annually thereafter, from which the Secretary may make grants, contracts, matching, or other arrangements with educational institutions; private foundations or other institutions; with private firms and individuals; and with local, State, and Federal Government agencies, to undertake research into any aspects of mining and mineral resources problems related to the mission of the Department of the Interior, which may be deemed desirable and are not otherwise being studied. The Secretary shall, insofar as it is practicable, utilize the facilities of institutes designated in section 4 of this Act to perform such special research, authorized by this section, and shall select the institutes for the performance of such special research on the basis of the qualifications of the personnel who will conduct and direct it, the nature of the facilities available in relation to the particular needs of the research project, special geographic, geologic, or climatic conditions within the immediate vicinity of the institute in relation to any special requirements of the research project, and the extent to which it will provide opportunity for training individuals as mineral engineers and scientists. The Secretary may designate and utilize such portions of the funds authorized to be appropriated by this section as he deems appropriate for the purpose of providing scholarships, graduate fellowships, and postdoctoral fellowships.

"SEC. 11. The Secretary of the Interior shall obtain the continuing advice and cooperation of all agencies of the Federal Government concerned with mining and mineral resources of State and local governments, and of private institutions and individuals to assure that the programs authorized in this Act will supplement and not duplicate established mining and minerals research programs, to stimulate research in otherwise neglected areas, and to contribute to a comprehensive, nationwide program of mining and minerals research. The Secretary shall make generally available information and reports on projects completed, in progress, or planned under the provisions of this Act, in addition to any direct publication of information by the institutes themselves.

"SEC. 12. Nothing in this Act is intended to give or shall be construed as giving the Secretary of the Interior any authority or surveillance over mining and mineral resources research conducted by any other agency of the Federal Government, or as repealing, superseding, or diminishing existing authorities or responsibilities of any agency of the Federal Government to plan and conduct, contract for, or assist in research in its area of responsibility and concern with mining and mineral resources.

"SEC. 13. Contracts or other arrangements for mining and minerals resources research work authorized under this Act with an institute, educational institution, or nonprofit organization may be undertaken without regard to the provisions of section 3684 of the Revised Statutes (31 U.S.C. 529) when, in the judgment of the Secretary of the Interior, advance payments of initial expense are necessary to facilitate such work.

"SEC. 14. No part of any appropriated funds may be expended pursuant to authorization given by this Act for any scientific or technological research or development activity unless such expenditure is conditioned upon provisions determined by the Secretary of the Interior, with the approval of the Attorney General, to be effective to insure that all information, uses, products, processes, patents, and other developments resulting from that activity will (with such exception and limitation as the Secretary may determine, after consultation with the Secretary of Defense, to be necessary in the interest of the national defense) be made freely and fully available to the general public. Nothing contained in this section shall deprive the owner of any background patent relating to any such activity of any rights which that owner may have under that patent.

"SEC. 15. There shall be established, in such agency and location as the President determines to be desirable, a center for cataloging current and projected scientific research in all fields of mining and mineral resources. Each Federal agency doing mining and mineral resources research shall cooperate by providing the cataloging center with information on work underway or scheduled by it. The cataloging center shall classify and maintain for general use a catalog of mining and mineral resources research and investigation projects in progress or scheduled by all Federal agencies and by such non-Federal agencies of government, colleges, universities, private institutions, firms, and individuals as voluntarily may make such information available.

"SEC. 16. The President shall, by such means as he deems appropriate, clarify agency responsibility for Federal mining and mineral resources research and provide for interagency coordination of such research, including the research authorized by this Act. Such coordination shall include (a) continuing review of the adequacy of the Government-wide program in mining and mineral resources research, (b) identification and elimination of duplication and overlap between two or more agency programs, (c) identification of technical needs in various mining and mineral resources research categories, (d) recommendations with respect to allocation of technical effort among the Federal agencies, (e) review of technical manpower needs and findings concerning management policies to improve the quality of the Government-wide research effort, and (f) actions to facilitate interagency communication at management levels.

"SEC. 17. (a) The Secretary of the Interior shall appoint an Advisory Committee on Mining and Minerals Resources Research composed of—

(1) the Director, Bureau of Mines, or his delegate, with his consent;

(2) the Director of the National Science Foundation, or his delegate, with his consent;

(3) the President, National Academy of Sciences, or his delegate, with his consent;

(4) the President, National Academy of Engineering, or his delegate, with his consent;

(5) the Director, United States Geological Survey, or his delegate, with his consent; and

(6) not more than four other persons who are knowledgeable in the fields of mining and mineral resources research.

(b) The Secretary shall designate the Chairman of the Advisory Committee. The Advisory Committee shall consult with, and make recommendations to, the Secretary of the Interior on all matters involving or relating to mining and mineral resources research. The Secretary of the Interior shall consult with, and consider recommendations of, such Committee in the conduct of mining and mineral resources research and the making of any grant under this Act.

(c) Advisory Committee members, other than officers or employees of Federal, State, or local governments, shall be, for each day (including travel time) during which they are performing Committee business entitled to receive compensation at a rate fixed by the appropriate Secretary but not in excess of the maximum rate of pay for grade GS–18 as provided in the General Schedule under section 5332 of title 5 of the United States Code, and shall, notwithstanding the limitations of sections 5703 and 5704 of title 5 of the United States Code, be fully reimbursed for travel, subsistence, and related expenses.

"SEC. 18. As used in sections 4 to 17, the term 'State' includes the Commonwealth of Puerto Rico."

And the House agrees to the same.

WAYNE N. ASPINALL,
ED EDMONDSON,
WALTER S. BARING,
JOHN P. SAYLOR,
PHILIP E. RUPPE,
Managers on the Part of the House.

HENRY M. JACKSON,
ALAN BIBLE,
FRANK E. MOSS,
GORDON ALLOTT,
LEN B. JORDAN,
Managers on the Part of the Senate.

JOINT STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the Conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 635) to amend the Mining and Minerals Policy Act of 1970, submit the joint statement in explanation of the effect of the language agreed upon by the managers and recommended in the accompanying Conference Report.

The objectives and purposes of both the Senate passed bill and the House amendment are to provide a more adequate national program of mining and minerals resources research through the establishment of research centers throughout the United States, and to promote the training of mining and mineral engineers, scientists and technicians by providing matching grants and other financial assistance. The differences between the Senate passed bill and the House amendment were mainly differences in legislative drafting and the program format.

The language agreed upon by the Managers is substantially the language of the House amendment with the differences agreed upon as follows:

(1) The Senate passed bill established this research and training program as an amendment to the Mining and Minerals Policy Act of 1970. The language of the House amendment initiates the program as a separate statutory enactment supplementing the Mining and Minerals Policy Act of 1970. The Conference Committee resolved this difference by the House receding from its position; whereupon, the Conference Committee recommended the adoption of the language of the House amendment as an amendment to the Mining and Minerals Policy Act of 1970.

The Conference Committee is cognizant that the functions assigned to the Secretary of the Interior by the Mining and Minerals Policy Act have been delegated to the Assistant Secretary for Mineral Resources. The Conference Committee recommends that the program authorized by this legislation should also be administered by the Assistant Secretary for Mineral Resources. The Conference Committee recognizes that between now and the year 2000, United States consumption of primary minerals is expected to increase fourfold. The nation is currently ill prepared to meet this challenge unless we direct our efforts toward providing the unprecedented quantities of minerals basic to our society and national security by advancing our domestic mineral technology and manpower. The Conferees believe that administration of this research and training program by the Assistant Secretary for Mineral Resources will best achieve the objectives sought by having the research and training directed toward the solution of the most pressing problems facing the minerals industry by the people most closely associated with the manner and needs to resolve these problems.

(2) The second difference involved designating the eligible college or university within a State to participate in this program.

The Conference Committee adopted the language of the House amendment with a clarifying amendment to provide that the college or university within a State eligible to participate in this program shall be in the following priority: The State tax-supported school of mines, or the State tax-supported college or university which has or hereafter establishes an administrative unit such as a school or department wherein education and research are being conducted in the minerals engineering fields.

The Conference Committee adopted a clarifying amendment to the House amendment to provide that States which do not have a school of mines or a college or university with a school or department conducting education and research in the mineral engineering fields will have the opportunity to participate in the program by establishing such a school or administrative unit, and concurred in the understanding that "tax-supported" means assisted or maintained by State taxes, including the appropriation of State funds for construction, maintenance, and operation of such schools.

(3) The third difference between the Senate passed bill and the House amendment involved the authorization of appropriations. The Senate passed bill authorized appropriations for this program at a level of $12,100,000 in the first year to $23,750,000 in the fifth year; whereas, the House amendment authorized Federal expenditures of $40,500,000 for the first year to $48,500,000 in the fifth year and $45,500,000 annually thereafter.

The Conference Committee recommends the appropriation authorizations contained in the House amendment with an amendment reducing the annual sustaining grant to each participating State institute to $200,000 in the first year, $300,000 in the second year, and $400,000 in the third year and subsequent years. The effect of this amendment was to reduce the estimated federal expenditures for the program by $30.6 million in the first three years and $5.1 million annually thereafter. The Conferees agreed to a program appropriation authorization of $25.2 million in the first year, increasing to $43.4 million in the fifth year, and $40.4 million annually thereafter.

(4) The Conference Committee also recommended the language of the House amendment with an amendment in two other instances on minor differences between the Senate passed bill and the House amendment. The first instance involved the Secretary's discretionary authority to utilize appropriated funds for scholarships and fellowships. The Conference Committee merely changed the source of funding for this discretionary authority from the annual sustaining grant appropriation authorization to the appropriation authorization for additional research. The second instance concerned the Advisory Board. The Conferees adopted the language of the House amendment with an amendment to limit membership on the Advisory Board to nine and added the Director of the United States Geological Survey.

Wayne N. Aspinall,
Ed Edmondson,
Walter S. Baring,
John P. Saylor,
Philip E. Ruppe,
Managers on the Part of the House.
Henry M. Jackson,
Alan Bible,
Frank E. Moss,
Gordon Allott,
Len B. Jordan,
Managers on the Part of the Senate.

CALL OF THE HOUSE

Mr. CHARLES H. WILSON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. GRAY. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 399]

Abourezk
Alexander
Annunzio
Badillo
Baring
Bell
Bevill
Boggs
Brooks
Cabell
Celler
Chisholm
Clark
Clay
Conover
Culver
Davis, S.C.
Dellums
Diggs
Dowdy
Dwyer
Edmondson
Esch
Evans, Colo.
Gallagher
Giaimo
Gibbons
Green, Oreg.
Gross
Hagan
Halpern
Hungate
Jonas
Keith
Lujan
McClure
McCormack
McDonald, Mich.
McMillan
Mink
Mollohan
Murphy, N.Y.
Nichols
Patman
Peyser
Powell
Price, Tex.
Purcell
Reid
Rooney, N.Y.
Rosenthal
Roybal
Runnels
Scheuer
Schmitz
Schwengel
Scott
Sikes
Springer
Steiger, Ariz.
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Waggonner
Wiggins
Wyatt

The SPEAKER. On this rollcall 364 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

DWIGHT D. EISENHOWER MEMORIAL BICENTENNIAL CIVIC CENTER ACT

Mr. GRAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16645) to amend the Public Buildings Act of 1959, as amended, to provide for the construction of a civic center in the District of Columbia, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois (Mr. Gray).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 16645, with Mr. Thompson of New Jersey in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Illinois (Mr. Gray) will be recognized for 30 minutes, and the gentleman from New York (Mr. Grover) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. Gray).

Mr. GRAY. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, and members of the committee, for more than 100 years, there has been a crying need for a large facility in the Nation's Capital to house millions of Americans and foreign visitors who come to Washington; there has been a crying need to do something to revitalize the inner core city of our Nation's Capital.

The Committee on Public Works of the House of Representatives is privileged to bring for your consideration today legislation that we believe is designed to help raise up the social and economic well-being of our Nation's Capital. It is a bill that is designed to allow us to provide the Nation's Capital with a facility to make us a good host for our bicentennial activities within a short 4 years and to help memorialize a great President, the Honorable Dwight David Eisenhower, a World War II hero, a great general, and a great two-term President.

The legislation before you, Mr. Chairman, would also name 29 Federal buildings throughout the country after deceased and retiring Members of both bodies of the Congress.

The legislation also would extend for a

2-year period authorization for official use of the office space in Boston, Mass., which is being used by our beloved and former Speaker, the Honorable John W. McCormack.

Now, Mr. Chairman, for a number of years, people have advocated that a civic center be built in downtown Washington, D.C., with taxpayer funds from throughout the country. Your Committee on Public Works rejected that proposal and we bring to you today legislation that we believe is fiscally responsible. It upholds that great American tradition of people paying for facilities who use them.

The bill before you would allow the government of the District of Columbia to engage a private entrepreneur to put up approximately $65 million to construct this facility and to pay back the cost through the revenues generated from the facility.

The only taxpayer money involved in this legislation would be a maximum of $14 million, an amount that would be spread over an 8-year period, to help us in getting this facility ready for our bicentennial in 1976.

The facility you see here on this sketch is the new civic center in Los Angeles, Calif. In the first year of operation, this facility in Los Angeles generated $90 million of new money for downtown Los Angeles.

We are having today over 20 million visitors coming to the Nation's Capital.

We know that this proposed facility will provide thousands of new jobs; we know that this proposed facility will, in fact, generate several hundred million dollars a year in much-needed revenue for the District of Columbia.

Now, while we are on the subject of revenue, I would like to point out that this year alone the Congress increased the appropriations to the District of Columbia by more than $70 million as a Federal payment in lieu of taxes. That is a 36-percent increase in 1 year.

Why did we have to do this? Because the needs of the District of Columbia are growing as they require additional money for teachers, for pay increases in the salaries of firemen and policemen and additional capital improvements. If they do not collect that money locally, they have to call on the taxpayers of Illinois, Iowa, Massachusetts, and all of the other States.

We believe, after looking at this project for more than 4 years, that this will generate from $100 million to $300 million a year additional funds in the District of Columbia and thereby allow the District to be more self-sustaining and lower the Federal payment to the District. So you can see that the $14 million maximum which would be authorized in this legislation is infinitesimal compared to the millions of dollars that this is going to generate in new taxes for the District of Columbia.

However, Mr. Chairman, far more important than dollars, this will allow our Nation's Capital to be the Capital that it should be.

This is the only city in the entire United States with 50,000 or more population that does not have a civic center, a place for people to meet and to congregate and conduct business and to show their commercial wares, their ingenuity and know-how.

In addition to that, will it not be embarrassing if we in 4 short years are asking millions of Americans, millions of foreign visitors, to come to our great Nation's Capital only to find no place to house them and only to find that we do not have a facility where we can have the 50 States come together with exhibits and show what a great nation we are and how far we have come in 200 years.

Yes, we have deliberated long and hard to bring forth this proposal that is sound fiscally. This legislation was written with the expertise of the Office of Management and Budget and with the expertise of the President and his great staff and with the expertise of Mayor Washington, who is doing an outstanding job as Mayor of the District, and with a unanimous vote of the City Council, both Democrats and Republicans, and, yes, with the concurrence of the National Capital Planning Commission and, I am happy to say, with the concurrence of 85 percent of the land owners in Mount Vernon Square where this facility will be located.

In addition to that, Mr. Chairman, we have 55 cosponsors, Members of this body on both sides of the aisle. So it is truly a bipartisan measure to memorialize a great President and 29 distinguished Members who are retiring or are deceased Members of this and the other body.

Mr. Chairman, we feel this is meritorious legislation that should be passed.

Before I sit down I would like to tell you that we have good news today on another front. Over on my right you will notice the sketch of the proposed National Visitors Center at Union Station. We passed legislation in this body 4 years ago to allow private enterprise to put up $16 million to renovate the existing Union Station and to build a parking facility there and to provide informational services for the millions of schoolchildren and adults coming here each year. Because of the bankruptcy of the Penn Central Railroad this project has been on the shelf for more than 2 years. I am pleased to announce today that the B. & O. and the Chesapeake & Ohio Railroads have bought out all of the interest in Union Station from Penn Central. The bankruptcy court and the judge have finalized all of the orders and all of the $16 million required is now in the bank. Next week we will be advertising for construction bids to build a $11 million parking facility immediately behind Union Station, over the tracks; a new modern compact rail station in the ground level of the parking garage with escalators running to the trains, two movie theaters on the inside of the station, cafeterias and restaurants, and all of those facilities required to make this a great National Visitors Center without one red cent of taxpayers' funds.

Three and a half million dollars will be paid yearly by the National Park Service. We will get all the revenue from the parking, and all the revenue from the sale of food and other goods and services which will far more than pay the $3.5 million rent. At the end of the 25-year period the taxpayers of this Nation will own the Union Station, the parking facilities, and the entire National Visitors Center without putting out one dime. I mention that today, as we discuss the proposed Dwight D. Eisenhower Memorial Bicentennial Civic Center because, you will notice, they are separated by some eight blocks, and we will have all of the various modes of travel coming into the Union Station. We will have helicopter service from the roof of the building, as you can see in the picture, and we will have parking facilities. We will also have two subway stops in the basement, a new compact railroad train station, and we will have eight lanes of surface traffic. So, regardless of how our constituents come into town, they will all funnel into the visitors center. There they can see films depicting the history of Washington and as well they will see scenes flashed on the screen of places of interest to visit in the Washington area. Every 5 minutes we will have 80 passenger buses taking people up around the Capitol and around the Mall, and over to Arlington and down to Mount Vernon, and various other places of interest.

How does that tie in with the proposed Dwight D. Eisenhower Memorial Bicentennial Civic Center?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GRAY. Mr. Chairman, I yield myself 2 additional minutes.

When this facility is completed we can have organizations such as the National Education Association that is now bypassing Washington completely because there is no place where they can seat or feed 10,000 people. And then when they do come into town, instead of having to find a place here on the Hill to park so they can come and see their Congressmen, they can go down to the Visitors' Center, park their automobiles, and take a bus up here so that they can stop by and say "hello."

Then we will have shuttle service going directly over to the Eisenhower Center. These will tie these two facilities together, and our constituents will be able to see our faces instead of our backs.

By having the visitors' center open, and, incidentally, that is expected to be completed in less than 24 months, and we will have the other facility completed in less than 4 years, these will both be open at the time of the rush of people here in the bicentennial year of 1976. So if we can pass this bill today then we will have all of these facilities in place, one of them without costing one red cent of the taxpayers' money, and the other will not require one cent for at least 4 years. And then the $14 million will be spread over an additional several years. So do not let anyone take the well of the House today and tell you that this is going to cost any money now, because we are not spending one red cent of the taxpayers' money in this center until after 1976. It will be built with private funds. It will take almost 4 years to build it. And then with the revenues we receive the day the doors open we will start generating enough money to pay off the debt at about $5 million per year including interest.

We are providing funds of no more than $14 million until the project gets moving under its own momentum.

Many people are saying that the Kennedy Stadium has been a boondoggle, and that we should not engage in another boondoggle. Others say that the Kennedy Center has been a boondoggle, but I want to point out to you, my friends, that the RFK Stadium is a one-use facility, and that is for sports. I am sure that my colleagues would not expect us to use this great hall if it did not have a roof on it.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. GRAY. Mr. Chairman, I yield myself 1 additional minute.

Mr. Chairman, I want to lay this argument to rest. We know, that this center will be used all year long. The circus can play there a month out of the year. We can have the ice capades, the horse show, the automobile show, the boat show, and many other things that your constituents and, yes, your own families, will not now attend out at the Armory or at the Colosseum. Additionally, we can have four or five different functions going on simultaneously. We can have all the inaugural balls under one roof. And during the bicentennial activities we can have all of the 50 States come in and show their exhibits.

This is a sound plan. It has been well thought out. It is supported by President Nixon, and the Mayor. It is supported unanimously by the Council and by every single agency of the District government.

Consequently, I hope that we can pass this bill unanimously. It has already passed the other body without one dissenting vote. Let us pass it today so that we can all be proud of our Nation's Capital.

In closing, let me personally thank the President, Mayor Walter Washington, Chairman John Nevius of the District of Columbia City Council, Delegate Walter Fauntroy, and the 55 other colleagues on both sides of the aisle for their great contributions and support in behalf of this historic proposal.

Thank you.

Mr. GROVER. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. Broyhill).

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in support of this pending legislation.

At the outset I should like to convey my thanks and appreciation, and the thanks and appreciation of all of the citizens of the metropolitan area of Washington to the gentleman from Illinois (Mr. Gray) for his interest and concern in the welfare of our Nation's Capital. All of us know that it is the responsibility of the Congress to see that the Nation's Capital is properly operated and maintained. But when any individual Member of this Congress puts forth the additional interest and concern and the tireless effort that has been put forth by the gentleman from Illinois (Mr. Gray) I think he should have that recognition and the appreciation and that appreciation expressed of the people of this area.

Mr. Chairman, the Convention Center portion of this bill will actually accomplish four main objectives.

First of all it will beef up the economy of the Nation's Capital which is in need of some stimulation.

Second, it would provide a meetingplace for the many hundreds of potential conventions that would like to meet and convene here in the Nation's Capital.

Third, it would provide a proper facility for the commemoration of the bicentennial of this country here in Washington in 1976.

And lastly it would provide a proper and fitting and useful memorial to one of the great presidents of our beloved Nation, General Eisenhower.

Mr. Chairman, as has been pointed out by the gentleman from Illinois (Mr. Gray) the total cost—the maximum cost of this facility to the Federal Government will not exceed and cannot exceed $14 million. The total cost of the facility would be approximately $65 million. Now I imagine that that would be the principal if not the only objection to the approval of this facility that may be expressed. I think that is a proper question for any of our colleagues to ask regarding this legislation.

Mr. CLEVELAND. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 400]

Abourezk
Annunzio
Archer
Ashley
Baring
Bell
Bevill
Biaggi
Blanton
Boggs
Bow
Burton
Clark
Clay
Conover
Conyers
Culver
Davis, S.C.
Derwinski
Diggs
Dingell
Dowdy
Dwyer
Edmondson
Evans, Colo.
Flowers
Gallagher
Giaimo
Gibbons
Green, Oreg.
Gross
Hagan
Hansen, Wash.
Heinz
Horton
Hungate
Lujan
McClure
McCormack
McDonald, Mich.
McKevitt
Michel
Mink
Mitchell
Mollohan
Montgomery
Murphy, N.Y.
Nichols
Patman
Peyser
Pike
Pucinski
Purcell
Quie
Railsback
Reid
Rooney, N.Y.
Runnels
Ruth
St Germain
Scheuer
Schmitz
Schwengel
Sikes
Springer
Staggers
Steiger, Ariz.
Thompson, Ga.
Wilson, Charles H.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Thompson of New Jersey, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 16645, and finding itself without a quorum, he had directed the roll to be called, when 361 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Virginia (Mr. Broyhill) is recognized for the balance of his time, 2½ minutes.

Mr. BROYHILL of Virginia. Mr. Chairman, at the time of the quorum call I was pointing out that the maximum Federal cost to the Eisenhower Convention Center project would be a total of $14 million. And I realize that this could be the principal, if not the only objection that any of our colleagues could really have to the construction of this Center.

I can appreciate that, but if you stop to think of it, $14 million is minor when you consider all of the other projects we have authorized all over this country and all over the world, for that matter. And it is a minor amount as far as our interest and our investment in the Nation's Capital is concerned.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Chairman, I appreciate my colleague, the gentleman from Virginia, yielding to me. First I want to thank him for his great support of this Center over the years. He has been more than a cosponsor. He has been a guiding light. Is it not true that no money would be required from the Federal Government for the first 4 years?

Mr. BROYHILL of Virginia. I thank the gentleman from Illinois for his observation, and that is also what I wanted to emphasize, that this would be in the long run the maximum and the total amount that could be expended by the Federal Government.

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. If the gentleman will permit me to finish my statement, then I will be glad to yield to the gentleman.

Mr. Chairman, we cannot be indifferent so far as the economy and the welfare of the Nation's Capital is concerned. I think every one of us is interested in having an attractive and comfortable place for our constituents and for the millions of tourists who visit Washington each year.

We cannot permit the economy of the Nation's Capital to run down, because if we do then we will have to pick up the tab as there is nobody else to pick up the deficit in the cost of the operation of the Nation's Capital. We already have to underwrite the budget to provide operating expenditures for this city every year, whether we like it or not.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. GROVER. Mr. Chairman, I yield 3 additional minutes to the gentleman from Virginia (Mr. Broyhill).

Mr. BROYHILL of Virginia. Mr. Chairman, in 1952, when I first came to the Congress, the Federal payments for the District of Columbia were $20 million, and that consisted of about 20 percent of the operating budget of this city. Today, 20 years later, this year, this fiscal year, the Federal payment is $190 million, or approximately 43 percent of the operating budget. This is a direct payment.

In addition to that, there are several hundred millions of dollars additionally that are being paid into the District government in order to have sufficient funds to operate this city each year. Incidentally, this increase in the cost of the Federal payment was not caused by inflation alone. The ratio of the Federal cost to the operation of this city has been greater over the period of 20 years than the increase in the economy, as well as the increase of the cost of living here in the Nation's Capital.

What we have had here, and what we have seen during the past 20 years, has been a decay of the inner city. Businesses were moving to the suburbs, and potential businesses were refusing to come to the Nation's Capital.

So what you get down to, Mr. Chairman, and what we need to do, and what this bill does in part, is to help to stop that trend, to reverse the trend, and to slow down the consistent increase in the Federal payment that we will have to make each year. The fact of the matter is that we will have an additional increase in the Federal payment that will be necessary to pay for the pending increase in the teachers' salaries, and there are other proposals that will be coming forth in the next Congress.

So, as I say, the main purpose of this bill and the main objective of this bill would be to reduce—and I repeat—to reduce the necessity of a larger Federal payment in the years to come.

This is an investment in this city. It is not a guarantee, that it is going to be 100 percent perfect. But we have to do something.

This facility would produce a large amount of income for downtown Washington that we need to stimulate the economy and revitalize the business community. It would produce at least $112 million a year in additional revenues for this city, which will produce a minimum of $6 million in additional taxes. This means $6 million less of Federal payment in the years to come, even using these minimal figures—and these are minimal estimates that we have come up with as a result of years and years of study and years and years of planning. We have maximum assurance possible that this facility when constructed will be what is necessary to revitalize and stimulate the economy of downtown Washington in addition to producing the thousands and thousands of additional jobs as referred to by the gentleman from Illinois (Mr. GRAY). It has the support of every level of government from the President, the administration, the Bureau of Management and Budget, the District of Columbia, and every segment of industry here in the Nation's Capital. You might say—well, let the community build the Center—but we are the community and there is no one else to turn to in order to get the help and the cooperation in doing the job.

In offering my views on what should be a fitting memorial to one of our greatest Americans, I do so with deep humility, for it is extremely difficult to find words eloquent enough to express my admiration for our late President.

I served under him in war, and, along with millions of other American men, I had more than one occasion to depend on his wisdom and leadership as commander of our forces fighting Nazi Germany. Then, as one who came to Congress when he was first elected President of the United States, I again had many opportunities to rely on that wisdom and leadership.

The example of strength and resolution which always radiated from this great but modest man must not be lost to this Nation. I am proud, therefore, to be a cosponsor of legislation which will erect in his memory not just an edifice of stone and steel, but a living, useful and needed memorial, to be used for conventions, trade shows, inaugurals, and other civic, national, and international events important not only to the residents of the District of Columbia but to all the people who visit the Capital of the greatest Nation on earth.

Construction of the Eisenhower Center now will make it possible for the District of Columbia to accommodate the millions of Americans and foreign visitors who are expected to visit here during the 1976 bicentennial. Its completion by that year is essential if the Nation's Capital is to be the focal point, as it should be, of the celebration of the 200th anniversary of our country.

The Center will also make it possible for the Capital City to host many major national and international conventions each year, activities which will serve to generate jobs for several thousand people and bring an estimated $112 million annually in new revenue, $6 million in direct taxes resulting from spending by convention groups.

H.R. 16645 authorizes a maximum of $14 million for Federal appropriations to the District Government to ease the financial burden on the District budget during the initial years of the project. The Committee on Public Works has made it quite clear that there will be no recommendation for additional funds. The Center is to be built and financed by private developers under a purchase contract backed by the full faith and credit of the District of Columbia government. Under this method of financing, private developers will secure financing and build the facility.

The city will be authorized to use the developers' money to acquire the property. No payments will be due the developers until after the Center is ready for occupancy and revenues are coming into the city, then payments amortizing the developers' investment and providing a reasonable rate of return are made by the city for a maximum of 30 years. Once the developers' investment has been repaid, the city will then own the Center.

The site chosen for the Center by a coordinated study of Federal and local agencies as most advantageous for such a facility, orginally covered 25 acres, but has now been reduced to 10 acres to obviate the need to remove the neighboring Chinese community and a group of downtown businesses. The total cost is limited by the legislation to $65.5 million. Current plans include an exhibition area of 300,000 square feet, and that there will be within the building 31 additional meeting rooms ranging in size from 100 to 3,500 capacity, with the exhibition area itself designed so that it can be easily converted into a large meeting area which would accommodate up to 20,000 or more people.

Mr. Chairman, Washington, D.C., is the only one of this Nation's 24 largest cities without a major civic center. I doubt if any Member present here today feels that this Nation's Capital does not need or should not have such a center. There may be those who say we should wait until some future date for its construction, but all acknowledge that it should be built. I believe it should be built now, and ready for utilization in 1976. I believe our committee colleagues have chosen the best way to build it, utilizing private funds in a manner patterned after the process authorized by Congress in amendments to the Federal Public Buildings Act, and guaranteed by the full faith and credit of the government of the District of Columbia. Mr. Chairman, I urge passage of H.R. 16645.

Mr. GRAY. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. HOWARD).

Mr. HOWARD. Mr. Chairman, I can think of no more fitting endorsement of this legislation than that expressed personally by President Nixon in a recent letter to the Honorable KENNETH J. GRAY, the able and distinguished gentleman from Illinois who has worked so long and so hard to bring the Eisenhower Memorial Center to fruition. The President wrote:

> This legislation has my full support, and I urge its early enactment.
>
> The development of the Eisenhower Bicentennial Civic Center will provide new jobs, new economic development, and new life in the downtown area of our Nation's Capital . . . such a development is essential to both the future economic viability of Washington's central core and the city's continued vitality as the seat of the national government. The Center will encourage thousands of citizens from across the nation to visit our city, a factor which takes on special significance as we approach the 1976 Bicentennial in which the Washington metropolitan region will play a major role. Furthermore. . . . the Center would be an active and impressive memorial to former President Eisenhower.

Mr. Chairman, this project also has the support of the overwhelming majority of the citizens who live and work here in our National Capital, as attested by a recent editorial in the Washington Post, which said, in part:

> The prospects for revitalizing downtown Washington received a big boost . . . when the Senate, without debate or dissent, approved the bill authorizing construction of the District's long-sought convention center at Mount Vernon Square. If the House concurs . . . the District will have a good chance to complete this vital project before 1976, giving the Nation's Capital not only a major facility for bicentennial functions, but also a permanent catalyst for tourism, business expansion, and the revival of the central city.

Mr. Chairman, I urge passage of this legislation.

Mr. GROVER. Mr. Chairman, I yield 6 minutes to the gentleman from Kentucky (Mr. SNYDER).

Mr. SNYDER. Mr. Chairman, I rise in opposition to H.R. 16645—to calling on the American taxpayers to subsidize the construction of a convention center for the city of Washington, D.C.

As one of the authors of the minority views on this project from the Public Works Committee, I want to urge my colleagues to study that dissent closely.

I would like to preface my specific objections with the observation that—especially in the eyes of the taxpayers and voters we represent—this convention center project is altogether too similar to the previous white elephants we in Congress have been bamboozled into paying on; namely, the Kennedy Stadium and the Kennedy Center for the Performing Arts. As our minority views show, the taxpayers could easily become embroiled in bailing this project out—just as they have had to bail out these other two abortive schemes. And I am personally somewhat tired of apologizing when the Congress of the United States is made to look the fool. We preach fiscal responsibility and concern for the plight of the hard-pressed taxpayer, but then most shamefacedly admit that we have committed the taxpayer to paying for a project whose original sanguine prospects somehow just failed to materialize. What I mean is—and I have pointed this out before in the hearings on this bill—I have little doubt that the backers of this convention center complex themselves believe that all the projections and glowing futurisms are accurate and that they should be given a chance to prove it. I also have little doubt, Mr. Chairman, that the backers of the two aforementioned memorials were equally sincere in their predictions. But, as my colleagues are aware, the taxpayers are picking up the interest tab on the RFK Stadium to the tune of $331,000 a year—after we had been assured the whole thing would not cost our constituents a dime.

Now, I know that the people of the Fourth District of Kentucky have complained loud and long to me about their Congress saddling them with the burden of these successive fiascos—and I daresay that my colleagues have heard similar complaints. I have total sympathy with those who complain about the profligacy and bumbling of this body with regard to such projects.

My colleague, Mr. Gray, has circulated a letter from the President dated August 17 of this year in which Mr. Nixon urged the project's importance to the forthcoming bicentennial celebration in Washington. With all due respect—as the minority position makes very clear—the project, even by the most optimistic calculations, would not be completed until after July 4, 1976. This means, of course, that the only contribution this project will make to the already fouled-up bicentennial operation is to foul it up further by clogging traffic and causing noise in the middle of summer around construction in the heart of town.

There are, of course, other sites in the District of Columbia which could be used for this complex—and without the need of displacing families, taxpaying businesses, and churches. The advantages of another site are obvious. Besides not eliminating a badly needed source of tax revenue, we could save the money required to relocate all the families, businesses, and so forth in this presently selected area. But regardless of the site, the project is ill-advised.

Consider another point. And that is, that—granting the validity for a moment the contention that this convention center will draw all the conventions its proponents say it will—these conventions will be lured away from other cities—cities some of my colleagues represent—and which count on that revenue just as much as the District of Columbia might. The taxpayers of other cities, Mr. Chairman, well might find themselves in the uncomfortable position of subsidizing their competitor. And I do not want to be in the position of having to explain why I countenanced such a paradox.

I think, in sum, Mr. Chairman, that my colleagues can see that the disadvantages of this questionable project far out-weigh the illusive advantages which have been urged on us in slick and glittering terms. It is simply not consistent with our professed desire to cooperate in saving the taxpayers' money at this economically trying time to commit the taxpayers so irresponsibly to another such undertaking.

Let me interject, before closing, a point in conjunction with an objection I have had to this project from the very beginning. I have urged that we consider traffic and overall congestion in selecting the site for this enormous complex. A site more accessible, with more and cheaper parking facilities does not seem at all out of line to me. Be that as it may, I wish my colleagues to consider what rush hour traffic will be like around here when we have the additional influx and competition of 20,000 conventioneers down at the bottom of the Hill. You think it is bad now.

I believe that each of the aspects I have touched on, plus the questions and objections raised in the minority views, plus the human concerns involved with the people in this proposed area should be more than enough reason for us to reject this proposed Convention Center.

And remember, your opponents may ask why you supported a project which was not going to be let to the "lowest and best" bidder. As a matter of fact—a project on which no bidding is required.

Mr. Chairman, this project has a peculiar aroma.

I urge my colleagues to employ some fiscal, humane, and political perspicacity to this question—and to reject H.R. 16645.

Thank you.

Mr. GRAY. Mr. Chairman, I yield 5 minutes to the very distinguished gentleman who is a delegate from the District of Columbia.

Mr. FAUNTROY. Mr. Chairman, I rise in support of H.R. 16645 which would, among other things, provide for the construction of a living memorial to the late President Eisenhower in the form of a civic center in the heart of the Nation's Capital. Of the 24 largest cities, Washington, D.C., is alone in being unable to provide adequate facilities for the national and international conventions which contribute substantially to the tax base and to the employment base of every other city.

The Eisenhower Center will help remedy that plight as well as guarantee the continuation of the efforts that will revitalize the downtown area. The Center will serve as the catalyst that will provide the base for the level and quality of development that has made the area west of 15th Street very successful and very desirable.

We anticipate that the annual yield from the additional conventions will exceed $50 million per year with a direct benefit to the District of more than $3 million per year. Without the Center, none of this is possible. More than 3,000 persons will be employed with the Center and more than 2,500 jobs will be created during its construction. Yet, the Federal contribution will be a maximum of $14 million. That will be used only to the extent that the center requires start-up funds for the first several years. The resultant rejuvenation of the area will bring additional tax benefits as well as employment and housing. There has never been a greater opportunity for this city than the creation of a major facility in the heart of downtown Washington. Unlike the stadium and the opera house, the Eisenhower Center will be right in the heart of the business district. It will serve the tourists and the citizens of the city as they move about in their daily business, as they visit the exhibits, and as they patronize the shops, the stores, and worship in the nearby churches. This center has been planned with the community in mind. It was moved to accommodate the needs of the Chinese community and a thriving business district. It is close to the bus terminals that provide access to all points in the Nation, particularly the eastern seaboard. It is within one block of two METRO stations which will provide access for visitors who are not using automobiles; and, it is near all of the existing hotels as well as those which are being planned.

I am enthusiastic about the Center; just as enthusiastic as everyone else in the city. The Mayor, the board of trade, the city council, RLA, as well as the National Capital Planning Commission have all endorsed the proposal. I join them and urge you to support this most worthwhile project.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. FAUNTROY. I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Chairman, I would ask the distinguished Delegate from the District of Columbia, is it not his feeling that when this is fully operational it will be generating new jobs and new hotels and that this will be the catalyst for a great deal of such activity and that it would be conceivable we could lower the Federal payment now required to be coming from all 50 States?

Mr. FAUNTROY. I am not really that confident on it to answer that, but I am confident it will enable us to expand our capabilities.

Mr. GRAY. I say, is it not conceivable that this could generate additional revenues so that will be possible?

Mr. FAUNTROY. It is conceivable. There is no question it will generate additional revenues in a whole area that has defied development and rejuvenation thus far.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. FAUNTROY. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Chairman, the gentleman says this new center would enable Washington, D.C. to attract some additional conventions which are not now available to the city. Could he perhaps list some of these major conventions that we cannot now attract?

Mr. GRAY. Mr. Chairman, if the gentleman will yield to me I will be glad to answer that.

Mr. FAUNTROY. I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Chairman, we have a list of 160 major organizations that are now bypassing Washington, D.C. because there are not enough facilities to accommodate 10,000 delegates and up. As an example, we have a letter from the National Education Association. The educators from all over the country would love to come to Washington. In fact they are airlifting their Washington staff all out throughout the country at a cost of a quarter million dollars a year because there is no place they could have their association meet here.

Mr. KYL. Mr. Chairman, if the gentleman will yield further, what this means is that Washington, D.C. will be taking a convention away from New York City or from Fort Worth or Los Angeles or some other place and bringing it to Washington.

Mr. GRAY. Mr. Chairman, if the gentleman will yield further, if the gentleman had studied conventions as we have in this bill, he would know generally the large organizations do not go to the same city twice. It is usually a musical chairs proposition. There are literally thousands of different conventions being held each year.

What we take in from here would be very, very small indeed from an individual city. The Shriners may meet in Dallas this year, and next year perhaps Chicago or some other place. In addition, we are missing an estimated 25 to 50 international conventions which no city in the country has at present.

We feel that if we have a large facility here, we can get the international groups started in the United States and have a reverse result. They might go to Iowa, Kansas City, Los Angeles next year, if they start. We had the Dulles International Airshow, Expo 72, as a good example. I have talked to a number of exhibitors from France and Great Britain and other places who stated that they would like to come here for international exhibits.

Mr. KYL. Will the gentleman yield?

Mr. FAUNTROY. I yield to the gentleman from Iowa.

Mr. KYL. Can the gentleman tell me whether the air show at Dulles International Airport was a financial success? Did that generate a lot of funds for the Dulles Airport or the United States, or did it cost the taxpayers of the United States?

Mr. GRAY. The Dulles Air Show, according to the Secretary, was a fantastic success. It was unfortunately marred with some accidents, but as far as the economics, it far exceeded expectations.

Mr. GROVER. Mr. Chairman, I yield 5 minutes to the gentleman from New Hampshire (Mr. CLEVELAND).

Mr. CLEVELAND. Mr. Chairman, I find certain aspects of this legislation under consideration to be rather humorous, or certainly ironic. I heard Mr. GRAY, the distinguished proponent of this bill, plead for a convention center so that we could bring educators among others down here for education conventions. I have not had any trouble communicating with the educators in my district. Every single time there is a bill or act, 10 or 15 of them seem to show up in my office either here or in the district. I do not think there is any particular need to have a convention center so that we can get more educators down here to speak to themselves and speak to the Members of Congress.

I find another humorous, ironic twist in the bill. For those of you who have not read it, I hope you do so before you vote. Also, I hope you read our dissenting views. Another irony in this bill is that it is being used as a vehicle to pay homage to some of our distinguished Members. I believe the ground rules are—the gentleman from Illinois can correct me if I am wrong—if a Member hangs onto his job for 10 years or more, he is going to get a building named after him.

I notice that one of the beneficiaries in this particular part of the bill, and why it was put in this particular vehicle, I can only surmise, but I find it rather ironic that in this bill we are going to pay homage to Doc HALL. I find it rather ironic that we are loading up the taxpayers with the expense of this bill, and in the same bill paying homage to Doc HALL. Doc is sitting here—as he has done so faithfully as a watchdog of the Treasury. I do not know if he is going to vote for or against this bill—it is going to be most interesting this afternoon to see how the good Doctor does vote on the bill and on the motions which we are going to offer.

I find it ironic to see that we have a great big monstrosity like this in Washington, and in the same bill we memorialize Doc HALL. It is amusing, and I see the Doctor smiling; he, too, appreciates the humor.

I find another thing: Who comes up here and asks to put 10 more acres of cement smack in the heart of the District of Columbia? Of course, officials from the District of Columbia.

They do not want any more of the people getting into this 10 acres of concrete. They will not let us build the Three Sisters Bridge so that people can travel around the District or through the District, but they want 10 acres of cement right in the heart of the District.

Where is the Washington Post? Every time we talk about paving over this Nation with highways, the Washington Post lights up like a Christmas tree. So does the Evening Star. There is outrage if we build highways, but this is the crowning irony. The Public Works Committee is spreading 10 acres of cement and pavement in the heart of the District, and doing it in the names of Doc HALL and General Eisenhower and other fine Congressmen mentioned here, and with the blessing of those who are outraged when we improve highways.

Let us all have a good laugh at this time of the year, because if we laugh at mortal things it is that we may not weep.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I do not have time to yield to my friend.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman, because I want to know what he has to say. He is also my chairman.

Mr. HAYS. I want to say that the gentleman's statement about the Washington Post lighting up like a Christmas tree would be more proper if we said it lights up like the red star over the Kremlin.

Mr. CLEVELAND. Hallelujah. I yielded to the right man. I am not going to bore the Members by reading the dissenting views, because I do not have the time to read the dissenting views. I will, of course, ask leave to put them in the RECORD later.

The dissenting views make several points which are very important. I want to echo one that is important; that is, the question of priorities.

We are all talking about priorities. Some of our opponents are going to talk about priorities.

Speaking about the Washington Evening Star, last week they had an editorial on Capital projects for the Capital City, in which they outlined $900 million worth of unbuilt buildings which needed building, such as schools and hospitals, and they pleaded with the Congress to come forth with the money over a period of 10 years to build these buildings.

I wrote the Evening Star a letter, and suggested that if they really meant what they said, if they wanted these projects, and wanted the Congress to do them in an orderly manner——

The CHAIRMAN. The time of the gentleman from New Hampshire has expired.

Mr. CLEVELAND. Will the gentleman yield me another minute and a half?

Mr. GROVER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. CLEVELAND. Time comes tough if one is against this project.

The Washington Evening Star, of course, did not bother to print my letter. It is too bad they did not.

As to the editorial, I will ask leave to have that printed in the RECORD, later with my letter.

The editorial makes the point that the problem of long-term budget priorities must be faced now. Many new and improved facilities around town are badly needed, and some are long overdue. Yet each project should be weighed carefully against other priorities. It would be tragic if this year's decisions make the next decade's budgets so tight and so inflexible that, for instance, tomorrow's children might be denied new teachers for the brand new buildings we build.

I see present on the floor the chairman of the District of Columbia Appropriations Subcommittee. He will confirm that there are these unfilled needs.

If we take this money, it is not only $14 million outright. It is the yearly maintenance expense that will also have to come out of the District of Columbia budget, over and above what we are going to pay for this glorified convention center for people to come down, to have a good time, to clutter up the streets. We will be denying the people of the District needed facilities, as outlined in the editorial.

Mr. Chairman, by leave hereafter obtained our dissenting views follows as well as the Star editorial and my letter to the Star which has not been published:

DISSENTING VIEWS ON H.R. 16645

We oppose those provisions of H.R. 16645 which authorize the construction of a Civic (Convention) Center in the District of Columbia. We do so for the following reasons:

1. The project is essentially a local business-generating enterprise for which direct or indirect Federal financial participation or guarantees are unwarranted.

The primary incentive and rationale put forward to justify the construction of a Civic Center is that it will stimulate business in Washington. It will allegedly do so by attracting large conventions to the city which otherwise would go elsewhere for lack of adequate local facilities to handle them.

We agree that the promotion of private business within the District of Columbia is desirable. More people coming to Washington will undoubtedly mean more business for local entrepreneurs—hotel and restaurant owners and other commercial enterprises. And, without a doubt, increased business will produce more jobs in this community (which however, would be reflected in less jobs in those communities throughout the United States which lost such conventions).

But the business and jobs which would be developed are primarily local in nature and import. Whether the Federal Government, through Federal taxes raised nationwide, should become involved in subsidizing the means to create them is questionable. Yet, under the terms of H.R. 16645, Federal credit and tax revenues are decidedly involved. Besides advancing $14 million of so-called start-up monies to launch the Civic Center when completed (Sec. 4(b)), the full faith and credit of the District is pledged in section 3(e) in the event of a failure or default of the Center to meet its obligations. Thus, if the project, like the illfated RFK stadium, is not a financial success, the District of Columbia will be obligated to indemnify private entrepreneurs and others who put money into the project.

We are mindful that the District generates approximately 70% of its operating revenues through local taxation. But the remainder of its budget is made up of direct appropriations from the Federal Treasury. This financial arrangement, with the Federal Government making a substantial contribution each year to the District, is likely to continue for the foreseeable future. Accordingly, should any additional financial burden be added to the District requiring substantial outlays under the full faith and credit pledge, such sums will predictably have to be paid out of the Federal Treasury. There are simply no surplus District revenues from which such sums could be drawn.

2. The Civic Center will not contribute measurably to the Nation's bicentennial celebration.

A secondary argument advanced to justify construction of the Civic Center is that it will play a role in the Nation's upcoming 200th birthday celebration. Proponents apparently believe that the Center will be used in connection with the celebration. If this project had been authorized a year or two ago, there might be some substance to this assertion. Indeed, the prospect of the timely completion of a showplace facility in which bicentennial activities could take place might help fill the vacuum created by the abdication and withdrawal of other cities around the country from bicentennial connected projects. But sadly, even the most optimistic forecasts indicate that completion of the Civic Center cannot be expected until *after* July 4, 1976— how much later no one can truly say. Under the circumstances, it would be unrealistic to suppose that the facility could play a meaningful role in the bicentennial.

3. Cost estimates for construction of the project are open to question.

If, as is often asserted, the past is prologue, costs for the Civic Center could escalate several fold prior to completion. That is what happened with the John F. Kennedy Center for the Performing Arts. Indeed, before the final voucher was submitted on the latter project, costs had escalated four times from $5 million to something over $20 million. If history repeats with the Eisenhower Center, the overall cost of the facility could be staggering.

As proposed to the Committee, the project is currently estimated at $65 million. A four fold increase in the cost of the Civic Center would come to a grand total of $260 million. Over a thirty year period (at 8% interest) the overall cost of the project could rise from the present estimate of $135 million, a total substantially exceeding half of billion dollars. Furthermore, if start-up costs underwent a similar escalation, costs would rise an additional $60 million.

4. The record of the District of Columbia in managing enterprises of this sort is questionable.

Illustrative of this point, is the unfortunate record of the RFK Stadium. Original estimates to the Congress for that project ranged between $5 and $6 million. It ended up costing over $20 million. Interest on the bonds issued to cover the cost of construction of the stadium amounted to $831,000 annually. Yet, the stadium today is not earning enough to cover such interest payments. As a result, although the Congress was solemnly assured at the time it approved the stadium project that it would not cost the American taxpapers a single dime, the Federal Government, because it had pledged its full faith and credit, is now being called upon to pay the Stadium's interest deficit (CONGRESSIONAL RECORD, page 19905, June 7, 1972).

Neither the District of Columbia nor the American taxpayer can afford a repetition of this type of financial fiasco.

5. The District of Columbia is already the beneficiary of massive Federal assistance for essentially local projects.

Besides the already mentioned JFK Center for the Performing Arts and the Robert F. Kennedy Stadium, the District of Columbia is the recipient of a long list of Federal projects of primarily local interest and benefit. The job and tax generating Federal facilities scattered throughout the city all come under this heading. Perhaps the piece de resistance of all such projects is the subway system now under construction. Federal authorizations and credit back this massive project to the tune of over $4 billion dollars. Under the circumstances, the District would seem to have more than its fair share of taxpayer supported facilities. To add yet another essentially local project to this long list seems both unfair and unwarranted.

6. The purchase contract arrangement authorized by this bill virtually eliminates legislative oversight by the Appropriations Committees of the Congress.

Construction of the Civic Center under the purchase contract arrangement proposed in this bill means that, for all practical purposes, the Appropriations Committees of the House and the Senate will have only minimal say and supervision over this project. This is so under the provisions of the Public Buildings Acts Amendments of 1972 recently approved by the Congress and signed into law by the President. Without continuous monitoring, a project like the Civic Center could easily get out of hand, as have other similar undertakings in the District. If that happens, Congress would have practically no power of supervision and reform, despite the fact that it will have to indemnify those who stand to lose if such excesses occur. In this connection, it is interesting to note that an amendment in Subcommittee to require that contract be let to the "lowest and best bidder, as determined by the Commissioner," failed.

7. In view of the huge Federal deficit, and in view of the many other pressing human needs in the District of Columbia and elsewhere around the country, this is a project that should be given a low priority and should not be approved by the Congress at this time.

For the foregoing reasons, which we regard as good and sufficient, we urge our colleagues concerned with good government and responsible financial management to oppose those provisions of H.R. 16645 authorizing construction of a Civic Center in the District of Columbia.

TENO RONCALIO, *Wyoming.*
JAMES C. CLEVELAND, *New Hampshire.*
GENE SNYDER, *Kentucky.*

[From the Washington Evening Star, Aug. 1972]

CAPITAL PROJECTS FOR THE CAPITAL CITY

Does your neighborhood need a new school, a clinic, a better playground? What kinds of public facilities will you want in the community by 1980? If you live in the District, this is the time to mull over such questions, for District officials are soliciting public comment right now on a proposed capital improvements program for 1974–79.

The six-year proposal now being circulated adds up to a $900 million catalog of construction all over town. It includes $267 million in school replacement and renovation, plus health centers, police and fire stations, the long-discussed new courthouse and new D.C. jail, recreation facilities, sewers, major street and bridge improvements, and such other items as the modernization of the Municipal Fish Wharf. Some projects are already in the works but require more money; about half are totally new. The only fields of city services left out are libraries, now being restudied, and higher education, since the District plans to seek federal grants to build permanent campuses for Federal City College and Washington Technical Institute.

The District is a long way from breaking ground for the new projects. After citizen comment has been assessed and the six-year program has been refined, each project will still have to be approved by the Mayor, the City Council, and of course the Congress before a penny may be committed for the work. Yet right now is the time when community ideas can be most influential, before city agencies get locked into specific sites and schemes.

One question which needs attention is the matter of cost. City residents will not only be using the new schools and streets for a generation or more; they will also be paying for them for at least 30 years, since the District finances its capital improvements through long-term treasury loans which are repaid from local tax revenues. The price tag is not small. This year $28 million of the District's operating budget is going to pay off capital construction loans. If every project already authorized by Congress is actually built, the debt burden could reach some $75 million per year by about 1980. And if all of the projects in the new six-year proposal are added to that, the annual claim on the District's treasury could soar to over $130 million within a decade.

Where would such sums come from? Part

might be gleaned from increases in local revenues, if the city's tax bases expand enough. But much of the annual debt might have to be repaid either by raising taxes or by cutting operating porgrams. Either approach would be painful. The Congress has already expressed concern about the prospects for such a future budget squeeze, for the District is also faced with large future commitments for employee pensions and other obligations which will have to be met.

The problem of long-term budget priorities should be faced now. Many new and improved faciilties around town are badly needed, and some are long overdue. Yet each project should be weighed carefully against other priorities. It would be tragic if this year's decisions make the next decade's budgets so tight and so inflexible that, for instance, tomorrow's children might be denied new teachers because the city is paying off new schools.

September 22, 1972.

Mr. Newbold Noyes,
Editor, Washington Evening Star,
Washington, D.C.

Dear Editor: Your editorial on "Capital Projects for the Capital City," which appeared on Tuesday, September 19, was most interesting. You spoke of the six-year proposal, adding up to $900 million of needed construction throughout the District. You suggested that the problem of long-term budget priorities should be faced now.

You pointed out that many new and improved facilities are badly needed in Washington, and that some are long overdue. You suggested that each project should be weighed carefully against other priorities. You also pointed out how tragic it would be if decisions now would make the next decade of budgeting so tight that perhaps tomorrow's children would be denied new teachers because the city is paying off new schools.

This editorial was not only interesting, but also probably more timely than you realized when you wrote it. At this very time the Public Works Committee has filed a report on legislation to provide for the construction of a civic center in the District of Columbia. In dissenting views in which I was joined by two colleagues, Congressman Roncalio of Wyoming and Congressman Snyder of Kentucky, we echoed some of the points made in your editorial. I enclose those dissenting views and hope that you can publish them if space permits.

We conclude in our dissenting views by pointing out that in view of the huge federal deficit, and in view of the many other pressing needs in the District and elsewhere around the country, the proposed civic center should be given a low priority and should not be approved by the Congress at this time.

Sincerely,

James C. Cleveland,
Member of Congress.

Mr. GRAY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Wyoming (Mr. Roncalio).

Mr. RONCALIO. Mr. Chairman, one of the highlights of my career here has been service on the Committee on Public Works. I have great respect for the ability and dedication of its chairman; of Bob Jones in pinch-hitting for the chairman; and particularly the chairman of the subcommittee, for which I have such high regard, Ken Gray, who is the chairman in charge of this legislation. We see teamwork and dedication on that committee, and it is an excellent committee.

It is with a little reluctance that I rise to oppose this legislation unless the amendment to strike the convention center from it is agreed to, which will be offered by my two cosponsors of the minority views, Mr. Cleveland and Mr. Snyder, later in the afternoon.

I can only say that I know of nothing more monstrous, in my opinion, than to allow this legislation to pass as it is. This was originally put to us, about 2 months ago, as a sports palace for a hockey team, and the convention center. The sports palace was to be financed by free enterprise money, borrowed from some banks, and other lending institutions. The people behind that decided to go out on the beltway, which is the new main street. Pennsylvania Avenue is not the main street any more; the beltway is.

The Beltway is the main street; that is the only street. And what you have in business out there now is a hockey team and all the financial success that counts, and that is not going to be downtown, off of Capitol Hill.

I have often argued for decentralization of our Federal establishment many times. We know how difficult it is to write law in this District of Columbia, and if you are going to compound now the choking traffic situation around here, the congestion in the District, and the deterioration of the legislative way of life by adding yet another 10 or 15 acres of concrete at the bottom of Capitol Hill. I suggest that is going to make it that much more difficult. And I suggest to my colleagues then you had better start thinking about the sixth move of the Capitol of the United States of America. As we know, it went from Boston to New York, then to Philadelphia, to Annapolis, and then here, to get away from the merchant men influence now twisting our tails again, this time to underwrite their palace downtown for conventions.

During this past fiscal year we have spent $30 billion more than we have taken in. We are a fiscally irresponsible Government that is $400 million in debt, headquartered in a district whose human needs far transcends in every conceivable way the needs of the people for a Convention Center.

At least if it has to be built, it could be built in a different location, some place where we have places to park, and it could be built in such a way that it would be useful to the people of this community, not just for visiting conventioneers.

I am going to ask the Members to remember the summers we have spent here and the difficulties we have gone through in the writing of law. For instance, how many persons have we seen picketing in the last two summers? And I would ask, "How will it be when we are confronted with a Convention Center 10 blocks away?" And further. I would ask, "Is this what the Nation's Capital is supposed to be all about?"

Mr. GROVER. Mr. Chairman, I yield 2 minutes to the distinguished minority leader (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. Mr. Chairman, I take this time because I wish to bring to your attention a communication that I received that I in good conscience think I should read to the Members.

As you know, 4 or 5 years ago the Congress initially supported and then later additionally supported the Eisenhower College in New York State, and at that time the Eisenhower family indicated, through Mrs. Eisenhower and others in the family, that the real memorial—and I quote "memorial"—was Eisenhower College as far as the family was concerned.

I have an obligation to read the letter, because it is a letter from Mamie Doud Eisenhower addressed to me, dated September 23, 1972:

Dear Congressman Ford: Lauris Norstad has just told me of the urgency of a personal note attesting to mine and the Eisenhower family's verification that Eisenhower College fulfills my husband's wish for a memorial.

Ike had a strong desire to see Eisenhower College given the best of everything and a chance to survive.

Rather than take the time for a full restatement, I have asked Lauris to send you a copy of my testimony before the Senate Committee on Banking, Housing and Urban Affairs. It also includes testimony of Milton and John.

For you personally, I want to offer renewed assurance that anything you can do to assist the college will meet our fondest wishes, as well as carry out everything my husband tried to do in expressing his belief in the college. It pleased him most that generations of students would really make it a living memorial in contrast to a monument of stone.

Sincerely,

Mamie Doud Eisenhower.

I felt obligated to make it crystal-clear that the family, from the point of view of a memorial, wanted support for Eisenhower College more than anything else in tribute to General Eisenhower.

I understand there is a letter in the testimony of the committee from Mrs. Eisenhower stating that the family is not objecting to the use of the name for the civic center. But it also appears to me from this correspondence that the family's desire for a memorial is to have the college and nothing else.

In conclusion I fully respect the views of the Eisenhower family and support them, however, I do favor this bill and trust it will pass.

Mr. GRAY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I did not intend to take any additional time, but I believe I should set the record straight.

I agree with everything that the distinguished minority leader said about Mrs. Eisenhower. This bill comes with the personal support of the President of the United States after consultation with the Eisenhower family.

I quote a letter dated July of this year from Mrs. Eisenhower:

Dear Congressman Gray: Thank you for your letter of July the twentieth.

I have no objections at all to your naming the proposed convention center in Washington, D.C. in honor of my beloved husband. It not only would be a tribute to his memory but it would focus attention on our Nation's Capital and, as you say, it would be a useful functional facility that people could enjoy.

With my warm regard and best wishes,

Sincerely,

Mamie Doud Eisenhower.

I know the distinguished minority leader did not want to leave the impression that Mrs. Eisenhower is not fully in accord with what we are attempting to do here today.

Second, Mr. Chairman, I want to set

the record straight about what we are doing here with regard to pollution and traffic congestion in this city.

We are trying to alleviate the traffic congestion existing on the streets of Washington. On any given day now during tourist season you will find 50,000 vehicles on the streets of Washington running up and down the streets and clogging the streets.

If you heard my remarks earlier, you heard me say that we are going out for bids next week on the National Visitors Center, with 2,500 parking places there. We will hook up with the Eisenhower Center with possibly 2,000 or 3,000 parking places there. Every time we fill up one 80-passenger bus at these facilities we eliminate 30 vehicles on the streets of Washington. This is the only way that we will stop pollution and stop traffic congestion; we must get people into public transportation.

In addition to that, Mr. Chairman, I see our very distinguished friend from Kentucky (Mr. NATCHER) here, who has worked so hard on the Metro system. The stops at this proposed Eisenhower Center, two stops, will be operational by 1976. Many people will want to go from the visitors center to the Eisenhower Center by the Metro.

I want to assure you that we have studied this matter very carefully. The plans we bring to you with an expenditure of no taxpayers' money for the visitors center and with an expenditure of no taxpayers' money for at least 5 years on the Eisenhower Center and no more than $14 million to be spent over the next 8 years is a very modest amount.

This is the only way that you will get rid of the traffic congestion and the air pollution in this great city. This project is supported by all the radio stations, the Washington Post and the Star News in addition to the business community. They know what is good to eliminate traffic congestion and pollution in Washington. It is this proposal.

Why is every city in the United States building a new civic center? They know that a civic center is the lifeblood of downtown. In Richmond they have built a new civic center and in Newport News and in Ocean City and Los Angeles, Las Vegas, and New York, and many other areas. Why have all of these cities built a civic center? Because they know you have to have people coming downtown and spending their dollars. This is what we want for Washington.

My friends, let me tell you that I have no personal ax to grind, and this is no aggrandizement for KEN GRAY, but during the time that I have served in this Congress 50,000 people have moved from the center of the city and into the suburbs. What happened when we had a proposal for a convention center and sports arena, and everybody got up on the floor and called it a boondoggle, and then what happened? Mr. Abe Pollin is now building an 18,000 seating capacity arena out in the country in Largo, Md., and what could happen is that your families will have to drive out there through all the traffic if they want to see the circus, or if they want to see the boat show, or the auto show, or to see any of the other activities because when he finishes his arena, he will siphon off all of the activities of downtown Washington with millions of dollars lost in tax revenues.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GROVER. Mr. Chairman, I yield 5 minutes to the distinguished and illustrious gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I want to warn the Members of this House not to expect the same kind of oratory they just listened to.

Mr. Chairman, during his entire retirement, I had the honor and privilege of representing a gentleman who was probably better known and more highly respected the world over than any man in modern history. The only home he could ever call his own is located in the congressional district I serve.

Probably I am the last man in this Congress who should oppose the erection of the Dwight David Eisenhower Civic Center, but I cannot, in good conscience, support another project in this city which will inevitably become another Federal boondoggle.

I was not a Member of this body when the D.C. Stadium was authorized. The record indicates that proponents assured the membership of this body that the project would be self-supporting and Mr. and Mrs. Taxpayer would never be required to put 1 dollar into the project. It would be entirely self-supporting. The D.C. Stadium Act passed this House, August 10, 1959, during the 86th Congress.

It is October 3, 1972. We are in the 92d Congress. Information I have indicates not one bond has ever been retired, and a great deal of tax money is required each year to pay the interest on those bonds.

Many who are here today heard countless speeches of the Patrick Henry variety by the proponents of the Kennedy Center for the Performing Arts. We were assured over and over by the gentleman from Illinois and others that not 1 penny of public money would ever go into this project. Construction and maintenance would be done solely from public contributions. The record has refuted those original statements practically every year since the original bill was enacted. We not only poured millions into construction from the public till, but we are now called upon annually for additional millions for maintenance.

Oratory will and has again filled this chamber with meaningless words. The get-something-for-nothing with no cost to anyone group is busy. I assume each of you received a telegram from Mr. John W. Stadler, president, Metropolitan Board of Trade. Listen again to his one sentence: "This center, a District of Columbia project requiring minimal Federal funds, will generate sufficient new business to pay for itself, contrary to experience of the D.C. Stadium and Kennedy Center." Does Mr. Stadler have figures to verify that statement? Most of us here today heard similar language in connection with the Kennedy Center. Are Mr. Stadler and his business associates willing to put their names on legal paper which would assure the Congress this will not be another D.C. Stadium or Kennedy Center? Businessmen today are looking for good investments that pay reasonable returns. Why do they not assume all the obligations?

The Federal Government is not in any financial position to make speculative loans. Many of us saw the first $100 billion budget approximately 10 years ago and all were generally agreed it should go no higher. At about the same period, our national debt ceiling was $186 billion.

Before the 92d Congress adjourns, we will be asked to vote on a resolution saying the expenditures for 1973 may not exceed $250 billion. Since 1961 the debt ceiling has been raised 17 times. It now stands at $450 billion. Before adjourning, we will also be asked to raise that figure to $465 billion.

Is it not about time the Congress shows some sense of fiscal sanity?

Is it not about time to do some real serious belt tightening?

General Eisenhower does not need an additional national memorial. He has built his own memorial in the hearts and minds of men and women the world over.

I personally do not believe we can afford another governmental luxury.

Mr. GROVER. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. Mr. Chairman, there can be no doubt of the administration's full and unequivocal support of this legislation.

The city of Washington so far as the decay and poverty are concerned is no different from the heart city of any other great metropolitan area in this country. We must renew the economic vitality and viability of the inner city of Washington, as we must of all these other cities.

This civic center will bring revenue and taxes and it will help offset the Federal payment, which is a paramount problem of the Congress. It is estimated that the center will bring a minimum of $50 million a year into the city. It is vitally needed. Upon completion, the center will create 3,000 new jobs. They too are greatly needed.

Only Washington of 24 of the largest cities in this Nation does not have a civic center.

I urge your support of this legislation. And I want to commend the gentleman from Illinois (Mr. GRAY) in particular, for his eloquent and persuasive work on behalf of this legislation.

Mr. GROVER. Mr. Chairman, I yield myself the balance of the time remaining.

Mr. Chairman, this project has received intensive study, not just by the Committee on Public Works, the Subcommittee on Public Buildings and Grounds, but by experts who were retained by the committee to study it over a period of some 18 months or 2 years.

I am in complete support of the project. I believe the gentleman from Illinois made the most compelling arguments in its favor. The President of the United States endorses it and supports it. Mrs. Eisenhower has endorsed the project. I believe the minority leader supports it. I do support it, and I ask my colleagues to support it.

Mr. Chairman, H.R. 16645 authorizes the District of Columbia to construct a civic center in the downtown area of Washington, D.C. The purpose of the center is, first, to honor the memory of President Dwight David Eisenhower. Second, to provide a facility that may be used in connection with the 1976 bicentennial during which we may expect to host millions of Americans and foreign visitors. And, third, to provide for the District of Columbia a facility that can be used to enhance the city's major industry, that of tourism, by providing a suitable place for major national and international conventions. Fourth, to revitalize a rapidly deteriorating section of the District of Columbia by creating a new economy and social vitality in the central core of the District. It is anticipated that the activities of the civic center will generate new jobs and new tax revenues for the District, and will generate a badly needed 24-hour population in the heart of the downtown area.

Mr. Chairman, I should like to emphasize the full support of President Richard M. Nixon for the construction of the Dwight D. Eisenhower Memorial Bicentennial Civic Center. President Nixon expressed this support in a letter to the distinguished chairman of the Subcommittee on Public Buildings and Grounds, KENNETH J. GRAY, dated August 17, 1972. At that time, President Nixon urged the early enactment of this measure and expressed his belief that the development of the Center will provide "new jobs, new economic development, and new life in the downtown area of our Nation's Capital." He further expressed his belief that such a development is essential both to the future viability of the central core of Washington and to the continued vitality of the city as the seat of the Nation's Government.

The second portion, sections 5 through 33, provide for naming public buildings in honor of distinguished, dedicated Members of Congress who served the House and have enriched the Nation with their efforts on its behalf. To honor these men, in my opinion, is a fitting and proper thing which would serve to honor the Congress of the United States as well as those whose names are recognized by this legislation.

Section 34 extends for an additional two periods authority for our previous Speaker to maintain his offices and staff.

Mr. Chairman, I support H.R. 16645 and urge the Members of this body to vote favorably for it.

Mr. HALPERN. Mr. Chairman, I rise in enthusiastic support for H.R. 16645, the bill which establishes the Eisenhower Memorial Bicentennial Civic Center. It has been my belief for some time now that our Nation's Capital City deserves and indeed, urgently needs, the proposed civic center. As we all know, in just a few short years we will be celebrating America's 200th anniversary and at the heart of our efforts, certainly, should be a tribute to our great President Dwight D. Eisenhower. I can think of no finer tribute, Mr. Chairman, than that of the Eisenhower Civic Center.

It will, in large measure, serve as a base and support for much of what we hope to accomplish during and after our bicentennial. There is every reason to believe that the construction of the civic center will result in a revitalization and a new growth for the city of Washington, D.C. It will also bring additional and much needed revenue to the District and will create many additional jobs.

I note with great interest that the President has stated his strong support for this legislation which would authorize the District Government to build this great convention center complex in the downtown area. Despite the fact that he sees this as a local project, he said he would request authorization for a Federal contribution to the center. I further note that H.R. 16645 proposes that the Federal share of carrying out the purposes of the Eisenhower Memorial Bicentennial Civic Center Act shall not exceed $14 million as a contribution to the District of Columbia.

The return to the people of the District—as well as the people of the whole Nation—will far exceed the cost of the proposed civic center, not only in economic terms but equally important in terms of the human needs that will be met by providing facilities for events of national and international importance.

As Mayor Walter Washington has stated:

> We must remember that our city is a city of tourists, a city that belongs to the Nation. Between twenty to twenty-five million people come here to visit their city, and it is altogether fitting and proper that such a facility . . . be considered.

Indeed also, it is altogether fitting and proper to construct such a splendid memorial to our late and great President, Dwight D. Eisenhower—an outstanding American who loved his Nation and served it so well during times of crisis during peace and war.

And it is fitting and proper to look to the future of the District of Columbia, and to the enhancement of the Nation's bicentennial year. I enthusiastically support the efforts to construct the Dwight D. Eisenhower Memorial Bicentennial Civic Center, and I urge the favorable consideration of this bill by my colleagues in the House.

Mr. JAMES V. STANTON. Mr. Chairman, I am tremendously pleased, and somewhat humbled, to have this opportunity to propose that we honor a great American today by giving his name to the new Federal building in downtown Cleveland, Ohio. The man I refer to is well known to Members of Congress, and his service to this Nation—which he is still rendering—will long be remembered by the people of the United States. It comes as no surprise, Mr. Chairman, I am sure, that the name I am advancing here is that of the Honorable Anthony J. Celebrezze, since 1965 one of the distinguished jurists on the U.S. Court of Appeals at Cincinnati, Ohio. Most of you will remember him as the Secretary of Health, Education, and Welfare under two Presidents—Presidents Kennedy and Johnson. I myself remember him primarily as the mayor of Cleveland—the first and only person to have been elected to that exalted office for five consecutive terms. Others in the Ohio delegation, in this chamber, will remember Judge Celebrezze as the highly effective Ohio State senator from the Cleveland area—in the days before he became mayor. But the people, Mr. Chairman, while remembering Judge Celebrezze for all these offices he has held, are aware of him primarily as an honest and decent human being—as an embodiment of the American dream, because of his humble origins—as statesman whose concern for people has helped to continue the governmental traditions that have made our country the greatest in the world.

I think it is noteworthy, Mr. Chairman, that the man I propose to honor today is not a native of the United States. He was born in Italy and was brought here as a child. He was reared in a poor Cleveland neighborhood, having virtually no material advantages but possessing the kind of headstart that really counts—that being his good fortune in having been born to a family with a high sense of honor and a strong feeling of patriotism for their adopted land.

Most Clevelanders remember Judge Celebrezze's distinguished older brother, the late Frank Celebrezze, who had a distinguished record of public service as the safety director of Cleveland and, later, as a judge of the Municipal Court. With his brother as his mentor, Judge Anthony Celebrezze embarked on a career that has not only enriched the lives of American citizens generally but which also has brought honor to, and instilled pride in, all Americans of Italian descent.

Mr. Chairman, Judge Celebrezze was the first foreign-born mayor of Cleveland. He was the first Italian-American to serve in the Cabinet of a President of the United States. He was the first Italian-American to sit on the U.S. court of appeals.

I will not recount here—I leave that to his biographers—all the achievements of this great American. But it is fitting to note that the Federal building which I trust will bear his name was begun during the time that Judge Celebrezze was mayor of Cleveland, and he did a great deal, as mayor, to lay the foundation for that building. It is also worth noting that he served as HEW Secretary during the time when social and health programs were expanded at a pace unprecedented in the history of the United States. For example, Judge Celebrezze, as Secretary, can justly lay claim to having been instrumental in giving the American people such programs as medicare and Federal aid to education. Many of you sitting here are, of course, aware of this, since Judge Celebrezze personally interceded with many of you to see to it that these programs were enacted into law.

Mr. Chairman, I am certain that, if a poll were taken in Cleveland for this special purpose, the people of that city would, virtually unanimously, themselves propose that the Federal building be named for this great American. They will long remember him for what he has done for Cleveland and the Nation, and I am certain they will want their children and grandchildren to remember him also.

Mr. KEE. Mr. Chairman, I rise in enthusiastic support of this legislation H.R. 16645, to which our distinguished chairman, Mr. GRAY of Illinois, the members of his Public Works Subcommittee, President Nixon, Mayor Washington, and hundreds of dedicated public citizens of the District of Columbia, have devoted so much of their time and energies and their talents.

This measure will not affect the budget for 5 years. In no event will this exceed $14 million. This project, which is both a tribute to the memory of a beloved President of our country and an economic necessity to the residents of our Nation's Capital, has been studied and restudied for more than 4 years. Every detail of its financing, location, construction and operation has been worked out so far as is humanly possible. It remains only for the Members of this body to let it go forward.

The Washington business community supports this legislation, as do the great majority of the citizens who live and work in the downtown area that will be revitalized and reinvigorated by the presence of this civic center and the millions of visitors who will be attracted to it in the years ahead.

The jobs and the economic activity that will be created by this center in the heart of our Capital City are sorely needed by the people of this community. They look to us for action.

Mr. Chairman, the plans for the Eisenhower Center call for occupancy by July 4, 1976, when we begin the Bicentennial celebration of these United States. We can meet that deadline. It is essential that we approve H.R. 16645 today.

Mr. Chairman, this proposal is vital to the interest of "Our Nation's Capital"—to the residents of the United States who take their time to come to Washington to actually see—to enjoy—the history which belongs to all Americans.

Mr. FRENZEL. Mr. Chairman, I reluctantly will vote against H.R. 16645, the Eisenhower Memorial Civic Center. Admittedly, the Center is needed and will be a useful addition to the Federal City.

But, Washington has a pending backlog of $900 millions for urgently needed facilities now. Colleges, schools, hospitals, prison improvements, court improvements, et cetera, would be placed in a position of second priority by the passage of this bill. I think the civic center should be second priority to these other more urgent needs.

Since Congress has been so reluctant to fund the D.C. Transit System, I do not see why we should be in such a hurry to fund a civic center.

Mr. VANIK. Mr. Chairman, I am in hearty support of an appropriate memorial in honor of the late Dwight D. Eisenhower, 34th President of the United States. Although the Eisenhower family does not object to this legislation, which provides for an Eisenhower Convention Center, the family has indicated its preference for a memorial of an educational nature and I have supported legislation to achieve that goal.

I am also in hearty support of those provisions of H.R. 16645 which were added as a committee amendment to name the Cleveland Federal office building after the Honorable Anthony J. Celebrezze, former mayor of the city of Cleveland, State senator, and distinguished former Secretary of the Department of Health, Education, and Welfare, and presently serving as a respected jurist on the U.S. court of appeals.

I oppose the provisions of this bill which would require the taxpayers of the United States to commit the spending of $14 million downpayment on a convention center in the city of Washington, which could eventually cost $100 million. This project is being vigorously proposed by land speculators, developers, and hotel owners who would reap the bonanza of extra convention business and high profits.

The taxpayers of America are already paying $1 billion and perhaps an extra billion to build a subway system in the city of Washington, a new multi-million-dollar visitors center, and additional millions to pay off the debt on the District of Columbia Memorial Stadium.

The District of Columbia, with its national shrines, and the tremendous Federal Establishment as the seat of the Government, is already overwhelmed with tourist attractions. There is no real basis for making Washington a convention city at the expense of every other community in America. Something should be left for the other cities of America which build and maintain convention facilities at their own expense and which are struggling for economic survival.

We must reverse the flow of tax dollars to Washington and back to the communities from which these dollars come.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Dwight D. Eisenhower Memorial Bicentennial Civic Center Act."

SEC. 2. The Congress hereby finds and declares that—

(1) it is essential to the social and economic development of the District of Columbia to establish major centers of commercial and economic activity within the city;

(2) such a center of activity would result from the development of a civic center located in the downtown area of the District of Columbia;

(3) a civic center would (A) attract large numbers of visitors to the downtown area and result in increased business activity in the area surrounding the center; (B) enable national organizations to hold their conventions and other meetings in the District of Columbia and thereby encourage citizens from the entire Nation to visit their Capital City; (C) provide a new source of revenue for the District of Columbia as a consequence of its operations and the expanded commercial activities resulting therefrom; and (D) provide expanded employment opportunities for residents of the District of Columbia;

(4) it is fitting that said civic center be established as a memorial to the late President, Dwight D. Eisenhower;

(5) the prompt provision of major convention facilities in the District of Columbia will significantly contribute to the commemoration of the Nation's bicentennial year; and

(6) the powers conferred by this Act are for public uses and purposes for which publice powers may be employed, public funds may be expended, and the power of eminent domain and the police power may be exercised, and the granting of such powers is necessary in the public interest.

SEC. 3. The Public Buildings Act of 1959 (73 Stat. 479), as amended (40 U.S.C. 601 et seq.), is amended by adding at the end thereof the following new section:

"SEC. 18. (a) In order to provide for the District of Columbia facilities for the holding of conventions, exhibitions, meetings, and other social, cultural, and business activities, the Commissioner of the District of Columbia (hereinafter, 'Commissioner') is authorized to provide for the development, construction, operation, and maintenance of the civic center to be designated as the Dwight D. Eisenhower Memorial Bicentennial Civic Center on a site in the Northwest section of the District of Columbia within an area bounded by Eighth Street, H Street, Tenth Street, New York Avenue, and K Street.

"(b)(1) Such civic center shall be in accordance with a plan, indicating the design and estimated costs, approved by the Commissioner and the District of Columbia Council, and approved by the National Capital Planning Commission pursuant to section 5 of the National Capital Planning Act of 1952 (D.C. Code, sec. 1–1005) and section 16 of the Act approved June 20, 1938 (D.C. Code, sec. 5–428), and reviewed by the Commissioner of Fine Arts to the extent required by section 1 of the Act approved May 16, 1930 (D.C. Code, sec. 5–410).

"(2) Notwithstanding the provisions of section 12 of the District of Columbia Redevelopment Act of 1945, as amended (D.C. Code, sec. 5–711), the urban renewal plan, approved pursuant to section 6(b)(2) of such Act (D.C. Code, sec. 5–705(b)(2)), for an urban renewal area in which the civic center is located shall be deemed to be modified by the plan approved pursuant to this subsection and the National Capital Planning Commission shall certify such urban renewal plan, as modified, to the District of Columbia Redevelopment Land Agency.

"(3) In the development of the civic center in accordance with the plan approved pursuant to this subsection, the Commissioner, notwithstanding any other provision of law, may open, extend, widen, or close any street, road, highway, or alley, or part thereof, by the filing of a plat or plats in the Office of the Surveyor of the District of Columbia showing such opening, extension, widening, or closing.

"(c) The Commissioner shall acquire by purchase, gift, condemnation, or otherwise, all real property necessary to provide for the civic center.

"(d)(1) The Commissioner is authorized to enter into purchase contracts, including negotiated contracts, for the financing, design, construction, and maintenance of the civic center. The Commissioner is further authorized to lease the site described in subsection (a) at a nominal rental for a period of not more than thirty-five years. The payment term of said purchase contracts shall not be more than thirty years from the date of acceptance of the civic center and such purchase contracts shall provide that title to the civic center shall rest in the District of Columbia at or before the expiration of the contract term and upon fulfillment of the terms and conditions stipulated in the purchase contracts. Such terms and conditions shall include provision for the application to the purchase price agreed upon therein of installment payments made thereunder.

"(2) Such purchase contracts shall include such provisions as the Commissioner, in his discretion, shall deem to be in the best interest of the District of Columbia and appropriate to secure the performance of the obligations imposed upon the party or parties that shall enter into such agreement with the Commissioner. The purchase contracts shall provide for payment to be made to—

"(A) amortize the cost of site acquisition, including relocation payments required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and such other moneys as may be advanced by the contractors to the District of Columbia;

"(B) amortize the cost of construction of improvements to be constructed;

"(C) provide a reasonable rate of interest on the outstanding principal as determined under subparagraphs (A) and (B) above; and

"(D) reimburse the contractors for the cost of any other obligations required of them under the contract, including (but not limited to) payment of taxes, costs of carrying appropriate insurance, and costs of repair and maintenance if so required of the contractors.

"(3) For the purpose of the purchase contracts provided by this subsection for the erection of the civic center, the Commissioner is authorized to enter into agreements with any person, copartnership, corporation, or other public or private entity to effectuate any of the purposes of this subsection.

"(e) The full faith and credit of the Government of the District of Columbia is hereby committed to guarantee, upon such terms and conditions as may be prescribed by the Commissioner, the fulfillment of all obligations imposed by the provision of this section.

"(f) (1) The Commissioner is authorized to accept and administer gifts, personal services, securities, or other property of whatever character to aid in carrying out the purposes of this section.

"(2) The Commissioner is further authorized to provide for the operation of any or all aspects of the civic center by any department or agency of the Government of the District of Columbia, or may provide for the performance of such operations, including the use or rental of the civic center or its equipment, motor vehicle parking facilities, concessions, and other activities, by contract entered into with any person, copartnership, corporation, or other public or private entity, upon such terms and conditions as may be stipulated in the agreements, and for such purposes may utilize or employ the services of personnel of any agency or instrumentality of the United States or the District of Columbia, with the consent of such agency or instrumentality, upon a reimbursable or nonreimbursable basis, and may utilize voluntary or uncompensated personnel."

SEC. 4. (a) There is authorized to be appropriated out of the revenues of the District of Columbia such sums as may be necessary to carry out the purposes of this Act. Such sums shall remain available for obligation until expended.

(b) There is authorized to be appropriated, without fiscal year limitation and out of any money in the Treasury not otherwise appropriated, not to exceed $14 million for a contribution to the District of Columbia as the Federal share of carrying out the purposes of this Act.

SEC. 5. The Federal office building and United States courthouse to be constructed in the southwest portion of that block bounded by Mitchell Street, Pryor Street, Central Avenue, and Trinity Avenue, in Atlanta, Georgia, is hereby designated as the "Richard B. Russell Federal Building", in memory of the late Richard Brevard Russell, a distinguished Member of the United States Senate from 1933 to 1971, and any reference to such building in any law, regulation, document, map, or other paper of the United States shall be deemed a reference to such building as the "Richard B. Russell Federal Building".

SEC. 6. The Federal building to be constructed in the block bounded by the west side of New Orleans Avenue north of Main Street, and the east of Jackson Street, in Hattiesburg, Mississippi, shall hereafter be known and designated as the "William M. Colmer Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such Federal building shall be held to be a reference to the "William M. Colmer Federal Building."

SEC. 7. The Federal building to be constructed in the block of West Commerce Street bounded on the west side by Columbus Street and on the east side by James Street in Aberdeen, Mississippi, shall hereafter be known and designated as the "Thomas G. Abernethy Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such Federal building shall be held to be a reference to the "Thomas G. Abernethy Federal Building".

SEC. 8. The Federal building being constructed in the block bounded by Ninth Street Northwest Tenth Street Northwest, E Street Northwest, and Pennsylvania Avenue Northwest, in the District of Columbia, shall hereafter be known and designated as the "J. Edgar Hoover F.B.I. Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such Federal building shall be held to a reference to the "J. Edgar Hoover F.B.I. Building".

SEC. 9. The Federal office building now under construction in the Capital Plaza area of Frankfort Kentucky, is hereby designated as the "John C. Watts Building". Any reference in a law, map, regulation, document, record or other paper of the United States to such building shall be held to be a reference to the "John C. Watts Building".

SEC. 10. The Federal building in the block bounded by Second Street Southwest, Third Street Southwest, Cleveland Avenue South, and Dewalt Avenue South, in Canton, Ohio, shall hereafter be known and designated as the "Frank T. Bow Federal Building". Any reference in a law, map, regulation, document, record or other paper of the United States to such Federal building shall be held to be a reference to the "Frank T. Bow Federal Building".

SEC. 11. The jet propulsion laboratory at 4800 Oak Grove Drive, Pasadena, California, shall hereafter be known and designated as the "H. Allen Smith Jet Propulsion Laboratory". Any reference in a law, map regulation, document, record, or other paper of the United States to such jet propulsion laboratory shall be held to be a reference to the "H. Allen Smith Jet Propulsion Laboratory".

SEC. 12. The Federal building at 1515 Clay Street, Oakland, California, shall hereafter be known and designated as the "George P. Miller Federal Building". Any reference in a law, map, regulation, document, record or other paper of the United States to such building shall be held to be a reference to the "George P. Miller Federal Building".

SEC. 13. The United States courthouse and Federal building at 302 Joplin Street, Joplin, Missouri, shall hereafter be known and designated as the "Durward G. Hall Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Durward G. Hall Federal Building".

SEC. 14. The United States courthouse and Federal building at 225 Cadman Plaza, Brooklyn, New York, shall hereafter be known and designated as the "Emanuel Celler Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Emanuel Celler Federal Building".

SEC. 15. The post office, United States courthouse and Federal building at 401 West Trade Street, Charlotte, North Carolina, shall hereafter be known and designated as the "Charles R. Jonas Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Charles R. Jonas Federal Building".

SEC. 16. The United States courthouse and Federal building at the corner of Princess Street and Water Street, Wilmington, North Carolina, shall hereafter be known and designated as the "Alton Lennon Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Alton Lennon Federal Building".

SEC. 17. The post office and Federal building now under construction in the block bounded on the north by East Sixth Street, west by North Diamond Street, south by East Fifth Street, and east by North Adams Street, Mansfield, Ohio, shall hereafter be known and designated as the "Jackson E. Betts Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Jackson E. Betts Federal Building".

SEC. 18. The Federal building in the block bounded on the north by Edmond Street, south by Charles Street, west by Eighth Street, and east by Ninth Street, St. Joseph, Missouri, shall hereafter be known and designated as the "William R. Hull Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "William R. Hull Federal Building".

SEC. 19. The United States courthouse and Federal building to be constructed in the block bounded on the north side by Lombard Street, east by Hanover Street, south by Pratt Street, and west by Hopkins Place, Baltimore, Maryland, shall hereafter be known and designated as the "Edward A. Garmatz Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Edward A. Garmatz Federal Building".

SEC. 20. The post office and Federal building to be constructed in New Bedford, Massachusetts, under authority of the Public Buildings Amendments of 1972, Public Law 92–313, shall hereafter be known and designated as the "Hastings Keith Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Hastings Keith Federal Building".

SEC. 21. The post office and Federal building at 333 West Fourth Street, Tulsa, Oklahoma, shall hereafter be known and designated as the "Page Belcher Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Page Belcher Federal Building".

SEC. 22. The Federal building at the corner of Main Street and High Street, Farmville, Virginia, shall hereafter be known and designated as the "Watkins M. Abbitt Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Watkins M. Abbitt Federal Building".

SEC. 23. The Federal building to be constructed in Roanoke, Virginia, under authority of the Public Buildings Amendments of 1972, Public Law 92–313, shall hereafter be known and designated as the "Richard H. Poff Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Richard H. Poff Federal Building".

SEC. 24. The post office and Federal office building at the corner of Lincoln and Central Streets, Essex Junction, Vermont, shall hereafter be known and designated as the "Winston Prouty Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Winston Prouty Federal Building".

SEC. 25. The Earth Resources Observation System Facilities Development Foundation at 101 West Ninth Street, Sioux Falls, South Dakota, shall hereafter be known and designated as the "Karl E. Mundt Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Karl E. Mundt Federal Building".

SEC. 26. The Department of Health, Education, and Welfare South Building located at 330 C Street Southwest, Washington, District of Columbia, is hereby designated, and shall be known as, the "Mary Switzer Memorial Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Mary Switzer Memorial Building".

SEC. 27. The Federal office building to be constructed in Fitchburg, Massachusetts, on the site bounded by Maine and Academy Streets on the Marrman Parkway, is hereby designated and shall be known as the "Philip J. Philbin Federal Office Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Philip J. Philbin Federal Office Building".

SEC. 28. The post office and Federal office building to be constructed in the block bounded by Grinage Street, Verret Street, Lafayette Street, and High Street in Houma, Louisiana, is hereby designated as the "Allen J. Ellender Post Office and Federal Office Building", in memory of the late Allen J. Ellender. Any reference to such building in any law, regulation, document, map, or other paper of the United States shall be deemed a reference to such building as the "Allen J. Ellender Post Office and Federal Office Building".

SEC. 29. The Federal building at 334 Meeting Street, Charleston, South Carolina, shall hereafter be known and designated as the "L. Mendel Rivers Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "L. Mendel Rivers Federal Building".

SEC. 30. The United States courthouse and Federal building at the corner of Avenue A and Seventh Street, Opelika, Alabama, shall hereafter be known and designated as the "George W. Andrews Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "George W. Andrews Federal Building".

SEC. 31. The Federal building to be constructed in Florence, South Carolina, on the site bounded east by Sanborn Street, west of North McQueen Street, and north by West Evans Street, shall hereafter be known and designated as the "John L. McMillan Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "John L. McMillan Federal Building".

SEC. 32. The United States courthouse and Federal building located at 400 Rood Avenue, Grand Junction, Colorado, shall hereafter be known and designated as the "Wayne N. Aspinall Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Wayne N. Aspinall Federal Building".

SEC. 33. The post office, United States courthouse and Federal building at 207 West Main Street, Wilkesboro, North Carolina, shall hereafter be known and designated as the "Johnson J. Hayes Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Johnson J. Hayes Building".

SEC. 34. The effective period for each provision relating to the Speaker of the House of Representatives in the Ninety-first Congress which is contained in H. Res. 1238 Ninety-first Congress, as enacted into permanent law by chapter VIII of the Supplemental Appropriations Act, 1971 (84 Stat. 1989), is hereby extended for an additional two years from the date on which (but for this section) such provision would expire.

SEC. 35. (a) Except as provided in subsection (b), this Act shall take effect on the date of its enactment.

(b) Sections 6 and 7, sections 10 through 23, inclusive, sections 25, 31, and 32 shall take effect January 4, 1973.

Mr. GRAY (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT OFFERED BY MR. SNYDER

Mr. SNYDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SNYDER: Page 14, line 12, beginning with line 12, page 14, strike out all language down to and including line 18 on page 20 and renumber the remaining sections.

Mr. SNYDER. Mr. Chairman, this amendment, of course, gets to the crux of the bill, as I am sure the Members here present are aware—and this would strike out the civic center and leave the rest of the bill, which takes care of all of the name changes of Federal buildings so that those folks who are interested in seeing Federal buildings named for colleagues present and past will not be under any local pressures at home to vote for the bill with the monstrosity of the civic center in it.

I do not blame Mrs. Eisenhower for writing to the gentleman from Michigan (Mr. GERALD R. FORD) saying that she does not want this to be the Eisenhower memorial and that she wants it to be the college, because I suspect that she knows as well as the rest of us know that this is another one of those white elephants like we have had built and pushed on us here in Congress in years past. It has only been a few months ago that the District of Columbia appropriation bill came up, and colloquy took place then as to what the situation was with regard to the fiscal sanity of the RFK Stadium. In response to questions propounded to the gentleman from Kentucky (Mr. NATCHER) who was handling the bill, we found that there is an $831,000 annual interest payment which has to be picked up by the taxpayers of this country, because the first penny of interest has not been paid, and the first bond has not been paid.

Those people who brought the stadium bill to the floor at that time thought it was going to pay, and they told us so. I do not question their honesty and integrity then, and I do not question the honesty and integrity of those who bring this bill to the floor today. But I say their track record is pretty poor. Their track record is zero when it comes to these projects paying off.

They tell you there is only $14 million in here to be paid by the taxpayers, but the truth of the matter is that the bonds are guaranteed by the full faith and credit of the District of Columbia, and whatever the District of Columbia does not have when the time comes to run their government, they come down here, and the Congress has to give it to them in the form of a Federal payment.

So the truth of the fact is that the Members' taxpayers at home are going to be required to pick up the cost of this boondoggle. Just like the gentleman from Iowa said, there will be some conventions that will come here because of this center, but they are going to be coming from other communities across this Nation who need those conventions just as badly as Washington, D.C., needs them.

Quite frankly, my friends, I am a little bit worried with the District of Columbia having this building. If we have another District-owned building, they might be using it for housing like they put people up in some of the other District of Columbia-owned buildings and stadiums around here in times past when the demonstrations were taking place.

I say to the Members that this civic center needs to be knocked out. It needs to be killed. We rejected this proposition when it came from the District of Columbia Committee a couple of years ago, so they sent it to the Public Works Committee because they have a little bit more muscle than some other folks. That committee can give them some projects.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. I yield to the gentleman from Illinois.

Mr. GRAY. The project that the District Committee was considering had a sports arena in it. This is not a sports arena project. That was what was objectionable about the District of Columbia Committee proposal.

Mr. SNYDER. That was the gentleman's opinion as to whether it was objectionable or not. The truth of the matter is that the sports arena was the only thing that determined that to be feasible from the financial standpoint. When you take that out, that makes this an entirely different proposition.

Mr. GRAY. Will the gentleman yield further?

Mr. SNYDER. I yield to the gentleman from Illinois.

Mr. GRAY. I just called the gentleman's hometown this morning and found out that the Civic Center in Louisville, Ky., had more than 600 events last year. That is an average of two per day.

Mr. SNYDER. That is right. We want to keep them, too, instead of giving them to the District of Columbia.

Mr. GRAY. It is good for Louisville, but it is not good for the Nation's Capital; is that correct?

Mr. SNYDER. I do not represent Louisville; Congressman MAZZOLI does. But, I say to the gentleman that my responsibility is basically representing the people of the Fourth Congressional District of Kentucky, and I think that most of the Members here feel that their obligation is to represent their constituents. There may be a few who do not.

Mr. GRAY. Will the gentleman yield further?

Mr. SNYDER. I yield to the gentleman.

Mr. GRAY. Where does the gentleman think this $70 million increased Federal payment that we dumped into the Capital this year came from?

It came from the Fourth District of Kentucky and the 24th District of Illinois. Next year they want $3 million more. They want a $74 million increase over what we gave them last year. It comes from all of the 50 States, the gentleman's taxpayers and mine, and until we build up Washington, D.C., we will have the same problem to face each year. More money from our taxpayers.

Mr. SNYDER. We will put that much more burden on the taxpayers if we build this monstrosity. That is my point.

Mr. GRAY. It is just the other way around.

Mr. SNYDER. As I was saying before I got unwound, we just do not need it. It is just that simple. We have people coming in here. They are disrupting the Government half the time now anyway. If we put this big thing right down at the foot of the hill. The Members do not have enough time to take care of their constituents now because of all of these outsiders parading in their offices and clogging them up and keeping the Members from doing business. It is going to be a whole lot worse when we have this thing.

Mr. JAMES V. STANTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I came here today wondering what we are talking about in terms of the Nation's Capital. Is it some foreign land we are talking about? Or is it the area of the birthplace of a nation? Is it a Federal city or it is some far off country somewhere? As the Members have spoken here today they seemed to have more concern with the foreign nations than with one of the great cities of the world. This is a city which everybody throughout the world comes to visit and they marvel at our monuments and they marvel at our architecture and they believe it to be one of the classical cities.

I know there may be disruptive forces that come to this Nation's Capital because in a free society all voices can come, disruptive or not, to explain their will and to understand their country and to cherish its principles and, yes, to pay honor to a great American President. I think in paying honor to this great American President we do it by trying to help the people of the Federal city sustain its economy and develop its programs so it can be self-sufficient.

Mr. CLEVELAND. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of this amendment which would strike from this legislation that part of the bill which authorizes the civic center.

Mr. Chairman, I would like to make a point in support of this amendment. Again the gentleman from Illinois, the distinguished gentleman from Illinois who spoke so eloquently in support of this bill, pointed out in his colloquy with the gentleman from Kentucky (Mr. SNYDER) that there was this very successful civic center in Louisville, Ky. This is one of the points we have been trying to make. These civic centers can be successful, but the point is why load up the taxpayers of the United States with a civic center? Why can it not stand on its own feet if it is going to be so successful?

The gentleman spoke about the fact that the sports part of this package, which has now been taken out, will be built outside the District under private auspices. If this remaining part is economically viable, we do not need to come up with this bill and put the bite on the taxpayers. That is really what this argument is all about.

For those Members who have said the time has come to stop spending the taxpayers' money, here is one place where apparently on the record it is not even necessary. Here is the place, here is the time, and here is the way we can do it when we vote by recorded teller vote on the amendment offered by the gentleman from Kentucky.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Chairman, I know there are many of us who are not worried about spending money in the District but who are worried about the facts of life here. There are many who are worried about the loss of jobs in the District and the necessity of losing a whole population, when we move out large numbers of the Chinese and other citizens who will have to find someplace to live.

Mr. CLEVELAND. Exactly; many acres now occupied by residents will be taken over.

Mr. KYL. Creating new jobs in this civic center for serving banquets, could be taking away jobs from hotels whose banquet rooms today serve conventions.

I assume the District is going to operate this thing. They already have the highest percentage of city workers to population of cities of the United States. It is just the impracticality of this which forces me to disagree with the proposal.

Mr. CLEVELAND. I thank the gentleman for his point. It is a well made point in support of the amendment which I support. I hope the committee will adopt it.

Mr. WRIGHT. Mr. Chairman, I rise in opposition to the amendment. I am intrigued and to some degree mystified by some of the arguments against this civic center.

In most our major communities throughout the Nation, we have found it desirable to build convention centers. We built one in my community some years ago. There was no argument to the effect that private capital would be able to build that center. I do not suppose that in any of these cities represented here by any of us, private capital has built a convention center. Almost invariably some public money had to be provided in order for the convention center to be built, but once it was built, it began to generate income to the community.

I do not think anyone here is going to argue that the city of Washington does not need the generation of some income into the community. I do not see how any of us can sit here and logically argue that we ought not put up any money for the Federal city to have a convention center such as our respective communities have found desirable to build. Nor, since this is the Federal city, can we simply say that if Washington, D.C., needs it, let it build it itself.

If we follow that argument to its logical conclusion, then we are going to have to vote to free Washington from the Federal city status and let it have home rule, or vote to give it to Maryland, or something like that. It is not consistent for us to sit here and refuse to give Washington that kind of status, and at the same time refuse to give it the facilities it needs to build its future.

Mr. JACOBS. Will the gentleman yield?

Mr. WRIGHT. Of course.

Mr. JACOBS. I wonder if the gentleman could inform the committee as to whether an environmental impact study has been made.

Mr. WRIGHT. An environmental impact study has been ordered and will be completed before the commencement of construction.

I just want to address myself to another argument that was mentioned, and that is the fact that the district stadium has not been a financial success. I think all of us recognize the truth of that, but that stadium is an entirely different kind of facility than a convention center.

The stadium is an open-air stadium, as all of us know. It has very limited use. It is only for sporting events. Perhaps it has not made money, but throughout the United States the average usage of convention centers is about 700 events annually, which is about two per day. So, I think the convention center might attract sufficient usage to pay for itself.

But the basic question is, does Washington, D.C., need a convention center? If it does, we, as the Federal City Council, ought to take care of it and help provide it for them.

I think it is obvious that it does need one.

Mr. SNYDER. Mr. Chairman, it is not correct that at the time the financial prospectus was made on the stadium, those experts who made that knew what it was going to be used for. When they came in here and said it would pay for itself, they were taking into account the uses for which it would be put.

Mr. WRIGHT. I think the gentleman is correct. They made a mistake, and I acknowledge that fact. It is like comparing——

Mr. SNYDER. If they made a mistake in computing whether a Greyhound bus was going to pay for itself, and also made a mistake on whether or not a Mack truck down here is going to pay for itself, there is reason to believe they might make a mistake here.

Mr. WRIGHT. I just say to the gentleman, the Kennedy Center on an operational basis is making money, because it is the kind of facility which provides for multiple uses.

One other thing which I did want to say——

Mr. SNYDER. Will the gentleman yield?

Mr. WRIGHT. I am not inclined to yield further.

Mr. SNYDER. I do not blame the gentleman.

Mr. WRIGHT. This differs considerably from the Kennedy Center and the stadium. We voted for those facilities, and those who live here—I count among us the Members of Congress who live in this area—supported those in order to provide a more enriching, broadening experience for the people of the area.

This is entirely different. This would attract people from all over the world and from our respective cities to come to conventions in Washington, D.C.

I believe that would be a great thing. Every time people come from my district to Washington, D.C., they tell me they are surprised, and pleasantly so, to discover it is not a tawdry or trashy city, as some of them had been told. They are surprised, contrary to what they were told, to find that they really are safe when they go out on the streets of Washington, D.C. I want more people to come here to find that out. I believe more people should come to Washington, D.C. The more who come the better citizens they are. Exposure to the history and traditions of this city gives them a greater appreciation for our country. I think that is the kind of thing we should encourage.

Mr. GROVER. Mr. Chairman, I rise in opposition to the amendment.

Some allusion was made to dislocating people presently in jobs in the area of the project.

Mr. Chairman, the record of our hearing shows that 85 percent of the property owners of the area approve of this particular program. Some 15 percent of them object. I do not believe we will have a massive dislocation of restaurateurs and business which will not be offset time after time, over and over again by new business in the area of the center.

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield?

Mr. GROVER. I am glad to yield to the gentleman from New Hampshire.

Mr. CLEVELAND. I have heard this figure about 85 percent of the property owners being in favor of it. How about the people in the buildings, those who may be renting from the property owners. Those are the people the gentleman from Kentucky (Mr. SNYDER) and the gentleman from Wyoming, (Mr. RONCALIO), and I are interested in. How many of those people are in favor of this?

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. GROVER. I yield to the gentleman from Illinois.

Mr. GRAY. The 85-percent figure includes the tenants as well as the landlords.

Mr. GROVER. Mr. Chairman, many of those who are on the floor may not realize exactly what this amendment will do. What it will do is eviscerate the center from the legislation and leave only the memorials to retiring Members.

The very purpose and substance of this bill, Mr. Chairman, is that we are trying not only to do something for this great Capital and this great country but also to do something for the government of the Capital City, to give them the tools for economic self-reliance. If we do not, then we will have a further degrading and decaying city, which will then more and more rely on us, who do not want them to rely on us in the Congress, with a greater burden and financial liability in the years to come.

I am in favor of giving them the tools needed to get out of their economic problems.

We hear on TV some pleas for compassion for people.

Since we talk about dams, we should give a damn. This is not to give a "dam" but to give a "damn." If we give a damn for the District of Columbia, we should vote for this and give them the tools to lift themselves up by their bootstraps, so that some day we can have the kind of home rule for the people of the District of Columbia which is soundly economically self-supporting.

Mr. GRAY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I apologize to the Members fo rtaking so much time. I shall be brief.

I find there is a strange paradox here today. All of the previous speakers who have taken the well in opposition to this proposal—voted last week to spend over $7 million for the Bicentennial Commission in administrative costs to plan our 200th anniversary. Think of that; over $7 million.

The gentleman from Kentucky (Mr. SNYDER) and the gentleman from New Hampshire (Mr. CLEVELAND) and others who have spoken in opposition to this are in favor of giving over $7 million now, which is absolutely going to inflate the budget, but they are not willing to spread $14 million over the next 30 years for a job generator and an income generator in this facility.

So I hope that we lay to rest here this afternoon this argument that this is a budget-busting project. Not 1 red cent will be needed on this project for at least 5 years, and possibly none then, and in no event can more than $14 million be used in the next 30 years for this project. Yet my friends voted to eat up with bureaucratic redtape downtown $7 million in the next fiscal year to plan our 200th anniversary.

Why are we planning our 200th anniversary? To bring millions of persons into the Nation's Capital. And where are we going to send them? Out to the District of Columbia Armory or the Uline Arena? Out to all the hotels? No. You know what is going to happen; they are not going to stay.

We had a survey made by the National Park Service recently that showed the average visitor who comes to Washington planned to stay a week but actually stayed only an average of 2 days. He cannot find a place to park; he does not get a welcome; he has no place to sit down and eat a decent meal at the Capitol.

Every single hotel owner in Washington has testified in favor of this project. They are not going to sleep in the Eisenhower Center. They know that when millions of people come to attend conventions, they are going to stay in the Sheraton Park and the Shoreham, and other area motels and hotels. And with the 5-percent tax rate that gives the city millions in new income each year.

It will only cost about $5 million a year for this facility to get the return of $200 million to $300 million. This facility would generate far more than is needed to pay off the mortgage, so we can get the District of Columbia off the backs of our taxpayers.

I would ask my friends to vote the way they want to, but I hope no one votes with the idea that you are going to save money.

You voted last week to give away $7 million to the bicentennial committee. For what? To plan this bicentennial, and you will have no place to hold it unless this bill passes.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman.

Mr. JACOBS. I just wondered, from the gentleman's remark: he said something about the visitors' center. Is that not going to be built?

Mr. GRAY. Yes; it is. The visitors' center on the right of this sketch is a very integral part of the overall plan. It will have the largest parking facility, and will be eight blocks apart, and we will have shuttle service between these points to accommodate those here to attend the conventions, we need them both. We need more parking and less cars on the streets.

Mr. JACOBS. Will the gentleman yield further?

Mr. GRAY. I yield to the gentleman.

Mr. JACOBS. Is it not logical the parking places could be provided in any case at that site?

Mr. GRAY. The Redevelopment Land Agency plans to tear down all of these buildings. That is why I am a little surprised that my friend from New Hampshire kept talking about displaced persons.

You know what is going to happen if this does not go through. Through the Urban Redevelopment Agency all these buildings and all those tenants are going to be displaced. And by what? Another high-rise office building.

Our committee has definite proof that a large corporation wants to build another office building on that site.

So if you think you are voting against this bill to save the tenants down in Mount Vernon Square, you are just being misled, because that is not so.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from Ohio.

Mr. VANIK. How far will this facility be from the nearest subways?

Mr. GRAY. There will be two stops at the facility itself. The gentleman from Kentucky (Mr. NATCHER) can tell you it is planned to have the subway in operation by the time of the bicentennial in 1976 and we will have this facility built by then.

The gentleman from Kentucky (Mr. SNYDER) has said the hearings showed we could not have this facility ready. That is not so. There is not one word of testimony in the hearings from any responsible person to this effect.

I hope the amendment will be voted down.

Mr. JACOBS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. JACOBS. It has been alleged here the stadium, the Robert Kennedy Memorial Stadium, is not a money loser. As a member of the Committee on the District of Columbia in the House, I sat in long hours of negotiations with the lessees of that stadium, and I can tell you and the gentleman from Missouri (Mr. HUNGATE) can tell you that is not accurate.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman.

Mr. GRAY. Mr. Chairman, I think the gentleman misunderstood the gentleman from Texas. He said the Kennedy Center for Performing Arts, in its first year of operation is not losing money.

He acknowledged that the R.F.K. Stadium was losing money.

Mr. JACOBS. I thank the gentlman.

Mr. GRAY. But it is a one-use facility compared to a multiuse facility here.

Mr. JACOBS. I thank the gentleman for clarifying that point.

I might say to the gentleman that one of our friends in the press gallery suggested to me a few minutes ago that this bill should contain a change in the name for the sports stadium and be called the Robert Short Memorial Stadium.

I might say to the committee on that, what do I tell my people back home in Indianapolis? I tell them that if you go to Washington, D.C., you will see some of the problems we are going to have if we do not mend our ways.

But here is a case where the reverse is true. This is somewhat like déjà vu to those of us who pay property taxes in Indianapolis, because, you know, just a few years ago the same glowing accounts were given for the new convention center in Indianapolis. They said that it would bring in more business than they ever dreamed of and it will not cost the taxpayers anything. "Do not worry," they said. Well, this year they will have a $400,000 deficit and next year it is projected to be $600,000 deficit. And just guess——

Mr. GRAY. Will the gentleman yield to me?

Mr. JACOBS. I yield to the gentleman.

Mr. GRAY. The gentleman knows that he is talking primarily about a sports arena.

Mr. JACOBS. No, no, no. I am talking about the convention center back home in Indianapolis.

Mr. GRAY. We checked with the officials and we did not find a single city in the United States where a convention center was not making money, or at least breaking even. That is why so many are being built.

Mr. JACOBS. My city, then, this must be something we dreamed up, because the deficit this year is $400,000 and next year there is $600,000 projected.

Put yourself in my position. Here we have a convention center back home that is going to make the property tax in Indianapolis begin to look like a property tax up in the Chicago region, because of this deficit. And they say it is because we are not getting enough convention business. Am I supposed to go back home and ask my constituents to guarantee the financing of this so that you can in competition with the one back home that is not even getting enough business as it is? I do not think so.

Mr. GRAY. Will the gentleman yield further?

Mr. JACOBS. I yield to the gentleman.

Mr. GRAY. We do not ask your taxpayers to guarantee the project in any way, shape, form, or fashion other than what the President of the United States wants us to contribute, which is a maximum of $14 million spread over a long period of time.

Mr. JACOBS. That is right.

Mr. GRAY. And have it ready for the bicentennial. That is all.

Mr. JACOBS. It is the other thing that bothers me, if you want to be frank about it, and that is the expense, because when you translate $14 million into a Rayburnese or an FBI-ese building, you get to a very astronomical sum, just for the record, and I know the CONGRESSIONAL RECORD for the past 100 years is filled, just filled, with warnings that were unheeded and later proved to be absolutely true.

So I do not know whether we should not amend this bill to call this project the "Famous Last Words Memorial Convention Center," because that is exactly what it is going to be.

Mr. SNYDER. Will the gentleman yield?

Mr. JACOBS. I yield to the gentleman.

Mr. SNYDER. Of course, I will support the amendment that has been offered by the gentleman from New Hampshire, but in regard to whether or not your taxpayers are going to have to pick up that deficit, you know the bonds are guaranteed by the full faith and credit of the District of Columbia Government, and you being a member of that Committee on the District of Columbia, know that whatever they put in their budget comes back out of the Treasury.

Mr. JACOBS. I agree. That is exactly what the situation was in Indianapolis. They were only guaranteed by the full faith and credit of the municipality, and they are going to have to back it up now.

Mr. GRAY. Will the gentleman yield further to me?

Mr. JACOBS. I will yield to the gentleman.

Mr. GRAY. I appreciate the gentleman yielding to me.

Here again there are no bonds authorized in this bill. We are building this facility exactly like we are 63 other Federal buildings in this country.

Mr. JACOBS. Again the problem is that you are going to be right back here asking for bonds when this project falls on its face. I can predict it just as certainly as night follows day. That is exactly what will happen and it is wrong.

Mr. GRAY. Will the gentleman yield further?

Mr. JACOBS. I yield to the gentleman.

Mr. GRAY. We are trying to build it at a total Federal cost of no more than $14 million, which will be spent over a period of 30 years, compared to the building which will be built in the gentleman's hometown for a cost of over $20 million.

Mr. JACOBS. I have no higher respect for any Member of this Congress than I do for the gentleman from Illinois, and I know that he will try to do the right thing and he will try to accomplish this as he says, but I also know that he will fail, because it cannot be done.

I urge the members of this committee, do not make the same mistake that we made back home. Do not go in competition with us, because they are having trouble there already and we are only 600 miles away.

Mr. HALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and members of the committee, I only wish that my colleague, the gentleman from Iowa, were here today so that we might hear equally inflammatory rhetoric in opposition to this bill as a whole, and in support of this amendment as we have heard for it.

My second wish would be that the amendment offered by the gentleman from Kentucky had included the section of the bill that includes the naming of various Federal buildings throughout the country for sitting Members of the Congress, even though some of them are retiring and most deserving.

I hope that puts that one to rest, and that we can have a lot more fun about it before the day is over.

However, I rise primarily, Mr. Chairman, to point out another reason why this amendment should be adopted. The question has been well exercised as to whether or not the family of General Eisenhower wishes it named after him and/or made the memorial. But in addition to that, as far as the pure rhetoric of the bill is concerned, this gives far too much power to the Commissioner of the District of Columbia. It authorizes him in many instances to provide for the development and the construction, and it says that the Center shall be in accordance with the plan designed by the Commissioner and the District Council, and others. And it says notwithstanding the provisions of the Redevelopment Act, and others and plans approved according to the Commission and reportedly the Houses "notwithstanding any other provisions of law," and so forth, and it is replete with exceptions to existing laws that past Congresses and this Congress have passed. It has the power of condemnation under the right of eminent domain.

It states the Commissioner is authorized to include negotiated contracts for the financing, design, construction, and maintenance of the Center, and to determine a nominal rental. This is much,

much too much power for any Commissioner, any board, and council, or any mayor, because mayors, like ourselves, come and go, and once in a while a bad apple turns up in the barrel.

It goes ahead to say that purchase contracts will be at the Commissioner's discretion, and we are abdicating the power of the Congress as a council for the District of Columbia, and no other law in the interim withstanding. We should not do this! We should decide what the reasonable rate of interest on the outstanding principal is. But is this for the Commissioner to decide? If so, we have given him a carte blanche for change orders, including but not limited to the payment of taxes and the carrying of insurance.

This bill is filled with provisos waiving existing law that invites politics, patronage, and before-the-fact commitments which will never be kept.

I have trouble in believing that the full faith and credit of the U.S. Government is not committed on page 19, line 10, subsection (e), where it says:

> The full faith and credit of the Government of the District of Columbia is hereby committed to guarantee, upon such terms and conditions as may be prescribed by the Commissioner, the fulfillment of all obligations—

And this is one bird that will come home to roost, if in the meantime someone does not feather their own nest overwhelmingly.

Furthermore, we go ahead to say that the Commissioner may provide for the performance of the operation, including the use of rental of the Civic Center or its equipment, motor vehicle parking facilities, and so forth.

Finally, Mr. Chairman, we say that there is authorized to be appropriated out of any money in the Treasury not otherwise appropriated, not to exceed $14 million for the Federal share of the contribution to the District of Columbia for the purposes of this act.

I ask you, is any such huge sum now available in our bankrupt Treasury? Is there any sum not otherwise appropriated? Is this therefore timely, and can we expect to go ahead and not have this bird come home to roost, as has Dulles, as has the Kennedy Center for the Performing Arts, as has well been brought out here today? And, finally, as has the Robert Kennedy Stadium?

Now, the real priority and the need for such expenditure of funds are such, and in my opinion, as has been so oft repeated in the Subcommittee on Appropriations handling the District of Columbia, not a highway, not more access, not more performing centers, not more sports plazas, but the real need is dissemination, and if we must build something else in the District of Columbia let us build a jail that will hold the 1,600 prisoners that we have in the one now that was built in 1868 for only 400, and which is a disgrace to the Nation, and from which a murderer escaped only yesterday. Let us have priorities where they ought to be, let us quit the competition with in-being businesses, and get down to the fact of the matter and save this unnecessary and ill-timed expenditure of money.

Mr. MYERS. Mr. Chairman, I move to strike out the last word.

I believe I understood the gentleman from Illinois to say that there would be 110 acres of real estate in the District of Columbia covered with concrete when the civic center is built.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I yield to the gentleman.

Mr. GRAY. No; it is 10 acres. Originally, the District of Columbia government proposed taking 25 acres from Mount Vernon Square as an urban renewal area in the Chinese downtown area. Our committee said no.

Mr. MYERS. Continuing further, I understood the gentleman to say also, and I realize this is eight blocks from the President's visitors center—was there any consideration given to building this center closer to the visitors center, so that you can utilize a common parking lot? I think everyone in this Chamber realizes often when we have constituents who come here, the biggest problem here is the parking problem which is not sufficient to park within the District of Columbia or within a number of blocks here of the Capitol.

It seems to me consideration should be given to build this center, if it is necessary at all, closer to the visitors center.

Was consideration given to that?

Mr. GRAY. For the very obvious reason that the gentleman pointed out, we did, however, consider putting them together. Constituents are going to be at the visitors' center and parking there and the conventioneers might be staying in a hotel or motel. We feel it better to keep them separated in order to avoid traffic congestion.

Mr. MYERS. It does not seem to me like the gentleman makes a valid argument here—admitting the interest here is entirely different. Visitors of our Capitol come here in the daytime. I think the visitors' center would be used about the same time. The civic center probably would be an evening attendance center. I just cannot understand still—over eight blocks apart and they are going to have to bus and there is a tremendous cost of busing.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I yield to the gentleman.

Mr. GRAY. The subway will be operative by the time these facilities are constructed between both the visitors' center and the convention center.

Someone staying downtown can get up to the visitors' center or the convention center. I want to advise that the subway connects with the visitors' center, so these large conventions like the Democratic and Republican National Conventions where there may be as many as 50,000 or 100,000 people, there will not be enough parking to take care of all of them put together, and there would be too much traffic congestion also.

Mr. MYERS. I do not think the gentleman has made a very good argument.

I have one last question.

On page 31 of the report, there is this language and I quote:

> In this connection, it is interesting to note that an amendment in Subcommittee to require that contract be let to the "lowest and best bidder, as determined by the Commissioner," failed.

Why did the committee turn down an amendment like this—to let it to the lowest and best bidder and that it will not be done this way?

Mr. GRAY. First let me state that this facility is going to be built as a turnkey project. The reason that the RFK Stadium was way out of reach in cost estimates was it was done in increments. One contract was awarded for the foundation; another one for the superstructure; and another one for finish work. This was what caused the cost to go up, the same way as the Kennedy Center for the Performing Arts.

What we propose to do here is to allow a private entrepreneur to come in and bid now on all items, the architectural work, the plans, the land acquisition, the building itself—whatever is involved in putting this up—so we will know exactly to the penny what it is going to cost in advance.

If a bidder is looking at it from the dollars-and-cents standpoint alone, we could not accept that just because the dollar figure bid was the lowest. We want something to uphold the great dignity of the Capital City, something that will be approved by the Fine Arts Commission, by the National Capital Planning Commission, the President Bicentennial Commission, and the Mayor and his District Government. Dollars are important, but also the aesthetics of the project are important. We cannot go out and ask for bids and say, "Give us 300,000 square feet of space," and then take whatever comes. It might look like a tarpaper shack. We have to trust the President. We have to trust the Bureau of the Budget. We have to trust the Mayor. We have to trust the Council. They would have to review and approve this project before it could be built.

Mr. MYERS. I do not think it is a matter of trust. It is a matter of good business. As a businessman I would not think of building something and disregarding the cost. What we usually do is we have an architect draw up whatever we want. That is the first thing. We have that first approved. I think we would do that in this case. Then the architectural plans are submitted to the prospective bidders, and we have them bid, and we take the lowest and best bid.

Mr. GRAY. A turnkey project does not work that way. We cannot go any other way and have the project completed by 1976, the bicentennial. Furthermore, if we go turnkey we will save a lot of money by getting one bid price in advance. The $128 million FBI building is a good example. We authorized $60 million and the cost has more than doubled because we did it the way you propose, in steps.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, during the general debate I indicated that Mrs. Eisenhower reaffirmed her desire that as a memorial the Eisenhower College be continued on behalf of the family, but the record also shows that Mrs. Eisenhower, the widow of General Eisenhower, has no objection to this project being given the name of

Eisenhower. I think she even has gone further, she has no objection so long as the District of Columbia project does not prejudice the support the Congress in the past has given to Eisenhower College on what it might do in the future.

There is no question in the record that as far as the President and this administration are concerned, they are for this project. As I understand the amendment that is currently before the committee, it would in effect remove from the legislation the convention project for all intents and purposes. I want it clearly understood that the administration opposes the amendment and supports the bill with the project included.

Mr. HUNGATE. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, along with my colleague the gentleman from Indiana (Mr. Jacobs) there is no Member for whom I feel greater respect than the gentleman from Illinois (Mr. Gray) and for the distinguished committee on which he serves.

My support of this amendment is not dictated by any feeling about home rule that has been brought into this argument. I think that might be a good idea, too. And it is not brought about by an overriding concern, although I have a concern—about the budgetary problems—that is not my primary reason either. It is not because of any feeling concerning our late President General Eisenhower. I admire him greatly. We were in the Army together.

Gentlemen, we have built a Kennedy Stadium down here and we have not paid a dime on the principal in 10 or 11 years. We fooled around and lost a baseball team as well. We have built this stadium, and we have not paid a dime on it.

We have had some talk about some bicycles and the Greyhound buses. I do not understand finance or budgets. Go down to the bank and borrow money to buy a Greyhound bus, and do not pay for it, and then go talk to them about borrowing more money for a bicycle. Gentlemen, we cannot be serious.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from Illinois.

Mr. GRAY. If the Mississippi River should ever run dry, I will be in the gentleman's district. I have great respect for him, however. I know the gentleman wants to be fair. I do not think he was on the floor when a recent colloquy took place.

We have studied the RFK Stadium and the best analogy I can possibly draw is this. How many days or nights would we be able to meet in this Chamber if it had no roof on it? The same thing applies to RFK Stadium. All the stadiums throughout the United States with the exception of Cincinnati, Ohio, are losing money, all of them, but every single convention center in the country we contacted is making money. The city of Anaheim, Calif., last year with a 150,000 square foot arena made $800,000 clear profit and they are doubling the size of it.

When the McCormack Place in Chicago burned down, Mayor Daley could not beat the door of the bank down fast enough to have it rebuilt.

Ask the people of Baltimore what their Civic Center did for the city of Baltimore.

I know my friend, being able and sincere, would not want to compare the RFK Stadium, which is a one-use facility, with a facility that can be used 800 or 900 times a year.

Mr. HUNGATE. Mr. Chairman, I thank the gentleman. I will never be intentionally unfair. I would suppose if it is that profitable, if they are making that money—does Bob Short know that? I suppose he would have been willing to pay $10,000 down and borrow the rest the way we hear some people buy a baseball team.

I have great respect for the gentleman from Illinois' ability. He is right if we look at the facility, it is now a one-use facility, I think football. It used to be a two-use facility. We fooled around and lost the baseball team. If it is profitable and practical, believe me, the American businessman will find the money to build it.

Mr. MYERS. Mr. Chairman, why not build a roof on the stadium out there if it would make it practical?

Mr. GRAY. We checked into that and I guarantee all of you here that it would cost the taxpayer a great deal more than $14 million. This bill was written by OMB Director Weinberger, and his staff with the help of the Mayor and his staff. They say it will fly. Does that side of the aisle trust its fiscal expert or does it not? This bill was written by fiscal experts.

Mr. HUNGATE. I still urge support for this amendment for the reasons stated. I believe I am right, although perhaps I am not. I would urge all Members, who think we have done the right thing so far with the stadium and that its problems should be disregarded in building this new memorial, to consider this.

There are, as I understand it, several vacancies on the District of Columbia Committee and there are to be several more, so I hope those Members—supporting this project—will all apply and go to work on solving that stadium problem.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky (Mr. Snyder).

TELLER VOTE WITH CLERKS

Mr. SNYDER. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. SNYDER. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. Snyder, Gray, James V. Stanton, and Cleveland.

The Committee divided, and the tellers reported that there were—ayes 183, noes 199, not voting 49, as follows:

[Roll No. 401]

[Recorded Teller Vote]

AYES—183

Abourezk
Alexander
Anderson, Ill.
Andrews, N. Dak.
Archer
Ashbrook
Aspin
Bennett
Bergland
Blackburn
Bray
Brinkley
Brooks
Broomfield
Brotzman
Broyhill, N.C.
Burke, Fla.
Burleson, Tex.
Cabell
Camp
Carlson
Carter
Casey, Tex.
Cederberg
Chappell
Clancy
Clawson, Del.
Cleveland
Collins, Tex.
Conable
Coughlin
Crane
Curlin
Daniel, Va.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Derwinski
Devine
Dickinson
Dingell
Dow
Downing
Dulski
Duncan
Eckhardt
Edwards, Ala.
Eilberg
Eshleman
Findley
Fisher
Flowers
Flynt
Ford, William D.
Forsythe
Fountain
Frey
Galifianakis
Gaydos
Gettys
Gibbons
Goldwater
Goodling
Gubser
Haley
Hall
Hamilton
Hansen, Idaho
Hansen, Wash.
Hastings
Hathaway
Hébert
Heinz
Henderson
Hicks, Wash.
Hillis
Hogan
Hosmer
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jonas
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Kemp
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Lennon
Lent
Link
Lloyd
Long, La.
Long, Md.
McCollister
McDade
McEwen
McKevitt
Mahon
Mallary
Mann
Martin
Mayne
Mazzoli
Michel
Mikva
Mills, Md.
Monagan
Montgomery
Mosher
Moss
Myers
Nedzi
Nelsen
Obey
O'Hara
O'Konski
Passman
Pelly
Pettis
Poage
Powell
Price, Tex.
Railsback
Randall
Rarick
Rees
Roberts
Robinson, Va.
Robison, N.Y.
Roncalio
Roush
Rousselot
Roy
Ruppe
Ruth
Satterfield
Scherle
Schneebeli
Shoup
Shriver
Sikes
Skubitz
Smith, N.Y.
Snyder
Spence
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Sullivan
Talcott
Taylor
Thomson, Wis.
Thone
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Wampler
Whitehurst
Whitten
Williams
Wilson, Charles H.
Winn
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Fla.
Zwach

NOES—199

Abbitt
Abzug
Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Arends
Ashley
Aspinall
Badillo
Baker
Barrett
Begich
Biester
Bingham
Blanton
Blatnik
Boland
Bolling
Brademas
Brasco
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Caffery
Carney
Chamberlain
Chisholm
Clark
Clausen, Don H.
Collier
Collins, Ill.
Conover
Conte
Conyers
Corman
Cotter
Daniels, N.J.
Danielson
Dellums
Dent
Diggs
Donohue
Dorn
Drinan
du Pont
Edwards, Calif.
Erlenborn
Evins, Tenn.
Fascell
Fish
Flood
Foley
Ford, Gerald R.
Fraser
Frelinghuysen
Frenzel
Fulton
Fuqua
Garmatz
Gonzalez
Grasso
Gray
Green, Pa.
Griffin
Griffiths
Grover
Gude
Halpern
Hammerschmidt
Hanley
Hanna
Harrington
Harsha
Harvey
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Holifield
Howard
Hull
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Karth
Kastenmeier
Kee
King
Kluczynski
Koch
Latta
Leggett
McClory
McCloskey
McFall
McKinney
McMillan
Madden
Mailliard
Mathias, Calif.
Mathis, Ga.
Matsunaga
Meeds
Melcher
Metcalfe
Miller, Calif.
Miller, Ohio
Mills, Ark.
Minish
Minshall
Mitchell
Mizell
Moorhead
Morgan
Murphy, Ill.
Natcher
Nix
O'Neill
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Pirnie
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Quillen
Rangel
Reid
Reuss
Rhodes
Riegle
Rodino
Roe
Rogers
Rooney, Pa.

Rosenthal
Rostenkowski
Roybal
St Germain
Sandman
Sarbanes
Saylor
Scheuer
Schwengel
Scott
Sebelius
Seiberling
Shipley
Sisk
Slack
Smith, Calif.
Smith, Iowa
Springer
Staggers
Stanton, J. William
Steed
Steele
Stokes
Stubblefield
Stuckey
Symington
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Waggonner
Waldie
Ware
Whalen
Whalley
White
Widnall
Wilson, Bob
Wolff
Wright
Wydler
Young, Tex.
Zablocki
Zion

NOT VOTING—49

Abernethy
Annunzio
Baring
Belcher
Bell
Betts
Bevill
Biaggi
Boggs
Bow
Carey, N.Y.
Celler
Clay
Colmer
Culver
Davis, S.C.
Dowdy
Dwyer
Edmondson
Esch
Evans, Colo.
Gallagher
Giaimo
Green, Oreg.
Gross
Hagan
Horton
Keith
Lujan
McClure
McCormack
McCulloch
McDonald, Mich.
McKay
Macdonald, Mass.
Mink
Mollohan
Murphy, N.Y.
Nichols
Purcell
Rooney, N.Y.
Runnels
Schmitz
Stanton, James V.
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Wiggins

So the amendment was rejected.

AMENDMENT OFFERED BY MR. SNYDER

Mr. SNYDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SNYDER: Page 19, after line 9, insert a new paragraph as follows:

"(4) No purchase contract for the construction of such civic center shall be entered into, pursuant to the authority of this section, until thirty legislative days following submittal to and approval by the Senate and House Committees for the District of Columbia, and the Senate and House Committees on Appropriations, of the design, plans, and specifications, including detailed cost estimates, of such civic center."

And renumber the remaining sections.

Mr. SNYDER. Mr. Chairman, this amendment is almost identical, but not in toto, with an amendment that was adopted to this bill in the other body.

This bill provides for contract authority to build a civic center. Once the bill is approved, the Committee on Appropriations and the Committee on the District of Columbia, who know more about this District than the Committee on Public Works does, have no more authority over it; the contract can be let and the commitment is made.

Now, the cost estimates that have been testified to before the committee are about $65 million, and considering the interest rate, about $135 million. If the estimates on this are in error, the same as they were on the stadium, then it will cost four times that or around a half a billion dollars.

All this amendment requires is that after the design is put together and after the plans are made and after the specifications are approved and the detailed cost estimates are made, then these must be submitted to the respective committees; the Committee on the District of Columbia and the Appropriations Committees of the House and Senate. With their approval the project can go forward.

We have been talking about the cost today. Those who oppose the project, as I do, of course, look with the greatest disfavor on it and perhaps boost a little what can happen, and those who are in favor of it keep the cost down.

The statement is made that there will only be $14 million coming out of the Treasury as far as the Federal Government is concerned, but we have made the point before—and it is true—that any deficit must be made up by the District government, which, in turn, must come here for their Federal payment as they have done on these other projects.

Now bear this in mind. I have said it before, and I must say it again. There was an amendment offered in the subcommittee that this contract be let to the lowest and best bidder as determined by the Commissioner of the District of Columbia. That was rejected. There is no more control over this project so far as this cost is concerned by the Congress after today unless you adopt this amendment. This is an amendment that expresses fiscal responsibility to your people back home. It is an amendment that says after you get the final, fixed-cost estimates, not the whole Congress but the District of Columbia Committee and the Appropriations Committee, who in the final analysis are going to be called on to put up the money later on down the road, will get a look at it to see whether or not it is as fiscally sound as it is proposed to be.

Mr. GRAY. Will the gentleman yield?

Mr. SNYDER. I yield to the gentleman.

Mr. GRAY. I thank my distinguished friend from Kentucky for yielding to me.

I am sure he would not want to leave the impression that the Appropriations Committee will not have a 100-percent control over every nickel of that $14 million that the President calls upon the Congress to appropriate. So what the gentleman's amendment would do would be to delay this project to the point where we will not have it ready for the bicentennial.

Mr. SNYDER. The impression I want to leave is they have now only control over the $14 million and nothing beyond that, when the deficit shows up. If this amendment is adopted, at least they can look at the whole project to see whether or not it looks like there will be a deficit—and I think there will be—and whether or not they want to approve that deficit.

Mr. GRAY. If the gentleman will yield further, he knows full well that the language of the act speaks for itself. There is not one nickel more than $14 million that can be approved by the Congress under this authority.

Mr. SNYDER. This gentleman is a little denser than that. He does not know that.

Mr. GRAY. Would the gentleman like me to read the language to him?

Mr. SNYDER. I have studied it quite thoroughly, and I know the full faith and credit of the District of Columbia is behind the balance over and above the $14 million. If they do not have it when the deficit shows up, then it has to be picked up with a Federal payment.

Mr. GRAY. In that eventually, where will the District come to get the money other than from the Committee on Appropriations?

Mr. SNYDER. That is right. But the project is there then and they have no alternative but to give it to them. Let us let them take a look at it with detailed costs. Why are you afraid of that? Do you know something I do not know?

Mr. GRAY. Will the gentleman yield further? I trust President Nixon, I trust Mr. Weinberger, I trust Mayor Washington, I trust the bipartisan city council, and I trust all of the people in the District of Columbia who are able to run their own affairs.

Mr. SNYDER. Do not make a speech on my time.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

(By unanimous consent, Mr. SNYDER was allowed to proceed for 1 additional minute.)

Mr. SNYDER. Mr. Chairman, I trust those people, but I also trusted the same people and their predecessors when they came in with the Kennedy Center, and I trusted those same people and their predecessors when they came down for the RFK Stadium. They were wrong on those counts; their track record is terrible, and I am not going to trust their judgment in this case. And that is why, after they get final cost estimates, I say that they ought to let the District of Columbia Appropriations Committee and the District of Columbia Committee take a look at it.

Mr. GRAY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I shall be very brief.

Mr. Chairman, the House will recall a little over 2 months ago we passed the Public Buildings' Amendments Act of 1972. This legislation was requested by the President of the United States to take a long backlog of buildings and get them started. I am happy to say that in a short 2 months' time the General Services Administration has not only planned these 63 buildings, but are now going out for bids and a dozen or more of them have come back with private entrepreneurs offering to build these buildings at interest rates aggregating about 7 to 7.5 percent, which is a very good rate on today's market. We are getting ready to start digging dirt in 63 communities. You could visualize, if you will, that if they had taken all of these 63 buildings and referred their plans back to the Committee on Appropriations to take a look at them, and where they have a very limited staff, that it would take several months' time for them to go out and look at each facility, and then approve them, and at the way that inflation is increasing, at 5 percent, do you know that that would cost about $100 million additional for these 63 buildings.

All we are doing here is giving the President and the Commissioner of the District authority to move forthwith and to award contracts, and get started so that we can use this facility at a time when it will be needed.

If we should agree to this amendment all we will be doing is delaying this project, and because of inflated prices this means that the costs will be increased for the construction.

I hope that we can vote down this amendment.

Mr. GROVER. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from New York.

Mr. GROVER. Would the gentleman agree that we are not trying to take away the right of oversight or the looking over of contracts by the appropriate committees of the House and Senate?

Mr. GRAY. The gentleman from New York is eminently correct; however, the 52-member Committee on Appropriations, for whom I have a very high regard, if we adopt this amendment, and if they decide to do so, they could delay this project but they do have oversight with the committee bill.

Mr. GROVER. Will the gentleman not agree further that the language in section 4(b), which authorizes the appropriation, will have to be handled under the scrutiny of the House Committee on Appropriations and the Finance Committee of the Senate?

Mr. GRAY. The gentleman is correct. Every single dime will have to be authorized by the Appropriation Committee under this bill and the proposed amendment is only a delaying action.

Mr. CLEVELAND. Mr. Chairman, I rise in support of this amendment, the effect of which is to give the District of Columbia Committees and Appropriations Committees of the House and Senate another look at this project before it is launched, as it will be launched without any further congressional scrutiny if we pass this bill today.

That there is doubt about this bill must be apparent from the recent vote on the taking out the whole civic center section, and the vote was 199 to 183, so that there is doubt about it.

Let me tell you something about the hearings that we held in the Committee on Public Works. Let me tell you why if this Congress does not add this extra step of scrutiny that we will be acting most imprudently. Up until very recently this project we are talking about today was a 25-acre project. And this was the project that engendered much of the input that has gone into these discussions. Last summer on very short notice it was changed from a 25-acre project to a 10-acre project, and on that project we had but 1 day of hearings.

In the general debate, and the discussion on the previous amendment, I asked the gentleman from Illinois (Mr. GRAY) if he meant that 85 percent of the—and he quoted—of the people, as well as the landowners, were in favor of this new project.

I can only say according to the report and I quote:

> Hearings before the committee and local surveys have indicated that 85 percent of site can be acquired from willing sellers.

There is nothing about the tenants.

And again in the hearings on page 58 of the printed hearings—again this question was asked and this time it was 80 percent of the people—people who owned 80 percent of the land in that four-block area are in favor of the center. Nothing about tenants, occupants, or leases.

The gentleman from Illinois (Mr GRAY) has said that the survey included tenants. And he may have some information that I do not have. He may have some information that is not in the printed hearings or in the printed report. But there is some doubt. It must be apparent we are dealing here with a project that only enjoyed 1 day of hearings and there has not been sufficient time or study. I do not see how the House in its wisdom can object to letting the District of Columbia Appropriations Committee and the District of Columbia Committee have a last look at this before it is finalized. I do not see why they do not accept the amendment.

At one time I understood from the ranking member on the Republican side that he had no objection to the amendment. I am not sure what his position is right now. Yes; this might delay the project for 30 days or it might delay the project for 60 days. But with a project of this size—with the honest questions and doubts that have been raised here during this debate—what is wrong with a 30-day or 60-day delay—if indeed it will be that much of a delay?

Mr. GRAY. Mr. Chairman, will the gentleman yield so that I may answer that question?

Mr. CLEVELAND. I yield to the gentleman.

Mr. GRAY. I think my distinguished colleague from Kentucky gave the best answer. He made the statement in the well that we could not have this facility ready for the bicentennial in 1976. So any delay of 1 month to 3 months is not only going to cost more money but it might preclude us from having this facility ready for 50 million people who are going to be coming here in less than 4 years. That is the main reason.

Second, the reason it is not needed is because the Appropriations Committee will review any request for Federal funds for this project.

Mr. CLEVELAND. The Appropriations Committee as I understand from the distinguished chairman of the committee, Mr. NATCHER of Kentucky—we were talking on the floor of the House—will have a chance to review the request for funding if this project falls on its face. He is not going to have a single word to say if we get it started and you are going to come to the House if it does not work and say "Look, we need some money to make it work."

Mr. GRAY. Mr. Chairman, will the gentleman yield further?

Mr. CLEVELAND. I yield to the gentleman.

Mr. GRAY. We have heard so much about Congress subsidizing the District, which is true to a degree. We have increased the Federal payment by over $70 million this year. But we also can credit to the District of Columbia government raising almost $600 million from taxes, generated by the local people. So this is the tail wagging the dog—the argument about Congress being big brother for the District.

Mr. CLEVELAND. Thank you very much. I have been told the figure is 70 percent but perhaps you are right—perhaps I am wrong.

I think this House would be very poorly advised not to adopt this amendment. At the most it would delay the project only 30 or 60 days and if there is some fear about delaying the project for that short a time I think the reasons should be spelled out in more detail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky (Mr. SNYDER).

TELLER VOTE WITH CLERKS

Mr. SNYDER. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. SNYDER. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. SNYDER, GRAY, GROVER, and JAMES V. STANTON.

The Committee divided, and the tellers reported that there were—ayes 250, noes 137, not voting 44, as follows:

[Roll No. 402]

[Recorded Teller Vote]

AYES—250

Abourezk
Alexander
Anderson, Ill.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Aspin
Baker
Barrett
Bennett
Biester
Bingham
Blackburn
Blanton
Boland
Bolling
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Cabell
Caffery
Camp
Carlson
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Conte
Cotter
Coughlin
Crane
Curlin
Daniel, Va.
Davis, Wis.
de la Garza
Dellenback
Denholm
Dennis
Derwinski
Devine
Dickinson
Dingell
Downing
Dulski
Duncan
du Pont
Edwards, Ala.
Eilberg
Erlenborn
Eshleman
Findley
Fish
Fisher
Flowers
Flynt
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Galifianakis
Gaydos
Gettys
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Griffin
Griffiths
Gubser
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hansen, Idaho
Hansen, Wash.
Harvey
Hastings
Hathaway
Hechler, W. Va.
Heckler, Mass.
Heinz
Henderson
Hicks, Mass.
Hicks, Wash.
Hogan
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lennon
Lent
Link
Lloyd
Long, La.
Long, Md.
McClory
McCollister
McCulloch
McDade
McEwen
McKay
McKevitt
Macdonald, Mass.
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Michel
Mikva
Mills, Md.
Minish
Minshall
Monagan
Montgomery
Mosher
Myers
Natcher
Nedzi
Nelsen
Obey
O'Hara
O'Konski
Passman
Pelly
Pettis
Peyser
Pirnie
Podell
Powell
Preyer, N.C.
Price, Tex.
Quie
Railsback
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Roncalio
Roush
Rousselot
Roy
Ruppe
Ruth
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Sikes
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stanton, J. William
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Sullivan
Talcott
Taylor
Terry

Thomson, Wis.
Thone
Tiernan
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Zion

NOES—137

Abbitt
Abzug
Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Ashley
Aspinall
Badillo
Begich
Bergland
Blatnik
Brademas
Brasco
Brooks
Broyhill, Va.
Buchanan
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Carey, N.Y.
Carney
Celler
Chisholm
Clark
Collins, Ill.
Conyers
Corman
Daniels, N.J.
Danielson
Davis, Ga.
Delaney
Dellums
Dent
Diggs
Donohue
Dorn
Dow
Drinan
Eckhardt
Edwards, Calif.
Evins, Tenn.
Flood
Foley
Fraser
Fulton
Fuqua
Garmatz
Gray
Green, Pa.
Grover
Gude
Hanley
Harrington
Harsha
Hawkins
Hays
Hébert
Helstoski
Holifield
Howard
Johnson, Calif.
Jones, Ala.
Karth
Kastenmeier
Kee
Kluczynski
Koch
Kyros
Leggett
McCloskey
McFall
McKinney
Madden
Matsunaga
Meeds
Melcher
Metcalfe
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mitchell
Mizell
Moorhead
Morgan
Moss
Murphy, Ill.
Nix
O'Neill
Patman
Patten
Pepper
Perkins
Pickle
Pike
Poage
Price, Ill.
Pryor, Ark.
Pucinski
Quillen
Rangel
Rees
Reid
Reuss
Riegle
Rodino
Roe
Rogers
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
St Germain
Scheuer
Seiberling
Shipley
Sisk
Skubitz
Staggers
Stanton, James V.
Stokes
Stratton
Stuckey
Symington
Thompson, N.J.
Udall
Van Deerlin
Waggonner
Waldie
Wilson, Bob
Wright
Young, Tex.
Zablocki

NOT VOTING—44

Abernethy
Annunzio
Baring
Belcher
Bell
Betts
Bevill
Biaggi
Boggs
Clay
Culver
Davis, S.C.
Dowdy
Dwyer
Edmondson
Esch
Evans, Colo.
Fascell
Gallagher
Giaimo
Green, Oreg.
Gross
Hagan
Hanna
Hillis
Lujan
McClure
McCormack
McDonald, Mich.
McMillan
Mink
Mollohan
Murphy, N.Y.
Nichols
Purcell
Rooney, N.Y.
Runnels
Schmitz
Steed
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Wiggins
Zwach

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. GRAY

Mr. GRAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GRAY: Page 30, after line 5, insert the following new section:

SEC. 35. The United States courthouse and Federal Building to be constructed in the block bounded by the proposed Makai Street, Halekauwila Street, Kakaako Street, and Ala Moana Boulevard, in Honolulu, Hawaii, shall hereafter be known and designated as the "Prince Jonah Kuhio Kalanianaole Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Prince Jonah Kuhio Kalanianaole Building."

SEC. 36. The Federal office building to be constructed in the city of Albany, New York, is hereby designated as the "Leo W. O'Brien Federal Building", in honor of Leo W. O'Brien, a distinguished Member of the United States House of Representatives from 1952 to 1967, and any reference to such building in any law, regulation, document, map, or other paper of the United States shall be deemed a reference to such building as the "Leo W. O'Brien Federal Building".

SEC. 37. The United States Federal office building to be constructed in the block bounded on the south side by Market Street, north by Art Street, east by 6th Street, and west by 7th Street, Philadelphia, Pennsylvania, shall hereafter be known and designated as the "William J. Green, Jr. Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to "William J. Green Jr. Federal Building".

SEC. 38. The United States courthouse to be constructed in the block bounded on the south side by Market Street, north by Art Street, east by 6th Street, and west by 7th Street, Philadelphia, Pennsylvania, shall hereafter be known and designated as the "James A. Byrne Federal Courthouse". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "James A. Byrne Federal Courthouse".

SEC. 39. The Federal building at East 9th Street and Lakeside Avenue, Cleveland, Ohio, shall hereafter be known and designated as the "Anthony J. Celebrezze Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Anthony J. Celebrezze Federal Building".

SEC. 40. The post office and Federal building at Jefferson and Walnut Streets, Green Bay, Wisconsin, shall hereafter be known and designated as the "John W. Byrnes Post Office and Federal Building". Any reference in a law, map, regulation, document, record or other paper of the United States to such building shall be held to be a reference to the "John W. Byrnes Post Office and Federal Building".

Page 30, line 6, strike out "35" and insert "41".

Page 30, line 9, after "32" insert a comma and the following: "38, and 40".

Mr. GRAY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GRAY. Mr. Chairman, I shall try to be brief. On a day when Ralph Nader and others seem to want to criticize the work of this great body, I think it is more than appropriate that we pause and look back over the past few years at such great giants of Congress as Mendel Rivers, who built a military establishment to defend our country. I think it is time to pay our great respects to retiring Members such as EMANUEL CELLER, the beloved dean of the House, who is leaving the House, and many other colleagues too numerous to mention to perpetuate the great work that all of these deceased and retired Members of Congress have performed for their Government. This recognition and tribute is well deserved and long overdue.

In considering this legislation, we inadvertently left out six of our colleagues. Therefore, the amendment before us is to name six additional buildings after either deceased or retired Members of Congress. There is one in Hawaii, one in New York, two in Pennsylvania, and one in Cleveland, Ohio, and one in Wisconsin.

There is no cost involved to the Federal Government, and I am sure all my colleagues will want to vote for this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. GRAY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HALL

Mr. HALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HALL: Page 20, line 18, strike out the period, insert a comma, and add the following: "*Provided, however*, That none of the funds authorized to be appropriated by this Act shall be made available for one year during which applications may be received by the House Committee on Public Works from any municipality in the Nation for the construction of a Bicentennial Civic Center under terms and condition set forth in this Act."

Mr. HALL. Mr. Chairman, this amendment speaks for itself. It simply says that none of the funds authorized to be appropriated shall be available for 1 year during which applications may be received by the House Committee on Public Works from any municipality in the Nation, for the construction of a bicentennial civic center under terms and conditions set forth in this act.

I should like to reemphasize the "under terms and conditions set forth in this act."

Much has been said here today, Mr. Chairman, about the fact that many cities have such centers as we here consider. In fact, I believe the statement was made that all 24 cities larger than the District of Columbia have established convention centers, and that they are making great profit. Others are building, many with Federal funds. If so, why should they not likewise be honored by having bicentennial civic centers under the same arrangements and terms set forth in this act?

This would simply delay for the time being, pending the receipt from other municipalities—and the determination by this committee—of those who would like also to honor the bicentennial of the Revolution and the Declaration of Independence.

Mr. Chairman, I feel no further statement is necessary in support of this amendment. I offer it in all good faith and yield back the remainder of my time.

Mr. GRAY. Mr. Chairman, I rise in opposition to the amendment. I shall be brief.

I have great respect for my distinguished neighbor from Missouri.

Mr. Chairman, we are doing much for the 50 States. As I mentioned a moment ago, we are spending over $4 billion building 63 Federal buildings all across this country, in almost every State in the Union.

I will not plow over old ground, but this is a very modest amount to be spent for this facility. We are taking very good care of the rest of the United States. The best way I can describe this proposal is to give you some good southern Illinois language by saying that we are offering here a champagne plan on a beer pocketbook. Very little taxpayer money will be needed. I hope the amendment is defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. HALL).

The question was taken; and on a division (demanded by Mr. HALL) there were—ayes 45, noes 103.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. HALL

Mr. HALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. HALL: Strike out lines 23 through 25 on page 29, and lines 1 through 5 on page 30, and renumber following sections accordingly.

Mr. HALL. Mr. Chairman, for the benefit of the Members who do not have the bill before them, this would strike out that section of this bill which is not pertinent, which has no place in the bill, nor indeed in the Committee on Public Works, extending the special privileges of our past Speaker in the 91st Congress for an additional 2 years.

I submit this amendment without any lack of love for our past Speaker. I would like to disabuse anyone's idea that it is submitted in that spirit.

I submit it simply because it is a bad precedent to establish, indeed a continuation that is a bad precedent, as it was bad in the beginning. It is unwarranted. It is improper, if not illegal use of taxpayers' money.

Section 34 is not within the jurisdiction of the Committee on Public Works. When House Resolution 1238 was brought before the House during the 91st Congress, it came before us out of the Committee on House Administration. We were then led to believe during the debate on House Resolution 1238 that these benefits granted to our former Speaker, the Honorable John McCormack, would be for only a 2-year duration.

I would quote from the CONGRESSIONAL RECORD, volume 116, part 32, page 43316, where it says:

> In order to ease the transition and to settle matters relating to the Speaker's official and very extensive legislative and administrative matters, the House resolution authorizes for the use of the Speaker, for a period of 2 years immediately following the expiration of his present term of office as a Representative in the 91st Congress, and originally the various allowances granted Members for the operation of their office.

I think this is self-explanatory, but for emphasis I repeat: "2 years immediately following. We all know that section 34 is not germane, according to rule XVI of clause 7, and this is another reason that the Members should support this amendment.

This applicable section is "where a bill merely extends an official's authority under existing law, and an amendment permanently amending that law has always been held not germane."

Finally, Mr. Chairman, the committee report makes no mention of section 34 of this bill.

The Speakers of the House of Representatives are elected by we, the Representatives of the people, but not by the people who are the taxpayers. The taxpayers' funds have never been available for the blessed name of charity or for such needs as this even though they be decided by the Congress, and this is a constitutional truism.

I urge support of this amendment, and I recommend that in view of our beloved former Speaker's affluence, his known attention to detail, and the fact that he himself requested that many of the benefits of the original amendment brought out of the Committee on House Administration be stricken, that we now strike this unneeded section from the bill.

Mr. GRAY. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Missouri (Mr. HALL).

Mr. Chairman, I have great respect for our distinguished friend from Missouri, Mr. HALL. My heart is really saddened that he offered this amendment.

For 43 years John W. McCormack served with dedication and great distinction in this body. He was an outstanding Speaker. He is housed in the Federal Office Building in Boston, Mass. He is writing his memoirs and he is gathering up all of his official documents. As he goes into the sunset of his life he certainly deserves to be permitted to stay in this suite he has in this old Federal office building in Boston for 2 more years. Is this too much to ask, for this Congress to grant, for 43 years of dedicated public service to our country? There is not one great program or law in this country that his name has not appeared on or received his support for the past 43 years. We give Secret Service protection to former Presidents' wives and children and now are even giving Secret Service protection to candidates. Are we going to say "No, John McCormack, you cannot have an office for 2 additional years in Boston."

That is all the bill does, and the gentleman from Missouri would strike it out. I hope we do not have one person voting in favor of this amendment. I hope we will vote down the amendment.

Mr. GROVER. Will the gentleman yield?

Mr. GRAY. I yield to the gentleman.

Mr. GROVER. I concur with the gentleman's remarks.

I can just understand the letdown feeling our former Speaker would experience if this House, which he loved so much and to which his life was dedicated, denied him this last little legislative courtesy to permit him to complete his works.

I hope, as the gentleman from Illinois requests, that we do not have a record vote and, in any event, that the amendment is defeated.

Mr. GRAY. I thank my friend. I agree with him. I love John McCormack and I know almost everyone does.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. HALL).

The question was taken; and on a division (demanded by Mr. HALL) there were—ayes 8, noes 133.

So the amendment was rejected.

The CHAIRMAN. Are there further amendments to be proposed?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. THOMPSON of New Jersey, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 16645) to amend the Public Buildings Act of 1959, as amended, to provide for the construction of a civic center in the District of Columbia, and for other purposes, pursuant to House Resolution 1136, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

PARLIAMENTARY INQUIRY

Mr. VANIK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. VANIK. Mr. Speaker, my parliamentary inquiry is this:

Under the provisions of rule VIII of the House of Representatives, should a Member sitting today, for whom a building is being named, vote on a proposal in which he has a direct personal interest? In other words, should a Member for whom a building is being named in his honor be excused from voting on the bill?

The SPEAKER. The Chair will state that is entirely within the judgment and discretion of the individual Member.

Mr. VANIK. And the rule of the House leaves it within the discretion of that individual Member?

The SPEAKER. That is correct.

Mr. VANIK. I thank the Speaker.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HALL

Mr. HALL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. HALL. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. HALL moves to recommit the bill, H.R. 16645, to the Committee on Public Works, with instructions to report the same back forthwith with the following amendment: Strike section 13, page 23, lines 10 to 160.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

TELLER VOTE WITH CLERKS

Mr. GRAY. Mr. Speaker, I demand tellers.

Tellers were ordered.

Mr. GRAY. Mr. Speaker, I demand tellers with clerks.

Tellers with clerks were ordered; and the Speaker appointed as tellers Messrs. GRAY, SNYDER, KEE, and GROVER.

PARLIAMENTARY INQUIRY

Mr. GRAY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GRAY. Mr. Speaker, my parliamentary inquiry is this: This vote that is being taken by tellers with clerks is a vote on final passage of the bill, is that not correct?

The SPEAKER. The Chair will state that the gentleman is correct.

Mr. GRAY. I thank the Speaker.

The Committee divided, and the tellers reported that there were—ayes 212, noes 169, answered "present" 9, not voting 40, as follows:

[Roll No. 403]

[Recorded teller vote]

AYES—212

Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Arends
Ashley
Badillo
Baker
Barrett
Begich
Bergland
Biaggi
Biester
Blanton
Blatnik
Boggs
Boland
Brasco
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Caffery
Carey, N.Y.
Carlson
Carney
Celler
Chamberlain
Chisholm
Clark
Clausen, Don H.
Collins, Ill.
Conover
Conte
Conyers
Corman
Curlin
Daniels, N.J.
Danielson
Dellums
Dent
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Drinan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Evins, Tenn.
Fascell
Flood
Foley
Ford, Gerald R.
Fraser
Frelinghuysen
Fulton
Fuqua
Garmatz
Gettys
Gonzalez
Grasso
Gray
Green, Pa.
Grover
Gubser
Gude
Halpern
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hébert
Hechler, W. Va.
Helstoski
Hicks, Mass.
Holifield
Horton
Howard
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Karth
Kastenmeier
Kee
Keith
King
Kluczynski
Koch
Kuykendall
Latta
Leggett
Lent
Link
Lloyd
Long, La.
McClory
McCloskey
McCulloch
McFall
McKinney
Macdonald, Mass.
Madden
Mahon
Mailliard
Mathias, Calif.
Matsunaga
Meeds
Melcher
Metcalfe
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Minshall
Mitchell
Mizell
Montgomery
Moorhead
Morgan
Natcher
Nix
O'Neill
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Pirnie
Poage
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Quillen
Reid
Reuss
Rhodes
Riegle
Rodino
Roe
Rogers
Rooney, Pa.
Rosenthal
Rostenkowski
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Brotzman
Brown, Mich.
Broyhill, N.C.
Burleson, Tex.
Cabell
Camp
Carter
Casey, Tex.
Cederberg
Chappell
Clancy
Clawson, Del
Cleveland
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Hungate
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Ichord
Jacobs
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Jones, N.C.
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Kazen
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Long, Md.
McCollister
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Mann
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Mayne
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Myers
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Steed
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Sullivan
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Thone
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Mink
Mollohan
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Nichols
O'Konski
Purcell
Rangel
Rooney, N.Y.
Runnels
Schmitz
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Wampler
Wiggins

So the bill was passed.

A motion to reconsider was laid on the table.

Mr. GRAY. Mr. Speaker, pursuant to the provisions of House Resolution 1136, I call up from the Speaker's table for immediate consideration the Senate bill (S. 3943) to amend the Public Buildings Act of 1959, as amended, to provide for the construction of a civic center in the District of Columbia, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. GRAY

Mr. GRAY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. GRAY moves to strike out all after the enacting clause of the bill S. 3943 and to insert in lieu thereof the provisions of H.R. 16645, as passed, as follows:

That this Act may be cited as the "Dwight D. Eisenhower Memorial Bicentennial Civic Center Act."

SEC. 2. The Congress hereby finds and declares that—

(1) it is essential to the social and economic development of the District of Columbia to establish major centers of commercial and economic activity within the city;

(2) such a center of activity would result from the development of a civic center located in the downtown area of the District of Columbia;

(3) a civic center would (A) attract large numbers of visitors to the downtown area and result in increased business activity in the area surrounding the center; (B) enable national organizations to hold their conventions and other meetings in the District of Columbia and thereby encourage citizens from the entire Nation to visit their Capital City; (C) provide a new source of revenue for the District of Columbia as a consequence of its operations and the expanded commercial activities resulting therefrom; and (D) provide expanded employment opportunities for residents of the District of Columbia;

(4) it is fitting that said civic center be established as a memorial to the late President, Dwight D. Eisenhower;

(5) the prompt provision of major convention facilities in the District of Columbia will significantly contribute to the commemoration of the Nation's bicentennial year; and

(6) the powers conferred by this Act are for public uses and purposes for which public powers may be employed, public funds may be expended, and the power of eminent domain and the police power may be exercised, and the granting of such powers is necessary in the public interest.

SEC. 3. The Public Buildings Act of 1959 (73 Stat. 479), as amended (40 U.S.C. 601 et seq.), is amended by adding at the end thereof the following new section:

"SEC. 18. (a) In order to provide for the District of Columbia facilities for the holding of conventions, exhibitions, meetings, and other social, cultural, and business activities, the Commissioner of the District of Columbia (hereinafter, Commissioner) is authorized to provide for the development, construction, operation, and maintenance of the civic center to be designated as the Dwight D. Eisenhower Memorial Bicentennial Civic Center on a site in the Northwest section of the District of Columbia within an area bounded by Eighth Street, H Street, Tenth Street, New York Avenue, and K Street.

"(b)(1) Such civic center shall be in accordance with a plan, indicating the design and estimated costs, approved by the Commissioner and the District of Columbia Council, and approved by the National Capital Planning Commission pursuant to section 5 of the National Capital Planning Act of 1952 (D.C. Code, sec. 1–1005) and section 16 of the Act approved June 20, 1938 (D.C. Code, sec. 5–428), and reviewed by the Commission of Fine Arts to the extent required by section 1 of the Act approved May 16, 1930 (D.C. Code, sec. 5–410).

"(2) Notwithstanding the provisions of section 12 of the District of Columbia Redevelopment Act of 1945, as amended (D.C. Code, sec. 5–711), the urban renewal plan, approved pursuant to section 6(b)(2) of such Act (D.C. Code, sec. 5–705(b)(2)), for an urban renewal area in which the civic center is located shall be deemed to be modified by the plan approved pursuant to this subsection and the National Capital Planning Commission shall certify such urban renewal plan, as modified, to the District of Columbia Redevelopment Land Agency.

"(3) In the development of the civic center in accordance with the plan approved pursuant to this subsection, the Commissioner, notwithstanding any other provision of law, may open, extend, widen, or close any street, road, highway, or alley, or part thereof, by the filing of a plat or plats in the Office of the Surveyor of the District of Columbia showing such opening, extension, widening, or closing.

"(c) The Commissioner shall acquire by purchase, gift, condemnation, or otherwise, all real property necessary to provide for the civic center.

"(d)(1) The Commissioner is authorized to enter into purchase contracts, including negotiated contracts, for the financing, design, construction, and maintenance of the civic center. The Commissioner is further authorized to lease the site described in subsection (a) at a nominal rental for a period of not more than thirty-five years. The payment term of said purchase contracts shall not be more than thirty years from the date of acceptance of the civic center and such purchase contracts shall provide that title to the civic center shall vest in the District of Columbia at or before the expiration of the contract term and upon fulfillment of the terms and conditions stipulated in the purchase contracts. Such terms and conditions shall include provision for the application to the purchase price agreed upon therein of installment payments made thereunder.

"(2) Such purchase contracts shall include such provisions as the Commissioner, in his discretion, shall deem to be in the best interest of the District of Columbia and appropriate to secure the performance of the obligations imposed upon the party or parties that shall enter into such agreement with the Commissioner. The purchase contracts shall provide for payments to be made to—

"(A) amortize the cost of site acquisition, including the relocation payments required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and such other moneys as may be advanced by the contractors to the District of Columbia;

"(B) amortize the cost of construction of improvements to be constructed;

"(C) provide a reasonable rate of interest on the outstanding principal as determined under subparagraphs (A) and (B) above; and

"(D) reimburse the contractors for the cost of any other obligations required of them under the contract, including (but not limited to) payment of taxes, costs of carrying appropriate insurance, and costs of repair and maintenance if so required of the contractors.

"(3) For the purpose of the purchase contracts provided by this subsection for the erection of the civic center, the Commissioner is authorized to enter into agreements with any person, copartnership, corporation, or other public or private entity to effectuate any of the purposes of this subsection.

"(4) No purchase contract for the construction of such civic center shall be entered into, pursuant to the authority of this section, until thirty legislative days following submittal to and approval by the Senate and House Committees for the District of Columbia and the Senate and House Committees on Appropriations, of the design, plans, and specifications, including detailed cost estimates, of such civic center.

"(e) The full faith and credit of the Government of the District of Columbia is hereby committed to guarantee, upon such terms and conditions as may be prescribed by the Commissioner, the fulfillment of all obligations imposed by the provision of this section.

"(f)(1) The Commissioner is authorized to accept and administer gifts, personal services, securities, or other property of whatever character to aid in carrying out the purposes of this section.

"(2) The Commissioner is further authorized to provide for the operation of any or all aspects of the civic center by any department or agency of the Government of the District of Columbia, or may provide for the performance of such operations, including the use or rental of the civic center or its equipment, motor vehicle parking facilities, concessions, and other activities, by contract entered into with any person, copartnership, corporation, or other public or private entity, upon such terms and conditions as may be stipulated in the agreements, and for such purposes may utilize or employ the services of personnel of any agency or instrumentality of the United States or the District of Columbia, with the consent of such agency or instrumentality, upon a reimbursable or nonreimbursable basis, and may utilize voluntary or uncompensated personnel."

SEC. 4. (a) There is authorized to be appropriated out of the revenues of the District of Columbia such sums as may be necessary to carry out the purposes of this Act. Such sums shall remain available for obligation until expended.

(b) There is authorized to be appropriated, without fiscal year limitation and out of any money in the Treasury not otherwise appropriated, not to exceed $14 million for a contribution to the District of Columbia as the Federal share of carrying out the purposes of this Act.

SEC. 5. The Federal office building and United States courthouse to be constructed in the southwest portion of that block bounded by Mitchell Street, Pryor Street, Central Avenue, and Trinity Avenue, in Atlanta, Georgia, is hereby designated as the "Richard B. Russell Federal Building", in memory of the late Richard Brevard Russell, a distinguished Member of the United States Senate from 1933 to 1971, and any reference to such building in any law, regulation, document, map, or other paper of the United States shall be deemed a reference to such building as the "Richard B. Russell Federal Building".

SEC. 6. The Federal building to be constructed in the block bounded by the west side of New Orleans Avenue, north of Main Street, and the east of Jackson Street, in Hattiesburg, Mississippi, shall hereafter be known and designated as the "William M. Colmer Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such Federal building shall be held to be a reference to the "William M. Colmer Federal Building".

SEC. 7. The Federal building to be constructed in the block of West Commerce Street bounded on the west side by Columbus Street and on the east side by James Street, in Aberdeen, Mississippi, shall hereafter be known and designated as the "Thomas G. Abernethy Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such Federal building shall be held to be a reference to the "Thomas G. Abernethy Federal Building".

SEC. 8. The Federal building being constructed in the block bounded by Ninth Street Northwest, Tenth Street Northwest, E Street Northwest, and Pennsylvania Avenue Northwest, in the District of Columbia, shall hereafter be known and designated as the "J. Edgar Hoover F.B.I. Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such Federal building shall be held to be a reference to the "J. Edgar Hoover F.B.I. Building".

SEC. 9. The Federal office building now under construction in the Capital Plaza area of Frankfort, Kentucky, is hereby designated as the "John C. Watts Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "John C. Watts Building".

SEC. 10. The Federal building in the block bounded by Second Street Southwest, Third Street Southwest, Cleveland Avenue South, and Dewalt Avenue South, in Canton, Ohio, shall hereafter be known and designated as the "Frank T. Bow Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such Federal building shall be held to be a reference to the "Frank T. Bow Federal Building".

SEC. 11. The jet propulsion laboratory at 4800 Oak Grove Drive, Pasadena, California shall hereafter be known and designated as the "H. Allen Smith Jet Propulsion Laboratory". Any reference in a law map, regulation, document, record, or other paper of the United States to such jet propulsion laboratory shall be held to be a reference to the "H. Allen Smith Jet Propulsion Laboratory".

SEC. 12. The Federal building at 1515 Clay Street, Oakland, California, shall hereafter be known and designated as the "George P. Miller Federal Building". Any reference in a law, may, regulation, document, record, other paper of the United States to such building shall be held to be a reference to the "George P. Miller Federal Building".

SEC. 13. The United States courthouse and Federal building at 302 Joplin Street, Joplin, Missouri, shall hereafter be known and designated as the "Durward G. Hall Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Durward G. Hall Federal Building".

SEC. 14. The United States courthouse and Federal building at 225 Cadman Plaza, Brooklyn, New York, shall hereafter be known and designated as the "Emanuel Celler Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Emanuel Celler Federal Building".

SEC. 15. The post office, United States courthouse and Federal building at 401 West Trade Street, Charlotte, North Carolina, shall hereafter be known and designated as the "Charles R. Jonas Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Charles R. Jonas Federal Building".

SEC. 16. The United States courthouse and Federal building at the corner of Princess Street and Water Street, Wilmington, North Carolina, shall hereafter be known and designated as the "Alton Lennon Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Alton Lennon Federal Building".

SEC. 17. The post office and Federal building now under construction in the block bounded on the north by East Sixth Street, west by North Diamond Street, south by East Fifth Street, and east by North Adams Street, Mansfield, Ohio, shall hereafter be known and designated as the "Jackson E. Betts Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Jackson E. Betts Federal Building".

SEC. 18. The Federal building in the block bounded on the north by Edmond Street, south by Charles Street, west by Eighth Street, and east by Ninth Street, St. Joseph, Missouri, shall hereafter be known and designated as the "William R. Hull Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "William R. Hull Federal Building".

Sec. 19. The United States courthouse and Federal building to be constructed in the block bounded on the north side by Lombard Street, east by Hanover Street, south by Pratt Street, and west by Hopkins Place, Baltimore, Maryland, shall hereafter be known and designated as the "Edward A. Garmatz Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Edward A. Garmatz Federal Building".

Sec. 20. The post office and Federal building to be constructed in New Bedford, Massachusetts, under authority of the Public Buildings Amendments of 1972, Public Law 92–313, shall hereafter be known and designated as the "Hastings Keith Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Hastings Keith Federal Building".

Sec. 21. The post office and Federal building at 333 West Fourth Street, Tulsa, Oklahoma, shall hereafter be known and designated as the "Page Belcher Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Page Belcher Federal Building".

Sec. 22. Federal building at the corner of Main Street and High Street, Farmville, Virginia, shall hereafter be known and designated as the "Watkins M. Abbitt Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Watkins M. Abbitt Federal Building".

Sec. 23. The Federal building to be constructed in Roanoke, Virginia, under authority of the Public Buildings Amendments of 1972, Public Law 92–313, shall hereafter be known and designated as the "Richard H. Poff Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Richard H. Poff Federal Building".

Sec. 24. The post office and Federal office building at the corner of Lincoln and Central Streets, Essex Junction, Vermont, shall hereafter be known and designated as the "Winston Prouty Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Winston Prouty Federal Building".

Sec. 25. The Earth Resources Observation System Facilities Development Foundation at 101 West Ninth Street, Sioux Falls, South Dakota, shall hereafter be known and designated as the "Karl E. Mundt Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Karl E. Mundt Federal Building".

Sec. 26. The Department of Health, Education, and Welfare South Building located at 330 C Street Southwest, Washington, District of Columbia, is hereby designated, and shall be known as the "Mary Switzer Memorial Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Mary Switzer Memorial Building".

Sec. 27. The Federal office building to be constructed in Fitchburg, Massachusetts, on the site bounded by Maine and Academy Streets on the Marrman Parkway, is hereby designated and shall be known as the "Philip J. Philbin Federal Office Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Philip J. Philbin Federal Office Building".

Sec. 28. The post office and Federal office building to be constructed in the block bounded by Grinage Street, Verret Street, Lafayette Street, and High Street in Houma, Louisiana, is hereby designated as the "Allen J. Ellender Post Office and Federal Office Building", in memory of the late Allen J. Ellender. Any reference to such building in any law, regulation, document, map, or other paper of the United States shall be deemed a reference to such building as the "Allen J. Ellender Post Office and Federal Office Building".

Sec. 29. The Federal building at 334 Meeting Street, Charleston, South Carolina, shall hereafter be known and designated as the "L. Mendel Rivers Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "L. Mendel Rivers Federal Building".

Sec. 30. The United States courthouse and Federal building at the corner of Avenue A and Seventh Street, Opelika, Alabama, shall hereafter be known and designated as the "George W. Andrews Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "George W. Andrews Federal Building".

Sec. 31. The Federal building to be consrtucted in Florence, South Carolina, on the site bounded east by Sanborn Street, west of North McQueen Street, and north by West Evans Street, shall hereafter be known and designated as the "John L. McMillan Federal Building." Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "John L. McMillan Federal Building".

Sec. 32. The United States courthouse and Federal building located at 400 Rood Avenue, Grand Junction, Colorado, shall hereafter be known and designated as the "Wayne N. Aspinal Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Wayne N. Aspinall Federal Building".

Sec. 33. The post office, United States courthouse and Federal building at 207 West Main Street, Wilkesboro, North Carolina, shall hereafter be known and designated as the "Johnson J. Hayes Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Johnson J. Hayes Building".

Sec. 34. The effective period for each provision relating to the Speaker of the House of Representatives in the Ninety-first Congress which is contained in H. Res. 1238 Ninety-first Congress, as enacted into permanent law by chapter VIII of the Supplemental Appropriations Act, 1971 (84 Stat. 1989), is hereby extended for an additional two years from the date on which (but for this section) such provision would expire.

Sec. 35. The United States courthouse and Federal Building to be constructed in the block bounded by the proposed Makai Street, Halekauwila Street, Kakaako Street, and Ala Moana Boulevard, in Honolulu, Hawaii, shall hereafter be known and designated as the "Prince Jonah Kuhio Kalanianaole Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Prince Jonah Kuhio Kalaianaole Building.

Sec. 36. The Federal office building to be constructed in the city of Albany, New York, is hereby designated as the "Leo W. O'Brien Federal Building", in honor of Leo W. O'Brien, a distinguished Member of the United States House of Representatives from 1952 to 1967, and any reference to such building in any law, regulation, document, map, or other paper of the United States shall be deemed a reference to such building as the "Leo W. O'Brien Federal Building".

Sec. 40. The post office and Federal building at Jefferson and Walnut Streets, Green Bay, Wisconsin, shall hereafter be known and designated as the "John W. Byrnes Post Office and Federal Building". Any reference in a law, map, regulation, document, record or other paper of the United States to such building shall be held to be a reference to the "John W. Byrnes Post Office and Federal Building".

Sec. 41. (a) Except as provided in subsection (b), this Act shall take effect on the date of its enactment.

(b) Sections 6 and 7, sections 10 through 23, inclusive, sections 25, 31, and 32, 38, and 40 shall take effect January 4, 1973.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 16645) was laid on the table.

Mr. GRAY. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the bill S. 3943 and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. SNYDER. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

GENERAL LEAVE

Mr. GRAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ANNOUNCEMENT OF PROGRAM

(Mr. BOGGS asked and was given permission to address the House for 1 minute.)

Mr. BOGGS. Mr. Speaker, I take this time to announce to the House that in the program for tomorrow, it is our intention to call up House Resolution 1142.

This resolution confers authority to entertain motions to suspend the rules on any day after Monday next. Also, to suspend the two-thirds rule required for a vote on a rule on the same day.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I shall be happy to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Do I understand that that resolution is not limited to 1 day, but to any day and all days next week except Monday?

Mr. BOGGS. It begins on Tuesday, the day after Monday.

Mr. GERALD R. FORD. And that there could be suspensions Tuesday, Wednesday, Thursday, Friday, and Saturday?

Mr. BOGGS. That is correct.

Mr. GERALD R. FORD. At the option of the Speaker?

Mr. BOGGS. That is correct.

Mr. GERALD R. FORD. And there is no date certain set for adjournment sine die?

Mr. BOGGS. The gentleman is entirely correct.

Mr. GERALD R. FORD. Is this not somewhat odd, unusual procedure?

Mr. BOGGS. The procedure is not odd. The only thing about the procedure, if I may answer the gentleman further, is the fact that it does not include a sine die adjournment date. We are frankly not in a position to do that, and the gentleman knows that.

Mr. GERALD R. FORD. Is not the House in a position to pass an adjournment resolution sine die with a date certain; I am suggesting October 14, and send it over to the other body?

Mr. BOGGS. It has happened certain times in the past, but we are not prepared today, the leadership is not prepared——

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GERALD R. FORD. Is it not within the prerogative of the House to pass a resolution with a date certain and send it to the other body?

The SPEAKER. It is in the prerogative of the House to pass a resolution setting a date certain, but it is not within the prerogative of the Speaker to recognize for suspensions of rules until that sine die resolution passes the other body.

Mr. GERALD R. FORD. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GERALD R. FORD. To clarify, the House can pass such a resolution with a date certain?

The SPEAKER. Yes, the House could; but it would not be operable until agreed to by the Senate.

Mr. BOGGS. But it has no impact. It has no effect, as the gentleman well knows.

Mr. GERALD R. FORD. I understand that, but I think it would help to initiate some action to get an adjournment if we should just pass such a resolution on this side of the Capitol.

Mr. BOGGS. I share the gentleman's desire to adjourn, but I also know that we have a responsibility to pass the legislative program before the House. The only way I know of to pass it next week is the adoption of this resolution tomorrow. We will debate it on the floor tomorrow, but I can assure the gentleman that a sine die motion will not be included. We cannot include it at this time.

Mr. GERALD R. FORD. Well, you could include it. It is a judgment on the leadership part, on that side of the aisle, not to include it, is that correct?

Mr. BOGGS. Yes but, I do not like to pass judgment on the leadership on the other side of the Capitol. It is obvious that the other body is considerably behind this body. I believe I would be unrealistic if I said to the gentleman I thought the other body could conclude its work next week. We can.

Mr. GERALD R. FORD. If I might make an observation, it was my understanding—and apparently I was in error—that the resolution gave the authority for one suspension date Tuesday, October 10. Now, under the explanation of the gentleman from Louisiana, it is a free rein: Tuesday, Wednesday, Thursday, Friday, and Saturday. I believe that goes too far.

Mr. BOGGS. The gentleman has every right to his opinion. I am not going to argue the question with him.

We completed on yesterday six or seven of the 46 suspensions, some of which are not very controversial but some of which are very controversial. The chairmen of the committees have indicated most of these measures are necessary. Many of them come from downtown, come from agencies in the Government. We are trying to complete that program.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I am happy to yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman yielding.

In a slightly different vein, is it not true, in passing on the rule the gentleman announces will be brought up tomorrow, and presumably handled by the Committee on Rules, or at least under their direction, it will require simply a majority vote?

Mr. BOGGS. That is my understanding.

Mr. HALL. Is it not true, therefore, that this circumvents or obviates the ordinary rules of procedure and the Reorganization Act of 1970, without establishing a sine die adjournment or without bringing up a rule, as announced, with a two-thirds majority required, to bring up suspensions for the balance of next week following the Columbus Day holiday?

Mr. BOGGS. The gentleman is stating a parliamentary conclusion. I am not going to pass judgment on that.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from New York.

Mr. CELLER. Do I correctly understand the gentleman's request includes the Speaker to recognize for motions to suspend the rules on Monday next?

Mr. BOGGS. No; only after Monday.

REQUEST FOR PERMISSION TO CONSIDER BUSINESS SCHEDULED FOR MONDAY NEXT ON TUESDAY NEXT

There was another item. Mr. Speaker, I ask unanimous consent that business scheduled for Monday next, which is District day, be carried over from Monday next until Tuesday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. HALL. Mr. Speaker, reserving the right to object, I believe, while the Members are here assembled and, under this device, we should recognize the stratagem and program previously announced by the majority leader for exactly what it is, and we should all come to the floor of the House when this is brought by the Committee on Rules tomorrow, prepared to vote it down by a majority plus one. This will take the pensive thinking and the probing judgment of all Members who value the rights of the minority or of the individual elected Congressman.

Secondly, I am not sure we should not recognize the "squeeze plays" we always have on the floor of the House as we dawdle, on the tendrils of the other body like marionettes, not exercising initiative enough on our own to send them a message by a proper resolution, or the leadership refusing to recognize those who would, for a similar vote to this other coming out of the Rules Committee, on a resolution to adjourn on a date certain sine die, and sending it to the other body.

Many of us can remember when the House used to adjourn for short periods, with no legislation promised in the interval, and we would send a message to the other body with a date certain in mind, and this forced action on the other body.

Goodness knows. If in the olden days of the founding of this Republic taxation without representation was tyranny, this is now unconscionable with representation. The longer we tarry the worse the "cleanup" legislation and greater the cost to the taxpayers.

I use this means only, since I could not get recognized otherwise, as pointing out what the Committee on Rules is doing to the entire membership, what the leadership is doing, and what we are allowing the other body to do to us; when those of us who seek to return to the representative form of government should be home "mending our fences," and communicating with our constituents.

Mr. Speaker, in view of the request and in view of our former folly to declare long weekends on the legal holidays, to say nothing of work very short hours only last week, I object to the unanimous-consent request.

The SPEAKER. Objection is heard.

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to proceed for an additional 30 seconds.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BOGGS. Mr. Speaker, I made this request for one purpose only, and that is that we have officially, by act of Congress, made Columbus Day a national holiday, and the leadership announced early this year that that holiday would be duly recognized and legislation would not be scheduled.

Now, the gentleman from Missouri is entitled to his opinion about the leadership. He frequently castigates us. I have become accustomed to it. We do the best we can, sometimes under difficult circumstances.

I do not care about his castigations; I will let the record speak for itself. But I do think that what he has done now is to reflect upon the memory of one of the greatest men of all times, and also to reflect upon every American who is of Italian or Spanish descent.

INCENTIVE PAY TO MEMBERS OF UNIFORMED SERVICES

Mr. BYRNE of Pennsylvania. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 14909) to amend section 552(a) of title 37, United States Code, to provide continuance of incentive pay to members of the uniformed services for the period required for hospitalization and rehabilitation after termination of missing status, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

> Page 2, line 4, after "period" insert ", not to exceed one year,".

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. HALL. Mr. Speaker, reserving the right to object, will the gentleman explain what the Senate amendment is to this bill of the Committee on Armed Services and whether or not there is an additional cost involved, and is it germane to the House-passed bill?

Mr. BYRNE of Pennsylvania. Mr. Speaker, the Senate has approved the House-passed bill, H.R. 14909, which provides for the continuation of incentive pay for POW's during periods of hospitalization and rehabilitation after the termination of their missing status. As approved by our committee, there was no limitation on how long the former POW's could continue to receive their incentive pay.

However, in approving the bill our committee had noted that the period of hospitalization and rehabilitation following the return from POW or missing status will be a particularly trying time for the men themselves and their families. The committee did not want the family income reduced during that period by a cutoff of incentive pay.

In approving the legislation the Senate inserted a 1-year limitation; that is, the period of rehabilitation or hospitalization during which the incentive pay will continue shall be limited to 1 year.

The 1-year limitation would seem to be reasonable for extension of incentive pay. Of course, we have no experience with how long the rehabilitation and hospitalization of returned POW's will take since we have never had the experience with men who have been in a missing status as long as those presently in North Vietnam. The bill as amended by the Senate would provide a needed authorization on the books, and later amendments could always be considered if deemed necessary.

Therefore, I recommend that the committee instruct the chairman to ask the House to agree to the Senate amendment.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

MOTION TO GO TO CONFERENCE ON H.R. 7130, FAIR LABOR STANDARDS AMENDMENTS OF 1972

Mr. PERKINS. Mr. Speaker, by direction of the Committee on Education and Labor, I move to take from the Speaker's table the bill (H.R. 7130) to amend the Fair Labor Standards Act of 1938 to increase the minimum wage under that act, to extend its coverage, to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The Clerk read the title of the bill.

POINT OF ORDER

Mr. ANDERSON of Illinois. Mr. Speaker, I make a point of order.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON of Illinois. Mr. Speaker, I make a point of order that the motion of the gentleman from Kentucky is contrary to the provisions of clause 1 of rule XX, disregards the established precedents of the House and is not in order, and I request an opportunity to be heard on the point of order.

The SPEAKER. The gentleman may be heard on his point of order.

Mr. ANDERSON of Illinois. Mr. Speaker, the gentleman from Kentucky's motion, to take the bill H.R. 7130 from the Speaker's desk, to disagree with the Senate amendments, and request a conference with the Senate thereon, is in violation of clause 1 of rule XX. Rule XX provides in part:

> That a motion to disagree with the amendments of the Senate to a House bill . . . and request . . . a conference with the Senate . . . shall always be in order if the Speaker, in his discretion, recognizes for that purpose and *if the motion is made by direction of the committee having jurisdiction of the subject matter of the bill or resolution.* (Emphasis added.)

This rule clearly provides that such a motion is only in order if it is made by direction of the committee having jurisdiction of the subject matter of the bill or resolution. Moreover, the rule is clear in its intent that it only authorizes the committee to direct one motion to be made. The rule states that "a motion" shall be in order "if the motion" is made at the direction of the appropriate committee.

On August 1, 1972, the Committee on Education and Labor directed the gentleman from Kentucky to make a motion to disagree with the Senate amendments to the bill H.R. 7130 and to request a conference. A motion pursuant to the direction of the committee was made on August 1 and defeated by a rollcall vote of 198 to 190—CONGRESSIONAL RECORD, pages 26152–26156. Furthermore, motion to reconsider was at that time made and laid on the table. Reconsideration of the original motion is therefore not in order.

The provision in clause 1 of rule XX allowing a bill to go to conference by simple motion was added to the rules on January 4, 1965. In explaining the intent of that provision the then majority leader, Speaker CARL ALBERT, stated:

> The purpose of these . . . changes in the rules, of course, is to expedite the business of the House and to make available other methods of handling the legislative business of the House. *They do not seek to change any the rules governing the Committee on Rules or other procedures, all of which are left intact.* (CONGRESSIONAL RECORD, vol. 111, pt. 1, p. 35; emphasis added.)

Commenting on the same provision, Speaker JOHN MCCORMACK made the following statement during floor debate:

> The other . . . amendments are very simple. Certainly when a bill is going to conference the regular procedure is for the Member in charge to ask unanimous consent for the bill to go to conference. In 19 cases out of 20 or even 29 cases out of 30 unanimous consent is granted. It is very seldom unanimous consent is not granted for a bill to go to conference. This proposed rule would permit the will of the House to be ascertained and the majority of the Members present and voting then could send the bill to conference. (CONGRESSIONAL RECORD, vol. 111, pt. 1, p. 38.)

The intent in amending the rule to allow a bill to go to conference by a simple motion is clear: The House was to have an opportunity to work its will. No other changes in the rules or other procedures were intended.

The gentleman from Kentucky made the motion provided for in clause 1 of rule XX, and the House worked its will in refusing to send the bill to conference. Rule XX does not authorize a committee chairman to make repetitive motions on a question already determined by the House in the vain hope that he will someday wear down the patience of the Members and be successful. How many times will the gentleman from Kentucky be allowed to ride a dead horse?

Mr. Speaker, it is a firmly settled canon of general parliamentary law, including the rules and precedents of this body, that once motions have been made, and have failed, similar motions cannot be made during the same stage of proceedings. To permit otherwise would be to obviate any semblance of orderly procedure. Rule XX is no exception; it does not grant a license to committee chairmen to make a series of motions, hoping sooner or later they will be successful. Rather, the rule clearly provides for one opportunity to have the question considered by the House, and the will of the House must prevail. It would be a travesty upon this body to allow repetitive motions of this sort once the House has decided the question.

The Chair is aware of the precedent found in section 6325 of volume V of Hinds' Precedents. That precedent has the following summary in its caption:

> A motion to request a conference on disagreeing votes of the two Houses having been rejected, may not be repeated at the same stage of the question, even though a recess of Congress may have intervened.

This precedent is clear. The present motion of the gentleman from Kentucky is not in order, and clause 1 of rule XX was not intended to supersede this precedent or to grant more than one opportunity for the House to work its will on this issue. As plainly stated in the caption to the precedent, the fact that a recess—or even an adjournment sine die—intervened does not alter the parliamentary situation. The substantially similar motion is still not in order and may not be repeated.

Mr. Speaker, I insist upon my point of order, and urge the Chair to sustain it.

The SPEAKER. Does the gentleman from Kentucky (Mr. PERKINS) desire to be heard on the point of order?

Mr. PERKINS. Yes, Mr. Speaker.

The SPEAKER. The gentleman from Kentucky is recognized.

Mr. PERKINS. Mr. Speaker, the point of order should not be sustained. The rule of the House under which I am proceeding is clause 1 of rule XX which in part reads:

> *Provided, however*, That a motion to disagree with the amendments of the Senate to a House Bill or Resolution and request or agree to a conference with the Senate or a motion to insist on the House amendments to a Senate Bill or Resolution and request or agree to a conference with the Senate, *shall always be in order* if the Speaker, in his discretion recognizes for that purpose and if the motion is made by the direction of the Committee having jurisdiction over the subject matter of the bill or resolution.

Mr. Speaker, the rule is very clear. It says this motion shall always be in order if two conditions are met. First, the Speaker must recognize a Member for the purpose of making the motion and second, the motion must be made after the committee having jurisdiction over the subject matter has directed the Member to make the motion.

Mr. Speaker, the committee has directed me to make this motion.

It is certainly true that on August 1 the House Education and Labor Committee directed me to make a similar motion under the rule with respect to this legislation and the motion was made and defeated. But subsequent to that time and specifically on Tuesday, August 8, 1972, the committee directed that I make this motion with respect to this legislation.

Clearly a new set of circumstances has now been generated under which the right to make the motion under rule XX exists. Let me again stress that the above quoted provision says it shall always be in order to make the motion if the Speaker recognizes the Member for that purpose and if the committee having jurisdiction has directed the Member being recognized to make the motion.

The SPEAKER. For what purpose does the gentleman from Illinois (Mr. ANDERSON) rise?

Mr. ANDERSON of Illinois. Mr. Speaker, I would like to be heard very briefly further on the point of order.

The SPEAKER. The gentleman is recognized.

Mr. ANDERSON of Illinois. Mr. Speaker, the gentleman from Kentucky has now insisted that the motion which he repeats on this occasion and which is the identical motion that he made on August 1, 1972, is always in order—and that the rules change says that such a motion shall always be in order.

He thereby draws from the word "always" the conclusion—and I think it is an entirely unwarranted conclusion—that that word means that you can continue day after day in a repetitive fashion, to repeat an identical motion.

The word "always" within the rule says the motion shall always be in order. What the rule simply means is this—that it is a preferential motion. That is the meaning of the word "always." It is because it is in the nature of a preferential motion that it shall always be in order. There is nothing in this rules change, I repeat, that disturbs the earlier procedures and the other rules of the House or the precedents to which I have referred.

The gentleman from Kentucky has placed an entirely erroneous interpretation and meaning upon the word "always." It is a preferential motion that makes it always in order—and not that it is a repetitive motion identical in nature to that which was offered and defeated in this House on August 1.

Mr. PERKINS. Mr. Speaker, this is a new motion made by the new authority and new direction from the committee, and it is always in order in the discretion of the Speaker.

We submit to you here that we have complied with this provision and the conditions that I quoted clearly makes it in order.

The SPEAKER. The Chair is ready to rule. The gentleman from Kentucky has moved, pursuant to clause 1 of rule XX, that the House disagree with the amendments of the Senate to the bill H.R.7130 and request a conference with the Senate. The gentleman states that he has been authorized to make this motion by the Committee on Education and Labor by its action of August 8, 1972.

The gentleman from Illinois (Mr. ANDERSON) has raised a point of order against this motion on the ground that since the House has once rejected such a motion, it cannot be repeated.

In support of his argument, the gentleman cites a precedent which is found in volume V, section 6325, of Hinds' Precedents.

The Chair has examined that precedent—which carries the following headnote:

> A motion to request a conference on disagreeing votes of the two houses having been rejected, may not be repeated at the same stage of the question, even though a recess of Congress may have intervened.

The Chair believes that precedent is clearly distinguishable from the present situation. In that case, which the Chair notes occurred in the 34th Congress, the two Houses had reached the stage of disagreement with respect to the Senate amendments to the House bill. The stage of disagreement having been reached, there were other motions available in the House which could be used to dispose of the amendments in disagreement. A reading of that precedent shows that after the Speaker had declined to recognize for a second motion that the House ask a further conference with the Senate, the first such motion having already been rejected, the House at a later time did in fact consider the motions to recede from disagreement and to adhere.

In the present situation, the Chair notes that the stage of disagreement has not been reached. Any action on the Senate amendments to the House bill—that is to take the bill from the Speaker's table and to concur, to concur with amendment, to disagree—would have to be by unanimous consent.

The only motion which is in order under the present situation under the rules of the House is to disagree and ask a conference.

The Chair thinks it should also be pointed out that rule XX, clause 1—the portion thereof making such a motion in order—was adopted in the 89th Congress.

It is obviously a much later expression of the House than the precedent cited from the 34th Congress.

The Chair realizes that this is the first time this particular question has arisen since the adoption of the amendment to rule XX. The Chair's ruling in this case is thus one of first impression. And in making such a ruling, the Chair is always aware of the admonition of Mr. Speaker Reed, to the effect that rules of the House should be construed in such a way as to expedite the business of the House and not interpreted to prevent the House from acting.

Mr. Speaker Reed stated:

> The object of a parliamentary body is action, and not stoppage of action.

It might be suggested that to permit repeated use of the motion under rule XX would be to invite its use as a dilatory motion. That does not appear to the Chair to be a real possibility, since the motion can be made only by direction of the legislative committee having jurisdiction over the measure and can be called up only if the Speaker in his discretion recognizes for that purpose. Both of these restrictions would prevent its employment as a dilatory tactic.

Finally, the Chair would like to point out the precise language of the rule, which is that the motion "shall always be in order, if the Speaker, in his discretion, recognizes for that purpose and if the motion is made by direction of the committee having jurisdiction."

For all these reasons, the Chair holds that the motion is in order and overrules the point of order made by the gentleman from Illinois (Mr. ANDERSON).

The gentleman from Kentucky (Mr. PERKINS) is recognized for 1 hour.

Mr. PERKINS. Mr. Speaker, we all know what this motion is about. I think the Members of this body want a minimum wage bill this session.

If we vote against this motion and the motion is voted down, it will be difficult, if not impossible, to get a minimum wage bill during the remainder of this session of Congress. A vote against this motion will seriously jeopardize chances of passing a minimum wage bill.

I do want to state that it will be the intent of the conferees on the part of the House to undertake to resolve the differences between the House and the Senate and as much so as possible to uphold the House provisions in this legislation. I think it is necessary and I believe the majority of the House feels it is necessary that we get a bill during this session. I would hate to think that anyone here would believe that we are going to go over there and bring back the Senate bill, or do anything else that is objectionable to the House. As far as we can, we will be reasonable and bring back a reasonable bill. There is no intent on the part of the House conferees to abandon the House position and it is my hope that the Members on both sides of the aisle will vote to send this bill to conference.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield 5 minutes to the gentleman from Minnesota (Mr. Quie).

Mr. QUIE. Mr. Speaker, I hope my colleagues will vote against this motion to go to conference. As far as I am concerned the bill from the other body is unacceptable. It will not only be damaging to some segments of the economy but even more so it will be damaging to the young people of this country. If there is an increase in the minimum wage at the rate that is proposed in the Senate bill, we are going to see a further increase in unemployment among young people. The present law has a totally unworkable youth differential. There are very few young people hired under it because the prior certification requirements are just unacceptable to employers. What we need is a youth differential where employers can hire full-time students and 16- and 17-year-olds who have dropped out of school at 80 percent of the minimum.

Let me talk specifically about these 16- and 17-year-olds. Today there are a number of young people who cannot take the high schools. They have dropped out. Nothing we can do can convince them they ought to go back to high school. It does not meet their needs. They have been turned off. They cannot get jobs. What is happening to them? Many of them, and this is happening especially in the ghettos, many of them are turning to crime. If we do not provide a youth differential in the new minimum wage legislation we are going to see an increase in crime among youth and we are going to see an increase in the use of drugs and we are going to increase the cost to the Federal Government to finance these kids to go to school if no one will make jobs for them to work. That is going to happen.

There are kids who are denied the opportunity that most of the Members and I have had, the opportunity to work when we were young. They are denied the chance to do something that is of benefit to themselves and their communities. They are denied the chance to do something they can look to for self-dignity.

Unless we have this youth differential we are going to see an increase in the youth unemployment. There was an increase in employment of young people this summer, but now in August we see an increase again in unemployment. The rate for the 16- and 17-year-olds seasonally adjusted is at 20.5 percent, almost four times the overall unemployment rate. That is even worse among nonwhites and it is even worse among nonwhite females. These are individuals who if they could get a job for $1.60 an hour would be off the street and doing something worthwhile.

A number of people have studied this and if there is one subject that almost all academic economists agree upon it is that a minimum wage is likely to increase unemployment especially among the unskilled, inexperienced, and disadvantages; namely, our young people 16 to 17 and especially members of minorities. Several recent articles in the best economic journals come to this conclusion which is shared by economists of all political persuasions from Milton Friedman to Paul Samuelson. A recent study "Crime, Youth, and the Labor Market" by Glad Phillips and Harold L. Votey, Jr., University of California, Santa Barbara and Darold Maxwell, Harvard University in the Journal of Political Economy, June 1972, has again found a strong causal link between high youth unemployment and low youth labor force participation rates and the crimes of larcency, burglary, auto theft, and robbery. This study combined with the above studies on minimum wage effects on youth represents strong evidence that the failure to enact the youth differential provision will almost certainly increase the number of crimes against property and person committed in our urban and suburban areas.

I think we should also point out that lower starting rates for youths have been established by law or collective bargaining in the United Kingdom, France, West Germany, and the Netherlands. In France and West Germany firms are allowed to pay 16- to 17-year-olds up to 20 percent below the minimum wage. In both of these countries a recent DOL team sent overseas to review how these countries handled the youth unemployment problem concluded that there was "no significant youth unemployment" in these countries. The youth differential undoubtedly contributed to achieving a low youth unemployment rate in these countries.

It is clear from economic theory and statistical evidence from our country and abroad that a high minimum wage for 16- to 17-year-olds will increase unemployment among this group making it more difficult for them to earn money for college, to develop an appreciation for the benefits of work experience, and to receive the on-the-job training they must have to earn higher wages later on in life.

The costs of not having a youth differential will be borne by taxpayers faced with higher taxes to fight crime and drugs, to provide student aid, and to meet increased welfare payments as well as adverse social and economic effects on the young people, themselves.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. As I understand it, the House version which passed this body had a good youth differential provision in it?

Mr. QUIE. That is correct.

Mr. GERALD R. FORD. And what the gentleman from Minnesota and others want is for the House to stand firm for a good youth differential?

Mr. QUIE. That is correct. There is some latitude. We do not have to be adamant that they take every word of ours, but a good youth differential for these youths, and 16- and 17-year-olds.

Mr. GERALD R. FORD. Do I further understand that in the bill that came out of the House Committee on Education and Labor, that there was no meaningful youth differential provision?

Mr. QUIE. So it was felt by the House. There was not a meaningful youth differential. That is why the gentleman from Illinois (Mr. Erlenborn) included in his substitute the language adopted by the House for a meaningful youth differential and why it was accepted.

Mr. PERKINS. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana (Mr. Waggonner).

Mr. WAGGONNER. Mr. Speaker, Members of the House, this is rather difficult for a number of us, but I would not want to leave one thought which was expressed by the distinguished chairman of the full committee, Mr. Perkins of Kentucky, to stand without a challenge.

That is, that a vote to not send this legislation to conference today, is a vote against a minimum wage bill; to kill minimum wage legislation. Nor would I want to leave standing the impression, especially since I follow the distinguished gentleman from Minnesota (Mr. Quie) here in the well, that we are interested only in a youth differential.

There are many other facets to this bill which are equally, if not more, important. There is, for example's sake the question of money. The compromise has to be somewhere between the Senate and the House bills.

Let me say that diligently and in earnest a number of us; some of us, like men not a member of the Committee on Education and Labor, have worked in good faith with Mr. Perkins, Mr. Dent, and some others, and they, themselves have in my own opinion, worked in good faith, to try to find an answer to this bill. It is a big big job.

But, there is a question of money. There is the question of extended coverage, extended coverage that some of us had better be concerned about, because most of us have wives back home. This country is filled with wives, and these housewives are going to be concerned if something equitable and functional does not come forth from this legislation having to do with the coverage of domestics.

Domestics have never been covered in this country before.

We had better be concerned about elected officials who are concerned with the question of extending coverage to Federal, State and municipal employees. For those who voted for the revenue-sharing proposal, remember that these are the same mayors and councilmen and Governors and officials who pressured this Congress into voting for revenue sharing. I think they could have that same influence again.

Then, there is the question of overtime exemptions for some who presently have it, and those who are engaged in seasonal employment; those who earn their dollar doing business with perishable goods. These things are to be considered as well. Do not forget the dollar ceiling for small business.

There are any number of other things to be considered. There is the section of the bill having to do with class action suits that most people have not spoken to, but which could be very detrimental to this country.

Now the situation is this: Both sides have been negotiating, trying to find an answer, and doing it in good faith. We have made some real progress, and we are getting closer, by the hour, to an answer that everybody can live with. I just simply believe that if we are permitted to have a little more time—because there have been people brought into this thing today who have not been a party to it before—there is an answer everybody can live with. We need that time. Really only hours.

Failing in our efforts to gain that time, I believe that we are going to come up with a piece of legislation we are going to regret, a piece of legislation whose coverage is going to be too broad, a piece of legislation that is going to be inflationary. It will be a piece of legislation we are going to regret passing.

So I am here again very reluctantly opposing this legislation going to conference. I oppose its going to conference because I still believe something can be worked out.

Members are looking at a man who never has until this year voted for a minimum wage bill, but a man who wants to vote for a minimum wage bill. I believe that the working people of this country need some sort of minimum wage bill. That is the reason I voted for the House bill. I just believe it is a little more difficult in an election year to legislate with regard to matters like this than it would be at other times; but nevertheless we should legislate this year.

I just believe we need a little more time, and we can gain the concurrence and understanding we need to get a bill that both bodies and this country can live with. From the depth of my heart, as one who has been a little bit involved, I ask that we be given a little more time. We have been negotiating in good faith and making progress, but agreement we do not have. Let us not have this legislation go to conference at this time.

Mr. PERKINS. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. Erlenborn).

Mr. ERLENBORN. Mr. Speaker, I should like to endorse what the gentleman who preceded me in the well has said. Any assertion that to vote "No" on this motion today is the end of this minimum wage leigslation is not accurate.

The issue which has been presented to us is one that comes about because of the history of what has happened to legislation in the general field of the jurisdiction of the Committee on Education and Labor over a period of time, at least during the time I have observed it as a Member of the House. All too often, I know Members are well aware, the House speaks its will by amending legislation from that committee or adopting substitute bills and sending the legislation to the other body. All too often the other body passes a bill very similar to that rejected by the House. And almost without exception the conference committee Members appointed by the House accede more to the provisions of the other body than they try to protect the provisions which the House has adopted.

Now, with that history we are in the same position again on this bill. There are deep divisions between the people on our committee who were for the committee bill and those who were for the substitute adopted on the floor. There are deep divisions between the House and the other body. In light of these deep divisions, the chairman of our committee asked unanimous consent to send the bill to conference.

He informed us at that time it was his intention to recommend to the Speaker six Members who supported the provisions most akin to the bill passed by the other body and that reported by our committee, and there were only four who were clearly identified with the majority opinion of the House.

I objected to sending the bill to conference under those circumstances. The gentleman was authorized to move to send the bill to conference.

We debated the question, and I pointed out the precedents of the House for protecting the position of the House in the conference, and I would like to quote from those precedents.

In section 536 of Jefferson's Manual it states:

> The Speaker appoints the managers in the House selecting them so as to represent the attitude of the majority and minority of the House on the disagreements in issue; and while it is usual to represent the party divisions of the House, the representation of opinions as to the pending differences is rather the more important consideration.

Here is another precedent:

> In selection of the managers, the two large political parties are usually represented, and also care is taken that there shall be a representation of the two opinions which almost always exist on subjects of importance. Of course, the majority party and the prevailing opinion have the majority of the managers.

Now, that is what we are asking for: That we have managers on the part of the House, at least a majority of them; we do not say, "all of them."

We do not exclude any individual in our thinking, but a majority of the managers on the part of the House ought to stand for the House position rather than to send this to conference under conditions where we can almost anticipate with certainty that the position of the House will not be properly represented.

There have been negotiations between those who are in conflict on this issue, but none of them have been over that question of having managers on the part of the House who will stand up for the House position.

We have talked about some of the issues. Members of the press have said, "How can you resolve the differences before you even go to conference?"

Well, if we cannot have people who are going to be supporters of the House position, the only way we can protect the House position is to have agreement on the major issues and have those who have been opposing us all along the line agree that they will support in conference these particular provisions in the House-passed bill. We have been unable to get that kind of agreement.

If the House again shows it wants its prerogatives protected, I think if the House today refuses to send this bill to conference, then reason will prevail. Then those who really want to see the Senate bill adopted rather than the House bill will see that is not possible and will then agree to a fair resolution of the differences that divide us.

I hope the Members will vote "no" on the motion to go to conference.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania (Mr. Dent).

Mr. DENT. Mr. Speaker, I read a long time ago, as did many of the rest of the Members, about the lady who protested too much. It has been said we have not really tried to get somewhere, that we are going to bring back the Senate bill.

I told the House on the first day, the day of the first motion, that I was opposed to the Senate bill, and if I have not proved it, let me read to you what we agreed on just 5 minutes before the bill was called up. In order that there be no misunderstanding before this group, we went into conference with six points of difference:

First, on the wage itself. The House passed a bill which amended the provisions of the Dent bill, with the Erlenborn substitute. But the Erlenborn substitute had the very same dollar figures in it as the Dent bill.

An amendment was made to that particular Erlenborn amendment, and it changed the figures around and varied the money amount.

Now, I state to you, do not let anybody give you any talk about domestics or any other side issues.

This is a gut fight for bread and butter for poor people. This is for the underpaid workers in this country of ours that in every instance can prove that they are the lowest echelon of workers in this entire country.

We in this Congress have passed raises for the civil servants where, if we had given the same raise to the $1.60 workers under the minimum wage, we would find that their wages today would be $2.18 an hour.

What are you talking about here? You are talking about going back to 1961 and putting back into the legislation child labor. The only thing we have had in the last 11 years is subminimal wages for students, and that was in my bill. No man in his right mind in this room would expect me to come in here to put back into this legislation some minimum wage for permanent full-time workers under the age of 18.

We have spent billions of dollars of the taxpayers' money trying to go into the boondocks, into the byways and alleys of this country to pick up the dropouts and send them back to college.

Upward bound, forward march, and all of the fancy names you can give them, but you say give them jobs and deprive the full-time worker, the family man, of a measley little job at a minimum wage.

In my State if a man works at a minimum wage for the entire year, without losing a day's work and without losing 1 hour of employment, he would earn at the end of a full year of employment, mind you, with Pennsylvania's $2\frac{3}{10}$ percent gross wage tax at the State level and 2 percent gross wage tax at the local level and social security 5.5 percent—not counting hospitalization and other costs that pertain to employment in this country—that greatly overpaid minimum wage worker would receive $2,832.

Now let me show you something. I think you ought to recognize what we are talking about here.

Uncle Sam has estimated how much it would cost a mythical retired couple to live in various parts of the country about a year ago at various annual budgets for a retired couple. They say that for a retired couple living in the city the cost ranged from $3,319 minimum to a level of $4,776 at an intermediate level.

Now, who in his right mind in this body, or anywhere else in this country, who in his right mind, would demand that a man go to work to keep his family at anywhere from $1,000 to $3,000 less a year than he would get on relief? Everything comes out of the pocket of the little man.

Mr. Speaker, I sent you a letter today about bread, just everyday bread. That is what we are talking about here. Youth labor? Where? I will tell you where the demand on youth labor comes from. It comes from the new type of ownership of the restaurants of this country, the conglomerate entity that has nothing to do with restaurants but has walked in to the U Blind Co. and the Squid Co. and has bought the Kentucky Fried Chicken and Toddler companies and other houses with nationwide outlets.

What do they want? They want to work the kids at 30 cents an hour less. Do you think for 1 minute they will give a young married man or a GI who has come home a job in preference to saving $2.40? Do you think they will?

Oh, it is fun to smirk when you are making $42,500 a year with a 42-percent increase. It is fun to smirk come January when you will probably get another raise to $50,000. And I want to see the men who vote for that. I want to see you stand here and tell me that $1.60 an hour is too much for a man who works.

I am not talking about a man who shirks. I am spelling it with a W. I am talking about the men that go pounding at the gates of employment agencies looking for a job so that they can earn whatever they do in dignity.

Let me tell you about you Southerners who come to me and say you could not live with cotton processing, sugar processing, tobacco processing, and seafood processing. This is in the other bill, my bill when it came to the floor contained an elimination of your exemption, but my bill did not contain an elimination of your exemption when I promoted it and gave it to my committee. The amendment to eliminate the exemption came from the men who are asking you today to defeat me on this floor, it came from the Republican side leadership in my committee. The amendment to take processing rights away from the farmhand that went into the tobacco shed, it took him out of the exemption. How did the farmworker in the tobacco fields get the exemption in the first place? In 1961 the family farmworker was covered by the minimum wage bill. I was on the committee, and the tobacco people were there, and another one who is opposing me today came to me and said that it worked a hardship on the family-type farmworker, because unless he gets it into the shed during the dry season he can stand to lose about 50 percent of his income. And against labor, against my liberal colleague, and because I thought it was right, I put the amendment through that exempted the farm family worker, and it was exempted in my bill this time, gentlemen of the subcommittee, until it was put in by my Republican colleagues. You learn your lesson.

But I have been in this business now for 40 years, and I have learned my lesson, but I have never learned the character of men. It is these two points that they can use to kill me. It is these two points that they can use with you, and they are using them today. And any warped idea that this is going to start pushing heroin in this country to give the working man $2 an hour, and that it is going to increase crime, I do not believe that. If I believed for 1 minute that this bill was going to increase crime in this country—and here I stand, the grandfather of seven children, would I promote this legislation? I am not built that way.

How far and how deep can you dig to get yourselves an alibi, to get an excuse to vote, for what? Two percent is what you are voting against.

Let me just go on to say this: Concerning the matter of domestics, not one word was raised in my conference, we said we would leave that between the conference between the House and Senate, and I agreed.

And when we came to Government employees, Federal, State, and local, they said we will leave that to the conferees, and I agreed.

Let me just give you some facts so that you do not get any screwy ideas about what we are trying to do. In 1966, we covered Federal Government employees to the tune of 693,000. In 1966, we covered State and local government people to the tune of 2,655,000 for a total, mind you, of 3,140,000. And the new addition we are making now is only 3,077,000. It is not anything new.

I have nothing to sell here, but the truth, and the truth as I know it to be. I have handled this kind of legislation for a period of 40 years, and I have never seen it go before any legislative body where it did not turn out to be a pack of misery for the little people who have no other lobby, but fellows like myself, fellows who have a deep interest, and who have come from large families where they have had to go to work when they were 7 years of age, and have worked their way up the ladder. I have voted for every educational bill in the 40 years that I have been in this legislative business simply because I was denied an education. But I was not denied the right to go to work when I was 7 years of age. Why? Why?

And you want me to agree to child labor? Never, so long as there is a breath in this body of mine.

So then what else did we agree to?

Do not be impatient—you will have time to hang the poor creatures.

On agricultural processing—we agreed. And I want you to know that we agreed to take your cotton and to take your sugar and to take your cotton ginning and to take your tobacco out of this bill and leave it just as it is. An agreement was made—and I do not care who denies it. And the proposition came not from me, but from others.

That is the only thing we would cut down—that would be the weekly period from 20 to 10 and from 14 to 7—in two States—in canning.

Let me tell you about canning. I make it my business to know. I do not care about any lobbyist who comes and tells me something I know to be different. They come to me. Five years ago the canners stood in my room in my office and told me if we would take them off the hook they would come before us with an agreement, because they knew when you had that they did not need this period of overtime. And there is not a canner in the United States using that overtime.

Do you know what they must do with peas and beans and cover crops, and corn? They had to get it into the shed in 1 hour. There is not a canning process in the whole world that can handle it in an hour, but what do they do? I made it my business to go to a large processing plant. They quick freeze it in 200-pound blocks—and then leisurely they can it as it comes time to do so.

Believe me—you vote against it—vote against it with your eyes open. You are voting for child labor. You are voting for the selfishness of the great conglomerates which one of these days will be a great subject of concern in this great Congress of ours.

In my bill I wanted to exempt and did exempt every establishment in the United States of 250,000 or less because I believe that the small merchant in the small town, whether he belongs to a small or large chain, has the right to work his lease and work his land and work his store and live in that community.

And do you know what happened because of the conglomerates in many of my towns at home? Elderly people have to depend on somebody to stop to go by their little store to pick up something for them because all the shopping centers under the conglomerate type of ownership are way out off in the country. There are not even any little drugstores around in small towns of 12,000 to 13,000 people any more.

I come from a community of farmers. Not one unit of Government in my whole district has more than 17,000 people in it. You talk to me about farmers? Why, I was milking a cow when most of you fellows, for goodness' sake, were not even out of the cradle. I learned about three-legged stools long before any of you even thought of coming in here, and you are trying to tell this House that I am not treating the farmer right? Why would I be able to represent a State with 96,000 farm families and be able to stand here to tell you there is no opposition from the farmers? Oh, yes, there is. A fellow by the name of deGeorgio, a farmer by the name of Schenley Industries—a farmer by the name of Ford Foundation—oh, yes—you will find a lot of these farmers opposing it. Why? And that is who you are voting for—and all the alibis and all the talk that you can put on will never in God's earth erase this from the record. And this is the last time you will get a chance at this bill—unless the Speaker in his wisdom understands that maybe it would be better if we work and come back after the election on this legislation. I think it is that important. Already you have held up the $1.60 worker for 9 months. Then they say to me, send it to the Committee on Rules. Why, the Rules Committee held it long enough—not only to study the bill, but to write and read it, and dissect it. They held it up for 9 months to get this bill. And what was $1.80 9 months ago is still $1.60. And after you vote today it will still be $1.60.

Let me say what we did on wages—and these were offered by the opposition to my bill—and not me. And this was agreed to by the chairman of the Senate committee. I insisted upon an agreement of the conferees in our committee, the ones that were working on this legislation.

The minimum wage—we went away from the straight $2 in 60 days and we moved to $1.90, and then a year later on to the $2, and that was amended by a member of the conference, not on my side, to $2.10 an hour.

In the latest agreement—not from us, from the other side—they said, "Let us go on to $2.20 in 1976," and I bought it; $2.20 in 1976.

Let me tell you: I took my wife to dinner just a few weeks ago when she was in town, and I thought, well, I will take her where all the brass goes, so we went to one of the well-known restaurants. Do you know how long a minimum-wage worker would have to work to pay the normal 15 percent tip on what I paid for two steak dinners and two scotches and sodas? He would have to work 3½ hours just to get enough for the tip. He would never be able to eat in there unless he mortgaged his house.

The Members talk about what they are doing. The gentlemen are working to make preparations. I gave it to the Members. I swear to the Members on this spot here now that my word is still good, regardless of what the others on that committee wanted, except they wanted me to sign my name. For 40 years I have made commitments in politics, and for 40 years I have never walked out on them. If my word is not good enough, then my signature is no better.

My father told me a long time ago:

> Never put your word where you would not put your bond. Never do that, son, and you will never have trouble.

I never had trouble until now. People wanted my signature. I tell the Members that if I go to the conference, if the Members allow me to go, I will keep the processing exemptions for the Members. I will move in this direction that we had agreed on—$1.90, $1.60, $1.80, $2, $2.10, $2.20, $1.50, $1.70, $1.80—10-cent increases. What more do the Members want?

In the stores that I am talking about, in these conglomerate restaurants, remember, with the tip allowance that I was foolish enough to sponsor for them, when they go up 10 cents, they ought to pay a nickel. The waitress seeks the other nickel herself as a tip by being nice to us amorous old men.

Five cents is all it is going to cost McDonald's, and I am going to tell the Members what Mr. So-and-So from McDonald's said to me. He said:

> We are spending millions of dollars advertising to make you come in to McDonald's and get a Big Mac, a Coca-Cola, some french-fried potatoes, and change.

Do the Members know where the change comes from? He said:

> If you put this Minimum Wage Bill in, they will not be able to get back the change.

I said:

> Well, you take it out of their pockets now; why do you not get your workers paid?

They ought to be interested in getting people to come in for Big Mac.

I looked at the returns, because I own stock in quite a few little ventures myself. I have been successful even though I did not get so much college education. I want to tell the Members McDonald's is a much better buy in stocks than it is in the Big Mac. They are trying to keep it, and the Members are going to help them do it, and there is no way out of it. The indictment stands; the jury is out; and the conviction will come in. The Members are responsible.

I say to the gentleman that I would hate to think that the President of the United States is guilty of what Jack Anderson said he is, but to me I absolve him of that charge. I cannot help what my people are going to think when the Members defeat this as a Republican Party.

In the third proposition under retail chains I told the Members that I stood for the $250,000 exemption. In the conference I still agreed, to the credit of the McDonald chain. I will give them credit. They agreed to the phaseout, but they also agreed to go along to allow the little independent chain, the independent merchant in the cities, to have a $250,000 exemption. They agreed to take the phaseout, and I went along with that. I could not go along any more. I could not do any more than if I just let them write an unborn bill.

I want to say to the gentlemen that if God is willing and I live long enough, we will get a bill, because the Members cannot keep minimum-wage workers at $1.60 much longer. The gentlemen are not going to be able to keep them at that. Any sly remarks that people make that they have got an angle, they are going to make a unanimous-consent request, they are going to send it to the Rules Committee—what is the good of that? Eventually it still has to go into the conference.

The only way we can have a conference is to name Members.

I want to say to all the Members that I have lived quite a few years. I will soon be up to retirement age, God willing. I have never yet in my life walked away from an agreement and sometimes I have even stayed after those who worked with me or those I thought worked with me walked away from me. No person in my entire political life has ever been able to say I did not keep my word. I will keep my word if I am with you and I will keep my word if I am against you. At this moment I have mixed emotions as to whether I am for or against, but Members can bet their lives that wherever I stand that is where I will be, and I will be against when the right time comes. I will be against when the time is timely, because I will not allow conditions like this to keep on existing when my vote or those of any of my friends is concerned. When I give the sugar people what they want, and they want to deny a measly $1.70 an hour or $1.80 an hour or $1.90 an hour or $2 an hour in the far distant future, then here is the grand score on sugar, and I voted for it. Yes, sir. Sugar subsidies. Many talked $200,000. Do Members mean to tell me I will be defeated by the sugar group in this House when I have no friends except for little people I grew up with? I am not going to stand here and see them crucified on an economic cross while I stand here and vote for $200,000 and $300,000 and $400,000 contributions. I will not.

Mr. BURLISON of Missouri. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman and I know what he is going to ask me.

Mr. BURLISON of Missouri. Mr. Speaker, I think the gentleman was on the floor when I had a brief colloquy with the chairman of the full committee on August 1. I stated at that time I had voted for the committee bill, and I was able to do that because I felt that the drafters of that bill had retained the exemptions for certain of our seasonal agricultural employees, specifically the cotton ginners, and also had denied expansion of coverage or broadening of coverage to certain agricultural workers who I felt could not be covered, because my farmers are going bankrupt now and they could not afford this increased expanded coverage.

I have listened intently to the remarks of the gentleman. I appreciate that he was willing to keep those exemptions in the bill. He did have it in his committee bill and I voted for it.

Now I will ask the gentleman if this motion is passed and goes to conference, can he give me the assurance that the exemptions that he has mentioned for the cotton ginners will be retained in any conference report that will come back to this House?

Mr. DENT. I will answer the gentleman by saying that one time there were 14 devils in a room and one little angel walked in. A man standing there with a match was waiting to set it afire. The angel said: "Would you burn me too with the devils?" He said: "No, my compassion compels me to save you and let the devils live, too."

So I will support the gentleman in the conference.

Mr. BURLISON of Missouri. I thank my friend.

Will the gentleman yield very briefly for me to propound that same question to the chairman of the full committee on that specific exemption?

Mr. PERKINS. Let me say to the gentleman we intend to protect the farmers in this country. We do not expand their coverage anywhere along the line. There are only a few farmers in the country covered today, and they are the big corporate farmers. We expect to leave that coverage stand as it has been in the past with no expansion.

Mr. BURLISON of Missouri. Does the gentleman agree with the gentleman from Pennsylvania that this overtime exemption will be retained for the seasonal cotton employees?

Mr. PERKINS. I well recognize that cotton ginning is seasonal, and we intend to do what is reasonable.

I hope that the little farmers in the South and everywhere else do not get the impression that they are covered under this bill. They are not covered. I think, if you look far enough down the road, that it is to the welfare of the farmers in this country to vote for this legislation and I believe it is to the welfare of the agricultural processing people in this country to vote for this legislation.

I realize the problems which the farmers have in this country. I have seen them disappear by the hundreds of thousands since I have been here. I have always worked to see that we have maintained and protected the farmers under this minimum wage legislation. That we have done and will continue to do.

Mr. BURLISON of Missouri. I thank the gentleman from Pennsylvania for yielding to me.

Mr. DENT. Let me just clear one thing up. The very serious view was taken that the conference would not be had, because we were not reporting what we said to be the full purpose of the House. The Senate happened to pass its bill unanimously. This substitute was passed by a margin of five votes. That point should be made, that a majority of those who voted with the House were knocked down by the majority leader when on the floor he asked that conferees be named that would go along with the minority view, because the majority view was against—

Mr. BURTON. Mr. Speaker, will the gentleman yield?

Mr. DENT. I am happy to yield to the gentleman from California.

Mr. BURTON. Mr. Speaker, I do not believe there is any Member from a big city district who has tried any harder than I have to see that the rural economy of our country was not trampled by the mere accident of fact that more people live in cities than live on farms. I have no apologies to make in any respect for my voting behavior as it has affected the agricultural segment of the economy.

I know, and everybody else knows all big crops are coming up next year. I know, and everybody in this hall knows, how difficult it is to get Members whose districts cannot see the correct linkage between their best interests and those in the rural areas to vote for sensible legislation.

I want it to be perfectly clear, and I am going to be a conferee, that I will support the assurance given by the distinguished subcommittee chairman. I am a man of my word. I will support the assurance given by the gentleman from Kentucky, the chairman of the full committee.

We are going to write a bill that those of us on this side of the aisle can live with, not just in the cities, but in the rural areas. If those on the other side of the aisle want to see a political backlash, let them take the blame for denying the poor employees of this country in the city districts from getting any kind of increase in their minimum wages, an increase that they have been denied through the entire 4 years of the Nixon Republican administration.

Mr. DENT. Mr. Speaker, may I ask the chairman of the committee a question?

Mr. PERKINS. Go ahead.

Mr. DENT. Do you intend to yield any more time? Is there any time left?

Mr. PERKINS. There are several people wanting time. However, I do not want to deprive the gentleman from Pennsylvania of any time which he may need.

Mr. DENT. We used to have a password in one of the clubs to which I belong. You can answer it in your own way. "Friends or foe?" That was the outer guard. What does the inner guard say?

Mr. ASHBROOK. I thank the gentleman for yielding time.

Earlier in the debate the gentleman from Louisiana made some statements about negotiations and agreements. My good friend from Pennsylvania also made some statements about negotiations and agreements. I understand there is a rebuttal which should be made, and some points clarified. The gentleman from Louisiana has already spoken. I shall be glad to yield to him at this time, because I do believe we should amplify some of the questions raised and some of the assurances we have received.

Mr. Speaker, I yield to my colleague from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. I thank the gentleman for yielding. This is not a rebuttal to anything.

What the gentleman from Pennsylvania (Mr. DENT) has had to say to the Members about the tentative agreements is accurate to the extent that we did reach tentative agreement on all the points mentioned. Make no mistake about it. We did. We talked to all these points.

But let me say this to my friends of the House: We asked, as the gentleman from Pennsylvania (Mr. DENT) said, if he would mind giving us a written memorandum—he and the other conferees—setting forth these areas of agreement, and he declined. I understand his declining. We simply wanted to avoid a misunderstanding. But later this afternoon some of us, still trying to work something out, asked the gentleman from Pennsylvania (Mr. DENT), and the gentleman from Kentucky (Mr. PERKINS), if they would be willing, in a colloquy here on the House floor, to answer questions about these areas of tentative agreement and commit themselves to stand by these areas of tentative agreement, or else there would be no conference report.

I want the gentleman from Pennsylvania (Mr. DENT) to listen to me, because the gentleman said he would not and therefore would not engage in such a colloquy. I understand his not doing it. He had what appeared to me justifiable reasons.

But now he has set forth for the House, after declining to engage in such a colloquy, these areas of agreement. This indicates that someone broke in agreement. Let me enunciate them for the Members. They coincide in large part, although he did not speak in great detail to them, to what he had to say. No one has broken their word on either side.

I am talking about the areas we talked about. We talked about money for those covered prior to 1966. We talked about and reached a tentative agreement of $1.90 now, $2.10 January 1, 1974, $2.20 January 1, 1975; and we talked about those covered in 1966 or later, and we tentatively agreed to $1.80 now, $2 January 1, 1974, $2.10 January 1, 1975 and $2.20 January 1, 1976.

And we talked about agriculture. We had a tentative agreement it would be $1.50 now, $1.70 January 1, 1974, $1.80 January 1, 1975, and $1.90 January 1, 1976.

Does this sound like people talking who do not want to make some concessions and reach an agreement? Certainly not.

Then we talked about some other things. We agreed that it would be left entirely to the conferees—and this represents considerable concession on the part of the House, in view of the proposal the House passed—that the conferees would freely negotiate with regard to the coverage of Puerto Rican and Virgin Island employees, and that the conferees would negotiate in the area of Government employees, Federal, State, and local employees. We agreed to let the conferees negotiate in the area of domestic coverage.

We agreed to let the conferees negotiate in the area of a youth differential, except in the area of postcertification, and we held out for postcertification rather than precertification. We talked about some other things, and we had some tentative agreements.

We agreed that with regard to the $250,000 exemption for small business, that we would agree to the phaseout of some of these people who are engaged, not just in an independent business where they have a number of establishments, but where they have other primary interests as well. A multitude of interests.

This would affect the big businessmen; it would not affect the little businessman.

The SPEAKER. The time of the gentleman has expired.

Mr. PERKINS. I yield 1 additional minute to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. We agreed that the $250,000 exemption would be held for the little independent businessman, even though he had maybe more than, for example, say, two or three restaurants.

But we also agreed, Mr. Speaker, that sugar employees, tobacco employees, seasonal seafood employees, cotton employees, and the loggers would be represented, but canners would lose exemption of a number of weeks, but retain the same number of exempted hours.

The point is simply this—and now I am right back where I started—we are talking about details, and we cannot reach in this 1 hour that agreement, but we are awfully close as the Members can see. It is too complicated.

Mr. Speaker, I do not see why we cannot, seeing the way things have gone, rise and not vote on this issue, and see if we can resolve it, with a little understanding over tonight, and settle the issue tomorrow.

I would agree to that and would request of the chairman that we withhold the vote and see if we cannot resolve the issue in these areas. This is the way to get a needed minimum wage bill.

Mr. PERKINS. Mr. Speaker, if I ever reneged on an agreement, I would not deserve to be chairman of the Education and Labor Committee. It is true that these points mentioned by the gentleman from Louisiana (Mr. WAGGONNER) were discussed, but I think it ought to be clear to everyone by now that no agreement was reached. Now, there is something more important here, Mr. Speaker, than talking about "Who killed Cock Robin?" if this measure is voted down. I am telling you that it will be extremely difficult to have another vote on this bill in this session if we vote down this motion. If we are so near the agreement that the gentleman from Louisiana (Mr. WAGGONNER) refers to, I do not think any Member under the scund of my voice in this body should be fearful of voting to send this minimum wage bill to conference today.

I am hopeful that all the Members in this body will vote to send this bill to conference, and we will resolve these differences. I am hopeful that we can come back with some of the suggestions enumerated by the distinguished gentleman from Pennsylvania (Mr. DENT) and the gentleman from Louisiana (Mr. WAGGONNER).

There are areas of disagreement, yes, but let us resolve those differences in the way that we resolve the differences in all conferences. We are going to maintain the integrity of this House.

Mr. PERKINS. Mr. Speaker, I yield the balance of my time to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. I do not intend to use much more time, because I think I understand what is going on, and most of the Members understand exactly where I stand.

I only say to you, in spite of any inferences to the contrary, I intend to abide by what I said on this floor, as I always have.

Mr. GERALD R. FORD. Would the gentleman from Pennsylvania yield?

Mr. DENT. I would be happy to yield to the distinguished minority leader.

Mr. GERALD R. FORD. I would like to ask the distinguished chairman of the Committee on Education and Labor if he would stand firm on those comments and those points to the negotiations of the other body in conference, and if they will not agree, would he not agree himself?

Mr. DENT. I will come back. I would do what I think the chairman would ask me to do; I would come back and ask the House for instructions.

Mr. GERALD R. FORD. That is not the answer.

Mr. DENT. I do not know of anything else to do but come back and say that we have a deadlock. You do not want me to do anything else. There might be such a small difference between us that the House might not decide. I attended one of those conferences and brought back a report and we killed the minimum wage bill in 1960.

If you remember—and you ought to remember if you were here—that became the sole and only issue that Jack Kennedy had in his campaign in the field of economics. I thought you ought to know that.

So I am asking you one and all, if you believe these people are deserving of consideration for an increase in pay which is long overdue, if you believe that to be a responsibility of this Congress, then I ask you to believe in me, and I would keep your trust.

The SPEAKER. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky (Mr. PERKINS).

Mr. ERLENBORN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 188, nays 196, answered "present" 2, not voting 43, as follows:

[Roll No. 404]

YEAS—189

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Andrews, N. Dak.
Ashley
Aspin
Badillo
Barrett
Begich
Bennett
Bergland
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Carey, N.Y.
Carney
Celler
Chisholm
Clark
Collins, Ill.
Conte
Conyers
Corman
Cotter
Coughlin
Danielson
Delaney
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dow
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Fascell
Fish
Flood
Foley
Ford, William D.
Fraser
Fulton
Garmatz
Gaydos
Gibbons
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Holifield
Horton
Howard
Hungate
Hunt
Ichord
Jacobs
Johnson, Calif.
Jones, Ala.
Karth
Kastenmeier
Kee
Kluczynski
Koch
Kyros
Leggett
Link
Long, Md.
McCloskey
McDade
McFall
McKay
McKinney
Macdonald, Mass.
Madden
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Mills, Ark.
Minish
Mitchell
Monagan
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
Obey
O'Hara
O'Neill
Patman
Patten
Pepper
Perkins
Peyser
Pike
Podell
Price, Ill.
Pucinski
Randall
Rangel
Rees
Reid
Reuss
Riegle
Rodino
Roe
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
St Germain
Sandman
Sarbanes
Scheuer
Seiberling
Shipley
Sisk
Slack
Smith, Iowa
Stanton, James V.
Steele
Stokes
Stratton
Stuckey
Sullivan
Symington
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
Wilson, Charles H.
Wolff
Wydler
Yates
Yatron
Young, Tex.
Zablocki

NAYS—196

Abbitt
Abernethy
Alexander
Anderson, Ill.
Andrews, Ala.
Archer
Arends
Ashbrook
Baker
Belcher
Betts
Blackburn
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Cabell
Caffery
Camp
Carlson
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Crane
Curlin
Daniel, Va.
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Dennis
Derwinski
Devine
Dickinson
Dorn
Downing
Duncan
Edwards, Ala.
Erlenborn
Eshleman
Findley
Fisher
Flowers
Flynt
Ford, Gerald R.
Fountain
Frelinghuysen
Frenzel
Frey
Fuqua
Galifianakis
Gettys
Goldwater
Goodling
Griffin
Grover
Gubser
Haley
Hall
Hammerschmidt
Harsha
Harvey
Hastings
Hébert
Henderson
Hogan
Hosmer
Hull
Hutchinson
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lennon
Lent
Lloyd
Long, La.
McClory
McCollister
McCulloch
McEwen
McKevitt
McMillan
Mahon
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Montgomery
Mosher
Myers
Natcher
Nelsen
Passman
Pelly
Pettis
Pickle
Pirnie
Poage
Powell
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Quie
Quillen
Railsback
Rarick
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Rousselot
Ruth
Satterfield
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Springer
Stanton, J. William
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Talcott
Taylor
Terry
Thomson, Wis.
Thone
Vander Jagt
Veysey
Waggonner
Ware
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wylie
Wyman
Young, Fla.
Zion
Zwach

ANSWERED "PRESENT"—2

Mailliard
Wright

NOT VOTING—43

Annunzio
Aspinall
Baring
Bell
Bevill
Biaggi
Byron
Clay
Culver
Daniels, N.J.
Davis, S.C.
Dowdy
Dwyer
Edmondson
Esch
Evans, Colo.
Evins, Tenn.
Forsythe
Gallagher
Giaimo
Green, Oreg.
Gross
Hagan
Hillis
Lujan
McClure
McCormack
McDonald, Mich.
Mink
Mollohan
Nichols
O'Konski

Purcell
Rooney, N.Y.
Runnels
Saylor
Schmitz
Staggers
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Wampler
Wyatt

So the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Annunzio for, with Mr. Nichols against.

Mr. Rooney of New York for, with Mr. Hagan against.

Mr. Wright for, with Mr. Purcell against.

Mr. Mailliard for, with Mr. Teague of California against.

Mr. Saylor for, with Mr. Baring against.

Mrs. Dwyer for, with Mr. Esch against.

Mr. Bell for, with Mr. Thompson of Georgia against.

Mr. Biaggi for, with Mr. Wampler against.

Mr. Staggers for, with Mr. Schmitz against.

Mr. Daniels of New Jersey for, with Mr. Dowdy against.

Mr. Giaimo for, with Mr. McClure against.

Mr. Culver for, with Mr. Wyatt against.

Mrs. Green of Oregon for, with Mr. Byron against.

Until further notice:

Mr. Clay with Mr. Gallagher.

Mr. Mollohan with Mr. Forsythe.

Mr. Davis of South Carolina with Mr. Gross.

Mr. Evins of Tennessee with Mr. McDonald of Michigan.

Mr. Teague of Texas with Mr. O'Konski.

Mr. Evans of Colorado with Mr. McCormack.

Mr. Bevill with Mr. Aspinall.

Mr. Edmondson with Mr. Runnels.

Mrs. Mink with Mr. Hillis.

Messrs. LONG of Maryland and KEE changed their votes from "nay" to "yea."

Mr. MAILLIARD. Mr. Speaker, I have a live pair with the gentleman from California (Mr. TEAGUE). If he had been present he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

Mr. WRIGHT. Mr. Speaker, on this vote I have a live pair with the gentleman from Texas (Mr. PURCELL). If he had been present he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

INTERNATIONAL DAY OF BREAD

(Mr. SEBELIUS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SEBELIUS. Mr. Speaker, I appreciate this opportunity to call attention today to the celebration of International Day of Bread as part of Harvest Festival Week.

At this traditional time, peoples of the world come together in spirit and express thanksgiving for the annual harvest in their native lands. I cannot think of a more appropriate time to commit ourselves to achieving a better tomorrow through world cooperation and understanding.

There is a growing awareness around the world among nations concerned with the problem of feeding the hungry and malnourished of the importance of bread as an international food.

Bread, a product of wheat, symbolizes the harvest of all crops and of food itself. The significance of bread is most impressively demonstrated by the fact man regards this product as the "staff of life." Wheat is man's oldest crop and cultivated food, and provides more nourishment for the peoples of the world than any other food. Yet the problems of world hunger and malnutrition remain formidable. There is an urgent need for intensive research in this field, since the nutrition of bread and wheat products must be utilized to provide the daily nutritional requirements for the hungry and malnourished.

In this regard, I would like to insert into the RECORD a most informative bulletin, "What You Need to Know About Your Daily Bread for Health's Sake."

As the Day of Bread is observed the world over today, the past merges with the present. Since 1953, the people of West Germany have celebrated a "Day of Bread" as part of a Harvest Festival on a commonly accepted date in October. The observance spread to Austria, and in the United Kingdom, the English church annually joins in a similar occasion marked by a display of different breads and ecclesiastical mention of their significance.

The practice of observing a "Day of Bread" each year has also been initiated in Central and South America, and in the Orient. Consideration of an international observance has also been indicated by the Bread Institute of Sweden and the Millers' Associations of Switzerland, as well as other European nations. Truly, this observance is becoming international in scope and meaning.

I also think it is important that on this day we pay tribute to the American farmer. He ultimately will enable us to win—or to lose—the fight against hunger and malnutrition. Today the farmer's industry and productivity allow the consumer to spend 83 percent of his disposable income for nonfood items. The farmer's efficiency contributed a $2 billion favorable trade balance in fiscal year 1972. In effect, the farmer is subsidizing the U.S. business growth and industrial development. It is only right the farmer shares in the prosperity his labors have created.

It is apparent that "Harvest Festival" and "Day of Bread" observances transcend national consideration. This is an opportunity to contribute to greater international communication and understanding among the nations of the world. I am hopeful that you will join us as we break bread together in thanksgiving and in committing our resources to a better tomorrow.

The bulletin follows:

WHAT YOU NEED TO KNOW ABOUT YOUR DAILY BREAD FOR HEALTH'S SAKE

WHAT IS THE STORY OF "ENRICHMENT"?

"Just before World War II, it was determined that there was widespread and serious malnutrition in the United States in the form of vitamin deficiency diseases—diseases which were prevalent to an extent unimaginable today. Thousands of people were actually dying from them every year, and hundreds of thousands more were existing in a state of miserable 'half-health' because of them. In 1941, it was decided that it would be practical and feasible to improve the nutritional quality of bread by adding to it the elements that were so dangerously deficient in the American diet, the vitamins: thiamine, niacin and riboflavin, and the mineral: iron. And, in the years that followed, the serious deficiency diseases (pellagra, beriberi, ariboflavinosis) disappeared as public health problems—due in large measure to the nutritional improvement brought about by the use of enriched bread. It has been said that the elimination of these vitamin deficiency diseases was one of the greatest success stories in the history of public health improvements."—Dr. W. H. Sebrell, Jr., Director, Institute of Human Nutrition, Columbia University.

CAN EATING MORE BREAD HELP STAVE OFF HEART DISEASE?

"An increase in the amount of bread consumed represents our best chance to lower the fat content of the American diet and thus take an effective step in trying to lower cholesterol levels and mortality from our number one cause of death, atherosclerotic heart disease."—Dr. Jean Mayer, Professor of Nutrition, Harvard University.

IS BREAD FATTENING?

"Bread is a good source of energy, as measured by calories, but contrary to popular belief is not a particularly fattening food. Because of bread's low fat content, it has a low caloric density and should be included in the diets of weight-conscious consumers rather than being shunned by them."—Dr. William J. Hoover, Chairman, Department of Grain Science and Industry, Kansas State University.

IS BREAD JUST EMPTY CALORIES?

"Bread and cereals provide 25 percent of the food energy, 17 percent of the protein and about 25 to 30 percent of the iron consumed in the nation . . . Bread is a good food and is not an example of empty calories. It provides important nutrients to the diet and plays a proud role in nutrition."—Dr. Philip L. White, Secretary, Council on Foods and Nutrition, American Medical Association.

ARE "HEALTH FOODS" BETTER THAN REGULAR GROCERY SHELF FOODS?

"Any local grocery or supermarket is a health food store. Its brands of foods are as good, as healthy and certainly far cheaper than that sold in a 'special' health food store."—Dr. Fredrick J. Stare, Chairman, Department of Nutrition, Harvard University.

HOW DOES AMERICAN ENRICHED BREAD COMPARE NUTRITIONALLY WITH OTHER BREADS IN THE WORLD?

"The bread with the highest over-all nutritional value was a semi-white Finnish bread made wih a mixture of whole wheat and white flour and 4.3 percent milk solids . . . The bread which ranked second in over-all nutritional value was the enriched white bread typical of that sold in the United States."—Study made at Massachusetts Institute of Technology by Dr. Robert S. Harris, *et al.*, of nutrient composition of 44 typical national breads of the world.

HOW IMPORTANT IS BREAD AND OTHER WHEAT PRODUCTS FOR GOOD HEALTH?

"Work carried out in recent decades indicates that: (1) wheat has an ameliorating effect on blood cholesterol levels which may be important in reducing cardiovascular deaths; (2) wheat decreases the incidence of dental caries in children; (3) wheat contains proteins of such high biological quality that normal young men can be maintained in excellent health for long periods of time when wheat is their only source of protein; (4) wheat lowers the blood urea level which may be efficacious in the reduction of renal (kidney) diseases; and (5) wheat provides an economical and adequate means of providing a nutritious diet for large numbers of people now that food is considered a critical factor in human survival."—Dr. Olaf Mickelsen, Professor of Nutrition, Michigan State University

HOW IMPORTANT ARE WHEAT AND OTHER CEREAL GRAINS TO THE WORLD FOOD PROBLEM?

In testimony on the "Wheat and Wheat Foods Research, Education and Promotion Act" before Committees, House and Senate, U.S. Congress: "Increased cereal consumption in this country would be beneficial and cereals provide the major hope for feeding the world now and in the future."—Dr. D. M. Hegsted, Chairman Food and Nutrition Board of the National Academy of Sciences—National Research Council

A "DAY OF BREAD"

Emerging as a major factor in the solution of the world-wide hunger problem is bread—so common and so universal through the years that it is known as the symbol of all food. Wheat is the world's most widely cultivated food plant. It is eaten in various forms by more than one billion people and makes a larger contribution to the calories and protein available to man than any other food.

The universality of bread and the growing concern, both at home and abroad, over the issue of hunger and malnutrition gave rise to the "Day of Bread" in the United States—to focus attention on this critical problem and urge industry and government to join in a campaign to improve popular diet.

The "Day of Bread," observed on Tuesday of the first full week in October, called Harvest Festival Week, is a revival of an ancient custom, celebrating the annual bounty of agriculture. The modern version began in West Germany in 1953 and spread to other countries of Europe, South America, Asia and Africa. It started in the United States in 1969, proclaimed by President Nixon, state governors and mayors throughout the nation.

WHO RUNS NADER?

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BROWN of Ohio. Mr. Speaker, the past several months have seen a legion of young Ralph Nader zealots on Capitol Hill investigating anything and everything in sight. The marvelous 100-page questionnaire which kicked off the now famous "Congress Project" has already been given the resounding response it so richly deserves. The inept personal interviews of Members followed soon thereafter. Now we are informed that the biographical sketches resulting from these efforts will hit the newsstands by the middle of the month. But this will be only one of an estimated 20 fact-filled volumes which Mr. Nader has promised.

In fact, the first of the volumes in this massive work has already been published, and provides a likely taste of what is to come. This little dandy is entitled "Who Runs Congress?—the President, Big Business, or You?" After reading the brief sections of the book devoted to me I found myself wondering who runs Nader?

The reference occurs on page 140 in a discussion of the scurrilous conflicts of interest which Mr. Nader would like the American public to believe haunt each of the Members of this body. I am cited as currently owning a radio station in my hometown while at the same time serving on the Communications Subcommittee of the Interstate and Foreign Commerce Committee. The fact Mr. Nader and friends omitted to point out was that this station was sold by me 2 years ago, and I retain absolutely no interest in it at all.

I put the station, WCOM-FM, on the air in Urbana, Ohio, only 3 days before my father died in 1965. It was not until more than a year after I won his seat in a special election that I was assigned to the House Commerce Committee, and not until some time after that that I was assigned to the Communications Subcommittee. FCC regulations prohibit the sale of a radio station for 3 years after it is put on the air. So it was not until 1969 that I could legally divest myself of it, and the sale was consummated early in 1970.

If nothing else, one would have expected that Mr. Nader would have called me or the radio station or the Federal Communications Commission before going to press with his inaccurate information. He did not.

The matter is all the more curious, however, because more than a month and a half ago during the personal interview to which I submitted with Nader's Congress project reporters, they brought the same charge up and I set the record straight then. The biography soon to be published hopefully will reflect this fact, along with the corrections of the 21 errors which I pointed out when I read over the draft which was made available to me recently.

Contrary to what Mr. Fellmuth, who heads up this project, would have the public believe, the majority of these errors were not spelling mistakes and grammatical slips, but gross factual distortions which were the product of reportorial misfeasance and nonfeasance, or Mr. Nader's right hand not knowing what his left hand is doing.

If Ralph Nader has any doubt about the reason why the vast majority of Members of Congress hold him in low esteem, he need look no farther than the hogwash printed in his own book. As I said earlier it is only a taste of what is to come, so settle back for a good laugh. The congressional watchdog has been caught catnapping.

UPDATED INFORMATION ON THE SOUTHEAST ASIA AND PACIFIC AREAS

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, I submit this New York Times article to my colleagues as updated information on Southeast and Pacific areas.

These remarks were made by Adm. John S. McCain, Jr., the former commander of all our forces in the Pacific.

On November 1, 1972, Admiral McCain will retire after one of the most distinguished careers in the military service.

In my opinion Admiral McCain has the best knowledge on Southeast Asia of almost any American.

The Former Commander of All U.S. Forces in the Pacific Just Retired, Sees Vietnamization as a Success and Holds It "Absolutely Essential" To Remain a Power in the Pacific

(By John S. McCain, Jr.)

HONOLULU.—Viewing my tenure as commander in chief of Pacific forces, I am struck by the realization that there have been tremendous changes in this vast area within these four years. The United States has made great strides in attaining the goals of the Nixon Doctrine, which call for continued United States leadership in the Pacific—but with reduced American forces.

Under the Nixon Doctrine, foreign policy and our national security strategy of realistic deterrence, we have carefully and safely reduced our military manpower in the Pacific command from a high of more than one million servicemen and servicewomen to less than 500,000. United States military withdrawals are continuing as our friends and allies assume ever greater responsibility for their own defense.

In South Vietnam, successful Vietnamization has permitted continued disengagement and redeployment of United States forces, so that by Dec. 1 we will have reduced our commitment there from over half a million men to less than 27,000. From a military viewpoint, I feel this is a sound figure. Were it not for the hordes of new North Vietnamese invaders into South Vietnam this spring, the United States military presence throughout South Asia could have been even further reduced.

President Nixon's plan to reduce the total United States troop commitment in South Vietnam is a result of our confidence that the South Vietnamese can continue to improve their capability for their own defense. We are seeing a much-improved South Vietnamese fighting force. The South Vietnamese are doing sound military planning; the South Vietnamese Army has come of age; and the South Vietnamese Air Force is performing a steadily growing role in support of South Vietnamese Army ground forces. Vietnamization is successful.

During the last four years South Vietnam has survived two major offensives from the North. The first was the Tet offensive of 1968. The second came last Easter weekend.

Many factors contributed to the halt of this most recent North Vietnamese invasion. The most important is the gallant manner in which the South Vietnamese armed forces rose to stop the enemy. They have shown the enemy and themselves they can succeed. They are good. The second most important resulted from the President's decison to mine the port of Haiphong and other North Vietnamese waterways, and to attack North Vietnam's logistics lines and war-making capability.

The President's decision to mine the harbors and renew the air attacks was a most courageous one. All of the ports have been mined, and the minefields have not been crossed or breached since then by any merchant ships. While we have seen some minor lightering activities, this has been minimal; and we have destroyed many of the small craft involved in that lightering activity. The effect of the mining will be most apparent as the stockpiles of the North Vietnamese are depleted and her ability to mount major military activities on strict timetables are thereby denied.

The United States forces have fulfilled their role in supporting the South Vietnamese in a superb manner. Particularly noteworthy and effective have been the United States air operations against the invading enemy forces. The B-52's, naval surface ship gunfire, the Air Force and Navy tactical air support aircraft, the gunships and air transports working on a round-the-clock basis in conjunction with the growing Vietnamese Air Force—all contributed a decisive role in beating the enemy invaders in Kontum, in Anloc, and now in Quangtri. This United States naval and air power has assisted the South Vietnamese ground forces in taking the initiative on the battlefields against a highly mobile invading force of superior numbers and sophisticated firepower.

Two other factors have a direct influence on the North Vietnamese failure. First, North Vietnam's leaders had counted on a general uprising among the populace of South Vietnam. It did not take place. The South Vietnamese people, unwilling to go over to the other side, moved south by the hundreds of thousands to avoid coming under control of the northern forces, just as they did in 1954.

Another area of significant change in the Pacific came on May 15, 1972, with the reversion of Okinawa to Japanese prefectural status. Since the end of World War II, Okinawa had been under United States control. Planning for this reversion began in 1969, and culminated last May. The agreements with Japan provide that the United States may retain military bases there, a key requirement for the United States deterrent posture in the Pacific.

Korea is a third area of dramatic change. The conflict that had dominated that area for more than 25 years began to be eased in July as the Governments of North and South Korea began bilateral talks. These talks, coming on the heels of twenty years of vituperation and conflict, directly reflect the wisdom of President Nixon's policy of normalizing our relations with all nations, particularly the People's Republic of China.

As commander in chief of all United States Pacific forces, I have had the responsibility for the defense of our national interests and our deterrent posture from the Arctic to Antarctica and across the broad expanse of the Pacific from California to the western Indian Ocean. Indicative of this great expanse and indicative of the importance of even the most remote parts of this broad area of United States interest, we are building a communications facility on the island of Diego Garcia in the middle of the Indian Ocean. This facility is being built with the cooperation of the United Kingdom, and the United States will continue to operate ships in the Indian Ocean periodically.

Free world security throughout East Asia continues to rest on a combination of United States defense treaties, such as the Southeast Asia Treaty Organization (SEATO) and ANZUS; the other strong regional agreements among Asian nations; and the five-power defense arrangement for Malaysia and Singapore, which involves forces from Great Britain, New Zealand and Australia.

I have regularly and strongly upheld the wisdom of maintaining adequate military defense in the Pacific through collective security during my four years as commander. Lately, I find it necessary to remind my countrymen that the finest weapons systems won't mean a thing if we don't support the men who defend our people and our soil.

I visited Vietnam on a regular basis as commander in chief in the Pacific. I have been out in the heartlands to the tiny base camps and fire-support bases. I have visited the major military installations. Throughout these visits, I have talked with hundreds of our soldiers, sailors, marines and airmen. I find this group of American young men as outstanding as any youth I have known anywhere any time. They are intelligent, dedicated to the performance of their duties, and a credit to our country. I am extremely proud of them. Our nation can be proud of them.

Looking to the future, the strength of our United States air and naval forces in Southeast Asia will depend on the political actions taken to resolve the conflict, and on the enemy's military actions. I am convinced the months immediately ahead are critical for the preservation of all that the United States and allied forces have achieved thus far in Indochina.

Our ultimate goal in the Pacific is the encouragement of strong, viable economies and the right of self-determination for all the peoples of the region. I have no doubt that our assistance will be required and will be forthcoming in Asia in the years ahead. It is absolutely essential for the stability of the free world that the United States remain a Pacific power.

A STORY OF INITIATIVE AND RESPONSIBILITY

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, the Knight newspaper chain recently ran a full page ad in its papers with excerpts from other media praising the initiative and journalistic responsibility of two of its Washington bureau reporters.

The Knight papers have a right to be proud of these two young men who have been cited for their handling of the Senator EAGLETON incident. They are Knight bureau chief Robert Boyd and reporter Clark Hoyt. It has been my privilege to know both of these men for many years and I can attest to the fact that they richly deserve the praise which has been heaped upon them.

Boyd, 44, began working for the Knight chain at the Detroit Free Press in 1957. In 1960, he was assigned to the Washington bureau and became its chief in 1967. Hoyt, 29, became a reporter in 1966, after 2 years on Capitol Hill as a research assistant. In 1968 he joined the Detroit Free Press and, in 1970, came to the Knight Newspapers' Washington Bureau representing the Miami Herald.

In so highly a competitive business it is most unusual when a member of the journalism community takes time to pay tribute to a competitor. The fact that such notable sources as Time, Newsweek, the New York Times, the St. Petersburg Times, the Chicago Tribune, the Milwaukee Sentinel, the Christian Science Monitor, the Roanoke Times, and CBS News all saw fit to comment on Boyd's and Hoyt's fairness and sense of responsibility indicates the high regard in which they are held.

I am pleased to bring their comments to the attention of our colleagues.

THE EAGLETON CASE, A STORY OF INITIATIVE AND RESPONSIBILITY

This is the story of how the case of Sen. Thomas Eagleton first came to the public.

Knight newspapers had the basic information about the senator's past psychiatric problems, but we did not publish it until we had gone to Sen. McGovern's staff and to Sen. Eagleton himself for verification and explanation.

Like any aggressive news organization, we like exclusives—and we're proud to say we have more than our share. But no exclusive is worth sacrificing our professional principles.

From the first response to the telephone call about Sen. Eagleton, through the painstaking check of sources in Missouri, the submission of what we had discovered to the senators, and final publication, Knight newspapers lives up to this basic tenent of our philosophy:

"We try always to present the news fully, accurately and with fairness and balance."

LEE HILLS,
Publisher, Miami Herald, President, Knight Newspapers.

FROM TIME MAGAZINE

"The assignment given to Clark Hoyt of the Knight Newspapers Washington Bureau was strictly routine: research the background of Senator Thomas Eagleton and produce a profile for the eleven-paper Knight chain on the newly named Democratic nominee for Vice President. But Hoyt, 29, wound up last week uncovering the biggest political story in years. Only after McGovern confronted Eagleton with Hoyt's information did Eagleton detail his full medical history of psychiatric treatment.

". . . The admission set off an uproar, and obscured the fact that Knight was done out of a scoop while performing in the best tradition of responsible journalism.

"Newsmen in the Midwest and Washington had been aware for years of rumors that Eagleton had experienced fits of depression and drinking, but proof had always been lacking. While Hoyt was en route to St. Louis, Eagleton's hometown, the phone rang in the office of John S. Knight III, editorial writer for the Detroit Free Press and grandson of the chain's editorial chairman. The caller seemed "very nervous," and said that he was a McGovern supporter. But he knew that Eagleton had been treated for mental disorders, and thought the fact should be publicized early so as not to embarrass McGovern later. The information was vague, but the caller mentioned a St. Louis psychiatric hospital.

"The gist of the call was relayed to Hoyt, who found the hospital adamant in refusing to discuss the matter—but the refusal was couched in terms indicating the information was true. Hoyt also heard of other Eagleton hospitalizations for "gastrointestinal" problems and "sudden weight loss." He thought the evidence strong enough to warrant a detailed memo to Robert Boyd, Knight's Washington bureau chief. The two arranged to meet at Rapid City, S. Dak., and discuss whether to approach McGovern's staff.

"Hoyt and Boyd, though sitting on a major exclusive story, decided to turn over a two-page summary of Hoyt's memo to Frank Mankiewicz, McGovern's campaign director. Mankiewicz took the summary to McGovern. In return, Boyd and Hoyt expected some corroboration of their story and a chance to interview Eagleton before breaking it. But the McGovern camp decided to present Eagleton as voluntarily admitting past mental disorders rather than responding to an accusation. Aides rushed him into a public admission at a press conference that robbed the Knight papers of an exclusive they had earned through Hoyt's hard digging."

NEWSWEEK REPORTED

". . . It was the investigative digging of a team of reporters from the Knight Newspapers that forced the Eagleton story into the open. The Knight papers lost their scoop because their reporters gave Sen. George McGovern and his staff a chance to contemplate the evidence. In repayment for that opportunity, the Democratic high command stalled until its leaders could make a public announcement. But, for whatever consolation it was, the 11-paper Knight chain could legitimately claim to have practiced 'responsible journalism'."

ST. PETERSBURG TIMES

". . . it is worth more than a footnote that the manner in which Sen. Eagleton's problems were disclosed lived up to the best traditions of American journalism. Aggressive reporters from the Washington staff of the Knight Newspaper chain dug out the facts, setting in motion the actions that led to the public press conference about Eagleton's treatments. There is no better answer to Vice President Agnew's charges that the press plays favorites."

THE NEW YORK TIMES

". . . Clark Hoyt and Bob Boyd of the Knight Newspapers meticulously checked out the original rumors of Senator Eagleton's mental problems. They lost a scoop when they submitted their evidence to the McGovern campaign staff before publishing it. They lost a scoop, but earned honors for integrity."

THE CHICAGO TRIBUNE

"Two reporters for Knight Newspapers actually broke the Eagleton story, forcing the candidates' admissions, after a painstaking search for facts and corroboration of those facts. This is also a story of their sense of fairness and responsibility, both to the candidate and to the public."

CBS NEWS

"After the Democratic Convention, the Knight Newspapers chain received a call from a man who insisted he not be identified, tipping it to Sen. Thomas Eagleton's medical records. For eight days, Knight reporters worked to check out the story and verify it. That checking caused them to miss a major exclusive . . . the senator preempted it with his own announcement."

MILWAUKEE SENTINEL

". . . It so happens that the Eagleton episode produced a splendid example of responsible journalism which, unfortunately, has gone virtually unnoticed because attention has been focused on the Anderson affair.

"We refer to the work done by Bob Boyd, chief of the Knight newspapers' Washington bureau, and an assistant, Clark Hoyt. Acting on a tip, they dug out the story of Eagleton's health history, but instead of rushing into print with it, they prepared a memo on their findings and presented it to a McGovern aide. This led to the news conference at which Eagleton disclosed his medical record to the world, in the process denying Boyd and Hoyt of scoring a well-earned exclusive story."

THE CHRISTIAN SCIENCE MONITOR

"Our journalistic brethren have a mixed record in the affair of Senator Eagleton and the vice presidential nomination. Highest prize goes to the Knight newspapers for the diligence and responsibility of their reporters."

"Two of them, Bob Boyd and Clark Hoyt, uncovered the story of the three times when Senator Eagleton sought psychiatric treatment. Instead of rushing into print they took their findings to the McGovern staff for confirmation.

ROANOKE TIMES

"The prizes in the newspaper world—Pulitzers, Sigma Delta Chi, state association, etc.—are for stories that are published. A worthy nomination this year is for two reporters whose story did not get published: Robert Boyd and Clark Hoyt of the Knight Newspapers organization. They had the story of the previous illness of Senator Eagleton but because they pushed and checked to make absolutely certain, the McGovern organization broke it to the press generally.

THE FORT WORTH FIVE

(Mr. TIERNAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, on October 4 of this year, the American-Irish Historical Society will present an award to Mrs. Richard M. Nixon as the "outstanding American of the year of Irish lineage."

Also that evening while the awards are being presented in the posh surroundings of the Waldorf-Astoria, there will be another group of Irish-Americans who will be gathering together, but they would not be giving or receiving any awards and they will probably draw very little attention.

The outsiders that I am referring to are the Fort Worth Five—the five Irish-Americans from New York who were held in a Texas jail pursuant to an alleged gun running plot to Northern Ireland until Justice Douglas finally ordered bail—and their supporters who will be picketing the awards dinner.

The tragedy that befell these powerless Americans is in sharp contrast to the plaudits that will be bestowed on Mrs. Nixon who has done nothing more to deserve an award than to be the wife and representative of the very powerful.

It is also interesting to note that those five picketers were placed in this situation as a result of inexcusable violations of their civil rights by the Nixon administration.

How sad it is that the Irish-American Historical Society is so blind to the fact that they bestow their honors on those who persecute their own people. The wife of the man who was responsible for indiscriminate mass arrests in Washington demonstrations, so similar to the hated British interment policy receives an award while those who have suffered so much from this callous disregard for our civil liberties are the outsiders forced to the picket lines.

I therefore find it regretably necessary to voice my strong opposition to this award being presented to Mrs. Nixon. I find it to be completely contrary to what an "outstanding Irish-American" should be.

ARE YOU LISTENING, MR. DANZANSKY?

(Mr. SKUBITZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, as my colleagues are aware, during the past 6 months I have taken an active interest in the spread in beef prices between what the grower gets at the slaughterhouse and the housewife pays in the supermarket.

Earlier this year I submitted a comparison of slaughter prices and retail prices for beef in New York and Washington during the past 20 years. Almost without exception these showed that the farmer, the beef grower, did not share in these upward price swings. Indeed, these data demonstrated that such supermarkets as Giant and Safeway here in the Washington area were the principal beneficiaries of the price spread between the farmer and the consumer.

Last week an official Agriculture Department report showed that supermarkets widened the beef price gap between farmers and consumers to a record margin during August. The Department's report added:

> . . . thus failing to pass along to housewives recent declines in cattle prices.

I ask, Mr. Speaker, that the AP dispatch which appeared in the New York Times on Friday, September 29, 1972, be reprinted at this point in the CONGRESSIONAL RECORD.

U.S. REPORT FINDS INCREASE IN THE FARMER-CONSUMER GAP ON BEEF PRICES

WASHINGTON, Sept. 28.—A government report showed today that supermarkets widened and beef price gap between farmers and consumers to a record margin in August, thus failing to pass along to housewives recent declines in cattle prices

The widening farm-to-consumer meat-price spread, the subject of White House pressure on retailers earlier this month, has shown in a "market basket" report issued by the Agriculture Department.

In August, the report said, the average retail price of beef dropped 1.5 cents a pound from the record high in July of more than $1.17 a pound to slightly less than $1.16.

But while cattle producers saw their share drop 8.4 per cent in August, middlemen representing packing plants and retail stores widened their margins 12.6 per cent.

Broken down, a pound of choice beef—a major indicator for family food spending—had a "farm value" in August of 71.0 cents per pound when sold in supermarkets. That compared with 77.5 cents in July.

YEAR'S COST DROPS

Today's report showed the total cost of a market-basket food list—theoretically enough to feed a typical family for a year—actually declined by $1 in August from the record high of $1,322 in July.

The decline was attributed mainly to the lower retail prices for beef and poultry. Slightly higher prices were reported for several items, including pork, which has been at record highs both on the farm and at meat counters.

The $1,321 index was 4.5 per cent higher than a year ago. Meantime, the total spread between the "farm value" and the retail price increased to a record high of 44.8 cents a pound for retail beef in August, from 39.8 cents in July.

Henry A. Badger, a market-basket specialist with the Economic Research Service in the Agriculture Department, said that there was nothing to indicate that the beef farm-retail spread had ever exceeded the August mark.

WHOLESALE SHARE UP

The mark was approached last March when the gap widened to 36.8 cents a pound. At that time the retail price of beef was nearly $1.16 a pound, a record at that time.

Broken down further, the farm-to-housewife beef spread showed that the retailer's margin was another record of 37.3 cents a pound in August, compared with 33.0 cents in July.

The farm-to-carcass spread, or wholesale share, in August was 7.5 cents, up from 6.8 cents in July. Earlier this year, however, the carcass spread was higher, reported at 8.1 cents last May.

Donald Rumsfeld, director of the Cost of Living Council, told food retailers in August that the wholesale price of beef began to decline in July and that the council "expected to see a corresponding reduction" in supermarkets. Mr. Rumsfeld repeated the expectation on Sept. 7 and said that Government reviews would be started to monitor beef prices in major food chains.

Although today's figures showed that food costs dropped slightly in August, last week the Bureau of Labor Statistics reported that retail grocery prices during the month rose 0.2 per cent.

A TRIBUTE TO THE HONORABLE THOMAS A. PELLY

The SPEAKER pro tempore. (Mr. Alexander). Under a previous order of the House, the gentleman from Michigan (Mr. Dingell) is recognized for 60 minutes.

(Mr. DINGELL asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. DINGELL. Mr. Speaker, it is with a great deal of pleasure that I rise on this occasion to salute our distinguished colleague from the First District of Washington, Tom Pelly. As you know, Tom is retiring at the end of this session after having performed 20 years of outstanding service in the House of Representatives. As one who has served closely with him on the Merchant Marine and Fisheries Committee for a major portion of those years, I consider it a distinct privilege to lead in this salute.

Tom has worked hard to achieve his successes. Instead of attending college, he went to work full time putting up signs for a real estate firm. Later, he became a bank manager. During this time he studied nights, taking correspondence courses in business law and banking. He had a progressive career in banking, reaching the position of assistant trust officer in the Seattle National Bank. He resigned from that position in 1930 to enter the stationery and printing business as vice president of Lowman & Hanford Co. Here, too, his career was marked by success and when he was elected to Congress in 1952, he was president and general manager of the firm. During these years, he acquired a substantial financial interest in this business which he sold in 1954.

Although his business kept him busy, Tom Pelly found time to serve his community. He was active in civic organizations such as the Seattle Symphony Orchestra and the Community Fund. Prior to his election to Congress, he served two terms as president of the Seattle Chamber of Commerce; and in 1950 he was given the First Citizen of Seattle Award by the Seattle Real Estate Board.

Since coming to the 83d Congress, Tom Pelly has continued to win honors and achieve successes, especially as a member of the Merchant Marine and Fisheries Committee. He has a fine record in the maritime, fisheries and conservation fields.

We have all heard the old saying that a prophet is without honor in his own country. But this is not the case for Tom Pelly. When he announced his voluntary retirement earlier this year, the King County Republican Convention passed a resolution which read as follows:

> Whereas Congressman Tom Pelly has served the citizens of the First Congressional District and the Republican Party in an exemplary manner for twenty years;
>
> Whereas his service to his fellow Americans is worthy of our highest aclaim;
>
> Whereas Congressman Tom Pelly has by word and deed dedicated himself to the highest aspirations of the American people and the Republican Party;
>
> Be It Resolved, that we hereby declare ourselves, in Convention, on May 13, 1972, or record, that he will truly occupy an elevated place and position in the hearts of all Republicans in this County heretofore unattained by any elected office holder and servant of the people. We hereby declare him to be a true "Advocate of the People" and to join the ranks of those few so honored.

Tom loves to quote the ancient Roman Senator, saying he would rather have people ask why there was no statue of him than why there was one. This humble attitude has marked Tom Pelly's approach to public life. He has never sought nor wanted public acclaim but has desired to provide his two children and 10 grandchildren with a record of accomplishment and integrity they will always cherish and take pride in.

And his family can indeed be proud of him. In his long service in this body, Tom never voted on legislation in which he had a personal interest. He observed meticulously the House rule against voting where he might have a conflict of interest. He leaves an unblemished record on every count of good ethics as we, his friends in the House, so well know. This personal record of integrity and his 20-year record of legislative accomplishment give to his family a legacy to which they can point with pride.

Mr. Speaker, as ranking minority member of the Fisheries and Wildlife Conservation Subcommittee of the Merchant Marine and Fisheries Committee, Tom has been instrumental in furthering the goals of this subcommittee.

My distinguished friend has taken an active role in the affairs of this House, and his legislative efforts cover a wide scope. In the area of conservation alone, there is not time to mention all the legislation this great man has fostered. Some indication of his dedication can be gleaned from the public laws enacted as the direct result of this one man's concern for the conservation goals of this one subcommittee: three in the 89th Congress; five in the 90th Congress; four in the 91st Congress; and four to date in this Congress.

Perhaps one of the most significant of these public laws is the National Environmental Policy Act of 1969. Recognized as one of the most important conservation laws ever enacted by the Congress, the act created the Council on Environmental Quality which, as you know, is responsible for a broad and independent review of current and long-term trends in the quality of our national environment. My good friend from the State of Washington was instrumental in the enactment of this legislation, and continues to take an active interest in the effectiveness of the Council.

Of current interest, Tom Pelly introduced and fostered amendments to the Fishermen's Protective Act to expedite the reimbursement of U.S. vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries. Agreement has been reached between the House and Senate on this significant legislation, and early enactment is anticipated before the end of this Congress.

Another current piece of legislation is the so-called ocean dumping bill Congressman Pelly cosponsored this legislation that would generally regulate the dumping of waste materials in the oceans and initiate a comprehensive program of research on the effects of ocean dumping. This is another landmark bill on which agreement between the House and Senate has been reached, and we expect early enactment.

Mr. Speaker, I think it should be pointed out that—no matter how active or aggressive he may be—a minority Member's name does not always appear on legislation he may have introduced or supported. I, therefore, request unanimous consent to insert in the Record, immediately following my remarks, a list of legislation which emanated from our committee. The Honorable Thomas M. Pelly was instrumental in the enactment or in the conference status of all the legislation listed, and I think this achievement deserves permanent recognition in the Record.

PUBLIC LAWS OF PARTICULAR INTEREST TO THE HONORABLE THOMAS M. PELLY FROM THE 89TH THROUGH 92D CONGRESSES

89TH CONG.

Bill No.	Public Law No.	Explanation	Participation
S. 998	89-85	To amend sec. 4 of the Fish & Wildlife Act of 1956 to authorize the Secretary of the Interior to make loans for the financing and refinancing of new and used fishing vessels, and to extend the term during which the Secretary can make fisheries loans under the act.	No identical bills.
H.R. 1975	89-233	To amend the Northern Pacific Halibut Act in order to provide certain facilities for the International Pacific Halibut Commission	Pelly bill—H.R. 9734.
S. 2218	89-658	To establish a contiguous fishery zone beyond the territorial sea of the United States	Pelly bill—H.R. 10183.
S. 2720	89-701	To authorize the Secretary of the Interior to develop, through the use of experiment and demonstration plants, practicable and economic means for the production by the commercial fishing industry of fish protein concentrate.	Pelly's—H.R. 16095, also conferee.
H.R. 10327	89-777	To require evidence of adequate financial responsibility to pay judgments for personal injury or death, or to repay fares in the event of nonperformance of voyages, to establish minimum standards for passenger vessels and to require disclosure of construction details on passenger vessels, and for other purposes.	Pelly was conferee.

PUBLIC LAWS OF PARTICULAR INTEREST TO THE HONORABLE THOMAS M. PELLY FROM THE 89TH THROUGH 92D CONGRESSES—Continued

Bill No.	Public Law No.	Explanation	Participation
		90TH CONG.	
H.R. 158	90-81	To amend sec. 309 of the Merchant Marine Act, 1936, so as to require future authorization of funds for certain programs of the Maritime Administration.	Pelly bill—H.R. 1028.
H.R. 12639	90-358	To remove certain limitations on ocean cruises	Pelly was conferee.
S. 2047	90-397	To exempt certain vessels engaged in the fishing industry from requirements of certain laws	Pelly bill—H.R. 13366.
S. 1752	90-427	To amend the act prohibiting fishing in the territorial waters of the United Statew and in certain other areas by vessels other than vessels of the United States and by persons in charge of such vessels.	Pelly bill—H.R. 10227.
H.R. 15189	90-471	To authorize appropriations for certain maritime programs of the Department of Commerce	Pelly was conferee.
H.R. 13781	90-477	To amend title II of the Marine Resources and Engineering Development Act of 1966	Pelly was conferee, as well as cosponsor.
S. 2269	90-482	To amend the act of Aug. 27, 1954, relative to the unlawful seizure of fishing vessels of the United States by foreign countries	Pelly bill—H.R. 4451.
S. 3866	90-551	To extend the provisions of the Commercial Fisheries Research and Development Act of 1964	Pelly bill—H.R. 18808. Also was cosponsor.
		91ST CONG.	
H.R. 11363	91-135	To prevent the importation of endangered species of fish or wildlife into the United States; to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law; and for other purposes.	No identical bill.
S. 1075	91-190	To provide for the establishment of a Council on Environmental Quality, and for other purposes.	Pelly was conferee.
H.R. 13407	91-215	To consent to the amendment of the Pacific Marine Fisheries Compact	No identical bill.
H.R. 15424	91-469	To amend the Merchant Marine Act, 1936	Pelly was conferee.
H.R. 14678	91-514	To strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes.	Pelly was cosponsor.
		92D CONG.	
H.R. 4724	92-53	To authorize appropriations for certain maritime programs in the Department of Commerce	Pelly was cosponsor; also conferee.
H.R. 19	92-75	To provide for a coordinated national boating safety program	Pelly was cosponsor.
H.R. 6239	92-79	To amend the maritime lien provisions of the Ship Mortgage Act of 1920	Do.
H.R. 5208	92-118	To authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard.	Pelly was cosponsor; also conferee.
H.R. 2587	92-125	To establish the National Advisory Committee on the Oceans and Atmosphere	Pelly was cosponsor.
H.R. 5060	92-159	To amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft.	Do.
H.R. 155	92-163	To facilitate the transportation of cargo by barges specifically designed for carriage aboard a vessel	Do.
H.R. 3304	92-219	To amend the act of Aug. 27, 1954 (commonly known as the Fishermen's Protective Act) to conserve and protect Atlantic salmon of North American origin.	Pelly was author.
H.R. 11589	92-296	To authorize the foreign sale of certain passenger vessels	Pelly was cosponsor.
H.R. 9552	92-323	To amend the cruise legislation of the Merchant Marine Act, 1936. Assist 4 remaining vessels to carry cargoes and cruise	Pelly was cosponsor.
H.R. 12143	92-330	To provide for the establishment of the San Francisco Bay National Wildlife Refuge	Do.
H.R. 6479	92-339	To provide for the licensing of personnel on certain vessels	Do.
H.R. 8140	92-340	To promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States	Pelly was cosponsor; also conferee.
H.R. 13188	92-343	To authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength of the Coast Guard.	Do.
S. 2684	92-374	To amend section 509 of the Merchant Marine Act, 1936, as amended. Mortgages on hydrofoils	Pelly's bill—H.R. 1300.
H.R. 13324	92-402	To authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce, and for related purposes.	Pelly was coauthor.

MOST CURRENT LEGISLATION FROM THE 92D CONGRESS OF INTEREST TO HONORABLE THOMAS M. PELLY NOW PENDING

Bill No.	Explanation	Status	Participation
H.R. 56	Environmental data bank	Conference	Pelly is conferee.
H.R. 7117	Illegal seizures	Agreed	Pelly was conferee.
H.R. 9727	Ocean dumping	do	Do.
S. 3507	Coastal zone management	Conference	Pelly is conferee.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield to me?

Mr. DINGELL. I yield to my good friend, the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I am deeply grateful that the gentleman from Michigan (Mr. Dingell) has yielded to me on this occasion.

Mr. Speaker, we will be saying goodbye to a great many colleagues at the end of this Congress, dear friends who are retiring voluntarily after many years of service. I cannot think of anyone with more friends in this body than the gentleman from Seattle, Wash., Tom Pelly. If he has any enemies on either side of this political aisle I do not know who they are. I am certainly glad some of them planned this well-deserved tribute for Tom.

The other day at a reception honoring the distinguished chairman of the Committee on Merchant Marine and Fisheries I observed that the landmark legislation to revive the American Merchant Marine after decades of neglect would remain his monument. It stands also, of course, as a monument to the ranking minority member of that committee. The Merchant Marine Act of 1970 was a product of the kind of close cooperation between the executive and legislative branches of Government, between Democrats and Republicans in the Congress, and among all segments of management and labor in the maritime industry, that self-appointed critics of our political system either ignore or misinterpret. Tom Pelly was a pillar of strength in that important national effort to insure the future security of our country on the seas. Nor should we forget Tom's many contributions in the fisheries and conservation fields, or his faithful service to his constituents.

But I believe, Mr. Speaker, that the greatest accomplishment any Member can look back upon after 20 years of service in this House is the making of friends. Not merely the friendship he has received, but the friendship he has given. Tom has excelled in this, and he and his lovely wife Mary Virginia will take these friendships with them when he leaves the Congress.

Mr. DINGELL. Mr. Speaker, I thank my good friend, the distinguished gentleman from Michigan (Mr. Gerald R. Ford).

I now yield to the gentlewoman from Washington (Mrs. Hansen).

Mrs. HANSEN of Washington. Mr. Speaker, I thank the disinguished gentleman from Michigan, for yielding me this time.

Mr. Speaker, it is a pleasure today to pay tribute to our very distinguished colleague, Congressman Tom Pelly of my State of Washington.

It is a particular pleasure for me because I knew Congressman Pelly long before he came to the Congress of the United States. He was an outstanding Seattle businessman who contributed generously of his time to programs in the State of Washington needing consideration and assistance. He was an effective spokesman many times on behalf of our highway programs, education details, the University of Washington, conservation and fishing.

As you are well aware, he was elected to the Congress of the United States in 1952 and came here to begin his long and diligent service. When I came to Congress in 1960, Congressman Pelly was already well established as a leader in the maritime, conservation, and fisheries fields here. Together we have had the privilege of working for much legislation that today affects this Nation's well-being. We had a long and difficult fight for the 12-mile limit to protect our fisheries. We have worked together for the North Cascades National Park, to mention only a very small part of the activities in which he has so actively participated.

Knowing Tom Pelly as a person is just as much a privilege as working with him. He and his delightful wife, Mary, are two of the nicest human beings I have ever known. Tom and Mary always have time to be gracious, courteous and kind. Not all people in political life retain these essentials of good manners and grace. His daughter is married to a former colleague of mine in the State House of Representatives, and they too are delightful people.

I am sorry to lose Tom from the House of Representatives. There is now no one from our State on the Merchant Marine and Fisheries Committee of the House and I deeply regret it. I represent a district with a long coastline of natural beauty, a district with fishing fleets, and where shipping is a vital part of our economy. My district will miss you, Tom, as I shall miss you. But all of us in my district and I wish you the very best in retirement, and, may I say as a little postscript to that statement, of course the best part of retirement is an opportunity to again live in the State of Washington the year round.

I salute you for your service, Tom.

Thank you for your courtesy, and I offer my warmest congratulations for a job well done. My best wishes also to you and Mary and your family for your active years ahead in our State, speaking out as you have always done for programs in which you believe.

Mr. DINGELL. Mr. Speaker, I thank the distinguished gentlewoman from Washington (Mrs. Hansen) for her remarks.

Mr. MAILLIARD. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to my good friend, the gentleman from California.

Mr. MAILLIARD. Mr. Speaker, I thank my friend, the gentleman from Michigan, for yielding.

Mr. Speaker, I want to join in the things that he and others have said about Tom Pelly's service here in the Congress. We came here together in January of 1953. I think that first term Tom served on another committee, but for 18 years we served side by side on the Committee on Merchant Marine and Fisheries. When I succeeded to the ranking position on the Committee on Foreign Affairs, Tom succeeded me on the Committee on Merchant Marine and Fisheries. We have a very complex jurisdiction in this committee which some people would like to refer to as a minor committee. But we do not think it is. And over the years Tom and I have shared responsibilities, with my taking a sort of major role on maritime legislation and Tom doing a perfectly splendid job with the gentleman from Michigan in our very important Subcommittee on Fish and Wildlife Conservation.

It is quite a twinge to break these ties that have lasted so long. I know that Millie would want me to mention her joining in wishing Tom and Mary a very delightful and productive retirement. I know he is not the kind who just would sit around doing nothing, but even that is a great pleasure when you are able to live in the Puget Sound area, and I know we are going to miss him probably a good deal more than they are going to miss us.

Mr. DINGELL. I thank the gentleman.

Mr. VAN DEERLIN. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from California.

Mr. VAN DEERLIN. Mr. Speaker, you have heard from northern California on this subject, and I want you to know that southern California echoes the same sentiments.

In his opening remarks the gentleman from Michigan quoted our friend, Tom Pelly, as saying like a great general that he would rather there be no explanation of why a statue was erected in his memory rather than why there was not.

I can tell you if we ever got around to a statue for Tom Pelly, I would like to see it put up on Point Loma in our San Diego community. I think it very properly would belong alongside the statue that already exists thereof Juan Rodriguez Cabrillo, the man who sailed around the Horn and first dropped anchor in San Diego Bay.

It happens that the descendants of Cabrillo are the Portuguese fishermen who form our tuna fleet, and they owe a very considerable debt of gratitude to Tom Pelly.

It is easy for a man who has fishermen as constituents—and Tom Pelly has many fishermen among his own constituents, but they are not tuna fishermen, and their problems are very different from the problems of tuna fishermen. But regardless of this Tom Pelly never missed an opportunity when our fishermen were under attack in southern waters to come to their defense in the most realistic and practical ways.

I can remember times when he might well have remained out of sight, when he voluntarily took the lead on behalf of our tuna fleet. They will not soon forget this man, and I as their representative will not forget.

Mr. Pelly was just as aggressive when it meant combating his own Republican administration as in earlier days when it meant combating a Democratic administration. This man knows no partisan bounds when it is a case of right or wrong. I could not be any more enthusiastic than those on his side of the aisle and those coming from his State than I am when I say Godspeed to this very great Member of the House.

Mr. DINGELL. Mr. Speaker, I thank the distinguished gentleman from California.

I yield to the gentleman from North Carolina (Mr. Jonas).

Mr. JONAS. Mr. Speaker, I wish to thank my friend from Michigan for yielding to give me an opportunity to join Tom Pelly's friends here on the floor in paying a well-deserved tribute to him as he completes 20 years of service in this body and retires voluntarily from public life. I do not know what Tom's plans are for the future, but I suspect, as someone has already said, that he will not be entirely idle because that is not his nature.

The distinguished gentleman from Michigan and the gentlewoman from Washington have already recounted Tom's career in some detail before he came to Congress—his business career and his career in a civic way up in Seattle. I was very pleased to hear those remarks, because I come from a section of the country far removed from the Northwest and would not have been expected to know of those things in Tom's life. I was happy to hear them expressed here today. I am pleased that I am on the floor during this hour, coming as I do from a section of the country which has not been heard from so far during these proceedings, to say that Tom's friends are not exclusively those Members who come from the great Northwestern part of the country, but friendships that he has formed here in Congress extend down to the Southland.

Tom and I, as did Bill Mailliard, came in here at the same time in January of 1953. We are members of the 83d Club and have been friends all down through the years and closely associated in the activities here on the floor. My association with Tom has been far more extensive than that to be expected to occur on the floor. I do not serve on the committee with him, but we have had a very close social life relationship. His wife, Mary, and my wife, Annie Elliott, have been very dear and close friends all down through the years, and I know she would want to join me on this occasion in wishing for Tom and Mary in the retirement Tom so richly deserves and has so well earned a long life of good health, good fortune, and peace of mind.

Mr. DINGELL. I thank my good friend, the gentleman from North Carolina.

I yield to the gentleman from Washington (Mr. Adams).

Mr. ADAMS. I thank the gentleman from Michigan for yielding.

I am very pleased that we have an opportunity this afternoon to pay our respects to Tom Pelly. Tom and I have shared the responsibility for the city of Seattle for the last 8 years, and I want him to know personally from me and from, I am certain, the people of the city how much we have all appreciated the things that he has done for us and the legislation he has worked on with us to see that the people have done as well as we possibly could.

These have been difficult years—the last 3 or 4—and I know we have not agreed on every issue, but on the main issues that have affected our community, I want Tom to know how much all of us appreciate the time and effort that he has taken to try to help the people of our area.

TOM's daughter, as he knows, is married to one of my closest friends, and I know that he will now enjoy with Mary time in the Northwest where he can do all of the things that he has had to give up, being in Washington for a great portion of the last several years. I hope that he will have a chance to return home and enjoy his family and spend time with his many friends in Seattle.

As one who has served with the gentleman on the Science and Astronautics Committee, I hope the people of Seattle appreciate and I know they do appreciate the great things the gentleman has done for them in serving on that committee.

Betty and I wish the gentleman and his wife, Mary, very well in the coming years and we are looking forward to seeing him when we return to Seattle. Once again I express my gratitude and the gratitude of the people of our area for the services of the gentleman.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Speaker, I sincerely appreciate the gentleman from Michigan taking this special order to honor our very close friend, the gentleman from Washington, TOM PELLY.

It is rather ironic that we are here on the floor of the House extolling the virtues and commending the gentleman from Washington, Mr. PELLY, because it was just this morning that I asked TOM to participate in a television program wherein, together, we could convey to the people of California a progress report on what was taking place in an area in which the gentleman has a special expertise; namely, the upcoming International Law of the Sea Conference.

While I think a great many things can be said about the gentleman I think it is most important that we convey and record in the CONGRESSIONAL RECORD the fact that TOM PELLY as an individual is more loved, admired, and respected by more Members of the Congress than anyone I know of in this House of Representatives. I fully realize that what I have said is a very significant statement. He is respected, because of his abilities as a legislator. He is loved and admired by those of us who have had an opportunity to share in the great effort to provide some form of protection and relief for the fishermen who are perplexed with many problems, particularly those operating in the coastal fishery areas.

One of the finest tributes that has been paid this gentleman is the fact that from my own Northeast of California constituency, the Fishermen's Wives Association as well as the National Federation of Fishermen have asked Mr. PELLY to serve in the capacity of chief negotiator for their cause at the International Law of the Sea Conference. This request demonstrates, clearly the extraordinary reputation this great and talented man enjoys. I am hopeful his appointment becomes a fact of life as we look to the future and the International Law of the Sea Conference.

TOM is a very close and very dear friend. I can recall when I first came here nearly 10 years ago and said "Congressman PELLY I want to work with you on matters of legislation dealing with fish and fishery resources. The gentleman has done more than I could have asked for. I am deeply grateful.

My wife, Ollie, and my daughters, join me in wishing the gentleman a very happy retirement, but only temporarily, because we have some things in mind we are going to ask the gentleman to participate in. This man is a walking encyclopedia as a result of his vast experience in aviation, aerospace, and merchant marine and fishery matters. For the good of America we must use this expertise at the right time and the right places.

Mr. Speaker, what can I say about my friend TOM PELLY as he retires from the Congress?

He is my friend and I shall miss him.

He is an outstanding and effective legislator and his constituents in Washington will miss him.

And, he has served the Nation wisely and well and his country will miss him.

We can only hope that his retirement will not be complete and that he will continue to be able to serve the public interest.

As stated before, I have been privileged to work closely with TOM PELLY for the last 10 years.

There are a number of issues we have worked together on but none is more important than the effort to obtain more protection for coastal States and the fish and marine resources contiguous to our territorial limit. With TOM's help we have made the initial move to 12 miles over formidable opposition. The opposition remains but the tenacity and legislative skills of TOM PELLY have permitted substantial progress toward the species approach to fishery management goal and when it is established the country and the Congress will owe a great debt to the gentleman from Washington.

TOM has served in the Congress for 20 years. I know our friendship will continue beyond his retirement.

Mr. Speaker, I take this opportunity to wish Congressman PELLY a long and fruitful retirement and again express my own hope and expectation that his retirement will be from the Congress only and not from an active participation in public affairs.

As your close friends and committee associates are with you, here on the floor of the House, today—we want you to remember this occasion for the rest of your life.

Like the giant redwoods that grow in abundance in my Redwood Empire District of California, you, TOM PELLY stand straight and tall. You stand majestically as one of the truly big men in the House of Representatives—in ability, integrity, courage, conviction, principle, and dedication, as well as your physical stature.

Your family can be justifiably proud of your extraordinary record of accomplishments and your many contributions to your country and your fellow man.

May the good Lord treat you kindly, TOM, in the remaining years of your very fruitful and productive life. Let the record show that Congressman CLAUSEN of California will remain eternally in your debt for all you have done for me and the people of my district.

Mr. DINGELL. Mr. Speaker, I yield now to my friend, the gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Speaker, I thank the gentleman from Michigan for yielding. At the outset I commend the gentleman from Michigan, my good friend, for arranging this special order in spite of the fact that he is not from Washington, but he is probably the colleague who is closest to the man about whom we speak today and he has worked continuously with the gentleman for a number of years on the questions and problems that have been discussed by our colleagues today. I speak of both these gentlemen and particularly the gentleman from Washington, my colleague TOM PELLY, when I say that indeed the House of Representatives is going to lose a good and valued Member, and our State will lose a good and valued Member in the House of Representatives.

I have had the pleasure of serving in an adjacent congressional district now for almost 8 years and I have worked very closely with TOM PELLY as he has worked with the entire delegation. Again, as has been pointed out there, partisanship aside, when the good and the welfare of the citizens of the State of Washington was on the line there has been no showing of partisanship on TOM's part, and his efforts have made our delegation I think on both sides of the aisle one of the most compatible delegations in the entire Congress.

I would especially like to commend the gentleman for his work in conservation. As the gentleman in the well has said, the gentleman from Washington is one of the finest conservationists in the House of Representatives. I well recall his efforts on behalf of all the citizens of the United States and particularly the State of Washington in his efforts to help those of us who were working to create a North Cascades National Park.

Very effective and very helpful. His efforts in merchant marine and fisheries, particularly fisheries, are legion. Again, as the gentleman in the well told us, I think the whole House knows of his fine efforts in behalf of fisheries.

So, TOM, to you and your Mary, from me and my Mary, we wish you the best. I, like a number of others, think that although I am sure you may go back to Seattle for a while, I am sure you are not just going to stagnate.

Mr. DINGELL. I yield to my friend from New York.

Mr. GROVER. Mr. Chairman, I rise also to join my colleagues in praise of the life and works of our lovable, genial, able colleague, TOM PELLY, of the great State of Washington.

As we all know, as has been said, TOM was elected in the 83d Congress and has been reelected ever since. That means that TOM is now completing his 20th year of work and accomplishment in the Congress to his district and for our country. I have had the pleasure of serving with Tom on the Merchant Marine and Fisheries Committee for the last 10 years, and I can personally attest to the fact that he is a mainstay, not only of our committee, but also of the Science and Astronautics Committee, where he also serves.

It also goes without saying that Tom is admired and looked up to by his colleagues for these qualities which have made him an outstanding Congressman and legislator of great ability and judgment. I know we will always welcome his expert advice and good counsel even in his retirement.

When a man of his wisdom and judgment and experience leaves us, particularly at the committee level, where the real, substantive work of the Congress is done, the burden has to be shouldered. A great vacuum is experienced by the committee, and the burden has to be shouldered. I suspect that a great deal of that burden will have to be shouldered by my colleague, Mr. Dingell, and myself. In shouldering that burden, we may look to you, Tom, to ease the changes a little bit with that wisdom which you have stored up in yourself.

As my colleague from Michigan has said, I will not take the time he has said he would not take, but would put further in the Record information about the many, many measures Tom was associated with in these past 20 years. Suffice it to say that he has been associated closely with some 40-odd major legislative acts in the last four Congresses. I dare say that not a piece of legislation in the area of U.S. Fisheries has been left without a Pelly influence.

We all know Tom has been a leading figure in all the Maritime legislation of any consequence over these many years. Perhaps the finest tribute to the legislative input of Tom Pelly, the ranking minority Member, and Eddie Garmatz, the chairman of the committee, is the monumental and landmark Merchant Marine Act of 1970. These great legislators did yeomen work on this bill, and it is a fitting tribute to their service.

They say all good things must come to an end, so we are approaching an end of our congressional relationship with Tom Pelly. Tom, I want you to know that I have enjoyed every moment of this friendship, and have had nothing but the most profound respect for your ability and accomplishment. You have truly had a fine career, and you can look upon it with a great pride.

Mary Grover and I want to wish you and your Mary the best of everything.

Mr. DINGELL. I yield to my friend from Washington (Mr. Foley).

Mr. FOLEY. Mr. Speaker, I, too, want to compliment the distinguished gentleman from Michigan for taking this special order. I think the order itself and those who are participating in it indicate the wide respect and admiration that his colleagues have for the gentleman from Washington, Tom Pelly.

He has served a score of years in this body. In that time he has left a great legislative record of concern and accomplishment in the fields of conservation, protection of the environment, development of outdoor recreation, protection of our fisheries and wildlife; the development of a strong merchant marine in both peaceful and defensive capacities. Of course, there is his great work in the Committee on Science and Astronautics in advancing the research and technological capacity of our Nation.

As the last speaker so well said, there are over 40 major accomplishments in terms of significant legislation, and many more acts of legislative involvement and concern. Fishermen all over this country owe a debt of gratitude to Tom Pelly.

I am not going to attempt to chronicle—nor could I, in any reasonable time—the many things he has done in his career. I do not know how long any of us is remembered for what he does. Perhaps not long enough. But I do believe a Member on his retirement must take with him, if he has been a Member like Tom has been, a very deep sense of satisfaction, looking back over a career spanning 20 years, with the knowledge that because of some of the effort, because of some of the commitment, because of some of the concern he had people not only in his district and his State and in this country, but also in many places, are better for his service.

One of his personal qualities which has been mentioned by many speakers, which all of us who know him deeply appreciate, is that great stability, that courtesy and dignity which always marks Tom in every association he has with any Member of either party in any circumstance. Even in the most heated moments of debate he never once has lost the respect, the dignity, the courtesy that should mark the parliamentary ideal. I think of him in that respect as much as any other.

He has been in this Congress, as in the others in which I have served, the dean of our delegation. In this Congress he has been the only Member from our State in the minority.

That calls to mind a fable of Aesop concerning the census that was taken in the jungle among the animals, as to which animal had the greatest number of progeny. The census taker went from one animal to another and received various kinds of reports; some of them six, some of them eight, and some of them ten. When they came to the lioness she reported, "Only one, but that one is a lion."

For us on the Democratic side, we had only one Republican in our delegation in this Congress, but we have been deeply proud and honored to have served with him, because Tom Pelly, our sole Republican, our dean, is a lion. We all of us wish him the best for himself and Mary, his wife, and for his future retirement, which I know will keep him in contact with the interests of all the people of his district and State and all those many things he has advanced in the interests of all the people of the country.

Our warm and best wishes to you, Tom and Mary Pelly.

Mr. PELLY. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I am proud to yield to my friend from the State of Washington, with whom I have worked so productively for so long.

Mr. PELLY. Mr. Speaker, I want to thank my friends and colleagues for their kind words. Even though I do not fully deserve their praise, I do fully enjoy listening to it.

Now, at the conclusion of two decades of public service in the House of Representatives, I can truthfully say no one ever served with a finer group of persons than those who make up this body. Mr. Speaker, it has been a great honor and privilege for me to be associated with you and the other Members of this House, such a fine group of colleagues.

As long as I live I will not forget these dear friends, and I will remain gratified for this association and for the many friends, including the staff members who have made my service here so memorable.

Especially I extend thanks to those who arranged for this special order, to my good friend, Mr. Dingell, and others who participated in it.

Finally, I want to thank the Members of the Washington State delegation who have worked closely with me, as has been pointed out, but who I am really more proud to call my friends.

So I thank the gentleman for yielding to me and for the many kind words that have been said here tonight.

Mr. DINGELL. I am going to express my thanks to my colleagues, particularly to the fine delegation from Washington State, which is one of the finest in this Congress, and I thank them for their participation.

Mr. Speaker, I think just a few more brief words are in order.

I rather learned my trade with the assistance and kindness of my friend from Washington. He was one of the senior members of the Committee on Merchant Marine and Fisheries, and I was a freshman, and his courtesies and kindnesses to me were a matter of great pleasure and pride. He has cooperated closely with me.

I can truthfully report to this body and to his constituents that never has there been a partisan comment between the gentleman from Washington, Mr. Pelly, and I; never has there been a bit of bitterness or lack of cooperation at any time. Never have we failed to arrive at harmonious understandings and good legislation; never has either of us failed by reason of partisanship to be able to work together; and I can report that where he has felt the public interest demanded it, the gentleman from Washington (Mr. Pelly) has consistently fought either administration, Democratic or Republican, as the needs of the Nation in his view required.

The legislative production of our subcommittee, with his assistance and the Committee on Merchant Marine and Fisheries, has been outstanding.

I think it should be said today that I have sought a privilege which I have never asked for before, and that was the privilege of leading this tribute to my distinguished friend, in concert with the very fine and able Members of his delegation from Washington, which, as I have indicated, is one of the finest in this Congress, and certainly the tribute that is paid Tom Pelly is one which is well deserved for the fine and gentle and humane and effective and dedicated public service as an outstanding legislator.

Mr. ALBERT. Mr. Speaker, I always hate to see good men leave the House of Representatives, and I especially hate to see an exceptional Congressman like Tom Pelly leave our ranks. Tom has always been held in high esteem by Members on both sides of the aisle and I have always had the highest respect for him.

Tom is concluding 20 years of illustrious service on the Merchant Marine and Fisheries Committee where he has been a tower of strength to the American Merchant Marine and has been extremely conscious of the fishing and shipping problems of the country. He will be sorely missed by those of us who realize his extensive contributions to the maritime commerce of America.

Since he was first elected to Congress in 1952, Tom Pelly has been a consistent, contributing, active Member of the House, always taking his duties seriously and conscientiously. He leaves an outstanding legacy of dedicated public service to his family, friends, district, State, and Nation.

I am confident, despite his retirement, he will continue to give the Congress and the country the benefit of his wise counsel and superior judgment. I will always cherish his friendship and unfailing courtesies down through the years.

Mr. WYDLER. Mr. Speaker, one of the real pleasures of my 10 years in Congress has been my association with Tom Pelly. I have served with him on the Science and Astronautics Committee and in subcommittee work. I remember in my early days he was always the champion of the cause against "back door spending." I admired Tom's grasp of that issue and over the years always found his words and thoughts constructive and helpful to our Nation. I will miss Tom in the years ahead.

Mr. WHALLEY. Mr. Speaker, there are many things that I think of when I hear the name of Congressman Tom Pelly. Chief among these are those qualities that have kept him literally in the front ranks of all that he has ever tried to do and earned for him the deep respect, admiration, and affection of all who know him—such qualities as courage, diligence, and tenacity, the ability to see a job through, no matter how tough it might be.

These qualities are well known to his constituents in the great State of Washington, and are equally apparent to his colleagues on the Merchant Marine and Fisheries Committee and the Science and Astronautics Committee.

Tom was elected to the U.S. Congress nearly 20 years ago, on November 4, 1952. In those 20 years, he has compiled a record of achievement and accomplishment which stands out in these times, moving to change the face of his district and State, and contributing from his vast reservoir of knowledge and experience to the Nation as a whole.

Tom Pelly is retiring from Congress after this session. We view his retirement with mixed feelings.

It is certainly well-deserved and earned. Tom has given so much in his lifetime, he has truly earned the time to devote to his family and friends in leisure activity.

But his State and our Nation will miss Tom in those areas he loved so well—protecting our natural resources, our fisheries, maritime activities, and insuring proper conservation so that our children and grandchildren can enjoy nature as we do and as our parents did.

Everything that Congressman Tom Pelly does—in Congress, in his committees, in his home district, and home State—he does with honor and valor in a manner reflecting credit on himself and his constituents.

Nearing the close of Tom Pelly's congressional career, I would like to congratulate him and extend my sincere best wishes in the years ahead for Tom, his fine and devoted family, and all his lovely grandchildren.

Mr. TERRY. Mr. Speaker, 20 years ago Tom Pelly entered these Halls as a freshman with a potential of being one of the truly great Members of Congress. He has lived up to that expectation.

During that 20-year span, Tom Pelly has become a leading figure in matters of wildlife and conservation, science and technology. He is ranking minority member of the Committee on Merchant Marine and Fisheries and its Subcommittee on Fisheries and Wildlife Conservation. In addition he is one of the ranking members of the Science and Astronautics Committee and ranking minority member of the Subcommittee on Advanced Research and Technology.

What all of this means is that he has been in a position to serve two, often conflicting forces—science and nature—and has done so with finesse, understanding, and remarkable foresight.

We will all miss Tom Pelly. His decision to retire at the close of the 92d Congress will bring to an end a fine career of public service in the U.S. House of Representatives.

I would like to join my colleagues in wishing him every best wish for a bright future and an enjoyable retirement from public life.

Mr. FUQUA. Mr. Speaker, a record of distinguished service will end at the conclusion of this Congress when Congressman Tom Pelly of Washington leaves our midst.

Retiring after 20 years of distinguished service, Thomas M. Pelly has left a mark that has seldom been equaled in this body.

From the time he came to these Halls, he has been noted for his diligence and faithfulness of purpose. Particularly has he been outstanding in the maritime, fisheries, conservation fields, and the space program.

There are many of us who are joining today to pay tribute to this distinguished statesman.

All of us will miss his wise counsel and particularly do we pay tribute to him for his having always placed country above partisanship.

On both sides of the aisle, Tom Pelly has the best wishes of his colleagues. It is my hope that he and Mrs. Pelly will enjoy many more great years as he leaves a distinguished mark in the records of the U.S. House of Representatives.

Mr. CEDERBERG. Mr. Speaker, I wish to join my colleagues in expressing my high admiration for my very good friend, and a most able Member of this body, Tom Pelly.

Tom and I came to Washington together as Members of the 83d Congress. Throughout the past 20 years I have valued our association and friendship. As Members we have worked together and I must say that I have always been impressed with the dedication which Tom Pelly has brought to the service of the people of the First District of Washington and to the Nation. His career as a member of the Committee on Merchant Marine and Fisheries is certainly distinguished by his diligent efforts in behalf of conservation and the preservation of our maritime and fisheries industries. As the ranking minority member of the committee he has shown his leadership in these fields and I have valued his advice and assistance.

But more than this, I have known Tom Pelly as a friend and have always been impressed with his fairness and gentlemanliness. Tom is a man of character and I believe that, ultimately, that is the reason why he is such a popular and well-liked Member of this body and why he continues to deserve the respect and admiration of the people of the State of Washington. Combined with a genuine sense of devotion to the welfare of his State and the Nation, these attributes have made Tom Pelly a man who will be sorely missed in these Halls.

I know that I shall miss Tom's company and advice, and that the Nation will miss his sound counsel. I know, however, that he will enjoy a well-earned retirement. I wish him well.

Mr. GARMATZ. Mr. Speaker, I have been a Member of the House of Representatives for over 25 years, and I have seen many Congressmen begin and end their careers, but I have never felt such mixed feelings as today, when we are saying our formal farewells to Representative Tom Pelly.

I am sorry to see Tom Pelly leave because the State of Washington and the U.S. Congress and the Nation will lose an unusually capable and dedicated Representative; but I am also glad to see him leave, because he has earned the leisure and rest and contentment which we all wish him in his retirement—he has earned this through the long years of personal sacrifice that is required if a U.S. Congressman is to do his job well.

As chairman of the House Committee on Merchant Marine and Fisheries, I can tell you that Tom Pelly has, indeed, done his job well. A committee chairman soon learns to judge the character and ability of his members, and over the years I learned to respect Tom Pelly, to value his knowledge of and interest in committee affairs, and—what is perhaps even more important—I came to realize that he could be depended upon when the chips were down, and that he would not allow partisan politics to impede the passage of vital legislation pending before our committee.

The scope of Congressman Pelly's interest has been as broad as the legislative sweep of the committee, and over the years he has become expert in all the many subcommittee activities—an accomplishment which proved to be invaluable when he became the ranking minority member. The strong imprint of his legislative efforts will be felt for years to come, and the maritime, fishery, and oceanography industries have all benefited from his vast knowledge and persistent efforts. He played a key role in hammering out the legislative language which eventually became the Merchant Marine Act of 1970, and which is already regarded as landmark legislation that holds the best hope for revitalization of America's total maritime industry.

I could continue with a long and impressive list of this Congressman's legislative accomplishments, especially in relation to his work as ranking minority member on our Fisheries and Wildlife Conservation Subcommittee; but I understand that Congressman Dingell, the distinguished chairman of that subcommittee, as well as many other members here today, will want to pay tribute to Tom Pelly, so I will keep my remarks brief.

I do want to add the personal note, however, that I have known and worked with Tom Pelly for almost 20 years. In addition to respecting him for his outstanding legislative contributions, I have always admired him, because he has always been a gentleman. He contributed a warmth and a humanity to the halls of Congress that will be missed. I thank Tom Pelly for his friendship, and I wish him good luck and good health and happiness.

Mr. MORGAN. Mr. Speaker, it is with sadness that I join in this well-deserved tribute to our good friend and colleague, Tom Pelly.

You cannot work with a man in an organization like the U.S. Congress for 20 years and not get to know him pretty well. You may not agree with him on all issues, and he may even make your job difficult at times. But after a few years, you will have a good idea of what kind of a man he is, and what makes him tick.

And if he is a good man, you are going to like him and consider him your friend.

Tom Pelly, judged by any yardstick, has proved himself a good man, a straight-forward man, and a hard-working man. He has done his utmost to represent his district in the way he thought best. When he retires at the end of this Congress, he will leave behind him a record of outstanding service to his constituents and to his country.

Even more importantly, Tom will leave here many friends—men and women from different walks of life, and all parts of the country, who have worked with him and learned to respect and like him.

All of us, I know, will be sorry to see him go.

Now there were times during the past 20 years when Tom and I did not see eye to eye on certain issues. As chairman of the Committee on Foreign Affairs, I had to manage some bills that did not meet with his unqualified support. I must say, however, that on all those occasions, Tom was open and honest about his position and true to his word.

He has been a good colleague and, on those occasions when our convictions differed, a worthy opponent. I have the highest regard for him.

I am very glad to have this opportunity to wish Tom Pelly many years of health, satisfaction, and happiness in the circle of his family and his friends.

Mr. McCORMACK. Mr. Speaker, it is both an honor and a privilege for me to have the opportunity to participate in the tribute to the Honorable Thomas M. Pelly who has served Washington State's First Congressional District with distinction for the past 20 years.

The high esteem in which he is held by his colleagues is indicated by the fact that today's special order was secured by two of the House leaders with whom Congressman Pelly has worked particularly closely—the Honorable Julia Butler Hansen, dean of our Washington State Democratic delegation, and the Honorable John D. Dingell, chairman of the Subcommittee on Fisheries and Wildlife Conservation. Congressman Pelly is ranking minority member of this subcommittee as well as the full Committee on Merchant Marine and Fisheries.

Though I have served only 2 years with Congressman Pelly, I know of the respect accorded him by the Washington State delegation. Particularly in the areas of conservation and fisheries, he has participated in the bipartisan efforts of our delegation, led by Senator Magnuson, Senator Jackson, and Congresswoman Hansen, to serve the best interests of Washington State.

I regret I am unable to participate personally and wish to express my appreciation to Congresswoman Hansen for her thoughtfulness in submitting my tribute.

Mr. ERLENBORN. Mr. Speaker, many stellar Members will leave this House at the end of the present term; and one whom we will miss greatly is a man from the great Northwest of the United States, Thomas M. Pelly.

He has accumulated many honors during his lifetime. I would mention one trait which, I assume, he brought to Congress and one which he will take with him. He is a good man—good in the sense that it is associated with integrity, pride, and getting things done.

He has made a record here of which he can be proud—and so can his family, and his district, and his State, and his region. And our country.

Mr. WYATT. Mr. Speaker, it is an honor for me to rise on this occassion to join my many colleagues on both sides of the aisle to honor a distinguished Member of Congress, my good friend, Tom Pelly.

During almost two decades in Congress, Tom Pelly has devoted himself to the service of his country and the people of his district. His concern for the conservation of our wildlife resources, the welfare of our fishing industry, and his conviction that a strong merchant marine is essential to the economy and defense of our country naturally prompted him to serve on the Merchant Marine and Fisheries Committee. His service on the Committee on Science and Astronautics reflects his interest in the promotion of basic scientific research and the importance of space-age technology to the economy of his district.

Congressman Pelly, now the ranking Republican member of the Committee on Merchant Marine and Fisheries, entered Congress at a time when our merchant marine was composed largely of World War II ships. While the rest of the world was actively rebuilding its fleets to replace the ships inherited from the United States, this country was allowing its fleet to disappear from the high seas. A few voices were raised against this dangerous trend. One of those was that of Tom Pelly. Thanks to him and the dedication of other Members who have shared his conviction, the United States has maintained at least a nucleus fleet of cargo ships operating on essential trade routes around the world. It was, therefore, no mere coincidence that President Nixon chose the Port of Seattle in the fall of 1968 to announce his plans for the rebuilding of the American merchant marine. The perseverance of Tom Pelley and his friends has paid off generously.

The rebuilding of our merchant marine is now a reality, and the outspoken support of Tom Pelly contributed to this renaissance.

Those of us from the west coast owe Tom a special debt of gratitude for his tireless efforts on behalf of the American fishing industry. His interest in our fishery resources has encompassed all of our fisheries from New England to Alaska and all of our fishing fleets whether inshore or ranging over the oceans of the world. The establishment of our 9-mile contiguous fishery zone, the creation of the Fishermen's Protective Act to assist our tuna vessels illegally seized in South American waters, and most recently the enactment of legislation to protect the endangered Atlantic salmon reflects the breadth of Tom Pelly's concern for the welfare of our fishermen and the conservation of vital fishery resources.

Over the years, Tom Pelly has been the conscience of our Government in his efforts to secure just treatment for our tuna fishermen who have been compelled to endure the perils of the sea and the very real risk of bodily harm at the hands of South American navies. That industry and the entire fishing industry is losing its principal champion on the floor of the Congress in the retirement of Tom Pelly.

The growing presence of massive foreign fishing fleets off our coasts has prompted Tom Pelly to expand his interest in the conservation of our fishery resources beyond the legislative arena and into the international forum.

He has advocated the international acceptance of a biological approach to fishery management which recognizes the unique dependence of salmon resources upon the Nation which maintains the spawning grounds and the overriding interest of coastal States in their Continental Shelf fisheries without regard to arbitrary limits.

Fortunately, this philosophy now underlies the U.S. position for the Law of the Sea Conference which will seek a new international regime for fisheries management over the next several years. Many of my colleagues already have urged the President to appoint TOM PELLY to the U.S. delegation for the Law of the Sea Conference as one of our principal fisheries negotiators. I join my colleagues in urging the President to take advantage of TOM PELLY's unique experience in these challenging negotiations.

Perhaps what we will miss the most is TOM PELLY's ability to fight hard for what he believes in while at the same time treating everyone with courtesy and dignity. The causes he has championed have not been easy ones. A lesser man might have given up or at least lost his sense of humor in the process. TOM PELLY has done neither, and these qualities are the true measure of my friend, TOM PELLY.

Mr. BROTZMAN. Mr. Speaker, I would like to join my colleagues in this tribute to the distinguished gentleman from Washington (Mr. PELLY). In his 20 years of service to the Nation and the First District of Washington, TOM PELLY has provided the type of leadership which is essential to the House of Representatives.

Those of us in the House who have been urging that Congress move to the forefront of the fight for a quality environment will particularly miss TOM PELLY. His work on both the Science and Astronautics Committee and especially the Merchant Marine and Fisheries Committee, where he ably served as ranking Republican, was geared toward improving the Nation's environment. His efforts have paid off in the form of significant legislation toward the improvement of environmental quality in the oceans of the world having been passed in recent sessions of Congress.

While I will miss TOM PELLY in the 93d Congress, I want to express the hope that his next 20 years in private life will be as rewarding as the 20 he has served in the House. Mrs. Brotzman joins me in wishing the Pelly's every good wish in their well-earned retirement and in extending an invitation for them to often visit their friends in the House of Representatives.

Mr. KUYKENDALL. Mr. Speaker, it is a privilege to join with my colleagues today in paying tribute to the Honorable THOMAS J. PELLY, whose service to his district and to the State of Washington is drawing to a close after 20 years in this body.

Rather than saying goodby to TOM PELLY, I would rather say simply, "Thank you, TOM." I would thank him for being a good friend, for being helpful to the freshmen of both parties as they groped their way around unfamiliar surroundings, and I would thank him most especially for being first, foremost and always, a true gentleman among us.

Mr. ROYBAL. Mr. Speaker, I am delighted to have the opportunity to join with my fellow Members of the House in paying tribute to our colleague and friend, Congressman THOMAS H. PELLY, on this special occasion marking the end of his long and distinguished career in Congress.

During his 20 years in the House of Representatives, Congressman PELLY has established a fine record in the maritime, fisheries, and conservation fields and has made a significant contribution to the enactment of legislation benefiting our country—the rejuvenation of our dying merchant marine being among the most significant. Through his leadership and perseverance the rebuilding of the merchant marine has become a reality, and this accomplishment coupled with his numerous other achievements will stand as a reminder of his true dedication to public service.

While his expertise and experience will be sorely missed by all who have had the privilege of working with him, I know that Congressman PELLY will continue to serve the people of the State of Washington and the Nation with dignity and honor, and I extend to him my sincere best wishes for much successes and enjoyment in his forthcoming pursuits.

Mr. SPRINGER. Mr. Speaker, I appreciate having this opportunity to join in this tribute to our colleague and good friend, TOM PELLY.

As the ranking minority member of the Committee on Merchant Marine and Fisheries TOM PELLY developed expertise in fisheries and conservation that has been of immense value to the Congress in the shaping of legislation in those areas. Coming from a great maritime State, he has been diligent in seeking benefits for his region but never at the expense of the national interest.

Unlike many of us, TOM PELLY came to the Congress at the beginning of the Eisenhower administration without prior service in elective political office. He had distinguished himself in the private sector, as head of a printing and stationery firm and as a director of the Seattle Trust and Savings Bank and the Northern Life Insurance Co. He also served 2 years as president of the Seattle Chamber of Commerce.

So it was as a successful businessman that TOM PELLY, at the age of 50, began a new career in winning a congressional seat in the election of 1952. How well it turned out can be measured by the tributes being paid to him today.

Mr. REUSS. Mr. Speaker, I join in paying tribute to TOM PELLY as he prepares to retire from Congress after 20 years of service in the House of Representatives.

During those two decades, TOM has worked diligently in the conservation, maritime and fisheries fields—areas in which he has had considerable influence as ranking minority member of the Merchant Marine and Fisheries Committee and its subcommittee on Fish and Wildlife Conservation.

He has piloted through useful legislation to protect our commercial fishing interests and regulate fishing in territorial waters.

Probably his greatest contribution in the conservation field was his conscientious work toward passage of the National Environmental Policy Act of 1970, the act which established the Council of Environmental Quality.

I wish TOM all the best as he returns to private life.

Mr. CARTER. Mr. Speaker, it is with deep respect that I join my colleagues in paying tribute to the distinguished gentleman from Washington. His career in this body has been one of dedication to the United States and to the people of his great State.

Our country owes a tremendous debt to his fine work, and the Halls of Congress will not soon cease to echo his presence.

I am confident that he will continue to contribute significantly to the well-being of our Nation, and I know that his record of service will be an inspiration to Members of Congress in the years to come, just as it has in the past.

Mr. BOLAND. Mr. Speaker, I join with my colleagues in saluting Congressman TOM PELLY.

TOM and I came to the House of Representatives two decades ago, and since that time I have watched him diligently serve his constituents here in Washington. A hardworking, dedicated man, one with the courage of his convictions and a man for the people—these are words that describe the kind of person TOM PELLY is. Of course these things are quite evident—one just has to look at TOM's record in Congress and his record with the Committee on Merchant Marine and Fisheries on which he has served with never-ending persistence.

TOM PELLY is the type of man that I am proud to have served with here in the Congress of the United States.

I am pleased to have the opportunity to join with my colleagues in this tribute to TOM PELLY, and in wishing him the best life has to offer in the years to come.

Mr. ANDERSON of Illinois. Mr. Speaker, I am delighted to join in this special order paying tribute to our good friend and colleague from Washington (Mr. PELLY) who is retiring at the end of this session. As chairman of the House Republican Conference, I think I can speak for all my colleagues on this side of the aisle in saying that we will greatly miss the presence of TOM PELLY in this body both as a friend and a legislator of great experience and competence. And the bipartisan nature of this special order alone is a clear indication that such feelings are not confined to this side of the aisle but are shared by Members of both parties in this body who have come to know TOM over the years.

TOM PELLY was first elected to the Congress in 1952, the same year we sent Gen. Dwight D. Eisenhower to the White House as the first Republican President we had had in 20 years. And TOM has served in this body for the past 20 years with honor and distinction under four Presidents. He truly leaves behind an indelible mark on the pages of legislative history written by the Congress over the past two decades—an enviable record of which he can be justly proud, and for which we are proud of him.

TOM PELLY has particularly distinguished himself by his long and dedicated service as a member of the Merchant Marine and Fisheries Committee and the Science and Astronautics Committee. As the ranking Republican on the former committee he has provided all of us an example of leadership and diligence, of expertise and ability—qualities which all in this body seek to develop and emulate.

In closing, Mr. Speaker, I want to wish my good friend from Washington all the best in all he seeks to do after leaving this body. I know he has many happy years to look forward to, especially the deep enjoyment that must come to a man blessed with 10 grandchildren. And they have every reason to be abundantly proud of their grandfather who has done so much for this country as a U.S. Congressman these last 20 years, leaving this a better place to live for them and their children and grandchildren.

So it is with mixed feelings that we pay tribute to Tom Pelly today. We are sorry he is leaving us, but we are grateful for all he has left us.

Mr. BOB WILSON. Mr. Speaker, we hate to see our good friends go. I know that Members on both sides of the aisle feel that we will deeply miss Tom Pelly in the 93d Congress. I particularly will miss his advice and counsel. For two decades, he has represented King County, the interest of a strong U.S. Navy, our fishermen, and the people of Seattle and its environs.

Tom Pelly and I came to Congress together in 1952. We have served through 20 years of tumultuous change. We have had crises of mutual interest. At all times, Tom Pelly has been a sturdy staff, a man to depend on for solid judgment and constructive solutions to our problems. He has been a battler for our fishermen, the U.S. fishing rights when other nations sought to seize the seas by imposing limits out to 200 miles. He has worked hard for the salmon industry, balancing conservation with an adequate harvest and insisting on U.S. rights on the high seas. He has worked to keep our naval facilities strong and our defenses up. He fought the good fight for the SST. When our fishing boats were grabbed, he was among the leaders in getting funds to alleviate their losses.

Tom Pelly has been a leader in the fight for fiscal responsibility. He has constantly warned that overspending led to overtaxing. His background in fiscal affairs before coming to Washington uniquely qualified him to evaluate Federal budgetary maneuvers. He has been a steadying influence on the Science and Astronautics Committee as our space program moved from the Sputnik era to U.S. leadership in celestial exploration and travel. He has been the fisherman's friend, a strong supporter of U.S. shipping during his many years on the House Merchant Marine and Fisheries Committee.

Tom Pelly, the man, has been a pleasure to serve with as a colleague. I well remember the 1960 National Republican Convention when he went around passing out his "Pelly buttons" as a favorite son vice presidential candidate, along with his theme song: "Has Everyone Here Seen Pelly? P-E-Double L-Y."

I join my colleagues in the House in thanking Tom Pelly for his years of service to the Nation, the Republican Party and the Congress. The people of King County have had top-notch representation for 20 years. We hope he now finds time to do some of the things that the press of congressional business has kept him from doing. I am sure that Tom Pelly will always be a "favorite son" of the Evergreen State that he has served so long and so well.

Mr. CONTE. Mr. Speaker, the close of this 92d Congress will also mark the end of the outstanding congressional career of my good friend and our colleague, Thomas M. Pelly of Washington.

It is fitting that we take some time today to honor Tom Pelly for the 20 years he has served in this Chamber. Those years have been distinguished by his superb service to his constituents and to the country.

Nowhere is his record more glittering than in the maritime, fisheries, and conservation fields. As the ranking minority member of the Merchant Marine and Fisheries Committee, his work and his influence have been strongly felt around the country.

He has also brought his considerable talents to bear through his role as an important member of the Science and Astronautics Committee.

He has been an advocate in these fields and he has been effective because he possesses not only a deep knowledge in these areas, but also the willingness to do the hard work required for success.

All of us who have had the pleasure of working with him, know that his absence from this Chamber will be sorely felt. But ours is not the only loss. The citizens of Washington's First Congressional District are losing a legislator of uncommon ability and dedication. And the Nation is losing a man who has distinguished public service by his involvement in it.

I join with all my other colleagues today in wishing Tom and his family the very best of everything in the years ahead. His family can be justifiably proud of the record he has built, and Tom himself can take great satisfaction in the accomplishments he has scored over two decades of outstanding service.

Mr. CLEVELAND. Mr. Speaker, it is a privilege to join with Tom Pelly's colleagues expressing our appreciation and admiration for his fine service in this House, to the people of his district, and to our country.

Tom has written a notable record during his 20 years of service in this great deliberative body. He has won the admiration of Members of both sides of the aisle. He has authored a great deal of constructive legislation particularly in maritime and fisheries matters.

Tom was a working conservationist before this field became as crowded and as popular as it is today.

It has been my personal privilege to have worked with him on legislation to protect wetlands and endangered species. Of particular importance were our successful efforts to protect the Atlantic Salmon. His patience and legislative skills have permitted him to achieve many important goals.

It is my hope that Tom Pelly and his family are taking great pride in his fine record and the integrity with which he has served his district.

Mr. WYLIE. Mr. Speaker, one of our colleagues, the Honorable Tom Pelly, will retire at the end of this session of Congress after 20 years of dedicated service to the people of the First District of the State of Washington.

His legislative contributions in the areas of conservation and maritime matters have been significant and many. Additionally, for four consecutive terms, he has been the recipient of the National Associated Businessmen's "Watchdog of the Treasury Award." This honor reflects his attitude on fiscal responsibility and efforts to curb inflation and the cost of living.

Congressman Pelly's constituents have been fortunate to be represented by such a conscientious legislator for two decades. I wish for Tom much happiness in his retirement and trust he will be able to do many of the things he has always wanted to do.

Mr. WHALEN. Mr. Speaker, Tom Pelly has served his constituents, the residents of the State of Washington, and the Nation with distinction. For 20 years, he conscientiously worked in their behalf.

As ranking minority member of the Merchant Marine and Fisheries Committee and in his service prior to reaching that position, Tom has accomplished a remarkable record in the bills within his jurisdiction and in conservation. Certainly, many future generations will benefit from his dedicated efforts.

Mr. Speaker, I am pleased to join in these tributes to Tom this afternoon. I congratulate him on his outstanding congressional service. I hope he will thoroughly enjoy his retirement in the knowledge that the people of his district and the Nation are deeply grateful for his contributions.

Mr. WILLIAMS. Mr. Speaker, the gentleman from Washington (Mr. Pelly) has announced his retirement. The people of the First District of Washington will lose an effective Representative, and this House will lose one of its most respected Members.

For 20 years Tom Pelly has served his district, his State and his Nation in the Congress. We, who have served with him here in Washington, are well aware of his outstanding record in the fields of conservation, maritime affairs, and fisheries. He was a distinguished advocate of conservation long before it became a fashionable topic.

Tom Pelly has fashioned a record of public service which any of us would be proud to claim. We are each sworn to well and faithfully discharge the duties of our office. For 20 years the gentleman from Washington has fulfilled that oath to the utmost.

In my 6 years in this Chamber I have known and respected Tom Pelly as an effective Congressman and friend. We will miss him, and the excellent advice he offered. However, I hope that he will enjoy his retirement which he most richly deserves, and will have the time to devote to his family, and especially to his 10 grandchildren.

Good luck to you, Tom. You have our best wishes.

Mr. ANNUNZIO. Mr. Speaker, the Honorable Thomas M. Pelly of the Washington First District is retiring from Congress after 20 years of distinguished service.

Having served for a time as a member of the Committee on Merchant Marine and Fisheries, on which Tom Pelly is currently the ranking minority member, I had ample opportunity to see for myself his outstanding capacity for committee work, and his extraordinary ability for dredging consequential testimony from reluctant committee witnesses. The same talents have been displayed to a similar extent, for the past few years, at the hearings of the Committee on Science and Astronautics, on which Tom Pelly is third-ranking minority member. His clarity of statement and incisive interrogative techniques have rendered him vital, in the opinion of his colleagues in general to the committee process.

As a former director of a banking institution, an insurance company, and a stationery company, and one-time president of the Seattle Chamber of Commerce, Tom Pelly brought with him to Washington a knowledge of the business community that served him well and served the Congress well.

As a consequence of his earnest awareness of problems confronting the Congress and the country, he has played a major role in the consideration and passage of many measures helpful to the people of his district, and the best interests of our country.

I would like to extend congratulations to Tom Pelly for a job well done, and best wishes for the future.

Mr. ADDABBO. Mr. Speaker, it is my pleasure to join in these special remarks to honor our colleague from Washington, the Honorable Tom Pelly, who is retiring from the House of Representatives at the end of this session. Tom has served his district and the Nation well for the past 20 years, and he will be missed in the Congress.

I have had the privilege of serving with Tom for the past 12 years and during that time I have admired his dedication and hard work approach to the problems of his constituents. In particular, Tom developed an expertise in the area of maritime and conservation through his service on the House Merchant Marine and Fisheries Committee. As ranking minority member of that committee, he helped shape many landmark bills dealing with conservation and the protection of our Nation's natural resources.

I wish Tom and his family a most satisfying and enjoyable period of retirement from the arena of public service.

Mr. HICKS of Washington. Mr. Speaker, among the most pleasant experiences I have had since coming to Congress in 1965 has been the opportunity to work on numerous projects of interest to our State with my distinguished colleague from the other side of the aisle, Thomas M. Pelly.

Mr. Pelly, as many of you know, antedated my presence here by 12 years, having been elected to the 83d Congress in 1952. We have often worked closely on areas of mutual concern including conservation, control of water pollution, problems of fisheries worldwide and in particular those of our Northwest fishermen, the SST, and establishing a healthy American merchant marine. The latter is only now approaching reality.

Tom Pelly grew up in the Northwest and is deeply attached to this part of the earth. As a youth he hiked the trails of our inspiring forests and mountains, so perhaps it was natural for him when he came to Congress to become a leader in the long effort to establish a North Cascades National Park. He wanted to hold in trust the grandeur of the things he loved—for all persons, and for all time. The country, but especially the people in the State of Washington, will be forever grateful for his untiring efforts to preserve the natural beauty in this Park in perpetuity.

His strong personal concern for conservation and animal life has come to the fore time and again in his unceasing work to protect the world's major fisheriers and the interests of our country's fishermen. In recognition of these outstanding services, the Seafarers and National Maritime Council recently presented Mr. Pelly with a plaque denoting their appreciation.

If Tom Pelly had decided to stay at his former home on Bainbridge Island, I would have had the honor to count him among my constituents, as I gained this area in the last redistricting. However, I understand he now plans to make his home in Seattle. His family there is among the earliest and most illustrious in Seattle's history.

His father, a British subject, first came to Canada at the behest of his sister who had married the Bishop of New Westminister (Episcopal Church.) They resided in Vancouver, British Columbia. Later his father moved to Seattle where he served as a member of the British Consulate. In Seattle he met the daughter of Dr. T. T. Minor, one of the city's pioneer leaders. Dr. Minor had originally been sent to the Northwest by the Smithsonian to study the flora and fauna. He stayed on to practice medicine, and in time was elected Mayor of Seattle.

Tom Pelly himself had a distinguished career in business before coming to Congress. He started with the Seattle National Bank, later joining the printing and stationery company of Lowman and Hanford to become its president and general manager. From 1949 to 1951 he was president of the Seattle Chamber of Commerce. In 1950 he was selected as Seattle's First Citizen.

His charming wife, Mary Virginia, whom he married in 1927, is a native of Washington, D.C. They met in Seattle where she had come to visit friends. They have two children, both outstanding citizens of the State of Washington.

Thus, on this occasion I want to add my voice to the chorus of well-wishers bidding farewell to Tom and Mary Pelly. May they enjoy retirement and a happy future together.

Mr. FREY. Mr. Speaker, during my 4 short years in the House, I have had the honor to serve on two committees with Tom Pelly. I served for 2 years on the Merchant Marine and Fisheries Committee with Congressman Pelly, and for all 4 years on the Science and Astronautics Committee. During this period of time I have had the opportunity to watch and learn from an outstanding legislator. His work and efforts have paid off in landmark legislation in the maritime, fisheries, and conservations fields. But more important to me from a personal side than these legislative accomplishments was his patience and understanding in working with the younger members of the committees. All of us were not only able to participate, we were also given added responsibility through the efforts of Tom Pelly.

It was with a great deal of sadness that we learned that the Congressman from Washington was retiring after 20 years of wonderful service in the House of Representatives. We in the House are proud of Tom. We know that his family and the people of his district are also proud that they have had a Congressman who cares. I join with all his other colleagues on both sides of the aisle in wishing the Congressman health and happiness and in thanking him for his outstanding service to his Nation.

Mr. TEAGUE of California. Mr. Speaker, no one in Washington will miss Tom Pelly more than I.

He is one of my closest associates and I have had the privilege of enjoying his steadfast friendship, as well as his sound advice and counsel, for a great many years.

Mr. Pelly is considered by his colleagues on both sides of the aisle to be one of the most able and effective legislators who has ever served in Washington. The House of Representatives will not be the same without him.

He has not only taken statesmenlike positions on national issues, but has fought effectively and successfully for all matters affecting his district and issues under the jurisdiction of his committees.

Mr. SCHNEEBELI. Mr. Speaker, it is a privilege to be able to join in paying tribute to one of our outstanding colleagues, Tom Pelly, who is retiring after 20 years of distinguished service in the House of Representatives.

Tom has earned the reputation of being a hard-working Congressman, perceptive to the problems confronting our Nation, and judicious in his decisions. His diligence to his responsibilities as ranking Republican on the Merchant Marine and Fisheries Committee has inspired the other committee members with less seniority to work hard, and he has served as a fine example of what a Member of Congress should be and should do. We have all benefited greatly from Tom's expertise in maritime, fisheries, and conservation fields.

Big Tom Pelly will be missed not only for his intellect, but for his patience and congenial manner. Usually he sat down in front of the Chamber on the aisle where many Members would consult with him about their problems as they passed by. Always obliging and cooperative, he never did try to impose his judgment and will upon others, but usually gave them good advice.

Tom has been a credit to the House of Representatives, to the Nation, his constituents, and to his fine family. We shall miss him, but his friendship and many accomplishments will always be treasured.

Mr. COLLIER. Mr. Speaker, it is difficult to realize that Tom Pelly will not be here in January. When I began my service in the House, he had already been here for two terms. I had assumed that he would be around for many more years.

Although those of us who will still be here next year will miss the distinguished, able and genial gentleman from Washington, we respect his decision to retire while he is still able to enjoy some years of leisure and have time for quiet contemplation. As he looks back on the 20 years that he has served his district in these historic halls, he can take justifiable pride in his accomplishments as a legislator. The record that he has written will be one that those who follow him may study with profit.

The Washington to which our esteemed colleague will return will be a less hectic place than the Washington he will be leaving. True, the Nation's Capital is an exciting place, where people from every State in the Union and from the four corners of the earth gather, where decisions of far-reaching import are made. Nonetheless, I am confident that Tom Pelly will be closer to the real America when he returns to his native State.

Mr. Speaker, as our colleague departs from the House, where he has served for so long, so ably, and with such fruitful results, our best wishes accompany him. May he enjoy health and happiness and may he live as long as he enjoys life.

Mr. VAN DEERLIN. Mr. Speaker, my pleasure at having the opportunity of paying tribute to my friend and colleague, the Honorable Tom Pelly, is exceeded only by my regret that this occasion for doing so is brought about by his retirement.

Tom's efforts and achievements in the maritime, conservation, and fisheries area of legislation have earned him the gratitude and appreciation of those on whose behalf he has labored, the people not only of his constituency, but of this Nation.

His unfailing courtesy, generosity, and helpfulness to all with whom he has come in contact in the House during two decades of service have earned him the respect and friendship of his colleagues.

I am proud to have had the privilege of working with Tom as a Member of Congress, and even prouder of the fact that I may call him a friend. It is my sincere hope that the years ahead will bring him the happiness and satisfaction that he has so richly earned.

Mr. EDWARDS of Alabama. Mr. Speaker, it is said that a great man is what he is because of what he was. This could certainly be said about our distinguished colleague from the State of Washington, Thomas M. Pelly.

Tom Pelly was born in the same area which he has represented so well for 20 years, the city of Seattle. There he displayed at an early age the leadership and hard work which was to accompany him to the U.S. House of Representatives. His successes and many contributions to the business community in Seattle are clear testimonials to this fact.

Tom Pelly has rendered yeoman's service for the people of America on the Merchant Marine and Fisheries Committee and the Science and Astronautics Committee. It was my distinct privilege to serve with him on the first of these. There is not a Member of this body who is not aware of Tom Pelly's diligent efforts in the fields of conservation, maritime affairs, and fisheries.

Robert Frost once said:

> What makes a country great at first is a good piece of geography. After that, it is people.

He might have added that it is people like Tom Pelly. For Tom Pelly has provided the calibre of representation and leadership which has added to the stature of every American and contributed to the vitality of our Nation. And through his work in conservation, he has done so much to preserve that good piece of geography that Frost talked about.

Mr. Speaker, I will miss Tom Pelly. The U.S. House of Representatives will miss him. But I am certain that the country will benefit from Tom's counsel and leadership in his capacity as a private citizen for many years to come.

Mr. BAKER. Mr. Speaker, although I have had the privilege of serving with him for only one Congress, I do want to join with his many friends in paying tribute to our truly distinguished and hard-working colleague, Tom Pelly.

I am sure the natural magnificence of his native State of Washington has a lot to do with his energetic efforts in the fields of conservation and wise management of our natural resources. Even though he and I do not share the same committee assignments, it is impossible to miss the tremendous energy and effort he has extended on behalf of America's fishing industry and, equally, his concern and efforts on behalf of the preservation and conservation of those marvelous denizens of the deep who need protection.

From my colleagues, I learned of his untiring efforts for many years in alerting the Nation to the needs of our maritime industry. I understand that it was at Tom's urging in the fall of 1968 that the President chose Seattle, Tom's home city, to announce plans to rebuild the American Merchant Marine. His perseverance has paid off, and I am pleased that I have been able to work with him during the past 2 years in seeing the rebuilding of the Merchant Marine become a reality.

Tom Pelly is compassionate and understanding, fairminded and conscientious. Most of all, he is a man of complete and utter integrity and intellectual honesty. We can all admire the public service he has rendered to his State and Nation. His career will not soon be forgotten. His contributions have been great—and he will be sorely missed.

We all, I know, wish him every happiness for many years to come.

Mr. SIKES. Mr. Speaker, for the past 20 years, Congress and the Nation have been fortunate in enjoying the services of my good friend and colleague, Congressman Tom Pelly of Washington.

Tom came to the Congress with the convening of the 82d Congress on January 3, 1951. Through the years he has distinguished himself through hard work, honest thought, and dedication to the cause of freedom at home and abroad.

Although Tom Pelly and I represent differing political parties, I have never known him to place party loyalty above national interest. His service on the Committee on Merchant Marine and Fisheries has left a highly beneficial mark on the Nation's merchant fleet and on the ecological improvements in which he has been strongly interested.

Tom Pelly, also serving as a member of the Committee on Science and Astronautics, gave significant leadership to the United States entry into the space age. He was one of those who worked so hard to make it possible for Americans to be first to land on the moon. He contributed to the vital satellite network which now is such an important link in our national defense effort and in the world of communications.

With a background in finance, having served as an officer of two financial institutions before coming to Congress, Tom Pelly has used his expertise to keep a constant watch on the fiscal policies of the United States. He constantly fought against increasing the national debt and ever alarming deficit spending. His warnings against excessive spending have clearly been needed.

Now, he has decided to return to his native State of Washington to enjoy a well-earned retirement from the rigors of congressional work. As one who is proud to call him a friend, I shall miss the sage advice, high good humor, and strong wisdom of Tom Pelly.

To Tom and to his beloved wife Mary and their family, I join in extending my very west wishes for the years ahead.

Mr. HATHAWAY. Mr. Speaker, I am pleased to join with my colleagues in the House in paying tribute to our good friend the Honorable Thomas M. Pelly who is retiring at the end of this session after 20 years of dedicated service in the House of Representatives.

I was pleased to serve with Tom on the Merchant Marine and Fisheries Committee. He is a conscientious member of that committee, and I was inspired by his dedication to solving the problems of the maritime and fisheries industries.

I am sure the people of Washington will miss the outstanding representation in the House that Tom has so generously given during the past 20 years, and his colleagues here will miss having the leadership and guidance of this distinguished Member of Congress.

Mr. MONTGOMERY. Mr. Speaker, I would like to commend my four colleagues for securing this special order to pay tribute to Tom Pelly and thank them for allowing me to participate. I have always been impressed with Tom Pelly's dedication and devotion to duty. He is a man who has taken seriously his responsibilities to his constituents and Nation for the last 20 years.

Even though Tom and I represent different sections of the country with varying needs and even though we are members of different parties, I sincerely appreciate this thoughtfulness and consideration on the floor and in committee.

He has been a real friend and his advice has been highly valued by me.

I wish him the very best in retirement and hope he will come back often to visit with his colleagues.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the accomplishments, character and service of the gentleman from Washington (Mr. PELLY).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

A BILL TO ENCOURAGE FAIR AND EQUITABLE INTERNATIONAL TRADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 15 minutes.

Mr. SAYLOR. Mr. Speaker, I am introducing today a bill which I hope will go some distance toward resolving the deadlock we find ourselves in with regard to international trade. The purpose of the bill is to assure a healthy growth of foreign trade while establishing conditions that will prevent the ill effects of unduly rapid increases in imports and unduly deep penetration of our market from disrupting and even halting normal economic growth in the United States.

To this end it seeks restoration of the competitive conditions that fostered the development of the world industrial leadership achieved by this country in the past 75 years. The system of production and distribution developed in this country represented a sharp departure, not only from our own past, but also from our economic forebears in Europe. While the industrial revolution which brought such great industrial changes to England predated our industrial development, our subsequent adoption of mass production in the 20th century as an offspring of a dynamic technology, soon moved us far afield from our earlier industrial heritage.

Particularly noteworthy among the basic supporting factors in our great departure were: First, a recognition of competition as an incitement to effort by producers to merit consumer favor as a condition of producer reward; second, perception of the dependence of mass production on mass purchasing power; and third, appreciation of the role of employee compensation as the predominant ingredient of the buying power of the market place.

Pursuit of production in this framework, guarded by laws against monopoly, by laws designed to prevent erosion of purchasing power through low-wage competition, such as outlawing of child labor and sweatshop operation, plus minimum wage laws, and laws in support of collective bargaining, led to an amazing proliferation of production of a vast variety of consumer goods far beyond the level of necessities—propelled by the profit motive.

Because of dependence of production on consumption, and the propensity of consumers to respond to the condition or anticipated condition of their pocketbook, the system, so highly geared to the production of goods far beyond the merest essentials, became sensitive to any factors that might be expected to affect the market, either favorably or unfavorably. Such factors might be visible and stubborn and therefore directly influential with consumers, or anticipatory or suspected and therefore psychologically operative in either a negative or positive fashion on both producers and consumers. The antennae of producers were sensitized to both actual and anticipatory movements that might affect the market; that is, consumer inclination to purchase more or less.

Negative factors led to producer hesitation or outright retrenchment while positive factors or interpretations fostered expansion.

Although imports and exports each represents only about 4 percent of the gross national product, different products partake in widely varying degrees above and below the average. In other words, both imports or exports may be important in particular industries.

In combination, the effect of imports may produce a depressing effect on domestic production beyond the positive displacement of workers in domestic plants because of repercussions of the market outlook thus induced and entertained by domestic producers. If imports increase rapidly because of a decided market advantage the domestic producer may cancel any current plans to expand his operations, and await developments. He will not hire any part of the increasing work force that appears on the labor market each month and each year.

If he is a producer of a new and developing product such as historically in this century have expanded into great industries or even into smaller ones and have thus employed in the aggregate millions of workers in newly generated jobs, he will not commit his capital nor will his enterprise attract risk capital very copiously, if he cannot have reasonable assurance that the market will be his if he develops it; or if it seems quite clear that despite his patents he will face competition from abroad that will rob his patent of all meaning.

It is not necessary that his product be a wholly new one. Thousands of existing products are constantly undergoing improvement through invention and research in efforts to reduce costs and to gain a march on competitors who are in the field similarly motivated. At home a productive innovation may be protected by patents, and the producer can feel reasonably assured—patent infringement aside—of the fruits of his labors for a reasonable period of time. He willingly undertakes projects that may require several years to mature.

If, however, he knows that he may be outflanked from abroad, his outlook is clouded. He may even decide to move a substantial part of his own operations overseas because of wage differentials, particularly if the export of his product beckons as a source of additional profit. Because he finds that by employing workers abroad he can produce at a lower cost, he will forgo his effort to export from this country or he will supplement his exports by producing abroad, thus hedging his future. Alternatively, he may license foreign producers to use his patents.

Meantime, the increased employment that he would have provided in this country is curtailed or set aside completely. If unemployment in this country is not to increase, someone else must then hire the additional workers that come on the scene by population increase. The workers he employs abroad do not absorb the new workers in this country.

Thus is subverted the formula by which this country rose to world industrial leadership in this century. New products or radically improved products can no longer be put on the market here with the assurance that the great national consumer potential might be tapped through progressive cost reductions aimed at an elastic demand, because of the danger and the overt evidence of outflanking possibilities from abroad.

Even if the producer protects himself by going abroad, American employment is outflanked.

PROVISIONS OF THE BILL

The bill is designed, not to reduce our foreign trade, but to bring its growth under control in such fashion that the American producer can operate under the same assurance that he had during the years before the American technology had been adopted and so energetically pursued by other industrial countries.

Under present conditions, the American producer can no longer do so for the simple reason that foreign products may virtually preempt the market growth that he could formerly claim confidently as his own.

The bill provides for import limitations under specified circumstances, with well-defined exceptions. At least 10 percent market penetration must have occurred during the two immediately preceding years to qualify for a quota. Also, there must have been an upward trend in the past few years in the imports of any given product before eligibility can be established.

The base year for the quota is the average imports during the 3-year period of 1969–71. If imports have increased rather sharply during the past several years a moderate cutback in imports may be made from the base period.

Items on the free list will not be subject to quotas, nor items that are now under quota limitation so long as they remain so limited.

Imports once under a quota may increase or decrease in proportion as domestic consumption of the article increases or declines in this country.

The bill makes no effort to discourage foreign investments. However, it seeks to prevent the objectionable effects that are imputed to foreign investments, to it: First, by limiting imports to a defined share of our market if the penetration is over 10 percent, and then restricting import growth to that recorded by our domestic market; and second, by fixing limits on the share of the market that may be supplied by imports of products that have patent protection. During the first 5 years of a patent's life, imports may not rise above 5 percent of our market for the same article. During the second 5 years not over 10 percent of our market for the article may be supplied by imports in any one year. In the next 5-year period the limit is 15 percent, and this will be the final limit.

Once the patent expires the imports will be governed by the other provisions of the legislation.

By thus controlling imports of patented products the usurpation of our market by imports will be inhibited. Domestic patent holders are then assured of a market that will enable them to proceed in full confidence that they will not be prevented by cost-advantaged imports from reaping the benefits of their efforts to establish a national market.

The domestic investment climate will be restored to the conditions under which this country developed the world's most productive economy. Expansion of production, the opening of new facilities, and the hiring of additional workers to meet rising production schedules, will be sparked by the vision of a mass market as costs are cut to a level low enough to tap the mass pocketbook.

Under these conditions, assuming elasticity of demand, consumption will rise sufficiently to call for rising employment in this country. Imports, limited as provided in this legislation, will not remain a hovering threat as they are now—poised to despoil the market for domestic producers; nor, on the other hand, will they be discouraged insensibly or unreasonably.

Any article may be produced abroad by domestic or foreign capital without limitation. The domestic market will not be closed to such products produced abroad, but it cannot be ruined as a source of employment or as a source of profit for domestic capital invested in the home market by unimpeded imports or products from low-wage, low unit-cost areas of the world.

I include the text of the bill:

H.R. 16959

A bill to amend the tariff and trade laws of the United States to encourage the growth of international trade on a fair and equitable basis.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be known as the "Fair International Trade Act of 1972".

SEC. 2. It is the purpose of this Act to prevent the destructive effects of an undue increase of imports on the domestic economy while providing for the expansion of imports in proportion as the domestic market for the same or similar products may expand.

Achievement of the goal of full employment, and the maintenance of a growing and diversified production base in the United States, are essential to promotion of the domestic and foreign policy of the United States. In recent years rapidly rising imports, sometimes promoted by foreign governmental assistance or unfair trade practices, have seriously injured and in some instances severely encroached upon or even preempted the normal growth in the United States of new or established industries. It is the intent of Congress through the enactment of this bill to prevent such destruction in the future.

To the extent that the production of goods that have historically been produced in the United States or that, as the result of new inventions or innovations, might, in the absence of low-cost imports, be produced advantageously in the United States, has been transferred abroad, thus preventing or discouraging the new and growing domestic employment that has until recent years gone hand-in-hand with the development of a market for new or substantially improved articles, it is the intent of Congress to prevent the underemployment and the curtailment or stagnation of industrial production in the United States resulting from such transfer of production or potential production abroad.

To this end this legislation should be administered in such manner that a fair share of the American market, actual or potential, as hereinafter provided, be reserved for domestically produced goods.

SEC. 3. The functions and duties of the United States Tariff Commission shall be modified to include compliance with the requirements of this Act. Upon the request of the President, upon resolution of either the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives upon its own motion, or upon a filing of a petition by a trade association, a national labor union, or other interested party, the Tariff Commission shall promptly make an investigation and hold such hearings as it may be required by this Act.

SEC. 4. (a) The term "domestic industry" as used in this Act shall be interpreted as the productive operations in the United States devoted to the production of the article or articles that are subject to the provisions of this Act, and may be confined to a single category of articles or a group of closely related categories of articles if the competitive impact of imports is concentrated on the single category or on closely related categories of the article.

(b) Any quantitative limitations established under this Act may be divided into categories of closely related articles and allotted by country of origin on a representative historical basis during the most recent ten-year period: *Provided*, That the imports of the combined categories do not exceed the quantitative limitation proclaimed by the president, and that they may be divided into quarter- or half-year periods. If separate categories are not pertinent to the safeguarding of the domestic industry concerned, total imports of the article without regard to categories may be allotted by country of origin on a representative historical basis during the most recent ten-year period: *Provided further*, That 5 per centum of the total quantity may be reserved for allocation to such countries as were not significant exporters of the article to this country during the historical period, if application for allocation of the reserve is made by one or more of such countries, and that such allocation shall be made in the calendar year after the application is received but in no case sooner than six months after its receipt. Only such part of the total quota, not to exceed 5 per centum thereof, shall be allotted to the applicant country or countries as they may reasonably be expected to fill. The remainder or unallocated portion of the 5 per centum reserve, if any, shall be prorated among the existing countries.

SEC. 5. The term "domestic consumption" as used in this Act shall be understood to mean domestic production of the article in question, plus imports thereof, less exports or re-exports of the same article during the same period, making proper allowance for carry-overs at the beginning or end of any year.

SEC. 6. The "share of domestic consumption" or "apparent domestic consumption supplied by imports", for purposes of this Act, shall be in terms of quantity unless quantitative measures are not available, in which event the dollar value of imports shall be used, reflecting the foreign value as defined in the Tariff Act of 1930, plus the estimated charges incurred for freight and marine insurance in bringing the goods to the port of entry: *Provided*, That in the absence of definitive official statistics on either quantity or value of imports of any article the Commission shall use the best available evidence and estimates in establishing the annual domestic production of articles in question and the share of domestic consumption supplied by imports. Should neither the quantitative nor the value measure alone provide a fair economic indication or index of the share of the market supplied by imports, the Commission shall use such a combination of both measures as in its judgment will most truly reflect such share: *Provided further*, That if a quantitative measure is used, increased unit values of the imports not attributable in major part to an increase in price, are to be treated as a quantitative increase in imports in proportion to the increase in unit value in determining the share of domestic consumption supplied by imports; while if a value measure is used, an increase in the total value of the imports attributable in major part to a price increase shall not be treated as an increase in imports in determining the share of domestic consumption supplied by imports.

The value of imports of articles as used in this Act shall be the dutiable value.

SEC. 7. The President shall within one hundred and twenty days after the effective date of this Act, except as otherwise provided, limit the total quantity of each category of goods, as defined in section 5, produced in any foreign country that may be entered in any calendar year or specified part thereof, beginning with the year 1973, to the average annual quantity of such category of goods as was imported during the three-year period of 1969 to 1971, as determined by the Tariff Commission.

No such limitation on imports shall be imposed by the President under this Act, (a) if the average imports of the article during the two most recent calendar year periods have not increased more than 20 per centum over the average imports during the next preceding two-year period, and if the average share of apparent domestic consumption supplied by imports of the article was less than 10 per centum thereof during the most recent two-year period; (b) if a quantitative limitation on importation of the article is in effect in pursuance of any other United States statute, provided that upon the termination of any such existing quantitative limitation, the article or articles which have been the subject of the limitation shall be withdrawn from the exemption from quantitative limitation under this Act and in lieu of the expired limitations, shall be treated as immediately eligible for a quantitative limitation under this Act at the same level in terms of the percentage of domestic consumption supplied by imports thereof during the last year of the effective period of the expired limitation; (c) if a limitation on importation of the article as provided in this Act would, in the judgment of the Tariff Commission, cause a serious increase in the price of the article in the domestic market as a direct result of any shortage caused by such limitation of importation; (d) if the Tariff Commission finds that the domestic industry producing the article has failed beyond a reasonable period of time to adopt the necessary technological improvements in production to remain competitive with the imported article; or (e) if the article is on the free list and is not bound on the free list in a trade agreement.

SEC. 8. No article on the production and sale of which an unexpired patent has been issued by the United States Patent Office to a domestic producer shall be imported in an amount by quantity or value that shall exceed 5 per centum of the annual apparent domestic consumption of the same article in the United States during the first five years after the issuance of the patent, or more than 10 per centum of such consumption during the second five-year period, or more than 15 per centum after the third five-year period after the issuance of the patent. After 15 years from the date of such issuance or after expiration of the patent, whichever occurs earlier, imports of the article may be increased year after year in the same proportion as apparent domestic consumption of the article increases over the immediately preceding year: *Provided*, That the share of domestic consumption supplied by imports of the article is not in excess of 15 per centum at the end of the 15-year period after issuance of the patent or at the expiration of the patent, whichever occurs earlier.

SEC. 9. If the share of the domestic market supplied by imports of the article or category of articles as defined in section 4(b), has increased by more than 10 per centum in the most recent three-year period over the share supplied during the next preceding three-year period but not more than 20 per centum, the base quantity for the imposition of the quantitative limitation shall be the average imports of the article during the three-year period of 1969 to 1971: *Provided*, That if the increase in the share of the domestic market supplied by such imports during the most recent three-year period over the next preceding three-year period was more than 20 per centum but not more than 40 per centum, the base quantity shall be fixed at 10 per centum less than the average imports during the 1969 to 1971 period: *Provided further*, That if the increase in such share of the domestic market in the most recent three-year period over the next preceding three-year period was over 40 per centum the base quantity shall be fixed at 20 per centum less than the average imports during the 1969 to 1971 period.

SEC. 10. If imports of the article are concentrated in one or more regional areas of the United States, the Commission shall calculate the share of domestic consumption supplied by such imports on a regional basis. The region or regions absorbing the preponderance of the imports shall be defined by State boundaries according to the market pattern, and the region or regions so defined shall be treated as consumers of the article in question in the same proportion of total national consumption as the population of the region bears to the total population of the United States. The share of domestic consumption supplied by imports shall then be calculated by each region by allotting imports among the regions according to the marketing pattern, as established by investigation of the Commission and the testimony of competent witnesses. The President shall treat the share of domestic consumption supplied by imports in any given region as if such share were national in scope and proclaim any quantitative import limitations accordingly by region.

SEC. 11. The Secretary of Commerce shall upon the request of the Tariff Commission supply such import statistics as the Commission may need in order to carry out the provisions of this Act. He shall maintain current statistics on the importation of any articles for which quantitative limitations may be established under this Act, and on the domestic production of such articles. The Tariff Commission shall be guided by such statistics in carrying out the provisions of this Act, supplemented as may be necessary by statistics from other governmental departments or agencies.

SEC. 12. If the article is a seasonal or perishable agricultural product, quantitative limitations may be established by the quarter or half year and the period selected treated in the same manner under this Act as if it were a whole year. The share of domestic consumption supplied by imports shall be calculated separately for each quarter or half year and a finding made for each quarter—or half-year.

The President shall proclaim a quantitative limitation on imports of agricultural products under the same conditions with respect to the share of domestic consumption supplied by imports as govern other articles under this Act.

WHAT'S GOOD FOR THE GOOSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. SCHERLE) is recognized for 5 minutes.

Mr. SCHERLE. Mr. Speaker, Ralph Nader cries he is "being blackmailed."

What is happening is that the goose is getting a taste of what it is like to be the gander and Mr. Nader is, for a change, on the receiving end of the kind of "blackmail" he tries on this body all the time.

My colleagues will recall that Mr. Nader, surprisingly, did not surface during the other body's recent debate on the no-fault insurance bill. Now it turns up that American Trial Lawyers Association, a strong opponent of no fault, has voted to donate $10,000 to Mr. Nader and has pledged an additional $10,000 to his auto safety work. When this was discovered, the usually accessible Mr. Nader refused to talk to reporters on the subject and would not even return telephone calls on the issue.

When a reporter requested a written statement from Mr. Nader—in lieu of the interview or telephone discussion he refused—Mr. Nader responded through an aide that he did not like "being blackmailed" into making a statement.

This is amazing. Right now, Mr. Nader has underway the greatest blackmailing of the U.S. Congress which has ever taken place. A full-blown study of the Congress—from the Nadar vantage point—involving hundreds of people and including an exhaustive 600-plus-question survey for us to fill out, is promised for release in time for it to be used effectively in the November elections. And he cries he is "being blackmailed."

Mr. Speaker, I submit that Ralph Nader has succeeded in elevating the cause of consumerism to something akin to the old shakedown racket.

In a recent issue of Newsday, syndicated columnist and television commentator Jeffrey St. John made some interesting observations about Mr. Nader's updated protection racket. Like any good racket, Mr. St. John pointed out, Mr. Nader's targets are carefully selected and indeed one-sided.

Mr. St. John observed that the consumer champion espouses strong consumer protection only when it involves an attack on the business community—such as the proposed Consumer Protection Agency—but ignores the consumer's interest when it conflicts with the interests of the labor movement—such as the blatantly anticonsumer Burke-Hartke bill.

Such hypocrisy does not come as too much of a surprise to people who have been in the Washington environment for a while. What is frustrating, however, is the fact that this Nation's press—which seems to have a fixation on discovering hpyocrisy in Government—blatantly ignores Mr. Nader's hypocrisy. As a result, to those who depend upon the media men for their information, Ralph Nader's purity is comparable to that of Caeser's wife. Mr. St. John has performed a significant service by pointing out that, despite what Mr. Nader wants you to believe, the consumer crusader is not without sin.

Taking a leaf from Mr. Nader's book, I would like to propose that this body not act on any piece of consumer legislation now pending until after the publication of Mr. Nader's report. If he refuses to be "blackmailed" by one reporter, this body should refuse to be similarly "blackmailed" by Mr. Nader's legion of zealots who will interpret this Congress and its Members out of their own preconceived notions.

Clearly, blackmail is what Mr. Nader's "study" of Congress is all about. Under the guise of public interest research Mr. Nader is threatening revenge on any Senator who does not support his notions about consumer protection. And Mr. Nader, himself, even admits that he is rushing his study to conclusion so that it can shape the voting pattern of this November's election. In other words, he admits its potential as a blackmail tool.

What is good for the goose must also be good for the gander. Mr. Nader apparently cannot stand up under the kind of scrutiny to which he subjects those in this body. I agree with Mr. Nader that it is wrong to be blackmailed. Therefore, in order that we not be blackmailed on any piece of consumer legislation which may come before this body, I urge the leadership of this body to bring such matters to the floor only after Mr. Nader has published his report.

Truly such a proposal is fair and equitable. Mr. Nader portrays himself as a public servant. Clearly, he would not mind according the public servants who serve in this body the same kind of rights which he so vociferously demands for himself.

Mr. Speaker, I insert the Jeffrey St. John article to which I referred earlier at this point in the RECORD:

EMPEROR NADER

(By Jeffrey St. John)

"Nader insists," observes Charles McCarry in his book, "Citizen Nader," that those who act in the public's name must operate in the public view. But many of his actions that have profound public consequences are carried out in secret."

Ralph Nader's current secret campaign is by far his most ambitious and, if successful, will have profound consequences for consumers, commerce and the country. He is energetically pursuing enactment of a bill that would create a powerful autonomous Consumer Protection Agency (CPA). Fortune Magazine, in a profile of Nader last year, contended that CPA "would, in fact, attempt to do just the sort of thing that Nader is doing now, but with the help of government funds and power."

Nader, in other words, is seeking to establish a political power base by proxy within the very federal bureaucracy he has heretofore vigorously denounced. It means that he ceases to enjoy the title of an ordinary citizen fighting for the public interest and is on the threshold of becoming a political powerbroker seeking special government franchise and privilege which he has castigated other lobbying organizations for doing.

Consumer activist Rep. Benjamin Rosenthal (D-N.Y.) admitted last October on the House floor that CPA is Nader's "baby." Neither Rosenthal nor his liberal ally in the Senate, Charles Percy (R-Ill.), denies that Nader fathered the agency concept and helped draft the bill's legislative language for both houses. However, the idea is not really new. Nader resurrected it from the FDR New Deal where it was tried unsuccessfully as part of the old NRA, which the U.S. Supreme Court declared unconstitutional.

The regulatory philosophy since the New Deal has run along democratic lines with an adversary proceeding providing all parties hope for arriving at an objective decision. While this approach has often been subverted by political considerations, punitive advocacy of a prosecuting attorney has never been the dominant thrust. CPA would be a radical departure from this tradition. Presumably hand-picked Nader's "raiders" would staff CPA. Armed with sweeping "discretionary" powers to advocate the cause of consumers, CPA would bird-dog any federal regulatory bureau that Nader and his allies believe is beholden to business at the expense of the consumer.

However, opponents fear that the agency will become a bulldog, sniping and growling at the heels of a sprawling "bureaucracy notorious for guarding its power and prerogatives. Conceivably CPA could be the catalyst for igniting an era of unprecedented power struggles within government between the old bureaucrats and Nader's eager and new bureaucrats who would certainly emulate his uncomprising style and bellicose tactics.

Nader has sought to minimize the dangerous consequences of this proposal. In replying to a recent U.S. Chamber assault on CPA, Nader insisted that the agency would have a "tiny budget" and a small staff. He is either naive or dishonest. For the role he envisions as consumer watchdog of the alphabet soup collection of regulatory agencies will require a massive amount of manpower and budget. A close look at the powers Nader wants for CPA makes this much clear—right to petition federal agency actions; a party to all such actions; appeal of agency decisions that CPA feels bad for consumers; the same subpena power held by existing agencies; power to appeal decisions to the courts and to require, via court action, access to any information CPA decides is in the consumers' interest.

Nader claims to despise bureaucracy and elitism, but energetically seeks enactment of laws that will create a new bureaucracy staffed by the upper-middle-class elite who make up his followers and who are remote from the mass of America. He has made much of the alleged corruption and evil of business, but leave labor unions largely untouched. When presented, for example, with an opportunity to help the now murdered United Mine Workers crusader, Joseph Yablonski, clean up the corrupt UMW, he first consented and then withdrew from the battle leaving Yablonski to his fate. On the issue that brought him to fame, auto safety, he has verbally savaged the auto makers, but remains silent over the assembly lines that contribute to unsafe cars and to an endless recall of defective vehicles.

As the alleged leader of the consumer movement, Nader has led no crusade against the AFL–CIO-sponsored bill that would have profound consequences for the American consumer—the Burke-Hartke trade bill is one of the most blatant protectionist measures in four decades. In curbing investments abroad and rolling back imports at home it would profoundly affect the price of every consumer product and fire the opening shot in an international trade war.

In the final analysis, the rise of Ralph Nader is due almost exclusively to the intellectual default and moral cowardice of the captains of industry. They have lacked the courage and conviction to denounce consumer protection for what it is: a labor-inspired political racket. The consumer movement is guilty of the same practices that it maintains business carries on—misleading advertising, deceptive labeling and packaging, and unsubstantiated claims. Even Nader admits that all his consumer efforts enacted into laws have failed to do the job. The major accomplishment of the consumer movement has been to raise the price of most products that have come under consumer protection laws. Autos, for example, now cost more than they did in 1966 because of safety and anti-pollution devices. But during the drive for pollution-free and safer autos, this fact was carefully concealed from the American consumer.

The attitude of the U.S. Chamber, the Nixon administration and so-called pro-business segments toward Nader's current drive for a Consumer Protection Agency is a fresh illumination of a stale story, conceding the basic premises of your enemies. The U.S. Chamber does not oppose the concept of CPA as inimical to consumer interest, but it takes exception to the powers the agency would be granted for they readily acknowledge the "need" for consumer protection.

So the difference between Nader and the chamber is not one of substance and principle, but only of degree. The degree to which the government is permitted to further compromise the freedom of business and ultimately the American consumer. The irrationality of consumer protection laws lies in the bogus belief that consumers are monolithic when, in reality, consumers differ in taste and choice from person to person and from income group to income group. Consumer laws merely remove the decision-making power of the many to the hands of the few. And as Mary Bennett Peterson points out in her just-published "The Regulated Consumer," the consumer movement-government axis "is predicated on the premise that consumer sovereignty is more or less defunct.

"Most regulation," she adds, "is simply economic interventionism—the substitution of the Washington way—the public way—for the free market—the private way. It is the economic version of government by men rather than government by law. In the name of protecting the consumer, it undermines consumer sovereignty. In the name of preserving competition, it undermines competition."

Ralph Nader recognizes that the regulatory philosophy since the New Deal is bankrupt. But rather than consistently advocate a philosophy of economic freedom and deregulation as the answer, he fanatically pursues more regulation with the resurrection of New Deal ideas like CPA. Such contradictions, however, can be explained. Milton Friedman in "Capitalism and Freedom" describes Nader and all others who cannot bring themselves to see the virtues of the market and shortcomings of the state. "Underlying most arguments against "the free market," he observes, "is a lack of belief in freedom itself."

KEMP URGES CONGRESS TO REAFFIRM ITS COMMITMENT TO OUR POW'S-MIA'S

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, at what may be a watershed period in the negotiations between Dr. Kissinger and Le Duc Tho, we must continue to make every effort to insure that the human rights and dignity of our POW's is not forgotten. This Congress can render no greater service than to reaffirm its commitment to the sanctity of international law and call for the implementation of the articles of the Geneva Accords of 1949 which call for the humane treatment of POW's and identification of those missing in action.

At a time when the question of our POW's treatment and condition is on the lips of many in this country, this body should make clear its consistent and irrevocable position that all POW's have a sacred right to humanitarian treatment and protection from public abuse. To that end, I am introducing a resolution which will put this body on record urging all parties to the Geneva Convention to join with the United States in exercising every appropriate action to cause the North Vietnamese to abide by the provisions of the Geneva Convention.

The resolution follows:

H. CON. RES. ——

Whereas the purpose of the Geneva Convention of August 12, 1949, was to prescribe rules for the humane treatment of prisoners of war;

Whereas the Government of North Vietnam, having adhered to that convention on June 28, 1957, is one of the one hundred and thirty-one parties to that convention;

Whereas the Government of North Vietnam has failed to honor its commitment as a signatory nation of the Geneva Convention;

Whereas the Geneva Convention states, contrary to the view of the Government of North Vietnam, that the convention applies to "any other armed conflict which may arise between two or more of the high contracting parties, even if the state of war is not recognized by one of them";

Whereas the International Conference of the Red Cross adopted without dissent and with the support of one hundred and fourteen nations, a resolution calling upon the parties of the Vietnam conflict to abide by the Geneva Convention with respect to the humane treatment of prisoners of war;

Whereas prisoners taken by the United States in Vietnam are identified and accorded humane treatment, including adequate shelter, clothing, food, exercise, and medical care, and released if sick or wounded, all of which actions have been verified by international inspections;

Whereas the Geneva Convention requires the Government of North Vietnam to:

(1) identify all prisoners of war;

(2) exercise humanitarian treatment;

(3) release sick and wounded prisoners;

(4) protect prisoners from public abuse;

(5) permit inspection of prisoners and quarters by a neutral party;

(6) allow the flow of letters and packages;

Whereas the United States is complying with the above provisions of the Geneva Convention: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is hereby declared to be the sense of the Congress that all parties to the Geneva Convention should join with the United States in exercising every appropriate action to cause the Government of North Vietnam to abide by the provisions of the Geneva Convention, and to agree to an arrangement for the rapid exchange of all prisoners of war.

Sec. 2. The Congress requests and urges the President to transmit a copy of this resolution to the heads of governments of all signatory nations of the Geneva Convention and to the Secretary General of the United Nations.

REPORT ON BANKING AND CURRENCY COMMITTEE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. Frenzel) is recognized for 10 minutes.

Mr. FRENZEL. Mr. Speaker, today the press and public witnessed a performance by the Banking and Currency Committee that was unusual even in a committee famed for unusual procedures. Rules of the House and rules of the committee were not only ignored or broken, they were stomped on.

This committee has, during the past congressional session, been chaired under personal, frequently good-humored, rules of whimsey and caprice, but in today's meeting the personal rules could only be described as autocratic.

Committee members were not recognized; motions were not recognized; points of order were ignored; parliamentary inquiries were unanswered; and preferential motions were not put to vote.

Since an extension of the chairman's one-ring circus was not granted by the committee, many committee members will be content simply to wait for next year and a new deal. However, Mr. Speaker, I cannot do that.

One of the items under consideration related to a bank charter issued within my district. The chairman's original staff study—released to columnist Jack Anderson more than 12 hours before it was released to me and other committee members—had raised questions of irregularity about the issuance of that charter.

I have mentioned my interest in the matter to the chairman twice. On one occasion during the consideration of the housing bill I asked for recognition on a point of personal privilege, and explained my interest to the chairman and the committee. Nevertheless, I was not recognized by the chairman today.

In addition, I had questioned the staff about its report incidentally, I was amazed to find that the staff, which accused others of being evasive in answering questions, was itself remarkably uncommunicative.

Mr. Speaker, since the issuance of that charter has been called into question, there certainly ought to be an investigation by our committee. If there are irregularities, changes in the law, or perhaps indictments, should follow. If the issuance of the charter was within the rules, each one of the people who have been tried in the press because of the staff report should be cleared.

Mr. Speaker, it is also reasonable for our committee to assume oversight obligations concerning the Bank Secrecy Act and transfers of foreign funds, or other funds through foreign banks, into the election processes of this country. Apparently the chairman did not want to conduct this kind of investigation. He apparently wanted to witch hunt against a single candidate. Therefore, a resolution was proposed to subpena everybody in sight, including all of the telephone companies in the country and a half-dozen buildings.

Mr. Speaker, it seems to me that it is a matter of concern to the whole House when any Members are ignored when they wish to speak in committee on matters that pertain to their own districts. This kind of absolute authoritarianism exercised by the chairman is exactly the reason that the seniority system has come into such disrepute in the minds of the public.

Mr. Speaker, I do not expect to get the time or consideration that is provided to senior, experienced, and wiser Members of this body. However, I believe I should be allowed, as a matter of common courtesy, to make comments on events and conditions that are being referred to within my own district.

Mr. Speaker, these are strong words, but my feelings are strong. The conduct of the committee today is sowing seeds that will be reaped by future Congresses. If we do not change, we will be changed. The primary change required here is a rule to allow a majority of the committee to control the committee's actions, rather than continuing the current practice—autocratic and arbitrary one-man rule.

SYMPATHY TO DISTINGUISHED COLLEAGUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Halpern) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, I am certain all my colleagues join me in a most heartfelt expression of sympathy to our distinguished colleague Jim Delaney on the recent passing of his beloved wife, Lola. Her passing is a grievous loss to all of us who knew her. She was a beautiful human being, a loving daughter, a devoted wife, and an ideal mother.

It was her warmth and understanding that was such a tremendous help to Jim during his many years of devoted public service to the people of Queens. Lola typified the very best. Her love, companionship and devotion to Jim was an inspiration to us all.

Lola, born in 1901, was the daughter of a prominent Marshfield, Mo., family. She graduated from Hutcherson College in Kansas and then taught elementary school for several years. Later she moved to Manhattan where she pursued a successful career in dress designing and modeling.

It was there that she met Jim, who at that time was an aspiring assistant district attorney in Queens and also Democratic leader in what was then the First District. Lola and Jim were later married in St. Patricks Cathedral and settled permanently in Queens.

I know what an immeasurable loss her passing is to Jim and her loved ones and I extend my sincere condolences to my friend and colleague Jim, to Lola and Jim's fine son Pat, and Lola's mother and brothers. We shall always cherish our loving thoughts of her.

ANTIHIJACKING ACT OF 1972

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Don H. Clausen) is recognized for 5 minutes.

Mr. DON H. CLAUSEN. Mr. Speaker, yesterday the House passed H.R. 16191, the Antihijacking Act of 1972. This legislation is designed to help curtail the threat of airplane hijacking and it had my full and strong support.

I wish to take this opportunity, however, to point out that the language of the bill approved by the House differs materially from that adopted in the other body. A conference committee of Members of both Houses of the Congress will now have to be appointed to resolve the differences in the two versions.

One of the differences between the two measures lies in the fact that the other body included the language of a bill I have coauthored to permit the Civil Aeronautics Board to approve the creation of a scale of reduced air fares for senior citizens. As one who has long advocated allowing the elderly to benefit from the same lower rates given to young people I applaud the action of the other body and urge the conferees appointed by the House to favorably consider agreeing to this amendment.

It would have been preferable to have the specific bill for reduced air fares approved but because of the lateness of the session and the reluctance of many to consider this issue, this is now impossible. Therefore, I urge the conferees to seize this opportunity to make this program available to America's senior citizens to whom it would be of the highest value.

CONGRESSMAN JOSEPH P. ADDABBO REPORTS ON THE 92D CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Addabbo) is recognized for 20 minutes.

Mr. ADDABBO. Mr. Speaker, at the end of each Congress, it has been my policy to summarize the activities of the Congress, reprint it from the Congressional Record at my expense, and mail it to my constituents. This is my 12th such report and I believe this regular communication, together with my other special reports and questionnaires on the issues pending before the House of Representatives, keeps the lines of communication open between my constituents and my Washington office.

The large volume of mail which I receive both in Washington and at my district office and the many meetings which I attend in our district help me learn the thinking of the majority of people I represent in Congress. In deciding how to vote on various bills and in my other activities as a Congressman, I try to reflect the will of my constituents. In my last report sent earlier this year, I published the results of my questionnaire on the major issues before the Congress. At this time I would like to discuss those major actions which Congress took during the past 2 years and my position on those measures.

FOREIGN AFFAIRS

An increasing number of Congressmen opposed continuation of U.S. military involvement in Vietnam during this 92d Congress. The Senate passed an amendment to withdraw all U.S. forces from Indochina within 4 months conditioned upon the release of American prisoners of war and a full accounting for those missing in action. I offered a similar amendment during consideration of the defense appropriation bill, both in committee and before the full House of Representatives. My amendment was rejected by the closest margin for any end the war amendment in the House since the Vietnam war began.

While Congress was not able to pass such an amendment this year, the frustration and dissatisfaction of the Congress has been made clear to the President. I will continue my efforts to bring about additional congressional pressure for an early end to the war and a shift of emphasis to strengthening domestic programs.

The Middle East crisis continues to present the greatest danger to world security. The tragic and senseless killings of the Israeli Olympic team at Munich, Germany, this year illustrates the uncivilized and violent pressures which exist in that part of the world. I have proposed that all foreign aid to Arab nations which harbor terrorists or any nation which refuses to cooperate in international efforts against terrorists be suspended by the President.

On a trip to Israel earlier this year, I met with Prime Minister Golda Meir to discuss United States-Israel relations. I am convinced that lasting peace can only be brought about in the Middle East through direct negotiations between the parties. In the meantime we must help Israel secure the necessary equipment, including jet aircraft, to defend herself against attack.

SELECT SMALL BUSINESS COMMITTEE

My other committee assignment in the House is the House Select Committee on Small Business and last year I was named chairman of a Subcommittee on Minority Enterprise. During the past 2 years we have held extensive hearings on small business loan programs in an effort to make sure that the moneys appropriated are being used wisely and are actually helping those who need assistance. Additional hearings will be held next year because we are not satisfied that this particular program has been administered in the best interests of small business firms or minority enterprises.

Our committee also held hearings on national fuel and energy requirements which lead me to propose the establishment of a national power grid to prevent power failures, blackouts, and brownouts such as those which plagued the New York metropolitan area for the past few years. I am hopeful that Congress will act in this area during the next session.

EDUCATION

The President vetoed two bills which would have provided increased funds for education. I voted for those measures and will continue to support increased spending to upgrade local education programs. In our own community I have fought for adequate funding for York College and the need for school construction and modernization throughout the country must be met before the situation becomes a crisis.

TAX REFORM

The 92d Congress did not tackle the complex problem of tax reform although it is now apparent that this will be one of the first items for hearing and debate in the 93d Congress. I have supported efforts in the House to bring about meaningful tax reform by plugging loopholes in the law and providing relief for middle- and low-income taxpayers. The subject of property tax relief will be thoroughly explored next year and I will be interested in any proposed relief which does not require large tax increases or the imposition of a national sales tax. The latter would be regressive and would hurt those who can least afford it.

DRUGS

The Congress authorized the establishment of a Special Drug Abuse Action Office in the White House to coordinate all Federal programs to control the problem of drug abuse. I voted for this proposal and have worked for adequate appropriations to increase the number of customs agents and other law enforcement personnel needed to stop the spread of narcotics. I also supported amendments to cut off foreign aid to nations which fail to help us stop the trafficking of drugs at their source. We must also pay special attention to the needs of returning veterans, both in terms of medical treatment and rehabilitation programs and providing maximum employment opportunities.

CONSUMER LEGISLATION

The consumer movement in America has had a significant impact on the Congress as in other parts of our society. The Federal departments and agencies are recognizing the need for consumer involvement and participation in more and more programs through advisory councils and appointments to local planning boards with responsibility for the disbursement of program funds. Two major consumer bills passed by the House are the consumer protection agency bill which would authorize consumer representation at the Federal level in the regulatory process and in litigation and the product safety bill which would set Federal standards for the safety of thousands of products sold in the United States. I have sponsored versions of these bills as well as a measure to regulate cosmetic products which may present health hazards to some consumers.

HEALTH

The 92d Congress could be characterized as a health minded Congress. A number of bills were passed and some were vetoed by the President but passed again by Congress. The House acted to increase expenditures for health manpower training to meet demand for additional physicians and nurses, construction of hospitals and modernization of all health facilities, expansion of the medicare program to include the disabled and establishment of a national attack on the causes of cancer, heart disease, and sickle cell and Cooley's anemia.

The 93d Congress will continue to consider wide-ranging health legislation including the subject of national health insurance to protect all Americans from the staggering costs of health care.

ENVIRONMENT

Of local as well as national interest was the passage of the Gateway National Park bill which I originally sponsored in the House. The park has been renamed the William Fitts Ryan Gateway National Recreation Area in memory of our colleague from New York who passed away last month. I believe this measure will provide enjoyment for millions of Americans by protecting the unique resources of Jamaica Bay and other areas at the entrance to New York Harbor. The bill will also end proposals to expand Kennedy Airport into the bay thereby aggravating the aircraft noise and pollution problems. I will now press for the funds necessary to make the plan a reality.

We also voted increased funds to combat air and water pollution, an action which I supported in the Appropriations Committee. We also voted additional funds for sewage treatment assistance but I have been disappointed at the lack of administration willingness to spend the appropriated sums in that area. I was indeed pleased to have funded, opened, and now operating a Federal assisted sewage treatment plant at Spring Creek.

SOCIAL SECURITY

Congress voted to increase social security benefits by 20 percent and make future increases automatic as the cost of living increases. We must bring social security payments up to a realistic level if we are to keep older Americans off the welfare rolls and make their retirement years enjoyable and secure, and make provisions that increases in social security do not result in diminishing other pension receipts or benefits.

APPROPRIATIONS COMMITTEE

As a member of the important House Appropriations Committee, I have had a unique opportunity to participate in decisions involving the reshaping of our Nation's priorities. In that regard I was pleased though far from satisfied with the action of our committee and the House in cutting more than $4.2 billion from the requested Defense Department appropriation bill. I was successful in offering an amendment to reduce spending for the antiballistic missile system, deleting construction of an ABM site around Washington, D.C. Our committee also recommended that the Navy drop plans to reduce medical services at St. Albans Hospital.

In addition to my votes to make responsible cuts in defense and space spending, I was very active in the fight against the supersonic transport last year. The noise and environmental problems so well known to residents of my district near Kennedy Airport would have been compounded by the SST project.

On the positive side, I voted in our committee to increase Federal spending for programs related to basic human needs, such as education, health, day care, employment opportunities, and programs to provide improved social services to our elderly and young people.

ACTIONS ON BUDGET ESTIMATES OF NEW BUDGET (OBLIGATIONAL) AUTHORITY CONSIDERED IN APPROPRIATION BILLS, 92D CONG., 2D SESS. (REVISED TO SEPT. 30, 1972)

[Does not include any "back-door" type budget or spending authority in legislative bills; or any permanent (Federal or trust) authority, under earlier or "permanent" law,[1] without further or annual action by the Congress]

Bill and fiscal year	House actions: Budget requests considered	House actions: Reported by committee	House actions: Approved by House	Senate actions: Budget requests considered	Senate actions: Approved by Senate	Enacted	(+) or (−), latest action compared with budget requests
A. Bills for fiscal 1973:							
1. Legislative (H.R. 13955)	$433,627,004	$427,604,764	$427,604,764	$519,347,899	$514,722,880	$513,787,980	−$5,559,919
2. State-Justice-Commerce-Judiciary (H.R. 14989)	4,687,988,600	4,585,054,350	4,587,104,350	4,704,326,600	4,820,717,769		+116,391,169
3. HUD-Space-Science-Veterans (H.R. 15093)	20,173,185,000	19,718,490,000	19,718,490,000	[4] 20,258,183,000	20,583,370,000	20,125,951,000	−132,232,000
4. Transportation (H.R. 15097)	3,040,362,095	2,891,060,095	2,922,795,095	3,040,362,095	3,038,175,095	2,999,118,095	−41,244,000
Fiscal year 1973 amounts only	(2,909,181,095)	(2,759,879,095)	(2,791,614,095)	(2,909,181,095)	(2,906,994,095)	(2,867,937,095)	(−41,244,000)
5. District of Columbia (Federal funds) (H.R. 15259)	343,306,000	332,306,000	332,306,000	343,306,000	313,706,000	316,393,000	−26,913,000
6. Labor-HEW (H.R. 15417, Vetoed)	[27,327,323,500]	[28,239,346,500]	[28,603,179,500]	[28,767,633,500]	[31,354,930,500]	[30,538,919,500]	[+1,771,286,000]
7. Labor-HEW (H.R. 16654, New bill)	28,767,633,500	29,603,448,500	29,603,484,500	28,767,633,500	[5] 30,538,919,500		+1,771,286,000
8. Interior (H.R. 15418)	2,520,340,000	2,529,558,200	2,529,558,200	2,527,154,000	2,550,922,800	2,548,935,300	+21,781,300
9. Treasury-Postal Service-General Government (H.R. 15585)	5,066,603,000	5,057,145,000	5,057,145,000	5,066,603,000	5,057,186,000	5,057,827,000	−8,776,000
10. Public Works-AEC (H.R. 15586)	5,489,058,000	5,437,727,000	5,437,727,000	5,489,058,000	5,571,696,000	5,504,914,000	+15,856,000
11. Agriculture-Environmental and Consumer Protection (H.R. 15690)	12,952,177,400	12,897,010,900	12,897,010,900	12,952,190,400	13,561,055,800	13,434,032,700	+481,842,300
12. Disaster Relief Supplemental, 1973 (H.R. 16254)	1,569,800,000	1,587,300,000	1,587,300,000	1,569,800,000	1,587,300,000	1,587,300,000	+17,500,000
13. Defense (H.R. 16593)	79,594,184,000	75,227,048,000	75,227,048,000				−4,367,136,000
14. Foreign Assistance (H.R. 16705)	5,163,024,000	4,195,155,000	4,195,155,000	5,163,024,000	2,823,897,000		−2,339,127,000
15. Military Construction (H.R. 16754)	2,661,384,000	2,278,675,000	2,280,784,000				−380,600,000
16. Supplemental, 1973 (H.R.———)							
Total, bills for fiscal 1973	172,462,672,599	166,676,582,809	166,803,476,809	90,400,988,494	90,961,668,844	52,088,259,075	−4,876,931,150
B. Bills for fiscal 1972:							
1. Urgent Supplemental (H.J. Res. 1097)	957,476,059	957,476,059	957,476,059	957,476,059	957,476,059	957,476,059	
2. 2d Supplemental (H.R. 14582)	4,775,261,477	4,124,123,358	[2] 3,954,453,358	4,865,943,389	5,063,517,439	4,347,698,270	−518,245,119
3. Special Resolution, Gold Revaluation (H.J. Res. 1174)	[3] 1,600,000,000	[3] 1,600,000,000	[3] 1,600,000,000	[3] 1,600,000,000	[1] 1,600,000,000	[1] 1,600,000,000	
4. Supplemental, Disaster Relief (H.J. Res. 1238)	100,000,000	200,000,000	200,000,000	100,000,000	200,000,000	200,000,000	+100,000,000
Total, bills for fiscal 1972	7,432,737,536	6,881,599,417	6,711,929,417	7,523,419,448	7,820,993,498	7,105,174,329	−418,245,119
C. Cumulative totals for the session:							
1. House	179,895,410,135	173,649,182,226	173,515,406,226				−6,380,003,909
2. Senate				97,924,407,942	98,782,662,342		+858,254,400
3. Enacted				59,289,423,842		59,193,433,404	−95,990,438

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[1] The Budget for 1973, as submitted Jan. 24, tentatively estimated total new budget authority for 1973 at $294,813,000,000 gross ($270,898,000,000 net of some $23,915,000,000 interfund and intragovernmental transactions and certain so-called proprietary receipts handled as offsets for budget summary purposes only). Of this total, an estimated $109,754,000,000 does not require current action by Congress: it involves so-called permanent appropriations such as interest, various trust funds, etc., already provided for in various basic laws. The remainder, $185,059,000,000, is for consideration at this session (mostly in the appropriation bills). About $14,394,000,000 of this $185,059,000,000 was shown in the January budget as being "for later transmittal" for new or expanded legislation, pay increases, and contingencies, and about $45,817,000,000 of the remainder requires legislative reauthorization through various annual authorization bills or where the authorization expires periodically.

[2] Reflects deletion on House floor, by point of order, of $170,000,000 for Amtrak.

[3] "Not to exceed."

[4] Excludes the $490,000,000 proposal in the 1973 budget for "proposed legislation" for Urban Community Development Revenue Sharing which the Senate bill "considered".

[5] As reported.

Source: Prepared Sept. 30, 1972, in the House Committee on Appropriations.

MY WASHINGTON AND NEW YORK OFFICES

One of my most important duties as your Representative is to assist the people of the Seventh Congressional District with their individual problems involving the Federal Government. I try to be available at all times to constituents who wish to speak with me and as time permits, I attend meetings and other functions of various civic, fraternal, veterans, and religious organizations in the district.

For the convenience of my constituents, I maintain a full-time district office and my office in Washington is always ready to assist you. Please write or call me at room 2440 Rayburn House Office Building, Washington, D.C. 20515 or at 96–11 101st Avenue, Ozone Park, N.Y. 11416.

RESOLUTION VOTED DOWN

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, I take this 5 minutes, trusting I will have the understanding of those present and the officers of the House who of necessity must remain here on duty at this late hour.

This morning the committee to which I belong, the Committee on Banking and Currency, by a vote of 20 to 15 voted down a resolution which would have empowered the committee to in turn authorize the chairman to issue subpenas in order to fully look into this matter associated with the very questionable practice of foreign financial transactions through foreign banks and other financial institutions in a direct involvement in our election process and procedures here in America.

The argument was emotional, the atmosphere was naturally charged, because this is an election season and we have a highly partisan problem dominating these debates.

The minority party Members on a straight party vote did everything in their power to obstruct any kind of successful consideration of this motion.

I find it very difficult to reconcile the logic used by them and by those who argued along these lines against the resolution. They said, "Oh, it will jeopardize the rights of some who have been indicted." That means, then, that their prime reasoning is that any time the U.S. Attorney General decides to indict somebody, he will, therefore, preclude any legislative committee from looking into any matter connected directly or indirectly.

I think this is an abominable proposition. It is far from being germane to the main issue involved at this time. The reason why I say that is because ever since 1966 I have unsuccessfully attempted to get the attention of my colleagues in and out of the committee to look into these very same practices, because ever since that year and even before that I was aware of the fact that there was a heavy flow of money from foreign countries, mysterious and not completely accounted for but somehow reported.

For example, in Texas in 1966 in the U.S. Senate race there was a sworn affidavit reporting the receipt of over $45,000 in that race from Germany, from German institutions. They were never explained. It was never known exactly what motivated that heavy flow of money into a purely domestic race in the State of Texas.

In the most recent case, which is what we were trying to get at in the committee, we found there was involved a heavy amount of money from Mexico and what I call "wetback dollars." We have been used to the wetbacks with respect to labor, but this is the first time we have had such a dramatic exposition of a heavy inflow of questionable and what I consider to be illegal and alien wetback dollars directly involving themselves in our most serious democratic processes, which should be immune from this type of interference.

I think that the Congress has long had the responsibility to look into this matter. From a legislative standpoint we have to know whether or not the existing statutes are sufficient; whether or not they need reform; whether or not we should add new ones; whether or not we should correct the ones we have; and whether or not we should expose hitherto undiscovered increments of money that have come from foreign and unaccounted-for sources into the middle of our election processes.

I deplore the fact that our committee by a vote of 20 to 15 voted against a vote of confidence in our ability to be able to legislate and voted against confidence in ourselves to remain immune from the siren call of partisan politics. I feel it is urgent that this Congress and this particular committee that I belong to assume their responsibility and look into it.

After all, it would seem to me almost any kind of work this committee would undertake along this line would have to go beyond the election date, anyway. It would make no difference as far as the outcome of the election is concerned.

As chairman of the Subcommittee on International Finance, I first requested permission of the chairman to let the subcommittee look into it. He felt—and rightfully so—that it was such an important matter that the entire committee should assume that responsibility. Today I have again requested the permission of the chairman for the subcommittee to look into the matter.

SOVIET HEAD TAX ON JEWISH EMIGRANTS: A MATTER OF QUID PRO QUO

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. **BURKE** of Massachusetts. Mr. Speaker, yesterday together with my able colleague from New York, the Honorable LESTER WOLFF, I introduced legislation which would amend the Trade Expansion Act of 1962 to prohibit the application of the most favored nation principle to certain countries who charge exorbitant or more than nominal exit fees to citizens who desire to emigrate to other countries. As the bill states, the intent of the amendment is to discourage nations, desiring closer trade relations with this country, the right to deny its citizens the right or opportunity to emigrate to the country of their choice. This, then, is the clear intent of my bill to exert what leverage this Nation possesses, to exert the pressure of public opinion and the sense of moral outrage of free men everywhere over any attempts by any government in the family of nations to deny its citizens the right of emigration.

There is no point in obscuring the chief target, namely the Soviet Union, which has for some time been engaged through one device or another in attempts to discourage the emigration of Soviet Jews from the U.S.S.R. The Soviet Union lately has hit upon the device of what can only be considered exorbitant exit taxes or fees for those Soviet Jews desiring to emigrate. Thus, while neither officially nor by law denying the right of emigration outright, the net effect of demanding what amounts to a ransom in amounts ranging from $5,000 to $30,000 is to deny this right of emigration to those attempting to exercise it. Mind you, these fees are all in addition to the usual fee of $1,000 which could already be considered discouragement enough for many prospective emigrants.

Practically every Member of this House at one time or another has joined in one resolution or another to put this House and Congress on record as opposed to these schemes. The net result, however, can only be considered disappointing. The Soviets seem intent on ignoring world opinion, as they so often do, in this particular matter. One understands how upset the leaders of Russia must be over the expressed desire of so many of its well educated citizens to leave for other countries. However, instead of tackling the problem at its root and making life in the Soviet Union more palatable and hospitable to those of the Jewish faith, the Soviet Union seems to have taken the easier course of fining their desire to leave out of existence. I am sure that even the most bureaucratic Russian official has to see that in the long run this policy is doomed to failure and indeed exacerbates an already potentially explosive situation.

I suppose the knowledge that this will be the long-range result of present Soviet policies will at first give comfort to men of good will around the world. However, the chief drawback to this approach of watchful waiting for the Soviets to change their policies of their own accord is that in the meantime, over the period of however many years it will take, fundamental human liberties and freedoms are being denied and a people's future and religious customs are in greater jeopardy, each day these practices continue. Consequently, men of good will have been forced to search for more immediate means of bringing pressure of public opinion outside Soviet Russia to bear on Russian leaders.

Now, some at first may feel a certain uneasiness about interfering in what might seem to be the internal affairs of another nation. However, since time immemorial mankind has recognized no national boundaries when it becomes incensed over officially sanctioned denials of fundamental human rights whenever they occur, whatever the country. Our own struggling colonists were the chief beneficiaries of sympathetic public opinion in their struggle against the might of the British Empire; similar feelings flowed to the democratic cause in the French Revolution. There was even widespread sympathy for those who overthrew the czarist regime in Russia, not too long ago, which subsequent controversies over the merits and demerits of succesor governments and political philosophies have long since obscured. The practical fact of life is that no government today can either ignore world opinion totally or order it to keep out of its internal affairs and go about the business of denying people fundamental freedoms. Not long ago, the hue and cry was for an end to the systematic persecution and harrassment in daily Russian life of those of the Jewish faith. The fact that Russia chose to ignore world opinion then brought us inevitably to today's demand of "let my people go."

In searching for the most available means of influencing Russian attitudes where it will do the most good, it did not take long to conclude that the Ways and Means Committee will have shortly under its consideration proposals to grant Russia most-favored-nation status in trade relations with this country. Consequently, it seemed totally opportune and altogether fitting and proper to serve notice both to trading negotiators in the administration and to their counterparts in the Soviet Union that we intend to put pressure on the Soviets where they might respond. Where else but their pocketbooks? This bill will make it incumbent upon the administration to explore the emigration laws and policies of nonmarket nations and to report to Congress as to whether these policies and laws constitute fair and equitable treatment of emigrants or whether on the contrary are tantamount to outright discrimination against potential emigrants. In my opinion, such legislation is not just timely, it is even overdue. In my opinion, this is one of those rare bills which in its very filing and with any cosponsors it manages to attract will serve a vital purpose and accomplish its objective of influencing the course of events even before passage. Because of its psychological potential, it would be the height of good sense to sponsor this bill even in the full knowledge that this Congress has only a few more days to run. A bill like this should be before the public and in the minds of our trade negotiators in the interlude before the next Congress convenes.

DIPLOMATS WITHOUT PORTFOLIO

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. CLARK), is recognized for 5 minutes.

Mr. CLARK. Mr. Speaker, personal diplomacy has a dangerous history—especially when it is applied to geopolitics. In the last few years we have been treated to more globetrotting summit diplomats than we can afford, especially when so many of them are without portfolio.

Opposing political parties have historically challenged incumbent foreign policies and at election time the steam emanating from charges and countercharges would run an engine, but I cannot ever remember a precedent for a man who obviously has utilized his former cabinet status to gain entry and apparent cooperation from the camp and capital of an enemy of the United States.

Ramsey Clark has perpetrated a monumental disservice to world diplomacy, given aid and comfort to the enemy, and jeopardized the patient and tedious efforts of those in our Government who are officially entrusted with negotiations. And worse, he has toyed with the frailty of human emotion by echoing the subtle propaganda of the enemy—promising what no man can promise, for political—or perhaps personal gain.

I have come to accept some changes in my time, but I will never endorse any concept which calls for collaboration while our troops are still in foxholes. I wonder what our pilots thought who read about the collaboration of Ramsey Clark, before leaving on a mission—and I wonder what thoughts would have crossed my mind as I sat in a wrecked glider in Normandy—if that morning I had seen a picture of one of our former Cabinet members smiling with Adolf Hitler.

We dealt with three of nature's noblemen during World War II and if they proved nothing else they proved that indication of weakness was abhorrent to them, and the oriental was the most dedicated of the three to this premise. History tends to repeat itself and the masters of guile and deception in Hanoi, make the two ambassadors who stood in Secretary Simpson's office while Pearl Harbor was bombed, look like rank amateurs.

Yet my namesake—to my sorrow—was taken on a guided tour, talked to some news editor—of all people—and has come up with no real plan, but a helluva lot of windy charges which add up to a VC Communist echo, the United States is an immoral "aggressor"—even while hundreds of thousands of North Vietnamese troops attack civilian-populated cities. They accuse our planes of indiscriminate bombing, while for 7 years they have thrown rockets and shells into the most heavily populated areas, they could contrive the assistance of the world press in portraying the—admittedly reprehensible—massacre at My Lai, while butchering thousands of the avowed southern brothers as object lessons for those who chose to oppose them.

It seems to me incredible that a man of Ramsey Clark's background and education could be this naive, but it is also sickening to me that he would then assist the enemy in helping to publicize their monstrous perfidy. We admit what we are doing in defense of a people against an invasion and our military weekly publishes the statistics of war, regardless of how unpleasant they may seem. The Hanoi government consistently denied, until the most recent resumption of massive assault—that they even had combat troops in South Vietnam.

If, as Mr. Clark seemingly chooses to believe, Hanoi is intent only upon the "unification" of their war-torn country—and that all Vietnamese are really "brothers" who need no international interference, why is it that the pitiful columns of refugees that are caught up in the wake of each and every battle, never choose to head—north?

NEW HIGHWAYS IMPEDING NATURAL DRAINAGE PATTERNS

(Mr. ROUSH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROUSH. Mr. Speaker, pursuant to unanimous consent request I am today introducing a piece of legislation that will be of importance and significance to many farmers. It is neither a costly nor a complex bill.

My proposal requires assurances, in the form of an impact statement by State Highway Departments, that highways planned with Federal aid money will not disrupt drainage patterns on land through which they pass. The drainage impact statement is to be made for the Soil Conservation Service and their approval of the same is necessary before Federal funds can be used to carry out the project.

In my own Fourth Congressional District of Indiana the need for such legislation has been brought home to me.

When new highways are constructed, particularly in rural areas, they impede natural drainage patterns, much as a dam would impede the flow of a river.

Agricultural drainage is a complex task, depending on the interlocking of series of field tile and natural drainage channels. A blockage at any point in the system can alter entire patterns of drainage.

The problems caused by diverting a drainage way as the result of highway construction can often have an impact on the drainage of farms several miles from the construction site.

When a drainage pattern is severely changed by road construction, individual landowners may be forced to spend thousands of dollars in developing new tile and ditch systems. Water, forced by the highways into inadequate outlets or open ditches, can produce damage including increased soil erosion both on the roadway and in fields that line it.

It is, however, possible through engineering design of the highway drainage system to construct roads in such a way that these adverse effects are prevented. To do so would not, in most cases, increase the cost of construction. It could, in some cases, increase the cost of planning and design.

There is now no explicit requirement that highway construction authorities take positive steps to make sure that highway construction does not alter drainage patterns so as to place an undue burden on adjoining landowners. Facts concerning drainage can be considered in determining payment for damages involving the highway construction, but there is no practical way for injured parties to press their claim for better design short of tangled legal procedures such as inverse condemnation suits, et cetera.

This bill would require that agencies responsible for construction of roadways using Federal funds determine the effect of the construction on drainage and take steps to assure that the engineering design of the project will be adequate to prevent disruption of the drainage pattern.

THE MORAL ISSUE OF VIETNAM

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, a highly respected, articulate, and experienced member of the clergy, John J. Morrett, recently discussed the moral issue of Vietnam.

Reverend Morrett, minister of St. Albans Episcopal Church, Columbus, Ohio, went to Vietnam. He is knowledgeable. He was a prisoner of war in World War II. He is objective and finally, unlike many of his colleagues in the ministry, Reverend Morrett supports his nation:

THE MORAL ISSUE OF VIETNAM

(By The Reverend John J. Morrett)

I wish to deal with a sensitive and hard subject much on the minds of the American people—"The Moral Issue of Vietnam."

Statements have been made by many clergy and rabbis, demonstrations conducted, forums held, resolutions passed by a variety of church denominations strongly opposing America's involvement in the war, and in most cases, pressing for immediate unilateral withdrawal. Many call it "a crisis of conscience". Its implications have become so deep for us that the whole nation has become divided in controversy over it. I will express myself as a Christian minister who holds a different view to most of my fellow clergy, and, in fact, to some of the expressed statements of such important bodies as the World Council of Churches, The Synagogue Council of America, The National Council of Churches, and our own Executive Council of the Episcopal Church in the U.S.A. who in May 1970 called for unilateral withdrawal.

Opposed to such statements, but not entirely sure of my ground, I went to Vietnam in the summer of 1970 and traveled throughout the country from the DMZ to the Mekong Delta. I saw infantrymen going out on patrol, and from a helicopter, bodies of dead who were killed in combat. I saw many things which for some would support all that has been critically said about Vietnam—"a dirty war" and a "colossal human blunder". I, too, agree every war is a dirty war and every war is a colossal human blunder.

As I have studied the background of this present conflict ten thousand miles from our shores, I have noted that four presidents, beginning with President Eisenhower, have had to face the complex political and military problems of Vietnam. Each one of them, I believe as honorable men, dealt with this sad little warring country using the best judgment he could, to help it. Out of a variety of alternatives, each one could have handled the situation differently. As President and Commander-in-Chief of the United States Armed Forces, each had to make critical decisions. Every president sits in what we can call "The Hot Seat" and as President Truman put it, "The buck stops here." Ever since we escalated our forces from being military advisors under President Kennedy to ground, air and naval combat forces under President Johnson, peaking in 1969 to 549,500 men in the field, many people, and particularly youth and clergy, have been pressing for us to get out of Vietnam. From their point of view it was and still is an immoral war. They call for two things: (1) Admission of a mistake of judgment on getting into it, and (2) immediate withdrawal of all Armed Forces which in turn should insure the return of our prisoners of war from North Vietnam, South Vietnam and Laos.

The first proposition looks back toward the history of the situation, now well known but important to summarize briefly for the purpose of this paper. It is related to the request of South Vietnam for military help, at the time of President Kennedy. It was then, as it is now, a small constitutional government democratically oriented facing a serious problem of communist infra-structure. This was conducted by the Vietcong who sought, as it does today, to overthrow by all sorts of insurgency tactics the established government. The Vietcong were being given support in a clandestine way by the North Vietnamese Communist government.

Again an historical occurrence ties into the moral issue. In 1954 a treaty called "The Geneva Accords" partitioned the country, anticipating that in two years an internationally supervised election could be held and the internal strife between political forces of the north and south could be settled. The Geneva Accords was a sincere effort to settle both a divided Korea and a divided Vietnam and was initiated by the peace-seeking intentions of Great Britain, France and the United States, with the Soviet Union also brought in as a participant. Refugees at the time of the temporary establishment of a Demilitarized Zone could go either north or south, and the great bulk of them by far went south. Neither South Vietnam nor the U.S. signed the Accords for their own specific reasons. South Vietnam agreed to support the cease-fire, but objected to the partition of the country. The U.S. also expressed concern over the partition, but said we would do nothing to disturb the agreements. We did add, "We would view any renewal of the aggression in violation of the aforesaid agreements with grave concern and as seriously threatening international peace and security." Well-planned efforts toward resolving conflict for nations, as well as for marriages and labor-management strife, often go awry. The south declined to enter into election proceedings feeling there could not be held a fair election in Communist North. Since neither North nor South Vietnam were signatories to the United Nations Charter, this international organization had no responsibility to resolve the dilemma.

One, of course, can get into a morass of history about the problems of Vietnam beginning as far back as one wants to go and which have implications for where it is today. Other nations have dominated it like the Chinese, who occupied it for 1,000 years, the French who colonized it, the Japanese who occupied it in WWII, and the Americans, who have tried to defend the south from communist aggression. Struggling for national identity in the most recent years, the single hero of the existing move toward independence within the communist ideology is Ho Chi Minh. In 1958 he completed a ruthless land reform program in the north which killed an estimated 100,000 people, and in 1962 his government announced a People's Revolutionary Party in South Vietnam.

To my way of thinking this is important history, but it is now academic. It is unfruitful and divisive to try to go back and say our involvement in the tugs and pulls between North and South Vietnam were at the beginning all wrong and what we have now is an immoral war. On the basis of international diplomacy, the nations of the world have for centuries involved themselves in all kinds of treaty agreements based in large measure on political bonds, military defense positions and economic arrangements to further their best interests. Such agreements are implemented on a basis of political morality probably most prominently illustrated today in the United Nations Charter. Countries that enter into these agreements must honor their obligations which in a very real sense become binding on people living within such countries. If they do not honor them, the nation itself falls into a condition of international immorality. In the case of southeast Asia for the United States to abandon Thailand and Indochina to what is now clearly communist aggression, or the part of the North Vietnamese, would be highly immoral and illicit abrogation of our serious commitment as a member nation to the SEATO agreement.

Article IV (1) states:

"Each party recognizes that aggression by means of armed attack in the Treaty area against any of the Parties or against any state or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes." Moreover, "by protocol to the Treaty the Parties unanimously extended the protection of the Treaty to the states of Cambodia and Laos and the free territory under the jurisdiction of the state of Vietnam."

It should be very clear on this matter that willful and unconcealable violation of a Treaty obligation like this would render as suspect all other U.S. agreements present and in the future, real or potential. International agreements of course can be revised by Congressional action, but unless done properly could create legal and moral dilemmas of fantastic proportions for the United States and in time discredit and emasculate our negotiating efforts abroad.

With this serious point of view in mind, the Bureau of Public Affairs of the State Department has set forth in clear and concise form the legal nature of our present obligations in Indochina. Under President Nixon's administration a legal position has been taken which has to do with the collective self-defense authorized by the U.N. Charter. Other legal positions having to do with the Tonkin Gulf resolution, the SEATO Treaty and respect for the neutrality wishes of Laos and Cambodia who have been occupied by North Vietnam forces for so many years, are included in the legal statements.

I conclude, therefore, it is a useless argument calling for admission of a mistake of judgment for our getting into the war. When counseling people in marital difficulty, I find it is fruitless to spend endless time trying to decide who is at fault. This generally intensifies the conflict and polarizes positions. Therefore, I disagree with the churches' recent moralizing resolutions, all extremely well meaning, but thus far futile, failing to take into account the political morality involved and generally doing nothing to resolve an already complex and terrible struggle within the Vietnam family.

On my second point, removal of all Armed Forces, which in turn should insure the return of our prisoners of war, herein I find a real moral issue and the most difficult to solve. Presidents, Congress and in fact by our taxes and our military personnel in Vietnam, we have committed ourselves as a nation to the support of South Vietnam, being disrupted internally by the Vietcong and attacked from without by the North Vietnamese. The Vietcong strategy of terrorism is now well documented and is a colossal and terrifying story of killing, kidnapping, violent attacks on a peaceful civilian population and planned disruption of the establishesd government in Saigon. In South Vietnam religions flourish, particularly Catholicism and Buddhism. The many churches, temples and shrines give the tourist the impression it is not unlike the deeply religious country of Austria. Democratic elections are periodically held and the economy is progressing at a fantastic rate. These continue even in the face of an obvious aggression on the part of the North Vietnamese who in recent months have leveled the provincial cities of Quang Tri, Kon Tum and An Loc. Refugees from these cities, almost one million, still have gone south and not north, indicating they do not want communism. I believe this blatant aggression is morally indefensible, and in fact the serious reason why we must have standing military strength still involved in a country that cries for peace. In the simplest terms there is one obvious way for us to stop bombing North Vietnam, mining its harbors and totally withdrawing our forces, and that is for the north to stop aggressive destructive attacks on the people and government of the south. Morally committed in this year 1972 to the defense of the South Vietnamese people, we cannot release our responsibility to them until their internal peace is secure. There are many important international ramifications to this position but its substance, I believe, is clear to the majority of the American people.

Probably today the most agonizing aspect of the second point I made at the outset of this address on the moral issue is the prisoner of war problem. I feel this matter deeply, having been a prisoner of war of the Japanese in World War II, and I am keenly aware of the anxiety and pain this caused my parents and friends for over two years and a half.

In South Vietnam there are now 36,000 Vietcong and North Vietnamese in prison camps while an estimated 1,770 Americans are listed as POWs or Missing in Action (MIA). There is no clear estimate of South Vietnamese held as prisoners in the north. In the south the POW camps are systematically inspected by the International Red Cross following the guidelines of the Geneva Convention of August 12, 1949 having to do with treatment of war prisoners. I visited in the summer of 1970 the POW camp at Bien Hoa and was satisfied with what I saw as a humane confinement of a prisoner of war. South Vietnam on August 24, 1972, offered to repatriate 600 sick and wounded NVA POWs but the offer was curtly rejected. North Vietnam with great publicity, has announced the release of three Americans recently to anti-war leaders in the United States.

The prisoners of war issue has been a major block in the Paris Peace Talks since they were initiated. The United States delegates have repeatedly stressed that the treatment of POWs is a humane consideration separate from political and military issues . . . that the government of North Vietnam is obligated to comply with the Geneva Convention of 1949. In 1957 the Democratic Republic of North Vietnam notified the Swiss government of its adherence to the Geneva Convention of August 12, 1949, yet in contrast to the South Vietnamese, they have repeatedly refused to allow their camps to be inspected by the IRC. They see an attempt to use our prisoners as political hostages.

On October 7, 1970, President Nixon proposed the immediate release of all POWs on both sides to eliminate their block to negotiations in Paris. In December the government of South Vietnam proposed with U.S. concurrence, as a first step, the release of all North Vietnam POWs held in South Vietnam—an estimated 8,000 men—in return for the release of all American and free world prisoners in Indochina and any South Vietnamese POWs held outside South Vietnam—an estimated 800 men. This offer and other's for the repatriation of sick and wounded have been rejected. This, in my opinion, is one of the most serious conflicts we face with the North Vietnamese and proposals that we withdraw our forces without a clear solution to it by negotiation in my opinion is morally indefensible.

This brings us to the broad issue of the prolongation of the war and continuous efforts to find a solution. President Nixon, like a number of his predecessors, inherited Vietnam as a national problem of deep involvement and national commitment which no ideology against war can now eliminate. Upon assuming office he embarked on a logical process which for several years now I have called "responsible disengagement". I discovered in my visit to Vietnam, asking questions, observing, doing a lot of listening and general exposure, that our country had embarked upon a wise and responsible program to get out, and yet at the same time fulfill our moral commitment to the established government in the south.

It was based on two primary objectives: (1) Build up a war-torn nation so it could operate responsibly and defensively by itself, even in the face of aggression, and (2) establish a strong viable economic and political system in order to support itself. These two efforts were called "Vietnamization" and "Pacification".

These were new words for me, but they took on real clarity as I learned and saw for myself the transition of military responsibility moving from Americans to South Vietnamese. It was obvious this process would be technically difficult for the Air Force and, therefore, would take the longest period of time. It could happen most quickly with the Navy and move in a progressive, deliberate fashion with the Army over several years. As I sat in on daily combat briefings, it was, in a sense, a thrilling thing to watch the patient educational process at work.

Particularly with our chaplains, I was impressed with pacification—the building of schools, hospitals and medical clinics, the dispersal of health advisory teams in the hamlets, the introduction of animal husbandry and more productive grains of rice, etc. Here again Americans and Vietnamese together were patiently at work rebuilding this small nation still at war. Having been a missionary to China, this kind of American involvement was my cup of tea so to speak, and I identified with our many Americans, military and civilian, dedicated to nation-building efforts. Under this program local defense forces were organized to protect the peasant people in the hamlets and villages subject to the surprise attacks of the Vietcong. I was introduced to hamlet chiefs and members of local militia, many of them young girls and old men ready to defend their little communities from sudden subversive attack.

Seeing all this for myself I was proud to be an American in Vietnam and to see our country help shoulder the terrible burden put on a little agricultural nation whose people had determined they would stay independent and free of militant communism. Here is a magnificent story about Vietnam which never seems to be told.

Statistically Vietnamization has, as of this writing, reduced our forces from an authorized high of 549,500 military in July 1969 to 37,500 in August 1972. Defense spending has been reduced from 42.8% of the national budget in 1968 to 31% of the budget in 1972. A tremendous volume of important facts and figures has been accumulated on pacification programs which up to now have been an unknown experience in the destructive process of war—nation building at the time an aggressor has been trying to destroy it.

As I see it the third primary aspect of "responsible disengagement" has been negotiation. In preparation for this address I have gone to Washington to talk with people deeply involved and informed about this knotty subject. I believe the whole world is aware of the fact that our numerous administrations involved with Vietnam, beginning as far back as the Geneva Accords of 1954, have sent American emissaries abroad to negotiate a settlement. In talking one morning with a member of the State Department negotiating team, he stated to me that at this point North Vietnam was still unprepared to make any serious accommodations to settle the war. This is after five years of talking and no appreciable headway. The north had sacrificed an estimated 750,000 of their own people and an upward figure to that in the south have been killed, maybe more. They cling tenaciously to the single political objective, the overthrow of the Saigon regime.

In large measure today I am going to place some of this sad and horrible intransigency on the well-meaning backs of the anti-war groups including the churches who have continued to press for unilateral withdrawal. I have read carefully the book entitled, "Vietnam: Crisis of Conscience" written by Robert McAfee Brown, Abraham J. Hershel and Michael Novak, published in 1967. Obviously it was published at the time the anti-Vietnam sentiment was at its height. It states on the cover page, "The war in Vietnam is impossible to justify. An appeal to the moral urgency, rallying Catholic, Jew, and Protestant to join in bold steps to end the conflict". The present administration over the past 3½ years has done the major things suggested in this book to get out of the war with the exception of unilateral withdrawal which I feel would be highly immoral. It has been estimated that unilateral withdrawal would conceivably cause a bloodbath of 3,000,000 people. When some Americans talk as if this never would happen, they just haven't done their homework. I refer them to "Vietcong Repression and Its Implications for the Future" by Stephen T. Hosmer, May 1970.

But my point is that visits to Hanoi by men like Ramsey Clark, off-the-cuff statements by Senator George McGovern that President Thieu should seek asylum in the U.S. after a post-war settlement, the offer of American clergy to serve as hostages for our POWs to the Premier of North Vietnam, only cloud negotiation proceedings and give unnecessary hope to Hanoi. A fundamental aim to conclude a war is to break the will of the enemy. From this point of view conscientious and well-meaning religious people are in fact aiding and abetting the enemy and, in hard reality, are prolonging the war themselves by expressions of hope for Hanoi.

While in Washington recently I picked up President Nixon's report to Congress, "U.S. Foreign Policy for the 1970's: The Emerging Structure for Peace". This was sent to Congress February 9, 1972. In my opinion Americans, particularly young Americans who are the future of our country, should read this document. It covers the world which in this late twentieth century has become a family of nations. Along with a most important section on Vietnam, in large measure dealing with the negotiations, it covers the major areas of substantive change—the Soviet Union, China, Europe, and the Atlantic Alliance. It covers continents in continuing transition like East Asia, Latin America, Africa, etc. Time does not permit me to go into any summary description of the document but it is a clear grasp of the condition of the world family of nations in this decade. All families to live in peace together must negotiate at times and learn to live together with their differences. I would say North Vietnam with its stubbornness is sadly trailing a new world order of maturation, peace and prosperity struggling to come into its own.

On the moral issue, finally I want to refer to an experience in WW II which I think is related to those many people horrified and appalled by the Vietnam conflict. One day on Bataan in 1942 I was driving along the road to Hermosa and saw three Japanese divebombers destroy a little Filipino barrio nearby called Dinalupihan. When the raid was over I went to the wrecked and burning nipa shacks with my truck to pick up the wounded. It was a tragic sight, some old people wandering around in a daze. In picking up the wounded, blood soon was up to my elbows. I stopped in Hermosa to ask someone where the nearest hospital was located. There in the town square was Chaplain Tom Howden of the 200 Coast Artillery, National Guard and a good friend of mine. A shocked look came over his face as I ran up to him—the reason, I was covered with blood. War is shocking to people. I can appreciate my Christian brethren's being shocked by Vietnam—napalmed children, thousands of refugees moving down a road carrying pathetic belongings, soldiers losing their arms and legs, if not their lives, in battle. All wars are terrible, especially to those who have known them by first-hand experience. They have shattered and, in some cases, totally redirected our lives. Many of us had a horrible task to do in World War II and in Korea, and although the circumstances of military aggression is somewhat different today in Vietnam, we have a difficult task to do there too. I am convinced most American military men will do their jobs with honor, but also with humility and the pain of personal conscience, that is, being involved in something they would prefer very much not to do. But when it is over we will undoubtedly continue the exciting and challenging task of nation building in Indochina, and I pray not just in *South* Vietnam but also in North Vietnam.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. ASPINALL, from 4 p.m., Wednesday, October 4, 1972, until noon October 6, 1972, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. THONE) and to revise and extend their remarks and include extraneous matter:)

Mr. QUIE, for 30 minutes, on October 4.

Mr. SKUBITZ, for 15 minutes, on October 4.

Mr. SAYLOR, for 15 minutes, on October 3.

Mr. SCHERLE, for 5 minutes, today.

Mr. KEMP, for 10 minutes today.

Mr. FRENZEL, for 10 minutes, today.

Mr. HALPERN, for 5 minutes, today.

Mr. DON H. CLAUSEN, for 5 minutes, today.

(The following Members (at the request of Mr. DENHOLM) and to revise and extend their remarks and include extraneous matter:)

Mr. ADDABBO, for 20 minutes, today.

Mrs. ABZUG, for 10 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. BURKE of Massachusetts, for 10 minutes, today.

Mr. MELCHER, for 5 minutes, today.

Mr. CLARK, for 5 minutes, today.

Mr. FOUNTAIN, for 60 minutes, on October 11.

Mr. FOUNTAIN, for 60 minutes, on October 12.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GONZALEZ and to revise and extend his remarks.

(The following Members (at the request of Mr. THONE) to revise and extend their remarks and include extraneous matter:)

Mr. DUNCAN.

Mr. GUBSER.

Mr. SNYDER.

Mr. ESCH in three instances.

Mr. WYDLER.

Mr. MINSHALL.

Mr. DELLENBACK.

Mr. GROVER in two instances.

Mr. ZWACH.

Mr. BOB WILSON in four instances.

Mr. LLOYD.

Mr. WYMAN in two instances.

Mr. SCHERLE.

Mr. RAILSBACK in five instances.

Mr. SPRINGER.

Mr. DERWINSKI in three instances.

Mr. WHITEHURST.

Mr. DU PONT.

Mr. FRENZEL in two instances.

Mr. KING in five instances.

Mr. PRICE of Texas.

Mr. VEYSEY in four instances.

Mr. WHALEN.

(The following Members (at the request of Mr. DENHOLM) and to revise and extend their remarks:)

Mr. BYRON in 10 instances.

Mr. RARICK in three instances.

Mr. GONZALEZ in three instances.

Mr. PUCINSKI in six instances.

Mr. RODINO in two instances.

Mr. WOLFF in two instances.

Mr. DRINAN.

Mr. JAMES V. STANTON.

Mr. FISHER in three instances.

Mrs. GRASSO in 10 instances.

Mr. JOHNSON of California in two instances.

Mr. WALDIE in six instances.

Mr. ROGERS in five instances.

Mr. MAHON.

Mr. BOLAND in two instances.

Mr. CARNEY in two instances.

Mr. TAYLOR.

Mr. DOWNING.

Mr. LEGGETT.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3203. An act to amend the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, in order to extend under certain circumstances the expiration date specified in a power of attorney executed by a member of the Armed Forces who is missing in action or held as a prisoner of war; to the Committee on Veterans' Affairs.

S. 3959. An act to authorize the Secretary of the Interior to engage in feasibility investigations of certain potential water resource developments; to the Committee on Interior and Insular Affairs.

S.J. Res. 265. Joint resolution to provide grants for Allen J. Ellender fellowships to disadvantaged secondary school students and their teachers to participate in a Washington public affairs program; to the Committee on Education and Labor.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2895. An act to provide for the conveyance of certain real property in the District of Columbia to the National Firefighting Museum and Center for Fire Prevention, Inc.; and

H.R. 10857. An act to authorize the Secretary of Agriculture to exchange certain national forest lands within the Carson and Santa Fe National Forests in the State of New Mexico for certain private lands within the Piedra Lumbre Grant, in the State of New Mexico, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 166. An act to designate the Stratified Primitive Area as, a part of the Washakie Wilderness heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes.

S. 722. An act to declare that certain federally owned lands shall be held by the United States in trust for the Stockbridge Munsee Indian Community, Wis.

S. 2441. An act to authorize the Secretary of the Interior to conduct a study to determine the feasibility and desirability of protecting and preserving the Great Dismal Swamp and the Dismal Swamp Canal; and

S. 3129. An act to authorize the establishment of the Longfellow Historic Site in Cambridge, Mass., and for other purposes.

ADJOURNMENT

Mr. DINGELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 4, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2388. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting a copy of concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2389. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2390. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports an order suspending deportation in a certain case, pursuant to section 244(a)(2) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ASPINALL: Committee of conference. Conference report on S. 635. (Rept. No. 92–1491). Ordered to be printed.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 11091. A bill to provide additional funds for certain wildlife restoration projects, and for other purposes; with an amendment (Rept. No. 92–1492). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 9604. A bill to prohibit the unlawful use of a rented motor vehicle; with an amendment (Rept. No. 92–1496). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. S. 2208. An act to improve the laws relating to the regulation of insurance in the District of Columbia, and for other purposes; with an amendment (Rept. No. 92–1497). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 15965. A bill to amend the District of Columbia Teachers' Salary Act of 1955 to increase salaries, to provide certain revisions in the retirement benefits of public school teachers, and for other purposes; with an amendment (Rept. No. 92–1501). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 16724. A bill to provide for acquisition by the Washington Metropolitan Area Transit Atuhority of the mass transit bus systems engaged in scheduled regular route operations in the National Capital area, and for other purposes; with an amendment (Rept. No. 92–1502). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. S. 2699. An act to authorize the acquisition of lands within the Vermejo Ranch, New Mexico and Colorado, for addition to the national forest system, and for other purposes; with an amendment (Rept. No. 92–1503). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 16813. A bill to amend section 122 of the Internal Revenue Code of 1954; with amendments (Rept. No. 92–1504). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 11268. A bill to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws in the District of Columbia, and for other purposes; with an amendment (Rept. No. 92–1505). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 16793. A bill to prohibit the use of certain small vessels in

U.S. fisheries; with an amendment (Rept. No. 92–1506). Referred to the Committee of the Whole House on the State of the Union.

Mr. FISHER: Committee on Armed Services. H.R. 16925. A bill to amend title 37, United States Code, to extend the authority for special pay for nuclear-qualified naval submarine officers, authorize special pay for nuclear-qualified naval surface officers, and provide special pay to certain nuclear-trained and qualified enlisted members of the naval service who agree to reenlist, and for other purposes (Rept. No. 92–1507). Referred to the Committee of the Whole House on the State of the Union.

Mr. FISHER: Committee on Armed Services. H.R. 16924. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes (Rept. No. 92–1508). Referred to the Committee of the Whole House on the State of the Union.

Mr. SISK: Committee on Rules. House Resolution 1144. A resolution providing for the consideration of S. 1316. An act to amend section 301 of the Federal Meat Inspection Act, as amended, and section 5 of the Poultry Products Inspection Act, as amended, so as to increase from 50 to 80 percent the amount that may be paid as the Federal Government's share of the costs of any cooperative meat or poultry inspection program carried out by any State under such sections (Rept. No. 92–1516). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 1145. A resolution providing for the consideration of H.R. 16656. A bill to authorize appropriations for construction of certain highways in accordance with title 23 of the United States Code, and for other purposes (Rept. No. 92–1517). Referred to the House Calendar.

Mr. O'NEILL: Committee on Rules. House Resolution 1146. A resolution waiving points of order against the conference report on S. 2770 (Rept. No. 92–1518). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of title XIII, reports of committees were delivererd to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McMILLAN: Committee on the District of Columbia. H.R. 15188. A bill to incorporate in the District of Columbia Pop Warner Little Scholars, Inc. (Rept. No. 92–1493). Referred to the Committee of the Whole House.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 14171. A bill to incorporate in the District of Columbia the American Ex-Prisoners of War (Rept. No. 92–1494). Referred to the Committee of the Whole House.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 15453. A bill to incorporate in the District of Columbia the National Inconvenienced Sportsmen's Association (Rept. No. 92–1495). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 4800. A bill for the relief of Rita Swann; with an amendment (Rept. No. 92–1498). Referred to the Committee of the Whole House.

Mr. DENNIS: Committee on the Judiciary. H.R. 7947. A bill for the relief of Jean Albertha Service Gordon; with amendments (Rept. No. 92–1499). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 14466. A bill for the relief of Edith E. Carrera; with an amendment (Rept. No. 92–1500). Referred to the Committee of the Whole House.

Mr. DANIELSON: Committee on the Judiciary. S. 633. An act for the relief of James E. Fry, Jr., and Margaret E. Fry (Rept. No. 92–1509). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. S. 655. An act for the relief of certain postal employees at the Elmhurst, Ill., Post Office (Rept. No. 92–1510). Referred to the Committee of the Whole House.

Mr. MANN: Committee on the Judiciary. S. 2469. An act for the relief of Kenneth J. Wolff (Rept. No. 92–1511). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary: H.R. 6821. A bill for the relief of Theodore Barr; with amendments (Rept. No. 92–1512). Referred to the Committee of the Whole House.

Mr. DANIELSON: Committee on the Judiciary. H.R. 8722. A bill for the relief of 1st Lt. John P. Dunn, U.S. Army, retired; with amendments (Rept. No. 92–1513). Referred to the Committee of the Whole House.

Mr. RAILSBACK: Committee on the Judiciary. H.R. 10907. A bill for the relief of M. Sgt. Eugene J. Mikulenka, U.S. Army (retired); with amendments (Rept. No. 92–1514). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H.R. 16179. A bill for the relief of certain former employees of the Securities and Exchange Commission (Rept. No. 92–1515). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DOW:

H.R. 16951. A bill to prevent loss of food stamp benefits under the Food Stamp Act of 1964 as a result of increases in social security benefit payments under Public Law 92–336; to the Committee on Agriculture.

By Mr. EDWARDS of California:

H.R. 16952. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 16953. A bill to amend the tariff and trade laws of the United States to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. HILLIS:

H.R. 16954. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

H.R. 16955. A bill to require States to pass along to public assistance recipients who are entitled to social security benefits the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. McDADE:

H.R. 16956. A bill to revise and simplify the Federal disaster relief program, to assure adequate funding for such program, and for other purposes; to the Committee on Public Works.

By Mr. MACDONALD of Massachusetts:

H.R. 16957. A bill to create a national system of health security; to the Committee on Ways and Means.

By Mr. ROUSH:

H.R. 16958. A bill to require assurances that highways assisted under the Federal-aid system will not impair the drainage pattern of adjoining land; to the Committee on Public Works.

By Mr. SAYLOR:

H.R. 16959. A bill to amend the tariff and trade laws of the United States to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. SKUBITZ:

H.R. 16960. A bill to provide for an equitable and expeditious means of handling railroad abandonments; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE (for himself, Mr. Addabbo, Mr. Aspin, Mr. Begich, Mr. Biester, Mr. Boland, Mr. Brasco, Mr. Brinkley, Mr. Burke of Massachusetts, Mrs. Chisholm, Mr. Conover, Mr. Derwinski, Mr. Fish, Mr. Frelinghuysen, Mr. Frenzel, and Mr. Forsythe):

H.R. 16961. A bill to provide for the creation of the National Fire Academy, and for other purposes; to the Committee on Science and Astronautics.

By Mr. STEELE (for himself, Mr. Garmatz, Mr. Gonzalez, Mrs. Hansen of Washington, Mr. Hathaway, Mrs. Heckler of Massachusetts, Mr. Johnson of Pennsylvania, Mr. Kemp, Mr. Mosher, Mr. Podell, Mr. Price of Illinois, Mr. Rangel, Mr. Roe, Mr. Rosenthal, Mr. Sarbanes, Mr. Charles H. Wilson, and Mr. Waldie):

H.R. 16962. A bill to provide for the creation of the National Fire Academy, and for other purposes; to the Committee on Science and Astronautics.

By Mr. STEELE (for himself, Mr. Addabbo, Mr. Aspin, Mr. Begich, Mr. Bevill, Mr. Biester, Mr. Boland, Mr. Brasco, Mr. Brinkley, Mr. Burke of Massachusetts, Mrs. Chisholm, Mr. Conover, Mr. Dent, Mr. Derwinski, Mr. Fish, and Mr. Frelinhuysen):

H.R. 16963. A bill to provide the Secretary of Commerce with the authority to make grants to States, counties, and local communities to pay for up to one-half of the costs of training programs for firemen; to the Committee on Science and Astronautics.

By Mr. STEELE (for himself, Mr. Frenzel, Mr. Forsythe, Mr. Garmatz, Mr. Gonzalez, Mrs. Hansen of Washington, Mr. Hathaway, Mrs. Heckler of Massachusetts, Mr. Johnson of Pennsylvania, Mr. Kemp, Mr. Mosher, Mr. Podell, Mr. Price of Illinois, Mr. Rangel, Mr. Roe, Mr. Rosenthal, Mr. Sarbanes, Mr. Charles H. Wilson, and Mr. Waldie):

H.R. 16964. A bill to provide the Secretary of Commerce with the authority to make grants to States, counties, and local communities to pay for up to one-half of the costs of training programs for firemen; to the Committee on Science and Astronautics.

By Mr. STEELE (for himself, Mr. Addabbo, Mr. Aspin, Mr. Begich, Mr. Biester, Mr. Boland, Mr. Brasco, Mr. Brinkley, Mr. Burke of Massachusetts, Mrs. Chisholm, Mr. Conover, Mr. Derwinski, Mr. Fish, Mr. Frelinghuysen, Mr. Forsythe, Mr. Frenzel, and Mr. Garmatz):

H.R. 16965. A bill to provide the Secretary of Commerce with the authority to make grants to accredited institutions of higher education to pay for up to one-half of the costs of fire science programs; to the Committee on Science and Astronautics.

By Mr. STEELE (for himself Mr. Gonzalez, Mrs. Hansen of Washington, Mr. Hathaway, Mrs. Heckler of Massachusetts, Mr. Johnson of Pennsylvania, Mr. Kemp, Mr. Mosher, Mr. Podell, Mr. Price of Illinois, Mr. Roe, Mr. Rangel, Mr. Rosenthal, Mr. Sarbanes, Mr. Charles H. Wilson, and Mr. Waldie):

H.R. 16966. A bill to provide the Secretary of Commerce with the authority to make grants to accredited institutions of higher education to pay for up to one-half of the costs of fire science programs; to the Committee on Science and Astronautics.

By Mr. STEELE (for himself, Mr. Addabbo, Mr. Aspin, Mr. Begich, Mr. Bevill, Mr. Biester, Mr. Boland, Mr. Brasco, Mr. Brinkley, Mr. Burke of Massachusetts, Mrs. Chisholm, Mr. Conover, Mr. Derwinski, Mr. Fish, and Mr. Frelinghuysen):

H.R. 16967. A bill to provide financial aid to local fire departments in the purchase of advanced firefighting equipment; to the Committee on Science and Astronautics.

By Mr. STEELE (for himself, Mr. Forsythe, Mr. Garmatz, Mr. Gonzalez, Mrs. Hansen of Washington, Mr. Hathaway, Mrs. Heckler of Massachusetts, Mr. Johnson of Pennsylvania, Mr. Kemp, Mr. Mosher, Mr. Podell, Mr. Price of Illinois, Mr. Rangel, Mr. Roe, Mr. Rosenthal, Mr. Sarbanes, Mr. Charles H. Wilson, and Mr. Waldie):

H.R. 16968. A bill to provide financial aid to local fire departments in the purchase of advanced firefighting equipment; to the Committee on Science and Astronautics.

By Mr. STEELE (for himself, Mr. Addabbo, Mr. Aspin, Mr. Begich, Mr. Bevill, Mr. Biester, Mr. Boland, Mr. Brasco, Mr. Brinkley, Mr. Burke of Massachusetts, Mrs. Chisholm, Mr. Conover, Mr. Derwinski, Mr. Fish, Mr. Frelinghuysen, and Mr. Forsythe):

H.R. 16969. A bill to provide financial aid for local fire departments in the purchase of firefighting suits and self-contained breathing apparatus; to the Committee on Science and Aeronautics.

By Mr. STEELE (for himself, Mr. Garmatz, Mr. Gonzalez, Mrs. Hansen of Washington, Mr. Hathaway, Mrs. Heckler of Massachusetts, Mr. Johnson of Pennsylvania, Mr. Kemp, Mr. Mosher, Mr. Podell, Mr. Price of Illinois, Mr. Rangel, Mr. Roe, Mr. Rosenthal, Mr. Sarbanes, Mr. Charles H. Wilson, and Mr. Waldie):

H.R. 16970. A bill to provide financial aid for local fire departments in the purchase of firefighting suits and self-contained breathing apparatus; to the Committee on Science and Astronautics.

By Mr. STEELE (for himself, Mr. Addabbo, Mr. Aspin, Mr. Begich, Mr. Bevill, Mr. Biester, Mr. Boland, Mr. Brasco, Mr. Brinkley, Mr. Burke of Massachusetts, Mrs. Chisholm, Mr. Conover, Mr. Derwinski, Mr. Fish, Mr. Frelinghuysen, and Mr. Forsythe):

H.R. 16971. A bill to extend for 3 years the authority of the Secretary of Commerce to carry out fire research and safety programs; to the Committee on Science and Astronautics.

By Mr. STEELE (for himself, Mr. Garmatz, Mr. Gonzalez, Mrs. Hansen of Washington, Mr. Hathaway, Mrs. Heckler of Massachusetts, Mr. Johnson of Pennsylvania, Mr. Kemp, Mr. Mosher, Mr. Podell, Mr. Price of Illinois, Mr. Rangel, Mr. Roe, Mr. Rosenthal, Mr. Sarbanes, Mr. Charles H. Wilson, and Mr. Waldie):

H.R. 16972. A bill to extend for 3 years the authority of the Secretary of Commerce to carry out fire research and safety programs; to the Committee on Science and Astronautics.

By Mr. STEELE (for himself, Mr. Addabbo, Mr. Aspin, Mr. Begich, Mr. Biester, Mr. Boland, Mr. Brasco, Mr. Brinkley, Mr. Burke of Massachusetts, Mrs. Chisholm, Mr. Conover, Mr. Dellenback, Mr. Derwinski, Mr. Fish, Mr. Frelinghuysen, and Mr. Frenzel):

H.R. 16973. A bill to establish a National Fire Data and Information Clearinghouse, and for other purposes; to the Committee on Science and Astronautics.

By Mr. STEELE (for himself, Mr. Forsythe, Mr. Garmatz, Mr. Gonzalez, Mrs. Hansen of Washington, Mr. Hathaway, Mrs. Heckler of Massachusetts, Mr. Johnson of Pennsylvania, Mr. Kemp, Mr. Mosher, Mr. Podell, Mr. Rangel, Mr. Price of Illinois, Mr. Roe, Mr. Rosenthal, Mr. Sarbanes, Mr. Charles H. Wilson, and Mr. Waldie):

H.R. 16974. A bill to establish a National Fire Data and Information Clearinghouse, and for other purposes; to the Committee on Science and Astronautics.

By Mr. STEELE (for himself, Mr. Addabbo, Mr. Aspin, Mr. Begich, Mr. Boland, Mr. Brasco, Mr. Brinkley, Mr. Burke of Massachusetts, Mrs. Chisholm, Mr. Conover, Mr. Dent, Mr. Derwinski, Mr. Fish, Mr. Frelinghuysen, and Mrs. Frenzel):

H.R. 16975. A bill to amend the Flammable Fabrics Act to extend the provisions of that act to construction materials used in the interiors of homes, offices, and other places of assembly or accommodation, and to authorize the establishment of toxicity standards; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE (for himself, Mr. Forsythe, Mr. Garmatz, Mr. Gonzalez, Mrs. Hansen of Washington, Mr. Hathaway, Mrs. Heckler of Massachusetts, Mr. Johnson of Pennsylvania, Mr. Kemp, Mr. Mosher, Mr. Rangel, Mr. Podell, Mr. Price of Illinois, Mr. Roe, Mr. Rosenthal, Mr. Sarbanes, Mr. Charles H. Wilson, and Mr. Waldie):

H.R. 16976. A bill to amend the Flammable Fabrics Act to extend the provisions of that act to construction materials used in the interiors of homes, offices, and other places of assembly or accommodation, and to authorize the establishment of toxicity standards; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE (for himself, Mr. Addabbo, Mr. Aspin, Mr. Begich, Mr. Biester, Mr. Boland, Mr. Brasco, Mr. Brinkley, Mr. Burke of Massachusetts, Mrs. Chisholm, Mr. Conover, Mr. Derwinski, Mr. Fish, Mr. Frelinghuysen, Mr. Frenzel, and Mr. Forsythe):

H.R. 16977. A bill to amend the Hazardous Materials Transportation Control Act of 1970 to require the Secretary of Transportation to issue regulations providing for the placarding of certain vehicles transporting hazardous materials in interstate and foreign commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE (for himself, Mr. Garmatz, Mr. Gonzalez, Mrs. Hansen of Washington, Mr. Hathaway, Mrs. Heckler of Massachusetts, Mr. Johnson of Pennsylvania, Mr. Kemp, Mr. Mosher, Mr. Podell, Mr. Price of Illinois, Mr. Rangel, Mr. Roe, Mr. Rosenthal, Mr. Sarbanes, Mr. Charles H. Wilson, and Mr. Waldie):

H.R. 16978. A bill to amend the Hazardous Materials Transportation Control Act of 1970 to require the Secretary of Transportation to issue regulations providing for the placarding of certain vehicles transporting hazardous materials in interstate and foreign commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS:

H.R. 16979 A bill to provide that the recent action taken by the Federal Housing Commissioner in abolishing the adjusted premium charge imposed by section 203(c) of the National Housing Act shall be effective with respect to certain mortgage prepayments occurring on or after March 1, 1972; to the Committee on Banking and Currency.

By Mr. CHARLES H. WILSON:

H.R. 16980. A bill to establish in the State of California the Toyon National Urban Park; to the Committee on Interior and Insular Affairs.

By Mr. HUNGATE:

H.R. 16981. A bill to authorize $2,500,000 to be appropriated to the Winston Churchill Memorial and Library in the United States for the construction of educational facilities at such memorial and library, and for other purposes; to the Committee on Education and Labor.

By Mr. HELSTOSKI:

H.J. Res. 1320. Joint resolution to authorize and request the President to issue annually a proclamation designating the second Sunday of October of each year as "National Grandparents Day"; to the Committee on the Judiciary.

By Mr. GRASSO:

H. Res. 1143. Resolution providing monetary allowances for toll-free telephone service for telephone calls to the district offices of Members of the House, and for other purposes; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LANDGREBE:

H.R. 16982. A bill for the relief of Sergei Kourdakov; to the Committee on the Judiciary.

By Mr. MAILLIARD:

H.R. 16983. A bill for the relief of Del Monte Fishing Co.; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

COLUMBUS DAY, 1972

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mrs. GRASSO. Mr. Speaker, next week we celebrate Columbus Day—a national holiday that honors the man whose courage and imagination contributed to a new era of human existence.

Whether we honor Christopher Columbus on the second Monday of October or on the traditional date of October 12, we can capture the importance of this holiday by recognizing the accomplishments of a man who more than anybody was responsible for turning the eyes of Europe westward across the Atlantic to a new age.

The Genovese explorer, Cristofero Colombo, was indeed a remarkable man. Combining the creativity of the romantic with the precision of the scientist, he challenged the established procedures and norms of his day. Through personal daring, determination, continuous optimism, and a deep and abiding faith, Columbus managed to receive the assistance he needed to seek the truth he sought.

The voyages of Columbus stirred the imagination of still other explorers, many of whom were fellow countrymen. These voyages opened the gates of Europe and led to one of the greatest migrations in world history. Indeed, the 30 million people who have emigrated to America could look upon Columbus as the "Father of All Immigrants." He, too, left his home in search of new opportunity, and his search led him to discover a new land—a land of freedom and personal liberty where every man in search of a new life could compete as an equal with his neighbor.

In the following years hundreds of thousands of Italians have made the long voyage to the new world in search of a new life. Through skill, hard work, decency, and honesty, these Italian Americans have made outstanding contributions to the growth of this Nation and to the increase in our knowledge of ourselves and our world. In the arts, business, public affairs, science, sports, and every walk of life, the accomplishments of these great people have enriched and sustained us.

Mr. Speaker, the great strength of America lies in its diversity of people and customs—all part of a single nation. For this reason, the important accomplishments of Columbus belong to Americans of every ethnic background. Yet, to more than any other people, this holiday belongs to the millions of Italian Americans, to the generations who came to the New World and added, by their lives, new strength and substance to our Nation.

And so, in honoring the 480th anniversary of the first voyage of Columbus, I would like to pay special tribute to the Italian Americans whose pride, love, dedication, boundless energy, and creative talents have upheld the dream of Columbus—the dream of new opportunity for all men.

ON AUTOMOBILES AND A LIVING WORLD

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. WALDIE. Mr. Speaker, I include the following article in the CONGRESSIONAL RECORD. It was written by William D. Ruckelshaus, Administrator of Environmental Protection Agency, and was carried in the Los Angeles Times on Sunday, September 24, 1972. The article was adapted from a speech made by Mr. Ruckelshaus to the American Automobile Association. It touches on the important problem that we have today concerning the pollution of our atmosphere by the automobile. The problem is one that we will definitely have to find an answer for along the lines that he suggests.

The article follows:

ON AUTOMOBILES AND A LIVABLE WORLD

(By William D. Ruckelshaus)

Americans all want cars and one of the problems is that 75% of us get them. The very popularity of the automobile now seriously threatens its usefulness. In many of our cities we are confronted by pollution, congestion, noise, delay, ugliness and urban breakdown on a scale that has not been seen since the last days of imperial Rome.

It seems clear that we will have to be more imaginative in our use and even design of the automobile if we are to ensure the amenities of civilized living and keep that instant mobility we all want.

It is significant that your organization recognizes the importance of controlling exhaust emissions and the importance of searching out alternatives to the internal combustion engine. Until an alternative is found, we should make certain that control devices work and continue to work throughout the life of the car.

That means not only that we provide incentives for quality equipment in the first place, but that we train good men to service it and keep it operating at maximum efficiency.

Given present power systems, exhaust emission controls cannot do the job by themselves where traffic volumes are too great or atmospheric conditions are unfavorable. In such cities as Chicago, New York, Philadelphia, Denver, Los Angeles, Cincinnati and Washington the public must gird itself for the possibility of substantial changes in commutation habits.

As we head toward the air quality deadlines under the Clean Air Act in 1975, these cities—and others—will be considering their options. We will be hearing more about metered traffic, exclusive bus lanes, staggered working hours, restricted parking, dispersed employment, and sanctions against the man who drives his six-passenger car to work with no one else in it.

Statistics now show that the rate of occupancy of cars during peak load periods is down to 1.2 persons per vehicle and—at the present rate of passenger decline—by 1980 one out of every three cars will be tooling along without a driver.

That wouldn't be much more absurd than the present practice of encasing one man in 5,000 pounds of steel, adding 400 horsepower and then making him creep along at 5 m.p.h. breathing a combination of synergistic poisons.

The sheer aggravation that was once the curse only of downtown commercial districts is now spreading to suburban shopping and work places as well. Even the national parks are so burdened with cars as to jeopardize the very serenity our people desperately seek.

Some say the answer is simply to build better highways; others that the automobile should be eliminated in our more congested areas and replaced by mass transit. My profound belief is that attempting to solve the problems of modern living by attacking a piece of that complex is wrong because it's shortsighted.

The automobile is part of the larger mosaic of American life. If an understandable picture is to emerge from the pieces, we must comprehend how they all fit.

We desperately need a broad systems approach integrating emissions control of motor vehicles with highway planning, land and energy use, resource conservation, demographic factors, economic growth, and the protection of wilderness and countryside. We need transportation that is fast, safe, reliable and ecologically responsible.

If we limit our attention to the problem of pollution pure and simple—or perhaps I should say impure and simple—then we will fail. We will fail for the reason that in the total world environment, everything is connected to everything else.

Consider, for example, the contribution of the automobile to costly suburban sprawl and the waste of urban land. It requires a highway network of enormous expense when tax dollars are needed to address other social problems. The automobile kills over 50,000 Americans every year. It is expensive to service and repair.

You have all heard talk about an energy crisis in the United States. We have not yet reached the crisis point and we may never do so.

As the cost of energy rises, we will have to cut the present waste of our fuel resources. There may even be temporary shortages of one fuel or another. Patterns of consumption in industry, in domestic heating and cooling, and in transportation could change greatly over the next decade.

Traditionally, we are prone to think of efficiency as mere speed: Jet planes and gleaming new automobiles seem almost by definition to be highly efficient. Actually it isn't so.

A research team at Carnegie-Mellon has compared the transport modes in terms of passenger- and ton-miles per gallon of gasoline equivalents. They found to no one's great surprise that you get 200 passenger miles per gallon out of a double-decker suburban train but only 22 passenger miles per gallon from a 747 jumbo jet or from the family automobile carrying the standard load of 1.2 people. Even buses are five times as efficient as cars.

So considering that gasoline used in private cars represents one-fifth of all energy used in the nation, and that vehicle miles are rising 4% to 5% annually, we must strive to use this fuel with maximum efficiency.

How then can we get around the energy-resources-pollution-urban design impasse? How can we broaden the modalities of movement?

One answer that obviously needs much more attention is mass transit. It should be deliberately employed—like housing and the utility infrastructure—as a major element in the design of more efficient cities.

Air conditioning, express service, attractive interiors, quiet low-emission engines, flexible routes, courteous service, seating arrangements which recognize the importance of "personal space"—these features might lure the suburbanites back to town, where their financial presence, moral commitment and political leadership is vitally needed.

Fast and reliable public transportation would certainly open up suburban light-industrial jobs to inner-city residents. Jobs which today go unfilled could be filled by those who need them.

We should realize that not everyone can afford a car, not everyone wants to drive, and that nobody really wants to drive everywhere all the time. We need more flexibility of choice; we need means of transportation that bring people into contact with each other and not just with machines.

Winston Churchill once said in a characteristic fit of hyperbole that the worst disaster in the history of mankind was the invention of the automobile. The people do not seem to agree.

A questionnaire was circulated a few years ago noting the air pollution, noise and congestion caused by the automobile, the displacement of tens of thousands of homeowners and small businessmen by highways, the destruction of natural beauty, the tens of millions of injuries and the almost 2 million deaths during this century and so forth—and people were asked, "It is worth it?"

Eighty-five per cent responded with an enthusiastic and unqualified "yes." I think that tells us how strongly Americans feel the need for the sense of autonomy and freedom provided by the automobile. So I hope nothing I have said today will be taken as an attack on this venerable and necessary American institution, which is so much more than a way to get from one place to another.

The automobile is indeed here to stay. It will continue to have a dominant role in the exurbs, on the farm, between cities over short distances and as an alternate mode of transportation everywhere. But we must supplement it if we are to get the most efficient service out of it. Henry Ford himself has said so.

Downtown, for example, the worker or shopper should be able to get around in automated, low-speed, easy-access peoplemovers of one kind or another, like the one linking the campuses of the University of West Virginia at Morgantown.

In the suburbs we should modify the system which has made countless wives into chauffeurs for their children, trapped in an endless round of ferrying the kids back and forth to school, to the dentists, to the scouts and to friends. Perhaps we can look to dial-a-bus, which has already been tried in Haddonfield, N.J., or other methods to provide alternatives to those who want them.

As for transportation to the airport, the air-cushion train powered by a linear-induction motor could be an answer during the late '70s. It could also make a real dent in medium-haul travel times from one urban nucleus to another, especially along the Atlantic, Pacific and Great Lakes corridors.

Overall, according to the Department of Transportation, the revolution in mobility will require as much as $33 billion in the next 10 to 20 years. Some of this money may be diverted from the highway trust fund; whatever its origins it will be well spent. We don't have to go from one place to another in ways that are time-consuming, wasteful of fuel, nerve-wracking or socially destructive.

But in a broader context, we must question whether we need to do so much moving about the landscape in the first place. The four-day week would eliminate up to 20% of rush-hour pollution weekly.

Maybe people could even do more of their work at home. Modern telecommunications could replace a lot of hours wasted in traffic and in the office, where one's physical presence not only is unnecessary but often impedes the transaction of business.

Above all, in discussing the future of the private car we must not fall into the trap of being mere participants in endless pro- versus anti-automobile debate. We need not be either to be pro-humanity.

The open road is no longer simply an invitation to adventure but also a problem and a challenge. We have it within our power to create a kind of mobility which transcends movement for its own sake or movement compelled by circumstances. We can formulate a life style which guarantees the variable mobility a complex society requires.

JOSEPH BILLECI AWARDED TITLE OF "CAVALIARE" BY ITALIAN GOVERNMENT

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. LEGGETT. Mr. Speaker, one of my California constituents, Joseph Billeci, will soon be honored with a testimonial for his outstanding service to the Grand Lodge of California and to the Italo Americans of California. Only recently Mr. Billeci was awarded the star of solidarity and the title of "Cavaliare" by the Italian Government for his notworthy efforts in Italian-American relations.

As a holder of the title of "Commendatore," conferred upon me in 1968 by the Italian Government, I would like to commend Mr. Billeci and welcome him to the select ranks of Italian Americans honored by Italy.

Mr. Billeci's record demonstrates the tremendous vitality of a country fortunate enough to be a melting pot for citizens from a variety of ethnic groups. Although Mr. Billeci is a native-born American, his community activites have been honored by both his hometown, Pittsburgh, and his ancestrial home, Italy.

Mr. Billeci's parents came to this country in 1900. His early life was one of struggle and hardship, Joseph Billeci's education ended in the 9th grade and at 16, he went to work for Redwood manufacturers as an office boy. By the time he was 26 he had worked his way up to the position of sales representative. Later Mr. Billeci was to serve on the Pittsburgh School Board, city council, and retirement board. Between 1966–70 he served as mayor.

The posts and awards held by Joseph Billeci go on and on. He is past president of the Young Men's Institute, and currently the head of the 15,000-member Grand Lodge of California organization. In the Grand Lodge of California of the Order of the Sons of Italy he has served on the statewide scholarship commission, auditing commission, and board of trustees.

Mr. Billeci's community record is one of the most impressive I have seen. I sincerely hope that he continues such work and encourages others to do the same. His testimonial is sponsored by the Sons of Italy and will be tendered on Columbus day, the first time in history that such a testimonial has been tendered on this occasion.

INTERNATIONAL TERRORISM

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. MICHEL. Mr. Speaker, an editorial appearing in the September 25, 1972, edition of the Peoria Journal Star discusses the wave of terrorism which has been with us on the international scene for many years but which has become so intensified in recent months. I commend its text to my colleagues and insert the text of the editorial in the RECORD.

THE ROOT OF TERRORISM

(By C. L. Dancey)

Newsweek magazine has used its vast facilities to reveal in some detail the shape of "terror" organization and training throughout the world in the fall of 1972.

Its up-to-date report with some detail confirms the background "essay" editorials, inspired by the Olympic massacre, three weeks ago here in the Journal Star.

The time has long since come when the attitudes about the violence and war problems of this world need to be faced realistically and the conditions that exist in 1972 recognized. First we must abandon the cliches of a generation, on both sides of that debate.

It is not only tiresome but hopelessly irrelevant to continue the standard attitude that (1) there is a vast, unified "Communist Conspiracy" against the free world in which government and clandestine policies are neatly coordinated and plotted; and (2) the notion of "monolithic Communism" simply does not apply in 1972 and therefore the concerns about war, containment, and terrorism are all nonsense and ought to be tossed into the ashcan.

Both have become standards of the "anti-war" and "hit-'em-harder" positions, and both are vast oversimplifications that simply do not deal with the current problems realistically.

The facts are that the "tactics" of terror were developed into virtually a science, chiefly under the leadership and certainly under the sponsorship of the Soviet Union during the past 40 years.

These tactics and the basic philosophy that supports them are no longer part of the central policy of the Soviet Union itself, because they no longer suit its situation or its needs as they once did—and because Stalin's successors have a natural fear and certain revulsion concerning methods which once threatened their lives under Stalin at home.

The developed doctrine and its developed skills and special practitioners, however, have not just faded into the mists. They have simply moved into those movements that still fanatically look to "world revolution" by subversion.

When Nasser turned to precisely those tactics as the only really usable means available to him to "drive out foreigners" from the Arab world (at first), the center of such schooling, arming, propaganda, and plotting moved to Cairo.

It was extensively used against other Arabs for many years.

Ultimately, in Yemen, it was the basis for a coup bringing in a pro-Nasser government which promptly found itself on the verge of extinction because of the popular reaction of the armed and able Bedouin tribesmen of Yemen.

Ultimately, that government was maintained in power by the commitment of as many as 70,000 Egyptian troops (who suffered a great many casualties and fought for several years).

Thus we see the pattern and "link-up" between a terrorist manager and chief operating behind the cover of a diplomatic passport from Yemen.

Likewise, the Algerian terrorists and later organized armed forces which come to power (ousting the French) in Algeria were also Nasser proteges.

And here we have seen the repeated link between U.S. terrorists and "revolutionists", who have so often sneaked or hijacked their way to Algerian asylum.

Syria, from time to time, even more than Egypt, had become a virtual Soviet satellite, with the Russians using them as the "funnel" for organization, training and arming the Palestinian "guerrillas," for bullying tiny Lebanon into putting up with them, and for trying to bully Jordan into a like cooperation.

One might put it this way. Raw terrorism is a technique made into a science by the Russians, who developed the experts, the textbooks, the philosophy, and passed it on worldwide. The Terror specialists from Ireland to Asia, from the Middle East to Latin America, all speak the same language with some such groups in the U.S. That language is no longer Russian or even Leninist Communism—but it is a dialect of that derivation, and still has the tacit support of the Kremlin because that support, rather than non-support, is what they think the situation requires of them.

It is not "monolithic" but it is time to recognize that Bernadette Devlin, Angela Davis, Jane Fonda, the Panthers "in exile" in Algeria, Sirhan Sirhan (in his diary), the

Black September gang, like the Viet Cong often seem to employ the same phrases, while each is exploiting a different situation in a slightly different way, and all receive the same "international" propaganda support from the same people in the same terms—from formal organs to the United Nations debates.

And all seem to have read the same textbooks with the possible exception of Miss Fonda, whose statements are sometimes as bizarre as her statistics and who seems to have swallowed somebody's line of baloney but not heard it well—with the result that she spews out "facts" which make even her own side blush for their exaggeration and manifest inaccuracy.

In short, there seems to be a lot of "subcontractors" around the world drawing techniques and philosophy from the same source, using it, each in his or her own way, and mutually supporting each other.

That isn't a monolith. But it IS a serious and specific problem, and it appears that at its very roots is the Doctrine of Terror as a political instrument.

Only Miss Fonda is sometimes talking "non-violence" but she talks such only as an injunction against resistance, and constantly defends the originators of the violence.

The greatest freak situation of all in this kind of world in 1972 is the emergence of a presidential candidate who plays into their hands, and too often is an apologist for the specialists in Terror Tactics.

A CHINK IN NADER'S ARMOR?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. SCHERLE. Mr. Speaker, Mrs. Leah Young has written a revealing column on the subject of the illusory infidel, Mr. Ralph Nader, which I submit for the RECORD.

A CHINK IN NADER'S ARMOR?

Three liberal, usually pro-consumer, Democrats killed no-fault automobile insurance in the Senate last month, and some disgruntled staff aides are blaming Ralph Nader for the death. The senators, Thomas Eagleton (D, Mo.), Frank Church (D, Idaho) and Joseph Montoya (D, NM), all stressed that bringing no-fault to the floor for a vote would be an exercise in futility since the House would not act on legislation this year, even if the Senate did. So they joined southern states rights Democrats and Republicans supporting the President and voted to refer no-fault insurance to the Judiciary Committee for study and thus kill the bill.

Three weeks before the Senate vote, House Commerce Committee Chairman Harley O. Staggers (D, W. Va.) told Nader he would see to it that no-fault auto insurance was voted out of his committee. And, Nader passed this information on to staff members of the Senate Commerce Committee who were busy rounding up votes. He made no effort, however, to talk to anyone himself, even though no-fault insurance—insurance in which a subscriber's own insurance company pays for injuries regardless of which driver is at fault for an accdent—is considered one of the most important consumer issues to have come up in Congress in years.

Why has Nader, the consumer advocate with seeming interest in every consumer issue, ducked no-fault? The usually accessible Nader refuses to talk to reporters on the subject, won't return phone calls, and has instructed Lowell Dodge, his associate in charge of the Center for Auto Safety, not to speak for him on the issue. When this reporter requested a written statement from Nader (in lieu of an interview since he refused to return a phone call), his key aide at the Center for Responsive Law, Ted Jacobs, said Nader did not like "being blackmailed" into making a statement just to avoid being accused of ducking the issue. Jacobs then proceeded to read me what Nader had said criticizing the Senate Commerce Committee's bill for not going far enough: "There should be much higher benefits," he said. Oddly enough, Nader never told the committee that, and in fact when he testified on another matter he was asked his views and said he had not made up his mind.

Proponents of no-fault point to a Department of Transportation (DOT) study that shows that the present "tort" system returns only about 44 cents in benefits to consumers for each dollar paid in premiums to insurance companies. The Senate no-fault bill would have paid accident victims for basic economic loss, including medical and rehabilitative expenses and wage loss up to a maximum of $125,000 while still allowing lawsuits for pain and suffering in severe injury cases.

There are three main reasons why no-fault has earned the enmity of most state insurance officials, many insurance companies and the American Trial Lawyers: 1) A federal bill creates a major national presence in insurance matters which Congress has heretofore relegated to the states. 2) It severely restricts the right to sue. While no-fault advocates say that the right to sue for intangible losses due to someone else's negligence is restricted, not eliminated, others fear that it is an opening wedge against the citizen's unrestricted right to sue those who harm him—a right being developed by public interest law groups in areas of product liability and the environment. 3) The Senate antitrust and monopoly subcommittee calculated that for the year 1969 parties to auto accident litigation ultimately will pay legal fees totalling $1.1 billion, or about one-fourth of the total income of the legal profession that year.

The American Trial Lawyers Association has been fighting no-fault both in Congress and in state legislatures, where the administration says it favors its enactment. Even though the administration argued forcefully against *federal* no-fault legislation in the Senate, Nixon's consumer adviser, Virginia Knauer, and others have been lambasting the Trial Lawyers for their lobbying against no-fault in the *state* legislatures. The Trial Lawyers are accused of gutting real reform in six states that have enacted inadequate legislation and of killing no-fault outright in such major insurance states as New York and Pennsylvania.

So why is Nader ducking the no-fault issue?

On July 27 the American Trial Lawyers Association voted to donate $10,000 to Nader's auto safety work. They also pledged themselves to raise an additional $10,000 from their membership to finance an index of automobile defects. Two years go Nader suggested to the Trial Lawyers that they donate one percent of their receipts to public interest law firms. Although his suggestion has not yet been acted upon, the Trial Lawyers' newly elected president J. D. Lee says he hopes to meet with Nader this year to discuss with him ways that lawyers can devote more time to public law work.

Mr. Lee bridles at any thought that Nader is remaining neutral on no-fault because of his warm relations with the Trial Lawyers. He says it is easy to see why Nader did not endorse the Senate bill. "It's not in the consumer's interest. It is a big man's, big business bill that would allow the $52 billion casualty insurance industry to run over the consumer."

Another consumer advocate who has championed no-fault and discussed it with Nader says Nader is ignoring the issue because he is "afraid that if lawyers are wiped out they won't be around for other things."

SCANDALS IN INDIANA

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. FRENZEL. Mr. Speaker, a recent article in the Columbia Journal made notice of an alleged bankruptcy ring which three Indiana daily newspapers have apparently tried to sweep under the rug. The Columbia Journal is to be congratulated for publicly calling to task the members of the Indiana journalism fraternity for failing to face up to their responsibility.

The article follows:

[From the Columbia Journalism Review, October 1972]

INDIANA PAPERS, PLEASE COPY

In decades past, journalists became familiar with the phenomena of national press intervention in regional stories—often in the South—when the local press was reluctant to do the job. That situation now occurs less and less in the South, but one can find variants elsewhere. The Dayton, O., *Journal Herald* has become involved in a similar situation on a story for which it crossed the state line.

In December, 1970, the *Journal Herald* asked Keith McKnight, an investigative reporter, to look into charges that the two U.S. Senators from Indiana were linked to an Indianapolis "bankruptcy ring"—an operation that used bankruptcy court proceedings to enrich a chosen circle of lawyers and officials. In April, 1971, the *Journal Herald* assigned a second man, Andrew Alexander, to the story. They worked for a year before their newspaper was ready to publish their findings in an eleven-part series that began last April 10.

The findings were intricate—indeed, the series makes extremely difficult reading—but substantial. The stories claimed to confirm existence of the bankruptcy ring and charged a great variety of improprieties and illegalities. They showed that one large bankruptcy was handled by men who were also fund-raisers for Sen. Birch Bayh in 1968, and that there never had been a complete accounting for Bayh's campaign finances in that year. They also asserted that a former governor, Matthew E. Welsh (who is the Democratic candidate again in 1972), had been appointed in a bankruptcy proceeding in which he allegedly dealt with a company linked to organized crime.

Recognizing that Indiana lay beyond its own circulation territory, the *Journal Herald* took care to see that its series was distributed in that state. Before publication it sent copies to three dailies, in South Bend, Kokomo, and Evansville. It also gave a copy to the Associated Press.

If the *Journal Herald* had thought that these steps would ensure publication in Indiana, it was soon disillusioned. Not one of the three dailies used the series, nor, the *Journal Herald* found, did other papers—despite a detailed summary transmitted on the AP regional wire each day. One radio station—which the *Journal Herald* people dubbed Radio Free Indiana—called Dayton every day for the latest information, which it broadcast: the station was WIBC, Indianapolis. A momentary beam of hope came when the

Indianapolis *News* reprinted a *Journal Herald* editorial demanding disclosure by Sen. Bayh; then a court reporter for the *Star* produced a story raising the question of indictments in the case. But the reporter abruptly was removed from his beat, and the Pulliam newspapers resumed their silence.

The story did only slightly better on the national level. On the CBS program *Face the Nation,* Sen. Bayh was questioned by three correspondents; they referred to the *Journal Herald* findings repeatedly, but in the end permitted the Senator to discredit the story's sources without forcing him to rebut its substance. Two syndicated columnists—Clark Mollenhoff and Milton Viorst—also wrote about the case, and there was a further brief flurry of attention when Republican Congressmen from Indiana called for investigation.

But the silence in Indiana has left the reporters deeply frustrated. McKnight says, "Never in my ten years of journalism have I witnessed anything so blatantly and unalterably wrong. Yet my partner and I are powerless to do anything about it. Our objectivity has since become encumbered by outrage, but even if it was not, the shouts of two journalists, in Dayton, O., don't carry very far."

It is not necessary to endorse the findings of the *Journal Herald* to question the silence across the line in Indiana. The charges are documented; they deserve, at the least, serious rebuttal.

MASSACRE OF ATHLETES IN MUNICH

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. LONG of Maryland. Mr. Speaker, I have received a moving communication from my distinguished friend, Mr. Brooks Bradley of Dundalk, Md., about the massacre of Israeli athletes in Munich. Mr. Bradley mourns the deaths, yet offers hopes for a brighter future. I should like to share this communication with my colleagues:

In the beginning the people came, the torch was lit and the games opened with clear sky, warmth and good spirit.

The athletes, thousands strong, began their performances of skill and dedication amid great expection and rejoicing.

The days and nights continued. The crowds grew in size and the contestants vied in their excellence. Pride was everywhere and it was a very good thing.

Then, with but a few days remaining, and out of all the joy of youthful competition, tragedy came and eleven men were struck down. The World gasped and many hearts were broken.

In the morning the coffins were sent home.

Some people thought the Games should be stopped. Wiser heads prevailed and the Games were delayed for one day.

The people mourned.

Is it not strange that this brief delay among all the sunny and happy days proceeding, would produce a final extra day that dawned cold and overcast—and it rained? People said the rain was mixed with tears and this could very well be true.

As this last day began to reach the end, darkness came to the stadium and the earth was still heavy from rain. The people came again as never before; and the athletes came on the field by legion and they embraced and there was festive music and dancing, for who knew better than they, there is"—a time to weep and a time to laugh, a time to mourn and a time to dance."

On that night, at the very end, the torch of the XX Olympiad was extinguished and darkness covered the earth.

As the thousands watched, a sign was lighted which read, 'Montreal 76'. Then in the sky high above this vast gathering, a magic rainbow was illuminated and it arched above the heads of all the people to see—if they would only look up.

Above this rainbow of hopes and dreams, of joy and tears there was a much brighter yet invisible sign that said to me, in God's name let us begin anew.

In the end the people went home while the earth was still wet, some say with tears and this could very well be true—for 'the eleven' had gone home—before.

W. BROOKS BRADLEY.

THE 11TH TRIENNIAL CONGRESS OF AMERICANS OF UKRAINIAN DESCENT

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. CARNEY. Mr. Speaker, I insert in the RECORD at this time the message I presented to the 11th Triennial Congress of Americans of Ukrainian Descent, for the information and consideration of my colleagues. The message follows:

Mr. Chairman and Members of this 11th Congress, it gives me great pleasure to be able to express my wholehearted support for the work of the 11th Triennial Congress of Americans of Ukrainian Descent.

The freedom of the Ukraine has been short-lived. Whether Russia was run by czars or commissars made no difference to the Ukrainian people whose brief glimpse of freedom lasted scarcely two years. The Ukrainian people, who have suffered greatly from the aggression and harsh policy of the Soviet Union, have also been neglected by the non-Russian world. This is why the Ukrainian Congress Committee of America is so important and why its role deserves due recognition today by all freedom-loving peoples. As the most powerful advocate in this country of freedom and independence for the Ukraine, the Ukrainian Congress Committee has an outstanding record for which it should be proud. For its dedicated work for the preservation of freedom at home and the establishment of liberty in the Ukraine and in other captive nations, the UCCA has been recognized and highly praised by leading public figures including Presidents of the United States.

Today the Ukrainian Soviet Socialist Republic, as one of the Union Republics of the USSR, is a charter member of the United Nations but is not allowed to enter into direct relations with any of the free nations of the world. It still remains, in the opinion of the leaders in the Kremlin, an area to be used to serve their designs without regard to the principles of democracy or the wishes of the subject people.

There are some 54 million Ukrainians in the world today. In terms of population they rank in Europe next to the Russians and Germans. Most of these people live in the Ukrainian Soviet Socialist Republic. Since the end of the Second World War, nearly 70 nations have gained their independence and most of these countries are far smaller than the Ukraine both in numbers and size. But the Ukraine, in theory an independent state, is, in fact, a colony of the Soviet Union. Her people are captives and victims.

If any way can be found to alleviate the plight of these people, it will be with the aid of the UCCA. Founded in 1940 this patriotic group has been a powerful advocate of freedom and independence. Its overall objective is to enlist the support of the United States and all other free nations for the salvations of the Ukraine and other lost countries.

No form of tyranny or dictatorship should ever be allowed to kill the precious flame of freedom that belongs to all mankind. This flame has shone and is shining in the darkness of oppression. With the help of the UCCA, it will not be extinguished.

EFFORTS OF CLEVELANDERS TO MAKE THE U.S.S. "COD" A MUSEUM-PARK

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. JAMES V. STANTON. Mr. Speaker, Navy Day 1972, October 13, will be celebrated in a very special way in Cleveland, Ohio, for on that day a group of concerned citizens and civic leaders will gather for a benefit dinner in behalf of a unique and imaginative project to convert a World War II U.S. Navy submarine into a park-museum. The U.S.S. *Cod* served proudly in combat in the Pacific, and it is now docked at the lakefront in Cleveland.

Recently a group of public spirited citizens joined together to form the Cleveland Coordinating Committee for *Cod,* and, under the chairmanship of Daniel Mausser, they are now endeavoring to solicit funds so that the *Cod* can be purchased from the Navy, raise the ship out of the water, and make it into a park-museum which would be a recreational as well as an educational benefit for the entire community. There would be no charge for admission to the craft, and guided tours will be given by the members of Navy Reserve units in the area, Sea Explorer Ship 272, and the Boy Scouts of America.

As Chairman Mausser has said, in addition to being a memorial to the sailors who were a part of the Silent Service, the *Cod* Park-Museum will be "a comprehensive museum depicting the development of submersibles from the most primitive through the most visionary concepts. It will also be a continuing deposition of man's development of undersea craft and lodging, as he accepts the challenges implicit in his growing awareness of dependency upon the resources of our ocean-seas."

The members of the Cleveland Coordinating Committee for *Cod* have shown a dedication to community service which is of the highest order, and for their work all of Cleveland is in their debt. I salute these fine citizens, and wish them well in their undertaking.

CONFIDENTIAL SOURCES OF NEWSMEN

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. WALDIE. Mr. Speaker, the House Judiciary Subcommittee No. 3 is currently holding hearings on a most important matter.

Just 3 months ago, the Supreme Court, by a vote of 5 to 4, held that a newsman may be forced to divulge confidential information and its source to grand juries.

I think that the decision was wrong as a matter of law. But, even more importantly, I am acutely aware of its possible consequences.

What this decision has done, in my view, is to potentially allow the Government to annex the news media as a law enforcement agent, as well as to increase the power of the Government to harass and intimidate the press.

Therefore, I have introduced H.R. 15972, a bill which would assure a newsman absolute protection of his news sources.

I did so not to grant any special privilege to newsmen, but rather to fully protect every American's first amendment rights.

I hope that my statement to the Judiciary Subcommittee will be of interest to all Congressmen as they consider this matter:

STATEMENT BY CONGRESSMAN JEROME R. WALDIE

Mr. Chairman, I am grateful for the opportunity to testify today on behalf of H.R. 15972, a bill which I have introduced to protect the free flow of information which is guaranteed to every American by the First Amendment. The recent 5–4 Supreme Court decision in the "Caldwell" case, holding that the First Amendment does not inherently guarantee to newsmen a constitutional right of refusal to disclose news sources before grand juries, was unfortunate and unwise.

It has evidently brought to an end a period that had seen the Court encouraging the press into assuming an expanded view of its role, and it has certainly served warning on Congress that we can no longer sit back and expect the judiciary to lead the way in protecting the preeminence of the First Amendment.

The Warren Court, recognizing the increasing need for a free and unfettered press in an ever more complex society, vigilantly protected the press' First Amendment rights from all onslaughts. The results were wider freedom to gather, publish, and comment on the news. During the 1960's, the Supreme Court fully appreciated how easily First Amendment rights could be undermined, and how easily its advocates could be intimidated and obstructed with even the slightest concession to countervailing pressures. It had, for instance upheld a newsman's testimonial privilege before legislative inquiries.

Now, it appears that this protective attitude is fast-fading, if not dead. It is being replaced by a view that apparently intends to cut back on privileges heretofore afforded to the news media; a view that perhaps even prior restraint is not forbidden by the First Amendment.

Indeed, the most alarming aspect of this attack on the First Amendment, and the Supreme Court's acquiescence in it, is that this case is but part of a concerted effort by the Nixon Administration to curtail most of the individual freedoms guaranteed to us by the Bill of Rights.

Justice Stewart was correct in stating that the majority in the "Caldwell" case took a "crabbed view of the First Amendment," and showed ". . . a disturbing insensitivity to the critical role of an independent press in our society."

Furthermore it was indeed "chilling" to find that the Court had resorted to a "balancing" test in rejecting the First Amendment claims of the news media. For many years it has been conceded that the First Amendment, because of its position at the cornerstone of our freedoms, must be granted greater deference than just one of many competing interests on the scale of contemporary values and pressures. The First Amendment is a very delicate instrument—once the process of erosion starts, it will soon disappear.

The Nixon Court has made the point in this case that First Amendment rights must be subservient to the alleged needs of the criminal process. The same reasoning can be applied to the "exclusionary rule" pertaining to illegal searches and seizures, and, I suppose, somewhere down the line to the self-incrimination provisions of the Fifth Amendment. Where will the "balancing" stop?

The "Caldwell" case, when joined with the Gravel decision of the same day, clearly indicates to me that we should not wait to find out.

Justice White, writing for the majority in the "Caldwell" case, noted that Congress, of course, could always pass legislation designed to protect a newsman's testimonial privilege. I think that it is now incumbent upon us to take the lead in protecting the First Amendment, and to pass appropriate legislation.

The interest of the public in having a free, unhampered press with the absolute ability to probe and reveal information necessary to a democratic society should be beyond dispute. Consequently, I have introduced H.R. 15972 which would, quite simply, assure a newsman absolute protection of his news sources.

Two other methods have been mentioned as alternatives to the absolute privilege. I find neither satisfactory.

The Justice Department claims that its two year experience under the Attorney General's "Guidelines for Subpoenas to the News Media" makes any legislation unnecessary. Well, Mr. Chairman, I do not think that any of us are naive enough not to realize that what are "guidelines" today can be "past policy" tomorrow. More likely they could be "clarified" out of existence. I, for one, am not willing to entrust such a vital aspect of freedom of the press to the political machinations and pressures within the Justice Department of any administration, present of future. I think that the necessity for clearly defined rights in the areas of newsman's testimonial privilege is self-evident.

The second proposed alternative is the qualified privilege—subject to divestment upon showing that 1) the information sought is clearly relevant to a specific violation of the law, 2) the information sought cannot be obtained by alternative means less destruction of First Amendment rights and 3) there is a compelling national interest in the information.

I am sure that other witnesses will have much to say on this point, but, in my view, it is readily apparent that any "qualified" privilege will be subject to the same abuses and open-ended interpretations as the present "guidelines". How can anyone know if the information meets the above criteria until after it is disclosed? I fear that we will open up "fishing" expeditions for many a prosecutor across the country.

In any case, whether abused or not, a "qualified privilege" will tend to dry up news sources and the people's "right to know" just as quickly as the present situation. My impression is that the use of confidentiality in digging out stories is now more extensive than ever. And this is a welcome change. But these efforts will be substantially impeded if confidential information and its source is not protected when necessary.

I cannot imagine a Black Panther, an informer against organized crime, or anyone else who would be willing to risk his neck on the decision of a judge as to whether or not a newsman must divulge certain information and its source. The threat, the mere possibility of disclosure, is all that is needed to effectively "chill" First Amendment rights in this instance.

As Mr. Fred W. Friendly noted in the current issue of the *Columbia Journalism Review:*

"A journalist who enters hostile territory, whether it is Watts, on the Columbia campus, or in Attica prison yard, is handicapped enough without having himself viewed as an arm of the law collecting a rogues' gallery for future prosecutions. The effect of agents posing as cameramen and reporters is no less deceptive than that of a reporter masquerading as an officer of the law . . . If there is to be a newsman's privilege law, it cannot be a product of a judicial decision. Protection must come from those who make laws, not those who interpret laws . . ."

Mr. Chairman, I know that you and the subcommittee will give HR 15972 every consideration that its importance deserves.

ROLLER - SKATING COCKATOO BRINGS $2,000 FEDERAL DEATH BENEFITS, CHICKEN RANCHERS GET $1.54

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. VEYSEY. Mr. Speaker, I rise to eulogize a euthanized cockatoo.

Now this was not a garden variety pink parrot, mind you, but a fledgling movie star whose career as a roller skater was snuffed out by a grim gasser from the Department of Agriculture. The Man from Ag asphyxiated the cockatoo as part of the Department's efforts to stamp out the epidemic of exotic avian Newcastle disease now threatening every bird in the country. The roller skating cockatoo was one of the millions of birds that have been eradicated in southern California the past several months, but there the resemblance ends.

Mr. Speaker, fortunately the cockatoo's demise was not too tragic. Its owner received $2,000 from the Federal Government in recognition of its projected earning power as a performer. But tragic endings are all too common in the Newcastle program. A pet store owner can receive $2,000 for one bird while hundreds of poultrymen whose life's work is being wiped out are brushed off with $1.54 per bird, which figure will not enable a poultryman to resume his business.

Imagine how this disparity sets with farmers who are being sacrificed by the Department of Agriculture in an attempt to save the rest of the country's poultry. I again call on Secretary Butz to establish a fair reimbursement value for the loss of those who raise lowly layers—a figure that shows as much equity for farmers as movie moguls.

Articles from the October 1 Riverside Press Enterprise, and the October 3 Los Angeles Times describe the irony of this situation very well:

ROLLER-SKATING COCKATOO GOES TO DEATH FOR $2,000

A double-waddle cassowary might be worth $650, but $2,000 for a cockatoo!

Appraisal records at the Federal-State Newcastle Disease Task Force headquarters in Riverside contain the fact that $2,000 was paid to the owner of a "Molluscan cockatoo."

Asked to explain what seemed to be an especially expensive indemnity payment for a bird that had to be killed to halt the spread of Newcastle disease virus, a task force appraiser explained:

"The cockatoo could roller skate."

The $2,000 payment went to Dr. Laszlo de Borondy, who owns Casa de Pets, 11814 Ventura Blvd., in Studio City.

De Borondy was able to produce a receipt, the appraiser explained, to show that he had paid $2,000 for the cockatoo.

De Borondy, in addition to the $2,000 he got for his roller-skating cockatoo, possessed other birds that apparently had talent. For example the task force paid him $315 for a mynah bird, $367.50 for a blue-front Amazon parrot, and $300 for a "Millitary Macaw."

"Actually," the appraiser said, "De Borondy's cockatoo was worth about $3,000. We underpaid him.

"That cockatoo," it was further explained, "was a movie star. He (de Borondy) showed us his movie contracts he had with various studios."

De Borondy was contacted to find out more about his prize cockatoo, but he refused to discuss his dead bird.

"I'm going away to a zoo convention," he said, "and I don't want to talk about it now."

Whatever his name was, the star cockatoo went out with a certain flair and style.

"Before we euthanized him," the appraiser explained, "we had him roller skate for us the last time."

"Then," he grimly added, "we gassed him."

BIRD SKATES—THEN IT'S PUT TO DEATH IN FIGHT ON DISEASE

A show-business cockatoo demonstrated its ability to roller skate for a Newcastle Disease inspector. The inspector then assigned it a value of $2,000 and gassed it to death in a plastic bag.

The cockatoo, destroyed along with scores of other exotic birds at a Studio City pet shop, was part of $14 million in birds killed in the state and federal campaign to stamp out the infectious disease.

"It was not an idle request," Sid Moore, spokesman for the Newcastle Task Force in Riverside, explained Monday, "We didn't want to see the bird rollerskate for the fun of it. The appraiser had to be sure the bird was talented enough to be worth the sum paid."

Lazio de Borondy, owner of the Casa de Pet shop, said the bird had appeared in movies and on television. The trained bird had been exposed to the disease when a shipment of birds was brought in from Thailand.

Thailand is one of the Asian locations where the disease is endemic among the bird population. De Borondy's shop was—in the term of the task force—"depopulated" Aug. 10.

After a 30-day quarantine period De Borondy was able to replace his stock with birds which had not been exposed to the disease. He now has 500 birds in the place.

Moore said that De Borondy was paid $13,532 for 485 birds. Prices included $315 for a minah bird and $367 for an Amazon parrot.

As the Riverside-based task force tallied up millions in depopulated fowl, the sheriff's office there was pondering what to do about hundreds of destroyed roosters which had apparently been used as fighting cocks.

Moore said that the birds were routinely paid for. "It is not illegal to raise the birds," he said. "All we are concerned about is if they were exposed to the disease."

Cockfighting is illegal—and so is possession of a bird with intent to engage in cockfighting. The intent has often been hard to legally prove.

Prize cocks destroyed were valued at $25, in some cases—and the owners were paid accordingly.

"Promotors of cockfights trim the comb on fighting birds, so the bird's opponent can't grab the rooster's comb in its beak and kill it with its spurs," explained Chief Deputy Sheriff Sam Lowery. "Apparently many of the birds paid for were cocks with trimmed combs."

The California quarantine area has been reduced in recent weeks and now includes parts of Ventura and Los Angeles counties, the southeast corner of San Bernardino County and the western third of Riverside County and all of Orange County.

THE NEED FOR A NATIONAL PUBLIC EMPLOYEES COLLECTIVE-BARGAINING STATUTE

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. ESCH. Mr. Speaker, for more than 35 years collective bargaining has been the foundation of American labor relations policy. Yet teachers and other public employees have often been denied the same bargaining rights provided private employees by the National Labor Relations Act. Much frustration and confusion has arisen because of the reluctance of most States to provide fair collective-bargaining legislation effecting public employees.

This year marks a decade since Federal employees were guaranteed minimal bargaining rights by Presidential Executive order. The momentum stimulated by President Kennedy's order and the collective-bargaining statutes of a few States have created a drive for legislation which is irreversible.

The chaotic situation existing among the various State statutes has clearly shown the need for Congress to enact a workable, and fair public employees relations act. There is no clear pattern of public employee relations policy at the State level. Much of what is now established is confusing at best.

Several years ago, there may have been some doubt regarding the constitutional authority of the Federal Government to regulate the employment relationships between State and local governments and their employees. However, the Federal Government has recently extended the Fair Labor Standards Act and title VII of the 1964 Civil Rights Act to State and local governmental employees. If there is any further doubt, the Presidential Executive order which abrogated hundreds of thousands of public employment contracts and overrode State legislation budget appropriations with the so-called wage price freeze clearly shows Federal intervention into State and local employer-employee relations.

Collective bargaining for public employees and teachers is not completely analogous with private sector bargaining. It will be Congress responsibility within the next year to draft legislation which provides a balance of power between the two parties in collective bargaining. There is a great disparity throughout the country as to the skill and sophistication of both public employees and teachers on the one hand, and municipal employers and superintendents on the other hand as to their collective-bargaining skills and experiences. The Federal Government should institute a major program of training in collective bargaining that would benefit both sides. Similarly, we need to examine the feasibility of a system of mediation and conciliation services for public employees throughout the country.

Any law regulating the process of collective bargaining between public employees and their employers must be structured to provide the optimum bargaining climate to effect an agreement without the need to strike. Many problems which erupt into confrontations stem from an inequitable bargaining climate. The best climate is created when the parties have equal power and are required by law to bargain in good faith. If either party has a legislated advantage, the process may be frustrated and agreement hindered. The balance of power necessary to promote agreement is dependent upon each party having at its disposal and control alternatives for which the other party has respect.

One of the characteristics of an optimum bargaining climate is the existence of established procedures at impasse of which both parties are aware in advance. The mechanism must create sufficient pressure upon both sides to force an agreement at the bargaining table. A procedure which does not bring to bear on both sides virtually equal amounts of pressure to reach agreement will frustrate the process, cause delays, and force open confrontations and strikes. A variety of tools and established procedures must be available to the parties at impasse. However, restricting the actions available to one side without comparable impairments upon the other will only frustrate the process and further complicate the impasse.

Another critical issue to produce a good bargaining climate is the establishment of an agency to regulate and enforce the process of collective bargaining. Various alternative proposals have been suggested for the agency. Whether the agency is within NLRB or a separate unit it must establish procedures for hearing labor cases quickly and have the power to resolve differences expeditiously. The agency should be vested with both prosectorial and adjudicatory functions to assure power to resolve disagreements and unfair practices by either side.

OXNARD, CALIF., HOME OF THE AMERICAN LITTLE LEAGUE CHAMPIONS

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. GOLDWATER. Mr. Speaker, I wish to take a moment of our time to pay tribute to a fine group of young men in my congressional district. Recently, a senior all-star team from the Oxnard Sunset Little League journeyed all the way from California to Gary, Ind., to participate in the Little League Senior World Series.

They played against teams from not only the United States but teams from Europe, Mexico, and China. They lost the world title to Nationalist China but they returned home No. 2; probably the greatest group of goodwill ambassadors the city has ever had.

The team members included: Daryl Samuels, David Escobar, Walter Moody, Alan Pinedo, Sterling Bruner, Larry Guiterrez, Victor Brown, Frank Rodriguez, George Hill, Mike Olivera, Craig Yonkers, Jimmy Lapointe, and team captain, Tom Barber.

Adults active in the league are Don Meisner, manager, Ernest Alamillo, coach, League President Emile Lapointe, and Larry Smith.

I wish to also present a very excellent editorial from the Oxnard Press Courier that certainly expresses the sentiment of a great California community on the success of their future leaders:

OXNARD'S CONQUERING HERO'S SALUTED

Everyone in Oxnard, baseball fan or not, should be extremely proud of the greatest group of goodwill ambassadors the city has ever had—the national champion Sunset Senior League All-Stars.

These young teen-agers had to be awed by the collection of teams that gathered in Gary, Ind., last week for the Little League Senior World Series. Many participating teams, such as the champions of Europe, Mexico, China and Puerto Rico, probably never heard of Oxnard before.

But, thanks to the outstanding play of our scrappy baseballers, many young players will be returning to their homelands this week with words of praise for the never-say-die team from Oxnard.

After the locals bowed in the opener to Puerto Rico by a score of 3-2, most observers felt they would soon fall by the wayside. But they underestimated the talent and grit of the Oxnard gang that fought from behind time and again to gain the national championship and finish second in the struggle for the world title.

The local team makes no excuse—nor does it need one—for the defeat by Nationalist China in Sunday's battle for the world title. It should be pointed out, however, that Oxnard, after being dropped into the losers bracket by Tuesday's opening defeat, had to play five games in four days—Wednesday, Thursday, Friday, and two Saturday—to gain the finals. China, after winning its Tuesday opener, played only two games in the next four days. China finished 4-0 while Oxnard was 5-2.

While they are naturally disappointed they could not bring a world title home with them, they have to be pleased with their great performance. They returned home as the best in the whole United States of America—a feat that no other Ventura County team has ever accomplished.

The players, coaches and managers received a well-deserved heroes' welcome Monday afternoon and will be honored at a banquet in the Community Center Friday night. And, while they are enjoying their lofty position as 1972 U.S. champs, the younger Sunset Leaguers are undoubtedly looking to the future with hopes of going one better by conquering the world.

SENDS NEWSLETTER TO CONSTITUENTS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. WOLFF. Mr. Speaker, in my continuing effort to keep my constituents informed of my work as their Representative in Washington, I periodically send them a newsletter describing my activities in Congress and my feelings concerning the important issues of the day. The following is the text of my most recent report:

DEAR FRIEND AND CONSTITUENT: The second session of the Ninety-Second Congress has passed the halfway mark—an appropriate time for me to highlight for you some recent actions in the House of Representatives.

I am most pleased to report that we may soon see the realization of nearly 25 years of dedicated efforts by veterans organizations to obtain "closer-to-home" medical care for Nassau and Queens veterans in need of these services.

As a result of steps I took in May to bring a Veterans Affairs Subcommittee hearing to this area to study and review the problem, progress has been made to secure 274 beds at St. Albans Naval Hospital for use by the Veterans Administration.

The overcrowded conditions at all veterans hospitals in the metropolitan area, coupled with the transportation hardships encountered by the families of patients who live in Nassau and Queens, bear out the critical need for these more readily accessible facilities.

Ever since I returned last winter from a Foreign Affairs Committee mission to the Far East where I investigated the rapidly increasing traffic in opium and its heroin derivative, I have attempted to eliminate this corrupt market.

After first focusing attention on Thailand as the major conduit for the international narcotic movement and criticizing its officials for not halting this illegal drug traffic, I introduced legislation to cut U.S. aid to Thailand—more than $200 million this year.

My amendment to the Foreign Assistance Act to suspend this aid—until such time as President Nixon determines that sufficient steps are being taken by the Thais to control the flow of opium—has been passed by the House of Representatives.

I am particularly gratified by these results. While it is essential we continue to spend millions on drug treatment and rehabilitation programs, I am firmly convinced that the only effective way to end the drug menace is to eliminate the scourge at its source.

In my efforts to contain lawlessness and violence while working to eradicate its root causes—inadequate housing, poor education, unemployment, drug addiction and despair—I have co-sponsored new legislation to increase funding for police manpower, especially in high population areas as New York City. This bill would strengthen and upgrade our law enforcement agencies to enable its men to pursue their task with dignity and community cooperation. I have confidence the Congress will act favorably on this measure before the session ends.

In brief, these past months have been a busy and productive time. In future issues of my newsletter, I will detail for you information concerning the status of other problems affecting our nation and our communities today.

Sincerely,

LESTER L. WOLFF,
Member of Congress.

WOLFF PROTESTS KILLINGS

Expressing my horror at the senseless and tragic slaughter of the Israeli athletes at the hands of cut-throat terrorists, I appealed to my colleagues in the House of Representatives early on that infamous day to demand that the leaders of the Arab world take positive steps to halt these acts.

In a speech before the House I said: "I wish to express my sense of outrage over the killings of Israeli athletes by Arab terrorists. It seems incredible that hate and hostility, so alien to the spirit of the Olympic games, could invade the village where the great athletes of the world are quartered in peaceful relations.

"I cannot help but wonder whether the Arab world will evidence in this situation some degree of conscience. They have often in the past gloried in mindless slayings perpetrated by their own terrorists, but surely now with world opinion arrayed against them, they will take steps to halt these outrageous acts. I call upon them to take such steps. By doing so they will evidence some sense of decency, some sense of humanity, some respect for peace, some regard for the conscience of the world. This terrible act of violence gravely threatens the peace of the Olypmic games, but its tragedy must not be allowed to end forever the hope for peace these games avow."

As the ranking member of the Subcommittee on the Near East for the Foreign Affairs Committee, I further protested that week the entire question of discrimination against Jews.

I co-authored a "Sense of the Congress" resolution condemning the Russian government for its policy of inflicting a ransom on Jews in the Soviet Union who wish to emigrate.

In addition to the already imposed $1,000 fee for an emigration permit and "other forms," the Soviet Union is now demanding a ransom of $5,000 to $25,000 for each Jewish person with a higher education who plans to go to Israel. This action, I believe, is reminiscent of Hitler's trading of Jews for trucks and Castro's demands of ransom for prisoners captured in the Bay of Pigs.

Neither the Russian government nor the Soviet Embassy in Washington will discuss this newly inflicted "policy". However, in the past the Soviets have shown sensitivity to world opinion when it concerns the plight of Russian Jews. I am hopeful that our "Sense of the Congress" resolution will initiate protests throughout the free world against this latest tool of repression.

WOLFF REPORTS TO CONGRESS

Consistent with my ongoing efforts to investigate and voice strong objections to discrimination and bigotry wherever it exists, I felt it was my duty as a Congressman, who represents many constituents of Irish descent, to see for myself the conditions in Northern Ireland.

I made a personal fact-finding trip to both Dublin and Belfast in the hope of learning at first hand the extent of the civil strife and what possible avenues might be open to attain peace.

My intention as a member of the Foreign Affairs Committee was not to intrude into the domestic affairs of another nation, but rather to gather the true facts behind the violence and report my findings to the Congress. This I did upon my return when I appeared before the Subcommittee on Europe and recommended that the United States and all free people exercise "moral suasion" to convince the warring elements that peace must be found. (A limited number of copies of my report to the Committee are available through my offices).

That there is discrimination in Northern Ireland cannot be disputed. In one section of Belfast alone, 47 percent of the Catholic minority are unemployed as the result of bias in hiring practices and, throughout the north, Catholics are prohibited by archaic law from owning real property or voting.

I deplore this discrimination as I do racism in this country, anti-Semitism in the Soviet Union, apartheid in South Africa and Rhodesia.

However, I also do not condone the death and destruction being wrought in Northern Ireland. If there is to be any hope at all for ending this violence, then we must first find the way to end the discrimination.

HERE'S YOUR OPINION

Earlier this year you received a questionnaire seeking *your* views on matters of genuine concern to all of us. The returns were unusually high—5% of all those surveyed answered. Below are the results of the questions I asked you—the residents of the new Sixth Congressional District. I wish at this time to again thank you for taking the time and effort to complete the questionnaire and mail it back to me. *Your* opinions help me to better represent you. If you would like further details on the results of the questionnaire, please request it from my Office.

(Answers in percent)

What do you consider to be the most serious problems in the nation today?

Indochina War—31.6;
Crime & Violence—27.0;
Inflation—11.9;
Drugs—8.0;
Unemployment—7.4;
Others—14.1.

If you could control federal spending, how would you like to see the money used?

Crime Control—28.4;
Jobs & Manpower—22.4;
Aid to Education—13.7;
Narcotics Control—9.4;
Consumer Protection—8.8;
Others—17.3.

What do you consider to be the most pressing problems in your community today?

Property Taxes—43.4;
Crime—16.4;
Drugs—13.8;
Education—10.9;
Others—15.5;

What course of action do you favor in Indochina?

Immediate withdrawal of all forces in exchange for release of POW's—40.2;

Withdrawal of American ground forces with continuing aerial support—21.3;

Immediate withdrawal of all American forces, ground and air—20.9;

Military Victory—10.7;
No Opinion—6.9.

How do you rate present wage & price controls as administered by the Price Commission?

Moderately Successful—38.7;
Unsuccessful—33.3;
Totally Ineffective—24.2;
No Opinion—3.8.

Should the federal government administer a system of comprehensive national health insurance paid for through payroll deductions similar to Social Security?

Yes—58.1;
No—31.3;
No Opinion—10.6.

Do you favor federal controls of all weapons?

Mail Order Sales, Yes—91.5;
Shotguns & Rifles, Yes—72.4;
Handguns, Yes—86.4.

Do you favor legalization of marijuana?

Yes—29.8;
No—61.2;
No Opinion—9.0.

Do you favor busing to achieve racial integration of schools?

Yes—15.2;
No—79.9;
No Opinion—4.9.

AVERAGE MAN LOSES IN McGOVERN PLAN

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the San Diego Union, Sept. 5, 1972]

AVERAGE MAN LOSES IN McGOVERN PLAN

(By Richard Wilson)

The new McGovern tax and welfare plan appears to be heading into the same miasma of uncertainty and doubt as the $1,000-for-everybody scheme he abandoned.

His arithmetic may be wrong again, according to some analysts, and the reforms he proposes—mainly taxing capital gains at regular rates—will not produce the revenue needed to finance his welfare plan. Increasing doubt attaches to the feasibility of cutting Pentagon costs $10 billion for three successive years.

These technicalities take second place to the main weakness of the McGovern plan. The average man, it is sad to report, will look in vain for any prospect of substantial relief.

Soaking the rich to help the poor will leave the man in the middle about where he was. Not a penny more will the wage and salary earners pay in taxes under his newly revealed plan, McGovern says. Not a penny less, either.

As a political exercise, the new McGovern scheme thus lacks the kinky fascination of $1,000-for-everybody, without any compensating gimmicks to excite public interest.

Those who followed the political campaign in the presidential primaries realize that McGovern's new plan is not a convincing response to the yearnings of tax-burdened voters. The voters who listened to the two Georges, Wallace and McGovern, were happy enough to soak the rich, but they also wanted relief for themselves. They will not get much of the latter under the McGovern plan.

The average taxpayer knows only what he reads about capital gains. Increasing estate taxes is academic for him. Scaling down investment tax credits for business and repeal of accelerated depreciation rules mean nothing to the average taxpayer.

He may be convinced that closing loopholes and taking away tax breaks from the rich and the corporations is only just.

But if his annual confrontation with the Internal Revenue Service is to squeeze from him the same, or larger, portion of his income as before, he is likely to wonder what this tax and wealth sharing talks is all about.

If he continues to ask questions, the final answer he will get is that McGovern's spending plans are so big that personal income taxes would have to skyrocket to finance them.

So McGovern would take $22 billion more from corporations and people who have had gains in the value of their property, add it to the $30 billion saved on the Pentagon, and distribute $54 billion in a large variety of ways—$15 billion to local school systems, giving government jobs to a million people, expand the number receiving Social Security by 3 million, give a minimum of $4,000 annually to families with no other income, and provide income supplements for the working poor.

The scale of such activity arouses substantial doubts that McGovern's $54 billion—even if he could save and raise it—would cover anywhere near the huge costs implied.

In the process of trying to do so, it is the sober judgment of reasonable men that he could bring on a new wave of inflation, a stock market panic, and paralyze the country's economic growth—which has been resumed at a satisfying rate.

The McGovern plan, nevertheless, was received calmly in the financial East and the reasons for that complacency are plain. Eastern financial leaders do not think there is much likelihood that any significant portion of McGovern's plan, even if he were elected, would be adopted by Congress.

The Democratic Congress, in fact, has refused to enact virtually everything McGovern talks about in his revised tax plan. Democrats have ruled Congress since 1954. Every tax reform McGovern advocates has been before Congress in one form or another since then.

Rep. Wilbur Mills, Democrat of Arkansas, whom McGovern would nominate as Secretary of the Treasury, has been chairman of the House Ways and Means Committee, where tax bills originate, since 1959. Nothing has happened. Mills, in fact, was author of one business tax break which McGovern now desires to repeal. McGovern himself now espouses what he earlier disavowed, a drastic change in taxation of capital gains.

The new plan merely enlarges the area of inconstancy and uncertainty which surrounds the McGovern campaign without giving the average taxpayer even the slightest hope for the relief he desires.

LEA—100 YEARS OF SERVICE

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. SNYDER. Mr. Speaker, from October 12 to October 20 of this year the Louisville Education Association will be celebrating 100 years of service to educators, children, and the cause of better education generally in the Louisville, Ky., area.

All of us know that a lot of changes in education have taken place in the century that has elapsed since the LEA began its functions. These changes have brought new challenges, new problems, and greater difficulties to those who are charged with the education of our young people. Those problems and difficulties—many of them—are still with us. But the LEA continues to strive—as it has in the past—to bring the educational resources of the Louisville community to bear on these problems so as to insure the same kind of quality education that has been their goal—and our goal as citizens—for all these years.

On this golden anniversary of the LEA, then, I think it is fitting to offer that organization—and all the members who have worked for and in it down through the years—the thanks and gratitude of our community; and to offer them encouragement and best wishes for the challenging future.

Thank you.

WATER FLUORIDATION REPEALED IN SWEDEN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. RARICK. Mr. Speaker, mass forced fluoridation of public water supplies remains a prime goal of the social justice experimenters.

Such a grandeur scheme was authorized by Sweden with one city participating over a 4-year period. The Swedish Parliament in 1971, rebelling at its people being forced to submit to laboratory like experimentations, repealed its law which had given local governments, under strict guidelines, the right to fluoridate their public water supplies.

The Parliament in repealing its "national health law" stated that "now the experts do not agree about the effects of fluoridation upon the skeleton, the kidneys, and other inner organs." The Parliament further stated that infant mortality had increased in the United States since water fluoridation was begun here.

I ask that a self serving report issued by the National Board of Health and Welfare in Sweden—which is pro-fluoridation—follow my remarks:

CONCERNING WATER FLUORIDATION IN SWEDEN

On the 18th of November 1971, the Riksdag (the Swedish Parliament) repealed the law of the 30th of November, 1967, which had given local government, by special permission of the National Board of Health and Welfare, the right to fluoridate their water supply. Consequently, the National Board of Health and Welfare wishes to provide the following information in respect to the question of water fluoridation in Sweden and how it has been dealt with.

PREVIOUS INVESTIGATIONS AND PROPOSALS

Investigations of water fluoridation were conducted in Sweden in 1953 and 1958 through the agency of the National Board of Health (now part of the National Board of Health and Welfare). They were based on the previous findings of foreign as well as Swedish investigations. The National Board of Health recommended in a proposal to the Government in 1958 that local governments wishing to fluoridate their water supply should be able to obtain the permission to do so under certain conditions. During consideration of the proposal, however, it became clear that the issue was so controversial that legislation in respect to the matter would be out of the question at the time. The matter was set aside for the moment. It was decided that the National Board of Health should arrange further investigations in order to find other means to provide primarily children and adolescents with fluoride.

WATER-FLUORIDATION IN NORRKČPING 1952–1969

The fluoridation of the water supply in Norrköping, a town of 90,000 inhabitants, began on local initiative in 1951. As the city was provided with water from two different water supplies, fluoridation was undertaken in half of the town, the other half serving as a control sector for estimating the reduction in dental caries frequency. The reduction recorded in Norrköping proved to be in accordance with the findings of earlier investigations on water fluoridation in other countries. In the beginning of 1962, however, it was necessary to cease fluoridation, as the Supreme Administrative Court in Sweden then realized that existing laws did not contain any provisions for water fluoridation. The public health committee in Norrköping tried to procure permission from the authorities to proceed with the fluoridation for at least five more years.

THE REKSDAG LEGISLATION IN RESPECT TO WATER FLUORIDATION

In 1962, a Government bill was presented to the Riksdag concerning the fluoridation of water supplies. The Riksdag committee's report on fluoridation stated that nowadays fluoridation experts almost all agree that fluoride has a considerable phophylactic effect on tooth decay. The results have been such, continued the report, that further experiments with fluoridation would be justified.

In November 1962, the Riksdag decided to pass the law concerning the fluoridation of water supplies. Among the Members of the Riksdag, 221 voted for it and 96 of them voted against it.

While the matter was being dealt with, several bills were introduced before the Riksdag which insisted that the Government proposal should be refused. It was claimed that water fluoridation was a violation of an individual's personal rights and that daily consumption of fluoride could be injurious to health.

INTERPELLATION AT THE 1966 RIKSDAG, REGARDING FLUORIDATION

At the 1966 Autumn Session of the Riksdag, an interpelation was presented regarding the experience of fluoridation of water supplies. The Minister of Social Affairs emphasized in his answer that experience has shown fluoride to have a considerable prophylactic effect on tooth decay. Good results have been obtained in dental care of children by mouth rinses and dental application of fluoride, but the best results are those obtained by combination of these two methods with the water fluoridation. According to the Minister, water fluoridation was not injurious to health.

A NATIONAL FLUORIDATION COMMITTEE IS APPOINTED

In 1967 the Government appointed an advisory committee for the technical questions of fluoridation: the so-called "fluoridation committee". In June 1968, the National Board of Health issued instructions on the water fluoridation to the waterworks.

NEW BILL FOR THE REPEAL OF THE FLUORIDATION ACT

At the 1968 Riksdag, a bill was introduced for the repeal of the Fluoridation Act. It was claimed that no one could know for sure the consequences of water fluoridation. The National Board of Health and Welfare, the Swedish Dental Society and the Swedish Society of Medical Sciences submitted their comments to the Government. They all recommended a rejection of the bill based on the fact that no investigations justifying a repeal of the law existed. The bill was defeated by the Riksdag by a vote of 254 to 54.

The next year an interpellation regarding the fluoridation question was presented to but not considered by the Riksdag.

THE NATIONAL BOARD OF HEALTH AND WELFARE DISCUSSES THE WHO RECOMMENDATION IN RESPECT TO THE QUESTION OF WATER FLUORIDATION

In June 1970, the National Board of Health and Welfare arranged a conference, concerning the water fluoridation which was attended by a number of the Board's scientific advisory committee and other experts. The purpose of the conference was to specify whether there were any recent results of medical or odontological research worth consideration during further discussions of the fluoridation question at the National Board of Health and Welfare in accordance with WHO's recommendation. The main subjects treated at the conference were: the existing epidemiological investigations in areas with an optimal content or more of fluoride in the water and variations in resistance as well as the fluoride consumption of different individuals. In connection with this conference, the task of furnishing supplementary information pertaining to the fluoridation question was assigned to certain scientific experts by the National Board of Health and Welfare. The Board arranged, in October 1970, a conference on other collective prophylactic methods against tooth decay that could serve as alternatives or complements to the water fluoridation. It was then made clear that neither local fluoride application nor other prophylactic means against dental caries can presently replace water fluoridation.

REPEAL OF THE FLUORIDATION ACT

At the 1971 Riksdag, some members of the Riksdag had introduced bills for the repeal of the Fluoridation Act. They claimed that the fluoridation question has changed since the decision was made in 1962, because, in their opinion, the experts now did not agree about the effect on the skeleton and the inner organs that could be caused by fluoride. A too heavy consumption could e.g. disturb the renal function. To these risks of a medical nature the backers of the bill also wished to add certain technical, legal and ethic aspects. It was maintained that many people regarded fluoridation as a violation of an individual's personal rights, as something which created a feeling of anxiety among people.

The Riksdag committee objected to the bill, however, on the plea that a well-balanced supply of fluoride in the water resulted in a considerable decrease in the frequency of dental caries, and that water fluoridation, according to present indications, was superior to all other forms of mass prophylactic measures. Furthermore, it was stressed that since the Fluoridation Act had been passed, further results have shown the favourable effects of fluoridation. The committee stated also that there was no reason for a repeal of the Fluoridation Act until the results of the current investigations by the National Board of Health and Welfare were made known. The committee therefore requested that the Riksdag reject the bill.

During a long debate in the Riksdag the same arguments as those in the bills were presented. Furthermore, some members of the Riksdag stressed the fact that there were said to be differences between natural fluorides in the water and those fluorides added when fluoridating drinking water. It was also claimed that certain strong concentrations of fluoride could cause chromosome damage and that infant mortality had increased in the United States since water fluoridation was begun there.

Other members of the Riksdag claimed instead that no damage caused by fluoride could be proved except for a slight discoloration of the teeth. This was not sufficent reason to abstain from the possibility of improving dental health in Sweden.

The Riksdag decided, nevertheless, by a vote of 137 to 126, to pass the bill repealing the Fluoridation Act.

The Riksdag resolution to repeal the Fluoridation Act, consequently, is not based on any proposals presented by the Swedish Government or the National Board of Health and Welfare, but is entirely based on bills introduced by private members of the Riksdag. Nor do the bills rest on petitions or statements made by odontological or medical institutions or organizations. The resolution to repeal the Fluoridation Act is therefore to be regarded strictly as the result of general political considerations. In dealing with the matter, many members of the Riksdag were evidently influenced by increasing alarm about the risks in our society of further industrial water pollution. Some of the members have also regarded water fluoridation as a coercive measure; a violation of an individual's personal rights.

APPLICATIONS FOR WATER FLUORIDATION

The National Board of Health and Welfare has allowed, by virtue of the present law, five towns (municipalities) to fluoridate their water supplies provided that they observe the provisions issued by the Board in 1968. Most municipalities have not yet, however, submitted supplementary data to the Board on the technical prerequisites required before beginning fluoridation. The city of Norrköping has not yet begun fluoridation either. One reason, besides the rigorous demands placed on water-works preparing for fluoridation, by the National Board of Health and Welfare, is that the political authorities have chosen, because of opposition against water fluoridation by certain groups in society, to delay beginning such fluoridation pending further developments. The same attitude has no doubt delayed the technical preparations at other water-works qualified to begin water fluoridation.

FURTHER INVESTIGATIONS INITIATED BY THE NATIONAL BOARD OF HEALTH AND WELFARE

The aforementioned supplementary investigations initiated by the National Board of Health and Welfare concerning fluoridation will continue. The Board hopes to be able to render its final rescript during the first half of 1972.

PRESENCE OF FLUORIDE IN DRINKING WATER

According to available information, about half a million of Sweden's eight million inhabitants are provided with drinking water from municipal water supplies with a fluoride content of 0.8 ppm F or more. Furthermore, a great number of families have their own well, sometimes with a high content of fluoride.

WHERE ARE THE VIETNAM PROTESTERS TODAY?

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. WALDIE. Mr. Speaker, I would like to enter the following article in the CONGRESSIONAL RECORD. It was written by Mike Royko and appeared in the Los Angeles Times on Sunday, September 24, 1972.

I am hopeful Mr. Royko is incorrect in his assumption that the immorality of the Vietnam war as it was perceived by our young Americans was only due to the impact it might have posed to them personally. I do not believe the anguish of recent years was based on that shallow premise. But it might have been.

The article follows:

[From the Los Angeles Times, Sept. 24, 1972]

REALITIES OF WAR FADE—SO DO CRIES OF IMMORALITY

(By Mike Royko)

It wasn't very long ago that a job recruiter couldn't show his face on a college campus without being suspected of war crimes. If he were connected with the manufacture of anything less benign than marshmallows, he might have to flee, with cries of "murderer" in his ears.

That was when the peace movement had little difficulty mobilizing hundreds of thousands of people, most of them young, to gather at the Pentagon and protest the war.

When President Johnson ignored their views and sent more troops to Vietnam, they formed behind Sen. Eugene McCarthy and convinced Mr. Johnson that he should retire to Texas.

Then when the Democrats nominated Hubert Humphrey, they took to the streets of Chicago and the resulting chaos tipped the balance of that election.

The key word throughout that period was "immoral." The war was immoral. Those who encouraged it were immoral. Those who profited from it were immoral.

Young orators uttered millions of words about how they were not going to go across the sea to shoot at innocent Asiatic women and children.

Most people agreed that this was no ordinary generation, or generations, of young people. They were hailed for being aware, unselfish, idealistic, and flatly against the waste of human life. Make love, not war, was their slogan.

If a politician thought he could send them to shoot at strangers, he was a war criminal. If a politician thought as they did, he was their hero. That's the way it was a short time ago. Now the question is: Where did everybody go?

The campus is quiet. Football is again a more popular sport than seizing the dean's office. College presidents don't need a hot line to the National Guard.

The organized peace movement has shrunk to almost nothing.

And the most surprising development of all are the politicial popularity polls.

At this point, they show that the majority of the nation's young voters prefer President Nixon to Sen. McGovern.

That's almost enough to send McGovern's strategists in for shock treatment. They were sure that if anybody would support McGovern, a long-time Dove, it would be the war-hating young voter.

Now they don't know what to make of it. While it is true that their man doesn't have the youthful appeal of a Kennedy, President Nixon isn't exactly a Mick Jagger, either. So why should Mr. Nixon suddenly become so popular with the young?

The answer might be that many of those young people don't hate it as much now that they don't have to go where the shooting is.

Now that Mr. Nixon has pulled most of our ground troops out—and has left the killing up to our bombers—nobody chants anything like "Hey, hey, L.B.J., how many kids did you kill today?"

Few of them make speeches about the war being "immoral," although one could argue that it is probably even less moral to wage a massive push-button air war, with little risk to ourselves. Rather than warfare, it becomes a form of execution, from a supersonic firing squad.

But the polls would indicate that this is morally satisfying to a lot of young people. Stories about the number of air strikes we flew yesterday don't offend their morality so much as stories about the size of the monthly draft call.

Many of them have even taken an interest in other aspects of the campaign, such as wondering if McGovern would be a competent administrator. In 1968, none of them cared if Sen. McCarthy had enough administrative skill to pick out a necktie in the morning.

I hope nobody takes this to mean that I am being critical of these young people for exercising their right of free choice. Not at all.

In fact, I'm more likely to trust people under 30. They really aren't that different after all. And now, Dow Chemical Co.'s recruiters probably can hire all the bright young men they need.

THE PLEA OF A SMALL BUSINESSMAN: "SAVE ME FROM MY GOVERNMENT"

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. PRICE of Texas. Mr. Speaker, the liberal majorities of both Houses of Congress are so busy dreaming up and passing new, sweeping, and extremely costly laws allegedly to save our citizens from the trials and tribulations of life that they have become blind to the fact that citizens in increasing numbers are crying: "Help! Save me!" And they are not asking to be saved from their own problems, but from their Government which is supposed to be solving those problems. We have passed laws to provide for income security for the aged, the disabled, the abandoned; we have enacted floors for this, and ceilings for that; we have required stringent new regulations dealing with health, safety, and pollution, and the list goes on.

But as we continue to pile up the burden of great cost for these ever-more-generous and comprehensive programs, little do we know that we are approaching the threshold, the limit, the proverbial straw that broke the camel's back.

Mr. Speaker, let us be honest with the American people—we, the Congress have nothing to give. Government services are not free. There is no such thing as Federal money. What we give to one citizen or group of citizens, we take from another. And since private enterprise and our working citizens pay all the taxes, we are asking—no, we are telling—them to pay more and more for our extravagance. But there is a limit to their capacity to pay. Unlike the Federal Government which can simply raise taxes as new revenue is needed, private industry or individual taxpayers cannot raise their incomes to pay their heavier tax load—instead, they are squeezed in the tax vise harder and harder, with nowhere to go except down.

Mr. Speaker, I know of what I speak because the citizens are letting their voices be heard. There are some in Congress who will not listen; they turn a deaf ear upon the workers and producers, and instead court the takers, the talkers, and the wanters. Some would suppress the talk of a taxpayer revolt, or they would deal with it like the proverbial ostrich who sticks his head in the sand rather than face a dilemma. I for one will not ignore the citizens who pay the bills for Government. At this time I wish to share with my colleagues in Congress, with the agencies of the executive branch of this Government, and with all those who come with hands outstretched for more money and services from the Government cornucopia, a letter from a constituent who has reached his limit of tolerance—I can explain no better than he the case for a return to commonsense to the Halls of Congress:

HON. BOB PRICE.

DEAR BOB: I have come to the crossroads in this little elevator business. I have been making a living the last few years here but I think it is time to sell or to close the doors because:

1. Cost of Millers Mutual Insurance has increased 29% the last two years to 58%.

2. Franchise tax has increased from $225.00 per year to $445.00 per year.

3. Workers Compensation has increased from $5.00 per $100.00 to $8.50 per 100.00.

4. The great Social Security has increased every time Congress meets.

5. Pollution cost is too much even to consider. Engineers say it will cost approximately $40,000.00 for this plant.

6. OSHA is another immediate cost.

7. State, county, and school taxes are increasing as usual.

After these things are considered "CCC" will not pay a reasonable amount for storage or handling of grain, so therefore you cannot charge others more for storage and handling.

The last man I had was paid $2.25 per hr. to start with and then I raised it to $2.50 and he averaged 46 hrs. per week. He worked nine months. I couldn't afford much more overtime than the six hours. Loss and damage resulting from his mistakes, his salary, Social Security, workers compensation, workers insurance would cost me about $9,000 per year.

With all these things being increased regularly, I don't see any future in any small business.

Thanks for everything,

FINIS O. KEETON.

THE RIGHT TO TRAVEL: HOUSE DEFEAT OF H.R. 16742

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. DRINAN. Mr. Speaker, yesterday the House very wisely defeated H.R. 16742, the unconstitutional incursion reported by the Internal Security Committee which would have imposed Federal criminal penalties on Americans who travel to "hostile areas," including North Vietnam.

The 140 Members of Congress who stood up for civil liberties yesterday did so at very substantial political risk to themselves, for this bill arose in a heated, emotional, political atmosphere.

Once again, Members of this House who stood up to defend the Bill of Rights were falsely accused of jeopardizing the national security; their patriotism was impugned.

The action of the House yesterday in rejecting this bill was consistent with constitutional doctrine enunciated by the Supreme Court in a line of cases extending over two decades.

Mr. Speaker, I insert at this point in the RECORD my reasons for opposing H.R. 16742, as set forth in my dissenting statement published in the committee report:

RESTRAINTS ON TRAVEL TO HOSTILE AREAS—DISSENTING VIEW OF CONGRESSMAN ROBERT F. DRINAN

The bill is captioned "Restraints On Travel to Hostile Areas," a title which would seem to suggest that those of us who care about civil liberties are once again being restrained from traveling to the mountainous files of the Internal Security Committee (HISC).

Before I set forth my main objections to this ill-conceived, ill-considered, and unconstitutional proposal, I think my colleagues are entitled to an explanation of why, in the body of this Report, my vote in opposition is not recorded.

At 5:43 p.m. on Friday, September 22, my office receptionist received a telephone call from a HISC staff member who indicated that the chairman had decided to hold a hearing on this bill Monday morning, September 25, at 11:00 a.m. A 45-minute hearing was held, several witnesses (all favorable to the bill) spoke, the committee proceeded directly into executive session, a vote was taken, and the committee adjourned by 12:20 p.m.

At the very moment the sudden vote was taken, I was speaking on the floor of the House on the critically important subject of release of American prisoners of war—a subject about which all of us are deeply concerned; indeed, a subject intimately connected to this bill.

Immediately after speaking, I raced back to the committee room, only to be told that the vote had been taken in my absence.

Thus, in less than an hour and a half, HISC held its hearings, mark-up, committee discussion, and vote on this bill—a bill on a matter of very substantial constitutional complexity, of grave social consequences, and of high controversy in our nation.

In its characteristic way, HISC made it virtually impossible for critical witnesses to appear. In its characteristic way, HISC once again flouted the rules of the House, in this case rule XI(f)(1), which provides:

> Each committee of the House (except the Committee on Rules) shall make public announcement of the date, place and subject matter of any hearing to be conducted by the committee on any measure or matter at least one week before the commencement of that hearing, unless the committee determines that there is good cause to begin such hearing at an earlier date. If the committee makes that determination, the committee shall make such public announcement at the earliest date.

This bill is absolutely not within the jurisdiction of HISC. For years, pursuant to House rules and traditions, the Judiciary Committee has exercised thoughtful and impartial jurisdiction over passport-related legislation. Legislation similar to H.R. 16742 was referred to the Judiciary Committee in the 90th Congress (H.R. 14428), the 91st Congress (H.R. 383 and H.R. 14893), and the 92d Congress (H.R. 16488), for example.

HISC's jurisdictional mandate simply does not reach all around the world. It does not reach into Indochina. It does not reach into the Passport Office. And it does not reach into the established and long-exercised jurisdiction of our Judiciary Committee.

This bill is unconstitutional on a number of grounds, perhaps most importantly its proposed deprivation of the right to travel without provision of substantive or procedural due process. As the Supreme Court has stated in *United States* v. *Laub*, 385, U.S. 475, 481 (1967), *Zemel* v. *Rusk*, 381 U.S. 1 (1965), *Aptheker* v. *Dulles*, 378 U.S. 500, 517 (1964), *Kent* v. *Dulles*, 357 U.S. 116, 125, (1958), and elsewhere:

> The right to travel is a part of the liberty of which the citizen cannot be deprived without due process of law.

Some people have called this "the Jane Fonda bill." I call it the "Anthony Lewis bill" after the prize-winning New York Times reporter whose informative dispatches from Hanoi gave the American people a rare insight into the nature of the calamitous injury we are inflicting on Indochina. This bill would prevent Anthony Lewis and Richard Dudman of the St. Louis Post Dispatch and John Hart of CBS and all of their colleagues from reporting the news from Hanoi as they see it.

Haven't we learned the lesson, even after the Pentagon Papers, that when the Government is the only source of news the people are told lies and half truths?

And what about the implications of the United Nations Universal Declaration of Human Rights, to which we are a party (not to speak of our own Bill of Rights) on this bill? That basic international agreement states in Article 13:

> 1. Everyone has the right of freedom of movement and residence within the borders of each state.
>
> 2. Everyone has the right to leave any country, including his own, and to return to his country.

When the Soviet Union, also a signator of the Universal Declaration, violates that provision, as it most certainly has in the cases of the more than 150,000 Soviet Jews who seek to go to Israel, Congressmen and the people of the United States are justifiably outraged.

Israel and North Vietnam are very different. But before we pass such a bill as this, let us consider the rationale of the Soviet Union in refusing to allow Jews to travel.

The Russian journalist-diplomat, Victor Louis, in a dispatch from Moscow (New York Times, Op Ed, September 7, 1971) defended the persistent Soviet refusal to allow Jews to travel on the ground that Israel was the enemy of the Soviet Union. He argued that Russia could not so treat its enemy and the enemy of its Arab allies.

Now, through this bill, the United States would prevent its citizens not from emigrating to North Vietnam, but from merely visiting that country.

We cannot consistently speak out against the Soviet freeze on the right of Jews to move about and at the same time support this bill.

If any American citizen or resident commits treasonous acts in North Vietnam or anywhere else, the Department of Justice should and will prosecute. The laws of treason are fully adequate to the needs of our nation.

This is not an anti-treason bill. It is an anti-free travel bill. It is an anti-free speech bill. It is a bill consistent with the anachronistic cold war views of HISC. But most of all, it is a political bill. It was born in old-fashioned stump politics and the appeals to emotion typically associated with election-year politicking. Calm, reason, and more than one and a half hours of consideration are warranted—in fact, they are indispensable to the passage of sound legislation.

ANN KOZUSKO HONORED FOR 20 YEARS' SERVICE

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. MINSHALL. Mr. Speaker, I have the honor and privilege of representing a dedicated resident of Parma, Ohio, who is being honored this week for 20 years' devoted service in civic and charitable efforts. In addition, she has been treasurer of the city of Parma for 11 years.

This remarkable and highly esteemed citizen is Mrs. Ann Lesko Kozusko and I wish to bring to the attention of my colleagues the fact that hundreds of people associated with civic, charitable, church, and public service institutions will pay tribute to her in Padua High School in Parma on Friday evening, October 6.

Mrs. Kozusko has been a volunteer or

officer in more than 50 worthy causes. This outstanding lady more than merits high praise for her selflessness, beautiful character, and splendid citizenship. The world needs more Ann Kozuskos.

RUNAWAY HOUSES, A CREATIVE ALTERNATIVE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. FRASER. Mr. Speaker, runaway houses are a creative alternative for children who, angry with parents and their parents angry with them, divorce their families by running away. Carol Nunnelley, reporter for the Birmingham News, describes in the following articles from Dialogue, volume 4, No. 2, 1972, some of the despair felt by both children and parents when a child runs away from home, and she indicates how a runaway house can fit into the lives of these families:

BARNSTORMING

(By Carol Nunnelley)

Long hair, blue jeans, baggy shirt. Maybe she's 16 or 17 but she's as likely to be 13, 14, 15. She's wandered into one of those parks or down one of those streets. Every city has one now. Kids know where they are. "I'm new in town," she says. "I need a place to stay." She'll have a place that night. Whatever food there is, the group will share. It's easy for a girl, not really very hard for a boy.

The woman's voice on the other end of the phone line is straining to be composed and polite. The voice is used to a life of dignified self-reliance, is uncomfortable with asking strange reporters for help. "The man at the desk said to talk with you," she says. "My daughter has been gone two weeks. We're frantic. He said you might know the name of a new place where runaways go." The list of places in Birmingham is short, quickly voiced. After each one, the mother says: "Yes, I've tried there already." Finally, only "I'm sorry' is left to say.

Parents and teenage children. Angry with each other, hurt with each other. And finally, more and more often these days, the children are the ones to file for the family's divorce. They run away.

In every city, there are people who find themselves sandwiched between skittish kids and frantic parents.

A group of them who work in Birmingham agreed to meet and talk about the runaway problem. Ron Yount, who began dealing with runaways as a Youth for Christ staff member in Birmingham and is now working to establish Aletheia House, an independent, religiously-oriented runaway house; Patty Goldman, a counselor with the newly founded Salvation Army hostel for runaway girls; Howard Melton, Health Department coordinator of drug abuse programs in Jefferson County; Mrs. Kitty Douglas of Jefferson County's Family Court.

How many runaways are there in Birmingham? Nobody really knows. Jefferson County Family Court records show nearly 500 officially reported runaways during 1971—most of them girls, most of them white. That, of course, does not include kids who run away from somewhere else and come to Birmingham. And street-wise Ron Yount is convinced many runaways just aren't reported anywhere official.

Embarrassment might be one reason. Having a child leave home causes gossip on the block and at church. It can even endanger business promotions.

Too, Yount feels, official reporting often just doesn't do much good. Police don't really look for runaways.

"I say 'What does she look like,'" Yount recalls from long and frequent practice. "It's always the same. Long hair, wearing blue jeans and a baggy shirt. That general description could fit 200 kids." So busy police generally have to settle for running a check on the young people picked up for some other reason—drugs, thefts, disturbing the peace.

One thing Yount is sure of is that in the three years he's been dealing with Birmingham runaways, their ages have gotten steadily younger. Three years ago, they were 16 and 17. Now he says they are "starry-eyed teeny-boppers" of 13, 14, 15.

Running away, of course, holds a traditional spot in America's growing up heritage. Generations of youngsters have been weaned on Tom Sawyer and Huckleberry Finn. Dondi is currently running away in the funny papers.

Yount, Mrs. Douglas, Miss Goldman all see some of the Huck Finn search for adventure in today's runaways—though they may be less hardy than Huck.

"I've had kids call up and want to make reservations," Yount says. "One said 'I'm going to run away next Friday. Can I stay there?'"

The group agreed, however, that most often running away in the 1970s is sparked by serious problems—"a real cry for help", Mrs. Douglas says—coupled with ready opportunity.

Miss Goldman says the girls she sees at the Salvation Army hostel have really serious problems at home—they are beaten there or sexually molested.

But perhaps the nearest universal for runaways is their search for love—without a hassle. And there is a whole cultural scene built around this very idea.

"They have a pattern," Yount says. "There were a million kids at Woodstock and most of them got there by just leaving home or school and coming."

"The whole spirit of the freak movement is to share everything, down to the last penny."

Miss Goldman says this milieu offers an immediate way to survive—but also speaks to much deeper needs.

"That's what the kids are running away to find—that caring—and then parents wonder why they don't want to come back," she says.

The price—from adult, parental points of view—can seem awfully high for this "caring". Venereal disease, drug abuse, pregnancies and illegal abortions are hazards.

But often there is a vast chasm of viewpoint. "The kids think they're doing pretty good," Yount says. "Dad says 'you're living like a bum.'"

"I don't know any girl who sets out to get gonorrhea," Yount says. "It's part of a relationship." The bad things that happen seem often to be viewed as simply the calluses you get if you work in the garden. "A price worth paying."

And Yount says he often finds great willingness on the part of runaway kids to take responsibility. "When I find kids living together," he says, "they've often reconstructed a family—a substitute authority, figure, a girl who acts as mother—but with a basic caring built in."

"Parents aren't always right," Yount says. "We don't choose sides . . . we don't report kids and we won't force a child to make contact. We just say to parents that if we come across their child we'll try to have them contact you."

What to do about frantic parents is, however, a tremendous problem, often a more difficult problem than helping the runaway kids get themselves together.

Miss Douglas believes a runaway child often manages to send parents a message.

"Sometimes for the first time the parent realizes that nothing is as important as my child," she says.

For such parents in Birmingham and most other places the two weeks or two months or sometimes longer they must wait before any word is hell. In Birmingham, almost no one is working to keep in touch with the street scene in order to be able to help parents answer even the basic question, "Is my child alive?"

Parents' reactions however are as individual as those of the kids—and often they include more than pure love and concern. Sometimes there is resentment that a possession is leaving and in such an embarrassing way.

"Why are they doing this to hurt us? parents ask. And sometimes, Yount says, they take the route that has already caused so much resentment in their children—giving their money but not themselves. Dad will pay the high price of a private detective to trace the runaway but he'll not get out to do the looking himself.

Mrs. Douglas believes strongly that a helping agency's main aim should be to restore the family unit. Miss Goldman and Yount wonder if this is really always possible.

"When you say to parents 'we've really got to work with this girl', that's fine," Miss Goldman says. "But when you say 'we may need to work with the family,' it's a whole different attitude."

"They (parents) will promise you the moon when their kid's gone," Yount says. "But when the kid's back it's a whole different thing . . . a lot of guys got saved in the war when the shelling was on."

Once the runaway is discovered alive, the reaction often changes to, "My kid's run away. He's on Southside, he's got to be crazy. Put him in Third North (a hospital psychiatric wing) . . .," Yount says.

"It's the competition," Miss Goldman says, "the idea that I should raise my kid as well as my next door neighbor."

For workers caught in the middle, the heat can be considerable. Yount has been blamed with encouraging runaways because he helps them. (His response: "Do you blame the fireman for the fire?")

Sometimes parents storm into runaway houses threatening police and lawyers.

Technically, Melton notes, people who help underage runaways are running a legal risk. Police, however, often help runaway houses calm angry, jealous parents. They see the problem and know how hard dealing with disillusioned young people is.

"Think where they'd be if they weren't here," Miss Goldman often tells parents upset that the Salvation Army has housed and fed their missing child.

Running away, Yount notes, isn't just a reaction for kids.

"It's interesting to hypothesize how many Dads are running away from home by staying at work," he says, "and how many mothers are using worthy committee activities and bridge clubs as an acceptable way to get out from under family responsibilities."

Can families running in various directions be patched together again? Sometimes yes, sometimes no. But for runaway families in

Birmingham now, the fact of the matter is that very few people are even trying to help them get things together again.

YOU HOLD THEM WITH AN OPEN HAND

(By Carol Nunnelley)

A night inside, food, a chance to wash clothes, a call home if they want and "as much warmth as a family . . . can give in that length of time."

That's what Peggy and John Fuller and their large old home on Birmingham's Cliff Road mean to some of the young runaways who wander through Birmingham.

The Fullers started offering a night's respite to roaming young people about a year ago when Freedom House asked them to. "We had the room," Peggy explains simply.

Since then, about once a month Freedom House calls and the Fullers go to get their unknown guests. Most of the time, so far, the visitors have been boys. But girls come, too.

And none of them, Peggy Fuller says, are happy vagabonds.

The first to stay with the Fullers was a Mexican-American youth about 19. He told his hosts that he'd been on his own since he was 11 or 12.

"His parents just didn't want him, according to the boy," Peggy says.

One 18-year-old girl and her four-day-old baby stayed with the Fullers a few days after they got out of the hospital.

Another young girl, who had been hospitalized with a variety of venereal diseases, also stayed with the Fullers.

"The doctor had told her she'd never be able to have children," Peggy recalls. "The group she had been traveling with left her when she had to go to the hospital. She was planning to find them later."

One boy who had acted rather obnoxiously during his visit, left a message written as a page in his diary but obviously meant for the Fullers to read.

"He said that it looked like every place he went where something good happened to him, he had to spoil it," Peggy recalls.

The Fullers have been amazed at some of the circumstances they have found.

One young woman, obviously retarded, spun an elaborate tale of running away from vacationing parents. But a check revealed that she had been on her own for some time, traveling from city to city earning her way as a mother's helper.

"And she was excellent," Peggy says. "She helped me around the house."

The young people who have come to the Fullers' house do not fit the popular stereotype of runaways as the wildly liberal children of privileged suburbia.

A few do fit this description, but most do not seem from wealthy or well-educated backgrounds, Peggy says.

Most, she says, aren't really very interested in politics. But in tastes and outlooks they represent a wide range from very conservative to very liberal.

So far, the Fullers have not had any real unpleasantness from either the kids or parents. They realize that keeping runaway youngsters could be legally risky but so far most of their visitors have been older teenagers, above the age technically considered as minors. And most, Peggy believes, were not away from home without their parents' consent.

Sometimes, the Fullers hear from one of the young people they have housed. And Peggy admits that the whole experience "could be heartbreaking if you let it be."

But, she says, "you have to realize there is a limit to what you can do. You're not going to save any of them, certainly not in a one night stay. You do all you can and let them go . . . you hold them with an open hand."

THE HOUSE RESTAURANT

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. DU PONT. Mr. Speaker, I insert in the RECORD today a commentary on a recent meal a Delaware reporter from the Newark Post experienced as my guest in the House Members dining room. If anything, Mr. Kotowski was polite in his reporting of the events that took place. It was not an experience in gracious dining. My guest amiably suggested that if I lost the forthcoming election I could find solace in knowing that my opponent would, at some point, have to frequent the dining room.

Perhaps it is not necessary for the House Members dining room to be a four-star restaurant but I do not think it is too much to ask that the restaurant be brought up to the standards of Major Hoople's boardinghouse.

Mr. Kotowski's remarks follow:

NEWS WITH A SLANT

(By Bob Kotowski)

The 'Peter Principle' has struck another area of the federal government, the Congressional Dining Room.

I was in Washington recently and was invited to eat dinner in the House restaurant by Delaware Rep. Pete duPont and some of his Washington staff, and all through the ordeal I kept asking myself why he was punishing me.

To say that the service was bad is a gross understatement; it was virtually nonexistent.

Five of us sat at the table, expecting to be out in a reasonable length of time, but from the beginning we knew we had an interminable wait ahead.

After an initial fifteen or twenty minutes, a waitress graced us with her appearance and with pad in hand eagerly asked if we were ready to order. When told that we needed menus, she 'flashed' away to get some. The only problem with her quick departure was that she had not learned how to 'flash' back.

When she finally returned with the menus, she also had a large sheet of blank paper which she thrust at us and told us to write out our own orders . . . then flashed away.

An hour or so later she again returned, and quickly snatched the order, printed in clear, legible English, while practicing her disappearing act. Somehow in the five seconds that she spent at our table she managed to drop off five glasses of water that tasted as though it had been dredged from the bottom of the Potomac.

Sometime that same evening she returned to us with five salads, some vinegar and oil that no one had ordered, and an extra pile of silverware that was stacked next to me. Throughout the meal the stack became higher and higher, as the area next to my left elbow became a repository for stainless steel.

After another fast exit and a delay of two or three days, part of the main course was delivered to all but me. A glass of tomato juice was set before me along with a "No oysters" and another disappearing act.

When the rest of the party was halfway through their steaks and I was halfway through nibbling on the glass, she again appeared dropped off the remainder of the main course to the others, and took my order for a steak . . . which arrived while everyone else was wiping the last morsels of food from their mouths.

Somehow, despite the delays and mixups in the orders, we all miraculously got to eat our desserts at the same time. All five chocolate sundaes were delivered in one trip . . . along with a shrimp cocktail and two beers that had been ordered when the waitress first snapped up our hand-lettered order.

With service like that it's no wonder the House floor is rarely full; half of the Congressmen's time is spent trying to get some nutrition.

And if chocolate sundaes, beer and shrimp cocktail are the normal fare, it's no surprise that bills take so long to pass. Who can legislate while plagued with indigestion?

OWNERS OF ILLEGAL BIRDS GET INDEMNITY

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. VEYSEY. Mr. Speaker, today I ask two questions: First, can the Government take a man's business and his property without paying him just compensation? Second, can the Government pay for illegal property?

These questions are raised by the attached article from the Riverside, Calif., Press-Enterprise in a most interesting, in-depth report of efforts of the U.S. Department of Agriculture to control exotic Newcastle disease in poultry in southern California. I congratulate Mr. Dick Lyneis, the writer, for his careful research, and for bringing these facts to light.

At the start of this year, exotic Newcastle disease was discovered in the poultry industry of southern California, having been introduced there with imported parrots. The U.S. Department of Agriculture with its State counterpart quickly quarantined eight southern California counties, started a program of innoculation, and undertook eradication of the disease by inspecting all flocks of poultry and destroying infected birds.

Since that time, about 6 million laying hens and other poultry in the area have been killed, and many poultrymen have been ruined financially. Those remaining are now indignant over indemnification procedures which they consider grossly unfair. They feel they may be sacrificed without fair compensation in order to protect poultrymen elsewhere. They say:

> Eradicate the disease, but pay us for the costs of what you are doing and the fair value of the property you destroy.

The Department has paid from 50 cents to $2 for laying hens and has said the law strictly prevents better compensation. Poultrymen say the loss to them may be $4 to $5 per bird. When they learn of $2,000 Cockatoos and $25 illegal fighting cocks, their outrage is understandable.

I call on the U.S. Department of Agriculture to reexercise its compensation procedures and to pay for the real costs and losses inflicted by its eradication program on poultrymen including loss of production and loss of sales caused by

eradication efforts or quarantines, and to also alter its procedures which now allow payment for illicit property.

Mr. Lyneis' article follows:

Owners of Illegal Birds Get Indemnity

(By Dick Lyneis)

Southern Californians who own illegal fighting birds, some in Riverside County, are being subsidized by the federal government.

An inspection of appraisal records of the Federal-State Newcastle Disease Eradication Task Force in Riverside shows that the U.S. Department of Agriculture has paid indemnity of up to $25 per bird for thousands of fighting cocks, with the total perhaps as high as $100,000.

The fighting cocks and hens, like chickens and other birds, are killed by task force personnel in order to prevent spread of the Newcastle disease virus.

Cock fighting is a violation of California's penal code. So is possession of such birds. Section 597j of the code reads:

"Any person who owns, possesses or keeps any cock with the intent that such cock shall be used or engaged by himself or by his vendee or by any other person in any exhibition of fighting is guilty of a misdemeanor. The fact that the cock's comb has been clipped shall be prima facie evidence of intention to use or engage such cock in an exhibition of fighting."

Task force appraisers have admitted to entering into agreements with owners of cocks with clipped combs.

One appraiser said: "I wouldn't be so naive as to say I didn't see any birds with cocks' combs clipped.

"It seems," he acknowledged, "that we are in a ticklish position of buying birds that are illegal in the first place."

Appraisal records which show indemnity payments by the task force are contained in seven thick volumes.

The records show that several flocks of hundreds of game birds have been "depopulated" by the task force.

When confronted with this information, a task force member acknowledged that thousands of gamecocks have been killed by the task force, with indemnity payments from the federal government to the birds' owners perhaps as great as $100,000.

Although most of the game birds found by the task force were in the Chula Vista area, many were in the Riverside area, including one flock in Mira Loma where the owner was given $4,000 in indemnity payments for 160 birds. The records revealed the presence of other smaller flocks of gamecocks in Mira Loma, Fontana and other nearby communities.

Spokesmen for the Riverside County Sheriff's Department, when informed about federal payments to gamecock owners in the county, indicated a strong interest in the operations of the state-federal task force.

Chief Deputy Sheriff John McCoy said investigators from the sheriff's department would attempt to examine the task force appraisal records to see if there is evidence of violations of Sections 597j of the Penal Code.

Dr. Jack D. Lamont, a California Department of Agriculture representative on the task force, explained that when task force personnel go onto someone's private property, "we are going there to enforce the laws of the Department of Agriculture of the State of California. We are there as guests.

"We are there," he explained, "to enforce our laws. If possession of fighting cocks was against the law of our department, then we would be interested."

Told the possession of fighting cocks was a violation of the penal code. Dr. Lamont said, "I do not know that personally."

Dr. E. C. Sharman, a federal agriculture employe who is serving as acting task force director, was asked how the figure of $25 for a "depopulated game bird" was arrived at.

"Our appraisers," he explained, "contact people who are knowledgeable in the price of birds. What we pay these people represents the true market value of these birds."

"These birds," Sharman said, "are not there for egg production. They are a man's possession and he has a set value on it."

Lamont and Sharman were asked if it is their responsibility to report the violations of other California laws to other agencies, such as sheriff's and police departments.

Neither gave a direct answer, but both acknowledged it was an "interesting question."

Sheriff's department spokesmen said they are aware that illegal cock fighting sometimes occurs in the Riverside area, as it does, apparently, throughout Southern California.

Sheriff's Capt. L. E. Brooks said that although it seems obvious that the birds are being raised as fighting cocks, many of the birds' owners claim they are being raised as show birds.

There are certain indications, he added, however, that make it fairly obvious when a bird is being raised as a fighter.

For example, combs are removed from fighters so that their opponents can't get a hold on it with their beaks. A fighting cock could hold onto the other bird's comb and then slash into other parts of the cock's body with his "slashers" or "steel burrs" to inflict mortal damage.

Another indication that the cocks are fighters is that the birds' claws have been removed. The absence of claws indicates that slashers and steel burrs are strapped on to replace them.

Brooks said the sheriff's department is aware that there is a sort of cock fighting "season" in the American Southwest and in Mexico. Gamecocks don't fight at this time of year because they are still in their moulting season. This ends in the fall months, and cock fighting usually begins in November.

The presence of gamecocks in large numbers in Southern California indicates the likelihood that the birds are transported from place to place for the purpose of fighting. While transportation of birds for fighting purposes also is a violation of California's penal code, it also indicates probable violations of the task force's own emergency regulations.

It is a violation of the state agriculture code if any kind of bird is transported into or out of the Newcastle quarantine zone which, presently includes western Riverside and San Bernardino counties, Orange County, Los Angeles County and southern Ventura County.

Until recently, the quarantine zone also included San Diego County where, task force appraisal records indicate, the largest numbers of fighting cocks seem to be located.

If birds that task force personnel found are indeed fighting cocks, presumably the birds are transported to locations where cock fighting is known to occur frequently, such as Mexico.

Task force officials have said they are concerned about the possible transportation of birds from Mexico into the United States because Newcastle disease is known to exist in Mexico.

Wouldn't possession of fighting cocks by a person be a sure indication that they must be transported in order to be used? Sharman and Lamont were asked.

Lamont answered: "If someone has birds in their backyard and they move them out of the quarantine area, they are in violation of the quarantine. It is not our concern what they intend to use them for, but by the very fact that they would be moved out of the quarantine zone, it would be a violation of the agriculture code.

"But," he added, "we have over 40,000 people in the quarantine zone who own poultry and another 100,000 people who own birds. We know some people make illegal movements, and if we have any evidence, we go after them.

"We have information right now," Lamont said, "on some illegal bird movements that we suspect are going to take place this weekend, and we have people investigating this, but with over 100,000 owners, it is impossible for us to investigate every case."

Sharman was asked why San Diego County was taken out of the quarantine zone when task force personnel had knowledge of thousands of potential fighting birds in the Chula Vista area, and that these birds might be transported into Mexico where they could be contaminated with the Newcastle virus.

"This is a danger," Sharman acknowledged, "and we recognize this up and down the Mexican border. We did confiscate one parrot that was infected."

He said the U.S. Bureau of Customs is cooperating with task force, however, "and if there is any suspicion of smuggling birds across the border for any reason, they are investigated."

Indemnity payments have been a bone of contention of Southern California poultrymen who say they are not being fairly compensated for their laying hens that are being killed by the millions by the Newcastle Task Force.

Although recently the U.S. Department of Agriculture raised top payments for "depopulation" of laying hens from $2 to $2.50 per bird, the poultrymen say the true value of their chickens is between $4 and $5 each.

Apparently the poultrymen aren't the only people who think they're not getting a fair deal from the task force.

One appraiser said gamecock owners are unhappy too (and he also acknowledged he is aware that he was appraising fighting cocks).

"We've been giving $25 for fighting cocks," he said, "that their owners say are good enough to be worth between $750 and $1,000. In Puerto Rico, where they also have Newcastle and where cock fighting is legal, some of these birds are worth up to $4,000."

A MOST BENEVOLENT YEAR

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. DOWNING. Mr. Speaker, it is a source of great pride to me to be fortunate enough to represent the most historic area in this great country of ours. Jamestown, where the first permanent colonists landed; Williamsburg, our foremost colonial capital, and Yorktown, where our Nation first become a reality, are all within a 15-mile radius of each other.

It is also a source of great personal pride to represent some of the finest people in the world. Among them, the names of Nick and Mary Mathews of Yorktown, must necessarily rank near the top. The Mathews are Greek-Americans who are deeply proud of being citizens of the United States, and their high sense of patriotism is a shining example for all of us. They have worked hard and they have prospered in a country which permitted them to do both. Over the years, their gifts have been many, but their most recent offer to the Virginia Bicentennial Commission is a true legend of unselfish philanthropy.

But all of this is much better said in a splendid editorial which recently appeared in the Times-Herald of Newport

News, Va. I think my colleagues will find it extremely interesting:

A Most Benevolent Offer

When the United States began to dedicate parcels of land for recreation purposes 100 years ago, they were called "pleasuring grounds". Today they are called national parks, and when they include sites of significant historic interest, they are especially valuable in relating their stories to the growing numbers of visitors.

Such is the case on the Peninsula, where we are exceptionally blessed with hallowed grounds encompassing virtually the entire history of the United States from the little church at Jamestown to the Victory Arch in Newport News.

We are now preparing for the celebration of the 200th anniversary of the nation's independence and there should be a great deal of attention on the Peninsula, where it all began. The national and state Bicentennial Commissions are showing increasing interest in the proper development of the Yorktown area where the Revolution ended with the surrender of the British forces under Lord Cornwallis.

Virginians should note with vicarious sense of pride that one of Yorktown's citizens and his wife, Mr. and Mrs. Nick Matthews, have stepped in to fill a fairly obvious need. They have offered to the Virginia Bicentennial Commission a 25-acre plot of land within walking distance of the hallowed ground of Yorktown's battlefield for use as a focus of visitors' activities for the bicentennial.

The Matthews are, as is generally known, the proprietors of one of the Middle Atlantic coast's most widely reputed seafood restaurants, Nick's Seafood Pavilion. Their generous offer of property is one of those exceptionally benevolent gestures that we see upon occasion from folks whose industry has been rewarding. Indeed, the Pavilion itself is a sort of institution, a unique manifestation of the interests and tastes of its owners, to the zeal with which these charming people have welcomed their patrons with a superb seafood cuisine over the years.

Indeed, the Matthews' at one time considered turning over their restaurant to the state of Virginia when they considered retirement, but to be honest about it, we can't quite imagine the Commonwealth's representatives turning out those superbly fashioned salads, each a work of a culinary art, nor maintaining Nick's decor in such a way that each visit is a new impact upon the visual senses.

Be all this as it may, the Virginia Commission would be well advised to look into the Matthews' offer, weighing, of course, the immense problems of traffic congestion sure to accrue as the bicentennial approaches, and the niceties of fitting the tract into the overall historic aspects of the area itself.

We bespeak the feeling of the community in our heartfelt 'Thank you' to these gracious, generous people.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

TENNESSEE WALKING HORSE LEGISLATION

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. WALDIE. Mr. Speaker, I recently received an interesting and important letter from Dr. James Naviaux, a constituent of mine. Dr. Naviaux has found that the methods and procedures used by the USDA veterinarians to implement the Horse Protection Act of 1970 at the just completed Tennessee Walking Horse Celebration, were inadequate. In this letter, Dr. Naviaux has detailed his findings. I am confident his suggestions for improvements in the implementation of this act will be of interest to my colleagues.

The letter follows:

Pleasant Hill, Calif.,
September 7, 1972.

Re Lack of Enforcement of Public Law 91-540.

Hon. Paul Rogers,
Chairman, Public Health and Environmental Subcommittee, House of Representatives, Washington, D.C.

Dear Congressman Rogers: I would like to report to you my observations of methods and procedures used by the USDA veterinarians to implement the Horse Protection Act of 1970 at the just completed Thirty-Fourth Annual Tennessee Walking Horse Celebration held in Shelbyville, Tennessee.

In Summary, the procedures used were obviously inadequate as there was gross evidence of violation of this Act present at the show whereas the majority of horses being shown showed clinical evidence of being sored. Despite efforts made by your office to obtain permission for me to be allowed in and observe first hand the examinations of the horses by the USDA veterinarians, I was denied this opportunity by Drs. W. Bird and E. Ongert, the veterinarians in charge. I was told that it was now their policy not to allow any "outsider" to be in the USDA inspection area while horses were being examined—not even for a congressional report. Dr. Bird did arrange for me to have their procedures outlined to me by Dr. Robert Leech.

The following were my findings and are my suggestions for possible improvements:

A. *Selection of horses to be examined*—Random selection procedures are used only. Spot observers (4 to 6) are in the grandstand area to detect which horses appear to have a "sore lick." This is not difficult to note as such animals are in great pain, advance in a crouched manner while all attempts are made to have their hind legs placed under them as far as possible. Unfortunately, nearly all the horses showed clinical evidence of some degree of soring which nearly all trainers find necessary to obtain the desired "Big Lick." If two or more observers feel a horse should be examined, the animal is requested to report to the USDA inspection station following the class. On the average, two to eight horses were called in to be examined after each class, despite the fact that many classes would have from 20 to 50 entrees.

Suggestions: Because the law is to protect the soring of any horse, I feel the selections should be arbitrarily as follows:

1) The top three horses of each class plus all other suspect horses in the class.

2) All horses rejected by the horse show veterinarians prior to their being shown and those excused from the show ring should be re-examined by USDA veterinarians to determine if the cause of their rejection or excuse was because of soring. Under present procedures, most all horses turned down as lame or not serviceably sound by the show veterinarians, are not re-examined by the USDA veterinarians to see if they are in possible violation of the legislation.

B. *Examination Method Used*—A horse selected to be examined is walked into the closed examination area where it is examined and a form is filled out by each of the examining veterinarians.

Suggestions:

1) All horses should first be examined in an area where they can be observed in motion as well as at rest. This should also be true for examinations performed by the show veterinarians. No such observations were made at the examination area by either USDA or show veterinarians.

2) All horses should be examined by two or more USDA veterinarians who then fill out a single report form—noting their findings of the horse in motion and at rest. The veterinarians then should specifically state their opinion as to there being clinical evidence that the horse has or has not been sored. The report should then be signed by each of the examining veterinarians.

3) To maximize the chances for a non-biased report and to minimize the chances of intimidation to the veterinarians, it would be best and desirable to use non-local USDA veterinarians. This is a very important point as there was ample evidence of tenseness and an atmosphere of pending violence at and around the inspection area. Also, Dr. Bird told me of his receiving numerous harassing phone calls at 2 o'clock-3 o'clock in the morning. There is no question that there is potential danger of physical harm to the inspecting veterinarians. At least out-of-state veterinarians could leave the area after the completion of the shows.

4) To minimize costs of the enforcement of this law, I would suggest using only the number of veterinarians deemed necessary to examine the horses. At the Celebration, several veterinarians (like Dr. W. Eskew) did nothing but man a clip board, doing clerk's work. All assigned veterinarians should be able to perform the necessary examinations.

C. *Specific Complaints*—

1) On my first entering into the area of the gate where horses enter and leave the arena, I observed entry No. 1702, a black Tennessee Walker, that had obvious blood covering his medial right front heel. I brought this to the attention of Dr. Bird and Dr. Eskew and asked that the horse be examined. After much persuasion, Dr. Eskew finally walked over to the horse standing outside the gate. He took a casual glimpse of the blood-covered heel and passed it off as a possible injury from the horse's hitting itself with its hind foot. Though this was a possibility, he showed no further interest nor did he attempt to examine the horse closely to determine the cause of the bleeding. Unfortunately, other horses with bleeding pastern areas were observed in the warm-up ring which were also not brought in for examinations.

2) While observing the show on the night of September 1, entry No. 433 was clinically, grossly in pain while in the show ring, and when I brought this to the attention of Dr. Eskew so that it might be selected to be examined after the class, he took no interest in my suggestion and it was not one of those "chosen" for the USDA examination.

3) Also on the night of September 1, entry No. 1114 was dismissed by the show veterinarians from the ring because of obvious lameness and the animal was not brought in for an examinatoin by the USDA veterinarians.

Congressman Rogers, I sincerely hope—as I know you do—that the effective implimentation of this legislation will be forthcoming as there should be no leniency toward violators who subject these animals to such cruel and inhumane treatment.

Very sincerely yours,
JAMES L. NAVIAUX, D.V.M.
DR. FRANCIS MULHERN,
Administrator, Animal and Plant Health Service, U.S. Department of Agriculture.
DR. FRANK L. MILNE,
President, American Association of Equine Practitioners.
MRS. PAUL M. TWYNE,
President, American Horse Protection Association.
MR. JOHN HOYT,
President, Humane Society of the United States.

PROS AND CONS OF HIGHWAY TRUST FUND

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. GROVER. Mr. Speaker, a number of my colleagues have asked for pros and cons relative to the controversy over the highway trust fund versus balanced transportation system. To supplement the discussion in the committee report, I submit for the RECORD the following interesting article entitled "Superhighway—Superhoax."

[From The Reader's Digest, February, 1971]

THE FOLLY OF OUR SUPERHIGHWAY SYSTEM

(By Helen Leavitt)

The red, white and blue shield of the National System of Interstate and Defense Highways is a familiar guidepost to American motorists. It is now posted along more than 30,000 miles of superhighways on a transcontinental network that will eventually stretch 42,500 miles. By any standard, the Interstate System is the largest public-works project ever undertaken by modern man.

When proposed by President Eisenhower in 1954, it was to be a chain of roads to serve interstate traffic. It was to bypass cities, enabling the motorist to drive from one corner of the country to another at high speed without stopping for a traffic light. Spurs from cities would connect to the Interstates, but there would be no massive highway construction in our cities.

It hasn't worked out that way. Some 5600 miles of "interstate" roads have already been built in cities, and 1900 more such miles are scheduled to open by 1974. During off-peak hours these urban freeways can work relatively well. But from 7:30 to 9 a.m., and from 4:30 to 6:30 p.m., drivers are likely to whiz along them at no more than 6 to 12 m.p.h. The horse and buggy did as well.

Serenely confident, however, that the solution to automobile congestion is more concrete, highway planners now advance schemes for double-decker lanes, tunnels, bridges and even more miles of city-adjacent highway. In theory, additional facilities should alleviate traffic jams. In reality, the new roads fill up as fast as the concrete hardens; traffic simply rises to meet capacity.

Meanwhile, profits on public transit nosedive, rail and bus equipment deteriorates, and service is cut back. In fact, the government's vast investment in freeways has virtually scuttled all forms of land and water transportation except the automobile. Thus it has become essential for every American to maintain his own private transportation system, although in an area as small as a city any other form of commuting system would be more economical and beneficial to the public.

CAPITAL CASE

How did we get on this course?

The original Eisenhower proposal envisaged mostly toll roads that would pay for themselves. The Highway Act as passed by Congress in 1956, however, provided that the system was to be financed through a Highway Trust Fund. All federal taxes on motor vehicles, gasoline, oil and ancillary equipment would be channeled into this fund and devoted solely to highway construction. From this account, the federal government would pay for 90 percent of the construction of interstate projects. States, collecting their own automobile-related taxes, would pay the rest.

The 90-percent federal financing proved to be an irresistible lure for politicians, contractors and state highway officials who wanted as much of the federal pie as possible and concluded that the highways should actually enter our cities. Washington, D.C., is a good example of what happened as a result.

In 1944, an engineering survey showed that an expansion of the efficient trolley system serving the city would be the most economical way to move large numbers of people. Expensive highways would not be required. But if nothing was done to improve mass transit, the survey concluded, people would return to the private automobile, "a trend that threatens to explode the city."

The report was ignored, and the engineers began promoting the expressway system. Other cities were planning them—why not Washington? By 1960, traffic congestion had grown so bad that House and Senate District committees declared that "any attempt to meet the area's transportation needs by highways, and private automobiles alone will wreck the city." Yet, by 1965, the Washington area had received $500 million for major highway projects, and led the nation in freeway mileage per square mile and per capita. Its trolley system had received orders to dismantle.

As more and more freeways were constructed, population and retail sales in the city diminished. Taxable land dwindled as more than 60 percent of the land in the central business district became devoted to the moving and storage of automobiles. The homes of thousands of residents were demolished, and monuments and parks were engulfed by freeways. And anyone who witnessed the mass exodus of panicked suburbanites from the District on the afternoon preceding the riots of April 5, 1968, and the ensuing traffic jams on every major artery in the city, had living, stalled proof that in emergencies the system cannot effectively serve national defense, which highway advocates claim is an essential purpose.

NOT ENTIRELY AWARE

Why do we continue to pour billions of dollars into creating rivers of noise and exhaust gas sweeping into the hearts of our cities, eating up real estate, compressing people, cars and services into ever narrower confines? Because that's all the law allows. The money pours into the Highway Trust Fund in ever-increasing amounts each year, and *must* be spent for highways. House and Senate Public Works committees simply agree on a bill to authorize expenditures to meet the Fund revenues, and Congress passes it.

Even when a city has the temerity and perseverance to reject a proposed urban highway—as San Francisco, in 1966, rejected an eight-lane double-decker system in favor of its own rapid-transit train system—the conversion of cash into concrete moves on apace. San Francisco's portion of the federal highway funds simply reverted to California, and engineers planned more mileage for Los Angeles.

The 1956 Highway Act provided that public hearings should be held whenever an Interstate road was planned to bypass or go through a community. State highway departments are expected to measure public response and adapt their plans accordingly. But it hardly ever works out that way. Public hearings go unadvertised and unattended; or, if they *are* advertised, the voice of the people is largely ignored. For instance, after fighting highway interests and state and federal bureaucracy for years, a weary Seattle citizenry suffered the construtcion of a "12-lane ditch" right through the city, wiping out 5000 houses.

Politicians and engineers tend to dismiss citizens' objections to freeways as impractical, even crackpot. "The truth is," wrote a spokesman for the American Roadbuilders Association, "the local people are not entirely aware of their best interests."

OF HUMAN VALUES

The Bureau of Public Roads (BPR), an arm of the Department of Transportation, is charged with representing the public interest in federal road building. The Bureau continually talks about human values and the need to "bring more compassion" into the program. Yet its administrative task is so enormous—20,000 projects are now in some stage of activity—that it does not begin to supervise them effectively. The Bureau carries out what Congress, pressured by a gigantic highway lobby (contractors, engineers, gasoline producers, automobile manufacturers, truckers, billboard firms), enacts into law.

A classic illustration of what can result is to be found in the North Expressway in San Antonio. There, in spite of formidable public opposition, a proposed freeway is to curve, thrust and ram its way through, by or around an Audubon bird santuary, Olmos Creek (which would become a concrete ditch), a recreation area (wiping out a Girl Scout day camp and nature trail), a college campus, an elementary school, the zoo, a public gymnasium and outdoor theater, a residential area, a municipal golf course, and a wooded portion of the San Antonio River's natural watercourse. So much for human values.

Highway engineers justify urban expressways by noting that in America the automobile "is a way of life." True enough. But the fact is that the government's massive commitment to highways has left Americans with little choice. A 1968 study, partially sponsored by the BPR, asked whether the contribution to society made by the automobile was worth the air pollution, traffic congestion, demolition of property and homes, and the loss of thousands of lives annually. Eighty-five percent of the respondents answered yes. When asked *why* the automobile was worth all this, almost 50 percent replied, *because it is the only form of transportation available.*

UNENDING?

How much longer can we tolerate what has been done in the name of automobiles? Apparently there is no end to it. By 1966, the cost of the interstate system had mushroomed from the original estimate of $27 billion to $46.8 billion. In 1968, a new act was passed, extending the life of the Highway Trust Fund and authorizing expenditure of an additional $21.5 billion in 1970–74. Now Congress is considering extending the Trust Fund and the deadline for completion of the system through 1978, at a total cost of $75 billion. If it follows through, neither the American people nor our representatives will be able to prevent Trust Fund money from being spent on highways—and on highways alone. Moreover, most of the money will be spent on urban freeways, the most expensive, destructive and inefficient segments of the system.

What can we do to establish sane, sensible transportation? Clearly, these steps are "musts":

Citizens and communities must be allowed to retain some control over the number of automobiles they are willing to accommodate. In September 1969, officials at Yosemite National Park introduced a tramway bus service in the magnificent Mariposa Grove area and banned automobiles there in an effort to keep it from being ruined by smog and traffic jams. Now the ban has been extended to the eastern end of the park. Surely, if the need to ban automobiles in parkland can be recognized and dealt with intelligently, civilized urban man can respond in kind. Automobiles can be banned from specific areas of cities and limited in other areas. The carless street, successfully tried in Manhattan in recent months, is a first step. Direct rail lines to airport would be another. We can discourage automobile ownership by limiting the amount of city parking space, charging stiff bridge tolls, reserving existing lanes for speedy buses and even taxing individual parking places.

Congress must take measures to curb the power of all those who try to influence highway legislation. These measures should include full financial disclosure by legislators, administrators and lobbyists, and strict conflict-of-interest laws to keep separate the interests of private groups and public officials.

Most important, the Highway Trust Fund—chief cause of the vast imbalance of our transportation situation—must be abolished. The highway lobby avows that gasoline taxes can logically be used only to build highways. It would be equally "logical" to put all liquor taxes into a trust fund to promote and expand the liquor industry. Since inception of the fund in 1956, we have spent a total of $195 billion on highways while spending only $32 billion on all other forms of transportation—including the Coast Guard.

Revenue should continue to be tapped from petroleum and tire taxes, but the money should go into the general treasury so that highways, for the first time in 14 years, will have to compete with all other forms of transportation for funds. Then a state or community could request either a block grant from the Department of Transportation or appropriations for a specific project, and have some real chance to plan and buy a system appropriate to its needs.

The mass-transit bill signed into law last October—providing for $10 billion to be spent on urban mass transportation over the next 12 years—is merely a step in the right direction. As long as the Highway Trust Fund remains intact, financing $15 billion in concrete annually, we are ensuring mass-transit's financial failure. We must abolish the Fund and lend *meaningful* support to our sagging public transportation systems, if we are to have balanced transportation for our troubled cities.

BRING THEM HOME

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. WHITEHURST. Mr. Speaker, a group of Navy wives in the Virginia Beach-Norfolk area have formed the "They're Not Forgotten Committee" in their deep concern for our men who are missing in action and prisoners of war.

Last week, this dedicated group of women circulated petitions in our area and collected more than a thousand signatures. Although their message was directed specifically to the Virginia Senators and Congressmen, I believe that it has something to say to all of us in Congress, and for that reason I am sharing it with all of my colleagues:

BRING THEM HOME

Virginians care about Prisoners of War and Missing in Action. We urge you, all Representatives in Congress of the United States to *Increase your interest* in them and *work* to bring about release and accounting. You can determine their fate!

Bring them home.

PEACENIKS USE PW'S TO AID McGOVERN CAMPAIGN

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. DUNCAN. Mr. Speaker, the September 22, 1972, edition of the Knoxville Journal contained a most interesting article which seeks to explain the motivation underlying the recent release of three American POW's. I commend the article which follows, to my colleagues as a possible primer for understanding future political events in this presidential election year:

PEACENIKS USE POWs TO AID MCGOVERN CAMPAIGN

(By Robert S. Allen)

WASHINGTON—A hoopla-staged meeting between Sen. McGovern and at least two of the three released POWs is planned by the leftist anti-war activists who sold Hanoi on the political value of returning them at this time.

Whether the calculating electioneering scheme can be pulled off is conjectural.

McGovern lieutenants have indicated he is ready and eager to participate to propagandize the Vietnam war issue. They see this as a golden opportunity to fanfare the South Dakota radical's long-held isolationist-dovish views.

But whether the POWS can or will take part is a question.

Once out of Hanoi's hands, they automatically resume status as active officers and subject to military control. Under military regulations they are barred from political activity.

Further, one of them, Navy Lt. Markham Gartley, is not on record as assailing either the war or the administration. There are no recordings of his engaging in Hanoi broadcasts or other critical propaganda. But his mother is another story.

Mrs. Gerald Gartley has been stridently and persistently in the forefront of the anti-war activists' agitation. She has denounced the administration and reputedly contributed to the McGovern campaign.

In leftist quarters, her vehement fulminations are credited as primarily responsible for her son being one of the three selected for release. Aged 28, he was shot down Aug. 17, 1968.

Whether Mrs. Gartley can influence her son to join in a McGovern electioneering stunt remains to be seen.

The other two POWs, Air Force Maj. Edward K. Elias and Navy Lt. Norris Charles, have very different records.

In taped recordings of Hanoi propaganda broadcasts and in interviews with former Attorney General Ramsey Clark, actress Jane Fonda and U.S. and foreign correspondents, the two pilots have denounced the Vietnam war and the Administration. Both also have expressed support for McGovern.

As a consequence, it is assumed Elias and Charles would be willing to take part in the planned fanfared meeting with McGovern—if they can get away with it.

The release of the three POWs at this time was engineered by David Dellinger and Mrs. Cora Weiss, cochairmen of the so-called Committee Liaison with Families of Servicemen Detained in North Vietnam.

They strongly urged the move in secret meetings with the Hanoi delegation in Paris—stressing the propaganda and political value of doing this in the midst of the Presidential campaign. This advice was supported by Ramsey Clark during his carefully managed and publicized North Vietnam sojourn.

During Clark's visit, he delivered an anti-war harangue to 10 handpicked POWs, rated by the Communists as "cooperative." Charles and Elias were among that group.

Reportedly, Dellinger and Mrs. Weiss sought the release of five POWs—arguing that would be a "strikingly impressive" number.

Hanoi fixed the number at three and stuck by that.

Dellinger and Mrs. Weiss were consulted on who was to be released. After some discussion, their recommendations were approved. Apparently that's how Lieutenant Gartley was included—as a gesture to his vehemently crusading mother.

UNIVERSITY OF OREGON TEACHER RECOGNIZED AS ONE OF NATION'S OUTSTANDING TEACHERS

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. DELLENBACK. Mr. Speaker, yesterday's issue of the Chronicle of Higher Education contains an article on the varied and fascinating interests of J. Barre Toelken, a teacher at the University of Oregon in Eugene. Mr. Toelken has been honored by the Danforth Foundation as one of the Nation's outstanding teachers, and this article makes it clear why he was given this honor. The article "From Medieval Studies to a Larger Interest: Creative Processes" is an absorbing picture of an individual who takes teaching far beyond the walls of the classroom and makes his subject matter come alive for his fortunate students.

I commend this article to the attention of my colleagues who are interested in excellence in the teaching profession.

The article follows:

PORTRAIT OF A TEACHER—FROM MEDIEVAL STUDIES TO A LARGER INTEREST: CREATIVE PROCESSES

(By Teresa L. Ebert)

EUGENE, ORE.—For J. Barre Toelken, who has been honored by the Danforth Foundation as one of the nation's outstanding teachers, teaching is but one of many pursuits.

He is an internationally recognized authority on folklore, a medieval scholar, an archivist, and a performing folk singer at concerts throughout the United States. He has made three records and been in a radio series on songs and ballads. A white man, he has been adopted as a "son" by a Navajo Indian and has developed special composition classes for Indian students. And he is an associate professor of English at the University of Oregon here.

"It's tough for me to pin down my own area of academic emphasis," Mr. Toelken said recently, "because I don't think a lot of the artificial distinction between fields is viable any more."

Instead, his interests revolve around people.

CONCERNED ABOUT INDIANS

Mr. Toelken is closely involved with the welfare of the American Indians, particularly on the campus here. According to one colleague, it was he who bridged the gap between Indian students and the university.

The Indians were having such a difficult time adapting to the university that 90 per cent of them dropped out each fall. Mr. Toelken attacked the problem by establishing a composition class structured around an Indian point of view.

"The results," he says, "have been remarkable. The quality of the work is strikingly above any student theme I have encountered before. Since the writing program has been in operation, we have lost none of the Indian students except for personal reasons."

Mr. Toelken has an almost innate understanding of Indian culture. He lived intimately with the Navajos for three years as an adopted son of a tribesman. He participated in their traditions, lived off the desert, herded sheep—and buried as many as four of his tribesmen a week, mostly children.

UNDERSTANDING MINORITIES

"I love those people," Mr. Toelken says of the Indians. "They are fascinating, primarily because their culture is based on reciprocation. When it becomes clear that you are a reciprocating member, then so are they. It has nothing to do with your color or background. If you are a member of the family, then you are a member of the family, and that's the way it stays."

Remembering the suffering and death he witnessed with the Navajos, he has collected food and clothing for the last three years, driving 1,500 miles to distribute the vital items to his adopted tribe in Blanding, Utah.

Mr. Toelken's experiences with Indian culture have led to an understanding of other minority groups. "I can talk to him and share thoughts that I can't communicate to other whites, even my colleagues," says a black English professor. "He has been sensitized enough to know the feelings of blacks and minorities. I think one reason is that he is married to a Japanese-American, which makes the problems of being a minority in a white majority evident to him. It is important in his work that he have a sensitivity for the people he studies and teaches. This is what most students sense about him."

Mr. Toelken's interest in other cultures led him to organize a course in American ethnic literature at Oregon. Evenings and summers he teaches high school teachers about ethnic minority folklore. In addition, he has proposed the creation of an American Humanities Institute, which would recognize the arts of all ethnic minorities.

Although Mr. Toelken spends much of his time working with minority cultures, his primary academic efforts are in the field of folklore and medieval literature.

A MEDIEVALIST FIRST

In graduate school he studied medieval literature, which he says "provides a valuable perspective."

"But I can't see limiting myself to reading and teaching medieval literature without drawing larger conclusions," he says.

"I'm more interested in moving in the other direction—toward the study of what the subject can reveal about creative processes in general, which has led me into folklore. Folklore has become my academic interest, the center of my teaching and ongoing research."

Mr. Toelken's work in folklore is based on a long, close association with the oral traditions of both the Indian culture and his own. When he was a child in New England, folksongs and ballads were an integral part of his family life. He began collecting songs and lore as he worked summers logging. He later tramped the backroads of the West and Southern mountain highlands. Now he collects folklore professionally throughout the United States and Europe.

HUMAN SIDE OF HISTORY

Folklore, to Mr. Toelken, is not a dead phenomenon of our cultural past, but a vital, continuing process. He calls folklore "the human side of history; the epitaph of man's soul."

Take jokes, for example.

"People," according to Mr. Toelken, "are often oblivious to the most important aspects of our culture. Everybody shrugs off the joke as insignificant. If I were to tell the state board of higher education that some of my students were studying jokes, they would think I was out of my mind. Yet that really reveals that Americans are slow learning how to study their own traditions.

"Jokes, although they pretend to be superficial and laughable are the best index of society's tensions. People joke about things which they are most uptight about. In our society, we jest about our two biggest hangups, sex and minority groups. If you add up the ingredients of the joke, the sum is a list of things which are tearing our country apart. One of our reasons for preserving all of these items is that its part of the ongoing study of mankind."

UNCHRONICLED MATERIAL

Intent on preserving the folklore of the Pacific Northwest, Mr. Toelken, one of only two professional folklorists in the region, is overwhelmed by the amount of unchronicled material in an area he considers to be the richest cultural source in the United States.

Oregon, for example, has a large Russian community in which the people still maintain the traditions, costumes, and languages of pre-revolutionary Russia. Groups of Indians, loggers, cowboys, and Basques also live throughout the region.

"There is so much folklore here that I don't know where to start," Mr. Toelken says. "I just sit here with my head spinning. The only way I can get anything done is to interest the students in collecting it. If it weren't for the students, we would not have an archive."

The Randall V. Mills Memorial Archive of Northwest Folklore exemplifies Toelken's commitment to the field. His students organize and collect samples of both traditional and contemporary folklore, including GI slang from Vietnam, drug lore, mountain jargon, quilt patterns, and children's rhymes. The archive draws scholars from Europe to research the area. However, it is more than a resource center. It performs a vital operation by involving the student in the preservation of his own culture.

CULTURAL PATTERNS

Mr. Toelken tries to unite these various expressions of folklore into cultural patterns for the student. "Indians and primitives," he says, "already realize that everything they produce is based on the same premise, but they use different modes of expression. In folklore I want to get people in our own culture to realize that ballads and river boats are all part of the same patterns."

Mr. Toelken's responsiveness to different cultural perspectives was evident in one of his American Indian literature classes. Two Indian girls wanted to tan deerskins, making them into dresses for a term project, illustrating the process to the class.

"I couldn't buy that one," Mr. Toelken says. "I tried to explain to them that deerskins are over there and that words are here. But, they couldn't understand. One of them said that deerskin dresses were the same thing as literature; it used the same pattern I had been talking about; it was just a different medium. That knocked me for a loop. It was exactly what I'd been saying all along in folklore, only I was wearing my literature teacher's hat and wanted them to come too close to the words."

FOLKSONG DEMONSTRATIONS

In the classroom, he expresses the cultural message of a folksong or ballad by interspersing his lectures with demonstrations of the folksongs he has learned in his long, personal association with the oral traditions of various cultures. He considers this approach, though, to be his "razor's edge."

"I am wary about performing songs, especially in large classes," he explains. "It makes me feel like an academic Johnny Carson. But I view the classroom as an interchange, with the teacher acting as a catalyst who has to use whatever means inspire the best interaction."

LEGISLATIVE RECORD OF CONGRESSMAN CHARLES A. VANIK IN THE 92d CONGRESS, 1971–72

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. VANIK. Mr. Speaker, as the 92d Congress draws to a close, I feel that I should state in the Record, for the benefit of my constituents, a description of the principal legislation which I have introduced in the House in 1971 and 1972.

TAX, SOCIAL SECURITY, ECONOMIC, AND DOMESTIC LEGISLATION

Following are several tables which describe some of the bills which I have introduced—either as original sponsor, or as a cosponsor—and their legislative status to date. In some cases, the legislative language which I supported was accepted virtually without change. In most cases, there were amendments as a result of hearings. Often the concepts included in these bills were accepted as amendments within larger bills. In addition to proposing original ideas and supporting —through the act of cosponsorship—proposals of my colleagues, I have tried as often as possible to testify and present evidence before the relevant committees in support of these proposals.

The legislation which I have introduced has generally been directed toward the protection of the average citizen and his family. It has been directed against unfair taxation and against tax privilege. It has been designed to provide protection during retirement years through more adequate social security and private pension plans. The legislation has attempted to provide increased health and educational services, increased employment during the current period of high unemployment, and improvements in the quality of our urban life.

The tables are as follows:

TAX REFORM

House Number	Date	Short title	House hearings	House passage	Senate hearings	Senate passage	Conference	Law	Notes
H.R. 7446	Apr. 7, 1971	To accelerate the schedule of personal deduction tax exemptions provided by Tax Reform Act of 1969 (to $700 for 1971 and $750 for 1972).	×		×			Public Law 92-178	Revenue Act of 1971 provided $675 personal exemption for 1971 and $750 thereafter thus accepting major portion of H.R. 7446.
H.R. 8067	May 4, 1971	To make personal exemption for 1971 $750 instead of $650.	×		×			do	Do.
H.R. 7494	Apr. 19, 1971	To raise revenue by tax reform through limitation of special oil depletion and intangible drilling allowances.							
H.R. 7561	Apr. 20, 1971	Eliminate percentage depletion deductions on oil wells, after cost recovered.							
H. Con. Res. 278	Apr. 22, 1971	To repeal asset depreciation range regulation promulgated by Treasury.						Public Law 92-178	The ADR regulation originally cost the Treasury over $3,000,000,000 per year. While the Revenue Act gave the force of law to most of the ADR provisions, some parts were eliminated, as per H. Con. Res. 278, thus saving the Treasury $5,300,000-000 over a 3-year period.
H.R. 8223	May 10, 1971	Increased tax equity for single taxpayers.	×						
H.R. 8619	May 29, 1971	Tax credit for education expenses of mentally or physically handicapped child.							Other legislation which I have introduced and which will probably pass this year provides new legal standing for most handicapped to participate in public programs, such as schools.
H.R. 8757	May 26, 1971	Taxation of capital gains at death.							Tax reform amendment designed to close major loopholes and bring Treasury $2,500,000,000 per year.
H.R. 13878	Mar. 16, 1972	Tax Reform Act							Package of loophole closing amendments designed to increase tax equity and Treasury revenues by $7.5 annually.
H.R. 14830	May 8, 1972	Fiscal responsibility amendment.	×						Tax reform bill designed to close tax loopholes and lessen size of deficit.
H.R. 15112	May 22, 1972	Replace oil quotas with oil tariffs.							Pending elimination of oil import quotas, a tariff in place of quotas would eliminate windfall profits to oil importers while providing Treasury $1,500,000,000 with no increase in oil prices.
H.R. 15889	July 17, 1972	Tax reform amendment							Would eliminate provision in law which allows a taxpayer to retroactively elect a different tax accounting method and then receive a tax refund with interest.
H.R. 9900	do	To exclude income of POW's from Federal taxation.	×	×	×	×		Public Law 92-279	
ECONOMY AND EMPLOYMENT									
H.R. 2494	Jan. 29, 1971	To provide additional funds for public works on an accelerated basis.	×	×	×	×	×	Vetoed	Legislation designed to reduce high unemployment through speedup of public works projects. After veto weaker bill repassed.
H.R. 13704	Mar. 9, 1972	Accelerated public works	×	×	×				Bill to reduce unemployment while completing vitally needed public projects. Aids for inner city areas.
H.R. 4105	Feb. 10, 1971	Prepare economy for conversion from defense to civilian activities.	×						Bill designed to aid scientists and engineers in move from defense projects to civilian social service projects.
H.R. 12012	Dec. 2, 1971	Expand Emergency Employment Act.							Department of Labor appropriation bill, presently in conference, includes some increase in funds.
H.R. 13946	Mar. 20, 1972	To provide for public notification of price freeze violation.							Testimony given to Banking and Currency Committee for more public awareness and control over phase II program.
H.R. 15506	June 14, 1972	To permit continuation of extended unemployment benefits in States with more than 4-percent unemployment.							
H.R. 16329	Aug. 10, 1972	Protection of employee pension plans.	×		×				
SOCIAL SECURITY AND OLDER AMERICAN LEGISLATION									
H.R. 3360	Feb. 2, 1971	10-percent social security increase.				×	×	Public Law 92-5	Cosponsored by 45 others. Passage of 10 percent retroactive to Jan. 1, 1971, fulfilling Democratic caucus resolution offered by Representative Vanik in mid-January 1971.
H.R. 7372	Apr. 7, 1971	50-percent increase in social security benefits with portion of cost paid from general revenues.							Despite recent 20-percent increase payable in October 1972, need for more adequate social security program remains.
H.R. 3671	Feb. 4, 1971	To establish senior citizens skill and talent utilization program.							H.R. 3671 generally included in provisions of H.R. 15657, passed House on July 17, 1972.[1]
H.R. 5021	Feb. 25, 1971	Low-cost nutrition program for elderly.	×	×	×	×		Public Law 92-258	Cosponsored with Representative Pepper.
H.R. 5871	Mar. 10, 1971	Age 62 computation point for determining social security benefits.	×	×	×				Representative Vanik amendment included in H.R. 1: Social security and medicare amendments bill.
H. Res. 935	Oct. 20, 1971	That a White House Conference on Aging be held every 3 years rather than once every 10 years.							Resolution discussed at December 1971 White House Conference on Aging. There is interest in this proposal among conferees and continuing consideration is possible.
H.R. 12136	Dec. 9, 1971	Strengthen and improve Older Americans Act.							H.R. 12136 generally included in provisions of H.R. 15657, passed House on July 17, 1972.

URBAN PROBLEMS AND TRANSPORTATION

House Number	Date	Short title	House hearings	House passage	Senate hearings	Senate passage	Conference	Law	Notes
H.R. 9413 H.R. 11950	June 28, 1971 Nov. 30, 1971	Revenue sharing	×	×	×	×	×		H.R. 11950 bill cosponsored with committee Chairman Wilbur Mills and contained urbanization factor. Senate version deleted these provisions, reducing share to suburbs. Final passage imminent.
H. Res 324	Mar. 17, 1971	Reorder priorities to suspend development of SST until rational urban mass transportation program can be implemented.							SST program terminated. Legislation pending which would place greater emphasis on public transportation rather than highway construction. (see below.)
H.R. 7427	Apr. 7, 1971	Remove limitation on size of urban mass transit grant any one State can receive.							
H.R. 9050	June 10, 1971	Establish transportation trust fund.							Senate passed a bill which permits highway trust fund moneys to be used for public transportation—such as buses. Supporting efforts to widen this concept to include all forms of transportation funded by a single trust fund.
		EDUCATION							
H.R. 6916	Mar. 30, 1971	To provide increased protection for historical and archaeological data.	×		×	×			
H.R. 6696	do	To require deposit of a copy of all copyrighted materials at main library of 12 Federal Reserve Bank cities.							
H.R. 7550	Apr. 20, 1971	Extra appropriation for Neighborhood Youth Corps for summer of 1971.							
H.R. 12578	Jan. 24, 1972	Increased authorization for special school lunch program for children in day-care centers and for children during summer months.	×	×	×	×	×	Public Law 92-443	As 1968 author of this section of National School Lunch Act, Representative Vanik pointed out need for increased support for this program. Hearings resulted in further documentation of need with result that final bill provides open-ended authorization.
H.R. 13621	Mar. 7, 1972	To provide instruction for homebound handicapped children through tutorial services of college students.							
H.R. 14615	Apr. 25, 1972	Tuition tax credit for nonpublic school students.	×						
H.R. 16812	Sept. 26, 1972	Extend Social Security Act programs for training in social work.	×						
		HEALTH							
H. Con. Res. 155	Feb. 10, 1971	To maintain the operation of Public Health Service hospitals and outpatient clinics.	×	×	×	×	×		
H.R. 2163 (H.R. 2)	Jan. 25, 1971	The Health Security Act	×		×				The health security bill has received some hearings before the Committee on Ways and Means. A major overhaul of the Nation's health delivery systems will be on the agenda of the 93d Cong.
H.R. 3659 H.R. 11011	Feb. 4, 1971 Sept. 30, 1971	Conquest of Cancer Act	×	×	×	×	×	Public Law 92-218	An amended version of these bills enacted Dec. 23, 1971.
H.R. 5775	Mar. 9, 1971	To prohibit use of enzymes in detergents.							Despite considerable question as to the public health factors involved in the use of enzymes, the Surgeon General has permitted their use in detergents.
H.R. 10081	July 26, 1971	To establish health standards for bottled drinking water.			×	×			
H.R. 10936	Sept. 28, 1971	Appropriation for Sickle Cell Anemia research and control.	×	×	×	×	×	Vetoed	Will probably be included in new HEW Appropriation bill now under consideration.
H.R. 14201	Mar. 29, 1972	To establish a separate Department of Health.							
H.R. 16470	Aug. 17, 1972	Mental Health Act							To provide medicare-type assistance in meeting enormous costs of mental and and psychiatric health care.
H.R. 16671	Sept. 14, 1972	Increased protection for mentally retarded in institutions.							

U.S. ELDERLY ON A TREADMILL

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. FRASER. Mr. Speaker, thousands of elderly people in the United States are on a treadmill for Government often gives with one hand and takes with the other. This is because major programs for the elderly, operated by different Federal/State departments, impinge on each other.

I find no indication that it was the intent of Congress that this interaction of programs should deny increases to the receipients. But, in the absence of further legislative action, a great many persons at the very bottom of the income scale will, in effect, be denied the social security increase that Congress intended they be granted.

For the benefit of my colleagues, I want to place in the RECORD an article by David K. Shipler, which appeared in the New York Times of October 2, 1972. The graphic case studies reveal the dimensions of the problem:

SOCIAL SECURITY RISE BECOMES A NIGHTMARE FOR MANY ELDERLY

(By David K. Shipler)

Like millions of other aged Americans, Marie Nashif of Denver will receive a 20 per cent increase in her Social Security check this month. But unlike most, she will not welcome the extra cash.

Mrs. Nashif is among the 187,000 or so elderly for whom Congressional election-year generosity has become a nightmare. The Social Security rise, voted by Congress June 30, has pushed her income just high enough to make her ineligible for the welfare and Medicaid benefits that she needs so desperately.

Mrs. Nashif, a small, alert, 74-year-old woman, suffers badly from arthritis. Until now, her heavy medical bills have been paid fully by Medicaid. But when her monthly Social Security check rises from $138.40 to $166.10, it will surpass the $147 figure that Colorado uses to divide those who are eligible from those who are not.

In exchange for her $27.70 additional from Social Security, Mrs. Nashif will have to pay $5.80 a month in medical insurance premiums, 20 per cent of all doctors bills, the first $68 a year in hospital expenses, $17 a day after 60 days in the hospital, and the total amount of prescription drugs.

Further, she will lose $7 a month in welfare payments, she will probably become ineligible for food stamps, and her rent will rise, since she lives in Federally subsidized housing where rents are tied to income.

"When I take all this into consideration," she said, "I'll be a darn sight worse off than I am now."

Congressional action could eliminate such hardships, and several bills addressed to the problem are now pending. Last Friday, the Senate voted a solution for welfare recipients by passing a measure that would force states to raise the eligible income limits for welfare by the same dollar amount as the Social Security increases. Prospects for the bill in the House are uncertain.

Even if the bill becomes law, it will not help people who now collect Medicaid and are not welfare recipients, and there are thousands of those in New York City alone who risk losing their medical benefits. The bill addresses itself only to welfare recipients.

ACTION BY STATES

Some states have already taken action on their own. Gov. William T. Cahill of New Jersey has ordered Medicaid benefits continued for 4,000 elderly who would otherwise become ineligible.

Delaware has allocated $1-million to raise the eligibility income maximums. Gov. Winfield Dunn of Tennessee has changed administrative regulations to keep 7,500 people on the welfare rolls. Nebraska, Missouri, Iowa, Florida and Wyoming are among the states that have increased the income levels that determine eligibility.

No action has been taken in New York. The state's Department of Social Services contends that it has no power to make the necessary changes without approval from the Legislature, whose regular session begins in January.

New York City has already sent letters informing 6,000 elderly people that their welfare benefits will be halted. This means that they will have to begin paying 20 per cent of their medical expenses.

In addition, many aged New Yorkers who are not on welfare and are not addressed by the Senate bill will be hurt by the Social Security increases.

The city's Office For the Aging estimated that 14,696 persons who now receive 80 per cent of their medical expenses from Medicaid will be cut off altogether. In addition, 22,434 who are not on welfare but are fully covered by Medicaid will have until they have spent all their income above the welfare maximum on medical bills. At that point Medicaid will pick up the full burden again. This totals about 43,000 elderly affected adversely in New York City alone.

The figures elsewhere are smaller, ranging from about 10,000 in California to 400 in Vermont. The United States Department of Health, Education and Welfare calculates that nationwide, 187,000 people will become ineligible for welfare and 93,000 will lose Medicaid.

Even many who do not lose will not gain from the Social Security increase, since some states apply Social Security income against welfare payments. As Social Security rises, welfare decreases; the beneficiary is not the individual, but the state.

"I'm all for the increase," said John Maros, administrator of the Wyoming Division of Public Assistance. "The more Social Security they get the less public assistance is needed." The State of Washington estimates that it will save $2.3-million in welfare payments by next June 30.

"The average pensioner in Alabama won't gain a dime as a result of the increase," said Ruben K. King, Alabama director of pensions and security.

BAN UNDER SENATE BILL

"This is a form of psychological deceit practiced upon senior citizens," said C. Christopher Brown, head of the law reform unit of the Baltimore Legal Aid Bureau. "The government is giving with one hand and taking away with the other."

This cannot happen if the bill passed by the Senate is approved by the House and signed by President Nixon. Under the measure states would be prohibited from reducing welfare payments in response to the Social Security increase.

The bill would also cost the states additional money by requiring them to raise the income limits for eligibility, not merely for those welfare recipients who are on Social Security, but for all disabled, aged and blind. In New York, many in the disabled category are narcotics addicts.

In most states, elderly people on Social Security receive only small amounts of money from welfare, and their removal from the rolls is less of a hardship in terms of direct welfare payments than it is in terms of the services that are corollaries to welfare status.

In many states, for example, Medicaid—whose cost is shared by the Federal and state governments—is available only to those whose incomes are low enough to qualify them for welfare, even though the Federal guidelines allow Medicaid benefits for those with incomes up to 133 per cent of the welfare maximum.

Other benefits, such as food stamps, legal help and homemaking services, are also often tied directly to welfare.

BRONX WOMAN HIT

Mrs. Elisabeth Miles of 1365 Finley Avenue, the Bronx, for example, faces the loss of a valuable homemaker because the Social Security rise will make her ineligible for welfare. She is 62.

"The letter came last Wednesday," she said, "and now I have nothing. I have been a widow for 29 years and am completely blind in the right eye and partially blind in the left eye. My son is unable to take care of me because he has eight children of his own."

Her monthly Social Security check, to rise from $133.10 to $159.70, will have to cover her $70.40 a month rent, as well as her food and other expenses.

"They say that they are giving me a 20 per cent increase, but they been taking everything back and all I get is nothing," Mrs. Miles said. "We worked hard to take care of ourselves and they just don't care if we live or die."

In a small, sad room on West 86th Street, Joseph Wolfson, 80, a frail, asthmatic man spoke with fear. "Most of the time I am in the hospital because of asthma," he said. "I feel all right now, but who knows what can happen next week? I just can't live with that little amount of money and no Medicaid."

Eva Estelle Jackson, 70, lives alone in Montgomery, Ala., and has suffered from tuberculosis and ulcers. She now receives $132 a month in Social Security and $24 in welfare, but she has been told that the Social Security increase will raise her a few dollars above the welfare maximum she will therefore lose Medicaid, which paid several thousand dollars for three weeks she spent in hospitals last year.

"It's gonna hit me hard," Miss Jackson said. "If they'd just left me with a pension of $1 or $2, and Medicaid, I'd have been a lot better off. If I had some illness, I just don't know what I'd do. I'd just be in bad shape, because I've got nobody to fall back on."

Miss Jackson discovered that she will also have to pay a $2-a-month garbage collection fee to the City of Montgomery. Only those on welfare are exempted from the fee.

Another Montgomery resident, Emily Shepherd, 75, is now in the hospital, being treated for emphysema. When her $137-a-month Social Security check rises to $164, she will lose $66 in welfare from the state, ending up with $39 less a month than now, and no Medicaid.

At that point, her choices will be "either to go into a convalescent home or just go back to my apartment and die," she says. "It's the most ridiculous thing I ever heard of. They should have had a little forethought. They're just a bunch of meatheads in Congress."

In Las Vegas, the Social Security check of Henrietta G. Oberg, 78, will rise from $153 to $183 a month, but her $23 welfare payment will be eliminated as a result, leaving her $7 ahead, but without Medicaid. She is being treated for cancer. "What am I going to do?" she asked.

In Cedar Rapids, Iowa, Mary Wright also lost Medicaid. "It will take it all away from me," she said of the Social Security increase. "I can't afford it. I'm having it all canceled. I got to pay my rent, clothes and feed myself. There's nobody else to do it for me. You can't get any glasses, can't get any teeth—anything you need you can't get."

The difficulties have also affected some younger people. Lennell Frison, 40, a father of 10 in Portland, Ore., is a former foundry worker whose arthritis put him out of a job two years ago. He and his wife, who has diabetes, were told recently that the Social Security rise would mean the end of welfare and the end of medical payments.

"Without that aid to the doctor, man, I don't know how we're going to make it." His wife, he says, works sometimes as a janitor at night, making about $100 a week. They had planned to try to buy the six-room house they now rent, he said, "But we're probably gonna lose it."

Mr. Frison has considered sending his 17-year-old son to work, but he is torn by powerful doubts. "I hate to take my oldest boy out of school, because then he'd be where I am. I think I'd go back to work and punish myself instead. I can't stand up too long. My legs won't hold me. But it gets you. A man ain't nothing if he can't feed his children."

In Hazelwood, Mo., a suburb of St. Louis, Mr. and Mrs. Russell French face similar difficulties. Mr. French suffers from heart disease and diabetes, she from arthritis and rickets. Two of their children, Charles, 15, and Lorraine, 12, have rickets, and a third, Russell, is diabetic.

"It's the Medicaid that counts," said Mrs. French. "I figure it would cost us $100 a month just to keep my husband supplied with medicine." Neither she nor her husband can work; their Social Security comes to $400 a month.

The family's physician, who asked not to be identified, confirmed that the French family needed constant medical attention. "Of all my families, this is the one that is probably the most in need," he said.

When Mrs. French was 10 years old and living in Corning, Ark., she recalled, her mother died because she could not get medical help. "If anyone thinks things have changed, they haven't," she said, "because the same thing probably will happen to us."

POSTMASTER GENERAL POSTS GUIDELINES IN SALT LAKE CITY SPEECH

HON. SHERMAN P. LLOYD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. LLOYD. Mr. Speaker, Salt Lake City recently had the honor of hosting the national convention of the National Association of Postmasters of the United States. One of the keynote speakers at the convention was Postmaster General E. T. Klassen. Klassen challenged the postmasters to take stock of themselves as managers and to accept the challenge of building a postal system that is uniformly efficient; that serves the precise needs of the customers; that gets mail delivered on time, all the time; and one that will stand as a model for managers who will follow.

I was particularly interested in the following declaration of the postmaster general:

> We're going to get this system moving. We're going to improve mail service, cut costs, and provide better working conditions for our employees.

I submit the full text of Postmaster Klassen's remarks for the RECORD:

REMARKS BY E. J. KLASSEN

I have greatly enjoyed the opportunity to take part in your Convention here in Salt Lake.

I want you to know that I have appreciated the opportunity of meeting directly with Frank Miklozek and your other National officers on several occasions and I believe we have found a constructive way of exchanging our various points of view and I believe this exchange to be very important.

I appreciate the privilege of speaking to all of you tonight, not necessarily in the traditional banquet style, but frankly and directly—from the heart.

I want to do that because you and I are joined in a task that surely will be the most exciting and demanding challenge of our lives. That task is managing the United States Postal Service—managing it effectively and efficiently—with dedication and imagination.

I think it's time for us to take stock of ourselves as managers—to determine whether we are doing the job or not. Honest self-analysis is never an easy or pleasant experience. But it is a necessary function of good management. Good management is a prerequisite to good mail service. And good mail service is the *only* reason we're in business. There is a saying that he who cannot lead and will not follow should get the hell out of the way. I think that maxim applies with equal force to the Postal Service as it does with every other large organization in the country today.

We're going to get this system moving. We're going to improve mail service, cut costs, and provide better working conditions for our employees.

We are depending upon you to provide the leadership in this effort. We know that most of you are highly capable of providing that leadership—and we will give you all the support you need to exercise it.

This is no time for faint hearts or wavering resolve. We've got a job to do and we're going to get it done. As we go about the task, don't let anyone muddy the water and waste your time with a lot of unfounded apprehensions. For example, I talked to a postmaster last week in a rather large city and found that he was very fearful that our job evaluation program would put him and many others out of a job. This only proves that we have done a poor job of explaining the benefits that will result from job evaluation.

In fact, yesterday—your friend and mine Don Ledbetter, President, National Association of Postal Supervisors, received a big hand from you when he suggested placing the whole job evaluation program in a deep freeze. Again, I want to say to you, once you learn and understand the benefits that will result from it, *none* of you would want to put it in a deep freeze.

The time has come when postmasters have got to stop "administering" their offices and start managing them. Many of you have taken a firm grip on your jobs and are managing with pride and professionalism. But, regrettably, we still have managers who are not managing. We still have managers who seem content to float along with the status quo. We still have managers who are unwilling to exercise the authority that is already theirs. We still have managers who seem reluctant to get down into the arena, where the action really is, and take command in clear and decisive fashion. We still have managers who pay no attention to tour one and tour three—in fact, I recently talked to a night-shift employee with twenty-six years of service in one of our large post offices who said she had never *seen* the postmaster. And, worst of all, we still have managers who run to their congressmen or local political leaders for moral support every time they are faced with an unpopular decision.

If you need moral support, we'll give it to you. You don't have to go outside to look for it. In far too many instances postmasters have either opposed new programs, or, at best, reluctantly agreed to "administer" them if directed to do so.

Now, don't misunderstand me. I have no quarrel with those who express honest opposition to a policy or program that they think will be detrimental to the Service. Each of us has a responsibility to speak up if he is convinced that what is proposed is not in the best interests of the Postal Service and our customers. But the proper way to influence policy is through the normal chain of command, and that's how your valid objections should be registered.

I have never contended nor do I contend now, that we in Headquarters or the Regions have a monopoly on brains. We welcome constructive criticism. But I have no patience with those who oppose for the sake of opposition. I have no patience with those who say, "It can't be done" because we've never done it that way before, or "We've got to do it this way" because that's the way we've always done it. I have no patience with those who are afraid to bite the bullet because they may not like the taste—who refuse to make an unpleasant management decision unless they are directed by higher authority to do so. In my book, these postmasters are not accepting the responsibility that goes along with their salaries.

Let me tell you something about the decision making process. The higher up the management ladder you ascend, the more difficult the decisions become. The easy decisions never reach the top, because someone below has already made them. It's only the tough ones that are passed up to the top.

As a postmaster, you're at the top of the management ladder in your office. So don't look for the easy decisions. Your subordinates should have already made them. The ones that you get are all going to be tough. Don't be afraid to make a decision because you might make a mistake. Someone has said the man who never makes a mistake never made a decision. And we need decision makers.

We are in a period of trial and error. None of us is above making a mistake. That's no sin. The sin occurs when we permit the same mistakes to recur—when we don't have the guts to stand up and face reality—to admit our errors and try to correct them.

Too often we see policy frustrated or ignored and hear the manager say, "I didn't understand the policy." Well, I want to make you an absolute pledge right here and now. I will do everything in my power to see that policies and programs originating in Washington or the Regional Headquarters are fully explained to you. I will make every effort to promote a better understanding of what we are doing and why we are doing it. And I will ask you, now, to let us know if you do not fully understand a particular National or Regional program or policy or decision, so that we can adequately explain it.

Most of you are doing a hell of a good job, and that's why we were able to forgo that four hundred and fifty million dollar rate increase that was budgeted for next January.

We are making progress toward putting our financial house in order. We have begun to make progress toward fulfilling our mandate to improve service, but we still have a lot of soft spots that need attention. We have established firm service standards which we are meeting with increasing consistency, but we cannot be satisfied until we are meeting those standards, *all the time*, everywhere. We are making some progress in providing better working environments for our employees, but not enough progress, and not fast enough. We still have a long way to go.

We have increased salaries substantially. We have, and will continue to promote from within. We have taken appointments and promotions totally out of politics. To date, we have appointed more than six thousand postmasters solely on the basis of merit. We are going to spend close to a billion dollars on new bulk mail facilities, hundreds of millions on improvement of existing facilities, and we have on the drawing boards a four billion dollar plan for a system of preferential mail plants.

But none of these things will amount to a hill of beans if our managers fail to do their jobs. Collectively, local postmasters manage a business organization that has more employees than General Motors—more revenues than A T and T—more offices than Prudential.

You manage a business that directly touches the lives of every man, woman and child in this Nation of ours, every working day. So, yours is a big job. It's an important job. It's a job in which you can take justifiable pride when you do it well.

And I am counting on you to do just that. I am counting on you to contribute; to innovate; to motivate. I am counting on you to make decisions. I am counting on you to run your offices with ingenuity and with pride. That's what management is all about.

Ask yourself if you are doing a good job as a manager. Are you looking at incoming parcels to see if they've been damaged, and, if so, are you tracing the causes and correcting them? Are you spotchecking the postmarks on incoming mail to see if our service standards are being met? And when you see delays, are you insisting on corrective action from those responsible?

Is your star route driver living up to his contract with the Postal Service? If not, what are you going to do about it? How much help are you giving your customers to make sure they have the necessary ZIP Code information to properly address their mail? Do you work with your local news media to keep editors fully informed about postal services and products? You can avoid a lot of unfair criticism that way.

Most importantly, are you tailoring your workforce to fit your workload?

Ask yourself how you can improve yourself as a manager. Because no matter how good a job you are doing, you've got to strive constantly to do better, for we have promises to keep. We have a commitment to the Congress to operate efficiently and to balance our costs against our revenues. We have a commitment to our employees to provide them good careers and a chance to grow. And we have a commitment to our customers to provide them with courteous, reliable mail service at reasonable postage rates.

We have, within our ranks, the demonstrated leadership qualities to get the job done. Behind that leadership, we have as talented and dedicated a work force as does any organization on earth.

But the degree of cooperation you get from your employees will depend upon the motivation that you give them. Your integrity as a leader will be gauged by the firmness, the fairness, and the straightforwardness with which you accept your managerial responsibilities.

You are the pace-setter, the quarterback. Everyone below you—your supervisors and your employees—will look to you for leadership. The quality of leadership that you provide is directly related to the respect that you will receive from your staff and the quality of service your office renders to the public.

Your employees and your customers will look to you to set the standards by which the Postal Service will be known and measured in your community. We are in a highly competitive business. And we are not ordained to remain in that business forever, unless we can provide better service than our competitors.

High costs, breakage, failure to respond to customer needs, discourtesy, unreliable service—any of these can cost us business. When we lose business, we lose revenue. And when we lose revenue, we lose postal jobs, because other service agencies will take over work that *we* are supposed to do.

And don't think for a minute they won't take it over, if we sit idly by and let them. Our competitors have already absorbed half of the parcel post business that we used to handle. The only way we're going to get that business back, and avoid losing more business, is to perform better than our competitors do.

President Benjamin Harrison had a businessman as Postmaster General—John Wanamaker of Philadelphia—and he endeavored to apply sound business management principles to the old Post Office Department. He was not too successful, because he did not have the freedom to manage that we now have under Postal Reorganization. However, he did have some good advice for postmasters which I would like to pass on to you. "Gentlemen," he said, "You ought to run your post office as if there was another fellow across the street competing with you, and you were trying to get all the business. Keep the mail bag open to the latest possible minute. Then get it to its destination in the shortest possible time. And then get each separate piece of mail to the person for whom it was meant, in the quickest possible way." That was Mr. Wanamaker's advice.

Now let me add a bit of advice of my own. Today, there really *is* another fellow across the street competing with you, and *he's* after all the business. The sooner we all recognize that fact, and begin competing the way Mr. Wanamaker suggested, the sooner we will come into our own as superior postal managers, and the sooner we will be capable of providing our customers with the high-quality mail service they have every right to expect.

With the full support of your organization, and with the personal commitment of each of you, I'm sure we'll be worthy of the challenge.

Working together, managing together, we have the magnificent opportunity to build a Postal System: That is uniformly efficient; that serves the precise needs of our customers; that gets the mail delivered on time—*All the Time*; and one that will stand as a model to those managers who follow in your footsteps.

Thank you.

POSTAL POLICE: LITTLE KNOWN, MOST EFFECTIVE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. BOB WILSON. Mr. Speaker, when people talk about the U.S. mail service it is sometimes sprinkled with more grumbles than praises. Whether these complaints are justified remains debatable.

One little known section of the Postal Service is the Postal Inspection Service. The reputation of postal inspectors is high among professional investigators and their record of achievements were recently recorded in a Los Angeles Times story by Tom Foley.

I insert Mr. Foley's article in the RECORD for the perusal of our colleagues:

POSTAL POLICE: LITTLE KNOWN, MOST EFFECTIVE

(By Thomas J. Foley)

WASHINGTON.—"Anybody who robs a post office is an idiot, and I don't want idiots working for me."

Thus did Dutch Schultz, the notorious gangster of the '20s and '30s, extol the success of the oldest, smallest, least known and, some believe, most effective federal investigative agency—the Postal Inspection Service.

Down through the years, the service has had a hand in convicting a number of well-known individuals who apparently didn't take Dutch's advice, including Clifford Irving, author of the hoax autobiography of industrialist Howard Hughes.

GETS LITTLE CREDIT

It has pulled off these coups with a free-form style that contrasts with the highly organized FBI, Internal Revenue Service and other agencies. And it is characteristic of the postal service that it seldom gets as much credit for its work as its better known agency friends.

Moreover, while helping put mail fraud violators behind bars, it has succeeded in drastically cutting the postal theft rate at a time when most crime statistics are rising. Credit card security in the mails, a major problem in recent years, has improved so much that officials say their biggest problem now is complacency.

So old is the Postal Inspection Service that it can call 1972 its bicentennial anniversary. The first inspector (he was called a "surveyor") was appointed in 1772 because the Crown was concerned about colonial revolutionaries rifling the mail and disrupting the postal service.

ONLY 1,570 AGENTS

But despite its age, the postal agency today has only 1,570 inspectors, compared with more than 2,000 agents in the rapidly growing Bureau of Narcotics and Dangerous Drugs and 8,600 FBI agents.

What is more, no television or radio series has been built around its activities, such as the programs featuring FBI and Treasury agents.

"There were a couple of shows on the Armstrong Theater a few years ago based on the postal service, but that's all," said Charles Miller, chief of the service's criminal investigation section.

The anonymity is not deliberate. "We don't shun publicity, but we don't go out of our way to get it either," Miller said.

KEEPING IT SMALL

What is deliberate is instilling a high sense of professionalism in the service. According to William J. Cotter, the assistant postmaster general in charge of the agency, keeping the service small is part of this effort.

"We don't want to hire more agents than we can professionally train and work into the discipline we require," Cotter, a veteran of both the FBI and the Central Intelligence Agency.

Fewer than 4% of the postal agents leave the service for reasons other than retirement each year. They work a 55-hour week.

Miller is a 30-year veteran of the service. "It was my first job and the only one I've ever wanted."

While they profess no desire to cast aspirations on "our friends' 'in other investigatory agencies, the postal service chiefs take pride in their history.

They note, for instance, that when the Internal Revenue Service decided in 1919 to establish an intelligence unit, it asked the Postal Inspection Service to set it up for them.

Postal inspectors also established and headed the State Department's first investigative and security branch in the 1930s, coordinated all Treasury law enforcement branches at one time, and set up the Civil Aeronautics Board's first investigative branch.

IRVING-HUGHES SCRIPT

The service's professionalism brought the Clifford Irving case to a head. Postal inspectors were faced with a report by McGraw-Hill publishing company's handwriting experts, authenticating the script supposedly written by Hughes. The company believed it had paid $750,000 to Hughes through Irving, to publish the disputed script.

John Tarpey, who headed the six-man team that did most of the work on the Irving-Hughes case, explains what happened:

"The McGraw-Hill experts had compared the letters and manuscript with some of Hughes' handwriting and said Hughes could have written it. We tried to approach it from the other side."

"We wanted to see whether someone else could have forged the documents and we picked Irving to begin with."

WINS COURT ORDER

When the Irvings refused to give them samples of their handwriting, the government team won a court order to force them to turn over such samples.

"The writing was different from the Hughes documents," Tarpey says, "But close examination showed some characteristics and habits were the same. The T's were crossed the same, the I's were dotted the same, and some letters were broken up alike. We took the samples to our own handwriting expert who studied them for two days and confirmed that they were the same."

Tarpey relates that at the time Irving finally gave the government a statement of his role, he sat down and was able to write in the Hughes style at full speed. While postal inspectors do not get shot at as often as their FBI counterparts, their work is not without dramatic interest.

Last March, after four months of closely watching one of three suspects in a December post office robbery in Yonkers, N.Y., inspectors saw the suspect in a drunken rage, force his girl friend out of his apartment.

FIRST IN A CASE

The inspectors immediately went to her, and the angry woman not only supplied details of the burglary but agreed to testify against the suspects. Her testimony turned out to be unnecessary, because all three pleaded guilty.

The service's reputation is high among professional investigators.

William Hundley, a Washington attorney, who headed the Justice Department's organized crime division for several years, said, "Man for man, they were as good as any. The service is not as hidebound as the FBI nor as bureaucratic as the IRS. Traditionally, they're the first ones in a case."

A few years ago, a small country store, a section of which served as the local post office, was burglarized.

When the proprietor opened the next morning, he found a chalk line drawn between the store and the post office and the following inscription on the floor, "Inspectors, we didn't cross this line."

One former government investigator says the lack of supervision in the postal agency is a drawback to its efficiency. But others say the more free-swinging atmosphere is part of the reason for its success and high morale.

For example, the six-man team involved in the Irving case handled the investigation from beginning to end, regardless of where it took them or whose jurisdiction they entered. The service's supporters say this practice provides continuity and speed in an investigation.

Key weapons for the postal service are the broad federal statutes barring the use of the mails to defraud. Miller said the service has most recently used these laws to prosecute a widespread swindle he called the advance fee fraud.

This is an elaborate system for promising loans to small businessmen hard up for ready cash in exchange for an advance finders' fee, usually about 5% of the loan. The "lenders" keep stalling, and the loans are never actually made. When the heat gets too hot, the swindlers disappear.

SOME 69 INVESTIGATIONS

Miller said 69 advance-fee investigations are under way, with more than 100 indictments already handed down. These include 22 in Miami, 19 in Chicago and 11 in Kansas City.

The advance-fee swindle, according to Miller, is a variation of other types the agency has run into and shows, he said, that there is nothing really new in this field. "Our files show the same scheme working 100 years ago," Miller said.

The mail fraud laws are being used more and more as a weapon against organized crime. The method is similar to the use of federal income tax laws to put behind bars some criminals who escaped prosecution or conviction for more serious crimes under state laws.

Postal inspectors are part of the multiagency "strike" forces operating against organized crime in major cities.

BLACK HAND INQUIRY

Going after this part of the underworld is nothing new for the service. It was the postal inspectors' investigation of the Black Hand letters in the early part of the century that broke the grip of the secret Sicilian society that extorted thousands of dollars from immigrant Italians under threat of death.

Hundreds were arrested and prosecuted on the basis of false representation made in the letters. Ironically, Miller noted, an appeal to the Supreme Court resulted in the reversal of a conviction, the court ruling that it was not false representation because the Black Hand actually carried out its threats.

James F. Ahern, former New Haven police chief and now director of the Insurance Crime Prevention Institute, urges broader use of mail fraud laws as a weapon against white-collar crime.

Estimating annual losses of $1.5 billion in fraudulent insurance claims alone, Ahern said: "Losses from white-collar crime, though usually hidden in company books, dwarfs the losses from the more visible street crimes."

The service's principal job still is to protect the mail. And while its methods are sophisticated and take advantage of the latest electronic technology, the job still involves riding shotgun just as it did 100 years ago with stagecoaches.

Mail truck hijacking around Kennedy International Airport in New York in recent years resulted in the loss of hundreds of millions in stolen stock securities. These were stopped by rigging the trucks with radios and electronics and sending out escort cars.

Much harder to control is the growing number of mail thefts by narcotics addicts looking for money and credit cards to finance their habits.

Nearly one of every four of those now arrested is an addict, according to the service.

However, the total number of postal burglaries has dropped sharply in recent years.

THE MEXICAN WATER TREATY AND ITS RELATIONSHIP TO COLORADO RIVER WATER SUPPLIES

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. JOHNSON of California. Mr. Speaker, during the closing months of 1972, this Nation will be discussing with our neighbors to the south the problem of salinity of the Colorado River water being delivered to Mexico pursuant to the Mexican Water Treaty.

Former Attorney General Herbert Brownell has been designated as the President's special representative to seek a permanent solution to the problem. Since all of us will be hearing more about this problem I thought it appropriate that I share with you some of the background as to how this situation developed and what currently is being done in this area.

A statement prepared by Mr. Myron B. Holburt, chief engineer, Colorado River Board of California, sets forth these points in a very precise and clear manner. Therefore, I would like to insert at this point in the RECORD these remarks so that my colleagues can share in this information and have it for reference as the negotiations unfold:

THE MEXICAN WATER TREATY AND ITS RELATIONSHIP TO COLORADO RIVER WATER SUPPLIES

(By Myron B. Holburt)

The meetings in June between Presidents Nixon and Echeverria thrust the matter of the salinity of the Colorado River water delivered to Mexico pursuant to the Mexican Water Treaty on the front pages of our Nation's newspapers. While the press focused on salinity problems of the water delivered to Mexico, these problems and potential solutions are intimately connected with the water supply used within the United States in the seven states of the Colorado River Basin.

In order to understand the current situation and future possibilities in connection with the Treaty, it is necessary to have some background information.

1944 MEXICAN WATER TREATY

This Treaty covers the waters of the Colorado, Rio Grande, and Tijuana Rivers. It was Mexico that insisted on having one agreement covering both the Colorado River and the Rio Grande, rather than having separate treaties. Since the United States is the basic source of water delivered to Mexico from the Colorado River, while Mexico is the source of a large part of the waters used by the United States in the Lower Rio Grande Valley, Mexico felt that they could obtain better terms on the Colorado by considering the two rivers together in one treaty. It was also significant that the chairman of the Senate Foreign Relations Committee in the 1940s was Senator Connally of Texas, which state would benefit greatly from an agreement with Mexico on the Rio Grande.

Negotiations between the United States and Mexico concerning the Colorado River commenced originally in 1929, but were broken off. They were reinstituted in the late thirties, but it was not until 1941 that the negotiations were undertaken which finally led to the 1944 agreement.

The initial United States position in 1929 was that Mexico should receive 750,000 acre-feet per year from the Colorado River, which was then the largest amount of water that Mexico had used in any one year. The 1928 Boulder Canyon Project Act had authorized construction of Hoover Dam with one of the stated purposes being the delivery of stored water for ". . . beneficial uses exclusively within the United States . . ." The 750,000 acre-feet per year was also considered by engineers to be the largest practical supply that Mexico could use without regulation by upstream storage reservoirs. Mexico countered with a demand for 3.6 million acre-feet per year, and negotiations were abandoned.

In 1941, the United States offered 0.9 million acre-feet per year (maf/yr) of stored Colorado River water to be released on demand to Mexican users. Early in 1942, the United States' offer was amended to 1.15 maf/yr, but with the delivery to be from "any source whatsoever." Mexico countered with a demand for 2 maf/yr.

The Committee of Fourteen composed of two representatives from each of the seven Colorado River Basin states had been formed in 1938 to consider basinwide problems. As negotiations between the United States and Mexico developed in the early 1940s, this Committee became involved in advising the State Department on matters relating to the proposed treaty. Before signing the Treaty in February 1944, which called for delivery of a guaranteed annual quantity of 1.5 maf/yr, the State Department reported on the treaty to the Committee. The Department explained their agreement to deliver such a large quantity of water by pointing out that more than one-half of the 1.5 maf/yr would be irrigation return flows entering the river below Imperial Dam, which would go to Mexico under any circumstances. Thus, the State Department's position was that the United States' users would be better off agreeing to deliver a larger quantity of water to Mexico, which included return flows, than a smaller quantity which did not include return flows.

Five of the states agreed with the proposed treaty. However, California vigorously dissented, and Nevada abstained. Because of California's dissent and Nevada's nonconcurrence, the remaining five states joined with Texas in July, 1944 to form a new group called the Six State Committee, which actively supported ratification of the Mexican Water Treaty.

The Treaty which became effective on November 8, 1945 after ratification by the two Governments, does not specifically refer to water quality. However, State Department representatives and their consultants testifying before the United States Senate in support of the Treaty stated that water quality was extensively discussed, and that Mexico fully understood that the Treaty required them to take return flows. The specific provisions that were included in the Treaty to insure that Mexico must accept return flow and drainage water are in Article 10 and 11. Article 10 states that Mexico's allotment includes water from "any and all sources," and Article 11 states that "waters shall be made up of the waters of the said river whatever their origin."

WELLTON-MOHAWK DRAINAGE PROBLEM

Between 1945 and 1961, there were no particular problems with respect to quality, as the salinity of the water delivered to Mexico at the northerly international boundary was generally within 100 parts per million of the water at Imperial Dam, the last diversion point for users in the United States. However, in 1961, the Wellton-Mohawk Project in Arizona commenced operation of its drainage system and discharged its drainage water into the Colorado. Initially, the drainage water included a substantial proportion of highly saline groundwater that had been concentrated through reuse during the previous half-century. This groundwater averaged around 6,000 parts per million. There was a sharp increase in the salinity of the water delivered to Mexico which resulted in strenuous objections being raised by Mexico.

Although the Wellton-Mohawk drainage was the primary cause of the increase in salinity, another factor also had a significant impact. Beginning in 1961, releases into Mexico were sharply reduced in anticipation of storage in Lake Powell behind the newly constructed Glen Canyon Dam. This loss of dilution water can be emphasized by two figures; for the 10-year period from 1951 to 1960, the average delivery to Mexico at the northerly international boundary was 4.24 million acre-feet per year, while for the succeeding 10-year period from 1961 to 1970 the flow averaged only 1.5 million acre-feet per year. The Wellton-Mohawk drainage water and the decreased flows caused the average salinity of the waters delivered to Mexico to increase from 800 parts per million in 1960 to 1500 parts per million in 1962.

Although, as previously indicated, the United States intended that Mexico must receive return flows below Imperial Dam under the Treaty, no one had anticipated return flows as high in salinity as the Wellton-Mohawk drainage or that there would be such a precipitous rise in the salinity of the waters delivered to Mexico. Consequently, after the winter of 1961–62, the United States undertook certain provisional measures to minimize the impact of the high salinity drainage returns from Wellton-Mohawk. The United States also entered into negotiations with Mexico to arrive at a practical solution. The State Department asked the governors of the seven Colorado River Basin states to appoint two members to a reconstituted Committee of Fourteen in order to advise the State Department in connection with the Wellton-Mohawk problem. (The current members from California appointed by Governor Reagan are William Gianelli, Director of Water Resources, and myself.)

Extensive negotiations were conducted between 1962 and 1965 and in November 1965, with the concurrence of the Committee of Fourteen, a five-year agreement was incorporated in Minute 218 of the International Boundary and Water Commission. Under Minute 218, the United States agreed to take several actions to alleviate the problem. First, the United States constructed an extension of the Wellton-Mohawk Drain so that water can either be bypassed around Morelos Dam or mixed with other Colorado River waters above Morelos Dam, at the option of Mexico. Second, the United States constructed additional drainage facilities in the Wellton-Mohawk project which allow selective pumping of the most saline waters at times when Mexico is bypassing Wellton-Mohawk drainage water, and allow the pumping of higher quality groundwater at times when Mexico is using Wellton-Mohawk water. Third, the United States agreed to replace a portion of the bypassed Wellton-Mohawk water which resulted in the release of approximately 40,000 acre-feet of mainstream water per year from Imperial Dam in excess of the 1.5 million acre-feet per year required by the Treaty.

Minute 218 was extended for one year in November 1970, and again extended in November 1971. Under the measures taken by the United States, at a cost of about $12 million, the quality of the water delivered to Mexico was improved from about 1500 ppm in 1962 to 1240 ppm in 1971. Between November 1965 and November 1971, operation of the minute has resulted in delivery to Mexico of 232,000 acre-feet in addition to the amount guaranteed by the Treaty.

NEGOTIATIONS IN 1970–72

Prior to the first expiration date of Minute 218, November 1970, the United States and Mexico commenced negotiations with the purpose of arriving at another five-year agreement. Mexico had objections to operations under Minute 218, and they wanted changes in any new long term agreement. The United States made a proposal in order to meet Mexico's objections. The Diaz Ordaz Administration considered the proposal to be constructive, however, they did not want to enter into a new long-term agreement, since a new President would take office on December 1, 1970. This led to the first one-year extension of Minute 218.

Negotiation commenced in 1971 with the Echeverria Administration. The United States, supported by the Committee of Fourteen, proposed a new minute in which additional quantities of water would be substituted for Wellton-Mohawk drainage water. The quantities proposed to be substituted each year were estimated on the basis of what has been termed the "equivalent salt balance" approach.

In arriving at the equivalent salt balance concept, United States reasoned that (1) water users in the United States have a right to irrigate lands below Imperial Dam, (2) Mexico has to receive drainage water under the Treaty, (3) creating a situation of ideal return flow conditions below Imperial Dam with respect to salinity would be the best Mexico could expect, (4) the total deliveries shoud be water of a quality that would be usable for irrigation of the type of crops grown by Mexico, considering its soil conditions.

Salt balance in an irrigation system simply means that the amount of salt returned in drainage waters is equal to the amount of salt in the water applied to the land. An irrigation system that is in salt balance neither accumulates salt in the soil nor leaches salt from the soil. As proposed in this situation, the equivalent salt balance program would insure that water delivered to Mexico would have the same salt concentration as would exist if the projects in the United States which divert from Imperial Dam and have drainage returns to the river were in salt balance.

Equivalent salt balance would be obtained by bypassing some of the irrigation return flows from the Wellton-Mohawk Project and substituting therefor a combination of better quality groundwater from the Yuma Mesa, and additional releases from Imperial Dam. Even with equivalent salt balance, there would be an increase in salinity concentration between Imperial and Morelos Dams caused by evaporation of a portion of the applied irrigation water on lands in Arizona and California, i.e., the tons of salt applied to, and returned from, the land are equal, but the amount of return flows are only a portion of the applied water.

The deliveries under the equivalent salt balance proposal for the first year would have been 130,000 acre-feet per year beyond the Treaty requirements. The source of the additional water would be releases of Colorado River water from storage above Imperial Dam and from wells on Yuma Mesa near Yuma, Arizona. In 1971 salinity of the Wellton-Mohawk drainage water was approximately 3700 ppm and it is anticipated that the amounts of substitute water would diminish in future years as salinity of the Wellton-Mohawk drainage water continues to decline.

The United States also informed Mexico that, for the long term future, a more serious problem for Mexico and for United States users in the Lower Colorado River Basin is the projected increase in the salinity of the river at Imperial Dam. Mexico was informed of the United States' plans to undertake a major basinwide salinity control program, and of feasibility studies being under way by the U.S. Bureau of Reclamation. The objective of this program is to keep the salinity at or below present levels. California has been working very closely with the federal government and the other basin states in developing the salinity control program.

Although the United States negotiators thought they were near agreement with Mexico in November 1971, Mexico finally rejected the American proposals and negotiations were discontinued. In the early part of 1972, there was a resumption of talks at different levels within the two governments, however no agreement was reached.

JOINT COMMUNIQUE BETWEEN PRESIDENT NIXON AND PRESIDENT ECHEVERRIA—JUNE 17, 1972

On June 15 and 16, President Nixon and President Echeverria met and following the meetings, issued a joint communique dated June 17, 1972. With respect to the Colorado River, President Echeverria gave the essence of the current Mexican position as wanting water under the 1944 Treaty to be the same quality as the water at Imperial Dam. President Nixon replied that "this was a highly complex problem and needed careful examination of all aspects." The President then outlined four points and said that the United States was prepared to:

(a) undertake certain actions immediately to improve the quality of water going to Mexico;

(b) designate a special representative to begin work immediately to find a permanent, definitive and just solution of this problem;

(c) instruct the special representative to submit a report to him by the end of the year; and

(d) submit this proposal, once it has the approval of this government, to President Echeverria for his consideration and approval.

The immediate action referred to by the President is the substitution of Colorado River water and Yuma Mesa water at an annual rate of 118,000 acre-feet for an equal quantity of Wellton-Mohawk water. The 118,000 af/yr was computed by the previously referred to equivalent-salt-balance concept. The substitution of the water by the United States will result in delivery of water to Mexico at the northerly international boundary with an average salinity of 1140 ppm as compared to 1240 ppm delivered to Mexico for the calendar year 1971.

At the request of Mexico, the United States will also bypass the balance of the Wellton-

Mohawk drainage water (approximately 100,000 af/yr) which results in Mexico delivering water into its Alamo Canal with a salinity of around 950 ppm. These actions are incorporated in Minute 241, which became effective on July 14, 1972, and are to remain in effect until December 31, 1972. Minute 218 was terminated when Minute 241 became effective.

It is worth examining for a moment the Mexican position that they should receive the same quality of water as that at Imperial Dam. Presently, more than 500,000 af/yr of the water delivered to Mexico under the 1944 Treaty is derived from return flows below Imperial Dam. The Wellton-Mohawk Project furnishes approximately 220,000 af/yr, and the balance comes from other United States projects, including the delivery of drainage water at the southerly international boundary. All Colorado River water above the 1.5 maf/yr Treaty obligation to Mexico is committed to use within the United States. To provide Mexico water of Imperial Dam quality would either require the conveyance of all return flows below Imperial Dam to the Gulf of California and the substitution therefor of Colorado River water (to the detriment of United States users), or would require a major augmentation of the river or a massive desalting effort. Desalting of 500,000 af/yr is estimated to cost in the order of $25 to $50 million a year. Desalting would leave a brine disposal problem of at least 50,000 af/yr.

MAJOR OUTSTANDING ISSUES WITH MEXICO

There are two basic issues with Mexico: (1) Does Mexico have to receive return flows below Imperial Dam under the 1944 treaty? (2) Is the water usable?

With respect to the return flow issue, the history of the negotiations, the legislative history leading to ratification and the Treaty language itself make it clear that return flows delivered to Mexico are to be counted in meeting the 1.5 maf/yr. obligation to Mexico. Return flows have been included since operations commenced under the Treaty in 1945. Had return flows and other miscellaneous waters not been included, United States negotiators could not have agreed to a guaranteed quantity of more than twice the water which Mexico used prior to construction of storage reservoirs in the United States.

With respect to the usability issue, deliveries under the equivalent-salt-balance concept will result in Mexico receiving water with an average salinity of 1140 ppm during the ensuing year. That Mexico has used and now does use waters with a higher salinity to grow crops is indicated by the following items:

1. Up until July 14, 1972, when Minute 241 became effective, the Mexicans, based on their own scientific studies, accepted Wellton-Mohawk drainage water along with other water to the extent that it did not result in overall salinities in excess of 1230 ppm.

2. The approximately 140,000 acre-feet per year of Colorado River drainage water delivered to Mexico at the southerly international boundary near San Luis in the State of Sonora averages between 1400 to 1500 ppm, and Mexico has been satisfactorily growing crops with this water without complaints to date.

3. In the eastern Mexicali Valley, Mexico irrigates with water from wells that have a salinity of 1300 to 1400 ppm. The pumping apparently helps the drainage situation, and there are no complaints concerning the use of this water for their crops.

4. It is only in the western Mexicali Valley, where the soils are of a similar nature to those of Imperial Valley, that the Mexicans have complained about the water. However, Imperial Valley has installed approximately 17,000 miles of underground tile drains at a cost to the farmers of over $40 million to carry away the drainage water, while Mexico has not installed any drainage tiling.

Certainly, Mexico should receive usable water to support its agricultural economy which relies on Colorado River water. The United States, the Colorado River Basin states, and Colorado River water users have been concerned that Mexico does receive usable water. To this end, the United States has expended considerable funds, and to date the states have agreed to giving Mexico Colorado River water above the Treaty requirements. Further, the states are willing to continue to give additional water for a limited number of years.

SPECIAL REPRESENTATIVE OF PRESIDENT NIXON

It is apparent from the above that the special representative of the President has quite a formidable task before him in arriving at a permanent solution to this problem in 4½ months. He will have to consider many items and complex issues which have been discussed for over a decade and solved to date by various temporary but practical solutions. His analyses will have to include:

a. the legal aspects of the Treaty,

b. the usability of waters of various salinities,

c. the return flow issue,

d. international relations with Mexico, and

e. the various alternatives that will be proposed.

In summary, it looks like we have a very interesting time in the next few months in connection with the Mexican Water Treaty.

NIXON GETS CREDIT FOR TRYING

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. SPRINGER. Mr. Speaker, I would suppose that President Nixon has experienced about every political accident that could happen in politics.

In spite of any setbacks, one quality he has that stands out—and that is that he keeps trying. For this gift, he gets credit by the American people this year for a job well done.

Haynes Johnson, Washington Post staff writer, in an article in today's Post titled "Nixon Gets Credit for Trying," shows that basically the American people are fair. The surprising thing to all of us this year is the number of Democrats who are switching to Nixon. In the Haynes Johnson poll, 54 percent were Democrats and 22 percent Republicans with another 22 percent Independent. These voters favored Mr. Nixon by a 59-to 31-percent margin. It shows that even the Democrats have had time to think about the comparative qualities of the candidates and even though the Democrats have a great respect for their own candidate, they just feel that on the basis of the last 4 years President Nixon has given an all-out effort. One thing stands out. Haynes Johnson and David Broder, another reporter for the Post, made a nationwide survey for the Post a year ago. The important part of this article shows that the President has made a terrific increase in popular opinion and confidence among the electorate at large. Only 8 percent thought the President was doing a poor job and I think all of us will admit that in Democratic precincts that is a pretty good standing.

A year ago the writers concluded:

> Because dozens of voters in this survey have a similarly vague or negative reading on the Democratic contenders, Mr. Nixon stands a chance of continuing his "average and mysterious" presidency for four more years.

Haynes Johnson winds up his article with these words:

> Now, we would only change that to say Richard Nixon has a much better chance to be in office for four more years.

I attach herewith also a part of what the electorate said to Washington Post reporters in reply to the question, "When you think of Richard Nixon, what is the first thing that comes to your mind?" This article is titled "Electorate Assesses Nixon":

NIXON GETS CREDIT FOR TRYING

(By Haynes Johnson)

For Richard Nixon, our most persevering politician, these autumn days should be the most satisfying of his long public career.

He came to office, unloved, having been stamped in the past as history's loser, a minority President of a minority party. It was his fate to preside over an America more bitterly divided than at any time since the Civil War. Not for 120 years had another President occupied the White House without his party controlling either house of Congress.

Now, four years later, the country is calm if not contented; the war is ending, if only for Americans; the stock market and corporate profits are rising, if only to the benefit of the more favored; the President is being hailed as a creative statesman, if all the old problems of international tensions, rivalries and acts of savagery still remain.

And then there are the polls. They all show Richard Milhous Nixon heading for one of the most glorious—indeed, perhaps the single greatest—presidential victory in American history.

Our own survey of voters in the critical 10 largest states confirms these findings. Across the country, Americans give Mr. Nixon a more positive rating than in the past. He is attracting to his banner citizens who never have voted for a Republican President in their lives. In their ranks are the kinds of voters Republicans have long dreamed of capturing: blue-collar workers, union members, older, poorer citizens, Catholics, Jews, independents, and even a respectable proportion of the young.

And yet we return from our trip with a paradoxical impression. Mr. Nixon's high vulnerability is the most striking. When placed alongside all the statistical evidence of his overwhelming lead, his political weakness is perhaps the most ironic factor in this most unpredictable of political years.

Consider the evidence.

Of our sample of 443 voters in 50 selected precincts, 54 per cent were Democrats and 22 per cent Republicans with another 22 per cent independents. Although these voters said they favored Mr. Nixon by a 50-to-31-per cent margin, a closer look at their responses gives a different perspective.

Approximately one-third of all voters interviewed express reservations and doubts about their Nixon support. The picture becomes worse for the Republicans when you examine another finding. Of the Nixon voters, only 32 per cent say they intend to vote for Republican candidates for Congress. By contrast, 62 per cent of George McGovern's voters plan to vote for Democratic congressional candidates.

By nearly 2 to 1, our blue-collar workers think it would be worse for the Republicans to control both the White House and the Congress. More than half of the blue-collar workers expressing an opinion think it would be better for the Democrats to control both the White House and Congress.

Young voters between the ages of 18 and 24 particularly don't want a Nixon White House and a Republican Congress. Six out of every eight young voters questioned felt that way, whereas five out of every eight favored a McGovern presidency coupled with a Democratic Congress.

As we have already reported in these articles, the Democrats are still regarded as being the best party in such things as helping the poor, the blacks, the workingman, cutting down unemployment, offering a chance for a more equitable tax system, and appealing to the nation's youth. The Republicans are still solidly identified in the public mind with being business oriented.

Added to these feelings is an even more negative indication: what citizens think about the state of the country itself. Only 36 per cent of all voters surveyed think conditions in America are better today than they were four years ago when Mr. Nixon last ran for office. Of the Democrats, only 27 per cent believe things have improved during the Nixon presidency.

That general feeling about America's problems cuts across virtually every segment of the electorate.

Then look at the over-all rating our voters give Mr. Nixon. Nearly half of all voters questioned characterize him as an "average" President.

Another 32 per cent call him a "good" President, while 5 per cent place him in the "great" category. On the other side of the scale, 9 per cent label him a "poor" President and 2 per cent "bad." The remaining voters have no opinion.

Those figures do represent an improvement over Mr. Nixon's standing a year ago when David S. Broder and this reporter made a similar nationwide political survey for The Post. At that time, in response to the same questions, the voters gave a Nixon rating this way:

	Percent
Great	1
Good	30
Average	42
Poor	16
Bad	8
Don't Know	3

But neither then nor now are these responses the kind that would give a practical politician much cause for comfort. They are certainly not the type of favorable personal reactions that the public gave a Roosevelt or a Kennedy or a Johnson at their peaks.

In an attempt to measure the Nixon popularity another way, we asked voters to rate how well they thought the President was performing his job, thus eliminating the historical comparison with other chief executives. The tally came out this way: 10 per cent give him an excellent rating, 45 per cent good, 35 per cent fair, and 8 per cent poor, with the rest no opinion.

Again, while more favorable, it is not a massive testament to the President's popularity. And among Democrats who remain the key to this election, if only because they outnumber the Republicans by nearly 2 to 1, the lack of confidence in Mr. Nixon's performance is notable.

Fifty-two per cent of all Democrats give the President only a fair or poor rating, while 46 per cent think he has done a good or excellent job.

When you put all these factors together, it would seem that the President's support is quite soft; that, in fact, he can be beaten. In normal presidential election years these elements would be working for the Democrats. It hardly has to be said, however, that this is not a normal political year; it is a year when people are voting for personalities rather than parties or even, it seems, issues—and when they are approaching the election in a negative mood.

Aside from the public perception of George McGovern that we have already explored, the President has been helped by a number of specific moves. Voters credit him most strongly with his handling of foreign policy. His trips to China and Russia, his bringing back American troops from Vietnam, his stated goal of a generation of peace—all are applauded.

His weakness lies in domestic affairs. Yet even there voters now view him more favorably. They generally approve of his actions to control inflation, and a number of older citizens praised him for increasing Social Security payments by 20 per cent.

The operative word, today even more than a year ago, is that Richard Nixon is trying.

His performance holds a special frustration for the Democrats. Richard Nixon, the former hardline fighter against communism, the erstwhile advocate of invading North Vietnam in the 1950's, the candidate who called for cutting back the size of the federal government, not operating with a massive budget deficit, flatly rejecting any government wage and price controls, has changed his positions. He has moved to the left and usurped traditional Democartic liberal positions—and the public approves.

It is significant that 52 per cent of the Democrats we interviewed say they have changed their minds about Mr. Nixon. A substantial number now regard him more positively.

But if the President gets a better response today for the way he is handling his job, the personal doubts about him still linger.

In other trips across the country we found voters who thought of Mr. Nixon as "mysterious" and contradictory. Today, you hear people talk about his calculating qualities, his aloofness coldness or stiffness and sometimes his insensitivity to people. It's common to meet voters who express surprise that he's done as well as he has. They do not seem to have expected much from him.

As David S. Broder reports on his survey work: "The strongest feeling you get about Richard Nixon is that he is a President who is dealing with the questions that people think a President should be working on."

In other words, Mr. Nixon is a known quantity, the country has not disintegrated, and he is doing the best he can in a difficult job.

Listen, for a moment, to just eight of our voters as they talk about the President. These voters live in states from Massachusetts to California, and while they differ in education, outlook and occupation, politically they have several things in common. They are all Democrats, they all express deep reservations about George McGovern and all but one plan to vote for Mr. Nixon.

In Woburn, Mass., Bill Surette is tentatively leaning toward McGovern. Surette, in his 30s, a quality control manager in an aerospace firm, thinks the President has done an excellent job in dealing with the Russians and Chinese. "No one could have done better," he says. But the main problem facing the country is in domestic affairs, Surette thinks, particularly inflation and a recession both at the same time. Beyond that, he still holds a distinctly unfavorable view of the President personally.

"I can't believe what he says," Surette remarks. "He was elected because he had a plan for ending the war. If we'd have known it was going to take him five or six years he never would have won. When he attempts to make things perfectly clear, I don't understand it."

The rest are all Nixon voters who have switched.

"I don't think he's what you'd call an honorable man," says a retired long shoreman who lives in the Greenpoint section of Brooklyn. 'That's why they call him "Tricky Dick." Most of the young people are for McGovern, like my kids. They figure under him there'll be more jobs, which will be a lots of bulls .... He bulls ... you so much you can't believe him.

"But Nixon is a great politician. He knows foreign affairs. I think he tried to do a job with labor, he tried to keep prices down. Maybe the first time he had so much to buck, the second term he might do better. And I say that even though in my life when the Republicans are in things are always worse. The Democrats are more liberal for the poor people."

A housewife, in Great Neck, Long Island, who says she really wants to vote Democratic this year, but is going for Mr. Nixon—"I've made that decision only with great reluctance. I can't abide those people around Nixon. That whole Republican show at the convention—I'd rather take the diversity and whatever that brings at the Democratic convention. But Nixon comes through to me in clearer terms now. I didn't think he came through in these strong colors four years ago. A major thing are his summit trips. I don't think any one of us (Democrats) could have done this.

"Maybe he's very necessary at this time, maybe it's right to have such a person in there. I don't dislike him, whereas I did dislike him. I didn't trust him, whereas I now feel I can trust him."

Patsy Blair, who works in a real estate office in Edgeworth, Pa., and who thinks of Mr. Nixon as a "cold, uninterested person."—"I certainly don't think I could talk to him and come away feeling that he was interested in my problems. He has a lot of movie star friends, but that doesn't do anything for me, a divorced woman trying to raise two kids. Nixon has done his best job in pulling men out of Vietnam and trying to stop that war. The worst job is that poor people have been left out in the cold. Something drastic has to be done to help us."

She is voting more against McGovern, than for Nixon.

Also in Edgeworth is Jack L. Budkey, 39, a Catholic steelworker whose ancestors came from Poland—"As a steelworker, I lean to the Democrats because labor has always backed the Democrats until this year. Nixon has surprised me. I didn't think he'd do as well as he has. He's done a pretty fair job. He's tried to improve world relationships, and that's a step forward. He tried to do something about inflation; it hasn't worked, but you can't blame him for not trying. The worse thing about Nixon is the unemployment. As for McGovern, he's not the man to be President."

A housewife in Royal Oak, Mich.—"I felt like crying when he got in, but he hasn't been that bad. Still there are times when I feel like saying, 'Will the real Richard Nixon please stand up.'"

G. D. Moore, 46, a construction worker in Houston—"I'm beginning to think Nixon is honest. He doesn't follow the old-line Republican ways. He has some ideas that would work if he was in control long enough. I have more respect for him now. I think he has tried like hell on Vietnam and the work is there if a man wants to find a job. I think more of Nixon now than I ever did of a Republican."

Adele Berryhill, a voluble ex-New Yorker in her late 40s, a New Deal liberal who has hated Mr. Nixon from the days of Jerry Voorhis and Helen Gahagan Douglas, and who now lives in Hollywood, Calif.—"I can't believe what I'm hearing myself say, but I must vote for Nixon as an alternative to McGovern."

As all these comments strongly suggest, Richard Nixon remains far from a universally popular President. He is weakest in one area that could still hurt him between now and November—the overwhelming belief that he and his administration stand more for wealth and special privileges than for the common man.

We will explore that subject more fully in a later article, but for the moment we came back to Washington with much the same general impression as on our trip of one year ago. At that time we concluded:

"Because dozens of voters in this survey have a similarly vague or negative reading on the Democratic contenders, Mr. Nixon stands a chance of continuing his 'average' and 'mysterious' presidency for four more years."

Now, we would only change that to say Richard Nixon has a much better chance to be in office for four more years.

Electorate Assesses Nixon

Here is the way voters responded when asked by Washington Post reporters, "When you think of Richard Nixon, what is the first thing that comes to your mind?"

He's a known factor. He's been there four years and I haven't died or starved yet.

A really intelligent man. One of the smartest men in the country. I think he's done an outstanding job through some crucial times. I believe if he had his druthers, he would just pull the troops out.

The way he's handled the war. The way he promised a secret peace plan. It's continued to escalate. He lacks credibility as far as I'm concerned. He's too middle of the road on so many issues.

If Nixon had the power and the Congress would go along with him, he'd do a lot better—especially for the poor and elderly people. I believe he's a good man at heart.

Balh. He doesn't impress me in the least. Whatever the big problem is he'll do a little something about it—to bolster popularity—and then nothing. A politician's a politician.

He's a level-headed leader. A good President. I think he has America foremost in his mind. He's like Eisenhower, but he's got henchmen running it. Deals have been made, but basically I think he's doing the best he can for America. If you're running the store, you can't see every transaction that's made.

I can't believe what he says. He was elected because he had a way of ending the war; if we had known it was taking five or six years, he wouldn't have won. When he attempts to make things perfectly clear, I don't understand it.

Truthful. I don't particularly care for him too much, but I don't think McGovern is any better.

I don't think he's done too bad—considering the poor condition the country is in. He's a pretty good diplomat. Hopefully, he's honest with the people.

I don't trust him. He's made so many promises—like other politicians—and never came through. So much hidden from the public.

I was off work five months.

He is trying to win the confidence of the people and do what they want. I have to vote for Nixon because I can't stand the thought of McGovern getting in. But I don't think he's the best.

A good man, but he represents the wealthy class. I happen to be a working man.

I think he's made a good President. He's done as good or better than anyone could have. Our son was one of the first 25 troops to come home from Vietnam.

Vietnam. He said he was going to pull everybody out. He's starting to do it now so he'll get re-elected.

A very good politician. He makes the President's office what it should be. I couldn't see having Wallace. Nixon has dignity.

"King"—that's what he considers himself—at least by '76 he will be. We're almost in a monarchy now.

I believe he's an honest man. He's trying to get things done right. I don't like Kissenger and the cabinet. They're too hush-hush.

I'll say sincerely. He's trying his best to keep the country together.

He's misguided. He feels he's doing the right thing. But he isn't sensitive about seeing things as they really are. The war, for instance. He's thinking more about our problems with the war—than the suffering of the people in Vietnam.

He's doing pretty good. He went to China and Russia. He wants to keep peace.

He was going to do a hell of a lot. Why are we fighting now?

To me he's a brilliant President. He just goofed over that wage-price freeze.

Two things come to my mind; big business and the poster saying would you buy a used car from this man?

He's a wonderful man. He's well qualified, intelligent and honest. He's not wishy-washy.

HON. RICHARDSON PREYER ADDRESSES SUMMERFIELD GRANGE IN GUILFORD COUNTY, N.C.

HON. ROY A. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. TAYLOR. Mr. Speaker, on Citizenship Day, September 18, 1972, Congressman L. Richardson Preyer, Democrat of North Carolina, delivered an address at a meeting of the Summerfield Grange in Guilford County, N.C. His remarks were timely and challenging, and I recommend them to my colleagues:

Remarks by Hon. Richardson Preyer

We honor tonight the achievement of the Founding Fathers of our country. Through our Constitution, they solved the problem of imperial organization (a problem which brought the British Empire down); they constructed a federal system which became a model for the world; and they reconciled liberty and order. No mean achievement.

Our Constitution was born in the steaming Philadelphia summer of 1787—the most fateful year in the history of the United States: Clinton Rossiter, the historian, has said that "If the future of the world rests largely on the way in which the U.S. wields its power and responds to the challenge of glory, the year in which the people of the U.S. chose to be one nation—rather than a confederacy or a league, or a parcel of independent sovereignities—ought to be recognized as one of the handful of dates all men everywhere should remember." Fifty-five delegates met from twelve of the thirteen states of the new nation. The delegates included men like George Washington, Alexander Hamilton, Benjamin Franklin, James Madison—a group from which we could expect some sound work. They met from May to September, with a "cheerful sense of duty and calm temper," (not always the case in our present-day Congress), and hammered out the document on which our government and institutions rest.

In London, John Adams—and in Paris, Thomas Jefferson—awaited results with interest (they were absent as our Ambassadors), while representatives of twelve of our thirteen states (Rhode Island would not send one) laid the political foundations for a unique form of nationhood.

What was our country like in this fateful year of 1787?

The U.S. in 1787 was a good country in which to live, work, and aspire.

It did not have the English pomp and culture, but it had resources and a brave and hardy people.

Its huge size was something that staggered the minds of Europeans. But its population was a little less than four million. Philadelphia was our largest city with 45,000 people, New York had 33,000, Boston had 18,000, Charleston 16,000. These cities were mostly unreachable by the great majority of our population. For the majority it was backbreaking toil of plow and hoe (eight of ten people were dirt farmers).

In the South, Virginia was the king. Its delegation included leaders like George Washington, Patrick Henry, James Madison, and George Mason.

North Carolina at that time was a poorly governed state, with less than one-half of Virginia's population. We could not match Virginia in political talent. Our most outstanding leader, Governor Caswell, was unable to attend. Another leader, James Iredell, was too poor at the time to go. But North Carolina performed better at the Convention than was expected. Our delegation consisted of Hugh Williamson of Edenton as the senior member. He had witnessed the Boston Tea Party while waiting for a ship. Also, there was Alexander Martin, of Stokes County; William R. Davie, of Halifax County (who mainly persuaded the delegation to take the long journey to Philadelphia); William Blount of Pitt County; and Richard Dobbs Spaight, from Newbern. He was one of the youngest members of the Convention at age 29.

Incidentally, in the large painting in the Capital of the signing of the Constitution, it is Spaight who is the man depicted in the actual act of signing.

The Founding Fathers saw Democracy in America as resting upon two major pillars. The first was the "new science of government" which made popular government possible in a large and heterogeneous republic. To support this pillar they designed a machinery of self government that has to be considered as one of the most remarkable political investions of Western man. The machinery is by now familiar to us—with its separation of powers between the executive, legislative, and judicial, its checks and balances.

The second pillar was of a spiritual order. To designate this pillar they used such phrases as "republican morality" or "civic virtue."

As Irving Kristol has recently pointed out, the Founding Fathers took a suspicious view of big cities and wondered whether, in the end, they could be compatible with a free and popular government. In this suspicion and wonder they were anything but original. The entire literature of classical political philosophy—from Plato, Aristotle, and Cicero on to Montesquieu—exhibits a similar skepticism, to put it mildly, concerning the quality of life that people lead in big cities, and expresses doubt whether the habits of mind generated there—what we might call "the urban mentality: irreverent, speculative, pleasure-loving, self-serving, belligerent toward all conventional pieties," as Kristol puts it,—are compatible with republican survival.

That *small* cities could be soberly and democratically governed, the Founding Fathers understood well enough—Geneva and Athens and the towns of New England testified to that. But they believed that self-government means the willingness of people to permit their baser selves to be directed by their better selves, and they feared that this precondition of self government was less likely to be present among the turbulent and impassioned masses of big cities. They spoke of the "mobs" of London (a city of one million at the time), and Paris, (a city of about 650,000).

If the Founding Fathers were worried about the effects of a few large cities upon the American capacity for self-government, what—one wonders—would they make of our country today? Kristol says, "One is reasonably certain they would regard it as an utterly impossible state of affairs." Whether they would be correct in this is a fateful question which will be up to us to answer.

Kristol says, "The American people are more and more behaving in a way that would have alarmed the Founding Fathers even as it would have astonished them. To put it bluntly, they are more and more behaving like a collection of mobs." He is saying that the second pillar on which our government was founded is beginning to crumble under the assault of our urban culture. (And this urban, avant-garde culture is everywhere in our country today, not just in the large cities. It is the culture of our schools, our television, our movies.) Our permissive culture would probably seem to the Founding Fathers the very opposite of a democratic citizenry: a citizenry self-reliant, self-determining, and infused with republican morality: steadiness of character, deliberativeness of mind, and a willingness to subordinate one's own special interests to the public interest. As we become an urban culture, will we lose our civic virtue? The challenge to our urban democracy is to evolve a set of values and a conception of democracy that can function as the equivalent of the "republican morality" of yesteryear. This is the fundamental problem of America today.

Let me make one comment about the first pillar of our government—the machinery. The great strength of our Founding Fathers was their common sense. They did not draw up some ideal theoretical blue-print. They drew up a system that would work. The perfect example of their common sense and practicalness is in the way they handled the question of proportioned representation.

There is something very persuasive in the arguments in favor of proportional representation. It definitely results in a legislative assembly that is a more exact image of the divisions of popular opinion than can otherwise be obtained. And it seems just that the assembly should mirror the country as a whole.

But Justice, no matter how important, is not the only consideration that must be taken into account when setting up governmental machinery. A government must also be able to govern efficiently and for this it requires a considerable measure of stability. A good government must strike a balance between the demands of justice and those of stability. It must not let the search for justice paralyze it into inaction; nor must it, for the sake of efficiency and stability, fall into the injustice of dictatorship or tyranny.

Proportional representation seems to encourage unstable governments, though of course it is not the only cause of them. We can illustrate this with an example. Compare the stable governments that exist in the United States and Great Britain with the weak and ever-changing governments in France before and after World War II. Neither the United States nor Great Britain follow the method of proportional representation, whereas the Third and Fourth Republics of France did.

The correlation between proportional representation and unstable governments is more than accidental. For example, the governmental instability in postwar France was in large part due to the numerous parties that were represented in the Legislative Assembly. Many of them had only a few seats in the Assembly and could not hope to accomplish anyting positive. Yet together these small splinter parties commanded enough votes so that there either was no majority party at all or else there was a party whose majority was so slim that it could hope to govern only by allying itself with one or more of the other parties. This in turn resulted in compromises and an unwillingness on the part of the government to take strong action even when it was necessary, since each of the various parties was afraid of alienating its much needed allies.

The nonproportional method of voting in the United States and Great Britain tends to maintain only two appreciably strong parties. If a third party in the United States is to be taken seriously, its Presidential candidate would probably be expected to receive some electoral votes. Thus he would be required to obtain the majority of all the votes cast in at least one state—a much less likely result than simply getting a small percentage of the popular vote throughout the nation.

An ideal, theoretical blue-print of a government would probably have opted for the principle of proportional representation. But the hard common sense and practical judgment of the Founding Fathers ignored the temptation of the ideal for something that has worked soundly and effectively.

The last of the fifty-five delegates to the Constitutional Convention to die was James Madison, in 1836 when he was 86 years old. Since he left the Presidency in 1817, he had entertained distinguished visitors from all over the world, with the celebrated Dolley as hostess, at his home in Virginia. He only published his invaluable notes of the Convention several years after his death. He did not want to offend any of the delegates that might be still living. There is quite a difference from our day when every participant in a significant event rushes into print the next week.

The framers of a Constitution die; their Constitution, if well-framed, lives on. Our Constitution will live until the Republic is no more—because it is the best framed of any fundamental law in history. It has held up under pressure of tremendous geographical growth and great population explosion.

Its greatest strain was the resolution of the ambiguity of "a nation partly federal, partly national" through the tragic Civil War. The Constitution itself was not attached in that war but the ambiguity had to be resolved.

On some of the great issues of Constitutional law that agitate our time, the framers had no specific intent—we must generate our own.

There is one clear intent: that each generation of Americans should pursue its destiny as a community of free men. We honor them most faithfully by cherishing the same spirit of constitutionalism that carried them through, and by doing our best to make certain that other generations that will come after do the same.

Near the end of the Constitutional Convention, Dr. Benjamin Franklin, looking toward the President's chair, at the back of which a rising sun happened to be painted, observed to a few members near him, that painters had found it difficult to distinguish between a rising sun and a setting sun in their art. "I have often looked at it in the course of our session, amidst the contingencies of our hopes and fears, without being able to tell whether it was rising or setting. But now at length I have the happiness to know that it is a rising and *not* a setting sun."

ANTI-HIJACKING ACT OF 1972 NECESSARY TO DETER HARBORING OF AIRLINE HIJACK CRIMINALS

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. BOLAND. Mr. Speaker, I supported and voted for the Antihijacking Act of 1972. This legislation is absolutely necessary if the United States is going to protect its citizens, its aircrews and its airlines from the terrorist aircraft hijackers.

This bill is designed to implement for the United States the Hague Convention, which, in turn, was designed to strengthen the Tokyo Convention which applies to the criminal acts aboard aircraft. The Tokyo Convention provided that inflight aircraft in international air transportation would be governed by the law of the state of the flag of such aircraft.

In the case of a hijacked aircraft, states under the Tokyo Convention must restore control of the aircraft to its lawful commander and must allow passengers and crew to continue their journey as soon as practicable and return the aircraft and its cargo to lawful possessors. The Tokyo Convention, however, does not obligate any state to establish jurisdiction over hijacking to extradite or prosecute hijackers in its custody.

This legislation would close this gap since states under the Hague Convention are obligated to establish jurisdiction over hijackers, to agree to extradition, or to prosecute offenders. I feel that the United States is duty bound to exercise its authority as a nation to determine whether or not it is going to continue to allow airlines of other nations to come into this country when they continue to serve those nations who harbor aircraft hijackers.

As a means of curtailing aircraft hijacking, this bill allows the President to suspend air service to any foreign nation which he determines is encouraging hijacking through actions inconsistent with the Hague Treaty, sometimes referred to as the Hague Convention for the Suppression of Unlawful Seizure of Aircraft, which came into effect on October 14, 1971.

The legislation also authorizes the Secretary of Transportation to withhold, revoke or limit the operating authority of any foreign air carrier whose government does not effectively maintain and administer security measures equal to or above the minimums established pursuant to the Hague Convention.

Mr. Speaker, I want to take this opportunity to commend Chairman STAGGERS of the House Interstate and Foreign Commerce Committee, to Chairman JARMAN of the subcommittee which handled the bill, and to all of the members of the committee for their actions in bringing this important piece of legislation to the floor in this session of the Congress. As their committee report states so succinctly, the United States cannot tolerate the aircraft crimes which have been perpetrated on its citizens and its air carriers. This legislation is intended to be a necessary and useful deterrent.

FAIR INTERNATIONAL TRADE ACT

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. FISHER. Mr. Speaker, I am introducing a trade bill entitled the Fair International Trade Act of 1972.

This is not just another trade bill. It is designed to meet the needs of our current international trade position by seeking to correct some of our principal competitive disadvantages.

As we all know our world trade position has badly deteriorated in recent years, and especially during the past 3 or 4 years. This is not an accident nor should there be any mystery about the occurrence of our rising trade deficits.

Foreign production costs are distinctly below our own, also for reasons that are readily understood. So long as this situation continues without import limitations just so long will a large number of our industries and agricultural products be at the mercy of imports, and we cannot hope to achieve full employment.

Very simply stated, foreign productivity, because of the great technological progress in the industrial countries, has risen rapidly, and faster than ours. To a great extent this is because the foreign countries began from a much lower base than those we enjoyed. Modern machinery, largely supplied by this country, displaced backward equipment in the other areas of the world and this naturally meant a much higher output per manhour than the previous level. Those countries were playing catch-up ball, so to speak. They started from a low base so that their productivity rise was often phenomenal by our standards. Once they catch up the progress will be less sensational.

Meantime foreign wages also went up, but not so sensationally. In terms of percentage they often exceeded our wage increases, but, again, the low base from which they were measured did not mean that they were catching up with us. For example, a 25-percent increase in a wage of 25 cents per hour raises the level to only 31¼ cents, whereas a like increase on a base of $2 per hour means a 50 cent increase. The difference is over 42 cents. Today our average hourly industrial wage is over $3.80 per hour. That is 10 times as high as the wages in some of the countries that compete with us. It is more than twice as high as the highest European wages and 2½ to 3 times as high as in other leading European countries.

With foreign productivity coming closer alongside of our level, and with wages still far behind, I say, to repeat, there is no mystery at all about our competitive handicap.

We are therefore urged to become more productive, and I agree that this is desirable, but that inevitably means displacing men by machines. Even this would be acceptable if we could expect the higher resulting productivity to lower costs sufficiently to lead to substantially higher consumption, Unfortunately higher productivity today does well simply to keep prices from rising more rapidly. It does not achieve lower overall costs. Therefore consumption does not increase beyond the rate of population growth.

Unfortunately, too, and this is the important point to keep in mind, when lower costs do result from the introduction of new and more productive machinery or from new processes, these are soon disseminated to lower-wage countries. The result is that the higher employment that we looked forward to with confidence in years gone by now takes place abroad rather than here. We are then left with net unemployment as a reward for our efforts.

Mr. Speaker, this trend toward higher foreign investment has robbed us of much employment that we would achieve if the investment climate were improved at home. In other words, if risk capital could be assured that when new products are developed or if obsolescent or obsolete machinery or even modern machinery were replaced with more highly productive equipment—if, I say, there were assurance that the domestic producer could supply that market, capital would not feel pressed to move abroad. Greater employment would then take place here, and not as now, in foreign plants.

This consideration goes to the heart of the bill I am introducing. First, it would put an import quota on goods that had already captured at least 10 percent of our market and were still on an upward trend. It would not impose quotas on goods that are on the free list, nor on those that are already under a quota or similar import limitation. This proviso would of itself leave over a half of our imports outside of the scope of the bill. Probably not over a quarter of our total imports would be affected.

Imports subject to a quota would be permitted to rise in proportion to the increase in domestic consumption. They would not be allowed to run wild to disrupt our production and increase unemployment.

The heart of the bill, however, is the provision that goods that are produced under an American-owned patent cannot be brought in without limit, such as is possible today. During the first 5 years under a patent imports could not rise higher than 5 percent of our domestic consumption; not over 10 percent during the second 5-year period, and not over 15 percent during the third 5-year period. Thereafter they could grow in proportion to the growth of domestic consumption.

Mr. Speaker, the bill is moderate but would be very effective toward restoration of the climate of our economy to a condition most conducive to more investment of developmental capital and higher employment. In a few years of normal activity our competitive weakness would be overcome, and if foreign wages should close the gap that separates us we could resume trade liberalization.

GAETANO J. MANGANO, OUTSTANDING CITIZEN

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. GROVER. Mr. Speaker, I was honored recently to be a dinner guest of the Sons of Italy Lodge named after our own distinguished master artist Constantino Brumidi. The dinner was a testimonial to one of my constituents, Gaetano J. Mangano, a man of great personal courage, community dedication, and love for fellow man. I am pleased to do him honor by repeating for the RECORD a brief biographical tribute to Guy which appeared in the dinner journal:

GAETANO J. MANGANO, OUTSTANDING CITIZEN

Gaetano J. Mangano, known to all of us as Guy, was born, raised and educated in Brooklyn. In 1965 he chose to make his home and establish his business in Deer Park. The spirit of dedicated personal service in conducting his business and the way He, Eleanor and Barbara involved themselves in all aspects of community life soon made us all aware of their presence among us.

A Lodge Brother, Guy is also a 4th Degree Knight of Columbus, Our Lady of The Rosary Council, member of Deer Park Post V.F.W., Sts. Cyril & Methodius Holy Name Society, Deer Park Lions Club as well as the Metropolitan, N.Y. State and National Funeral Directors Association.

He comes from a unique and respected Family, each an achiever and each with a sense of public service and belief in assuming community responsibility. His Father Gaetano Sr., began by helping the poor Italians in his community during the Depression. His Mother, a registered Nurse, served in W.W. I. His Brother James V., widely known for his outstanding political career, is one of the most respected public servants in the State. His Nephew Guy James Mangano is regarded as one of the most able Justices in the N.Y. State Supreme Court. His Sister Antonia, an Attorney and professionally trained Social Worker is presently serving as Consult Commissioner in Brooklyn and Staten Island. These accomplishments by the Manganos is because Guy's Father, who died in 1961, was a great human being, for he was the tree and they the branches. He left Italy at an early age to come to America. He spoke no English, had no money, but he was a man of character and in the best of all that is good in the Italian heritage, planted seeds that took hold and have done him honor.

Guy is a modest man, but those of us who know him, know of his many fine qualities. If we were to select 4 of these to best describe him they would be: Pride in his heritage, hope in the future, faith in his fellow man and charitableness toward all.

LAST OF HIS KIND

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. JOHNSON of California. Mr. Speaker, one of the most colorful and at the same time one of the most effective newspaper editors I have ever known died a few days ago in California. He was George A. Dawley, editor and publisher of the Biggs News in Biggs, Calif.

He is the last of a breed of newspapermen. His comments, his news reports, and his editorial opinions could be witty, penetrating, and on occasion stinging. With his agile mind he wrote and published what he liked to call the most "passed around newspaper in Butte County."

George Dawley and his wife to whom he always referred as John landed in Biggs in 1932 with a few dollars in their pocket, and Dawley's desire to publish a newspaper. Not only has he accomplished this desire but for the past 22 years he has been judge of the Biggs judicial district. "Mr. Biggs," as he was known, will be missed and I would like to pay tribute to this great man by inserting in the RECORD at this point the editorial published by the Chico Enterprise Record shortly after his passing.

The editorial follows:

George A. Dawley

It seems safe to say that the worlds of journalism and law will not again see the likes of George A. Dawley. Rather, when the Biggs publisher-jurist died Tuesday, he truly was "the last of his kind."

Dawley was a newspaperman (he chuckled disdainfully at the high-falutin term "journalist" assumed by some in the profession) for most of his 70 years, the last 40 years as "editor and publisher" of the Biggs News.

To refer to Dawley as "editor and publisher" was, of course, to grossly understate his activities at the Biggs News. This is because he also was the newspaper's reporting staff, advertising department, composing room crew and pressman. In other words, George Dawley was the Biggs News, and vice versa (except for the help provided him by his wife Muriel, better known to all as "John").

Under those circumstances of multiple capacity, Dawley was one of the few newsmen left who not only covered the news and wrote the stories, but also set them in type, made them up into pages and then put them into print. He moved at such a pace that he seldom bothered to do his news stories first on a typewriter—he merely sat down at the Linotype machine and composed them in type right off the top of his head. In grand and flowing style—bothering little with punctuation and proofreading—Dawley sped the lines of type out of his machine, running most of the news together in lengthy reports.

What contributed most to the interest and value of Dawley's news columns was that he sprinkled them liberally with his own personal evaluations and his own editorial criticisms and comments. A quick thinker with a sharp wit and an unbounded eagerness to keep his spoon stirring in the public stew, Dawley prided himself on the fact that most of his readers agreed with his masthead motto identifying the News as "the most passed around newspaper in Butte County."

Needless to say, Dawley was equally unique as a jurist, serving as judge of the Biggs District Court for more than 20 years. He ruled the roost in that domain as he did in the newspaper realm of his community, often combining editorial campaigns against speeders, for example, with appropriate stiff fines for violators who happened to find themselves before his bench.

In the bargain, it is likely that Dawley was one of the few judges in the country—perhaps the only one—who not only conducted his court proceedings but also covered them for the local press at the same time. We imagine many judges have envied Dawley that happy circumstance over the years, eh?

It might be said that Dawley was also happily unique in another way—in that he was able to be present in person at an honor affair of the type which all too often isn't held until after a man has passed along. This occurred in July of last year when federal, state and local officials joined the residents of Biggs in sponsoring a major affair entitled, "George Dawley, Mr. Biggs, Day."

Citizens in charge of that program had solicited comments from dignitaries and newspapers far and wide who had come to know Dawley over the years. The Enterprise-Record was one of the newspapers asked to send a statement. We believe it is appropriate to repeat that statement here today in tribute:

> We at The Enterprise-Record have long known George Dawley as a colleague, as a competitor and as a man.
>
> Viewing George Dawley as a colleague, we often have cheered him on as he waged battle against evils in government on all levels. On many occasions, we have fought alongside him and relished his journalistic companionship.
>
> Viewing George Dawley as a competitor, we sometimes have felt the sting of his Linotype last. Needless to say, this has taught us to blend our affection for him with a deep sense of respect.
>
> Viewing George Dawley as a man, we often have marveled at his ability to forge ahead against strong odds, both in sickness and in health, and we have marveled at his courage, his sense of humor and his dedication. He is a good man.
>
> As such, we at The Enterprise-Record are very proud to join his many friends in paying special tribute to him on George Dawley Day, July 1, 1971.—(A. W. Branwell, Editor and Publisher of Chico Enterprise-Record)

And today we join the countless friends and admirers of George A. Dawley in expressing our sorrow at his death. He was indeed "the last of his kind."

A MORE BALANCED TRANSPORTATION SYSTEM

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. FRENZEL. Mr. Speaker, this week the House will have an opportunity to strike a blow for a more balanced transportation system in our Nation's urban areas. I am a cosponsor of an amendment to the Federal-Aid Highway Act which will open up a portion of the highway trust funds to purchase mass transit systems, as well as construct highways. President Nixon has publicly stated his strong support for the amendment.

My amendment, which is similar to the Cooper-Muskie amendment already adopted by the Senate, permits State and local officials to use up to $700 million in highway trust funds on transportation systems which best meet local needs. The amendment will not force the cities or the States to build mass transit systems, but it does provide the mass transit option for the first time.

We can no longer tolerate the wasted time, wasted resources and air pollution which traffic congestion has created in our urban areas. We must provide attractive alternatives in fast, clean, and efficient public transportation. These highway trust funds together with increased capital grant funds will provide local officials with the flexibility they need to provide truly balanced transportation systems.

I am a believer in the need to continue upgrading our road network. The need for more and better highways will continue to require substantial Federal support in the years to come. The decision to open up a portion of the highway trust fund for possible mass transit usage was made only after it became clear that there is no other way to do the job for mass transit which needs to be done. The failure of the Housing Act of 1972 was a defeat also for capital funding of mass transit facilities.

Americans generally have a stake in our total transportation network. It is not unreasonable for motorists and nonmotorists alike to share at least a portion of both road and mass transit costs. For example, user fees have never paid the total cost of constructing and maintaining our road network—nor should they be expected to do so. Transit riders help to support roads at least indirectly through the added expenditures which accompany heavy traffic and the additional taxes that must be raised when urban expressways take millions of dollars of assessable properties off the tax rolls and displace businesses, jobs, and other taxpayers.

The use of some highway trust funds for mass transit purposes acknowledges the stake each of us has in the development of efficient means of moving goods and people, whether on highways or fixed guideway networks.

FOUR-LETTER WORDS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. ZWACH. Mr. Speaker, Mearl G. Hodgson, executive director of the Little Crow Community Council, Inc., in our Minnesota Sixth Congressional District, writes a column in the council's publication, Little Crow Signals.

His October column was so worthy of wider readership that I include it in the CONGRESSIONAL RECORD and commend Mr. Hodgson for his fine writing and the good commonsense he expressed. The article follows:

Four-Letter Words

Many youth today find it fashionable to use four-letter words—presumably to shock their elders, but the supposed shock value has produced merely boredom.

I, personally, like four-letter words and, since dialogue seems to be the "in thing", I would like to suggest some significant four-letter words which I believe are worthy of consideration, not only by youth but by everyone.

I would start with *work* because this is the purpose of man—everything we accomplish comes from a lot of personal sweat and, through it, we shape our lives to a destiny above that of the animals.

The *home* is the basic unit of society. Urbanization has decreased the size of families, but it has increased the *need* for personal relationships. A *baby* requires as much tenderness today as yesterday. *Mama* and *papa* are still essential elements in nature's scheme of life—they sacrifice much and deserve a lifetime of respect from their children.

No one should be too disillusioned or embittered to honor the *flag* of his country—it is the symbol of all the people—it stands for citizens collectively. To salute it is to declare allegiance to a *free* people working for a *just* society. Our *duty* to our country is to defend it in times of danger and improve it in times of peace. We try to make peaceful change with our *vote*, and we settle disputes by *jury*.

I see people as individuals and groups working effectively for brotherhood and I am reminded of the *good* in all of us. To *know* is to *hope* and hope is the sparkplug of civilization's engine.

Finally, I would recommend some four-letter words that give special meaning to all the rest. Be *kind* to one another, those older—those younger—those of different color or creed. Be *glad* of our differences and avoid stereotypes. *Care* for the problems of others and *give* of yourself to all worthy causes. When we learn to *help*, we build a quality of character that makes cooperation possible.

Put it all together and you have true brotherly *love*.

FULFILLING THE PROMISE OF THE WHITE HOUSE CONFERENCE ON AGING

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. ESCH. Mr. Speaker, it is now estimated that one American in 10, or 20 million of our citizens, are over the age of 65. A quarter of those Americans live below the poverty level. Many feel that they have been discarded by society. Many senior citizens live in inadequate housing. They are faced with inadequate income sources to live out their retirement years with self-respect and with a sense of purpose. In the 1930's when we first set up the social security system it was envisaged as a retirement system that would guarantee that all our older Americans could live out their lives in dignity. The promise of the original Social Security Act has yet to be realized.

The White House Conference on Aging last December created a great deal of optimism. Some of the finest minds in the country were brought together to discuss the many problems of aging. Those promises can only be fulfilled, however with a three stage Federal strategy. First, it can provide a realistic income strategy. Second, it can provide an equitable tax system which recognizes the unique situation of those living on fixed incomes. Finally, Federal concern for improving the quality of life for our senior citizens can alleviate many of the problems facing many of our Nation's elderly. Not all of these strategies can be implemented by legislation, but Congress can play an important role in initiating action.

INCOME STRATEGIES

The recent 20-percent increase in social security benefits passed by the House will give our social security recipients badly needed additional funds. However, it does not solve the long-range problem. The social security system needs some basic reforms. At the head of the list is elimination of the earnings limitation. There is nothing magic about the age of retirement. Many of our seniors have the energy and the interest to work after retirement. They can surely contribute a great deal to our Nation. The earnings limitation limits the possible contribution by these Americans. In essence it says that people who accept social security are second-class citizens, hence they can only work for $2,000 a year before they lose benefits. This seems absurd. This week the Senate began to consider an increase of the ceiling to $3,000. This step can be called progress, but not a solution; that solution will only come with elimination of the earnings limitation.

Elimination of the earnings limitation will not be a total reform unless we make sure that senior citizens will not be discriminated against because of their age. Earlier this year I sponsored the Age Discrimination in Employment Act. Basically what this act stipulates is that an employer cannot discriminate on the basis of age. Moreover, employers must be encouraged to hire senior citizens who want to work. Hopefully, the act will be able to break down the barriers of discrimination so that our senior citizens who have contributed a great deal to this country may continue to lead productive and involved lives.

A second problem in our present income strategy is the differentiation made between spouses of social security recipients and main benficiaries. At the present time, if a social security recipient dies his or her spouse will receive only 80 percent of the benefits allowable for a single person. Does the social security system assume that the expenses of these people automatically are 20-percent less than other single social security retirees? The question is similar for those who decide to retire at an early age. A few years ago the social security age requirements were lowered. Many cheered this decision. I questioned it. In lowering the age of benefits we also lowered the amounts of benefits available. To me this seems like another false promise.

A third problem in urgent need of resolution is the treatment of pensions from Federal agencies. Many senior citizens receiving benefits from both the veterans and Social Security Administrations find that when one is raised, the other is lowered an equal amount making the raise only illusory.

Despite these problems, the House record on social security benefits has been impressive. With this latest increase of 20 percent and the increase of 15 percent in 1970 and 10 percent in 1971, the average monthly benefit check will jump from $134 to $161 monthly. An average married couple retiring this year will receive $389 monthly which means an additional $780 a year of spendable income. For the first time in history, benefit increases will automatically occur if the consumer price index rises 3 percent in any year after 1975. To the 28 million Americans who are retired, disabled, or drawing survivor benefits this $8.5 billion increase will help them to get along.

PROPERTY TAXES

A second area which might be handled on the State level or be subject to Federal legislation is the area of property taxes. Many Americans find that after they retire they are forced to leave the houses which they have lived in all their lives because of the unbearable burden of the property tax. Legislators on both the State and national level have talked about a new concept called the circuit breaker for property tax. The basic principle is to make sure that the property tax does not do gross violence to equity concepts. This is accomplished by equipping the property tax with a safety mechanism—a circuit breaker, if you will—that automatically works when the property tax becomes excessive in relation to income. Statutes in this regard have been enacted in 12 States. Others are seriously considering this idea. Last November the Senate considered an amendment using the circuit breaker. The proposal was a modest plan which allowed a $300 tax credit to couples over 65 whose incomes were below $6,500 or $3,250 per single individual. This was dropped in conference, but I will press for similar legislation in the next session.

HOUSING

The property tax is only one of the hazards facing older Americans in the housing area. The housing problems confronting our Nation's senior citizens are similar to those facing the rest of the Nation with three important differences. First, design of housing for older Americans must take into account the special physical and mobility problems which many older Americans are faced with. This means that hallways and all interior areas must be better lighted. Hallways may require guiderails and other mobility assistance items. These kinds of requirements must be written into the housing codes.

Second, in planning senior citizens' housing complexes, location must be taken into account. Too many of our senior citizens' housing projects have been constructed on the outskirts of cities or away from vital services with the end result being increased isolation for the persons in the projects.

Third, most of our senior citizens live on fixed incomes yet because of the way that our moderate income housing statutes are drawn they are excluded. Many of these citizens are forced to sell their houses because of the burden of the property tax, yet they cannot qualify for moderate income housing. This vicious circle must be stopped. It can only be stopped by redrawing the regulations covering moderate income housing which will recognize the unique position of the senior citizen.

IMPROVING THE QUALITY OF LIFE

Obviously, an income strategy is at the base of any of our efforts to improve senior citizens opportunities to live fulfilled and golden years. However, income alone will not solve the problems of our Nation's elderly. We must insure that our Nation's senior citizens can be guaranteed adequate medical care, adequate nutrition and adequate opportunities to express themselves.

The medicare and medicaid programs have grown to provide an increased level of medical care for those in our population who are most susceptible to continuous care illnesses. These programs must be continued and strengthened. The field of aging research could use additional resources to great advantage to study the effects of aging on physical and mental capabilities and to find alternatives which will help reduce these crippling effects.

The Older Americans Act, of which I was a cosponsor, attempts to set up programs such as these and to coordinate services to our senior citizens. Programs for involvement should continue to be increased and wherever possible should be decategorized so that local groups of senior citizens can propose ways in which they can become involved. Last year the retired senior volunteers project involved 11,500 senior citizens and 23,000 children at a cost of $25 million. I am sure that the rewards to our country are well in excess of these funds.

It seems only logical and fitting that

this Nation not rest its commitment to older Americans. The President in his state of the Union address categorized a worthy goal for senior citizens succinctly:

> The best thing our country can give its older citizens is a chance to be a part of it. The chance to play a continuing role in the great American adventure.

Our senior citizens do not want a handout. What they need and want is encouragement to stay involved.

U.N. FOOLISHNESS CONTINUES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. RARICK. Mr. Speaker, once again the Red Bloc which is manipulated by the Communists to control the United Nations Organization is attempting to use that body to invalidate the actions of the Congress of the United States in lifting the U.N. imposed ban against the purchase of nickel and chrome from Rhodesia.

According to news reports:

> African nations have demanded that the United States stop buying nickel and chrome from Rhodesia in defiance of Security Council sanctions" and have asked that the U.N. Security Council to "be ready to apply enforcement measures to make economic sanctions binding on all states.

Interestingly, these Red Bloc nations are themselves in violation of the provisions of the U.N. Charter by attempting to impose sanctions against the duly constituted governments of member nations who refuse to obey the dictates of the U.N. Body which interfere in their internal affairs.

One can only wonder if these same African Red Bloc nations would support a motion to apply enforcement measures to make all punitive or censuring actions of the U.N. Security Council binding on all member states, including, of course, the Nations of Red China and Israel?

The supremacy of a people acting through their elected representatives is at once the cornerstone and heart of the American system of government. It must be preserved; the integrity, the very right of the American people to choose their own form of government and direct their own destiny, is at stake.

I include a related news clipping:

[From the Christian Science Monitor, Oct. 3, 1972]

AFRICANS TELL U.S.: STOP BUYING RHODESIAN METALS

UNITED NATIONS, N.Y.—African nations have demanded that the United States stop buying nickel and chrome from Rhodesia in defiance of Security Council sanctions against that nation's white minority regime.

Foreign Minister Shridath S. Ramphal of Guyana backed the African appeal at a session of the 15-nation Council. He insisted that the Council be ready to apply enforcement measures to make economic sanctions binding on all states.

Sanctions were imposed against Rhodesia after it declared independence unilaterally from Britain in 1965.

The United States banned the import of Rhodesian chrome in accordance with the sanctions and bought the metal from the Soviet Union. Last November, however, Congress lifted the ban on importation of any strategic material that also was being purchased from a Communist country.

VETERANS' ORGANIZATIONS OF CAMPBELL, OHIO, HONOR LT. ALBERT M. MASI

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. CARNEY. Mr. Speaker, on Sunday, September 24, 1972, I had the privilege of attending a testimonial dinner and dance in honor of Lt. Albert M. Masi, of 37 Bright Avenue, Campbell, Ohio. Albert Masi was born in Campbell and educated in the Campbell school system. He was employed by the Youngstown Sheet & Tube Co. until he volunteered for the U.S. Marines on April 15, 1942. He served in the South Pacific for 26 months and is holder of the Good Conduct Medal and the Purple Heart. He served in three campaigns—Roi-Naumer, Saigon-Taiwan, and Iwo Jima, and was discharged on January 4, 1946, from Great Lakes, Ill.

In 1947, he married the former Lucy P. Rossi of Campbell, owner-operator of Masi Cleaners in Campbell. They are the parents of three children: Gabriel, 25, a teacher at Holy Trinty Catholic School in Struthers, who is married to the former Mary Ann Swantek of Campbell; Rita, 21, and Patricia, 19, both of whom are employed as beauticians at the Campbell Hair Fashions Beauty Salon.

Mr. Masi is a member of the following organizations: American Legion, FDR Post No. 560 of Campbell; life member of the Italian-American War Veterans of Campbell Post No. 10, of which he has served as post commander, State commander, and national commander in 1961–62; VFW, since 1947; life member of Amvets Post No. 44 of Youngstown; Italian-American League; Italian-American Political Club; Knights of Columbus No. 3813 of Campbell, and Fourth Degree Father Gallagher General Assembly of Youngstown.

Lieutenant Masi has been an outstanding service officer of the veterans organizations and has been working for the past 15 years to help all veterans receive hospital care, pensions, and other benefits to which they are entitled.

In 1969, the late Congressman Michael J. Kirwan named Mr. Masi "Campbell's Good Will Ambassador" for the efforts he has made to help members of the various service organizations. This year in my capacity as U.S. Representative from the 19th Ohio District, which includes the city of Campbell, I named Lieutenant Albert Masi "Campbell's Champion of Veterans' Affairs" for his outstanding service in behalf of veterans.

Lieutenant Masi was appointed a patrolman for the city of Campbell by Mayor Anthony F. Pacella on January 12, 1949. On March 1, 1967, he was appointed sergeant by Mayor Joseph A. Vrabel. He was appointed lieutenant on March 1, 1972, by Mayor Rocco Mico.

On August 21, 1972, Mr. Masi was cited as the outstanding member of the Italian-American War Veterans of the United States, Inc., at their national convention, for all his efforts in helping U.S. veterans and their widows.

Officials who participated in the program honoring Lieutenant Masi were: the Reverend Joseph Palermo, invocation; Steve Sofocleous, chairman; Attorney Joseph Witoli, toastmaster; Mayor Rocco Mico, welcome and presentation; U.S. Representative CHARLES J. CARNEY; Anthony J. Volpe, director of Veterans' Affairs for the State of New Jersey, principal speaker; State Senator Harry V. Meshel; Anthony Ross, national commander of the Italian-American War Veterans; John DeMart, commander of American Legion Post 560, Campbell; Commander Robert Hedrick, school superintendent; and the Reverend George Pappas of Archangel Michael Church, benediction.

RUSSIAN RANSOM DECREE POLICY

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. WALDIE. Mr. Speaker, I recently received an incisive statement concerning the odious practice of ransoming Russian Jews prior to permitting their emigration. It is from Irwin Daniels, president of the Jewish Centers Association, Los Angeles, Calif. In it Mr. Irwin expresses the opposition of the board of trustees of the Jewish Centers Association to the granting of the most favored nations' status to the Soviet Union, as long as the Soviet Union continues its practices of ransoming the Soviet Jews. It is only one of the many outcries against the most favored nations policy toward the Soviet Union that we have heard recently, and it deserves our immediate concern and action.

I include Mr. Daniels' statement:

JEWISH CENTERS ASSOCIATION,
Los Angeles, Calif., September 22, 1972.

MEMORANDUM

From: Irwin Daniels, President.
To: California Congressional Delegation.

The Board of Trustees of the Jewish Centers Association of Los Angeles in its concern for equity and justice asks that you consider its position on matters which are now before the Congress.

Although we are in favor of easing of tensions between East and West through economic ties and export trade, we are strongly opposed to the granting of most favored nations' status to the Soviet Union as long as that country maintains its policy of ransom decree which is inhumane, immoral, and punitive.

We agree with Senator Ribicoff's statement on this regard, "I do not see how any Senator or Congressman could vote for new trade concessions for the Soviet Union at a time when the Russians are trading in human lives. Ransoming of Soviet Jews is one Soviet export all decent men must absolutely refuse to accept."

We urge your strong support to deny the Soviet Union the trade terms it desires from the United States until and unless it changes its ransom decree which imposes exorbitant exit fees on Jews who wish to emigrate.

CHIEF JUDGE ANDREW M. HOOD

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. BYRON. Mr. Speaker, this summer Chief Judge Andrew McCaughrin Hood retired from the District of Columbia Court of Appeals. His retirement marked the end of a 30-year career on the citys' appellate court that began when the court was created in 1942 to review the work of the District's police, municipal, and juvenile courts.

Judge Hood was appointed to the bench by President Franklin D. Roosevelt, and reappointed or promoted by Presidents Truman, Eisenhower, Kennedy, and Johnson. He was designated chief judge in 1962, and was on the court as it grew from a lower level, three-man body, to a nine-judge panel whose decisions can be appealed only to the U.S. Supreme Court.

It was my pleasure to have served Judge Hood as a law clerk in 1954–55 and watch his contribution to the growth of the court as it matured from a very limited appeals court to the highest court in the jurisdiction following the implementation of the 1970 Court Reorganization Act.

Judge Hood has earned the respect of the judicial and legal professions and his wisdom and guidance has indeed inspired many people and citizens who have come in contact with him. He will be missed, but his years of service on the bench have left an imprint that will never be forgotten.

SENATE—*Wednesday, October 4, 1972*

The Senate met at 9 a.m. and was called to order by Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, in whose will is the destiny of the Nation, rekindle our faith in the ultimate triumph of Thy plan for the world Thou hast made. In spite of difficulties, disappointments, and fears, reassure us Thou art still in control and that in the end victory belongs to truth and justice. When we must accept less than the perfect program, or agree to partial solutions, or must yield to postponements, help us never to give up, knowing that Thou dost never give us up. Grant us patience, endurance, strength, and wisdom for today, knowing that all things work together for good to them that love Thee.

Through Jesus Christ our Lord. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., October 4, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. HOLLINGS thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, October 3, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Connecticut (Mr. WEICKER) is now recognized for a period not to exceed 15 minutes.

AMERICAN PRISONERS OF WAR AND GENERAL AMNESTY FOR DRAFT DODGERS

Mr. WEICKER. Mr. President, in recent days, Americans have been involuntary participants in a cruel spectacle. The North Vietnamese, by attaching cunning and patently amoral conditions to the release of three American prisoners of war, succeeded in blackmailing our country into either accepting these humiliating conditions or jeopardizing the release of those prisoners—and the future release of prisoners. This was terrorism by government—terrorism in the same mold as practiced by individuals who threaten and kill the innocent. Yet while our Government struggled to respond according to convention, though allowing compassion to predominate, the Democratic candidate for President continued to play the politics of ambition at any price.

At the height of negotiating the prisoners' release, candidate MCGOVERN accused the administration of "playing politics with the three prisoners of war that Hanoi already has offered to release." He called on the President to "let these three men come home just as quickly as possible," thereby insinuating that the President's intention was something less than that goal.

Coming on the heels of his persistent advocacy of a general amnesty for all draft dodgers, this latest action is more deserving of a national flushing than believing.

The blind defense of Hanoi's exploiting the prisoner release and the promise of total amnesty to those who have broken the law denotes to me that the most patriotic of men, like GEORGE MCGOVERN, can become the most foolish of candidates.

American prisoners of war and their release are the responsibility of all Americans. No man—not GEORGE MCGOVERN, not Richard Nixon; and no party—not the Republican Party and not the Democratic Party, is or would be more representative of a nation yearning to have its sons home.

The draft dodger, too, is the responsibility of the American people. However, in this instance, national debate does not suffer the disadvantage of terrorism directed against the helpless.

Logic does not have to be muted and that is why Senator MCGOVERN loses on this issue. He keeps on saying that there is strong precedent for a general amnesty. In fact, there is none.

He claims President Coolidge provided amnesty after World War I and President Truman after World War II. He also cites President Lincoln as a proponent of unconditional amnesty. All are untrue.

None of the Presidents supported general amnesty and none granted it. Lincoln, in fact, insisted on a hard-line amnesty policy. Deserters returning to duty would have to finish out the unfilled portion of their term and, in addition, a period equivalent to their original term of enlistment.

Candidate MCGOVERN opposes any conditions on his amnesty promise. This is the same candidate who told the Veterans of Foreign Wars' convention:

> A good Democrat doesn't run away from his party, any more than a good soldier runs away from his country.

How can we reconcile that statement with his apologia for the draft evaders?

Those who choose of their own volition to break the law, for whatever reason, must be ready to accept the consequences of their act.

There is an honorable tactic known as civil disobedience. Through the years, a few notable men of high purpose have employed it to advance their beliefs.

I do not recall Martin Luther King or Mahatma Gandhi ever whining for special consideration of their actions. They stood tall in defiance and in punishment. The essence of genuine civil disobedience is the deliberate invitation of society's penalty. If the provoker feels this is an unjust system, one of his purposes is to dramatize that injustice by undergoing its consequences.

Thus did such men as Gandhi and Dr. King help bring about monumental human and societal changes within their time.

I know of no one who went off to Vietnam with a light heart and a quick step. Yet thousands of Americans obeyed the laws of their country, even though they might be voting to see their Nation's policies changed.

To grant amnesty to those who substituted rationalization for duty would be to mock the sacrifices of those who served and ridicule the memory of those who died.

The issue of amnesty then is not a difference of philosophies between Republicans and Democrats but whether the Nation will look to anarchy rather than legislation for change.

I find it ironic that a U.S. Senator demogogs for the former. Fortunately it will be an election and not a riot that puts him down.

QUORUM CALL

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

At this time, under the previous order, the Senator from New Jersey (Mr. WILLIAMS) is recognized for not to exceed 10 minutes.

THE NIXON FAILURE ON AGING—I

Mr. WILLIAMS. Mr. President, I think most Members of this body would agree with me that one of our greatest national failings has been our failure to provide adequately for the needs of older Americans.

And I think most would also agree that it is encouraging to view the initiatives in this area which Congress has recently made.

Particularly noteworthy are the efforts of Senator CHURCH as chairman of the Senate Special Committee on Aging, as exemplified by his leadership in enacting this year's 20-percent increase in social security benefits.

However, the attention being given the needs of the elderly by Congress stands in sharp contrast to the inexplicable and inexcusable neglect shown by the Nixon administration.

As a matter of fact, it seems that this administration cannot even see the needs of the elderly.

It always seems to recognize the needs of the special interests and the super-rich, but when it comes to Americans who really need help—like the elderly—the Nixon administration is blind.

As for the top men in charge of Richard Nixon's programs, they are clearly unfeeling and unmindful of this Nation's real needs.

They—especially Mr. Erlichman—have already said publicly that they will bleed several important programs to death, such as manpower training, should President Nixon be reelected.

Yet, they can always find rationales for the spending of billions and billions of dollars several thousand miles away for bombs and the support of a corrupt regime in Southeast Asia.

But the doors of the Treasury are slammed shut when human needs in America come to the surface.

Nowhere is this more evident than in the field of aging.

Almost from the very beginning of his administration, President Nixon showed a clear-cut indifference to older Americans.

It made precious little difference to him that these problems—such as higher property taxes, dwindling medicare coverage, and others—were not of the elderly's own making.

Instead of understanding, Richard Nixon looked for a rationale to justify cutting back Federal programs serving older Americans.

Perhaps the earliest indication that his administration was going to make a stepchild of aging came in his first budget message.

As the New York Times of April 16, 1969, summed up the situation:

> It is astonishing that the President wants to make his biggest single reduction in the domestic area by cutting the increase in Social Security recommended by the Johnson Administration from 10 percent to 7 percent.
>
> This "saves" more than $1 billion on paper, but it means that older persons who live on inadequate fixed incomes and who are hardest hit by inflation are to bear the heaviest burden in this anti-inflation effort.

When overruled by Congress on social security, the Nixon administration then began to play off one generation against another.

Instead of attempting to deal honestly with problems affecting young and old, the administration began to suggest that somehow youth was being shortchanged because of Federal spending on the elderly.

At the vanguard of this effort was Robert Finch, a trusted confident of Richard Nixon and his first Secretary of Health, Education, and Welfare.

Finch's job at HEW, one might think, was to be an advocate for the well-being of all Americans.

But he did no such thing.

Instead, he wanted to hold the line, or retreat, on aging, while paying lip-service to youth.

As Secretary of HEW, Robert Finch callously said:

> I'd like to see a great chunk of resources put in at the lower end of the age spectrum and hold (spending) at the top end.

Delegates at the 1969 annnal national conference at the University of Michigan took the unprecedented step of passing a resolution denouncing the Finch position.

His comments were also vigorously challenged by national leaders, by the press, and by Members of Congress.

In fact, Finch was accused of distortions and divisiveness.

I shall have more to say about that later.

And the demogoguery continues—the Nixon administration still attempts to suggest that somehow older Americans are receiving what might be regarded as a disproportionate share of Federal expenditures.

A good example was Richard Nixon's long overdue message on aging in March. He said:

> One dimension of our efforts over the last three years is evident when we look at the Federal budget.
>
> If our budget proposals are accepted overall Federal spending for the elderly in fiscal year 1973 will be $50 billion, nearly 150 percent of what it was when the Administration took office.

But the major share of that so-called $50 billion outlay comes, of course, from payments made under social security, income maintenance, retirement income, and health programs.

In fact, that sum amounts to about $48.5 billion in all, and most of it comes from trust funds supported by employee-employer payments.

As for the $1½ billion left in the $50 billion outlay, there is good reason to suspect that a great deal of it is padded.

Much of it results from guesstimates of the dollars spent for the elderly in general-purpose programs meant to serve all age groups.

It is ironic that an administration which fought social security increases and other efforts to insure retirement security now uses trust fund expenditures to distort the facts on its overall record.

It is tragic that the administration, instead of juggling budgetary statistics, did not see fit to deal with the real issues on aging, including:

An increase in poverty among older Americans during 2 years of the Nixon administration. Now, about 1 out of every 4 persons age 65 and beyond lives in poverty.

A sharp rise during the Nixon years in the amount paid out by the elderly from their own pockets for health care.

The Federal outlay argument is as empty of meaning as the Nixon administration has been empty of genuine initiatives and concern on aging.

Having no substance to offer, the Nixon administration resorts to rigged bookkeeping.

As the immediate past chairman of the Senate Committee on Aging, I have long been concerned about the full range of problems and challenges facing aged and aging Americans.

Today, however, I shall focus on two subjects for which I have considerable responsibility in my capacity as chairman of the Senate Committee on Labor and Public Welfare and chairman of the Subcommittee on Housing for the Elderly for the Committee on Aging.

These two vital matters include pension reform and housing for the elderly.

PENSION REFORM

On pension reform, Richard Nixon has proposed a watered-down four-point program:

First. More generous tax deductions for pension contributions by self-employed persons—from 10 percent of earned income with a $2,500 ceiling to 15 percent with a $7,500 maximum deduction.

Second. Tax deductions—equal to 20 percent of earned income, but not greater than $1,500—to encourage employees to set up their own retirement plans.

Mr. President, the third part of the President's proposal is a "Rule of 50"—based upon years of employment and age—for workers' pension rights to become partially vested.

Fourth. A special study of pension plan terminations.

I do not have to indicate why that deserves a chuckle in this body when nearly 50 percent of the Membership of the Senate has cosponsored a meaningful pension bill that has been fully studied for nearly 3 years. It is a bill that includes pension plan termination insurance. This is the final, in my opinion, ridiculous feature in the proposal sent to the Congress by the administration.

Here again, Richard Nixon has failed older Americans.

Here again, Richard Nixon has raised their hopes with empty promises which fall far short of need.

His game plan would provide an additional $5,000 tax writeoff for self-employed persons who make $50,000 a year.

But the wage earner struggling on a $7,500 income is likely to be left out in the cold because he will not have a sufficient margin between income and outgo to permit independent savings toward retirement.

The Nixon "Rule of 50" would still provide little or no protection for millions of persons.

In fact, it would probably intensify the reluctance of employers to hire older workers because the new rule would add to their pension costs.

Finally, another study on pension plan terminations is unlikely to shed any new light on this subject.

What is needed now is a genuine effort to provide pension plan reinsurance to protect against terminations—such as occurred at Studebaker nearly a decade ago—instead of more studies.

I suppose we can understand why the President comes up with the program he has. He is very secure in probably the best pension plan that ever has been provided for anybody in this country. I understand his is a 60–60 plan—$60,000 a year at age 60, fully funded, and fully insured.

Mr. President, I would like to turn to another part of the discussion this morning on this administration and its failure to respond to the needs of older Americans.

HOUSING OLDER AMERICANS

Pension reform will help the elderly of tomorrow.

But for older Americans of today, few needs are greater than housing.

Housing, after all, is the No. 1 cost for older Americans.

Thirty-three percent of their income goes for shelter as compared to only 23 percent for younger persons.

Certainly 6.5 million persons over the age of 65 who are below or very near the poverty line cannot afford to pay one-third of their income for housing.

Despite a national policy to provide a "decent home and suitable living environment" for all Americans, it is estimated that almost one-third of the 20 million persons in this Nation who are 65 and over live in dilapidated deteriorating, or substandard housing.

This is not a statistic; this is a fact of life.

On Monday of this week the senior Senator from Massachusetts (Mr. KENNEDY) and I spent 2 hours with older people living in that kind of housing, housing which is dilapidated, deteriorating, substandard, and with another element, crime-infested. Those were two of the harshest hours I have ever spent in my life. This is a crying need.

But the Nixon administration's response to the housing needs of older Americans has been characterized by inaction, indifference, and by a lack of sensitivity.

The administration has attempted to kill off the most successful housing program ever enacted for the elderly—a program with not one failure during its 11 years of existence.

Yet, in 1969 the Congress made it crystal clear that it wanted the section 202 program to be continued, not phased out.

But Richard Nixon was not listening.

Instead, his bureaucrats impounded funds earmarked for section 202 when the Congress attempted to rescue the program in 1970.

Richard Nixon was also not listening when the delegates at the White House Conference on Aging called for a high level spokesman for older Americans at HUD.

Instead his administration went to work behind closed doors to sabotage congressional efforts to establish an Assistant Secretary for Housing for the Elderly.

And Richard Nixon has failed to develop any constructive proposals for the No. 1 problems for the elderly homeowner; the property tax which has risen by 33 percent since January 1969.

Yet, he promised the White House Conference that he would prepare "specific proposals to ease the crushing burden of property taxes for older Americans, and for all Americans."

Unfortunately, he did not say when his promises would become deeds.

And his administration has opposed positive congressional initiatives—such as Senator EAGLETON's proposal to provide a credit up to $300 for homeowners with adjusted gross incomes not exceeding $6,500.

What a sorry record, but somehow entirely appropriate for such a sorry grade of leadership.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of Mr. CHURCH and then Mr. EAGLETON be reversed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the Senator from Missouri is recognized for not to exceed 10 minutes.

Mr. EAGLETON. I thank the Chair, and I thank the Senator from West Virginia.

THE NIXON FAILURE ON AGING: III

Mr. EAGLETON. Mr. President, Mr. CHURCH and Mr. WILLIAMS have heard the administration say "no" many times when they ask for positive action on aging.

But perhaps I can claim some sort of distinction in this group today as the chairman to whom the administration said "no" more often than to anyone else during 1971 and 1972.

And they have been negative even on causes which—to anyone outside the administration—seemed to be "naturals" for support by the Department of Health, Education, and Welfare which is supposed to be the people's advocate.

As chairman of the Subcommittee on Aging within the Committee on Labor and Public Welfare, I have sat in some amazement as administration witnesses argue against such good causes as:

A stronger agency on aging within HEW and clearer direction on aging from above HEW;

Continuation of pilot nutrition programs which were serving 14,000 older persons, and establishment of a national meals program which would serve nearly 30 times that number;

Community service programs to enable older persons to work on behalf of others right in their own home communities;

Midcareer and training service for men and women who are unemployed, underemployed, or simply anxious to move from an uninteresting or low-paying job to a more satisfying one; and

Surprising as it may seem, the administration was even opposed to the establishment of a National Institute on Aging. They seemed to think that present research and training efforts are adequate, although every other witness told the subcommittee that just the opposite is true.

I am pleased to report today that the administration is taking a less hostile attitude toward a beefed-up agency on aging these days than it has in the past. Representatives of HEW have consulted with subcommittee staff at length over the past few weeks in discussions of the comprehensive older Americans amendments, legislation to continue the Older Americans Act programs and extend the life of the Administration on Aging. I hope that the administration will also lessen its opposition to a proposed 6-member Older American Advocacy Commission to act as an independent overseer and advocate for coordinated action by Federal departments and agencies.

The Senate voted yesterday on the Comprehensive Older Americans Services Amendments, Mr. President. I believe that the final tally of 90 to 0 should show the administration, once again, that Congress stands ready to take effective action on aging. But we could be even more effective if the administration were with us, instead of against us.

To illustrate my argument, I would like

to give some case histories of administration resistance.

HOW RICHARD NIXON THWARTED THE AGE DISCRIMINATION LAW

Richard Nixon has called discrimination based on age "cruel and self-defeating; it destroys the spirit of those who want to work and it denies the Nation the contribution they could make if they were working."

But despite this high sounding rhetoric, the Nixon administration has consistently failed to enforce the age discrimination law in a vigorous manner.

It took his administration until late in 1969 to file its first suit under the act.

And when the Senate Committee on Aging insisted that action be taken, the response has still been timid. Only 116 suits have been filed, less than 30 a year.

Yet, more than 2,500 violations were found under the act in fiscal year 1971.

Complicating everything else, workers 40 and above have become the new scapegoat class for the Nixon administration. Thousands have already been pressured into retirement, against their will.

Now the Federal Government, which used to be a model employer, has become one of the leading offenders in discriminating against older workers.

NATIONAL SENIOR SERVICE CORPS

To older Americans, Richard Nixon has been a silent partner in banishing them from society—a society which they have worked most of their lives to build and improve.

For 2 long years, his administration has opposed legislation to create a national senior service corps which would mobilize the wealth of talent and skills with which older Americans are so richly endowed.

Yet, existing pilot projects under operation mainstream—such as green thumb, senior aids, and others—have proven that these programs are a smashing success not only for the aged but the localities being served.

But, Richard Nixon continues to say "no" to human needs. Instead, he is willing to allocate almost the same funding level for the mainstream demonstration programs as the Pentagon wants for publicity just to promote its own programs.

Instead, he is willing to continue mainstream on a pilot basis, even though he told 3,400 delegates at the White House Conference on Aging:

> We must move beyond this demonstration phase and establish these programs on a broader basis.

The Senate has moved to meet the needs in this area by including an expanded community service employment program in the Older Americans Act amendments.

MIDDLE-AGED AND OLDER WORKERS EMPLOYMENT ACT

The Nixon administration also opposed the Middle-Aged and Older Workers Employment Act, which would authorize training, counseling, and special supportive services for unemployed or underemployed persons 45 or older.

By whatever barometer one would choose to use, the mature worker has been grossly underrepresented in work and training programs conducted by the Nixon administration. Persons 45 and older now constitute 21 percent of the total unemployment in the United States; 39 percent of all joblessness for 15 weeks or longer; 40 percent of all unemployment for 27 weeks or longer; and 36 percent of the civilian labor force. But they account for less than 4 percent of all enrollees in our manpower programs.

Again, we have acted responsibly in this area by including the Middle-Aged and Older Workers Employment Act as a part of the older American Act amendments.

NUTRITION PROGRAM FOR THE ELDERLY ACT

For 2 long years, the Nixon administration opposed the enactment of the Nutrition Program for the Elderly Act—even though 8 million older Americans may have diets insufficient for optimum health.

Only after the Senate approved the legislation by a vote of 89 to 0 did the administration reluctantly agree to the establishment of a national hot meals program for older Americans.

On aging, Richard Nixon has struck out.

On aging, he has failed nearly 21 million older Americans.

And 4 more years can only add to the frustration of the elderly.

The PRESIDING OFFICER (Mr. WILLIAMS). Under the previous order, the Senator from Idaho (Mr. CHURCH) is recognized for not to exceed 10 minutes.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. ROBERT C. BYRD. Will the Senator from Missouri reserve his remaining 4 minutes and yield it to the Senator from Idaho?

Mr. EAGLETON. Mr. President, I ask unanimous consent that the 4 minutes I apparently did not use in my presentation be assigned to the Senator from Idaho.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NIXON FAILURE ON AGING

Mr. CHURCH. Mr. President, the people of the United States are confronted by an administration which is sitting on its promises, rather than standing on its record.

The President's surrogates—dispatched by the White House whenever a critic dares raise his voice—are shrill and defensive.

Just why is the Nixon Administration so jumpy, anyhow?

Why all this determination to attack, attack, attack, when—if we are to believe the polls—Mr. Nixon is so far ahead of Senator McGOVERN?

Where is that display of serenity one might expect of a President who can say to himself that he has done all he could for the people during the course of 4, well-spent years?

As chairman of the Senate Committee on Aging, I believe that older Americans have special reasons to ask those questions.

One of the major issues in this campaign, in fact, is the Nixon failure on aging, together with his attempt to cover up that failure with showmanship.

Faced with a negative record, the Nixon administration goes on the attack because it has no defense.

In its turn, Congress has a duty to search out the truth and tell it like it is to the Nation.

FAILURE ON RETIREMENT INCOME

The first hard truth about the Nixon failure on aging is that he has refused to face up to a retirement income crisis which actually worsened during his administration.

In 1969—when 200,000 older Americans were added to the poverty rolls—he was willing to settle for a puny 7-percent social security increase. Then he reluctantly upped his bid to 10 percent when prodded by a Democratic Congress.

But even this amount would not have kept pace with rising prices. Finally, a Democratic Congress approved a much-needed 15-percent raise. After first threatening a veto, Richard Nixon grudgingly tagged along.

The battle continued in 1970 and 1971. High-level administration spokesmen asked the Congress not to rock the boat by approving a social security increase in excess of 5 percent.

Once again, Richard Nixon was willing to thrust the elderly poor into the front ranks of the fight against inflation. Once again, the Congress had to reject his advice as too little and too late, and approve a stop-gap 10-percent raise to protect the elderly from inflation.

And it was the same old scenario in 1972. Richard Nixon was willing to settle for 5 percent, which again would have lagged behind rising prices.

When Congress stood ready to approve a 20-percent increase—a proposal which I sponsored—Richard Nixon threatened a veto. In fact, his press secretary called this proposal, which had the bipartisan support of two-thirds of the Senate, a political maneuver.

But, I say here and now: Is 20 percent too much when 5 million older Americans live in poverty?

Is 20 percent too much when social security payments for widows average about $1,400 a year, more than $500 below the official poverty index?

Is 20 percent too much when more than one-half of elderly persons struggle on less than $40 a week?

President Nixon thought so. He reluctantly signed the 20 percent raise, but only after it was evident that the Congress would decisively override his veto. Even then, he called the increase inflationary and fiscally irresponsible.

Now—a month before the presidential election—he is trying to deceive the elderly. He has enclosed a message with this month's social security check, implying that he was responsible for the enactment of the 20 percent raise.

Nothing could be further from the truth.

Older Americans should be told that their social security checks would be substantially smaller if Richard Nixon's policies had prevailed. In fact, the average retired worker would be receiving $600 less per year. And nearly 1.5 million more persons 65 or older would be on the poverty rolls.

THE NIXON FAILURE ON MEDICARE

For the elderly, however, a grossly inadequate income strategy is not the only failure of this administration.

It is slashing medicare to the bone.

It fought for $290 million to rescue the SST, but sought to saddle every elderly patient with an extra $225 hospital bill through a new $7.50 copayment charge for the second month of hospitalization.

It stashed away $10 million in a secret campaign fund contributed by its rich patrons, but attempted to boost the deductible for doctor services by 20 percent.

It squanders billions on worthless military hardware, but actively blocks proposals to cover out-of-hospital prescription drugs for the elderly. Such coverage could now be achieved for three-fifths the going price of a nuclear submarine.

Apparently, the administration does not care that medical costs have gone up by 20 percent since Richard Nixon took office.

Apparently, it does not care that older Americans are now paying almost as much in out-of-pocket costs for medical treatment as they did before medicare was enacted.

THE NIXON FAILURE ON PROPERTY TAX

Richard Nixon seems to have no secret plan for reducing medical costs for the elderly.

But he claims to have a secret for easing spiraling property taxes. He talked about it at the White House Conference on Aging almost a year ago. He hinted at it in his message on aging in March.

Here we are in October still waiting for the details.

To millions of older Americans, however, the property tax is a daily threat to their security. That tax has increased by one-third since Richard Nixon took office. Many elderly persons—more than 70 percent of them own their own homes—now turn over as much as 30, 40, and sometimes even 50 percent of their meager incomes to the local assessors.

More empty promises can only dash the hopes of elderly homeowners, who now find themselves in a no-man's land. They are being driven from their homes by inflated property taxes. Yet, they cannot find suitable alternative housing at rents they can afford.

Property taxes now total over $40 billion. Yet, for one-half the cost of an aircraft carrier, aged homeowners and renters could be provided significant relief from the effects of this regressive tax.

OTHER FAILURES

The atrocious record of the Nixon administration on aging goes on and on. It has opposed, resisted or blocked legislation to:

Establish a national senior service corps to help low-income older Americans lift themselves out of poverty by serving others in their own communities;

Provide mid-career services to unemployed older workers, although more than 1 million persons, 45 or older, have now lost their jobs;

Create a national hot meals program for older Americans in conveniently located neighborhood centers;

Raise the retirement test under social security to $3,000; and

Increase railroad retirement payments by 20 percent.

LOST OPPORTUNITIES AND LOST CREDIBILITY

Mr. Nixon's failures on aging are all the more tragic because he had great advantages when he took office.

A responsive Congress—one which had enacted medicare, the Older Americans Act, social security increases, and other landmark bills—was ready to take the next steps.

Congress had even directed the President to hold a White House Conference on Aging in 1971.

Mr. Nixon almost turned that conference into a political circus, but he was stopped by indignant public opinion and an alarmed Congress.

Even then, he could have used the White House Conference recommendations to shape and implement a national action policy on aging.

Instead, he has given us a disturbing suspicion, a sense of disbelief about his motives and methods.

I have already mentioned the social security notice sent to 28 million Americans this month, but that is not all.

Millions of electioneering pamphlets disguised as official government publications, are in the mails to elderly people who never asked for them.

At Government expense, executive departments—Housing and Urban Development, Agriculture, Labor, as well as the ACTION Agency, and the Veterans' Administration—are competing in puffing up the shabby Nixon record.

An administration which has scuttled a loan program to build housing for the elderly tries, in the HUD publication, to make it look as if housing is actually getting better.

An administration which is already announcing that it would—if given another term in office—slash manpower programs out of existence, brags in the Department of Labor pamphlet that it is serving older Americans in their search for gainful employment.

An administration which treats grain dealers as insiders treats senior citizens as outsiders when it comes to letting them know what is really happening.

CONCLUSION

President Nixon has yet to offer a coherent, positive policy on aging.

Surely, he must realize that others see the need, even if he does not.

Surely a Nation with a trillion dollar economy has the wherewithal to:

Assure a decent retirement income for every American;

Guarantee quality health care for its elderly;

Provide decent housing and a suitable living environment; and

Put an end to a welfare system which demeans the aged and destroys their dignity.

This, of course, would require a new set of priorities.

And, new priorities cry out for new leadership in the White House.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. GAMBRELL). Under the previous order, the Senator from Massachusetts (Mr. KENNEDY) is recognized for not to exceed 10 minutes.

THE ADMINISTRATION'S NEGLECT OF THE NATION'S ELDERLY

Mr. KENNEDY. Mr. President, today in America there are more than 20 million Americans over 65. They are the men and women who have worked all of their lives to build this Nation. They are the men and women who have suffered through depression and war as citizens of this land. They are the men and women who have tried to make our cities, our towns and our rural communities better places for new generations to live.

And these are the men and women that this administration has ignored, neglected and forgotten for 4 long years. For 4 years, the legitimate needs and demands of older Americans have been swept into the hidden corners of this administration without response.

Nearly a year ago, the White House Conference on Aging met and issued a series of recommendations, recommendations that the President faithfully promised he would respond to.

Three months went by and the President's spokesmen testified before Senate committees that he had sent letters to 340 national groups asking their response to the White House Conference recommendations.

I asked him then, and I ask this administration today, where is your response? What resources and what legislation—is this—administration prepared to support to carry out the conference recommendations?

I have not received an answer. Congress has not received an answer. And the 20 million elderly have not received an answer.

The special interests of this land get answers from this administration. The grain exporters get answers from the Secretary of Agriculture even before the public knows. ITT gets answers from the highest law enforcement officials in the land. I think it is high time that 20 million elderly also get an answer.

But if the record of the past 4 years is any indication, the answer will be "no."

First, in nutrition, the White House Conference on Nutrition in 1969 issued a plea for a Federal program to provide food programs and nutrition education to the elderly.

Yet for 2 years, this administration opposed S. 1163, the nutrition for the elderly program that I introduced with a bipartisan list of cosponsors to fund programs to feed isolated elderly Americans. It opposed the bill in hearings. It opposed the bill in committee executive sessions. And then when the measure was passed 88 to 0 in the Senate, it blocked its immediate adoption in the House.

And so the record is clear, the administration opposed a vital nutrition program for the elderly for 2 years and then when it was passed over its opposition, the administration tried to claim credit.

For after its passage, the public relations pamphlets of this administration have consequently ballyhooed nutrition for the elderly as part of the administration initiative, falsifying the facts and masking its real policy of neglect toward older Americans.

Second, in employment, this administration has consistently adopted policies to deny adequate employment opportunities to the Nation's elderly.

In 1972, more than 1 million persons 45 and older are jobless, an increase of nearly 75 percent since Richard Nixon took office. In 1972, Federal employment programs continue to deny elderly Americans their fair share of available jobs. And in 1972, while 10 percent of the Nation's unemployed are 55 and older, only 1 percent of the job trainees are 55 and older.

A year ago at the White House Conference on Aging, the rhetoric of the President was magnificent, praising community service employment programs for the elderly and urging that they be made nationwide and permanent.

But the reality of the administration's actions are very different. For the spokesmen for the same President who spoke so affirmatively a year ago have been steadfastly opposed to the enactment of a permanent, nationwide community service employment program for the elderly for 4 long years, a program that will create 100,000 new jobs.

The opposition came in subcommittee hearings, and it came in letters from the administration to the Senate and it came in private statements from this administration to Senators.

But a Democratic Senate rejected those voices of neglect and passed the community service employment bill only a few weeks ago. Yesterday, it was included in the Older Americans Act extension and will, hopefully, be passed by the Congress before the session's end.

And if this administration continues its past record, as soon as this bill is signed into law, it will start claiming credit for an employment program that it had opposed every step of the way.

There is a third area of neglect and that is the area of health care. For it is here that this administration has permitted medicare to disintegrate to the point that the elderly pay almost as much for medical bills as they did before medicare became law.

It took Congress nearly two decades to win the historic battle for medicare. But it has only taken Richard Nixon 2 years to sabotage the program.

For this administration has boosted the medicare premium for part B doctor's insurance from $4 to $5.80 a month, for a 45-percent jump.

It has raised the deductible for hospital insurance by 55 percent, from $44 to $68.

It has proposed to saddle the elderly with a new $7.50 copayment charge for each day in the hospital from the 31st to the 60th day. This charge alone could add $225 to the hospital bill of an older American.

And the bitterest irony of all is that this very proposal would fall most heavily on the person medicare is supposed to help the most—the individual who is confronted with the costly health-care expenditures of a prolonged stay in the hospital.

Richard Nixon has sent a clear message to older Americans: "We'll help you with your doctor's visit." he says, "but if you're sick enough to require long-term hospital care, you're on your own."

At the very time we ought to be closing the gaps in medicare, the President is expanding them.

The Democratic platform supports a national health insurance proposal that closes the gaps by paying all hospital costs from the first day a patient enters until the day he leaves.

It closes the gaps by covering all health services for the prevention and early detection of disease, the care and treatment of illness and medical rehabilitation.

It closes the gaps by covering the cost of drugs and eyeglases and hearing aids.

None of these—not a single one—is covered by the administration bill.

Fourth, the administration consistently has shortchanged the funding of the only Federal agency devoted entirely to the needs and concerns of older Americans—the Administration on Aging.

For the past 3 years, the administration has requested less each year than Congress had appropriated the previous year for the Older Americans Act.

Each year the gap between what Congress had authorized and what the administration requested grew larger and larger.

Finally, with the delegates from the White House Conference in town last December, the administration reluctantly endorsed the amendment I introduced to raise the level of funding to $100 million. What had been the administration's proposed level of funding? Barely over $13 million.

That is the way this administration has neglected the Nation's elderly, denying them the services they deserve.

Finally, there is another area of neglect, an area of neglect that has exposed millions of elderly Americans to the threat of crime and vandalism and terrorism.

For 4 years, the statistics from the inner cities of America have pointed to increasing violence against the aged.

It is outrageous that in America today, elderly people in our largest cities fear to leave their homes to visit a neighbor, to cash their social security check or even to attend a place of worship.

I was in my home city of Boston Monday, and I walked along with Senator WILLIAMS through the Mission Hill public housing project. We saw the ripped-off screens, the broken windows, the jimmied mailboxes and we heard elderly women and men talk of the fear that surrounds them.

For one man told of being robbed four times in a single year and his wife twice.

Another told of a postman who had been stripped of his clothes and robbed of his mail on the day that the social security checks for the elderly residents arrived.

Supermarkets will not deliver groceries to these projects and taxis will not venture inside.

And this administration has denied not once but three times the request from Boston Housing Authority and the city of Boston for adequate funds to provide those elderly residents with adequate security.

And every other major urban area in this Nation has faced the same response from an insensitive administraversed.

For this administration acts as if it is more important to the security of the United States to bomb Asian peasants than to provide adequate security to the elderly of America.

It is time for the priorities of this administration to be exposed and for the public to know how this administration has turned its back on older Americans.

It is time to know that this administration has refused funds for adequate security for the elderly. It is time to know that this administration has opposed nutrition programs for the elderly. It is time to know that this administration has opposed employment programs for the elderly.

It is time to know that this administration has ignored and forgotten and neglected the Nation's elderly, tarnishing their final years.

If we are to enrich the quality of life of all Americans and if we are to maintain the strength and vigor of this great land of ours, then we must provide the means for elderly Americans to find fulfillment and not frustration in these closing chapters of their lives.

It is not too much to ask of a society which owes them so much and which can still benefit from their wisdom and service.

Mr. President, I withhold the remainder of my time and ask unanimous consent that I may be able to yield it to the distinguished Senator from Minnesota (Mr. HUMPHREY) if he so desires.

The PRESIDING OFFICER (Mr. GAMBRELL). Without objection, it is so ordered. Under the previous order the distinguished Senator from Minnesota (Mr. HUMPHREY) is now recognized for not to exceed 15 minutes.

Mr. HUMPHREY. Mr. President, first, I want to compliment and heartily congratulate and thank the distinguished Senator from Massachusetts for outlining here today in precise and direct terms the failures and inadequacies of this administration to provide leadership and support for programs that relate to the urgent needs of our older Americans. The Senator from Massachusetts and the Senator from Idaho (Mr. CHURCH) have both, once again, made it clear that this administration has been not only reluctant but derelict when it comes to providing for the needs and the care and the health that older Americans so richly deserve.

THE ADMINISTRATION'S ECONOMIC RECORD—THE POLITICAL CAMPAIGN

Mr. HUMPHREY. Mr. President, I can capsule this administration's economic record in just a very few words, and I would hope that my colleagues, as they go back to their constituencies, would recite these words as an incisive and clear-cut statement of economic and fiscal mismanagement on the part of the Nixon administration:

The highest unemployment in 10 years.

The highest inflation in two decades.

The highest budget deficits in four decades.

The highest trade deficit in eight decades.

The highest interest rate in 100 years.

That is the record of the Nixon administration in the economic field.

Right on the line—unemployment, inflation, budget deficits, trade deficits, and usurious interest rates.

Yet this administration would have the American people believe that they never had it so good.

Mr. President, just the other day, a constituent of mine from Stillwater, Minn., sent me a letter. I shall not read this party's name because this administration would undoubtedly set out to punish her, from other experiences I have had. The lady happens to be a civil servant.

She writes as follows:

> DEAR SENATOR HUMPHREY: Since I find certain of its materials useful in my work, I am on one of the U.S. Department of State's mailing lists. By coincidence I happened to receive the two items enclosed in the same day's mail several days ago. Obviously they both originated from the same addressograph plates.
>
> If government mailing lists are made freely available to the general public for any purpose whatsoever, I question the validity of such a policy as an unwarranted invasion of privacy. If the use of a mailing list such as the one my name is on with the State Department is not legitimate for partisan campaign purposes, I deeply resent the fact that it is being done.
>
> Being subject to certain annoying Hatch Act restrictions probaby heightens my sensitivity about what is proper behavior and what is not in political campaigns.
>
> Thank you for any light you may be able to shed on this matter.

This letter is duly signed.

Mr. President, I hold in my hand an envelope. I describe it as follows:

In the upper left-hand corner it says:

Department of State, U.S.A.
Washington, D.C. 20520

Underneath that it says:

Official Business
Penalty for Private Use, $300

Then it shows the name of my constituent, addressed to her at St. Paul, Minn.

I am going to ask that my colleagues take a look at this particular Addressograph plate. The identification reads:

PL–O
University of Minnesota 55101.

Over on the right it shows "PBR/D." That is from the State Department.

Mr. President, I hold in my hand a campaign letter sent out by a Leo Chance at 589 Fifth Avenue, New York, N.Y. It has the identical Addressograph plate with the identical markings which I have just referred to—obviously from the State Department mailing list. Of course, it relates entirely to the campaign and to the Democratic candidate's views on foreign policy.

Mr. President, it is clear and obvious that the State Department has made available this mailing list for partisan political purposes.

I am going to send this material to the General Accounting Office for appropriate investigation.

It is perfectly all right for any political party or candidate to mail to whomever they wish such partisan and campaign material, but the Government of the United States in its official duties has no right turning over to a private person the mailing list of a department of Government.

It is obvious here that that has been done.

I have held this mail since September 26 trying to find out the background of the use of State Department lists, and I find out that this has been going on in other Departments.

Just this morning, I received in my office a letter from a dear old friend of mine, Lou Lerman, and he is on the mailing list of the Veterans' Administration for partisan and political purposes.

Mr. President, I think that Senate and the Congress should insist that these lists be protected in terms of their official use and not be made available to the Nixon campaign or the committee to reelect the President.

By the way, there is no such thing as a committee to elect the President. There is no President running for office. There is a candidate. I believe that we should apply truth in labeling to the campaign. The man that is running for office is a Republican candidate that seeks reelection. He stands on his own. We do not have in this country any kind of divine right of kings or any such hereditary process of a committee to elect the President. Baloney.

A DOMESTIC GULF OF TONKIN

Mr. HUMPHREY. Mr. President, the so-called spending ceiling which the Nixon Administration is so eager to enact deserves the most careful scrutiny of the Congress and the people.

The press today reports statements made yesterday by John Ehrlichman and Caspar Weinberger attempting to assert that congressional passage of the $250 billion spending ceiling would constitute "insurance" against a tax rise next year.

Mr. President, it is clear that Mr. Richard Nixon is manufacturing the spending ceiling issue as a mechanism to get himself out of some election year hot water. The President promises that there will be no increase in taxes which of course, every citizen likes to hear in spite of the fact that the administration has a deficit that makes any Democratic deficit look like a widow's mite. The administration is responsible for a budget deficit that is beyond the wildest dreams of the most expensive spendthrift in years gone by.

What is the President trying to do? He says that it is not the President's fault, that it is the fault of Congress because we are appropriating too much. He knows it is a lot of hogwash. If he does not know that, he ought not to be President. A man who is President ought to be able at least to add. He does know how to divide, but he ought to know how to add.

It is obvious that the administration has increased the budget in every single year since Richard Nixon has been in the White House. Not one single time have we appropriated more than he asked for.

Mr. President, the President has the story going over the airwaves that it is a democratically controlled Congress that is spending the people's money. We know that is a lie. We know that it is to deceive the people.

I say to the President, "Mr. President, it is you and your surrogates who are out spreading this nonsense."

Congress has reduced the President's budget. Congress has been frugal. The Congress has changed priorities, and that is what the President and his administration do not like. We have not spent more than the President has asked. And the spending ceiling has nothing to do whatsoever with what Congress is doing.

What is wrong in this country is that the revenues are short simply because the economy has been in a recession, no matter what Mr. Nixon and his surrogates say.

He has had this country in a recession since 1969. Therefore, the revenues have been down.

Officials of his administration have issued contradictory statements on the necessity of a tax increase next year. Now the President is saying to the public that unless the Congress goes along with his spending ceiling proposal we will have a tax increase next year.

He will have it both ways. If we do not pass his spending ceiling proposal, he says that there will have to be a tax increase. He says that if we pass the spending ceiling proposal, there will not be a tax increase. There is no more truth in the allegation that we have overspent the budget than there is reason to believe that the moon is made of Wisconsin cheese.

In other words, the President is trying to use the Congress as a scapegoat for his own fiscal mistakes. But I do not believe he can fool the voters by blaming Congress for his administration's poor planning and management.

The Nixon spending ceiling is not only a partisan strawman. It also fundamentally threatens the constitutional power and responsibility of the Congress to control appropriations. If passed it could prove to be the domestic equivalent of the Gulf of Tonkin Resolution—a license for the administration to attack and make war on health, education, and other programs benefiting the average citizen without congressional approval.

The Congress should and does reduce the President's budget requests. It is our responsibility to set priorities on behalf of the people, and the people should insist on it.

I ask unanimous consent that an article I wrote which appeared in the Washington Post of October 2, along with the Post and New York Times reports I have referred to and an editorial from the Minneapolis Tribune be printed in the Record.

There being no objection, the material ordered to be printed in the Record, is as follows:

The Spending Ceiling—Is It a Domestic "Tonkin Gulf"?

(By Hubert H. Humphrey)

After nearly four years of fiscal mismanagement, the Nixon administration is now preparing an election year argument to tell the American people that a Democratic Congress is to blame.

The scenario has been carefully constructed. Here it is: The Congress has been on an inflationary spending spree. The President courageously calls the nation's attention to this and then demands a halt to carefree congressional spending. He proposes a $250 billion ceiling on federal expenditures and then asks the Congress to give him blank check authority to cut any programs above this limit. He knows that he has 535 members of Congress over a barrel. Either they consent to his plan and hand over to the White House unprecedented authority to control appropriations or he will label them all "spendthrifts." In an election year, being labeled a spendthrift is to be blamed for inflation, budget deficits, and high taxes.

Richard Nixon dispatches his Treasury Secretary to the influential Ways and Means Committee to make them an offer they can't refuse. They don't refuse. The spending ceiling seems on its way to approval. White House lobbyists are already walking the halls of Congress spreading the word that a vote against the ceiling is a vote for a tax increase. But the plain fact is that, on the contrary, the administration's spending ceiling is an election year ploy; a perversion of prudent fiscal management; a cover-up of a failure to halt inflation; a protective shield for an oversized military budget; a way to erase the social progress of the 1960s; and an outright theft of congressional authority.

Perhaps the greatest danger a spending ceiling poses is not what it will do to individual programs and millions of people that it will affect, but what it will do to the relationship between Congress and the Executive Branch. A spending ceiling places unprecedented power in the hands of the Chief Executive. In effect, it tells Congress: There is no need to scrutinize the budget, there is no need to appropriate funds, indeed, there is little or no need for Congress. The public has been alarmed at the erosion of congressional authority in the field of foreign policy. Now the President asks us for a domestic Gulf of Tonkin resolution.

The Nixon request is a natural outgrowth of the way the administration conducts this nation's fiscal affairs. Consider for a moment the growing power and influence of the Office of Management and Budget over budgetary decisions which were formerly the prerogative of Congress. The spending ceiling is nothing more than a device to augment this power and place it in the hands of persons not responsible to any electorate.

How well does the charge that Congress has overspent stand up to examination? The answer is: not at all. For the past four years the Congress has cut the President's budget requests by over $16 billion. This year alone Congress has already eliminated $4.4 billion of presidential spending. This represents careful, prudent budget review by Congress—not a spending spree. In fact, the Congress has never failed in the past 25 years to cut a President's budget.

The public must not forget that the President has the initial responsibility for the creation of the budget. Whether the presidential budget will be lean or fat is his decision to make. The Congress has the right not only to reduce a President's budget, but to change his budgetary priorities. This is what members of Congress are elected to do and this is certainly what this Congress has done.

Do we need a spending ceiling to fight inflation? There are more effective ways, I believe, to control inflation. We should have begun inflation control four years ago—instead of on August 15, 1971—with wage and price guidelines that had bite. Since we did not, inflation control can best be achieved now through a truly effective wage-price mechanism covering those large firms that have a significant impact on the economy. A spending ceiling is only a ruse and cannot substitute for the needed mechanisms to halt inflation. Much of the reason for deficit financing and inflation is the slow-down of the economy, causing reduced revenues and higher welfare costs.

If the Nixon administration were serious about controlling inflation it would move forcefully in such areas as ending wasteful procurement practices, improving inadequate anti-trust enforcement and revising weak regulatory practices.

If a spending ceiling were to be enacted what programs would likely be eliminated? Just looking at Richard Nixon's veto record gives the clearest indication of what programs this administration considers expendable: education, health care, job creating and training programs and other social service programs that benefit the poor, the hungry and the elderly. It is clear that the spending ceiling offers the administration a convenient way to eliminate or cripple programs relating to human needs without leading a politically unpopular frontal assault on them.

To be sure, the Nixon administration has its budgetary sacred cows such as military procurement and defense spending that won't be cut one nickel. Added to this list must be other generally recognizable untouchables such as interest on the public debt, Medicare, social security and some subsidies. Aside from the vulnerable social service programs, it is likely that the brunt of any cutbacks would be in grants to state and local governments—badly needed programs like water and sewer grants, anti-pollution control funds and transportation aid. It would be ironical if the spending ceiling and revenue sharing came into effect at approximately the same time. The Nixon administration would then be a promoter of a federal funny money game giving revenue with the right hand and taking it back with the left.

It is the responsibility of the Congress to be frugal with the taxpayer's dollar, to search out waste and not to overspend. I am confident that it can continue to do these things without Executive Branch interference or handing the President an item veto over our appropriations.

Hill To Get Blame If Taxes Rise

(By Peter Milius)

The White House said yesterday that the coming vote in the House on President Nixon's proposed $250 billion spending ceiling is, "in a real sense, a vote on whether or not there will be higher taxes next year."

The statement marked the closest the President's spokesmen have yet come to conceding that a tax increase may be in the offing. They sought to suggest a month ago that the President would not propose a tax increase if elected to a second term.

Their modified position was set out at a press conference on the spending ceiling by presidential assistant John D. Ehrlichman. The presidential adviser also told reporters that the administration is not willing to tell Congress in advance what specific spending cuts it will make if the overall ceiling is adopted.

House Democrats, led by Speaker Carl Albert, have insisted that the President say what he wants to cut before they will give him the cutting power.

Ehrlichman's remarks thus firmed up party lines for a likely pre-election showdown on the spending-and-taxes issue when the proposed ceiling reaches the House floor, which it may do as early as Wednesday.

Ehrlichman said the White House would not submit a list of proposed spending cuts because the vote on the spending ceiling would then become "a vote on the pros and cons of a number of fractioned proposals, and that is not the way this kind of a decision should be made in our opinion."

As sent to the Hill by the White House, and approved last week by the House Ways and Means Committee, the proposed spending ceiling would empower the President to cut back or impound whatever congressional appropriations he chose, in order to hold overall outlays to $250 billion in the current fiscal year.

Albert and other opponents say it would cede to the President Congress' constitutional power of the purse.

Beyond that, they object to giving the President a free ride on the spending issue this close to the election. They don't want him to be able to say he is against spending without saying which spending. They say he is as responsible as the governing Democrats in Congress for the current spending level. No spending bills have been passed over his veto, they note.

Ehrlichman did not quite say, at yesterday's press conference, that there will have to be a tax increase if Congress fails to approve the spending ceiling.

Instead, he said that "there are basically only three ways to avoid higher taxes."

"One," he said, "is through great restraint on the part of the Congress," and "I might say parenthetically we have seen very little evidence of such restraint in this Congress."

"Secondly," he went on, "the President would be required to veto authorizations and appropriations which substantially exceed his budget, and third, as an alternative, is the route which the Congress has under consideration this week . . . an overall limitation on spending. . . ."

He was then asked, "If the Congress fails to pass this spending ceiling, can the President, or will the President veto enough bills to avoid a tax increase or is it inevitable that if the spending ceiling does not pass, we are going to have a tax increase?"

"That is a very hypothetical question at this point," he replied. "We just don't know."

Ehrlichman was one of the spokesmen who sought to suggest last month that the President would not propose a tax increase in a second term. By contrast, the White House has asserted that Democratic presidential candidate George McGovern's spending plans would force a major tax increase.

All that was meant last month, Ehrlichman said yesterday, was "that the President will do nothing to cause a tax increase . . . There are obviously forces in the three coordinate branches of the federal government beyond the President's control, and the Congress is one of those . . . That was implicit in what we said here. . . ."

With Ehrlichman at the White House yesterday was Caspar W. Weinberger, director of the Office of Management and Budget.

Weinberger was less equivocal about a tax increase. "In case there is the slightest question in anyone's mind," he said, "the President does not intend to propose any new taxes next year."

He was asked whether he meant to include in that assertion a value-added tax, or national sales tax, which the White House has occasionally held out as a possible partial replacement for local property taxes.

Weinberger replied, "That is my understanding, yes."

Ehrlichman, however, said that what Weinberger meant was that "there would be no way that (a value-added tax) could be put into place and into operation in the coming fiscal year, just mechanically and physically."

"I don't want to preclude the possibility of its being considered as an option," Ehrlichman said, "because no decision has been made."

[From the New York Times, Oct. 3, 1972]

Tax Vow Is Tied to Debt Ceiling

(By Eileen Shanahan)

WASHINGTON.—Key officials linked today the Nixon Administration's pledge not to increase taxes with Congressional enactment of the $250-billion ceiling on Federal spending this year.

John D. Ehrlichman, assistant to the President for domestic affairs, and Caspar W. Weinberger, director of the Office of Management and Budget, said that enactment of the spending ceiling would constitute "insurance" against a tax increase next year.

The statements were milder than some of those made earlier by Mr. Ehrlichman and by Ronald L. Zeigler, the White House Press Secretary, in which they promised that the President would not propose any tax increase throughout a four-year second term.

Today, Mr. Ehrlichman and Mr. Weinberger not only linked avoidance of a tax increase next year to enactment of the spending ceiling, but they also avoided most forecasts of tax policy beyond next year.

Mr. Ehrlichman did say that there was no chance whatever that a value-added tax—a type of national sales tax—could be enacted and put into effect next year.

His reason was simply that "mechanically and physically, it would be impossible to impose a complex tax of that kind within such a short time span."

He said that no decision had been reached on whether such a tax should be imposed for use after next year.

The prospects for Congressional passage of the spending ceiling continued to be uncertain.

The House Ways and Means Committee, which last week approved such a ceiling in precisely the no-exceptions form requested by the Administration, was scheduled to meet tomorrow to reconsider their action.

A growing number of House members have expressed doubts about the wisdom of the ceiling, primarily because it would give the President unlimited authority to cut spending in whatever programs he chose, to get total outlays down to the $250-billion figure. The ceiling would apply to the current fiscal year, which began July 1.

Opponents of the Ways and Means version of the ceiling want to add a requirement that President Nixon report in advance to Congress on where he will make the spending cuts to give Congress a chance to veto his plans.

It was not immediately clear whether Ways and Means would actually rewrite the ceiling proposal. The committee's chairman, Wilbur D. Mills of Arkansas, said that he opposed such a step.

Another possibility was that the committee would approve a change in the restrictive parliamentary procedure under which its bills are considered in the House. Ordinarily, no amendments are permitted.

POSSIBLE AMENDMENT

In this case, however, it appeared possible that the committee might decide to propose that a single amendment be allowed—an amendment that would substitute the opposition version of the spending ceiling and thus give Congress some control over where the spending cuts were made.

Neither side seemed confident of the outcome.

Mr. Ehrlichman, obviously seeking to allay Congressional fears that some social programs would be cut to nothing if the President got the power he seeks, said that what would be involved "is not drastic elimination of programs but simply a limitation of excessive growth of Federal programs."

He noted that the ceiling "is designed to hold expenditures to an $18.5-billion increase over the prior fiscal year. So it really isn't all that much of a starvation program."

Mr. Weinberger said that enactment of the spending ceiling would not only provide insurance against a tax increase between now and next June 30—the end of the current 1973 fiscal year—but also "would enable us to get a good start with respect to '74 so that we could have the same kind of offer of insurance against a higher taxation for that and succeeding fiscal years."

[From the Minneapolis Tribune, Sept. 27, 1972]

Will Congress Abdicate on Finance?

Considering the usual jealously with which the Congress views its authority in relation to presidential powers, the House Ways and Means Committee made an astounding decision Monday. It approved, on a 20-to-5 vote, a bill that would give President Nixon unlimited authority to cut whatever programs he desires in order to keep federal spending below $250 billion during the fiscal year ending June 30.

If this bill becomes law, it will mark the broadest delegation (or surrender, if you will) ever made of Congress's constitutional authority over spending levels—a kind of Gulf of Tonkin measure in domestic affairs. The one-sided committee vote indicates the degree to which many representatives believe there may be no other way to keep spending under $250 billion this fiscal year, according to one analysis. If this is true, it suggests that Congress, with its two houses, multiple specialized committees, numerous special interests and frequent need for compromises and trade-offs, is no longer capable of making difficult decisions on economic matters. We don't believe that's necessarily the case.

For one thing, the bill reflects the weak leadership exhibited by the majority and minority leaders in both houses, it seems to us. For another, policitics is an important behind-the-scenes factor.

A White House aide already has declared that if the President gets the unlimited authority he wants, he'll simply end (by not funding) what's left of the Office of Economic Opportunity programs. Congressmen who would like to see that happen, but don't want to vote outright for it, can be expected to favor the bill. The Democrats who control Congress, faced with election-year charges of high spending from a Republican administration, are looking for ways to force the President to make politically unpopular cuts in programs. In addition, the bill would allow all incumbent congressmen to campaign as fiscally responsible while avoiding the need to vote on specific reductions—reductions that nearly always offend one affected group or another.

The bill also creates a new joint committee to recommend procedures under which Congress could improve its control of "budgetary receipt and outlay totals." That may be a good step, although it seems to us that the need is less for new "procedures" than for congressmen to make hard decisions. Although no formal procedures exist for joint House-Senate review of the over-all result of spending bills, which are approved independently, this responsibility in practice is vested in two committees—Senate Finance and House Ways and Means.

Those committees, and congressional leaders of both parties, should discipline themselves and begin to decide priorities on programs and spending, not abdicate their constitutional responsibility by granting additional authority to the White House, whose power has grown enormously in the post-World War II years.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia (Mr. ROBERT C. BYRD) is recognized for not to exceed 10 minutes.

Mr. ROBERT C. BYRD. Mr. President, I yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 5 minutes.

Mr. BENTSEN. Mr. President, I thank the distinguished assistant majority leader.

Mr. President, I congratulate the distinguished Senator from Minnesota for his very articulate presentation on the inconsistent statements of the administration concerning its economic policies.

THE AGED, THE CONGRESS, AND THE ADMINISTRATION

Mr. BENTSEN. Mr. President, on April 9, 1970, President Nixon proclaimed the following month as Senior Citizens Month and said:

> For too long we have lacked a national policy and commitment to provide adequate services and opportunities for older people.

I believe most of us would agree with that statement and I believe the Congress has taken it seriously.

I submit, Mr. President, that it is the Congress that has provided the commitment. The administration has provided much rhetoric, but it could be much more progressive and aggressive in providing actual support.

The President waited almost 3 years before sending Congress his message on the aging, and I welcome the message even though it was late in coming.

The administration waited 2 years before ending its opposition to congressional initiatives to increase funds for the Administration on Aging. Again, I welcome the change of heart.

The administration waited 2 years before dropping its opposition to a program initiated by the Congress to provide adequate nutrition programs for the elderly. I welcome the belated support.

And the administration to this day opposes my bill outlawing age discrimination in Government employment despite an 86-to-0 vote for it in the Senate. I would welcome another change of heart.

The record of this Congress on matters affecting the elderly offers evidence of genuine concern and commitment on the part of legislators to improving the lives of older Americans.

This Congress passed—over administration opposition—a 20-percent increase in social security.

This Congress passed—over initial administration opposition—a program to provide nutritional programs for the elderly.

This Congress passed the Emergency Employment Act to direct added funds to areas of high unemployment, with a special provision that middle-aged and older persons were to be equitably represented in new employment opportunities.

This Congress extended the gold eagle passport program which allows senior citizens free entrance to our national parks and reduces substantially the charges they must pay for using their facilities.

This Congress approved my amendment to the Economic Stabilization Act, which encouraged the growth of private pension plans by exempting them from the guidelines for wages and salary increases allowable in the period of economic controls.

And this Congress has passed a comprehensive set of amendments to the Older Americans Act, which will give emphasis to our most successful programs at the local level to aid our elderly citizens.

Those amendments, I am pleased to say, contain a bill which I authored, which will give Federal incentives for public libraries to expand their services to older Americans.

All of those measures, Mr. President, and more, have been the result of congressional commitment and concern. I am hopeful for such commitment on the part of the administration.

I must say that the administration is not at all hesitant to seek credit for legislation it has originally opposed. I understand that in this election year.

It is, of course, unfortunate that legislation to improve the lives of older Americans should become a political football. And I am pleased that much of the legislation I have mentioned has passed by unanimous vote, with Republicans and Democrats supporting it.

But the efforts to politicize the efforts to aid the elderly have not come from the Congress; they have come from the administration.

It was the administration which branded the 20-percent social security increase "irresponsible" and then made plans to include a laudatory message from the President in every new social security check to be mailed in October.

The administration opposed the program to provide nutrition programs for the elderly and then hailed it after it passed the Senate by a unanimous vote.

The President said in December that—

> I am preparing specific proposals to ease the crushing burden of property taxes for older Americans.

We have not yet seen his proposal to the Congress.

The President said 10 months ago that he would be making recommendations very shortly to extend medicare coverage to include prescription drugs, while the Senate Finance Committee was taking the action and including such a proposal in H.R. 1.

Mr. President, this Congress owes no apologies for its efforts to improve the lives of older Americans.

This Congress has made major strides for the elderly. I believe it is incumbent upon us to set the record straight and to tell our elderly constituents where the real leadership lies—in this Congress.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. ROBERT C. BYRD. I have 1 minute left which I would be happy to yield to the Senator from Texas.

Mr. BENTSEN. I thank the Senator. I yield the floor.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order the Senator from Pennsylvania is recognized.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and I ask that the time be charged against the Senator from Pennsylvania.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RECORD OF THE ADMINISTRATION ON ASSISTANCE TO OLDER AMERICANS

Mr. SCOTT. Mr. President, I imagine that today's guerrilla foray against the strong fortress of the administration on its position of interest and assistance for older Americans is occasioned by the fact that the social security checks are coming out with a 20-percent increase, which this administration is happy to note is being made available to our older Americans.

Perhaps it is occasioned by the fact that the fight against inflation is succeeding, a fight which is a fight for survival, and for security, for our older Americans particularly. And perhaps it is simply their want to anything else to talk about since most of the other subjects have been discussed so frequently here. I would not say that points have been scored, although some of the more eminent Senators have posited their criticism chiefly upon allegations that the administration has allegedly "slammed the door of the Treasury shut when human needs in America come to the surface." That is not meritorious, Mr. President.

The President's message on older Americans of March 23 of this year summarizes the President's objectives as containing five major elements: One, improving the income position of older Americans; two, upgrading the quality of nursing homes; three, helping older Americans lead dignified, independent lives in their own homes; four, expanding opportunities for involvement of older Americans in community life; five, organizing the Government to meet the changing needs of older Americans.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the White House fact sheet on this message.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SCOTT. Mr. President, in considering administrative initiatives for older Americans in line with this comprehensive strategy, let us consider what has been done. The President, first of all, signed into law social security increases amounting to more than a 50-percent rise since 1969, a $17 billion annual increase in income for the elderly, the largest increase during any 2½ year period. Now, for those who complain, "Where was this increase during the Kennedy administration or the Johnson administration?" the answer is that it was not voted although the majority was as much in control of the Congress as they are now, and that answer applies to each of the acts of nonfeasance of the critics and their supporters in Congress and elsewhere.

The second thing the President initiated and signed into law was legislation making social security benefits inflation proof.

The President proposed the first national income floor for older Americans and a modified earnings test to allow individuals to earn more after their retirement without losing social security benefits, and I might add that a bill has been offered here along those lines which I strongly supported, and I hope that it becomes law. In fact, I have offered similar measures over a period of years.

The administration has proposed increased benefits for delayed retirement and special minimum benefits for people who work 15 or more years under social security, all of which are being considered before us now in H.R. 1, which is, I would say, not being considered as well or as favorably as some of us would like.

The President has proposed a program to recompute military retired pay on the basis of January 1971, military pay scales, and improving the protection of survivors of retired personnel.

There obviously is not time to include all the list of comprehensive initiatives, but they include improved benefits for veterans; the reform and expansion of private pension programs; improved benefits for retired Federal employees; management of pension funds exclusively in the interest of beneficiaries; a new economic policy to help reduce inflationary pressures; a commitment to relieve the burden of property taxes; changes in income tax laws to provide special help for older persons—which is also being presently considered in the Congress. Continuing, the President has advocated strong action by the Office of Consumer Affairs to aid senior citizens; strong action to upgrade the quality of nursing homes, national nutrition programs, provisions for homemaker transportation, nutrition and community services; priority to requests in the Department of Transportation for capital grants to help the elderly from the urban mass transportation funds, on which we are still hopeful for congressional action; make housing money more readily available for older Americans, and that means 66,000 units of HUD-subsidized housing units in fiscal 1972 alone, and 14,000 units under the nursing home and intermediate care facilities program; and a number of other actions.

In other words, the President has substituted performance for promises, and no allegation of nonperformance could possibly hold water, notwithstanding the best efforts of the critics.

Mr. President, I ask unanimous consent to include as an exhibit, also, at the end of my remarks, a statement entitled "Administration Initiatives for Older Americans."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

EXHIBIT 1

MESSAGE ON OLDER AMERICANS

In his message, the President outlines a comprehensive strategy for the complex problems faced by older Americans.

There are 5 major elements:

1. Improving the income position of older Americans.

2. Upgrading the quality of nursing homes.

3. Helping older Americans lead dignified, independent lives in their own homes.

4. Expanding opportunities for the involvement of older persons in community life.

5. Organizing the Government to meet the changing needs of older Americans.

In 1973, the Federal Government will spend an estimated $50 billion on behalf of older Americans, nearly 50% more than in 1969. One example of increased concern for the elderly is the increase in overall Federal spending under the Older Americans Act; spending under this Act has risen from $32 million in 1969 to a proposed $157 million as announced in the 1973 budget. The President is recommending a further increase of $100 million for nutrition and related services. This will bring total spending in 1973 to $257 million—an eight fold increase.

1. IMPROVING THE INCOME POSITION OF OLDER AMERICANS

The President has signed into law social security increases amounting to more than a 26 percent rise since 1969—a $10 billion annual increase in income for the elderly. When the proposed 5% benefit increase in H.R. 1 is enacted, the increase in a 2½ year period would be one-third, the largest such in the history of social security.

In his message the President urges Congress to enact the new income benefits for older Americans contained in H.R. 1, which would total $5½ billion when fully effective. This includes $3 billion in increased social security benefits and $2½ billion in new benefits for the needy elderly.

Other important reforms contained in H.R. 1 include the first national income floor for older Americans; guaranteed inflation-proof social security benefits; a modified retirement earnings test to allow an individual to earn more after retirement without losing social security benefits; increased benefits for delayed retirement; and special minimum benefits for people who have worked for 15 or more years under social security.

The President will propose a program to increase the incomes of military retirees and improve the military retirement system. This includes recomputing retired pay on the basis of January, 1971 military pay scales, and improving the protection of survivors of retired personnel.

Older veterans are benefiting from improved medicare care for veterans. In fiscal year 1973, 844,000 veterans will be treated in VA hospitals, and approximately oneforth of these veterans will be over age 65. Veterans' pensions were increased by an average of 10 percent in calendar year 1971 and are being increased by another 6½ percent in 1972.

Benefits for retired Federal employees and their families have been improved by increasing annuities as the cost of living rises, and by liberalizing health and other retirement benefits.

The President has submitted a program to reform and expand private pension programs, through:

Tax deductions to encourage independent savings toward retirement;

More generous tax deductions for self-employed persons;

Vesting of pensions to insure that persons who have worked for an employer for a significant period will retain their pension rights;

Management of pension funds exclusively in the interest of beneficiaries; and

A one-year study of pension plan terminations by the Departments of Labor and Treasury.

The President announced (August 1971) a New Economic Policy to help reduce inflationary pressures that are so harmful to older Americans receiving relatively fixed incomes.

The President reaffirmed his commitment to relieve the burden of property taxes.

Recent and pending changes in income tax laws would provide special help to older persons (a single person aged 65 or older would be able to receive up to $5,100 of income without paying any Federal income taxes, while a married couple with both husband and wife 65 or older would be able to earn up to $8,000 of such tax free income.)

The President directs his Office of Consumer Affairs to develop recommendations for further action to make older citizens aware of their legal rights under the Interstate Land Sales Full Disclosure Act and to help the State develop consumer education programs specifically designed for older citizens.

The President's comprehensive health proposals also can reduce the burden of health costs on the elderly: He has:

Requested that the monthly $5.80 Medicare supplementary premium fee be eliminated, yielding older persons $1.5 billion.

Urged several measures contained in H.R. 1 to reduce health costs for older Americans, including extending Medicare to many of the disabled who have been forced to retire early, enabling Medicare beneficiaries to enroll in Health Maintenance Organizations, and clarifying coverage for extended care facilities after hospitalization.

2. UPGRADING THE QUALITY OF NURSING HOMES

The President announced an 8-point plan to upgrade the quality of nursing homes in August of 1971. The Administration has:

Trained almost 450 State nursing home inspectors in Federally-sponsored programs;

Submitted legislation to provide 100 percent Federal funding of State Medicaid inspections of nursing homes;

Established an Office of Nursing Home Affairs in the Office of the Secretary of Health, Education and Welfare;

Increased Medical Services Administration personnel by 142 positions to enforce Medicaid standards and regulations;

Funded a short-term training program for nursing home personnel (20,000 in fiscal year 1972; 21,000 in fiscal year 1973.);

Designated Social Security district offices to receive and investigate nursing home complaints;

Initiated a comprehensive analysis of the issues related to long-term care; and

Improved the enforcement of nursing home standards, including the decertification of 13 substandard nursing homes.

3. ENHANCING THE INDEPENDENCE OF OLDER AMERICANS

To help older Americans lead dignified, independent lives in their own homes, the President:

Increased the 1972 budget of the Administration on Aging to $100 milion for 1973—to provide homemaker, transportation, nutrition and community services. He will request an additional $100 million for funding of increased nutrition and related services.

Called for indefinite extension of the Older Americans Act and proposed amendments to strengthen service delivery:

HEW would increase its financial support for the State Agencies on Aging and fund up to 90% of services costs and up to 75% of the administrative costs of new Area Planning Agencies on Aging.

State and Area Planning Agencies would plan to mobilize wide range resources—public and private—to enhance the independence of older citizens.

Announced new procedures for interagency coordination of Federal resources which aid older persons. Under these procedures Federal agencies will identify each year that portion of their resources they expect to spend the next year to help older persons meet their needs. State Agencies on Aging will use this information for more effective planning and delivery of services.

Set up a system whereby nearly 800 Social Security district offices will provide information on benefits available to the elderly;

Asked the Domestic Council Committee on Aging to examine ways to use other government offices—such as the General Services Administration's Federal Information Centers and the Agricultural Extension Service's local offices—to expand the information and complaint centers;

Will launch an outreach campaign (Project FIND) to increase the participation of eligible older persons in the food assistance programs of the Department of Agriculture (i.e., food stamps and surplus commodities). The campaign will be conducted through a network of existing Federally operated or funded field offices and outreach workers;

Urged action on the recent legislative proposal of the Secretary of Transportation that some of the Highway Trust Fund be used to finance mass transportation and asked the Secretary of Transportation to develop specific suggestions for helping States and localities use a portion of these resources for the elderly.

Announced that the Department of Transportation will give priority to community requests for capital grants that aid the elderly from the Urban Mass Transportation Fund. The President urges States and localities to move immediately to take advantage of available resources.

Made housing money more readily available for older Americans. In fiscal year 1972 and fiscal year 1973 HUD will reach an all-time record in producing specially designed, subsidized and insured housing and nursing homes.

66,000 units of HUD-subsidized housing units specially designed for the elderly are planned for fiscal year 1972 and an estimated 82,000 for fiscal year 1973.

14,000 units under the Nursing Home and Intermediate Care Facility Program, are planned in fiscal year 1972 and an estimated 18,000 in fiscal year 1973.

HUD has also issued guidelines to make the Section 236 subsidized rental program more responsive to the needs of the elderly and to provide technical assistance to nonprofit sponsors under the Section 106(a) program.

Announced that HUD will extend the mortgage maturity for the FHA insured nursing home program to a maximum of 40 years—enabling sponsors to "package" residential and nursing home complexes more easily.

Requested HUD to work with the Administration on Aging to develop training programs in the management of housing for the elderly.

Directed the Secretary of HUD to encourage more space for senior centers in subsidized housing projects for the elderly.

4. EXPANDING OPPORTUNITIES FOR INVOLVEMENT

To expand opportunities for more older Americans to make meaningful contributions in all facets of society, the President:

Proposed legislation to expand ACTION's person-to-person volunteer programs to permit low-income elderly persons to work with children of special need in community settings and with older Americans in nursing homes and in the community.

Supported a national effort of volunteer organizations designed to help the elderly to remain in their own homes.

Tripled the Retired Senior Volunteer Program, to $15 million, to involve 75,000 volunteers.

Doubled the Foster Grandparents Program to $25 million, providing for 11,500 foster grandparents to serve 23,000 children per day.

Doubled the special job projects for older persons, such as Green Thumb and Senior Aides, to $26 million, to involve as many as 10,000 older persons.

Will propose legislation to broaden the coverage of the Age Discrimination in Employment Act to include the fastest growing area of employment—the State and local governments.

Directed the Secretary of Labor to work on expanding employment opportunities for persons over 65 by urging the States and local communities to include older Americans in jobs provided by the Emergency Employment Act of 1971 and working with public employment offices to help open job opportunities in both the public and private sectors.

Will send a directive to heads of Federal departments and agencies to emphasize the policy that age shall be no bar to a Federal job which an individual is otherwise qualified to perform.

5. ORGANIZING THE GOVERNMENT

To better coordinate present and future efforts for older Americans, the President has:

Created a new Domestic Council cabinet level committee on aging, chaired by HEW Secretary Richardson.

Created the position of Special Assistant on Aging, John Martin.

Appointed a Special Consultant on Aging, Arthur Flemming.

To augment these efforts the Administration will:

Strengthen the Secretary of HEW's Advisory Committee on Older Americans—providing it with permanent staff to support its increased responsibilities.

Arrange to have the Chairman of the Advisory Committee report directly to the Secretary of Health, Education and Welfare.

Create a Technical Advisory Committee on Aging Research reporting to the Advisory Committee to develop a comprehensive plan of social, psychological, health, education, and economic research in HEW affecting the aged.

EXHIBIT 2

ADMINISTRATION INITIATIVES FOR OLDER AMERICANS AS OF AUGUST 15, 1972, A COMPREHENSIVE SUMMARY

The President has adopted a comprehensive strategy for the complex problems faced by Older Americans. There are 5 major elements: (1) improving the income position of Older Americans; (2) improving health and long term care; (3) helping Older Americans lead dignified, independent lives in their own homes or residences; (4) expanding opportunities for older persons to continue their involvement in the life of their communities; and (5) organizing the government to better meet the changing needs of Older Americans.

INITIATIVE AND CURRENT STATUS

1. To improve the income position of older Americans, the President:

a. Signed into law social security increases amounting to more than a 51 percent rise since 1969—a $17 billion annual increase in income for the elderly. This represents the largest increase during any 2½ year period.—H.R. 15390 signed into law July 1, 1972. Action completed.

b. Make social security benefits inflation-proof.—Included in H.R. 15390, now law. Action completed.

c. Proposed the first national income floor for older Americans; a modified retirement earnings test to allow an individual to earn more after retirement without losing social security benefits; increased benefits for delayed retirement; and special minimum benefits for people who have worked for 15 or more years under social security.—H.R. 1 Pending on Senate floor.

d. Proposed a program to recompute military retired pay on the basis of January, 1971 military pay scales, and improving the protection of survivors of retired personnel.—Recomputation legislation was submitted in April as S. 14545, S. 3410. Referred to Armed Services Committee.

e. Has improved benefits for veterans. Older veterans are benefiting from improved medicare services for veterans. In fiscal year 1973, 844,000 veterans will be treated in VA hospitals, and approximately one-fourth of these veterans will be over age 65. Veterans' pensions were increased by an average of 10 percent in calendar year 1971 and are being increased by another 6½ percent in 1972.—Action Completed.

f. Has improved benefits for retired Federal employees and their families by increasing annuities as the cost of living rises, and by liberalizing health and other retirement benefits.—Action Completed.

g. Submitted a program to reform and expand private pension programs through:

1. Tax deductions to encourage independent savings toward retirement.

2. More generous tax deductions for self-employed persons.

3. Vesting of pensions to ensure that persons who have worked for an employer for a significant period will retain their pension rights.—Legislation submitted to Congress December 1971 as S. 3012, H.R. 12272. S. 3012 is pending in Senate Finance. H.R. 12272 received hearings in May. No further action scheduled by House Ways and Means. Senate parallel S. 3598, (Williams-Javits) is pending on Senate floor.

4. Management of pension funds exclusively in the interest of beneficiaries.—Submitted as S. 3024, H.R. 12337 to Labor committees. No hearings scheduled.

5. A one-year study of pension plan terminations by the Departments of Labor and Treasury.—Final report due in December, 1972.

h. Announced (August 1971) a New Economic Policy to help reduce inflationary pressures that are so harmful to older Americans receiving relatively fixed incomes.—Continuing Action.

i. Reaffirmed his commitment to relieve the burden of property taxes.—Continuing investigation.

j. Proposed changes in income tax laws to provide special help to older persons (a single person aged 65 or older would be able to receive up to $5,100 of income without paying any Federal income taxes, while a married couple with both husband and wife 65 or older would be to earn up to $8,000 of such tax free income.—Revenue Act of 1971 (passed) H.R. 1.

k. Has directed his Office of Consumer Affairs:

1. To develop recommendations for further action to make older citizens aware of their legal rights under the Interstate Land Sales Full Disclosure Act.—Series of hearings coast to coast this summer. Publication out September 1.

2. To develop guidelines for adult consumer education programs with particular emphasis on the needs of the elderly.—Guidelines developed by early October.

3. To work with HEW to develop a program of technical assistance to help the States create consumer education programs specifically designed for older citizens.—Action expected by early October contingent upon development of above guidelines.

l. Requested that the monthly $5.80 medicare supplementary premium fee be eliminated, yielding older persons $1.5 billion. (H.R. 1)—H.R. 1.

m. Urged several measures contained in H.R. 1 to reduce health costs for older Americans, including extending Medicare to many of the disabled who have been forced to retire early, enabling medicare beneficiaries to enroll in Health Maintenance Organizations, and clarifying coverage for extended care facilities after hospitalization.—H.R. 1.

2. To improve health and long term care, the President:

a. Announced an 8-point plan to upgrade the quality of nursing homes in August of 1971. Since then, the Administration has:—Continuing Action.

Trained almost 700 of the 1,100 state nursing home inspectors in federally sponsored programs.—Remainder to be reached within the year.

Submitted legislation in October 1971 to provide 100 percent federal funding of state medicaid inspections of nursing homes.—Passed in House, H.R. 1.

Established an Office of Nursing Home Affairs in the Office of the Secretary of HEW; appointed Mrs. Marie Callender as Special Assistant for Nursing Home Affairs.—Action completed.

Increased Medical Services Administration personnel by 142 positions to enforce Medicaid standards and regulations.—Action completed.

Funded a short-term training program for nursing home personnel (20,000 in FY 72 and 20,000 in FY 73).—Program being developed under private contract in 4 areas. Additional contracts to be signed in FY 73.

Designated social security district offices to receive and investigate nursing home complaints.—Interim mechanism established in 885 SSA offices. 2,000 complaints acted upon to date. 5 models for permanent units under study.

Initiated a comprehensive analysis of the issues related to long-term care.—Exhaustive study initiated by Office of Nursing Home Affairs. Report due in 1 year.

Improved the enforcement of nursing home standards, including the decertification of 579 substandard facilities.—4,766 facilities have 6 months to correct deficiencies; 244 are in the process of certification with final action expected by August 15. 1,469 found in full conformity.

b. Signed S. 1163 initiating a new national nutrition program for the elderly; requested an additional $100 million in his FY 73 budget for nutrition and related purposes to be administered by AOA; and asked that public and private resources be marshalled in this effort. (i.e., space at federally assisted housing projects, skilled personnel from school lunch program.—S. 1163 became law March 22, 1972. Senate action on $100 million. AOA preparing state wide planning.

c. Launched Project FIND to locate and enroll those elderly who are eligible for but not participating in federal food assistance programs (i.e., food stamps and surplus commodities). The campaign will be conducted through use of a social security mailing and follow-up by the Red Cross.—Social Security mailed out in August. Red Cross training volunteers.

3. To enhance the independence of older Americans, the President:

a. Increased the 1972 budget of the Administration on Aging to $100 million for 1973—to provide homemaker, transportation, nutrition and community services.—H.R. 13925 passed House. Senate version passed Oct. 3.

b. Called for indefinite extension of the

Older Americans Act and proposed amendments to strengthen service delivery.—Ibid.

1. HEW would increase its financial support for the State Agencies on Aging and fund up to 90% of services costs and up to 75% of the administrative costs of new Area Planning Agencies on Aging.—Ibid.

2. State and Area Planning Agencies would plan to mobilize wide range of resources—public and private—to enhance the independence of older citizens.—Ibid.

c. Announced new procedures for interagency coordination of Federal resources which aid older persons. Under these procedures, Federal agencies will identify each year that portion of their resources they expect to spend the next year to help older persons meet their needs. State Agencies on Aging will use this information for more effective planning and delivery of services.—Three phase program of implementation: FY 73—5–10 program demonstrations; FY 74—expanded number of programs; and FY 75—fully operative.

d. Set up a system whereby nearly 885 social security district offices will provide information on benefits available to the elderly.—Literature distributed to district offices.

e. Asked the Domestic Council Committee on Aging to examine ways to use other government offices—such as the General Services Administration's Federal Information Centers and the Agricultural Extension Service's local offices—to expand the information and complaint centers.—Continuing action.

f. Urged action on the recent legislative proposal of the Secretary of Transportation that some of the Highway Trust Fund be used to finance mass transportation and asked the Secretary to develop specific suggestions for helping states and localities use a portion of these resources for the elderly.—Legislation submitted March, 1972. Senate passed in September.

g. Announced that the Department of Transportation will give priority to community requests for capital grants that aid the elderly from the Urban Mass Transportation Fund. The President urges states and localities to move immediately to take advantage of available resources.—Secretary Volpe sent letters to governors and mayors announcing priority for such requests.

h. Required that federal grants for services to older persons ensure that transportation needed to take advantage of these services is available.—HEW & DOT met in April to coordinate their activities.

i. Make housing money more readily available for older Americans. In fiscal 1972 and fiscal 1973 HUD will reach an all-time record in producing subsidized and insured housing and nursing homes.

1. 66,000 units of HUD-subsidized housing units are planned for FY 72 and an estimated 82,000 for FY 73.—Will meet 66,000 in FY 72.

2. 14,000 units under the Nursing Home and Intermediate Care Facility Program, are planned in FY 72 and an estimated 18,000 in FY 73.—FY 72 data firm Sept. 1.

j. HUD has also issued guidelines to make a number of its programs more responsive to the needs of the elderly.

1. Section 235 Homeownership advantages for elderly.—HUD circular to expand program to condominiums June, 1972. Also circular increasing allowable assets that seniors may have and remain eligible for subsidies.

2. Section 236 elderly.—Guidelines published.

3. Section 236 congregate.—Circular published.

4. Section 106(A) non-profit sponsor funds.—Circular published.

k. Announced that HUD will extend the mortgage maturity for the FHA insured nursing home program to a maximum of 40 years—enabling sponsors to "package" residential and nursing home complexes more easily.—Circular issued March 2, 1972. Is an active program. Packaging announced.

l. Requested HUD to work with the Administration on Aging to develop training programs in the management of housing for the elderly.—National Corporation for Housing Management is form. Met May 12th. 13 housing research contracts signed.

m. Directed the Secretary of HUD to encourage more space for senior centers in subsidized housing projects for the elderly.—Letter sent to field offices directing encouragement. Longer term action will depend on specific form of S. 3248.

n. Urged communities to consider the residents of federally assisted housing projects as a source of volunteer manpower for serving other older persons.—ACTION/HUD/HEW/NCVA agreement signed May 15, 1972.

4. To expand opportunities for more Older Americans to make meaningful contributions in all facets of society, the President:

a. Proposed legislation to expand ACTION's person-to-person volunteer programs to permit low-income elderly persons to work with children of special need in community settings and with Older Americans in nursing homes and in the community.—Legislation (H.R. 14828; S. 3450) was submitted in March, 1972.

b. Supported a national effort of volunteer organizations designed to help the elderly to remain in their own homes.—Received $88,000 grant for R and D. Held March meeting to hear progress report of the 203 ongoing local community efforts.

c. Tripled the Retired Senior Volunteers Program to $15 million, to involve 75,000 volunteers.—Are currently training state resource specialists. Will fund all 300 FY 72 projects by the end of September, '72.

d. Doubled the Foster Grandparents Program to $25 million, providing for 11,500 foster grandparents to serve 23,000 children per day.—All FY 72 projects funded.

e. Doubled the special job projects for older persons, such as Green Thumb and Senior Aides, to $26 million, to involve as many as 10,000 older persons.—All Mainstream funds under contract.

f. Will propose legislation to broaden the coverage of the Age Discrimination in Employment Act to include the fastest growing area of employment—the state and local governments.—Legislation sent to Hill in July, 1972.

g. Directed the Secretary of Labor to work on expanding employment opportunities for persons over 65 by urging the states and local communities to include older Americans in jobs provided by the Emergency Employment Act of 1971 and working with public employment offices to help open job opportunities in both the public and private sectors.—Guidelines disseminated. Implementation by States by August 1, 1972.

h. Will send a directive to heads of federal departments and agencies to emphasize the policy that age shall be no bar to a federal job which an individual is otherwise qualified to perform.—Memo drafted under review by Domestic Council.

5. To better organize the government to meet the needs of old Americans, the President has:

a. Created a new Domestic Council cabinet level committee on aging, chaired by HEW Secretary Richardson.—Action completed (August '71).

PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes each.

COMMITTEE MEETINGS DURING SENATE SESSION TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Agriculture and Forestry, and the Committee on Rules and Administration be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPENDING CEILING

Mr. PACKWOOD. Mr. President, we are soon to be asked to consider in this body, if the House passes it, a spending ceiling of $250 billion, which was referred to in some of the comments this morning by the Senator from Minnesota.

For the entire history of the United States and for 600 years prior to that time in Great Britain, one of the paramount assertions of the legislative bodies has been that they had the right to determine taxes and they had the right to determine expenditures. It was not the prerogative of the King and, until recently in this country, it was not thought to be the prerogative of the President. I would ask, therefore, that before we enter into very serious consideration of that legislation, we act warily and cautiously in what we do.

I ask unanimous consent that there be printed in the Record an editorial from the New York Times of September 29, 1972, entitled "Budget Cynicism," and an article by David B. Frohnmayer, who is assistant professor of law and special assistant to the university president of the University of Oregon.

Mr. President, I might say this is not an ordinary article. Professor Frohnmayer is the winner of the Samual Pool Weaver Constitutional Law Essay Competition sponsored by the American Bar Association, and the first prize is $5,000. Mr. Frohnmayer has won it for an article which bears directly on the subject of the delegation of powers by the Congress to the President. I think it might be one of the most illuminating articles for Members of Congress to read before they enter into this discussion.

There being no objection, the editorial and article were ordered to be printed in the Record, as follows:

Budget Cynicism

No one likes to be the bearer of bad news. The financial bad news is that for the fourth straight year the Nixon Administration is piling up an enormous budget deficit. In the next year or two there will have to be a substantial increase in Federal taxes or a difficult reduction in Federal expenditures or some combination of the two.

The Nixon Administration and the Democratic leadership in Congress are now engaged in a series of maneuvers to avoid being identified by the public as responsible for this bad news. President Nixon began the maneuvering by putting out the story—through various White House assistants—that he could avoid any tax increase in the next four years if those irresponsible Democrats in Congress would keep spending down. To make this specific, he asked Congress to allow him to cut any Federal programs to hold total Government spending for this fiscal year under $250 billion.

The odds are good that Mr. Nixon never expected to obtain this authority. He could then blame Congressional overspending when he asked for the inevitable tax increase. But then Representative Mills of Arkansas, chairman of the House Ways and Means Committee, decided to play this game, too. Under his leadership, the committee has voted to confer this authority on the President. If the President has what is tantamount to an item veto, the theory is that he—not Congress—will get the blame next winter and spring when he cuts six to ten millions out of existing programs.

Moreover, since even a cut of that magnitude will not bring the budget under effective control, Mr. Nixon will still be obliged to ask for the tax increase. Both Representative Mills and Representative Byrnes of Wisconsin, the retiring senior Republican member of the committee, have predicted that a tax increase is almost certainly unavoidable in the near future.

In place of all this cynical budget maneuvering, Mr. Nixon would do well to explain the truth of the fiscal situation, define the choices as he sees them and defend his judgment. He knows perfectly well that he cannot cut Social Security and Medicare payments, interests on the national debt, Government salaries, or veterans benefits. His aides have assured Congress that the payments to be made to state and local governments under the revenue-sharing bill that Congress is about to pass will not be deferred or reduced. Farm price supports and subsidies are, in part, mandated by law and could not be drastically reduced within a single fiscal year.

Where then is Mr. Nixon going to make these savings? He can cut back on aid to schools, on hospital construction and medical education, on highways and mass transit, on housing for the elderly and the poor, on parks and environmental protection, on manpower training and antipoverty programs. But how does he reconcile these budget cuts with his promises of aid to parents whose children are in private and parochial schools and relief to taxpayers who do not like local property taxes?

Mr. Nixon might explain whether he intends to cut the military budget and if so, how his cuts would differ from those suggested by Senator McGovern. He might explain whether he intends to continue those shipbuilding subsidies which have won him the acclaim of the maritime unions.

In short, making an honest budget and raising the revenues to meet it are the heart of governing. The President and the leadership of both parties in Congress owe the public a full explanation of their budget decisions and tax plans. Those questions deserve rational debate, not politically-inspired collusion and evasion.

UNIVERSITY OF OREGON,
Eugene, Oreg., September 26, 1972.
Senator BOB PACKWOOD,
Senate Office Building,
Washington, D.C.

DEAR BOB: For your information, I am taking the liberty of enclosing a copy of my submission which, much to my astonishment, recently won the $5000 first prize in the Samuel Pool Weaver Constitutional Law Essay Competition sponsored by the American Bar Foundation.

As you can see from the enclosed copy of the short Register-Guard editorial of last fall (which incidentally, I had collected in my reference materials preparatory to writing the essay), my ideas seem to coincide rather precisely with your own. I thought you might be interested.

Best personal regards,

Sincerely,

DAVID B. FROHNMAYER,
Assistant Professor of Law, Special Assistant to the University President.

"THESE PARCHMENT BARRIERS:" AN ESSAY ON THE VITALITY OF A CONSTITUTIONAL IDEA

"To what expedient, then, shall we finally resort, for maintaining in practice the necessary partition of power among the several departments, as laid down in the Constitution? . . . [T]he great security against a gradual concentration of the several powers in the same department consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others. . . . Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place."—James Madison, (Publius) The Federalist No. 51.

I. INTRODUCTION

The bicentennial decade in American history is an appropriate time for reflection on the continuing vitality of the original constitutional theories underlying the nation's political structure. But an exploration of the current status of constitutional concepts in the United States is more than an academic exercise in nostalgia. Burning and unresolved questions regarding the legitimacy of governmental power to wage a bitterly divisive war, to impose pervasive regulation of the national economy, and to expand or restrict personal liberties all constitute the focal points of contemporary political controversy. Concerns about the exercise of such governmental powers inspired the framers of the Constitution to establish a clearly articulated and elaborate institutional architecture for the limitation of authority.

In only slightly oversimplified form, the three original components of the American constitutional structure are familiar to any student of elementary civics: Through the federal system, the exercise of governmental authority was to be divided between the national government and the states; in accordance with the principle of separation of powers, the operations of the national government itself were allocated among three independent institutions; and finally, by virtue of certain explicit restrictions in the body of the Constitution and in the Bill of Rights, governmental power was made subject to specific limitations in favor of individual liberty.

The original conception has been altered dramatically by the passage of time. In the almost two centuries which have since elapsed, the Civil War Amendments, the doctrine of incorporation, the growing political assertiveness of minority groups and a burgeoning judicial sensitivity to questions of personal liberty have all led to an expansion of constitutional protections in favor of the individual. At a rapidly accelerating pace following in the wake of a depression, two world wars, continuing international tensions, and the growth of an increasingly complex industrial society, the federal conception of shared power succumbed little by little to the practical realities of inadequate or unresponsive local government, to social and economic problems of nationwide scope, and to the evolution of new Constitutional theories, most notably those invoking the Commerce Clause,[1] which insured that national power to address any given problem would be virtually plenary. Finally, this same period witnessed the phenomenal growth of Presidential power and diminution in the original fears of legislative tyranny articulated by the framers.[2] There is indeed a growing sense of agreement that in terms of the original conceptions of the framers, the most unsettled and the most important substantive constitutional issues which remain are those concerning the allocation between the executive and legislative branches of the awesome array of national governmental powers. The most pressing problem, in constitutional theory, and political impact lies not in determining the extent or the definition of such powers, singly or in the aggregate. Rather, this essay addresses those perennial questions regarding the proper forums for resolving jurisdictional disputes between constitutionally coordinate branches of the national government in the exercise of such powers.

The resolution, it is submitted, lies not so much in elaborating novel doctrines and techniques of legal analysis, as much as it inheres in the adaptation of traditional constitutional conceptions to the institutional realities of twentieth century America. The proper resolution has more to do with a mode of thinking about constitutional problems in light of the constitutional structure of powers than it does with the intricacies of legal doctrine. A living Constitution, after all, is shaped as much by the minor encroachments, practical operations, and continuing adjustments of daily institutional relationships as it is by the occasional landmark judicial decision.

A Constitution is inescapably the embodiment of a political theory. It takes no great insight, therefore, to conclude that principles which guide determinations as to the allocation of power under that Constitution are implicitly theories of political organization. Given the existence of a written text, almost two centuries of historical experience, and body of Supreme Court Judicial doctrine, these legal principles can no longer be woven out of whole cloth. And likewise, no analysis can proceed without an appreciation of the present realities of political power; a task which, no doubt, would be much simpler were those realities ever to be perceived identically by any two observers.[3] But political consensus can help to maintain Constitutional authority; and a system of dispute resolution which becomes so obscured with legalisms that it is incomprehensible to the citizen endangers at the same time both its efficacy and the political utility of a constitution itself.

One further and related introductory caveat is in order. Lawyers, particularly, may take too much comfort in de Tocqueville's comment (which, after all, was a sociological observation more than a paen of praise) that Americans tend to transmute all political controversies to legal, and ultimately to constitutionally justiciable questions. As war is too important to be left to generals, so the Constitution is too important to be left to the lawyers, at least to lawyers alone. Commentators eager to argue the constitutionality of governmental action thus all too often do not pause to consider anew the alternative methods by which a political system might decide such issues. Rarely do decisions concerning the allocation of national power between President and Congress proceed in view of a consistent theory of political and constitutional structure. Partly because of the impact of a tragic and unpopular war in Indochina, the political merits color views as to the meaningfulness and propriety of a judicial decision on the issue. However, if the principle of legality means anything at all, issues must be analyzed in a context broader than the particular events which compel their consideration. It is in fact (depending on one's view of the merits) not "political cowardice", and yet it is something wholly apart from more traditional notions of "wise judicial statesmanship" and "judicial self-restraint" to suggest that important issues concerning the allocation of constitutional powers can be determined without reference to the Federal Courts, judicial review, and quasi-theological disputations over the meaning of the "political questions" doctrine.[4] Nor is it escapist or irresponsible to

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suggest that the institutions of the Presidency and Congress must themselves bear primary responsibility for drawing many jurisdictional lines. All governmental officials, not just Supreme Court Justices, are oath-bound to support the Constitution; and the first step toward the reassumption of coordinate constitutional authority is a clear assignment of constitutional responsibility.

A preliminary analysis can thus be set forth which deemphasizes the judicial role and which particularizes the contexts within which the forums for decision must be chosen. It explicates the role of constitutional structure, including the contemporary relevance of the separation of powers doctrine, and possesses the inestimable advantages of candor, political viability, and historical legitimacy.

In short, a new Federalist for the twentieth century would demand discovery of new doctrines of justiciability less than it would require a respect for existing constitutional architecture coupled with the willingness of each respective institution, particularly the Congress, to assert itself appropriately. That the concept of coordinate powers is no dead letter was recently reaffirmed when the Senate abruptly withheld its constitutional power of "consent" to two successive Supreme Court nominations by the President. This was not an adjudication; it was, however, a "constitutional" decision of historic moment.[5]

II. THE PERSISTENCE OF THE SEPARATION OF POWERS DOCTRINE

Historical experience has put to rest the founders' fear that the greatest threat to constitutional balance would lie in "legislative despotism". The story of the expansion of Presidential power in the twentieth century through the resourcefulness of "strong" Presidents, the continuance of historical forces favoring unified leadership, and the delegation, if not abdication, of Congressional power has been adequately chronicled elsewhere.[6] The extent of the shift to executive power is now so great as to throw into question the continuing viability of the separation of powers doctrine. Although the doctrine is not without its strong defenders,[7] an early burial of the concept would hardly disappoint some distinguished critics. Kingsley Martin noted the American version of Montesquieu's theories and added: "no device was ever so hampering as the separation of powers." [8] Herman Finer has argued that Montesquieu's theory "drew the United States into a system of government, of which one may say at the best that the people are happy in spite of it . . . ." [9] Karl Lowenstein termed the doctrine a product of "mechanistic thinking," and, in the twentieth century, "obsolete and devoid of reality." [10] The latter author adds:

"Where political power is concentrated in the hands of a strong executive, . . . the concept of shared political power that the separation idea implies is so clearly incompatible with the reality of the executive ascendancy that the concept is flouted in practice." [11]

Though there is now convincing evidence that the separation of powers concept was not engrafted mechanistically from Montesquieu's theorizing but had solid and pragmatic roots in the American Colonial experience,[12] the question remains whether the doctrine is still an intelligible constitutional theory. In fact, in the current age, the doctrine is notable not for its demise, but, at least in the rhetoric and reasoning of landmark Supreme Court decisions,[13] for its extraordinary resilience. Unless there is to be an unbridgeable hiatus between constitutional doctrine and political reality, no theorizing can fail to come to grips with this apparent anomaly. The opinions, however, provide little theoretical discussion about the contemporary meaning of the doctrine itself.

Obviously, there is considerable question how long a doctrine frequently misunderstood both by its critics and by its adherents can be expected to survive. Criticism based on the theoretical clash between the notions of separation and cooperation among coordinate branches largely disappears when it is demonstrated that complete separation was never intended, and that overlapping functions were deliberately created.[14] Indeed, the Federalist political theory of institutionalizing interest conflicts could not be expected to work without large degrees of overlap. Yet the doctrine is also oversimplified if it is seen as establishing analytically distinct categories of governmental functioning.[15] If this view were literally compelled by the Constitution, and if separate functions must remain in separate institutions, it is difficult to see, for example, how the Congress could constitutionally establish the administrative agencies. Such agencies possess power to make rules—to "legislate" for the future by selection of broad policy goals—and to apply that policy by investigating and adjudicating the cases of alleged violators—in short, to perform "executive" and "judicial" functions.[16] If the categories are literally to be distinct, then addition of the prefix "quasi" before the function is surely both analytically faulty, and constitutionally hypocritical.

In fact, the functions, as actually performed by the various branches of the national government, overlap considerably. The President has "legislated" (albeit sometimes within broad limits set by Congress) by veto, by establishing war policies involving naval blockades,[17] by setting tariff policies,[18] and by imposing pervasive controls on the nation's economy.[19] The Supreme Court surely performs major tasks of policy articulation indistinguishable in end result from legislation when it sets out general rules of automobile safety [20] or exclusionary rules of criminal procedure.[21] And the Congress, although not without limitations, exercises explicit and immense powers of "adjudication" over its internal affairs.[22]

But an analysis of the legitimacy of the exercise of these separated powers which proceeds by attempting to elaborate functional characterization of the end product as judicial, legislative or executive in nature is surely unsound. The branches and functions of government are distinguishable not by the impact of the end product of the activity, but by the process of decisionmaking, the modes of information-gathering, and the methods of constitutional accountability to the public which are appropriate to each.

The fact that one function shades inescapably by degrees into another is not fatal to a conception of separated powers properly understood.[23] The founders did not emulate the framers of the Massachusetts Constitution [24] and attempt to exclude the exercise of the power of one organ by another. In light of this flexibility, and the deliberate creation of this tripartite structure to prevent "tyranny," [25] neither the purpose nor the workability of the doctrine need be in question. To the charge that the separation of powers is inefficient and that it promotes the politics of institutionalized acrimony, it should be sufficient answer that the purpose of the framers to prevent tyranny retains its normative force, and that the government was not designed for the personal working comfort of federal officeholders, but to enhance the liberty of the citizen.

It is thus fruitless to seek a full understanding of the separation of powers doctrine by reference to institutions which correspond to a set of hermetically sealed functional categories of government. It seems abundantly clear, as recent interpretive studies have emphasized, that the Constitution created not a government of separated powers, but rather a government of separated institutions sharing powers.[26] It is equally fruitless to seek enlightenment by reference to the text of the Constitution. With respect to the few textual provisions mostly in Article II, enumerating presidential powers, the words of the distinguished commentator are particularly apt:

". . . [W]hat is astonishing is their total inadequacy to support the office as we know it today." [27]

The issue is further clouded, even for the judicial literalist, by the ancient dispute as to whether the words "executive power" in Article II constitute an independent, if vague, grant of authority, or whether they are mere referent to the few specifically enumerated powers of the President.

If constitutional questions of the allocation of powers cannot be decided exclusively by an analysis of separate governmental functions, and if the text of the Constitution provides no definitive resolution, how then should such jurisdictional decisions be made? One much-quoted attempt was articulated by Justice Jackson in the *Steel Seizure Case*.[28] Justice Jackson posited a theory of fluctuating power over national policy making as between the President and Congress. According to the theory each branch possesses a zone of constitutionally exclusive powers in which it may act even against the express contrary will of the coordinate branch. In between these two exclusive areas, however, there is a "zone of twilight" in which the President and Congress may have concurrent authority, or in which the power distribution is uncertain. In the twilight zone, either branch can act absent the initiative of the other. Accordingly, with respect to the operative presumptions, greater deference would be accorded a Presidential action taken pursuant to an express or implied authorization of Conrgess. Conversely, Presidential power would be at its lowest ebb if incompatible with the express or implied will of Congress.

This scheme of analysis is, however, subject to several significant qualifications. First, it neglects to account for the set of constitutional limitations on Presidential power, with or without the concurrence of Congress, which restricts the ability to act because the action may thwart the Bill of Rights, rather than the principle of separation of powers. Second, the analysis is principally stated as the formulation of a judicial doctrine which, for reasons already discussed, may not cast the question into the proper forum. Third, the statement notes that exclusive powers of a department can be *"implied."* The deceptive simplicity of this analysis suddenly vanishes in the face of all of the myriad constitutional disputes over what powers may legitimately be "implied." Finally, the boundaries between the "exclusive" zones and the twilight zone may well be unascertainable, at least with respect to warmaking powers, because ". . . the extensive authority of each branch to formulate military policy, and the inescapable ambiguity of the constitutional language, make exclusive zones illusory." [29]

The current tests for the allocation of national power all suffer from serious deficiencies unless they focus on the countervailing powers purposes of constitutional architecture. If the separation of powers doctrine is to be implemented effectively, it must be seen not as a technical guide to litigation but as a purpose for institutional action. Before discussing the mechanisms for that action, however, it is necessary to examine briefly the causes of the current power imbalances between Congress and the executive.

III. DELEGATION AND USURPATION

Congressional power, like chastity, is rarely taken by force, seldom lost, and almost always given away. Although there have been notable atempts by the executive to "usurp" constitutional powers allegedly inhering exclusively in the Congress,[30] the vast bulk of the powers wielded by the President are granted not by the Constitution but by

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congressional legislation.[31] These delegations of power occurred partly because of certain inherent advantages of an executive office: the ability to fill in details, continuity in office, flexibility of timing, capacity to serve as a channel of communication to foreign nations, ability to coordinate a unified governmental response, and speed in decision-making.[32] Yet the executive undoubtedly was also delegated power for the crasser reasons that Congress was unwilling or unable to resist political pressures or assume responsibility for the political consequences of controversial actions.[33]

Together with the expansion of executive power and the loss of congressional initiative in policy making has come a parallel trend toward centralization of power even within the executive. The enlargement of the size and policy functions of the White House staff, the creation of the Office of Management and Budget, and the proposals for continuing consolidation of Cabinet and sub-Cabinet agencies demonstrate the executive's commitment to political initiative even as they portend greater isolation of decision-making power in national policy matters. In view of these developments, the constitutional difficulties posed by a continued pattern of congressional delegation of authority bear closer examination.

Undue delegation may threaten the principle of constitutional separation of powers as vitally as any attempt by one entity to exercise the "exclusive" powers of another. The obvious difference in formulating the issue is that in the first case, the complaint is excessive *cooperation* between two branches rather than usurpation. Both, however, threaten the conception of shared, controlled power.

The sequence of events by which judicial standards evolved to justify the constitutionality of legislative delegation is beyond the scope of this essay to relate. Supreme Court litigation established that delegated power was legitimate if it involved "finding facts" or "filling in details," or if it utilized an "intelligible principle," contained "standards" or "legislated as far as reasonably practicable."[34] Apart from the abberations of the *Panama*[35] and *Schechter*[36] decisions, however, the doctrinal tests have served in every case to justify the delegation. In view of the breadth of the subsequent *Yakus*[37] decision, it is probable that broad delegations of authority to the President, including those under the Economic Stabilization Act of 1970,[38] will continue to be sustained. In the future, the decisive "delegation" questions for Supreme Court litigation will turn on the complicated interpretative task of determining through legislative history and administrative practice not the *validity* of the delegation, but its legitimate *extent*.[39]

This development, however, and newer discussions of the delegation problem[40] are salutory from the point of view of constitutional theory. These techniques eschew unmanageable judicial incantations about "standards." They focus on the legislature's actual role in policy making. And, most significantly, they emphasize concepts of procedural safeguards, control, and accountability by which both citizens participation and continuing legislative involvement in the administrative process can prevent effective usurpation of power by one branch of government alone. This objective—effectively shared governmental responsibility for basic policy choices—lies at the heart of the separation of powers theory and the proscription against "excessive delegation."

Inescapable difficulties in applying these concepts should not, however, be overlooked. It may be as difficult to determine whether and when power has been shared as it is to determine when Congress, by equivocal acts, or even by silence, has spoken. The legal debate over the war in Indochina raises such difficulties in interpretating the significance of Congressional action and the proper ambit of constitutional authority in foreign policy and military matters. Despite the exhaustive research and erudite argument from all quarters, the views of the commentators,[41] taken together, compel no firm conclusion as to the constitutional propriety of governmental action in conducting the war. Difficulties of sanding aside, litigated cases to date[42] have held that congressional action and involvement has been sufficient to sustain the validity of Presidentially authorized military action.

If it is determined that such action is in a field of concurrently shared powers,[43] and *if* by examination of inherently equivocal legislative action and Presidential interpretation, it can be determined that the constitutionally coordinate branch played some arguably significant role in policy formulation or implementation, it is indeed difficult to see the respects in which there remains a role for the judiciary in resolving the issue. Absent a stronger repudiation by Congress, or an unequivocal determination that congressional power in the field is exclusive, can it indeed not be argued that with respect to separation of powers questions, *there is no constitutional issue?*

Conceding this point concedes no further power to the executive branch. It serves merely to cast the constitutional issue respecting the separation of powers in proper perspective. On issues involving the distribution of concurrent power, if Congress wishes to contest the constitutional propriety of executive policies, it must do so itself, and do so by affirmative action. At least in terms of the institutional mechanisms available, there are hopeful prospects for meaningful congressional action to reassert a shared legislative role in the exercise of national power.

IV. THE ROLE OF CONGRESS

Many of the same historical forces which have led to executive ascendancy will continue to handicap the legislature in its efforts to compete more equally with the powers of the executive branch. Yet the Legislative Reorganization Act of 1970 has already demonstrated that internal reform of procedures enhances the effectiveness of the institution. Advocates of congressional activism have been quick to suggest increased utilization of traditional techniques of congressional oversight. They urge expanded and upgraded staff capacity, improved research and reference capabilities, and a vastly enlarged General Accounting Office to compete with the budgetary analysis resources of the executive branch. Traditional oversight devices such as the investigatory hearing can be coupled effectively with the "legislative veto"—the requirement that an affirmative committee or concurrent resolution approve the continuance of particular executive action.[44] Congress might, in addition to these techniques, proceed more cautiously in its willingness to phrase delegations of authority in sweeping terms. And by limiting the lifespan of authorizing legislation, it could force periodic congressional program review and executive agency accountability.

But underlying all of these techniques, and most important among them is the congressional power of the purse. Congress can meet the serious constitutional challenge of Presidential impounding of appropriated funds[45] by the constitutional response of withholding appropriations high on the executive's list of priorities.[46] Refusal by the executive to release to a Senate Committee information on foreign military aid plans can result in action, pursuant to legislation, which forces termination of assistance funds or the President's formal claim, with a statement of reasons, of the doctrine of "executive privilege."[47] These, again, are *constitutional* decisions. They demonstrate the continuing validity of the concept of checks and balances. And they decide questions regarding the allocation of constitutional powers effectively and validly, but by use of political control, not judicial doctrines.

Constitutional constraints of this nature also operate in less dramatic and visible modes. Legislative bodies can and do exercise a panoply of informal controls at the legislative and executive agency staff levels, and through the network of relationships familiar to anyone who has observed the operations of the Federal executive bureaucracy. Yet entrenched and effective as these powers of control are, the legal theorist ironically, has never been quite comfortable with their existence. This disquiet is no doubt due, in part, to the relative invisibility of the process, and to the lawyer's lack of familiarity with the political scientists' revelations. But no doubt, also, the process escapes attention because its explication usually lends itself more to the vocabulary of the sociology of group interaction than to the analytical concepts of legal theory.

Nonetheless, the aggregate of all these controls achieves a result which the framers surely would have approved as a commendable result of the institutionalized separation of powers. Several conclusions are thus compelled. First, it is clear that the mechanisms constitute powerful weapons for the enforcement of congressional policy. Second, it is also clear that congressional power, thus exercised can affect major issues, even in the era of "Presidential Government." And finally, as this essay has repeatedly observed, it is also clear that these techniques for sharing in the formulation of policy and exercise of power operate much more quickly and decisively than could any attempted resolution in a judicial formum. It appears evident, then, that any failure by Congress to assert an effective constitutional role is a failure of will and institutional vision rather than one of capacity.

V. THE ROLE OF THE COURTS

No court decision can supply a branch of government with the will to act. And since, a system of shared powers depends for its vitality on such assertiveness, judicial institutions necessarily play a subsidiary role in the allocation of the right to exercise national power. It is wholly proper to demand that the President and Congress each be primarily responsible for protecting and asserting constitutional prerogatives. But because third parties may well have a stake in decisions concerning the respective jurisdictions of the legislative and executive branches, the courts, too, must occasionally adjudicate, and by implication, allocate constitutional powers.

Intricate questions of standing and justiciability and the policy debates relevant to the wisdom of judicial intrusion into "political" matters would permeate a fully adequate discussion of the judicial role. Of necessity, examination here must be brief, and conclusions writ large. In spite of all the doctrinal technicalities, there exist recent and authoritative assertions that "[n]o case thus far has held that a legislative-executive conflict is non-justiciable,"[48] and that the Supreme Court has already served as "umpire between Congress and the president.[49] In fact. fact, however, the instances wherein issues of the allocation of congressional and presidential power have been squarely litigated are so few that case law precedent yields no compelling rationale.

Apart from whether wisdom dictates abstention from Supreme Court decision-making in these isues, it is clear that the contexts of disputes over the allocation of power vary dramatically. Accordingly, no single formula for court adjudication of such questions is appropriate. Certain critical considerations readily occur:

1. It is important to distinguish whether an action is challenged solely because it violates the separation of powers doctrine, or

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Footnotes at end of article.

because, although the action is arguably undertaken by the wrong branch, or without the proper concurrence of another branch, it nonetheless also violates the Constitution because it is in derogation of general limitations on the scope of governmental power. Presidential action usurping a congressional power and violating the First or Fourth Amendment protections of an individual is obviously not legitimated by explicit congressional concurrence.[50] Some such considerations may, in actuality, underlie questions of the "standing" of a soldier to question the legality of the war in Indochina. At some point, the threat of injury may create the equivalent of a due process claim in addition to the generalized assertion of illegality by virtue of an arguably unconstitutional exercise of warmaking power by one branch.[51] The two constitutional claims should, however, be distinguished. It is, in reality, the Bill of Rights assertion which here gives the argument for judicial determination its compelling force.

2. The status of the party or entity asserting the claim is obviously critical, as is the status of the entity against whom the claim is pressed. Putting aside all the difficulties involved in suing the President, *eo nomine*,[52] there is an obvious difference between the coordinate branch itself claiming a violation, and the position of a third party injured by the action. Apart from the greater ability of Congress to protect its jurisdiction by political means, it would be incongruous for Congress to ask the Court to determine whether the record shows that Congress gave the President adequate support in the exercise of a concurrent power. At the very least the logic of constitutional structure demands that Congress speak with clarity before adjudication between contrary and inconsistent positions is permitted.[53] If Congress does not speak, it simply can assert no constitutional violation, whatever be the position of private parties. If the Congress and the President have both spoken, and if a third entity is thereby requested to act in inconsistent ways to respect these conflicting orders, the case for Supreme Court jurisdiction of the issue is obviously at its strongest.

3. It follows from the preceding point that the ability of the coordinate branch to speak at all on an issue and thereby share power may be critical to the assumption of Supreme Court jurisdiction. This becomes a vital consideration in perplexing issues involving the President's alleged "emergency" powers. In the *Prize Cases* [54] it was not contemporaneous participation, but subsequent legislative ratification which bore heavily in favor of the legality of Presidential action.

4. A traditional distinction bearing on the allocation of powers between branches of government descends intellectually from the sovereignty theories of Bodin and Austin, and accords to the national government inherent and virtually unlimited powers in foreign affairs.[55] Although the *Curtiss-Wright* doctrine does not of itself address questions of proper power allocation, it undercuts any clear limitations based on prohibited delegation and destroys the utility of a literalist approach to the specific grants of foreign affairs of warmaking powers to each branch.

5. The case for assumption of an umpire's role by the Court has also been argued in the instance where one branch usurps the "exclusive" powers of another. For reasons already elaborated, with respect to Justice Jackson's analysis in the *Steel Seizure Case*, however, contextual finding of an "exclusive" power must first overcome the twin difficulties of textual vagueness and the deliberate overlap of constitutional jurisdictions.

6. In a situation where excessive delegation of power is at issue, the third parties should be free to request judicial intervention. Although it is unlikely that such a challenge would succeed on the merits, the argument rests on an assertion that the separation of powers has not been respected. Since the possibility of undue court intrusion into a conflict between coordinate branches is, by definition not present when the constitutional claim is excessive cooperation, judicial resolution of the respective institutional jurisdictions carries few risks of impropriety.

7. Finally, there exists a separate set of considerations respecting the appropriateness of adjudicating matters concerning the "internal" affairs of the respective branches. Two distinct separation of powers issues are here presented. The first is the propriety of the Court itself intruding into the issue. The second relates to the obvious point that few matters in modern government are truly exclusively "internal." Herein lies the significance of the debate over the scope of "executive privilege." [56] Here again, both existing doctrine [57] and analysis of constitutional structure suggest that a single formula for resolution is inappropriate. A congressional request may carry greater force than that of a private citizen.[58] These issues will not be resolved here. Suffice it only to note that although Congress has political methods of redress not available to the citizens, it also has stronger claims of public necessity to use such information in furtherance of its constitutional duties.

VI. POSTSCRIPT

The form a government assumes is not dictated by inevitable forces, nor does it always remain loyally frozen into a given historical mold. The present theory of governmental structure retains viability because it preserves freedoms of value to its citizens. Existing threats to this structure can be met only by a greater constitutional awareness of the actors within it. The role of the Supreme Court is not derogated by the demand that Congress self-consciously assume a greater role as an agent of constitutional decision-making. Herein lies the strength and value of the doctrine of shared national power; herein also lies the road to a more perfect union of legal theory and political life.

FOOTNOTES

[1] U.S. Const., art, I, § 8, cl. 3; Wickard v. Filburn, 317 U.S. 111 (1942). See R. Stern, The Commerce Clause and the National Economy, 1933–1946, 59 Harv. L. Rev. 645, 833 (1943).

[2] See R. Berger, Congress v. The Supreme Court, 8–16 (1969).

[3] Those who observe Clemenceau's dictum that "politics is the art of the possible" do not err in the theoretical formulation of one valid criterion of action. Rather, because they invariably utilize the maxim as an excuse for abstention and for limiting the scope of duty to act, they fail to apply creative imagination. Political "realists," in this sense, judicial or otherwise, are often suspect not for observing crass and cynical standards, but because they may fail to perceive accurately where the boundaries of the politically "possible" really lie. In light of these difficulties, there is much to commend the consistently literalist views of the late Justice Black on the Bill of Rights. While his position expands greatly the *power* of the Court to assert its role, it at the same time serves to limit the range of judicial *discretion*. The latter is at least as likely to engender political controversy as the former.

[4] See *e.g.*, M. Finkelstein, Judicial Self-Limitation, 37 Harv. L. Rev. 338 (1924); M. Weston, Political Question, 38 Harv. L. Rev. 296 (1925); M. Finkelstein, Further Notes on Judicial Self-Limitation, 39 Harv. L. Rev. 221 (1925); K. Tollett, Political Questions and the Law, 42 U. Det. L.J. 439 (1965); A. Bickel, Foreward: The Passive Virtues, 75 Harv. L. Rev. 40, 46 (1963); F. Scharpf, Judicial Review and the Political Question: A Functional Analysis, 75 Yale L.J. 517 (1966).

[5] In the designs of the framers, the checks and balances system of the separation of powers was articulated with far greater clarity than the specific institution of judicial review. *Compare The Federalist*, Nos. 47–51 with *The Federalist*, Nos. 78–82.

[6] See generally, C. Rossiter, The American Presidency (2d ed. 1960); R. Neustadt, Presidential Power (1960); L. Fisher, Delegating Power to the President, 19 J. Pub. L. 251 (1970).

[7] See A. Vanderbilt, The Doctrine of Separation of Powers and its Present-Day Significance (1953); Gwyn, The Meaning of the Separation of Powers. See also D. Keir, The Constitutional History of Modern Britain, 533 (8th ed. 1966), questioning certain modern developments in parliamentary democracy.

[8] K. Martin, French Liberal Thought in the Eighteenth Century, 165 (1949).

[9] H. Finer, I, Theory and Practice of Modern Government, 161 (1949).

[10] K. Lowenstein, Political Power and the Governmental Process (2d ed. 1965).

[11] *Id.* at 390. The author then continues with a passage which demonstrates a rather complete misunderstanding of the American version of the separation doctrine:

"But even in the United States, where the separation of powers scheme is still valid, the borderlines have become obliterated; Congress is constantly *encroaching* on the *presidential prerogative*, for example, in foreign policy, by the *powers of the purse*. The president *usurps* congressional functions, for example, by initiating, guiding, and *vetoing* legislation." (emphasis added) *Id.*

This statement overlooks the sophistication of a Madison, who nowhere remotely envisioned a complete separation of powers. See The Federalist, No. 47 (Rossiter ed. 1961); B. Wright, Jr., The Origins of the Separation of Powers in America, in J. Roche, ed., Origins of American Political Thought, 139 (1967). Moreover, it is precisely the assertion by each branch of its constitutionally enumerated powers which belies accusatory epithets respecting usurpation and encroachment.

[12] See B. Wright, *supra* note 11.

[13] See, *e.g.*, Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579 (1952), United States v. Brown, 381 U.S. 437, 441 (1965); Powell v. McCormack, 395 U.S. 486 (1969); New York Times Co. v. United States, 91 S. Ct. 2140, 2142 (1927) Opinion of Mr. Justice Black).

[14] See The Federalist, Nos. 47–51 (Rossiter ed. 1961).

[15] See, *e.g.*, language in Justice Black's opinion in Youngstown Sheet & Tube Co. v. Sawyer, supra note 13, exemplifying the notion that categories such as "lawmaking" clearly separate the constitutionally permissible functions of the separate branches.

[16] See Powell, Separation of Powers: Administrative Exercise of Legislative and Judicial Power, 27 Pol. Sci. Q. 215 (1912). *Cf.* Leventhal, J. in Amalg. Meat Cutters v. Connally, CCH Economic Controls Rptr., 9865, 9868 (D.D.C. 1971):

"There is no analytical difference, no difference in kind between the legislative function—of prescribing rules for the future—that is exercised by the legislature or by the agency implementing the authority conferred by the legislature. The problem is one of limits."

[17] The Prize Cases, 2 Black 635 (1863).

[18] See Field v. Clark, 143 U.S. 649 (1892).

[19] See Yakus v. U.S., 321 U.S. 414 (1944) and Executive Order No. 11615 (August 15, 1971) *superseded by* Executive Order No. 11627 (October 15, 1971).

[20] See Baltimore & Ohio R.R. v. Goodman, 275 U.S. 66 (1927), *limited by* Pokora v. Wabash Ry., 292 U.S. 98 (1934) (Supreme Court's "stop, look and listen" rule).

[21] See Mapp v. Ohio, 367 U.S. 643 (1961); Miranda v. Arizona, 384 U.S. 436 (1966).

[22] See Powell v. McCormack, 395 U.S. 486 (1969).

[23] L. Jaffe, Judicial Control of Administrative Action, 28–33 (1965).

[24] Mass. Const., art. XXX (1780).

[25] The Federalist, No. 47 (Rossiter ed. 1961); Myers v. United States, 272 U.S. 52 (1926); United States v. Brown, 381 U.S. 437, 443 (1965).

[26] R. Neustadt, Presidential Power, 33 (1960); H. Monaghan, Presidential Warmaking, 50 B.U.L. Rev. 19, 24 (1970).

[27] C. Black, Perspectives in Constitutional Law, 55 (Rev. ed. 1970).

[28] Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 653 (1952).

[29] L. Ratner, The Coordinated Warmaking Power—Legislative, Executive, and Judicial Roles, 44 S. Cal. L. Rev. 461, 462 (1971). Despite the distinction of its authors, and the weighty authority of its argumentation, these substantial difficulties ultimately detract from the constitutional conclusiveness of the so-called "Yale Paper," Part II, 116 Cong. Rec. S7591–S7593 (May 21, 1970). In view of the argument of this essay, however, it is significant and wholly proper that the constitutional argument was self-consciously directed to the Congress, and not to a court.

[30] *E.g.*, the Steel Seizure Case.

[31] C. Black, *supra* note 27 at 57.

[32] See generally, D. Morgan, Congress and the Constitution: A Study of Responsibility (1966); L. Fisher, *supra* note 6.

[33] L. Fisher, *id.* at 261–64.

[34] See generally, W. Gellhorn and C. Byse, Administrative Law, 47–68 (5th ed. 1970).

[35] Panama Refining Co. v. Ryan, 293 U.S. 388 (1935).

[36] Schechter Poultry Corp. v. United States 295 U.S. 495 (1935).

[37] Yakus v. United States, 321, U.S. 414 (1944).

[38] P.L. 91–379, 84 Stat. 799, as amended, 85 Stat. 13; 85 Stat. 38. There is little to add to the comprehensive and scholarly discussion of the delegation doctrine by Judge Leventhal in Meat Cutters v. Connally, *supra* note 16.

[39] See, *e.g.*, Zuber v. Allen, 396 U.S. 168 (1969); Zemel v. Rusk, 381 U.S. 12 (1965).

[40] See, *e.g.*, K. Davis, A New Approach to Delegation, 36 U. Chi. L. Rev. 713 (1969); L. Jaffe, Judicial Control of Administrative Action, Ch. 2 (1965).

[41] See authorities collected in H. Monaghan, Presidential Warmaking, 50 B. U. L. Rev. 19 n. 2 (1970); L. Ratner, The Coordinated Warmaking Power—Legislative, Executive, and Judicial Roles, 44 S. Cal. L. Rev. 461, 462–467 (1971).

[42] See, *e.g.*, Orlando v. Laird, 443 F. 2d 1039 (2 Cir. 1971).

[43] The point is obviously not conceded by all critics of Indochina involvement.

[44] For discussion of the techniques for asserting congressional authority, see generally L. Fisher, *supra* note 6 at 278–82; Giannane. The Control of Federal Administration by Congressional Resolutions and Committees, 66 Harv. L. Rev. 569 (1953); D. Morgan, Congress and the Constitution, Ch. 15 (1966); A. Vanderbilt, The Doctrine of Separation of Powers and Its Present-Day Significance, 70, 123–24 (1953).

[45] See Fisher, The Politics of Impounded Funds, 15 Admin. Sci. Q. 361 (1970).

[46] A recent Senate foreign aid authorizations bill contains a provision for withholding of foreign aid funds unless the President releases impounded funds previously approved by Congress for domestic programs, *Washington Post*, December 22, 1971, § A, p. 2, col. 6.

[47] See *Washington Post*, September 21, 1971, § A, p. 1, col. 3.

[48] R. Berger, Impeachment for "High Crimes and Misdemeanors," 44 S. Cal. L. Rev. 395, 448 (1979).

[49] N. Nathanson, The Supreme Court as a Unit of the National Government: Herein of Separation of Powers and Political Questions, 6 J. Pub. L. 331, 332 (1957).

[50] See New York Times Co. v. United States, 91 S. Ct. 2140 (1971); United States v. United States Dist. Ct. for E. D. of Mich., 444 F. 2d 651 (6 Cir. 1971), *cert. granted*, 91 S. Ct. 2255 (1971).

[51] *Cf.* L. Ratner, supra note 29 at 480–81.

[52] See Velvel v. Nixon, 415 F. 2d 236 (10 Cir. 1969), *cert. denied*, 396 U. S. 1042 (1970).

[53] This may be one means of reconciling the difficulties posed by the "removal power" decisions in Myers v. United States, 272 U.S. 52 (1926) and Humphrey's Executor v. United States, 295 U.S. 602 (1935). While the difficulties of distinguishing law making and executive functions remain, in *Humphrey's Executor* Congress had spoken with greater clarity and in a field in which it had exercised plenary power. This arguably justifies both the assumption of Supreme Court jurisdiction, and the decision on the merits. Otherwise a legislative scheme for the exercise of power by Congress in a field it had already occupied would *pro tanto*, be frustrated. Even here, however, private parties, not the Congress, asserted the violation of constitutional prerogatives.

[54] 2 Black, 635 (1863).

[55] United States v. Curtiss-Wright Export Corp., 299 U.S. 304 (1936).

[56] See Younger, Congressional Investigations and Executive Secrecy: A Study in the Separation of Powers, 20 U. Pitt. L. Rev. 755 (1959); J. Bishop, The Executive's Right of Privacy: An Unresolved Constitutional Question, 66 Yale L.J. 477 (1957); R. Berger, Executive Privilege v. Congressional Inquiry, 12 U.C.L.A. L. Rev. 1043, 1287 (1965); P. Hardin, The Executive Privilege in the Federal Courts, 71 Yale L.J. 879 (1962).

[57] United States v. Reynolds, 345 U.S. 1 (1953).

[58] See Soucie v. David, 448 F.2d 1067, 1071 n. 9 (D.D.C. 1971). *Cf.* Committee for Nuclear Responsibility v. Seaborg, 40 U.S. L. Week 2249 (D.D.C. 1971).

ORDER FOR ADJOURNMENT TO 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without ojection, it is so ordered.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Orders Nos. 1187, 1195, 1196, 1198, 1199, and 1201.

The PRESIDING OFFICER. Without objecion, it is so ordered.

CONSTRUCTION OF IRRIGATION DISTRIBUTION SYSTEMS

The bill (H.R. 9198) to amend the act of July 4, 1955, as amended, relating to the construction of irrigation distribution systems, was considered, ordered to a third reading, read the third time, and passed.

AUTHORIZATION FOR DAVID MINTON TO APPEAR AS A WITNESS IN THE CASE OF THE UNITED STATES AGAINST BREWSTER, ET AL.

The resolution (S. Res. 373) to authorize David Minton, a staff director and counsel of the Committee on Post Office and Civil Service, to appear as a witness in the case of the United States against Brewster, et al., was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas in the case of the United States of America against Daniel B. Brewster, et al. (criminal action numbered 1872–69), pending in the United States District Court for the District of Columbia, a subpena ad testificandum and duces tecum was issued by such court addressed to David Minton, staff director and counsel of the Committee on Post Office and Civil Service, United States Senate, directing him to appear as a witness before that court at 9 antemeridian on October 30, 1972, and to bring with him certain minutes and records (including tabulations of votes) of executive sessions of that committee pertaining to the postage rate sections of H.R. 7977, Ninetieth Congress, first session, such material being in the possession and under the control of the Senate of the United States: Now, therefore, be it

Resolved, That by the privileges of the Senate of the United States no evidence in the possession and under the control of the Senate of the United States can, by the mandate of process of ordinary courts of justice, be taken from such possession or control but by its permission; be it further

Resolved, That by the privilege of the Senate and by rule XXX thereof, no Member or Senate employee is authorized to produce Senate documents, papers, or evidence but by order of the Senate, and information secured by Senate staff employees pursuant to their official duties as employees of the Senate may not be revealed without the consent of the Senate; be it further.

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that testimony of an employee of the Senate is needful for use in any court of justice or before any judge or legal officer for the promotion of justice and that such testimony may involve documents, papers, or evidence related thereto under the control of or in the possession of the Senate, the Senate will take such order thereon as will promote the ends of justice consistently with the privileges and rights of the Senate be it further

Resolved, That David Minton, staff director and counsel of the Committee on Post Office and Civil Service, be authorized to appear at the time and place and before the court named in such subpena, but shall not take with him any papers, documents, or evidence on file in his office, under his control, or in his possession as staff director and counsel of the Committee on Post Office and Civil Service; be it further

Resolved, That when the court determines (1) that any of the documents, papers, or evidence called for in such subpena have become part of the official transcripts of public proceedings of the Senate by virtue of their inclusion in the official minutes and official transcripts of such proceedings for dissemination to the public upon order of the Senate or pursuant to the rules of the Senate, and (2) that such documents, papers, and evidence are material and relevant to the issues pending before the court, then the court, through any of its officers or agents, shall have full permission to attend with all proper parties to the proceeding, and then always at a place under the orders and control of the Senate, and there to take copies of such documents, papers, and evidence in the possession or control of the said David Minton, excepting any other documents, papers, and evidence (including but not limited to, minutes and transcripts of executive sessions and any evidence of witnesses in respect thereto) which the court or other proper official thereof shall desire as such matters are within the privileges of the Senate; be it further

Resolved, That, notwithstanding any other provision of this resolution, when the court finds that the voting records of the Committee on Post Office and Civil Service insofar as they reflect the votes cast on the postage rate sections of H.R. 7977, Ninetieth Congress, first session, by any member of that committee are material and relevant to the issues pending before the court, then the court, through any of its officers or agents, shall have full power to attend with all proper parties to the proceeding, and then always at a place under the orders and control of the Senate, and there to take copies of so much of such voting records as reflects the votes cast by such member; be it further

Resolved, That David Minton, staff director and counsel of the Committee on Post Office and Civil Service, in response to such subpena may testify to any matter determined by the court to be material and relevant for the purposes of identification of any document, paper, or evidence if such document, paper, or evidence has previously been made available to the general public, or if its disclosure is authorized by this resolution, but the said David Minton shall respectfully decline to testify concerning any and all other matters that may be based on his knowledge acquired by him in his official capacity either by reason of documents, papers, or evidence appearing in the files of the Committee on Post Office and Civil Service or by virtue of conversations or communications with any person or persons and he shall respectfully decline to testify concerning any matters within the privilege of the attorney-client relationship existing between said David Minton and the said committee or any of its members; and be it further

Resolved, That a copy of this resolution be transmitted to such court as a respectful answer to such subpena.

DESIGNATION OF CERTAIN LANDS IN THE LAVA BEDS NATIONAL MONUMENT IN CALIFORNIA AS WILDERNESS

The Senate proceeded to consider the bill (S. 666) to designate certain lands in the Lava Beds National Monument in California as wilderness, which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:

That, in accordance with section 3(c) of the Wilderness Act (78 Stat. 892; 16 U.S.C. 1132(c)), those lands within the area generally known as the Black Lava Flow in the Lava Beds National Monument comprising about ten thousand acres, as depicted on the map entitled "Wilderness Plan, Lava Bed National Monument, California", numbered NM–LB–3227H and dated August 1972, and those lands within the area generally known as the Schonchin Lava Flow comprising about eighteen thousand four hundred and sixty acres, as depicted on such map, are hereby designated as wilderness. The map and a description of the boundary of such lands shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

SEC. 2. As soon as practicable after this Act takes effect, a map of the wilderness area and a description of its boundaries shall be filed with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such map and description shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such map and description may be made.

SEC. 3. The area designated by this Act as wilderness shall be known as the "Lava Beds Wilderness" and shall be administered by the Secretary of the Interior in accordance with provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of H.R. 5838, which is a companion bill to S. 666, and that the Senate proceed to the immediate consideration of H.R. 5838.

The PRESIDING OFFICER. Without objection, it is so ordered, and the bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5838) to designate certain lands in the Lava Beds National Monument in California as wilderness.

The bill (H.R. 5838) was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that S. 666 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA PUBLIC UTILITIES REIMBURSEMENT ACT OF 1972

The bill (H.R. 13533) to amend the District of Columbia Redevelopment Act of 1945 to provide for the reimbursement of public utilities in the District of Columbia for certain costs resulting from urban renewal; to provide for reimbursement of public utilities in the District of Columbia for certain costs resulting from Federal-aid system programs; and to amend section 5 of the act approved June 11, 1878 (providing a permanent government of the District of Columbia), and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–1254), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of H.R. 13533 is to provide for reimbursement to privately owned public utilities in the District of Columbia of the cost of relocation, or losses from abandonment, of facilities due to urban renewal projects, or projects under the National System of Interstate and Defense Highways (Federal-aid highway projects). No reimbursement is provided for any betterment; that is, increasing capacity, or improvements of any facilities.

In general, the act would prevent the present practice of charging such unusual or extraordinary expenses and losses to the rate base thereby requiring a new rate adjustment and causing high consumer rates.

Currently, individual customers of these utilities are bearing the largest burden of these extraordinary costs and losses through the rates they pay for their utility services, despite the fact that these projects benefit the entire metropolitan community, both private and governmental, and therefore should be supported by the general tax dollars.

ATLANTIC UNION DELEGATION

The Senate proceeded to consider the joint resolution (S.J. Res. 217) to create an Atlantic Union delegation, which had been reported from the Committee on Foreign Relations with an amendment on page 4, line 3, after the word "exceed", to strike out "$300,000" and insert "$200,000".

The amendment was agreed to.

The joint resolution, as amended, was passed.

The preamble was agreed to.

The joint resolution, as amended, with its preamble, reads as follows:

Whereas a more perfect union of the Atlantic community consistent with the Charter of the United Nations gives promise of strengthening common defenses, while cutting its cost, providing a stable currency for world trade, facilitating commerce of all kinds, enhancing the welfare of the people of the member nations, and increasing their capacity to aid the people of developing nations: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) The Congress hereby creates an Atlantic Union delegation, composed of eighteen eminent citizens, and authorized to organize and participate in a convention made up of similar delegations from such North Atlantic Treaty parliamentary democracies as desire to join in the enterprise, and other parliamentary democracies the convention may invite, to explore the possibility of agreement on—

(a) a declaration that the goal of their peoples is to transform their present relationship into a more effective unity based on federal principles;

(b) a timetable for the transition by stages to this goal; and

(c) a commission to facilitate advancement toward such stages.

(2) The convention's recommendations shall be submitted to the Congress.

(3) Not more than half of the delegation's members shall be from one political party.

(4) (a) Six of the delegates shall be appointed by the Speaker of the House of Representatives, after consultation with the House Committee on Foreign Affairs, six by the President of the Senate, after consultation with the Senate Committee on Foreign Relations, and six by the President of the United States.

(b) Vacancies shall not affect its powers and shall be filled in the same manner as the original selection.

(c) The delegation shall elect a Chairman and Vice Chairman from among its members.

(d) All members of the delegation shall be free from official instructions, and free to speak and vote individually in the convention.

(5) To promote the purposes set forth in section (1), the delegation is hereby authorized—

(a) to seek to arrange an international convention and such other meetings and conferences as it may deem necessary;

(b) to employ and fix the compensation of such temporary professional and clerical staff as it deems necessary: *Provided*, That the number shall not exceed ten: *And provided further*. That compensation shall not exceed the maximum rates authorized for committees of the Congress; and

(c) to pay not in excess of $100,000 toward such expenses as may be involved as a consequence of holding any meetings or conferences authorized by subparagraph (a) above.

(6) Members of the delegation, who shall serve without compensation, shall be reimbursed for, or shall be furnished, travel, subsistence, and other necessary expenses incurred by them in the performance of their duties under this joint resolution, upon vouchers approved by the Chairman of said delegation.

(7) Not to exceed $200,000 is hereby authorized to be appropriated to the Department of State to carry out the purposes of this resolution, payments to be made upon vouchers approved by the Chairman of the delegation subject to the laws, rules, and regulations applicable to the obligation and expenditure of appropriated funds. The delegation shall make semiannual reports to Congress accounting for all expenditures and such other information as it deems appropriate.

(8) The delegation shall cease to exist at the expiration of the three-year period beginning on the date of the approval of this resolution.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–1255), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE RESOLUTION

Senate Joint Resolution 217 creates a delegation of 18 eminent U.S. citizens authorized to organize and participate in a convention composed of similar delegations from "such North Atlantic Treaty parliamentary democracies as desire to join in the enterprise." The convention would have the purpose of investigating the possibility of agreement on: A declaration that the goal of the peoples of the countries represented is to transform their current relationships into a more effective unity based on federal principle, a timetable for achieving that objective, and a commission to assist movement toward such a goal in stages. Once organized, the convention may invite other parliamentary democracies to join its exploratory work.

BACKGROUND

This resolution is the latest in a series of similar proposals presented to the Congress on many occasions since 1949. To a large extent these latter have been stimulated or influenced by the ideas and efforts of Mr. Clarence K. Streit, the noted president of the International Movement for Atlantic Union. One such proposal was approved by the Congress in 1960 and brought to fruition less than 2 years later. However, the recommendations contained in the so-called Declaration of Paris, following the Atlantic Convention of NATO Nations attended by close to 100 citizen delegates, generally were not acted upon by the governments concerned.

Senate Joint Resolution 217 is quite comparable in character to this last-mentioned initiative. A delegation of 18 eminent citizens—not more than half of whom would be from one political party—would be appointed in equal numbers by the Speaker of the House of Representatives, the President of the Senate, and the President of the United States. Consultation with the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations would precede the naming of the 12 citizens by the Speaker and the Vice President. The delegation members would serve without compensation, except for expenses, and would vote strictly as unofficial individuals in the convention they are authorized to arrange. A limitation of 10 is placed upon the number of temporary staff to be employed by the delegation, and not more than $100,000 may be devoted to the cost of meetings and conferences. The delegation is to make semiannual reports to Congress on its operations and expenditures, and would cease to exist within 3 years after the resolution is enacted. Senate Joint Resolution 217 authorizes appropriations of not to exceed $200,000 to the Department of State to implement the work of the delegation.

BURNS INDIAN COLONY, OREGON

The Senate proceeded to consider the bill (H.R. 6318) to declare that certain federally owned lands shall be held by the United States in trust for the Burns Indian Colony, Oregon, and for other purposes.

Mr. PACKWOOD. Mr. President, H.R. 6318, the bill before us which would declare that certain federally owned lands in Oregon shall be held in trust for the Burns Indian Colony, is an important piece of legislation not only to the Burns-Paiute Indians, but to other Oregonians. This bill will accomplish a change in the status of the land from a temporary assignment under a four-man Board. This is especially important in any efforts of the Burns-Paiute Indians to fulfill their goals in becoming an integral part of the overall development of the general area of Burns, Hines, and Harney, Oreg. This attitude has been supported and encouraged by State, county and city governments.

In addition, this rather small step for the Burns-Paiute Indian Colony is another rung on the ladder of improved conditions for Indians across the Nation.

The bill (H.R. 6318) was ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–1257), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of H.R. 6318 is to convey to the Burns Indian Colony a trust title to 762 acres of Federal land.

EXPLANATION

The land is in three tracts. One tract of 156 acres was purchased by the United States under the National Industrial Recovery Act during the depression of the 1930's for Indian homestead purposes. The second tract of 605 acres was also purchased under the National Industrial Recovery Act but in furtherance of a submarginal land and land use adjustment program. The third tract of 10 acres was acquired by donation in 1925 for the use of the Paiute Indians living near Burns, Oreg.

The purchase price of the land was $14,620. The subsistence homestead tract contains 24 Indian homes. The submarginal land is unimproved, but is used for grazing purposes in conjunction with the homestead tract. The donated tract contains 11 dwellings occupied by eight families. The present market value of the three tracts is $106,100.

The Burns Indian Colony contains 250 members and a resident population of 150. The Indians want to improve the property, but are unable to do so as long as they have only temporary assignments. The land has been administered for the benefit of the Indians ever since its acquisition, and a grant to the Indians of a trust title will enable them to make a more effective use of the land.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Hollings) laid before the Senate the following letters, which were referred as indicated:

Report of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Program to Increase Graduates From Health Professions Schools and Improve the Quality of Their Education", National Institutes of Health, Department of Health, Education, and Welfare, dated October 3, 1972 (with an accompanying report); to the Committee on Government Operations.

Proposed Amendment of Act Establishing a Program for the Preservation of Historic Properties

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the Act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

Report of Directors of Federal Prison Industries, Inc.

A letter from the Commissioner, Federal Prison Industries, Inc., Department of Justice, transmitting, pursuant to law, a report of that Department, for the fiscal year 1971 (with an accompanying report); to the Committee on the Judiciary.

Suspension of Deportation of Certain Aliens

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Hollings):

A resolution adopted by the Board of Supervisors of Milwaukee County, Wisconsin, praying for the enactment of legislation relating to welfare reform; ordered to lie on the table.

A resolution adopted by the Board of Supervisors of Milwaukee County, Wisconsin, praying for the enactment of corrective welfare legislation; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENSON, from the Committee on the District of Columbia:

S. 4059. An original bill to provide that any person operating a motor vehicle within the District of Columbia shall be deemed to have given his consent to a chemical test of his blood, breath, or urine, for the purpose of determining the blood alcohol content (Rept. No. 92-1262).

By Mr. EAGLETON, from the Committee on the District of Columbia:

S. 4062. An original bill to provide for acquisition by the Washington Metropolitan Area Transit Authority of the mass transit bus system engaged in scheduled regular route operations in the National Capital area, and for other purposes (Rept. No. 92-1270).

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

H.R. 15276. An act to amend section 591(g) of title 18, United States Code, in order to exclude corporations and labor organizations from the scope of the prohibitions against Government contractors in section 611 of title 18 (Rept. No. 92-1269).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

H. Con. Res. 679. Concurrent resolution to provide for the printing of additional copies of the report of the Commission on the Organization of the Government of the District of Columbia (Rept. No. 92-1266);

H. Con. Res. 681. Concurrent resolution to provide for the printing of one thousand additional hearings entitled "Corrections," parts I through VI (Rept. No. 92-1267);

S. Res. 371. Resolution authorizing supplemental expenditures by the Committee on Labor and Public Welfare for inquiries and investigations (Rept. No. 92-1263);

S. Res. 372. Resolution authorizing additional expenditures by the Committee on Labor and Public Welfare for routine purposes (Rept. No. 92-1264); and

S. Res. 374. Resolution authorizing supplemental expenditures by the Committee on the Judiciary for an inquiry and investigation relating to the separation of powers between the executive, judicial, and legislative branches of the Government (Rept. No. 92-1265).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with an amendment:

S. Con. Res. 98. Concurrent resolution to authorize the printing of the manuscript entitled "Separation of Powers and the National Labor Relations Board; Selected Readings" as a Senate document (Rept. No. 92-1268).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration:

S. Res. 375. A resolution to pay a gratuity to Norma J. Grist; Edythe M. Ebersole, and Paul W. Hummer.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. COTTON, from the Committee on Commerce;

Chester M. Wiggin, Jr., of New Hampshire, to be an Interstate Commerce Commissioner.

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without reservation:

Executive M, 92d Congress, second session, Convention on International Liability for Damage Caused by Space Objects, signed at Washington, London, and Moscow on March 29, 1972 (Exec. Rept. No. 92-38).

By Mr. MAGNUSON, from the Committee on Commerce:

Rupert L. Murphy, of Georgia, to be an Interstate Commerce Commissioner.

HOUSE BILL REFERRED

The bill (H. R. 15859) to amend the Public Health Service Act to authorize assistance for planning, development and initial operation, research, and training projects for systems for the effective provision of health care services under emergency conditions, received from the House of Representatives on October 3, 1972, and ordered to be held at the desk, was today read twice by its title and referred to the Committee on Labor and Public Welfare.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. STEVENSON, from the Committee on the District of Columbia:

S. 4059. A bill to provide that any person operating a motor vehicle within the District of Columbia shall be deemed to have given his consent to a chemical test of his blood, breath, or urine, for the purpose of determining the blood alcohol content. Ordered to be placed on the calendar.

By Mr. MANSFIELD:

S. 4060. A bill for the relief of Ivan Mauricio Mas-Jaccard, his wife, Carmen Mas-Jaccard, and their children, Clifford Mas-Jaccard and Jonny Mas-Jaccard. Referred to the Committee on the Judiciary.

By Mr. MANSFIELD (for himself and Mr. Metcalf):

S. 4061. A bill to declare that certain mineral interests are held by the United States in trust for the Chippewa Cree Tribe of the Rocky Boy's Reservation, Montana. Referred to the Committee on Interior and Insular Affairs.

By Mr. EAGLETON, from the Committee on the District of Columbia:

S. 4062. An original bill to provide for acquisition by the Washington Metropolitan Area Transit Authority of the mass transit bus system engaged in scheduled regular route operations in the National Capital area, and for other purposes. Ordered to be placed on the calendar.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 3814

At the request of Mr. Tunney, the Senator from Florida (Mr. Chiles) was added as a cosponsor of S. 3814, a bill to amend Public Law 91-508 to prescribe procedures pertaining to the disclosure of certain financial information by financial institutions to State and Federal governmental departments and agencies, and for other purposes.

SENATE RESOLUTION 375—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY

(Ordered to be placed on the calendar.)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following resolution:

S. Res. 375

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Norma J. Grist and Edythe M. Ebersole, daughters; and to Paul W. Hummer, son, of Lula M. Hummer, an employee of the Senate at the time of her death, a sum to each equal to one-third of four months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 364

At the request of Mr. Stevenson, the Senator from Maine (Mr. Muskie) was added as a cosponsor of S. Res. 364, to suspend assistance to Uganda.

TEMPORARY INCREASE IN PUBLIC DEBT LIMIT—AMENDMENT

AMENDMENT NO. 1687

(Ordered to be printed and to lie on the table.)

Mr. PACKWOOD (for himself, Mr. Chiles, Mr. Church, Mr. Dole, Mr. Eagleton, Mr. Harris, Mr. Hart, Mr. Hatfield, Mr. Humphrey, Mr. Inouye, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Metcalf, Mr. Mondale, Mr. Pell, Mr. Stevens, Mr. Tunney, and Mr. Weicker) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 16810) to provide for a temporary increase in the public debt limit and to place a limitation on expenditures and net lending for the fiscal year ending June 30, 1973.

Mr. PACKWOOD. Mr. President, on behalf of myself and 18 of my colleagues, I am pleased to introduce today an amendment to the debt ceiling legislation, H.R. 16810, that will result in the conclusion of an era of infamous discrimination by the Internal Revenue Code.

Our amendment will stop, once and for all, the unfair treatment of unmarried individuals under the provisions of the Federal tax laws. Since the Federal Government was first authorized to levy a tax on income, our laws have, to one degree or another, discriminated against taxpayers who, either by choice or by fate, are unmarried.

The unfair treatment of unmarrieds by our tax laws has been more pronounced in the past than it is at present.

The trend over the years has been to grant unmarrieds just a little bit closer to equal status with married couples. Currently, a single person pays about 20 percent more in taxes than does his married counterpart with identical taxable income; a head of household, a person with all of the responsibilities of a married couple, pays about 10 percent more on identical amounts of taxable income. I and my colleagues are convinced that the time has long since arrived when we must cease viewing this matter as a compromisable problem. Either we discriminate against unmarrieds or we do not—it is just as simple as that.

There are nearly 34 million unmarried taxpayers in this Nation. They come from all walks of life and cover the entire spectrum of the socioeconomic scale. They share one thing in common: Together they pay $1.6 billion more than their fair share to the Federal Treasury in taxes. There can be no rational reason for continuing this discriminatory tax treatment of our unmarried citizens any longer.

Our Federal tax laws purport to operate on the principle of levying a tax on the income of our citizens. Nowhere in the Federal tax law is there to be found a passage stating that it is the intent of the U.S. Congress to levy a tax based on the marital status of the taxpayer. That inequity has just been allowed to develop and fester over the nearly 60 years income taxation has been a way of generating revenues for the Federal Government.

I and my colleagues are convinced that now is the time to put a stop to this discriminatory application of the Federal tax laws. Consequently, we are pleased to introduce our amendment for the consideration of the Senate.

AMENDMENT NO. 1699

(Ordered to be printed and to lie on the table.)

Mr. HUMPHREY submitted an amendment intended to be proposed by him to the bill (H.R. 16810), supra.

FISH DISEASE CONTROL ACT—AMENDMENT

AMENDMENT NO. 1688

(Ordered to be printed and to lie on the table.)

Mr. GURNEY. Mr. President, on behalf of the distinguished Senators from California (Mr. CRANSTON and Mr. TUNNEY), the distinguished Senator from Florida (Mr. CHILES), and the distinguished Senator from New Jersey (Mr. CASE), I am introducing an amendment to S. 2764, the Fish Disease Control Act, that would exempt tropical ornamental pet fish from its provisions.

Mr. President, it is my understanding that the purpose of S. 2764 is to control, through an inspection process, the spread of disease that would adversely affect the fishery resources of the United States. I think we all are in favor of this but, as presently drafted, this bill would also apply to the tropical or ornamental fish that are not part of our fishery resources in the sense intended but are a source of great pleasure to millions of American families who have made keeping them a hobby.

When we speak of fishery resources, we are talking about fish that are caught either for food or sport or both. Tropical fish, however, are a different breed; they are for exhibition, not human consumption and studies have shown that neither they, nor any diseases they might carry, can survive in nontropical conditions. Hence, they present little danger to our fishery resources while, at the same time, they are an important resource in their own right.

It has been estimated that about one-half billion tropical and ornamental fish are kept as pets in some 20 to 26 million American households. Caring for tropical fish has become America's No. 3 hobby, and coincidentally, a $500 million industry. Anywhere from 50 to 350 million such fish are sold a year, and millions of dollars are spent in purchasing fish food, tanks, filters, heaters, and other equipment essential to their survival.

Furthermore, thousands of people around the country are employed in providing fish and fish supplies to those who want them. Applying the same restrictions to the tropical fish industry, as are needed to protect the public and the commercial fish industry, would not only be unnecessary, but could have a major financial impact on suppliers, transporters and collectors of tropical fish.

In my own State of Florida, for instance, the impact could be considerable. The sale of live tropical or ornamental fish accounts for $200 million a year: 80 percent of the fish sold are raised in the United States and, of those, 90 percent are raised on the 1,000 or so fish farms in Florida. Any cutback in the ornamental or tropical fish business would hurt these producers greatly as it would also the transportation industry. Although it might surprise some, the largest single commodity shipped out of Florida by air freight is ornamental pet fish. Therefore, as the only State with a climate and a water supply at all suitable for the support of a pet fish industry, Florida has a lot at stake here.

But Florida would not be the only loser if regulations, intended to deal with a different set of circumstances, were applied to ornamental fish. People all over America would lose—children who are fascinated by them, teachers who put them to work in the educational process, doctors who use them in office waiting rooms, ichthyologists who need to study rare species, and millions of people who derive pleasure from, and find relaxation in, watching them in their own homes. Certainly, these people deserve consideration, and passage of this amendment would accomplish that without compromising the worthwhile goals envisioned by this bill.

SOCIAL SECURITY AMENDMENTS OF 1972

AMENDMENT NO. 1689

(Ordered to be printed and to lie on the table.)

Mr. TUNNEY submitted an amendment intended to be proposed by him to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

AMENDMENTS NOS. 1693 AND 1694

(Ordered to be printed and to lie on the table.)

Mr. CRANSTON submitted two amendments intended to be proposed by him to the bill (H.R. 1), supra.

AMENDMENT NO. 1695

(Ordered to be printed and to lie on the table.)

Mr. GRAVEL submitted an amendment intended to be proposed by him to the bill (H.R. 1), supra.

AMENDMENT NO. 1696

(Ordered to be printed and to lie on the table.)

Mr. GRAVEL (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 1), supra.

AMENDMENT NO. 1697

(Ordered to be printed and to lie on the table.)

Mr. BELLMON submitted an amendment intended to be proposed by him to the bill (H.R. 1), supra.

AMENDMENT NO. 1700

(Ordered to be printed and to lie on the table.)

Mr. BENTSEN submitted an amendment intended to be proposed by him to the bill (H.R. 1), supra.

AMENDMENT NO. 1701

(Ordered to be printed and to lie on the table.)

Mr. STEVENSON. Mr. President, I introduce an amendment to H.R. 1 which will eliminate one of the most serious and unjustifiable shortcomings of the Social Security Act, its treatment of agricultural workers. In its present form, the act sets up roadblocks in the path of farmworker coverage that no other employee has to face.

A man working in a corporate factory is covered from the first dollar he earns, but men working on corporate farms may have annual earnings of $1,000 or more and receive absolutely no social security coverage. This unjust discrimination arises because the Social Security Act provides that the employer of a farmworker need not make any social security payments until the employee has earned $150 or worked 20 days on an hourly basis. In every other commercial enterprise, the employee is covered from the first day and the first dollar.

Mr. President, work in the fields is every bit as important and arduous as work in the factories. Compared to the average American worker, the farmworker is poorer, sicker, and more likely to be injured or killed on the job. On what basis, then, can we deny the farmworker the same social security coverage enjoyed by all other employees of commercial enterprises?

Only last year the Advisory Council on Social Security, a distinguished panel chaired by former HEW Secretary Arthur Flemming, recommended that the Social Security Act be amended so as to remove the antifarmworker provisions discussed above and put the farmworker on the same footing as other workers.

The amendment I now offer is substantially identical to the Advisory Council's recommendation.

Mr. President, this is not an effort to secure preferential treatment for the farmworker; rather, the purpose and effect of this amendment is to do justice to the farmworker by ending his second-class status under the Social Security Act.

Mr. President, I ask unanimous consent that the text of my amendment be printed at this point in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 1701

At the end of Title I, insert the following new Section:

"COVERAGE OF AGRICULTURAL LABOR

"Sec. —. "(a) Section 209(h)(2) of the Social Security Act is amended to read as follows:

"Cash remuneration paid in any calendar year to an employee for agricultural labor by an employer whose total expenditures for agricultural labor in the immediately preceding year was less than $500 unless (A) the cash remuneration paid in the current year by the employer to the employee for such labor is $150 or more, or (B) the employee performs agricultural labor for the employer on 20 days or more during the current year for cash remuneration computed on a time basis;"

"(b) Section 210(n) of the Social Security Act is amended to read as follows:

"Sec. 210(n) Any person who furnishes "agricultural labor" and all workers so furnished shall be deemed to be the employees of the operator of the farm on which the agricultural labor was performed, and any person, partnership, organization, or corporation engaged in the business of providing farm-management services, as defined by regulations of the Secretary, shall be deemed to be the operator of the farm; *Provided*, That any person, partnership, organization, or corporation who specifically furnishes agricultural workers and machine services, as defined by regulations of the Secretary, under a contract with a farm operator shall be deemed to be the employer of such agricultural workers."

"(c) Section 3121(a)(8) of the Internal Revenue Code of 1954 is amended to read as follows:

"(8) Cash remuneration paid in any calendar year to an employee for agricultural labor by an employer whose total expenditures for agricultural labor in the immediately preceding year was less than $500 unless (A) the cash remuneration paid in the current year by the employer to the employee for such labor is $150 or more, or (B) the employee performs agricultural labor for the employer on 20 days or more during the current year for cash remuneration computed on a time basis;"

"(d) Section 3121(o) of the Internal Revenue Code of 1954 is amended to read as follows:

"(o) For purposes of this chapter, any person who furnishes 'agricultural labor' and all workers so furnished shall be deemed to be the employees of the operator of the farm on which the agricultural labor was performed, and any person, partnership, organization, or corporation engaged in the business of providing farm-management services, as defined by regulations of the Secretary, shall be deemed to be the operator of the farm; *Provided*, That any person, partnership, organization, or corporation who specifically furnishes agricultural workers and machine services, as defined by regulations of the Secretary, under a contract with a farm operator shall be deemed to be employer of such agricultural workers."

"(e) This section shall be applicable only with respect to remuneration paid after 1972."

AMENDMENT NO. 1702

(Ordered to be printed and to lie on the table.)

Mr. CRANSTON (for himself and Mr. Tunney) submitted an amendment intended to be proposed by them to the amendment proposed by Mr. Roth to the bill (H.R. 1), supra.

AMENDMENTS NOS. 1703 THROUGH 1706

(Ordered to be printed and to lie on the table.)

Mr. KENNEDY (for himself, Mr. Moss, Mr. Percy, Mr. Brooke, Mr. Cranston, Mr. Hart, Mr. Humphrey, Mr. Javits, and Mr. Tunney) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 1), supra.

CONSUMER PROTECTION ACT—AMENDMENT

AMENDMENT NO. 1690

(Ordered to be printed and to lie on the table.)

Mr. HRUSKA submitted an amendment intended to be proposed by him to the bill (S. 3970) to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants in order to protect and serve the interests of consumers, and for other purposes.

EAST-WEST TRADE RELATIONS ACT—AMENDMENT

AMENDMENT NO. 1691

(Ordered to be printed and referred to the Committee on Finance.)

Mr. JACKSON (for himself and other Senators) submitted an amendment intended to be proposed by them to the bill (S 2620) to provide for the expansion of trade by a program of exchanges between the United States and countries with nonmarket economies, and for other purposes.

(The remarks of Mr. Jackson on the submission of this amendment and the ensuing debate appear later in the Record.)

IMPORTATION OF UPHOLSTERY REGULATORS—AMENDMENT

AMENDMENT NO. 1692

(Ordered to be printed and to lie on the table.)

Mr. JAVITS. Mr. President, on behalf of myself and Senators Brooke, Case, Cranston, Griffin, Humphrey, Kennedy, Muskie, Pell, Ribicoff, Stevens, Tunney, Weicker, and Williams I introduce an amendment to H.R. 640 in the nature of a substitute for the committee amendment. My amendment is a very simple one. Briefly, it seeks to restore eligibility for an additional 13 weeks of unemployment compensation under the 1970 Federal-State extended unemployment compensation programs to over 650,000 workers in 25 States. This contrasts with the amendment reported by the Committee on Finance which would restore such benefits to only a few thousand workers in two or three States.

My amendment deals with the State "off" and "on" trigger mechanism which determines eligibility for participation in this program. The program on a national basis ended several months ago. However, for some time thereafter New York and many other States were eligible to participate in the program because the State unemployment was 120 percent of the rate prevailing in the State in the corresponding period of the previous 2 years, and the State unemployment rate was above the trigger rate of 4 percent. But recently, despite the fact that the insured unemployment rate in many States is above the 4-percent level, these States have become ineligible to participate in the program due to the 120 percent "off" trigger

It is clear that the 120-percent "off" trigger is disqualifying States at a time when the need of their unemployed workers is still great and urgent. To the present, some 27 States have been triggered out of the program through the operation of the 120-percent provisions at times when their unemployment rate was greater than 4 percent. In 10 of these States—California, Washington, Alaska, Connecticut, Maine, Massachusetts, Michigan, New York, Oregon, and Rhode Island—this "off" trigger has had a particularly harsh consequence, for their unemployment rates continue to be significantly higher than the national average.

This amendment would:

First. Eliminate the 120-percent State "on" and "off" triggers. Both the "on" and "off" triggers must be eliminated if States with high unemployment which have triggered out of the program can participate in it again. Also, both the "on" and "off" triggers must be eliminated to protect States in the event that insured unemployment drops below 4 percent and then rises above that figure at a later date.

Second. Retain the existing trigger of 4 percent insured unemployment. Thus, the elimination of the 120-percent trigger requirements would not be contingent upon a 5 percent insured unemployment rate, as proposed by the Finance Committee. The Finance Committee's action in making their proposed elimination of the 120-percent "off" trigger contingent on an insured unemployment rate of 5 percent will serve to preclude the great majority of States from deriving any benefit from the amendment.

Third. Eliminate the requirement that a State which triggers out of the program must wait at least 13 weeks before it may requalify. The 13-week waiting period is unnecessary in view of the fact that the insured unemployment rate is computed on the basis of a 13-week running average. The use of a 13-week average is adequate to take care of any problem caused by statistical variation or a very short run disemployment effect.

Fourth. Provide that the exhaustion rate—for example, the number of workers who have exhausted their regular unemployment compensation benefits—will be counted in determining the level of insured unemployment. This same provision is used in the 1971 extended benefits program which the Congress extended last June for an additional 6 months.

Under the amendment, the only test which would have to be met by the States to qualify—or requalify—for an extended benefit period is an insured unemployment rate in excess of 4 percent. Insured unemployment is, of course, always lower than total unemployment; a 4-percent insured unemployment rate translates into a total unemployment rate of 5.5 percent or higher. Our amendment would require counting persons who have exhausted their regular benefits in determining insured unemployment.

Except for the latter provision, my amendment is identical to that which I offered along with the distinguished Senator from Washington (Mr. MAGNUSON) on September 12 to the revenue sharing bill. At the behest of the distinguished Senator from Louisiana (Mr. LONG), we withdrew our amendment with the understanding that the Finance Committee would sympathetically examine the problem and would seek to incorporate our amendment at the earliest possible time into another bill. Responding to the Senator from Washington, the Senator from Louisiana stated at that time, on page 30329 of the CONGRESSIONAL RECORD (September 12, 1972):

> I want to assure him that I will cooperate and I want to assure him that we will find a bill to which we can accept the amendment and go to conference.

With exceptions I have noted, the amendment we are proposing was actually approved by the Finance Committee when it first considered the issue on September 20, but after being advised of administration opposition the committee modified the amendment to the form in which it now appears in H.R. 640.

The amendment reported by the Finance Committee differs markedly from that which we originally introduced. The committee has instead chosen to ignore the needs of most of the long-term unemployed. The committee has addressed this problem in the most limited way by suspending only the 120-percent "off" trigger requirement and making even that inadequate change applicable only if the level of insured unemployment is 5 percent rather than 4 percent as under present law. I might add that this translates into at least a 6.5-percent rate of general unemployment. By its action the committee is disregarding the very real and temporary needs of workers in 22 States. In my own State of New York some 90,000 individuals, or 18 percent of the total unemployed work force in New York have had their benefits terminated. In some areas of my State, particularly Elmira, Buffalo, and Utica, and on Long Island, unemployment has reached 8 and 9 percent. Approximately 4,500 persons exhaust their regular unemployment insurance benefits each week in New York State and will not be able to draw further benefits unless legislative action is taken. Other States are equally bad off, and I ask unanimous consent that a table indicating the States and the number of workers who would be affected by my amendment be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

OCT. 1, 1972–JUNE 30, 1973—STATES AFFECTED

[These costs are only the costs of this amendment and do not include the costs of the EB program under Public Law 91–373 as currently operative]

State	Number of beneficiaries	Costs (Federal and State share) (thousands)
Alaska	1,100–1,500	$600–$800
Arkansas	2,750	1,000
California	140,000–150,000	80,000–90,000
Hawaii[1]	1,500–2,500	1,000–1,500
Idaho	1,500	350–400
Kentucky	5,000	2,000
Louisiana	6,000–6,500	2,400–2,700
Maine	7,000–8,000	3,000–3,500
Massachusetts	49,300	30,000
Michigan	71,400–97,300	40,700–55,400
Minnesota	11,000–13,000	4,900–5,500
Montana	1,700	435
Nevada	6,700	3,600
New Jersey	80,000–120,000	48,000–72,000
New Mexico	400–600	200–300
New York	170,000–200,000	80,000–120,000
Ohio	12,000–20,000	8,000–10,000
Oregon	11,000–14,000	4,000–5,000
Pennsylvania[1]	22,000–37,600	11,000–18,800
Rhode Island	8,000–9,000	5,000
Utah	1,900	850
Vermont[1]	3,600	2,000–3,000
Washington	42,000	17,000
West Virginia	1,500	450
North Dakota	1,200	860
Total	658,550–797,150	347,345–450,095

[1] Currently paying (those are costs after State drops below 120).

Note: Assumes some economic improvement between Oct. 1, 1972, and July 1, 1973. Estimates prepared in consultation with the States. Federal share of cost would be half of total shown.

Source: Office of Actuarial and Research Services, UIS/MA/Department of Labor, revised Sept. 21, 1972.

Mr. JAVITS. Mr. President, I also wish to point out that although unemployment insurance benefits appear as a budget item, the benefits are wholly financed by employer taxes. This will not result in a strain on the national budget. Any funds temporarily paid out of general revenues will ultimately be covered by tax receipts from employers. This recovery will be accentuated by an economic upturn which we are now experiencing.

I have been an ardent supporter of the President's wage stabilization program and I think it has done much to cool off the inflationary fires which were overheating our economy in recent years. But it seems to me that just as we have acted vigorously to control inflation, we must also act vigorously to deal with the equally serious problem of excessive unemployment. The least we can do, in that respect, is to act now to reinstate the 13-week benefits program provided for under the 1970 act in States where unemployment is high, but not 20 percent above that of the previous 2 years. At a time when we are experiencing an economic recovery, the criteria for such benefits should be excessive unemployment, without the necessity for also showing that unemployment is getting worse.

DISCLOSURE OF FINANCIAL INTERESTS—AMENDMENT

AMENDMENT NO. 1698

(Ordered to be printed and to lie on the table.)

Mr. MATHIAS submitted an amendment intended to be proposed by him to the bill (H.R. 15276) to exclude corporations and labor organizations from the scope of the prohibitions against Government contractors in section 611 of title 18, United States Code.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 1658

At the request of Mr. GURNEY, the Senator from North Carolina (Mr. ERVIN) was added as a cosponsor of amendment No. 1658 intended to be proposed to the bill (S. 2373) to authorize the merger of two or more professional basketball leagues, and for other purposes.

AMENDMENT NO. 1674

At the request of Mr. GRAVEL, the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of amendment No. 1674 intended to be proposed to the bill (H.R. 1), the Social Security Amendments of 1972.

NOTICE OF HEARING ON NOMINATIONS

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, October 11, 1972, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

James C. Turk, of Virginia, to be U.S. district judge, western district of Virginia, vice H. Emory Widener, Jr.

H. Emory Widener, Jr., of Virginia, to be U.S. circuit judge, fourth circuit, vice Albert V. Bryan, retired.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. EASTLAND), chairman; the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Nebraska (Mr. HRUSKA).

ADDITIONAL STATEMENTS

INACCURATE AND FALSE PUBLICITY ABOUT U.S. GRAIN SALES TO RUSSIA

Mr. YOUNG. Mr. President, the recent huge sale of wheat and feed grains to Russia has received an unusual amount of inaccurate, false publicity.

The public is led to believe that a great scandal was involved and that the farmers, and almost everybody else concerned were victimized. Actually, this huge sale of wheat and feed grains was a great benefit to hard-pressed farmers and added about $1 billion to our more favorable balance of trade with the rest of the world. It also resulted in far less cost to the Department of Agriculture in the operation of our great programs.

One of the most accurate accounts of this purchase was carried in the October 9 issue of U.S. News & World Report. It is refreshing to read a story like this which really tries to give accurate information about this huge transaction. U.S. News & World Report has long had a reputation for good, accurate reporting.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALL ABOUT THAT SOVIET WHEAT DEAL

Grain-for-Russia is a surprise issue in the '72 campaign. Critics say the deal was bungled. Some details are still obscure, but here is what is known.

To cut through the confusion of charges and countercharges swirling around the massive sale of American wheat to the Soviet Union—

Exactly what is involved in the deal?

About 400 million bushels of wheat will be shipped to the Soviet Union during the current marketing year, which ends June 30, 1973. That is one fourth of the estimated 1.6 billion bushels in this year's U.S. wheat harvest.

First signs that the Russians would be interested in buying grain from the U.S. appeared last April when Agriculture Secretary Earl L. Butz led a mission to Moscow. The basic agreement under which present sales are being made was announced on July 8.

Will the Russian purchase help U.S. farmers?

Most farmers will benefit.

The price of wheat, as shown in the chart on this page, has shot up from about $1.50 a bushel at the Kansas City terminal in the first part of July to more than $2. But many farmers in early-harvest areas sold their crop in late June and early July, and thus lost out on the price rise. A separate report on what some of them are saying is on page 30.

What about farmers who held their wheat?

They should get more for their crops, unless the price drops sharply. That, economists say, is not likely. Officials of the U.S. Department of Agriculture say that the great bulk of the 1972 wheat crop is still in farmers' hands.

Will U.S. consumers have to pay higher prices for bread and other bakery products as a result of the rising cost of wheat?

Baking companies have asked the Price Commission for an increase of 1 cent in the price of a loaf of bread. They point to sharply higher costs for flour, which rose from $6.57 a hundred pounds at the end of July at New York City to more than $8 at the end of September. This request has been denied. Administration officials say that the amount of wheat in a loaf of bread has increased in cost by only half a cent, and that baking firms had contracted for considerable flour before prices rose.

What price are the Russians paying for U.S. wheat?

They have paid about $1.65 a bushel for most of their purchases. This was possible despite the sharp rise in the U.S. price, because the Agriculture Department kept increasing the export subsidy while the Russian buyers were making their purchases.

Was this a special subsidy for the Soviet Union?

No. Export subsidies have been paid by the U.S. on wheat sales abroad since 1949 to keep this country's grain competitive in the world market. The size of the subsidy, however, shot up during the period of Soviet buying.

How does this export subsidy work?

That is explained by a look at price trends in July and August, when Russia was buying massive amounts of wheat.

At the end of June before the agreement between the U.S. and the Soviet Union was announced at the White House, price of wheat at Gulf ports was $1.64 a bushel. An export subsidy of 1 cent was being paid to maintain a "target price" of $1.63 in world markets.

By July 21, the price was up to $1.76 a bushel, and the subsidy was at 13 cents.

In early August, officials decided to let the subsidy lag somewhat behind the steeply rising price. By August 23, price of wheat at Gulf ports was $2.14 and the subsidy was at 38 cents a bushel.

At this point, the decision was made to increase the subsidy payment to 47 cents a bushel, and give grain-export firms one week to register sales to the Soviet Union or other countries. Since September 1, the export subsidy has been gradually reduced and was ended entirely on September 22.

What will be the cost to U.S. taxpayers of these subsidy payments?

It will be around 120 million dollars on the sales to Russia, according to Agriculture Department officials. That amount, they say, will be repaid four times over by savings to taxpayers as a result of reducing the wheat surplus. These savings are attributed to lower Government cost for storing surplus wheat, higher value of wheat that is owned by the Government, and less money paid out to farmers under production-control programs.

What has prompted charges that grain exporters were "tipped off" to the increase in the export subsidy to 47 cents a bushel, and thus made windfall profits by waiting to register sales?

In testimony before the House Subcommittee on Livestock and Grains, Agriculture Department officials said the grain firms were told by phone there would be a change in the export payment, the day before it was made.

However, aides to Secretary Butz testified that no specific figures were given and that the calls were only to tell exporters that the policy of trying to hold the export price at around $1.65 a bushel was being changed.

Of the 400 million bushels sold to the Soviet Union, it is estimated that about 168 million bushels were registered to qualify for the 47-cent subsidy.

Why didn't the Agriculture Department deal directly with the Russians, rather than letting private exporters handle the sales?

That, Nixon Administration officials say, would "fly in the face of the free-enterprise system," in which U.S. grain trade has always been handled by private companies.

Representative Graham Purcell (Dem.), of Texas, says that Agriculture officials should have been informed what the grain exporters were doing. Mr. Purcell, who heads the House Agriculture Subcommittee investigating the sales, said:

"If the Government is going to get involved in furnishing credit or export subsidies, it has to be informed of what is going on."

Did the grain exporters have information that was not available to the Agriculture Department?

An official of the Continental Grain Company told the House Agriculture Subcommittee that on July 5 Russian buyers had contracted with his firm for 150 million bushels of U.S. wheat, but that in line with standard trade practice this information was not passed on to officials of the Agriculture Department.

At the time the grain agreement between U.S. and Russia was announced on July 8, Secretary Butz said that the Russians probably would be more interested in corn and other livestock feed grains, rather than wheat.

What is Secretary Butz's answer to criticism that the grain agreement was negotiated in April, but not announced until July 8?

The Secretary has testified that the Russians were only mildly interested in U.S. grain in April, and that the agreement was not worked out until shortly before it was announced on July 8. He told the Subcommittee:

"I emphasize that nobody knew then—neither the Department of Agriculture nor the trade—just how much the Russians would buy. The export traders were not telling each other how much the Soviets were booking with them. The exporters did not tell the Department of Agriculture. . . . Of course, the Russians did not want to pay more than they had to for the grain, so they were not broadcasting what their requirements would be."

There has been talk about a "conflict of interest." What is that all about?

Such accusations have been made in Congress, directed mainly at Clarence D. Palmby, a former Assistant Secretary of Agriculture and now a vice president of Continental Grain Company. Some Congressmen say that Mr. Palmby violated federal regulations stipulating that an official who leaves the Government must not represent anyone outside the Government for two years in matters in which he has participated personally while on the federal payroll.

Secretary Butz has asked the Justice Department to determine if Mr. Palmby violated this statute.

What is Mr. Palmby's answer?

In testimony before the House Agriculture Subcommittee, he said that he took no inside information from the Department of Agriculture to the Continental Grain Company, and that he did not participate in the firm's negotiation of sales to the Soviet Union. Mr. Palmby gave this chronology of events:

In early March, Continental approached him on the possible offer of a job. In early April, he went with the U.S. negotiating team to Moscow. On May 11, he told Secretary Butz that he had decided to join Continental, and did so June 8.

Is there evidence that the grain exporters made big profits on wheat sales to Russia?

A top official of Cargill, Inc., was reported by "The Minneapolis Tribune" on September 28 as saying that his company will be fortunate if it breaks even on its sales to Russia. Agriculture Secretary Butz estimates that the grain exporters could make as much as 1 per cent, over all, on the Russian business.

President Nixon has ordered the Federal Bureau of Investigation to determine if exporters had made excessive profits.

FARMERS VIEW GRAIN DEAL WITH MIXED FEELINGS

GARDEN CITY, KANS.—Farmers in the heart of the Kensas wheat belt view the massive sale of U.S. grain to the Soviet Union with a mixture of approval and regret.

A survey conducted by staff members of "U.S. News & World Report" indicated most area wheatgrowers favor selling foodstuffs to Communist nations—but many feel they did not get a fair break on this particular deal.

Some farmers blame the Nixon Administration for not alerting them to the chance of sharply rising wheat prices. Others accuse major grain companies of concealing the size of the Russian agreement in order to buy grain cheaply. Still others simply chalk up the whole thing as part of the risk of farming.

"I don't know what went wrong," said J. R. Miller, near Macksville. "All I know is we got the short end of the stick—as usual."

HARVEST WAS IN

Wheatgrowers in this area, and farther south in Oklahoma and Texas, already had harvested most of their hard red winter wheat when the Soviet grain agreement was announced on July 8. Many Kansas growers are reported to have sold their crops quickly for $1.50 a bushel or less.

That price was about 25 cents per bushel above the preharvest level but well under the later market prices of $2 or more. In the Dodge City area, 60 to 70 per cent of the farmers were said to have sold earlier than usual because they thought the market would not hold its gain as harvest progressed.

In one typical case, a farmer sold 40,000 bushels of wheat at $1.50 a bushel for total receipts of $60,000. If he had waited until the local market peaked at $2.02 a bushel, he could have received more than $80,000.

Wheatgrowers father north, in Nebraska and the Dakotas, did not harvest until after details of the Russian grain purchase had been made public and prices were soaring.

Said Cecil L. O'Brate, who farms about 1,000 acres of wheat near Ingalls, Kans.:

"I sold this year when the market hit $1.50, because I thought sure the price would start dropping. There's no way I would have let go of that wheat if I had known about this Russian deal."

Robert Paris said he was pretty well satisfied at the time when he got $1.35 a bushel for wheat grown on his farm near Dighton.

"A few days after I sold, the market jumped 50 cents a bushel, and lately it's been about $1.90," Mr. Paris noted, "I'm kind of disgusted with myself, but I still think the wheat deal with the Russians was a good thing."

The prices given by Mr. Paris are at country elevators. Prices are higher at Kansas City and other terminals.

Ernest Froetschner, of Offerle, said he normally holds his crop a year before selling. He was one of the few growers in the area who kept his wheat when the market started to rise.

"I'm one of the lucky ones," Mr. Froestschner said. "My son sold at $1.50, and he's been kicking himself ever since."

Andrew E. Larson, who grows more than 2,000 acres of wheat near Garden City, said he sold at prices averaging about $1.40 a bushel. He explained:

"Nobody made me sell. It was simply a matter of judgment. But what I object to is the lack of information, or misinformation, put out by the Agriculture Department."

"They kept telling us a grain deal with Russia wouldn't raise prices much. If the Agriculture Department people had done nothing but kept their mouths shut, it would have helped."

A NEW ERA IN ASIA

Mr. **MANSFIELD**. Mr. President, the visits this year of both President Richard Nixon and Prime Minister Kakuei Tanaka, of Japan, mark a turning point in the history of the Pacific and Asia. Both visits were momentous in their impact, and their effects will be felt for decades to come. It is a new era in the relations of all three countries with one another, and, in my opinion, it augers well for the future.

I ask unanimous consent that a news article published in the Christian Science Monitor of September 30, 1972; a special report in the U.S. News & World Report for October 9, 1972; and an editorial entitled "Mr. Tanaka's Moment," published in the Christian Science Monitor of September 30, 1972, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Promising Era in Asian History—China, Japan "Forget" Shackles, Look Ahead

(By Joseph C. Harsch)

An enormous amount of unhappy history was wrapped up and put away in the attic when the Chinese and Japanese signed an agreement with each other this past week and a foundation was laid for what promises to be a much happier chapter in history ahead.

Technically, the agreement is to resume diplomatic relations. In its effect it is more than that, much more.

For China it wraps up nearly two hundred years of humiliation and exploitation by others. The outside world moved in on a feudal China just at the time the new American republic was getting itself organized on the mudflats along the Potomac River.

China was not able to call its house its own from then until Mao Tse-tung threw the Russians out in 1960. Always, from 1800 to 1960 some one or more foreign force was pushing the Chinese around, ordering their nominal governments, managing their affairs, and exploiting their people.

That miserable chapter in history is finished now. No one from the outside dominates the Chinese. One by one, they pushed the foreigners out, playing one against another until at least they are the masters of their own household.

The new arrangements with Japan are a final step in getting the independence of China recognized and formalized.

Japan was one of the outside influences which attemped to dominate China. The effort began in 1931 with the military seizure of Mukden, the capital of Manchuria. It ended physically with Japanese defeat in 1945.

Now the time has come to put all that unhappy past away and make a new beginning. Japan and China need each other. They can become good and cooperative neighbors because Japan has learned a hard lesson well and because China does control its own destiny.

For Japan it is the formal beginning of a new and most promising and exciting chapter. The years of penance are over. Japan is out from under American dominance. It is an independent force in Asia, able and now willing to manage its own affairs.

In an organizational sense the new relations between Japan and China complete the transition from the "cold war" era in Asia to the new order now beginning. Before the transition there were only two important forces bearing on Asia—Russia and the United States. Now there are many forces in play in Asia.

Russia remains as an influence, and a power. Yes, of course. And the United States Seventh Fleet still dominates the Pacific Ocean up to the shores of Asia. But China is independent. Japan is free to pursue its own diplomatic and trading policies. And India is a considerable influence in its own right now that its armed forces dominate the Indian subcontinent.

FUTURE LOOKS BRIGHT

The future is promising for the Chinese-Japanese relationship. The Japanese have gone out of the empire business. They now are interested in turning raw materials into finished goods, and in selling those goods to a broad market.

There are raw materials in Siberia and China, and markets all over Asia. Japan's needs are best served by being a good neighbor to everyone else in Asia. Japan has nothing to gain by any exclusive relationship with China, or Russia, or the smaller countries to the south.

And the very nature of Japan's needs is itself a new element of stability in Asia which will to some extent take the place of the stability hitherto provided by the American presence in Asia. Japan has no reason to support Russia against China or China against Russia. Japan's interest is best served by helping to build and maintain a balance between China and Russia.

As American influence recedes from the shores of Asia Japanese influence can take its place. There is no reason now why it should not. And there is every reason to think that it will do so in a constructive manner.

A New Asia: Gains for the United States

(Following is a report on a three-day seminar, just concluded, in which top strategic analysts of a dozen nations participated. Under the rules of the seminar, the participants cannot be identified by name.)

Most of the best-informed students of Asian affairs now feel that the balance of power in that part of the world is shifting in directions that are distinctly favorable to the United States. They cite these developments:

Communist China, after more than 20 years of hostility, is giving priority in its foreign policy to improved relations with Washington and Japan.

Peking has reversed its basic policy toward Southeast Asia to upgrade friendly relations with non-Communist governments while downgrading support for "wars of national liberation" and other forms of insurgency and subversion.

A continuing and influential U.S. presence in East Asia—economic and political as well as military—which seemed highly unlikely a year or so ago, is now viewed as a virtual certainty. Almost every nation in the region—including Communist China—welcomes a significant U.S. presence.

Japan is moving rapidly to normalize its relations with China and to reshape its alliance with the U.S., in order to play a greater role in the Far East. This is the one development that poses new and potentially serious problems for Washington planners.

SOURCE OF THE CHANGES

This transformation of the Asian scene flows from two recent events that experts consider to be of momentous importance—

One was the decision by Communist China's leaders that their intensifying differences with the Soviet Union make it imperative to end their 23-year-old dispute with the United States. A foremost authority on China explains:

"As soon as Premier Chou En-lai gained sufficient authority, he moved quickly to rescue China from a predicament that historically has been disastrous—quarreling simultaneously with the power to the north and the power that controls the Pacific. He proceeded to clear up the quarrel with the power that controls the Pacific—the U.S."

The second event was President Nixon's decision to reverse the U.S. policy of containment of China, followed by his move to normalize relations with Peking—dramatized by the unprecedented presidential visit to Peking last February.

LESSENED IMPORTANCE OF VIETNAM

How does the Vietnam war—and America's continued involvement—figure in the new order that is taking shape in East Asia? The experts reached these conclusions:

While only a few months ago the conflict dominated attitudes in many Asian capitals, today it is no longer considered to be of decisive importance.

The process of normalizing U.S.-Chinese relations is not being hampered by continued American participation in the war—contrary to the popular theory that Peking would refuse any sort of dialogue with Washington as long as American forces fought in Indo-China. Also: Most non-Communist leaders now are reasonably confident that—whatever the outcome of the Vietnam conflict—the consequences will be manageable as far as the security of their own countries is concerned.

One reason for this new confidence: A total American disengagement from Southeast Asia, once feared, is no longer deemed likely.

Asian leaders, with few exceptions, consider a strong U.S. role in the Far East as indispensable. A Korean analyst put it this way:

"What needs to be stressed is that the presence of the United States is a prerequisite for the building of any constructive, durable peace structure fair to all in Asia."

CHINA'S MODIFIED STANCE

Even the Chinese Communists now seem to share this view. One of the foremost authorities on global strategic problems asserted:

"One thing seems clear. In the context of the Sino-Soviet dispute, it is not in the Chinese interest to see the United States withdraw entirely from Eastern Asia, or Japan put in a position where it feels compelled to go nuclear."

Said a leading Indonesian authority:

"China may well feel her security would be affected—in a negative way—by too rapid a disengagement of American power. She may find it in her interest quietly to accept a degree of continued American political, and even military, involvement in Southeast Asia and the Western Pacific as the lesser of two evils."

It is the far-reaching change in China's policy that has stimulated new confidence among Southeast Asian nations that their security will not be threatened, no matter what happens in Vietnam.

The Asian analysis believe that China has an interest in preventing Hanoi from dominating the region. If the Communists were to win decisively in South Vietnam, the experts emphasize, China would have a vital interest in deterring North Vietnam from moving deeper into Southeast Asia.

Beyond that, the assessment of the political outlook in Asia leads to this conclusion about Peking's over-all aims in the region:

Chinese Communist leaders, preoccupied with the Russian threat from the north, now are willing to settle for friendly, non-Communist states as neighbors in the south.

While Peking still openly proclaims its support for revolutionary movements, in practice its active backing for Communist insurgencies and subversion will not be allowed to jeopardize ties with stable, non-Communist governments.

In the words of one of Asia's most respected foreign-policy analysts:

"China's leaders are moving away from their policy of support for all revolutionary efforts at all costs. They recognize that this no longer serves their national interest.

"In the long run, Peking still hopes to see a Communist Southeast Asia. But for the foreseeable future the Chinese realize this is not feasible. They will be satisfied as long as they do not have on their borders actively unfriendly countries or countries that are allied to their unfriendly Soviet neighbor in the north."

This explains why the Russians have achieved no success whatever in Southeast Asia with their scheme for a collective-security arrangement for the area. Economic and diplomatic relations with the Soviet Union are welcome. But leaders of the non-Communist states in the region are unwilling to antagonize Peking by joining the Russians in a policy of continent against China.

JAPAN A REVIVED THREAT?

Japan, not China, is the country that worries Southeast Asian leaders most of all. They are growing more and more uneasy about the prospect of Japanese economic domination. Some also are fearful that the Japanese will strike a bargain with China that would allow Tokyo to establish a dominant political position in Southeast Asia while China concentrates on the Soviet threat in the North.

These Asian leaders see a danger that the Japanese will try to resurrect through political and economic means the "Greater East Asia Coprosperity Sphere" that they failed to establish by military means in World War II.

How Asians feel about that prospect is summed up by a Korean strategic expert:

"There is not a single country in Asia that looks to Japan for political partnership or military protection."

For the U.S., too, uncertainty about future Japanese behavior is the most disturbing feature of the rapidly changing Asian scene.

Washington's relations with Tokyo are bound to come under more and more strain. The Japanese are uncomfortable with their dependence on the U.S. for their security. They resent the presence of American bases and insist there is no reason why they should pay a price to maintain the U.S. nuclear umbrella. They also complain that they are being maltreated by President Nixon in his enthusiasm for new ties with Peking.

"SACRIFICING PARTNERSHIP"

In the words of a leading Japanese analyst:

"President Nixon seems to be running the risk of sacrificing partnership with long-standing allies for the sake of furthering negotiations with long-standing adversaries."

But what is the alternative to continued alliance with the U.S.? That's a question the Japanese are exploring with increasing diligence.

The most obvious alternative—acquisition of their own nuclear weapons—is ruled out by most Japanese experts. To quote one:

"It is inconceivable that nuclear armament could effectively guarantee Japanese security. The opposite is likely—that it would endanger both Japan's security and world peace."

What is certain to strain Tokyo-Washington relations is this fact: Japan does not want either to run the risks of developing its own nuclear weapons or to pay anything toward maintaining the U.S. nuclear umbrella. At the same time, the Japanese feel they should be free to use thir enormous industrial strength to challenge the U.S. economically in a no-holds-barred manner.

Japan's new relationship with China poses other problems—and potential dangers. There are fears that the Japanese Government headed by Prime Minister Kakuei Tanaka, in its zeal to cultivate close ties with Peking, will make concessions at the expense of Taiwan and Korea, perhaps at the expense of the U.S., too.

To many, Japan clearly stands out as the "problem child" of the new order shaping up in East Asia.

Mr. Tanaka's Moment

With the communique issued jointly from Peking Friday by Japanese Prime Minister Kakuei Tanaka and Premier Chou En-lai, the first great step toward readjusting the post-World War II from a two-power to a four- or five-power global arrangement has been duly notarized.

As usually happens when the world witnesses a great shift in the balance of powers, some people get hurt in the shuffle. In this case, Japan was not able to make the move it has just taken to establish itself in the favored corner of an Asian triangle between Russia and China without a prior internal reshuffling of power. That happened with the tumbling of the regime of Prime Minister Eisaku Sato, in the "Nixon shock" upheaval that followed his annoncement that he would visit Peking.

Taipei has been twice hurt by the global reshuffling that is taking place. First by the admission of Peking to the United Nations, and its own expulsion. And now by Tokyo's reestablishment of diplomatic recognition of Peking as the true and only government of China, and the agreement to put an end to a state of war which has lasted 41 years, even though the shooting ended 27 years ago.

Taipei's bitterness and sense of isolation are very deep and understandable. It feels betrayed by both the United States and Japan, its two former best friends and still its two major trading partners. Now it lies still in the overwhelming shadow of mainland China, a tempting and provocative piece of real estate which historically has always been part of China, and whose thriving industry and vigorous international trade can only make the dragon's mouth water.

But that very industrial and technological capacity may well be Taipei's best playing card in working out a viable relationship with the mainland, at first economic and, probably inevitably, political. But political reapprochement must wait until the venerable Chiang Kai-shek is no longer on the scene, and until the bitterness has dissolved.

Meanwhile, Mr. Tanaka returns to Tokyo to enjoy a position of enormous potential power. No longer under the thumb of Washington, because of Washington's bilateral approach to Peking by Mr. Nixon which ignored Tokyo, Mr. Tanaka can play off the Chinese dragon against the Russian bear. He can open new markets for the products of the Japanese industrial machine in China, and feed those factories with raw materials from Siberia. For Mr. Tanaka and his country, the sun is indeed rising. Patience, time and history seem to have bestowed on Japan by sticking to its knitting what 15 years of aggression failed to achieve.

DANGERS OF GOVERNMENT CONTROL OF TELEVISION

Mr. GOLDWATER. Mr. President, once again, Mr. Eugene Pulliam, publisher of the Phoenix Republic and Gazette and the Indianapolis Star and News, has hit the nail on the head with an editorial pointing out the dangers of Government control of television. The editorial was published in newspapers across this country, but it is something every Member of Congress should read, so I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

We Can't Tolerate Government Control of TV

Unless the Congress of the United States takes decisive action to halt it, the total takeover of U.S. radio and television by the government will be finalized within the next few years. There will be but one radio and TV system. It will be operated, censored, programmed—in short, completly dominated—by an elite group of Washington bureaucrats.

Television cannot fight this battle alone because it has one hand tied already by severe governmental restrictions and the power to put TV completely out of business. So it is up to the newspapers to lead this fight and to make every American realize that his own individual freedom is in danger as it never has been before. Do we want a dictatorship of TV or do we want to preserve our system of free enterprise in the communications industry?

A spate of government rulings is eroding the economic base of American journalism. The American communications industry is struggling for its very survival in a web of government regulations. None of these regulations is a decree. None has ever been presented to Congress. Nevertheless they have the full force and effect of law.

In a recent ruling by the District of Columbia Court of Appeals the judge's decision said that commercials for big automobiles can be answered by anti-big automobile advertising lambasting the big ones for creating pollution; and the station to which the complaint is made must carry the "anti" comment free of charge, giving it the same amount of time as was used in the paid advertisement of the big car. The same court ruled that no TV station can refuse to accept free controversial advertising. These rulings are part of the so-called "fairness doctrine."

The Federal Communications Commission is now deliberating a plan to require all TV outlets to spend two hours a day broadcasting programs, specifically for children, without charge. It is obvious that if this idea is put into effect there will be virtually no limit to the demands of special interests insisting on free TV time.

Pressure groups are demanding that licenses be taken away from stations that don't match up with their ideological position. Nation's Business reports that "petitions to deny license renewals are being filed with the FCC in behalf of Negroes, Mexican Americans, Puerto Ricans, Indians, Orientals, Gay Liberation, Women's Lib and various other groups and causes." Nation's Business predicted that TV probably is a dying industry because of FCC restrictions.

The results of all this will be the destruction of the American system of television. It will automatically pave the way for government operation of all TV and radio stations. This is exactly what the bureaucrats in Washington are hell-bent on accomplishing.

Dean Burch is chairman of the Federal Communications Commission. He believes in the Constitution and free enterprise but is outvoted by the holdover members of the Commission who have become ambitious bureaucrats.

One member of the FCC has suggested that the media be made legally liable for alleged harmful effects from the use of products advertised on a TV station. It was suggested that the same rule should apply to newspapers, should there be any harmful effects from the use of products advertised by them.

Probably the most inconsistent of all FCC rulings is that which concerns cigarette advertising. The Federal government spends between 600 and 800 million dollars a year to promote and sell tobacco. It subsidizes tobacco growers to the tune of at least 400 million dollars a year. Yet the government prohibits the advertising on TV of cigarettes. If tobacco is harmful, then the growth and manufacture of tobacco should be prohibited by law. But so long as the government itself encourages the growth and development and sale of tobacco, it certainly has no business telling manufacturers and TV stations they cannot advertise tobacco. This is only one more instance of how powerful the Washington bureaucrats have become.

The so-called "fairness doctrine" has nothing whatever to do with fairness, but it has everything to do with the power of the government to harass people whose opinions the bureaucrats don't like.

Compounding the problem of bureaucratic bias is the history of "public broadcasting" which operates by virtue of millions of dollars of taxpayers' money but which regularly tends to favor the radical, the socialist, the activist element in this country. President Nixon has wisely vetoed a request for a large increase for "public broadcasting," but this is only a partial answer. The real issue here is that the taxpayer should not be obliged to subsidize any sort of one-sided opinion. The "public broadcasting" system to which you listen is financed by government subsidies. Hundreds of programs have been broadcast which not only assail the administration but were actually anti-American in content. Yet you, the taxpayers, are paying the bill for this.

To be sure there are thousands of capable, honest and dedicated men and women in government service, but they are dominated by the ambitious bureaucratic leaders who can make life miserable for any one of them who opposes the bureaucratic line. These men and women cannot be fired, but they can be shunted from department to department and be passed over for promotion. Consequently they remain silent and "go along."

Concerned Americans who oppose government ownership of the communications system should demand corrective action by Congress. All efforts to impose government controls on American TV and the American press should be resisted. There is absolutely no excuse for anti-business and anti-freedom bureaucrats to be allowed to use the medium of "public broadcasting"—paid for by the public—as a weapon to destroy TV and the free press. One of the wisest of American statesmen long ago said, "Government is always the enemy of the people, never the friend."

What happening to TV and the American press is chilling proof that property rights and human rights cannot be separated and that where bureaucrats control the first they have the power to destroy the second.

If freedom and liberty are to survive in this country the Federal bureaucrats must be deprived of their self-assumed power over the economy. The Congress should deny bureaucrats the right of tenure which gives them a lifetime job. They never run for office. They are never elected. They never can be fired—even by the President of the United States—except for moral misconduct. Every country which has ever succumbed to the dictates of a Federal bureaucracy has either perished or been taken over by tyrannical dictators.

What can you do? You can write your candidate for Congress immediately and ask him to pledge himself to vote against any further intrusion by the FCC into the American economy. Under no circumstances should the rules and regulations of the FCC be given the force of law without the consent of Congress.

The American people must understand that their individual freedom—and especially their right of free expression, which is the fundamental right of all liberty—is at stake and only affirmative action by the Congress will stop the bureaucrats.

The United States is the greatest and best country in the world and she is the greatest and the best only because she is free.

CHILDREN'S TELEVISION PROGRAMING

Mr. MOSS. Mr. President, the Federal Communications Commission currently has underway a series of panels looking into various issues associated with children's television programing. I have been concerned with this problem for quite some time, beginning with my inquiries into cigarette advertising, continuing through my studies of breakfast cereal advertising directed toward children, and on through the suspect relationships between drug abuse and the advertising of over-the-counter drugs. One matter of particular concern that has now come to my attention is worthy of all our consideration.

The hearings which the Federal Communications Commission is now holding are, to a large degree, in response to the petition filed by Action for Children's Television some 32 months ago. While the Commission's slow pace will probably result in another generation of children growing up to the same commercial bombardment, the manner in which the panels are operating is of significant concern.

As I understand it, major organizations involved in public interest broadcasting, and knowledgeable about this problem, have been, for the most part, completely left out of the FCC hearings.

For instance, other than Action for Children's Television, the National Citizens Committee for Broadcasting—NCCB—which had the most extensive filing in the FCC notice of inquiry and proposed rulemaking on children's television programing, has been excluded from participation. The two most prominent national consumer organizations, the Consumer Federation of America and Consumers Union, have been excluded from participation. The Council on Children, Media, and Merchandising has been excluded from participation. As far as individuals are concerned, Mr. Robert Choate and Mr. Warren Barren, two of the most knowledgeable persons active in this aspect of broadcasting has been excluded from participation.

By a letter dated September 26, 1972, less than 1 week before the hearings were to begin, Chairman Dean Burch responded with a collection of pious platitudes which surely will serve to undermine public confidence in the FCC's ability to solve the children's television programing and advertising problem. Mr. President, I ask unanimous consent that correspondence related to these hearings be printed in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

CONSUMERS UNION OF UNITED STATES,
Mount Vernon, N.Y., October 2, 1972.
Chairman DEAN BURCH,
Federal Communications Commission,
Washington, D.C.

DEAR CHAIRMAN BURCH: The National Citizens Committee for Broadcasting (NCCB), the Consumer Federation of America (CFA), and Consumers Union of United States (CU) cannot accept on face value the explanation contained in your letter of September 26, 1972 which would lead one to believe that the Commission's panels on children's television were set up by your staff with an eye to complete fairness and impartiality. We cannot accept the explanation for these reasons:

(1) you failed to initiate contact with and have excluded the citizens' organization, which, next to Action for Children's Television (ACT), has had the most extensive filing in the Commission's notice of inquiry and proposed rule-making on children's television. The organization—NCCB—submitted a petition on children, television, and the public interest to the Commission signed by over 10,500 persons and 31 separate organizations. Additionally it submitted an extensive research document entitled "An International Comparison of Children's Television Programming." The importance of NCCB's contribution is illustrated by the National Association of Broadcasters' (NAB) reply comments in this inquiry which devoted 45 pages, or approximately two-thirds of that document, to the filings of NCCB.

(2) you failed to initiate contact with and have excluded the two most prominent national consumer organizations—CFA and CU. For that matter, to the best of our knowledge, you failed to contact any local, state, or national consumer organization to determine their interest in this public hearing. The result is that consumer organizations are un-

represented. It can be no secret to your staff (if only from reading the advertising and broadcasting trade press the past months) that CFA has had extensive experience in dealing with advertising content and the workings of self-regulation. Nor can it be any secret that CU is the only consumer testing organization with experience in dealing with products designed for children or that CU was responsible for initiating litigation against the Food and Drug Administration on the matter of toy safety. We further note that no member of Ralph Nader's staff appears on these panels, despite the active work of Nader's Public Interest Research Group in the evaluation of advertising, including claims substantiation, industry responsiveness to consumer inquiries and self-regulation.

(3) you have excluded the one person and organization in this country—Robert Choate and his Council on Children, Media and Merchandizing—who has met with the industry's Television Code Review Board on children's advertising. Again it can be no secret to your staff that there exists no individual representing the citizen and consumer who has had more experience in dealing with the content of children's ads and the kinds of products being sold to children. Sixteen months have elapsed since Mr. Choate's challenge to the Code Board and Code Authority to act on numerous levels with regard to children's advertising. Although a study has been announced, no action has been evident to date.

(4) you failed to initiate contact with and have excluded the signer of this letter—Warren Braren—who has the most complete knowledge of the internal procedures and policies of the Code Authority (and the control exercised over them by the NAB and the networks) of any person presently outside the broadcast/advertising industries. That knowledge is derived from his 8½ years experience as assistant manager and then manager of the Code Authority's New York office. The NAB's comments (which unreservedly speak for the Code Authority) have made self-regulation a principal argument from the very beginning of this inquiry by stating that most of what ACT is concerned about in television advertising "is being taken care of by the Television Code," that the Code is "an effective vehicle for controlling and improving the content of broadcast material" and that the only real answer to any problems in "children's programming lies in existing self-regulation." Mr. Braren, in NCCB's reply comments, vigorously disputed NAB's self-regulatory claims and labeled them as "subterfuge."

Presuming that your staff went about setting up these panels with due regard to the range of public interest organizations, the exclusion of all the groups and individuals mentioned—most of whom are action oriented in their approach—has produced a suspicious pattern which calls for an explanation in more detail than the general statements offered in your letter.

Under the present circumstances NCCB, CFA, and CU must question—as these panels get underway in the 32nd month of the inquiry—whether this Commission really intends to meet head-on the various citizen and consumer challenges as they pertain to the pressing issues of merchandising to children and the misrepresentations made by the NAB to this Commission concerning the effectiveness of industry self-regulation programs as they now exist.

We note that, for many years now, the NAB and other elements of the broadcast industry have made it a practice to come before this Commission, the Federal Trade Commission, and Congressional committees stating that self-regulation was being responsive to the public's needs and accordingly no other action was necessary. In the unprecedented case of cigarette advertising, NAB's deceit became evident when a selection of the Code Authority's internal files became public through a Congressional hearing. Without such exposure and without public access to the actual workings of the Code, the NAB is able to pass off relatively small and inconsequential accomplishments as responsible and meaningful self-regulation. We believe that is precisely what is happening in the case of this children's inquiry and are concerned that the Commission will probe no deeper than the few hours allotted for the children's self-regulation panel. Our hope is that the Commission will use even that limited time to direct itself to the heart of the operation of self-regulation and not deal with side-tracking specifics relating to individual commercial and program practices. At the very least, we urge the Commission to use this panel to probe into the following:

I. BROADCAST SELF-REGULATION ORGANIZATION

Can the Code Authority take and has it taken a position independent of or in opposition to that of the NAB?

To what degree do the political and economic interests and goals of the trade association influence the organizational set up of the Code Authority and its work?

Where does the Code Authority's allegiance lie? How can consumer and viewer interests be balanced with the legitimate trade association interests of NAB, a number of which may be in direct conflict?

Why has the NAB filed for the Code Authority in this and other government proceedings? Has the NAB ever submitted in whole or in part comments in government proceedings concerning the work of the Code Authority without the prior approval of the Code Authority?

What is the purpose behind the NAB government affairs department issuing reports at all Code Board meetings covering NAB lobbying concerns and objectives?

Why does the NAB president attend most Code Board meetings and what role does he play? What are the consequences of having the Code Authority Director and station Code Board members appointed by the NAB president?

Why is there no citizen/consumer representation on these Boards to provide the public with a voice and active participation?

Why does the NAB exercise budgetary control over the Code Authority?

Has serious consideration been given to spinning off the Code Authority from the NAB to allow it to achieve its own autonomy? If so, what were the findings and conclusions? If not, why?

II. BROADCAST SELF-REGULATION PROCEDURES, PROGRAMS, AND POLICIES OF CONFIDENTIALITY

Why are Code Board meetings not open to the public and why are the Board agenda books and minutes not available for public scrutiny?

Is there sufficient justification not to publicly disclose Code Authority findings on individual commercial and program evaluations under Code standards?

What justification is there to keep under cover commercial time standards monitoring reports of stations? Is it true that some stations are repeat violators of the Code's time standards and yet no action is taken? If not, then why not make the reports public?

Why aren't qualitative program monitoring reports open to the public? What is the relationship between the Code Authority director and the directors of the network clearance departments in carrying out the Code's monitoring of network programming? Are judgments reached independently?

Does the Television Code and the Code Authority really have a significant impact on the content of television programming (as represented by the NAB in this inquiry) other than as perfunctory censorship? Can it demonstrate any activity encouraging programs advancing cultural and educational values as indicated by Code standards?

How does the Code Authority determine its priorities? To what degree are areas of concentration determined by industry economic or political considerations? Why do product categories involving heavy consumer expenditures (such as automobiles and others involved in the FTC program on advertising substantiation) receive little or no Code attention? Is it true that the Code Authority as far back as 1965 was requested by the Toy Manufacturers Association and others to establish guidelines for all areas of children's advertising and that the Code Authority took no action? Is it true that the Code Authority subseqently sought to remove itself from a central clearance role of toy advertising so it might pay some attention to these other areas, but did not do so because of opposition by the networks and political considerations relating to what was deemed important in Washington?

What relationship do the Code's advertising time standards (including number of minutes, spots and interruptions) have to station and network rate card structures? To what extent are these standards designed to counter network encroachment on station patterns of selling time? Does the recently enacted multiple product announcement standard banning piggyback spots less than sixty seconds favor broadcasters' advertising rates by requiring advertisers with a combination of short announcements to buy at premium rates, and to buy local spot rather than network? What are the anti-trust considerations? What is the impact on stations which seek to reduce the amount of commercialization in their schedules?

To what degree do the broadcast networks influence what the Code Authority will or will not do or approve as meeting Code standards? What kind of relationship exists between the Code Authority and the networks, and how does this affect Code Authority independence? Are reports of closed door meetings between the Code Authority and the networks available to the public?

Why aren't citizen and consumer representatives consulted and given a voice in helping set Code Authority priorities and in the drawing up of guidelines and other policy statements and decisions?

In the House of Representatives hearing last year on advertising self-regulation, Erma Angevine (executive director of CFA) stated that the NAB must "overhaul its code." This comment reflected citizen and consumer organizations' awareness of, and impatience with, the same old broadcast industry rhetoric extolling the accomplishments of broadcast self-regulation while the public continues to witness advertising unsubstantiated and deceptive, products promoted for reasons deleterious to the health and well-being of the consumer, and programming long on violent action and short on content designed to enlighten and uplift.

There is no indication that the broadcast industry will undertake this overhauling without considerable prodding from government. Therefore, as a first step following these panel discussions, we urge the Commission to authorize an independent study by a team of impartial investigators to inquire in depth into the mechanisms, policy and procedures of broadcast self-regulation, to publicly report its findings and to offer its recommendations.

Since NCCB, CFA, and CU have been denied a voice in the three days of panel hearings commencing today, we ask that the Commissioners themselves pursue in as much detail as possible all or most of the questions contained in this letter. We further ask that the letter (a copy of which as been directed to all the Commissioners) be made a part of the permanent record of these proceedings on children's television.

Respectfully,

WARREN BRAREN,
(For National Citizens Committee for Broadcasting.)
(For Consumer Federation of America.)
(For Consumers Union of United States.)

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., September 26, 1972.

Mr. WARREN BRAREN,
Associate Director Consumers Union,
Mount Vernon, N.Y.

DEAR MR. BRAREN: Thank you for your wire of September 21 with regard to the forthcoming Commission panels on children's television.

I can only assure you that my staff has operated on the basis of neither an "exclusionary" policy nor, for that matter, of total inclusion. What they have attempted to do—with my concurrence and the informal advice of the entire Commission—is to put together small but well-balanced panels, each one representing a variety of experts points of view. (Keeping them small is directed, of course, to assuring a maximum of give-and-take among the panelists.)

In the circumstances, there is no way that every individual or group can possibly be accommodated and, in the interest of balance, we are simply unable to add just one panelist without also adding two or three others—thus making the panel unwieldy.

In the end, of course, we will have to fall back on the record and trust that the public will have the benefit of every significant viewpoint.

With all good wishes.

Sincerely,

DEAN BURCH,
Chairman.

(Telegrams)

The following telegram was sent to Chairman Dean Burch of the FCC this afternoon:

MOUNT VERNON, N.Y.,
September 21, 1972.

DEAN BURCH,
Chairman,
Federal Communications Commission:

Urge your personal attention to my September 8 and 19 requests by telephone and letter to Chuck Lichenstein and Liz Roberts to be heard on children's TV self-regulation panel.

Failure of Commission staff to either initiate contact or to respond to requests highly questionable, given notice of inquiry, filing for NCCB disputing NAB's self-regulation claims, and my unique background in the management of broadcast self-regulation.

Request to appear made on behalf of CU, NCCB, as well as CFA—the latter having extensive experience recently with NARB AD review.

Thank you for prompt response.

WARREN BRAREN,
Associate Director, Consumers Union.

SEPTEMBER 8, 1972.

Mr. CHARLES LICHENSTEIN,
Federal Communications Commission,
Washington, D.C.

DEAR CHUCK: As stated in our telephone conversation today, I respectfully request an inviation to appear on the children's television self-regulation panel being scheduled by the Commission for October 2.

As you know, I possess considerable first-hand expertise in the workings of broadcast self-regulation derived from my 8½ years as assistant manager, and then manager, of the New York Code Office of the National Association of Broadcasters. That expertise includes drawing up the first edition and subsequent revisions of the industry's Toy Advertising Guidelines, as well as direct involvement and supervision of the New York staff in any Code activities relating to children's advertising and programming.

As an advocate of the principle of self-regulation, but as an analyst and critic of its implementation, I believe my participation in this panel particularly appropriate in light of representation by the vice president of the NBC Standards and Practices Department and the Code Authority director.

Sincerely yours,

WARREN BRAREN,
Associate Director.

SEVENTH TRIENNIAL CONVENTION OF THE NATIONAL CHINESE WELFARE COUNCIL

Mr. FONG. Mr. President, the National Council is the only nationwide organization of Chinese Americans and Chinese nationals in the United States. Its membership includes nearly all Chinese organizations in this country. Nonpartisan in its policy and outlook, it was incorporated as a nonprofit civic institution in 1957 for the promotion of the welfare and well-being of all residents of Chinese ancestry.

From September 17–20, 1972, the council held its seventh triennial convention in Houston, Tex. Over 100 delegates from different parts of the country attended the meeting. Several resolutions were adopted to strengthen its cooperation with Federal and local governments on problems confronting citizens of Chinese descent. Emphasis was placed upon its involvement in such subjects as housing, juvenile delinquency, immigration and naturalization, employment and job training, and problems of the aging. Elected as the members of the executive board for the next 3 years were the following persons:

Moy You-mou of Chicago, chairman.
Walter Ong of Phoenix, vice chairman.
Lee Hip-chi of New York.
Wong Jum-lai of San Francisco.
Chin Hing-lam of Honolulu.
Lee Shih-hing of Boston.
Gee Che-keung of Los Angeles.
Kwan Kee-wai of Houston.
Charlie Wah of Seattle.
William Chin-Lee of Washington, D.C.
Wallace Gee of Houston.

At the opening ceremony on September 17 at the Rice Hotel, over 300 delegates and friends attended the banquet. I sent a message of greetings. Mr. Stanley F. Chin, chairman of the council, welcomed the delegates and guests. Madame Anna Chennault called on the delegates to work for unity and to continue their fight for equality. Mr. William H. Marumoto, staff assistant to President Nixon, brought the President's greetings and delivered an inspiring address.

Mr. President, I ask unanimous consent to have printed in the RECORD the complete text of the remarks of Mr. Chin and the address by Mr. Marumoto.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

REMARKS OF STANLEY F. CHIN, CHAIRMAN OF NATIONAL CHINESE WELFARE COUNCIL, SEPTEMBER 17, 1972, HOUSTON, TEX.

Distinguished guests, ladies and gentlemen: It is indeed my great pleasure to announce the opening of the seventh triennial convention of the National Chinese Welfare Council.

We are here to review the work of the last three years and to formulate plans for projects to be carried on by this organization during the next three years for the benefit and well being of the Chinese American.

Looking to the past, it may be well for us to contemplate, for a moment, the early Chinese in America.

The first Chinese in America were not citizens. They were brought to this country from China as cheap labor working on the railroads then being built in the West. They arrived in this country, facing challenges which they could never have anticipated, cheerful, confident and desirous of making themselves a part of their new land. Unfamiliar with the language, products of a foreign country, they experienced strong discrimination: but their ability to work hard, live frugally, and save their money to better themselves, raised the spector of fear among Caucasians of the "yellow peril", which without control, would overrun this country. This fear of the "yellow peril" resulted in the Chinese Exclusion Act of 1882, rendering it impossible for many years for Chinese persons to immigrate to the United States and to become citizens. Little wonder then, that our first efforts were in the area of immigration legislation reform.

Gradually, a more enlightened America, recognizing the injustices of its immigration laws while slowly cultivating a keener understanding and appreciation of the Chinese culture as it relates to American society, reopened the golden door, and gradually amended its harsh immigration laws.

The Chinese Exclusion laws were abolished in 1934; race as a bar to naturalization and immigration was eliminated in 1952; the adjusting of one's status was allowed in the 1960's and more recently, in 1965, Public Law 89–236 was enacted with its most liberalizing provisions, stipulating removal of most of the discriminations against Asian people.

The 19th century stereotype of a Chinese American, that of a poor, illiterate abused railroad worker, has disappeared to the point where today, we see in the Chinese American a responsible man, a man of family, and a man of the community, willing to undertake civic duties: a leader in business and the professions, and I am most happy to say, an asset to this great country which has adopted him as he has adopted it.

But, there are exceptions and there are problems. Our problems today, ladies and gentlemen, are not what they have been, our problem today is occasioned, primarily by the success with which we have coped with the problems of yesterday. Immigration inequities are no longer our prime and immediate concern. In its place, we have situations caused by the new immigrant, floundering in a new world. We have the problem of the aged, the young, the unemployed and unemployables. We have social unrest and its many attendant problems. This then heads us toward the new direction the Council is taking. And in this area, we will be devoting our time and effort and we will be looking to the Government for counsel and for support—counsel and support which the Government has made available to other people. And in this respect, we ask for your support and encouragement as we continue our search for a happy way of life.

This, then, ladies and gentlemen, is the challenge that faces us today as we commence our 7th triennial convention and with your dedication and great effort, we will meet that challenge head-on and emerge the victor.

THE EVERYDAY AMERICAN—THE ASIAN AMERICAN

(An address by William H. "Mo" Marumoto, Staff Assistant to the President of the United States, before the National Chinese Welfare Council Convention)

When I first sat down to gather my thoughts on what I would say this evening, my immediate tendency was to search for things that you would like to hear, things that would make your evening pleasant and my remarks well accepted; but the more I tried, the more I realized that this would not be what you deserve.

Like Mark Twain, there are many times when I fail to recognize an opportunity until it ceases to be one. It is a rare opportunity to have this many interested Asian-Americans together at one time, and I immediately recognized it as such. In an attempt to not be tedious, I will make my comments brief. But let me warn you that brevity is not absolute insurance against being tedious.

As a minority group, we alone can turn to other Americans with pride and say: "We've come a long way!" It would be easy to stand here for twenty minutes and recite numerous anecdotes and detailed statistics supporting this boast, but the fact is we *have* come a long way, *too* far for that kind of useless banter.

Desraeli said that there were three kinds of lies: lies, damned lies, and statistics. Statistics don't tell the whole story of where we are at now and where we can be tomorrow.

When I was eight years old, many of us were prisoners in concentration camps. The prevalent thought throughout the United States at that time was that the only good Jap is a dead Jap.

There was no thought given to the fact that we were American citizens above all. It suffices to say that like some 110,000 others of us who were considered to be little more than gardeners and truck farmers, I was a prisoner in an American concentration camp.

Now I work for the President of the United States. Many of my friends and relatives who graduated from American concentration camps with me are now doctors, lawyers, architects, and engineers. They choose their professions, their associations, and their neighborhoods with few or no restrictions.

But I am not here to inflate your egos. I am here to tell you where it's at.

The New York Times has been prompted to say that we may be the most over-represented minority in the nation. My answer to the New York Times is that if you've got it, flaunt it. We've got a lot to offer this country, and it is about time others realize that we're going to start flaunting it.

The only way that we're going to live up to our potential is to join, to organize, to run for office, to become everyday Americans.

The opportunities are endless, but we must seek our identity first as Asian-Americans. Don't lose our identity.

Remember on a daily basis the advantages of our heritage. We have thousands of years of culture to call upon. Now is the time to reap the rewards of this heritage. Now is the time to break down those last barriers, and only we can do it. Many politicians talk of giving us a new direction, of leading the minority groups out of the pitiful plight they now suffer. Richard Nixon is giving us the opportunity to seek our own direction, to build our own future. Benjamin Franklin, a man who was an American above all else, spoke frequently of a characteristic which we as Asian-Americans have in unrestricted quantities.

I talk of resolve, resolve to perform what you want, to perform without fail what you resolve. I am asking you tonight for a resolution, a resolution to break free of our image as the quiet Americans. It is evident to all that the time has passed when the Asian-American was dispensable. In every phase of our society the Asian-American has become essential. We now stand firm, aware of our position in the community, and remind our nation of its responsibilities to us.

But remember, each of us was brought up with the idea that responsibility is a two-way street; and as such, we in turn have responsibilities to our nation.

The most pressing of those responsibilities is not to forget that our loyalties to our Asian heritage are only surpassed by our loyalties to our American citizenship.

Now is the time to stop being a silent American, to stop being a quiet American. Now is the time to break away from these attitudes which have been compounded by a new complacency, the complacency of affluence. This is a complacency nurtured by the suburbs and fed daily with two-car garages, color TVs, electric habachis, and a big sign indicating: "I've made it." We have become the epitome of westernization. We have become the perfect yellow wasp.

If we, as Asian-Americans, demand that our leaders be responsible, then we in turn can demand nothing less of ourselves. We cannot afford the apathy of affluence. Too many of us are willing to come home from work, grab a beer, and plunk down in front of our color TV sets to watch a football game. Well, I am here to tell you that there is a lot more conflict right outside that door than you will ever see on the TV screen.

The morning paper and the evening news are the primary sources of political activity for many of us today. How many of us take the time to write our Congressmen when we don't think they are serving the best interests of our country? How many of us will call an editor or a TV station when we find the news being slanted? Don't say: "I've done my part." Don't breathe a sign of relief and say, "I've made it." That is why our country has these difficult problems today.

We know what we have got to offer, and we owe it to our country to become involved. Improvement is not only the rather non-consequential by-product of a bald head and a fat bankroll. It is a daily interest and effort to move and improve our nation.

No matter how, discussing involvement in general is not rewarding or beneficial to anyone. We should concentrate our efforts on a particular area where we can make a difference. When we have a cause, a purpose—a goal—it becomes more than banter.

Many politicians today are asking us to trust them. They expect us to accept that plea on face value. I, for one, do not. Trust and respect must be earned, they don't just happen. Our President, Richard M. Nixon, has turned his promises into realities. His vision and his ability to deliver dwarfs the capabilities of his competition. He has made a difference!

Some of our recent political leaders specialized in talking about the problems that minorities face. They did a lot of talking—but talk is cheap. President Nixon has specialized in *doing something* about minority problems, instead of just talking about them.

In the last 3 years, for example, this country has achieved more desegregation than in the fifteen years before them.

President Nixon has proposed $2.5 billion of Federal aid to school districts to improve educational opportunities for disadvantaged children—most of whom are minority Americans.

Spending for civil rights enforcement has increased eightfold, from $75 million in early 1969 to $602 million this year—hard, fast evidence of the Nixon Administration's commitment to justice not just for some, but for *all* Americans.

And President Nixon knows that political freedom means little when it is not accompanied by economic opportunity. For this reason, his Administration's minority enterprise system has *more than tripled* Federal loans, guarantees and grants to minority-owned businesses—from about $200 million in 1969 to an estimated $715.9 million in fiscal year 1973. Thanks to his firm Presidental leadership, more minority Americans are part of our country's economic mainstream today than ever before.

For some minority Americans, another special need exists. That need is for bilingual education programs. President Nixon's Administration has expanded Federal spending on bilingual programs from $8 million in 1969 to over $41 million today—another massive stride forward on behalf of all minority Americans who cherish a rich cultural and linguistic heritage from their mother countries.

Consider, too, the broader role in our national destiny which President Nixon has given to minority Americans. There are more minority Americans in government today than ever before—19.6% of all Federal personnel—and more of them are in important administrative and policy-making positions than ever before as well.

For example, the President has appointed more minority Americans and women, to high government policy-making posts than any previous Administration.

That is what I mean when I talk about performance instead of promises. That is what I mean when I talk about replacing rhetoric with reality. President Nixon is carrying on a tradition of dedication to human dignity and individual freedom and opportunity that is as old as the Party he leads, the Republican Party that brought political freedom to black Americans under President Lincoln a century ago, and is now bringing *freedom of opportunity* to minority Americans of all races, creeds and colors.

As a group, we can learn a lesson from this outstanding individual. He has shared many of the same hardships we have shared. President Nixon overcame great odds—he suffered the burdens of childhood poverty and the severe stress of political defeat, but yet returned as a victor. He has paved the way for a better world and in doing so has earned the respect of his countrymen and the world.

We can do the same. The future stands before us: Are we to be pushed or are we to lead? Are we to step forward, or are we to flounder in confusion? These questions which must be answered by you! We are people of accomplishment. We have had the strength and sensitivity to be, in addition, people of culture, of words and ideas.

We must not rivet ourselves to the ephemeral. We must think beyond immediate solace and beyond the contemporary. We must address ourselves not just to the history we make as Asian-Americans today, but the history we will make tomorrow.

As I previously mentioned, many have looked to the Asian-Americans as the quiet Americans, but as a listener, I know that it is often the quiet ones who have the most to say. It is not enough merely to be proud of our country. It is time that we shun small talk and political banter in favor of ideas more deeply felt.

It takes intelligence and devotion to preserve and maintain our institutions of freedom. It takes strength accompanied by sensitivity and dedication to our Nation's heritage, an internal quality which finds its fullest expression in participation.

Too many Americans prefer the role of spectator to that of participant. The future of America necessitates that we all be prepared to assume the responsibility for America.

I think that all of us—and that includes politicians—whatever their party and ideological commitments, all Americans should join together to show that the President of the United States speaks for our nation. I think that it is important in this election year that other nations and other peoples not be misled into mistaking partisan divisions for national divisions. It is important that they know that we are united in our desire for peace, united in our commitment to freedom and united in our support of the leader of the free world, the President of the United States.

The most worthwhile and important thing for all of us right now is to find some way to participate—to contribute to a better understanding among the peoples of the world.

How we can go about doing this is anybody's guess, but as long as we have people thinking about it and speaking about it, we will somehow, someway, sometime, hit upon a practical solution.

As a nation we can no longer afford the luxury of speaking only of yesterday and today! I ask you to remember that yesterday and today are but the building blocks for tomorrow. How are we going to pass the reins from our generation to the generation of the future? What kind of America will we leave them? Will it be an America with honor or without, with dignity or without? As Asian-Americans we can only answer one way!

When others think of us, they think of strong familly ties. Our families resist the so-called "generation gap." We respect each other and the dignity of mankind. Just as we are naturally involved in our families, let us become involved in our nation. Our families can become a microcosm of our nation on individual participation, dignity and mutual respect.

This is not the only aspect of our heritage which is applicable in the United States today.

I have mentioned the young, and they can be disturbing, particularly when they seem to spurn the very things we hold most dear and have worked so hard to attain. Every economic, social and racial group in this country now seems to have their own collection of young militants. We are no exception. Yellow Power and the Yellow Brotherhood are but a few of the manifestations.

Long hair and hippie dress. How these Sensei offend us. But the long hair which is such an affront to many of us was once a badge of the Samurai—and with the young as with the Samurai, hair and principles tend to become woven together. There have been enough recent examples of young people in court fighting for their hair and their jobs to establish that, and to remind us that liberty includes the right not to get a haircut. These are rights that long-haired American revolutionaries fought and died for . . . we can assure that their sacrifices were not in vain.

The American Revolution was in the minds and hearts of the people. The radical change in the principles, opinions, sentiments, and affections of the people was the real American Revolution. It was a period of awakening, revival and enthusiasm.

Once again we have the means to relieve national anguish through individual participation. It will not be immediate!

In this TV world of one hour solutions most young people that I have talked with are searching . . . for substance, sensitivity. . . trying to make sense of it all . . . for some reality which will allow us to live in peace.

As we go through life we find that experience allows us to see more than our eyes—our lives are full of stop-go, hate-love and our first reaction is to run—I hear the questions constantly: why don't others understand our confusion and frustration? Why must the individual be stifled? I sometimes ask why do the eyes that see the faults of our young only faintly recognize the fears behind the bravado?

To my young friends, I caution that patience, and a desire to reflect on the past, although not consistent with confusion are necessary. Impatience is your legacy . . . it is also the method by which many manipulate you.

I ask you not to generalize—we have generalized and mass produced everything to the extent that we now want to generalize people . . . make it easier to move them around, and so we give them handles: hawk-dove, hippie-hard hat, conservative-liberal, etc. How many remember that there are sensitive human beings behind all of those handles?

Every individual has a responsibility to the future and should leave the world in some way better off because he was in it. Personal conscience is our natural arbiter . . . but when looking to the future let us be certain that reason and sensitivity always play an essential role.

In a sensitive manner we must accelerate our involvement at all levels and in all contexts towards obtaining a larger slice of the power pie, not because we are more worthy than others, but because I believe that the terms of our American experience—the past injustices and the prejudice and discrimination that is only now waning—has given us something special to offer to the local, state and national political wisdom of this nation.

Remember institutional structures which have lasted so long are responsive to change . . . don't let the severity of one personality cloud your vision of the whole . . . institutions are not just depositories of bureaucracy and administrative totality without feelings . . . they are people like you, like John Connally, like Bob Finch and people like me.

In closing, I thank all of you for this beautiful evening and for the opportunity to share some thoughts with you. Finally, I ask that all of you remember when you look at each other, when you look at your friends, relatives, when you look at our nation . . . that at last . . . long last . . . the President of the United States is not only hearing us, but *more importantly*, the President is *listening* to us! Many of you may recall the President's Inaugural Address when he said, "For its part, government will listen We will strive to listen in new ways . . . to the voices of quiet anguish, the voices that speak without words, the voices of the heart . . . to the injured voices, the anxious voices, the voices that have despaired of being heard. Those who have been left out, we will try to bring in. Those left behind, we will help catch up."

HERB KLEIN ON FREEDOM OF THE PRESS

Mr. GURNEY. Mr. President, recently there has been a spate of articles and editorials in the media expressing great concern about the limits to a newsman's right to refuse to divulge information.

On September 19, 1972, Herbert Klein stated the administration's position in this area. It was an excellent statement which, I feel, shows quite clearly the sensitivity and concern with which the administration approaches this subject.

At the risk of sounding like the Democratic candidate for President, I was somewhat disappointed at the minimal press coverage this statement was given.

Therefore, I ask unanimous consent that an excerpt from Mr. Klein's excellent remarks be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS OF REMARKS BY MR. KLEIN BEFORE THE HASTINGS SCHOOL OF THE LAW, SAN FRANCISCO, CALIF., SEPTEMBER 19, 1972

A recent Supreme Court decision compelling newsmen to divulge information from confidential sources to grand juries has renewed interest in the free press/fair trial controversy.

On the one side is the traditional right of the press to gather and publish news and opinion as it sees fit. On the other is the equally traditional right of the judicial system to obtain any and all evidence needed in carrying out thorough criminal or civil proceedings.

The era of ad hoc agreements—which once decided such matters—appears to be over, for we are involved in a number of major legal confrontations that will necessarily have a great impact on the relationships between press, government, the bar, and the courts.

While current law clearly supports the government's position, we must not forget the maxim that "hard cases make bad law". As you know, there are some situations where the public interest is better served by negotiations and self-restraint than by judicial mandate, and where it is in the interests of all concerned to avoid a confrontation and an imposed settlement.

The Department of Justice has historically been cautious in subpoenaing the press. This caution was reflected by former Attorney General John N. Mitchell in February of 1970, when he said he regretted "any implication" that the Federal Government "is interfering in the traditional freedom and independence of the press".

Mr. Mitchell said his policy was to negotiate with the press prior to the issuance of subpoenas, in an effort to maintain a balance with respect to free press/fair trial interests. In August, 1970, the Attorney General issued the first set of departmental guidelines for use by Justice attorneys in requesting courts to subpoena the media. The guidelines were met with approval from both the bar and the journalistic societies.

Attorney General Richard G. Kleindienst has since said that these guidelines, which state that the Department of Justice "does not consider the press an investigative arm of the government" and which require specific approval by the Attorney General before a subpoena is issued to a member of the press, "have been successful in resolving the problem" of media concern. He has pledged to continue to follow the guidelines.

The fundamental purpose of the First Amendment is to enlighten the public. It would seem to follow that if the public has the right to receive information, the press should have the right to disseminate information. But the Supreme Court has never actually recognized the newsman's right to gather news.

In the past decisions by the Court dealt only with newsman's right to publish news. In 1935, the right to gather news was recognized by a Federal Court of Appeals, but the decision was later reversed by the Supreme Court, on grounds other than the First Amendment. Therefore, while the Supreme Court has had dozens of cases involving freedom of expression, it had never before decided a case directly on the question of press subpoenas.

You can appreciate the uproar that took place earlier this year when the Supreme Court made its five-to-four decision, holding that the First Amendment does not shield a reporter automatically from having to disclose information or sources to a grand jury.

Newsmen feared that their confidential sources would hesitate to offer information if they knew there was danger of losing their anonymity. Editors claimed that broad subpoenas would impose heavy administrative requirements on their news departments. Cameramen and reporters said they felt they would be viewed as government agents and subjected to harassments when covering certain public events.

In an effort to counteract these repercussions and continue to protect the confidentiality of their sources and information, five major news organizations joined together to support a proposal entitled the "Free Flow of Information Act." This Joint Media Committee, as it is called, comprises the American Society of Newspaper Editors (ASNE); the Associated Press Managing Editors Association (APME); National Press Photographers Association; Radio Television News Directors Association (RTDA); and Sigma Delta Chi (SDX), professional journalistic society.

On July 31, 1972, William J. Small, CBS-News vice president, Washington, announced agreement on the "principles and general langauge" of the proposal, which is intended to provide broad but not unlimited protection to all who gather information for publication or broadcast. The proposal is similar, but not identical to nearly two dozen newsmen's "shield" bills introduced in the 92nd Congress. It states that those who gather such information "shall not be required" to disclose their information or its source to any official federal body.

The proposal, for which the Joint Media Committee began immediately to seek Congressional support, further provides that a federal district court may remove the protective "shield" if it finds "clear and convincing evidence" that:

The writer or broadcaster probably has information relevant to a specific law violation;

there are no other means of obtaining the necessary information, and

there is a "compelling and overriding national interest" in making the information available to the investigative body.

Such determinations by a federal district court could be appealed through the federal court system.

Eighteen states have already adopted similar "shield" laws providing newsmen with varying degrees of immunity from state or local investigative bodies. I would like to go on record as favoring the shield laws, but I believe there is a real question as to whether the timing is correct to gain passage of an adequate law by the Congress.

The advantages of a properly worded Federal shield law are apparent, but in the current atmosphere of the Congress, there is also a danger that amendments would be attached to such a proposal in a way to be restrictive of the press. I would only point out the fact that Congress came within an eyelash of supporting Congressman Staggers' effort to cite for contempt the president of CBS for his refusal to release film out-takes. I oppose further regulation of the media.

I would urge journalistic societies to proceed as rapidly as possible with additional state shield laws in order to provide the media with necessary protection while Congressional action is under study.

If a random group of lawyers had been asked a couple of years ago to define the legal rights of newsmen in refusing to testify under subpoena, to protect their sources, the answer from most probably would have been "none". But the highly visual cases of Earl Caldwell of the *New York Times,* Paul M. Branzburg of the *Louisville Courier-Journal,* and Paul Pappas of WTEV–TV in New Bedford, Massachusetts, have gone a long way in changing this.

As most of you are aware, Mr. Caldwell and Mr. Pappas were called to testify about black conspirators. Mr. Caldwell was covering the Black Panther party here in the San Francisco area. The grand jury called him in to investigate possible threats against the President and the violent overthrow of the government. Mr. Caldwell refused to comply with the subpoena.

Mr. Pappas was allowed to spend a night in Black Panther headquarters in New Bedford during some racial uprisings in 1970. It was agreed that if there were a raid, he would report on police methods; but if there were no raid, he would write nothing. As it turned out, no raid took place and he wrote no report. Later, he was subpoenaed to give information about the Panthers. He refused and was held in contempt. The case was then taken to the Supreme Court.

Mr. Branzburg, an investigative reporter, was subpoenaed after writing articles dealing with the marijuana trade. Mr. Branzburg would not enter the grand jury room, claiming that the First Amendment shielded him from making testimony. The Supreme Court of Kentucky ruled against him and he appealed to the U.S. Supreme Court.

These incidents illustrate two things: That the government has usually issued subpoenas to the press to obtain information about political conspirators, and that the information being subpoenaed usually went well beyond the *identity* of a confidential source. Both elements are important, but the second is having more impact because it is broadening the area of conflict between the government and press. In so doing, it is making obsolete most of the legislation that has been passed in prior years dealing with this relationship.

In all of these considerations, we must make certain we protect the right of the individual and of the media to dissent in a lawful way.

A traditional part of the American system is a press that is free to criticize. However, I should add that, too often, the press fails to recognize that officials of the government also have the right to be critical of the press. We in this Administration will continue to exercise that right—on a *specific* basis, not a blanket basis—and we expect that the press will do the same.

In a general way, I think we should be looking at what measures are necessary to protect the notes of reporters and the out-takes of film. We should also continue to recognize that newsmen have duties as *citizens*. In this day and age, there is constant danger of over-regulation, particularly as it refers to the broadcast industry. With the introduction of cable and other innovations, which have widened the broadcast spectrum, I believe the time has come to consider *less* regulation, not more.

In the *Associated Press* case, the Supreme Court said, ". . . a free press is the condition of a free society". I think we can safely say that we have more freedom of speech and freedom of press in this country than has any other country of the world. The United States has 6,000 radio stations, 650 television stations, 1,800 daily newspapers, the theater, motion pictures, books, magazines, periodicals, and an underground press. Indeed, it is the very *strength* of this media that is helping to establish the rights on subpoena power.

URGE RATIFICATION OF GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, during the first few years after 1945, considerable energy was devoted to bringing into being something akin to an international bill of rights, such as had been envisioned at San Francisco in drafting the United Nations Charter. A Universal Declaration of Human Rights emerged from the General Assembly in December 1948. A Genocide Convention was approved at the same time and has since been adopted by the requisite number of nations to be effective as to the signatory nations. But even this treaty, designed to prevent the systematic destruction of a people on racial, religious, or cultural grounds, exists only on paper so far as the United States is concerned.

The Convention on Genocide, unanimously adopted by the General Assembly of the U.N. on December 1948, signed in behalf of the United States on December 11, 1948, submitted to the Senate of the United States by the President for ratification on June 16, 1949, referred to the Senate's Committee on Foreign Relations on the same date, and considered by the subcommittee on January 23, 1950, has yet to see the light of day on the floor of the U.S. Senate.

Rules in some form must be adopted, recognized, and observed. The adoption of the Genocide Convention would not, for example, wholly protect citizens of a dictatorship against official political killings. But then thousands of years have passed since the Ten Commandments were handed down, and they are not yet universally observed. Nevertheless, their very existence has helped attain their objectives. Our own Bill of Rights does not guarantee that our civil rights are not at times violated. But their inclusion in our Constitution gives them legal status, and our courts provide the means of attainment. So it would be with a treaty on genocide.

The United States is in the unique historical position of having demonstrated in a practical manner the effectiveness of a Bill of Rights. We are under a moral obligation to lead the fight for the recognition of human rights everywhere. The least we can do now is to ratify the Genocide Convention.

OPERATION OF THE F–111 AIRCRAFT

Mr. GOLDWATER. Mr. President, on Tuesday morning of this week while I was in Phoenix, Ariz., I noticed an item in the morning newspaper to the effect that the F–111's had been grounded in Thailand and were being used only for training missions. I was concerned about this because the reason was attributed to the loss of one aircraft. The facts of the case as I have gotten them are available, and I ask unanimous consent that they be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

F–111/SEA Operations

Aircraft lost: An F–111 was lost on 28 September while on a combat strike against very heavily defended rail lines northwest of Hanoi. Cause and exact location are unknown. Crew members are missing.

Continued operation: The F–111s are not grounded. They are continuing combat operations.

Delay in announcement of loss: It is standard procedure in S.E.A. to withhold specific aircraft loss information temporarily in order not to prejudice search and rescue attempts for crewmen. *This delay in the announcement of loss caused the untoward speculation and erroneous reports of groundings that would never have occurred with any other aircraft operating in S.E.A.*

Quote from S.E.A. spokesman (From A.P. release): "The longer we hold the story, the worse it gets. It's a bad story, no matter how you play it, but the F–111 is a good airplane. The guys who fly it think it's a good airplane. It has the best safety record of fighter planes newly introduced into the Air Force inventory. But it is much maligned because of things like this".

F–111; VIETNAM

Recently 48 F–111s went from the United States to Southeast Asia.

Only hours after the first aircraft arrived in Thailand, they were dispatched at night and in bad weather on precisely the type of mission for which the F–111 is specifically designed, that is, alone, at low level and against a heavily defended target.

One F–111 has been lost.

News stories indicate that all the early missions of the F–111 were assigned to high risk areas, including the northwest rail line between Hanoi and China.

However other news stories have added some confusion to the picture of the F-111 in SEA. It has become clear that because of some of these news stories, which appear to be based very much on conjecture rather than on solid fact, a sȯmewhat emotional atmosphere is being created that is seriously distorting the function and capabilities of the F-111 as a combat airplane.

Very simply stated, and based upon several conversations with the Department of the Air Force, there does not appear to be one bit of evidence to indicate that the F-111 was lost in any way other than from purely combat causes, nor is there any reason to believe that the F-111 is not performing in exactly the fashion for which is was designed. It should be remembered that the F-111 has flown 200,000 hours and established the best safety record of any of our combat aircraft. Many of these flights, both in this country and in Europe, have been under simulated combat conditions.

An official U.S. spokesman in Saigon has said, for example, the F-111 not only is available for combat but has been so used subsequent to the loss of the one F-111. In response to questions, information has been developed from the Department of the Air Force that the F-111s have not been withdrawn from their combat mission and "have conducted daily flight operations". In Washington, Pentagon spokesman Jerry W. Friedheim said the F-111s will continue to fly combat missions in Indochina. The loss of one of the planes, he said, "has not changed our view that this is an operational aircraft".

KIDNEY TRANSPLANTS

Mr. MONDALE. Mr. President, the pain and suffering of those afflicted with kidney disease is of deep concern to all informed citizens. Recently, I have introduced legislation, S. 4035, which would provide assistance for kidney transplantation, hemodialysis, and related facilities and services needed for comprehensive treatment of these patients.

Following a recent scientific program of the Transplantation Society in San Francisco, there was a meeting of 500 men, women, and children who would have died without transplanted organs. Harold M. Schmeck, Jr., described a number of their personal stories in an article published in the New York Times on October 1, 1972. Some of the accounts eloquently underscored the advantages of kidney transplants over treatment by kidney machines. My bill is designed to give emphasis to transplantation, while also assuring support for dialysis programs.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TRANSPLANT WORTH RISK? 500 WHO KNOW SAY "YES"

(By Harold M. Schmeck, Jr.)

SAN FRANCISCO, September 30.—The main ballroom of the San Francisco Hilton was crowded today with living testimony to the importance of medical transplantation—about 500 men, women and children who would have died had they not received transplanted organs.

"This will be a unique day and experience," said Dr. Samuel L. Kountz of the University of California Medical Center, San Francisco, in opening the meeting this morning.

Dr. Kountz, who has just been named chairman of the department of surgery of the Downstate Medical Center in Brooklyn, organized the meeting to follow the week-long fourth International Congress of the Transplantation Society, which ended here yesterday.

In outward appearances, there was nothing unusual about the persons attending the meeting; they were tall or short, neatly dressed or a little sloppy like any other random group. But there was nothing ordinary about the stories they had to tell at a symposium on human aspects of clinical transplantation.

One was a philosophy professor from the Midwest who was born in Latvia in the nineteen-thirties, has childhood recollections of the tyrannies of Hitler and Stalin and came to this country after the war as a displaced person. In January, 1959, dying of incurable kidney disease, he was offered the chance of a then highly experimental operation—a kidney transplant from his fraternal twin. The operation was performed that month at Peter Bent Brigham Hospital in Boston.

The recipient, Prof. John Riteris of the University of Indiana, is today one of the longest survivors of a kidney transplant among 10,000 persons who have had them in the last two decades.

Professor Riteris said he had reconciled himself to death in the winter of 1959, and after the operation had had to readjust himself once again to the prospect of having a future.

Another kidney transplant recipient, Dr. Lionel Lobo, an Indian surgeon who is now dean of the Christian Medical College in Ludhiana, Punjab, said he somehow had faith from the start, even though hoping for a kidney transplant or treatment on an artificial kidney machine in India was like asking for the moon.

HOPELESSNESS DESCRIBED

Dr. Lobo described the agonies of discovering that he was dying of kidney failure—something particularly shaking in his case because he was a doctor and knew how hopeless the disease was and what kind of painful death he could expect.

Today he described his own experience as his kidney condition got worse. He vomited blood. He suffered convulsions so severe that he bit off part of his tongue and smashed some of his teeth. His food intake and even water had to be sharply restricted.

"In summer in India you can imagine what it is like to live on just one glass full of water a day," he said.

His new kidney, the gift of a man he had never known but whose family Dr. Lobo had treated, was put in place at the University of California Medical Center in San Francisco after trans-Pacific shipments of blood samples for typing and other necessities.

The transplant was done nearly four years ago. Today, Dr. Lobo, in appearance a normally healthly man of middle years, told his story in a calm voice and said he thought of it less as a result of the miracles of modern medicine than as a miracle in the hand of God.

Other testimony to what it can be like to live by grace of an artificial kidney and later transplantation came from a husband and wife from California.

The patient, Jeffrey Large, is now surviving with his fourth transplanted kidney since his own failed seven years ago. Each of the first three transplanted kidneys given individually over a period of several years was rejected by Mr. Large's body and failed. Each failure was a life-and-death crisis.

For five years before the first transplant operation, Mr. Large survived because of three-times-a-week treatments on an artificial kidney machine—a time-consuming, often painful process that he and his wife managed at home. The treatment is called hemodialysis, or dialysis for short.

SOME PREFER DIALYSIS

Mrs. Large, and others who testified at the meeting, described the trapped feeling that often afflicts the patient and family when regular dialysis treatments become the central fact of life. That kind of existence involves medical problems and crises, and crippling financial burdens often result from the incapacity and the expense of treatment. Many families have been financially wiped out by the ordeal.

But some patients have had as much as a decade of life—because of the machines—that they would otherwise have been denied. With all its problems, some say they prefer continued dialysis to the risks of a kidney transplant.

Although heart and liver patients were by far in a minority here today, they too testified to the relief of being reprieved from death by the transplants.

Although it is less frequently discussed, all of the transplant patients know they live to some extent under the shadow of possible rejection of their new organs.

While most of the transplant patients present today were recipients of vital organs, at least one participant watched the proceedings through eyes made clear by transplanted corneas. This man, however, was not present as a patient, but as one of the principal medical scientists who made such a meeting as this possible.

DEVELOPED TECHNIQUE

He is Dr. Belding H. Cribner of the University of Washington, Seattle, who pioneered the developments that made it possible to maintain a patient by regular treatment with the artificial kidney machine. Because of the importance of this treatment not only in saving lives, but in allowing kidney patients to come to surgery in good physical condition, his work is generally agreed to have had profound effects on the whole field of human organ transplantation.

The presentations today included some that were spoken and some that were written by transplant patients or their family members to appear later in a special volume of the proceedings of the Transplantation Society. Some of these were eloquent documents on the effects of disease on a human family and on the hope and relief that can accompany a successful outcome.

One such document came from Mrs. Elizabeth Bagwell of Berkeley, Calif., whose daughter, Jenny, had faced certain death because she had only one kidney, and it was malformed. Jenny's mother described how her six-year-old child lost health and vigor and wasted away to a "pale, thin, unconscious body" of a little girl under the impact of the illness.

Then a transplant was finally arranged and the mother—who was to give one of her kidneys—was wheeled into the operating room.

"For me it was the day toward which all history had led," the mother wrote.

Later she described her girl's recovery and her present life as a normal exuberant little 8-year-old, full of enthusism for life and its excitements; in love with painting, music and particularly the outloors.

"She sees the flowers that open their throats to sing to the morning," Jenny's mother wrote. "She talks to the stars . . ."

UNVEILING OF PORTRAIT OF BENITO JUAREZ

Mr. MANSFIELD. Mr. President, today, it was my distinct privilege, along with the distinguished Congressman from Texas, the Honorable ELIGIO DE LA GARZA, to participate in ceremonies honoring Mexico's great patriot and President, Benito Juarez. In commemoration of the centenary of President Juarez' death, the President of Mexico, His Excellency Luis Echeverria Alvarez, through his distinguished Ambassador, His Excellency Jose Juan de Olloqui, has presented to the people of the United States a portrait of Benito Juarez. The presentation of this magnificent gift, which took place this morning at the Library of Congress, represents yet another strong link in the historic chain that has bound together our peoples for so many generations. It was a little more than 100 years ago that Abraham Lincoln, in the midst of his heroic struggle to preserve the Union, recognized the government headed by Benito Juarez as the legitimate voice of the Republic of Mexico. At a time when we are trying to face up to the myriad questions that confront us, it is useful to recall the high ideals that guided both Presidents, Juarez and Lincoln. It would be my hope that all who see the portrait of Benito Juarez, displayed in a place of honor in the Hispanic Society Room of the Library of Congress, will be reminded of this legacy.

Mr. President, I ask unanimous consent that the remarks of the Ambassador of Mexico, the Librarian of Congress, and my own at the unveiling of the portrait of Benito Juarez be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of His Excellency, Jose Juan de Olloqui, Ambassador of Mexico, October 4, 1972

One of the most impressive ceremonies of the one year long celebrations for the centenary of President Juárez's death took place on the 18th of July at the explande facing the National Palace in Mexico City where thousands of Mexicans from every corner of the country, assembled to pay homage to Benito Juárez the most illustrious patriot and statesman of the fatherland, a civil hero that fought against injustice and adversity in the most difficult times of our history, a champion of legality and fortitude, a universal man, the architect of Modern Mexico.

On that unforgettable occasion Presidente Echeverria said that "it is through history that Mexico receives her spiritual vigour" and that "a people without memory is not a nation but an easily vulnerable and shapeless conglomerate".

Today, inspired by the same spirit of remembrance, we are assembled in this noble House to honor the memory of Benito Juárez by presenting his portrait, on behalf of the President of Mexico, to the Congress of the United States of America.

No better place could have been chosen to lodge the effigy of the Mexican patriot than the Library of Congress, a unique institution among the learned institutions of the world; custodian of the rarest collections of manuscripts; endowed with enormous bibliographical resources; curator of every form of expression conceived through intellect to enlarge man's exceptional destiny and leave trace of his knowledge and achievements; entrusted with documents of the highest historical importance such as the Congressional Records, the written political memory of this great nation.

Many references to the difficult task undertaken by Juárez for the liberation of his country may be also found in those Congressional Records from 1859 to 1867. Many times his name was heard at the debates of the Congress of the United States. Many enlightened friends like William Henry Seward who understood his cause, became his allies and it was through that understanding of his principles that during the French Intervention in Mexico President Lincoln recognized the legitimate Government represented by Juárez and this fact was perhaps a great deterrent for other nations to join Napoleon in his ambitious and illegitimate adventure.

Although Juárez never visited Washington, his wife, who lived in New York while he was traveling with his Government from town to town, came to this capital and was received at the White House by President Johnson with all the honors due to the wife of a Foreign Head of State. In her letters to Juárez she spoke highly about the warm hospitality that was offered to her both by the officials of the American Government and by the private citizens who admired her illustrious husband. For these and other reasons I consider most propitious to honor the memory of Benito Juárez by presenting this portrait to the Congress of the nation that produced a man of great political stature, a lover of freedom, an incorruptible statesman, a man who, like Juárez, took upon his shoulders the glorious task of reunifying his divided country: Abraham Lincoln.

Juárez, like Lincoln, was fully conscious of the legitimacy of his cause as we can read in a letter to Maximilian which reflects with great wisdom the spirit of historical justice: "It is given to men, Sir, to attack the rights of others, to take their property, to attempt the lives of those who defend their liberty, and to make of their virtues a crime and of their own vices a virtue; but there is one thing which is beyond the reach of perversity and that is the tremendous verdict of history. History will judge us."

Remarks of L. Quincy Mumford, Librarian of Congress, October 4, 1972

Your excellency, Senator Mansfield, Congressman De La Garza, Mr. Alberti, and friends. It is with deep appreciation and gratitude that I accept as a gift to the Library of Congress by the Government of Mexico this portrait of one of the greatest leaders of Mexico, Benito Juárez. This portrait, which will hang quite appropriately in the Hispanic Society Room, will give evidence of the many years of cooperation the United States Government and the Library of Congress, in particular, has had with the Mexican Government.

The Library of Congress takes particular pride in its collection of Mexican materials and feels honored that its Latin American, Spanish, and Portuguese Division has, in the United States, become a center of learning for Hispanic culture.

Your excellency, I wish to convey, through you, our warm regards to President Echeverria for this generous gift. Thank you.

Remarks of Senator Mike Mansfield, Majority Leader, U.S. Senate

It gives me great personal pleasure to be here today to witness the presentation of this very fine portrait of Benito Juarez to the Library of Congress. The gift is an evidence of the warm relations the Government of the United States has with the Government of Mexico. It is especially timely in that 1972 marks the 100th anniversary of the death of President Juarez. I know of no more appropriate gesture of friendship which could have been made by the Mexican nation to the United States than to offer a portrait of Benito Juarez.

Benito Juarez was more than one of Mexico's outstanding patriots. He was more than the father of the great Mexican Reform. The name, Benito Juarez, is inscribed on the select list of the world's most distinguished champions of liberty. At a time when all governments confront vexing social problems, it is good to reflect on those individuals who have held to a relentless insistence on the freedom of the spirit in the search for solutions to the human condition.

I am delighted that the portrait of this great Mexican leader will hang in the Library of Congress. Here in the storehouse of human experience—itself a monument to freedom—Juarez finds an appropriate setting. His presence here will be a reminder to us in the Congress of the United States of a colleague who gave of himself with whole heart to strengthen the foundations of liberty, justice, dignity and equality in his beloved country and, in so doing, contributed to the furtherance of those ideals throughout the world.

MISSOURI FARMER SUFFERS FROM SECRECY IN GRAIN DEAL

Mr. SYMINGTON. Mr. President, revelations in the press have given the American public every reason to ask the Nixon administration for a full investigation and disclosure of the still hidden aspects of the Soviet grain deal.

We would hope that the FBI and GAO studies of this case would be concluded in sufficient time for the voting public to properly evaluate what has now become a legitimate issue in the presidential campaign.

A story in the October 2, 1972, St. Louis Post-Dispatch lifts the real heart of this grain deal out of the world of international grain trading and brings it home in terms of its impact on one Missouri wheat farmer.

According to the article, written by Dana Spitzer, of the Post-Dispatch staff, Jay Rice, a west central Missouri farmer, sold the last of this year's harvest July 7 for an average price of about $1.31 a bushel.

The article states that Rice believes he could have saved his farm if he had known that the United States was going to sell wheat to the Soviet Union; but he did not know.

Rice sold on July 7. On July 8, as the article notes, the Department of Agriculture announced that the United States would sell 400 million bushels—12 million tons—of wheat to the Soviet Union for $750 million.

But it would appear that Continental Grain Co., one of the major exporters, did know at least 2 days before Mr. Rice sold his wheat, because former Assistant Secretary of Agriculture Clarence Palmby, now a vice president with Continental, testified before a House subcommittee that his firm concluded a sale of 4 million tons of wheat July 5 with representatives of the Soviet Union—2 days before Mr. Rice sold his.

This was the third year that Jay Rice did not receive what he had hoped for from the sale of his crops—the last 2 years he lost corn crops from intense heat and then blight.

As a result, he said that the insurance company which holds the mortgage on his farm will foreclose on October 6.

Rice is quoted as saying:

> The price would have gone up if they had put the information out. Hell, even if they had just said it was possible, the price would have gone up. But as it was, it even went down for a while there in late June. I didn't know but it was going to drop to a dollar a bushel, so I sold for the best I thought I was going to get.

The article goes on to say:

> Rice is typical of thousands of farmers in Texas, Oklahoma, and Kansas and Missouri

who planted their wheat in the autumn and harvested it in May and June. Most of them sold their wheat before the Russian wheat deal was announced.

Mr. President, two great clouds of doubt still hover over the nature of the Soviet grain deal and the method in which it was handled and then announced to the public.

The last minute shuffling of personnel between the Department of Agriculture and private firms which are selling the wheat, when combined with the close sequence of events between private negotiations and public disclosure of the sale, raises grave questions regarding possible conflicts of interest if large profits were obtained with the benefit of inside information.

More important, however, is the responsibility of the Department of Agriculture to the American farmer. This is the department which said it was going to be the farmer's representative in Washington. Yet, the Secretary was quite determined to see that export firms were dealt with fairly and that they received every chance to secure a profit from this sale.

At the same time, the Secretary seems quite satisfied with letting farmers wait until next year to receive any benefit from increased wheat prices. But next year may be too late again—for if history teaches us any lesson, it is that the loss which farmers suffered this year is bound to be compounded further when the Department figures next year's subsidies.

I ask unanimous consent that the article from the St. Louis Post-Dispatch of October 2, entitled, "Wheat Deal Is Too Late To Save Missourian's Farm," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHEAT DEAL IS TOO LATE TO SAVE MISSOURIAN'S FARM

(By Dana L. Spitzer)

GREEN RIDGE, MO., October 2.—A little brick house sits alone against the gray autumn sky just west of this tiny farming community in west central Missouri. Inside, Jay Rice hunches over the kitchen table sipping coffee and talking about how things might have been if only he had known about the Russian wheat deal.

Rice figures he could have saved his farm if he had known that the United States was going to sell wheat to the Soviet Union. But he didn't.

He sold the last of this year's harvest July 7, for an average price of about $1.31 a bushel.

On July 8, the Department of Agriculture announced that the United States would sell 400,000,000 bushels of wheat to the Soviet Union for $750,000,000.

The immense new market made the price of wheat skyrocket. Last week, wheat was selling for nearly $2 a bushel in Kansas City.

If Rice had received that price, or something close to it, he said, he wouldn't have to move off his place by Oct. 6. That is when agents of the Prudential Life Insurance Company in Kansas City, which holds the mortgage, will foreclose.

"Damn it," he said, "if only I'd known. It would have been enough to pull me over the hump."

He is bitter that the Government did not indicate earlier that such a big sale was imminent.

"The price would have gone up if they had put the information out," Rice said. "Hell, even if they had just said it was possible, the price would have gone up. But as it was, it even went down for a while there in late June. I didn't know but it was going to drop to a dollar a bushel, so I sold for the best I thought I was going to get. But it wasn't enough."

Rice is typical of thousands of farmers in Texas, Oklahoma, Kansas and Missouri who planted their wheat in the autumn and harvested it in May and June. Most of them sold their wheat before the Russians wheat deal was announced.

They received thousands of dollars less than they would have if they had kept their wheat off the market until the price went up.

Their losses have become a major issue in the presidential campaign.

Senator George McGovern, the Democratic presidential nominee, and other Democrats have charged that the Nixon Administration secretly tipped off grain exporting firms about the sale but withheld the information from farmers.

These firms were able to buy wheat from farmers for at least 30 cents a bushel less than they received in payment from the Russians, the Democrats charge.

However, Rice pays little attention to all the political haggling.

He noticed the other day that the House Agriculture Committee had approved a bill to compensate wheat farmers who had sold their grain before news of the sale pushed prices up, but he figures it is too late to help him.

"I'm not much for politics," he said. "I've voted both sides, but it seems to do no good. We'd all be better off to leave politics alone and go back to the Bible. 'Do unto others as you would have them do unto you.'"

Except, he recalls, the friends and relatives he has helped through the years turned him down when he asked for their help during his recent trouble.

Rice is a short, husky bald man with a raspy laugh. He stays remarkably jovial, despite his disaster.

"Ain't anything you can do about it," he said. "I guess it's the law. You just gotta go on."

Rice says he has been farming ever since he left school. He never liked school. After eight years in a classroom, he figures, he got only four years' education. He says he doesn't read or write much, but he can figure pretty well.

Until this year, he always managed to balance the accounts and make enough right decisions to keep his $100,000 farming enterprise afloat—mostly, he says, by hard work and common sense.

But growing grain can be riskier than shooting dice. Someone once figured that no fewer than 67 elements—from weather to buying spray—must mesh to produce a good harvest.

"The whole damn thing is a gamble," Rice says. This year, his third bad year in a row, his luck ran out.

It was 1946 when Rice and his wife, Marjorie, came to the place they now are being forced to abandon. It was a step up after farming a smaller place on Muddy Creek, a few miles away.

He watched for his chances and took them when they came, expanding his farm to 800 acres from 80. The barn and other buildings he built by himself.

A few years ago he dredged a pond in one of his fields and stocked it with catfish and bass. Other farmers have done the same and charged persons from town to fish. But Rice never did.

"Fishin' should be free," he said.

The couple reared six children—and one of their big disappointments is that the mess they are in runs contrary to everything they ever taught their youngsters.

"I tried to raise 'em right," Rice said. "Always told 'em to work hard and be honest and things would work out. The Lord will take care of you. But I don't know about this—the goddamn Government. It don't make no sense. I can't get no money for my wheat, but they're giving the Russians money to buy the wheat."

Two older daughters, Evelyn and Nora Lou, are married.

The younger ones, Jenelle, 17, and Jane 16, still are at home.

Their boys, Marvin, 23, and Melvin, 19, live on the farm and have moved into the operation, as Rice had planned ever since he first sat them on a tractor, when they were 8 years old.

There were many lean years—made more lean by the cost of the new land they were buying. Mrs. Rice helped by selling cosmetics to bring in extra money.

But the good year they had was four years ago, when their crops brought $100,000. After $75,000 in expenses, Rice figured it was a good year.

Two years ago, though, the summer heat seared his corn crop. Last year was another failure when blight struck his corn. Each year his debt mounted.

In an attempt this year to recover his losses, he put his entire 800 acres into wheat. He was counting on a yield of 40,000 to 50,000 bushels and spent his last $18,000 to plant last fall.

In January, when his annual mortgage payment was due, Prudential agreed to defer it until July, after his harvest. In the past, he had paid on time, he said.

Likewise, he had always met his annual payments on $100,000 of machinery he purchased four years ago. He had $20,000 left to pay on the machinery. It was to be paid at intervals this year and next.

But when his wheat didn't bring what he had expected, his machinery was hauled away in August by the implement dealer from Kansas City.

Last spring, to meet part of the machinery payment and other costs, he obtained a short-term loan from a bank in Lincoln for $16,000, to be repaid from his wheat crop, which he figured would yield at least $50,000. But this year's drouth cut his yield to 24,000 bushels, which brought him $31,000.

It was not enough to meet his obligations. After covering various smaller debts, he came up $7,000 short on his mortgage payment of $18,000, due July 15, and $5,000 due on his machinery.

If Rice had known of the sale to Russia and had waited until the price went to, say $1.80 a bushel, he would have made more than $40,000. If he had waited until it went to more than $1.90 a bushel, where it has been for several days now, he could have earned about what he had counted on, despite the lower yield.

Rice points out that only a small part of his crop was in the government subsidy program.

And he notes that although a $100,000 annual enterprise might sound like a lot to persons on salaries, he has broken even only five of the last 10 years. His profitable years have gone to make up for the others.

His house was worth $13,000 when he built it in 1962, and he says it is worth $20,000 today.

Rice is especially bitter about the federal offices to which he has gone for help and been turned down.

He has been ignored by the Farmers Home Administration, the Production Credit Association and the Federal Land Bank, all of which are supposed to have programs to help farmers in emergencies like his, he said.

He has written to President Richard M. Nixon and received several letters from the Department of Agriculture in reply. Each begins: "President Nixon has asked us to reply to your recent letter with respect to your need for financial assistance."

James V. Smith, administrator of the Farmers Home Administration in Washington, has told Rice that the FHA has an emergency loan program for farmers, regardless of their size of their operations.

But Rice says the FHA office in Sedalia has turned down his request for assistance on the ground that his farm is too big.

Also, he says, his credit rating has gone down, even though until this year he has made his payments on time since his first loan in 1936.

"Since 1936, I've paid back over $2,000,000 in credit. Since 1945, I've paid back over $300,000 for machinery. Now they tell me my credit is no good. It just don't make sense. If I was of a mind to, I'd think somebody was out to get me."

Rice's friend Berney Ferguson, an insurance man in Windsor, is critical of the federal agencies. He says they have hidden behind red tape instead of trying to help.

"In a small area lke this, there is no damn reason why the land bank or the credit association or FHA could not have got together with a local bank and worked something out to help him," Ferguson said.

Meanwhile, despite the Oct. 6 deadline and only a few thousand dollars left to live on, Rice and his wife face the uncertain future with very little gloom.

"Where there's a will, there's a way," Mrs. Rice said. "We don't know where we'll end up, but I guess we'll figure something.

And Rice, who, at 51, had been looking forward to letting his sons take on most of the farming, is talking about getting started again.

The one piece of machinery he has left is a corn drier. He hopes to sell it for enough for a down payment on a tractor, plow and combine. If he can do that, he says he can farm rented land and contract to other farmers.

"Oh, I'll keep working," he said. "Hell, I ain't never done nothing but work—ever since I was a kid shocking bales for $2 a day. I never learned much from school, but I learned how to farm. I'll keep on farming somehow."

ANNOUNCEMENT OF POSITIONS ON VOTES

Mr. GAMBRELL. Mr. President, during my campaign for the Senate this year, I adopted the policy of announcing my position on each of the votes that I missed because of absence from Washington.

I missed a number of votes during 1971 on which I should like to announce my position at this time so that my position on every vote which occurred during my tenure in the Senate will be public information.

I ask unanimous consent that a list of my positions on each of the rollcall votes that I have missed be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

No. 6, March 1, 1971—Committee on Labor and Public Welfare—Funds for inquiries and investigations: Ellender amendments; Nay.

No. 7, March 1, 1971—Select Committee on Nutrition and Human Needs—Extension and Funding: Senate adoption of the resolution; Yea.

No. 19, March 16, 1971—Joint Committee on the Environment: Metcalf amendment; Yea.

No. 33, April 19, 1971—Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America: Senate adoption of the resolution; Yea.

No. 34, April 20, 1971—Emergency School Aid and Quality Integrated Education Act of 1971: Dominick motion to table the Ribicoff amendment; Nay.

No. 46, May 3, 1971—Wage and Price Controls and Ceilings on Deposit Interest Rates—Extension of Authority: Packwood modified amendment; Nay.

No. 85, June 17, 1971—Military Selective Service—Military Pay: Kennedy, et al, amendment; Yea.

No. 171, August 4, 1971—Federal Election Campaign Act: Pastore motion to table the modified Hartke-Stevenson-Humphrey amendment; Yea.

No. 176, August 5, 1971—Federal Election Campaign Act: Pastore motion to table the Packwood amendment, Yea.

No. 177, August 5, 1971—Federal Election Campaign Act: Cannon motion to table Packwood amendment, Yea.

No. 178, August 5, 1971—Federal Election Campaign Act: Pastore motion to table the Packwood amendment, Yea.

No. 179, August 5, 1971—Federal Election Campaign Act: Pastore motion to table the Packwood amendment, Yea.

No. 190, August 6, 1971—Education Amendments of 1971, Fulbright amendment, Yea.

No. 235, October 12, 1971—District of Columbia—Home Rule: Senate Passage of the Bill, Yea.

No. 250, October 29, 1971—Foreign Aid Authorization: Allen, et al, amendment, Yea.

No. 251, October 29, 1971—Foreign Aid Authorization: Modified Gravel perfecting amendment, Nay.

No. 252, October 29, 1971—Foreign Aid Authorization: Modified Symington amendment, Yea.

No. 253, October 29, 1971—Foreign Aid Authorization: Church-Allott modified amendment, Yea.

No. 254, October 29, 1971—Foreign Aid Authorization: Dominick, et al, amendment, Nay.

No. 255, October 29, 1971—Foreign Aid Authorization: Church amendment, Yea.

No. 372, November 29, 1971—Economic Stabilization Act Amendments: McGee-Fong amendment, Yea.

No. 382, November 30, 1971—Economic Stabilization Act Amendments: Modified Cranston, et al, amendment, Nay.

No. 383, November 30, 1971—Economic Stabilization Act Amendments: Ervin motion to table the Tower motion to reconsider, Nay.

No. 387, November 30, 1971—Economic Stabilization Act Amendments: Proxmire-Harris amendment, Yea.

No. 388, December 1, 1971—Economic Stabilization Act Amendments: Proxmire amendment, Nay.

No. 389, December 1, 1971—Economic Stabilization Act Amendments: Modified Javits, et al, amendment, Yea.

No. 390, December 1, 1971—Economic Stabilization Act Amendments: Proxmire-Harris-Stevenson amendment, Nay.

No. 391, December 1, 1971—Economic Stabilization Act Amendments: Proxmire-Harris-Stevenson amendment, Nay.

No. 392, December 1, 1971—Economic Stabilization Act Amendments: Proxmire-Harris-Stevenson amendment, Nay.

No. 393, December 1, 1971—Economic Stabilization Act Amendments: Packwood-Buckley-Weicker amendment, Nay.

No. 394, December 1, 1971—Economic Stabilization Act Amendments: Buckley amendment to the Cranston Act, et al amendment, Nay.

No. 395, December 1, 1971—Economic Stabilization Act Amendments: Cranston, et al., amendment; Nay.

No. 398, December 2, 1971—Drug Abuse Office and Treatment Act: Senate passage of the bill establishing Special Action Office; Yea.

No. 399, December 2, 1971—Economic Opportunity Amendments: Senate adoption of the conference report; Yea.

No. 400, December 2, 1971—Wholesome Fish and Fishery Products: Cotton amendment; Yea.

No. 401, December 2, 1971—Wholesome Fish and Fishery Products: Senate passage of the bill; Yea.

No. 402, December 3, 1971—District of Columbia Appropriations, 1972: Senate passage of the bill; Yea.

No. 403, December 3, 1971—Supplemental Appropriations, 1972: Weicker amendment; Yea.

No. 404, December 3, 1971—Supplemental Appropriations, 1972; Kennedy, et al., amendment; Yea.

No. 405, December 3, 1971—Supplemental Appropriations, 1972; Percy motion to suspend Rule XVI; Yea.

No. 406, December 3, 1971—Supplemental Appropriations, 1972: Modified Javits, et al., amendments; Nay.

No. 407, December 3, 1971—Supplemental Appropriations, 1972: Senate passage of the bill; Yea.

No. 409, December 7, 1971—Public Health Service Hospitals and Outpatient Clinics: Senate adoption of the conference report, Yea.

No. 410, December 8, 1971—Sickle Cell Anemia: Senate passage of the bill, Yea.

No. 419, December 11, 1971—Nice Agreement, as revised, concerning the international classification of goods and services to which trademarks are applied: Senate adoption, Yea.

No. 420, December 11, 1971—Locarno Agreement establishing an international classification for industrial designs: Senate adoption of the resolution, Yea.

No. 421, December 11, 1971—Protocol to Amend International Civil Aviation Convention: Senate adoption of the resolution, Yea.

No. 423, December 17, 1971—Continuing Appropriations, 1972: Senate passage, Nay.

PROTECTION OF CONFIDENTIAL INFORMATION PROCURED FOR PUBLICATION OR BROADCAST

Mr. CRANSTON. Mr. President, today I testified before a House Judiciary subcommittee on behalf of H.R. 15972. This is a companion bill to S. 3786, which I introduced last June in the Senate. I ask unanimous consent that my testimony be printed in the RECORD so that it can be made a matter of record in the Senate as well as in the House.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY BY SENATOR ALAN CRANSTON BEFORE SUBCOMMITTEEE No. 3 OF THE HOUSE JUDICIARY COMITTEE, OCTOBER 4, 1972

I am pleased to testify today on behalf of H.R. 15972, a bill that would protect any confidential information or the source of any confidential information procured for publication or broadcast.

It is the companion bill of S. 3786, which I introduced in the Senate June 30 to fill the void created by the Supreme Court ruling the day before that the press does not inherently possess a confidentiality privilege as part of its First Amendment rights. The Court left it to the Congress to provide the press with such protection if it so desires.

My bill consists of a single sentence. It declares that: "A person connected with or employed by the news media or press cannot be required by a court, a legislature, or any administrative body to disclose before the Congress or any federal court or agency any information or the source of any information procured for publication or broadcast." (The wording "news media or press" was chosen so as to include book publishers.)

Eighteen states—Alabama, Alaska, Arizona, Arkansas, California, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Montana, Nevada, New Jersey, New Mexico, New York, Ohio and Pennsylvania—already have various press confidentiality laws. Twenty-eight federal bills have been introduced in Congress.

But, except for my bill and Congressman Waldie's, each one of these bills and every one of the state laws limit to some degree the confidentiality privilege and open the door to loopholes which, in my judgment, could lead to governmental abuse and repressive restrictions on press freedoms.

As a former correspondent for International New Service, I feel strongly that the news media and the press need and should have maximum legal protection (which our bill would provide) to meet their responsibilities in a free and open society. The First Amendment is not a piece of special interest legislation for the news and publishing industries; it is a governmental guarantee to a free people without which they could not remain free for long. The working press of our nation must be able to protect its sources of information if it is to continue to expose corruption and lawlessness in high places, in and out of government.

Intelligent self-government requires a vigorous, robust press, a fiercely independent, unintimidated news media to probe, to investigate, to question and to criticize, to shed daylight of public exposure on every shaded or shady area of public life.

Essential to that kind of press is access to "inside" information. As a wire service correspondent in Hitler's Germany, and in Mussolini's Italy, I learned early the value of confidential news sources. When I was assigned to the Rome bureau of International News Service, for example, I filed a number of stories about the inner workings of the fascist government from 1936 to 1938 which I never would have been able to get had I not been able to assure my informants that I would hold their identify in absolute confidence. Many of my sources were in danger of losing their jobs and their freedom—if not their lives—by passing on information and they were not about to confide in me unless I could promise total confidentiality. And keep my promise.

For a society to be truly free it must have a press that is truly free. One of the fundamental services that a free press renders to a free people is to watchdog the various levels of government, the officialdom and the bureaucracy who handle the people's money and who wield awesome powers over people's lives and freedoms.

When public or private power is abused it is often abused secretly. And as a police department often must depend on a "tip" to solve a crime, so an investigative reporter often must depend on a knowledgeable, inside informant to discover abuses of power and to bring them to public attention.

But as Timothy Leland, Pulitzer Prize winning assistant editor of the Boston Globe wrote me,

"Reporters, unlike law enforcement agencies, are not able to subpena public records, which makes the job of exposing public corruption and malfeasance infinitely more difficult. Confidential sources are the most important tool in a reporter's workshop. To jeopardize this advantage is to handcuff the news media in one of its most important functions."

Informants, who fear for their jobs—and sometimes their lives—will not divulge incriminating information unless their anonymity is assured. And unless a reporter can guarantee a news source that his identity will be kept confidential—and unless the reporter is able to fulfill his promise of confidentiality—many of our most important news stories would never be written. That inescapable fact is documented by the replies I have received from a number of Pulitzer Prize winning investigative reporters whom I surveyed for their views on the importance of confidentiality.

Let me read you just two of them:

Al Delugach, who is now with the Los Angeles Times, won the Pulitzer prize in 1969 when he wrote a series of articles for the St. Louis Globe Democrat exposing fraud and corruption in the St. Louis Steamfitters Union. Here is what he wrote to me about the importance of confidentiality:

"I cannot over-emphasize the importance to me, in 21 years as a newspaper reporter, to have confidential sources. Almost any important story involves such sources. Even though it may be that none of the information from such sources is used directly in a story, invaluable leads and background information usually are obtained. The confidential source is usually someone in a rare position to know something significant (from the public standpoint) that is going on inside a government agency or organization.

"Almost by definition, a confidential source is one who does not desire to have—and often cannot afford the risk of having—his identity become known to his superiors or associates. Whether he is acting from altruistic or selfish motives, the source usually reveals information only with a guarantee of anonymity. Without it, the source cannot be a source. Ofter there is no substitute for a confidential source. In his absence, valuable information is lost to the public, and it may not be possible to have a story at all. . . .

"I feel that some of the very best sources of newsmen would dry up if a guarantee of protection could not be given—and made credible. If it became common to force newsmen to disclose sources, I believe there would be widespread fear of disclosing important facts to newsmen by persons in the circumstances I have described.

"I think investigative coverage of many vital areas of public information will suffer grievous shrinkage unless legal protection is forthcoming to counteract the recent Supreme Court decision. . . . "

William Jones of the Chicago Tribune won the Pulitzer Prize for investigative reporting in 1971 for exposing collusion between police and some of Chicago's largest private ambulance companies to restrict services in low-income areas.

Here is what he wrote to me:

"I cannot stress strongly enough the importance of confidential sources to investigative reporters. Without them we would be hamstrung to the point where many investigations would never get off the ground. I think it should also be stressed that the term 'confidential source' as it is used in investigative reporting is not a synonym for the kinds of characters portrayed in dime spy novels.

"It has been my experience that most confidential sources are people who see something wrong or corrupt in the public or private agency where they work and merely want the problem corrected. It is usually their first time in dealing with such a situation and they arrive at the door of the investigative reporter only after exhausting every effort within their own agency to bring about changes. They are people with kids and mortgages and pride in the job they do, not plotters and spies seeking to topple governments or agencies.

"Anonymity is essential. It is frequently the first question asked by a potential confidential source in the first telephone conversation. If you can't guarantee it you will probably never hear from the source again. There are a number of reasons for this and from personal experience I could recite examples that range from murder threats to firing and professional blacklisting. I might add that all too often when an agency is hit with a scandal that appears to be the result of confidential sources they frequently devote more time to trying to find the source than correcting the abuses."

What kinds of stories do investigative reporters write? What are the results of these stories? Who benefits?

KNX Radio in Los Angeles, explaining that both their news and editorial departments rely on confidential sources, lists some recent editorials which, they say, would not have happened without a confidential tip to start with. These editorials included:

An illegal appointment to the City Planning Commission.

An alleged financial flimflam behind the Los Angeles Convention Center.

The details of the land swap that suggested a secret deal between city hall and an oil company.

The unfair and illegal destruction of a park.

The exploitation of a tribe of Indians by some judges, lawyers and a major bank.

The parking ticket mess that jails innocent people in Los Angeles.

The beating up of a student editor by the UCLA student body president.

The threats made against police officers by a group of professors.

The attempt by an Assemblyman to create a new Assembly district for one of his friends.

In its first full year of operation, the Boston Globe's four-man investigative team published reports that resulted, among other things, in:

"119 indictments against 27 people, including three former city mayors and a city auditor;

"Passage of legislation requiring the State Turnpike Authority to put all projects out for competitive bidding;

"A probe of scandalous land speculation in another Massachusetts city by the District Attorney's office."

"None of these investigative reports—and the beneficial results that ensued—would have been accomplished without help from confidential sources," according to Editor Leland.

Newsday conducted a three-year investigation and expose of secret land deals in eastern Long Island which led to a series of criminal convictions, discharges and resignations among public and political office holders in the area.

The recent CBS Special, "The Mexican Connection," revealed narcotics smuggling practices which enabled the government to more effectively curtail those practices.

Two reporters and a photographer for the Philadelphia Bulletin exposed collusion between police and numbers racket operators.

David Burnham, of the New York Times, exposed widespread police corruption in that city and initiated the present department-wide cleansing of criminal influences.

It was newspaper stories that produced the clues that led to arrests in the Yablonski murder case.

The Riverside California Press Enterprise won the Pulitzer Prize a few years ago when it exposed corruption in the courts in connection with the handling of property and estates of a local Indian tribe.

And here is a five-year record of revelations of widespread corruption in government by the Los Angeles Times, revelations which, in the editors' own words, "depended heavily on the trust placed in Times reporters by hundreds of news sources":

"In 1967, an investigation of a proposed World Trade Center on Terminal Island led to a grand jury inquiry and the indictment of four commissioners.

"In 1968, an investigation of the Recreation and Parks Commission resulted in the indictment and conviction of a commissioner.

"In 1968, an investigation of the Rapid Transit District led to the indictment of two men who had arranged the sale of surplus equipment at a cutrate price.

"In 1969, an investigation disclosed that a Los Angeles city planning commissioner and the city planning director had joined a group of developers and had bought land for speculative purposes on the site of a proposed airport at Palmdale.

"In 1969, an investigation disclosed irregularities in the Beverly Ridge Estates development financed by Teamster Union pension funds in the Santa Monica Mountains.

"In 1971, an investigation disclosed waste and mismanagement in the development of the Queen Mary as a maritime museum.

"And last June, an investigation disclosed speculative land investments based on inside information by Anaheim's city manager and public works director who played key roles in planning public works that boosted the value of their property."

What would happen to investigative reporting, what would happen to advances toward truth and probity in public life which result from fearless investigative reporting, if newsmen could not guarantee confidentiality to their news sources?

Scores of Newspapers, radio and television stations have sent me copies of editorials they have written or broadcast in support of my bill—from the Daily Star in Tuscon, Arizona, to the Evansville Courier in Indiana, from the Lewiston Daily News in Montana to the Long Island Free Press in New York. Without exception, every one of them expresses in its own words the emphatic opinion of the Vicksburg, Mississippi Post: "If the media is required to divulge the source of information sought out, and received through confidential sources, it follows this type of information would not be forth-coming."

What that would do, warns the Contra Costa Times in California, "is literally dry up our news sources and make it all but impossible to keep the public informed about the actions of the instruments the people themselves have created—government".

And the Norristown, Pennsylvania Times Herald notes that "If the courts and the Congress are allowed to subpoena at will the notes of a journalist, it will be the end of the free press and, in the end, it will be the public who will suffer most".

Just yesterday, a contempt of court jail term was upheld for a reporter for the now defunct Newark Evening News which had published a story about a Newark Housing Authority commissioner who admitted having been offered a bribe.

As Members of Congress, we must ask ourselves a few obvious questions about such a state of affairs:

Under present circumstances, could we blame reporters and editors of other newspapers if they shy away from publishing such stories in the future?

And when that happens, who will benefit? Who, that is, besides people who offer bribes to public officials and public officials who accept bribes?

Is this really what we want to happen?

Most of us would agree, I believe, that some degree of protection must be afforded confidential news sources lest they fear to make their information known to the public through the public press. Yet the critical question remains: How much protection? Should the legal protection be total and absolute? Or should it be limited in some way? Should a confidential news source under certain circumstances be compelled to testify under penalty of law? And should a reporter under certain circumstances be compelled to identify that confidential news source?

It is easy to answer "Yes" to those questions. It is tempting to agree that a newsman should be compelled to identify an informant and the informant made to testify when his information, for example, might help solve a murder or prevent a threat to human life or frustrate an espionage plot.

But I strongly believe that the answer must be "No"—no exception, no limit, no qualification should be placed on a total and absolute privilege of press confidentiality.

I hold that opinion for two very practical reasons.

First, I believe an absolute press privilege would do more for the cause of law and order and justice than would any limitation of that privilege. And second, I cannot see how it is possible to limit press protection without in the final analysis denying the press any protection whatever; I hold that the most eminently practical words on this subject were spoken by Justice William O. Douglas when he warned that "sooner or later any test which provides less than blanket protection . . . will be twisted and relaxed so as to provide virtually no protection at all".

Let me explain my position.

First on the matter of crime detection and prevention: Once you make an exception, say an exception for murder, then it is highly improbable that any informant having information about a murder will talk to a newsman—or to anyone else—if that informant wants to remain anonymous.

But if the protection of anonymity is absolute, then people who have confidential information about a murder will continue to come forward and will continue to provide useful information leading to the prosecution and conviction of murderers.

The same applies to espionage. The same applies to other suggested exceptions that would deny protection to persons with knowledge of other crimes.

As William F. Thomas, editor of the Los Angeles Times, wrote to me:

"If legal protection of confidentiality is absent, there most certainly will be less investigative coverage in sensitive areas. What source, fearing for his own safety or job security or whatever, would believe a reporter who promised him confidentiality when he knows the reporter could go to jail for keeping that promise? . . . Without the guarantee of anonymity, these sources would without question withhold necessary information."

We already recognize the absoluteness of other confidentiality privileges. We have an absolute lawyer-client privilege; an absolute priest-penitent privilege; an absolute husband-wife privilege. Nobody talks about making an exception for murder in the lawyer-client privilege; nobody talks about making an exception for espionage in the priest-penitent privilege.

Why should some people believe there must be such exceptions in the case of a privilege for the press—which is really privilege for the people, all the people?

As to my second point, protection shot full of loopholes is no protection at all. As Harvard Law Professor Paul Freund put it: "It is impossible to write a qualified newsman's privilege. Any qualification creates loopholes which will destroy the privilege." And as the experience of Texas newsmen under a qualified press protection state law has demonstrated—to quote Editor Robert W. House of the Gonzales Inquirer—"loopholes . . . only make mockery of the real intent" of the law.

Let's take a look at what happens when we try to qualify the confidentiality privilege, even when we try to make that exception as legitimate and as limited as possible.

A pending Senate bill would deny the protection in cases where there is "a threat to human life". The intent would seem to be clear and is certainly honorable.

But, what constitutes a threat to human life?

Is bad meat sold to the public a threat to human life? I would say that it is.

But listen to this. Last July, William Avery, news director of KYTV, Channel 3, in Springfield, Missouri, wrote to tell me about substandard meat processing plants in the state which the station's reporters had learned about through confidential sources. The station broadcast the story.

If the "threat to human life" exception applied in this case, as well it might, then the station's newsmen would be compelled to identify the source of their story. With that precedent, would anyone else in the future dare tell a newsman about unwholesome conditions in a food processing plant?

Thus an exception probably meant to apply to cases where killings may be involved could easily spill over to cover instances of bad food which might cause illness or death. Similarly, this in turn could extend to product safety of any kind: automobiles, flammable clothes, or unsafe power tools used in the home.

Thus a worker in a factory would dare not reveal to a newsman that the power saws his plant produces are defective for fear of his identity being revealed.

"A principal virtue" of my bill, to cite an editorial in the Hutchinson (Kansas) News "is that it has no loopholes and no place to squirm around the intent of the law".

"This effort," the Hutchinson editorial continued in explaining my bill, "is not necessarily a 'press' bill, so much as it is a public bill".

A bill to protect the confidential sources of the news media is not merely in the interest of the news media, it is in the public interest.

When one newspaper began its editorial in favor of a confidentiality bill by stating that "It is always a little awkward to argue one's own case," I believe they totally missed the point.

My bill protects the public, not the press. It protects the public's right to know and the public's need to know. It protects the public's right to know about scandals in government and business. It protects the public's right to information which will lead to the conviction of criminals. It also protects the public's right to hear views and opinions which may displease those in authority.

For a press to meet its responsibilities in a free society, the Columbia Missourian declared, "it needs all possible freedom from governmental controls".

"The pluralism of ideas, the intensity with which they are expressed, the constant battle for minorities to be heard or survive and the respect for individual rights this country represents make such a freedom guarantee not only possible but mandatory."

"In a dynamic democracy like ours," the Missourian concluded—as shall I—"a press must be absolutely free from governmental controls to function in its ascribed role—there is no realistic compromise about that." My bill, the paper noted, "offers such absolute freedom and makes sure there is no compromise. It should be passed."

ENVIRONMENTALLY SOUND TEST CONTROL

Mr. MOSS. Mr. President, Rachal Carson in "Silent Spring" warned America about the fallacy of relying upon chemical pesticides in huge overdoses to control animal life that was determined to be detrimental to agriculture, forestry production, and other human uses of biological resources. The environmental awakening that has occurred in the past 2 to 3 years has made the entire country aware of many of the pitfalls involved in the heavy use of DDT and other such pesticides.

As we look for ways to turn off the overuse of chemical pesticides, it is useful to note that other means do exist that are not only preferable to heavy use of chemicals, but often are more effective.

The Sierra Club Bulletin of July–August 1972 carries two articles dealing with examples of biological control techniques. The first deals with Norman Appleton's work in the New Mexico forests many years ago. Had we learned from his earlier example, we might have avoided many of the disadvantages that have accompanied the burgeoning use of chemical toxins. The second article deals with the program of the California Highway Department during the 1960's.

Mr. President, I ask that these two articles, under the title of "Notes on the Path to Survival," be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

PATH TO SURVIVAL

(By Roger Olmsted)

It is ten years since Rachel Carson took on the American pesticide industry single-handed and showed us that careless assaults on the environment in the name of pest control must certainly lead to ecological disaster. The impact of Silent Spring is a classic example of the influence that one thoughtful and dedicated person can have on public sensitivity to complex and little understood problems that are really very close to us.

The battle begun by Miss Carson against indiscriminate use of persistent chemical toxins has been taken up by others with growing success. Yet while most of us have heard that DDT is on the way out, few have much knowledge of the obvious alternative to chemical pesticides—biological control. Biological control of native pests is not an entirely new concept, but work in a field that does not lend itself well to packaging, marketing, and advertising has not been well publicized and has often been as lonely as Miss Carson's efforts.

Development of effective biological control of native pests has been painfully slow—although in the last two or three years many applications of what would have seemed novel techniques a decade ago have proved successful. The big-time poison industry was born, grew to grotesque proportions, and now may be on the verge of dying of its own excesses in the thirty-year interval between two exciting biological control experiments that can give us special insight into the state of the art; the first an imaginative one-man campaign against a tent caterpillar infestation in the aspen forests of New Mexico during the 1930's; the second, a successful replacement of chemical sprays in control of the red-humped caterpillar by the *bête noire* of a generation of environmentalists, the California Division of Highways. These stories are told in the following pages.

PART 1: BLAZING A TRAIL IN NEW MEXICO

"The entire region was made unfit for recreation, fishing, riding, or hiking. Streams were clogged with the dead bodies, polluting drinking water supplies. The ugly, furry things dropped from the trees as one walked beneath. Trout streams were dammed up every ten or 20 feet with caterpillar bodies. A pervasive stench filled the air for miles."

This was the scene in the aspen forests around Santa Fe that confronted Norman Appleton at the height of a devastating tent caterpillar invasion in the 1930's. Appleton, trained as a biologist, but known to the Santa Fe community for his activity in art and music and for his Aspen Ranch School, decided to try to do something about the infestation which had defoliated some 1,200 square miles of the most scenic mountain areas of New Mexico, including his own beloved Aspen Ranch. The outcome of seven years of almost single-handed study and experimentation was then and still is today a novel and promising approach to the use of beneficial insects in the control of native pests.

In the last 25 years the quick answer to the problem would have been aerial spraying of pesticides, and this was also the initial idea of Norman Appleton. But he found the fish and game department opposed to potential poisoning of wildlife, and airplane pilots averse to navigating the mountain gorges where the aspen clustered thickest.

In desperation, Appleton went back to first principles—he started collecting and opening tent caterpillar cocoons. To his surprise, he found in a large number of cases tiny parasites feeding on the pupae. From his graduate studies at the University of Pennsylvania, Appleton was aware that almost no work had been done in the area of using native parasites to control native pests. Until then, the spectacular successes of biological control had been restricted to identifying and introducing *foreign* insect parasites or predators to control accidently introduced foreign pests who had arrived on a scene where they had no native enemies. The first really dramatic use of biological control in America was in such a case, when the Australian cottony-cushion scale, which was destroying the orange groves of Southern California, was suppressed in the years following 1888 by the introduction of the Australian vedalia beetle.

But if foreign pests could be controlled by insects from their native environment, why couldn't native predator or parasite populations also be manipulated to control native pests? Of course, nature would eventually provide the control insects, but often only after a substantial time lag (up to six years in the case of the Rocky Mountain tent caterpillar, Appleton concluded), during which time astonishing damage might be wrought. Appleton reasoned that outbreaks of tent caterpillars resulted from their being reintroduced to areas that had been free of them for some time, areas in which the population of their natural enemies would therefore also be low. If predators and parasites could be reared in the laboratory and introduced at the first sign of infestations in new areas, perhaps man could thus significantly cut down the time it would take natural forces to limit the pest.

In order to put this theory to any kind of test, Appleton first had to learn all he could about the tent caterpillar and the predator and parasite insects that attacked it. At the outset, he found scant entomological information about tent caterpillar species other than those of the Eastern states. The species that was eating up the aspen groves of New Mexico and Southern Colorado he found lived always above 6,500 feet, and for this reason he settled on the name "Rocky Mountain tent caterpillar." When he started his work, Appleton found only five species of parasites recorded for what appeared to be this caterpillar. During his study, however, he identified 28 kinds of insects that affected the life cycle of the Rocky Mountain tent caterpillar and was able to work out the life histories of many of them and use them in control operations.

For two years Appleton collected, observed, and classified entirely on his own initiative and without any outside support. This situation was soon to change, however, when the newly created state WPA office in Santa Fe invited him to put his artistic talents to work illustrating a study of beneficial hawks of New Mexico. One day, the state director, Gordon Herkenhoff, dropped into Appleton's office, where he saw drawings of tent caterpillars and of some of their wasp parasites. He became highly interested in Appleton's work and when some time later he was asked by a party of visiting officials what could be done about a devastated aspen forest they were driving through, Herkenhoff replied that he knew somebody who had a promising approach. The result was that Appleton soon found himself with a laboratory and dark room, a lab assistant, and labor to help in field projects—the means to collect and rear parasites and to attempt control operations in the field.

The natural control on the Rocky Mountain tent caterpillar begins in midsummer as soon as the female moth lays her eggs. Appleton found four kinds of minute wasp-like insects of the order Hymenoptera that deposit their eggs in those of the tent caterpillar. At various subsequent stages of its development the pest is subject to the attack of other Hymenoptera (four-winged insects characterized by bees, ants and wasps) or by Diptera (two-winged insects typified by flies, gnats, and mosquitoes). One of the most effective insect enemies of the Rocky Mountain tent caterpillar found by Appleton was a new species of solitary wasp (named *Podalonia occidentalis* from specimens supplied by him) which is akin to the digger wasps. This wasp attacks the full-grown caterpillar, stinging it into insensibility and transporting it to a burrow which she has prepared. She deposits a tiny white egg on the side of the caterpillar, then fills and conceals the hole in which she has buried it. Like the other parasites of the tent caterpillar, the wasp does not itself feed off caterpillars, but uses the paralysed host as a future food supply for her carnivorous young. The tiny maggot that hatches from the wasp's egg enters the body of the caterpillar and gradually consumes it. Another important parasite of the caterpillar studied by Appleton is the *Sarcophaga aldrichi*. These extremely beneficial Diptera attack the full-grown caterpillar and insert their maggots beneath the skin of the host, who usually lives long enough to spin its cocoon and transforms to the pupa before it succumbs.

If the tent caterpillar is not attacked by one of these parasites at this stage, there are others that assault it when it shuts itself up in its cocoon. Seven species of the ichneumon flies (wasp-like Hymenoptera) were observed to parasitize tent caterpillars cocoons in New Mexico. There are some 16,000 species of ichneumons, all of them parasites, and many of them prey on what we would consider pests.

In addition to the many parasites of the tent caterpillar, Appleton found three insect predators. Minute, colorless mites attack the baby caterpillars as they emerge from their egg shells. A large fly, popularly known as the "assassin" or "robber" fly, was seen frequently to attack half-grown larvae. Finally, a large ground beetle, *Calosoma calidum*, was observed to eat many caterpillars in a single day.

Disease also plays a large role in controlling many pest infestations, and Appleton observed a viral disease of the tent caterpillar that was destroying up to 25 percent of the population in some cases. He concluded that *Sarcophaga* flies might materially assist in spreading this disease, as both male and female flies were found crawling all over the pests and flitting from one caterpillar to another as they lapped up the exudations from the mouth and cuticle.

From the outset of the study Appleton had assumed that deliberate introduction of some of the most important parasites at the time an outbreak was first observed might avert a serious infestation. The opportunity to test this theory came soon after the identification of beneficial insects was in hand, and methods of collecting them had been established. On July 14, 1937, the Supervisor of Carson National Forest called from Taos to report a small but heavy infestation of tent caterpillars in some 50 acres of aspen just north of a division of the Santa Fe National Forest that had been heavily infested for some years. The challenge was to see whether or not timely introduction of parasites might not save the Taos forests from the scourge that had devastated the Santa Fe forest.

No digger wasps were found at the site

of the new infestation, and only two percent of the 500 caterpillar cocoons that were examined produced ichneumon parasites. However, 39 percent of the cocoons produced *Sarcophaga*, which, as the strongest flyers among the common parasites, had apparently been blown in by the unusually strong southeast wind of the preceding summer. Because the tent caterpillars would soon become moths, mate, and produce eggs, an estimated half-million *Tetrastichid* egg parasites were rushed in. These wasps had been gathered the winter before by the simple expedient of collecting tent caterpillar egg masses from an area where the incidence of *Tetrastichid* parasites was very high. The eggs were kept in storage at a commercial ice house. Taken out of cold storage and placed on a bare cement floor, the eggs soon hatched out their caterpillar crop—which died of starvation in a couple of days. The rest of the eggs were now either infertile or contained parasites. These eggs were then taken to the threatened area and the parasites allowed to emerge in their own time.

In the spring of 1938, Appleton's team caught 3,000 big female digger wasps and introduced them to the infested site. In Appleton's words, "It was thrilling to watch these allies of man pounce upon their prey as soon as they were liberated from their cages." In addition to the ichneumons and the diggers, 45,000 *Sarcophaga* flies were brought in. These had been hatched out in the laboratory by stacking mesh-bottomed trays of caterpillar cocoons known to have a high incidence of *Sarcophaga* over a base filled with moist sawdust. When the *Sarcophaga* maggot emerged from the caterpillar cocoon, it dropped to the ground and burrowed; thus, Appleton wound up with sawdust trays of *Sarcophaga* puparia that could be kept dormant in the refrigerator until needed. When they were allowed to complete their metamorphosis and mate, they were introduced to trays of diseased caterpillars. Released at the infested site, they presumably not only added their numbers to the present parasite population, but helped to spread infection to the caterpillars.

Egg-gathering in the winter of 1937–38 produced 1.5 million more *Tetrastichids*, and a like number the following season. In the summer of 1939, some 60,000 more *Sarcophaga* were also introduced. Close examination of the infested area in 1940 could not turn up a single tent caterpillar. This single field trial does not prove beyond doubt the efficacy of the method; more extensive trials with adequate control populations for purposes of comparison would have been necessary for systematic development of the idea.

Unfortunately, the possibilities inherent in this imaginative control attempt were not followed up. Norman Appleton's low budget program disappeared beneath the gathering clouds of war. The obvious next step of setting up a well equipped state program that could engage in precisely controlled experiments was never taken. Incredibly, his idea of manipulating native parasite populations to mitigate the cycles of native pest explosions is still considered novel—and this first published report of his work is as timely now as it could have been thirty years ago.

With World War II came the "breakthrough" to DDT and ultimately a whole spectrum of environmental poisons that must stand as one of the more dubious boons ever conferred on the human race. Yet there is hope that we may survive our perverse ingenuity; and to see what has finally come of some of the basic ideas that Norman Appleton wrestled with, we can now turn to the case of the red-humped caterpillar in the California highway landscape.

PART 2: CHOOSING THE LESS TRAVELED ROAD IN CALIFORNIA

It comes as a bit of a shock to reflect that the Division of Highways, with its thousands of acres of plantings, may be the biggest gardener in California. As such, it has to contend with a variety of pests, one of the most destructive of which is the red-humped caterpillar. This pest attacks a wide variety of trees and shrubs, but particularly favors the *Liquidambar*, an ornamental tree resembling a maple, whose leaves (if there are any left uneaten) turn a brilliant crimson, yellow, or purple in the fall.

Needless to say, the Division of Highways was a user of the latest chemical pesticides during the 1960's. Toward the end of the decade the division had to face the prospect of growing restrictions on the use of chemical agents and a growing popular sentiment against large-scale and repeated spraying. For instance, in 1969 *Sunset* (a magazine of tremendous influence among Western homeowners and gardeners) came out against the use of dangerous chlorinated hydrocarbons, thus giving something like the Good Housekeeping Seal of Approval to Rachel Carson's charges. It was also coming to be more generally understood that the most powerful, persistent, and popular pesticides sometimes produced dismayingly negative results by killing off natural parasites and predators along with the pests, leaving the field clear for a devastating resurgence of the pest population or an unexpected substitution of a new pest for the old one.

The Division of Highways turned to the University of California at Berkeley for help. Dudley E. Pinnock, a young entomologist from England by way of Australia, had just completed an effective trial of the use of microbial control of the California oakworm, and in 1970 he undertook the state-sponsored project of developing a suitable method of biological control of the red-humped caterpillar.

Pinnock's main weapon in attacking the red-humped caterpillar was to be *Bacillus thuringiensis*, an insect pathogenic bacteri deadly only to caterpillars. Norman Appleton had noticed in his study of the Rocky Mountain tent caterpillar that a disease of the caterpillar might be one of the most effective controllers of the pest; by 1970 biological control workers saw this as the most promising approach. Commercial preparations of *Bacillus thuringiensis* have been used to control caterpillars in lettuce, cabbage, and other crops for a decade. They can be diluted and sprayed with the usual equipment. Like the most powerful pesticides, the agent could approach 100 percent effectiveness. This idea, oddly enough, was one of the older ones in the field of biological control; fifty years ago French peasants were observed to collect a few dead (*i.e.* diseased) caterpillars, throw them in a bucket of water, let them steep for a while, then spray their cabbage patches. Soon most of the other caterpillars would become diseased and die.

A second weapon in Pinnock's armory was to be manipulation of the parasite population, but unlike Appleton, he did not seek to introduce his parasitic wasps directly. Study showed him that a major factor in limiting parasitic wasp populations was probably the availability of adequate nectar supplies. Wasps deprived of nectar died quickly, while those given nectar or honey-water could survive for weeks. In the highway plantings he found that there appeared to be a serious shortage of plants that the parasites of the red-humped caterpillar could feed on in late season. Thus, a long-range goal in control of the caterpillar is to introduce plantings which create a favorable environment for its parasites. This program is underway now.

Controlled experiments with *Bacillus thuringiensis* application to *Liquid-ambar* leaves in the laboratory and trees in the field indicated that complete control of the red-humped caterpillar might be achieved. Not only would beneficial insects not be harmed, but there would be no health hazard to highway personnel handling the biological agents, to the general public, to livestock, or to the general environment. Finally, the tests indicated that the direct savings in cost of treatment might be as high as 40 percent, compared to the costs of using chemical controls.

The program of biological control was accepted and instituted by the Division of Highways. Now, two years later, the Division of Highways can report that it has been able to suspend completely the use of pesticides in the control of the red-humped caterpillar. As the program to create a more attractive environment for natural parasites develops, there is every reason to believe costs and labor effort will continue to decline.

The red-humped caterpillar story could be matched by other successes in biological control achieved in the last few years. Yet it is still true that biological control by and large lives on shoestring budgets when outlays are compared to the immense expenditures involved in the development and application of chemical poisons. The fascinating possibilities of Norman Appleton's experiments have never been followed up, though his project cost very little; the successful Division of Highways program was launched on the basis of control experiments conducted by Dudley Pinnock and two technicians with modest equipment in a short period of time.

A nation as notable as ours for such things as its war machine, its freeways and stagnant auto traffic, and its burgeoning suburbs may not easily be convinced of the desirability of spending money on something that is not self-defeating—but we are offered the clear possibility of controlling our insect pests without poisoning ourselves.

A crucial element in the development of biological controls is going to be the development of balanced systems that do not have the disruptive effects on the environment that have marked the widespread use of pesticides. Even biological control could be abused by fastening onto single-track "miracle" agents. We are coming to understand that we must live in and with our world, and that we must respect our environment instead of over-manipulating it in the interest of short-term and often illusory gains.

NOISE POLLUTION

Mr. CRANSTON. Mr. President, hopefully before the coming adjournment of Congress this body will have an opportunity to act on one of the critical problems facing our society today. We will have an opportunity to bring to bear the force of law on the levels of environmental noise which plague our every waking hour.

The bill which has been reported by the Public Works Committee would establish an Office of Noise Abatement and Control within the Environmental Protection Agency.

This would serve the purpose of coordinating within one office the responsibility for investigating the problems of noise and its effect on public health and well-being.

The bill directs the Administrator of EPA to establish a national research and development program for the prevention and control of environmental noise. For a 3-year period ending June 30, 1975, $104 million are authorized to be used to make grants to various environmental noise control agencies, other public or nonprofit private agencies, institutions, and individuals, for the purposes of research, experimentation, surveys, training, and demonstration. The ultimate goal is the discovery of the means to prevent and control excessive environmental noise.

Within 9 months after enactment of the bill, the Administrator of EPA is required to issue noise criteria, reflecting all identifiable effects of various quantities and qualities of noise on public health or welfare.

Within 15 months of enactment, the Administrator is required to publish reports identifying products which appear to be major sources of noise. This would be the first step toward developing noise emission standards for particular products. Such standards must be set within 18 months of enactment of the bill for all products identified in the initial list of major sources of noise. Products to be regulated include a broad range of construction equipment, transportation equipment, motors or engines, turbines and compressors, percussion and explosive equipment, electrical and electronic equipment—other than sound reproduction equipment. Noise emission standards set for such products must be met by manufacturers within 2 years after the date of promulgation.

The bill attacks the problem of excessive noise on another important track as well. It provides for EPA to compile and provide information on methods and techniques of controlling environmental noise through such means as product use control, land use regulation, and construction and building standards. Such information is intended to be helpful to State and local governments in conjunction with their own efforts at noise control and abatement.

Mr. President, I have a special concern that this bill be brought before the Senate prior to adjournment. It embodies the primary concepts which I have long sought in the area of noise pollution control.

In June 1971, I introduced a bill, along with two distinguished colleagues, Mr. HART and Mr. HATFIELD, to require the EPA to set strict noise standards on products and equipment where necessary for the protection of public health. Previous legislation which had been introduced merely authorized EPA to do so. I am delighted to see that the bill passed out of committee contains this provision.

Another provision of the original Cranston-Hart-Hatfield bill required the labeling of devices used in the home with their noise levels. This, as I noted at the time, would permit a housewife to choose, for example, between a dishwasher which would drown out her television or hi-fi and one which would not. I note that there is such a provision in the bill as reported.

There is also a provision to permit citizens to use in Federal courts for violation of the provisions of the act. This was also one of the key features of my earlier bill. It is an effective means by which citizens, in bringing class actions, can assure that the interest of Congress is carried out and not stifled by executive inaction.

One feature of the Public Works Committee's bill which concerns me, however, is the preemption by the Federal Government of the right of States to set and enforce stricter noise standards than those set by the Federal Government.

California has taken the lead among States which have passed antinoise legislation. The State legislature has set noise standards for all forms of moving vehicles, for example, and has established highway noise standards and a program to compensate individuals for injury from noise emissions caused by construction equipment.

Many other bills are pending before the legislature in Sacramento. In the area of aircraft noise, California set bold standards governing emissions from airplanes. On January 1, 1971, the effective date of the California law, the Los Angeles Air Pollution Control District cited over 100 violations of the aircraft emission law. However, California was prevented from prosecuting these violations because a Federal law, the Clean Air Act, which also went into effect on January 1, 1971, wiped out the State law.

A noise pollution ordinance enacted by the city of Burbank, Calif., prohibiting takeoff and landing by jets during late night and early morning hours, has also been struck down by Federal preemption.

I had hoped, Mr. President, that a noise bill would be passed during this session of Congress which would strike down this total Federal preemption. Federal laws should not be permitted to wipe out State antipollution laws unless uniform national laws are needed for the free flow of commerce. The States must be permitted to adopt and enforce laws to protect the health and safety of their citizens. Where State antipollution standards are more stringent than Federal standards, they should remain in force.

Under the bill which I hope we will be considering in the week ahead, States and cities retain the right to restrict the use, operation, and movement of a product on the basis of its noise emissions. This does not apply to aircraft noise, however, where the authority of the States remains totally preempted. I would like to see the authority of State and local governments, at least in areas other than aircraft noise, extended under this bill. In addition to controlling the use of excessively noisy products and equipment, States should be permitted to prohibit the sale of such products. The burden should not be placed on consumers, who buy a product offered for sale, to determine in what ways the State or local authority permits the product to be used. I would like to see the bill amended to give States clear authority to withhold excessively noisy products from the consumer.

Title V of the bill, dealing with aircraft noise, addresses itself to what I consider to be the most critical area of the noise pollution problem—aircraft noise. Earlier this year, I introduced four resolutions proposing restrictions on supersonic aircraft and noise emission standards for subsonic aircraft. One of these would forbid the flight of any aircraft at supersonic speeds over the United States, its territories, or territorial waters. I am pleased that this proposal has been incorporated into the bill which will be before us shortly. It will prohibit sonic booms over U.S. territory, and will be subject to the same enforcement as the other provisions of the bill.

Other sections of title V of the bill, however, are somewhat disappointing to me. Jurisdiction over aircraft noise pollution is at present divided among several agencies. This divided jurisdiction has led to ineffective aircraft noise control. Recognizing this fact, I proposed last year the transfer of authority over aircraft noise standards entirely to EPA. Other agencies, such as FAA and CAB would be expected to set various guidelines and operating procedures within the standards set by EPA.

The bill which has been reported does centralize responsibility for setting of aircraft noise standards by assigning it to EPA. However, the bill provides for an ultimate veto by FAA over any standards promulgated by EPA. FAA would be permitted to veto EPA-proposed standards on the grounds of cost, available technology, and safety.

I am very much afraid, Mr. President, that given this veto power by FAA, the Federal Government will move painfully slowly in taking effective action to combat one of the worst offenders of our peace of mind and well-being—aircraft noise. The problem is critical in many areas. Noise from aircraft has reached intolerable levels for large segments of the population living near major airports—and the problem is worsening as busy metropolitan airports become busier. Residents of such areas are suing airport operators. A recent California supreme court decision permits such suits against airport operators, not only for physical damages caused by aircraft noise, but also for nuisance. Over $4 billion in claims were pending before the court approved this new course of action.

I cite this, Mr. President, as an illustration of the scope of the problem. There must not be more years of delay and talk and study on the part of Federal agencies. Our health is in real jeopardy. Studies of the effects of excessive noise exposure on humans reveal frightening data. Prolonged exposure to loud noise causes damage to the ear and permanent hearing loss. There is evidence of statistically higher incidences of mental illness found among persons residing near large airports. A common effect of excessive exposure to noise is stress, which is a factor in the cause of high blood pressure, migraine headaches, colitis, nervous disorders, and ulcers. Vascular construction is a well-documented physical response to noise.

While the EPA and FAA search for solutions under the terms of this bill to reduce aircraft emission levels, we should be seeking other ways to reduce the effects of aircraft noise.

There are several approaches to the problem, and one in particular which I feel should be made a key feature of this bill. The Environmental Protection Agency should be given the responsibility for developing and enforcing cumulative noise exposure levels around all major airports. It is my understanding that the

FAA has developed a standardized noise exposure measurement scale. The scale takes account of such factors as frequency of takeoffs and landings, the day/night distribution of flights, loudness of individual planes, duration of the noise, and flight patterns and operating procedures. The FAA classifies all areas with a noise exposure forecast of over a certain level as incompatible with residential living. By FAA's own estimates, over 3.5 million Americans now live in areas classified as unsuitable according to the scale they have developed.

The bill provides for a study to be made of the question of setting cumulative noise levels. The time for study has passed, Mr. President. We must act to relieve the assault of constant noise on these millions of people, and millions more who tolerate levels of noise close to FAA's maximum. EPA should be instructed to continue the work of FAA in this area, and to make use of other research done by private and public agencies and should be required to promulgate levels of cumulative noise which must be complied with by airport operators throughout the country.

The next step would be to determine appropriate land use compatible with the population and air traffic. Localities would be directed to cooperate with EPA in working out a 10-year plan to achieve the established goals. I believe the first step must be taken now to identify and enforce cumulative noise exposure levels.

The problem of emission standards must also be pursued. Ultimately, the answer to the problem of aircraft noise will lie in a reduction of actual noise emission from individual airplanes. Toward this end, I introduced many months ago a proposal to require the retrofitting of all existing aircraft which do not meet noise-emission standards that have been set by FAA for all new types of aircraft put into service after January 1, 1972. The FAA ruling does not apply to any planes previously in service, nor does it apply to future production of present-generation planes now in use, such as the 747, 737, 727, 707, DC–8, and D–9.

My retrofit proposal would fill the monstrous ear-splitting gap between the new standards—and hopefully stricter standards which will be made possible in the next few years—and the noise levels which are being tolerated from existing aircraft. The average airliner is kept in operation for 10 to 20 years. By 1976 there will be 400 to 600 747's in service, compared to the present fleet of about 110.

A program of retrofit can mean the difference between doing something now about noise pollution and waiting another 10 or 20 years for the next generation of airliners to fully replace current planes.

My original retrofit proposal contains a deadline date for completion of the procedure by January 1, 1976. It involves lining the nacelle, or cowling, of a jet engine with soundproofing material, and enlarging the size of the engine's exhaust outlets. This procedure would reduce sound emission at least 50 percent and would be performed on about 1,700 to 1,900 of the present types of airplanes which will be in service by the deadline date.

The concept of retrofit has been attacked by some as being too expensive. But I ask the question: "What is the cost of the alternative?"

The noise level in American cities has doubled in the past 16 years. By 1985, two persons on an average American street corner will not be able to converse normally if they are more than 2 feet apart unless vehicular and aircraft noise are reduced from their current levels, according to a NASA study last year. Citizens will "have to scream" at each other, in the words of a recent report. By the year 2000, everyone in major metropolitan areas will be stone deaf, according to a report by the International Standardization Organization.

The health hazard caused by excessive noise, as I pointed out earlier, is just beginning to be studied and understood.

How do you express the cost in dollars, Mr. President, of the loss of sleep and the effects of fitful sleep for literally millions of citizens each night, due to aircraft approaching in takeoff and landing patterns?

How do you assess the cost of learning loss of schoolchildren who have difficulty hearing their teachers?

The scope of the problem is enormous. It is the responsibility of the Congress and the Federal agencies with the required expertise to see that effective steps are taken, now, to attack the problem at its source. We must begin with whatever means are within our power and available technology. Further study and research is needed, and will be provided for in the bill we are about to consider. But more is needed as well. And more can be done. I hope we will not only pass this bill, but strengthen it in the ways I have suggested.

KANSAS CITY INTERNATIONAL AIRPORT

Mr. EAGLETON. Mr. President, later this fall there will be an event in Missouri which merits some singular attention. Kansas City will dedicate a new $250 million international airport.

While new airports are not yet commonplace they are emerging frequently enough to minimize their news value. What distinguishes Kansas City's new airport, over and above the various design features that are unique, is that it reflects an evolution of this great middle American city that has transpired almost without notice.

The time has long passed when Kansas City had wheat piled in the streets or ran cattle down the main avenue. Kansas City today has a beautiful balanced economy; it manufactures just about everything. On a per capita basis it is first in the country in the manufacture of automobiles and trucks, vending machines and greeting cards. Per unit of population, it is first in retail sales, first in the number of consulting engineers, in printing and in publishing.

The central location of Kansas City—which our new airport will dramatically enhance—is further reflected in the great concentration of A.T. & T. facilities and long line headquarters, in Western Electric and United Utilities, the third largest telephone company in the country. It is a regional center for the news wire services.

Its location is one reason why the Federal Government selected Kansas City as a regional headquarters for major Federal agencies.

I ask unanimous consent that a recent report by the Associated Press on the new international airport at Kansas City be printed in the RECORD. Please bear in mind that this airport is only one of a total of some $3.2 billion in public and private construction projects underway that are reshaping the character of this fine city.

This airport is planned for the 1990's and is tangible evidence of Kansas City's growth into an inland capital.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KANSAS CITY, Mo.—Even before this city's new $250 million international airport opens for business in November, it will have generated nearly a tripling of new investment dollars in its immediate area.

So far, the new airport, located within Kansas City's limits and only about 20 minutes from the downtown central business district, has spurred $322 million in newly-approved construction projects. And, another $300 million in proposed projects awaits city-council approval.

Since work on the 5,000-acre airport began, construction cranes have jutted the Kansas City skyline, representing $3.2 billion in building, that city officials have projected will result in a $10 billion boost to the city's economy over the next few years.

Most of the new construction throughout the area, not all of it necessarily a direct result of the airport, will come about over the next 12 to 18 months. This includes twin stadiums for professional football and baseball, colleges, hospitals, hotels, office buildings, a convention center and a major theme amusement park. The construction represents the largest per-person—$2,500—investment in growth of any city in the United States.

Donald R. Woodard, city planning director, says development around the new airport could be larger in scope than in any other American city. "There is plenty of room for growth", he says, "and we expect the airport to foster many new enterprises that can take advantage of Kansas City's location as a natural international distribution center. The city is just about at the nation's geographical center, will soon become the nation's first inland free trade zone, and the airport has the most advanced cargo handling facilities in the world."

In fact, air cargo in Kansas City increased 337 per cent during the 1960's although the city did not have an international airport. The city handled more than 174.8 million pounds of air cargo in 1970 which is equivalent to 35 pounds of merchandise per household for the surrounding six-state region.

With Kansas City International Airport, *KCI*, in operation the amount of air cargo handled is expected to reach 320 million pounds in 1975 and 640 million pounds in 1980.

Unlike Los Angeles International Airport or John F. Kennedy Airport in New York, Woodard said, "KCI's area development will be controlled by a 100-square-mile zoning ordinance plan in Missouri."

The land protection plan was adopted by the city council two years ago. It is the largest airport protection plan in the nation, with compliance enforced through occupancy permit procedures and utility services. There are seven land control classifications ranging from Park Greenbelts to industrial property.

"The plan was formulated to protect not only the city's investment at KCI, but also the developers and people who will live and work around the airport," Woodard said. "In fact, we feel the plan is an added incentive for development, since it is designed to encourage airport-related activity."

An airport-related development at KCI is Trans World Airlines $56 million national maintenance complex. TWA, one of eight commercial airlines serving the area, employs 10,000 persons.

Along with former Mayor Ilus W. Davis, Trans World Airlines set KCI in motion five years ago by spearheading a successful $150 million revenue bond issue. The issue, first of three used to finance the airport, passed by a 24 to 1 vote.

Davis, banker and senior partner in a Kansas City law firm, is watching proudly as dividends from the bond investments become visible.

"Nothing this city has ever done will reap greater benefits than our new airport," Davis said while ticking off airport-related projects such as the TWA complex, Shell Oil Company's $100 million Tiffany Centro planned business community, the 140-acre Oppenheimer Industrial Park and the $100 million Gateway Plaza international business center.

In addition, the city planning commission has reviewed 18 office building proposals and commercial developments on 415 acres, nine service facilities and nine hotels with total annual payrolls expected to exceed $14.5 million.

Construction, however, is just part of the greater Kansas City picture. Davis said KCI will offer additional economic benefits by attracting new business, influencing office additions, expanding employment opportunities, increasing airport land values—which broaden the city's tax base—sparking new residential construction.

City economists estimate the increased development near KCI will funnel $489,440 in additional taxes into the city over the next two years. Generally, land that was selling for $800 per acre five years ago around KCI has increased to $8,000. The increases will not peak until 1975.

Contrary to belief, major airports lately have adverse effects on value of surrounding real estate, Bruce Macy, chief economist with the not-for-profit Midwest Research Institute in Kansas City, said, "Land values around Kansas City International will continue to go up while improving the general economic base of the area."

For example, Macy said, "land values near O'Hara International Airport in Chicago increased from $400 per acre in 1947 to $20,000, in 1960 when the airport became fully operational. Three years later, development swelled the value to $50,000 per acre. Similarly, land around Los Angeles International Airport more than doubled in two years, from $50,000 an acre in 1960 to $110,000 two years later."

Macy said, "KCI, will stimulate residential construction on land not located in noise-control zones and where the master plan permits single—or multi-family dwellings." He said, "an expanded residential housing market will be an additional indirect economic gain for greater Kansas City."

"The residential market potential that the airport and airport-related employment represents seems to encourage the growth of large, attractive residential areas near the airport," Macy commented.

He said, "a study indicates that more than 30,000 homes had been built within a mile of metropolitan airports in Newark, N.J., New York, Chicago, Dallas, Denver and Los Angeles. A similar market will exist in two counties near KCI," he said, "with those counties accounting for 52.5 per cent of Kansas City's new housing demand through 1975.

Woodard said, "area planning studies indicate KCI will result in development of six new towns of at least 50,0000 by 1990." "On the basis of an average three persons per dwelling unit." Woodard said, "those towns will require 100,000 new dwelling units in the KCI vicinity. Seventy per cent of those dwellings would be multi-family units."

"Undoubtedly, ease of access and a short home-to-work travel time would influence airport employees in their choosing where to live," Macy said.

"Along with employment generated by industrial growth around the airport, employment at KCI will greatly expand the market for residential development."

He said TWA has 5,800 employees at KCI and will have 20,000 by 1980. The airlines and the city aviation department labor force will be 10,000, when KCI opens, rising to 25,400 in 1975, and 42,500 by 1990. Air transportation at present generates 4 per cent of the greater Kansas City employment. It will generate 8 per cent by 1990.

Woodard said, "airports also have an impact upon office space additions. He said generally between 10 and 20 per cent of new office space additions will occur around a new airport."

"Historically", Davis said, "industrial development in Kansas City has occurred because of, or been influenced by, transportation facilities. He said KCI is expected to attract at least 20 industrial parks, on 44,443 acres and to result in about 25,000 new jobs.

"Because the city has a one-cent earning tax, new jobs will increase that tax source as yet another economic benefit," Davis said. "I doubt we'll ever be able to measure the precise financial impact of KCI. But we'll certainly be able to see it."

PEACEFUL TRADE IN NONSTRATEGIC ITEMS WITH THE PEOPLES' REPUBLIC OF CHINA

Mr. MAGNUSON. Mr. President, as many Senators know, for more than 15 years I have advocated peaceful trade in nonstrategic items with the Peoples' Republic of China. I firmly believe that such trade not only benefits both nations economically, but can do much to improve understanding and ease tensions.

Thus, I applauded the dropping of official barriers to trade with China when it occurred last year. However, I also warned that the mere dropping of trade barriers would not instantly propel us into the China market. Although there is a strong potential market for feed grains, chemical fertilizers, certain types of metals, transportation and communication equipment, and a wide range of machinery products, it will take an aggressive and competitive sales effort to obtain a portion of this market.

Recently, an article published in the Washington Post detailed one such successful effort—the sale of $125 million in commercial jet aircraft by the Boeing Co. This is by far the largest successful transaction to date. The article provides an interesting case study.

Because I believe that the article provides a good deal of information that is of interest to Senators and to those interested in selling to the Peoples' Republic of China. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 1, 1972]

SELLING TO CHINA: IT TAKES PATIENCE

(By Robert J. Samuelson)

When Byron Miller crossed into China on April 15, he had no reason to be optimistic, and he wasn't.

Miller, 46, an ex-Navy flyer, is a slender, unimposing man with a thin face and a receding hairline. He talks quietly, but has a keen memory and an eye for detail that serves him well in what he does, which is selling jets for the Boeing Co. And he had been doing it long enough, 14 years to be exact, to know that the trip to China would probably amount to nothing more than a series of technical discussions, followed by an agonizing waiting period in Seattle to see whether the Chinese really wanted to buy American jets or were simply being curious.

Miller's appraisal would prove spectacularly inaccurate.

He would spend most of the next five months in China, grow a mustache in Peking, and sell ten Boeing 707 jets to the CAAC, China's infant airline, for $125 million—the biggest, most spectacular sale to China yet.

It may endure as the high-water mark of U.S.-China commerce for some time. China isn't a big trading nation; last year, according to U.S. specialists, its total foreign trade amounted to about $4.5 billion—almost evenly divided between imports and exports. Unlike most nations, China pays cash for almost everything it buys abroad, eschewing normal credit arrangements (although it does extend credit to developing countries). Such a pay-as-you-go policy leaves little room for luxuries.

VAST NEEDS

Viewed over the panorama of the next 10 to 15 years, the needs are vast. With 25 per cent more land mass than the continental United States, China's embryonic transportation network now has only about one-eighth the rail mileage (25,000 miles against 205,000) and one-fifth the roadways (670,000 against 3.7 million), according to a paper prepared for the Joint Economic Committee. And most of the roads are still dirt or gravel.

The existing air network is probably even less developed than the rail or highway systems. Three to five airports are equipped to handle big, international jets. Air traffic control is primitive, relying heavily on visual flying. "Air service in China stops at dusk and starts at dawn," says Secor Browne, chairman of the U.S. Civil Aeronautics Board, "and when it's cloudy, you don't go."

The CAAC's fleet, according to all available reports, consists primarily of several hundred Soviet-built, propeller - driven planes. The schedule of flights is light; U.S. visitors to major airports, such as Shanghai, report four or five a day, International service is virtually non-existent. On foreign routes, the CAAC ventures infrequently only to North Korea, North Vietnam, Burma, Mongolia and Siberia.

"To get from Seattle to Peking, if you don't have to go through the visa [procedure] in Hong Kong, would take you a minimum of three days," Miller recalls. First, a flight to Hong Kong; then a train to Canton; and, finally, a flight to Peking. "There's one flight a day"—two days a week direct and the other five indirect. The pace is leisurely. On the indirect flights, "you stop and everyone gets off and has lunch. After an hour and a half, you get on again . . ."

In fact, the tempo may be too leisurely for a China determined to end its political, geographic and economic isolation. That was why Miller and six other Boeing executives were in Peking. After the 707s are delivered between the summer of 1973 and the spring of 1974, they will almost certainly be used in expanding the CAAC's international air service—possibly to Western Europe and Canada.

Significantly, the only other major U.S. export to China (aside from a wheat sale) also relates to ending her isolation in a fundamental way: They are two RCA satellite earth stations (one in place, the other to be built), which will provide instantaneous teletypewriter or telephone contact with any part of the world, ending China's almost exclusive dependence on a small number of unreliable, high frequency radio circuits.

Nor will the CAAC wait for its first 707 before inaugurating longer foreign flights. The first route to Europe—probably to Albania or Romania, via Afghanistan and Pakistan—may begin as early as October or November, using Soviet IL–62 jets. During the last two years, the Chinese have shopped around the world for modern jets and have bought almost anything that looked interesting: five IL–62s (a four-engine jet roughly comparable to the 707); 12 British Tridents (a three-engine, medium-range jet) for delivery in 1973 and 1974; and even three British-French supersonic Concordes for delivery in 1976 or 1977.

All this may make the purchase of the 707s look like part of a carefully planned grand design, but if the Chinese indeed had everything worked out in advance, they staged a masterful charade that kept the Americans on edge throughout months of false starts and frustration.

THE CONTACT MEN

International trade is a wholly unspontaneous process. Even in a favorable political and economic climate, it requires the aid of unseen allies: personal contacts, credit arrangements, shipping agreements and—above all—a measure of common trust and understanding. Two decades of total trade embargo had obliterated these connections between the United States and China; according to the Commerce Department in 1970, the last year of the embargo, U.S. exports to China amounted to less than $1,000, consisting primarily of magazines, books or automobile parts shipped through third countries for use at foreign embassies.

Ignorance might have deterred Boeing, but it didn't. Bombarded by rumors of Chinese interest, the company established a China file in mid-1971. The initiative, if nothing else, reflected Boeing's desperate search for business of any sort. Suffering from sharp declines in airline and government spending, company employment had dropped from 150,000 to 55,000 between 1968 and 1971. Its giant project of the Seventies, the 747, was limping along; the airlines, finding they had many more seats than passengers, simply weren't ordering many more of the $24 million planes.

Just home from an assignment in Europe, Byron Miller took over the China file in the fall of 1971. By that time, Boeing had become easy prey for a vast array of self-professed trade experts—"closet operators, out to turn a quick dollar," Miller would call them later—with alleged contacts in Peking. Getting in touch with the Chinese, Boeing had discovered, was like communicating with the Almighty: Most prayer went unanswered, but it seemed prudent to consult anyone in priest's clothing who claimed to understand the unfathomable ways of the Deity.

So that is what Boeing did. Rumors and proposals trickled in from all over the globe, London, Japan, Eastern Europe, Pakistan. Boeing checked them out. The authors of some of these schemes showed no scruples in hiding their intimacy with the highest Chinese officials.

In the aftermath of President Nixon's China voyage, for example, one man presented himself to Miller, flashing a letter in elegant Chinese script, which he graciously consented to translate. It was, he said, a thank-you note from Premier Chou En-lai, expressing China's gratitude to him for his crucial role in helping make the arrangements for the President's trip. That unselfish act, the letter allegedly went on, would not be overlooked as China developed her trade with the West. The man presented himself as an officially anointed, modern-day Marco Polo, ready to guide Boeing to the Chinese treasury.

More maddening than these encounters, which may have given Boeing officials something to chuckle about but nothing more, were the fruitless efforts to get an audience with the Chinese through official channels. President Nixon's trip may have opened the way to China, but Boeing officials insist that no deal was made and that, if the subject of jets was discussed at all, word of it never reached Seattle. Inquiries were made at the Chinese embassy in London; after the President's trip, a request for a visit to the Canton Trade Fair was presented to the Chinese Embassy in Ottawa. These approaches met with nothing but silence.

The final, desperate stratagem to establish contact was too simple to work, but, in one of those truth-is-stranger-than-fiction episodes, it did. Miller mailed a letter to the China National Machinery Import and Export Corporation in early March; three weeks later, an invitation to the Canton Trade Fair and then to Peking (to discuss jets) arrived in Seattle by cable.

PARAGRAPH BY PARAGRAPH

It is easy to visualize everything proceeding smoothly thereafter. The Chinese, having determined what foreign air routes they want to fly, decide that the 707s—used by 54 other airlines—are their best buy. The bedazzled Americans have a wonderful stay in China, splitting their time between negotiating, sightseeing and feasting on splendid Chinese cuisine. All the while, they savor their impending fame.

In reality, the talks jolted along with all the tranquility and certitude of a bumper-car ride.

"We had heard that the Chinese prefer things to be very simple—that they like a short contract," Miller says. "We found that to be utter nonsense. Our purchase agreement . . . is 125 pages of very detailed contractual matter. We went through that thing ten times, paragraph by paragraph. It was very arduous."

Bargaining followed a gruelling pace: morning and afternoon sessions, six days a week. Despite an initial announcement that they wanted U.S. jets, Chinese negotiators seemed determined to keep the upper hand by haggling over contractual language or details (disagreement over the price for spare parts almost caused the sale to collapse) and carefully controlling what information they revealed. The Boeing team didn't officially know, for example, how many planes—or the exact type—China wanted until more than six weeks after the talks started.

The passion for confidentiality hasn't disappeared with time. Miller still won't identify the chief Chinese negotiators by name. All his correspondence to Peking, he says, is addressed simply to the China National Machinery Import and Export Corp.

During the negotiations, Miller had to return twice to the United States—once to prepare formal sales proposals for all Boeing's commercial jets (the Chinese hadn't yet specified which they wanted), and one to secure a government export license. (Boeing officials, having been given verbal assurances that such a license would probably be granted, offered to negotiate a conditional agreement, subject to issuance of the license, but the Chinese team rejected that idea quickly. Their answer, as Miller recalls, was simple: "You take care of your government problems, we'll take care of ours."

BRING YOUR OWN FOOD

If the Chinese were hard-nosed at the bargaining table, they were gracious hosts, but the five long months in a Peking hotel weren't nearly as glamorous as might be expected. The Boeing team toured all the city's major sights—the Ming Tombs, the Zoo, the Great Wall, and the Summer Palace—and received frequent invitations to operas or basketball games of visiting international teams.

But these diversions couldn't relieve the tedium of the negotiating sessions, break the repetitiveness of restaurant eating or cure the sense of isolation. "There was really nothing to do in the off hours," Miller says. You stayed in your hotel and that was about it, except for sightseeing . . . We had no embassy and couldn't get any news. Occasionally, we'd be able to get a copy of the British Embassy News (a summary prepared by the British staff), but it was all British-oriented."

In the hotel restaurant—they stayed at the Hotel of Nationalities, which was used by President Nixon's entourage—"you could tell the old China hands by looking at their tables." The veterans had their own food stock—instant coffee, salad dressing or anything else that wasn't available locally and could be squeezed into a suitcase.

By the third trip, Miller and the Boeing team had picked up some of the tricks: They jammed bottles of Tang (no orange juice was available at the hotel) and salad dressings into their suitcases, arranged for copies of Time and Newsweek to be mailed from Hong Kong (the transit time was six to eight days) and brought tennis rackets to play at the International Club.

Since his return, Miller, now unofficial dean of America's China traders, has become a minor celebrity of sorts, briefing government officials on the negotiations and catering to the demands of a curious press. Boeing, with bad memories of its SST publicity debacle, is clearly happy to be associated with something that is at once so uncontroversial and so fashionable.

BY INVITATION ONLY

Despite his ultimate success, Miller is no visionary about the future of Boeing's China trade. The CAAC's appetite for jets may be almost insatiable, but the actual number of purchases is likely to be limited by China's relations with the West, the amount it can afford to spend on planes (or its willingness to accept credit terms) and, finally, the speed with which it can modernize its air network.

Even if China buys more planes they may not be American. The Chinese, after all, have favored so many different countries with their orders that future needs could be satisfied from any one of a number of sources. In conventional airline terms the selection of so many models (from the Soviet IL–62s to the Concordes) doesn't make much sense; most airlines try to minimize the different types of planes, hoping to reduce training costs and spare sparts stockpiles.

"I think it's a shakedown (period)," Miller says. "I think they're purchasing these planes so they can compare." He could be wrong. China may only be using the jet purchase as a part of her foreign policy—a form of commercial reward—or avoiding becoming dependent on any one country for aircraft.

Whatever happens, Miller has drawn one lesson from his most recent experience: China buys on its own terms. When can he expect to sell more jets? "I'm awaiting an invitation to come back. That's the only way you're going to do business in China—by invitation."

PENSION REFORM LEGISLATION

Mr. GRIFFIN. Mr. President, I call upon the majority leadership to schedule Senate consideration at the earliest possible date of the pension reform bill now on the calendar, S. 3598.

The original bill was unanimously reported by the Labor and Public Welfare Committee, and it was later amended by the Finance Committee. While the amended version of the bill is too weak, that is no reason for not calling it up. A decision to schedule this bill for Senate action is needed now, and if there is an opportunity to consider it, I am confident the Senate can pass meaningful pension reform legislation in this session of Congress.

Of course, I regret that the pension bill, in its present form, as reported by the Finance Committee, is a weak bill. But despite that fact, the bill does provide a vehicle for the Senate to work its will once the bill is before us the Senate would be able to consider strengthening amendments.

This Senator and the distinguished senior Senator from New York (Mr. JAVITS) have pledged to offer amendments to restore the meaning and teeth to this bill if the Senate is given a chance to act, and I am confident that the votes are available in the Senate to strengthen this bill. But first, we must have the opportunity to consider it.

Mr. President, we now have—for the first time in 12 years—a pension bill on the Senate calendar and consideration of it awaits only a decision by the majority leadership. On July 18 of this year, the distinguished majority leader listed a number of bills considered to be of primary importance for the Senate to act on this session—CONGRESSIONAL RECORD, page S11131. Pension legislation was included on the list at that time.

The time for action is now.

Mr. President, at the time the pension bill was referred to the Finance Committee both its chief sponsor, the distinguished Senator from New York (Mr. JAVITS), and I were on the floor of the Senate. In light of the legitimate jurisdictional claim of the Finance Committee over related tax aspects, it was felt that referral to that committee could not be opposed. However, the Senator from New York and this Senator were successful in requiring the Finance Committee to report the bill back to the Senate in 1 week.

Unfortunately, the Finance Committee held no hearings on this bill or on any of the related pension bills pending before the committee. Consideration was scheduled with very little notice to committee members, making it virtually impossible for Senators supporting the pension bill to be present. In fact, only one of the five Senators filing dissenting views to the Finance Committee report was able to be present.

Mr. President, I regret that the Finance Committee acted in this way. But the committee did report a bill which provides at least a vehicle through which the Senate can work its will. We can, and we will amend this bill to make it meaningful legislation if we get the opportunity.

Although I generally support the stronger version of the bill as it was reported by the Labor and Public Welfare Committee, I believe even that version should be improved.

For example, the vesting standard in the bill should apply retrospectively to all benefits earned before the date of enactment, instead of being limited to those persons who have reached age 45 as of that date. Of the several pension bills that have been introduced in this Congress, only my bill, S. 2485, would require the vesting of workers' benefits earned before enactment. While I am pleased that the Labor Committee adopted this concept in part, I firmly believe that each and every worker should be given the same protection.

As a noted pension consultant, Mr. Thomas Paine, of Hewitt Associates, recently stated in the September issue of the Pension and Welfare News:

> After waiting this long for a legislated vesting standard, it seems empty to vest only future (benefits), thus delaying the reality of truly meaningful protection for many more years.

In view of the Labor Committee's finding that the median pension benefit paid in 1970 was less than $100 per month, the vesting of past benefits takes on added significance.

Furthermore, a cost study of pension vesting done for the committee by the actuarial firm of Grubbs and Co., indicates that the cost of vesting all previously earned benefits is not significantly greater than vesting only those workers age 45 and over on the date of enactment. This firm found that the maximum increase in cost to employers by requiring vesting of all past earned benefits, as opposed only to those benefits earned by a worker age 45 and over, would be only 0.2 percent of payroll costs.

Second, under the Labor and Public Welfare Committee version of S. 3598, a pension plan must provide that 30 percent of an employee's benefits are vested after 8 years of service, 50 percent after 10 years, and 100 percent after 15 years. This compares with the 100 percent vesting requirement after 10 years of service in my proposal.

Of course, the provisions in the Labor Committee bill do represent a substantial improvement over current requirements, since an estimated 23 percent of all pension plan members at present are covered by plans with no vesting. However, I believe federally imposed vesting standards should go beyond what the average plan provides today. The 100 percent, 10-year vesting standard which I have proposed is already included in plans covering more than 21 percent of all pension plan participants.

Third, I am opposed to continuous service requirements in pension plans which say, in effect, that a worker must start all over again in obtaining his or her vested rights if there is a break in service. S. 3598 would limit to three years any such requirement.

Fourth, the vesting and funding requirements in the bill would become effective 3 years after date of enactment. A 3-year delay in making the vesting standards effective means that hundreds of workers may forfeit their hard-earned benefits during this waiting period.

According to a Treasury Department study, an additional three and a half million American workers, including nearly a million over age 50, would be vested if a 10-year vesting standard were in effect today. Many of these older workers who reach retirement before the end of the 3-year period will have nothing to show for their labors. For those nearing retirement, a change in jobs during the 3-year period may preclude them from obtaining a vested right even under the more liberal vesting requirements of S. 3598. Consequently, I believe the effective date of the vesting requirements should be no longer than 1 year after the date of enactment. This should allow ample time for plans to be amended to conform to the new requirements.

Fifth, under the insurance program of S. 3598, there would be a monthly ceiling on insurance benefits of $500. By placing such a ceiling on insurance benefits, many skilled and semiskilled workers will not receive the full benefits they would otherwise be entitled to if the plan had not terminated. Such a limitation could have a particularly severe impact in industries such as aerospace where there are many highly skilled workers on the unemployment rolls.

Sixth, the provisions of S. 3598 would apply only to plans with 25 or more participants. However, there is a higher frequency of inadequate vesting and pension plan terminations among the smaller plans. For instance, a 1965 Labor Department study of pension plan terminations over a 10-year period indicated the median number of workers covered by terminated pension plans was only 13.

In view of these problems among the smaller plans, the legislation I introduced last year would require that all plans with 15 or more employees conform to vesting insurance, disclosure and fiduciary requirements. An increase in the scope of protection for smaller plans is essential and should be tested to determine whether effective legislation of these small plans is indeed possible.

Mr. President, it is of great importance that the Senate be given an opportunity to work its will on the pending pension legislation. The pension bill now on the Senate calendar provides a vehicle for reform in this vital area of concern to the working men and women of our Nation. Accordingly, Mr. President, I urge the majority leadership to schedule this bill for Senate action.

THE 70TH ANNIVERSARY OF FOUNDING OF RUSSELL MILLS, INC., OF ALEXANDER CITY, ALA.

Mr. ALLEN. Mr. President, Alexander City, Ala., is home for more than 15,000 Alabamians, and it is the headquarters of Russell Mills, Inc., a thriving textile industry of my home State. It is a city of many churches, comfortable homes, good schools, progressive businesses, and hospitable people. This week the citizens of Alexander City are commemorating the 70th anniversary of the founding in their city of Russell Mills, Inc., a homegrown industry which has been owned and operated since it began by the Russell family. This company stands second to none in its excellent relationships with its employees and their families, in its fine cooperation with the surrounding community, and in its use of new production and management technologies which help keep it among the most modern producers of textiles in the nation.

The Alexander City Outlook, one of Alabama's finest community newspapers, is recording this 70th anniversary through a special commemorative edition, and its editor has honored me with a request that I prepare an article for publication in this special edition.

I feel that observances such as this are of great value in reminding Americans of every age that opportunity for success is at hand for those with vision, ability and energy and the willingness to use them.

I ask unanimous consent that the article which I have prepared on the occasion of the 70th anniversary of Russell Mills, Inc., be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE 70TH ANNIVERSARY OF RUSSELL MILL'S INC., OF ALEXANDER CITY, ALA.

It is sometimes easy, in the excitement of announcing location in Alabama of a new industrial plant by a nationally-based firm, to lose sight of the fact that until a relatively few years ago, industrial development in Alabama was mostly a home-grown affair.

This fact is brought out today in a dramatic fashion with the observance of the 70th anniversary of Russell Mills, Inc. of Alexander City.

Within the lifetime of many Alabamians, we are witnessing a real-life Horatio Alger success story in which Benjamin Russell, and those who have followed him, showed vision, initiative, courage, experienced judgment and hard work to lay the foundations of an industrial complex which has brought progress and improvement to an entire community and to our State.

The son of one of the earliest settlers of the Alexander City area, Benjamin Russell never lost the pioneering spirit that gives some men and women the vision to see a distant goal and the ability and the energy to reach that goal. Russell Mills, Inc., as it is today, is a living memorial to its founder and to his children, Benjamin C. and Robert, both deceased, Thomas D. Russell, the company's president, and Mrs. Elizabeth Alison, who guided the company through some of the roughest economic shoals in American history. In just 70 years, the company has grown from one small knitting mill located in a 50 by 100 foot wooden building to an industrial complex containing 55 acres of floor space in the 10 mills in Alexander City, two in Dadeville, one in Hanover and one to open soon in Coosa County. These plants give employment to more than 4,700 Alabamians who earned a payroll last year of $27 million, and the company purchased more than $5 million worth of Southern-grown cotton.

But it takes more than spindles, looms, knitting machines and sewing machines to make a business successful. It takes people, in this case the thousands of men and women who work for Russell Mills today and those many thousands who have worked for the company during its 70 years. Most of these men and women own and live in Alexander City and on small farms within a radius of about 20 miles of Alexander City.

They are an industrious, God-fearing, friendly, hard-working, law-abiding, patriotic people who put duty above self, and love of God, family and country above all else. These are the attributes which have attracted new industry into Alabama and which have helped establish a nation-wide reputation for Alabamians as a people who give a full day's work for a full day's pay.

Sharing their bounty with those who helped make it possible, the company and the Russell family have built schools and parks and libraries and hospitals for their employees and the people of Tallapoosa County, and the financial rewards which have come to Russell Mills have been used to make more jobs and more opportunities for Alabamians.

It is impossible to recognize the 70th anniversary of Russell Mills without also recognizing the driving interests of Ben Russell that have brought economic and social growth to the entire State. It was his foresight and drive that developed the well-known Florida Short Route, bringing tourists through Alabama on their way north and south.

It was his driving force that resulted in development of improved varieties of cotton that make our cotton equal to any grown anywhere in the South.

He was one of the first to recognize the value of growing pine trees as a crop on worn-out cotton land, and he was one of the Nation's first developers of recreation sites when he recognized the potential of the great lake being backed up by the Martin Dam built in 1925 on the Tallapoosa River near his home.

Ben Russell had a hand in organizing the State Chamber of Commerce in 1937 and was its president for three years, during which he criss-crossed Alabama preaching the need for industrial expansion and improvement in agricultural methods.

He was first chairman of the board for what is now the Southern Research Institute, and he created a family foundation that has contributed millions of dollars to local and state educational institutions and paid for many scholarships for worthy students.

Today, the products of Russell Mills are worn in every part of the world, and, as the country's largest manufacturer of athletic wearing apparel, it is appropriate that University of Alabama and Auburn University athletic teams lead a long list of college and professional teams that wear Russell-Southern Clothing made in Alabama.

This observance of the 70th anniversary of Russell Mills repeats the story of a pioneering family which supplied the moral, spiritual and intellectual leadership enabling native Alabamians to use their God-given human and natural resources for the gain of themselves and their fellow men. This story bears out the saying. "That which we give, we keep. It is only that which we keep that we lose."

REVENUE SHARING FUNDS FOR LOCAL PENNSYLVANIA COMMUNITIES UNDER H.R. 14370

Mr. SCHWEIKER. Mr. President, many of my constituents have been inquiring about the distribution of funds to local Pennsylvania communities under the State and Local Fiscal Assistance Act of 1972, H.R. 14370. The supply of the supplemental report which sets forth this distribution is limited, so that it is not possible to send copies to everyone who inquires.

In an effort to make this important information more generally available, I ask unanimous consent that the pages from the supplemental report on H.R. 14370 showing the distribution of funds to local governments in Pennsylvania be reprinted in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

Revenue sharing funds for Pennsylvania

[In dollars]

Total State grant to all locals	182,651,654
Amount returned to Pennsylvania State government is	606,927
Adams County area	286,672
Adams County govt	147,933
Total to all cities over 2,500	63,811
Total to all cities under 2,500	17,229
Total to all townships	59,701
Gettysburg Borough	22,534
Littlestown Borough	9,373
McSherrystown Borough	31,905
Allegheny County area	35,097,620
Allegheny County govt	15,194,072
Total to all cities over 2,500	19,765,597
Total to all cities under 2,500	137,951
Total to all townships	0
Aspinwall Borough	25,734
Avalon Borough	92,541
Baldwin Borough	305,036
Bellevue Borough	144,132
Ben Avon Borough	23,925
Bethel Park Borough	261,935
Brackenridge Borough	52,058
Braddock Borough	197,501
Brentwood Borough	154,982
Bridgeville Borough	96,106
Carnegie Borough	139,019
Casile Shannon Borough	122,615
Cheswick Borough	27,684
Churchill Borough	22,279
Clarion City	337,986
Coraopolis Borough	110,760
Grafton Borough	76,927
Dormont Borough	193,996
Dravosburg Borough	65,482
Duquesne City	256,224
McDonald Borough (part)	6,100
E. McKeesport Borough	39,258
E. Pittsburgh Borough	67,503
Edgewood Borough	53,897
Emsworth Borough	44,579
Etna Borough	81,575
Forest Hills Borough	85,027
Fox Chapel Borough	14,508
Glassport Borough	111,528
Green Tree Borough	68,159
Homestead Borough	141,675
Ingram Borough	51,523
Borough of Jefferson	66,536
Liberty Borough	25,177
McKeesport City	852,814
McKees Rocks Boroughs	223,000
Millvale Borough	90,509
Monroeville Borough	281,085
Mount Oliver Borough	108,968
Munhall Borough	194,188
North Braddock Borough	243,379
Oakmont Borough	61,492
Pitcairn Borough	47,364
Pittsburgh City	11,679,788
Pleasant Hills Borough	95,132
Port Vue Borough	85,153
Rankin Borough	11,473
Sewickley Borough	50,708
Sharpsburg Borough	83,224
Springdale Borough	69,167
Swissvale Borough	211,330
Tarentum Borough	70,707
Trafford Borough (part)	1,269
Turtle Creek Borough	186,565
Verona Borough	73,447
Versailles Borough	32,285
West Homestead Borough	85,086
West Mifflin Borough	452,058
West View Borough	47,130
Whitehall Borough	110,129
White Oak Borough	79,938
Wilkinsburg Borough	433,020
Wilmerding Borough	72,264
Plum Borough	142,509
Franklin Park Borough	26,383
Armstrong County area	1,016,524
Armstrong County govt	444,146
Total to all cities over 2,500	195,079
Total to all cities under 2,500	183,231
Total to all townships	194,068
Ford City Borough	67,059
Kittanning Borough	98,494
Leechburg Borough	29,526
Beaver County area	3,158,115
Beaver County govt	1,117,863

Total to all cities over 2,500	1,369,151
Total to all cities under 2,500	163,997
Total to all townships	507,763
Aliquippa Borough	438,603
Ambridge Borough	188,186
Baden Borough	29,254
Beaver Borough	36,672
Beaver Falls City	254,131
Conway Borough	27,507
Ellwood City Borough (part)	9,892
Freedom Borough	28,738
Midland Borough	61,974
Monaca Borough	77,583
New Brighton Borough	71,282
Rochester Borough	55,152
Borough of Economy	56,464
Big Beaver Borough	11,254
Ohioville Borough	22,461
Bedford County area	401,009
Bedford County govt	183,058
Total to all cities over 2,500	34,590
Total to all cities under 2,500	67,053
Total to all townships	116,308
Bedford Borough	34,590
Berks County area	3,356,538
Berks County govt	986,301
Total to all cities over 2,500	1,600,681
Total to all cities under 2,500	255,968
Total to all townships	513,588
Birdsboro Borough	20,673
Boyertown Borough	19,219
Fleetwood Borough	13,880
Hamburg Borough	24,290
Kenhorst Borough	21,674
Kutztown Borough	34,712
Laureldale Borough	22,989
Mount Penn Borough	10,732
Reading City	1,324,985
Shillington Borough	27,354
Sinking Spring Borough	15,210
West Reading Borough	37,573
Wyomissing Borough	27,390
Blair County area	2,361,655
Blair County govt	779,440
Total to all cities over 2,500	1,191,116
Total to all cities under 2,500	119,123
Total to all townships	271,976
Altoona City	1,080,882
Hollidaysburg Borough	19,396
Roaring Spring Borough	22,635
Tyrone Borough	68,203
Bradford County area	737,332
Bradford County govt	386,516
Total to all cities over 2,500	155,144
Total to all cities under 2,500	74,766
Total to all townships	120,905
Athens Borough	54,702
Sayre Borough	57,010
Towanda Borough	43,433
Bucks County area	3,312,299
Bucks County Govt	1,523,892
Total to all cities over 2,500	315,427
Total to all cities under 2,500	132,467
Total to all townships	1,340,512
Bristol Borough	87,450
Doylestown Borough	37,483
Morrisville Borough	63,206
Perkasie Borough	26,077
Quakertown Borough	53,658
Sellersville Borough	32,780
Telford Borough (part)	4,828
Yardley Borough	9,945
Butler County area	1,577,774
Butler County govt	687,589
Total to all cities over 2,500	273,526
Total to all cities under 2,500	143,457
Total to all townships	473,203
Butler City	229,869
Slippery Rock Borough	32,500
Zelienople Borough	11,157
Cambria County area	3,398,423
Cambria County government	1,292,955
Total to all cities over 2,500	1,183,591
Total to all cities under 2,500	400,367
Total to all townships	521,510
Barnesboro Borough	28,487
East Conemaugh Borough	19,159
Ebensburg Borough	21,020
Emporium Borough	22,846
Geistown Borough	27,559
Johnstown City	923,578
Nanty Glo Borough	35,845
Patton Borough	16,341
Portage Borough	30,933
Southmont Borough	10,746
Spangler Borough	17,209
Westmont Borough	27,869
Cameron County area	77,816
Cameron County Government	33,580
Total to all cities over 2,500	0
Total to all cities under 2,500	30,352
Total to all townships	13,884
Carbon County area	842,880
Carbon County government	338,924
Total to all cities over 2,500	373,557
Total to all cities under 2,500	38,559
Total to all townships	91,840
Jim Thorpe Borough	111,649
Lansford Borough	63,809
Leighton Borough	52,714
Palmerion Borough	63,023
Summit Hill Borough	47,629
Weatherly Borough	7,911
Nesquehoning Borough	26,825
Centre County area	856,266
Centre County govt	359,504
Total to all cities over 2,500	290,158
Total to all cities under 2,500	42,575
Total to all townships	164,029
Bellefonte Borough	62,092
Philipsburg Borough	39,926
State College Borough	188,140
Chester County area	1,847,164
Chester County govt	819,026
Total to all cities over 2,500	432,845
Total to all cities under 2,500	46,807
Total to all townships	548,486
Coatesville City	95,984
Downingtown Borough	43,934
Kennett Square Borough	26,834
Malvern Borough	9,915
Oxford Borough	15,280
Parkesburg Borough	15,347
Phoenixville Borough	103,005
Spring City Borough	13,120
West Chester Borough	109,426
Clarion County area	378,240
Clarion County govt	154,935
Total to all cities over 2,500	56,592
Total to all cities under 2,500	80,148
Total to all townships	86,565
Clarion Borough	56,592
Clearfield County area	1,138,533
Clearfield County government	474,182
Total to all cities over 2,500	293,189
Total to all cities under 2,500	124,223
Total to all townships	246,938
Clearfield Borough	101,137
Curwensville Borough	39,500
DuBois City	152,552
Clinton County area	647,197
Clinton County government	319,941
Total to all cities over 2,500	170,535
Total to all cities under 2,500	83,076
Total to all townships	73,645
Lock Haven City	118,268
Renojo Borough	52,268
Columbia County area	674,655
Columbia County government	271,542
Total to all cities over 2,500	236,668
Total to all cities under 2,500	58,202
Total to all townships	198,243
Berwick Borough	114,916
Bloomsburg town	121,751
Crawford County area	1,314,843
Crawford County government	471,367
Total to all cities over 2,500	379,598
Total to all cities under 2,500	170,336
Total to all townships	23,548
Meadville City	251,144
Titusville City	128,454
Cumberland County area	1,093,343
Cumberland County govt	457,121
Total to all cities over 2,500	364,462
Total to all cities under 2,500	41,951
Total to all townships	229,803
Camp Hill Borough	50,894
Carlisle Borough	114,179
Lemoyne Borough	30,019
Mechanicsburg Borough	51,523
New Cumberland Borough	58,042
Shippensburg Borough (part)	49,918
Wormleysburg Borough	9,887
Dauphin County area	3,018,043
Dauphin County govt	1,077,204
Total to all cities over 2,500	1,370,138
Total to all cities under 2,500	132,502
Total to all townships	438,199
Harrisburg City	1,149,316
Highspire Borough	11,083
Hummelstown Borough	17,653
Lykens Borough	31,946
Middletown Borough	28,124
Millersburg Borough	17,130
Penbrook Borough	18,593
Steelton Borough	96,293
Delaware County area	6,076,805
Delaware County govt	2,350,254
Total to all cities over 2,500	1,523,905
Total to all cities under 2,500	55,142
Total to all townships	2,147,504
Aldan Borough	15,490
Brookhaven Borough	22,828
Chester City	891,103
Clifton Heights Borough	27,346
Collingdale Borough	33,525
Colwyn Borough	13,572
Darby Borough	80,551
East Lansdowne Borough	13,916
Eddystone Borough	9,931
Folcroft Borough	35,999
Glenolden Borough	29,924
Lansdowne Borough	43,642
Marcus Hook Borough	45,873
Media Borough	19,960
Morion Borough	8,698
Norwood Borough	42,421
Prospect Park Borough	43,715
Ridley Park Borough	27,954
Sharon Hill Borough	27,955
Swarthmore Borough	19,068
Upland Borough	32,845
Yeadon Borough	37,590
Elk County area	626,713
Elk County government	232,320
Total to all cities over 2,500	287,584
Total to all cities under 2,500	0
Total to all townships	106,810
Johnsonburg Borough	88,500
Ridsway Borough	72,049
St. Marys Borough	127,035
Erie County area	5,201,655
Erie County government	1,469,930
Total to all cities over 2,500	3,043,365
Total to all cities under 2,500	199,535
Total to all townships	488,825
Corry City	112,413
Edinboro Borough	35,000
Erie City	2,765,816
Girard Borough	14,709
North East Borough	38,357
Union City Borough	47,438
Wesleyville Borough	29,633
Fayette County area	2,768,425
Fayette County govt	1,236,216
Total to all cities over 2,500	629,931
Total to all cities under 2,500	287,630
Total to all townships	614,648
Brownsville Borough	78,488
Connellsville City	220,500

Revenue sharing funds for Penna.—Con.

[In dollars]

MasonTown Borough	21,085
Uniontown City	309,858
Forest County area	66,534
Forest County govt	47,999
Total to all cities over 2,500	0
Total to all cities under 2,500	4,752
Total to all townships	13,782
Franklin County area	1,042,277
Franklin County govt	527,111
Total to all cities over 2,500	291,653
Total to all cities under 2,500	32,108
Total to all townships	191,404
Chambersburg Borough	105,063
Greencastle Borough	16,913
Shippensburg Borough (Part)	12,153
Waynesboro Borough	157,464
Fulton County area	162,459
Fulton County govt	100,500
Total to all cities over 2,500	0
Total to all cities under 2,500	23,603
Total to all townships	38,356
Greene County area	810,440
Greene County govt	488,617
Total to all cities over 2,500	51,587
Total to all cities under 2,500	21,578
Total to all townships	248,658
Waynesburg Borough	51,587
Huntingdon County area	627,266
Huntingdon County govt	341,935
Total to all cities over 2,500	108,492
Total to all cities under 2,500	57,277
Total to all townships	119,562
Huntingdon Borough	70,422
Mount Union Borough	38,071
Indiana County area	924,179
Indiana County govt	458,027
Total to all cities over 2,500	198,414
Total to all cities under 2,500	79,855
Total to all townships	187,883
Blairsville Borough	25,905
Indiana Borough	172,509
Jefferson County area	694,934
Jefferson County govt	242,103
Total to all cities over 2,500	279,780
Total to all cities under 2,500	79,453
Total to all townships	93,599
Brockway Borough	32,388
Brookville Borough	52,496
Punxsutawney Borough	150,886
Reynoldsville Borough	44,009
Juniata County area	165,886
Juniata County govt	100,199
Total to all cities over 2,500	0
Total to all cities under 2,500	15,587
Total to all townships	50,100
Lackawanna County area	4,595,520
Lackawanna County govt	1,491,267
Total to all cities over 2,500	2,816,809
Total to all cities under 2,500	142,951
Total to all townships	144,493
Archbald Borough	57,439
Blakely Borough	20,463
Carbondale City	139,604
Clarks Summit Borough	33,499
Dickson City Borough	71,235
Dunmore Borough	205,868
Moosic Borough	46,552
Old Forge Borough	156,384
Olyphant Borough	73,727
Scranton City	1,883,909
Taylor Borough	81,052
Throop Borough	47,077
Lancaster County area	2,580,204
Lancaster County govt	906,103
Total to all cities over 2,500	976,035
Total to all cities under 2,500	83,484
Total to all townships	614,582
Akron Borough	9,754
Columbia Borough	70,548
East Petersburg Borough	10,553
Elizabethtown Borough	27,167
Ephrata Borough	32,781
Lancaster City	696,221
Lititz Borough	25,620
Manheim Borough	26,417
Marietta Borough	13,087
Millersville Borough	19,811
Mount Joy Borough	24,258
New Holland Borough	17,828
Lawrence County area	1,609,012
Lawrence County govt	480,244
Total to all cities over 2,500	790,200
Total to all cities under 2,500	108,154
Total to all townships	230,414
Ellwood City Borough (part)	87,292
New Castle City	679,445
New Wilmington Borough	23,463
Lebanon County area	1,134,736
Lebanon County government	555,870
Total to all cities over 2,500	338,861
Total to all cities under 2,500	57,016
Total to all townships	182,990
Lebanon City	274,926
Myerstown Borough	25,362
Palmyra Borough	38,572
Lehigh County area	3,069,467
Lehigh County government	769,907
Total to all cities over 2,500	1,837,423
Total to all cities under 2,500	55,691
Total to all townships	406,446
Alentown City	1,406,470
Bethlehem City (part)	251,994
Catasauqua Borough	41,371
Coplay Borough	27,168
Emmaus Borough	44,895
Borough of Fountain Hill	38,819
Slattington Borough	26,706
Luzerne County area	5,019,123
Luzerne County government	1,848,437
Total to all cities over 2,500	2,480,280
Total to all cities under 2,500	172,022
Total to all townships	518,384
Ashley Borough	32,837
Dallas Borough	21,360
Dupont Borough	15,531
Duryea Borough	49,437
Edwardsville Borough	48,620
Exeter Borough	39,837
Forty Fort Borough	36,578
Freeland Borough	77,047
Hazleton City	353,906
Kingston Borough	118,575
Larksville Borough	39,581
Luzerne Borough	34,109
Nanticoke City	112,006
Pitision City	122,006
Plymouth Borough	73,463
Swoyersville Borough	119,412
West Hazleton Borough	51,850
West Pittston Borough	38,608
West Wyoming Borough	19,306
Wilkes Barre City	1,053,397
Wyoming Borough	21,501
Lycoming County area	1,743,885
Lycoming County govt	527,059
Total to all cities over 2,500	880,701
Total to all cities under 2,500	95,547
Total to all Townships	240,578
Jersey Shore Borough	38,044
Monioursville Borough	37,974
Muncy Borough	22,313
S. Williamsport Borough	61,819
Williamsport City	720,551
McKean County area	822,962
McKean County Govt	277,284
Total to all cities over 2,500	304,015
Total to all cities under 2,500	71,483
Total to all townships	170,186
Bradford City	229,044
Kane Borough	53,080
Port Allegany Borough	21,891
Mercer County area	2,067,728
Mercer County govt	955,785
Total to all cities over 2,500	1,016,730
Total to all cities under 2,500	95,213
Total to all townships	0
Farrell City	247,511
Greenville Borough	152,195
Grove City Borough	69,497
Mercer Borough	24,890
Sharon City	456,598
Sharpsville Borough	60,040
Mifflin County area	453,514
Mifflin County govt	246,181
Total to all cities over 2,500	99,567
Total to all cities under 2,500	8,246
Total to all townships	99,520
Burnham Borough	25,111
Lewistown Borough	74,457
Monroe County area	626,085
Monroe County govt	369,718
Total to all cities over 2,500	123,686
Total to all cities under 2,500	14,384
Total to all townships	118,296
E. Stroudsburg Borough	72,412
Stroudsburg Borough	51,274
Montgomery County area	3,990,258
Montgomery County govt	1,237,056
Total to all cities over 2,500	622,592
Total to all cities under 2,500	51,285
Total to all townships	2,079,326
Ambler Borough	24,160
Bridgeport Borough	24,290
Collegeville Boro	9,884
Conshohocken Borough	40,683
Hatboro Borough	31,619
Jenkintown Borough	18,553
Lansdale Borough	60,273
Narberth Borough	17,630
Norristown Borough	219,480
North Wales Borough	12,931
Pottstown Borough	113,645
Rockledge Borough	7,942
Royersford Borough	12,909
Souderton Borough	19,718
Telford Borough (part)	8,875
Montour County area	244,033
Montour County govt	98,419
Total to all cities over 2,500	97,961
Total to all cities under 2,500	2,760
Total to all townships	44,893
Danville Borough	97,961
Northampton County area	3,592,678
Northampton County govt	1,090,101
Total to all cities over 2,500	1,854,391
Total to all cities under 2,500	215,531
Total to all townships	432,656
Bangor Borough	45,574
Bethlehem City (part)	775,697
Easton City	610,894
Hellertown Borough	62,207
Nazareth Borough	64,168
Northampton Borough	95,597
Nacatasauqua Borough	22,296
Pen Argyl Borough	36,900
Wilson Borough	134,056
Northumberland County area	1,470,862
Northumberland County govt	771,500
Total to all cities over 2,500	651,291
Total to all cities under 2,500	48,070
Total to all townships	0
Kulpmont Borough	33,000
Milton Borough	107,595
Mount Carmel Borough	11,582
Northumberland Borough	92,115
Shamokin City	165,619
Sunbury City	167,594
Watsontown Borough	7,787
Perry County area	243,364
Perry County govt	100,281
Total to all cities over 2,500	0
Total to all cities under 2,500	62,847
Total to all townships	80,230
Philadelphia County area	43,791,552
Philadelphia County govt	0
Total to all cities over 2,500	43,758,115

Revenue sharing funds for Penna.—Con.

[In dollars]

Total to all cities under 2,500	0
Total to all townships	0
Philadelphia City	43, 758, 115
Pike County area	150, 187
Pike County govt	69, 525
Total to all cities over 2,500	0
Total to all cities under 2,500	28, 012
Total to all townships	52, 650
Potter County area	281, 558
Potter County govt	163, 035
Total to all cities over 2,500	29, 000
Total to all cities under 2,500	52, 389
Total to all townships	37, 135
Coudersport Borough	29, 000
Schuylkill County area	3, 063, 222
Schuykill County government	1, 834, 000
Total to all cities over 2,500	1, 229, 222
Total to all cities under 2,500	0
Total to all townships	0
Ashland Borough	46, 500
Coaldale Borough	50, 500
Frackville Borough	67, 500
McAdoo Borough	45, 000
Mahanoy City Borough	78, 500
Minersville Borough	124, 000
Orwigsburg Borough	31, 500
Port Carbon Borough	48, 000
Pottsville City	442, 722
St. Clair Borough	26, 000
Schuylkill Haven Borough	45, 000
Shenandoah Borough	103, 500
Tamaqua Borough	120, 500
Snyder County area	395, 262
Snyder County government	133, 367
Total to all cities over 2,500	65, 655
Total to all cities under 2,500	69, 864
Total to all townships	126, 376
Selinsgrove Borough	65, 655
Somerset County area	1, 088, 163
Somerset County government	499, 944
Total to all cities over 2,500	135, 890
Total to all cities under 2,500	126, 323
Total to all townships	326, 006
Meyersdale Borough	42, 500
Somerset Borough	44, 909
Windber Borough	48, 480
Sullivan County area	85, 089
Sullivan County government	45, 416
Total to all cities over 2,500	0
Total to all cities under 2,500	16, 705
Total to all townships	22, 969
Susquehanna County area	401, 345
Susquehanna County government	215, 746
Total to all cities over 2,500	0
Total to all cities under 2,500	107, 402
Total to all townships	78, 196
Tioga County area	564, 651
Tioga County government	306, 854
Total to all cities over 2,500	78, 214
Total to all cities under 2,500	80, 755
Total to all townships	98, 828
Mansfield Borough	32, 000
Wellsboro Borough	46, 214
Union County area	318, 124
Union County government	119, 698
Total to all cities over 2,500	90, 183
Total to all cities under 2,500	9, 543
Total to all townships	108, 701
Lewisburg Borough	82, 108
Mifflinburg Borough	8, 075
Venango County area	993, 972
Venango County government	352, 385
Total to all cities over 2,500	407, 225
Total to all cities under 2,500	55, 872
Total to all townships	178, 490
Franklin City	124, 783
Oil City	275, 442
Polk Borough	7, 000
Warren County area	710, 654
Warren County Govt	281, 380
Total to all cities over 2,500	218, 338
Total to all cities under 2,500	80, 865
Total to all townships	130, 072
Warren Borough	218, 338
Washington County area	3, 344, 648
Washington County Govt	1, 266, 842
Total to all cities over 2,500	914, 629
Total to all cities under 2,500	332, 974
Total to all townships	830, 202
Bentleyville Borough	11, 709
California Borough	54, 587
Canonsburg Borough	125, 992
Centreville Borough	56, 577
Charleroi Borough	67, 630
Donora Borough	100, 463
McDonald Borough (part)	13, 217
Monongahela City	79, 010
Washington City	405, 445
Wayne County area	417, 325
Wayne County government	217, 792
Total to all cities over 2,500	51, 775
Total to all cities under 2,500	32, 072
Total to all townships	109, 687
Honesdale Borough	51, 775
Westmoreland County area	4, 810, 451
Westmoreland County government	1, 587, 442
Total to all cities over 2,500	1, 788, 269
Total to all cities under 2,500	269, 580
Total to all townships	1, 165, 161
City of Arnold	80, 450
Derry Borough	17, 803
Greenburg City	200, 939
Irwin Borough	26, 087
Jeannette City	201, 323
Lairobe Borough	136, 941
Monessen City	308, 807
Mount Pleasant Borough	30, 232
New Kensington City	256, 275
N. Belle Vernon Boro	23, 437
Scottdale Borough	77, 460
South Greensburg Borough	35, 433
S. W. Greensburg Boro	23, 317
Trafford Borough (part)	44, 151
Vandergrift Borough	175, 214
West Newton Borough	30, 336
Youngwood Borough	24, 336
Lower Burrell City	95, 727
Venango County area	993, 972
Venango County government	352, 385
Total to all cities over 2,500	407, 225
Total to all cities under 2,500	55, 872
Total to all townships	178, 490
Franklin City	124, 783
Oil City	275, 442
Polk Borough	7, 000
Warren County area	710, 654
Warren County government	281, 381
Total to all cities over 2,500	218, 338
Total to all cities under 2,500	80, 865
Total to all townships	130, 072
Warren Borough	218, 338
Washington County area	3, 344, 648
Washington County government	1, 266, 842
Total to all cities over 2,500	914, 629
Total to all cities under 2,500	332, 974
Total to all townships	830, 202
Bentleyville Borough	11, 709
California Borough	54, 587
Canonsburg Borough	125, 992
Centreville Borough	56, 577
Charleroi Borough	67,630
Donora Borough	100, 463
McDonald Borough (part)	13, 217
Monongahela City	79, 010
Washington City	405, 445
Wayne County area	411, 325
Wayne County government	211, 192
Total to all cities over 2,500	51, 775
Total to all cities under 2,500	32, 072
Total to all townships	109, 687
Honesdale Borough	51, 775
Westmoreland County area	4, 810, 451
Westmoreland County government	1, 587, 442
Total to all cities over 2,500	1, 788, 269
Total to all cities under 2,500	269, 580
Total to all townships	1, 165, 161
City of Arnold	80, 450
Derry Borough	17, 803
Greensburg City	200, 939
Irwin Borough	26, 087
Jeannette City	201, 323
Latrobe Borough	136, 941
Monessen City	308, 807
Mount Pleasant Borough	30, 232
New Kensington City	256, 275
North Belle Vernon, Borough	23, 437
Scottdale Borough	77, 460
South Greensburg Borough	35, 433
South West Greensburg Borough	23, 317
Trafford Borough (part)	44, 151
Vandergrift Borough	175, 214
West Newton Borough	30, 336
Youngwood Borough	24, 336
Lower Burrell City	95, 727
Wyoming County area	262, 894
Wyoming County government	125, 777
Total to all cities over 2,500	0
Total to all cities under 2,500	46, 909
Total to all townships	90, 209
York County area	2, 345, 055
York County government	828, 841
Total to all cities over 2,500	697, 907
Total to all cities under 2,500	252, 151
Total to all townships	566, 156
Dallastown Borough	12, 714
Hanover Borough	51, 502
Red Lion Borough	28, 717
West York Borough	41, 248
Wrightsville Borough	11, 134
York City	552, 511

CONSUMER PROTECTION AGENCY BILL

Mr. FANNIN. Mr. President, I read with interest a recent column in the local press which contains some observations very relevant to the Consumer Protection Agency bill that would send Federal agents into agency and court proceedings at Federal, State, and local levels.

The columnist says that:

> The pervasive conviction of the times is of being stifled, of freedom lost, of being unable to work our will on events.

The columnist favorably quotes from a book in progress by Robert Stavins of the University of Maryland. The book's purpose is to document the extent and nature of what has happened in law and government that gives substance to how our basic liberties are being eroded through the imposition of super bureaucracies. Mr. Stavins says:

> You never see a guy with boots and a German shepherd, so [these gradual losses of freedom] are not easily recognized.

The columnist says that:

> Mr. Stavin's analysis shows a continuous process by which the forms and divisions of our society are being broken down—and with their crumbling go both our ancient protections and our power to do for ourselves. The most obvious examples are to be found in law where extraordinary powers, once reserved only for short emergencies, have become the ordinary power of the state, executed on a daily basis.
>
> The distinction between public and pri-

> vate is being rubbed away. You can say, that we are all becoming servants of the state.

As an example, the columnist cites the fact that there are now over 200 Federal statutes giving the Government control over what we used to think of as private corporations.

Other figures cited as examples are the fact that one of every six employed persons works for the government; one out of every hundred employed people "is a cop of one sort or another." All of these employees of the government are working in what Mr. Stavins is quoted as calling, "A custodial, nonwork, nonproductive system."

According to this popular columnist:

> At the same time, the dispersed and counter-checking forms of power and sovereignty that once resided in local and state governments are being destroyed. All are being converted into purely administrative units tied to Washington's Computers.

This columnist says:

> Recourse to political solutions, is exceedingly iffy. The tendency of our development over the past half century, as Stavins points out, is to depoliticize every question and make it a matter to be decided by the bureaucracy's expertise.

This colunmnist, who is respected by many, points out that:

> Whole areas of public debate disappear from sight. This has happened with banking, fiscal policy, much of foreign affairs and a good deal of education.

I have not mentioned the columnist's name because I did not want his relevant observations to be clouded by his well known political persuasions.

He is not William Buckley, James J. Kilpatrick, Joseph Alsop, or either Rowland Evans, or Robert Novak.

He is none other than Nicholas von Hoffman, Washington's resident ultraliberal and a man of similar persuasion to many of the more zealous proponents of this bill outside the Congress. I often disagree with Mr. von Hoffman's views on many subjects. But I find much merit in his views as I have quoted them. They appeared in the Washington Post of August 30, 1972.

There is no doubt that this bill that adds two new Federal bureaucracies in Washington is also intended to increase Federal control over State and local governments as well through local intervention and grants-in-aid with long Federal strings on them.

As Chairman SAM ERVIN said in the committee report about the Federal-State workings of this bill, it "is nothing more than a bureaucratic barbell that is sure to give the out-of-condition taxpayer a hernia, if not a broken back."

The precept of this bill is that some Federal agencies are not now giving adequate consideration to the interests of consumers. All right. That may be a problem that we should attempt to solve. But rather than finding out which agencies are causing consumers problems, and rather than attempting to solve these problems positively once identified, we are asked to approve an administrative, discretionary, blunderbuss attack on Government, by Government.

Abraham Lincoln fought against attempts to perish from this earth a government of the people, by the people, for the people. Mr. von Hoffman expresses these same fears with some justification. He no doubt would agree that this very bill is a major step toward Government of the Government, by the Government, against the Government.

We are asked to approve the creation of an independent bureaucracy with powers not only to forcefully intrude into any other governmental unit's operations, but to disrupt these operations at will through the use of unprecedented legal powers to foster its own ideas, without guidelines.

With infinitesmally few exceptions, such as the operations of the Central Intelligency Agency, this new CPA would be able to enter as of unchallengeable right the public and internal deliberations of every Federal department, commission, administration, council, bureau, division, office, service, task force, board, group, team, or even individual—the workings of any Federal unit, no matter what its bureaucratic classification.

And not only that, the proposed CPA, as part of its negative purpose, would be able to appeal to the courts the final actions of these units.

The story does not stop here, either. The bill defines an agency "action" to include "nonaction" under section 401 (3). Therefore, under section 203(d), the proposed CPA could request any of its sister agencies to take a particular action that was desired by the CPA—such as revocation of a license after investigation.

If that sister agency replied that it did not have time to do the CPA's bidding because it had other higher-priority matters to attend to, the CPA could take that recalcitrant sister agency to court under section 204 and attempt to get the courts to enforce its request no matter what the sister agency's priorities were.

If the sister agency were then forced to drop its priority concerns and satisfy the desires of the CPA, the CPA would forcefully intrude into the day-to-day deliberations by this sister agency to make sure that the proceeding that the CPA forced them to initiate came out the way CPA wanted it to come out before all the facts were in.

If it were a proceeding which by law had to be decided on the record, the CPA could introduce witnesses, subpena documents and cross-examine other persons under available procedural powers and make sure that the record was stacked in its favor at taxpayer expense.

If it were an informal activity, such as an investigation, the CPA could use both its sister agency's discovery powers as well as its own unprecedented fishing expedition powers under section 207(b). That section precludes the CPA from using its far-reaching and court enforceable information demands against the person to whom they are addressed, but only in a formal proceeding.

Thus, in an informal activity such as an investigation that might lead to a formal proceeding, the CPA can use this unprecedented power and feed it to the investigating agency. No investigating agency, including the Federal Bureau of Investigation, has anything close to the sweeping powers proposed in section 207(b).

If the CPA's sister agency comes to a decision contrary to what the CPA's predetermined position was, the CPA may take the issue to court, and dump the whole record upon the overburdened judiciary.

We would have two agencies endowed by Congress with the mantle of expertise. One, an expertise and responsibility to protect the interests of the public. The other, an expertise and responsibility to protect the lesser included interests of consumers. The courts will have to choose between these two experts.

The only way in which the courts will be able to so choose will be to hold their own administrative process. Thus, we shall have come full circle, and put back into the courts what the administrative process was designated to remove.

And what about the lowly consumer? Where does he come into all this decisionmaking? How does he get his ideas expressed? Does the CPA hold a hearing of consumers before it intervenes in a second hearing by another agency with primary jurisdiction? Not on your life. Supporters of this bill tell us such a process would not be efficient; it would take too long.

So the CPA, with all of its discretionary omniscience, makes a determination as to what position it will take, and any consumers who think differently will have to do battle with the CPA in a proceeding of another agency.

Who do you think will win? Under this bill, the CPA would have more power than any other party in that proceeding, and probably more money for advocating its views than would any other party. In many respects, the CPA would have more power for this purpose than the agency holding the proceeding. Consumers will soon learn that it is useless to attempt to do battle with their own Protection Agency. The now flowering attempts at private consumer advocacy will wilt and die on the vine.

Let us look at what the majority of the Government Operations Committee says in its committee report on this bill. Let us use one of their own examples, because obviously they are of the opinion that they can sense the needs of the American consumer in this area.

On page 14 of the report, it says that:

> The committee realizes that in choosing which interests of consumers it will advocate, the CPA will necessarily have to choose among competing consumer interests.

Also on that page, the report states that:

> The committee does not expect the CPA to resolve such conflicts.

The report says:

> Using its best judgment, the CPA will usually determine which side to represent.

Note carefully that it is the intent of the committee to let the CPA use its best judgment as to which consumer group to attack. Neither the committee nor the bill attempts to offer guidelines on the subject. All they offer is unprecedented power for the CPA to exercise more discretion than any other Federal unit now in existence. And this is discretionary power that could greatly affect our entire economy.

Let us look at one of the examples that the committee gives to illustrate how the CPA will be given a free hand to make up its own mind and not only oppose an action of one of its sister agencies, but to oppose portions of its own consumer constituency who—by the express provisions of section 210(e)—cannot challenge the agency that is working in their name, but against them.

On page 14, the committee says that it will leave to the discretionary resolution of the CPA which side of the "hexachlorophine controversy" to use its sweeping advocacy powers to promote. There is little doubt that whichever side the CPA takes as being in the interests of consumers, that side will win. A look at sections 203, 204 and 207(b) will show any lawyer that. The report, again on page 14, says concerning hexachlorophine that:

> One group of consumers, interested in primarily in maintaining a sterile, therapeutic environment, will favor continued use of the chemical, while another group, more concerned with possible harmful side effects, will argue for strict limitations or total exclusion of its use.

The committee report on that page merely tells the CPA to "use its best judgment." Also on that page, the report says that:

> The committee believes the CPA must listen to the business viewpoint, as it does to consumers.

Let us look into this example a bit deeper. As we all know from reading the papers, the Food and Drug Administration just banned the consumer use of hexachlorophine.

According to the majority on the Government Operations Committee—which must have looked into the matter before writing legislative history on the subject—a substantial interest of consumers was adversely affected by that FDA decision. Also, according to the press repors, the businessmen who make soap and other products out of hexachlorophine for consumer use were adversely—and, according to them, unfairly—affected.

Under section 203(f) of this bill, if it were law, those consumers mentioned in the report who do not like the idea of FDA banning one of their favorite products, as well as those businessmen who manufacture and sell these products, could petition the CPA to stop this FDA action. Or, of course, the CPA could take the initiative to do this without even knowing what the views of consumers were.

Under section 204, the CPA—even though it did not participate in the proceeding leading to the FDA action—could force the FDA to reconsider the matter administratively and lift the ban while so reconsidering. If FDA refused, it would take FDA to court.

Under section 207(c), the CPA would order the FDA to turn over to it all of its documents, papers, and records on the subject, including trade secrets, the names of persons who gave information against their employers, profit and loss statements, and a host of other sensitive materials not covered by the pitifully few exceptions listed.

If the case was at the court level, the CPA could use its sweeping subpena-like powers in section 207(b) to order any doctor, nurse, businessman, or whistle blower to submit reports and written answers to any questions on the subject—at their own expense and under oath. If they refused, they could be taken to court under this section and prosecuted without a jury for contempt and sent to jail until they answered.

As a mater of fact, through a strange use of the terms "which" and "whose" on page 21 at lines 23 and 24, it would appear that the CPA could so order any consumer whose actions are related to this issue, so long as that consumer was employed in a trade, business, or industry which substantially affects commerce.

If the case was at the formal rehearing level at FDA, the CPA could still use these extraordinary fishing expedition powers to get the FDA to reverse its own decision. It would not have been able to do this under the reported bill, but under a liberalizing amendment accepted last Friday, it could use these powers so long as the information extracted from its victims was not used personally against them in the proceeding. Thus, the amendment adopted Friday would appear to limit what was a safeguard against super powers in all proceedings to merely a safeguard in quasicriminal proceedings.

Now what about consumer groups on the other side of the question who wish to see a certain product banned? Even if they had the money and time to argue their case before the FDA or the court, they would not stand a chance. They would have nowhere near the power of CPA, nor would they be able to use publicity as would CPA to gain its position. It goes without saying that CPA, being a Federal agency, will do what all these agencies do—among the first employees hired will be public relations and press types whose principle duty will be to promote the image of the agency and its positions, all of which becomes very important when the agency returns with a request that would double its budget.

Now what does the court do when it gets a case, CPA versus FDA? Congress gave both these agencies the duty to make a difficult decision to protect the interests of consumers. Both are what the courts call expert agencies—at least the courts call such agencies that now. When this bill is passed, the principle of the courts deferring to the will of Congress as expressed by administrative agencies will go down the drain.

Anyway, what does the court do when faced with this challenge against the Government, by the Government, for the Government? All of course, at taxpayer expense, including court costs. The court cannot do anything but go into the factual record in detail and make what, in effect, will be an administrative agency decision at the judicial level. The courts will be forced to administer the laws and make public policy.

This is the very type of protection that Mr. von Hoffman was talking about. The Government, rather than perfecting the consumer's right to challenge the Government, will take that right away from the consumer and challenge itself on behalf of the consumer. We are, therefore, specifically legislating a split in the Government, while at the same time diminishing considerably the private rights of consumers by poaching them.

What I object to mostly about this bill is its negative and overreaching reaction to some very real problems. Even the sponsors admit that they have no idea as to where the CPA is going to intrude, and what position it will take once it does intrude.

If we are to admit that the interests of consumers are not only pervasive but often contradictory, it seems to me that we cannot grant such overwhelming, discretionary, disruptive powers to protect these interests. Quite frankly, we are being asked to sign a blank check which may or may not bankrupt us—a decision which will only be made by some unknown political appointees.

I cannot sign such a check without major reservations, or at least putting a conditional endorsement on the back. When I think of the many affected programs over which I am supposed to have oversight responsibilities, or which affect my great State, I shudder at delegating such strong disruptive powers to an unknown entity and based on an unproved theory that the best way to protect consumers is to pit one protective agency against another.

In reading the letters on this bill by various Federal agencies to Senator ALLEN, I was shocked at its potentiality for disruption. What do I do if the CPA, in "using its best judgment," decides to attack the golden eagle passport program or the building of a vitally needed dam in my State—or attacks, on behalf of power consumers, those who are fighting a proposal to build a dam that is not in the larger public interest? What can I do under this bill? Issue a press release saying, although I signed a blank check, I would not have acted the way the CPA did if I could make the decision?

I am disturbed by this bill in its present form. That should not be taken as an indication of opposition to further efforts at improving Federal consumer protection, or even the creation of an independent consumer protection agency that would do this properly.

A middle-of-the-road proposal was suggested in each of the four minority or supplemental views. It is called the "Amicus Approach," because it embodies some of the more positive concepts of amicus curiae advocacy.

The amicus amendment would, of course, allow the CPA far more power than that of a mere amicus curiae. But during the CPA's initial years, at least, this amicus power would be used to assist other agencies and the courts in giving due consideration to the interests of the consumer. It would not, as proposed in the present bill, be a power that would be used to create a system of government by combat.

I read in Friday's Washington Post that the principal objection to the amicus amendment by those who favor trial by combat under this bill was that the amicus amendment would make the agency a "toothless tiger."

Well, I wonder whether it is wise for us to give birth to a toothful tiger, and let it loose upon the economy with nothing but a committee report which says the tiger should use its own best judgments. Tigers have to destroy to live. Tigers often go mad and kill for the sake of killing. Tigers are, for the most part, uncontrollable. The CPA need not be a tiger, nor destroy, to greatly improve Federal, State and local consumer protection efforts.

The amicus amendment would allow for great strides in consumer protection, but it would not put a tiger in our ranks. It would allow the CPA to enter and forcefully argue in any proceeding or activity of its choice, but not to disrupt them. It would allow for effective court appearances as of right, without adding unnecessary burdens on our already overburdened judiciary. It is a trial period approach, anticipating that the CPA will soon come back to Congress, and the President—as it is required to do under section 202(b)—and ask for more power, more teeth.

At that point, the CPA can tell us explicitly what power is needed and where, and we can gladly give it to the CPA.

That would be acting responsibly to overcome known problems with solutions proposed by an expert agency and ratified by us with a knowledge of what we are doing.

I urge Senators to read the committee report, particularly the views of Senators ERVIN, ALLEN, GURNEY, and BROCK. And, if they have time, to read the letters submitted by Federal agencies—letters that show great alarm at the prospects contained in this bill.

SOCIAL SECURITY AMENDMENTS OF 1972

The PRESIDING OFFICER (Mr. GAMBRELL). Under the previous order, the Chair lays before the Senate H.R. 1, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (H.R. 1) to amend the Social Security Act, to make improvements in the medicare and medicaid programs, to replace the existing Federal-State public assistance programs, and for other purposes.

Mr. LONG. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The Senate proceeded to consider the amendment.

Mr. ROTH. Mr. President, I offer an amendment to the amendment by the Senator from Louisiana (Mr. LONG).

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

Strike all of title IV of the amendment and title V, down to and including all of section 532 of the amendment, and insert the following:

"TITLE IV—PROGRAMS FOR FAMILIES WITH CHILDREN

"PART A—TESTING OF ALTERNATIVE PROPOSALS FOR ASSISTANCE TO FAMILIES WITH DEPENDENT CHILDREN

"AUTHORIZATION FOR CONDUCT OF TEST PROGRAM

"SEC. 401. (a) For purposes of this part—

"(1) the term "family assistance tests' means (A) the programs contained in title IV of H.R. 1, Ninety-second Congress, first session, as passed by the House of Representatives, or (B) the program referred to in clause (A) as amended by amendment numbered 1669, Ninety-second Congress, second session, introduced in the Senate on October 2, 1972.

"(2) the term 'workfare test program' means the program contained in parts A and B, title IV of H.R. 1, Ninety-second Congress, second session, as reported to the Senate by the Committee on Finance on September 26, 1972, and

"(3) the term 'family' means a family with children.

"(b)(1) The Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the 'Secretary') is authorized, effective January 1, 1973, to plan for and conduct, in accordance with the provisions of this section, not more than three test programs. One of such programs shall be the family assistance test program defined in subsection (a)(1)(A) of this section, one of such programs shall be the family assistance program defined in subsection (a)(1)(B) of this section, and one of such programs shall be the workfare test program.

"(2) Whenever the workfare test program is commenced, there shall commence, on the same date as such program, both family assistance test programs. Except as may otherwise be authorized by the Congress, no test program under this section shall be conducted for a period of less than twenty-four months or more than forty-eight months, and to the maximum extent practical each such test program shall be conducted for the same length of time.

"(3) Any such test program shall be conducted only in and with respect to an area which consists of one or more States, one or more political subdivisions of a State, or part of a political subdivision of a State, and shall be applicable to all the individuals who are residents of the State or the area of the State in and with respect to which such program is conducted.

"(4) During any period for which any such test program is in effect in any State or in any area of a State, individuals residing in such State or the area of the State in which such program is in effect shall not be eligible for aid or assistance under any State plan or program for which the State receives Federal financial assistance under part A of title IV of the Social Security Act.

"(5) The Secretary, in determining the areas in which test programs under this section shall be conducted, shall select areas with a view to assuring—

"(A) that the number of participants in any such program will (to the maximum extent practicable) be equal to the number of participants in any other such program; and

"(B) that the area in which any family assistance test program is conducted shall be comparable (in terms of size and composition of population, of average per capita income, rate of unemployment, and other relevant criteria) to an area in which a workfare test program is conducted.

"(c)(1) No test program under this section shall be conducted in any State (or any area thereof) unless such State shall have entered into an agreement with the Secretary under which the State agrees—

"(A) to participate in the costs of such test program; and

"(B) to cooperate with the Secretary in the conduct of such program.

"(2) Under any such agreement, no State shall be required to expend, with respect to any test program conducted within such State (or any area thereof), amounts greater than the amount which would have been expended with respect to such State or area thereof (as the case may be), during the period that such test program is in effect, under the State plan of such State approved under part A of title IV of the Social Security Act. For purposes of determining the amount any State would have under such a plan during the period that any such test program is in effect within such State (or any area thereof), it shall be assumed that the rate of State expenditure (from non-Federal funds) under such plan would be equal to the average of State expenditure (from non-Federal funds) under such plan for the twelve-month period immediately preceding the commencement of such test program.

"(d)(1) The Secretary shall, upon completion of any plans for and prior to the commencement of any test program under this section, submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a complete and detailed description such program and shall invite and give consideration to the comments and suggestions of such committees with respect to such program.

"(2) During the period that test programs are in operation under this section, the Secretary shall from time to time (but not less frequently than once during any six-month period) submit to the Congress a report on such programs. Each such report shall contain full and complete information and data with respect to such programs and the operation thereof, together with such recommendations and comments of the Secretary with respect to such programs as he deems desirable.

"(3) At the earliest practicable date after the termination of all test programs authorized to be conducted by this section, the Secretary shall submit to the Congress a full and complete report on such programs and their operation together with (A) the Secretary's evaluation of such programs and such comments or recommendations of the Secretary with respect to such programs as he deems desirable and (B) his recommendations (if any) for legislation to revise or replace the provisions of part A of title IV of the Social Security Act.

"(e)(1) The Secretary shall—

"(A) in the planning of any test program under this section; or

"(B) in assembling information, statistics, or other materials, to be contained in any report to Congress under this section;

consult with, and seek the advice and assistance of, the General Accounting Office and the General Accounting Office shall consult with the Secretary and furnish such advice and assistance to him upon request of the Secretary or at such times as the Comptroller General deems desirable.

"(2) The operations of any test program conducted under this section shall be reviewed by the General Accounting Office, and the books, records, and other documents pertaining to any such program or its operation shall be available to the General Accounting Office at all reasonable times for purposes of audit, review, or inspection. The books, records, and documents of each such program shall be audited by the General Accounting

Office from time to time (but not less frequently than once each year).

"(3) During the period that test programs are in operation under this section, the Comptroller General shall from time to time (but not less frequently than once during any six-month period) submit to the Congress a report on such programs which shall contain full and complete information and data with respect to such programs and the operation thereof, together with such recommendations and comments of the Comptroller General with respect to such programs as he deems desirable.

"(4) At the earliest practicable date after the termination of all test programs authorized to be conducted by this section, the Comptroller General shall submit to the Congress a full and complete report on such programs and their operation together with his evaluation of, and comments and recommendations (if any), with respect to such programs.

"(f) In the administration of test programs under this section, the Secretary shall provide safeguards which restrict the use or disclosure of information identifying participants in such programs to purposes directly connected with the administration of such programs (except that nothing in this subsection shall be construed to prohibit the furnishing of records or information concerning participants in such programs to the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives).

"(g) For the purpose of enabling the Secretary to formulate operational plans and to conduct test programs under this section, there are hereby authorized to be appropriated for each fiscal year $400,000,000.

"(h) Nothing in this Act shall be construed as a commitment, on the part of the Congress, to enact (at any future time) legislation to establish, on a permanent basis, any program tested pursuant to this section or any similar program.

"(i) Section 204(c)(2) of the Social Security Amendments of 1967 is repealed.

"Part B—Employment With Wage Supplement

"Sec. 420. The Social Security Act is amended by adding after title XIX thereof the following new title:

"TITLE XX—EMPLOYMENT WITH WAGE SUPPLEMENT

"ELIGIBILITY

"Sec. 2001. Every individual who is a head of family (as defined in section 2003(f)) and is a citizen of the United States (or an alien lawfully admitted for permanent residence in the United States or otherwise permanently residing in the United States under color of law) and who—

"(a) is employed in regular employment (as defined in section 2003(b)) in the United States (but not in the Commonwealth of Puerto Rico)—

"(1) which is compensated at a rate which—

"(A) is not less than the applicable rate (if any) required under Federal, State, or local law, and

"(B) is less than (but not less than three-fourths of) the minimum wage (as defined in section 2003(d)), and

"(2) in a position the compensation for which—

"(A) has not, during the three-month period preceding the date on which such individual is placed in such position, been reduced, or (if such compensation has been reduced during such period) the Secretary is satisfied (on the basis of evidence presented to him) that such compensation was not reduced in contemplation of the availability of the payment of wage supplement benefits under this subpart with respect to such position, and

"(B) is not reduced during the period that such individual is employed in such position, unless (i) such compensation is reduced after such individual has been employed in such position for a three-month period, or (ii) the Work Secretary is satisfied (on the basis of evidence presented to him) that the reduction in such compensation is or was not made because of the availability of the payment of wage supplement benefits under this part with respect to such positions;

"(b) makes application (filed in such form and manner and with such official as may be prescribed under regulations prescribed by the Secretary) for wage supplement benefits; shall be entitled to receive the wage supplement payments authorized by this part for each week that the conditions of clauses (a) and (b) are met, commencing with the week following the week in which his application for such benefits is filed with the Secretary.

"AMOUNT OF WAGE SUPPLEMENT

"Sec. 2002. (a) For each week any individual who is entitled to wage supplement benefits under this title shall be paid a wage supplement equal to the amount produced by multiplying (1) the number of hours (not in excess of 40) for which such individual performed services (whether or not for the same employer) in regular employment (which meets the requirements of section 2001(a)) by (2) three-fourths of the excess of (A) the minimum wage (as defined in section 2003(d)) over (B) the hourly wage (as defined in subsection (a)) paid or payable to such individual for the services performed by him in such employment.

"(b) The term 'wage', as used in subsection (a)(2)(B), shall have the meaning assigned to such term by section 3(m) of the Fair Labor Standards Act of 1938.

"DEFINITIONS

"Sec. 2003. For purposes of this title—

"(a) The term 'Secretary' means the Secretary of Labor.

"(b) The term 'regular employment' means any employment provided by a private or public employer.

"(c) The term 'United States', when used in a geographic sense, means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands and Guam."

"(d) The term 'minimum wage' means the hourly wage rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)), or $2.00 per hour, whichever is less.

"(e) The term 'family' means two or more individuals—

"(1) each of whom (in the case of adult individuals) is the parent (or stepparent), grandparent (or step-grandparent), brother (or stepbrother), sister (or stepsister), uncle, aunt, first cousin, nephew, or niece, of a child referred to in clause (2);

"(2) at least one of whom is a child who is in the care of or dependent upon another of such individuals who bears to such child one of the relationships specified in clause (1); and

"(3) who are living in a place of residence in the United States maintained by one or more of them as his or their own home, except that no child who is living away from home while attending school shall, by reason of clause (4), be excluded as a member of a family on account of his absence from the family residence.

"(f) The term 'head of family', when used in reference to any family, means—

"(1) in case there is included among the members of the family an individual, who is the father of a child who is a member of the family, such individual (unless he is disabled);

"(2) in case there is no individual in the family who meets the criteria specified in clause (1) and there is included among the members of the family an individual, who is the mother of a child who is a member of the family, such individual (unless she is disabled);

"(3) in case there is no individual in a family who meets the criteria specified in clause (1) or (2), any other individual who is member of such family (other than a child or an individual who is disabled) and who undertakes to provide for the support of the children who are members of such family; except that (A) not more than one such individual shall, at any time, be regarded as the head of family of the family of which he is a member, and (B) no such individual shall be regarded as the head of family of any family if the Secretary determines that there is no child in such family other than a child which has been placed in such family in order to enable a member thereof to participate in the employment with wage supplement program established under this title.

"(g) The term 'child' means an individual who is unmarried and who—

"(1) has not attained the age of 18; or

"(2) has attained such age but has not attained the age of 21 and is a 'full-time student' (as such term is applied for purposes of section 202(d)).

"(h) The term 'disabled', when used in reference to any individual, means the inability of such individual to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment.

"Part C—Child Support

"CHILD SUPPORT AND ESTABLISHMENT OF PATERNITY

"Sec. 430. (a) The Social Security Act is amended by adding after part C of title IV thereof the following new part:

"Part D—Child Support and Establishment of Paternity

"APPROPRIATION

"Sec. 451. For the purposes of enforcing (1) the support obligations owed by absent parents to children receiving assistance under part A of this title, (2) the residual monetary obligation owed to the United States by absent parents, and (3) the criminal penalties for nonsupport against absent parents, there is hereby authorized to be appropriated to the Attorney General for each fiscal year a sum sufficient to carry out the purposes of this part.

"DUTIES OF ATTORNEY GENERAL

"Sec. 452. (a) The Attorney General shall enforce the support rights assigned to him under section 402(a)(26) by applicants for and recipients of assistance under part A of this title, utilizing all funds and authority which are available to him for this purpose. To the extent required, he shall locate absent parents, determine paternity in order to establish duty to support, obtain support orders, collect support payments by use of voluntary agreements or other means, and enforce the residual monetary obligation owed the United States and the criminal provisions for nonsupport by such parents.

(b)(1) The Attorney General shall, in accordance with procedures applicable to the recovery of obligations due the United States including, where appropriate, the use of voluntary agreements, and in accordance with the priorities for distribution specified in section 455, collect and distribute amounts from enforcement of obligations under paragraph (2). Whenever any individual is determined to be liable to the United States for any amount under this section, the Attorney General may make certification of such amount to the Secretary of the Treasury for collection pursuant to the provisions of section 6305 of the Internal Revenue Code of 1954. The Attorney General shall reimburse the Secretary of the Treasury for any costs involved.

"(2) The Attorney General is authorized to bring civil action in any court of competent jurisdiction (including the courts in any State or political subdivision thereof) against an absent parent to secure (A) support obligations assigned to him under section 402(a)(26), and (B) the residual monetary obligation owed to the United States as defined in section 457, except that all of part of such obligation may be suspended or forgiven by the Attorney General upon a finding of good cause. In taking actions against an absent parent, the Attorney General shall give priority to obtaining orders and proceeding with collections required under subsection (b)(2)(A).

"(3) The Attorney General may enter into voluntary agreements to recover support obligations assigned under section 402(a)(26), if there is no court order in effect directing payment of such obligation or if there is such an order in effect but there is no reasonable expectation that it can be enforced or that the obligation can be collected. Any voluntary agreement so made shall provide that support payments will not cease if the family ceases to receive assistance under part A of this title, and the amounts payable under such agreement, if there is no court order in effect, may be collected as authorized under the provisions of this part.

"(c) The Attorney General and the Director of the Office of Economic Opportunity are directed to enter into an appropriate arrangement under which the services of attorneys participating in legal services programs established pursuant to section 222 (a)(3) of the Economic Opportunity Act of 1964 will be made available to the Attorney General to assist him in carrying out his functions under this part. The Attorney General shall, to the maximum extent feasible, utilize the services of such attorneys in the performance of such functions and may make the services of such attorneys available to States or political subdivisions to assist them in carrying out the purposes of this part. The Office of Economic Opportunity shall be reimbursed by the Attorney General for the costs incurred in providing such services.

"(d) The Attorney General shall require that each United States attorney designate an assistant United States attorney to be responsible for enforcement of the provisions of this part in his judicial district and maintain liaison with and assist the States and political subdivisions thereof in their child support efforts. Each assistant United States attorney so designated shall prepare and submit to the Attorney General for submission to the Congress quarterly reports on all activities undertaken pursuant to this section.

"(e)(1) There is hereby established in the Treasury a revolving fund to be known as the Federal Child Support Fund (hereinafter referred to as the 'fund') which shall be available to the Attorney General without fiscal year limitation, to enable him to carry out his responsibilities under this part.

"(2) Except as provided in sections 454 (d) and 458, all moneys appropriated pursuant to section 451 for the purpose of funding Federal activities under this part and all moneys collected by the Federal Government pursuant to this part (including support payments and payments by way of reimbursement received from Federal agencies, States and political subdivisions thereof, and individuals) shall be paid into the fund and shall be disbursed by the Attorney General from time to time in accordance with the provisions of this part.

"(3) There is hereby appropriated to the fund, out of any moneys in the Treasury not otherwise appropriated, amounts equal to the amounts collected under section 6305 of the Internal Revenue Code of 1954, reduced by the amounts credited or refunded as overpayments of the amounts so collected. The amounts appropriated by the preceding sentence shall be transferred at least quarterly from the general fund of the Treasury to the fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

"(f) The Attorney General shall notify the Secretary of the failure of the State agency administering the plan approved under part A of this title to comply with the requirements of section 402(a)(26).

"(g) The Attorney General shall maintain complete records of all amounts collected under this part and of the costs incurred in collecting such amounts and shall, not later than June 30 of each year (commencing with June 30, 1974), submit to the Congress a written report on all activities undertaken pursuant to the provisions of this part.

"PARENT LOCATOR SERVICE

"SEC. 453. (a) The Attorney General shall establish and conduct, within the Department of Justice, a Parent Locator Service which shall be used to obtain and transmit to any authorized person (as defined in subsection (c)) information as to the whereabouts of any absent parent when such information is to be used to locate such parent for the purpose of enforcing support obligations against such parent.

"(b) Upon request, filed in accordance with subsection (d) of any authorized person (as defined in subsection (c)) for the most recent address and place of employment of any individual, the Attorney General shall, notwithstanding any other provision of law, provide through the Parent Locator Service such information to such person, if such information—

"(1) is contained in any files or records maintained by the Attorney General or by the Department of Justice; or

"(2) is not contained in such files or records, but can be obtained by the Attorney General, under the authority conferred by subsection (e), from any other department, agency, or instrumentality, of the United States or of any State.

The Attorney General shall give priority to requests made by any authorized person described in subsection (c)(1).

"(c) As used in subsection (a), the term 'authorized person' means—

"(1) any agent or attorney of the United States or of any State or any political subdivision to which support collection functions have been delegated under section 454, who has the duty or authority to seek to recover any amounts under section 452;

"(2) the court which has authority to issue an order against an absent parent for the support and maintenance of a child, or any agent of such court; and

"(3) the parent, guardian, attorney, or agent of a child (other than a child receiving aid under part A of this title) without regard to the existence of a court order against an absent parent who has a duty to support and maintain any such child.

"(d) A request for information under this section shall be filed in such manner and form as the Attorney General shall by regulation prescribe and shall be accompanied or supported by such documents as the Attorney General may determine to be necessary.

"(e)(1) Whenever the Attorney General receives a request submitted under subsection (b) which he is reasonably satisfied meets the criteria established by subsections (a), (b), and (c), he shall promptly undertake to provide the information requested from the files and records maintained by any of the departments, agencies, or instrumentalities of the United States or of any State.

"(2) Notwithstanding any other provision of law, whenever the individual who is the head of any department, agency, or instrumentality of the United States receives a request from the Attorney General for information authorized to be provided by the Attorney General under this section, such individual shall promptly cause a search to be made of the files and records maintained by such department, agency, or instrumentality with a view to determining whether the information requested is contained in any such files or records. If such search discloses the information requested, such individual shall immediately transmit such information to the Attorney General; and, if such search fails to disclose the information requested, such individual shall immediately so notify the Attorney General. The costs incurred by any such department, agency, or instrumentality of the United States or of any State in providing such information to the Attorney General shall be reimbursed by him. Whenever such services are furnished to an individual specified in subsection (c)(3), a fee shall be charged such individual. The fee so charged shall be deposited in the Fund and shall be used to reimburse the Attorney General or his delegate for the expense of providing such services.

"(f) The Attorney General, in carrying out his duties and functions under this section, shall enter into arrangements with State agencies administering or supervising the administration of State plans approved under part A of this title, under which the offices operated under such plans will accept from parents, guardians, or agents of a child described in subsection (c)(3) and transmit to the Attorney General requests for information with regard to the whereabouts of absent parents and will otherwise cooperate with the Attorney General in carrying out the purposes of this section.

"DELEGATION OF SUPPORT COLLECTION FUNCTIONS TO STATES OR POLITICAL SUBDIVISIONS

"SEC. 454. (a) The Attorney General shall delegate to any State having a plan approved under part A of this title the authority to recover the child support obligation assigned to the United States under section 402(a) (26) if he determines that such State has an effective program (in accordance with the standards established in subsection (b)) for locating absent parents, determining paternity, obtaining support orders, and collecting amounts of money owed by parents for the support and maintenance of their child or children. Such a delegation may be made to a political subdivision of any such State upon a finding that the State as a whole does not have an effective program for locating absent parents, determining paternity, obtaining support orders, and collecting child support but that such political subdivision does have an effective program which meets the standards established in subsection (b).

"(b) The Attorney General shall not approve any program pursuant to subsection (a) unless such program provides—

"(1) for the development and implementation of a program under which such State or political subdivision will undertake—

"(A) in the case of a child born out of wedlock with respect to whom an assignment under section 402(a)(26) of this title is effective, to establish the paternity of such child, and

"(B) in the case of any child with respect to whom such assignment is effective, to secure support for such child from his parent (or from any other person legally liable for such support), utilizing any reciprocal arrangements adopted with other States to obtain or enforce court orders for support, and

"(2) for the establishment of an organizational unit in the State or political subdivision administering the program under this section;

"(3) for entering into cooperative arrangements with appropriate courts and law enforcement officials (A) to assist the State or political subdivision administering the program under this section, including the entering into of financial arrangements with such courts and officials in order to assure optimum results under such program, and (B) with respect to any other matters of common concern to such courts or officials and the State or political subdivision administering the program under this section;

"(4) that the State or political subdivision will establish a service to locate absent parents utilizing—

"(A) all sources of information and available records; and

"(B) the Parent Locator Service in the Department of Justice;

"(5) that the State or political subdivision will, in accordance with standards prescribed by the Attorney General, cooperate with the State or political subdivision of another State or with the Attorney General in administering a program under this part—

"(A) in establishing paternity, if necessary,

"(B) in locating an absent parent residing in the State (whether or not permanently) against whom any action is being taken under this part in another State,

"(C) in securing compliance by an absent parent residing in such State (whether or not permanently) with a voluntary agreement or an order issued by a court of competent jurisdiction against such parent for the support and maintenance of a child or children of such parent with respect to whom aid is being provided under the plan of such other States, and

"(D) in carrying out other functions required by this part;

"(6) that the State or political subdivisions may enter into voluntary agreements to recover child support obligations delegated under subsection (a), if there is no court order in effect directing payment of such obligation or if there is such an order in effect but there is no reasonable expectation that it can be enforced or that the obligation can be collected. Any voluntary agreement so made shall provide that support payments will not cease if the family ceases to receive assistance under part A of this title, and the amounts payable under such agreement, if there is no court order in effect, may be collected as authorized under the provisions of this part;

"(7) that the State or political subdivision require, as a condition of the absent parent being permitted to make support payments on a voluntary basis, the execution by such parent of an appropriate affidavit (which shall be recorded in the records of the court or other appropriate agency) in which such parent acknowledges the paternity of such child or children;

"(8) that, if the State uses voluntary agreements under paragraph (6), it will establish an administrative mechanism for enforcing such agreements;

"(9) that such State or political subdivision will comply with such other requirements as the Attorney General determines to be necessary to the establishment of an effective program for locating absent parents, determining paternity, obtaining support orders, and collecting support payments including, but not limited to, requiring a full record of collections and disbursements; and

"(10) that the State or political subdivision shall reimburse the Attorney General for the costs incurred by the Federal Government in enforcing and collecting support obligations assigned under this section.

"(c) The Attorney General shall, upon the request of any State or political subdivision to which he has delegated the authority to recover the child support obligation assigned to the United States under section 402(a)(26), make available to such State or political subdivision (1) the services of attorneys participating in legal services programs who are, by reason of the agreement required by section 452(c), assisting the Attorney General in carrying out his functions under this part, and (2) upon a showing by the State or political subdivision that such State or political subdivision made diligent and reasonable efforts in utilizing their own collection mechanisms, the collection facilities of the Department of the Treasury (subject to the same requirements of certification by the Attorney General imposed by section 452(b) and subject to such limitations on the frequency of making such certification as may be imposed by the Attorney General).

"(d) From the sums appropriated therefor, the Attorney General shall pay to each State or political subdivision which has a program approved under this section, for each quarter, beginning with the quarter commencing January 1, 1973, an amount equal to 75 percent of the total amounts expended by such State or political subdivision during such quarter for the operation of the program approved under this section except as provided in sections 455(b)(2), 456, and 459.

"DISTRIBUTION OF PROCEEDS FROM SUPPORT COLLECTIONS

"SEC. 455. (a) Amounts collected as support obligations assigned under section 402(a)(26) shall be distributed in the following order of priority—

"(1) If a State or its agent makes the collection, the proceeds of such collection shall be distributed, beginning with the first dollar, as follows—

"(A) the family shall be paid the larger of—

"(i) 100 percent of such proceeds if they are equal to or less than the amount of the assistance payment which would otherwise be made, or

"(ii) an amount of such proceeds that is equal to the lesser of (I) the amount required by a court order to be paid for child support or (II) the amount agreed upon by the parties to a voluntary child support agreement,

any any proceeds so paid that are in excess of the amount of the assistance payment otherwise payable shall be deemed to reduce the residual monetary obligation to the Federal Government by a like amount;

"(B) such amounts as may be necessary to reimburse the State for such State's share of assistance payments (with appropriate reimbursement of the political subdivision if it participated in the financing) made to the family prior to the date on which the support obligation was collected shall be paid to such State, and any amounts so paid shall be deemed to reduce the residual monetary obligation to the Federal Government by a like amount; and

"(C) such amounts as may be necessary to reduce or eliminate the residual monetary obligation to the Federal Government by the absent parent shall be paid to the Federal Government and deposited in the fund.

"(2) If a political subdivision or its agent makes the collection, the proceeds of such collection shall be distributed, beginning with the first dollar, as follows—

"(A) the family shall be paid the larger of—

"(i) 100 percent of such proceeds if they are equal to or less than the amount of the assistance payment which would otherwise be made, or

"(ii) an amount of such proceeds that is equal to the lesser of (I) the amount required by a court order to be paid for child support or (II) the amount agreed upon by the parties to a voluntary child support agreement,

and any proceeds so paid that are in excess of the amount of the assistance payment otherwise payable shall be deemed to reduce the residual monetary obligation to the Federal Government by a like amount;

"(B) such amounts as may be necessary to reimburse the political subdivision for its share of assistance payments made to the family prior to the date on which the support obligation was collected shall be paid to such political subdivision, and any amounts so paid shall be deemed to reduce the residual monetary obligation to the Federal Government by a like amount; and

"(C) such amounts as may be necessary to reduce or eliminate the residual monetary obligation to the Federal Government by the absent parent shall be paid to the Federal Government and deposited in the fund.

"(3) If the Attorney General makes the collection, the proceeds of such collection shall be distributed, beginning with the first dollar, as follows—

"(A) the family shall be paid the larger of—

"(i) 100 percent of such proceeds if they are equal to or less than the amount of the assistance payment which would otherwise be made, or

"(ii) an amount of such proceeds that is equal to the lesser of (I) the amount required by a court order to be paid for child support or (II) the amount agreed upon by the parties to a voluntary child support agreement,

and any proceeds so paid that are in excess of the amount of the assistance payment otherwise payable shall be deemed to reduce the residual monetary obligation to the Federal Government by a like amount; and

"(B) such amounts as may be necessary to reduce or eliminate the residual monetary obligation to the Federal Government by the absent parent shall be paid to the Federal Government and deposited in the fund.

Whenever payments are made pursuant to paragraph (2)(A) or (3)(A) to a family residing in a State which does not have an approved support program under this part, the Attorney General shall so certify to the Secretary, who shall reduce the amount of any grant made to such State under part A of this title by an amount equal to the amount so certified and deposit such amount into the Fund, except that such reduction shall not be greater than the amount of the assistance payment such family would have received from such State had the payment under paragraph (2)(A) or (3)(A) not been made.

"(b) Whenever a family for whom support payments have been collected and distributed under this part ceases to receive assistance under part A of this title, the Attorney General, or the State or political subdivision to which the Attorney General has delegated the authority to collect support obligations pursuant to this part, shall—

"(1) continue to collect such support payments from the absent parent for a period of three months from the month following the month in which such family ceased to receive assistance under part A of this title, and pay all amounts so collected to the family; and

"(2) at the end of such three-month period, if the Attorney General (A) is authorized to do so by the individual on whose behalf the collection will be made and (B) finds that the absent parent has not met his support obligation for the period of twenty-four consecutive months immediately preceding the end of such three-month period or throughout the term of such obligation, whichever is shorter, continue to collect such support payments from the absent parent until he has met his support obligation for a period of twenty-four consecutive months, and pay the net amount of any amount so collected to the family after deducting any costs incurred in making the collection from the amount of any recovery made.

"INCENTIVE PAYMENT TO LOCALITIES

"SEC. 456. When a political subdivision of a State makes the enforcement and collection of the support obligation assigned under section 402(a)(26) (either within or outside of such State, and whether as the agent of such State or as the agent of the Attorney General), an amount equal to 25 percent of any amount collected and required to be distributed as provided in sections 455(a)(1) (A) and (B), or in sections 455(a)(2) (A) and (B), as appropriate, to reduce or eliminate assistance payments, shall be paid to such State or political subdivision from amounts which would otherwise represent the Federal share of assistance to the family of the absent parent.

"RESIDUAL MONETARY OBLIGATIONS TO THE UNITED STATES

"SEC. 457. There is hereby imposed on any absent parent whose child or children have received assistance payments under part A of this title a residual monetary obligation to the United States. Such obligation shall be in an amount that is equal to the total amounts of payments made to the family of an absent parent each month under the State plan approved under part A of this title, or, if less, 50 percent of the monthly income of the absent parent for each such month (but not less than $50 per month), except that during any month in which an absent parent is meeting his support obligations by paying the full amount of a court ordered support payment or the full amount of the support payment which he has agreed to pay according to the terms of a voluntary support agreement entered into between him and the Attorney General (or his delegate), whichever is larger, no obligation shall be imposed. Interest on any such amount shall accrue at the rate of 6 percent per annum, but the total amount of such obligation (including interest thereon) shall be reduced by the amount of any sums collected by a State or political subdivision which represent such State or political subdivision's share of assistance payments made under the State plan approved under part A of this title.

"REGIONAL LABORATORIES TO ESTABLISH PATERNITY THROUGH ANALYSIS AND CLASSIFICATION OF BLOOD

"SEC. 458. (a) The Secretary shall establish, or arrange for the establishment or designation, in each region of the United States, a laboratory which he determines to be qualified to provide services in analyzing and classifying blood for the purpose of determining paternity, and which is prepared to provide such services to courts and public agencies in the region to be served by it.

"(b) Whenever a laboratory is established or designated for any region by the Secretary under this section, he shall take such measures as may be appropriate to notify appropriate courts and public agencies (including agencies administering any public welfare program within such region) that such laboratory has been so established or designated to provide services, in analyzing and classifying blood for the purpose of determining paternity, for court and public agencies in such region.

"(c) The facilities of any such laboratory shall be made available without cost to courts and public agencies in the region to be served by it.

"(d) There is hereby authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this section.

"CONSENT BY THE UNITED STATES TO GARNISHMENT AND SIMILAR PROCEEDINGS FOR ENFORCEMENT OF CHILD SUPPORT AND ALIMONY OBLIGATIONS

"SEC. 460. Notwithstanding any other provision of law, moneys (the entitlement to which is based upon remuneration for employment) due from, or payable by, the United States (including any agency or instrumentality thereof and any wholly owned Federal corporation) to any individual, including members of the armed services, shall be subject, in like manner and to the same extent as if the United States were a private person, to legal process brought for the enforcement, against such individual, of his legal obligations to provide child support or make alimony payments.

"PENALTY FOR NONSUPPORT

"SEC. 461. (a) Any individual who is the parent of any child or children and who is under a legal duty to provide for the support and maintenance of such child or children (as required under the law of the State where such child or children reside) but fails to perform such duty and has left, deserted, or abandoned such child or children and such child or children receive assistance payments to provide for their support and maintenance which are funded in whole or in part from funds appropriated therefor by the Federal Government shall, upon conviction, be penalized in an amount equal to 50 percent of the residual monetary obligation owed to the United States, or fined not more than $1,000, or imprisoned for not more than one year, or any combination of these three penalties.

"(b) This section does not preempt any State law imposing a civil or criminal penalty on an absent parent for failing to provide support and maintenance to his child or children to whom such parent owes a duty to support."

Conforming Amendments to Title XI

(b) Section 1106 of such Act is amended—

(1) by striking out the period at the end of the first sentence of subsection (a) and inserting in lieu thereof the following: "and except as provided in part D of title IV of this Act.";

(2) by adding at the end of subsection (b) the following new sentence: "Notwithstanding the preceding provisions of this subsection, requests for information made pursuant to the provisions of part D of title IV of this Act for the purpose of using Federal records for locating parents shall be complied with and the cost incurred in providing such information shall be paid for as provided in such part D of title IV."; and

(3) by striking out subsection (c).

COLLECTION OF CHILD SUPPORT OBLIGATIONS

(c)(1) Subchapter A of chapter 64 of the Internal Revenue Code of 1954 (relating to collection of taxes) is amended by adding at the end thereof the following new section:

"SEC. 6305. COLLECTION OF CERTAIN LIABILITY TO THE UNITED STATES.

"Upon receiving a certification from the Attorney General under section 452(b)(1) of the Social Security Act with respect to any individual, the Secretary or his delegate shall assess and collect the amount certified by the Attorney General in the same manner, with the same powers, and (except as provided in this section) subject to the same limitations as if such amount were a tax imposed by subtitle C the collection of which would be jeopardized by delay, except that—

"(1) no interest or penalties shall be assessed or collected, and

"(2) for such purposes, paragraphs (4), (6), and (8) of section 6334(a) (relating to property exempt from levy) shall not apply."

(2) The table of sections for such subchapter is amended by adding at the end thereof the following new item:

"SEC. 6305. COLLECTION OF CERTAIN LIABILITY TO THE UNITED STATES"

(d) The amendments made by subsections (a), (b), and (c) shall become effective on January 1, 1973.

AMENDMENTS TO PART A OF TITLE IV

"SEC. 430A. (a) Section 402(a)(8)(A) of the Social Security Act is amended—

"(1) by striking out 'and' at the end of the clause (i);

"(2) by striking out the semicolon at the end of clause (ii) and inserting in lieu thereon a comma; and

"(3) by adding at the end of clause (ii) the following new clause:

"'(iii) $20 per month, with respect to the dependent child (or children), relative with whom the child (or children) is living, and other individual (living in the same home as such child (or children)) whose needs are taken into account in making such determination, of all income derived from support payments collected pursuant to part D; and'.

"(b) Section 401(a)(9) is amended to read as follows: '(9) provide safeguards which permit the use or disclosure of information concerning applicants of recipients only to (A) public officials who required such information in connection with their official duties, or (B) other persons for purposes directly connected with the administration of aid to families with dependent children;'.

"(c) Section 402(a)(10) is amended by inserting immediately before 'be furnished' the following: ', subject to paragraphs (24) and (26),'.

"(d) Section 402(a)(11) is amended to read as follows: '(11) provide for prompt notice (including the transmittal of all relevant information) to the Attorney General of the United States (or the appropriate State official or agency (if any) designated by him pursuant to part (D)) of the furnishing of aid to families with dependent children with respect to a child who has been deserted or abandoned by a parent (including a child born out of wedlock without regard to whether the paternity of such child has been established);'.

"(e) Section 402(a) is further amended—

"(1) by striking out 'and' at the end of paragraph (22); and

"(2) by striking out the period at the end of paragraph (23) and inserting in lieu thereof a semicolon and the following: '(24) provide (A) that, as a condition of eligibility under the plan, each applicant for or recipient of aid shall furnish to the State agency his social security account number (or numbers, if he has more than one such number), and (B) that such State agency shall utilize such account numbers, in addition to any other means of identification it may determine to employ, in the administration of such plan; (25) contain such provisions pertaining to determining paternity and securing support and locating absent parents as are prescribed by the Attorney General of the United States in order to enable him to comply with the requirements of part D; and (26) provide that, as a condition of eligibility for aid, each applicant or recipient will be required—

"'(A) to assign to the United States any rights to support from any other person he may have (i) in his own behalf or in behalf of any other family member for whom he is applying for or receiving aid, and (ii) which have accrued at the time such assignment is executed, and which will accrue during the period ending with the third month following the month in which he (or such other family members) last receive aid under the plan or within such later month as may be determined under section 455 (b), and

"'(B) to cooperate with the Attorney General or the State or local agency he has delegated under section 454, (i) in establishing the paternity of a child born out of wedlock with respect to whom aid is claimed, and (ii) in obtaining support payments for herself and for a child with respect to whom such aid is claimed, or in obtaining any other payments or property due herself or such child.'

"(f) Sections 402(a) (17), (18), (21), and (22), and section 410 of such Act are repealed.

"(g) The amendments made by this section shall become effective on January 1, 1973."

PART D—CHILD CARE AND CHILD WELFARE SERVICES

SEC. 431. (a) The Social Security Act is amended by adding after title XX thereof (as added by section 420 of this Act) the following new title:

"TITLE XXI—CHILD CARE

"FINDINGS AND DECLARATION OF PURPOSE

"SEC. 2101. (a) The Congress finds and declares that—

"(1) the present lack of adequate child care services is detrimental to the welfare of families and children in that it limits opportunities of parents for employment or self-improvement, and often results in inadequate care arrangements for children whose parents are unable to find appropriate care for them;

"(2) low-income families and dependent families are severely handicapped in their efforts to attain or maintain economic independence by the unavailability of adequate child care services;

"(3) many other families, especially those in which the mother is employed, have need for child care services, either on a regular basis or from time to time; and

"(4) there is presently no single agency or organization, public or private, which is carrying out the responsibility of meeting the Nation's needs for adequate child care services.

"(b) It is therefore the purpose of this title to promote the availability of adequate child care services throughout the Nation by providing for the establishment of a Bureau of Child Care which shall have the responsibility and authority to meet the Nation's unmet needs for adequate child care services, and which, in meeting such needs, will give special consideration to the needs for such services by families in which the mother is employed or preparing for employment, and will promote the well-being of all children by assuring that the child care services provided will be appropriate to the particular needs of the children receiving such services.

"ESTABLISHMENT AND ORGANIZATION OF BUREAU OF CHILD CARE

"SEC. 2102. (a) In order to carry out the purposes of this title, there is hereby established a Bureau of Child Care (hereinafter in this title referred to as the 'Bureau').

"(b)(1) The powers and duties of the Bureau shall be vested in a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) The Director shall have the power to appoint (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service) such personnel as he deems necessary to enable the Bureau to carry out its functions under this title. All personnel shall be appointed solely on the ground of their fitness to perform their duties and without regard to political affiliation, sex, race, creed, or color. The Director may (without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates) fix the compensation of personnel. The amount of the compensation payable to any employee shall be reasonably related to the compensation payable to State employees performing similar duties in the State in which such employee is employed by the Bureau; except that, in no case shall the amount of the compensation payable to any employee be greater than that payable to Federal employees performing similar services. For purposes of the preceding sentence, personnel employed in the principal office of the Bureau shall be deemed to be performing services in the District of Columbia (which shall be deemed to be a State for such purposes), and personnel performing services in more than one State shall be deemed to be employed in the State in which their principal office or place of work is located.

"(3) The Director is authorized to obtain the services of experts and consultants on a temporary or intermittent basis in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed the per diem equivalent of the rate authorized for GS-18 by section 5332 of such title.

"(4) The Director shall establish, within the Bureau, an Office of Program Evaluation and Auditing the functions of which shall be to assure that standards established under this title with respect to child care services and facilities providing such services will be met, and that funds of or under the control of the Bureau will be properly used. The Director shall utilize such Office to carry out the duties (relating to evaluation of facilities) imposed upon him under section 2104(c)(2).

"DUTIES AND POWERS

"SEC. 2103. (a) It shall be the duty and function of the Bureau to meet the needs of recipients of assistance under title IV of this Act, and persons who have been or are likely to become applicants for or recipients of such aid, for child care services and, to the maximum extent economically feasible, the needs of the Nation for child care services.

"(b)(1) In carrying out such duty and function, the Bureau shall, through utilization of existing facilities for child care and otherwise, provide (or arrange for the provision of) child care services in the various communities of each State. Such child care services shall include the various types of care included in the term 'child care services' (as defined in section 2118(b)) to the extent that the needs of the various communities may require.

"(2) The Bureau shall charge and collect a reasonable fee for the child care services provided by it (whether directly or through arrangements with others). The fee so charged for any particular type of child care services provided in any facility shall be uniform for all children receiving such types of services in such facility. Any such fee so charged may be paid in whole or in part by any person (including the Bureau, as provided in subsection (e), or any other public agency) which agrees to pay such fee or a part thereof.

"(3) The Bureau shall not enter into any arrangement with any person under which the facilities or services of such person will be utilized by the Bureau to provide child care services unless such person agrees (A) to accept any child referred to such person by the Bureau for child care services on the same basis and under the same conditions as other children applying for such services, and (B) to accept payment of all or any part of the fee imposed for such services from any public agency which shall agree to pay such fee or a part thereof from Federal funds.

"(c) In providing child care services in the various communities of the Nation, the Bureau shall accord first priority (1) to the needs for child care services of families on behalf of whom child care services will be paid in whole or in part from funds appropriated to carry out part A of title IV and section 2109 of this title and who are in need of such services to enable a member thereof to accept or continue in employment or participate in training to prepare such member for employment, and (2) to arranging for care in facilities providing hours of child care sufficient to meet the child care needs of children whose mothers are employed full time.

"(d) In providing for child care services the Bureau shall first place children in facilities which receive funds from sources other than funds made available under this title including, if the parents of such children agree, child development programs.

"(e)(1) From the sums available to carry out the provisions of this title for each fiscal year, the Bureau is authorized to assist low-income families in meeting the costs of child care services where such services are necessary to enable an adult member of such family to engage in employment.

"(2) The amount of the subsidy provided to any family under this subsection shall be determined in accordance with a schedule established by the Director, after taking into account the number of families needing such assistance, the amount of assistance needed by such families, and the amount of the funds available for the provision of such assistance. Such schedule shall (A) provide that the amount of subsidy payable to any family shall be equal to a per centum of the costs incurred by such family for the child care services with respect to which such subsidy is paid, (B) be related to ability of such family to pay the costs of such services (as determined by family size and income), and (C) be designed to assure that the amount of the subsidy payable to any family is not greater than the minimum amount necessary to enable such family to secure such services.

"(f) In carrying out its duties and functions under this title, the Bureau shall have power—

"(1) to acquire (by purchase, gift, devise, lease, or sublease), and to accept jurisdiction over and to hold and own, and dispose of by sale, lease, or sublease, real or personal property, including but not limited to a facility for child care, or any interest therein for its purposes;

"(2) to operate, manage, superintend, and control any facility for child care under its jurisdiction and to repair, maintain, and otherwise keep up any such facility; and to establish and collect fees, rentals, or other charges for the use of such facility or the receipt of child care services provided therein;

"(3) to provide child care services for the public directly or by agreement or lease with any person, agency, or organization, and to make rules and regulations concerning the handling of referrals and applications for the admission of children to receive such services; and to establish and collect fees and other charges, including reimbursement allowances, for the provision of child care services: Provided, That, in determining how its funds shall be used for the provision of child care services within a community, the Bureau shall take into account any comprehensive planning for child care which has been done, and shall generally restrict its direct operation of programs to situations in which public or private agencies are unable to develop adequate child care;

"(4) to provide advice and technical assistance to persons desiring to enter into an agreement with the Bureau for the provision of child care services to assist them in developing their capabilities to provide such services under such an agreement;

"(5) to prepare, or cause to be prepared, plans, specifications, designs, and estimates of costs for the construction and equipment of facilities for child care services in which the Bureau provides child care directly;

"(6) to construct and equip, or by contract cause to be constructed and equipped, facilities (other than home child care facilities) for child care services: Provided, That the Bureau shall take into account any comprehensive planning for child care that has been done;

"(7) to train persons for employment in providing child care services, with particular emphasis on training persons receiving assistance under part A of title IV;

"(8) to procure insurance, or obtain indemnification, against any loss in connection with the assets of the Bureau or any liability in connection with the activities of the Bureau, such insurance or indemnification to be procured or obtained in such amounts, and from such sources, as the Board deems to be appropriate;

"(9) to cooperate with any organization, public or private, the objectives of which are similar to the purposes of this title; and

"(10) to do any and all things necessary, convenient, or desirable to carry out the purposes of this title, and for the exercise of the powers conferred upon the Bureau in this title.

"STANDARDS FOR CHILD CARE

"SEC. 2104. (a) In order to assure that adequate standards of staffing, health, sanitation, safety, and fire protection are met, the Bureau shall not provide or arrange for the provision of child care of any type or in any facility unless the applicable requirements set forth in the succeeding provisions of this section are met with respect to such care and the facility in which such care is offered.

"(b)(1) The ratio of the number of children receiving child care to the number of qualified staff members directly engaged in providing such care (whether as teachers' aids or in another capacity) shall be such as the Director may determine to be appropriate for the type of child care provided and the age of the children involved, but in no case shall the Director require a ratio of less than—

"(A) eight to one, in case such care is provided in a home child care facility; or

"(B) ten to one, in case such care is provided in a day nursery facility, nursery school, child development center, play group facility, or preschool child care center.

For purposes of applying the ratios set forth in clauses (A) and (B) of the preceding sentence, any child under age three shall be considered as two children.

"(2) In the case of any facility (other than a facility to which paragraph (1) is applicable) the ratio of the number of children receiving child care therein to the number of qualified staff members providing such care shall not be greater than such ratio as the Director may determine to be appropriate to the type of child care provided and the age of the children involved, except that such ratio shall not be greater than twenty-five to one.

"(3) As used in this subsection, the term 'qualified staff member' means an individual who has received training in, or demonstrated ability in, the care of children.

"(c)(1) Any facility in which the Bureau provides child care (whether directly or through arrangements with others) must—

"(A)(i) in the case of facilities that are not homes, meet such provisions of the Life Safety Code of the National Fire Protection Association (twenty-first edition, 1967) as are applicable to the type of facility; except that the Bureau may waive for such periods as it deems appropriate, specific provisions of such code which, if rigidly applied, would result in unreasonable hardship upon the facility, but only if the Bureau makes a determination (and keeps a written record setting forth the basis of such determination) that such waiver will not adversely affect the health and safety of the children receiving care in such facility and (ii) in the case of facilities that are homes, meet requirements adopted by the local area (or a comparable area, if none have been adopted for the local area) for application to general residential occupancy;

"(B) contain (or have available to it for use) adequate indoor and outdoor space for children for the number and ages of the children served by such facility; have separate rooms or areas for cooking, and have separate rooms for toilets;

"(C) have floors and walls of a type which can be cleaned and maintained and which contain or are covered with no substance which is hazardous to the health or clothing of children;

"(D) have such ventilation and temperature control facilities as may be necessary to assure the safety and reasonable comfort of each child receiving care therein;

"(E) provide safe and comfortable facilities for the variety of activities children engage in while receiving care therein;

"(F) provide special arrangements or accommodations, for children who become ill, which are designed to provide rest and quiet for ill children while protecting other children from the risk of infection or contagion; and

"(G) make available to children receiving care therein such toys, games, books, equipment, and other material as are appropriate to the type of facility involved and the ages of the children receiving care therein.

"(2) The Director, in determining whether any particular facility meets minimum requirements imposed by paragraph (1) of this subsection, shall evaluate, not less often than once each year, on the basis of inspections made by personnel employed by the Bureau or by others through arrangements with the Bureau, such facility separately and shall make a determination with respect to such facility after taking into account the location and type of care provided by such facility as well as the age group served by it.

"(d) The Bureau shall not provide (directly or through arrangements with other persons) child care in a child care facility or home child care facility unless—

"(1) such facility requires that, in order to receive child care provided by such facility, a child must have been determined by a physician (after a physical examination) to be in good health and must have been immunized against such diseases and within such prior period as the Director may prescribe in order adequately to protect the children receiving care in such facility from communicable disease (except that no child seeking to enter or receiving care in such a facility shall be required to undergo any medical examination, immunization, or physical evaluation or treatment (except to the extent necessary to protect the public from epidemics of contagious diseases, if his parent or guardian objects thereto in writing on religious grounds);

"(2) such facility provides for the daily evaluation of each child receiving care therein for indications of illness;

"(3) such facility provides adequate and nutritious (though not necessarily hot) meals and snacks, which are prepared in a safe and sanitary manner;

"(4) such facility has in effect procedures designed to assure that each staff member thereof is fully advised of the hazards to children of infection and accidents and is instructed with respect to measures designed to avoid or reduce the incidence or severity of such hazards;

"(5) such facility has in effect procedures under which the staff members of such facility (including voluntary and part-time staff members) are required to undergo, prior to their initial employment and periodically thereafter, medical assessments of their physical and mental competence to provide child care;

"(6) such facility keeps and maintains adequate health records on each child receiving care in such facility and on each staff member (including any voluntary or part-time staff member) of such facility who has contact with children receiving care in such facility; and

"(7) such facility has in effect, for the children receiving child care services provided by such facility, a program under which emergency medical care or first aid will be provided to any such child who sustains injury or becomes ill while receiving such services from such facility, the parent of such child (or other proper person) will be promptly notified of such injury or illness, and other children receiving such services in such facility will be adequately protected from contagious disease.

"(e) The Bureau shall not provide (directly or through arrangements with other persons) child care, in any child care facility or home child care facility, to any child unless there is offered to the parent or parents with whom such child is living (or, if such child is not living with a parent, the guardian or other adult person with whom such child is living) the opportunity of (A) meeting and consulting, from time to time, with the staff of such facility on the development of such child, and (B) observing, from time to time, such child while he is receiving care in such facility.

"(f) Any nursery school, kindergarten, or child development center in which care is provided must meet applicable State or local educational standards.

"PHYSICAL STRUCTURE AND LOCATION OF CHILD CARE FACILITIES

"SEC. 2105. (a) There may be utilized, to provide child care authorized by this title, new buildings especially constructed as child care facilities, as well as existing buildings which are appropriate for such purpose (including, but not limited to, schools, churches, social centers, apartment houses, public housing units, office buildings, and factories).

"(b) The Director, in selecting the location of any facility to provide child care under this title, shall, to the maximum extent feasible, give consideration to such factors as whether the site selected therefor—

"(1) is conveniently accessible to the children to be served by such facility, in terms of distance from the homes of such children as well as the length of travel-time (on the part of such children and their parents) involved;

"(2) is sufficiently accessible from the place of employment of the parents of such children so as to enable such parents to participate in such programs, if any, as are offered to parents by such facility; and

"(3) is conveniently accessible to other facilities, programs, or resources which are related to, or beneficial in, the development of the children of the age group served by such facility.

"EXCLUSIVENESS OF FEDERAL STANDARD; PENALTY FOR FALSE STATEMENT OR MISREPRESENTATION

"SEC. 2106. (a) Any facility in which child care services are provided by the Bureau (whether directly or through arrangements with other persons) shall not be subject to any licensing or similar requirements imposed by any State (or political subdivision thereof), and shall not be subject to any health, fire, safety, sanitary, or other requirements imposed by any State (or political subdivision thereof) with respect to facilities providing child care.

"(b) If any State (or political subdivision thereof), group, organization, or individual feels that the standards imposed, or proposed to be imposed, by the Bureau under section 2104(c)(1) for child care facilities (or any type of class of child care facilities) are less protective of the welfare of children than those imposed on such facilities by such State (or political subdivision thereof, as the case may be), such State (or political subdivision thereof), group, organization, or individual may, by filing a request with the Bureau, obtain a hearing on the matter of the standards imposed or proposed to be imposed by the Bureau with respect to such facilities.

"(c) Whoever knowingly and willfully makes or causes to be made, or induced or seeks to induce the making of, any false statement or representation of a material fact with respect to the conditions or operation of any facility in order that such facility may qualify as a facility in which child care services are provided by the Bureau (whether directly or through arrangements with other persons) shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $2,000 or imprisoned for not more than six months, or both, and any such facility shall be ineligible, for two years following such conviction, to participate in any child care program that is in whole or in part funded by the United States.

"RECONSIDERATION OF CERTAIN DECISIONS

"Sec. 2107. Whenever any group or organization has presented to the Bureau a proposal, under which such group or organization would provide child care services on behalf of the Bureau, which has been rejected by the Bureau, such group or organization, upon request filed with the Director may have a reconsideration of such proposal by the Bureau.

"CONFIDENTIALITY OF CERTAIN INFORMATION

"Sec. 2108. The Bureau shall impose such safeguards with respect to information held by it concerning applicants for and recipients of child care as are necessary or appropriate to assure that such information will be used only for purposes directly connected with the administration of this title, that the privacy of such applicants or recipients will be protected, and that, when such information is used for statistical purposes, it will be used in such manner as not to identify the particular individuals involved.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 2109. In addition to such sums as may be available to the Bureau from the Child Care Fund established under section 2110, there is hereby authorized to be appropriated to carry out the provisions of this title, for the fiscal year beginning July 1, 1972, the sum of $800,000,000, and for each fiscal year thereafter, such sums as may be necessary.

"REVOLVING FUND

"Sec. 2110. (a) There is hereby established in the Treasury a revolving fund to be known as the Federal Child Care Fund (hereinafter in this title referred to as the 'Fund') which shall be available to the Bureau without fiscal year limitation to carry out its purposes, functions, and duties under this title.

"(b) There shall be deposited in the Fund—

"(1) funds appropriated under section 2109; and

"(2) the proceeds of all fees, rentals, charges, interest, or other receipts (including gifts) received by the Bureau.

"(c) Except for expenditures from the Federal Child Care Capital Fund (established by section 2111(d)) and expenditures from appropriated funds, all expenses of the Bureau (including salaries and other personnel expenses) shall be paid from the Fund.

"(d) If the Bureau determines that the moneys in the fund are in excess of the current needs of the Bureau, it may invest such amounts therefrom as it deems advisable in obligations of the United States or obligations the payment of principal and interest of which is guaranteed by the United States.

"REVENUE BONDS OF BUREAU

"Sec. 2111. (a) The Bureau is authorized (after consultation with the Secretary of the Treasury) to issue and sell bonds, notes, and other evidences of indebtedness (hereafter in this section collectively referred to as 'bonds') whenever the Director determines that the proceeds of such bonds are necessary, together with other moneys available for operation of the Bureau from the Fund, to provide funds sufficient to enable the Bureau to carry out its purposes and functions under this title with respect to the acquisition, planning, construction, remodeling, or renovation of facilities for child care or sites for such facilities; except that (1) no such bonds shall be sold prior to July 1, 1975, (2) no more than $50,000,000 of such bonds shall be issued and sold during any fiscal year, and (3) the outstanding balance of all bonds so issued and sold shall not at any one time exceed $250,000,000.

"(b) Any such bonds may be secured by assets of the Bureau, including, but not limited to, fees, rentals, or other charges which the Bureau receives for the use of any facility for child care which the Bureau owns or in which the Bureau has an interest. Any such bonds are not, and shall not for any purpose be regarded as, obligations of the United States.

"(c) Any such bonds shall bear such rate of interest, have such dates of maturity, be in such denominations, be in such form, carry such registration privileges, be executed in such manner, be payable on such terms, conditions, and at such place or places, and be subject to such other terms and conditions, as the Director may prescribe.

"(d) (1) There is hereby established in the Treasury a fund to be known as the 'Federal Child Care Capital Fund' (hereinafter in this title referred to as the 'Capital Fund'), which shall be available to the Bureau without fiscal year limitations to carry out the purposes and functions of the Bureau with respect to the acquisition, planning, construction, remodeling, renovation, or initial equipping of facilities for child care services, or sites for such facilities.

"(2) The proceeds of any bonds issued and sold pursuant to this section shall be deposited in the Capital Fund and shall be available only for the purposes and functions referred to in paragraph (1) of this subsection.

"COLLECTION AND PUBLICATION OF STATISTICAL DATA

"Sec. 2112. The Bureau shall collect, classify, and publish, on a monthly and annual basis, statistical data relating to its operation and child care provided (directly or indirectly) by the Bureau together with such other data as may be relevant to the purposes and functions of the Bureau.

"REPORTS TO CONGRESS

"Sec. 2113. (a) The Director shall, not later than January 30 following the close of the first session of each Congress (commencing with January 30, 1974), submit to the Congress a written report on the activities of the Bureau during the period ending with the close of the session of Congress last preceding the submission of the report and beginning, in the case of the first such report so submitted, with the date of enactment of this title, and in the case of any such report thereafter, with the day after the last day covered by the last preceding report so submitted. As a separate part of any such report, there shall be included such data and information as may be required fully to apprise the Congress of the actions which the Bureau has taken to improve the quality and availability of child care services, together with a statement regarding the future plans (if any) of the Bureau to further improve the quality of such services.

"(b) The Director shall conduct, on a continuing basis, a study of the standards for child care under section 2104, and shall report to the Congress, not later than January 1, 1977, the results of such study, together with his recommendations (if any) with respect to changes which should be made in establishing such standards.

"APPLICABILITY OF OTHER LAWS

"Sec. 2114. (a) The provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), or other provisions of law relating to competitive bidding, shall not be applicable to the Bureau; nor shall any other provision of law limiting the authority of instrumentalities of the United States to enter into contract be applicable to the Bureau in respect to contracts entered into by the Bureau for the provision of child care services in a home child care facility, temporary child care home, or a night care home.

"(b) The provisions of the Public Buildings Act of 1959 (40 U.S.C. 601–615) shall not apply to the acquisition, construction, remodeling, renovation, alteration, or repair of any building of the Bureau or to the acquisition of any site for any such building for use as a child care facility.

"RESEARCH AND DEMONSTRATIONS

"Sec. 2115. The Secretary, in the administration of section 426, shall consult with and cooperate with the Bureau with a view to providing for the conduct of research and demonstrations which will be applicable to child care services.

"NATIONAL ADVISORY COUNCIL ON CHILD CARE

"Sec. 2116. (a) (1) For the purpose of providing advice and recommendations for the consideration of the Director of the Bureau in matters of general policy in carrying out the purposes and functions of the Bureau, and with respect to improvements in the administration by the Bureau of its purposes and functions, there is hereby created a National Advisory Council on Child Care (hereinafter in this section referred to as the 'Council').

"(2) The Council shall be composed of the Secretary of Health, Education, and Welfare, the Secretary of Labor, the Secretary of Housing and Urban Development, and eight individuals, who shall be appointed by the Director (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service), and who are not otherwise in the employ of the United States.

"(3) Of the appointed members of the Council, not more than three shall be selected from individuals who are representatives of social workers or child welfare workers or nonprofit organizations or are from the field of education, and the remaining appointed members shall be selected from individuals who are representatives of consumers of child care (but not including more than one individual who is a representative of any organization which is composed of or represents recipients of such assistance).

"(b) Each appointed member of the Council shall hold office for a term of three years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his successor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the appointed members first taking office shall expire, as designated by the Director at the time of appointment, four on June 30, 1974, four on June 30, 1975, and four on June 30, 1976.

"(c) The Council is authorized to engage such technical assistance as may be required to carry out its functions, and the Director shall, in addition, make available to the Council such secretarial, clerical, and other assistance and such pertinent data prepared by the Bureau as the Council may require to carry out its functions.

"(d) Appointed members of the Council shall, while serving on the business of the Council, be entitled to receive compensation at the rate of $100 per day, including traveltime; and while so serving away from their homes or regular places of business, they shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"COOPERATION WITH OTHER AGENCIES

"Sec. 2117. (a) (1) The Bureau is authorized to enter into agreements with public and other nonprofit agencies or organizations whereby children receiving child care provided by the Bureau (whether directly or through arrangements with other persons) will be provided other services conducive to their health, education, recreation, or development.

"(2) Any such agreement with any such agency or organization shall provide that such agency or organization shall pay the Bureau in advance or by way of reimbursement, for any expenses incurred by it in providing any services pursuant to such agreement.

"(b) The Bureau may also enter into cooperative arrangements with the State health authority and the State agency primarily responsible for State supervision of public schools to utilize such agencies in the provision of health services and education for children receiving child care.

"DEFINITIONS

"SEC. 2118. For purposes of this title—

"(a) The term 'Bureau' means the Bureau of Child Care established pursuant to section 2102.

"(b) The term 'child care services' means the provision, by the person undertaking to care for any child, of such personal care, protection, and supervision of each child receiving such care as may be required to meet the child care needs of such child, including services provided by—

"(1) a child care facility;

"(2) a home child care facility;

"(3) a temporary child facility;

"(4) an individual as a provider of at-home child care;

"(5) a night care facility; or

"(6) a boarding facility.

"(c) The term 'child care facility' means any of the following facilities:

"(1) day nursery facility;

"(2) nursery school;

"(3) kindergarten;

"(4) child development center;

"(5) play group facility;

"(6) preschool child care center;

"(7) school age child care center;

"(8) summer day care program facility;

but only if such facility offers child care services to not less than six children; and in the case of a kindergarten, nursery school, or other daytime program, such facility is not a facility which is operated by a public school system, and the services of which are generally available without charge throughout a school district of such system;

"(d) The term 'home child care facility' means—

"(1) a family day care home;

"(2) a group day care home;

"(3) a family school day care home; or

"(4) a group school age day care home.

"(e) The term 'temporary child care facility' means—

"(1) a temporary child care home;

"(2) a temporary child care center; or

"(3) other facility (including a family home, or extended or modified family home) which provides care, on a temporary basis, to transient children.

"(f) The term 'at-home child care' means the provision, to a child in his own home, of child care services, by an individual, who is not a member of such child's family or a relative of such child, while such child's parents are absent from the home.

"(g) The term 'night care facility' means—

"(1) a night care home;

"(2) a night care center; or

"(3) other facility (including a family home, or extended or modified family home) which provides care, during the night, of children whose parents are absent from their home and who need supervision during sleeping hours in order for their parents to be gainfully employed.

"(h) The term 'boarding facility' means a facility (including a boarding home, a boarding center, family home, or extended or modified family home) which provides child care for children on a twenty-four hour per day basis (except for periods when the children are attending school) for periods, in the case of any child, not longer than one month.

"(i) The term 'day nursery' means a facility which, during not less than five days each week, provides child care to children of preschool age.

"(j) The term 'nursery school' means a school which accepts for enrollment therein only children between two and six years of age, which is established and operated primarily for educational purposes to meet the developmental needs of the children enrolled therein.

"(k) The term 'kindergarten' means a facility which accepts for enrollment therein only children between four and six years of age, which is established and operated primarily for educational purposes to meet the developmental needs of the children enrolled therein.

"(l) The term 'child development center' means a facility which accepts for enrollment therein only children of preschool age, which is established and operated primarily for educational purposes to meet the developmental needs of the children enrolled therein, and which provides for the children enrolled therein care services, or instruction for not less than five days each week.

"(m) The term 'play group facility' means a facility which accepts as members thereof children of preschool age, which provides care or services to the members thereof for not more than three hours in any day, and which is established and operated primarily for recreational purposes.

"(n) The term 'preschool child care center' means a facility which accepts for enrollment therein children of preschool age, and which provides child care to children enrolled therein on a full-day basis for at least five days each week.

"(o) The term 'school age child care center' means a facility which accepts for enrollment therein only children of school age, and which provides child care for the children enrolled therein during the portion of the day when they are not attending school for at least five days each week.

"(p) The term 'summer day care program' means a facility which provides child care for children during summer vacation periods, and which is established and operated primarily for recreational purposes; but such term does not include any program which for children during summer vacation periods, is operated by any public agency if participation in such program is without charge and is generally available to residents of any political subdivision.

"(q) The term 'family day care home' means a family home in which child care is provided, during the day, for not more than eight children (including any children under age fourteen who are members of the family living in such home or who reside in such home on a full-time basis).

"(r) The term 'group day care home' means an extended or modified family residence which offers, during all or part of the day, child care for not less than seven children (not including any child or children who are members of the family, if any, offering such services).

"(s) The term 'family school age day care home' means a family home which offers child care for not more than eight children, all of school age, during portions of the day when such children are not attending school.

"(t) The term 'group school age day care home' means an extended or modified family residence which offers family-like child care for not less than seven children (not counting any child or children who are members of the family, if any, offering such services) during portions of the day when such children are not attending school.

"(u) The term 'temporary child care home' means a family home which offers child care, on a temporary basis, for not more than eight children (including any children under age fourteen who are members of the family, if any, offering such care).

"(v) The term 'temporary child care center' means a facility (other than a family home) which offers child care, on a temporary basis, to not less than seven children.

"(w) The term 'night care home' means a family home which offers child care, during the night, for not more than eight children (including any children under age fourteen who are members of the family offering such care).

"(x) The term 'boarding home' means a family home which provides child care (including room and board) to not more than six children (including any children under age fourteen who are members of the family offering such care).

"(y) The term 'boarding center' means a summer camp or other facility (other than a family home) which offers child care (including room and board) to not less than seven children.

"(z) The term 'facility', as used in connection with the terms 'child care', 'home child care', 'temporary child care', 'night care', or 'boarding care', shall refer only to buildings and grounds (or portions thereof) actually used (whether exclusively or in part) for the provision of child care services."

(b) Section 1101(a)(1) of the Social Security Act is amended by striking out "and XIX" and inserting in lieu thereof "XIX, XX, and XXI".

(c) Section 5316 of title 5, United States Code (relating to Executive Schedule pay rates at level V), is amended by adding at the end thereof:

"(131) Director of the Bureau of Child Care.".

(d) The amendments made by this section shall become effective on the date of enactment of this Act.

MODEL DAY CARE

SEC. 432. Title IV of the Social Security Act (as amended by this Act) is amended by adding at the end thereof the following new part:

"PART E—GRANTS TO STATES FOR ESTABLISHMENT OF MODEL DAY CARE

"APPROPRIATION

"SEC. 471. There are authorized to be appropriated for grants to States for development of model day care for children such sums as may be necessary during each of the fiscal years ending on June 30, 1973, June 30, 1974, and June 30, 1975. From the sums authorized to be appropriated pursuant to this section, the Secretary is authorized to approve grants to each State during such fiscal years in amounts up to $400,000 per year to pay all or part of the cost of developing model child care through the establishment and operation of a child care center or system and to provide training for individuals in the field of child care. Payments under this section may be in advance or by way of reimbursement."

CHILD WELFARE SERVICES

SEC. 433. (a) Effective with respect to fiscal years beginning after June 30, 1972, section 420 of the Social Security Act is amended by striking out "$55,000,000 for the fiscal year ending June 30, 1968, $100,000,000 for the fiscal year ending June 30, 1969, and $110,000,000 for each fiscal year thereafter" and inserting in lieu thereof $200,000,000 for the fiscal year ending June 30, 1973, $215,000,000 for the fiscal year ending June 30, 1974, $230,000,000 for the fiscal year ending June 30, 1975, $250,000,000 for the fiscal year ending June 30, 1976, and $270,000,000 for each fiscal year thereafter".

(b)(1) Section 442 (a)(1) of such Act is amended by striking out subparagraph (C) thereof.

(2) Section 425 of such Act is amended by striking out "or day care" and by insert-

ing "other than those defined in section 2018(c)" after "child care facilities".

(3) The amendments made by the preceding provisions of this subsection shall take effect July 1, 1973.

NATIONAL ADOPTION INFORMATION EXCHANGE SYSTEM

SEC. 434. The Social Security Act is amended by adding after section 426 of title IV thereof, the following new section:

"SEC. 427. (a) The Secretary is authorized to provide information, utilizing computers and modern data processing methods, through a national adoption information exchange system, to assist in the placement of children awaiting adoption and in the location of children for persons who wish to adopt children, including cooperative efforts with any similar programs operated by or within foreign countries, and such other related activities as would further or facilitate adoptions.

"(b) There are authorized to be appropriated $1,000,000 for the fiscal year ending June 30, 1973, and such sums as may be necessary for succeeding fiscal years, to carry out this section."

TITLE V—MISCELLANEOUS

PART A—PROVISIONS RELATING TO PUBLIC ASSISTANCE

REPORT ON QUALITY OF WORK PERFORMED BY WELFARE PORSONNEL

SEC. 501. (a) The Secretary of Health, Education, and Welfare shall conduct a full and complete study of ways of enhancing the quality of work performed by individuals employed in the administration and operation of State plans approved under titles I, IV, X, XIV, XV, and XVI of the Social Security Act for the purpose of arriving at standards of performance or other appropriate means of eliminating variations in the quality of work performed and encouraging the development of improved performance by such individuals.

(b) In conducting the study required by subsection (a), the Secretary is authorized to engage the assistance of individuals who have demonstrated knowledge and expertise in the area of welfare administration (including individuals who have direct contact with recipients) and from individuals who are themselves recipients under such State plans.

(c) The Secretary shall conduct the study required by subsection (a) and report his findings thereon together with appropriate recommendations to the Congress not later than January 1, 1974.

CRIMINAL OFFENSES BY WELFARE EMPLOYEES

SEC. 502. (a) (1) Part A of title XI of the Social Security Act (as designated by section 249F of this Act and amended by sections 216(a), 221, 241, 271, 272, 410, 411, and 431) is further amended by adding at the end thereof the following new section:

"CRIMINAL OFFENSES BY WELFARE EMPLOYEES

"SEC. 1126. Any officer or employee of the United States or of any State or of any political subdivision of such State acting in connection with the administration or operation of any State plan approved under title I, IV, X, XIV, XV or XVI, of this Act—

"(1) who is guilty of any extortion or willful oppression under color of State or Federal law; or

"(2) who knowingly allows the disbursement of greater sums than are authorized by law, or receives any fee, compensation, or reward, except as by law prescribed, for the performance of any duty; or

(3) who, with intent to defeat the application of any provision of title I, IV, X, XIV, XV, or XVI, of the Social Security Act or any State plan approved thereunder, fails to perform any of the duties of his office or employment; or

"(4) who conspires or colludes with any other person to defraud the United States, any State government, or any political subdivision of such State; or

"(5) who knowingly makes opportunity for any person to defraud the United States, any State government, or any political subdivision of such State; or

"(6) who does or omits to do any act with intent to enable any other person to defraud the United States, any State government, or any political subdivision of such State;

"(7) who makes or signs any fraudulent entry in any book, or makes or signs any fraudulent application, form, or statement, knowing it to be fraudulent; or

"(8) who, having knowledge or information of fraud committed by any person against the United States, any State government, or any political subdivision of such State under title I, IV, X, XII, XV, or XVI of the Social Security Act or any State plan approved thereunder, fails to report, in writing, such knowledge or information to the Secretary or his delegate, or, if the fraud is against a State government or any political subdivision of such State, to the individual designated to administer the State plan approved under such title or his delegate; or

"(9) who demands, or accepts, or attempts to collect directly or indirectly as payment or gift, or otherwise, any sum of money or other thing of value for the compromise, adjustment, or settlement of any charge or complaint for any violation or alleged violation of law, except as expressly authorized by law so to do;

shall be dismissed from office or discharged from employment and, upon conviction thereof, shall be fined not more than $10,000, or imprisoned not more than 5 years, or both."

(2) (A) Effective January 1, 1974, section 1126 of the Social Security Act (as added by paragraph (1) of this subsection) is amended by striking out "title I, IV, X, XVI, XV, or XVI," each place it appears therein and inserting in lieu thereof "title IV, VI, or XV,".

(B) The amendments made by subparagraph (A) shall not apply to the Commonwealth of Puerto Rico, the Virgin Islands, or Guam.

(b) In addition to the requirements imposed by law as a condition of approval of a State plan under title I, VI, IV, X, XIV, XV, or XVI of the Social Security Act, there is hereby imposed the requirement (and the plan shall be deemed to require) that the State plan provide that any officer or employee of the State acting in connection with the State plan as approved under such title who shall be found guilty of a violation of section 1126 of such Act shall be dismissed from office or discharged from employment in addition to any other penalty imposed under such section 1126.

DEMONSTRATION PROJECTS TO REDUCE WELFARE DEPENDENCY

SEC. 503. (a) Section 1110(a) of the Social Security Act is amended by inserting after the period at the end thereof the following new sentence: "Of the funds appropriated under the preceding sentence for any fiscal year commencing after June 30, 1972, not less than 50 per centum thereof shall be used in projects relating to the prevention and reduction of dependency."

(b) Section 1115 is amended by inserting immediately after the matter at the end thereof the following new sentence: "Not less than 50 per centum of the amounts made available to the States under this section, for any fiscal year beginning after June 30, 1972, shall be used in projects relating to the prevention and reduction of welfare dependency."

LIMITATION ON REGULATORY AUTHORITY OF THE SECRETARY

SEC. 504. Section 1102 of the Social Security Act is amended by inserting immediately before the period at the end thereof the following: "; except that no rule or regulation which affects title I, IV, X, XIV, XV, or XVI of this Act shall be adopted unless such rule or regulation is related to a specific provision in such title and no rule or regulation so adopted shall be inconsistent with any provision of such title".

LIMITATION ON AUTHORITY OF SECRETARY WITH RESPECT TO ADVISORY COUNCILS

SEC. 505. Title XI of the Social Security Act is amended by adding after section 1127 the following new section:

"LIMITATION ON AUTHORITY OF SECRETARY WITH RESPECT TO ADVISORY COUNCILS

"SEC. 1128. Nothing in this Act shall be construed to authorize or permit the Secretary of Health, Education, and Welfare to prescribe any rule or regulation requiring any State, in the operation of a State plan approved under title I, IV, X, XIV, XV, or XVI of this Act, to establish or pay the expenses of any advisory council to advise the State with respect to such plan, its operation, or any program or programs conducted thereunder."

PROHIBITION AGAINST PARTICIPATION IN FOOD STAMP OR SURPLUS COMMODITIES PROGRAM BY PERSONS ELIGIBLE TO PARTICIPATE IN EMPLOYMENT OR ASSISTANCE PROGRAMS

SEC. 508. (a) Effective January 1, 1974, section 3(e) of the Food Stamp Act of 1964 is amended by adding at the end thereof the following new sentence: "No person who is determined to be eligible (or upon application would be eligible) for aid under a State plan approved under title XV of the Social Security Act, and no person who is eligible (or upon application would be eligible) to receive supplemental security income benefits under title XVI of such Act shall be considered to be a member of a household or an elderly person for purposes of this Act."

(b) Section 3(h) of such Act is amended to read as follows:

"(h) The term 'State agency', with respect to any State, means the agency of State government which is designated by the Secretary for purposes of carrying out this Act in such State."

(c) Section 10(c) of such Act is amended by striking out the first sentence.

(d) Clause (2) of the second sentence of section 10(e) of such Act is amended by striking out "used by them in the certification of applicants for benefits under the federally aided public assistance programs" and inserting in lieu thereof the following: "prescribed by the Secretary in the regulations issued pursuant to this Act".

(e) Section 10(e) of such Act is further amended by striking out the third sentence.

(f) Section 14 of such Act is amended by striking out subsection (e).

(g) Effective January 1, 1974, section 416 of the Act of October 31, 1949, is amended by adding at the end thereof the following new sentence: "No person who is determined to be eligible (or upon application would be eligible) for aid under a State plan approved under title XV of the Social Security Act, and no person who is eligible (or upon application would be eligible) to receive supplemental security income under title XVI of such Act, shall be eligible to participate in any program conducted under this section (other than nonprofit child feeding programs or programs under which commodities are distributed on an emergency or temporary basis and eligibility for participation therein is not based upon the income or resources of the individual or family)."

(h) Except as otherwise provided in this section, the amendments made by this section shall take effect on January 1, 1973.

PAYMENTS TO STATES FOR FOOD STAMP CASH-OUT

SEC. 509. (a) From the amounts appropriated therefor, the Secretary shall pay to each State (or political subdivision thereof) for each quarter (commencing with the quarter beginning January 1, 1974) an amount equal to the total amount by which the payments by such State (or political subdivision) described in section 1616(a) of the Social Security Act (whether or not paid under an agreement entered into under such section) to any individual for any month, when increased by (1) the amount of such individual's other income (exclusive of income described in section 1612(b) of such Act but including income described in paragraph (2) of such section), and (2) the benefits, if any, paid under title XVI of such Act exceed the adjusted payment level (as defined in subsection (b)) of such State or the amount of such individual's income described in clauses (1) and (2), whichever is greater, but not counting so much of any such payment, when so increased, as exceeds the sum of such adjusted payment level plus the bonus value of food stamps (as defined in subsection (c)).

(b) (1) As used in this paragraph, the term "adjusted payment level", in the case of any State, means the amount of the money payment which an individual (or two or more individuals living in the same household) with no other income would have received under the State plan approved under title I, X, XIV or XVI of the Social Security Act, as such titles were in effect for October 1972, increased by a payment level modification.

(2) As used in this subparagraph, the term "payment level modification", in the case of any State, means that amount by which such State, which for October 1972 made money payments under its plan approved under title I, X, XIV or XVI of the Social Security Act, as such titles were in effect for such month to individuals with no other income which were less than 100 per centum of its standard of need, could have increased such money payments without increasing (if it reduced its standard of need under such plan so that such increased money payments equaled 100 per centum of such standard of need) the non-Federal share of expenditures for such money payments for October 1972 (as defined in subsection (d)).

(c) As used in this paragraph, the term "bonus value of food stamps" means—

(1) the face value of the coupon allotment which would have been provided for October 1972 to an individual (or two or more individuals living in the same household) under the Food Stamp Act of 1964, reduced by

(2) the charge which such individual (or individuals) would have paid for such coupon allotment,

if the income of such individual (or individuals) for such month had been equal to the adjusted payment level. The face value of food stamps and the charge therefor in October 1972 shall be determined in accordance with rules prescribed by the Secretary of Agriculture in effect for such month.

(d) As used in this paragraph the term "non-Federal share of expenditures for money payments for October 1972", in the case of any State, means—

(1) total expenditures by such State for money payments for such month under its State plan approved under title I, X, XIV, or XVI of the Social Security Act, as such title was in effect for such month reduced by

(2) the amount determined for such State for such month under subsection (a) (1) or (2) of section 1003, and subsection (a) (1) or (2) of section 1403), and section 1118 of such Act, and section 9 of the Act of April 19, 1950 (as such sections were in effect during such month).

ADMINISTRATIVE EXPENSES FOR TITLE XVI

SEC. 510. Appropriations for administrative expenses incurred during the fiscal year ending June 30, 1973, in developing the staff and facilities necessary to place in operation the supplemental security income program established by title XVI of the Social Security Act, as amended by this Act, may be included in an appropriation Act for such fiscal year.

TREATMENT OF RENT UNDER PUBLIC HOUSING

SEC. 511. (a) Section 9 of Public Law 92-213 is repealed.

(b) The amendment made by this section shall become effective on the first day of the month following the month in which this Act is enacted.

PROHIBITION AGAINST USE OF FEDERAL FUNDS TO UNDERMINE PUBLIC ASSISTANCE PROGRAMS

SEC. 512. Part A of title XI of the Social Security Act (as designated by section 249F of this Act) is amended by adding after section 1126 (as added by section 502(a) of this Act) the following new section:

"PROHIBITION AGAINST USE OF FEDERAL FUNDS TO UNDERMINE PROGRAMS UNDER THE SOCIAL SECURITY ACT

"SEC. 1127. (a) (1) Subject to paragraph (2), no Federal funds shall be used (whether directly or indirectly) to pay all or any part of the compensation or expenses of any attorney or other person who, as a part of his federally financed activity whether as an employee in the executive branch or under a grant or contractual arrangement with the executive branch (or other employment), engages in any activity, for or on behalf of any client or other person or class of persons, the purpose of which is (by litigation or by actions related thereto) to nullify, challenge, or circumvent any provision of the Social Security Act, or any of the purposes or intentions of the Congress in enacting any such title or provision thereof or relating thereto; and it shall be unlawful for any such attorney or other person who engages in any such federally financed activity to accept or receive any Federal funds to defray all or any part of his compensation.

"(2) The prohibition contained in paragraph (1) shall not apply to any particular case or lawsuit (or to any attorney or other person involved therein) if the Attorney General issues an order specifically waiving such prohibition with respect to such case or lawsuit; except that no such order shall become effective with respect to any case or lawsuit until 60 days after the Attorney General shall have submitted to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a notice of his intention to waive such prohibition with respect to such case or lawsuit.

"(b) Any person who authorizes the disbursement of any Federal funds, and any attorney or other person who receives or accepts any such funds, in violation of subsection (a), shall be held accountable for and required to make good to the United States the amount of funds so disbursed or received or accepted."

PART B—GENERAL PROVISIONS

CHANGE IN EXECUTIVE SCHEDULE—COMMISSIONER OF SOCIAL SECURITY

SEC. 520. (a) Section 5316 of title 5, United States Code (relating to positions at level V of the Executive Schedule), is amended by striking out:

"(51) Commissioner of Social Security, Department of Health, Education, and Welfare.".

(b) Section 5315 of title 5, United States Code (relating to positions at level IV of the Executive Schedule), is amended by adding at the end thereof the following:

"(97) Commissioner of Social Security, Department of Health, Education, and Welfare.".

(c) The amendments made by the preceding provisions of this section shall take effect on the first day of the first pay period of the Commissioner of Social Security, Department of Health, Education, and Welfare, which commences on or after the first day of the month which follows the month in which this Act is enacted.

EVALUATION OF SOCIAL SECURITY PROGRAMS

SEC. 521. Part A of title XI of the Social Security Act (as designated by section 249F of this Act) is amended by adding after section 1128 (as added by section 505 of this Act) the following new section:

"EVALUATION OF SOCIAL SECURITY PROGRAMS

"SEC. 1129. (a) (1) The Comptroller General is hereby authorized to make analyses and evaluations of programs under this Act.

"(2) The departments and agencies shall make available to the Comptroller General such information and documents as he considers necessary for him to complete his work under this subsection.

"(b) (1) No department or agency of the Federal Government shall enter into any contract for the conduct of, or employ any expert or consultant to conduct, any study or evaluation of any program which—

"(A) is established by or pursuant to this Act, or

"(B) receives Federal financial assistance pursuant to authority contained in this Act,

if the conduct of such study or evaluation involves the expenditure, from Federal funds, of an amount in excess of $25,000, unless, prior to the commencement of such study or evaluation, such department or agency shall have requested of, and obtained from, the Comptroller General approval for the conduct of such study or evaluation.

"(2) The Comptroller General shall not approve any request for the conduct of any study or evaluation of any program under paragraph (1), unless he determines that—

"(A) the conduct of such study or evaluation of such program is justified;

"(B) such department or agency cannot effectively conduct such study or evaluation through utilization of regular full-time employees of such department or agency; and

"(C) such study or evaluation will not be duplicative of any study or evaluation which is being conducted, or will be conducted within the next twelve months, by the General Accounting Office.

"(c) (1) To assist in carrying out his functions under this section, the Comptroller General may sign and issue subpenas requiring the production of negotiated contract and subcontract records and records of other non-Federal persons or organizations to which he has a right of access by law or agreement.

"(2) In case of disobedience to a subpena issued under the authority contained in paragraph (1), the Comptroller General may invoke the aid of any district court of the United States in requiring the production of the records referred to in paragraph (1). Any district court of the United States within the jurisdiction in which the contractor, subcontractor, or other non-Federal person or organization is found or resides or in which the contractor, subcontractor, or other non-Federal person or organization transacts business may, in case of contumacy or refusal to obey a subpena issued by the Comptroller General, issue an order requiring the contractor, subcontractor, or other non-Federal person or organization to produce the records; and any failure to obey such order of the court shall be punished by the court as a contempt thereof."

PART C—LIBERALIZATION OF RETIREMENT INCOME CREDIT; OTHER INTERNAL REVENUE CODE AMENDMENTS

RETIREMENT INCOME CREDIT

In General

SEC. 531. (a) Section 37 of the Internal Revenue Code of 1954 (relating to retirement income) is amended to read as follows:

"SEC. 37. RETIREMENT INCOME.

"(a) GENERAL RULES.—

"(1) JOINT RETURNS.—In the case of a joint return—

"(A) if either spouse has attained the age of 65 before the close of the taxable year, or

"(B) if neither spouse has attained the age of 65 before the close of the taxable year but one or both spouses have public retirement system pension income for the taxable year,

there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 15 percent of the retirement income (as limited by subsection (b)) received by the husband and wife during the taxable year.

"(2) OTHER RETURNS.—In the case of a return by an unmarried individual and of a separate return by a married individual—

"(A) if the individual has attained the age of 65 before the close of the taxable year, or

"(B) if the individual has not attained the age of 65 before the close of the taxable year but has public retirement system pension income for the taxable year,

there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 15 percent of the retirement income (as limited by subsection (b)) received by the individual during the taxable year.

"(b) LIMITATION OF RETIREMENT INCOME.—

"(1) IN GENERAL.—The amount of retirement income which may be taken into account for purposes of subsection (a) shall not exceed the following amounts (reduced as provided in paragraph (2)):

"(A) $2,500, in the case of an unmarried individual,

"(B) $2,500, in the case of a joint return where only one spouse is an eligible individual,

"(C) $3,750, in the case of a joint return where both spouses are eligible individuals, or

"(D) $1,875, in the case of separate return by a married individual.

"(2) REDUCTION.—Except as provided in paragraphs (3) and (4), the reduction under this paragraph in the case of any individual is—

"(A) any amount received by such individual as a pension or annuity—

"(i) under title II of the Social Security Act,

"(ii) under the Railroad Retirement Act of 1935 or 1937, or

"(iii) otherwise excluded from gross income, plus

"(B) in the case of any individual who has not attained age 72 before the close of the taxable year—

"(i) except as provided in clause (ii), one-half the amount of earned income received by such individual in the taxable year in excess of $2,000, or

"(ii) if such individual has not attained age 62 before the close of the taxable year, and if such individual (or his spouse under age 62) is an eligible individual as defined in subsection (d)(4)(B), any amount of earned income in excess of $1,000 received by such individual in the taxable year.

"(3) SPECIAL RULES FOR DETERMINING THE DEDUCTION PROVIDED IN PARAGRAPH (2).—

"(A) JOINT RETURNS.—In the case of a joint return, the reduction under paragraph (2) shall be the aggregate of the amounts resulting from applying paragraph (2) separately to each spouse.

"(B) SEPARATE RETURNS OF MARRIED INDIVIDUALS.—In the case of a separate return of a married individual, paragraph (2)(B)(i) shall be applied by substituting '$1,000' for '$2,000', and paragraph (2)(B)(ii) shall be applied by substituting '$500' for '$1,000'.

"(C) NO REDUCTION FOR CERTAIN AMOUNTS EXCLUDED FROM GROSS INCOME.—No reduction shall be made under paragraph (2)(A) for any amount excluded from gross income under section 72 (relating to annuities), 101 (relating to life insurance proceeds), 104 (relating to compensation for injuries or sickness), 105 (relating to amounts received under accident and health plans), 402 (relating to taxability of beneficiary of employees' trust), or 403 (relating to taxation of employee annuities).

"(4) SPECIAL RULE FOR CERTAIN INDIVIDUALS RECEIVING PUBLIC RETIREMENT SYSTEM PENSION INCOME.—In the case of a joint return where one spouse is an eligible individual as defined in subsection (d)(4)(A) and the other spouse is an eligible individual as defined in subsection (d)(4)(B), there shall be an additional reduction under paragraph (2) in an amount equal to the excess (if any) of $1,250 over the amount of the public retirement system pension income of the spouse who is an eligible individual as defined in subsection (d)(4)(B).

"(c) RETIREMENT INCOME.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in paragraph (2), the term 'retirement income' means income from—

"(A) pensions and annuities (including public retirement system pension income and including, in the case of an individual who is, or has been, an employee within the meaning of section 401(c)(1), distributions by a trust described in section 401(a) which is exempt from tax under section 501(a)),

"(B) interest,

"(C) rents,

"(D) dividends, and

"(E) bonds described in section 405(b)(1) which are received under a qualified bond purchase plan described in section 405(a) or in a distribution from a trust described in section 401(a) which is exempt from tax under section 501(a),

to the extent included in gross income without reference to this section, but only to the extent such income does not represent compensation for personal services rendered during the taxable year.

"(2) CERTAIN INDIVIDUALS UNDER AGE 65.—In the case of—

"(A) a return by an unmarried individual who has not attained the age of 65 before the close of the taxable year,

"(B) a separate return by a married individual who has not attained the age of 65 before the close of the taxable year, and

"(C) a joint return if neither spouse has attained the age of 65 before the close of the taxable year,

the term 'retirement income' means only public retirement system pension income, and only so much of such income received by an individual during the taxable year as does not exceed $2,500.

"(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) PUBLIC RETIREMENT SYSTEM PENSION INCOME.—The term 'public retirement system pension income' means income from pensions and annuities under a public retirement system for personal services performed by the taxpayer or his spouse, to the extent included in gross income without reference to this section, but only to the extent such income does not represent compensation for personal services rendered during the taxable year. For purposes of this paragraph, the term 'public retirement system' means a pension, annuity, retirement, or similar fund or system established by the United States, a State, a possession of the United States, any political subdivision of any of the foregoing, or the District of Columbia.

"(2) EARNED INCOME.—The term 'earned income' has the meaning assigned to such term in section 911(b) except that such term does not include any amount received as a pension or annuity.

"(3) COMMUNITY PROPERTY LAWS DISREGARDED.—The determination of whether—

"(A) earned income, or

"(B) income from pensions and annuities for personal services (including public retirement system pension income and distributions to which subsection (c)(1)(A) applies),

is the income of a husband or wife shall be made without regard to community property laws.

"(4) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who—

"(A) has attained the age of 65 before the close of the taxable year, or

"(B) has not attained such age but has public retirement system pension income for the taxable year.

"(5) MARITAL STATUS.—Marital status shall be determined under section 153.

"(6) JOINT RETURN.—The term 'joint return' means the joint return of a husband and wife made under section 6013.

"(e) NONRESIDENT ALIEN INELIGIBLE FOR CREDIT.—No credit shall be allowed under this section to any non-resident alien."

Technical Amendments

(b)(1) Section 904 of the Internal Revenue Code of 1954 (relating to limitation on foreign tax credit) is amended by redesignating subsection (g) as subsection (h), and by inserting after subsection (f) the following new subsection:

"(g) COORDINATION WITH CREDIT FOR RETIREMENT INCOME.—In the case of an individual, for purposes of subsection (a) the tax against which the credit is taken is such tax reduced by the amount of the credit (if any) for the taxable year allowable under section 37 (relating to retirement income)."

(2) Section 6014(a) of such Code (relating to tax not computed by taxpayer) is amended by striking out the last sentence thereof.

(3) Section 6014(b) of such Code is amended—

(A) by striking out paragraph (4),

(B) by redesignating paragraph (5) as paragraph (4), and

(C) by inserting "or" at the end of paragraph (3).

Effective Date

(c) The amendments made by this section shall apply to taxable years beginning after December 31, 1972.

Mr. LONG. Mr. President, as I understand it, the Senator's amendment is basically the same as the amendment that he has previously offered, which was the pending amendment yesterday. The purpose of offering the amendment which I offered was to present to the Senator a parliamentary situation in which he could obtain a vote on his amendment rather than it being subject to a substitute, and after each substitute was voted down, additional substitutes being offered for it. In this situation, I believe the Senator from Delaware has a parliamentary situation in which he can have a vote on his amendment.

Personally, I expect to vote for the Roth amendment. I think that it offers us the best opportunity to lead the Senate out of the wilderness on title IV that is available to us.

Mr. President, I ask unanimous consent that my amendment and the Roth amendment be temporarily laid aside to permit the Senator from West Virginia to offer an amendment dealing with a different subject, with the understanding that when action on the Byrd amendment is completed, the Senate will return to the consideration of the Long amendment and the Roth amendment thereto.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished manager of the bill. I call up an amendment which I have at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD's amendment is as follows:

COVERAGE UNDER MEDICARE FOR COAL MINERS ENTITLED TO BLACK LUNG BENEFITS UNDER THE FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

SEC. 2991. (a) Section 1811 of the Social Security Act (as amended by section 201(a)(1)(A)(2) of this Act) is further amended—

(1) by striking out "and" at the end of clause (1), and

(2) by striking out the period at the end of clause (2) and inserting in lieu thereof the following: ", and (3) coal miners (as defined in title IV, Part A, sec. 402 (d) of the Federal Coal Mine Health and Safety Act of 1969) who have been entitled to black lung benefits under such title for not less than 24 months, and who are not otherwise entitled to hospital insurance benefits under this title."

(b) Section 1817 of such Act is amended by adding at the end thereof the following new subsection:

"(i) There are authorized to be appropriated to the Trust Fund established by this section from time to time such sums as the Secretary deems necessary for any fiscal year on account of—

(1) payments made or to be made during such fiscal year from such trust Fund with respect to individuals entitled to hospital insurance benefits solely by reason of entitlement to black lung benefits under title IV of the Federal Coal Mine Health and Safety Act of 1969,

(2) the additional administrative expenses resulting or expected to result therefor, and

(3) any loss in interest to such Trust Fund resulting from the payment of such amounts, in order to place such Trust Fund in the same position at the end of such fiscal year in which it would have been if such black lung beneficiaries are not entitled to hospital insurance benefits.".

(c) Section 1831 of such Act (as amended by section 201(a)(1)(A)(3) of this Act) is further amended by inserting after the words "disabled individuals" the words ", including coal miners entitled to black lung benefits under title IV of the Federal Coal Mine Health and Safety Act of 1969."

(d) Section 1837 of such Act (after the new subsections added by sections 206(a) and 259(a) of this Act) is amended by adding at the end thereof the following new subsection:

"(i) Enrollment requirements under this section shall apply to coal miners entitled to black lung benefits in the same way and under the same applicable provisions as are applicable to disability insurance beneficiaries under title II of this Act.".

(e) Section 1838 of such Act (as amended by section 201(c)(3)(C) of this Act) is amended by adding at the end thereof the following new subsection:

"(e) Coverage period requirements under this section shall apply to coal miners entitled to black lung benefits in the same way and under the same applicable provisions as are applicable to disability insurance beneficiaries under title II of this Act.".

(f) Section 1839 of such Act (as amended by section 201(c)(5) of this Act) is amended by adding at the end thereof the following new subsection:

"(f) Amounts of premiums as established under this section shall apply to coal miners entitled to black lung benefits in the same way and under the same applicable provisions as are applicable to disability insurance beneficiaries under title II of this Act."

(g) Section 1840(a)(1) of such Act (as amended by section 201(c)(6)(A) of this Act) is further amended—

(1) by striking out "or" after "section 202" and inserting a comma in lieu thereof, and

(2) by inserting after "223," the following: "or to black lung benefits paid under title IV of the Federal Coal Mine Health and Safety Act of 1969,".

(h) Section 1840 of such Act (as amended by this Act) is further amended by adding at the end thereof the following new subsection:

"(j) The Secretary of the Treasury shall, from time to time, transfer from the general funds of the United States to the Federal Supplementary Medical Insurance Trust Fund the aggregate amount deducted under subsection (a)(1) of this section from the black lung benefits paid under title IV of the Federal Coal Mine Health and Safety Act of 1969 for the period to which such transfer relates.".

(i) Section 1870 of such Act (as amended by sections 261(a) and 281 (a)(2) and (b) of this Act) is amended by inserting "or title IV of the Federal Coal Mine Health and Safety Act of 1969" after "title II of this Act" wherever it appears in such section.

Mr. ROBERT C. BYRD. Mr. President, the purpose of my amendment is to provide medicare benefits for a small group of miners who are receiving black lung benefits, but who are under the age of 65, or are not otherwise eligible for medicare coverage.

I am advised by the medicare expert of the Senate Finance Committee that there are approximately 6,000 miners who are not entitled to social security disability benefits, and that the projected costs for covering them is $6 million. This is the group of miners which I am attempting to assist with my amendment. I am informed that under the provisions of H.R. 1, as reported by the Senate Finance Committee, those persons under the age of 65 who are receiving social security disability benefits, will henceforth be entitled to medicare coverage. However, the small group of miners that I am trying to reach with my amendment are not covered by that provision in H.R. 1, or any other provision of law. They will somehow "fall between the cracks" and be left out in the cold with no medical coverage. What I am attempting to accomplish with my amendment is to "patch up these cracks" to insure that this group of deserving and needy miners is not overlooked and left without medical coverage.

Although I stated earlier that there are potentially 6,000 black lung recipients who could be covered by my amendment, it is estimated that only 2,500 to 3,000 will actually be affected because it is estimated that as many as 3,000 are presently employed in some type of part-time work and this would exclude them from the benefits of my amendment.

Although my amendment will not affect a large number of individuals, I cannot overly emphasize how important this coverage would be to this small group. The majority of them are in such poor health and in such dire financial circumstances that, quite likely, whatever black lung benefits they do receive usually go, in large part, toward payment of the ever-continuing medical bills which they will be incurring for the balance of their lives, in an effort to alleviate their pain, suffering, and disablement resulting from their black lung condition. I think that every citizen of this country should take note of the fact that these individuals contracted this disease while working for the benefit of the Nation. They toiled beneath the surface of the earth, mining the fuel to run our factories and light and heat our homes. Surely, it is not too much to provide them, at this point in their lives, with the ability to procure medical treatment to ease their physical suffering to the extent possible.

I believe my amendment will correct an injustice and I urge its adoption.

Mr. LONG. Mr. President, I applaud the Senator from West Virginia for his interest in the coal miners of West Virginia and the other States of this Union. The Senator worked hard in his early years, and is still working hard. The work ethic has not departed from the philosophy of the Senator from West Virginia, and he has not forgotten those who work in less desirable jobs than the job he holds today. He remembers those who worked alongside him in the coal mines of West Virginia during his earlier years, and has never lost his interest in them.

I have discussed this amendment with the Senator from Utah (Mr. BENNETT), and we would be pleased to accept the amendment, and hope that the Senate will go along with us.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from Louisiana, the manager of the bill, and also the distinguished ranking minority member (Mr. BENNETT).

I know that my distinguished senior colleague (Mr. RANDOLPH) would want to be added as a cosponsor, and I ask unanimous consent that his name be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Senator from Delaware (Mr. ROTH) to the amendment of the Senator from Louisiana (Mr. LONG).

Mr. ROTH. Mr. President, first I ask unanimous consent that Mr. Nathan Hayward of my staff be permitted to be present on the floor during the consideration of my amendment, including the vote thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I thank the distinguished chairman of the Committee on Finance both for his words of support for my amendment and especially for his help in obtaining the parliamentary situation under which we can reach a vote on this most important proposal.

This is, as the chairman has said, basically the same amendment which I withdrew yesterday.

I am very pleased to have as the principal cosponsor of the measure the distinguished Senator from Virginia (Mr. BYRD) and, joining us, Senators BROCK, BUCKLEY, FANNIN, GAMBRELL, GOLDWATER, GURNEY, HANSEN, and SPONG.

Its major objective is to authorize a pilot test of each of the three major welfare reform proposals—the workfare plan reported out by the Finance Committee, Senator RIBICOFF's amendment No. 1614, introduced last week, and H.R. 1—title IV—as passed by the House last year. The language would authorize $200 million per year for the administration to conduct the three tests, over a 2-4 year horizon. Before the tests went into effect, the administration would have to submit its plans to the Finance and Ways and Means Committees for comment.

After the tests begin, both the administration and the GAO would report to Congress on test results every 6 months, and again at the completion of the program. It would then be up to Congress to digest the data and take positive action to authorize more permanent welfare reforms.

THE NEED FOR TESTING

Mr. President, H.R. 1 has been as hotly debated in House and Senate committees and on the floor as any piece of social legislation in recent years. The transcripts of testimony and legislative proceedings run well into the thousands of pages. Supporters of each of the three measures cite the alarming statistics which show that the number of beneficiaries under AFDC has risen nearly 150 percent during the decade 1960-70. Even more recently, 2.25 million people were added to the AFDC roles in 1971 alone. Costs, too, have climbed to such levels that many State treasuries are close to the breaking point, not to mention the increased costs of Federal participation. These skyrocketing caseloads and checks have added so substantially to our social and financial burdens that people in all walks of life, liberals and conservatives alike, cry out in frustration. Clearly, the current welfare crisis is one of our most urgent domestic problems, and we in Congress have the authority and the responsibility to help reverse this deteriorating trend.

Yet, proponents of these separate measures argue vehemently that competing reform proposals will not salve our welfare wounds. Opponents of family assistance, for example, feel either that its benefits are too low, or that it sets a dangerous precedent as a guaranteed minimum income for all. Likewise, many question the feasibility of finding jobs for the hundreds of thousands of currently unemployed, and therefore oppose the notion of guaranteed jobs as a replacement for welfare. It seems to me that if there is a common denominator in this debate, it must be uncertainty, coupled with frustration.

Each Member of Congress is well acquainted with the welfare problems of his or her constituents. We can only feel compassion for the disadvantaged trapped in urban ghettos or left to struggle in an economically dissipated community. But what answers are there to these conditions of poverty and human suffering?

CURRENT INCOME MAINTENANCE TESTS

Mr. President, it is gratifying to realize that Congress and the administration have worked together in the past to fashion four experiments in welfare reform. OEO and HEW are presently conducting four small pilot projects in New Jersey, North Carolina, Washington, Colorado, and Indiana in an effort to better understand the impact of a guaranteed income on welfare families.

But these have been very modest efforts involving less than a total of 10,000 people in the original sample sizes. Each plan differs from the next, and none of them bears an exact resemblance to the three major proposals now before the Senate. Limited test results have been collected and analyzed. But the fact of the matter is, Mr. President, that not even the administrators of these tests could feel secure enough in their interpretation of the pilots to be able to say, "This is the route we should definitely go."

These are pioneer social laboratories, and very valuable for their contribution to our understanding of complex economic and behavioral issues. None of them, though, deals directly with the "workfare" elements of the legislation, and their welfare benefit levels are, in most cases, considerably higher than either the $2,400 or $2,600 figures embodied in H.R. 1 and Senator RIBICOFF's latest amendment. In a sense, we have only reached the wind tunnel. What I am proposing is not only a mockup, but a full 2 to 4 year flight test for these landmark pieces of legislation.

IMPACTS OF THE THREE PROPOSALS

Anyone who has reviewed the very comprehensive committee reports on the pending bill cannot help but be struck by the enormous impact of these proposed reform measures. According to committee estimates, the House version of H.R. 1 would cost at least an additional $5.5 billion in fiscal year 1973, and a minimum of $23.5 billion by the end of its currently authorized 5-year life. The Finance Committee estimates its plan at $4.3 billion in 1974. Senator RIBICOFF has estimated that his latest compromise amendment would have a marginal cost of $3.9 billion in its first full year of operation. And if the medicare experience is any precedent—as I am sure it will be—these estimates will all prove to be on the low side.

More important than costs is the impact of these bills on the millions of people they are designed to reach. If the House estimates are achieved, 10½ million additional people will become eligible for welfare or "workfare" benefits, bringing the number of assisted people to more than 12 percent of our Nation's population. Under the Finance Committee version, guaranteed employment would be authorized for 1.2 million of the families currently receiving welfare but no longer eligible as recipients. Senator RIBICOFF calls for increased minimum payments and the creation of 300,000 public service jobs in the first year alone.

Mr. President, these are staggering statistics, and should not be taken lightly. Under H.R. 1, for example, the number of recipients in Puerto Rico would practically triple to nearly 1 million, meaning that 1 person in every 3 there would be under public assistance. Many States would more than double their welfare roles; every State would, of course, have its welfare lists increased. I emphasize these numbers not because I feel the Senate should disregard these people. On the contrary, Mr. President, it is because the potential impact of all three programs is so great that I argue now for prudence. No matter how grievous this national disease may be, we should not attempt to treat it with a remedy that has not been fully tested.

AN ANSWER TO CRITICS

Mr. President, I am thoroughly familiar with the rejoinder that pilot programs only delay therapeutic action, making the gap between those that have and those that do not grow even wider. But let me stress that a vote for testing is not a step backward, is not a retreat, is not even what some people decry as preserving the status quo. It seems to me that if my amendment is adopted, we will be saying to the administration, "Choose three pressing parts of the country—three States, or parts of them, three cities, or parts of them—and use this initiative to take three giant steps forward."

These pilot programs will be given time and money enough to prove their intrinsic value. During their trial, administration officials and the GAO will be reporting to Congress on their successes and failures.

These tests will, I hope, give us more complete answers to the many questions Congress must face. How will higher guaranteed benefits affect recipients' work incentives? Can meaningful public service jobs really be created overnight? How will private sector employers react to the opportunity to hire the previously unemployed in partnership with the Federal Government? Will the new administrative procedures for identifying welfare cheaters prove as effective as promised? Can States and the Federal bureaucracies really prune current operating expenses which are rising at a faster rate than the caseloads?

Mr. President, can we honestly expect to answer these and many other important questions without the benefit of practical experience? I earnestly want to see the current patchwork of programs reformed. There are too many injustices, too many inequalities, too many abuses for us to turn our backs.

Yet, reform has been postponed more than once, simply because Members of Congress could not agree on which direction to follow. As a second term Congressman, I strongly advocated the testing approach when family assistance was voted by the House in April 1970. My distinguished predecessor, John Williams, firmly believed in this approach, and attempted to persuade the Senate in the closing days of the 91st Congress that this was a sensible course. Perhaps if we now had the benefit of 2 years of testing experience, our legislative dilemmas would be less painful.

AN EXAMPLE WORTH NOTING

Mr. President, I have recently worked very hard with doctors and foundations to bring to this country an awareness of the misery caused by the many varieties of arthritis. It is a painful and merciless crippler, which affects the entire fabric of our society. Like the welfare problem, it reaches every State and congressional district, every city and rural county. I have been most impressed by the energy and dedication of the men and women working in laboratories and rehabilitation centers to try to combat the effects of arthritis and find a cure or preventative for the disease.

And yet, despite the suffering that arthritis creates, these scientists are constantly challenging their findings with laboratory and clinical testing. They are not, nor can they afford to be, satisfied with a simple panacea. Theirs is a perpetual job of experimentation, study, revision, and then more testing.

Their example has had a striking impact on me, and makes me ask my colleagues, why do we in Congress not follow such a lead? Why do we not authorize more program experimentation rather than program extension? Our desks are covered every day with new proposals—promised remedies for some social ill. But how often do we really ask "What confidence do I have that this is not only one answer to the problem, but the best answer at this time?"

Mr. President, let me conclude by stressing that I am not a skeptic, nor a pessimist. There are elements of all three plans which appeal to me and would, I am sure, help to improve our deteriorating welfare problem. But we are seeking a consensus that does not yet exist, partly, I am sure, because of Senators' individual reservations about one or more aspects of the programs. So I contend, let us take a major step ahead by having the courage to test our hunches in the field. Periodic reports from the administration and the Congress' investigator—the GAO—should help us in our observations. Then in 2 years, or more, if it is necessary, we can stand here with facts, rather than forecasts, to fashion the much-needed improvements we all seek.

Mr. LONG. Mr. President, will the Senator from Delaware yield?

Mr. ROTH. I yield.

Mr. LONG. I shall vote for the Senator's amendment. There are a few things about it that I personally somewhat disagree with. If the amendment carries, I would think it might be desirable to offer the Senate a chance to work its will on one or two aspects of the amendment which could perhaps be added at the end of the bill.

The Senator is aware of the fact that there are one or two things he does with his amendment that some of his cosponsors or supporters do not like but even with that, I believe, would be willing cheerfully to present the problem to the Senate and let the Senate work its will.

If the amendment is agreed to, it will not change a provision at the end of my amendment to provide some temporary relief to State governments between now and January 1974. It is my understanding that if the Senator's amendment is agreed to, that portion of my amendment would remain and that problem would be solved. But some Senators would like to vote on the controversial issue about welfare payments to strikers. Would not the Senator's amendment—I ask him if I am not correct—strike out that provision that says we will not pay welfare payments to those actively engaged in conducting a strike?

Mr. ROTH. That is correct.

Mr. LONG. So that those who feel we should not pay welfare payments to persons actively engaged in a strike—on the theory that they are not receiving wages because they voluntarily refuse to work and they do not want anyone else to work in that particular plant, say, and the Government should be neutral in a fight between management and labor—would have the opportunity, if they saw fit, to renew the issue in some other fashion, such as an amendment at the end of the bill.

Mr. ROTH. That would be correct.

Mr. LONG. While the Senator's amendment strikes this, he does not seek to prejudice the right of someone to raise that issue separately and permit the Senate to express itself on that; is that not correct?

Mr. ROTH. I agree with what the chairman has said. That is not the intention of this Senator.

Mr. LONG. I believe that the amendment the Senator has offered presents us with a prospect of passing this bill and doing all the many good things that are in title I, II, and III, with most of the benefits and the advantages that are in titles IV and V which, I fear, are not likely to happen unless we do agree to something along the line of testing these two controversial suggestions, or even testing a third controversial suggestion, reserving to Congress the right to judge by the results.

The Senator is well aware of the fact that Secretary of Health, Education, and Welfare Richardson is determined that any test must be accompanied by a provision that would say it goes into effect whether the test is a success or even if the test is a complete failure. That is something the Senator has not been willing to incorporate in his amendment and something he would resist, I take it?

Mr. ROTH. I agree very strongly with the chairman that I would not agree to having any one of the three proposals go into effect without Congress first taking action. The whole benefit and purpose of the testing is for Congress to have adequate information available to it so that it can fashion the best kind of program to solve the many welfare problems we have. For us to delegate today the authority to the executive branch, in my judgment, would be unconscionable and undesirable. That is the purpose of the testing. Then let us pass on what needs to be done.

Mr. LONG. There was a time when I was willing to go along with Secretary Richardson and Mr. Veneman and their group in an arrangement where they could put their testing into effect based on their own judgments, reserving to Congress the right to decide. But my experience on this very thing, the family assistance plan, has proved that those people are so adamant, so dogged in their determination to put into effect the guaranteed annual income for not working, and to keep the pages in the bill that would appear to be totally impracticable even when it is shown them that they are impracticable so that we could no longer defend that proposal.

I told them that I could no longer advocate some arrangement where we would let them try something and let them put it into effect, even though it proved to be a failure, and I could not defend it logically with my colleagues. I became convinced that we should not let them do something that was not good for the country, that was wrong. And, thereafter, I was not going to support anything like that.

I am pleased to see here that the Senator from Delaware does not make that mistake. He would test these three controversial programs—the Ribicoff approach, the administration approach, as well as the workfare approach, reserving to Congress the right to work its will after it sees the results of the tests. That will lead the Senate out of the wilderness, I believe, more than anything else.

I shall vote for the Senator's amendment.

Mr. ROTH. I thank the distinguished chairman of the Finance Committee for his support.

Mr. BUCKLEY. Mr. President, will the distinguished Senator from Delaware yield?

Mr. ROTH. I am happy to yield to the distinguished Senator from New York.

Mr. BUCKLEY. First of all, I am very much pleased to be a cosponsor of this amendment. It is a most constructive approach which will provide for a pragmatic test of the basic alternatives which have been proposed for welfare reform.

However, I am concerned about one or two features in the testing programs which are described, necessarily vaguely, in the amendment.

One has to do with money and the other has to do with the extent of the testing.

It seems to me that we must make sure the tests are, in fact, definitive and not open to second guessing or to criticism.

I think that this, in turn, suggests that the area of sampling must be large enough so that we do not have people popping in and across various political or testing lines in order to tailor their particular needs or desires to the particular program being offered within the area.

Let us face it, the workfare proposal would be distasteful to a lot of people. That does not mean that work should not be required as a quid pro quo for those receiving public assistance. However, I could see that if we had a test area composing only a portion of a city, as suggested in the language of the amendment, people could move from one apartment house to another and find themselves outside its reach. So I would urge that Congress make it clear in its report, assuming that this measure is adopted by Congress, that the administration is to select a test area which will be large enough in geographical scope so as to make sure that at least a portion of the population within it remains truly representative during the course of the test period.

This in turn leads to my concern as to the funds to be authorized; namely, the $200 million. The $200 million is to support three programs. That means it would be $66⅔ million per program per year for a 2-year period or more.

I seriously question whether that is adequate for the kind of test that I think the Senator from Delaware has in mind. I wonder if the Senator would consider doubling that figure to $400 million on the basis that we are dealing with legislation which will ultimately cost in the billions. It is better at this stage to authorize too much money rather than too little, because otherwise we might frustrate the whole purpose of the legislation.

Mr. ROTH. Mr. President, in answer to the two points the junior Senator from New York raises, I would say that I am sympathetic to his proposal that we double the amount of money.

As I said in my opening statement, I think it is most important that this be a full scale test. And I do not want it later called inadequate because of the amount of money made available or because of the geographic size of the study.

For that reason, Mr. President, I am willing to agree to the $400 million.

Mr. President, I modify my amendment in section 401(g), to strike the $200 million and in lieu thereof insert $400 million. That would mean that $400 million would be authorized each year of the test.

The PRESIDING OFFICER. The amendment is so modified.

Mr. ROTH. Mr. President, on the Senator's second point, I agree that the locations chosen for the studies should be large enough to guarantee bona fide results. Our language is purposely vague there, because we think it is difficult to write into legislation exactly how such tests should be conducted.

We have to provided a safeguard to require that the administration consult with the Finance Committee and the House Ways and Means Committee before putting the plans into operation. As a guideline, though, we have provided that the three tests involve areas of similar size and demography so that we can have an honest comparison.

It will take a great deal of work to establish these studies, but I am sure that HEW has the resources to do such a job.

I hope that the amendment, as written, will provide adequate safeguards.

Mr. BUCKLEY. I believe that is a very prudent proposal. I also state that I have the position approved by the distinguished chairman of the committee; namely, that no program should be enacted automatically after a test period without prior consent and authorization by the Congress.

Mr. BENNETT. Mr. President, will the Senator yield to me without losing his right to the floor?

Mr. ROTH. I yield to the distinguished Senator from Utah.

Mr. BENNETT. Mr. President, I have been buried in this problem now for 9 or 10 months. I know that I would have preferred to see the committee's so-called workfare program remain in the bill and become law. However, I realize that under the circumstances this is not possible. And under those circumstances I am delighted that the Senator from Delaware has offered his proposal which should be fair to all of us who advocate different programs to solve the problem.

I feel perfectly sure in my own mind that under the test, which in a sense becomes competitive, our workfare proposal will stand up as the most desirable of the three.

Mr. President, I am happy to join with the distinguished chairman of the committee in supporting the amendment of the Senator from Delaware. I hope that all of our colleagues will also support it so that we can lay at rest once and for all the differences that exist with respect to the proper way to approach this problem. I certainly hope that the Senator's amendment is agreed to by the Senate.

Mr. ROTH. Mr. President, I appreciate the support of the distinguished Senator from Utah. I know that no one on the Finance Committee has been more dedicated or has worked harder to come up with a reasonable solution to the problem. I think that the Finance Committee has presented us with a revolutionary approach, and that it deserves the same kind of adequate testing as the other proposals.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. ROTH. Mr. President, I yield to the distinguished Senator from North Dakota.

Mr. YOUNG. Mr. President, I commend the Senator for offering his amendment. I think it has great merit in that it would help to find out which of these welfare programs, if any, would improve on our present situation.

I was wondering if the Senator's amendment could include as a pilot area an Indian reservation. They are probably the poorest people. We have our greatest welfare problem on the Indian reservations.

I hope that one of the areas selected for a pilot test might include an Indian reservation.

Mr. ROTH. Mr. President, we have not written such a requirement into the language of the bill. However, as I pointed out earlier in proposing the test, the executive branch will be required to consult with the Finance Committee as well as to the House Ways and Means Committee. I am sure that the distinguished ranking minority Member's colleagues would be happy to discuss this possibility with him, when the administration begins its work on the test design.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. ROTH. I yield to the distinguished Senator from Wyoming.

Mr. HANSEN. Mr. President, I rise in support of the Roth-Byrd amendment.

Our present welfare system is inadequate, extremely inefficient, and thereby grossly ineffective. Welfare reform is essential and has been the so-called first order of Congress for several years now.

The House has passed a welfare reform bill—twice. It is now the Senate's turn to at least respond this time. We are, however, bottlenecked by three different proposals. I am not saying that this is bad. In fact, I think it is good, and it helps prove the point which I am about to make.

We in the Senate Finance Committee have heard testimony about the failings of the present welfare system. What has happened, though, is that each Senator has combined his personal public experiences with his State's welfare system, his personal insights into the present welfare system, and the testimony of critics and analysts of the present program, and has tried to conceptualize a new system which will "cure" all of the ills of the present system.

What has been the result? Based upon the impact of our own ideas, we are beginning to gravitate toward one of the three proposals for welfare reform now before us. Or, as another alternative, we will bury our heads in the sand, ignore what is happening in the welfare offices across the country, and block the passage of any welfare proposal this session. Then, when the 93d Congress begins, we will have the dubious pleasure of starting all over again. But next time we might not have this divergence of opinion. Maybe, in desperation, next time we will agree to one proposal or another in hopes of at least getting something passed to alleviate the present welfare mess.

As I have said before, this difference of opinion about a welfare solution is good. It points out to us that three factions of the Senate believe very strongly that each of their proposals is the key to a functional system weighted on the one hand by responsibility for those less fortunate and balanced on the other hand by a reasonable and equitable means of supporting the system.

The problem is—which proposal, given the ills of the present system, will best meet the needs of the individuals involved without having them sacrifice their human dignity and without causing a divisive resentment among the other tax-paying citizens who are footing the bill.

I therefore wish to commend those Senators who espouse these diversified views. It shows the American people that we are searching for a reasonable and workable system for aiding the less fortunate and that, even in the waning days of this session of Congress, we are not willing to forego our very real dedication to our ideals in order to insure the passage of some type of welfare reform. If this were the case, chances are in a few years, we would be right back in the same boat, trying to devise a system which would be more functional.

For these reasons I cannot help but concur with the Roth-Byrd pilot test proposal—yet a fourth channel to welfare reform.

Why should the Congress, as a legislative body, be an absolutist in decreeing the best method for reforming our present welfare program without first testing the various methods espoused by my colleagues in the Senate? We have at least concentrated our efforts and thoughts on three different proposals. After the pilot testing of these three proposals as well as a constant and thorough analysis of them, we might be quite surprised to find that one proposal is superior or that a hybrid of one or more proposals is the real answer we are seeking.

If this is not the case, the pilot testing of these welfare proposals will advance us much more rapidly toward an efficient and effective welfare system. Why lose the ground we have already gained with the hearings and committee work behind us, only to start over again in a few month's time? Why not use this work as a stepping stone toward the establishment of a comprehensive welfare program?

I personally believe in the theory of workfare as opposed to welfare. The Finance Committee approach is closest to my own theory of "helping those who help themselves." However, I can see some discrepancies in the administration of this revolutionary new program, and I would rather see the "bugs" worked out in a small cross-section of the country under a pilot test approach than to spend millions of dollars correcting the wrongs in welfare offices in every city across the country once we have adopted one of the proposals as law. Would it not be much better to have perfected the systems on a small scale before putting it into operation on a large scale?

As I have indicated, the Senate at this time is split four ways. There are those who favor the original welfare proposal embodied in H.R. 1; there are those who feel Senator RIBICOFF has the right answer to welfare reform; there are those who think the Finance Committee is headed in the right direction; and there are those who feel we must test each of these proposals before dedicating our resources to another welfare system. After much deliberation, I have decided that I fall into the latter category.

We must not toss aside the insight we have gained into the present welfare program. At the same time we must not blindly adopt a welfare program which, while patently promising to cure the ills of the present welfare system, could create even greater needs and thereby force us into a socialistic society, by falsely encouraging more and more people to believe that it is not necessary for able bodied citizens to work.

I, therefore, urge my colleagues to think about their position on welfare reform. I hope in so doing that they will concur that the best direction is that of the Roth-Byrd amendment for the pilot testing of each of the three welfare proposals during the next 2 years. At the end of that time we will be able rationally to decide upon the best proposal.

Although my policy is not to circumvent the Finance Committee on which I serve, after weighing the adamant feelings of all proponents, I believe the only fair way to proceed is to put the various proposals to a test in order to determine the best direction to take in the future. I would, therefore, urge my colleagues to vote in favor of this amendment.

Mr. RIBICOFF. Mr. President, I send to the desk a motion to recommit and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

> I move to recommit H.R. 1 to the Finance Committee with instructions to report forthwith with the following amendment:
>
> Beginning on page 689, line 11, strike out everything down through page 863, line 26.
>
> Beginning on page 921, line 2, strike out everything down through page 932, line 24.
>
> Beginning on page 933, line 9, strike out everything down through line 2 on page 936.
>
> Beginning on page 947, line 4, strike out everything down through line 5 on page 954.
>
> Beginning on page 963, line 19, strike out everything down through line 17, page 989.

Mr. RIBICOFF. Mr. President, the Senate has now rejected my welfare reform proposal—a proposal which would have ended the present welfare mess. The moment of truth for meaningful reforms appears to have ended in what the New York Times called "another long night of despair for the millions on welfare."

We are all victims of this failure.

Those people in America who are unable to work—mothers with preschool children, the incapacitated, the infirm and those caring for them—must endure the intolerable inadequacies of the present system.

The working poor, that 40 percent of America's poverty population who live in families headed by a full-time worker, will continue to be ignored and the taxpayer who must pay the bills for an inadequate, inefficient, and inhuman jungle of 1,152 different welfare systems will continue to watch welfare costs skyrocket. These costs for AFDC alone amounted to $6.2 billion in calendar year 1971, an increase of almost 15 percent over the preceding year.

The Finance Committee's proposals only compound the welfare mess, leaving intact the present system and building upon it a gigantic workfare bureaucracy which would administer a jungle of wage supplements and make-work subpoverty jobs. The Finance Committee proposal is expensive and unwieldy.

Therefore, I now offer my motion to recommit with instructions to delete the Finance Committee welfare reform proposals.

As the legislation now stands it is completely unacceptable. Thus the only proper course to take at this time is to recommit the entire bill.

I know what the distinguished Senator from Delaware is trying to do. In general, I agree with that objective. It would have been appropriate in the fall of 1970 to have tried to have a true pilot, or a set of pilot programs for our Nation. This was submitted to the Secretary of HEW by the entire Committee on Finance, only to have it rejected.

I felt then and continue to feel that this was a grave mistake in judgment. If pilot programs had been accepted, we would have completed all the varied tests across the country. The results would have been reported back to Congress, and we would have had an opportunity, both in the Committee on Finance and in the Ways and Means Committee, to study those tests and come to our own conclusions on the merits of the various proposals for welfare reform.

As I said before in this debate, I have enough self-doubt in my own mind to feel I do not know all the answers; no one does because sufficient information is not available. Pilot programs 2 years ago would have given us a great opportunity to study this problem and we were all convinced this should have been done.

The distinguished predecessor of the Senator from Delaware, Senator Williams, was bitterly opposed to the entire concept of the administration's original welfare proposal—and I do not question the deep sincerity of the Senator from Delaware at that time. He felt the President's bill was a great mistake, and he would not have any part of it. Yet, in trying to accommodate various positions and be fair about it Senator Williams, who did conduct a filibuster in the closing days of that Congress in order to prevent the adoption of any welfare reform proposal, said to me in private conversations time and time again:

> Abe, I do not like this bill. I want no part of it. But if we tested it out I would go for it, and I cannot understand why my administration is unwilling to have tests made.

He also said:

> Abe, I am willing to vote to authorize and appropriate sufficient funds for this test; let HEW come to me and tell me how much they want, and I will vote to authorize the money, even if it is up to $500 million.

But the administration was adamant in their opposition and a great opportunity was lost.

I decried the situation and the Senator from Louisiana (Mr. LONG) decried the situation. As far as I know, every member of the Committee on Finance who wanted this tested out decried the lost opportunity to have these pilot programs.

The argument that was given was, "You are delaying the time when it will go into effect." So here we are in the closing days of this sesison in 1972 and we are still talking about tests.

What bothers me about the Roth proposal is that it leaves much of the Finance Committee bill intact. It would delete the work administration and make work jobs programs; but unfortunately, it would leave intact the Bureau of Child Care with its low or nonexistent standards. It would leave intact the wage subsidy and work bonus, as well as the overly stringent and strident child support and deserting fathers provisions.

If my motion is accepted, the bill will be reported without the underlying Finance Committee proposals and we can seriously debate the merits of the Roth proposal and other amendments at that time.

Mr. President, I yield the floor.

Mr. PERCY and Mr. LONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. Mr. President, I send to

the desk an amendment to the pending motion and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Illinois (Mr. PERCY) proposes an amendment to the motion offered by the Senator from Connecticut.

The Percy amendment to the motion is as follows:

Strike out all of the instructions of the motion of the Senator from Connecticut (Mr. RIBICOFF) and insert in lieu the following:

"FISCAL RELIEF FOR STATES

"SEC. 1131. (a) The Secretary shall, subject to subsection (c), pay to any State which has a State plan approved under title I, X, XIV, or XVI, or part A of title IV, of this Act, for each quarter beginning after June 30, 1971, in addition to the amounts (if any) otherwise payable to such State under such titles, such part, section 1118, and section 9 of the Act of April 19, 1950, on account of expenditures as cash assistance, an amount equal to the excess (if any) of—

"(1) an amount equal to the lesser of—

"(A) the non-Federal share of the expenditures, under the State plans approved under such title or such part A (as the case may be), as cash assistance for such quarter (not counting any part of such expenditures which is in excess of the amount of the expenditures which would have been made as cash assistance under such plans if such plans had remained as they were in effect for January 1971, or

of the amount referred to in clause (2),

"(2) an amount equal to 100 per centum of the non-Federal share of the total average quarterly expenditures, under such plans, as cash assistance during the 4-quarter period ending December 31, 1970.

"(b) For purposes of subsection (a) the non-Federal share of expenditures for any quarter under State plans approved under title I, X, XIV, or XVI, or part A of title IV, of this Act as cash assistance, referred to in subsection (a)(1), means the excess of—

"(1) the total expenditure for such quarter under such plans as (A) old-age assistance, (B) aid to the blind, (C) aid to the disabled, (D) aid to the aged, blind, or disabled, and (E) aid to families with dependent children, over

"(2) the amounts determined for such quarter for such State with respect to such expenditures under sections 3, 1003, 1403, 1603, 403, and 1118 of this Act and (in the case of a plan approved under title I or X or part A of title IV) under section 9 of the Act of April 19, 1950.

"(c) No payment under this section shall be made for any quarter to any State on account of expenditures, as cash assistance, under a State plan of such State if the standards, under any plan of such State approved under title I, X, XIV, or XVI, or part A of title IV, for determining eligibility for, or the amount of, cash assistance to individuals under such plan have been so changed as to be less favorable, to all (or any substantial class or category) of the applicants for or recipients of such assistance under the plan, than the standards provided for such purpose under such plan as in effect for January 1, 1971, or, if more favorable to any such applicants or recipients, for any month after January 1971."

MAINTENANCE OF STATE PAYMENT LEVELS

SEC. 403. Section 402(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (22); and

(2) by striking out the period at the end of paragraph (23) and inserting in lieu thereof "; and" the following: "(24) provide that aid furnished under the plan to a family for any month shall not be less than (A) the amount of aid which would have been furnished for October 1972 under such plan to a family of the same size with no other income, reduced by (B) any income such family may have which is not required to be disregarded by clause (8)."

On page 989, after line 17, add the following new title:

TITLE VI—EFFECTIVE DATE OF CERTAIN PROVISIONS

SEC. 601. Notwithstanding any other provision of this Act, title IV (other than sections 401, 402, and 403) and title V (other than sections 510, 521, 531, and 534 shall be effective at such time as the Congress may determine in subsequent legislation.

The PRESIDING OFFICER. The motion is not amendable. The Senator can move to amend the instructions.

Mr. LONG. Mr. President, I really think the Senate wants to vote for the Roth amendment. If I did not think so I would not have agreed to vote for the Roth amendment myself.

The Senator offered his amendment and he could not bring it to a vote because we had a substitute for it offered by the Senator from Connecticut.

We were informed there were to be other substitutes offered, which I did not think the Senate wanted to agree to. So to accommodate the Senator and to try to bring his proposal to a vote, I myself offered an amendment so he could offer his amendment in the second degree with the prospect of bringing it to a vote. But it looks as if some do not want the Senator's amendment voted on.

If the proposal of the Senator from Delaware is agreed to, Senators can still propose to recommit and report back. They can agree to offer amendments at the end of the bill and offer substitutes for the entire bill. Senators are not precluded from offering a substitute.

But some of us think the Senator from Delaware is entitled to have a vote on his amendment.

That being the case, I move that the motion to recommit and report back be laid on the table.

The PRESIDING OFFICER. The question is on the——

Several Senators addressed the Chair.

Mr. LONG. Mr. President, I ask for the yeas and nays.

Mr. STEVENSON. Mr. President——

The PRESIDING OFFICER. There is not a sufficient second.

Mr. STEVENSON. Mr. President——

Mr. LONG. Mr. President, I suggest the absence of a quorum.

Several Senators addressed the Chair.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to table the motion of the Senator from Connecticut.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. INOUYE (after having voted in the negative). Mr. President, on this vote I have a pair with the Senator from Mississippi (Mr. EASTLAND). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL) would vote "nay."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BROCK), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Michigan (Mr. GRIFFIN) is detained on official business.

If present and voting, the Senator from South Carolina (Mr. THURMOND) and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 44, nays 41, as follows:

[No. 514 Leg.]

YEAS—44

Allen
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cotton
Curtis
Dole
Dominick
Edwards
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Gravel
Hansen
Hollings
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Miller
Montoya
Pearson
Randolph
Roth
Sparkman
Spong
Stevens
Talmadge
Young

NAYS—41

Aiken
Bayh
Brooke
Burdick
Case
Church
Cook
Cooper
Cranston
Eagleton
Gurney
Harris
Hart
Hartke
Hatfield
Hughes
Humphrey
Javits
Kennedy
Magnuson
Mansfield
Mathias
Mondale
Moss
Nelson
Packwood
Pastore
Percy
Proxmire
Ribicoff
Saxbe
Schweiker
Scott
Smith
Stafford
Stevenson
Symington
Taft
Tunney
Weicker
Williams

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Inouye, against

NOT VOTING—14

Allott
Brock
Eastland
Griffin
McGee
McGovern
McIntyre
Metcalf
Mundt
Muskie
Pell
Stennis
Thurmond
Tower

So the motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Delaware.

Mr. LONG. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GOLDWATER. What is the vote on?

The PRESIDING OFFICER. The question is on agreeing to the Roth amendment to the Long amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Florida (Mr. Chiles), the Senator from Mississippi (Mr. Eastland), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Maine (Mr. Muskie), and the Senator from Rhode Island (Mr. Pell), are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee), is absent on official business.

I further announce that, if present and voting, the Senator from Florida (Mr. Chiles) and the Senator from Rhode Island (Mr. Pell), would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Brock), the Senator from South Carolina (Mr. Thurmond) and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. Allott), the Senator from South Carolina (Mr. Thurmond), and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 46, nays 41, as follows:

[No. 515 Leg.]

YEAS—46

Aiken
Allen
Anderson
Baker
Bellmon
Bennett
Bentsen
Bible
Boggs
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Cotton
Curtis
Dole
Dominick
Edwards
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Griffin
Hansen
Hartke
Hatfield
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Moss
Packwood
Proxmire
Randolph
Roth
Sparkman
Spong
Stennis
Symington
Talmadge
Tunney
Weicker
Young

NAYS—41

Bayh
Beall
Brooke
Burdick
Cannon
Case
Church
Cook
Cooper
Cranston
Eagleton
Gravel
Gurney
Harris
Hart
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
Miller
Mondale
Montoya
Nelson
Pastore
Pearson
Percy
Ribicoff
Saxbe
Schweiker
Scott
Smith
Stafford
Stevens
Stevenson
Taft
Williams

NOT VOTING—14

Allott
Brock
Chiles
Eastland
McGee
McGovern
McIntyre
Metcalf
Mundt
Muskie
Pell
Thurmond
Tower

So Mr. Roth's amendment was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LONG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TIME LIMITATION ON AUTHORIZATION OF FEDERAL PAYMENT FOR CONSTRUCTION OF A TRANSIT LINE IN THE MEDIAN OF THE DULLES AIRPORT ROAD—S. 2952

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 2952, a bill to authorize a Federal payment for the construction of a transit line in the median of the Dulles Airport road, be called up and made the pending business, there be a time limitation on the bill of 30 minutes, to be equally divided between the Senator from Virginia (Mr. Spong) and the Republican leader or his designee, the time on any amendment to be limited to 20 minutes, and the time on any debatable motion or appeal to be limited to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 10552. An act for the relief of the Rescue Mission Alliance of Syracuse;

H.R. 10556. An act to authorize the Secretary of the Interior to sell reserved mineral interests of the United States in certain land in Georgia to Thomas A. Buiso, the record owner of the surface thereof; and

H.R. 14128. An act for the relief of Jorge Ortuzar-Varas and Marie Pabla de Ortuzar.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 10552. An act for the relief of the Rescue Mission Alliance of Syracuse; and

H.R. 14128. An act for the relief of Jorge Ortuzar-Varas and Marie Pabla de Ortuzar; to the Committee on the Judiciary.

H.R. 10556. An act to authorize the Secretary of the Interior to sell reserved mineral interests of the United States in certain land in Georgia to Thomas A. Buiso, the record owner of the surface thereof; to the Committee on Interior and Insular Affairs.

SOCIAL SECURITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (H.R. 1) to amend the Social Security Act, to make improvements in the medicare and medicaid programs, to replace the existing Federal-State public assistance programs, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana, as amended.

Mr. LONG. Mr. President, the principal difference between the amendment as amended and the amendment offered by the Senator from Delaware (Mr. Roth) is that the amendment contains a 20-percent increase in the amount of funds available to State welfare departments for fiscal years 1973 and 1974. The reason that is necessary is because there have been cost-of-living increases and there have also been some increases in the caseload to the point that the welfare administrators of this country say that if the Roth amendment were to prevail, and if there were not other help available to them, they would be in a fiscal squeeze and would not be able amply to take care of their increased costs.

This provides a temporary addition of 20 percent of the Federal share up to January 1974 for the aged, blind, and disabled, and to July 1974 for AFDC. This has been asked for by the welfare administrators of the Nation generally. They say that it is necessary to see that they have adequate funds.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. STEVENSON. Mr. President, I send to the desk a motion to recommit H.R. 1 with instructions.

The PRESIDING OFFICER. Is it a motion to recommit and report forthwith with instructions?

Mr. STEVENSON. The Chair is correct.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

> Mr. Stevenson moves to recommit H.R. 1 to the Finance Committee with instructions to report back forthwith, striking the language from page 689, line 11 through page 769, line 11 and inserting in lieu thereof the Ribicoff amendment as modified.

Mr. STEVENSON. Mr. President, the effect of the amendment would be to recommit the bill to the Finance Committee with instructions to accept, with two modifications, the Ribicoff-administration compromise which was introduced as amendment No. 1669 and was tabled yesterday.

These instructions would make only two changes in the Ribicoff-administration compromise.

First, under the instructions, the benefit level of $2,600 for a family of four with no other income would be reduced to $2,400, the same level contained in the House-passed bill, H.R. 1.

Second, under these instructions the authorization for child care contained in the earlier Ribicoff amendment, which provided $1.5 billion, would be reduced to $800 million, the same level contained in the House-passed bill, H.R. 1.

As a result of these two changes the budgetary impact of this amendment would be virtually the same as in President Nixon's version, and the cost would be substantially less—nearly $4 billion less—than the cost of the Finance Committee proposal as amended by the Roth proposal.

These two changes are the only two changes that would be made under the instructions. The amendment would preserve the structural provisions present in the Ribicoff-administration compromise and necessary to bring about true welfare reform and the two changes I have mentioned would bring the cost down to that suggested by the administration.

If the amendment is agreed to, welfare recipients in States which now pay less than $2,400 would immediately receive $2,400, and welfare recipients in States which now pay more than $2,400 would continue to receive payments at their present level, or at the level provided on January 1, 1971, if that were higher.

Every State would be guaranteed that its costs for welfare would be no greater than its cost in calendar year 1971.

The amendment contains all the protection and reforms that were agreed to by the Senator from Connecticut (Mr. Ribicoff) and Secretary Richardson. These include:

(1) *Maintenance of benefits:* In those states where payment levels exceed $2400, states would be required to make supplemental payments to assume that no recipient receives a smaller payment than he or she receives under present law.

(2) *State fiscal relief:* The federal government would pay 100% of the first $2400 of a recipient's welfare payment. A state would pay the remainder except that the federal government would pay any amount in excess of a state's total cost during calendar year 1971.

(3) *Work requirements:* A recipient would not be required to accept employment if she is the mother of a child under the age of 6.

(4) *Annual increase in benefits:* Benefits would increase annually by a percent equal to the annual increase in the consumer price index.

(5) *Pilot program for working poor:* The Ribicoff-Administration compromise and our amendment provide for a pilot program for that portion of the legislation which provides benefits to the working poor, and specifies that upon completion of the pilot program and evaluation of its results, the full program of aid to the working poor will be implemented unless either House of Congress objects within 60 days.

As I say, the only difference would be to reduce the welfare level from $2,600 to $2,400 and to reduce the authorization for child care for welfare recipients.

That, in effect, would give us a bill, the cost of which would be virtually the same as the cost of the original H.R. 1 proposal of the administration.

Mr. President, if there is one thing that every Member of the Senate agrees upon it is that the present welfare system is intolerable. This may be our last chance to change this system. All of the other proposals pending before the Senate would either sink us deeper into the present welfare system or cause delay or add on to that system new, unworkable, and even more costly provisions.

This motion, if adopted by the Senate, would give the administration virtually what it asked for. It would give us—the administration and the Senate—our last chance in this session of the Congress to support welfare reform and perhaps the last chance for a long time to come.

Representative Mills, the chairman of the House Ways and Means Committee, has indicated that welfare reform will not be a high priority in the next session of the Congress.

Mr. President, I offer this motion not only on behalf of myself, but also on behalf of the distinguished Senator from Kentucky (Mr. Cooper), my distinguished colleague, the senior Senator from Illinois (Mr. Percy), and the distinguished Senator from California (Mr. Tunney).

Mr. HUMPHREY. Mr. President, would the Senator yield for a further explanation?

Mr. STEVENSON. I gladly yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, do I correctly understand the Senator's motion to mean that it would, if voted upon favorably, send the entire bill back to the committee with instructions?

Mr. STEVENSON. The Senator is correct.

Mr. HUMPHREY. Would that in any way impair titles I, II, and III?

Mr. STEVENSON. Titles I, II, and III would not be impaired. The instructions are to report back forthwith. It would not impair those titles.

Mr. HUMPHREY. When the Senator says "to report back forthwith," would that proposal permit the committee to revise titles I, II, and III and subsequent sections?

Mr. STEVENSON. The instructions are confined to other titles. It is my understanding, and certainly my intention, that the committee would have no opportunity to make any other changes in H.R. 1.

Mr. HUMPHREY. It is title IV essentially that the Senator directs his amendment to?

Mr. STEVENSON. The Senator is correct.

Mr. HUMPHREY. And how would this affect the recent action of the Senate on the vote just taken on the Roth amendment?

Mr. STEVENSON. The Roth amendment would be replaced by the provisions which I have described, which are incorporated in the instructions.

Mr. HUMPHREY. This gives us another opportunity to take a look at the so-called family assistance part of the program and to incorporate, if the Stevenson amendment passes, the basic provisions of the administration proposal plus the child care protections.

Mr. STEVENSON. The Senator is correct.

Mr. HUMPHREY. Plus the provisions that were thwarted in the Ribicoff proposal, by the reduced levels.

Mr. STEVENSON. The Senator is correct. I do not believe the contents of the Roth amendment has been made clear for the Record. The administration has opposed the Roth amendment. HEW has sent me and other Senators a copy of a letter from the Secretary of Health, Education, and Welfare to the Senator from Delaware (Mr. Roth). The letter of the Secretary of Health, Education, and Welfare dated April 27, 1972, states:

> I would like to explain why the administration must strongly oppose your amendment No. 1077 to H.R. 1.
>
> A test of the kind your Amendment would require would delay reform for about five years, since it would necessitate:
>
> One year to plan and implement the test;
>
> Two years to run the test, with preliminary data becoming available in the middle of the second year;
>
> An additional year to compile, evaluate, and use the data to formulate a legislative proposal;
>
> At least one or two years to obtain Congressional approval of a new bill.

He goes on to say:

> Further delay in enacting reform would have the following tragic results:
>
> Exploding costs and caseloads would continue to drain Federal money into a system with little control over who receives benefits;
>
> The inadequate work provisions in current law would be perpetuated;
>
> Widely varying standards and administrative practices among States and counties would continue to provide inequitable treatment and counterproductive incentives for migration and family break-up; and
>
> The inevitable waning of public confidence would encourage a trend, already evident in the past year, to make the truly needy the scapegoats of a failing system.

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator is correct. Senators will cease their conversations. The Senate will be in order. The Senate is not in order.

The Senator from Illinois may proceed.

Mr. STEVENSON. Mr. President, I ask unanimous consent to have printed in the Record at this point the letter from Secretary Richardson to the Senator from Delaware dated April 27, 1972.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The Secretary of Health,
Education, and Welfare,
Washington, D.C., April 27, 1972.

Hon. William V. Roth, Jr.,
U.S. Senate,
Washington, D.C.

Dear Senator Roth: I would like to explain why the Administration must strongly oppose your Amendment Number 1077 to H.R. 1.

As your November 12, 1971, letter to the President suggested, there is a danger that the rhetoric about welfare reform may tend to overstate both the advantages and the disadvantages of the H.R. 1 reform. Yet there is no doubt in my mind, in view of the tests which have already been conducted of key elements of H.R. 1 and in view of the deterioration of the current welfare system, that the evidence at hand firmly supports enactment of H.R. 1 without further delay.

A test of the kind your Amendment would require would delay reform for about five years, since it would necessitate:

One year to plan and implement the test;

Two years to run the test, with preliminary data becoming available in the middle of the second year;

An additional year to compile, evaluate, and use the data to formulate a legislative proposal;

At least one or two years to obtain Congressional approval of a new bill.

These time estimates are by no means exaggerated. The recently completed test of wage supplementation in New Jersey lasted over three years, and the final data are not yet fully compiled and analyzed. My staff and I would be happy to discuss with you the evidence so far obtained from tests in Iowa, North Carolina, Gary, Seattle, Denver, and Vermont, as well as New Jersey. These tests have yielded substantial proof that families do not reduce their earnings when they receive wage supplementation.

Further delay in enacting reform would have the following tragic results:

Exploding costs and caseloads would continue to drain Federal money into a system with little control over who receives benefits;

The inadequate work provisions in current law would be perpetuated;

Widely varying standards and administrative practices among States and counties would continue to provide inequitable treatment and counterproductive incentives for migration and family break-up; and

The inevitable waning of public confidence would encourage a trend, already evident in the past year, to make the truly needy the scapegoats of a failing system.

I sincerely believe that a vote for your Amendment, in lieu of the H.R. 1 provisions, is a vote to perpetuate the current welfare mess for years. I do not accept the proposition that providing incentives to work, creating penalties for refusal to work, removing obstacles to work by emphasizing child care and supportive services, increasing the training effort, or finding jobs and creating public service jobs, are ideas in need of further testing.

We have announced, in conjunction with Senator Ribicoff, our support for a limited test provision which would not delay the H.R. 1 reforms. Such a test would occur between enactment of H.R. 1 and the effective date of the family program and should provide useful administrative data on the new H.R. 1 caseload. The Congress would be given the opportunity, under a disapproval provision, to reject coverage of new eligibles as a result of evidence from the testing.

As the President said in his March 27 message to the Congress on the subject of welfare reform. "We need reform this year so that, instead of pouring billions more into a system universally recognized as a failure, we can make a new start . . . It (H.R. 1) is the most important single piece of social legislation to come before the Congress in several decades . . . No legislation should have a higher priority."

I urge you to consider a test amendment within the context of H.R. 1 as the Administration has agreed with Senator Ribicoff. I would be happy to meet with you to delve into this subject, which is of great importance to this Administration and to the Nation.

With kindest regards,

Sincerely,

Elliot L. Richardson, *Secretary*.

Mr. STEVENSON. Mr. President, I might say to the Senator from Minnesota that this is the last chance for welfare reform. The alternative at this point is 5 years more of delay, 5 years more of crises in welfare, 5 years more of dehumanization for people, and 5 years more of ever-expanding case loads and welfare rolls.

Mr. HUMPHREY. Mr. President, I believe the amendment of the Senator from Illinois is so important that I ask him again to go into what the amendment would do. I believe so often in these debates we lose many of the pertinent points and the facts that we need to understand. Will the Senator do that for at least the benefit of the Senator from Minnesota?

Mr. STEVENSON. The amendment incorporates all the provisions of Senator Ribicoff's earlier amendment, thereby incorporating many changes agreed to by the administration, agreed to by Secretary Richardson.

The amendment then makes two changes in Senator Ribicoff's earlier amendment. First, it goes back to the welfare levels provided in H.R. 1 of $2,400 for a family of four instead of $2,600 in Senator Ribicoff's amendment; second, it cuts back the authorization for child care for a welfare recipient from $1.5 billion in Senator Ribicoff's amendment to $800 million as in H.R. 1. That means the total cost to the Federal Government would be virtually the same as the original proposal of the President.

The changes from the President's favored version of H.R. 1, all agreed to by Secretary Richardson, would, first, provide that in States where payment levels exceed $2,400, State would be required to make supplemental payments to assure that no recipient is issued a smaller payment. Welfare levels could not be reduced. That was contemplated by the administration.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for a unanimous-consent request with the understanding that he does not lose his right to the floor?

Mr. STEVENSON. I yield.

Mr. ROBERT C. BYRD. I would not interrupt the Senator but I wanted to propound a request with as many Senators as possible in the Chamber.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

ORDER FOR DEBATE ON CLOTURE MOTION TO BEGIN AT 9:15 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the 1 hour for the debate on the motion to invoke cloture tomorrow begin running at 9:15 a.m. I am authorized to make this request by the distinguished majority leader.

The PRESIDING OFFICER. Is there objection?

Mr. JORDAN of North Carolina. Mr. President, will the Senator state the request again?

Mr. ROBERT C. BYRD. That the 1 hour for debate under rule XXII on the motion to invoke cloture begin running at 9:15 a.m. tomorrow.

Mr. JORDAN of North Carolina. I thank the Senator.

Mr. GURNEY. Mr. President, reserving the right to object——

Mr. STEVENSON. I do not believe I gave up the floor.

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Florida with respect to the unanimous-consent request?

Mr. STEVENSON. Mr. President, without losing my right to the floor; yes.

The PRESIDING OFFICER. The Senator yields.

Mr. GURNEY. I thank the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GURNEY. This means the debate would end at 10:15 a.m. tomorrow and that the quorum call would begin at 10:15, to be followed by the vote?

Mr. ROBERT C. BYRD. The Senator is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (H.R. 1) to amend the Social Security Act, to make improvements in the medicare and medicaid programs, to replace the existing Federal-State public assistance programs, and for other purposes.

Mr. STEVENSON. If I could continue briefly to answer the question of the Senator from Minnesota——

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. STEVENSON. Mr. President, the second difference pertains to State fiscal relief. The Federal Government would pay 100 percent of the first $2,400 of the recipient's welfare payment. The State would pay the remainder, except the Federal Government would pay any amount in excess of the State's total cost in calendar year 1971. In other words, there are more generous provisions for relief to the States. Third, in connection with work requirements, the recipient will not be required to accept employment if the recipient is the mother of a child under the age of 6. Originally the administration had made the cutoff at age 3 for all working mothers with children. We would make the age 6. That was agreed to by Secretary Richardson.

Four, benefits would increase annually by a percent equal to the annual increase in the consumer price index.

Finally, under this proposal the provision for relief of the working poor, instead of being conducted on a national basis would be conducted on an experimental or pilot basis. It could be stopped in 2 years if it did not work by a vote of either House of Congress.

These are the basic differences; and they were agreed to by Secretary Richardson. This really gives the administration what it asks for. There would be certain differences between this if passed by the Senate and the House passed bill, which would provide another opportunity for further negotiation in conference.

Mr. HUMPHREY. Mr. President, I compliment the Senator from Illinois. This is a very constructive proposal. Obviously there will be differences of view as to whether or not $2,400 is an adequate figure, but with the cost of living escalated clause which the Senator included, plus the experimental workfare program which the Senator included, plus the fact that the Federal Government will take up the total of the $2,400, thereby relieving the States of a tremendous amount of welfare, I think the Senator has a very reasonable and constructive proposal; and also it will provide property tax relief back at the State level and at the same time give better benefits to the welfare recipients who really need it.

I wish we did not call them "welfare recipients," because what we are discussing is a way to have income maintenance so people can make the best of their lives. We have put this name "welfare," this tag "welfare," on everybody until the word has become one of derision and really of defamation. I think it is most unfortunate.

What the Senator from Illinois is trying to do, and I believe what all of us are trying to do here, is get away from tagging people as welfare clients. Those that can work should have work; those that are in need should have assistance. That is what the central point of this debate and of our action must be.

I want to say once again it does little good to tell people to go to work unless we provide them with work.

May I ask the Senator from Illinois whether public service jobs are involved here?

Mr. STEVENSON. The Senator is absolutely right. The whole thrust of this proposal is to provide work for those who can work. It provides work incentives, and in order to create jobs which otherwise do not exist for persons who but for the jobs would go on welfare, it sets up a program of public service employment. It creates 300,000 jobs, for which $800 million is provided in the bill for the creation of those public service jobs so people who otherwise would go on welfare would get employment.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. STEVENSON. I yield.

Mr. RIBICOFF. I commend the distinguished junior Senator from Illinois, the distinguished Senator from Kentucky, and the distinguished senior Senator from Illinois for offering this proposal. I commend them, and I will support and vote for the proposal.

True, the minimum support level for a family of four is only $2,400. I originally started with $3,000. Then my second proposal, which I thought I had worked out with the administration, was $2,600. Now the proposal is $2,400.

At this stage I am not interested in pride of authorship. I am not interested in having credit for passing welfare reform. I am only interested in eliminating the present welfare mess.

What has been shocking to me is the failure of the administration and the Republican Party and Republican Senators to back the President of the United States in the series of votes that has taken place. The Secretary of Health, Education, and Welfare has labeled the Roth proposal a monstrosity that would not work. The Roth amendment contains many of the regressive provisions of the committee proposal.

Now we have the Senator from Illinois (Mr. STEVENSON) introducing the basic proposal of the President, improved by my various negotiations and agreement with the Secretary of Health, Education, and Welfare and the Secretary of Labor. I cannot understand why the administration now will not support it.

Is it not true that the overall cost of the Senator's proposal is exactly the same as the cost of H.R. 1, which the administration says it is for?

Mr. STEVENSON. The cost is virtually the same as the original proposal submitted to the Congress and passed in the House as H.R. 1. The Senator is absolutely correct.

Mr. RIBICOFF. When the President explained last summer during his press conference why he could not reach agreement with me, he stated as one of his reasons that my proposal would substantially increase the cost of welfare. At that time the level we were talking about was $2,600, but the Senator's proposal of $2,400 cuts down that cost by some one-half billion dollars. Then when he cuts child care support from $1.2 billion to $800 million, he saves another $400 million, which cuts the cost some $900 million. This brings his proposal in line with H.R. 1. Is that not correct?

Mr. STEVENSON. The Senator is absolutely right.

As the Senator from Minnesota mentioned a moment ago, the effect of this proposal, if adopted into law, would be to afford very substantial fiscal relief to States and to local units of government all across the country. The costs that have been referred to here are gross costs. There would be savings all along the line to many States and local governments, but to States in particular, which would be of great benefit to them and enable them to offer other appropriate services.

Mr. RIBICOFF. Is it not true that the Senator's proposal requires everyone on welfare, unless children under the age of 6 are involved or someone is incapacitated, to register for work?

Mr. STEVENSON. The work registration provision applies to everyone except the persons mentioned by the Senator. They would have to register for work and would have to accept work if it is available and, beyond that, if it is unavailable, we also provide for public service employment.

Mr. RIBICOFF. The rate required to be paid to a person taking a job would be at the Federal minimum wage?

Mr. STEVENSON. That is correct.

Mr. RIBICOFF. Is it not true that the Senator's motion to recommit is a parliamentary device? It does not really go back to committee. If the motion to recommit is adopted, the President of the Senate refers the bill back to the chairman who immediately reports the bill back as ordered by the Senate. The bill automatically becomes the pending order of business with no loss of time. So if the motion to commit and the Senator's proposed amendment were adopted, then it would be open to amendment, so Senators could work their will on various sections of his proposal. Is that not correct?

Mr. STEVENSON. The Senator is correct. Again, the form of my motion was dictated purely and simply by the parliamentary situation at the time. This really is an up or down proposal, and the proposal is whether or not we shall support H.R. 1, with those modifications which were very carefully and conscientiously added to it.

Mr. RIBICOFF. Therefore, when our distinguished colleague from Minnesota asks, "Do you still preserve titles I, II, and III?" the answer is definitely "yes"?

Mr. STEVENSON. The answer is "yes."

Mr. RIBICOFF. I think the time has come to ask the President of the United States and the Secretary of Health, Education, and Welfare, Mr. Richardson, to come out of hiding.

I suppose representatives of HEW are in the galleries. Do you not think the time has come to call up your Secretary of Health, Education, and Welfare and find out whether he really supports welfare reform? Here is a proposal introduced by two Republicans and one Democrat which calls for $2,400, which is the figure originally proposed by the President and passed by the House. I ask you, President Nixon, wherever you may be, in Camp David, at the White House, or wherever, will you tell the American people, do you support welfare reform? Did you mean it in the first place? What is your proposal now for $2,400? Come to the Congress of the United States, call the Republican Members of the U.S. Senate and tell them you still support a payment level of $2,400. This is the chance for the President of the United States and the Secretary of Health, Education, and Welfare to tell the American people whether they are for welfare reform. This is the moment of truth for the President of the United States.

Mr. STEVENSON. I thank the Senator from Connecticut. No one has labored more heroically to bring about this major social reform than the Senator from Connecticut. As he points out, this is not a partisan effort. On the contrary, it is a bipartisan effort on the Senate floor today, recognizing that it is the last chance to give the President what he called for from the Congress—in fact, made his No. 1 legislative priority—welfare reform.

Mr. President, I ask unanimous consent that the Senator from Ohio (Mr. TAFT) be added as a cosponsor.

The PRESIDING OFFICER (Mr. PROXMIRE). Is there objection? Without objection, it is so ordered.

Mr. STEVENSON. Mr. President, I yield to the Senator from Kentucky (Mr. COOPER).

Mr. COOPER. Mr. President, I call to the attention of the Senate that while this motion is made by the Senator from Illinois as the leading sponsor, the proposal is also supported by the Senator from Illinois (Mr. PERCY), the Senator from Ohio (Mr. TAFT), and myself, as cosponsors.

I can understand the plea that has just been made by the distinguished Senator from Connecticut (Mr. RIBICOFF), but I hope in the few minutes we have that we will appeal as best we can to the sense and judgment of our fellow Senators, rather than upon a political basis—as, I believe, the Senator from Illinois said, it may be the last chance to vote on a welfare reform bill. I would like to say also that the distinguished Senator from Connecticut, Senator RIBICOFF, has contributed so much to the issue, and in an informed and humane spirit.

I am not a member of the Senate Finance Committee which has jurisdiction over the subject, but I know what Senator STEVENSON and his three cosponsors are attempting to do. We are asking that the bill before us, as reported by the Finance Committee, be recommitted, that there be stricken from the bill, as it stands now, the workfare provisions and also the provision which was just adopted by the Senate, offered by the Senator from Delaware (Mr. ROTH), and that there be reported from the committee the proposal which the Senator from Illinois has described. It is conceptually and structurally the Ribicoff proposal, but with a reduction in the benefit level from $2,600 to $2,400, and a reduction in the authorization for day care from $1.5 billion to $800 million. The initial total cost of our proposal would be essentially the same as the cost of H.R. 1 as passed by the House of Representatives.

There are some differences between H.R. 1 as passed by the House of Representatives and the Stevenson proposal. One is the provision for a cost-of-living increase in benefit levels which was not included in the House bill. A second major difference between the two bills is the mandated State supplementation provision, which is in the Stevenson-Cooper bill, just as it was in the Ribicoff proposal. Basically it follows the structure of the Ribicoff amendment, but the cost, at least, is about the same as that of the House bill.

I appreciate the position of the Senator from Delaware, but we know that his amendment would do more than provide a pretest of the Ribicoff proposal, workfare, and H.R. 1. Actually there have been incorporated in it several provisions of the workfare program in the Long bill such as the Child Care Bureau and wage supplement. And so I think it should be stricken.

Mr. President, I appreciate, too, the work that the Committee on Finance and its chairman, the distinguished Senator from Louisiana (Mr. LONG) have done, but I believe this is an opportunity, and perhaps the last opportunity for several years, unless action is taken on the Stevenson, Cooper, Percy, Taft amendment to provide a measure of reform in the welfare system.

I think all of us who have observed the present welfare system in our States know that while it has provided more food and clothing and some housing and medical care, the present system is an unsatisfactory program. I do not want to go back too far, but I first became interested in this subject when I was a county judge, 40 years ago, during the depression, and saw first hand, the awful poverty of some of the people of my county.

Since that time my interest in the subject has continued. Kentucky is always in the eye of the public—representatives of the news media can always be found in eastern Kentucky looking for poverty; and there is poverty, but in my view it is not as bad as it is in the inner cities of New York City and other major cities.

The thing I dislike most about the present welfare program is that it provides no incentive for people on welfare to work. There is every incentive to keep them out of work. We know what they are: If recipients go to work they lose their benefits, they also stand to lose a part of their food stamps, and medicaid benefits in some instances. If they take a job and are not properly trained for it, they are likely to lose it very soon, and then they will have to go again through the whole business of getting on welfare.

The worst objection to our current welfare system is that there is no incentive for recipients to go to work. The objection I have to the bill presented by the distinguished Senator from Louisiana is that for those who are not able to work and otherwise eligible for assistance, it maintains essentially the same welfare system that now prevails.

I am sorry the Stevenson proposal in which I join may not be studied as carefully as it ought to be, but I hope very much that the explanation that has been sent to every Senator will be read, and that the amendment will be adopted and we will not wait 3 or 4 years more to achieve welfare reform, and continue the unfair system that we have today, which offers so little hope to people. I must say that all I have seen in my own State is a lessening of hope and the beginning of an absolute class system—something we thought we would never have in this country—and an institutionalization of the poor.

If this continues, we are not only going to deprive our people of the realization of their best possibilities today, but we are going to deprive them of realizing their best possibilities in the future. I hope and pray that Senators will read this simple proposal and vote for it and give some hope, for today and for the future, to the poor of our country, and our country itself.

Mr. SCOTT. Mr. President, will the Senator yield briefly to me?

Mr. COOPER. I yield.

Mr. SCOTT. I just want to say I agree entirely, speaking personally, with what the Senator from Kentucky has said.

The PRESIDING OFFICER. The Senator from Illinois has the floor. Does the Senator from Illinois yield to the Senator from Pennsylvania?

Mr. SCOTT. Will the Senator from Illinois yield to me briefly, say 2 minutes?

Mr. STEVENSON. I yield 2 minutes to the Senator from Pennsylvania.

Mr. SCOTT. I agree entirely with the points that have been made by the Senator from Kentucky and the Senator from Illinois. Congress appears to be heading for a postponement of efforts to remedy an absolute mess in the welfare system, which is regrettable. We will not postpone it for 2 years or 4 years; we will be back next year confronted with a mounting and increased series of problems, beyond doubt.

I have an amendment which substantially and actually is title IV of H.R. 1 as passed by the House of Representatives. I had thought of offering it. But it seems to me that this amendment is quite close to the House-passed bill. I am able to support it, myself, and would like to see it passed.

I am obliged, in all conscience, to make this declaration. I think we need this kind of legislation. I believe that it is a reasonable and judgmental approach to a terribly difficult problem. I have to say that my personal position will be not to offer my own amendment, which is the House-passed bill, but on the other hand, to support this proposal.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. SCOTT. If the Senator from Illinois has no objection.

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Louisiana?

Mr. STEVENSON. I yield.

Mr. LONG. Can the Senator tell us the position of the President of the United States with regard to this proposal?

Mr. SCOTT. I am not able to say that the President of the United States supports the proposal. The President has not said to me that he wishes me to make any statement against the proposal. If he wished to support the proposal, I assume he would send information to one or another Senator on that. I am speaking personally, because it is on my conscience. I believe it to be a good thing. I have wrestled with this, and I am satisfied that I must support it.

Mr. LONG. I asked the question because I was called from the floor yesterday evening and told that this amendment would be offered and that the President is not for the amendment; he does not favor it and is not for it. If the President is not for it, I do not think people ought to be representing this as being something that the administration is for; because, in the last analysis, it is not some functionary in HEW but it is the President who is entitled to speak for this administration. I am sure the Senator would agree that the President speaks for the administration, not some Under Secretary of the Department of Health, Education, and Welfare, or some person in that agency who might even have been held over from the Roosevelt administration.

Mr. SCOTT. The Senator from Louisiana knows that I have said nothing which would mislead anyone. I have clearly said several times that this is a matter of conscience with me. It is a matter of my personal judgment. I believe it. I would advocate its adoption to anyone who asked me. But I have represented it only as a view of my own. I have expressed my judgment and my belief that it ought to be adopted. I am not trying to mislead anyone.

Mr. LONG. I want to make it clear that I was called from the floor by two of the President's most well-regarded liaison people who work with us on the Hill in matters of this sort, and they both told me, without any peradventure of doubt, that the President is not for this proposal. I think we ought to understand that this is not something that the President is for.

Mr. SCOTT. The President's personal statements, as I recall, have indicated consistently and throughout that he favors H.R. 1 as it passed the House, which is the amendment I offered here.

I make the point personally, as the senior Senator from Pennsylvania, that it seems to me that this amendment is sufficiently close to the amendment I offered so that it justifies me in not pressing my amendment but in supporting this one. This is a position which I feel I must take and I would take if anybody short of the 12 Apostles were to try to persuade me otherwise. I just want to make that clear.

I am not misleading anyone. The Senator is entitled to make any statements he wishes regarding his opinion as to how various people feel about it.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. STEVENSON. I thank the distinguished Senators from Kentucky and Pennsylvania for their comments and wisdom. I yield to the Senator from California.

Mr. TUNNEY. I thank the distinguished Senator for yielding.

Mr. President, I think everyone in this Chamber has deplored the present welfare system; but I must confess that I see faults with each of the three major proposals we have had before the Senate.

I think the major fault of the Ribicoff proposal was that it did not have enough public service jobs to guarantee that every able-bodied person who was on welfare, who did not have a child 6 years of age or under, would have a job at which to work if they were going to receive a Government check.

I was very pleased with the colloquy I had with the distinguished Senator from Connecticut—who I think knows the problems of our welfare laws and their inadequacies as well as any other person in this country—when yesterday he said that if his amendment were accepted, he would support an amendment I was prepared to offer to assure that there were enough public service jobs available for every able-bodied person who could not find a job in the private sector.

My objective would be to create a 3-year phased program in which public jobs would be created for at least one-third of those who are required to register for work in the first year. Additional jobs would be created in the second year for an additional one-third of all registrants. And finally in the third year the phasein would be completed so that every able-bodied welfare recipient would be able to find a job. This program would go into effect after the initial program of 300,000 jobs contained in the Ribicoff amendment.

In other words, it would be a total of 4 years at the end of which there would be a public job for all those people who are able-bodied, on welfare, who are not working at any other job. I think this is most important.

I find a problem with the proposal of the distinguished chairman of the Finance Committee, because, quite frankly, I think the payments are much too low. Although I think people should work, they ought to be able to work in California, in Connecticut, and in New York for the kind of money that is going to enable them to support their families. I do not feel that the Finance Committee proposal, would allow people in those big States to be able to work for enough money to be able to provide for their families.

The administration proposal, as I analyzed it, was deficient; it did not provide jobs. As has been said often by the distinguished Senator from Connecticut, the administration has talked in terms of having a proposal which would require people to work, and this was the great welfare reform. It was in the Republican platform in Miami. But, in fact, if you take a look at that program, it did not require work for the able-bodied. It made a travesty of the President's statement that people ought to work if they are able-bodied.

So we come to the present proposal by my distinguished colleague and seatmate, the Senator from Illinois. I am supportive of the basic proposal, but I say to my distinguished friend that if his proposal is accepted, I would have to offer an amendment which would provide that over a period of 4 years, with jobs being phased in over a 3-year period after the limited public job program he is proposing with one-third in the first year, a second third in the next year, and the balance in the third year so that all those people who are on welfare and are unemployed would be put on public service jobs.

I believe that this is the only way we can develop a welfare system that is not going to continue to eat up taxpayers' dollars the way the present system does. The present system is essentially faulty because it pays people who are able bodied not to work. I think that every person who is able bodied and of sound mind should have to work for the money he receives from the Government, and then it is no longer welfare. Then he is working for the Government. I do not consider myself to be on welfare because I receive a Government check, and I do not consider anybody else who is working for the Government to be on welfare. These people would not be on welfare either, because they would be working for the money they receive, irrespective of where that money came from. If it comes from HEW, so what? There are many employees in HEW.

This is the kind of proposal I will make if the Senator's amendment is adopted, and I plan to vote for the Senator's amendment.

Mr. STEVENSON. I thank the Senator.

Let me say, in response to the Senator from California, that I agree wholeheartedly. As he recognizes, the thrust of this proposal is to provide work incentives to get people in jobs and off the welfare rolls. But he very rightly recognizes that work incentives are not enough if no jobs are available, if no work is available. He proposes to solve that problem through public service employment.

The bill does provide $800 million for 300,000 public service jobs. If we could go further than that in this legislation, I would wholeheartedly support the Senator from California. However, this is a welfare bill. We will have other opportunities with respect to public service employment. The only concern I have is that if we go much further than we already have gone in this bill, we may encounter opposition from the administration and end up with no public service employment or welfare reform.

Mr. TUNNEY. I find the Senator's arguments persuasive so far as the adoption of his amendment is concerned. Perhaps some people who support the administration's position would want to vote for the proposal of the Senator from Illinois without the guaranteed jobs. So it is quite clear that we ought to vote on his amendment first, and the parliamentary situation is that we have to do that.

If the amendment of the Senator from Illinois is adopted and I offer my amendment, those people who go home and make speeches about how they feel that we should not be talking about people on welfare, but about putting people to work, are going to have an opportunity to tell their people back home whether in fact they favor putting people to work or just keeping people on a handout.

I believe that the proposal made by the Senator is very good. There are many very important components in the amendment, which is, of course, an adaptation of the amendment of the Senator from Connecticut. But I think the failure of this proposal is that it does not have a requirement that there be enough public service jobs to provide jobs over a phased-in period of 4 years for every able-bodied person on welfare.

Mr. STEVENSON. I hope that we can go beyond the amendment and provide for public service employment.

Mr. PERCY. Mr. President, will my colleague yield to me?

Mr. STEVENSON. I am happy to yield to my colleague from Illinois.

Mr. PERCY. I want to ask my colleague some questions. I also have some commentary and a statement to make on this motion. I am very much pleased to support the motion and I am delighted to have the personal support of the distinguished majority leader for it, as well as that of Senators COOPER and TAFT. I think that this represents a broad spectrum of support that has been gained on both sides.

I would like to review briefly my understanding of this motion for purposes of clarification of the record. The benefit level of $2,400 is identical, then, with the benefit level in administration-supported amendments and the administration-supported H.R. 1; is that not correct?

Mr. STEVENSON. That is correct.

Mr. PERCY. The work requirements are identical, as I read it, with the administration position on H.R. 1; is that not correct?

Mr. STEVENSON. There is a slight difference. The administration's position originally would have required that mothers with children over 3 years of age would work. In this amendment, with the approval of the Senator from Connecticut (Mr. RIBICOFF) and the approval of the Secretary of Health, Education, and Welfare, only women with children 6 or older would be required to work. The reasons are obvious. We do not want to take mothers away from their children who are that young.

Mr. PERCY. The administration has

agreed to the provision regarding 6-year-olds.

I notice a slight difference in the penalties for refusal to register for work or for training, but the difference seems to be insignificant. In principle, the Stevenson motion once again corresponds with the administration's stated position.

I do notice a great difference with regard to State supplementation of benefit levels. The Stevenson motion contains a requirement for State supplementation, however, there is no such provision in the administration's supported H.R. 1. As I understand it, the administration's cost estimates assumed State supplementation of benefit levels; therefore, there is no real difference in costs between the two provisions.

Mr. STEVENSON. No difference in cost. The Senator is right. It requires maintenance of effort. Secretary Richardson in his discussion with Senator Ribicoff had no objection to this requirement. In fact, the administration in its earlier cost projections had assumed, and rightfully I think, that all States would accept the option to supplement benefit payments to their present level if that level is now above $2,400. So this would involve no change in cost over the administration's estimate.

Mr. PERCY. From the standpoint of fiscal relief to the States, the difference is that the Stevenson motion incorporates the so-called Percy amendment for interim fiscal relief, which the administration unequivocally supports. The Senator from Louisiana (Mr. Long) has also indicated his support in principle. Given such support, most of the States have incorporated their potential fiscal relief allotments in their State budgets. The Stevenson motion simply reiterates and incorporates a provision that the administration is clearly on record as supporting.

Mr. STEVENSON. The Senator is right again. In this case, he can speak from his own experience because no one did more than he to win administration support for the emergency relief and the fiscal relief position which he has introduced earlier and is now incorporated in this amendment.

Mr. PERCY. I notice one additional area of difference. The administration supported H.R. 1 provides that welfare recipients required to work are paid three-quarters of the minimum wage. The provision that has been offered by my colleague, (Mr. Stevenson) on the other hand requires a Federal minimum wage to be paid to those recipients. Again, from the standpoint of fiscal responsibility, this involves no additional cost to the Federal Government. In fact, if the minimum wage is paid to low-income earners, this would then mean that the supplement for the working poor would not be as great.

Although there is this difference, I would hope that support of the administration could be gained for what I consider to be a very humane, sensible, practical, and down-to-earth amendment offered by my colleague from Illinois.

Mr. STEVENSON. I am very grateful to my colleague (Mr. Percy). Every point he makes is correct. Once more I cite the bipartisan nature of this effort, which is long overdue, for social reform in the country. I am very grateful to him for his support and for all the help he has given on this.

Mr. PERCY. Mr. President, I should like briefly to conclude by congratulating my colleague, who deserves to be congratulated. He has made it possible for us to vote on something that can bring us to the moment of truth for meaningful welfare reform. If we do not adopt such a motion, I believe that we will have brought about what the New York Times has called another long night of despair for millions of people on welfare. We are all victims of this failure. Those in America unable to work, mothers with preschool children, the infirm, and those who care for them, will continue to suffer from the intolerable inadequacies of the present system if we do not adopt this motion.

Certainly my distinguished colleague is aware of the fact that I sent out 400,000 questionnaires throughout the length and breadth of the State of Illinois, to inquire what the people's attitude was toward the welfare program—both the taxpayers as well as the recipients of welfare.

I know that my colleague is familiar with the fact that 220,000 put their own postage on that survey to write back and forcefully say, "Junk the present system." Ninety-eight percent of the responses were for doing away with the present system. This is what the Finance Committee has addressed itself to. But we disagree with the Finance Committee version because we do not feel that the bill as it now stands will adequately provide for the welfare needs we see in our State.

Let us salvage something from 3 years of work on welfare reform and save the taxpayer who must pay the bills for an inadequate, inefficient, and inhumane system, a jumble of 1,522 different welfare systems

The motion the Senator from Illinois (Mr. Stevenson) is offering today will, I think, do that.

Mr. STEVENSON. Mr. President, I thank the Senator. The Senator recognizes that the welfare system is an abomination in our own State. In fiscal 1971 alone, the number of AFDC recipients went up 48.2 percent. The costs increased 52 percent. That is in just 1 year in the State of Illinois. The people of our State and the people of the Nation recognize, as the Senator has already indicated, that the system is an abomination. We cannot tolerate it any longer.

The President recognized this in his March 27 message to Congress when he said:

> We need reform this year so that, instead of pouring billions more into a system universally recognized as a failure, we can make a new start. This——

"This" means H.R. 1. I continue to quote:

> is the most important single piece of social legislation to come before the Congress in several decades. No legislation should have a higher priority.

Mr. President, as the Senator from Illinois, the Senator from Kentucky, and the Senator from Pennsylvania, the distinguished minority leader have recognized, this proposal is substantially the same as H.R. 1. The few differences that exist are reforms. And they are reforms that are agreed to by the administration through the Secretary of Health, Education, and Welfare.

Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. COOPER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENSON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion offered by the Senator from Illinois to recommit the bill with instructions to report forthwith the amendment made a part of the motion.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, I rise to discuss the motion offered by the distinguished Senator from Illinois (Mr. Stevenson).

What the Senator from Illinois proposes to do is to substitute for the committee proposal the basic concepts of H.R. 1 insofar as it deals with welfare. In other words, the Stevenson proposal is basically the proposal which twice passed the House. It is the same proposal basically that was disapproved and voted down by the Committee on Finance.

Mr. President, I want to state my reasons for opposing H.R. 1.

First, the testimony before the committee in regard to H.R. 1 shows clearly that it is lacking in work incentives.

Second, the cost of the proposal will be at least $5.5 billion more than the cost of the present welfare program.

Third, it will require 80,000 new Federal employees to administer it. It is true, as was pointed out yesterday by the distinguished Senator from Connecticut, that some of these 80,000 will be persons presumably who are now on State or city rolls. But my opposition is to increasing the number of new Federal employees by 80,000.

The Department of Health, Education, and Welfare now has approximately

110,000 employees. It is already too big; it is not being efficiently or effectively administered, and when you add 80,000 more I submit that is going to be that much worse.

The fourth reason I oppose H.R. 1 is that it writes into law the principle of a guaranteed annual income. I think that is a mistake. I think that is a wrong direction for this country to go.

What we want to do is to get people off of welfare and into jobs. H.R. 1 does not do that.

The testimony before the committee and the figures submitted before the committee show that H.R. 1 would virtually double the number of persons drawing public assistance. Mr. President, this is not welfare reform; this is welfare expansion. I invite attention to the table on page 421 of the committee hearings.

Now, many persons want welfare expansion and certainly they are entitled to their views. The senior Senator from Virginia wants welfare reform; he opposes welfare expansion.

This matter of Congress passing legislation which will virtually double the number of individuals drawing public assistance certainly does not appear to me to be very logical. The proposal offered by the Senator from Illinois (Mr. Stevenson) provides for a minimum figure of $2,400. That is just one of the proposals floating around, and if that proposal were adopted it would just be the ante in a never-ending poker game.

Mr. President, if you are going to adopt the principle of a guaranteed annual income——

(There was a demonstration in the Gallery.)

Mr. HARRY F. BYRD, JR. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Sergeant at Arms will clear the galleries to preserve order in the galleries.

Those in the galleries must realize that they are guests of the Senate and they must conduct themselves as such or the galleries will be cleared.

Mr. COOPER. Mr. President, I suggest that those people standing up in the galleries be cleared from the galleries.

The PRESIDING OFFICER. The Senator will kindly proceed.

Mr. HARRY F. BYRD, JR. If we write into the law the principle of a guaranteed annual income, how can anyone justify making that figure less than the poverty level? If the Congress of the United States is to say that the American Government is obligated to provide a minimum annual income to all citizens, then how can one justify, as a matter of principle, as a matter of conscience, making this figure less than the poverty level?

I put that question to Governor Rockefeller of New York when he testified before the Senate Committee on Finance and his reply, in essence, was—

> It is difficult to justify making the figure less than that of the poverty level, but we must start somewhere, and we can start at $2,400, although I prefer $3,000, and then quickly get it up to the higher figures.

Of course, that is exactly what will happen.

There were charts in the Senate Chamber yesterday showing how many individuals would be placed on welfare and would be drawing public assistance if and when a guaranteed annual income is written into law and the figures are upgraded, as they certainly will be.

The proposal of the Senator from Illinois would mean that, instead of the present 12 to 13 million persons on welfare, that figure would go up to somewhere around 22 to 24 million.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. COOPER. I know there have been differences in the figures which have been provided by HEW and the figures that the Finance Committee has developed on costs and the numbers of eligible persons. Is that not correct?

Mr. HARRY F. BYRD, JR. That is correct.

Mr. COOPER. I would like to say that according to the figures furnished my office by HEW today, the cost of the current welfare program, with no changes is about $12 billion. The cost of H.R. 1, as passed by the House, would be $15.4 billion. The amendment offered by the distinguished Senator from Illinois costs virtually the same as the House bill—$15.4 billion.

I think when the Senator said that 24 million persons would come under this program he was thinking about the Ribicoff proposal of yesterday, which provided benefit levels of $2,600. The estimate given me on H.R.1, as it would be modified by the Stevenson motion, is that there would be 19 million persons as against 12 million now receiving welfare.

I want to put these estimated figures into the Record, because these are the figures given to us by the Department of Health, Education, and Welfare.

I wanted to ask the Senator——

Mr. HARRY F. BYRD, JR. Before the Senator leaves that point, the figures to which I have referred are in the voluminous committee hearings, and I do not want to take the time of the Senate at this time to find them, but I will put them in the Record. They were given to the committee by the Department of Health, Education, and Welfare, and they differ substantially from the figures given by the Senator from Kentucky.

Mr. COOPER. I understand that there are differences in the estimates arrived at between the Finance Committee and HEW itself.

If the Senator will permit me, I would like to question him on an argument he has just made. I have followed the Senator's position for several years. I know his position on H.R. 1. Also, I read today in the Record the speech he made yesterday. I did not hear him make it, but I read it this morning. I understand perfectly his position—it is a consistent position—he fears that a guaranteed income will work to continue people on welfare and, as the Senator says, the guaranteed income will in all probability be raised to whatever the poverty level is.

But, we are talking about two groups of people. The first group consists of people who are physically able to work, and the second group consists of those people who, for what ever reason, are incapable of working.

Is is not true that the committee bill guarantees an income to all those individuals capable of working?

Mr. HARRY F. BYRD, JR. I am not going to argue for the committee bill, because I am not sold on it, but the committee proposal guarantees jobs, which is different from guaranteeing income.

Mr. COOPER. The committee proposal would establish a work administration. Is that not correct?

Mr. HARRY F. BYRD, JR. That is correct.

Mr. COOPER. I do not know how many employees that would require. Can the Senator state how many employees that would require?

Mr. HARRY F. BYRD, JR. No, and that is one of the reasons I gave yesterday for voting for the Roth-Byrd proposal, to test out the committee proposal, to test out the House proposal, to test out the Ribicoff proposal, because I am no satisfied with any of those proposals.

Before we get into vast new programs, we should test them out. That is exactly why I voted as I did, because I think what we ought to do, and I think what the Senate ought to do, is test all these out, and then come back, after the result of those tests is obtained, and have the Senate make a judgment.

Mr. COOPER. First I speak of those who have the ability to work, who are physically able to work. The Finance Committee bill, in effect, says that we will put everyone to work doing something. Is that not correct?

Mr. HARRY F. BYRD, JR. Give them an opportunity for a job.

Mr. COOPER. But they must work at something to be eligible and they must be paid for it, so it does guarantee them some kind of income.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I prefer not to get off the point. I am not one to argue for the committee bill, because personally I am not completely sold on it. I am speaking in opposition to H.R. 1, which is the Stevenson proposal.

Mr. COOPER. Is it correct that those who are not able to work would just remain on welfare in the same condition in which they are on welfare now?

Mr. HARRY F. BYRD, JR. I think that the American Government, we in the Congress, and the American people have a deep obligation to help those citizens who are physically and mentally unable to work, and I am willing to do whatever is necessary to help those people and see that they are taken care of; and they are taken care of in the bill before the Senate.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. COOPER. May I respond that the purpose of the amendment offered by the Senator——

Mr. LONG. What have we found in our efforts to put these people to work? Welfare is so much more attractive than work that once you put them on welfare, and they find out that when they work they lose their welfare money, and it is so much more comfortable to have the money flow in without working, there are very few of them you can manage to move off into jobs.

Therefore, the majority of us in the committee felt that, rather than build up the number of people on welfare and then try to get them off, which tends to be a very, very difficult task—and have all the problems that you have where, when the people do go to work and make something, they do not want to report it, but keep it a secret, so that the few that will do some work will do it only on the condition that they are paid in cash with no records kept—we would not put them on welfare to begin with.

The problem of the committee was to try to see that we help the people on welfare by putting them on jobs, so that they will not be on welfare. The committee approach was not to put people on welfare and then try to get them to go to work, as the family assistance plan would do, because even the people on the family assistance plan only estimate that there will be about 2 percent of those people who go to work. Rather than put them on welfare and try to get them to go to work when they find welfare so much more comfortable and more satisfactory, the approach of the committee was to say, "Don't put them on welfare, offer them a job"; so they are not offered a welfare check, they are offered a job.

When people compare the cost of the two proposals, and say it will cost more, they ignore the fact that when you offer them a job you are doing something that will benefit society.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. HANSEN. I think it is important that the distinguished Senator from Kentucky understand this one big difference. As I recall, his question to the distinguished Senator from Virginia was, Does the committee proposal amount to a guaranteed income?

I say it does not, because as I understand the proposal—and I share the same doubts and misgivings that are held by the Senator from Virginia—the difference is that we want to try out these plans. The committee's plan does not guarantee that everyone now on welfare will receive a certain level of income. All of those abled-bodied persons who have school age children will be given no more than the chance to work. The Government, under this proposal, will guarantee that they will be offered a job, but it does not guarantee that they are going to have a certain amount of income. If a person is able-bodied—and I would like the Senator from Virginia to tell me if I correctly understand the committee's proposal—if an able-bodied person is offered a job, and then choose, on his own volition, not to take that job, he is not going to receive any income. If he wants to sit there and starve to death, that is up to him. But if he is able-bodied and can work, the committee proposal simply says, "We will guarantee you that you will have a job. Either you will find it in the open, free job market, or the Government will offer you a job." Am I right about that?

Mr. HARRY F. BYRD, JR. The Senator from Wyoming is correct; and basically, just as the Senator from Wyoming says, the committee proposal in essence guarantees a job, while H.R. 1 guarantees an annual income. They are, of course, two different approaches.

Mr. COOPER. Mr. President, will the distinguished Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. COOPER. I think I understand the work plan, but may I say this: There are just so many people who can work, and there are just so many jobs available, for the purposes of the committee bill and the Stevenson proposal.

What the committee bill does, in effect, is to set up a work administration comparable to the old WPA, where they will all have to do some work.

Mr. HARRY F. BYRD, JR. That is right.

Mr. COOPER. They must work and you pay them for it, and to that extent it is a guaranteed income. But I would like to make another statement.

What concerns me about the Finance Committee bill is that there will still be hundreds of thousands of people on welfare who cannot work. We know that. And for them, it would continue the same old welfare system, with all the disparities in the amounts that they receive from different States, with the differing eligibility criteria, living under awful conditions.

Moreover, there is no difference between the proposals in that if able-bodied applicants are offered work or training they have got to take it, or they will lose their welfare. The Stevenson bill does provide job safeguards and only under these situations may an applicant not be required to work as a condition of receiving aid.

Mr. HARRY F. BYRD, JR. What they must do under H.R. 1 is register to work. They do not have to take the job.

Mr. COOPER. They have to do the same thing, register for work or training, under this proposal.

Mr. HARRY F. BYRD, JR. I am speaking of H.R. 1, the proposal by the Senator from Illinois and the proposal which passed the House.

Mr. COOPER. They have to register for work. As I see it, the chief distinction between the two bills is that in the committee bill we just maintain the old welfare system. It would keep millions of people in the same position they are in today, if they cannot work.

As to those who can work, it would set up a vast WPA, and they would be required to work at substandard wages. There are just not enough jobs for those who are able to work.

Our proposal can be called reform. We are not keeping the same system which has continuously brought more and more people into its web and left them without any incentive for work, for education, left them without any incentive to try to move up, and which mortgages the future of America.

I know in my own State—and I am sure the Senator from Virginia knows this, as he knows my great respect for him. Virginia and my State border, and we have the same kind of hill country just across the line from each other—that some of the families there have been on welfare now since the days of the WPA.

Because of the way that America has been pointing to eastern Kentucky so many times as a poverty area, I have traveled it year after year. I know it well, and I know the people there, and I have seen what has happened to them.

Forty years ago they were practically all the same, whatever their station in life was, whether they were rich or poor. There were not many rich people, but they all had a feeling of independence and equality. None felt inferior to the others.

But this system has grown, and they have become a class apart. We have a two-class system in America today, and, they mingle only with each other, and have lost a great deal of their opportunity.

Some can only talk in a vocabulary of a few words. I am sure it is true also in the inner city.

This is what is happening to this country. It is happening, in my opinion, not because it is not a humanitarian thing to help people who need food, who need clothing, who need medical care, but because we have kept a system which is institutionalized, which has no incentives at all. I do not know of an incentive in the welfare program to cause a person to want to go to work, unless it is in his heart to go to work, and he will never learn to work unless he has the experience of working. It is my opinion, with whatever wisdom I have—and I know the work the committee has done on this matter—that all this has left us with is the old welfare system for millions of people and a sort of WPA for the rest.

Mr. HARRY F. BYRD, JR. I agree with the appraisal of the Senator from Kentucky as to the present welfare program. I think it must be revised. It is outmoded. It must be changed.

The point at which we appear to differ is that H.R. 1 is a welfare reform. I do not see it as a welfare reform. I see it as welfare expansion. There is no work incentive in H.R. 1.

The Senator from Kentucky mentioned the lack of incentive under the present program, and I agree; but there is no incentive in H.R. 1, either, and that is one reason why I am opposed to it. It is lacking in work incentives.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. HANSEN. I agree with the distinguished Senator from Virginia.

Is it not true that what H.R. 1 seeks to do is to reunite the classes? The distinguished Senator from Kentucky spoke about welfare being institutionalized, that it made separate and apart two classes of Americans—those who work and are self-supporting and those who are on welfare. Yet, all I can see that H.R. 1 intends to do is to try to blur and obliterate this very clear line of demarcation, simply by saying that those who do not work, whether they are unable to or not, should enjoy a certain level of income, anyway. I do not think we ought to argue about that. I think we all agree that the old, the blind, and the disabled ought to be taken care of even better than they are now. H.R. 1 proposes to meld these divergent groups into one, simply by saying that those who do not earn anything for themselves should enjoy a certain level of income anyway. On the other hand, I think that realistically the Finance Committee—and I would invite the Senator from Virginia's comment on this point—takes the position that the way to reinstill self-respect is to give all able-bodied citizens an opportunity to earn what they receive.

It makes little difference, in our judgment, whether they may begin their life of work in America as employees for a private corporation or a company or an individual, or whether they begin it in a public work job. There certainly are plenty of things to do in America. It is not true that there are not enough things to do to employ everybody. It is true that with the present welfare system there is little incentive for a great many Americans who are able to do work, who are physically qualified in every respect, who do not have obligations at home which would preclude them from entering the work force, but who simply choose not to work because it is easier to get by on welfare.

Would the Senator comment on that point?

Mr. HARRY F. BYRD, JR. I think the Senator from Wyoming has summed it up aptly and accurately.

What the committee sought to do—I say frankly that I am not 100 percent sold on the committee proposal, particularly because of the cost—what the committee sought to do, and I approve the concept, is to create job opportunities, to encourage people to work, to try to get people off the welfare rolls, to get them into jobs, where they can be self-respecting, where they do not need to rely on the Government. That is the basic approach of the committee proposal. It is exactly the opposite approach from H.R. 1 and the many other proposals that have been advocated. What the other proposals would do would be to put more people on public assistance.

I am taking these figures from memory, and if I am in error, I hope I will be corrected. As I recall, if we go to a $3,000 guaranteed annual income, we will have 40 million people——

Mr. LONG. Thirty-five million people.

Mr. HARRY F. BYRD, JR. Thirty-five million people on welfare. Then, if we go to $4,000——

Mr. HANSEN. Sixty-seven million.

Mr. HARRY F. BYRD, JR. If we go to a $4,000 guaranteed annual income, it will go to 67 million people. If we then go to $6,500, which has been advocated by one Member of this body and by the National Welfare Rights Organization, we will be approaching the figure of 100 million people on public assistance.

I do not see how the Government of this country can support such vast numbers of people drawing public assistance from the Government, whether it be 35 million, 40 million, on up to nearly 100 million people.

There is not enough money in the Treasury to do it. In my judgment, there is not enough money in the pockets of the wage earners to do it.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. LONG. If this amendment is adopted, in the little State of Louisiana, with about 2 percent of the population, the number of people on welfare would be increased from an estimated 473,000 to 823,000 people. That includes the aged, when you include the family assistance plan, and these are persons eligible under H.R. 1. That is just in Louisiana, one little State.

I say to the Senator from Virginia that I do not know one person in Louisiana who thinks we ought to add another 400,000 people to the welfare rolls. We do not want it—if for no better reason than you cannot get anybody to go to work down there, the way it is now.

I was talking to a State senator who was an old grassroots populist until the welfare got out of hand. He told me that he went out to try to get some hay in, and he got his old father, who was an old share-the-wealth man himself, to help him bring in the hay. The father said, "Son, we can't do this by ourselves. Go downtown and get some young fellows to help us."

The son went to the heart of the town, the main crossroads. He begged and pleaded and could not get a soul to come out to help them bring in the hay. He offered any amount of wage that seemed reasonable.

The father said to the son, "Son, if you go back and vote for any more of this welfare stuff, I'm going to whip you personally, as your daddy, just like I did when you were a little boy, for ruining people. You are having your old, broken-down father help you get the hay in, and you can't get any of those young fellows to help you do anything, because you've made welfare so attractive that nobody will do anything but hang around the beer parlor or sit on the porch relaxing, passing the time of day, while there's work to be done."

Perhaps the Senator has not had that experience in Virginia, but I can repeat it 50 times over in Louisiana, what people say about the frustration of trying to get someone to help with work on the farm or to do ordinary, every day work, when they are willing to pay the minimum wage or the going rate. You cannot get people to work. If that is not bad enough, now they want to add 400,000 to the rolls. Then who is going to do some work?

One would think that Mississippi would be supporting this proposal. In the State of Mississippi, there are an estimated 269,000 people on the rolls. They would increase that to 626,000. One would think they would be tickled pink, getting all that money out of Illinois and Connecticut to put those people on the rolls. But they do not want to do it. They do not want to have anything to do with it. Why would they not want to tax people from all over the country? Goodness knows, Mississippi is a low-income State, so why would they not want to tax all the people and put one-third of the population of Mississippi on welfare? Because Mississippi is trying to move the State ahead, and they could not get anyone to work in the shipyards there, or to work in the factories which they are trying to bring into Mississippi, or to have people move their communities along, or to find people to do the ordinary everyday work that needs to be done to keep the State safe, to keep the State clean, and to improve its economy, as well as to build the public buildings which are needed, the roads and the highways.

We cannot get anything like that done if we are going to load down the welfare rolls with everyone.

Under this proposal, as the Senator knows, when someone does not go to work we put him on welfare, make him comfortable, with a comfortable level of income to do nothing, and then if he goes to work, as the Senator knows, they would then propose to reduce his income by 60 cents for every dollar he makes.

A 60-percent tax rate is a frustrating thing, even for the highly motivated individual who never did anything but work from the day he was big enough to lift a heavy object. As a matter of fact, we recognize that we have fixed it so that on earned income, not even a millionaire pays above 50-percent tax.

Mr. HARRY F. BYRD JR. Under this, it would go up to 67 percent.

Mr. LONG. They would start out by putting him on the welfare rolls, and then he would have a 60-percent tax rate or a 60-percent reduction in income when he goes to work by his own efforts, which would amount to a welfare tax that would exceed the income tax on earned income for a millionaire.

It is so frustrating that no one in his right mind wants to have anything to do with it. It could only mean that people would not report the earnings they were making on the side. They would work only on condition that they would get paid in cash with no record made of the transaction.

How would we ever find a jury that would find against one of these people, when one-third of the entire population of the State would be on the welfare rolls along with him? They would complain about harassment if we asked questions about their outside earnings. They would complain about the investigators coming around to find out where the income was coming from, all of which would be necessary, because we put them on welfare to begin with.

It would make a lot better sense to provide someone with a job opportunity. I am in favor of offering someone a job. Call it slavefare if we wish to call it that, but it does not make any sense to me to say that we would pay a person for doing work if he can get by without it.

Mr. HARRY F. BYRD, JR. This is a free country.

Mr. LONG. Is that not how this Republic began and how it built up its strength, by working to build a strong nation?

Mr. HARRY F. BYRD, JR. That is right.

Mr. LONG. Can the Senator tell me any country on earth that has prospered under a scheme where we load down the welfare rolls with people and then drastically reduce their income by a depressing 60-percent rate?

Mr. HARRY F. BYRD, JR. The Secretary of HEW in his formal statement to the committee stated, he put the whole bill, the whole principle, the whole philosophy in capsule form, when he said that this is revolutionary and expensive. They are not the words of the senior Senator from Virginia. They are not the words of those opposed to the bill. Those are the words of the Secretary of HEW who has been advocating this bill for 3 years now.

No other country has been so foolish as to do what is contemplated in this proposal.

Mr. President, Daniel Moynihan is a brilliant man. He is one of the chief architects of H.R. 1. I do not agree with him, but he is brilliant. He is so brilliant that he is able to put into one sentence the whole scope of the bill, H.R. 1, which the Senator from Illinois seeks to have substituted for the proposal just adopted by the Senate as offered by the Senator from Delaware (Mr. ROTH) and myself.

Here is what Mr. Moynihan said about this proposal:

> This bill provides a minimum income to every family, united or not, working or not, deserving or not.

What the Senate is being asked to do today is to pass legislation which its chief architect says will guarantee a minimum income to the people, deserving or not. I repeat, deserving or not.

I just wonder whether that is the way the tax funds of the American people should be treated?

I have not heard the proponents of this $2,400 guaranteed annual income address themselves to the principle of whether, if we are going to guarantee an income, we can justify making it less than the poverty level. If we put it at the poverty level, we will put 81 million people on welfare.

Mr. JORDAN of North Carolina. Mr. President, will the Senator from Virginia yield?

Mr. HARRY F. BYRD, JR. I am happy to yield to the Senator from North Carolina.

Mr. JORDAN of North Carolina. Would the distinguished Senator from Louisiana (Mr. LONG) tell me how many people are on the welfare rolls in North Carolina? He has the table before him now.

Mr. LONG. The estimate is that—if I may be permitted to tell the Senator—248,000 are on the welfare rolls now in North Carolina. Under the pending proposal, there would be 821,000 people.

Does the Senator think he needs that many people on the rolls in North Carolina?

Mr. JORDAN of North Carolina. The reason I asked that question—and the Senator's figure is about right—here is an item from a newspaper in Burlington, N.C., last week, from one of the textile plants. I want to read it.

It says:

> WE HAVE JOBS
>
> We offer: Vacation bonus, retirement program, free hospital and life insurance, and good working conditions.
>
> Openings on second and third shifts in: Dye House, Finishing Dept., Inspecting Dept., Maintenance.
>
> Apply at: Personnel Office, Glen Raven Mills, Finishing Division.

Mr. President, these plants are begging for help. That is an advertisement from just one. Many others have plenty of room for other workers. It is true all over my State. It is certainly true in Washington, D.C. I know that. Just go out and try to hire anyone to do some work around your house.

Mr. LONG. Mr. President, furthermore, if we are going to buy the principle of a guaranteed annual income to these people, we cannot, over a period of time, guarantee them an income less than the poverty level. I do not have the poverty level figures for North Carolina. I believe the poverty level is four, but if the level would be three in North Carolina, it would put them up to 1,318,000 people on welfare. Does the Senator from North Carolina believe that his State is in need of another 1 million people on the welfare rolls?

Mr. JORDAN of North Carolina. We do not need as many as we have right now. What we need is about half of these people who are able bodied to go to work.

There are many businesses in North Carolina that are willing to train people at their own expense and they do not have to have any experience, if they will only take a job and stay there and work.

Mr. HARRY F. BYRD, JR. What the Senator from North Carolina is saying is that what we need to do, instead of doubling the welfare rolls or to expand the welfare rolls, is to reduce those rolls and get people into jobs.

Mr. JORDAN of North Carolina. Mr. President, there are jobs available. And if we increase the incentives to go on welfare, or whatever we choose to call it, we will have less people taking jobs than we have now.

Mr. HARRY F. BYRD JR. I think the Senator from North Carolina is quite right. If the people of the United States can understand this proposal and can understand what it would lead to, they would be against it. Suppose that we do start at $2,400, as the Senator from Illinois proposes and as the administration proposes. It is not going to remain there. I think we are all realistic enough to know that it will be a political football in every campaign in every election year. One candidate or another will say, "I am going to raise that level."

As I say, we have already had legislation proposed in this body in far greater amounts than $2,400. Yesterday we had a $2,600 proposal. The Senator from Oklahoma had a $4,000 proposal. The Senator from South Dakota had introduced a $6,500 proposal.

Once we start that principle—that is the point I am trying to suggest; it is not so much the money—once we adopt the principle of a minimum Government-guaranteed income there is no turning back.

As was so aptly said by the distinguished Senator from Idaho at one of the meetings of the Finance Committee—

> That is merely an ante in a never-ending poker game.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. Mr. President, I yield to the Senator from Nebraska.

Mr. CURTIS. Mr. President, is it not true that the proposals now pending would double the number of people that are eligible for welfare over the amount that we now have?

Mr. HARRY F. BYRD, JR. Mr. President, let me state it a little more precisely than that. When the officials of HEW testified before the committee a year or so ago, they said that as a practical matter it would double the number of people on welfare. I refer to page 421 of the committee hearings.

Mr. CURTIS. Mr. President, in addition to all the billions of dollars it would cost, I think it would be very bad for public policy, because it means that millions of people who at the present time are self-sustaining and are getting along somehow would become welfare clients.

Mr. HARRY F. BYRD, JR. The Senator is correct.

Mr. CURTIS. Regardless of the cost involved, I do not believe that is a good thing for them. I do not think it is a wholesome situation. I believe that the individual and the family that gets along on their own have much more to gain and their children have much more to gain over the family that must be on welfare. And their people are not asking for this. It is a proposal to expand welfare to millions of people that are not asking for it.

Mr. HARRY F. BYRD, JR. The Senator is so right. It is a welfare expansion program. There is no reform in this.

Mr. CURTIS. There is no reform, and there is no possibility of reform, because I think if the proposal is examined, we will find that it has built in it provisions that will prevent the removal of anyone from welfare.

Mr. HARRY F. BYRD, JR. Mr. President, as the Senator from Louisiana brought out, it is lacking in work incentives because, when a person goes on welfare and then gets a job, he is penalized up to 60 percent or more of what he makes. So, there is no incentive for him to get off welfare.

Mr. HANSEN. Mr. President, would the Senator yield?

Mr. HARRY F. BYRD, JR. Mr. President, I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I call to the attention of the distinguished Senator from Virginia the hearings that were held before the Finance Committee on the days of February 4, 7, 8, and 9, 1972. The Senator will recall that among those testifying was William H. Shaker, of the Delta Associates International. I think that some of the points he made need to be called to the attention of Members of the Senate.

Mr. Shaker addressed himself to another situation. This man has done a rather considerable amount of research to find out and to extrapolate from the experience of other countries what might happen in America if we were to adopt some of these proposals—I was about to say idiotic proposals—that are made by various people.

I do not say that with reference to anyone in the Chamber. However, some ideas have been advanced that are beyond the realm of reason.

Mr. Shaker points out that if we were to adopt the Javits amendment, which would increase the guaranteed income for a family of four to $4,800, we would find that it proves the very points made by the Senator from Virginia, that once we start on this escalating treadmill, in every successive Congress we will find Members wanting to raise the ante a little higher.

Mr. Shaker points out what would happen under that situation. He said that in the State of New York if we were to guarantee each family of four an income of $4,800 a year, we ought to keep in mind that over three-fourths of a million jobs in New York today pay less than that amount. Eighty-five percent of the manufacturing sectors of North Carolina pays less than this amount of money.

The point Mr. Shaker develops is precisely this. A lot of people in this country who are working today are not making as much money as they would like to earn. However, they are self-respecting citizens, and they are taking care of their families. They are raising their families in the work ethic concept that I think is the very essence of America. And as we know from observation, they move up the ladder.

There is no place in the world today where there is as much social mobility as there is in America. And by that I mean the ability that a person has to begin at a low-wage level or low income and climb that ladder. However, the first thing we have to do to climb the ladder is to put a foot on the first rung of the ladder. One cannot start out with someone guaranteeing an income. That would mean that he would not have one leg on a rung of the ladder. He would have them both on the ground. That would apply to this proposal where we have the Government guaranteeing an income without lifting a finger or doing anything, except to register for work. And we have seen what a futile gesture that is.

All we have to do is to look at the record and we will see that for the past 20 years that idea has proven to be false. This idea has no reference to the fact that there will be a different peer attitude toward those people because they are on welfare, although they are able to work and have a chance to go to work but because of their own choice they have refused to go to work.

Mr. Shaker carries the comparison a little further. He points out that it is worth looking at the experience in South America between the years 1963 and 1968 to learn what happens when we guarantee people money for doing nothing.

I am not speaking about those who are unable to care for themselves—the old, the blind, and the disabled. We all agree that we want to take care of them and do a better job than we are doing now. And I suggest that we can do a better job.

Mr. HARRY F. BYRD, JR. We are unanimous in that view.

Mr. HANSEN. I suggest that we can do a better job if we can cut out some of the unnecessary expenditures that occur because of the mess our welfare system is in.

But anyway, with respect to those who can work and who have an opportunity so many times to work but who refuse to work, let us look at what happened in South and Central America. Between the years 1963 and 1968 Latin America had inflation, as did many other countries throughout the world. In Latin America the inflation that occurred in that 5-year period of time between 1963 and 1968 was 100 percent. We would all agree that is awfully high. But look further south at the country of Uruguay, one of the most advanced little republics in South America. Uruguay is a country with a very high percentage of literate people, way up in the nineties. People there had talents and skills that not everyone in America has. These were people who could read instructions, who could read and write, and who could do things. Yet, the country down there had a high level of income. About 15 years ago it chose to see what could be done about obliterating poverty, about the same as we would do in the proposal now before us for consideration. They passed many, many bills that are similar to the one before us now. What happened? Inflation in Uruguay between 1963 and 1968 increased not only 100 percent, as happened in Latin America, but rather it increased 1,600 percent. The gross national product plummeted; people were out of work because no longer was there any need to work; they were paid a very high level to be certain everyone was taken out of the poverty level.

Mr. Shaker concludes from this that when Government attempts to wipe out poverty through this sort of approach by paying people for doing nothing—recognizing that you do not raise the total productivity of the country by adding to either production or services, but simply by trying to put more money in the taxpayers' hands—you hurt a lot of people you do not intend to hurt. People on fixed incomes and social security are surely going to be hurt by the inflation which inevitably will result.

I think we should heed what Dr. Shaker said as we contemplate the very dubious merits of adopting the proposal before us.

Mr. HARRY F. BYRD, JR. I thank the distinguished Senator from Wyoming. I think those are very significant figures which he developed and placed in the RECORD. I think inflation is one of the great hazards that faces the American people today. And who is hurt most by inflation? It is the elderly people on fixed incomes, for the most part; it is people in the lower and middle economic brackets. They are the ones who are hurt the most.

This very expensive proposal, H.R. 1, which the Senator from Illinois seeks to have the Senate adopt today, would call for at least $5.5 billion more, according to testimony before the committee, than the cost of the present welfare program.

But as bad as that is, as bad as that cost is, that does not cause me as much concern as does virtually doubling the number of people on welfare; and it does not cause me as much concern as writing into law the principle that every family will be given by the Government a minimum income, a minimum income to every family, united or not, working or not, deserving or not.

That is what this proposal would do. They are not my words; they are not the words of the senior Senator from Virginia. They are the words of one of the chief architects of this legislation, Dr. Daniel Moynihan, who served in the White House for so long.

The proposal offered by the Senator from Illinois (Mr. STEVENSON) is a well-intentioned proposal. He wants to help people just as the Senator from Wyoming and the Senator from Virginia want to help people. We want to help people, but it is a difference in philosophy and viewpoint.

Mr. President, do you help people by guaranteeing an income to all these people whether they work or do not work? Do you help people by making them more dependent on government?

I say you do not in the long run. I say what you need to do is create job opportunities. We want to put people to work. I think we have too many people on welfare now.

This welfare system, as the conscientious and dedicated senior Senator from Kentucky brought out awhile ago, is in a mess. We need to change it, and I want to be sure that in changing it we go to something better and not something worse.

I submit that this program the Senate is being urged to support today, H.R. 1, the proposal by the Senator from Illinois (Mr. STEVENSON), will be far worse in the long run for the American people than the system we have now.

It virtually doubles the number of people on welfare. It is lacking in work incentives. It would require 80,000 new Federal employees, though many of those will be taken off of local and State rolls and put on Federal rolls. It would require 80,000 new Federal employees; it would write into law the principle of a guaranteed annual income.

I submit that all of those points go in the wrong direction. We need to head in the direction of creating job opportunities, and as much as I am opposed to spending public funds, I am willing to spend to guarantee job opportunities to our fellow citizens who do not have jobs. The Committee on Finance proposal seeks to do that.

I am concerned about aspects of that program, just as I am concerned about aspects of these other two programs. For that reason I feel the Senate acted very wisely earlier today in adopting the Roth-Byrd proposal to have a pilot test of the committee proposal, of H.R. 1 and of the Ribicoff proposal.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield to the Senator from Wyoming.

Mr. HANSEN. I thank my distinguished colleague.

Mr. President, let me say that I guess the experience I have had in the Committee on Finance reminds me of the story that was attributed to young Mark Twain, who at the age of 14 felt his father knew practically nothing, and he was amazed how much the old man learned in 7 years.

I must say that the more testimony I have heard and the more witnesses we listened to, the less certain I am in being right about anything.

I think I share the same misgivings held by the distinguished Senator from Virginia in not being certain we know precisely what we want to do, which underscores the good wisdom, in my judgment, in testing out these programs.

I am certain every plan we have had before us has been submitted by conscientious people who desire nothing but the best for this country. They want to encourage people to become self-supporting and to obliterate any stigma which may fall on the shoulders of young children through no fault of their own. These are thoughts shared by all of us but, frankly, I am strongly persuaded by two facts. One is the experience that other countries have had in adopting proposals similar to those that are now before us. Second, I am wary of embarking on uncharted seas we do not know about and writing into the law that, as of a certain date, absent the negative expression of either House of Congress, the law will become effective.

For those reasons, it seems only good sense now to know what we are doing. As a matter of fact, I recall that perhaps 2 or 3 years ago the distinguished Senator from Connecticut, formerly the Secretary of HEW, made the statement—I recall it very, very well—that, as Secretary of HEW, had he known at that time what the true costs of medicare and medicaid would, indeed, develop to be, he would never have recommended that sort of program without first having it tried out.

I am sure the Senator from Virginia will recall that statement by our distinguished colleague.

Mr. HARRY F. BYRD, JR. I recall it very well, and it made a tremendous impression on me. As a matter of fact, it was that comment, which the Senator from Wyoming just quoted, of the distinguished and able Senator from Connecticut (Mr. Ribicoff) that was the genesis of the Roth-Byrd amendment, which the Senate approved today.

I think when we are going into new programs, when we are going into gigantic new programs, before we put them into effect nationally, just as the Senator from Connecticut stated in that committee meeting to which the Senator refers, we had better be sure what we are doing and we had better know a little more about the costs and we had better know a little more how they are going to work. Senator Ribicoff suggested in that committee session that we pilot these out and get some understanding as to how they will work, rather than, to use the words of the Secretary of HEW, Mr. Richardson, put into effect a legislation that he says is "revolutionary and expensive."

Mr. HANSEN. If the Senator will yield for just one additional comment, let there be no doubt at all that the family assistance plan that has been talked about or proposed would constitute, indeed, a very major change in our country. I quote from the words of the Senator from Connecticut (Mr. Ribicoff) before the committee, as they appear on page 2301:

> I think the country must realize that we are basically changing the social philosophy of the United States once we put this into effect. None of us can anticipate the consequences, but we are definitely starting this Nation into a new social program. You put 25 million people into a new social program and you are changing society. We do not know the impact that it will have on the people benefited, on the people outside the program, their concepts, their reactions, and what it will lead to.

I thank the Senator for yielding to me.

Mr. HARRY F. BYRD, JR. I thank the Senator from Wyoming.

Before I yield to the Senator from Mississippi, I just want to read into the Record several figures. I refer the Senate to pages 442, 443, and 444 of the committee hearings. They list by States the federally aided welfare recipients under the current law for fiscal 1973 and the persons eligible for welfare benefits under H.R. 1 for the fiscal year 1973.

Let me quote just a few figures. I quote figures for my own State of Virginia first.

Mr. COOPER. Mr. President, if the Senator will yield, will he tell us what he is reading from?

Mr. HARRY F. BYRD, JR. Pages 442, 443, and 444 of the committee hearings.

In my State of Virginia there are now on welfare 185,000 persons. If the proposal of the Senator from Illinois is enacted there will be 566,000 people eligible for public assistance.

If we go to the State of Texas, it will exactly double the number, from 771,000 to 1,571,000.

Then, if we go to Puerto Rico, Puerto Rico now has 339,000 on welfare, and under this proposal there would be 995,000, almost 1 million people—three times the present number.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. COOPER. The Senator says that under the proposal of the Senator from Illinois—and I happen to be one of the sponsors—these figures will increase by whatever number the Senator has given for Virginia and other States. Is the Senator talking about H.R. 1 as originally proposed by the President of the United States, where, in addition to dealing with welfare people, there would be assistance for the working poor?

Mr. HARRY F. BYRD, JR. I am talking about H.R. 1, which the Senator from Illinois emphasized in his comments today is basically the same as H.R. 1, the President's proposal.

Mr. COOPER. H.R. 1 as proposed by the President is not exactly the same as what is proposed by the Senator from Illinois. Senator Stevenson was comparing the cost of H.R. 1 as passed by the House and the cost of his amendment.

Mr. HARRY F. BYRD, JR. I am merely quoting his own words. He said it basically incorporates H.R. 1. The Republican leader, Senator Scott, made the same statement to the Senate a few minutes ago.

Mr. COOPER. I am asking about the figures from the committee report. I ask the Senator if he is talking about the original proposal by the President, which dealt not only with welfare recipients but also the working poor.

Mr. HARRY F. BYRD, JR. Yes, I am talking about——

Mr. COOPER. That is different, so it cannot be said that if the proposal of the Senator from Illinois were to be adopted, those totals would go up as quoted from the committee report. I wanted to get that straight.

Mr. HARRY F. BYRD, JR. Well, if I may reply to the distinguished and able Senator from Kentucky, I am taking the exact words of the Senator from Illinois when he presented his proposal to the Senate.

He said this is basically the same proposal as H.R. 1. Perhaps it is not. I do not know. But he said it is and so did Senator Scott who supports the Stevenson proposal.

Mr. COOPER. I am a cosponsor, and I know it is not exactly the same.

Mr. HARRY F. BYRD, JR. The two Senators, Mr. Cooper and Mr. Stevenson, will have to get together.

Mr. COOPER. Those who are able to work and those who are not able to work are in different categories.

Mr. HARRY F. BYRD, JR. The Senator from Kentucky and the Senator from Illinois will have to fight that out. I only know that Senator Stevenson stated and what Senator Scott stated. They both agree it basically incorporates H.R. 1.

Mr. COOPER. I know he was saying the cost of his proposal is virtually the same as those of H.R. 1 as passed by the House.

Mr. HARRY F. BYRD, JR. Mr. President, I yield to the Senator from Mississippi.

Mr. STENNIS. I thank the Senator for yielding to me, and I shall be quite brief.

I want to compliment the Senator from Viriginia for his work on the bill. All members of the committee have worked hard on it. I especially commend him for sponsoring the amendment that he and the Senator from Delaware were successful in getting adopted this morning. I certainly gave it my solid support.

I know that the welfare problem is a grave one. I will support any reasonable make-work program, but I think, too, that the kind I have in mind will have to be worked out and developed over a period of time by experiments. I want a remedy, like anyone else, of the problem we have, but I do not want us to start down the road now with a guaranteed minimum income, because I believe that is the one road that will lead certainly to a deterioration of our society and cause an increase rather than a solution to the problem. In reality it will eventually seriously imperil the system of government that we have—I mean a representative government, with laws made by those who are elected by the people.

I believe that to embark on such a program—and it makes no difference who recommends it or the policy of what party it may be—would be to change the course of the history of our Nation. We would never be the same people again, if we go into this program.

I think, with great deference to the Chief Executive—and I have supported many of his proposals here on this floor—that it was a mistake, and an unfortunate mistake, when the Chief Executive, in good faith you will understand, made such a recommendation, because when the No. 1 officeholder, the Chief Executive of the Nation, comes out with a solid declaration like that, people pay a lot of attention to it and are inclined to accept it as sound, without full analysis.

As I say, human nature as I have found it in my years in public life—which has been a good long while—and my understanding of the motivations of people, including myself, lead me to believe that when we adopt the principle of a guaranteed minimum income with no work involved, no responsibility, no motivation, when all we have to do to qualify is just be a human being, then we undermine the basic foundation of self-government. I have no doubt about that, and I am deeply concerned about it. And, I have been since I have seen this program grow for years.

These problems are great. We cannot solve them overnight. But we have already moved in that direction. Let me state an actual illustration from my State.

I am not ashamed of the fact that we happen to have 1 percent more of our population on the welfare rolls now than the second highest State. We have had problems in proportion, but as the Senator from Louisiana has said, we are doing something about them. We do not want to be deluged now by a doubling of the welfare rolls and costs, making it impossible to move forward as we are moving forward now.

Let me give this illustration: I came in contact, about 8 months ago, with a very highly respected citizen of my home area. He had lived in the same community all of his life. He was then 77 years of age—honest, upright, respectable, a man of integrity. He was living in the same house where he was born. He had never traveled widely. He was not what we call educated.

I said, "Well, Joe, how are things in the community now?"

"Well," he said, "it is still a good place to live."

I said, "What do you mean, still a good place to live?"

"Well," he says, "we have not had any great violence, but things are not like they used to be."

He was in the car with me. I pulled off to the side of the road and talked with him in great earnest.

I said again, "Joe, tell me what the real trouble is."

Joe said, "Mr. Stennis, the people have stopped working."

There it was. He had never been versed in philosophy or economics, or psychology, although he was a great psychologist. He put his hand right on the soft spot.

I said, "Does that mean just some of the people?"

He said, "Far more than half of them."

Mr. President, I will give another illustration. I know of a little pulpwood cutting enterprise in that same community, where four men—big, stout, and robust, fine workers—with their power saws, were cutting pulpwood; they had a truck to haul it to the railroad station, and got $25 a unit for it. The landowner got only $6 of that amount. They got the rest and that was fine pay.

The county went on food stamps, 3 days later, two of those men stopped working. The other two men could not keep the truck busy, so that threw the other two men out of work, at least temporarily.

Mr. President, I have personal knowledge of those occurrences. Such is the human reaction. But I hope we will keep on trying until we find a way, but we shall never find it through a guaranteed minimum income.

Mr. HARRY F. BYRD, JR. I completely agree with the able Senator from Mississippi.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point pages 442, 443, and 444 of the committee hearings, a table showing the number of federally aided welfare recipients under current law for fiscal 1973 and, in another column, the number of persons eligible for welfare benefits under H.R. 1 for fiscal year 1973.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PROPORTION OF POPULATION RECEIVING WELFARE UNDER CURRENT LAW AND PROPORTION OF POPULATION ELIGIBLE FOR BENEFITS UNDER H.R. 1 BY STATE, FISCAL YEAR 1973

[Persons in thousands]

	Civilian resident population, 1973	Federally aided welfare recipients, current law, fiscal year 1973		Persons eligible for welfare benefits under H.R. 1, fiscal year 1973	
		Number	Percent	Number	Percent
Alabama	3,449.5	408.2	11.8	761.9	22.1
Alaska	353.7	16.4	4.6	25.3	7.1
Arizona	2,151.3	97.7	4.5	163.2	7.6
Arkansas	1,958.6	149.0	7.6	404.5	20.7
California	23,052.0	2,335.6	10.1	2,444.4	10.6
Colorado	2,529.9	146.2	5.8	190.6	7.5
Connecticut	3,353.4	141.5	4.2	200.2	6.0
Delaware	621.9	36.1	5.8	58.5	9.4
District of Columbia	734.3	101.7	13.8	144.9	19.7
Florida	8,195.3	449.9	5.0	917.6	11.2
Georgia	4,914.6	485.1	9.9	961.0	19.6
Hawaii	840.7	43.8	5.2	63.0	7.5
Idaho	720.8	30.6	4.2	52.4	7.3
Illinois	11,643.9	639.5	5.5	959.4	8.2
Indiana	5,503.8	168.1	3.1	355.4	6.5
Iowa	2,813.0	116.2	4.1	241.7	8.6
Kansas	2,252.8	104.0	4.6	234.1	10.4
Kentucky	3,247.4	259.8	8.0	621.0	19.1
Louisiana	3,792.5	473.3	12.5	823.7	21.7
Maine	982.7	91.9	9.4	131.0	13.3
Maryland	4,520.4	217.5	4.8	388.5	8.6
Massachusetts	5,990.7	417.5	7.0	536.3	9.0
Michigan	9,504.7	517.5	5.4	841.7	8.9
Minnesota	4,034.5	159.5	4.0	346.1	8.6
Mississippi	2,145.4	269.4	12.6	626.3	29.2
Missouri	4,851.4	332.3	6.8	555.5	11.5
Montana	687.3	26.0	3.8	51.8	7.5
Nebraska	1,508.4	57.5	3.8	124.3	8.2
Nevada	692.1	23.1	3.3	37.8	5.5
New Hampshire	815.5	30.9	3.8	49.1	6.0
New Jersey	7,900.4	517.6	6.6	603.3	7.6
New Mexico	1,032.5	100.1	9.7	144.1	14.0
New York	18,929.5	1,550.0	8.0	2,067.2	10.9
North Carolina	5,273.2	248.2	4.7	821.6	15.6
North Dakota	597.6	20.4	3.4	58.4	9.8
Ohio	11,160.3	523.7	4.7	928.7	8.3
Oklahoma	2,623.0	218.6	8.3	400.7	15.3
Oregon	2,282.2	138.1	6.1	203.5	9.0
Pennsylvania	11,918.3	880.2	7.4	1,267.5	10.6
Rhode Island	968.5	68.2	7.0	103.4	10.7
South Carolina	2,624.8	142.3	5.4	466.8	17.8
South Dakota	641.1	32.4	5.1	76.8	12.0
Tennessee	4,038.0	358.1	8.9	830.4	20.6
Texas	12,098.1	771.6	6.4	1,571.3	13.0
Utah	1,179.9	57.6	4.9	95.3	8.1
Vermont	474.3	25.1	5.3	44.8	9.4
Virginia	4,988.7	185.4	3.7	566.5	11.4
Washington	3,748.0	217.2	5.8	276.8	7.4
West Virginia	1,600.6	128.1	8.0	326.8	20.4
Wisconsin	4,678.6	138.2	3.0	311.7	6.7
Wyoming	327.5	13.7	4.2	23.3	7.1
Guam	104.0	2.8	2.7	3.5	3.4
Puerto Rico	2,953.7	339.1	11.5	995.8	33.7
Virgin Islands	100.9	2.6	2.6	3.9	3.9
Total	220,106.1	15,025.1	6.8	25,503.3	11.6

Mr. HOLLINGS. Mr. President, yesterday the Senate decisively said "no" to the Ribicoff welfare plan. It was an incredibly excessive amendment which, in my State of South Carolina, would have increased the welfare rolls by five-and-one-half times the present level. Now the Senate faces the Stevenson amendment, which is simply the House-passed version of welfare reform. Again, we read the language of "income maintenance"—a very fancy, very cloudy term for guaranteed annual income. This Stevenson plan, or H.R. 1, has two points in common with the defeated Ribicoff plan. First, it increases the Federal financial contribution to welfare by a staggering amount. Second, it would deal the death blow to the concept of eliminating poverty through a coordinated attack on the roots of poverty. It would kill our hopes of serving the poor through institutions instead of by cash handout. Mr. President, we cannot solve a problem simply by throwing money at it. That may seem to be the easiest approach, and it may salve a nagging conscience by telling you that you are meeting the needs of the poor which are presently unmet in this land of plenty. But, in the end, you have not solved the problem and you have done a terrible disservice to the very people who most need help—the hungry, the blind, the old, the dependent children and their mothers—all those for whom welfare reform is desperately serious business. By injecting the issue of the marginal worker into this debate, we similarly lessen the chances of real help for those most in need. Right now we need to get to the core of the problem—and the core is the people I have just listed.

Everyone talks about the welfare mess, but no one does anything about it. The reason: The Congress is kept too busy trying to block the guaranteed annual income plans of the President, Senator McGovern, and the National Welfare Rights Organization. All these proposals for family assistance and welfare reform will, in fact, create a bigger mess.

What is the welfare mess? Most people think: First, too many people are on welfare; second, administrative costs are prohibitive—there is too much time and money spent investigating; third, too many welfare cheaters; fourth, welfare promotes freeloading; and, fifth, welfare imprisons the poor with such a pittance that they can never escape.

Now for the proposals. President Nixon and now Senator Stevenson propose to give every family of four in poverty $200 per month or $2,400 per year. Senator McGovern proposes $4,000 a year and the welfare rights group demands $6,500 a year. President Nixon and the welfare righters would double the welfare rolls from 14 to 28 million recipients. The Nixon proposal costs $11.7 billion. The welfare righters costs $50 billion. The Nixon and welfare rights proposal would require 80,000 more Federal employees and it would be 18 months before the first check could be issued. McGovern says he does not know how many more employees his program would require. It is obvious that these proposals make the welfare mess messier. And once again we have overpromised and underperformed. We tell the taxpayer the welfare mess has been eliminated and we tell the welfare recipient, "Your problems are over." But the problems for both have just begun. None of these plans provides for education, local participation, or for needed institutions. Supposedly, welfare families will get their $2,400 or $4,000 or $6,500, which in theory will not only solve their food problems—but also health, housing, education, and jobs. Not one of these plans provides one more doctor or hospital bed or classroom or a single additional dwelling. Even with money, where will the poor find these?

Without local participation and local administration—with just mailing out that check—where will the money end up? Higher grocery bills because of increased food prices, higher rents because the landlord knows he can get more money, excessive finance costs because the loan shark sees an opportunity for more profit and rising health care costs like we have seen with medicare. Just throwing money at a problem will not solve it. Look at New York City—they have tried it. They give $1 billion each year to their 1 million citizens on the dole—$1,000 a person. And New York has the biggest mess of all.

Today we are heading in exactly the wrong direction. Instead of building up institutions and service programs, the administration is tearing them down. Give them cash, the President says, as he eliminates day care centers and emergency feeding programs, plays numbers games with school lunch statistics while millions go hungry, and phases out food stamp and other feeding programs. A year after the guaranteed annual wage goes into effect, the overburdened taxpayer will be shouting, "Now you have the money—shape up, you bums." And the poor will still be distraught and hungry.

HUNGER

The Supreme Court has just ruled that States may pay families with dependent children smaller welfare benefits than those paid to the aged and disabled. The rationale is that the young are more adaptable than the sick and elderly, especially because the latter have less hope of improving their situation in the years remaining to them. Thus, we have enshrined into American jurisprudence the fallacy that the critical time in life is old age—that dependent children can improve their situation. False. Absolutely false. Forbid that we deny either the aged or the child. But of one thing we are sure: The greatest injury to the human brain is caused by malnutrition at infancy; and once suffered there is no hope of improving their situation in the years remaining to them.

The human brain consists of 13 billion brain cells. Ten of these 13 billion develop the first 5 months in the mother's womb, but as many as 2 billion or 20 percent of the cells never develop in some infants because of malnutrition of the mother. Once lost, these cells never repair. Later, the child can drink milk, take vitamins; body and bones will grow strong but the child will still end up a drone. From birth until 5 years of age the brain continues its rapid development. During this critical period, children born with normal brains can still lose growth from malnutrition and for the rest of life, the brain will not concentrate, it will not assimilate, it will not respond. All the rehabilitation and training you can give it will be just like water off a duck's back. And this injured human will be labeled a lazy bum. Everyone always asks who is going to pay for all this welfare. Already we have been paying through the nose. Those with underdeveloped brains fall behind in school, get out of sorts with their own age groups, resort to mischief and end up in jail. And the retarded suffer illnesses to a greater degree. Accordingly we build bigger jails, we readily pay $70 a day for hospital rooms, we appropriate millions for rehabilitation and mental institutions—continuing to treat the result rather than the cause. Hunger is the beginning of poverty. The poverty cycle goes from hunger to poor housing to inferior environment to ill health to faulty training to jail or joblessness to welfare. There are families who have been on welfare for five generations. To me, this is the welfare mess that must be corrected.

SOLUTION

First, the child in the mother's womb must be adequately nourished. Society scorns the expectant mother who cannot identify the father. But rather than penalizing the expectant mother, we should be worrying about breaking the vicious cycle by improving her offspring. Regardless of what we think about the mother's morality or deservedness, the child is not immoral. The child is coming, and it is society's child. This means nourishment for the child during those all-important months in the mother's womb. If the child is denied that, we can forget about he or she ever becoming a fully productive member of society.

Step two—Give the child a hot breakfast.

Step three—Provide a day care center. Then the mother can work, or at least the child can receive training in the proper environment. We voted for this in Congress, but President Nixon vetoed it calling it communal living. It is a cruel joke to look upon the welfare child's situation as a normal home. Rather than communal living, day care centers provide their only chance.

Step four—Complete the food stamp program and school lunchroom program. These have had shaky starts but are now proving their worth. The biggest objection we have to food stamps is that the poor swap the stamps for luxury foods or liquor. We should improve the policing of this but certainly the solution is not to give cash.

Step five—Get at our health needs with comprehensive health centers that have worked extremely well along with our feeding programs but have for all intents and purposes been eliminated in this administration.

Of course, feeding programs for the elderly as well as children would be provided. Thereupon you would have the hunger and health problems being properly treated and you could move on up the line to housing, education, and job training. Poverty must be treated on a case basis. The programs of Government are all there. The elements of local participation and local administration so necessary to the success of any program are all there. We have the categories of hunger care, health care, dependent children, welfare mothers, the aged, blind, sick, and disabled. What adulterates all the proposals before Congress is the attempt to bring poverty families above the poverty line—$4,110 for a family of four. This involves putting millions of marginal wage earners on welfare. It involves massive forced-work schemes costing billions to create jobs and administer, which in turn creates more mess than before. Income maintenance for the marginal wage earner can be supplied by extending the food stamp program to the 15 million that are eligible and have yet to receive them, and putting food services in the 23,000 schools in America that still lack feeding facilities. We can complete the housing program and institute health insurance. But let us hold up on cash until we get some facilities built and these basic problems solved.

I do not believe we ought to tax one man to pay another man who will not work, and I do not think Government should make welfare more attractive than work. But this is no reason why we can't go to the heart of America's welfare mess—hunger. After giving 81,000 complete physicals in 20 States, the National Nutrition Survey found there were 15 million hard-core hungry in America. We were on course and about to solve this problem until Mr. Nixon came along with his grandiose guaranteed annual wage. Since that time we have been squabbling over workfare and welfare. The hungry have gone hungrier, and the taxpayer pays more and receives less.

COST OF SOLUTION

First. The number of people on welfare would remain practically the same—8 million children under the age of 21; 4 million disabled and elderly; 2 million mothers of dependent children; with 126,000 able-bodied men—less than 1 percent on welfare able to work.

Second. The cost for expanded family feeding programs—$3 billion; for an adequate school lunch program—another $1 billion; for a school breakfast system—$500 million; for day care centers—$2 billion; for comprehensive health centers—$5 billion. That is $11.5 billion.

Where do we get the money? Last December, I voted against the $15-billion tax cut. Granting business investment credits and depreciation allowances—these are the tax loopholes that everyone now wants to close.

The cost of 535,000 troops and dependents in Europe is $19 billion a year. Cut this back like President Eisenhower suggested in 1963 to 100,000, saving $12 billion. Spend $2 billion on the Sixth Fleet strengthening defense, and take $10 billion to solve the welfare mess. Eliminate the President's proposed Volunteer Army, saving $3 billion. This is $28 billion for starters—and all we need is 11.5. There is no need to increase taxes.

Mr. HARRY F. BYRD, JR. Mr. President, I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, I move that the motion to recommit the bill be laid on the table.

The PRESIDING OFFICER. Does the Senator from Virginia yield for a motion?

Mr. HARRY F. BYRD, JR. I yield to the Senator from Louisiana for the purpose of making a motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

Mr. LONG. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Stafford). The question is on agreeing to the motion of the Senator from Louisiana (Mr. Long) to lay on the table the motion of the Senator from Illinois (Mr. Stevenson) to recommit the bill, with instructions. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. INOUYE (when his name was called). On this vote I have a pair with the Senator from Mississippi (Mr. Eastland). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. Eastland), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Rhode Island (Mr. Pell), the Senator from Maine (Mr. Muskie), and the Senator from Massachusetts (Mr. Kennedy), are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee), is absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. Pell), would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Brock), the Senator from South Carolina (Mr. Thurmond), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from South Carolina (Mr. Thurmond) and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 51, nays 35, as follows:

[No. 516 Leg.]

YEAS—51

Allen
Anderson
Baker
Bellmon
Bennett
Bentsen
Bible
Boggs
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Cotton
Curtis
Dole
Dominick
Edwards
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Gurney
Hansen
Harris
Hatfield
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
McClellan
Miller
Packwood
Pearson
Proxmire
Randolph
Roth
Sparkman
Spong
Stennis
Stevens
Talmadge
Weicker
Young

NAYS—35

Aiken
Bayh
Beall
Brooke
Case
Cook
Cooper
Cranston
Eagleton
Gravel
Griffin
Hart
Hartke
Hughes
Humphrey
Jackson
Javits
Mathias
Mondale
Montoya
Moss
Nelson
Pastore
Percy
Ribicoff
Saxbe
Schweiker
Scott
Smith
Stafford
Stevenson
Symington
Taft
Tunney
Williams

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Inouye, against.

NOT VOTING—13

Allott
Brock
Eastland
Kennedy
McGee
McGovern
McIntyre
Metcalf
Mundt
Muskie
Pell
Thurmond
Tower

So Mr. Long's motion was agreed to.

The PRESIDING OFFICER (Mr. Stafford). The question now recurs on agreeing to the amendment of the Senator from Louisiana (Mr. Long), as amended by the amendment of the Senator from Delaware (Mr. Roth).

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent for 2 minutes for the purpose of taking up a conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDUSTRIAL PROPERTY PROTECTION—CONFERENCE REPORT

Mr. FULBRIGHT. Mr. President, I submit a report of the committee of conference on House Joint Resolution 984, and ask for its immediate consideration, and that the printing as a Senate document be waived.

The PRESIDING OFFICER (Mr. Stafford). The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 984) to amend the joint resolution providing for U.S. participation in the International Bureau for the Protection of Industrial Property having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

Conference Report

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 984) to amend the joint resolution providing for United States participation in the International Bureau for the Protection of Industrial Property, having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2 and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

On page 1, line 7, of the Senate engrossed amendments, strike out "4" and insert: "4.5"; and the Senate agree to the same.

J. W. Fulbright,
John Sparkman,
George D. Aiken,
Managers on the Part of the Senate.

D. Fraser,
Dante B. Fascell,
Managers on the Part of the House.

Mr. FULBRIGHT. Mr. President, the differences between the two bills of the House and the Senate are very small. On the part of the Senate, they involve going up one-half a percentage point on the ceiling of 4 percent originally set by the Senate on U.S. contributions to the International Bureau for the Protection of Industrial Property.

Mr. President, I move adoption of the conference report.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 1497) to authorize certain additions to the Sitka National Monument in the State of Alaska, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3943) to amend the Public Buildings Act of 1959, as amended, to provide for the construction of a civic center in the District of Columbia, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

SOCIAL SECURITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (H.R. 1) to amend the Social Security Act, to make improvements in the medicare and medicaid programs, to replace the existing Federal-State public assistance programs, and for other purposes.

Mr. HARRIS. Mr. President, as a member of the Senate Finance Committee, I have long been of the opinion—as I have stated publicly several times—that it is totally impossible to get real welfare reform during this session of the Congress. The Senate Finance Committee has adopted a "workfare" program which discriminates against poor people who are out of jobs and those who cannot work. It would, in virtually every aspect, make worse the present failures in the welfare system.

H.R. 1—the welfare bill adopted by the House of Representatives and generally supported by the Nixon administration—is a punitive and regressive measure. It is not welfare reform.

No welfare bill can measure up to the need for reform unless it guarantees the rights of present recipients, provides for decent pay and jobs and sets an adequate standard of income. Everybody agrees that the present system traps people in poverty, that people need an adequate income if they are to have some chance to escape poverty—decent education, health, housing, and job opportunity.

Yet, most of the proposals—even the so-called liberal compromises—do not meet these standards.

Further, it is clear that, even if the Senate were to pass at this late date an acceptable welfare reform bill, there is almost no hope that the measure would come back from conference in an acceptable form.

I disagree with some well-intentioned organizations and Senators who feel that any bill that recognizes the rights of the "working poor" is better than nothing. I believe that any measure that compromises on basic principles will put off the day when we may have real welfare reform—a guaranteed income of decent level for those who cannot find work or who are unable to work. Furthermore, I vigorously oppose any legislation that would make worse the already wretched lives of present recipients.

Consequently, I believe the best we can do this session of Congress is to act to protect the rights of those already receiving assistance and to give fiscal relief to the States. We must, then, continue to work for such education of the public and the Congress as will allow real welfare reform—not make the present welfare system worse.

Therefore, in line with my long-announced position on this matter, I voted yesterday for the motion to table the Ribicoff amendment, and, during the further consideration of the pending bill, I will continue to vote in accordance with the views I have here expressed.

EAST-WEST TRADE RELATIONS ACT—AMENDMENT

AMENDMENT NO. 1691

Mr. JACKSON. Mr. President, I am pleased to submit and send to the desk an amendment in the cause of human rights and individual liberty; and I am proud to be joined in this effort by a bipartisan majority of 72 Members of the U.S. Senate. There are times when the depth of our commitment to our own deepest values is put to the test, and this is one of those times.

Last week when I spoke in this Chamber I quoted a great and wise man who, I am certain, would approve of what we are doing here today. The words are those of Alexander Solzhenitzyn, the Russian Nobel laureate, who was prevented by his government from traveling to the West to deliver them:

> There are no internal affairs left on our crowded Earth.

Despite the effort to silence Solzhenitzyn he has been heard; and because what he says is true, I am confident he will hear us today.

What we are here doing is a pale reflection of the magnificent courage that has been shown by those brave men and women in the Soviet Union who have risked far more than we to assert their claim to freedom. In joining them we deepen our sense of ourselves; and for their example of bravery it is we who should be grateful.

Mr. President, the tyranny the Soviet Government continues to inflict on its minorities of all faiths and persuasions, on its dissidents, its scholars, its scientists, and men of letters is a crime in which all who choose to acquiesce are implicated. To the oppression, which has become commonplace, we have now seen the Soviet authorities add a barbarous ransom on those Russian Jews who seek to emigrate to Israel. It is toward this most recent outrage that we have directed a specific section of our amendment.

Mr. President, the amendment is a simple one. It would deny the Soviet Union the access to the American economy that they have actively sought unless they alter their emigration policies. Specifically, unless they permit the opportunity to emigrate, we would deny them most-favored-nation treatment and we would deny them an opportunity to participate in Government credit programs or in programs of credit or investment guarantees. It is a severe measure—and, I believe, an appropriate one.

Once before, Mr. President, within our memory, the world stood by while an innocent people was all but exterminated. The remnant of that nightmare has established and now defends a brave and proud democracy. In a terrible time, the one bright light in the hopes of the Soviet Jews is the existence of the State of Israel. That Israel should exist is a modern miracle; that the Russian Jews should be denied the right to go there is a cruel and inhuman irony. It must be ended.

Mr. President, I am confident that our amendment will be understood in Moscow, and I am hopeful that the Soviet authorities will appreciate the wisdom of ending their senseless oppression of men who desire only the right to emigrate, to remove themselves from a totalitarian state in which they are deprived of essential human rights. I know, too, that the administration will reflect the judgment of the Senate and that the views that underlie this amendment will be impressed by them on the Soviet Government.

Mr. President, in moving as we are today we are giving birth to a bipartisan coalition for freedom. It is the least we can do.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the amendment along with the names of the 72 Senators who have joined as cosponsors; my remarks of September 27, 1972, to Members of the Senate; and the text of a letter dated September 27, 1972, to Members of the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1691

At the end of the bill, add the following new section:

EAST-WEST TRADE AND FUNDAMENTAL HUMAN RIGHTS

SEC. 10. (a) To assure the continued dedication of the United States to fundamental human rights, and notwithstanding any other provision of this Act or any other law, after October 15, 1972, no nonmarket economy country shall be eligible to receive most-favored-nation treatment or to participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, directly or indirectly, during the period beginning with the date on which the President of the United States determines that such country—

(1) denies its citizens the right or opportunity to emigrate; or

(2) imposes more than a nominal tax on emigration or on the visas or other documents required for emigration, for any purpose or cause whatsoever; or

(3) imposes more than a nominal tax, levy, fine, fee, or other charge on any citizen as a consequence of the desire of such citizen to emigrate to the country of his choice,

and ending on the date on which the President determines that such country is no longer in violation of paragraph (1), (2) or (3).

(b) After October 15, 1972, a nonmarket economy country may participate in a program of the Government of the United States which extends credits or credit guarantees or investment guarantees, and the authority conferred by sections 3 and 6(a) of this Act may be exercised with respect to such country, only after the President of the United States has submitted to the Congress a report indicating that such country is not in violation of paragraph (1), (2), or (3) of subsection (a). Such report with respect to such country, shall include information as to the nature and implementation of emigration laws and policies and restrictions or discrimination applied to or against persons wishing to emigrate. The report required by this subsection shall be submitted initially as provided herein and semi-annually thereafter so long as any agreement entered into pursuant to the exercise of such authority is in effect.

COSPONSORS TO THE JACKSON AMENDMENT TO S. 2620

Senator Henry M. Jackson.
Senator Abraham A. Ribicoff.
Senator Warren G. Magnuson.
Senator Gordon Allott.
Senator James L. Buckley.
Senator Ernest F. Hollings.
Senator Birch Bayh.
Senator Edward J. Gurney.
Senator William V. Roth, Jr.
Senator John V. Tunney.
Senator Harrison A. Williams, Jr.
Senator James B. Allen.
Senator Clinton P. Anderson.
Senator J. Glenn Beall, Jr.
Senator Henry Bellmon.
Senator Alan Bible.
Senator J. Caleb Boggs.
Senator Bill Brock.
Senator Harry F. Byrd, Jr.
Senator Robert Byrd.
Senator Howard W. Cannon.
Senator Clifford P. Case.
Senator Lawton Chiles.
Senator Frank Church.
Senator Marlow Cook.
Senator Alan Cranston.
Senator Robert Dole.
Senator Thomas F. Eagleton.
Senator Paul J. Fannin.
Senator Barry Goldwater.
Senator Robert P. Griffin.
Senator Philip A. Hart.
Senator Clifford Hansen.
Senator Vance Hartke.
Senator Harold E. Hughes.
Senator Hubert H. Humphrey.
Senator Jacob K. Javits.
Senator Edward M. Kennedy.
Senator Gale McGee.
Senator George McGovern.
Senator Thomas J. McIntyre.
Senator John McClellan.
Senator Walter Mondale.
Senator Joseph M. Montoya.
Senator Edmund S. Muskie.
Senator Robert Packwood.
Senator John O. Pastore.
Senator James B. Pearson.
Senator Claiborne Pell.
Senator Charles H. Percy.
Senator William Proxmire.
Senator William B. Saxbe.
Senator Richard S. Schweiker.
Senator John Sparkman.
Senator William B. Spong, Jr.
Senator John Stennis.
Senator Adlai E. Stevenson III.
Senator Stuart Symington.
Senator Robert Taft, Jr.
Senator Herman Talmadge.
Senator Strom Thurmond.
Senator John Tower.
Senator Lowell P. Weicker, Jr.
Senator Howard H. Baker, Jr.
Senator Edward W. Brooke.
Senator Norris Cotton.
Senator Peter H. Dominick.
Senator Ted Stevens.
Senator Charles McC. Mathias.
Senator Daniel K. Inouye.
Senator Jennings W. Randolph.
Senator Lloyd Bentsen.
Senator Hugh Scott.
Senator Wallace L. Bennett.

EAST-WEST TRADE AND FUNDAMENTAL HUMAN RIGHTS

(Statement by Senator HENRY M. JACKSON)

Mr. President, I will be offering on behalf of a bipartisan group of my colleagues an amendment to the East-West Trade Relations Act of 1971, S. 2620. It is a simple amendment. It arises out of and is rooted in our traditional commitment to the cause of individual liberty. It is a simple plea for simple justice. But unlike other such pleadings, it has some teeth in it.

Our amendment would add a new section ten to the bill, consisting of nine parts, that would extend most-favored-nation treatment to Communist countries. It would establish a direct legislative link between that status and other trade and credit concessions, on the one hand, and the freedom to emigrate without the payment of prohibitive taxes amounting to ransom, on the other. Under this amendment no country would be eligible to receive most-favored-nation treatment or to participate in U.S. credit and credit and investment guarantee programs unless that country permits its citizens the opportunity to emigrate to the country of their choice. Moreover, the amendment would require the President to judge and report in detail upon the compliance with this condition of any country wishing to obtain most-favored-nation status or U.S. credits. Such a report, updated at regular intervals, would make available our best information as to the nature, content, application, implementation and effects of the emigration laws and conditions in the countries concerned.

Mr. President, the Nobel lecture of the great Russian writer, Alexander Solzhenitsyn, was recently published in the West. It is more than an eloquent defense of truth and justice. It is more than a sharp condemnation of tyranny. It contains the profound message that "mankind's sole salvation lies in everyone making everything his business, in the people in the East being vitally concerned with what is thought in the West, the people of the West vitally concerned with what goes on in the East."

Mr. President, the "thought in the West" is contained in our amendment. I propose that this great Senate concern itself with what goes on in the East.

We have received numerous reports of late about the intensification of state repression in the Soviet Union. Intellectuals and other dissidents have been arrested and sent to labor camps, hospitals and mental institutions. In Lithuania demonstrations by Roman Catholics demanding religious and cultural freedom have been brutally put down. And the Soviet regime has stepped up its campaign against Jews seeking to emigrate to Israel.

The most dramatic violation of basic human rights is the recent decision of the Politburo to demand a ransom from Jews wishing to leave the Soviet Union. The reaction to this decision in the West has been one of outrage and revulsion. It violates our most deeply held convictions about human freedom and dignity. It recalls to us a dark age when human beings were enslaved and traded as chattel. In our own land it took a civil war to blot out that disgrace and vindicate the principles of our Constitution.

Mr. President, those of us who lived during the time of the Third Reich remember when Himmler sold exit permits for Jews. As the great British historian Robert Conquest has pointed out, the Soviet leaders may be unaware of this unflattering parallel since none of the Western literature on the Holocaust has been published in Russia. But we are aware of the Holocaust. We see the parallel. And that is why we must do whatever we can to prevent a repetition of that horrible catastrophe.

I will not here catalogue the continuing record of oppression suffered by the Soviet Jews and by other minorities and dissidents in the Soviet Union. But I must express my fear that the current ransom program, wicked in itself, carries with it the potential to exacerbate anti-Semitism in the Soviet Union to an extent and a depth that we hoped perished for all time with the collapse of the Third Reich. For in the effort to justify this barbaric trade in human beings the Soviets have appealed to the basest instincts. The reports reaching us affirming the popularity of the ransom policy are the most painful of all. They portend the unleashing of bitter forces that even a totalitarian regime as adept at regimenting its people as the Soviet state cannot always control. Nor is it certain that control is what the leaders in the Kremlin desire.

Now, the Soviet leaders have explained that the exorbitant emigration taxes, amounting to thousands of dollars, are in reality a tax on education incurred by the student as a consequence of his state-supported studies. The more audacious Soviet spokesmen have gone so far as to compare these taxes to the obligation incurred by the graduates of our military academies who undertake to spend a specified period of time following graduation in the armed services.

In principle there is nothing wrong with the making of an agreement between student and institution of learning—or, for that matter, between the student and the state—in which the student undertakes certain obligations in return for his tuition. But that is not what is involved in the Soviet case and it is a lie to suggest otherwise. For one thing the emigration taxes have been retroactively imposed on all citizens. They do not arise out of any agreement or understanding or voluntary obligation. For another, the Soviet student is denied recourse to private educational institutions so that even if the obligations were placed on a voluntary basis, which they are not, there would be no way to avoid them. One would be forced either to accept the state's terms or go without any education. Moreover, the taxes imposed on emigration, unlike agreements sometimes made in Western countries to serve after graduation in a prearranged capacity, are prohibitive and intended to be so. Soviet citizens are simply not permitted to earn or amass the sums necessary to purchase their freedom. To attempt to borrow the huge amounts involved opens one to persecution for economic crimes, and no one earns the sort of income that would enable him to pay the visa tax for an advanced education without borrowing. So the funds cannot be generated internally.

The fact is, Mr. President, that a decision to pay the ransom demand would be to submit to blackmail of the most ominous sort. Where would it stop? Would it spread to other countries as aerial hijacking did when first attempted and then emulated? Would the remnant of scattered minorities, Jews and others, become the new medium of international exchange? Would we organize the agencies, arrange for the planes and ships, transfer the foreign exchange, negotiate the prices—in short, would we institutionalize the sale of a whole people? I say no—and I ask the Senate to join with me in saying, No!

There will be those who will say, even as Mr. Brezhnev must surely have said to the President in Moscow, that the action we are proposing is an intrusion in the internal affairs of the Soviet Union. To this I would quote Solzhenitzyn: ". . . there are no internal affairs left on our crowded Earth."

The fact is, of course, that the ransom—were it to be paid—would be paid out of funds raised primarily in the United States. That surely gives us the right as a government, quite apart from the dedication to our own high principles, to be "vitally concerned with what goes on in the East."

Mr. President, we Americans are fortunate to have at our service the greatest economy the world has ever known. It can do more than enrich our lives. It can be pressed into service as an instrument of our commitment to individual liberty. We can deny our vast markets to the Soviet Union. We can reserve participation in our credit and investment programs—our "internal" matters—to those countries who accord their citizens the fundamental human right to emigrate. We can, and we must, keep the faith of our own highest traditions.

We must not now, as we did once, acquiesce to tyranny while there are those, at greater risk than ourselves, who dare to resist.

U.S. SENATE,
Washington, D.C., September 27, 1972.

DEAR COLLEAGUE: We invite you to join with us in cosponsoring an amendment to Senator Magnuson's East-West Trade Relations Act. Our amendment would deny most-favored-nation treatment and participation in various U.S. credit programs to nonmarket economy countries that deny their citizens the right to emigrate or impose prohibitive taxes on such emigration.

The principal and immediate cause of our concern is the imposition by the Soviet Union of a head tax ranging from $5000 to $30,000—amounting to a ransom—on those Soviet Jews who wish to emigrate to Israel. This ransom, were it to be paid, would of necessity be paid out of funds raised primarily in the United States. We believe that broad, bipartisan cosponsorship of our amendment will let the Soviet Union know, while there is time for them to alter their present policy, that the Senate of the United States will not extend the benefits of access to the American economy to those who deny their own people the fundamental right to emigrate.

Some of us have for many years been advocates of increased trade with Communist countries; some of us doubt the wisdom of such a course. But all of us, regardless of our attitude toward the extension of U.S. trade benefits to the Soviet Union, are moved to the action in which we are asking you to join by the unconscionable attempt of the Soviet Union to ransom human beings.

We hope that you will join us in cosponsoring the attached amendment to the East-West Trade Relations Act of 1971. We feel this is the right time for Senators to go on record on this issue of concern to so many Americans. The vote on this legislation is likely to be taken early in the next session of Congress.

If you wish to join us in cosponsoring this amendment please have your office call either Richard Perle (x53381) or Morris Amitay (x52823).

Sincerely,
Henry M. Jackson, Abraham A. Ribicoff, Warren G. Magnuson, Gordon Allott, James L. Buckley, Ernest F. Hollings.
Birch Bayh, Edward J. Gurney, William V. Roth, Jr., John V. Tunney, Harrison A. Williams, Jr.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. JACKSON. I am happy to yield to my senior colleague.

Mr. MAGNUSON. Mr. President, I am glad to join as cosponsor of this legislation. It is of particular interest to me because, as my colleagues in the Senate have known, I have been long interested in the establishment of trade relations not only with the Soviets, but also with China. I have been interested in this matter for many years.

We have had a bill before the Commerce Committee for a long time. That measure is cosponsored by many Senators who cosponsor this amendment. This is done in the hope that we can work out tools for peace. We have made some progress.

I join with the Senators in cosponsoring this measure. I could not sit idly by. I have supported this for a long time. I am hoping by the time this is enacted, it will prove unnecessary. What the Soviets are doing today amounts to selling bodies.

Mr. JACKSON. Mr. President, I thank my colleague. I yield now to the Senator from Connecticut who has been long active in this matter.

Mr. RIBICOFF. Mr. President, I commend both the Senators from Washington and the leadership of the junior Senator from Washington (Mr. JACKSON) for this most important proposal. I also commend my colleagues, the Senator from New York (Mr. JAVITS), the Senator from Minnesota (Mr. HUMPHREY), and the senior Senator from Washington (Mr. MAGNUSON).

I, too, have been a supporter of East-West trade. However, it has been shocking to find that the Russians are dealing in bodies instead of goods at the present time.

We are for trade. More than two-thirds of the Senate is giving a loud and clear signal to the Soviet Union and our leaders in the executive branch that we are willing to do trade with the Soviet Union. However, unless they stop dealing in people we will not trade with them in goods.

Mr. President, I am gratified that so many of my Senate colleagues have joined today in sponsoring this amendment establishing a new section to S. 2620, entitled "East-West Trade and Fundamental Human Rights." And I wish to commend Senator JACKSON for his leadership in developing this amendment.

We all know that there is no reason for this legislation to be enacted during the current session of the Congress since no trade agreement with the Soviet Union has been completed. But the message this amendment conveys to the Soviet Union is crystal clear. Two-thirds of the U.S. Senate is now on record as opposing the granting of MFN status, credits, credit guarantees, or investment guarantees to any Communist country not now enjoying MFN status as long as such country denies its citizens the right to emigrate or imposes more than a nominal fee for emigration.

This measure applies squarely to the Soviet Union's current repressive tactics against its Jewish citizens and the outrageous head tax it has levied on those seeking to emigrate. It is now up to the Soviet Union to decide if it wants American trade concessions. If they do the Soviets will have to stop their trade in people.

It is particularly noteworthy that among those joining in this amendment today are many of those Senators who have consistently sought to expand and improve American economic ties with the East. Also supporting this effort are most of the 27 cosponsors of S. 2620—the East-West Trade Relations Act of 1971—and including the distinguished chairman of the Commerce Committee, Senator MAGNUSON, who introduced S. 2620.

This amendment does not mean that we are turning our backs on trade ties with the Soviet Union. But it does mean that the Senate is not prepared to close its eyes to the gross incompatibility between the Soviet treatment of its Jewish citizens and the spirit of detente. Unless the Soviet Union is prepared to abandon its present course of brutal repression against those who seek to live elsewhere, there can be no significant expansion of trade between the United States and the Soviet Union.

Frankly, I do not think that as rational men their leaders have much of a choice in this case. Economic realities dictate some accommodation with civilized standards of behavior and human decency.

The Soviet economy is in deep trouble. Not only has the agricultural sector been a disaster this past year, but steel and consumer production has fallen off. It is obvious that the Soviet Union desperately needs our wheat, our technology, and our capital investments to exploit their own mineral resources. As I noted in my report on East-West trade to the Finance Committee a year ago, the Russians have already been forced to come to the West for auto, truck and computer industries. They plainly need the benefits of a trade agreement at this point much more than the United States. If Messrs. Brezhnev and Kosygin are so eager to put price tags on people in order to earn hard currency, let them pay a price for this agreement—a display of respect for fundamental human rights.

The agreement that is now being negotiated has been described to me by economists as being extremely one-sided. Reportedly, all the Russians will eventually be paying back on their $11 billion lend lease debt is $500 million. This is less than 5 cents on the dollar—extremely generous terms. In return, they will permit selected American companies to set up offices in the U.S.S.R. in order for these companies to be able to invest more. There will also be made available to the Russians massive credits, access to advanced U.S. technology in a variety of fields, significant capital inputs, and most-favored-nation status for their exports.

In the light of these economic facts, I fail to see what commensurate benefits they can desire from continued persecution of Soviet Jews even though it is estimated they would gather $500 to $600 million in hard currency. Besides, the Soviet leaders do not have to answer to aroused public opinion or a critical press when they shift policy direction.

About 2 years ago the Russians began considering levying large sums of money on those seeking to emigrate, supposedly based on repayment of educational costs. This did not become a reality until this past August 15 when a schedule of high fees was imposed. It has yet to be rubberstamped by the Supreme Soviet. The fees run from $5,000 to $30,000, but actually bear little relationship to actual education costs. Additionally, if there was a genuine concern about a brain drain, why are Soviet Jewish scientists who apply for emigration immediately dropped from their positions. Soviet Jewish leaders have indicated that they do not want this ransom to be paid. Once this is done they feel the Soviets will regress to even cruder forms of anti-Semitism.

While Soviet motives and rationalizations here are unclear, the practical results are that Soviet citizens seeking to leave Russia are being intimidated from doing so, and many young Jewish people have dropped out of school to avoid this tax.

Two weeks ago I stood here in the Senate and warned that unless the head tax was dropped indignation and protest over this outrage would mount. Since then both in the Senate and in the other body numerous Members of both bodies on a bipartisan basis have given vent to their feelings on this subject, establishing a linkage with improved trade relations with the Soviet Union.

Now we are going beyond verbal protests by pledging our support to an amendment which has teeth. Other less effective legislative measures were considered, but were wisely rejected. We have chosen a vehicle which can be attached in the future to any appropriate legislation which will be required to implement facets of any United States-Soviet trade deal. And we are determined to do exactly that if that is the only way to get this message across to the leaders of the Soviet Union.

I urge those of my colleagues on both sides of the aisle who have not yet had an opportunity to consider this amendment to do so. After they have, I hope that they will join with us in striking a blow for human rights and for the assertion of moral leadership by the Senate of the United States.

Mr. JACKSON. Mr. President, I thank the Senator from Connecticut.

I yield now briefly to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I rise to commend the distinguished Senator from Washington (Mr. JACKSON) and others who have proposed this amendment. I am very pleased and honored to be one of its cosponsors along with 71 other U.S. Senators.

The amendment that has been proposed today, we should note, is prospective in the sense that it will be on the Magnuson bill which has been commented on by the distinguished senior Senator from Washington.

It is our hope that between now and that time diplomacy can have an ameliorating effect and that those who represent our country in the negotiations with the Soviet Union on trade and other matters will be able to convince the Soviet Union that we are very serious about this opposition and are very much opposed to the kind of fees and taxes that are applied to people of the Jewish faith who seek to emigrate from the Soviet Union.

I urge the Soviet Union and the distinguished representatives of their Government to take heed of this amendment, because what we are seeking to do here is not to obstruct trade but to uphold the cause of human rights.

This amendment is very important. It states that the Senate is determined not to ignore the gross violations of human rights which presently seem to have official Soviet sanction.

Our action will encourage the Soviet Union to remove their present schedule of exit fees which are based upon the education of an applicant for emigration. This action of the Soviet Union affects Soviet Jews who want to emigrate and desire to go to Israel.

Those of us who have long supported East-West trade want that trade to prosper and grow. But we regard this violation of human rights, the charging of exorbitant fees for visas or emigration fees as a serious barrier between our two countries.

The Jews in the Soviet Union are being persecuted. They are being denied the right to practice their religion and their right to emigrate, a right that the Soviet Union accepted as part of the Declaration of Human Rights.

Mr. President, finally, might I add that the introduction of this amendment does not mean that the United States is saying it is superior in its moral conduct to any other nation. Nor does it say that it has the right to interfere with the Soviet Union or any other nation.

On the contrary, it means an inherent recognition of the defined rights of each member of society. We defer to sovereignty, to be sure. However, we must not defer to human abuse.

This amendment is designed to bring some sense of decency and humaneness into the relationship between countries and the practices of government with their own people, particularly at a time when the Soviet Union and the United States could well enter into profitable trade relations that would be beneficial to both.

SOVIET JEWRY: A PLEA FOR HUMAN RIGHTS

Mr. President, as a cosponsor of the amendment to the Trade Expansion Act, prohibiting most-favored-nation treatment or the extension of credits to countries who obstruct the right to emigrate through such policies as the current exit visa now in practice in the Soviet Union. I call upon the leaders of the Soviet Union to take heed. This amendment is an expression, and a very important one at that, of the Senate's determination not to ignore the gross violation of human rights having official Soviet sanction.

There is much at stake in the Trade Expansion Act: The prospect of mutually beneficial trade arrangements between the United States and the Soviet Union and the prospect of improved relations between our two countries in line with any possible upswing in our commercial relations. These are goals to which I have devoted a good portion of my life, and to which I remain steadfast in purpose. These are goals worth striving for because they are our principal hope for rational diplomacy and accommodation in a confusing, quixotic world. Slowly we have seen the melting of a confounding, even threatening iceberg which characterized cold war relations between the United States and the Soviet Union. In its place there is fresh greenery which, given a chance to grow, could develop a rich harvest, a harvest of understanding between the Soviet and American people and between their governments.

This prospect excites my imagination and reinforces my most optimistic hopes. I have worked hard, and so have so many others in this Chamber, to arrive at this point, and now when the chances are real, we are forced to take one-half step backward.

Violation of human rights now stands between us. Our sense of human worth such as we try to respect in this country is openly denied in the Soviet Union. Jews now living in the Soviet Union are persecuted, denied the right to practice their religion, denied the right to emigrate, a right both the United States and the Soviet Union have accepted as parties to the U.N. Declaration on Human Rights. Other minorities suffer as well, and their fate should not be forgotten either.

After all, what does it mean to say we are all members of the human race? Have we grown so callous as a result of our experience in Vietnam to forget what the real linkage in international relations is? It is the linkage between people, the identification, the likeness of mankind.

We forget this if we surge ahead in a spurt of mercantilist pride. Trade agreements are important to the United States, particularly when we find ourselves in need of precious natural resources in order to continue to live and prosper. But trade agreements are equally important to the Soviet Union because it, too, has reached an economic stage which finds no solution in Marxian ideology. The solution is in trade with the United States. Our willingness to conclude commercial agreements has been made manifestly clear to the Soviets through the President's visit, through Secretary Peterson's trips to Moscow, through Dr. Kissinger's repeated talks with Soviet leaders. What may not have been made totally clear but what must be made clear to the Soviets is our concern that the right to emigrate be restored in the Soviet Union. We have waited long enough for this day and we can afford to wait a little longer, if the price is the restoration of basic human rights in the Soviet Union.

There is nothing naive in making this assertion. The United States is not saying that it is superior in its moral conduct to any other nation. It is not saying that it has the right to interfere in the sovereign rights of other nations. It is saying that it has the right to recognize principles of national conduct, which it, too, may have neglected in times past, in its dealings with other countries. There is no condescension in this assertion. On the contrary, it means an inherent recognition of the equality of man and the defined territories and societies of which he is a part. We defer to sovereignty, but we should strive not to defer to human abuse.

The goal of reasserting human dignity is the goal I have opted for. In cosponsoring this amendment, I am expressing my concern over the fate of Soviet Jewry and my hope for the continued improvement of Soviet-American relations. The two go hand in hand.

Mr. President, what I have just said I tried to express in a very personal way when I spoke directly by telephone with a Jewish physicist in Moscow, Dr. Einbender. Although our exchange was informal and at times difficult, because of language problems, I think it is illustrative of what I have been trying to say today. I am grateful to the Minnesota Action Committee for facilitating my phone call with Dr. Einbender, and I ask unanimous consent, Mr. President, that the transcript of our conversation be printed at this point in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

Transcript: Moscow, Russia, From Senator Humphrey's Washington Office

D. E. Dr. Einbender.

S. H. Senator Humphrey.

S. H. Dr. Einbender, this is Senator Hubert Humphrey, of the State of Minnesota.

D. E. Oh, yes, I know of you. I'm very glad to have an opportunity to speak with you.

S. H. Well, I'm very honored to have this privilege of speaking to you. We're sitting here in my office in Washington, and I've just come away from the United States Senate, and I am preparing to deliver a speech tomorrow relating to some of the difficulties and problems that you're so familiar with. We're discussing the proper American response to the subject of the Ransom fees, for Jewish emigration from the Soviet Union to Israel, and a number of the members of the Senate are deeply involved in this.

D. E. Yes, I see and I am very glad to hear that this is important to you.

S. H. Well, it is very important and I want you to know that it isn't just a subject that is of importance to the Jewish Community in America. I'm a non-Jew and a Christian, but we're deeply concerned about this whole subject matter. By the way I want to extend to you a very Happy New Year.

D. E. Thank you very much.

S. H. Will you convey my same greeting to the Jewish community of Moscow in the Soviet Union.

D. E. Yes. Every man, every woman will be very glad to hear such a message from you.

S. H. Thank you very much.

D. E. You see that I don't know English very well. I know English bad, but I understand you very well, and I want to say all my gratitude.

S. H. Well, I must say you speak English very well. I understand by the way that you're a chemist.

D. E. I am a Physicist, a Physical Chemist.

S. H. Yes, well, I'm a Pharmacist by original profession.

D. E. Yes, I see. You know that now the situation is very, very serious here. Not only money, the money makes this situation more complex, and it's almost impossible now to leave the country.

S. H. Yes. I'm terribly sorry about that, because that is not to anyone's advantage and of course you know I've always been one that wanted good relationships between the United States and the Soviet Union. I think it's terribly important for world peace and harmony and I've been hopeful that in the Soviet Union there might be a relaxation of all these restrictions that have been placed upon the Jewish Community and members of that community that wish to leave or to move to Israel or anyplace else.

D.E. Yes I am sure that such a country as the United States, such people as United States Senators can do very, very much for this problem.

S.H. Well I would hope so—particularly some of us that, over the years, tried to promote better and more friendly and reasonable relationships between our two countries, between the Soviet Union and the United States. I have never engaged in any angry words, so to speak—what we call demagoguery—because I believe it's absolutely important that our countries work together—and of course, this kind of problem that you're facing causes such an upheaval over here, causes such bad public opinion—our people are very upset over what we hear is happening there—not only on ransom fees but on other matters that have restricted the Jewish Community and particularly the intellectual community.

D.E. Yes, yes—and you know that not only money—not only—I don't know the word—but the other situations are very very serious. You know that we celebrate our Jewish Holidays now, the New Year—the Jewish New Year—you know and it wasn't permitted for us to celebrate this year, this New Year.

S.H. That is most unfortunate—that is most unfortunate.

D.S. On Saturday it wasn't permitted once again to come to Synagogue—we don't know what will be—what will happen on this next Saturday or Yom Kippur.

S.H. Well, as one United States Senator and one who has for the years as I said tried to promote better relations between the United States and the Soviet Union I would hope that the policy of the Soviet Union would permit the Jewish Community to honor and celebrate their Holiday and particularly these religious holidays—it means so much to people of Jewish faith—every one of these days means something to somebody—You know?

D.E. Yes.

S.H. Can I ask you a question or two? What is your——

D.E. I will be very glad to answer you.

S.H. What is the status of those who already paid the 900 Rubles?

D.E. Now the people must pay more than 900 Rubles.

S.H. More than 900 Rubles?

D.E. Yes, and only those people must pay that have permission.

S.H. Isn't 900 Rubles the regular fee for the regular exit visa?

D.E. Yes—it has been so until before the new law.

S.H. Before the new decree?

D.E. Yes—yes.

S.H. What is it now?

D.E. Now people—for example—if I have the permission—a visa—I will have to pay 17,000 rubles.

S.H. 17,000 rubles.

D.E. Yes—only me—only I—without my wife.

S.H. That's just for you alone, without your wife on your children.

D.E. Yes, yes,

S.H. Is that about the general fee now for the people in the professional, scientific and intellectual community?

D.E. Yes—this problem—it depends on the qualifications.

S.H. On the qualifications, yes—I see—well what is your present. . .

D.E. One who has graduated Moscow University and is a Doctor—I don't know the English—something more than the University—now I must pay such a sum if I get an exit visa.

S.H. What's the status of Professor Levitch?

D.E. He is now not in Moscow. He is in his vocation—not very long ago and his situation is so complex as ours and he has many troubles with his son—they wanted to take him to the Army for 2 years—and so not to permit the family to go to Israel. He is now not working in the University—he is not working in the University—he is not working in the many councils (interruption) of the institute.

S.H. One other person that I've heard of—I don't know much about is Vladimir Slepak.

D.E. I know him—What do you want to know?

S.H. Well I just wondered what his situation is?

D.E. You know that he has the greatest time that he has wanted to leave and get Permission.

S.H. He has applied for a visa some time ago didn't he?

D.E. Yes—more than everyone—more long ago than everyone.

S.H. Is he in Moscow now?

D.E. Yes—but his telephone—as the telephones of other Jews is not working.

S.H. His telephone is not working?

D.E. You know that the Soviet authorities have cut this out.

S.H. Well that seems very unusual—that's a violation of the rights of a person—that's most unfortunate—that's terrible. I'm very sorry to hear that—We ought to be able to talk to each other—whether we can do anything about these problems is another matter, but—you were mentioning to me the difficulties over the Holidays and over the High Holy Days—You've not been able to have services—is that right?

D.E. Yes, you are right.

S.H. Are you having difficulties with Hebrew Schools or Languages—is that permitted at all?

D.E. Yes—of course. You know that I am a teacher in Hebrew. I am self-taught. I myself learned without a teacher and now I try to help others to learn Hebrew—but you know that we haven't the right, we are not registered in such lessons.

S.H. In other words you can't have official registration of courses in Hebrew. Is that correct?

D.E. Yes—you know we have no dictionaries and no books.

S.H. Are you getting any books in Hebrew supplied there?

D.E. Yes but you know that it is very difficult for these books to go through the border.

S.H. I see—you mean plain text books—I'm not talking propaganda books now—just Language books.

D.E. Yes—language books are very, very seldom here.

S.H. Well, I think we ought to insist that that be included in our cultural agreement—you know we have a cultural agreement with your country and I was one of the original authors of that agreement—way back in the 1950's. I think that Hebrew literature or Jewish literature should be included—just as it should for other minority groups. You know, the Soviet Union like the United States has many different language groups and many different nationality groups and religious groups.

D.E. Yes, and other nations have their different books and dictionaries and newspapers.

S.H. Well, I think that's something we'll look into here. I'm going to take a look at that, Cultural agreements ought to relate to our respective cultures and the Soviet Union is a Federated Republic with many different peoples and so are we—we're maybe the two countries in the world with the widest variety of people. We have every kind and so does the Soviet Union. That's something we have in common. I am hopeful that we can convince the Soviet authorities of the importance of the exchange of cultural material—books, music, religious and scientific documents, and so forth that relate to all of our people.

D.E. Yes—I see it would be very useful.

S.H. Do you have a chief Rabbi now? Rabbi Levin passed away. Has anyone taken his place?

D.E. Yes, Yes—now yes.

S.H. That's very good—Can I just ask a couple of more questions? What message do you want me to give my fellow Senators here. I'm still here in Washington—in my office and the United States Senate will be in session tomorrow and I'm going to say some words in the Senate about our relationship—Right now I am interested in trying to get through the Congress the agreement on the Nuclear weapons. I support the agreement, President Nixon, Mr. Brezhnev and Mr. Kosygin worked out, I believe that's to the good of our respective countries. I'm going to have something to say about that and I'm also going to have something to say about the importance of trade relations with the Soviet Union.

D.E. This is very, very important. I think this is the most important thing.

S.H. Yes I agree with that and I think we ought to expand our trade with the Soviet Union but I want those authorities to know that it gets more difficult for us to do these things every time there is this problem with the Jewish Community.

D.E. Yes. That is what I want to say.

S.H. What would you want me to say to some of my friends in the Jewish Community here in America? I have many of them, as you know. What would be your message? What would you like to have me say to the American people?

D.E. It's very difficult to say this without preparation but I would want to say that our problem—*the problem of the Soviet Jews is the problem of humanity*. The realization for other nations and particularly the American nation of our problem is very, very important—important not only for us but especially for such nations and for the American nation.

S.H. I'll bring that message to our friends here. By the way I have some very good friends in Minnesota whom you know or may have heard of—Moshe Sachs and Herbert Kohn—are you familiar with them?

D.E. Yes. I know them.

S.H. They have been in my office today. I invited them to come to Washington to talk these matters over with me and my fellow Senator, Senator Mondale. We have a very good Action Committee in Minnesota—made up of some of the finest people in our State—and I want you to convey to the Jewish Community in Moscow their greetings and mine.

D.E. You can be sure that I'll tell all your messages.

S.H. Now there's an old Jewish word that conveys my heartfelt feelings and that's Shalom.

D.E. Shalom, Shalom.

S.H. Shalom to the Russian people and Shalom to the American people.

D.E. Shalom to the American people.

S.H. I hope that one of these days I'll have the chance to meet you personally in Jerusalem.

D.E. I would be very glad to meet with you and especially in Jerusalem.

S.H. Bless your heart. Goodbye, now.

D.E. Goodbye.

S.H. Thank you so much. Goodbye.

Transcript Between Dina Shmulyan—D.S., and Herbert Kohn—H.K.

H.K. Hello?

D.S. Hello? Mr. Herbert Kohn?

H.K. Yes. This is Herbert Kohn.

D.S. I am Shmulyan, Dina.

H.K. Yes.

D.S. From Riga

H.K. Yes, what——

D.S.——recommended to you. I am medical scientist.

H.K. Just a minute. Can you speak a little louder?

D.S. I received permission to go to Israel.

H.K. You received permission to go to Israel, when?

D.S. I must pay 16,000 rubles in one week.

H.K. You must pay 16,000 rubles in one week. Give me your name and your address.

D.S. Shmulyan, Dina.

H.K. Can you spell it for me? Hello. Do you speak Hebrew?

D.S. No.

H.K. O.K. Your name is Shmulyan, Dina?

D.S. Name of family.

H.K. Your family name is Shmulyan?

D.S. Yes.

H.K. And your first name is Dina.

D.S. Yes.

H.K. What kind of work do you do?

D.S. Scientist.

H.K. Scientist?

D.S. Yes.

H.K. O.K.

D.S. Medical scientist.

H.K. I understand. Did Professor Branover give you my name?

D.S. I do not understand.

H.K. Who gave you my name? Do you know Professor Branover?

D.S. Yes, yes.

H.K. Did he give you my name?

D.S. Professor Branover.

H.K. I see. He gave you my name. Do you understand?

D.S. No.

H.K. O.K. I think I understand. You have permission to go to Israel, and you need 13,000 rubles.

D.S. Yes, and I am in hopeless position.

H.K. You are in a hopeless position. Are there other people in your family? Hello.

D.S. Yes, yes.

H.K. Are there other people in your family?

D.S. I understand not.

H.K. Who else is in your family? Do you have a husband?

D.S. Can you get this money? through you?

H.K. I will try. I will try to do what I can. Who should I contact there?

D.S. I can?

H.K. Can you understand me?

D.S. Can I?

H.K. Yes. Who should I contact there? Hello.

D.S. Yes, yes. I understand not well.

H.K. You do not understand much English. I understand. O.K.? I will call you back with someone who talks Russian. What time is it in Riga now?

D.S. Perhaps telegraphi. Telegraphical.

H.K. Telegraphical. O.K.

D.S. O.K?

H.K. I'll call you tomorrow.

D.S. Tomorrow?

H.K. Yes. You understand?

D.S. Yes. I can understand. I understand you.

H.K. O.K. I will call you tomorrow. Shalom.

D.S. Goodbye.

H.K. Goodbye.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the Record a statement issued today by 30 Members of the Senate dealing with this subject.

There being no objection, the statement was ordered to be printed in the Record, as follows:

East-West Trade and the Soviet Emigration Issue

We announce our support today for the Jackson Amendment, as now revised, to the East-West Trade Relations Act (S. 2620). This amendment would deny the granting of "most favored nation" treatment and credit facilities to the Soviet Union after October 15, 1972, unless the "head tax ransom," especially affecting Soviet citizens of the Jewish faith desiring to emigrate, is abated.

At a time when the United States and the U.S.S.R. are moving toward a new economic relationship to expand and encourage trade, we have noted with the deepest regret the retrogression in the Soviet attitude toward the concern of the international community respecting the basic human rights of citizens seeking to emigrate, as incorporated in the U.N. Declaration of Human Rights to which both the U.S. and the U.S.S.R. are parties. The Jewish community of the Soviet Union has already suffered more than other elements of the Soviet population from discrimination. It should be completely unacceptable to the U.S. and the world that the survivors of the Nazi holocaust and their children now again should be singled out for discriminatory treatment and be subjected to notorious "ransom" requirements impeding their natural desire to join with relatives and co-religionists in other lands.

Senators Baker, Beall, Boggs, Brock, Brooke, Case, Cook, Cotton, Dole, Dominick.

Senators Hansen, Fannin, Griffin, Goldwater, Hughes, Humphrey, Javits, Kennedy, Mathias, Mondale.

Senators Muskie, Packwood, Pearson, Percy, Saxbe, Schweiker, Stevens, Taft, Tower, Weicker.

Mr. JACKSON. Mr. President, I now yield to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. TUNNEY. Mr. President, I thank the Senator from Washington for yielding to me.

I am pleased to join in introducing this vitally important amendment submitted today by the Senator from Washington. As the Senate knows, I previously made a statement in favor of this legislation.

I would like to add today, as the amendment is submitted, that I feel that the Senator from Washington (Mr. Jackson) and the other Senators who have cosponsored this amendment have taken a very important step in making clear to the Soviet Union the position of the United States on this most important issue. It is intolerable for the Government of the Soviet Union to treat Soviet Jews who want to emigrate from that country in such a barbaric fashion. The United States will not sit idly by as Soviet leaders treat human beings as commodities for export and attempt to barter them for corn or wheat.

I am particularly disturbed by the tax that has been applied to educated Jews who wish to leave the Soviet Union. As a matter of fact, most of the money that is used to pay this tax comes from wealthy Jews in the United States who are relatives or friends of those Soviet Jews who are trying to emigrate.

It seems to me, despite the fact that I support very strongly opening up trade with the Soviet Union, that it is wrong for the United States to be extending credits to the Soviet Union and at the same time to be allowing that nation to blackmail American citizens who must send money to Russia to pay the tax in order that Soviet citizens may emigrate to other nations.

Hopefully, Mr. President, our amendment will never have to come into effect. It will not become law if the Soviet Union rescinds its present policy with respect to this matter.

I believe that the distinguished Senator from Washington has done the Senate, the country and the world a great service by taking the leadership in this matter. The Soviet Union must be made to realize that certain basic human rights are indeed inalienable.

Mr. JACKSON. Mr. President, I thank the Senator from California for his remarks.

I now yield to the senior Senator from Minnesota.

The PRESIDING OFFICER. The senior Senator from Minnesota is recognized.

Mr. MONDALE. Mr. President, it was with a heavy heart that I felt I had to join in cosponsoring this proposal, because as the Senate well knows I have been one of the consistent champions of expanding trade with Eastern Europe and with the Soviet Union on nonstrategic items.

It has been my privilege for some time to be chairman of the International Finance Subcommittee of the Committee on Banking, Housing and Urban Affairs.

Over the past several years, I think we have had substantial success in liberalizing legislation dealing with export controls. It has also been my privilege to be the chief sponsor of proposals to liberalize substantially the Export Control Act as it affects future trade with Eastern Europe.

I feel that one of the most hopeful tendencies in moving toward world peace and the reduction of international tensions is peaceful trade. It has been my hope for some time that we would see a substantial movement in that direction. However, just as we were making impressive gains, the Soviet Union seemed to be tending toward a new and I think outrageous policy of imposing a hostage tax upon educated Jews wishing to emigrate from the Soviet Union.

Just a few days ago I placed a telephone call and talked personally to an engineer in Latvia, who told me he had been asked to pay the equivalent of $40,000 in order to get an exit visa to leave that part of what is now, or is claimed to be, a part of the Soviet Union. His information is that throughout the Soviet Union this kind of tax is being imposed on people who do not have the funds themselves, and who are, I guess, expected to try to raise the money from sources outside the Soviet Union. There is a suspicion that the Soviet Government may be trying to raise working capital by holding these people hostage. This is an outrage and an irresponsible new policy and one which I hope the Soviet Union will quickly abandon so that it will not impede the tendency toward world peace.

For that reason I join in this amendment. I was pleased this afternoon to note a speculative story that the Soviet Union seems to be backing away from this policy. I hope the story is correct because the new Soviet policy cannot be accepted, and requires the kind of action we have today.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. JACKSON. I yield 2 minutes to the Senator from Florida.

Mr. CHILES. Mr. President, I thank the Senator from Washington. I join in his amendment as a cosponsor and I associate myself with his statements and the remarks made by other cosponsors.

I think we all understand and know what the most favored provisions are. Certainly these provisions were designed to be used by a community of nations that were going to have similar goals and policies. One of the main things was they were not going to discriminate against each other. If the Soviet Union wishes to partake of the fruits of most favored nations' trade they have to conduct their affairs so that they abide by the provisions of most favored nations, in that community of nations working for similar interests. Among those would be not to have a discriminatory policy based on charging a tribute which could amount to blackmail to allow someone to emigrate. That would not be in the spirit of the goal of the countries joining the most favored nations.

Mr. JACKSON. I want to thank my good friend from Florida for his very fine statement.

Mr. JAVITS. Mr. President, will the Senator from Illinois yield to me for 3 minutes?

Mr. PERCY. I yield 3 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I really feel that the resolution which has been fashioned here by the Senator from Washington (Mr. JACKSON), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Minnesota (Mr. HUMPHREY), and myself, is an excellent one in the final analysis. It is a temperate and just approach with regard to timing, which is the critical point. There is no slackening of our moral obligation.

If the Russians look at the issue in terms of money that they have invested in the education of individuals, Jews included, we say, "Very well. If that is trade, it has to work both ways," in connection with trade with the United States, which is a new channel. None of us would dream of raising this issue on arms limitations, and we did not, but on trade it is legitimate and proper in carrying out our strong feelings.

Most of us—and I do not presume to speak for anyone else—are for opening up trade with the Soviet Union. I hope their authorities note that clearly.

Finally, we are both parties to the U.N. Declaration of Human Rights and, therefore, this declaration, if it is to be honored, commands us to open the doors of immigration when a citizen of each country knocks on it.

I would like to note for the record that the Senator from Washington (Mr. JACKSON) notwithstanding his very deep feeling on this matter deferred to 30 Senators in making the amendment prospective. Thus he took into consideration there should be a time factor involved without lessening the determination of justice that might be done. All of us hope and pray that this time will be availed of.

Finally, we have a little indication in the newspapers this morning that quiet diplomacy, because of Mr. Brezhnev's visit to the United States, may be at work and we hope the same spirit that animated the SALT talks will animate the sense of humanity which 72 Senators called to the attention of the Soviet Union. I hope they realize the incalculable desire we have for good will, but we believe good will is based on deed, and that is what the amendment of the Senator from Washington (Mr. JACKSON) seeks to express.

Mr. President, I have had an opportunity to discuss this matter at great length with the distinguished Republican leader, Senator SCOTT. I know of his deep concern, and his sympathy with the intent of the Jackson amendment. We have consulted him at every step of our deliberations. However, I cannot let this opportunity pass without noting Senator SCOTT's personal intervention at the White House on behalf of Soviet Jews; and he has raised this great issue with President Nixon and has urged him to work toward the repeal of the harsh and unjust exit visas. At this point in time, we can only hope that with Senator SCOTT's help and the President's persuasive powers "quiet diplomacy" will prevail.

I would also like to thank Senators PERCY, TAFT, SAXBE, and ROTH for their support and especially for their presence on the floor today to speak on this issue.

Mr. JACKSON. Mr. President, I thank the senior Senator from New York for his understanding in connection with working along with the Senator from Minnesota (Mr. HUMPHREY), the Senator from Connecticut (Mr. RIBICOFF), and others, and for his help in making it possible to bring it together with the total cosponsorship today of 72 Senators.

Mr. HUMPHREY. Mr. President, if the Senator will yield, I wish to call to the attention of the Senate that I placed in the RECORD today a transcript of a telephone conversation I had with a distinguished Soviet scientist, of the Jewish faith, to give a detailed, intimate, human interest story of what happens under this kind of visa fees and exit fees. It is a very revealing story, and I think Senators will find it of great interest.

Mr. NELSON. Mr. President, everyone agrees that the policy of the Soviet Union in interfering with the right of their citizens to emigrate, and the policy of levying a substantial fee upon their scientists and professional people before they permit them to emigrate is a medieval, inhumane, indefensible political policy that should be condemned by free people everywhere, and I join in the criticism, and I think it is important that the issue be raised here on the floor of the Senate and be discussed.

I think it is important that the President of the United States and the State Department exercise all conceivable influence that they can exercise upon the Soviet Union to change that inhumane policy.

Having said that, however, I think it is important to note that it raises across the board a very important issue that needs to be heard by the appropriate committee in depth before the Senate acts upon this resolution. I understand that is the intent. The resolution will not be considered until next year.

It should be noted, in the first instance, that this resolution is not general in application but rather it is prospective only, in the sense that it applies only to nations which, in the future, will apply or seek most favored nation status so far as trade is concerned.

I do not understand why the policy, if we are going to apply it, should not apply, for example, to Uganda, which is arbitrarily driving out of the country some 60,000 natives who were born and raised there, not only charging a fee, but confiscating all of their property; and why the policy, if we are going to have it, should not apply to all military dictatorships with whom we do business on a most-favored-nation basis, and why it should not apply to all Fascist and dictatorial countries any place in the world where emigration is denied to its citizens or where excessive emigration fees are imposed as in the Soviet Union.

So I hope we will have comprehensive hearings on this matter and not proceed with the resolution before there is ample time to hold hearings in depth, have committee reports, and discussion on the floor of the Senate. I repeat, I condemn, along with everybody else, the inhumane policy of the Soviet Union respecting its emigration restrictions and the unconscionable emigration taxes imposed. I hope public discussion in the Senate and diplomatic pressure will change that policy.

Mr. TAFT. Mr. President, like the distinguished Senator from Minnesota, I was one of those who felt that we should hold the feet to the fire with respect to the extension of the Export Control Act. I would point out that while this amendment is prospective only in effect, and therefore it does not apply to the wheat sale, patently what we are talking about is, I think, public pressure as well as economic pressure.

When we are talking about wheat, I think we are justified in looking at the realities of the situation and recognizing we have a world market not only in that product but with regard to other trade which may build up.

The right of individuals to live where they want to live goes back to the Magna Carta in our tradition and history. It has been recognized now internationally.

I think the more we can, through resolutions and through other efforts, put pressure, through international public opinion as well as economic pressures, on nations which choose some other form of government than ours, the more likely it will be that there will be some alleviation of conditions which are onerous and unjustified and really inhumane to those people being kept in Russia who wish to leave that nation.

Mr. SAXBE. Mr. President, as one who has cosigned this measure and is very interested in it, I want to emphasize that the impact is prospective, and that is as it should be, because there is a lot to be said for the measure.

I think we recognize the impact of East-West trade on the grain farmer and the boon that has come to him due to his backlog of feed grains, because this sale has reduced the surpluses, and the fact is that the impact is going to be felt in every State, including my own State, which exports some $200 million worth of agricultural products.

If we are going to use our grains to intervene in international politics and internal politics, that is fine. I have joined because I want the impact to be felt, but if we do, we should realize that this will work to the ultimate detriment of the American farmers. Most of those who have gone on this resolution are from States which say, "Well, we import grain and therefore we are not affected."

I want to serve notice that it is going to be brought to the attention of the American people and to the attention of the American farmer that he is going to be protected on the floor of the Senate and we are not going to peddle off his right to international trade because we are interested in someone else's internal policy, which we feel is repugnant; but I think because it is prospective, and does not affect the current grain transactions, we should speak for this measure on the floor today.

Mr. YOUNG. Mr. President, I share completely the views of the Senator from Ohio.

Mr. PERCY. Mr. President, I know the leadership is anxious to get back to the business at hand, but I think this interjection is very timely. In fact, I do not know of any more important issue the Senate could address itself to. It is a bipartisan issue. Both sides have spoken about it forcefully. Certainly, our feelings should be gotten across to the administration, which is well aware of the situation, and to the Soviet Union itself.

When we face a situation where one of the two most powerful nations on earth—which has been in an adversary position with us—is asking for credit terms and most-favored-nation treatment, I think we must recognize that it is going to be necessary to have the support of the American people behind these provisions. In order to gain the support of a very important segment of the American people—not just the Jewish people of this country, but millions of Americans—I feel something must be worked out in this area to remove an onerous requirement. The Soviets are imposing. A formula can be worked out, as suggested by the Senator from New York.

I feel that everyone who has spoken in the Senate today is an exponent of East-West trade. It has been a cardinal principle of mine for a quarter of a century to find ways to work together and have a position of negotiation rather than confrontation. Trade can be a very important element in negotiations. Both sides stand to gain through commerce and trade between the two mightiest nations on earth. Certainly we must find the conditions for that. They have to be created in the Soviet Union. They have to be created in the United States.

I feel the steps to be taken, which can be put to a vote in the Senate early next year, are moderate and reasonable, and I think they should be supported and will be supported in the Senate and by the American people. This will, I believe, show the Soviet Union clearly the steps which can be taken by them to now open wide the gates to commerce and trade between our two countries.

Mr. BAYH. Mr. President, as an original cosigner of the letter seeking Senate support for this amendment, I am gratified by the wide bipartisan support it has received. The Senator from Washington (Mr. JACKSON) deserves our thanks for leading this important effort.

That the amendment has been sponsored by 72 Senators is clear evidence of the outrage that we feel at the Soviet Union's harsh policy of imposing exorbitant exit fees on Jews wishing to emigrate to Israel. This policy of placing fees of up to $25,000 on exit visas is an alarming reminder of how tenuous even the limited freedoms in the Soviet Union can be.

As I said when addressing the Senate about this matter several weeks ago, soon after the Soviet policy was announced, this policy is "a remarkably overt form of international blackmail by which the Soviet Union has placed a price tag on the freedom of thousands of its citizens. It is a reprehensible form of bondage, an affront to international standards of human decency, and a sad reminder that the Soviet Union has never wavered from a national policy of denying religious freedom to the citizens.

It is impossible for those of us in the United States with our longstanding commitment to religious freedom and individual liberty, to stand aside and permit the Soviet Union to pursue such a heartless and inhumane policy without making as concrete a gesture of outrage as we can.

If, in the face of the repressive attitude of Soviet officials, we were to continue with "business as usual" we would be failing to fulfill our responsibility as the leading free nation in the world. That is why I have sponsored this amendment. Extending most-favored-nation status to the Soviet Union at this point in time would be tantamount to condoning the religious persecution and suppression of personal freedom embodied in this Soviet policy.

I am disturbed, Mr. President, that the Nixon administration has not been responsive to this problem. The silence from the White House on this question suggests that our Government is giving priority status to trade negotiations and, as a result, its tacit consent to Soviet policies which run contrary to every principle that we hold dear. At a time when a majority of the Senate is prepared to stand up and say, "Stop, we are not about to make trade concessions to the Soviet Union under these circumstances," the President is photographed in smiling conversation with high-ranking Soviet officials.

I commend the President for completing the SALT Agreement with the Soviets. But this is not sufficient reason to accept without protest the exit visa and similar repressive policies. The President obviously did not convey satisfactorily to the Soviet Ambassador and Foreign Minister the depth of American outrage at its policy.

Mr. President, I urge the speedy adoption of this amendment as evidence of our longstanding commitment to the proper standards of international decency and human freedom.

Mr. ROTH. Mr. President, I am pleased to be associated with the junior Senator from Washington and a number of other distinguished colleagues in offering an amendment to S. 2620, the East-West Trade Relations Act. This amendment will make U.S. trade concessions to the Soviet Union contingent upon their withdrawal of the outrageous and exorbitant exit taxes which they are charging to members of their Jewish minority who desire to emigrate.

I have already stated at some length my reasons for supporting this amendment, and a number of our colleagues, including Senator JACKSON, have spoken most eloquently on this subject. I would only reiterate, therefore, that what we are trying to do with this amendment is to make the Soviets alive to the very genuine and real concern that Americans and their Congress have with regard to the plight of Soviet Jewry. It must be accepted as a political reality that the American people are not going to look favorably on increased trade relations with the Soviet Union at a time when the leaders of that country are mistreating their Jewish minority and denying their Jewish citizens a fundamental human right—the right of free emigration. The American people and their leaders are not indifferent to the political repression of minority groups or to the ransoming of individuals. They do not turn a deaf ear or a blind eye to legitimate demands for justice and morality by any group. If we can make this reality crystal clear to the Soviet leaders, I think that we will be well on the way toward achieving two goals—free emigration for Soviet Jews who wish to live outside the Soviet Union and increased, mutually beneficial East-West economic relationships.

Mr. CRANSTON. Mr. President. I have joined in cosponsoring the Jackson amendment to S. 2620 because its very title, "East-West Trade and Fundamental Human Rights," goes to the heart—and indeed, the soul—of an overriding issue confronting us today.

On the one hand I, like most Americans, want to see increased trade between the Soviet Union and the United States. First, because the economies of both our nations would benefit from such trade. But perhaps more importantly, more trade—and more of an interchange of people and ideas—would ease tensions between us and greatly increase the hopes for world peace that all of us share.

On the other hand I, like most Americans, hold immediate threats to human rights and human needs are far more urgent than the long range benefits that international trade ultimately will bring. Soviet Jews are presently being humiliated and degraded; rights which they hold simply as human beings are being denied them. I cannot stand silently by and allow our Government to grant the Soviet Government special trade privileges while the Soviets deny their citizens the basic freedom of emigration. A lasting peace cannot be built upon the denial of human rights.

Mr. HOLLINGS. Mr. President, I take the floor today to urge the broadest possible support for the Jackson amendment to S. 2620, the bill which would grant the top U.S. treatment to the U.S.S.R. and several other countries. The amendment, of which I was one of the 11 original cosponsors, would prevent Russia from receiving the most-favored-nation status until the United States determines that all Russian citizens can emigrate freely and are not burdened with more than a normal tax on emigration or on the visas or other documents required for emigration.

Russia wants a favored-nation status on trade with the United States and at the same time tries to extort money from American Jews to free relatives and friends inside the Soviet Union. We cannot put our stamp of approval on that kind of slave trade.

I understand, and commend, the President's desire to remove both the philosophical and economic barriers between the American and Soviet peoples. But I also join with the American Jewish community in its concern for Soviet Jews who are virtual prisoners in a hostile homeland. I cannot justify extending a most-favored-nation treatment to the U.S.S.R. until that country extends favorable treatment to its own Jewish citizens.

We believe that the Russian emigration tax is applied only against Jews and ranges from $5,000 to $30,000 per individual. The tax is based on the level of education, with the Russian Government claiming it loses important financial investments when well-educated Jews leave the country.

This policy has a number of unacceptable implications and results. It suggests that Jews in the free world should ransom relatives and friends now hostage in Russia, resulting in a huge flow of Western money into the U.S.S.R. Why should the United States extend its top trade status to a nation using that kind of economic blackmail?

The policy also forces Jewish youth in Russia into choosing between relative ignorance and the higher education which results in the excessive emigration tax. And the potential is there for the Soviet Union to levy the tax against any critic within its society. That would be in keeping with a pattern of intellectual repression inside the U.S.S.R.

A no-strings-attached extension of the top trade status to Russia would be another one-way deal on which the United States makes all the concessions. We saw this with the interim SALT Agreement which confers military superiority on the U.S.S.R. Real negotiation requires concessions on both sides, and it is time for the Russians to make some concessions. I join with Senator JACKSON in suggesting that one concession must be humanitarian treatment of Soviet Jews.

APPOINTMENT BY THE VICE PRESIDENT—17TH GENERAL CONFERENCE OF UNESCO

The PRESIDING OFFICER (Mr. STAFFORD). The Chair, on behalf of the Vice President, appoints the following Senators as members of the 17th General Conference of the United Nations Educational, Scientific, and Cultural Organization—UNESCO—Paris, France, October 17–November 18, 1972: The Senator from Louisiana (Mrs. EDWARDS) and the Senator from Connecticut (Mr. Weicker).

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the amendment of the House to the bill (S. 1475) to authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat *Cairo*, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 3817) to amend titles 10, 32, and 37, United States Code, to authorize the establishment of a National Guard for the Virgin Islands.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 9756) to amend the Merchant Marine Act, 1936, as amended.

The message also announced that the House had agreed to the amendments of the Senate to the joint resolution (H.J. Res. 1263) authorizing the President to proclaim October 30, 1972, "National Sokol U.S.A. Day."

The message further announced that the House had agreed to the concurrent resolution (S. Con. Res. 90) commemorating the 200th anniversary of Dickinson College.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7378) to establish a Commission on Revision of the Judicial Circuits of the United States.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12652) to extend the life of the Commission on Civil Rights, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes.

The message also announced that the Houses insisted upon its amendment to the bill (S. 141) to establish the Fossil Butte National Monument in the State of Wyoming, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ASPINALL, Mr. TAYLOR, Mr. RONCALIO, Mr. SAYLOR, and Mr. SKUBITZ were appointed managers on the part of the House at the conference.

The message further announced that the House insisted upon its amendments to the bill (S. 1852) to provide for the establishment of the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two

Houses thereon, and that Mr. Aspinall, Mr. Taylor, Mr. Johnson of California, Mr. Saylor, and Mr. Terry were appointed managers on the part of the House at the conference.

NOTICE TO TAKE UP THE PRESIDENT'S VETO OF THE RAILROAD RETIREMENT BILL

Mr. MANSFIELD. Mr. President, I I have discussed the veto of the railroad retirement bill with the distinguished Republican leader and with the chairman of the Committee on Labor and Public Welfare. At the present time, the distinguished Republican leader is endeavoring to get in touch with the ranking Republican member of the committee, Senator Javits. It is our intention, unless something comes up which we do not foresee, to have a vote on the President's veto later this evening.

We make this joint announcement at this time so that the Senate will be aware of the situation which has come into being.

Mr. SCOTT. That is correct—subject only to clearing it with the ranking minority member of the committee.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that when the President's veto message is presented before the Senate later this evening, there be a time limitation of 20 minutes, to be equally divided pro and con between the majority and minority leaders or any Senators they may designate.

This matter has been cleared all the way around.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, in connection with the action the Senate will be taking later today on the President's veto of the railroad retirement measure, I ask unanimous consent that Jonathan Steinberg of the staff of the Subcommittee on Railroad Retirement may have the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (H.R. 1) to amend the Social Security Act, to make improvements in the medicare and medicaid programs, to replace the existing Federal-State public assistance programs, and for other purposes.

MISSOURI PASSES ON THE BENEFITS OF THE SOCIAL SECURITY INCREASE

Mr. SYMINGTON. Mr. President, on September 29 the Senate approved an amendment to H.R. 1, the Social Security Amendments, which would provide that when there is a general increase in social security benefits there will be a corresponding increase in the standard of need under State public assistance programs.

I am pleased to call to the attention of the Congress the fact that the State of Missouri is in full agreement with that position. In fact, 4 days earlier, on September 25, Gov. Warren E. Hearnes announced that the Missouri Division of Welfare had already taken steps to liberalize its old age assistance standards so that the great majority of old age assistance recipients in Missouri, who also receive social security, will not have their old age assistance benefits reduced as a result of the 20-percent increase in social security, effective this month.

In every case, therefore, persons in Missouri now receiving both old age assistance and social security will receive more in total income than they were getting before the 20-percent social security increase passed by the Congress. That, of course, was the intent of Congress.

Both Governor Hearnes and Missouri Director of Welfare Proctor Carter are to be commended for this action which immediately assures a more adequate income for some 68,000 Missourians.

Mr. President, I ask unanimous consent to have printed in the Record the news release from Governor Hearnes' office, dated September 25, announcing this humanitarian policy in our State.

There being no objection, the news release was ordered to be printed in the Record, as follows:

News Release From the Office of Gov. Warren E. Hearnes

Governor Warren E. Hearnes today announced that the Division of Welfare will increase Old Age Assistance standards to fully or partially offset the 20 per cent increase in Social Security benefits which becomes effective in October.

"This action will allow the great majority of Social Security recipients who also receive Old Age Assistance to keep the 20 per cent increase without having their Old Age Assistance grants reduced," Hearnes said. He explained that the plan had the approval of the federal Department of Health, Education and Welfare.

The Governor said the action was necessary to avoid widespread reductions in payments to Old Age Assistance recipients, since federal legislation providing the 20 per cent Social Security increase did not require states to pass on the increase to welfare recipients.

Proctor N. Carter, State Welfare Director, gave statistics showing the estimated effect of this change on Old Age Assistance recipients.

Of the 93,444 OAA recipients, about 65,000 (69 per cent) also receive Social Security benefits. About 33,000 of those will receive the full 20 per cent increase with no change in their OAA payments. Another 19,000 will receive the Social Security increase and also an increase in their Old Age Assistance grant.

The remaining concurrent recipients will have small reductions in their OAA grants, of $5 or less per month, which will be more than offset by the Social Security benefits. Carter said the limited OAA reductions would be for persons whose Social Security grants are relatively high and who would receive a substantial hike in benefits through the 20 per cent increase.

Both Governor Hearnes and Carter emphasized that *all* aged persons who receive both Old Age Assistance and Social Security will continue to have more in total income than they are now receiving.

Of the approximately 29,000 Old Age Assistance welfare recipients not receiving Social Security benefits, about 26,000 will have no change in their payments since they are receiving the $85 maximum Old Age Assistance payment.

The remaining 3,000 recipients will receive small increases in their Old Age Assistance payments. According to Carter, these are persons who now receive less than the $85 maximum and who will benefit from the increase in the assistance standard. The increased cost for these recipients will be paid from federal funds and will not affect the state appropriation.

Because the number of concurrent Social Security-welfare recipients in the other categories of Aid to Dependent Children, Aid to the Permanently and Totally Disabled, Aid to the Blind, and General Relief is small, changes in the level of assistance payments will be minor, Carter concluded.

Mr. PERCY. Mr. President, I move to recommit H.R. 1 to the Finance Committee to report forthwith with the following amendment, which I send to the desk.

The amendment reads as follows:

Beginning on page 689, line 11, strike out everything down through page 863, line 26.

Beginning on page 921, line 2, strike out everything down through page 932, line 24.

Beginning on page 933, line 9, strike out everything down through line 2 on page 936.

Beginning on page 947, line 4, strike out everything down through line 5 on page 954.

Beginning on page 963, line 19, strike out everything down through line 17, page 989 and insert in lieu thereof the following:

"FISCAL RELIEF FOR STATES

"Sec. 540. Title XI of the Social Security Act (as amended by this Act) is further amended by adding at the end of section 1130 the following new section:

"FISCAL RELIEF FOR STATES

"Sec. 1131. (a) The Secretary shall, subject to subsection (c), pay to any State which has a State plan approved under title I, X, XIV, or XVI, or part A of title IV, of this Act, for each quarter beginning after June 30, 1971, in addition to the amounts (if any) otherwise payable to such State under such titles, such part, section 1118, and section 9 of the Act of April 19, 1950, on account of expenditures as cash assistance, an amount equal to the excess (if any) of—

"(1) an amount equal to the lesser of—

"(A) the non-Federal share of the expenditures, under the State plans approved under such title or such part A (as the case may be), as cash assistance for such quarter (not counting any part of such expenditures which is in excess of the amount of the expenditures which would have been made as cash assistance under such plans if such plans had remained as they were in effect for January 1971, or

"(B) an amount equal to 120 per centum of the amount referred to in clause (2), over

"(2) an amount equal to 100 per centum of the non-Federal share of the total average quarterly expenditures, under such plans, as cash assistance during the 4-quarter period ending December 31, 1970.

"(b) For purposes of subsection (a), the non-Federal share of expenditures for any quarter under State plans approved under title I, X, XIV, or XVI, or part A of title IV, of this Act as cash assistance, referred to in subsection (a)(1), means the excess of—

"(1) the total expenditure for such quarter under such plans as (A) old-age assistance, (B) aid to the blind, (C) aid to the disabled, (D) aid to the aged, blind, or disabled, and (E) aid to families with dependent children, over

"(2) the amounts determined for such quarter for such State with respect to such expenditures under sections 3, 1003, 1403, 1603, 403, and 1118 of this Act and (in the case of a plan approved under title I or X or part A of title IV) under section 9 of the Act of April 19, 1950.

"(c) No payment under this section shall be made for any quarter to any State on account of expenditures, as cash assistance, under a State plan of such State if the standards, under any plan of such State approved under title I, X, XIV, or XVI, or part A of title IV, for determining eligibility for, or the amount of, cash assistance to individuals under such plan have been so changed as to be less favorable, to all (or any substantial class or category) of the applicants for or recipients of such assistance under the plan, than the standards provided for such purpose under such plan as in effect for January 1, 1971, or, if more favorable to any such applicants or recipients, for any month after January 1971.

"(d) This section shall be effective for fiscal years 1972 and 1973 only."

MAINTENANCE OF STATE PAYMENT LEVELS

Sec. 403. Section 402(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (22); and

(2) by striking out the period at the end of paragraph (23) and inserting in lieu thereof "; and" and the following: "(24) provide that aid furnished under the plan to a family for any month shall not be less than (A) the amount of aid which would have been furnished for October 1972 under such plan to a family of the same size with no other income, reduced by (B) any income such family may have which is not required to be disregarded by clause (8)."

On page 989, after line 17, add the following new title:

TITLE VI—EFFECTIVE DATE OF CERTAIN PROVISIONS

Sec. 601. Notwithstanding any other provision of this Act, title IV (other than sections 401, 402, and 403) and title V (other than sections 510, 521, 531, and 534) shall be effective at such time as the Congress may determine in subsequent legislation.

Beginning on page 689, line 11, strike out through page 769, line 11, and insert in lieu thereof the following:

"TITLE IV—PROGRAMS FOR FAMILIES WITH CHILDREN

"Part A—Testing of Alternative Proposals for Assistance to Families With Dependent Children

"AUTHORIZATION FOR CONDUCT OF TEST PROGRAM

"Sec. 401. (a) For purposes of this part—

"(1) the term 'family assistance tests' means (A) the programs contained in title IV of H.R. 1, Ninety-second Congress, first session, as passed by the House of Representatives, or (B) the program referred to in clause (A) as amended by amendment numbered 1669, Ninety-second Congress, second session, introduced in the Senate on October 2, 1972,

"(2) the term 'workfare test program' means the program contained in parts A and B, title IV of H.R. 1, Ninety-second Congress, second session, as reported to the Senate by the Committee on Finance on September 26, 1972, and

"(3) the term 'family' means a family with children.

"(b)(1) The Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the 'Secretary') is authorized, effective January 1, 1973, to plan for and conduct, in accordance with the provisions of this section, not more than three test programs. One of such programs shall be the family assistance test program defined in subsection (a)(1)(A) of this section, one of such programs shall be the family assistance program defined in subsection (a)(1)(B) of this section, and one of such programs shall be the workfare test program.

"(2) Whenever the workfare test program is commenced, there shall commence, on the same date as such program, both family assistance test programs. Except as may otherwise be authorized by the Congress, no test program under this section shall be conducted for a period of less than twenty-four months or more than forty-eight months, and to the maximum extent practical each such test program shall be conducted for the same length of time.

"(3) Any such test program shall be conducted only in and with respect to an area which consists of one or more States, one or more political subdivisions of a State, or part of a political subdivision of a State, and shall be applicable to all the individuals who are residents of the State or the area of the State in and with respect to which such program is conducted except that no one such program shall be applicable to more than 100,000 recipients.

"(4) During any period for which any such test program is in effect in any State or in any area of a State, individuals residing in such State or the area of the State in which such program is in effect shall not be eligible for aid or assistance under any State plan or program for which the State receives Federal financial assistance under part A of title IV of the Social Security Act.

"(5) The Secretary, in determining the areas in which test programs under this section shall be conducted, shall select areas with a view to assuring—

"(A) that the number of participants in any such program will (to the maximum extent practicable) be equal to the number of participants in any other such program; and

"(B) that the area in which any family assistance test program is conducted shall be comparable (in terms of size and composition of population, of average per capita income, rate of unemployment, and other relevant criteria) to an area in which a workfare test program is conducted.

"(c) (1) No test program under this section shall be conducted in any State (or any area thereof) unless such State shall have entered into an agreement with the Secretary under which the State agrees—

"(A) to participate in the costs of such test progam; and

"(B) to cooperate with the Secretary in the conduct of such program.

"(2) Under any such agreement, no State shall be required to expend, with respect to any test program conducted within such State (or any area thereof), amounts greater than the amount which would have been expended with respect to such State or area thereof (as the case may be), during the period that such test program is in effect, under the State plan of such State approved under part A of title IV of the Social Security Act. For purposes of determining the amount any State would have under such a plan during the period that any such test program is in effect within such State (or any area thereof), it shall be assumed that the rate of State expenditure (from non-Federal funds) under such plan would be equal to the average of State expenditure (from non-Federal funds) under such plan for the twelve-month period immediately preceding the commencement of such test program.

"(d)(1) The Secretary shall, upon completion of any plans for and prior to the commencement of any test program under this section, submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a complete and detailed description of such program and shall invite and give consideration to the comments and suggestions of such committees with respect to such program.

"(2) During the period that test programs are in operation under this section, the Secretary shall from time to time (but not less frequently than once during any six-month period) submit to the Congress a report on such programs. Each such report shall contain full and complete information and data with respect to such programs and the operation thereof, together with such recommendations and comments of the Secretary with respect to such programs as he deems desirable.

"(3) At the earliest practicable date after the termination of all test programs authorized to be conducted by this section, the Secretary shall submit to the Congress a full and complete report on such programs and their operation together with (A) the Secretary's evaluation of such programs and such comments or recommendations of the Secretary with respect to such programs as he deems desirable and (B) his recommendations (if any) for legislation to revise or replace the provision of part A of title IV of the Social Security Act.

"(e) (1) The Secretary shall—

"(A) in the planning of any test program under this section; or

"(B) in assembling information, statistics, or other materials, to be contained in any report to Congress under this section;

consult with, and seek the advice and assistance of, the General Accounting Office and the General Accounting Office shall consult with the Secretary and furnish such advice and assistance to him upon request of the Secretary or at such times as the Comptroller General deems desirable.

"(2) The operations of any test program conducted under this section shall be reviewed by the General Accounting Office, and the books, records, and other documents pertaining to any such program or its operation shall be available to the General Accounting Office at all reasonable times for purposes of audit, review, or inspection. The books, records, and documents of each such program shall be audited by the General Accounting Office from time to time (but not less frequently than once each year).

"(3) During the period that test programs are in operation under this section, the Comptroller General shall from time to time (but not less frequently than once during any six-month period) submit to the Congress a report on such programs which shall contain full and complete information and data with respect to such programs and the operation thereof, together with such recommendations and comments of the Comptroller General with respect to such programs as he deems desirable.

"(4) At the earliest practicable date after the termination of all test programs authorized to be conducted by this section, the Comptroller General shall submit to the Congress a full and complete report on such programs and their operation together with his evaluation of, and comments and recommendations (if any), with respect to such programs.

"(f) In the administration of test programs under this section, the Secretary shall provide safeguards which restrict the use or disclosure of information identfying participants in such programs to purposes directly connected with the administration of such programs (except that nothing in this subsection shall be construed to prohibit the furnishing of records or information concerning participants in such programs to the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives).

"(g) For the purpose of enabling the Secretary to formulate operational plans and to conduct test programs under this section, there are hereby authorized to be appropriated for each fiscal year $200,000,000.

"(h) Nothing in this Act shall be construed as a commitment, on the part of the Congress, to enact (at any future time) legislation to establish, on a permanent basis, any program tested pursuant to this section or any similar program.

Mr. PERCY. Mr. President, the instructions contained in my motion would be the following: First, as the amendment of the Senator from Delaware (Mr.

ROTH) that was adopted, it would authorize a series of pilot projects to test out the elements of the Ribicoff welfare reform proposal, the President's proposal, and the Finance Committee proposal. These pilot programs would run from 2 to 4 years. Second, it would authorize an emergency fiscal relief measure for the States. Once a State's welfare costs reached their fiscal 1971 levels, the Federal Government would assume all financing of any additional costs for the State up to 20 percent above the fiscal 1971 levels. Above that level States would receive regular matching. This relief provision would give States retroactive relief for fiscal 1972 and fiscal 1973.

Certainly the administration has evidenced its strong support of this measure. Senator RIBICOFF has indicated time after time his support for it, and the distinguished chairman of the Finance Committee, though modifying the formula, has agreed in principle that fiscal relief must be granted to the States.

Third, it would require that States maintain benefits at the level they were paying in January 1971 or the level they are paying now, whichever is higher.

Fourth, it would require leaving intact the 10-percent work bonus the Finance Committee proposed. The 10-percent work bonus provides an additional 10 percent of wages covered by social security, up to wages of $4,000. Above that level the bonus is phased out at a 25-percent rate.

Finally and in summary, Mr. President, the Roth amendment retains major features of the Senate Finance Committee's version of H.R. 1 which I think could be considered repressive, and which I feel a great many in the Senate simply cannot live with. The problems I have with the Roth amendment include:

First, the wage supplement portion of the Finance Committee's work-fare program which encourages employers not to upgrade hourly wages even to the minimum wage and does nothing to assist workers in the lowest paying jobs.

Second, it provides for a nationwide system of child care without parental involvement or local control, which duplicates the existing system.

Third, the amendment authorizes so-called 2 to 4-year "pilot" programs which provide:

No articulated goals to be tested;

No specific standards or safeguards;

No limitations on the number of States or individuals which may be involved in the test;

No requirement that the pilot programs be more than very generally related to the programs they are to test: H.R. 1 as passed by the House, the Senate Finance Committee's version of H.R. 1, and the Ribicoff-Administration Compromise.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. PERCY. I am very happy to yield to the Senator from Minnesota whatever time he requires.

Mr. MONDALE. I am very pleased to join in cosponsoring the amendment offered by the Senator from Illinois. I think it has great merit, and I hope it will be adopted by the Senate.

The amendment offered by the Senator from Delaware was represented as a proposal which would test the essential elements of the family assistance plan in a series of pilot projects. That was partly correct, but in some respects the Roth amendment establishes major permanent programs, establishes major agencies and major fundamental policies which would be in law on a permanent basis.

Principal among them is a brand new and I think very poorly conceived program to deal with child care in this country. If fully funded, this permanent new agency would be the largest day care program in the country.

It is a bare bones proposition which establishes a new permanent Federal bureaucracy called the Bureau of Child Care, under the control of a director who is virtually without any restrictions on how he proceeds, what standards he establishes, where he allocates the money, what kind of fee schedules he establishes, whether parents are involved, and what kind of minimum requirements may be needed. None of these things are answered in this measure. This proposed agency is contrary to the best advice we have been able to obtain from anyone, anywhere about child care. In my opinion the whole thrust of it would, in the long run, damage children far more than if it were not adopted and were set aside.

We have two major programs in the country today dealing with child care. The first is the Headstart program, which has been in being for some years, but which would be only half the size of this program.

Secondly, we have a series of day care centers set up under existing welfare programs, under title IV–A of the Social Security Act, which amount to about $700 million, but with respect to which there are certain built-in protections. They are established under the direction of the Federal Interagency Day Care Standards; they are established in cooperation with State and local welfare departments; they are subject to the protection of local licensing laws affecting fire protection, sanitation, safety protections, and the rest. There are protections in these existing day care programs dealing with the staff ratios, which are very important. We do not have time to go into it today, but the top experts in this country say it is disastrous to put too many infants and young children under the supervision of a single staff member. The psychological damage of under staffing is enormous. That is why Headstart and title IV–A programs have protections concerning adequate staff ratios and maintain close relationships between the programs and the parents whose children are in the programs.

This pending proposal, in my opinion, is perhaps the worst proposal dealing with children that I have ever seen. I think it is very dangerous. I think it would establish a national program over which State and local governments and parents have no control, in which there are no guidelines, and would permit private for-profit corporations to become involved without any control whatsoever.

I would just like to discuss that prospect for a minute, so that we will realize what will happen unless the Percy amendment is adopted.

First of all, this major new program creates a permanent agency called the Bureau of Child Care, a new Federal bureaucracy unrelated to any existing department or existing programs providing Federal assistance to day care. This encourages further fragmentation and duplication.

The establishment of a new bureau totally ignores the existence of the Office of Child Development in HEW, which was created to bring some coordination to our efforts in early childhood. It bears no relationship to child-care programs authorized in HEW, the Office of Education, or OEO. It does not even relate to the child-care programs in title IV–A and the WIN programs that are already authorized and in operation under the very Social Security Act this bill seeks to amend. It simply gives applicants for assistance one more unrelated source of funding with separate forms, and different requirements.

As such, it runs absolutely counter to the need for coordination and simplicity by adding a new and redundant Federal bureaucracy.

Second, contrary to what this administration and the Congress wants, this would be a totally federally controlled and dominated organization. There would be literally a Federal czar dealing with children who come within this program. There is no role for States or localities whatsoever in the delivery system. Child-care programs would be exempted from State and local housing requirements regarding health, sanitation, and the rest. Let me read the language:

> the Bureau . . . shall not be subject to any licensing or similar requirements imposed by any State (or political subdivision thereof), and shall not be subject to any health, fire, safety, sanitary, or other requirements imposed by any State (or political subdivision thereof) with respect to facilities providing child care.

Unlike existing day-care programs, or the proposed prime sponsorship mechanism in the Comprehensive Headstart, Child Development, and Family Services Act, the proposal has no role for general-purpose government at the State or local level. These public bodies are not designated for involvement in the delivery system at all. Their efforts in child care, health, education, and social services are not tapped. Instead, a totally new Federal bureaucracy, through Federal field offices in major cities, would have complete responsibility for these programs.

This should be a matter of particular concern to the President, who expressed in his veto message last year the fear of "arrogating initiatives to the Federal Government from the States" and "retaining an excessive measure of operational control at the Federal level."

Next the standards in this proposal are totally inadequate. It assures purely custodial care, and while there is a lot of disagreement in the day care and child care field, every person we heard from said the worst thing you can do to children is take them away from their parents and put them into cold custodial care, with no emotional support and no minimum standards to be sure that the quality of support that one expects in the home at least is substituted as fully as possible in these day care centers. Existing standards of HEW set limits on the maximum number of children per adult. This bill sets no maximum—it sets a minimum, just the other way around.

For example, for 3-year-olds in a day care center, existing day care standards require that there be no more than a 5-to-1 child-adult ratio. In the same case, the bureau would require no less than a 10-to-1 ratio, and this is just the minimum. The bureau proposal gives the director the authority to define this ratio so that it could be 15-to-1, 20-to-1, or worse. We could put a thousand kids in the Kennedy Stadium out here, with one custodian, under this proposal. Mr. President, that is no way to treat children.

Adequate adult-child ratios are absolutely essential to quality child care. That point was emphasized time and time again during the hearings the Labor and Public Welfare Committee held on day care and child development over the past 3 years. It was made over and over again during the hearings the Finance Committee held on child care last summer. And the child-adult ratios in this bill were repeatedly criticized at that time in testimony from the Child Welfare League, the League of Women Voters, the American Academy of Pediatrics, the National Council of Jewish Women, the National Federation of Settlements and United Neighborhood Houses, the Washington Research Project, the Maryland Committee for Day Care of Children, Mary Rowe, and others—yet no improvements were made. The bill retains absolutely no protections in this critical and sensitive area. It remains an invitation for the most damaging kind of custodial warehousing.

Finally, the bills provision with respect to parent participation are totally inadequate. I think every one agrees when you start providing care for preschool children, you had better make certain it is in a way which complements and supports the family. I personally prefer, wherever possible, that the services provided in the home, with the parents, supporting the parents and keeping the family together. But where it is necessary, because the family has broken up, where the mother must work, or where the family is incapable of providing the kind of services that are needed of one kind or another, at least every effort ought to be made to keep the parents as closely involved and, in my opinion, as much in control as possible of the programs serving their children.

What does this bill do? It says that parent participation is limited to a requirement that parents be given the opportunity from time to time to meet the staff and observe the children receiving care in the facility. This is substantially weaker than the current day care standards, which require parental participation in policymaking, staff selection, and the rest. The inadequacy of this provision was pointed out repeatedly in the hearings on this proposal—in testimony from the AFL–CIO, the Child Welfare League, the American Academy of Pediatrics, the Day Care and Child Development Council of America, the National Capitol Area Child Day Care Association, the National Council of Jewish Women, the League of Women Voters, the American Baptist Home Mission Society, the Washington Research Project, the National Federation of Settlements, and United Neighborhood Houses, and others—but again no improvements were made.

Finally, there is no participation in the formula for State-by-State distribution. If the bill passes, we are authorizing the appropriation of $800 million, and no one knows or has the slightest idea how much his State will receive. There is nothing at all to assure that each State will get its appropriate share.

Mr. President, we have letters from the National Governors' Council, the President of the American Academy of Pediatrics, the National Association for the Education of Young Children, the Child Welfare League of America, Inc., the National League of Cities and United States Conference of Mayors and the Day Care and Child Development Council of America—all spelling out exactly what I have said in my remarks.

I am hopeful that the amendment offered by the Senator from Illinois will be accepted. That will truly be in the spirit of the amendment which we thought we were adopting, as offered by the Senator from Delaware (Mr. Roth), because it would put this program along with the others on a pilot basis. We would not be establishing willy-nilly what I regard to be one of the least acceptable proposals for day care that I have ever seen. I think it is a bad proposal. I do not think it has been considered seriously. I do not think it has responded to the best advice. I regret saying this. When we start authorizing programs to serve our children in this country, we had better be careful what we are doing.

One of the key reasons, therefore, that I hope the amendment of the Senator from Illinois will be adopted is that we need a program that really does the job. The Senate has twice adopted such a program. On two occasions we have adopted child development acts which deal with all the issues with which this measure fails to deal. If that were adopted and fully funded, in my opinion we would be proceeding on the course that this country—but more important—our children and our families require.

I sincerely hope that the amendment offered by the Senator from Illinois will be accepted.

Mr. President, I ask unanimous consent that the letters to which I have referred be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Child Welfare League of America, Inc.,
October 2, 1972.
Hon. Walter F. Mondale,
Chairman, Subcommittee on Children and Youth, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

Dear Senator Mondale: The Child Welfare League of America is very concerned that child care programs will be adversely affected by the actions about to be taken in the Senate. Specifically, we are opposed to the enactment of those provisions of Title XXI of H.R. 1 which would establish a Bureau of Child Care in the Department of Labor.

We testified at length before the Committee on Finance of the United States Senate regarding our concern and some of that testimony may be of interest to you. In that testimony we said the following.

"We believe that there should be adequate provision for the availability of child care in order that women on welfare who seek employment may take jobs without detriment to their children's welfare. In this sense, we agree with Senator Long that the "availability of child care is a key element in welfare reform." We do not believe it essential, however, to include legislative provisions for the establishment of child care programs in the welfare reform bill. Separate child care legislation which provides for comprehensive programs for all children needing child care, including those receiving welfare assistance, would be preferable. A welfare reform bill might, however, include authorizations to pay for the needed child care of welfare families.

"Child care is not, in our opinion, a proper function of the Department of Labor. Child care should not be viewed primarily as a manpower device. It must be child and family-oriented to ensure that the child's welfare comes first. Therefore, the Department of HEW is the more logical department to administer child care programs. Expertise with respect to the services required for these programs is, or should be, in that Department. The HEW experts in the areas of child welfare, child development, health, education and nutrition, etc., are needed to establish and administer sound child care policies.

"It also seems unnecessary, as well as administratively and economically unsound, to have duplicate systems of child care in two departments.

"We believe that child care legislation now before the Senate Finance Committee should have much in common with the comprehensive child development program passed by the Senate and House but vetoed by the President. We hope that programs of the same scope and quality of the vetoed bill will become part of all child care legislation, although there may be differences in plans for the administration and financing of these programs.

"In closing, we wish to stress the need for quality child care to help all children achieve their maximum potential so that they may emerge from childhood as healthy, secure, and productive adults. They are, indeed, the future of this nation."

The Child Welfare League of America favors those parts of Title XXI which would increase the authorization for child welfare services and which would establish a National Adoption Information Exchange System. We hope that the Senate will agree with these provisions, and that appropriations will be made to enable these worthwhile activities to expand services to the nation's children.

Sincerely,
Joseph H. Reid.

National Association for the
Education of Young Children,
Washington, D.C., October 3, 1972.
Hon. Walter F. Mondale,
U.S. Senate,
Washington, D.C.

Dear Senator Mondale: The National Association for the Education of Young Children (NAEYC) wants to register its concern for the potential harm that we see evidenced in some of the child care proposals incorporated into H.R. 1. Specifically, we are concerned about the possible reduction of standards for child-teacher ratios for children in group settings. The voting membership present at NAEYC's November 1971 conference passed a resolution which states a commitment to environments which permit, "maximum development and growth of children", specifically that all child care programs for young children must at least meet the minimum standard requirements as stated in the 1968 Federal Interagency Guidelines for Child Care, particularly those concerning child-teacher ratios, staffing patterns and parent involvement. The '68 Guidelines state that in day care centers, the total ratio of children to adults should not be greater than 5 to 1.

NAEYC is gravely concerned over the possibility of child care provisions being passed as a part of H.R. 1 which would set standards for 3-year-olds in group care centers at a level of at least 10 children per adult. The implications are obvious—inadequate supervision, dehumanization, and no possibility of providing quality experiences for children.

We call on you to act strongly to protect the children of this nation from such circumstances.

Sincerely yours,

MARILYN M. SMITH, Ed. D.,
Acting Executive Director.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: The American Academy of Pediatrics wishes to express its concern with Section 431 of HR 1 which would establish a Bureau of Child Care. The Child Care Program provided under this section represents the same approach to custodial care to which the Academy objected and the Senate agreed at the close of the last Congress. In a letter to Senator Long of December 18, 1970, the Academy urged the deletion from the Social Security Amendments of the provision establishing a Federal Child Care Corporation. In February, 1971, the Academy presented testimony to the Finance Committee specifying our reservations regarding this proposed approach and we offered positive alternatives for Committee consideration.

Section 431 will not provide for the establishment of child care programs of high quality. The minimal standards prescribed in the proposed legislation will result in mere custodial projects which will severely neglect the intellectual, social and developmental needs of children. State and local licensing will be superseded thereby negating much of the planning and program developing underway at the state and local level.

The Academy urges that the duplicative structure of child care as provided in Section 431 be struck from HR 1.

Sincerely,

JAY M. ARENA,
President, American Academy of Pediatrics.

NATIONAL GOVERNORS' CONFERENCE,
Washington, D.C., October 4, 1972.
Senator WALTER MONDALE,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: I appreciate your request for an analysis of the impact on States if the provision, as contained in the Senate Finance Committee's version of H.R. 1, to establish a Bureau of Child Care is enacted.

The National Governors' Conference has adopted the following policy statement regarding child care programs as related to welfare reform legislation:

"Provide for adequate day care programs for children of parents who are working or in training programs with provisions for a central state role and a comprehensive state plan, and which would not bypass States in the administration of such programs."

In analyzing the Senate Finance Committee's proposal in establishing the Bureau of Child Care, we would like to make the following comments:

1. We seriously question whether there is sufficient federal level knowledge of state or local conditions or the desirability as related to other licensing activities to justify the proposed federal preemption of all state or local health, fire, safety, sanitary, or other requirements with respect to facilities providing child care.

2. There is a total lack in the proposal of a presumed role for States in planning and administering child care programs. This is a serious deficiency in the proposal and is totally contrary to the policy position of the National Governors' Conference.

I hope that these comments will be useful to you.

Sincerely,

ALLEN C. JENSEN,
Special Assistant.

MAJOR WEAKNESSES IN BUREAU OF CHILD CARE

1. Creates a *new Federal Bureaucracy*, unrelated to any existing Departments or existing programs providing Federal assistance to day care. This encourages further fragmentation and duplication.

2. Creates a system of *total Federal control*. No role for states or localities in delivery system. Child care programs would even be exempted from State and local housing requirements regarding health, sanitation, etc.

3. *Inadequate Standards.* Assures purely custodial care. Existing standards set limits on maximum number of children per adults. This bill sets minimum. For example, for 3-year-olds in a day care center, existing Interagency Day Care Standards require that there would be no more than a 5-1 child-adult ratio. In the same case, the Bureau would require no less than a 10-1 ratio. And that is just the minimum. The Bureau proposal gives the Director the authority to define this ratio so that it could be 15-1, 20-1 or worse.

4. *Parent Participation.* Parent participation is limited to a requirement that parents be given the opportunity from "time to time", to meet the staff, and observe the children receiving care in a facility. Substantially weaker than existing Interagency Day Care Standards which require parental participation in policy making, staff selection, etc.

5. *Licensing.* Any facility in which the child care services are provided by the Bureau "shall not be subject to any health, fire, safety, sanitary or other requirements imposed by States or localities."

6. *Distribution of Funds.* No formula for State by State distribution.

NATIONAL LEAGUE OF CITIES,
U.S. CONFERENCE OF MAYORS,
October 4, 1972.
Hon. WALTER MONDALE,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: We urge you to oppose any attempt to retain Title XXI, as currently drafted, in the welfare reform bill (H.R. 1). A federal child care corporation is an inadequate vehicle to assure quality services to the nation's children or to meet local needs and priorities. The policy of both the NLC and USCM mandates local government involvement in the delivery of child care services. Local governments must have the opportunity to plan, coordinate and operate their individual programs.

Sincerely,

ALLEN E. PRITCHARD, Jr.,
Executive Vice President, National League of Cities.
JOHN GUNTHER,
Executive Director, U.S. Conference of Mayors.

DAY CARE AND CHILD DEVELOPMENT
COUNCIL OF AMERICA, INC.,
Washington, D.C., October 4, 1972.
Hon. Senator WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: In the recent fervor to complete Senate deliberations on H.R. 1, it is with great concern that the Council sees the direction being taken as one which will not emerge in the interests of the child care we advocate in our Statement of Principles.

We enclose a copy of our statement of September 24, 1971 before the Senate Finance Committee on this matter. Needless to say, the Council's thinking in this area has not wavered over the course of the past year.

We think that a review of this Statement by you and other Congressmen concerned about the direction of child care in our country would be beneficial.

Very truly yours,

THEODORE TAYLOR,
Executive Director.

STATEMENT BY MR. JOHN H. NIEMEYER, PRESIDENT, THE DAY CARE AND CHILD DEVELOPMENT COUNCIL OF AMERICA, INC., BEFORE THE FINANCE COMMITTEE, U.S. SENATE, SEPTEMBER 24, 1971

Mr. Chairman, distinguished members of the Committee: My name is John H. Niemeyer. I am President of the Bank Street College of Education in New York City. It is my honor to serve as President and Chairman of the Board of Directors of the Day Care and Child Development Council of America, and it is in this capacity that I speak to you today.

The Day Care and Child Development Council of America which I represent is a broad and inclusive organization. The Council brings together more that 4500 civic groups, public and private agencies, schools, churches and individuals. Our membership extends to every state in the union, and reflects a full spectrum of involvement in the care of children—from parents who are day care consumers, to practitioners whose daily work is the care of children, to professionals whose research and writings influence the field of child development.

The Council is a common effort by people who are working to achieve quality child care at all levels: local, state, regional, and national. It includes day care entrepreneurs; low, middle and high income parents; Blacks, Whites, Chicanos, Puerto Ricans, Indians, Orientals—professionals and laymen from all walks of life. What brings us together is a shared concern for the well being of our nation's children.

The purpose and priorities of the Day Care and Child Development Council are closely described in a Statement of Principles adopted in 1970 by the Board of Directors. Since this Statement bears directly on the concerns of the Committee, I will quote it in full.

THE STATEMENT OF PRINCIPLES

The Day Care and Child Development Council of America believes that quality child care services are a right: of every child, of every parent, of every community.

The goal of the Day Care and Child Development Council of America is to promote the development of a locally controlled, publicly supported, universally available child care system through: Public education—to mobilize public opinion and resources in support of children's programs; social action—to assist in formulating public policies which will result in well-planned, adequately funded, and well administered programs responsive to local needs and aspirations.

Assistance to local committees—to help citizen action groups and service agencies in meeting their community needs. Society is obligated to support the realization of human potential. Child care services are a fundamental right for: The child—they provide children with opportunities to develop their full capacity as human beings during their crucial early years; the family—they provide parents with real choices about employment and other activities outside the home; the community—they provide one of the essential elements for improving the quality of life of the community.

We believe that America needs a coordinated network of child care and development services which:

Are available to children of all ages from conception through youth, to families from every kind of economic and social background and to every community, with priority to those whose need is greatest.

Are available through a wide variety of different types of programs and during all of the hours of the day and time of the year that children, families and communities need them.

Have the full range of components required to promote the intellectual, emotional, social and physical growth of the children they serve.

Insure parents a decisive policy role in the planning, operation and evaluation of programs which determine the environment in which their children live.

Place the major responsibility for planning and operating child care and development services at the local level.

Reflect and build on the culture and language of children, families and communities being served and enhance the distinctive features of the child's culture.

We believe that child care services should be publicly supported. The financing of quality child care services is a costly undertaking but the most prudent of long-term investments. The Nation's priorities must be reordered to provide the resources necessary for universal services.

We believe that child care services should be a public, social utility whose cost must be shared by the entire community much as we now pay for essential police, fire and public school services.

It is my purpose today to use the perspective of this Statement of Principles as a basis for analyzing a selection of major issues included in legislation related to child care pending before this Committee. This legislation includes:

S. 2003, the Child Care Services Act of 1971.

H.R. 1, the Social Security Amendments of 1971.

Amendments to H.R. 1 proposed by Senator Ribicoff.

I will also include in this analysis Title V, Child Development Programs, of S. 2007 which passed the Senate on September 9.

As a matter of initial summary, let me say that each of the specific issues discussed below is seen by the Council as a variation of the fundamental issue: The guaranteeing of quality, not just quantity in the care of our society's most precious resource, its children.

This is one of the truly basic enduring questions with which the American people and their representatives must grapple today. It finds expression regularly in many forms of policy decision. We believe that the ability to recognize this issue in its several variations and to deal with it directly is essential to any creative consideration of child care proposals today.

The following analysis will clearly reveal the Council's historic concern for quality child care programs. But this concern has never—and cannot now—relieve the Council of its profound sense of urgency to meet the growing quantitative need for child care services in America.

The issues which we have selected for analysis are elements in a system which we regard as indivisible. We begin from the premise that a desirable universal child care system must include:

(a) clear and meaningful local control.

(b) an assurance that parents will have the decisive policy-making role in planning, operating and evaluating programs.

(c) a full-range of components required to promote the intellectual, emotional, social, and physical growth of children.

To this we would add and underline—that it must also include financial resources commensurate with the job to be performed.

From the Council's point of view the absence of any one of these elements seriously calls into question whatever positive value may flow from the presence of the others.

Thus, in the legislation pending before your Committee today we find ourselves applauding features which facilitate the delivery of much needed child care services. We are glad to welcome measures which increase the supply of day care centers, and raise the federal government's level of financial support for day care services to a responsible point.

However, in the interest of quality, we have serious reservations concerning the manner in which S. 2003 and H.R. 1 deal with the inherently inter-related questions of local control, parental involvement, and comprehensiveness of services. For this reason, we strongly recommend that both of these bills be modified substantially in the course of their consideration by this Committee.

Now let me turn to the specifics of our analysis.

1. Local control

By "local control" we mean a mechanism by which an organization or person at the community or program performance level can be held accountable for program performance and can be designated as an operator of child care programs which receive public funds.

In S. 2003, the Federal Child Care Corporation is mandated to "take into account any comprehensive planning for child care which has been done." This wording seems to us only a perfunctory bow to local planning units, and is clearly unsatisfactory.

H.R. 1 provides that grants or contracts for service delivery may be made to or with any agency designated by appropriate elected or appointed official in the area and which demonstrates capacity to work with the area manpower agency. Local Educational Agencies are designated to deliver care provided on a group or institutional basis for children attending school.

The language of the bill provides very broad discretion for federal administrators and minimal apparatus for advice from local communities.

Senator Ribicoff has bolstered the role of community representatives in his proposed amendments to H.R. 1. He has proposed in addition to the stipulation that the Federal Child Care Corporation "take into account comprehensive planning . . ." the creation of "local, state, and regional councils as necessary to insure that child care services are appropriately located, that full utilization is made of existing resources, that cooperation is obtained from education, health, child welfare, social services, and volunteer groups, and that *substantial local community participation* (our emphasis) in the establishment, operation, and review of day care programs is obtained." "Furthermore, where the Corporation provides child care services *directly*, such councils shall *administer and operate* (our emphasis) such programs."

We find that the Ribicoff approach described here goes further than either S. 2003 or H.R. 1 toward providing meaningful local control. This Amendment could be strengthened by increasing from at least 25% to at least 60% the representation on its councils of parents whose children are presently in, or have in the preceding five years been enrolled in, a day care program.

However, we urge that, in providing for the delivery of child care resources and services, the Committee give serious consideration to the locally controlled Child Development Councils mandated in S. 2007. These bodies will be composed of persons appointed by the chief executive of the Prime Sponsor unit and of consumer representatives. They will select local project sponsors and be held responsible for federal funding sources for proper conduct of programs.

2. Parental involvement

Increasingly, our Council has been impressed with the contributions which parents—particularly low-income parents—have made toward improving child care programs through their service in policy-making capacities. In addition, parents have made significant the contributions as program volunteers (especially in Headstart programs), as classroom aides, lunchroom helpers, etc., and as program staff members. Our Council itself has benefited enormously from the input of parents, who now serve on all Board committees and lend expertise and extra vitality to Council deliberations.

We certainly share the Committee's desire to provide services in as economical a manner as possible. Therefore it is important to note our experience that the involvement of parents in the entirety of the educational experience of their children generates dividends even beyond those accruing to the involved parents' own children. The children of participating parents experience firsthand the commitment to democratic participation and the intimate concern evidenced by their mothers and fathers. But additional ripples of benefit accrue to other family members and other community adults and children who now have a familiar model to emulate. The process is one of self-realization. Through involvement, parents also exercise latent skills, develop confidence, promote their sense of well-being. This process of enabling parents has resulted in numerous cases of the parent achieving economic self-sufficiency, and leaving behind the stigma of social dependency.

There is a further reason for parental involvement in day care. A synthesis is highly desirable between the insights of professionals and practitioners—and the wisdom, desires, and "mother-wit" of parents for the formulation of child care experience which is neither alien nor contradictory to the family's culture and life-style.

For these reasons, we value significant parent participation on economic, as well as educational, social and cultural grounds.

It is highly distressing, therefore, to encounter in S. 2003 only the requirements that parents have the opportunity from time to time, to meet and consult with staff on the development of the child, and to observe the child, from time to time, while he is receiving care.

By the same token, we see no purpose served by restricting membership on S. 2003's National Advisory Council of Child Care to no more than one individual representing the interests of child care recipients.

While H.R. 1 makes no provisions at all for involvement of parents in child care programs, Senator Ribicoff has provided in his Amendments for a strengthened parental role via a more influential role for Advisory Councils to the Child Care Corporation at the national, local, state and regional levels.

Again, however, a superior provision for parental participation is found in S. 2007. There, at the project level, a Project Policy Committee, consisting of a minimum of 50% of parents of children being served, wields approval power over project planning, operation, and evaluation. At the Prime Sponsor level, 50% of the Child Development Council membership is drawn from representatives of existing projects to be served. Here program consumers exercise a decisive influence over programmatic policy as well as the selection of project sponsors and constituencies to be served first.

3. Comprehensiveness of program

The fundamental reason for establishing child care programs needs to be identified again and again as the development of children as human beings. As a human being, a child has physical, social and emotional needs. A child *needs* and deserves a surrounding in which he can exercise his body, can play, can reflect, can socialize with other children. A child needs nutritious food and rest. A child deserves attention and remedy for any physical deficiencies. A child needs recognition and affection from adults as well as peers. A child deserves the opportunity to learn about the world around him, to have his attention called to events and everyday factors which influence how he fares in the future. A child will be called upon to discipline his faculties and develop skills in order to increase his capacity to function adequately and independently in the world.

It is the responsibility of those who have been entrusted with the care of children to identify and provide resources which can meet such needs as these for all of America's children. And this is what we mean by comprehensiveness of services.

Last winter, the Child Care Forum of the White House Conference on Children issued a call for a diverse national network of comprehensive developmental child care services. It warned against a monolithic day care institution for children, and the Council shares this concern. No one type of program is right for all children. Programs should be designed for the varying needs of different children rather than children being molded to fit available programs. Allowance should, therefore, be made for the establishment of a wide variety of programs including where appropriate, group day care, family care, and home care; evening care, 24-hour care and emergency care; and covering all age groups from infancy through school age.

However, all of these programs need to provide comprehensive services, including educational, nutritional, health and social services to assure each child the opportunity to grow and develop to his full potential.

The Council is currently studying the whole issue of federal day care standards, especially as this relates to assuring comprehensiveness of developmental services. A distinguished task force drawn from the Council's membership will report to the Board of Directors within the week. A carefully considered position will be issued by the Council shortly thereafter.

It will be a pleasure for us to share our findings with this Committee at that time, for we consider the matter of standards a very urgent one.

In the absence of the results of this Council study, it may be helpful nevertheless for me to comment briefly on what appears in both S. 2003 and H.R. 1 as the *raison d'etre* of child care—and which, from the Council's point of view—is a totally inadequate basis on which to establish a system of comprehensive developmental services. Both S. 2003 and H.R. 1 specify child care programs as a response to the need for parents to be drawn into the labor force. But there is a fundamental difference between creating a program as a social good for the benefit of children—and creating a program to free parents for labor force participation. The former treats children as ends in themselves. The latter treats children as a means to some other end. The latter needs to be rejected, however attractively it may be cast.

It is for this reason that the Council hopes this Committee will not waiver in the need to thoroughly re-think and re-write the conceptual basis on which it is proposing that Child Care Services are to be provided for the children of America.

To this point, the tone of our analysis has been critical, particularly of the child care sections of H.R. 1 and S. 2003. We have been critical on our judgment that the weak provisions for parent involvement and local control augur ill for quality, comprehensive programs.

On the positive side, we applaud the efforts of the sponsors and supporters of these legislative proposals to address the raw inadequacies of facilities and monies to finance child care. We support a maximum allocation of resources to meet children's needs, and commend the provisions of the Long bill, S. 2003, which provide loans for construction of facilities and operation of program. As the Committee has determined, previous efforts to encourage states to utilize federal funds to finance child care for past, present, and potential public welfare recipients have faltered because of the difficulties over raising the 25% non-federal share under Title IV–A. The importance of 100% financing federally under this title, as provided in S. 2003, cannot be understated. We propose that the Committee consider a synthesis of the desirable elements of the proposed legislation, amending Title IV–A of the present Social Security Act to provide 100% federal financing for past, present, and potential welfare recipients and mandate the Office of Child Development, HEW, to administer the programs utilizing the delivery mechanism established in S. 2007 for that purpose. This would serve to avoid duplication of responsibility within the government for child care program administration and would be consistent with the philosophy of the Administration in severing eligibility for welfare assistance from the provision of social services.

Subsidization of low-income families for child care expense.

Objection has been raised in the past to the charging of fees for child care for low-income families who require child care to accept employment. The Council supports the provision of child care services as a public, social utility whose cost must be shared by the entire community much as we now pay for essential police, fire and public school services, and certainly deems it inequitable that low-income people carry an extra financial burden for child care services.

Though the Council under present circumstances approves of subsidization of low-income families for child care expenditures—a welcome addition to the Long bill in principle—we have reservations about the practical applicability of the approach to subsidization included in the bill. Rather, a clear-cut statement that "the Secretary is authorized to meet the full cost of child care services for low-income families, those below the Lower Living Budget of the Bureau of Labor Statistics, to enable an adult member of such family to engage in employment" would be preferable to the existing proposed language. Such persons could simply be defined as eligible for coverage under the Title IV–A program.

Further, we commend the importance of the provision of free child care services for OFF participants during training and for one year following commencement of full-time employment, as proposed by Senator Ribicoff. And the sums authorized by Senator Ribicoff—up to $1.5 billion for planning and establishing new facilities ($100 million); evaluation, training of personnel; technical assistance and research and demonstration projects begins to approximate resources for quality programs.

Mr. Chairman, as you know, our organization has appeared before the Committee in the past to present our views on earlier child care proposals. Rather than repeat in toto points made earlier and considered in the formulation of the present proposals, I would like to summarize some views expressed in earlier testimony:

(1) In any child care bill, we prefer language which emphasizes the intent of providing (a) a strong education program geared to the age, ability, temperament, and interest of each child; (b) adequate nutrition; (c) health program and services where needed; (d) opportunity for social and emotional growth, including a balance between affection, control, and the joy of meeting new challenges; group experience, and, as appropriate time for solitude and internalization of ideas and experience; (e) opportunities for parent education, participation and involvement; (f) social services as needed by the child and his family; and (g) adequate continuing training of personnel.

(2) We view with favor provisions in the various legislative proposals to provide 100% federal payment of the costs of child care, including program planning, operation and evaluation; construction of facilities, provision of training and technical assistance; and research and demonstrative projects.

(3) We oppose requiring any mother of minor children to take work or training as a precondition to the receipt of welfare benefits, and oppose any mechanism which places her children in a care situation without her full consent. Mothers should be free to choose the appropriate type of care situation for their own children. In this respect provisions in the Opportunities For Families Section of H.R. 1 should be revised.

(4) H.R. 1 provides that care provided on a group or institutional basis for children attending school shall be provided through arrangement with appropriate local educational agency. We feel that day care for school age children should offer a variety of program options. The use of school facilities and the operation of programs through contract with local education agencies should be one of many alternate arrangements that might be made for this service. However to limit out-of-school group programs to education agencies would result in an extremely narrow base of operational potential. Voluntary social service agencies, community action programs, recreation departments, churches, libraries, and a variety of other community resources should be utilized in the planning and operation of programs that will meet the social, recreational, educational, and protective objectives of care for children 6–14 years of age during the time that they are out of school.

(5) In conjunction with the environmental conditions in which a child is raised, the Council remains concerned about the income provisions in H.R. 1. We strongly endorse the principle of a minimum income for all families and recommend that it be established at the level of the lower living standard of the Bureau of Labor Statistics—now $6960 for an urban family of four.

(6) With respect to services financed currently under Title IV of the Social Security Act, we support the exclusion of the provision of social services from the "statewideness" requirement, as proposed by Senator Ribicoff. The statewideness requirement not only disallows flexibility in meeting the varying needs of different locales within the state, but it has been a major hindrance to the development of new services. States can often find resources to meet pressing needs in specific areas, but are unable to provide services to all people throughout the state. The result is that the services are provided nowhere!

Finally, my organization commends you and your colleagues over the serious efforts you have exerted in the interest of our nation's children.

If we can assist you in any way, we stand available and eager.

Mr. LONG. Mr. President——

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. PERCY. I recognize the distinguished Senator from Connecticut.

Mr. LONG. Mr. President, I object.

Mr. PERCY. Does the distinguished chairman of the committee want to speak first?

Mr. LONG. My impression is that the Senator is not the Presiding Officer of the Senate.

The PRESIDING OFFICER. The Senator from Illinois yielded to the Senator from Minnesota such time as he might consume.

Mr. LONG. Are we under controlled time?

The PRESIDING OFFICER. No.

Mr. LONG. Then, the Senator can yield for a question, or I would like to be recognized.

Mr. PERCY. Mr. President, I have no objection at all to the distinguished chairman speaking.

The PRESIDING OFFICER. The Senator from Louisiana is correct. The Senator from Illinois can only yield for a question without losing the floor, if the point is raised.

Mr. LONG. I make the point, Mr. President.

The PRESIDING OFFICER. The Senator from Illinois can continue, but he cannot yield, except for a question.

Mr. RIBICOFF. Mr. President, will the Senator yield for a series of questions?

Mr. PERCY. Yes; I am happy to yield.

Mr. RIBICOFF. I ask the distinguished Senator from Illinois whether his amendment would provide $1.2 billion of fiscal relief of the States in the first year?

Mr. PERCY. No, it does not.

Mr. RIBICOFF. Fiscal relief to the States.

Mr. PERCY. My fiscal relief amendment will not cost $515.6 million for fiscal year 1972, as opposed to $1.2 billion for the Bellmon amendment.

Mr. RIBICOFF. As I understand the Percy amendment, it knocks out all of title IV and parts of title V. Is that not correct?

Mr. PERCY. That is correct.

Mr. RIBICOFF. Is it not true that the Percy amendment, which includes the language of the Roth pilot program, also provides fiscal relief and requires maintenance of benefits at the January 1, 1971, level or any higher level?

Mr. PERCY. That is correct.

Mr. RIBICOFF. Is it not true that the Percy fiscal relief amendment provides that once a State's costs reach 100 percent of the calendar 1971 level, the next 20 percent of cost would be borne by the Federal Government?

Mr. PERCY. That is correct.

I want to point out specifically that it does provide for a ceiling. In other words, we do not want to have the sky as the limit. The States have an incentive to hold the costs down, and that is why the 20-percent ceiling was put in.

Mr. RIBICOFF. Is it not true that the fiscal relief in the Roth-Long measure just pours 20 percent extra matching into the States to subsidize the AFDC mess?

Mr. PERCY. That is true. As a matter of fact, the States could use that money for things other than welfare. It provides for a 20 percent Federal reimbursement regardless of whether or not they need it.

Mr. RIBICOFF. Is it not true, also, that the 10 percent work bonus in the Finance Committee bill is left intact?

Mr. PERCY. That is correct.

Mr. RIBICOFF. Is it not true that the proposal leaves much of the Finance Committee bill intact, in addition to the work bonus proviso?

Mr. PERCY. That is correct.

Mr. RIBICOFF. Does not the Senator believe that the distinguished Senator from Minnesota (Mr. MONDALE) exposed the weaknesses and the dangers in the bureau of child care now in the committee bill?

Mr. PERCY. Very grave weaknesses.

I might indicate that one of the original bills I introduced years ago was to provide construction money for day care centers.

I felt that when the distinguished Senator from Minnesota said that the Roth-Long measure destroyed the value of day care, he was certainly speaking for what my amendment was designed to correct.

Mr. RIBICOFF. Is it not true, also, that the Roth proposal would leave intact the weight subsidy and work bonus provisos of the committee bill?

Mr. PERCY. That is correct.

Mr. RIBICOFF. And the stringent child support and deserting fathers provision in the committee bill?

Mr. PERCY. That is correct.

Mr. RIBICOFF. So, instead of being a true pilot test, as in the Senator's amendment, we have some tests, to be sure, but at the same time freeze in many of the objectionable features of title IV of the committee's proposal.

Mr. PERCY. The Senator certainly has brought out exactly the thrust and intent of this amendment and what it is designed to correct.

Mr. RIBICOFF. Is it not true, as well, that the Roth proposal retains many of the repressive features of the Finance Committee version of H.R. 1?

Mr. PERCY. That is correct.

Mr. RIBICOFF. Is it not true, also, that the amendment of the Senator from Delaware, authorizing the so-called pilot program, provides no articulated goals to be tested?

Mr. PERCY. That is correct.

Mr. RIBICOFF. No specific standards or safeguards?

Mr. PERCY. That is correct.

Mr. RIBICOFF. No limitation on the number of States or individuals which may be involved in the test?

Mr. PERCY. You could take the whole State of New York, or the whole State of California.

Mr. RIBICOFF. No requirement for the pilot programs to be more than very generally related to the programs they are to test. Is that not correct?

Mr. PERCY. That is correct.

Mr. RIBICOFF. Is it not also correct that the weight supplement portion of the Finance Committee's workfare program, which encourages employers not to upgrade hourly wages even to the minimum wage—and there is nothing to assist workers in the lowest paying jobs—still remains as part of the bill we are now considering?

Mr. PERCY. That is correct.

Mr. RIBICOFF. I thank the distinguished Senator for his understanding and his clear responses. Again I commend the Senator from Illinois for his deep concern in this problem.

Mr. LONG. Mr. President, this amendment is a proposal to rewrite titles III, IV, and V as the Senator thinks they should be written. I would point out a number of things we would find objectionable to the Senator's proposal for titles IV and V. In the first place, the State welfare directors sent a group to discuss their problems with me some time ago, and they proposed a solution to it which is at the desk right now as the Long amendment to which the Roth amendment has been added. That provides that the Federal Government shall make a grant during the next 2 years of an additional 20 percent over and above what the Federal Government is providing the States with today for the cash welfare programs. By providing an additional 20 percent, they would have the relief they felt they needed to take care of the increases in their caseloads and to take care of the cost-of-living increases which occurred since that time.

The Senator's proposal would provide up to an additional 20 percent measured by the entire amount of Federal and State funds. So if the State puts up $100 million and the Federal Government puts up $100 million in matching funds, he would increase this by up to 20 percent of the overall.

It would, therefore, seem to me that instead we should give the welfare administrators what they are asking for, and they would be satisfied with that.

Further, we have heard a lot about the child care problem. I believe, as I recall, that I voted for the Mondale child development bill. The bill was vetoed by the President. That is not my fault. The President had his reasons which had to do with the fact that the bill would cost $2 billion at the beginning and then go up from there—some said as high as $20 billion. I do not know how high, but about $2 billion it would start out with.

I was aware of the administration's objection to it while the bill was on its way through the legislative mill. The point was whether it would cost too much and the administration did not feel they could afford it and that played a part in the veto, I am sure.

If we had enacted that bill for child care, the committee would not now be trying to provide more. We would be satisfied to drop out the child care provision in here. But we faced this situation: A lot of people would like to work but cannot find work because they cannot find anyone to take care of their children while they worked. So we said we would provide $800 million for child care as best we knew how, from the information available to us, from hearings we have held, and with the people who put together the Bureau that will assume responsibility for providing child care to working mothers or welfare mothers who want child care so that they can seek a job.

We provided $800 million. It had a chance of getting through for the reason that it is not a too ambitious figure. They sent to the President a bill that the Senator from Minnesota (Mr. MONDALE) favored. We would think that perhaps with this lower figure we might be able to prevail.

The Senator is totally in error when he says there are no standards. We provided in the bill, and the Senator can turn to page 443 of the committee report and pages following and find that:

Under the committee bill, the Bureau may not require more adults than are needed to achieve a ratio of:

1. Eight children per adult, if child care is furnished in a *home;*
2. Ten children per adult if care is furnished in a *child care center;* and
3. 25 to 1 for *recreational programs.*

Although the Bureau may not require a lower number of children per adult, it may arrange for care in facilities with less children per adult.

Mr. President, I ask unanimous consent to have printed in the Record pages 443 through 446 of the committee report, describing the child care standards.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

CHILD CARE STANDARDS

Of the millions of children who are not cared for by their parents during the day, well under one million receive care in licensed child care facilities. One of the major goals of the committee bill is to insure that the facilities providing care under the Bureau's auspices meet national child care quality standards which are set forth in the bill.

Many persons have argued that State and local licensing requirements are all too often overly rigid and restrictive—to the point where instead of protecting children, they relegate them to unsupervised and unlicensed care, if indeed any care, while their parents work.

The committee bill includes standards requiring child care facilities to have adequate space, adequate staffing, and adequate health requirements. It avoids overly rigid requirements, in order to allow the Bureau the maximum amount of discretion in evaluating the suitability of an individual facility. The Bureau will have to assure the adequacy of each facility in the context of its location, the type of care provided by the facility, and the age group served by it.

To promote the healthy development of children, parents should be actively involved in their children's progress. The committee bill sets as a Federal standard the requirement that every child care facility provide the parents with an opportunity to meet and consult with the staff concerning the child's development, and an opportunity to observe the child while he is receiving care.

Under the committee bill, the Bureau may not require more adults than are needed to achieve a ratio of;

1. Eight children per adult, if child care is furnished in a *home*;
2. Ten children per adult if care is furnished in a *child care center*; and
3. 25 to 1 for *recreational programs*.

Although the Bureau may not require a lower number of children per adult, it may arrange for care in facilities with less children per adult.

To assure the physical safety of children, the bill requires that facilities (other than homes) must meet the life safety code of the National Fire Protection Association. Homes in which child care is provided must meet requirements adopted by the local area that are applicable to general residential occupancy. This will provide protection for those many children today who are being cared for in unlicensed facilities, the safety of which is unknown.

One of the major administrative tasks of the Bureau will be the monitoring of child care facilities to insure that they meet the Federal standards. The committee bill requires the Bureau to establish an Office of Program Evaluation and Auditing to fulfill this function. Unfortunately, experience under the medicare and medicaid programs has shown that some individuals will abuse Federal programs for personal gain. It will be the job of the Office of Program Evaluation and Auditing to do their utmost to prevent this from happening.

In other provisions of the bill, penalties would be set for fraud or misrepresentation concerning the conditions and operation of a health care facility in order to be certified for participation under the medicare or medicaid programs. The penalty was set at imprisonment for up to 6 months, or a fine of up to $2,000, or both. To discourage individuals from fraud or misrepresentation concerning a child care facility, a similar penalty is included in the committee bill with respect to child care facilites. In addition, the facility involved will be ineligible to participate in any federally funded or assisted child care program for 2 years following conviction.

Any facility in which child care was provided by the Bureau, whether directly or under contract, would have to meet the Federal standards in the law, but it would not be subject to any licensing or other requirements imposed by States or localities. If any individual, group, State, or locality feels that the fire and safety standards are less protective of the welfare of children than those imposed by State and local ordinances, a hearing procedure is provided.

Requiring facilities to meet only the Federal standards will make it possible for many groups and organizations to establish child care facilities under contract with the Bureau where they cannot now do so because of overly rigid State and local requirements. From the standpoint of the group or individual wishing to establish the facility, this provision would end an administrative nightmare. Today, it can take months to obtain a license for even a perfect child care facility, by the time clearance is obtained from agency after agency at the local level. Under the bill, persons and groups wishing to establish a child care facility would be able to obtain technical assistance from the Bureau; they would have to meet the Federal standards and they would have to be willing to accept children whose fees were partially or wholly paid from Federal funds, in order to contract with the Bureau.

CHILD CARE AND EARLY CHILDHOOD EDUCATION

An emotional and controversial issue frequently raised in the discussion of child care concerns the position taken by some persons that all child care should provide an early childhood education experience. Without being too specific about the nature of this experience (for example, the Federal interagency day care requirements only state that "the daily activities for each child in the facility must be designed to influence a positive concept of self and motivation, and to enhance his social, cognitive, and communication skills"), early childhood education advocates contrast it with "mere custodial care" that is, care like that provided by mothers in their own home to their own children.

Effectiveness of early childhood educational programs.—Though advocates of early childhood education programs cite the immediate intellectual gains children realize as a result of their participation, evaluations of the programs have been virtually unanimous in agreeing that the gains are short-lived. For example, in a summary of recent research on early childhood development issued by the National Institute of Mental Health in 1970, the authors noted the "consistent findings of a dropoff of the gains achieved in the short-term programs when these programs are terminated. . . . Almost all the studies in the literature show a decline in performance after the short-term programs are ended for the children. . . . The evidence is fairly clear that the gains of programs that are of a short term are gains that fail to last. . . . There is no evidence . . . that pre-school instruction has lasting effects upon mental growth and development."

In an article entitled "The Environmental Mystique" that appeared in the magazine *Childhood Education* in 1970, Dr. Edward Zigler, Director of the Office of Child Development in the Department of Health, Education, and Welfare, stated:

"Learning is an inherent feature of being a human being. The only meaningful question, therefore, is not "*Why* do children learn?" but, "Why is it that some children do not learn?" Approached in this way, the problem is not one of getting intelligence into nonlearners but rather of determining the conditions and attitudes that interfere with the natural process of learning. We are all aware that children learned before cognitive theorists told us how and before the invention of talking typewriters. Indeed, children learned before schools of any sort existed. How could this learning have been possible without the formal programing of experiences which we have come to associate with the formal educational process? The answer, I think, is that in his natural state the child is a much more autonomous learner than adherents of the pressure-cooker approach woud believe. I am convinced the child does most of his learning on his own and often the way to maximize it is simply to let him alone. He accomplishes some of the most significant learning in his every day interaction with his environment. Learning for the child is, thus, a continuous process and not one limited to the formal instruction and whizbang remedial efforts that have recently captured our attention. . . . Whatever the nature of cognitive development has been overemphasized in our current society."

Thus it has been repeatedly found that by the third or fourth grade there is no difference between children who have had preschool educational experience and those who have not. Professor Carl Bereiter, who has devoted his career to the education of young children, drew the following conclusion in a paper presented at Johns Hopkins last year:

"It appears that the main thing wrong with day care is that there is not enough of it and the main reason there is not enough of it is that it costs too much. At the same time, those who are professionally dedicated to advancing day care seem to be pressing continually to make it more costly by setting certification requirements for day care workers and by insisting that day care should be educational and not just high-quality institutionalized babysitting.

". . . Producing a measurable educational effect in young children is far from easy; . . . it requires as serious a commitment to curriculum and teaching as does education in older children. I cannot imagine day care centers on a mass basis carrying out educational programs of the kind needed to produce measurable effect. If they cannot do so, then it will prove in the long run a tactical blunder to keep insisting that day care must be educational. Sooner or later those who pay for it will begin demanding to see evidence that educational benefits are being produced, and the evidence will not come forth.

"It would seem to me much wiser to seek no more from day care than the sort of high quality custodial care that a child would receive in a well-run home, and to seek ways to achieve this level of care at a cost that would make it reasonable to provide it to all those who need it. One should not have to justify day care on grounds that it will make children do better in school any more than one should have to justify a hot lunch program that way."

Educational services for school-age children.—It is anticipated that most of the children receiving child care under the guaranteed employment program in the committee bill will be children who are in school most of the hours of the day for nine months of the year, and who will require supervision only during the hours they are not in school and during vacation periods. There appears to be no reason to require that educational services be provided to a child who already spends six hours a day in school.

In testimony before the Finance Committee, Dr. Zigler stated that for $80 a year per child an enrichment program could be provided for children receiving child care in family day care homes. Another approach suggested would have children receiving care in family child care homes go to a child care center several times during the week for a more educationally oriented experience at a much lower cost than if they spent full time in the day care center. Thus it should be possible with some imagination to enrich the experience of children who receive care in a home setting while at the same time not adding prohibitively to the cost of child care.

Committee bill.—In view of the considerations discussed above, the committee bill does not require that all child care arranged for by the Bureau of Child Care be educational in nature, nor does it require a formal educational component. However, in arranging for a child's care the Bureau would first have to see if a place is available under a child development program under other legislation if the parent prefers this type of care. Furthermore, educationally oriented child care could be arranged for by the Bureau if fees are available to pay for this kind of care.

Any educationally oriented child care arranged for by the Bureau would have to meet any applicable State or local educational standards, in keeping with the general philosophy of State and local control over education.

Mr. LONG. Mr. President, there is a great deal of detailed language spelled out in the committee report. One point that strikes me particularly about the Senator's statement is that he says we do not require that we go by State fire hazards or State fire codes. That has been one of the big problems. Some of the local groups have provided standards for fire hazards and matters of that kind, building code standards, and so forth, that cannot be met. So that we have some antiquated standards on the one hand and standards put there because the manufacturers of a particular product lobbied to get State and local governing bodies to put their particular proposal into effect, and in many cases people cannot provide the child care because of completely unrealistic building code requirements.

In order that this could be made available to everyone, we said that in the case of facilities that are not homes, they must meet the standards of the Life Safety Code of the National Fire Protection Association, 21st edition, 1967, would provide.

So as far as we know, if we are willing to adopt a uniform code that everyone will meet in providing for fire safety for day care centers, that is as good as any. If anyone knows of anything better, I would like to know about it. We would be willing to consider it.

This is the same Life Safety Code we require that nursing homes meet. I point out that the fire standard we provide for nursing homes is where patients are not ambulatory so that if this is a safe enough standard for them, where they are not able to get out of bed and move around, it should be safe enough to provide for child care centers where children are able to move about under their own power under the guidance of someone, if something of that sort should develop.

So these things have been considered. It has been suggested by some that because of the cutback in the social services programs, that was a part of the revenue-sharing bill, there is not adequate money for child care.

It is sort of hard to satisfy some of our liberal friends, coming or going. They complain on the one hand that we do not provide enough money for child care and then, when we do provide it, they take us to task because the safety codes we provide are only those of national standards required for nursing homes, where the patients are bedridden and cannot get out and walk under their own power.

It is sort of hard to satisfy all of the demands they impose on us. I would be happy for the Committee on Labor and Public Welfare to provide child care for all these working mothers, for all these welfare mothers who would like to seek jobs so that they can have it. We did provide that this child care would be in addition to child care that working mothers would be provided and what other facilities could be made available by these other programs. I regret the Senator from Minnesota and those who join in him are not able to work out a bill and get together with the President to provide adequate child care for these welfare mothers or these working mothers.

But since they were not able to do it, we found ourselves with the burden of trying to provide child care for people who would like to work.

There are good provisions in this bill that the Senator would seek to strike. For example, his proposal would strike the child support requirement in the bill. I have grave difficulty in believing that he is being urged to do that by this administration, because even Mr. Richardson and Mr. Veneman and all those in the administration who spoke to us took the view with respect to every one of these provisions that they would recommend that these fathers ought to be required to support their children. They are now seeking to duck that responsibility.

We ought to pursue them across State boundaries, and the Federal authorities ought to try to help in this matter.

We have yet to find the first objection to this. Those representing the administration said that anything we wanted to do along that line, they would recommend. It seems strange that those who would agree with the Department of HEW keep trying to strike these provisions where we would encourage the district attorneys and the U.S. attorneys to get these fathers to support their children.

This is about the third effort that has been made now to strike the provision in the bill that would catch these runaway fathers and make them do their duty.

I do not know why the Senator and those who do not like the committee's handiwork keep trying to strike out the child support provisions.

We had the overwhelming endorsement of all women's organizations interested in the matter. When they saw that we had provided in our bill an effective way to make these fathers support their children and give the mothers lawyers, at Government expense if need be, and pursue them at Government expense wherever we had to and make them pay for the support of their children, even if they were Federal employees, or make them pay something for the support of their children, as far as I know, every organization representing women supported the proposition.

I do not know why the Senator from Connecticut (Mr. RIBICOFF) wants to strike it. The senior Senator from Illinois (Mr. PERCY) wants to strike it. The junior Senator from Illinois (Mr. STEVENSON) wants to strike it. We cannot find anyone in the Nixon administration or in HEW who will publicly admit that he is against child support, even though they have not offered us any direct suggestions as to how it could be done. However, they have indicated that if we wanted to do something about it, they would go along with it.

The Senator would strike the child support provision.

I come now to the provision having to do with people working at low-paid jobs. In our bill we do not in any way modify the minimum wage law. We respect the jurisdiction of the Committee on Labor and Public Welfare. However, the law permits people to pay less than a minimum wage in a great number of situations. One example is when a person goes to work in a home as a domestic. That employment is not covered by the minimum wage, and the wage that person might receive might be only $1 or $1.50. A person might be able to make a little money to help increase the family income by taking a babysitter's job so that a workingman and his wife may go out for a night and enjoy themselves and leave their children in the care of someone they could trust.

If they take such a job, that is not covered by the minimum wage. If it happens to be a welfare mother who is trying to do what she can to aid her little family, and she goes into the home of a working family and babysits for 6 hours while that man and wife go out for an evening's entertainment, and she makes $1 or $1.50 or $1.20 an hour—to gear it in with the present minimum wage—I do not know why our friends are against our paying an additional 30-cents-an-hour increase in the income of that welfare mother who takes her children with her and does some babysitting to help earn money for her family.

Here are some other situations where a working mother could be expected to earn some money that is not covered by the minimum wage: recreation aide, swimming pool attendant, park service worker, environmental control agent, sanitation agent, library assistant, police agent, fire department assistant, social service aide, family planning aide, child care assistant, consumer protection aide, caretaker, home for the aged, work in the agricultural pursuits: jobs picking, grading, sorting, or grading crops; fertilizing, and other preparatory work; milking cows; caring for livestock.

In small retail stores: sales clerk, cashier, cleanup man.

In small service establishments: beautician assistant, waiter, waitress, busboy, cashier, cook, porter, chambermaid, counterman.

In domestic service: gardener, handyman, cook, household aide, child attendant, attendant for aged or disabled person.

When people take any one of those jobs, just going into a home where there is an aged person and helping to cook and helping with some of the housework, if the person doing that is comes off welfare, what is wrong with the Federal Government subsidizing or supplementing the income that such a person can make in that way? Is it not better to add something to what they might make, than keeping them on welfare?

Mr. President, it makes better sense to me. And if we do it the way the committee suggested, when that person goes to work and makes some money by helping to look after some person in the old folks home, for example, it is to their advantage to report it so that we can add something to it for their benefit. However, proposals are made to strike that out of the bill. They would like to have it so that when a person goes to help grandpa or grandma cook the food and pass the time of the day with grandpa or grandma, the person would be encouraged to be a cheater, because every time that person would make a dollar, Uncle Sam would reach in and take 60 cents away from him. That is the approach they recommend. Under this amendment, as a matter of fact, if a man makes over $30, Uncle Sam would take 67 percent of that money away from him.

Mr. President, that makes people want not to report their income. We on the committee propose to encourage people to do the honest thing rather than to encourage them to do the dishonest thing. We say, "If you get a job cooking, as a maid, a library assistant, or a swimming pool attendant, tell us about what you made and we will add something to it." What is cruel or oppressive about this? The only thing I can find about it—and that is not objectionable—is that it tends to defeat this silly system under which we encourage people not to report their income and we put them on welfare. We on the committee would encourage them to be honest people and reward them for doing this.

It is just the opposite approach. It is a divergent point of view. If we want to encourage the people of this Nation to be honorable and reward them for hard work, we should agree with the committee proposal. We do not want to encourage them to get on the welfare rolls and not tell us that they are working.

Do we want to move in that direction, or do we want to do the things that are right? Furthermore, we on the committee would provide a tax advantage to a businessman who hires someone who is on welfare.

Let us analyze this for a moment. Here is a businessman who is in a position to hire someone at a job which pays the minimum wage or better.

He has two people available to him. One of them has four or five children to support, and that person is on welfare because he does not have a job. The other person does not have any children to support. If you want to help the little children and you would like for that family to get off welfare and help papa or mama get a job so they can earn their way rather than be on welfare, you would hire that man. They would strike the provision to encourage those people to hire the poor person on welfare who has children to support. We must recognize that these people on welfare, for the most part, do not have skills, training, or work experience. You need to give someone an advantage or some incentive to hire this poor fellow or lady who does not have the skill, the experience, or the training.

That person must be helped to get off of welfare and into workfare. But they would strike that provision. I do not know why.

Put all these people on welfare and then when they go to work, take two-thirds or 60 percent out of their checks, which encourages them to work and not report their income.

It is not right for people to talk about welfare reform when they encourage people by the tens of millions and provide them with the incentive to do the wrong thing, when we could just as well take the same amount of money to encourage people to do the right thing.

The Percy amendment would cost more money in fiscal relief than we are proposing. It would prevent the Senate——

Mr. PERCY. Mr. President, would the Senator clarify that statement? I want to be sure I heard it correctly. My fiscal relief amendment would be more costly? As I understand the Bellmon amendment the cost would be $1.2 billion, against $515 million for the Percy amendment.

Mr. LONG. The Senator's proposal would be permanent legislation and it may be after a couple of years that they will not need this big increase. For example, starting in 1974 the provisions we have in this bill would take virtually all aged people out of poverty, and a State would either need to have no program for the aged or they would need very little. After all, when a businessman is provided a tax advantage in terms of investment tax credit, the cost to us is $2.5 billion. I voted for that and so did the Senator from Illinois.

Mr. PERCY. Would the Senator yield for a clarification?

Mr. LONG. I will in just a moment. When we provided a businessman, not for his advantage but for the good of the country, a 7-percent investment tax credit, it will cost us $3 billion a year and more in future years to do that, to encourage a man to buy new machinery, because it provides new employment.

It will not cost that much to give that same businessman a tax advantage to hire a person on welfare rather than to hire a person who would not need to apply for welfare assistance.

I yield to the Senator from Illinois.

Mr. PERCY. I am very pleased that the distinguished chairman raised this point of open-ended fiscal relief because it gives me the opportunity to clarify this point. Because, as the distinguished Senator from Utah thoughtfully said on this floor, try to be fiscally conservative in every way I can. In this amendment I have limited my fiscal relief provisions to fiscal 1972 and 1973.

So I ask the question again. In view of the fact that the Bellmon amendment costs $1.2 billion in the first year, and more in the second, and the Percy amendment costs $515.6 million the first year, and $704.5 million in the second year, can it not be said that the Percy amendment is more fiscally sound and less costly than the Bellmon amendment, which has been accepted?

Mr. LONG. The Bellmon amendment has not been voted on at this point. I hope it will.

Mr. PERCY. I accept something as tantamount to being accepted if the chairman expresses himself and says that it will be accepted. But I want a clarification here now that the Percy amendment is far less expensive than the Bellmon amendment.

Mr. LONG. It might be somewhat less expensive.

Mr. PERCY. Somewhat? $515 million as opposed to $1.2 billion?

Mr. LONG. I was informed, and if the information I was given was wrong I stand corrected, but I was informed it went on indefinitely in the future.

Mr. PERCY. That is not true.

Mr. LONG. Then, my understanding is, and what I am posing here, would cost $1.2 billion in fiscal 1973, and it would be about $1 billion in fiscal 1974. That is what the welfare administrators came to me asking for. This does at least have the advantage of encouraging them to economize on their own systems because if they can save some money this would be something they could be use as they felt it should be used. I would think between the two figures in this regard I would rather go to conference with what they are asking for, and if we find what they are asking for is too much we could go to the figure the Senator is suggesting, rather than to go with the Senator's figure and find that is not adequate. I think what the Senator wants to do in this respect is pretty much or about the same thing that I want to do.

But I cannot agree to these proposals to strike out things in this bill we think would do a great deal to help the poor, when we want to help them. With regard to the test proposals the Senator made, it was the thought of the Senator from Louisiana that the Secretary of HEW should try to work out his test for the family assistance plan in a fashion that the Ways and Means Committee would agree that would be a fair test because they recommended the family assistance plan to us.

Mr. PERCY. Will the Senator yield for a brief comment?

Mr. LONG. I yield.

Mr. PERCY. I accept absolutely the Senator's statement that he wants to help those people on public welfare who really need it, for whom there is no alternative, and he does not want to see them discriminated against when they have no other way to maintain themselves.

But certainly the Bellmon amendment does not protect welfare recipients from benefit reductions. It is for that reason States are required and should be required to maintain benefit levels when we provide this kind of relief to them. We are not trying to have another disguised revenue sharing bill. We are not trying to provide additional funds so that they can use it for whatever expenditures they want.

It should not be looked upon and regarded by the States as another way of having revenue sharing.

I really feel the Bellmon amendment is far too expensive. I cannot imagine how a conservative can support it, when it provides a flat 20-percent Federal reimbursement regardless of need for every single State in the Union.

Mr. **LONG**. In the first place, we do not think there should be a maintenance-of-effort requirement here, for many reasons. The Senator is trying to strike the child-support requirement, but we feel that by providing that requirement, a State will reduce its caseload at least by 15 percent, and we think it possible to reduce it by more than that. By the requirement we have provided that fathers must support their children, and by providing incentives for district attorneys to prosecute fathers who are denying their responsibility toward their children or escaping them, and by requiring that U.S. attorneys participate in those efforts, it is our judgment that where this has been done it results in about a 15-percent saving. We think the saving would be that much.

If a State is going to save that much, I do not see why we should require the money to be spent, when the whole purpose is to make the father do his duty.

We have provisions in his bill which provide that where a father is not paying for the support of his children, his check can be garnished. Even though he may be working for the Federal Government, his check can be garnished. In other words, we propose to reach across State boundaries to get those people, even though they may be Government employees, and make them pay for the support of their children and their families.

When the welfare rolls can be reduced in that fashion, there should not be a maintenance of effort requirement to make them spend more.

In the State of Nevada, to give an example, where somebody made an effort to purge the rolls of people who did not belong there, that Governor reduced the welfare rolls by about 20 percent and he also reduced payments to the extent that over 50 percent of those people who were being paid too much because they were not reporting income that was available to them.

After the welfare rights people and others fought it and made the State go through hearings and different delays, and one thing and another, the Governor reported that, after having been forced to go through hearings, the expense came to just about the same magnitude.

Governor Reagan reported that he had had significant success in reducing the welfare rolls by eliminating people who are not eligible and by requiring fathers to be honest toward their families and by trying to make people work.

By the Roth amendment, which the Senator is seeking to resist, for example, New York State and California would be permitted to do things which they have been seeking to do and have had some success in doing, and that is requiring some of these people to work for their welfare money. By doing that, they will be able to reduce their welfare rolls, because welfare will not be that much more attractive than working.

If we followed that principle, Governor Rockefeller would like to do it, and so would Governor Reagan. If they do it, they are going to reduce their costs of welfare. Why is the Senator going to make them spend more money?

One of the biggest justifications for getting them to spend money is the argument, "Go ahead and waste the money. Put people on who do not belong on the rolls. Do not be strict about the rolls. Let them have the run of it and let them have their say, because, in the last analysis, Uncle Sam pays 50 percent or Uncle Sam pays a great deal of it. Therefore, just go ahead and pour the money down the rat hole."

A while back we had the story of what happened, under the maintenance of effort position, in Missouri, which was locked into a situation in which it was in fiscal straits. The officials asked for relief from the maintenance of effort requirement, and we finally got it for them. Some of the bureaucrats had objections, but we finally got relief for them. A State ought to be encouraged to save money.

I would have proposed—and it would be no longer in the bill because of its being stricken by the amendment—that in the future we should not pay money on an open-ended basis to the States, because it does not encourage economy; that we provide cash amounts, so that if a State found its money was being wasted and it tended to find ways to eliminate that waste, and eliminated from the rolls people who should not be on the rolls, the State would benefit in that way and at the State budget level, and those people would have the incentive to take ineligible people off their rolls. That provision would be eliminated, because they would be forced to spend the money even though they might not think it necessary.

For those reasons, I do not think the proposal should be agreed to.

Mr. **PERCY**. Mr. President, I would like to respond. Then I shall be very happy to yield to my distinguished colleague to cover the day care portion.

I have been very sympathetic with the Finance Committee, with its chairman, and with the ranking Republican member on the Finance Committee in trying to do everything we conceivably can to get at the problem of welfare deadbeats. There is no one that I know of who would in good conscience vote to provide money for people who are abrogating their responsibility, who are refusing to work, who are refusing the training and education necessary to provide them with skilled job opportunities. Certainly, to the extent that we are going after legitimate welfare deadbeats, I sympathize with the committee and will cooperate with it.

We know also that there is a certain amount of fraud. We do not know exactly how much. It is like the old adage about advertisements—"half of the money is wasted." It is true of General Motors, and it is true of other big corporations. The problem is, Which half? They try to cut out expenses which provide the least return on investment. We try to provide welfare systems that cut out as much fraud as is possible. Very often fraud is due to the administrative setup. There are not a sufficient number of caseworkers. They are inundated with paperwork and do not have time to provide the necessary services. That is why we have excessive costs.

We all agree that we want to do something in this area. As to fathers who want to escape responsibility, every reasonable effort should be taken to find them, but I maintain that while we are looking for the fathers, we cannot penalize the children. They are, after all, innocent. They are going to be the welfare recipients of the future, and they are going to be on welfare the rest of their lives unless they have adequate care at this time.

So while we are looking for the deadbeats, we should not be punishing those who need help.

Those are factors on which we do not disagree at all. We just disagree on whether this fraud is the overwhelming pattern or whether it is a exception to the rule. One can say that all business is corrupt, or he can say that all labor unions are corrupt, but we are probably talking about a 3- to 5-percent factor. Survey after survey has been conducted to ascertain whether welfare recipients are just a bunch of deadbeats. The findings have shown that to be false. We have to have an understanding on this point.

As far as fiscal relief is concerned, I only ask my distinguished colleague, is it not only fair to require States to maintain benefit levels if they are to receive additional Federal help?

As we establish a fiscal relief program, should we not prevent States from further reducing their present benefit levels which are already low? The State of Connecticut is the only State in the Union to provide a benefit level that is higher than the poverty level.

I am sure that the distinguished Senator, when he indicates his compassion for the poor—and his record through the years has evidenced that, time after time—would want that kind of a safety valve feature in a fiscal relief measure. The Percy amendment provides that safety valve, and the Bellmon amendment simply does not provide it.

I am not offering another revenue-sharing bill here. We do not need to provide, under a welfare bill, money to States that do not need it.

I do feel it is quite necessary to set it right. As far as I am concerned, I believe my colleague, the chairman of the Finance Committee, agrees with many of my feelings on this. We all have compassion for the needs of the elderly, especially the elderly poor. There are 5 million impoverished people 65 and over in this country. There is no stigma to being poor, particularly when you are old and poor and there is no way for you to get a job. And it is not a crime to be poor. But it is a crime when a society with the means of our society does not make provisions to care adequately for its low-income poor.

The Percy amendment is designed to provide some relief for that type of situation, and it is far less costly than the Bellmon amendment. I feel that the direction we are taking is the right direction, and I would urge the distinguished chairman of the Finance Committee to let us vote this amendment up or down. And I would hope that it would receive his support because it embodies a principle which he has supported time after time on this floor. He agrees with the principle of fiscal relief. This is one of the few opportunities we have to provide the fiscal relief that I think the States need in this respect.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield.

Mr. CHILES. I understood the Senator, in his colloquy with the chairman of the Committee on Finance awhile ago, talking about the Bellmon amendment, which would cost $1.2 billion and to say that the Percy amendment would cost roughly $500 million. Would the Senator explain to the Senator from Florida why the Bellmon amendment is more expensive, and where the additional cost comes in?

Mr. PERCY. The Bellmon amendment costs more because it would provide States with a flat 20-percent Federal reimbursement over their fiscal 1972 welfare expenditures. My amendment, on the other hand, would provide States with up to a 20-percent Federal reimbursement, based on the States increases in welfare expenditures over and above what they spent in fiscal 1971.

Mr. LONG. Mr. President, let me explain this in a slightly different way, so that the Senator from Florida can understand it.

The idea is that some States, such as Illinois, find themselves in a financial tight spot, and other States have managed their programs so that they are not in the same financial difficulty. The Percy amendment would save money by providing it to the States that are in the financial bind, and not make money available to the States which are not in the financial bind. It would provide money to Illinois because Illinois is in a tight situation at the moment. If Florida is not in that kind of situation, Florida would not get anything.

The welfare administrators of this country did not think something of that sort should be agreed to by the Senate, for the simple reason that they do not see why Senators who come from States which have policed their programs so as to stay within cost should have to have their people pay taxes to send their money to States which have not kept their programs within cost, so that States which have let their programs run out of bounds and become very costly would get a substantial amount of help, and those which have not done it would not receive help.

The proposal I am recommending to the Senate, which is a proposal that the welfare administrators have recommended to this Senator and that the Senator from Oklahoma (Mr. BELLMON) was recommending, is one which all welfare administrators think is fair, because it would treat all the States the same and say, "All right, we will provide 20 percent more Federal money to all the States," and that the State which has closely policed its program would get 20 percent more Federal money, and the State that has done the opposite would get 20 percent more as well.

That makes better sense. As far as the so-called maintenance of effort is concerned, the reason we are providing this money to the States is so they can provide the additional amounts that they want for additional benefits to their people, but if we provided some additional funds to help Florida, for example, and Florida did not want to raise their benefit level and did not want to expand the eligibility, I would assume that Florida would spend the Federal money in their program, and they might reprogram some of their State money to spend it on something else, where they thought it was needed more.

But I would think the Senator from Florida, the Senator from Louisiana, or a Senator from any State would be a little reluctant to provide additional money for Illinois, because Illinois let their program expand until it has them in financial difficulty, and deny his own State its proportionate amount of funds merely because his State has kept its program within the budget.

If we want to do justice among all the States, I would think we would treat them all alike and provide a flat, across-the-board increase for all, and that is what I suggested, because the welfare administrators suggested it to me.

The Senator has offered his proposal. It is not identical with the one he suggested before, but the one thing they all had in common was that they took very good care of Illinois. Some of the proposals I have seen, as I recall the previous Percy amendments, would provide zero for Louisiana, but provide a great deal of money for Illinois. I do not see why Louisiana should be penalized because it has tried to keep its program within its estimated cost, any more than any other State ought to be penalized for that reason. It sems to me they ought to be treated the same.

Furthermore, let me say this: While there may be merit to some of the Senator's proposals of what he would seek to do here, this is a blunderbuss attack on this bill. This bill has incentives for people to go to work. They would be stricken. This bill has incentives for people to hire those who are on welfare. They would be stricken. This bill has strong, effective provisions to seek and require a father to support his children. They would be stricken. This bill has money for child care, and arrangements to provide for child care. That would be stricken.

Those things, Mr. President, should not be stricken in any such blunderbuss fashion as this. If they are to be changed, they ought to be changed by the Senate looking individually at each one of these individual items.

Mr. PERCY. Mr. President, I wonder if the distinguished Senator from Florida, in response to his question, would really like some facts. Because I cannot accept the fact that in the State of Illinois, the State of Ohio, and the State of Indiana, all our problems are created by poor administration. We have one of the best administered programs in Illinois by any measurement test.

But let me just tell the Senator why we have these problems, and why we need fiscal assistance and help.

First of all, the State of Illinois pays, though the poverty level is around $4,000 for a family of four, $3,276 to a family of four. Contrast that with Alabama, which pays $972; Arkansas, $1,272; Mississippi, $720; and the State of Texas, which pays $1,776.

Let me give the figures as to what has happened in the way of migration into the State of Illinois—and these same figures are available for many other States in the Union that have been recipients of migration. Minnesota certainly has been the recipient of migrants from the South and other parts of the country where people cannot get a job. They cannot make do. The problem is that we in Illinois do provide, though not even at the poverty level, benefits at something closer to the poverty level than many other States.

In 1972, we had an increase in our welfare rolls of 770 families from the State of Mississippi. They came to Illinois in 1972 and went on the Illinois welfare rolls. From the State of Missouri, 682 families; from Puerto Rico, 474 families; from Tennessee, 361 families; from Arkansas, 302 families; from Texas, 209 families. In the most recent 12-month period, an average of 580 families a month were added to the Illinois welfare rolls after living there less than a year.

What should the State of Illinois do—put a barricade at the State entrance and say, "You can't come into the State"? We must receive these people. We must take them in. They use public transportation facilities. They come by bus or jalopy, by every means of transportation, and somehow the State has to provide for them. We are not going to let them starve.

That is why we have the problem. It is not the result of faulty administration. The administration is thorough and done under an able, tough Governor. It has been good administration under several Governors, Democratic and Republican, and the problem is the same. These are the facts. This is not fiction.

Mr. RIBICOFF. Mr. President, will the Senator yield so that I can comment to the distinguished Senator from Illinois?

Mr. CHILES. I yield.

Mr. RIBICOFF. I have listened to the Senator from Illinois response to the Senator from Florida.

From long experience as a Governor and as Secretary of Health, Education, and Welfare, and from following the problems of welfare, I know that the State of Illinois, for many years, under Democratic and Republican Governors, has always had one of the most able, imaginative, and best administered welfare programs in the United States. The State of Illinois was a bellwether State, where other States came to observe and tried to understand what the State of Illinois was trying to do.

The Senator from Illinois explanation of the situation in Illinois is correct, from my personal experience and knowledge; so it has nothing to do with misfeasance or bad management of the welfare program in the State of Illinois.

Mr. PERCY. I thank the Senator. He has had an overview that very few in the Senate have had.

Of all the States in the Union, only Connecticut provides a family of four with a benefit payment over the poverty level—$4,020.

No wonder, then, that its need for fiscal relief is greater than a State which, by its unconscionably low payments, drives people out of the State.

I have seen evidence that this is true in other States. They would be willing to offer a one-way bus ticket to get people out of the State and shift their problem to the State of Illinois, the State of Florida, the State of Connecticut, whatever State it may be. I think that welfare is a national problem, not one that can be blamed on poor administration in Illinois or any other State.

Mr. LONG. Mr. President, the point about this matter is that the reason why the fiscal relief provisions cost less in the Percy amendment is that it is provided for the so-called needy States, and for the purpose of that amendment, Illinois is a needy State.

I do not know whether Florida would be a needy State, but Illinois would get $41 million of the $515 million that the Senator would provide. Because of the generous program they have in Illinois, the State finds itself in financial straits, so Illinois would get $41 million. Some States would get a great deal, and some would get nothing.

In Louisiana, if we are forced by a court decision to add people to the rolls that we did not think belonged there, we would perhaps have a cutback across the board in order to manage the budget, the increased caseload that the court pushed onto us. If you have done that and you are well within your budget, then you would not be a needy State.

Proceeding with that standard of need, some States—Illinois in particular—would receive a great deal of help and other States would not receive any help. I do not think that States that would appear not to be needy, just because they have carefully administered their program or have kept it within the amount of money they have appropriated and budgeted for their program, ought to be denied their share of the fiscal relief money, simply because they have prudently and carefully managed their program.

I can sympathize with Illinois and people who have migrated to that State. I point out that it is not the fault of this Senator, and it certainly is not the fault of the Finance Committee, that the courts have stricken down all the residency requirements. We have affirmatively provided by law that States could have residency requirements. As the Senator knows, the Supreme Court says we cannot authorize a State to have a residency requirement if it is imposed by the State.

When States such as New York and, to a lesser degree, Illinois have very high levels of benefits, they do attract people, and it creates a problem. That is one reason why I would urge that they do some of the things we ought to be doing here, to try to put some of these people to work, so that welfare would not be all that attractive.

I do not think the Senate would want to vote for a kind of relief that gives a great amount of advantage to some. I do not think the Senate would feel that, on the motion of a single Senator, we ought to let him strike all the provisions that provide incentives to go to work, or strike out all provisions that provide incentives for employers to hire people who otherwise would be on welfare, or strike out the provisions against which I have yet to hear the first argument—that U.S. attorneys and district attorneys ought to be encouraged to pursue runaway fathers; that we ought to have stronger laws to act against those fathers; that we ought to have the power to garnishee their income from the employer, so that when these fathers move from place to place, they can be pursued and made to do the honorable thing.

I do not see why those provisions should be stricken, but that is what the Senator would do with his instruction to recommit this matter to the committee and report back and to write the bill the way he would like us to write it.

I would hope that such suggestions Senators might make would be offered individually, if they wish, so that we could consider them on their own merits. But I do not think the Senate would want to proceed with the kind of blunderbuss attack the Senator makes.

Also, the Senator provides in his amendment that States cannot reduce payment levels. That is about the only way up to now that some States have been able to keep going at all or to defend themselves against completely unpredictable court decisions. For example, in Louisiana, when the court said we could not attribute the income of anyone living in the home to the family living there with him, they could not have any kind of a man in the house rule of any sort whatever, and could not have a residency requirement, the caseload in Louisiana at that point was increased 50 percent. How are we supposed to comply with the court decision if we cannot reduce the level of the payments? That is a problem created by the court decisions which so far as many were concerned was an error. But, after all, that is their function to rule on those things. Sometimes the States have to have the power to make reductions in order to continue to stay fiscally solven and comply with court decisions.

So that all these different things, the bunderbuss attack the Senator would make on the provisions in the Roth amendment, or in the committee bill, I would say, should not be agreed to. If he wants to come back and offer separate amendments, perhaps we could consider them better.

Mr. PERCY. Mr. President, will the Senator yield for a clarification of one point? Did he not say that under the Percy amendment——

Mr. CHILES. Mr. President, has not the Senator yielded the floor? I would like to seek recognition.

Mr. PERCY. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator had yielded the floor. The Chair will recognize the Senator from Florida (Mr. CHILES).

Mr. CHILES. Mr. President, I have been on the floor for about two and a half hours now trying to corner everyone I could corner, the staffs of committees, the staff of the Senator from Illinois, and everyone else I could find, to try to understand what the amendment of the Senator from Illinois does, what the amendment of the Senator from Oklahoma is, and where we stand on this particular bill.

I can tell you, Mr. President, that I do not understand it now. I do not know whether anyone else in here understands it either. But I know that every other Senator who is off the floor does not understand it. What we are talking about and what the Senate thinks is whether we will adopt a pilot plan and, if so, what kind of pilot plan will we adopt.

I find that we are dealing with things well beyond the pilot plan, that we are dealing with the provision that the committee worked on, workfare, which a number of States had recommended support for. We are dealing with a provision of $500 million in one of them and $1.2 billion in another.

When we come in to vote on a motion to table or on an amendment, everyone will walk in that door thinking they are voting for a pilot plan, the Percy pilot plan as opposed to the Roth pilot plan. Certainly this is complicated. There are over a thousand pages in the bill. But when we are having this kind of debate in the closing hours of this session, dealing with $500 million or $1.2 billion and I cannot even find out from the staffs what they are, as they are not printed, and I cannot find out what they are, we begin to see how we are doing business here. It is ridiculous that we can come in here and cannot find out what is going on. We would think that we are going into this pilot plan and look at everything about it. Are we not going to pass on something in title IV, being a study. That is not true. All kinds of things in addition to a study are contemplated. All kinds of major changes in the present plan are contemplated in addition to the study.

Mr. President, I will bet that 80 percent of Senators do not understand that, and they do not understand what we are talking about and what you have been talking about, and what I have been trying to listen to. I wonder how many Senators on the floor right now understand it. Your staffs do not. I have been trying to talk to those to try to find out whether they understand it, what we are dealing with here, we are dealing with a major question of reform, but we are dealing with it in the 11th hour of this session, and we are dealing with it when we are talking and we cannot get anyone on the floor to understand it when we talk about dealing with pilot plans and then get off into a change of a major formula, and then providing money for the States—whether to give 20 percent to every State whether they need it or not, or 20 percent to such of those States who would like to get additional money, or whether they need it—either one of which I am not sure of. I have no way of trying to determine whether we are dealing with that kind of question when we think we are studying going into a pilot plan.

I walked outside a minute ago and I was approached by Common Cause, and the League of Women Voters, and they said they are supporting the Percy pilot plan, that they were for that pilot plan because they think it is a better pilot plan than the Roth pilot plan, but they do not know that this amendment changes the major cost factors. They did not understand that. They did not understand the Bellmon amendment, and that is one that will be adopted, yet we talk on the floor as though it were an existing part of the Roth plan already—tantamount to being accepted because we have discussed it. Yet I cannot find a copy of the Bellmon amendment. It has not been reduced to writing. Yet it is such an integral part of this debate, already assuming that the amendment is a part of the Roth amendment and has already been adopted.

Mr. President, this is a heck of a way to do business. This is a heck of a way to say that we are making headway with major reform in welfare, especially when we generally can pick up the newspaper and read that we have already decided to scrap title IV and there is just going to be a study—a study of the workfare plan by the committee and the distinguished chairman, that there will be a study of the Ribicoff plan, and that there will be a study of the administration's plan.

I thought that was the direction in which we were going but I find that is not true. We are not talking about just a study, we are talking about adopting many major items that the committee had in relation to reform. Now we are talking about a change in the formula and how we will distribute the funds, but there will be one or two different amendments.

Senators will walk in that door and feel that they are voting either on a motion to table or this pending motion. They are no more going to understand the provisions in that than anything in the world.

The Senator from Louisiana said one valid thing and that is, he thinks that we should work on this in some kind of pieces, to try to determine, will we deal with a pilot plan, will we deal with a distribution of the formula, or will we deal with separate things? Are we going to say that we are adopting parts of a major reform as proposed by the committee in the workfare proposal, or are we talking about just a pilot study?

Mr. President, if you will tell me some of the ground rules, then I will make up my mind how I want to vote. I should like to be able to know what amendment I am voting on because I have to be responsible for my vote to the people of Florida. I cannot understand it now.

Mr. PERCY. Mr. President, if the Senator from Florida will yield, I can answer that. I can answer it in 1 or 2 minutes. Because the States did not get welfare reform as scheduled, and because they did not get revenue sharing as originally scheduled, 22 Governors contacted me to say that they were in a fiscal crisis. I therefore put in an emergency welfare relief amendment, with White House agreement, which would hold harmless the States up to a maximum of 20 percent in welfare costs over their June 30, 1971, expenditures. Several reimbursements have been made to insure welfare cost control. At the same time, also, to protect the welfare recipient by requiring the States to maintain a benefit level as a condition to receiving the interim fiscal relief. Federal reimbursement under my amendment would be calculated strictly according to the welfare costs of the case needs of each State.

The HEW studies show that Florida would be eligible to receive $6.6 million for fiscal 1972, and $6.6 million for fiscal 1973.

I cannot tell the Senator how much the Bellmon amendment would provide for the State of Florida because those figures are not available for Florida, Illinois, or for any other State. But I can assert that the chairman's statement that the Percy amendment would not permit the State to reduce its welfare benefits is simply not accurate. Any State can reduce its welfare payments down to zero if it wants to under the Percy amendment. All that happens is that it is not eligible to receive the extra Federal relief payment which would make the whole half of the fiscal year 1972. So that is as clear and concise an explanation as I can give. It is very simple, and it is exactly what the amendment would do.

Mr. CHILES. Mr. President, that is very clear, but that is only one part of the Percy amendment. I want to know something else about the Percy amendment. I want to know about the reform. I want to know what it does with regard to child care. I want to know what it does with respect to striking the welfare portion of the bill. I want to know all about the amendment. The Senator has explained just a little part of the Percy amendment.

Mr. PERCY. Mr. President, in no more than 1 minute I can explain its other provisions.

Mr. President, if the Senator will yield me 1 minute, I might precisely explain the language.

My amendment knocks out title IV, the workfare plan. It accepts a work bonus and tax rebate for the elderly.

Second, it authorizes three pilot programs. No one program is allowed to test more than 100,000 participants.

That is as simple an explanation of the amendment as I can make. We do not have a great deal of time remaining. If the Senator from Florida would yield 5 minutes to the Senator from Minnesota, we could complete our total explanation and could get into the aspects which the chairman of the committee wants to discuss.

Mr. CHILES. I would be delighted to yield to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I have a good deal of sympathy with the points made by the Senator from Florida. I think that most of my colleagues when they voted on the Roth amendment felt that they were voting in effect on a series of pilot tests for the principles involved. They did not feel that they were establishing a major program on a permanent basis.

Embodied in the Roth amendment is the establishment of a massive, new program of child care which is different from the program adopted twice by an overwhelming margin in the U.S. Senate.

It would establish a totally federally controlled, permanent, massive, new agency in which the States and local communities would have no say whatsoever, in which the parents would have no say-so whatsoever. It would authorize in the first year $800 million and then such sums as necessary in following years. It is sort of like the old foreign aid. No one knows where it will end. It violates every principle that I have been able to determine to be essential for decent child care.

It is opposed by virtually every organization that has shown any interest in this matter in the whole Nation with respect to child care.

I think the cosponsors of the amendment—and I would suspect that many of our colleagues—may not have been aware of the fact that it was not a pilot program, but was a permanent, massive, new, and, I assume, a multimillion-dollar program which among other things could seriously tamper with families.

It is too bad that not every Senator is present when we discuss this matter. However, I have a great deal of sympathy with what the Senator says.

Mr. CHILES. Mr. President, I agree with the Senator from Minnesota that I feel a majority of the Senate felt when they were voting on the Roth amendment that they were voting on a test of the different proposals. Again, I think the same thing can be said when they come in to vote on this matter and on the motion to table. They will not understand what is in the amendment.

We are going back to try to take out the child care program. We are going back to try to take out some of the workfare proposals. We are changing the distribution monetary formula or trying to change it, and the Bellmon provision is coming behind it or in front of it.

We are dealing with all of these frustrations. It is a complicated issue to try to make a decision on one of these matters at a time. We did not hear the testimony or participate in the hearings. And I know how many hours the Finance Committee has worked. It is hard enough for me to try to decide these things one at a time. And when they throw them all in at once and when I do not know they are in here, it makes it twice as hard.

This is a deliberative body. We are not making our decision in the right way.

Mr. RIBICOFF. Mr. President, I want to compliment the Senator from Florida for throwing some light on the operations of the U.S. Senate. The Senator from Florida has pointed out very clearly that the U.S. Senate has been confused here today. The Senator from Florida has a just complaint.

The reason that the parliamentary situation developed this way is so that the Roth amendment would be voted on first for the exact purpose indicated by the Senator from Florida. Everyone thought we were going to pass a pilot program.

Everyone thought that if they voted for one pilot program they would have accomplished what they wanted.

What I tried to do this morning in the motion to recommit was to open up this bill to some sunshine, the sunshine that the Senator is trying to bring to bear on the processes of Government.

Under my amendment to recommit, we would have been in a position to debate and discuss each and every proposal and facet of title IV. This motion failed by a vote of 44 to 41.

Now we have voted for a proposal that is not a true pilot program. The public thinks that we will have a true pilot program. While I do not have much sympathy with the way the Administration has handled this whole welfare situation since its inception, I have the utmost sympathy for the Secretary of HEW when he tries to put into effect what was accomplished by the Roth amendment and the Roth vote.

The only thing that will bring order out of this confusion is the commonsense of Wilbur Mills, chairman of the House Ways and Means Committee when this bill gets to conference.

Mr. ROTH. Mr. President, will the Senator yield?

Mr. CHILES. I yield.

Mr. ROTH. Mr. President, I would like to point out to the Senator from Florida that the Senator from Delaware sent to every Member of the Senate on October 2 a letter explaining exactly what this amendment contains. I know that this is a complex situation. However, advance notice was given as to what was contained in the amendment. And of course, this morning when the so-called Roth amendment came up we outlined what was included. So an effort was made to notify everyone what was included in my proposal. It is only fair for everyone to recognize he was given the information. I realize time is limited and it is difficult to catch up with things, but it is not because those sponsoring the legislation did not put the Senate on notice.

Mr. RIBICOFF. Mr. President, if I may comment briefly, I have the utmost respect for the Senator from Delaware. He was a constructive Member of the House and he is a most constructive Member of this body.

I tip my hat to the Senator from Delaware because no one has been as much in the forefront as he has in helping people understand the Federal bureaucracy. But I am sure that he will admit that no one this morning had the slightest idea that the amendment in the first degree that would be presented would be the Bellmon amendment to which your amendment was attached. The Senator did make clear what he intended to do with his amendment, but the Senate was not aware what the vehicle was.

It is not the fault of the Senator from Delaware, or the Senator from Louisiana, or me that there is poor attendance in the Senate when matters of such importance are discussed.

Here we are disposing of matters of grave import, affecting millions of people, and involving billions of dollars and confusion surrounds the issue. That is why I compliment the Senator from Florida. What he said today should be required reading for all of us.

Mr. CHILES. The concern of the Senator from Florida is that I am here voting and I do not understand what I am voting on. I think we are entitled to get to these questions before us in pieces so we can understand them and so that it will not be reported to be a pilot plan or one thing, when, in effect, it is another major issue the other way.

The amendment of the Senator from Illinois covers many items. It is said this is a pilot plan. The amendment of the Senator from Delaware certainly covered extensive items. I reiterate, the thing I am interested in is trying to see if we can break these things down so that we know what we are voting on. If we are voting on a pilot plan we know that is what we are voting on, and if there is a difference in those plans, that we understand the difference, and if we are voting on workfare, we know that; and if it is on a permanent basis or a study basis, we will know that; we will know if we are creating a new agency for child care. All of those matters need to come before us issue by issue and that is the only way the Senate would be able to address itself to them and make a proper determination on the issues involved. This amendment fails to do that and I think the other amendment fails to do that.

Mr. MONDALE. The Senator's point is well taken. The Senate is supposed to handle these matters issue by issue. But regretfully, the Roth amendment was adopted in the nature of an amendment in the second degree so we have no way to modify it. It is true that the Senator from Delaware sent us a letter explaining this, but we thought when it was proposed we would have a chance to debate it and discuss critical items in the amendment, but it was put to us in the form of an amendment in the second degree and no amendments were in order. So all we have left is the Percy amendment, and I am deeply interested in that amendment. The Percy amendment preserves the status quo the question of child care, while the Roth amendment establishes a mammoth new agency dealing with child care, which I think violates every principle I have seen that makes sense in child care.

Mr. RIBICOFF. The difference is this. If the Percy amendment is tabled or defeated, then the Senator and all of us are stuck with the Roth amendment. If the Percy amendment prevails the entire subject matter is open for discussion and amendment. At that stage the Senator from Florida or any other Senator can introduce individual amendments and vote on every provision of title IV. But if the Percy amendment goes down or is tabled, these issues are closed to us. That is the situation that faces the Senate.

Mr. CHILES. What provision would keep the Percy amendment from being modified, and dealing with this subject matter by subject matter?

Mr. RIBICOFF. The Percy amendment to recommit with instructions puts the entire subject matter of welfare reform on the table before this body for amendment and for discussion. The Senator can discuss or amend any part of title IV.

At the present time the Senate has before it the Roth amendment which cannot be changed and will prevail if the Percy amendment is tabled. This will probably happen and that is why I say the only hope on this issue is the common sense of Wilbur Mills in conference.

Mr. LONG. Mr. President, those of us who serve on the Committee on Finance have been working on this bill for the better part of 3 years, and much of even the House language in this bill was written in the Committee on Finance during the previous Congress.

It was not the idea of the Senator from Louisiana that the Senator from Delaware (Mr. Roth) should offer his proposed amendment to titles IV and V; but it was a subject he was privileged to offer. He wrote to every Senator and told them he was going to offer the amendment, so we had some idea what his amendment was going to be, and some of us had a chance to talk to him about it and say, "If you want to offer an amendment of that sort, I hope you will not want to strike from title IV and title V provisions which as far as we are able to determine not a man in the Senate has any objection to. And it would seem to us if you are concerned about the cost of something, you are concerned about the work program in this bill."

So the Senator drafted his proposal, which any Senator in this body, including the Senator from Florida, has a right to do. He did not try to fool the Senate or make any sort of end run on anybody. He wrote to every Senator in this body and said, "I am going to offer this amendment. Would you like to be a cosponsor. I hope you will vote for it."

The Senator from Connecticut (Mr. Ribicoff) had every right to do what he did. He proposed a substitute for the entire Roth amendment.

If that substitute had been agreed to, then that would not have been subject to amendment. We could not have amended it, because it was in the second degree.

If it was agreed to, we could not amend it; we could only vote up or down on that amendment.

Apparently the Senator from Connecticut saw nothing wrong about substituting an amendment for the other amendment, where his would not be subject to amendment, either before or after. He had every right to do it. I find no criticism in that.

Yesterday evening we were notified there was another amendment to be offered in the second degree, in the nature of a substitute for the Roth amendment. That was the Stevenson amendment. There appeared every prospect that the Roth amendment would not get to a vote; that every time, some Senator would call up his family assistance plan or other proposal, and they would write another substitute for the Roth amendment.

They do not have to do business that way. If the amendment were agreed to, they could amend the bill at the end of the bill. They could add an amendment which would read that "notwithstanding what appears elsewhere in the bill, thus and so shall be the case." They could offer a substitute for the entire bill even if it had become law. They could change the Roth amendment anyway they wanted to. But Senators have had their amendments voted on, either directly or on motions to put them aside, so we could vote on the Roth amendment.

So facing an interminable series of substitutes for the Roth amendment, the Senator from Louisiana offered an amendment because, if we are going to strike out the work programs then the States are going to have to have fiscal relief that does not appear elsewere in the bill. That was not suggested by the Senator from Delaware (Mr. ROTH), so I offered an amendment that would strike titles IV and V, well understanding he was going to offer an amendment in the second degree, so he would have a chance to have a vote on it.

I do not know why it should be thought that every Senator should have a chance to have a vote on his amendment except the Senator from Delaware. I guess the only reason for that is that he appears to have a majority, so it appears it is not going to come to a vote.

So when we faced a parliamentary situation where they could not vote on the amendment or offer an amendment to it, then those who are opposed to it started offering motions to recommit, to redraft the bill back to the way they want it. They have had this in common. Whereas we on the Finance Committee spent years working on what is in titles IV and V, individual Senators who are not even on the committee have moved to recommit and report back after striking out provisions that would pass by unanimous vote, save perhaps for themselves. I think they would even vote for provisions they were striking out.

I was led to believe that we were confronted with a situation where someone else would offer a substitute for titles IV and V, and having an amendment offered to that, it would be in the second degree and would not be subject to amendment.

I personally believe the Roth amendment should have come to a vote. That is why the Senator withdrew it, so he could offer it in the second degree. If it is not going to be done, we are going to have interminable motions to recommit or to write the bill according to what individual Senators think should be in it.

Mind you, Mr. President, motions to recomit are not being offered by the Senator from Delaware; he says, "Senator, here is my amendment. Here is what I am going to propose. Would you like to join as a cosponsor?"

The proposals made are not even in print. Take the Percy proposal. I was told, "Senator, you mean you cannot tell me anything about it?" Of course not. I did not see what was in there until the Senator from Illinois offered it. How could I know? I did not know, and neither did my staff.

Under the Percy amendment, Florida would receive $6 million. Under the formula I offered, which the State administrators agree is fair, how much would Florida get? $44 million.

Suppose Senators had voted for this when it was offered. Why could not we offer information on it? Because nobody told the committee staff or anybody else what it was all about. This would be a substitute for what the Senate would be committed to, where presumably it would not be changed, in which Florida, which the welfare administrators think it fair, including the Senator, would be getting $44 million, and under this proposal he would get $6 million. Nobody was informed about that proposal.

What I have proposed relates to how the money would be divided between the various States.

I think I understand the Roth amendment. What the amendment would do is strike from titles IV and V those provisions about which he has very serious doubts and feels should be tested. It is directed toward the item in the bill that the administration says would cost $4.1 billion. We do not think it would cost that much. We think it would cost about $2.6 billion. But he would strike that part of the amendment. He would also leave out the part which provides that benefits would not be paid to strikers. Generally speaking, he would keep these other provisions which would try to make a father do his duty toward his children.

I have yet to hear anybody stand here and make the first argument about what is wrong with our child support provision, which would seek to make a father do his duty toward his children and prosecute him for not doing it. Yet we have had a vote today on three motions whereby each Senator would, by his motion, rewrite titles IV and V, leaving that provision out.

That was also in the Percy motion today. It would rewrite titles IV and V and leave this section out.

Mr. CHILES. The Senator has ininformed the Senator from Florida on something. That is what I have been trying to get information on for 3 or 4 hours. For the first time I have been able to get a figure. I would like to check the figure. It was brought out that under one proposal, which is the Bellmon amendment, which has not been adopted here, but we talk like it has been adopted—and that is a little confusing to the Senator from Florida; I do not know how that works.

Mr. LONG. It is right at the desk.

Mr. CHILES. We assume it is already part of the Roth amendment when we talk about that.

Mr. LONG. I have never assumed it was, because I have never said that. I have stood on the floor and said that was the difference between the Roth proposal and my proposal. That was a part that was not stricken by the Roth proposal. After the vote on the Roth proposal, I stood up and said that the Senate ought to know that was my proposal and the Roth proposal did not substitute that part of it. I am sorry the Senator did not hear it, but if he reads the RECORD tomorrow, he will see it is there. I explained it to the Senate, because it is a very important item.

Mr. CHILES. It is very important, because in the discussion it was suggested that under the Roth proposal, Florida would get $44 million, and under the Percy amendment it would get $6 million.

Mr. LONG. This is what the welfare administrators recommend. I have been recommending it for more than a year.

They recommended that to relieve the situation for the remainder of this year and for next year, up until January 1974, the simplest way would be to provide a 20-percent increase in the Federal grants to the States.

It may be that Florida may not need all that money in that category of programs, and if so, if they want to spend it for social services, for example, they could spend it for that, or for whatever sort of things they want to spend it for, or they could reduce some of their State contribution, if they wanted to, and use the State money for something else.

Mr. CHILES. Again, the Senator from Florida would like to be able to face that test clearly, as to whether I want to go under one formula or the other, without feeling I am being influenced, in what I am going to do on child care, workfare, and all these other provisions all lumped together, because I would like to be able to determine how I want to vote on those others on their own merits, rather than with something that directly affects dollars to the State. Perhaps the Senator can add that as a sweetner or kicker and influence my vote on the other matters, but I do not think he should. I think I ought to be able to decide on each of those other items without having it all lumped together.

Mr. LONG. I can assure the Senator that as far as the Senator from Louisiana is concerned, I do not want to deny anyone the right to have a vote on anything in this bill that he is interested in. Insofar as the Senator from Louisiana is concerned, before we are through voting on this bill, the Senator will have that opportunity.

I noticed that the Nader people wrote something up very critical of the Finance Committee. They say we operate with no rules, or practically none.

Generally, the way this Senator tries to do business as committee chairman is to try to see that on everything we do, on every semicolon, every comma, every period, any member of the committee can have a vote on anything he wants to vote on, as many times as we want to vote, so that one member cannot bar another from having his item considered; so that no matter in what order we take the thing up, when we are through the thing we are voting on is not only what the majority wants, but so far as possible what everyone wants. And I am confident that by the time we get through with this measure, we will have done that.

But at the moment we are confronted with a blunderbuss proposition.

Mr. CHILES. Mr. President, if the Senator will yield, I think we are confronted with a second blunderbuss proposition. We have already been hit by one today, and this is a second one.

Mr. LONG. But the Senator can offer, if he wants to, an amendment which attempts to rewrite 100 pages of this bill. If he wants to do it, he has that privilege. That is what the Senator from Illinois has done. So now we have a proposal to rewrite it in a different fashion. I just hope that the Senate will see fit to let us vote on the Roth amendment, and then, having done so, proceed to do whatever the Senator wants done. Even if he wants to change it, it can be done; and I think I can show the Senator how to do it. All he needs is 51 votes to bring it about.

Mr. President, I move that the pending motion be laid on the table.

Mr. CRANSTON. Mr. President, before he does that, will the Senator yield for a unanimous-consent request?

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that immediately following the vote on the motion to lay on the table the pending motion, the Chair receive a message from the House of Representatives with respect to the President's veto message, and that the time in connection with the veto message then begin to run.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I move that the pending motion to recommit and report back be laid on the table.

Mr. RIBICOFF. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. GRAVEL). The question is on agreeing to the motion of the Senator from Louisiana to lay on the table the pending motion to recommit. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Rhode Island (Mr. PELL), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BROCK), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also, the Senator from Delaware (Mr. BOGGS), the Senator from New Jersey (Mr. CASE), the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), the Senator from Ohio (Mr. SAXBE), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Oregon (Mr. HATFIELD), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 49, nays 32, as follows:

[No. 517 Leg.]

YEAS—49

Allen
Anderson
Baker
Bellmon
Bennett
Bentsen
Bible
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Cotton
Curtis
Dole
Edwards
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Gurney
Hansen
Hollings
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
McClellan
Miller
Montoya
Packwood
Pearson
Proxmire
Randolph
Roth
Smith
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Young

NAYS—32

Aiken
Bayh
Beall
Brooke
Burdick
Cook
Cooper
Cranston
Eagleton
Gravel
Griffin
Hart
Hartke
Hughes
Humphrey
Inouye
Javits
Mathias
Mondale
Moss
Muskie
Nelson
Pastore
Percy
Ribicoff
Schweiker
Scott
Stafford
Stevenson
Taft
Tunney
Williams

NOT VOTING—19

Allott
Boggs
Brock
Case
Dominick
Eastland
Harris
Hatfield
Kennedy
McGee
McGovern
McIntyre
Metcalf
Mundt
Pell
Saxbe
Thurmond
Tower
Weicker

So Mr. LONG's motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the following bills:

H.R. 11047. An act for the relief of Donald W. Wotring; and

H.R. 11629. An act for the relief of Corporal Bobby R. Mullins.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2770) to amend the Federal Water Pollution Control Act.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 7378. An act to create a Commission of the Federal Court Appellate System of the United States.

H.R. 12652. An act to extend the life of the Commission on Civil Rights, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes.

H.R. 14909. An act to amend section 552(a) of title 37, United States Code, to provide continuance of incentive pay to members of the uniformed services for the period required for hospitalization and rehabilitation after termination of missing status.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. HOLLINGS).

The message also announced that, on reconsideration, two-thirds of the House agreed to pass the bill (H.R. 15927) to amend the Railroad Retirement Act of 1937 to provide a temporary 20 per centum increase in annuities, to simplify administration of the act, and for other purposes, which had been returned by the President of the United States with his objections.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on the conference report on S. 2770 just received from the House be limited to 30 minutes, to be equally divided between the majority leader and the distinguished Republican leader, or their designees.

Mr. BUCKLEY. Mr. President, I respectfully suggest that several Senators will want to make comment on that particular conference report. I think more time is required.

Mr. ROBERT C. BYRD. Mr. President, most Senators on this side of the aisle are willing to accede to that request and put their statements in the RECORD.

Mr. BUCKLEY. If they had time to prepare them, but the Official Reporters can only report what is being stated. Has this been cleared with the chairman?

Mr. ROBERT C. BYRD. I understand it is agreeable to him.

Mr. BUCKLEY. I withdraw my objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

INCREASE IN RAILROAD RETIREMENT ANNUITIES—VETO

The PRESIDING OFFICER (Mr. GRAVEL). Pursuant to the previous order laid before the Senate a message from the House of Representatives, which was read, as follows:

> The House of Representatives having proceeded to reconsider the bill (H.R. 15927) entitled "An Act to amend the Railroad Retirement Act of 1937 to provide a temporary 20 per centum increase in annuities, to simplify administration of the Act, and for other purposes," returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was
>
> *Resolved*, That the said bill pass, two-thirds of the House of Representative agreeing to pass the same.

The PRESIDING OFFICER laid before the Senate a message from the President of the United States to the House of Representatives.

(The President's veto message is printed at page 33734 of the CONGRESSIONAL RECORD of today.)

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the message be considered as read and that it be spread on the Journal.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to reconsider the bill (H.R. 15927) to amend the Railroad Retirement Act of 1937 to provide a temporary 20-percent increase in annuities, to simplify administration of the act, and for other purposes, returned by the President on October 4, 1972, without his approval, and passed by the House of Representatives, on reconsideration, on October 4, 1972.

Mr. MANSFIELD. Mr. President, may I say that immediately after the vote on the President's veto, we will go back on H.R. 1.

The vote on the veto will be under the 10-minute rule and, may I say to Members on both sides of the aisle, I yield what time I have to the distinguished Senator from California (Mr. CRANSTON). The full 20 minutes do not have to be used up because the issue is simple and is understood by all Senators.

The PRESIDING OFFICER (Mr. GRAVEL). The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. SCOTT. Mr. President, I transfer my time to the distinguished Senator from New York (Mr. JAVITS).

The PRESIDING OFFICER. The Senator from California (Mr. CRANSTON) is now recognized.

Mr. CRANSTON. Mr. President, as chairman of the Subcommittee on Railroad Retirement of the Labor and Public Welfare Committee, I urge my colleagues to override the President's veto of H.R. 15927, a bill which amends the Railroad Retirement Act to provide a temporary 20-percent increase in annuities. The bill, as amended in subcommittee, was unanimously reported to the full committee, and the Committee on Labor and Public Welfare unanimously reported it, as amended, to the Senate.

On September 19, 1972, it passed the Senate unanimously with amendments which the House quickly approved.

This act would provide a temporary—and I stress temporary—20-percent increase in railroad retirement benefits—matching the amount of the increase in social security benefits enacted in Public Law 92–336. It also makes certain technical changes in the present law to facilitate administration.

But it does more than that. It directs the representatives of employees and retirees and representatives of carriers to report to the Senate Committee on Labor and Public Welfare, and to the House Committee on Interstate and Foreign Commerce, no later than March 1, 1973—their mutual recommendations designed to insure the solvency of the railroad retirement account, and it directs the Railroad Retirement Board to comment on that report by April 1, 1973.

The President, in his veto message totally ignores this highly responsible action by the Congress.

BENEFIT INCREASE

In recent years, benefit increases in social security and railroad retirement have been linked with a comparable railroad retirement increase following closely behind each social security increase. The 20-percent increase contained in this act is necessary and desirable in order to keep pace with the recent 20-percent increase in social security benefits contained in Public Law 92–336. Simple justice demands this increase and an override of the veto to bring it about.

The railroad retirement system is a vital income maintenance program to the 984,000 current beneficiaries, and to the approximately 611,000 active railroad men and women who are now contributing to the system and who are relying on its stability at the time they qualify for benefits.

In my own State of California, there are some 75,000 railroad pensioners, and approximately 40,000 active railroad employees.

In my capacity as ranking majority member of the Subcommittee on Aging of the Labor and Public Welfare Committee, I have had ample opportunity to observe the plight of our retired citizens—who have already contributed their productive lives to the economic strength of this Nation—and who should be entitled to live with dignity and reasonable assurance of an adequate retirement income in their later years.

The 20-percent increase in the benefits of railroad retirees contained in this act is necessary to help railroad retirement beneficiaries meet the spiraling cost of living. The effects of an inflated economy are felt by all Americans, but none so drastic—nor so unjust—as the effect on citizens living as best they can on fixed incomes.

Congress has already recognized the compelling needs of social security beneficiaries, and equitable treatment now requires an overwhelming vote for a commensurate increase for railroad retirees.

Mr. RANDOLPH. Mr. President, will the Senator from California yield?

Mr. CRANSTON. I yield.

Mr. RANDOLPH. What was the vote in the House to override the President's veto?

Mr. CRANSTON. Approximately 350 to 29 to override in the House, about 2 hours ago.

Mr. RANDOLPH. I thank the Senator from California very much.

Mr. CRANSTON. Mr. President, the need to increase railroad retirement benefits to keep pace with the rising cost of living is great, but such increases place a dangerous strain on a retirement system already facing very serious fiscal problems. Perhaps the major cause of the problem has been the declining level of employment in the railroad industry—resulting in a substantial decrease in contributors to the pension fund. The railroad industry has declined from 1,680,000 employees in 1945 to about 611,000 employees in 1970.

The findings of the Commission on Railroad Retirement, in its report received September 7, 1972, indicate that the actuarial sufficiency of the railroad retirement account is in serious decline. The Commission report further estimates that by the year 1985 the account will be bankrupt—and by 2000 could be operating at a deficit in excess of $23 billion—if the 2-percent increases and the one we are considering are made permanent and if a more adequate method of financing the account is not implemented.

Railroad employees are now contributing 9.95 percent on the first $750 of each month's pay to the retirement program, and the tax rate will increase to 10.25 percent, with a wage base increase to $900, in January of 1973. Each employee's contribution is then matched by his employer. It is clear, I think, that this source of revenue for the fund is already severely strained.

Because of the serious nature of these problems and the ramifications they have for over 984,000 annuitants and 611,000 active workers—certainly the most important factor in our deliberations—I offered an amendment to H.R. 15927, accepted unanimously by the committee, which would establish a congressional policy that the temporary increase in the committee bill, along with the 10- and 15-percent increases, all due to expire on June 30, 1973, would be made permanent only if at the same time changes are made in the railroad retirement system to insure the receipt of sufficient revenues to make the railroad retirement account actuarially sound in the foreseeable future.

This amendment thus directs, as I stated previously, labor and management representatives to submit their recommendations, formed with consideration of the recommendations of the Railroad Retirement Commission, designed to insure the solvency of the account if these increases are made permanent.

Additionally, the amendment mandates that a copy of these recommendations be directed to the Railroad Retirement Board and further directs the Railroad Retirement Board to submit to the House and Senate committees its comments and those of the administration on that report.

Mr. President, I wish to point out that the full report of the Commission on Railroad Retirement was received by the Labor and Public Welfare Committee on September 7, 1972, and is available to the public from the Government Printing Office.

The Railroad Retirement Subcommittee will be carefully studying this report as we await the recommendations of labor and management in the March 1, 1973, report.

CONCLUSION

Mr. President, in closing I wish to urge Senators to join with me in overriding the President's veto. This would reflect a very real responsiveness by Congress to the very real needs of hundreds of thousands of elderly Americans—while stressing the continued solvency of the account in order to meet the future needs of railroad retirees.

Mr. JAVITS. Mr. President, I have 10

minutes, but inasmuch as I shall vote to override the veto I yield myself 30 seconds to say that the distinguished Senator from California (Mr. CRANSTON) has made at least part of the argument that I would make. In all fairness, I would like to suggest to any Senator on this side of the aisle who wishes time, that he can have as much of it as he wishes.

I yield at this time 2 minutes to the Senator from Kentucky (Mr. COOK).

Mr. COOK. I thank the Senator from New York. I merely wish to say that I, too, will join the Senator from New York in voting to override the President's veto but I think that when the Senator from California says the President misses the point, he does not really miss the point at all. For us to say that we are not going to be faced with a determination, when we come back here next year, relative to what we intend to do with this program and what we intend to do about making it a more solvent trust, is to say that we ourselves are living in a delusion.

I would say to all those presently now employed and to all those presently paying at the present rate, that apparently, there will have to be an increase sometime next year so that we can fulfill the steps we took before and the steps that I assume we will fulfill now.

Again, it is this Senator's intention to vote to override because I think we ourselves failed to take this into consideration when we took into consideration the social security increase. We really should have taken care of both of them at the same time. Not having done so, we found ourselves in the position to do what we did a short time ago.

It is this Senator's intention to vote to override, but it is also this Senator's knowledge and understanding that we will be faced, next year, relative to what we will do and what we will have to do, apparently, in relation to the solvency of the trust.

Mr. CRANSTON. Mr. President, I concur with much of what the Senator from Kentucky (Mr. COOK) has just said. The President is right that the railroad retirement account is having serious great financial difficulties and that we have great problems to deal with. The House and the Senate have sought to act responsibly by not granting a permanent increase but rather a temporary one until next June 30 which gives us time to come to grips with this problem as soon as we meet next year.

Mr. COOK. I do not know of any increase the Senate ever gave in relation to social security or railroad retirement that ever became temporary. It immediately became permanent. So we face the issue in the future as to what we will do in relation to that policy.

Mr. TAFT. Mr. President, I would like to say at the outset, that, like the Senator from Kentucky and the Senator from New York, I expect to vote to override the veto. I arrived at that conclusion when the committee held hearings on the bill. In full justice to the administration, it should be said that the very argument presented in the veto message was presented to the subcommittee. The only basis on which I supported the legislation in the subcommittee was that was the only way in which we would get legislation this year on this subject in order to show there is great need for this at an early date.

I would like before we vote to get some assurances from the chairman of one of the various committees that we will look into this area.

What has not been said is that a commission has studied the problem very fully and recommended against the solution that the committee came up with on a temporary basis.

I think the recommendations of that subcommittee should be studied fully and there should be early legislative action to prevent the pending bankruptcy of this fund, which will occur unless we take some action after having acted on the measure the way we have, and the way that I presume we will act in overriding the veto of the President.

There is a great need for responsible action. However, I am very much of the feeling that we ought to react and come up with some legislation which recognizes the effect on the railroad retirees. We must not kid ourselves. They will do better than they have in the past, and better than the social security recipients.

What the President has said is correct, and it is much to his credit. It ought to be the same dollar amount under the circumstances prevailing today. We are not going to pass legislation that says that. However, we tried it before. I thought that we should go ahead in the way we did, even though I did so with serious misgivings.

Mr. JAVITS. Mr. President, I gather that I have 7 minutes remaining.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Mr. President, I yield myself 3 minutes, and beg the attention of the Senate because I think it is only fair to the President of the United States, although I am not going to vote to sustain. If any other Republican has anything to say on this matter I will make these remarks as an advocate in the best way I can.

In essence the President's point is that a commission has studied this matter. That commission is the Commission on Railroad Retirement which was created by the Congress in 1970.

It has recommended measures to deal with this emergency situation involving the railroad retirement fund. It is opposed to what we passed and what the House passed in overriding the veto. It is opposed because, as the President said:

> The Commission also reached the sobering conclusion that the enactment of an across-the-board 20 percent increase, without adequate financing, would bankrupt the system in 13 years.

In short, what is happening here is that we are sailing into this system very hard, and we are only pyramiding the pressures on the system. This has been going on for a long time. It has been going on because the number of retirees exceeds the number of workers.

The answer is that automation and the contraction of railroad systems and the passenger carriers has simply reduced so badly the actuarial base as to put this fund in the gravest jeopardy. The fund is in jeopardy now. The President does not state that, but I am sure he would. Nonetheless, by the 20-percent increase we put the fund in greater jeopardy than it would otherwise be.

Second, and very importantly, the President does not make a sterile veto. He suggests an alternative.

The President says that we should increase that portion of the pension which is social security by the same 20 percent we increased social security benefits.

If we were to do that, we would do about two-thirds of what we are doing in the bill which the House has voted to override. The best information I can get today—and I think it is fairly accurate, as my staff obtained it—is that an individual under that proposal, by just increasing the social security component, would get $28 a month more in retirement. A couple would get $47 more a month.

Under the bill we are now considering an individual would get about one-third more.

The President is not making a sterile veto. He is suggesting an alternative which he is ready to sign. I would have supported that myself in preference. However, life being what it is, the majority felt that was not the way to go, and I was not so dogged in my determination that I would not go with them. I will go with them in overriding the Presidential veto.

In all fairness, the President's arguments are very strong and have a lot of facts to back them up. The President says:

> I am in favor of increased Railroad Retirement benefits. I would sign a measure which was adequately financed.

He would sign a measure which just increased the social security component. The President then goes on to say:

> But H.R. 15927 does not meet this test and thus it would threaten the very existence of the Railroad Retirement Fund which already is on a shaky financial ground. In addition, the bill in its present form would contribute to inflation which harms all the people, including the railroad retirees themselves.

The President then goes on to say:

> In passing this bill, the Congress has mistakenly assumed that railroad retirement benefits should be increased by the same percentage as Social Security benefits.

He points out that railroad benefits are higher than social security benefits and says that they may be twice as high. However, I point out that they have been paying in twice as much also.

So we are dealing with the situation of a shaky fund which is being put in even more trouble by the bill. However, the feeling is that the workers should not be called on to pay the tab, it having happened through national circumstances over which they have no control. Next year we will have to face up to the problem of providing adequate financing for this fund.

I think that is a fair representation of the President's position.

Mr. CRANSTON. Mr. President, after

one brief reply, I am prepared to yield back my time.

Let me say clearly that the Railroad Retirement Subcommittee, both majority and minority members in bipartisan fashion, have endeavored to deal with this matter in a responsible fashion. We will continue to deal with the problem in a responsible way. We will carefully evaluate the information that is given to us by the Commission report and the report that this act directs to be submitted.

Let me finish by saying that I agree with the President thoroughly when he said in his message in a constructive spirit:

> Working together, I hope that we can constructively reform this system so it can continue to serve the needs of railroad workers and their families for decades ahead.

That must be, and will be our objective in the months ahead.

Mr. **BUCKLEY**. Mr. President, will the Senator yield?

Mr. **CRANSTON**. I yield.

Mr. **BUCKLEY**. Mr. President, in the last 3 or 4 years have there been increases for the beneficiaries, and if so what has been the aggregate percentage increase?

Mr. **CRANSTON**. There have been three temporary increases which, accumulatively, total 51.8 percent over the last 3 years. This is the same amount granted social security beneficiaries, and these three railroad retirement increases will expire on June 30, 1973.

Mr. **JAVITS**. The President makes a big point of that in his message.

Mr. **BUCKLEY**. It exceeded the inflation rate?

Mr. **JAVITS**. The Senator is correct.

Mr. **BUCKLEY**. I thank the Senator very much.

Mr. **WILLIAMS**. Mr. President, it is absolutely shocking that the President has vetoed the railroad retirement amendments which would have provided a 20-percent increase in retirement benefits to railroad retirees. This increase follows a pattern used in 1966, 1968, 1970, and again in 1971 to grant comparable percentage increases to railroad retirees following increases in social security.

It seems to me incredible that the President could state in his veto message that this bill "would contribute to inflation which harms all the people, including the railroad retirees themselves." Fortunately, the other body has just overridden the veto by a vote of 353 to 29. I hope the Senate will do likewise.

As we all recall, the President resisted congressional efforts to increase social security by more than 5 percent. Yet he is now claiming credit for the social security increase. Are we now to be treated to a similar spectacle on railroad retirement?

This legislation benefits approximately 700,000 former long-term railroad employees. All of them are on retirement.

It is unconscionable to suggest that they would be harmed by this increase. The fake whipping boy of inflation just will not suffice as an explanation to these needy and deserving Americans. Let us stop fighting inflation at their expense.

Mr. **FANNIN**. Mr. President, I wish to make this statement in conjunction with my vote in support of President Nixon's veto of H.R. 15927, a bill which would jeopardize the Federal soundness of the railroad retirement system.

Without any provision for financing the new benefits, this bill would provide a temporary increase of 20 percent in railroad retirement benefits, matching the recent increase in social security benefits.

Without an accompanying increase in taxes to finance the benefits, it would be the third railroad retirement benefit increase in 3 years, totaling 51.8 percent.

We all favor increased railroad retirement benefits but only increases which are adequately financed. H.R. 15927 does not meet this test; rather it would threaten the very existence of the railroad retirement fund which already is on shaky financial ground.

The Commission on Railroad Retirement was created by the Congress in 1970 to study the troubled railroad retirement system and recommend measures necessary to place it on a sound actuarial basis. Yet the Congress has acted on H.R. 15927 before it has had an opportunity to consider and act on the recommendations of its own Commission for basic changes in the railroad retirement system.

The Commission found that existing railroad retirement benefits are adequate, particularly for workers retiring after a full career. Retired railroad couples receive higher benefits than 9 out of every 10 retired couples in the country. The Commission also reached the sobering conclusion that the enactment of an across-the-board 20-percent increase, without adequate financing, would bankrupt the system in 13 years.

Again, for these reasons I have supported the President's veto with the hope that working together we can constructively reform this system so it can continue to serve the needs of railroad workers and their families for decades ahead.

Mr. **BUCKLEY**. Mr. President, it is with reluctance that I will vote against the motion to override the President's veto. I believe it is foolhardy to enact the legislation without at the same time coping with the important issues raised by the President in his veto message. I do not feel that the haste with which the Congress is acting in this matter is justified, given the fact that other increases guaranteed to beneficiaries under the railroad retirement system have been more than adequate, according to the manager of the bill, to cover the loss in purchasing power caused by inflation.

Mr. President, I ask unanimous consent that President Nixon's veto message be printed in the Record.

There being no objection, the message was ordered to be printed in the Record, as follows:

President Nixon's Veto Message

To the House of Representatives:

I today am returning without my approval H.R. 15927, a bill which would jeopardize the fiscal integrity of the railroad retirement system and hasten its bankruptcy.

This bill would provide a "temporary" increase of 20 percent in railroad retirement benefits, matching the recent increase in social security benefits—but without any provision for financing the new benefits.

It would be the third railroad retirement benefit increase in three years—totaling 51.8 percent in all—to be made without an accompanying increase in taxes to finance the benefits.

I am in favor of increased railroad retirement benefits. I would sign a measure which was adequately financed. But H.R. 15927 does not meet this test and thus it would threaten the very existence of the railroad retirement fund which already is on shaky financial ground. In addition, the bill in its present form would contribute to inflation which harms all the people, including the railroad retirees themselves.

I have often stated my strong belief that the millions of older men and women who did so much to build this Nation should share equitably in the fruits of that labor, and that inflation should not be allowed to rob them of the full value of their pensions. By providing a 20 percent benefit increase without adequate financing, however, this bill goes far beyond reasonable equity.

In passing this bill, the Congress has mistakenly assumed that railroad retirement benefits should be increased by the same percentage as social security benefits. In fact, the two systems are entirely different. Railroad benefits are much higher than social security benefits—for full-career workers the benefits may be twice as high.

The railroad retirement system payments are a combination of social security benefits augmented by the equivalent of a private pension. There is no valid reason why the private pension equivalent necessarily should be increased whenever social security benefits are raised. Other industries have not raised their pension benefits by 20 percent as a result of social security increases, even though most of them provide less adequate benefits.

The argument that these "temporary" benefits do not require a tax increase is, in my judgment, a delusion. I cannot imagine that the Congress would find it possible or desirable to slash railroad retirement benefits next year or in any year.

The imprudence of H.R. 15927 is underscored by the recent report of the Commission on Railroad Retirement. That Commission was created by the Congress in 1970 to study the troubled railroad retirement system and recommend measures necessary to place it on a sound actuarial basis. Yet the Congress acted on H.R. 15927 before it had an opportunity to consider and act on the recommendations of its own Commission for basic changes in the railroad retirement system.

The Commission's findings do not support H.R. 15927 and a majority of the Commissioners recommended against such legislation.

The Commission found that existing railroad retirement benefits are adequate, particularly for workers retiring after a full career. Retired railroad couples receive higher benefits than 9 out of every 10 retired couples in the country. The Commission also reached the sobering conclusion that the enactment of an across-the-board 20 percent increase, without adequate financing, would bankrupt the system in 13 years.

I believe that railroad beneficiaries should now receive the same dollar increases in benefits as social security recipients with similar earnings. A 20 percent increase in the social security portion of railroad retirement benefits can be financed without worsening the financial position on the Railroad Retirement Trust Fund. The Congress followed this sound approach when it increased railroad retirement benefits in 1968.

Therefore, I propose that the Congress enact a bill which again applies this principle, instead of H.R. 15927. The 1972 increase under my proposal would average $28 per month for single retired railroad workers and would be about $47 a month for married couples.

It would not deepen the presently-projected deficits of the Railroad Retirement Trust Fund.

I urge the Congress to adopt this prudent alternative, which would give these deserving pensioners an equitable benefit increase on a timely basis and which would still preserve the flexibility for basic readjustments that will be needed later in the railroad retirement system.

Working together, I hope that we can constructively reform this system so it can continue to serve the needs of railroad workers and their families for decades ahead.

RICHARD NIXON.

THE WHITE HOUSE, *October 4, 1972.*

The PRESIDING OFFICER. All the time having expired, the question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

The yeas and nays are mandatory under the Constitution.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), and the Senator from Rhode Island (Mr. PELL), are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE), is absent on official business.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Rhode Island (Mr. PELL), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BROCK), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also, the Senator from Delaware (Mr. BOGGS), the Senator from New Jersey (Mr. CASE), the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), the Senator from Ohio (Mr. SAXBE), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from New Jersey (Mr. CASE), the Senator from Oregon (Mr. HATFIELD), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The yeas and nays resulted—yeas 76, nays 5, as follows:

[No. 518 Leg.]

YEAS—76

Aiken
Allen
Anderson
Baker
Bayh
Beall
Bentsen
Bible
Brooke
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Eagleton
Edwards
Ervin
Fong
Fulbright
Gambrell
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McClellan
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Tunney
Williams
Young

NAYS—5

Bellmon
Bennett
Buckley
Fannin
Goldwater

NOT VOTING—19

Allott
Boggs
Brock
Case
Dominick
Eastland
Harris
Hatfield
Kennedy
McGee
McGovern
McIntyre
Metcalf
Mundt
Pell
Saxbe
Thurmond
Tower
Weicker

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the bill, on reconsideration, is passed, the objections of the President of the United States to the contrary notwithstanding.

SOCIAL SECURITY AMENDMENTS OF 1972

The Senate resumed the consideration of the bill (H.R. 1) to amend the Social Security Act, to make improvements in the medicare and medicaid programs, to replace the existing Federal-State Public Assistance programs, and for other purposes.

Mr. PERCY. Mr. President, I send to the desk an amendment to the Long amendment as modified by the Roth amendment and ask that it be stated. For the benefit of my colleagues, I shall be very brief in the presentation of this amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment to the amendment, as follows:

H.R. 1

EMERGENCY FISCAL RELIEF FOR STATES

SEC. 560. Title XI of the Social Security Act (as amended by sections 221 (a), 241, 505, 542(10), and 512 of this Act) is further amended by adding at the end thereof the following new section:

"EMERGENCY FISCAL RELIEF FOR STATES

"SEC. 1180. (a) The Secretary shall, subject to subsection (c), pay to any State which has a State plan approved under title I, X, XIV, or XVI, or Part A of title IV, of this Act, for each quarter beginning after June 30, 1971, through the quarter ending December 31, 1972, in addition to the amounts (if any) otherwise payable to such State under such title on account of expenditures as cash assistance, an amount equal to the excess (if any) of—

(1) an amount equal to the lesser of—

"(A) the amount of the non-Federal share of the expenditures, under the State plan approved under such title or such part A (as the case may be), as cash assistance for such quarter (not counting any part of such expenditures which is in excess of the amount of the expenditures which would have been made as cash assistance under such plan if such plan had remained as it was in effect on June 30, 1971) or,

"(B) an amount equal to 120 per centum of the amount referred to in clause (2), over

"(2) an amount equal to 100 per centum of the non-Federal share of the total average quarterly expenditures, under such plan, as cash assistance during the 4-quarter period ending June 30, 1971.

"(b) For purposes of subsection (a), the non-Federal share of expenditures for any quarter under a State plan approved under title I, X, XIV, or XVI, or part A of title IV, of this Act as cash assistance, referred to in subsection (a) (1), means the excess of—

(1) the total expenditures for such quarter under such plan as, respectively, (A) old-age assistance, (B) aid to the blind, (C) aid to the disabled, (D) aid to the aged, blind, or disabled, and (E) aid to families with dependent children, over

"(2) the amounts determined for such quarter for such State with respect to such expenditures under, respectively, sections 3, 1003, 1403, 1603, and 403 of this Act and (in the case of a plan approved under title I or X) under section 9 of the Act of April 19, 1950.

"(c) No payment under this section shall be made for any quarter to any State on account of expenditures, as cash assistance, under a State plan of such State if—

"(1) the standards, under the plan, for determining eligibility for, or the amount of, cash assistance to individuals under such plan have been so changed as to be less favorable, to all (or any substantial class or category) of the applicants for or recipients of such assistance under the plan, than the standards provided for such purpose under such plan as in effect on June 30, 1971, and

"(2) the amount of the non-Federal share of the expenditures, under such plan, as cash assistance for such quarter is less than 150 per centum of the non-Federal share of the expenditures, under the State plan, as cash assistance for the quarter ending June 30, 1971."

Mr. PERCY. Mr. President, this amendment is the so-called Percy amendment, which has been discussed at great length over a period of many, many months. The administration clearly supports it, and they have just reaffirmed their commitment to me.

I believe the Senate will remember that when I first introduced the welfare fiscal relief measure last November 17 as an amendment to the Revenue Act of 1971 we had considerable debate at that time. At that time I agreed to withdraw the amendment, provided that it would be put on H.R. 1, and that it would then receive administration support.

The distinguished Senator from Louisiana, the chairman of the Finance Committee, at that time indicated he supported the amendment in principle for the States.

Such an amendment was absolutely necessary because we did not enact revenue sharing, as soon as planned, and we did not enact welfare reform, as planned, and the States were and are in a fiscal crisis.

Twenty-two governors contacted me, urging that I press for this amendment. So, at this time, to honor the commitments that were then made—and I am grateful to the administration for honoring its commitment—this amendment would eliminate the Bellmon amendment, which is a part of the Roth amendment—and provide this sorely needed fiscal relief. Mr. President, I am happy to yield for a unanimous-consent request.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous-consent that there be a time limitation of not to exceed 20 minutes on this amendment, to be equally divided between Mr. PERCY and Mr. LONG.

The PRESIDING OFFICER. Without objection, it is so ordered.

How much time does the Senator yield himself?

Mr. PERCY. I yield myself such time as I may require.

The pending amendment would cost a maximum of $515.6 million in fiscal year 1972 and a maximum of $704.5 million in fiscal year 1973.

The schedule of benefits, which would be received by the States, as provided to me by the Secretary of Health, Education, and Welfare, has been clearly laid out. As for the Bellmon amendment, its cost is estimated to be $1.2 billion just in the first year. I do not have an estimate for the second year.

We do not have any official breakdown of the Bellmon figures as to how it would affect the States.

But, on my amendment—and this is the reason why the administration specifically committed itself to support this amendment—I feel that we must provide Federal reimbursement to the States retroactive to fiscal 1972 for that portion of their welfare expenses that exceeded those in fiscal 1971 up to a maximum increase of 20 percent. That maximum ceiling of 20 percent is imposed so that the States could have every incentive to have tight controls over welfare costs.

Given the administration and Finance Committee support for fiscal relief last November, the States have gone ahead and incorporated their potential fiscal relief reimbursements in their welfare budgets. The administration, concerned with the financial plight of the States, included a $1 billion line item in its fiscal year 1973 budget request to allow States to borrow 1 month's welfare reimbursement from fiscal year 1973 funds for use in fiscal year 1972. According to HEW, all States, with the exception of only Kansas and Nebraska, have taken advantage of this advance funding position. And, in March 1973, all the States that have borrowed will have to pay back their debt.

In all fairness, we cannot leave the States holding the bag. We all owe the States an obligation to fulfill our commitments to them so that they can pay back what they have borrowed.

Mr. LONG. Mr. President, I yield myself 5 minutes.

The amendment which is pending, which I offered, and which was referred to as the Bellmon amendment, because it was introduced as separate legislation by the Senator from Oklahoma (Mr. BELLMON), was a result of all the welfare departments of the Nation asking for a uniform basis which they think woull be fair to all the States to meet their welfare financial problems.

What it would do would be that for 1973 and for 1974, up until the States get big relief that they are going to get under the bill for the aged, where we in effect take the program for the aged off their hands and provide for the aged by a Federal program, which will give the States much relief, up to that time when they will get a big windfall and probably will not need relief, we provide an additional 20 percent. In other words, if they are putting up $100 million, we would add $20 million, so that a State would have $120 million in order to take care of the cost of living increases under the welfare program, and take care of the increased case load that has been forced on them by court decisions and other findings that have been made. The proposal I have made is a flat, cross-the-board increase for every State.

It does not have anything to do with whether a State is spending more than before or whether a State is spending less. It simply increases the funds available to each State, and this is what the welfare administrators think would be fair.

The Senator's amendment would work on a different formula. It would take care of the States which have run themselves into extreme financial difficulty, and it would do much less for States that have been more prudent in managing their programs, so that those States really do not need to come to Washington, but they would get their share based on the Federal commitment.

It may be, Mr. President, that the administrators have asked for more than is really necessary, but if that is the case, it is something we can trim back in conference when we have the administration people to advise us about it. But what sense does it make to provide relatively a great deal more for one State than for another State, when, after all, all the States are having to pay for it?

The Percy amendment would cut back on every State, and very drastically on some of them. I think, Mr. President, we would be much better advised to vote the amount that is asked for here, which is an amount that would adequately care for every State, and an amount which the State administrators felt would be fair, would be equitable among the States, and would treat them uniformly, without rewarding one State or another State because they had a particular problem within the State.

We do not look at the problem, which is a crisis, I might say, in Illinois, or a particular problem that might exist in Oklahoma, where they have a very severe crisis, by the way. We simply say that we treat all States uniformly, and if a State has prudently run its program, it would get the same 20 percent as everyone else, and if they do not need the money to pay additional welfare benefits, it would not require them to do that. Let them use it for what they think they need to use it for. If they think their program is adequately financed, and that they are going as far as they need to go with benefits, they can put the money into State funds for something else.

It has been said that we cut back too drastically, for example, in social services. We have had a lot of complaints, I know I have, about cutting back what is a meritorious program in social services.

The amendment that I have at the desk, which was initially the Bellmon amendment, would permit those States to put the money into social services if they think they could better use it there than by putting it somewhere else. It is their money; they can put it where they want to put it. That is far better than to force them to spend it on welfare categorically, if they think they ought to spend it on something else.

I do not think Senators would want to vote for the drastic cutback that would be entailed by the Percy amendment, compared to the amendment which I have at the desk, unless they have had a chance to clear it with their welfare directors, and find that their welfare directors think that the reduction in funds recommended by Senator PERCY would be appropriate, and that they could stand it.

Under the Roth amendment we would save a great amount of money. By our committee estimate we estimated the Roth amendment would save the Government about $2.6 billion. By administration estimates, they estimate that it would save $4.1 billion. It would save a great deal of money.

But one problem is that it would also leave the States with a fiscal price to pay in trying to maintain the existing level of their programs while we were testing and seeing whether we wanted to go to a family assistance program, and prior to the time relief be available to them otherwise under the generous benefits provided in the program for the aged would go into effect.

I think we have met the problem about the best way we can at this time. If it should be proved that we have been too generous to the States generally, we can reduce that in conference. As Senators know, you cannot in conference raise any figure, you can only cut back. I would think we would be in a better position to take what the welfare administrators think they need and what they feel would be fair and would treat them equitably, rather than the proposal the Senator has offered, which is tailored, I am sure, to meet the problem in Illinois, but not necessarily to meet the problems in other States.

So I hope, Mr. President, that the amendment of the Senator from Illinois will not be agreed to.

Mr. PERCY. Mr. President, I just simply cannot see how anyone in good conscience, anyone who has any sense of fiscal responsibility, can vote for the Bellmon amendment and give this windfall to States that have demonstrated they are not using the money and do not need it. The Bellmon amendment is not geared to welfare needs at all. It gives every State, whether it has welfare cost increases or not, a 20-percent increase across the board—a terrific inducement to get votes, but not to put the money where it is needed. The demonstrated need is where the States are paying the money out in hard cash right now.

Second, it does not protect welfare recipients from benefit reductions. States do not have to maintain benefits to qualify for relief. A State could just drop its welfare program and take the money and use it for anything else.

Mr. President, this is a welfare bill, it is not another revenue-sharing bill. We have just passed a $5.3 billion revenue-sharing bill. The cost of the Bellmon amendment is exorbitantly high—about $1.2 billion—and that is why the administration is so adamantly against the Bellmon amendment, which was run in on the Roth amendment.

I wonder if we are going to realize some day what we approved in that whole Roth amendment. We certainly do not realize the consequences now. It certainly could be a windfall for a State whose welfare needs do not require relief, and could allow the State to use that welfare money for other purposes.

I have listened to a great deal of this debate. I think now we should deal with the problems of the people we intend to try to help. There have been a great many distortions and a great many fictions presented on the floor of the Senate today, where we should be dealing with facts. I am not going to take the time of the Senate to deal with those facts this evening, but will insert them in the RECORD. I ask unanimous consent that my comments on this score, showing the number of indigent people in this country, who they are, the best calculations we could make as to their ability to work, whether they are independent or not, and whether these generalizations we hear about the shiftless, lazy, poor, have any foundation in fact whatsoever, be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY MR. PERCY

Let me begin by saying that there is no one in this room who believes, more strongly that I in the American work ethic. Work—hard work—has allowed me to achieve the position I hold today. Work incentives and work requirements are needed in our welfare system. As President Nixon said, "A welfare system is a failure when it takes care of those who can take care of themselves." Those who can work must work, but what about those who cannot work and who cannot take care of themselves?

Let us look at the facts. How many of those on welfare can really help themselves? There are some 14 million welfare recipients in this country today. Of the 14 million, 8 million are dependent children; 3.1 million are disabled and elderly; and 2.7 million are mothers of dependent children. Less than 1 percent, or fewer than 200,000, of our welfare population are able-bodied men.

Let us look beyond our welfare population. Let us look at our total poverty population. According to a recent publication from the Office of Economic Opportunity, titled "The Poor in 1970," there are approximately 25 million poor people in this country. Children and women constitute the greatest percentage of the poor in America. They, together with the elderly, represent from 83 to 85 percent of all the poor.

We all agree that those who can work should work. But what about the children, the elderly, the disabled, the blind, and the mothers of dependent children? Do they deserve punishment because they are poor? In this great country of ours, can we not find the means in our hearts, minds, and resources to help those who cannot help themselves?

Let us look further at the facts. Contrary to what many believe, no one is getting rich on welfare. The average family on welfare today is receiving far less than what the government calls a poverty-level income ($3,900 for a family of four). Connecticut is the only state in the union with a benefit level higher than the poverty level—$4,020 for a family of four.

And contrary to what many believe, the poor do want to work, and they do work. According to OEO's "The Poor in 1970," nearly 25 percent of our poor are employed full-time; 84 percent work full-time half of the year; and another 41.1 percent work on a part-time basis.

The OEO study is not alone in its findings. In 1969, HEW conducted a study of the AFDC program by surveying 35 counties—10 urban and 25 rural—in 10 states. The survey, employing a structured questionnaire, interviewed over 11,000 respondents. The data showed that 58 percent of the respondents were employed for some of the three year period studied; 9 percent worked throughout; and 33 percent depended solely on welfare. Poor health, domestic responsibilities and inability to find work, in that order, were cited as the three main reasons for unemployment. Few of the respondents believed that getting help from welfare would result in a better life. Most felt being on welfare was the major meaning of "the worst life."

In a Washington, D.C. study, unemployed black men indicated that they valued work, but after repeated failures in the work world due to lack of education and training, they sought self-fulfillment in other activities and spurned new responsibilities for fear of failure.

In a California study of male heads-of-households, results showed that affluent white men, affluent black men and poor black men all had about the same preference for work over unemployment. Poor blacks indicated the same willingness to make special efforts to find successful job opportunities as did nonpoor blacks and whites.

In a New York City AFDC study, 70 percent of the AFDC mothers interviewed said they would prefer to work. Nationally, more than 80 percent indicated a preference for work over welfare.

Various studies of poor young people across the country showed that more than 72 percent would prefer work to welfare. Their hopes were for white-collar jobs and middle-class material wealth.

And recently the Brookings Institution, a non-partisan research organization, published the first comprehensive study of poor people's life aspirations and work orientation. This study, titled "Do the Poor Want to Work?" made the following findings:

"All groups of women, ranging from long-term welfare to outer-city white, give equally high ratings to the work ethic, but show a wide difference in beliefs about the effectiveness of their own efforts to achieve job success. Long-term welfare women lack confidence in their ability while outer-city white women feel much more secure.

"Teen-age males who have spent virtually their entire lives on welfare have certain positive orientations toward work. Having no working parent in the home has made the sons' identification with work no weaker than that of sons from families with working fathers. Welfare youths from fatherless homes show a strong work ethic, a willingness to take training, and an interest in working even if it is not a financial necessity. Their mothers favorably influence these positive orientations. The welfare experience has not destroyed the sons' positive orientations toward work.

"The picture that emerges is one of black welfare women who want to work but who, because of continuing failure in the work world, tend to become more accepting of welfare and less inclined to try again."

If the poor want to work; if they do work; and if they do not prefer welfare as a way of life to working to support their families; why is there such underemployment of the poor; and why have our work training programs for welfare recipients failed so miserably?

Let us look at the history of our work training programs. The first program—the Community Work and Training program—was started in 1962 and discontinued on June 30, 1968. The second program—the Work Experience and Training Program—was started in 1964 and discontinued on June 30, 1969. Both programs failed because providing effective assistance to welfare recipients required a much greater effort than was possible under the program designs.

The performance of the current Work Incentive Program, WIN, has been sufficiently poor to demonstrate the improbability of placing any substantial number of the more than 2.7 million mothers currently receiving welfare in the regular job market. WIN, in its first two years of operation, reviewed about 1.6 million welfare cases eligible for the program. Only about 10 percent of the 1.6 million eligibles were considered suitable for enrollment. Of all those who had been terminated from WIN in 1970, only about 19 percent had jobs. WIN was successful in getting jobs for only about 2 percent of the total eligible welfare population.

Like work training programs, mandatory work laws have also not been successful in moving welfare clients into jobs. New York's work relief law which took effect last July 1, requires employables in home relief and AFDC categories to pick up their semi-monthly relief checks at state employment offices and to take available jobs or training. If not otherwise placed in 30 days, those on home relief must work for city agencies in return for their relief allotments.

A joint Federal-New York State study of the effect of the law found that 50 of every 100 clients referred to job offices were unemployable, placed in training, or refused service. Of the other 50, 34 were referred to jobs, of whom four were placed. This was roughly the placement rate in all nine areas studied.

Moreover, of the 455 clients placed, nearly a third—or 140—no longer had the jobs after the first week; only a third—150—were still employed three months after their placement. Including those no longer on the job, 154 had quit and 151 had been laid off. In the layoffs, 40.1 percent were for lack of work; 26.1 percent were for lack of qualifications; 20.4 percent were for absenteeism or illness; and 4.2 percent were for misconduct. In all, only 1.3 percent of the original 11,472 referrals were still on the job three months after their placement.

Work training programs and mandatory work laws have failed in the past because their success is largely determined by the state of the economy and the availability of jobs for welfare clients. Given times of high unemployment, the AFDC mother, responsible for dependent children, lacking in work experience, skills and education, facing possible discrimination because of race or welfare status, is, perhaps, the poorest of employment risks.

These programs and laws have also failed because they were conceptualized and designed without any understanding of the poor. As the Brookings Institution study concluded:

"Poor people—males and females, blacks and whites, youths and adults—identify their self-esteem with work as strongly as do the nonpoor. They express as much willingness to take job training if unable to earn a living and to work even if they were to have an adequate income. They have, moreover, as high life aspirations as do the nonpoor and want the same things, among them a good education and a nice place to live. This study reveals no differences between poor and nonpoor when it comes to life goals and wanting to work.

"To be effective, welfare and manpower policies for the poor must be based on knowledge of how poor people view life and work."

Mr. PERCY. The point has been reiterated time and time again by the distinguished chairman of the Committee on Finance to eliminate fraud in the welfare system. I will back any measures to get rid of fraud. I will back any measures to get rid of deadbeats. I will back any measures to find people who are abdicating their responsibility to their children, or their wives and do, whatever we need to do to find them.

But you cannot take it out of the hides of those little children. You cannot take it out of the hides of the women who have been offended in this way.

We must be sure that the measures that pass this body, Mr. President, are humane measures that deal with the facts and realities of life as it exists in the major urban areas today. I reiterate, as I stated earlier on the floor of the Senate today, the number of families that have migrated to Illinois this year. I named the States from which they came, 500 or 600 families from Mississippi, from Alabama, from Georgia. They have come up to our State because some of those States pay a family of four, as I indicated, as low in the case of Alabama as $972 a year for welfare relief for a family of four. Another State, Mississippi pays $720 for a family of four for welfare. For the cost of one bus ticket, which some of those agencies offer to get them out of the way, they send them up to Illinois, to Ohio, to New York, or to California, and they are financially breaking the backs of our States. The States are doing everything they can. We have imposed taxes on every kind—heavy property taxes, sales taxes, income taxes—and they are still unable to find the money to pay the welfare costs.

I weep at the thought that we are going to walk away from this legislation once again, and not have a true welfare reform bill. Since it looks like we will not have true welfare reform, let us not walk away from all the Governors to whom we have pledged that we are not going to pass a welfare reform measure, let us put welfare fiscal relief in there to relieve those States of the problems created when we did not enact revenue sharing earlier.

I think we are imposing a terrible burden on ourselves if we enact the Bellmon amendment, which is a grab bag, a gift box to every single State, whether they need it or not. Can we afford to add a little old amendment here costing $1.2 billion, when that obligation can be met by the expenditure of $515 million, which is a great deal of money, but which is much less than $1.2 billion this year and next year?

I yield back the remainder of my time.

Mr. LONG. Mr. President, under the Percy amendment, if a State has been doing business in such a fashion that it was able to keep its welfare expenditures for this year at the same level as last year, they would not get $1. If it is found, for example, that they had to tighten up on their program, to eliminate some people who are ineligible, and perhaps even to reduce the level of benefits to stay within the funds available, they would not get a dollar of help. If they did as Illinois did, if they set their benefits well above the national average, they would not get any help.

Illinois pays $3,300, then $1,400 for public housing, $900 for medicaid—$5,600 of benefits for a family of four. It is very generous. It is more than they can afford, so the State is in deep fiscal trouble. The State that gets the most help under the amendment is one that creates the problem, because it has overspent. So the more irresponsible you are in handling your problems, the more help you get from the Percy amendment; and the more you keep your expenditures within your budget and keep them down to within what you spent before, the less you get.

Under the Percy amendment, some States would get great benefits, because they overspent and put into effect a program they could not afford; and other States that did not do that would get very little. I do not think the Senate wants to do business they way. I think the Senate would prefer, if there is going to be a formula, to have one that looks at all the States uniformly and on some basis treats them uniformly.

It may be that we have provided a little too much. We have provided more than the Percy amendment would provide even for the State of Illinois. But at least under this approach we have enough funds in there so that States are not going to be left distressed when this bill is passed or goes to conference. If fiscal stress occurs to States, it will not be because the Senate imposed it upon them. The Senator's amendment, while it is tailored to the Illinois problem, is not tailored to anybody else's problem, to my understanding, and I think the Senate would be foolish to adopt it.

Mr. President, I ask unanimous consent to have printed in the Record a table showing the difference between what the Percy amendment would provide the States and what the Long amendment—which was the Bellmon amendment prior to the time I offered it—recommended by the welfare administrators of this country, would provide to each State, so that Senators can see that every State would get the worst of it under the Percy amendment.

Perhaps Alaska would get $100,000 more under the Percy amendment.

There being no objection, the table was ordered to be printed in the Record, as follows:

FISCAL RELIEF FOR STATES IN FISCAL YEAR 1973 THROUGH INCREASED FEDERAL MATCHING OF PUBLIC ASSISTANCE COSTS

[In millions of dollars]

	Savings under Percy amendment	Savings under Long amendment
Alabama	$5.9	$31.9
Alaska	1.7	1.4
Arizona	2.3	10.5
Arkansas	3.0	20.3
California	167.4	227.1
Colorado	8.0	15.1
Connecticut	9.7	14.6
Delaware	1.3	2.7
District of Columbia	5.3	17.1
Florida	6.6	44.0
Georgia	8.2	42.5
Hawaii	2.9	4.9
Idaho	$1.0	$3.7
Illinois	40.7	96.4
Indiana	5.3	21.1
Iowa	4.9	12.6
Kansas	5.2	12.7
Kentucky	5.3	20.5
Louisiana	8.7	42.7
Maine	2.5	9.5
Maryland	9.8	18.7
Massachusetts	33.1	53.2
Michigan	34.7	64.2
Minnesota	10.3	27.5
Mississippi	2.9	21.1
Missouri	10.2	31.0
Montana	.5	2.7
Nebraska	2.2	7.1
Nevada	.6	2.2
New Hampshire	1.7	3.2
New Jersey	30.6	43.4
New Mexico	1.0	7.4
New York	127.4	187.6
North Carolina	6.0	22.5
North Dakota	.9	3.0
Ohio	21.1	46.3
Oklahoma	8.0	22.7
Oregon	4.8	10.6
Pennsylvania	47.5	81.2
Rhode Island	3.8	6.0
South Carolina	1.5	10.6
South Dakota	1.0	3.8
Tennessee	3.9	23.9
Texas	15.0	81.3
Utah	1.7	6.8
Vermont	1.3	4.3
Virginia	6.0	22.9
Washington	7.3	17.4
West Virginia	2.6	11.6
Wisconsin	8.7	18.3
Guam	.4	.2
Puerto Rico	.1	5.4
Virgin Islands	1.6	.2
Total	704.5	1,521.9

Note: Figures may not add due to rounding.

The PRESIDING OFFICER. All time of the Senator has expired.

The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was rejected.

The PRESIDING OFFICER. The question now occurs on agreeing to the amendment of the Senator from Louisiana, as amended by the amendment of the Senator from Delaware.

Mr. LONG. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana, as amended by the amendment of the Senator from Delaware. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Oklahoma (Mr. Harris), the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Rhode Island (Mr. Pell), and the Senator from New Mexico (Mr. Anderson) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee) is absent on official business.

I further announce that, if present and voting the Senator from Rhode Island (Mr. Pell) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Brock), the Senator from South Carolina (Mr. Thurmond), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

Also, the Senator from Delaware (Mr. Boggs), the Senator from New Jersey (Mr. Case), the Senator from Oregon (Mr. Hatfield), the Senator from Ohio (Mr. Saxbe), the Senator from Colorado (Mr. Dominick), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

If present and voting, the Senator from Oregon (Mr. Hatfield), the Senator from South Carolina (Mr. Thurmond), and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 50, nays 29, as follows:

[No. 519 Leg.]

YEAS—50

Baker
Bellmon
Bennett
Bentsen
Bible
Buckley
Byrd,
Harry F., Jr.
Byrd, Robert C.
Church
Cotton
Curtis
Dole
Edwards
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Gurney
Hansen
Hollings
Hruska
Humphrey
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
McClellan
Miller
Mondale
Montoya
Moss
Packwood
Pastore
Pearson
Proxmire
Randolph
Roth
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Tunney
Young

NAYS—29

Aiken
Allen
Bayh
Beall
Brooke
Burdick
Cannon
Chiles
Cook
Cooper
Cranston
Hart
Hartke
Hughes
Inouye
Javits
Mansfield
Mathias
Muskie
Nelson
Percy
Ribicoff
Schweiker
Scott
Smith
Stafford
Stevenson
Taft
Williams

NOT VOTING—21

Allott
Anderson
Boggs
Brock
Case
Dominick
Eagleton
Eastland
Harris
Hatfield
Kennedy
McGee
McGovern
McIntyre
Metcalf
Mundt
Pell
Saxbe
Thurmond
Tower
Weicker

So the Long amendment as amended by the Roth amendment was agreed to.

Mr. LONG. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 11948) to amend the joint resolution authorizing appropriations for participation by the United States in the Hague Conference on Private International Law and the International—Rome—Institute for the Unification of Private Law.

The message also announced that the House had agreed to the amendment of the Senate to the joint resolution (H.J. Res. 1257) to authorize an appropriation for the annual contributions by the United States for the support of the International Agency for Research on Cancer.

The message further announced that the House had agreed to the amendments of the Senate to the joint resolution (H.J. Res. 1211) to amend the joint resolution providing for membership and participation by the United States in the South Pacific Commission.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10243) to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 976) to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes.

AMENDMENT OF FEDERAL WATER POLLUTION CONTROL ACT

Mr. MUSKIE. Mr. President, I submit a report of the committee of conference on S. 2770, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. Cannon). The report will be stated by title.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2770) to amend the Federal Water Pollution Control Act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the Congressional Record of September 28, 1972, at pages 32768–32796.)

Mr. MANSFIELD. Mr. President, I yield my 15 minutes to the distinguished Senator from Maine (Mr. Muskie).

Mr. MUSKIE. I thank the Senator from Montana.

Mr. President, I ask for the yeas and nays on the conference report.

The yeas and nays were ordered.

Mr. MUSKIE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Maine is recognized for 5 minutes.

Mr. MUSKIE. Mr. President, I ask unanimous consent that during consideration of the conference report on S. 2770, the following members of the staff of the Committee on Public Works be permitted on the floor: Leon G. Billings, M. Barry Meyer, Harold Brayman, Sally Walker, Philip T. Cummings, John Yago, Dick Hellman, and Bailey Guard.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that Mr. David Clanton be permitted the privilege of the floor during consideration of this conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, may I say to my colleagues that we have a 30-minute time agreement here and we should not be troubled by the size of the documentation before me as I shall not take more than 2 minutes to present the report and then there will be several colloquies on points in the report which are of interest to particular Senators. Thus, we should be able to cover the ground quickly in the next 30 minutes.

Mr. President, the conference report on the Federal Water Pollution Control Act Amendments of 1972 is the pending business of the Senate. The Senate approved this legislation on November 2, 1971; the House acted on March 29; and the conference committee began its deliberations on May 11 of this year. Since that first session, we have held 39 meetings of the conference, often starting early in the morning and running late into the evening.

I have been a Member of the Senate for 13 years, and I have never before participated in a conference which has consumed so many hours, been so arduous in its deliberations, or demanded so much attention to detail from the members. The difficulty in reaching agreement on this legislation has been matched only by the gravity of the problems with which it seeks to cope.

Our planet is beset with a cancer which threatens our very existence and which will not respond to the kind of treatment that has been prescribed in the past. The cancer of water pollution was engendered by our abuse of our lakes, streams, rivers, and oceans; it has thrived on our half-hearted attempts to control it; and like any other disease, it can kill us.

We have ignored this cancer for so long that the romance of environmental concern is already fading in the shadow of the grim realites of lakes, rivers, and bays where all forms of life have been smothered by untreated wastes, and oceans which no longer provide us with food.

The amount of time spent in conference on this legislation, Mr. President, should not indicate any disagreement among the Senate and the House Members over the gravity of the problem. No one can face the facts of water pollution day in and day out without fearing for our future. In fact, it has taken this much time to hammer out an agreement because the conferees agreed that our product must, finally, be legislation which provides the means, properly administered, to eliminate this cancer.

There were disagreements over the means to achieve this goal, and the conference agreement before the Senate today reflects accommodations made by both sides. In my own eyes, the conference agreement is not perfect; it does not retain everything from the Senate bill that we had hoped it would, but it was evident after review in the conference committee that there were aspects of the House-passed legislation that improved upon provisions of the Senate bill. This agreement, then, is the best of two proposals, not the lowest common denominator.

Senators will recall from the November debate on the Senate bill that there were three essential elements to it: uniformity, finality, and enforceability. Without these elements a new law would not constitute any improvement on the old; we would not bring a conference agreement to the floor without them.

As far as uniformity and finality are concerned, the conference agreement provides that each polluter within a category or class of industrial sources will be required to achieve nationally uniform effluent limitations based on "best practicable" technology no later than July 1, 1977. This does not mean that the Administrator cannot require compliance by an earlier date; it means that these limitations must be achieved no later than July 1, 1977, that they must be uniform, and that they will be final upon the issuance of a permit under section 402 of the bill.

Mr. President, the Senate bill established a deadline for the achievement of phase I by January 1, 1976. As I have noted, the conference agreement establishes a deadline of July 1, 1977. Since this legislation will not be signed into law until nearly 1 year after Senate action, the slippage in the timetable set forth in the Senate bill is, at most, only 6 months.

My colleagues will also recall that the Senate bill mandated requirements which would lead to the elimination of the discharge of pollutants or achieve effluent limitations based on the best available control technology by January 1, 1981. The Senate has maintained its position in that the goals of the Senate bill are intact. The requirement of the Senate bill as to the implementation of a no-discharge requirement where the technology is reasonably available is retained in the conference agreement, and the burden of justifying departure from the July 1, 1983, requirements remains on the polluter.

Phase II in the Senate bill was to have been implemented by January 1, 1981. The conferees agreed on a 6-year period rather than a 5-year period to move to this significant phase. But again because of the time in conference, the slippage in the Senate bill is no more than 18 months. What does that slippage mean? It does not mean that polluters will be discharged from their responsibility to comply with the law. It only means that the requirement set forth in this act will be achieved in some cases at a date which is somewhat later than originally intended by the Senate. The Administrator retains the authority to require the application of these controls at an earlier date, and it is intended that he will require their application at the soonest practicable time.

The Administrator retains the authority to establish schedules and timetables of compliance which eliminate the discharges of pollutants whenever he determines that the technology is reasonably available. At the same time, the Administrator is given clear guidance in the law to press forward to achieve the goals of the act; to assure that reasonable effort is put forth to move from one phase to the other; to guarantee that there is real progress from best practicable technology to best available technology; and, above all, to require, whenever technology is reasonably available, that the discharge of all pollutants be eliminated.

I would like to point out to my colleagues that the bill as passed by the House did not provide enforceable effluent control requirements other than those to be achieved by January 1, 1976. The bill as passed by the House required a National Academy of Sciences' study to determine what, if any, requirements should be imposed beyond January 1, 1976. The bill as passed by the House required subsequent action of Congress in order to impose any future, more strict effluent control requirements.

The third critical element that concerned the Senate in its consideration of this legislation was enforceability. Enforceability is assured through the provisions of the permit program and through section 309, the enforcement section of the act. The Administrator has the responsibility to determine the effluent limitations to be applied to each category or class of polluter, to set forth those limitations in a permit issued pursuant to section 402 of the act, and to enforce those limitations through the provisions of section 309.

The Administrator must issue an abatement order whenever there is a violation of the terms or conditions of a permit, including the effluent limitations, time schedules, and monitoring requirements. Should he fail to issue an order, a citizen suit may be brought against him to direct the issuance of such an order. The Administrator's authority is not limited to those cases in which there is a continuing violation. Any discharge, intermittent or continuous, which the Administrator finds violates the terms of the permit, is to be enforced. The conferees expect that the Administrator will act as aggressively against those violations which only intermittently occur as he will act against those violations which occur on a continuous basis. Failure to take this kind of effective action will permit intermittent dumping of waste with impunity. Citizen suits can be brought to enforce against both continuous and intermittent violations.

Mr. President, I have prepared and wish to include in the Record as part of my remarks a discussion of each of the significant provisions of the bill. I do this because the complexities of the individual provisions are such that the legislative history will be important to those charged with the responsibility for administering the program. At the same time, however, I would like to call attention to the fact that we have tried in this legislation not to leave the final evaluation of the bill to legislative history, but instead to write into law as clearly as possible the intent of the Congress.

The **PRESIDING OFFICER.** Without objection, the material will be printed in the Record.

(See exhibit 1.)

Mr. **MUSKIE.** Before inserting that discussion into the Record, however, and moving on to final consideration of the conference agreement, there is one other significant aspect of this legislation to which I would like to address a few remarks.

Mr. President, the question of adequate funding for the construction of waste treatment facilities has been a source of almost constant frustration for this Senator, members of the Public Works Committee, and the Senate since the grant program was expanded in 1966. It has been frustrating because in the face of facts which could not be more stark, in the face of a threat to life that could not be more real, in the face of cries from our cities and States that could not be more desperate—in the face of all these things, there are still those in high places who question whether we can afford to spend this money.

Can we afford clean water? Can we afford rivers and lakes and streams and oceans which continue to make possible life on this planet? Can we afford life itself? Those questions were never asked as we destroyed the waters of our Nation, and they deserve no answers as we finally move to restore and renew them. These questions answer themselves. And those who say that raising the amounts of money called for in this legislation may require higher taxes, or that spending this much money may contribute to inflation simply do not understand the language of this crisis.

The conferees spent hours and days studying the problem of financing the cleanup effort required by this new legislation. The members agreed in the end that a total of $18 billion had to be committed by the Federal Government in 75-percent grants to municipalities during fiscal years 1973–75. That is a great deal of money; but that is how much it will cost to begin to achieve the requirements set forth in the legislation. Because of the magnitude of this commitment, I would like to take a few moments of the Senators' time to explain briefly the basis for that figure.

The objective of the act, as set forth in section 101(a) is:

> To restore and maintain the chemical, physical and biological integrity of the nation's waters. In order to achieve this objective . . . it is the national goal that the discharge of pollutants into the navigable waters be eliminated by 1985.

These are not merely the pious declarations that Congress so often makes in passing its laws; on the contrary, this is literally a life or death proposition for the Nation. In order to achieve those objectives, the Administrator is directed in section 201(d) to assist in the construction of certain kinds of municipal waste treatment facilities:

> (d) The Administrator shall encourage waste treatment management which results in the construction of revenue producing facilities providing for—
>
> (1) the recycling of potential sewage pollutants through the production of agriculture, silviculture, or aquaculture products, or any combination thereof;
>
> (2) the confined and contained disposal of pollutants not recycled;
>
> (3) the reclamation of wastewater; and
>
> (4) the ultimate disposal of sludge in a manner that will not result in environmental hazards.

These policies, together with the requirements to be applied to industrial and other point sources in phase I and phase II, simply mean that streams and rivers are no longer to be considered part of the waste treatment process. This fact has in turn meant that advanced waste treatment, a level of treatment not generally required under existing law and a level of treatment for which the technology in some respects may not yet exist for practicable application, will be required for every community in the Nation.

In testimony before the House Public Works Committee, Gov. Daniel Evans of Washington, an engineer by profession, suggested that:

> Really what we need (to produce the technology required by the provisions of the bill) is a national commitment as to what we want to achieve . . . If we do that, I would be disappointed if modern technology . . . did not come up with the new and changed technology that may very well not cost more, but may very well cost less to achieve.

So there were two strong imperatives which worked together to convince the members of the conference that this much money was needed: first, the conviction that only a national commitment of this magnitude would produce the necessary technology; and second, the knowledge that a Federal commitment of $18 billion in 75-percent grants to the municipalities was the minimum amount needed to finance the construction of waste treatment facilities which will meet the standards imposed by this legislation.

Members will note that the original authorization of $14 billion for 3 fiscal years contained in the Senate bill has been increased to the $18 billion figure which I have been discussing. The increase of $4 billion is accounted for by changes in the bill since it was considered by the Senate:

First. The conferees decided that Federal assistance for the construction and reconstruction of collection systems and dealing with the problem of combined storm sewers in existing communities was necessary, given the new, more stringent requirements of the legislation.

Second. The conferees agreed on a Federal share of 75 percent for all grants, as opposed to lower Federal shares provided by the Senate.

Mr. President, to achieve the deadlines we are talking about in this bill we are going to need the strongest kind of evidence of the Federal Government's commitment to pick up its share of the load. We cannot back down, with any credibility, from the kind of investment in waste treatment facilities that is called for by this bill. And the conferees are convinced that the level of investment that is authorized is the minimum dose of medicine that will solve the problems we face.

Mr. President, the conferees attempted also to reduce the possibility that this legislation would be vetoed. In our last conference, the able and distinguished ranking minority member of the House Committee on Public Works offered two amendments which he indicated would reduce opposition to the bill from the White House and the Office of Management and Budget. These two amendments were accepted by your conferees and by other House conferees in order to remove the question of a veto on the basis of the money authorized by the legislation.

Under the amendments proposed by Congressman WILLIAM HARSHA and others, the authorizations for obligational authority are "not to exceed" $18 billion over the next 3 years. Also, "all" sums authorized to be obligated need not be committed, though they must be allocated. These two provisions were suggested to give the administration some flexibility concerning the obligation of construction grant funds.

The conferees do not expect these provisions to be used as an excuse in not making the commitments necessary to achieve the goals set forth in the act. At the same time, there may be instances in which the obligation of funds to a particular project in a particular State may be contrary to other public policies such as the National Environmental Policy Act. In these cases the conferees would, of course, expect the administration to refuse to enter into contracts for construction.

Mr. President, with the approval of these amendments, it is clear that any decision by the President to veto this legislation would be based on the regulatory aspects of this legislation. The President's views on those provisions are well-known. The President, the Council on Environmental Quality, and the Administrator of the Environmental Protection Agency vigorously opposed the regulatory provisions of the Senate-passed bill. The conference agreement does not represent a significant departure from those Senate regulatory provisions. Thus, the President may choose to veto this legislation on the basis of the stringent regulations it would impose on industrial polluters.

We all know that if Congress holds to its scheduled date of adjournment, this legislation may become subject to a pocket veto by the President. By pursuing this course of inaction, the President could effectively ignore the action of the Congress; that is his prerogative. But he cannot ignore the problem; and all a pocket veto will mean is that before Congress can act again, more lakes and streams will die, more rivers and bays will drown in human and industrial wastes, and more precious time will be lost in a battle where time is running out on our future.

I urge the President to recognize that a congressional statement of public policy as clear and as definite as our action today deserves an affirmative response one way or the other. And I hope that the Senate will schedule the remainder of its activities so as to be in session, prepared to provide an appropriate and firm response, if the President decides to veto this bill.

Mr. President, I ask the Senate to approve the conference report, and to do so with such evidence of support for its goals that the President and the Nation will know the extent of our determination and the depth of our resolve.

The conferees in both Houses spent many hours on this legislation. The chairman of the full committee, Senator RANDOLPH, Senator EAGLETON, Senator BAYH, Senator COOPER, Senator BAKER, and Senator BOGGS, all participated conscientiously. They have been equally dedicated to enacting the best legislation possible.

In addition to the members of the conference, special credit must go to the staffs of both the Senate and the House Committees on Public Works. The complexity of this legislation, the interrelationship between its various provisions, and the need to establish, with precision in law, a clear statement of the intent of Congress, placed tremendous demands on the talent and time of the respective staffs. I would particularly like to take note of the work of chief counsel of the Committee on Public Works, Barry Meyer; minority clerk, Bailey Guard, assistant counsel, Phil Cummings, minority counsels Tom Jorling and Dick Hellman, Hal Brayman, Leon G. Billings, John Yago, and Richard Wilson of the professional staff, Sally Walker, Ann Garrabrant, and Charlene Sturbitts of the research staff, Jim Jordan with Senator BAKER, Bob Maynard with Senator EAGLETON, Mike Helfer with Senator BAYH, Frankie Williams and Peggy Nagel of the clerical staff. The House committee staff, including chief counsel, Richard Sullivan, minority counsel, Cliff Enfield, committee counsels, Les Edalman and Gordon Wood, and particularly Robert Mowson of the House Office of Legislative Counsel who did the technical work on the bill, deserve special recognition.

EXHIBIT 1

POLLUTION DILUTION

The Conference agreement specifically bans pollution dilution as an alternative to waste treatment. At the same time the agreement recognizes that stream flow augmentation may be useful as a means of reducing the environmental impact of runoff from nonpoint sources. The agreement also recognizes that stream flow augmentation may be useful for recreational, navigation and other purposes. Finally, section 102(b) of this Act requires that any calculation of the need for and value of stream flow augmentation to reduce the impact of pollution must be made by the Administrator of the Environmental Protection Agency.

IN PLACE POLLUTANTS

The provision for removal of in place pollutants did not appear in either the Senate or the House bill. Its present form was included by the Conferees as part of an agreement which related to section 402(m) of the Senate bill and section 404 of the House bill regarding the disposal of dredged spoil.

Because of the rigorous nature of the test to be applied to any application for a permit for the disposal of dredged spoil, the Conferees provided for a program to assure that the economic base of Great Lakes harbors would not be disrupted by environmental requirements. The Conferees intend that a major effort be put forth to remove in place pollutants, especially toxic pollutants, from harbors in the Great Lakes and that material be disposed of in a manner which shall assure minimal environmental impact.

The Conferees expect that the program initiated under Title II and III of this bill, which will require restrictive controls on effluent discharges from municipal industrial sources and effective regulation of non-point sources, will reduce the future accumulations of in place pollutants, thus easing the problems associated with dredged spoil disposal.

CONSTRUCTION GRANTS

The Conference agreement authorizes $18 billion for fiscal years 1973–1975 for 75% Federal grants to communities through contract authority. The Senate Conferees acceded to the House authorization figure only after accepting a House provision which authorizes grants for the reconstruction of existing sewage collection systems (an activity which is essential to the integrity of waste treatment systems where excessive filtration of ground water is a problem) and the installation of new collection systems in existing communities. This new area of Federal assistance recognizes that adequate collection systems are essential to the integrity of waste treatment systems which must deal with excessive filtration of ground water, and that adequate sytems will require a greater commitment of Federal and local funds.

The Conferees intend that priority on the distribution of funds made available by this Act be given to the construction of needed waste treatment facilities. The backlog of waste treatment plants has not declined substantially in the past five years, and our limited resources should be directed first to building waste treatment plants in communities with existing collection systems. After these projects are funded, money should be obligated for the replacement of existing collection systems or the construction of new systems. Under no circumstances are these funds intended for the construction of sewage collection systems in new communities or in new subdivisions of existing communities.

The Conferees agreed on the 75% figure after extensive debate over the nature of state participation, if any, in the water treatment plant construction program. The Senate bill provided for a Federal grant of 70% if the state participated, by grant, in the amount of 10% of the project's cost. The House bill provided a Federal grant of 75% if the state participated by grant, loan or otherwise in the amount of 15% of the project's cost. The Conferees could not agree on the nature of state participation.

Therefore, the Conference agreement does not require state participation. However, the Conferees hope and expect that states with grant programs will continue to assist communities to meet the backlog of waste treatment facility needs.

The absence of a requirement that a state participate in each project in order to receive a higher level of Federal assistance should provide the states with more flexibility in the distribution of limited funds. State resources can be directed to communities with particularly severe pollution problems or particularly severe economic problems. State grants can be made to assist in the construction cost of advanced waste treatment facilities or in the construction cost of facilities to deal with storm water overflow.

The Conferees wish to emphasize the complete change in the grant program that is authorized under the Conference substitute. Under existing law and procedure, the Environmental Protection Agency makes its first payment to a municipality upon certification that 25 percent of the actual construction has been completed. The remaining Federal payments are also made in reference to the percentage of completion of the entire waste treatment facility. Grantees and applicants therefore absorb enormous interest expenses and other costs as they await the irregular flow of Federal funds.

Under the Conference substitute, which is a program modeled after the Federal-Aid Highway Act, each stage in the construction of a waste treatment facility is a separate project. Consequently, the applicant for a grant furnishes plans, specifications, and estimates (PS&E) for each stage (or project) of the construction of the waste treatment facility, as defined by the term "construction" in section 212. Upon approval of the PS&E for any project, the United States is obligated to pay 75 percent of the costs of that project. For instance, the applicant may file a PS&E for a project to determine the feasibility of a treatment works, another PS&E for a project for engineering, architectural, legal, fiscal, or economic investigations, and another PS&E for actual building. This way the States and communities are assured an orderly flow of Federal payments. This should in turn result in substantial savings and efficiency.

The Conferees determined that utilization of a "needs" formula, together with the PS&E approach, would eliminate any need for special allocations for advanced waste treatment projects or other special cases. Projects such as the Blue Plains facility will receive adequate and timely funds under this provision so long as adequate funds are released for obligation.

It cannot be emphasized too strongly that the procedure adopted in the Conference substitute represents a complete and thorough departure from the present practice of making payments of the Federal share of treatment works. The Conferees urge the Administrator, the States, and local governments to draw from the experience of the highway program to improve the efficiency of the waste treatment grant program. When funding the construction of waste treatment plants, the Administrator, upon the request of a State, should encourage the use of a phased approach to the construction and funding of treatment works on a State's priority list. Such a phased program, which the Committee notes has been developed and approved in the State of Delaware, has enabled the State to accelerate the construction of sewage treatment facilities, and thus accelerate the attainment of clean water.

In providing for reimbursement to those agencies—including states, municipalities and intermunicipal agencies—which have continued with their water pollution control construction program but which did not receive the full amount of Federal contribution, it was the desire of the Conference to redeem the Federal pledge to make reimbursement payments and to provide the financial assistance necessary to enable such agencies to continue with their own water pollution control programs.

The $2.75 billion authorized for this purpose is intended to place all states and cities on an equal basis and to redress any discrimination that may have existed in prior programs against those larger municipal agencies which were unable to take full advantage of the Federal sharing programs in effect at various times since the inception of the program due to the lack of adequate appropriations, limitations on Federal contributions to individual projects, and allocations made by state agencies.

Projects constructed between 1966 and the present time should receive priority in funding under these reimbursement provisions. With regard to those projects constructed in the period 1956 through 1966, it was the desire of the Conference that the Administrator of EPA promulgate rules and regulations that will permit the objectives of equality and nondiscrimination to be achieved. While there have been changing standards and criteria for Federal approval through the life of the Federal grant program, the common sense approach should be that any project, in order to be eligible for reimbursement under this Act, should not be an inadequate or inferior project, but should have been built in accordance with the requirements prevailing at the time that the Federal contribution would have been granted had there been adequate funds to supply the matching portion. It was for this reason that the Conferees modified the requirement that would have imposed an obligation for applicants for reimbursement to have demonstrated that projects constructed in the 1950's and early 1960's complied with requirements enacted in 1966 and subsequently.

We believed it was important to demonstrate to the cities across the United States that their responsiveness to a national program should not result in their being shortchanged because those communities that did not respond were permitted to have larger Federal contributions authorized by subsequent legislation. We believe the Administrator should regard this section of the Act as remedial in character and should administer it in a fashion that will put those communities that did get going on cleaning up their rivers and lakes on an equal footing with those that failed to do so. Inasmuch as the Act (Section 206(c)) requires applicants to file for assistance within one year from the effective date of the Act, the Administrator should give high priority to establishing the procedures for submitting and processing such applications.

Both the Senate bill and the House amendment provided that a State may proceed to construct projects in anticipation of future obligational authority. Under this provision, a State cannot anticipate funds in excess of the total portion of the authorization in the Act to which that State would be entitled. In other words, no States will be eligible for obligational authority in excess of the total amount for which that State would be eligible had the total allocation to that State been made available on the date of enactment of this Act.

AREA WASTE TREATMENT MANAGEMENT

The Senate bill and the House amendment both required the development of areawide waste management plans. The House amendment limited such areawide waste management plans to designated areas within a State, while the Senate bill required that regions be designated for the entire geographic area of each State. The Conferees have agreed to require State-wide planning, either through a regional process in a designated area or by the State for areas outside of designated regions.

The Senate bill required that areawide waste management plans be developed by July 1, 1974. The House bill provided that a waste management planning process had to be initiated within two years after enactment. The Conferees have agreed to the requirement that there be a waste management planning process within one year after enactment. An initial plan would be filed with the Administrator within two years after that process is initiated.

The Conferees also agreed that waste management agencies must be designated covering the entire area of the State. More than one management agency may be designated in any planning region, and existing entities, including local governments or the State itself, should be utilized where appropriate. Those agencies shall be subject to the disapproval of the Administrator if he finds that they do not meet the criteria set forth in the Act. As to the similarities in the provisions, the Conferees expect the Senate and House report to express the intent of the Conference.

The Senate bill authorized a percentage of the total construction grant authorization as contract authority for funding the regional waste management planning aspects of this legislation. The Conferees agreed on a separate authorization included in Section 208 but provided that the funds thereunder would be available in the form of contract authority so as to expedite implementation of this vital section. The degree to which the Administrator takes immediate action to implement this section will be convincing evidence of the commitment of the Environmental Protection Agency to early and effective implementation of the water quality management policies established by this legislation.

EFFLUENT LIMITATIONS

The Conference agreement establishes a two phase program for the application and enforcement of effluent limitations. The first phase requires point sources to achieve that level of effluent reduction identified as "best practicable control technology" no later than July 1, 1977. The Conferees attempted to clarify what was intended by the term "best practicable control technology".

It is the intention that pursuant to subsection 301(b)(1)(A) and Section 304(b), the Administrator will interpret the term "best practicable" when applied to various categories of industries as a basis for specifying clear and precise effluent limitations to be implemented by July 1, 1977. In defining "best practicable" for any given industrial category, the Committee expects the Administrator to take a number of factors into account. These factors should include the age of the plants, their size, the unit processes involved, and the cost of applying such controls.

The Administrator should establish the range of "best practicable" levels based upon the average of the best existing performance by plants of various sizes, ages, and unit processes within each industrial category. In those industrial categories where present practices are uniformly inadequate, the Administrator should interpret "best practicable" to require higher levels of control than any currently in place if he determines that the technology to achieve those higher levels can be practicably applied.

"Best practicable" can be interpreted as the equivalent of secondary treatment for industry, but this interpretation should not be construed to limit the authority of the Administrator.

The modification of subsection 304(b)(1) is intended to clarify what is meant by the term "practicable". The balancing test between total cost and effluent reduction benefits is intended to limit the application of technology only where the additional degree of effluent reduction is wholly out of proportion to the costs of achieving such marginal level of reduction for any class or category of sources.

The Conferees agreed upon this limited cost-benefit analysis in order to maintain uniformity within a class and category of point sources subject to effluent limitations, and to avoid imposing on the Administrator any requirement to consider the location of sources within a category or to ascertain water quality impact of effluent controls, or to determine the economic impact of controls on any individual plant in a single community.

It is assumed, in any event, that "best practicable technology" will be the minimal level of control imposed on all sources within a category or class during the period subsequent to enactment and prior to July 1, 1977.

The Conference agreement requires that implementation plans and compliance schedules in existing water quality standards be adhered to, to the extent that those plans and schedules require compliance no later than July 1, 1977, and to the extent that they call for a degree of pollution control no less stringent than that defined by "best practicable control technology".

The Conference agreement applies a different test to the Administrator's determination of "best available demonstrated technology". In determining the degree of effluent reduction to be achieved for a category or class of sources by 1983, the Administrator may consider a broader range of technological alternatives and should, at a minimum, review capabilities which exist in operation or which can be applied as a result of public and private research efforts.

In making the determination of "best available" for a category or class, the Administrator is expected to apply the same principles involved in making the determination of "best practicable" (outlined above), except as to cost-benefit analysis. Also, rather than establishing the range of levels in reference to the average of the best performers in an industrial category, the range should, at a minimum, be established with reference to the best performer in any industrial category.

The distinction between "best practicable" and "best available" is intended to reflect the need to press toward increasingly higher levels of control in six-year stages. Through the research and development of new processes, modifications, replacement of obsolete plans and processes, and other improvements in technology, it is anticipated that it should be possible, taking into account the cost of controls, to achieve by 1983 levels of control which approach and achieve the elimination of the discharge of pollutants.

As to the cost of "best available" technology, the Conferees agreed upon the language of the Senate bill in Section 304(b)(2). While cost should be a factor in the Administrator's judgment, no balancing test will be required. The Administrator will be bound by a test of reasonableness. In this case, the reasonableness of what is "economically achievable" should reflect an evaluation of what needs to be done to move toward the elimination of the discharge of pollutants and what is achievable through the application of available technology—without regard to cost.

DISPOSAL OF SEWAGE SLUDGE

The Conferees have included a provision, not in either bill, which relates to the disposal of sewage sludge from waste treatment plants. During the Conference it became apparent that, unless a regulatory mechanism was established to control the by-products of advanced waste treatment plants, the disposal of residual sludge could cause a serious problem. Present practices which permit sewage sludge to be hauled out to sea and dumped or placed in areas on land where it is washed into streams and lakes, without regard to the impact on health and welfare, recreation, fish and shellfish and wildlife, are unsatisfactory.

Under section 405, which was proposed by Senator Boggs, disposition of sewage sludge in any manner which might affect the inland or coastal navigable waters would be prohibited (either by dumping sludge on land in such a fashion as to run off into waters or dumping in the ocean in such a manner as would have it returned into territorial waters). Also, this provision, in combination with section 403 which regulates any ocean dumping inside the three mile limit, should provide adequate safeguards against immediate threats to the shorelines, beaches and fish, shellfish and wildlife and recreational resources in coastal areas.

The Conferees do not intend for the Administrator or a State to make a plant-by-plant determination of the economic impact of an effluent limitation unless an owner or operator petitions the Administrator for relief from the effluent limits based on best available technology. In the event an owner or operator petitions for such relief, the burden will be on that owner to show both that modified requirements will represent the maximum use of technology within the economic capability of the owner or operator and will result in reasonable further progress toward the elimination of the discharge of pollutants.

WATER QUALITY RELATED EFFLUENT LIMITATIONS

The Conference agreement does not alter the Senate's original intent as regards authority to require implementation of water quality levels set forth in Section 302 of the Senate bill.

WATER QUALITY STANDARDS AND IMPLEMENTATION PLANS

The Senate accepted a House amendment which extends and expands the water quality standards procedure initiated in the Water Quality Act of 1965. The procedures set forth in this provision primarily rely on State action and cannot be construed as limiting application of any other requirements under Title III of this Act.

In agreeing to continue a water quality standards program, we do not intend to duplicate or delay the new regulatory provisions of the legislation. The Administrator should assign secondary priority to this provision to the extent limited manpower and funding may require a choice between a water quality standards process and early and effective implementation of the effluent limitation-permit program.

To the extent the State may wish to continue an examination of water quality in order to determine if more restrictive effluent limits may be required, this section will be useful. It should be made clear, however, that it is not intended that precise treatment requirements and specific time schedules for each discharger to public waters within the state be set forth in the water quality standards, including implementation plans, provided for in Section 303. These specifics should be included as conditions in permits issued under Section 402 based upon the time elements of Section 301 and the guidelines of Section 304. If a State establishes more stringent limitations and/or time schedules pursuant to Section 303, they should be set forth in a certification under Section 401. Of course, any more stringent requirements imposed by a State pursuant to this section shall be enforced by the Administrator.

If a State has limited resources and Federal program funding is inadequate, the primary state effort should be devoted to effective implementation of the new program and, to the extent not inconsistent, existing water quality implementation plans rather than assigning needed personnel to the added functions required under Section 303.

INFORMATION AND GUIDELINES

Section 304(b), as agreed to by the Conferees, requires that the Administrator publish regulations which shall provide guidelines for the establishment of the effluent limitations to be achieved by categories and classes of point sources (other than publicly owned treatment works) pursuant to section 301(b) of the Act.

Section 304(b) identifies certain factors to be taken into account by the Administrator in determining the "best practicable" treatment and the "best available" treatment applicable to categories or classes of point sources. Among those factors are considerations of costs. In determining the "best practicable technology" for a particular class or category of point sources, the Administrator is directed to consider the relationship between the total cost of the application of such technology and the effluent reduction benefits to be achieved from such application within that category or class.

In determining the "best available technology" for a particular category or class of point sources, the Administrator is directed to consider the cost of achieving effluent reduction. The Conferees intend that the factors described in section 304(b) be considered only within classes or categories of point sources and that such factors not be considered at the time of the application of an effluent limitation to an individual point source within such a category or class.

Except as provided for in section 301(c) of the Act, the intent is that effluent limitations applicable to individual point sources within a given category or class be as uniform as possible. The Administrator is expected to be precise in his guidelines so as to assure that similar point sources with similar characteristics, regardless of their location or the nature of the water into which the discharge is made, will meet similar effluent limitations.

The Conferees have provided, however, a mechanism for individual point-source-by-source consideration in section 301(c). That section provides that the Administrator may modify any effluent limitation based on "best available technology" to be achieved by July 1, 1983, with respect to any point source, upon a showing by the owner or operator of such point source that an effluent limitation so modified will represent the maximum use of technology within the economic capability of the operator and will result in reasonable further progress toward the goal of the elimination of the discharge of pollutants.

In various places in section 304, and elsewhere in the bill, it is required that the Administrator of EPA publish guidelines on various aspects of the program. The Conferees expect that such guidelines will be subject to the normal requirements which apply to Federal regulations, such as publication in the Federal Register and availability for public comment, even though those requirements were not made explicit each separate time a guideline has been required by the bill.

The Conferees clearly contemplate that the decision-making responsibility, as in the Clean Air Act, on guidelines and regulations to be published under this Act rests, unless otherwise specified, with the Administrator of EPA and not such other agencies as the Office of Management and Budget and the National Industrial Pollution Control Council. EPA regulations and guidelines are not to be reviewed by these and other agencies prior to their promulgation except on the same basis as review and comment by members of the public. OMB comment and review should thus come in the form of comments available to the public, made during the period for public comment.

NATIONAL STANDARDS OF PERFORMANCE

The Conference agreement on section 306 follows, for all practical purposes, the intent of the Senate bill. The Senate bill and the application of an economic test to the determination of what new source performance standards would be required, and the nature of the economic test.

In order to assure that a reasonable cost test is met, the Conference agreement clarifies the fact that the Administrator must take into account the cost of compliance with any new source performance standards as applied to any caegory or class of new sources. The Conferees would expect that this cost test would be considerably more restrictive than the test which would be applied to "best available technology" because pollution control alternatives are available to a new source which are not available to existing sources.

It may be that in most instances, the technology for elimination of discharge of pollutants from new sources can be achieved on a considerably more reasonable basis than for existing sources. The Conferees intend that this alternative be examined carefully and each determination of standards applicable to any category of new sources be periodically re-examined by the Administrator to insure that any new source constructed does the best that can be done in terms of performance.

The Conference agreement requires establishment of a regulatory mechanism for new sources which anticipates not only that level of effluent reduction which can be achieved by the application of technology (including elimination of the discharge of pollutants), but also the achievement of levels of pollution control which are available through the use of improved production processes. This does not mean that the Administrator is to determine the kind of production proceses or the technology to be used by a new source. It does mean that the Administrator is required to establish standards of performance which reflects the levels of control achievable through improved production processes, end of process technique, etc., leaving to the individual new source the responsibility to achieve that level of performance by the application of whatever techniques determined available and desirable to that individual owner or operator.

The Conferees deleted reference to the term "modification" when applied to new sources. The inclusion of this requirement in the Senate and the House bill was believed by the Conferees to be superfluous in light of the provisions which require existing sources (which might become subject to new source performance standards as a result of modification) to meet specific levels of effluent reduction by specific dates pursuant to section 301. To subject those sources to interim levels of control, simply because of a "modification" would be redundant with the requirements of effluent limitations based on "best practicable" and "best available" technology.

In any event, modification or changes in the operation of an existing source so as to alter the nature or amount of pollutants discharged, would be a violation of the conditions of an existing permit and subject to review by the permitting agency. Further action by the source could be required. The Conferees determined that the process established under section 306 for "modifications" would be burdensome and duplicative, and it was therefore deleted.

TOXIC AND PRETREATMENT EFFLUENT STANDARDS

With regard to toxic pollutant control, the Senate bill and the House amendment differed in provisions for determining whether a pollutant would, in fact, be toxic. The House amendment proposed that there be an examination of the effect of a pollutant on receiving waters to determine toxicity. The Senate bill established a general test in order to assure a categorical determination as to which pollutants were toxic and which were not. The Conference agreement provides specific tests for toxicity as proposed by the House but retains the categorical determination established by the Senate.

Section 307(b) of the Senate bill and the House amendment were substantially similar. Under the Senate provision, compliance with pretreatment standards by industrial users of municipal waste treatment systems was to be enforced through permits under Section 402 and would have been enforceable directly by the Administrator. The House amendment did not so provide. Under the Conference agreement, individual industrial users of municipal waste treatment plants will not be required to obtain a permit under section 402. However, the Conferees agreed, in the alternative, that each municipal waste treatment plant permit must identify any industrial users (as defined in section 212) and the pretreatment standards applicable to each industrial user. The Conference agreement provides that a violation of pretreatment standards is enforceable directly against the industrial user by the Administrator.

The Conference agreement also provides that a municipal permit must include provision for notice to the Administrator whenever the conditions of industrial use of municipal waste treatment plant change. The Conferees intend that the Administrator have an opportunity (a) to identify any changes in the municipal permit; (b) to examine the impact on the municipal waste stream to determine if there will be a violation of the permit; and (c) to otherwise require the application of section 308 monitoring requirements to the applicable industrial user.

Finally, the Conference agreement provides that the Administrator establish pretreatment standards for new sources (subject to section 306) simultaneously with the establishment of new source performance standards in order to assure that any new source industrial user of municipal waste treatment plants achieve the highest degree of internal effluent controls necessary to assure that such users' contribution to the publicly owned works will not cause a violation of the permit and to eliminate from such contribution any pollutants which might pass through, interfere with or otherwise be incompatible with the functioning of the municipal plant.

INSPECTIONS, MONITORING AND ENTRY

The requirements of section 308 on monitoring were identical in the Senate bill and the House amendment except as to delegation of authority to the state. It was intended that the Administrator's duty to require monitoring be a mandatory one. The Conferees expect that the Administrator will require the most complete and effective monitoring as he "reasonably" can, from a cost standpoint. Thus, where, for example, continuous monitoring is a reasonable requirement, the Administrator must require such monitoring.

FEDERAL ENFORCEMENT

In section 309, the Senate receded to the House in not making civil enforcement mandatory upon the Administrator despite the feeling of the Senate Conferees that, on its own merits, mandatory civil enforcement is far preferable to a discretionary responsibility. It is important to note, however, that the provisions requiring the Administrator to issue an abatement order whenever there is a violation were mandatory in both the Senate bill and the House amendment, and the Conference agreement contemplates that the Administrator's duty to issue an abatement order remains a mandatory one. The duty to issue such an order, under section 309(a)(3), arises whenever, on the basis of any information available to him, the Administrator finds that any person is in violation of enumerated regulatory requirements of the Act.

It is expected, of course, that upon receipt of information giving the Administrator reason to believe that a violation has occurred, he has an affirmative duty to take the steps necessary to determine whether a violation has occurred, including such investigation as may be necessary, and to make his finding as expeditiously as practicable.

It is intended that enforcement action be initiated against both continuous and intermittent violations of effluent limitations as well as against violations of compliance schedules. Because section 402 permits are expected to include precise compliance schedules, the Administrator must initiate enforcement action whenever there are delays in such actions as completion of plans and design, letting of contracts, initiation of construction, or the meeting of construction deadlines.

OIL AND HAZARDOUS SUBSTANCE LIABILITY

The Senate bill and the House amendment differed on oil pollution and hazardous substance liability in the following respects. The Senate bill established authority for the Administrator to set the limits on liability for hazardous substances discharged from vessels and onshore and offshore facilities which could not be cleaned up. The House bill established through a penalty procedure a limit of liability of $50,000 for such discharges.

The Conference agreement intends that the House penalty provision shall operate for two years, after which time a modified liability-penalty provision as proposed by the Senate will be implemented. The two-year period should provide the Administrator with ample opportunity to designate those substances which are hazardous and cannot be removed, and to establish a penalty level for each.

The Conference agreement intends that also during the two-year period in which the House penalty provision shall operate, the Administrator and affected parties also will examine any problem associated with administrative establishment of liability limits. This period will also permit examination of the need for legislation to improve the existing methods of storing, shipping and handling hazardous substances which cannot be removed from the water.

The Conferees intend that prior to the expiration of the two-year period under which the House provision is operative, and after the maritime industry, the insurance industry, the chemical industry, and appropriate Federal agencies have examined the implication of the Senate provision, legislative recommendations will be made to the appropriate Committees of Congress as to the needs to improve the capability of vessels to avoid hazardous substance spills. Should effective legislation be enacted, the Conferees agree that the liability provisions imposed will be reviewed and necessary changes proposed by the Committee on Public Works.

NATIONAL STUDY COMISSION

The House amendment provided a study by the National Academy of Sciences of social, economic and environmental implications of "best available demonstrated technology" and of any effluent limits which would require the "elimination of the discharge of pollutants." Under the House amendment, such a study would have been completed in two years and would have been a condition precedent to any requirements beyond January 1, 1976.

The Conference agreement does not require a subsequent action of Congress to trigger those aspects of the program which are commonly referred to as Phase II and beyond. The requirement to achieve effluent limitations based on best available technology and the elimination of discharge of pollutants are automatic on enactment. Compliance is required by the dates established in section 301.

However, the Conference agreement does provide for a study proposed by Senate Public Works Committee Chairman Randolph, of the implications of the requirements of this legislation. As a supplement to and independent of the water quality inventory study required under section 305, the Conferees determined that it would be useful for the Congress to have an independent evaluation of the economic, social and environmental implications of the regulatory aspects of the legislation.

As amended by the Conference agreement, Section 315 calls for the establishment of a 15-member commission composed of five members of each House appointed by the Speaker and the President of the Senate respectively and five members of the public to be appointed by the President. The public members may be Federal officials. The Conference agreement specifies that the funds for the study shall be made available from Legislative Appropriations Act.

The Conferees cannot underestimate the importance of the study to be performed. In order to evaluate effectively the long term implications of the requirements of this legislation in time to make any mid-course corrections that may be necessary, this study must be funded, staffed, and initiated with expedition. Because the study will require contractual arrangements with such organizations as the National Academy of Sciences, the Brookings Institute, the Ecological Institute, and others, funding must be made available as early as practicable.

The Conferees expect the Commission herein established to have an adequate independent staff to evaluate and report on findings of the contractual studies made in its behalf. At the same time, the Conferees do not expect the staff of the Commission to duplicate capabilities available to it through contract. Appropriations for the Commission should be made from the Legislative Appropriations Act.

THERMAL DISCHARGES

The House amendment included a provision which treated "heat" discharges on a water quality basis rather than on an effluent control basis. Under the Senate bill "heat" was a "pollutant" subject to the technological requirements of Section 301 and Section 306.

Under the conference agreement thermal pollutants will be regulated as any other pollutant unless an owner or operator of a point source can prove that a modified thermal limitation can be applied which will assure "protection and propagation of a balanced indigenous population of fish, shellfish and wildlife".

It is not the intent of this provision to permit modification of effluent limits required pursuant to Section 301 or Section 306 where existing or past pollution has eliminated or altered what would otherwise be an indigenous fish, shellfish and wildlife population. The owner or operator must show, to the satisfaction of the Administrator, that a "balanced indigenous population of fish, shellfish and wildlife" could exist even with a modified 301 or 306 effluent limit. Additionally, such owner or operator would have to show that elements of the aquatic ecosystems which are essential to support a "balanced indigenous population of fish, shellfish and wildlife" would be protected.

The language in section 316, permitting a state to make the determination "if appropriate" that heat discharge may be subject to less stringent controls under this section, is intended to permit the state, if it is delegated responsibility for administering the permit program under section 402, to make the final determination in those cases in which the Administrator does not exercise his veto authority under section 402. The Conferees do not intend that this language alter the basis for later court review of a decision by the Administrator. The question upon review is whether the Federal requirements set forth in section 316, that control of thermal discharges provide for the protection and propagation of fish, shellfish and wildlife, were properly supplied.

A ten year grace period would be granted under the language of this section only when the owner or operator of the point source from which the thermal component is discharged demonstrates to the satisfaction of the Administrator that an effluent limitation applicable to such thermal component will result in a standard of water quality which assures protection and propagation of a balanced, indigenous population of fish, shellfish and wildlife, and such owner or operator obtains a permit under section 402 which sets forth such limit.

CERTIFICATION

The Conferees intend that the certification provision will assure a State water pollution control agency an opportunity to determine whether or not effluent limitations established for discharges subject to a section 402 permit will be at least as stringent as any applicable requirements of existing State program. Secondly, the Conferees agreed that a State may attach to any Federally issued license or permit such conditions as may be necessary to assure compliance with water quality standards in that State. The Conferees do not intend that any such State conditions would be less strict than the requirements which would be otherwise required by Federal law.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM

The Conference agreement provides that the Administrator may review any permit issued pursuant to this Act as to its consistency with the guidelines and requirements of the Act. Should the Administrator find that a permit is proposed which does not conform to the guidelines issued under section 304 and other requirements of the Act, he shall notify the State of his determination, and the permit cannot issue until the Administrator determines that the necessary changes have been made to assure compliance with such guidelines and requirements. The Conferees have retained that portion of the Senate bill which permits the Administrator to waive entirely his authority to review permits for certain categories and classes of pollution sources to all States which receive a delegation. The Administrator is also permitted to specify categories and classes for which he will not review for specific States on the basis of the programs which are in existence in those States.

Additionally, the Conferees have retained the provision of the Senate bill which permits the Administrator to notify a State of intent not to review a specific permit within 90 days in order that the permit issuing process can be expedited. The Conferees also agreed that there should be no enforcement action taken for failure to have a permit until December 31, 1974, in order to provide an adequate opportunity for the Administrator to review and issue or not issue permits for the applications that are pending on date of enactment or will be pending as a result of expansion of the program.

Concern has been expressed that the "immunity" provision will cause dismissal of pending enforcement actions under the Refuse Act of 1899. Section 4 provides the following relevant words pertaining to the Refuse Act: "No suit, action, or other proceeding lawfully commenced by or against the Administrator or any other officer or employee of the United States in his official capacity . . . shall abate by reason of the taking effect of the amendment made by section 2 of this Act."

Without any question it was the intent of the Conferees that this provision include enforcement actions brought under the Refuse Act, the Federal Water Pollution Control Act, and any other Acts of Congress.

Additionally, it should be noted that the Administrator may immediately act on pending permit applications. Should he deny a permit to an applicant, the enforcement provisions of Section 309 also would be available immediately.

It was suggested to the Conferees that, if the Act's definition of "point source" is strictly and literally construed, it would subject discharges from marine engines on recreational vessels to the requirement for obtaining a permit under this Act. Since there are more than 6 million owners of recreational vessels which would be required to obtain permits if this interpretation were adopted, the Conferees believe that inclusion of recreational marine engines under the permit program would result in an unreasonable expenditure of administrative effort. It was further recognized that to require each and every boat owner to obtain a permit for his engine would be unreasonable.

We expect the Coast Guard and the Environmental Protection Agency to review the problems associated with regulation of marine engine discharges and to recommend to the Senate and House Public Works Committees any necessary legislation. Pending the submission of this report we would not expect the Administrator to require permits to be obtained for any discharges from properly functioning marine engines or to institute any prosecution for failure to obtain such a permit. This does not, of course, preclude the Administrator from taking action against the discharges from marine engines of harmful quantities of oil under Section 311 of the Act.

There may be other areas where similar problems are created and we would expect the concerned agencies to bring such problems to our attention at the earliest practicable date in order for us to begin working on a solution.

OCEAN DUMPING

Section 403 of the Senate bill and the House amendment were substantially similar. The Senate bill provided authority for the Administrator to act to disapprove any discharge into the oceans prior to the promulgation of guidelines under this section.

The Conference agreement provides for the Administrator to review any proposed discharge into the oceans prior to the issuance of such guidelines and make a determination whether or not such discharges are in the public interest.

The Conferees intend that section 403 regulate the discharge of any pollutants subject to this Act from any outfall sewer regardless of where that sewer ends and from any vessel within the three mile limit, any other legislation to the contrary notwithstanding. Should the Administrator find that criteria regulating discharges into the territorial sea from vessels established by other legislation are in conflict with this legislation, the Conferees expect that this legislation shall prevail.

PERMITS FOR DREDGED OR FILL MATERIAL

A major difference between the Senate bill and the House amendment related to the issue of dredging. The Senate Committee had reported a bill which treated the disposal of dredged spoil like any other pollutant. Pursuant to an amendment accepted on the Senate floor, dredged spoil disposal was made subject to a different set of criteria to determine any environmental effects. The House bill not only established a different set of criteria to determine the environmental effects of dredged spoil disposal but also designated the Secretary of the Army rather than the Administrator of the Environmental Protection Agency as the permit issuing authority. The Conference agreement follows those aspects of the House bill which related to the Secretary of the Army's regulatory authority. However, consistent with the Senate provision, the Administrator of the Environmental Protection Agency has three clear responsibilities and authorities.

First, the Administrator has both responsibility and authority for failure to obtain a Section 404 permit or comply with the condition thereon. Section 309 authority is available because discharge of the "pollutant" dredge spoil without a permit or in violation of a permit would violate Section 301(a).

Second, the Environmental Protection Agency must determine whether or not a site to be used for the disposal of dredged spoil is acceptable when judged against the criteria established for fresh and ocean waters similar to that which is required under Section 403.

Third, prior to the issuance of any permit to dispose of spoil, the Administrator must determine that the material to be disposed of will not adversely affect municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife or recreational areas in the specified site. Should the Administrator so determine, no permit may issue.

The Conferees were uniquely aware of the process by which the dredge and fill permits are presently handled and did not wish to create a burdensome bureaucracy in light of the fact that a system to issue permits already existed. At the same time, the Committee did not believe there could be any justification for permitting the Secretary of the Army to make determination as to the environmental implications of either the site to be selected or the specific spoil to be disposed of in a site. Thus, the Conferees agreed that the Administrator of the Environmental Protection Agency should have the veto over the selection of the site for dredged spoil disposal and over any specific spoil to be disposed of in any selected site.

The decision is not duplicative or cumbersome because the permit application transmitted to the Administrator for review will set forth both the site to be used and the content of the matter of the spoil to be disposed. The Conferees expect the Administrator to be expeditious in his determination as to whether a site is acceptable or if specific spoil material can be disposed of at such site.

At the same time, the Committee expects the Administrator and the Secretary to move expeditiously to end the process of dumping dredged spoil in water—to limit to the greatest extent possible the disposal of dredged spoil in the navigable inland waters of the United States including the Great Lakes—to identify land-based sites for the disposal of dredged spoil and, where land-based disposal is not feasible, to establish diked areas for such disposal.

All of these alternatives are available. The only justification for continuing to utilize open water disposal is the cost of alternatives. The Conferees believe that the economic argument alone is not sufficient to override the environmental requirements of fresh water lakes and streams. Therefore, early action should be taken by the Administrator to develop alternative sites and alternative methods of spoil disposal.

GENERAL DEFINITIONS

The term "discharge" is a word of art in the legislation. It refers to the actual discharge from a point source into the navigable waters, territorial seas or the oceans. It does not refer to the contribution of waste by a point source to a treatment facility. The Senate provision differed from the House amendment by including in the definition of "discharge" not only direct and indirect discharges into the navigable waters, but also discharges into municipal waste treatment plants.

The Conferees discussed at some length whether or not such contribution from discharges by point sources should be subject to section 306 or should be required to obtain a permit under section 402 as required by the Senate bill. The Conferees agreed that no specific permit would be required for any industrial users subject to sections 204, 307 or 308 contributing to a municipal waste treatment plant, but that the permit for the municipal waste treatment plant would set forth the requirements imposed on the industrial user. The elements of the requirements on the municipal plant are set forth in section 402.

The language of the House amendment as regards pollutants associated with oil and gas production was clarified to indicate that the process of injection and disposal of materials associated with oil and gas production from wells would be excluded only where a State regulatory program existed. The Conferees intend that this provision assure that no injection or disposal occur in such a manner as to present a potential hazard to ground water quality. At the same time the Conferees did not intend to place in the Environmental Protection Agency the responsibility for regulating the process of oil production known as "secondary recovery".

One matter of importance throughout the legislation is the meaning of the term "navigable waters of the United States."

The conference agreement does not define the term. The Conferees fully intend that the term "navigable waters" be given the broadest possible constitutional interpretation unencumbered by agency determinations which have been made or may be made for administrative purposes.

Based on the history of consideration of this legislation, it is obvious that its provisions and the extent of application should be construed broadly. It is intended that the term "navigable waters" include all water bodies, such as lakes, streams, and rivers, regarded as public navigable waters in law which are navigable in fact. It is further intended that such waters shall be considered to be navigable in fact when they form, in their ordinary condition by themselves or by uniting with other waters or other systems of transportation, such as highways or railroads, a continuing highway over which commerce is or may be carried on with other States or with foreign countries in the customary means of trade and travel in which commerce is conducted today. In such cases the commerce on such waters would have a substantial economic effect on interstate commerce.

The Conferees omitted as unnecessary Senate language expressly defining "State" to include certain types of interstate agencies. It is the Conferees' intent that an interstate agency authorized or approved by act of Congress having substantial water pollution control powers or duties within a particular interstate river basin shall be treated as a State for purposes of the Act.

EMERGENCY POWERS

Under the Conference agreement, the Administrator may seek an injunction against any discharge which presents an imminent substantial endangerment to the health of persons, to their economic well-being, or to fish and wildlife.

This provision is intended to be supplementary to and not a substitute for the regulatory provisions of the bill. The Conferees recognize that most pollutants will have an adverse effect on elements of the aquatic ecosystem but do not intend that the Administrator use the authority in this subsection to deal with more general problems. However, from time to time, continuous discharges occur which present an imminent substantial endangerment to fish and wildlife or to persons. These discharges should be abated through this authority and should be subject to the establishment of a standard of prohibition under section 307 in order to assure that a general regulatory program is initiated as opposed to reliance in injunctive relief.

CITIZEN SUITS

The Conference agreed to define a citizen, for purposes of the citizen suit section of the water bill, as a "person or persons having an interest which is or may be adversely affected." It based this compromise language on Section 10 of the Administrative Procedures Act, 5 U.S.C. § 702, and the interpretation given to that section in *Sierra Club v. Morton*, 40 U.S.L.W. 4397 (1972). In *Sierra Club*, the Supreme Court held that under the A.P.A. the party seeking review must itself be among those injured by the action or inaction complained of. The Court also held that non-economic injury to an environmental interest is sufficient to meet the A.P.A. test, stating specifically that "the interest alleged to have been injured may reflect aesthetic, conservational, and recreational as well as economic values". The Court also emphasized that "aesthetic and environmental well-being, like economic well-being, are important ingredients of the quality of life in our country, and the fact that particular environmental interests are shared by the many rather than the few does not make them less deserving of legal protection through the judicial process." Thus under the language agreed to by the Conference a citizen suit may be brought only by those persons or groups which are among those whose interest (whether environmental or economic) is or may be injured by the violation of the Act which is the basis of the suit.

The Conferees accepted a provision requiring that citizens seeking to bring an action give appropriate notice and wait 60 days before filing suit to give the appropriate administrative agencies a chance to act.

This 60-day provision was not intended, however, to cut off the right of action a citizen may have to violations that took place 60 days earlier but which may not have been continuous. As in the original Senate bill, a citizen has a right under section 505 to bring an action for an appropriate remedy in the case of any person who is alleged to be, or to have been, in violation, whether the violation be a continuous one, or an occasional or sporadic one.

OTHER AFFECTED AUTHORITY

Section 511(c)(1) of the conference report is intended by the conferees to clarify the relationship between the Federal Water Pollution Control Act (FWPCA) and the National Environmental Policy Act (NEPA) and to extend the provisions of NEPA to two activities of the Administrator.

The relation of FWPCA and NEPA should not require clarification. It was clearly intended, at the time Congress enacted NEPA, that environmental regulatory agencies such as those authorized by FWPCA and the Clean Air Act would not be subject to NEPA's provisions.

The debate in the Senate and the House at the time of approval of the Conference Report on NEPA is abundantly clear.

In a summary of major changes adopted by the Conference Committee which Senator Jackson (primary sponsor and floor manager of NEPA) included in the Record, the following statement appears:

"Many existing agencies such as the National Park Service, the Federal Water Pollution Control Administration, and the National Air Pollution Control Administration already have important responsibilities in the area of environmental control. The provisions of section 102 (as well as 103) are not designed to result in any change in the manner in which they carry out their environmental protection authority."

"It is not the intent of the Senate conferees that the review required by section 103 would require existing environmental control agencies such as the Federal Water Pollution Control Administration and National Air Pollution Control Administration to review their statutory authority and regulatory policies which are related to maintaining and enhancing the quality of the environment. This section is aimed at those agencies which have little or no authority to consider environmental values." (S. 17458—12-20-69)

I made the following statement as regards Senator Jackson's explanation:

"It is clear then, and this is the clear understanding of the Senator from Washington and his colleagues, and those of us who serve on the Public Works Committee, that the agencies having authority in the environmental improvement field will continue to operate under their legislative mandate as previously established, and that those legislative mandates are not changed in any way by Section 102-5." (P. 17458—12-20-69)

Also, in a colloquy with Senator Boggs, I extended my comments on the understanding of the Senate as regards the relationship between FWPCA and NEPA:

"Mr. Boggs. Am I correct that the thrust of the direction contained in S. 1075 deals with what we might call the environmental impact agencies rather than the environmental enhancement agencies, such as the Federal Water Pollution Control Administration or National Air Pollution Control Administration.

Mr. Muskie. Yes. Sections 102 and 103, and I think Section 105, contain language designed by the Senate Committee on Interior and Insular Affairs to apply strong pressures on those agencies that have an impact on the environment—the Bureau of Public Roads, for example, the Atomic Energy Commission, and others. This strong language in that section is intended to bring pressure on those agencies to become environment conscious, to bring pressure upon them to respond to the needs of environmental quality, to bring pressure upon them to develop legislation to deal with those cases where their legislative authority does not enable them to respond to these values effectively, and to reorient them toward a consciousness of and sensitivity to the environment.

Of course this legislation does not impose a responsibility or an obligation on those environmental-impact agencies to make final decisions with respect to the nature and extent of the environmental impact of their activities. Rather than performing self-policing functions, I understand that the nature and extent of environmental impact will be determined by the environmental control agencies.

With regard to the environmental improvement agencies such as the Federal Water Improvement Administration and the Air Quality Administration, it is clearly understood that those agencies will operate on the basis of the legislative charter that has been created and is not modified in any way by S. 1075." (S. 17460—12-20-69)

Finally during consideration of the NEPA Conference Report in the House of Representatives, the following exchange between Representatives George Fallon and House floor manager Representative John Dingell appears:

"What would be the effect of this legislation on the Federal Water Pollution Control Agency?

Answer: Many existing agencies such as the Federal Water Pollution Control Agency already have important responsibilities in the area of environmental control. The provisions of Sections 102 and 103 are not designed to result in any change in the manner in which they carry out their environmental protection authority. This provision is primarily designed to assure consideration of environmental matters by agencies in their planning and decision-making—but most especially those agencies who now have little or no legislative authority to take environmental considerations into account." (H. 13093—12-23-69)

NEPA has proved to be a far-reaching and progressive statute. Prior to its enactment, few agencies, other than the Federal Water Pollution Control Administration and the National Air Pollution Control Administration, had specific mandates to consider the impact on the environment of the various activities under their control. In fact, many mission agencies asserted that they were not authorized to consider environmental values. As noted by Judge J. Skelley Wright in *Calvert Cliffs' Coordinating Committee* v. *AEC* (449 F.2d 1109), "Perhaps the greatest importance of NEPA is to require * * * agencies to *consider* environmental issues just as they consider other matters within their mandates." By and large, NEPA has been successful in requiring mission agencies to take environmental considerations into account as an integral part of the decision-making process that previously excluded them.

But, as indicated above, Congress did not intend that the several provisions of NEPA should apply to the activities of the agencies which now comprise the Environmental Protection Agency. Section 5(d) of the Council on Environmental Quality's NEPA guidelines of April 23, 1971—which purport only to deal with a single provision of NEPA (the requirement of section 102(2)(C) that detailed statements be prepared)—accurately reflect the intent of the Congress with respect to 102(2)(C). But section 511(c) of the Federal Water Pollution Control Act, as that Act is proposed to be amended by S. 2770, is not limited to section 102(2)(C) of NEPA.

I invite the attention of my colleagues to a recent decision of the Third Circuit Court of Appeals, *Getty Oil Co.* v. *Ruckelshaus* (__F. 2d___, September 18, 1972), a case in which the Getty Oil Company sought to enjoin EPA from issuance a compliance order under the Clean Air Act. A three judge panel rejected the arguments of the company, and Judge Rosen wrote the opinion of the Court. I quote from that opinion:

Appellant's remaining argument is that EPA's failure to file an environmental impact statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), renders the Administrator's compliance order ultra vires. Even if we were to agree in Getty's premise that EPA is subject to the NEPA requirement, such an issue is properly raised in a section 307 proceeding. To require an impact statement at the enforcement stage would do substantial harm to the Congressional purpose of obtaining expenditious compliance with primary and secondary air standards. Failure to utilize the 307 proceeding forecloses review in a civil or criminal proceeding for enforcement. 42 U.S.C. 1857h-5(b)(2). Furthermore, both EPA regulations and the guidelines drafted by the Council on Environmental Quality exempt regulatory activities from the impact statement requirements.

The Court further noted in a footnote to the second sentence of the above-quoted passage: "The cases cited to us by appellant are not persuasive that EPA is bound by NEPA." There certainly is no doubt in my own mind that EPA is not bound by NEPA.

The Environmental Protection Agency is a Federal agency charged by Congress with statutory obligations to comply with, to ensure compliance with, and to institute civil and criminal proceedings in cases of the violation of specific criteria and standards of environmental quality. If there have been any doubts as to whether the various provisions of NEPA apply to the activities of EPA, section 511(c)(1) is expressly designed to still such doubts with finality.

The mandate of NEPA is very broad. The mandate to EPA is quite narrow. The Federal Water Pollution Control Act Amendments of 1972, for example, charge the Administrator of EPA with a direct mandate to regulate the discharge of pollutants into the waters of the United States. The sole purpose of the Act is to establish a detailed regulatory mechanism for restoring and maintaining the chemical, physical, and biological integrity of the Nation's waters. The goal of the Act is to eliminate the discharge of pollutants into the Nation's waters by 1985.

In the administration of the Act, EPA will be required to establish numerous guidelines, standards, and effluent limitations. The Administrator will be required to apply those effluent limitations to thousands of point sources of pollution across this Nation. With respect to each of these actions, the Act seeks to provide Congressional guidance to the Administrator in as much detail and with as much specificity as the two Houses could contrive.

Nonetheless, virtually every action required of the Administrator will involve some degree of agency discretion—judgments involving a complex balancing analysis of factors that include economic, technical, and other considerations. The Act seeks to guide the Administrator, to the extent deemed humanly possible by the Congress, in the matter of assigning relative weight to the many factors that he must, under the Act, consider. For example, Sec. 304(b) sets forth precisely the factors to be considered in developing guidelines for effluent limits:

§ 304(b)(1) "(B) specify factors to be taken into account in determining the control measures and practices to be applicable to point sources (other than publicly owned treatment works) within such categories or classes. Factors relating to the assessment of best practicable control technology currently available to comply with subsection (b)(1) of section 301 of this Act shall include consideration of the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, and shall also take into account the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements), and such other factors as the Administrator deems appropriate;

§ 304(b)(2) "(B) specify factors to be taken into account in determining the best measures and practices available to comply with subsection (b)(2) of section 301 of this Act to be applicable to any point source (other than publicly owned treatment works) within such categories or classes. Factors relating to the assessment of best available technology shall take into account the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, the cost of achieving such effluent reduction, non-water quality environmental impact (including energy requirements), and such other factors as the Administrator deems appropriate;"

If the general procedural or substantive reforms achieved in NEPA—however desirable and salutory they have proven to be when applied to mission agencies not charged with specific statutory environmental obligations—were permitted to override, supersede, broaden, or affect in any way the more specific environmental mandate of the FWPCA, the administration of the Act would be seriously impeded and the intent of the Congress in passing it frustrated.

The purpose of this bill is to set rapidly in motion an effective water pollution control program. The Act sets tight time limits within which the Administrator must take a multitude of actions, each heavily dependent on the other, that will, in the aggregate, produce a meaningful, effective, and truly workable program as quickly as possible. Should the Administrator find himself confronted with substantive or procedural requirements extraneous to this Act, the very program that the Act seeks to establish would be imperiled.

NEPA requires, in section 102(2)(B), for example, that agencies of the Federal government identify and develop methods and procedures "which will ensure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations." The groundrules for this kind of finely-tuned, systematic balancing analysis are explicitly set out repeatedly in the FWPCA.

This Act specifically identifies factors to be considered by the Administrator in making this kind of balancing analysis, and the conferees concluded that the substantive purposes and procedures of the Act fully satisfy and go far beyond what is required by 102(2)(B) and would be frustrated if other factors were to be injected into the decisions of the Administrator by NEPA. The actions of the Administrator with respect to various regulated activities under this Act should not be viewed as a "Federal handle" on those activities for the purpose of making those activities subject to a range of considerations that lie outside the ambit of the FWPCA.

Further, it should be pointed out that if the broad, somewhat vague balancing analysis that some courts have found in NEPA were to be super-imposed on the decisions of the Administrator taken pursuant to this Act, the owners or operators of sources of pollution which the Act seeks to regulate will use NEPA to delay the implementation of the Act on more general "cost-benefit" grounds. Such actions are pending presently against the Administrator in the federal courts, including a challenge to the validity of ambient air standards for sulfur oxides promulgated under the Clean Air Act.

There are other sections of NEPA which, if applicable to the Administrator, could impede implementation of the Act. Compliance with the "impact statement requirements" of section 102(2)(C) of NEPA, as one example, would increase unnecessarily the administrative burdens of EPA, which will be heavy enough as it is.

However, the conferees concluded that it would be sound public policy to extend the applicability of NEPA to two of the Administrator's regulatory responsibilities: the making of grants for the construction of publicly owned waste treatment works and the issuance of permits under section 402 of the FWPCA to "new sources" as defined in section 306.

The Conferees determined that it would be useful to apply, in the case of waste treatment grants, the requirement of NEPA included in sections 102(2)(C) and 102(2)(D). Application of these sections would cause the Administrator to consider "alternative" methods of waste treatment which may have the beneficial effect of decreasing blind reliance on "secondary treatment" and stimulate more innovative methods of waste treatment.

The Conferees believe that the owner or operator of what is to be a new source has a degree of flexibility in planning, design, construction, and location that is not available to the owner or operator of an existing source. The Conferees concluded, therefore, that it would be both appropriate and useful for the Administrator to consider the various "alternatives" described in sections 102(2)(C) and 102(2)(D) of NEPA in connection with the proposed issuance of a permit to a new source, whereas the Conferees concluded that the consideration of such "alternatives" in connection with the proposed issuance of a permit for existing sources, collectively or individually, would not be appropriate and consequently did not extend the various requirements of NEPA to such permits.

Thus, it is the clear intent of section 501(c)(1) of this bill that the only actions of the Administrator subject to any of the provisions of NEPA are the issuance of a permit to a new source and the making of a grant under section 201.

Because the language of 511(c)(1) speaks of "major Federal actions significantly affecting the quality of the human environment"—a phrase which only appears in section 102(2)(C) of NEPA—some will argue that the conferees intended to limit their attention to section 102(2)(C) and that all of the *other* provisions are therefore meant to be applicable to actions of the Administrator. I address myself to those who would grasp at this slender straw. The term "major Federal action" and NEPA are synonymous in the minds of the conferees. It is the clear intent of conferees of both Houses—it was certainly the clear intent of the conferees when this provision was unanimously adopted—that *all* of the provisions of NEPA should apply to the making of grants under section 201 and the granting of a permit under section 402 for a new source and that *none* of the provisions of NEPA would apply to any other action of the Administrator.

At page 149 of Report No. 92–1236, in the joint statement of managers on the part of the House and the Senate, we state: "If the actions of the Administrator were subject to the requirements of NEPA, administration of the Act would be greatly impeded." We do not say "*one* of the requirements of NEPA." We do not say "*some* of the requirements of NEPA." We say "*the* requirements of NEPA." That is what we said, and that is what we meant.

Section 511(c)(2) addresses itself to the authority of federal licensing and permitting agencies, other than EPA, as relates to effluent limitations and other requirements established pursuant to the FWPCA. EPA is the sole Federal agency specifically charged with comprehensive responsibility to regulate the discharge of pollutants into the waters of the United States, and section 511(c)(2) will ensure that no source of discharge which is in lawful compliance with an effluent limitation established pursuant to the FWPCA will be required to meet a different standard as a condition of a license or permit granted by another Federal agency, such as the Atomic Energy Commission. Such agencies shall accept as dispositive the determinations of EPA and the States (under section 401 and its predecessor, section 21(b) of the FWPCA prior to the 1972 amendments).

However, it should be emphasized, as it was by Senator Baker when he first offered this amendment in its original form during Senate consideration of S. 2770 on November 21, 1971, that nothing in section 511(c)(2) should in any way be construed to discharge any federal licensing or permitting agency, other than EPA, from its full range of NEPA obligations to make a systematic balancing analysis of the activity proposed to be licensed or permitted. For example, if, in making a NEPA analysis in connection with the proposed issuance of a license or permit to a source that is or will be in lawful compliance with an EPA effluent limitation and a State water quality standard, such an agency were to conclude that the environmental impact of the source, including impact on water quality, exceeded the benefits to be derived, section 511(c)(2) should not be construed as authorizing such an agency to ignore or fail to give full weight to any impact on water quality in making its final decision as to whether or not a license or permit should issue.

AUTHORIZATIONS FOR FISCAL YEAR 1972

Section 3 of the Conference report contains a minor typographical error in two places. In each place the phrase "not to exceed" appears as "and to exceed." Very obviously the intention is that the phrase read "not to exceed." The statement of managers makes this clear.

ENVIRONMENTAL FINANCING AUTHORITY

The House amendment included a provision to establish an Environmental Financing Authority to assist communities unable to obtain adequate financing to fund the local share of the cost of waste treatment projects assisted by this Act. The Senate Conferees accepted the House provision with an amendment which will cause EFA to cease operation on July 1, 1975. This termination date was included to permit a complete re-evaluation of EFA at an early date.

It is obvious that the nature of the Conference agreement may alter the circumstances regarding community funding problems. With a guaranteed 75% Federal grant for the cost of projects, the effective rate of community obligation under the Federal Water Pollution Control Act will be reduced from a maximum of 70% to a maximum of 25%. This should reduce the need for an alternative assistance mechanism.

Because the conditions of local financing will have changed, the Conferees believe that a complete re-examination of the need for the Environmental Financing Authority should be submitted to the Congress within three years. If the Congress determines that this alternative financing mechanism is, in fact, needed by communities, then the Congress should re-enact the legislation.

The Conferees intend that should EFA be established, it should not come into competition with the private underwriting market. EFA should not become involved in any circumstances where a community can borrow money on the open market at reasonable rates. EFA should be the last resort for a community. It is not intended to interfere with the normal functioning of the private market. It is not intended to provide interest subsidies which would make EFA financing more attractive than private market financing. It is intended to assist those communities which, after a reasonable attempt to obtain financing in the private market, have been unable to obtain funds needed to construct waste treatment facilities at a reasonable cost.

While the Conferees do not expect communities will actually market test securities in order to become eligible for EFA, the Conferees expect, at minimum, a showing by a responsible broker (or brokers) that the community cannot obtain credit at the posted rate.

Mr. BENTSEN. Mr. President, will the Senator yield?

Mr. MUSKIE. Before yielding, I want to observe that the Senator from Texas (Mr. Bentsen) is a member, and a very effective member, of the committee.

Mr. President, I yield 2 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 2 minutes.

Mr. BENTSEN. Mr. President, I intend to vote for this conference report, but I would be less than candid if I failed to register my strong objection to section 205, which establishes a new allotment formula for grants to States for the construction of waste treatment plants.

Mr. President, I sat in on the great majority of the 42 executive sessions the Senate Public Works Committee held on this measure. I supported the bill as it came out of committee.

During our committee deliberations on this measure, my Senate colleagues agreed on a formula for distributing funds among the States largely on the basis of population, with reallocation of any funds not obligated to be made on a priority basis to States qualifying for 70 percent Federal assistance.

The House adopted a different formula. The House bill authorized the Administrator to allot construction on the basis of a State's needs, not on the basis of population.

Normally, Mr. President, Senate and House conferees make some attempt to reconcile differences in the two versions of the legislation before them by working out a compromise incorporating some provisions of each bill.

But the bill we are asked to improve today contains no such compromise; the Senate conferees adopted the essence of the House bill.

As a result my State stands to lose considerable funding over the next 3 years, possibly up to $500 million.

That, of course, is a severe blow, not only to the Texas Water Quality Improvement Board, but to all of the citizens of my State.

The irony of the compromise is that it punishes those States which have taken the initiative to establish adequate water pollution control programs in the past. The States which have been lax and delinquent in cleaning up their waters will be rewarded.

Mr. President, I fail to understand why the conferees did not adopt some features of both the House and Senate plans. One solution, for example, would have been to weigh population and needs together in a formula which would have encompassed the best features of both bills. Instead, the Senate conferees opted to take the essence of the House plan. That, I am constrained to say, is a disappointment to committee members who worked long and hard to resolve the difficult problem of allocating funds among the States.

I am a realist. I know this conference report is going to pass. But I want the Record to show my objections to section 205.

I congratulate the distinguished Senator from Maine for the very fine work he has done throughout on this bill.

Mr. MUSKIE. Mr. President, I thank the Senator from Texas.

May I say briefly that this was one of the tough issues which we spent long hours on. We finally resolved it as we did and resolved it in the conviction that we are now prepared to do whatever is needed to do the job in every State. If Congress does this, then the means formula ought to produce the money to do the job. The Senator is assured of my commitment to that effect.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. MUSKIE. Mr. President, I yield 3 minutes to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 3 minutes.

Mr. RANDOLPH. Mr. President, it is important for the record to indicate my appreciation to the members of the Public Works Committee for their fine work and for the able and dedicated leadership of the Senator from Maine (Mr. Muskie), who has served as the chairman of our Subcommittee on Air and Water Pollution. I was privileged to serve with him on the conference committee. Together with Senators Boggs, Bayh, Cooper, Baker, and Eagleton, we represented the Senate in these thorough deliberations. Each of the Senate conferees approached the task with great seriousness of purpose and each made important contributions.

During executive sessions of the Public Works Committee, all members were diligent in their attention to this important legislation. In addition to the conferees, we are grateful for the active involvement of our committee colleagues (Senator Jordan of North Carolina, Senator Montoya, Senator Gravel, Senator Tunney, Senator Bentsen, Senator Dole, Senator Buckley, and Senator Stafford).

I also must commend the chairman of the conference (Representative Robert Jones of Alabama), who labored hard to bring forth a workable and effective bill.

I think it is also important to indicate to the Members of the Senate that the members of the Senate Public Works Committee all understand that there is no partisanship within the committee. They have all been involved very deeply in this legislation for a period of approximately 2 years, not only through the hearings of the subcommittee and the markups, and action by the full committee, and of course the 39 conference sessions, but for a long time we have been attempting to improve the quality of life in America and strengthen our environment. We have worked for this goal with an understood recognition for the need to keep our industrial strength a vital force in America.

Mr. President, I have seldom seen a bill of any nature receive such microscopic scrutiny as was given to S. 2770 during the 39 meetings of the conferees. It was indeed a long conference, spanning more than 3 months. But it was also thorough in its consideration of this extremely important and complex legislation. We felt that we had a responsibility to the people of the United States to produce the best possible program for alleviating water pollution conditions and maintaining high standards of water quality in the years ahead.

There was hard bargaining on the part of both sides, but always the conferees kept in mind the single objective of providing an effective and workable legislative response to one of our country's most serious concerns. The result is the conference report on S. 2770 before us today. This proposal is, I believe, the ultimate legislative refinement of the earlier work accomplished by the Senate and House of Representatives. It contains the objectives established for water pollution control legislation when our subcommittee first began its efforts nearly 2 years ago. The measure will enable the United States to accelerate the movement toward clean water and to assist the States and local communities in their part of what must be an undertaking in which all levels of government are involved.

One of the most important provisions of this legislation is that of increasing the Federal share for the construction of sewage facilities to 75 percent of the total costs. Present law provides a maximum Federal contribution of 30 percent, except for grants in States which are able to contribute 25 percent of project costs. Communities in our State of West Virginia could seldom raise the required 70 percent local share of construction costs, and until early this year the State seemed unable to find the means to contribute any financing for local waste treatment facilities, so that the additional Federal incentive share was unavailable.

This meant that each year, millions of dollars allocated to West Virginia on the basis of its population and needed treatment facilities would have to be turned back to the Federal Government and reallocated among other States, because West Virginia communities could not afford to take advantage of Federal grants limited to 30 percent of project costs.

A number of cities will be reimbursed for part of the expenses they incurred to build treatment facilities, even though they originally received only a small Federal share or none at all. Publicly owned treatment plants started during fiscal years 1967 through 1971 will be eligible to receive a retroactive Federal share of 50 percent of the initial cost. To do otherwise would penalize those communities which took the initiative to alleviate water pollution at substantially their own expense. There are a number of cities in the United States, including Charleston and Huntington, W. Va., which will be eligible for reimbursement under this section of the new law.

The purposes for which Federal water pollution funds can be spent by communities are expanded considerably by this legislation. The construction of collector sewers is, for the first time, eligible for Federal assistance. At the present time, this part of sewage systems is ineligible for Federal assistance, under this program, and the cost of collector sewers must be borne entirely by the communities. In addition to new sewers, the conference report authorizes the rehabilitation or rebuilding of existing systems as well as the construction of new systems in existing communities where there are none at present. This, again, is a provision that will be of extreme importance to small communities that lack sufficient financial resources to undertake these activities on their own.

While we have concentrated our efforts largely on helping communities provide waste collection and treatment systems, there are many areas of the country in which the conventional answers to sewage problems is neither practical nor feasible. This is principally true in rural areas where populations are widely dispersed and often separated by topographical barriers. While some of these areas may have relatively large populations, the people are so located that conventional sewage and collection treatment systems are not feasible. Section 104 of the conference report deals generally with research and investigation, training and information programs. I call attention particularly to section 104(q) which directs the Environmental Protection Agency to conduct research into sewage problems in rural areas or where its collection and treatment through conventional systems cannot be carried out.

As a Senator from the State designated the second most rural in our country, I have first-hand knowledge and experience with the frustrations of many West Virginians in their efforts to find practical solutions to sewage disposal problems. I anticipate that the requirements of this legislation, with the research and pilot programs it authorizes, will enable us to greatly increase our knowledge of how to eliminate this serious gap in our technology and administrative capabilities.

My service as a Senator from a State where there is extensive coal mining has made me acutely conscious of the widespread severe pollution that results from the discharge of mine acid into our streams. Thoroughout the Appalachian region and other areas where there is extensive mining, streams are discolored by acids, and plant and animal life is seriously threatened. Community water supplies frequently are endangered by mine acid, and the recreational potential of many streams is diminished or eliminated altogether.

Several studies in recent years delineated the scope and severity of acid mine drainage pollution. While we know its nature and its sources, pollution by acid mine water is extremely difficult to eliminate. One of the most difficult control problems arises with the fact that much of the polluting acid emanates from old and abandoned mines.

Water pollution control legislation developed in 1969 and 1970 gave special attention to acid mine drainage. It authorized research and demonstration projects to develop new techniques in the control of mine water pollution. The Appalachian Regional Commission also has been active in this area under a congressional mandate of its own to attack the problems of mine acid pollution. Certain limitations, however, have prevented the implementation of large scale demonstration projects which are necessary if we are to be successful in reducing pollution caused by mining. Accordingly, the Senate proposed in its bill and the conference accepted, modifications in existing law that I believe will permit us to move ahead. A key feature of this section is the doubling of authorizations to $30 million for mine water pollution control. It is my hope, and it was the intent of the Senate as expressed in its report on S. 2770, that a large scale demonstration project in the Monongahela River Basin would be particularly useful in implementing this program.

The committee also recognized the serious problems of siltation resulting from surface mining and hopes that the additional funding provided in section 107 will permit greater attention to this problem.

It is essential, for another reason, that we learn how to control mine water pollution, for it may affect a large urbanized area as well as the location in which it originates. The results of intensified activity in controlling mine water pollution will be valuable to many communities which desire to estabish waste treatment systems on a regional basis. A regional approach to waste treatment management is now being considered, for instance, in the Kanawha Valley of West Virginia. This is a heavily populated and highly concentrated industrial area and contains the city of Charleston and at least 12 other smaller municipalities. A substantial part of the population is located beyond the jurisdiction of any municipal government. In order to adequately manage the wastes from all the domestic and industrial sources in the Kanawha Valley, treatment must be planned, financed, and implemented on a regional basis. Section 208 of S. 2770 requires planning on an areawide scope for the management of all wastes, and authorizes grants to a representative planning agency including local elected officials or their delegees for the costs of developing such an areawide waste management planning process, as well as authorizing the Corps of Engineers to provide technical assistance to these regional planning agencies. All grants in such an area are made to management agencies selected with the advice of the regional planning agency, and all discharge sources must be in compliance with the areawide plan beginning no later than 3 years after enactment. Any regional program undertaken in this area must consider pollution resulting from mining activities on its fringes or along its streams that feed into the region's principal waterways.

Mr. President, the impact of programs contained in S. 2770 will undoubtedly be substantial. The large amounts of the money authorizations for pollution control would alone be felt, but in addition, we are directing new approaches to the total problem which should be carefully evaluated as they are placed in operation.

The House version of S. 2770 required the National Academies of Science and of Engineering to conduct certain studies on the impact of this legislation. The Senate conferees preferred a different approach, and as a result, I offered a proposal to create a National Study Commission which was accepted by the conference. Since the goals of this legislation are to be achieved through long-range programs, I believe it is essential to maintain some surveillance over these programs, particularly since, as I have said, much that is in this legislation is new. The study commission authorized by section 315 will have congressional representation. This is extremely important for it is the Members of Congress who will have the responsibility in the years ahead to make whatever changes may become necessary in our national water pollution control program.

Since the success of our program is, to a large degree, dependent on existing and anticipated technologies, the National Study Commission will give its principal attention to the technological aspects of achieving the effluent limitations and goals set for 1983. It also will examine the total economic, social, and environmental effects of achieving these goals. Only by being fully informed can the Congress act when it is again called on to consider legislation in this general field. The National Study Commission will help provide the information on which to base the necessary decisions.

Mr. President, I repeat, this legislation is broad in scope. Its impact will be felt by every man, woman, and child in our country. There may be those who are adversely affected by its requirements, but I do not believe this bill places excessive demands on any individual, any industry, any community or any segment of our society. The monetary authorizations in this bill are substantial. But they are a small portion of our gross national product. The expense of carrying out the programs in this bill will, however, pay great and lasting dividends and will, I believe, be willingly borne by the American people.

America is a rich country. We have obtained much of our wealth by excessive exploitation of the abundant natural resources with which this continent was blessed. In less than 200 years, we have built the world's strongest nation where an untamed wilderness existed. This achievement is indeed reflective of the energy, resourcefulness, and determination of the American people.

The United States today is a mature country. We are secure and affluent. We have reached the point where we can look around and recognize the damage and neglect that are the byproducts of our growth. America's maturity is demonstrated by our desire to turn our energies toward correcting past abuses and to preventing their recurrence.

Mr. President, this legislation embodies what I sense to be the prevailing mood of the American people. Americans are proud of their achievements, but they know they cannot be retained unless we devote a part of our resources to a clean and healthy environment. I know that the legislation before us will have many widespread, beneficial results, and I urge my colleagues to adopt this conference report.

Mr. COOPER. Mr. President, the Senator from Delaware (Mr. Boggs), the ranking minority member of the Subcommittee on Air and Water Pollution, is not able to be here at this time, and I shall act in his place.

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. COOPER. I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOPER. Mr. President, in the short time we have it is impossible to discuss all the details of this legislation. As the Senator from Maine said, since Senate passage, we have had nearly a year of work on this bill. We had 39 sessions in conferences with the House. I think the result of the conference produced a better bill than either the House or the Senate produced. As the distinguished Senator from Maine (Mr. Muskie) said, we hope the water quality of this country will be moving toward the goal of no pollution.

The conference report on the Federal Water Pollution Control Act Amendments of 1972, which the Senate members of the conference committee bring before the Senate for final action today, constitutes one of the most significant, most comprehensive, most thoroughly debated pieces of environmental legislation ever to be considered by the Congress. It achieves the objectives sought by the executive branch in water quality proposals over the last 3 years, and it builds upon the experience of the Clean Air Act Amendments of 1970 which are now beginning to yield cleaner air throughout the Nation.

Particularly significant are the far-sighted goals which are set forth: The goal of eliminating the discharge of pollutants into the waters of the United States by 1985, and the interim goal of achieving water quality sufficient to provide for protection of fish, shellfish, and wildlife and to provide for recreation in and on the water by July 1, 1983—purposes which will require a high level of water quality. The bill further announces national policies which prohibit discharge of toxic quantities of toxic substances into the Nation's waters; insure adequate financing of public waste treatment works; develop areawide waste treatment management planning processes; and stimulate the research and demonstration efforts needed to achieve the no-discharge goal.

As the floor manager of the conference report and the chairman of the subcommittee (Mr. Muskie) has described in detail, the bill addresses the major issues affecting water quality in this Nation. These issues include the need for strong, uniform, and enforceable standards to improve the quality of our Nation's waters; the need for a permit system to apply these standards precisely to the sources of discharge of pollutants; the need to catch up with the backlog of public waste treatment plant requirements, keep up with that need, provide equitable reimbursement to those States and municipalities which have built such plants without expected Federal assistance, and provide for an enhanced waste treatment management planning process; and the need for strengthened efforts in enforcement, training, and research.

I would like to comment specifically upon the financial provisions of the bill. Title II deals with the need to catch up with the backlog of public waste treatment construction needs, and keep abreast of such needs in the future. Contract authority is provided for up to $5 billion in 1973, $6 billion in 1974, and $7 billion in 1975. This will be allocated to the States on the basis of the Environmental Protection Agency's annual assessment of needs established without regard to budgetary limitations and other nonwater quality factors. As a result of an amendment I offered in conference, the Federal share of the cost of any public waste treatment work would be 75 percent, with the State and municipality contributing the remaining 25 percent. This assured high percentage of funding should eliminate the situation we have witnessed in which States and localities postpone the start of needed construction programs while legislation is pending to provide for a more generous Federal share. The total of $18 billion Federal funding with a 75-percent Federal share is consistent with EPA's most recent estimates of public waste treatment construction needs, adjusted for future growth. Subsequently, municipalities will be expected to provide for operation, maintenance, and replacement of their treatment works through assessment of user charges to industrial and other system users. Municipalities will be allowed to retain up to 50 percent of the industrial user charges which are attributable to the Federal share for future expansion and reconstruction of the project.

The need to deal equitably with those States and municipalities which have funded waste treatment works in anticipation of Federal reimbursement is met by providing for Federal reimbursement up to 30 percent of the cost of construction for plants built between 1956 and 1966, and up to 55 percent for plants constructed between 1966 and 1972. I believe that the funding levels for these and other provisions of the bill, which total over $24 billion—subject to the usual Presidential responsibility for evaluating these needs in relation to other national priorities—are responsible, are consonant with the magnitude of our Nation's water quality problems, and will not have an inflationary effect upon our economy.

This legislation has received more thorough consideration and has engendered more productive discussion than any other in which I have participated during my service in the Senate. The Senate Committee on Public Works held 30 days of hearings and 45 executive sessions in developing the Senate bill. The House Committee on Public Works followed a similarly thorough course which included 39 days of hearings and 2 days of executive sessions. We have just emerged from 39 sessions of the Senate-House conference committee, which began its work May 11. The time and effort which have been spent are not evidence of any attempt to delay or obstruct, or of any substantial disagreement as to the broad objectives of the legislation, either in the Senate, the House, or in the conference committee. Rather, they evidence the most thorough and careful consideration of a bill which will set the course for achieving a complete cleanup of our Nation's waters within the foreseeable future.

The distinguished Congressman from Alabama, Mr. Robert E. Jones, chairman of the conference committee, and the distinguished Senator from Maine (Mr. Muskie), who led the Senate conferees, deserve the highest praise for their earnest and persevering work culminating in agreement on this bill.

Mr. President, I would like to pay tribute to the chairman of our committee (Mr. Randolph) who provided leadership to the conferees, and, of course, to the Senator from Maine (Mr. Muskie) who has been a leader in this field for so many years. I served with him on the Subcommittee on Air and Water Pollution since 1965, and I congratulate him on the great work he has done.

The Senator from Delaware (Mr. Boggs), the ranking minority member of the Subcommittee on Air and Water Pollution, with his demanding duties on the Appropriations Committees, has been especially faithful and devoted in giving full and close attention to every step in the development of this complex measure. The distinguished Senator from Tennessee (Mr. Baker), has contributed his practical and engineering knowledge, his gift for incisive analysis and innovative resolution of problems, and his skill in negotiating solutions. All the conferees, Mr. President, are to be commended for their untiring efforts in helping achieve this unprecedented legislation.

The long course of development of this conference report required the devotion and perseverance of the Members from both Houses. The staffs of both committees, and several staff members of conferees, also have been essential to the development of this legislation and I think their names should be placed in the Record. In particular I would like to single out for special credit Barry Meyer, chief clerk and chief counsel of the committee; Leon Billings, senior staff member of the Air and Water Pollution Subcommittee; Philip Cummings, assistant committee counsel; Bailey Guard, minority clerk; Harold Brayman, professional staff member; James Jordan of Senator Baker's staff; Sally Walker of the subcommittee staff; Mr. Richard Hellman, minority counsel, and Thomas Jorling, who was committee minority counsel until recently and is now director of environmental studies at Williams College, for their outstanding staff efforts in arriving at this legislation.

I urge each Senator to give his support to this vital environmental legislation, which aims to rid America's waters of pollution by 1985.

Mr. President, I yield 2 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. BAKER. Mr. President, I thank the distinguished ranking Republican member of the full committee, the Senator from Kentucky (Mr. Cooper) for yielding so that I can make a few general remarks. I know it is almost tradition at this point to pay respect to one's colleagues, especially the chairman and the ranking Republican member of the committee and subcommittee, but I want to underscore now in this brief time that this is not a mere formality.

I cannot remember any time that I have served in any group, in Congress or out, with men of higher intelligence, greater awareness and sensitivity, on a program as complex and difficult and full of conflict as has been done in the production of this water bill.

So with more than the ordinary expression of courtesy to my colleagues I want to underscore the enormous contribution of our chairman, Senator Randolph, who does run a nonpolitical committee from a partisan standpoint; to the Senator from Kentucky (Mr. Cooper), who serves with such distinction as the ranking Republican member of the full Committee on Public Works, and who set the tone for the proper tone that pervades this committee, more than any group I have served with; to the Senator from Maine (Mr. Muskie), who is the chairman of what I believe to be the most effective subcommittee in Congress, the Subcommittee on Air and Water Pollution of the Committee on Public Works. The Senator from Maine (Mr. Muskie) has brought to this committee energy and dedication, and during all these conflicts, especially in conference, I have greatly admired both his conciliatory attitude and his resolute devotion to the environment. Out of that conference of 39 sessions we produced a good bill, in large measure due to the distinguished Senator from Maine and the Senator from Delaware, who is not here,

I wish to pay my special respect to the Senator from Delaware for his continuous, enlightened, and dedicated attendance in hearings and conferences. All have done a great job in conjunction with a great staff.

Mr. MANSFIELD. Mr. President, there was a misapprehension when the time limitation was agreed to. We thought we had cleared all bases.

I ask unanimous consent to extend the matter for an additional 15 minutes so that the Senator from New York and the Senator from Maryland may have time to address the Senate.

Mr. JACKSON. I made the request, of course, for an opportunity to be heard on this. I will not take more than 3 or 4 minutes, but I do wish to ask some questions.

The PRESIDING OFFICER. Is it 15 minutes on a side?

Mr. SYMINGTON. Mr. President, reserving the right to object, and I shall not object, inasmuch as I understand everybody is for the bill, it is getting late.

The PRESIDING OFFICER. Did the Senator request 15 minutes total time?

Mr. MANSFIELD. Fifteen minutes total time additional.

Mr. COOPER. I yield 4 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, I take this time for the purpose of establishing a legislative history.

After reviewing the conference report on S. 2770, I became deeply concerned that one provision in the conference agreement might adversely affect a number of pending lawsuits brought under the Refuse Act of 1899.

One such suit is now pending against the Reserve Mining Co. of Silver Bay, Minn., a company which has been dumping 67,000 tons of pollutants daily into Lake Superior.

The provision I refer to is section 402 (k), which provides in part that—

> Until December 31, 1974, in any case where a permit has been applied for pursuant to this section, but final administrative disposition of such application has not been made, such discharge shall not be a violation of (1) section 301, 306, or 402 of the Act, or (2) section 13 of the Act of March 3, 1899 . . .

I am also aware of section 4 of the bill, a provision to preserve pending Federal suits.

However, when these provisions are read together, it is not altogether clear what effect is intended with respect to pending Federal court suits against polluters violating the Refuse Act of 1899.

If section 402(k) were read as having retroactive effect, then about 170 Federal suits filed against polluters prior to the date of enactment of the bill, including the Reserve case, could be dismissed.

It is true that the suit against Reserve Mining is also based upon violations of water quality standards and the allegation that such dumping constitutes a public nuisance. However, the strongest part of the case is based on the Refuse Act.

Furthermore, the burden of proving a Refuse Act violation is less onerous than the burden of proving a violation of water quality standards.

During the last 2 years there have been some 300 criminal convictions under section 13 of the Refuse Act and over 120 civil actions most of which resulted in the defendants either stopping the dumping or agreeing to institute pollution control programs. On the other hand, it is my understanding there have been only a handful of prosecutions for violation of water quality standards since the Federal Water Pollution Control Act was enacted.

In view of this—a fact recognized by the conferees—it is inconceivable that the Senate would want to emasculate the best available enforcement device now available—the Refuse Act—and legislatively dismiss suits pending under it.

Accordingly, Mr. President, it is essential that any possible ambiguity be cleared up so that the legislative history will leave no doubt about the intent of the conferees and the Members of this body.

In an effort to clarify this point I wrote to the distinguished chairman of the Subcommittee on Air and Water Pollution (Mr. Muskie). I ask unanimous consent that a copy thereof be printed in the Record following my statement. In addition, I directed a letter to the Environmental Protection Agency requesting an interpretation, and a reply was received from the General Counsel of EPA, John Quarles, Jr., and he said in part:

> It is my firm opinion that any motion to dismiss an action because of the possible ambiguity contained in section 402(k) will be defeated.

I ask that these two letters also be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

October 4, 1972.

Hon. Edmund S. Muskie,
Chairman, Subcommittee on Air and Pollution,
Public Works Committee,
New Senate Office Building,
Washington, D.C.

Dear Mr. Chairman: After reviewing the conference report on S. 2770, I am deeply concerned about a possible ambiguity in section 402(k) of the bill. That action provides in part that "until December 31, 1974, in any case where a permit has been applied for pursuant to this section, but final administrative disposition of such application has not been made, such discharge shall not be a violation of (1) section 301, 306 or 402 of the Act, or (2) section 13 of the Act of March 3, 1899 . . .".

This provision was not in the Senate bill and is a modified version of a provision in the House-passed bill.

Although the bill contains a savings provision for existing suits in section 4(a), some uncertainty has arisen about the possible effect of section 402(k) on pending Federal suits under the Federal Water Pollution Control Act and the Refuse Act of 1899, such as the suit against the Reserve Mining Company of Silver Bay, Minnesota.

Specifically, I want to know if the conferees intended to preserve Federal suits alleging violations of the Refuse Act or the Federal Water Pollution Control Act which were filed prior to the date of enactment of S. 2770?

It is difficult for me to believe that the conferees intended section 402(k) to adversely affect pending litigation.

However, it is essential that this ambiguity be cleared up, and that the legislative history leaves no doubt on this issue when the conference report is taken up in the Senate.

With best wishes and my kind regards, I am

Sincerely,

Robert P. Griffin,
U.S. Senator.

U.S. Senate,
Washington, D.C., September 29, 1972.

Mr. William D. Ruckelshaus,
Administrator, Environmental Protection Agency, Washington, D.C.

Dear Bill: As you know, I have pressed vigorously for an end to the pollution of Lake Superior by the Reserve Mining Company of Silver Bay, Minnesota.

The response of the Environmental Protection Agency and the Justice Department in bringing suit against the company has been gratifying. However, I am distressed that a possible roadblock to this pending case may emerge from legislation nearing final passage in the Congress.

On Wednesday, September 28, House-Senate conferees filed a conference report on S. 2770, the Federal Water Pollution Control Act Amendments of 1972. Included in the bill agreed to in conference is the following provision:

"Sec. 402. (k) . . . Until December 31, 1974, in any case where a permit for discharge has been applied for pursuant to this section, but final administrative disposition of such application has not been made, such discharge shall not be a violation of (1) section 301, 306, or 402 of this Act, or (2) section 13 of the Act of March 3, 1899, unless the Administrator or other plaintiff proves that final administrative disposition of such application has not been made because of the failure of the applicant to furnish information reasonably required or requested in order to process the application. For the 180-day period beginning on the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, in the case of any point source discharging any pollutant or combination of pollutants immediately prior to such date of enactment which source is not subject to section 13 of the Act of March 3, 1899, the discharge by such source shall not be a violation of this Act if such a source applies for a permit for discharge pursuant to this section within such 180-day period."

Unfortunately, it is not clear as to the effect of this provision on Refuse Act permit applications pending on the date of enactment of this Act. This uncertainty is compounded by the language in the joint explanatory statement of the conferees which refers to "any case where a permit for discharge has been applied for but final administrative disposition has not been made." (Emphasis added)

In view of the fact that the Federal Government's action against Reserve Mining is predicated in part on a violation of the Refuse Act of 1899, I would appreciate it if you could advise me as to what effect section 402(k), or any other section, of S. 2770 will have on the pending court action against Reserve Mining.

Since the Conference Report on S. 2770 is likely to be brought up for consideration in the Senate Wednesday or Thursday of next week, I hope you will be able to provide a response before that time.

With best wishes and warm personal regards.

Sincerely,

Robert P. Griffin,
U.S. Senator.

U.S. Environmental
Protection Agency,
Washington, D.C., October 2, 1972.

Hon. Robert P. Griffin,
U.S. Senate,
Washington, D.C.

Dear Senator Griffin: This is in response to your letter of September 29, 1972, to Mr. Ruckelshaus wherein you voice concern about the apparent ambiguity in certain provisions of S. 2770 relating to the litigation of pending actions.

Section 402(k), as you note, provides that "until December 31, 1974, in *any case* where a permit has been applied for pursuant to this section, but final administrative disposition of such application has not been made, such discharge shall not be a violation of (1) section 301, 306, or 402 of the Act, or (2) section 13 of the Act of March 3, 1899. . . .". (Emphasis supplied)

Your concern is that the word "case" can be construed to render moot all pending litigation. It is my opinion that it is most unlikely that the language contemplates such a result, or that a court would so interpret the statute. For it is reasonable to conclude that the courts will not interpret any legislation to deprive them of jurisdiction of pending litigation in the absence of clear and explicit language. There is no such clear and explicit language to this effect in the pending bill.

In addition, the Savings Provision of the bill provides that "No suit, action or other proceeding lawfully commenced . . . shall abate by reason of the taking effect of the amendment made by section 2 of this Act". This is a clear reservation of jurisdiction in the courts over pending litigation. Furthermore it should be noted that the Savings Provision in referring to pending litigation uses the words "suit" and "action". It does *not* use the word "case". Hence, it is certainly arguable, at least, that Congress, in using the word "case", in its context in Section 402(k), was not referring to legal suits or actions but to situations where applications are filed pursuant to the Act.

In sum, it is my firm opinion that any motion to dismiss an action because of the possible ambiguity contained in Section 402(k) will be defeated. In any event, you may rest assured that this Agency will expect the Department of Justice to contest vigorously any such motion, should it be made.

Sincerely,

John R. Quarles, Jr.,
Assistant Administrator for Enforcement and General Counsel.

Mr. GRIFFIN. I wonder if I might address my question to the distinguished manager of the bill on this point.

Mr. MUSKIE. Yes, indeed. I appreciate having this point raised by the Senator from Michigan. I wish to put my answer in this form.

Section 4(a) of the conference report is an identical provision to that which appeared in the House bill.

Section 402(k) of the conference report is similar, although not identical, to section 402(l) of the House bill.

No question has even been raised up to this point as to the relationship of these two sections. The gentleman's question is the first indication that anyone has ever considered that there was an ambiguity in the two provisions.

Section 4 provides and I quote the relevant words pertaining to the Refuse Act:

> No suit, action, or other proceeding lawfully commenced by or against the Administrator or any other officer or employee of the United States in his official capacity . . . shall abate by reason of the taking effect of the amendment made by section 2 of this Act.

Without any question it was the intent of the conferees that this provision include enforcement actions brought under the Refuse Act, the Federal Water Pollution Control Act, and any other acts of Congress.

I hope and trust that nothing said on this floor or elsewhere would lead anyone to believe that section 4 is anything but totally clear as to its meaning and intent.

Mr. GRIFFIN. I thank the manager of the bill. Certainly that does clarify the meaning as to the intent of the conferees, and it would clearly indicate that the suit now pending against the Reserve Mining Co. under the Refuse Act would not be affected by this bill.

Mr. MUSKIE. That is my belief.

Mr. GRIFFIN. I thank the Senator.

Mr. COOPER. Mr. President, how much time do I have left?

The PRESIDING OFFICER. There are 20 minutes remaining in total time.

Mr. COOPER. The Senator from Maryland wants to ask a question of the Senator from Maine. I yield 2 minutes for that purpose.

Mr. BEALL. Mr. President, I would like to ask the distinguished chairman of the subcommittee, the Senator from Maine, a question. As he remembers, it was my privilege to serve during three-quarters of the markup on the bill, and I appreciate the hard work and dedication that went into bringing this bill to the floor. During the discussion of the bill, we were concerned about regional sewage treatment plants, and I offered an amendment in the subcommittee, which was accepted in the subcommittee, and later by the full committee, and later carried in the Senate.

Is it true that the discretionary fund of $200 million that had been allowed the Director of EPA would be devoted to the Federal portion of regional sewage plants, so that the total cost of them would not have to be borne by a State and a State would not have to use all of its Federal portion for one project?

I have in mind Blue Plains, which is of grave concern in this area, because if the Blue Plains plant were to be completed, Maryland would have to spend all of its Federal money for that one project and would not be able to pay for any other sewage plants.

I am wondering, since the conferees did not agree to that particular matter, how the subject matter is covered in the bill now.

Mr. MUSKIE. May I say the conferees on both sides were in support of the Blue Plains project and undertook to take care of it by the language which is found on page 114 of the conference report. May I read it?

> The conferees determined that utilization of a "needs" formula would eliminate any need for special allocation for an advanced waste treatment project or other special cases. Projects such as the Blue Plains Regional Treatment Works in the District of

Columbia will receive adequate and timely funds under this provision so long as adequate funds are released for obligation.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COOPER. Mr. President, I yield the Senator 1 more minute.

Mr. MUSKIE. In other words, if adequate funds are released for the total program, there should be adequate funds for Blue Plains.

Mr. BEALL. This will not penalize the State and the political subdivisions involved?

Mr. MUSKIE. The Senator is correct.

Mr. COOPER. Mr. President, I yield 4 minutes to the Senator from New York (Mr. BUCKLEY).

Mr. BUCKLEY. I thank my colleague from Kentucky.

Mr. President, I, too, have been a member of the subcommittee and have worked as hard as I could on this legislation. I do want to commend all concerned for their dedication. I do feel, however, that certain aspects are unfortunate. I believe the bill is more expensive than is needed to do the job, because with the rise in the Federal share, I think experience shows that something less than 75 percent could have mobilized the same volume of dollars to do the job without placing such extra burdens on the Federal Treasury. But I rise at this time because I am tremendously concerned over the insertion in the bill of a totally novel provision which appeared nowhere in either the Senate or House version. I refer to section 511(c)(1), which grants broad exemptions from the requirement of the National Environmental Policy Act under the new water legislation.

It is regrettable that we must make a decision on such a complex legislation in so short a time; especially as in one respect we are being asked to ratify a provision which has no basis in either the Senate or House versions. This is the language in section 511(c)(1) which grants a broad exemption from the requirements of the National Environmental Policy Act for actions taken by the administration under the new water legislation.

This exemption was no doubt prompted in large part by concern over the substantial backlog in applications for discharge permits under the Refuse Act. Under recent judicial decisions, these applications, in the absence of a legislative exemption, would have been subject to the procedural requirements of the National Environmental Policy Act. But the exemption goes well beyond facilitating the issuance of the backlog of permits on existing facilities; it would also exempt from the section 102(2)(C) requirement of NEPA the quite different activity involved in establishing general standards and guidelines relating to the broadest range of water quality matters.

Just how broad this exemption is can be seen from consideration of a few of the EPA activities which under section 511(c)(1) as written, will not be subject to the formal NEPA section 102(2)(C) impact statement.

(1) No NEPA impact statement would be required for EPA approval of regional water quality management plans, even though under EPA's current procedures environmental impact statements are prepared for such plans. (See Subpart E; EPA Procedures for Implementation of the National Environmental Policy Act.) The rationale for preserving the status quo with respect to preparation of statements on some EPA actions (waste water treatment projects), while removing the requirement as presently interpreted on other activities (water quality management plans) is not clear.

(2) While discharge permits for new sources will still be subject to section 102(2)(C) of NEPA, the much more significant setting of new source performance standards (upon which the permits would be based) apparently would not require a NEPA impact statement under the language of the exemption. This leads to the rather anomalous situation of requiring an impact statement on discharge permits, based on performance standards which have not been the subject of examination in an impact statement and which, under section 511(c)(2), would not be subject to reexamination in the context of issuing the permit. Thus, under section 511(c)(2) the only issue left for exploration in the impact statement in such cases would apparently be non-water quality considerations.

(3) No NEPA section 102(2)(C) impact statement would be required for the establishment of the "best practicable treatment" and "best available treatment" standards for categories of waste-discharging facilities, for which the NEPA-type comment process and analysis of alternatives would seem particularly useful.

(4) Similarly, the issuance of guidelines by EPA for State control of non-point sources of pollutants will not be subjected to analysis in an environmental impact statement.

I object strongly to this hasty and ill-considered amendment of the National Environmental Policy Act. Last March the Senate Public Works Committee and the Senate Interior Committee held joint hearings on NEPA and we asked Mr. Ruckelshaus about this specific matter, namely the advisability of applying NEPA to environmental regulatory action. He undertook to undertake a study on the question, the results of which are not yet available. The sensible course would be to get the results of this study, have it reviewed by the appropriate committees, and take such action as is appropriate.

The exemption presently contained in Section 511(c)(1) is a bad precedent. I regret that it cannot be deleted from the water legislation.

As I say, Mr. President, I am deeply concerned about clause 511(c)(2)(B). This clause may, I understand, bar any Federal permitting or licensing agency, such as AEC, from imposing, as a condition precedent to the issuance of any license or permit, any effluent limitation other than limitations established pursuant to S. 2770.

Mr. President, at this point, I ask unanimous consent to have printed in the RECORD an article from today's New York Times entitled "Environmentalists Hail AEC Ruling on Con Ed" and an article from today's Washington Post, entitled "AEC Orders Con Ed To Halt Thermal Pollution of River."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 4, 1972]

ENVIRONMENTALISTS HAIL AEC RULING ON CON ED

(By David Bird)

Environmentalists, who generally have been critical of the Atomic Energy Commission, were openly praising it yesterday for the decision to ask Consolidated Edison to add an expensive cooling system to its nuclear plant to protect fish life in the Hudson River.

"It's unprecedented for the A.E.C. to order a utility to do something that it doesn't want to do," said Angus Macbeth, attorney for the Hudson River Fishermen's Association, which has been opposing the original design of the plant on the Hudson River at Indian Point on the ground that it would kill much of the river's fish.

A spokesman for the A.E.C. said it was the first time the agency had said a utility must modify its cooling system to protect the environment.

The original design called for a "once-thorough" system, which draws water from a lake or river, passes it through the cooling system once and then dumps it back where it came from, heated.

The staff report, issued in Washington on Monday, still must be approved by the A.E.C. licensing board, which has been conducting hearings on the nuclear plant. The plant is virtually complete but has not yet received a license.

The report said Con Edison should be required to submit a plan for a self-contained, or closed-cycle, cooling system by July 1. It would have to be installed by Jan. 1, 1978.

Licensing hearings are expected to resume next month or in December. But environmentalists are already counting the A.E.C. staff report a solid victory that could set a precedent.

With a once-through system, the nuclear plant would suck some 2,650 cubic feet of water from the river every second and the Fishermen's Association said this would kill much of the river's fish by heating and battering them.

Con Edison has argued that the fish kill would be minimal and that any other system than the "once-through" method would be prohibitively expensive.

MILLIONS ARE INVOLVED

A Con Edison spokesman said that providing a self-contained cooling system for the plant that was now awaiting a license would add up to $97-million to the plant's $200-million cost.

But that could be only the beginning. The A.E.C. staff report dealt in detail only with the plant called Indian Point No. 2, which is now under consideration. The report said, however, that it was reasonable to expect that the same requirements would be placed on the Indian Point No. 1 plant, which has been in operation for 10 years, and on Indian Point No. 3 which Con Edison is adding to that generating complex 25 miles north of New York City.

Con Edison had no estimate on how much more it would cost to equip its other plants with self-contained cooling systems.

USUAL SYSTEM DESCRIBED

Usually self-contained cooling systems are giant cylindrical towers, or chimneys, where the water is allowed to cool in a draft of air and then returned to the plant to be used over and over again.

While generally pleased with the A.E.C. report, Mr. Macbeth said that when the hearings resume he expects to press for speeding up the schedule to require the plant be ready by 1977.

Rod Vandivert, environmental consultant to the Scenic Hudson Preservation Conference, said the A.E.C. staff's reasoning should apply just as well to Con Edison's pumped-storage plant at Storm King, which would pump Hudson River water up to a mountaintop reservoir to be tapped to power generators during times of peak demand.

[From the Washington Post, Oct. 3, 1972]

AEC ORDERS CON ED TO HALT THERMAL POLLUTION OF RIVER

(By Thomas O'Toole)

The Atomic Energy Commission yesterday told Consolidated Edison Co. it must stop removing large volumes of water from the Hudson River to cool its two atomic power plants at Indian Point, N.Y. It was the first time the AEC has acted to regulate the way a power plant is cooled.

In a move sure to have far-reaching legal, environmental and financial implications, the AEC told Con Ed it must install a "closed cycle" cooling system at Indian Point, which could cost Con Ed as much as $150 million to build and another $75 million to operate over the plant's 30-year lifetime.

The AEC gave Con Ed until 1978 to have the closed cycle cooling system in operation, partly because the power crisis is so critical in New York and partly because the nuclear plants at Indian Point give Con Ed a chance to close older plants that are polluting the air in New York City.

The AEC moved against Con Ed because it felt that continued operation of Indian Point's present cooling system would kill the entire striped bass population in the waters around New York, since the fish spawn in the Hudson River right at Indian Point.

At present, the two nuclear power plants at Indian Point draw more than 1.1 million gallons of water a minute out of the Hudson River, pulling in thousands of fingerlings and fish larvae with it. A third nuclear plant at Indian Point will raise the intake to almost 2 million gallons a minute, which the AEC feared would be disastrous not only to the striped bass but to other fish in the Hudson.

What the AEC wants Con Ed to do is to install giant cooling chimneys at Indian Point, chimneys that recycle the water taken from the river through the plant so that the water can be used over and over again.

Without the cooling chimneys, the water is dumped back into the river 20 degrees warmer than it was when taken from the river. This heat not only means a continuous use of river water for cooling, it also threatens the river itself.

The AEC figures that Con Ed will need at Indian Point at least two cooling chimneys, each 400 feet high. The chimneys could cost as much as $75 million each and an estimated $1 million a year to operate.

The move against Con Ed is the first time the AEC has acted to regulate what might be called a "non-nuclear" activity in an atomic power plant. The move is a direct result of an action last year by a federal appeals court, which told the AEC in the Calvert Cliffs, Md., case it had to regulate discharge of heated water into rivers, lakes and streams.

The AEC has given Con Ed a year to come up with a cooling plan, but fully expects the company to challenge the move in court.

"The question of legality is likely to be raised again," a source said, "just to see how far AEC authority extends."

Mr. BUCKLEY. Mr. President, the articles document an important environmental policy decision. For the first time the AEC had said to a utility that it must add an expensive "closed cycle" cooling system to its second nuclear plant at Indian Point, N.Y., to protect fish life in the Hudson River.

It appears to me that environmental decisions of this type are barred by clause 511(c)(2)(B) of the conference report on S. 2770. This appears to be an "effluent limitation" which is a "condition precedent" to a license. I would like to ask the Senator from Maine if I am correct in my understanding that environmentalists will be barred from intervening in AEC licensing procedures in order to obtain tougher effluent limitations—perhaps to protect wetlands, wildlife refuges, and so forth—than the limitations prescribed by the standards of the EPA-run water quality program? Am I correct in assuming that environmentalists and citizens groups particularly concerned about the effects of water pollution at, for instance, the sites of proposed industrial powerplants are entirely at the mercy of EPA and the general, nationwide standards it has set?

Mr. MUSKIE. Mr. President, I am not sure I heard clearly all of the Senator's question, but if I may try to state it, the Senator is asking whether EPA, in its authority to set effluent limitations controls with respect to the subject matter which the Senator has raised, can set those limitations and whether the AEC has to accept them. The answer is yes.

Mr. BUCKLEY. The AEC is precluded from setting higher standards than those imposed by EPA.

Mr. MUSKIE. Does the Senator mean more rigorous from an environmental standpoint? I must say that such an action by AEC is not a possibility that occurred to the conferees. It has not occurred to me in my experience over the years. We considered that this kind of authority should be in EPA and not in AEC, and in order to put the authority there, we put it in this act, and that is where it is.

Mr. BUCKLEY. Is it not the intention of the conference committee to exclude the right of other regulatory bodies to impose more stringent environmental conditions on discharges?

Mr. MUSKIE. Again I must say yes, we gave the authority to EPA. The whole concept of EPA is that environmental considerations are to be determined in one place by an agency whose sole mission is protection of the environment. It did not occur to us that AEC might be more conscientious in this respect than EPA, so we have given EPA the total authority on the assumption that the risk from AEC was not of the nature described by the Senator but, rather, the opposite, as history demonstrates.

If AEC develops a stringent environmental conscience, and I think it is developing a more stringent environmental conscience than EPA, then we can consider whether or not AEC ought not to have new authority.

Mr. BUCKLEY. Apparently that conscience has been developed, according to what is stated in this morning's newspapers.

Mr. MUSKIE. I do not think I would lend that too much credence.

Mr. BUCKLEY. I just want to reiterate the point here that action on this bill will preclude the right of other agencies to insist on other standards, or the rights of in-depth environmental groups to go to court and insist that the AEC maintain standards more stringent than those employed by the EPA, which under this legislation is not required to file an environmental impact statement; is that correct?

Mr. MUSKIE. I think I have answered the question. Yes; that is correct.

Mr. BUCKLEY. I thank the Senator.

Mr. COOPER. I yield 3 minutes to the Senator from Washington.

Mr. JACKSON. Mr. President, I have certain basic questions concerning the policy reflected in section 511(c). I would like to determine, to the extent that we can clarify it, the intent of tha section of he conference report.

Therefore, I would like to address some questions to the manager of the report.

First, how broad is the exemption proposed for EPA in section 511(c)(1)? Does the exemption cover only section 102(2)(C) and the requirement for preparing environmental impact statements? I am referring, of course, to the National Environmental Policy Act. Is it clear that EPA would be subject to all other requirements of NEPA except section 102(2)(C)?

Mr. MUSKIE. Mr. President, may I say first to the Senator, to preface my answer to the question, and in response to something the Senator from New York has said on the same subject, that in my judgment it was clearly intended at the time Congress enacted NEPA that environmental regulatory agencies such as those authorized by the Federal Water Pollution Control Act and the Clean Air Act would not be subject to NEPA's provisions. The Senator and I had discussions on this point, and it was clearly understood, from the colloquies in the CONGRESSIONAL RECORD on the subject it is clear, that it was the intention of NEPA to put mission-oriented agencies, not the environmental enhancement agencies, under an environmental stricture and that the environmental enhancement or improvement agencies such as the Federal Water Pollution Control Administration and the Clean Air Act would not be subject to NEPA's provisions.

So the effect of the language to which the Senator has referred is to breach that understanding, and to bring activities of the Administrator which would not be under NEPA in terms of that history under NEPA.

So let me answer the Senator's question.

Because the language of 511(c)(1) speaks of "major Federal actions significantly affecting the quality of the human environment"—a phrase which only appears in section 102(2)(C) of NEPA—some will argue that the conferees intended to limit their attention to section 102(2)(C) and that all of the other provisions are therefore meant to be applicable to actions of the Administrator. I address myself to those who would grasp at this slender straw. The term "major Federal action" and NEPA are synonomous in the minds of the conferees. It is the clear intent of conferees of both Houses—it was certainly the clear intent of the conferees when this provision was unanimously adopted—that all of the provisions of NEPA should apply to the making of grants under section 201 and the granting of a permit under section 402 for a new source and that none of the provisions of NEPA would apply to any other action of the Administrator.

At page 149 of Report No. 92–1236, in the joint statement of managers on the part of the House and the Senate, we state:

> If the actions of the Administrator were subject to the requirements of NEPA, administration of the Act would be greatly impeded.

We do not say "one of the requirements of NEPA." We do not say "some of the' requirements of NEPA." We say "the requirements of NEPA." That is what we said, and that is what we meant.

May I say in addition, to cover both the Senator's question and that of the Senator from New York, why did we do it? We did it because we have written into the procedures for cleaning up the water deadlines geared to the time required for the procedures of the administrator.

Now, if we were to impose, on top of those procedures, additional ad hoc requirements that might be established by the administration of NEPA, the deadlines would go out the window, because in effect what we would be doing is giving industrial polluters another forum after they have taken their run at the procedures and policies of the administrator.

This is why, of course, I was so concerned at the time we enacted the NEPA legislation that environmental improvement agencies would not be subject to it.

Now we have made an exception that brings two environmental improvement activities under NEPA, and that is an exception that expands and does not restrict the authority of NEPA.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JACKSON. Mr. President, 1 more minute.

Mr. COOPER. Mr. President, how much time remains?

The PRESIDING OFFICER. The time of the Senator from Maine has expired. The Senator from Kentucky has 6 minutes.

Mr. COOPER. I promised 3 minutes to the Senator from Wisconsin (Mr. Nelson).

Mr. JACKSON. Could I have 1 minute?

Mr. COOPER. Yes.

Mr. JACKSON. Mr. President, in view of the limitation on time, I ask unanimous consent to have printed in the Record certain prepared statements and questions dealing with section 511(c) of the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR JACKSON

I am concerned about the precedent and the policy proposed in Subsection 511(c) of the Conference Report on the Federal Water Pollution Control Act Amendments of 1972. I am concerned because the policy proposed creates a troublesome precedent which may pave the way for effectively disarming the Nation's most important, long-range environmental law: the National Environmental Policy Act of 1969 (Public Law 91–190).

The Senate is being asked to vote on a conference report which contains in Subsection 511(c) a new provision which was not in the measure the Senate passed on November 2, 1971, which was not in the water quality bill passed in the House, and which was not, in my view, properly before the Conference Committee.

Mr. President, I presume that one of the purposes the House and Senate Public Works Committees had in mind in adopting Section 511(c) of the Conference Report was to reverse the effect of the Circuit Court of Appeals decision in the *Calvert Cliffs* case and other cases insofar as those decisions of the Federal Court affirmatively applied the requirements of Section 102(2)(C) to the Environmental Protection Agency.

Members of the Senate should be aware that portions of the legislative history of the National Environmental Policy Act do reflect a general understanding between myself and the junior Senator from Maine, that the adoption of NEPA would not change the statutory mandate under which EPA and other environmental agencies operate. This legislative history was, as I recall, made in response to concerns expressed by the Senator from Maine that the provisions of Section 102(2)(C) and Section 103 might in some way set new standards or new requirements for the Air and Water Quality programs. This was not the intent of the Act. Section 102(2)(C) establishes procedural requirements that apply to the decisionmaking process for all major Federal decisions that could have an adverse environmental impact. It is not a substantive standard and I, therefore, agreed that the adoption of NEPA would not change the substantive mandate for programs administered by EPA. Subsequent to this legislative history and the enactment of NEPA into law January 1, 1970, the guidelines promulgated by the Council on Environmental Quality, the regulations of some Federal agencies, and a number of major Federal Court decisions have construed NEPA to require the application of the Section 102(2)(C) procedural requirement for the preparation of an environmental impact statement to any major Federal action undertaken by EPA and other Federal agencies whose mandate involves the promotion of environmental quality objectives.

The action of CEQ and the subsequent decisions of the Federal Courts were in my view contrary in some respects to NEPA's legislative history. In all candor, however, I must acknowledge that the legislative history is ambiguous with respect to both the scope of the exemption sought to be established for EPA and the policy objectives sought to be achieved by the exemption.

In view of the Court's action and the present construction being given to NEPA by the judiciary and CEQ, I believe that the Congress is now faced with the issues of whether: (1) Any proper public purpose is served by granting to the Environmental Protection Agency a major exemption from the requirements of Section 102(2)(C) which is not enjoyed by any other Federal agency; and (2) If any exemption is warranted, the nature, class and types of activities and programs the exemption should cover.

Mr. President, after having had an opportunity to review the application of Section 102(2)(C) of NEPA to the many activities and programs conducted by all of the Federal agencies, it is my firm judgment that no exemptions should be granted to any Federal agency where the action proposed is a "major Federal action significantly affecting the quality of the human environment."

Requiring Federal agencies to examine in a rigorous fashion the alternatives to proposed decisions has, in my view, greatly improved the quality of government. It has mandated a "balancing process" and a weighing of alternatives in which all legitimate interests and values receive fair and proper consideration. Section 102(2)(C) has also opened the processes of Federal decisionmaking to the scrutiny of Congress and the American public. Insuring that any Federal agency proposing a major Federal action consult with and obtain the comments of other Federal agencies having special expertise on the subject involved goes far toward improving the quality of Federal decisions. This consultation procedure guarantees that single-purpose, mission-oriented objectives do not have unintended and unaniticipated consequences far beyond the intent of the agency proposing the action under consideration.

For these and many other reasons, I feel it is important that the Senate consider and fully understand the scope, nature and content of what is being proposed in connection with the adoption of the Conference Report and Section 511(c).

I call my colleagues' attention to subsection 511(c) of S. 2770. Clause (1) of this remarkable subsection exempts entirely the Environmental Protection Agency (EPA) from complying with the section 102(2)(C) environmental impact statement requirements of NEPA for all—I emphasize all—activities under the water quality bill except for the issuance of discharge permits for new sources and sewage treatment construction grants.

Activities which may be exempted by Clause (1) include the promulgation of new-source performance standards, the establishment of "best available treatment" and "best practicable treatment" standards, issuance of guidelines for State control of nonpoint sources of pollutants, and approval of regional water quality management plans and State permit plans. Clause (2) states that nothing in NEPA is to be deemed (1) as authorizing any Federal agency authorized to license or permit the conduct of any activity which may result in a discharge into the navigable waters to review any effluent limitation or other requirement established pursuant to S. 2770 or the adequacy of any certification pursuant to section 401 that a discharge complies with the requirements of S. 2770, and (2) as authorizing any Federal agency to impose any effluent limitation different from effluent limitations established pursuant to S. 2770.

Subsection 511(c)(2) is a rewording of the so-called "Baker Amendment", formerly section 511(d) of the Senate bill. The Baker Amendment was devised to clarify the relationship of State or EPA certification under the Federal Water Pollution Control Act with the NEPA-mandated balancing judgment of environmental costs versus economic and technical benefits made by Federal licensing or permitting agencies. Its modest purpose was to clarify the nature of that relationship in accord with the original legislative intent at the time of NEPA's passage, not with the very different definition given to that relationship by the U.S. Court of Appeals for the District of Columbia in *Calvert Cliffs Coordinating Committee* v. *AEC*, 449 F. 2d 1109 (D.C. Cir. 1971) and by the Council on Environmental Quality in its guidelines to implement NEPA.

I am concerned that this revision of the Baker Amendment is intended to place greater restrictions on the ability of Federal permitting and licensing agencies to perform their NEPA responsibilities than did the original amendment to the Senate bill. In commenting on his amendment in this Chamber, Mr. Baker stated, "My amendment should not in any way be construed to mean that water quality considerations do not play a role in [the NEPA] 'balancing judgment' [required of Federal permitting and licensing agencies]. On the contrary, where pertinent, water quality considerations must be considered by any agency when it decides, under the NEPA mandate, whether it is in the public interest to grant a license or permit and, it so, under what conditions and stipulations." (*Congressional Record*, pt. 30, vol. 117, p. 38857) However, I question whether under the new subsection 511(c)(2) water quality considerations can, in fact, be reviewed in the NEPA "balancing judgment." Absent the major factor of water quality, the 102(2)(C) impact statement "balancing" and "weighing of alternatives" analyses are rendered useless as policymaking or decisionmaking tools. I hope to receive clarification on this point from the Senate managers of the S. 2770 conference report.

I am particularly concerned about clause 511(c)(2)(B). This clause bars any Federal permitting or licensing agency, such as AEC, from imposing, as a condition precedent to the issuance of any license or permit, any effluent limitation other than such limitation established pursuant to S. 2770.

Articles in today's *Washington Post* and *New York Times* document an important environmental policy decision. According to the articles, the AEC required Consolidated Edison to add an expensive "closed cycle" cooling system to its second nuclear plant at Indian Point, New York, to protect fish life in the Hudson River. This requirement was a part of a prelicensing staff report.

It appears to me that environmental victories of this type are barred by clause 511(c)(2)(B) of the conference report on S. 2770. This appears to be an "effluent limitation" which is a "condition precedent" to a license. Therefore, I read 511(c)(2)(B) as prohibiting the AEC-Indian Point action. It is my worry that 511(c)(2)(B) will bar environmentalists from ever intervening in AEC licensing procedures in order to obtain tougher effluent limitations—perhaps to protect wetlands, wildlife refuges, etc.—than the limitations prescribed by the standards of the EPA-run water quality program. Am I correct in assuming that environmentalists and citizens groups particularly concerned about the effects of water pollution at, for instance, the sites of certain proposed nuclear powerplants are entirely at the mercy of EPA and the general, nationwide standards it has set?

Of far greater importance, however, is the sweeping new language contained in subsection 511(c)(1). Under this subsection, except for new-source permits and construction grants, all actions of EPA are exempted from compliance in any manner whatsoever with the NEPA Section 102 (2)(C) environmental impact statement requirement.

The operating philosophy behind this sweeping exemption appears to be that environmental control programs should be free of environmental law requirements. On page 149 of the conference report this rationale is made all too evident. We find the statement, "The sole purpose of the Act is the enhancement of environmental quality." This is followed on the same page by the statement, "If the actions of the Administrator under this Act were subject to the requirements of NEPA, administration of the Act would be greately impeded."

One could certainly take issue with this conclusion, but the real point to be made is why environmental control programs should be exempt from the constraints of environmental laws? Do we exempt civil rights programs from anti-discrimination requirements? Are labor programs exempted from minimum wage and child labor laws? Are law enforcement officers free to disobey criminal laws?

In short, the question is, "Who shall police the police?" EPA should certainly be required to undertake the same open, balancing decisionmaking which NEPA has required of other agencies. Decisions, reversals, and new decisions by EPA in the fields of auto emissions, phosphates, and pesticides reinforce the critical need for this type of decisionmaking by all Federal agencies.

The National Wildlife Federation in its September 22, 1972, *Conservation Report*, further criticized the 511(c) exemptions and the rationale of EPA's environmental purity:

"It cannot be assumed that EPA will always be the good guy. Since EPA was formed, they have done an admirable job and they are continuing to do so, at least for the present. However, it cannot be forgotten that EPA is a regulatory agency and in the past in Washington almost all regulatory agencies have eventually come under the control of those that they are charged with regulating. Everyone hopes that this will not occur but, if it does, the exemptions granted in the water bill could prove disastrous for the environment.

"The most important thing that NEPA does is require that decisions affecting the environment be made more or less in public rather than behind closed doors. These exemptions would take the decisionmaking and standard setting processes out of public view. In fact, the decisionmaking authority would probably be taken away from EPA and lodged with the Office of Management and Budget (OMB) under their Quality of Life Reviews . . . behind closed doors."

I suspect that the chief incentive for exempting environmental control programs is, as the conference report suggests, that to apply NEPA to these programs would be to increase their administrative burden. I question whether the application of the exemption to "one-shot" activities such as promulgation of new-source performance standards, the establishment of treatment standards, issuance of guidelines for State control of nonpoint sources of pollutants, and approval of regional water quality management plans and State permit plans will reduce administrative work to such an extent as to justify this reason for an exemption. But beyond this, I find this same concern over the potential administrative burdens of NEPA shared by all other Federal agencies and officials involved in most other Federal programs. Many other worthwhile programs—social programs, housing programs, recreation programs—also would dearly love to shrug off legislative mandates which may require additional administrative work. To exempt important Federal programs from essential legislative mandates simply because they increase the administrative burden of such programs is not good public policy.

A second concern over this wide exemption relates to its possible use as a precedent for further exemptions. The rationale for the 511(c) exemption would make it equally applicable to all other environmental programs. However, what one agency or one Congress may regard as an environmental program, the next may not. Are we to apply such a wide-ranging exemption on the basis of the momentary definition of what is an "environmental program?"

Rationales for legislation tend to mutate or lapse into extinction rather more quickly than do the legislation's precedential values. Again, I quote the Conservation Report:

"[Subsection 511(c)(1)] sets a bad precedent for other federal agencies, such as the Corps of Engineers, the Federal Highway Administration (FHA), etc., who are also seeking to have their activities exempted from EPA. During the spring environmentals fought to have two bills (H.R. 13752 and H.R. 14103), which would have granted exemptions from NEPA, defeated. Their victory in stopping those two bills has now been wiped out in the water pollution bill. It is also a bad precedent that the exemptions to NEPA tee rather than the committees under which were granted by the Public Works Committee rather than the committees under which NEPA was enacted, namely, the Senate Interior and Insular Affairs Committee and the House Merchant Marine and Fisheries Committee."

I would certainly welcome responses from the manager of this Conference Report on the general questions of advisability of exempting environmental programs from NEPA and of the possible precedent being established here. However, these questions cannot be resolved on the floor today. What would be useful, is a more detailed description of how 511(c) would operate and of the reasons why the conferees felt an expansion of the Baker Amendment was necessary. I must say I find the application of this amendment to be confusing in a number of cases. Let me give a few examples:

(1) No environmental impact statement analyses would be required for EPA approval of regional water quality management plans, even though environmental impact statements are prepared for such plans under EPA's existing procedures (Subpart E, EPA Procedures for Implementation of the National Environmental Policy Act). I believe a discussion is in order on the reasons for preserving the existing duty to prepare statements on some EPA actions such as waste water treatment projects, while removing the requirements on other activities, such as the water quality management plans.

(2) Discharge permits for new sources would still be subject to section 102(2)(C) of NEPA. Yet, the far more significant activity—the setting of new-source performance standards upon which the discharge permits would be based—apparently would be exempted from the required NEPA "balancing judgment." This creates the anamolous situation of requiring an impact statement on discharge permits which are to be based on performance standards which themselves will not be the subject of an impact statement and which, under section 511(c)(2), would not be subject to any reexamination in the context of issuing the permit. Therefore, under section 511(c)(2), the impact statement is limited to the review of only the non-water quality considerations.

(3) I am not certain of the breadth of this exemption. One of the two exceptions to the 511(c)(1) exemption is new-source permits. However, I am confused as to whether, upon the publication of regulations under S. 2770, should such regulations require any new construction or alterations in equipment, plant, or operation, all new permits would be considered permits for "new sources." If this is true, the exemption is limited.

(4) On the other hand, I believe the exemption is made virtually unlimited through another means. No environmental impact statement apparently would be required for EPA approval of State permit plans. Yet, once approved, these plans would allow the State to issue permits—presumably *even for new source discharges*—without further Federal review, including NEPA review. Therefore, even one of the two exceptions to the exemptions—new source permits—can be folded into the exemption through the approval of State plans.

(5) No NEPA analysis would be required for the establishment of the "best practicable treatment" and "best available treatment" standards for categories of waste discharging facilities. And yet the 102(2)(C) impact statement with its "balancing" and "weighing of alternatives" analyses is particularly appropriate for such standard setting. I am at a loss to understand why these standards are exempted.

(6) Similarly, the issuance of guidelines by EPA for State control of non-point sources of pollutants would not be the subject of an impact statement. Again, such guidelines are particularly appropriate subjects for environmental impact statements.

I am particularly concerned about the apparent view of the Senator from Maine that the 511(c) exemption from NEPA is, in fact, an exemption from *all* of the major provisions of NEPA. On its face, as wide as the 511(c) exemption is, it is still clearly limited to the 102(2)(C) environmental impact statement of NEPA. The words "major Federal actions" are found only in clause 102(2)(C) and the effect of those words is limited only to clause 102(2)(C). Therefore, the 511(c)(1) exemption applies only to the requirement of an environmental impact statement. Furthermore, 511(c)(2) does not touch upon NEPA's requirements vis-a-vis the Environmental Protection Agency or S. 2770's water quality programs at all, but only upon how NEPA applies to other agencies in their relationship to EPA and S. 2770's programs.

There is no intent expressed in either the Conference Report or the managers statement to use S. 2770 as a vehicle for exempting other Federal permitting and regulating agencies from NEPA's requirement.

Should the conferees wish S. 2770 to be exempt from all the NEPA requirements, they should support such an amendment when the legislation first comes before the Senate and the House—at a time when all members have an opportunity to do more than vote up or down a conference report. A back-door attempt at legislation through last minute speeches on the floor of the Senate is not the proper conduct of the Nation's business. Fortunately, as *Calvert Cliffs* and other court decisions have indicated, the courts will not abide the diminution of the authority of environmental laws through the vehicle of floor speeches re-interpreting clear legislative language.

I did not object to 511(d) of S. 2770, the original Baker Amendment, when it was first considered in the Senate. As I understand that amendment, it established that—contrary to a holding in the *Calvert Cliffs* decision—the impact statement required of AEC and other Federal permitting or licensing agencies did not need to include an independent evaluation of water quality alone. These agencies could accept State or EPA certification under the water quality laws as conclusive on that point. However, as Senator Baker noted in the floor debate on S. 2770, his amendment would not bar water quality consideration in the overall balancing of costs and benefits required in the environmental statement.

As I read the new language contained in clause 511(c)(2) *all* water quality considerations are barred from the impact statement analyses. If this is true, this exemption not only frees EPA from the environmental impact statement requirement (in clause 1) but also (in clause 2) makes that requirement useless to all other Federal permitting and licensing agencies whose activities touch on water quality. To have consideration of such an important variable as water quality barred from the balancing and alternative weighing analyses of AEC and similar Federal licensing agencies makes the impact statement a less useful decisionmaking tool and useless to the public as a means of bringing decisionmaking which affects the environment into the open.

Could the manager of the Conference Report comment on the rewording and enlarging of the Baker Amendment beyond the scope of either the Senate or House bills and on the concerns I have expressed concerning such a step?

Mr. JACKSON. I would just point out, Mr. President, that the words "major Federal action" which my good friend from Maine has referred to are to be found only in section 102(2)(C) of NEPA. They do not occur in any other place in the act.

I am particularly concerned about the apparent interpretation given to 511(c) by the Senator from Maine that this subsection embodies an exemption from not just the NEPA 102(2)(C) impact statement requirements but from all the major requirements and provisions of NEPA. On its face, as wide as the 511(c) exemption is, it is still clearly limited to the 102(2)(C) requirement. The words "major Federal actions" are found only in clause 102(2)(C) and the effect of those words is limited only to clause 102(2)(C). Therefore, the 511(c)(1) exemption must be construed as applying only to the 102(2)(C) environmental impact statement requirement. Clause 511(c)(2) does not touch upon NEPA's requirements vis-a-vis the Environmental Protection Agency or S. 2770's water quality program at all, but only upon how NEPA applies to other Federal permitting and licensing agencies in their relationship to EPA and S. 2770's programs. Certainly, this clause (B) cannot be intended to be so wide as to exempt all major Federal permitting and licensing agencies from all the requirements of NEPA.

Should an exemption of all requirements of NEPA have been contemplated by the conferees, it was clearly not achieved in the language of 511(c). I suggest that such a wide-ranging exemption, if intended, should be the subject of debate when the legislation first comes before the Senate and House—at a time when all Members have an opportunity to do more than vote up or down a conference report. Fortunately, as Calvert Cliffs and other court decisions have indicated, the courts will not abide the diminution of the authority of environmental laws, through the vehicle of floor speeches reinterpreting clear legislative language.

I think there are limitations on how far one can go in interpreting the explicit and unambiguous language of the conference report. May I say that I agree with the Senator that we did have the colloquy on the Senate floor that he referred to, and we did have that understanding. Unfortunately since that time we have had a number of Federal decisions, including the Calvert Cliffs case. In addition, we have had guidelines promulgated by the Council on Environmental Quality and even regulations promulgated by EPA, which has abrogated our understanding and the effect of that colloquy.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COOPER. Mr. President, I yield 3 minutes to the Senator from Wisconsin (Mr. NELSON).

Mr. NELSON. Mr. President, first I want to commend the distinguished Senator from Maine for the excellent work he has done, along with the committee members, in preparing and negotiating this bill through. It is a long step forward from where the committee started a half dozen years ago.

Mr. President, on balance, the greatly increased funding and new initiatives such as the clean lakes drive make this water quality measure an important forward step in the Nation's clean environment effort.

The measure authorizes $18 billion over the next 3 fiscal years for the key program of Federal aid for municipal waste treatment plant construction.

As I understand it, in a response to State complaints that earlier Federal money commitments were not being met, the money authorized by this legislation could be obligated for the aid grants to municipalities without annual action by Congress.

Only if the President's Office of Management and Budget or the Congress specifically directed otherwise would the money not be available at the levels in the legislation, according to my understanding.

There has been considerable discussion in recent days about another provision in the bill, section 511(c)(1), which deals with the National Environmental Policy Act. While this section does specifically authorize some exemptions from the environmental policy act to avoid conflict with other key environmental aims, the reach of these exemptions would appear to be narrow.

For example, while the section does appear to mean that the Administrator's actions are not defined as "major Federal actions" under section 102(2)(C) of NEPA, the rest of NEPA appears to be left intact and applicable as far as this bill is concerned.

Is that a correct statement?

Mr. MUSKIE. I think I have answered the point in response to Senator JACKSON.

Let me read something from the colloquy at the time NEPA was enacted. This is Senator JACKSON's language:

> Many existing agencies, such as the National Park Service, the Federal Water Pollution Control Administration, and the National Air Pollution Control Administration, already have important responsibilities in the area of environmental control. The provisions of section 102 as well as 103 are not designed to result in any change in the manner in which they carry out their environmental protection authority.

Why did we put this in? We put it in because we wanted the water pollution control agency to have the authority to clean up the waters in connection with the specific requirements set out in this legislation.

To inject now, from the outside, other influences, other agencies, including EPA, is simply to give industrial polluters another forum to block progress toward our objective.

I want this legislative history to be clear on this point.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. COOPER. I yield the Senator the remainder of my time.

Mr. NELSON. I am glad to see this doubly clarified. That was my understanding.

May I ask one question: Is there anything in the bill that would prohibit any State from establishing any water quality standard higher than the standards established under this act?

The PRESIDING OFFICER. All time has expired.

Mr. NELSON. Mr. President, I ask for 1 minute, to permit the Senator from Maine to answer.

Mr. JACKSON. Only 1 minute, because I had requested time originally from the leadership, and I agreed to a half hour, and I have had 4 minutes. It does affect the committee I chair. If it is only 1 minute, I will not object; otherwise, I shall ask unanimous consent for time, because I have a long series of questions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. I say to the Senator that I wanted to check with the staff, to be sure I was correct that the States' rights are fully protected.

Mr. NELSON. They may have a higher standard?

Mr. MUSKIE. That is correct.

Mr. NELSON. While EPA may not be subject to the "impact statement" requirements that it has complained about, its actions nevertheless, under this language, would seem to be subject to those important parts of the National Environmental Policy Act falling outside section 102(2)(C). The language of section 511 (c)(1) of this bill appears to be drawn specifically enough on that point that I assume the courts will restrict its applicability in this manner.

However, I would also like to point out that section 104 of the National Environmental Policy Act requires that nothing in sections 102 or 103—

> Shall in any way affect the specific statutory obligations of any Federal agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other Federal or State agency, or (3) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

Thus, it seems clear that NEPA could not be used to frustrate the vital environmental purpose of this measure, which is to clean up the Nation's waters without delay, and this is as it should be.

Mr. GRIFFIN. Mr. President, on behalf of the distinguished Senator from Texas (Mr. Tower), I ask unanimous consent that a statement by him on the conference report on the Federal Water Pollution Control Act Amendments of 1972 be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR TOWER

The Conference Report on the Federal Water Pollution Control Act Amendments of 1972 is deficient in its allocation of waste treatment funds to states which have been the vanguard of the secondary treatment effort for many years, such as the State of Texas. The program traditionally has allocated funds on the basis of population, which is the fairest way to distribute the federal funds because it requires the states and localities to keep up a reasonable tax and expenditure effort of their own if they want to have adequate pollution control facilities. The federal government is not put in the position of bailing out a half-hearted or inadequate effort by the states and localities to look after their own pollution problems.

But this bill will now change the allocation basis to one of needs—i.e., the states which have been remiss in looking after their pollution problems will now get the lion's share of the funds for new waste treatment plants. This simply is not fair to the states which have diligently pursued secondary treatment over past decades, as has Texas. The people of Texas have invested a great deal in handling their own pollution problems, and under this bill they will now be penalized for having been responsible and self-reliant.

I certainly am in favor of getting the pollution problems of *all* states cleared up, but I do think that the Congress should also do equity to those states which have already been diligent in this regard and give them their fair share of the funds to be made available under this program. For the State of Texas, the allocation will be only half of what it should be under a population basis, and I intend to pursue remedial legislation for this deficiency at the earliest time the Public Works Committee will entertain such a proposal. I recognize that the "deficient" states have a solid majority presently and are immediately interested in getting these funds approved without further delay, but I hope that they will be open to the equitable legislation which I will be proposing for later consideration. I know that this will also be of great concern to my colleague from Texas, who can help guide corrective legislation through his Committee, at the appropriate time.

Mr. TUNNEY. Mr. President, during the past 20 years we have spent nearly $20 billion in public and private funds on water quality programs in an effort to redeem the beauty and usefulness of our Nation's waters. The progress made has been minimal at best. The enormous erosion of the quality of all of our waters creates the prospect that it may soon be too late to find a significant body of clean water in this country.

Because it was clear that something had to be done swiftly and effectively if we were going to preserve our Nation's waters as well as the health of our citizens, many of us devoted hundreds of hours of time last year in developing S. 2770, the Water Pollution Control Act Amendments of 1972, which passed the Senate by a unanimous vote in November 1971. Now, after months and months of Senate-House conference, we are presented with a conference report which reflects many of the substantial achievements of the Senate-passed legislation. I am pleased to vote for this important legislation which provides us with the goals and the means to achieve adequate water quality and eventually pollution-free water.

The bill authorizes $24.6 billion to achieve its ultimate objective of restoring and maintaining the natural chemical, physical, and biological integrity of the Nation's waters, and to end the discharge of pollutants into the navigable waters by 1985.

For the first time it declares as a national goal where we are going and when we should be there in our water pollution control efforts. It is therefore a decisive redirection in national policy.

GOALS

The national program would be carried through two distinct phases of execution.

Phase I—which was originally set for 1976 in the Senate-passed legislation—requires that for point sources of pollutants, limits shall be established not later than July 1, 1977, which comply with specifically defined levels of effluent control and treatment. These 1977 goals shall be at least secondary treatment for publicly owned treatment works and the best practicable control technology currently available for other point sources—and in all events shall be those levels of treatment or control which comply with previously adopted State or Federal water quality or effluent control laws and regulations.

In phase II, a further national effort shall move toward eliminating by 1983—2 years later than I had hoped—all pollutant discharges, or at least applying the "best available" control technology wherever any applicant can show to the Administrator that such technology cannot produce the "no discharge" goal.

In addition to these two phases, I introduced, as a member of the Public Works Committee, an additional goal into the legislation which was adopted by the Senate and by the conference committee. I felt that the country was never going to solve its pollution problems until we legislated fixed goals, set a timetable for their accomplishment and committed a sufficient amount of money to do the job. For this reason, in hours of executive sessions, I insisted that the bill mandate a national standard, to be achieved by 1981, that would allow for swimming and the propagation of fish, shellfish, and wildlife in all of the Nation's waters. This standard was the only one which survived conference without being pushed back another year.

MEANS

The agreement reached by the conference provides for the continuation of water quality standards already in existence, plus limitations on the amount of effluents plants may discharge into any of the Nation's waters. In every case, the effluent limitations must be sufficiently stringent to maintain the quality of the water as prescribed by the standards, but effluent limits will be a minimum measure of compliance. This procedure is essential, for it allows the Administrator to require the best control technology without having to provide a direct relationship between water pollution and water quality. Effluent limits, therefore, allow for swifter action in the fight against water pollution.

The Senate had changed the discharge permit system to reinstate the Federal-State relationship by giving the Administrator of EPA the responsibility of enforcing Federal standards. As it exists now, the permit system is run by the Army Corps of Engineers and has proven extremely complex and difficult to implement, often resulting in duplication and damage to the existing State program. The conference has somewhat diluted the authority of EPA over the permit system, but it is still a significant advancement over the system as it now exists. This bill would direct the Administrator of EPA to establish guidelines within which the separate States must operate their permit program. EPA will have permit-by-permit veto until the guidelines go into effect. Once that occurs, however, EPA will only be able to veto a permit if the State permit does not conform to the guidelines and requirements of the law or unless the Governor of a downstream State demonstrates that his waters are being polluted by permitted effluent discharges in another State.

Another important advancement over present programs is the development of areawide treatment management plans to assist Governors and local officials in designating areas confronted with serious water quality problems. The Government would pay 100 percent of the cost of developing the plans for the first 2 years, and 75 percent of the cost thereafter. The plans developed are to be utilized by the States and by EPA—in conjunction with the Corps of Engineers—in managing water pollution control problems.

Under this bill the Administrator of EPA is also authorized to make grants for the construction of a publicly owned waste treatment works. The Federal share of the cost of waste treatment projects is increased from the existing maximum of 55 percent to a new maximum of 75 percent. In addition, in cases where States decline to participate in cost sharing, the Federal Government will still pay up to 75 percent as compared to the current maximum of 30 percent. The bill authorizes $18 billion for sewage treatment construction grants. California's share would be approximately $1,429,700,000.

Several other significant sections in the bill authorize over $430 million in research, development, and demonstration programs to give the Administrator of EPA the technological tools and information needed to achieve the objectives of this legislation. In order to achieve the goals of the legislation, the most sophisticated use of systems analytical techniques which our aerospace and similar industries can provide will be required. This bill will begin to make effective use of the legislation which recently passed the Senate, S. 32, establishing new priorities for the use of our Nation's technical skills.

The legislation also provides over $100 million for approved State pollution control programs. The broad authority for training grants is also extended to authorize the Administrator to make grants for construction of waste treatment works and to provide for necessary education and training facilities for operation and maintenance personnel.

The bill also deals with efforts to eliminate thermal discharges. The Administrator is given the authority to impose the effluent standard which I introduced to assure the protection and propagation of a balanced water and wildlife from the dangers of thermal discharges by 1981.

Although there are several sections of the bill which I feel do not strengthen the fight against pollution, that is, the section dealing with civil suits which do not allow legal action unless those filing the suit are directly affected by the violation of Federal laws or regulations, I am convinced that we must pass this legislation if we are to make any serious effort to end water pollution before it is too late. The longer we wait to attack this problem, the more expensive it will be and the less sure we can be of the results which can be achieved.

Mr. HART. Mr. President, thanks are due the conferees on S. 2770, the Federal Water Pollution Control Act Amendments of 1972. The job they have done is evidenced by the tremendous number of differences that existed between the House and Senate bills which have been resolved by the conference report now before us. When this measure becomes law, the Environmental Protection Agency will at last have the tools to apply a firm grasp on the water pollution problems of this country.

One of the tougher issues before the conferees was how to relate this legislation with the requirements of the National Environmental Policy Act. NEPA has proved to be one of the most effective pieces of environmental legislation to pass the Congress and has forced the executive agencies into a much needed look at the environmental impact of their activities.

At the same time, it should be recognized that a recent court decision, *Kalur* v. *Resor*, 335 F. Supp. 1, has had the effect of requiring an environmental impact statement for many and perhaps most permits granted under the Refuse Act of 1899 and has caused the Environmental Protection Agency some problems. The conferees have dealt with this problem admirably in section 511(c)(1) of the legislation, although the exemption does appear to go beyond the preparation of impact statements for the issuance of permits to the preparation of those statements for other activities as well.

It is heartening to see that the exemption granted by section 511(c)(1) is otherwise a tightly drawn one, removing certain of the Administrator's actions from the impact statement requirements of section 102(2)(c) of NEPA but leaving the rest of NEPA applicable. Thus, the other requirements of NEPA including the consideration of alternatives to the proposed action as well as the consideration of environmental matters beyond water quality will continue to apply. In most of the EPA's functions under these amendments, the impact of a regulatory action beyond water quality will be considered and dealt with under various sections of the legislation before us, but NEPA's similar requirements will be particularly useful in EPA's decisions concerning the control of nonpoint sources of pollution as well as the granting of permits under section 402. In those two instances, the requirements of the legislation for consideration of nonwater quality related environmental impact is less clearly stated. It is my view that those requirements of NEPA and the similar requirements under this legislation are entirely consistent and will have the effect of buttressing each other.

Alarm has been voiced that efforts to prevent environmental damage to Lake Superior involving the discharge of taconite tailings by Reserve Mining Co., will be hindered by this legislation. It is my understanding, however, after the explanation of the Senator from Maine, that the suit now pending against the Reserve Mining Co., under the Refuse Act of 1899 will in no way be affected nor will any of the other counts under the existing Federal Water Pollution Control Act or other law.

Mr. BOGGS. Mr. President, I wish to express my strong support for the conference report on S. 2770 the Water Pollution Control Act Amendments of 1972.

This bill is truly landmark legislation. It sets a national goal of the eventual elimination of water pollution, and it places this Nation on a steady course toward that goal.

The distinguished floor manager of the conference report (Mr. MUSKIE) has most ably described this legislation, section by section. I shall not attempt to repeat his careful and accurate analysis of the bill's national impact.

Rather, I have put together an evaluation of the amendments, showing how this legislation will affect a single State, Delaware. Mr. President, I ask unanimous consent that a copy of this analysis be printed in the RECORD at the conclusion of my remarks.

I do want to stress my view that this legislation is both fair and firm. It establishes a goal that can be achieved, and must be achieved. Governmental and industrial groups must begin to direct our efforts toward an elimination of pollution, where feasible, not just the reduction of pollution. By setting a no-discharge goal, we will direct research toward complete, rather than partial, solutions.

Yet we recognize that such a goal cannot be achieved with certainty within a few years. As a result the bill creates a phased program of improvements, placing industry on notice of what it will be required to do over the next decade, removing the threat of new and differing legislative approaches every couple of years.

Another major emphasis in this legislation is the assistance it provides to States and local communities in constructing systems that will treat wastes more effectively. Federal grants of 75 percent are provided to assist communities in treating their municipal wastes.

Control of ocean dumping, of course, is vital to any effective water pollution control program. As Senators are aware, the Committee on Public Works and the Committee on Commerce share jurisdiction over this aspect of the national pollution control program. This conference report offers a three-pronged attack on the pollution of our seas.

First, the conference report creates a mechanism for controlling, with permits, the discharge of any pollutant into the ocean from an outfall pipe. This is true whether the outfall extends a few feet or 100 miles.

This bill also controls, by permit, any discharge of pollutants from a vessel that occurs within the navigable waters.

And third, section 405 of the conference report establishes a special procedure controlling the disposal of sewage sludge. This section covers several possible situations. For example, it would require an EPA permit if the sludge is deposited on land, and there is a possibility that the sludge may run off into a river.

Or it would require an EPA permit if sludge is dumped anywhere at sea, and there is a likelihood that currents would sweep the sludge back into the navigable waters of the United States.

The Committee on Public Works held a most informative hearing in Rehoboth Beach, Del., last year on the danger of ocean dumping. That hearing demonstrated the need for control procedures such as section 405, because millions of gallons of sewage sludge were being discharged at a site from which the currents apparently carried the sludge ashore.

Before closing, I want to express a word of commendation to my colleagues on the conference. We met during many, many long hours in the effort to resolve the differences in this very complex legislation. The chairman of the conference, the distinguished gentleman from Alabama (Mr. JONES), was most helpful and cooperative throughout the conference. His leadership carried us over many potential difficulties and is largely responsible for bringing us to a final agreement. The same constructive approach was taken throughout by the gentleman from Ohio (Mr. HARSHA), who worked tirelessly on this legislation. I commend both of these gentlemen, as well as their colleagues among the conferees representing the House.

Certainly, this body knows of the dedicated work of my colleagues among the Senate conferees. The distinguished Senator from West Virginia (Mr. RANDOLPH) and the distinguished Senator from Maine (Mr. MUSKIE) spent many hours of hard work in order to reach this agreement. They provided both leadership and a sense of bipartisan cooperation that was essential to a resolution of the issues.

I also certainly want to commend the distinguished Senator from Tennessee (Mr. BAKER) for his service, his sound ideas, and his good humor. As always, Senator Baker worked forcefully and effectively for the Senate position. Our other Senate colleagues on the conference, Senator BAYH and Senator EAGLETON, also provided great assistance during the conference.

I have not yet mentioned one of our colleagues, the distinguished senior Senator from Kentucky (Mr. COOPER). That is because it is difficult to find the words of gratitude, respect, and admiration that I feel for JOHN COOPER.

Senators know of the great and tireless work he devoted to this bill. You know of the many creative ideas he presented, ideas that acted so often as the glue that held together this long and difficult conference.

Mr. President, it is always an occasion of mixed emotions when one of our distinguished colleagues decides to retire from the Senate. We are saddened to see him go. Yet we offer him good luck and the best of wishes. This is especially so when we lose a man of such outstanding ability as the senior Senator from Kentucky.

He has been a public servant and statesman for over a quarter of a century. To both roles he has brought an unusual blend of dedication, perception, concern, and honesty. America is in his debt for this.

It has been a great honor for me—for all of us—to serve with Senator COOPER on the Committee on Public Works over the years. His advice and counsel can always be depended upon, not only for its sincerity and grasp of the issues, but for his sensitivity to the human factors involved.

Personally, I have been with JOHN COOPER on Public Works for the entire 12 years I have served in the Senate. I have joined him on many, many conference committees. And while I may yet have the opportunity to serve on one or two more conferences with him, none will carry the significance—or the length—of this water-bill conference.

For that reason, I shall personally look back upon this conference with a special sense of sentiment and affection. To me, this will be JOHN COOPER's bill and JOHN COOPER's conference.

He has done the Senate and the Nation a great and monumental service.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

THE NEW WATER POLLUTION CONTROL LEGISLATION: HOW IT HELPS DELAWARE

WASHINGTON, D.C., September 29, 1972.—The Senate-House compromise version of the bill to control water pollution contains many significant changes in law designed to clean up the rivers and lakes of Delaware and the nation. Many experts consider it to be the most important pollution control legislation ever adopted by the Congress.

The following is an analysis of the scope of the legislation, relating the legislation to the benefits available to the people of Delaware.

INCREASED FEDERAL SUPPORT

During fiscal year 1972, Delaware communities were eligible for grants totaling $4,990,000 for use in the construction of new sewage plants and interceptor sewers.

Under the pending amendments to the law, the sums available to Delaware are increased sharply, and the allocation formula has been altered to Delaware's benefit. In the current fiscal year (1973), if the full amount of contract authority permitted by the bill is released ($5 billion), Delaware communities would receive $32,820,000 for such construction.

This increase will accelerate the construction of new facilities in Delaware and lower dramatically the proportionate cost to the community and to the state. Under existing law, a Delaware project may qualify for a federal grant of up to 55% of the cost of the project. The new legislation raises the federal share to 75% of the project's cost.

Additionally, the amendments would finance the construction of collection-sewer systems out of the water pollution control program run by the Federal Environmental Protection Agency (EPA). Present law does not give this authority to EPA.

These differences in percentages and scope will increase the federal contribution to Delaware projects already on the drawing board by at least $17,000,000. (See attached chart A).

FASTER PAYMENTS

The amendments direct a speed-up in the schedule of grant payments to communities, so they will not have to wait until a major portion of the work on a project has begun before receiving federal checks. The legislation also endorses a "phased-grant" approach developed by Delaware. This approach allows Delaware to spread its annual federal grant allocation among many projects, starting each with a partial grant, rather than requiring that a few projects be fully funded annually.

While this approach may not mean more construction, over the long run, it means that all of Delaware's needs can be met sooner.

USER CHARGES

The bill requires that a grant recipient establish an equitable user charge system that covers the operating, maintenance, and replacement costs of the project. User charges are designed to assure that the burden of any system's costs will be spread among all users of the system, in relation to the volume of wastes discharged, not financed out of local taxes.

The amendments also required that any industry participating in a municipal system that receives a new construction grant repay that portion of the federal grant attributable to that company's wastes. A portion of this repayment on the capital costs would go to the local community for future expansion and reconstruction of the system.

ENVIRONMENTAL FINANCING

A new Environmental Financing Authority is established by the amendments. This agency would purchase a community's sewage bonds at a reasonable interest cost to the community, if the community was unable to obtain a fair interest cost in private markets. Programs such as this, as well as the increased grant percentage and scope, should make more Delaware projects feasible. (See attached chart C).

REIMBURSEMENT

The amendments also recognize that many communities failed to receive the full 50% federal grant envisioned by the Congress at the time of passage of the Clean Water Restoration Act of 1966. In part, this was because many states failed to respond immediately with matching-grant programs that would have automatically increased the federal share. The 1972 amendments, retroactively, increase to 50% all grants that were made between July 1, 1966 and June 30, 1972.

At least five projects in Delaware will qualify for such retroactive grants, bringing at least $323,000 in additional funds to these communities. (See attached chart B).

STATE AGENCY SUPPORT

An important aspect of any program to control water pollution is the work of the state action agencies that develop and administer state-wide plans and priorities for implementing the water-pollution control program. Under present law, Delaware received $86,942 for agency support from the Federal government during fiscal year 1972.

The new law increases this form of assistance to make Delaware's already effective program more effective. While the actual allocation remains to be worked out, it is expected that Delaware would receive a sharp increase, possibly to several hundred thousand dollars, this fiscal year, if all funds are appropriated under the new amendments.

BRANDYWINE RIVER

The legislation also authorizes the EPA to designate selected river basins to be turned into pollution-free rivers as a model for other areas of the country.

The Senate report on the legislation specifies the Brandywine Valley as the best location for such a national demonstration. Once these amendments become law, a state or interstate group would apply to EPA for such model-river designation. Funds for demonstrating new pollution-control methods would come out of the annual demonstration budget, which totals $60,000,000 for fiscal 1973.

The bill also requires that anyone removing sewage sludge from one area and depositing it at another site, for the purposes of disposal, must obtain a permit if any of the sewage might drain into a river or lake. This requirement would cover situations like the possible removal of sewage sludge from the path of Highway I–95 near Philadelphia Airport and its disposition along the upper reaches of the Brandywine River.

TRAINING FACILITIES

The amendments authorize a program for Federal construction of training facilities to be built in connection with a sewage-treatment plant. The purpose would be to improve the skills of plant operators. One such facility is authorized per state, at a cost of up to $250,000 per state. Because of the excellent programs developed under the leadership of Delaware State College and the State, it is anticipated that Delaware would qualify as the site for one of these training facilities.

PERMIT SYSTEM

The bill establishes a new national system of permits, which all industries and municipal dischargers must obtain. This replaces the permit program established under an 1899 Refuse Act, now tied up in the courts.

INDUSTRIAL POLLUTION

To obtain the necessary permit, any industrial discharger must meet the increasingly strict standards for control of pollution that are established by the legislation. The first deadline is July 1, 1977, when the industry must have in operation that level of control technology that EPA determines to be the best practicable.

The second deadline is July 1, 1983, when that plant must achieve the "best available technology economically achievable", a control level that is tighter than the 1977 standard. The "national goal" of the legislation is the elimination of all pollution discharges by 1985. Violations of a permit requirement or failure to obtain a permit subject the violator to fines of as much as $25,000 a day.

SMALL BUSINESS

The bill sets aside an $800,000,000 fund for low-interest loans to small businesses in Delaware and elsewhere in an effort to help them meet the pollution-control standards in the bill.

CITIZEN SUITS

This bill creates a mechanism allowing private citizens to go to court to assure the attainment of pollution-control standards.

OCEAN DUMPING

The bill effectively controls ocean dumping with a permit system.

The legislation prohibits the disposal of any sewage sludge at sea, if any of the sludge would wash into the navigable waters (the three-mile limit). Thus, to continue dumping off Rehoboth, the City of Philadelphia would have to show that its pollutants are not carried by currents into Delaware's waters or onto Delaware's beaches. If the sludge does enter these waters, the City of Philadelphia would have to obtain a permit for disposal. This new provision should assure firm and complete protection of Delaware's coastline.

Second, the bill restricts any discharge from a pipeline into the sea, even if the pipeline extends 100 miles to sea.

CHART A.—A SAMPLING OF DELAWARE PROJECTS STARTED AFTER JULY 1, 1972

Project (County in brackets)	Estimated total cost	Estimated eligible cost (under existing law)	50 percent grant level (old law)	75 percent grant level (new legislation)	Estimated increase
Little Mill Creek relief sewer (New Castle)	$452,000	$452,000	$226,000	$339,000	$113,000
Delaware City S. & P. improvements (New Castle)	250,000	250,000	125,000	187,500	62,500
Frederica (Kent)	473,000	137,380	68,690	354,750	286,060
Magnolia (Kent)	190,000	43,400	21,700	142,500	120,800
Bethany Beach (Sussex)	4,127,000	2,422,000	1,211,000	3,095,250	1,884,250
Brookside Cool Run (New Castle)	1,071,000	1,071,000	535,000	803,250	260,250
White Clay (New Castle)	857,000	857,000	428,500	642,750	214,250
Red Clay (New Castle)	830,000	830,000	415,000	622,500	207,500
Christina River (New Castle)	6,696,000	6,696,000	3,348,000	5,022,000	1,674,000
Brian Park (Kent)	2,900,000	700,000	350,000	2,175,000	1,825,000
Seaford (Sussex)	1,000,000	986,000	493,000	750,000	257,000
South Bethany (Sussex)	2,923,000	1,464,000	732,000	1,719,750	987,750
Odessa (New Castle)	580,000	580,000	290,000	435,000	145,000
Matson Run relief (New Castle)	$247,000	$247,000	$123,500	$185,250	$61,750
Devonshire relief (New Castle)	381,700	381,700	190,850	286,275	95,425
Button Wood relief (New Castle)	338,000	338,000	169,000	253,500	84,500
South Christina relief (pt. B) (New Castle)	932,000	932,000	466,000	699,000	233,000
Cheswold (Kent)	244,000	72,985	36,492	183,000	146,508
Hospital for mentally retarded (Sussex)	164,000	164,000	82,000	123,000	41,000
Smyrna P.S., F.M. (Kent)	40,000	38,500	19,250	30,000	10,750
Estimated costs on other projects to be funded soon	29,990,000	28,100,000	14,050,000	22,490,000	8,470,000
Total for Delaware	54,685,700	46,762,965	23,380,982	40,539,275	17,180,293

CHART B.—EXAMPLES OF DELAWARE PROJECTS APPROVED BETWEEN JULY 1, 1966 AND JUNE 30, 1972, THAT WOULD BE ELIGIBLE FOR SEC. 206 REIMBURSEMENT

Project	Total cost	Eligible cost	Grant level (30 percent)	Grant level (50 percent)	Sec. 206 increase
Selbyville	$1,944,385	$707,735	$212,310	$353,868	$141,558
Smyrna	327,000	260,000	78,000	130,000	52,000
Georgetown	107,900	107,900	39,170	53,950	14,780
Lord Baltimore School	$78,216	$78,216	$23,464	$39,108	$15,644
Harrington	497,472	497,472	149,241	248,736	99,495
Total					323,477

CHART C.—ADDITIONAL PROJECTS

Examples of Delaware Projects that have not proved attractive economically under a 50% grant formula, but which may prove to be attractive under the broader scope and higher Federal share established by the amendments.

(1) Frankford—Dagsboro

(2) Blades

FEDERAL WATER POLLUTION CONTROL AMENDMENTS OF 1972

Mr. BAYH. Mr. President, I support the conference report on S. 2770, the Federal Water Pollution Control Act Amendments of 1972. This bill is the product of many, many hours of meetings, both by the Public Works Committee here in the Senate, and by the House and Senate conferees. It is a strong, innovative, well-considered bill which will make a tremendous contribution to our effort to preserve and regain a clean, healthy environment. The distinguished Senator from Maine (Mr. MUSKIE), the distinguished chairman of the Senate Public Works Committee (Mr. RANDOLPH), and the distinguished ranking minority member (Mr. COOPER) deserve great credit for their work in bringing this bill through conference and to the floor. I was pleased to be able to work with them, both as a member of the Public Works Committee—and its Subcommittee on Air and Water Pollution—and as a member of the conference committee.

The bill before us, Mr. President, combines in many ways the best features of the differing water pollution control bills passed by the two Houses. The conference committee wisely chose to retain the national goals established in both bills: the primary goal of eliminating the discharge of pollutants into the water by 1985, and the interim goal of achieving water quality by 1983 sufficient to provide for the protection of fish and wildlife and for recreation in and on the water. The bill also contains the heart of the Senate bill: a continuing water pollution control program which is based on technology, instead of water quality standards. Under the conference bill, which is very similar to the Senate bill on this point, industry will have to meet increasingly stringent effluent limitations: by 1977, industry would have to meet limitations based on the best practicable technology; and by 1983, industry will have to meet more advanced effluent limitations based on the best available technology economically achievable—including no discharge of pollutants. The whole thrust of the bill is to force industry to do the best job it can do to clean up the Nation's water, and to keep making progress, without incurring such massive costs that economic chaos would result. Similarly, municipal treatment plants must consistently do better to meet this bill's standards: by 1977 these plants must meet secondary treatment standards, and by 1983, they must meet more advanced standards.

I should emphasize that this is a continuing program; no further congressional action is necessary—other than authorizations and appropriations, of course—for the program to operate. The House version of the bill had authorized a program only until 1976, with a study and further congressional action after that. The conferees retained the study, but it is no longer necessary, though it would be entirely possible if appropriate, for Congress to act to continue the program.

The conferees agreed to accept the House passed authorizations for grants to the States for the construction of waste treatment plants, including sewage collection systems. This is construction which is absolutely essential if we are to make any meaningful progress toward the national goals established in the bill. The total authorization for this purpose is $18 billion over the 3 fiscal years ending in 1975. There is no doubt that this money is needed, for without substantial authorizations the bill would be little more than a series of empty promises. The amounts allocated for grants for construction of treatment works will be distributed to the States on the basis of need, with the Federal share of construction costs being 75 percent. Under the provisions of the bill, the allotments for my own State of Indiana for fiscal years 1974 and 1975 will amount to approximately $370 million—not enough to meet every need in my State, to be sure, but enough to make a very significant contribution to solving the problems we have.

The conferees also retained provisions which had appeared in both bills relating to new sources of water pollution. These sources will have to meet very high standards of effluent control—standards which are based not only on the technology available to control discharge, but also on available production processes. This means that in the design and construction of new industrial plants, methods for recycling wastes and otherwise minimizing the production of effluents will be taken into account. The result will be that as our older plants are replaced with newer ones, our water pollution problems will come more and more under control.

We have learned by disappointing experience, Mr. President, that without strict enforcement and meaningful deterrents, water pollution control laws will have no real effect. The bill before us provides the enforcement and deterrents we need. Enforcement of the standards in the bill will be accomplished by a permit program, initially to be run by the Administrator of the Environmental Protection Agency, and then, as soon as State programs are well underway, by the States themselves. The Administrator of the Environmental Protection Agency will not be able to veto a permit issued by a State except in very limited circumstances; when the permit does not conform to the guidelines or where another State complains. Of course, if a State program becomes inadequate, the program will revert to the Administrator. Each permit for discharges into the water will contain conditions which will assure that the effluent limitations in the bill are met. The Administrator of the Environmental Protection Agency can issue abatement orders if the law is violated.

Furthermore, the bill contains substantial deterrents, which should guarantee that the conditions of the permits and that the other provisions of this bill are complied with. Civil penalties of up to $10,000 per day of violation and criminal penalties of up to $50,000 per day of violation and 2 years imprisonment are provided.

In addition, the bill, like the Clean Air Act and other environmental legislation we have passed, contains provisions for citizen suits for injunctions against persons who violate the law or the conditions of permits—including the Administrator of Environmental Protection Agency and other Government officials. Citizen suits—in which the plaintiff cannot collect damages for himself, but can simply seek an injunction to prevent violations—can be a very important tool for keeping industry and Government alike from letting standards and enforcement slip. The conferees agreed to remove the very limiting restrictions the House bill had placed on citizen suits, and to substitute simply the requirement that the citizen who brings the suit have an interest—including, of course, an environmental or esthetic or recreational interest—which might be adversely affected. Though not as broad as the Senate bill, the citizen suit provision before us will not prevent any legitimately concerned citizen or group from bringing suit to prevent the law from being violated.

I invite the Senate's attention to three additional areas which are of particular interest. First, the bill continues existing programs for pollution control in the Great Lakes, and, in addition, creates a new clean lakes progrm, under which the States will classify their lakes according to condition, and develop plans for preventing pollution. Over the next 3 fiscal years, $300 million is provided for these purposes. I think this is a very important program, and I am hopeful we will be able to use it to help save Lake Michigan. Second, the bill requires the President to undertake to enter into international agreements for uniform standards of pollution control. This is a difficult assignment, of course, but it is a crucial one. Without such agreements, American businesses and jobs could suffer at the hands of those countries which do not have proper concern for the environment; and without uniform standards the world environment, and our own, will be spoiled by this pollution. Third, the bill contains provisions which are designed to prevent environmental blackmail. These provisions direct the Administrator of Environmental Protection Agency to investigate threatened plant closures or reductions in employment which allegedly result from water pollution control requirements, and to issue a report to the public on the incident.

I have been able, Mr. President, to touch only on the highlights of this bill. In addition, the bill contains provisions controlling the discharge of toxic pollutants, requiring areawide planning; providing for user charges in municipal treatment works; dealing with marine sanitation, oil spills, disposal of dredged spoils, and thermal pollution; creating ways for communities which otherwise cannot do so to raise money for their share of treatment works; funding additional research and development; and granting reimbursement to cities which built treatment plants under prior Federal law but never received reimbursement. Even with this listing, I have not exhausted the points covered by the bill.

Mr. President, a conference committee, if it is to succeed, must reconcile the differences between the Houses. The final result of reconciliation and compromise is sometimes an improvement—as this bill is in some areas—and sometimes a disappointment—as this bill on occasion is as well. On the whole, however, there can be no doubt that this is the most significant environmental legislation we have considered since the Clean Air Act. It is a good, sound, reasonable piece of legislation, which will, I believe, make it possible for us to meet our goal of clean waters. I will be pleased to vote for it.

Mr. EAGLETON. Mr. President, the Federal Water Pollution Control Act Amendments of 1972 have been the subject of careful and lengthy consideration by both bodies of the Congress. On the Senate side alone, members of the Air and Water Pollution Subcommittee and the Public Works Committee have met well over a hundred times in public hearings, executive sessions, and conferences with the House Public Works Committee on this important legislation. Few bills are the subject of the kind of intensive scrutiny and careful deliberation which this bill received. The time and energy which it commanded from Members of both bodies of Congress is a fair measure of the urgent need for this legislation and its importance to the Nation.

If one word best describes the Federal Water Pollution Control Act Amendments of 1972, it is the word "comprehensive." It is comprehensive in its coverage of water pollution sources; it provides a broad-gauged but tightly knit programmatic attack on water pollution; and it engages all levels of government, and enlists individual citizens as well, in a concerted national effort to cleanse our water. By any objective measure, enactment of this bill would mark the most significant advance in the almost 20-year history of the Federal water pollution control program.

For this reason, Mr. President, I was greatly surprised recently to hear of a speech delivered by the Administrator of the Environmental Protection Agency, Mr. Ruckelshaus, in which he reportedly stated that he will be able to conduct a successful water pollution control program in the future without this legislation. If the reports of his statements are reliable, and I have no reason to doubt them, the administration's thinking has changed markedly since Mr. Ruckelshaus last discussed the Federal water pollution control program with Members of this body.

Mr. President, it is also profoundly regrettable that the statements attributed to Mr. Ruckelshaus are being characterized as an effort on his part to lay the groundwork for a Presidential veto of the Federal Water Pollution Control Act Amendments of 1972. I know I speak for all Members of this body when I say that I hope that the early reports of an impending Presidential veto of this important bill have been greatly exaggerated. A Presidential veto of this bill would wreak havoc on the water pollution control programs of the 50 States and undercut plans already made by hundreds of municipalities to build advanced waste water treatment plants.

If the Federal Water Pollution Control Act Amendments of 1972 fail to become law for want of the President's signature, the water pollution control program in the State of Missouri will suffer a grave setback. The taxpayers of Missouri have voluntarily assumed an additional tax burden in order to pay for construction of waste water treatment plants. At the present time, State authorities are receiving about 75 applications per year for construction assistance and total investment in treatment works is running at about $80 million per year. Approximately $20 million of that total represents Missouri's matching share of sewage treatment plant construction funding under existing law.

According to my computations, Mr. President, Missouri could expect to receive approximately $180 million in Federal assistance for fiscal 1973 and 1974 under the Federal Water Pollution Control Act Amendments of 1972. If the bill fails to become law, the State of Missouri will be forced to pursue other, and probably lesser, sources of Federal assistance for sewage treatment plant construction.

To be even more specific, Kansas City, Mo., plans to spend approximately $80 million over the next 3 to 4 years for sewage treatment plant construction and St. Louis and St. Louis County anticipate expenditures of approximately $140 million in the same period. If this legislation does not become law, it will be a serious setback for Kansas City and the Greater St. Louis area.

I might also note that failure of this bill to become law would cost St. Louis an additional $13 million and Kansas City an additional $9.3 million in funds which would be reimbursed to them under the bill for investments they made in sewage treatment plants when the full Federal matching share was not available to them.

This bill is also of critical importance to the continued health and vitality of the vigorous Missouri water pollution control program. I understand that approximately one-half of the Missouri water pollution control personnel and the entire enforcement capability of the Missouri water pollution control program will be lost if this bill fails to become law.

There are, of course, other provisions in the Federal Water Pollution Control Act Amendments of 1972 which are of intense interest to Missourians. The new research and demonstration project programs on agricultural pollution are of considerable importance to many people in Missouri. The same can be said of the new authority in the bill for construction of joint municipal-industrial waste treatment facilities. And the National Pollutant Discharge Elimination System and the innovations in the Federal-State relationship it embodies are as important to the success of the Missouri water pollution control efforts as they are important to the entire national program.

Mr. President, a great deal is at stake in this legislation. I urge the Members of this body to approve the report of the conference committee, and I call upon the President to sign this measure at an early date.

Mr. BAYH. Mr. President, I wish to direct a question to the distinguished Senator from Maine (Mr. MUSKIE) concerning the definition of water pollution in section 502 of this bill. As we are all aware, the problem of excessive, ocean-derived salt water intrusion is a matter of the most serious concern as it affects the estuaries, tidal marshlands and other water bodies of our country.

Under section 208(b) (2) (I) of the bill, areawide waste treatment plans must contain a process to identify this salt water intrusion and procedures and methods to control such intrusion to the extent feasible.

My question to the distinguished Senator is whether such salt water intrusion is pollution within the definition contained in section 502 of the bill?

Mr. MUSKIE. I am happy to reply to the Senator. Such salt water intrusion to which the Senator refers resulting from reduction of fresh water flows from any cause, including irrigation, obstruction, upstream storage, ground water extraction and diversions, is no less a problem in various areas of the country than many of the other serious pollutants which threaten our fresh water supplies. As was noted in the report of the Senate Committee on Public Works last October:

> Salt water intrusion, no less than point sources of discharge, alters significantly the character of the water and the life system it supports. Salt water intrusion often devastates the commercial shellfish industry. It must be accounted for and controlled in any pollution control program. It makes no sense to control salts associated with industrial or municipal point sources and allow, at the same time, similar effects to enter the fresh water as a result of intrusion of salt water. The bill requires identification of those causes and establishment of methods to control them so as to minimize the impact of salt water intrusion.

That language is as valid today as it was last year. For that reason, in answer to the Senator's question, I would state that it is the intent of the conferees and of the bill that such salt water intrusion is pollution as defined in section 502 of the bill.

Mr. BAYH. Mr. President, I would like to direct a few questions to the distinguished Senator from Maine (Mr. MUSKIE) concerning the citizen suit provision of this bill, section 505. My friend from Maine and I have worked together closely on this provision in the conference, but I wish to inquire for the record.

Section 505 is identical to the comparable Senate provision, with two changes. One concerns the time period before a suit may be brought. The other concerns the definition of "citizen." Is this correct?

Mr. MUSKIE. The Senator is correct. The provision in subsection 505(b) of the Senate bill which had permitted the bringing of an immediate action has been modified to permit the bringing of immediate action after notification only with respect to a violation of sections 306 and 307(a) of the act.

The other change does concern the definition of citizen. Under the Senate bill, as under the Clean Air Act, there was no definition of citizen. The House bill had defined it in a way which might have severely restricted citizen suits. The conference agreed to define "citizen" to mean "a person or persons having an interest which is or may be adversely affected."

Mr. BAYH. Under the definition of "citizen" could a group of persons, like a club, or a corporation or an unincorporated association bring a citizen suit, if the other requirements were met?

Mr. MUSKIE. Yes. The definition of "citizen" includes "persons" and it is intended that this word include groups like those you have identified. Under section 1 of title 1 of the United States Code, the word "person" would be so defined.

Mr. BAYH. I thank the Senator. Let me explore now the concept of "an interest which is or may be adversely affected." Would an interest in a clean environment—which would be invaded by a violation of the Federal Water Pollution Control Act or a permit thereunder—be an "interest" for purposes of this section?

Mr. MUSKIE. That is the intent of the conference, as I am sure the Senator from Indiana well knows. The conference report states:

> It is the understanding of the conferees that the conference substitute relating to the definition of the term "citizen" reflects the decision of the U.S. Supreme Court in the case of Sierra Club v. Morton (No. 70–34, April 19, 1972).

In the Sierra Club case, the Supreme Court was asked to interpret section 10 of the Administrative Procedures Act—5 U.S.C., section 702—which contains wording similar to that of section 505(g) of the conference bill. The Supreme Court emphasized that "the interest alleged to have been injured may reflect aesthetic, conservational and recreational as well as economic values." The Court also said:

> Aesthetic and environmental well-being, like economic well-being, are important ingredients of the quality of life in our society, and the fact that particular environmental interests are shared by the many rather than the few does not make them less-deserving of legal protection through the legal process.

Thus it is clear that under the language agreed to by the conference, a noneconomic interest in the environment, in clean water, is a sufficient base for a citizen suit under section 505.

Further, every citizen of the United States has a legitimate and established interest in the use and quality of the navigable waters of the United States. Thus, I would presume that a citizen of the United States, regardless of residence, would have an interest as defined in this bill regardless of the location of the waterway and regardless of the issue involved.

Mr. BAYH. I thank my good friend from Maine. I believe that the conference provision will not prevent any person or group with a legitimate concern about water quality from bringing suit against those who violate the act or a permit, or against the Administrator if he fails to perform a nondiscretionary act. These sorts of citizen suits—in which a citizen can obtain an injunction but cannot obtain money damages for himself—are a very useful additional tool in enforcing environmental protection laws. I am glad to see that authority for such suits is included in this bill.

Mr. MUSKIE. I thank the Senator from Indiana for his interest and for his help on this bill.

Mr. BAYH. I am grateful to the Senator for his hard work on this bill.

Mr. JAVITS. Mr. President, the bill which we are about to pass tonight represents landmark legislation which has been worked out over a period of many months by the Public Works Committees in both Houses. All involved deserve our congratulations and respect for this momentous accomplishment.

This bill represents a great step forward in the difficult fight against water pollution—a fight which we must win. New York State has for years been the leader in the effort to establish adequate treatment facilities and this bill will put the financing of these facilities on a much sounder basis as well as providing reimbursement for past efforts.

I hope that the States and all private businesses will make the effort required by this bill and that we will see the high goals called for in this bill reached at the time specified.

The PRESIDING OFFICER. The question is on agreeing to the conference report. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Oklahoma (Mr. Harris), the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Rhode Island (Mr. Pell), the Senator from Michigan (Mr. Hart), the Senator from Louisiana (Mr. Long), and the Senator from Minnesota (Mr. Mondale) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee) is absent on official business.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. McIntyre), the Senator from Rhode Island (Mr. Pell) and the Senator from South Dakota (Mr. McGovern) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Brock), the Senator from Arizona (Mr. Goldwater), the Senator from South Carolina (Mr. Thurmond), the Senator from Texas (Mr. Tower), and the Senator from North Dakota (Mr. Young) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Delaware (Mr. Boggs), the Senator from Oregon (Mr. Hatfield), the Senator from Texas (Mr. Tower), and the Senator from South Carolina (Mr. Thurmond) would each vote "yea."

Also the Senator from Delaware (Mr. Boggs), the Senator from New Jersey (Mr. Case), the Senator from Colorado (Mr. Dominick), the Senator from Oregon (Mr. Hatfield), the Senator from Ohio (Mr. Saxbe), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

The result was announced—yeas 74, nays 0, as follows:

[No. 520 Leg.]

YEAS—74

Aiken
Allen
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Edwards
Ervin
Fannin
Fong
Fulbright
Gambrell
Gravel
Griffin
Gurney
Hansen
Hartke
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Magnuson
Mansfield
Mathias
McClellan
Miller
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Tunney
Williams

NAYS—0

NOT VOTING—26

Allott
Anderson
Boggs
Brock
Case
Dominick
Eagleton
Eastland
Goldwater
Harris
Hart
Hatfield
Kennedy
Long
McGee
McGovern
McIntyre
Metcalf
Mondale
Mundt
Pell
Saxbe
Thurmond
Tower
Weicker
Young

So the conference report was agreed to.

ANTIHIJACKING ACT OF 1972

Mr. CANNON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2280.

The PRESIDING OFFICER (Mr. Gambrell) laid before the Senate the amendment of the House of Representatives to the bill (S. 2280) to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended to implement the Convention for the Suppression of Unlawful Seizure of Aircraft and to amend title XI of such act to authorize the President to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking by acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft and to authorize the Secretary of Transportation to revoke the operating authority of foreign air carriers under certain circumstances; which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Anti-Hijacking Act of 1972".

Sec. 2. Section 101(32) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(32)), is amended to read as follow:

"(32) The term 'special aircraft jurisdiction of the United States' includes—

"(a) civil aircraft of the United States;

"(b) aircraft of the national defense forces of the United States;

"(c) any other aircraft within the United States;

"(d) any other aircraft outside the United States—

"(i) that has its next scheduled destination or last point of departure in the United States, if that aircraft next actually lands in the United States; or

"(ii) 'having an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft, committed aboard, if that aircraft lands in the United States with the alleged offender still aboard; and

"(e) other aircraft leased without crew to a lessee who has his principal place of business in the United States, or if none, who has his permanent residence in the United States;

while that aircraft is in flight, which is from the moment when all external doors are closed following embarkation until the moment when one such door is opened for disembarkation, or in the case of a forced landing, until the competent authorities take over the responsibility for the aircraft and for the persons and property aboard."

Sec. 3. Section 902 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472), is amended as follows:

(a) By striking out the words "violence and" in subsection (1)(2) thereof, and by inserting the words "violence, or by any other form of intimidation, and" in place thereof;

(b) By redesignating subsections (n) and (o) thereof as "(o)" and "(p)", respectively, and by adding the following new subsection:

"AIRCRAFT PIRACY OUTSIDE SPECIAL AIRCRAFT JURISDICTION OF THE UNITED STATES

"(n)(1) Whoever aboard an aircraft in flight outside the special aircraft jurisdiction of the United States commits 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft, and is afterward found in the United States shall be punished—

"(A) by death if the verdict of the jury shall so recommend, or in the case of a plea of guilty, or a plea of not guilty where the defendant has waived a trial by jury, if the court in its discretion shall so order; or

"(B) by imprisonment for not less than twenty years, if the death penalty is not imposed.

"(2) A person commits 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft when, while aboard an aircraft in flight, he—

"(A) unlawfully, by force or threat thereof, or by any other form of intimidation, seizes, or exercises control of, that aircraft, or attempts to perform any such act; or

"(B) is an accomplice of a person who performs or attempts to perform any such act.

"(3) This subsection shall only be applicable if the place of takeoff or the place of actual landing of the aircraft on board which the offense as defined in paragraph 2 of this subsection is committed is situated outside the territory of the State of registration of that aircraft.

"(4) For purposes of this subsection an aircraft is considered to be in flight from the moment when all the external doors are closed following embarkation until the moment when one such door is opened for disembarkation, or in the case of a forced landing, until the competent authorities take over responsibility for the aircraft and for the persons and property aboard."

(c) By amending redesignated subsection (o) thereof by striking out the reference "(m)", and by inserting the reference "(n)" in place thereof.

Sec. 4. (a) Title XI of the Federal Aviation Act of 1958 is amended by adding a new section 1114 as follows:

"Suspension of Air Services

"Sec. 1114. (a) Whenever the President determines that a foreign nation is acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft, he may, without notice or hearing and for as long as he determines necessary to assure the security of aircraft against unlawful seizure, suspend (1) the right of any air carrier and foreign air carrier to engage in foreign air transportation, and any persons to operate aircraft in foreign air commerce, to and from that foreign nation and (2) the right of any foreign air carrier to engage in foreign air transportation, and any foreign person to operate aircraft in foreign air commerce, between the United States and any foreign nation which maintains air service between itself and that foreign nation. Notwithstanding section 1102 of this Act, the President's authority to suspend rights in this manner shall be deemed to be a condition to any certificate of public convenience and necessity or foreign air carrier or foreign aircraft permit issued by the Civil Aeronautics Board and any air carrier operating certificate or foreign air carrier operating specification issued by the Secretary of Transportation.

"(b) It shall be unlawful for any air carrier or foreign air carrier to engage in foreign air transportation, or any person to operate aircraft in foreign air commerce, in violation of the suspension of rights by the President under this section."

(b) Title XI of the Federal Aviation Act of 1958 is amended by adding a new section 1115 as follows:

"SECURITY STANDARDS IN FOREIGN AIR TRANSPORTATION

"SEC. 1115. (a) Not later than 30 days after the date of enactment of this section the Secretary of State shall notify each nation with which the United States has a bilateral air transport agreement or, in the absence of such agreement, each nation whose airline or airlines hold a foreign air carrier permit or permits issued pursuant to section 402 of the Federal Aviation Act of 1958, of the provisions of subsection (b) of this section.

"(b) In any case where the Secretary of Transportation, after consultation with the competent aeronautical authorities of a foreign nation with which the United States has a bilateral air transport agreement and in accordance with the provisions of that agreement or, in the absence of such agreement, of a nation whose airline or airlines hold a foreign air carrier permit or permits issued pursuant to such section 402, finds that such nation does not effectively maintain and administer security measures relating to transportation of persons or property or mail in foreign air transportation that are equal to or above the minimum standards which are established pursuant to the Convention on International Civil Aviation or, prior to a date when such standards are adopted and enter into force pursuant to such convention, the specifications and practices set out in appendix A to Resolution A17–10 of the Seventeenth Assembly of the International Civil Aviation Organization, he shall notify that nation of such finding and the steps considered necessary to bring the security measures of that nation to standards at least equal to the minimum standards of such convention or such specifications and practices of such resolution. In the event of failure of that nation to take such steps, the Secretary of Transportation, with the approval of the Secretary of State, may withhold, revoke, or impose conditions on the operating authority of the airline or airlines of that nation."

SEC. 5. Section 901(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1471(a)) is amended by inserting the words "or section 1114" before the words "of this Act" when those words first appear in this section.

SEC. 6. Section 1007(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1487(a)) is amended by inserting the words "or, in the case of a violation of section 1114 of this Act, the Attorney General," after the words "duly authorized agents,".

SEC. 7. That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading

"Sec. 902. Criminal penalities.",

is amended by striking out the following items:

"(n) Investigations by Federal Bureau of Investigation.

"(o) Interference with aircraft accident investigation.";

and by inserting the following item in place thereof:

"(n) Aircraft piracy outside special aircraft jurisdiction of the United States.

"(o) Investigations by Federal Bureau of Investigation.

"(p) Interference with aircraft accident investigation.";

and that portion which appears under the heading

"TITLE XI—MISCELLANEOUS"

is amended by adding at the end thereof the following:

"Sec. 1114. Suspension of air services.

"Sec. 1115. Security standards in foreign air transportation.".

Mr. CANNON. Mr. President, I move that the Senate not agree to the House amendments to S. 2280 and that the Senate request a conference with the House on the disagreeing amendments of the two Houses and that the Presiding Officer be authorized to appoint conferees on behalf of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. GAMBRELL) appointed Mr. MAGNUSON, Mr. CANNON, Mr. HARTKE, Mr. BEALL, and Mr. WEICKER conferees on the part of the Senate.

SOCIAL SECURITY AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 1707

(Ordered to be printed and to lie on the table.)

Mr. CRANSTON (for himself, Mr. JAVITS, Mr. MONDALE, Mr. KENNEDY, Mr. WILLIAMS, Mr. HARRIS, Mr. TAFT, Mr. SCHWEIKER, Mr. BROOKE, Mr. CASE, Mr. COOK, Mr. HART, Mr. STEVENSON, Mr. HUMPHREY, Mr. MUSKIE, Mr. BAYH, Mr. MONTOYA, Mr. HART, Mr. HUGHES, Mr. HARTKE, Mr. RIBICOFF, Mr. TUNNEY, Mr. NELSON, Mr. GRAVEL, Mr. INOUYE, Mr. MOSS, and Mr. CHURCH) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

AMENDMENT NO. 1708

(Ordered to be printed and to lie on the table.)

Mr. CRANSTON submitted an amendment intended to be proposed by him to the bill (H.R. 1), supra.

AUTHORIZATION OF FEDERAL PAYMENT FOR CONSTRUCTION OF A TRANSIT LINE IN THE MEDIAN OF DULLES AIRPORT ROAD

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1097, S. 2952.

The PRESIDING OFFICER (Mr. GAMBRELL). The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 2952, to authorize a Federal payment for the construction of a transit line in the median of the Dulles Airport Road.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

On page 1, at the beginning of line 6, strike out the word "section" and insert "sections:";

On page 2, line 1, after the word "designing,", strike out "constructing, and equipping" and insert "and other necessary planning for";

At the beginning of line 7, strike out "$90,000,000" and insert "$10,000,000";

In line 11, after the word "System", strike out ", but the cost of any intermediate stations on such a transit line shall not be included in this authorization.";

In line 14, after the word "authorized", insert "to be planned";

In line 20, after the word "authorized", insert "to be planned";

In line 25, after the word "exceed", strike out "$90,000,000" and insert "$10,000,000";

On page 3, line 3, after the word "Act.", strike out the quotation mark;

And, after line 3, insert a new section, as follows:

"SEC. 10. (a) The Secretary of Transportation is authorized and directed to contract with the Transit Authority for a comprehensive study of the feasibility, including preliminary engineering of extending a rapid transit line in the median of the Baltimore-Washington Expressway from proposed Greenbelt Road Metro Station area near the Baltimore-Washington Expressway to the Friendship International Airport.

"(b) The study to be undertaken pursuant to subsection (a) of this section shall be completed within six months after execution of the contract authorized therein at a cost not in excess of $150,000 and there is authorized to be appropriated not to exceed $150,000 to carry out the purposes of this section."

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Capital Transportation Act of 1969, approved December 9, 1969 (83 Stat. 320), is hereby amended by adding at the end thereof the following new sections:

"SEC. 9. (a) The Secretary of Transportation shall make payments to the Transit Auhority in such amounts as may be requisitioned from time to time by the Transit Authority sufficient, in the aggregate, to finance the cost of designing, and other necessary planning for a rail rapid transit line in the median of the Dulles Airport Road from the vicinity of Virginia Highway Route 7 on the K Route of the Adopted Regional System of the Dulles International Airport; except that the aggregate amount of such payments shall not exceed $10,000,000.

"(b) The transit line authorized to be planned in subsection (a) of this section shall include appropriate station facilities at the Dulles International Airport and at the point of intersection with the Adopted Regional System.

"(c) Upon completion of the transit line authorized to be planned in this section, all

> transit facilities and the underlying real estate interests appurtenant thereto shall become the property of the Transit Authority and shall be operated by such Authority.
>
> "(d) It is the intent of the Congress in enacting this section that the transit line authorized to be planned in this section be designed and constructed as soon as practicable following the date of the enactment of this section.
>
> "(e) There is authorized to be appropriated to the Secretary of Transportation, without fiscal year limitation, not to exceed $10,000,000 to carry out the purposes of this section. The appropriations authorized in this subsection shall be in addition to the appropriations authorized by section 3(c) of this Act.
>
> "SEC. 10. (a) The Secretary of Transportation is authorized and directed to contract with the Transit Authority for a comprehensive study of the feasibility, including preliminary engineering of extending a rapid transit line in the median of the Baltimore-Washington Expressway from proposed Greenbelt Road Metro Station area near the Baltimore-Washington Expressway to the Friendship International Airport.
>
> "(b) The study to be undertaken pursuant to subsection (a) of this section shall be completed within six months after execution of the contract authorized therein at a cost not in excess of $150,000 and there is authorized to be appropriate not to exceed $150,000 to carry out the purposes of this section."

Mr. GRIFFIN. Mr. President, will the distinguished Senator from Virginia yield?

Mr. SPONG. I am pleased to yield to the Senator from Michigan.

Mr. GRIFFIN. Do I correctly understand that an amendment offered by the distinguished Senator from Maryland (Mr. BEALL) is in this legislation?

Mr. SPONG. Yes; that amendment is, I believe, a committee amendment and I will ask that the amendments be considered and agreed to en bloc: That amendment provides for a feasibility study of a rapid transit system to Friendship Airport. It was presented by the Senator from Maryland (Mr. BEALL) in the committee and was adopted by the committee and will be made a part of this legislation.

Mr. GRIFFIN. I thank the distinguished Senator from Virginia.

Mr. SPONG. Mr. President, the legislation before the Senate is must legislation if we are to redress the imbalance which now exists in usage of the Washington area airports.

Air traffic at National continues to grow, fostered by Federal policies, while only minimal attention is given to Dulles Airport, which, like National, is federally owned, or, for that matter, to Friendship which is also a part of the Washington area air service system.

S. 2952, as reported from the Senate Committee, authorizes $10 million for preliminary planning and engineering work on a rapid rail transit line in the median of the Dulles Airport Highway. The $10 million would cover necessary surveys, soil borings, preparation of general plans, preparation of contract plans and specifications, and certain overhead expenses. The amended bill also provides for a feasibility study of rapid transit to Friendship International Airport.

This bill had its origins 3 years ago when I introduced an amendment to the metro authorization bill providing for a feasibility study of the Metro system. That amendment was adopted and, subsequently, an appropriation of $150,000 was allowed for the study.

Finally, in July 1971, the study was completed. It concluded that there were no engineering or economic obstacles to early construction of such a line and that it would be a "vital link with what will be the area's most important airport and an important branch of the metropolitan Washington rapid transit line."

Through the years, every major organization which has had anything to do with the airport, including the Federal Aviation Administration, the air carriers and business and civic groups, have pointed to the critical need for better transportation to Dulles. Typical of the statements made, was this comment by a representative of the Air Transport Association at a Senate District of Columbia Committee hearing at Dulles Airport in May 1969:

> The airlines believe that inadequate through-highway access is a major constraint to the growth of passenger traffic at Dulles as there is no single continual limited access highway to the District's Metropolitan center. We urge that the necessary steps be taken to extend the Dulles access road to the District or to a connecting point on the proposed extension of U.S. Route 66 from the Capital Beltway into the District.
>
> In addition, we recommend that consideration be given to the development of a high-speed transit system which would provide direct airport access between Dulles and the District. The Department of Transportation may well find that it has the opportunity to create such a system as a demonstration or prototype project. In addition to making Dulles more accessible to the public, this system would serve as a model for other major airport communities interested in solving airport access problems.

In large measure, the present imbalance in the utilization of Dulles and National Airports owes to the absence of any convenient through routes to Dulles. That is the missing link in the development of this modern and superbly appointed facility. The contrasting convenience of National will be even more pronounced in years ahead in view of plans to have an operating Metro station at National in late 1975 or early 1976. Unless we take steps now to authorize and begin planning for a Dulles Metro line, the already serious imbalance in the use of the two airports will be even further aggravated.

The bill before us today provides for Department of Transportation funding of preliminary planning and engineering. This is appropriate considering that Dulles Airport and the Dulles Highway are wholly federally owned. Federal financing can also be justified on grounds that this line would serve as a demonstration for other communities with airport access problems. I will note here that the Department of Transportation, a few months ago, was prepared to invest $22 million or thereabouts in the construction of a trackless air cushion vehicle in the median of the Dulles highway purely on demonstration and prototype grounds.

According to the consultant's study, the Dulles line, when completed, would produce a net revenue gain beyond operating and maintenance costs. So, some part of the capital expenditure would probably be reimbursed to the Federal Government under the terms of the Metro Act, once the line is in operation.

S. 2952 was introduced on December 6, 1971, by myself and 10 cosponsors: Senators BAKER, BIBLE, NELSON, DOMINICK, PELL, EAGLETON, BELLMON, CHILES, TUNNEY, and HOLLINGS. Hearings were held on June 16, 1972. The Senate Commerce Committee reported S. 2952, as amended, on September 15.

In reporting the bill, the committee noted:

> Having fully considered the study report and the testimony of witnesses taken at hearings held on June 16, the committee believes that in order to develop Dulles Airport into a fully viable facility, it is necessary that it be made more readily accessible to the commuter whose trip originates or ends in the corridor extending from the airport to the District of Columbia. The committee feels that this can best be accomplished by extending the rail rapid transit facilities now being constructed by the Washington Metropolitan Area Transit Authority to Dulles Airport, and it is urgent that the planning and design of these facilities start immediately so that this extension may be available for operation when the rail line to which it connects at I–66 is opened for revenue service. The committee has taken cognizance of the present plans of the Washington Metropolitan Area Transit Authority to begin operations of service to Washington National Airport by 1976 and feels that for the sake of attaining a balance between the demands for service from these sister airports, work should begin now to make Dulles Airport equally accessible.
>
> The committee also recognizes that Friendship is one of the three large airports serving the Washington metropolitan region and that it provides flights for many citizens of the Washington area. Because of the increasing use of this airport by Washington area residents, it seemed desirable to the committee to study a possible linkup between Washington's Metro system and the Airport, a distance of only 15 to 20 miles. This would further enable the Washington system to be linked to the Baltimore Metro system now in the planning stage. The Baltimore system has already planned a spur to Friendship.

Mr. President, I urge passage of this bill.

Mr. President, I ask unanimous consent that the amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments are considered and agreed to en bloc.

The bill is open to further amendment. Who yields time?

Mr. PROXMIRE. Mr. President, I understand that there is a division of time of one-half hour on the bill, with 15 minutes on a side; is that correct?

The PRESIDING OFFICER. The Senator is correct. The division of time is between the Senator from Virginia (Mr. SPONG) and the assistant minority leader (Mr. GRIFFIN).

Mr. PROXMIRE. Mr. President, will the Senator from Michigan yield me 7 minutes?

Mr. GRIFFIN. Mr. President, I am glad to yield such time as remains on this side to the distinguished Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, a wise Senator told me some 15 years ago when

I first entered the Senate to beware of spending bills that emerge from under a rock at the end of a session. "Here," said the Senator are the worst steals, giveaways, throw-aways that could not stand the light of day." Mr. President, the pending bill is an almost perfect example of this. We have before us today a piece of legislation that comes about as close as any bill we have taken up this session to being a Federal giveaway. I refer to S. 2952, which would authorize the expenditure of $10 million on the planning—and I emphasize the fact that this large amount would be spent on planning alone—of a rapid transit system to Dulles Airport.

What would the ultimate cost of such a system be? Well, according to the report on the bill the cost in 1969 dollars, exclusive of vehicles for the system, would be $90 million. It is not at all clear from the report whether this is a recent estimate or was made in 1969. I assume the latter, since the estimate has been given in 1969 dollars. This would mean that the price today would be well over $100 million.

So before we even begin to consider the bill we have to recognize the fact that we have no very good idea as to what the ultimate cost of this system would be. In fact we do not even have a printed hearing record on the legislation that all Senators can examine. And if there is another purpose for hearings other than to let Senators know about this before we make history. Had I not been able to get hold of a copy of the transcript I would not have learned that the Department of Transportation, the only Federal agency testifying on this legislation, strongly opposes the bill.

But let us assume that we have an up-to-date cost estimate. Let us assume that one were made available to the Senate, by magic, as it were. We still would be confronted with the fact that the part of the metropolitan rapid transit system to which the Dulles link would be attached will not be completed until 1978—6 years from now. Consequently, unless we want to build a spur from Dulles to I–66 with no access to metropolitan Washington, a rather fruitless undertaking, we are authorizing the first step in a system that would not be constructed until 1978. Lord only knows how much it will cost at that time to build the Dulles link. Even if we assume that this is a worthy project—and I reject that assumption—what in the world is the rush?

Furthermore, not only do we have no idea as to what sort of costs are ultimately involved here, we do not even know where the starting point of this Dulles line will be. As Under Secretary of Transportation Beggs points out in his testimony before the Commerce Committee:

> S. 2952 envisages a linkage between the airport route and the K Route of the Adopted Regional System. Unfortunately the future of the K route is now in doubt as it was to be constructed in the median strip of I–66, the construction of which has been halted by court order. It may well be that the location and/or design of I–66 will be altered as a result of this court action.

Consequently the Congress, if it passes this legislation will be approving a rapid transit system without knowing how much it will cost or where it will go.

How about local governments? What share of the costs of this system are they paying? After all the system will have local stops, it appears from the report, that will benefit communities in northern Virginia. This is undoubtedly why representatives of Fairfax County—the second richest county in all America—Reston, Herndon, Loudon County, and Falls Church testified in favor of the bill.

Here is another reason why these local officials support the bill: They would not incur one single dime of cost as the result of the passage of this legislation. Any local government leader worth his salt would jump at the opportunity to gain a rapid transit system without cost. But the question that bites is: Should the Congress pass a giveaway bill of this dimension to some of the richest counties in America? The answer is "no."

How about other major cities. Do they have rapid transit systems to their large airports? Does Paris have a rapid transit system to Orly? The answer is no. Does London have a rapid transit system to Heathrow? Again the answer is no. New York to Kennedy?—No. How about Chicago, San Francisco to their airports? No again. If these major cities, some with transit system in existence for scores of years, have not even now completed spur lines to their airports, why should Washington, with no transit system at present, make such a commitment before we even know how effectively rapid transit will work? To ask the question is to answer it.

There are other good reasons why it is ridiculous to approve a rapid transit link to Dulles at this point. Improved technology could result in a better system if we wait a while—and as I have pointed out there is no rush. Why further encumber a Government faced with the largest peacetime deficit in its history? But I think the considerations I have spelled out here today make it abundantly clear that to authorize final planning for a Dulles link would be a vast mistake. We do not know how much it will finally cost, we do not know where it will go, we have no hearing record before us, other major world cities do not have such systems, there is no local cost sharing, the reasons for not passing the bill are myriad.

I ask unanimous consent to have an excerpt from Under Secretary Beggs testimony opposing the bill inserted in the Record at this point.

There being objection, the excerpt was ordered to be printed in the Record, as follows:

Excerpt From Testimony of Under Secretary Beggs

Let me share with the Committee some of the problems we face in evaluating this proposal, and which have led us to believe the most prudent course is to defer action on this measure at this time.

As you know, S. 2952 envisions a linkage between the airport route and the K Route of the Adopted Regional System. Unfortunately, the future of the K Route is now in doubt as it was to be constructed in the median strip of I–66, the construction of which has been halted by court order. It may well be that the location and/or design of I–66 will be altered as a result of this court action. An authorization of this connecting route should, therefore, await a resolution with respect to the K Route.

Likewise, even assuming that the legal entanglement concerning I–66 is settled rapidly and satisfactorily, this particular line is not scheduled to be operational until 1978, six years hence. To construct the airport connection at this time, then, would serve no truly useful purpose. While some costs may be saved by construction now, we may well find in a year or so that newer, faster, and more efficient technology is available for the same purpose and that the airport system is outdated before it is operational. In this regard, I might add that the Department is still exploring the possibility of running a tracked air cushioned vehicle (TACV) to Dulles.

The cost of the project also raises serious questions. We have examined the feasibility study on Dulles access carried out last year, and the data would seem to indicate that the line might be self-supporting, at least based on projected costs and ridership. Clearly, a more refined look at this whole question is needed to determine the most appropriate method of financing such a project. In this regard, I would also remind the Committee that the Federal Government is currently operating under extreme financial structures, and that this is not the time, we believe, for a project which will not become operative until six years hence.

Before we proceed, there is one additional question that must be resolved. It has been our experience that transportation projects, if they are to be successfully implemented, must be of local concern and carry with them local commitments. A superimposed solution almost always fails; a locally-selected solution is normally better-suited to the precise needs of the urban area involved. The Federal Government should help supply the resources needed to select and implemented such projects, but it should not make the decisions which most properly belong to the local communities themselves.

The stimulation of this mix of local interest and initiative is, of course, a delicate matter. In the area of rapid transit, however, we have found it accomplished best through a funding arrangement which requires the localities to provide one-third of the cost of federally assisted capital projects. There is an old saying that one should never look a gift horse in the month, and it is our fear that the local communities will take precisely that attitude when faced with 100 percent federal financing. While we truly believe that the proposal to provide good transit service to Dulles is in the public interest, we also believe it should be fully developed, refined and supported by the metropolitan area it will serve. Further, we believe that if the local jurisdictions are not sufficiently convinced of the project's merit or importance to contribute a portion of its cost, we may be deceiving ourselves as to its real value.

I want to make it clear that our position on this measure in no way negates our support for improved transportation in this region. Our continued and strong support for the metro system and its financial strength, our willingness to work with local governments concerning the current bus transportation dilemma, our close cooperation with the District government to recommend a viable and effective interstate highway system, and our $3 million transportation planning grant to the region all give evidence of our interest in and support of effective regional transportation.

I also pledge today to offer the full measure of the Department's expertise and experience in aiding the region to assess the place transit in the Dulles corridor has among its priorities.

The transit improvement proposed by this bill is really no more than a skeletal conception. Before the Federal Government agrees to provide assistance for a particular transit system serving Dulles, the locality should develop a solid plan of action which takes into consideration much more than just one means of providing access to Dulles Airport. It should include a thorough analysis of alternative means of providing public transportation service to Dulles, and the relative capital and operating costs of such alternatives. It must also make basic decisions with respect to service for the rapidly developing intermediate points in the Dulles corridor such as Reston. Indeed, it should consider the role and importance of service in the Dulles corridor in relation to the future development of the Washington metropolitan area as a whole. Transportation is clearly not an end in itself, and transit improvements cannot be undertaken in isolation from other basic land use decisions.

I realize that the proposal as now formulated with 100 percent federal financing may seem to be the easiest course to follow, but in the long run I would question whether it is the best. The Department truly believes that the responsible course is to require the region to go through the hard but necessary process of analyzing this project vis-a-vis its other needs. In view of this need, and the need of the Department and WMATA to review further the unresolved questions concerning the project, we believe the wisest course would be to defer action on this legislation at this time.

Mr. PROXMIRE. Mr. President, I do not know how in the world I can justify to my constituents in Wisconsin the authorization of an appropriation of $10 million, preliminary to an expenditure of $100 million, and probably much more, in one of the richest areas of the country when we require people to match funds that are made available.

Finally, Mr. President, obviously we have a unanimous-consent agreement. We will have a voice vote on this matter. I will not delay the Senate any further. However, I feel very strongly that this is a serious way to go about the spending of the taxpayers' money. I want to be very sure that I am recorded as being opposed to this matter. It has not been justified. The hearings have not yet been printed. The administration has announced its opposition to the proposal. So, for all of those reasons, I must say that I am opposed.

Mr. SPONG. Mr. President, I regret that the Senator from Wisconsin feels so keenly about this project. I want to say for the RECORD that I did not think the testimony of Under Secretary Beggs was particularly persuasive.

The Transportation Department just a few months ago was prepared to spend $22 million on a Mickey Mouse prototype along the median strip of the Dulles Airport access road to provide access to Dulles.

This bill is not any overnight proposition. It has been thoroughly studied. The consultants have said that the maintenance cost would more than pay for itself under the Metro system.

I would remind the Senator from Wisconsin that Dulles Airport has sat out there underutilized and losing the taxpayers' money year after year, during the time that he talks about. Every authority who has appeared before Congress in any form in the years that it has been my privilege to serve in this body has come before us and said that we have to do something about access to Dulles.

In 1969, the Air Transport Association and every one from the Federal Aviation Administration on, when we confronted them with the fact that Dulles, this magnificent facility, sits out there underutilized while National Airport continues to grow and remains overcrowded, tell us that we have to have transportation out there.

The taxpayers' money is being used to build a subway station at National Airport as a part of the Metro system. All of that would be completed, the congestion would continue to grow, National would continue to grow, and the investment in Dulles would continue to suffer. These two airports are the only federally owned and controlled airports in the United States.

This matter has been thoroughly studied. The only recommendation of the Department of Transportation was to wait and wait. When I finally got some information from them, it turned out that they were going to recommend some kind of rail system different from the Metro. What kind of logic is that? You have a Metro system you are building and you have here a chance to make a connection with it, and the sooner we get on with it the cheaper it will be.

I regret that the Senator from Wisconsin did not have the transcript before him and did not have the benefit of all the testimony, because the great weight of the evidence was that we should go forward.

The communities are going to participate insofar as the building of the stations is concerned. This will serve as a commuter stop as well as serving the airport.

The Department of Transportation came before the Committee on Commerce and they said that we have to have coordinated transportation planning throughout the United States; we have to encourage the metropolitan areas of the United States to coordinate what they do between highway transportation and rapid transit.

Mr. President, do you know what I said to Secretary Volpe? He who would clean up the world must first clean up his own doorstep, and the biggest transportation mess in the United States of America is here in the Washington metropolitan area where two airports have been run for years with complete imbalance, where bridges and highways are held up by suits, where a mass transit system that has been authorized for years is just getting underway, although it has been badly needed. The rapid transit line proposal has been studied, authorized, recommended, and it is logical. It is a model for the rest of the United States. There is only one thing like this in America, and that is the Cleveland Airport. It is more than paying for itself. I do not have to be guided by what they are doing in Orly, France. I know they run better railroads than we run.

Mr. President, this can be a model not only for this country but for the rest of the world. This proposal has been studied and we have worked on it for 5 years. It is needed. Every year we wait it will cost more. I urge the Senate this evening to authorize it and show the rest of the country that despite the bureaucracy and the problems that we can do something that is logical in providing a metropolitan transit system.

Mr. PROXMIRE. Mr. President, I will be brief, if the Senator will yield to me a little additional time.

Mr. SPONG. I yield the Senator whatever time he needs.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, now we can see why this unfortunate bill got through committee. No one can be more persuasive and effective than the distinguished Senator from Virginia (Mr. SPONG). I greatly respect him; he made a powerful argument for an incredibly weak case.

For years people wondered why in the world we built Dulles Airport. It was to have cost $12 million and now it is over $100 million. Now, Congress is going to make the same mistake again. It has already thrown money away and now we are saying that we have to throw away more money. We have spent a great deal of money already and we will spend more money to get to a place people have not used in the past and will not use in the future. Let us assume I am wrong and that Dulles Airport is successful, and people are going to use it. We should know where this is to be built before we provide $10 million additional. What is the hurry? It is not to be constructed until 1978. Why in the world should we not have matching? After all, benefits will accrue to the residents in this area in Virginia. The Senator from Virginia knows that. We require matching of at least 10 percent in every other area. As Mr. Beggs pointed out, in some cases it is one-third. In this case none is required. Certainly we should require careful and thoughtful planning that Mr. Beggs called for. It should include a thorough analysis and an alternative means for providing transportation to Dulles.

The Senator from Virginia (Mr. SPONG) said that this had been studied for 5 years. If it has been studied, where are the answers to this kind of need? The Senator said we should show the rest of the country. I have tried to plead for economy in Government, as have many other Senators. The people of my State would be delighted to get $100 million which would benefit their transportation and cost nothing. Of course, they want it. This is one way to show the rest of the world how this pork barrel operates.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. SPONG. I yield back the remainder of my time.

Mr. PROXMIRE. I yield back the remainder of my time.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed the question is on third reading of the bill.

The bill was ordered to a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill to authorize a Federal payment for the planning of a transit line in the median of the Dulles Airport Road and for a feasibility study of rapid transit to Friendship International Airport."

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SPONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR RECESS UNTIL 8:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 8:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS BUCKLEY, BEALL, AND HRUSKA TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that immediately following the recognition of the two leaders under the standing order tomorrow, the following Senators be recognized for not to exceed the time indicated, and each in the order stated. Mr. Buckley, 15 minutes; Mr. Beall, 15 minutes, and Mr. Hruska, until the hour of 9:15 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO SET ASIDE TEMPORARILY THE UNFINISHED BUSINESS IF CLOTURE MOTION FAILS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that if the motion to invoke cloture fails on tomorrow, the unfinished business, the consumer protection bill, be laid aside temporarily, and remain in a temporarily laid-aside status until such hour as the distinguished majority leader or his designee determines.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR SENATE TO RETURN TO THE CONSIDERATION OF H.R. 1 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that immediately following the vote on the motion to invoke cloture tomorrow, if the motion to invoke cloture fails, the Senate return to the consideration of H.R. 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene tomorrow morning at 8:30 a.m., following a recess. After the two leaders have been recognized under the standing order, the following Senators will be recognized: Mr. Buckley, 15 minutes; Mr. Beall, 15 minutes, and Mr. Hruska, for not to extend beyond the hour of 9:15 a.m.

At the hour of 9:15 a.m. the Senate will proceed to the consideration of the unfinished business, the consumer protection bill, and the 1 hour for debate under rule XXII on the motion to invoke cloture on the consumer protection bill will begin running at 9:15.

At the hour of 10:15 the clerk will call the roll to establish a quorum, and when a quorum has been established, a yea-and-nay vote, which is mandatory under the rule, will occur. That should begin around 10:30 a.m.

If the motion to invoke cloture fails, the unfinished business will be laid aside temporarily and the Senate will return to the consideration of H.R. 1. Amendments will be in order. Yea and nay votes will occur. Tabling motions will be in order. Conference reports will be in order. Yea-and-nay votes may occur on any of these.

RECESS TO 8:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in recess until 8:30 a.m. tomorrow.

The motion was agreed to; and at 8:32 p.m. the Senate recessed until tomorrow, Thursday, October 5, 1972, at 8:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, October 4, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Rend your hearts and not your garments, and turn unto the Lord your God, for He is gracious and merciful, slow to anger, and of great kindness.—Joel II: 13.

O God, our Father, send the power of Thy spirit into our minds and hearts as we wait upon Thee—that we who ask for love may receive it and receiving it live by it; that we who seek for light may find it and, finding it, follow it faithfully; and we who knock at the door may discover the way to life opened to us and, entering, walk in it all the days of our lives.

Bless these representatives of our people, the homes in which they live, the churches where they worship, the staffs who work with them, and this Nation they serve with all their hearts. Grant that by their dedication to Thee and their devotion to our country they may usher in a new day of freedom for all, justice by all, and good will in all. To the glory of Thy holy name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on October 2, 1972, the President approved and signed bills of the House of the following titles:

On October 2, 1972:

H.R. 7614. An act to amend titles 5, 10, and 32, United States Code, to authorize the waiver of claims of the United States arising out of certain erroneous payments, and for other purposes.

H.R. 10486. An act to make the basic pay of the master chief petty officer of the Coast Guard comparable to the basic pay of the senior enlisted advisers of the other armed forces, and for other purposes;

H.R. 13697. An act to amend the provisions of title 14, United States Code, relating to the flag officer structure of the Coast Guard, and for other purposes; and

H.J. Res. 135. Joint resolution to authorize the President to issue a proclamation designating the week in November of 1972 which includes Thanksgiving Day as "National Family Week."

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 16593. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes;

H.R. 16654. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes; and

H.R. 16754. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 16593) entitled "An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Mc-

Clellan, Mr. Stennis, Mr. Pastore, Mr. Magnuson, Mr. Mansfield, Mr. Symington, Mr. Young, Mrs. Smith, Mr. Allott, and Mr. Hruska to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 16654) entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Magnuson, Mr. Stennis, Mr. Bible, Mr. Robert C. Byrd, Mr. Proxmire, Mr. Montoya, Mr. Hollings, Mr. McClellan, Mr. Cotton, Mr. Case, Mr. Fong, Mr. Boggs, Mr. Brooke, Mr. Stevens, and Mr. Young to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House with an amendment to a bill of the Senate of the following title:

S. 1475. An act to authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat *Cairo*, and for other purposes.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 4018) entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes," agrees to a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Jordan of North Carolina, Mr. Bentsen, Mrs. Edwards, Mr. Dole, and Mr. Cooper to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3310. An act to amend title 10, United States Code, to establish the authorized strength of the Naval Reserve in officers in the Judge Advocate General's Corps in the grade of rear admiral, and for other purposes.

The message also announced that Mr. Buckley was appointed a conferee on the bill S. 1852 vice Mr. Hansen.

CAMPAIGN EXPENDITURE EXPERT NOT SO EXPERT

(Mr. O'NEILL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, in Monday's Washington Post there was an article by Morton Mintz, the Washington Post campaign expenditure expert.

I believe that Mr. Mintz is a fountain of misinformation. On page 1 of that article he says that I had received $15,000 from three executives of the American Shipbuilding Co. in Cleveland, Ohio. The truth of the matter is that I have some very close personal friends with that organization. The figure which I received was not $15,000, but rather $500 each, from the three of them, totaling $1,500.

I note that the Washington Post made a correction in a hidden part of its newspaper yesterday. I think it is cheap sensationalism, rather than factual reporting, to say that I received $15,000 from some business executives in another section of the country, insinuating that something has been wrong. This is inaccurate reporting on the part of Mr. Mintz.

In Tuesday's Post, the correction also makes notes of mistakes in the article concerning other Members. On page 2 of the article, it also says that O'Neill has no opposition in the November 7 election. Well, I do have opposition in the November 7 election. This knowledge should have been acquired in the House Clerk's Office, and the Washington Post has failed to make that correction.

Mr. Mintz, as an expert on campaign expenditures, to me is a real fraud, and his entire column has so many inaccuracies in it that the Post really should have somebody go over any future article that Mr. Mintz writes.

CHANGING NAME OF CAPE KENNEDY BACK TO CAPE CANAVERAL

(Mr. FREY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FREY. Mr. Speaker, are you aware, after some 4 or 5 years of trying, the Senate passed a bill changing the name—the geographic name—of Cape Kennedy back to Cape Canaveral. This bill is presently stymied in the House. The people of Florida intend no disrespect to the memory of our beloved President, President Kennedy, by such legislation. In Brevard County we have the Kennedy Space Center and major airport as only two examples of instances where the Kennedy name is used. However, the name "Canaveral" goes back to 1533 and is as important to the people of Florida as is the name Cape Cod to the people of Massachusetts.

I have in my hands a bill to change the name Cape Cod to Cape Kennedy. Since stories have been released about this proposed bill to change the name of Cape Cod, we have received some indignant messages from the people of Massachusetts and its representatives. They have stated quite strongly that they do not want any such name change; that to do so would be unfair to the people of Massachusetts. It is obvious in not desiring the name change that the people of Massachusetts intend no disrespect to the memory of their native son, President Kennedy. I agree with the people of Massachusetts that the change of such a well-known geographic point would be wrong and unfair.

What we ask, very simply, is that the people of Florida be treated with the same fairness and consideration that the people of Massachusetts have requested. I did not intend to introduce the Cape Cod name change bill, but I intended to prove a point. This has been accomplished. We now hope that the bill to change the geographic point from Cape Kennedy to Cape Canaveral will be acted on immediately.

Mr. SIKES. Mr. Speaker, will the gentleman yield?

Mr. FREY. I am glad to yield to the distinguished leader of the Florida delegation.

Mr. SIKES. I want to commend my distinguished friend for his comments.

The people of Florida feel very strongly about this, and the Florida delegation feels very strongly about it too. We honor the name and the memory and the contributions of President Kennedy. Nevertheless, we want to restore the accepted and historic name to Cape Canaveral. Four hundred and fifty years of history have gone into the making of the legends associated with this important historic area. The Senate has acted with little or no dissent. It is very disappointing that we have not been able to get similar action in the House. I sincerely hope what is said here will help to emphasize the need for action before this session of Congress comes to an end.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. FREY. I yield to the gentleman.

Mr. BURKE of Massachusetts. I would like to inform the gentleman at the microphone that the memory of John F. Kennedy not only belongs to Massachusetts—it belongs to the Nation and the entire world. Yes, the memory of John F. Kennedy will be enshrined in the hearts of men and women forever.

Mr. FREY. I agree completely with the gentleman, and if he wants, he can change the name of Cape Cod to Cape Kennedy.

MONEYS REQUIRED FOR RESEARCH AND CLINICAL TREATMENT OF BLACK LUNG

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, it has come to my attention that the black lung bill that was passed through this House and through the Senate intended to help those unfortunate coal miners who have developed pneumoconiosis disease of their lungs. As it now stands the bill carries no moneys for research and development, nor does it carry any money for clinical treatment. I am hopeful that when the bill comes back to us that we will see fit to include in it certain moneys for the purpose of research and for clinical treatment of these men. They are unfortunate in that they have contracted this disease while working in coal mines and for companies who are no longer in business, and so they have no medical moneys to be treated with.

It is only a temporary project for the Federal Government of 2 years, after which time the States are then called upon to pick up the cudgel and carry on the project.

I say to my colleagues today, Mr. Speaker, I hope that when this comes back to the floor they will give it their earnest support and most certainly their heartfelt scrutiny.

ANNOUNCEMENT OF LEGISLATIVE PROGRAM

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, I take this time to announce at the request of the chairman of the Committee on Ways and Means, the gentleman from Arkansas (Mr. MILLS) that the following bills will be considered under unanimous consent before the end of the session, which will be, hopefully, next week:

H.R. 7175, equipment and repair for U.S. vessels;

H.R. 9520, private foundations savings provisions;

H.R. 12991, copying shoe lathes;

H.R. 14386, suspension of duty on copper;

H.R. 16299, accrued vacation pay;

H.R. 14628, tax laws applicable to Guam;

H.R. 15442, suspension of duty on istle;

H.R. 15795, suspension of duty on tanning and dyeing materials;

H.R. 16022, evidence of tax payment on containers of distilled spirits;

H.R. 16811, pass-along of social security benefit increase;

H.R. 16812, social work programs;

H.R. 16813, section 122 of the Internal Revenue Code;

S. 3001, Federal financing bank; and

H.R. 11158, income from sources within a possession of the United States.

The **SPEAKER.** Those will be brought up under unanimous consent?

Mr. BOGGS. That is correct.

AUTHORIZING ESTABLISHMENT OF NATIONAL GUARD FOR VIRGIN ISLANDS

Mr. FISHER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 3817) to amend titles 10, 32, and 37, United States Code, to authorize the establishment of a National Guard for the Virgin Islands, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 9, after "2." insert "(a)".

Page 2, after line 4, insert:

"(b) Section 307 of title 32, United States Code, is amended by adding at the end thereof a new subsection as follows:

"'(g) Federal recognition may not be extended in the case of any member of the National Guard of the Virgin Islands in any grade above colonel.'"

Page 2, line 7, strike out "the words 'the Canal Zone'," and insert "the Canal Zone,".

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FISHER. Mr. Speaker, on November 1, 1971, the House of Representatives passed H.R. 3817 which would authorize the establishment of a National Guard unit in the Virgin Islands. Under existing law, the authority to organize National Guard units is limited to several States, the Commonwealth of Puerto Rico, the District of Columbia, and the Canal Zone. There is now no authority for a National Guard in the Virgin Islands. H.R. 3817 would grant such authority.

Recently the Senate acted on H.R. 3817 and amended the bill to preclude the Federal recognition of any officer of the Virgin Islands National Guard in a grade above colonel.

The proposed troop structure for the Virgin Islands National Guard totals only 399 and it is believed that no officer in a grade higher than colonel should be placed in command of this guard unit.

The Armed Services Committee, in a meeting on October 3, 1972, with a quorum being present directed the acceptance of the Senate amendment.

Mr. BRAY. Mr. Speaker, H.R. 3817 is a relatively simple bill. It would permit the organization of a National Guard in the Virgin Islands.

No statutory authority exists for the creation of one in the Virgin Islands at the present time and this bill grants this authority.

When a National Guard unit is established there, it will be in a position to render immediate assistance in times of disaster. At present the Virgin Islands disaster resources are limited. The islands themselves are separated by water and, in turn, are separated from their nearest source of aid—Puerto Rico—by approximately 100 miles of water.

Since the Virgin Islands lie in a so-called hurricane belt of the Atlantic and Caribbean, there is a continuing possibility of a national disaster. If the Governor of the Virgin Islands had a National Guard unit immediately available to him, it could aid in alleviating distress in restoring communications and other vital services.

In addition, although there have been no civil disorders of any magnitude in the Virgin Islands in the past, such disturbances have occurred on other islands in the Caribbean, which supply many of the labor force in the Virgin Islands, and the possibility of local disorders cannot entirely be disregarded.

The Virgin Islands police force approximately 350 in strength, is distributed among the islands of St. Thomas, St. Croix, and St. John. In the event of a major civil disturbance, the availability of the National Guard would significantly reduce the need to call upon Federal authorities for assistance.

There are no military garrisons of any size in or adjacent to the Virgin Islands. Three U.S. Army Reserve military police units, an aggregate strength of 69 members, are stationed in the Virgin Islands. These units are not subject to be ordered to active duty by the Governor. When this bill is enacted the Virgin Island authorities propose to seek the allocation of Army National Guard units consisting of one company to be stationed at St. Thomas, one company to be stationed on St. Croix, and a combined battalion and State headquarters on one of these islands.

The Senate amended the House-passed bill to prohibit the commanding officer of the National Guard in the Virgin Islands from holding a rank above that of colonel. I believe this is an entirely reasonable request and recommended that the bill as amended be favorably considered by this body.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

COMMEMORATING 200TH ANNIVERSARY OF DICKINSON COLLEGE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate concurrent resolution (S. Con. Res. 90) commemorating the 200th anniversary of Dickinson College.

The **SPEAKER.** Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 90

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States extends its greetings and congratulations to Dickinson College, Carlisle, Pennsylvania, on the occasion of the observance and celebration by that institution of its two hundredth anniversary, and expresses its recognition of the contribution which Dickinson College has made to educational excellence, and its appreciation of the leadership role which many distinguished alumni of Dickinson have played in the life and affairs of this Nation.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

DESIGNATING NATIONAL BETA CLUB WEEK

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 251) to designate the week which begins on the first Sunday in March of each year as "National Beta Club Week."

The Clerk read the title of the Senate joint resolution.

The **SPEAKER.** Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 251

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the week which begins on the first Sunday in March of each year as "National Beta Club Week", to recognize the National Beta Club for its dedication to the positive accomplishments of American youth and to encourage the furthering of its goals to promote honesty, service, and leadership among the high school students in America.

AMENDMENT OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS of California: On page 1, line 5, strike the phrase "of each year" and insert in lieu thereof "1973".

The amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "To designate the week which begins on the first Sunday in March 1973 as "National Beta Club Week'."

A motion to reconsider was laid on the table.

NATIONAL SOKOL U.S.A. DAY

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the joint resolution (H.J. Res. 1263) authorizing the President to proclaim October 30, 1972, as "National Sokol U.S.A. Day," with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 5, strike out "U.S.A."

Amend the title so as to read: "Joint resolution authorizing the President to proclaim October 30, 1972, as 'National Sokol Day'."

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, I want to express my gratitude to my colleagues who unanimously passed on August 18 my bill, House Joint Resolution 1263, to designate October 30, 1972, as "National Sokol U.S.A. Day." As we all know Sokols have trained thousands of young people in gymnastics, and the contribution of Sokols is particularly significant this year in view of the fact that many young people who first received training in gymnastics in Sokol lodges across our Nation went on to participate in this sport at the Olympic games.

I am pleased to inform my colleagues that the Senate proceeded to consider this joint resolution and passed it on September 21 after amending the title to read: "Joint Resolution Authorizing the President To Proclaim October 30, 1972, as 'National Sokol Day.'"

It was the feeling of the other body that this amendment would broaden the scope of the bill and make it more comprehensive. I heartily concur in the Senate action and urge that the House of Representatives take action today to agree with the Senate amendment in order that the bill may be forwarded to the President for his signature.

Again, I appreciate the support my colleagues have already given me in this worthy endeavor to honor Sokol organizations across our Nation which are encouraging physical excellence through participation in gymnastics.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

NEWSPAPER WEEK AND NEWSPAPER CARRIER DAY

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 1274) designating October 8 through 14, 1972, as "Newspaper Week" and October 14, 1972, as "Newspaper Carrier Day."

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 1274

Whereas it is an important part of freedom and democracy for people to be well informed about current events and matters that affect their lives, and

Whereas newspapers historically and traditionally have been the basic news medium for informing citizens of the United States in greatest detail, and

Whereas the Nation's more than nine thousand weekly and daily newspapers provide vital information of economic, educational, social, and political value to the citizens of the Nation, and

Whereas more than five million public and parochial school students annually receive instruction through newspaper in-the-classroom programs using newspapers as text material for many different subjects, and

Whereas the newspapers of the nation have donated much space for community and national service campaigns without charge, and

Whereas newspapers have always contributed to the cause of protecting consumers and improving consumer education and information, including rejection of much unacceptable and unreliable advertising, and

Whereas over six hundred thousand young men and women serve more than seventy million newspaper subscribers of the United States as independent, responsible junior business executives in delivering newspapers to homes and families, and

Whereas improved people-to-people communications and understanding through newspapers are keys to a better future for all citizens, and

Whereas newspapers are continuing to prove themselves to be the full information medium needed for a free and open society: Therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 8–14, 1972, be observed as Newspaper Week '72 and October 14, 1972, as Newspaper Carrier Day by the Congress of the United States of America on this ——— day of 1972.

AMENDMENT OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS of California: On pages 1 and 2, strike the entire preamble; and

On page 2, lines 3 through 6, strike everything after the enacting clause and insert in lieu thereof the following:

"That the President is authorized and requested to issue a proclamation designating the week beginning October 8, 1972, as 'Newspaper Week' and also designating October 14, 1972 as 'Newspaper Carrier Day,' and calling upon the people of the United States and interested groups and organizations to observe such events with appropriate ceremonies and activities."

The amendment was agreed to.

Mr. BROWN of Ohio. Mr. Speaker, the communications media has become one of the most important elements in the success of our representative Government. From the largest national dailies to the smallest village weekly, it is the Nation's newspapers which provide the basic news medium for informing citizens. Newspapers are the medium which supplies in the greatest detail the facts surrounding events, which give the most diverse interpretations of those facts, and which offer the widest range of ideas and opinions on the causes of those events. Newspapers today, more than any other form of communication, provide the broad two-way bridge between one group of citizens and another, between events, and between the people and their government leaders, whether close at hand or across the continent.

The evening newscast, which reduces the day's events to the equivalent of a column and a half of one-liners, has its place, as does the magazine treatise that analyzes in depth the great sweep of historic events. The average person, though, who wants to know more of what is happening today, and why, turns to his newspaper. If that newspaper clearly separates fact from opinion, provides diverse views, and is published in an easily understood format it will continue to be the most relied upon source of information in the country.

There are more than 9,000 weekly and daily newspapers throughout the Nation and over 600,000 young newspaper carriers serving more than 70 million subscribers, delivering newspapers to homes and businesses. All certainly deserve our national recognition and our thanks.

Therefore, I have introduced and support the intent of House Joint Resolution 1274 in authorizing the President to designate October 8–14, 1972, as "Newspaper Week" and October 14 as "Newspaper Carrier Day."

Thomas Jefferson once said:

> Were the choice between government without newspapers, or newspapers without government, I'd choose the latter.

I would make the same choice today, and I think the overwhelming majority of Americans would, too.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the measures just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

RESTORING, RECONSTRUCTING, AND EXHIBITION OF GUNBOAT "CAIRO"

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 1475) to authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat *Cairo,* and for other purposes, with a Senate amendment to the House amendment thereto, and concur in the Senate amendment to the House amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment to the House amendment, as follows:

Page 2, line 6, of the House engrossed amendment strike out "$4,500,000" and insert "$3,200,000".

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendment to the House amendment was concurred in.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 1852, GATEWAY NATIONAL RECREATION AREA

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1852) to provide for the establishment of the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and appoints the following conferees: Messrs. ASPINALL, TAYLOR, JOHNSON of California, SAYLOR, and TERRY.

APPOINTMENT OF CONFEREES ON S. 141, FOSSIL BUTTE NATIONAL MONUMENT

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 141) to establish the Fossil Butte National Monument, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and appoints the following conferees: Messrs. ASPINALL, TAYLOR, RONCALIO, SAYLOR, and SKUBITZ.

AMENDING MERCHANT MARINE ACT, 1936

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9756) to amend the Merchant Marine Act, 1936, as amended, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 15, after "instruction" insert "or pollution treatment, abatement or control".

Page 3, line 7, after "paid" insert "by or for the account of the obligor".

Page 3, line 8, strike out "obligated to be paid" and insert "which the obligor is then obligated to pay".

Page 7, line 5, strike out "trade;" and insert "trade as defined in section 905 of this Act for purposes of title V of this Act;".

Page 9, line 10, strike out "and is to be carried on a vessel,".

Page 24, after line 5, insert:

"SEC. 8. This Act may be cited as the 'Federal Ship Financing Act of 1972.'"

Mr. GARMATZ. Mr. Speaker, title XI of the Merchant Marine Act of 1936, authorizes Government insurance of mortgages and loans made to finance the construction, reconstruction, and reconditioning of U.S.-flag vessels. The purpose of H.R. 9756 is to amend title XI to improve its responsiveness to the current needs of the shipping industry for investment capital, and to simplify the mechanics of issuing and marketing obligations under the program. H.R. 9756 passed the House on February 7, 1972.

The Senate made six amendments to the legislation, most of which are technical, clarifying, or conforming in nature.

The first Senate amendment amended revised section 1101(b), to clarify that pollution treatment, abatement, or control vessels are "vessels" for purposes of the act and qualify for assistance under title XI if they meet the other applicable requirements. This is a technical amendment.

The second and third Senate amendments amended revised section 1101(f), to clarify that only amounts paid or to be paid by or for the account of the obligor for construction, reconstruction, or reconditioning of a vessel are included in the definition of "actual cost." This conforms to the present statute and makes clear that, for example, amounts paid for construction-differential subsidy by the Government are not included in actual costs. These are technical amendments only.

The fourth Senate amendment amended revised section 1104(a)(1), to clarify that the words "foreign trade" are used in the more expansive sense of the section 905 definition with respect to title V relating to construction-differential subsidy. Thus, any vessel engaged in a foreign trade eligible for construction-differential subsidy under title V of the Merchant Marine Act, would also be eligible for financing guarantees under title XI. This is a clarifying amendment.

The fifth amendment is the only substantive amendment made by the Senate. The House-passed bill would have authorized a title XI guarantee of up to 87½ percent of the actual cost or depreciated actual cost of barges to be carried on vessels, but only 75 percent of such cost of other barges. Thereafter, representatives of the inland waterways operators argued that such a distinction would result in a competitive disadvantage for inland waterway barges in instances where they are in competition with barges on vessels. The Senate could find no persuasive reason in policy for this distinction, and amended the final proviso of revised section 1104(b)(2), to eliminate the distinction and put all such barges on an equal footing at the 87½-percent level. This amendment would not increase the number of barges eligible for title XI financing, but would permit guarantees of obligations with respect to a higher percentage of the actual cost or depreciated actual cost of a barge—87½ percent—as in the case of barges carried on a vessel. This amendment would not increase the aggregate amount authorized to be guaranteed under the title XI program.

The final Senate amendment is a new section 8 providing that the act may be cited as the "Federal Ship Financing Act of 1972."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. CEDERBERG. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 405]

Abernethy
Abzug
Addabbo
Badillo
Baring
Bell
Bevill
Bow
Byrne, Pa.
Byron
Carey, N.Y.
Chisholm
Clark
Clay
Culver
Davis, S.C.
Dowdy
Dwyer
Edmondson
Evans, Colo.
Foley
Gallagher
Giaimo
Goodling
Green, Oreg.
Gross
Gubser
Hagan
Halpern
Hawkins
Lloyd
Lujan
McClure
McCormack
McDonald, Mich.
McKevitt
McMillan
Mikva
Mitchell
Mollohan
Murphy, N.Y.
Nichols
O'Konski
Peyser
Powell
Purcell
Rangel
Reid
Rhodes
Rooney, N.Y.
Scheuer
Schmitz
Scott
Teague, Calif.
Terry

The SPEAKER. On this rollcall 375 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON H.R. 12652, COMMISSION ON CIVIL RIGHTS

Mr. CELLER. Mr. Speaker, I call up the conference report on the bill (H.R. 12652) to extend the life of the Commission on Civil Rights, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 26, 1972.)

Mr. CELLER (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, I yield myself such time as I may consume.

On May 1 of this year, the House overwhelmingly suspended its rules and passed H.R. 12652.

As reflected in its title, the bill extends the life of the Civil Rights Commission, extends the jurisdiction of the Commission to embrace sex discrimination, and authorizes annual appropriations.

In passing the legislation on August 4—without a dissenting vote—the Senate accepted the bill in every detail save one. It reduced the appropriation authorizations for each of the fiscal years in which the Commission is to operate. The Senate also added to the bill nongermane material pertaining to a very important subject—the protection of executive branch employees and applicants against unwarranted invasions of their privacy.

The conference committee met on two occasions; on both occasions our discussion was lengthy, serious, and reasonable. Acting as reasonable men can be expected to act following a full and frank exchange of views, the House managers agreed to the Senate authorization figures, and the Senate managers agreed to recede from the Senate amendment which had added the nongermane material to the bill.

As reported by the conference committee, the bill authorizes the appropriation of $5½ million for fiscal year 1973 instead of $6½ million as originally provided by the House. Also, in place of the House authorization of $8½ million for each fiscal year from 1974 through 1978, the bill authorizes $7 million as provided in the Senate version.

In summary, the bill reported back by the conference committee is the same bill that passed the House last May, except for modest reductions in the appropriations authorizations.

On September 26, the Senate adopted the conference report. I urge similar action in the House so that this important legislation may be cleared to the President and promptly signed into law.

Mr. McCULLOCH. Mr. Speaker, in the last few days of my quarter century of service in this body, it gives me great satisfaction to see the life of the U.S. Commission on Civil Rights extended an additional 5 years and 5 months. As cosponsor of this legislation together with the distinguished chairman of the Committee on the Judiciary, I am pleased to tell the House that this bill, agreed to in conference, is almost identical to the bill that passed the House on May 1, 1972. The only difference is that the authorization ceiling has been lowered for fiscal year 1973 from $6.5 to $5.5 million and for the remaining 4 years from $8.5 to $7 million. I realize that this reduction may restrict some of the Commission's planned activities. This is unfortunate in view of the Commission's added responsibilities in the area of sex discrimination. However, I believe that the reduction should not hamper the Commission's primary responsibilities regarding denials of equal protection based on race, color, or national origin.

Since its inception in 1957, the Commission has been the conscience of the Nation. It has guided us in enacting landmark civil rights legislation in 1960, 1964, 1965, 1968, and 1970. But it is yet to be seen whether these laws remain only as cold tombstones of lifeless hopes or whether they breathe life into the ever-unfolding promise of equality for which this Nation stands.

We like to think that we, as a nation, have made progress. But we cannot overlook the fact that we have moved from a nation divided by region to a nation divided by race. A nation so divided cannot stand.

In the days ahead the challenge to America will come from within. Thus when our grandchildren look back to those days, they may well conclude that the few million dollars we spent to perpetuate the Commission were as important to our common good as the billions we spent on military defense.

Mr. CELLER. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 7378, COMMISSION ON REVISION OF APPELLATE COURT SYSTEM

Mr. CELLER. Mr. Speaker, I call up the conference report on the bill (H.R. 7378) to establish a Commission on Revision of the Judicial Circuits of the United States, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. HALL. Mr. Speaker, reserving the right to object, before we wheel these conference reports through here too rapidly, I wonder if the distinguished chairman of the Committee on the Judiciary would like an opportunity, and I would be delighted to yield for that purpose, to explain to the House in what areas the House receded from its position on our relatively simple bill which passed the House for an amount of $50,000, and I understand it is now up to $270,000. We had a unique purpose as the bill passed the House to simply perform one function. Now I understand there is a dual function on the part of the Commission. Particularly Mr. Speaker, I would like to know from the distinguished chairman of the Committee on the Judiciary, my friend the gentleman from New York (Mr. CELLER), whether or not this Commission would come within the prospectus of the bill we passed in this House just last week on an Advisory Commission.

Mr. Speaker, I yield to the gentleman from New York for an answer.

Mr. CELLER. Mr. Speaker, I would like to make just a brief statement on the work of the committee of conference. Primarily the bill deals with redrawing the boundary lines of the Federal courts of appeals. Those lines have remained largely unchanged since the beginning of the century and they have been rendered obsolete by changes in population, growth in Federal litigation, and so on. We passed the bill overwhelmingly on May 15 (317 yeas; 25 nays). In passing the bill, the Senate struck all after the exacting clause and substituted a new text which expanded the scope of studies to be undertaken and extended the Commission's term to 2 years. The Senate amendment authorized various studies concerning substantive and procedural aspects of the Federal appellate process.

When the conferees met the House conferees emphasized that the thrust of the bill was to redraw the geographic lines and not to change any substantive law, so the Senate receded on the question of broad studies into appellate changes substantive law and accepted our view with reference to requiring the Commission to report back on circuit realinement in 6 months of the appointment of the ninth Commission member.

The conference substitute however, also authorizes the Commission to study and recommend changes in the structure and internal procedures of the courts of appeals and to file a second report within 15 months of the appointment of the ninth member.

The Congress would have to work its will on these recommendations.

Thus, the Commission is to report back to the Congress within 6 months as to proposed changes in geographic boundaries of the courts of appeals, but with reference to changes in structure and internal procedures in the appeals courts the Commission is given 9 more months to file a second report.

The House bill authorized appropriations up to $50,000. No special Commission staff was authorized. We felt that the Federal Judicial Center and the administrative office of U.S. courts could provide sufficient staffing, but now the Senate has added these changes to add burdens onto the Commission to look into the caseloads subject to our final approval.

The conference substitute authorizes the Commission to study and recommend changes in the structure and internal procedures of the appellate courts, and to file its report within 15 months of the ninth member's appointment.

Same limited a staff would have to be established for that purpose. The Senate amendment authorized appropriations of $370,000. The conference report reduced that to $270,000. The authorization in excess of the $50,000 contained in the House bill is needed to cover the expenses of the additional 9-month term of the Commission and of conducting the additional studies authorized by the conference report.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's explanation. I should like to recapitulate it and see if he will confirm that I am stating it correctly or not.

No. 1, we have receded, but only on the germane additions and the procedures of the other body.

Mr. CELLER. That is correct.

Mr. HALL. And, there is nothing in

this conference report which would be considered nongermane to the House-passed bill?

Mr. CELLER. That is correct. I was very, very careful on that. I have been careful with all these conferences to try to repudiate nongermane amendments, which to my mind often are obnoxious.

Mr. HALL. I agree, plus raids on personnel supergrades.

Second, Mr. Speaker, as I understand the conference report, we have yielded from 90 days for the Commission to act up to 15 months. We have yielded, to put it in another context, from a resolution of the other body's $370,000 down to $270,000; we in the House position have gone up from $50,000 to $270,000; but in return we get a review of Federal Court Appellate system in addition to the purpose assigned by the House-passed bill, which was only for review of the Judicial Circuit Court; is that correct?

Mr. CELLER. The gentleman is correct.

Mr. HALL. And in the opinion of the dean of the House, this is a worthwhile payoff?

Mr. CELLER. It is a meritorious bill.

Mr. HALL. Mr. Speaker, in view of the gentleman's explanation, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 28, 1972.)

Mr. CELLER (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks on the two conference reports just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

SENATOR EDWARDS OF LOUISIANA

(Mr. BOGGS asked and was given permission to address the House for 1 minute.)

Mr. BOGGS. Mr. Speaker, I should like to note the presence on the floor of the House of the distinguished junior Senator from Louisiana, who happens to be also the wife of our former colleague, now the Governor of the State of Louisiana, Governor Edwards.

Senator EDWARDS is here with us. I wish she would take a bow.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a privileged report.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

AUTHORITY FOR SPEAKER TO ENTERTAIN MOTIONS TO SUSPEND THE RULES AND SUSPENSION OF REQUIRING A TWO-THIRDS VOTE FOR CONSIDERATION OF REPORTS FROM RULES COMMITTEE SAME DAY REPORTED, OCTOBER 10 AND REMAINDER OF WEEK

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1142 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1142

Resolved, That on Tuesday, October 10, 1972, and for the remainder of that week, it shall be in order (1) for the Speaker at any time to entertain motions to suspend the rules, notwithstanding the provisions of clause 1, Rule XXVII; and (2) to consider reports from the Committee on Rules as provided in clause 23, Rule XI, except that the provisions requiring a two-thirds vote to consider said reports on the same day reported is hereby suspended during that period.

The SPEAKER. The gentleman from Mississippi is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield the customary 30 minutes to the minority to my good friend the able and distinguished gentleman from California (Mr. SMITH) pending which I yield myself such time as I may consume.

Mr. Speaker, this is a simple resolution which would give unto the Speaker the privilege of recognizing for suspensions next Tuesday and the rest of next week, and which also would waive the rule requiring resolutions from the Committee on Rules to lie over a day.

Mr. Speaker, all this resolution will do is to put into operation the rule on suspensions already provided in the House for the last 6 days of a session.

The House has under the guidance of the leadership—and I refer particularly to the distinguished Speaker of the House—the opportunity to adjourn this Congress sine die next week. I hope I will not be misunderstood when I say that due to my position as chairman of the Committee on Rules I have been lending my best efforts to that end; namely, the sine die adjournment of this Congress next week.

On a previous occasion here in the well of the House I observed that it was to the best interests of those who were interested in what I am trying to say as well as those who are not that this Congress adjourn. I repeat, it is in the best interests of the Members who are coming up for reelection November 7. They should have an opportunity to go back and visit with their constituents and present their cause as to why they should be reelected.

Of course, that does not affect some of us personally, including myself, but I am sure that the sitting Members and those who are running for reelection would desire this opportunity.

In pursuance of that, some weeks ago, by direction of the Committee on Rules and with the concurrence of the leadership, I addressed a letter to all chairmen of legislative committees and the ranking minority members that the Committee on Rules would not entertain applications for rules beyond September 25. That date has passed. The only exception that was made was in cases of genuine emergency or in procedural matters such as conference reports, et cetera.

So I repeat, Mr. Speaker, that this resolution is for the purpose of expediting the Nations business and in line with the prevailing rules of the House, that for the last 6 days this power of bringing up suspensions be given to the Speaker.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when this matter was brought up in the Committee on Rules, we were in the chairman's office and just had brief consideration of it. My understanding was that we would be out or ready to get out by October 14, and that if we could not have a sine die resolution passed so we would know when the last 6 days would be, that this would help us expedite the situation. Accordingly, I supported it orally.

Today, however, after reading the colloquy that appeared in the CONGRESSIONAL RECORD of yesterday, at pages 33500 and 33501 between the majority leader, Mr. BOGGS, and the minority leader, Mr. GERALD R. FORD, and the gentleman from Missouri (Mr. HALL), I find out now that maybe I was a little bit careless in the Rules Committee, Mr. Speaker, in going along and waiving everything for suspensions for so many days. Possibly I should have confined myself to Tuesday, and then the next day bring in another one, with the thought in mind that we might have an adjournment.

But as it looks to me now, from what I hear—and I do not know any more than anybody else—I think we are going to have difficulty getting out of here by October 14, with all the work the other body has in front of it.

In any event, Mr. Speaker, I am not satisfied that I did the right thing when I brought this thing down here. Of course, I want to expedite the work and I want to get out of here, but I am a little bit concerned about waiving actually the two-thirds vote so we can bring rules in the same day on a majority vote. I think if it is important enough and the membership wants to do it, we can get a two-thirds vote.

So from that standpoint I think I may have gone a little bit too far.

In any event, Mr. Speaker, I reserve the balance of my time.

Mr. Speaker, I yield 5 minutes to the

distinguished minority leader (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, I regret that I am in the position where I am opposing this resolution. I regret it for a number of reasons.

The resolution goes too far. It is not in accordance with the prevailing rules of the House. I do hesitate to disagree with my dear friend from Mississippi (Mr. COLMER).

It is not in accordance with the rules of the House, as I read rule XXVII, because there is one important ingredient lacking; namely, a provision for a date certain for adjournment sine die. Rule XXVII says that there can be 6 days of suspensions providing the Congress has agreed to a date certain sine die, and that is not in the resolution in this case.

So this resolution is not in accordance with the rules of the House; it is an exception to the rules of the House. I think it is a bad precedent. Therefore I urge its defeat.

I have sought to work with the Speaker and the Democratic majority leader to expedite the business of this Congress in this session and I think parenthetically in other sessions. I have suggested—and I reiterate it now—that if we could agree, I certainly would strongly urge 1 day next week, a date certain, Tuesday preferably, for a suspension day so that this list of suspensions that we were unable to complete last Monday could be considered. If toward the end of the week we found that there was a need and a necessity for another day of suspensions, I would cooperate with the Speaker and the Democratic majority leader, but to give carte blanche, unlimited authority for 5 days without a date certain for adjournment I think is going too far.

I know the Speaker is not going to abuse the privilege, but he is under tremendous pressure. The net result of that pressure might be that the ordinary procedures that we follow and use for the consideration of legislation will be violated. For example, we will not have a rule so that a bill can be considered in a regular way where amendments can be offered. Everybody in this Chamber knows that under suspension of the rules you get 40 minutes of debate with no opportunity to offer amendments. This is not the way to consider controversial or complicated legislation.

I respectfully suggest that if you take a look at this list of suspensions which we were given for this week I honestly think there are some important proposals there that at least deserve an opportunity for the amending process to work. But under the suspension of the rules you are precluded from that opportunity. That opportunity is just eliminated by this procedure.

For that reason, if for no other reason, we ought to be a little hesitant in establishing a new precedent here where, without a date certain for adjournment sine die, we give authority for five full days of suspensions. I, for the life of me, just do not see why under these circumstances such an unusual and unprecedented authority has been presented to the House here today. The Parliamentarian tells me that back in the thirties and forties this was done. I was not here in those days, but to the best of my recollection it has never been done in 24 years where the House did not follow rule XXVII, which says that you can have suspensions for 6 days once you establish a date certain for adjournment sine die.

Mr. SNYDER. Will the gentleman yield for a question?

Mr. GERALD R. FORD. I will be very glad to.

Mr. SNYDER. If this resolution were adopted, it would not preclude other suspensions from being added that were not on that list and which we do not have notice of, would it? They can add anything they want to. Is that not right?

Mr. GERALD R. FORD. As I understand the suspension procedure, any bill reported out by any committee would be eligible for suspension on the request of the chairman of the committee or a member of the committee, if so directed, and the Speaker recognized that person for that purpose.

Mr. SNYDER. Irrespective of whether or not it is on that list?

Mr. GERALD R. FORD. That is correct; it is wide open.

I yield 5 additional minutes to the gentleman from Michigan has expired.

Mr. SMITH of California. Mr. Speaker, I yield 5 additional minutes to the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, I would like to ask the distinguished chairman of the Committee on Rules a technical question on the intent of the resolution that has arisen. Would the distinguished chairman of the Committee on Rules interpret some language in the resolution because there is, on our side, at least, some uncertainty.

Do I understand that by this resolution you do not obviate the requirements of a two-thirds vote on any suspension?

Mr. COLMER. If the gentleman will yield, it is the understanding of the chairman of the Committee on Rules, and I believe of the Committee on Rules itself, there is nothing in the resolution that is contrary to the fact that on these votes on these suspensions that the two-thirds approval would be required.

Mr. GERALD R. FORD. Let me ask the gentleman one other question, which is: According to the proposed resolution, there is an exception that any rule reported by the Committee on Rules can be brought up the same day the rule is approved by the committee without the requirement of a two-thirds vote? Is that correct?

Mr. COLMER. That is correct.

Mr. GERALD R. FORD. But that is the only exception to the two-thirds requirement?

Mr. COLMER. That is right.

Mr. GERALD R. FORD. Mr. Speaker, with real regret I oppose—and I oppose very strongly—this resolution, because I think it is opening the barn door to abuse; it is a new precedent that in my judgment at least destroys the intent of rule XXVII and, furthermore, precludes the orderly and proper consideration of some vital controversial legislation through the amending process.

For those reasons, Mr. Speaker, I vigorously oppose this resolution.

Mr. COLMER. Mr. Speaker, will the gentleman yield further?

Mr. GERALD R. FORD. Of course I will yield.

Mr. COLMER. Mr. Speaker, I am confident that the gentleman from Michigan, the distinguished and able leader, and my good friend, finds himself in the same position that I find myself, namely, that we have an urgent desire to adjourn this Congress next week. Now, that being the case, would not the adoption of this resolution be the best way to achieve that objective? It seems to me that if we dillydally along here for several more days that we are going to find ourselves with a big logjam of legislation, and the urgency and the pressure will be upon the Speaker, as well as upon your good self, to continue on into the next week, and maybe longer.

My purpose, I repeat, and my interest all along has been, for the benefit of the membership and, I repeat, for the country, is to get this Congress adjourned, and this is a means to that end.

Mr. GERALD R. FORD. Mr. Speaker, let me respond to my dear friend in this way. I have heard that some people, who even more vigorously than I do oppose this resolution, say that the adoption of this resolution could very well extend and not cut back the date for adjournment.

I think the gentleman from Mississippi can understand just how that process works. I do not approve of it. I know some people who vigorously oppose this resolution, more vigorously than I, who might hinder the adjournment by using any and all parliamentary procedures.

Let me just make one other observation.

I have been talking to some Members of this body about some of the bills that I have seen on this list, some of the bills that are anticipated will be submitted for suspension under this resolution, and in more than one instance the individual tells me, "Well, this bill is not going to go any place. We will go to conference, and it will never get out of conference." That has happened already and will happen, so why have this resolution?

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. SMITH of California. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. GERALD R. FORD. I say again why go through this unprecedented process which, in my opinion, is establishing a bad precedent and which, in addition, is a poor way to consider vital legislation.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. Surely I yield to the gentleman.

Mr. COLMER. As has been pointed out, as the gentleman himself pointed out, this is not unprecedented, and if this resolution is adopted, it would merely advance what the gentleman says he wants —which is a sine die adjournment. In other words, if you delay the sine die adjournment into next week, then you do not get the provision of the 6 days that the existing rules provide for.

Mr. GERALD R. FORD. Let me respond to that. Why does not the House of Representatives pass an adjournment resolution with a sine die adjournment date of October 14 and send it to the other body and put them on the spot? That is the minimal we should do—the very minimal. We have not taken that initiative. We certainly ought to do that.

Let me add this comment if I might.

Under the rules of the House we have 2 days a month where you can have suspensions. By this resolution you are giving 5 suspension days in 1 week, without the requirement of a date for adjournment sine die. I think that is going much too far, to give 5 unlimited days of suspensions without meeting the rules and requirements of rule XXVII.

Mr. COLMER. Mr. Speaker, will the gentleman yield further?

Mr. GERALD R. FORD. I am glad to yield to the gentleman.

Mr. COLMER. Is that not exactly what you would be doing if you already had agreement for sine die adjournment? You would be given 6 days for suspensions under the existing rule.

Mr. GERALD R. FORD. Of course. And I would be delighted if the House would take the initiative and put the burden on the other body to respond. Of course, I would favor that, and so would the gentleman from Mississippi.

Mr. COLMER. And I would support such a resolution.

Mr. Speaker, I yield 5 minutes to the able and distinguished majority leader, the gentleman from Louisiana (Mr. Boggs).

Mr. BOGGS. Mr. Speaker, the distinguished Chairman of the Committee on Rules, in my opinion, has answered adequately and completely the arguments advanced by the distinguished minority leader.

He also answered the argument that this would establish a precedent. Now, the minority leader simply has not examined the record. If I may have the attention of the minority leader for a moment, let me say that this Congress has adopted this procedure on many occasions in the past without the inclusion of the sine die provision. As a matter of fact, it did it in the 80th Congress, which was a Republican Congress. It did it in the 84th Congress. It did it in 1959 by unanimous consent. It did it in the 86th Congress. The gentleman has been a Member of all those Congresses. It did it in the 85th Congress.

The precedent has well been established, not once, but many times. All I have done is research recent Congresses. I am sure that had I gone back further, I would have found many other examples.

The gentleman refers to rule XXVII. One of the fundamental prerogatives and powers of the Committee on Rules is to suspend the rules and to change the rules if so required to expedite and facilitate the business of this body. Certainly, as the distinguished Chairman, the gentleman from Mississippi, argued, by including a sine die as part of the reasons, we would not limit the power of the Speaker to 5 days; we would give him 6 days. We would give him 1 day more than the possible 5 days asked for in this proposed resolution.

We are responsible legislators, I think. One of the things that seems to me to constitute responsibility is to operate in the realm of the possible. Maybe it would make us look very heroic and look as though we were somehow better than the other body to adopt a meaningless resolution and send it over there and let it sit on the desk. Then come next week the business of this body would grind to a halt, and the prospect of any adjournment or recess, or whatever may come next Saturday night, would be out the window. There would be no chance whatsoever. That is what the alternative is here.

What is the legislative situation? Monday is a national holiday; it is Columbus Day. The distinguished gentleman from Missouri on yesterday objected to carrying over the District day from Monday to Tuesday. That means either we may have to have another District day, because there are two District bills that have to be considered—and what that means we would have to be here beyond next Saturday night—or it means we will have to put those District bills down for suspension during the balance of the week.

The gentleman from Michigan, my dear friend (Mr. Gerald R. Ford) is quite correct that some of these suspensions may not pass the Senate. They may not pass the House. Some of them did not pass on Monday last. But it is the duty of the leadership when a committee chairman asks that a bill be put on suspension, that it be given very serious consideration to be put on the suspension calendar. So far as I know, only one of these bills which was placed on the calendar and published in the whip notice and in the Record has been postponed.

The SPEAKER. The time of the gentleman from Louisiana has expired.

Mr. COLMER. I yield the gentleman an additional 5 minutes.

Mr. BOGGS. On Monday last we passed one of the bills on the Consent Calendar. We only considered six other bills, some of which passed, some of which did not. Some of these bills may not be passable—but most of them are. Some of these bills may possibly serve some particular section of the country, but many others, I would say to my dear friend, the gentleman from Michigan, have been requested by the administration. Furthermore there is no suspension of the two-thirds requirement. They have to be approved by two-thirds or they fail.

The only thing that is different at all here is the fact that we are practical enough not to include in the resolution a provision for sine die adjournment which would nullify what we seek to do; namely, consider the rest of the legislation before the House, hopefully adjourn the Congress next Saturday night—if not adjourn, then possibly devise a method whereby the House Members would be relieved of duties for the rest of this session or most of the session, and let the Members go home and campaign and do their business. That is what is involved here.

I might say and we will assure Members we hope to dispose of most of these suspensions in 1 or 2 days so that we would not have 25 or so suspensions coming up on 1 day. We would hope to work in an orderly fashion. But in truth and in fact we would be operating exactly like we would be operating were we adjourning sine die on Saturday night. Unless the leadership has that authority, take my word for it, forget about any hope of any adjournment next week.

Mr. SMITH of California. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. Anderson).

(Mr. ANDERSON of Illinois asked and was given permission to revise and extend his remarks.)

Mr. ANDERSON of Illinois. Mr. Speaker, I was present in the Rules Committee on the day that this particular resolution (H. Res. 1142) was reported, and I certainly can testify for myself, and I think these remarks have already been made by the distinguished ranking minority member of the committee, the gentleman from California (Mr. Smith), that implicit in our minds when this resolution was presented and when it was adopted was that we were going to adjourn on October 14, 1972. I think a reading of this resolution makes it clear that this resolution is an exception to the rules of the House, because it says, "notwithstanding the provisions of clause 1, rule XXVII."

So let me at this point try to propose what I think is a reasonable compromise, and I do not think that there is any desire here for partisan advantage. We are trying to do two things, as I see it. We are trying, first, to avoid in the closing days of this session setting up an undesirable precedent of some kind that may come back to haunt the future leaders of this House, be they Democrat or Republican; and we are trying, second, to expedite the business of this Congress and proceed toward a sine die adjournment.

Let me suggest that we do this: That when the previous question is ordered, we vote down the previous question, and if that can be accomplished, then I would propose to offer an amendment, if recognized, to this resolution which would simply strike out on line 1 the two words "and for" and on line 2, the words "the remainder of that week."

In other words, it would then read that it would be in order on the 10th of October, on Tuesday next, to consider under a procedure involving suspension of the rules any measure that may be called up at that time by the distinguished Speaker. But we can vote on those bills. We can get them out of the way, and then we can consider at that time if it is necessary in view of the volume of legislation that may or may not then still be pending, whether we should then go ahead and adopt a further resolution providing for further days on which we would consider matters under suspension of the rules.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the distinguished majority leader.

Mr. BOGGS. Mr. Speaker, I might inform the gentleman on Tuesday next—and, of course, the program has not been finalized—there are two very vital measures that are scheduled and certainly vital to the administration, one of which is highly controversial and that is the extension of the debt ceiling, and the other is the conference report on revenue sharing. For the gentleman to suggest we have 1 day, next Tuesday, would mean that at about 6 p.m. the leadership would have to be prepared to call up 40 suspensions. I would say that the gentleman is not making a very good suggestion.

Mr. ANDERSON of Illinois. In view of the information the distinguished majority leader has now provided the House, let me say that I would be perfectly happy then to amend the suggestion which I have just offered, and have the resolution provide that on Wednesday, October 11, 1972, we consider these matters under suspension.

That would certainly give us the opportunity to handle what the majority leader has correctly described as some very vital legislation on Tuesday. I would be very pleased to make that change.

Mr. GERALD R. FORD. Will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. I think the gentleman's offer of an amendment is the appropriate way to resolve this impasse. The gentleman from Louisiana, the distinguished majority leader, has indicated that they do not plan any suspensions on Tuesday, so let us be flexible. Let me suggest if we defeat the previous question, we could have one of two things happen:

We could either have an adjournment resolution which would make all the previous 6 days eligible, or we could be equally flexible and pick another day plus October 10 or 11 if the House wanted to work its will.

Mr. ANDERSON of Illinois. Mr. Speaker, I think the gentleman has very effectively summarized the situation. I hope, therefore, that the Members on both sides of the aisle will join in doing what he has suggested.

Mr. BOGGS. Will the gentleman yield?

Mr. ANDERSON of Illinois. I am pleased to yield to the distinguished majority leader.

Mr. BOGGS. I did not say that on Tuesday there will be no suspensions considered. I said that there was a very heavy legislative program and time would be very limited for suspensions.

It very well may be that the debt ceiling bill will take less time than some of us anticipate; I do not know. The point is, what the gentleman is seeking to do is to limit this authority to 1 day. I am not in a position to say that 1 day is adequate.

Mr. ANDERSON of Illinois. Let me say in response that I think the distinguished minority leader (Mr. GERALD R. FORD) has already demonstrated that the minority is perfectly willing to reconsider this matter if there is still a considerable volume of business that needs to be transacted under suspensions of the rules.

We can consider another resolution of this kind on Wednesday of next week. I think he made that quite clear.

Mr. GERALD R. FORD. Will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. The majority leader made reference to the fact that we have so much work to do. I would like to ask him if we have anything scheduled for Friday, Saturday, or Monday. Those are three good working days. I think we could get in much of this legislation which is so pressing at this particular time.

Mr. ANDERSON of Illinois. I yield to the majority leader for reply.

Mr. BOGGS. We have a full schedule for tomorrow; we may have a schedule for Friday. I am not prepared to answer that at this time.

We have no business for Saturday; we have no business for Monday. We are committed, we have been committed to the observance of the national holiday honoring Christopher Columbus, and we intend to stand by that commitment.

Mr. GERALD R. FORD. Will the gentleman yield?

Mr. ANDERSON of Illinois. Yes.

Mr. GERALD R. FORD. Is it possible that we could call up the debt limit bill on Friday? I understand it has been reported. That would be very helpful.

Mr. BOGGS. The debt ceiling bill will not be called up until next week.

Mr. ANDERSON of Illinois. Mr. Speaker, let me in conclusion say that I hope the Members will vote down the previous question.

Mr. SMITH of California. Mr. Speaker, I yield 4 minutes to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Speaker, certainly the suggestion made by our colleague the gentleman from Illinois (Mr. ANDERSON) has merit. There is still violence in the remainder of House Resolution 1142 in that it suspends the provisions requiring two-thirds vote to consider reports of the Committee on Rules on the same day. That suspends also from Tuesday through the balance of the week, that ordinary rule and requirement.

Mr. Speaker, this is obviously a squeeze play. One could easily call it an unblemished power-grab. I have already said in an alert sounded yesterday—page 33501, CONGRESSIONAL RECORD—that it is a device to expedite the questionable amount of legislation, some of which may be good and urgent, but much of which adds to the taxpayer's burden, or our socialization.

But, I would like to point out to all of those assembled here that there is a much deeper, underlying principle involved here than just the immediate resolution or the immediate power-grab.

That is, Mr. Speaker, it does violence to the representatives process.

Yesterday I was accused by calloused Members of castigating them. So be it. If I could accomplish anything toward saving the representative process by riding with roweled spurs, I would castigate even deeper, because I have been here long enough to see the rights of the individual elected legislator eroded away by such power-grabs, and as we scramble to protect ourselves with fewer and fewer protective rules of procedure, then we must resort to castigation, if that is a proper word and be necessary in a leadership that cannot say "no." I have served for years as member and chairman of the minority objectors on the Consent Calendar. Thus one must do his homework ahead of time, know the rules of procedure; and, incidentally, expedites much more legislation than is held in abeyance.

I would not refer to the leadership all the way from A to Z, because that might be misconstrued in these days. If I were going to refer or point with shame, I'd use the Greek terms from Alpha to Omega which I believe would then be acceptable.

But be that as it may, we are being shortsighted in seeking adjournment at the expenses of opening the floodgates to legislation, needed or otherwise, by undue process or even worse by lack of process, and no matter how thin we spread it or rationalize it, this is exactly what we are doing.

If we are trying to expedite adjournment sine die, this is a poor way to approach the problem. The distinguished minority leader has more than adequately exercised this, and the alternatives.

I ask all Members to at least vote down the previous question. I ask all Members to accept from day to day the making of suspensions in order, if we must do that. But most of all I would adhere to the rules of the House and make a sine die commitment firm, send it to the other body and hope they pass it, and then use the 6-day suspension period provided in the rules and memorials. If done thusly you will hear not one further chirp from this old bird—except individual bill opposition, of course.

Why do I believe this should be voted down out of hand, barring the voting down of the previous question? I would offer as a brief reference for Members page 32814, of the RECORD for Thursday September 28, 1972, in the third column, a statement that there would be considered on Tuesday next the Fair Labor Standards Act as the first order of business following the reading of the Journal.

Members all know what happened to the program and sequence yesterday. It was the last thing that was considered on the floor of the House.

With this kind of leadership, who needs friends? I say, let us vote down the previous question. Let us protect the morals and the mores of the House. Let us protect the rules of procedure of the House. Let us protect representative government.

Mr. COLMER. Mr. Speaker, I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, the scenario has been the same for the past 8 years in which I have served in this body. As usual, the legislation piles up as the pressures to adjourn increase. This results in the leadership taking extraordinary steps to push through legislation in a totally undeliberative manner.

This year is no exception. With an unrealistic suspension calendar last

Monday that contained 46 pieces of legislation, it should come as no surprise that the House was only able to conclude action on six of these bills. We are told that we are in a time crisis, despite the fact that the schedule pursued since the Labor Day recess can only be described as leisurely. Buried in this long list of unfinished legislation, we are told, are many items of critical importance which must be acted upon before we can responsibly move for adjournment. This of course puts us again in the traditional time bind.

Thus, we are presented with House Resolution 1142, to suspend the rules and waive the rule requiring a two-thirds majority for the consideration of all remaining consent legislation that the leadership sees fit to bring before us. This request is made and yet no date has been set by this body for recess or adjournment, nor has even a firm promise of a date certain been proposed.

And what about the real unfinished business of the 92d Congress? Where is the comprehensive health insurance program which has been languishing in committee? What about the minimum wage where we cannot even get enough votes to send the bill to conference, even though it has been passed by this House? What ever happened to no-fault insurance? When will we act to stop the madness in Southeast Asia? Where are these and a host of other measures which would make life a little better for all of our citizens? While we squabble over some of the less important measures, our people continue to suffer.

Perhaps we would be just as well off to adjourn for this Congress as to rush through the remaining business without careful and sober consideration of each matter now pending. Then those of us who are fortunate enough to return for the 93d Congress can renew our consideration in a more deliberate and thoughtful manner.

Mr. COLMER. Mr. Speaker, I should like, in final conclusion, if I may have the attention of Members, to emphasize what I said at the beginning. I find myself not too happy that, at this late date, there has been so much controversey about this resolution, a resolution that was unanimously reported out of the Committee on Rules.

I merely wanted to say, Mr. Speaker, that I find myself in accord with much of what has been said, but the objective is still good. I would hope that the leadership, my leadership—the Democratic leadership—would, after this resolution is passed—and I hope it will be passed—offer a sine die adjournment resolution and send it over to the other body.

And now, the one point on which I differ with my friend from Louisiana, the majority leader, is that this would serve no purpose; it would just go over there and die. I have an entirely different reaction to that, and that is this: That if such a resolution were passed and sent over there, it would be a powerful argument for that body to get busy and pass a similar resolution and adjourn this Congress.

Mr. Speaker, I urge the adoption of this resolution.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

Mr. ANDERSON of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 214, nays 171, not voting 45, as follows:

[Roll No. 406]

YEAS—214

Abbitt
Abourezk
Abzug
Adams
Alexander
Anderson, Tenn.
Andrews, Ala.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Bennett
Bergland
Biaggi
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Broyhill, Va.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Cabell
Caffery
Carney
Casey, Tex.
Celler
Chappell
Chisholm
Clark
Collins, Ill.
Colmer
Corman
Cotter
Curlin
Daniels, N.J.
Danielson
Davis, Ga.
de la Garza
Delaney
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Evins, Tenn.
Fascell
Fisher
Flood
Flowers
Foley
Ford, William D.
Fountain
Fraser
Fulton
Fuqua
Garmatz
Gaydos
Gibbons
Gonzalez
Grasso
Gray
Griffin
Griffiths
Halpern
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Hathaway
Hays
Hechler, W. Va.
Helstoski
Hicks, Mass.
Hicks, Wash.
Holifield
Howard
Hull
Hungate
Ichord
Jarman
Johnson, Calif.
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Kluczynski
Koch
Kyros
Landrum
Leggett
Link
Long, La.
Long, Md.
McFall
McKay
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Martin
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Miller, Calif.
Mills, Ark.
Minish
Mink
Mitchell
Monagan
Montgomery
Moorhead
Morgan
Moss
Murphy, Ill.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Passman
Patman
Patten
Pelly
Perkins
Pickle
Pike
Poage
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Randall
Rangel
Rees
Reuss
Roberts
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Sarbanes
Scheuer
Seiberling
Shipley
Sikes
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Steed
Steele
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Taylor
Teague, Tex.
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
White
Whitten
Wilson, Charles H.
Wolff
Wright
Yates
Yatron
Young, Tex.
Zablocki

NAYS—171

Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Baker
Belcher
Betts
Biester
Blackburn
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Byrnes, Wis.
Camp
Carlson
Carter
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Conable
Conover
Conte
Conyers
Coughlin
Crane
Daniel, Va.
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Drinan
Duncan
du Pont
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fish
Flynt
Ford, Gerald R.
Forsythe
Frelinghuysen
Frenzel
Frey
Galifianakis
Goldwater
Green, Pa.
Grover
Gubser
Gude
Haley
Hall
Hammerschmidt
Hansen, Idaho
Harsha
Harvey
Heckler, Mass.
Heinz
Henderson
Hillis
Hogan
Horton
Hosmer
Hunt
Hutchinson
Jacobs
Johnson, Pa.
Jonas
Jones, N.C.
Keating
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Latta
Lennon
Lent
McClory
McCloskey
McCollister
McCulloch
McDade
McEwen
McKevitt
McMillan
Mallary
Mathias, Calif.
Mayne
Michel
Mikva
Miller, Ohio
Mills, Md.
Minshall
Mizell
Mosher
Myers
Nelsen
Pettis
Pirnie
Powell
Price, Tex.
Quie
Quillen
Railsback
Rarick
Riegle
Robinson, Va.
Robison, N.Y.
Rousselot
Ruth
St Germain
Sandman
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Springer
Stanton, J. William
Steiger, Ariz.
Steiger, Wis.
Talcott
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Wampler
Ware
Whalen
Whalley
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Zion
Zwach

NOT VOTING—45

Abernethy
Addabbo
Baring
Bell
Bevill
Bow
Byron
Carey, N.Y.
Clay
Culver
Davis, S.C.
Dowdy
Dwyer
Edmondson
Evans, Colo.
Gallagher
Gettys
Giaimo
Goodling
Green, Oreg.
Gross
Hagan
Hastings
Hawkins
Hébert
Lloyd
Lujan
McClure
McCormack
McDonald, Mich.
McKinney
Mollohan
Murphy, N.Y.
Nichols
O'Konski
Pepper
Peyser
Reid
Rhodes
Rooney, N.Y.
Ruppe
Schmitz
Stuckey
Teague, Calif.
Terry

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mr. Bow against.

Mr. Mollohan for, with Mr. Goodling against.

Mr. McCormack for, with Mr. Rhodes against.

Mr. Nichols for, with Mr. Hastings against.

Mr. Murphy of New York for, with Mr. Lujan against.

Mr. Reid for, with Mr. McClure against.

Mr. Carey of New York for, with Mr. McDonald of Michigan against.

Mr. Addabbo for, with Mr. Ruppe against.

Mr. Culver for, with Mr. Schmitz against.

Mr. Giaimo for, with Mr. Teague of California against.

Mrs. Green of Oregon for, Mr. Terry against.

Mr. Hawkins for, with Mr. Lloyd against.

Messrs. CAFFERY, CASEY of Texas, and ABOUREZK changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

INCREASE IN RAILROAD RETIREMENT BENEFITS—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-372)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I today am returning without my approval H.R. 15927, a bill which would jeopardize the fiscal integrity of the railroad retirement system and hasten its bankruptcy.

This bill would provide a "temporary" increase of 20 percent in railroad retirement benefits, matching the recent increase in social security benefits—but without any provision for financing the new benefits.

It would be the third railroad retirement benefit increase in 3 years—totaling 51.8 percent in all—to be made without an accompanying increase in taxes to finance the benefits.

I am in favor of increased railroad retirement benefits. I would sign a measure which was adequately financed. But H.R. 15927 does not meet this test and thus it would threaten the very existence of the railroad retirement fund which already is on shaky financial ground. In addition, the bill in its present form would contribute to inflation which harms all the people, including the railroad retirees themselves.

I have often stated my strong belief that the millions of older men and women who did so much to build this Nation should share equitably in the fruits of that labor, and that inflation should not be allowed to rob them of the full value of their pensions. By providing a 20 percent benefit increase without adequate financing, however, this bill goes far beyond reasonable equity.

In passing this bill, the Congress has mistakenly assumed that railroad retirement benefits should be increased by the same percentage as social security benefits. In fact, the two systems are entirely different. Railroad benefits are much higher than social security benefits—for full-career workers the benefits may be twice as high.

The railroad retirement system payments are a combination of social security benefits augmented by the equivalent of a private pension. There is no valid reason why the private pension equivalent necessarily should be increased whenever social security benefits are raised. Other industries have not raised their pension benefits by 20 percent as a result of social security increases, even though most of them provide less adequate benefits.

The argument that these "temporary" benefits do not require a tax increase is, in my judgment, a delusion. I cannot imagine that the Congress would find it possible or desirable to slash railroad retirement benefits next year or in any year.

The imprudence of H.R. 15927 is underscored by the recent report of the Commission on Railroad Retirement. That Commission was created by the Congress in 1970 to study the troubled railroad retirement system and recommend measures necessary to place it on a sound actuarial basis. Yet the Congress acted on H.R. 15927 before it had an opportunity to consider and act on the recommendations of its own Commission for basic changes in the railroad retirement system.

The Commission's findings do not support H.R. 15927 and a majority of the Commissioners recommended against such legislation.

The Commission found that existing railroad retirement benefits are adequate, particularly for workers retiring after a full career. Retired railroad couples receive higher benefits than 9 out of every 10 retired couples in the country. The Commission also reached the sobering conclusion that the enactment of an across-the-board 20 percent increase, without adequate financing, would bankrupt the system in 13 years.

I believe that railroad beneficiaries should now receive the same dollar increases in benefits as social security recipients with similar earnings. A 20 percent increase in the social security portion of railroad retirement benefits can be financed without worsening the financial position of the Railroad Retirement Trust Fund. The Congress followed this sound approach when it increased railroad retirement benefits in 1968.

Therefore, I propose that the Congress enact a bill which again applies this principle, instead of H.R. 15927. The 1972 increase under my proposal would average $28 per month for single retired railroad workers and would be about $47 a month for married couples. It would not deepen the presently-projected deficits of the Railroad Retirement Trust Fund.

I urge the Congress to adopt this prudent alternative, which would give these deserving pensioners an equitable benefit increase on a timely basis and which would still preserve the flexibility for basic readjustments that will be needed later in the railroad retirement system.

Working together, I hope that we can constructively reform this system so it can continue to serve the needs of railroad workers and their families for decades ahead.

RICHARD NIXON.

THE WHITE HOUSE, *October 4, 1972.*

The SPEAKER. The objections of the President will be spread at large upon the Journal; and the message, together with the accompanying bill, will be printed as a House document.

The question is, Will the House, on the reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Speaker, I have listened to the reading of the President's veto message and have read it myself. I think it is very unfortunate that the President would choose to veto legislation so important at this late hour in the Congress, knowing full well that we could not pass any other bill out to take care of those who are in need in the country and who have paid for their retirement and who are so deserving.

I would like to go back very briefly and give the Members a little history on this: That when we passed an increase in 1970 we provided for a commission to come up with a recommendation to the Congress for funding this fund to make it actuarially sound.

When we worked on this bill, the commission report was not before our committee, and I have not had an opportunity as yet to read their voluminous report. It consists of 570 pages, and including the appendices it will run from 750 to 1,000 pages at least. We have been extremely busy and have not had the time.

When we passed this bill, we added to it the provision that it was a temporary increase until next July. The increase will expire and we must come back before that time with recommendations to make the funding sound. I think everyone in the House recognized the fact that this was the intention of the committee and of the Congress to do just that, to come back and try to make the necessary recommendations next year.

We put in the bill, too, the proviso asking that labor and management come in with their recommendations also by next March, so that we would have time then to take those recommendations under consideration when we considered a new bill before next July.

The President says that this will jeopardize the fiscal integrity of the railroad retirement fund. He is talking about the situation that will exist if we do not do anything next July except extend the increases permanently. He is talking of years in the future, and he so states that.

Now, if there is nothing done until next July, there will be $4.35 billion in the fund left intact, because there is $4.6 billion now, and in this fiscal year, between now and next July, there will be about $250 million taken out of the fund.

So that the fund will be solvent as of next July and it would be for many, many long years into the future if we did not do anything. But this Congress knows it must act by next July; this Congress has given that commitment, because these raises expire at that time, on July 1.

So I think, with these things in mind, knowing that we do not have the time to take up another bill, which is just not possible, we must try to keep these increases on the books and try to override the veto.

I do not like ever to say this about any President, but I believe he has been ill-advised. I do not know who his advisers are. I am not blaming the President; I am blaming those who advised him, because I just believe they are completely erroneous and wrong.

He states in his veto message something about equality with the social security payments and making recommendations, as I said, as to enacting this into law, which is not possible now.

After I finish these remarks I would like to yield 20 minutes to the gentleman from Illinois (Mr. SPRINGER), the ranking member on the committee. It is seldom that Mr. SPRINGER and I are on opposite sides of any bill. I can say that, Mr. Speaker, and I would just like to add this: That I am sure that his intentions are good, and I am sure that in his wisdom and in his position he must try to uphold the President of the United States.

Mr. SPRINGER. Mr. Speaker, I thank my distinguished chairman for his kind words.

Mr. STAGGERS. Mr. Speaker, I would like to yield at this time to the gentleman from Ohio (Mr. HAYS), the chairman of the Committee on House Administration. I yield the gentleman 1 minute.

Mr. HAYS. Mr. Speaker, it is very seldom that I inject myself into the affairs of another committee on this House, I think a great injustice will be done to the railroad workers of this country if this bill is not passed.

I, like the chairman of the Committee on Interstate and Foreign Commerce, do not blame the President for this completely, because all of us know that the President only has the same number of hours in a day that we do and he has a great many things coming to his attention. He has had to farm this matter out to some of his assistants and rely on their advice. When they say that this fund will be fiscally unsound if we go ahead with this raise for 6 months or 8 months until the first of next July, they are just not leveling with the President.

You know, there are a lot of things you can say about some of the things we have done here, but are we going to allow these railroad workers—and I have had some of them come to me every time I come home and say, "Are we going to get an increase like social security did?" and I assured them that they are—are we going to allow these railroad workers to suffer as a result of this?

You know, we did not hesitate much to bail out the Penn Central and we did not hesitate much to bail out Lockheed. I am not criticizing anybody. I voted for Lockheed. But, Mr. Speaker, nobody talked about fiscal responsibility or what it was going to do to the budget or what it was going to do to any funds.

As the chairman of the committee pointed out, the Congress will act on this, and this fund will not be damaged. We ought not to do this to these people and ought not to have them stand around and wait until Congress comes back.

I, like the chairman of the Committee on Interstate and Foreign Commerce, hesitate at any time to oppose the President, but in this particular instance I think that the President was ill-advised and I think that the Congress ought to pass this and the House of Representatives ought to do it this afternoon and we ought to do it resoundingly.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. METCALFE), a member of the subcommittee and the full committee.

Mr. METCALFE. Mr. Speaker, once again the President of the United States has shown total disregard for the workingmen of America by vetoing a bill, which, in effect, would increase the benefits for the retired railroad workers of America. This increase would be comparable to the 20-percent increase which this House recently voted for our senior citizens under the Social Security Act.

The working men and women of America are unable to exist financially unless, their income increases to keep pace with the constant rise in the cost of living. The President has shown a great insensitivity to the retired workers by denying them the means to live in a decent manner.

Further he has shown a complete disregard for the will of this body which has attempted to meet the needs of our citizens. Now, with the veto unless this House acts, these individuals will not be able to cope with the rising costs on a substandard income. I urge you to override this veto.

Mr. SPRINGER. Mr. Speaker, the question has been raised as to whether or not the President knew just what he was doing when he vetoed this measure. It is suggested that some vaguely identified people described as "staff" convinced him to so act. Don't you believe it. He knew exactly what he was doing, and he was right.

It is no service to the railroad worker or the railroad retiree to allow this fund to plunge headlong toward bankruptcy and the President has here tried to avoid it. The very integrity of the President has been attacked here but both his integrity and that of the railroad retirement system have been furthered by his action.

Mr. Speaker, I hope that I can put some light on this, because I think you want to know what the facts are with reference to this fund when you vote on it.

Now, when we in this body plus the Senate formed the railroad retirement fund it was at the request of the railroads and the brotherhoods in 1936.

When this fund was formed we set up a Railroad Retirement Board made up of three men. I have been on this committee for 22 years. For 8 years I was on the Subcommittee on Transportation and Civil Aeronautics. Since then I have been an ex officio member due to the fact that I have been the ranking minority member. I think I have known everything that has happened to this fund.

Three years ago was the first time that I know of in all the history of this fund that we ever violated the concept that the fund had to be actuarially sound. It had to be actuarially sound, which meant that you had to be paying into the fund enough money so that those men who were paying in then and today, the younger workers, will be able to get their pensions 25, 30, or 35 years from now.

I happen to have a list of the railroad workers in my district, and I sent out to those workers—not those on pension, but those who are working—a letter, and I explained exactly what was involved. I told them what the raises had been in the last 3 years which compounded amounted to a 55-percent increase in the last 3 years. And, gentleman, from those who are paying into the fund, who are working today, I did not receive one single letter, not one in favor of this raise. Now, I probably received 25 or 30 or 35 letters from retirees, people who are drawing on the fund today, of course. But they are not interested in whether the fund is actuarially sound, they are interested—and I can well understand their feelings about it—in the increase for themselves. And they are not interested in necessarily what is going to happen to those who are working now in 10, 15, 20, or 25 years from now who are expecting to draw from this fund, and who are expecting it to be actuarially sound.

We have a report on file here which shows that the fund itself is on its way into bankruptcy, and will be completely bankrupt in about 16 years.

Let us just take this one thought, Members of the House; if you try to give somebody a 55-percent increase in 3 years, how many retirees do you have?

You have 900,000 people who are drawing on this fund, but, how many people are paying into the fund? There are 600,000 people paying into the fund.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. No, I cannot yield to the gentleman from Maryland at this time because I want to put this material in all in one bundle.

So, Mr. Speaker, I think we must well realize that you are going to have to talk, not to the retirees when we go back home, but we are going to have to talk to those people who are paying into the fund, and who are paying in nearly 10 percent every month, and you have to tell them that this fund is actuarially unsound, and that it will be bankrupt in 16 years.

That is what you have to tell them.

The president was advised—and may I assure you that the President was adequately advised, and rightfully advised, and I believe that he made the right decision.

I do not intend to kid any of my people back home who are paying into the fund that they can expect to have a pension in 15, 20, or 25 years from now if this fund stays in this position. That is what we must face.

The President has not been altogether negative. He has tried to be constructive. Here is what he said with reference to this matter and what ought to be done about it. He said:

> Therefore, I propose that the Congress enact a bill which again applies this principle—(that is the principle mentioned above)—instead of H.R. 15927. The 1972 increase under my proposal would average $28 per month for single retired railroad workers and would be about $47 a month for married couples. It would not deepen the presently-projected deficits of the Railroad Retirement Trust Fund.

What you are trying to do here is to increase this by another 20 percent. What you are doing is going far beyond anything that social security did because most of these people are drawing twice as much as you get on social security. That is not out of the way because these people are paying more and in fact other people pay 3 percent and 4 percent and 5 percent, and therefore they are justified in having an increase. But nobody is paying into this fund to give them the amount of increase that we have given in the last 3 years. There is no justification for it. I think the whole problem here is the risk, and you have to explain to these people who are going to follow along behind who expect to be paid out of this fund sometime in the future.

I yield to the distinguished minority leader for his comments.

Mr. GERALD R. FORD. Mr. Speaker, I supported the gentleman when we first considered the legislation, when he offered an amendment which I think would have been the proper way to handle the funding and the added benefits which are needed and justified. I regret that that amendment was not approved. I think it was a sound approach and would have made the proposal acceptable to me and I believe the President. I intend to support the gentleman from Illinois because there is no adequate financing of a fund that is threatened with future bankruptcy.

Mr. SPRINGER. When this matter was before the House I offered an amendment which I thought was a fair one. I said I did not want to, but I would vote for it if the House would increase the tax on the worker an additional 13 percent and industry an additional 13 percent. That would be an increase of 26 percent divided equally between the employer and the employee.

We got 104 votes for that but the rest of the Members did not face up to the fact that we had to do this if you are going to keep this actuarially sound.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. How did the gentleman vote on the bill giving the Penn-Central a loan of a hundred million dollars? Penn Central executives had voted themselves fabulous salaries and pensions as high as $60,000 a year. They ran the railroad into bankruptcy. I do not think this is any secret—most people agree on that. Then they came to the Congress and we bailed them out. Now we have a lot of workers who have spent their lives working for the railroads and through no fault of their own the railroad industry is in trouble.

How did the gentleman vote when it came to that, to the loan to the Penn Central?

Mr. SPRINGER. I voted for the Penn-Central loan.

Mr. LONG of Maryland. Well, I voted against it.

Mr. SPRINGER. Let me just say this to the gentleman—if he wants to be difficult about this—

Mr. LONG of Maryland. That is a term——

Mr. SPRINGER. I do not yield further to the gentleman.

I voted for it because about 70 percent of every dollar went to the employees of the Penn Central which is the biggest employer. Over 40 percent of the people who travel in this country travel on the Penn Central. And I did it in order to keep those employees at work. That is why I voted for it. You have been trying to picture this as some kind of thing about some wealthy officials, and it was not. I voted for it because I wanted to keep those people employed and I would not have voted for it under any other circumstances.

Mr. LONG of Maryland. Including executives, who are also employees.

Mr. SPRINGER. Let me just say this. I think that over 70 percent of all the money went to the employees down on the railroad, and I have not seen those people thrown out of work, and some of them, or a lot of them live in the gentleman's district.

I do not yield any further to the gentleman.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. MICHEL. Mr. Speaker, I want to commend my colleague, the gentleman from Illinois, for his statement here today. I was persuaded by the arguments he made so well when we originally considered this bill earlier and I voted against it.

Yes, I too have received some comments with respect to my vote from a number of people back home. As for the younger railroad workers, not one of them have complained about my vote.

Some elderly folks who are on retirement questioned me about my vote and I made the point with those folks that somebody in this Chamber had to be thinking about the solvency of the trust fund a few years down the road. Life expectancy is increasing and our elderly people on retirement are living longer. We have got to make sure that these trust funds will be secure for those extended years of retirement. I wonder too, under the social security system itself, how long we can continue going this same route we are traveling today without raising taxes to pay for the larger benefits.

There is more and more talk about lowering the age of retirement and if we do this we compress into an even smaller group those who have to pay the higher taxes to pay for the ever-increasing benefits.

I tell you my friends more and more of our young people are getting concerned about this and whether there will ever be enough for them to retire on when that time comes.

There is a limit to the burden we can ask them to shoulder at the very time they are just getting married, buying a home, rearing their children and then ultimately sending them to college. We have to wake up to the fact that unless we ante up the taxes to pay the bill we are not going to have any benefits to bestow a number of years hence.

So I do commend the gentleman for the position he has taken and I too am going to vote to sustain the President's veto, if for no other reason to help dramatize this concern we have for the solvency of all retirement trust funds. It is a critical and serious thing and ought not to be treated so lightly.

Mr. SPRINGER. Mr. Speaker, may I reply to my distinguished colleague from Illinois and explain to the House there is quite a bit of difference. I think the gentleman from Illinois well explained it here on the floor of the House when we granted roughly a 20-percent increase into the social security fund. We have several times as many people paying into the fund as we have taking out of it. It is not the same situation here where we have 900,000 people drawing and only 600,000 people paying in. There is not a bit of comparison between the situation under this fund and the one under social security.

Mr. COLLINS of Texas. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Texas.

Mr. COLLINS of Texas. I should like to point out again the importance and necessity of the presidential veto. Before I came to Congress, I worked 25 years in the life insurance business. We were concerned with the actuarial strength and soundness of retirement plans. When every man here in good conscience studied this plan, he would understand the logic of the President's veto. We all have to remember that there are 600,000 people working for railroads, yet there are 900,000 people drawing benefits. We cannot increase the benefits by 55 percent, as we have done in 3 years, and not put any money in the fund, without having a financially bankrupt pension plan.

They say it will take about 12 years before it will be completely broke. This represents a considerable financial loss to the man working today and putting his money into the retirement plan. This means that a man working for the railroad who is 40 years of age will not have any money available in the plan when he reaches retirement age. This is one of the greatest pension plans in America—the Railroad Retirement plan—is one of the finest pension plans that has ever been funded. One month before election we come to debate and through political expediency we are considering bankrupting the plan.

Always remember that when Congress authorizes 55 percent more to be paid out, while not providing a single nickel of funds to provide the payments, then financial bankruptcy of the Railroad Retirement plan is inevitable.

I thank the gentleman from Illinois.

Mr. SPRINGER. I thank my colleague from Texas.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I share the President's concern for the future fiscal integrity of the railroad retirement system because it has been in trouble for the past few years. During that time, unprecedented numbers of railroad employees have retired and they have been caught by inflation. This administration is not responsible for the inflation which has hurt these and other retirees. The fault for that inflation lies with previous administrations. But the fact of that inflation cannot be denied, even though this administration has made great strides in trying to end it.

Railroad workers in recent years have not been among the best paid workers in America. Their retirement system is a different plan from the social security system, but they deserve no less than those on social security.

There is no question that we must

face up to the necessity of straightening out the railroad retirement system because it is unsound and is on the road to bankruptcy. One step in doing that will be to save the railroads in this country so that present employees can afford to maintain their retirees. If this highly regulated industry does not survive, the Federal Government and all citizens must share the responsibility for the collapse. We will have a moral duty not only to maintain our obligation to the present 900,000 retirees but to the 600,000 currently working on the railroads. The future employment of those 600,000 was what we had in mind in loaning Federal funds to the Penn Central Corp. We have an obligation to them and to the 900,000 retirees to find a method to make their retirement system sound. But we cannot penalize the present retirees in the meantime.

I shall vote to override the veto and do so in the confidence that our committee will undertake the difficult job of straightening out the railroad retirement system early next year.

Mr. SPRINGER. Mr. Speaker, I reserve the remainder of my time.

Mr. STAGGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MACDONALD).

Mr. MACDONALD of Massachusetts. Mr. Speaker, I thank the chairman for yielding to me.

Mr. Speaker, I rise to associate myself strongly with the remarks of the gentleman from West Virginia, the chairman of our committee, who has done an outstanding and statesmanlike job helping to get railroad retirement bill through the Congress.

I join with him in urging my colleagues to overturn the President's veto which I feel is a show of indifference to countless thousands of retired working Americans. The President has once again chosen to ignore the harsh realities of life for the retired American. Inflation goes on largely unchecked. Food prices continue to rise at an unprecedented rate.

Yet the President calls upon the retiree to bear a difficult burden, of living on a meager fixed income.

Our committee has recognized the need to relieve the retired Americans of some of their burden. We sought, and the House approved 398 to 4, to allow railroad retirees a 20-percent increase in retirement benefits commensurate with the increase voted earlier for social security. In the face of overwhelming need and in the face of nearly unanimous congressional approval, the President has acted with disregard for the interests of retired railroad employees.

In his veto message this morning, the President states that Congress should not act until it has been able to consider the recommendations of the Presidential Commission on Railroad Retirement. He is talking about a 600-page report which is complex and highly detailed. Certainly the Congress will consider this report, and certainly there will be an opportunity for making basic reforms in the present railroad retirement system.

But what good will that promise do for the many thousands of retired workers who can barely make ends meet now? What relevance do the pages, charts, and graphs of that report have to the great needs of these Americans who have worked so hard and long for their country—the need for food, clothing, and shelter—for bare subsistence?

I urge all of my colleagues—not to turn our backs so easily on these people. I suggest we should not, and that we should join together to override this veto.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. MOSS), a member of the committee.

Mr. MOSS. Mr. Speaker, I am going to vote to override this veto because in my judgment the increases contemplated by the law the Congress passed so overwhelmingly are fully justified. It is not the fault of the railroad worker that the basic actuarial assumptions underlying this plan contemplated an upgrowth in employment in the railroad industry or at least a level of employment in the industry. The fact is that employment has declined.

We are going to have to reexamine those basic assumptions. We have before us the report for which we have waited for 2 years. The committee has given its commitment to consider the matter early in the next session.

In the meantime there is no justification for working this kind of penalty upon a small group which would be charged unnecessarily with the burden of inflation. That cannot be valid. There are only approximately 900,000 involved but they are entitled to equitable treatment and only by overriding this can we give that equity to those people.

Mr. STAGGERS. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. HARVEY), a member of the committee.

Mr. HARVEY. Mr. Speaker, I rise very reluctantly to override this Presidential veto and particularly reluctantly to oppose the views just expressed by my good friend, the gentleman from Illinois.

However, I introduced this legislation just a short time ago. I felt it was timely then and I still believe it is timely now.

Mr. Speaker, the railroad industry is in very unusual circumstances. We in this country and in this Congress have already nationalized the passenger service. Unless we do something very swiftly we are going to have to nationalize the rest of the railroads and the freight service as well. It is an industry where the number of persons receiving railroad retirement is increasing and yet the number of employees in the industry is decreasing. It is obvious that our committee is going to have to come up with a solution to this problem and come up with it very swiftly.

The solution in my judgment is to form some sort of two-tier system and divide railroad retirement at the present time so that portion of railroad retirement which is comparable to social security can be absorbed by the social security system and form the first tier of railroad retirement, and so that the other portion of railroad retirement can be a matter between the employees and management of the railroads themselves.

This makes sense to me, and I think something along that line will be done by our committee. Whether our committee makes a change such as I have suggested, or adopts some other method, we must come to grips with the problem next year.

In the interim period of time I do not think we can turn our backs on those former railroad workers now receiving a pension. In the past they have had raises when we have raised the social security recipients and I believe now they are entitled to this raise at this time. I intend to vote to override on this particular veto, Mr. Speaker.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Montana (Mr. MELCHER).

Mr. MELCHER. Mr. Speaker, the 20-percent increase is necessary to keep up with inflation which the railroad retirement people have experienced. The President's veto denies the admitted needs of a group of Americans who have waited patiently for the catchup increase in retirement benefits.

I urge the House today again to vote to help the retired workers and their families meet this need. It is fair and necessary. We must vote to override the President's veto.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Speaker, there is not a member of the committee on either side of the aisle who does not recognize the fact that we are going to have to make adjustments in the formula. We realized this 2 years ago when we had the last social security raise, and that is why the Commission was appointed, to give us recommendations so that we could do something about it.

But, when we acted on this bill in August, that Commission report was not out. We did not have it before us.

When the matter was before the Whole House and we voted, during that discussion on August 9, the chairman of the committee asked for more time to hold hearings so that we could adjust it in order to be more fiscally responsible.

The chairman said that we would hold hearings between now and June 1973, so that we had his word in recognizing that something must be done by then.

I think in all fairness that the only thing we can do is to override this veto. We are going to change the formula. We must change it. The retirees must recognize this, but we have agreed to hold hearings.

Mr. STAGGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Speaker, I do not think there is a single Member of this House, when this measure came up for consideration, who did not realize that we are going to have to make some very basic changes in the railroad retirement pension system.

The railroad industry has been a declining industry, as is evidenced by the fact that there are more people retired that are actively working.

But that is not the question. The question today is whether or not we in this Congress are going to allow railroad retirees to be deprived of an increase that they should have simply because we the Congress have not tackled this problem soon enough.

Now, the chairman of the committee has given his word that we will take this up as one of the first matters of business next session. He will hold hearings and we will work out some means of providing a sound actuarial basis on which the pension plan can continue.

I cannot disagree with what the President says in his message. He is correct in the statements he has made. However, the question is not whether the President is correct in the statements he has made, but the question is whether or not we are going to deprive the railroad employees, the retirees, of their increase until this Congress acts.

We recognize that something must be done. The Congress intends to do something. The chairman has given his word that this will be a matter of top priority next year. Certainly, we are not going to wait 16 years for it to bankrupt the system, but this temporary increase is needed now by each and every retiree.

I urge the Members of this Congress to override the President's veto.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. Dingell).

Mr. DINGELL. Mr. Speaker, I think the House should know the issues before it today. The Committee on Interstate and Foreign Commerce presented a bill, which was passed overwhelmingly by this body, to provide certain modest, temporary increases for recipients of benefits under the Railroad Retirement Act.

Those provisions were just, when voted on by this Congress, and they are equally just today. The action of the President in vetoing this legislation very clearly imposes a hardship upon the many thousands of needy retirees under railroad retirement.

The question before the House today is not one of partisanship; it is not one of support or opposition to the President. It is, simply, support for simple, fundamental justice. Shall we carry forward on the commitment which we made to the retirees? Or, shall we fail on the precedents that we have long established, that railway retirement should follow hand in hand in terms of the level of benefits to retirees under the social security system? Shall we follow the precedents which we have established during the 17 years I have had the honor to serve in this body? Shall we treat these retirees in simple justice?

Mr. Speaker, I urge the Members of Congress to vote to override the unjust veto.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. Ullman).

Mr. ULLMAN. Mr. Speaker, when this Congress raised social security benefits by 20 percent, it imposed upon itself an obligation to give equity to the railroad workers of this Nation. It seems to me that just because they are fewer in number, that we should not distinguish in any way the equities in this situation as against those of social security retirees.

I normally do not like to override vetoes. I normally do not like to extend our Federal payments and deficits any more than we have to. But in this instance equity requires that we override this veto.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from Ohio.

Mr. VANIK. I heartily concur in the remarks made by my colleague on the Ways and Means Committee.

I urge that this House override the President's arbitrary veto of the 20-percent temporary increase in railroad retirement benefits.

Can the President for one moment assume that railroad retirees are less exposed to inflation and the escalating cost of living precipitated by administration policies which have driven food and living costs "high into the sky?"

The present day social security system was created from the railroad retirement program. Railroad employees have contributed into retirement programs longer than any other group of workers in America.

Railroad workers had no option to move into social security. They were always assured by Congress that they would be treated like all other workers of America.

It is incredible to see how the President can apply the inflation "tag" to increased retirement benefits while he permitted $10 billion to flush out of the Treasury in his proposals for the investment credit, the asset depreciation range, and the repeal of the automobile excise tax. The President did not worry about inflation when he granted export subsidies on Russian wheat which netted hundreds of millions of dollars in profits to wheat exporters. This will result in every railroad retiree paying an additional 3 to 5 cents per loaf of bread. He did not worry about inflation when he increased milk subsidies and milk prices by 2 cents per quart; nor did he worry about inflation when he went along on the release of price controls on natural gas which will increase consumer prices by an additional $7.7 billion per year. Nor did he worry about inflation when he permitted the gasoline industry to eliminate discounting pricing to increase gasoline by 3 cents per gallon for 90 billion gallons consumed each year. Nor is he thinking about inflation when his Price Commission defers action on automobile price increases until after the November elections.

The President's fight against inflation is extremely selective and seldom operates when specially privileged groups seek extra-profitability at taxpayer expense and increased consumer prices.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. Bolling).

Mr. BOLLING. I thank the chairman.

Mr. Speaker, I support overriding the President's veto of this bill. This is a very simple matter. It is a matter of priorities.

I do not see how, in a declining industry, it is possible to make the fund actuarily sound from the remaining railroad workers in order to support them and those already retired. I do not believe this is a popular thought, but I suspect we are going to have to make up our minds in the Congress to appropriate money from the general fund to see to it that the people who are retired from the railroad industry, which has declined, are given equity.

This is a matter of priority and fairness, not a question of actuarial soundness.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. Corman).

Mr. CORMAN. Mr. Speaker, all the considerations we had in mind when we increased the social security benefits by 20 percent apply precisely the same for railroad retirees.

We hear a lot about fiscal responsibility from an administration which plans deficits each year of $25 billion to $30 billion. I shall be fiscally responsible next week, when we consider the President's request for a $250 billion blank check.

I must say that I cannot see that we should try to balance the budget and become fiscally responsible by cutting back on the food money for railroad retirees.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. Johnson).

Mr. JOHNSON of California. I thank the chairman.

Mr. Speaker, I was very much concerned today when the veto message was read here in the House of Representatives.

I come from a very large railroad community, where we have thousands of people who are participants in the railroad retirement system and where there are many now on retirement and drawing their railroad pensions. They were all told by those of us who represent them here in the Congress that we had introduced a bill to make them whole as far as their pensions were concerned, as related to the increases given in behalf of social security recipients.

Knowing these people very personally, I can truthfully say that the amount of the increase was badly needed by them. I hope they will not be disappointed. I hope the House today will override the President's veto and make good our pledge to the railroad retirement pensioners, that they will also receive a 20 percent across-the-board increase.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. Long).

Mr. LONG of Maryland. Under the leadership of President Nixon this country has been spending itself blind—the $1 billion foreign aid increase that we voted 2 weeks ago is a good example. The result is rampant inflation.

The victims of this inflation have been the older and the retired people. Their savings and their pensions are being eroded by the inflation. We owe them a debt and I am for them.

Talking about bankruptcy of the railroad retirement fund in 1988, 16 years from now, turns me off. The gentleman from Illinois says he voted to give $100 million to the bankrupt Penn Central Railroad because 70 percent would go to the workers. This assumes that the bankrupt Penn Central would have stopped functioning and laid off its employees. That is nonsense.

In the entire history of the United States, almost every railroad has gone bankrupt at one time or another. I have never heard of one of them which has stopped functioning and laid off the workers.

The banks are into the Penn Central to the extent of over $4 billion. The bailout that we voted 2 years ago was, therefore, not for the workers. It was for the banks and the executives, many of whom are receiving $60,000-a-year pensions.

Now, after himself voting for a loan to help the banks and the executives with their $60,000-a-year pensions, the gentleman from Illinois (Mr. Springer) wants to start economizing on the retired workers whose savings have been reduced by inflation.

I support overriding the President's veto because I support the older and the retired people.

Mr. STAGGERS. I yield 1 minute to the gentleman from Washington (Mr. Adams) a member of the committee.

Mr. ADAMS. Mr. Speaker, as we stated to the Members at the time this bill was originally passed, this matter will have to be the subject of a series of committee hearings in the spring. The idea of whether or not this fund is actuarially sound is not a good argument. We know that it cannot continue in its present functioning system, because of the declining nature of this particular industry.

So I hope that the Members will vote for continuing this increase that we have presently gone through. We have assured all of the Members, or the members of the committee and the members of the subcommittee have, that this entire matter will be presented to the Members before the middle of next year, so we can decide whether this system should be merged into social security, or whether it should be a separate system, whether there should be an increase in taxes, or how it should be handled.

We only received a report from the Commission the day before yesterday, so we have not had an opportunity to go through it and complete the recommendations.

The SPEAKER. The time of the gentleman has expired.

Mr. STAGGERS. I yield to the gentleman from Washington (Mr. Adams) 1 additional minute.

Mr. SKUBITZ. Will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Kansas.

Mr. SKUBITZ. I want to commend the gentleman. He has correctly stated the position of the committee when it approved the bill. What surprises me is that those who now oppose this legislation call it unsound unless we do something about financing. This is a temporary increase. It is the intention of our committee to do something when Congress reconvenes next year.

I can remember several years back when we granted increases to hundreds of thousands of people under the social security program. We blanketed them in and at that moment there was no provision made for taking care of the added costs. At a later date this was taken care of. That is what this committee and Congress will do next year.

I want to commend the gentleman from Washington.

Mr. ADAMS. The gentleman is correct, as to the social security increase. We will have to see what we can decide as to what can be done with this system.

I would hope this bill can be passed.

Mr. STAGGERS. I yield 1 minute to the gentleman from Arizona (Mr. Udall).

Mr. UDALL. Mr. Speaker, one of the most serious acts that a President can perform is to veto an act representing the collective wisdom of the House and the Senate of the United States. This is particularly true in a case where a bill is passed with the broad bipartisan support this one has had. Use of the veto is deeply revealing as to a President's basic philosophy and priorities. And if I can paraphrase the Bible:

By their vetoes you shall know them.

I just ran out to check the record on President Johnson. In 5 years he vetoed about 25 bills, and in nearly every case he vetoed them on the grounds that some special interest was getting a windfall due to a mistake, as he viewed it, by the Congress.

In contrast, President Nixon is the first President in history ever to veto a major education bill. His vetoes include child care, vetoes of the Hill-Burton hospital program, vetoes of health and education and welfare and things of this kind which affect the lives and health of people.

This is sound, solid legislation. The committee ought to be proud of it, and I am sure the committee is proud of it. I shall vote for it, and I urge my colleagues to do likewise.

Mr. SPRINGER. In order that my colleagues may have no misunderstanding, I want to read from the summary of the Railroad Retirement Study Commission.

Now, we asked that a Commission created by us study this matter and make a report to us. Let me read our four points, in order that the Members may know what they said.

Now, they were an impartial board, an impartial Commission, of high-minded people, as far as I know. Of course, I have heard no criticism of any of them from either our committee or any Member of this Congress.

It reads as follows:

I will read now from their summary. First, the Commission, after consultation with a group of most eminent actuaries in this country, has found the Railroad Retirement System as it now stands is headed for bankruptcy. The present fund stands totally at about $5 million. The Commission projects the system will be bankrupt in the year 1988.

Second. The enactment of the 20-percent increase in railroad retirement benefits by H.R. 15927 will speed the bankruptcy of this system. The increase under the bill is technically temporary, but everyone knows Congress does not take back benefits increases once they are provided. Thus approval of this bill would represent a de facto permanent commitment to a 20-percent increase.

Third. The present increase would represent irresponsible financial handling of the Railroad Retirement System. In 1970, a 15-percent increase, and in 1971, a 10-percent increase were enacted without providing any additional taxes to cover the costs. A third increase of 20 percent will be added again without providing any new financing.

The compound increase will be 53 percent in 3 years without any provision for added increase in taxes. This sort of legislation is a threat to future benefits of present railroad retirement workers who are being asked to contribute to a system which is sure to go bankrupt.

Fourth. The argument that a 20-percent increase for railroad beneficiaries must be provided as a matter of simple equity if social security recipients are given a 20-percent increase is not valid.

The average monthly railroad retirement benefit in December 1971 was $222 per month as compared to an average social security benefit of $132. Thus a 20-percent increase for railroad beneficiaries would be 1.7 times as large as for a social security recipient. The social urgency of the social security benefits is quite different than for the bigger railroad benefits. The social security fund is not threatened with bankruptcy as is the Railroad Retirement System which depends on an industry in which six railroads are now in bankruptcy.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Illinois (Mr. Gray).

Mr. GRAY. Mr. Speaker, I thank my friend, the distinguished chairman, for yielding.

Mr. Speaker, I strongly urge my colleagues to vote to override the President's veto of the 20-percent increase badly needed by the retired railroad workers and their families. I am totally unable to equate the President's position in signing a 20-percent increase in social security but giving the veto ax to the 20-percent increase for retired railroad workers. It is grossly unfair to single out this group of needy people and deny them a badly needed raise.

If we do not override this veto, this group of dedicated Americans will be penalized beyond what we should expect of retired persons on fixed incomes.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. Jacobs).

Mr. JACOBS. I thank the gentleman for yielding, and I take this time for a question.

I wonder if the chairman can tell the committee if there is any information as to what kind of slip or note will be put in with these checks in the event the veto is overruled by the Congress.

Mr. STAGGERS. I have no information on this.

I now yield to the gentleman from Rhode Island, a member of the committee (Mr. Tiernan), such time as he may consume.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. Burke).

Mr. BURKE of Massachusetts. Mr.

Speaker, I rise to associate myself with the remarks of the distinguished chairman of the Interstate and Foreign Commerce Committee (Mr. Staggers) and the able member of the committee my colleague from Massachusetts (Mr. MacDonald) in urging that the Members of U.S. Congress override the veto of the President. The rising costs of living, the escalation of inflation has made it impossible for the elderly on fixed incomes to meet with the bare needs. Many of these people are suffering real hardship. The truth of the matter is that Railroad Retirement payments even with this modest increase is not sufficient. I favor a 50-percent increase in their benefits. I favor a change in the tax formula from 50 percent on the employers and 50 percent on the employees to a tax of one-third on the employee, one-third on the employer and one-third out of general revenues.

Mr. STAGGERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Massachusetts (Mrs. Hicks).

Mrs. HICKS of Massachusetts. Mr. Speaker, I rise in opposition to the veto by President Nixon of H.R. 15927, a bill which amended the Railroad Retirement Act by providing a temporary 20-percent increase in annuities for railroad retirees.

I am shocked that the President would veto a measure designed to keep the railroad retirees in pace with social security recipients. This is not the place to be economy-minded. Failure to give this increase would be a grave disservice to 900,000 railroad retirees. The need is now. The time is now. Railroad retirees should not have to wait for temporary relief while the Congress establishes a sound financial basis for the railroad retirement fund.

I urge my colleagues to override this veto.

Mr. STAGGERS. Mr. Speaker, I yield 5 minutes to the distinguished majority leader (Mr. Boggs).

Mr. BOGGS. Mr. Speaker and Members of the House, the distinguished gentleman from Arizona (Mr. Udall), in my judgment, put his finger on one of the principal issues involved here, and that is the type of bills that President Nixon seems to veto. Mr. Udall mentioned education, child care, and hospital programs, but we can add to that the public service employment, accelerated public works, and others.

All of these cases involve people, programs designed to help people, to employ people, to educate people, to improve their health and environment. This bill affects approximately 1 million men, women, and children, most of whom are in hard straits, and most of them who are in even harder straits because of the inflation that has characterized this administration. Everybody knows what has happened to the cost of meat, poultry, food, rent, and medical care. This bill was passed as a temporary stopgap to help these 1 million people.

Now I know that there is inflation in the country, and I think that we on our side have responsibly supported the measures designed to control inflation, but I know also that it is a cruel message to send to these people that, when this Congress next week, hopefully, adjourns, there will be no increase, not 1 penny.

In the veto message, the President says that he recommends an alternative plan, and that Congress should enact this plan.

Well, now, there is not a man or woman in this body who believes for 1 minute that we could possibly pass through the House and through the Senate, and through a conference, a new railroad retirement bill between now and next Saturday night. So what it really means is that we do nothing. We either vote to override this veto and give these people, widows, children, old people, a justifiable increase in their pension by voting to override this veto, or we do nothing.

So far as I am concerned I think the committee has acted responsibly. It did what it has done four times in the last several years, 1966, 1968, 1970, and 1971. The committee acted for the railroad retirees after the Committee on Ways and Means had acted on social security legislation. They are being consistent. It is true that a very profound study has been made and is presently before the committee. The chairman of the committee has said here in his opening remarks that those recommendations would be studied in detail by the committee. He said that by the time this temporary legislation—and, remember, this legislation expires at the end of June next year—he would be back with recommendations from his committee which would adequately cover some of the problems set forth in this report.

For these reasons, Mr. Speaker, and for the reason of just common humanity, I ask this veto be overridden.

Mr. SPRINGER. Mr. Speaker, I yield 3 minutes to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I had not intended to get into this discussion, but the remarks of my friend from Louisiana, the majority leader, prompts me to make a comment or two. The gentleman indicates that the President has recently approved a 20-percent social security increase. He indicates that in the past the President has agreed to increases in railroad retirement. The gentleman from Louisiana is correct. However, the majority leader now condemns the President on this occasion because he has vetoed the proposal approved by both the House and the Senate.

In the case of social security increase, in the last 4 years the Congress has provided additional revenue by payroll tax increases, or by an increase in the pay level on which payroll taxes can be imposed. This means that the financial integrity of the social security fund has not been placed in jeopardy. That is not the case in this instance, and as a result, as the gentleman from Illinois has said, there is a very, very serious financial crisis facing the railroad retirement fund.

Now, the gentleman from Louisiana made some additional observations and comments concerning other vetoes by the President in the past 3½ years. He mentioned child care. He mentioned education, health and hospital programs. The President did veto a broad and totally unacceptable child care program. But he has recommended and supported a child program for those people or those families where there is an economic need.

I do not think that the American people would support a child-care program for the rich and poor alike where an individual can get child care regardless of the economic situation. Federally supported child care for the rich is not justified.

I cannot support a child-care program that provides for the wealthy, and the President was right in his veto. I support a child-care program as the President does, for those families where there is an economic problem.

The facts are in addition that the President's budget for education—for all of the educational programs in each of the last 3 years—has been higher than the preceding budgets in the comparable areas under the previous Democratic administration. However, the President could not accept the over-extended and over-costly spending programs beyond his generous education programs.

We or the President added dollars for health and for hospitals, but we are not going to bankrupt the Federal Government by programs that cannot be justified—in view of the kind of deficit that we have today.

The SPEAKER. The time of the gentleman has expired.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. Sikes).

Mr. SIKES. Mr. Speaker, the Railroad Brotherhood in my State did not endorse my candidacy for reelection, I am sorry to state. But the election is over. I am not obligated to them. I am a free agent, so I can look at this objectively—and I am going to vote to override the veto.

I think what is proposed here is sound, and I think it is needed. I recognize the problem about funding. Prolonged deficit funding is a serious matter. But I do not know why this should be the place to draw the line. I do not know why we should suddenly become economy minded here. There have been many places where we could have economized in better grace than when we deal with the livelihood—the earned retirement of deserving Americans. So I shall vote to override and I hope the veto will not be sustained.

Mr. SPRINGER. Mr. Speaker, in the 1 minute remaining I do want to impress upon the House that in coming here and saying what I have said that it has been with some reluctance that I have taken this position. But I have felt in the best interest of all the people who are involved, both retirees and those who are paying in, that I had an obligation on my part to lay before the House the facts as I find them.

It is certainly up to the Members to determine whether or not you wish to continue the situation as it is, which will lead this fund into bankruptcy. I do not think there is any question about it. I think that the commission which studied this, and from which I read a minute ago, shows that we are bankrupting that fund at a rapid rate. I think all of us realize that if we had had our incomes increased 55 percent in the last 3 years, and we were looking to the taxpayers back home, how outraged they would feel about that.

I think you can see that if you submitted this to those 600,000 people who are paying into the fund today, who expect to get their pensions 10, 15 or 20 years from now, that you would not even get a 5-percent vote from those people.

Mr. STAGGERS. Mr. Speaker, as I said at the outset of this debate, I am very sorry that this had to come up. I do not blame the President at all. I blame those who advised him. I do not believe they knew the circumstances.

In 1970 when we passed the railroad increase, we had appointed a commission. As Mr. SPRINGER said, it was a blue-ribbon commission. That commission was supposed to report back to this Congress by July 1 of this year so that we would have time to enact legislation. We could see that they were not going to do it, so we went ahead, since social security did, to keep pace with what they were doing, and enacted legislation on August 9.

Looking at this commission report, it was filed and printed on September 5, 1972. If we had waited until receiving this report to have acted, we would not have been keeping faith with the railroad workers in keeping up with social security. We have always said when social security would get a raise, we wanted to keep up with what they were giving—the amount.

It has been mentioned that some of the railroad workers are getting a higher pension than others. I would say that every railroad worker pays twice as much into the pension fund as any other group in the land at this time, Mr. Speaker.

Mr. MILLS of Arkansas. Mr. Speaker, will the gentleman yield for a question?

Mr. STAGGERS. I yield to the gentleman from Arkansas (Mr. MILLS).

Mr. MILLS of Arkansas. I think the gentleman just covered my question. I was off the floor. What would be the relationship between the railroad retirement benefits and social security benefits if railroad retirement benefits are not raised?

Mr. STAGGERS. It will be out of kilter in percentage points.

Mr. MILLS of Arkansas. Would that be for the first time?

Mr. STAGGERS. For the first time that I know of.

Mr. MILLS of Arkansas. If we do not raise the railroad retirement benefits now, railroad retirees will be treated differently from social security?

Mr. STAGGERS. The gentleman is exactly right.

Mr. MILLS of Arkansas. Even though the employees covered under the railroad retirement system pay more into the system than other employees that pay into social security?

Mr. STAGGERS. Considerably more; that is right. I am talking about percentage now, not dollars.

Mr. MILLS of Arkansas. That is right, percentagewise.

Mr. STAGGERS. I thank the gentleman from Arkansas.

I might say this, that when this bill passed the House the last time, we had considerable debate and amendments, and after all of that, the bill passed 398 to 4. I cannot see any reason why any man who voted in this House before would change his vote now. The situation is the same. It means that if we do not pass this bill now, that these who have paid into the fund will not receive any benefits until this Congress comes back into session, has time to have hearings, and pass legislation.

If the Members know the typical railroad worker of America, he has not been able to save like most other people, because most of them have children that they are trying to raise while they are working, and when they come to the time of retirement, they just have not been able to save. They have put money into the retirement fund expecting that to take care of them in their retirement ages.

If we do not pass this bill, we are not being fair to those men and the widows—and there are thousands of those in the land, and they have children whom they send to school, who benefit under this retirement fund. We will not be doing justice by them.

Again, I ask the Members of Congress to search their consciences and to vote what they think is right for those who I think deserve to receive their benefits.

Mr. Speaker, in closing just let me say this. All this is is a temporary raise until next July 1. It goes out of effect then, unless this Congress acts. The fund has $4.6 billion in it right now. Between now and next July it will take $250 million out. That will leave $4,350,000,000 in the fund. It will not be bankrupt or anywhere near bankrupt. Yet it will be giving the benefit to the retired workers. It is something to which they are entitled, and it will give this Congress a chance to act.

I made the promise that if I am reelected and again I am chairman of the committee I would bring it before our committee and try to resolve this before next July 1 so that we can do something about it at that time.

In the light of all the things that have happened, Mr. Speaker, I hope the House in its wisdom will override this veto and by that I do not mean any ill will toward the President. I do not blame him. As I say, I believe it was his advisers. I do not intend to cast any doubts on him.

Mr. VEYSEY. Mr. Speaker, I was surprised and distressed to learn that the President has vetoed the temporary 20-percent railroad retirement increase. I respect Mr. Nixon's commitment to fiscal integrity and want to work with him whenever possible, however, I have to vote to override this veto.

The rise in the cost of living in the last 8 years has exceeded all expectations. People living on fixed incomes are especially vulnerable and, therefore, increases in basic benefits like those provided in the vetoed act are urgently needed. I can see no fair way to distinguish between the increase the President recently signed for social security annuitants and the new benefits provided in the act returned to the House today.

The new benefits are only temporary pending a review of the way the railroad retirement trust fund is financed. There is no question that the present structure needs reforming, but the House Interstate and Foreign Commerce Committee has already announced it intends to take up this subject early in the next Congress. There is no need for a veto to assure action on this. Since the trust fund has enough in it to last another 16 years, I am confident that we will be able to assure its permanent security long before the present system is depleted. I intend to work to be sure we do.

Mr. DANIELS of New Jersey. Mr. Speaker, I rise in support of overriding President Nixon's veto of a bill to provide a temporary 20-percent increase in annuities under the Railroad Retirement Act.

Mr. Speaker, it is safe to say that I represent as many retired railroad employees as any Member of this House. At one time we had more major railroads running through Hudson County, N.J., as any area in the United States. I point this out because I want all Members to know that I am familiar with the problems faced by retired railroad men and women. I meet with these good people each week in my district offices in Union City and Kearny, N.J. I meet retired railroad men and women in the shops in my district, in the streets, and wherever people gather. I can tell every Member of this House that their need is genuine; their plight legitimate.

Mr. Speaker, when the President signed into law Public Law 92-336, increasing social security payments by 20 percent, he indicated that he realized just how badly inflation has hit senior citizens. I cannot imagine how, in view of this, he could ignore most of America's retired persons covered by the Railroad Retirement Act. Mr. Speaker, I urge all Members to join with me in overriding Mr. Nixon's veto.

Mr. BIAGGI. Mr. Speaker, I rise in support of the effort to override the President's veto of the 20-percent railroad retirement pension increase.

It appears that in the pressure of the campaign and the press of other legislative interests, the President was ill advised by the White House bureaucracy to veto this measure. It simply puts the railroad retirees on the same footing as social security recipients and certainly this group of older Americans is just as in need of additional financial help as any other group.

Historically Congress has chosen to keep the railroad retirement pension increases tied with the social security increases. While originally, this fund was more akin to a private pension plan, in the early fifties a series of amendments approved by Congress and signed by the President mated the two in a marriage that has continued to the present day.

Last year Congress authorized an extensive review of the railroad retirement system and asked for recommendations on how to put the fund on a solid financial basis and provide the level of benefits due the retirees. That review has just been completed.

In the next session Congress will act on these recommendations and hopefully correct the many problems that currently beset the railroad retirement system. It would certainly be ill advised at this time to change horses in midstream—as the President's advisers have advocated—by not granting the 20-percent increase to the retirees.

The railroad retiree has worked long and hard for his pension. It is a difficult job with very little on-the-job reward. Yet, no one here today will deny the tremendous role the railroad men have played in America's development and the continued importance of railroads today. These retirees need and deserve this increase. I urge my colleagues to vote to override the President's veto.

Mr. WOLFF. Mr. Speaker, today this body has in its hands the fate of hundreds of thousands of senior citizens, who, in this time of rising affluence and comfort for some, are faced with the herculean task of sustaining themselves on pensions the limits of which were fixed without regard to such things as inflation, economic policies, or the many other variables that serve to reduce our paychecks.

Faced with the near impossibility of making ends meet on a fixed income, and now with their hope of respite vetoed by the President, those who rely on railroad pensions are depending upon us to help. Over recent years, and during the past several months in particular, food prices have skyrocketed. Hospital costs have risen, as have prices for prescription drugs, insurance, clothing, and the like. Property taxes have risen dramatically as well. Retirement benefits have simply not kept pace with this monster inflation and more and more of this Nation's elderly are faced with the degradation of hunger and poverty in their last years.

Mr. Speaker, I strongly condemn the heartless action of the President in vetoing the railroad retirement increase. As the one of those responsible for our inflationary economy, he has taken out his failure to properly reorder our economic priorities on those who exist on fixed incomes and are least able to adjust to the inflationary spiral—ruthlessly cut back on human lives, rather than on unnecessary programs and special interest favors. What sort of fiscal responsibility deprives the poor and the old of the essentials for a decent existence?

I believe we have a responsibility to see that our senior citizens are able to live in dignity and comfort, without the constant fear of poverty. Those who receive pensions have worked hard all their lives, and deserve a decent return for their labors. The dollar amount of their pensions was determined long before the present inflation nullified much of the benefits they earned, and now they are helpless to counter the effects of that inflation.

The runaway economy has created hardship for the elderly; we have seen the course steered for the Nation, and we have watched as our greatest priorities have been set aside.

Yet only last year our Government provided over $100 million to the Penn Central Railroad in the form of loan guarantees; if we can supprt the railroad management, surely we can meet the more modest needs of the railroad retirees.

We cannot ignore the plight of our senior citizens, nor can we satisfy them with platitudes, when we give dollars to the railroads themselves. These retirees deserve only their just due, their pensions which they have earned through hard work over long years. It is vital that we adjust the pensions of the railroad retirees to reflect the realities of today's economic conditions. To do any less would be to abdicate our responsibility to every American who is now working toward a future pension, and to the millions of senior citizens who look to us for affirmative action.

I therefore call upon my colleagues to join with me in voting to override President Nixon's veto of this measure. I know that I cannot ask our senior citizens to bear the weight of the President's fiscal policies, and I hope this House will join with me in rejecting President Nixon's veto.

Mr. PRICE of Illinois. Mr. Speaker, there is one basic issue involved here this afternoon on voting to override President Nixon's veto of the 20 percent railroad retirement increase the Congress approved recently. Our railroad retirees should not be denied benefit increases to which they are rightfully entitled and which they desperately need. It is unconscionable to expect our railroad retirees to wait another 6 months to receive their 20 percent increase. The increased cost of living waits for on one, especially those who are retired and living on fixed incomes.

The question of solvency of the railroad retirement system has been raised. Congress is concerned about the financial health of the system and I am confident that action will be taken next year to insure the system's solvency so that our retirees are fully protected. I cannot accept the President's suggestion that the railroad retirees wait 6, 8 or 9 months while working out a solution.

What concerns me about the President's veto is his consistent reluctance and in this case clear-cut opposition to approve retirement benefits for our older Americans. Many of us recall that the President was reluctant to sign the 20 percent social security increase into law but did so only because Congress had approved it. Unfortunately, in this instance the President's stated reluctance has resulted in a cruel veto of benefit increases for our retired railroad workers.

Mr. Speaker, I strongly support the effort to override President Nixon's veto and I will vote to override it.

Mr. RARICK. Mr. Speaker, I find the President's urging for fiscal responsibility appealing, but I am not persuaded. Where was his fiscal responsibility veto on the revenue sharing bill, the social security increase, the foreign aid giveaway, and a myriad of other extravaganzas and boondoggles which certainly were of questionable fiscal responsibility?

And on the question of fiscal responsibility and bankruptcy we have before us another bill at the President's request, to increase the temporary debt ceiling by $15 billion to a historic high of $465 billion.

Nor am I persuaded by the prophecy of doom that to enact the railroad retirement increases we would bankrupt the fund in 13 years. This bill before us is a temporary measure and I am confident that Congress will be back in session before 13 years have expired and will not betray our stewardship over the railroad retirement fund.

Certainly, I for one, do not believe in making the retired railroad people scapegoats—especially when it comes to their own funds. After all, the reason that they feel forced to seek increases in their retirement benefits must be attributed to the fiscal irresponsibility of the President and this body in deficit spending and fiscal perfidity, which has caused the inflation that now engulfs the retiree.

I intend to cast my people's vote in favor of passage and urge a "yes" vote to override the veto.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The question was taken; and there were—yeas 353, nays 29, not voting 48, as follows:

[Roll No. 407]

YEAS—353

Abbitt
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Ashbrook
Ashley
Aspin
Badillo
Baker
Barrett
Begich
Bennett
Bergland
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Cabell
Caffery
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Cleveland
Collins, Ill.
Conable
Conover
Conte
Conyers
Corman
Cotter
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
de la Garza
Delaney
Dellums
Denholm
Dent
Derwinski
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fascell
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gibbons
Goldwater
Gonzalez
Grasso
Gray
Green, Pa.
Griffin
Griffiths
Grover
Gude
Haley
Hamilton
Hammerschmidt
Hanley

Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landrum
Latta
Leggett
Lennon
Lent
Link
Long, La.
Long, Md.
McClory
McCloskey
McCollister
McCulloch
McDade
McEwen
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Monagan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Pettis
Pickle
Pike
Pirnie
Poage
Podell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Reuss
Roberts
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—29

Arends
Belcher
Betts
Byrnes, Wis.
Camp
Carlson
Clawson, Del
Collier
Collins, Tex.
Colmer
Crane
Davis, Wis.
Dellenback
Dennis
Findley
Ford, Gerald R.
Frelinghuysen
Gubser
Hall
Jarman
Jonas
Keith
Landgrebe
Michel
Mizell
Pelly
Schneebeli
Springer
Wilson, Bob

NOT VOTING—48

Abernethy
Aspinall
Baring
Bell
Bevill
Bow
Byron
Carey, N.Y.
Clay
Coughlin
Culver
Davis, S.C.
Devine
Dowdy
Dwyer
Edmondson
Evans, Colo.
Gallagher
Gettys
Giaimo
Goodling
Green, Oreg.
Gross
Hagan
Halpern
Hastings
Hawkins
Hébert
Lloyd
Lujan
McClure
McCormack
McDonald, Mich.
McMillan
Mathias, Calif.
Mollohan
Nichols
O'Konski
Peyser
Powell
Reid
Rhodes
Riegle
Robinson, Va.
Rooney, N.Y.
Schmitz
Teague, Calif.
Wylie

So, two-thirds having voted in favor thereof, the bill was passed, the objections of the President to the contrary notwithstanding.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Bow.

Mr. Rooney of New York with Mr. Devine.

Mr. Nichols with Mr. Goodling.

Mr. Davis of South Carolina with Mr. O'Konski.

Mr. Reid with Mr. Bell.

Mr. Carey of New York with Mr. Hastings.

Mr. Bevill with Mr. Powell.

Mr. Abernethy with Mr. Robinson of Virginia.

Mr. Hawkins with Mr. Gallagher.

Mr. Culver with Mr. Lloyd.

Mr. Evans of Colorado with Mr. McDonald of Michigan.

Mr. Giaimo with Mr. Coughlin.

Mr. Gettys with Mr. Riegle.

Mrs. Green of Oregon with Mrs. Dwyer.

Mr. Byron with Mr. Mathias of California.

Mr. Baring with Mr. Clay.

Mr. McCormack with Mr. Halpern.

Mr. Aspinall with Mr. Lujan.

Mr. Edmondson with Mr. McClure.

Mr. Mollohan with Mr. Peyser.

Mr. Rhodes with Mr. Wylie.

Mr. Hagan with Mr. Schmitz.

Mr. McMillan with Mr. Teague of California.

Mr. DICKINSON and Mr. MILLER of Ohio changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

CONFERENCE REPORT ON H.R. 7117, FISHERMEN'S PROTECTIVE ACT AMENDMENTS

Mr. DINGEL (on behalf of Mr. GARMATZ) filed the following conference report and statement on the bill (H.R. 7117) to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of U.S. vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92–1523)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7117) to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of United States vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 6, 7, 8, and 9.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, and 5, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

On page 1, line 4, of the Senate engrossed amendments, strike out "certify" and insert the following: certifies; and the Senate agree to the same.

EDWARD A. GARMATZ,
JOHN D. DINGELL,
THOMAS M. PELLY,
Managers on the Part of the House.

WARREN G. MAGNUSON,
ERNEST F. HOLLINGS,
TED STEVENS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7117), to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of United States vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The following Senate amendments made technical, clarifying, or conforming changes: 1, 2, 4, 5, and 6. With respect to these amendments (1) the House recedes from its disagreement; or (2) the Senate recedes in order to conform to other actions agreed upon by the committee of conference.

Amendment No. 3: The House bill amended section 5 of the Fishermen's Protective Act of 1967, in part, to require that upon the failure or refusal of a foreign country which seized a United States fishing vessel to pay (within 120 days after notification) a claim of the United States for any reimbursement made by the Treasury to the vessel owner (for fines, fees, charges, damages, and losses incurred by the owner incident to the seizure), the Secretary of State shall transfer the amount of the claim from any funds programmed to that country under the Foreign Assistance Act of 1961 for the current fiscal year to the Fishermen's Protective Fund or to the separate account established in section 7(c) of the Act (depending upon the nature of the reimbursement). The House bill further provided that if the programmed funds for any foreign country are inadequate for such purposes in any year, the transfer will be made from funds so programmed for any succeeding year. Senate amendment numbered 3 would prohibit any such transfer if the President certifies to Congress that it is in the national interest not to do so. The House recedes with a clerical amendment. It is understood that if the President decides to apply the provision of Senate amendment numbered 3 to unreimbursed claims arising from the seizure of more than one United States vessel by a particular country on the same day or within a period of several days, he may include all such claims within one certification to Congress.

Amendments Nos. 7, 8, and 9: Senate amendment numbered 7 would add a new section 4A to the Fishermen's Protective Act of 1967 to authorize the Secretary of Commerce to provide reinsurance (through contracts, agreements, and other arrangements) to insurance carriers to cover any excess losses incurred by such carriers on claims for losses resulting from storm damage to commercial fishing property (including vessels and gear). Premium rates for such reinsurance would be established by the Secretary and a separate revolving fund would be established to finance the reinsurance program.

Senate amendment numbered 8 would establish a program under which the Secretary of Commerce is authorized to make grants to commercial fishing operators to enable them to meet those usual business expenses of their fishing operations which they would ordinarily be able to meet but are unable to do so because of the imposition of any prohibitive Federal or State restriction designed to prevent the deterioration of the quality of the aquatic environment. The amendment would also provide that any such grant made to a person would operate as an assignment of the rights of that person to the Secretary of Commerce to recover damages against any party whose commission of, or failure to commit, acts resulted in the imposition of the Federal or State restriction.

Section 7 of the Fishermen's Protective Act of 1967 presently authorizes the Secretary of Commerce to enter into agreements with fishing vessel owners to reimburse any such owner for damages to his vessel or vessel gear and for other losses which are incurred incident to seizure by a foreign government. Senate amendment numbered 9 would extend such reimbursement provisions to cover such damages and losses when caused, under certain conditions, by a vessel operated by a foreign government.

The House bill contained no provisions comparable to Senate amendments numbered 7, 8, and 9.

The managers on the part of the House, while recognizing that these Senate amendments (which were adopted as floor amendments) are addressed to very real problems now affecting the commercial fishing industry, reluctantly could not agree to them. The amendments are complex in nature and were not subject to hearings in the House. Therefore, with the assurance that hearings in the House on the legislative proposals contained in Senate amendments numbered 7, 8, and 9 will be held early in the 93d Congress, the Senate recedes.

EDWARD A. GARMATZ,
JOHN D. DINGELL,
THOMAS M. PELLY,
Managers on the Part of the House.
WARREN G. MAGNUSON,
ERNEST F. HOLLINGS,
TED STEVENS,
Managers on the Part of the Senate.

COMPENSATION OF CERTAIN OFFICERS OF THE HOUSE OF REPRESENTATIVES

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration I ask unanimous consent for the immediate consideration of House Resolution 890.

The Clerk read the resolution as follows:

H. RES. 890

Resolved, That, (a) until otherwise provided by law, the per annum gross rate of compensation of the Clerk, the Doorkeeper, the Sergeant at Arms, and the Chief of Staff of the Joint Committee on Internal Revenue Taxation of the House of Representatives, shall be equal to the annual rate of basic pay fixed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(b) Until otherwise provided by law, such amounts as may be necessary to carry out subsection (a) of this resolution shall be paid out of the contingent fund of the House of Representatives.

(c) This resolution shall become effective on the effective date of the first adjustment, following the effective date of this resolution, in the annual rate of basic pay of offices and positions under the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask our colleague, the gentleman from Ohio, if a copy of this resolution and/or any accompanying report are available?

Mr. HAYS. They are, and have been.

Mr. HALL. Mr. Speaker, under the reservation may I further say that I have been informed another resolution was coming up first. But that is par for the course around here nowadays.

May I further ask what the intent of this resolution is? Would the gentleman give us some sort of explanation of what it is?

Mr. HAYS. Mr. Speaker, the intent of the resolution is that if and when there is another adjustment in salaries of Members of Congress that the officers mentioned herein will be placed in a lower grade level so that there will be a wider gap between the salary of the Doorkeeper and that of a Member of Congress. At the present time the salary of a Member of Congress, as the gentleman from Missouri well knows, is $42,500. The Doorkeeper's salary is $40,000. There has been a lot of criticism and comment. This does not do anything to him and the others now. It does not do anything to him and others until and unless there is an increase in the income of Members, and then it puts them at a lower level.

For example, if a Member of Congress say—and I am picking a figure out of the air—went up to $47,500, the Office of Doorkeeper would go up to something like $42,000 instead of $45,000.

Mr. HALL. Mr. Speaker, as the gentleman from Ohio well knows, I have often stated on the floor of this House that I thought that the income of the House officers, clerical, and assistant help of the officers that we select should be generally reviewed. I hope his example re our own salaries is not predicatory, or in anticipation.

What would be the comparative effect of this in the legislative branch with the officers so paid at the same level in the executive branch?

Mr. HAYS. It would put these gentlemen at level 4, which would be at the level in the executive branch of Assistant Secretaries, members of commissions and boards, the top level that they could reach, the same as the top of an Assistant Secretary of State and a member of the Federal Communications Commission.

Mr. HALL. Would it put our chief officers employed under this level 4—and I understand the incumbents are grandfathered in pending the next Congress—at a lower level than most of those appointed at the same base and for similar duties in the executive branch?

Mr. HAYS. No; it would not. I would say it would not.

Mr. HALL. Mr. Speaker, I withdraw my reservation, and I appreciate the gentleman's explanation.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FOR THE RELIEF OF DONALD W. WOTRING

Mr. DONOHUE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 11047) for the relief of Donald W. Wotring, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 6, strike out "$688.26" and insert "$662.61".

Page 1, line 7, strike out "beginning July 1, 1967, and ending" and insert "January 1, 1967, through".

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

FOR THE RELIEF OF CPL. BOBBY R. MULLINS

Mr. DONOHUE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 11629) for the relief of Cpl. Bobby R. Mullins, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 7, strike out "of" and insert "from".

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

RESEARCH ON AGING ACT OF 1972

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 14424) to amend the Public Health Service Act to provide for the establishment of a National Institute of Aging, and for other purposes, with Senate amendments thereto, and consider the Senate amendments.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The SPEAKER. The Clerk will report the Senate amendment to the text of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

SHORT TITLE

SECTION. 1. This Act may be cited as the "Research on Aging Act of 1972".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. The Congress hereby finds and declares—

(1) that the study of the aging process, the one biological condition common to all, has not received research support commensurate with its effects on the lives of every individual;

(2) that, in addition to the physical infirmities resulting from advanced age, the economic, social, and psychological factors associated with aging operate to exclude millions of older Americans from the full life and the place in our society to which their years of service and experience entitle them;

(3) that recent research efforts point the way toward alleviation of the problems of old age by extending the healthy middle years of life;

(4) that there is no American institution that has undertaken, or is now capable of undertaking, comprehensive systematic and intensive studies of the biomedical and behavioral aspects of aging and the related training of necessary personnel;

(5) that the establishment of a National Institute on Aging within the National Institutes of Health will meet the need for such an institution.

SEC. 3. Title IV of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART G—NATIONAL INSTITUTE ON AGING

"ESTABLISHMENT OF NATIONAL INSTITUTE ON AGING

"SEC. 461. The Secretary shall establish in the Public Health Service an institute to be known as the National Institute on Aging (hereinafter in this part referred to as the 'Institute') for the conduct and support of biomedical, social, and behavioral research and training relating to the aging process and the diseases and other special problems and needs of the aged.

"ESTABLISHMENT OF ADVISORY COUNCIL

"SEC. 462. (a) There is established in the Institute a National Advisory Council on Research on Aging to be composed of sixteen members, as follows:

"(1) The Secretary, the Director of the National Institutes of Health, the chief medical officer of the Veterans' Administration (or his designee), and a medical officer designated by the Secretary of Defense shall be ex officio members of the Council.

"(2) Twelve members appointed by the Secretary. Each of the appointed members of the Council shall be leaders in the fields of fundamental sciences, medical sciences, behavioral and social sciences, or public affairs. Six of the appointed members shall be selected from among the leading medical or scientific authorities who are skilled in the sciences relating to gerontology; three of the appointed members shall be selected from the leading authorities who are skilled in aspects of the social or behavioral sciences relating to aging; and three of the appointed members shall be selected from the general public.

"(b)(1) Each appointed member of the Council shall be appointed for a term of four years, except that—

"(A) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed for the remainder of such term; and shall be appointed

"(B) of the members first appointed after the effective date of this section, three shall be appointed for a term of four years, three shall be appointed for a term of three years, three shall be appointed for a term of two years, and three shall be appointed for a term of one year, as designated by the Secretary at the time of appointment.

Appointed members may serve after the expiration of their terms until their successors have taken office.

"(2) A vacancy in the Council shall not affect its activities, and twelve members of the Council shall constitute a quorum.

"(3) Upon appointment of the Council it shall assume all of the functions, powers, and duties relating to research on aging of the National Advisory Child Health and Human Development Council established pursuant to section 443(a), and all of the functions, powers, and duties of the National Advisory Health Council, or its successors, under section 301 with respect to research or training projects relating to aging.

"(4) Members of the Council who are not officers or employees of the United States shall receive for each day they are engaged in the performance of the functions of the Council compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS–18 of the General Schedule, including traveltime; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703, title 5, United States Code, for persons in the Government service employed intermittently.

"(c) The Chairman of the Council shall be appointed by the Secretary from among the members of the Council and shall serve as Chairman for a term of two years.

"(d) The Director of the Institute shall (1) designate a member of the staff of the Institute to act as executive secretary of the Council, and (2) make available to the Council such staff, information, and other assistance as it may require to carry out its functions.

"(e) The Council shall meet at the call of the Director of the Institute or of the Chairman, but not less often than four times a year.

"FUNCTIONS

"SEC. 463. (a) The Secretary shall, through the Institute, carry out the purposes of section 351 with respect to research, investigations, experiments, demonstrations, and studies related to the aging process and the diseases and other special problems and needs of the aged, except that the Director of the National Institutes of Health shall determine the area in which and the extent to which he will carry out such activities in furtherance of the purposes of section 301 through the Institute or another institute established by or under other provisions of this Act, or both of them, when both such institutes have functions with respect to the same subject matter, and shall be responsible for coordinating such activities so as to avoid unproductive and unnecessary overlap and duplication of such functions. The Secretary may also provide training and instruction and establish traineeships and fellowships, in the Institute and elsewhere, in matters relating to study and investigation of the aging process and the diseases and other special problems and needs of the aged. The Secretary may provide trainees and fellows participating in such training and instruction or in such traineeships and fellowships with such stipends and allowances (including travel and subsistence expenses) as he deems necessary, and, in addition, provide for such training, instruction, and traineeships and for such fellowships through grants to public or other nonprofit institutions. In carrying out his health manpower training responsibilities under the Public Health Service Act or any other Act, the Secretary shall take appropriate steps to insure the education and training of adequate numbers of allied health, nursing, and paramedical personnel in the field of health care for the aged.

"(b) The Secretary shall, through the Institute, conduct scientific studies to measure the impact on the biological, medical, and psychological aspects of aging of all programs and activities assisted or conducted by departments and agencies of the Federal Government designed to meet the needs of the aging.

"(c) The Secretary, through the Institute, shall carry out public information and education programs designed to disseminate as widely as possible the findings of Institute sponsored and other relevant aging research and studies, and other information about the process of aging which may assist elderly and near-elderly persons in dealing with, and all Americans in understanding, the problems and processes associated with growing older.

"SEC 464. (a) The Secretary, in consultation with the Institute (acting through the Council) and such other appropriate advisory bodies as he may establish, shall within one year after the effective date of this section develop a plan for an aging research program designed to coordinate and promote research into the biological, medical, psychological, social, educational, and economic aspects of aging. Such program shall be carried out, as to research involving the functions of the Institute, primarily through the Institute, and as to other research shall be carried out through any other institute established by or under other provisions of this Act or through any appropriate agency or other organizational unit within the Department of Health, Education, and Welfare.

"(b) The plan required by subsection (a) of this section shall be transmitted to the Congress and the President and shall set forth the staffing and funding requirements to carry out the program contained therein."

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STAGGERS moves to concur in the Senate amendment to the text of the bill with an amendment, as follows: Strike out all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Research on Aging Act of 1972".

FINDINGS AND DECLARATION OF PURPOSES

SEC. 2. The Congress hereby finds and declares—

(1) that the study of the aging process, the one biological condition common to all, has not received research support commensurate with its effects on the lives of every individual;

(2) that, in addition to the physical infirmities resulting from advanced age, the economic, social, and psychological factors associated with aging operate to exclude millions of older Americans from the full life and the place in our society to which their years of service and experience entitle them;

(3) that recent research efforts point the

way toward alleviation of the problems of old age by extending the healthy middle years of life;

(4) that there is no American institution that has undertaken, or is now capable of undertaking, comprehensive systematic and intensive studies of the biomedical and behavioral aspects of aging and the related training of necessary personnel;

(5) that the establishment of a National Institute on Aging within the National Institutes of Health will meet the need for such an institution.

SEC. 3. Title IV of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART G—NATIONAL INSTITUTE ON AGING

"ESTABLISHMENT OF NATIONAL INSTITUTE ON AGING

"SEC. 461. The Secretary shall establish in the Public Health Service an institute to be known as the National Institute on Aging (hereinafter in this part referred to as the 'Institute') for the conduct and support of biomedical, social, and behavioral research and training relating to the aging process and the diseases and other special problems and needs of the aged.

"NATIONAL ADVISORY COUNCIL ON AGING

"SEC. 462. (a) The Secretary shall establish a National Advisory Council on Aging to advise, consult with, and make recommendations to him on programs relating to the aged which are administered by him and on those matters which relate to the Institute.

"(b) The provisions relating to the composition, terms of office of members, and reappointment of members of advisory councils under section 432(a) shall be applicable to the Advisory Council established under this section, except that the Secretary may include on such Advisory Council such additional ex officio members as he deems necessary. The Secretary shall appoint to the Council leading medical or scientific authorities skilled in aspects of the biological and the behavioral sciences related to aging.

"(c) Upon appointment of such Advisory Council, it shall assume all, or such part as the Secretary may specify, of the duties, functions, and powers of the National Advisory Health Council relating to programs for the aged with which the Advisory Council established under this part is concerned and such portion as the Secretary may specify of the duties, functions, and powers of any other advisory council established under this Act relating to programs for the aged.

"FUNCTIONS

"SEC. 463. (a) The Secretary shall, through the Institute, carry out the purposes of section 301 with respect to research, investigations, experiments, demonstrations, and studies related to the aging process and the diseases and other special problems and needs of the aged, except that the Director of the National Institutes of Health shall determine the area in which and the extent to which he will carry out such activities in furtherance of the purposes of secton 301 through the Institute or another institute established by or under other provisions of this Act, or both of them, when both such institutes have functions with respect to the same subject matter, and shall be responsible for coordinating such activities so as to avoid unproductive and unnecessary overlap and duplication of such functions. The Secretary may also provide training and instruction and establish traineeships and fellowships, in the Institute and elsewhere, in matters relating to study and investigation of the aging process and the diseases and other special problems and needs of the aged. The Secretary may provide trainees and fellows participating in such training and instruction or in such traineeships and fellowships with such stipends and allowances (including travel and subsistence expenses) as he deems necessary, and, in addition, provide for such training, instruction, and traineeships and for such fellowships through grants to public or other nonprofit institutions. In carrying out his health manpower training responsibilities under the Public Health Service Act or any other Act, the Secretary shall take appropriate steps to insure the education and training of adequate numbers of allied health, nursing, and paramedical personnel in the field of health care for the aged.

"(b) The Secretary shall, through the Institute, conduct scientific studies to measure the impact on the biological, medical, and psychological aspects of aging of all programs and activities assisted or conducted by him.

"(c) The Secretary, through the Institute, shall carry out public information and education programs designed to disseminate as widely as possible the findings of Institute sponsored and other relevant aging research and studies, and other information about the process of aging which may assist elderly and near-elderly persons in dealing with, and all Americans in understanding, the problems and processes associated with growing older.

"SEC. 464. (a) The Secretary, in consultation with the Institute (acting through the Council) and such other appropriate advisory bodies as he may establish, shall within one year after the effective date of this section develop a plan for an aging research program designed to coordinate and promote research into the biological, medical, psychological, social, educational, and economic aspects of aging. Such program shall be carried out, as to research involving the functions of the Institute, primarily through the Institute, and as to other research shall be carried out through any other institute established by or under other provisions of this Act or through any appropriate agency or other organizational unit within the Department of Health, Education, and Welfare.

"(b) The plan required by subsection (a) of this section shall be transmitted to the Congress and the President and shall set forth the staffing and funding requirements to carry out the program contained therein."

SEC. 2. The Community Mental Health Centers Act is amended by adding at the end thereof the following new part:

"PART G—MENTAL HEALTH OF THE AGED

"GRANTS FOR FACILITIES AND STAFFING

"SEC. 281. (a) Grants may be made to public or non-profit private agencies and organizations (1) to assist them in meeting the costs of construction of facilities to provide mental health services for the aged within the States, and (2) to assist them in meeting a portion of the costs (determined pursuant to regulations of the Secretary) of compensation of professional and technical personnel for the operation of a facility for mental health of the aged constructed with a grant made under part A of this section or for the operation of new services for mental health of the aged in an existing facility.

"(b)(1) Grants may be made under this section only with respect to (A) facilities which are part of or affiliated with a community mental health center providing at least those essential services which are prescribed by the Secretary, or (B) where there is no such center serving the community in which such facilities are to be situated, facilities with respect to which satisfactory provision (as determined by the Secretary) has been made for appropriate utilization of existing community resources needed for an adequate program of prevention and treatment of mental health problems of the aged.

"(2) No grant shall be made under this section with respect to any facility unless the applicant for such grant provides assurances satisfactory to the Secretary that such facility will make available a full range of treatment, liaison, and followup services (as prescribed by the Secretary) for the aged in the service area of such facility who need such services, and will, when so requested, provide consultation and education for personnel of other community agencies serving the aged in such area.

"(3) The grant program for construction of facilities authorized by subsection (a) shall be carried out consistently with the grant program under part A, except that the amount of any such grant with respect to any project shall be such percentage of the cost thereof, but not in excess of 66⅔ percentum (or 90 percentum in the case of a facility providing services in an area designated by the Secretary as an urban or rural poverty area), as the Secretary may determine.

"(c) Grants made under this section for costs of compensation of professional and technical personnel may not exceed the percentages of such costs, and may be made only for the periods, prescribed for grants for such costs under section 242.

"(d)(1) There are authorized to be appropriated for the fiscal year ending June 30, 1973, (A) $5,000,000 for grants under this section for construction, and (B) $15,000,000 for initial grants under this section for compensation of professional and technical personnel and for training and evaluation grants under section 282.

"(2) There are authorized to be appropriated for the fiscal year ending June 30, 1974, and for each of the next six fiscal years such sums as may be necessary to continue to make grants with respect to any project under this section for which an initial staffing grant was made from appropriations under paragraph (1) (B) for the fiscal year ending June 30, 1973.

"TRAINING AND EVALUATION

"SEC. 282. The Secretary is authorized, during the period beginning July 1, 1972, and ending with the close of June 30, 1973, to make grants to public or nonprofit private agencies or organizations to cover part or all of the cost of (1) developing specialized training programs or materials relating to the provision of services for the mental health of the aged, or developing inservice training or short-term or refresher courses with respect to the provision of such services; (2) training personnel to operate, supervise, and administer such services; and (3) conducting surveys and field trials to evaluate the adequacy of the programs for the mental health of the aged within the United States with a view to determining ways and means of improving, extending, and expanding such programs."

Mr. STAGGERS. Mr. Speaker, the amendment presently before the House has been cleared with the gentleman from Illinois (Mr. SPRINGER), the author of the original bill, and with the ranking members of the Subcommittee on Public Health and Environment.

Members will recall the House passed a bill creating a National Institute of Aging, and establishing a program at community mental health centers for the mental health of the aged. The Senate amended the bill to eliminate the program of mental health of the aged, and this amendment restores the original language of the House bill in this regard.

The Senate amended the bill to establish an advisory council, with rather detailed requirements as to the composition of the membership. This amendment provides that the advisory council shall be the same as other advisory councils of the National Institutes of Health, but also provides that there shall be appointed to the council leading medical or scientific personnel skilled in aspects of the biological and the behavioral sciences relating to aging. Rather than specifying the numbers of such persons to serve on the council, the amendment leaves it to the discretion of the Secretary. The amendment we are considering now provides that the Secretary shall take appropriate steps to insure the education and training of adequate manpower, and provides that the Secretary shall develop a plan for an aging research program.

Mr. Speaker, I know of no objection to the amendment, and urge its adoption by the House.

This restores it to the House language the way it originally went to the Senate.

Mr. Speaker, I yield now to the gentleman from Illinois.

Mr. SPRINGER. Mr. Speaker, I want to express my appreciation to the distinguished chairman. I think this is the only bill I have had in the last 10 years. I could not remember the last one. I appreciate the gentleman bringing it up. The Senate has been kind enough to work on it today, so we might possibly get it back from the Senate. Again I express my deep thanks to the gentleman.

The amendment to the Senate amendment was agreed to.

The SPEAKER. The Clerk will report the Senate amendment to the title of the bill.

The Clerk read the Senate amendment to the title, as follows:

Amend the title so as to read: "An Act to amend the Public Health Service Act to provide for the establishment of a National Institute on Aging."

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Staggers moves that the House concur in the amendment of the Senate to the title of the bill.

The motion was agreed to.

The Senate amendments, as amended, were concurred in.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 2770, FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1146 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1146

Resolved, That upon the adoption of this resolution it shall be in order to consider the conference report on the bill (S. 2770) to amend the Federal Water Pollution Control Act, and all points of order against said conference report for failure to comply with clause 3, Rule XXVIII are hereby waived.

Mr. O'NEILL. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. Anderson), pending which I yield myself such time as I may consume.

Mr. Speaker, the resolution is a simple one that speaks for itself. Rule XXVIII is hereby waived, if we adopt the resolution from the Committee on Rules. The conference committee added amendments to the water pollution bill that were neither in the House nor in the Senate bill and consequently a rule of this type is required.

(Mr. ANDERSON of Illinois asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the gentleman from Massachusetts (Mr. O'Neill) has already made clear the reason for the request by the Committee on Public Works for a waiver of points of order.

Mr. Speaker, I hold in my hand a list of 12 specific instances in which it is believed that in violation of clause 3 of rule XXVIII the committee of conference did go beyond the scope of both the House bill and the Senate bill and therefore violated the rule and made it necessary for us to adopt the resolution waiving points of order for that reason.

Mr. Speaker, I include with my remarks at this time the memorandum to which I have just referred.

The memorandum referred to follows:

Memorandum: Re Points of Order Against the Conference Report on the Bill (S. 2770) To Amend the Federal Water Pollution Control Act

The conference report is subject to a point of order on the ground that House conferees have exceeded their authority under clause 3, Rule XXIII by including provisions which go beyond the scope of the Senate bill and the House amendment in the nature of a substitute in *at least* the following instances:

1. Section 101(a)(2)—the interim goal of water quality is set for achievement by July 1, 1983, rather than 1981 as provided in both the Senate bill and House substitute (see p. 100 of joint statement).

2. Section 114—conferees substituted one year study of Lake Tahoe Basin for the demonstration project in the Senate bill (see p. 108 of joint statement).

3. Section 115 of conference report re inplace toxic pollutants is not in either bill (see p. 109 of Statement).

4. Section 202—conferees agreed to 75% federal share for sewage treatment facilities in every case—higher than either bill, (p. 110 of joint statement).

5. Section 205 allotment ratio based on table in House P.W. committee print—not in either bill. (p. 113, joint statement).

6. Section 208—area wide waste treatment management requires areawide planning process to be in operation within one year—2 yrs. in both bills; and the authorization for fiscal 1975 is not in either bill.

7. 301(b)(1) extends date for effluent limitations beyond either bill to July 1, 1977, for best practicable technology, and beyond either bill to July 1, 1983 for best available technology.

8. Water quality inventory sec. 305—reporting dates extended beyond either bill to January, 1975.

9. Section 307(c), (d) not in either bill (see p. 130 of joint statement).

10. Clean lakes—section 314 contains authorization for fiscal 1975, not in either bill.

11. Section 315 establishes National Study Commission in lieu of National Academies of Sciences study in Senate bill—beyond scope (see p. 136 of joint statement).

12. Section 405 not in either bill (re disposal of sewage sludge) see p. 142–43 of joint statement).

Mr. Speaker, I am also going to address several questions to the distinguished gentleman from Ohio (Mr. Harsha), the ranking Republican member of the Committee on Public Works because of the concern I have with some of the provisions of the bill and the conference report and the possible interpretation of that report as they relate to the Atomic Energy Act.

Mr. Speaker, I note that pollutant is defined in section 502(6) so as to include radioactive materials. This was also true of both S. 2770 as passed by the Senate and the House so there has been no change in this respect. S. 2770 as passed by the Senate did not amend the Atomic Energy Act as interpreted in Northern States Power against Minnesota and as affirmed by the Supreme Court with respect to State authority over nuclear materials and facilities, as was made clear by a colloquy between Senators Muskie and Pastore in the course of debate on the measure, and in the House an amendment to H.R. 11896 intended to give States authority beyond that allowed by the Atomic Energy Act was rejected. The conferees' statement does not indicate that any change in this matter is intended—indeed section 101(f), declaring a national policy to prevent needless duplication and unnecessary delays at all levels of government, reinforces the earlier House and Senate action on this matter. Nevertheless, I should like to confirm my understanding that the bill as reported by the Conferees is not intended to change the careful division of authority between the States and the Federal Government over nuclear materials and facilities under the Atomic Energy Act as enunciated in Northern States Power against Minnesota and affirmed by the Supreme Court.

Mr. HARSHA. The gentleman is quite correct. The conference report does not change the original intent as it was made clear in the colloquy between Senators Muskie and Pastore in the course of the debate in the other body. I also note that an amendment to H.R. 11896 was offered on March 28, 1972, which would have overturned the Northern States Power against Minnesota case.

The distinguished gentleman from California (Mr. Holifield) spoke in opposition to the amendment and pointed out the necessity of not changing the careful division of authority between the States and the Federal Government over nuclear materials and facilities as enunciated in the Northern States case. The amendment was defeated by a 3-to-1 vote of the House.

I can say to the gentleman from Illinois that the managers in no way detracted from the intent of the language in H.R. 11896. I also note that the Committee on Public Works in its report on H.R. 11896 stated on page 131 that the term "pollutant" as defined in the bill includes "radioactive materials." These materials are not those encompassed in the definition of source, byproduct, or special nuclear materials as defined by the

Atomic Energy Act of 1954, as amended, and regulated pursuant to that act. "Radioactive materials" encompassed by this bill are those beyond the jurisdiction of the Atomic Energy Commission. Examples of radioactive materials not covered by the Atomic Energy Act, and, therefore, included within the term "pollutant" are radium and accelerator produced isotopes. This language adequately reflects the intent of the managers of the conference report.

Mr. ANDERSON of Illinois. I thank the gentleman from Ohio.

My second question is, I note that section 301(f) of the bill contains a prohibition on the discharge of high level radioactive waste into the navigable waters. In the absence of a definition of this term in the bill, I would assume that the common meaning of the term within the nuclear scientific community would apply. As I understand it, the term has a fairly precise meaning to the nuclear scientific community—it includes only the aqueous waste resulting from the operation of the first cycle solvent extraction system, or equivalent, and the concentrated waste from subsequent extraction cycles, or equivalent, in a facility for reprocessing irradiated reactor fuels, or irradiated fuel from nuclear power reactors. Nevertheless, I should like to confirm that my understanding is correct in this matter.

Mr. HARSHA. Will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Ohio.

Mr. HARSHA. The gentleman asked if the term "high level radioactivity wastes" includes only the aqueous wastes resulting from the operation of the first cycle solvent extraction system, or equivalent, and the concentrated wastes from subsequent extraction cycles, or equivalent, in a facility for reprocessing irradiated reactor fuels or irradiated fuel from nuclear power reactors. The answer to this is that it includes these same materials but it is not limited to only these materials. However, it is the intent of the managers that the term "not limited to" includes only those materials of a similar nature. It is not intended to expand upon the definition of the term "high level radioactive wastes."

Mr. ANDERSON of Illinois. I thank the gentleman from Ohio.

My final question relates to a special section which has been included dealing with thermal effects—section 316. Is my understanding correct that limitations under section 316(a) are intended to generally operate in place of any other limitations on thermal effects that might otherwise be imposed under the bill, including limitations under sections 301, 302, and 306? Such would certainly seem to be the case since under section 303(e) water quality standards relating to heat must be consistent with section 316.

Mr. HARSHA. Will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Ohio.

Mr. HARSHA. The gentleman's understanding is not completely correct. The definition of the term "pollutant" includes "heat." Because of this the limitations under sections 301, 302, and 306 do apply to heat. Section 316(a) is intended to provide modifications over effluent limitations or standards of performance under these other sections because the managers recognize that heat should be treated in a different manner than the other pollutants. They are not, however, intended to operate in place of any other limitations, but instead are intended to operate when the requirements of section 316(a) can be achieved.

Mr. ANDERSON of Illinois. I thank the gentleman from Ohio. I think, as this colloquy has perhaps illustrated to all the Members of the House, this is a truly monumental bill and conference report. There are some difficult questions of interpretation involved which we have attempted to clarify in this colloquy between myself and the gentleman from Ohio.

I think, in general, that the conference committee and conferees on the part of the House are to be commended on very ably performing their duties and upon returning this legislation to us in the form that it is.

Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. I thank the gentleman from Illinois (Mr. ANDERSON) for yielding to me.

I should like to address a question to the gentleman from Ohio (Mr. HARSHA). I agree with the gentleman from Ohio (Mr. HARSHA) that it is necessary that the treatment works grant construction funds be expended in the most efficient and effective manner. I agree that where appropriate we must use the latest technology available in order to protect our Nation's waterways. Because I agree with the gentleman on this point, I commend him, the rest of the members on the Committee on Public Works, and the members who have brought to the House today a water pollution bill which will greatly assist in the program to clean up our Nation's waters. I am concerned, however, that the requirements for the study of alternative waste management techniques will result in the inappropriate use of land disposal of the wastes of the city of Chicago. Specifically, I am concerned that the language could be interpreted to encourage land disposal over the other advanced waste treatment techniques. For example, the Corps of Engineers has recently published a report containing a proposal to use 244,000 acres in my district to treat sewage for the city of Chicago. At least 51,000 acres of this land would have to be purchased outright by the Government to be used for storage and sludge lagoons. Needless to say, I and my constituents are totally opposed to such a program. It would require the displacement of thousands of people from their land. It would have a very adverse economic effect on the areas involved—at least 51,000 acres of land would be removed from the tax rolls, and thousands of acres of rich farmland would be taken out of production. Thus not only the people displaced from their land, but also those living in the surrounding communities would suffer great loss. Therefore, because of the great social, economic, and environmental impact that such a plan would have on the people in my district, I must ask for the gentleman's assurance that no money appropriated under S. 2770 could possibly be used for purchase of land for open treatment and storage of sewage in Indiana.

Mr. HARSHA. Mr. Speaker, will the gentleman yield?

Mr. LANDGREBE. I am glad to yield to the gentleman from Ohio.

Mr. HARSHA. I thank the gentleman for yielding.

I thank the gentleman for his comments on the bill. I certainly want to point out that the gentleman has expressed great concern over this particular problem and the effects of this legislation on his district. He raised that concern when we had the matter before the House. He then again called it to my attention a number of times and expressed concern about the effects it possibly could have in the area of or the near vicinity of the district he represents.

In answering the gentleman I would say no, it is not the intent of the managers that any new project of this magnitude proceed without thorough evaluation and study and local input. I might add that a project of this type probably would require somewhere between 3 to 10 more years of additional study.

I should like also to point out to all those concerned, and this is why I was instrumental in including advance waste treatment techniques in this bill, that there can be benefits from land disposal. Land that is utilized for sewage disposal can be the recipient of free irrigation water and fertilizer. It may be possible that the productivity of such land would be increased twofold or threefold.

In no event, however, would it be intended to exercise the right of eminent domain to take anything approaching 247,000 acres. On the contrary, a much smaller amount of land would be required, if the project were demonstrated to be feasible and if the States of Indiana and Illinois agreed to proceed.

Local and State authorities must take additional action before any waste water management system is implemented. I can assure the gentleman that the public will have a voice in this decision.

Mr. Speaker, I have spoken with the chairman of managers, Mr. ROBERT JONES of Alabama. I can assure my friend from Indiana that Mr. JONES has reviewed my answer to you and concurs. My answer also represents his views.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself 1 additional minute.

I noted the presence on the floor of the gentleman from Alabama (Mr. JONES), the chairman of the subcommittee, during the colloquy which I had a few minutes ago with the gentleman from Ohio (Mr. HARSHA), concerning the question of the interpretation of various sections of this bill, and also a colloquy over whether or not the bill as reported had changed the present division of authority between the States and the Federal Government over nuclear facilities and materials under the Atomic Energy Act, as enunciated in the Northern States Power against Minnesota case.

I would like at this time to ask the gentleman from Alabama (Mr. JONES), if he does in fact agree in all respects with the interpretation that has been given us on these matters by the gentleman from Ohio (Mr. HARSHA).

I yield to the gentleman from Alabama (Mr. JONES).

Mr. JONES of Alabama. I listened very carefully, Mr. Speaker, to the explanation made by the gentleman from Ohio (Mr. HARSHA), and I am totally in agreement with his explanation and his understanding of what is intended in this conference report.

Mr. ANDERSON of Illinois. I thank the gentleman from Alabama.

Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. Mr. Speaker, I wonder if the gentleman from Alabama (Mr. JONES) would respond to a question, if it please the Speaker?

Mr. JONES of Alabama. What is the gentleman's inquiry?

Mr. LANDGREBE. Mr. HARSHA and I had a rather lengthy colloquy about the usage or the possibility of open storage of sewage in adjoining States that might be under this bill.

Mr. JONES of Alabama. I listened very carefully, Mr. Speaker, to the explanation made by the gentleman from Ohio (Mr. HARSHA), and I am totally in agreement with his answer.

Mr. ANDERSON of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. O'NEILL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. JONES of Alabama. Mr. Speaker, I call up the conference report on the bill (S. 2770) to amend the Federal Water Pollution Control Act, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 28, 1972.)

Mr. JONES of Alabama (during the reading). Mr. Speaker, I ask unanimous consent the further reading of the statement of the managers be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. JONES of Alabama. Mr. Speaker, I yield myself 5 minutes.

Mr. JONES of Alabama. Mr. Speaker, let me read the following:

> A river is more than an amenity, it is a treasure. It offers a necessity of life that must be rationed among those who have power over it.

That was an utterance of the Honorable Oliver Wendell Holmes.

That was our concept when we as conferees met at the very inception in the consideration of this bill and wrote this as a theme for our conference. I assure you that we have been loyal to that notion, and I am pleased that we could bring to you a conference report that I think you will overwhelmingly support, and be pleased with.

Mr. Speaker, I rise to urge the Members of this body, with all the vehemence at my command, to approve the conference report on the 1972 Water Pollution Control Act.

I rise to call for approval of this report by a margin so overwhelming that it will proclaim to all Americans that Congress has the will and the leadership to save our priceless waters from the degradation that is fast destroying them.

I trust that every Member of the House has taken time to study the many substantive provisions of this necessarily long and complex report. Having done so, I am confident they will share my conviction, and that of my colleagues on the conference committee, that this report is a landmark in environmental legislation. In our judgement, Mr. Speaker, it is substantially better and more effective legislation than either of the original bills on which we began our conference negotiations almost 5 months ago.

Much of the credit for this accomplishment must go to the eight Members on both sides of the aisle who shared these prolonged and often difficult negotiations with me. The distinguished chairman of the Public Works Committee, JOHN A. BLATNIK, who has been leading the fight for clean water since we entered Congress together away back in 1946, and who must surely regard this as a milestone in his career; BILL HARSHA, of Ohio, the ranking minority member of the committee and a strong right arm in the conference; Congressman JIM WRIGHT, of Texas; "BIZZ" JOHNSON and DON H. CLAUSEN, of California; BOB ROE, of New Jersey; JIM GROVER, of New York; and CLARENCE E. MILLER, of Ohio; each of them has earned the gratitude of the House and of the citizens they serve.

These outstanding legislators are thoroughly familiar with the conference report and are in accord with its provisions.

The objective of this legislation is to restore and preserve for the future the integrity of our Nation's waters. The bill sets forth as a national goal the complete elimination of all discharges into our navigable waters by 1985, but, and I call this most emphatically to the attention of the House, the conference report states clearly that achieving the 1985 target date is a goal, not a national policy. As such, it serves as a focal point for long-range planning, and for research and development in water pollution control technology.

The conference report declares that it is the national policy to control the discharge of toxic pollutants; to provide Federal financial assistance for the construction of publicly owned waste treatment plants and sewage collection systems in existing communities that are an integral part of the treatment process; to develop and implement areawide waste treatment management planning processes; to foster a major research and demonstration program in the field of water pollution control; and to protect and preserve the primary responsibilities and rights of the separate States in our national antipollution effort.

Each of these national policies is implemented in substantive sections of the bill.

While it is our hope that we can succeed in eliminating all discharge into our waters by 1985, without unreasonable impact on the national life, we recognized in this report that too many imponderables exist, some still beyond our horizons, to prescribe this goal today as a legal requirement.

Under certain conditions, the Administrator of the Environmental Protection Agency could require a category or class of industry to go directly to "no discharge" by July 1, 1983, if he determines that it is technologically and economically achievable. Before making such a determination, however, the conference managers expect that the Administrator would make a thorough review of the economic impact of such action and that the burden of proof for such action would rest upon him.

SECTIONS 301–304

Title III of the conference report contains many of the basic provisions for standards and enforcement. Included are section 301(b)(1)(A), which requires point sources to achieve by July 1, 1977, effluent limitations which require the application of "best practicable control technology currently available" and section 301(b)(2)(A) which requires point sources to achieve by July 1, 1983, effluent limitations which require the application of "best available technology economically achievable."

It is the intention of the managers that the July 1, 1977, requirements be met by phased compliance and that all point sources will be in full compliance no later than July 1, 1977. Discharge permits issued by th Administrator or by the States should include any applicable implementation plans established under existing water quality standards.

If the owner or operator of a given point source determines that he would rather go out of business than meet the 1977 requirements, the managers clearly expect that any discharge issued in the interim would reflect the fact that all discharges not in compliance with such "best practicable control technology currently available" would cease by June 30, 1977. In any event, the discharge would have to be consistent with any applicable water quality standards including implementation plans.

By the term "best practicable" the managers mean that all factors set forth in section 304(b)(1)(B) are to be taken into consideration. With the exception of modifications of section 301 requirements for the discharges of heat which may be made pursuant to section 316(a), the determination of the "best practicable control technology currently available" is not to be based upon the existing quality of the receiving waters. The managers expect that the total cost of application of technology in relation to the effluent limitation benefits to be achieved will always be a factor used by the Administrator in his determination of "best practicable control technology currently available" for a given category or class of point source.

The term "total cost of application of technology" as used in section 304(b)(1)

(B) is meant to include those internal, or plant, costs sustained by the owner or operator and those external costs such as potential unemployment, dislocation, and rural area economic development sustained by the community, area, or region.

By the term "control technology" the managers mean the treatment facilities at the end of a manufacturing, agricultural, or other process, rather than control technology within the manufacturing process itself.

By the term "currently available" the managers mean the control technology, which, by demonstration projects, pilot plans, or general use, has demonstrated a reasonable level of engineering and economic confidence in the viability of the process at the time of commencement of actual construction of the control facilities.

The House managers were determined and successful in their efforts to make sure that the factors in sections 304 (b) (1) (B) and 304(b) (2) (B) relating to the assessment of "best practicable control technology currently available" and "best available technology economically achievable," respectively, included consideration of nonwater quality environmental impact, including energy requirements. The managers believe that it would be foolhardy to credit one environmental account and debit another by the same action. Their intent is that the assessment of "best practicable control technology currently available" shall be such that the net effect on water and other environmental needs will be positive and beneficial, and that other impacts of water quality environmental efforts would not negate the overall benefit of the achievement of higher water quality.

I might note that the managers, and, in particular, my friend and fellow House manager from Ohio, Mr. MILLER, was adamant that energy requirements should be a factor to be considered. He will speak later on this.

The Administrator may modify the July 1, 1983, requirements applicable to any point source other than publicly owned treatment works, upon a satisfactory showing to the Administrator by the owner or operator of the point source that a modification will represent the maximum use of technology within the economic capability of the owner or operator and will result in reasonable further progress toward the elimination of the discharge of pollutants. This provision in section 301(C) authorizes a case-by-case evaluation of any modification to the July 1, 1983, requirement purposed by the owner or operator.

The managers expect the Administrator to adopt a reasonable approach to determinations under this provision. When the term "economic capability" is referred to, it means the economic capability of the given point source.

This provision is not intended to justify modifications which would not represent an upgrading over the July 1, 1977, requirements of "best practicable control technology."

By the term "best available demonstrated technology economically achieveable," the managers mean those plant processes and control technologies which, at the pilot plant or semiworks level, have demonstrated both technological performance and economic viability sufficient to reasonably justify the making of investments in new production facilities.

I should like to direct attention to section 102(b) which provides for an amendment to existing law which deals with the inclusion of conservation storage in Federal reservoirs for the purpose of regulating stream flow. In 1962, Senator Kerr and I joined in sponsoring the original legislation. Both of us strongly believed that to provide for the effective use of water resources, the planning of Federal reservoirs should, where economically justified, make provision for storage to improve the quality of the water in our streams.

The present law specifically provides that such storage and waste release should not be used as a substitute for adequate treatment or other methods of controlling waste at the source. In my judgment, this legislation has made a major contribution to the effective use of our water resources. I know of no instance where such storage has been used as a substitute for the construction of waste treatment facilities.

The Senate conferees felt strongly that low flow augmentation might result in "pollution through dilution" and for that reason the full responsibility for low flow augmentation should be given to the Administrator of the Environmental Protection Agency.

Although I do not personally agree with this conclusion, I have reluctantly gone along with it. I do this only with an understanding that the other purposes which can be served by low flow storage, such as navigation, salt water intrusion, recreation, esthetics and fish and wildlife for which additional storage is proposed may stand on its own.

The conferees therefore accepted an amendment which gives the EPA Administrator the responsibility for determining the need for, and the value of, storage for water quality proposed by a Federal agency for inclusion in the reservoir. However, the responsibility for the other purposes for which storage for regulation of stream flow remains with the Federal agencies planning the construction.

In the case of any of the purposes for which low flow augmentation storage is included for the regulation of stream flow, the beneficiaries must be identified and if the benefits are widespread or national in scope, the costs are to be borne by the Federal Government. This would now hold true for navigation, recreation, or any other purpose as it formerly did solely for water quality.

With respect to section 204(b), the Administrator may take into consideration: First, the purpose of achieving an area wide system, stated in section 201 (c); and second, the limiting factor of the cost of independent facilities to an industrial user, in determining the portion of the cost of construction applicable to an industrial user, taking into account, among other things, the interest on capital. The user would otherwise pay.

With respect to section 307(b), I would note that in the case of biological waste, principally that which results from brewing and food processing and which is compatible with, and which indeed stimulates the performance of municipal treatment works, I understand that it is not the intention that pretreatment be required under the bill.

Such wastes are high in carbohydrate feeding material, which is biodegradable and necessary and useful in the consumption of the phosphate and nitrogenous material in household and industrial waste. Pretreatment of biological waste by breweries and food processing plants will require duplication of primary treatment works throughout the country and the addition to the effluent of breweries and food processing plants of phosphates and nitrates in order for such pretreatment works to operate properly. To require such pretreatment works will dot the United States with miniature treatment works and result in the inefficient use of resources.

In answer to questions raised regarding changes made in section 402, relating to State permit programs, and in section 403, relating to ocean discharges, the record should show that the authority of the States to develop and administer a permit program under section 402 for discharges into the territorial sea is the same as the authority under section 402 for a State permit program for other discharges. It is the responsibility of the Administrator of EPA to establish guidelines for State permit programs. The factors and considerations involved in setting guidelines for territorial sea discharges would necessarily differ in some respects from those established for discharges into other navigable waters. For example, the Administrator should consider the unique situation in States where geography and other such factors have a substantial impact on the effects of the discharges on receiving waters.

Once guidelines are established for a State permit program under section 402, whether for discharges into the territorial sea or other navigable waters it is intended that the State shall have primary responsibility for determining whether a discharge complies with the guidelines. If the State fails to carry out its responsibility or misuses the permit program, the Administrator is fully authorized to withdraw his approval of the State plan or in the case of an individual permit which does not meet regulations and guidelines in the act, preclude the issuance of such permit. It is intended, however, that the Administrator shall not take such action except upon a clear showing of failure on the part of the State to follow the guidelines or otherwise to comply with the law.

The intent of section 511(c) of the conference report is to clarify certain relationships between the National Environmental Policy Act of 1969 and the actions of the Administrator of EPA.

Under existing law, the provisions of NEPA do not apply to the environmental protective regulatory activities of EPA. The intent of the Congress was clear on that point at the time NEPA was enacted in 1969. On December 23, 1969, when the House considered the conference report on S. 1075—NEPA—the following exchange took place between Congressman Fallon, the chairman of the Committee on Public Works, and Congressman DINGELL, floor manager of the bill:

Mr. FALLON. What would be the effect of this legislation on the Federal Water Pollution Control Agency?

Mr. DINGELL. Many existing agencies such as the Federal Water Pollution Control Agency have important responsibilities in the area of environmental control. The provisions of section 102 and 103 are not designed to result in any changes in the manner in which they carry out their environmental protection authority. This provision is primarily designed to assure consideration of environmental matters by agencies in their planning and decision-making—but most especially those agencies who now have little or no legislative authority to take environmental considerations into account.

A similar record was made in the Senate. In a summary of major changes adopted by the conference committee which Senator JACKSON, primary sponsor and floor manager of NEPA, included in the RECORD, the following statement appears:

Many existing agencies such as the National Park Service, the Federal Water Pollution Control Administration, and the National Air Pollution Control Administration already have important responsibilities in the area of environmental control. The provisions of section 102 (as well as 103) are not designed to result in any change in the manner in which they carry out their environmental protection authority.

It is not the intent of the Senate conferees that the review required by section 103 would require existing environmental control agencies such as the Federal Water Pollution Control Administration and National Air Pollution Control Administration to review their statutory authority and regulatory policies which are related to maintaining and enhancing the quality of the environment. This section is aimed at those agencies which have little or no authority to consider environmental values. (S. 17458–12/20/69)

Senator MUSKIE made the following statement as regards Senator JACKSON's explanation:

It is clear then, and this is the clear understanding of the Senator from Washington and his colleagues, and those of us who serve on the Public Works Committee, that the agencies having authority in the environmental improvement field will continue to operate under their legislative mandate as previously established, and that those legislative mandates are not changed in any way by Section 102–5. (P. 17458–12/20/69)

The NEPA guidelines of the Council on Environmental Quality—36 Federal Register 7724, April 23, 1971—which deal with the preparation of detailed statements pursuant to section 102(2)(C) of NEPA accurately reflect the intent of Congress that EPA is not subject to the requirements of NEPA.

The conferees on S. 2770 determined, however, that the impact statement and balancing analysis requirements of NEPA would serve to reinforce two specific actions of the Administrator: The making of waste treatment grants under section 201 and the issuance of a permit under section 402 to a new source as defined in section 306 of the Federal Water Pollution Control Act, as it will be amended by this bill. Therefore, section 511(c)(1) of the conference report extends the various provisions of NEPA to those two actions of the Administrator but to no others.

The language of section 511(c)(1) uses the phrase "major Federal action significantly affecting the quality of the human environment," a phrase found in section 102(2)(C) of NEPA. Some have suggested that section 511(c)(1) might therefore be construed in such a way that all of the provisions of NEPA other than section 102(2)(C) could be held applicable to the actions of the Administrator. As a conferee, I want to make it as clear as I know how that such a crabbed interpretation of section 511(c)(1) would thoroughly frustrate the intent of the conferees and of the Congress. The term "major Federal action" has become synonomous with NEPA. The conferees of both Houses clearly intended that all of the provisions of NEPA would apply to section 201 grants and section 402 permits for new sources and that none of the provisions of NEPA would apply to any other action of the Administrator. That is what the section says and that is what it means.

I refer my colleagues to the joint statement of managers on page 149 of Report 92–1236. The conferees state:

If the actions of the Administrator under this Act were subject to the requirements of NEPA, administration of the Act would be greatly impeded.

We do not say "one of the requirements of NEPA." We do not say "some of the requirements of NEPA." We say "the requirements of NEPA." It could not be more clear.

Many, many man-years of effort have gone into the preparation of the legislation now pending before the House. The Congress has given to the Administrator the most explicit guidance that it could contrive as to what factors and parameters he is to take into account in the administration of this act. If NEPA were construed as requiring him to comply with substantive or procedural requirements extraneous to the Federal Water Pollution Control Act, the very purpose of this bill—the establishment of a detailed, comprehensive, effective program to regulate the discharge of pollution into the Nation's waters—would be imperiled.

Section 511(c)(2) is intended to obviate the need for other Federal agencies to duplicate the determinations of the States and EPA as to water quality considerations. Section 511(c)(2) is not intended in any way to relieve any Federal licensing or permitting agency other than EPA from its full responsibilities under NEPA to include water quality considerations in any balancing analysis that may be made of any major Federal action as required by that act.

I would close by paying a well deserved tribute to the staff of the Public Works Committee. They provided invaluable assistance to all the conferees during the long, difficult period of the conference. I commend the entire staff and in particular Dick Sullivan, Clif Enfield, Carl Schwartz, with exceptional praise to Les Edelman, Gordon Wood, and last but not least, my good friend, the legislative counsel, Bob Mowson. His draftmanship is indelibly imprinted on this major piece of legislation.

I offer for the RECORD a summary of the major substantive provisions of this legislation and a statement of the authorizations contained in the report. Mr. Speaker, I ask approval of this conference report.

Mr. Speaker, I include the following:

THE HIGHLIGHTS OF THE HOUSE-SENATE CONFERENCE REPORT

FUNDING

Total Federal spending authorized in the Conference agreement is slightly over $24.6 billion, approximately the same amount provided in the original House bill. The Senate version called for approximately $20 billion. The Administration had asked for $6 billion to be spread over three years.

GRANTS TO MUNICIPALITIES

The Conference accepted a House provision authorizing $18 billion in contract obligation authority for Federal grants to municipalities, through fiscal year 1975, for construction of waste treatment plants, including sewage collection systems. The Senate bill authorized $14 billion for this purpose but did not include the collection systems.

Additionally, the bill gives authorizations to an appropriation already approved by Congress, amounting to $350 million, to fund the grant program for the fiscal year which ended last June 30.

Of the $18 billion authorization, $5 billion would be applied to fiscal year 1973, $6 billion to fiscal year 1974, and $7 billion to fiscal year 1975.

Because of the contract obligation provision, no significant impact would be felt on Federal spending until fiscal 1975, when the first major appropriations would be required to pay off the contracted obligations.

ALLOCATION OF SEWAGE TREATMENT GRANTS

Federal grants for construction of municipal treatment plants would be distributed on the basis of need within the separate States, as determined by the Environmental Protection Agency's latest study for the years 1972–74, the "Economics of Clean Water Report."

The original House bill would have allotted the grants on the basis of need, but using an earlier study as its base. The Senate version would have distributed the grants among the States on the basis of population.

FEDERAL SHARE OF TREATMENT PLANT COSTS

The Federal government will provide 75 percent of the cost of constructing a community's waste treatment plant, leaving it up to the States and local municipalities to work out the funding of the remaining 25 percent.

The original House bill would have permitted grants up to 75 percent of the total cost and the Senate bill up to 70 percent, but only if the States contributed at least 15 percent in the House bill and 10 percent in the Senate bill.

DEADLINES FOR INDUSTRIAL COMPLIANCE

The Conference agreement requires all industries discharging into the Nation's waters to apply the best practicable control technology by July 1, 1977, and the best available technology by July 1, 1983. The original deadlines in both the House and Senate bills were January 1, 1976, and January 1, 1981, but the Conferees agreed to push those dates forward because of the time consumed in completing Congressional action.

In enforcing the 1977 "best practicable technology" regulation, the Environmental Protection Agency (EPA) would take into account the total impact of the action on plants within a given category (e.g., steel, chemical, paper) considering overall financial ability to comply, and the national impact of compliance on communities and workers.

In enforcing the 1983 "best available technology" regulation, EPA must consider whether such application is economically achievable by the category or class of industries affected, and, at the same time, will result in reasonable progress toward the national goal of eliminating all water pollution.

STANDARDS

The Conference agreement provides for continuation of the water quality standards already in existence, *plus* limitations on the amount of effluents a plant may discharge into any of the Nation's waters. In every case, the effluent limitations must be sufficiently stringent to maintain the quality of the water as prescribed by the standards, but effluent limits will be a minimum measure of compliance.

IMPACT STUDY

The Conference agreement requires that a study be undertaken into the environmental, technological, economic, and social effects that would result from enforcing the 1983 "best available" regulation on industry and attaining the 1985 goal of pollution-free water. The study will be undertaken by a 15-member Commission, five each to be appointed by the President, the House, and the Senate, utilizing the resources of government and private research organizations.

The original House bill would have required that the study be conducted by the National Academies of Science and Engineering and that, upon receipt of the report, Congress would have to take affirmative action before the "best available" regulations would be triggered into operation.

The Conferees accepted the Senate position that no such "trigger action" would be required.

ENVIRONMENTAL FINANCING

The Conference accepted a House provision establishing an environmental financing mechanism with an initial authorization of $100 million, to help hard-pressed communities obtain capital for their share of waste treatment plant construction costs. The agreement limits the life of the mechanism to three years. This provision was not in the Senate bill.

PERMITS

The Conference agreement directs the EPA Administrator to establish guidelines within which the separate States must operate their permit programs. Each State program must be approved by EPA and is subject to takeover by EPA if the State fails to live up to its responsibility.

Pending issuance of the Federal guidelines, those States which have workable, approved permit programs will continue to operate those programs, subject to a permit-by-permit veto by EPA.

After the guidelines have ben promulgated, EPA will no longer have this permit-by-permit veto power, except under two specific conditions:

1. Where a State permit does not conform to the guidelines and requirements of the law; or

2. Where the Governor of a down-stream State demonstrates that his waters are being polluted by permitted effluent discharge in another State.

Permits already issued to industries under the 1899 Refuse Act will be considered as permits under the new legislation, and vice versa, leading to a phasing out of the 1899 Act's application to water pollution control.

The original House bill had no provision for permit-by-permit veto power to be vested in EPA. The Senate version made no provision for an interim State program pending issuance of the Federal guidelines but would have given EPA continuing permit-by-permit veto power.

DREDGE MATERIAL DISPOSAL

The Conference agreement accepted a provision similar to the original House language establishing a separate permit program for the disposal of dredged or fill material in the Nation's waters, to be administered by the Corps of Engineers.

Under this program, permits would be issued, after notice and opportunity for public hearings, for disposal of such material at specified sites. The sites would be selected in compliance with guidelines developed by EPA in conjunction with the Corps of Engineers. The EPA Administrator is empowered to forbid or restrict the use of specified areas whenever he determines that disposal of material at a site would have an unacceptable adverse effect on municipal water supplies, shellfish, and fishery areas, or recreational activities in a given site.

The Senate bill would have treated dredge and fill materials under the general permit program and made no provision for a separate program.

CITIZEN SUITS

The Conference agreement provides for citizen suits against the government or a private interest for violation or failure to carry out mandatory provisions of the law. The Conferees agreed that such suits may be pursued only where the citizen, or citizen group, has an interest in the matter in litigation, in accordance with the U. S. Supreme Court's 1972 decision, Sierra Club vs. Morton.

ENVIRONMENTAL IMPACT STATEMENTS

With the exception of construction of publicly-owned waste treatment plants and permits granted for the discharge of pollutants by new sources, no actions taken by the Environmental Protection Agency will be subject to the requirements for environmental impact statements of the National Environmental Protection Act (NEPA).

PERMIT JURISDICTION

The Conference agreement provides that nothing in the National Environmental Protection Act may be construed as the basis for the establishment by other Federal agencies of more stringent controls on the discharge of pollutants than those provided under this Act, nor are such agencies authorized to review or alter effluent limitations issued under this Act.

THERMAL DISCHARGES

The Conference agreement provides that the EPA Administrator may waive the requirements of Sections 301 and 306 of the Act (concerning thermal discharges) if the owner or operator of the source of the thermal discharge demonstrates to the Administrator that the given thermal discharge could be at a higher level than required under Sections 301 and 306 and still be in accordance with water quality standards or otherwise assure the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife in and on the body of water into which the discharge is to be made.

AUTHORIZATIONS CONTAINED IN CONFERENCE REPORT ON S. 2770

	1972	1973	1974	1975	Total
Sec. 104:					
Research, investigations, and information		$100,000,000	$100,000,000		$200,000,000
General subsec. (u)					
Training (g)(1)		7,500,000			7,500,000
Forecasting (g)(2)		2,500,000			2,500,000
Agriculture (p)		10,000,000	10,000,000		20,000,000
Aquatic ecosystems (r)		15,000,000	15,000,000		30,000,000
Thermal pollution (t)		(10,000,000)	(10,000,000)		(20,000,000)
Total		135,000,000	125,000,000		260,000,000
Section 105: Grants for research and development		75,000,000	75,000,000		150,000,000
Sec. 106 (a): Grants for pollution control programs		60,000,000	75,000,000		135,000,000
Sec. 107(e): Mine water pollution control demonstration		[1] 15,000,000			[1] 15,000,000
Sec. 108(c):					
Pollution control in Great Lakes		[2] (20,000,000)			[2] (20,000,000)
(e) Lake Erie study		5,000,000			5,000,000
Sec. 112: Training grants and contracts, scholarships under sec. 109 through 112		25,000,000	25,000,000		50,000,000
Sec. 113: Alaska village demonstration projects		[3] 1,000,000			[3] 1,000,000
Sec. 114: Lake Tahoe study		500,000			500,000
Sec. 115: In place toxic pollutants		15,000,000			15,000,000
Sec. 206: Reimbursement and advanced construction:					
June 30, 1966, to July 1, 1972		2,000,000,000			2,000,000,000
June 30, 1956, to June 30, 1966		750,000,000			750,000,000
Sec. 207: Waste treatment works		5,000,000,000	6,000,000,000	$7,000,000,000	18,000,000,000
Sec. 208(1): Areawide waste treatment management		50,000,000	100,000,000	150,000,000	300,000,000
Sec. 208(h)		50,000,000	50,000,000		100,000,000
Sec. 209: Water Resources Council, basin planning		200,000,000			200,000,000
Sec. 305: Supplemental funds to implement Federal programs		100,000,000	100,000,000		200,000,000
Sec. 314: Clean Lakes		50,000,000	100,000,000	150,000,000	300,000,000
Sec. 315: National Study Commission		15,000,000			15,000,000
Sec. 317: Financing study		1,000,000			1,000,000
Sec. 517: General authorization		250,000,000	300,000,000	350,000,000	900,000,000
Sec. 3:					
Waste treatment works	$350,000,000				350,000,000
Research	6,000,000				6,000,000
Sec. 8: Small business loans		800,000,000			800,000,000
Sec. 10: National policies and goals study		5,000,000			5,000,000
Sec. 12: Environmental Financing Act		100,000,000			100,000,000
Grand total	356,000,000	9,702,500,000	6,950,000,000	7,650,000,000	24,658,500,000

[1] This is an addition to an existing authorization of $15,000,000.
[2] This is an existing authorization.
[3] This is an addition to an existing authorization of $1,000,000.

NOTE

This table does not include $35,000,000 revolving fund authorized in 1970 to handle oil and hazardous substances which have not been changed by S. 2770.

Figures in parenthesis are nonadd items.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

The SPEAKER. The time of the gentleman has expired.

Mr. JONES of Alabama. Mr. Speaker, I yield myself 2 additional minutes, and I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Speaker, I seek an answer or reassurance from the floor manager on a brief question about the conference report. The committee report on the House version stated that its various provisions applied to the prevention of future water quality problems as well as to the abatement of existing ones. The question is do the provisions of the conference report also apply in this manner so that its program and funds are also available to control any potential water pollution control or eutrophication problems of the authorized Tocks Island Reservoir project?

Mr. JONES of Alabama. I assure the gentleman that the conference report contemplates the control of the water quality problems of the authorized Tocks Island Reservoir, as well as the prevention and abatement of other future and existing water quality problems.

Mr. THOMPSON of New Jersey. Mr. Speaker, I thank the distinguished gentleman from Alabama, and I congratulate the committee.

Mr. JONES of Alabama. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. Blatnik).

Mr. BLATNIK. Mr. Speaker, I shall be as brief as possible in my remarks. My fellow conferees will follow with an orderly section-by-section presentation of this complicated bill.

My main mission here, Mr. Speaker, is to first rise and urge the strongest and most overwhelming support for this conference report. I wish to express my deep, heartfelt thanks to my fellow conferees on both sides of the aisle for the extraordinary patience and legislative skill they demonstrated in drafting a water pollution control bill that will, without any question in my mind, get America started on the tremendous job of restoring the integrity of her rivers, streams, lakes, and shores.

Mr. Speaker, this is the day I have been looking forward to since I first came to Congress more than 26 years ago and began what was then a pretty lonely fight for our endangered water environment.

The resounding vote of approval that I anticipate for this conference agreement today will more than justify the uphill fight of our Public Works Committee and the frequent frustrations of those years.

The legislation before the House today, to which every Member of the Public Works Committee has made outstanding contribution, is not a victory for the position taken in conference by the House or that of the Senate. It is a victory for the people of this Nation and for the future of this Nation, whose very survival depends on the survival of our waters.

Mr. Speaker, I cannot praise too highly the work of my good friend and colleague, Bob Jones. In one of the most extraordinary demonstrations of leadership, knowledge of complicated subject material, patience, and negotiating skill I have seen in my 26 years in Congress, Bob Jones steered this bill through the emotionally supercharged atmosphere that surrounded it in and outside the conference room, and the conference finally emerged with a sound, solid, realistic, and workable program.

Bob Jones' leadership, together with the splendid cooperation and participation by the able and well-informed ranking minority member, Bill Harsha, backed by the superb work of the entire House delegation, and supported by the outstanding work on the part of the committee staff, gave the Congress and the Nation a bill which is substantively much better, and more effective, than either body brought into conference when we first sat down at the conference table last May.

This is an enormously complex bill, as it must be, to solve the enormous, and complex problem of protecting our water resources.

It has also been referred to as "an enormously costly" bill.

That may be too.

But we have no choice. We must act now, and must be willing to pay the bill now—or face the task of paying later when, perhaps, no amount of money will be enough.

Neither our Nation's waters, nor the patience of our people, will permit us to delay. The time has passed when either the Congress or the executive branch can afford to waste time, or shop for a bargain basement solution to water pollution control.

The great technological genius of our people, the will and energy to master any problem, are ready to be harnessed for the cleanup effort.

This legislation now before the House provides the mechanism, the tools, and the money, to get the job done.

Let us accept the challenge, heed the American people, and send this bill to the President for enactment.

In his state of the Union message to this Congress on January 20 of this year, President Nixon pressed us for action on this legislation.

He said:

> The forces which threaten our environment, will not wait while we procrastinate.

I agree with Mr. Nixon.

In his state of the Union message 2 years earlier, the President had this to say about the issue that is before the House today:

> The great question of the seventies is shall we surrender to our surroundings, or shall we make our peace with nature and begin to make reparations for the damage we have done to our air, our land, and our water?"

And in that same January of 1970, almost 3 years ago, President Nixon declared that—

> The 1970's absolutely must be the years when America pays its debt to the past by reclaiming the purity of its air, its waters, and our living environment. It is literally now or never.

Mr. Speaker, I concur in the President's judgment. It is literally now or never. I call for approval of this conference report.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I am happy to yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Speaker, I should like to associate myself most wholeheartedly with the remarks made by the distinguished chairman of our full committee, the gentleman from Minnesota (Mr. Blatnik) particularly as they apply to the diligent and painstaking leadership on the part of the gentleman from Alabama (Mr. Jones) during the course of this long and gruelling conference under circumstances which lasted for hours, seemingly interminably, and which would have tried the patience of Job. Through it all Bob Jones persevered as the leader of our group from the House of Representatives. I think he did as fine a job as I have ever seen before, a truly outstanding performance.

Mr. BLATNIK. I thank the gentleman, who was a very effective member of the conference.

Mr. HARSHA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 2 years ago, Congress passed a resolution pledging to "work to identify and overcome all that degrades our earth, skies, our water and the living things so that the end of the environmental decade of the 1970's may see our environment immeasurably better than at the beginning."

In carrying out this pledge, a major responsibility rested with the Public Works Committee in both Chambers of Congress to formulate strong, effective laws to clean up and preserve our Nation's water resources. Mr. Speaker, I am proud to report that we have before us today legislation which constitutes a giant step toward achieving this goal and fulfilling our environmental pledge: the conference report on S. 2770, the 1972 Amendments to the Federal Water Pollution Control Act.

I am proud to be one of the managers bringing this conference report to the House. I am proud because I believe it is the greatest environmental legislation ever before Congress. It is designed to bring about the level of water quality our Nation requires and deserves.

Many months and long hours of investigation, deliberation, and very hard work have gone into this legislation. The managers on the part of the House come before you today with the report after having met with the other body 39 different times. It goes without saying that it was not easy to arrive at a conference report and that many points required extensive discussions and some compromises on the part of both Houses.

It was trying at times for both body and soul. We should recognize that we are indebted to the chairman of the Committee of Conference, the distinguished gentleman from Alabama, a leader in the Public Works Committee, our own Mr. Robert Jones. His leadership in the House, and in the conference made this bill possible. His leadership was firm but fair—forceful and effective. I am personally grateful for his leadership; we all should be.

I commend the other House managers for their diligence, regular attendance and unified approach in all of our deliberations. It was a privilege to serve also with Mr. Blatnik, Mr. Wright, Mr. Johnson of California, Mr. Roe, Mr. Grover, Mr. Don H. Clausen, and Mr. Miller of Ohio.

I would also like to recognize the efforts of Richard Sullivan, Clifton Enfield, Lester Edelman, Carl Schwartz and Gordon Wood of the House Public Works Committee staff, and Robert Mowson of the House Legislative Counsel's Office, who, along with the rest of our staff, all worked in a diligent, competent and dedicated manner in assisting the Public Works Committee and the Committee of Conference in bringing about this landmark legislation. They did indeed rise above and beyond the normal call of duty.

Mr. Speaker, I repeat, I am proud to be here this afternoon because I believe that we have developed the most significant environmental legislation in the history of the Congress. I believe this is a strong and effective piece of legislation.

In looking back to when the House of Representatives passed its bill on March 29, I might comment that the media and certain persons cried out that the House had passed a weak water pollution control bill, while the other body has passed a strong one. I say to you today that those statements were reminiscent of the "know nothings" in political campaigns of years past. The bill, as passed by the House of Representatives was not a weak bill. Quite the contrary, it was a most forceful bill. The House chose to recognize that water pollution control does not exist in a vacuum isolated from other environmental and economic considerations. The House recognized that in our efforts to solve our pressing environmental problems, we must not set others in motion. Balance, as well as strength, must be an inherent part of our pollution abatement efforts.

At the time that H.R. 11896 was being considered by the House, I pointed out that it was being criticized by both environmental and industrial organizations. I further pointed out that I was pleased because this was an indication that we had struck the balance that we intended to achieve.

I repeat to you today that we did achieve the necessary balance in the House bill. I also say to you that the work product of the Committee of Conference also strikes this balance and is superior to the original bills passed by both the House and the other body. We were successful in our endeavor to develop water pollution legislation which will meet the needs of our country and, at the same time, be consistent with our environmental needs. It is the kind of strong beginning for the environmental decade that promises we will see our Nation's water resources immeasurably better. Indeed, we have set our goal for pollution-free water by 1985 and come before you today with the best workable tools to achieve it.

Mr. Speaker, this is the most comprehensive, complicated, and technical pollution control legislation that this House has ever had before it. Therefore, I believe it is necessary for me to comment on certain topics of the conference report in a manner to establish a clear understanding of a number of sections it contains.

Mr. Speaker, I want to discuss briefly why this conference report calls for the sum of money it does for construction of publicly owned waste treatment works. In the first place the same figure was passed by the House in March.

The report recognizes the need for an increased treatment works construction program. This need was graphically demonstrated in the hearings held by the Committee on Public Works. This need is recognized in the report and in the language of the legislation where a needs formula is used to allocate grant funds to individual States.

I believe the committee has accurately assessed the need for such a large sum of money. Furthermore, I want to point out that the elimination of the word "all" before the word "sums" in section 205(a) and insertion of the phrase "not to exceed" in section 207 was intended by the managers of the bill to emphasize the President's flexibility to control the rate of spending.

I might add, while this legislation does provide for contract authority, the present administration recommended contract authority in H.R. 18779, the bill I introduced in behalf of the administration some time ago.

Furthermore, let me point out, the Committee on Public Works is acutely aware that moneys from the highway trust fund have been impounded by the Executive. Expenditures from the highway trust fund are made in accordance with similar contract authority provisions to those in this bill. Obviously expenditures and appropriations in the water pollution control bill could also be controlled. However, there is even more flexibility in this water pollution control bill because we have added "not to exceed" in section 207, as I indicated before.

Surely, if the administration can impound monies from the highway trust fund which does not have the flexibility of the language of the water pollution control bill, it can just as rightly control expenditures from the contract authority produced in this legislation by that same means.

Second, I would like to point out that the Administrator of the Environmental Protection Agency must approve plans, specifications, and estimates. This is the pacing item in the expenditures of funds. It is clearly the understanding of the managers that under these circumstances the Executive can control the rate of expenditures.

Furthermore, I would like to call the attention of the Executive to the table on Page 147 of House Report 92-911; the report of the Committee on Public Works on H.R. 11896. This table demonstrates that the first major impact of obligations from the $5 billion authorizations for the fiscal year ending June 30, 1973, is in fiscal year 1975. During that year the appropriations required for payment for obligations authorized by this legislation would only be $2,450,000,000. The appropriations will be spread out over the period of construction of these waste treatment projects and would not be felt in any appreciable sum until fiscal year 1975, some 2 or 3 years hence.

As a matter of fact, for fiscal year 1973 if all the money were obligated and placed under contract, there would only be $20 million needed to meet the obligations and in fiscal year 1974 there would only be the necessity of appropriating $250 million. Obviously there is not a severe impact on the economy for the next 3 years under this legislation.

Finally Mr. Speaker, this House is considering an expenditure limitation of $250 billion. That in itself is a further impediment to inflationary pressures and could dictate that authorized expenditures for treatment works would have to be reduced.

Mr. Speaker, as I stated in my introductory remarks, water pollution control cannot exist in a vacuum, isolated from other considerations of the Federal Government.

The committee recognizes there are many competing national priorities. That is the very reason the committee has placed in this legislation the flexibility that is needed for the executive branch.

The committee also recognizes that the Nation's waters must be allowed to benefit from the control and improvements which can be brought about by this important legislation.

The bill provides the tools necessary to do the job, and I urge my colleagues overwhelmingly to approve this conference report.

Mr. Speaker, I believe it is very important that the new treatment works construction programs authorize the latest technologies to the maximum extent possible. We must encourage the utilization of "advanced waste treatment techniques." Because I strongly believe in this, I have been an advocate within the Committee on Public Works, the House, and the Committee on Conference for making the necessary provisions in this legislation.

Section 201(b) of the conference report provides that waste treatment plants and practices shall provide for consideration of "advanced waste treatment techniques." Section 201(g)(2)(A) of the conference report provides that the Administrator shall not make grants from funds authorized for any fiscal year beginning after June 30, 1974, unless the grant applicant has successfully demonstrated to the Administrator that—

> Alternative waste treatment management techniques have been studied and evaluated and the work proposed for grant assistance will provide for the application of the best practicable waste treatment technology under the life of the works.

It is the intent of the managers that the language in section 201(b) and 201(g)(2)(A) requires that all planning and construction receiving Federal grant funds after the dates provided in the conference report shall be required to consider alternative advanced techniques. It is intended that there be a showing to the Administrator prior to his making any grant for treatment works construction, that the alternative advance waste management techniques have been studied and evaluated and that the selection of the treatment techniques to be used in any new or modified treatment works will reflect advanced waste treatment management technology where it is practicable.

One of the techniques which is expected to be studied and evaluated is land disposal including aerated treatment-irrigation technology. In certain cases, such treatment offers significant benefits to the areas or region. Nutrients which would be harmful when introduced into our waterways in excessive quantities could be used to enrich farm and forest lands and increase crop yields. Irrigation water could be provided. It is not meant by this that land disposal is the preferred alternative in all cases but the managers clearly intend to emphasize that such advanced techniques as land disposal must be evaluated in all cases in the planning process and prior to the awarding of construction grants. A meaningful review of the alternatives and a showing of the grounds for the selection of the techniques to be utilized must be made.

Section 108(d) directs the Corps of Engineers to design and develop a demonstration waste treatment management program for Lake Erie. The Corps of Engineers is to submit a plan and financing recommendations to Congress for statutory approval. The plan is to set forth alternative systems for managing waste water on a regional basis. While this section is intended to encourage the Muskegon type process for land disposal, I emphasize that the Muskegon process for land disposal has not been completely proven and it may not be the best alternative for all areas of the country.

We should thoroughly evaluate this alternative in those cases where land conditions are such that we can recycle our water and the nutrients in waste water which are useful on agricultural lands.

Section 303 contains the requirements for water quality standards and implementation plans. This section has been one of the most misunderstood parts of the conference report. The misunderstandings have continued from the day the original report of the Committee on Public Works on H.R. 11896 became public. I would at this time like to end these misunderstandings once and for all and point out that those individuals were wrong who stated that this was intended to be a weakening of the effluent limitations approach and a continuation of the old water quality standard based approach to water quality control which did not prove to be effective as it could have been.

Section 303 provides that existing water quality standards shall remain in effect if they are consistent with the applicable requirements of the Federal Water Pollution Control Act as in effect prior to the enactment of this conference report. Section 303 requires the setting of water quality standards for the intrastate waterways which are consistent with the same applicable requirements. If the State standards are consistent with the applicable requirements, the Administrator shall approve these standards. If, on the other hand, they are inconsistent with the applicable requirements, the Administrator is required to indicate to the States what the deficiencies are, and if the States do not correct the deficiencies in a timely manner, the Administrator is required to promulgate the necessary standards. Standards shall be reviewed and updated if necessary at least every 3 years.

Section 301(b)(1)(C) requires that water quality standards shall be achieved not later than July 1, 1977. The water quality standard requirements are not intended to be in lieu of the technological requirements for 1977 but are required to be the basis for water quality control if they are more stringent than the effluent limitations determined by "best practicable control technology currently available." For example, if there are a multitude of point sources on a given stretch of water, the potential of exceeding the water quality standards, exists even though each point source is meeting best practicable control technology. If "best practicable control technology" in this or in any other situation is inadequate to meet the water quality standards, the managers clearly intend that each point source shall be required to meet effluent limitations which would be consistent with the applicable water quality standard.

I hope this review eliminates the widely held misunderstanding of the intent of section 303. It is intended to be a supplement to the 1977 and 1983 requirements.

Section 303 contains provisions for the identification of waters where the technological standards are not stringent enough to implement applicable water quality standards. For these waterways, the States are required to establish load limits which are to be approved by the Administrator. These load limits would indicate, for those pollutants which are suitable for such calculations, the maximum quantity which can be discharged into the water and still not result in a violation of the water quality standards. It is believed that this information is needed for planning and enforcement and the managers expect that the States and the Administrator will be diligent and will make these studies in a timely fashion.

The SPEAKER. The time of the gentleman has expired.

Mr. HARSHA. Mr. Speaker, I yield myself 3 additional minutes.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. HARSHA. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, the gentleman from Ohio has made a very excellent presentation and as I listened I thought he answered the major question that I have in my mind. I am for the conference report, but I think it is vitally important that the intent and purpose of section 207 is spelled out in the legislative history here in the discussion on this conference report.

As I understand the comments of the gentleman from Ohio, the inclusion of the words in section 207 in three instances of "not to exceed" indicates that is a limitation. More importantly that it is not a mandatory requirement that in 1 year ending June 30, 1973, there would be $5 billion and the next year ending June 30, 1974, $6 billion and a third year ending June 30, 1975, $7 billion obligation or expenditure?

Mr. HARSHA. I do not see how reasonable minds could come to any other conclusion than that the language means we can obligate or expend up to that sum—anything up to that sum but not to exceed that amount. Surely, if the Executive can impound moneys under the contract authority provision in the highway trust fund, which does not have the flexible language in this bill, they could obviously do it in this instance.

Mr. GERALD R. FORD. Mr. Speaker, I would like to ask the distinguished chairman of the subcommittee and the chairman of the House conferees whether he agrees with the gentleman from Ohio (Mr. HARSHA).

Mr. JONES of Alabama. Mr. Speaker, if the gentleman will yield. My answer is "yes." Not only do I agree with him, but the gentleman from Ohio offered this amendment which we have now under discussion in the Committee of Conference, so there is no doubt in anybody's mind of the intent of the language. It is reflected in the language just explained by the gentleman from Ohio (Mr. HARSHA).

Mr. GERALD R. FORD. Mr. Speaker, this clarifies and certainly ought to wipe away any doubts anyone has. The language is not a mandatory requirement for full obligation and expenditure up to the authorization figure in each of the 3 fiscal years. Therefore, without any reservations Mr. Speaker, I support the conference report.

Mr. HARSHA. I thank the gentleman from Michigan.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in support of the conference report on S. 2770.

Mr. JONES of Alabama. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I rise in support of this conference report, although I have some misgivings concerning certain features of the report, as I will note in more detail.

Clearly, the conferees deserve considerable credit for the time and effort they have each personally put into this legislation in trying to strengthen and substantially improve the Federal Water Pollution Control Act so that it becomes a meaningful and effective anti-water-pollution law. Their efforts have not been helped by the administration and by the polluters, who have sought at every turn to delay and to weaken this legislation.

I think generally the bill is a good bill, but I note that there are problem areas.

At this point, I would like to direct a question to the chairman of the committee with regard to section 402(k) of the bill and section 4(a) of the bill.

It is my understanding that section 402(k) of the bill would grant to any discharger of waste into our Nation's water total immunity from prosecution under the Federal Water Pollution Control Act and under the Refuse Act until the end of 1974. Of course, to obtain this immunity, the polluter would have to file an application for permit, and that application must still be pending.

I am deeply concerned what effect this provision will have on pending law suits and other administrative actions which EPA has initiated over the past 2 years. In particular, I am concerned about the effect of this provision on the Reserve Mining case. The gentleman knows that I have corresponded with him on this issue in the last few days in the full belief that the gentleman and other members of the conference never intended to halt these cases until the end of 1974. I would, therefore, appreciate it if the gentleman would relieve my mind and those of many citizens of this Nation and the Great Lakes by assuring me that it is the intention of the House conferees that the immunity granted under section 402(k) is applicable solely to dischargers who are not on the date of enactment of this bill being prosecuted by the Government, either civilly, criminally, or administratively, under this law or under the Refuse Act. I understand this to be the case because of the language of section 4(a) of the bill entitled "Savings Provision," and because the bill, in fact, does not repeal the Refuse Act of 1899.

Does the gentleman concur with my statement?

Mr. WRIGHT. Will the gentleman yield?

Mr. DINGELL. I yield to my good friend from Texas (Mr. WRIGHT.)

Mr. WRIGHT. Mr. Speaker, section 4(a) of the conference report is an identical provision to that which appeared in the House bill.

Section 402(k) of the conference report is similar although not identical, to section 402(1) of the House bill.

No question has ever been raised up to this point as to the relationship of these two sections. The gentleman's question is the first indication that anyone has ever considered that there was an ambiguity in the two provisions.

Section 4 provides and I quote the relevant words pertaining to the Refuse Act:

> No suit, action, or other proceeding lawfully commenced by or against the Administrator or any other officer or employee of the United States in his official capacity . . . shall abate by reason of the taking effect of the amendment made by section 2 of this Act.

Without any question it was the intent of the conferees that this provision include enforcement actions brought under the Refuse Act, the Federal Water Pollution Control Act, and any other acts of Congress.

I hope and trust that nothing said on this floor or elsewhere would lead anyone to believe that section 4 is anything but totally clear as to its meaning and intent.

Mr. DINGELL. I thank my friend from Texas.

Mr. Speaker, the House conferees have produced in many respects a strong and, if properly administered, effective bill. I am glad that it incorporates much of the clean water package of amendments which Congressman REUSS, other Members, and I sponsored last March on the floor of the House.

I refer particularly to the no-discharge goal of 1985; the acceptance of the Senate position that the best available regulation not await a new congressional act to trigger it after a 2-year study; the increase in Federal control over individual permits to be issued by the States; the acceptance of our worker protection and sewage-from-vessels amendments of last March and the elimination of any amendment restricting the Fish and Wildlife Coordination Act. Also, the conferees' bill will, for the first time, provide a realistic funding program aimed at cleaning up our waters at a faster pace than that recommended by the administration.

Several of the provisions of the conference report deserve special mention in aid of explaining the intent of Congress with regard to the administration and enforcement of the revised Federal Water Pollution Control Act. Also, there are several provisions which give me special concern.

First, the bill requires that the Environmental Protection Agency and the States, in administering this law, issuing regulations, issuing guidelines, conducting research and development, developing standards, effluent limitations and plans, making grants, et cetera, shall provide for public participation in this process.

This is particularly important in those sections of the bill providing for the issuance of guidelines. EPA cannot, as it has done in the past, promulgate any guideline under this new law without first obtaining public comment on it before it is finalized.

In short, the bill requires that its provisions be administered and enforced in a fishbowl-like atmosphere. This is excellent.

Second, both the Senate and House bills provided for citizen suits. The House bill—H.R. 11896—severely restricted the citizen suit provision in its definition of the term "citizen." This is noted on page 134 of the House committee's report of March 11, 1972 (H. Rept. 92–911) as follows:

> Subsection (g) defines the term "citizen" to mean (1) a citizen of the geographic area having a direct interest which is or may be affected and (2) any group of persons which has been actively engaged in the administrative process and has thereby shown a special interest in the geographic area in controversy.
>
> The Committee's definition of the term "citizen" is based upon the "private attorney general" doctrine as developed in the cases of Scenic Hudson Preservation Conference v. Federal Power Commission, 354 F. 2d 608 (2 Cir. 1965), South Hill Neighborhood Association v. Romney, 421 F. 2d 454, 1969. The Committee believes this provides an open door for those who have legitimate interests in the courts, and encourages more meaningful participation in the administrative processes.

But the conferees, quite properly, abandoned this restrictive language in favor of language defining a citizen as "a person or persons having an interest which is or may be adversely affected."

This language is based on section 10 of the Administrative Procedure Act, 5 U.S.C. 702, and the interpretation given to that section by the Supreme Court in *Sierra Club* v. *Morton*, 70–34, 3 ERC 2039. The case was decided in April 1972, 3 weeks after H.R. 11896 passed the House in March 1972—see conference report, page 146, House Report 92–1465, September 28, 1972.

In Sierra Club, the Supreme Court held that under the APA "the party seeking review" must himself be "among the injured" by the action or inaction complained of. Most importantly, the Court held that noneconomic injury to an environmental interest is sufficient to meet the APA test, stating specifically that—

> The interest alleged to have been injured may reflect aesthetic, conservational, and recreational as well as economic values." The Court emphasized that "aesthetic and environmental well-being, are important ingredients of the quality of life in our country, and the fact that particular environmental interests are shared by the many rather than the few does not make them less deserving of legal protection through the judicial process.

The conferees followed the Court's opinion. A citizen suit may be brought under the conference agreement by those persons or groups which are among those whose environmental—that is, esthetic, conservational, including fish and wildlife, historic and natural preservation, recreational or economic—interest is or may be injured by a violation of the act or a failure to perform a duty under the act which is the basis of the suit.

Third, the conference bill defines the term "navigable waters" broadly for water quality purposes. It means all "the waters of the United States" in a geographical sense. It does not mean "navigable waters of the United States" in the technical sense as we sometimes see in some laws.

The new and broader definition is in line with more recent judicial opinions which have substantially expanded that limited view of navigability—derived from the Daniel Ball case (77 U.S. 557, 563)—to include waterways which would be "susceptible of being used * * * with reasonable improvement," as well as those waterways which include sections presently obstructed by falls, rapids, sand bars, currents, floating debris, et cetera *United States* v. *Utah*, 283 U.S. 64 (1931); *United States* v. *Appalachian Electric Power Co.*, 331 U.S. 377, 407–410, 416 (1940); *Wisconsin Public Service Corp.* v. *Federal Power Commission*, 147 F.2d 743 (CA 7, 1945); *cert. den.* 325 U.S. 880; *Wisconsin* v. *Federal Power Commission*, 214 F.2d 334 (CA 7, 1954) *cert. den.* 348 U.S. 883 (1954); *Namekagon Hydro Co.* v. *Federal Power Commission*, 216 F.2d 509 (CA 7, 1954); *Puente de Reynosa, S.A.* v. *City of McAllen*, 357 F.2d 43, 50–51 (CA 5, 1966); *Rochester Gas and Electric Corp.* v. *Federal Power Commission*, 344 F.2d 594 (CA 2, 1965); *The Montello*, 87 U.S. (20 Wall.) 430, 441–42 (1874); *Economy Light & Power Co.* v. *United States*, 256 U.S. 113 (1921).

The U.S. Constitution contains no mention of navigable waters. The authority of Congress over navigable waters is based on the Constitution's grant to Congress of "Power * * * To regulate commerce with Foreign Nations and among the several States * * *" (art. I, sec. 8, clause 3). *Gibbons* v. *Ogden*, 22 U.S. (9 Wheat.) 1 (1824). Although most interstate commerce 150 years ago was accomplished on waterways, there is no requirement in the Constitution that the waterway must cross a State boundary in order to be within the interstate commerce power of the Federal Government. Rather, it is enough that the waterway serves as a link in the chain of commerce among the States as it flows in the various channels of transportation—highways, railroads, air traffic, radio and postal communication, waterways, et cetera. The "gist of the Federal test" is the waterway's use "as a highway," not whether it is "part of a navigable interstate or international commercial highway." *Utah* v. *United States*, 403 U.S. 9, 11 (1971); *U.S.* v. *Underwood*, 4 ERC 1305, 1309 (D.C., Md., Fla., Tampa Div., June 8, 1972).

Thus, this new definition clearly encompasses all water bodies, including main streams and their tributaries, for water quality purposes. No longer are the old, narrow definitions of navigability, as determined by the Corps of Engineers, going to govern matters covered by this bill. Indeed, the conference report states on page 144:

> The conferees fully intend that the term navigable waters be given the broadest possible constitutional interpretation unencumbered by agency determinations which have been made or may be made for administrative purposes.

Fourth, section 304(h) of the conference bill directs EPA to publish guidelines in two instances. The second of these relates to guidelines under section 402 relative to a State program.

As I noted earlier, before these guidelines are effective, EPA must provide public comment on them.

The bill provides that the guidelines shall include requirements for "funding, personnel qualifications, and manpower requirements." Also, it requires that State boards or other bodies that approve permit applications shall not have as members "any person who receives, or has during the previous two years received, a significant portion of his income directly or indirectly from permit holders or applicants for permits."

The New York Times, in an article on December 19, 1971, by Gladwin Hill, showed that there are "potential conflicts of interests" on State air and water pollution control boards in 32 States arising from the membership of executives of polluting corporations, as well as representatives of such major polluters as agriculture and local government.

The New York Times article quotes a Michigan State Representative as stating:

> While the individuals can be of a very high caliber, they basically represent polluters on the board. They represent a constituency and the constituency includes the people or organizations the commission is set up to regulate.

The conference bill is aimed at this very problem. It is intended to wipe out all industry representation on any water pollution control board or similar body that has anything to do with issuing, denying, or conditioning permits under the authority of section 402 of the bill. It is a condition precedent to any State obtaining the power under section 402 to issue permits. Even one such representative shall not be allowed, because of the potential that the board will consider permits of which he has an income interest.

Fifth, section 311(a)(2) of the bill defines the term "discharge" of oil and hazardous substances broadly. The language is quite definite. It is not vague or ambiguous. The conference report, however, seeks to qualify this definition as follows:

> Notwithstanding the broad definition of "discharge" in subsection (a)(2) the provisions of this section are not intended to apply to the discharge of oil from any onshore or offshore facility, which discharge is not in harmful quantities and is pursuant to, and not in violation of, a permit issued to such facility under section 402 of this Act.

But the definition clearly does apply to any onshore or offshore facility from which oil is discharged, either continuously or intermittently. It covers, for example, the discharge of oil from any refiner, manufacturer or other processor whether or not such refiner, manufacturer or processor obtains a permit under section 402 of the bill. So long as the discharge is in harmful quantities, it is unlawful under the plain words of this section.

This section is not aimed at just the sudden and unintended releases of oil or hazardous substances. There is no overlapping with section 402. Both sections are quite compatible. Presumably, EPA will not issue any permit under section 402 that would allow the discharge of oil or hazardous substances in "harmful quantities." If there is such a discharge, then the polluter is subject to the provisions of section 311 of the bill.

I am pleased to note that section 311(b)(6) of the conference bill continues to require that the Coast Guard assess civil penalties for violations of section 311(b)(3). This is entirely consistent with the recent findings and recommendations of the House Committee on Government Operations in its report 92–1401 of September 18, 1972, entitled "Protecting America's Estuaries: Puget Sound and the Straits of Georgia and Juan de Fuca." That committee said on page 31:

> * * * this committee requested the Comptroller General of the United States to examine the Coast Guard's interpretation. On August 14, 1972, Deputy Comptroller General R. F. Keller responded with a detailed opinion (B-146333) reviewing the contentions of the Coast Guard in light of the terms and legislative history of Section 11(b)(5). He also noted that other agencies such as the Interior Department and Labor Department which administer other statutes requiring that civil penalties "shall" be assessed for specified violations do, indeed, assess penalties in each case of violation found. The Deputy Comptroller General ruled as follows:
>
> "* * * in our view the word 'shall' as used in section 11(b)(5) of the FWPCA would, as a technical legal matter, have to be construed as being mandatory in nature. In other words, we believe that the Coast Guard (technically the Secretary of Transportation) is required to assess a penalty in each case in which it determines that oil has been knowingly discharged in violation of section 11 (b)(2) of FWPCA, even though it may have already determined that only a nominal penalty will be assessed. This is true even in those cases where the States involved have, in the Coast Guard's opinion, already assessed an adequate penalty.
>
> "Moreover, it is our view that the clear impact of the term 'penalty' requires that the amount assessed generally be greater than zero, even though the Coast Guard may then decide on a case by case basis to suspend collection thereof. However, we must further point out that the Coast Guard has considerable discretion in determining whether it has in a given case sufficient evidence to establish, in a hearing if necessary, the knowing discharge of oil in violation of the statute."
>
> * * * * *
>
> The Coast Guard should (a) vigorously enforce the Refuse Act of 1899 and the civil penalty provisions of the Water Quality Improvement Act of 1970 against all persons who unlawfully discharge oil into the Nation's waterways, and (b) utilize against unlawful oil dischargers other remedies such as suits under the Federal common law of public nuisance, or for reimbursement of clean up costs, or for damages.

The conferees should be applauded for insisting on strict enforcement of the law so as to prevent oil spills in "harmful quantities," not just to remove the oil after it is spilled.

The Coast Guard, too, should be commended because, on September 22, 1972, the Commandant issued an instruction, 5922.11, which carries out the recommendation of the House Committee on Government Operations. Incidentally, that recommendation is based on investigation by its Subcommittee on Conservation and Natural Resources. Congressman REUSS is chairman and Congressman VANDER JAGT is the ranking minority member.

The Commandant's instructions and attached guidance are as follows:

> U.S. COAST GUARD,
> *Washington, D.C., Sept. 22, 1972.*
>
> COMMANDANT INSTRUCTION 5922.11
>
> Subj.: Pollution Law Enforcement.
>
> 1. *Purpose.* This instruction promulgates guidance for the assessment of civil penalties pursuant to Section 11 (b)(5) of the Federal Water Pollution Control Act (FWP CA), as amended (33 U.S.C. 1161).
>
> 2. *Discussion.*
>
> a. It is Coast Guard policy that every reported or discovered discharge of oil be investigated and that every knowing discharge in violation of Section 11 (b)(5) result in the assessment of a civil penalty.
>
> b. In cases with extenuating circumstances, mitigation may be considered upon review and a compromise amount agreed upon. In those cases, the assessed penalty will become a matter of record as well as the compromise action taken.
>
> c. In determining the amount of a penalty, only the factors set forth in the Act shall be considered. In this way, it is anticipated that the general level of penalties will be raised to a more meaningful level.
>
> 3. *Action.*
>
> a. Enclosure (1) shall be used as the guideline for the assessment of civil penalties pursuant to Section 11 (b)(5), FWPCA, as amended.
>
> b. Information contained herein is intended to be used in conjunction with the

National Contingency Plan as implemented by COMDTINST 3020.3 series.

W. M. Benkert,
Chief, Office of Marine Environment and Systems.

Encl.: (1) Coast Guard policy for the application of Civil penalties under Section 11 (b) (5), FWPCA.

Coast Guard Policy for the Application of Civil Penalties Under Section 11(b) (5), FWPCA

Consistent with the language of the statute, Coast Guard policy requires the assessment of a civil penalty for each knowing discharge of oil in violation of Section 11(b) (2). A knowing discharge not only includes deliberate intentional or willful acts or omissions that result in the discharge of oil in violation of the Act but also includes those acts or omissions which, although without actual intent to cause the discharge of oil, are the result of negligence and there is reasonable cause to believe that such act or omission would inevitably or probably result in the discharge of oil because of existing circumstances or conditions. A more detailed explanation of "knowing discharge" may be found in Law Bulletin 396.

A maximum penalty of $10,000 is authorized by Section 11(b) (5), FWPCA; however, drafters of the Act envisioned lesser penalties in certain circumstances. Section 11(b) (5) provides that, "In determining the amount of the penalty . . . the appropriateness of such penalty to the size of the business of the owner or operator charged, the effect on the owner or operator's ability to continue in business, and the gravity of the violation shall be considered . . ." That is to say that the penalty might be less than $10,000 for a small business, or for a business which would be forced out of operation by such a penalty for a violation of minor gravity. It should be noted however, that these factors are not to be considered as factors in determining whether a discharge should be investigated or whether a penalty should be assessed. The statute requires that a penalty be assessed for each violation of Section 11(b) (2). It is Coast Guard policy to assume that the penalty will be at or near the maximum unless a lesser penalty is clearly justified by one of the factors listed in Section 11(b) (5).

Two factors which are not mentioned and should, therefore, not be considered in setting the amount of a civil penalty are the responsible party's removal effort and a decision by Federal and/or State authorities to bring criminal action for the same discharge.

Liability for a civil penalty under Section 11(b) (5) attaches at the time of discharge. It is entirely unrelated to the subsequent removal responsibility for which the discharger must bear the expense either directly or by reimbursing the Pollution Fund. In no case may a responsible party avoid or reduce a civil penalty by removing the discharged oil.

Federal or State criminal prosecutions for the same discharge do not affect the imposition or amount of a civil penalty. Criminal prosecutions are brought under separate authority such as the Refuse Act of 1899. They are neither intended as substitutes for civil penalties nor do they create a legal bar to subsequent penalties. Civil penalties should therefore be assessed for all violations of Section 11(b) (2) without regard to pending or anticipated criminal action.

A number of factors lend themselves to determining the gravity of a violation, such as the degree of culpability associated with the violation, the prior record of the responsible party, and the amount of the discharge. Substantial intentional discharges should result in severe penalties as should cases of gross negligence and so on. This is not to suggest that other factors may not combine to determine the gravity of a violation. A basic premise however, is that it is more advantageous to assess a severe penalty with subsequent mitigation than to assess a lesser penalty or no penalty at all.

Sixth, section 115 of the bill relates to "in place" removal of pollutants from harbors and navigable waterways. The conference report explains this provision as follows (p. 109):

> Section 115 of the conference substitute requires the Administrator to identify the location of in-place pollutants with emphasis on toxic pollutants in harbors and navigable waterways and authorizes the Administrator, acting through the Secretary of the Army, to make contracts for the removal and appropriate disposal of such materials which are in critical port and harbor areas. There is an authorization of $15,000,000 to carry out this section.

This provision, of course, does not affect or preclude actions now underway or planned, such as those planned in the Puget Sound area of Washington in the case of several paper mills, to require that polluters remove bottom sludge deposits, whether toxic or not, at their expense. But there is a need to remove from some harbors and waterways, such as the Great Lakes, toxic pollutants in place. Such removal, however, must insure that disposal of the pollutants will not result in other environmental degradation. In carrying out this program, EPA and the corps will need to comply with the requirements of section 102(2) (C) of the National Environmental Policy Act of 1969, regarding "alternatives" and make their studies and findings available to the public.

Seventh, it should be emphasized, as the conferees have on page 110 of their report, that section 202(a) of the bill does not give EPA discretion to provide less than the full 75 percent Federal share for waste treatment works that are "approved by the Administrator." If funds are not adequate for this purpose, then EPA has an obligation to tell Congress and request sufficient funds for this purpose.

Eighth, the bill, in section 301, establishes a two-phase program for application and enforcement of effluent limitations. The first phase requires achievement by July 1, 1977, of that level of effluent reduction identified as "best practicable control technology." It should be emphasized that the term "best practicable" does not mean a reliance on secondary treatment. The second phase provides a higher degree of effluent reduction to be achieved by 1983. The distinction between "best practicable" and "best available" is intended to reflect the need to press toward increasingly higher levels of control.

The conference report emphasizes on page 121 a very important point. The report states:

> The conferees intend that the Administrator or the State, as the case may be, will make the determination of the economic impact of an effluent limitation on the basis of classes and categories of point sources, as distinguished from a plant by plant determination.

Thus, a plant-by-plant determination of the economic impact of an effluent limitation is neither expected, nor desired, and, in fact, it should be avoided.

The report also states on page 171:

> * * * after July 1, 1977, the owner or operator of a plant may seek relief from the requirement to achieve effluent limitations based on best available technology economically achievable. The burden will be on him to show that modified requirements will represent the maximum use of technology within his economic capability and will result in reasonable further progress toward the elimination of the discharge of pollutants. If he makes this showing, the Administrator may modify the requirements applicable to him.

This provision could be troublesome, if EPA does not administer it properly. This is, of course, an area where the public participation requirement of section 101(e) of the bill will be most important. In order to avoid any possibility of a weakening of the after 1977 requirement, EPA must establish procedures for the public to participate in modified effluent limitations such as may result from such "relief" requests. The applicant's showing must be available to the public for comment, as well as EPA's proposed determination.

In making this determination, EPA should assure itself that, even if such "relief" is granted, it will still result in "further progress toward elimination of the discharge of pollutants" from point sources than has resulted from the pre-1977 requirements.

Ninth, the conference report, in regard to section 307 of the bill, states on page 130:

> Under the conference substitute individual industrial users of municipal waste treatment plants will not be required to obtain a permit under section 402. However, the conferees agree, in section 402(b) (8), that each municipal waste treatment plant permit must identify any industrial users and the quality and quantity of effluents introduced by them. The Conference substitute provides that violation of pretreatment standards is enforceable directly against the industrial user by the Administrator. The conferees intend that the agency which issues the permit for a publicly owned treatment works shall receive notice of changes in the quality and quantity of the effluent to be introduced into such treatment works by any industrial user and have an opportunity to examine the impact on the discharge from such works resulting from such changes for the purpose of determining if there may be a violation of the permit. The conferees intend that the monitoring requirements of section 308 shall apply to industrial users introducing effluents to a publicly owned treatment works.

A review of sections 307 and 402 of the bill, as well as the definitions in section 502, does not indicate any specific language that would preclude EPA from requiring "industrial users of municipal waste treatment plants" to "obtain a permit under section 402," as the conferees contend above. Absent such language, such a permit would be required.

It is quite clear that section 502(12) of the bill, in defining the term "discharge of a pollutant," does not in any way contemplate that the discharge be directly from the point source to the waterway. The situation is analogous to the court's holding in several cases, including *United States* v. *Esso Standard Oil Company of Puerto Rico*, 375 F.2d 621 (CA 3, 1967), where a discharge from a shore facility flowed "indirectly," that is by force of gravity over land, to a waterway.

Tenth, the bill does not repeal the Refuse Act of 1899. It still remains available to prevent the discharge of polluting wastes. In addition, section 511(a) of the bill specifically preserves the authority of the Secretary of the Army under the Refuse Act.

Mr. Speaker, there are two other provisions that I want to mention.

The first relates to section 511(c) of the bill which reads as follows:

> (c)(1) Except for the provision of Federal financial assistance for the purpose of assisting the construction of publicly owned treatment works as authorized by section 201 of this Act, and the issuance of a permit under section 402 of this Act for the discharge of any pollutant by a new source as defined in section 306 of this Act, no action of the Administrator taken pursuant to this Act shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 852); and
>
> (2) nothing in the National Environmental Policy Act of 1969 (83 Stat. 852) shall be deemed to—
>
> (A) authorize any Federal agency authorized to license or permit the conduct of any activity which may result in the discharge of a pollutant into the navigable waters to review any effluent limitation or other requirement established pursuant to this Act or the adequacy of any certification under section 401 of this Act; or
>
> (B) authorize any such agency to impose, as a condition precedent to the issuance of any license or permit, any effluent limitation other than any such limitation established pursuant to this Act.

The key words are in paragraph (1) of this section. They are: "A major Federal action significantly affecting the quality of the human environment." These same words are found in section 102(2)(C) of NEPA which relates to the preparation and publication of environmental impact statements. Thus, under this provision, such statements will be required in the case of an application for a permit under section 402 for discharge of pollutants by a new source and in the case of publicly owned treatment works financed under this bill.

The other provisions of NEPA are, however, not affected by this language in paragraph (1) of section 511(c).

Section 511(c)(2) seeks to overcome that part of the Calvert Cliffs decision requiring AEC or any other licensing or permitting agency to independently review water quality matters. But it does not affect the obligations of those agencies to consider alternatives and other environmental matters, such as esthetics, fish and wildlife, and so forth.

I am heartened to learn that the Administrator of the Environment Protection Agency shares my view that the National 1969 Environmental Policy Act does not "retard" progress, but insures that progress be identified as the protection of the Nation's heritage in the broadest sense. Mr. Ruckelshaus made this statement in a letter to Congressman ECKHARDT and myself, dated October 3, 1972. He said:

> The National Environmental Policy Act provides an opportunity for Federal agencies to review and assess proposed Federal actions which have an impact on the environment. The Act clearly is not intended to retard progress but rather to insure that progress be identified as the protection of the Nation's heritage in the broadest sense.

Mr. ECKHARDT. Mr. Speaker, there is a section of this conference report that distresses me greatly. Specifically, I refer to section 205(a).

This section concerns the allocation of sewage treatment construction grants from the Federal Government to the States. Under present law and the Senate version of the bill the allocation of the grant money would have been on the basis of population. Under the House version the allocation is made on the basis of "need," I believe that it is unfortunate that the House prevailed in this regard.

The needs formula for fiscal years 1973 and 1974 is based on a ratio derived from the data in table III of House Public Works Committee Print No. 92-50. The data in this table, which is information supplied by the States, gives an estimate of the construction costs of sewage treatment facilities for the period fiscal year 1972-74.

What this does, Mr. Speaker, is to reward those States which have done the least to curb water pollution and therefore have the greatest need. States which have already built a substantial number of primary and secondary treatment plants are, in a sense, penalized for their efforts. Also, those States which were most fiscally conservative in estimating their future needs now find their fiscal conservatism working against them. When these estimates of construction costs were submitted, the States had no idea that these figures would eventually serve as the basis of the allocation of Federal grants. In other words, the more a State has already done for itself and the more a State tried to be responsible in its estimate of future need, the less it is allocated under this conference report.

Let us look at the actual effect of section 205(a). The following table shows the percentage allocation of Federal grant money under an equitable population formula and under the so-called needs formula:

TABLE I.—ALLOCATION FORMULAS

State	Present population formula, percent of total	Needs formula, percent of total
Alabama	1.6931	0.3610
Alaska	.1839	.2253
Arizona	.8901	.1346
Arkansas	.9790	.3538
California	9.4341	9.8218
Colorado	1.0903	.3167
Connecticut	1.4669	1.6817
Delaware	.3025	.6568
District of Columbia	.3948	.7117
Florida	3.2489	3.6280
Georgia	2.2209	.9735
Hawaii	.4101	.3304
Idaho	.3983	.2178
Illinois	5.2736	6.2515
Indiana	2.4944	3.3676
Iowa	1.3813	1.1562
Kansas	1.2190	.3744
Kentucky	1.5802	.6602
Louisiana	1.7797	.9432
Maine	.5282	.9680
Maryland	1.8915	4.2600
Massachusetts	2.7218	3.7592
Michigan	4.2235	7.9849
Minnesota	1.8418	2.0328
Mississippi	1.1262	.3936
Missouri	2.2541	1.6563
Montana	.3853	.1662
Nebraska	.7503	.3710
Nevada	.2725	.2878
New Hampshire	.3997	.8312
New Jersey	3.4170	7.7073
New Mexico	.5421	.2109
New York	8.6032	11.0625
North Carolina	2.4561	.9233
North Dakota	.3532	.0467
Ohio	5.0628	5.7762
Oklahoma	1.2646	.4610
Oregon	1,0356	.8498
Pennsylvania	5.6011	5.4327
Rhode Island	.4945	.4891
South Carolina	1.2906	.6458
South Dakota	.3744	.0948
Tennessee	1.3070	1.1610
Texas	5.3267	2.7706
Utah	.5595	.1408
Vermont	.2657	.2219
Virginia	2.2437	2.9156
Washington	1.6514	.8910
West Virginia	.8907	.5001
Wisconsin	2.1300	1.7422
Wyoming	.2112	.0268
Guam	.1237	.0873
Puerto Rico	1.3489	.8848
Virgin Islands	.1124	.0893

Notice that my home State, Texas, has its share reduced below that which it would have received under a population formula, from 5.3267 percent of the total to 2.7706 percent of the total. On the other hand, New Jersey, for instance, has its share increased from 3.4170 percent of the total to 7.7073 percent. The following table shows the net effect of the changeover from the presently used population formula to the needs formula as contained in this conference report before us:

TABLE II.—*Difference between population formula and needs formula*

[In percent]

	Plus or minus
Alabama	−1.3321
Alaska	+.0414
Arizona	−.7555
Arkansas	−.6252
California	+.3877
Colorado	−.7736
Connecticut	+.2148
Delaware	+.3543
Dist. Columbia	+.3169
Florida	+.3791
Georgia	−1.2474
Hawaii	−.0797
Idaho	−.1805
Illinois	+.9779
Indiana	+.8732
Iowa	−.2251
Kansas	−.7365
Kentucky	−.9200
Louisiana	−.8365
Maine	+.4398
Maryland	+2.3685
Massachusetts	+1.0374
Michigan	+3.7614
Minnesota	+.1910
Mississippi	−.7326
Missouri	−.5978
Montana	−.2191
Nebraska	−.3793
Nevada	+.0153
New Hampshire	+.4315
New Jersey	+4.2903
New Mexico	−.3312
New York	+2.4593
North Carolina	−1.5328
North Dakota	−.3065
Ohio	+.7134
Oklahoma	−.8036
Oregon	−.1858
Pennsylvania	−.1684

TABLE II.—*Difference between population formula and needs formula*—Continued

[In percent]

	Plus or minus
Rhode Island	—.0054
South Carolina	—.6448
South Dakota	—.2796
Tennessee	—.1460
Texas	—2.5561
Utah	—.4187
Vermont	—.0438
Virginia	+.6719
Washington	— 7604
West Virginia	—.3906
Wisconsin	—.3878
Wyoming	—.1844
Guam	—.0364
Puerto Rico	—.4641
Virgin Islands	—.0231

Fortunately there is a provision in the bill to revise the cost estimates for fiscal year 1975 and beyond. I wanted to point out to the House the extremely inequitable situation that we will be condoning for the next 2 fiscal years if we accept this conference report today.

The following telegram from Gov. Preston Smith of Texas indicates his quite justified displeasure in the change of formula:

TELEGRAM

SEPTEMBER 30, 1972.

Representative BOB ECKHARDT,
Washington, D.C.:

We are concerned that the passage of the water pollution control amendments will result in an inequitable distribution of Federal funds for municipal sewer construction grants in Texas. We do not oppose the bill itself, but do strongly oppose the formula for fund distribution which replaces the previous population formula. This formula is inconsistent with provisions of other Federal legislation which provides incentives for those States which help themselves.

Texas has required secondary wastewater treatment since 1932.

We are now moving to advanced treatment and development of regional systems. The disproportionate and highly inequitable allocation of funds to Texas will inhibit our progress toward improved water pollution control and abatement.

The proposed amendments will reduce the allocation to Texas from 958.8 million dollars to 498.7 million dollars over a 3-year period. We urge you to protect these desperately needed funds.

PRESTON SMITH,
Governor of Texas.

Since the increase in the amount of money available and the increased percentage of Federal matching—from about one-third to three-quarters—increases the dollar figure for Federal support to Texas in this field, I shall be constrained to support this bill. But I shall work next session to make more equitable the formula which will control the distribution of Federal funds in subsequent fiscal years.

Mr. WRIGHT. Mr. Speaker, I rise in support of the report of the conference committee. In my years in the House of Representatives I have never been associated with a conference committee on which the members on both sides, and in both bodies, have worked harder. The result of this labor is a water pollution bill that embodies the best features of both the House and Senate versions.

SECTION 306 (NATIONAL STANDARDS OF PERFORMANCE)

I invite your attention to section 306 as a case in point. Both the House and the Senate originally addressed themselves to the requirement that there be national performance standards to control the discharge of pollutants from new plants and factories.

The conference version directs the Administrator of EPA to set standards for effluent reduction based on—and this language is from the bill itself—"the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants."

The term new source means any stationary facility constructed after publication of the proposed regulations. The bill itself lists 27 source categories, cutting right across the spectrum of industries and processing installations that are responsible for industrial pollution as we today see it and understand it. Even within a source category, for example, the chemical industry, different performance standards can be imposed for different processes and products. For some categories of sources the number of subclasses might be extensive.

At the same time, the managers have tried to be realistic. The Administrator is directed to take into account the costs of achieving a given standard of performance, including the cost of equipment compared with the effluent reduction to be achieved, possible impacts on other elements of the environment, and the energy needed for the control technology.

It is important that it be clearly understood that even though a standard of performance may permit no discharge of pollutants, such a standard is to be imposed only where it is "practicable." The conference report utilizes the term "practicable" in section 301(b)(1)(A) in the requirements for effluent limitations which must be achieved by July 1, 1977. There are set out in section 304 (b)(1)(B), which relates to section 301 (b)(1)(A), a number of factors relating to the assessment of "best practicable control technology currently available." This includes consideration of the total cost of application of technology in relation to the effluent reduction to be achieved from such application, nonwater quality environmental impact, and energy requirements. These same factors define the term "practicable" in section 306 except the term "total cost" includes internal and external costs in 301. In the context of section 306 it includes only the internal costs.

It is understood by the managers, however, that in the setting of the standards of performance permitting no discharge of pollutants, the Administrator would have to show that the water quality benefits to be achieved from no discharge would be commensurate with the cost of such a no discharge standard.

The managers expect the Administrator to be thorough in taking into consideration these costs and to meet the test of practicability before any standard of performance for new sources is promulgated with the requirement for no discharge.

Once a facility has complied by adopting the best available demonstrated control technology it could not be subjected to a more stringent standard for 10 years or the 5-year depreciation period authorized for pollution control investments. Plant modifications would not be classified as new sources, but modifications would be regulated through the permit section and other sections of the bill. Both the House and Senate versions originally contained language classifying modifications as new sources, but the conferees considered this provision superfluous. In no way should this be construed as an escape hatch for industry, for it is not that.

Another important provision in section 306 enables the States to develop procedures to enforce standards of performance for new sources and to take over this function upon approval by the Administrator. This is fully consistent with the House position that the States must be entrusted with responsibilities that will enable the 1972 amendments to stand as a partnership venture in combatting water pollution.

Another significant feature of the bill is the permit section, section 402.

The House conference report appearing on page 134 discusses the relationship of section II of the 1970 amendments to the Federal Water Pollution Control Act—carried forward with certain additional provisions covering hazardous substances into section 311 of the new bill—and the comprehensive regulation covering source point discharges provided under the remaining provisions of titles III and IV. I want to clarify the intent of these provisions.

Section 311 applies only to spills, leaks, and the like discharging oil and hazardous substances. Where a discharge is pursuant to and not in violation of a permit issued to a facility under section 402, it is not subject to section 311.

Mr. Speaker, under existing law we have the much heralded Rivers and Harbors Act of 1899, better known as the Refuse Act. The President by Executive order implemented this act and required the Corps of Engineers to establish a discharge permit program. Even though the Refuse Act has provided a basis for some effective court actions to eliminate or reduce the discharge of pollutants, it is apparent that the overall effectiveness of the program has been much less than desired. I cannot say that the Refuse Act has been a failure, but I can say that there are infirmities in the program itself and infirmities created by the Kalur and Picco decisions which because of the administrative burden in developing environmental impact statements and the reduced ability to enforce the program have minimized the effectiveness of the Refuse Act.

The Committee on Public Works in the House of Representatives and the Committee on Public Works in the other body recognized the infirmities, existing and potential and established a new permit program as reflected in the conference report.

Mr. Speaker, we believe that section 402 of the conference report will result in an effective discharge permit program which will result in the control of our discharges of pollutants from point sources. We believe that the conference agreement provides the proper mix of Federal and State actions.

The managers on the part of the House were successful in maintaining a significant State participation and control where appropriate. This two-phase program is described in section 402. The first phase is an interim program which can be utilized before the guidelines for State programs are promulgated.

The Administrator is required to promulgate guidelines establishing the minimum procedures and other elements of a State permit program under section 402. These guidelines should include monitoring, reporting and enforcement provisions, funding, personnel qualifications, and manpower requirements.

After the date of enactment and up until the 90th day after the date of promulgation of the guidelines, the Administrator shall authorize any State, which he determines has a capability of administering a permit program which will meet the objectives of this act, to issue permits for discharges into the navigable waters within the jurisdiction of that State. This interim permit program, which could take effect immediately upon enactment, is most important to the managers because it will allow the continuance of existing State permit programs. This interim program should preclude the debilitation of State permit programs during the period of time it would take the Administrator to develop his guidelines and approve State permit programs as being consistent with the guidelines. The State programs could be expanded and improved during this phase.

The managers believe that the interim program is a most necessary and important provision and the managers expect that the Administrator will be diligent in immediately reviewing all State permit programs and granting this interim authorization in every case possible. The managers except that in every determination the balance will be weighed on the side of granting the authority to the States. It is most important that the State programs which have an increasing momentum be allowed to continue. A haetus would be most fortunate and in the long run would detract from the effectiveness of the permit program.

The interim program is not intended to be approved on a piecemeal basis. The managers understand the language of the conference report to require and they expect the Administrator to authorize the State to handle the total permit program during this interim period and the Administrator is not authorized to delegate bits, pieces, categories, or other parts. He must authorize the State to carry out the full program for all categories of discharges.

I must emphasize that during an interim program, the Administrator would receive copies of all permit applications and he would have the authority to carry out a permit-by-permit veto in those cases where the permit conditions were insufficient to carry out the provisions of this act.

After the Administrator has promulgated the guidelines and requirements for a State permit program, the Governors of the individual States desiring to administer their own permit program may submit to the Administrator a full and complete description of the planned integrated State permit program. If the Administrator determines that a State has the authority to issue permits consistent with the act, he shall approve the submitted program. In that event, the States, under State law, could issue State discharge permits. These would be State, not Federal, actions, and thus, whether for existing or new sources under section 306, such permits would not require environmental impact statements.

If the Administrator, within 90 days of the transmittal date of a proposed permit by the State, objects in writing to the issuance of the permit as being outside the guidelines and requirements of the act, the proposed permit shall not issue. This means that if the State proposes to issue an unlawful permit or one which does not meet the guidelines and regulations of this act, the Administrator may stop the issuance of the permit.

I must give added emphasis to this point. The managers expect the Administrator to use this authority judiciously; it is their intent that the act be administered in such a manner that the abilities of the States to control their own permit programs will be developed and strengthened. They look for and expect State and local interest, initiative, and personnel to provide a much more effective program than that which would result from control in the regional offices of the Environmental Protection Agency.

In addition to the provisions for the Administrator to object to a proposed unlawful permit, section 402 provides that any State, other than the permitting State, whose waters may be affected by the issuance of a permit may submit written recommendations to the permitting State and the Administrator. The Administrator after review may then object in writing to the issuance of the permit and the permit shall not be issued.

The managers believe that section 402 will result in an effective permit program. There are effective controls by the Administrator. Unlawful permits or permits which would result in unacceptable effects on the waters of another State can be disapproved by the Administrator. On the other hand, the States will have the necessary State authority to operate an effective permit program.

In the event that the Administrator determines after a public hearing that a State is not administering a program in accordance with the guidelines and requirements of section 304(h)(2), the Administrator is required to notify the State and if appropriate corrective action is not taken within a reasonable time, not to exceed 90 days, the Administrator after notice and publications of his reasons shall withdraw approval of the State program. The managers believe this authority was necessary; however, the managers expect that the Administrator will use his authority to withdraw his approval in a judicious manner and that such withdrawal shall be of the total program and not of bits, pieces, categories, or other parts.

Mr. Speaker, we believe that adherence to the congressional intent as I have stated it will insure the proper Federal-State relationships needed to carry out this act effectively.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in support of the conference report in its entirety. This is sound legislation; it provides the effective tools that are needed to restore and maintain the chemical, physical, and biological integrity of our waters.

As a member of the conference managers group appointed by the House, I can concur in the statement made by our distinguished conference chairman, Bob Jones, that this is better legislation than either body brought into conference.

Mr. Speaker, I must take this opportunity to express my appreciation and admiration of the ranking minority member of the Public Works, my friend from Ohio, BILL HARSHA. I do not remember any Member having worked harder or having a more thorough knowledge of any legislation. He did his homework and he was an effective leader on this complex and important legislation.

I must also compliment the chairman of the committee on conference, BOB JONES of Alabama. His patience and perseverance was instrumental in bringing the conference to a most successful conclusion. I am personally indebted to the chairman for the fair and effective way he chaired the committee on conference.

Section 316 was originally included in the House-passed water pollution control bill because of the belief that the arguments which justified a basic technological approach to water quality control did not apply in the same manner to the discharges of heat. Two basic arguments for the technological standards which do not apply to the same level in the case of heat as they do for other pollutants are national uniformity and ease of enforcement. With regard to national uniformity, a basic technological standard requires that all sources of the discharge of pollutants would be required to meet the same effluent limits. This requirement, along with section 306, would preclude owners and operators of industrial facilities from moving their facilties to a location with less stringent water quality control requirements. Because steam-electric generating plants are the major source of the discharges of heat, this argument has reduced validity. Such plants are intended to supply the power requirements for specific areas which are closely regulated by the Federal Power Commission and they cannot be moved too far from their consumers because of the high cost of transporting base load requirements.

The number of major sources of the discharge of heat is much less than the number of sources of the discharge of other pollutants. Because of this, the problems of enforcement including the identification of violators, the apportioning of load limits for a given body of water, and the determination of the effects of a given source are all less difficult than the problems encountered in the case of the multitude of sources of the various other pollutants.

The managers on the part of the House were firm in their deliberations in conference with the other body and were successful in having section 316(a) of the conference report contain a clear recognition of the dissipative capacity of the receiving waters for the control of waste heat.

Section 316(a) modifies the requirements of both sections 301 and 306 as they pertain to the thermal components of discharges from point sources, and authorizes the imposition of less stringent effluent limitations than would otherwise be imposed. These limitations will apply whenever the owner or operator can satisfy the appropriate certifying or permitting agency that they will assure the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife in and on the body of water into which the discharge is to be made. It is intended that the certifying or permitting agency, in applying this test on a case-by-case basis, shall take into account the nature, physical characteristics, and dissipative capacities of the receiving waters.

It was persuasively shown during the hearings on this point that the appropriate type and level of control over thermal discharges varies substantially among different waters and regions of the country. Testimony indicated that these variations derive principally from the dissipative capacities of the receiving waters which varies with the rates of flow and turbulence of a given body or stretch of water, as well as from differing temperature, atmospheric and seasonal conditions, and other factors relating to ambient conditions.

Section 316(a) in effect recognizes the temporary, localized effects a thermal component may have as well as the potential beneficial effects. It encourages the consideration of alternative methods of control including mixing zones, so long as the controls assure the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife.

It is intended that in making such determinations, the certifying or permitting agency shall employ recognized and accepted measurement techniques. It is further intended that in making such determinations, "balanced" shall be interpreted to mean a reasonable maintenance of aquatic biology and not the demonstration of enhancement thereof. "Indigenous" shall be interpreted to mean growing or living in the body or stretch of water at the time such determination is made. Representing a West Coast Congressional District that has the so-called Japanese current running just off the coast that substantially varies and increases the temperature. At the same time, the temperature of waters off the coast of Maine are substantially colder. With these contrasts, plus the variables between fresh and salt waters, exteriors, et cetera, I hope my colleagues can appreciate and understand my reasoning on this very important matter.

Section 316(b) requires the location, design, construction and capacity of cooling water intake structures of steam-electric generating plants to reflect the best technology available for minimizing any adverse environmental impact. The reference here to "best technology available" is intended to be interpreted to mean the best technology available commercially at an economically practicable cost.

Section 316(c) provides a 10-year period beginning on the date of completion of construction or modification of a point source. During which no additional limitations shall be imposed with respect to the thermal component of a discharge from such source, except that the 10-year period could be reduced to as little as 5 years if an accelerated depreciation schedule is utilized.

Subsection 104(t) provides that the Administrator shall conduct continuing comprehensive studies of the effects and methods of control of thermal discharges. The results of these studies shall be reported by the Administrator no later than 270 days after enactment, and shall be considered by the Administrator in proposing regulations with respect to thermal discharges under section 316 and by the States in proposing thermal water quality standards. These studies will provide needed data and should be very helpful to the Administrator in proposing regulations. The Administrator should consider the results of these studies in promulgating regulations not only under section 316 but also under other sections of the act where thermal discharges may be regulated, including section 301 on effluent limitations, section 303 on water quality standards, and section 306 on new source performance standards.

Mr. Speaker, for the record I wish to make a brief statement concerning section 202 of the proposed amendments. This section provides that the Federal share of construction costs will be 75 percent irrespective of whether or not the State contributes toward the construction cost. I support this provision because local government agencies in the majority of States have been unable for too long a period of time to avail themselves of large grants just because a State has either been unwilling or unable to afford the 25 percent so-called matching grant required pursuant to the provisions of section 8(b) of the existing Federal Water Pollution Control Act. Also, implementing the tough and for the most part generally uniform effluent limitations called for in the new legislation demands out of equity that there be Federal grant parity for all local agencies.

The construction of the language of section 202 may unfortunately, present difficulties. There is the potential for misinterpretation in the case of those few States which currently have active matching grant programs and which additionally are restricted by State law from participating in making grants available unless it is required to maximize the Federal grant share. To my knowledge, only three or four States have such a problem and of these California is the only State having a significant amount of unobligated funds currently available.

The designated water pollution control agency in California is the State Water Resources Control Board and Mr. W. W. Adams, chairman of that board reports that California currently has $184 million of unobligated State grant funds available. It is not the intent of the conference committee that California not spend this $184 million which has already been duly authorized by the voters of California for investment in clean water facilities. It is merely the committee's intent that California have full freedom to decide how it wishes to participate in the remaining 25 percent non-Federal share. It would be a travesty indeed if anyone interpreted the committee's actions as blithely eliminating $184 million of available funds from the overall clean water effort and I wish to make the record very clear on that point.

California has one of the most progressive clean water construction programs presently underway anywhere. Mr. Adams, for instance, reports that after only 2 short years under the matching grant programs that California has issued 261 grant contracts to local agencies. These contracts provide State grant aid for wastewater treatment projects whose total construction costs amount to $528 million. I state categorically that it is not the intent of the committee to in any way discourage progressive State construction grant programs and no one should interpret the new Federal share language of section 202 in this light. Quite to the contrary, the committee applauds and wishes to encourage strong State construction assistance programs.

Mr. Speaker, in conclusion, I urge that this conference report receive a unanimous vote. Our country needs effective water pollution control legislation. We can provide it today by our actions.

Mr. JOHNSON of California. Mr. Speaker, I have been privileged to serve as one of the House conferees on the water pollution control bill. Under the able leadership of the gentleman from Alabama we have hammered out a bill that represents a victory for all who want to clean up the Nation's rivers, streams, and lakes, and who look to Congress for environmental leadership.

I call your attention to a major provision in this bill—the funding provision—in which I know Members of the House have particular interest. We are aware of the dedication and the determination of State and local officials to deal with their water pollution problems, but we know, too, the utter frustration they face in raising the necessary funds. There have been estimates all over the ballpark as to what will be required to once again make our rivers and lakes places we can enjoy and be proud of. The House and the conference committee have looked very carefully at the matter of funding. You may recall that the bill that passed this body last March called for authorizing a little more than $24.6 billion, the Senate bill authorized $20 billion, and the administration requested $6 billion. The conferees have agreed on essentially the same figure as in the House bill, $24.6 billion for the period through fiscal 1975. A total of $18 billion of this sum is for construction grants, and breaks down not to exceed $5 billion for fiscal 1973, $6 billion for fiscal 1974, and $7 billion for fiscal 1975.

Naturally, the large difference in what

the administration asked, and what the conference bill provides, raises the question of why the substantial discrepancy?

There is only one answer to that and it is that if we set out to do this job there is no way we can accomplish it without paying the price. If we want clean water, we have to pay for clean water. If we want the States and cities to move aggressively ahead in building waste treatment plants they must have Federal aid, and they must have confidence that Washington will continue to live up to its commitments.

This need for a dependable, continuing Federal commitment is the basis for the contract obligation authority which has been retained in the conference bill. Construction projects can be initiated as soon as the Administrator approves them, but there will be no major spending impact until fiscal 1975.

The conference bill provides for the Federal Government to pay 75 percent of the costs of a community's waste treatment plant, leaving it up to the States and local communities to come up with the remaining 25 percent. There are no restrictions on how they can raise their 25 percent.

The bill reported by the conference imposes a requirement that publicly owned treatment works provide secondary treatment as defined by the EPA Administrator in projects that come into existence by January 1, 1976. This is part of our objective of eliminating pollutants from point sources and of including publicly owned systems within that objective. In defining the term "secondary treatment" under the provisions of subsection 304(b)(1)(B) and subsection 304(d)(1), the Administrator has the discretion to find that the "secondary treatment" requirement is met by alternative means. For example, in the case of deep ocean water discharges through ocean outfalls, the Administrator could determine that "secondary treatment" requirements are met in that situation where the discharges have first, received primary treatment, second, complied with regulations governing the discharge of heavy metals and other toxic substances and, third, where the publicly owned agency has demonstrated that such ocean discharges are not inconsistent with the purposes of the act and do not harm or endanger the diversity, productivity and stability of the marine ecosystem.

It would be wasteful of public funds to define "secondary treatment" in such a fashion as to require expensive facilities to achieve a degree of treatment which, under the practical circumstances existing, would be unnecessary.

The discretion conferred upon the Administrator should be exercised by him only after he has determined that whatever processes or actions constitute "secondary treatment" conform with and are consistent with the objectives of the act and that they are technically and economically feasible. Moreover, I believe that any publicly owned system bears the burden of demonstrating to the Administrator that this will be the case.

Mr. Speaker, I would call the attention of the House to one other section of the bill that provides authorization for construction grants, and that is section 3(b) on page 90 of the conference report. Under this section, not to exceed $350 million is authorized for grants under section 8 of the existing Federal Water Pollution Control Act for the fiscal year that ended last June 30.

The Federal share of grants for treatment works construction shall be the same as that authorized by section 202 of the committee report. It is the intent of the conferees that the allocation of the $350 million shall be made in accordance with section 8 of existing law. Except for reallocated funds, there is no provision in section 8 for discretionary allocations. The conferees believe that the needs for construction grants exceed the dollars available for the fiscal year ending June 30, 1972, and it is expected that there will be essentially no fiscal year 1972 funds available for discretionary reallotment.

Mr. Speaker, at this time I would like to call the attention of the House to two typographical errors in section 3, the section to which I refer. The first sentence of both sections (a) and (b) should read:

> There is authorized to be appropriated for the fiscal year ending June 30, 1972, *not*, (I repeat, *not*) to exceed, and so forth.

Mr. JOHNSON of California. Mr. Speaker, one of the most difficult problems facing the conferees was the manner of regulating thermal discharge, or discharges of warm water from stationary sources such as steam electric power plants. Under the agreement of the conferees, thermal discharges are treated like other discharges, except that section 316(a) authorizes the imposition of a less stringent limitation whenever it can be demonstrated that such lesser limitation will protect shellfish, fish and wildlife in and on the body of water in which the discharge is to be made. The Administrator—or, if appropriate, the State—shall consider all alternatives for dissipating heat, including once-through cooling and mixing zones, so long as the protection of fish can be assured. This agreement recognizes that heat is different from solid or suspended pollutants because of its temporary and localized nature, and permits consideration of the dissipating capacities of the receiving waters, on a case-by-case basis.

Thermal discharges will be required to meet the best practicable requirement of 1977 and the best available requirement of 1983. New plants will also be subject to the new source provisions of section 306 which provides that the Administrator in publishing standards shall take into consideration the cost of achieving such effluent reduction, and any non-water quality environmental impact and energy requirements. Thus water quality standards will not be prepared in a vacuum, without regard to adverse impact on air—such as by cooling towers—or land—such as by cooling ponds. Nor will costs be ignored, and the national interest in an adequate energy supply is expressly recognized.

The results of the studies of thermal discharges under section 104(t) are to be considered by the Administrator under section 316, and should also be useful in regulating thermal discharges under section 301 (effluent limitations), section 303 (water quality standards) and section 306 (performance standards for new sources).

The conference report provides for a maximum Federal grant of 75 percent of the approved cost of construction of treatment works without a requirement for the individual States to provide any matching fund. The managers recognized that some States have matching grant provisions in their laws or bond issues which are written to require the State to provide the minimum matching grant required to obtain the maximum available Federal grant. The managers recognize that even though there is no matching grant requirement in section 202 of the conference report, the individual States which have taken the initiative to make available matching grant funds as is required in the law as it exists at this moment, should not have their programs nullified or impaired.

It is my understanding that it is the intent of the managers that such programs be continued and that States with unobligated funds should assist in the construction of treatment works until said unobligated funds are exhausted or until the next session of the legislatures of the affected States is completed.

Mr. MILLER of Ohio. Mr. Speaker, my friend and fellow Member from Ohio, the distinguished Ranking minority member of the Public Works Committee who was so effective in the meetings of the managers on this legislation, made a statement I want to quote and emphasize. He stated:

> The House of Representatives chose to recognize that water pollution control does not exist in a vacuum isolated from other environmental and economic considerations.

To me this statement clearly sums up the approach taken by the Committee on Public Works in working toward the conference report we have before us today—water pollution does not exist in a vacuum isolated from other environmental and economic considerations. I need only remind you of the critical energy problems facing our country to emphasize the interrelationships between water quality and other environmental and economic problems.

I believe that one of the most important contributions that I and the House managers achieved in our deliberations with the other body is contained in sections 304(b)(1)(B), 304(b)(2)(B), and 306(b)(1)A) where energy requirements are recognized as a factor or basis for the setting of effluent limitations for existing sources under the requirements for July 1, 1977, and July 1, 1983, and for new sources under the requirements of new source performance standards.

When the Administrator identifies the degree of effluent reduction attainable through the application of best practicable control technology currently available as required in section 301(b)(1)(A) and through the application of the best available technology as required in section 301(b)(2)(A), the Administrator must take into account energy requirements as one factor in determining the measures and practices available to comply with the July 1, 1977, and the July 1, 1983, requirements.

In establishing new source performance standards, the Administrator must take into consideration the cost of achieving such affluent reduction, any nonwater quality environmental impact and energy requirements.

The managers expect the Administrator to give full consideration to energy requirements. This does not mean that we simply expect him to consider the air pollution impact of increased energy requirements for improved water quality control. It means that the managers expect the Administrator to consider the full impact of the energy crisis facing the United States. It must also point out that difference in wording between sections 304(b)(1)(B) and section 304(b)(2)(B) and section 306(b)(1)(A) is not intended to signify a difference in the level of consideration to be given to energy requirements by the Administrator.

Clean fuels are in short supply, we are becoming evermore dependent upon foreign sources of fuels: environmental considerations can affect an already serious situation. Therefore, the Administrator must recognize the requirements and must not let water quality requirements exist in a vacuum. The energy requirements of the various control measures and techniques must be factored into the requirements of sections 301 and 306. This is the clear intent of the managers and I would expect the Subcommittee on Investigations and Oversight of the Committee on Public Works to ascertain that the Administrator carries out this clear statement of intent.

The reasons why I have been concerned about this problem and the reason why I raised this issue in the committee on conference is that our Nation faces severe problems in providing our energy requirements while meeting our environmental needs.

Our Nation in the past 20 years has doubled electrical energy requirements, due mostly to our high standards of living. But the demands on electrical energy is reaching the current available limits. At current projections, electrical power requirements in the United States will increase from 340,000 megawatts in 1970 to 365,000 megawatts in 1980, and 1,260,000 in 1990. We are already facing an electrical energy shortage with the threat of brownouts and blackouts ever present. Yet the targets that we set in this legislation would impose additional demands on the available electricity. Both the additional number of waste treatment plants and industrial treatment plants needed and the amount of electricity to operate these plants employing high levels of pollutant removal would act as a drain on our electrical energy. Without an energy requirement criteria in this bill, the goals we set would be self-defeating, for the more electrical energy one generates, the more pollution one produces. As a Representative from an Appalachian State, I know that our people certainly do not want to see more strip mining in our hills to produce the coal to supply the energy that runs the turbines to generate the current to remove the pollutants from the waters in our neighboring States. This pollution transferral problem is basic to the consideration of this legislation and if energy requirements are not taken into account with respect to the application of technology, we will not have a net environmental gain but we will end up going around in circles.

Mr. ROE. Mr. Speaker, I strongly recommend adoption of the conference report. All of the important elements of both House and Senate versions have been woven into what I consider to be an even stronger bill than those we brought into conference. It is sound, workable, and bears impressive testimony to the determination of the Congress to step up the pace of our national effort against water pollution.

Those of us from States like New Jersey know at first hand the critical nature of this problem. We also understand the complex interrelations that underlie water pollution and which must be addressed in any ameliorative program. We must act on many fronts, simultaneously, and engage the problem wherever it is found. With this in mind, I call your attention to three elements that demonstrate the comprehensive nature of the conference report, and which will greatly help our large metropolitan areas.

First is section 211, which was originally part of the House bill. This section provides that Federal grant money shall be available not only to build treatment works, but also to improve and expand collector systems. We know that some communities build treatment plants that are unnecessarily large because collector systems are so antiquated and rundown that substantial amounts of surface runoff and other clear water is finding its way into the treatment plant. At the same time, financing to improve these collector lines has been difficult to obtain.

This section will help correct this problem. I would point out that the language has been improved in conference to prevent this act from subsidizing the extension of sewerlines into new housing developments or defraying costs that should legitimately be borne by property owners.

A second feature which I consider essential from the standpoint of our large urban areas is the feature found in section 208 on areawide waste treatment management. It is one of the first principles that no community, acting by itself, can clean up any river. Many cities and towns, in fact, feel a sense of futility when they set out to construct needed facilities, only to see nearby communities take a more casual attitude. There are many provisions in this bill aimed at overwhelming inaction and oversight and one of the most important ones is in section 208.

Section 208 requires the Governor of a State to designate the boundary of each area within the State which, as a result of urban-industrial concentrations or other factors, has substantial water quality problems. The Governor is also required to designate a single representative organization, including elected officials from local governments or their designees, with demonstrated talent and expertise capable of developing effective areawide waste treatment management plants for the area.

The conferees intend that the representative organization shall include elected officials from local governments or their designees. But I emphasize that this does not mean that the representative organization shall be made up solely of such elected officials or their designees.

The conferees expect that the development of the management plans will be based upon technical, social, economic, and environmental considerations, and not political considerations.

Section 208(a)(4) provides that if the Governor does not either designate an area and planning agency or specifically make and publish a determination not to make such a designation, the chief elected officials of local governments within an area may by agreement designate the boundaries for such an area and a single representative organization, including elected officials from local governments or their designees, capable of developing an areawide waste treatment plant for such area. My prior remarks with regard to the makeup of the representative organization for planning apply in this case also.

The conferees do not expect the organization, even if designated by the chief elected officials of local governments, to be made up solely of elected officials. The conferees expect that the organization will include trained and capable persons who have the capability of developing the required areawide waste treatment management plan. The conferees expect that the designation of such organizations and areas by elected officials will be a rarity.

The conferees expect that the Governors will designate existing original areas which have demonstrated their capability to develop the needed plans. For example, in some States, there are conservancy districts which have the needed capabilities and which have demonstrated the ability to carry out the necessary planning.

The conference report requires that the State shall act as a planning agency for all portions of that State which are not designated as special areas with a designated organization for planning. The Governor of each State, in connection with the planning agency, at the time the plan developed by the agency is submitted to the Administrator, shall designate one or more waste treatment management agency for each area. It is not required that there be a management agency for all areas of the State.

We are all well aware of the damage that can be done by oil spills and by other accidental or intentional discharges. At the same time, we recognize our dependence upon river and ocean commerce and the fact that we must ship many, many hazardous substances to keep our society vital and growing.

Section 311 of the report establishes very stringent penalties on the discharge of hazardous substances. The managers did this reluctantly because they feel strongly that clear and effective regulations and laws on the control of the methods of shipping hazardous substances is more desirable than the severe penalty approach which the managers adopted and which commences 2 years after the enactment of this act.

The protection of our water resources requires that hazardous substances be closely controlled, and in the absence of subsequent legislation by those communities having control of this matter, the stringent penalty provisions would come into effect. The managers recognize, and I emphasize this, that the strict penalty provision is undesirable and we urge the other committees in the Congress with jurisdiction in this area to initiate hearings and develop necessary legislation to control the shipping of hazardous substances at the earliest possible time.

The shipment of hazardous substances is an absolute necessity for our complex industrial economy; thus, it is incumbent upon the Congress to clearly define the controls and requirements for the safe shipment of these hazardous substances.

Mr. GROVER. Mr. Speaker, the gentleman from New Jersey (Mr. ROE) has made us aware that in the House bill and the conference report the term, "treatment works" includes the collector sewer systems. As he noted, this is a necessary improvement from existing law because the collector systems are most important to the integrity of a treatment works project. In some places, the cost of the collector system exceeds the cost of the actual treatment facilities. Section 202 (b) addresses the problems this cost can create for some areas.

Section 202(b) provides that any project approved by the Administrator after January 1, 1971, and before July 1, 1971, for the construction of treatment works for which the actual erection, building, or acquisition was not commenced prior to July 1, 1971, shall, upon the request of the applicant, be increased to the 75-percent level. Such increased grant shall be paid, first, only if a sewage collection system that is part of the same total waste treatment system as the treatment works for which such grant was approved is under construction or is to be constructed and for use in conjunction with such treatment works, and second, if the cost of such sewage collection system exceeds the cost of the original treatment works and if the State water pollution control agency certifies that effluents from publicly owned treatment works have to be returned to the ground water to maintain such ground waters in a sufficient, adequate, and suitable quality for public use.

I authored this provision and it is directly applicable to projects such as the southwest Suffolk County project in my district—a vast necessary program—extremely burdensome, however, to the taxpaying homeowner without this provision.

I support this conference report on water pollution control legislation and urge bipartisan approval of the agreement we have reached after nearly 5 months of negotiation with the other body.

The issues involved in this legislation are complex almost beyond belief, for the very valid reason that our urbanized, industrialized society makes so many competitive demands upon our limited water resources and no one of those demands can be considered individually, as something unrelated to the totality of our water pollution problem.

Nowhere is this more clearly illustrated, Mr. Speaker, than in the provisions of the bill dealing with the regulation of industries whose effluents are discharged through publicly owned waste treatment plants.

Section 204(b) requires the Administrator, within 180 days after the enactment of this act to issue guidelines for industrial user charges. Under this requirement the promulgation of such guidelines could be as late as April 1973. The managers do not expect such promulgation to take this long. The managers understand that the guidelines are essentially complete and the managers expect the Administrator to promulgate the guidelines shortly after enactment of the Federal Water Pollution Control Act Amendments of 1972.

Section 204(b)(1) of the conference report prohibits the Administrator from making any grants after March 1, 1973, unless he shall have first determined that a system of user charges consistent with the guidelines has been or will be adopted. The managers on the part of the House expect the Administrator after enactment promptly to start approving plans, specifications, and estimates which are otherwise consistent with the existing regulations and guidelines. On the other hand, the managers do not expect a flurry of applications to be approved in order to avoid the requirements for industrial user charges.

The managers recognize that some grant applicants have negotiated many contracts with intended industrial users of proposed treatment works. Much time, effort, planning, and even design expenditures have gone into these proposed plants based upon existing regulations and guidelines. The contractual agreements were signed in good faith and they will lead to improved water quality. To hold the grant applications of these communities until after March 1, 1973, would be an injustice and would slow down the water quality improvement efforts in these areas.

Mr. Speaker, a typical situation of the type I have described is in Niagara Falls, N.Y. This was brought to the attention of the committee by my friend and colleague from New York, Hon. HENRY SMITH. The project in Niagara Falls, is an example of one which could be delayed for months or even years. Their plans would have to be totally revamped, and water quality would suffer if the Administrator does not keep the program moving in the period before the guidelines are issued.

Mr. CLARK. Mr. Speaker, as a member of the House Committee on Public Works, I sponsored an amendment to H.R. 11896 with respect to thermal discharges, such as warm water discharges from the condensers of steam electric powerplants. I offered this amendment, because I was convinced, based on testimony presented during the hearings before our committee, that heat is not as harmful as what most of us view as "pollutants," because it dissipates quickly in most bodies of receiving waters. In some cases heat even has a beneficial effect. My amendment, which was approved unanimously by the House committee, exempted the term "thermal discharges" from the definition of the term "pollutant," added a new subsection 104(t) calling for studies of thermal discharges, and a new section 316 concerning regulation of thermal discharges.

I am disappointed that the conferees did not include all the provisions of my amendment. I am pleased, however, that the conference agreement does include subsection 104(t) substantially the same as approved by the House. It also includes a new section 316, which, with other provisions in the bill, can accomplish the objectives I was seeking.

First, section 316(a) is similar to my proposal in that it recognizes that heat is less harmful than most "pollutants" and that consideration should be given to the dissipative capacities of the receiving waters. Section 316(a) authorizes the Administrator to waive the requirements of sections 301 and 306 and impose a less stringent limitation whenever it can be demonstrated that such lesser limitation will protect a balanced, indigenous population of shellfish, fish, and wildlife in and on the body of water into which the discharge is to be made.

Second, section 316 must be read with other sections in the bill, including section 301 effluent limitations; section 303, water quality standards; section 304, guidelines; and section 306, new sources. Section 306 states that in establishing standards of performance for new sources, the Administrator shall take into consideration "the cost of achieving such effluent reduction, and any nonwater quality environmental impact and energy requirements." Similar language is contained in section 304 concerning factors to be considered in assessing "best practicable" and "best available" technology.

Third, the conference agreement should help clear up the unbelievable mess which EPA and the Corps of Engineers have created in the discharge permit program. At the present time this program has broken down completely and no permits are being issued. Over 20,000 applications have been filed, but all discharges could be considered in technical violation of the law, because they have no permits. Section 402 transfers the program from the corps to EPA, and provides a mechanism for the States to assume full jurisdiction. Such a program can work only if carried out at the State level, just because of its sheer size. Section 402(k) states that until December 31, 1974, a discharge shall not be in violation of law if a permit has been applied for, and the applicant has furnished all information reasonably required or requested. Hopefully, the program will be in the hands of the States by December 31, 1974, and permits will be issued. But, if not, Congress may have to extend this date.

Mr. Speaker, all of us are sincerely interested in stopping pollution of our Nation's waters. But the Administrator has shown an unfortunate tendency sometimes in the past to require ridiculous expenditures of hundreds of millions of dollars with no benefit to any persons, or even to the fish. The purpose of the language in sections 304, 306, and 316 is to require the Administrator to utilize better judgment in the future. Where it can be demonstrated that heat will be harmful it should be subjected to appropriate controls. But where it can be demonstrated that heat will not hurt anyone—not even the fish—then unnecessarily strict limitations should not be imposed.

Mr. MAHON. Mr. Speaker, several weeks ago the House passed amendments to the Federal Water Pollution Control Act. While I am strong for water pollution control, I stoutly opposed the measure when it was before the House for reasons which were set forth at the time in the CONGRESSIONAL RECORD.

Since House passage of the amendments, the legislation has been in conference between the House and the Senate, and we are today confronted with the final version of the act which will go to the President for his approval or disapproval.

It seems futile at this stage to vote against the measure, especially in view of my dedication to water pollution control, but I wish to reaffirm the objections which I made when the bill was originally before the House and express my disappointment that direct appropriations were not substituted for back door spending. I wish further to assert that in my judgment the bill carries an unnecessarily high dollar figure. The bill makes available for commitment during the current fiscal year a total of about $11 billion. I do not believe this figure can be defended, but in view of the fact that this is the last opportunity for Members to take action on the pending measure, I am voting for it and taking this opportunity to reaffirm my concern over what I consider to be many ill-advised provisions in the pending conference report.

Mr. KEMP. Mr. Speaker, I believe that history will record that today marked the turning point in our battle to conquer water pollution.

The Federal Water Pollution Control Act Amendments of 1972 which the House has passed will provide new and potent weapons for the restoration and protection of our waters.

The House Committee on Public Works under the leadership of the very able and distinguished chairman, the gentleman from Minnesota (Mr. BLATNIK), is certainly to be commended for their many long months of ceaseless work to perfect this forceful legislation.

Earlier this year I introduced in the House my own version of the Federal Water Pollution Control Act Amendment bringing together certain elements of both the House and Senate bills plus additions of my own concerning the Great Lakes, protection of the subsurface environment and reimbursement.

I am very pleased that the final version of the Federal Water Pollution Control Act Amendments of 1972 contains most of what I had hoped to accomplish through my legislation.

For the first time ground waters have been given the same emphasis as surface waters. S. 2770 is an important step forward in the protection of the underground environment but I still plan to reintroduce my bill, the Subsurface Waste Disposal Control Act which would more comprehensively control the subsurface injection of wastes.

The clean waters bill which I introduced earlier this year included an additional $100 million for the Environmental Protection Agency special crash cleanup program for the Great Lakes. I also presented testimony in favor of this program before the distinguished gentleman from Mississippi's (Mr. WHITTEN) subcommittee of the Committee on Appropriations and the committee developed a plan which would make these funds available and the Great Lakes crash cleanup program a reality.

S. 2770 adds an additional $20 million for the Great Lakes by continuing the authority of the administration of the Environmental Protection Agency to conduct a study of pollution in the Great Lakes.

In 1910, President Theodore Roosevelt asked for the cooperation of Ohio, Pennsylvania, and New York to help a campaign to get pure drinking water from Lake Erie. He foresaw the destruction which would occur if uncontrolled pollution continued:

> You can't get pure water and put your sewage into the Lake. I say this on behalf of your children.

Unfortunately, because his advice was disregarded, we face the massive task of cleaning and restoring Lake Erie. In recognition of the serious conditions which exist in Lake Erie, S. 2770 directs the Secretary of the Army, acting through the Chief of Engineers, to design and develop a demonstration waste water management program for the rehabilitation and environmental repair of Lake Erie.

Five million dollars is authorized to be appropriated for this purpose and is in addition to, and not in lieu of, other waste water studies aimed at eliminating pollution emanating from select sources around Lake Erie. This language will be the vehicle for the $100 million crash program to clean up the Great Lakes, which, as I mentioned above, has already been appropriated and designated for this use by the Appropriations Subcommittee on Agriculture and Environment.

This bill we have passed will help bring about for our children President Teddy Roosevelt's dream of pure water in Lake Erie.

The clean waters bill also takes important action regarding a problem which has been of much concern to me, that is, the prevention of degradation of the environment from the disposal of waste oil.

Reimbursement is of critical importance to the States' pure water programs and I included a total of $3 billion in my water pollution control bill to provide adequate financing for conventional reimbursement. In my State of New York alone, the pending projects—3-year projects; total eligible cost through fiscal year 1974—total $1,790 million.

I am pleased that S. 2770 provides $2.75 billion for reimbursement which, of course, is well above the Senate bill and comes close to the figure I recommended. At this moment, while I am speaking, no figures are available for the State of New York on total reimbursement projections for fiscal year 1973. But I was advised by EPA officials earlier today that for the last 2 months of fiscal year 1972, New York will receive $30,887,300 out of a total national allocation of $350 million.

The authorization of up to $18 billion over a 3-year period for grants for construction of treatment works will give a much needed assist to many hard-pressed areas around the Nation. This includes my county of Erie, N.Y., in their efforts to abate water pollution. We can never have pure streams and lakes until a satisfactory solution is found to the problems of waste disposal.

S. 2770 provides $552,895,000 to the State of New York for new construction of treatment works in fiscal year 1973 and $663,474,000 in fiscal year 1974. The total for New York State for these waste treatment programs which I have just mentioned and for reimbursement—only for fiscal year 1972—is over $1 billion—$1,247,256,300 to be exact.

More than a century ago when the noted French political philosopher, Alexis de Tocqueville, visited our infant United States, he wrote:

> A democratic power is never likely to perish for lack of strength or of its resources, but it may very well fall because of the misdirection of its strength and the abuse of its resources.

I believe the people of our Nation have shown they have the national will to redirect their energies toward saving our environment and away from squandering our priceless natural resources. By passing S. 2770 today, the Congress has provided the States and the people with the means to begin a new era in our search for a quality environment.

Mr. JONES of Alabama. Mr. Speaker, I appreciate the comments made on the floor today by my colleague from Michigan (Mr. DINGELL). The gentleman has obviously put a lot of work into his statement. It reflects hours of study. I must, however, point out for the record that the gentleman was not a manager on the part of the House and the views expressed in his statement are his own and do not necessarily reflect the views of the managers on the part of either House.

The views of the managers on the part of the House have been fully expressed in the statement of managers and today's statements by my fellow managers on the part of the House.

Mr. Speaker, it is the position of the House conferees that any restriction or prohibition of any defined area as a disposal site must be made with circumspection in view of the importance of navigation and waterborne commerce to the economic well-being of the United States. Thus, it is expected that disposal site restrictions or prohibitions shall be limited to narrowly defined areas where it can be clearly demonstrated that the discharge of dredged material at such specified location will have an unacceptable adverse effect on critical areas intended to be protected.

In making a determination to deny a permit under subsection 404(b) the Secretary is required to evaluate the effect of such denial on the economic impact on navigation and anchorage. This finding will override the discharge criteria or guidelines where there is no economically feasible alternative available to the specified disposal site. Also, the provision for removal of in-place toxic pollutants to section 115 is not limited to Great Lakes Harbors but is intended to apply to all critical port and harbor areas.

It was suggested to the conferees that, if the act's definition of "point source" is strictly and literally construed, it would subject discharges from marine engines on recreational vessels to the requirement for obtaining a permit under this act. Since there are more than 6 million owners of recreational vessels which would be required to obtain permits if this interpretation were adopted, the conferees believe that inclusion of recreational marine engines under the permit program would result in an unreasonable expenditure of administrative effort. It was further recognized that to require each and every boatowner to obtain a permit for his engine would be unreasonable.

We expect the Coast Guard and the Environmental Protection Agency to review the problems associated with regulation of marine engine discharges and to recommend to the Senate and House Public Works Committees any necessary legislation. Pending the submission of this report we would not expect the Adminstrator to require permits to be obtained for any discharges from properly functioning marine engines or to institute any prosecution for failure to obtain such a permit. This does not, of course, preclude the Administrator from taking action against the discharges from marine engines of harmful quantities of oil under section 311 of the act.

There may be other areas where similar problems are created and we would expect the concerned agencies to bring such problems to our attention at the earliest practicable date in order for us to begin working on a solution.

Section 11 requires the President to conduct an investigation and study of ways and means of utilizing the resources, facilities, and personnel of the Federal Government in the most efficient way in carrying out the objectives of this act. In requiring the President to utilize the GAO in carrying out this study it is not intended that the GAO, which is an agency of the legislative branch, perform work under the direction of the President. However, it is intended that the President utilize both the work done by the GAO in the area of water pollution control in its regular review work and the work that will be done by the GAO under section 5 of this bill.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 366, nays 11, not voting 53, as follows:

[Roll No. 408]

YEAS—366

Abbitt
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspin
Badillo
Baker
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conover
Conte
Conyers
Corman
Cotter
Coughlin
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Pa.
Griffiths
Grover
Gubser
Gude
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Kemp
King
Kluczynski
Koch
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Long, La.
Long, Md.
McClory
McCloskey
McCollister
McDade
McEwen
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Monagan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Pickle
Pike
Pirnie
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reuss
Roberts
Robison, N.Y.
Rodino
Roe
Rogers
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—11

Ashbrook
Blackburn
Camp
Crane
Griffin
Hall
Martin
Rarick
Rousselot
Smith, Calif.
Steiger, Ariz.

NOT VOTING—53

Abernethy
Aspinall
Baring
Bell
Bevill
Blanton
Bow
Byron
Carey, N.Y.
Clay
Culver
Davis, S.C.
Devine
Dowdy
Dwyer
Edmondson
Evans, Colo.
Evins, Tenn.
Gallagher
Gettys
Giaimo
Green, Oreg.
Gross
Hagan
Halpern
Hastings
Hawkins
Hébert
Keith
Kuykendall
Lloyd
Lujan
McClure
McCormack
McCulloch
McDonald, Mich.
McMillan
Mathias, Calif.
Mollohan
Nichols
O'Konski
Peyser
Reid
Rhodes
Riegle
Robinson, Va.
Roncalio
Rooney, N.Y.
Scherle
Schmitz
Shriver
Teague, Calif.
Wylie

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Rhodes.
Mr. Rooney of New York with Mr. Peyser.
Mr. Roncalio with Mr. Lloyd.
Mr. Nichols with Mr. Dickinson.
Mr. McCormack with Mr. Scherle.
Mr. Carey of New York with Mr. Hastings.
Mr. Abernethy with Mr. O'Konski.
Mr. Hawkins with Mr. Gallagher.
Mr. Blanton with Mr. Bow.
Mr. Bevill with Mr. Kuykendall.
Mr. Clay with Mr. Baring.
Mr. Mollohan with Mr. Halpern.
Mr. Reid with Mr. Bell.
Mr. Evins of Tennessee with Mr. Gross.
Mr. Giaimo with Mr. Riegle.
Mr. Gettys with Mr. Robinson of Virginia.
Mrs. Green of Oregon with Mr. Teague of California.
Mr. Byron with Mr. Mathias of California.
Mr. Aspinall with Mr. Lujan.
Mr. Culver with Mr. McDonald of Michigan.
Mr. Davis of South Carolina with Mr. McCulloch.
Mr. Evans of Colorado with Mrs. Dwyer.
Mr. Edmondson with Mr. Shriver.
Mr. Hagan with Mr. Keith.
Mr. McMillan with Mr. McClure.
Mr. Wylie with Mr. Schmitz.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the conference report (S. 2770) just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

PARTICIPATION BY UNITED STATES IN HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW AND INTERNATIONAL — ROME — INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW

Mr. **FRASER**. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 11948) to amend the joint resolution authorizing appropriations for participation by the United States in the Hague Conference on Private International Law and the International—Rome—Institute for the Unification of Private Law, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 5, strike out "is" and insert "are".

Page 1, line 6, strike out "necessary, not to exceed $50,000 annually." and insert "necessary".

Page 1, line 10, strike out "Law." " and insert: "Law, except that in no event shall any payment of the United States to the Conference or the Institute for any year exceed 7 per centum of all expenses apportioned among members of the Conference or the Institute, as the case may be, for that year.".".

The **SPEAKER**. Is there objection to the request of the gentleman from Minnesota?

Mr. **HALL**. Mr. Speaker, reserving the right to object, may we have an explanation of the Senate amendments and whether or not they are germane to the House bill, and is there an increase in cost?

Mr. **FRASER**. Mr. Speaker, if the gentleman will yield, there is no increase in cost. We sent over a dollar ceiling for the Senate. They changed the ceiling to one of maximum percentage which the United States can contribute to this international laboratory.

I might say we cleared this with the gentleman from Iowa (Mr. GROSS), who is the ranking minority member of the subcommittee which originally handled this bill, and that is also true of the subsequent measures, along with the gentleman from California (Mr. MAILLIARD), the ranking minority member of the full Committee on Foreign Affairs.

Mr. Speaker, there is no increase in cost; only a change in the form of the ceiling.

Mr. **HALL**. Mr. Speaker, further reserving the right to object, I think it is very interesting that it has been cleared with important individuals, but my question would go a bit deeper. Who determines the percentage to which we are subscribing by the Senate amendment?

Is that percentage determined as in the case of the special projects of the U.N., such as by majority vote of all those nations participating, and or do we have the right of veto of our taxpayers' funds participating in this? Who determines?

Mr. **FRASER**. It is fixed by agreement among member nations, but these bills set a ceiling beyond which our representatives cannot agree to pay. For example, in the case of this bill, the ceiling is set at 7 percent. The United States may not contribute more than 7 percent of the total budget of the organization. That is the way the ceiling is fixed. We sent it over with a $50,000 ceiling, but the Senate put it in the other form, and we have no objection.

Mr. **HALL**. That is the very point of my question. What is the total, and how much is 7 percent of the total? I think the gentleman has implied that the organization itself sets the budget and, therefore, the percentage figure might be more than the fixed figure of $50,000. Is that our position?

Mr. **FRASER**. We used the 1972 contributions as a test. In 1972, the contribution to the Hague Conference was 6.08 percent, and to the Rome institute was 5.54 percent. So, this comes very close to the percentages that we have added.

Mr. **HALL**. Is the percentage set in perpetuity, or is it subject to reconsideration by this sovereign nation?

Mr. **FRASER**. This is a ceiling on what the executive branch can pay. If they want to pay more than 7 percent of the cost, they must come back to Congress and go through the authorization and appropriation process.

Mr. **HALL**. Of course, Mr. Speaker, my question goes to the point of what would happen if we would want to pay less?

Mr. **FRASER**. Well, we can pay less. We can pay what is agreed upon by the international organization. Our share may not exceed 7 percent unless Congress decides to raise the ceiling.

Mr. **HALL**. We will not hold our breath until the international organizations give Uncle Sam something less than the agreed payment, but if the gentleman says it is agreed and subject to the annual appropriations process, I will withdraw my reservation.

The **SPEAKER**. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

MEMBERSHIP AND PARTICIPATION BY THE UNITED STATES IN THE SOUTH PACIFIC COMMISSION

Mr. **FRASER**. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the joint resolution (H.J. Res. 1211) to amend the joint resolution providing for membership and participation by the United States in the South Pacific Commission, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 3, after "That" insert "section 3(a) of".

Page 1, line 4, after "amended" insert "(1)".

Page 1, line 5, strike out " "$250,000" " and insert " "not to exceed $250,000 per fiscal year" ".

Page 1, lines 5 and 6, strike out "inserting in lieu thereof "$400,000" in section 3(a)." and insert "(2) by inserting before the period at the end thereof the following: "except that in no event shall that payment for any fiscal year of the Commission exceed 20 per centum of all expenses apportioned among participating governments of the Commission for that year".".

The **SPEAKER**. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

CONTRIBUTIONS BY THE UNITED STATES FOR THE SUPPORT OF THE INTERNATIONAL AGENCY FOR RESEARCH ON CANCER

Mr. **FRASER**. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the joint resolution (H.J. Res. 1257) to authorize an appropriation for the annual contributions by the United States for the support of the International Agency for Research on Cancer, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 8, strike out "Cancer." and insert "Cancer, except that in no event shall that payment for any year exceed 16 per centum of all contributions assessed Participating Members of the Agency for that year."

The **SPEAKER**. Is there objection to the request of the gentleman from Minnesota?

Mr. **HALL**. Mr. Speaker, reserving the right to object, may I ask the gentleman if the same answers would apply to relatively the same questions on this measure as the other?

Mr. **FRASER**. The same answers would apply.

Mr. **HALL**. Mr. Speaker, I withdraw my reservation.

The **SPEAKER**. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. **FRASER**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the foregoing measures.

The **SPEAKER**. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

CONFERENCE REPORT ON H.R. 10243, TECHNOLOGY ASSESSMENT ACT OF 1972

Mr. **DAVIS** of Georgia. Mr. Speaker, I call up the conference report on the bill (H.R. 10243) to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 25, 1972.)

Mr. DAVIS of Georgia (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER. The gentleman from Georgia is recognized.

Mr. DAVIS of Georgia. Mr. Speaker, H.R. 10243, a bill to establish an Office of Technology Assessment for the Congress, was passed by the House last February after many years of research and preparation, and amended and passed by the Senate several weeks ago. The conference was held on the bill on September 21, and the conference report which is before you has now been approved by the Senate.

It is important to note that this bill was reported from the House committee without a dissenting vote. It was passed by this body by a vote of better than 2 to 1. It was reported unanimously from the Senate Committee on Rules and Administration and was passed by the Senate without a dissenting vote. One Senate conferee was unable to sign the conference report; Senator COOK of Kentucky was called away on an emergency, however, he was a strong supporter of the bill in the Senate Rules Committee and voted both in subcommittee and in full committee to report it.

In asking approval by the House of this conference report, I will limit my remarks to explaining the differences between the bill as it passed the House and those which eventuated in the conference report.

The bill which passed the Senate contained 11 changes of substance from the House-passed version. In conference, the managers on the part of the House made five additional changes. Of the various Senate changes which were made, I think only four are of sufficient significance to describe to you at this time. Of the five House changes made in conference, we believe four are sufficiently important to detail.

Turning first to the changes made by the Senate:

First. The Technology Assessment Board, which is the policymaking body of the Office of Technology Assessment, is composed entirely of Members of Congress. The bill as passed the House provided that the board should consist of five members from the House appointed by the Speaker and five Members from the Senate appointed by the President pro tempore. In each House three Members were to be selected from the majority party and two from the minority party. The Senate provided that the number of members be increased to six from each House, appointed in the same way, three Members each from the majority and minority parties. The reason for this change is described in the statement of managers. Essentially, since the function of the OTA is a bipartisan one designed to serve all committees and both parties in each House, it seemed unwise to politicize the board by structuring it along the lines of a joint committee. Particularly, political alinement seemed inappropriate since the office will be an independent entity within the legislative branch.

Second. The duties of the director of the office were expanded to the following extent. First, the director was made a member of the board, but a nonvoting member with no powers of policymaking. The reason for this change was to make sure that the director would be close to the board, could sit in on the meetings and thus have a much more accurate feeling for the board's decisions and desires with regard to the operation of the office. Second, the director was given authority to initiate assessments provided that he first consults the board with regard thereto. In the bill as passed the House, this authority was vested in the chairman of any congressional committee acting for himself or for the ranking minority member of his committee or upon a request of a majority of his committee—as well as accruing to the board itself. Both methods, of course, remain in the bill, the addition being the limited new authority of the director to inaugurate assessments.

Third. A new advisory council was added by the Senate to assist the board when necessary. All parties agreed, following passage of the bill by the House, that some such council should be established in order to assure the necessary liaison between the office and the public. Such liaison had been provided for in the original bill as reported from our committee, but had been eliminated when an amendment on the House floor changed the character of the board to congressional membership exclusively. The new council would be composed of 10 members appointed by the board from the public, plus the Comptroller General and the Director of the Congressional Research Service of the Library of Congress.

Fourth. The bill as passed the House provided authorization for the office for fiscal years 1973 and 1974, not to exceed an aggregate total of $5 million. The Senate concurred with these figures but provided for a continuing authorization thereafter. The reason for this is primarily to avoid any undue interference with passage of the annual Legislative Appropriation Act. It was felt unwise to place an authorization burden upon the appropriation process for the legislative branch.

In each of the foregoing areas the managers on the part of the House concurred and the changes described are in the report before you.

The changes made by the managers on the part of the House in conference were as follows:

First. The subpena power, which the Senate had added as an incident to the normal authority of the board, was limited in conference so as to apply only to voting members. The purpose of this change was to assure that this authority would not be transferred or delegated to the director or to any person or officer of the OTA who was not a Member of Congress. The House conferees felt that the precedent of subpena powers accruing only to the judiciary or to the Congress per se should be followed.

Second. The Senate provision establishing the Technology Assessment Advisory Council had limited the functions of that council to the specific task of reviewing and making recommendations to the board with respect to activities of the Office or to assessments made for or by the office. House conferees felt that the scope of the council's duties should permit them to undertake such additional activities as the board might desire. Hence a provision was added to this effect. It is our belief that the added provision will give the council not only greater flexibility, but its utility to the board should be much increased.

Third. In the bill as passed the House, supporting services to the office were authorized from both the Congressional Research Service and the General Accounting Office. That version included authority for the Librarian of Congress to make such administrative and structural additions within CRS as he might find necessary to meet his responsibilities under this act. The Senate added a similar provision with respect to the General Accounting Office. In conference, however, the managers on the part of the House felt that this authority with regard to the General Accounting Office might not be consistent with the overall intent of the act. It was pointed out that the sole function of the Congressional Research Service is to provide information to the Congress, while the functions of the General Accounting Office are much broader and embrace a wide segment of the total Federal structure. The conference, therefore, eliminated the Senate's provision.

Fourth. The bill as passed by the Senate contained a section which you will not find in the conference report. This was section 13, which would have made the act effective and the appointment of the members of the board mandatory within 60 days from the date of final approval. The House conferees recommended the deletion of this section and the conference agreed. Thus, as the report stands before us, the act becomes effective upon approval by the President, but there is no duty placed upon the Speaker of the House or the President pro tempore of the Senate to appoint members to the board within a fixed period. This change will give the presiding officers of both Houses more flexible option as to time of appointment—a procedure which we feel is preferable in view of the fact that we are approaching the end of the current Congress and face the various uncertainties which every major election brings.

In respect to these foregoing changes, the Senate concurred.

Mr. Speaker, I would be pleased to yield to any Member of this body who might have questions on this conference report, and in the absence of questions I yield such time as he may consume to the gentleman from Ohio (Mr. MOSHER).

Mr. MOSHER. Mr. Speaker, if passed by the House, the conference report on H.R. 10243 before us today will bring within the legislative branch of our Government the much-needed means to impartially assess both the benefits and possible consequences of any new technology proposal before any committee of the Congress.

The Office of Technology Assessment should be of great value to all of us, because it will be a technology-predictive tool. In part, its efforts will be directed at examining the effects of the choice of a particular technology at a time when the application of that technology lies in the future. Thus, hopefully, the Congress will avoid many of the problems which we have encountered in the past through implementation of ill-advised technological legislation.

But the OTA also will be expected to play a very positive, affirmative role in vigorously seeking, and calling to the attention of Congress, new opportunities for technology to help solve all types of public problems.

The House conferees were very successful in retaining the intent of the House bill. By and large, the few changes made in conference even further strengthened the measure. The major changes introduced by the Senate were in the composition of the Technology Assessment Board and in the function and authority of the director.

The 10-man, all congressional, Technology Assessment Board approved by the House was increased to a 13-member Board in conference. The reason for this was to restore parity of membership, and to permit a wider range of legislative experience to be included in the Board's makeup. Our full committee concurred with the Senate that the Board, which sets policy for the Office, should not be a partisan controlled group. We have found almost unanimous agreement elsewhere in both the House and the Senate that, in this instance, a joint committee approach would be inappropriate.

The Director of the Office of Technology Assessment was restored as a member of the Board. But, he was given no vote on the Board. His reason for being there is to assure his complete understanding of the Board's policies. Since he is not a voting member, he cannot directly influence the decisions of the Board.

Since the character of the Technology Assessment Board was changed on the House floor by amendment to an all-congressional board, House and Senate conferees agreed that some device permitting liaison with the public should be established. To do this the conferees added a 12-member Technology Advisory Council. Ten members of the Council will be appointed from the public by the Board. The Comptroller General and the Director of the Congressional Research of the Library of Congress comprise the remainder of the Council. The Advisory Council has no powers other than to advise the Board and to perform such tasks as the Board may direct, but that role can be very significant. In fact, we think it essential.

Other important changes in the conference bill include a provision for continuing authorization, and the limiting of the subpena power to the congressional members of the Board. Since funds for the Office will be provided for in the Legislative Appropriations Act, it appeared impractical to hold up the appropriations process for the total Congress each year until special authorization could be provided for the Office of Technology Assessment.

Mr. Speaker, the House and Senate conferees gave unanimous bipartisan approval to this conference bill. It was felt that the major requirements and desires of both the House and the Senate were embodied in the bill which came out of conference. I know that I speak for all the minority members of our committee in urging passage of H.R. 10243.

Mr. COUGHLIN. Mr. Speaker, I rise in support of the conference report on H.R. 10243, the bill to establish an Office of Technology Assessment.

This conference report, which was unanimously agreed to by the House and Senate conferees, is the result of the most thorough consideration and review. I would like to congratulate all conferees for their commendable performance.

Mr. Speaker, this legislation addresses one of the more pressing needs in today's society—the need to improve our means of forecasting and evaluating the influence of new technology on our lives and on our world.

We all recognize that the assessment of technology should both evaluate and anticipate the full implications of scientific and technical change. In the past, however, very few such full-scale technology assessments were ever conducted. In contrast, we see a history of partial and incomplete assessments—generally limited to the superficial impact on society, and more recently, the environment.

This is precisely the dilemma facing the Congress. Increasingly we are being confronted with more and more issues with heavy technical and scientific content. But the problem is that the Congress is ill-equipped to fully assess the more complex issues.

This is not to criticize the highly competent and expert assistance we receive from our own committee staffs or from the GAO and Library of Congress. But the point is that the critical import of our work requires highly expert technology assessment support which is fully dedicated to the needs of the Congress. The new office will uniquely fill this void.

Certainly none of my colleagues needs to be reminded of the programs in which an Office of Technology Assessment would have clarified and better defined the pertinent issues. The SST, the ABM, and the Alaskan Pipe Line are typical of the debates in which the Congress suffered from an "information gap."

Science and technology today have major roles to play in our Nation and in the world. However, we must be far more attentive in the integration of our work into existing economic and social frameworks. I mention transportation, environment, and housing as just a few of the many issues, which because of their technology content, will require intensive review by the Congress.

Mr. Speaker, I attach great importance to seeing that the Congress maintains its preparedness to serve the people. I feel that the creation of an Office of Technology Assessment—cooperating with and serving the Congress—will serve as the keystone to our future progress in evaluating and managing scientific and technological issues. I cannot understate, therefore, the pressing need for the prompt establishment of the new Office of Technology Assessment.

I urge my colleagues to join with me in supporting H.R. 10243.

Mr. MILLER of California. Mr. Speaker, I have just several brief comments I would like to make concerning this bill to establish an Office of Technology Assessment.

I would like to observe to begin with that the Congress has never been overly generous with itself in providing service organizations to assist in the legislative process. I do not say this in a critical vein. On the contrary, I think it is admirable that the Congress has been flexible enough and capable of contending with new situations without having to set up new agencies to assist it every time we turn around.

If this office is set up, however, it will only be the third time that Congress has set up an independent entity within the legislative branch to serve its own needs. The first time was in 1800 when the Library of Congress was established. The second time was in 1921 when Congress created the General Accounting Office. There are, of course, other departments in the legislative branch, such as the Government Printing Office, which services the entire Government, and several smaller, specialized offices.

But it seems to me significant that the Congress is giving serious consideration at this time a new organization which will permit it to make better and more independent judgments on many of the issues which are arising today.

That fact alone, I think, demonstrates the need for an OTA. If there were any further doubt, I think it is evident in the fact that such a high percentage of all national issues which are arising in modern times are involved in some way with a marked technological component. If you will just run through the bill digest some time, you will find that half or better of all bills introduced contain such a component to one degree or another.

I do want to emphasize, however, that if the OTA comes into being with the action of the House today, and the ultimate approval of the President, this will simply mark the completion of phase I in the technology assessment story. It has been a long and complex phase, one that has involved a great deal of study and work by many fine people. This phase is now well into its seventh year.

But phase II, it seems to us, will probably be equally critical or perhaps more so. This phase will encompass the first efforts of the office to be of service to its sponsor—that is, the Congress. I imagine that the success or failure of the OTA will depend on a wide variety of things; but chief among them will be the makeup of the policy board and the degree of its determination to make the office succeed, the character of the director and his ability to foresee issues that are likely to become paramount in the legislative atmosphere, and the willingness of the Congress to provide the office with sufficient funding to do the job which it is required to do.

In this connection I urge my colleagues in the years ahead, particularly the next 3 or 4, to give the office their support and their patience.

It is going to take time to develop techniques for doing first-rate technology assessments. It will take time to learn where the obstacles and the pitfalls may lie, and I suspect that the office will fall over or into a few before it is able to develop consistency, accuracy, and sharpness in its approach.

But I believe that if the Congress is patient and gives the office the backing it needs in these critical years, the rewards in terms of more precise legislative targeting will be great.

Mr. CABELL. Mr. Speaker, the conference report which is before us, I believe, is very much as the gentleman from Georgia (Mr. DAVIS) has implied—which is to say that it is basically a good, clean bill which shows the benefits of careful scrutiny by all parties concerned.

I believe that the report reflects a proper blend of extensive work done by the House Committee on Science and Astronautics over a number of years, of astute amendments offered on the floor of the House by my friend and colleague from Texas (Mr. BROOKS) and of refinement in the Senate.

I believe this report presents to you a bill which is a better one than was reported from our committee and that it has been improved still further in conference.

The actual changes in it have been described to you by our subcommittee chairman, and I still will not endeavor to repeat those. However, I do want to set forth my conviction that those changes were necessary and that they were not a departure in any major way from legislation which the House passed several months ago.

Most importantly, we have retained the all-congressional character of the board. We have provided the Director with some additional authority and flexibility in undertaking his duties, but have been careful not to increase his power beyond the limitations which were embraced in the House debate and in its action on the bill. We have established a new advisory council, the need for which was agreed upon unanimously—by House members, by Senators, and by industrial, business, and academic leaders, in testimony before the Senate which followed the House action. That council, as you have heard, will make sure that the American public will be able to reach the ear of the OTA through the advice which the council is authorized to provide to the policymaking board.

The other changes are described in the statement of managers and need no elaboration from me.

I would simply like to observe that the conference on this bill was worked out carefully and that the managers on the part of the House, and I was privileged to be one of them, took particular pains to be sure that the end product was consistent with the concepts which had been developed in this body.

Mr. SYMINGTON. Mr. Speaker, the report which we are considering today is, I believe, an excellent one and I urge its approval by the House. In doing so I would like to draw the attention of this body to two facets of technology assessment which, to a considerable extent, have been underplayed.

First is the importance of timing, especially the importance to the legislature of gaining an insight into the various ramifications of policy before it is time to determine that policy through statutory law.

Let me cite a case in point.

In the United States, as a result of the pollution problem, Congress enacted a Clean Air Act about 4 years ago. This act has been amended several times, particularly with regard to setting standards for automotive emissions. Hence the automobile industry in America is and has been under severe pressure to make the current generation of internal combustion engines relatively pollution free.

Some success has been achieved in reaching this goal, but what else has happened? At least three new problems have sprung up.

First. The new cars with the complex pollution control devices are often balky and sometimes dangerous—dangerous particularly in the sense that they may not have acceleration sufficient to avoid hazardous traffic situations.

Second. A large number of the best automotive engineers have been pulled away from research on a better basic engine to concentrate on jerry-rigging pollution controls for the current crop of cars.

Third. The new pollution controls cause a very marked increase in the consumption of fuel—perhaps as much as 20 percent.

Any one of these effects is enough in itself to place the relative benefits thus far achieved in some doubt.

The interesting question here, however, is why this happened.

The initial reason appears to be that by the time Congress began seriously to consider automotive pollution controls, the public was aroused, emotional, and demanding quick action.

Another reason was that by the time hearings began on proposed legislation, many of the key Members of Congress were already committed to a "quick fix." In other words, Members were locked in before they had a real data base from which to work.

Thus some witnesses were not permitted to bring up or discuss any point which was not directed exclusively to answering the question of whether pollution controls could be installed on contemporary auto equipment. We in Congress wanted a "yes" or "no" answer to this, technologically, and sometimes cut off significant consideration of other factors.

In view of the energy crisis, particularly, and rapidly growing concerns over the explosive consumption of fossil fuels, the legislative response to the air pollution problem thus far—while understandable—remains subject to criticism.

Would the existence of a competent Office of Technology Assessment have helped alleviate this situation? One is inclined to think it would.

The second matter I would like to mention concerns what might be called the "plus side" of technology assessment.

Almost all of the discussions, writings, and descriptions of technology assessment tend to emphasize the negative factors of a given technology and the so-called unexpected detrimental side effects. Even in the category of assessments which might be described as mission or problem-oriented, where the general character of the desired technology is fairly well established—for some reason the drawbacks to using that technology are inevitably played up, and those who are struggling with the technology assessment concept find themselves immersed in an atmosphere of negativism.

This factor is apparent in the semi-assessments which have been made regarding auto pollution, inner city transportation, solid waste management, product safety, global environment, noise levels, occupational health, power failures, and so on.

However, connecting the potential uses of new scientific discoveries with problems which exist but which may not be recognized as such, is something else. And this is what I am talking about. It seems to me that the potential here has been badly underplayed.

It is a phase of technology assessment which perhaps can be illustrated by the laser.

At the time the feasibility of the laser was first demonstrated, few of the people who now make extensive use of that device had any idea that they had a problem the laser could help with. The ophthalmologic surgeon was reasonably content with the techniques then available to him. So was the engineer engaged in underground tunneling. So was the surveyor, the aircraft controller, and the manufacturer of aircraft instruments. So were many of the scientists in the Defense Establishment who felt that their current weapons were reasonably up to date and sophisticated.

Yet all of these people, plus many occupied in other activities, have found the laser to be of genuine value.

Another example, concerning a well-established technology, the computer, is in the area of health screening, medical services and hospital administration, and operating room procedures. Only a few of the advantages which the computer can provide in such fields are being employed, while many persons working in them are convinced that a lot of the best possibilities have not been tried seriously or even thought of.

It seems to me that any office of technology assessment designed to aid the government processes must incorporate some activity which is devoted to putting technology to better and better managed uses.

Mr. DAVIS of Georgia. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAVIS of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

CONFERENCE REPORT ON S. 976, MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (S. 976) to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 28, 1972.)

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The SPEAKER. The gentleman from West Virginia is recognized.

Mr. STAGGERS. Mr. Speaker, the bill S. 976 is principally intended to reduce the damage susceptibility of passenger motor vehicles and to make vehicle accident damage less expensive to repair. This is to be accomplished by: First, directing the Department of Transportation to establish Federal standards designed to eliminate or substantially reduce property damage in low-speed collisions; and second, by establishing and putting in motion a consumer information program intended to stimulate competition among manufacturers to produce vehicles which are more resistant to damage, safer and less costly to repair or service. This bill would also direct the Department of Transportation to establish a series of demonstration projects to determine the feasibility of using diagnostic procedures to test for compliance with safety and emission standards. Finally, the bill would establish a national policy against odometer tampering as a means of curtailing practices which are employed to deceive purchasers of motor vehicles with respect to a vehicle's true condition or value.

Mr. Speaker, with relatively few substantive amendments, the committee of conference has agreed to accept the House bill. Let me comment briefly on the most significant matters agreed to in conference.

As the Members will recall, this bill consists of four titles. In title I, the Senate bill proposed to give the Department of Transportation broad powers to set minimum property loss reduction standards for passenger motor vehicles. A property loss reduction standard was defined to mean a minimum performance standard established for the purpose of increasing the resistance of passenger cars to damage resulting from motor vehicle accidents or for the purpose of reducing the cost of repairing accident damage. The House bill limited the grant of authority in title I to the power to establish bumper standards designed to reduce accident damage to the front and rear end of a passenger motor vehicle. The committee of conference has decided to take the more limited approach recommended by the House.

As I stated when this matter was first before the House, a bumper standard which requires protection of the external sheet metal of motor vehicles in low speed collisions would provide the maximum cost savings to the public.

The first amendment of significance to the House bill relates to criminal penalties for violations of the act. Under the Senate bill persons who knowingly manufactured and distributed vehicles in violation of standards were made subject to a $5,000 fine and could be imprisoned for up to 1 year. The House bill did not impose a criminal penalty.

The committee of conference has agreed upon a criminal penalty in circumstances where persons knowingly and willfully violate certain provisions of the act after having received notice from the Department of Transportation of such violation. In other words, if the Department of Transportation tells a person that what he is doing, or what is about to do, will violate the act and that person then in disregard of the Department's notice knowingly and willfully violates the act he may be subjected to a criminal penalty.

I want to report to the House that it was the concensus of the committee of conference that the Congress should in the early part of the next session consider whether to amend the National Traffic and Motor Vehicle Safety Act of 1966 to impose criminal penalties for violations of that act. The form in which criminal penalties are incorporated within this bill, S. 976, should not be interpreted as a determination that a similar provision would be appropriate in instances where safety requirements are violated.

The second substantive departure from the House bill relates to the authorization levels contained in title III of the bill. This title directs the Department of Transportation to establish demonstration projects to explore the feasibility of using diagnostic test devices to conduct safety and emission inspection of motor vehicles. The Senate bill provided an authorization of up to $200 million for this program. The House bill limited the total amount over 3 fiscal years to $50 million. There is obviously a considerable disparity between these two figures. The committee of conference has agreed to increase the House amounts by a total of $25 million. Accordingly, the authorization in title III will now permit spending of $15 million for fiscal year 1973, $25 million for fiscal year 1974, and $35 million for fiscal year 1976. I wish to emphasize that the increase of $25 million agreed to by the committee of conference is still far short of the Senate authorized amounts. In fact the increase is less than one-sixth of the difference between the House authorized levels and the amounts permitted under the Senate bill.

The statement of managers of the committee of conference, of course, notes all additional substantive areas in which the conference substitute differs from the House bill. I recommend, without reservation, that the House agree to the conference report.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Illinois, the ranking member of the committee.

Mr. SPRINGER. I do not want to delay this in the House, but I think this is important. This was the automobile standards bill, and at the beginning we ought to know what the provisions of the bill are, and I will run through them quite briefly.

First, the standard setting authority is confined to bumpers. Most of us will ask why that is, and I think principally it is because this is where the great weakness is in the damage that is caused in any automobile accident, and it is the bumper problem that we want to work on at this time.

Second, we provide for oral argument in the House version, as oral argument in the setting up of the rules with reference to that.

Then, the disclosure of trade secrets, as in the House version.

The other body would have industry-donated test cars; we provided the conference version would allow payment up to manufacturer's cost.

Certification requirements were modified to provide for rules and for certificates only as to bumpers.

The sixth point is: We specified that the bumpers should be practicable and allow for the use of bumper hitches; that is, the hitches that you use to hook something else behind the automobile.

I think one important provision is that the maximum civil penalty was raised from $400,000 to $800,000 for multiple violations.

We do provide criminal penalties, not in the House version, that were added in the same terms as used in the product safety bill. This requires prior notification of noncompliance and willful violation. I think we spent most of the time in conference on criminal violation, and that took us over to the second day.

The rest of the House bill remained intact, except for a compromise on authorizations for diagnostic center demonstration projects.

The other body had $200 million over 4 years, and the House had $50 million over 3 years, and the conference settled on $75 million over 3 years.

Mr. Speaker, those are the compromises we made, and I believe it is a good bill and the best one we could get. We were 2 full days on it.

Mr. Speaker, I recommend its passage.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF S. 1316, TO FEDERAL-STATE MEAT AND POULTRY INSPECTION

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1144 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 1144

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 27(d)(3) of rule XI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1316) to amend section 301 of the Federal Meat Inspection Act, as amended, and section 5 of the Poultry Products Inspection Act, as amended, so as to increase from 50 to 80 per centum the amount that may be paid as the Federal Government's share of the costs of any cooperative meat or poultry inspection program carried out by any State under such sections. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Smith) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1144 provides an open rule with 1 hour of general debate for consideration of S. 1316 to amend the Federal Meat and Poultry Inspection Acts. In addition, points of order are waived for failure to comply with clause 27(d)(3) of rule XI—3-day rule regarding supplemental, minority, or additional views in committee reports.

The purpose of S. 1316 is to increase from 50 to 80 percent the Federal Government's share of costs of any cooperative meat or poultry inspection program of any State. If any requirements are imposed by any State which are different from or in addition to the Federal requirements, Federal funds shall be withheld.

Additional costs of the program to the Government are estimated at $16 million, which projection was for fiscal year 1972.

Mr. Speaker, I urge the adoption of House Resolution 1144.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, as the distinguished gentleman from California (Mr. Sisk) has stated, this resolution, House Resolution 1144, provides for an open rule with 1 hour of debate for the consideration of S. 1316, to amend the Federal Meat Inspection Act. We waived the 3-day rule having to do with committee minority reports. The gentleman reserved the right, in making his statement before the Committee on Rules, to make a point of order, but, of course, any other Member would be safe if he did that.

Mr. Speaker, I am not too greatly enthused about this bill. Whether it is 50 percent or 80 percent, I do not know why they cannot take care of it in the State. I do not see why they cannot take it over, because they can certainly afford to spend $2 million in the State of California. After all, they get a great many millions of dollars out of the $31 billion that we will give them in our revenue sharing, and they can use it on that.

In any event, it seems that we want to go on and on and give more and more. This may cost us as much as $31 million.

Mr. Speaker, I have no objection to the rule, and I urge its adoption.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 984, U.S. PARTICIPATION IN INTERNATIONAL BUREAU FOR PROTECTION OF INDUSTRIAL PROPERTY

Mr. FRASER submitted the following conference report and statement on the joint resolution (H.J. Res. 984) to amend the joint resolution providing for U.S. participation in the International Bureau for the Protection of Industrial Property:

Conference Report (H. Rept. No. 92–1527)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 984) to amend the joint resolution providing for United States participation in the International Bureau for the Protection of Industrial Property, having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2 and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

On page 1, line 7, of the Senate engrossed amendments, strike out "4" and insert: "4.5".

And the Senate agree to the same.

D. M. Fraser,
Dante B. Fascell,
Managers on the Part of the House.

J. W. Fulbright,
John Sparkman,
Geo. D. Aiken,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 984) to amend the joint resolution providing for United States participation in the International Bureau for the Protection of Industrial Property, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Percentage Ceiling on U.S. Contributions

Senate amendments (1) and (2) are technical amendments to which the House agrees.

Senate amendment (3) added the following words at the end of the House bill "except that in no event shall the payment for any year exceed 4 per centum of all expenses of the bureau apportioned among countries for that year."

The House agreed to the Senate amendment with an amendment setting the figure at 4.5 per centum.

D. M. Fraser,
Dante B. Fascell,
Managers on the Part of the House.

J. W. Fulbright,
John Sparkman,
Geo. D. Aiken,
Managers on the Part of the Senate.

FEDERAL-STATE MEAT AND POULTRY INSPECTION

Mr. SISK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1316) to amend section 301 of the Federal Meat Inspection Act, as amended, and section 5 of the Poultry Products Inspection Act, as amended, so as to increase from 50 to 80 percent the amount that may be paid as the Federal Government's share of the costs of any cooperative meat or poultry inspection program carried out by any State under such sections.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 1316, with Mr. Symington in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. Sisk) will be recognized for 30 minutes, and the gentleman from Iowa (Mr. Mayne) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. Sisk).

Mr. SISK. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the principal purpose of S. 1316 is to change the ratio in connection with Federal-State sharing from 50–50 to 80–20.

There was adopted in the committee at the time of the consideration of this bill an amendment dealing with some problems that have been raised in connection with State requirements having to do with the process of labeling as to contents and so on.

There was an amendment proposed by the administration which was adopted which will, of course, be offered at the appropriate time as a committee amendment. As I say, this legislation is actually quite simple. It changes from the 50–50 percentage at present in connection with the equal sharing between the Federal and States in connection with cooperative agreements to the situation where the Federal Government would pay 80 percent and the State would pay 20 percent.

The legislation was brought about by the fact that the States were finding it very difficult to finance their inspection costs, and yet there was a continuing desire to participate in these cooperative agreements.

Actually, what was occurring was that there were a number of States finding themselves without funds, and were notifying the Department of Agriculture that they were going to throw in the sponge, so to speak, because they could not continue funding under the present program, and therefore, that the Federal Government would have to take over the total cost. And of course that is the situation in some of the States already where they have not been willing to pay the 50 percent.

It is generally felt that a number of these States under an 80–20 sharing program would again participate, and that they would work out cooperative agreements. In most cases the States feel that there are certain advantages to be gained by participating in these programs, and because they feel that particularly the small packers and those areas where you have small slaughtering plants and locker plants, and so on, are really in a little bit better shape than they would otherwise be.

So there is a considerable desire in a great many States to see this change brought about. As a result of that, the Committee on Agriculture, after due consideration, reported favorably on this piece of legislation, and of course we have it here before us today.

Mr. Chairman, I am in support of the legislation, and would hope that it would be adopted.

Mr. MAYNE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and members of the committee, when we passed the Wholesome Meat Inspection Act of 1967 the Congress very clearly reserved certain rights of inspection in intrastate matters to the State, and provided for a 50–50 sharing of the cost between the Federal and State governments in such State inspections.

Many of the States had very, very inadequate meat inspection at that time, and some had none at all, but in 3 years they have made tremendous progress and they are certainly deserving of congressional support in having brought their standards up to the Federal level, and this really is a great achievement in such a short time, and State inspection throughout the country now does guarantee wholesome meat to people in the small communities which are served by the State-inspected plants. There is only about 10 percent of the meat in this country that is so inspected because the great majority of it is packed and inspected in the plants of the large packers, like Swift and Iowa Beef Processors, and the others giants of the packing industry.

We are talking here and I am concerned in this bill about the small independent businessmen in very small rural communities who have no other slaughtering and butchering facility available to them except that of the State inspected plants.

This has been a very, very expensive thing for the States and they have testified at our hearings through the National Association of State Departments of Agriculture that they simply cannot go ahead on the present 50–50 basis. Twenty-five of the States, we were told by the witnesses from the National Association of State Departments of Agriculture, are in such a very critical financial situation that they will have to abandon State inspection unless there is a larger Federal contribution, the 80 percent contribution provided for in this bill.

Another 11 States are in a critical financial condition and may very well have to abandon State inspection.

Now while it is true that under this bill the Federal contribution will be raised to 80 percent, the alternative, ladies and gentlemen, is that if this bill is not passed, Federal inspection will have to take over 100 percent, because the record is clear that these States that now have State inspection are not going to be able to continue to bear the burden.

So it is going to save money for Uncle Sam to pass this bill, because the 80 percent provided by this bill is cheaper than 100 percent, which Uncle Sam would have to be paying if the bill is not passed.

And furthermore it is going to be 100 percent of a much larger amount—because Federal inspection is always more expensive. Anything that the Federal bureaucracy does seems to cost more money than what is carried on by State and local officials closer to home.

In my State of Iowa the cost of the State's share of inspection expense is now running about $400,000 a year out of a total of $800,000 and the Federal contribution is $400,000. If this bill becomes law, the Federal share would be 80 percent or $640,000 that the Federal Government would have to pay. That is much less than what you would wind up seeing the Federal Government paying if the Federals have to take over the inspection entirely, because the Federals cannot do it for $800,000.

There is no doubt that the Federal Government, with its proliferating bureaucracy and with more and more of these Federal inspectors coming in as they are now three and four and five at a time to harass small independent plants and running up large overtime charges, will find meat inspection costing it much more than the present $800,000 total in Iowa. It will probably cost at least a million dollars and perhaps $1.5 million to have 100 percent Federal inspection in the State of Iowa.

State inspection is much more adaptable to and understanding of the problems of our small communities. And believe you me rural America needs some help here. I am pleading with the members of this committee that we have got to do something for the small independent businessmen who are struggling to survive in these communities and the little locker plants that perform a very indispensable service not just to the people of the rural communities but to the farmers who can bring in their livestock and have a critter slaughtered and butchered and cut up and wrapped and frozen. They cannot get that kind of service from the large meat packers in the cities.

The State inspectors are local people who are veterinarians for the most part. They understand the needs of their communities much better than bureaucrats at the seat of government and apply a much more reasonable interpretation of the law which is entirely adequate. The small independent businesses are providing good, wholesome meat for the people of rural America, and we have just got to keep State inspection going so that they can continue to do so.

In my State alone 60 locker plants in little communities may well be forced out of business if the 80-percent–20-percent law is not passed by the House tonight. They do not feel they can survive under the very arbitrary and rigid Federal inspection which is designed for and appropriate to the large, modern packing plants but not to the little independent locker plants where everybody in the community knows what conditions are and keeps a personal scrutiny over the cleanliness and wholesomeness of conditions in such plants.

We must not let these independent small businesses which perform such a vital function go under because we were not willing to make this change which will keep State inspection systems operating.

Mr. Chairman, I have heard from many citizens in many small towns in my State of Iowa. I have a number of letters here. Some of them, true, are locker plant owners who see their life work threatened by the Federal Government takeover, but many of them also—I would say several hundred of these petitions—are from just plain people who are getting service that they will not get if the Federal Government takes over.

Mr. Chairman, and my friends of the House, if we do not pass this 80–20 bill, the States are going to have to abandon inspection. It is going to be taken over by the Federals, and it is going to cost Uncle Sam a whale of a lot more money than the 80–20 bill.

I urge all of the Members to vote "yes" on the bill.

Mr. SISK. Mr. Chairman, I yield to the gentleman from Louisiana (Mr. RARICK).

Mr. RARICK. Mr. Chairman, I rise in support of S. 1316, legislation to provide for 80 percent funding of the States under the Federal meat inspection programs.

The question, Mr. Chairman, is not the amount of money that this legislation will cost the Government, but rather we should consider the amount of money that will be saved if the Congress acts now to help the States finance meat inspection.

Mr. Chairman, continued State participation in these cooperative meat inspection programs is certainly desirable if we really mean what we say about Federal-State relations.

If the 80–20 funding is not passed, I shudder to think of the consequences to the consumers. Already too much Federal redtape and direct intimidation of State inspection programs has closed the door of many local and State meatpackers. If this bill is not passed, the day may well come when cities and even States may not have a single meat processing plant in operation. I for one do not believe the people of Louisiana are quite ready to be dependent on the packers of Chicago, Omaha, or New York.

If this bill is not adopted, many States are ready to surrender all meat inspection programs to the Federal bureaucracy at 100 percent Federal cost. The closing of more and more State meatpackers will not only result in complete Federal takeover of meat inspection programs, but will give a national monopoly to the national meatpacking concerns.

If the Members of this House think that the pressure from housewives disturbed at high meat prices is bad now, what can we expect when the national packers enjoy a federally protected monopoly?

I opposed the wholesale meat inspection bill in 1967 because I feared it was the blueprint for a Federal takeover and not truly a Federal-State participation. Opposition to this present bill confirms my earlier fears.

Passage of this legislation is in the best interests of the consumers and protects the economy and what little States rights that may be left.

I urge favorable consideration of the bill S. 1316.

Mr. SISK. Mr. Chairman, I yield 10 minutes to the gentleman from Washington (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, the gentleman from California (Mr. SISK) has, I think, given the impression that this is just kind of a routine housekeeping bill to raise Federal contributions for State meat inspection systems from 50 to 80 percent. On the contrary, I think it is one of the most important consumer issues that this Congress will act upon. In voting for this bill we will be taking a very strong step backward in an area where Congress, I think, in recent years has establihed a positive record.

In 1906 the United States established a Federal meat inspection system which is the best in the world. In terms of meat inspection systems, there is no system in the world that surpasses it. Until 1967 the States had a very sorry record in this same area. The law since 1906 has been generally this: That any packing, slaughtering, processing operation in meat or poultry which sells in interstate commerce, in the technical sense that sells a pound across the State line, must be Federally inspected. There is no choice about that. It has been the law for well over half a century. The only inspection that can exist by States is inspection of a product that does not move outside of the State boundary.

Before 1967 some States had no inspection system at all. Others had only voluntary inspection, and some had a technically well written inspection law, but none actually implemented that system to the standards of the Federal system.

The finest State meat inspection system by clear consensus prior to 1967 was that of the State of California. The testimony of the former director of that system, the present Assistant Secretary of Agriculture, Assistant Secretary Link was that in 1967 not even the State of California could be certified as "equal to" the Federal system.

In 1967 we authorized 50 percent cost sharing for those States that wanted to bring their meat inspection systems up to Federal standards. If they did not bring their systems up to Federal standards, then all meat processed in the State, either interstate shipped meat or intrastate meat had to be federally inspected. At present eight States and three territories have a totally federally inspected system.

The proposal here is to increase that cost sharing from 50 percent to 80 percent for those States that continue to operate State systems.

Why is this bill before us? I will tell members of the committee why it is before us. It is because many State directors of agriculture cannot convince their own legislatures that State meat inspection systems are worthy of support when half the bill is being paid by the Federal Government. They simply do not have an argument that is convincing with their own State legislatures. Because of that, because they are unable to convince their own State legislatures of the merits of continuing these State systems, at 50 percent of the cost, they are coming now and asking Congress to pay 80 percent of the cost.

In the revenue sharing conference report shortly to reach this body there is a limitation I believe of $2.4 billion on social services cost sharing which has been a major problem because it is being funded at 3-to-1 Federal-to-State dollars. Those programs have escalated geometrically in recent years as States have come from $400 million to $600 million to $1 billion to $3 billion, with future costs going through the roof.

Now we have a modest little proposal to have a 4-to-1 cost sharing on a State program. If we enact this legislation we are going to be asked to provide 80 percent cost sharing for the State fire protection systems and for State health systems and for State police systems. What a bonanza for the States to have 80 percent of a State program financed by the Federal Government. What an economy for the States to have eight out of every 10 dollars supplied by some other body raising taxes from a different source.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Chairman, I commend the gentleman from Washington on the statement he is making.

Mr. Chairman, the gentleman mentioned the progress on the revenue-sharing bill which, I assume, will soon be before us in the form of a conference report. That will provide that the States if they see fit could be drawing upon some of the revenues to be shared by that act to make up the difference between the 50 percent they are now getting and the 80 percent desired in this bill.

Mr. FOLEY. The gentleman is precisely correct. I supported the revenue-sharing concept but I am reluctant to see revenue sharing enacted giving the States the right to draw on these Federal funds for just such programs and then have us in turn come in and contribute 80 percent of the cost of the program.

Far from being an economy move as was suggested by the gentleman from Iowa, on the basis that contributing 80 percent is better than contributing 100 percent, this will have a contrary effect. Once this principle is established of having a State government function funded by the Federal Government at 80 percent, there will never be an end of the line. If we are going to accept this demand, how will we turn down other State agency requests which will be rushing in to share the bonanza? If we are going to put a limit on health or social services, cost sharing, recognizing that is a problem, and then we are going now to come along and open the door again with the State meat inspectors, where will it stop?

Mr. Chairman, I have no objection to the States having meat inspection programs. That is perfectly guaranteed under the 1967 act. We give them 50 percent of the cost of that if they want to maintain it, but if the State does not want to maintain the meat inspection system, if in the wisdom of their own legislature they want to give up maintaining the separate meat inspection system, why should we in Congress then contribute 80 percent of the cost to inveigle them into doing that?

The gentleman from Iowa suggested this is in the interest of the small meat packing local operations.

Nothing in the law justifies a single different standard between the Federal and the State systems. The gentleman seemed to imply to me that if we have a State meat inspection system, they would be a little easier. The States under the 1967 law must have equal standards. If they do not have equal standards, if they are not just as rigorous with the small plants as with the large; not just as vigorous in the State system as in the Federal, they are violating the law.

The Department of Agriculture, if it certifies such a system, is violating the law. Indeed, there is some question of whether the Department has not been a little eager to certify these State systems. The attitude of the Department is described as tolerant in our hearings.

There is presently being undertaken a

General Accounting Office audit to determine whether the Department of Agriculture has, in fact, properly certified some of these State systems. That audit will not be available until April of next year.

At the very least, we should postpone this legislation until such time as we have an opportunity to see the results of that State audit, which will also compare the efficiency of State and Federal meat inspection in several States.

Mr. Chairman, I think it is unfortunate that Members have gotten the impression from their State meat inspection system officials that there is something especially valuable about State meat inspections. There is no State in the Union, in my judgment, and I think on the record in the judgment of most people who have examined this question thoroughly, that there is a superior system than the Federal Government. There is no such State. The official testimony of the Department of Agriculture was that there was clearly no such State prior to 1967.

The federal system has been perhaps of all of our health legislation agencies, the pride of our country.

Mr. GERALD R. FORD. Will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I hope the gentleman did not mean to indicate that some States, one of which is my State of Michigan, do not have the higher standard than the requirements called for.

Mr. FOLEY. I meant precisely that. There are areas, individual requirements in some meat inspection systems, which are more rigorous than the Federal Government. Michigan has one on protein ingredient of hot dogs which is higher and more rigorous than the Federal standard.

My State, Washington, had one requiring viewing bacon in packages which the Federal Government has now adopted.

But, in my judgment, there is not a State, including Michigan, Washington, California, that overall, considering the level of training, and the efficiency of its operation, and the rigorousness of its protection of health and sanitation, that is even equal to the Federal Government, although many have been certified as such.

The proposal which lurks behind this particular legislation is a proposal to allow, as the Department of Agriculture has suggested, State meat inspection systems to move meat products in interstate commerce. If that occurs, we will have the death of the Federal meat inspection system. We will have a reversion of almost, now, 70 years of extremely beneficial Federal protection of our consumers.

Mr. MAYNE. Will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Iowa.

Mr. MAYNE. I am sure the gentleman from Washington would not want to inadvertently leave the impression that there is such a provision in the bill that will permit State-inspected meat to move in interstate commerce.

Mr. FOLEY. No. I want to certainly make that clear. It is not in the bill, having been rejected by the committee.

But, I am saying for the record, that I continue to be distraught, and I am distraught with the Department's incredible, incredible support for such a dangerous and ill considered proposal.

Mr. MAYNE. I yield 1 minute to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I should like to point out to the Members of the House that this is just one more instance of the States getting their hands deeper into the Federal till. If I were a wagering man I would wager that next year or the year after we will be asked to pay 100 percent.

In spite of the fact that my friend from Iowa has made a very strong plea for this bill, I question seriously whether there is a State in the Union which is in as bad a financial position as the Federal Government. I simply do not believe there are States which do not have the money to pay half of their inspections.

Mr. LANDGREBE. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I am glad to yield to the gentleman from Indiana.

Mr. LANDGREBE. Does the gentleman really believe with a Federal payment of 80 percent and a State payment of only 20 percent we will have more States rights and more States responsibility in this matter?

Mr. GOODLING. No, we will have less. The more money the Federal Government pours into any State the more jurisdiction it will have over that money.

Mr. LANDGREBE. Does the gentleman have any reason to believe the Federal inspectors are more competent and better equipped to make honest inspections of meat and meatpacking companies than State inspectors?

Mr. GOODLING. At the present time we have Federal inspectors in Pennsylvania just because the general assembly failed to appropriate the money. Prior to that time we had all local inspectors, and they were doing an excellent job.

Mr. MAYNE. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. PRICE), a member of the committee.

Mr. PRICE of Texas. Mr. Chairman, I should like to point out a few things regarding this bill, which I support very strongly.

This bill will create strong incentives for States which have developed inspection systems equal to the Federal system, to continue to operate and improve these systems.

Since late 1967, when the Federal Meat Inspection Act was amended by the Wholesome Meat Act, some 44 States have developed meat inspection programs equal to the Federal program. Nearly all of these States had grossly inadequate meat inspection programs 3 years ago. That they have been able to develop effective inspection programs in such a short period of time is a remarkable achievement. And most important, it clearly demonstrates their commitment to the partnership approach to Government that Congress has supported.

Unfortunately, the Wholesome Meat Act provides no incentive for States to continue their meat inspection programs; in fact, it provides a financial disincentive. A State must now bear 50 percent of the cost of carrying out its meat inspection program. But this cost may be totally eliminated simply by turning the program over to us. With the financial bind that is prevalent in State government everywhere, many Governors and legislatures are contemplating doing just that. By turning the whole thing over to the Federal Government, this would let the Federal Government pay all of the cost, instead of the States paying 20 percent, plus the fact that we would lose the State inspector versus the Federal inspector issue.

The issue is now under debate in a number of States. The legislatures from these States have informed the committee, during the hearings, that if they do not get the 80–20 percentage for the Federal meat inspection they are going to turn it over to the Federal Government and let the Federal Government run the whole thing.

California has notified the committee that if the funding formula is not changed the State will not be able to continue its meat inspection program beyond fiscal year 1972. Similar public comments have been made by the directors of agriculture in Washington and Wisconsin.

The Meat Inspection Advisory Committee, which is composed of representatives of State departments of agriculture, recently passed a resolution supporting an increase in Federal funding to not less than 80 percent of the cost of State inspection programs.

We are quite confident that on an 80–20 funding basis most States will continue their programs, and we are equally confident that there will be a rapid decline in the number of State inspection programs under the present 50–50 ratio.

On the basis of 44 "equal to" States, total State inspection costs during fiscal year 1972 are estimated—now, get this—total State inspection costs during fiscal year 1972 are estimated at $53.2 million.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAYNE. I yield 2 additional minutes to the gentleman from Texas.

Mr. PRICE of Texas. Mr. Chairman, the Federal share of this, under the 50–50 formula, will be $26.6 million. Under the proposed 80–20 formula, Federal costs would be $42.6 million—an increase of $16 million, but considerably less than the cost of 100-percent funding that will be required if States begin to terminate their inspection programs.

The Federal Meat Inspection Act clearly indicates that it was the intent of Congress to give the States an opportunity to protect the consumer in that portion of the meat supply producing plants operating in interstate commerce. Only if the States failed to act was the Federal Government to step in and assume direct responsibility for inspection.

We wholeheartedly agree with this

State-Federal partnership approach, because it encourages local incentive and decentralizes decisionmaking and discourages growth to unmanageable proportion of the Federal Establishment.

The Office of Management and Budget advises us that there is no objection to this legislation; the Department of Agriculture has no objection to it. The committee in the House of Representatives estimates in the fiscal year 1973, 80 percent of the cost of meat inspection would exceed 50 percent of such cost by $17.3 million.

And so I think that we cannot allow vital programs like this to fall by the wayside or allow improperly inspected meats to reach the marketplace, nor can we afford to allow the Amalgamated Meat Cutters and the unions throughout the United States and the large packers to squeeze the middleman in the rural communities of America celar out of the meat business, as they are trying to do, and completely organize the meat industry throughout every one of these States. That is exactly what will be done if we do not pass this bill.

Of course, the strongest opposition to the measure is coming from the Meat Cutters Union Lobby, which is working to unionize small packing operations—a move which would virtually put the small operator out of business. The unions do not want stronger Federal and State inspection of the product they are processing, and I regard this as a hazard to the health of the consumer.

Mr. MAYNE. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois (Mr. FINDLEY) a member of the committee.

Mr. FINDLEY. Mr. Chairman, the points at issue in this proposal, I think, have been ably covered by previous speakers. Only one aspect perhaps has been left somewhat muddied, and when I have finished speaking, it may remain just that way. That is the attitude of the administration.

When the bill was first considered in the committee, the administration sent a letter to the committee indicating its support for the bill if—the "if" was a big one—if a provision was added to the bill which would permit State-inspected meat to move freely in interstate commerce.

This was based on the assumption that State-inspected meat is indeed equal to federally inspected meat. The simple, bare fact is that State inspection is not always equal to Federal inspection. That is a general proposition that can be established in many States. There are exceptions, but generally that is true.

As that fact became more evident during the committee's considerations, the support for such an amendment as requested by the administration waned. So I think the only conclusion we can reach at this moment is that the administration does not support the legislation now before us.

That is the latest written expression on the part of the administration.

The Federal Government, in passing the Wholesome Meat Act of 1967, encouraged States to develop and improve meat inspection systems by providing 50 percent of the funds to cover costs.

When this bill was passed, Congress was speaking clearly for the Nation's consumers who demanded, and deserve, wholesome meat.

The cost-sharing provision of the act was so designed to encourage the upgrading of State programs without infringing on the State's right to conduct their own meat inspection systems.

If this bill is approved, we will be moving very close to complete financial takeover of all the States' systems, a situation we tried to avoid with the Wholesome Meat Act. With financial takeover, close Federal regulation and control certainly will follow.

Federally run meat inspection systems in States not wishing to conduct their own programs is essential. The mandate for closely inspected meat is clear. But the decision on who will conduct meat inspection clearly is in the hands of the State legislatures. If States wish to continue meat inspection programs on a basis "equal to" Federal standards, they presently must be willing to provide half the needed funds. I am confident many will continue this course.

Those not willing to provide the funds will, by default, allow Federal takeover on a piecemeal basis. Obviously, State meat inspection is not high on their list of priorities.

States are not the only governments which suffer from extreme budgetary difficulties. In fact, no State is in a budgetary hole as deep as that of the Federal Government.

I am not advocating a complete Federal takeover of all meat inspection programs in the country. But I do believe a Federal takeover of the programs in those States not providing half the funding is preferred to a de facto takeover of the programs in all the States, a situation that would occur under the 80-percent Federal funding proposed in this bill.

This bill should be rejected.

Mr. HALL. Will the gentleman yield?

Mr. FINDLEY. Yes. I yield to the gentleman.

Mr. HALL. Would the gentleman be willing to say that whether it is meat inspected by the Federal Government or by the States, it is all better than the meat that is being imported, including uncooked from Mexico?

Mr. FINDLEY. The U.S. Department of Agriculture has been expanding its system of surveillance of inspection and examination at the ports of entry of meat coming in from abroad. I would say that probably the standards imposed by most States of the Union are superior to the standards imposed by most foreign countries exporting to the United States, but I also ought to acknowledge that just as there has been dramatic improvement in State inspection as well as Federal inspection in the last few years, there has been an equally dramatic improvement in the quality of inspection of imported meats. This is also going forward rather substantially.

Mr. HALL. I appreciate the gentleman yielding and I appreciate his comments.

I happen to know about the 17 overseas inspection stations of our veterinarians of the Federal Government and the 37 at our coastal ports of entry, but the fact of the matter is that much meat comes in that is uninspected or unstamped before distribution, or is accepted on the basis that it was inspected by "equal to" and approved inspections of the other sovereign nation prior to its departure. We have long since gotten away from shipping it in here as only third-grade meat sealed in hermetic containers for use and processing in other than food consumption in this Nation. I imagine that a lot of this money should be spent on improving and marking imported meats rather than on what we are doing.

Mr. FINDLEY. I think there is room for improvement in the surveillance of the quality of imported meats, but nevertheless it leaves the point that I made earlier still valid.

Mr. HALL. I agree, and thank the gentleman, my friend from Illinois.

Mr. SISK. Mr. Chairman, I yield 3 minutes to the distinguished chairman of our subcommittee, the gentleman from Texas (Mr. PURCELL).

Mr. PURCELL. Mr. Chairman, a great deal has already been said about the merits and demerits of this bill. I am privileged to be the chairman of the subcommittee that this bill came out of, and I do not think this bill is necessary.

The Meat Inspection Act that we amended here passed in 1967 and it has made great strides forward. At that time the States were brought into the act by their having to put up 50 percent of the cost of their inspection programs. Now a few years later we see them coming back and wanting added money, and as several speakers have pointed out, it just will lead to 100 percent Federal expenditure with the States deciding how they will spend the money. I think that is a correct observation.

This is a legitimate difference of opinion. There is not a good argument that can be made, I think, as to whether State inspectors are better than Federal inspectors. To me this is not really the main point that should be made. We do have generally very, very good inspection laws in our States and in our Federal Government, but it should be observed, I believe, by anyone who has studied this matter that the States have not kept up with the Federal Government and it will take another few years in order to know whether the State programs are truly equal in reality to what they are certified to be or whether they are only equal on paper.

We have only had this law a few years. There is a matter of detailed training to get adequate inspectors. The States are working diligently toward that end. To have them come back now and say after only a very few years of operating under this act that we want more and more Federal money for doing the same thing that we agreed to do for 50 percent of the money a few years ago to me is not a realistic request.

So I will just say, without belaboring the point, that we do not need this bill. I think we can either put it under a true participation basis on a 50–50 basis or else we could say that it is absolutely up to the States and that is all that is required.

The States are coming to us, saying

they are short of money. The U.S. Government is short of money. We are not any more able to furnish money to the States than they are to furnish it for themselves, and many are much more able to raise money for this than the Federal Government is.

So I would just hope that this bill is not approved.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. PURCELL. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, I would ask the gentleman from Texas under the 50–50 program that now exists, or under the 80–20 program as proposed in this bill, who hires the inspectors? The State or the Federal Government?

Mr. PURCELL. Under the State inspection program the States hire the people; they train them to meet certain minimum criteria, and they are paid 50 percent with Federal money and 50 percent with State money, but the State hires them.

Mr. HUNGATE. Is the gentleman aware of any program for the States to pay 80 percent where the Federal Government selects the employees?

Mr. PURCELL. I am not aware of any such program and I believe that certainly it is a pretty safe statement to say that there is no such inspection program in any State.

Mr. HUNGATE. I thank the gentleman.

Mr. MAYNE. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas (Mr. SEBELIUS) a member of the committee.

Mr. SEBELIUS. Mr. Chairman, I would like to express my support for an increase from 50 to 80 percent in the Federal Government's share of the costs of any cooperative meat or poultry inspection program carried out by any State.

Since late 1967, when the Federal Meat Inspection Act was amended by the Wholesome Meat Act, some 47 States have developed meat and/or poultry inspection programs equal to the Federal program. Many States had inadequate meat inspection programs 4 years ago. That they have been able to develop effective inspection programs in such a short period of time is a remarkable achievement. Most important, this was accomplished at considerable expense to the States involved and clearly demonstrates their commitment to the partnership approach.

Unfortunately, the Wholesome Meat Act provides no incentive for States to continue their meat inspection programs. In fact, it provides a financial disincentive. A State must now bear 50 percent of the cost of carrying out its meat inspection program. Many State government officials are asking why it should be necessary for State governments to pay 50 percent of inspections costs when the Federal Government makes all the rules and regulations. With the financial bind prevalent in State government everywhere, many Governors and legislatures are contemplating simply turning the program over to the Federal Government and withdrawing all financial support. This has already occurred in 20 States and territories.

I feel we have a unique opportunity to recognize State contribution and to eliminate another costly Federal takeover by passing S. 1316, to fund State meat and poultry inspection programs on an 80–20, Federal-State, cost-sharing basis. I am quite confident that on an 80–20 funding basis most States will continue their programs. I am equally certain that there will be a rapid decline in the number of State inspection programs under the 50–50 ratio. In other words, this legislation would reduce the burdensome costs of a Federal takeover and would maintain the Federal Government's commitment to the partnership that was established when the State inspection program was enacted.

Just as important, it is apparent inspection programs can be administered much more economically and efficiently from the State level than from Washington. Because of geographical location, State officials usually have a better first-hand acquaintance with people and the local situation. They are more accessible when it comes to problem solving than are Federal officials. In most cases, the small operator's very survival may depend on enactment of this bill.

My district lost about half of its locker plants after the passing of the 1967 act. I do not want to lose the balance of them because of their unwillingness or inability to shift to Federal inspection.

I wholeheartedly endorse the 80–20 Federal-State, cost-sharing approach for State meat inspection programs and ask my colleagues to support S. 1316.

Mr. SISK. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. Mr. Chairman, if we really had equal protection under a State and the Federal inspection system, then the only real question is Who writes the check for the inspectors? It will take the same number of inspections to do the same job.

There is a very bad provision in this bill which was referred to previously and I will not refer to that again regarding preventing States from going further than the Federal protection in any area.

But I want to cover briefly some other points. I want to say first of all that I am one who believes that the Federal Government cannot cover all jurisdiction in the inspection field. That is one reason why in 1962 I was the author on the House side of a bill to encourage the States to improve their inspection systems; that bill provided methods whereby we would help the States to train inspectors.

That bill was almost unused until 1967 when the hot air started blowing down their back and they decided they would use it. Then we passed the 1967 law, and it gave them 5 years to comply with the law. That 1967 took Federal jurisdiction down as far as the retail level.

The real question here is, What jurisdiction do we leave to the Federal inspectors and what to the State inspectors? In the 1967 act, we clearly left the retail level of inspection to the State inspectors.

But in the case of certain small slaughtering plants it can be one or the other.

It has been 5 years since this law was passed and the States generally do a very, very inadequate job if anything at all on the retail level.

So the point is if a State needs this other 30 percent provided in this bill in order to inspect some of the small slaughtering plants, they certainly need the other 20 percent they are going to use in order to do a job on the retail level. If they are that hard up, they need all the money they now use on slaughtering plants and should let the Federal inspectors inspect the small plants.

If every State is spending less now than it would cost the Federal Government, then they must be paying less for inspectors and in general this means they cannot pass the Federal test so as to get a better job as a Federal inspector. And traditionally this is true. State inspectors have traditionally been mostly political hacks. They have been upgraded to some extent lately—but most of the ones who are good enough to pass the Federal tests go down and take the Federal test and they get a Federal job. They do not stay in the State inspection system. This means that the States are constantly dealing from the bottom of the barrel.

Some of the States have had schools to train them and some of them do a pretty good job—and then they go over to the Federal side and the States are constantly trying to recruit somebody to take their place.

The trouble is that some of the smaller plants are being harassed. These inadequate State inspectors do not know for sure what the man should do to straighten up the plant and they are afraid to tell him for fear they will be found to be wrong, so they will not tell him. And some time later the Federal inspector comes along and tells him what needs to be done. In the meantime, perhaps another State inspector also came along and gave him a different decision. Because they are not sure of themselves in the main, many State inspectors are not willing, therefore, to say exactly what needs to be done and these small plant operators are not being given an opportunity to know precisely what needs to be done so that they can go ahead and do it. They are entitled to know positively what is necessary to come up to adequate standards.

So what we find here is that the local plants themselves are better off when they have Federal inspection because then the Federal inspector comes and in the first instance he tells them precisely what needs to be done in order to comply. In that case, they do not have this harassment that comes about as a result of the State inspectors coming and telling them one thing and then the Federal inspector coming later and telling them something else.

For the sake of better inspection of meat, should we not want to work against the trend underway which encourages the States to do a better job at the retail level and leave the slaughter houses to Federal jurisdiction. This bill is designed to encourage those with inadequate funds to stay in the area where they do not need to be rather than moving into more adequate retail inspection.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Texas.

Mr. KAZEN. I hope that the gentleman is not making a blanket reference to every State in the Union in his remarks just made?

Mr. SMITH of Iowa. All you have to do is look at the salary scales of any State and you can see that the salary scales are lower than the Federal salaries. Obviously, if a man can pass the Federal test, he is going to take a job there and he can do that without even leaving the State. So why would he not do it? In general, most Federal inspectors are better qualified than the State inspectors. When a State inspector becomes qualified, he will take the test and become a Federal inspector.

Mr. KAZEN. Not necessarily—not necessarily.

I am calling the gentleman's attention to the fact that just this last Sunday I visited our State Inspector School that is located in my district in the city of Yoakum. I was very impressed with their building and laboratories and their instructors and the type of training they are giving the State inspectors. It is one of the finest schools in the country. And I venture to say that within the next 3 or 4 months the gentleman will find out that the inspection that is being done by these now professionally trained inspectors is just as good as the Federal employees will do anywhere in the country.

Mr. SMITH of Iowa. If they would expend that expertise, whatever it is, inspecting on the retail level, they would do the people of Texas a lot more good.

Mr. MAYNE. I have no further request for time, Mr. Chairman.

Mr. SISK. Mr. Chairman, I do not have further requests for time.

I simply take this opportunity to make a couple of quick comments. There have been questions raised about cost, and so on. The facts are, of course, in connection with costs, that if we do not make this change in ratio to the 80–20, in most cases I would say, we will probably wind up with all of the States simply dumping the situation back in Federal hands and the Federal Government will pay 100 percent. There is no rationale whatsoever for the fact that there is going to be any saving by retaining the so-called 50–50. The States simply are not able to meet that 50–50 requirement.

I might say that there have been a number of other points raised that I think we could very well discuss. However, at this time, Mr. Chairman, I have no further requests for time and I yield to the gentleman from Iowa.

Mr. MAYNE. Mr. Chairman, I do have a further request for time. I yield 4 minutes to the gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Mr. Chairman, I want to make some observations relative to this bill and amendment under consideration. In the State of Minnesota I am frank to admit that we did not move out as fast as we should have on State inspection. As a result, under the Federal law the Federal people moved in. I want to say that some of the action that has been taken by Federal inspectors has been most devastating. I stopped in a small town, Elysian, Minn., and there I found a little country store that had a little shop in their back room where they slaughtered for the farmers and froze the meat and packaged it. A Federal inspector came in there and started making demands, and finally, unfortunately, the owner of the store asked the inspector to leave.

The inspector said, "I will not be back, but you are closed up as of now." Farm folks will then have to go back to slaughtering their own meat and another small industry goes down the drain.

I stopped down at Waldorf, Minn., at a nice little plant that had been redone as requested and every attempt had been made to meet all of the standards. After everything had been done, the owner was told:

> You have got to have a stainless steel meat mixer here. A very expensive piece of equipment.

Then the sausage stuffer was not stainless steel. That had to be stainless steel, another extremely expensive piece of equipment. The profits in this little place would not make it possible for him to be able to meet the cost that the Federal inspectors demands would require.

My friends, I just want to say that if there is anything in this bill that is going to make it possible for the States to do a better job and to employ the personnel, I would be for it—and I am going to vote for this amendment and the bill. I want to say that the Federal Government has demanded of the States personnel in numbers that exceed the number of men that they have put in the States, so it seems that we have two sets of rules.

I just feel that we have learned a lot with OSHA; we have learned a lot with this meat inspection; and I think the Committee on Agriculture came out with a good bill to start with that was amended on the floor, and some of us who supported the committee were accused of being in favor of dirty meat. However, I want to say that some of the things that have gone wrong have gone so far that rural America cannot survive with some of the rules and regulations that some of these Federal boys exact upon the small towns of America.

I think all of us who talk about the family farm and who talk about small towns and who talk about rural America need to look at some of the rules and regulations and strongarm methods that destroy rural America.

Mr. Chairman, I hope this bill passes.

Mr. GUBSER. Mr. Chairman, I favor passage of S. 1316. This bill would provide 80-percent funding of meat inspection by the Federal Government for those States with a system which is at least equal to the Federal system. California, with a system which is recognized as a leader in the Nation virtually needs this assistance to maintain its excellent program. It is in the best interests of the consuming public that this superior inspection system, after which the National Meat Inspection Act was patterned, be preserved.

Decentralization of the meat inspection program through competent State agencies is the most effective way of making the consumer protection aspects of the Wholesome Meat Act a reality for all Americans. Without this bill, a burden of funding State meat inspection programs will be placed on the Federal Government in entirety as States relegate their responsibility for the program to the Federal Government.

This bill insures protection of the consumer; it has the advantage of assisting the meatpacking industry through decentralized administration; it will financially assist State governments; and, it will prevent the necessity of the Federal Government having to eventually take over 100 percent of the cost.

This bill should pass overwhelmingly.

Mr. MAYNE. Mr. Chairman, I have no further requests for time.

Mr. SISK. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the second sentence of paragraph (3) of section 301 (a) of the Federal Meat Inspection Act, as amended (21 U.S.C. 661(a)(3)), is amended by striking out "50 per centum" and inserting in lieu thereof "80 per centum".

AMENDMENT OFFERED BY MR. KYL

Mr. KYL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. KYL: Page 1, line 6, at the end thereof insert the following: "If a State meat inspection plan has been approved by the Secretary pursuant to the provisions of this Act, Federal inspectors shall report results of their inspections of State-regulated plants directly to the State administrative agency and shall not issue any directives or orders, either written or oral, to the operators of the plants so inspected."

PARLIAMENTARY INQUIRY

Mr. MAYNE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Iowa will state his parliamentary inquiry.

Mr. MAYNE. Mr. Chairman, I believe there are several committee amendments. Would they not be in order first and then the amendment of the gentleman from Iowa be out of order unless deferred until after the committee amendment has been disposed of?

The CHAIRMAN. The amendment offered by the gentleman from Iowa is to section 1 and it is thus in order at this point.

The gentleman from Iowa is recognized.

Mr. KYL. Mr. Chairman, under the basic Meat Inspection Act the States were given a prerogative. They could establish a State inspection system equal to the Federal standard with approval given to the system by the Secretary, or they could turn the inspection within their State over to the Federal inspection system. In other words they had a choice.

As the gentleman from Washington

said, there is absolutely nothing in the basic law which says that there shall be a difference in the quality between the two acts, that all regulations would be the same. The regulations are as strict under a State-approved program as they are under a Federal program. That is the law.

So under that basic act many of the States decided to have their own inspection systems with 50-percent Federal funding. They had a choice, one or the other.

But it does not work that way, what we have now where we have a State-approved system is at minimum, a dual system. Each one of the plants is inspected by the State officials, each one of these plants is inspected by the Federal officials, and sometimes the thing is almost carried to absurdities. In one case, in a small plant in my district, an operator was first inspected by a State inspector, then by a Federal inspector, and then by a gentleman from the Inspector General's Office. On the fourth day he was visited by a person from the General Accounting Office trying to find out if the act was being administered according to law. We have obvious duplication in this system.

If this State system is equal to the Federal, why do we need two systems? It is the State system which should be inpected by the Federal official. Otherwise we have two duplicative systems and two costs. And when the State and Federal men both deal directly with the individual operator, he cannot serve both masters if their decisions are different.

It does amount to harassment when this individual is forced on successive days or weeks or months to try to operate according to different interpretations of the law.

What this amendment does is this. If the State has an approved system, then the Federal inspector who inspects a plant under that system reports his findings to the State agency. He does not give directives to the operator of that plant. That Federal inspector's job is to see that the State law is being enforced in a manner equal to the Federal law. That is all there is to it. It is absolutely reasonable.

I want to call attention to the fact that we get a similar situation each time we pass a law of regulation in any field.

Many States are experiencing the same thing with their OSHA laws, where instead of having to please one system or the other, you have at least two systems. I think all the logic is in favor of having one system if that be the choice, Federal or State, but the duplication and harassing does not cause any better inspection of that individual plant.

This amendment ought to be adopted.

Mr. FOLEY. Mr. Chairman, I rise in opposition to this amendment.

As I understand the amendment, it would place the Federal meat inspecting system of the State under the jurisdiction of the State meat inspection system.

Mr. KYL. No.

Mr. FOLEY. I ask the gentleman a question: If you have a plant that is in interstate commerce, that must under law be Federally inspected, and the State meat inspection system also exists, they choose to inspect or reinspect that interstate plant under State law——

Mr. KYL. This amendment, if the gentleman would yield, concerns only those plants which are under the State plan, under the administration of the State authority and not under the Federal.

Mr. FOLEY. Is the gentleman not proposing that interstate plants would be subject to State meat inspection?

Mr. KYL. No, the amendment does not propose that the State would move into any area of inspection in addition to what they have at this point, of course.

Mr. FOLEY. Is the content of this amendment specifically to exclude all plants required to be Federally inspected under law?

Mr. KYL. Absolutely.

Mr. FOLEY. Does the purpose of this amendment exclude reports by Federal meat inspectors of State-inspected plants to the U.S. Department of Agriculture?

Mr. KYL. If the gentleman will yield, I will read the exact language:

> If a State meat inspection plan has been approved by the Secretary pursuant to the provisions of this Act, Federal inspectors shall report results of their inspections of State-regulated plants directly to the State administrative agency and shall not issue any directives or orders, either written or oral, to the operators of the plants so inspected.

It does not reduce the Federal jurisdiction. It simply says that if a State has made the option of operating a State plant, it may have State inspection; not Federal plus State plus GAO plus IGA and so forth and so on.

Mr. FOLEY. As I recall, the 1967 act permitted a Secretary to order the immediate closing of any plant inspected by the State which was an imminent danger to health. Would this amendment prohibit that, permit immediate action by the Federal inspector to close such plants?

Mr. KYL. If the gentleman will yield, if there is a plant which is subject to State inspection and not subject to Federal inspection because of any interstate character, the Federal inspector would not be able to close that plant by giving a directive to the operator of that plant.

He can go to the State agency which has charge of the State meat inspection system and file his complaint there.

Mr. FOLEY. I thank the gentleman. I think this is one of the problems which I am glad the gentleman clarified.

I think one of the problems with his amendment is the 1967 act, which. to my recollection, permits the immediate closure of any plant the Secretary or his employees determines is an imminent hazard to health.

Under the gentleman's amendment, the only way to do that, if the State refused to close the plant, would be to decertify the entire State. I think that is a very cumbersome and unnecessarily circuitous way to reach this problem.

Mr. SMITH of Iowa. Will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. And to decertify, the State takes months.

Mr. FOLEY. Yes.

Mr. SMITH of Iowa. So, if there were a plant presented in imminent danger to health, they would be unable to close it. As a matter of fact, if the State wanted to relax the requirements for all plants, it might be 6 months, so the people of that State would not have any products.

Mr. FOLEY. I believe the result of this amendment would be to remove a vital protection of the 1967 Meat Inspection Act, to insure that no plant which is felt to present an immediate hazard to health remains in operation.

Mr. MIZELL. Mr. Chairman, will the gentleman yield briefly?

Mr. FOLEY. I yield to the gentleman from North Carolina.

Mr. MIZELL. I know the gentleman in the well is well versed as to what are the requirements now, before a State even can be authorized to have an inspection. Is it not required that the State have at least as stringent a requirement as the Federal Government?

Mr. FOLEY. Technically, yes. I do not believe that has been the result.

If the gentleman wants to press me for my opinion, I must admit to great skepticism that many, if any, States reflect the standards set by the Congress.

The Department has admitted in public testimony that in their certifications of State meat inspection systems they have been "tolerant" of the standards of meat inspection. The word is "tolerant."

There is presently a General Accounting Office audit to determine if, in fact, those State systems have come up to an equal standard. The technical fact is that the Department has certified them as such. Some of us have great doubt that was done properly.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. The point is that even if they were actually up to the Federal standards there would be no way of keeping them there unless there were the right to a spot check and the right to close the plant.

Mr. FOLEY. It is necessary to have a right to make a spot check and a right to close down the plant when there is an imminent danger to health. They might have some diseased meat. Anthrax, for example, could cause death.

Mr. MIZELL. Mr. Chairman, I rise in support of this amendment. I take this time merely to ask the gentleman from Iowa (Mr. KYL) a couple of questions, so that we might better understand his amendment.

Is it the intent of the amendment to permit Federal inspection by the Federal inspectors but, if they find that the plant is not up to the Federal requirement, that they would file their complaints with the State agency which has jurisdiction over those particular plants?

Mr. KYL. Absolutely. If there is anything wrong with that plant, such as having anthrax and all these other horrible things mentioned, I can assure the gentleman the State could close that plant as quickly as it had to be closed.

Why have a State inspection system if we also have a Federal system at the same time? This is ridiculous. This means funding two systems, not one.

If the State has a choice, and has a system which is equal, why is that not sufficient?

The gentleman from Washington surprises me. Only a few moments ago he said there was nothing in the law which permitted a State act or State regulation to be anything less than the Federal. Now he comes here saying, "Well, the State system is not as good as the Federal."

If it is not that good, the plant should not be approved in the first place. This does not preclude the Federal inspection to see that the State system is up to standard. They can do that. But it would stop the harassment which occurs daily throughout the country, where the State inspector says, "Put soap on your floor," and the Federal man comes in and says, "Put powder on your floor." That is what goes on every day.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. MIZELL. I yield to the gentleman from Washington.

Mr. FOLEY. I should like to address a question to the gentleman from Iowa. Since the gentleman mentioned my name I want to clear up my statement. I hope the gentleman understands I am profoundly suspicious of the official designations that have been made by the Department of Agriculture. The gentleman may remember, in addition to the General Accounting Office audit, we have not been able in the Committee on Agriculture to receive from the Department, even with the Freedom of Information Act, the specific State reviews made by that Department. They have had to be the subject of a court order, to obtain those reviews. I suggest the reason is the Department is afraid that a public audit of its actions in certifying State systems would show in fact there was not an adequate basis to show that they were certified as equal.

Mr. KYL. Will the gentleman yield?

Mr. MIZELL. Yes, I yield to the gentleman.

Mr. KYL. If this situation is true, then we ought to be here changing the act in respects other than the ones we are changing.

In the absence of delineation of any of these facts which the gentleman alleges, we cannot make any decision on that at this point.

Mr. FOLEY. Will the gentleman yield?

Mr. MIZELL. I yield to the gentleman.

Mr. FOLEY. I would just like to point out that is exactly right, Mr. Chairman. We should not be attempting to legislate in this sensitive area until the audit of the General Accounting Office as such is available to us, and it ought to be available in March or April of next year. We do not know, if we are acting on the gentleman's amendment, if it is at the risk of the State's system because we do not know exactly what their attitude is.

Mr. MIZELL. Mr. Chairman, I would like to say to my colleagues, I understand the amendment offered by the gentleman from Iowa, and I think it is a good amendment. I think it will eliminate the double harassment of the owners of these plants within the States.

If the Federal inspector has any question about whether they come up to the standards or not, he has a perfect right to go in and inspect the plant and then to file his complaint with the State. The State, in turn, would be required to follow through and make sure the plant meets all the requirements. This would eliminate most of the confusion.

Mr. KYL. Will the gentleman yield?

Mr. MIZELL. I yield to the gentleman from Iowa.

Mr. KYL. I will point out for the RECORD that this amendment which I have offered does not supersede or impair title IV or any authority of the State to prohibit or enjoin the distribution of unwholesome meat. It does not go to that point whatsoever.

Mr. SISK. I move to strike the last word.

The CHAIRMAN. The gentleman is recognized.

Mr. SISK. Mr. Chairman, I do not find a great deal to be concerned about in connection with this amendment. However, representing the committee, I, of course, could not accept this amendment on behalf of the committee.

Frankly, this legislation originated for one purpose, and one only, and that is evident from the fact the other body has passed this legislation, and the only provision in it has to do with the fact that it changed the ratio from 50–50 to 80–20 in connection with the costs.

My only concern here tonight at this late hour is, of course, to the extent we might attempt to load this down with additional amendments and thereby endanger the final approval of the legislation.

Mr. Chairman, I would ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KYL).

The question was taken; and the chairman being in doubt, the committee divided, and there were—ayes 60, noes 37.

TELLER VOTE WITH CLERKS

Mr. FOLEY. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. FOLEY. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the chairman appointed as tellers Messrs. KYL, SMITH of Iowa, FOLEY, and MIZELL.

The Committee divided, and the tellers reported that there were—ayes 188, noes 149, not voting 93, as follows:

[Roll No. 409]

[Recorded Teller Vote]

AYES—188

Abbitt
Anderson, Tenn.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Baker
Belcher
Bennett
Betts
Blackburn
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Cabell
Caffery
Camp
Carlson
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Collier
Collins, Tex.
Colmer
Conable
Conover
Coughlin
Crane
Daniel, Va.
Davis, Ga.
Davis, Wis.
Dellenback
Dennis
Derwinski
Dickinson
Dorn
Downing
Duncan
du Pont
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fish
Fisher
Flowers
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fuqua
Goldwater
Gonzalez
Goodling
Griffin
Grover
Gubser
Haley
Hall
Hammerschmidt
Hansen, Idaho
Harsha
Harvey
Heinz
Henderson
Hillis
Hogan
Horton
Hosmer
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jones, N.C.
Kazen
Kyl
Landgrebe
Latta
Leggett
Long, La.
McClory
McCloskey
McCollister
McDade
McKevitt
McKinney
Mailliard
Mallary
Mann
Martin
Mathis, Ga.
Mayne
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Montgomery
Morgan
Myers
Nelsen
Passman
Patten
Pelly
Pickle
Pirnie
Powell
Price, Tex.
Quie
Quillen
Randall
Rarick
Roberts
Robison, N.Y.
Rogers
Rooney, Pa.
Rousselot
Roy
Ruppe
Ruth
Sandman
Satterfield
Saylor
Schneebeli
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Talcott
Teague, Tex.
Terry
Thompson, Ga.
Thone
Ullman
Vander Jagt
Veysey
Waggonner
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wyman
Yatron
Young, Fla.
Young, Tex.
Zion
Zwach

NOES—149

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Ashley
Aspin
Badillo
Barrett
Begich
Bergland
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Carey, N.Y.
Carney
Chisholm
Cleveland
Collins, Ill.
Conte
Conyers
Corman
Cotter
Curlin
Daniels, N.J.
Danielson
Dellums
Denholm
Dent
Dingell
Donohue
Dow
Drinan
Dulski
Eckhardt
Edwards, Calif.
Fascell
Flood
Foley
Ford, William D.
Fraser
Garmatz
Gaydos
Gibbons
Grasso
Green, Pa.
Gude
Hamilton
Hansen, Wash.
Harrington
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hicks, Wash.
Holifield
Howard
Hull
Jacobs
Johnson, Calif.
Jones, Tenn.
Karth
Kastenmeier
Keating
Kee
Kemp
Kluczynski
Landrum
Lent
Link
Long, Md.
McFall
Madden
Mahon
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Mills, Ark.
Minish
Mink
Mitchell
Monagan
Moorhead
Natcher
Nedzi
Nix
Obey
O'Hara
Perkins
Pettis
Pike
Poage
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Purcell
Railsback
Rangel
Rees
Reuss
Rodino
Roe
Rosenthal
Rostenkowski
Roush
Roybal
St Germain
Sarbanes
Scheuer
Seiberling
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Steele
Stokes
Sullivan
Taylor
Tiernan
Udall
Van Deerlin
Vanik
Vigorito
Waldie
Whitten
Wilson, Charles H.
Wolff
Wydler
Yates
Zablocki

NOT VOTING—93

Abernethy
Abourezk
Annunzio
Aspinall
Baring
Bell
Bevill
Blanton
Blatnik

Bow
Broyhill, Va.
Byron
Celler
Clark
Clay
Culver
Davis, S.C.
de la Garza
Delaney
Devine
Diggs
Dowdy
Dwyer
Edmondson
Eilberg
Evans, Colo.
Evins, Tenn.
Fulton
Galifianakis
Gallagher
Gettys
Giaimo
Gray
Green, Oreg.
Griffiths
Gross
Hagan
Halpern
Hanley
Hanna
Hastings
Hawkins
Hébert
Jonas
Jones, Ala.
Keith
King
Koch
Kuykendall
Kyros
Lennon
Lloyd
Lujan
McClure
McCormack
McCulloch
McDonald, Mich.
McEwen
McKay
McMillan
Macdonald, Mass.
Mathias, Calif.
Miller, Calif.
Mollohan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nichols
O'Konski
O'Neill
Patman
Pepper
Peyser
Pucinski
Reid
Rhodes
Riegle
Robinson, Va.
Roncalio
Rooney, N.Y.
Runnels
Scherle
Schmitz
Schwengel
Springer
Steed
Symington
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Wright
Wylie

So the amendment was agreed to.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, line 6, insert the following new section:

SEC. 2. Section 301(a)(3) of the Federal Meat Inspection Act, as amended (21 U.S.C. 661(a)(3), is further amended by inserting after the last sentence thereof the following:

"The Secretary shall withhold funds and other assistance under any cooperative agreement entered into under this section with any State agency when he determines that the State has imposed any requirements in addition to or different than those made under this Act relating to marking, labeling, or packaging of federally inspected carcasses, parts thereof, meat or meat food products."

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. ABBITT

Mr. ABBITT. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. ABBITT: Page 2, line 11, strike the quotation marks and insert the following:

"No funds or assistance shall be made available under this Act if the Secretary applies the provisions of this Act requiring inspection of the slaughter of animals and the preparation of the carcasses, parts thereof, meat, and meat food products at establishments conducting such operations for commerce to the slaughtering by any person of animals of his own raising, and the preparation by him and the transportation in commerce of the carcasses, parts thereof, meat, and meat food products of such animals, which are sold directly by him to household consumers, restaurants, hotels, and boarding houses, for use in their own dining rooms, or in the preparation of meals for sales direct to consumers, with respect to the first $1,000 worth of such carcasses, parts, meat, and meat products sold by him in the period beginning on January 1 and ending at the close of December 31 in any calendar year."

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. ABBITT. I yield to the gentleman from Michigan.

Mr. CEDERBERG. Mr. Chairman, we in Michigan have an exhibit on the situation which we want to bring to the attention of the House. There is a display in the Speaker's lobby. I hope those who have not had an opportunity yet to look at the display will go to the Speaker's lobby, because I think they will give their support after they do. Please take the opportunity.

Mr. ABBITT. Mr. Chairman, the amendment is very simple and expressed in simple language. It attempts to take care of the small producer, the individual farmer. I would like to read the pertinent part of it in the hope that the Members will understand it. It exempts any person who slaughters animals that he raises himself, and the preparation by him and the transportation in commerce of the carcasses, parts thereof, meat and meat food products of such animals, which are sold directly by the producer to household consumers, restaurants, hotels, and boardinghouses, for use in their own dining rooms, or in the preparation of meals for sales direct to consumers, with respect to the first $1,000 from January 1 to December 31.

In other words, prior to the Meat Act of 4 years ago there were many individual farmers who cured their own hams, their own shoulders, and sold them to their neighbors, to their friends, and to hotels and restaurants. But now they can no longer do that.

This will provide that they can do it on sales up to $1,000 from January 1 to December 31. This goes to the protection of the small owner and small producer. I feel it is fair and just that this be done.

Mr. HUNT. Mr. Chairman, will the gentleman yield?

Mr. ABBITT. I yield to the gentleman from New Jersey.

Mr. HUNT. I thank the gentleman for yielding.

Is the gentleman saying this amendment deals with specifically $1,000 of sales by a person during the course of 1 year? Supposing we have a small farmer and he is going to sell me ham. He prepares that for sale to me or to anybody else in a small locker, and as long as that does not exceed $1,000 we want to exempt it from this bill?

Mr. ABBITT. That is right. But in addition to that he has got to raise it himself and sell it himself. It is as tight as it can be. It provides that the producer who raises his own meat can sell it to the consumer.

Mr. HUNT. In other words $1,000 of what he raises on this farm he may sell without this restriction?

Mr. ABBITT. During the period January 1 to December 31.

Mr. HUNT. I thank the gentleman.

Mr. ABBITT. I think that is a brief explanation of it. I hope the Members will support the amendment.

Mr. STUBBLEFIELD. Mr. Chairman, I rise in support of this amendment.

As the gentleman from Minnesota and some others have said, if we are going to help rural America, this bill helps the individual farmer. I hope this amendment will be agreed to.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. STUBBLEFIELD. I yield to the gentleman from California.

Mr. SISK. Mr. Chairman, as far as this Member is concerned I have no objection to this amendment. I cannot speak on behalf of the committee. As far as I am concerned I have no objection to the amendment.

Mr. Chairman, the occasion for our raising this question is that on every side wherever we go we observe notices at a great majority of all eating places stating that genuine country ham is included in their bill of fare. But is it really and truly genuine country ham that is being served at all these places or is it only an imitation of the genuine kind? Well, if one would give a truthful answer to this question it must be said in a great majority of cases it is only an imitation and not the genuine kind at all.

But what is a genuine country ham? We realize that we have not yet answered the question. It so happens that the U.S. Department of Agriculture gives the answer to the question. At stated times an inspector from the Department of Agriculture makes periodic visits to all firms and individuals that deal in cured hams. The first thing the inspector does when he visits an establishment is to show his Federal badge. Then he tells you what a genuine country ham is supposed to be. It is one killed and cured in the country.

There is a section in western Kentucky in which over a long period of time the farmers have specialized in the production of genuine country hams. Every ham called a country ham here is killed and cured in the country. It must not be supposed that it is an easy thing to make a genuine country ham. It is a job that requires patience, intelligence, and a lot of hard work. Nor is it something that can be done quickly. It requires the larger part of a whole year.

The farmer who would make these hams and would make them choice must understand a lot of things. He knows you have got to start with a good hog and it must be one of some age. You cannot make top grade country hams out of quick-grown pampered pigs. It just cannot be done. You have got to make the hams out of hogs that were killed in October, November, and December. You have got to know how to smoke them preferably with hickory wood, small cuts of green hickory with a lot of bark on it. No, it is not an easy thing to make choice country hams. There are a few of the things the farmer has to know. It is no wonder there are not enough of these hams made to supply the demand.

These hams have been shipped to people in all the States of America and into quite a number of foreign countries. It is no small thing as we see it to have had a major part in developing an article of food straight from the country that Irvin Cobb once spoke of as the most delicious morsel of food that has ever been discovered for human consumption. I urge adoption of the amendment.

Mr. MAYNE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to start by addressing a question to the gentleman from Virginia, who is the author of the amendment. Is it not true that this amendment incorporates substantially the terms of H.R. 9845 which was introduced by the gentleman from Virginia on July 15, 1971?

Mr. ABBITT. Yes.

Mr. MAYNE. With I believe the sole exception that in the bill the figure is $2,500, whereas in the amendment it has changed to $1,000.

Mr. ABBITT. That is correct.

Mr. MAYNE. I thank the gentleman for clarifying that point.

I would like to say to my colleagues that when these provisions were earlier presented and considered by the Committee on Agriculture, the Department of Agriculture did oppose these provisions. In a letter by J. Phil Campbell, Acting Secretary, on February 29, 1972, to the distinguished chairman of the committee, the Department recommended against these provisions and pointed out that it would really make meat available for human consumption without adequate safeguards as to any inspection whatsoever. I would like to read from the letter in which the Secretary opposed the same language which is now in this amendment:

> Section 1 of the bill would amend the exemption provisions in Section 23(a) of the Federal Meat Inspection Act to permit, under certain restrictions, uninspected meat and meat food products from animals raised and slaughtered by the owner of the animals to be sold to household consumers, restaurants, hotels and boarding houses. This exemption would be contrary to the intent of the Act since it would permit the sale to consumers of uninspected meat and meat food products. Also, since such animals would not be required to be inspected, there would be less assurance that meat and meat food products from dead, dying, disabled, and diseased animals would not enter food channels. Furthermore, although there is a restriction on the dollar amount of such products that would be exempted for any one person, it has been the experience of the Department in administering the Federal Meat Inspection Act that such exemptions are extremely difficult to enforce and lead to numerous violations contrary to the intent of the law.

I appeal to all persons in this House who are genuinely interested in the spirit of the Wholesome Meat Inspection Act passed in 1967, that they should unite to defeat this amendment. I feel that the passage of this amendment would greatly endanger passage of this very important bill on final passage.

The thing we want to do here, the thing that is urgently necessary, is to get the 80–20 provision passed here. That is what is greatly needed by the small, independent businessmen of this country, and the rural communities that must have these locker plants and other local facilities available. Their survival is questionable if we do not have approval of the final passage of the 80–20 provision.

I believe that this amendment will gravely endanger that final passage of the bill. Therefore, I appeal to the Members to vote in opposition to this amendment.

Mr. SMITH of Iowa. Will the gentleman yield?

Mr. MAYNE. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. As I understand the problem, some people are raising two or three hogs and selling the hams; but in fact, in order to take care of those people, which we could do by other methods, what will be done in this amendment is to permit the man to sell his healthy animals and take the ones which are so sick they cannot be sold and butcher them and sell them in parts.

The CHAIRMAN. The question is on the amendment to the committee amendment offered by the gentleman from Virginia (Mr. ABBITT).

The question was taken; and on a division (demanded by Mr. ABBITT) there were—ayes 53, noes 108.

Mr. DANIEL of Virginia. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment to the committee amendment was rejected.

Mr. SISK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I should like to say to my colleagues I am as anxious to get out of here as I am sure all of them are. I would hope that we could move along expeditiously.

Let me quickly cite the situation in connection with the committee amendment I hold no particular candle for or against this particular Committee amendment. It was adopted in the subcommittee at the request of the administration. It was because of some problems, apparently, the Department is having in connection with the State of Michigan and possibly one other State, as to which lawsuits are pending. As I say, the subcommittee saw fit to adopt it It is an administration-sponsored amendment.

Frankly, I should like to conclude on this note. It in no wise affects ingredients. I have noted some interest in the display out here. The matter in connection with any exemption, in connection with ingredients, was eliminated from the amendment. The amendment itself goes only to the question of labeling; in other words, to conform to some national standard on labeling.

Let me make it clear that so far as this particular Member is concerned I do not feel strongly in connection with this amendment. I would hope those who do feel strongly against it would move expeditiously to state their remarks and let us get to a vote.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Michigan.

Mr. CEDERBERG. The Department is not having problems with Michigan. Michigan is having problems with the Department. We want to be sure that the standards in Michigan, which are higher than the national standards, are not lowered. That is all we want. We think we can make a good case.

Mr. SISK. I thank my good friend from Michigan. I would assume the Department felt it was having a problem with Michigan. I assume the Michigan people feel they are having a problem with the Department.

Actually, this amendment does not in any way affect the right to control the ingredients going into the meat. All it has to do with is labeling. It does require standards in labeling.

Mr. MAYNE. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Iowa.

Mr. MAYNE. I should like to associate myself with the remarks and the position just stated by the gentleman from California (Mr. SISK). I, too, hope that we will not devote a great deal of time to this committee amendment, and will move on to the others.

Mr. SISK. I thank my colleague for his contribution.

Mr. ROSENTHAL. Mr. Chairman, I rise in opposition to the committee amendment.

Mr. Chairman, during its consideration of S. 1316, the Agriculture Committee added a provision which would negate all State and local consumer laws governing the packaging, labeling, and marking of meat and meat food products which are in addition to or different than Federal requirements.

This provision would render useless State and local laws requiring unit pricing, nutritional labeling, open dating, and many other proconsumer requirements for meat products simply because there are no similar Federal requirements. States seeking to impose stronger consumer standards would lose their meat and poultry inspection funds from the Federal Government.

Mr. Chairman, it is impossible to calculate how many State and local laws—present and future—would be affected by this unwise preemption provision. But the total number would surely be in the hundreds. Vermont, for example, has a packaging law which prohibits the hiding of poor quality meat under better quality cuts in large family-style packages; and a marking law governing the description of frozen meat sold after it has been thawed. Four States—Massachusetts, Connecticut, Maryland, and Nevada—have laws requiring unit pricing of many food products including meat. New York and California have State requirements regarding the name used to describe the cut and grade of meat. All of these laws—and hundreds more—would be invalidated by the new section 2 of S. 1316, simply because the USDA did not possess the wisdom to promulgate similarly high standards.

Moreover, there is ample reason to believe that the Agriculture Committee amendment would invalidate local meat packaging, labeling, and marking requirements as well. An advisory opinion from the American Law Division of the Congressional Research Service concludes that the word "State" as used in new section 2, would be construed by the courts to include cities and other political subdivisions of States.

Mr. Chairman, persuasive arguments can be made for Federal preemption when State and local laws are clearly inferior to Federal standards. But preemption is inappropriate when State and local laws are clearly superior to Federal requirements.

It would be a terrible mistake for Congress to take from the States and localities their initiative in providing their citizens with strong consumer protection laws. Accordingly, Mr. Chairman, I urge my colleagues to vote against new section 2 of S. 1316.

Mr. CONYERS. Mr. Chairman, the

State of Michigan proudly has one of the toughest laws governing the content, packaging, and labeling of prepackaged meats in the country. That is why I am calling your attention to committee amendment S. 1316 which would in effect penalize Michigan consumers for their high standards. The amendment would require the Secretary of Agriculture to withhold Federal funds under the Meat Inspection Act from any State which might adopt standards that are in addition to or different than the Federal standards for the marking, labeling, or packaging of meat or meat food products. Consequently, Michigan would be required to lower its meat packaging laws which are stricter than those of the Federal Government.

With passage of this legislation, courts would most likely uphold any decision by the Secretary of Agriculture to withhold funds to State agencies because of a municipal or State ordinance or law imposing requirements different from Federal requirements. Furthermore, the adoption of this amendment would further complicate and possibly prejudice litigation between the State of Michigan and an interstate packer which is now pending in the U.S. Circuit Court of Appeals for the Sixth Circuit. In that case the right of the State of Michigan to impose a different though higher standard of consumer protection was recognized by the lower court.

Most objectionable in the bill, of course, is its potential effect on Michigan consumers. Stores can presently trim off fat and sell an inferior grade of meat as a better grade at a higher price without so specifying because Federal standards permit it. The Federal Government currently pays half of Michigan's costs for having a meat inspection program. If the city of Detroit or the State of Michigan upgraded their packaging standards to outlaw the fraudulent sale of inferior meat grades for higher grades, Michigan would lose its Federal subsidies. Under S. 1316, Michigan would lose its Federal share of meat inspection funds.

I urge my colleagues in the House to support the amendment by my colleague from New York (Mr. ROSENTHAL) to change the text of the bill to permit States and cities to impose standards which are not lower than but may be higher than those required under Federal law. To that end, the Detroit Common Council unanimously passed a resolution introduced by Councilman Mel Ravitz, the text of which follows:

A RESOLUTION BY COUNCILMAN RAVITZ

Whereas, a current amendment to U.S. Senate Bill 1316 in the House Agricultural Committee states that marketing, labeling, packaging of any State cannot be different than Federal requirements, otherwise federal funds can be cut off for the financing of meat inspection; and

Whereas, if this amendment is adopted, it would lower the standard of consumer protection in Michigan and prevent enactment of a primal meat labeling law which in turn would allow deception of Michigan Consumers by supermarkets;

Now therefore be it resolved: That the Detroit Common Council urge the Congress to change the text of its amendment Sec. 301 (a) (3) to Senate Bill 1316 from "The Secretary shall withhold funds . . . when he determines that the state has imposed any requirements in addition to or different than those made under this act relating to marking, labeling, packaging or ingredients . . ." to "The Secretary shall withhold funds . . . when he determines that the state has imposed requirements lower than the minimum federal requirements made under this act relating to marking, labeling, packaging or ingredients . . ."; and

Be it resolved: That copies of this resolution be sent to the Federal Department of Agriculture, to all Michigan Congressmen and Senators and to the President of the United States.

Mr. CHAMBERLAIN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I realize the lateness of the hour. I did have a prepared text here to offer in opposition to this amendment, but I will just put it aside.

I would like to have the attention of the chairman of the committee and direct a question to him.

It is apparent our colleagues here and to the Michigan Members that in the Speaker's lobby here there are displayed several types of animal organs that are permitted to be in hot dogs, sauages, and meat food products under Federal law, but we in Michigan have a higher standard. We do not permit these animal organs to be put in these meat food products in Michigan.

Now I would like to ask the chairman of the committee this question, if I may have his attention:

The committee amendment says that the Secretary shall withhold funds and other assistance under any cooperative agreement entered into under this section with any State agency when he, the Secretary, determines that the State has imposed any requirements in addition to or different than—those are the controlling words, "in addition to or different than"—those made under this act relating to marketing, labeling, or packaging of federally inspected meat.

Now, does this not mean that if we in Michigan want to have a label that says that we do not have pig snuots and pig lips and udders and spleens and all these things in our meat food products up there, the people in the Federal Government can say, "We are not going to give you your 80 percent for meat inspection" and thereby deny Michigan its funds under this act?

Mr. SISK. Will the gentleman yield?

Mr. CHAMBERLAIN. I am happy to yield to the Chairman of the committee.

Mr. SISK. The gentleman is right.

The State of Michigan, the State of California, the State of New York, and any other State under the terms of this amendment would be prohibited from special or unusual types of labeling. It would have nothing to do with the ingredients of the product, but it would require standardized labeling, and as I have said already, if my colleague would yield just a little bit further, none of us are arguing about this amendment. I would just like to get it to a vote.

Mr. CHAMBERLAIN. I would like to thank the chairman for his response, and I will say we are grateful on both sides to the chairman and his committee for their consideration in removing the words here. However, the Chairman, in responding to my question, has told us precisely why we in the Michigan delegation—and we ask your support, too—should oppose this amendment in its entirety. It is because we are not permitted to label our packages to say that we do not have these products in our hot dogs and sausages.

Mr. FOLEY. Will the gentleman yield?

Mr. CHAMBERLAIN. I yield to the gentleman.

Mr. FOLEY. I hope I can save some time here.

I understand the gentleman's opposition to this committee amendment. Let me say I do not think there is in this Chamber anyone in favor of the committee amendment. We are probably beating the deadest of dead horses. If we took a teller vote on this now—and I am not suggesting it—I do not think the committee amendment would get one single vote. It is not supported any longer by the Department of Agriculture or by industry or anyone, so let us just get rid of the committee amendment.

Mr. CHAMBERLAIN. Let us vote it down.

I thank the gentleman for his contribution.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. The second sentence of paragraph (3) of section 5(a) of the Poultry Products Inspection Act, as amended (21 U.S.C. 454 (a) (3)), is amended by striking out "50 per centum" and inserting in lieu thereof "80 per centum".

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 12, strike out "Sec. 2." and insert "Sec. 3."

Mr. SISK. Mr. Chairman, the action just taken by the House would make null and void the necessity of these other two or three technical amendments.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. The amendments made by this Act shall be effective beginning with the fiscal year which begins July 1, 1971.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the last word.

Before we vote on this bill, I urge my colleagues to vote against this bill. This bill in its present form is certainly, without any doubt at all, a blow at the 1967 Clean Meat Act and a blow at the health and protection of the consumers of this country. It makes our Government no longer able to apply pressure in order to bring these State systems that are below Federal standards up to the minimum standards that they should be at, and to get them up to Federal standards would probably take 6 months because it takes that long to get them decertified and require them to improve to avoid decertification. If one plant is not up to Federal standards, the only way the Federal service can get it up to standard would be to close down the whole State. That closing would be accomplished after a period of 6 months and after a lot of sick animals may have been marketed.

Mr. FOLEY. Will the gentleman yield?

Mr. SMITH of Iowa. I am glad to yield to the gentleman.

Mr. FOLEY. Mr. Chairman, I want to compliment the gentleman on his statement, and I hope to make my position very brief.

I am opposed to this bill. As the gentleman says, it is an act of regression in terms of consumer protection in the United States.

Second, let me suggest to those who might have some concern about Federal revenue sharing that if you begin to pay 80 percent of the cost of a State governmental function in the field of meat inspection, then you are going to have to answer the demands of other State departments for 80-percent Federal funding. We are going to establish a precedent here which will not help the States and will lead them into a situation of demanding more and more of their operations from the Federal Government.

In my opinion it is the most irresponsible movement in terms of Federal cost sharing that I can think of.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from New York.

Mr. ROSENTHAL. Mr. Chairman, I want to compliment my colleague, the gentleman from Iowa (Mr. SMITH). The gentleman is correct in his statement. This is a bill that should be thoroughly and soundly defeated. It is an anticonsumer bill, and I hope that it is overwhelmingly defeated.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, on this 80–20 contribution, the gentleman might be interested to know that the States of Minnesota, Missouri, Montana, Nebraska, North Dakota, Oregon, Pennsylvania, and Kentucky are not taking part in this program, and if this bill passes it will give them the opportunity to pay 80 percent of somebody else's costs.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Texas.

Mr. POAGE. Mr. Chairman, there is not a man or woman on this floor tonight who understands what is in this bill before us.

Mr. SMITH of Iowa. The gentleman is exactly right.

Mr. POAGE. To pass a bill of this magnitude with absolutely no understanding of what it does seems to me to be the height of ridiculous folly for this House to agree to it. I am against this bill. I think it does nothing but double the inspection burdens of this country, and it is silly to have it pass.

Mr. SMITH of Iowa. As a matter of fact, I will venture the opinion that if the bill does pass, after the Department of Agriculture studies the bill and have found out what is in the bill, they would recommend that the President veto the bill.

Mr. FOLEY. Mr. Chairman, will the gentleman yield further?

Mr. SMITH of Iowa. I yield further to the gentleman from Washington.

Mr. FOLEY. Mr. Chairman, I will only take just a brief moment in order to make two statements of fact, and not for argument.

Statement of fact No. 1: This bill was reported out of the Committee on Agriculture by one vote; the vote was 17 to 16. Included in the "no" votes on this bill was the distinguished gentleman from Texas, the chairman of the committee (Mr. POAGE) and the distinguished ranking minority member, the gentleman from Oklahoma (Mr. BELCHER). Also the chairman of the subcommittee that heard the bill, the gentleman from Texas (Mr. PURCELL). In addition to that, 14 other Members voted against the bill.

Now, the other statement of fact:

This bill is opposed by the largest trade organizations in the meat industry, the American Meat Institute, it is opposed by other meat trade institutions; it is opposed by organized labor, and it is opposed by the Consumers Federation.

I thank the gentleman for yielding.

Mr. MAYNE. Mr. Chairman, I move to strike the requisite number of words.

Mr. SISK. Mr. Chairman, in the reading of the bill did the Clerk complete the reading of the committee amendments, and were they disposed of?

The CHAIRMAN. The Chair will state to the gentleman that the Chair would like to dispose of the committee amendments.

Mr. MAYNE. Mr. Chairman, I believe I am correct that I was recognized by the Chair?

The CHAIRMAN. The Chair recognized the gentleman from Iowa. The gentleman will proceed.

Mr. MAYNE. Mr. Chairman, we have now seen the big guns rolled out against this little bill which will make it possible for rural America to continue to have locker plants, and for rural communities to still have independent small businessmen people who can serve their needs.

It is true that the Amalgamated Meatcutters Union, big labor, big corporations, and the American Meat Institute are against this bill. The unions are against the bill because they cannot organize these little independent plants, and the big packers are against it because they want to see their small independent competitors driven out of business by Federal inspection. That is why they are opposed to this bill which will give State inspection a chance to survive.

Now, all we want is a chance to have State inspection systems continue to work. I would not take this much time if there had not been such a sparse attendance at the time we discussed this bill earlier. But it is necessary to reply to the lengthy attack on the bill which has just been made. I would like you to hear our side of it, too.

The uncontradicted record of the hearings of the committee show that State inspections are going to go under if we cannot get this 80–20 bill passed and if State inspections go under the Federals are going to close down the independent meat packing establishments in this country and rural America is not going to have service. Our townspeople and farmers will have to go to the big city which is right where the unions and the corporate giants want them to go. They are not interested in seeing the small town and the medium-sized towns in American survive. They could not care less. But I think the conscience of this House does care and I appeal to you to vote for this 80–20 bill, not only for rural America but because it is going to save Uncle Sam money. Why? Because if you do not go for 80–20 the Federal Government is going to be stuck with the whole 100 percent because State inspection is going to go under. And it will be 100 percent of a much larger total cost because everything the Federal Government does costs more than what State and local governments do.

A vote for this bill is a vote for economy and for saving independent small businesses and for continuing service to the farms and small towns of America. A vote for this bill is a very sound and absolutely essential vote.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. MAYNE. I yield to the gentleman.

Mr. SISK. Let me say that I do appreciate the fact that we do have a few people on the floor. We debated this bill for about an hour with no one here, to be quite frank about it.

I totally disagree with the statements made by some of my colleagues, my good friend, the gentleman from Washington—he has a perfect right to his opinion. But I totally disagree with him.

I disagree with my good friend and the greatly respected chairman over here.

Now, the other body, and I know I have to be careful about the rules here, the other body passed this bill so far as I know unanimously. It is rather surprising to me sometimes how much pressure can be brought from a very minute source of the country.

The facts are that practically every State in the Union so far as we know in connection with their departments are in line with this particular problem and are in support of this legislation. Frankly, all that we sought to do here was to change the ratio to somewhat better conform what the average programs otherwise would do.

Now, you vote your conscience. The point is that basically the States of the Union want this program and it is basically a good program. All it does is change the ratio.

PREFERENTIAL MOTION OFFERED BY MR. CAREY OF NEW YORK

Mr. CAREY of New York. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. CAREY of New York moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. CAREY of New York. Mr. Chairman, I do not think that debate is necessary on this motion. The committee knows what is involved here. We can save time and energy and valuable time of the Members by adopting this motion.

Mr. Chairman, I yield back the balance of my time.

Mr. MAYNE. I recognize that it is not necessary to take much time for debate, but I do honestly and earnestly oppose the motion. Its adoption would be a disaster for small business and rural America.

I urge a "no" vote on this motion.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from New York (Mr. Carey).

The question was taken; and on a division (demanded by Mr. Carey of New York) there were——ayes 104, noes 97.

TELLER VOTE WITH CLERKS

Mr. MAYNE. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. MAYNE. Mr. Chairman I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. Carey of New York, Mayne, Rosenthal, and Sisk.

The Committee divided, and the tellers reported that there were—ayes 172, noes 170, not voting 89, as follows:

[Roll No. 410]

[Recorded Teller Vote]

AYES—172

Abbitt
Abzug
Adams
Addabbo
Anderson, Calif.
Archer
Ashley
Aspin
Barrett
Begich
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Broyhill, N.C.
Burke, Mass.
Burleson, Tex.
Burton
Byrnes, Wis.
Cabell
Carey, N.Y.
Carlson
Carney
Casey, Tex.
Chisholm
Clawson, Del
Cleveland
Collier
Collins, Ill.
Colmer
Conable
Conover
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Curlin
Daniels, N.J.
Danielson
de la Garza
Delaney
Dellums
Denholm
Dent
Dingell
Donohue
Dow
Drinan
Dulski
Eckhardt
Edwards, Calif.
Erlenborn
Fascell
Findley
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Frenzel
Fulton
Gaydos
Gibbons
Goodling
Grasso
Green, Pa.
Gude
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Jacobs
Karth
Kastenmeier
Kee
Kemp
Kluczynski
Landgrebe
Long, Md.
McCloskey
McKinney
Macdonald, Mass.
Madden
Mahon
Mailliard
Mazzoli
Meeds
Melcher
Mikva
Minish
Minshall
Mitchell
Monagan
Montgomery
Moorhead
Morgan
Natcher
Nedzi
Obey
O'Hara
O'Neill
Patten
Pettis
Pike
Poage
Podell
Price, Ill.
Purcell
Rangel
Rees
Reuss
Robison, N.Y.
Rodino
Roe
Rogers
Rosenthal
Roush
Roybal
St Germain
Sandman
Sarbanes
Saylor
Scheuer
Seiberling
Shipley
Slack
Smith, Calif.
Smith, Iowa
Snyder
Stanton, James V.
Steele
Stokes
Stratton
Stubblefield
Sullivan
Teague, Tex.
Thompson, N.J.
Tiernan
Udall
Ullman
Vanik
Vigorito
Waldie
Ware
Whalley
White
Whitten
Widnall
Wiggins
Wolff
Wydler
Wyman
Yates
Yatron
Young, Fla.
Zablocki

NOES—170

Albert
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Arends
Ashbrook
Baker
Bennett
Bergland
Betts
Blackburn
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Fla.
Burlison, Mo.
Caffery
Camp
Carter
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Collins, Tex.
Daniel, Va.
Davis, Ga.
Davis, Wis.
Dellenback
Dennis
Derwinski
Dickinson
Dorn
Downing
Duncan
du Pont
Edwards, Ala.
Esch
Eshleman
Fish
Fisher
Flood
Flowers
Flynt
Forsythe
Fountain
Frelinghuysen
Frey
Fuqua
Goldwater
Gonzalez
Griffin
Grover
Gubser
Haley
Hall
Hamilton
Hammerschmidt
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hathaway
Hillis
Hogan
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Kyl
Landrum
Latta
Leggett
Lennon
Link
Long, La.
McClory
McCollister
McDade
McEwen
McFall
McKay
McKevitt
Mallary
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Michel
Miller, Ohio
Mills, Ark.
Mills, Md.
Mink
Mizell
Myers
Nelsen
Nix
Passman
Pelly
Pepper
Perkins
Pickle
Pirnie
Powell
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Quie
Quillen
Railsback
Randall
Rarick
Roberts
Rooney, Pa.
Rousselot
Roy
Ruppe
Ruth
Satterfield
Schneebeli
Scott
Sebelius
Shoup
Shriver
Sikes
Sisk
Skubitz
Smith, N.Y.
Spence
Staggers
Stanton, J. William
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stuckey
Talcott
Taylor
Terry
Thompson, Ga.
Thone
Van Deerlin
Vander Jagt
Veysey
Waggonner
Wampler
Whalen
Whitehurst
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wyatt
Young, Tex.
Zion
Zwach

NOT VOTING—89

Abernethy
Abourezk
Andrews, Ala.
Annunzio
Aspinall
Badillo
Baring
Belcher
Bell
Bevill
Blanton
Blatnik
Bow
Broyhill, Va.
Byrne, Pa.
Byron
Celler
Clark
Clay
Culver
Davis, S.C.
Devine
Diggs
Dowdy
Dwyer
Edmondson
Eilberg
Evans, Colo.
Evins, Tenn.
Galifianakis
Gallagher
Garmatz
Gettys
Giaimo
Gray
Green, Oreg.
Griffiths
Gross
Hagan
Halpern
Hanley
Hanna
Harrington
Hastings
Hawkins
Hébert
Jonas
Keith
King
Koch
Kuykendall
Kyros
Lent
Lloyd
Lujan
McClure
McCormack
McCulloch
McDonald, Mich.
McMillan
Mathias, Calif.
Metcalfe
Miller, Calif.
Mollohan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nichols
O'Konski
Patman
Peyser
Pucinski
Reid
Rhodes
Riegle
Robinson, Va.
Roncalio
Rooney, N.Y.
Rostenkowski
Runnels
Scherle
Schmitz
Schwengel
Springer
Symington
Teague, Calif.
Thomson, Wis.
Wylie

So the preferential motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Symington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 1316) to amend section 301 of the Federal Meat Inspection Act, as amended, and section 5 of the Poultry Products Inspection Act, as amended, so as to increase from 50 to 80 percent the amount that may be paid as the Federal Government's share of the costs of any cooperative meat or poultry inspection program carried out by any State under such sections, had directed him to report the bill back to the House with the recommendation that the enacting clause be stricken out.

The SPEAKER. The question is on the recommendation of the Committee of the Whole House on the State of the Union that the enacting clause be stricken out.

Mr. MAYNE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 173, nays 169, not voting 88, as follows:

[Roll No. 411]

YEAS—173

Abbitt
Abzug
Adams
Addabbo
Anderson, Calif.
Archer
Ashley
Aspin
Begich
Belcher
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Broyhill, N.C.
Burke, Mass.
Burleson, Tex.
Burton
Byrnes, Wis.
Cabell
Carey, N.Y.
Carlson
Carney
Casey, Tex.
Chisholm
Clawson, Del
Cleveland
Collier
Collins, Ill.
Colmer
Conable
Conover
Conte
Conyers
Corman
Cotter
Coughlin
Curlin
Daniels, N.J.
Danielson
de la Garza
Delaney
Dellums
Dent
Dingell
Donohue
Dow
Drinan
Dulski
Eckhardt
Edwards, Calif.
Erlenborn
Fascell
Findley
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Frenzel
Fulton
Garmatz
Gaydos
Gibbons
Gonzalez
Grasso
Green, Pa.
Gude
Hansen, Wash.
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Holifield
Horton
Howard
Hull
Hungate
Jacobs
Jarman
Karth
Kastenmeier
Kee
Kemp
Kluczynski
Landgrebe
Long, Md.
McCloskey
McKinney
Macdonald, Mass.
Madden
Mahon
Mailliard
Mazzoli
Meeds
Melcher
Michel
Mikva
Minish
Minshall
Mitchell
Monagan
Montgomery
Moorhead
Morgan
Natcher
Nedzi
Obey
O'Hara
O'Neill
Patten
Pepper
Perkins
Pike
Poage
Podell
Price, Ill.
Purcell
Rees
Reuss
Robison, N.Y.
Rodino
Roe
Rogers
Rosenthal
Roush
Roybal
St Germain
Sandman
Sarbanes
Saylor
Scheuer
Seiberling
Shipley
Slack
Smith, Calif.
Smith, Iowa
Snyder
Staggers
Steele
Stokes
Stratton
Stubblefield
Sullivan
Symington
Teague, Tex.
Thompson, N.J.
Tiernan
Udall
Ullman
Vanik
Vigorito
Waldie
Ware
White
Whitten
Widnall
Wiggins
Wolff
Wright
Wydler
Wyman
Yates
Young, Fla.
Zablocki

NAYS—169

Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Arends
Ashbrook
Baker
Bennett
Bergland
Betts
Blackburn
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Fla.
Burlison, Mo.
Caffery
Camp
Carter
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Collins, Tex.
Crane
Daniel, Va.
Davis, Ga.
Davis, Wis.
Dellenback
Denholm
Dennis

Derwinski
Dickinson
Dorn
Downing
Duncan
du Pont
Edwards, Ala.
Esch
Eshleman
Fish
Fisher
Flood
Flowers
Flynt
Forsythe
Fountain
Frelinghuysen
Frey
Fuqua
Goldwater
Goodling
Griffin
Grover
Gubser
Haley
Hall
Hamilton
Hammerschmidt
Hansen, Idaho
Harsha
Harvey
Hathaway
Henderson
Hillis
Hogan
Hosmer
Hunt
Hutchinson
Ichord
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Kyl
Landrum
Latta
Leggett
Lennon
Link
Long, La.
McClory
McCollister
McDade
McEwen
McFall
McKay
McKevitt
Mallary
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Miller, Ohio
Mills, Ark.
Mills, Md.
Mink
Mizell
Myers
Nelsen
Passman
Pelly
Pettis
Pickle
Pirnie
Powell
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Quie
Quillen
Railsback
Randall
Rarick
Roberts
Rooney, Pa.
Rousselot
Roy
Ruppe
Ruth
Satterfield
Schneebeli
Scott
Sebelius
Shoup
Shriver
Sisk
Skubitz
Smith, N.Y.
Spence
Stanton, J. William
Stanton, James V.
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stuckey
Talcott
Taylor
Terry
Thompson, Ga.
Thone
Van Deerlin
Vander Jagt
Veysey
Waggonner
Wampler
Whalen
Whalley
Whitehurst
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wyatt
Yatron
Young, Tex.
Zion
Zwach

NOT VOTING—88

Abernethy
Abourezk
Andrews, Ala.
Annunzio
Aspinall
Badillo
Baring
Barrett
Bell
Bevill
Blanton
Bow
Broyhill, Va.
Byrne, Pa.
Byron
Celler
Clark
Clay
Culver
Davis, S.C.
Devine
Diggs
Dowdy
Dwyer
Edmondson
Eilberg
Evans, Colo.
Evins, Tenn.
Galifianakis
Gallagher
Gettys
Giaimo
Gray
Green, Oreg.
Griffiths
Gross
Hagan
Halpern
Hanley
Hanna
Harrington
Hastings
Hawkins
Hébert
Keith
King
Koch
Kuykendall
Kyros
Lent
Lloyd
Lujan
McClure
McCormack
McCulloch
McDonald, Mich.
McMillan
Mathias, Calif.
Metcalfe
Miller, Calif.
Mollohan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nichols
Nix
O'Konski
Patman
Peyser
Pucinski
Rangel
Reid
Rhodes
Riegle
Robinson, Va.
Roncalio
Rooney, N.Y.
Rostenkowski
Runnels
Scherle
Schmitz
Schwengel
Sikes
Springer
Teague, Calif.
Thomson, Wis.
Wylie

So the recommendation of the Committee of the Whole House on the State of the Union that the enacting clause be stricken out was agreed to.

Mr. CRANE changed his vote from "yea" to "nay."

Mr. PERKINS changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will notify the Senate of the action of the House.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2770) entitled "An act to amend The Federal Water Pollution Control Act."

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, on Monday, September 25, 1972, the House passed H.R. 16754, making appropriations for military construction for the Department of Defense for fiscal year 1973. If I had been present and voting, I would have voted "nay."

STUDY BY ARMY CORPS OF ENGINEERS OF WASTE TREATMENT SYSTEMS FOR CHICAGO

(Mr. LANDGREBE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LANDGREBE. Mr. Speaker, C–SELM—Chicago—South End of Lake Michigan—is a study by the Army Corps of Engineers of alternative waste treatment systems for the sewage of the Chicago-land area. The corps initially had 19 separate plans, but have screened those 19 down to five.

Of these five plans, plan I calls for the land disposal technique of treating sewage, as opposed to the conventional plant treatment techniques. The land disposal technique requires the use of very large areas of land—part of it to be used as irrigation beds on which the sewage is spread for treatment, and part of it to be used for lakes in which the raw sewage and sludge is stored. Sludge consists of the constituents of the sewage that have been deposited or filtered out of the sewage. This sludge must be gotten rid of, and the plan calls for it to be spread out on large areas of land or hauled by some means to the strip mine areas of central and southern Indiana.

It is also alleged that the sludge from this sewage has fairly high amounts of phospherous and nitrogen and, thus, could have some value as a fertilizer.

Plan I calls for the use of over 600,000 acres of rural farmland in Indiana and Illinois—244,000 acres in Indiana, 432,000 in Illinois. In Indiana alone, 51,000 acres would be purchased outright for the location of the storage lakes and sludge beds. These lakes, it should be noted, would be simple large open vats. The consequences of plan I for the areas involved would be truly incredible. The Corps of Engineers estimates that 25,000 persons would be displaced from their land. Thousands of acres of land would be removed from the local tax rolls, and thousands of acres of rich farmland would be removed from production. Thus, not only those persons displaced from their land, but also those in surrounding communities would suffer great economic loss.

This inconceivable project, if carried to completion, would result in an economic and social as well as environmental disaster to my Second District of Indiana. As for its effects upon my neighboring State, I prefer to let Illinois Congressmen speak for their individual districts.

TRIBUTE TO GERTRUDE T. BENNETT

(Mr. ASPINALL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ASPINALL. Mr. Speaker, last Sunday the Washington scene lost one of its noblest characters and sweetest personalities when Gertrude T. Bennett, wife of Elmer F. Bennett, General Counsel of the Office of Emergency Preparedness, passed away.

The Bennetts came to Washington, D.C., during the days of World War II. Shortly after, Elmer began working on the staff of the late U.S. Senator Eugene Millikin of Colorado. Since that time, the Bennetts have lived in the Washington area, returning to their former home in Greeley, Colo., only for family and business visits. Elmer served as Under Secretary of the Interior from 1958 to 1961, after serving in other capacities in the Department from 1953. He also engaged in the private practice of law here for several years, and more recently, he made a significant contribution as General Counsel of the Public Land Law Review Commission.

During all these years, Trudy, as she was known to us, endeared herself to all whom she came in contact. She was possessed with one of the finest and most charming personalities I have ever known—considerate, gracious, unassuming, and purely delightful. She was a dedicated wife and mother—always giving of her moral and physical strength and devotion first to her family. She leaves her son, John, and her daughter Kathryn, and two grandchildren to carry on her gentleness and yet firmness of spirit and accomplishments.

Trudy was an accomplished and gracious hostess. Every guest felt at home in her presence whether being entertained in her own home, or as a guest in some other setting. Her sincerity and her honest interest in her friends' endeavors and her simple and lovable charm endeared her to all who came within the sphere of her presence.

Trudy Bennett left a beautiful heritage for all of us who were privileged to know her. She will indeed be missed by all who were honored with her friendship.

CONGRESSMAN PICKLE INTRODUCES BILL TO ALLOW PROFESSIONAL SPORTS EVENTS TO BE BROADCAST IN THE HOME AREA WHEN THE GAMES ARE SOLD OUT

(Mr. PICKLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, today I have introduced a bill that will allow professional sporting events that are sold out to be telecasted in a team's home city.

My bill amends section 2 of the Antitrust Act, passed September 30, 1961 (15 U.S.C. 1292). Section 2 of the Antitrust Act is entitled "An act to amend the antitrust laws to authorize leagues of professional football, baseball, basketball, and hockey teams to enter into certain television contracts." I would replace the period at the end of the section with a comma and add the following: "but this exception shall cease to apply with respect to any such game when tickets for admission to such game are no longer available for purchase by the general public 48 hours before the scheduled beginning time of such game."

This is the same bill which Senator PASTORE has introduced in the Senate. Cosponsors of this bill in the Senate are Mr. BEALL, Mr. BIBLE, Mr. COOK, Mr. COTTON, Mr. GRIFFIN, Mr. HUMPHREY, Mr. KENNEDY, Mr. MOSS, Mr. NELSON, Mr. PROXMIRE, and Mr. RANDOLPH.

Subcommittee on Communications of the Senate Commerce Committee is holding hearings this week on the banning TV blackouts bill. This committee is chaired by Senator PASTORE.

I think the need for this type of legislation is apparent. Understandably, there are more fans for certain sporting events than any stadium can accommodate.

The simple solution would be to televise these events—providing the broadcast does not conflict with high school or college/university games, but in order to do so we must relax the antitrust provisions.

Further study may show a need to amend the Federal Communications Act also. If this is so, I am prepared to introduce at the proper time a bill to accomplish such revision. For the time being, however, I feel my bill would accomplish the purpose for which I intend.

I believe this change will allow greater flexibility to the major television networks and present no disservice to ticket sales of professional sporting events.

The changes will also allow many elderly persons and shut-ins an opportunity to take part in home town sports.

REPRESENTATIVE MYERS INTRODUCES LEGISLATION REQUIRING SECRETARY OF INTERIOR TO ESTABLISH RECREATIONAL FACILITIES ON ABANDONED RIGHTS-OF-WAY

(Mr. MYERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MYERS. Mr. Speaker, I am today introducing legislation requiring the Secretary of Interior to establish and maintain, under regulations which he shall prescribe, bicycle paths, off-the-road motorized vehicle trails, or related recreational facilities on abandoned rights-of-way returned to the public domain. The result of this legislation would be to maximize the use of certain areas of the public domain best suited for recreational purposes to meet the growing demand for trails for recreational vehicles.

I realize that railroad rights-of-way returned to the public domain in the past have already been reclassified for other uses and that it would be costly and disruptive to convert these lands to the uses required by this measure. Therefore, this bill will apply only to railroad rights-of-way returned to the public domain within the 10-year period prior to the date of enactment of this legislation and to rights-of-way which may be returned in the future.

As Amtrak consolidates railroad service in the United States we anticipate more and more land will be abandoned by the railroads. There is increasing demand for recreational areas for bicycles, other off-the-road vehicles and horse trails. I believe the abandoned railroad rights-of-way offer an excellent solution to meeting this demand.

In some instances railroad easements returned to the public domain would not, because of their nature or location, be suitable for use in accordance with the recreational purposes specified in this bill. Therefore, the Secretary of Interior will be required to conduct a basic study of all rights-of-way returned to the public domain and publish the findings of the study no later than 180 days after the land has become a part of the public domain. The Secretary shall be required to give priority to the purposes specified in this bill, but he will not be required to use the property for recreational paths if his study discloses the land should be put to better use.

Bicycling is enjoying a renaissance in America as an adult recreational and commuting way of life. A major factor in the encouragement of the bicycle is the fact it can be operated free of air and noise pollution. You also must consider its low upkeep, reliability, and the fact that bicycling is healthful exercise and fun.

The Federal Government, through its Federal aid highway projects, land and water conservation fund grants, the legacy of parks program and the open space land programs, is already deeply involved in the acquisition and development of land for bikeways and other recreational uses.

There would be no cost to the taxpayers for abandoned railroad properties returned to the public domain which means a significant savings in the overall development of such recreational areas.

Bicycling has been endorsed by Government officials, including the President, urban planners, highway and traffic experts, recreational specialists, and environmentalists. This proposal will encourage nationwide development of safe and scenic routes for this activity.

UNANSWERED QUESTIONS ON RUSSIAN WHEAT SALE

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, the American public keeps being plagued by questions surrounding the Russian wheat sales. Answers are needed and they are needed now.

The sales made by the large American grain trading firms were not publicized and the dates of the sales only came to light in public hearings under questioning by the Agriculture Subcommittee on Livestock and Grains. The first and largest single sale to Russia of 400 million bushels was made by Continental Grain Co. 3 days prior to the joint July 8 announcement by the President in San Clemente, Secretary of Commerce Peterson, and Secretary of Agriculture Butz here in Washington.

When the grain traders' transactions with the Russian trade delegation were concluded through a series of sales no public announcements were made. The traders then began to buy the wheat and, having sold vast quantities which they did not own, we have to assume that the traders protected themselves by buying wheat futures on the commodity exchange markets.

Here are some of the questions that must be answered before the public ever gets the complete story behind the Russian wheat deal.

First. For every purchase of wheat to fill the Russian sales contracts what was the price paid by the grain companies and on what dates?

Second. What futures trading was done by these grain companies subsequent to their sales to the Russians?

Third. On what dates and for how much wheat at what price per bushel were the wheat purchases registered with the Department of Agriculture for the export subsidy?

Fourth. What official in the Department of Agriculture gave assurance to Continental Grain Co. and others that the export target price of $1.63 would be maintained by increasing the export subsidy? And when and how often was the assurance given? Had this assurance been cleared with the Office of Management and Budget and the White House?

Fifth. What part did Mr. Palmby have in establishing the target price or any other assurance or details of the Russian grain sales?

Sixth. Why did not Mr. Palmby notify Secretary Butz of his purchase of a New York City apartment prior to leaving for Russia as head of the American Trade Delegation?

It is only with answers to these questions that we can then judge if the advance information passed out by the Department of Agriculture to the grain companies put them in a position to profit.

It has been clearly established that the grain traders were assured by the Department of Agriculture that they could sell the wheat to Russia at about $1.63 per bushel based on delivered price at ocean ports ready to load on ships. The Department of Agriculture maintained that price assurance to the grain companies by raising the export subsidy to make up any difference between $1.63 and the regular market price. The hearings also have shown that Department of Agriculture officials did notify the grain trading companies of their change in policy regarding export subsidy levels.

Nevertheless, the questions I have posed here have to be answered to provide a clear understanding of just how valuable the Department of Agriculture's tender loving care has been for the grain traders.

The House Agriculture Subcommittee on Livestock and Grains needs to get these answers by resuming public hearings now and require all of these facts be presented for the American public's judgment.

RETIREMENT OF MICHAEL J. BERNSTEIN, MINORITY COUNSEL FOR LABOR COMMITTEE ON EDUCATION AND LABOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. QUIE) is recognized for 30 minutes.

Mr. QUIE. Mr. Speaker, with the retirement of Michael J. Bernstein, our minority counsel for labor on the Committee on Education and Labor, the Congress of the United States and the American people are losing a great public servant. After some 30 years of Federal service, including service in both houses of the Congress, Mike richly deserves the rewards and satisfactions which all of his friends wish for him in the years ahead. But all of us who worked with him, in both the House and the Senate and in both political parties, will nevertheless miss his unexcelled expertise in the field of labor law and his all-round knowledge in many fields. And we shall miss his wise counsel.

Recently we had a retirement party for Mike which was attended by a host of his friends in and outside of government, including Members of Congress of both parties and prominent representatives of both organized labor and management. There were appropriate remarks in praise of Mike's service, his remarkable intellect, and his capacity for friendship. But perhaps the best summary of our feelings was contained in a letter to Mike from the President of the United States. President Nixon wrote as follows:

> DEAR MIKE: As you retire from the position of Minority Counsel on Labor of the House Committee on Education and Labor, you take with you the good wishes of all of us who have known your excellent work over the years. Few have brought such devotion and expertise to public service in the committees of both the House and Senate. From my own experience on the Hill, I recall the many occasions when your advice and assistance proved invaluable.
>
> In this election year, there is at least one thing that both Republicans and Democrats can agree upon, and that is the outstanding job you have done and the profound sense of loss we feel on the occasion of your retirement. May the years ahead be full of enjoyment for you and Mrs. Bernstein and may they also bring you the pride and satisfaction you so richly deserve for these long years of wise counsel to your government.
>
> With warm personal regards,
>
> Sincerely,
>
> RICHARD NIXON.

These warmly personal remarks of the President typify the esteem in which Mike Bernstein is held by all who have worked with him through the years. His has been a remarkable career. A graduate of the University of Michigan, he earned his L.L.B. and master of law degrees from the New York University School of Law. He is a member of the New York State bar. After service during World War II in the U.S. Army, Mike spent 4½ years with the National Labor Relations Board, rising to the position of senior attorney with the General Counsel of that agency. In 1953 the late Senator Robert A. Taft brought Mike to the U.S. Senate as Counsel to the Senate Committee on Labor and Public Welfare.

In the Senate Mike quickly established himself as an authority on labor law, with wide ranging interests and knowledge in education, veterans affairs, health, and other matters coming before his committee. It was during this time that he came to know the then Vice President Richard M. Nixon. He also knew and worked with a member of the committee of the other party, a young Senator from Massachusetts named John F. Kennedy. While Mike is a staunch Republican—a fact which does great credit to our party—he has always demonstrated an ability to work with members of both parties. Indeed, as he himself said on the occasion of his retirement party, his chief loyalty has been to the Congress as an institution, and of course to our country which that institution is designed to serve.

For 10 years, from 1955 to 1965 Mike served as Minority Counsel of the Senate Committee on Labor and Public Welfare, during which time Senators TAFT, GOLDWATER, and JAVITS were ranking members. In 1965 the then ranking Republican member of our Committee on Education and Labor, William H. Ayres, somehow lured Mike away from the Senate to serve the House of Representatives. For the past 7 years we have had the benefit of his experience and counsel. I know that I can speak for all of the members of our committee when I say that his assistance has been invaluable.

Michael J. Bernstein is one of the finest examples of a public servant, and in honoring him we also honor thousands of other men and women who serve this country with distinction, but very often without the recognition or credit they deserve. As a labor lawyer in private practice Mike could very easily have doubled or tripled his salary over the years, but making money has not been his concern. His concern has been with making sound law and sound public policy for the people of this country which he deeply loves. Mike is a patriot in the best and untarnished meaning of that word.

Mrs. Bernstein, and their son John and Daughter Deborah, must be very proud of Mike. It is a pride which all of us who have worked with him can share. We shall miss his wit, his erudition, his excellent work and counsel. But we hope to have the pleasure of his friendship—and to be able from time to time to call upon his advice—for many, many years.

Mrs. GRASSO. Mr. Speaker, I wish to convey my congratulations and best wishes to Mike Bernstein, general counsel for labor on the minority staff, on the occasion of his retirement.

For years, his dedication and commitment have focused on fulfilling the important duties of his assignment in distinguished service to the committee and the Congress. His services will be missed by all who had occasion to reap the benefits of his advice and counsel.

It is my hope that Mike Bernstein's retirement years will be happy ones, filled with fond memories of the friends and experiences he leaves behind.

Mr. O'HARA. Mr. Speaker, this week marks the end of a long and very fruitful career in public service—the retirement of a man I am proud to call my friend, and from whose wise counsel and good judgment I have for many years benefited.

I am referring, Mr. Speaker, to Mike Bernstein, the retiring minority counsel for labor of the House Committee on Education and Labor.

Before I get Mike in trouble on this his closing day of public service, let me reassure those who have utilized his talents all these years that they have been getting exactly what they thought they were getting—the advice of a strict constructionist, a thorough-going conservative, a labor lawyer whose views of what the law ought to be have not always coincided with mine, but whose knowledge of what the law is has been virtually unequalled and surely unsurpassed by any staff member on that ably staffed committee.

Mike Bernstein has never taken the position so beloved of some career Government employees—that he is only a technician with no concern for policy questions. He has left no doubt in the mind of anyone who has worked with him where he stands. He stands in the intellectual mainstream of American conservatism—and he is a credit to that movement.

Anyone who works with Mike Bernstein knows where he stands. But anyone who asks Mike Bernstein a technical question also knows that he can absolutely depend on the accuracy of the answer—no matter whether that answer serves the objectives Mike might have preferred or not.

We had a party the other evening, Mr. Speaker, in Mike's honor. He was congratulated and he was thanked for his years of service to the committee, and he was finally prevailed upon to respond.

I am not sure there was a stenographer there, and I cannot repeat Mike's words verbatim, but his last bit of professional advice to his friends and admirers was in the form of a warm and heartfelt defense of the legislative branch and the legislative process against its detractors—those who would chip away at the Congress.

Mr. Speaker, if the Congress has been able to live up to Mike Bernstein's high opinion of it, it is at least partly because we have had a few staff members of Mike Bernstein's capability to help us do it.

Mr. ERLENBORN. Mr. Speaker, I accepted my assignment to the Education and Labor Committee 6 or 7 years ago with a reservation. I did not expect to stay long.

That expectation has changed, however, and I speak today of one of the persons who contributed much to that change. He is Michael J. Bernstein, the counsel for labor on the minority staff. Many times when I have been trying to find my way through the complexities of labor law; and many times when I have been making my way along the labyrinthine streets of some foreign capital, I have found an extraordinary guide in Mike Bernstein.

He knows the when and the why of our labor laws better than anybody else in my acquaintance; and his knowledge of the cultural and historical tides which have affected this and other countries evoke a sense of wonder in me.

Mike Bernstein will retire tomorrow. To him I say, thank you for your superior service to the Congress, and thank you for your remarkable knowledge. To a memorable friend, I say you will be missed, Mike.

Mr. THOMPSON of New Jersey. Mr. Speaker, I wish to join my colleagues in paying tribute to Mike Bernstein, the able and distinguished minority counsel for labor of the Committee on Education and Labor, who will soon be departing for his retirement home in London.

Mike has earned the respect and admiration of Members on both sides of the aisle during his many years of service in the Senate and in the House. His personal integrity, professional ability, and expertise in labor-management matters have served our committee and the Congress well on countless pieces of important legislation.

As chairman of the Special Subcommittee on Labor, I came to know him particularly well over the years as we worked on legislation in committee, on the floor, and in conference. He is not only a first-rate lawyer, but a man of great personal grace and warmth. I am happy that he is now going to have some leisure time to pursue his many diverse interests, and I wish him every happiness in his retirement years.

Mr. VEYSEY. Mr. Speaker, I rise to join my colleagues in paying tribute to Mike Bernstein, one of the outstanding committee counsels I have known. The depth of Mike's experience and expertise is matched by few people on the Hill. It is almost impossible to satisfactorily measure the impact of any single individual on the large volume of labor legislation that flows through the Education and Labor Committee, but from what I have seen I think it is clear that the people of this country have benefited substantially from Mike's advice and help on the bills we have considered in the years he has served the committee's minority.

Mike Bernstein's departure will leave a gap that is hard to fill, but that is merely another indication of the fine job he has done. I want to thank Mike for his help to us and wish him well as he joins his family in London.

Mr. RUTH. Mr. Speaker, I appreciate the time being afforded us at this point in a busy schedule to express our regrets over the pending retirement of Mike Bernstein. However, it is my opinion that Mike deserves this.

I would like to point out two items of significance about Mike. First, he has been an extremely careful and diligent leader on the minority staff, and second, he has always been available for questions and help from my office staff. From my point of view and from my office staff, Mike has always been dependable, courteous and patient, even during the roughest times in the committee.

But Mike has chosen retirement. We are going to miss him.

Sir, fare you well.

Mr. ESHLEMAN. Mr. Speaker, I want to join my colleagues in thanking Mike Bernstein for his many years of dedicated service to the Congress and its membership. During the three terms I have been in Congress and served on the Education and Labor Committee, I have come to know Mike as a knowledgeable, resourceful, and dependable expert in the field of labor law.

Those of us who worked closely with Mike and utilized his expertise know how much he will be missed. Of course, we wish him many happy retirement years, but somehow those best wishes are tempered with the thought that Congress is losing one of its most effective staffers.

There is so much of this Nation's labor law which bears, at least in part, Mike Bernstein's imprint that he can leave us knowing his Capitol Hill years have been productive. But his long service also will be remembered by those who knew him as an example of how congressional staff can exert legislative leadership.

GENERAL LEAVE

Mr. QUIE. Mr. Speaker, I ask unanimous consent that all Members may be permitted to revise and extend their remarks after my special order today as a testimonial to Mike Bernstein, Minority Counsel for Labor on the Committee on Education and Labor.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

COMMISSIONER PETE ROZELLE'S STATEMENT ON THE SO-CALLED BLACKOUT BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, there is a great deal of misunderstanding about the proposed legislation which would stop television blackouts of home games in professional sports.

And, I believe, this misunderstanding has been compounded by the testimony presented yesterday by Mr. Thomas E. Kauper, the Assistant Attorney General in charge of the Justice Department's Antitrust Division.

Even the term "blackout," in my judgment, adds to the confusion because, as National Football League Commissioner Pete Rozelle pointed out today before the Senate Commerce Committee which is considering legislation dealing with sports broadcasts, "two or three NFL games are telecast in each home territory each Sunday afternoon."

Mr. Speaker, I made known my views on the controversy in this Chamber last December 10 and said that profootball must never become just another TV sport.

With this in mind, I respectfully request permission to insert in the RECORD the full text of Commissioner Rozelle's testimony which eloquently puts in perspective the sports broadcast issue and ask that my colleagues in the Congress put aside emotion and consider the merits of his case. I might add that I have had calls from players who are also concerned that the unprecedented prosperity and popularity of profootball would be compromised by any ill timed and ill constituted action of this Congress.

Mr. Rozelle's testimony follows:

STATEMENT OF COMMISSIONER ROZELLE

My name is Pete Rozelle. I am Commissioner of the NFL. I am appearing here today to oppose the enactment of Senate Bill 4010 or of any of the other pending Senate bills having the same or a similar purpose.

I have with me Art Rooney, President of the Pittsburgh Steelers, Gerald Phipps, Chairman of the Denver Broncos, and Jim Finks, Vice President and General Manager of the Minnesota Vikings. Also present today is the League's counsel, Hamilton Carothers.

I want to assure you that the comments I am about to make are not simply my own views on this situation. My comments have the unqualified support of each of the 26 member clubs of the NFL.

I think I understand how a Congressional proposal of this character originates. It has the appearance of offering something to the American public free of charge. And, viewed in its most superficial light, it has the appearance of being a proposal which can offer this public benefit without doing damage to anybody.

But these premises are, as we see it, quite in error. Indeed, almost every Congressional statement I have read to date on this subject proceeds on the basis of some very fundamental misunderstandings as to substantially every phase of the matter.

Perhaps the best way for me to begin would be to list some of the statements put forward in support of this proposal and make a brief comment about each.

We hear, for example, this proposal continually referred to as a "blackout" issue. The fact is that it is not a blackout issue at all. NFL home territories are no longer blacked out on television on Sunday afternoons even when the home team is playing a game at home; two or three NFL games are telecast in each home territory each Sunday afternoon. This proposal therefore does not deal with blackouts—it is an effort to prescribe by statute *which* AFL game must be telecast in what area on what occasions.

To say the least, this strikes me as a rather unprecedented proposal. I am not aware that Congress has proposed this for any other form of public entertainment.

We also read statements to the effect that this proposal resolves a significant antitrust issue. The fact is that the member clubs' practice of not telecasting locally the same games being played locally has never presented any antitrust issues—any more than a similar decision by the Kennedy Center, the Barnum & Bailey Circus, or the promoters of a boxing match would.

We read that this practice by the member clubs was successfully defended in an antitrust case during the 1950's, but that conditions have now changed, and the basis for the court's decision can no longer be justified. But the fact is that this particular member club practice has never been the subject of litigation and was not even questioned by the Antitrust Division at that time—which is precisely what, I am informed, the Assistant Attorney General in charge of the Antitrust Division said yesterday.

We have read statements to the effect that the source of the League's present practice is an antitrust immunity granted to the League by an Act of Congress in 1961—when the fact is that the practice of not televising local games locally has never required any antitrust immunity and Congress never intended to deal with it in 1961.

So I think you must agree with me that there are some very fundamental misunderstandings about the legal context of this proposal.

Even more importantly, we think the supporters of this bill are operating with some equally significant misconeptions as to the predictable effects of this bill and as to the circumstances existing in this particular form of entertainment—which is what professional football is.

We read, for example, that all NFL games are regularly sold-out and that it is no longer feasible for the members of the public to obtain tickets to NFL games—when this is simply not so. The fact is that there are only a limited number of NFL cities where this is the case. In most NFL cities tickets for NFL games are available to the public up to the time of kickoff.

We also hear the statement that the practice of not televising local games locally unfairly deprives home territory fans of their proper share of NFL game telecasts—when the average NFL home territory receives 74 free NFL game telecasts each season, the League and many outsiders are already concerned with the problem of oversaturation and too much television, and the proposal is simply to add additional game telecasts to this tremendous schedule.

We are told that a justification for this proposal can be found in the fact that many NFL clubs play their games in municipally owned stadiums—when municipal stadium authority interests would, we are clear, be as much damaged by this bill as would the NFL member clubs themselves. Substantially every NFL stadium lease is based on percentage of gate receipts and many stadium authorities have a direct financial interest in all or a portion of the parking fees and concessions.

We are told that the enactment of this bill would not in any way affect ticket sales by the member clubs—when there is not a single member club of the League that believes this and all of the League's experience argues to the contrary.

If you are inclined to dispute this, just remember that what you are proposing here is a statutory guarantee to every member of the American public that he will be able to see one, two, three or seven home games of his choice either on television in the comfort of his home or by appearing at the team's local ticket office at any time before 1 p.m. on the Friday preceding any weekend game.

This proposal could create some of the strangest Friday morning ticket lines in the history of public entertainment—with everyone jockeying to remain at the end of the line.

We are told that local telecasts of local games would not affect game attendance when the tickets have already been sold and that in any event the League's only interest is in selling tickets to NFL games—when each member club has a very strong interest in achieving full attendance at its games even when all of the tickets have been sold and all the League's experience supports the proposition that local telecasts of local games can have a dramatic impact on attendance even where tickets have been sold.

We are told that the proposal would not negatively affect the member clubs in any other way—when the proposal would in fact destroy the value of the clubs' radio rights and introduce factors of speculation and confusion into the sale of the member clubs' television rights.

We are even told the proposal would add to the clubs' sources of income—which amounts to the rather remarkable contention that the clubs are stubbornly and for no rational reason resisting the opportunity to make more money.

The League is also told that the proposal is entirely practical—when fact issues could arise in half-a-dozen or so League cities every weekend—visiting club ticket returns, standing room stadiums.

Now what are the facts?

Professional football differs from other professional sports in a variety of ways. Among the most significant is that it simply cannot be played often. A NFL club's entire regular season consists of 14 games. A baseball team's regular season consists of 162 games, a basketball team and a hockey team play around 80 games.

Because of this, football has to *maximize* attendance. It can't offset well-attended games against games which are not well-attended. An entire regular season home game schedule consists of only seven games and full-houses at each of these games become a football club's *minimum* objective.

It is surprising how many people do not focus on this single factor. A comparison of the crowds at football games and at other sports contests gives a totally false impression.

One of the results of this is that every cost factor is compressed into the same limited game schedule. And that includes stadium rentals. If you had chosen to examine Judge Lehr on this yesterday, you would have found that the Kansas City Chiefs will produce revenue for the stadium authorities in 1972 at a figure of $590,000 in rental alone, that the stadium authorities get 50 percent of the concessions and the parking, that the Chiefs are responsible for all maintenance, staffing, and care of the stadium (estimated at $500,000 annually), and that the Chiefs "nut" for the stadium use annually will run at about $2.4 million per year (in rent, upkeep and principal and interest on their own investment in the stadium). And this is for only eleven games.

Still another factor which distinguishes football is the manner in which television is used. Relative to the number of games actually being played, football offers more television than any other professional sport. The fans in each NFL home territory have access not only to all of the away games of their home teams, but, as an average, a total of 74 NFL game telecasts.

And that concerns me—as it does many other observers of professional football, within Congress and without, who feel that the game is already over-exposed and that there is a real risk of football following the path of professional boxing, which killed itself by TV over-saturation.

And now Congress is proposing to enact a statute making it mandatory that we invade this last precinct of non-telecasting—the home territory of the home team when the team is actually playing at home.

Now let's turn to the $64 question—which seems to be:

"You can't get a ticket, so why not put it on TV?"

How many games were actually sold out? Fifty-two National Football League games in the 1971 season were not sellouts. Only five, including the Super Bowl, of eight post-season games sold out. And, we ask you to remember, in no case did the public anticipate the possibility of local TV and many of these were achieved by ticket sales taking place right up to the moment of kick-off. Only 9 teams are sold out for their remaining games at the present time.

Despite the fact fans know NFL games will not be televised locally, there are more than one million unsold tickets available for the remaining eleven weeks of the season.

The 17 teams which are not sold out have a total of 904,238 seats available plus 120,073 standing room tickets.

The Super Bowl Champion Dallas Cowboys alone still have 118,480 for their remaining six home games. The New Orleans Saints, with a 78,000-seat, 130-million dollar Superdome under construction, have 129,118 left for just five games at their present location.

Cleveland has nearly 28,000 tickets remaining unsold for a game with Houston on November 5.

The trouble, I think, lies in the fact that many of you gather your impressions of NFL ticket sale circumstances from the abnormal rather than the typical franchise situation—as in Washington, for example, where the situation resembles no other situation within the League.

A major contributing factor to the current interest in professional football has been our television policy—regional telecasts of the away games of each home team (which is not the most economic method of presenting games on television), outside games of other teams liberally offered, and a firm restraint with respect to telecasts which are or may be competitive with the actual game being played locally.

Over-exposure is a potential danger that we have watched carefully in the past decade. Only last December we included a question on it in a special public opinion survey conducted at our expense by Lou Harris. A cross-section of sports fans were surveyed in 1,991 households—as you know, a considerably higher sampling than in the widely accepted political polls—with the following result:

AMOUNT OF PRO FOOTBALL ON TV

[In percent]

	Total football fans	Men	Women
Too much	21	17	27
Too little	7	9	5
About right amount	71	73	67
Not sure	1	1	1

In relation to the over-exposure question, we have watched closely experiences in other sports. Here are some striking examples relating both to over-exposure (best described as too much TV) and to local telecasts of events:

Boxing.—We all remember the "Friday Night Fights," but how about the Wednesday Night Fights, the Saturday and the two Mondays? That is correct. At the peak of TV boxing popularity—from January 1953 to January 1955—there were five weekly network boxing telecasts. By May 1958 there were two, by September 1964 there were zero. The sport simply ate itself with overexposure.

Baseball.—In 1971, with local television available, the seven games of the major league baseball divisional playoff had a total of 74,596 unsold seats. An additional 7,963 went unsold for the sixth game of the World Series and another 4,846 for the seventh and deciding game of the Series.

Basketball.—The taxpayers of Nassau County built a modern arena in suburban New York City at a cost of $28,000,000. It opened last spring, although still not completely finished, to meet the demands of the fans who wished to see the surprising New York Mets in the American Basketball Association playoff. On Friday, May 12, a sellout 15,241 fans attended a playoff game. With more seats completed, there were 15,890 on May 15. Neither game was televised locally. Then, on May 20, for the seventh and deciding game for the ABA Championship paid attendance was only 10,484 with the game on television locally. Similar circumstances existed in Virginia and Utah—two of the ABA's strongest franchises—when games were televised locally.

A recent collegiate experience with the blackout is most startling. The Georgia at Tulane game on September 23, a regional NCAA telecast, was shown locally in New Orleans and prior to the day of the game we understand only 3,000 tickets had been sold for the 80,000-seat Tulane Stadium.

Contrary to popular public opinion, pro football is not without its own TV-induced attendance problems.

In 1970, the Baltimore Colts concluded the regular season with a record of 51 consecutive sellouts. Then with television available in the Baltimore area from a Washington station, attendance dropped by 20 percent—10,500—for the divisional playoff game with Cincinnati. And for the more important Conference championship game with Oakland the following week in much better weather, 5,300 seats went unsold because of the same TV circumstances.

The above experiences highlight the myth that proclaims all important professional sports contests are sellouts.

There is another factor. Conservatively—and some fans in Washington would probably argue with the count because D.C. Stadium is not included—15 of the 26 NFL Stadiums are considered cold-weather playing sites. Others, like San Francisco and Oakland, are often plagued by rain in late season.

The "no-show" situation is one the NFL is constantly on guard against. Anyone who has watched NFL football on television—particularly games at night when sound carries—is most certainly aware of how much fan participation adds to the excitement and emotion of the sport and to the performance of the teams.

We do not want "no-shows"—persons who purchase tickets and then do not use them. And we will get them in ever-increasing numbers if local telecasts are made mandatory even under sellout conditions.

Consider some of these illustrations, all of which happened with home games blacked out:

The New York Giants each season average 2,000 no-shows per game. Last December 19, a cold, overcast Sunday, 15,134 persons who purchased tickets failed to attend a game with the Philadelphia Eagles.

The New York Jets had 42,525 no-shows for their seven games in 1971, including 16,275 for a game with the Miami Dolphins on rainy October 24. This is not an isolated experience. On November 10, 1968, 24,941 who purchased tickets stayed away from a game with Houston, and on December 3, 1967, there were 29,242 no-shows when the Jets played Denver on a cold, rainy day.

New England in the first year in a new stadium had 23,843 no-shows, including 11,137 as early as October 10 for a sellout with the Jets on a day of driving rain.

There are many, many more illustrations that could be made that occurred in recent seasons throughout the League—even in non-cold weather sites like Atlanta.

The point, however, is that, despite the popularity of professional football, there are many persons who purchase tickets and then do not attend games. The number would soar if games previously blacked out were announced for television, and it should be obvious that persons then would soon stop buying tickets.

In my opinion, the bill being here proposed would in essence be self-defeating. It would virtually assure that in a period of a few years' time there would be no such thing as a sellout and therefore no local television. At the same time it would have made nonbuyers of former fans.

Stadiums would also be affected. Rentals are usually based on percentages of the gross. NFL teams ordinarily do not participate in parking income or concessions—which goes either to the stadium authorities or to the baseball tenant. Where they do, the stadium authorities usually receive a sizeable percentage.

As a result, seven NFL teams operate under stadium leases which either prohibit home telecasts or require landlord approval before any home game is telecast.

The city of Cincinnati is guaranteed $500,000 per year from parking at Riverfront Stadium—by a private business concern—no matter how many fans actually drive their cars to the games. This is a contract obviously based on persons showing up for the games, not just buying tickets.

Robert F. Kennedy Stadium in Washington, which is run by the District of Columbia Armory Board through an act of Congress, and which has only the football Redskins as a professional team to attract large crowds, also controls concessions, parking and advertising. Despite capacity crowds which now fill RFK to watch a winning team, there is little chance this would continue under the proposed bill. If ticket holders discover two days before a game that they can stay at home and watch on television or if every fan knows that he is guaranteed the right to see any game of his choice either at home or by visiting the Redskin's office at any time before 1:00 p.m. on Friday, in a few years both ticket sales, attendance, concessions and parking will be affected—to the serious detriment of the stadium itself.

Again and again, the point has been made by proponents of this bill that only games sold out 48 hours in advance would be affected and therefore the bill will do no damage to anybody. But human nature is such that when people get accustomed to having something free they are not likely to be enthusiastic about paying for it on other occasions. As one sports writer has described the present bill, it is a little like a Supermarket announcing that if it sells a certain amount of steaks by Friday, it will give them away over the weekend. Steak sales are not likely to be very promising for the first five days of the week.

There have been six Super Bowls played. The fourth and the sixth were in the city of New Orleans.

Each year after the first (in Los Angeles) we were asked if we were going to have a closed-circuit showing of the game at locations in the city in which it was going to be played so that local persons without tickets could see it on television.

Each time until last January we chose not to in the belief that such an undertaking would not be successful. After the fourth game (in New Orleans) a closed-circuit TV company filed suit against the NFL over our refusal to sell closed-circuit rights.

Last year we permitted that company and others to bid on the sixth game in New Orleans where fans had seen four of the five previous Super Bowls free on home TV.

The result was simply that persons did not buy what they had gotten free in the past. Though tickets were priced at $5 less than stadium tickets, only slightly more than 1,600 fans attended the closed circuit showing which had a total seating capacity of 14,000. The closed-circuit promoter lost more than $25,000 because he failed to understand the psychology of the fan who already had gotten something for nothing in the past.

If home games were to be telecast, many NFL member club radio contracts would be in jeopardy. Metromedia Radio, which has four of our member club contracts, indicated to me that "if blackouts were lifted" it might cause a situation where the club would have to purchase time from the stations to get the broadcasts on the air. Regional radio networks would have to be dropped because the cost factor doesn't justify continuing losses.

It is conceivable that the cancellation of regional radio networks could have seriously damaging effects on smaller radio stations because of a lack of professional football programming availability. It is also important to note that the member clubs participate in many local public service promotions with radio stations along their networks. Many of these promotions are charitable and this blackout measure could result in harming public service efforts for the future.

The 26 member club radio stations have invested over 3 million dollars in NFL game rights. Current ratings on radio broadcasts show an eighty percent drop in audience when the radio station must compete with a telecast of the same game. Wherever this bill applied, the very existence of these broadcasts would be seriously jeopardized.

In short, I think substantially every premise on which this bill proceeds is in error and that experience under it would prove just that. But by that time it will be too late.

I have talked a great deal. I think for a more personal appraisal of the impact of this bill on football clubs, I would like you to hear directly from the owners of the franchises who have accompanied me here today.

PRISON WORK-RELEASE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. McKinney) is recognized for 15 minutes.

Mr. McKINNEY. Mr. Speaker, last Thursday, Congressman Richardson Preyer and I introduced H.R. 16901 which removes a legal stumbling block from the effective operation of prisoner work-release programs.

In 1965, with the passage of the Prisoner Rehabilitation Act, Congress recognized that the rehabilitation of convicts was directly related to the job training they received in prison. If we were to stem the overwhelming tide of recidivism, clearly we had to develop job training programs for prison inmates, which would provide them with skills marketable in civilian life. The old license plate "make work" routine, while a vast improvement over "the rockpile" clearly did not relate to bona fide employment opportunities outside the prison workshop.

Thus the Attorney General, testifying before the House Judiciary Committee in 1965, recommended the establishment of a work-release program designed to give trustworthy prisoners the resources, guidance and employment skills necessary for their assumption of productive law-abiding positions in society. However, through legislative oversight, Congress failed to amend 18 U.S.C. § 1761, which reads:

> Whoever knowingly transports in interstate commerce . . . any goods . . . manufactured, produced . . . by convicts or prisoners . . . except convicts or prisoners on parole or probation . . . shall be fined not more than $1,000 or imprisoned not more than one year or both.

This restrictive statute, still on the "books," unquestionably contravenes the sense of Congress as expressed in the Prisoner Rehabilitation Act of 1965.

Let me emphasize that this situation is not simply a moot point of law. For in August of 1971, a Special Assistant for Legislative Affairs made clear the Department of Labor's position that State work-release prisoners were ineligible for employment under a JOBS contract, that an employer of a State or Federal work-releasee must be concerned with the criminal sanctions of 18 U.S.C. 1761, and that legislation would be required to give the State work-releasee the same rights to work at paid employment as a Federal prisoner.

Toward this end, Representative Richardson Preyer and I have introduced our legislation to eliminate such restrictions. I am including an abridged version of an article written by Mr. Leonard L. Riskin, entitled "Removing Impediments to Employment of Work-Release Prisoners." This publication, to be published in the Criminal Law Bulletin, vol. VIII, No. 9, in November, contains an excellent analysis of the legislative history of the problem.

REMOVING IMPEDIMENTS TO EMPLOYMENT OF WORK-RELEASE PRISONERS

(By Leonard L. Riskin)

(NOTE.—Mr. Ruskin is a member of the District of Columbia Bar, a general counsel to the National Alliance of Businessmen. The views set forth herein are not necessarily those of the National Alliance of Businessmen.)

Recent events have increasingly drawn attention to the plight of prisons and prisoners in the United States. Criminal offenders have been glorified and vilified, but their needs, and those of the community to which they relate, have not been met. While the great debate between recrimination and rehabilitation continues, most concerned observers seem to recognize the need, if not the means, to make productive persons of convicts.

The importance of a job in the process of rehabilitating convicts, as well as others outside the economic mainstream of American life, has recently gained the notice it deserves. For example, at the President's request, business leaders in 1968 formed the National Alliance of Businessmen to sponsor the Job Opportunities in the Business Sector (JOBS) program to find employment in the private sector for the hard-core unemployed. Basic to the design of this program, under which employers can be reimbursed by the government through a JOBS contract for extraordinary costs incurred in hiring and training the disadvantaged, is the requirement that the trainee be hired prior to any training or support.

Other examples of this recognition can be found in recent legislation designed to place welfare recipients into work and training programs.

In the corrections area, work-release programs are designed to provide employment to prisoners as a means of easing the transition to life on the outside; inmates are allowed to work at paid employment in the community, returning to confinement during their non-work hours. Such programs have been authorized for federal prisoners since 1965, by the Prisoner Rehabilitation Act,[1] but states began experimenting much earlier. Wisconsin's Huber Law of 1913 authorized work release for misdemeanants in county institutions. At this writing, 38 states have statutes authorizing work release programs for inmates of state or county or municipal institutions.

It is ironic that although states pioneered in work release, federal law discriminates severely against state programs by limiting employment possibilities of state work-release prisoners. These prisoners are prohibited from working for firms holding contracts "involving the employment of labor" with executive agencies. This is true even though the contract in question may be one designed to provide employment and training opportunities to the disadvantaged poor.

The second problem is that employers of state or federal work release prisoners are subject to prosecution for violation of a statute which makes it unlawful to transport in interstate commerce anything produced by convicts or prisoners.

This situation has not come about through anyone's wishes. Indeed, it serves no one's needs. The following is a proposal for actions by the Congress and the President which would remove the discrimination against state work release prisoners and the threat of criminal sanctions against employers of state or federal work release prisoners.

The story begins with the Act of February 23, 1887, now 18 U.S.C. § 436 (1970), which prohibited federal officials from hiring out the labor of prisoners confined for violation of federal law. In 1905, President Theodore Roosevelt sought to extend similar protection to state prisoners by prohibiting their employment by federal contractors. He issued Executive Order 325–A, which required that a "... stipulation ... forbidding the employment of persons undergoing sentences of imprisonment at hard labor which have been imposed by the courts of the several States, Territories or Municipalities having criminal jurisdiction," be included in all contracts "involving the employment of labor."

Federal regulations which implement the foregoing policies[2] indicate that the clause need not be inserted in contracts subject to the Walsh-Healy Public Contracts Act[3] and that it does not prohibit the employment of persons on parole or probation, Federal prisoners in work-release programs, or individuals who have been pardoned or who have served their terms.

The exemption for Federal work-release prisoners was added after the passage of the Prisoner Rehabilitation Act to remove an obstacle to its implementation.[4] But another federal statute[5] designed to protect against exploitation of convict labor has not been specifically amended by Congress to reflect the Prisoner Rehabilitation Act. It reads as follows:

1761 TRANSPORTATION OR IMPORTATION

(a) Whoever knowingly transports in interstate commerce or from any foreign country into the United States any goods, wares, or merchandise manufactured, produced, or mined, wholly or in part by convicts or prisoners, except convicts or prisoners on parole or probation, or in any penal or reformatory institution, shall be fined not more than $1,000, or imprisoned not more than one year, or both.

It is against the foregoing examples of restrictions designed to protect convicts against exploitation, and to prevent competition in the open market of convict made and other goods that we must view the Prisoner Rehabilitation Act of September 10, 1965 which authorizes work-release programs for Federal prisoners if participation is voluntary and if

i. representatives of local union central bodies or similar labor union organizations are consulted;

ii. such paid employment will not result in the displacement of employed workers, or be applied in skills, crafts, or trades in which there is a surplus of available gainful labor in the locality, or impair existing contracts for services; and

iii. the rates of pay and other conditions of employment will not be less than those paid or provided for work of a similar nature in the locality in which the work is to be performed.

The results of the interaction between the above-described efforts to foster work-release programs, to protect against exploitation of convict labor, and to encourage private businessmen to hire disadvantaged poor people are best seen as interpreted by the U.S. Department of Labor.

In August, 1971 a special assistant for legislative affairs made clear the Department's position that state work-release prisoners were ineligible for employment under a JOBS contract, that an employer of a state or federal work-releasee must be concerned with the criminal sanctions of 18 U.S.C. § 1761, and that legislation would be required to give the state work-releasee the same rights to work at paid employment as a federal prisoners.[6]

RECOMMENDATIONS

1. State prisoners in work release programs should not be barred from employment by federal contractors if the particular state program includes measures to protect the convicts and the labor market such as those required in the Prisoner Rehabilitation Act.

The only conceivable justification for forbidding federal contractors to employ state work-release prisoners is that the state programs would not protect the prisoners and free labor against exploitation of convict labor. While some states are not required by statute to observe protective standards such as those set forth in the Prisoner Rehabilitation Act, an administrator of a work release program would be inviting trouble, particularly in times of high unemployemnt, if he ignored the labor union organizations or permitted his work releasees to displace employed workers or to receive rates of pay less than those paid for similar work in the locality. Moreover, the federal government is obviously capable of determining whether a given state or county work-release program meets the standards set forth in the federal law. The Bureau of Prisons is required to do so each time it makes a contract for a federal prisoner to take part in a state or local work-release program in the community in which the prisoner is to have permanent residence.[7]

2. Private sector employers of federal work release prisoners and state prisoners participating in state programs under conditions for protecting inmates and the labor market prescribed in the Prisoner Rehabilitation Act should not be burdened with the possibility of committing a felony by transporting their goods, wares, or merchandise in interstate commerce.

H.R. 15279

A bill which is designed to remove the discrimination against state work-release prisoners was introduced on June 1, 1972[8] by Rep. Frey. The purpose of the bill is "To clarify the intent of congress to exclude prisoners in work-release programs under the provisions of federal law forbidding the use of convict labor." By its terms, however, the bill deals only with laws prohibiting the use of such labor by "any agency or entity of the United States or under any contract made with such agency or entity." Accordingly, the bill does not affect 18 U.S.C. § 1761, *supra*, and should be amended to accommodate that law. Alternatively, 18 U.S.C. § 1761 could be amended to remove from its proscription items produced by federal work-release prisoners or state prisoners participating in programs embodying certain safeguards as discussed below.

But the Frey bill has another feature which makes enactment without amendment unlikely. It refers to state prisoners participating in "generally similar" work-release programs. Under such a loose standard, some objection is to be expected from organized labor and others concerned about state measures to protect against the exploitation of convict labor and the unfair competition of that labor with free market labor. The protective standards set forth in the Prisoner Rehabilitation Act, *supra*, were included therein at the request of AFL–CIO President George Meany.[9] It would appear advisable, then, to require a state work-release program to meet standards such as these if restrictions on employment of its work-release prisoners are to be removed. This could be accomplished by an amendment to the Frey bill.

The Frey bill attempts to affect all federal laws restricting employment of convict labor and ensure that both federal and certain state work-release prisoners can be employed thereunder. While congress has prohibited employment of convicts by certain government contractors, the prohibition against state work-release prisoners in all other government contracts is based upon Executive Order 325–A, *supra*. Accordingly, this prohibition could be lifted by another Executive

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Footnotes at end of article.

Order, which would make clear that work release prisoners in state programs meeting federal standards, such as those set forth in the Prisoner Rehabilitation Act, are not to be excluded from employment by federal contractors.

The Congress is currently considering one bill which would encourage greater use of work-release programs[10] and another which would reorganize certain functions of the corrections system in order to provide greater flexibility in the treatment of prisoners.[11] Implementation of the recommendations made in this article is a necessary step in permitting accomplishment of the rehabilitative objectives of these bills. Moreover, such actions are necessary in order to bring harmony to the efforts of government which, on the one hand, are encouraging rehabilitation through work-release programs, and on the other discouraging employers from hiring work-release prisoners.

FOOTNOTES

[1] P.L. 89–176, 79 Stat. 674 amending 18 U.S.C. § 4082 (c) (2).

[2] 41 C.F.R. § 1–12.201 *et seq.*

[3] The Walsh-Healey Public Contracts Act, 41 U.S.C. § 35–45 (1970), which applies to government contracts for the manufacturing or furnishing of materials, supplies, articles and equipment in any amount exceeding $10,000, requires the inclusion in such contracts of a stipulation that "no convict labor will be employed by the contractor" in the performance of the contract. This restriction on convict labor is viewed by the Department of Labor as not prohibiting the employment of federal work-release prisoners or prisoners participating in state work-release programs which include measures to protect the convicts and the labor market such as those required in the Prisoner Rehabilitation Act. Letter from William L. Gifford, Special Assistant for Legislative Affairs to Rep. James R. Mann, June 4, 1969; letter from Ben P. Robertson, Deputy Administrator, Wage and Hour Administration to George R. Royer, Staff Attorney, Dana Corporation, Toledo, Ohio; Operations Handbook, U.S. Department of Labor Manpower Administration § 13 c00.

Other federal laws which proscribe employment of convict labor on government projects include:

(1) 39 U.S.C. § 2201 (1970) which prohibits the Postmaster General from making a contract for the purchase of equipment or supplies to be manufactured by convict labor, except with Federal Prison Industries.

(2) 49 U.S.C. § 1722 (c) (1970) which requires that all contracts for work on projects approved under that chapter (relating to Airport construction) include "such provisions as are necessary to insure (1) that no convict labor shall be employed."

(3) 23 U.S.C. § 114 (1970) relating to construction of highways located on a Federal aid system, which provides 114 . . .

(b) Convict labor shall not be used in such construction unless it is labor performed by convicts who are on parole or probation.

The author is unaware of whether the question of employment of federal or state work-release prisoners by contractors subject to these statutes has been raised.

[4] 32 F.R. § 10852, July 25, 1967.

[5] 18 U.S.C. § 1761 (1970).

[6] Letter from Frederick L. Webber, Special Assistant for Legislative Affairs, U.S. Department of Labor, to Rep. Richardson Pryor, August 27, 1971.

[7] U.S. Bureau of Prisons Policy Statement 7500.36, Feb. 6, 1969.

[8] H.R. 15279, 92d Cong., 2d Sess. (1972).

[9] S. REP. 613, 89th Cong., 1st Sess. (1965).

[10] H.R. 7106, 92d Cong., 1st Sess. (1971) introduced by Rep. Mikva.

[11] H.R. 13293, 92d Cong., 2d Sess. (1972), introduced by Rep. Railsback and by Sen. Percy as S. 3185.

AMENDMENT TO FEDERAL AID HIGHWAY ACT OF 1972

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. HANSEN) is recognized for 10 minutes.

Mr. HANSEN of Idaho. Mr. Speaker, I take this opportunity to present to the House a copy of the amendment I propose to offer during the consideration of H.R. 16656, the Federal-Aid Highway Act of 1972. This is the text of my amendment which I commend to your consideration:

> H.R. 16656 is hereby amended by striking section 119 in its entirety and substituting in lieu thereof the following:
>
> SEC. 119. (a) Subsection (m) of section 131 of title 23, United States Code, is amended to read as follows:
>
> "(m) There is authorized to be apportioned to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $20,000,000 for the fiscal year 1970, not to exceed $27,000,000 for the fiscal year 1971, not to exceed $20,500,000 for the fiscal year 1972, and not to exceed $50,000,000 for the fiscal year ending June 30, 1973, and $50,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the fiscal year ending June 30, 1975. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967.

SUBSIDIZED COMPETITION AND THE CHICAGO & NORTH WESTERN RAILROAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, more and more, Government subsidization of business and industry has resulted not in reduced costs for the consumer, but in the additional costs which a stifling bureaucracy and a lack of competition inevitably bring.

This point was made by Peter F. Drucker in his volume, "The Age of Discontinuity." He noted that—

> The generation that was in love with the state 30 and 40 years ago believed fondly that government would be economical. Eliminating the "profit motive" was thought to reduce costs. This was poor economics, to begin with. If there is competition, profit assures accomplishment of a task at the lowest cost. It is a measure and an index of the most economical allocation of resources, that is, of the optimum in terms of costs as well as of results. This is the reason why the Communist countries are all rushing now to reintroduce profitability in their system.

Today the Chicago & North Western Railway Co.—C. & N.W.—runs the only commuter railroad in the country, as well as the biggest one, at a profit. In addition, since June 1 of this year, after Northwest Industries sold them its interest, the C. & N.W. has been owned by 1,000 of its 14,000 employees. This railroad has refused all Government subsidies.

What is now happening, however, is that this railroad is being faced with competition which is subsidized by the Federal Government. Discussing the obstacles to successful free enterprise, Shirley Scheibla, the distinguished Washington correspondent of Barron's, writes that—

> Thanks to its profitability, the commuter service doesn't qualify for federal grants. To stay in the black, however, it has raised rates several times. Five major competitors serving Chicago commuters—Burlington, Northern, Illinois Central. Milwaukee Road, Rock Island and South Shore—all have left their fares unchanged; all receive federal grants; all are in the red. In the view of the Department of Transportaion, C & NW should not raise is rates, become unprofitable too and thereby qualify for federal aid. But C & NW, for reasons of its own, refuses to play by bureaucratic rules.

The management of this railroad realizes that its days as a profitmaking private enterprise are numbered. It wishes to sell, but at a price appropriate to a moneymaking concern. In the meantime, writes Mrs. Scheibla, the management—

> Doesn't want government policies to plunge them into the red, or otherwise make it impossible to drive a good bargain. As a result, C & NW is bringing into question the whole system of federal grants for mass transportation and the obligation of the Department of Transportation to issue standards to assure equitability and due process to those who might be injured.

Our system has become one which subsidizes failure and scorns success. Some time ago the noted economist, Wilhelm Roepke, in his book, "The Social Crisis of Our Time," wrote of an economy which is becoming like our own:

> An economic system where each group entrenches itself more and more in a monopolist stronghold, abusing the power of the state for its special purposes, where prices and wages lose their mobility except in an upward direction, where no one wants to adhere to the reliable rules of the market any more, and consequently where nobody knows any longer whether tomorrow a new whim of legislation will not upset all calculations . . . is not only bound to become unprofitable . . . but it will moreover in the end suffer a complete breakdown.

The case of the Chicago & North Western Railroad is a current illustration of this unfortunate and potentially destructive trend in our economic thinking.

I wish to share with my colleagues Shirley Scheibla's instructive article on this subject which appeared in Barron's of October 2, 1972. The article follows:

SUBSIDIZED COMPETITION: THE CHICAGO & NORTH WESTERN RAILROAD IS RUNNING INTO IT

(By Shirley Scheibla)

WASHINGTON.—Nobody, as the saying goes, shoots Santa Claus, and few have ever turned down a government hand-out. Now, however, a rare bird is causing consternation all the way to the White House by resolutely rejecting U.S. subsidies. It also is challenging the right of the federal government to damage private enterprise by giving them to others.

The maverick is the Chicago & North Western Railway Co. (C&NW), which is unique on other scores. It runs the only commuter railroad in the country—the biggest one, to boot—to operate at a profit. Moreover, since June 1 of this year, after Northwest Industries sold them its interest, the C&NW has been owned by 1,000 of its 14,000 employees.

ALL ABOARD

Thanks to its profitability, the commuter service doesn't qualify for federal grants. To stay in the black, however, it has raised rates several times. Five major competitors serving Chicago commuters—Burlington Northern, Illinois Central, Milwaukee Road, Rock Island and South Shore—all have left their fares unchanged; all receive federal grants; all are in the red. In the view of the Department of Transportation (DOT), C&NW should not raise its rates, become unprofitable too and thereby qualify for federal aid. But C&NW, for reasons of its own, refuses to play by bureaucratic rules.

C&NW President Larry Provo is convinced that all commuter railroads, including his own, willy-nilly will wind up in government hands. A lengthy interview with Under Secretary of Transportation James M. Beggs indicates that Mr. Provo is right. "My feeling is that probably local authorities will have to pay for regional transportation in their areas and that they'll buy out all commuter railroads," he declared.

HARD BARGAINER

Mr. Provo is ready to sell—but at a price appropriate to a money-making concern. Meantime, he doesn't want government policies to plunge him into the red or otherwise make it impossible for him to drive a good bargain. As a result, C&NW is bringing into question the whole system of federal grants for mass transportation and the obligation of the Department of Transportation to issue standards to assure equitability and due process to those who might be injured.

In the 1970 amendments to the Urban Mass Transportation Act, Congress projected outlays of $10 billion over the next 12 years and authorized federal grants of $3.1 billion in five. In 1971 and 1972, DOT doles out money at the rate of $1 billion annually. Even so, the funds apparently aren't going far enough: DOT has applied for $4 billion in the current fiscal year.

In handling such large sums, DOT clearly needs some standards. Yet, as the C&NW case brings out, none has been issued since the grant program started with passage of the Urban Mass Transportation Act in 1964.

This differs greatly from the form usually followed whenever the government launches a program likely to have a major economic impact. SOP is to implement the program by regulations through formal rule-making proceedings. Proposed rules are published in the Federal Register, and all interested parties are given an opportunity to comment and request an oral hearing before the rules are laid down. Asked why DOT failed to follow this procedure, Mr. Beggs replied, "I suppose we should have."

DYNAMIC DUO

Hence the case of the C&NW deserves more attention than it seems to have received. The railroad has been operating suburban services, generally at a loss, for at least a century. Then in 1956, a new management team headed by Ben Heineman, who had just turned around a smaller road, took over. He also brought with him a dynamic 28-year-old, Larry Provo, who became comptroller and vice president. The new team saw the chance to break even on the suburban services by modernizing it. C&NW began buying bi-level, high-capacity air-conditioned cars, reduced the number of trains, closed many stations in Chicago where C&NW competed with the Chicago Transit Authority (CTA), installed diesel engines, speeded up operations, sold tickets by mail, and aggressively promoted its services among commuters.

By 1959, the service showed a profit of $10,000. By 1963, that figure rose to $200,000. Passage of the Urban Mass Transportation Act of 1964 had no immediate effect on C&NW. Grants were not dispensed until 1965, totaling only $130 million for the entire U.S. that year. Profits of C&NW's commuter service continued to grow. Then, in 1967, the CTA sought a federal grant of $56 million under the Act to buy equipment and build track in the median strip of the Kennedy Expressway as far as Jefferson Park, 9.5 miles from downtown.

C&NW immediately opposed the move on the grounds that it would parallel existing track and thus constitute federally-subsidized competition. The company, indeed, raised such a row in Washington that the Johnson Administration refused to make the grant unless CTA agreed to limit the adverse impact. Accordingly, CTA agreed not to build parking lots along the line with capacity for more than 400 cars, and to construct escalators and stairways connecting the new CTA platforms at Jefferson Park with those of C&NW. Most importantly, it agreed not to extend the CTA lines beyond Jefferson Park.

Meantime, earnings of the suburban service reached $2.4 million in 1968. By then the curious from all over the world were going to Chicago to see how anyone could run a commuter railroad at a profit. Visitors included official representatives from Japan, India, Nationalist China, Australia, Germany, Spain, France, Italy and several South American countries, all with government-owned railroads. Despite a whopping loss in 1969 of $15 million for the entire railroad, owing to heavy snows and floods, the commuter service showed a profit of $2.2 million. Then, on February 1, 1970, CTA opened its new line to Jefferson Park.

During 1970, C&NW lost half of its business—half a million riders—from its five stations served by the new CTA lines, at a cost of $300,000. That year C&NW raised its fares 5%. In sworn testimony before the Illinois Commerce Commission, Harold A. Lenske, director of commuter and passenger services for C&NW, said that his road lost another 250,000 passengers to the new CTA lines in 1971, for a revenue loss of approximately $450,000.

Last year C&NW raised fares again, by 7% (Mr. Lenske attributes 2% to the loss of riders to CTA the previous year). Mr. Provo points out that CTA is not C&NW's only federally subsidized competition, since all the other carriers serving Chicago have opted for government support. He told Barron's, "Lines subsidized by the Department of Transportation go in the same three directions we go. Even though they do not go as far, it affects us because DOT provides park and ride facilities at the end of the subsidized routes."

MAY CUT DOWN ON SERVICE

C&NW sought to increase fares by 7% again this year, but won approval for only 5½%, Consequently Mr. Lenske says C&NW is now considering cutting down on the suburban service which has been expanding since 1959. By October or November, he expects a company decision on whether to seek permission from regulators to end hourly midday service and trains leaving Chicago after midnight (which, he adds, could take a year or two).

Meantime, on June 1 of this year, the parent company, Northwest Industries, sold C&NW to 1,000 of its 14,000 employes and Larry Provo took over from Ben Heineman as chief executive. According to C&NW Comptroller Gilbert Carr, Northwest Industries was dissatisfied with the rate of return on invested capital. The employes bought C&NW for $3.6 million.

Net income for the suburban service skidded to $1.9 million in 1970, for a rate of return of 3.9% and to $1.6 million in 1971 (a return of 3.7%). In the aforementioned testimony requesting the 7% hike, Mr. Lenske stated, "We can only anticipate that this diversion of riders from our service will continue. North Western cannot compete with fares charged by this publicly-owned transit authority. . . ." As an example of fare differentials, Mr. Provo says, "Our price to Wilmette is $1.10, and CTA's is 60 cents."

Nevertheless, at the end of 1971, DOT announced a grant of $53 million to CTA for 500 buses, 100 rapid transit cars and other related improvements. On May 31, 1972, the entire Republican Illinois Congressional delegation requested DOT Secretary Volpe to suspend the grant and turn down a CTA application for an additional $27 million, pending the development of a proper plan as required by law. The delegation pointed out that the Urban Mass Transportation Act requires "a finding that the region where the grant is to be made has 'a unified or officially coordinated urban transportation system.' One of the purposes of this provision was to assure that federal grants to public bodies would not injure private operators. The Chicago metropolitan area has no such system and obviously has no provision for protecting the interests of a successful private transit operator such as the North Western and the public which it serves."

VOLPE'S REPLY

At first Secretary Volpe told the Congressmen that it was up to the Secretary of Housing and Urban Development to make such a determination. But on June 29, he wrote them that the law requires that a grant must be needed for "a program, completed or under active preparation, and meeting criteria established by me in consultation with the Secretary of Housing and Urban Development. . . ."

He went on to say: "I deplore any adverse economic impact on any private mass transit carrier. . . . However, I cannot, in good conscience, deprive the millions of people residing in the Chicago metropolitan area of the benefits of the federal urban mass transportation program merely because one railroad company anticipates the possibility of future economic harm as a result of a project which does not change the scope or level of CTA service."

MASS MERGER

Secretary Volpe explained that if he suspended the grant to CTA, he also would have to suspend grants already approved for privately-owned railroads. The latter took the hint; on July 10, Chicago's five other major commuter railroads wrote the entire Illinois Congressional delegation, urging them not to press for discontinuance of grants. "Work is in progress to devise another way, and plans are being promoted by commuter railroads to accomplish this," they said.

But when it appeared that their grants no longer were in jeopardy, the five roads joined with C&NW in endorsing the so-called CMATS bill pending in the Illinois legislature, which would merge all commuter railroads, suburban and municipal bus lines and the CTA into a Chicago Metropolitan Area Transportation System (CMATS) by acquisition lease or contract within two years.

Mr. Provo wants to sell the C&NW commuter service to the CMATS. But, according to Rep. Philip Crane (R., Ill.), no regional plans are apt to get anywhere without the support of Chicago Mayor Daley, who opposes them because they would diminish the importance of the CTA, which he controls.

At the moment the only CTA application pending at DOT is the aforementioned one for $27 million, approval of which seems likely. According to DOT, that and the already approved $53 million "are the beginning of a 20-year program to modernize the entire system."

But CTA has much more than modernizing in mind. Apparently it intends to ignore its agreement not to go beyond Jefferson Park and extend its lines from there to O'Hare airport. On February 3, 1972, The Chicago

Sunday Times reported Mayor Daley told a press conference he doesn't consider the agreement binding forever, and that CTA, despite protests by C&NW, will go to O'Hare.

END OF THE LINE?

C&NW Commuter Service Director Lenske says that the extension will mean a loss of 10 times the volume C&NW lost when CTA went to Jefferson Park. DOT has not challenged such statements.

No happy solution is in sight for Secretary Volpe. If he holds up funds for CTA and insists on a regional plan, he undoubtedly will antagonize one of the nation's most powerful mayors close to election time.

On the other hand, nobody will be happy if Secretary Volpe's programs impair the finances of C&NW, a threat which all hands agree is real. While C&NW says the commuter lines contributed only 7% of total revenue last year, they furnished $1.7 million out of total systemwide net income of $4.4 million. Presumably any substantial loss for the commuter service could throw all operations into the red. Mr. Provo told Barron's, "What happens on commuter service can determine whether C&NW stays alive."

FIRMS "SABOTAGE" CONSUMER PROTECTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, I am publicly releasing today the names of nine food and drug companies who have consciously sabotaged the Food and Drug Administration's efforts to remove contaminated and dangerous food and drugs from the shelves.

These nine companies were cited but not specifically identified in a recent General Accounting Office report which was broadly critical of FDA's lack of authority to protect consumers and also noted the unwillingness of companies to voluntarily cooperate in removing contaminated goods from the shelves.

I requested the names of the nine firms from both the FDA and the GAO. Both agencies have been fully cooperative and the FDA has provided me with the list of the nine firms.

These nine firms have obstructed, frustrated, and attempted to sabotage FDA efforts to protect American consumers.

For example, after it was discovered that Mrs. Smith Pie Co. of Pottstown, Pa., was using eggs containing salmonella, a bacteria which can cause illness and even death, the FDA attempted to obtain the bakery's quality control records. But Mrs. Smith Pie refused FDA access to the records and the FDA was unable to determine whether the pie contained the dangerous bacteria or not. In fact, FDA does not even know whether the tests for this harmful and possibly deadly bacteria were ever conducted by Mrs. Smith Pie Co.

In another example, the Parke-Davis Drug Co. of Detroit, Mich., refused to accept an FDA finding that a heart stimulant drug was superpotent and considered a potential health hazard. Finally, after 111 days, Parke-Davis accepted FDA's findings and began recall of the superpotent drug.

But in the meantime, 84,000 dangerous pills had been sold and FDA was unable to recover 42 percent of the amount distributed. The result is that thousands of individuals were exposed to this hazardous drug.

One firm, the Cedar Lake Food Co. of Cedar Lake, Mich. sold 59 percent or 51,000 pounds of flour contaminated by rodents.

Laser Inc., Crown Point, Ind., sold 3,960 ineffective thyroid capsules which the FDA did not have the authority to detain. Modern Macaroni Co. in Honolulu, Hawaii manufactured noodles in an insect-rodent infested plant. Only 19 percent of the noodles manufactured by the Hawaiian firm in their rat-infested plant were ever recovered by the FDA in their attempted seizure.

In Philadelphia, a hospital supply company, the American Hospital Supply Co.'s Harleco Division recalled approximately 20 of its products but permitted FDA to review only four of the recalls. No one knows exactly what was wrong with these products or if all of the drugs were ever recovered.

The four products that FDA was permitted to review were recalled because of mold growth, decomposition, chemical defects, and labeling errors.

Other firms also frustrated an attempt to sabotage the FDA's protection of consumers.

The Guerra Nut Shelling Co., of Hollister, Calif., refused to provide FDA with shipping data on walnuts contaminated with certain bacteria. The Stayner Corp. of Berkeley, Calif., produced a prescription drug that failed Federal standards of dissolution and was considered, according to the GAO, "a moderate to serious health hazard." Despite the FDA's efforts, 75,000 of the potentially dangerous tablets reached the public.

Mr. Speaker, I am calling on all of these nine firms to offer to the American consumer a plausible explanation of why they have attempted to subvert FDA's attempts to protect the average buyer.

I am also requesting that each of the firms fully cooperate with the FDA in the future and not repeat any options that may result in the sale of contaminated or dangerous food and drugs.

Every consumer has a right to know who is peddling defective products and I am pleasantly surprised that the GAO and the FDA are cooperating in this effort.

The list of the companies follows:

LIST OF FIRMS REFERRED TO IN GAO REPORT ENTITLED "LACK OF AUTHORITY LIMITS CONSUMER PROTECTION: PROBLEMS IN IDENTIFYING AND REMOVING FROM THE MARKET PRODUCTS WHICH VIOLATE THE LAW"

PAGE, EXAMPLE, AND COMPANY (NAME AND ADDRESS)

11; A; Nationwide Chemical Company, 1478 Wharton Way, Concord, California.

11; B; Guerra Nut Shelling Company, 190 Hillcrest Road, Hollister, California.

12; C; Mrs. Smith's Pie Company, Charlotte and Water Streets, Pottstown, Pennsylvania.

12; D; Harleco Division of American Hospital Supply, 60th and Woodland Avenue, Philadelphia, Pennsylvania.

21; E; Cedar Lake Foods, Cedar Lake, Michigan.

21; F; Laser Incorporated, 2000 N. Main Street, Crown Point, Indiana.

21; G; Modern Macaroni Company, Ltd., 1708 Mary Street, Honolulu, Hawaii.

28; H; Parke, Davis and Company, Detroit, Michigan.

29; I; Stayner Corporation, Berkeley, California.

RAY KROC'S BIRTHDAY PRESENT TO AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 10 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, Mr. Ray Kroc, chairman of the board and founder of McDonald's, celebrated his 70th birthday this past Saturday, September 30. Unlike most birthday celebrants, Mr. Kroc chose to give rather than to receive a gift. In the company of his lovely wife, Joan, and his many friends, it was announced that Mr. Kroc was donating, personally and on behalf of the Kroc Foundation, a total of $7½ million to institutions throughout the country. The city of Chicago was fortunate to have been the chief beneficiary of his generosity, with six of the city's most deserving institutions receiving birthday gifts from Mr. Kroc.

The Field Museum of Natural History received $450,000 in the name of Ray and Joan Kroc for their "Man and His Environment" program, a program which will have nationwide exposure. The Adler Planetarium benefited from a $285,000 gift which will assist its "Universe Theater" project as well as completing its capital funds program. The Lincoln Park Zoo will receive $780,000 to be used for its animal hospital and animal commissary and for the zoo's Great Ape House.

Children's Memorial Hospital will acquire $500,000 for research in genetics and Northwest Memorial an equal amount for prenatal and postnatal research. Mr. Kroc has given the Ravinia Festival Association $200,000 for their excellent musical programs. And the Pace Institute at Cook County Jail will receive $1 million to further their work in the area of criminal rehabilitation.

Mr. Speaker, one could well say that Mr. Kroc is donating $100,000 for each of the 70 years of his life. This is not the first time he has assisted others. The Kroc Foundation has, for many years, benefited medical research in the areas of arthritis, diabetes, and multiple sclerosis. And it is a well-known fact that Mr. Kroc is particularly proud of McDonald's continued support of the Boy Scouts of America through the organization's Project SOAR—save our American resources—a national program to beautify America.

Mr. Speaker, I am proud of this Chicagoan who has done so much for our city. Successful in the business world, Ray Kroc has not forgotten the city of his birth. He has been generous in returning his gratitude to Chicago. I recently had the opportunity to meet Ray Kroc at a function in Chicago and was impressed by his wide range of experiences and his generous personal credo.

Born in Chicago, Kroc, a high school dropout, falsified his age to join the Red Cross Ambulance Corps during World War I, serving in the same company as the late Walt Disney. After the war, he returned to Chicago where he decided to pursue a musical career. Kroc became music director for WGES, one of Chicago's pioneer stations.

Later, Kroc spent a short time in Florida during the real estate boom, but when the boom collapsed, he headed back to Chicago. There he decided to make his career in sales and went to work for the Lily-Tulip Cup Corp., in which he served as the Midwest sales manager for 17 years. Staying with sales, Kroc became exclusive salesman for a new invention, a milkshake "multimixer." During this time, he visited a restaurant in California which had purchased eight of his multimixers. The restaurant was owned by two brothers named McDonald, and Kroc decided that a chain of these restaurants would buy a lot of his multimixers. Kroc started his own hamburger outlets under a royalty arrangement with the brothers, whom he has since bought out. When McDonald's restaurants began appearing across the country, a new era of food service was under way. It soon became obvious that Kroc's future was in the restaurant, and not the multimixer, business. The rest is history.

By mid–1972, the number of McDonald's restaurants throughout the country and in Japan, Australia, the Caribbean, and Europe exceeded 2,000. Anticipated sales for all licensed and company-owned stores in 1972 are $1 billion. McDonald's has sold more than 10 billion hamburgers.

I am sure that I speak for the entire Chicago delegation when I thank Mr. Kroc for his birthday gift and for his continuing generosity. Mr. Kroc evidently decided that Chicago "deserved a break today" and saw to it that Chicago's finest institutions received it. We are proud and happy that this far-sighted and generous Chicagoan is one of our people and wish this inspiring American a very "happy birthday" indeed.

SOCIAL SERVICES CEILING IN REVENUE-SHARING BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, I have been a supporter of the revenue-sharing bill from its inception. My own city and State of New York—as well as many other areas, especially urban areas, of the Nation—are desperately in need of additional funds in order to fund adequately the basic services which they provide to their citizens. I think that revenue sharing is something that we must and should have.

Unfortunately, the revenue-sharing bill has emerged from the conference bearing a cruel appendage. The substitute amendment, "amendment No. 20," would cripple child care and other essential social services receiving Federal financial assistance, and would take back with one hand what the rest of the bill gives with the other.

The amendment would do the following:

First. Limit total annual expenses for child care, family planning, services to the mentally retarded, drug and alcoholism treatment services, and foster care services to $2.5 billion, to be allotted to the States on the basis of their total population. For fiscal 1972—just ended—$1.6 billion was expended in this category, but the figure for fiscal 1973 is expected to be in the neighborhood of $4.8 billion. The $2.5 billion limitation would take effect July 1, 1972, thus taking back funds already spent or irrevocably committed.

Second. Require that no more than 10 percent of federally funded social services other than those enumerated in section 1130(b)(2) of the substitute proposal—this includes child care services to nonworking mothers—be for individuals not receiving welfare under a federally aided program—aged, blind, disabled, families with dependent children.

Third. Eliminate the 75 percent Federal matching for emergency social services—for example for victims of disasters.

There are in New York City 332 existing child care centers serving 30,000 children. In addition, 90 more centers are under construction and scheduled for opening between now and next June. The New York City Agency for Child Development informs me that at least one-third of these centers will either be closed or forced to curtail their services if amendment No. 20 is enacted into law. What this means is that in New York City alone, about 40,000 children will lose out because of this provision.

Having recently approved legislation appropriating around $75 billion for the instruments of death and destruction, it would be shameful for us to turn around and tell working mothers and their children, the mentally retarded, people addicted to alcohol and drugs, and homeless children that they cannot have 3 percent of that figure to try to make a whole life for themselves.

We have been hearing a lot of talk recently—much of it from some of the principal supporters of this amendment—about the need to have everyone working.

How can a mother work if she has no place to leave her young children?

How can a mentally retarded individual work if there is no place for him to receive the special training necessary to make him employable?

How can an alcoholic or a drug user work if there are no programs available to help him break the chains of addiction?

The logic of this amendment escapes me and thousands of other people all over the country who are waking up to the fact of its heartlessness. I hope that my colleagues will also experience such an awakening and vote this amendment down when it comes before the House.

ST. FRANCIS HOSPITAL: 75 YEARS OF COMMUNITY SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. COTTER) is recognized for 5 minutes.

Mr. COTTER. Mr. Speaker, on October 19, 1972, St. Francis Hospital in Hartford, Conn., a teaching hospital affiliated with the University of Connecticut Medical-Dental School, celebrates the 75th anniversary of its founding in 1897.

The day before this historic occasion, St. Francis will dedicate its newest medical-surgical wing, the McGovern Pavilion.

The opening of the McGovern Pavilion represents the successful culmination of a 10-year development program supported by thousands of Greater Hartford citizens. Many of these people are former patients who went out into the community to tell of the great work of St. Francis Hospital.

St. Francis Hospital in Hartford began in 1897 when the Most Rev. Michael Tierney, bishop of the Hartford diocese, listened with approval to the opinions of a group of Hartford physicians who felt that there was need of a second hospital in Hartford. The only hospital then in existence in the city was Hartford Hospital, which was overutilized and had a lengthy waiting list.

Bishop Tierney knew that what he most needed to insure the success of the new venture was a community of nursing nuns to staff the hospital. He undertook negotiations with the sisters of St. Joseph of Chambery, a religious order founded in France in 1650 and dedicated to nursing, teaching, and the care of the old. He was successful in his plea and was promised that a small group of sisters would come from France, stopping first at Lee, Mass., where they had already established a foundation, and proceeding then to Hartford.

Heading this group of pioneers would be the first director of Saint Francis Hospital, Mother Anne Valencia, whose name even 75 years later is known, respected, and loved.

In its first year of existence, the new hospital cared for 314 patients By 1907, its 10th year, 2,442 patients had been cared for. The latest figure for in-patients cared for is over 25,000 in the last fiscal year.

In its first year of existence, the hospital had room for 32 patients. With the opening of its new medical-surgical wing, it can now accommodate 750 patients.

Giving flesh and blood to the statistics are the people and the services they render or provide.

Due appreciation must be given to the four dedicated and selfless religious women who have served Saint Francis Hospital as administrators:

Mother Valencia who served from 1897 to 1936;

Mother Xavier who served from 1936 to 1945;

Mother Bernard Mary who served from 1945 to 1962; and

Sister Mary Madeleine, present administrator, who began her term of office in 1962.

The contributions of the distinguished Roman Catholic prelates who served as president of the hospital's board must also be noted:

Bishop Michael Tierney; Bishop John Nilan; Bishop Maurice McAuliffe; Archbishop Henry J. O'Brien; and the incumbent, Archbishop John F. Whealon.

Appreciation must also be given to: The Woman's Auxiliary of Saint Francis Hospital which, since its founding in 1926, has given over $1½ million to the hospital and to the Saint Francis Hospital Association which, in its 16 years of existence, has raised half a million dollars for medical education and research programs conducted at the hospital.

A steady growth in quality patient care, in ongoing medical education programs for residents and interns, in continuing educational programs for nursing and paramedical personnel, in community-oriented, medicine has distinguished the 75 years now being celebrated by St. Francis Hospital.

A hospital, fully accredited by the Joint Commission on the Accreditation of Hospitals since the inception of that program in 1951, St. Francis Hospital's sensitivity to the advances in medical science is manifested, among other achievements, by: its early establishment, in 1959, of an intensive care unit; its successful performance, in 1960, of open-heart surgery; its installation, in 1962, of a cobalt therapy unit; its establishment, in 1965, of the first coronary care unit; and its establishment, in 1971, of the first respiratory care unit in the State of Connecticut.

It seems, therefore, that St. Francis Hospital has truly lived up to the statement written in the charter granted it in 1897, by the State of Connecticut:

> St. Francis . . . a hospital in the City of Hartford, into which sick or injured persons may be admitted and cared for, and receive medical and surgical aid and treatment, without regard to the nationality, creed or beliefs of such persons.

It is with great pride that I present this outstanding record of service for the edification of my colleagues.

I know that all Members of Congress will join with me in saluting the achievements of this great hospital.

COAL MINE SURFACE AREA PROTECTION ACT OF 1972

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana (Mr. MELCHER) is recognized for 5 minutes.

Mr. MELCHER. Mr. Speaker, in the remaining days of this session, I would urge my colleagues not to overlook or underestimate the urgency and significance of the need to enact legislation to regulate the surface mining of coal. The public is demanding it and the industry is on record endorsing the need for legislation in this Congress.

For more than a year the House Interior and Insular Affairs Committee has been working on legislation to bring into balance the protection of our lands and waters and the production of coal by surface mining, which now accounts for approximately one-half of the total U.S. production. I am confident that the bill reported out of the House Interior Committee, H.R. 6482, the Coal Mine Surface Area Protection Act of 1972, originally introduced by Mr. HAYS, of Ohio, is a balanced piece of legislation which will provide an equitable and strong regulation of surface coal mining to assure that the land is reclaimed to as good or better conditions than before mining.

Surface coal mining is fast becoming a national issue which can no longer be ignored. Strip mining is going on in 26 States at a growing rate. No one is arguing against the need for continued coal production. The question for debate is whether we as a Congress and as a Nation are willing to sacrifice unnecessarily our lands and waters, private and public, for a mining practice without insisting on protection of our natural resources. Where the land cannot be reclaimed the strip mining should not be allowed. And this legislation, H.R. 6482, provides the procedures and mechanisms by which to determine whether an operator can fulfill his reclamation plan.

It is important to stress that this bill does not abolish surface coal mining. It is a regulatory bill. H.R. 6482, which will come up for consideration under suspension, no longer contains a provision which would have prohibited the removal of overburden on slopes greater than 20 degrees from the horizontal. On September 27, the House Interior Committee modified this provision substantially, and with the concurrence of the mining industry and environmental groups.

As reported out of the Interior Committee, unanimously and favorably, H.R. 6482 contains a provision which would require the operator to affirmatively demonstrate that "sedimentation, landslides, or acid or mineralized water pollution can be feasibly prevented and that the areas can be reclaimed as required by the provisions of this act." Section 9(b) does not prohibit removal of overburden, but retains the requirement that the burden of proof be placed on the operator to demonstrate that the land can be reclaimed in accordance with the provisions of the act.

Section 9(b) states the following:

> (b) If the Secretary finds that the overburden of any part of the area of land described in the permit application is such that deposits of sediment in streambeds, landslides, or acid or mineralized water pollution in violation of State and Federal water quality standards, whichever is higher, cannot feasibly be prevented, he shall delete such part of the land described in the application upon which such overburden exists; provided that no such overburden will be removed from slopes greater than 20 degrees from the horizontal, unless the operator can affirmatively demonstrate that sedimentation, landslides, or acid or mineralized water pollution can be feasibly prevented and that the areas can be reclaimed as required by the provisions of this Act.

Based on Bureau of Mines data, a ban on removal of overburden on slopes greater than 20 degrees would affect approximately one-half of contour mining production, or approximately 13 percent of all coal production, which supplies approximately 5½ percent of the fuel for electric power generation. This bill, however, does not abolish surface mining on slopes greater than 20 degrees. It simply establishes a specific burden of proof on the operator to affirmatively demonstrate that the provisions of the act can be met. And this requirement is necessary because most of these slopes are sensitive areas where landslides and massive sedimentation have been well documented as resulting from surface mining operations. The industry has maintained that it can surface mine responsibly in these areas. This provision does not challenge industry claims. Rather it insures that all operators must first demonstrate that certain adverse environmental effects can be avoided.

Some spokesmen would have us believe that we must choose between our land and our lights. This is not the central issue and is not true. This bill is a regulatory bill which will assist those States currently penalized for demonstrating leadership in enforcement efforts. These States must be buttressed in their regulatory efforts through enactment of H.R. 6482. I am reminded of the testimony before the House Interior Committee during the 1971 hearings by Mrs. Anne Bowers, of Louisville, Ky. When questioned about meeting the energy requirements of the country, her reply echoed the plea of the Nation to this 92d Congress:

> It is your business to find a way to handle this so that I can turn on my dishwasher without feeling I am tearing down another mountain.

This bill, H.R. 6482, will not interfere with coal production to meet this Nation's energy requirements. By enacting H.R. 6482, this Congress could achieve a balance between coal production and protection of our natural resources. Of all the facets of the energy issue, surface coal mining is among the easiest understood by the public and is certainly among the most visible. And I urge my colleagues not to be deaf to the cries of the public seeking relief. We cannot afford further delays in the enactment of this legislation. I urge my colleagues to vote favorably for H.R. 6482.

SOVIET JEWRY, FREEDOM OF EMIGRATION, AND EAST-WEST TRADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 10 minutes.

Mr. VANIK. Mr. Speaker, I am pleased to announce today that 70 Members of the House of Representatives have joined in introducing legislation to bar most-favored-nation status or special trade privileges to any country in East-West trade until such time as that country eliminates its repressive and discriminatory emigration policies.

Identical legislation has just been introduced today in the Senate by Senator JACKSON and is cosponsored by 65 Senators—an overwhelming majority of the Senate.

The House has already expressed its will and intent on this matter. On September 21, an amendment was added in the House to the foreign aid appropriation bill barring the use of Export-Import Bank and Overseas Private Investment Corporation loans, guarantees and trade assistance to any country with repressive emigration policies. The House has demonstrated that it does not want to encourage or engage in trade with a nation which is in the business of bartering human lives.

Today's legislation will include limitations on the full spectrum of trade devices and mechanisms used to finance international trade and investment. It is not an East-West trade bill. It is a bill to ban preferential East-West trade with nations—such as the Soviet Union—that engage in discriminatory and repressive emigration policies. Once these policies are dropped, then the way will be open for consideration of most-favored-nation legislation, commercial agreements and participation in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees.

This bill will be referred to the House Ways and Means Committee. It is clear from the number of Ways and Means Committee members who are already cosponsoring this legislation, that an East-West trade bill will not be enacted until these inhumane emigration restrictions are deleted by the Soviet Union.

For example, as a Ways and Means member myself, I have in the past sponsored East-West trade legislation, since I believe that would be helpful in improving relations between our Nation and the nations of the Eastern bloc.

But this is a time for moral outcry. We cannot accept trade with a nation which is holding certain minority groups hostage. At the present time, the Soviet Union is requiring up to $37,000 in payment for the right to emigrate. This requirement is directed almost entirely against a minority which is seeking cultural and religious freedom. I have therefore announced my withdrawal of support of East-West trade until such restrictions on the part of the Soviet Union are removed. Today's bill bans such trade agreements until such restrictions are eliminated.

I am most pleased with the large numbers of cosponsors which we were able to obtain on such short notice. I know that there are many other Members who are interested in this legislation, and we will be introducing additional bills with additional cosponsors on an almost daily basis.

But the introduction of this bill in the House, and the introduction by 66 Senators of the same bill is a clear statement—a telegram—to the Kremlin that the people of the United States and their Congress will not stand for the atrocities and repression being carried out in the Soviet Union.

The cosponsors and bill are as follows:

LIST OF COSPONSORS

Mr. Vanik (for himself) and Mrs. Abzug, Mr. Addabbo, Mr. Anderson of Tennessee, Mr. Annunzio, Mr. Badillo, Mr. Begich, Mr. Bell, Mr. Biaggi, Mr. Brasco, Mr. Buchanan, and Mr. Burke of Massachusetts.

Mr. Carey, Mr. Celler, Mr. Corman, Mr. Coughlin, Mr. Cane, Mr. Daniels, Mr. Delaney, Mr. Dellums, Mr. Diggs, Mr. Dow, Mr. Drinan, and Mr. Edwards of California.

Mr. Eilberg, Mr. Fish, Mr. Forsythe, Mr. Fraser, Mr. Fulton, Mrs. Grasso, Mr. Gray, Mr. Green of Pennsylvania, Mr. Halpern, Mr. Helstoski, Mr. Karth, Mr. Koch, and Mr. Kyros.

Mr. Leggett, Mr. Lent, Mr. Long of Maryland, Mr. Macdonald, Mr. Madden, Mr. Mikva, Mr. Minish, Mr. Mitchell, Mr. Moss, Mr. Nix, and Mr. O'Neill.

Mr. Patten, Mr. Pepper, Mr. Peyser, Mr. Podell, Mr. Price of Illinois, Mr. Pucinski, Mr. Rangel, Mr. Rees, Mr. Reuss, Mr. Rodino, Mr. Roe, and Mr. Rosenthal.

Mr. St Germain, Mr. Sarbanes, Mr. Scheuer, Mr. James V. Stanton of Ohio, Mr. Stokes, Mr. Van Deerlin, Mr. Vanik, Mr. Vigorito, Mr. Waldie, Mr. Widnall, and Mr. Yates.

H.R. 17000

A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Act for Freedom of Emigration in East-West Trade."

SEC. 2. To assure the continued dedication of the United States to fundamental human rights, and notwithstanding any other provision of law, after October 15, 1972, products from any nonmarket economy country shall not be eligible to receive most-favored-nation treatment, such country shall not participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, directly or indirectly, and the President of the United States shall not conclude any commercial agreement with any such country during the period beginning with the date on which the President determines that such country—

(1) denies its citizens the right or opportunity to emigrate;

(2) imposes more than a nominal tax on emigration or on the visas or other documents required for emigration, for any purpose or cause whatsoever; or

(3) imposes more than a nominal tax, levy, fine, fee, or other charge on any citizen as a consequence of the desire of such citizen to emigrate to the country of his choice,

and ending on the date on which the President determines that such country is no longer in violation of paragraph (1), (2), or (3).

SEC. 3. After October 15, 1972, pursuant to any separate Act of Congress, (A) products of a nonmarket economy country may be eligible to receive most-favored-nation treatment, (B) such country may participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, or (C) the President may conclude a commercial agreement with such country only after the President has submitted to the Congress a report indicating that such country is not in violation of paragraph (1), (2), or (3) of section 2. Such report with respect to such country, shall include information as to the nature and implementation of emigration laws and policies and restrictions or discrimination applied to or against persons wishing to emigrate. The report required by this subsection shall be submitted initially as provided herein and, with current information, semi-annually thereafter so long as such treatment received, such credits or guarantees extended, or such agreement concluded pursuant to any separate Act of Congress is in effect.

Mr. PUCINSKI. Mr. Speaker, I am pleased to join today in cosponsoring this resolution which would deny to the Soviet Union credits by the United States if the Soviet Union persists in its very cruel practice of extracting unconscionable costs from Jewish intellectuals who wish to leave the Soviet Union.

It occurs to me that if the Soviet Union wants to take advantage of American credit, the least that the Kremlin can do is adopt a civilized code of conduct toward its minority groups.

I believe the Soviet practice of forcing Jewish intellectuals to pay exorbitant taxes in order to leave Russia is cruel and unconscionable.

I do not see how the United States can possibly continue to do business with the Soviets so long as this practice continues.

I would prefer if the October 15 date which appears in this resolution would be dropped from this resolution when the measure comes before us in Congress.

It occurs to me that the provision of the October 15, 1972 effective date provides a built-in "grandfather" clause which in effect means that any details involving credit made prior to October 15 would not be subject to the limitations of this resolution.

I am advised that the Soviet Union has already consumed approximately $250 million of the $750 million extended by America to the Russians under the original trade agreement.

It occurs to me that perhaps as much as another $250 million of wheat purchases with American credit can be negotiated prior to October 15 and it is entirely possible that with this kind of "escape clause," the Soviets conceivably might ignore the main thrust of the resolution before us. I am sorry that some Members of the other body insisted that as a condition of their support, an effective date must be written into the resolution. Obviously, they were trying to protect the huge grain dealers who have already negotiated their deals with Russia through American credit prior to October 15. Unless I am wrong, it occurs to me that the principles which we are incorporating in this resolution should apply to the entire Soviet-American grain deal and not only to those agreements reached after October 15.

This reservation of mine notwithstanding, Mr. Speaker, I do hope the House will act on this resolution as quickly as possible to impress upon the Soviet Union that the American people denounce with all of our vigor this cruel persecution of Russia's Jewish citizens who wish to emigrate from Russia.

The anti-Semitism which we see growing in the Soviet Union is a source of deep concern to all of us in the free world. It is my hope that by imposing these economic sanctions against the Soviets, we can force Russia to abandon this cruel treatment of her minorities.

Mr. Speaker, I should like to commend our colleague from Ohio, Congressman VANIK for his action here today and our colleague in the other body, Senator HENRY JACKSON in his initiative in obtaining more than 51 signatures on the petition in the other body.

I am particularly pleased that Senator JACKSON rejected suggestions that Congress adopt a mere "sense of Congress" resolution on this matter.

Senator JACKSON's insistence that we enact a formal, binding resolution will indeed lift the spirits of oppressed peoples behind the Iron Curtain.

LOCAL RAIL SERVICES ACT OF 1972

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. SKUBITZ) is recognized for 15 minutes.

Mr. SKUBITZ. Mr. Speaker, I realize how little time remains in this session to complete action on the essential business pending before this House. Introduction of new legislation at this late date is almost pointless unless the matter is so important that it cannot or should not be postponed until the new Congress convenes. I introduced a bill yesterday (H.R. 16960) which I believe should not be put off until next year.

My bill offers a solution to the problem of abandonment of railroad lines serving local and rural areas. These are lines the railroad companies believe are unprofitable. I urge every Member to examine this proposal closely.

Since July 1 of 1971, a period of 14 months ago, 1,140 miles of abandonment have been granted. Another 3,675 miles of rail service line abandonment is still pending. Only 33 miles have been denied. Abandonment proceedings in the last 3 months affect 189 congressional districts.

The problem is critical and will continue unabated in light of the ICC's announced intention to make abandonments easier to obtain. When freight locomotives cease to operate in local and rural areas, the affected communities are cut off from a vital flow of commerce. Farmers cannot get their grain to market. Businessmen cannot ship heavy equipment in or out of town. Construction materials for homes, schools, and offices cannot be moved into the area. Naturally these communities feel their lifeline is being severed by the railroads and the ICC.

Of course, the railroads contend, and I sympathize with their position, that these local service lines are unprofitable. We all are familiar with the problems of the railroads and their needs to economize. But I believe more than economic costs must be considered before abandonments are granted. We must consider the effects on the rural and local communities.

My bill provides a plan whereby the States may help subsidize the rail operation over short routes which would otherwise be abandoned. States will study the proposed abandonments and may choose to subsidize the lines with a 70–30 Federal-State grant. This bill authorizes $50 million for this purpose. There would be a 28-month moratorium on line abandonments to give the States time to implement subsidy procedures.

I repeat that 189 congressional districts are directly affected by rail abandonment proposals made during the past 3 months. I have had a table prepared showing abandonment mileages granted and pending in each of these districts and ask that it be included at this point in my remarks:

ABANDONMENT APPLICATIONS FILED FROM JULY 1, 1971 TO SEPT. 18, 1972

[Miles]

State, Member, and district	Abandonments pending	Abandonments granted
Alabama: Mrs. George Andrews, 3	0	36.20
Arkansas: Bill Alexander, 1	[1]61.94	0
California:		
Robert L. Leggett, 4	17.15	0
Don Clausen, 1	0	[1]7.80
William S. Mailliard, 6	0	[1]7.80
Richard T. Hanna, 34	0	[1]5.55
John G. Schmitz, 35	0	[1]3.06
Barry Goldwater, Jr., 27	0	[1]2.49
Colorado:		
Frank Evans, 3	0	4.34
Wayne Aspinall, 4	3.32	[1]97.90
Connecticut:		
Stewart McKinney, 4	.8	0
Ella T. Grasso, 6	[1]49.8	0
William Cotter, 1	0	[1]3.9
Robert Steele, 2	0	[1]3.9
Delaware: Pierre S. (Pete) du Pont	8.99	4.70
Florida:		
Don Fuqua, 2	0	[1]12.73
Dante Fascell, 12	0	[1]1
Claude Pepper, 11	0	[1]1
Bill Chappell, 4	[1]9.27	0
Bill Young, 8	[1]9.27	0
Georgia: John J. Flynt, Jr., 6	0	2.22
Idaho: James McClure, 1	0	4.30
Illinois:		
Paul Findley, 20	83.35	0
Robert Michel, 18	85.90	0
Kenneth Gray, 21	[1]72.06	20.95
George Shipley, 23	[1]85.69	7.58
Thomas Railsback, 19	61.6	0
John Anderson, 16	0	[1]83.30
Les Arends, 17	0	[1]14
Cook County (12 Congressmen): Ralph Metcalfe, Abner Mikva, Morgan Murphy, Edward Derwinski, John Kluczynski, George Collins, Frank Annunzio, Dan Rostenkowski, Sidney Yates, Harold Collier, Roman Pucinski, and Philip Crane	0	7.42
Total	316.51	125.83
Indiana:		
John Myers, 7	[1]61.93	26
J. Edward Roush, 4	[1]53.4	14.1
William Bray, 6	[1]79.65	6.2
Roger Zion, 8	2.42	1
David Dennis, 10	[1]56.8	0
Elwood Hillis, 5	[1]88.82	0
John Brademas, 3	[1]42.9	0
Lee Hamilton, 9	[1]48.84	11.4
Andrew Jacobs, 11	[1]22.8	----------
Total	325.36	58.70
Iowa:		
John Culver, 2	13.99	[1]112.45
H. R. Gross, 3	0	5.4
Neal Smith, 5	3.1	6.7
William Scherle, 7	9.51	12.02
John Kyl, 4	16.92	0
Total	43.52	136.57
Kansas:		
Joe Skubitz, 5	6.7	0
Keith Sebelius, 1	0	20.51
William Roy, 2	[1]3.57	0
Larry Winn, Jr., 3	[1]3.57	0
Kentucky:		
Carl Perkins, 7	0	.94
William Curlin, Jr., 6	9.65	0
Louisiana:		
Joe Waggonner, Jr., 4	0	1.68
Vacant, 7	[1]42.34	0
Speedy Long, 8	[1]42.34	0
Maryland:		
Goodloe Byron, 6	[1]49.40	[1]4.64
Lawrence Hogan, 5	2.8	0
William Mills, 1	16.70	1.14
Clarence Long, 2	[1]3.7	[1]1.8
Paul Sarbanes, 4	[1]3.7	[1]1.8
Parren Mitchell, 7	[1]3.7	[1]1.8
Total	68.90	5.78
Massachusetts:		
Robert Drinan, 3	[1]4.2	[1]4.41
Bradford Morse, 5	0	[1]2.21
Silvio Conte, 1	0	[1]2.21
Harold Donohue, 4	[1]4.2	[1]2.2
Edward Boland, 2	[1]4.2	[1]2.2
Margaret Heckler, 10	[1]1.9	0
Hastings Keith, 12	[1]1.9	0
Michigan:		
Guy Vander Jagt, 9	[1]221.43	0
James Harvey, 8	7.24	46.07
Elford Cederberg, 10	27.76	8.32
Edward Hutchinson, 4	[1]51.77	[1]22.01
Garry Brown, 3	14.36	[1]7.26
Donald Reigle, 7	0	9.00
Gerald Ford, 5	[1]38.8	2.64
Marvin Esch, 2	6.3	0
Charles Chamberlain, 6	5.4	0
Phillip Ruppe, 11	4.19	0
Wayne County (6 Congressmen): John Conyers, Charles Diggs, Lucien Nedzi, William Ford, John Dingell, and Martha Griffiths	0	3.34
Total	338.45	88.04
Minnesota:		
Ancher Nelsen, 2	12.9	9.2
John Zwach, 6	[1]59.2	12.6
Bob Bergland, 7	[1]105.76	0
John Blatnik, 8	0	2.04
Albert Quie, 1	8.99	0
Total	135.85	23.84
Mississippi: Jamie Whitten, 2	[1]6.89	0
Missouri:		
Bill Burlison, 10	[1]109.29	23
W. R. Jull, Jr., 6	33.39	0
Montana:		
Richard Shoup, 1	0	28.99
John Melcher, 2	43.75	23.1
Nebraska: Charles Thone, 1	56.9	0
New Jersey:		
John Hunt, 1	0	4.02
James Howard, 3	0	[1]15.6
Frank Thompson, Jr.[2] 4	0	2.66
Peter Freylinghuysen, 5	3.6	0
Edwin Forsythe, 6	4.5	24.1
New Mexico:		
Manuel Lujan, 1	28	0
Harold Runnels, 2	0	3.90
New York:		
Hamilton Fish, 28	114.9	2.6
James Hastings, 38	[1]51.5	[1]3.7
Samuel Stratton, 29	[1]20.29	6.6
Carleton King, 30	[1]32.39	0
Robert McEwen, 31	21.2	0
John Terry, 34	[1]16.8	11.1
Frank Horton, 36	[1]24.8	[1]5.15
Barber Conable, Jr., 36	[1]66.55	[1]8.85
Henry P. Smith III, 40	[1]61.2	[1]3.7
Howard Robison, 33	[1]67.5	0
Alexander Pirnie, 32	9.5	0
Jack Kemp, 39	0	[1]3.7
Thaddeus Dulski, 41	0	[1]3.7
Total	392.34	29.15
North Carolina:		
David Henderson, 3	0	[1]38.85
Alton Lennon, 7	0	[1]38.85
North Dakota: Mark Andrews, 1	0	29.51
Ohio:		
William Harsha, 6	[1]29.70	1.36
Jackson Betts, 8	29.6	[1]33.1
Delbert Latta, 5	13.9	[1]32.30
Frank Bow, 16	[1]18.3	0
Walter Powell, 24	[1]34.70	1.22
William McCulloch, 4	[1]77.5	0
Walyne Hays, 18	5.1	0
Clarence Brown, 7	[1]44.6	0
Clarence Miller, 10	[1]70.96	13.13
John Ashbrook, 17	[1]123.16	0
Samuel Devine, 12	[1]47.6	0
Chalmers Wylie, 15	[1]3.6	0
Charles Carney, 19	[1]19	0
William Stanton, 11	[1]19	0
Total	340.26	48.81
Oregon:		
Edith Green, 3	1	0
John Dellenback, 4	1.99	18.78
Pennsylvania:		
John Saylor, 22	[1]146.44	27.78
Albert Johnson, 23	[1]179.92	42.34
J. Irving Whalley, 12	45.73	10.31
John Dent, 21	[1]26.39	6.00
Thomas Morgan, 26	14.71	0
Joseph Vigorito, 24	[1]63.45	9.15
Edward Biester, Jr., 8	16.7	0
Daniel Flood, 11	[1]61.85	1.35
Herman Schneebeli, 17	[1]70.09	1.9
Frank Clark, 25	[1]127.92	0
Gus Yatron, 6	17.85	0
Lawrence Williams, 7	[1]47.25	[1].30
John Ware, 9	[1]47.25	[1].30
Joseph McDade, 10	[1]67.5	0
Allegheny County (Pittsburgh), 4 Congressmen: William Moorhead, 14, John Heinz, 18; Joseph Gaydos, 20; William Conover, 27	[1].41	[1].20
Total	574.25	99.93
Rhode Island: Ferdnand St Germain, 1	4.1	0
South Carolina:		
Tom Gerrys, 5	0	22.8
James Mann, 4	0	1
South Dakota:		
Frank Denholm, 1	58	16.15
James Abourezk, 2	106.49	0
Tennessee:		
John Duncan, 2	1	0
Joe Evins, 4	11.79	0
Texas:		
W. R. Poage, 11	19.13	0
Graham Purcell, 13	57.3	0
Wright Patman, 1	[1]36.37	0
Ray Roberts, 4	[1]36.37	0

State, Member, and district	Abandonments pending	Abandonments granted
Utah:		
Gunn McKay, 1	0	[1]22.06
Sherman Lloyd, 2	2.85	[1]13.13
Virginia:		
Kenneth Robinson, 7	[1]48.97	0
William Scott, 8	[1]26.99	0
Vacant, 6	[1]21.98	0
Washington:		
Thomas Foley, 5	0	80.93
Mike McCormack, 4	0	19.76
Lloyd Meeds, 2	0	30.47
Thomas Pelly, 1	0	[1]5.91
Brock Adams, 7	0	[1]5.91
West Virginia:		
Robert Mollohan, 1	26.78	[1]15.71
Harley Staggers, 2	21.65	4.46
John Slack, 3	0	[1]9.30
Ken Hechler, 4	0	5.04
James Kee, 5	0	25.03
Wisconsin:		
Vernon Thompson, 3	16.68	0
William Steiger, 6	23.6	0
Alvin O'Konski, 10	88.38	27.20
Wyoming: Teno Roncalio, 1	[1]50.88	0

[1] Means the proposed abandonment affects a line traversing more than 1 congressional district.

An examination of the table makes clear that railroad abandonments concern the districts of a great majority of my colleagues. Moreover, the fact that a particular abandonment may be listed as only a few miles belies the significance of the project for indeed that small mileage may be part of a line in another district or another State covering major trackage. Its abandonment does not simply mean tearing up a mile of steel track and ties but the end of 40 or 50 miles of branch service.

In my judgment, it is imperative that the Congress take action to deal with a problem that is of urgent importance to hundreds of local and rural communities in this land. The Commerce Committee in the other body has approved such a proposal, offered by my colleague, the senior Senator from Kansas (Mr. PEARSON) as part of a complex surface transportation bill. The entire measure is pending before the Senate.

I invite those of my colleagues who so desire to join me in cosponsorship of the proposal although all of us are aware that it is late in this congressional session to expect final floor consideration of this measure. However, as members of the House Interstate and Foreign Commerce Committee know, extensive hearings have been held on the overall surface transportation bill, which as originally introduced encompassed an abandonment proposal as title II.

In my judgment, abandonment is important enough an issue to stand on its own and not be weighted down by a controversial and complex transportation proposal that involves some $3 billion in Government loans and guarantees.

It is my intention to call to the attention of Chairman GEORGE STAFFORD of the Interstate Commerce Commission the introduction of this measure and the wide support I believe it enjoys by the membership of this House. Hopefully we could persuade him that pending its consideration early in the next Congress, his agency should hold in abeyance final decisions on pending abandonment proceedings so that communities adversely affected would at least have the opportunity to make use of their own efforts to maintain branch rail lines. I hope my colleagues will join me in such a letter to Chairman STAFFORD.

MORE ON THE BICENTENNIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. SCHWENGEL) is recognized for 10 minutes.

Mr. SCHWENGEL. Mr. Speaker, as you are aware, the American Revolution Bicentennial Commission has recently been the subject of considerable criticism in the press and among the public at large. Not a few of the strictures in the Commission echo charges I made against it this past summer during the debate on its appropriations. At that time, I emphasized that I was not opposed to a bicentennial celebration or a Bicentennial Commission, but that I deplored the manner in which the present Commission is discharging its mandate from the Congress. I regret its inadequacy and ineffectiveness. I pointed to the bicentennial programs of the Library of Congress as an example of the kinds of things the American Revolution Bicentennial Commission should be doing. It is with much satisfaction that I call to the House's attention the continued implementation of the Library of Congress' well-conceived programs. The Library has just announced the topic and the speakers for the second of its five symposia on the American Revolution, which will be held next May 10 and 11, 1973, at the Library. Its topic will be "The Fundamental Testaments of the American Revolution." What topic, Mr. Speaker, could be more suitable for investigation than the meaning and impact of the great fundamental documents of our Revolutionary heritage?

Prof. Julian P. Boyd of Princeton University, the editor of the papers of Thomas Jefferson and a former president of the American Historical Association, will chair the program. Prof. Bernard Bailyn of Harvard University, a Pulitzer Prize winner in history, will deliver the first paper on "Common Sense." He will be followed by Cecilia Kenyon, Charles N. Clark professor of government at Smith College, who will speak on the Declaration of Independence. Next will come Prof. Merrill Jensen of the University of Wisconsin, editor of the documents relating to the ratification of the U.S. Constitution and the Bill of Rights and former president of the Organization of American Historians, who will examine the Articles of Confederation. Then Prof. Richard B. Morris of Columbia University, another Pulitzer Prize winner in history, will discuss the Paris Peace Treaty in which the independence of the United States was recognized by Great Britain. J. Russell Wiggins, newspaper editor and former Ambassador to the United Nations, will conclude the program with an appraisal of the fundamental testaments of the American Revolution today.

Mr. Speaker, this distinguished group of participants should enlighten and inspire us. The papers they present will be published by the Library, thus making them widely available to scholars, students, and others.

The Library of Congress should be highly commended for arranging such fine programs and for its well-conceived plans for other activities and diversified publications on the theme of "Liberty and Learning." I believe that the Library will continue to show us how the bicentennial of the Revolution should be celebrated.

It is my hope that Commission members and especially its principle directors and the chairman of the Commission will at least attend the symposia and others that the Library of Congress will present.

THE SERIOUS PORTENT OF THE NEW CHINA

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the House of Representatives has access to a report filed by the majority and minority leaders entitled, "Impressions of the New China." It is a candid, informative report which merits careful study. Many passages are thought-provoking.

For instance, I find this passage:

> The cities we visited—Shanghai, Peking, Shen Yang, Anshan and Canton—are strikingly clean. There is virtually no litter. There are no flies. There are no dogs. No animals or poultry run loose. Most buildings are well maintained.

Few U.S. cities can say as much—not even Washington, the Capital City. Regretfully, there is equal disparity in the crime situation here and in China.

Other passages which I found very impressive state:

> Not one member of our party reported seeing even one Chinese who appeared to be suffering from hunger, or exposure, or who appeared to be socially crippled, homeless, idle, or uncared for. In cities Americans saw years ago as dirty and crowded with the hungry and the ragged, the poor and the begging, the sick and the lame, we saw bustle, cleanliness, and a disciplined purposefulness.
>
> So widely shared has been the progress since 1949, so improved the lifestyle of the average Chinese, that these people living, by our standards in relative privation, give every impression of counting their blessings, grateful for even modest progress, not restive with only the bare necessities of food, clothing, shelter and health.
>
> If she can maintain political stability, if she can upgrade her agriculture and industry, if she can remain free from outside interference—what will China be like in another two or three short decades?
>
> The answer is obvious. If she manages to achieve as she aspires, China in the next half century can emerge a self-sufficient power of a billion people—a nation whose agricultural output can provide for her population, whose industrial capacity can be enormous, whose military capability can be very substantial, with a people united in devotion and obedience to the State.
>
> There, in that nation where State-directed conformity produces unity of effort and purpose, and where self-indulgence and licentiousness of any kind are not tolerated, we reflected on our own country. We were troubled that, by contrast in our own nation, where people are free to live and work and

> choose and read and think and disagree as they please, there has been widespread division, discord and disillusionment and a pervasive permissiveness straining the fibers of our national character.
>
> In disciplined, unified China, American visitors will wonder if our self-indulgent free society will be able to compete effectively fifty years hence with their totalitarian State, possessed of a population which dwarfs our own, with equal or greater natural resources, and with total commitment to national goals.

The report also spells out weaknesses which the House leaders saw in the Chinese programs; for instance, the regimentation which begins with the smallest children and continues throughout the lives of the Chinese people; the political indoctrination which permits only the State's viewpoint to be expressed. There also were the disciplined production methods which tolerate no wasted efforts. This brings about a serious question which we cannot overlook. These things are not for Americans. But can the American capitalistic system, with all the dissent which it now is generating, compete with organized, disciplined people who tolerate no deviations?

The report will probably be filed and forgotten. The fact of a modern emerging China will be with us whether or not we are willing to accept it.

The American system, with all its great traditions and accomplishments, may well be moving into the period of its greatest challenge. We cannot meet this challenge by trying to give everybody everything they want, by promising pie in the sky in every election, by running our country so hopelessly in debt that national insolvency and national socialism are all that is left. If ever there was a time for Americans to start pulling together instead of pulling each other apart, the time is now.

H.R. 16656, FEDERAL AID TO HIGHWAYS

(Mr. MIKVA asked and was given permission to extend his remarks in the body of the Record.)

Mr. MIKVA. Mr. Speaker, when the House considers H.R. 16656, the Federal Aid to Highways Act, I intend to offer the following amendment:

> Page 102, strike out line 23 and all that follows, down through and including line 9 on page 103.

This amendment would delete from the bill section 133. As reported, that section authorizes the Secretary of Transportation to pay up to $55 million to the State of Illinois to pay off the bonds on a portion of Interstate Route 90, also known as the Chicago Skyway.

INCOME TAX RETURN PREPARATION ASSISTANCE ACT OF 1972

(Mr. COLLINS of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. COLLINS of Illinois. Mr. Speaker, the complexity of our tax laws and tax returns is forcing a large and growing number of Americans with modest incomes to pay to have their tax returns made out. Thousands of tax preparers, from H & R Block to the corner hairdresser, have opened offices.

A thorough review of the income tax preparation business, its strengths and its weaknesses, has been conducted by the Legal and Monetary Affairs Subcommittee on which I sit. Under the able chairmanship of my distinguished colleague from Connecticut (Mr. Monagan) the subcommittee has received testimony from IRS Commissioner Johnnie Walters, Henry Bloch, members of the Tax Reform Research Group, and other witnesses. The most striking fact that has emerged from these hearings, in my opinion, is that many low- and moderate-income taxpayers are forced to pay what is in effect a surtax in order to find out how much tax they owe. This should not be.

Today, I am introducing legislation which would require the Secretary of Treasury to provide free tax preparation service for all taxpayers with adjusted gross income of $10,000 or less. The Secretary would be required to make such services available at locations which are accessible to elderly and low- and moderate-income individuals, including local CPA offices, model cities offices, neighborhood legal services offices, public housing projects, and retirement communities and nursing homes.

The purpose of this legislation is not only to provide tax preparation service to all persons with adjusted gross income of $10,000 and less, but to make this service accessible to those who need it most. There are approximately 6 million persons in this country who are over 65 and have adjusted gross incomes of $10,000 or less. Many of them would be unable to travel to existing IRS offices to obtain free tax preparation service. Also, many low-income persons would be unaware of the availability of such service if it were not available to them in their neighborhoods and advertised as available. It is these taxpayers that the bill is designed to help.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Pelly (at the request of Mr. Gerald R. Ford), for the period October 10–13, on account of official business.

Mr. Kyros, for October 5, 1972, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Vanik, for 10 minutes, today; and to revise and extend his remarks.

(The following Members (at the request of Mr. Landgrebe), to revise and extend their remarks, and to include extraneous matter:)

Mr. Schwengel, today, for 10 minutes.

Mr. Kemp, today, for 15 minutes.

Mr. McKinney, today, for 15 minutes.

Mr. Hansen of Idaho, today, for 10 minutes.

Mr. Crane, today, for 5 minutes.

(The following Members (at the request of Mr. Mazzoli) to revise and extend his remarks and include extraneous material:)

Mr. Aspin, for 10 minutes, today.

Mr. Rostenkowski, for 10 minutes today.

Ms. Abzug, for 10 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Cotter, for 5 minutes, today.

Mr. Melcher, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Sikes in five instances, and to include extraneous material.

Mr. du Pont, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $510.

Mr. Eckhardt to revise and extend his remarks immediately preceding vote on conference report on S. 2770 and include extraneous matter.

Mr. Conyers immediately following remarks of Mr. Rosenthal on consideration of S. 1316.

(The following Members (at the request of Mr. Landgrebe) and to revise and extend their remarks and include additional matter:)

Mr. Kuykendall.
Mr. Gude.
Mr. Bray in three instances.
Mr. Springer in four instances.
Mr. Schwengel in two instances.
Mr. Whitehurst.
Mr. Wyman in two instances.
Mr. du Pont.
Mr. Riegle.
Mr. Derwinski in three instances.
Mr. Del Clawson in two instances.
Mr. Mosher.
Mr. Hosmer in two instances.
Mr. Kemp in three instances.
Mr. Robinson of Virginia.
Mr. Myers.
Mr. Esch.
Mr. Shriver.
Mr. Bob Wilson.
Mr. Keith.
Mr. Landgrebe in five instances.
Mr. Duncan.

(The following Members (at the request of Mr. Mazzoli) and to include extraneous material:)

Mr. Dent.
Mr. Flood.
Mr. Carney in two instances.
Mr. Gonzalez in three instances.
Mr. Rarick in three instances.
Mr. Denholm.
Mr. Rees in two instances.
Mr. Chappell.
Mr. Hungate in two instances.
Mr. O'Hara.
Mr. Harrington.
Mr. Roe in two instances.
Mr. Dingell in three instances.
Mr. Hamilton.
Mr. Annunzio in 10 instances.
Mr. Blatnik.

Mr. HANNA in two instances.

Mr. EDWARDS of California in two instances.

Mr. LEGGETT.

Mr. DE LA GARZA.

Mr. MACDONALD of Massachusetts.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3310. An act to amend title 10, United States Code, to establish the authorized strength of the Naval Reserve in officers in the Judge Advocate General's Corps in the grade of rear admiral, and for other purposes; to the Committee on Armed Services.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 7378. An act to Create a Commission on Revision of the Federal Court Appellate System of the United States;

H.R. 12652. An act to extend the life of the Commission on Civil Rights, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes; and

H.R. 14909. An act to amend section 552(a) of title 37, United States Code, to provide continuance of incentive pay to members of the uniformed services for the period required for hospitalization and rehabilitation after termination of missing status.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2770. An act to amend the Federal Water Pollution Control Act.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On October 3, 1972:

H.R. 9501. An act to amend the North Pacific Fisheries Act of 1954, and for other purposes; and

H.R. 14915. An act to amend chapter 10 of title 37, United States Code, to authorize at Government expense, the transportation of house trailers or mobile dwellings, in place of household and personal effects, of members in a missing status, and the additional movement of dependents and effects, or trailers, of those members in such a status for more than 1 year.

On October 4, 1972:

H.R. 2895. An act to provide for the conveyance of certain real property in the District of Columbia to the National Firefighting Museum and Center for Fire Prevention, Incorporated; and

H.R. 10857. An act to authorize the Secretary of Agriculture to exchange certain national forest lands within the Carson and Santa Fe National Forests in the State of New Mexico for certain private lands within the Piedra Lumbre Grant, in the State of New Mexico, and for other purposes.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 3 minutes p.m., the House adjourned until tomorrow, Thursday, October 5, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2391. A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1973 for the legislative branch, the judiciary, and the Southwestern Power Administration (H. Doc. No. 92-369); to the Committee on Appropriations and ordered to be printed.

2392. A letter from the Deputy Assistant Secretary of the Interior; transmitting a copy of a proposed amendment to a concession contract for the continued provision of facilities and services for the public in Acadia National Park, Maine, for a term of 1 year ending December 31, 1973, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

2393. A letter from the Secretary of the Army, transmitting a letter from the chief of Engineers, Department of the Army, dated September 25, 1972, submitting a report, together with accompanying papers and illustrations, on Fall Creek Basin, Ind., requested by a resolution of the Committee on Public Works, House of Representatives, adopted December 11, 1969 (H. Doc. No. 92-370); to the Committee on Public Works and ordered to be printed with illustrations.

2394. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated September 15, 1972, submitting a report, together with accompanying papers and illustration, on South Umpqua River, Oreg., in partial response to a resolution of the Committee on Commerce, U.S. Senate, adopted November 18, 1937, and to the River and Harbor Act approved June 20, 1938 (H. Doc. No. 92-371); to the Committee on Public Works and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. Report on securities industry study. (Rept. No. 92-1519). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAYS: Committee on Foreign Affairs. S. 2700. An act to extend diplomatic privileges and immunities to the Mission to the United States of America of the Commission of the European Communities and to members thereof (Rept. No. 92-1521). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 16022. A bill to amend the Internal Revenue Code of 1954 to permit the authorization of means other than stamps on containers of distilled spirits as evidence of taxpayment (Rept. No. 92-1522). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee of conference. Conference report on H.R. 7117 (Rept. No. 92-1523). Ordered to be printed.

Mr. JOHNSON of California: Committee on Interior and Insular affairs. H.R. 16554. A bill to authorize the Secretary of the Interior to engage in feasibility investigations of certain potential water resources developments; with amendments (Rept. No. 92-1524). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 6446. A bill to provide for addition of the Minam River Canyon and other areas to the Eagle Gap Wilderness, Wallowa and Whitman National Forests, to modify the boundaries of the Wallowa National Forest in the State of Oregon, and for other purposes; with amendments (Rept. No. 92-1525). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee on Armed Services. H.R. 16943. A bill to authorize the Secretary of the Army and the Secretary of the Navy to make certain property under their jurisdiction available for transfer for national park purposes; with amendments (Rept. No. 92-1526). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRASER: Committee of conference. Conference report on House Joint Resolution 984. (Rept. No. 92-1527). Ordered to be printed.

Mr. COLMER: Committee on Rules. House Resolution 1149. A resolution providing for the consideration of H.R. 16810. A bill to provide for a temporary increase in the public debt limit and to place a limitation on expenditures and net lending for the fiscal years ending June 30, 1973 (Rept. No. 92-1528). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SEIBERLING: Committee on the Judiciary. H.R. 10636. A bill for the relief of Mrs. Dominga Pettit (Rept. No. 92-1520). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CLARK (for himself, Mr. DOWNING, Mr. TIERNAN, Mr. GROVER, Mr. MOSHER, Mr. DINGELL, Mr. JAMES V. STANTON, and Mr. MURPHY of New York):

H.R. 16984. A bill to amend section 40(b) of the Merchant Marine Act of 1970; to the Committee on Merchant Marine and Fisheries.

By Mr. COLLINS of Illinois:

H.R. 16985. A bill to require that assistance be provided at locations convenient for elderly and low- or moderate-income taxpayers, in the preparation and filing of annual income tax returns in the case of individuals having adjusted gross income of $10,000 or less; to the Committee on Ways and Means.

By Mr. ESCH (for himself, Mr. ALEXANDER, Mr. FRENZEL, Mr. HARRINGTON, and Mr. SCHWENGEL):

H.R. 16986. A bill to establish a National, Institute of Population Growth and to transfer to the Institute the functions of the Secretary of Health, Education, and Welfare, and of the Director of Economic Opportunity relating to population research and family planning services; to the Committee on Government Operations.

By Mr. GARMATZ:

H.R. 16987. A bill to amend the act to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce; to the Committee on Merchant Marine and Fisheries.

By Mr. HARVEY:

H.R. 16988. A bill to require States to pass along to public assistance recipients who are entitled to social security benefits the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mrs. HECKLER of Massachusetts:

H.R. 16989. A bill to amend the Trade Expansion Act of 1962 to prohibit the application of the most-favored-nation principle to certain countries; to the Committee on Ways and Means.

By Mr. HEINZ (for himself, Mr. Biester, Mr. Burton, Mr. Conover, Mr. Coughlin, Mr. Daniel of Virginia, Mr. Dellums, Mr. Dent, Mr. Frelinghuysen, Mr. McDade, Mr. Moss, Mr. Podell, Mr. Railsback, and Mr. Roybal):

H.R. 16990. A bill to amend the Disaster Relief Act of 1970 to provide for the mandatory development and maintenance by States of disaster preparedness plans, to provide for the annual testing of such plans, to increase the amount of Federal assistance in the case of approved plans, and for other purposes; to the Committee on Public Works.

By Mr. MYERS:

H.R. 16991. A bill to provide for converting certain abandoned railroad rights-of-way in the public domain into bicycle paths, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PICKLE:

H.R. 16992. A bill to amend the act providing an exemption from the antitrust laws with respect to agreements between persons engaging in certain professional sports for the purpose of certain television contracts in order to terminate such exemption when a home game is sold out; to the Committee on the Judiciary.

By Mr. PRYOR of Arkansas:

H.R. 16993. A bill to authorize the Secretary of Transportation to release restrictions on the use of certain property conveyed to the city of Camden, Ark., for airport purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL (for himself, Mr. Burton, Mr. Byrne of Pennsylvania, Mrs. Chisholm, Mr. Danielson, Mr. Dellums, Mr. Edwards of California, Mr. Harrington, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Miller of California, Mr. Rees, Mr. Sisk, Mr. Talcott, Mr. Van Deerlin, and Mr. Charles H. Wilson):

H.R. 16994. A bill to amend the Internal Revenue Code of 1954 to provide that any resident of the Republic of the Philippines may be a dependent for purposes of the income tax deduction for personal exemptions; to the Committee on Ways and Means.

By Mr. SHOUP:

H.R. 16995. A bill to require States to pass along to public assistance recipients who are entitled to social security benefits the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. THOMSON of Wisconsin (for himself and Mr. Quie):

H.R. 16996. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Lower Saint Croix River, Minn. and Wis., as a component of the national wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

By Mr. THOMPSON of Georgia:

H.R. 16997. A bill to amend the Occupational Safety and Health Act of 1970 to provide additional assistance to small employers; to the Committee on Education and Labor.

By Mr. VANIK (for himself, Mr. Celler, Mrs. Abzug, Mr. Addabbo, Mr. Anderson of Tennessee, Mr. Annunzio, Mr. Badillo, Mr. Bell, Mr. Biaggi, Mr. Brasco, Mr. Buchanan, Mr. Burke of Massachusetts, Mr. Carey of New York, Mr. Corman, Mr. Coughlin, Mr. Crane, Mr. Daniels of New Jersey, Mr. Delaney, Mr. Dellums, Mr. Diggs, Mr. Dow, Mr. Drinan, Mr. Edwards of California, Mr. Eilberg, and Mr. Fish):

H.R. 16998. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket-economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. VANIK (for himself, Mr. Forsythe, Mr. Fraser, Mr. Fulton, Mrs. Grasso, Mr. Gray, Mr. Green of Pennsylvania, Mr. Halpern, Mr. Helstoski, Mr. Karth, Mr. Koch, Mr. Kyros, Mr. Leggett, Mr. Lent, Mr. Long of Maryland, Mr. Macdonald of Massachusetts, Mr. Mikva, Mr. Minish, Mr. Mitchell, Mr. Moss, Mr. Nix, Mr. O'Neill, Mr. Patten, Mr. Pepper, and Mr. Peyser):

H.R. 16999. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket-economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. VANIK (for himself, Mr. Podell, Mr. Price of Illinois, Mr. Pucinski, Mr. Rangel, Mr. Rees, Mr. Reuss, Mr. Rodino, Mr. Roe, Mr. Rosenthal, Mr. St Germain, Mr. Sarbanes, Mr. Scheuer, Mr. James V. Stanton, Mr. Stokes, Mr. Van Deerlin, Mr. Vigorito, Mr. Waldie, Mr. Widnall, Mr. Yates, Mr. Madden, and Mr. Begich):

H.R. 17000. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket-economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. CHARLES H. WILSON:

H.R. 17001. A bill to amend title 39, United States Code, with respect to the financing of the cost of mailing certain matter free of postage or at reduced rates of postage, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ANDERSON of California (for himself, Mr. Anderson of Illinois, Mr. Boland, and Mr. Grover):

H.R. 17002. A bill to authorize appropriations for construction of certain highway projects in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

By Mr. HARRINGTON:

H.R. 17003. A bill to authorize the Secretary of Commerce to promulgate voluntary safety and other standards for U.S. fishing vessels, to provide loan guarantees for the purpose of bringing such vessels into compliance with such standards, and to provide loan guarantees for vessel modification for the improvement of fishing capability; to the Committee on Merchant Marine and Fisheries.

H.R. 17004. A bill to authorize the Secretary of Commerce to make grants available to modernize, and to increase productivity within, the commercial fishing industry; to the Committee on Merchant Marine and Fisheries.

H.R. 17005. A bill to amend the Fish and Wildlife Coordination Act of 1956 in order to provide loans to assist the operation of fishermen's cooperatives; to the Committee on Merchant Marine and Fisheries.

H.R. 17006. A bill to authorize a vessel modification grant program to encourage the harvesting of unexploited or underexploited species of fish, and for other purposes; to the Committee on Merchant Marine and Fisheries

H.R. 17007. A bill to amend the Internal Revenue Code of 1954 to provide a tax exemption for fishermen's cooperative organizations; to the Committee on Ways and Means.

H.R. 17008. A bill to provide loans to aid in the establishment of fishermen's cooperatives; to the Committee on Merchant Marine and Fisheries.

By Mr. ROSENTHAL (for himself, Mr. Brademas, Mr. Eilberg, Mr. Pepper, Mr. Sikes, and Mr. Thompson of New Jersey):

H.J. Res. 1321. Joint resolution expressing the sense of the Congress with respect to the foreign economic policy of the United States in connection with its relations with the Soviet Union and any other country which uses arbitrary and discriminatory methods to limit the right of emigration, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MAHON:

H. Con. Res. 713. Concurrent resolution providing procedures to control Federal expenditures and net lending for the fiscal year 1973; to the Committee on Government Operations.

By Mr. FINDLEY:

H. Con. Res. 714. Concurrent resolution expressing the sense of the Congress with respect to the schedule of exit fees recently decreed by the Soviet Union; to the Committee on Foreign Affairs.

By Mr. QUIE:

H. Con. Res. 715. Concurrent resolution to provide for the printing of the first national report of Project Baseline; to the Committee on House Administration.

By Mr. BLATNIK:

H. Res. 1147. Resolution authorizing additional investigate authority to the Committee on Public Works; to the Committee on Rules.

By Mr. STAGGERS:

H. Res. 1148. Resolution providing for the printing of additional copies of House Report 92–1519, entitled "Securities Industry Study"; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. MAILLIARD presented a resolution, (House Resolution 1150), to refer the bill, H.R. 16983, entitled "A bill for the relief of Del Monte Fishing Co." to the Chief Commissioner of the Court of Claims in accordance with sections 1492 and 2509 of title 28, United States Code, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

DAILY CALIFORNIAN—A UNIQUE CAMPUS PAPER

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. WALDIE. Mr. Speaker, one of the great university papers of this country assuredly must be the Daily Californian serving the Berkeley campus of the University of California. It is and has been a fiercely independent newspaper and it accurately portrays student and university concerns. It is now only 2 years old in the sense that it has been totally independent from university funds and hence university control for that period of time.

I enclose a thoughtful article on this unique campus paper from the San Francisco Chronicle:

DAILY CAL MARKS FIRST YEAR OF INDEPENDENCE

(By Nancy Dooley)

When The Daily Californian hits the streets of Berkeley Tuesday, it will mark the beginning of the student newspaper's second year of independence from the university.

With financial help from the student government and the administration, the paper ended its first year off campus $6,000 in the black. It survived the dilemmas of paying rent, salaries, printing costs and taxes.

And it survived a few turbulent events, including charges of racism from Third World students. In the words of Editor Christine Weicher, 21, "We were learning what we weren't the hard way."

CORPORATION

Miss Weicher, a journalism and dramatic arts major from San Rafael, describes her editorship as "being the president of a corporation." That's literally true, the corporation in this case being the Independent Berkeley Students Publishing Co., Inc.

It has a formal, 10 year contract with the university, which permits the paper to retain the name The Daily Californian, in return for a written promise the newspaper and the corporation will be student-run.

LESS RADICAL

The paper has become far less radical than it was during the days of upheaval; in fact, some students complain it is now too moderate. One former staffer calls it "absolutely establishment. Who needs that? Especially in a student newspaper."

Establishment or not, The Daily Cal has become more responsible, its reporting more objective.

Edwin R. Bayley, dean of the school of journalism, feels this trend is a result of independence. "I think the students realized they had to sell papers and couldn't offend their advertisers," said Bayley. "You can't step on everyone's toes and still make it."

Editor Weicher agrees, but also attributes the paper's modified tone to a relatively noncontroversial year. "We've received a lot of compliments on the paper being more fair, but I still think we have a long way to go."

MONEY PROBLEM

The most severe problem will be money. About 90 percent of the $275,000 budget will be met through advertising. The gap will have to be filled with $12 a year subscriptions.

The corporation is still negotiating with the chancellor's office over bulk subscriptions. Last year the administration agreed to a one-time purchase with registration fee funds of 2500 subscriptions for the faculty and staff.

If the deal falls through this year, Editor Weicher says, "We'll have to solicit the departments. We'll also be starting a general subscription drive, and try to pick up some of the nonstudent community."

She makes clear, however, that the paper should remain free to students.

The staff plans to focus more on significant campus news, such as research development. "We're writing for a highly specialized audience," Miss Weicher says, "so we need articles with high intellectual content written in journalistic style."

Plans also include increasing the number of feature stories, heavier emphasis on analysis, and introduction of a world news wire.

"And I want to research the corporate structure of the university," Miss Weicher adds. "It's a major corporate and political force, often at the expense of students' education."

Dean Bayley agrees. "The paper needs to be livelier. It could cause some trouble with good investigative reporting," he says. "They haven't done a good job of embarrassing university officials."

Bayley also feels the staff needs to be more professional.

In an attempt to be just that, the editor has set up strict hiring requirements. Gone are the days when an interested student wandered into the campus newspaper office and became a cub reporter.

Prospective staffers at The Daily Cal have a tryout period, when their stories are reviewed by an editorial board on the basis of meeting deadlines, news content, fairness and writing ability.

If hired, they receive $45 a month and are required to produce at least two stories a week.

The Daily Cal's future?

"My guess is it'll get better," says Bayley. "The paper fulfills a very necessary function here. It's the only consistent line of communication on campus."

STRENGTH OF FAMILY—VISION OF THE FUTURE

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mrs. GRASSO. Mr. Speaker, the strength of the family as a vital and valued institution of society has been the benchmark in determining the values and direction of civilization. The home, which is the heart of the family, is also the heart of the world. From the sturdy base the direction and form of principle and purpose is established as parents and children fulfill their role and give expression to the vision of the future.

One family, especially blessed with strength of spirit and unswerving dedication to ideals, has been portrayed in a recent article by four sons in praise of their parents. This article, which originally appeared in the Lutheran Witness, has been reproduced by the Bristol Press, the hometown newspaper of Albert and Lydia Jabs who have been subjects of a profile "Our Parents" by sons Max, Albert, Robert, and Ernest Jabs.

The article follows:

FOUR JABS SONS PAY TRIBUTE TO PARENTS

"Our Parents," written by Max, Albert, Robert and Ernest Jabs appeared in a recent issue of "The Lutheran Witness," a periodical by the Lutheran Church. The Jabs brothers wrote the tribute to their parents, Albert and Lydia Jabs of 335 East Road.

The four sons credit their parents and their upbringing for helping them to become better individuals. The sons have also brought pride to their parents by attaining successful positions. Max has his PhD and is dean of San Antonio College in San Antonio, Texas; Albert Jr. is assistant professor at Vorhees College in Denmark, South Carolina; Robert is an industrial sales manager at Agnew Higgins Inc. in Riverside, Calif., and Ernest is principal of an elementary school in Denver, Colorado.

Mr. and Mrs. Jabs have lived in Bristol since 1941 when Jabs began working for New Departure Hyatt. In 1970 he received the General Motors award for excellence in community activities.

Jabs has been active in community affairs including those related to the Republican Town Committee and the Emmanual Lutheran Church where he has served for 13 years as a deacon and 20 years as an usher. He is also a trustee and was an usher in the Holy Trinity Church of Terryville.

Both Jabs and his wife have been active in the rehabilitation of displaced European immigrants, the aiding of Hungarian refugees and the registering of voters. Jabs, who at one time served as a justice of the peace, also ran for City Council in 1967. Now retired, both he and his wife enjoy traveling. Following is the article by their four sons.

This article is a testimonial to our parents. They happen to live in Bristol, Conn., a highly industrialized town, but they may well be parents in any part of the country.

Our parents were poor in material things but wealthy in spiritual things. They did not have a chance to attend high school, yet their four sons share 11 college degrees and presently hold positions as marketing manager, college dean, college professor, and public school principal.

These contrasts could go on and on—the important point is that our parents inspired us to a high level of service and achievement. The debt owed them is now being paid to the many people we now serve in education, business, the church, and the community.

One continuing theme of the past 40 years was the hope and faith that our parents projected into the future. Remember, marriage contracted in the dark depression days of 1932 by two penniless persons was anything but a hopeful venture. Yet the marriage endured.

Two of the four sons were to be afflicted with many operations. This, of course, taxed the financial and emotional resources of the struggling family to near breaking point, but life somehow went on.

The years of our childhood and youth were, in general, happy and good years. In the lovely Berkshire slopes of central Connecticut our parents hewed a family unit of toughest fiber and strong cohesion.

Mother and Dad reflected the Biblical dynamic that the family unit is the cement of society. They understood clearly that a strong and healthy family life is needed for any society.

In this age and hour the sanctity of the family is under assault from various quarters. Despite all of today's genetic and sociological theorizing, let it be unequivocally stated here and now by four sons of Connecticut that there is no substitute for good family environment.

Our parents may not get any mother-or-father-of-the-year awards, but it should be stated that their service extended far beyond the immediate family. Many people were the recipients of their magnanimity and generosity. Countless numbers of displaced persons were assisted in this great nation of ours by our father, who came to the new world from Europe in 1929 at the age of 19.

Father and Mother possess exceptional qualities of leadership, character, and wisdom: Their example and inspiration have made a significant impact on the children.

One of the strongest of God's moral laws is the commandment: "Honor thy father and they mother." As children we were taught to love, respect, and obey our parents. Parents are God's stewards of children on earth, and we are grateful to have had excellent stewards.

Dad established high standards of moral conduct within the home. The children were expected to respect and obey the parents. Dad had a way of enforcing moral standards with his sharp bright eyes without exercising force to gain compliance, although corporal punishment was used when necessary. Bad language, fighting, stealing, lying, or mischievous vandalism—the norm in the neighborhood peer environment—were not tolerated in our home.

Together with high ethical standards, Dad placed a vital emphasis on educational values and self improvement. His keen intellect was evident from his avid interest in world affairs, and his comprehensive knowledge of history and current events provided a stimulating intellectual environment in the home.

The inculcation of religious and moral ideals was important. The family attended church every Sunday and frequently listened to The Lutheran Hour. The children went to Immanuel Lutheran School, where religious and moral values were vigorously taught.

Hard work was a way of life in the struggle for economic survival. For many years Dad simultaneously held two factory jobs to support the growing family.

In addition to all his pressing family responsibilities and arduous work Dad was actively engaged in service to others as evidenced by community and church leadership. For many years he served on the board of deacons at Immanuel Lutheran Church.

Mother had the responsibility for management of the home and the children. She had a natural gift of handling children without being unpleasant or disagreeable. Her talents as a mother and abundant faith in her children inspired the healthy personality development of the children in the home.

Mom's cheerful and optimistic spirit created a stable, happy home. She had the unique ability to bring out the best in others by emphasizing their positive qualities. The children responding by respecting her and never acting "sassy" toward her.

Mother shared many of the values and attributes exemplified by Dad—service to others, strong character, and capable leadership. She was always in demand to serve as an officer of church organizations and to develop programs because of her abundant creativity and imagination.

Father showed expert talent in cultivating immaculate lawns, beautiful landscaping, and productive fruit trees. He augmented the family food supply with apples, cherries, plums, and currants. Fresh tomatoes, cucumbers, beans, potatoes, and cabbage from his garden helped the family to maintain adequate nutrition.

Our parents envisioned a better life for the children. They felt that education and athletics were a means to achieve that goal. In our early formative years we were given or earned baseball gloves, basketballs, boys club membership and the like, to develop athletic skills. Collectively we garnered numerous high school athletic awards.

Mental development was not neglected, however. To nourish the life of the mind, current issues were vigorously debated at home. Family discussion frequently centered around the necessity for all four sons to go to college no matter what the cost or sacrifice. Ultimately the educational institution chosen was Valparaiso University, where all four of us were enrolled at the same time during the years 1956 to 1958. This unique experience of family unity and solidarity still continues despite geographical limitations.

Sharing responsibilities was instilled in us at a very early age. We helped to ease the financial burden for our parents by delivering the Bristol Press for many years. In some cases the Press bag was larger than the carrier. Heavy New England snows offered an opportunity to earn extra money by shoveling neighborhood walks and driveways. In later years during summer vacations we picked tobacco in the hot fields of the Connecticut River Valley.

At home Mother developed a creative skill in meal preparation and home management. Her delicious soups were frequently prepared from leftovers, and her pumpkin soup had a superb taste.

Mom had an insatiable love for music. She played the piano and sang with great feeling and gusto.

It is our hope that this story manifests our appreciation, love, and respect for our parents. They have given much to us. They have enriched the home, church, community, and nation. We salute Bristol and two of its outstanding citizens, Albert and Lydia Jabs.

HANOI USES POW'S AS PAWNS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the San Diego Union, Sept. 1, 1972]

CRUELTY WITH A SMILE—HANOI USES POW'S AS PAWNS

The pictures of released American prisoners of war meeting with their loved ones in Hanoi, sped around the world via communications satellite, were heartwarming ones to the people of the United States of America—as North Vietnam was fully aware that they would be.

As a well-organized and skillfully orchestrated propaganda effort, the release of Lt. Norris Charles, Lt. Markham Gartley and Maj. Edward Elias was propaganda theater that should win rave reviews of this art's technicians.

By playing upon the emotions of the prisoners and their loved ones, Hanoi artfully turned attention away from the fact that it has completely ignored the Geneva treaties for humane treatment of prisoners of war which it signed. The release of captives is a government to government matter. If international assistance is needed it should be supplied by the Red Cross, not by anti-war activists.

Hanoi deliberately circumvented the legitimate government of the United States, seeking to embarrass the President and to influence American opinion during the presidential election.

The staging and sound effects of the prisoner release were brilliant. Simply by sounding an air alert while the wives of prisoners were in Hanoi, the Communists received international publicity against bombing of military targets by the United States in North Vietnam. By offering hairdresser services to the women and tailor-made suits to the men, Communists put on the mask of benign forgiveness.

However, there is nothing benign about their daily killing of hundreds of innocent civilians in South Vietnam. There is nothing humane in their ignoring of basic international codes relating to the other hundreds of American prisoners of war that they are holding under unknown conditions because they will not permit required inspection of camps. Nor is there anything kindly about their refusal to repatriate sick and wounded prisoners.

When the moment of truth arrives, Lieutenants Charles and Gartley and Major Elias will realize that they still are in military service and have certain inescapable obligations. The longer that they delay their required rendezvous with military authorities, the more they undermine their own careers. Moreover, their immediate debriefing by proper experts might be of assistance to the other Americans being held as prisoners of war.

Typically, the North Vietnamese Communists again have exhibited cruelty with a smile on their faces. By their willingness to use prisoners ruthlessly as pawns the Communists again have given us an inkling of how they may use the remaining 1,600 captives and persons missing in action if the war is settled on their terms.

ROLE OF FREE PRESS IN BRINGING PLIGHT OF FORT WORTH FIVE TO THE PUBLIC'S ATTENTION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. WOLFF. Mr. Speaker, the story of the Fort Worth Five, the five young Irishmen—two of whom are American citizens—who were lodged in a Texas jail without trial or bail for 12 weeks, is a lesson to all of us on the importance of informed public opinion to the preservation of our basic constitutional rights. One of the five, Thomas Laffey, is a resident of Williston Park, a community in my district. Today, thanks to the power of public opinion, Tom Laffey and his four companions are home with their friends and families. They are home because a free press made certain that their story was told and commented on to the people of Williston Park and the Nation.

One of the weekly newspaper which told Tom Laffey's story to his friends and neighbors was the New Hyde Park Pennysaver group. In his column "West Nassau Whisperings," Mr. William N. Mairs, Jr., set out the facts and articulated a demand that Tom Laffey be allowed to come home to Williston Park. In my opinion, this article played a significant role in the release of the Fort Worth Five by personalizing the consequences of arbitrary government restraints on individual liberty for the residents of Tom Laffey's hometown. I commend this article to my colleagues and include it in the RECORD immediately following:

WEST NASSAU WHISPERINGS

(By William N. Mairs, Jr.)

For some time now, we've been reading pieces in the paper about a young man from Williston Park named Thomas Laffey. Tom Laffey should be home with his wife and children, and tending to the family, social and civic projects that are the delight of every or almost every, active happy suburban husband and father.

But Tom Laffey's not at home in Williston Park. He's in a jail in Fort Worth, Texas and, we read recently, the Federal Government could keep him in that jail for the rest of his days by using the same law that was passed in 1970 to make it easier to run in the dope pusher, the shylock, the labor racketeer and all the other assorted vermin loosely classified by knowledgeable law enforcement men as "organized crime."

And why is Tom Laffey in jail? He's there because he's an Irishman and a man of compassion, which is, as many who know will tell you, one and the same thing. Tom Laffey belongs to an organization that tries to raise money to buy food and shelter, clothes and fuel and medicine for the poor in Northern Ireland. A while ago, someone got into their heads that Tom Laffey's organization was also buying guns and bullets to arm those champions of Irelands' poor, the I.R.A. boys. So they grabbed poor Tom Laffey and put him before a grand jury and said, Tell us about the guns.

Now, the trouble here is that, guns or butter, conditions being what they are in Northern Ireland, what you and I might call an act of charity is called a crime by the British Crown. And all the immunity in the world from a U.S. judge or a U.S. grand jury might not keep Tom Laffey and his friends from extradition to face charges in a British court. And fair and impartial as British law and justice is reputed to be, it's been known to have its weak moments when those whom it treats and classifies as colonial people have the misfortune to fall into its hands. And that means Irishmen today as it meant Americans 196 years ago.

Now, we've not written a word about the Irish trouble since it started. And while we still classify the I.R.A. as the champions of Ireland's persecuted poor, we're the first to say that they've done some terrible things, though God knows no worse than have the Orangemen, the R.U.C. and the British Army. But that's not the question here.

The only question here is why isn't Tom Laffey at home in Williston Park instead of in a Fort Worth jail? To our minds, he's done nothing but try to help the less fortunate and when he was brought to book for that, he's stood on his constitutional right to remain silent about something that he believes and has been advised by his lawyers might put him in a jail cell.

Congressman Lester Wolff has gone to see Tom in jail and has promised to do what he can to help him. For this he deserves a lot of credit and we give it freely and gladly. But it troubles us that the judicial power of our great nation can be put to so unworthy a use as to be made the lobby gob of Britain in its efforts to keep the Irish people from breaking the yoke of London. And it angers us when the lobbygobbing is done at the expense of a free Irish American who must languish in prison because he answered the question, "Am I my brother's keeper" with a resounding "Yes".

We think Tom Laffey should come home. If you think so, too, send this column to President Nixon at the White House, Washington, D.C., today.

WILLIAM F. RYAN

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. WHALEN. Mr. Speaker, all of us are saddened by the death of our colleague, William Fitts Ryan.

As has been mentioned by many Members, Bill Ryan was a man of vision, a man who continually espoused causes long before they were popular. In 1969 Bill and I worked together on one of these issues, the National Living Income Program Act. Later, the family assistance program, which has passed the House on two occasions, incorporated the basic idea of our plan.

For those of us who shared Bill's deep commitment to ending our country's involvement in the Vietnam war, his determination to participate in the vote on section 13 of the Foreign Assistance Act of 1972 last August, despite his illness, was, and will be, a source of encouragement until we reach that goal.

Mr. Speaker, our recent action to rename the Gateway National Recreation Area in Bill's memory recognizes only in a very small way the debt owed him by his constituents and by all our people. The future certainly will expand this recognition as many more of Bill's proposals become programs which enrich the life of this Nation.

Mrs. Whalen joins me in extending our sympathy to the Ryan family.

May Bill rest in peace.

A MESSAGE FROM THE ANNUAL MEETING OF THE U.S. CAPITOL HISTORICAL SOCIETY

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. SCHWENGEL. Mr. Speaker, at the annual meeting of the membership of the U.S. Capitol Historical Society, it has been a custom to engage a well-known and prestigious speaker in the field of history, and thereby add to the historical literature of the society and to cultivate the objective of the society, which is "to encourage in the most comprehensive and enlightened manner an understanding by the people of the founding, growth, and significance of the Capitol of the United States of America as the tangible symbol of their representative form of government; to undertake research into the history of the Congress and the Capitol and to promote the discussion, publication, and dissemination of the results of such studies; to foster and increase an informed patriotism—by the study of this living memorial to the Founders of this Nation and the continuing thread of principles as exemplified by their successors."

Mr. Speaker, this year Dr. Louis Booker Wright, a well-known historian and Shakespearean scholar, gave a speech entitled, "These Troublesome Commonwealths." Dr. Wright is a respected and prolific writer. He has received honorary degrees from 23 universities and colleges since 1941. Dr. Wright was also director of the Folger Shakespeare Library from 1948 to 1968, and he is a trustee of the National Geographic Society. Some of his better-known works are The First Gentleman of Virginia; The Atlantic Frontier: Colonial American Civilization, 1607–1763; The Cultural Life of The American Colonies; and The Secret Diary of William Byrd of Westover, 1709–1712.

Mr. Speaker, the dissertation "These Troublesome Commonwealths," that he presented so clearly and effectively, and at times eloquently, presents some pertinent observations that are well for us to think on and to learn from as we deal with the problems of our time. Because they are worthwhile, pertinent, and valuable for Members of Congress and for those who may read the CONGRESSIONAL RECORD, I am happy to place them in the RECORD so they may become part of the permanent record and, hopefully, many more thousands of people will read it. The article follows:

THESE TROUBLESOME COMMONWEALTHS

(By Dr. Louis Booker Wright)

Today we hear constant lamentations over the divisiveness of American society, fractured among antagonistic groups. This divisiveness is attributed to ethnic differences, economic inequality, or regional separatism. Concomitant with the wailings over our divided social structure are calls for unity. One would think that we are facing a new crisis about to wreck the nation. Perhaps we should take comfort in looking back at our history. For we have always suffered from social tensions. Since these shores were first settled every generation has complained of factions and conflicts of interest that threatened the peace of local communities as well as the good of larger political units. Dissension is the price we pay for democracy. Our system of government is very imperfect, but no one has managed to contrive a better one. The Greeks invented democracy and coined the word, but they never managed to achieve either harmony or unity under the system. We have actually come a long way since the days of Pericles and we need not despair. Perfection, like infinity, can only be approached.

On August 24, 1972, the Wall Street Journal called attention to a current concept that is causing a certain amount of social unrest, the doctrine that we can achieve perfection in our governance if we have enough good will, or conversely, that failure to solve the ills of society results from underlying corruption. Politicians have promised to end poverty, and we still have millions on welfare; we continue to be plagued with crime, social evils, and war. Ergo, the Establishment must be callous, stupid, or wicked.

The dream of Utopia, of the perfect state, has attracted the imaginative over the centuries, but it has always eluded mankind. No reformer has ever been successful in remodeling human nature. The Puritans practiced an ethic that emphasized diligence, sobriety, and thrift; but their constables had everlastingly to pursue the errant. Scriptural authority insists that the poor we shall always have with us, and the swelling welfare rolls attest to that Biblical truth. These are old conditions that go back to the beginning of history, our history and the history of everyone else.

Someone has explained the contemporary bitterness over our social ills by saying that what troubles youth (and others) is that now we have the resources for curing evil and yet we do not utilize the means at hand. But that thesis is questionable. It is debatable whether we have adequate ways of solving our problems. And the argument ignores the invincible perversity of human nature. The Calvinists evolved a doctrine of man's innate depravity; but even the eighteenth-century belief in the prefectibility of man did not entirely erase a lingering suspicion in many minds that maybe the Calvinists had hit on a truth. Lately, however, we have returned to the philosophy of Jean Jacques Rousseau and his concept of the noble savage. If only we are permissive, kind, gentle, soft-spoken, and free with our tax dollars, all will be right with the world, however red in tooth and claw. That belief of course has a discouraging history of frustration.

When we consider our historical background it is miraculous that we have succeeded in creating a relatively homogeneous society and a viable government. Indeed, when Catherine Drinker Bowen came to write the story of the Constitutional Convention of 1787—and the instrument of government that it produced—she entitled her narrative Miracle at Philadelphia. And miracle it was, for the colonies were all suspicious of one another, fearful of losing their individual sovereignty, and determined not to fall victims to a powerful central authority. Rhode Island was so disinterested that it refused to send a representative to the Convention, although thirteen merchants of Providence wrote expressing a hope that the "Sister States" would not retaliate against Rhode Island for its lack of participation.

The moving spirits behind the Convention did not dare assert that it was called to create a new form of government. Such news would have meant defeat before an opportunity arose for debating the issues. The Congress sitting in New York had authorized a "Federal Convention" for the sole and express purpose of revising the Articles of Confederation." The states were asked to send delegates to Philadelphia for that purpose. But many suspected that more was afoot, and they were skeptical about any good that would come from such a gathering. The remarkable fact is that, between May and September, the delegates to this Convention managed to hammer out a Constitution that the states would eventually ratify, an instrument of government—with its subsequent amendments—under which we still live. This result is a tribute to the spirit of compromise that a group of wise men induced. The result also marks the culmination of one hundred and eighty years of struggle to establish effective governance for English-speaking peoples on the North American continent. As Mrs. Bowen succinctly stated, it was a "Miracle at Philadelphia." Even yet, we wonder how these men, differing so often in their backgrounds and points of view, suffering the tortures of a long hot Philadelphia summer, were brought to agree on so durable a document.

At no earlier time had representatives of the various regions been able to agree on anything approaching unity. From the earliest days, even the smallest communities frequently had fallen to quarreling. From time to time the Board of Trade in London (which had authority over the colonies) or colonial statesmen themselves had suggested unity of action against outside forces or against Indian attacks, but rarely had colonies cooperated with each other. Jealousy or greed too often prevented any effective collaboration.

Quarrels that rent the little settlement of Jamestown during its first few years were symbolic of the rows that would break out in all the colonies. Captain John Smith, whose strong hand saved Jamestown in several crises, barely escaped hanging at the hands of his colleagues. Three generations later, after surviving constant internal friction and disastrous Indian attacks, Virginia had a civil war; Nathaniel Bacon in 1676 rebelled against the government of Sir William Berkeley but died at the height of the uproar, and his forces melted away. Governor Berkeley wreaked such terrible vengeance on his enemies that King Charles II grumbled that "the old fool has hanged more men in that naked country than I have for the murder of my father."

Across the Potomac, Maryland suffered an even more tempestuous sequence of disturbances than Virginia. Established as a proprietary colony granted to George Calvert, Lord Baltimore, and his family forever, it started as a haven for persecuted Catholics. Cecil Calvert wisely provided for religious toleration of all sects. This did not prevent Prostestants from stirring up trouble. In 1654 a Puritan group, finding themselves strong enough, forced the Maryland Assembly to repeal an earlier and tolerant Act Concerning Religion and replace it with one forbidding freedom of worship to anyone believing in "popery or prelacy." Thus Maryland was beset with factionalism that continued for years.

The Puritan colonies to the North, for all their devotion to religion, even because of it, were all constantly racked by dissension. The pious brethren of Plymouth could not abide the pollution of their region by Thomas Morton, an Anglican who set up a maypole at Merry Mount (now Quincy, Mass.), invited Indian squaws to a dance, and otherwise profaned the place. To end these revels, Miles Standish (called by Morton "Captain Shrimp") marched to Merry Mount, arrested Morton, and shipped him off to England. This comic opera episode, however, was only a minor incident among many greater quarrels that disturbed the New England colonies. Massachusetts Bay exiled Roger Williams in the dead of winter for his religious views. Making his way through the snow to Narragansett Bay, Williams set up a colony in Rhode Island that sought to provide for religious freedom for all sects. His hope of avoiding faction was in vain, for human nature prevailed and the settlements of Rhode Island were constantly squabbling over land titles, boundaries, or something or other. It was said that "in the beginning Massachusetts had law but not liberty and Rhode Island had liberty but not law."

Massachusetts Bay, of course, dominated New England but could not achieve peace within her own borders or with her neighbors. This colony's golden age was the period before the reign of Charles II, when the Puritan saints, led by such stalwarts as the Mathers, were virtually independent of authority from London. But in 1676 the Lords of Trade sent over an investigator, a conscientious and irascible fellow named Edward Randolph, a communicant of the Church of England, who made a report that found little good in Massachusetts Bay's Puritan regime. In 1684 the London authorities cancelled Massachusetts' charter and made it a royal colony. Two years later a royal governor, Sir Edmund Andros, arrived with instructions to unify New England and extend his authority over the whole region. In the face of protracted war with the French and Indians, he was ordered in 1688 to add New York and New Jersey to his dominion. Thus the north had the appearance of a union that could face French power in Canada. Actually, unity existed only on paper. When the news reached the colonies of the Glorious Revolution of 1688 and the accession of William and Mary, New England rebelled against Andros and returned to its old independence and individuality.

The new government in England, however, still wanted unity in the northern colonies. In 1691 Richard Coote, first Earl of Bellomont, came over as governor of Massachusetts, New Hampshire, and New York and military commander in time of war of Rhode Island, Connecticut, and New Jersey. Although Bellomont tried to bring about cooperation between the colonies, he failed. Quarreling groups feuded with each other and with the governor. Bellomont was unable to collect money or supplies needed for military protection against the Indians and the French. Like George Washington in a later day, he complained bitterly about the government's inability to raise money, to recruit troops, or to requisition even food for the fighting men.

One might think that greater harmony and a more Christian spirit of charity would have existed in Pennsylvania, founded by William Penn, a gentle, just, and fair-minded Quaker. But peace even in Pennsylvania proved a delusion, and that colony was the scene of constant bickering down to the Revolution and later. The fact that it was the most polyglot of the colonies may help to explain its problems, for its population consisted of English, Welsh, Scottish, Swiss, French, and German settlers of various religious beliefs. The Quakers and the early-arriving German Mennonites and related sects were pacifists; the Ulster Scots, who moved out to the frontier, were pugnacious and contentious. They incessantly complained about the failure of the Quaker government back in Philadelphia to give them any help in fighting the Indians in the back country. The refusal of the pacifists, who for many years controlled the Pennsylvania Assembly, to do anything to protect the borderlands against the attacks of the French and Indians was regarded by others as a scandal.

By 1688 Pennsylvania had become so torn by disputes that Penn as proprietor and nominal governor sent over a former Cromwellian soldier, Captain John Blackwell, to serve as a deputy governor; Penn himself had to remain in England. The pacifists were bitter at having a soldier placed over them and made a great clamor, refused to cooperate with the deputy, and generally thwarted him at every point. Penn, upset by the contentions, urged his deputy to show tact, and wrote that he was "sorry at heart for your animosities . . . for the love of God, me, and the poor country, be not so governmentish, so noisy, and open in your dissatisfactions." After a year Blackwell begged to be relieved and shook the dust of Pennsylvania from his feet. On his departure he declared that the Philadelphia Quaker was a person who "prays for his neighbor on First Days and then preys upon him the other six."

Penn himself had realized that the future success of the colonies required unification, and in 1697 he drew up "A Plan of Union for the Colonies." This was one of many such suggestions made by men on both sides of the Atlantic in the period before the War of Independence, none of which ever succeeded. Penn the idealist in 1693 had also dreamed of universal peace, and during a stretch in Fleet Prison had written an "Essay Toward the Present and Future Peace of Europe by the establishment of a European Dyet, Parliament, or Estates." Colonial unity remained almost as elusive as peace in Europe.

Not only did Pennsylvanians quarrel among themselves, but the colony did not get on well with its neighbors. Penn had a long and bitter quarrel with Lord Baltimore over the boundary between Pennsylvania and Maryland. This dispute did not end until two English astronomers, Charles Mason and Jeremiah Dixon, between the years 1763 and 1767 surveyed and established the boundary between the two colonies, a boundary that became known, with larger implications, as the Mason and Dixon line. The ruling Quakers in Philadelphia showed no brotherly love for their neighbors in the "Three Lower Counties," a region that after Independence became the state of Delaware. The Philadelphians declared the people of future Delaware obnoxious and scorned "that Frenchified, Scotchified, Dutchified place," a scorn which the Scots, French, Dutch, and others of the Three Lower Counties bountifully returned. Amity was not a quality often discovered in colonial America.

Greed for land and greed for the advantages of trade, along with religious differences, accounted for much of the animosity. In South Carolina, for example, the Low-country Anglicans showed little consideration for the Up-country Scotch Presbyterians, who in turn despised the Low Countrymen. South Carolina Indian traders made long forays into the back country to deal with the Indians for deerskins and furs. This aroused the hostility of rival traders from Virginia. During Indian wars on the southern frontier, colonial governments had difficulty getting support from each other. The South Carolinians claimed that Virginia was glad to see them in trouble with the Indians, or the Spaniards, or with anybody else who might diminish their competition for the lucrative Indian trade. During the savage Yemassee War (1715–1718) South Carolinians charged that Governor Spotswood of Virginia, instead of sending aid to help his southern neighbor, was using the crisis to cement friendship with the Cherokees and other Indian tribes in order to steal trade away from South Carolina.

For some time the authorities in London had been aware that collaboration between the colonies was needed for mutual defense against the Indians, the French, or the Spaniards, as the case might be. Various proposals had been made, frequently by theorists who did not know colonial conditions at first hand.

In 1701 there was published in London "An Essay Upon The Government Of The English Plantations On The Continent of America . . . By an American," a very rare but significant tract that I edited and published in 1945. The name of the "American" who wrote the tract remains unknown but it may have been Robert Beverley or William Byrd of Virginia. From internal evidence it was certainly written by a Virginian who held views that Beverley and Byrd shared. An important portion of the *Essay* recommends a plan of union for the colonies that may have influenced later proposals for unification.

* * * * *

Needless to say, nothing immediately came of the "American's" suggestions for unity and reform, though his views may have helped others later to mature their own ideas.

The most explicit effort to unify the colonies came in 1754 at the famous Albany Congress where Benjamin Franklin set forth his celebrated Plan of Union. The colonies were facing a crisis that threatened colossal disaster. The French and Indian War (known in Europe as the Seven Years War) was beginning. France had succeeded in enlisting as allies powerful Indian nations; even the Iroquois, upon whom the English had depended for years, were being won over by French forest diplomats. In the light of news of deteriorating relations with the Indians, the Board of Trade in London had ordered the governor of New York to hold a council of Iroquois chiefs, to frame new treaties of friendship, and to call upon the other colonies to subscribe to these new treaties. This was the initial purpose of the Albany Congress of 1754.

Governor James de Lancey of New York expanded the purpose of the Congress to include discussion of unified action of the colonies to insure adequate defense and mutual cooperation. Benjamin Franklin, a representative from Pennsylvania, applied his fertile mind to the problem and came up with a proposal for unity. After lengthy debate the commissioners agreed that unification was necessary, and they recommended a provision for a Congress in which the several colonies would be represented in proportion to population and importance. Only Massachusetts, however, had authority to sign any agreement at Albany; other delegates were not empowered to commit their respective provinces.

Some colonies had not even bothered to send commissioners. Because Governor Dinwiddie of Virginia had called a conference of chiefs of the Six Nations at Winchester, he did not think it necessary to particpate in the meeting at Albany; Virginia preferred to go it alone. New Jersey replied that, because she had never had any treaties with the Iroquois, the Albany meeting did not concern her. When the plan for joining into an effective union came up for consideration in the respective colonial assemblies, not one would agree to sacrifice a jot of sovereignty for the sake of union, even for mutual defense.

The idea of union was exceedingly slow in maturation. Franklin's suggestions at Albany may have helped to induce the states, once independence had been declared, to consider Articles of Confederation. But even then individual states were too jealous of their sovereignty to surrender essential powers to a central government. With the former colonies at war with the mother country, it should have been abundantly clear to everyone that unity of action was necessary. Preceding the Albany Congress, Benjamin Franklin had printed his famous cartoon of a snake cut in pieces with the caption, "Join or Die." It was now republished, for never was cooperation more necessary.

Yet the Articles, submitted to the Congress in a first draft by John Dickinson on July 12, 1776, were not adopted until November 1777 and not ratified until 1781 when the Revolution was nearly over! (Maryland for a long time had refused to ratify the Articles because her claims to western lands had not been settled satisfactorily. Other states were also disgruntled at various provisions.)

Although the Articles proclaimed a "Perpetual Union," and provisions gave the central government authority to make war and peace, conduct foreign affairs, borrow money, raise an army, run a post office, regulate weights and measures, manage Indian affairs, and call upon the states for revenue and soldiers, yet the states would not surrender any rights of taxation or permit any coercion for failure to obey the central government's requests. In short, the government could only beg and express pious hopes that the states would show sweet reasonableness, tax themselves for federal benefit, and comply with other provisions of the Articles. Human nature being what it is, either individually or collectively, the Articles proved a very weak reed of government. Indeed, strong governments were feared. Thomas Jefferson believed that the best government was one that governed least. More radical propagandists opposed authority *per se*. Had not Tom Paine trumpeted in *Common Sense* that all governments (read today "the Establishment") are suspect and that "government, even in its best state, is but a necessary evil; in its worst, an intolerable one." In short, men should be wary of authority. This doctrine, lately rediscovered by longhaired youth and the apostles of new permissiveness, has been bruited about as if it were something new.

The propagandists of the American Revolution, having picked King George III as arch villain and catalogued his tyrannies in the Declaration of Independence, were concerned to emphasize the despotism of monarchy and all authoritarian rule. They succeeded too well. They convinced a large proportion of the populace, which needed little persuading, that strong governments are wicked. That propaganda, plus the natural inclination of the states to reserve all real power to themselves, thwarted General Washington's struggle to fight a war.

The low point in Washington's efforts to procure support from a powerless Congress and recalcitrant states came at Valley Forge in the winter of 1778. The Commander in Chief had little money with which to buy supplies and no power to requisition them. The British, comfortably established in nearby Philadelphia, had plenty of hard money, and the farmers of Pennsylvania readily furnished them with beef, pork, wheat, poultry, eggs, butter, and produce of all sorts. In the meantime Washington's troops starved and froze. He wrote desperately to the governors of nearby states for help. To Governor George Clinton of New York he described "the present dreadful situation of the army for want of provisions and the miserable prospects before us with respect to futurity . . . . For some days past there has been little less than famine in camp. A part of the army has been a week without any kind of flesh, and the rest three or four days." A New York colonel wrote to the Governor: "I have upwards of seventy men unfit for duty only for want . . . of clothing, twenty of which have no breeches at all, so that they are obliged to take their blankets to cover their nakedness, and as many without a single shirt, stocking, or shoe, about thirty fit for duty, the rest sick or lame, and, God knows, it won't be long before they will all be laid up, as the poor fellows are obliged to fetch wood and water on their backs half a mile with bare legs in snow or mud." [Scheer and Rankin, *Rebels and Redcoats*, pp. 303–04.]

How Washington won the war remains a mystery; perhaps it was another miracle like that in 1787 at Philadelphia; and, though it must not be said in derogation of the Father of Our Country, perhaps it was in part the stupidity of the British high command. At any rate, Cornwallis surrendered at Yorktown and the war was over. Then came the struggle to achieve a durable peace and to unify a country that only the threat of dire calamity had held together during the war. Once more the sections fell to quarreling.

When Chief Justice John Jay negotiated the Treaty of London in November 1794, it pleased nobody, for it made humiliating concessions to Great Britain. But on the whole it was better than a new outbreak of war. Washington used his influence to get it through the Senate and it was ratified on June 25, 1795. "Peace," wrote Washington in defense of his position, "has been the order of the day with me since the disturbances in Europe first commenced." Yet the ratification of Jay's Treaty (as it was called) nearly split the country. Someone wrote: "Damn John Jay! Damn everyone who won't damn John Jay! Damn everyone who won't put out lights in his windows and sit up all night damning John Jay." Yet Jay's Treaty staved off a renewal of the conflict with Britain.

The early years of the new nation were filled with peril, not only from outside enemies but from internal stresses. No European nation expected the republic to last. Although the Founding Fathers looked back to the supposed virtues of republican Rome for a precedent, not everyone believed that a democratic republic offered hope of stability or even justice. Alexander Hamilton in *The Federalist* (1788) remarked: "It is of great importance in a republic not only to guard against the oppression of its rulers but to guard one part of society against the injustice of the other part." Cynical Fisher Ames, contrasting monarchies and republics, commented: "A monarchy is a merchantman which sails well, but will sometimes strike a rock and go to the bottom; a republic is a raft which will never sink, but then your feet are always in the water." Not everyone agreed with Ames that the republic would never sink. Jefferson wrote gloomily to his former secretary, William Short, then in Paris, that some conservatives were predicting the end of the republic with the death of Washington.

The development of two political parties, the Republicans (later to become the Democrats) led by Jefferson and the Federalist (much later to evolve into Republicans) led by Hamilton and others, soon resulted in violent and corrosive animosities. The French Revolution, coming so soon after the American War of Independence, was at first regarded as another glorious attack on tyranny and was toasted throughout America by enthusiastic supporters. But the French abolition of religion and the wholesale executions during the Reign of Terror produced a violent reaction among American conservatives. Because Jefferson had been an outspoken apologist for the French Revolution and was known to have abetted the revolutionaries when minister to France, he was characterized as a "Jacobin," the equivalent today of calling him a Communist. The Jeffersonians retorted by accusing Hamilton and the Federalists, who condemned the actions of the French, with being at heart pro-English and monarchists. The Republicans even claimed that the Federalists wanted to create Washington King George I of the United States and fasten an aristocratic government upon the land. So the controversy raged, in pamphlets, newspapers, speeches, and in every tavern and public place. The hatred engendered nearly wrecked the republic, and few presidential campaigns have ever been so bitter as that of 1800 which ended in the election of Jefferson.

What conclusions can we draw from so brief a survey of the rows, contentions, factions, jealousies, and suspicions that divided the inhabitants of English North America from the beginning? First we can take comfort in the knowledge that we are a reasonably durable political organism and not likely to collapse overnight. We might remember, a comment by Montesquieu in *The Spirit of the Laws* (VIII, 1748): "Republics are brought to their ends by luxury; *monarchies* by poverty." Contemplation of that thought by social improvers might be fruitful.

Secondly, we can look back over history and remember that Utopias have ever been a delusion, that the millenium is only a vague hope of mankind, that we are not likely to be favored with perfection in individual or state, and that instant reform, instant social change, and instant solutions of our problems are merely a mirage seen by wishful thinkers.

Human nature remains relatively static and not political nosturms are likely to purge us of short-sightedness, improvidence, laziness, selfishness, and greed. The Puritans tried to improve us by demanding sobriety, thrift, and diligence but it is now fashionable to damn those qualities as bourgeois and benighted.

With mankind's previous efforts before us, we might maintain a cautious skepticism of the panaceas eagerly prescribed by professional sociologists. We might also seek to spare ourselves a flood of verbose advice from Academia, a deluge of words from persons whose naivete about the world around them is sometimes only equalled by their arrogance.

Thirdly, the contemplation of history should leave us with at least a modicum of faith in the innate common sense of the majority of the populace. After all, we have swum to the surface through oceans of nonsense and survived.

We do not need to embrace the multitude with the enthusiasm of Jefferson nor are we required to fear the judgment of the people with the doubts expressed by Alexander Hamilton. Lincoln's comment: "You can fool all the people some of the time, and some of the people all of the time, but you cannot fool all the people all the time" is still sound political philosophy.

No matter who promises what, we are not going to achieve perfection in our society or even approach it. That is reserved to the virtuous hereafter. Nevertheless, we must continue to struggle for the best that we have a right to hope for: that is, a balance in our political life between extremes. We should hope for wisdom to choose enough leaders with common sense to save us from the glittering dreams of well-intentioned idealists. Wise leadership in a republic is a rare quality. We would do well to pray for it and to remember the spirit of compromise that made possible the "miracle at Philadelphia" in 1787.

CUBAN-PANAMANIAN COLLABORATION AGAINST GUANTANAMO AND CANAL ZONE

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. FLOOD. Mr. Speaker, in recent weeks the columns of some of the larger newspapers of the United States have carried informative articles, among them one in the Los Angeles Times by Francis B. Kent, a staff member of the paper writing from Panama, R.P.

In this newsstory, Mr. Kent emphasizes the following significant points:

First. That the revolutionary Government of Panama is working closely with Castro Cuba and that both view the United States as their common enemy.

Second. That following the example of Cuba in rejecting the annuity paid by the United States for the Guantanamo Naval Base in Cuba the Panama Government is rejecting the $1,930,000 annuity paid by our country to Panama.

Third. That technical and cultural missions have traveled regularly between Cuba and Panama.

Fourth. That Escobar Betancourt, a onetime Communist who now heads Panama's National University, is one of the influential men closely associated with Panama's figurehead President Demetrio Lakas, and the commandant of its national guard, Omar Torrijos.

Fifth. That the foundation is being laid to appeal the Canal Zone sovereignty question to the United Nations organization.

Because the indicated newsstory by Mr. Kent should be of interest to the Congress and other agencies of our Government as regards what is transpiring in the Caribbean and the necessity to be alert to it, I quote the story as part of my remarks:

PANAMA GETS INTO CLOSE STEP WITH CUBA REGIME—COMMON ANTAGONISM TOWARD UNITED STATES POSSIBLY SPURS BOND BETWEEN TORRIJOS AND CASTRO

(By Francis B. Kent)

PANAMA CITY.—Slowly but surely, the revolutionary government of Panama is falling into step with the revolutionary government of Cuba.

To what end, no one outside the government professes to know, and those who may know are not saying. The signs are clear, however, and speculation is rife. Officials at the U.S. Embassy here are watching developments with mounting interest if not concern.

One theory has it that the two governments are being drawn together by a common problem, the presence of a common antagonist—the United States—firmly ensconced on their national territory.

In the case of Cuba, what irritates Premier Fidel Castro is the big naval base at Guantanamo. For the strong man of Panama, Gen. Omar Torrijos Herrera, it is the Panama Canal, the Canal Zone and military bases that abound in the zone.

REJECTED DEAL

The United States has long been bound by treaty to pay the Cuban government $3,600 a year for the use of Guantanamo. Castro, however, rejected this deal soon after shooting his way to power in 1959.

Some $40,000 has piled up in Washington over the years to Cuba's credit.

Under the Canal Zone treaties, the United States has agreed to pay Panama $1.93 million annually as Panama's share of canal revenues, a sum which, incidentally, has been borrowed against for decades to come.

Now Gen. Torrijos has taken a leaf from Castro's notebook. The new "People's Assembly" voted last week to reject the annuity, a step that would seem to be little more than symbolic in view of the fact that Panama would not get the money in any case.

There is considerably more, however, to indicate that both Castro and Torrijos are listening to the same drummer.

PORTRAITS BLOSSOM

Like Havana, Panama City has blossomed with portraits of the leader and banners spelling out his revolutionary declarations. Last week the Assembly officially named him the nation's "Liber Maxims," a title long ago assumed by Castro.

Moreover, technical and cultural missions have traveled regularly between Cuba and Panama despite the absence of formal diplomatic recognition.

Following the 1968 military coup d'etat that brought Gen. Torrijos to power, Castro's attitude toward the new government here was anything but warm. He dismissed the coup as just one more military takeover in the ancient Latin American tradition.

The first sign of a thaw appeared last November at the close of Soviet Premier Alexei Kosygin's official call on Castro. A joint statement referred to the Panamanian revolution in uncommonly warm tones.

BASIC POSITION

This led to speculation in diplomatic circles here that Moscow had dictated the change of heart. In view of developments since, however, most observers have become convinced that the closer relationship represents a basic position adopted by the Castro government, possibly at Torrijos' initiative.

Since then Cubans have been turning up here in growing numbers, including athletes, journalists and the promoters of a Cuban film festival. Traffic in the opposite direction has likewise expanded. Not long ago Romulo Escobar Betancourt, a one-time Communist who now heads Panama's National University, went to Havana at the head of a student delegation.

The Escobar Betancourt mission was warmly received by Castro himself and the visit was glowingly recounted on page one of Gramma, the Cuban Communist Party's newspaper.

Escobar Betancourt's role in Panama's affairs goes far beyond his university position. He is widely regarded as one of the principal ideological figures in the vaguely defined group of influential men behind Gen. Torrijos. Not long ago in Mexico when Escobar Betancourt accompanied Panama's figurehead president, Demetrio Lakas, on an official visit, the president referred all questions of a political nature to the man who is nominally no more than head of the university.

FORMAL TIES SEEN

Precisely where the Cuban-Panamanian relationship is headed can only be guessed at, although many here have no doubt that it will soon come to the reestablishment of formal diplomatic ties.

Gen. Torrijos has said repeatedly that, although Panama must reserve the right to "choose our own enemies," it must continue to adhere to the Organization of American States' 1964 resolution to isolate Cuba from the so-called American family of nations.

Still, the hemisphere's solidarity on the Cuban question has already been breached by Mexico, Chile, Jamaica and Peru, which have full diplomatic ties with Cuba. Gen Torrijos, moreover, has been known to change his mind.

More than one well-placed contact here is convinced that Gen. Torrijos will restore normal relations with Cuba soon after his inauguration on Oct. 11 as supreme director of civil and military affairs.

APPEAL FOR SUPPORT

Together, these sources feel, Castro and Torrijos will stand together in the United Nations and appeal to their Third World allies for support in ousting the United States from what they regard as its colonial position on their soil.

Yet other insist that Gen. Torrijos is simply moving toward a rapprochement with Cuba as one more means of irritating Washington.

These sources recall that when other nations followed the U.S. lead in abandoning the Chiang Kai-shek government in favor of mainland China, Gen. Torrijos remained firmly tied to the Nationalists.

His only apparent reason, these sources contend, was to display once more his independence of Washington.

POPULATION REPORT

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. DU PONT. Mr. Speaker, last month the Republican Task Force on Population Growth and Ecology released its report on population growth and Federal population research and family planning services programs.

I was honored to serve as chairman. Also serving were MARVIN L. ESCH, Michigan; HAMILTON FISH, JR., New York; RICHARD W. MALLARY, Vermont; and PAUL N. MCCLOSKEY, JR., California.

Mr. Speaker, a summary of our report has been prepared, and since it is of interest to all Members, I offer it for printing in the RECORD:

SUMMARY OF THE REPORT BY THE HOUSE REPUBLICAN TASK FORCE ON POPULATION GROWTH AND ECOLOGY ON THE FEDERAL POPULATION RESEARCH AND FAMILY PLANNING SERVICES PROGRAM

INTRODUCTION

One of the major accomplishments of President Nixon's administration has been the launching of a national program to provide family planning services to the more than six million medically indigent women who are estimated by HEW to be in need of subsidized family planning services. In his July 18, 1969 message to the Congress, the President proposed that in addition to the creation of the Commission on Population Growth and the American Future,[1] the Department of Health, Education and Welfare be given the means to carry out increased research in contraceptive development and the sociology of population growth, and increased training of people to work in the population research and family planning services fields. Congress passed the Family Planning Services and Population Research Act of 1970 (PL 91-572) to implement the President's proposed program.

The unmistakable conclusion from the evidence presented today is that continuing increases in total population have intensified the whole spectrum of health, environmental, economic and social problems in all countries and that no substantial benefits would result from further growth of our nation's population. This Task Force by no means views the slowing of growth rates as a panacea for all such problems. However, we do think that the reduction or elimination of excess, unwanted fertility—through improved research efforts, the development of new technology, and increased availability of family planning services—would contribute significantly to the solution of some of our problems and to the alleviation of others. This Task Force firmly believes that all people, given the knowledge and the means to exercise freedom of choice with respect to their own fertility, will choose to act in a manner benefitting their own health and well-being and that of their families. Furthermore, the exercise of this freedom will ultimately contribute to the development of a better world.

Perhaps most alarming of population growth statistics is the high percentage of children born in this country who are unplanned or unwanted. The 1970 National Fertility Study prepared for the National Institutes of Health found that between 1966 and 1970, 44% of reported births were unplanned and 15% were unwanted at the time of conception. In addition, two-thirds of the children born to families with six or more children were reported as unwanted. While unwanted births are experienced by Americans of all income levels, the rate of unwanted births is highest among the uneducated and the poor. In addition, it has been estimated that there are between 10 and 13 million women in the United States who are practicing methods of fertility control which are inadequate to achieve their goals. These statistics are not surprising, given the present state of contraceptive technology.

By 1975, approximately 46.9 million women will be of childbearing age. These women, and as many men, want and need better methods to control their fertility. We know that involuntary childbearing is damaging to both families and children in terms of health and socio-economic conditions. The incidence of prematurity, infant and maternal deaths, birth defects, and mental retardation can be significantly reduced by the use of effective methods of family planning. Unwanted births can cause a family to cease to be self-supporting, and the continued incidence of unwanted fertility can trap a family in poverty and dependency. Families of all income levels have expressed a desire to avoid unwanted fertility, as evidenced by national studies and by the known rate of one million legal and illegal abortions performed annually. Our society has created, through education and technology, a desire for smaller families. Yet we have failed to produce the birth planning agent by which such aspirations may be satisfied, and American women must continue to bear the burden of making amends for contraceptive failures. Similarly, we have not developed the means by which American men and women may overcome infertility problems. America's scientific community has failed to mobilize the resources necessary to help people exercise one of their most basic human rights—the right to bear and beget truly wanted children.

POPULATION RESEARCH

Biomedical research

Population research in the biological sciences is focused on the basic processes of human reproduction, the development of new contraceptive technology, and the ongoing evaluation of present methods of fertility regulation. Its goal is the development of new and improved methods of dealing with problems of birth planning and infertility.

The advent of the oral contraceptive and the intrauterine device (IUD) revolutionized the practice of contraception; yet, there are increasing signs that neither of these two contraceptive methods is living up to initial expectations. While the pill is the most popular method of contraception, more and more women abandon its use for a variety of reasons. The use of the pill is relatively expensive since it requires, besides continuous medication, periodic medical examinations and monitoring. Some women discontinue use for economic reasons. Women have also been discouraged because of the well-publicized evidence concerning the potentially dangerous or distressing side-effects of the drugs. Some women experience minor but disagreeable side-effects, such as nausea or weight-gain. In addition, approximately 10–15 contraindications and possible side-effects are associated with the oral contraceptive, some of which, such as thromboembolism, may be very serious. For all of these reasons, it has been found that 36%–58% of women who begin using the pill discontinue use within 18 months or must shift to another method.

The IUD was thought to be the perfect form of contraception when introduced for general use. It was inexpensive and there was no problem of continuing application. Unfortunately, the IUD has proved disappointing. Problems with the IUD include inability to tolerate the device, resulting in spontaneous and sometimes undetected rejection, and excessive vaginal bleeding. Women with existing medical problems related to the cervix or uterus often are advised that they cannot use this device. In total, 20%–35% of users abandon the IUD after 18 months of use and must look for an alternate method of contraception.

There are other problems associated with the pill and the IUD. Modern methods to be effective and safe require that patients be under continual medical supervision. They require that patients be carefully examined by the physician and in many cases undergo a number of laboratory tests to detect contraindication or significant anatomical or biological changes. The patient must be followed-up over extensive periods of time, and a considerable amount of attention and time must be devoted to patient education. All these professional medical and educational services are costly.

In foreign countries both governments and people are often frustrated in their efforts to operate successful family planning programs due to the lack of education and the complexity of utilizing modern contraceptive techniques. Yet, it is in these underdeveloped countries that family planning services may be the most needed. Inadequate nutrition, too closely-spaced births, too large families given economic circumstances, and inadequate pregnancy-related services, including family planning, all contribute to infant death rates which are double and quadruple those of the United States and other developed countries. In many developed countries, such as Sweden and Great Britain, where all pregnancy-related services, including family planning services, are provided to the people, the infant death rates are lower than the U.S. rate, which HEW has attributed in part to the lack of a well-established system of health care delivery providing all pregnancy-related services to the American people.

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[1] In 1970, Congress established, at the request of the President, the Commission on Population Growth and the American Future to study and make recommendations to the President and the nation on a broad range of questions associated with U.S. population growth. The Commission, headed by John D. Rockefeller III, issued its report shortly before hearings were held by the Subcommittee on Population Growth of the Task Force on Population Growth and Ecology. Because of the complexity and scope of the Commission's report, we are not attempting to take specific positions on the various recommendations.

What this means is that millions of people in the world—including 42 million American women and as many men—are in need of a better form of contraception, one which would be ideally safe, inexpensive, easily and infrequently applied, and requiring minimal medical supervision. The evidence which the Task Force gathered, however, overwhelmingly indicates that such an advance is at least five to ten years in the future, given present research efforts. It has been sixteen years since the last major contraceptive development occurred. Even if there were a new development, there would probably be considerable lag time before the method could be made generally available to the public.

Until very recently, all of the research and developments in this field were supported by private foundations and drug companies. The private philanthropic foundations are unable to increase their present level of support, which is currently estimated at $25 million annually. The efforts of the pharmaceutical companies, estimated at a cost of $15 million annually, are not being greatly expanded. There are a high number of risks for industry compared to the magnitude of investments and possible profits involved. As regulation of drugs becomes more exacting, extensive and more lengthy testing is required by the government for mass marketing. In addition to the cost involved, it is estimated that given the need for the basic theoretical research and testing, it could take from ten to eighteen years and $18 million dollars to develop a new product, such as an oral contraceptive for males.

The Population Commission has stated that $200 million is needed annually for basic and applied contraceptive research and that the federal government must provide the major portion of these funds. As many of our witnesses stated, we simply have not invested the resources necessary for the development of a breakthrough in technology. These resources involve both funds and personnel. We also have not applied the very limited resources available in a focused, targeted manner. As a result, we do not even have the theoretical basis necessary to develop entirely new contraceptives at this time. It is imperative that we make up for these long years of procrastination. Failure to do so will result in a compounded setback as the world's human and environmental problems continue to accrue and reach drastic proportions.

Social science research

Social science research in this field is concentrated mainly on demography, the study of human reproductive behavior, and the motivation for such behavior. One of its goals is the development of new knowledge in human reproductive behavior and how this relates to population growth and distribution. Such insight would increase our knowledge of the effects of population changes on the many factors that determine the quality of life in the United States, such as economic growth, resources, environmental quality, and government services, and would provide valuable tools for program planning and policy development in this country and in many nations of the world.

Witnesses testified that research is needed on the consequences of population change in relation to population dynamics such as childbearing patterns (as reflected in ages at marriage and parenthood, and in lengths of intervals between births), changing age composition, shifting geographic distributions, changing patterns of metropolitan and nonmetropolitan residence, and increasing scales of social organization and density. Studies are also needed to explore the consequences, both immediate and long-term, of births to unmarried women, the consequences of various migration patterns and, particularly, the effectiveness of governmental programs and policies that affect and are affected by population change.

An illustration of how pitifully inadequate our knowledge is concerning population trends is our ignorance about the current decline in the birth rate in the United States. The birth rate has been declining for 13 straight months yet we cannot accurately describe why this trend has occurred nor can we predict how much longer this decline will be sustained. Conversely, we do not know conclusively the basic underlying reasons for the baby boom of the 1940's and 1950's. Therefore, we are unable to predict such radical changes in population. Such shifts have tremendous consequences; an average two-child family would yield a U.S. population of 271 million by the year 2000, while an average three-child family would result in a U.S. population of 322 million in that year. At our current rate of increase, 2.25 million people are added every year, or, as the Commission on Population Growth and the American Future has pointed out, enough people to fill a city the size of Philadelphia each year. Clearly we are at a critical juncture in terms of what the country will be like in the future.

Many scientists believe that while we search for new technology we must also seek to understand all of the motivational factors behind the reproductive behavior of men and women and be able to prepare adequate informational and educational materials for their needs. Our lack of understanding about this and broad demographic trends should be remedied by an increased emphasis on social science and demographic research. Social science research is also closely related to the problems of operational research and delivery of family planning services. If we had insights concerning the motivation of reproductive activity of men and women, we would be able to tailor services, including family planning facilities, to their needs.

Training of researchers

The population research field still does not have a sufficient number of highly qualified scientists. Manpower development is vital to the rapid achievement of research goals, and high caliber researchers must be encouraged and enlisted to devote long-term research efforts in this area. Funds for the training of population research scientists have been held to an annual ceiling of approximately $2.6 million for the past several years, and today represent less than one-fifth of all NICHD training funds, or fourth out of the five NICHD categories for training and fellowship. In FY 1971, NICHD had the lowest percent of approved training grant applications funded of any other NIH institute. Of 106 approved training grants, NICHD will be able to fund only 20 competing grants in FY 1973, or approximately 19 percent. It is estimated that the Center for Population Research is able to fund only 26 percent of new training grant applications each year. The HEW Five-Year plan indicated that, for FY 1973, its goal was to train 705 population researchers from all disciplines, compared to 240 researchers presently receiving support. Yet, the funds requested for training remain exactly the same for FY 1973 as for FY 1972 and, with inflation, must be viewed as a diminution of the actual level of support.

If research scientists and those who are interested in either institutional or individual training grants find that, over a two or three year period, there are so little funds that their applications will almost certainly remain unfunded, they look to research in other, better supported fields. This has been the case, certainly, regarding training grant applications to the Center for Population Research, illustrated by the large decrease in such applications in the past two years. Such drops in financial support, and the concomitant decline in interest, are extremely detrimental to the long-range conduct of research and seriously inhibit advances in this long-neglected area of scientific inquiry.

University population research centers

The universities have been the primary locus of fundamental biomedical research, yet this is too often a part-time effort by faculty. Other than the Population Council's Biomedical Division, there is no major freestanding research institute exclusively devoted to advances in this area. Indeed, the HEW Five-Year Plan pointed out that most research in human reproduction has traditionally resided in departments of obstetrics which have been notoriously understaffed and poorly supported. Planning for real achievement in the field must acknowledge these factors.

The Task Force believes that an adequate overall strategy of biomedical and social research in population matters must take into consideration the wide and complex range of scientific variables and, in many areas, the lack of a substantial base of relevant knowledge. The population research field will greatly benefit by the establishment and continued support of multidisciplinary research centers at universities and other nonprofit institutions.

The HEW Five-Year Plan calls for the establishment of "at least ten excellent major population research centers" in the United States. Administration witnesses testified that their plans, in fact, include the eventual support of fifteen such centers. Yet, in FY 1972 only $1.5 million was available for limited support to five population research centers, while approved unfunded applications for center core support totaled $3.5 million. The HEW Five-Year Plan for population research centers calls for $5.5 million in FY 1973, while the Administration FY 1973 budget request is less than 50% of that amount. Advances in the field are discouraged by the lack of such funds, which serves to intensify the difficulty of attracting and assembling skilled research teams and other full-time staff. Without assurance of a base of support, talented scientists will devote their energies to more promising and stable areas. This situation can only be remedied by strengthening federal support so as to stabilize university-based research and attract outstanding researchers to this field.

Intramural research

NICHD's in-house research in population has focused primarily on fundamental research in reproduction. Intramural population research has been greatly impeded by a shortage of both laboratory space and scientific personnel. As a result, this program has not been fully implemented. Research capability has not been sufficiently exploited, and no intramural research has been undertaken in any of the social sciences. Adequate organization of intramural research in this field should encompass both biomedical and social science research in a focused and complementary effort.

With regard to facilities, the FY 1973 HEW appropriation bill includes $20.9 million for the construction of a research facility for NICHD. Planning funds for this facility were appropriated as far back as FY 1966; lack of adequate space and facilities is now seriously hampering the orderly growth of intramural research efforts. The Task force believes this long delayed construction project must proceed forthwith.

Organizational structure and resources

The Center for Population Research was created in 1968 and was an important beginning in the government's work in this field; however, it is increasingly apparent that the demands of the field have outgrown the institutional framework to the point that the structure has become ineffective and inefficient. The director of the Center for Population Research reports to the Director of NICHD, who in turn reports on all the various programs of his agency to the Director of NIH. The Director of the Center for Population Research reports to the Deputy Assistant Secretary for Population Affairs. However, both policy and budget requests for the Center of Population Research are monitored and determined by the Director of NIH. The Deputy Assistant Secretary for Population Affairs does take part in these discussions; however, he cannot be expected to play a significant role in the overall information of the budget for NIH.

Most of the witnesses before this Task Force indicated that progress in biological, contraceptive development and social science research relating to population was impeded not by a lack of scientific interest in the field, but rather by a lack of funds and status. The requested $44 million population research budget for fiscal year 1973 contains less than a 10 percent increase. Given the fact that health research expenses experience a documented inflation of eight to ten percent each year, this budget request level means that population research will be at a standstill, unless remedied by Congress.

In addition, the submerging of the population research program within NICHD must lead to restrictive budgeting since any agency normally seeks to maintain equity among the programs falling under its administration. As a result, the population research program probably cannot continue to grow on its own without some commensurate growth in the other institute programs. The $44 million request for population research for FY 1973 ignores the recommendations of the HEW Five-Year Plan, formulated and coordinated under the auspices of the Deputy Assistant Secretary for Population Affairs of HEW. This plan calls for an expenditure of $75 million in FY 1973, $100 million in FY 1974 and $125 million in FY 1975 for population research. However, the budget increases for NICHD have been parceled out with no reflection of the HEW Five-Year Plan. This Task Force believes that at least $60 million must be appropriated for population research this year. We believe that this figure represents a realistic assessment of the funds that the field can absorb and that are needed to stimulate further research and to promote the development of a more effective form of contraception.

The two major proposals to emerge for improving and strengthening these programs were the creation of a new and separate population sciences research institute within NIH and the establishment of a new agency within HEW that would combine both population research and family planning services.

While the Task Force believes that administrative reorganization is not a panacea for inadequate programs, we do feel, however, that some measures must be instituted to insure adequate growth and development of these programs if we are to meet our national health goals. While the Task Force and the Congress may want to review these alternatives in greater depth, it is clear that the present institutional framework for the federal population research program is inappropriate and inadequate.

Family planning services

Although ideally family planning services should be an integral part of comprehensive health care, this country has not achieved full integration of its health services. The lack of comprehensive health care has led to the establishment of specific family planning services programs sponsored by the government. Pending the achievement of this long-range goal, we must depend upon freestanding family services in this country. This Task Force is pleased to see that more and more related health services are being added to the range of services offered by these family programs. In addition, we are hopeful that family planning services will be fully included in any general health care financing systems that may be proposed. The federal government must also continue to devote its energies to fulfilling the commitment made by the President in July 1969, when he vowed that by fiscal year 1975 the government should be providing family planning assistance to all those who desire such aid but are unable to afford it.

Special project grants for family planning services are administered by the National Center for Family Planning Services of HSMHA. The latest HEW reports indicate that by 1973, when this Act expires, less than one-half of the 6.6 million women in need of subsidized family planning services will be served. Although the Task Force commends HEW on the progress that has been made, we must point out that funding levels have not kept up with projections and service levels have lagged accordingly. The Task Force believes, therefore, that this program must be renewed and that the special project grant authority must be continued for another three years in order to reach the President's goal of services to all women in need of them. Without renewal and expansion of the project grant program, the rest of the women in need of services may never be reached, given our present health care system. We cannot condemn these women to the suffering and poverty often associated with unwanted fertility.

The HEW Five-Year Plan called for federal government expenditures of $268 million in FY 1974 and $327 in FY 1975 for family planning services. The expert witnesses called by this Task Force have indicated that these funding levels are both realistic and necessary for continued progress in this field. We support these funding levels and will work to see that the legislation is extended and improved.

Two developments could greatly increase the effectiveness and the efficiency of family planning services programs: the development of a range of inexpensive, easily administered, medically safe contraceptives, and the advancement of operational, management research.

The present delivery of contraceptive services is limited by the number of personnel needed for information, education, and follow-up activities and the constant medical supervision needed due to the possibility of harmful side-effects. In the average clinic 40% to 50% of the costs incurred are for patient education and follow-up, 20% to 30% is the actual cost for contraceptive supplies. Because ultimate substantial improvement in the cost-effectiveness of our national health care delivery system would result from new contraceptive technology, which would require less medical supervision and sustained educational efforts, this Task Force wishes to underscore the added need for biomedical research and contraceptive developments.

In addition, there is the question of administration. To strengthen the direction and administration of the program, the HEW Deputy Assistant Secretary for Population Affairs was given line authority, through the HEW Office of Population Affairs, for both the HSMHA family planing services program, NIH population research program, the HEW population education program, and the FDA contraceptive testing program. The administrators of the services and research programs, therefore, have dual line responsibilities—one to the Deputy Assistant Secretary and one either to the NIH Director or to the HSMHA Director. This new authority was to be exercised through the appointments of an Assistant Administrator of HSMHA for Family Planning Services and an Assistant Director of NIH for Population Research, both of whom would serve as special assistants to the Deputy Assistant Secretary. However, to date neither of these appointments has been made nor has adequate staff for the Office of Population Affairs been hired to enable the Deputy Assistant Secretary to carry out the duties mandated by the legislation. This creates a less than clear administrative organization, poor program stability, and inadequate coordination and liaison. It results in insufficient and fluctuating staff levels in both services and research which can contribute to lack of continuity in these programs.

Services delivery research

The HEW Five-Year Plan for family planning services recognizes that for a program of this scale, operational research is imperative to improve program design, improve methods of delivery, and solve some special delivery problems. Increased operational research efforts would be one of the most cost-effective investments at the present. A substantial investment in operational research would be more than offset by improved program efficiency, more economical and optimal utilization of resources at the federal, state and local levels. This research could be utilized additionally to improve delivery of other preventive health care services on a national basis. In order to carry out the research and evaluation studies required, it will be necessary to develop a number of institutions and a cadre of investigators which are committed to long-range research. Failure to undertake this complex research will retard equitable and efficient health services delivery and ultimately increase the cost of the national family planning services program.

Population education

In addition to increased accessibility of family planning information and services, the dissemination of demographic information will enable people to make informed reproductive choices in full awareness of the ultimate private and public consequences of their individual decisions. There are two sources of legislative authority for such information and education activities. The Family Planning Services and Population Research Act of 1970 contains a mandate for the nationwide dissemination of population growth information. Authority for implementing this legislative directive lies in the Office of the Deputy Assistant Secretary of HEW for Population Affairs. To date only minimal activity has been initiated in this area. Staff has yet to be recruited to implement this program. A second vehicle for population education exists in the Environmental Education Act of 1970. Environmental education is defined in the Act to include the relationship of population as well as other factors to the total human environment. While the Task Force recognizes that this is a relatively new federal activity, the population education aspect of the program has not been fully implemented. The Task Force believes that the population education aspect of this program should be vigorously implemented as soon as possible.

RECOMPUTATION FOR MILITARY RETIREES IS LONG OVERDUE

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. YOUNG of Florida. Mr. Speaker, the following are remarks which I submitted to the House Armed Services' Subcommittee on Retirement in support of legislation I have introduced, H.R. 1198, which calls for the equalization of retirement pay of members of the uniformed services of equal rank and years of service:

TESTIMONY OF THE HONORABLE C. W. BILL YOUNG

Mr. Chairman, I am honored to have this opportunity to testify in favor of my bill, H.R. 1198, the Uniformed Services Retirement Pay Equalization Act, which calls for the equalization of retirement pay of members of the uniformed services of equal rank and years of service.

As you know, when the military procurement bill was before the Senate for its consideration recently, an amendment was offered and adopted which gave Congress the opportunity to restore a portion of the pension plan which military personnel have long been led to expect. Unfortunately, the Conference Committee on this legislation did not accept this amendment.

One must delve into the history of retirement pay to understand why this legislation is so needed. From 1861 to 1958, with one short break from 1922 to 1926, the law clearly provided that retired pay would be computed as a percentage of rates being paid to active duty forces and be recomputed each time those rates were changed.

Since this policy had been followed for over 90 years, people entering the service during that time had every right to expect that the law would be followed and retired pay would be adjusted to keep pace with the paid active force.

Yet in 1958, the recomputation policy was suspended by Congress, and the law repealed in 1963, and replaced with a plan that supposedly was tied to increases in the cost of living. This substitute plan, which has been in effect since 1963, has no provisions to protect the equitable rights of those already retired or committed to a service career.

Unfortunately, the new approach just has not worked out. The cost of living has soared; yet, the retirement pay has not kept pace. The gap between active duty and retirement pay has grown wider and wider. Like many others on fixed incomes, our military retirees have been hard hit by inflation, and, as the Congressional representative of many thousands of military retirees, I am acutely aware of their plight. Many of these men and their families are forced to live a very marginal existence and, in their letters to me, they express their confusion and dismay over the fact that other military men who have retired recently with the same rank and number of years in service are receiving much more for their retirement benefits. The fact is, a colonel who has just recently retired with 30 years of service makes approximately 33 per cent more in retirement benefits than the colonel who retired with 30 years of service before 1958. Certainly, the government would not have these older retirees believe it is assigning a higher value to this more recent service as compared to that service rendered just as loyally many years ago. We must also keep in mind the fact that these older retirees are not in a position to obtain income from other employment like younger men are.

For these reasons, I have introduced H.R. 1198, to return the former system and equalize the retirement pay with that of active duty military personnel of equal rank and years of service. The current policy of unfair discrimination is contrary to the long-established principle of equalizing retired pay with active duty for the same grade and rank.

I personally feel it is a breach of faith for those hundreds of thousands of American patriots who have devoted a lifetime career of service to their country and who, when they entered the service, relied upon the laws insuring equal benefits for all. The time is at hand to do simple justice and to recognize the great contribution to our nation by those who have served their country with honor and distinction. Mr. Chairman, I strongly urge the favorable consideration of legislation calling for the recomputation of military retirees' pay.

COUNT CASIMIR PULASKI

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mrs. GRASSO. Mr. Speaker, October 11 marks the anniversary of that day in 1779 when Count Casimir Pulaski, the father of the American Cavalry, died in the struggle for American Independence. His name is known to Americans, and to all who value freedom, as a person whose selfless contributions and sacrifices personified the ideals which gave birth to our great Nation. Casimir Pulaski's love of liberty was the hallmark of a life of dedication and devotion to the ideals of freedom. Born in Podolia in 1748, Pulaski realized early in life that freedom could only be maintained through struggle. As a young man, he actively participated in the ill-fated Confederation of Bar—an attempt by patriotic Poles to actively oppose Russian domination. While obtaining valuable military experience and distinguishing himself as a cavalry commander, the young Count could not prevent the defeat of the Polish forces. Stripped of his land by his foes, Pulaski was forced to leave Poland and spend his life in exile.

Pulaski eventually journeyed to France where he met Benjamin Franklin and became interested in the American fight for independence. With Franklin's encouragement and his own love of liberty and national independence as inspiration, Pulaski came to America. His decision to join the American revolutionists is explained in his own words:

> I would rather live free, or die for liberty. I suffer more because I cannot avenge myself against the tyranny of those who seek to oppress humanity. That is why I want to go to America.

Pulaski's feats were not unknown to the American cause. Franklin had written to Washington that the young Pole was "an officer famous throughout Europe for his bravery and conduct in defense of the liberties of his country." In the summer of 1777, Pulaski volunteered as a private in Washington's Army and distinguished himself at the Battle of Brandywine. The Continental Congress then granted him a commission as a brigadier general and placed him in charge of the fledgling American cavalry.

Following additional military action, Pulaski organized an independent corps of cavalry and light infantry—the Pulaski Legion—and contributed to the successes of the American military cause throughout 1778. His aggressive and daring action inspired his men and intimidated the enemy as he moved into the South in 1779. His courage and determination helped save Charleston, S.C., from a superior British force. During the fierce siege of Savannah, Pulaski displayed undaunted courage in the face of fierce enemy resistance as he bravely led his cavalry into the thick of the battle. Mortally wounded, he was removed to the American brig *Wasp* where he died on October 11, 1779.

Casimir Pulaski, a Polish aristocrat, fought and died for an American democracy. While he never lived to see a free America, he has become by virtue of his dedication and devotion a true American hero and patriot.

The banner of freedom Pulaski so dearly cherished and defended was passed on to other Poles who searched for personal liberty in a new world. Throughout this country, and in every walk of life, Polish-Americans have contributed to the growth and progress of this Nation. Whenever the rallying call, freedom, has been shouted forth, the sons of Polonia have answered eagerly and without hesitation. The heroic honor rolls of America's fallen sons during this century alone contain the names of Polish-Americans—just as the list of dead from the War of Independence contains the name of Count Casimir Pulaski and others who joined in the cause.

Mr. Speaker, I am honored to represent a district which contains many Polish-Americans. Like their ancestors and kinsmen throughout this Nation, these citizens have exhibited the boundless energy, industry, love of family and country, and devotion to duty which have added significant dimensions to the success of this great land. On this Pulaski Day I salute a proud and gracious people.

RATIFICATION OF GENOCIDE TREATY THREATENS AGAIN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. RARICK. Mr. Speaker, ratification of the Genocide Treaty, which is pending before the Senate of the United States, would be a crippling blow to the constitutional system which has served America so well.

Unfortunately, too many Americans have accepted the popular notion that this treaty will outlaw the revolting crime of genocide. In reality, the treaty does not cover genocide based on political reasons; therefore, the only genocide being practiced in the world today—in those nations held captive by the Communist governments of the world—is not covered by the treaty. The only genocide proscribed by the treaty is on racial, religious, or nationalistic grounds.

The treaty goes much farther than simply outlawing the killing of a nation or people; in fact, it would outlaw any injuring or attempt or conspiracy to injure an individual on racial or religious grounds. Who can tell how far the interpretation of "war crimes" could be extended?

Since this crime will be supranational and created by treaty it will transcend our Constitution. A defendant, if he is a U.S. citizen, will not be protected by our precious Bill of Rights of the U.S. Constitution.

Ratification of the Genocide Treaty would clearly annul the existing Connally reservation which is the last remaining bulwark of protection to the individual American citizen from the collective actions of the United Nations.

Finally, the treaty is explicit in saying that the final arbiter of the applicability of the provisions of the treaty will not be the Supreme Court of the United States but the International Court of Justice in Geneva. It goes on to provide for mandatory extradition upon serving of a writ against an individual.

In essence, then, Mr. Speaker, the so-called Genocide Treaty is antagonistic to our constitutional system of government and our personal liberties. It is but another tool of the one-worlders who would push the American people into a system of "international justice" controlled by those who are dedicated to destroying our way of life.

I include an article by the noted attorney and educator, Robert Morris, and a news clipping reminding us that the World Court awaits ratification of the Genocide Treaty following my remarks:

GENOCIDE, THE MOST MISUNDERSTOOD CRIME

(By Robert Morris)

TREATIES SUPERSEDE OUR CONSTITUTION

The news has reached me that the advocates of ratification of the Genocide Treaty have prevailed and have opportuned the leadership of the Senate into a vote for early September. This portends a most hazardous constitutional crisis.

The popular notion prevailing, sparked by the President, who I know, knows better, is that this treaty will outlaw the revolting crime of genocide. Genocide means the killing of a race, a people or a tribe. Of course this particular treaty will not affect the only type of genocide the world has known—the Baltic countries, Tibet, Hungary and Biafra.

POLITICAL GENOCIDE NOT COVERED

That brand of genocide, and it was real, was "political" in motivation, and the Russian lawyers at the United Nations Convention saw to it that "political" was excised from the grounds on which genocide could be perpetrated. The only "genocide" that is proscribed by the Treaty is on racial, religious or nationalistic grounds. All the current genocide is political and hence outside the scope of this Treaty.

But it is not only actual killing of a nation or a people that is outlawed. Any injuring an individual or attempt or conspiracy to injure or—mind you—"attempted" "mental harm" to an individual on racial or religious grounds is genocide!

"What is attempted mental harm?" The Black Panthers, before the Treaty has been ratified, have charged in Geneva, that the District Attorney of San Francisco has been guilty of genocide for bringing some of their members to trial for their acts of violence.

This sounds preposterous but you must measure the hydra headed charges that will be brought once this becomes the law of the world, by the standards of the tribunals where the trials will be held.

In the first place, since this crime will be supra-national and created by treaty it will transcend our Constitution. A defendant, if he is a United States citizen, will not be protected by our precious Bill of Rights. Unfortunately, because the Bricker Amendment was defeated in 1954, a Treaty, properly ratified, supersedes our Constitution.

The Senate Foreign Relations Committee sought to ward off the weakness of the Treaty—the vagueness of the wording "attempted" "mental harm" and the denial of constitutional rights to our citizens—by attaching reservations to the Treaty. But the Treaty explicitly says that the final arbiter of the applicability of reservations will be, not the United States Senate, but the International Court of Justice in Geneva.

ANNULS CONNALLY RESERVATION

The Treaty, among other things, annuls the Connally Reservation as far as the "crime" is concerned. It also makes extradition mandatory if a foreign nation such as Red China, Yugoslavia or North Vietnam serves a writ on a United States citizen for genocide committed in its jurisdiction. And of course the hapless defendant, tried in such kangaroo courts, will have no right whatever except something as vague as an assurance of "a fair trial."

What American soldier would be fatuous enough to serve in a foreign country—such as Vietnam—if he were exposing himself to a groundless charge of "genocide" by the North Vietnamese? Under the Treaty the United States would have to extradite its citizens, whether they be Presidents, Chiefs of Staff, Generals or Corporals. It would have to extradite its editors who might write disparagingly of some foreigners because of their race, religion, or nationality, if they are so charged in some foreign court.

Who needs this constitutional monstrosity at this time when we are being consumed by factional charges relating to race, religion and nationality?

[From the Washington Post, Sept. 11, 1972]

THE WORLD COURT: IT STILL FUNCTIONS

THE HAGUE.—In a strife-torn world, an imposing edifice in the Netherlands' capital embodies many of the hopes of mankind for settling conflicts by reason and law.

It is known locally as the "Peace Palace" and is the home of the International Court of Justice—the World Court, as it is called for short.

Built of gray Norwegian granite, pale German sandstone and red Dutch brick, the palace was designed by the French architect, Louis Cordonier, and its beautiful gardens are the work of English landscape gardener H. Marson.

Andrew Carnegie, the Scottish-born American millionaire, dedicated the building to universal peace more than 50 years ago.

The World Court is a United Nations body and only deals with disputes between states.

It has a bench of 15 judges from different nations elected by the U.N. General Assembly and Security Council. They serve for nine years, one-third of the total changing every three years.

The U.N. charter provides that all members of the international body are also parties to the statute of the International Court of Justice. Countries that are not members of the United Nations may also become parties to the court statute on conditions determined in each case by the U.N. General Assembly on the recommendation of the Security Council.

The court can also hear the cases involving states not parties to its statute provided that such a country deposits with the court a declaration accepting its jurisdiction.

The court has no powers to police its decisions.

Members of the court enjoy diplomatic privileges when on duty, either in Holland or abroad. These include exemption from tax.

The Peace Palace was opened on Sept. 4, 1913. Ironically World War I broke out only a year later.

At the conclusion of World War II, when the work of the old League of Nations was taken over by the United Nations, the work of the old permanent Court of International Justice was taken over by the present World Court.

The Peace Palace also houses the permanent Court of Arbitration and the best equipped international law library in the world.

FHA PHASEOUT?

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. HANNA. Mr. Speaker, over the past several weeks I have repeatedly called to the attention of the House the reasons behind the growing criticism of the FHA operation. As a result of overbureaucratization, a program designed to get people into homeowner status is becoming a barrier to homeownership. As a result, private mortgage insurance is replacing the noncompetitive FHA program.

I am enclosing the following article from the Mortgage Banker, which I think will make clear to my colleagues the problems besetting the FHA program:

PRIVATE MORTGAGE INSURANCE WILL SAVE TIME AND MONEY

There are increasing indications that the Federal Housing Administration is being phased out of the moderate- and middle-income housing market. Nonsubsidized properties will, for all practical purposes, be financed through privately insured conventional loans. Relatively new in concept—having come onto the scene within the last decade—private insurance companies are FHA's greatest competition.

Private mortgage insurance allows a builder to save money and time in the sale of new houses. With the high cost of points to the builder (four to five, depending on the deal and area), plus one point to the purchaser and one-half point for the processing of the loan, and the ever-increasing time intervals to approve the site and houses—six to ten weeks—and another six to ten weeks to process the application, more and more builders are turning to private insurance companies to ease their problems.

For example, consider the proposed sale of a $25,000 home in Loudoun County, Virginia, and compare the costs and time involved in processing the permanent loan, whether it be FHA or conventionally insured. The current interest rate for FHA is 7 percent plus a .5 percent insurance premium for the life of the loan.

In dealing with a new subdivision of 50 to 100 houses, it would be possible to obtain a blanket commitment of 7.75 percent, plus one point for 95 percent insured loans. The same commitment would allow some 90 percent, as well as 80 percent loans, to give a complete financing package to the builder from the same source.

We will cite the premium rates of Investors Mortgage Insurance Company, Boston, as the private insurance company insuring the conventional loans. The following tables illustrate the money saved by the builder and the purchaser with a privately insured conventional loan, as opposed to FHA financing.

	FHA	IMIC
Construction loan	$20, 000	$20, 000
Interest rate (percent)	8	8
Points (percent)	2	2
Sales price	$25, 000	$25, 000
Maximum loan	$23, 550	$23, 750
Term (years)	30	30
Interest rate (percent)	7	7.75
Insurance premium (percent)	0. 50	0. 25
Points (percent)	4+1	1
Processing fee (percent)	0. 50	[1]
Monthly payment	$156. 84	$169. 58
Principal and interest	25. 24	25. 55
Homeowners' insurance	6. 00	6. 00
Insurance premium	9. 82	4. 87
Total	198. 00	206. 00

[1] $20 plus 0,75 percent.

The $8 larger monthly payment on the IMIC-insured loan is partially due to the higher loan amount. The insurance premium for the IMIC-insured loan would remain in the monthly payment for only the first 11 years, at which time the loan would be amortized below the 80 percent category. *The FHA insurance premium would remain in force for the life of the loan.*

Total costs to the builder (seller) and purchaser in comparison between FHA and private mortgage insurance may be examined in the following way:

	Percent	Amount
FHA:		
Builder (seller)	4.0	$1,342.00
Processing fee	.5	117.75
Purchaser	1.0	235.50
Total points		1,695.25
Cash downpayment		1,450.00
Total costs		3,145.25
IMIC:		
Builder (seller)	1.0	$237.50
Purchaser	.75	178.13
Total points		415.63
Cash downpayment		1,250.00
Total costs		1,665.63

The builder saves $1,222.25 and the purchaser saves $57.37 in points. In addition, the purchaser saves another $200 in downpayment by using private insurance rather than FHA. In the long run, the purchaser will save much more by not having to pay the insurance premium for the life of the loan—which he would have to do if he bought the home through FHA.

Another factor to consider is the time saved in processing applications. IMIC can approve an application within 24 hours after it has been approved by the lender. The purchaser could very easily sign a contract on Saturday, close the loan, and move into the property within four to five days.

Finally, IMIC does not have to approve the subdivision. As long as the lender approves the loan, chances are excellent the private insurer will approve it as well. There are no drawn-out, wasted time intervals and other headaches of trying to meet FHA standards.

It is evident that a builder of nonsubsidized housing can save time and money which would enable him to market houses at a lower cost in the ever-increasing competitive market today. While the subsidized housing market will continue to be served by FHA, private mortgage insurance companies will provide increasing services in the nonsubsidized housing market.

BIGGER NEWS

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. DUNCAN. Mr. Speaker, as a longtime sponsor of the 18-year-old vote, it has been my firm belief that our young people are most capable of expressing their hope and desires for our country in a most responsible manner. Yet the press seems bent on insulting our responsible young people by ignoring their views and focusing on those who abuse, rather than use, their constitutional rights.

The following Knoxville Journal editorial is a good example of how members of the press often trip over each other in a rush to point out the negative instead of the positive contributions our young people are making in this Nation:

BIGGER NEWS

President Richard Nixon, who found it necessary to redirect television cameras Tuesday, has touched on what we believe to be his basic truism of current American life.

His stint at directorship came during a speech at the Statue of Liberty when television cameras panned to cover the actions of a handful of antiwar demonstrators who were interrupting the President.

"In addition to showing the six there, let's show the thousands over here," Nixon said, gesturing to his left where other young people were standing and shouting, "Four more years!"

Later Tuesday night the President told the gathering at a fund-raising dinner that it is "news" when a few young Americans try to disrupt or obstruct a meeting such as this." But, he added, it is "bigger news" when millions of young Americans peacefully join in the electoral process by supporting the candidate of their choice.

Amen to that.

CHILDHOOD AUTISM

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. HARRINGTON. Mr. Speaker, one of the least discussed forms of mental illness is childhood autism. Although this tragic disease has recently become more well recognized, there are still many questions and uncertainties which need to be answered. Presently, the prognosis for these children is very poor. For autistic children with a low IQ, and who have no speech by age 5, the prognosis is almost certainly chronic institutionalization. These children urgently need the proper, necessary care and attention.

As Congress prepares to adjourn, I urge my colleagues to become aware of the problems and suffering which these children and their parents must bear, and to give careful consideration to proposed legislation which would help to provide adequate care and training for the victims of autism.

Certain specialized programs have been established to provide education for autistic children. One such center has been formed at the Pontiac State Hospital in Michigan. The following article, which appeared in the "Report on 1972 Annual Meeting and Conference of the National Society for Autistic Children," describes the function of this program.

The article follows:

THE STATE HOSPITAL CAN HELP

The state hospital is not the port of no return for an autistic child—not in Michigan. This was the message received by those who heard Dr. James M. Johnson, Director of the Child Psychiatry Division at Pontiac State Hospital, and visited the $2,000,000 Fairlawn Center where 200 children, 160 of them residential, are served. Twenty are severely autistic. Younger children live in the Center, which has the facilities and attractive appearance of a fine school; teenagers reside in a separate section of the hospital itself but come to the Center by day. Emphasis is on parent involvement. Parents are not confined to visiting days, but come as often as they can to work with the children. A child may be hospitalized; he is not "put away." In Maplewood Hall, the unit for autistic children, there is one staff member per child, necessary since so much attention must go to teaching basic self-care and techniques of daily living. Of the 40 autistic children who have been treated at Fairlawn, 16 have been discharged into the community, 2 into sheltered workshops. Three-quarters of them had no speech on admittance; now two-thirds have some degree of speech. The school attempts to provide some form of education for all the youngsters, gearing the program to the child's ability to perform. Teachers are young and resourceful, but experienced. They talk about their work with enthusiasm, and they stick with it; perhaps the most significant measure of educational quality is the fact that the teachers stay on. One has been there for 7 years, one for 6, one for 3.

The support of an active volunteer group affords extras that make classrooms and units attractive and the companionship for the children of people who care. Rooms for woodworking are equipped with power machinery. There is scope for cooking, sewing, gardening, arts and crafts; in the Day Center for teenagers the emphasis is on vocational skills. Now that children reach the hospital at an earlier age, there are more discharges than in the past; early treatment helps in recovery.

The minimum age for hospitalization is 6, and many parents do not wish to hospitalize so early. Fairlawn psychiatrists agree that a child should stay in his family where possible, so they have developed a Pre-Care Clinic, where children from 2 to 7 selected according to the criteria of Kanner, Rimland, and others, are treated in a pre-school day program. Here too the emphasis is on parent involvement. The mother is seen as an important therapeutic agent; the information she can contribute about her child is taken seriously, and she can feel she has an active part in his improvement. One or two mothers are always present; though other variables change, the mother should be the constant. Therapy is eclectic; psychoanalytic insights are called upon in group and individual therapy. "Sensitivity" therapy may stimulate interaction by putting 3 children in one cardboard box. In group therapy autistic children may be mixed with non-autistic but emotionaly disturbed. Operant conditioning is used, but with caution, for fear the requirement for absolute consistency might feed the pathology which insists on the preservation of sameness. (A novel use of operant conditioning is to reinforce positively behavior considered undesirable; when the reward is withdrawn, the behavior disappears.) With these young children, educational therapy is used but not heavily emphasized; the program director believes that autistic children can learn like others, but do not because they see no point, and that their learning will improve when they begin to relate more normally to others. Physical therapy is used to help such familiar conditions as toe-walking, rocking, and fear of high places. The After-Care Clinic also uses a variety of techniques to help youngsters stay within the community and reduce the need for hospitalization. After hearing the dedicated psychiarists, social workers, teachers, and volunteers of the Fairlawn Center, parents need no longer believe that to send a child to the state hospital is necessarily to abandon hope.

THE 25TH ANNIVERSARY OF TEMPLE ISAIAH

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. REES. Mr. Speaker, 1972 marks the 25th anniversary of Temple Isaiah of West Los Angeles. Since its inception

Temple Isaiah has made substantial and meaningful contributions in many areas of religious and civic concern. For example, under the auspices of Temple Isaiah and at the instigation of its spiritual leader, Rabbi Albert M. Lewis, the Robert J. Green contact center was established for the treatment of emotionally disturbed youth and the elderly in the community.

It is with pride that I commend Rabbi Lewis and the congregation and officers of Temple Isaiah for their unselfish and untiring efforts which have benefited all people regardless of race, creed, color, or social status.

I take this opportunity, therefore, to thank Temple Isaiah for its quarter century of service and to wish it continuing success in all its future endeavors.

NATIONAL SENIOR CITIZENS LAW CENTER

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Ms. ABZUG. Mr. Speaker, I was pleased to learn that the legal services program of the Office of Economic Opportunity has recently funded a National Senior Citizens Law Center here in Washington. This new project will act as a backup center for legal services attorneys handling senior citizens' cases across the Nation and will also coordinate legal services advocacy on behalf of the elderly.

The current issue of "Clearinghouse Review," the publication which informs legal services attorneys of developments in the field of poverty law, is a special issue on the elderly. The excellent lead article, written by Elizabeth R. Johnson, discusses the new law center, and I include it here for the information of my colleagues and other readers of the CONGRESSIONAL RECORD:

NATIONAL SENIOR CITIZENS LAW CENTER

(By Elizabeth R. Johnson, Acting Deputy Director)

I. THE NEED

Senior citizens account for 20% of the nation's poor, yet Legal Services offices report that only six percent of their clients are elderly. This discrepancy reflects the fact that senior citizens comprise one of the least visible and most neglected minority groups in the country. This lack of visibility stems from many factors including physical disabilities, lack of transportation, pride, lack of information and suspicion.

During the past 10 years this segment of the population has increased nearly twice as fast as all other age groups. Persons over 65 now number more than 20 million and constitute 10% of the country's population. With an additional 20 million Americans presently in the 55–64 age bracket, the trend appears likely to continue.

Fortunately, senior citizens have organizational strength at the national level. The National Council of Senior Citizens has over-three million members and the American Association of Retired Persons has over two million members. These groups are beginning to speak out on behalf of the low-income elderly and to seek legal and political solutions to many of their unique problems. In addition, local and regional groups around the country are increasing their efforts to make the wants of senior citizens known to legislators, administrators and fellow citizens. A Gray Panther Party has even been formed recently! Legal Services attorneys will be needed to represent many of these groups.

The NSCLC has been funded by OEO to develop the capacity to serve the presently unmet legal needs of the low-income elderly. Its goal is to insure the availability of quality Legal Services to the low-income elderly through legislative and administrative advocacy, law reform litigation, training, and provision to the extent possible of back-up services to Legal Services attorneys.

II. STRUCTURE

The National Senior Citizens Law Center is funded through the Western Center on Law and Poverty. The main office will be located in Los Angeles and branch offices will be established in Washington, D.C. and Sacramento, California. In addition, there will be affiliated programs in San Francisco (CRLA), Boston (Council of Elders) and New York City (Legal Services for the Elderly Poor). NSCLC will have a staff of approximately ten attorneys, six of whom will be in Los Angeles, three in Washington, D.C., and one in Sacramento. It is anticipated that the attorneys will develop expertise in target substantive areas.

III. LEGISLATIVE AND ADMINISTRATIVE DRAFTING AND ADVOCACY

Through NSCLC's branch offices in Washington, D.C. and Sacramento, attorneys will be drafting legislation and appearing before administrative bodies on behalf of the elderly.

The attorneys in the Washington office, for example, will monitor the activities and proposed rules of federal agencies affecting the elderly to provide early warning of possible adverse actions and to inform interested groups concerning proposals of possible benefit to the elderly. This office will also maintain a continuing presence with federal officials to assure their sensitivity to the needs of the elderly. In addition, the Washington office will initiate proposals for change in agency policies and practices in cooperation with senior citizens' organizations.

The major goal of the Sacramento office will be to provide legislative and administrative models for use in other states. In addition, this office will work intensively at the administrative level to monitor agency actions and to initiate proposals for change. In this capacity, the staff will work closely with senior citizen organizations in California such as the Older Americans Social Action Council. These offices will also prepare materials for distribution to other Legal Services attorneys outlining their experiences and suggestions for strategies in legislative advocacy and in negotiating with governmental agencies. NSCLC hopes to interest Legal Services attorneys in advocacy as a means to solve many of the problems of elderly clients.

Legal Services offices with clients needing assistance with matters that lend themselves well to resolution by legislative or administrative advocacy should notify NSCLC of all efforts along these lines. NSCLC will attempt to provide back-up services in the form of administrative or legislative models. In addition, NSCLC wants to become familiar with the kinds of problems you face so we can take them into consideration in establishing our work program.

IV. LAW REFORM LITIGATION

Although many problems can be resolved through the legislative process and through negotiations at the administrative level, it is obvious that others will yield only to litigation. Since NSCLC's staff will be small, it will be unable to provide back-up services to every Legal Services office with an elderly client and possible law reform case. However, the staff attorneys will be expected to develop expertise in fields of law of particular concern to the elderly (see discussion of substantive areas below). They will endeavor to fill all requests from Legal Services attorneys for information and pleadings in these areas.

During the first year of operation, NSCLC tentatively plans to emphasize income adequacy and maintenance problems in law reform litigation. This focus stems from the recommendations of the White House Conference on Aging, the results of Project FIND carried out by the National Council on Aging and the experiences of previous senior citizen projects. It is subject to conformation by the governing board. The foregoing studies indicate that lack of money is probably the most important single problem of low-income elderly persons. Therefore, the NSCLC expects to work at all levels including litigation where appropriate to improve the quality of life for senior citizens by helping them secure moneys to which they are entitled but have been denied and through reexamination and interpretation of the various private and governmental income maintenance programs. The NSCLC staff would like to work with Legal Services attorneys on cases in this area.

The staff would also like to hear from Legal Services attorneys concerning law reform cases involving elderly clients for the purpose of coordinating efforts, serving as an information clearinghouse and establishing future law reform litigation priorities. NSCLC plans to publish a periodic newsletter reporting matters of concern to those interested in elderly law.

V. TRAINING MATERIALS AND CONFERENCES

Lack of representation of the elderly by Legal Services is in part due to senior citizens' reticence and in part of the lack of training and sensitization of Legal Services attorneys. A major goal of NSCLC will be to ensure that methods are developed to get this neglected client group and Legal Services attorneys together, *e.g.,* through outreach programs including Legal Services offices sending staff to senior citizen centers and by providing Legal Services attorneys with materials on elderly law.

NSCLC's attorneys will develop expertise in the following areas: (1) housing (home ownership problems, federal programs, relocation problems, and open space); (2) health and nutrition; (3) income adequacy and mantenance (private and public pension plans, social security and public assistance); (4) institutionalization (nursing homes, board and care homes and mental hospitals); (5) public services (transportation, utilities, etc.); (6) probate and estate planning; (7) tax problems (including income and property tax); (8) consumer problems; and (9) guardianship and conservatorship problems. Since many of these topics overlap with areas of concern to other backup centers, every effort will be made to coordinate our efforts and work jointly when possible.

Eventually training materials will be prepared for Legal Services attorneys, paraprofessionals and senior citizens groups covering administrative, legislative and litigative approaches to problems in the above areas. The use of these materials will be further explained at seminars and training conferences held throughout the country on a regional basis. The conferences will also provide a mechanism to secure input from the attorneys in the field and provide a forum for informal exchanges of information.

VI. PRIVATE BAR

The Center hopes to establish a nationwide program to utilize the services of attorneys from the private bar in solving the problems of low-income senior citizens. The areas of probate, estate planning, and guardianship seems particularly suitable for this kind of a program. Judicare services in these subject areas might eventually be developed in cooperation with the various bar associations and the Office of Economic Opportunity.

VII. CONCLUSION

The staff hopes NSCLC will be responsive to both the client community and Legal Services attorneys' needs. To do so we will have to hear from you concerning problem areas and approaches you have taken. Please keep us abreast of your activities and we will endeavor to do likewise through articles in the *Clearinghouse* and the preparation of training and other materials.

THE NORWEGIAN LADY OBSERVES HER 10TH BIRTHDAY

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. WHITEHURST. Mr. Speaker, a few days ago, a very special lady at Virginia Beach observed her 10th birthday. The people of Moss, Norway, gave the people of Virginia Beach a bronze statue of the Norwegian Lady in memory of the men of the Norwegian bark *Diktator.*

I had the great privilege of being in Moss, Norway, for the unveiling of the sister statue there, and I would like to take this opportunity to share the story with my colleagues. The article and the editorial appeared in the September 21, 1972, edition of the Virginia Beach Sun, and I would like to commend the editor for his fine suggestion that an oceanfront park be provided by the people of the beach in honor of this anniversary:

Her Lonely Vigil Hits Decade Mark

(By Ruby Jean Phillips)

There won't be much activity at 25th Street and Oceanfront this week-end. The season has subsided and the resort part of Virginia Beach is gradually slipping into its winter wraps. But it was a different story 10 years ago. The strip was a hub of excitement: bands were playing, officials of various nationalities were blaze in beribboned uniforms, their ladies gala in their fanciest best, cameras whirred and clicked, flags waved majestically in the ocean breeze.

The occasion? The unveiling of the Norwegian Lady. A day long awaited. A day long to be remembered.

Those who visit the site now cannot possibly envision it. Even those who were there that day have difficulty seeing it as it really was. So much has changed. The old gabled, whitestone Princess Anne Hotel stood to the north where her modern offspring, the Princess Anne Inn now stands. The traditional resort-type frame motel, the Breakers, stood on the south side, on a site eventually occupied by the Holiday Inn.

Certainly the stores were there that day: Eric Bye, the Norwegian radio personality who brought the demise of the original Norwegian Lady to the attention of his fellow countrymen; Thomas Baptist a descendant of a French seaman who played a role in the by-gone drama that brought the Lady into being; Anna Herland, a Norwegian opera star, selected by her people as their true-to-life Lady; consuls and admirals and mayors, and city and state and national officials. They were all there. And in the background, ever conscientious of her tremendous responsibility as co-ordinator, was the well organized Laura Lambe.

The day had been in the making for several months. It had, in fact, started the summer of 1961, when Baptist, a State Department employee who spent his summers at Virginia Beach, submitted a story on a wooden figurehead that once stood as a memorial to the 1891 sinking of the Norwegian bark Diktator, for the Sons of Norway publication.

The story of how the wooden figurehead gradually succumbed to the elements came to the attention of Bye.

His story told of the tragic sinking off the beach, at the Cavalier Hotel site, in a violent storm, of how the people of this city fought to save those aboard, of how Captain Jorgensen sent most of his crew to safety only to find that he had no way to save his own wife and infant son and some of the crewmen, of how the sea spared the captain but took the lives of the others, of how the people here erected the ship's figurehead when it washed ashore as a memorial to those lost, and of how the captain returned each year on the anniversary of the sinking to cast a wreath of flowers upon the water as his own memorial.

The story, in all its tragedy, was nevertheless a beautiful story of the sea and of men and women on both sides of the ocean who challenged the forces of nature. Even the wooden figurehead, found by the wife of this city's first mayor at 25th Street the day after the storm and eventually moved to 16th Street in a permanent foundation—had deteriorated under these forces of nature.

Eric Bye saw the story, was intrigued by the emotional bond that, though yet unpublicized, must surely exist between the people of Moss, Norway, where the Diktator had been built and crewed, and the people of Virginia Beach, where the bark and many of her own had come to final rest. He brought it to the attention of the mayor of Moss, who in turn carried it to his council and to the people.

Norwegians, ever tied to the traditions of the sea, picked up the standard of the Dikator and by urging their officials and digging into their own pockets, commissioned a prominent sculptor to create two identical statues: one to stand at Virginia Beach, at the site where the original figurehead first stood, the other at Moss, Norway, facing her twin across the ocean.

And so it was that the people of Moss gave to the people of Virginia Beach a most treasured gift, a towering bronze lady that looks forever across the Atlantic, a lady of tranquil beauty who stands as a memorial to all men lost at sea, and as a reminder of the affection and dedication a common tragedy can generate between two peoples separated only by geographical distance, not by human compassion.

When the shroud dropped from the Norwegian Lady that day 10 years ago, a hush came over the audience. Her description had been a closely guarded secret. Now she was unveiled. And at the exact moment in Norway, Virginia Beach City Manager Russell Hatchett pulled the cord that unveiled her twin. It is easy to imagine that a similar hush fell over the Norwegian audience, for it was they who had sacrificed to make the "sisters" possible. And, on both sides of the Atlantic, the beauty of the bronze faces, and the beauty of all they represented, was almost too much to bear.

The elements have attacked The Lady, as they did her wooden ancestor, but he has merely weathered the attacks and has grown more beautiful with each passing year. She is visited by thousands, the curious who wonder why she is there, the loved ones who know her story and reach out affectionately to touch her base.

It will be quiet at the Norwegian Lady site this week-end. But the beauty and excitement of that day 10 years ago will ring in the memories of those who were there. And they will sigh a silent "thank you" to all who worked to bring to these shores the tranquil amazon who will look forever toward her sister in Moss, Norway, across the sea.

She's Waiting

I am The Norwegian Lady; I stand here as my sister before me to wish all men of the sea safe return home.

It's been ten years since the Norwegian Lady statue first peeped from behind the shroud that kept her beauty a surprise to her new "family", the people of Virginia Beach. Ten Years. It doesn't seem possible. But, then, time flies so swiftly.

The Lady is a very precious gift, a very sentimental reminder that the sharing of a tragedy can bring together peoples of different environments in the common bond of compassion for fellow man.

But recipients of this gift seem to have forgotten that plans originally called for a park to complete the statue site, a park for meditation, a park of Sunday afternoon band concerts, a park to enhance the beauty of the lovely Lady and to honor the Norwegians who gave generously so that Virginia Beach might have a bronze twin sister to their own Lady in Moss, Norway.

Several months ago the Sun brought before the people here the need for funds to complete this plan and suggested that such a park could be constructed if each family would contribute but two dollars. How much more fitting it would be if the people of Virginia Beach were to give of themselves so that this park might be possible rather than expect the City to provide the funds . . . a public show of appreciation for all that the Norwegian people did in providing the beloved Lady memorial.

The Sun's appeal for funds for the Norwegian Lady Park fell on unsympathetic ears. The people did not respond. Not even with one or two dollars per family. How sad that the American people cannot equal the generosity of their Norwegian friends. For it will be those who live in, and visit, Virginia Beach who truly benefit from the beauty of an oceanfront park at 25th Street.

The Norwegian Lady is very dear to Virginia Beach. Perhaps her tenth anniversary here will sufficiently inspire those who love her most to remember her with a long-awaited park.

SCHALLER'S BAKERY

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. DENT. Mr. Speaker, I would like to bring to the attention of my colleagues the following letter which I recently addressed to Chairman POAGE and the letter from my constituents, Schaller's Bakery, which prompted it. I feel sure that there is hardly one among us who does not have such a bakery in his or her district. And, therefore, does not share the responsibility of trying to relieve the plight of these hard-pressed people. The independent, small businessman is part of our American heritage, and to put him out of operation through unconscionable, cavalier acts by our own administration is disgraceful. We would be eschewig our responsibilities as Members of Congress if we do not take immediate steps to help these people:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 3, 1972.
Hon. W. R. POAGE,
Rayburn House Office Building,
Washington, D.C.

MY DEAR MR. CHAIRMAN: Recently at the very fine affair that we both attended in honor of our mutual friend Wat Abbitt, I discussed with you the problem of Schaller's; the only remaining bakery of any size in our whole western end of the State of Pennsylvania. You will note from their letter to me that they employ sixty people, which is not a small payroll in the bakery business. I discussed with you the human consumption tax and how it unintentionally places the Congress in a position of taxing those least able to pay—the large family, lower-income bread consumers—and, in effect, subsidized the higher-income families who could be termed the meat-eating group.

I don't know whether anything can be done; but, if some hope can be given to the Schaller folks, I am sure that they would reconsider their determination to close their bakery.

You will note that the tax on this small bakery amounts to 10% of their gross business before any costs, wages, raw materials and other expenses are deducted. I know of no other industry in the United States that carries such an exorbitant burden. This is especially burdensome to this type of bakery whose only customers are individuals. Their delivery costs must necessarily be higher than chain operations, who in most cases have their own bakery and deliver bakery products in the course of normal deliveries of other commodities. They also have to cater to the many tastes and demands of individuals rather than the single item production of chain store outlets.

I sincerely believe this to be a very unfair arrangement and one that I am sure will come up for very serious discussion when the next Agriculture Bill comes up for consideration. There are so few outlets left where family type operations can survive that to continue such a one sided exorbitant tax on this group is both uneconomical, unwise and eminently unfair. While it is late in the session, and perhaps this is too big an issue to try to put through this session, in the name of fair play an effort is justified.

Recently, overnight, after the fiasco of the Russian Wheat Deal, which has triggered this crisis for the Schallers and thousands of other bakeries, the export subsidy was removed; and, I believe that proper urging by your Committee would make Congress follow your leadership in removing this bread price increase through taxes with or without hearings. I am convinced that the criticisms leveled at Congress for avoiding many of our Constitutional rights and duties are well deserved. In all the years that the Schallers have run their bakery, I have known of no time that they ever appealed for consideration or condemned governmental policies.

I am joined in this appeal, I am sure, by my two U.S. Senators and cooperation from that side should be forthcoming. I have taken the liberty of sending this letter to all of the Members of Congress in the hope that others will feel as disturbed as I do over this whole situation.

With kindest personal regards, I am

Sincerely yours,

JOHN H. DENT,
Member of Congress.

SCHALLER'S FINE BAKERS,
Greensburg, Pa., September 22, 1972.
Hon. JOHN H. DENT,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DENT: Thank you for your prompt reply to our telegram of September 20th. In response to your request for a follow-up letter on our crisis, we submit the following:

The recent skyrocketing wheat prices and the resultant increase in flour costs will effectively terminate the operations of a great many wholesale bakery operations in the United States, including Schaller's Bakery.

We do not contest the sale of wheat to the Soviet Union, but we do contest the United States Department of Agriculture Wheat subsidy Program that in effect brought about the flour price crisis when incorporated with the catalyst of the wheat sales to the Soviet Union.

The current USDA Wheat Subsidy Program amounts to a grossly unfair tax upon the flour product consumer. Those people who can least afford additional taxes . . . the people who use bread, macaroni, and other wheat flour products in lieu of the more expensive wheat proteins . . . pay a disproportionate share of tax via the Wheat Milling Certificate. A certificate of $.75 per bushel of wheat or $1.75 per cwt. of flour.

Our bakery alone has unwillingly passed on approximately $75,000.00 of this tax on this year's sales of $750,000.00! Multiply this modest sum by the annual wheat flour product sales in the United States and you arrive at an amount that staggers the mind! Certainly this money or any part of it was never intended to be what amounts to a subsidy for marginal farming, an inefficient marketing system, or the citizens of the Soviet Union.

We propose the elimination of the wheat milling certificate. The elimination of this inequitable tax would result in not only immediate price relief for the flour purchaser, but would also return the right of the power of taxation to the legislative bodies of government.

Prompt cancellation of the milling certificate tax would grant us the urgently needed price relief we must have and would negate the necessity of a price increase for wheat flour products, and would quite possibly lower the prices of such products to the consumer.

We anxiously await some positive action from the halls of government that will allow us to continue in business to a 71st anniversary, to carry on as a responsible, tax paying community institution, and to save the jobs of our 40 employees and 20 routemen.

Will you please advise us of any progress in the solution of this crisis . . . as it directly affects our survival within the next 58 days?

Thank you again for your time and attention?

Sincerely yours,

WEDDELL G. SCHALLER,
President.

ROBERT E. BASKIN

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. TEAGUE of Texas. Mr. Speaker, recently one of the old time faces in the news world departed Washington to return to his native State. I am speaking of Bob Baskin, Washington bureau chief of the Dallas Morning News.

I had the pleasure of knowing Bob for his entire tenure of service here in Washington and found him to be one of the most sincere and honest reporters in the business. Our relationship was most cordial and I was indeed sorry to see Bob depart the Washington scene. Under leave to extend my remarks in the RECORD, I wish to include an article which appeared in the September 20 edition of the Dallas Morning News relative to Bob which I believe certainly speaks well of his endeavors.

The article follows:

ROBERT BASKIN—WASHINGTON BUREAU CHIEF RETURNS HOME TO TEXAS

(By Paul Crume)

After 14 years of trailing presidents over four continents, covering the comings and goings of the earth's heads of states and recording an era of legislative and judicial change in Washington, Robert E. Baskin is back home in Texas.

This month Baskin turned over his duties as chief of the Washington bureau of The News to John Geddie with few regrets. He says he has just had enough. He enjoyed the turbulent and often violent years of the 60s when Washington was capital of the world, but the enjoyment eroded under the difficulties of living in the nation's capital.

And even in the beginning, he says, he never liked the Washington winters.

Baskin will operate on a roving assignment from the Dallas office of The News, concentrating mostly on national politics.

Actually, Baskin could probably cover the national scene at the moment by telephone, so vast in his acquaintanceship with politicians and their satellites. His friends among Senators, Representatives, administrative officials, state politicians, lobbyists, lawyers and the nation's newspapermen run into the thousands.

Baskin does not seem to be a mixer. Normally, he exudes an air of polite caution. He is reticent, even a little reserved. Now fiftyish, he is a neatly built man though his waistline has grown a little, and there is something old fashioned and faintly patrician about his manner. The typical Baskin laugh is a gentle, puff-jawed snort. The glint in his eyes tells of his enjoyment.

But he is a companionable person. He was active in the National Press Club, though he never held office. He carried on the tradition, begun by the late Walter Hornaday, of holding a yearly blackeye pea dinner at his home where the Texas colony in Washington gathered to eat peas, turnips and turnip greens and hush puppies.

He was one of the Washington stalwarts of the Chili Appreciation Society International and prides himself with a part in reforming to chili standards of the national capital.

He was born in Seymour, the son of a banker who had been a small town editor and who wrote for the Wichita Falls newspapers even after he became a banker. Bob took a degree in journalism at the University of Texas in 1938 and then spent two and half years on the Wichita Falls News-Record.

The Army got him in 1941. He entered the Army in the 36th Division, but after officer's training at Fort Benning, he was assigned to 85th Division at Camp Shelby, Miss. Arriving there, he found himself not an infantry officer but, because of his newspaper training, the intelligence officer of a regiment.

He went to Europe with the 85th Division, serving as an intelligence officer during the Italian campaign. The Division one night captured the intelligence officer of the Hermann Goering Division. Baskin was duty officer that night, and the two talked for three hours. Mostly, the German officer talked apprehensively about what was likely to happen to him.

Baskin went to work for the Fort Worth Star-Telegram in 1945 and joined The News in September, 1947.

He worked first on the copy desk where he earned a reputation as a meticulous editor and an exacting copy-desk chief. A reporter by inclination, he left the desk in 1952 and spent six years covering Texas politics. In 1958, he was transferred to the bureau which The News has maintained in Washington since 1889.

At the time, Baskin was an aide to Hornaday. Though they covered the White House and the courts, the two concentrated their attention on Congress. That is where the action was in the last years of the Eisenhower administration.

Hornaday preferred the common touch of the House and was not overly impressed by the grandeur of the Senate. Baskin thus drew the job of covering the Senate during the years when Lyndon B. Johnson was being what he called "the best damn majority leader" in history.

Baskin became bureau chief when Hornaday retired in 1960. At the time, public attention was shifting from Congress to the presidency.

Baskin continued the old routine. He kept up with the day-to-day minutiae of politics across the nation. He and his staff covered Congressional sessions which, in accumulation, all but revolutionized American society. He made every national convention.

Of necessity, however, he concentrated more on the president. Baskin was often pool reporter on presidential trips across the nation and abroad. He went with President Kennedy to South America. He trailed President Johnson to Mexico and was in the press party that accompanied Johnson on his 21-day tour of Australia, the Philippines and Indo-China. During those years, Baskin made two trips to South Vietnam.

On his last trip, he went with President Nixon to the Moscow Summit.

But Baskin says that is all over. Texas is better.

WEEKLY REPORT TO NINTH DISTRICT CONSTITUENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. HAMILTON. Mr. Speaker, I include the text of my last weekly report, "An Assessment of the Vietnam war."

The report follows:

An Assessment of the Vietnam War

(By Congressman Lee Hamilton)

Although American ground troops no longer fight there, the Vietnam war continues to require the presence of some 120,000 U.S. servicemen in Southeast Asia, and to drain our resources (about $12 billion this year). After eight years of involvement in an issue which rates as the most important for most Americans, another assessment of the war is appropriate.

THE WAR

The current military situation in South Vietnam can best be described as a stalemate. Both North and South Vietnam have been badly mauled in the North's six-month-long offensive and neither side has been able to achieve a significant victory, and no end to the fighting is in sight. South Vietnamese troops, which have taken over all ground combat missions, have fought heroically in some instances, badly in others.

The massive American bombing of military and supply targets in both the North and South (600,000 tons a month, twice the 1971 rate), and the mining of North Vietnamese ports, have hampered the North's operations, but have not created critical shortages of food, fuel, and arms. American intelligence agencies believe that Hanoi is able to sustain the present rate of fighting for two years.

Hanoi still controls large portions of the five northern provinces in South Vietnam, remains entrenched in the central highlands and the Mekong River Delta, and is still capable of launching rocket attacks on Saigon. The enemy controls, or has influence over about one-fifth of the South Vietnamese population, which has seriously hampered, if not destroyed, pacification efforts.

THE ECONOMY

South Vietnam is suffering from its worst recession, an inflation rate which exceeds 15 percent a year, nearly-stagnant economic growth, and high unemployment—largely because of the American cutback and the collapse of those businesses which had been dependent upon American customers.

The fighting has wreaked havoc among the country's rubber plantations, producers of the country's largest export commodity. Despite a record rice crop, the South Vietnamese will have to import up to 200,000 tons. The flood of refugees, estimated at nearly a million since the spring offensive, now requires more than $200,000 each day in survival aid. All this points to continued, extensive American assistance if the country is going to survive.

POLITICS

South Vietnamese President Thieu continues to concentrate government power in his own hands, to the point where he now rules by decree. His most recent political power plays, carried out in the name of national security, include (1) abolishing free elections of village officials, and (2) imposing censorship bonds on all newspapers, putting many publishers critical to his regime out of business.

PEACE NEGOTIATIONS

The Paris Peace Talks, which will soon enter their fifth year, are stymied, but both sides continue to meet, in public and in secret. Henry Kissinger, the President's foreign policy adviser, has met 18 times with Hanoi's negotiators since 1969, but there has been little evidence of movement on either side. The tempo of the private meetings has increased, however, and there is increasing speculation of a break in the impasse.

The fundamental issue continues to be: "Who is going to control South Vietnam?"

The American position is (1) the withdrawal of troops within six months of an overall settlement, (2) release of prisoners concurrently with U.S. troop withdrawal, (3) a cease-fire throughout Indochina at the time of overall settlement, (4) a free, democratic presidential election in South Vietnam within 6 months of an overall agreement. South Vietnam's President and Vice-President would resign one month before the election.

Hanoi has refused to discuss the U.S. approach, demanding total, unconditional U.S. withdrawal by a fixed date, and the replacement of the Saigon government by a coalition regime. U.S. prisoners would be released when the withdrawal is completed. The negotiators continue to insist upon the immediate resignation of President Thieu and the establishment of a coalition government as a prerequisite to elections in the South.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

GENERAL PERSHING'S LETTER TO RETURNING SOLDIERS

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. LANDGREBE. Mr. Speaker, I would like to enter into the Record a recent letter to the Chairman of the Joint Chiefs of Staff along with an enclosure I sent to him. The letters explain themselves, I believe, and should be rather thought provoking to anyone concerned about our country and its destiny.

The letter follows:

October 4, 1972.

Adm. Thomas H. Moorer, USN
Chairman of the Joint Chiefs of Staff, Washington, D.C.

Dear Admiral Moorer: During a recent visit to the Second District of Indiana I enjoyed a visit with a distinguished senior citizen, Mr. Arthur J. Slont of Chesterton, Indiana. Mr. Slont is 83-years-young, an unabashed patriot, and a veteran of the American Expeditionary Force of World War I.

He shared with me an aging document that he quite obviously cherished. It was a letter sent by General John J. "Blackjack" Pershing to each of his soldiers as they returned to the States from their victorious service in France.

As I read the letter and reflected upon the historic events of some 54 years ago, I, too, was filled with poignant inspiration.

It was inescapable to draw some comparisons with events of this decade. Many contrasts in circumstances are starkly self-evident.

However, I am most curious as to whether or not our men returning from the battles of Southeast Asia receive a similar communication from their commander, and, if so, what does it say? Could you send a copy to me?

Would that we could refer to such "resolute purpose", such "willing sacrifice" in the cause of liberty, and such "overwhelming victories" to leave as a legacy of our stewardship to be read by an admiring generation 54 years from now.

I will attach a copy of Pvt. 1cl. Arthur J. Slont's letter from General Pershing for your interest.

Sincerely,

Earl F. Landgrebe.

GHQ American Expeditionary Forces,
France, *February 28, 1919.*

General Orders, No. 38–A

My Fellow Soldiers: Now that your service with the American Expeditionary Forces is about to terminate, I can not let you go without a personal word. At the call to arms, the patriotic young manhood of America eagerly responded and became the formidable army whose decisive victories testify to its efficiency and its valor. With the support of the nation firmly united to defend the cause of liberty, our army has executed the will of the people with resolute purpose. Our democracy has been tested, and the forces of autocracy have been defeated. To the glory of the citizen-soldier, our troops have faithfully fulfilled their trust, and in a succession of brilliant offensives have overcome the menace to our civilization.

As an individual, your part in the world war has been an important one in the sum total of our achievements. Whether keeping lonely vigil in the trenches, or gallantly storming the enemy's stronghold; whether enduring monotonous drudgery at the rear, or sustaining the fighting line at the front, each has bravely and efficiently played his part. By willing sacrifice of personal rights; by cheerful endurance of hardship and privation; by vigor, strength and indomitable will, made effective by thorough organization and cordial co-operation you inspired the war-worn Allies with new life and turned the tide of threatened defeat into overwhelming victory.

With a consecrated devotion to duty and a will to conquer, you have loyally served your country. By your exemplary conduct a standard has been established and maintained never before attained by any army. With mind and body as clean and strong as the decisive blows you delivered against the foe you are soon to return to the pursuits of peace. In leaving the scenes of your victories, may I ask that you carry home your high ideals and continue to live as you have served—an honor to the principles for which you have fought and to the fallen comrades you leave behind.

It is with pride in our success that I extend to you my sincere thanks for your splendid service to the army and to the nation.

Faithfully,

JOHN J. PERSHING,
Commander in Chief.

Official: Robert C. Davis, Adjutant General.

Copy furnished to Pvt. 1cl. Arthur J. Slont, Company "C" 309th Engineers, (Capt. H. E. Taylor), Commanding.

PARK CENTENNIAL ANNIVERSARY

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. KEITH. Mr. Speaker, last month we celebrated the anniversary of the opening of the first national park. In the century since the park opened, the political, social, and economic values of the American people have changed as we have gone from a rural to an urban society. We are now looking for more ways and places in which to spend our leisure time and the national parks and seashore parks provide the most perfect outlet.

Our colleague, JOE SKUBITZ, of Kansas, spoke eloquently of this "outlet" in a speech he delivered before a "Conference on the National Parks in Their Regional, State, and Local Environments." His remarks dealt with a problem that is becoming ever more troublesome: the overcrowding of our parks and shore areas. The fact is that there are no longer enough places where people can go to escape the fast pace of urban life. The masses of the cities clog the superhighways on weekends and holidays as they seek to "commune with nature." Their escape is short lived, however, for when they arrive at a park or beach they are confronted with countless others who had sought the same solitude.

There may come a time when we will be forced to have parks within parks so that everyone can be served. The urban dweller is looking more and more for an escape from the "rat race." He is becoming less concerned about traveling for several hours to find the solitude offered by forests or beaches. At the same time, however, the less privileged city dweller does not have the means to drive a distance or stay overnight; his needs for recreation and peace must be met.

Still another whose needs must be met are those who live in areas that because of their beauty and serenity have become too popular. Such is the case with Cape Cod and its offshore islands, particularly those of Martha's Vineyard and Nantucket. The enlightened comments Mr. SKUBITZ makes concerning the problems confronting national parks are particularly timely in this regard.

Senator KENNEDY has introduced a bill in the Senate—the Nantucket Sound Islands trust bill—that deals with those problems mentioned above. The Senator's proposal provides for a cooperative effort between the Federal Government and the local governments and is aimed at conserving the land on the islands. The bill provides for three types of areas: Lands forever wild, scenic preservation, and those planned for town development. This proposal attempts to create a balance between the needs of the towns and their residents on Martha's Vineyard and Nantucket and for visitors from all across the Nation who journey there for recreation and relaxation.

We have vast expanses of land that offer solitude and inspiration to our citizens. More and more of those citizens are taking advantage of our mobile society to visit national parks. The parks are becoming overcrowded and polluted. We must begin to use our land wisely and the land use bill, currently before the Congress, will undoubtedly help us in our plans for the future. There must be a joint effort on the part of the Federal Government, State governments, and local governments to plan for land use; not only for the benefit of our industrial economy, but for the men and women who work for those industries and who buy the products they manufacture.

Mr. SKUBITZ' remarks, then, are timely and important. As we begin to get ready to rush out of the city on this holiday weekend, I recommend that my colleagues pause for a moment and read his statement:

STATEMENT OF HON. JOE SKUBITZ

Mr. Chairman, Delegates to the Conference, Ladies and Gentlemen, I am most grateful to my friend, Nathaniel Reed, for his complimentary references. I am, after all, a rather humble worker in the vineyard, a Member of Congress from a state and a region that is not blessed with the wild beauty that we witness about us here in Yellowstone or in neighboring Grand Teton.

Nevertheless, in my service on the National Parks Subcommittee I have come to have some familiarity with the National Parks of the United States, and indeed, with a few of the Parks in the lands of our distinguished visitors. I hope, before I leave this earth, to have the pleasure of visiting many more of the wonderlands that man has preserved, and in some cases helped create. So I consider it an honor to share this platform with the Governors of Wyoming and Idaho, the Land Director of Montana, and my colleagues of the House Interior Committee. Those who have preceded me have dealt, in part at least, with aspects of our Panel 3 subject matter that I too may touch upon. Since the subject of regional, state, and local environments, in their effect on the establishment and maintenance of National Parks and monuments, is by its very nature an overlapping proposition.

We must begin, I suppose by asking ourselves, as did the ancient Romans: Quo vadis; whither are we going; what is next.

We who are gathered here this week to celebrate the 100th Anniversary of the establishment of the first National Park in the world might well ask ourselves the same question. With an ever-expanding population; with parks jammed with almost unmanageable crowds; with inadequate funds for development and maintenance; we too must face the questions—Where are we going, what is next?

We cannot, in my judgment, answer the questions unless we first know how it all began and where we are now. Unless we know the past and where it has brought us, we shall not know the correct direction into the future.

To those who are here today, it is scarcely necessary to point out that it all began in 1872, 100 years ago. That was not a year of great affluence for this Nation. In fact, the reverse might better describe the period. The Civil War had ended seven years before and America was suffering from the social and economic stress that follows every war. The nation's people were interested in the pressing problem of earning a living, not in setting aside vast western acreages for future generations to enjoy.

Fortunately there were those who also looked into the future; those who believed that man did not live by bread alone; that he had moral and spiritual needs.

To them we owe much for it was they who introduced and brought into being the law which preserved for eternity this Yellowstone National Park, this magnificent wonderland that astonishes us all with the bounty of nature.

In the Yellowstone legislation, Congress first laid down the criteria for selecting areas that should be set aside as national parks. They should, said the law, be large, spacious, and they should contain scenic values, scientific values, national values.

But 34 years later, in 1906, Congress recognized that areas existed which did not meet all the Yellowstone criteria for a national park, but should be preserved. Thus, under the Antiquities Act the Congress gave to the President the authority to set aside, by proclamation, lands owned by the Federal Government and to declare them national monuments.

And ten years later in 1916 Congress created the National Park Service. Just as Justice Marshall breathed life into the Constitution, so has the National Park Service breathed new life and new goals into our federal national park system.

In the half century since then, many new parks have come into being. They are, in some respects, a far cry from the original Yellowstone concept. For example, the Historical Sites Act of 1935 preserved for public use historical sites and buildings of national significance. Other acts established national seashores, national areas, innumerable parkways, riverways and wilderness areas. All were an outgrowth of the nation's awakened interest in outdoor recreation.

Now, a new category of parks has recently emerged. These are the cultural parks, exemplified by the Wolf Trap Farm for the Performing Arts near Washington. It combines nature and culture, a melding of nature's art and man's art in a unique and lovely manner.

Today, our people, through their Congress, have set aside 36 national parks, 84 national monuments, 8 national seashores, scores of national historical sites and historical parks, and the list continues to grow.

A good record, but not good enough to meet the demands of a burgeoning and mobile population with time, energy, and a desire to see their land.

The automobile, good roads, the improvement of the economic status of our people, coupled with more leisure time, have had a shattering impact on our parks and recreation areas.

The Park Service now finds itself in a dilemma as it attempts to carry out a dual and frequently conflicting responsibility: on the one hand, to protect natural and historical areas and preserve them pristine for future generations, and on the other hand, to provide, even encourage, access and visitation "that will not impair values."

All of us, I believe, are acutely sensitive to the problems of excessive use of existing parks and how it should be managed. Already those of us in Congress have felt the wrath of campers who protest shortened stays in the parks. Nevertheless, in my view, we can no longer afford to temporize, to hope that the problem will go away.

We know that excessive visitation endangers the environment and the ecological balance of park areas.

To relieve the pressures on the parks, many suggestions have been proposed. It has been suggested that (1) we establish limited "time stays" within the parks; (2) eliminate all automobile traffic and in its stead, provide sight-seeing buses to transport people within the parks; (3) that lodging facilities, commercial establishments, campsites and parking areas be eliminated, and such services be provided outside the parks.

There is nothing new or novel about these suggestions. They have been kicked around for years. If the Associated Press releases are correct, the Conservation Foundation has just released its report in which it has recommended that all of these proposals be put into effect by the National Park Service.

Certainly, the recommendation, at first glance, seems reasonable, but if lodging accommodations, camping areas, parking facilities and commercial services are to be removed from the parks—do we not deny to every person the right to camp in the great open space, and to enjoy the great outdoors away from the hustle and bustle of the city? Do we not force those who come to the parks to seek accommodations into the "honky-tonks" that are springing up near every park entrance—the very thing from which they are seeking to escape?

Thousands of our elder citizens who are now living on Social Security and fixed incomes are beginning for the first time to visit our parks and enjoying the wonders of nature.

Recently Congress, recognizing the pressures they encounter trying to make ends meet, enacted legislation granting them a Golden Eagle passport and the privilege of using campsites at a drastically reduced rate.

Do we now make a mockery of this legislative action by eliminating the campsites and forcing these elder citizens into privately owned camping areas where the daily rates in many instances will exceed their daily Social Security allowance?

If we stop people from driving through the parks—deny them the right to stop for a brief moment to enjoy the beauty and grandeur of the parks; if we insist that they ride the bus and see those things which the bus driver thinks they should see; if we mark "off limit" the most interesting parts of the park and permit only those who have the youth and energy to hike to see such areas, our parks are no longer for the people but become the property of the privileged few.

Parks are for people—all the people—they must never become totally commercialized—neither should they be locked up under the guise that they can only be preserved by so doing.

Secretary Morton has stated that less than three percent of Yellowstone has been dedicated for use as lodging accommodations, commercial services, parking, camping sites and roads. I have been told that less than seven hundred and fifty acres of the 2½ million acres that comprise Yellowstone is for uses other than roads. Must every inch be preserved, and people forced into "honky-tonks" cities to protect the environment? Are the needs and desires of people expendable? If our parks are being threatened by use—can we not find the answer by appropriating more funds for more supervision, improved maintenance and development?

I cannot predict what action Congress will take. But if it should approve the recommendations that have been proposed, we immediately face the problem of gateway cities and the problems relating to them—sanitation, roads, zoning, policing, adequate services at reasonable costs. Today we have some semblance of control—if the facilities are located in the park. If we move them out, the problem then becomes the problem of the local area. What happens then when profits are at stake? If people are denied the right to use their automobiles and required to use some sort of bus transportation within the park—who is to provide the service? Should the government provide free service? Is this a federal responsibility? We are already providing free transportation in one of our parks. Will the taxpayers be willing to extend it to all parks? In Washington, D.C., we have instituted a "Summer in the Park" program. We pay the transportation cost to transport children of our Capitol City to the near-by park. One might well ask, if its good for Washington, why not extend it to New York, Chicago, St. Louis? Where does it end?

These and scores of other proposals to alleviate the conditions within the national parks have been discussed and weighed but to remove the pressures is only a part of the problem.

Times have changed and people have changed. If we are to meet the needs of people our concepts must also change. Urbanization in the United States in the past 100 years has been phenomenal. A century ago four out of five Americans lived in rural areas. Today 70% of our population lives in urban areas.

The economic, political and social consequences of such a vast population shift are staggering. This shift in population makes it necessary for us to re-examine the entire concept of our park system. And, in so doing, it is imperative that the role of the cities, states and federal agencies be also re-examined.

Establishment of more parks is a laudable objective but the emphasis must be on bringing the parks to the people. Yellowstone is fine for the city dweller who may visit here once or perhaps twice in a life time. But what does he do with the remainder of his free time during the year. Seashores are fine for those who live near the coasts but they are only names as far as the people in the midwest are concerned. And what about that group of city dwellers who cannot afford a trip through Yellowstone?

What is needed is a whole new layer of regional parks, oriented to the needs of city dwellers. We need parks that can be enjoyed daily or at least weekly.

What is needed first is a "master plan" that catalogues all of our resources on the city, state and federal levels. Only with such a catalogue can we hope to plan well for the future.

This does not mean that the federal government should control all the resources. It does mean that it should have the authority to coordinate and prepare a master plan. It does mean that for planning purposes, all national, state and city resources should be considered as a part of an overall park system.

On the federal level, national forest, parks and recreation areas should not be treated as isolated preserves but rather as integral elements of the complex ecological, social and economic relationship of the region.

Allow me to divert for a moment to outline what I regard may be the basis of that new mission. In this vast land there are millions of acres of magnificent forests and lakes and rivers. And in these areas are to be found man-made projects that lend themselves peculiarly well to recreation and relaxation.

The Corps of Engineers now has under its jurisdiction 350 reservoirs with 27,000 miles of shoreline. All of these are idyllic recreation areas. Many are currently in use for that purpose by thousands of our people but the full potential of these projects has not been developed. Their park and recreational use is incidental to their principal function as originally conceived.

Where today they lure thousands to fish, or boat, or camp, they could and should provide a mecca for millions of families who seek the great outdoors. Moreover, their convenience to urban centers of population make them natural goals for the less affluent in society who may never have the funds to travel across the continent to see Glacier or the Grand Canyon.

Historically, the Corps of Engineers has been concerned with flood control, water storage and navigation.

Historically, the Bureau of Reclamation has dealt with dams and reservoirs for irrigation and power production.

Historically, the Soil Conservation Service is mandated to land conservation through the erection of small dams and other erosion-preventing techniques.

Historically, the Forest Service's mission is to protect and preserve the woodlands of the Nation and to dispose of timber.

Each wears its own blinders, as it must under the law. Each is concerned with its own primary responsibility. And yet, strangely enough, except for the Forest Service, all of their projects are funded on the basis that recreation use is given a capital value. In other words, the Congress and the agency had to weigh, consider and include the dollar value of recreation in approving a project.

I imply no criticism of these agencies to now say that recreation use is not a major factor in the great majority of these projects. But my point is that we must now undertake sensible planning that will integrate all of these potential and existing park areas into a nationally administered and supervised system.

I am not suggesting that the cognizant government agencies should give up their fundamental responsibilities. I am suggesting that we must have sensible planning that will integrate all of those potential recreational resources.

Frankly, it is time to consider whether it is appropriate that a shoreline of a lake should be allowed to become a muddy flat because, forsooth, water must be drawn off for navigation down river, or because the pool size was established by law years ago.

A balancing of values is in order. I do not want to be misunderstood. Congress must take its share of the blame. What is now lacking is a legislative statement of national goals and priorities.

Such a congressional statement would provide an umbrella under which more explicit declarations of land policy and land use could be developed. The present overlapping of agency goals would be clarified:

National goals and priorities would involve and include regional goals and priorities. Today little regional planning takes place. What I visualize is a planning program that will have as its objective the creation of a series of federal, state, regional parks in perhaps all of the fifty states.

All this will take courage and initiative. It will require consideration of the viewpoints of state and local planning agencies. It will require recognition of the appropriate responsibilities of the federal administrative entities. It will entail short range planning to save the existing parks from further ecological damage and at the same time prevent the growth of neon-lighted honky-tonks adjacent to park areas. It will require a careful balancing of taking over and establishing new recreational areas before sharply limiting excessive use of already endangered parks.

It may take some knocking together of heads, but I believe the Congress stands ready in this respect to do its duty.

LABOR

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. ESCH. Mr. Speaker, the problems which face the working man and the entire labor market are directly related to the fluid state of the economy and the rapid advances in technology which have thrown so many segments of society into flux. Labor legislation over the past 3 decades has done much to improve the lot of the working man—to improve his wage and working conditions and to guarantee the right to bargain collectively.

In the future it seems probable to me that Congress will address itself to qualitative rather than quantitative goals as far as labor is concerned. I believe the average American worker will press for three types of rights in future legislation:

I. TRAINING

I believe the American worker will press for guarantees of his right to receive adequate levels of education both for acquiring his first job and for periodic upgrading and retraining so that he can keep pace with changes in the economy and technology.

II. PARTICIPATION

I believe the American worker will press for greater participation in the decisions affecting his job and the policies of his union. Although his contributions could be substantial, the concerns of the worker have often been ignored. In some unions it has become clear that the union leadership expresses its own views rather than those of the workers. Many jobs show little concern for the production worker's sense of accomplishment—they do little to relieve the frustration built up by repetitive tasks.

III. COMPENSATION

I believe the American worker will press for compensation commensurate with his contribution. This will include not only his wages but adequate levels of security in the retirement years.

I would like to review the actions and considerations of the 92d Congress as they relate to these three broad goals.

MANPOWER

In the 10 years since passage of the original Manpower Development and Training Act our country's commitment to the support of manpower training programs has gone from millions to billions of dollars. The Manpower Administration estimates that upward of 7 million persons have received training from Federal manpower programs since 1962. While the program has been impressive it still has some significant problems.

First, many in public life have viewed manpower programs solely as a strategy for helping the poor become employable. President Kennedy justified the original bill as "rehabilitation rather than relief." President Nixon spoke of "workfare rather than welfare." This viewpoint, however, fails to comprehend that training alone does not help those public assistance recipients who have a complex range of social, education and economic problems which job training alone does not solve. Clearly, for manpower training to be effective in solving problems of poverty its impact and purposes must be expanded to the other problems such individuals have.

The manpower training program has failed to recognize that while training improves the hirability of the trainee, it does not create new job slots for him to fill. If we do not recognize that our manpower strategy must be an integral part of the comprehensive employment and economic strategy, our results still fall far short of an adequate level of performance. The ultimate success indicator of any training program is this: will the trainee have a job opportunity at the end of the training program?

Finally, the manpower program has, for the most part, failed to make use of alternative methods to reach the goals. When we were reviewing manpower programs in the Select Labor Subcommittee over the last year we found that some privately sponsored programs were able to train more people at a lower cost and with a greater measure of success than Government programs. Perhaps their methods should be adapted or perhaps the Government should assist them in reaching a greater portion of those who need training.

During our hearings we attempted to discern just what it was that made for a successful manpower program. Two specific ingredients to success soon became clear. First, the programs which were successful were designed to fit the specific needs of those enrolled. The criticism of all too many of the Federal programs which have failed is that too often they attempt to fit the trainee to a program rather than vice versa. Second, we found that those programs which were most successful operated to meet the local needs of the communities in which they serve.

It seems clear to me that the Federal Government must decatagorize and decentralize its manpower efforts. While it is obviously essential for the Federal Government to undertake long range national planning, the success of the manpower program can only be insured if the local areas have the responsibility to meet the varied needs of their specific trainees in the specific job market which exists in that area.

In October of last year I proposed H.R. 11688 which decatagorizes Federal manpower funds and allows local areas—governments or groups of governments—of 100,000 to apply for funds to carry out locally designed training programs. In order to insure that these efforts do not get unnecessarily fragmented, the proposal offers an incentive for areas to coordinate their efforts with neighboring jurisdictions and among the various community groups who are involved in teaching the manpower skills. H.R. 11688 creates the National Institute for Manpower Policy to research long range employment trends and practices and to serve as a clearing house for information on job availability.

UNEMPLOYMENT COMPENSATION

One of the least adequate features of our employment and training system is the unemployment compensation system. Created under the Wagner-Peyser Act of 1935, unemployment compensation can be called "prewelfare payment."

The distribution system for unemployment benefits is such that many who need it the most are not adequately covered. For example, in Michigan over the last year there have been a number of pockets of high unemployment where individuals were desperately in need of extended benefits. However, because the unemployment level in the State was within the "normal range," no area of the State was eligible for the extended benefits. Additionally, the disparity in unemployment rates in various areas of the Nation have left some States' unemployment funds almost bankrupt, while the system as a whole has a large nationwide surplus.

The requirements for job registration also seems inadequate. If you are an unemployed tool and die maker and you live in an area where the demand for tool and die makers is diminishing, it will not assist you merely to register for work in your profession. The present system has no real method of finding out where vacancies for your skills might be available.

Most importantly, the unemployment compensation system provides no assistance for those workers who feel the need to upgrade or modernize their skills before their jobs become obsolete. In the fast changing job market, this lack of flexibility can slow the economic growth rate drastically.

Some have proposed federalization of the unemployment system to improve its ability to serve the unemployed. Although this idea was debunked by the National Unemployment Compensation Study Commission, it may still have some merit and should be considered. However, this would work in contrast to our efforts to decentralize other manpower programs and any further centralization should only take place if there is no other way to handle the problem. Changes in the program may not necessitate a Federal takeover.

Another more promising alternative is a revision of the goals and delivery system of the Wagner-Peyser Act to emphasize the necessity for job upgrading. One such possibility was enacted last year by the French Government. Their system uses unemployment compensation funds for initial skills acquisition and job skills upgrading. Up to 2 percent of the work force can use the funds in the system for additional training in any 1 year, Workers are granted a stipend, much like a sabbatical granted to professors, to go back to school for training. While this French system will not fit our model exactly, we should examine the basic goals of the system which encourages workers to upgrade their skills.

A problem which plagues many workers is boredom on the job. Many workers feel trapped because they see that their level of skills limits their possibilities for advancement. They find themselves in the unenviable position of wanting to go back to school either to gain new skills or to upgrade their old ones and yet they lack the resources to be able to accomplish this goal. The genuine opportunity to upgrade skills with relative ease may have the added benefit of encouraging workers to look toward alternatives for accomplishing their tasks which may be less tedious and at the same time more efficient. It seems a more positive role for unemployment funds to make such opportunities available.

SPECIAL CONCERNS

Our job training system has had special problems in meeting the needs of several groups in our society—including the minorities, youth and inmates in our prison system. During the last decade we have been successful in consistently finding jobs for between 93 and 96 percent of our labor force. However, those groups hardest hit by unemployment have consistently had an unemployment rate 3 to 4 times the average for society as a whole. Our system is not doing its job when young people in the inner city area of Detroit are unemployed at a rate of 30 to 35 percent.

Jobs can be a key to many of our other social problems today. For instance, several studies, including one at Milan Prison, have shown that inmates who receive job training and counseling have a significantly lower rate of recidivism than those who do not. Our prisons have been criticized as schools for crime rather than correctional institutions. Last fall Senator JAVITS and I examined the possibility of providing training opportunities for inmates in our correctional institutions. We introduced the first version of our proposal in December. This winter the chairman of my Manpower Subcommittee and I reworked the bill so that it now includes upgrading of training opportunities for correctional personnel as well as inmates. H.R. 13690 which we reintroduced with 33 cosponsors in March is a $500 million proposal which should make significant strides forward in presenting new rehabilitation opportunities for inmates in our correctional institutions.

THE EMERGENCY EMPLOYMENT ACT

Last year when unemployment was at its height and many units of local government had been forced into laying off staff positions for lack of funds, Congress passed the Emergency Employment Act. The public employment program, or PEP, has had a phenomenal success. By March of this year PEP accomplished the remarkable feat of placing 144,000 people in jobs. Unfortunately, most of those placed under the PEP program were not the chronically unemployed.

In the next several months the $2.25 billion PEP program will be discussed in light of several considerations. First, should the program be temporary or permanent? It is now authorized for 2 years. Second, should the jobs created be permanent or transitional in nature? I personally feel that a massive permanent program of public service jobs paid for by the Federal Government will not serve the needs of the unemployed or the communities who would employ them because the program attacks a symptom rather than the cause of cyclical job fluctuations. An alternative to the approach of creating a permanent program would be the creation of a counter-cyclical trigger mechanism which would come into effect only in periods of high unemployment. Title II of H.R. 11688, my comprehensive manpower bill, embodies such a proposal. It calls for increases in manpower funds contingent upon increases in the unemployment rate. At 4.5 percent the trigger would be activated to increase manpower funds by 15 percent. If unemployment continues to rise, the funding also rises to a maximum additional allotment of 60 percent at 6 percent. The counter-cyclical nature of my formula would help to create jobs when we need them most. Consideration of the PEP program and any possible successors should be included in any discussion of comprehensive manpower reform.

MINIMUM WAGE LEGISLATION

It has become almost a sign of the season that every 2 years we consider additions to the Fair Labor Standards Act which governs minimum wages. The key issues in this year's consideration relate to rate and exemptions. The House passed a minimum wage bill which would establish a minimum hourly wage of $2 per hour. I believe that this rate will bring low income wage earners more in line with the cost of living without fanning the fires of inflation. The Senate bill proposes a wage rate of $2.25.

We must be careful on this issue not to get caught in the trap of overinflated rhetoric. While minimum wage increases do help to raise the standards of low-income workers, a significant raise, such as is proposed in the Senate bill, can have the effect of decreasing marginal employment opportunities. This has the effect of reducing jobs for the very people we are trying to help. The relationship between minimum wage increases and marginal job decreases is not in a clear one-to-one relationship. However, studies after the two most recent increases have shown there is a relationship and it is one that must be kept in mind during debate of any increase.

Another basic argument in consideration of the minimum wage bill this year related to the inclusion of workers not previously covered. In the original committee bill in the House a student differential was created which would allow employers to pay students, of any age, at a rate lower than the established minimum. The substitute bill, passed by the House, provides for a youth differential to age 18. This provision is aimed at encouraging employment opportunities for first-time wage earners who are not supporting a family. The original House bill would have discriminated against the young person who wanted to continue school and hold down a part-time job. I supported the substitute bill in the belief that we should make a differentiation between the first-time wage earner and the young head of household. The youth differential in the House bill recognizes that these two types of workers should be treated differently. It also recognizes that an incentive to employers may encourage employment of these young wage earners.

OCCUPATIONAL SAFETY

Passage of the Occupational Safety and Health Act and the Federal Metallic and Nonmetallic Safety Act—Mine Safety—are indicative of Federal efforts to protect the safety of the worker. After 1 year of operation of the Occupational Safety Act, it is clear that it is in need of revision. Several amendments have been proposed. After 6 months of negotiations with the chairman of the Education and Labor Committee, we were able to schedule oversight hearings on the implementation of the act. However, substantive revisions are unlikely this year.

The recent Sunshine Mine disaster and our subsequent review of the Federal Mine Safety Act has shown me that merely passing legislation will not insure that the goals established will be implemented. We must make sure that we can make both workers and managers safety conscious so that safety regulations will really work. We can never employ enough inspectors to find all the possible violations unless workers and their employers are on the lookout for safety hazards.

IMPROVEMENTS TO OUR PENSION SYSTEM

Probably the most compelling issue facing the Labor Committee is the pension issue. The Department of Labor estimates that one-third of those supposedly covered under pension plans will not draw benefits. Of 26 million workers who are now under plans, fewer than 9 million will be eligible for retirement benefits. In a committee review of 87 pension plans across the country it was estimated of the 9.8 million workers covered under the plans only 1 million will draw benefits.

Numerous tragic human examples of this problem can be cited. One boilermaker after 31 years of work and contribution of thousands of dollars to pension plans found he was not eligible for a pension because he had paid into differing jurisdictions and at different job locations. A second example comes from the thousands of workers from the Studebaker Co. These workers had the misfortune to work for a company who had planned its pension plan to be workable only if it continued in business. When the company failed, many found that they could not collect from the insufficient funds available in the fund.

Our economic system has produced a mobile working population. Where it was common 20 years ago for workers to stay with the same company in the same location for most of their job career, this permanence can no longer be counted upon. Mobility is a reality not only in the professional occupations like teaching, but also in skilled jobs such as mechanics and production workers. Some kind of protection needs to be afforded to those who change jobs through a form of vesting, the right to change jobs without losing benefits. This would recognize the mobility of our work force and would at the same time provide security for those in our fluid job market.

If we are to make our pensioning system equitable, we must make sure that the plans are established on sound fiduciary principles. We require fiscally sound policies for other kinds of savings plans—in banks, in the stock market and in savings associations—so why should we not expect the same of pension plans?

The volume of constituent interest in the pension issue has been at one of the greatest levels for a long time. The Education and Labor Committee's pension study task force has held hearings and made extensive studies. Consideration of legislative alternatives should begin next year.

EMPLOYEE RELATIONS

In 1847 Abraham Lincoln said:

> No good thing has been or can be enjoyed by us without having first cost labor . . . to secure to each laborer the whole product of his labor or as nearly as possible is a worthy object of any good government.

Federal regulation of labor began soon after Lincoln's statement. The heyday for labor legislation came in the 1930's, 1940's and 1950's. The National Labor Relations Board was established to assist labor and management in working out their differences.

When the Board was established several classes of workers were excluded. The most notable exceptions to coverage under the Wagner Act and other labor measures were public employees and agricultural workers. There is good rationale for excluding these workers from coverage under the present National Labor Relations Act. Their employment problems and job situations are different from most of the workers covered under the act. A good example of this is the problem of placing agricultural workers under the Wagner Act and under its later additions like the Taft-Hartley law. If these workers were brought under the acts then several problems would develop. For instance, the "cooling-off period" would be too long to effectively control agricultural producers. If agricultural workers were covered under the Taft-Hartley Act every time a strike was called the farmer could call a "cooling-off period" which would delay settlement of the dispute until after the workers had lost their only effective bargaining tool; the loss of crops by a work stoppage.

In public employee disputes the crux of the problem centers on the vital nature of some of our public employees' services. The protection of the public interest must be balanced against by protection of the rights of those employed by the public. The balance can be struck by the implementation of effective collective bargaining legislation.

Although these workers are not covered under the National Labor Relations Board, it does not follow that they should be denied the benefits which derive from it. One solution would be the creation of separate labor relations boards for public employees and agricultural workers. A separate board would be able to consider the unique problems of the workers covered and recognize the competing interests present in a labor-management dispute.

Another problem which is certain to be debated during the 93d Congress is the settlement of transportation disputes. Discussions in Congress have centered on the limits of a strike where the overriding public interest is being hurt by the strike. A great deal of thought must be done in defining both the public interest and employee rights. Any legislation passed should provide a balance between those interests.

The American worker and the economic system have both benefited from Federal regulation in labor problems. As our economic system has grown more complex the problems facing our work force have become less soluble to simplistic answers or inflated rhetoric.

PENSION AND EMPLOYEE BENEFIT ACT

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. RAILSBACK. Mr. Speaker, I know my colleagues will agree with me that the need for pension reform is obvious. The sheer number of pension reform bills before the Congress attests to that need.

I have always been in favor of effective legislation which would shore up the many deficiencies which exist in the private pension system. Federal authority over pension plans is fragmented and ineffective in securing adequate protection of retirement benefits. Deficient and inadequate provisions contained in a number of plans are directly responsible for hardships experienced by many of our older citizens. Benefits are extended to only 15 percent of the covered workers. Termination of plans beyond the control of employees, without the necessary and adequate funding for benefit payments, has deprived employees and their dependents of earned benefits. Approximately 500 pension plans are discontinued each year. Moreover, the lack of uniform minimum standards of conduct required of fiduciaries, administrators, and trustees has jeopardized the security of employee benefits.

On May 8 of this year, I introduced legislation I believe provides the best means to correct the inequities which now exist in our present system. H.R. 14829, the Pension and Employee Benefit Act, would give additional protection for the rights of participants in employee pension and profit-sharing retirement plans. It would determine minimum standards for vesting and funding, establish a pension plan reinsurance program, and provide for the regulation of the administration of pension and other benefit plans.

My bill is similar to a proposal embodied in S. 2, legislation introduced by one of the pioneers in pension reform, Senator JACOB JAVITS. S. 2 was the foundation of S. 3598 which was ultimately reported out of the Senate Labor and Public Welfare Committee by a unanimous vote. S. 3598 is known as the Retirement Income Security for Employees Act.

Mr. Speaker, the reporting out of a pension reform bill by any committee in Congress is certainly a major and monumental achievement. Over the past decade, a flood of bills have been introduced on pension reform, but none have managed to reach the floor of either chamber. Now it appears that there are enough forces converging on the issue of pensions that a showdown can be foreseen—if not this session, at least in the 93d Congress.

At this point, I would like to mention some of the basic differences between my bill—the Pension and Employee Benefit Act—and S. 3598—the Retirement Income Security for Employees Act, as it was originally reported on September 15.

If enacted, my proposal will establish a reasonable and fair basis for making pension credits nonforfeitable. Under it, pension credits will vest at 10 percent a year starting with the sixth year of service. Thus, after an individual has worked 15 years, he will be entitled to a 100-percent vested right in the benefits earned over that period of time.

Under S. 3598, vesting would start at 30 percent after 8 years of service and increase by at least 10 percent each year thereafter. Thus, after 15 years, a worker would also have a 100 percent vested right. However, a worker having 6 or 7 years of service would not be guaranteed anything under S. 3598. Under my proposal, he would be assured of at least a 10 to 20 percent vested right in a pension.

My proposed Pension and Employee Benefit Plan would also set up a U.S. Pension and Employee Benefit Plan Commission to administer the provisions of the act. The proposal reported out of the Senate Labor and Public Welfare Committee would only create a post of Assistant Secretary of Labor in charge of an Office of Pension and Welfare Plans Administration.

The bill reported out by that committee would also establish a voluntary pension portability program to facilitate the transfer of vested credits between pension and profit-sharing plans. While I endorse this concept, I believe it is a very complex area, requiring exhaustive consideration. In my bill, therefore, I called for a pension portability study.

Mr. Speaker, it is most important that we commit ourselves to correcting the inequities which now exist in the private pension system. Any mandate we pass on pension plans will be a long overdue start.

However, it now appears that S. 3598 is not the best vehicle to give assistance to the working man. On September 19, the legislation was referred to the Finance Committee. That committee contended the Labor and Public Welfare Committee had infringed upon its jurisdiction, and therefore members of the Finance Committee reconsidered S. 3598. On September 28, it was re-reported with major provisions on vesting, funding, and portability eliminated.

I, therefore, hope that the Congress will now look more closely at my bill, H.R. 14928, as the best alternative on pension reform. Should this bill not receive favorable consideration yet this year, I will reintroduce it very early in the 93d Congress. Action is needed.

SAN FRANCISCO HEARINGS OF THE HOUSE CRIME COMMITTEE

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. MADDEN. Mr. Speaker, last Saturday the House Crime Committee completed 3 days of hearings in San Francisco, the testimony of which was devoted primarily toward exposing the operation of the drug traffic menace to the people in northern California. The startling evidence recorded was revealed by numerous witnesses, including many from the younger generation. The hearings revealed the necessity for combined local, State, and Federal action to curb the operations of organized crime who are reaping fortunes in the dope traffic.

The news media, including television and radio, broadcast the hearings throughout California and areas in the Far West.

Mr. Speaker, I include with my remarks two articles—one from the San Francisco Examiner, and the other from the Oakland Tribune—which was a small fraction of the publicity given to the House Crime Committee under the chairmanship of our colleague, Congressman CLAUDE PEPPER:

[From the San Francisco Examiner, Sept. 28, 1972]

CONGRESS QUIZ HERE TOLD OF DRUG TRAFFIC

(By Jim Wood)

Both boys and girls are selling drugs at Lincoln and Mission High Schools, undercover police told a congressional committee here today.

And committee chairman Rep. Claude Pepper noted that California's high schools lead the nation in drug abuse.

Officer Joseph Kirley said he had been offered a chance to buy LSD at Lincoln by a student who had a large quantity to unload. The price was $45 per 100 tabs and Kirley was assured he could get all he wanted.

Officer Thomas Griffin said the girls selling drugs at Mission usually work for a male and if the order is big the buyer is told that the girl "will have to go check my man and then I will let you know."

HOT WATER

Griffin said the teachers at Mission lack authority and some are afraid "if they touch a kid they are in hot water."

The trouble-makers could be groups coming to see the principal about the teachers' actions.

Griffin praised the performance of two black belt karate experts who are hall monitors at Mission. If they catch somebody smoking pot they walk up and take away the joint. He reported wide use of "reds, bennies" and marijuana at Mission.

Kirley said students at Lincoln told him drug use made it "a pleasure to go to school instead of a bore."

IGNORE CONDUCT

He told the members of the Select Committee on Crime that when students appeared under the influence of drugs some teachers simply ignored their conduct while others would report the students to the dean's office.

"Some teachers were interested and some were not," he said.

He reported that truancy was high at Lincoln and that he attended one civics class where only eight of 32 students were present.

"You could get a card game anywhere," he said, adding that there was customarily a dice game in school stairway.

He said that periodically hall guards would make a "sweep" to clear outsiders from the school, but that students generally knew ahead of time that the sweeps were coming.

He said they would hide in the park for 15 to 20 minutes, then return to school and "that would be it for the day."

Opening hearings in San Francisco, Pepper said drug abuse in Bay Area schools is "extremely serious, widespread and growing worse."

"One Government official has advised us that large amounts of any type of drugs are readily accessible in practically all high schools in this area," he said.

The Florida lawmaker said that when incipient signs of drug abuse are ignored many high school students accelerate their drug use and become truants or dropouts and ultimately drug addicts.

He estimated on the basis of investigations by his committee there already are between 4500 and 7200 hard core heroin addicts in San Francisco. He said there addicts require between $50 and $250 a day to support their habit.

"The heroin addict obtains the money to support his habit by stealing, by committing robberies and burglaries and by selling drugs to others," Pepper said.

He said that in San Francisco there are some 13,000 drug abusers who are strung out or in advanced stages of habituation. He said these figures included users of amphetamines barbiturates and hallucinogenics, but not marijuana smokers or experimenters.

He said that in Alameda County it is estimated there are 10,000 heroin addicts. Joseph Phillips, counsel for the committee, said his estimate was based on figures obtained from the Alameda County Health Department.

NUMBERS GAME

But Dr. Joel Fort, a nationally recognized authority on drug abuse and the founder-leader of the National Center for solving Health Problems, said before the hearing he believed the 10,000 figure was "way high."

"That's the numbers game," he said. "The higher the number, the more money you can get for methadone programs, the more status, the more publicity."

Pepper said that more than 650 school-age children died of drug overdoses in California in the past three years.

On the basis of evidence produced in other hearings, Pepper said it appears efforts by national, state and local governments are desperately needed "if this crisis is to be abated."

FIRST STEP

"The federal government must take active and prominent role in the fight against drug abuse, especially at our schools," he said.

"We cannot let these young children's lives turn to crime, degredation and death.

"It is my hope that these hearings will be the first step in an effort which will result in the reclamation of these young drug users. We hope it will be the beginning of a national commitment to assure drug-free schools."

The committee's appearance in San Francisco came at the invitation of Congressman Jerome Waldie of Antioch.

[From the Oakland Tribune, Sept. 30, 1972]

YOUTHS TALK IN DRUG QUIZ

(By Bev Mitchell)

A former Oakland student told the House Committee on Crime yesterday that he was involved in some 1,000 breaking and entering crimes to support his drug habit.

The congressmen, here to investigate drug abuse in Bay Area schools, also heard a Palo Alto youth say he could have easily sold more than $1,000 worth of cocaine in a day at his high school if he'd had the capital (his largest single investment was $400).

Another youngster testified she became involved in drugs because her mother was a user, and still another because his father became a heroin pusher.

They were members of a panel of young people who testified in the second day of the hearing, which concludes tomorrow in the San Francisco federal building.

William, 19, described a long history of juvenile delinquency preceding his involvement in drugs while a student at St. Elizabeth's High School in Oakland.

He said that about 60 per cent of the students were users, mostly of marijuana. Only about 10 per cent at the most were using heroin or cocaine, the youth guessed, "but it's coming in fast."

He said he started with marijuana out of curiosity and because he wanted to be accepted. He also tried LSD, heroin (which he didn't enjoy) and other drugs, and turned to PCP (a tranquilizer, sometimes called a peace pill) which he "liked a lot" and gave him problems.

As a child, the youth said, he was rebellious, sniffed glue, "caused lots of commotion wherever I went" and probably contributed to his parents' divorce. Recently, he has had "a religious experience, and since then . . . I've been born again, I'm a different person."

Jim, 18, of Palo Alto, said he first got involved with drugs when he was about 13 years old and had lost interest in "school connected things."

A strikingly cleancut young man, he said he had kept up both his appearance and grades in school because he could see long-haired, mod-dressed youngsters "getting hassled by the cops" as possible drug users.

He tried various kinds of drugs and became both a cocaine addict and dealer. He said his contact indicated that friends brought it in from Peru, concealed in candy boxes and covered with chocolate.

Jim estimated that as much as 90 per cent of his classmates had used drugs, and that as much as 60–70 per cent of junior high students had experimented. Both he and William said they knew of teachers who had used marijuana.

Laura, 16, has attended three high schools in Marin County, and used a variety of drugs after she first got involved when she was about 12 years old.

Her mother got her involved initially, she testified. Eventually she was "using speed a lot, ended up getting busted and going to the hospital, and was committed to a program." She was also taken away from her mother's custody.

Paul, 17, was 14 when he first became a heavy drinker and was put into continuation high school where there were "a lot of reds and weed." He traced the beginning of his problems to the time when his father "became a junkie," and like most drug users sometimes resorted to crime to support the habit.

Susan, 18, began smoking marijuana in her junior high school, and turned to a stronger drug as a student in San Mateo's Hillsdale High School.

She was transferred to a continuation school, which she rarely attended. Susan began her crime career with forgery and got caught. She and a boyfriend, who had a larger heroin habit than hers (together, they needed $40 a day) formed a team to steal television sets, typewriters, wheelchairs and other saleable items.

Hospitals were a favorite target for thefts, and there were some shops and some individual buyers for the items. A stolen typewriter would bring about $40, "but after we sold a lot the price would go down."

Again, like the others, she "got busted," and now regards the experiences as a closed chapter.

The youngsters, for the most part, had had little or no education concerning drugs, and weren't sure it would have helped. Paul, in particular, wished someone had remanded him to an institution earlier, rather than enrolling him in programs which never worked.

Another witness, Mrs. Marsha Scott, was one of a panel representing the San Francisco Police Department Youth Program. She works with officers in school programs telling students what their future will be like if they misuse drugs.

Marsha, who had no information about drugs, married a heroin addict who in turn addicted her. She developed a $100 to $150 habit a day, which was supported by burglary, till-tapping and robbery.

Her now ex-husband was sent to prison and she turned to prostitution to support her habit.

In Marsha's time "on the street," the youngest girl she worked with was 12 years old and had been turned on to heroin by her brother, an addict. Marsha eventually served a prison term for prostitution and turned to the methadone program (a synthetic drug) to break her heroin addiction, but the young girl is "still out there working."

Marsha also lost custody of her young son.

Lack of drug education and lack of parental and school recognition of the problem were among difficulties cited by the committee, headed by Rep. Claude Pepper, D-Fla., which included the Bay Area in its series of meetings at the request of another Member, Rep. Jerome Waldie, D-Antioch.

They have complained about the reluctance of many school districts to cooperate with police, and yesterday praised Oakland Supt. Marcus Foster for both cooperation and a program to prevent drug abuse.

Foster described a program in which 500 teachers have received in-service training to help teach about drugs and drug abuse on all grade levels, but emphasized that a good basic education is the best preventive of all.

In talking about eliminating boredom and a negative self-image, in giving children an opportunity to succeed and an exciting curriculum, Foster said, he was talking about basic program aims that would all be enhanced with more funds. "It is impossible to separate the need for quality education from drug abuse," he said.

He also said he didn't think drug abuse was at the crisis stage in Oakland. "In a school system of 60,000 people you can't hide it, it would manifest itself."

The need for funds was also noted by Mrs. Richard Bailey, president of District 28 of the California Congress of Parents and Teachers, which encompasses Oakland, San Leandro and Emeryville.

Rep. Pepper challenged the PTA to pressure Congress to help, saying that to his knowledge there has been little demand for legislation in the field.

F-111 STAYS IN COMBAT

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. FISHER. Mr. Speaker, I insert in the RECORD a very much needed news story from the October 4 New York Times.

Mr. Speaker, the F-111's that recently went to Vietnam are in combat status and were removed from mission flying only in normal fashion—and very temporarily, news stories to the contrary notwithstanding.

Within hours after the many thousand mile trip to Asia the F-111's made their first strike; low-level, all alone, and in foul weather, they went after the toughest, most highly defended targets in the combat area. This is the kind of mission they were designed for, and they are the only aircraft in our inventory that can do this job.

I hope every Member reads this accurate and extremely important story by William Beecher.

The story follows:

F-111 IS HELD OUT OF ACTION BRIEFLY—PENTAGON SOURCES SAY LOSS OF ONE SPURRED REVIEW

(By William Beecher)

WASHINGTON, Oct. 3.—American F-111 tactical bombers were withheld from combat missions for a few days, Pentagon sources said today, following the loss last Thursday of one of the advanced planes during its first mission over North Vietnam.

But officials insisted that the swing-wing aircraft were back on combat status and would have conducted scheduled raids over the North today were it not for unusually bad weather caused by a typhoon.

Six F-111's had their brief combat test in Indochina in the spring of 1968. They were withdrawn after three were lost, two from unknown causes. In the case of the third, which crashed near its base at Ta Khli, Thailand, it was found that a tube of sealing compound had been left in the plane, probably at the time of manufacture, causing a mechanical malfunction.

In the life of the F-111 have been crashes of 23 of the planes. Six of the losses were blamed on pilot errors—as in the case of the pilot who moved his wings backward rather than forward on landing—and six on malfunction. The causes of the other 11 losses have never been determined. Pentagon sources say.

SPECIAL BRIEFINGS REPORTED

Pentagon officials said that they were far from certain whether the plane that was lost Thursday—one of three that conducted lone, separate missions over the area northeast of Hanoi that day—was shot down, or crashed as a result either of pilot error or mechanical trouble.

But as an act of "simple prudence" the source said, the planes were temporarily withheld from combat while a review was conducted to insure that the pilots received sufficient briefings on the special conditions in the heavily defended combat theater before resuming missions there.

The planes were not grounded, however, even during this "procedural review," one officer said. They flew "orientation" missions over mountains in Thailand from their base at Ta Khli, he said.

Pentagon officials were at pains today to reaffirm their confidence in the F-111 and predicted that it would prove itself once it had been in combat for an extended period of time.

Two squadrons of F-111's, totaling 48 aircraft, were ordered to Thailand recently to replace four squadrons of F-4 phantom fighter-bombers, comprising 72 planes that had been in combat in some cases more than five months.

Pentagon spokesman said last week that the ability of the F-111's to fly and bomb entirely on instruments would enable the planes to do a more effective job in night operations and in monsoon weather.

But the missions that had been scheduled today were postponed, one official said, because of severe thunderstorms in the target area. "The fact that the planes are designed for night and bad wather operations does not mean that we fly them into the heart of big thunderheads," one official declared.

The first of the new group of F-111's arrived in Thailand last week. Some of the pilots had preceded the planes and the first three missions were run within 24 hours of the planes' arrival, the sources said.

There are about two two-man crews for each of the planes. On arriving in the new theater, they get detailed briefings on weather, enemy air defense and antiaircraft weapons and techniques, the characteristics of different targets on the radar and other sensors, and special treetop-level flight paths that are supposed to get each lone plane into its target area beneath enemy radar view.

However, one of the planes disappeared from radar about 40 to 50 miles from Udon airbase in Thailand, sources said. It was not clear whether the plane encountered trouble at that point, or merely dipped very low to avoid enemy radar. Informants said that there was no radio call from the pilot to indicate trouble and no beeping signals from the survival beacons on the aircraft.

The F-111's normally fly alone in order to increase their chances of slipping into the target area undetected. All of the missions, to date, have been flown during darkness.

Air Force officials said that despite the losses, in more than 200,000 hours of flight operations in the United States, Indochina and Western Europe, the F-111 had had fewer problems than any other major United States combat aircraft at a similar stage in its life.

TAXING HUMAN LIVES

HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. MACDONALD of Massachusetts. Mr. Speaker, I rise to urge support of legislation which would remove those countries who discriminate against the emigration of their citizens from the various U.S. trade programs which give them a special status. I feel that this is a very appropriate vehicle for conveying the concern and disapproval of the American people for this kind of callous deprivation of liberty.

The plight of Jewish citizens in the Soviet Union has deeply troubled the conscience of the world. The recent actions by the Soviet Government to impose impossible "head taxes" on Jews who desire to leave the U.S.S.R. is another appalling example of the suppression to which these people are being subjected behind the Iron Curtain. Many of us have expressed our indignation in this very Chamber, and the House has even passed a resolution which called on the President to take every step at his disposal to end this injustice.

However, by adopting the legislation introduced today, we will be able to do more than merely condemn or request the executive branch to act. We can remove nations which perpetuate these injustices from the "Most Favored Nation" status or other trading assistance programs. I urge that we act now in such a way so as to demonstrate America's moral concern about the rights of Soviet Jews.

I am especially concerned about this problem in light of new evidence of religious repression in the Soviet Union. For several months, the Soviet press has been emphasizing the new climate of religious freedom that supposedly prevails in the U.S.S.R. However, earlier this week, it was learned that the celebration of Simchat-Torah, the last day of the high holy days, had been marred by the presence of large numbers of Soviet police around the synagogues in Moscow and other large Soviet cities. These new signs of repression only serve to heighten my desire to see Congress take some substantive action against those nations who would violate basic religious freedom.

There should be no trade advantage given by the United States to the Soviet Union or to any country which denies the right or opportunity of its citizens to emigrate. The language of the bill is very clear, and its impact would help bring about the desired result—an end to the taxing of human lives as a means for stifling religious beliefs and freedom.

HOUSE REJECTS BILL PROHIBITING FOREIGN TRAVEL

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. EDWARDS of California. Mr. Speaker, as epilog to Monday's vote on the House Internal Security Committee's bill prohibiting Americans from unauthorized travel to nations involved in armed conflict with the United States. I would like to insert in the RECORD the following editorial from the San Jose Mercury of October 4, 1972:

THIS BILL'S LOSS NO LOSS AT ALL

Legislation put together in the heat of passion seldom proves to be wise law. When Jane Fonda and assorted other antiwar activists traveled to North Vietnam and criticized U.S. involvement in the war, a lot of us raised our eyebrows. Some of us got mad. Some even yelled.

Then when the North Vietnamese released three American prisoners of war and invited their families to Hanoi for the release, more doubts were expressed about the use of American travelers for propaganda purposes.

The result, in a clear fit of anger, was the drafting of a bill that would prohibit Americans from making unauthorized travel to nations involved in armed conflict with the United States. The clear intent of the House Internal Security Committee-drafted bill was to block travel to Hanoi by antiwar activists.

Regardless of one's views on the war or the actions of individual antiwar activists, he should give serious pause before embracing such legislation. That's precisely what the House did this week. It rejected the bill.

The bill's loss is no loss at all. In the name of protecting freedom, it sought to restrict vital freedoms of the American people. Hawks, doves, newsmen—everyone would have been barred from traveling to North Vietnam without presidential approval under the bill.

In the absence of a declaration of war, it is difficult to make a case that travel to a nation involved in armed conflict with the United States represents a clear and present danger. Individual criminal acts against the nation during such travel are sufficiently covered by existing legislation.

The Supreme Court has held that the freedom of travel is a constitutional liberty closely related to the rights of free speech and association. We agree. Fortunately, so does a sizable majority of the House of Representatives.

REPEAL SAN ANTONIO FREEWAY SECTION 113 AND DRASTIC MINIMIZATION SECTION 109 IN PENDING HIGHWAY BILL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. DINGELL. Mr. Speaker, on September 27 I inserted in the CONGRESSIONAL RECORD a letter from the Acting Chairman of the Council on Environmental Quality, Dr. Gordon J. MacDonald, dated September 27, 1972. The full text of the letter and my comments are printed on page 32629 of the CONGRESSIONAL RECORD of that date.

Dr. MacDonald, speaking on behalf of the administration, scored the San Antonio expressway termination provision in section 113 of H.R. 16656—Federal-Aid Highway Act Amendments of 1972—as being an environmental retreat. He said that the provision represents a bad precedent and an unfortunate retreat from the national commitment to environmental concerns as expressed in such provisions as the National Environmental Policy Act of 1969 and section 4(f) of the Department of Transportation Act of 1966. Dr. MacDonald then expressed total opposition to this provision of the Highway bill.

Today, Congressman ECKHARDT and I received a letter dated October 3 from the Administrator of the Environmental Protection Agency, Mr. William D. Ruckelshaus. Mr. Ruckelshaus stated that enactment of section 113 would constitute a legislative exemption from the procedural requirements of NEPA and section 4(f) of the Department of Transportation Act. Moreover, he said this section would:

> Establish a dangerous precedent for invoking such legislation in behalf of similar Federal-aid highway projects * * * which may not be acceptable from an environmental standpoint.

Mr. Ruckelshaus quite rightly said that such a legislative pattern would inevitably undermine and defeat the purpose and protections that NEPA affords to the citizens of this Nation.

Finally, he said:

> The National Environmental Policy Act provides an opportunity for Federal agencies to review and assess proposed Federal actions which have an impact on the environment. The Act clearly is not intended to retard progress but rather to insure that progress be identified as the protection of the Nation's heritage in the broadest sense.
>
> In summary, enactment of section 113 would needlessly hazard the laws that have carried forward the national commitment to protect and enhance the Nation's environment. The Environmental Protection Agency consequently is opposed to the enactment of section 113 of H.R. 16656.

Mr. Speaker, I heartily agree with Mr. Ruckelshaus' statement. The San Antonio freeway provision in section 113 of the Federal-Aid Highway bill, like a similar provision in section 139 of the highway bill concerned with the Three Sisters Bridge, is an affront to the citizens of this Nation. Both measures should be roundly defeated by the Members of the House when they come to the floor later this week.

The amendment which we will offer with regard to the San Antonio expressway provision in section 113 of H.R. 16656 is printed in the RECORD of September 27, 1972, on page 32629. Additional comments regarding this amendment are printed in the RECORD of September 21, 1972, at page 31872.

The text of Mr. Ruckelshaus' letter to us follows:

ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., October 3, 1972.
Hon. JOHN DINGELL,
Hon. BOB ECKHARDT,
House of Representatives,
Washington, D.C.

DEAR MESSRS. DINGELL AND ECKHARDT: I am pleased to respond to your letter of September 22, 1972 in which you requested the Environmental Protection Agency's views on section 113 of H.R. 16656, the "Federal Aid Highway Act of 1972." Section 113 would terminate Federal involvement in all portions of the San Antonio North Expressway as a Federal aid highway project.

Enactment of section 113 would constitute a legislative exemption from the procedural requirements of the National Environmental Policy Act of 1969 and section 4(f) of the Department of Transportation Act. In this context the Department of Transportation would be exempted from evaluating the impact which the proposed expressway would have on environmental values.

In a wider context, enactment of section 113 would establish a dangerous precedent for invoking special legislation in behalf of similar Federal-aid highway projects, and, by extension, other Federal projects which may not be acceptable from an environmental standpoint. Such special legislation or a pattern of such legislation would inevitably undermine and defeat the purpose and protections of the National Environmental Policy Act.

The National Environmental Policy Act provides an opportunity for Federal agencies to review and assess proposed Federal actions which have an impact on the environment. The Act clearly is not intended to retard progress but rather to insure that progress be identified as the protection of the Nation's heritage in the broadest sense.

In summary, enactment of section 113 would needlessly hazard the laws that have carried forward the national commitment to protect and enhance the Nation's environment. The Environmental Protection Agency consequently is opposed to the enactment of section 113 of H.R. 16656.

Sincerely yours,
WILLIAM D. RUCKELSHAUS, *Administrator.*

Mr. Speaker, in addition to the San Antonio provision, there is buried in H.R. 16656—the Federal-Aid Highway Act Amendments of 1972—an obscure and seemingly innocuous paragraph entitled "minimization of redtape."

This high-sounding paragraph, which is in section 109 of the bill, states:

> It is the national policy that [to] the maximum extent possible the procedures to be utilized by the Secretary and all other affected heads of Federal departments, agencies, and instrumentalities for carrying out this title and any other provision of law relating to the Federal highway programs shall encourage the drastic minimization of paperwork and interagency decision procedures and the best use of available manpower and funds so as to prevent needless duplication and unnecessary delays at all levels of government.

Hear! Hear! Let us all shout for joy—if this bill is enacted, Congress, in its great wisdom, will have declared a sacred national policy against redtape in Government. No more lengthy memorandums between agencies, offices, bureaus, or even between floors in buildings. No more documentation or support data for the decision-makers, like those who negotiated the recent wheat deals. Shredders, like those used by ITT and others, will no longer be in vogue. They will not be necessary.

But wait, is that really what this paragraph says?

The answer to that question is not found in the section-by-section analysis of the bill in the committee's report—House Report 92-1443; September 25, 1972. The report merely restates, but does not analyze, the sweeping language of the bill.

A glimmer of light as to the true meaning and intent of this hortatory paragraph, however, can be found in a few lines on page 3 of the report which states:

> "The nationwide debate about public transportation and what relationship it should bear to the highway program has intensified. The concern for preservation of a quality environment, as reflected in increased litigation in the Federal courts, and the problem of 'red-tape' delays in the execution of the Federal-aid highway program have obscured some of the basic philosophical concepts of Federal grant-in-aid. This Committee believes it is important that these concepts be reasserted and this is reflected in provisions on the declaration of policy, minimization of 'red-tape' and Federal-State relationships."

It appears that the highway interests have found an old cliché—redtape—and are seeking to discredit citizen concern for the environment as merely redtape. Somehow they equate the efforts of Congress, the public, and the courts to require that the highway interests protect and enhance our environment, with redtape.

Having made this great leap, they conclude that this redtape causes delays in execution of the Federal-aid highway program—or, to put it more bluntly, it delays the paving of our rural areas and parklands and the installation of formidable concrete and asphalt barriers in our urban areas. These delays, they contend, have obscured—and here one can only marvel at their imagination—some of the basic philosophical concepts of Federal grant-in-aid. They do not refer to just Federal highway grant-in-aid. They refer to all Federal grant-in-aid, including hopsital, education, housing, pollution control, poverty, health and safety, mineral exploration, anticrime, agriculture, fish and wildlife, and numerous other grant-in-aid programs. Possibly, this is to obscure the meaning of this new policy even further.

What are these so-called philosophical concepts referred to in the committee's report which the committee believes should be reasserted? They are not explained or identified in the report. How are they reflected and reasserted in this declaration of national policy on redtape? The committee report leaves us in the dark.

But we need not dwell on the report, which sheds so little light on the meaning of this paragraph. There is no doubt as to the intent behind this paragraph—namely, to thwart citizen efforts to enforce our environmental quality laws against the highway interests.

But the bill goes far beyond this, as noted by my colleague and cosponsor of the San Antonio Freeway amendment which I will offer tomorrow, Congressman JOHN E. MOSS of California. Congressman Moss in a letter of September 29, 1972, to the chairman of the House Public Works Committee, discussed this provision in detail and quite accurately pointed out its failings as well as listing some of the many laws which would be affected. His letter follows:

SEPTEMBER 29, 1972.

Hon. JOHN A. BLATNIK,
Rayburn House Office Building,
Washington, D.C.

DEAR JOHN: Section 109 of H.R. 16656—the Federal-Aid Highway Act of 1972—would add a new provision to 23 U.S. Code concerning "minimization of Red Tape", as follows:

"It is the national policy that [to] the maximum extent possible the procedures to be utilized by the Secretary and all other affected heads of Federal departments, agencies, and instrumentalities for carrying out this title and any other provision of law relating to the Federal highway programs shall encourage the drastic minimization of paperwork and interagency decision procedures and the best use of available manpower and funds so as to prevent needless duplication and unnecessary delays at all levels of government."

This provision contains several phrases which are extraordinarily vague and unlimited in scope, and has broad and unpredictable potential for harmful impact on numerous governmental actions.

It states that "to the *maximum* extent possible" the "procedures" used by the Secretary of Transportation and *"all other"* Federal agencies to carry out any part of title 23 of the United States Code *"and any other provision of law relating* to the Federal highway programs shall encourage the drastic minimization of paperwork" and "interagency decision procedures". (Emphasis supplied.)

The phrase "to the maximum extent possible" could be used to justify virtual cessation of documentation of contracts, decisions, analysis or any other activity by any agency if it has any relation to the highway program.

Furthermore, this policy will apply not only to the Secretary of Transportation, but also to "all other" Federal "departments, agencies and instrumentalities" on any and all matters "relating to the Federal highway program". It will apply "at all levels of government". It will apply not only to their agency operations, but also to "interagency decision procedures".

This sort of wild-swinging language will enable the agencies to achieve the acme of irresponsibility. No longer will they have to demonstrate in writing the basis for their actions so long as they "relate" to the highway program.

This obscure, one-sentence paragraph, by specifically encompassing innumerable other laws in no way identified in this bill, will require a "drastic minimization" of "paperwork" and decision-making in applying to the highway program such laws as:

Civil Rights Laws
Davis-Bacon Law
Fair Labor Standards Law, including minimum wage provisions
Occupational Health and Safety Law
Convict Labor Law
Anti-Kickback Law
Relocation Assistance Act
Criminal Laws in title 18 of the U.S. Code
Rural assistance and economic development laws

These are just a few of the many non-environmentally oriented Federal laws "relating to the Federal highway programs" that would be affected in some unspecified way by this paragraph. Such environmental laws as the Clean Air Act, the Federal Water Pollution Control Act, the laws governing national parks, and the National Environmental Policy Act of 1969 would also be affected in some unspecified way.

This one sentence paragraph is a lawyer's dream, and a lawmaker's nightmare. It says much, but tells nothing. It could turn back the clock on the environmental and social achievements in law and policy which this Nation has legislated during the last forty years.

I am aware that a somewhat similar provision on minimization of paperwork is in section 101(f) of S. 2770, the Federal Water Pollution Control Act Amendments of 1972, which has recently been reported by the Conference Committee (H. Rept. 92-1465). However, the language of the latter section is far less sweeping in its coverage, since it lacks the phrase "all other . . . Federal departments, agencies, and instrumentalities" and the phrase "any other provision of law". Moreover, the latter bill's provision is preceded by another policy statement (sec. 101(e)) requiring public participation in the water pollution control program.

I feel certain that your Committee would not want to endorse the drastic consequences that can flow from section 109. I therefore strongly urge that your Committee voluntarily strike section 109 from H.R., 16656 when the bill comes to the floor next week.

I would be pleased to discuss this with you, may I?

With warm regard,

JOHN E. MOSS,
Member of Congress.

Mr. Speaker, while we still hope that the Committee on Public Works will offer an amendment to strike this vague, ambiguous and dangerous paragraph from the bill, we have not received assurances that they will do so. Accordingly, it is our plan to offer later this week an amendment to H.R. 16656 which will read as follows:

> Strike all of section 109, beginning on line 16, page 68, through line 4 on page 69, inclusive.

A "DAY OF BREAD"

HON. FRANK E. DENHOLM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. DENHOLM. Mr. Speaker, the "Day of Bread," observed on Tuesday of the first full week of October, known as Harvest Festival Week, is the revival of an ancient custom in celebration of the annual bounty of agriculture.

Wheat is the major substance of bread. Bread is the "staff of life." Wheat is the most widely cultivated plant in the world. It is grown in the "bread basket" of the United States, including my home State of South Dakota. It was the golden grain of the prairies—the hope of pioneers—the doe of the Homesteaders, that made them stick to the land in times of adversity. Those pioneers of the prairies that held to faith and hope in wheat on the upturned sod wept in despair when the wheat harvests failed. Wheat was the hardiest of all plants in the wind-swept prairies of the last frontiers. Wheat was then as it is now the foundation of a new beginning. It was flour. It was bread. It was life. Mr. Speaker, today in our wisdom and wealth may we not forget those earthly people and stewards of the soil that care, grow and harvest the golden grain on the fruited plains. They are farmers—they are food makers, they are the peaceful peacemakers. They are my friends and the friends of God and America. May they never be forsaken or forgotten lest we all stand naked at the fate of famine and national failure. This "Day of Bread" is a modest but honest recognition of those of the golden harvests—living and dead. And may it ever be so.

HOUSE REFORM

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. GUDE. Mr. Speaker, the House Republican Conference has appointed a task force which is currently holding hearings on reform of the Rules of the House and the Rules of the Republican Conference. On October 3, 1972, I testified before this task force and proposed certain reforms which I feel are long overdue. I insert my testimony at this point for the benefit of my colleagues and the general public.

The testimony follows:

TESTIMONY OF THE HONORABLE GILBERT GUDE BEFORE THE HOUSE REPUBLICAN TASK FORCE TO STUDY THE RULES OF THE HOUSE AND THE REPUBLICAN CONFERENCE—OCTOBER 3, 1972

Mr. Chairman: I appreciate very much the opportunity to testify today before this distinguished Task Force. It is commendable that the House Republican Conference has undertaken this study of the Rules of the House and the Conference. Certainly, both have withstood the test of time but there is always room for thoughtful change as new needs become apparent.

I would like to recommend three proposals today which I feel have long been overdue. First, I would urge that the rule of the House concerning financial disclosure be broadened to include the Member's full financial status in dollars and cents. I am a co-sponsor of legislation that would accomplish this by law, but it could be accomplished by a rule change as well.

Second, I would urge that a study be made to entirely overhaul the page system. Naturally, I feel that the minority party should receive its proportionate share of pages but I would prefer to go a few steps further and make the entire system non-partisan. More care should be taken in selecting pages and more attention should be paid to their education, health and safety while they are in Washington.

Third, I would urge that changes be made in the conference committee system in order to provide a mechanism whereby the position of the House can be assured of adequate representation among the Conferees.

These are three directions in which the Task Force could go, Mr. Chairman, and I feel that each would be worthwhile. I shall discuss each proposal in more detail below:

FULL FINANCIAL DISCLOSURE

The time has come for the House of Representatives to require a full disclosure of the financial position of its Members. The House Committee on Standards of Official Conduct currently requires a partial disclosure of the financial holdings of the members, but I consider this inadequate.

I feel that each Member should make a dollar and cent disclosure of his entire financial status. Only with such a full disclosure statement can citizens assure themselves that officials are not subject to conflicts of interest which would prevent or deter them from performing their official duties in an objective manner. I have made it a practice in the past to periodically disclose my entire financial situation and publish it in the CONGRESSIONAL RECORD. I recently did so on April 27 of this year.

Mr. Chairman, it is unfortunate that proposals such as this are met with such opposition within the Halls of Congress. Public trust in our institutions has declined in recent years because the average citizen feels that his Government pays more attention to special interests than it does to him.

I believe that if the Republican Conference would go on record supporting such a rules change it would reflect most favorably on our party. The Republican Platform again this year promised more open government and more accountability. This would be a good way for Republican Congressmen to further this pledge.

PAGE SCHOOL REFORM

The present system of selecting and supervising the House pages is sadly outdated. I feel that more attention should be paid to their education so that a year in Washington as a page can turn out to be a valuable experience rather than a possible liability. As high school students pages should, for example, receive the same number of hours of instruction as their peers in the public schools.

To do this it may be necessary to employ more pages and work them in shifts. Costs could be kept down by supplying the pages with room, board, books and a small allowance rather than paying them the presently outrageous salary of over $7,000 a year.

By removing the page system from politics and by supplying the pages with adequate and safe housing, the year in Washington could be a rich worthwhile educational experience for both young men and young women alike. I propose that an independent Blue Ribbon Commission of Distinguished Scholars and Educators be established to select pages in the future. There should also be an independent board of trustees composed of prominent, public-spirited citizens.

CONFERENCE COMMITTEE REFORM

The conference committee system is an essential and necessary part of Congress. The value of a system whereby both bodies can meet and compromise their differences is clear and indisputable.

Yet today a number of Members of Congress, as well as other experts, feel that the conference committee procedure too often works against the wishes of both houses. Senator George Norris (R-Neb.) told us in 1934 that:

"The members of the 'house' are not elected by the people. The people have no voice as to who these members shall be . . . This conference committee is many times, in very important matters of legislation, the most important branch of our legislature. There is no record kept of the workings of conference committees. Its work is performed, in the main, in secret. No constituent has any definite knowledge as to how members of this conference committee vote, and there is no record to prove the attitude of any member of the conference committee. As a practical proposition, we have legislation, then, not by the voice of the members of the Senate, not by the members of the House of Representatives, but we have legislation by the voice of five or six men. And for practical purposes, in most cases, it is impossible to defeat the legislation proposed by this conference committee. Every experienced legislator knows that it is the hardest thing in the world to defeat a conference report."

Since that time one would expect that the situation has changed. Yet in any of the reorganization or modernization acts very little was mentioned about conference committees.

One method of controlling the conference committee from the House side is the motion to instruct. In Cannon precedents 3230 (p. 720) it is stated that:

"Conference having been agreed to, the motion to instruct conferees is preferential. While it is unusual to instruct conferees before a conference is had, it is in order to move instructions for a first conference as for any subsequent conference."

In other words, if the body desires to instruct its members on how to act in conference with the other body, it may. The rationale behind this is simple—that of representation of one body when meeting with the other.

Theoretically, the conferees support the position of their respective houses. Obviously, however, one side or the other, or both, must alter its position. But the personal views of conferees often make their support of the views of their own house ineffective; indeed, given the personal sympathies of the conferees one can usually, though not always, correctly forecast the shape of the agreement to be reached by the conference committee.

In fact many times during committee mark-up sessions and on the floor, amendments may be accepted or deleted, with the idea that changes can be made later in the quiet of a conference. Thus it is very possible for the members of the House representing the body in the conference not to be representative in reality.

On most measures absolute representation is not possible and in fact is not wise. Sending members to represent the body in a session where there must be give and take implies a need for some flexibility.

There are and have been some cases though where the majority of the House felt that it would be necessary and advantageous to instruct the members in regard to a specific bill or a specific section of a bill.

While many times these instructions are followed conscientiously by members of the House representing that body in conference it is possible and indeed it has happened that the conferees do not follow the instructions.

One would think that the instructions by the House to the conferees would be binding upon them. Yet this is not the case. Cannon precedents again bear out this fact. On September 15, 1922 the precedents (3247) tell us that "a conference report is not subject to the point of order that it is in violation of instructions given the managers." The only alternative open to the House if the report does not adequately represent their viewpoints is to turn the report down.

So it seems that the House has only one choice when a report is returned without the issues it stipulated must be in it there, and that is to vote the whole report down.

It would seem that a method such as this could be both expensive and ineffective. Most bills today cannot be defeated once they come out of conference, for they concern themselves with many separate issues and to vote down, say, a report on the Higher Education Bill because it does not contain the busing clause results in more harm than good.

I feel that the Task Force should address itself to the crying need for reform in the Conference Committee system. It will require careful study since an overreaction could produce negative results.

One possible method of reform would be to make instructions to the conferees binding upon a two-thirds vote of the House. There are other possible solutions, however, and I would urge the Republican Conference to carefully study this matter and make its recommendations a matter of priority for the 93d Congress.

PHIL CRANE REPORTS FROM CONGRESS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. CRANE. Mr. Speaker, early last month I sent my annual questionnaire to my constituents in Illinois and I was pleased to receive replies from almost 40,000 of them.

Because I believe the results will be of interest to my colleagues, I include them in the Record at this point:

QUESTIONNAIRE RESULTS SHOW WIDE AGREEMENTS ON MAJOR ISSUES

Results of my 1972 constituent questionnaire have now been tabulated and, perhaps surprisingly, they indicate that the generation gap may not be as wide as we have been led to believe.

On all but two of the 13 issues involved in the questionnaire, the "under 21" and "over 21" respondents agreed, although the degree of approval or disapproval did vary substantially on some other issues.

Almost 40,000 completed questionnaires have been returned to my office in Washington and several hundred arrive in the mail each day. However, the new arrivals generally follow the same pattern as those already tabulated and I do not think the percentages shown below will change very substantially.

The questionnaire results are as follows:

[In percent]

	Under 21		Over 21	
	Yes	No	Yes	No
1. Do you favor forced busing of students solely to achieve racial balance in schools?	6	94	5	95
2. Do you think punishments for pushers of hard drugs should be increased?	86	14	97	3
3. Do you favor granting amnesty to draft resisters who have left the United States?	53	47	18	82
4. Do you think wage and price controls have lowered your cost of living?	14	86	17	83
5. Do you believe the Federal Government should assume total responsibility for the health care of Americans?	40	60	28	72
6. Do you approve of President Nixon's handling of the Vietnam war?	57	43	78	22
7. Do you think antitrust laws should apply to labor unions as they do to business?	84	16	89	11
8. Do you believe mandatory union dues should be used for political purposes?	4	96	6	94
9. Do you think Federal food stamps should be made available to strikers?	35	65	12	88
10. Do you favor low-cost subsidized housing in your community without prior local consent?	25	75	7	93
11. Do you favor lower taxes if Government services also would be reduced?	52	48	75	25
12. Do you believe the removal of Soviet involvement in the Middle East should be a major priority issue in future United States-Soviet negotiations?	47	53	58	42
13. Do you believe President Nixon has done a good job during the past 3½ years?	63	37	85	15

National priorities were ranked as follows:

UNDER 21

1. Pollution control.
2. Inflation control.
3. Crime control.
4. Education.
5. Welfare reform.
6. Tax reduction.
7. Urban renewal.
8. Defense Improvement.

OVER 21

1. Inflation control.
2. Crime control.
3. Tax reduction.
4. Welfare reform.
5. Pollution control.
6. Education.
7. Defense Improvement.
8. Urban renewal.

AND WHAT HAVE I DONE OF THESE KEY ISSUES

Many constituents who participated in this annual questionnaire have asked me for my views on these same issues. Since it is impossible for me to respond personally to the thousands of requests, I would like to offer brief summaries of my record in Congress.

BUSING

My bill to eliminate court jurisdiction in the assignment of school children is still pending Judiciary Committee action . . . the Equal Educational Opportunity Act passed the House with restrictions on busing but, in my judgment, the prohibitions are insufficient and inadequate . . . I have joined with more than 160 colleagues in support of Constitutional amendment approach to resolve the question of busing.

DRUGS

My recently introduced bill with mandatory punishments for hard drug pushers is awaiting committee hearings.

AMNESTY

I am totally opposed to granting amnesty to those draft resisters who have fled the U.S. They have a right to leave if they desire but I think they should do it the honest way, by giving up their citizenship.

NATIONALIZED HEALTH CARE

No legislation in support is expected this session . . . my testimony in opposition before the Ways and Means Committee is available upon request.

UNION ABUSES

Organized labor's influence upon Congress is still overwhelming and working at cross purposes to the interests of rank-and-file members and the public interest . . . my bill to prohibit use of involuntarily raised union dues for political purposes was adopted in Committee, then deleted on the House floor . . . my bill to deny food stamps to strikers was offered by Congressman Michel as an amendment to Agricultural Appropriations Act and defeated by a vote of 180–199.

SUBSIDIZED HOUSING

Housing bill now appears likely to come up before adjournment . . . a bi-partisan coalition on our committee included requirement of prior consent of local government before subsidized housing permissible in local communities.

MIDDLE EAST

Soviet penetration of Middle East continues unabated notwithstanding removal from Egypt . . . Syria and Iraq the focus of greatest attention today . . . Olympic murderers used Soviet-made Kalashnikov automatic rifles . . . Damascus radio described terrorists as "martyrs."

CONSERVATION

I joined with 351 colleagues to pass Bald Eagle Protection Act in an effort to preserve this endangered national symbol . . . joined with a majority to pass Cedar Keys National Wildlife Refuge (Florida) preserving this natural wilderness area . . . also, Lincoln Back Country Wilderness Area (Montana) to preserve another precious natural endowment . . . joined with 361 colleagues to pass Ocean Mammal Protection Act, designed to protect all endangered mammals, but particularly whales . . . Seal Beach National Wildlife Refuge which I supported passed unanimously.

NO-FAULT INSURANCE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. HUNGATE. Mr. Speaker, it would be a mistake to close the arguments on no-fault insurance without considering the following article from the September/October 1972, Trial magazine:

WHERE I STAND

(By Justice E. M. "Al" Gunderson, Nevada Supreme Court)

With so many journalists expounding learnedly on "no-fault insurance," a judge discussing it must fear the press will deem him a poacher. Still I assume even a judge may choose a legal subject like "no-fault insurance." Although I might prefer a topic outside the area of my training, I lack the courage of the Fourth Estate.

Speaking generally, our current laws allows you to sue when you believe you have been injured through another's fault. At present, if you show you have been injured through the other party's fault and not through your own, you may recover a judgment—against the manufacturer of a defective product, against a contractor whose workmen drop a scaffold on your head, against a driver who runs a red light. The judge will instruct the jury to award you full damages for your loss of earnings, property damage, medical expense, and pain and suffering.

To protect you and themselves, in the event a jury finds for you in an auto accident case, prudent drivers carry liability insurance.

While some states require this, in Nevada auto insurance companies have forestalled introduction of compulsory insurance laws, for they do not wish to insure drivers most dangerous to your safety against responsibility for their misconduct.

Now, the auto insurance companies seek legislation not only eliminating your right to full recovery for injuries caused by careless drivers, but compelling you to insure yourselves with a type of limited insurance they desire to sell.

Self-interest and frequently blind opposition to reform has characterized their conduct. Why should we accept them on faith now, in their unaccustomed role of consumer advocates? Should we not ask what the insurance industry seeks to take from us? what it wants us to accept instead? what assurance we have of actually receiving even the restricted benefits "no-fault insurance" supposedly would provide? Let us briefly consider these questions.

First, while there are numerous "no-fault" proposals, the American Insurance Association plan would totally eliminate your right to sue a driver who negligently injures you with an automobile. Thus, the AIA proposes to handle wrongs done with automobiles on a totally different basis than wrongs performed with other instrumentalities. By itself, this aspect of AIA "no-fault" suggests enough problems to cause deep concern in any detached, legally trained analyst.

Second, the AIA wants our legislators to compel you to purchase "no-fault insurance," for premiums not yet announced and subject to change. (Reliable actuaries believe your premiums would increase substantially under no-fault). Supposedly, no-fault insurance would provide limited coverage to persons injured in automobiles, whether at fault or not. You would be entitled to medical expenses, but to nothing for damage to your car if you had not purchased special coverage at additional cost, and nothing for your pain and suffering. Funeral expense would be limited to $1,000; wage and other economic loss, to a maximum of $750 per month. Thus, if you earn more than $9,000 per year, you could recover but a portion of your economic losses.

Of course, the AIA's compulsory "no-fault" plan would require you to duplicate first-party insurance you already probably have, such as hospitalization, medical, and income protection insurance. You would need to keep paying premiums on those policies, however, for no-fault offers no protection outside the area of auto accidents.

On the other hand, if you are retired, under no-fault you may be crippled almost with impunity; for pain and suffering is not compensable, you will have no wage loss, and medicare will discharge your medical bills. So the insurance companies may pocket your premiums, really providing nothing in return. Of course, the premium of any person with a low personal income will likewise be "gravy" to the insurance companies—unless they grant special concessions to the poor, which they have not committed to do.

Third, the industry claims, in substance, that if it can just sell no-fault insurance, it can mend its ways, and discharge its obligations without compelling the public to resort to litigation. If true, of course, this would be a plus for no-fault. When traffic victims are forced to take legal action to obtain their rights, they necessarily incur court costs and attorneys' fees they must pay from compensation that should be theirs alone. The question is whether "no-fault" insurance is an adequate cure for such ills in our present system, to which the insurance industry has lavishly contributed.

In deciding this, we should first consider reforming the legal system that now governs all accidents, instead of treating auto accidents in the unique and piecemeal way the insurance industry proposes. Responsible legal scholars believe such reforms (e.g. comparative negligence) are available. However, the insurance industry has fought them, with all its massive might.

We should also consider what we may really expect from the industry, if our legislators surrender our existing rights, and compel us to buy no-fault insurance. Will the industry really deal fairly with auto accident victims, rendering litigation unnecessary, so more of our premium dollars can go for benefits?

While only the future can answer that, the past may give some indication. After all, the industry's past performance is questionable not only in the auto insurance area. It is equally dubious where fault is not concerned in the question of coverage—as with property damage, hospitalization, medical, income protection, fire, life, and even burial insurance. This country's insurance law has evolved in litigation to force insurance companies to honor their policies.

You may be sure of this: The insurance companies promoting no-fault have their own interests clearly in view.

Those companies have laid their plans well. With the aid of harried columnists in need of an idea for the next edition, they have made protests from the country's finest lawyers seem like the maunderings of shysters. They have wrapped no-fault in the trappings of consumer protection—an alluring package to busy legislators. More than anyone else, those two groups—journalists and legislators—must share the responsibility, if "no-fault" is hastily adopted and proves to be a public disaster.

BENITO JUAREZ

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. de la GARZA. Mr. Speaker, further emphasizing the centennial of Benito Juarez, one of Mexico's and the Western Hemisphere's great patriots, was today's presentation of his portrait to the Library of Congress.

It was my pleasure this morning, together with the majority leader of the U.S. Senate, Senator Mike Mansfield, to attend the presentation by Mexico's Ambassador to the United States—Dr. Jose Juan de Olloqui—in behalf of the President of Mexico, His Excellency Luis Echeverria.

Ambassador de Olloqui proudly presented the portrait from the people of Mexico. Accepting the gift for the Library of Congress was the Librarian, Mr. L. Quincy Mumford, who said the picture will be on display in the Hispanic Section.

Mr. Speaker, not enough can be said of the many exemplary qualities of the late Benito Juarez in this, the 100th anniversary of his death. While Mexico commemorates this great man's outstanding achievements as a leader and a patriot, it is appropriate for us here in the United States—and us here in Washington—to remember that now we have two reminders of his impact on the Mexican people—the statute of Benito Juarez located on Virginia Avenue near the Potomac, and now this portrait.

Mr. Speaker, I ask all of you—my colleagues—to join with me in extending our appreciation to the President and the people of Mexico for this excellent manner of further strengthening the ties which exist between our two peoples and our two countries. The remarks made this morning by His Excellency Ambassador de Olloqui, will appear in another part of this Record—but it is my pleasure to repeat what Senator Mike Mansfield said at the presentation:

> Mr. Ambassador, Congressman de la Garza, Mr. Librarian, ladies and gentlemen, it gives me great pleasure to be here today to witness the presentation of this very fine portrait of Benito Juarez to the Library of Congress. The gift is an evidence of the warm relations the Government of the United States has with the Government of Mexico. It is especially timely in that 1972 marks the 100th anniversary of the death of President Juarez. I know of no more appropriate gesture of friendship which could have been made by the Mexican nation to the United States than to offer a portrait of Benito Juarez.
>
> Benito Juarez was more than one of Mexico's outstanding patriots. He was more than the father of the great Mexican Reforma. The name, Benito Juarez, is inscribed on the select list of the world's distinguished champions of liberty. At a time when all governments confront vexing social problems, it is good to reflect on those individuals who have held to a relentless insistence on the freedom of the spirit in the search for solutions to the human condition.
>
> I am delighted that the portrait of this great Mexican leader will hang in the Library of Congress. Here in this storehouse of human experience—itself a monument to freedom—Juarez finds an appropriate setting. His presence here will be a reminder to us in the Congress of the United States of a colleague who gave of himself with whole heart to strengthen the foundations of liberty, justice, dignity and equality in his beloved country and in so doing, contributed to the furtherance of those ideals throughout the world.

DEPARTMENT OF DEFENSE REPORT GIVES MILITARY SPENDING FACTS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the Record, I include the following:

> DEPARTMENT OF DEFENSE REPORT GIVES MILITARY SPENDING FACTS
>
> (By Ruthven E. Libby)
>
> The best things in life may be free, but most of its grim necessities aren't. National defense is definitely in this latter category.
>
> Any taxpayer who wants to be bothered with the facts about his defense establishment will find a mine of information in the Defense Department report of July, 1972, called "The Economics of Defense Spending—A Look at the Realities."
>
> This report demolishes the allegations we hear so often that defense spending is the root of all evil, the source of all our social, economic and psychological ills, the principal cause of inflation and the main contributor to our balance-of-payment problems.
>
> It scotches the frequent assertions that the defense budget continues to grow unchecked and that defense spending dominates public spending, taking 60 per cent or more of the taxpayer's dollar.
>
> It actually takes about 20 per cent of all public spending, the lowest portion in 20 years.

It shoots down those favorite straw men of the anti-defense forces that billions of dollars are squandered every year in weapon system "cost overruns," that defense contractors make exorbitant profits and that mismanagement, duplication and waste are the rule in the Defense Department.

One question frequently asked is, "What about all of the money we saved by winding down the war in Vietnam?"

Everybody knows that there have been drastic cuts in force levels (manpower). Military and Civil Service manpower has been cut by 1,440,000 people, or 30 per cent.

There has been a cut of 40 per cent (in real terms) in purchases from industry since the peak "war" year.

The result is that our military services are at their lowest strength in many years. At 1968 pay rates and price levels, these drastic reductions amounted to $24 billion.

Where did this dividend go?

Well, pay raises for the remaining personnel plus the increased cost of military retirement ate up $16.3 billion of it, and inflated costs of even the reduced purchases took another $6.2 billion, so $22.5 billion of the $24 billion is up the spout.

The putative saving of $24 billion turns out to be, in 1973 costs, only $1.5 billion. It appears to be just as true in the Pentagon as it is in the supermarket, that more and more dollars buy less and less. But this does not negate the truth that defense is just as necessary as groceries.

In considering pay raises, 1963 is referred to in this report as the "prewar level."

For fiscal year 1973, military pay rates for the lowest enlisted grades will be more than four times the prewar level. For the lowest commissioned rank (second lieutenant—ensign) they will be about three times the 1963 level. For all other grades except generals and admirals, for which there is a statutory limitation, pay rates will have more than doubled.

The new military pay scales raise an interesting question not dealt with in this report or, so far as I know, faced up to anywhere else. The question is: how, at these pay scales, will the nation finance a general mobilization of the magnitude of World War II, should such a necessity eventuate?

Already we have reached the stage where the defense budget is dominated by pay costs. These, plus operating costs, now take a disproportionate share of the budget, leaving very little for the "investment area" such as the development and procurement of new weapons.

Nevertheless, defense critics have consistently described the defense budget for the last several years as "rising." This is grossly inaccurate.

In real terms, national defense outlays have been dropping sharply for the last five years; the drop from 1968 to 1973 has been on the order of 32 percent, or $34.3 billion.

In real terms, defense procurement of weapons is somewhat below the levels of the late 1950s and significantly below those of the late 1960s.

As for the charge that defense constractors make exorbitant profits, this has been scotched pretty thoroughly by the General Accounting Office, a creature of Congress. One study made by the GAO in March, 1971, the Defense Industry Profit Study, is acknowledged even by critics of defense procurement processes as an authoritative inquiry.

It can be summed up by a sentence from the DOD report: "On the whole, those alleging that defense profits are too high find more comfort in adjectives than in data." The GAO study finds that in actuality, rates of return for contractors in defense work were 4.3 per cent of sales before taxes and 2.3 per cent of sales after taxes—significantly lower than on comparable commercial work.

Well, popular myths die hard, but this report by the comptroller of the Department of Defense should slay a lot of dragons.

FISCAL RESPONSIBILITY

HON. J. KENNETH ROBINSON

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. ROBINSON of Virginia. Mr. Speaker, as a member of the Committee on Appropriations, I regret that exigencies of the Federal budgetary situation require us now to consider a broad grant of authority to the Executive to make selective withholdings of appropriated funds.

I believe that the Congress—and this House in particular—has not faced up to its responsibilities in the matter of relating expenditures to anticipated revenue.

Through unilateral action of this House, or through a Joint Committee on the Budget, an annual limit on Federal expenditures should be set within the Congress, and the appropriations process should be controlled by such limit.

I hope that we may deal with this pressing, recurring problem in the early days of the 93d Congress.

In the meantime, I take leave to include in my remarks, Mr. Speaker, an editorial which appeared in the Wall Street Journal on this date, as follows:

A TROUBLED CONGRESS

Now that the President's request for a $250 billion spending ceiling has been steered cleanly through the House Ways and Means Committee by Chairman Mills, it has dawned on the opposition that the measure might actually pass. Those awakened to the ghastly possibility that the government might somehow get its budget under control are thus hastily erecting obstacles, if not to block the proposal entirely, at least to render it ineffective.

The call to arms was sounded by The Washington Post "Congress," said the Post, "is now taking the first slippery step in a historic retreat from legislative responsibility. . . . Under its Democratic leadership, Congress is now colluding with Mr. Nixon to conceal from the American people, until after the election, the full meaning of this bill."

So liberals in Congress now have a counter plan, supported by Senate and House Democratic leadership. The plan, to be offered on the House floor by Rep. Richard Bolling of Missouri, would give Congress the power to veto the spending cuts proposed by the President which it didn't like. The qualification would mean, naturally, that there is no spending ceiling.

If Congress had the political will and practical ability to hold government outlays to any manageable level, the problem wouldn't exist in the first place. Indeed, if it were not for the threat of conventional presidential vetoes, we have not the slightest doubt that Congress would spend itself into exhaustion. Does anyone believe it would suddenly find the resolve to accept budget cutbacks?

Liberals are worried that the President would cut their programs. And for eight months, all that would remain of the fiscal year, the pain would no doubt be excruciating. We trust that no agency of government would escape the knife, including the Pentagon. The President would have to turn away pleas for mercy by governors, mayors, school, health, and housing administrators, generals, and admirals. For eight months, the President would surely be the most unpopular man in Washington.

But what is the alternative? Another dizzying surge of inflation followed by an induced recession, courtesy of the Federal Reserve Board. Governors, mayors, school, health, and housing administrators, admirals and generals would then discover that anticipated tax revenues at every level were nosediving. Their inability to make ends meet would get some of our sympathy, but most of it we will reserve for the poor, the elderly, the unemployed. They should not have to be put through the inflation-recession wringer again because Congress insists on its prerogatives. Avoiding that result, in fact, will do more for their welfare than any of the programs that would suffer cuts.

The other alternative, which the liberals are banking on, is a tax increase next year. At least they continue to argue to anyone willing to listen that the people of the United States are undertaxed. And the White House says the vote on the spending limit "is in a real sense a vote on whether there will be higher taxes next year." Yet Congress has amply demonstrated that as much as it dislikes spending restraint, it dislikes raising taxes even more. Our guess is that this option to pull the budget out of its hole is not realistic.

The problem, then, is that the federal budget is out of control and Congress is not equipped to deal with it. It has already abdicated its legislative responsibility, and the argument that it would be abdicating now by mandating the White House to do the job is preposterous. Congress has squandered its responsibility through the buy now, pay later plans of the Great Society, the bills for which are coming due. It has been creative in designing new ways of spending to skirt its own appropriations mechanism—open-ended commitments, broad grants of contractual authority, interest-subsidy schemes that commit the nation into the 21st Century to pay costs that rise geometrically.

The only way it can really recapture that responsibility is through internal structural reform, either by reassembling its entire committee system or by empowering a new committee of Congress to discipline the spending impulses of the whole. Happily, there is some stirrings on Capitol Hill in this direction and the 93rd Congress perhaps will come to grips with the problem. But what of the immediate issue? The budget crisis is real, it's now, and it can't await structural reforms. A firm spending ceiling is the only plausible solution.

Congress, though, is troubled, and it hesitates. Yet having methodically pushed most of a quarter-trillion dollar budget beyond the control of either itself or the White House, it takes quite an imagination for Congress to suspect it might now be on the brink of an historic leap into irresponsibility. It leaped long ago.

HON. THOMAS M. PELLY

HON. PAGE BELCHER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. BELCHER. Mr. Speaker, I would like to take this opportunity to join with many of my fellow colleagues by commenting briefly on the accomplishments and the character of the man who has been a great friend of all of us throughout the years.

As the Members of this distinguished body know, TOM PELLY earlier made the decision not to seek reelection to the 93d Congress. In the 20 years that TOM has served, he has distinguished himself greatly in many areas. He has always represented his constituents and his country in the House of Representatives which has been clearly demonstrated by his continuous reelection throughout 10 terms.

I recall very fondly—more years ago than I truly care to remember—when I journeyed to the great State of Washington and had the privilege of making some speeches in TOM's district. Over these past years, his accomplishments have been many. As a matter of fact, they are so voluminous that it would probably fill the entire RECORD today. So, I believe that it can be summed up by saying that TOM PELLY is a great statesman and a great American.

TRIBUTE TO MRS. NETTIE B. ROGERS

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. KUYKENDALL. Mr. Speaker, from time to time, the accomplishments of our fellow Americans are noted in this body, and rightly so, that they may be an inspiration to us in our daily lives.

Such an inspiration is one of my constituents, Mrs. Nettie B. Rogers of Memphis. Mrs. Rogers is an activist in the finest sense of the word. She is not content to sit by and complain that the world is not to her liking; when she sees something wrong she tries to do something about it.

What she tries to do, she usually gets done. One thing she has tried to do, and has done successfully for the past 20 years, is to spearhead a movement to bring our children into an awareness of God and God's love.

For years Mrs. Rogers has walked the streets of Memphis gathering children up and carrying them to Sunday school and church.

Two years ago she began a more ambitious effort, a citywide "Back to Church School" crusade. During a short period of time 39 churches opened their doors to more than 2,000 young people who were not affiliated with any church before. Governor Winfield Dunn proclaimed the first Sunday in June as National Church School Day in Tennessee and publicly commended Mrs. Rogers for her efforts in this inspiring and vital movement. Since then it has become an annual event.

This is only one of her accomplishments. She has worked with our city's needy elderly citizens and is a member of the Tennessee Commission on Aging. She is active in the city and county school lunch programs, and she works with juveniles, prison inmates, orphans, the underprivileged, and anyone else who needs help.

Extending a hand in helpfulness is Mrs. Nettie Rogers' trademark. I think we should extend her ours, in gratitude.

McGOVERN IN HANOI

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. SPRINGER. Mr. Speaker, I know of no Member of Congress, either in the House or the Senate, who does not want to see us make lasting peace a possibility. I want to make it clear that I do not in any way impugn the loyalty, the integrity or the good intentions of Senator McGOVERN, the Democratic candidate. I think all of us can be allowed leeway on these particular qualities of character.

I do believe, however, that we should discuss the issues and those should be presented in a rational and thoughtful way in order that the people of this country can make up their minds about which candidate they believe can contribute the most to give us peace in our time. I know of no one who has given this more thought, who is better acquainted with the possibility of a nuclear war than that reknown nuclear scientist, Dr. Edward Teller. Through the years I have known him, he has been imbued with a consuming passion for peace and realistic policies for achieving and maintaining that peace.

Dr. Teller, along with many of us, experienced Munich which led to World War II. Dr. Teller along with me and many others is convinced of the necessity now for a full pragmatic approach to the problem of American survival. In an article by Dr. Teller in "Survive," the American Journal of Civil Preparedness for September–October 1972, he relates this conviction to the 1972 presidential campaign. Dr. Teller, like so many of us in the Congress believes that the avoidance of world war III and a nuclear holocaust is the big issue of our times. Unless we can avoid this, all else fails. Having been one of those most closely associated with the atomic bomb in World War II, nobody knows more about the devastation that would occur if world war III became possible. This article, titled, "McGOVERN in Hanoi," sets forth vividly the problems we have and what we must do to meet it.

The important point made by Dr. Teller is that morality and survival are not independent and that somewhere we have to make a decision not only on moral issues but whether or not this country can survive.

Mr. Speaker, I attach this very thoughtful article by Dr. Teller in order that my colleagues may know what a dedicated American has to say about this very important point—survival:

McGOVERN IN HANOI

(By Edward Teller)

The choice is now clearly defined. Our next President will be either Richard Nixon or George McGovern.

The name of this publication is *"Survive."* It is from this point of view that I want to think about the election: the survival of America and the American people.

The McGovern camp has chosen the issue of Vietnam as its battle cry. If McGovern shall be our next President, he will withdraw from Vietnam and then go to Hanoi to beg for the release of the American Prisoners of War. He has said it and he has repeated it.

What Richard Nixon accomplished was the successful Vietnamization of the War in Indo-China. The last massive Communist aggression spearheaded by hundreds of tanks, was not supported by the people in South Vietnam. This no longer can be called a civil war. The civil war of which McGovern keeps talking is over.

The invasion was successfully resisted by the Army of the South. In terms of achievements and of common sense, the war is nearing its successful ending. Now an American candidate for President is prepared to tear down the results of a defense of freedom by a gratuitous offer to surrender.

McGovern argues in terms of morality. True morality is on the opposite side. However, there are many who want to consider the issue not in terms of morality but in terms of practical politics. We have spent, they say, too much time on Vietnam and have neglected the main issue, the defense of the United States against Russia.

I cannot agree with this point of view. Morality and survival are not independent. In 1938 Neville Chamberlain acted on the assumption that Britons need not die for far away Czechoslovakia. The result was the most terrible war in our memory.

Those who today argue that Vietnam is far away, who would defend the United States but not freedom in a distant land, make the same mistake as Chamberlain. The result however may not be the same. The result may be bigger and worse with the sudden application of incomparably more powerful weapons than were available in 1938 or in the following years in which the Nazis were victorious.

Those bloody victories and horrible defeats were eventually stopped and the Nazis did not attain their original dreadful aim of world tyranny. A repetition in the 1970's which may take the form of Russian aggression and the establishment of a worldwide dictatorship would lead to results that are final and irreversible. The power of a modern state could establish a permanent pattern for the future of humanity.

Let us remember that freedom is a recent invention. It is unstable. Perhaps it is even self-contradictory. The war in Vietnam is the first war we fought without invoking censorship. The result has been that our most prestigious papers which now support McGovern have distorted the news and engaged in propaganda aimed at the victory of our opponents. One single and most unfortunate event in which our troops behaved in a terrible manner at My Lai did become by repetition and exaggeration common knowledge throughout the United States. Viet Cong terrorism resulting in the murder of thousands of distinguished leaders in South Vietnam that paved the way to the conflict in South Vietnam has not been publicized. The systematic massacres by the North Vietnamese committed in 1968 in Hue have been barely mentioned and then forgotten.

Of course it would have seemed more expedient on the part of President Nixon to withdraw from South Vietnam and to leave those whom Presidents Kennedy and Johnson have befriended to their fate. Should we not have accepted the possibility that a million of South Vietnamese would be killed and many millions enslaved? After all, so it is stated, we are not the policemen of the world. Fortunately, Nixon was too wise to accept this argument.

It is my firm conviction that a withdrawal from Vietnam would mean disaster for the United States in the near future. There is no question in my mind that a withdrawal at the present time, as advocated by McGovern and the majority of the Democratic convention, would be indeed fatal not only to the Vietnamese but also to us.

In a technical sense the war in Vietnam has been won by our side. The decision was clinched by Nixon's courageous decision to blackade the ports and to bomb the supply lines in North Vietnam. It is obvious that a small additional effort is needed to bring about a favorable and probably stable conclusion. If we now submit to propaganda and behave in a manner that will appear in the eyes of the world as an extravagant caprice, as an "America first" policy exaggerated far beyond what existed in the 1930's, the credibility of any American alliance will vanish. Europe will no longer remain tenable. America will be isolated.

This world has become small and more interrelated. If isolationism was wrong, neo-isolationism is the most incredible mistake. In fact, the neo-isolationism of McGovern is more than a mistake. It is inexcusable folly.

In the minds of too many Americans a nuclear war is unthinkable. Most people believe that American retaliation would be sure and effective. McGovern boasts that if he is President there can be no Pearl Harbor. That American deterrents are potent continues to be believed in spite of accumulating evidence which points in a different and ominous direction. The readers of *Survive* know that Russia has made thorough preparations for the evacuation of its cities. McGovern opposes civil defense.

Our readers have heard that Russia has developed its arms far beyond parity. The possibility of a clear-cut Russian victory not accompanied by Russian losses is a terrible possibility unless the determined leadership offered presently by Richard Nixon is continued. Even today it is a certainty that Russia is safe against a repetition of the dreadful suffering that the Russians remember from the days of the Nazi invasion. Most unfortunately nuclear war is not unthinkable. But McGovern and his supporters prefer not to think.

In spite of these real and terrible dangers, I believe that President Nixon has established the right priorities. He knew that Vietnam had to be defended first. He knew that what we have started had to be finished. He has ended the paternalistic approach of the earlier Administrations and transferred the responsibility of Vietnamese defense to the Vietnamese people. In spite of the chorus of the doubters and the defeatists he has succeeded. Vietnam now is and should be Vietnamese.

Now we can turn to the question of our own defense and our own survival. The first step in that direction is a most serious and conscientious effort to eliminate tensions between the big powers. We are at peace with Peking and with Moscow. Trips by the President to these places were justified.

We are not at peace with Hanoi. For an American President to go hat in hand to a defeated enemy would be both egregious and, considering our responsibilities, wicked. This is a free country. Let McGovern go if he wishes, but let us make very sure that he shall never have a chance to represent, as President, the American people and perform the act of betraying our Allies.

According to the logic of the military situation Hanoi should stop its aggression. Because of political logic they should continue. Why should they give up while there is a chance that a whim of the American electorate could give them the victory which they could not achieve in South Vietnam? The blood that will be split in the next few months is on the head of McGovern.

But worse would follow if McGovern were elected. What is in the making is a new Munich. What is at stake is our own survival.

UNCLE SAM'S FEVERISH MEDICAL SPENDING

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. SPRINGER. Mr. Speaker, I believe that all of us in the Congress have been deeply interested in the health and welfare of every citizen of this country. For 8 years, I was a member of the Subcommittee on Health and the Environment and for the past 8 years, I have been an ex officio member of that subcommittee with voting power. I think that our Subcommittee on Health and the Environment has considered and passed every piece of major health legislation now on the books in the last 20 years. The real problem is how much money shall be spent.

In the year 1965, the Federal outlay for Federal projects was $5.2 billion. In the President's budget for 1973, there is a total of $26.7 billion. This means that we have quintupled the health care outlay in this country in the fiscal years from 1965 through 1973.

All of us realize that there is not a committee in the Congress that does not have needed programs; the real problem is one of priorities. There simply is not enough money to go around for all the programs that every committee would like to bring before the Congress—unless there is a tax rise. In my opinion, the people of this country will not stand still for a tax rise. If I understand the people in Illinois correctly, this is the major fear among them. Taxes are rising at the local level—village, city, township, county, and State. People generally believe they cannot afford to pay any more taxes.

This then leaves the question of what we are to do with all programs before the Congress. I know the Appropriations Committee will be wrestling with this problem when the new Congress convenes in January. There will not be enough money to supply all of the programs everyone wants and that come from every committee in the Congress. It is the duty of the Appropriations Committee to set up priorities and to fund those in the order they believe are necessary to the public welfare.

I know of no Member of the Congress who has been more disturbed about the fiscal deficits of the past 15 years than the distinguished ranking Republican member of the House Appropriations Subcommittee on Health. Bob Michel has almost made a career of study of this field in trying to arrive at figures that are fair and adequate to the health needs of this country. He has written an excellent article in the October 1972 issue of Nation's Business titled, "Uncle Sam's Feverish Medical Spending," and points out how rapidly this has risen. He has not in any way been critical because he has been one of those who has attempted to fund the needed health programs for our people. He does raise the question of how much more can be done if we are to balance priorities. It is a thoughtful article and I commend it to my colleagues for their reading:

UNCLE SAM'S FEVERISH MEDICAL SPENDING

(By Representative Robert H. Michel)

Washington is taking on a bigger and bigger share of the nation's burgeoning health bill; but are those billions of tax dollars being spent wisely?

From the way the highly emotional issue of medical care is being debated this election year, you'd get the impression the federal government is doing little or nothing in this field.

Proposals now before Congress would dramatically increase federal spending for health purposes. These costly plans include more than a dozen different suggestions for various kinds of health insurance.

Most assume, wrongly, that Washington has somehow shirked in this area.

So perhaps the most important thing is to obtain a proper perspective. Let's bring into focus the actual size of current federal spending on health care.

And, in doing so, let's bear in mind that the money to finance whatever we spend, now or in the future, can come from only one source—you, the taxpayer.

Money for a wide range of health programs is scattered through the budgets of many different federal agencies.

If you isolate all these programs and add them up, you'll find that an astounding $26.7 billion is budgeted for federal health spending this fiscal year.

That represents an increase of $5 billion in the last two years alone.

While the President has already vetoed one Congressional attempt to make the increases for this year even bigger, pressures remain strong on Capitol Hill for adding hefty sums to the health budget.

WHERE YOUR TAXES GO

The Department of Health, Education and Welfare will spend most of the federal health care money this year—$21.3 billion. Big chunks will also go to the Veterans Administration, the Defense Department and the Civil Service Commission—for federal employees' health benefits—and to other agencies.

Three fourths of HEW's share, about $16 billion, will be spent on Medicare, Medicaid and and related federal health service programs.

This year more than 95 per cent of all Americans over 65 will be enrolled in Medicare. Washington will pay 45 per cent of all their out-of-pocket expenses for health care. It will cost HEW an estimated $10.4 billion.

Another 24 million persons will receive the same kind of benefits through Medicaid. Low-income families and others who qualify as medically needy are eligible.

Washington will pay 55 per cent of the total cost of Medicaid—or about $3.4 billion. States and localities pay the balance. And that's not the end.

In addition, about two thirds of all the money spent on health research in this country comes from Uncle Sam.

More than $2 billion of federal money will go to the National Institutes of Health for medical research. It will be divided up among NIH's 10 individual institutes: allergy and infectious diseases, cancer, arthritis and metabolic diseases, eye disease, child health and human development, heart disease, dental research, environmental health sciences, general medical sciences, and neurological diseases and stroke.

Some of the money will also go to the National Library of Medicine, medical manpower programs and a division of biologics standards.

And some members of Congress are trying to add $200 million or $300 million to the $2 billion President Nixon asked for NIH.

The budget lists $1.5 billion for training and development of dentists, doctors, nurses and others in the health field.

In fact, more than half the total income of the nation's medical schools this year will come from federal grants and contracts. A dozen separate federal agencies will chip in to pay for training there.

Lots of federal money will also go to build and, in some cases, staff hospitals, nursing homes and community mental health centers, to combat drug abuse and alcoholism, to prevent poisoning from lead-based paint and to provide mental health services to children.

HIGH AND GOING HIGHER

Congress is spending record amounts on health programs—this year, in fact, more than 10 per cent of the entire federal budget.

That's a far cry from just a few years ago when federal health spending was less than 4.5 percent of a much smaller budget.

Washington is rapidly taking on a bigger and bigger share of the nation's health bill.

In 1965, of every $7.50 spent for health care $1, or 13 percent, came from the federal government. By 1971, a mere six years later the federal share had nearly doubled to 26 per cent, or more than $1 out of $4.

During the same six years, the nation's spending on health shot up from $38.9 billion to about $75 billion. That's an increase of almost 100 per cent.

But federal spending for health went up 400 per cent.

Now, in 1972, Washington will spend 500 per cent more than it did just eight years ago.

No one who has seen a doctor or visited a hospital recently needs to be reminded that the cost of health care is going up.

From 1966 to 1971, the Consumer Price Index for all items rose 25 per cent. But hospital daily service charges increased an astonishing 91 per cent and physicians' fees, 39 per cent.

So as part of the economic stabilization program, the Price Commission last December set a 6 per cent limit on increases in hospital charges and 2.5 per cent on physicians' fees.

But, as we have seen, Congress is placing few limits on health spending by the federal government.

I do not mean to imply that Congress and the Administration should not give top priority to health care.

That has been done.

As ranking minority member of the House Appropriations subcommittee on health, I'm especially aware of the critical need to move forward in such areas as health research, disease prevention and control, health planning and delivery of services, as well as the training of medical personnel.

PUSHING UP HEALTH COSTS

But President Nixon has pointed out something of growing concern to those of us who have watched both federal and total national health spending increase at an explosive rate.

He said: "When the subject of health care improvements is mentioned, too many people and too many institutions think first and solely of money. . . . In health care as in so many other areas, the most expensive remedy is not necessarily the most effective one."

This concern has been underscored by our experience with the Medicare and Medicaid programs. The very real contributions they have made to meeting the health needs of the poor and the elderly have gone hand in hand with huge boosts in overall costs of medical care.

These increases have not only eroded the benefits under the programs themselves; they have also created additional financial hardships for all Americans.

What Washington did—with Medicare and Medicaid—was to vastly increase the demand for health care without increasing the supply.

Now it is trying to match the demand by spending more money to expand the health care system.

Washington is also trying to bring down medical costs by pushing preventive health care.

How well these costly new programs will work remains to be seen. It is too early to tell.

We still face the immediate problem of rapidly increasing medical costs, and the clamor to have Washington spend far more to meet them.

This approach is sometimes described as: "Dole out the dough and the problem will go away."

Who pays the bills for these free-spending schemes?

Sooner or later the money comes out of the taxpayer's own pocket, and that's the rub.

We tend to postpone the unpleasant. So it's not surprising that cost is barely mentioned in the current debate over Washington's role in the health field.

If Congress' past record of facing up to tax issues is any indication, a bare mention is all that cost will ever get. At least, until we reach a day of reckoning on our mounting federal debt.

One of the least expensive of the health insurance plans introduced in Congress would add $2.6 billion a year—a 10 per cent increase—to the $26.7 billion Washington is spending now.

The most expensive plan would provide national health insurance for virtually all Americans at a cost of more than $60 billion a year! That plan means that, as early as July, 1973, $4 of every $5 spent on doctor bills, hospital bills and other health costs would be paid by the U.S. Treasury—out of the taxpayers' pockets.

Some suggest that we finance these schemes by cutting back on military spending once we get out of the Viet Nam War.

This so-called peace bonus, however, has already been committed to new or expanded domestic spending programs, as a Brookings Institution study has pointed out. It will be the source of few, if any, funds for costlier health plans.

Unlike tax credits, or other steps to stimulate the economy, federal spending for most social programs generates no new income to offset the tax burden it creates.

In addition, each new health service handed out by Washington tends to become a fixture. When new programs are introduced, the old are seldom phased out, no matter how ineffective they may be—especially if they serve a vocal constituency.

With the prospect of more federal spending on new and existing health programs, we must do two things:

Face up to the fiscal realities.

Evaluate the effectiveness of our present efforts.

WHAT MONEY WILL NOT BUY

We must recognize that it is counterproductive to pour massive amounts of federal dollars into programs—however popular they may be politically—which will further overload our existing health care system and stimulate the inflationary cycle we so desperately need to control.

Also, more research funds will accomplish nothing in fields where research technicians are not available. Just as additional money for disease control will achieve little, if the basic approaches being used are not effective.

It's not just a question of saying "spend" or "don't spend." We have pressing national health needs to meet and neither of those two extremes will solve the problem.

We have to know precisely what our federal dollars are buying. Is what we are buying really relevant to our needs? Is it contributing to better health care? Or is it bringing us higher costs and a less effective system?

We must answer these questions. And, finally, we must also try harder to look at the total picture of social needs in this country.

Health care is only one of the domestic challenges we face. Our health needs are important, but they must be balanced with other priorities.

Unless we do this, we may never come to terms with our financial ability and our national will to meet those challenges.

HOW FEDERAL SPENDING FOR HEALTH CARE HAS GROWN

[Total Federal outlays for health purposes]

Year:	*Billion*
1965	$5.2
1967	10.8
1969	17
1970	18.5
1971	21
1972	24
1973	[1]26.7

[1] Total of health items in President's budget for current fiscal year.

MEMORIAL SERVICES HONORING THE ISRAELI OLYMPIC TEAM KILLED AT MUNICH

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. ROE. Mr. Speaker, 1 month ago we here in the Congress joined with all peoples throughout the world in deepest sorrow with the shocking senseless dastardly deed of terrorism at Munich, taking the lives of 11 members of the Israeli Olympic Team. In my congressional district, as in all others throughout our United States, our people congregated in mournful prayer and communion expressing the grief and horror striking at the heart of our Nation's conscience and weighing heavily upon the conscience of all civilized mankind throughout the world.

It is indeed a great privilege and honor to bring to your attention the interfaith memorial services conducted at Temple Emanuel, Paterson, N.J., in my congressional district, by Rabbi Dr. David H. Panitz, our most distinguished spiritual leader of the temple, and the highly esteemed Cantor David Lefkowitz. The outpouring of grief and the shock mirrored by the entire world were engrossed in these memorial services and intertwined in the words of the guest speakers of varied faiths who were introduced by Rabbi Panitz at the temple and addressed a congregation of all nationalities and creeds who were in attendance at the temple on Wednesday, September 6, 1972, as follows:

OPENING PRAYER

Oh mighty and eternal God, Thou are the author of life and of death, the heart of your children mourn with heaviness, with pain, and with grief. We seek Thy comfort in this difficult and tragic hour. Thou who are eternal and who art the creator, art the merciful father of old, your children gather together in Thy presence, bowed in grief, seeking Thy light to dispel the dark gloom which threatens to overwhelm all of us.

Be gracious, oh God, to each mournful heart, for we are in distress. The House of Israel is in mourning; the children of Jacob are in mourning; all of Thy children, oh God, are in mourning. We have come together not only to express our shock and our pain; we have come together because our hearts are united.

Men of all faiths, and men of all colors stand as one united human family, to give voice to our feelings, and to seek that light which shall enable all of mankind to uproot the evil and the terror which surrounds all of us. For we who are Thy children, out of this very dark and grim hour, wish to find that way in which all men can live together as brothers.

Oh god, it is in Thee that we place our faith and through Thee we shall find comfort and solace, in this very difficult and painful hour. As one united heart, we acknowledge Thee as our father, and the source of our comfort.

Let us all say, amen.

DR. DAVID H. PANITZ, RABBI, TEMPLE EMANUEL

We have come together, friends, in a very tragic and difficult moment. There isn't a person anywhere who isn't fully aware of what has taken place. Many of us have literally not been able to sleep. The tragedy is not merely one for the State of Israel, nor only for the Jewish people. It is a difficult and painful moment for every child of God, and we, gathered together this evening, for this prayer of memorial, indeed constitute a very rainbow of members of this community. Regardless of faith or color, we have united; we stand together.

A great deal can be said about what leads up to such difficult hours. But one thing is clear to each of us, that acts which so destroy the dignity of man, which cut off the young, which obliterate the very faith which man has in his neighbor, which would even utilize the brotherhood of the Olympic games, for the destruction of human beings, truly undermines the very force of life which we, each of us, as humans seek.

As Officiating Rabbi, my words shall be very, very few, for the expressions of those who have gathered together, distinguished men, will speak to and for all of us.

HON. MORRIS MERKER, PRESIDENT, TEMPLE EMANUEL

Much will be said this evening about what must be done as we approach the coming new year and rededicate ourselves to the fact that we mirror the world's conscience, and we must continue to stand up for justice. We shall fight the assassins and fix the responsibility of their acts with all the might at our command.

We must never again allow acts of cowardice to be thought of in terms of apology. We must serve notice once and for all that the Jews in Israel, yes, the Jews in all of this world, are here to stay, and will not be driven into the sea. Let us stand up and proclaim to the world, we are united as one. Where there is injustice to one Jew, it is injustice to all Jews.

HON. LEWIS WOLFF, PRESIDENT, JEWISH FEDERATION OF NORTH JERSEY

Tonight, I speak for the 27,000 Jews who comprise the Jewish Federation of North Jersey. They are bitter and angry. Bitter and angry as Jews who have lost eleven beautiful young brothers. Bitter and angry as Americans who fear for the safety of all people, wherever they may be, or wherever they may be from.

But with bitterness and anger, come the questioning, a questioning whether this might not have been such a tragedy that the leaders of the world have had to stop and think; to think where the continuation of this senseless anarchism and butchery will lead us. Perhaps now world opinion will mobilize itself to demand justice. Perhaps those eleven Israelis did not die in vain. I certainly hope so.

HON. GERRARD BERMAN, PRESIDENT, JEWISH AGENCY

This morning, at my breakfast table, as I opened the New York Times, I saw these ten beautiful men, men who had given their lives. I cried. I knew I was going to attend a memorial service tonight, but I didn't know that they were to attend two memorial services this week, one as a visitor to Zochor to remember their own mothers and fathers, who died at Zochor, and this morning, on their pine coffins, they also had a memorial service, and I said to myself, that we of the Jewish Agency will remember, Zochor will remember, that they are a part of the eternal victims of our people, and we are the survivors.

We will honor them, honor them by building a greater Israel, and through the help of my friends in Paterson, and northern New Jersey, and the Jews throughout the world, we will, in their names, and for the peace of the world, and for those who died, whether they be Jews or non-Jews, we will build a greater world, a world of peace and happiness, and for that, we say to them. "Your bright faces, your energies, will never be forgotten," because we are dedicating ourselves to build a better world and a more peaceful world in their name.

RT. REV. MSG. JOSEPH J. GALLO, PASTOR, OF BLESSED-SACRAMENT ROMAN CATHOLIC CHURCH

I speak to you this evening first in behalf of Bishop [Lawrence B.] Casey, the Shepherd of the See of Paterson, who, although he found it absolutely impossible to join us, wanted me to speak very personally for his concern and his sharing with all of you and with all the people of God, across the world at this moment of anguish and of sorrow, and also to express the sympathy and the prayerful concern of the Catholic community here in the City of Paterson and throughout the diocese.

I think that for all of us words come very "hard-ly" and with great difficulty. In the face of the tragedy that we have witnessed, I think most of all that we are made to turn back deep into our own souls and to make this a time of very earnest prayer, of a reaching out of our hands to our Heavenly Father to beg His forgiveness for this distillation of hatred, evil, and violence that mars not just the Olympic games, but mars human history and stains it.

And in our prayerfulness I am sure that all of us reach out to beg our Heavenly Father for the strength and the integrity to do more than just speak about this tragedy. To be conscious of our individual responsibility to our fellowmen. To be aware that where innocent blood is shed in whatever form, and under whatever guise, that all of us bleed and all of us die. We of this time have had to share in so much shedding of blood and so much violence, and so much hatred that we recognize these terrible individual instances as symptoms of a deeper abiding sickness that unfortunately touches so many of us, the deeper tragedy of the petty injustices, and the suspicions and the divisiveness that beset our society across the world, and the terrible lack of ability on the part of men of goodwill and the part of men who share so much of a common heritage and a common faith to be able to bridge the gap that separates us and to be able to mobilize our common concern and love and strength so that we can wipe out these stains.

It is in that prayerful sense of an awareness of our own shortcomings towards our brothers and a pleading from God for the strength to be not just a people of prayer and not just a people of words, but a people united in action at every level of our lives, to be messengers of peace, and to bring the life of God, our Father, into this world of ours, and to make "shalom" much more than just a by-word or a symbol.

We pray God, our Father, that this terrible tragedy might be turned into a moment when all of us together will resolve, as children of one father, to live and act and work together for justice and for peace, and we pray that the mourning and the sorrow that besets the sons of Israel might be shared deeply by all the sons of God. And that this mourning may become for all of us a source of new strength to bind ourselves together in reality, in deed, to work for peace and justice in our world.

REV. ROBERT F. KIRCHGESSNER, B.A., M.DIV. RECTOR, TRINITY EPISCOPAL CHURCH

Truly this is a most solemn hour for us, all of us, regardless of our background, our heritage, our religion. Men of goodwill must be stunned at this tragic hour. And surely each of us, perhaps in our own way and our own words, have expressed our utter horror at what has taken place.

Really words, no matter how eloquent they may be, are not enough unless they are words that, in a mind that is united with our hearts, is dedicated to the principle that we are all children of God, and claim one father. The Psalmist said, 'Oh, Lord, what is man that Thou art mindful of him, and the son of man, that Thou considerest him? And yet Thou hast made him little less than the angels and crowned him with glory and honor.'

And so each of us apparently has such great potential, that we are held apparently in such great regard, and yet, we find again and again, depraved people who destroy this great ideal, this great image, this great potential for all of us. And so it is then that men of good will must rise up in righteous indignation at what has taken place. But we must, as men of goodwill, as Rabbi Panitz has mentioned previously, be united, one heart, dedicated to the glory of God, and the brotherhood of man.

And so I would suggest that while we pray surely for the bereaved that they may find comfort and pray for the souls of those eleven athletes, that had trained so hard to use that body that God had given them to the best of their ability, that they may find comfort in Abraham's bosom. And surely out of this we cannot go away feeling that we have expressed our sorrow and our indignation; we must go as children of God, hoping to take something out of this, that we might be motivated, that our attitudes may be changed, and this may be a living example to us of what He can really do.

Truly, the scene that we have beheld is a horrible one. So let us then recognize that each of us in our own way must do our share to do whatever possible that this may never happen again. We must dedicate ourselves again to the words of the Psalmist that it may become a reality: 'Behold how good and pleasant it is to see men dwell together in unity.' May this be our prayer, our belief. As out of this, something good may come.

HON. JAMES W. ROE, FORMER FREEHOLDER-DIRECTOR, PASSAIC COUNTY

Last evening, as I watched on television and saw this dastardly drama unfold, I could not believe my eyes that again, again in my lifetime that we should have to go through something like this. It made me reflect, and I was thinking myself this morning as I was walking to the office, "How small one voice is; how humble one voice is; how almost useless it is, it seems, in this great world of ours."

I had occasion to talk to brother Bob, Congressman Bob Roe, this afternoon, and in the conversation, this item came up about the humility and the smallness of one voice. He suggested this evening, as I represent him, that I read to you a resolution that was unanimously passed today by the House of Representatives and the Senate, unanimous with all of those attending, and with your indulgence, I would like to read this:

"Whereas, with profound sorrow and deep alarm, the House is informed of the events surrounding the killing of eleven members of the Israel Olympic team participating in the Twentieth Olympiad at Munich, and

"Whereas, such actions are to be condemned as inimical to the interests and aspirations of the civilized world,

"Be it hereby *resolved*, That the United States joins with the world in mourning the loss of Israel's athletes and extends its deepest sympathy to the people of Israel and to the families of those so tragically lost, and

"Be it further *resolved*, That all means be sought by which the civilized world may cut off from contact with civilized mankind any peoples or any nation giving sanctuary, support, sympathy, aid, or comfort to acts of murder and barbarism such as those just witnessed at Munich and that the Clerk of the House be directed to communicate these sentiments and expressions to the Secretary of State for appropriate transmittal."

I respectfully translate this, that instead of one singular voice lost in the wilderness, 200 million Americans, through their Congress, are now speaking: "We will not tolerate any more."

Hon. Lawrence F. Kramer, New Jersey State Commissioner of Community Affairs

(Excerpt of address)

Bigotry is another form of blindness. The Great Torch of the Olympiad has been turned into a flame of tragedy. The light from that flame must be utilized to cast away the shadows of the blindness. Thousands, yes, hundreds of thousands of words will be said and written of that tragic hour. But what words will comfort that family? What words can we say to a brave nation that sent her sons to compete, to bring glory again to a great nation? How difficult it is for all of us at such times to try to find a reason, an understanding. Somehow we must hope and pray, and work with that prayer, to eliminate these possibilities of such horrors as was just experienced.

It is my privilege to bear a message from the Governor of our State to this distinguished audience this evening:

"The shocking news out of Munich of the deaths of eleven Israeli athletes slain by a band of terrorists had a personally shocking impact on me. It was only a few short days ago that I sat in the beautiful Olympic setting to watch young men and women engage in friendly competition, for the prize of an Olympic medal. The years of training, self-denial, and dedication had brought them to the arena. I thought of the Olympics last week as a festival of peace. That eleven of these participants should die in such a senseless fashion is an act that must shock and outrage the decent people of the world. I join with all in this state, our nation, and the world in mourning the victims of a pointless deed.

"Hon. William T. Cahill,
"Governor of New Jersey."

The road of mankind does not lead to the pits, as these terrorists would have it. The road of mankind does not lead to perdition, as these terrorists would have it. The road of mankind does not lead to the destruction of mankind, as these terrorists would have it. The road of man lies in deeds, in the union of hearts, for the very solidarity of the human spirit, for the very furtherance of the impulse for brotherliness among men. When this is implanted further, not only will Israel, the state of Israel, be able to live in peace, but it shall also give a great and stirring advance to the very drive of all men, to fashion peace, "shalom," in this world.

Hon. Arthur Dwyer, Mayor of Paterson

It is difficult to talk on such an occasion as this. I have reflected a little bit, about what to say. What can I, whose heritage comes from a land, filled with a different faith, called the Christian, who tear each other apart upon issues that are hard to perceive. Yet, I think what the Rabbi has said is really the message that does come through.

I come from the generation that saw, literally, mankind rise up against the acts of the terrorists in order to give all people of the world the right to live in peace. The news late this evening shows that the world does have men of peace among all nations. It is true that Israel has withdrawn its athletes from the Olympics. But it is also true that a number of the Arab nations have equally withdrawn their athletes. And indeed, I think the movement seems to be that all nations will withdraw their athletes as a protest and as a lesson to the horror that has occurred.

We suffer within our own nation with the hijacking that goes on in aircraft, with the little thought and respect for life that is shown there. But again it is going to be the sacrifice of us all who travel who will wipe out the terrorists, for as Rabbi Panitz said, the natural instinct of man is not to knuckle under to the terror; perhaps we can feel sorry, perhaps we recognize it as a sick individual in certain circumstances. But we must not knuckle under. The drive of mankind for peace, no matter what our relationship to our creator is, is that, and I believe that it shall triumph, at least, I think that's what we, both in our individual lives, and collectively, must work for.

CLOSING MEMORIAL PRAYER

Oh merciful God, who dwellest on high and yet art full of compassion, keep in Thy divine presence among the holy and pure, whose light shineth as the brightness of the firmament, the souls of our dear and precious young athletes who have been butchered in Munich, and have now returned to their eternal home. Oh, may their souls be bound up in a bond of life, and their memories inspire us to serve Thee and our fellow-men in truth, kindness, and peace.

Let us all say, Amen.

Mr. Speaker, I appreciate the opportunity to bring these memorial services to the attention of you and my colleagues here in the Congress as in deep reflection and resolve we recall the words inscribed at Dachau: "Never Again."

HON. THOMAS M. PELLY

HON. CHARLES A. MOSHER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. MOSHER. Mr. Speaker, I have been doubly fortunate because of the fact that for several years I have had the privilege of working side by side with Tom Pelly in two different committees, Science and Astronautics and Merchant Marine and Fisheries.

In my day-to-day association with Tom Pelly over those many years, as we work together on numerous important pieces of legislation concerned with national policy from the depths of the ocean to the farthest reaches of space, I have known his strength as a remarkable human being and an excellent legislator, his integrity, his sound wisdom, his mature understanding of realities and the practicalities, his enlightened and compassionate attitudes, and his energetic, responsible willingness to work stubbornly for good goals.

Those are the essential strengths that make a superb human being and a very effective legislator and public servant. Tom Pelly is all of that.

It has been a joy and a privilege to know the friendship and to benefit from partnership with the gentleman from Washington. All of us on the Science and Astronautics Committee and on the Merchant Marine and Fisheries Committee will miss him profoundly in the years ahead. But it is with gratitude in our hearts that we enthusiastically wish for him great happiness and long life as he retires from these troubled Halls.

We will often be thinking of you, Tom.

THE NATIONAL PEACE POLL: 500 VOTES FOR PEACE FROM ILLINOIS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. MIKVA. Mr. Speaker, the Gallup and Harris polls over the last few years have shown that a majority of the American people want an immediate end to the Vietnam war. Despite these poll results, American troops are still in Southeast Asia, U.S. bombs rain devastation down on the Vietnamese people daily, and failing any Presidential initiative to stop the conflagration the House of Representatives has yet to vote to end the war.

In an effort to provide irrefutable proof to the Congress that most Americans—not just a sampling of 1,500—want the war immediately halted, the National Peace Poll was launched several months ago by Peace Alert USA. Peace Alert USA, a bipartisan group of Members of Congress and private citizens, decided that every voter in this country should be given the opportunity to vote on one simple question: "Should Congress bring the war to an end by cutting off the funds?"

Ballots have appeared in newspapers around the country. Labor unions, church groups, trade and other organizations have printed the National Peace Poll ballot in their publications. Success so far can be measured by the number of ballots that have been steadily coming into the post office box in Washington, D.C. To date the results are running more than 20 to 1 in favor of congressional action to terminate the war.

At the end of my remarks I will insert in the Record a copy of the ballot and a list of the congressional sponsors and private citizen members of the national board of Peace Alert USA. Since the poll is a continuing effort to determine the will of the people, I invite those of my colleagues who are not yet congressional sponsors to become so.

Thousands of ballots have been received from my State of Illinois. Due to limitations of space, it is not possible to list everyone from Illinois who has voted in the National Peace Poll. I would therefore, like to at least list 500 of those conscientious citizens who let the Congress know that they want us to vote to cut off all funds for the war.

The material follows:

NATIONAL PEACE POLL

Should Congress bring the war to an end by cutting off the funds?

Yes ______________________ No __________
Name ____________________________________
Address _________________________________
Telephone no.____________________________

Send this ballot to: National Peace Poll, Box 1621, Washington, D.C. 20013

Within the next few weeks, Congress must make a decision on whether to vote funds for the War in Vietnam. By setting a date to terminate the funds, it can legislate the withdrawal of our forces and insure the return of our prisoners. Or it can vote to continue the war. Your opinion will influence how they will vote.

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Randolph P. Compton—Investment Banker, and Chairman, Fund for Peace, New York.

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Hugh King, Wilmette.
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Will Bottie, Carbondale.
Raymond Mostek, Lombard.
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Don Snider, Stockton.
Michael Drane, Bradford.
Mark Banko, Chicago.
Merne Webb, E. Dubuque.
Nancy Clerk, Clarendon Hills.

MR. JAMES C. MASON "OUTSTANDING APPRENTICE IN ORANGE COUNTY"

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. DEL CLAWSON. Mr. Speaker, there are, in success stories, poignant examples of everyday American determination and resolve. I am most pleased to recognize the achievements of a young tool-and-die maker apprentice employed in my district. Mr. James C. Mason began his apprenticeship at Arnold Engineering Co., Pacific Division, 4 years ago, amid much fanfare, as the 20,000th apprentice to begin trade training in Orange County. Young Mason and his employer were honored by the Junior Chamber of Commerce, Fullerton Chamber of Commerce, Fullerton City Council, Orange County Board of Supervisors, and by the State of California.

On June 19, 1972, James Mason finally completed his apprenticeship. His completion certification was based on his ability to make a precision grinding vise during his last year of training, holding tolerances calling for one ten-thousandth of an inch parallelism. His completed project was checked, along with the same project of other young competing apprentices and his near-perfect score earned him the right to first-place honors for 1972 as the "Outstanding Metalworking Apprentice in Orange County."

On October 21, 1972, Mr. Mason will be formally honored at an industry-sponsored dinner ceremony. He will thenceforth take his rightful place among America's skilled craftsmen.

DREAMS OF AMERICA BY THE CLASS OF 1972

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. CHAPPELL. Mr. Speaker, over the past few months I have dropped notes to the 1972 high school graduates in my district, congratulating them on this great milestone in their lives.

In order to understand more fully the dreams and goals of these young people for this country and its future, I asked each one if he or she would share those dreams with us.

It is absolutely vital that we understand the direction our young people want for our Nation, and Mr. Speaker, the beautiful and meaningful responses I received from these great young Americans has inspired and reinforced my own hopes for America more deeply than anything else since I have come to the Congress.

Their letters are hopeful, but not utopian; thoughtful, but not unattainable; and as they reach out with their dreams and their ideas for solution, one senses a strong current of religious feeling; and the patriotism we have so often felt is lacking in modern America is expressed deeply and sincerely, personal goals are outlined as at least one way to make the dreams come true.

All the dreams and goals voiced in their letters are not the same, but each is wonderful unto its self.

The full text of all the letters would be too long to print, but I am including an excerpt from each so everyone can share these goals and dreams. We plan to print additional letters as our responses continue to come in.

Mr. Speaker, I present to you and my colleagues the hopes and dreams for America by the class of 1972 from high schools all over the Fourth District of Florida:

EXCERPTS FROM LETTERS FROM THE CLASS OF 1972

I have a tremendous amount of respect and confidence in the form of government in America, and I really hope and pray that we as Americans, can redirect ourselves to higher goals and work together for national peace and set an example that will filtrate throughout the whole world.—Miss Dana Keasler, Neptune Beach.

Trust me as I you, so that we may live together as one for there is nothing greater than trust. This is not a dream—this is what I believe, for it is not the so-called Peace which everyone is speaking so loudly about, it's trust that has to come first and after we get this the rest will fall in place.—Miss Cynthia S. Davis, Atlantic Beach.

It is my dream, that someday, everyone in America will truely be equal to their fellow man or woman . . . I dream of an America that is not polluted . . . Lastly, I would like to see America playing the role of peacemaker. If people and countries would only take the time to know and understand each other, peace would be a much closer reality. Often countries react too quickly to the actions of others without trying to understand the motivations behind the action of the other party. Understanding and knowledge should be the basis for foreign policy, not the exportation of democracy which often fails to work in foreign countries because of lack of understanding on behalf of the people . . . These are by no means all of the things that I dream of for my country; but they are the main ones. America is in troubled waters now. But even so, despite her many, many problems, America today is beautiful.—Miss Marguerite A. Sognier, Ponte Vedra Beach.

I'm not very politically minded, but I want to do all I can to help my country and the world.—Miss Mary Lee Brothers, DeLand.

I wish for better understanding among the peoples of this world. I do not hope for a Utopia upon this earth either. A perfect nation, a perfect world, leaves nothing for its people to strive for, nor live for. What I wish for this nation and its people is maintenance of the strength it already has that it may endure.—Miss Lee Ann Scheuerman, Jacksonville Beach.

While the United States has very noble intentions it cannot bring about peace and happiness for all mankind. Neither this country or countries of the United Nations can do this, but only the Kingdom of God.—Mr. Alan Norris, Jacksonville Beach.

I hope that maybe there will be a Congress of the United States that will truly represent what the people of the United States really want.—Mr. Robert Morey, Edgewater.

It is my hope that Americans wise up and do not succumb to the same fate as other great nations before them; nations like Rome and Greece, whose cockiness, lack of moral values, wanton speeding, and laziness led to their downfalls. It appears that America is following that trend, but I will try my best to KEEP us a great nation.—Mr. Brad Berman, Cape Canaveral.

To me if people really cared a lot about things, this country and the rest of the world would be better to live in.—Miss Irene Moffet, Deltona.

My first step toward one of the main objectives in my life is to serve my country and my fellowman. Consequently, my aim is to become a licensed practical nurse.—Miss Mary McDuffie, Daytona Beach.

It is my hope that one day we will live in a world of peace. Every individual in a position to contribute to this eventuality should engage themselves in every facet of life that will help in accomplishing this goal . . . I also dream of the day when there will no longer be people in America suffering from hunger and disease. To eradicate our world of these plagues will help bring about peace and happiness. This is my aspiration and hope for my country and my world . . . To contribute my part to the previously stated goal, I am enrolling in Cleveland State University in pursuit of a degree in physical therapy. This training will allow me to aid others in their handicaps.—Miss Shirley Crump, Warrensville Heights, Ohio.

My biggest hope for my country is that someday everyone will know a pride in their country.—Miss Susan Whitaki, Jacksonville.

I'm glad that I graduated from high school. That was a big moment in my life. The reason is I am handicapped and I graduated as the only senior to be born without any hands.

The United States has done a lot for many people—black, white and other races, but they haven't done much for those that were born with a handicap. There was one man who served the country with a handicap and that was Franklin Roosevelt—and he did a good job. I am not going to collect welfare . . . but could the Congress spend a few million in getting jobs for those that were born with a handicap?

I look for a great spiritual awakening . . . Some time ago a member of the British Parliament said, "Let's try God and see if He won't solve our problems." That's my hope for our country that we try God before it is too late.—Mr. Russell V. McFall, Daytona Beach.

My hopes and dreams for America are to see this country in peace. The world has many problems, but I feel that the problems in our country here in the United States of America should be looked upon and settled first . . . We all have our job and responsibility to do to help our country, but if everyone should give a little to do their part this country will be much better . . . Too many people are talking and waiting for the government to do something. I feel it should not be all the government's job—the people should get involved with our problems and do something about it instead of just talking and expecting the government to do it all.—Miss Gwendolyn Blanche Arnett, Holly Hill.

I hope for peace for all and a *clean* world for all those younger than I.—Miss Gail Sigler, New Smyrna Beach.

One hope that I have for America is that one day that anyone that has the initiative to work will be able to and that people will be encouraged to get a job rather than collect welfare thus making our country stronger . . . I hope that one day the question of discrimination will be eliminated and everyone will be treated equally without question . . . Through science I hope that the environment will be clean of litter, smog and other pollutants that now endanger our environment . . . Lastly, I hope that one day America will live in peace without having to lose any integrity while attaining it.—Mr. John Snider, New Smyrna Beach.

I have many hopes for the future of America, but my main wish for our country is that it will become a Christian America . . . Realizing that this takes time and cannot be accomplished overnight, I hope that people will join together and work for a better America. An America where God is first, and where . . . trust, love, and understanding follow.—Miss Amy Berry, South Daytona.

I dream of the day when the word prejudice can be safely called obsolete . . . I dream of the day when all Americans, living either in huge cities or in sleepy little townships can be confident and without fear when they walk outside after dark . . . And finally, I dream of the day when all politicians, either Republican or Democrat, will work for the good of America instead of working for the good of their party . . . A house divided cannot stand.—Mr. Mark William Morgan, Orlando.

I hope someday that all peoples will live in peace. But until human kind changes that is only a dream of the future. You as you can do nothing about that . . . All people are equal, and yet Blacks . . . are not really equal. They are getting there, and I'm sure the government is aware of this . . . Realizing the hard job it is to work in the government, I believe that everyone would appreciate the government more if they knew the hours of hard work it took to keep this country going, then maybe they would not be so critical, or demanding. Remember, things can't be changed overnight. Patience is a virtue . . . Why must our government be spending so much money on the poor people in other countries? . . . We have poor here who need help . . . The government shouldn't forget it's own children while playing 'Big Brother' to others . . . I thought you might like to know, I just turned 18 on the 12th of July and that same day became a registered voter.—Miss Cathy Trojahn, New Smyrna Beach.

My hopes and dreams of America, can not just be shared with America, but the world, for America is not separate, but a part of it. It seems that I did learn thru my 3 years of Varsity football that it takes team work for a winning team . . . so that one day instead of passing mostly problems to our future generations, we can pass peace.—Mr. Gerald Donald Holland, USNS Mayport.

The time has come when all men must work to make this a better country . . . I hope for better jobs, schools and spiritualism. This country cannot succeed with poor leadership. I would like to see an end to poverty, war, crime, and poor education. I dream of peace and equal education and opportunity for every American.—Miss Betty Moore, Ormond Beach.

My wishes and aspirations for our country are hopes for happiness for all. I have dreams for better communications and brotherly-love for people instead of prejudiced ways . . . I do believe in the "Impossible Dream" and part of my goals in life is to help people and try to show them the happiness in life . . . I will be attending the Medical University of South Carolina this fall in Charleston, S.C. . . . I love America and life. I hope if I can even help one human being in my life, life will be worth living for.—Miss Marsha Lear Miller, Ormond Beach.

My hopes and dreams for America would be to see the true meaning of the word human put back in humanity.—Miss Deborah Silva, Daytona Beach.

ED GORALEWSKI MAKES THE SYSTEM WORK

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. O'HARA. Mr. Speaker, while many Americans are talking about the alleged lack of concern the American people are supposed to be showing about their Government, or bemoaning the "alienation" of people from politics, there are some Americans who are doing something about it.

One such American is Mr. Ed Goralewski of Caro, Mich. Ed Goralewski is a deputy registrar of voters in Indianfields Township, Tuscola County, Mich. And from day to day he goes from house to house, finding out if people are registered and if they are not, he registers them.

Ed Goralewski finds those who are alienated, and those who are indifferent, of course, but he also finds a great many of his fellow citizens who simply have not registered, and on whom, by registering them he can in a sense confer the greatest of our political rights—the right to hire and fire public officials.

Ed Goralewski is of my own political faith, but he does not restrict himself to registering Democrats. He believes, and I share his belief, that if enough people are registered, and enough people vote, the country will be safe, whatever their party affiliation.

Ed Goralewski, 72 years of age, is working at democracy on a full-time basis. He deserves the thanks of us all.

A related news article follows:

ONE-MAN CAMPAIGN NETS 500 VOTERS

"Good morning. Are you a registered voter in Indianfields Township?"

"Well then, would you care to sign these slips and I'll fill them out for you and that's all there is to it."

So it goes. From house to house, Ed Goralewski performs his duty as a deputized registrar for voters in Indianfields Township. To date, the high-spirited citizen has said his lines successfully to over 500 people.

Goralewski makes no bones that he's a Democrat but quickly adds that registering people here in Caro is a lot different than it was in Detroit, where he lived until three years ago.

"Down there you could walk up to someone on the street and ask them if they were a Democrat or a Republican," he said with a heavy Polish accent. "You wouldn't dare do that here because people would be irritated."

Irritation comes into his face when asked about some of the people he has tried to register.

"I'm a senior citizen but I can't understand most of them. As of today, I've asked 154 and only 34 have wanted to register," he said. "I guess they just want to be left alone."

"Now the kids, they're really going to make a change. Out of the 500 people I've registered, 360 of them are between 18 and 21 years old. About only 1 out of 80 or 90 don't want to sign up," he added.

Both Goralewski and his wife are ardent Democrats and enjoy praising the party they have supported for over 40 years. However, they added that, "candidates should be elected by what they do."

"Besides," he added, "that's not really what I'm doing. I try and stay away from talking politics when I'm registering, but if they bring it up, I don't hesitate to tell them where I stand."

The job of registering people to vote isn't as easy as it sounds. Goralewski told about being chased by a fellow with a shovel. Smiling he added that, "I just walked away."

Regardless of the hazards, Goralewski intends to keep working his 30-hour-week right up to the deadline on Oct. 6. He is one of only a few deputized registrars in the state and the only one in Tuscola County. All other registering is done by township clerks.

So, if you're a resident of Indianfields township but are not yet registered, you can anticipate a call from Ed Goralewski. The 72-year-old activist intends to have everyone voting by November 7 and if you don't then there is one man who "just don't know what's wrong with you."

JOHN P. HARRIS HONORED BY NEWSPAPER HALL OF FAME

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. SHRIVER. Mr. Speaker, last Saturday John P. Harris, the late editor and publisher of the Hutchinson News and chairman of Publishing Enterprises Inc., was named to the Kansas Newspaper Hall of Fame at the William Allen White School of Journalism at the University of Kansas. Mr. Harris became the 57th person honored by the Hall of Fame. It was most deserving recognition for a man whose name will long be identified with independent and aggressive journalism in Kansas.

The son of a newspaper family, Jack Harris became editor of the Hutchinson News in 1933. Although he once turned down the William Allen White Award given each year to a Kansas editor, he accepted the University of Minnesota award for distinguished journalism in 1963, and the newspaper received the Pulitzer Prize in 1965.

He headed the Publishing Enterprises, Inc., which included the News and seven other daily papers in Kansas, Iowa, and California and six radio stations. Mr. Harris retired as editor and publisher of the Hutchinson paper at the end of 1961. He continued active, however, and died on April 13, 1969.

Stuart Awbrey, the editor of the Hutchinson News, has written an interesting column which candidly and eloquently discusses the qualities and character of Jack Harris. The column follows:

[From the Hutchinson (Kans.) News, Oct. 2, 1972]

FIVE YEARS LATER

LAWRENCE.—They put j.p.h. in the Kansas Newspaper Hall of Fame here last weekend.

They framed a formal portrait and tacked it on the wall of a little room at the William Allen White School of Journalism. The professors and deans and others said proper and generous things, and as I sat here listening, I kept trying to sort my thoughts of how it was six or ten or twenty years ago, and somehow nothing much came.

Until, that is, I picked up a copy of what I had jotted when Jack died. It seemed valid then. It seems to say about what I would say now. So here it is, one more time:

August, 1938, William Allen White sat on the edge of my desk in The Emporia Gazette newsroom as I stuffed old clippings and scraps of notes in a briefcase.

"Where are you going?" he asked.

"To Columbia," I answered. "Graduate school. I thought you knew."

"Guess I did. In fact, I've been thinking about it. I just had a call from a young friend out in Hutchinson named Jack Harris. He needs a reporter. Why don't you join him? You'll learn more there in a couple of months than in a year at Columbia."

That was how it started.

Two days later, I checked into the Bisonte hotel and walked across the street to announce my presence to The News-Herald and a waiting world of journalism. Neither was much impressed.

"Do you think you can write?" Jack asked me after we had shaken hands.

"Yes," I replied.

"You'll have a chance to prove it," he said. "How much did Mr. White say the job pays?"

"$18."

Jack grinned, "I told him to try for $15, but go to $20 if he had to. O.K. There's your desk."

I had learned three quick lessons in newspapering. 1—Never pay $20 for something you can get for $18. 2—The first requirement of a prospective reporter is writing. 3—Be brief.

Except for Uncle Sam, I have never known another boss. After 31 years, a man is entitled to set down his personal recollections of an editor like Jack Harris. Partly to share with others, but mostly so I won't forget them.

So, for this one time, Jack, brevity be hanged. Forgive me.

Money.

Some thought Jack had it made from the start.

"They didn't know," he said when I asked about this, "what a track race it was from bank to bank every week, to be sure we had enough cash to cover the payroll checks."

The thirties were good training grounds for frugality. In my early days on The Garden City Telegram, when I despaired of ever showing enough profit to get the paper paid for, he said:

"I'll give you the formula my father gave me. The way to make money is figure how to save $5 instead of spend it."

It works. In his negotiations for newspaper and radio properties, Jack usually became more concerned about the $5 than the $50,000. (It cost him a deal on at least one occasion, but the deal turned out marginal anyway.)

Even cash was no problem, foolish expense exasperated him. Only a month ago, he became irritated at the late delivery of The New York Times to his office.

"Why are we paying $50 a year for something that comes in three days late?" he asked me. The Times was canceled that afternoon.

That was the side of caution.

If Jack seldom erred there, he seldom erred on the side of generosity either. His gifts to build a hotel, to finance hospitals, to further cultural programs, to promote industrial growth, are well known and will remain through his creation of the foundation known as Kansas Philanthropies. What may not be so familiar were his many loans and gifts to aid students, his quiet contributions to individuals and causes to improve our lot. And of course, he paced the newspaper field and most other business in voluntarily creating employe benefits and profit-sharing within his family corporations.

I once suggested a $500 company contribution to some civic project, and he gave me his wrinkled nose. "When did you get to be a penny-pincher?" he demanded. "I just looked at your balance sheet, and I think $3,000 is more in line."

$3,000 it was. Which was another of his convictions. If a newspaper doesn't lead, no one will.

He seldom gave policy advice to his editors. His worst criticism was a pencilled "Tsk tsk" when a story appeared with a split infinitive. However, his praise also was tempered. When my first product as an editor came off the press, he tapped the front page. "That's an excellent head," he said. "But on the other hand, what does this one mean?"

He insisted on the open office. I always felt he wilted a bit when he boosted himself to board chairman and retired to his own cubicle, "to stay out of the way" of his younger followers. This lack of privacy had its virtues, but it often brought despair to his secretary, Lillian Peterson.

"I just think that when a million-dollar contract is being discussed," she said, "a door should be closed."

These things, too, are part of my legacy from Jack Harris. The open door. Disaffection with split infinitives and the word "real" as an adverb. Mild criticism and mild praise. And devotion to a typewriter.

He was happiest with a project, building a new plant, buying a new property. He was not, on today's terms, a wheeler-dealer, but he admired their zest if not always their tactics.

I saw this capacity for intense living best during the war years. Jack served a brief stint as a captain in a mickey-mouse job in military control of occupied cities. ("I often wish I were where you are instead of where I am," he wrote me as we trained in Southampton, England.)

He had his chance. He became a major with the Oss, engaged in mysterious maneuvers involving clandestine radio and pamphlets and a captured general. I visited him often in London and Paris on those ETO days, and never saw him come so alive.

News readers are well aware of his peripatetic nature. But a night at a Parisian club which popped open a week after the liberation convinced me he never really left home.

Le Beaulieu, it was called, and it was plush. Complete wth strong orchestra, Pol Roget champagne hauled from a Wehrmacht cellar, and Marlene Dietrich in USO uniform. At the height of the gaiety, Jack leaned to me and said:

"Isn't this all just like the Brown Wheel at home?"

I was stunned. It was nothing like the Brown Wheel. After mulling the question, I posed another.

"With all your travel and acquaintance around the world, how is it you never left Hutchinson?"

"It's the only place I ever wanted to put down roots," he said simply.

Which brings me to final thoughts.

Jack was not a man of religion, but he was religious. Not only in his daily dealings with others, but in his search for answers.

Shortly after his return from a long sojourn in India, he asked: "When was the last time you looked at your hole card?" I told him I tried every Sunday, but that didn't satisfy him.

"Why do you believe what you believe?" he asked. I stumbled through that one but I knew he really was asking himself what he did believe, and why he believed it.

When I was able to put the title "Editor" after my name on the masthead, I attended a newspaper convention with him.

He introduced me to a long-time friend. "I want you to meet an associate of mine," he said.

I think it was the proudest moment of my life. An associate of j.p.h. Thanks, Jack. For everything.

MISSISSIPPI ROAD PROPOSED FROM CANADA TO LOUISIANA

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. EDWARDS of California. Mr. Speaker, I found the following article which appeared in the San Jose Mercury in my district of great interest and believe all of the Members may find it of interest before voting on the Highway Act of 1972.

The article follows:

1972 Highway Act Provision—Mississippi Road Proposed From Canada to Louisiana

(By Gil Bailey)

Washington.—A multi-billion dollar program to pave both banks of the Mississippi River from Canada to New Orleans has been slipped into the House version of the Highway Act of 1972, the Mercury-News has learned.

The House will probably vote Thursday on the bill but few of its members know of the provision for the "Great River Road" stretching along both banks of the Mississippi from Canada, through Minnesota, Iowa, Wisconsin, Illinois, Missouri, Arkansas, Kentucky, Tennessee, Mississippi and Louisiana.

The only estimate of the total cost of the project is $1.5 billion. That cost estimate was made 15 to 20 years ago, according to a staff member of the House Public Works Committee.

The pending legislation authorizes an expenditure of $60 million over the next two years, an amount which the aide said was "but a drop in the bucket."

"It is incredible and outrageous," said Linda Katz of the Highway action coalition when shown the section of the bill by a reporter.

Conservationists have been closely watching the highway legislation because of their attempt to allow diversion of some highway funds for rapid and mass transit. Even so they failed to spot the Great River Road section which was inserted into the bill on Sept. 25.

"It would get it off the ground in the sense of separate new money for just that project," the Public Works Committee aid, Lloyd Rivard, added.

* * * the secretary (of transportation) shall establish criteria for the location and construction or reconstruction of the Great River Road by the ten states bordering the Mississippi River in order to carry out the purpose of this section.

Officially, the Great River Road is designated a "national scenic and recreational highway."

In the Great River Road section of the bill, there is a finding which says, "There is a deficiency in the number of quality of scenic roads, parkways, and highways available to the motoring public." The bill then states that the Great River Road shall serve as a "prototype of a national scenic and recreation highway program."

However, a separate section of the bill sets up a national scenic highway system study, ordering the secretary of transportation to make "a full and complete investigation and study to determine the feasibility of a national system of scenic highways." It then appropriates $250,000 for the study which is to be completed not later than Jan. 1, 1975.

Chances of the passage of the Great River Road appear good.

There will be a floor fight in the House on the question of diversion of Highway Trust funds to mass or rapid transit. Major conservationist efforts have been focused on lining up votes in favor of the diversion.

As a result no one expects the sponsors of the Great River Road are as of yet aware of that section in the bill. Even a congressman on the Public Works Committee did not know of the project.

No provision is made for the Great River Road in the Senate version of the bill but with Blatnik's power Senate agreement is likely unless the same controversy is raised over the project, according to House and Senate sources.

A brief three to four paragraph section of the report on the bill outlines some of the history of the "Great River Road."

The project was first proposed in 1936 and between 1954 and 1962 some $250 million of federal funds were spent on Mississippi River highways.

However, the House Public Works Committee could not estimate the number of miles of road which still need to be constructed along both sides of the 2,000 mile long Mississppi River. In addition the committee had no estimate of the overall cost except for the $1.5 billion figure which "dates back 15 to 20 years."

While the Great River Road is designated as a scenic and recreational highway it will be connected with interstate freeways wherever possible. In addition the roads will be built as close as possible to the river.

A special priority is given "to construction and improvement of the Great River Road in the proximity of the confluence of the Mississippi River and the Wisconsin River," according to the bill.

Under the provisions of the bill the federal government will pay 80 per cent of the cost of construction while the usual breakdown of federal payments is 70 per cent. While some $40 million of the $60 million comes from Highway Trust funds another $20 million is authorized from the General Fund "for construction and reconstruction of roads not on a federal-aid highway system."

On federal lands—and the federal government has extensive holdings along the Mississippi—all of the costs of construction will be federal.

No public hearings were held on the bill although the states will hold hearings on individual sections of the highway, according to the House Public Works Committee.

Blatnik and Culver did outline their plans in a series of little noted press releases earlier this year.

Both men stressed that the project would tie in with the celebration of the tricentennial of the discovery of the Mississippi River and the national bicentennal celebration in 1976.

"The central part of the United States has a great story to tell," Blatnik told members of the Legislative Committee of the Mississippi River Parkway Commission in June. "This history of our area goes back 300 years. Countless Americans, seeking expanded recreational opportunities, will find a wealth of tradition and contribution to the American Way of Life along this Great River Road."

However one conservationist had a view different from that of Blatnik.

"They want to build a bridge across the Mississippi," he said. "But this bridge is lengthwise."

The Mississippi road project is the dream of Rep. John Blatnik (D-Miss) powerful chairman of the House Public Works Committee, and Rep. John Culver (D-Ia). They have been joined by other congressmen whose districts include the Mississippi River area.

Culver introduced the project as a separate piece of legislation on Sept. 18. A small amount of money had been in previous versions of the bill for study of the project.

However, in the Sept. 25 versions of the bill a special section was added calling for the "Great River Road" and authorizing $60 million for the road. * * *

IT'S A WONDERFUL TOWN

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Ms. ABZUG. Mr. Speaker, Marie J. Lederman, an assistant professor of English at Baruch College, has written a marvelous article on living in my hometown, New York. It appeared in a recent issue of "City" magazine, and I would like to share it with all of my colleagues.

The article follows:

New York

(By Marie J. Lederman)

Love affairs severed by time or space leave an intensity of emotion. I was six when I was forced to leave New York City. It was the beginning of World War II, and my father was a lieutenant commander in the Navy. During the next four years I began to miss and love New York more than I had ever missed or loved anything before.

It wasn't just the family and friends and school I had left, it was the comparison of life in New York with life in Pass Christian, Miss., my new home. The library in Pass Christian was a one-room building off the main street of town. I read the Oz books which filled the bottom shelf on one wall. I read many books, then, during long quiet afternoons on the porch, listening to the hummingbirds and smelling the pervasive pecans.

I learned a lot of other things too. My best friend, Maureen, wasn't allowed to drink a glass of water in the home of the young black girl who took care of me. One of the water fountains in the local five-and-ten was marked "Whites Only." Maureen often told me that before she met my family and me she heard that Jews had horns.

I can remember thinking that I'd never see Times Square again. I missed going ice skating and Radio City and snow falling in the city streets. New York became the magic city of my dreams. And when I returned, after the war was over, I remember thinking how lucky I was—out of all the places in the world—to have been born and to be able to live in New York City.

Thirty years later I still feel the same. I was brought up in Brooklyn, lived for a short time in Riverdale, and now live once again in Brooklyn. My friends, like everyone else's, have fled to the suburbs. As soon as I can afford to, the only suburb I'll ever consider is Manhattan.

My friends in their suburbs don't lock their houses or cars, and I can't say that I don't envy them that. They boast about how safe their streets are at night, but where is there to go? Their children go to safe schools (translated: almost no black children). When we visit they always mention their dear friends, the one black couple who moved into the $60,000 house on the next block. Of course, they're a little apprehensive because a second black family is thinking of moving within their mile radius; sometimes they talk of blockbusting.

I too would like to feel safe. We have two locks and a chain on our apartment door. And a lot of insurance. In the last three years we've had two cars, three batteries, and two hubcaps stolen. When we get back from a two-week trip. I'm thankful that the car is still in the long-term parking lot at Kennedy and that my apartment wasn't broken into. In the streets I'm always conscious of my pocketbook.

My suburban friends (and some of my Manhattan friends) are afraid to travel in the subways and claim that they haven't boarded a subway train in years. I travel on the IRT four days a week to teach at Baruch College. When I get on the train at Eastern Parkway most of the people on it are black; the white people get on the Atlantic Avenue stop, the Long Island Railway terminal. Traveling on the subways is never an esthetic experience; I don't like it. But every once in awhile I feel an inexplicable sense of camaraderie because of all of us in it, all going to and from work to try to keep our lives pieced together, all trying to live and find, each in his own way, some of the same things.

My classroom at Baruch, because of SEEK and Open Admissions, are filled with something of a cross section of New Yorkers. These classes are better now, because of the variety of my students' backgrounds, than they were some years ago when all the students came from backgrounds that were carbon copies of my own. The conflicts of our college are the conflicts of the city and our strengths its strengths. My son goes to the Brooklyn Ethical Culture School, always integrated because of its Park Slope location and its own policy. They had an assembly program some weeks ago to celebrate the legacy of Martin Luther King.

My son came home and recited some lines from a poem by Fenton Johnson, "Tired":

> Throw the children into the river; civilization has given us too many. It is better to die than to grow up and find that you are colored.
>
> Pluck the stars out of the heavens. The stars mark our destiny. The stars marked my destiny. I am tired of civilization.

He was surprised that I knew the poem; he assumes that I don't know much. I listened to him recite the lines aloud, my blond, blue-eyed son who has grown up with black classmates, with all the sense of anger and injustice an 11-year-old can feel. My son doesn't go to school in the suburbs.

We all lead harrowing, speed-filled lives, and I don't get to do nearly as many things in the city as I'd like. I want to pick up tickets to "Ain't Supposed To Die a Natural Death"; there's an exhibit at the Metropolitan Museum of Art that I've been wanting to see. One day I will spend the afternoon looking at store windows on Fifth Avenue. There's a long mental list of things I want to do, and probably I won't get around to half of them. Yet I like to know they're available if I have the time.

I would like to feel safer in New York. I would like the air and the streets to be cleaner. I would certainly like less noise in the subways. But I am not going to fun away. If there is no safety, no comfort here in New York, where will I find it? The problems of New York City are the problems of the wrold in which I live; I do not expect to be absolved from them. Besides, in time the problems of the city must, of necessity, follow those who have tried to flee from them.

But why pretend that my choice not to run is cerebral? There is no place else in the deepest place in my heart, where I want to live, Love, I suppose, is like that.

OLDEST CHURCH

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mrs. GRASSO. Mr. Speaker, the First Congregational Church, the oldest church in the city of Bristol, is celebrating its 225th anniversary this year.

From generation to generation, the First Congregational Church and its members have made important contributions to the development of Bristol during years of stress and bounty. The spirit of God, the deep and abiding faith in the dignity of man and the value of the individual mark the special mission of the church in the community.

For the interest of my colleagues, an account of the proud and glorious history of the First Congregational Church in Bristol follows:

First Congregational City's Oldest Church; at 1747 Founding Bristol Still an Infant

The small settlement of New Cambridge, which would one day become Bristol, was but a 20-year old infant when the First Congregational Church, the city's oldest, was founded in 1747.

The first permanent settler in this immediate area was Ebenezer Barnes, who established a home in East Bristol in 1728. He and the other early towns people, however, were forced to travel to nearby Farmington to attend church services.

Since it could be a rather precarious journey during the winter season, 20 families in 1742 petitioned to hire a minister for "winter privileges," whereby they would pay a preacher to conduct services only during those months.

The petition was granted for six months a year, to compensate for the muddy spring season, and so the first meetings were held in the home of John Brown on King Street.

ORGANIZED 1747

The church was officially organized in 1747, but wasn't incorporated until 1785. Work on the first meeting house, as the church was then called, was begun in the late 1740's. It was not opened for public worship until late 1748, and not completed until 1753.

This first meeting house and its two successors were built in the same area of its present location by the Federal Hill Green. When the land was first purchased only the house of Joseph Benton was within eyesight.

The second meeting house was begun in 1768, due to the rapid growth of the settlement. The third and present one was constructed in 1832.

The outside has remained basically unchanged to this day, but the interior has undergone some changes in regard to pews and the organ loft.

The church's first permanent minister was Rev. Samuel Newell, who was ordained in 1747, the same year the Congregational Society in New Cambridge was founded.

His service extended for 42 years, but his tenure was not entirely peaceful. Mr. Newell was a staunch advocate of the teachings of Calvin and Edwards, and his preaching caused some parishoners to split and form their own society, that of The Church of England.

Rev. Newell's successor, Rev. Giles H. Cowles, who served from 1789 through 1810, had a relatively peaceful stay, although there was still some opposition to Calvinist doctrines.

Under Rev. Jonathan Cone, 1811–1828, the first Sunday School was established and the first school for higher learning was promoted.

FIRST ACADEMY

The Academy, as it was called, was probably built somewhere between 1822 and 1825, on society grounds, where the T. H. Patterson School now stands. It was built by subscription and maintained by tuition fees. The only other local church then in existence, the Baptist, also took part in its upkeep.

Rev. Cone's pastorate also had its share of theological controversy, as did that of his successor, Rev. Abner J. Leavenworth, who served from 1829–1831.

Rev. David L. Parmelee's tenure, from 1832–1841, was relatively peaceful, but the Taylor-Tyler theological controversy marred the pastorates of Rev. Raymond H. Seeley, 1843–1849, and Rev. William H. Goodrich, 1850–1854.

There is no question that the Rev. Leverett Griggs was the most beloved pastor the First Congregational Church ever knew," wrote the late Bristol historian George W. Hull about the next Congregational minister, who served from 1856–1869.

He was first thought of as a heretic, but by the time Rev. Griggs died, his beliefs had become orthodoxy. His pastorate was during the difficul abolitionist days and his service to the community resulted in bestowing a tax exemption on the clergyman.

SPURRED NEWSPAPER

Mr. Griggs was succeeded by Rev. William W. Belden, 1870–1874, who, surprisingly, was partly responsible for the start of The Bristol Press, as he urged his friend Rev. Charles H. Riggs to come to Bristol and start a newspaper. He was also responsible for the doorless pews.

Then came: Rev. Henry T. Staats, 1874–1885, during which an addition for Sun. School classes and other functions was built on the south end of the meeting house; Rev. Asher Anderson, 1885–1890, helped start the Christian Endeavor Society; and Rev. William H. Belden, 1890–1891, was the last Edwardian preacher to speak about predestination at the church.

A pioneer of sorts, Rev. Thomas M. Miles, who innovated using individual communion cups and free pews (the first free pew system in Bristol), preached from 1892–1903.

He was followed by Rev. Dr. Calvin B. Moody, affectionately termed "Sunny Jim" for his friendly personality. During his tenure, 1903–1907, the idea to construct a Parish House was instigated. Mr. Moody also enjoyed a good relationship with the young people.

Construction of the Parish House was completed during the pastorate of Rev. Ernest L. Wismer, 1910–1927, who was considered a fearless preacher and remarkable scholar.

Also scholarly was Rev. Francis T. Cooke, 1927–1946, skilled in the Arabic language and a participant in the National Exchange. Cooke willingly volunteered to serve his country in World War II when fighting broke out.

STEWARDSHIP

Rev. Roswell F. Hinkelman served the parish from 1946–1959. A well-liked minister, Mr. Hinkelman was influential in strengthening church stewardship.

During his stay the Lena Forbes Barnes Memorial addition was constructed, and an exchange brought Rev. William H. S. Webb here. Mr. Webb later served as interim pastor and captivated everyone with his famous children's stories while Rev. Hinkelman preached in England during the summer of 1956.

Succeeding Rev. Hindleman was Rev. Richard A. Wolff. Remaining in Bristol from 1959–1967, Rev. Wolff helped the church write a new constitution, adopt the former parsonage for office use, and take in many new members.

Coming in 1965, Rev. Aubrey Murphy was the first ordained assistant minister of First Congregational, and he is still serving the parish. He has devoted much of his work towards the church school and other activities with the youth of the city as well as of the church.

Rev. Webb served as interim minister during 1967. The Rev. Theodore W. Boltz of West Hartford was called to the church as senior minister March 1, 1968, and is presently serving in this capacity. One of the greatest achievements in recent years, completed since Mr. Boltz came to the church, was the remodeling of the Parish House.

PARISH HOUSE REMODELED

The old gymnasium, which served the entire community as well as the church for some 56 years, has been eliminated to make way for badly needed Sunday School rooms. The old gym was probably the first built in the city.

The lower portion of the former gym still serves as a dining area, and the space under the walk-ways is now used for storage.

At the same time as this renovation, the summer of 1970, parking facilities, so necessary for a city church, were enlarged and made more adequate. Another recent innovation is the building of two cabinets to house historic memorabilia in the Lena Forbes Barnes Memorial Wing. Displays have been arranged depicting the vital role the church has played in Bristol's history.

TOM PELLY OF WASHINGTON STATE

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. LEGGETT. Mr. Speaker, I want to join my colleagues on the House Merchant Marine Committee in lauding the congressional service of Tom Pelly of Washington State. Tom is a valuable House of Representatives resource in the fields of merchant shipping, environment control, and fish and wildlife. His years of service and experience, counsel, and advice will not be simply replaced in this House.

Tom has placed Federal service above partisanship in his chosen fields of expertise and concentration—not a small tribute I pay to this colleague. We will miss the leadership and fellowship of Tom Pelly on the Merchant Marine Committee—the country, I suspect, has not seen the last of his service.

HON. TOM PELLY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. DERWINSKI. Mr. Speaker, I am pleased to join so many of my colleagues this afternoon in honoring Tom Pelly on his outstanding career as a Member of Congress. His effective leadership throughout his career has set the highest standard of public service.

Tom is a great man and a great Republican whose calm, scholarly wisdom is appreciated by all those Members who are privileged to know him well. He has served his district, state, and country in a very effective fashion. We will long remember his leadership in maritime matters, conservation of natural resources and, above all, his dedication to the highest principles of governmental service.

HON. THOMAS M. PELLY

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 1972

Mr. DOWNING. Mr. Speaker, I sincerely regret that my dear friend, Tom Pelly, will not be in the halls of Congress next year. Mine is a personal regret, of course, but I could say the Nation itself will regret his decision to retire.

Tom Pelly and I have served on the same two committees for the entire 14 years I have been here. I can testify with accuracy and truth that he is a hardworking, energetic, able Member of the Congress. He has a significant hand in shaping national legislation which would benefit every citizen of our country. I know that he served his constituency continually and effectively. Those people shall certainly miss him.

Tom Pelly is one of my dear friends in the Congress, a friendship which I shall always cherish. I wish him and his family every happiness in the days to come.

TRIBUTE TO WILLIAM FITTS RYAN

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 1972

Mr. REES. Mr. Speaker, William Fitts Ryan was a man whose courage was as mighty as his convictions. This legislative body and our Nation have lost a great champion of human rights and civil liberties. Bill Ryan was a man of tremendous conscience and, because he often dissented from prevailing mores and espoused causes that were unfashionable or even unpopular, he has been properly called a man ahead of his time.

I join my colleagues who have already expressed their sorrow over the loss of this man of compassion and humility. We will miss Bill Ryan for his friendship, his progressive thinking, and for his relentless pursuit of the truth for the benefit of us all.